JOURNAL

OF THE

HOUSE OF REPRESENTATIVES

CONGRESS OF THE UNITED STATES

Begun and held at the Capitol, in the City of Washington, in the District of Columbia, on Thursday, the third day of January, in the year of our Lord two thousand and eight, being the *second session* of the ONE HUNDRED TENTH CONGRESS, held under the Constitution of the United States, and in the two hundred and thirty-second year of the independence of the United States.

THURSDAY, JANUARY 3, 2008 (1)

¶1.1 SECOND SESSION OF THE 110TH CONGRESS

The SPEAKER pro tempore, Mr. CROWLEY, announced that this being the day fixed pursuant to the 20th Amendment of the Constitution of the United States for the assembly of the Second Session of the One Hundred Tenth Congress, and called the House to order.

¶1.2 APPOINTMENT OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore, Mr. CROWLEY, laid before the House the following communication:

Washington, DC, January 3, 2008.

I hereby appoint the Honorable JOSEPH CROWLEY to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

¶1.3 ORGANIZATIONAL AND LEGISLATIVE BUSINESS DISPENSED WITH

The SPEAKER pro tempore, Mr. CROWLEY, announced that pursuant to section 3 of House Resolution 877, One Hundred Tenth Congress, no organizational and legislative business shall be conducted on this day.

Bills and resolutions introduced today will be numbered today but will not be noted in the RECORD or referred by the Speaker until January 15, 2008.

And then,

¶1.4 ADJOURNMENT

On motion of Mr. OBERSTAR, pursuant to Senate Concurrent Resolution 61, One Hundred Tenth Congress, at 12 o'clock and 3 minutes p.m., the House adjourned until 12 noon, January 15, 2008.

¶1.5 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

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

Mr. FRANK of Massachusetts: Committee on Financial Services. H.R. 3524. A bill to reauthorize the HOPE VI program for revitalization of severely distressed public housing, and for other purposes, with an amendment (Rept. 110–507). Referred to the Committee of the Whole House on the state of the Union.

¶1.6 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 1084: Mr. STARK and Mr. THORNBERRY.
H.R. 2320: Mr. THOMPSON of California and Mrs. LOWEY.
H. Res. 543: Mr. LARSEN of Washington.
H. Res. 909: Mr. CAPUANO, Ms. CLARKE, Mr. DELAHUNT, Mr. HASTINGS of Florida, Mr. HONDA of California, Mr. JEFFERSON, Ms. KILPATRICK, Mr. MURTHA, Mr. PAYNE, Ms. SCHAKOWSKY, Mr. TOWNS, and Ms. WASSERMAN SCHULTZ.

TUESDAY, JANUARY 15, 2008 (2)

¶2.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Mrs. TAUSCHER, who laid before the House the following communication:

WASHINGTON, DC,
January 15, 2008.

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

NANCY PELOSI,
Speaker of the House of Representatives.

¶2.2 RESIGNATION AS MEMBER OF HOUSE OF REPRESENTATIVES

The SPEAKER pro tempore, Mrs. TAUSCHER, laid before the House the following communication, which was read as follows:

HOUSE OF REPRESENTATIVES,
Washington, DC, December 31, 2007.

Hon. NANCY PELOSI,
Speaker of the House, House of Representatives, Washington, DC.

DEAR MADAM SPEAKER, I hereby give notice of my resignation from the United States House of Representatives. Attached is the letter I submitted to Governor Haley Barbour.

With best wishes, I am
Sincerely yours,

ROGER F. WICKER.

¶2.3 WHOLE NUMBER OF THE HOUSE OF REPRESENTATIVES ADJUSTED

The SPEAKER pro tempore, Mrs. TAUSCHER, announced under clause 5(d) of rule XX, that, in light of the resignations of the gentleman from Mississippi [Mr. WICKER], and the gentleman from Louisiana [Mr. JINDAL], the whole number of the House is 431.

¶2.4 RECESS—12:03 P.M.

The SPEAKER pro tempore, Mrs. TAUSCHER, pursuant to clause 12(a) of rule I, declared the House in recess at 12 o'clock and 3 minutes p.m., until approximately 6:30 p.m.

¶2.5 AFTER RECESS—6:33 P.M.

The SPEAKER called the House to order.

¶2.6 CALL OF THE HOUSE

The SPEAKER ordered that the Clerk utilize the electronic system to ascertain the presence of a quorum, and the following-named Members responded:

¶2.7 [Roll No. 1]

PRESENT—393

Abercrombie	Arcuri	Bean
Ackerman	Bachmann	Becerra
Aderholt	Bachus	Berman
Akin	Baird	Berry
Alexander	Baldwin	Biggert
Allen	Barrett (SC)	Bilbray
Altmire	Bartlett (MD)	Bilirakis
Andrews	Barton (TX)	Bishop (GA)

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

Bishop (NY)
Bishop (UT)
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Camp (MI)
Campbell (CA)
Cannon
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doggett
Donnelly
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Fattah
Feeney
Filner
Flake
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hirono
Hobson
Hodes
Holden
Holt
Hooley
Hoyer
Hulshof
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Price (NC)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

Thereupon, the SPEAKER announced that 393 Members had been recorded, a quorum.

Further proceedings under the call were dispensed with.

¶2.8 APPROVAL OF THE JOURNAL

The SPEAKER announced she had examined and approved the Journal of the proceedings of Thursday, January 3, 2008.

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

¶2.9 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

4840. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Viruses, Serums, Toxins, and Analogous Products; Standard Requirements for Live Vaccines [Docket No. APHIS-2006-0079] (RIN: 0579-AC30) received January 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4841. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Addition of Armenia to the List of Regions Where African Swine Fever Exists [Docket No. APHIS-2007-0142] received January 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4842. A letter from the Director, Regulations Policy and Mgmt. Staff, Department of Health and Human Services, transmitting the Department's final rule — Secondary Direct Food Additives Permitted in Food for Human Consumption [Docket No. 2006F-0409] received January 10, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4843. A letter from the Secretary, Department of Health and Human Services, transmitting a report of a violation of the Antideficiency Act by the Health Resources and Services Administration's National Health Service Corps between fiscal years 2001 and 2006, pursuant to 31 U.S.C. 1517(b) and 1351; to the Committee on Appropriations.

4844. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Research and Development Contract Type Determination [DFARS Case 2006-D053] (RIN: 0750-AF79) received January 10, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

4845. A letter from the Deputy Secretary, Department of Defense, transmitting the Department's report for the fourth quarter of fiscal year 2007 as required by the Joint Improvised Explosive Device Defeat Fund provision in Title IX of the Department of Defense Appropriations Act of 2007, Pub. L. 109-289; to the Committee on Armed Services.

4846. A letter from the Deputy Secretary, Department of Defense, transmitting the Department's report for the fourth quarter of fiscal year 2007 as required by the Joint Improvised Explosive Device Defeat Fund provision in Title IX of the Department of Defense Appropriations Act of 2007, Pub. L. 109-289; to the Committee on Armed Services.

4847. A letter from the Counsel for Legislation and Regulations, Department of Housing and Urban Development, transmitting the Department's final rule — Implementation of OMB Guidance on Nonprocurement Debarment and Suspension [Docket No. FR-5071-F-02] (RIN: 2501-AD29) received January 10, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4848. A letter from the Counsel for Legislation and Regulations, Department of Housing and Urban Development, transmitting the Department's final rule — Revisions to the Hospital Mortgage Insurance Program [Docket No. FR-4927-F-02] (RIN: 2502-AI22) received December 20, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4849. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's final rule — Head Start Program (RIN: 0970-AB90) received January 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

4850. A letter from the Director, Regulations and Mgmt. Staff, Department of Health and Human Services, transmitting the Department's final rule — Medical Devices; Hematology and Pathology Devices: Reclassification of Automated Blood Cell Separator Device Operating by Centrifugal Separation Principle [Docket No. 2005N-0017] received January 10, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4851. A letter from the Director, Regulations Policy and Mgmt. Staff, Department of Health and Human Services, transmitting the Department's final rule — Amendment to the Current Good Manufacturing Practice Regulations for Finished Pharmaceuticals [Docket No. 2007N-0280] received January 10, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4852. A letter from the Director, Regulations Policy and Mgmt. Staff, Department of Health and Human Services, transmitting the Department's final rule — Over-the-Counter Vaginal Contraceptive and Spermicide Drug Products Containing Nonoxynol 9; Required Labeling [Docket No. 1980N-0280] (formerly Docket No. 80N-0280)] (RIN: 0910-AF44) received January 10, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4853. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — In the Matter of Creation of A Low Power Radio Service [MM Docket No. 99-25] received January 10, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4854. A letter from the Acting General Counsel, Federal Energy Regulatory Commission, transmitting the Commission's final rule — Facilities Design, Connections and Maintenance Reliability Standards [Docket No. RM07-3-000; Order No. 705] received January 14, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4855. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory

Commission, transmitting the Commission's final rule — List of Approved Spent Fuel Storage Casks: HI-STORM 100 Revision 5 (RIN: 3150-AI24) received January 14, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4856. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — Notice of Availability; NUREG-1574, Rev. 2, ''Standard Review Plan on Transfer and Amendment of Antitrust License Conditions and Antitrust Enforcement'' [7590-01-P] received January 11, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4857. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — Incorporation by Reference of American Society of Mechanical Engineers Boiler and Pressure Vessel Code Cases (RIN: 3150-AH80) received January 11, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4858. A letter from the Secretary, Department of Education, transmitting the thirty-seventh Semiannual Report to Congress on Audit Follow-Up, covering the period April 1, 2007 through September 30, 2007 in compliance with the Inspector General Act Amendments of 1988, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Oversight and Government Reform.

4859. A letter from the Chairman of the Board, Pension Benefit Guaranty Corporation, transmitting the semiannual report on activities of the Inspector General of the Pension Benefit Guaranty Corporation for the period April 1, 2007 through September 30, 2007, pursuant to 5 U.S.C. app. (Insp. Gen. Act), section 8G(h)(2); to the Committee on Oversight and Government Reform.

4860. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-236, ''Arbitration Act of 2007,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

4861. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-237, ''Multi-Unit Real Estate Tax Rate Clarification Act of 2007,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

4862. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-238, ''Georgia Commons Real Property Tax Exemption and Abatement Act of 2007,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

4863. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-227, ''Department of Health Care Finance Establishment Act of 2007,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

4864. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-228, ''District of Columbia Emancipation Day Parade Clarification Amendment Act of 2007,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

4865. A letter from the Federal Co-Chair, Appalachian Regional Commission, transmitting the semiannual report on the activities of the Office of Inspector General for the period April 1, 2007, through September 30, 2007, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 8G(h)(2); to the Committee on Oversight and Government Reform.

4866. A letter from the Associate General Counsel for General Law, Department of Homeland Security, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

4867. A letter from the Associate General Counsel for General Law, Department of Homeland Security, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

4868. A letter from the Associate General Counsel for General Law, Department of Homeland Security, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

4869. A letter from the Associate General Counsel for General Law, Department of Homeland Security, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

4870. A letter from the Deputy Assistant General Counsel, Department of Transportation, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

4871. A letter from the White House Liaison, Department of Veterans Affairs, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

4872. A letter from the White House Liaison, Department of Veterans Affairs, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

4873. A letter from the White House Liaison, Department of Veterans Affairs, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

4874. A letter from the Acting Secretary, Department of Veterans Affairs, transmitting the Department's Annual Performance and Accountability Report for FY 2007; to the Committee on Oversight and Government Reform.

4875. A letter from the White House Liaison, Department of the Treasury, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

4876. A letter from the White House Liaison, Department of the Treasury, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

4877. A letter from the White House Liaison, Department of the Treasury, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

4878. A letter from the White House Liaison, Department of the Treasury, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

4879. A letter from the White House Liaison, Department of the Treasury, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

4880. A letter from the White House Liaison, Department of the Treasury, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

4881. A letter from the Chair, Equal Employment Opportunity Commission, transmitting the Commission's Performance and Accountability Report for FY 2007; to the Committee on Oversight and Government Reform.

4882. A letter from the Chair, Equal Employment Opportunity Commission, transmitting the semiannual report on the activities of the Inspector General and management's report for the period ending September 30, 2007, pursuant to 5 U.S.C. app. (Insp. Gen. Act), section 5(b); to the Committee on Oversight and Government Reform.

4883. A letter from the Deputy General Counsel, Executive Office of the President, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

4884. A letter from the Deputy General Counsel, Executive Office of the President, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

4885. A letter from the Deputy General Counsel, Executive Office of the President, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

4886. A letter from the Chairman and President, Export-Import Bank, transmitting the Bank's semiannual report for the period ending September 30, 2007, in accordance with Section 5(b) of the Inspector General Act of 1978; to the Committee on Oversight and Government Reform.

4887. A letter from the Inspector General, General Services Administration, transmitting the Administration's Semiannual Report presenting significant activities of the Office of Inspector General during the 6-month period ending September 30, 2007, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Oversight and Government Reform.

4888. A letter from the Administrator, General Services Administration, transmitting the FY 2007 Annual Performance and Accountability Report in accordance with the Report Consolidation Act of 2000; to the Committee on Oversight and Government Reform.

4889. A letter from the Director and Chief Financial Officer, Holocaust Memorial Museum, transmitting the Performance and Accountability Report (PAR) for Fiscal Year 2007 for the Museum as required under the Accountability of Tax Dollars (ATD) Act; to the Committee on Oversight and Government Reform.

4890. A letter from the Chairman, National Capital Planning Commission, transmitting the Commission's FY 2007 Performance and Accountability Report; to the Committee on Oversight and Government Reform.

4891. A letter from the Director of Administration, National Labor Relations Board, transmitting the Board's Performance and Accountability Report for FY 2007; to the Committee on Oversight and Government Reform.

4892. A letter from the Chairman and General Counsel, National Labor Relations Board, transmitting the semiannual report on the activities of the Office of Inspector General of the National Labor Relations Board for the period April 1, 2007 through September 30, 2007, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 8G(h)(2); to the Committee on Oversight and Government Reform.

4893. A letter from the Chairman and General Counsel, National Labor Relations Board, transmitting the semiannual report on the activities of the Office of Inspector General of the National Labor Relations Board for the period April 1, 2007 through September 30, 2007, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 8G(h)(2); to the Committee on Oversight and Government Reform.

4894. A letter from the Senior Associate General Counsel, Office of the Director of National Intelligence, transmitting a report

pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

4895. A letter from the Senior Associate General Counsel, Office of the Director of National Intelligence, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

4896. A letter from the Senior Associate General Counsel, Office of the Director of National Intelligence, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

4897. A letter from the Senior Associate General Counsel, Office of the Director of National Intelligence, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

4898. A letter from the Director, Peace Corps, transmitting the semiannual report on the activities of the Office of Inspector General for the period April 1, 2007 through September 30, 2007, pursuant to 5 U.S.C. app. (Insp. Gen. Act), section 5(b); to the Committee on Oversight and Government Reform.

4899. A letter from the Inspector General, Railroad Retirement Board, transmitting the semiannual report on activities of the Office of Inspector General for the period April 1, 2007, through September 30, 2007, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(d); to the Committee on Oversight and Government Reform.

4900. A letter from the Secretary to the Board, Railroad Retirement Board, transmitting in accordance with Section 647(b) of Division F of the Consolidated Appropriations Act, FY 2004, Pub. L. 108-199, the Board's report on competitive sourcing efforts for FY 2007; to the Committee on Oversight and Government Reform.

4901. A letter from the Administrator, Small Business Administration, transmitting the semiannual report of the Office of Inspector General for the period April 1, 2007 through September 30, 2007, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Oversight and Government Reform.

4902. A letter from the Chief Administrative Officer, transmitting the quarterly report of receipts and expenditures of appropriations and other funds for the period October 1, 2007 through December 31, 2007 as compiled by the Chief Administrative Officer, pursuant to 2 U.S.C. 104a; (H. Doc. No. 110–87); to the Committee on House Administration and ordered to be printed.

4903. A letter from the Clerk, U.S. House of Representatives, transmitting list of reports pursuant to clause 2, Rule II of the Rules of the House of Representatives, pursuant to Rule II, clause 2(b), of the Rules of the House; (H. Doc. No. 110–85); to the Committee on House Administration and ordered to be printed.

4904. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Act Provisions; Fisheries Off West Coast States; Pacific Coast Groundfish Fishery; Biennial Specifications and Management Measures; Inseason Adjustments [Docket No. 060824226 6322 02] (RIN: 0648-AW34) received January 14, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4905. A letter from the Deputy Assistant Administrator For Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries off West Coast States; Pacific Coast Groundfish Fishery; Vessel Monitoring System; Open Access Fishery [Docket No. 070703215-7530-02] (RIN: 0648-AU08) received January 14, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4906. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Atlantic Bluefish Fishery; Quota Transfer [Docket No. 061109296-7009-02] (RIN: 0648-XE18) received January 14, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4907. A letter from the Deputy Assistant Administrator For Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Northeast (NE) Multispecies Fishery; Regulatory Amendment to Adopt Fishing Gear Standards for the NE Multispecies Regular B Day-At-Sea (DAS) Program and the Eastern U.S./Canada Haddock Special Access Program (SAP) [Docket No. 070808450-7714-02] (RIN: 0648-AV83) received January 14, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4908. A letter from the Deputy Assistant For Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Individual Fishing Quota Program; Community Development Quota Program [Docket No. 0612242964-7332-02; I.D. 080106C] (RIN: 0648-AS84) received January 14, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4909. A letter from the National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; Trip Limit Reduction [Docket No. 001005281-0369-02] (RIN: 0648-XE53) received January 14, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4910. A letter from the Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Atlantic Sea Scallop Fishery; Framework Adjustment 20 [Docket No. 070817468-7715-02] (RIN: 0648-AV91) received January 14, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4911. A letter from the Assistant Administrator, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Atlantic Highly Migratory Species; 2008 Atlantic Bluefin Tuna Quota Specifications and Effort Controls [Docket No. 070612190-7684-02] (RIN: 0648-AV58) received January 14, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4912. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Atlantic Bluefish Fishery; Commercial Quota Harvested for New York [Docket No. 061109296-7009-02] (RIN: 0648-XD64) received January 10, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4913. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Framework Adjustment 42 [Docket No. 070809451-7644-02] (RIN: 0648-AV79) received January 10, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4914. A letter from the Deputy Assistant Administrator For Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Revision of Vessel Monitoring System (VMS) Requirements for Commercial Gulf Reef Fish Vessels [Docket No. 070719385-7574-02] (RIN: 0648-AV59) received January 10, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4915. A letter from the Director of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule — Veterans Education: Incorporation of Miscellaneous Statutory Provisions (RIN: 2900-AL28) received January 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

4916. A letter from the Chief, Regulations and Publications Branch, Internal Revenue Service, transmitting the Service's final rule — Part III.—Administrative, Procedural, and Miscellaneous 26 CFR 601.201: Rulings and determination letters. (Rev. Proc. 2008-6) received January 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4917. A letter from the Chief, Regulations and Publications Branch, Internal Revenue Service, transmitting the Service's final rule — Part III.—Administrative, Procedural, and Miscellaneous Matters 26 CFR 601.201: Rulings and determination letters. (Rev. Proc. 2008-5) received January 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4918. A letter from the Chief, Regulations and Publications Branch, Internal Revenue Service, transmitting the Service's final rule — Part III.—Administrative, Procedural, and Miscellaneous 26 CFR 601.201: Rulings and determination letters. (Rev. Proc. 2008-4) received January 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4919. A letter from the Chief, Regulations and Publications, Internal Revenue Service, transmitting the Service's final rule — 26 CFR 601.201: Rulings and determination letters. (Rev. Proc. 2008-8) received January 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4920. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Part III Administrative, Procedural, and Miscellaneous 26 CFR 601.201: Rulings and determination letters. (Rev. Proc. 2008-3) received January 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4921. A letter from the Branch Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Organization Treated as a Donee [Notice 2008-16] received January 11, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4922. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Transportation Worker Identification Credential (TWIC) Implementation in the Maritime Sector; Hazardous Materials Endorsement for a Commercial Driver's License [Docket Nos. TSA-2006-24191; USCG-2006-24196] (RIN: 1652-AA41) received January 2, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Homeland Security.

4923. A letter from the Director, Office of Management and Budget, transmitting a report identifying accounts containing

unvouchered expenditures that are potentially subject to audit by the Comptroller General, pursuant to 31 U.S.C. 3524(b); jointly to the Committees on the Budget, Appropriations, and Oversight and Government Reform.

¶2.10 COMMITTEE TO NOTIFY THE PRESIDENT

Mr. HOYER submitted the following privileged resolution (H. Res. 913):

Resolved, That a committee of two Members be appointed by the Speaker on the part of the House of Representatives to join with a committee on the part of the Senate to notify the President of the United States that a quorum of each House has assembled and Congress is ready to receive any communication that he may be pleased to make.

When said resolution was considered and agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶2.11 APPOINTMENT OF COMMITTEE TO NOTIFY THE PRESIDENT

The SPEAKER pro tempore, Mrs. TAUSCHER, pursuant to House Resolution 913, and the order of the House of January 4, 2007, announced the Speaker's appointment of the following Members to the committee on the part of the House to join a like committee on the part of the Senate to notify the President of the United States that a quorum of each House has been assembled and that Congress is ready to receive any communication that he may be pleased to make: Messrs. HOYER and BOEHNER.

¶2.12 CLERK TO NOTIFY SENATE OF A QUORUM

Mr. HOYER submitted the following privileged resolution (H. Res. 914):

Resolved, That the Clerk of the House inform the Senate that a quorum of the House is present and that the House is ready to proceed with business.

When said resolution was considered and agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶2.13 HOUR OF MEETING

Mr. HOYER submitted the following privileged resolution (H. Res. 915):

Resolved, That unless otherwise ordered, before Monday, May 12, 2008, the hour of daily meeting of the House shall be 2 p.m. on Mondays; noon on Tuesdays; and 10 a.m. on all other days of the week; and from Monday, May 12, 2008, for the remainder of the 110th Congress, the hour of daily meeting of the House shall be noon on Mondays, 10 a.m. on Tuesdays, Wednesdays and Thursdays; and 9 a.m. on all other days of the week.

When said resolution was considered and agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶2.14 HOUR OF MEETING

On motion of Mr. HOYER, by unanimous consent,

Ordered, That the order of the House of January 4, 2007, providing for morning-hour debate be extended for the remainder of the 110th Congress, except that pursuant to House Resolution 915, the date of May 12, 2008, shall be used in lieu of May 14, 2007.

¶2.15 CALENDAR WEDNESDAY BUSINESS DISPENSED WITH

On motion of Mr. HOYER, by unanimous consent,

Ordered, That business in order for consideration on Wednesday, January 16, 2008, under clause 6, rule XV, the Calendar Wednesday rule, be dispensed with.

¶2.16 COMMUNICATION FROM THE CLERK—MESSAGE FROM THE PRESIDENT

The SPEAKER pro tempore, Mrs. TAUSCHER, laid before the House a communication, which was read as follows:

DECEMBER 28, 2007.

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

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, I have the honor to transmit H.R. 1585, the ''National Defense Authorization Act for Fiscal Year 2008,'' and a Memorandum of Disapproval thereon received from the White House on December 28, 2007, at 3:25 p.m.

With best wishes, I am

Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

¶2.17 PRESIDENT'S MESSAGE OF DISAPPROVAL OF H.R. 1585

The Clerk then read the message of disapproval from the President, as follows:

MEMORANDUM OF DISAPPROVAL

I am withholding my approval of H.R. 1585, the ''National Defense Authorization Act for Fiscal Year 2008,'' because it would imperil billions of dollars of Iraqi assets at a crucial juncture in that nation's reconstruction efforts and because it would undermine the foreign policy and commercial interests of the United States.

The economic security and successful reconstruction of Iraq have been top priorities of the United States. Section 1083 of H.R. 1585 threatens those key objectives. Immediately upon enactment, section 1083 would risk the freezing of substantial Iraqi assets in the United States—including those of the Development Fund for Iraq (DFI), the Central Bank of Iraq (CBI), and commercial entities in the United States in which Iraq has an interest. Section 1083 also would expose Iraq to new liability of at least several billion dollars by undoing judgments favorable to Iraq, by foreclosing available defenses on which Iraq is relying in pending litigation, and by creating a new Federal cause of action backed by the prospect of punitive damages to support claims that may previously have been foreclosed. This new liability, in turn, will only increase the potential for immediate entanglement of Iraqi assets in the United States. The aggregate financial impact of these provisions on Iraq would be devastating.

While my Administration objected to an earlier version of this provision in previous communications about the bill, its full impact on Iraq and on our relationship with Iraq has become apparent only in recent days. Members of my Administration are working with Members of Congress to fix this flawed provision as soon as possible after the Congress returns.

Section 1083 would establish unprecedented legal burdens on the allocation of Iraq's funds to where they are most needed. Since the fall of Saddam Hussein, I have issued Executive Orders to shield from entanglement in lawsuits the assets of the DFI and the CBI. I have taken these steps both to uphold international legal obligations of the United States and to remove obstacles to the orderly reconstruction of Iraq. Section 1083 potentially would place these crucial protections of Iraq's core assets in immediate peril, by including a provision that might be misconstrued to supersede the protections I have put in place and to permit the judicial attachment of these funds. Iraq must not have its crucial reconstruction funds on judicial hold while lawyers argue and courts decide such legal assertions.

Moreover, section 1083 would permit plaintiffs to obtain liens on certain Iraqi property simply by filing a notice of pending action. Liens under section 1083 would be automatic upon filing a notice of a pending claim in a judicial district where Iraq's property is located, and they would reach property up to the amount of the judgment plaintiffs choose to demand in their complaints. Such pre-judgment liens, entered before claims are tested and cases are heard, are extraordinary and have never previously been available in suits in U.S. courts against foreign sovereigns. If permitted to become law, even for a short time, section 1083's attachment and lien provisions would impose grave—indeed, intolerable—consequences on Iraq.

Section 1083 also includes provisions that would expose Iraq to increased liability in lawsuits. Contrary to international legal norms and for the first time in U.S. history, a foreign sovereign would be liable for punitive damages under section 1083. Section 1083 removes defenses common for defendants in the United States—including res judicata, collateral estoppel, and statutes of limitation—upon which the Iraqi government has relied. And section 1083 would attempt to revive a $959 million judgment against the new democratic Government of Iraq based on the misdeeds of the Saddam Hussein regime.

Exposing Iraq to such significant financial burdens would weaken the close partnership between the United States and Iraq during this critical period in Iraq's history. If Iraq's assets are frozen, even temporarily, that

could reduce confidence in the Iraqi dinar and undermine the success of Iraq's monetary policy. By potentially forcing a close U.S. ally to withdraw significant funds from the U.S. financial system, section 1083 would cast doubt on whether the United States remains a safe place to invest and to hold financial assets. Iraqi entities would be deterred from engaging in commercial partnerships with U.S. businesses for fear of entangling assets in lawsuits. Section 1083 would be viewed with alarm by the international community and would invite reciprocal action against United States assets abroad.

The adjournment of the Congress has prevented my return of H.R. 1585 within the meaning of Article I, section 7, clause 2 of the Constitution. Accordingly, my withholding of approval from the bill precludes its becoming law. The Pocket Veto Case, 279 U.S. 655 (1929). In addition to withholding my signature and thereby invoking my constitutional power to ''pocket veto'' bills during an adjournment of the Congress, I am also sending H.R. 1585 to the Clerk of the House of Representatives, along with this memorandum setting forth my objections, to avoid unnecessary litigation about the nonenactment of the bill that results from my withholding approval and to leave no doubt that the bill is being vetoed.

This legislation contains important authorities for the Department of Defense, including authority to provide certain additional pay and bonuses to servicemembers. Although I continue to have serious objections to other provisions of this bill, including section 1079 relating to intelligence matters, I urge the Congress to address the flaw in section 1083 as quickly as possible so I may sign into law the National Defense Authorization Act for Fiscal Year 2008, as modified. I also urge the Congress to ensure that any provisions affecting servicemember pay and bonuses, as well as provisions extending expiring authorities, are retroactive to January 1, 2008.

GEORGE W. BUSH.

THE WHITE HOUSE, *December 28, 2007*.

The SPEAKER pro tempore, Mrs. TAUSCHER, by unanimous consent, ordered that the message of disapproval, together with the accompanying bill, be printed (H. Doc. 110–88) and spread upon the pages of the Journal of the House.

On motion of Mr. HOYER, the message of disapproval and accompanying bill were referred to the Committee on Armed Services.

The question being put, viva voce,

Will the House refer said message and bill?

The SPEAKER pro tempore, Mrs. TAUSCHER, announced that the yeas had it.

So the motion to refer the bill and message of disapproval to the Committee on Armed Services was agreed to.

A motion to reconsider the vote whereby said motion was agreed to was, by unanimous consent, laid on the table.

¶2.18 COMMITTEE RESIGNATION—MINORITY

The SPEAKER pro tempore, Mrs. TAUSCHER, laid before the House the following communication, which was read as follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, December 18, 2007.

Hon. NANCY PELOSI,
Speaker of the House, House of Representatives.

DEAR SPEAKER PELOSI: This letter serves as a notice of resignation from the Foreign Affairs Committee, effective today. At a time when our country has troops deployed in the field fighting against those who would perpetrate harm against our people, it was an honor to return, although briefly, to the House Committee on Foreign Affairs where these critical issues of national security are considered.

Sincere regards,

ROY BLUNT,
Republican Whip.

By unanimous consent, the resignation was accepted.

¶2.19 ENROLLED BILL SIGNED

The SPEAKER pro tempore, Mrs. TAUSCHER, announced that pursuant to clause 4, rule I, the Speaker pro tempore, Mr. VAN HOLLEN, signed the following enrolled bill on Friday, January 4, 2008:

H.R. 2640. An Act to improve the National Instant Criminal Background Check System, and for other purposes.

¶2.20 PROVIDING FOR CONSIDERATION OF H.R. 2768

Ms. SLAUGHTER, by direction of the Committee on Rules, reported (Rept. No. 110–508) the resolution (H. Res. 918) providing for consideration of the bill (H.R. 2768) to establish improved mandatory standards to protect miners during emergencies, and for other purposes.

When said resolution and report were referred to the House Calendar and ordered printed.

¶2.21 RECESS—7:53 P.M.

The SPEAKER pro tempore, Ms. LEE, pursuant to clause 12(a) of rule I, declared the House in recess at 7 o'clock and 53 minutes p.m., subject to the call of the Chair.

¶2.22 AFTER RECESS—8:18 P.M.

The SPEAKER pro tempore, Ms. LEE, called the House to order.

¶2.23 SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 2478. An Act to designate the facility of the United States Postal Service located at 59 Colby Corner in East Hampstead, New Hampshire, as the ''Captain Jonathan D. Grassbaugh Post Office''; to the Committee on Oversight and Government Reform.

¶2.24 BILL PRESENTED TO THE PRESIDENT

Lorraine C. Miller, Clerk of the House reported that on January 4, 2008 she presented to the President of the United States, for his approval, the following bill:

H.R. 2640. An Act to improve the National Instant Criminal Background Check System, and for other purposes.

¶2.25 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. BACA, for today;

To Mr. CULBERSON, for today;

To Mr. HONDA, for today and January 16; and

To Mr. Gary G. MILLER of California, for today and balance of the week.

And then,

¶2.26 ADJOURNMENT

On motion of Mr. COHEN, at 10 o'clock and 5 minutes p.m., the House adjourned.

¶2.27 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

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

Ms. SLAUGHTER: Committee on Rules. House Resolution 918. A resolution providing for consideration of the bill (H.R. 2768) to establish improved mandatory standards to protect miners during emergencies, and for other purposes (Rept. 110–508). Referred to the House Calendar.

¶2.28 TIME LIMITATION OF REFERRED BILL

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

H.R. 135. Referral to the Committee on Transportation and Infrastructure extended for a period ending not later than February 29, 2008.

H.R. 275. Referral to the Committee on Energy and Commerce extended for a period ending not later than February 1, 2008.

H.R. 2830. Referral to the Committee on Energy and Commerce extended for a period ending not later than January 23, 2008.

H.R. 3111. Referral to the Committee on Armed Services extended for a period ending not later than February 1, 2008.

¶2.29 COMMITTEE DISCHARGED

Pursuant to clause 2 of rule XII, the Committee on Armed Services discharged from further consideration. H.R. 29 referred to the Committee of the Whole House on the state of the Union.

Pursuant to clause 2 of rule XII, the Committee on Agriculture discharged from further consideration. H.R. 3058 referred to the Committee of the Whole House on the state of the Union.

¶2.30 PUBLIC BILLS AND RESOLUTION

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

[Submitted January 3, 2008 and referred on January 15, 2008]

By Ms. BORDALLO (for herself and Mr. ABERCROMBIE):

H.R. 4931. A bill to amend title 38, United States Code, to include participation in

clean-up operations at Eniwetok Atoll as a radiation-risk activity for purposes of laws administered by Secretary of Veterans Affairs; to the Committee on Veterans Affairs.

By Ms. BORDALLO:

H.R. 4932. A bill to amend title 5, United States Code, to make certain additional plans eligible to participate in the health benefits program under chapter 89 of such title; to the Committee on Government Reform.

By Ms. BORDALLO (for herself, Mr. BROWN of South Carolina, and Mr. GEORGE MILLER of California):

H.R. 4933. A bill to amend the Lacey Act Amendments of 1981 to protect captive wildlife and to make technical corrections, and for other purposes; to the Committee on Natural Resources.

By Mr. MCDERMOTT:

[Submitted January 15, 2008]

H.R. 4934. A bill to provide for a program of emergency unemployment compensation, and for other purposes; to the Committee on Ways and Means.

By Mr. GONZALEZ (for himself, Mr. MEEK of Florida, Mr. SAM JOHNSON of Texas, and Mr. BURGESS):

H.R. 4935. A bill to amend title XVIII of the Social Security Act to exempt negative pressure wound therapy pumps and related supplies and accessories from the Medicare competitive acquisition program until the clinical comparability of such products can be validated; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ACKERMAN:

H.R. 4936. A bill to amend the Federal Hazardous Substances Act to require engine coolant and antifreeze to contain a bittering agent so as to render it unpalatable; to the Committee on Energy and Commerce.

By Mr. BLUMENAUER:

H.R. 4937. A bill to extend the temporary suspension of duty on bicycle speedometers; to the Committee on Ways and Means.

By Mr. BLUMENAUER:

H.R. 4938. A bill to extend the temporary suspension of duty on child carriers, chain tension adjustors, chain covers, and certain other articles designed for use on bicycles; to the Committee on Ways and Means.

By Mr. BLUMENAUER:

H.R. 4939. A bill to extend the temporary suspension of duty on unicycles; to the Committee on Ways and Means.

By Mr. BLUMENAUER:

H.R. 4940. A bill to extend the temporary suspension of duty on sets of steel tubing for bicycle frames; to the Committee on Ways and Means.

By Mr. BLUMENAUER:

H.R. 4941. A bill to extend the temporary suspension of duty on bicycle wheel rims; to the Committee on Ways and Means.

By Mr. BLUMENAUER:

H.R. 4942. A bill to extend the temporary suspension of duty on crank-gear and parts thereof; to the Committee on Ways and Means.

By Mr. BLUMENAUER:

H.R. 4943. A bill to extend the temporary suspension of duty on brakes designed for bicycles; to the Committee on Ways and Means.

By Mr. BLUMENAUER:

H.R. 4944. A bill to suspend temporarily the duty on nesoi hubs; to the Committee on Ways and Means.

By Mr. BLUMENAUER:

H.R. 4945. A bill to suspend temporarily the duty on variable speed hubs (except 2- and 3-speed); to the Committee on Ways and Means.

By Mr. BLUMENAUER:

H.R. 4946. A bill to suspend temporarily the duty on bells designed for use on bicycles; to the Committee on Ways and Means.

By Mr. DAVID DAVIS of Tennessee:

H.R. 4947. A bill to extend the duty suspension on Benzoic acid, 3,4,5-trihydroxy-, propyl ester; to the Committee on Ways and Means.

By Mr. DAVID DAVIS of Tennessee:

H.R. 4948. A bill to extend the duty suspension on Crotonaldehyde (2-butenaldehyde); to the Committee on Ways and Means.

By Mr. DAVID DAVIS of Tennessee:

H.R. 4949. A bill to extend the duty suspension on o-Anisidine; to the Committee on Ways and Means.

By Mr. DAVID DAVIS of Tennessee:

H.R. 4950. A bill to extend the duty suspension on Phenyl salicylate (benzoic acid, 2-hydroxy-, phenyl ester); to the Committee on Ways and Means.

By Mr. DAVID DAVIS of Tennessee:

H.R. 4951. A bill to extend the duty suspension on Titanium Mononitride; to the Committee on Ways and Means.

By Mr. DAVID DAVIS of Tennessee:

H.R. 4952. A bill to extend the duty suspension on 1,4-Benzoquinone; to the Committee on Ways and Means.

By Mr. DAVID DAVIS of Tennessee:

H.R. 4953. A bill to extend the duty suspension on 1-Fluoro-2-nitrobenzene; to the Committee on Ways and Means.

By Mr. DAVID DAVIS of Tennessee:

H.R. 4954. A bill to extend the duty suspension on 2,4-Xylidine; to the Committee on Ways and Means.

By Mr. DAVID DAVIS of Tennessee:

H.R. 4955. A bill to extend the duty suspension on 2-Methylhydroquinone; to the Committee on Ways and Means.

By Mr. DAVID DAVIS of Tennessee:

H.R. 4956. A bill to suspend temporarily the duty on dimerized gum; to the Committee on Ways and Means.

By Mr. DAVID DAVIS of Tennessee:

H.R. 4957. A bill to suspend temporarily the duty on polyethylene glycol branched-nonylphenyl ether phosphate; to the Committee on Ways and Means.

By Mr. DAVID DAVIS of Tennessee:

H.R. 4958. A bill to suspend temporarily the duty on glycerol ester of dimerized gum; to the Committee on Ways and Means.

By Ms. DELAURO (for herself, Ms. MCCOLLUM of Minnesota, Mr. OBERSTAR, Mr. LARSON of Connecticut, and Mr. GUTIERREZ):

H.R. 4959. A bill to provide for congressional consultation with respect to any long-term security, economic, or political agreement with the Government of Iraq and to ensure that any such agreement is in the form of a treaty with respect to which the Senate has given its advice and consent to ratification under Article II of the Constitution of the United States; to the Committee on Foreign Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MARSHALL:

H.R. 4960. A bill to repeal various provisions of the Consolidated Appropriations Act of 2008, relating to immigration and border security fencing; to the Committee on Appropriations, and in addition to the Committee on Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MYRICK:

H.R. 4961. A bill to extend the temporary suspension of duty on 7,7; to the Committee on Ways and Means.

By Mrs. MYRICK:

H.R. 4962. A bill to extend the temporary suspension of duty on Vat Black 25; to the Committee on Ways and Means.

By Mrs. MYRICK:

H.R. 4963. A bill to extend the temporary suspension of duty on Chloroacetic acid, sodium salt; to the Committee on Ways and Means.

By Mrs. MYRICK:

H.R. 4964. A bill to extend the temporary suspension of duty on esters and sodium esters of parahydroxybenzoic acid; to the Committee on Ways and Means.

By Mrs. MYRICK:

H.R. 4965. A bill to extend the temporary suspension of duty on Glyoxylic acid; to the Committee on Ways and Means.

By Mrs. MYRICK:

H.R. 4966. A bill to extend the temporary suspension of duty on Isobutyl 4-hydroxybenzoate and its sodium salt; to the Committee on Ways and Means.

By Mrs. MYRICK:

H.R. 4967. A bill to extend the temporary suspension of duty on sodium petroleum sulfonic acids, sodium salts; to the Committee on Ways and Means.

By Mrs. MYRICK:

H.R. 4968. A bill to extend the temporary suspension of duty on Tetraacetylethylenediamine; to the Committee on Ways and Means.

By Mrs. MYRICK:

H.R. 4969. A bill to suspend temporarily the duty on Maleic Hydrazide Technical; to the Committee on Ways and Means.

By Mrs. MYRICK:

H.R. 4970. A bill to suspend temporarily the duty on 1, 4-Benzenedisulfonic acid,2,2,'-[(1-methyl-1,2-ethanediyl) bis[imino(6-fluoro-1,3,5-triazine-4,2-diyl)imino(1-hydroxy-3 sulfo-6,2-napthalenediyl)azo]]bis[5-methoxy-sodium salt; to the Committee on Ways and Means.

By Mrs. MYRICK:

H.R. 4971. A bill to suspend temporarily the duty on Cobaltate(2-), [6-amino-.kappa.N)-5-[[2hydroxy-.kappa.O)-4-nitrophenyl]azo-kappa.N1]-N-methyl-2-naphthalenesulfonamidato(2-)][6-(amino-kappa.N)-5-[[2-(hydroxy-.kappa.O)-4-nitrophenyl]azo-.kappa.N]-2-napthalenessulfonato(3-)]-,disodium.; to the Committee on Ways and Means.

By Mrs. MYRICK:

H.R. 4972. A bill to suspend temporarily the duty on 2,7-Naphthalenedisulfonic acid, 5-[[4-chloro-6-[[2-[[4-chloro-6-[[7-[[4-(ethenylsulfonyl)phe yl]azo]-8-hydroxy-3,6-disulfo-1-naphthalenyl]amino]-1,3,5-tr azin-2-yl]amino]ethyl](2-hydroxyethyl)amino]-1,3,5-triazin-2 yl]amino]-3-[[4-(ethenyl-sulfonyl)phenyl]azo]-4-hydroxy-,sodium salt; to the Committee on Ways and Means.

By Mr. POE (for himself and Mr. BURTON of Indiana):

H.R. 4973. A bill to amend title 18, United States Code, to provide criminal penalties for the destruction of memorials, headstones, markers, and graves commemorating persons serving in the Armed Forces on private property; to the Committee on the Judiciary.

By Mr. RAMSTAD:

H.R. 4974. A bill to suspend temporarily the duty on certain perfluorocarbons; to the Committee on Ways and Means.

By Mr. RAMSTAD:

H.R. 4975. A bill to suspend temporarily the duty on perfluorobutane sulfonyl fluoride; to the Committee on Ways and Means.

By Mr. RAMSTAD:

H.R. 4976. A bill to extend the temporary suspension of duty on certain cathode-ray tubes; to the Committee on Ways and Means.

By Mr. RAMSTAD:

H.R. 4977. A bill to extend the temporary suspension of duty on an infrared absorbing dye; to the Committee on Ways and Means.

By Mr. RAMSTAD:
H.R. 4978. A bill to extend the temporary suspension of duty on a certain specialty monomer; to the Committee on Ways and Means.

By Mr. RAMSTAD:
H.R. 4979. A bill to extend the temporary suspension of duty on an ultraviolet dye; to the Committee on Ways and Means.

By Mr. RAMSTAD:
H.R. 4980. A bill to extend the temporary suspension of duty on THV; to the Committee on Ways and Means.

By Mr. RAMSTAD:
H.R. 4981. A bill to extend and modify the temporary suspension of duty on certain catalytic converter mats of ceramic fibers; to the Committee on Ways and Means.

By Ms. LORETTA SANCHEZ of California:
H.R. 4982. A bill to extend the temporary suspension of duty on certain refracting and reflecting telescopes; to the Committee on Ways and Means.

By Mr. WEINER (for himself, Mr. ALTMIRE, Mr. BACA, Ms. BALDWIN, Ms. BERKLEY, Mr. BLUMENAUER, Mr. BOSWELL, Mr. BRADY of Pennsylvania, Mr. BRALEY of Iowa, Ms. CASTOR, Mr. COHEN, Mr. COSTELLO, Mr. CROWLEY, Mr. CUMMINGS, Ms. DELAURO, Mr. FATTAH, Mr. FERGUSON, Mr. FILNER, Mr. GRIJALVA, Mr. GUTIERREZ, Mr. HALL of New York, Mr. HARE, Mr. HASTINGS of Florida, Mr. HINCHEY, Ms. HIRONO, Mr. HOLT, Mr. JONES of North Carolina, Mr. KAGEN, Ms. KAPTUR, Mr. KLEIN of Florida, Mr. KUCINICH, Ms. LEE, Mr. LIPINSKI, Mrs. MALONEY of New York, Mr. MICHAUD, Mrs. MYRICK, Mr. NADLER, Mr. PASCRELL, Mr. RANGEL, Mr. ROTHMAN, Ms. LINDA T. SÁNCHEZ of California, Ms. SCHAKOWSKY, Ms. SCHWARTZ, Ms. SHEA-PORTER, Mr. STARK, Mr. THOMPSON of California, Mr. TOWNS, Ms. WASSERMAN SCHULTZ, Ms. WATERS, Mr. WEXLER, Ms. WOOLSEY, Mr. WU, and Mrs. TAUSCHER):
H.J. Res. 76. A joint resolution disapproving the issuance of a letter of offer with respect to a certain proposed sale of defense articles and defense services to the Kingdom of Saudi Arabia; to the Committee on Foreign Affairs.

By Mr. ACKERMAN (for himself, Mr. PENCE, Mr. LANTOS, Ms. ROS-LEHTINEN, Mr. BERMAN, Mr. DAVIS of Illinois, Ms. JACKSON-LEE of Texas, Mr. KENNEDY, Mr. HONDA, Mr. AL GREEN of Texas, Mrs. TAUSCHER, Mr. POE, Mr. WAXMAN, Mr. VAN HOLLEN, Mr. CROWLEY, Mr. ELLISON, Ms. MCCOLLUM of Minnesota, Mr. BURTON of Indiana, Mr. DREIER, Mrs. MILLER of Michigan, and Mr. PASCRELL):
H. Res. 912. A resolution condemning the assassination of former Pakistani Prime Minister Benazir Bhutto and reaffirming the commitment of the United States to assist the people of Pakistan in combating terrorist activity and promoting a free and democratic Pakistan; to the Committee on Foreign Affairs.

By Mr. HOYER:
H. Res. 913. A resolution providing for a committee to notify the President of the assembly of the Congress; considered and agreed to.

By Mr. HOYER:
H. Res. 914. A resolution to inform the Senate that a quorum of the House has assembled; considered and agreed to.

By Mr. HOYER:
H. Res. 915. A resolution providing for the hour of meeting of the House; considered and agreed to.

By Mr. LIPINSKI (for himself, Mr. FOSSELLA, Mr. DOYLE, Mr. DAVIS of Illinois, Mr. MARKEY, Ms. BORDALLO, Mr. HOLT, Mr. CLEAVER, Mr. HOLDEN, Mr. AKIN, Mr. WILSON of South Carolina, Mr. ENGLISH of Pennsylvania, Mr. MCHENRY, Mr. EHLERS, Mr. RYAN of Ohio, Ms. ESHOO, Mr. TOWNS, Mr. SMITH of New Jersey, Mr. FRANKS of Arizona, Mr. DAVIS of Kentucky, Mr. FERGUSON, Mr. WALBERG, Mr. LAHOOD, Mr. FARR, Mr. SESSIONS, Mr. BRADY of Pennsylvania, Mr. CARNEY, Ms. MCCOLLUM of Minnesota, Mr. LINCOLN DIAZ-BALART of Florida, Mr. BURTON of Indiana, Mr. KING of Iowa, and Mr. FORTENBERRY):
H. Res. 916. A resolution honoring the contributions of Catholic schools; to the Committee on Education and Labor.

By Mr. LIPINSKI (for himself, Mr. INGLIS of South Carolina, Mr. DAVIS of Illinois, Mr. HOLT, Mr. TOWNS, Mr. EHLERS, Mr. GORDON, Mr. BAIRD, Mr. LAMPSON, Ms. MATSUI, Mr. WU, Mr. BARTLETT of Maryland, Mr. AKIN, Mr. WAMP, Mr. CHANDLER, Mr. COSTELLO, Ms. HIRONO, Mr. ROHRABACHER, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. SMITH of Nebraska):
H. Res. 917. A resolution supporting the goals and ideals of National Engineers Week, and for other purposes; to the Committee on Science and Technology.

By Mr. LEWIS of Kentucky (for himself, Mr. ROGERS of Kentucky, Mr. CHANDLER, Mr. YARMUTH, Mr. WHITFIELD of Kentucky, and Mr. DAVIS of Kentucky):
H. Res. 919. A resolution congratulating Kentucky on being selected to host the Alltech FEI World Equestrian Games 2010; to the Committee on Foreign Affairs.

By Mr. MARSHALL:
H. Res. 920. A resolution amending the Rules of the House of Representatives to strengthen the earmark point of order; to the Committee on Rules.

¶2.31 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 40: Mr. COHEN.
H.R. 41: Mr. SHERMAN.
H.R. 45: Ms. LINDA T. SÁNCHEZ of California.
H.R. 111: Mr. MURTHA.
H.R. 171: Ms. LINDA T. SÁNCHEZ of California and Mr. SESTAK.
H.R. 211: Mr. KAGEN.
H.R. 248: Mr. COHEN and Mr. WALSH of New York.
H.R. 351: Mr. KUCINICH.
H.R. 368: Mr. HARE and Mr. BILIRAKIS.
H.R. 371: Mr. BISHOP of New York.
H.R. 406: Mrs. TAUSCHER.
H.R. 411: Mr. BISHOP of Utah.
H.R. 464: Mr. KUCINICH.
H.R. 618: Ms. FALLIN.
H.R. 661: Ms. SOLIS.
H.R. 728: Mr. KLEIN of Florida.
H.R. 741: Mr. WELDON of Florida.
H.R. 971: Mr. SESTAK.
H.R. 992: Mr. MCDERMOTT.
H.R. 997: Mr. BUCHANAN.
H.R. 1000: Mr. CUELLAR, Mr. SMITH of Washington, Ms. DEGETTE, Mrs. BIGGERT, Ms. BEAN, Mr. KILDEE, Ms. MCCOLLUM of Minnesota, Mr. MCHUGH, Mr. SOUDER, and Mr. TURNER.
H.R. 1043: Mr. WAXMAN and Ms. DEGETTE.
H.R. 1076: Mr. ROGERS of Michigan.
H.R. 1093: Mr. SESTAK and Mr. FATTAH.
H.R. 1108: Mr. REYES.
H.R. 1110: Mr. SALAZAR.
H.R. 1201: Mr. TIAHRT.
H.R. 1222: Mr. MELANCON, Mr. SHERMAN, and Mr. ROTHMAN.
H.R. 1223: Mrs. TAUSCHER, Mr. MELANCON, Mr. ROTHMAN, and Mr. RUSH.
H.R. 1246: Mr. RUSH.
H.R. 1299: Mrs. GILLIBRAND.
H.R. 1330: Mr. ELLISON.
H.R. 1386: Mr. GRIJALVA.
H.R. 1422: Mr. MILLER of North Carolina.
H.R. 1464: Mr. BRALEY of Iowa, Mr. GUTIERREZ, and Mr. UPTON.
H.R. 1540: Mr. WAXMAN.
H.R. 1553: Mr. MELANCON, Mr. WALZ of Minnesota, Mr. OBERSTAR, Mr. KAGEN, Mr. HINCHEY, and Mr. DAVID DAVIS of Tennessee.
H.R. 1589: Mr. MICHAUD and Mr. BONNER.
H.R. 1621: Ms. KAPTUR, Mr. DOYLE, Mr. CUMMINGS, Mr. LEWIS of Georgia, Mr. KENNEDY, Mr. TOWNS, Mr. FARR, and Mr. LAMPSON.
H.R. 1671: Mr. DICKS.
H.R. 1691: Mr. ROTHMAN, Mrs. MALONEY of New York, Mr. CUMMINGS, and Mr. MOORE of Kansas.
H.R. 1701: Mr. ENGLISH of Pennsylvania.
H.R. 1713: Mr. UDALL of Colorado.
H.R. 1738: Mr. MCDERMOTT.
H.R. 1742: Mr. KAGEN, Mr. SMITH of New Jersey, and Mr. WAMP.
H.R. 1748: Mr. MOORE of Kansas and Mr. LEWIS of Kentucky.
H.R. 1846: Mr. BUTTERFIELD.
H.R. 1847: Mr. MORAN of Virginia.
H.R. 1869: Mr. BRALEY of Iowa.
H.R. 1921: Mr. PAYNE.
H.R. 1927: Mr. BONNER.
H.R. 2016: Mr. REICHERT and Ms. DEGETTE.
H.R. 2040: Ms. SUTTON, Mrs. MALONEY of New York, Ms. CLARKE, Mr. MEEK of Florida, Mr. KINGSTON, Mr. BOSWELL, Mr. KENNEDY, Mr. MCDERMOTT, Mr. ELLISON, Mr. HINOJOSA, Mr. WAXMAN, Mr. MARSHALL, and Mr. BACHUS.
H.R. 2131: Mr. PEARCE, Mr. MICHAUD, and Mr. ROSS.
H.R. 2188: Ms. SOLIS.
H.R. 2266: Ms. LINDA T. SÁNCHEZ of California.
H.R. 2267: Mr. GOODE, Mr. WALSH of New York, and Mr. RUSH.
H.R. 2343: Mr. DOGGETT.
H.R. 2436: Mr. WALDEN of Oregon.
H.R. 2468: Mr. SESTAK.
H.R. 2609: Mr. KIND.
H.R. 2620: Mr. BLUMENAUER.
H.R. 2676: Ms. ZOE LOFGREN of California.
H.R. 2694: Mr. MILLER of North Carolina.
H.R. 2695: Mr. WAXMAN, Mrs. CHRISTENSEN, Mr. BROWN of South Carolina, and Mr. CLYBURN.
H.R. 2702: Mr. HONDA.
H.R. 2734: Mr. RAMSTAD and Mr. ALEXANDER.
H.R. 2738: Mr. YOUNG of Alaska.
H.R. 2818: Mr. RUSH.
H.R. 2892: Mr. ROTHMAN.
H.R. 2910: Ms. SHEA-PORTER.
H.R. 2914: Mr. WOLF.
H.R. 3008: Mr. RUSH.
H.R. 3036: Ms. DEGETTE.
H.R. 3167: Mr. RUSH and Mrs. MUSGRAVE.
H.R. 3186: Mr. GRAVES, Mr. HELLER, Mr. KIRK, Mr. TIM MURPHY of Pennsylvania, Mr. CAMP of Michigan, and Mr. WALBERG.
H.R. 3195: Ms. EDDIE BERNICE JOHNSON of Texas and Mr. FORTUÑO.
H.R. 3219: Mr. LIPINSKI, Mr. KUCINICH, and Mr. CUMMINGS.
H.R. 3229: Ms. EDDIE BERNICE JOHNSON of Texas.
H.R. 3251: Ms. SOLIS.
H.R. 3255: Mr. BOOZMAN.
H.R. 3257: Mrs. DAVIS of California, Mr. ROTHMAN, Mr. BERMAN, and Ms. BALDWIN.
H.R. 3317: Mr. AL GREEN of Texas.
H.R. 3337: Mr. MARKEY.
H.R. 3394: Mr. LAMPSON.
H.R. 3395: Mr. JOHNSON of Georgia and Mr. MORAN of Virginia.
H.R. 3450: Mr. SESTAK.
H.R. 3453: Mr. DOYLE.

H.R. 3479: Mr. KLINE of Minnesota.
H.R. 3544: Ms. BORDALLO.
H.R. 3627: Mr. WILSON of Ohio.
H.R. 3646: Mr. RUSH and Mr. SENSENBRENNER.
H.R. 3679: Mr. WELDON of Florida.
H.R. 3681: Mr. MITCHELL and Mr. BARROW.
H.R. 3689: Ms. LORETTA SANCHEZ of California and Mr. HINCHEY.
H.R. 3698: Ms. MOORE of Wisconsin.
H.R. 3700: Mr. ROTHMAN and Mr. PORTER.
H.R. 3797: Ms. NORTON and Mr. OBERSTAR.
H.R. 3812: Mr. ROTHMAN.
H.R. 3829: Ms. ZOE LOFGREN of California.
H.R. 3905: Mr. MORAN of Virginia and Mr. MOORE of Kansas.
H.R. 3989: Ms. SLAUGHTER.
H.R. 4011: Mrs. CUBIN.
H.R. 4116: Mr. HENSARLING, Mr. ROGERS of Michigan, and Mr. PETERSON of Minnesota.
H.R. 4133: Mr. WILSON of South Carolina, Mr. HUNTER, Mr. BOOZMAN, Mrs. SCHMIDT, and Mr. DAVIS of Kentucky.
H.R. 4139: Mr. PETERSON of Minnesota, Mr. DAVIS of Illinois, Mr. HINOJOSA, Mr. POMEROY, and Mr. GORDON.
H.R. 4188: Ms. ZOE LOFGREN of California and Mrs. NAPOLITANO.
H.R. 4204: Mr. VAN HOLLEN, Mr. MILLER of North Carolina, and Mr. WALZ of Minnesota.
H.R. 4251: Mr. MEEKS of New York, Mr. WAXMAN, Ms. LEE, and Mr. BRADY of Pennsylvania.
H.R. 4255: Mr. RUSH.
H.R. 4296: Mr. BACA and Mr. CUMMINGS.
H.R. 4304: Mr. BOREN.
H.R. 4328: Mr. GRIJALVA, Ms. JACKSON-LEE of Texas, and Mr. KAGEN.
H.R. 4336: Mr. COHEN.
H.R. 4338: Mr. SALI.
H.R. 4464: Mr. CULBERSON, Mr. KELLER, Mr. WOLF, Mr. WELDON of Florida, Mr. SALI, and Mr. GILCHREST.
H.R. 4544: Mr. LEWIS of California, Mr. PETERSON of Minnesota, Mr. FARR, Mr. ROHRABACHER, Mr. RANGEL, Mr. MORAN of Virginia, Mr. MCCOTTER, Mr. HARE, Ms. SOLIS, and Mr. RUSH.
H.R. 4627: Mr. MCCOTTER and Mr. BARTLETT of Maryland.
H.R. 4660: Mr. GRIJALVA.
H.R. 4807: Mr. MCINTYRE.
H.R. 4838: Mr. FATTAH, Ms. MATSUI, Ms. ZOE LOFGREN of California, Mr. HOLT, Mr. PRICE of North Carolina, Mr. HINCHEY, and Mrs. DAVIS of California.
H.R. 4845: Mr. PAUL.
H.R. 4914: Ms. MCCOLLUM of Minnesota.
H.R. 4926: Mr. HONDA and Ms. DELAURO.
H.J. Res. 70: Mr. TIAHRT, Mr. VAN HOLLEN, Mr. BARRETT of South Carolina, Mr. WU, and Ms. BEAN.
H. Con. Res. 163: Mr. GONZALEZ, Mr. KLINE of Minnesota, Mr. MARKEY, Mr. ALEXANDER, Mr. WAXMAN, and Mr. UPTON.
H. Con. Res. 198: Mr. MICHAUD, Mr. MOORE of Kansas, Mr. BISHOP of Georgia, Mr. SERRANO, Mr. SESTAK, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. HASTINGS of Florida, Mr. DAVIS of Alabama, Mr. NADLER, and Mrs. MALONEY of New York.
H. Con. Res. 247: Mr. VAN HOLLEN.
H. Con. Res. 250: Ms. BERKLEY.
H. Con. Res. 265: Ms. LINDA T. SÁNCHEZ OF CALIFORNIA.
H. Con. Res. 273: Mr. LEWIS of Georgia, Ms. BERKLEY, Mr. WAXMAN, Mr. HOLDEN, Mr. PASTOR, Mr. PETERSON of Minnesota, and Mr. MCGOVERN.
H. Res. 259: Mr. HASTINGS of Florida.
H. Res. 653: Ms. BALDWIN and Mr. RUSH.
H. Res. 753: Mr. REYES and Mr. SESTAK.
H. Res. 769: Mr. ROSKAM.
H. Res. 821: Mr. FRANKS of Arizona.
H. Res. 852: Ms. HERSETH SANDLIN.
H. Res. 854: Ms. LINDA T. SAŃCHEZ of California.
H. Res. 866: Mr. CUMMINGS, Mr. POE, and Mr. GILCHREST.
H. Res. 874: Mr. PAUL and Mr. ABERCROMBIE.
H. Res. 883: Mr. HASTINGS of Florida and Mr. BACHUS.
H. Res. 908: Mr. HONDA, Mr. SHERMAN, Mr. DAVIS of Illinois, Mr. COHEN, Mr. MARKEY, Mr. HINCHEY, Mr. SCHIFF, Mr. CROWLEY, Mr. EHLERS, Ms. BORDALLO, Ms. SUTTON, Mr. SNYDER, Ms. DELAURO, Mr. MCDERMOTT, Mr. CLEAVER, Mr. MOORE of Kansas, Mr. RAMSTAD, Mr. WILSON of South Carolina, and Mr. SENSENBRENNER.
H. Res. 909: Mr. CROWLEY, Mr. CUMMINGS, Mr. ENGEL, Mr. FORTUÑO, Mr. GRIJALVA, Mr. LANTOS, Mr. MEEKS of New York, and Ms. WATSON.

WEDNESDAY, JANUARY 16, 2008 (3)

The House was called to order by the SPEAKER.

¶3.1 APPROVAL OF THE JOURNAL

The SPEAKER announced she had examined and approved the Journal of the proceedings of Tuesday, January 15, 2008.

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

¶3.2 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

4924. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Marketing Order Regulating the Handling of Spearmint Oil Produced in the Far West; Revision of the Salable Quantity and Allotment Percentage for Class 3 (Native) Spearmint Oil for the 2007-2008 Marketing Year [Docket Nos. AMS-FV-07-0134; FV08-985-1 IFR] received December 26, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4925. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — National Organic Program (NOP); Amendments to the National List of Allowed and Prohibited Substances (Livestock) [Docket Number MAS-TM-07-0123; TM-03-04] (RIN: 0581-AC62) received December 26, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4926. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Pistachios Grown in California; Changes in Handling Requirements [Docket No. AMS-FV-07-0082; FV07-983-1 IFR] received December 26, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4927. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — National Organic Program (NOP); Amendments to the National List of Allowed and Prohibited Substances (Crops and Livestock) [Docket Number AMS-TM-07-0112; TM-06-04FR] (RIN: 0581-AC61) received December 26, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4928. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Oranges, Grapefruit, Tangerines, and Tangelos Grown in Florida; Decreased Assessment Rate [Docket No. AMS-FV-07-0088; FV07-905-1 FIR] received December 26, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4929. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Veterinary Diagnostic Services User Fees [Docket No. APHIS-2006-0161] (RIN: 0579-AC52) received December 26, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4930. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Thiabendazole; Threshold of Regulation Determination [EPA-HQ-OPP-2007-0546; FRL-8347-7] received January 7, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4931. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Poly(hexamethylenebiguanide) hydrochloride (PHMB); Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2005-0268; FRL-8345-8] received January 7, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4932. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Mesotrione; Pesticide Tolerance [EPA-HQ-OPP-2006-0093]; FRL-8344-3] received January 7, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4933. A letter from the Secretary, Department of Education, transmitting the Department's final rule — Direct Grant Programs [DOCKET ID ED-2007-OCFO-0132] (RIN: 1890-AA15) received January 3, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

4934. A letter from the Attorney, Office of Assistant General Counsel for Legislation and Regulatory Law, Department of Energy, transmitting the Department's final rule — Energy Conservation Standards for New Federal Commercial and Multi-Family High-Rise Residential Buildings and New Federal Low-Rise Residential Buildings [Docket No. EE-RM/STD-02-112] (RIN: 1904-AB13) received January 3, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4935. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, Kern County Air Pollution Control District [EPA-R09-OAR-2007-1075; FRL-8506-2] received January 7, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4936. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List [EPA-HQ-SFUND-1989-0007; FRL-8485-3] received January 7, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4937. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, San Joaquin Valley Air Pollution Control District and Sacramento Metropolitan Air Quality Management District [EPA-R09-OAR-2007-1104; FRL-8512-7] received January 7, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4938. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; West Virginia; Withdrawal of Direct Final Rule [EPA-R03-OAR-2007-0448; FRL-8493-2] received January 7, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4939. A letter from the Principal Deputy Associate Administrator, Environmental

Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; West Virginia; Revised Motor Vehicle Emission Budgets for the Charleston 8-Hour Ozone Maintenance Area [EPA-R03-OAR-2007-1010; FRL-8575-6] received January 7, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4940. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Virginia; Fredericksburg and Shenandoah National Park 8-Hour Ozone Areas Movement from the Nonattainment Area List to the Maintenance Area List [EPA-R03-OAR-2007-1149; FRL-8515-4] received January 7, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4941. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Redesignation of the York (York and Adams Counties) 8-Hour Ozone Nonattainment Area to Attainment and Approval of the Area's Maintenance Plan and 2002 Base Year Inventory [EPA-R03-OAR-2007-0625; FRL-8515-2] received January 7, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4942. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Redesignation of 8-Hour Ozone Nonattainment Area to Attainment and Approval of the Areas' Maintenance Plans and 2002 Base-Year Inventories; Correction [EPA-R03-OAR-2007-0175; EPA-R03-OAR-2007-0476; EPA-R03-OAR-2007-0344; FRL-8515-1] received January 7, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4943. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Indiana; VOC Emissions from Fuel Grade Ethanol Production Operations; Withdrawal of Direct Final Rule [EPA-R05-OAR-2007-0293; FRL-8490-2] received January 7, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4944. A letter from the Industry Operations Specialist, Department of Justice, transmitting the Department's final rule — U.S. Munitions Import List and Import Restrictions Applicable to Certain Countries (2005R-5P) [Docket No. ATF-9F; AG Order No. 2922-2007] (RIN: 1140-AA29) received January 2, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

4945. A letter from the Director, Office of Personnel Management, President's Pay Agent, transmitting a report justifying the reasons for the extension of locality-based comparability payments to categories of positions that are in more than one executive agency, pursuant to 5 U.S.C. 5304(h)(2)(C); to the Committee on Oversight and Government Reform.

4946. A letter from the Secretary, Department of Commerce, transmitting the semiannual report on the activities of the Inspector General for the period April 1, 2007 through September 30, 2007, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Oversight and Government Reform.

4947. A letter from the Secretary, Department of Housing and Urban Development, transmitting the Inspector General's semiannual report for the period April 1, 2007 through September 30, 2007, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Oversight and Government Reform.

4948. A letter from the Executive Director, Consumer Product Safety Commission, transmitting pursuant to Section 647(b) of Division F of the Consolidated Appropriations Act, FY 2004, Pub. L. 108-199, a report on the Commission's competitive sourcing efforts for FY 2007; to the Committee on Oversight and Government Reform.

4949. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting the Department's Annual Category Rating Report for calendar year 2006, pursuant to Public Law 107-296, section 3319; to the Committee on Oversight and Government Reform.

4950. A letter from the Secretary, Department of Health and Human Services, transmitting in accordance with Section 647(b) of Title VI of the Consolidated Appropriations Act, FY 2004, Pub. L. 108-199, the Department's Report to Congress on FY 2007 Competitive Sourcing Efforts; to the Committee on Oversight and Government Reform.

4951. A letter from the Chief Financial Officer, Department of Housing and Urban Development, transmitting in accordance with Section 647(b) of Division F of the Consolidated Appropriations Act, FY 2004, Pub. L. 108-199, the Department's report on competitive sourcing efforts for FY 2007; to the Committee on Oversight and Government Reform.

4952. A letter from the Attorney General, Department of Justice, transmitting the Department's view on S. 274, the ''Federal Employee Protection of Disclosures Act''; to the Committee on Oversight and Government Reform.

4953. A letter from the Assistant Attorney General for Administration, Department of Justice, transmitting in accordance with Section 645 of Division F of the Consolidated Appropriations Act, FY 2004, Pub. L. 108-199, the Department's report on competitive sourcing efforts for FY 2007; to the Committee on Oversight and Government Reform.

4954. A letter from the Assistant Secretary for Administration and Management, Department of Labor, transmitting pursuant to Section 647(b) of Division F of the Consolidated Appropriations Act, FY 2004, Pub. L. 108-199, a report on the Department's competitive sourcing efforts for FY 2007; to the Committee on Oversight and Government Reform.

4955. A letter from the Deputy Assistant Secretary, Department of the Interior, transmitting in accordance with Section 647(b) of the Consolidated Appropriations Act, FY 2004, Pub., L. 108-199, the Department's Report to Congress on FY 2007 Competitive Sourcing Efforts; to the Committee on Oversight and Government Reform.

4956. A letter from the Federal Register Certifying Officer, Department of the Treasury, transmitting the Department's final rule — Federal Government Participation in the Automated Clearing House (RIN: 1510-AB00) received January 3, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

4957. A letter from the Assistant Secretary for Management and Chief Financial Officer, Department of the Treasury, transmitting pursuant to Section 647(b) of Division F of the Consolidated Appropriations Act, FY 2004, Pub. L. 108-199, a report on the Department's competitive sourcing efforts for FY 2007; to the Committee on Oversight and Government Reform.

4958. A letter from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting the FY 2007 Annual Performance and Accountability Report in accordance with the Report Consolidation Act of 2000; to the Committee on Oversight and Government Reform.

4959. A letter from the Chairman, Federal Election Commission, transmitting in accordance with Section 647(b) of Title VI of the Consolidated Appropriations Act, FY 2004, Pub. L. 108-199, the Commission's Report to Congress on FY 2007 Competitive Sourcing Efforts; to the Committee on Oversight and Government Reform.

4960. A letter from the Acting Chief of Staff, Federal Mediation and Conciliation Service, transmitting the FY 2007 annual report under the Federal Managers' Financial Integrity Act (FMFIA) of 1982, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Oversight and Government Reform.

4961. A letter from the Chairman, Federal Trade Commission, transmitting in accordance with Section 647(b) of Division F of the Consolidated Appropriations Act, FY 2004, Pub. L. 108-199, the Commission's report on competitive sourcing efforts for FY 2007; to the Committee on Oversight and Government Reform.

4962. A letter from the Administrator, General Services Administration, transmitting in accordance with Section 647(b) of Division F of the Consolidated Appropriations Act, FY 2004, Pub. L. 108-199, the Administration's report on competitive sourcing efforts for FY 2007; to the Committee on Oversight and Government Reform.

4963. A letter from the Comptroller General, Government Accountability Office, transmitting a copy of the Office's report entitled, ''A Call for Stewardship: Enhancing the Federal Government's Ability to Address Key Fiscal and Other 21st Century Challenges''; to the Committee on Oversight and Government Reform.

4964. A letter from the President, James Madison Memorial Fellowship Foundation, transmitting the Foundation's Annual Report for the year ending September 30, 2007, pursuant to 20 U.S.C. 4513; to the Committee on Oversight and Government Reform.

4965. A letter from the Assistant Administrator for Legislative and Intergovernmental Affairs, National Aeronautics and Space Administration, transmitting in accordance with Section 647(b) of Division F of the Consolidated Appropriations Act, FY 2004, Pub. L. 108-199, and the Office of Management and Budget Memorandum M-08-02, the Administration's report on competitive sourcing efforts for FY 2007; to the Committee on Oversight and Government Reform.

4966. A letter from the Chairperson, Amtrak Board of Directors, National Railroad Passenger Corporation, transmitting Amtrak's Office of Inspector General's Semiannual Report to Congress for the period ending September 30, 2007, pursuant to 5 U.S.C. app. (Insp. Gen. Act), section 5(b); to the Committee on Oversight and Government Reform.

4967. A letter from the Deputy Director for Administration and Information Management, Office of Government Ethics, transmitting in accordance with Section 647(b) of Title VI of the Consolidated Appropriations Act, FY 2004, Pub. L. 108-199, the Office's Report to Congress on FY 2007 Competitive Sourcing Efforts; to the Committee on Oversight and Government Reform.

4968. A letter from the President and CEO, Overseas Private Investment Corporation, transmitting the Corporation's annual Management Report for FY 2007, pursuant to 31 U.S.C. 9106; to the Committee on Oversight and Government Reform.

4969. A letter from the Chairman, Securities and Exchange Commission, transmitting in accordance with Section 647(b) of Division F of the Consolidated Appropriations Act, FY 2004, Pub. L. 108-199, and the Office of

Management and Budget Memorandum M-08-02, the Commission's report on competitive sourcing efforts for FY 2007; to the Committee on Oversight and Government Reform.

4970. A letter from the Administrator, Small Business Administration, transmitting the Administration's FY 2007 Agency Financial Report, pursuant to Public Law 106-351; to the Committee on Oversight and Government Reform.

4971. A letter from the Acting Secretary, Smithsonian Institution, transmitting in accordance with Section 647(b) of Division F of the Consolidated Appropriations Act, FY 2004, Pub. L. 108-199, the Institution's report on competitive sourcing efforts for FY 2004, FY 2005, FY 2006, or FY 2007; to the Committee on Oversight and Government Reform.

4972. A letter from the Commissioner, Social Security Administration, transmitting the third annual report of the Administration's use of the category rating system; to the Committee on Oversight and Government Reform.

4973. A letter from the Commissioner, Social Security Administration, transmitting in accordance with Section 647(b) of Division F of the Consolidated Appropriations Act, FY 2004, Pub. L. 108-199, and the Office of Management and Budget Memorandum M-08-02, the Administration's report on competitive sourcing efforts for FY 2007; to the Committee on Oversight and Government Reform.

4974. A letter from the Bureau of Legislative and Public Affairs, U.S. Agency for International Development, transmitting the Agency's Fiscal Year 2007 Agency Financial Report; to the Committee on Oversight and Government Reform.

4975. A letter from the Chairman, U.S. Postal Service, transmitting the Service's report as required by Sections 706 and 707 of the Postal Accountability and Enhancement Act of 2006; to the Committee on Oversight and Government Reform.

4976. A letter from the Acting Director, U.S. Trade and Development Agency, transmitting the Agency's Annual Report for FY 2007, pursuant to 5 U.S.C. app. (Insp. Gen. Act), section 5(b); to the Committee on Oversight and Government Reform.

4977. A letter from the Acting Director, U.S. Trade and Development Agency, transmitting the Agency's Annual Report for FY 2007, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Oversight and Government Reform.

4978. A letter from the Assistant Secretary for Fish, Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for the Monterey Spineflower (Chorizanthe pungens var. pungens) [FWS-R8-ES-2007-0026] [92210-1117-0000] [ABC Code: B4] (RIN: 1018-AU83) received January 11, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4979. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Lower Cowlitz River Dredging Operation; Longview, Washington [CGD Docket No. 13-07-049] (RIN: 1625-AA00) received January 2, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4980. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Atlantic Intracoastal Waterway (AIWW), at Scotts Hill, NC [USCG-2007-0168] (RIN: 1625-AA09) received January 2, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4981. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operating Regulation; Gulf Intracoastal Waterway (Algiers Alternate Route), Belle Chasse, LA [CGD08-07-042] (RIN: 1625-AA09) received January 2, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4982. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Regulated Navigation Area; Buzzards Bay, Massachusetts; Navigable Waterways within the First Coast Guard District [CGD01-04-133] (RIN: 1625-AB17) received January 2, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4983. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Rates for Pilotage on the Great Lakes [USCG-2006-24414] (RIN: 1625-AB05) received January 2, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4984. A letter from the Attorney, Department of Homeland Security, transmitting the Department's final rule — Vessel Documentation; Recording of Instruments [USCG-2007-28098] (RIN: 1625-AB18) received January 2, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4985. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Charenton Drainage and Navigation Canal, Baldwin, LA [CGD08-07-025] received January 2, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4986. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Jamaica Bay, New York, NY [CGD01-07-137] received January 2, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4987. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Kennebec River, Bath and Woolrich, ME [CGD01-07-136] received January 2, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4988. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Quinnipiac River, New Haven, CT [CGD01-07-091] (RIN: 1625-AA09) received January 2, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4989. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Nawiliwili Harbor, Kauai, Hawaii [CGD14-07-002] (RIN: 1625-AA87) received January 2, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4990. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Anchorage Regulations; Edgecomb, Maine, Sheepscot River [Docket No. CGD01-07-011] (RIN: 1625-AA01) received January 2, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4991. A letter from the Principal Deputy Associate Administrator, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Kahului Harbor, Maui, HI [Docket No. USCG-2007-0093] (RIN: 1625-AA87) received January 2, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4992. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Tinian, Commonwealth of the Northern Mariana Islands [COTP Guam 07-005] (RIN: 1625-AA87) received January 2, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4993. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Regattas and Marine Parades; Great Lake annual marine events. [USCG-2007-27373] (RIN: 1625-AA08) received January 2, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4994. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Alameda County Sheriff's Office Maritime Interdiction Training, San Francisco Bay, CA [Docket No. COTP San Francisco Bay 07-051] (RIN 1625-AA00) received January 2, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4995. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Ambrose Light, Offshore Sandy Hook, New Jersey, Atlantic Ocean [CGD01-07-157] (RIN: 1625-AA00) received January 2, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4996. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Wantagh Parkway 3 Bridge over the Sloop Channel, Town of Hempstead, New York [Docket No. CGD01-07-150] (RIN: 1625-AA00) received January 2, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4997. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Calculating and Apportioning the Section 11(b)(1) Additional Tax under Section 1561 for Controlled Groups. [TD 9369] (RIN: 1545-BG40) received December 21, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4998. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — User Fees Relating to Enrollment to Perform Actuarial Services [TD 9370] (RIN: 1545-BG88) received December 21, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4999. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Section 1274.—Determination of Issue Price in the Case of Certain Debt Instruments Issued for Property (Also Sections 42, 280G, 382, 412, 467, 468, 482, 483, 642, 807, 846, 1288, 7520, 7872.) (Rev. Rul. 2008-4) received December 21, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5000. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Regulations Under Section 367(a) Applicable to Certain Outbound Reorganizations and Section 351 Exchanges [Notice 2008-10] received

January 2, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5001. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Information Reporting Requirements Under Internal Revenue Code 6039 [Notice 2008-8] received December 21, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

¶3.3 FORMER PAKISTANI PRIME MINISTER BENAZIR BHUTTO

Mr. ACKERMAN moved to suspend the rules and agree to the following resolution (H. Res. 912):

Whereas on December 27, 2007, former Pakistani Prime Minister Benazir Bhutto was assassinated while departing a peaceful election rally;

Whereas the attack on Ms. Bhutto also killed some 20 other innocent bystanders and fellow Muslims;

Whereas Ms. Bhutto had returned to Pakistan in October 2007 after 8 years of self-imposed exile for the stated purpose of bringing democracy and the voice of moderation back to Pakistan;

Whereas Pakistan has struggled historically in its path toward a secure and stable democracy, having been ruled by unelected leaders for 34 out of 60 years of Pakistan's history;

Whereas Pakistan has been plagued by over 40 suicide attacks, claiming over 700 lives in 2007;

Whereas the Federally Administered Tribal Areas in Pakistan are being used by al Qaeda, the Taliban, and other terrorist and extremist elements to regroup, retrain, and recruit for future attacks in Afghanistan and Pakistan;

Whereas Pakistan is a nuclear-armed nation, adding another level of complexity to Pakistan's deteriorating security situation and raising the specter of nuclear arms falling into the hands of extremists in the future;

Whereas the international community has a vital interest in supporting a free, stable, and secure Pakistan so as to stem the rise of extremism in the region, prevent global acts of terrorism originating in Pakistan, and support the movement toward stable political institutions and democratic values and the rule of law;

Whereas in the past 5 years, the United States has provided over $5,000,000,000 in assistance to Pakistan and an additional $5,000,000,000 to reimburse Pakistan for its expenses incurred in combating terrorism;

Whereas a significant portion of United States assistance and reimbursements have gone to support Pakistani military operations in the Pakistan-Afghanistan border region, counterterrorism operations in the Federally Administered Tribal Areas in Pakistan and to increase Pakistan's counterterrorism and military capability;

Whereas there is an acute need for additional assistance from the United States and other countries to support and promote Pakistan's economic, social, and political development; and

Whereas the tragic death of Ms. Bhutto creates even greater uncertainty in an unstable region: Now, therefore, be it

Resolved, That the House of Representatives—

(1) condemns in the strongest terms the assassination of former Pakistani Prime Minister Benazir Bhutto and expresses its condolences to her family and the families of all those who were killed or injured in the attack of December 27, 2007;

(2) supports efforts by Pakistan to expeditiously bring to justice those who have perpetrated this cruel and cowardly attack;

(3) welcomes the provision of assistance by the Government of the United Kingdom of expertise to the Government of Pakistan in the conduct of the investigation of the attack;

(4) commends the Government of Pakistan for accepting such assistance and urges that government to allow experts from the United Kingdom to participate in such investigation in the fullest possible manner;

(5) urges the people and Government of Pakistan to be relentless in its pursuit of a democratically-elected government, including the holding of free and fair elections at the earliest possible opportunity;

(6) expresses its support for the freedom of the media, the ability of political parties to express their views without restriction, and the independence of the judiciary in Pakistan; and

(7) reaffirms the commitment of the United States to assist the people of Pakistan in combating terrorist activity and promoting a free and democratic Pakistan.

The SPEAKER pro tempore, Mrs. JONES of Ohio, recognized Mr. ACKERMAN and Ms. ROS-LEHTINEN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mrs. JONES of Ohio, announced that two-thirds of the Members present had voted in the affirmative.

Mr. ACKERMAN demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mrs. JONES of Ohio, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶3.4 MILITARY RESERVIST AND VETERANS SMALL BUSINESS

Ms. VELAZQUEZ moved to suspend the rules and agree to the following resolution (H. Res. 921):

Resolved, That upon the adoption of this resolution the bill (H.R. 4253) entitled ''An Act to improve and expand small business assistance programs for veterans of the armed forces and military reservists, and for other purposes'', with the Senate amendment thereto, shall be considered to have been taken from the Speaker's table to the end that the Senate amendment thereto be, and the same is hereby, agreed to with the following amendment:

In lieu of the matter proposed to be inserted by the amendment of the Senate, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Military Reservist and Veteran Small Business Reauthorization and Opportunity Act of 2008''.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.
Sec. 3. Definitions.

TITLE I—VETERANS BUSINESS DEVELOPMENT

Sec. 101. Increased funding for the Office of Veterans Business Development.
Sec. 102. Interagency task force.
Sec. 103. Permanent extension of SBA Advisory Committee on Veterans Business Affairs.
Sec. 104. Office of Veterans Business Development.
Sec. 105. Increasing the number of outreach centers.
Sec. 106. Independent study on gaps in availability of outreach centers.
Sec. 107. Veterans assistance and services program.

TITLE II—RESERVIST PROGRAMS

Sec. 201. Reservist programs.
Sec. 202. Reservist loans.
Sec. 203. Noncollateralized loans.
Sec. 204. Loan priority.
Sec. 205. Relief from time limitations for veteran-owned small businesses.
Sec. 206. Service-disabled veterans.
Sec. 207. Study on options for promoting positive working relations between employers and their Reserve Component employees.
Sec. 208. Increased Veteran Participation Program.

SEC. 3. DEFINITIONS.

In this Act—

(1) the term ''activated'' means receiving an order placing a Reservist on active duty;

(2) the term ''active duty'' has the meaning given that term in section 101 of title 10, United States Code;

(3) the terms ''Administration'' and ''Administrator'' mean the Small Business Administration and the Administrator thereof, respectively;

(4) the term ''Reservist'' means a member of a reserve component of the Armed Forces, as described in section 10101 of title 10, United States Code;

(5) the term ''Service Corps of Retired Executives'' means the Service Corps of Retired Executives authorized by section 8(b)(1) of the Small Business Act (15 U.S.C. 637(b)(1));

(6) the terms ''service-disabled veteran'' and ''small business concern'' have the meaning as in section 3 of the Small Business Act (15 U.S.C. 632);

(7) the term ''small business development center'' means a small business development center described in section 21 of the Small Business Act (15 U.S.C. 648); and

(8) the term ''women's business center'' means a women's business center described in section 29 of the Small Business Act (15 U.S.C. 656).

TITLE I—VETERANS BUSINESS DEVELOPMENT

SEC. 101. INCREASED FUNDING FOR THE OFFICE OF VETERANS BUSINESS DEVELOPMENT.

(a) IN GENERAL.—There are authorized to be appropriated to the Office of Veterans Business Development of the Administration, to remain available until expended—

(1) $2,100,000 for fiscal year 2008; and

(2) $2,300,000 for fiscal year 2009.

(b) FUNDING OFFSET.—Amounts necessary to carry out subsection (a) shall be offset and made available through the reduction of the authorization of funding under section 20(e)(1)(B)(iv) of the Small Business Act (15 U.S.C. 631 note).

(c) SENSE OF CONGRESS.—It is the sense of Congress that any amounts provided pursuant to this section that are in excess of amounts provided to the Administration for the Office of Veterans Business Development in fiscal year 2007, should be used to support Veterans Business Outreach Centers.

SEC. 102. INTERAGENCY TASK FORCE.

Section 32 of the Small Business Act (15 U.S.C. 657b) is amended—

(1) by redesignating subsection (c) as (f); and

(2) by inserting after subsection (b) the following:

''(c) INTERAGENCY TASK FORCE.—

''(1) ESTABLISHMENT.—Not later than 90 days after the date of enactment of this subsection, the President shall establish an interagency task force to coordinate the efforts of Federal agencies necessary to improve capital and business development opportunities for, and ensure achievement of the pre-established Federal contracting goals for, small business concerns owned and controlled by service-disabled veterans and small business concerns owned and controlled by veterans (in this section referred to as the 'task force').

''(2) MEMBERSHIP.—The members of the task force shall include—

''(A) the Administrator, who shall serve as chairperson of the task force; and

''(B) a senior level representative from—

''(i) the Department of Veterans Affairs;

''(ii) the Department of Defense;

''(iii) the Administration (in addition to the Administrator);

''(iv) the Department of Labor;

''(v) the Department of the Treasury;

''(vi) the General Services Administration;

''(vii) the Office of Management and Budget; and

''(viii) 4 representatives from a veterans service organization or military organization or association, selected by the President.

''(3) DUTIES.—The task force shall—

''(A) consult regularly with veterans service organizations and military organizations in performing the duties of the task force; and

''(B) coordinate administrative and regulatory activities and develop proposals relating to—

''(i) improving capital access and capacity of small business concerns owned and controlled by service-disabled veterans and small business concerns owned and controlled by veterans through loans, surety bonding, and franchising;

''(ii) ensuring achievement of the pre-established Federal contracting goals for small business concerns owned and controlled by service-disabled veterans and small business concerns owned and controlled by veterans through expanded mentor-protégé assistance and matching such small business concerns with contracting opportunities;

''(iii) increasing the integrity of certifications of status as a small business concern owned and controlled by service-disabled veterans or a small business concern owned and controlled by veterans;

''(iv) reducing paperwork and administrative burdens on veterans in accessing business development and entrepreneurship opportunities;

''(v) increasing and improving training and counseling services provided to small business concerns owned and controlled by veterans; and

''(vi) making other improvements relating to the support for veterans business development by the Federal Government.''.

SEC. 103. PERMANENT EXTENSION OF SBA ADVISORY COMMITTEE ON VETERANS BUSINESS AFFAIRS.

(a) ASSUMPTION OF DUTIES.—Section 33 of the Small Business Act (15 U.S.C. 657c) is amended—

(1) by striking subsection (h); and

(2) by redesignating subsections (i) through (k) as subsections (h) through (j), respectively.

(b) PERMANENT EXTENSION OF AUTHORITY.—Section 203 of the Veterans Entrepreneurship and Small Business Development Act of 1999 (15 U.S.C. 657b note) is amended by striking subsection (h).

SEC. 104. OFFICE OF VETERANS BUSINESS DEVELOPMENT.

Section 32 of the Small Business Act (15 U.S.C. 657b) is amended by inserting after subsection (c) (as added by section 102) the following:

''(d) PARTICIPATION IN TAP WORKSHOPS.—

''(1) IN GENERAL.—The Associate Administrator shall increase veteran outreach by ensuring that Veteran Business Outreach Centers regularly participate, on a nationwide basis, in the workshops of the Transition Assistance Program of the Department of Labor.

''(2) PRESENTATIONS.—In carrying out paragraph (1), a Veteran Business Outreach Center may provide grants to entities located in Transition Assistance Program locations to make presentations on the opportunities available from the Administration for recently separating or separated veterans. Each presentation under this paragraph shall include, at a minimum, a description of the entrepreneurial and business training resources available from the Administration.

''(3) WRITTEN MATERIALS.—The Associate Administrator shall—

''(A) create written materials that provide comprehensive information on self-employment and veterans entrepreneurship, including information on resources available from the Administration on such topics; and

''(B) make the materials created under subparagraph (A) available to the Secretary of Labor for inclusion in the Transition Assistance Program manual.

''(4) REPORTS.—The Associate Administrator shall submit to Congress progress reports on the implementation of this subsection.

''(e) WOMEN VETERANS BUSINESS TRAINING.—The Associate Administrator shall—

''(1) compile information on existing resources available to women veterans for business training, including resources for—

''(A) vocational and technical education;

''(B) general business skills, such as marketing and accounting; and

''(C) business assistance programs targeted to women veterans; and

''(2) disseminate the information compiled under paragraph (1) through Veteran Business Outreach Centers and women's business centers.''.

SEC. 105. INCREASING THE NUMBER OF OUTREACH CENTERS.

(a) IN GENERAL.—The Administrator shall use the authority in section 8(b)(17) of the Small Business Act (15 U.S.C. 637(b)(17)) to ensure that the number of Veterans Business Outreach Centers throughout the United States increases—

(1) subject to subsection (b), by at least 2, for each of fiscal years 2008 and 2009; and

(2) by the number that the Administrator considers appropriate, based on need, for each fiscal year thereafter.

(b) LIMITATION.—Subsection (a)(1) shall apply in a fiscal year if, for that fiscal year, the amount made available for the Office of Veterans Business Development is more than the amount made available for the Office of Veterans Business Development for fiscal year 2007.

SEC. 106. INDEPENDENT STUDY ON GAPS IN AVAILABILITY OF OUTREACH CENTERS.

The Administrator shall sponsor an independent study on gaps in the availability of Veterans Business Outreach Centers across the United States, to inform decisions on funding and on the allocation and coordination of resources. Not later than 6 months after the date of enactment of this Act, the Administrator shall submit to Congress a report on the results of the study.

SEC. 107. VETERANS ASSISTANCE AND SERVICES PROGRAM.

Section 21 of the Small Business Act (15 U.S.C. 648) is amended by adding at the end the following:

''(n) VETERANS ASSISTANCE AND SERVICES PROGRAM.—

''(1) IN GENERAL.—A small business development center may apply for a grant under this subsection to carry out a veterans assistance and services program.

''(2) ELEMENTS OF PROGRAM.—Under a program carried out with a grant under this subsection, a small business development center shall—

''(A) create a marketing campaign to promote awareness and education of the services of the center that are available to veterans, and to target the campaign toward veterans, service-disabled veterans, military units, Federal agencies, and veterans organizations;

''(B) use technology-assisted online counseling and distance learning technology to overcome the impediments to entrepreneurship faced by veterans and members of the Armed Forces; and

''(C) increase coordination among organizations that assist veterans, including by establishing virtual integration of service providers and offerings for a one-stop point of contact for veterans who are entrepreneurs or owners of small business concerns.

''(3) AMOUNT OF GRANTS.—A grant under this subsection shall be for not less than $75,000 and not more than $250,000.

''(4) FUNDING.—Subject to amounts approved in advance in appropriations Acts, the Administration may make grants or enter into cooperative agreements to carry out the provisions of this subsection.''.

TITLE II—RESERVIST PROGRAMS

SEC. 201. RESERVIST PROGRAMS.

(a) APPLICATION PERIOD.—Section 7(b)(3)(C) of the Small Business Act (15 U.S.C. 636(b)(3)(C)) is amended—

(1) by striking ''90 days'' and inserting ''1 year''; and

(2) by adding at the end the following: ''The Administrator may, when appropriate (as determined by the Administrator), extend the ending date specified in the preceding sentence by not more than 1 year.''.

(b) PRE-CONSIDERATION PROCESS.—

(1) DEFINITION.—In this subsection, the term ''eligible Reservist'' means a Reservist who—

(A) has not been ordered to active duty;

(B) expects to be ordered to active duty during a period of military conflict; and

(C) can reasonably demonstrate that the small business concern for which that Reservist is a key employee will suffer economic injury in the absence of that Reservist.

(2) ESTABLISHMENT.—Not later than 6 months after the date of enactment of this Act, the Administrator shall establish a preconsideration process, under which the Administrator—

(A) may collect all relevant materials necessary for processing a loan to a small business concern under section 7(b)(3) of the Small Business Act (15 U.S.C. 636(b)(3)) before an eligible Reservist employed by that small business concern is activated; and

(B) shall distribute funds for any loan approved under subparagraph (A) if that eligible Reservist is activated.

(c) OUTREACH AND TECHNICAL ASSISTANCE PROGRAM.—

(1) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Administrator, in consultation with the Secretary of Veterans Affairs and the Secretary of Defense, may develop a comprehensive outreach and technical assistance program (in this subsection referred to as the ''program'') to—

(A) market the loans available under section 7(b)(3) of the Small Business Act (15 U.S.C. 636(b)(3)) to Reservists, and family members of Reservists, that are on active duty and that are not on active duty; and

(B) provide technical assistance to a small business concern applying for a loan under that section.

(2) COMPONENTS.—The program shall—

(A) incorporate appropriate websites maintained by the Administration, the Department of Veterans Affairs, and the Department of Defense; and

(B) require that information on the program is made available to small business concerns directly through—

(i) the district offices and resource partners of the Administration, including small business development centers, women's business centers, and the Service Corps of Retired Executives; and

(ii) other Federal agencies, including the Department of Veterans Affairs and the Department of Defense.

(3) REPORT.—

(A) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, and every 6 months thereafter until the date that is 30 months after such date of enactment, the Administrator shall submit to Congress a report on the status of the program.

(B) CONTENTS.—Each report submitted under subparagraph (A) shall include—

(i) for the 6-month period ending on the date of that report—

(I) the number of loans approved under section 7(b)(3) of the Small Business Act (15 U.S.C. 636(b)(3));

(II) the number of loans disbursed under that section; and

(III) the total amount disbursed under that section; and

(ii) recommendations, if any, to make the program more effective in serving small business concerns that employ Reservists.

SEC. 202. RESERVIST LOANS.

(a) IN GENERAL.—The Administrator and the Secretary of Defense shall develop a joint website and printed materials providing information regarding any program for small business concerns that is available to veterans or Reservists.

(b) MARKETING.—The Administrator is authorized—

(1) to advertise and promote the program under section 7(b)(3) of the Small Business Act jointly with the Secretary of Defense and veterans' service organizations; and

(2) to advertise and promote participation by lenders in such program jointly with trade associations for banks or other lending institutions.

SEC. 203. NONCOLLATERALIZED LOANS.

Section 7(b)(3) of the Small Business Act (15 U.S.C. 636(b)(3)) is amended by adding at the end the following:

''(G)(i) Notwithstanding any other provision of law, the Administrator may make a loan under this paragraph of not more than $50,000 without collateral.

''(ii) The Administrator may defer payment of principal and interest on a loan described in clause (i) during the longer of—

''(I) the 1-year period beginning on the date of the initial disbursement of the loan; and

''(II) the period during which the relevant essential employee is on active duty.''.

SEC. 204. LOAN PRIORITY.

Section 7(b)(3) of the Small Business Act (15 U.S.C. 636(b)(3)), as amended by this Act, is amended by adding at the end the following:

''(H) The Administrator shall give priority to any application for a loan under this paragraph and shall process and make a determination regarding such applications prior to processing or making a determination on other loan applications under this subsection, on a rolling basis.''.

SEC. 205. RELIEF FROM TIME LIMITATIONS FOR VETERAN-OWNED SMALL BUSINESSES.

Section 3(q) of the Small Business Act (15 U.S.C. 632(q)) is amended by adding at the end the following:

''(5) RELIEF FROM TIME LIMITATIONS.—

''(A) IN GENERAL.—Any time limitation on any qualification, certification, or period of participation imposed under this Act on any program that is available to small business concerns shall be extended for a small business concern that—

''(i) is owned and controlled by—

''(I) a veteran who was called or ordered to active duty under a provision of law specified in section 101(a)(13)(B) of title 10, United States Code, on or after September 11, 2001; or

''(II) a service-disabled veteran who became such a veteran due to an injury or illness incurred or aggravated in the active military, naval, or air service during a period of active duty pursuant to a call or order to active duty under a provision of law referred to in subclause (I) on or after September 11, 2001; and

''(ii) was subject to the time limitation during such period of active duty.

''(B) DURATION.—Upon submission of proper documentation to the Administrator, the extension of a time limitation under subparagraph (A) shall be equal to the period of time that such veteran who owned or controlled such a concern was on active duty as described in that subparagraph.

''(C) EXCEPTION FOR PROGRAMS SUBJECT TO FEDERAL CREDIT REFORM ACT OF 1990.—The provisions of subparagraphs (A) and (B) shall not apply to any programs subject to the Federal Credit Reform Act of 1990 (2 U.S.C. 661 et seq.).''.

SEC. 206. SERVICE-DISABLED VETERANS.

Not later than 180 days after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report describing—

(1) the types of assistance needed by service-disabled veterans who wish to become entrepreneurs; and

(2) any resources that would assist such service-disabled veterans.

SEC. 207. STUDY ON OPTIONS FOR PROMOTING POSITIVE WORKING RELATIONS BETWEEN EMPLOYERS AND THEIR RESERVE COMPONENT EMPLOYEES.

(a) STUDY REQUIRED.—The Comptroller General of the United States shall conduct a study on options for promoting positive working relations between employers and Reserve component employees of such employers, including assessing options for improving the time in which employers of Reservists are notified of the call or order of such members to active duty other than for training.

(b) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Comptroller General of the United States shall submit to the appropriate committees of Congress a report on the study conducted under subsection (a).

(2) CONTENTS.—The report submitted under paragraph (1) shall—

(A) provide a quantitative and qualitative assessment of—

(i) what measures, if any, are being taken to inform Reservists of the obligations and responsibilities of such members to their employers;

(ii) how effective such measures have been; and

(iii) whether there are additional measures that could be taken to promote positive working relations between Reservists and their employers, including any steps that could be taken to ensure that employers are timely notified of a call to active duty; and

(B) assess whether there has been a reduction in the hiring of Reservists by business concerns because of—

(i) any increase in the use of Reservists after September 11, 2001; or

(ii) any change in any policy of the Department of Defense relating to Reservists after September 11, 2001.

(c) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ''appropriate committees of Congress'' means—

(1) the Committee on Armed Services and the Committee on Small Business and Entrepreneurship of the Senate; and

(2) the Committee on Armed Services and the Committee on Small Business of the House of Representatives.

SEC. 208. INCREASED VETERAN PARTICIPATION PROGRAM.

Section 7(a) of the Small Business Act (15 U.S.C. 636(a)) is amended by adding at the end the following:

''(32) INCREASED VETERAN PARTICIPATION PROGRAM.—

''(A) DEFINITIONS.—In this paragraph—

''(i) the term 'cost' has the meaning given that term in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a);

''(ii) the term 'pilot program' means the pilot program established under subparagraph (B); and

''(iii) the term 'veteran participation loan' means a loan made under this subsection to a small business concern owned and controlled by veterans of the Armed Forces or members of the reserve components of the Armed Forces.

''(B) ESTABLISHMENT.—The Administrator shall establish and carry out a pilot program under which the Administrator shall reduce the fees for veteran participation loans.

''(C) DURATION.—The pilot program shall terminate at the end of the second full fiscal year after the date that the Administrator establishes the pilot program.

''(D) MAXIMUM PARTICIPATION.—A veteran participation loan shall include the maximum participation levels by the Administrator permitted for loans made under this subsection.

''(E) FEES.—

''(i) IN GENERAL.—The fee on a veteran participation loan shall be equal to 50 percent of the fee otherwise applicable to that loan under paragraph (18).

''(ii) WAIVER.—The Administrator may waive clause (i) for a fiscal year if—

''(I) for the fiscal year before that fiscal year, the annual estimated rate of default of veteran participation loans exceeds that of loans made under this subsection that are not veteran participation loans;

''(II) the cost to the Administration of making loans under this subsection is greater than zero and such cost is directly attributable to the cost of making veteran participation loans; and

''(III) no additional sources of revenue authority are available to reduce the cost of making loans under this subsection to zero.

''(iii) EFFECT OF WAIVER.—If the Administrator waives the reduction of fees under clause (ii), the Administrator—

''(I) shall not assess or collect fees in an amount greater than necessary to ensure that the cost of the program under this subsection is not greater than zero; and

''(II) shall reinstate the fee reductions under clause (i) when the conditions in clause (ii) no longer apply.

''(iv) NO INCREASE OF FEES.—The Administrator shall not increase the fees under paragraph (18) on loans made under this subsection that are not veteran participation loans as a direct result of the pilot program.

''(F) GAO REPORT.—

''(i) IN GENERAL.—Not later than 1 year after the date that the pilot program terminates, the Comptroller General of the United States shall submit to the Committee on Small Business of the House of Representatives and the Committee on Small Business and Entrepreneurship of the Senate a report on the pilot program.

''(ii) CONTENTS.—The report submitted under clause (i) shall include—

''(I) the number of veteran participation loans for which fees were reduced under the pilot program;

''(II) a description of the impact of the pilot program on the program under this subsection;

''(III) an evaluation of the efficacy and potential fraud and abuse of the pilot program; and

''(IV) recommendations for improving the pilot program.''.

The SPEAKER pro tempore, Mrs. JONES of Ohio, recognized Ms. VELAZQUEZ and Mr. CHABOT, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mrs. JONES of Ohio, announced that two-thirds of the Members present had voted in the affirmative.

Ms. VELAZQUEZ demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mrs. JONES of Ohio, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶3.5 PROVIDING FOR CONSIDERATION OF H.R. 2768

Ms. SLAUGHTER, by direction of the Committee on Rules, called up the following resolution (H. Res. 918):

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2768) to establish improved mandatory standards to protect miners during emergencies, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Education and Labor. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Education and Labor now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived except those arising under clause 10 of rule XXI. Notwithstanding clause 11 of rule XVIII, no amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived except those arising under clause 9 or 10 of rule XXI. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. During consideration in the House of H.R. 2768 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

When said resolution was considered.

After debate,

Ms. SLAUGHTER moved the previous question on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House now order the previous question?

The SPEAKER pro tempore, Mrs. JONES of Ohio, announced that the nays had it.

Ms. SLAUGHTER demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 222 / Nays 191

¶3.6 [Roll No. 2]

YEAS—222

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

NAYS—191

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

Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOT VOTING—17

Baca
Baker
Berkley
Berry
Culberson
Forbes
Fossella
Honda
Hunter
Jefferson
Lantos
Meeks (NY)
Miller, Gary
Paul
Shimkus
Tanner
Westmoreland

So the previous question on the resolution was ordered.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mrs. JONES of Ohio, announced that the yeas had it.

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶3.7 H. RES. 912—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mrs. JONES of Ohio, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 912) condemning the assassination of former Pakistani Prime Minister Benazir Bhutto and reaffirming the commitment of the United States to assist the people of Pakistan in combating terrorist activity and promoting a free and democratic Pakistan.

The question being put,

Will the House suspend the rules and agree to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 413 / Nays 0

¶3.8 [Roll No. 3]

YEAS—413

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berman
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Fortenberry
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Hooley
Hoyer
Hulshof
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—18

Baca
Baker
Berkley
Berry
Cole (OK)
Culberson
Forbes
Fossella
Honda
Hunter
Jefferson
Lantos
Meeks (NY)
Miller, Gary
Paul
Shimkus
Tanner
Westmoreland

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶3.9 H. RES. 921—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mrs. JONES of Ohio, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 921) providing for the bill (H.R. 4235) to improve and expand small business assistance programs for veterans of the armed forces and military reservists, and for other purposes; to be taken from the Speaker's table with the amendment of the Senate thereto, and that the House be considered as agreed to said amendment with an amendment.

The question being put,

Will the House suspend the rules and agree to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 406 / Nays 2

¶3.10 [Roll No. 4]

YEAS—406

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berman
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr

Fattah
Feeney
Ferguson
Filner
Fortenberry
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Hooley
Hoyer
Hulshof
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NAYS—2

Broun (GA) Flake

NOT VOTING—22

Baca
Baker
Berkley
Berry
Bilbray
Burgess
Burton (IN)
Culberson
Forbes
Fossella
Hastings (FL)
Honda
Hunter
Jefferson
Johnson (GA)
Lantos
Meeks (NY)
Miller, Gary
Paul
Shimkus
Tanner
Westmoreland

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said amendment to the bill H.R. 4235.

¶3.11 MINE IMPROVEMENT AND NEW EMERGENCY RESPONSE

The SPEAKER pro tempore, Mrs. JONES of Ohio, pursuant to House Resolution 918 and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 2768) to establish improved mandatory standards to protect miners during emergencies, and for other purposes.

The SPEAKER pro tempore, Mrs. JONES of Ohio, by unanimous consent, designated Mr. GUTIERREZ as Chairman of the Committee of the Whole; and after some time spent therein,

¶3.12 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 1 printed in House Report 110-508 submitted by Mr. George MILLER of California:

Page 5, beginning on line 6, strike ''amended by adding at the end the following:'' and insert ''amended—

(1) in clause (iii)(I), by inserting before the semicolon the following: ''and such requirement may not be satisfied by placement of an order with any company for future delivery of a portable refuge chamber or other means of providing such emergency supplies of breathable air''; and

(2) by adding at the end the following:

Page 5, line 8, strike ''(vi)'' and insert ''(vii)''.

Page 5, line 19, strike '', or'' and insert a semicolon.

Page 5, line 23, strike '', or'' and insert ''; or''.

Page 6, beginning on line 4, strike ''In addition'' and all that follows through ''emergency shelter'' and insert ''The regulations shall further provide that in all cases a portable refuge chamber shall be installed and maintained''.

Strike section 4(d)(1) and insert the following:

(1) FLAME RESISTANT CONVEYOR BELTS.—Section 311(h) is amended by adding at the end the following: ''Not later than 90 days after the date of enactment of the S-MINER Act, the Secretary shall publish interim final rules to revise the requirements for flame resistant conveyor belts to ensure that they meet the most recent recommendations from the National Institute for Occupational Safety and Health, and to ensure such belts are designed to limit smoke and toxic emissions. A conveyor belt need not meet the requirements of the preceding sentence if—

''(A) it was ordered, in a mine's inventory, or installed prior to the date of enactment of the S-MINER Act, or it was ordered after the date of enactment of the S-MINER Act and the Secretary certifies that the mine operator was unable to obtain a belt meeting the requirements of the preceding sentence; or

''(B) in the case of any such belt that has been in use for more than 5 years in any capacity in any mine, such belt has received an annual inspection by a certified professional to ensure that the belt is free from visible defects that could cause failure or possible ignition.''.

Page 19, strike lines 6 through 15 and insert the following:

''(a) CONVEYOR BELTS.—The requirements of section 311(h) concerning conveyor belts in underground coal mines, including the exceptions and limitations in connection therewith, shall also apply to conveyor belts in underground metal and nonmetal mines.''.

Page 55, line 24, insert after the period the following: ''There is authorized to be appropriated to Secretary $30,000,000 to purchase personal dust monitors for the purposes of the preceding sentence.''.

At the end of the bill, insert the following:

(d) STUDY ON MINER SUBSTANCE ABUSE ISSUES THAT POSE SAFETY RISKS.—

(1) STUDY.—The Secretary of Labor shall conduct a study providing expert review and recommendations of policies designed to deal with substance abuse by miners, including the causes, nature, and extent of such abuse, its impact on mine safety and health, best practices for treatment, rehabilitation, and substance abuse testing policies, and the adequacy of State laws and approaches. In conducting such study, the Secretary shall solicit the views of and consult with all interested parties, including miners, miners' representatives, mine operators, appropriate State agencies, and public health and substance abuse experts.

(2) REPORT.—Not later than 6 months after the date of enactment of this Act, the Secretary shall report the findings and recommendations of the study to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor and Pensions of the Senate

(3) ADDITIONAL AUTHORITY.—If, as a result of the study, the Secretary determines it to be feasible and effective, the Secretary shall be authorized to establish a program, in consultation with the parties described in paragraph (1), within the Mine Safety and Health Administration to provide for substance abuse testing of miners as well as rehabilitation and treatment of miners suffering from substance abuse.

It was decided in the affirmative ..... { Yeas ..... 234 / Nays 183

¶3.13 [Roll No. 5]

AYES—234

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baird
Baldwin
Barrow
Bean
Becerra
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Bordallo
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette

Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gilchrest
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E.B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Whitfield (KY)
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOES—183

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

NOT VOTING—18

Baca
Baker
Berkley
Christensen
Culberson
Faleomavaega
Forbes
Fortuño
Fossella
Honda
Hunter
Jefferson
Lantos
Meeks (NY)
Miller, Gary
Paul
Shimkus
Tanner

So the amendment was agreed to.

¶3.14 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 2, printed in House Report 110-508, submitted by Mr. BOUCHER:

At the end of the bill, insert the following:

(d) GRANTS FOR REHABILITATION.—

(1) IN GENERAL.—The Secretary of Labor, in consultation with the Secretary of Health and Human Services, is authorized to award grants to appropriate entities and programs for the purpose of providing rehabilitation services to current and former miners suffering from mental health impairments, including drug addiction and substance abuse issues, which may have been caused or exacerbated by their work as miners. The Secretary shall ensure such funds are directed to those regions of the country most in need of such assistance.

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of Labor $10,000,000 to carry out the grant program authorized by this subsection.

It was decided in the affirmative ..... { Yeas ..... 364 / Nays 53

¶3.15 [Roll No. 6]

AYES—364

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Altmire
Andrews
Arcuri
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bono Mack
Boozman
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Butterfield
Buyer
Calvert
Camp (MI)
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole (OK)
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Fallin
Farr
Fattah
Ferguson
Filner
Fortenberry
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Giffords
Gilchrest
Gillibrand
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holden
Holt
Hooley
Hoyer
Hulshof
Inglis (SC)
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lynch
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pomeroy
Porter
Price (NC)
Pryce (OH)
Putnam
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sessions
Sestak
Shays
Shea-Porter
Sherman
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stupak
Sullivan
Sutton
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOES—53

Akin	Garrett (NJ)	McHenry
Barrett (SC)	Gingrey	Miller (FL)
Bilbray	Hall (TX)	Musgrave
Bonner	Hensarling	Pence
Broun (GA)	Herger	Poe
Burton (IN)	Hoekstra	Price (GA)
Campbell (CA)	Issa	Radanovich
Cannon	Johnson, Sam	Rohrabacher
Chabot	Jones (NC)	Royce
Coble	Jordan	Sali
Conaway	King (IA)	Sensenbrenner
Deal (GA)	Kingston	Shadegg
Duncan	Lamborn	Stearns
Everett	Linder	Tancredo
Feeney	Lungren, Daniel E.	Walberg
Flake	Mack	Walden (OR)
Foxx	Marchant	Weldon (FL)
Franks (AZ)		Westmoreland

NOT VOTING—18

Baca	Forbes	Lantos
Baker	Fortuño	Meeks (NY)
Berkley	Fossella	Miller, Gary
Christensen	Honda	Paul
Culberson	Hunter	Shimkus
Faleomavaega	Jefferson	Tanner

So the amendment was agreed to.

¶3.16 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 3, printed in House Report 110-508, submitted by Mr. ELLSWORTH:

Page 32, beginning on line 9, strike ''amended by striking'' and all that follows through ''The operator shall,'' and insert ''amended—

(1) by inserting ''(1)'' after the subsection designation; and

(2) by inserting at the end the following:

''(2)(A) The Secretary shall maintain a list of delinquent operators who fail to timely pay final assessments. Any operator placed on that list for the first time shall be subject to the requirements of this paragraph only until such time as the Secretary determines that the operator is no longer in arrears. Any operator placed on that list for a subsequent time shall remain on the list until such time as the Secretary determines the operator is committed to timely payment of final assessments. Any operator who believes he or she has been placed or retained on the list in error may file with the Commission a request for consideration of decision.

''(B) An operator on the list maintained pursuant to paragraph (A) shall,''.

Page 32, line 24, strike ''In the event'' and insert

''(C) In the event''.

At the end of the bill, insert the following:

SEC. 9. MINE SAFETY PROGRAM FUND.

Title I is further amended by adding at the end the following:

''SEC. 117. MINE SAFETY PROGRAM FUND.

''(a) ESTABLISHMENT.—There is established in the Treasury a separate account to be known as the 'Mine Safety Program Fund' (in this section referred to as the 'Fund').

''(b) TRANSFERS TO THE FUND.—There shall be deposited in the Fund—

''(1) all penalties collected under section 110; and

''(2) any gifts, bequests, or donations to the Fund from private entities or individuals, which the Secretary of the Treasury is authorized to accept for deposit into the Fund, except that the Secretary is not authorized to accept any such gift, bequest, or donation that—

''(A) attaches conditions inconsistent with applicable laws or regulations; or

''(B) is conditioned upon or would require the expenditure of appropriated funds that are not available to the Secretary of Labor.

''(c) EXPENDITURES.—Amounts in the Fund shall be available, as provided in appropriations Acts, only for inspections and investigations conducted pursuant to section 103.''.

Amend the table of contents in section 1(b) by adding at the end the following:

Sec. 9. Mine safety program fund.

It was decided in the affirmative ..... { Yeas ..... 416 / Nays 0

¶3.17 [Roll No. 7]

AYES—416

Abercrombie	Crowley	Hodes
Ackerman	Cubin	Hoekstra
Aderholt	Cuellar	Holden
Akin	Cummings	Holt
Alexander	Davis (AL)	Hooley
Allen	Davis (CA)	Hoyer
Altmire	Davis (IL)	Hulshof
Andrews	Davis (KY)	Inglis (SC)
Arcuri	Davis, David	Inslee
Bachmann	Davis, Lincoln	Israel
Bachus	Davis, Tom	Issa
Baird	Deal (GA)	Jackson (IL)
Baldwin	DeFazio	Jackson-Lee (TX)
Barrett (SC)	DeGette	Johnson (GA)
Barrow	Delahunt	Johnson (IL)
Bartlett (MD)	DeLauro	Johnson, E. B.
Barton (TX)	Dent	Johnson, Sam
Bean	Diaz-Balart, L.	Jones (NC)
Becerra	Diaz-Balart, M.	Jones (OH)
Berman	Dicks	Jordan
Berry	Dingell	Kagen
Biggert	Doggett	Kanjorski
Bilbray	Donnelly	Kaptur
Bilirakis	Doolittle	Keller
Bishop (GA)	Doyle	Kennedy
Bishop (NY)	Drake	Kildee
Bishop (UT)	Dreier	Kilpatrick
Blackburn	Duncan	Kind
Blumenauer	Edwards	King (IA)
Blunt	Ehlers	King (NY)
Boehner	Ellison	Kingston
Bonner	Ellsworth	Kirk
Bono Mack	Emanuel	Klein (FL)
Boozman	Emerson	Kline (MN)
Bordallo	Engel	Knollenberg
Boren	English (PA)	Kucinich
Boswell	Eshoo	Kuhl (NY)
Boucher	Etheridge	LaHood
Boustany	Everett	Lamborn
Boyd (FL)	Fallin	Lampson
Boyda (KS)	Farr	Langevin
Brady (PA)	Fattah	Larsen (WA)
Brady (TX)	Feeney	Larson (CT)
Braley (IA)	Ferguson	Latham
Broun (GA)	Filner	LaTourette
Brown (SC)	Flake	Latta
Brown, Corrine	Fortenberry	Lee
Brown-Waite, Ginny	Foxx	Levin
Buchanan	Frank (MA)	Lewis (GA)
Burgess	Franks (AZ)	Lewis (KY)
Burton (IN)	Frelinghuysen	Linder
Butterfield	Gallegly	Lipinski
Buyer	Garrett (NJ)	LoBiondo
Calvert	Gerlach	Loebsack
Camp (MI)	Giffords	Lofgren, Zoe
Campbell (CA)	Gilchrest	Lowey
Cannon	Gillibrand	Lucas
Cantor	Gingrey	Lungren, Daniel E.
Capito	Gohmert	Lynch
Capps	Gonzalez	Mack
Capuano	Goode	Mahoney (FL)
Cardoza	Goodlatte	Maloney (NY)
Carnahan	Gordon	Manzullo
Carney	Granger	Marchant
Carter	Graves	Markey
Castle	Green, Al	Marshall
Castor	Green, Gene	Matheson
Chabot	Grijalva	Matsui
Chandler	Gutierrez	McCarthy (CA)
Christensen	Hall (NY)	McCarthy (NY)
Clarke	Hall (TX)	McCaul (TX)
Clay	Hare	McCollum (MN)
Cleaver	Harman	McCotter
Clyburn	Hastings (FL)	McCrery
Coble	Hastings (WA)	McDermott
Cohen	Hayes	McGovern
Cole (OK)	Heller	McHenry
Conaway	Hensarling	McHugh
Conyers	Herger	McIntyre
Cooper	Herseth Sandlin	McKeon
Costa	Higgins	McMorris Rodgers
Costello	Hill	McNerney
Courtney	Hinchey	McNulty
Cramer	Hinojosa	Meek (FL)
Crenshaw	Hirono	Melancon
	Hobson	Mica
		Michaud
		Miller (FL)
		Miller (MI)
		Miller (NC)
		Miller, George
		Mitchell
		Mollohan
		Moore (KS)
		Moore (WI)
		Moran (KS)
		Moran (VA)
		Murphy (CT)
		Murphy, Patrick
		Murphy, Tim
		Murtha
		Musgrave
		Myrick
		Nadler
		Napolitano
		Neal (MA)
		Neugebauer
		Norton
		Nunes
		Oberstar
		Obey
		Olver
		Ortiz
		Pallone
		Pascrell
		Pastor
		Payne
		Pearce
		Pence
		Perlmutter
		Peterson (MN)
		Peterson (PA)
		Petri
		Pickering
		Pitts
		Platts
		Poe
		Pomeroy
		Porter
		Price (GA)
		Price (NC)
		Pryce (OH)
		Putnam
		Radanovich
		Rahall
		Ramstad
		Rangel
		Regula
		Rehberg
		Renzi
		Reyes
		Reynolds
		Richardson
		Rodriguez
		Rogers (AL)
		Rogers (KY)
		Rogers (MI)
		Rohrabacher
		Ros-Lehtinen
		Roskam
		Ross
		Rothman
		Roybal-Allard
		Royce
		Ruppersberger
		Rush
		Ryan (OH)
		Ryan (WI)
		Salazar
		Sali
		Sánchez, Linda T.
		Sanchez, Loretta
		Sarbanes
		Saxton
		Schakowsky
		Schiff
		Schmidt
		Schwartz
		Scott (GA)
		Scott (VA)
		Sensenbrenner
		Serrano
		Sessions
		Sestak
		Shadegg
		Shays
		Shea-Porter
		Sherman
		Shuler
		Shuster
		Simpson
		Sires
		Skelton
		Slaughter
		Smith (NE)
		Smith (NJ)
		Smith (TX)
		Smith (WA)
		Snyder
		Solis
		Souder
		Space
		Spratt
		Stark
		Stearns
		Stupak
		Sullivan
		Sutton
		Tancredo
		Tauscher
		Taylor
		Terry
		Thompson (CA)
		Thompson (MS)
		Thornberry
		Tiahrt
		Tiberi
		Tierney
		Towns
		Tsongas
		Turner
		Udall (CO)
		Udall (NM)
		Upton
		Van Hollen
		Velázquez
		Visclosky
		Walberg
		Walden (OR)
		Walsh (NY)
		Walz (MN)
		Wamp
		Wasserman Schultz
		Waters
		Watson
		Watt
		Waxman
		Weiner
		Welch (VT)
		Weldon (FL)
		Weller
		Westmoreland
		Wexler
		Whitfield (KY)
		Wilson (NM)
		Wilson (OH)
		Wilson (SC)
		Wittman (VA)
		Wolf
		Woolsey
		Wu
		Wynn
		Yarmuth
		Young (AK)
		Young (FL)

NOT VOTING—19

Baca	Fossella	Miller, Gary
Baker	Honda	Paul
Berkley	Hunter	Reichert
Culberson	Jefferson	Shimkus
Faleomavaega	Lantos	Tanner
Forbes	Lewis (CA)	
Fortuño	Meeks (NY)	

So the amendment was agreed to.

¶3.18 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 4, printed in House Report 110-508, submitted by Mr. WILSON of South Carolina:

Strike all after the enacting clause and insert the following:

SECTION 1. SENSE OF CONGRESS.

It is the Sense of Congress that the Mine Safety and Health Administration should continue the full and timely implementation of the Mine Improvement and New Emergency Response Act of 2006, P.L. No. 109-236, and that the provisions of that law should be implemented by the Administration as robustly, safely, and expeditiously as possible.

SEC. 2. SAFETY COMMITTEES.

Title II of the Federal Mine Safety and Health Act of 1977 is amended by adding at the end the following new section:

''SEC. 208. SAFETY COMMITTEES.

''Not later than 180 days after the date of enactment of this section, the Secretary shall promulgate regulations pursuant to section 101(a) providing that a mine operator

may establish, assist, maintain, and participate in workplace safety committees, on which committees miners shall participate to address issues of mine safety and to deal with the mine operator regarding emergency response, communication, rescue, recovery, inspection and other terms and conditions of employment relating to mine safety.''.

SEC. 3. SUBSTANCE ABUSE TESTING.

Title II of such Act is further amended by adding at the end the following:

''SEC. 209. SUBSTANCE ABUSE TESTING.

''(a) TESTING PROGRAM.—Not later than 180 days after the date of enactment of this section, the Secretary shall promulgate regulations pursuant to section 101(a) to require the operator of each mine to institute a program to conduct mandatory, random substance abuse testing of mine employees. Such regulations shall be no less restrictive than regulations issued by other Federal and State agencies which impose mandatory substance abuse testing and shall provide for—

''(1) mandatory substance abuse testing procedures;

''(2) a process for the random selection of those employees to be tested;

''(3) the protection of individuals' rights and privacy;

''(4) the establishment of an Employee Assistance Program; and

''(5) for purposes of subsection (b), a process for mine operators to notify the Administration of the names of individuals who test positive for substance abuse.

''(b) REGISTRY.—Not later than 180 days after the date of enactment of this section, the Secretary shall promulgate regulations creating a registry of those found to have tested positive for substance abuse for the sole purpose of sharing, on a confidential basis, with State authorities responsible for issuance of licenses, certification, permits, or other documents required to seek employment in the mining industry.''.

SEC. 4. IMPROVING MINE SAFETY.

(a) COORDINATION WITH BUREAU OF LAND MANAGEMENT.—The Mine Safety and Health Administration shall regularly consult with the Bureau of Land Management concerning the safety status of mines in order for the Administration to maintain an awareness of any safety concerns observed by Bureau of Land Management personnel.

(b) STUDY OF DEEP MINE CONDITIONS BY TECHNICAL STUDY PANEL.—

(1) ESTABLISHMENT OF TECHNICAL STUDY PANEL.—There is established a Technical Study Panel (hereafter referred to as ''the Panel'') which shall provide independent scientific and engineering review and provide recommendations to the Mine Safety and Health Administration to evaluate the risk assessment procedures of deep mine conditions.

(2) MEMBERSHIP.—

(A) IN GENERAL.—The Panel shall be composed of—

(i) two individuals to be appointed by the Secretary of Health and Human Services, in consultation with the Director of the National Institute for Occupational Safety and Health and the Associate Director of the Office of Mine Safety;

(ii) two individuals to be appointed by the Secretary of Labor, in consultation with the Assistant Secretary for Mine Safety and Health;

(iii) one individual appointed jointly by the majority leaders of the Senate and House of Representatives; and

(iv) one individual to be appointed jointly by the minority leader of the Senate and House of Representatives.

(B) QUALIFICATIONS.—Four of the 6 individuals appointed to the Panel under paragraph (A) shall possess a masters or doctoral level degree in mining engineering or another scientific field demonstrably related to the subject of the report. No individual appointed to the Panel shall be an employee of any coal or other mine, or of any labor organization, or of any State or Federal agency primarily responsible for regulating the mining industry.

(3) REPORT.—

(A) IN GENERAL.—Not later than 1 year after the date on which all members of the Panel are appointed under paragraph (2), the Panel shall prepare and submit a report concerning deep mine conditions to the Secretary of Labor, the Secretary of Health and Human Services, the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate.

(B) RESPONSE BY THE SECRETARY.—Not later than 180 days after the receipt of the report, the Secretary of Labor shall provide a response to the report and submit such response to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate. Such response shall contain a description of the actions, if any, that the Secretary intends to take based upon the report, including proposing regulatory changes, and the reasons for such actions.

(4) COMPENSATION.—Members appointed to the Panel, while carrying out the duties of the Panel, shall be entitled to receive compensation, per diem in lieu of subsistence, and travel expenses in the same manner and under the same conditions as that prescribed under section 208(c) of the Public Health Service Act.

(c) STUDY OF RETREAT MINING AND PILLARING.—

(1) STUDY.—The National Institute for Occupational Safety and Health shall conduct a study of the recovery of coal pillars through retreat room and pillar mining practices in underground coal mines at depths greater than 1,500 feet. The study shall examine the safety implications of retreat room and pillar mining practices, with emphasis on the impact of full or partial pillar extraction mining. The study shall consider, among other things—

(A) seam thickness;

(B) depth of cover;

(C) strength of the mine roof, pillars, and floor;

(D) the susceptibility of the mine to seismic activity; and

(E) a sensitivity analysis on input parameters such as strength of the coal, the size the pillar core, the strength of roof and floor rock members, abutment pressure from caved areas, and the horizontal stress; and

(F) the procedures used to ensure miner safety during retreat mining.

(2) REPORT.—Not later than one year after the date of enactment of this Act, the National Institute for Occupational Safety and Health shall submit a report containing the results of the study to the Secretary of Labor and Committee on Education and Labor of the House of Representatives, and the Committee on Health, Education, Labor, and Pensions of the Senate.

(3) REPORT BY THE SECRETARY OF LABOR.—Not later than 180 days after receipt of the report required under paragraph 2, the Secretary of Labor shall report to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate what actions, if any, that the Secretary intends to take based on the report.

(d) DISSEMINATION OF ACCIDENT INFORMATION.—Section 103 of the Federal Mine Safety and Health Act of 1977 (30 U.S.C. 813) amended by adding at the end the following:

''(l)(1) All information concerning the accident or incident obtained by any person or organization participating in an investigation under this section shall be transmitted to the representative of the Administration coordinating the rescue effort or subsequent accident investigation. Parties to the investigation may relay to respective organizations information necessary for purposes of prevention or remedial action. No information concerning the accident or incident may be released to any person not a party to the investigation or representative of such party prior to the release of such information by the Administration without the prior consultation with and approval of the Administration.

''(2) For purposes of this subsection, parties to the investigation include the mine owner, mine operator, employees of that mine, first responders, mine rescue team members, or others participating in the rescue and recovery effort.''.

It was decided in the negative ..... { Yeas ..... 188 / Nays 229

¶3.19 [Roll No. 8]

AYES—188

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

NOES—229

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baird
Baldwin
Barrow

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

NOT VOTING—18

Baca
Baker
Berkley
Culberson
Faleomavaega
Forbes
Fortuño
Fossella
Honda
Hunter
Jefferson
Lantos
Meeks (NY)
Miller, Gary
Paul
Shimkus
Souder
Tanner

So the amendment was not agreed to.

The SPEAKER pro tempore, Mr. CAPUANO, assumed the Chair.

When Mr. PASTOR, Acting Chairman, pursuant to House Resolution 918, reported the bill back to the House with an amendment adopted by the Committee.

The previous question having been ordered by said resolution.

The following amendment, reported from the Committee of the Whole House on the state of the Union, was agreed to:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Supplemental Mine Improvement and New Emergency Response Act of 2007'' or the ''S–MINER Act''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Findings.
Sec. 3. Definitions; references.
Sec. 4. Supplementing emergency response plans.
Sec. 5. Supplementing enforcement authority.
Sec. 6. Supplementing rescue, recovery, and incident investigation authority.
Sec. 7. Respirable Dust Standards.
Sec. 8. Other health requirements.
Sec. 9. Mine safety program fund.

SEC. 2. FINDINGS.

Congress finds that—

(1) while the MINER Act of 2006 (Public Law 109–236) was an essential first step in addressing the many health and safety hazards that miners still face, supplemental action is necessary and feasible to better protect miners in coal and other mines;

(2) essential standards to protect miner health established by the Federal Mine Safety and Health Act of 1977 are out of date after 40 years, posing a significant threat to miner health; and

(3) the Secretary of Labor has failed in recent years to adequately fulfill the Secretary's obligations under the Federal Mine Safety and Health Act of 1977 (30 U.S.C. 801 et seq.), additional Congressional intervention is needed.

SEC. 3. DEFINITIONS; REFERENCES.

(a) DEFINITIONS.—As used in this Act—

(1) the term ''Secretary'' refers to the Secretary of Labor; and

(2) any other term used in this Act that is defined in section 3 of the Federal Mine Safety and Health Act of 1977 (30 U.S.C. 802) shall have the meaning given the term in such section.

(b) REFERENCES.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Federal Mine Safety and Health Act of 1977 (30 U.S.C. 801 et seq.).

SEC. 4. SUPPLEMENTING EMERGENCY RESPONSE PLANS.

(a) POST ACCIDENT COMMUNICATIONS.—Section 316(b)(2)(F)(ii) (30 U.S.C. 876(b)(2)(F)(ii)) is amended—

(1) by striking ''Not later than'' and inserting the following:

''(II) Not later than''; and

(2) by inserting after the clause designation the following:

''(I) Not later than 120 days after the enactment of the S–MINER Act, a plan shall, to be in approved status, provide for a post accident communication system between underground and surface personnel, and for an electronic tracking system permitting surface personnel to determine the location of any persons trapped underground, that utilizes a system at least as effective as a 'leaky feeder' or wireless mesh type communication and tracking system currently in use in the industry. These systems shall be enhanced physically, electronically, or redundantly, to improve their survivability in the event of a mine disaster. In addition, to be in approved status, an emergency response plan must be revised promptly to incorporate new technology which the National Institute for Occupational Safety and Health certifies can be added to the existing system to improve its ability to facilitate post-accident communication with or tracking of miners. No miner shall be disciplined based on information obtained from an electronic communications and tracking system.''.

(b) UNDERGROUND REFUGES.—Section 316(b)(2)(E) (30 U.S.C. 876(b)(2)(E)) is amended—

(1) in clause (iii)(I), by inserting before the semicolon the following: ''and such requirement may not be satisfied by placement of an order with any company for future delivery of a portable refuge chamber or other means of providing such emergency supplies of breathable air''; and

(2) by adding at the end the following:

''(vii) Not later than June 15, 2008, the Secretary shall issue interim final regulations, consistent with the design criteria recommended by National Institute for Occupational Safety and Health in its report pursuant to section 13(b)(1) of the MINER Act, and subject to the requirements of the next sentence, requiring each emergency response plan to provide for the installation of portable rescue chambers meeting National Institute for Occupational Safety and Health design criteria; refuge shelters carved out of the mine workings and sealed with bulkheads meeting National Institute for Occupational Safety and Health design criteria; or other refuge designs recommended by National Institute for Occupational Safety and Health that provide miners with equivalent or better protection, in the working areas of underground coal mines within 60 days following plan approval. The regulations shall further provide that in all cases a portable refuge chamber shall be installed and maintained within 500 feet of the nearest working face in each working section of an underground coal mine.''.

(c) IMPROVEMENTS TO SEALS, VENTILATION CONTROLS, AND ROCK DUSTING TO LIMIT THE DAMAGE FROM EXPLOSIONS.—

(1) REPEAL.—The MINER Act (30 U.S.C. 801 note) is amended by striking section 10 (concerning sealing of abandoned areas).

(2) SEALS.—Section 303(z) (30 U.S.C. 863(z)) is amended by adding at the end the following:

''(4)(A) The Secretary shall inspect all seals under construction after the date of enactment of the S–MINER Act, during at least part of their construction, to ensure the mine operator is complying with the approved seal plan, and shall develop an inspection protocol for this purpose.

''(B) Not later than 3 months of the date of enactment of the S–MINER Act, the Secretary shall issue final rules regarding approval, design, construction, inspection, maintenance and monitoring of underground coal mine seals which shall meet the requirements of this paragraph. Except as otherwise provided by this paragraph, these regulations shall implement the most recent recommendations of the National Institute of Occupational Safety and Health concerning seal design, construction, inspection, maintenance and monitoring. The regulations shall also provide that all seals in a mine shall be monitored if they are not designed or installed to withstand a constant total pressure of 240 pounds per square inch, using a static structural analysis. Monitoring of seals shall be done by continuous monitoring devices within one year of the date of enactment of this Act, and prior thereto by qualified personnel at such intervals as the Secretary determines are adequate to ensure safety. The Secretary shall require mine operators to utilize a tamper-resistant method to retain records of all such monitoring and

ensure they are available for examination and verification by the agency. Monitoring of seals shall be done both by—

''(i) sampling through at least 1 seal in each bank of seals; and

''(ii) for new seals, unless infeasible due to property rights, sampling through a sufficient number of boreholes from the surface to the sealed areas underground to effectively determine the gas concentrations within the area.

''(C) In addition, the regulations shall provide that—

''(i) seal sampling pipes shall be composed of materials that minimize the risk of transmitting any electrical charge, and no conductive materials may be used to line boreholes within three feet of the surface;

''(ii) an action plan for sealing and repair be established that will, among any other requirements, include specific actions the mine operator will take to protect miners during the critical time period immediately after sealing or repair takes place, and which shall be reviewed by personnel from the Mine Safety and Health Administration who have the required expertise prior to approval; and

''(iii) methane pressures behind any seal required to be monitored shall be maintained in such a manner as ensure that normal pressure variations that can be reasonably anticipated in the area of the seal do not bring the methane-air mixture into an appropriate safety range surrounding the known explosive range of such mixtures.''.

(3) VENTILATION CONTROLS.—Section 303(c) (30 U.S.C. 863) is amended by inserting at the end the following new paragraph:

''(4) Not later than 1 year after the date of enactment of the S–MINER Act, the Secretary shall publish interim final regulations to enhance the survivability of underground mine ventilation controls. The Secretary shall require that stoppings be constructed using solid concrete blocks laid wet and sealed with an appropriate bonding agent on at least the side subjected to the velocity of the intake air coursing through the entry, except that in the case of stoppings constructed during barrier reduction and pillar removal operations, such stoppings may be constructed using hollow block and an appropriate bonding agent.''.

(4) ROCK DUSTING.—Section 304(d) (30 U.S.C. 864) is amended by adding at the end the following: ''Not later than June 15, 2009, the National Institute for Occupational Safety and Health shall issue recommendations as to whether changes to these requirements are necessary to ensure an equivalent level of protection in light of any changes to the size and composition of coal dust since these requirements were established, and the Secretary of Labor shall take appropriate action, including the issuance of an emergency temporary standard if warranted, to respond to these recommendations.''.

(d) LIMITING CONVEYOR BELT RISKS.—

(1) FLAME RESISTANT CONVEYOR BELTS.—Section 311(h) is amended by adding at the end the following: ''Not later than 90 days after the date of enactment of the S–MINER Act, the Secretary shall publish interim final rules to revise the requirements for flame resistant conveyor belts to ensure that they meet the most recent recommendations from the National Institute for Occupational Safety and Health, and to ensure such belts are designed to limit smoke and toxic emissions. A conveyor belt need not meet the requirements of the preceding sentence if—

''(A) it was ordered, in a mine's inventory, or installed prior to the date of enactment of the S–MINER Act, or it was ordered after the date of enactment of the S–MINER Act and the Secretary certifies that the mine operator was unable to obtain a belt meeting the requirements of the preceding sentence; or

''(B) in the case of any such belt that has been in use for more than 5 years in any capacity in any mine, such belt has received an annual inspection by a certified professional to ensure that the belt is free from visible defects that could cause failure or possible ignition.''.

(2) BELT AIR.—Section 303(y) (30 U.S.C. 863) is amended by adding at the end the following:

''(3) Not later than June 20, 2008, the Secretary shall revise the regulations prescribed pursuant to this section to require, in any coal mine, regardless of the date on which it was opened, that belt haulage entries not be used to ventilate active working places. The Secretary may agree to a modification of this requirement, pursuant to the procedures of section 101(c), if and only if—

''(A) the mine operator establishes to the satisfaction of the Secretary that significant safety constraints require such usage; and

''(B) the mine operator agrees to comply with criteria established by the Secretary which shall, at a minimum, include the conditions recommended by the Technical Study Panel established under section 514.

''(4) Plans that have been approved by the Secretary prior to the date of enactment of the S–MINER Act that permit the use of belt-air to ventilate active working places in a mine are permitted to remain in use to complete current mining up until the date of issuance of the regulation required pursuant to paragraph (3).''.

(e) PRE-SHIFT REVIEW OF MINE CONDITIONS.—Section 303(d) (30 U.S.C. 863(d)) is amended by adding at the end the following new paragraph:

''(3) Not later than 90 days after the date of enactment of the S–MINER Act, all mine operators shall be required to implement a communication program at each of such operators' facilities to ensure that each person entering the operation is made aware at the start of that person's shift of the current conditions of the mine in general and of that person's specific worksite in particular. In an effort to facilitate these communications, all agents of the operator who are responsible for ensuring the safe and healthful working conditions at the mine, including mine foremen, assistant mine foremen, and mine examiners, shall, upon exiting the mine or workplace, communicate with those replacing them on duty to verbally update them on the conditions they observed during their shift, including any conditions that are abnormal or hazardous. Prior to entering the mine or other workplace the on-coming agent of the operator shall meet with all members of the crew they are responsible for and inform them of the general conditions at the operation and in their specific work area. This process shall be completed prior to the start of each shift at the operation and recorded in a book designated for that purpose and available for inspection by all interested parties. In the event the operation is idle prior to the start of any shift the agent of the operator shall meet with the individual or individuals who were responsible for examining the mine to obtain the necessary information.''.

(f) ATMOSPHERIC MONITORING SYSTEMS.—Section 317 (30 U.S.C. 877) is amended by adding at the end the following:

''(u) Not later than May 1, 2008, an operator of an underground mine shall install atmospheric monitoring systems in all underground areas where miners normally work and travel that provide real-time information regarding carbon monoxide levels, and that can, to the maximum extent possible, withstand explosions and fires.''.

(g) METHANE MONITORS.—Section 303(h) (30 U.S.C. 863(h)) is amended by redesignating paragraph (2) as paragraph (3), and inserting after paragraph (1) the following new paragraph:

''(2) Each miner who is working alone for part of a shift shall be equipped with a multi-gas detector that measures current levels of methane, oxygen, and carbon monoxide.''.

(h) LIGHTNING STUDY BY NATIONAL ACADEMY OF SCIENCES.—Not later than 1 year after the date of enactment of this Act, the National Academy of Sciences shall submit to the Secretary and to Congress recommendations on—

(1) actions that need to be taken to strengthen existing requirements in law or regulations to ensure that miners are protected, to the fullest extent permitted, from the risks of lightning strikes near a mine;

(2) recommendations for adopting any existing technology to the mining environment to minimize any such risks; and

(3) research needed for improved technology.

(i) ROOF AND RIB SUPPORT, BARRIER REDUCTION AND PILLAR EXTRACTION, SPECIAL ATTENTION TO DEEP MINING.—

(1) AMENDMENTS TO EXISTING LAW.—Section 302 is amended—

(A) by amending the section heading to read ''ROOF AND RIB SUPPORT, BARRIER REDUCTION AND PILLAR EXTRACTION, SPECIAL ATTENTION TO DEEP MINING'';

(B) in subsection (a), by inserting after the second sentence the following: ''The Secretary shall by regulation ensure the appropriate use of roof screen in belt entries, travelroads, and designated intake and return escapeways in accordance with the requirements of subsection (g).''; and

(C) by inserting at the end the following:

''(g) Where screening is required, at least forty percent of the width of the exposed roof shall be screened. Screening to meet the requirements of this section must have a load bearing capacity at least equivalent to a load of 2.5 tones between bolts on a 4 foot pattern.

''(h)(1) An operator shall be required to have a current and approved barrier reduction or pillar extraction plan, or both, before performing such activities. The Secretary shall only approve a barrier reduction or pillar extraction plan if it provides adequate protection and minimizes the risks for miners engaged in the activity, reflecting appropriate engineering analysis, computer simulations, and consultations with technical experts in the agency, in the National Institute for Occupational Safety and Health, and in the Bureau of Land Management for any mines leasing Federal coal resources, and only if the plan complies with any specific requirements that may be adopted by the Secretary for barrier reduction or pillar extraction activities including requirements related to the depth of the mine, geology of the mine, mine height and methods, and emergency response capabilities.

''(2) A copy of a proposed barrier reduction or pillar extraction plan, or both, shall be provided to the authorized representative of miners at least 10 days prior to submission to the Secretary for approval. The authorized representative of miners may provide comments to the Secretary who shall respond thereto.

''(3) The Secretary shall establish a special internal review process for operator plans to protect miners from the risks addressed by this section when working at depths of more than 1500 feet and in other mines with a history of mountain bumps.

''(i) Not later than 1 week before the commencement of any barrier reduction or pillar extraction operations, the mine operator shall notify the appropriate representative of the Secretary of his intention to begin or resume barrier reduction or pillar extraction. The Secretary shall document such notification in writing, and shall, before barrier reduction or pillar extraction

operations begin, take action to ensure that every person who will be participating in such operations is trained in the operator's barrier reduction and/or and pillar extraction plan. The Secretary shall observe the barrier reduction or pillar extraction operations for a sufficient period of time to ensure that the mine operator is fully complying with the barrier reduction or pillar extraction plan. The Secretary may preclude the commencement of such operations or halt such operations at any time the safety of miners comes into question.''.

(2) STUDY.—Not later than 1 year after the date of enactment of this Act, the National Academy of Sciences shall, in consultation with the National Institute for Occupational Safety and Health, submit to the Secretary and to Congress recommendations for—

(A) actions that need to be taken to strengthen existing requirements in law or regulations to ensure that miners are protected, to the fullest extent permitted, from ground control hazards, including the special hazards associated with barrier reduction and pillar extraction;

(B) adopting any existing technology to the mining environment to improve miner protections during barrier reduction and pillar extraction, and on research needed for improved technology to improve miner protections during such operations;

(C) adopting any existing technology to the mining environment to improve miner protections during mining at depths below 1000 feet, and on research needed for improved technology to improve miner protections during such operations; and

(D) adopting any existing technology to the mining environment to improve miner protections during secondary mining of coal resources, and on research needed for improved technology to improve miner protections during such operations.

(j) SCSR INSPECTION PROGRAM.—

(1) IN GENERAL.—The Secretary shall—

(A) establish a program to randomly remove and have tested by the National Institute for Occupational Safety and Health field samples of each model of self-rescue device used in an underground coal mine in order to ensure that the self-rescue devices in coal mine inventories are working in accordance with the approval criteria for such devices;

(B) require a manufacturer of a self-rescue device and the mine operator who owns a device to contact the Secretary immediately upon notification of any potential problem with any such device, and provide a copy of such notice to the representative of miners at the affected operation; and

(C) notify immediately all operators of underground coal mines if the Secretary detects or is advised of any problems with the self-rescue devices.

(2) DETERMINATION.—For the purposes of paragraph (1)(A), the National Institute for Occupational Safety and Health shall determine the number of field samples of each device to be removed for testing, and the mines from which the samples are to be drawn to ensure a random sample is obtained, and shall provide mine operators with self-rescue devices to replace any removed for random testing. Should this testing reveal a potential problem with a device that requires additional testing, the Secretary shall remove such additional samples from such mines as may be requested by the National Institute for Occupational Safety and Health, and it shall be the obligation of mine operators to provide self-rescue devices to promptly replace any removed as a result of such additional testing.

(k) APPLICATION TO UNDERGROUND METAL AND NONMETAL MINES.—Title II is amended by adding at the end the following new section:

''SEC. 207. APPLICATION TO UNDERGROUND METAL AND NONMETAL MINES.

''(a) CONVEYOR BELTS.—The requirements of section 311(h) concerning conveyor belts in underground coal mines, including the exceptions and limitations in connection therewith, shall also apply to conveyor belts in underground metal and nonmetal mines.

''(b) SEALS.—The regulations to be issued pursuant to section 303(z)(2) concerning the approval, design, construction, inspection, maintenance and monitoring of underground coal mine seals shall make the same rules applicable to seals in underground metal and nonmetal mines which have been classified by the Secretary as a category I, III, or V mine pursuant to section 57.22003 of title 30, Code of Federal Regulations, because they naturally emit defined quantities of methane.

''(c) ADVISORY COMMITTEE.—Promptly after the date of enactment of the S–MINER Act The Secretary shall establish an advisory committee to provide recommendations as to the need to revise the regulations applicable to underground metal and nonmetal mines to ensure that miners in such mines are as protected in emergency situations as will be underground coal miners following the full implementation of the MINER Act, the provisions of the S–MINER Act, and related actions by the Secretary. The advisory committee shall be established pursuant to the Advisory Committee Act, and shall provide recommendations to the Secretary and to Congress not later than 21 months after the date of enactment of this Act, including recommendations as to any action by Congress that could facilitate the goal of providing equivalent protections to miners in underground metal and nonmetal mines.''.

(l) APPROVAL CENTER PRIORITIES.—The Secretary shall expedite the process for approving any—

(1) self-rescue device that permits the replenishment of oxygen without requiring the device user to remove the device; and

(2) underground communication device that provides for communication between underground and surface personnel via a wireless two-way medium.

(m) TECHNOLOGY AND MINE EMERGENCY HEALTH AND SAFETY RESEARCH PRIORITIES.—In implementing its research activities in the 5-year period beginning on the date of enactment of this Act, the National Institute for Occupational Safety and Health shall give due consideration to new technologies, and existing technologies that could be adapted for use in underground coal or other mines, that could facilitate the survival of miners in a mining emergency. Such technologies include—

(1) self-contained self-rescue devices capable of delivering enhanced performance;

(2) improved battery capacity and common connection specifications to enable emergency communication devices for miners to be run from the same portable power source as a headlamp, continuous dust monitor, or other device carried by a miner;

(3) improved technology for assisting mine rescue teams, including devices to enhance vision during rescue or recovery operations;

(4) improved technology, and improved protocols for the use of existing technologies, to enable conditions underground to be assessed promptly and continuously in emergencies, so as to facilitate the determination by appropriate officials of the instructions to provide both to miners trapped underground and to mine rescue teams and others engaged in rescue efforts;

(5) improvements to underground mine ventilation controls separating mine entries to be more resistant to mine fires and explosions, particularly in those entries used for miner escapeways;

(6) mine-wide monitoring systems and strategies that can monitor mine gases, oxygen, air flows, and air quantities at strategic locations throughout the mine that would be functional during normal mining operations and following mine fires, explosions, roof falls, and mine bursts, including systems utilizing monitoring sensors that transfer data to the mine surface and the installation of tubing to draw mine gas samples that are distributed throughout the mine and can quickly deliver samples to the mine surface; and

(7) protective strategies for the placement of equipment, cables, and devices that are to be utilized during mine emergencies such as communication systems, oxygen supplies, and mine atmosphere monitoring systems, to protect them from mine fires, roof falls, explosions, and other damage.

SEC. 5. SUPPLEMENTING ENFORCEMENT AUTHORITY.

(a) AUTHORITY OF INSPECTORS.—Section 103(a) (30 U.S.C. 813(a)) is amended by adding at the end the following: ''No person shall limit or otherwise prevent the Secretary from entry on a coal or other mine, or interfere with the Secretary's inspection activities, investigative activities, or rescue or recovery activities.''.

(b) TRANSITION TO A NEW GENERATION OF INSPECTORS.—Section 505 (30 U.S.C. 954) is amended—

(1) by striking ''The Secretary'' the first place it appears and inserting ''(a) The Secretary''; and

(2) by adding at the end the following:

''(b) Within 270 days of the enactment of the S–MINER Act, the Secretary shall establish a Master Inspector program to ensure that the most experienced and skilled employees in the Nation have the incentive, in terms of responsibilities and pay, to serve as mine safety and health inspectors in this Nation's mines.

''(c) In order to ensure that the Secretary has adequate time to provide that a sufficient number of qualified and properly trained inspectors of the Mine Safety and Health Administration are in place before any inspectors employed as of the date of enactment of the S–MINER Act retire, any ceilings on the number of personnel that may be employed by the Administration with respect to mine inspectors are abolished for the 5-year period beginning on the date of enactment of such Act.

''(d) In the event that, notwithstanding the actions taken by the Secretary to hire and train qualified inspectors, the Secretary is temporarily unable, at any time during the 5-year period beginning on the date of enactment of the S–MINER Act, to employ the number of inspectors required to staff all district offices devoted to coal mines at the offices' highest historical levels without transferring personnel from supervisory or plan review activities or diminishing current inspection resources devoted to other types of mines, the Administration is authorized to hire retired inspectors on a contractual basis to conduct mine inspections, and the retirement benefits of such retired inspectors shall not be reduced as a result of such temporary contractual employment.

''(e) During the 5-year period beginning on the date of enactment of the S–MINER Act, the Secretary shall issue a special report to the appropriate committees of Congress each year, or at such more frequent intervals as the Secretary or any such committee may consider appropriate, providing information about the actions being taken under this section, the size and training of the inspector workforce at the Mine Safety and Health Administration, the level of enforcement activities, and the number of requests by individual operators of mines for compliance assistance.''.

(c) OFFICE OF MINER OMBUDSMAN.—Title V is amended by adding at the end the following:

"SEC. 516. OFFICE OF MINER OMBUDSMAN.

''(a) ESTABLISHMENT OF MINER OMBUDSMAN.—There shall be established, within the Office of the Inspector General of the Department of Labor, the position of Miner Ombudsman. The President, by and with the advice and consent of the Senate, shall appoint an individual with expertise in mine safety and health to serve as the Miner Ombudsman. The Ombudsman shall have authority to hire such personnel as are required to administer his duties in accordance with applicable law, provided they meet any general requirements for employment within the Office of the Inspector General.

''(b) DUTIES.—The Miner Ombudsman shall—

''(1) recommend to the Secretary appropriate practices to ensure the confidentiality of the identity of miners, and the families or personal representatives of the miners, who contact mine operators, authorized representatives of the miners, the Mine Safety and Health Administration, the Department of Labor, or others with information about mine accidents, incidents, injuries, illnesses, possible violations of mandatory health or safety standard violations or plans or other mine safety and health concerns;

''(2) establish a toll-free telephone number and appropriate Internet website to permit individuals to confidentially report mine accidents, incidents, injuries, illnesses, possible violations of mandatory health or safety standard violations or plans or other mine safety and health concerns, and provide plastic wallet cards, refrigerator magnets, or similar devices to all mine operators, which mine operators shall distribute to all current and new miners, with contact information for such confidential reports, and also provide supplies of these devices to miner communities;

''(3) collect and forward information concerning accidents, incidents, injuries, illnesses, possible violations of mandatory health or safety standard violations or plans or other mine safety and health concerns to the appropriate officials of the Mine Safety and Health Administration for investigation, or to appropriate officials within the Office of Inspector General for investigation or audit, or both, while establishing practices to protect the confidentiality of the identify of those who provide such information to the Ombudsman; and

''(4) monitor the Secretary of Labor's efforts to promptly act upon complaints filed by miners under section 105(c) of the Act or pursuant to other programs administered by the Department to protect whistleblowers, and report to Congress any recommendations that would enhance such rights or protections.

''(c) AUTHORITY.—All complaints of operator violations of any section of this Act or regulations prescribed under this Act that are reported to the Secretary shall be forwarded to the Ombudsman for logging and appropriate action, except that this requirement shall be implemented in such a way as to avoid interference in any way with the ability of the Assistant Secretary for Mine Safety and Health to take prompt actions that may be required in such situations. This shall include complaints submitted in writing, via any phone system, or orally, along with all relevant information available regarding the complainant. All such information shall be retained in a confidential manner pursuant to the Privacy Act of 1974. The Ombudsman shall use such information to monitor the actions taken to ensure that miners' complaints are addressed in a timely manner and in compliance with the appropriate statutes and regulations. The Ombudsman shall refer to appropriate personnel within the Office of the Inspector General for further review any case which he determines was not handled in such fashion.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There are hereby authorized to be appropriated to the Ombudsman such sums as may be required for the implementation of his duties out of the sums otherwise made available to the Mine Safety and Health Administration for its activities.''.

(d) PATTERN OF VIOLATIONS.—

(1) PROMPT IDENTIFICATION OF PATTERN.—Not later than 3 months after the date of enactment of this Act, the Secretary shall revise the regulations issued by the Secretary under section 104(e) of the Federal Mine Safety and Health Act of 1977 (30 U.S.C. 814(e)) as in effect on the day before such date of enactment, so that the regulations provide that—

(A) when a potential pattern of violations is identified by any inspector or district manager of the Mine Safety and Health Administration, the operator of the coal or other mine and the authorized representative of miners for the mine shall be notified by the inspector or district manager not later than 10 days after such identification; and

(B) after receiving the notification described in subparagraph (A), the appropriate official of the Mine Safety and Health Administration shall promptly review any such potential pattern of violations and, not later than 45 days after receiving such notification, make a final decision as to whether a citation for a violation of section 104(e) of such Act should be issued in light of the gravity of the violations and the operator's conduct in connection therewith.

(2) IDENTIFICATION OF PATTERN.—Section 104(e)(1) (30 U.S.C. 814(e)(1)) is amended by inserting after the first sentence the following: ''In determining whether a pattern of violations exists, the Secretary shall give due consideration to all relevant information, such as the gravity of the violations, operator negligence, history of violations, the number of inspection shifts the Secretary or her agents have spent at the operation, and the frequency of violations per number of inspection days spent at the operation.''.

(3) TERMINATION OF PATTERN.—Section 104(e)(3) (30 U.S.C. 814(e)(3)) is amended by adding at the end the following: ''In addition, if an operator subject to paragraphs (1) and (2) demonstrates objective evidence that they are correcting the problems that gave rise to the pattern of violations, and the violation frequency rate for such operator declines significantly for a period of 180 days, the withdrawal order provisions of paragraphs (1) and (2) shall no longer apply.''.

(4) FINE FOR A PATTERN OF VIOLATIONS.—Section 110 (30 U.S.C. 820) is amended—

(A) by redesignating subsections (i) through (l) as subsections (j) through (m), respectively; and

(B) by inserting after subsection (h) the following:

''(i)(1) If the Secretary determines that a pattern of violations under section 104(e) exists, the Secretary shall assess a penalty, in addition to any other penalty authorized in this Act for a violation of such section, of not less than $50,000 nor more than $250,000. All operators of the mine, including any corporate owners, shall be jointly and severally liable for such penalty. The amount of the assessment under this paragraph shall be designed to ensure a change in the future conduct of the operators and corporate owners of such mine with respect to mine safety and health, given the overall resources of such operators. Notwithstanding subsection (k) or section 113, a penalty assessed by the Secretary under this paragraph may not be reduced by the Commission.

''(2) In addition to the authority to withdraw miners from an area of a coal or other mine pursuant to section 104(e), the Secretary shall withdraw all miners from the entire mine when any pattern of violations has been determined to exist until such time as the Secretary certifies that all identified violations have been corrected and the operator has agreed to abide by a written plan approved by the Mine Safety and Health Administration to ensure that such a pattern of conduct will not recur.''.

(e) NOTIFICATION OF ABATEMENT.—Section 104(b) (30 U.S.C. 814(b)) is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(2) by striking ''If,'' and inserting:

''(2) If,''; and

(3) by inserting after the subsection designation the following:

''(1) An operator issued a citation pursuant to subsection (a) shall notify the Secretary that the operator has abated the violation involved. If such operator fails to provide such a notice to the Secretary within the abatement time as provided for in the citation, the Secretary shall issue an order that requires the operator (or the agent of the operator) to immediately cause all persons, except those persons referred to in subsection (c), to be withdrawn from, and to be prohibited from entering, such area as the Secretary determines until an authorized representative of the Secretary determines that such violation has been abated. Notwithstanding any operator notice, no violation shall be determined to be abated until an authorized representative of the Secretary visits the site and determines such violation has been fully abated.''.

(f) FAILURE TO TIMELY PAY PENALTY ASSESSMENTS.—Section 105(a) (30 U.S.C. 815(a)) is amended—

(1) by inserting ''(1)'' after the subsection designation; and

(2) by inserting at the end the following:

''(2)(A) The Secretary shall maintain a list of delinquent operators who fail to timely pay final assessments. Any operator placed on that list for the first time shall be subject to the requirements of this paragraph only until such time as the Secretary determines that the operator is no longer in arrears. Any operator placed on that list for a subsequent time shall remain on the list until such time as the Secretary determines the operator is committed to timely payment of final assessments. Any operator who believes he or she has been placed or retained on the list in error may file with the Commission a request for consideration of decision.

''(B) An operator on the list maintained pursuant to paragraph (A) shall, not later than 30 days from the receipt of the notification of a citation issued by the Secretary, notify the Secretary that the operator intends to contest the citation or proposed assessment of a penalty, and the operator shall place in escrow with the Secretary the amount of the proposed assessment. The Secretary shall place any escrow submitted by a mine operator for this purpose into an interest bearing account and shall release the funds to the operator, including interest accrued, upon the payment of any final assessment determination. If notification and proof of escrow is not provided to the Secretary, the citation and the proposed assessment of penalty shall be deemed a final order of the Commission and not subject to review by any court or agency.

''(C) In the event that a mine operator refuses to comply with a final order of the Commission to pay civil monetary penalties and statutory interest, the Secretary shall

have the authority to issue an order requiring the mine operator to cease production under such final orders of the Commission have been paid in full.''.

(g) MAXIMUM AND MINIMUM PENALTIES.—Section 110(a)(1) (30 U.S.C. 820(a)(1)) is amended by striking ''more than $50,000 for each such violation.'' and inserting ''less than $500 or more than $100,000 for each such violation, except that, in the case of a violation of a mandatory health or safety standard that could significantly and substantially contribute to the cause and effect of a coal or other mine health or safety hazard, the penalty shall not be less than $1,000 or more than $150,000, for each such violation.''.

(h) FACTORS IN ASSESSING PENALTIES.—The Federal Mine Safety and Health Act of 1977 is amended—

(1) in section 105(b)(1)(B)—

(A) by striking: ''the size of the business of the operator charged'' and inserting ''the combined size of the business of the operator and any controlling entity'';

(B) by striking ''the effect on the operator's ability to continue in business,''; and

(C) by adding at the end the following: ''In settling cases, the Secretary shall utilize the same point system as that utilized to propose penalties, so as to ensure consistency in operator penalty assessments.''; and

(2) in section 110(j) (as redesignated by subsection (a)(4))—

(A) by striking: ''the size of the business of the operator charged'' and inserting ''the combined size of the business of the operator and any controlling entity'';

(B) by striking ''the effect on the operator's ability to continue in business,''; and

(C) by adding at the end the following: ''In any review requested by a mine operator, or in settling cases, the Commission shall utilize the same point system as that developed by the Secretary for proposed assessments so as to ensure consistency in operator penalty assessments.''.

(i) CIVIL PENALTY FOR INTERFERENCE OR DISCRIMINATION.—Section 110 (30 U.S.C. 820) is further amended by adding at the end the following:

''(n) CIVIL PENALTY FOR INTERFERENCE OR DISCRIMINATION.—Any operator who is found to be in violation of section 105(c), or in violation of section 103(a) (as amended by this Act) shall be subject to a civil penalty of not less than $10,000 nor more than $100,000 for each occurrence of such violation.''.

(j) WITHDRAWAL ORDER.—Section 107(a) (30 U.S.C. 817(a)) is amended by inserting after the first sentence the following: ''In addition, in the event of any violation of section 315 or section 316, or regulations issued pursuant to such sections, such representative shall determine the extent of the area of such mine throughout which the danger exists and issue an order requiring the operator of such mine to cause all persons, except those referred to in section 104(c), to be withdrawn from, and to be prohibited from entering, such area until an authorized representative of the Secretary determines that the violations have been abated.''.

(k) CLARIFICATIONS OF INTENT IN THE 1977 ACT.—The Federal Mine Safety and Health Act of 1977 is amended—

(1) in section 3(d) (30 U.S.C. 802)—

(A) by inserting ''mineral'' before ''owner'';

(B) by inserting ''mineral'' before ''lessee'';

(C) by striking ''or any independent'' and inserting ''and any independent''; and

(D) by inserting before the semicolon the following: '', and no operator may, by contract or other agreement, limit any liability under this Act through transfer of any responsibilities to another person'';

(2) in section 103 (30 U.S.C. 813)—

(A) in subsection (b)—

(i) by striking the first sentence and inserting the following: ''For the purpose of enabling the Secretary to perform the functions under this Act, the Secretary may, after notice, hold public hearings and sign and issue subpoenas for the attendance and testimony of witnesses and the production of information, including but not limited to relevant data, papers, books, documents and items of physical evidence, and administer oaths, whether or not in connection with a public hearing.''; and

(ii) in the last sentence by striking ''documents'' and inserting ''information, including data, papers, books, documents, and items of physical evidence''; and

(B) in subsection (h), in the first sentence, by striking ''information'' and inserting ''data, papers, books, documents, and items of physical evidence'';

(3) in section 104 (30 U.S.C. 814)—

(A) in subsections (d)(1), (e)(1), (e)(2), (e)(3), and (e)(4), as amended by this Act, by inserting ''or any provision of this Act'' after ''standard'' or ''standards'' each place either such term appears; and

(B) in subsection (d)(1), as amended by this Act, by striking ''while the conditions created by such violation do not cause imminent danger,'';

(4) in section 105 (30 U.S.C. 815)—

(A) in subsection (a), in the first sentence, by striking '', within a reasonable time after the termination of such inspection or investigation,'';

(B) in subsection (c)—

(i) in paragraph (1)—

(I) by inserting ''or an injury or illness in a coal or other mine or that may be associated with mine employment,'' after ''of an alleged danger or safety or health violation in a coal or other mine,''; and

(II) by inserting at the end the following: ''No miner shall be required to work under conditions he has reasonable grounds to believe to be abnormally and immediately dangerous to himself beyond the normal hazards inherent in the operation which could reasonably be expected to cause death of serious physical harm before such condition or practice can be abated.''; and

(ii) in paragraph (2), by inserting after the fifth sentence the following: ''No investigation or hearing authorized by this paragraph may be stayed to await resolution of a related grievance proceeding''; and

(C) by adding at the end the following:

''(e) Attorneys representing the Secretary are authorized to contact any miner or non-managerial employee of a mine operator for the purposes of carrying out the Secretary's functions under this Act and no attorney representing the Secretary shall be disbarred or disciplined by any State bar or State court for making such contacts. No attorney representing a mine operator in a matter under this Act may concurrently represent individual miners in the same matter.''; and

(5) in section 110 (30 U.S.C. 820)—

(A) in subsection (b)(2), by striking ''under'' and inserting ''of subsections (a) through (h) of''; and

(B) in subsection (c)—

(i) by striking ''Whenever a corporate operator'' and inserting ''Whenever a mine operator'';

(ii) by striking ''safety standard'' and inserting ''safety standard or requirement of this Act'';

(iii) by inserting ''partner, owner,'' after ''director,''; and

(iv) by striking ''such corporation'' and inserting ''such mine operator''.

(l) FEDERAL LICENSING.—The Secretary shall promptly establish an advisory committee to provide recommendations as to whether the Federal Mine Safety and Health Act of 1977 should provide for Federal licensing of mines, mine operators, mine controllers, or various mine personnel in order to ensure that those engaged in mining activities are not frequent violators of safety and health requirements, and establish a national registry in connection therewith. The advisory committee shall be established pursuant to the Advisory Committee Act, and shall conduct a review of existing State licensing requirements and registries, assess their effectiveness, and shall provide its recommendations to Congress not later than 2 years after the date of enactment of this Act.

SEC. 6. SUPPLEMENTING RESCUE, RECOVERY, AND INCIDENT INVESTIGATION AUTHORITY.

(a) EMERGENCY CALL CENTER.—Not later than 30 days after the date of enactment of this Act, the Secretary shall establish, within the Mine Safety and Health Administration, a central communications emergency call center for all coal or other mine operations that shall be staffed and operated 24 hours per day, 7 days per week, by 1 or more employees of the Mine Safety and Health Administration. All calls placed to the emergency call center shall be answered by an individual with adequate experience and training to handle emergency mine situations. A single national phone number shall be provided for this purpose and the Secretary shall ensure that all miners and mine operators are issued laminated cards with emergency call center information.

(b) CONTACT INFORMATION.—The Secretary shall provide the emergency call center with a contact list, updated not less often than quarterly, that contains—

(1) the contact phone numbers, including the home phone numbers, for the members of each mine rescue team responsible for each coal or other mine;

(2) the phone numbers for the local emergency and rescue services unit that is located nearest to each mine;

(3) the contact phone numbers, including the home phone number, for the operator of each mine;

(4) the contact phone numbers, including the home phone numbers, for the national and district officials of the Mine Safety and Health Administration;

(5) the contact phone numbers, including the home phone numbers, for the State officials in each State who should be contacted in the event of a mine emergency in such State; and

(6) the contact phone numbers, including the home phone number, for the authorized representative of the miners at each mine.

Each mine operator shall ensure that the Secretary is provided with completely current information required to be maintained by the Secretary pursuant to paragraphs (1), (3), and (6). The Secretary shall give due consideration to the information collected by the joint government-industry Mine Emergency Operations database.

(c) MINE LOCATIONS; REPOSITORY OF MINING MAPS.—

(1) MINE LOCATIONS.—The Secretary shall establish, maintain, and keep current, on the Department of Labor's website, a detailed map or set of maps showing the exact geographic location of each operating or abandoned mine in the United States, as determined by a global positioning system. Such map or maps shall—

(A) be presented, through links within the website, in such a way as to make the location of a mine instantly available to the emergency personnel responding to the mine;

(B) be available to members of the public;

(C) allow a user to find the geographic location of a particular mine, or the geographic locations of all mines of a particular type in a county, congressional district,

State, or other commonly used geographic region; and

(D) provide the geographic location of any mining waste impoundments with links to associated emergency contact information and available emergency response plans.

(2) REPOSITORY OF MINING MAPS.—The Secretary shall establish a national repository for preserving a digital archive of mining maps to be accessible directly and without delay from the Department's web site. The mining maps shall include copies of all historic maps that can be obtained, as well as copies of currently approved mining maps, which the Secretary shall arrange to copy and preserve in digital form. The Secretary may coordinate the operation of such repository with the Secretary of the Interior provided the other requirements of this paragraph are observed. In addition, the Secretary shall include in this repository copies of the most currently available mine emergency response plan, roof plans, ventilation plans, and such other plans required for any type of mine, following any required approval, so that they may be immediately accessed in an emergency, in a manner consistent with the requirements of section 312(b) of the Act.

(d) REQUIRED NOTIFICATION OF EMERGENCIES AND SERIOUS INCIDENTS.—Section 103(j) (30 U.S.C. 813(j)) is amended—

(1) in the first sentence, by inserting ''or reportable event'' after ''accident'';

(2) in the second sentence—

(A) by inserting ''of accidents'' after ''the notification''; and

(B) by inserting '', or in the case of a reportable event that is not required to be reported as an accident, within 1 hour of the time at which the operator realizes that the event has occurred'' before the period; and

(3) by inserting at the end the following: ''For the purposes of this subsection, a reportable event shall include—

''(1) a fire not required to be reported more promptly;

''(2) a sudden change in mine atmospheric conditions in a sealed area;

''(3) a coal or rock outburst that causes the withdrawal of miners; or

''(4) any other event, as determined in regulations promulgated by the Secretary, that needs to be reported within 1 hour in order for the Secretary to determine if the working conditions in the mine are safe.''.

(e) ENHANCING THE CAPABILITIES OF MINE RESCUE TEAMS.—

(1) AMENDMENT TO FMSHA.—Section 115(e)(2)(B) (30 U.S.C. 825(e)(2)(B)) is amended by adding at the end the following:

''(v) The provision of uniform credentials to mine rescue team members, support personnel, or vehicles for immediate access to any mine site.

''(vi) The plans required at each mine to ensure coordination with local emergency response personnel and to ensure that such personnel receive adequate training to offer necessary assistance to mine rescue teams in the event such assistance is requested. Such local emergency response personnel shall not perform the duties of any mine rescue team.

''(vii) Requirements to ensure that operators are prepared to facilitate the work of mine rescue teams during an emergency by—

''(I) storing necessary equipment not brought on site by mine rescue teams in locations readily accessible to mine rescue teams;

''(II) providing mine rescue teams with a parking and staging area adequate for their needs;

''(III) identifying a space appropriate for coordinating emergency communications with the mine rescue team; and

''(IV) identifying and maintaining separate spaces for family members, community members, and press to assemble during an emergency so as to facilitate communications with these groups while ensuring the efforts of the mine rescue teams are not hindered.''.

(2) RESEARCH.—Section 22(h)(5)(A) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 671(h)(5)(A)) is amended by adding before the period at the end thereof: ''including advanced drilling technologies, and any special technologies required for safety or rescue in mining more than 1,500 feet in depth''.

(f) Title I of the Act is amended by adding at the end thereof a new section:

''SEC. 117. EMERGENCY PREPAREDNESS PLAN.

''Not later than 6 months of the enactment of the S–MINER Act, the Secretary shall establish and disseminate guidelines for rescue operations that will: (1) establish clear lines of authority within the agency for such operations; (2) establish clear lines of demarcation so private sector and State responders can properly implement their responsibilities; (3) be appropriate for rescue in various types of conditions reasonably likely to be encountered in the United States, including such factors as the depth of the mining, ground stability, ground slope, remoteness from major roads, surface ownership and access problems, and the availability of necessary communications linkages. The Secretary shall consult with States, rescue teams and other responders in developing such guidelines, and shall update them from time to time based upon experience.''.

(g) AUTHORITY OF SECRETARY DURING RESCUE OPERATIONS.—Section 103 (30 U.S.C. 813) is further amended—

(1) in subsection (j), by adding at the end thereof:

''If the representative of the Secretary supervises and directs the rescue and recovery activities in such mine, the operator shall comply with the requests of the authorized representative of the Secretary to facilitate rescue and recovery activities including the provision of all equipment, personnel, and other resources required to perform such activities in accordance with the schedule and requirements established by the representative of the Secretary for this purpose, and failure of the operator to comply in this regard shall be considered an egregious violation of this Act.''; and

(2) in subsection (k), by striking '', when present,''.

(h) RESCUE COMMUNICATIONS.—

(1) REPEAL.—The MINER Act (30 U.S.C. 801 note) is amended by striking section 7, redesignating sections 8 and 9 as sections 7 and 8, and sections 11 through 14 as sections 9 through 12, respectively.

(2) AMENDMENT TO FMSHA.—Title I of the Act is further amended by adding at the end the following:

''SEC. 118. FAMILY LIAISONS REQUIREMENT.

''The Secretary shall—

''(1) designate a full-time permanent employee of the Mine Safety and Health Administration to serve as a Family Liaison, who shall, at least in instances where multiple miners are trapped, severely injured or killed, act as the primary communication with the families of the miners concerning all aspects of the rescue operations, including the location or condition of miners, and assist the families in getting answers to their questions, and otherwise serve as a liaison to the families, and provide for the temporary reassignment of other personnel who may be required to assist the Family Liaison in connection with a particular incident;

''(2) require the Mine Safety and Health Administration to be as responsive as possible to requests from the families of such miners for information relating to the mine accident, and waive any fees required for the production of documents pursuant to 5 U.S.C. 552(a)(3) in connection with a request from a family member, or authorized representative of miners, for documents relating to a mine fatality, notwithstanding any conditions for fee waivers law that may otherwise be imposed by law; and

''(3) designate a highly qualified representative of the Secretary with experience in public communications to be present at mine accident sites where rescues are in progress during the entire duration of such rescues, to serve as the primary communicator with the press and the public concerning all aspects of the rescue operations, including the location or condition of miners.''.

(3) CONFORMING AMENDMENTS.—The Act is amended—

(A) in section 103(f), by inserting before the period at the end of the first sentence the following: '', and to participate in any accident investigation pursuant to the requirements of this Act. Any family member of a miner trapped or otherwise unable to execute a designation of a miner representative on his or her own behalf may do so on behalf of the miner for any and all purposes''; and

(B) in section 316(b)(2)(E)(vi) (as added by this Act), by adding at the end the following: ''The plan shall also set forth the operator's plans for assisting the Secretary in the implementation of section 118.''.

(i) RECOVERY.—Section 103 is amended by adding at the end thereof—

''(l) Rescue efforts for trapped miners shall not cease as long as there is any possibility that miners are alive, unless such efforts pose a serious danger to rescue or other workers, and the decision to cease a rescue shall be made by the Secretary's representative. Thereafter, efforts to recover the remains of miners shall continue unless such efforts pose a serious danger to recovery workers, and the decision to cease such recovery efforts shall be made by the Secretary's representative.''.

(j) ACCIDENT AND INCIDENT INVESTIGATIONS.—Section 103(b) (30 U.S.C. 813(b), as amended by section 5(k)(2) of this Act, is further amended—

(1) by striking ''For the purpose'' and inserting the following:

''(3) For the purpose'';

(2) by inserting after the subsection designation the following:

''(1) For all accident and incident investigations under this Act, the Secretary shall determine why the accident or incident occurred; determine whether civil or criminal requirements were violated and, if so, issue citations and penalties, and make recommendations to avoid any recurrence. The Secretary shall also determine whether the conduct or lack thereof by Agency personnel contributed to the accident or incident.

''(2)(A) For any accidents or incidents involving multiple serious injuries or deaths, or multiple entrapments, there shall also be an independent investigation to consider why the accident or incident occurred, make recommendations to avoid a recurrence, and determine whether the conduct or lack thereof by agency personnel contributed to the accident or incident.

''(B) Not later than 30 days after the date of enactment of the S–MINER Act, the Secretary shall initiate rulemaking activity to establish rules on the procedures that will be used to investigate accidents and incidents involving multiple serious injuries or deaths, or multiple entrapments, and shall directly contact and solicit the participation of—

''(i) individuals identified by the Secretary as family members of miners who perished in mining accidents of any type during the preceding 10-year period;

''(ii) organizations representing miners;

''(iii) mine rescue teams;

''(iv) Federal, State, and local investigation and prosecutorial authorities; and

''(v) others whom the Secretary determines may have information relevant to this rulemaking.

Such rulemaking shall be completed by October 1, 2008.

''(C) The rules for the investigation of accidents or incidents involving multiple serious injuries or deaths, or multiple entrapments, shall provide for the appointment and operations of any such independent investigation team in accordance with the requirements of this paragraph. An independent investigation team shall be appointed by the Director of the National Institute for Occupational Safety and Health as soon as possible after a qualifying accident or incident. The members shall consist of—

''(i) a representative from the National Institute for Occupational Safety and Health who shall serve as the Chairman;

''(ii) a representative of mine operators with familiarity with the type of mining involved;

''(iii) a representative of mine workers with familiarity with the type of mining involved, who shall be the workers' certified bargaining representative at the mine or, if there is no certified representative at the mine, then a workers' representative jointly selected by organized labor organizations:

''(iv) an academic with expertise in mining; and

''(v) a representative of the State in which the accident or incident occurred to be selected by the Governor.

''(D) Such rules shall include procedures to ensure that the Secretary will be able to cooperate fully with the independent investigation team and will use the powers of the Secretary under this section to help obtain information and witnesses required by the independent investigation team, procedures to ensure witnesses are not coerced and to avoid conflicts of interest in witness representation, procedures to ensure confidentiality if requested by any witness, and procedures to enable the independent investigation team to conduct such public hearings as it deems appropriate. Such rules shall also require that upon completion of any accident or incident investigation of accidents or incidents involving multiple serious injuries or deaths, or multiple entrapments, the independent investigation team shall—

''(i) issue findings as to the actions or inactions which resulted in the accident or incident;

''(ii) make recommendations as to policy, regulatory, enforcement or other changes, including statutory changes, which in the judgment of the independent investigation team would best prevent a recurrence of such actions or inactions at other mines; and

''(iii) promptly make all such findings and recommendations public (except findings and recommendations that must be temporarily withheld in connection with a criminal referral), including appropriate public hearings to inform the mining community of their respective findings and recommendations.

''(E) As part of the Secretary's annual report to Congress pursuant to section 511(a), the Secretary shall report on implementation of recommendations issued by any independent investigation teams in the preceding 5 years.''; and

(3) by adding at the end the following:

''(4) Nothing in this Act shall be construed to limit the authority of the Chemical Safety and Hazard Investigation Board to conduct an independent investigation of the accident or incident or the events or factors resulting therein, nor with the authority of the Office of the Inspector General to conduct an investigation of the conduct of DOL personnel in connection with an accident or incident or the events or factors resulting therein, and the Secretary shall cooperate in full with any such investigation. Such investigation shall be in addition to any investigation authorized by section 103(b).''.

SEC. 7. RESPIRABLE DUST STANDARDS.

(a) RESPIRABLE DUST; RESPIRABLE SILICA DUST.—Section 202 (30 U.S.C. 842) is amended to read as follows:

''SEC. 202. DUST STANDARD AND RESPIRATORY EQUIPMENT.

''(a)(1) Effective on the date of enactment of the S–MINER Act, each coal mine operator shall continuously maintain the concentration of respirable dust in the mine atmosphere during each shift to which each miner in the active workings of such mine is exposed at or below a time-weighted average of 1.00 milligrams of respirable dust per cubic meter of air averaged over 10 hours or its dose-equivalent for shorter or longer period of time. For purposes of this paragraph, 'a dose-equivalent' means the amount of dust that a miner would inhale during his work shift as if he were working for 10 hours, and the term 'shift' means portal-to-portal for underground coal mines and 'bank to bank' for other coal mines.

''(2) At regular intervals to be prescribed by the Secretary and the Secretary of Health and Human Services, the Secretary will take accurate samples of the amount of respirable dust in the coal mine atmosphere to which each miner in the active workings of such mine is exposed in order to determine compliance with the requirements of paragraph (a)(1) of this section. In addition, the Secretary shall cause to be made such frequent spot inspections as he deems appropriate of the active workings of coal mines for the purpose of obtaining compliance with the provisions of this title. All samples by the Secretary shall be taken by a personal dust monitor that measures, records and displays in real time the concentration of respirable dust to which the miner wearing the device is exposed, and shall include the sampling of areas, occupations or persons. There is authorized to be appropriated to the Secretary $30,000,000 to purchase personal dust monitors for the purposes of the preceding sentence. For the purposes of determining compliance with the exposure limit for respirable dust, only a single sample shall be required to determine non-compliance, and there shall be no adjustment for measurement error in the measured level of respirable dust.

''(3) At intervals established by the Secretary, each operator of a coal mine shall take accurate samples of the amount of respirable dust in the mine atmosphere to which each miner in the active workings of such mine is exposed to identify sources of exposure so that the operator can take corrective action and assure that the exposure of each mine is below the exposure limit. Under the provisions of this Act, all such samples shall be taken by a personal dust monitor that measures, records and displays the concentration of respirable dust to which the miner wearing the device is exposed, and may include samples of less than a full shift. The results of such sampling shall be transmitted to the Secretary in a manner established by him, and recorded by him in a manner that will assure application of the provisions of this section of the Act.

''(4) Each miner shall be equipped with a personal dust monitor that measures, records and displays in real time the concentration of respirable dust to which the miner wearing the device is exposed. Each miner shall be permitted to adjust his work activities whenever necessary to keep his exposure to respirable coal dust, as measured, recorded and displayed by such device, at all times at or below the permitted concentration.

''(b) Effective on the date of enactment of the S–MINER Act, each operator of a coal or other mine shall continuously maintain the concentration of respirable silica dust in the mine atmosphere during each shift to which each miner in the active workings of such mine is exposed at or below a time-weighted average of 0.05 milligrams of respirable silica dust per cubic meter of air averaged over ten hours or its dose-equivalent for shorter or longer period of time. For the purposes of this paragraph, compliance shall be determined by the sampling of areas, occupations or persons, only a single sample shall be required to determine non-compliance, and there shall be no adjustment for measurement error in the measured level of respirable silica dust. For the purposes of this paragraph, a 'dose-equivalent' means the amount of dust that a miner would inhale during his work shift as if he were working for 10 hours, and the term 'shift' means portal-to-portal for underground mines and 'bank to bank' for other mines.

''(c) Respiratory equipment approved by the Secretary and the Secretary of Health and Human Services shall be made available to all persons whenever exposed to concentrations of respirable dust or silica in excess of the levels required to be maintained under this section. Use of respirators shall not be substituted for environmental control measures in the active workings. Each operator shall maintain a supply of respiratory equipment adequate to deal with occurrences of concentrations of respirable dust and silica in the mine atmosphere in excess of the levels required to be maintained under this section.

''(d) Each operator shall report and certify to the Secretary at such intervals as the Secretary may require as to the conditions in the active workings of a coal mine, including, the average number of working hours worked during each shift, the quantity and velocity of air regularly reaching the working faces, the method of mining, the amount and pressure of the water, if any, reaching the working faces, and the number, location, and type of sprays, if any, used.''.

(b) CONFORMING AMENDMENT.—Section 205 (30 U.S.C. 845) is repealed.

(c) ASSESSMENT ON PROGRAM OPERATIONS OF CUMULATIVE IMPACT OF EXTERNAL REQUIREMENTS ADDED SINCE 1977.—The Secretary shall request the National Academy of Sciences to conduct a study of the impact on the mine safety and health responsibilities of the Department of Labor of various statutes, executive orders, and memoranda applicable to the issuance of rulemaking and guidance and to enforcement. The study shall include an assessment of the Equal Access to Justice Act, the Regulatory Flexibility Act, the Small Business Regulatory Enforcement Fairness Act, the Data Quality Act, the Paperwork Reduction Act, the Unfunded Mandates Reform Act, the Federal Advisory Committee Act, the Congressional Review Act, Executive Order 12866, Executive Order 13422, and memoranda from the Office of Management and Budget on guidance, risk assessment and cost analysis. The Secretary shall request that the National Academy of Sciences consult widely with experts in administrative law and other disciplines knowledgeable about such requirements, and to quantify to the extent possible the costs to miners of the aforementioned requirements. The Secretary shall further request that recommendations be included in the report, and that such report and recommendations be completed, and forwarded to the Congress, no later than 21 months after the date of enactment of this Act.

SEC. 8. OTHER HEALTH REQUIREMENTS.

(a) AIR CONTAMINANTS.—Section 101 of (30 U.S.C. 811) is amended by adding at the end the following:

''(f) Notwithstanding the other requirements of this section, not later than 30 days of the enactment of the S–MINER Act, the National Institute for Occupational Safety and Health shall forward to the Secretary its Recommended Exposure Limits (RELs) for chemical and other hazards to which miners may be exposed, along with the research data and other necessary information. Within 30 days of receipt of this information, the Secretary shall to adopt such recommended exposure limits as the Permissible Exposure Limits (PELs) for application in the mining industry. The National Institute of Occupational Safety and Health shall annually submit to the Secretary any additional or revised recommended exposure limits for all chemicals and other hazards to which miners may be exposed, and the Secretary shall be obligated to adopt such exposure limits as PELs for application in the mining industry within 30 days of receipt of such information. Upon petition from miners or mine operators providing credible evidence that feasibility may be an issue for the industry as a whole, the Secretary may review the feasibility of any PEL established pursuant to this paragraph before placing it into effect and, following public notice and comment, make necessary adjustments thereto, provided that the adjusted standard is as protective as is feasible, and that the PEL shall go into effect as required by the other provisions of this paragraph if such action is not completed within one year. Moreover, upon petition from miners or mine operators providing credible evidence that a REL issued by the National Institute of Occupational Safety and Health lacks the specificity required to serve as a PEL pursuant to this Act, the Secretary may defer implementation of the requirements of this paragraph and shall promptly request National Institute of Occupational Safety and Health to recommend a sufficiently detailed REL, at which time the provisions of this paragraph shall be implemented. Nothing in this subsection shall limit the ability of the National Institute of Occupational Safety and Health to make such recommendations more frequently than 1 time per year, nor limit the Secretary from establishing requirements for chemical and other substances or health hazards in the mining industry that are more comprehensive and protective than those established pursuant to this subsection and in accordance with the other requirements of this section.''.

(b) ASBESTOS.—Section 101 (30 U.S.C. 811) is further amended by adding at the end the following:

''(g) The health standard for asbestos established by the Occupational Safety and Health Administration that is set forth in section 1910.1001 of title 29, Code of Federal Regulations, or any subsequent revision of that regulation, shall be adopted by the Secretary for application in the mining industry not later than 30 days of the enactment of the S–MINER Act. Nothing in this paragraph shall preclude the Secretary from adopting regulations to address asbestos hazards to miners not covered by the regulations of the Occupational Safety and Health Administration.''.

(c) HAZARD COMMUNICATION.—Section 101 (30 U.S.C. 811) is further amended by adding at the end the following:

''(h) Unless and until there is additional rulemaking pursuant to the requirements of this section, the Secretary shall apply the provisions of the interim final rule of October 3, 2000, concerning hazard communication, in lieu of the final rule of June 21, 2002, concerning hazard communication.''.

(d) STUDY ON MINER SUBSTANCE ABUSE ISSUES THAT POSE SAFETY RISKS.—

(1) STUDY.—The Secretary of Labor shall conduct a study providing expert review and recommendations of policies designed to deal with substance abuse by miners, including the causes, nature, and extent of such abuse, its impact on mine safety and health, best practices for treatment, rehabilitation, and substance abuse testing policies, and the adequacy of State laws and approaches. In conducting such study, the Secretary shall solicit the views of and consult with all interested parties, including miners, miners' representatives, mine operators, appropriate State agencies, and public health and substance abuse experts.

(2) REPORT.—Not later than 6 months after the date of enactment of this Act, the Secretary shall report the findings and recommendations of the study to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor and Pensions of the Senate.

(3) ADDITIONAL AUTHORITY.—If, as a result of the study, the Secretary determines it to be feasible and effective, the Secretary shall be authorized to establish a program, in consultation with the parties described in paragraph (1), within the Mine Safety and Health Administration to provide for substance abuse testing of miners as well as rehabilitation and treatment of miners suffering from substance abuse.

(e) GRANTS FOR REHABILITATION.—

(1) IN GENERAL.—The Secretary of Labor, in consultation with the Secretary of Health and Human Services, is authorized to award grants to appropriate entities and programs for the purpose of providing rehabilitation services to current and former miners suffering from mental health impairments, including drug addiction and substance abuse issues, which may have been caused or exacerbated by their work as miners. The Secretary shall ensure such funds are directed to those regions of the country most in need of such assistance.

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of Labor $10,000,000 to carry out the grant program authorized by this subsection.

SEC. 9. MINE SAFETY PROGRAM FUND.

Title I is further amended by adding at the end the following:

''SEC. 117. MINE SAFETY PROGRAM FUND.

''(a) ESTABLISHMENT.—There is established in the Treasury a separate account to be known as the 'Mine Safety Program Fund' (in this section referred to as the 'Fund').

''(b) TRANSFERS TO THE FUND.—There shall be deposited in the Fund—

''(1) all penalties collected under section 110; and

''(2) any gifts, bequests, or donations to the Fund from private entities or individuals, which the Secretary of the Treasury is authorized to accept for deposit into the Fund, except that the Secretary is not authorized to accept any such gift, bequest, or donation that—

''(A) attaches conditions inconsistent with applicable laws or regulations; or

''(B) is conditioned upon or would require the expenditure of appropriated funds that are not available to the Secretary of Labor.

''(c) EXPENDITURES.—Amounts in the Fund shall be available, as provided in appropriations Acts, only for inspections and investigations conducted pursuant to section 103.''.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

Mr. SOUDER moved to recommit the bill to the Committee on Education and Labor with instructions to report the bill back to the House promptly with the following amendment:

Page 22, after line 22, insert the following:

(n) SUBSTANCE ABUSE TESTING.—Title II is further amended by adding at the end the following new section:

''SEC. 208. SUBSTANCE ABUSE TESTING.

''(a) TESTING PROGRAM.—Not later than 180 days after the date of enactment of the S-MINER Act, the Secretary shall promulgate regulations pursuant to section 101(a) to require the operator of each mine to institute a program to conduct mandatory, random substance abuse testing of mine employees. Such regulations shall be no less restrictive than regulations issued by other Federal and State agencies which impose mandatory substance abuse testing and shall provide for—

''(1) mandatory substance abuse testing procedures;

''(2) a process for the random selection of those employees to be tested;

''(3) the protection of individuals' rights and privacy;

''(4) the establishment of an Employee Assistance Program; and

''(5) for purposes of subsection (b), a process for mine operators to notify the Administration of the names of individuals who test positive for substance abuse.

''(b) REGISTRY.—Not later than 180 days after the date of enactment of the S-MINER Act, the Secretary shall promulgate regulations creating a registry of those found to have tested positive for substance abuse for the sole purpose of sharing, on a confidential basis, with State authorities responsible for issuance of licenses, certification, permits, or other documents required to seek employment in the mining industry.''.

After debate,

By unanimous consent, the previous question was ordered on the motion to recommit with instructions.

The question being put, viva voce,

Will the House recommit said bill with instructions?

The SPEAKER pro tempore, Mr. CAPUANO, announced that the nays had it.

Mr. SOUDER demanded a recorded vote on agreeing to said motion, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the negative ..... { Yeas ..... 197 / Nays 217

¶3.20 [Roll No. 9]

AYES—197

Aderholt	Brady (TX)	Crenshaw
Akin	Broun (GA)	Cubin
Alexander	Brown (SC)	Davis (KY)
Altmire	Brown-Waite, Ginny	Davis, David
Bachmann	Buchanan	Davis, Tom
Bachus	Burgess	Deal (GA)
Barrett (SC)	Burton (IN)	Dent
Barrow	Buyer	Diaz-Balart, L.
Bartlett (MD)	Calvert	Diaz-Balart, M.
Barton (TX)	Camp (MI)	Donnelly
Biggert	Campbell (CA)	Doolittle
Bilbray	Cannon	Drake
Bilirakis	Cantor	Dreier
Bishop (UT)	Capito	Duncan
Blackburn	Carney	Ehlers
Blunt	Carter	Emerson
Boehner	Castle	English (PA)
Bonner	Chabot	Everett
Bono Mack	Coble	Fallin
Boozman	Cole (OK)	Feeney
Boustany	Conaway	Ferguson
Boyda (KS)		Flake

Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Taylor
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOES—217

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

NOT VOTING—16

Baca
Baker
Berkley
Culberson
Forbes
Fossella
Honda
Hunter
Jefferson
Kingston
Lantos
Meeks (NY)
Miller, Gary
Paul
Shimkus
Tanner

So the motion to recommit with instructions was not agreed to.

The question being put, viva voce,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. CAPUANO, announced that the yeas had it.

Mr. McKEON demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 214 / Nays 199

¶3.21 [Roll No. 10]

YEAS—214

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

NAYS—199

Aderholt
Akin
Alexander
Bachmann
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Berry
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boustany
Boyd (FL)
Boyda (KS)
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Cramer
Crenshaw
Cubin
Cuellar
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey
Gohmert
Goode
Goodlatte
Granger
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Hobson
Hoekstra
Hulshof
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Melancon
Mica
Miller (FL)
Miller (MI)
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Royce
Ryan (WI)
Salazar
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Udall (CO)
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOT VOTING—17

Baca
Baker
Berkley
Culberson
Forbes
Fossella
Honda
Hunter
Jefferson
Kingston
Lantos
Meeks (NY)
Miller, Gary
Olver
Paul
Shimkus
Tanner

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶3.22 CLERK TO CORRECT ENGROSSMENT

On motion of Mr. KILDEE, by unanimous consent,

Ordered, That in the engrossment of the foregoing bill the Clerk be authorized to make technical corrections to include corrections in spelling, the table of contents, punctuation, section numbering and cross-referencing, and the insertion of appropriate headings.

¶3.23 NATIONAL DEFENSE AUTHORIZATION

Mr. SKELTON moved to suspend the rules and pass the bill (H.R. 4986) to provide for the enactment of the National Defense Authorization Act for Fiscal Year 2008, as previously enrolled, with certain modifications to address the foreign sovereign immunities provisions of title 28, United States Code, with respect to the attachment of property in certain judgments against Iraq, the lapse of statutory authorities for the payment of bonuses, special pays, and similar benefits for members of the uniformed services, and for other purposes.

The SPEAKER pro tempore, Ms. DEGETTE, recognized Mr. SKELTON and Mr. SAXTON, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Ms. DEGETTE, announced that two-thirds of the Members present had voted in the affirmative.

Mr. KUCINICH demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 369 / Nays 46

¶3.24 [Roll No. 11]

YEAS—369

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Bachmann
Bachus
Baird
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Chabot
Chandler
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeGette
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Donnelly
Doolittle
Doyle
Drake
Dreier
Edwards
Ehlers
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Feeney
Ferguson
Flake
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Hooley
Hoyer
Hulshof
Inglis (SC)
Inslee
Israel
Issa
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Mitchell
Mollohan
Moore (KS)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Obey
Ortiz
Pascrell
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Watt
Waxman
Weiner
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NAYS—46

Baldwin
Capuano
Clarke
Clay
Conyers
Davis (IL)
DeFazio
Delahunt
Doggett
Duncan
Ellison
Fattah
Filner
Frank (MA)
Goode
Grijalva
Holt
Jackson (IL)
Kucinich
Lee
Lewis (GA)
Markey
McDermott
McGovern
Miller, George
Moore (WI)
Oberstar
Olver
Pallone
Pastor
Payne
Petri
Schakowsky
Sensenbrenner
Serrano
Stark
Tierney
Towns
Velázquez
Waters
Watson
Welch (VT)
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—15

Baca
Berkley
Culberson
Forbes
Fossella
Honda
Hunter
Jackson-Lee (TX)
Jefferson
Kingston
Lantos
Miller, Gary
Paul
Shimkus
Tanner

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶3.25 PROVIDING FOR THE ADJOURNMENT OF THE HOUSE

Mr. SKELTON, by unanimous consent, submitted the following privileged concurrent resolution (H. Con. Res. 279):

Resolved by the House of Representatives (the Senate concurring),

That when the House adjourns on the legislative day of Wednesday, January 23, 2008, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2 p.m. on Monday, January 28, 2008, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the House adjourns on the legislative day of Tuesday, January 29, 2008, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2 p.m. on Wednesday, February 6, 2008, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker or her designee, after consultation with the Minority Leader, shall notify the Members of the House to reassemble at such place and time as she may designate if, in her opinion, the public interest shall warrant it.

When said concurrent resolution was considered and agreed to.

A motion to reconsider the vote whereby said concurrent resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶3.26 PROVIDING FOR CONSIDERATION OF H.R. 3524

Ms. SUTTON, by direction of the Committee on Rules, reported (Rept. No. 110–509) the resolution (H. Res. 922) providing for consideration of the bill (H.R. 3524) to reauthorize the HOPE VI program for revitalization of severely distressed public housing, and for other purposes.

When said resolution and report were referred to the House Calendar and ordered printed.'

¶3.27 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. BARROW, for January 15;

To Mr. CULBERSON, for today; and

To Mr. TANNER, for today.

And then,

¶3.28 ADJOURNMENT

On motion of Mr. KING of Iowa, at 9 o'clock and 16 minutes p.m., the House adjourned.

¶3.29 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

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

Ms. CASTOR: Committee on Rules. House Resolution 922. A resolution providing for consideration of the bill (H.R. 3524) to reauthorize the HOPE VI program for revitalization of severely distressed public housing, and for other purposes (Rept. 110–509). Referred to the House Calendar.

Mr. FRANK: Committee on Financial Services. H.R. 3959. A bill to amend the National Flood Insurance Act of 1968 to provide for the phase-in of actuarial rates for certain pre-FIRM properties; with an amendment (Rept. 110–510). Referred to the Committee of the Whole House on the state of the Union.

¶3.30 REPORTED BILL SEQUENTIALLY REFERRED

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

H.R. 275. A bill to promote freedom of expression on the Internet, to protect United States businesses from coercion to participate in repression by authoritarian foreign governments, and for other purposes; referred to the Committee on the Judiciary for a period ending not later than February 1, 2008 for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(k), rule X.

¶3.31 PUBLIC BILLS AND RESOLUTIONS

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

By Mrs. CUBIN:

H.R. 4983. A bill to suspend temporarily the duty on certain acrylic fiber tow; to the Committee on Ways and Means.

By Mrs. CUBIN:

H.R. 4984. A bill to suspend temporarily the duty on certain acrylic fiber tow; to the Committee on Ways and Means.

By Mr. CHABOT:

H.R. 4985. A bill to extend the temporary suspension of duty on Penta Amino Aceto Nitrate Cobalt III; to the Committee on Ways and Means.

By Mr. SKELTON (for himself and Mr. HUNTER):

H.R. 4986. A bill to provide for the enactment of the National Defense Authorization Act for Fiscal Year 2008, as previously enrolled, with certain modifications to address the foreign sovereign immunities provisions of title 28, United States Code, with respect to the attachment of property in certain judgements against Iraq, the lapse of statutory authorities for the payment of bonuses, special pays, and similar benefits for members of the uniformed services, and for other purposes; to the Committee on Armed Services. considered and passed.

By Mr. JONES of North Carolina (for himself and Mr. KING of New York):

H.R. 4987. A bill to require construction of fencing and security improvements in the border area from the Pacific Ocean to the Gulf of Mexico; to the Committee on Homeland Security.

By Mr. PETERSON of Pennsylvania:

H.R. 4988. A bill to extend the temporary suspension of duty on Orgasol; to the Committee on Ways and Means.

By Mr. PETERSON of Pennsylvania:

H.R. 4989. A bill to suspend temporarily the duty on stainless steel single piece exhaust gas manifolds; to the Committee on Ways and Means.

By Mr. WAXMAN (for himself and Ms. ROYBAL-ALLARD):

H.R. 4990. A bill to amend title XIX of the Social Security Act to include all public clinics for the distribution of pediatric vaccines under the Medicaid Program; to the Committee on Energy and Commerce.

By Mr. WAXMAN (for himself and Ms. ROYBAL-ALLARD):

H.R. 4991. A bill to amend the Social Security Act, the Federal Food, Drug, and Cosmetic Act, and the Public Health Service Act to ensure a sufficient supply of vaccines, and for other purposes; to the Committee on Energy and Commerce.

By Mr. WAXMAN (for himself and Ms. ROYBAL-ALLARD):

H.R. 4992. A bill to amend title XVIII of the Social Security Act to provide for coverage of federally recommended vaccines under Medicare part B; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WAXMAN (for himself and Ms. ROYBAL-ALLARD):

H.R. 4993. A bill to amend the Public Health Service Act to increase the availability of vaccines, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Education and Labor, Ways and Means, and Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BERRY:

H.R. 4994. A bill to suspend temporarily the duty on certain inflatable mattresses; to the Committee on Ways and Means.

By Mr. CANTOR (for himself, Mr. HENSARLING, Mr. BLUNT, Mr. CAMPBELL of California, Ms. GRANGER, Mr. JORDAN, Mr. MCHENRY, Mrs. BACHMANN, Mr. HERGER, Mr. CHABOT, Mr. PRICE of Georgia, Mr. FLAKE, Mr. FEENEY, Mr. DAVID DAVIS of Tennessee, Mr. BROWN of South Carolina, Mr. BARRETT of South Carolina, Mr. GARRETT of New Jersey, Mr. DOOLITTLE, Mr. LAMBORN, Mr. AKIN, Mr. WELDON of Florida, Mr. KINGSTON, Mr. PITTS, Mr. MARCHANT, Mr. GINGREY, Mr. SOUDER, Mr. GOODE, Ms. FOXX, Mr. ROSKAM, Mr. KUHL of New York, Mr. WALBERG, Mr. BISHOP of Utah, Mr. FRANKS of Arizona, Mr. KING of Iowa, and Mr. PENCE):

H.R. 4995. A bill to amend the Internal Revenue Code of 1986 to reduce corporate marginal income tax rates, and for other purposes; to the Committee on Ways and Means.

By Mr. MCDERMOTT:

H.R. 4996. A bill to suspend temporarily the duty on modified steel leaf spring leaves; to the Committee on Ways and Means.

By Mr. MCDERMOTT:

H.R. 4997. A bill to extend the temporary suspension of duty on certain suspension system stabilizer bars; to the Committee on Ways and Means.

By Mr. NEUGEBAUER:

H.R. 4998. A bill to extend the temporary suspension of duty on mixtures of methyl 4-iodo-2-[3-(4-methoxy-6-methyl-1,3,5- triazin-2-yl)ureidosulfonyl] benzoate, sodium salt(Iodosulfuron methyl, sodium salt) and application adjuvants; to the Committee on Ways and Means.

By Mr. NEUGEBAUER:

H.R. 4999. A bill to extend the temporary suspension of duty on Mesosulfuronmethyl; to the Committee on Ways and Means.

By Mr. NEUGEBAUER:

H.R. 5000. A bill to suspend temporarily the duty on mixtures containing (R)-2-[4-(6-chloro-1,3-benzoxazol-2-yloxy)phenoxy]propionate (Fenoxaprop Ethyl), (CAS No. 71283-80-2), 5-hydroxy-1,3-dmiethylpyrazol-4-yl 2-mesyl-4-(trifluoromethyl)phenyl ketone (Pyrafulfotole) (CAS No. 365400-11-9), 2,6-dibromo-4-cyanophenyl octanoate (Bromoxynil octanoate) (CAS No. 1689-99-2), and 2,6-dibromo-4-cyanophenyl heptanoate (Bromoxynil heptanoate) (CAS No. 56634-95-8); to the Committee on Ways and Means.

By Ms. NORTON:

H.R. 5001. A bill to authorize the Administrator of General Services to provide for the redevelopment of the Old Post Office Building located in the District of Columbia; to the Committee on Transportation and Infrastructure.

By Mrs. TAUSCHER:

H.R. 5002. A bill to extend the temporary suspension of duty on Deltamethrin; to the Committee on Ways and Means.

By Mrs. TAUSCHER:

H.R. 5003. A bill to extend the temporary suspension of duty on Tetramethrin; to the Committee on Ways and Means.

By Mrs. TAUSCHER:

H.R. 5004. A bill to extend the temporary suspension of duty on flumiclorac pentyl ester; to the Committee on Ways and Means.

By Mrs. TAUSCHER:

H.R. 5005. A bill to extend the temporary suspension of duty on Flumioxasin; to the Committee on Ways and Means.

By Mrs. TAUSCHER:

H.R. 5006. A bill to extend the temporary suspension of duty on Acephate; to the Committee on Ways and Means.

By Mrs. TAUSCHER:

H.R. 5007. A bill to extend the temporary suspension of duty on Resmethrin; to the Committee on Ways and Means.

By Mrs. TAUSCHER:

H.R. 5008. A bill to extend the temporary suspension of duty on Cypermethrin; to the Committee on Ways and Means.

By Mrs. TAUSCHER:

H.R. 5009. A bill to suspend temporarily the duty on s-Methoprene; to the Committee on Ways and Means.

By Mrs. TAUSCHER:

H.R. 5010. A bill to extend the temporary suspension of duty on Clothianidin; to the Committee on Ways and Means.

By Mrs. TAUSCHER:
H.R. 5011. A bill to extend the temporary suspension of duty on Permethrin; to the Committee on Ways and Means.

By Mrs. TAUSCHER:
H.R. 5012. A bill to extend the temporary suspension of duty on artichokes, prepared or preserved by vinegar or acetic acid; to the Committee on Ways and Means.

By Mrs. TAUSCHER:
H.R. 5013. A bill to extend the temporary suspension of duty on artichokes, prepared or preserved otherwise than by vinegar or acetic acid, not frozen; to the Committee on Ways and Means.

By Mrs. TAUSCHER:
H.R. 5014. A bill to extend the temporary suspension of duty on oysters (other than smoked), prepared or preserved; to the Committee on Ways and Means.

By Mrs. TAUSCHER:
H.R. 5015. A bill to suspend temporarily the duty on certain sardines in oil, in airtight containers, neither skinned nor boned; to the Committee on Ways and Means.

By Mrs. TAUSCHER:
H.R. 5016. A bill to suspend temporarily the duty on S-Abscisic Acid; to the Committee on Ways and Means.

By Mrs. TAUSCHER:
H.R. 5017. A bill to suspend temporarily the duty on Pyrethrum Extract; to the Committee on Ways and Means.

By Mrs. TAUSCHER:
H.R. 5018. A bill to extend the suspension of duty on Fenpropathrin; to the Committee on Ways and Means.

By Mrs. TAUSCHER:
H.R. 5019. A bill to extend the temporary suspension of duty on Tralemethrin; to the Committee on Ways and Means.

By Mrs. TAUSCHER:
H.R. 5020. A bill to extend the temporary suspension of duty on Bioallethrin; to the Committee on Ways and Means.

By Mrs. TAUSCHER:
H.R. 5021. A bill to extend the temporary suspension of duty on S-Bioallethrin; to the Committee on Ways and Means.

By Mrs. TAUSCHER:
H.R. 5022. A bill to extend the temporary suspension of duty on Bispyribac-sodium; to the Committee on Ways and Means.

By Mrs. TAUSCHER:
H.R. 5023. A bill to extend the temporary suspension of duty on Dinotefuran; to the Committee on Ways and Means.

By Mrs. TAUSCHER:
H.R. 5024. A bill to extend the temporary suspension of duty on Etoxazole; to the Committee on Ways and Means.

By Mrs. TAUSCHER:
H.R. 5025. A bill to extend the temporary suspension of duty on Pyriproxyfen; to the Committee on Ways and Means.

By Mrs. TAUSCHER:
H.R. 5026. A bill to extend the temporary suspension of duty on Uniconazole; to the Committee on Ways and Means.

By Mr. WEXLER:
H.R. 5027. A bill to suspend temporarily the duty on integral flow controllers, certified by the importer exclusively for installation in semiconductor wafer fabrication machines; to the Committee on Ways and Means.

By Mr. WEXLER:
H.R. 5028. A bill to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to require that group health plans provide coverage for pervasive developmental disorders such as autism; to the Committee on Education and Labor, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. YOUNG of Florida:
H.R. 5029. A bill to designate the name for the medical facilities being constructed at the National Naval Medical Center, Bethesda, Maryland, to replace Walter Reed Army Medical Center; to the Committee on Armed Services.

By Mr. SKELTON:
H. Con. Res. 279. Concurrent resolution providing for an adjournment of the House; considered and agreed to.

By Ms. LEE (for herself, Mr. MEEKS of New York, Mrs. CHRISTENSEN, Ms. WATERS, Ms. KILPATRICK, Mr. WAXMAN, Ms. NORTON, Ms. BALDWIN, Ms. CORRINE BROWN of Florida, Mr. RUSH, Ms. BORDALLO, Mr. LEWIS of Georgia, Mr. MCDERMOTT, Mr. CUMMINGS, Ms. MOORE of Wisconsin, and Mr. DAVIS of Illinois):
H. Con. Res. 280. Concurrent resolution supporting the goals and ideals of ''National Black HIV/AIDS Awareness Day''; to the Committee on Energy and Commerce.

By Ms. VELÁZQUEZ:
H. Res. 921. A resolution providing for the concurrence by the House in the Senate amendment to H.R. 4253, with an amendment; considered and agreed to.

By Mrs. BACHMANN (for herself, Mr. KLINE of Minnesota, Mr. PETERSON of Minnesota, Mr. WALZ of Minnesota, Mr. ELLISON, Mr. RAMSTAD, Ms. MCCOLLUM of Minnesota, and Mr. OBERSTAR):
H. Res. 923. A resolution recognizing the State of Minnesota's 150th anniversary; to the Committee on Oversight and Government Reform.

By Mr. BRALEY of Iowa (for himself, Mr. LATHAM, Mr. BOSWELL, Mr. LOEBSACK, and Mr. KING of Iowa):
H. Res. 924. A resolution congratulating Iowa State University of Science and Technology for 150 years of leadership and service to the United States and the world as Iowa's land-grant university; to the Committee on Education and Labor.

By Mr. POE:
H. Res. 925. A resolution condemning the People's Republic of China for its socially unacceptable business practices, including the manufacturing and exportation of unsafe products, casual disregard for the environment, and exploitative employment practices; to the Committee on Foreign Affairs.

By Ms. SUTTON:
H. Res. 926. A resolution recognizing the importance of food, product safety, and U.S. trade policy; to the Committee on Ways and Means, and in addition to the Committees on Energy and Commerce, and Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WEXLER (for himself, Ms. WASSERMAN SCHULTZ, Mr. KLEIN of Florida, Mr. HASTINGS of Florida, and Mr. MAHONEY of Florida):
H. Res. 927. A resolution commending the Florida Atlantic University Owls for their historic win in the 2007 R+L Carriers New Orleans Bowl; to the Committee on Education and Labor.

¶3.32 PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII:

Mr. LIPINSKI introduced A bill (H.R. 5030) for the relief of Corina de Chalup Turcinovic; which was referred to the Committee on the Judiciary.

¶3.33 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 136: Mr. INGLIS of South Carolina.
H.R. 192: Mr. GILCHREST.
H.R. 219: Mr. SESSIONS.
H.R. 241: Mrs. BIGGERT.
H.R. 248: Mr. ENGLISH of Pennsylvania.
H.R. 303: Mrs. LOWEY.
H.R. 549: Mr. REYNOLDS.
H.R. 631: Mr. BROUN of Georgia.
H.R. 782: Mr. HARE.
H.R. 958: Mr. BAIRD.
H.R. 992: Mr. HINCHEY, Mr. GRIJALVA, and Mr. KENNEDY.
H.R. 997: Mr. REYNOLDS.
H.R. 1014: Mr. COURTNEY.
H.R. 1076: Mr. ROSS.
H.R. 1084: Mr. SMITH of Washington and Mr. VAN HOLLEN.
H.R. 1279: Mr. WALSH of New York.
H.R. 1352: Mr. FRANK of Massachusetts.
H.R. 1386: Mr. SHAYS and Mr. GERLACH.
H.R. 1391: Mr. TIERNEY.
H.R. 1418: Mr. GORDON.
H.R. 1521: Mr. KLEIN of Florida.
H.R. 1553: Mr. LATOURETTE, Mr. ANDREWS, and Mr. BARTLETT of Maryland.
H.R. 1576: Mr. ETHERIDGE and Mr. MATHESON.
H.R. 1609: Mr. KIRK, Mr. GENE GREEN of Texas, Mr. HODES, Mr. RUSH, and Mr. TAYLOR.
H.R. 1621: Mr. WAXMAN and Ms. SOLIS.
H.R. 1665: Mr. LATOURETTE.
H.R. 1783: Mr. BISHOP of Georgia.
H.R. 1824: Mr. NEUGEBAUER.
H.R. 1843: Mr. MILLER of North Carolina.
H.R. 1888: Ms. BEAN.
H.R. 1927: Mr. RUSH.
H.R. 1957: Ms. ESHOO.
H.R. 2073: Mr. ROTHMAN.
H.R. 2141: Mr. SMITH of Nebraska.
H.R. 2169: Mr. BAIRD and Mr. ACKERMAN.
H.R. 2210: Mr. ROTHMAN.
H.R. 2343: Ms. BALDWIN.
H.R. 2470: Mr. DAVIS of Kentucky.
H.R. 2564; Mr. GOODE.
H.R. 2702: Mr. LARSON of Connecticut.
H.R. 2708: Mrs. LOWEY, Mr. SERRANO, Ms. WASSERMAN SCHULTZ, Mr. MCGOVERN, Mr. COHEN, Mr. ALLEN, and Ms. WOOLSEY.
H.R. 2723: Mr. MORAN of Virginia.
H.R. 2762: Mr. HODES and Mrs. GILLIBRAND.
H.R. 2790: Ms. CORRINE BROWN of Florida and Mr. DOYLE.
H.R. 2862: Mr. PETRI.
H.R. 2994: Mr. ROTHMAN, Mr. ROSS, and Ms. HOOLEY.
H.R. 3029: Mrs. CAPPS.
H.R. 3094: Mr. SESTAK and Mr. FILNER.
H.R. 3099: Mr. BISHOP of Georgia.
H.R. 3140: Mr. CRENSHAW, Mr. PORTER, and Mr. SESTAK.
H.R. 3257: Mr. ETHERIDGE.
H.R. 3282: Mr. SESTAK.
H.R. 3304: Mr. CHABOT and Mr. BRADY of Pennsylvania.
H.R. 3326: Mr. STARK.
H.R. 3327: Mr. LIPINSKI and Mrs. MALONEY of New York.
H.R. 3334: Mr. LANGEVIN.
H.R. 3359: Mr. MACK, Mr. SESSIONS, and Mr. BUTTERFIELD.
H.R. 3457: Mr. HERGER.
H.R. 3533: Ms. WOOLSEY and Mr. WOLF.
H.R. 3546: Mr. LOEBSACK, Mr. DELAHUNT, and Mr. BUTTERFIELD.
H.R. 3609: Mr. BACA.
H.R. 3622: Mr. CROWLEY and Mr. PRICE of North Carolina.
H.R. 3630: Ms. LINDA T. SÁNCHEZ of California.
H.R. 3639: Mr. SHAYS.
H.R. 3652: Ms. JACKSON-LEE of Texas.
H.R. 3654: Mr. LEWIS of Kentucky, Mr. BARTLETT of Maryland, Mr. JONES of North Carolina, and Mr. SMITH of Texas.
H.R. 3663: Mr. LYNCH, Mr. ISRAEL, Mr. CONYERS, Ms. LINDA T. SÁNCHEZ of California, Mr. PALLONE, Mr. HALL of New York, Ms. SOLIS, Mr. FATTAH, and Mr. SHERMAN.

H.R. 3670: Mr. HERGER.
H.R. 3865: Mr. WU, Mr. MARKEY, and Mr. SESTAK.
H.R. 3926: Ms. LINDA T. SÁNCHEZ of California.
H.R. 3934: Mr. CHABOT.
H.R. 3968: Mr. PLATTS.
H.R. 4014: Ms. RICHARDSON.
H.R. 4015: Ms. RICHARDSON.
H.R. 4016: Ms. RICHARDSON.
H.R. 4029: Mr. WYNN.
H.R. 4105: Mr. HINCHEY and Ms. WOOLSEY.
H.R. 4204: Ms. MCCOLLUM of Minnesota, Mr. HARE, Mr. CLEAVER, Ms. MATSUI, Mr. MORAN of Virginia, and Mr. AL GREEN of Texas.
H.R. 4206: Mr. MCHUGH.
H.R. 4207: Mr. HOBSON, Mr. COOPER, and Mr. ELLISON.
H.R. 4221: Ms. HOOLEY.
H.R. 4236: Mr. MCGOVERN, Mr. RUSH, Mr. DOYLE, Mr. COURTNEY, Ms. LINDA T. SÁNCHEZ of California, Mr. SHULER, Mr. WYNN, and Mr. PASTOR.
H.R. 4247: Mr. PETERSON of Minnesota and Mr. BRADY of Pennsylvania.
H.R. 4248: Mr. BUTTERFIELD, Mr. DENT, and Ms. SHEA-PORTER.
H.R. 4264: Mr. FILNER.
H.R. 4266: Mr. CHANDLER.
H.R. 4297: Mr. KAGEN.
H.R. 4318: Mr. WAMP and Mr. LEWIS of Kentucky.
H.R. 4327: Mr. SCOTT of Virginia.
H.R. 4355: Mr. BOUCHER and Ms. LINDA T. SÁNCHEZ of California.
H.R. 4461: Mrs. DRAKE.
H.R. 4544: Ms. WOOLSEY, Mr. CUELLAR, Mrs. CUBIN, Ms. WASSERMAN SCHULTZ, and Ms. HARMAN.
H.R. 4660: Ms. WOOLSEY.
H.R. 4835: Mr. HARE, Mr. PRICE of North Carolina, Ms. BALDWIN, Mr. SCHIFF, and Mr. KAGEN.
H.R. 4882: Ms. ZOE LOFGREN of California and Ms. LINDA T. SÁNCHEZ of California.
H.R. 4915: Mr. EHLERS, Mr. HOEKSTRA, Mr. SHAYS, Mr. RUSH, and Mr. COBLE.
H.R. 4926: Ms. JACKSON-LEE of Texas, Mr. KENNEDY, and Ms. KAPTUR.
H.R. 4959: Mr. GRIJALVA, Ms. SCHAKOWSKY, and Mr. MOORE of Wisconsin.
H. Con. Res. 2: Mr. LEWIS of Georgia.
H. Con. Res. 26: Ms. DEGETTE.
H. Con. Res. 27: Ms. DEGETTE.
H. Con. Res. 28: Mr. CULBERSON and Mrs. BOYDA of Kansas.
H. Con. Res. 154: Mrs. MYRICK and Mr. ENGEL.
H. Con. Res. 198: Mr. WALZ of Minnesota, Ms. HIRONO, and Mr. MARKEY.
H. Con. Res. 253: Mr. BRADY of Pennsylvania, Mr. MILLER of Florida, Mr. SESTAK, Mr. SNYDER, Ms. BORDALLO, and Mr. RUSH.
H. Con. Res. 257: Mr. MCCOTTER.
H. Con. Res. 267: Mr. SPACE, Mr. HERGER, and Mr. LOBIONDO.
H. Res. 111: Mr. MURTHA.
H. Res. 185: Mr. FRANK of Massachusetts.
H. Res. 652: Mr. COSTA.
H. Res. 692: Mr. MCCOTTER.
H. Res. 821: Mr. INGLIS of South Carolina and Mrs. MCCARTHY of New York.
H. Res. 834: Mr. MORAN of Virginia, Mr. MCDERMOTT, and Mr. HINCHEY.
H. Res. 854: Mr. ROTHMAN.
H. Res. 886: Mr. AKIN, Mrs. BLACKBURN, Mrs. BACHMANN, Mr. FORTENBERRY, Mr. WELDON of Florida, Mr. KINGSTON, Mr. PITTS, Mr. GINGREY, Mr. SOUDER, Mr. GOODE, Ms. FOXX, Mr. ROSKAM, Mr. KUHL of New York, Mr. BISHOP of Utah, Mr. WALBERG, Mr. FRANKS of Arizona, Mr. KING of Iowa, Mr. CHABOT, Mr. DANIEL E. LUNGREN of California, Mr. PENCE, Mr. PRICE of Georgia, Mr. BROUN of Georgia, Mr. FEENEY, Mr. SALI, Mr. DAVID DAVIS of Tennessee, Mr. WAMP, Mr. GARRETT of New Jersey, Mr. DOOLITTLE, and Mr. BRADY of Texas.
H. Res. 909: Ms. JACKSON-LEE of Texas, Mr. PALLONE, Ms. ROS-LEHTINEN, Mr. SIRES, Mrs. JONES of Ohio, and Mr. WEXLER.
H. Res. 912: Mr. SHAYS, Mr. JONES of North Carolina, Mrs. MALONEY of New York, Mr. CHABOT, Mr. HARE, Ms. BORDALLO, Mr. PITTS, Mr. MARIO DIAZ-BALART of Florida, Mr. KING of New York, Mr. MCCAUL of Texas, and Mr. GALLEGLY.

THURSDAY, JANUARY 17, 2008 (4)

¶4.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Ms. SOLIS, who laid before the House the following communication:

WASHINGTON, DC,
January 17, 2008.

I hereby appoint the Honorable HILDA L. SOLIS to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

¶4.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Ms. SOLIS, announced she had examined and approved the Journal of the proceedings of Wednesday, January 16, 2008.

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

¶4.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

5002. A letter from the Principal Deputy Under Secretary for Policy, Department of Defense, transmitting the Department's Fiscal Year 2007 annual report on the Regional Defense Counterterrorism Fellowship Program, pursuant to 10 U.S.C. 2249c; to the Committee on Armed Services.

5003. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting An interim report on the activities of a working group tasked with identifying the needs of National Guard and Reserve Members Returning From Deployment In Operation Iraqi Freedom or Operation Enduring Freedom, pursuant to Public Law 109-364, section 676; to the Committee on Armed Services.

5004. A letter from the Assistant Secretary of the Navy for Installations and Environment, Department of Defense, transmitting notification of the results of a public-private competition for the administrative support services being performed by civilian employees at the Fleet Readiness Center-East (Cherry Point), located in Havelock, NC; to the Committee on Armed Services.

5005. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General James L. Campbell, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

5006. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Suspension of Community Eligibility [Docket No. FEMA-8001] received January 4, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5007. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Suspension of Community Eligibility [Docket No. FEMA-8003] received January 4, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5008. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations [Docket No. FEMA-B-7750] received January 4, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5009. A letter from the Secretary of the Commission, Federal Communications Commission, transmitting the Commission's final rule — Charges for Certain Disclosures — received January 4, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5010. A letter from the Deputy Director, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule — Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits — received January 4, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

5011. A letter from the Acting Deputy Assistant Administrator, Office of Diversion Control, Department of Justice, transmitting the Department's final rule — Definition of ''Positional Isomer'' as It Pertains to the Control of Schedule I Controlled Substances [Docket No. DEA-260F] (RIN: 1117-AA94) received January 4, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5012. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Revisions to Stage II Requirements in Allegheny County [EPA-R03-OAR-2006-1011; FRL-8517-2] received January 10, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5013. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Maryland; Revisions to Stage II Requirements [EPA-R03-OAR-2007-0644; FRL-8516-9] received January 10, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5014. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Indiana; Amendments to Lead Rules, Quemetco [EPA-R05-OAR-2006-0276; FRL-8508-8] received January 10, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5015. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Transportation Conformity Rule Amendments to Implement Provisions Contained in the 2005 Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users [EPA-HQ-OAR-2006-0612; FRL-8516-6] received January 10, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5016. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — In the Matter of Exclusive Service Contracts for Provision of Video Services in Multiple Dwelling Units and Other Real Estate Developments [MB Docket No. 07-51] received January 4, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5017. A letter from the Director, International Cooperation, Department of Defense, transmitting Pursuant to Section 27(f) of the Arms Export Control Act and Section 1(f) of Executive Order 11958, Transmittal No.

15-07 informing of an intent to sign a Project Arrangement for the F/A-18 International Structure Integrity Program among Australia, Canada, Finland, Switzerland, and the United States, pursuant to 22 U.S.C. 2767(f); to the Committee on Foreign Affairs.

5018. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting Copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b; to the Committee on Foreign Affairs.

5019. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting Copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b; to the Committee on Foreign Affairs.

5020. A letter from the Director, Defense Security Cooperation Agency, transmitting pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 08–22, concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance to Kuwait for defense articles and services; to the Committee on Foreign Affairs.

5021. A letter from the Director, Defense Security Cooperation Agency, transmitting pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 08-18 concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance to Saudi Arabia for defense articles and services; to the Committee on Foreign Affairs.

5022. A letter from the Deputy Assistant Secretary For Export Administration, Department of Commerce, transmitting the Department's final rule — Revisions to License Exceptions TMP and BAG: Expansion of Eligible Items [Docket No. 071114704-7749-01] (RIN: 0694-AD72) received January 4, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

5023. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to Section 620C(c) of the Foreign Assistance Act of 1961, as amended, and in accordance with section 1(a)(6) of Executive Order 13313, a report prepared by the Department of State and the National Security Council on the progress toward a negotiated solution of the Cyprus question covering the period October 1, 2007 through November 30, 2007; to the Committee on Foreign Affairs.

5024. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a Report on the U.S. — Vietnam Human Rights Dialogue Meeting, pursuant to Public Law 107-228, section 702; to the Committee on Foreign Affairs.

5025. A letter from the Under Secretary for Political Affairs, Department of State, transmitting the Department's report covering current military, diplomatic, political, and economic measures that are being or have been undertaken to complete our mission in Iraq successfully, pursuant to Public Law 109-163, section 1227; to the Committee on Foreign Affairs.

5026. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) and 36(d) of the Arms Export Control Act, certification regarding the proposed manufacturing license agreement for the manufacture of significant military equipment abroad and the export of major defense equipment with the Government of Greece and Israel (Transmittal No. DDTC 009-07); to the Committee on Foreign Affairs.

5027. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) and 36(d) of the Arms Export Control Act, certification regarding the proposed agreement for the export of major defense equipment with the Government of Germany (Transmittal No. DDTC 099-07); to the Committee on Foreign Affairs.

5028. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification regarding the proposed manufacturing license agreement for the manufacture of significant military equipment abroad and the export of major defense equipment with the Government of Sweden and Italy (Transmittal No. DDTC 079-07); to the Committee on Foreign Affairs.

5029. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification of a proposed technical assistance agreement for the export of technical data, defense services and defense articles to the Government of South Korea (Transmittal No. DDTC 066-07); to the Committee on Foreign Affairs.

5030. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification of a proposed license for the export of defense articles or defense services to the Government of Iraq (Transmittal No. DDTC 118-07); to the Committee on Foreign Affairs.

5031. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the annual inventory of U.S. Government-sponsored international exchanges and training programs, as well as the FY 2006 report on the activities of the Interagency Working Group on U.S. Government-Sponsored International Exchanges and Training (IAWG), pursuant to 22 U.S.C. 2460(f) and (g); to the Committee on Foreign Affairs.

5032. A letter from the Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Economic Powers Act, 50 U.S.C. 1703(c), and pursuant to Executive Order 13313 of July 31, 2003, a six-month periodic report on the national emergency with respect to the risk of nuclear proliferation created by the accumulation of weapons-usable fissile material in the territory of the Russian Federation that was declared in Executive Order 13159 of June 21, 2000; to the Committee on Foreign Affairs.

5033. A letter from the Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), and pursuant to Executive Order 13313 of July 31, 2003, a six-month periodic report of the national emergency with respect to the Western Balkans that was declared in Executive Order 13219 of June 26, 2001; to the Committee on Foreign Affairs.

5034. A letter from the Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergency Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), and pursuant to Executive Order 13313 of July 31, 2003, a six-month periodic report on the national emergency with respect to terrorists who threaten to disrupt the Middle East peace process that was declared in Executive Order 12947 of January 23, 1995; to the Committee on Foreign Affairs.

5035. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Acquisition Regulation: Guidance on Use of Award Term Incentives; Administrative Amendments [Docket ID No. EPA-HQ-OARM-2003-0001; FRL-8575-8] (RIN: 2030-AA89) received January 10, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

5036. A letter from the Acting Chair, Federal Subsistence Board, Department of Agriculture, transmitting the Department's final rule — Subsistence Management Regulations for Public Lands in Alaska, Subpart C and Subpart D-2007-08 Subsistence Taking of Wildlife Regulations; 2007-08 Subsistence Taking of Fish on the Kenai Peninsula Regulations (RIN: 1018-AU15) received December 20, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5037. A letter from the Acting Assistant Director — International Affairs, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Final Rule to List Six Foreign Birds as Endangered [FWS-R1-JA-2008-007] [96100-1671-000] (RIN: 1018-AT62) received January 11, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5038. A letter from the Assistant Secretary for Fish, Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for Arenaria ursina (Bear Valley Sandwort), Castilleja cinerea (Ash-gray Indian Paintbrush), and Eriogonum kennedyi var. austromontanum (Southern Mountain Wild-Buckwheat) (RIN: 1018-AU80) received December 20, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5039. A letter from the Assistant Secretary for Fish, Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for the San Diego Fairy Shrimp (Branchinecta sandiegoensis) (RIN: 1018-AV37) received December 20, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5040. A letter from the Assistant Secretary for Fish, Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Revised Designation of Critical Habitat for the Coastal California Gnatcatcher (Polioptila californica californica) (RIN: 1018-AV38) received December 20, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5041. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Act Provisions; Fisheries Off West Coast States; Pacific Coast Groundfish Fishery; Biennial Specifications and Management Measures; Inseason Adjustments [Docket No. 060824226-6322-02] (RIN: 0648-AW27) received January 4, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5042. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Atlantic Bluefish Fishery; Commercial Quota Harvested for New York [Docket No. 061109296-7009-02] (RIN: 0648-XD64) received January 4, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5043. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Summer Flounder Fishery; Commercial Quota Harvested for Connecticut [Docket No. 061020273-7001-03] (RIN: 0648-XE14) received January 4, 2008, pursuant to 5 U.S.C.

801(a)(1)(A); to the Committee on Natural Resources.

5044. A letter from the Deputy Assistant Administrator For Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Pacific Halibut Fisheries; Subsistence Fishing; Correction [Docket No. 070913514-7517-01] (RIN: 0648-AW04) received January 4, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5045. A letter from the Deputy Assistant Administrator For Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Bering Sea and Aleutian Islands; 2008 Final Harvest Specifications for Groundfish [Docket No. 070213033-7033-01] (RIN: 0648-XD68) received January 4, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5046. A letter from the Principal Deputy Assistant Attorney General, Department of Justice, transmitting the report on the Administration of the Foreign Agents Registration Act for the six months ending December 31, 2006, pursuant to 22 U.S.C. 621; to the Committee on the Judiciary.

5047. A letter from the Principal Deputy Assistant Attorney General, Department of Justice, transmitting the 2007 Annual Report of the Office of Privacy and Civil Liberties, pursuant to Public Law 109-162, section 1174; to the Committee on the Judiciary.

5048. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Reduction of foreign tax credit limitation categories under section 904(d) [TD 9368] (RIN: 1545-BG55) received December 21, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5049. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Allocation of Prepaid Qualified Mortgage Insurance Premiums for 2007 [Notice 2008-15] received January 14, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5050. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's final rule — Medicaid Program; Elimination of Reimbursement under Medicaid for School Administration Expenditures and Costs Related to Transportation of School-Age Children between Home and School [CMS-2287-F] (RIN: 0938-AF13) received December 3, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and Ways and Means.

¶4.4 PROVIDING FOR CONSIDERATION OF H.R. 3524

Ms. CASTOR, by direction of the Committee on Rules, called up the following resolution (H. Res. 922):

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 3524) to reauthorize the HOPE VI program for revitalization of severely distressed public housing, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Financial Services. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Financial Services now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived except those arising under clause 10 of rule XXI. Notwithstanding clause 11 of rule XVIII, no amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived except those arising under clause 9 or 10 of rule XXI. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. During consideration in the House of H.R. 3524 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

SEC. 3. House Resolution 894 is laid upon the table.

When said resolution was considered. After debate,

On motion of Ms. CASTOR, the previous question was ordered on the resolution to its adoption or rejection and, under the operation thereof, the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

Pursuant to section 3 of House Resolution 922, H. Res. 894 was laid on the table.

¶4.5 ORDER OF BUSINESS—PROCEEDINGS ON VOTES

On motion of Ms. WATERS, by unanimous consent,

Ordered, That, during consideration of the bill (H.R. 3524) to reauthorize the HOPE VI program for revitalization of severely distressed public housing, and for other purposes, pursuant to House Resolution 922, the Chair may reduce to two minutes the minimum time for electronic voting under clause 6 of rule XVIII and clauses 8 and 9 of rule XX.

¶4.6 HOPE VI PROGRAM

The SPEAKER pro tempore, Mr. CUELLAR, pursuant to House Resolution 922 and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 3524) to reauthorize the HOPE VI program for revitalization of severely distressed public housing, and for other purposes.

The SPEAKER pro tempore, Mr. CUELLAR, by unanimous consent, designated Ms. SOLIS as Chairman of the Committee of the Whole; and after some time spent therein,

¶4.7 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 1, printed in House Report 110-509, submitted by Ms. WATERS:

Page 9, strike lines 7 through 12, and insert the following:

''(I)(aa) provides for replacement in accordance with subsection (j) of 100 percent of all dwelling units in existence as of January 1, 2005, that are subject to the revitalization plan and that have been or will be demolished or disposed of, on the site of''.

Page 9, line 15, before the semicolon insert the following: '', or (bb) pursuant to subsection (j)(1)(B), requests a reduction of the percentage specified in subsection (j)(1)(A) and provides for replacement of dwelling units demolished or disposed of in accordance with the percentage requested''.

Page 9, line 18, strike ''tenants'' and insert ''residents''.

Page 9, strike ''and'' in line 24 and all that follows through ''(p)(1)'' on page 10, line 2, and insert ''(as modified by any percentage reduction requested under subsection (j)(1)(B))''.

Page 11, line 9, before the comma insert ''(including nonprofit housing developers)''.

Page 13, line 4, before the last comma insert ''(including nonprofit housing developers)''.

Page 14, line 9, after ''standard'' insert ''or standards''.

Strike line 16 on page 14 and all that follows through page 15, line 5, and insert the following: ''construction, complies with the components of the green building rating systems and levels identified by the Secretary pursuant to subsection (l)(3), but only to the extent such compliance exceeds the minimum level required under such systems and levels.''.

Page 15, line 13, before ''individuals'' insert '', but not limited to, elderly households, disabled households, households consisting of grandparents raising grandchildren, large families, households displaced by the revitalization plan in need of special services, and''.

Page 15, line 16, strike ''State or Federal correctional facility'' and insert ''prison, jail, or other correctional facility of the Federal Government, a State government, or a unit of local government''.

Page 17, after line 21, insert the following:

(c) EXCLUSION OF GREEN DEVELOPMENT COSTS FROM TOTAL DEVELOPMENT COSTS.—Subsection (f) of section 24 is amended by adding after and below paragraph (2) the following:

''In determining the total development costs for a revitalization plan, the Secretary shall not consider any costs of compliance with green building rating systems and levels identified by the Secretary pursuant to subsection (l)(3).''.

Page 21, line 6, before ''dates'' insert ''approximate''.

Page 23, after line 3, insert the following new paragraph:

''(5) SIGNIFICANT AMENDMENTS OR CHANGES TO PLAN.—A public housing agency may not

carry out any significant amendment or change to a revitalization plan unless—

''(A) the public housing agency has convened and conducted a public hearing regarding the significant amendment or change at a time and location that is convenient for residents of the public housing subject to the plan and has provided each household occupying a dwelling unit in such public housing with written notice of such hearing not less than 10 days before such hearing; and

''(B) after such hearing, the public housing agency consults with the households occupying dwelling units in the public housing that are subject to, or to be subject to the plan, and the agency submits a report to the Secretary describing the results of such consultation; and

''(C) the Secretary approves the significant amendment or change.

Notwithstanding subparagraph (C), if the Secretary does not approve or disapprove a request for a significant amendment or change to a revitalization plan before the expiration of the 30-day period beginning upon the receipt by the Secretary of the report referred to in subparagraph (B), such request shall be considered to have been approved.''.

Page 24, line 20, strike ''either''.

Page 24, line 22, strike ''or provide the tenant'' and insert ''and continue to provide the household with comprehensive relocation assistance, or at the option of the household, provide the household''.

Page 26, strike line 13, and insert the following:

''(1) NUMBER.—

''(A) IN GENERAL.—For one hundred percent, or such lower percentage as is provided pursuant to subparagraph (B), of all''.

Page 26, strike ''the date'' in line 14 and all that follows through line 16 and insert the following: ''January 1, 2005, that are subject to the revitalization plan and that have been or will be demolished or disposed of, the public hous-''.

Page 26, after line 18, insert the following:

''(B) WAIVER.—

''(i) AUTHORITY.—Upon the written request of a public housing agency submitted as part of an application for a grant under this section, the Secretary may reduce the percentage applicable under subparagraph (A) to a revitalization plan of the agency to not less than 90 percent, but only if—

''(I) the Secretary determines that such written request has sufficiently demonstrated a compelling need for such reduction due to extenuating circumstances, which shall include—

''(aa) a judgment, consent decree, or other order of a court that limits the ability of the public housing agency to comply with such requirements;

''(bb) a severe shortage of land available to comply with such requirements; and

''(cc) such other circumstances as the Secretary determines on a case-by-case basis; and

''(II) the reduction is narrowly tailored such that it—

''(aa) reduces the percentage only to the extent necessary to address the particular extenuating circumstances demonstrated pursuant to subclause (I); and

''(bb) is limited in a manner that ensures the maximum extent of compliance with the requirements of this subsection.

''(ii) REQUIRED AND IMPERMISSIBLE CONSIDERATIONS.—In determining whether a compelling need for a reduction pursuant to this subparagraph exists, and extenuating circumstances exist, for purposes of clause (i), the Secretary—

''(I) shall take into consideration the extent and circumstances of any vacant public housing dwelling units of the public housing agency;

''(II) shall take into consideration the extent to which revitalization plan provides additional amenities that will improve the quality of the life of residents by increasing open space or by providing health care or day care facilities or by providing larger units to accommodate families; and

''(III) shall not base any such determination solely or primarily upon any financial hardship of a public housing agency or any other financial condition or consideration.

''(iii) NO WAIVER OF TIME LIMITS.—The Secretary may not, under this subparagraph, waive any requirement of paragraph (3) (relating to timing). The preceding sentence may not be construed to limit or otherwise affect the authority under subsection (o)(3).

''(iv) PENALTY.—If, pursuant to this subparagraph, the Secretary reduces the percentage under subparagraph (A) applicable to the revitalization plan of a public housing agency, no grant under this section may be made to such agency or for any public housing of such agency at any time that such agency is not in full compliance with the requirements of this paragraph, as modified by the terms of such reduction.''.

Page 30, after line 2, insert the following:

''Notwithstanding the preceding sentence, if a public housing agency has limited areas within its jurisdiction having low concentrations of poverty, the replacement housing units provided in addition to the dwelling units provided pursuant to subparagraph (A) may be provided within a 25-mile radius of the mixed-income development referred to in subparagraph (A).''.

Page 30, strike line 3 and all that follows through ''credit.'' in line 13, and insert the following:

''(3) TIMING.—All replacement dwelling units required pursuant to this subsection with respect to the revitalization plan of a public housing agency shall be provided not later than the expiration of the 54-month period that begins upon the execution of the grant agreement under this section for the revitalization plan of the public housing agency.''.

Page 31, after line 2, insert the following:

''(5) PROJECT-BASED VOUCHERS.—There are authorized to be appropriated such sums as may be necessary for each of fiscal years 2009 through 2015 for providing replacement vouchers for project-based rental assistance for the purpose of complying with the one-for-one replacement requirement under this subsection.''.

Page 33, line 1, strike ''(3)'' and insert ''(4)''.

Page 33, line 3, after ''standard'' insert ''or standards''.

Strike line 22 on page 33 and all that follows through page 34, line 9, and insert the following:

''(B) GREEN BUILDINGS CERTIFICATION SYSTEM.—All non-residential construction under the proposed plan complies with all minimum required levels of the green building rating systems and levels identified by the Secretary pursuant to paragraph (3), as such systems and levels are in effect for purposes of this subsection pursuant to paragraph (4) at the time of the application for the grant.''.

Page 35, after line 5, insert the following:

''(3) IDENTIFICATION OF GREEN BUILDINGS RATING SYSTEMS AND LEVELS.—

''(A) IN GENERAL.—For purposes of this section, the Secretary shall identify rating systems and levels for green buildings that the Secretary determines to be the most likely to encourage a comprehensive and environmentally-sound approach to ratings and standards for green buildings. The identification of the ratings systems and levels shall be based on the criteria specified in subparagraph (B), shall identify the highest levels the Secretary determines are appropriate above the minimum levels required under the systems selected. Within 90 days of the completion of each study required by subparagraph (C), the Secretary shall review and update the rating systems and levels, or identify alternative systems and levels for purposes of this section, taking into account the conclusions of such study.

''(B) CRITERIA.—In identifying the green rating systems and levels, the Secretary shall take into consideration—

''(i) the ability and availability of assessors and auditors to independently verify the criteria and measurement of metrics at the scale necessary to implement this subsection;

''(ii) the ability of the applicable ratings system organizations to collect and reflect public comment;

''(iii) the ability of the standards to be developed and revised through a consensus-based process;

''(iv) an evaluation of the robustness of the criteria for a high-performance green building, which shall give credit for promoting—

''(I) efficient and sustainable use of water, energy, and other natural resources;

''(II) use of renewable energy sources;

''(III) improved indoor environmental quality through enhanced indoor air quality, thermal comfort, acoustics, day lighting, pollutant source control, and use of low-emission materials and building system controls; and

''(IV) such other criteria as the Secretary determines to be appropriate; and

''(v) national recognition within the building industry.

''(C) 5-YEAR EVALUATION.—At least once every five years, the Secretary shall conduct a study to evaluate and compare available third-party green building rating systems and levels, taking into account the criteria listed in subparagraph (B).''.

Page 35, line 6, strike ''(3)'' and insert ''(4)''.

Page 35, lines 10 and 11, strike '' LEED rating systems'' and insert ''green building rating systems and levels''.

Page 35, line 12, after ''(B)'' insert ''of paragraph (1)''.

Page 35, line 13, strike ''and systems'' and insert '', systems, and levels''.

Page 35, strike lines 21 through 24 and insert the following: ''criteria checklist, any standard or standards that the Secretary has determined to be substantially equivalent to such checklist, and the green building ratings systems and levels identified by the Secretary pursuant to paragraph (3).''.

Page 35, line 25, strike ''LIMITATION ON EXCLUSION'' and insert ''CONSISTENT ELIGIBILITY AND OCCUPANCY STANDARDS''.

Page 36, line 5, strike ''LIMITATION ON EXCLUSION'' and insert ''CONSISTENT ELIGIBILITY AND OCCUPANCY STANDARDS''.

Strike ''. A household'' in line 15, on page 36 and all that follows through page 37, line 7, and insert the following: '', including requirements under Federal law relating to safety and security in public and assisted housing and ineligibility of drug criminals, illegal drug users, alcohol abusers, and dangerous sex offenders, preferences for elderly and disabled residents, and ineligibility of persons convicted of methamphetamine offenses.''.

Page 37, after line 7, insert the following:

''(3) CONSISTENT OCCUPANCY STANDARDS FOR DISPLACED FAMILIES.—Notwithstanding paragraph (2), any household who occupied a dwelling unit in public housing subject to a revitalization plan of a public housing agency and that was displaced as a result of the revitalization shall be subject, for purposes of occupancy in replacement housing provided pursuant to subsection (j) under the replacement plan that is owned or managed, or assisted, by the agency, only to policies,

practices, standards, criteria, and requirements regarding continued occupancy in such original public housing (and not to initial occupancy).''.

Page 38, line 7, after the period insert the following: ''Such benchmarks shall include completion of the provision of all replacement dwelling units provided pursuant to the requirements of subsection (j)''.

Page 39, after line 5, insert the following:

''(D) project delays and cost increases due to shortages in labor and materials as a direct result of location in an area that is subject to a declaration by the President of a major disaster or emergency under the Robert T. Stafford Disaster and Emergency Assistance Act, except that an extension of the period for compliance with performance benchmarks pursuant to this subparagraph shall not be for a period longer than 12 months;''.

Page 39, line 6, strike ''(D)'' and insert ''(E)''.

Page 39, line 7, strike ''(E)'' and insert ''(F)''.

Page 39, line 9, strike ''(F)'' and insert ''(G)''.

Strike line 17 on page 39 and all that follows through ''(2) URA.—'' on page 40, line 1, and insert the following:

''(p) APPLICABILITY OF UNIFORM RELOCATION ACT.—''.

Page 42, lines 17 and 18, strike ''10 percent or more of the funds'' and insert ''20 percent or more of the total amount of HOPE VI grant amounts provided under this section''.

Page 44, after line 18, insert the following:

SEC. 16. EXTENSION OF AVAILABILITY OF FUNDS FOR REVITALIZATION PLANS DELAYED BY HURRICANES.

Notwithstanding any other provision of law, the Secretary of Housing and Urban Development may not, before October 1, 2009, recapture any portion of a grant made to a public housing agency to carry out a revitalization plan under section 24 of the United States Housing Act of 1937 (42 U.S.C. 1437v) if the public housing agency has suffered, as a direct result of Hurricane Katrina, Wilma, or Rita of 2005—

(1) project delays; and

(2) cost increases due to shortages in labor and materials.

Page 44, line 19, strike ''SEC. 16.'' and insert ''SEC. 17.''.

Page 45, after line 2, insert the following:

SEC. 18. NON-CITIZEN ELIGIBILITY RESTRICTIONS.

No person not lawfully permitted to be in or remain in the United States is eligible for housing assistance under this Act or the amendments made by this Act. Nothing in this Act or the amendments made by this Act alters the rules under section 214 of the Housing and Community Development Act of 1980 (42 U.S.C. §1436a).

It was decided in the affirmative ..... { Yeas ..... 388 / Nays 20

¶4.8 [Roll No. 12]

AYES—388

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Altmire
Andrews
Arcuri
Bachmann
Bachus
Baird
Baldwin
Barrow
Barton (TX)
Bean
Becerra
Berman
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Chabot
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
DeLauro
Dent
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Ferguson
Filner
Fortenberry
Fortuño
Foxx
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Norton
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wittman (VA)
Wolf
Woolsey
Wynn
Yarmuth
Young (AK)
Young (FL)

NOES—20

Akin
Barrett (SC)
Bartlett (MD)
Broun (GA)
Campbell (CA)
Cannon
Feeney
Flake
Franks (AZ)
Garrett (NJ)
Hensarling
Johnson, Sam
Lamborn
Linder
Mack
Miller (FL)
Pence
Royce
Stearns
Wilson (SC)

NOT VOTING—27

Baca
Baker
Berkley
Berry
Brown (SC)
Davis (IL)
Deal (GA)
Delahunt
Diaz-Balart, L.
Diaz-Balart, M.
Faleomavaega
Forbes
Fossella
Gordon
Hobson
Hunter
Jefferson
Kingston
Lantos
Lewis (KY)
Miller, Gary
Paul
Schmidt
Sherman
Shimkus
Visclosky
Wu

So the amendment was agreed to.

¶4.9 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 2, printed in House Report 110-509, submitted by Mr. NEUGEBAUER:

Page 9, line 4, before the period insert ''FOR OCCUPIED UNITS''.

Page 9, line 11, after the comma insert ''occupied''.

Page 26, line 9, before the period insert ''FOR OCCUPIED UNITS''.

Page 26, line 14, strike ''in existence'' and insert ''occupied''.

It was decided in the negative ..... { Yeas ..... 181 / Nays 227

¶4.10 [Roll No. 13]

AYES—181

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carney
Carter
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Dent
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Fortenberry
Fortuño
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hoekstra
Hulshof
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Latta
Lewis (CA)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery

McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Sensenbrenner
Sessions
Shadegg
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOES—227

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

NOT VOTING—27

Baca
Baker
Berkley
Berry
Boehner
Brown (SC)
Davis (IL)
Deal (GA)
Delahunt
Diaz-Balart, L.
Diaz-Balart, M.
Faleomavaega
Forbes
Fossella
Hobson
Hunter
Jefferson
Kingston
Lantos
Lewis (KY)
Miller, Gary
Paul
Schmidt
Sherman
Shimkus
Visclosky
Wu

So the amendment was not agreed to.

¶4.11 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 4, printed in House Report 110-509, submitted by Mr. SESSIONS:

Strike line 18 on page 4 and all that follows through page 5, line 7.

Page 16, lines 20 through 22, strike ''. as amended by the preceding provisions of this Act, is further'' and insert ''is''.

Page 16, line 24, strike ''(5)'' and insert ''(4)''.

Page 17, line 9, strike ''(6)'' and insert ''(5)''.

It was decided in the negative { Yeas ..... 186 / Nays 221

¶4.12 [Roll No. 14]

AYES—186

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

NOES—221

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

NOT VOTING—28

Ackerman
Baca
Baker
Berkley
Berry
Boehner
Brown (SC)
Davis (IL)
Deal (GA)
Delahunt
Faleomavaega
Forbes
Fossella
Hobson
Hunter
Jefferson
Kingston
Lantos
Lewis (KY)
Miller, Gary
Paul
Radanovich
Schmidt
Sherman
Shimkus
Visclosky
Wu
Wynn

So the amendment was not agreed to.

¶4.13 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 6, printed in House Report 110-509, submitted by Mr. KING of Iowa:

Page 44, line 2, before the closing quotation marks insert the following: ''None of the funds authorized to be appropriated under this paragraph may used to pay wages in compliance with subchapter IV of chapter 31 of title 40, United States Code.''.

It was decided in the negative ..... { Yeas ..... 136 / Nays 268

¶4.14 [Roll No. 15]

AYES—136

Aderholt	Fortenberry	Moran (KS)
Akin	Foxx	Musgrave
Bachmann	Franks (AZ)	Myrick
Bachus	Frelinghuysen	Neugebauer
Barrett (SC)	Gallegly	Nunes
Bartlett (MD)	Garrett (NJ)	Pearce
Barton (TX)	Gingrey	Pence
Bilbray	Gohmert	Peterson (PA)
Bilirakis	Goode	Pickering
Bishop (UT)	Goodlatte	Pitts
Blackburn	Granger	Platts
Bonner	Hall (TX)	Poe
Bono Mack	Hastings (WA)	Price (GA)
Boozman	Hayes	Pryce (OH)
Boustany	Hensarling	Putnam
Brady (TX)	Herger	Radanovich
Broun (GA)	Hoekstra	Ramstad
Buchanan	Hulshof	Rogers (AL)
Burgess	Inglis (SC)	Rogers (KY)
Buyer	Issa	Rogers (MI)
Calvert	Johnson, Sam	Rohrabacher
Camp (MI)	Jones (NC)	Royce
Campbell (CA)	Jordan	Sali
Cannon	Keller	Sensenbrenner
Cantor	King (IA)	Sessions
Carter	Kline (MN)	Shadegg
Chabot	Knollenberg	Shuster
Coble	Lamborn	Simpson
Cole (OK)	Latham	Smith (NE)
Conaway	Latta	Smith (TX)
Crenshaw	Linder	Souder
Cubin	Lucas	Stearns
Culberson	Lungren, Daniel E.	Sullivan
Davis (KY)	Mack	Tancredo
Davis, David	Manzullo	Terry
Davis, Tom	Marchant	Thornberry
Dent	McCarthy (CA)	Tiahrt
Doolittle	McCaul (TX)	Walberg
Drake	McCrery	Wamp
Dreier	McHenry	Weldon (FL)
Duncan	McKeon	Westmoreland
Ehlers	McMorris Rodgers	Wilson (NM)
Everett	Mica	Wilson (SC)
Fallin	Miller (FL)	Wittman (VA)
Feeney	Moran (KS)	Wolf
Flake	Musgrave	Young (FL)

NOES—268

Abercrombie	Capito	Diaz-Balart, M.
Ackerman	Capps	Dicks
Alexander	Capuano	Dingell
Allen	Carnahan	Doggett
Altmire	Carney	Donnelly
Andrews	Castle	Doyle
Arcuri	Castor	Edwards
Baird	Chandler	Ellison
Baldwin	Christensen	Ellsworth
Barrow	Clarke	Emanuel
Bean	Clay	Emerson
Becerra	Cleaver	Engel
Berman	Clyburn	English (PA)
Biggert	Cohen	Eshoo
Bishop (GA)	Conyers	Etheridge
Bishop (NY)	Cooper	Farr
Blumenauer	Costa	Ferguson
Blunt	Costello	Filner
Bordallo	Courtney	Fortuño
Boren	Cramer	Frank (MA)
Boswell	Crowley	Gerlach
Boucher	Cuellar	Giffords
Boyd (FL)	Cummings	Gilchrest
Boyda (KS)	Davis (AL)	Gillibrand
Brady (PA)	Davis (CA)	Gonzalez
Braley (IA)	Davis, Lincoln	Gordon
Brown, Corrine	DeFazio	Graves
Brown-Waite, Ginny	DeGette	Green, Al
Butterfield	DeLauro	Green, Gene
	Diaz-Balart, L.	Grijalva
Gutierrez	McCotter	Sánchez, Linda T.
Hall (NY)	McDermott	Sanchez, Loretta
Hare	McGovern	Sarbanes
Harman	McHugh	Saxton
Hastings (FL)	McIntyre	Schakowsky
Herseth Sandlin	McNerney	Schiff
Higgins	McNulty	Schwartz
Hill	Meek (FL)	Scott (GA)
Hinchey	Meeks (NY)	Scott (VA)
Hinojosa	Melancon	Serrano
Hirono	Michaud	Sestak
Hodes	Miller (MI)	Shays
Holden	Miller (NC)	Shea-Porter
Holt	Miller, George	Shuler
Honda	Mitchell	Sires
Hooley	Mollohan	Skelton
Inslee	Moore (KS)	Slaughter
Israel	Moore (WI)	Smith (NJ)
Jackson (IL)	Moran (VA)	Smith (WA)
Jackson-Lee (TX)	Murphy (CT)	Snyder
Johnson (GA)	Murphy, Patrick	Solis
Johnson (IL)	Murphy, Tim	Space
Johnson, E. B.	Murtha	Spratt
Jones (OH)	Nadler	Stark
Kagen	Napolitano	Stupak
Kanjorski	Neal (MA)	Sutton
Kaptur	Norton	Tanner
Kennedy	Oberstar	Tauscher
Kildee	Obey	Taylor
Kilpatrick	Olver	Thompson (CA)
Kind	Ortiz	Thompson (MS)
King (NY)	Pallone	Tiberi
Kirk	Pascrell	Tierney
Klein (FL)	Pastor	Towns
Kucinich	Perlmutter	Tsongas
Kuhl (NY)	Peterson (MN)	Turner
LaHood	Petri	Udall (CO)
Lampson	Pomeroy	Udall (NM)
Langevin	Porter	Upton
Larsen (WA)	Price (NC)	Van Hollen
Larson (CT)	Rahall	Velázquez
LaTourette	Rangel	Walden (OR)
Lee	Regula	Walsh (NY)
Levin	Rehberg	Walz (MN)
Lewis (CA)	Reichert	Wasserman Schultz
Lewis (GA)	Renzi	Waters
Lipinski	Reyes	Watson
LoBiondo	Reynolds	Watt
Loebsack	Richardson	Waxman
Lofgren, Zoe	Rodriguez	Weiner
Lowey	Ros-Lehtinen	Welch (VT)
Lynch	Roskam	Weller
Mahoney (FL)	Ross	Wexler
Maloney (NY)	Rothman	Whitfield (KY)
Markey	Roybal-Allard	Wilson (OH)
Marshall	Ruppersberger	Woolsey
Matheson	Rush	Wynn
Matsui	Ryan (OH)	Yarmuth
McCarthy (NY)	Ryan (WI)	Young (AK)
McCollum (MN)	Salazar	

NOT VOTING—31

Baca	Faleomavaega	Lewis (KY)
Baker	Fattah	Miller, Gary
Berkley	Forbes	Paul
Berry	Fossella	Payne
Boehner	Heller	Schmidt
Brown (SC)	Hobson	Sherman
Burton (IN)	Hoyer	Shimkus
Cardoza	Hunter	Visclosky
Davis (IL)	Jefferson	Wu
Deal (GA)	Kingston	
Delahunt	Lantos	

So the amendment was not agreed to.

¶4.15 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 7, printed in House Report 110-509, submitted by Mrs. CAPITO:

Page 10, strike lines 13 through 16.

Page 14, strike ''non-mandatory'' in lines 5 and 6 and all that follows through line 14, and insert the following: ''components of the green building rating system, standard, or code determined by the Secretary pursuant to subsection (l)(3); and''.

Strike line 16 on page 14 and all that follows through page 15, line 5, and insert the following: ''construction, complies with the components of the green building rating system, standard, or code determined by the Secretary pursuant to subsection (l)(3).''.

Page 32, line 13, strike ''REQUIREMENT''.

Strike line 14 on page 32 and all that follows through page 34, line 9.

Page 34, line 10, strike ''(2)'' and insert ''(1)''.

Page 34, line 13, strike ''proposed''.

Page 34, strike lines 15 through 18, and insert ''this section is carried out in accordance with the terms included in the approved plan pursuant to section (e)(2)(C)(xii)''.

Page 35, after line 5, insert the following:

''(2) IDENTIFICATION OF GREEN BUILDINGS RATING SYSTEM, STANDARD, OR CODE.—

''(A) IN GENERAL.—For purposes of this section, the Secretary shall identify a rating system, standard, or code for green buildings that the Secretary determines to be a comprehensive and environmentally-sound approach to development of green buildings.

''(B) CRITERIA.—In identifying the green building rating system, standard, or code under this paragraph, the Secretary shall take into consideration—

''(i) the impact of the cost of the enhanced building quality rating systems, standards, or codes on the number of affordable housing units;

''(ii) the ability and availability of assessors and auditors to independently verify the criteria and measurement of metrics at the scale necessary to implement this subsection;

''(iii) the ability of the applicable developer of the rating system, standard, or code to collect and reflect public comment;

''(iv) the ability of the rating system, standard, or code to be developed and revised through a consensus-based process;

''(v) an evaluation of the robustness of the criteria for a high-performance green building, which shall give credit for promoting—

''(I) efficient and sustainable use of land, water, energy, and other natural resources;

''(II) use of renewable energy sources;

''(III) improved indoor environmental quality through enhanced indoor air quality, day lighting, pollutant source control, and use of low-emission materials and building system controls; and

''(IV) such other criteria as the Secretary determines to be appropriate; and

''(vi) whether the rating system, standard, or code is accredited by a national standards developing organization.

''(C) 5-YEAR EVALUATION.—At least once every five years, the Secretary shall conduct a study to evaluate and compare available third-party green building rating systems, standards, and codes, taking into account the criteria specified in subparagraph (B).''.

Page 35, lines 9 through 11, strike ''national Green Communities criteria checklist and LEED rating systems'' and insert ''green building rating system, standard, or code''.

Page 35, line 13, strike ''checklist and systems'' and insert ''system, standard, or code''.

Page 35, strike ''the national'' in line 20 and all that follows through line 24, and insert the following: ''any rating system, standard, or code that the Secretary has determined to be appropriate pursuant to paragraph (3).''.

It was decided in the negative ..... { Yeas ..... 169 / Nays 240

¶4.16 [Roll No. 16]

AYES—169

Aderholt	Blackburn	Burgess
Akin	Blunt	Burton (IN)
Alexander	Bonner	Buyer
Bachmann	Bono Mack	Calvert
Bachus	Boozman	Camp (MI)
Barrett (SC)	Boustany	Campbell (CA)
Barrow	Brady (TX)	Cannon
Barton (TX)	Broun (GA)	Cantor
Biggert	Brown-Waite, Ginny	Capito
Bilirakis	Buchanan	Carter
Bishop (UT)		Castle

Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Emerson
English (PA)
Everett
Fallin
Ferguson
Flake
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hoekstra
Hulshof
Issa
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kline (MN)
Knollenberg
LaHood
Lamborn
Lampson
Latham
LaTourette
Latta
Lewis (CA)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McKeon
McMorris Rodgers
Mica
Michaud
Miller (FL)
Miller (MI)
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Rahall
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Saxton
Sensenbrenner
Sessions
Shadegg
Shays
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Walberg
Walden (OR)
Wamp
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOES—240

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

NOT VOTING—26

Baca
Baker
Berkley
Berry
Boehner
Brown (SC)
Davis (IL)
Deal (GA)
Delahunt
Faleomavaega
Feeney
Forbes
Fossella
Hobson
Hunter
Jefferson
Kingston
Lantos
Lewis (KY)
Miller, Gary
Paul
Schmidt
Sherman
Shimkus
Visclosky
Wu

So the amendment was not agreed to.

The SPEAKER pro tempore, Mr. PASTOR, assumed the Chair.

When Mr. CROWLEY, Chairman, pursuant to House Resolution 922, reported the bill back to the House with an amendment adopted by the Committee.

The previous question having been ordered by said resolution.

The following amendment, reported from the Committee of the Whole House on the state of the Union, was agreed to:

Strike out all after the enacting clause and insert:

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

(a) SHORT TITLE.—This Act may be cited as the ''HOPE VI Improvement and Reauthorization Act of 2008''.

(b) REFERENCES.—Except as otherwise expressly provided in this Act, wherever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.).

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

Sec. 1. Short title; references; table of contents.
Sec. 2. Purposes of program.
Sec. 3. Authority to waive contribution requirement in cases of extreme distress or emergency.
Sec. 4. Prohibition of demolition-only grants.
Sec. 5. Main Street projects grants.
Sec. 6. Eligible activities.
Sec. 7. Selection of proposals for grants.
Sec. 8. Requirements for mandatory core components.
Sec. 9. Planning and technical assistance grants.
Sec. 10. Annual report; availability of documents.
Sec. 11. Definitions.
Sec. 12. Conforming amendment.
Sec. 13. Authorization of appropriations.
Sec. 14. Extension of program.
Sec. 15. Review.
Sec. 16. Extension of availability of funds for revitalization plans delayed by hurricanes.
Sec. 17. Regulations.
Sec. 18. Non-citizen eligibility restrictions.

SEC. 2. PURPOSES OF PROGRAM.

Subsection (a) of section 24 of the United States Housing Act of 1937 (42 U.S.C. 1437v(a)) is amended—

(1) in paragraph (1), by inserting before ''through'' the following: ''located in communities of all sizes, including small- and medium-sized communities,'';

(2) in paragraph (3)—

(A) by inserting ''low- and'' before ''very low-income''; and

(B) by striking ''and'' at the end;

(3) in paragraph (4), by striking the period at the end and inserting ''; and''; and

(4) by adding at the end the following new paragraph:

''(5) promoting housing choice among low- and very low-income families.''.

SEC. 3. AUTHORITY TO WAIVE CONTRIBUTION REQUIREMENT IN CASES OF EXTREME DISTRESS OR EMERGENCY.

Subsection (c) of section 24 is amended by adding at the end the following new paragraph:

''(4) WAIVER.—

''(A) AUTHORITY.—The Secretary may waive the applicability of paragraph (1) with respect to an applicant or grantee if the Secretary determines that circumstances of extreme distress or emergency, in the area that the revitalization plan of the applicant is to be carried out, directly affect the ability of the applicant or grantee to comply with such requirement.

''(B) REGULATIONS.—The Secretary shall issue regulations to carry out this paragraph, which shall—

''(i) set forth such circumstances of extreme distress and emergency; and

''(ii) provide that such circumstances shall include any instance in which the area in which a revitalization plan assisted with amounts from a grant under this section is to be carried out is subject to a declaration by the President of a major disaster or emergency under the Robert T. Stafford Disaster Relief and Emergency Assistance Act.''.

SEC. 4. PROHIBITION OF DEMOLITION-ONLY GRANTS.

Section 24 is amended—

(1) in subsection (c)(3), by striking ''or demolition of public housing (without replacement)'';

(2) in the first sentence of subsection (e)(3)—

(A) by striking ''demolition only,''; and

(B) by striking the last comma; and

(3) in subsection (e), by adding at the end the following new paragraph:

''(4) PROHIBITION OF DEMOLITION-ONLY GRANTS.—The Secretary may not make a grant under this section for a revitalization plan that proposes to demolish public housing without revitalization of any existing public housing dwelling units.''.

SEC. 5. MAIN STREET PROJECTS GRANTS.

Section 24 is amended—

(1) by redesignating subsection (n) as subsection (y);

(2) in subsection (l), by striking ''subsection (n)'' each place such term appears and inserting ''subsection (y)''; and

(3) in subsection (m)(3), by striking ''subsection (n)'' and inserting ''subsection (y)''.

SEC. 6. ELIGIBLE ACTIVITIES.

Paragraph (1) of section 24(d) is amended—

(1) in the matter preceding subparagraph (A), by striking ''programs'' and inserting ''plans'';

(2) in subparagraph (G), by striking ''program'' and inserting ''plan'';

(3) by striking subparagraph (J) and inserting the following new subparagraph:

''(J) the acquisition and development of replacement housing units in accordance with subsection (j);''.

(4) in subparagraph (K), by striking ''and'' at the end;

(5) in subparagraph (L)—

(A) by striking ''15 percent'' and inserting ''25 percent''; and

(B) by striking the period at the end and inserting a semicolon; and

(6) by adding at the end the following new subparagraphs:

''(M) necessary costs of ensuring the effective relocation of residents displaced as a result of the revitalization of the project, including costs of monitoring as required under subsection (k); and

''(N) activities undertaken to comply with the provisions of (B)(vii) and (C)(xiii) of subsection (e)(2) and subsection (l) (relating to green developments).''.

SEC. 7. SELECTION OF PROPOSALS FOR GRANTS.

(a) SELECTION CRITERIA.—Section 24(e) is amended by striking paragraph (2) and inserting the following new paragraph:

''(2) GRANT AWARD CRITERIA.—

''(A) ESTABLISHMENT.—The Secretary shall establish criteria for the award of grants under this section.

''(B) MANDATORY CORE COMPONENTS.—The criteria under this paragraph shall require that a proposed revitalization plan may not be selected for award of a grant under this section unless the proposed plan meets all of the following requirements:

''(i) EVIDENCE OF SEVERE DISTRESS.—The proposed plan shall contain evidence sufficient to demonstrate that the public housing project that is subject to the plan is severely distressed, which shall include—

''(I) a certification signed by an engineer or architect licensed by a State licensing board that the project meets the criteria for physical distress under subsection (t)(2); and

''(II) such other evidence that the project meets criteria for nonphysical distress under subsection (t)(2), such as census data, crime statistics, and past surveys of neighborhood stability conducted by the public housing agency.

''(ii) RESIDENT INVOLVEMENT AND SERVICES.—The proposed plan shall provide for opportunities for involvement of residents of the housing subject to the plan and the provision of services for such residents, in accordance with subsection (g).

''(iii) RELOCATION PLAN.—The proposed plan shall provide a plan for relocation of households occupying the public housing project that is subject to the plan, in accordance with subsection (h), including a statement of the estimated number of vouchers for rental assistance under section 8 that will be needed for such relocation.

''(iv) RESIDENT RIGHT TO EXPANDED HOUSING OPPORTUNITIES.—The proposed plan provides right of resident households to occupy housing provided under such revitalization plan in accordance with subsection (i).

''(v) ONE-FOR-ONE REPLACEMENT.—The proposed plan shall provide a plan that—

''(I)(aa) provides for replacement in accordance with subsection (j) of 100 percent of all dwelling units in existence as of January 1, 2005, that are subject to the revitalization plan and that have been or will be demolished or disposed of, on the site of the original public housing or within the jurisdiction of the public housing agency; or

''(bb) pursuant to subsection (j)(1)(B), requests a reduction of the percentage specified in subsection (j)(1)(A) and provides for replacement of dwelling units demolished or disposed of in accordance with the percentage requested;

''(II) identifies the type of replacement housing that will be offered to residents displaced by the revitalization plan;

''(III) contains such agreements with or assurances by the Secretary, State and local governmental agencies, and other entities sufficient to ensure compliance with subsection (j) (as modified by any percentage reduction requested under subsection (j)(1)(B)); and

''(IV) contains such assurances or agreements as the Secretary considers necessary to ensure compliance with subsection (i)(2).

''(vi) FAIR HOUSING; LIMITATION ON EXCLUSION.—The proposed plan shall be carried out in a manner that complies with section (m) (relating to affirmatively furthering fair housing and limitation on exclusion).

''(vii) GREEN DEVELOPMENTS.—The proposed plan complies with the requirement under subsection (l) (relating to green developments).

''(C) MANDATORY GRADED COMPONENTS.—The criteria under this paragraph shall provide that, in addition to the requirements under subparagraph (B), the proposed revitalization plan shall address and meet minimum requirements with respect to, and shall provide additional priority based on the extent to which the plan satisfactorily addresses, each of the following issues:

''(i) COMPLIANCE WITH PURPOSES.—The extent to which the proposed plan of an applicant achieves the purposes of this section set forth in subsection (a).

''(ii) CAPABILITY AND RECORD.—The extent of the capability and record of the applicant public housing agency, public partners, proposed private development partners (including nonprofit housing developers), or any alternative management entity for the agency, for managing redevelopment or modernization projects, meeting performance benchmarks, and obligating amounts in a timely manner, including any past performance of such entities under the HOPE VI program and any record of such entities of working with socially and economically disadvantaged businesses, as such term is defined in section 8(a)(4) of the Small Business Act (15 U.S.C. 637(a)(4)).

''(iii) DIVERSITY OUTREACH.—The extent to which the proposed revitalization plan includes partnerships with socially and economically disadvantaged businesses, as such term is defined by section 8(a)(4) of the Small Business Act.

''(iv) EFFECTIVENESS OF RELOCATION AND ONE-FOR-ONE REPLACEMENT PLANS.—The extent of the likely effectiveness of the proposed revitalization plan for temporary and permanent relocation of existing residents, including the likely effectiveness of the relocation plan under subparagraph (B)(iii) and the one-for-one replacement plan under subparagraph (B)(v).

''(v) ACHIEVABILITY OF REVITALIZATION PLAN.—The achievability of the proposed revitalization plan pursuant to subsection (o), with respect to the scope and scale of the project.

''(vi) LEVERAGING.—The extent to which the proposed revitalization plan will leverage other public or private funds or assets for the project.

''(vii) NEED FOR ADDITIONAL FUNDING.—The extent to which the applicant could undertake the activities proposed in the revitalization plan without a grant under this section.

''(viii) PUBLIC AND PRIVATE INVOLVEMENT.—The extent of involvement of State and local governments, private service providers, financing entities, and developers (including nonprofit housing developers), in the development and ongoing implementation of the revitalization plan.

''(ix) NEED FOR AFFORDABLE HOUSING.—The extent of need for affordable housing in the community in which the proposed revitalization plan is to be carried out.

''(x) AFFORDABLE HOUSING SUPPLY.—The extent of the supply of other housing available and affordable to families receiving tenant-based assistance under section 8.

''(xi) PROJECT-BASED HOUSING.—The extent to which the proposed revitalization plan sustains or creates more project-based housing units available to persons eligible for residency in public housing in markets where the proposed plan shows there is demand for the maintenance or creation of such units.

''(xii) GREEN DEVELOPMENTS COMPLIANCE.—The extent to which the proposed revitalization plan—

''(I) in the case of residential construction, complies with the nonmandatory items of the national Green Communities criteria checklist identified in subsection (l)(1)(A), or any substantially equivalent standard or standards as determined by the Secretary, but only to the extent such compliance exceeds the compliance necessary to accumulate the number of points required under such subsection; and

''(II) in the case of non-residential construction, complies with the components of the green building rating systems and levels identified by the Secretary pursuant to subsection (l)(3), but only to the extent such compliance exceeds the minimum level required under such systems and levels.

''(xiii) HARD-TO-HOUSE FAMILIES.—The extent to which the one-for-one replacement plan under subparagraph (B)(v) for the revitalization plan provides replacement housing that is likely to be most appropriate and beneficial for families whose housing needs are difficult to fulfill, including, but not limited to, elderly households, disabled households, households consisting of grandparents raising grandchildren, large families, households displaced by the revitalization plan in need of special services, and households consisting of or including an individual who served on active duty in the Armed Forces of the United States for a period of not less than 90 days and who was discharged or released from such duty under conditions other than dishonorable. For purposes of this clause, the term 'families whose housing needs are difficult to fulfill' shall not include any individuals, or any categories of individuals, who have been released from a prison, jail, or other correctional facility of the Federal Government, a State government, or a unit of general local government, notwithstanding whether such individuals are not ineligible for occupancy in public housing pursuant to subsection (m)(2), have not been arrested for or charged with any crime during any specific period, or are individuals for whom housing is a critical need.

''(xiv) FAMILY-FRIENDLY HOUSING.—The extent to which replacement housing units provided through the revitalization plan contain a sufficient number of bedrooms to prevent overcrowding.

''(xv) ADDITIONAL ON-SITE MIXED-INCOME HOUSING.—The extent to which the one-for-one replacement plan under subparagraph (B)(v) provides public housing units in addition to the number necessary to minimally comply with the requirement under subsection (j)(2)(A)(i), including the extent to which such plan provides sufficient housing for elderly and disabled residents who indicate a preference to return to housing provided on the site of the original public housing involved in the revitalization plan and complies with the requirements of subsection (j)(2)(A)(ii).

''(xvi) OTHER.—Such other factors as the Secretary considers appropriate.''.

(b) TREATMENT OF LOW-INCOME HOUSING TAX CREDIT ALLOCATIONS; MANDATORY SITE VISITS.—Section 24(e), as amended by the

preceding provisions of this Act, is further amended by adding at the end the following new paragraphs:

''(5) TREATMENT OF LOW-INCOME HOUSING TAX CREDIT ALLOCATION.—In the case of any application for a grant under this section that relies on the allocation of any low-income housing tax credit provided pursuant to section 42 of the Internal Revenue Code of 1986 as part of the revitalization plan proposed in the application, the Secretary shall not require that the first phase of any project to be developed under the plan possess an allocation of such low-income housing tax credits at the time of such application.

''(6) MANDATORY SITE VISITS.—Notwithstanding any other provision of law, the Secretary shall provide for appropriate officers or employees of the Department of Housing and Urban Development to conduct a visit to the site of the public housing involved in the revitalization plan proposed under each application for a grant under this section that is involved in a final selection of applications to be funded under this section. Site visits pursuant to this paragraph shall be used only for the purpose of obtaining information to assist in determining whether the public housing projects involved in the application are severely distressed public housing.''.

(c) EXCLUSION OF GREEN DEVELOPMENT COSTS FROM TOTAL DEVELOPMENT COSTS.—Subsection (f) of section 24 is amended by adding after and below paragraph (2) the following:

''In determining the total development costs for a revitalization plan, the Secretary shall not consider any costs of compliance with green building rating systems and levels identified by the Secretary pursuant to subsection (l)(3).''.

SEC. 8. REQUIREMENTS FOR MANDATORY CORE COMPONENTS.

Section 24 is amended—

(1) by redesignating subsections (h) through (m) as subsections (q) through (v), respectively;

(2) by redesignating subsection (o) as subsection (w); and

(3) by striking subsection (g) and inserting the following new subsections:

''(g) RESIDENT INVOLVEMENT AND SERVICES.—

''(1) IN GENERAL.—Each revitalization plan assisted under this section shall provide opportunities for the active involvement and participation of, and consultation with, residents of the public housing that is subject to the revitalization plan during the planning process for the revitalization plan, including prior to submission of the application, and during all phases of the planning and implementation. Such opportunities for participation may include participation of members of any resident council, but may not be limited to such members, and shall include all segments of the population of residents of the public housing that is subject to the revitalization plan, including single parent-headed households, the elderly, young employed and unemployed adults, teenage youth, and disabled persons. Such opportunities shall include a process that provides opportunity for comment on specific proposals for redevelopment, any demolition and disposition involved, and any proposed significant amendments or changes to the revitalization plan.

''(2) NOTICES.—In carrying out a revitalization plan assisted under this section, a public housing agency shall provide the following written notices, in plain and nontechnical language, to each household occupying a dwelling unit in the public housing that is subject to, or to be subject to, the plan:

''(A) NOTICE OF INTENT.—Not later than the expiration of the 30-day period beginning upon publication by the Secretary of a notice of funding availability for a grant under this section for such plan, notice of—

''(i) the public housing agency's intent to submit such application;

''(ii) the proposed implementation and management of the revitalized site;

''(iii) residents' rights under this section to participate in the planning process for the plan, including opportunities for participation in accordance with paragraph (1), and to receive comprehensive relocation assistance and community and supportive services pursuant to paragraph (4); and

''(iv) the public hearing pursuant to paragraph (3).

''(B) NOTICE OF GRANT AWARD AND RELOCATION OPTIONS.—Not later than 30 days after notice to the public housing agency of the award of a grant under this section, notice that—

''(i) such grant has been awarded;

''(ii) describes the process involved under the revitalization plan to temporarily relocate residents of the public housing that is subject to the plan;

''(iii) provides the information required pursuant to subsection (h)(2) (relating to relocation options); and

''(iv) informs residents of opportunities for participation in accordance with paragraph (1).

''(C) NOTICE OF GRANT AGREEMENT AND RELOCATION OPTIONS.—Not later than 30 days after execution of a grant agreement under this section with a public housing agency, notice that—

''(i) specifically identifies the housing available for relocation of resident of the public housing subject to the revitalization plan;

''(ii) sets forth the schedule for relocation of residents of the public housing subject to the revitalization plan, including the approximate dates on which such housing will be available for such relocation; and

''(iii) informs residents of opportunities for participation in accordance with paragraph (1).

''(D) NOTICE OF REPLACEMENT HOUSING.—Upon the availability of replacement housing provided pursuant to subsection (j), notice to each household described in subsection (i)(1) of—

''(i) such availability;

''(ii) the process and procedure for exercising the right to expanded housing opportunities and preferences under subsection (i)(2); and

''(iii) opportunities for participation in accordance with paragraph (1) of this subsection.

''(E) OTHER.—Such other notices as the Secretary may require.

''(3) PUBLIC HEARING.—The Secretary may not make a grant under this section to an applicant unless the applicant has convened and conducted a public hearing regarding the revitalization plan, including the one-for-one replacement to occur under the plan, not later than 75 days before submission of the application for the grant under this section for such plan, at a time and location that is convenient for residents of the public housing subject to the plan.

''(4) SERVICES.—Each recipient of a grant under this section shall—

''(A) provide each household who is residing at the site of the revitalization as of the date of the notice of intent under subparagraph (A) with comprehensive relocation assistance for a period that is the latter of the two periods referred to in subparagraph (B) with comprehensive relocation assistance; and

''(B) offer, to each such displaced resident and each low-income family provided housing under the revitalization plan, community and supportive services until the latter of—

''(i) the expiration of the two-year period that begins upon the end of the development period under the plan; and

''(ii) the date on which all funding under the grant for community and supportive services has been expended.

''(5) SIGNIFICANT AMENDMENTS OR CHANGES TO PLAN.—A public housing agency may not carry out any significant amendment or change to a revitalization plan unless—

''(A) the public housing agency has convened and conducted a public hearing regarding the significant amendment or change at a time and location that is convenient for residents of the public housing subject to the plan and has provided each household occupying a dwelling unit in such public housing with written notice of such hearing not less than 10 days before such hearing;

''(B) after such hearing, the public housing agency consults with the households occupying dwelling units in the public housing that are subject to, or to be subject to the plan, and the agency submits a report to the Secretary describing the results of such consultation; and

''(C) the Secretary approves the significant amendment or change.

Notwithstanding subparagraph (C), if the Secretary does not approve or disapprove a request for a significant amendment or change to a revitalization plan before the expiration of the 30-day period beginning upon the receipt by the Secretary of the report referred to in subparagraph (B), such request shall be considered to have been approved.

''(h) RELOCATION PROGRAM.—Each recipient of a grant under this section shall—

''(1) provide for each household displaced by the revitalization plan for which the grant is made to be relocated to a comparable replacement dwelling, as defined in section 101 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601), and for payment of actual and reasonable relocation expenses of each such household and any replacement housing payments as are required by the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970;

''(2) fully inform such households of all relocation options, which may include relocating to housing in a neighborhood with a lower concentration of poverty than their current residence or remaining in the housing to which they relocate;

''(3) to the maximum extent possible, minimize academic disruptions on affected children enrolled in school by coordinating relocation with school calendars;

''(4) establish strategies and plans that assist such displaced residents in utilizing tenant-based vouchers to select housing opportunities, including in communities with a lower concentration of poverty, that—

''(A) will not result in a financial burden to the family; and

''(B) will promote long-term housing stability;

''(5) establish and comply with relocation benchmarks that ensure successful relocation in terms of timeliness; and

''(6) notwithstanding any other provision of law, in the case of any tenant-based assistance made available for relocation of a household under this subsection, provide that the term during which the household may lease a dwelling unit using such assistance shall not be shorter than 150 days; if the household is unable to lease a dwelling unit during such period, the public housing agency shall extend the period during which the household may lease a dwelling unit using such assistance and continue to provide the household with comprehensive relocation assistance, or at the option of the household,

provide the household with the next available dwelling unit owned by the public housing agency.

''(i) RIGHT TO EXPANDED HOUSING OPPORTUNITIES FOR RESIDENT HOUSEHOLDS.—

''(1) IN GENERAL.—Subject only to paragraph (3), each revitalization plan assisted with a grant under this section shall make available, to each household occupying a dwelling unit in the public housing subject to a revitalization plan that is displaced as a result of the revitalization plan (including any demolition or disposition of the unit), occupancy for such household in a replacement dwelling unit provided pursuant to subsection (j). To exercise such right under this paragraph to occupancy in such a replacement dwelling unit, the household shall respond in writing to the notice provided pursuant to subsection (g)(2)(C) by the public housing agency.

''(2) PREFERENCES.—Such a replacement dwelling unit shall be made available to each household displaced as a result of the revitalization plan before any replacement dwelling unit is made available to any other eligible household.

''(3) REPORTS TO SECRETARY.—The Secretary shall require each public housing agency carrying out a revitalization plan assisted under this section to submit to the Secretary such reports as may be necessary to allow the Secretary to determine the extent to which the public housing agency has complied with this subsection and to which displaced residents occupy replacement housing provided pursuant to subsection (j), which shall include information describing the location of replacement housing provided pursuant to subsection (j) and statistical information on the characteristics of all households occupying such replacement housing.

''(j) ONE-FOR-ONE REPLACEMENT.—Each revitalization plan assisted with a grant under this section under which any public housing dwelling unit is demolished or disposed of shall provide as follows:

''(1) NUMBER.—

''(A) IN GENERAL.—For one hundred percent, or such lower percentage as is provided pursuant to subparagraph (B), of all such dwelling units in existence as of January 1, 2005, that are subject to the revitalization plan and that have been or will be demolished or disposed of, the public housing agency carrying out the plan shall provide an additional dwelling unit.

''(B) WAIVER.—

''(i) AUTHORITY.—Upon the written request of a public housing agency submitted as part of an application for a grant under this section, the Secretary may reduce the percentage applicable under subparagraph (A) to a revitalization plan of the agency to not less than 90 percent, but only if—

''(I) the Secretary determines that such written request has sufficiently demonstrated a compelling need for such reduction due to extenuating circumstances, which shall include—

''(aa) a judgment, consent decree, or other order of a court that limits the ability of the public housing agency to comply with such requirements;

''(bb) a severe shortage of land available to comply with such requirements; and

''(cc) such other circumstances as the Secretary determines on a case-by-case basis; and

''(II) the reduction is narrowly tailored such that it—

''(aa) reduces the percentage only to the extent necessary to address the particular extenuating circumstances demonstrated pursuant to subclause (I); and

''(bb) is limited in a manner that ensures the maximum extent of compliance with the requirements of this subsection.

''(ii) REQUIRED AND IMPERMISSIBLE CONSIDERATIONS.—In determining whether a compelling need for a reduction pursuant to this subparagraph exists, and extenuating circumstances exist, for purposes of clause (i), the Secretary—

''(I) shall take into consideration the extent and circumstances of any vacant public housing dwelling units of the public housing agency;

''(II) shall take into consideration the extent to which revitalization plan provides additional amenities that will improve the quality of the life of residents by increasing open space or by providing health care or day care facilities or by providing larger units to accommodate families; and

''(III) shall not base any such determination solely or primarily upon any financial hardship of a public housing agency or any other financial condition or consideration.

''(iii) NO WAIVER OF TIME LIMITS.—The Secretary may not, under this subparagraph, waive any requirement of paragraph (3) (relating to timing). The preceding sentence may not be construed to limit or otherwise affect the authority under subsection (o)(3).

''(iv) PENALTY.—If, pursuant to this subparagraph, the Secretary reduces the percentage under subparagraph (A) applicable to the revitalization plan of a public housing agency, no grant under this section may be made to such agency or for any public housing of such agency at any time that such agency is not in full compliance with the requirements of this paragraph, as modified by the terms of such reduction.

''(2) LOCATION.—Such dwelling units shall be provided in the following manner:

''(A) ON-SITE MIXED-INCOME HOUSING.—

''(i) ONE-THIRD REQUIREMENT.—A mixed-income housing development shall be provided on the site of the original public housing involved in the revitalization plan in which, except as provided in clause (iii), at least one-third of all dwelling units shall be public housing dwelling units and shall be provided through the development of additional public housing dwelling units.

''(ii) REQUIREMENTS FOR ADDITIONAL ON-SITE UNITS.—If the mixed-income housing development provided pursuant to clause (i) includes more public housing dwelling units at the site of the original public housing than is minimally necessary to comply with such clause, the public housing agency shall consult with residents, community leaders, and local government officials regarding such additional public housing dwelling units and shall ensure that such units are provided in a manner that affirmatively furthers fair housing.

''(iii) EXCEPTION.—If, upon a showing by a public housing agency, the Secretary determines that it is infeasible to locate replacement dwelling units on the site of the original public housing involved in the revitalization plan in accordance with clause (i), all replacement units shall be located in areas within the jurisdiction of the public housing agency having low concentrations of poverty, except that at least one mixed-income housing development shall be provided in such an area within the jurisdiction of the public housing agency and that one-third of all units in such development shall be public housing dwelling units. The Secretary may make a finding of infeasibility under this clause only if—

''(I) such location on-site would result in the violation of a consent decree; or

''(II) the land on which the public housing is located is environmentally unsafe, geologically unstable, or otherwise unsuitable for the construction of housing, as evidenced by an independent environmental review or assessment.

''(iv) DECONCENTRATION OF POVERTY.—All dwelling units provided pursuant to this subparagraph shall be provided in a manner that results in decreased concentrations of poverty, with respect to such concentrations existing on the date of the application for the grant under this section.

''(B) OFF-SITE MIXED-INCOME HOUSING.—Any other replacement housing units provided in addition to the dwelling units provided pursuant to subparagraph (A) shall be provided, in areas within the jurisdiction of the public housing agency having low concentrations of poverty, through—

''(i) the acquisition or development of additional public housing dwelling units; or

''(ii) the acquisition, development, or contracting (including through project-based assistance) of additional dwelling units that are subject to requirements regarding eligibility for occupancy, tenant contribution toward rent, and long-term affordability restrictions which are comparable to public housing units, except that subparagraphs (B) and (D) of section 8(o)(13) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(13); relating to percentage limitation and income-mixing requirement for project-based assistance) shall not apply with respect to vouchers used to comply with the requirements of this clause.

Notwithstanding the preceding sentence, if a public housing agency has limited areas within its jurisdiction having low concentrations of poverty, the replacement housing units provided in addition to the dwelling units provided pursuant to subparagraph (A) may be provided within a 25-mile radius of the mixed-income development referred to in subparagraph (A).

''(3) TIMING.—All replacement dwelling units required pursuant to this subsection with respect to the revitalization plan of a public housing agency shall be provided not later than the expiration of the 54-month period that begins upon the execution of the grant agreement under this section for the revitalization plan of the public housing agency. To the greatest extent practicable, such replacement or additional dwelling units, or redevelopment, shall be accomplished in phases over time and, in each such phase, the public housing dwelling units and the dwelling units described in subparagraph (B)(ii) of paragraph (2) shall be made available for occupancy before any nonassisted dwelling unit is made available for occupancy.

''(4) FAIR HOUSING.—The demolition or disposition, relocation, and provision of replacement housing units under paragraph (2)(B) shall be carried out in a manner that affirmatively furthers fair housing, as described in subsection (e) of section 808 of the Civil Rights Act of 1968 (42 U.S.C. 3608(e)).

''(5) PROJECT-BASED VOUCHERS.—There are authorized to be appropriated such sums as may be necessary for each of fiscal years 2009 through 2015 for providing replacement vouchers for project-based rental assistance for the purpose of complying with the one-for-one replacement requirement under this subsection.

''(k) MONITORING OF DISPLACED HOUSEHOLDS.—

''(1) PHA RESPONSIBILITIES.—To facilitate compliance with the requirement under subsection (i) (relating to right to expanded housing opportunities), the Secretary shall, by regulation, require each public housing agency that receives a grant under this section, during the period of the revitalization plan assisted with the grant and until all funding under the grant has been expended—

''(A) to maintain a current address of residence and contact information for each household affected by the revitalization plan who was occupying a dwelling unit in the housing that is subject to the plan; and

''(B) to provide such updated information to the Secretary on at least a quarterly basis.

''(2) CERTIFICATION.—The Secretary may not close out any grant made under this section to a public housing agency before the agency has certified to the Secretary that the agency has complied with subsection (i) (relating to a right to expanded housing opportunities for resident households) with respect to each resident displaced as a result of the revitalization plan, including providing occupancy in a replacement dwelling unit for each household who requested such a unit in accordance with such subsection.

''(3) REPORTS BY SECRETARY.—Not less frequently than once every six months, the Secretary shall submit a report to the Congress that includes all information submitted to the Secretary pursuant to paragraph (1) by all public housing agencies and summarizes the extent of compliance by public housing agencies with the requirements under this subsection and subsection (i).

''(l) GREEN DEVELOPMENTS REQUIREMENT.—

''(1) REQUIREMENT.—The Secretary may not make a grant under this section to an applicant unless the proposed revitalization plan of the applicant to be carried out with such grant amounts meets the following requirements, as applicable:

''(A) GREEN COMMUNITIES CRITERIA CHECKLIST.—All residential construction under the proposed plan complies with the national Green Communities criteria checklist for residential construction that provides criteria for the design, development, and operation of affordable housing, as such checklist is in effect for purposes of this subsection pursuant to paragraph (4) at the date of the application for the grant, or any substantially equivalent standard or standards as determined by the Secretary, as follows:

''(i) The proposed plan shall comply with all items of the national Green Communities criteria checklist for residential construction that are identified as mandatory.

''(ii) The proposed plan shall comply with such other nonmandatory items of such national Green Communities criteria checklist so as to result in a cumulative number of points attributable to such nonmandatory items under such checklist of not less than—

''(I) 25 points, in the case of any proposed plan (or portion thereof) consisting of new construction; and

''(II) 20 points, in the case of any proposed plan (or portion thereof) consisting of rehabilitation.

''(B) GREEN BUILDINGS CERTIFICATION SYSTEM.—All non-residential construction under the proposed plan complies with all minimum required levels of the green building rating systems and levels identified by the Secretary pursuant to paragraph (3), as such systems and levels are in effect for purposes of this subsection pursuant to paragraph (4) at the time of the application for the grant.

''(2) VERIFICATION.—

''(A) IN GENERAL.—The Secretary shall verify, or provide for verification, sufficient to ensure that each proposed revitalization plan carried out with amounts from a grant under this section complies with the requirements under paragraph (1) and that the revitalization plan is carried out in accordance with such requirements and plan.

''(B) TIMING.—In providing for such verification, the Secretary shall establish procedures to ensure such compliance with respect to each grantee, and shall report to the Congress with respect to the compliance of each grantee, at each of the following times:

''(i) Not later than 60 days after execution of the grant agreement under this section for the grantee.

''(ii) Upon completion of the revitalization plan of the grantee.

''(3) IDENTIFICATION OF GREEN BUILDINGS RATING SYSTEMS AND LEVELS.—

''(A) IN GENERAL.—For purposes of this section, the Secretary shall identify rating systems and levels for green buildings that the Secretary determines to be the most likely to encourage a comprehensive and environmentally-sound approach to ratings and standards for green buildings. The identification of the ratings systems and levels shall be based on the criteria specified in subparagraph (B), shall identify the highest levels the Secretary determines are appropriate above the minimum levels required under the systems selected. Within 90 days of the completion of each study required by subparagraph (C), the Secretary shall review and update the rating systems and levels, or identify alternative systems and levels for purposes of this section, taking into account the conclusions of such study.

''(B) CRITERIA.—In identifying the green rating systems and levels, the Secretary shall take into consideration—

''(i) the ability and availability of assessors and auditors to independently verify the criteria and measurement of metrics at the scale necessary to implement this subsection;

''(ii) the ability of the applicable ratings system organizations to collect and reflect public comment;

''(iii) the ability of the standards to be developed and revised through a consensus-based process;

''(iv) an evaluation of the robustness of the criteria for a high-performance green building, which shall give credit for promoting—

''(I) efficient and sustainable use of water, energy, and other natural resources;

''(II) use of renewable energy sources;

''(III) improved indoor environmental quality through enhanced indoor air quality, thermal comfort, acoustics, day lighting, pollutant source control, and use of low-emission materials and building system controls; and

''(IV) such other criteria as the Secretary determines to be appropriate; and

''(v) national recognition within the building industry.

''(C) 5-YEAR EVALUATION.—At least once every five years, the Secretary shall conduct a study to evaluate and compare available third-party green building rating systems and levels, taking into account the criteria listed in subparagraph (B).

''(4) APPLICABILITY AND UPDATING OF STANDARDS.—

''(A) APPLICABILITY.—Except as provided in subparagraph (B), the national Green Communities criteria checklist and green building rating systems and levels referred to in subparagraphs (A) and (B) of paragraph (1) that are in effect for purposes of this subsection are such checklist systems, and levels as in existence upon the date of the enactment of the HOPE VI Improvement and Reauthorization Act of 2008.

''(B) UPDATING.—The Secretary may, by regulation, adopt and apply, for purposes of this section, future amendments and supplements to, and editions of, the national Green Communities criteria checklist, any standard or standards that the Secretary has determined to be substantially equivalent to such checklist, and the green building ratings systems and levels identified by the Secretary pursuant to paragraph (3).

''(m) FAIR HOUSING; CONSISTENT ELIGIBILITY AND OCCUPANCY STANDARDS.—

''(1) FAIR HOUSING.—Each revitalization plan assisted under this section shall affirmatively further fair housing, as described in subsection (e) of section 808 of the Civil Rights Act of 1968.

''(2) CONSISTENT ELIGIBILITY AND OCCUPANCY STANDARDS.—Except to the extent necessary to comply with the requirements of this section, replacement housing provided pursuant to subsection (j) under a revitalization plan of a public housing agency that is owned or managed, or assisted, by the agency shall be subject to the same policies, practices, standards, and criteria regarding waiting lists, tenant screening (including screening criteria, such as credit checks), and occupancy that apply to other housing owned or managed, or assisted, respectively, by such agency, including requirements under Federal law relating to safety and security in public and assisted housing and ineligibility of drug criminals, illegal drug users, alcohol abusers, and dangerous sex offenders, preferences for elderly and disabled residents, and ineligibility of persons convicted of methamphetamine offenses.

''(3) CONSISTENT OCCUPANCY STANDARDS FOR DISPLACED FAMILIES.—Notwithstanding paragraph (2), any household who occupied a dwelling unit in public housing subject to a revitalization plan of a public housing agency and that was displaced as a result of the revitalization shall be subject, for purposes of occupancy in replacement housing provided pursuant to subsection (j) under the replacement plan that is owned or managed, or assisted, by the agency, only to policies, practices, standards, criteria, and requirements regarding continued occupancy in such original public housing (and not to initial occupancy).

''(n) ENFORCEMENT.—

''(1) ADMINISTRATIVE ENFORCEMENT.—If the Secretary determines on the record after opportunity for an agency hearing, pursuant to a request made by any member of household described in subsection (i)(1) who is adversely affected or aggrieved by a violation of subsection (g), (h), (i), (j), (k), (m), or (o), that such a violation has occurred, the Secretary shall issue an order requiring the public housing agency committing such violation to cease and desist for such violation and to take any affirmative action necessary to correct or remedy the conditions resulting from such violation.

''(2) AVAILABILITY OF OTHER REMEDIES.—The remedy under paragraph (1) shall be in addition to all other rights and remedies provided by law.

''(o) PERFORMANCE BENCHMARKS.—

''(1) IN GENERAL.—Each public housing agency that receives a grant under this section shall, in consultation with the Secretary and residents of the public housing subject to the revitalization plan for which the grant is made that are displaced as a result of the revitalization plan, establish performance benchmarks for each component of their revitalization plan. Such benchmarks shall include completion of the provision of all replacement dwelling units provided pursuant to the requirements of subsection (j).

''(2) FAILURE TO MEET BENCHMARKS.—If a public housing agency fails to meet the performance benchmarks established pursuant to paragraph (1), the Secretary shall impose appropriate sanctions, including—

''(A) appointment of an alternative administrator for the revitalization plan;

''(B) financial penalties;

''(C) withdrawal of funding under subsection (j); or

''(D) such other sanctions as the Secretary may deem necessary.

''(3) EXTENSION OF BENCHMARKS.—The Secretary shall extend the period for compliance with performance benchmarks under paragraph (1) for a public housing agency, for such period as the Secretary determines to be necessary, if the failure of the agency to meet such benchmarks is attributable to—

''(A) litigation;

''(B) obtaining approvals of the Federal Government or a State or local government;

''(C) complying with environmental assessment and abatement requirements;

''(D) project delays and cost increases due to shortages in labor and materials as a direct result of location in an area that is subject to a declaration by the President of a major disaster or emergency under the Robert T. Stafford Disaster and Emergency Assistance Act, except that an extension of the period for compliance with performance benchmarks pursuant to this subparagraph shall not be for a period longer than 12 months;

''(E) relocating residents;

''(F) resident involvement that leads to significant changes to the revitalization plan; or

''(G) any other reason established by the Secretary by notice published in the Federal Register.

''(4) AUTHORITY OF SECRETARY.—In determining the amount of each grant under this section and the closeout date for the grant, the Secretary shall take into consideration the scope, scale, and size of the revitalization plan assisted under the grant.

''(p) APPLICABILITY OF UNIFORM RELOCATION ACT.—The Uniform Relocation and Real Property Acquisition Policies Act of 1974 shall apply to all relocation activities pursuant to a revitalization plan under this section.

''(q) PUBLIC HOUSING AND SECTION 8 EVICTION PROVISIONS.—In the case of any public housing or housing assisted under section 8, for which assistance is provided at any time pursuant to a grant for a revitalization plan under this section, the provisions of paragraph (6) of section 6(l) and clause (iii) of section 8(d)(1)(B), respectively, shall apply, except that any criminal or drug-related criminal activity referred to in the matter preceding subparagraph (A) of such paragraph or in the matter preceding subclause (I) of such clause, respectively, engaged in by a member of a tenant's household or any guest or other person under the tenant's control, shall not be cause for termination of tenancy of the tenant if—

''(1) the tenant is an elderly person (as such term is defined in section 202(k) of the Housing Act of 1959 (12 U.S.C. 1701q)) or a person with disabilities (as such term is defined in section 811(k) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013(k)); and

''(2) the tenant did not know and should not have known of the activity or the tenant or member of household was the victim of the criminal activity.''.

SEC. 9. PLANNING AND TECHNICAL ASSISTANCE GRANTS.

Subsection (v) of section 24 (42 U.S.C. 1437v(v)), as so redesignated by section 8(1), is amended by striking paragraph (2) and inserting the following new paragraph:

''(2) TECHNICAL ASSISTANCE GRANTS.—Subject only to approvable requests for grants pursuant to paragraph (1) for any fiscal year, the Secretary shall use not less than two percent for grants in such fiscal year to recipients of grants under this section to assist such recipients in obtaining technical assistance in carrying out revitalization programs.''.

SEC. 10. ANNUAL REPORT; AVAILABILITY OF DOCUMENTS.

Subsection (u) of section 24, as so redesignated by section 8(1) of this Act, is amended—

(1) in paragraph (4), by striking ''and'' at the end;

(2) by redesignating paragraph (5) as paragraph (6); and

(3) by inserting after paragraph (4) the following new paragraph:

''(5) the extent to which public housing agencies carrying out revitalization plans with grants under this section have complied with the requirements under subsection (i) (relating to right to expanded housing opportunities for resident households); and''; and

(2) by adding at the end the following:

''To the extent not inconsistent with any other provisions of law, the Secretary shall make publicly available through a World Wide Web site of the Department of Housing and Urban Development all documents of, or filed with, the Department relating to the program under this section, including applications, grant agreements, plans, budgets, reports, and amendments to such documents; except that in carrying out this sentence, the Secretary shall take such actions as may be necessary to protect the privacy of any residents and households displaced from public housing as a result of a revitalization plan assisted under this section.''.

SEC. 11. DEFINITIONS.

Subsection (s) of section 24, as so redesignated by section 8(l) of this Act, is amended—

(1) in clauses (i) and (iii) of paragraph (1)(C), by striking ''program'' each place such term appears and inserting ''plan'';

(2) in paragraph (3)—

(A) by striking ''SUPPORTIVE'' and inserting ''COMMUNITY AND SUPPORTIVE'';

(B) by inserting ''community and'' before ''supportive services'';

(C) by inserting before the period at the end the following: '', and such other services that, linked with affordable housing, will improve the health and residential stability of public housing residents''; and

(D) by inserting after ''transportation,'' the following: ''employment and vocational counseling, financial counseling, life skills training,'';

(3) by redesignating paragraph (3) as paragraph (6);

(4) by inserting after paragraph (2), the following new paragraph:

''(5) SIGNIFICANT AMENDMENT OR CHANGE.—The term 'significant' means, with respect to an amendment or change to a revitalization plan, that the amendment or change—

''(A) changes the use of 20 percent or more of the total amount of HOPE VI grant amounts provided under this section provided under the grant made under this section for the plan from use for one activity to use for another;

''(B) eliminates an activity that, notwithstanding the change, would otherwise be carried out under the plan; or

''(C) changes the scope, location, or beneficiaries of the project carried out under the plan.'';

(5) by redesignating paragraph (2) as paragraph (4); and

(6) by inserting after paragraph (1) the following new paragraphs:

''(2) COMPREHENSIVE RELOCATION ASSISTANCE.—The term 'comprehensive relocation assistance' means comprehensive assistance necessary to relocate the members of a household, and includes counseling, including counseling regarding housing options and locations and use of tenant-based assistance, case management services, assistance in locating a suitable residence, site tours, and other assistance.

''(3) DEVELOPMENT.—The term 'development' has the same meaning given such term in the first sentence of paragraph (1) of section 3(c) (42 U.S.C. 1437a).''.

SEC. 12. CONFORMING AMENDMENT.

Paragraph (1) of section 24(f) is amended by striking ''programs'' and inserting ''plans''.

SEC. 13. AUTHORIZATION OF APPROPRIATIONS.

Subsection (v)(1) of section 24, as so redesignated by section 8(1) of this Act, is amended by striking all that follows ''section'' and inserting ''$800,000,000 for each of fiscal years 2008 through 2015.''.

SEC. 14. EXTENSION OF PROGRAM.

Subsection (w) of section 24, (as so redesignated by section 8(2) of this Act) is amended by striking ''September 30, 2007'' and inserting ''September 30, 2015''.

SEC. 15. REVIEW.

The Comptroller General of the United States shall—

(1) conduct a review of activities, actions, and methods used in revitalization plans assisted under section 24 of the United States Housing Act of 1937 to determine which may be transferable to other federally-assisted housing programs; and

(2) make recommendations to the Congress regarding the activities, actions, and methods reviewed under paragraph (1) not later than the expiration of the 3-year period beginning on the date of the enactment of this Act.

SEC. 16. EXTENSION OF AVAILABILITY OF FUNDS FOR REVITALIZATION PLANS DELAYED BY HURRICANES.

Notwithstanding any other provision of law, the Secretary of Housing and Urban Development may not, before October 1, 2009, recapture any portion of a grant made to a public housing agency to carry out a revitalization plan under section 24 of the United States Housing Act of 1937 (42 U.S.C. 1437v) if the public housing agency has suffered, as a direct result of Hurricane Katrina, Wilma, or Rita of 2005—

(1) project delays; and

(2) cost increases due to shortages in labor and materials.

SEC. 17. REGULATIONS.

Section 24, as amended by the preceding provisions of this Act, is further amended by inserting before subsection (y) (as so redesignated by section 5(1) of this Act) the following new subsection:

''(x) REGULATIONS.—Not later than the expiration of the 120-day period beginning on the date of the enactment of the HOPE VI Improvement and Reauthorization Act of 2008, the Secretary shall issue regulations to carry out this section, including the amendments made by such Act.''.

SEC. 18. NON-CITIZEN ELIGIBILITY RESTRICTIONS.

No person not lawfully permitted to be in or remain in the United States is eligible for housing assistance under this Act or the amendments made by this Act. Nothing in this Act or the amendments made by this Act alters the rules under section 214 of the Housing and Community Development Act of 1980 (42 U.S.C. 1436a).

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

Mr. GRAVES moved to recommit the bill to the Committee on Financial Services with instructions to report the bill back to the House forthwith with the following amendment:

In clause (xiii) of paragraph (2)(C) of the matter proposed to be inserted by the amendment made by section 7(a) of the bill, strike ''individuals who are not ineligible'' and all that follows through the end of the clause and insert the following: ''households consisting of or including an individual who served on active duty in the Armed Forces of the United States for a period of not less than 90 days and who was discharged or released from such duty under conditions other than dishonorable. For purposes of this clause, the term 'families whose housing needs are difficult to fulfill' shall not include any individuals, or any categories of individuals, who have been released from a prison,

jail, or other correctional facility of the Federal Government, a State government, or a unit of general local government, notwithstanding whether such individuals are not ineligible for occupancy in public housing pursuant to subsection (m)(2), have not been arrested for or charged with any crime during any specific period, or are individuals for whom housing is a critical need.''.

After debate,

By unanimous consent, the previous question was ordered on the motion to recommit with instructions.

The question being put, viva voce,

Will the House recommit said bill with instructions?

The SPEAKER pro tempore, Mr. PASTOR, announced that the yeas had it.

Mr. GRAVES demanded a recorded vote on agreeing to said motion, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 372 Nays 28

¶4.17 [Roll No. 17]

AYES—372

Abercrombie	Chabot	Garrett (NJ)
Ackerman	Chandler	Gerlach
Aderholt	Cleaver	Giffords
Akin	Clyburn	Gilchrest
Alexander	Coble	Gillibrand
Allen	Cohen	Gingrey
Altmire	Cole (OK)	Gohmert
Andrews	Conaway	Gonzalez
Arcuri	Cooper	Goode
Bachmann	Costa	Goodlatte
Bachus	Costello	Gordon
Baird	Courtney	Granger
Baldwin	Cramer	Graves
Barrett (SC)	Crenshaw	Green, Al
Barrow	Crowley	Green, Gene
Bartlett (MD)	Cubin	Hall (NY)
Barton (TX)	Cuellar	Hall (TX)
Bean	Culberson	Hare
Berman	Cummings	Harman
Biggert	Davis (AL)	Hastings (FL)
Bilbray	Davis (CA)	Hastings (WA)
Bilirakis	Davis (KY)	Hayes
Bishop (GA)	Davis, David	Heller
Bishop (NY)	Davis, Lincoln	Hensarling
Bishop (UT)	Davis, Tom	Herger
Blackburn	DeFazio	Herseth Sandlin
Blumenauer	DeLauro	Higgins
Blunt	Dent	Hill
Bonner	Diaz-Balart, L.	Hinchey
Bono Mack	Diaz-Balart, M.	Hinojosa
Boozman	Dicks	Hirono
Boren	Doggett	Hodes
Boswell	Donnelly	Hoekstra
Boucher	Doolittle	Holden
Boustany	Doyle	Holt
Boyd (FL)	Drake	Hooley
Boyda (KS)	Dreier	Hoyer
Brady (PA)	Duncan	Hulshof
Brady (TX)	Edwards	Inglis (SC)
Braley (IA)	Ehlers	Inslee
Broun (GA)	Ellsworth	Israel
Brown, Corrine	Emanuel	Issa
Brown-Waite, Ginny	Emerson	Jackson (IL)
	Engel	Jackson-Lee (TX)
Buchanan	English (PA)	
Burgess	Eshoo	Johnson (GA)
Burton (IN)	Etheridge	Johnson (IL)
Butterfield	Everett	Johnson, Sam
Buyer	Fallin	Jones (NC)
Calvert	Farr	Jones (OH)
Campbell (CA)	Fattah	Jordan
Cannon	Feeney	Kagen
Cantor	Ferguson	Kanjorski
Capito	Filner	Kaptur
Capps	Flake	Keller
Capuano	Fortenberry	Kennedy
Cardoza	Foxx	Kildee
Carnahan	Frank (MA)	Kilpatrick
Carney	Franks (AZ)	Kind
Carter	Frelinghuysen	King (IA)
Castle	Gallegly	King (NY)
Kirk	Musgrave	Scott (VA)
Klein (FL)	Myrick	Sensenbrenner
Kline (MN)	Nadler	Serrano
Knollenberg	Napolitano	Sessions
Kuhl (NY)	Neal (MA)	Sestak
LaHood	Neugebauer	Shadegg
Lamborn	Nunes	Shays
Lampson	Oberstar	Shea-Porter
Langevin	Obey	Shuler
Larsen (WA)	Olver	Shuster
Larson (CT)	Ortiz	Simpson
Latham	Pallone	Sires
LaTourette	Pascrell	Skelton
Latta	Pastor	Smith (NE)
Levin	Payne	Smith (NJ)
Lewis (CA)	Pearce	Smith (TX)
Linder	Pence	Smith (WA)
Lipinski	Perlmutter	Snyder
LoBiondo	Peterson (MN)	Solis
Loebsack	Peterson (PA)	Souder
Lofgren, Zoe	Petri	Spratt
Lowey	Pickering	Stearns
Lucas	Pitts	Stupak
Lungren, Daniel E.	Platts	Sullivan
	Poe	Sutton
Lynch	Pomeroy	Tancredo
Mack	Porter	Tanner
Mahoney (FL)	Price (GA)	Tauscher
Maloney (NY)	Price (NC)	Taylor
Manzullo	Pryce (OH)	Terry
Marchant	Putnam	Thompson (CA)
Marshall	Rahall	Thornberry
Matheson	Ramstad	Tiahrt
Matsui	Rangel	Tiberi
McCarthy (CA)	Regula	Tierney
McCarthy (NY)	Rehberg	Towns
McCaul (TX)	Reichert	Tsongas
McCollum (MN)	Renzi	Turner
McCotter	Reyes	Udall (CO)
McCrery	Reynolds	Udall (NM)
McHenry	Rodriguez	Upton
McHugh	Rogers (AL)	Van Hollen
McIntyre	Rogers (KY)	Velázquez
McKeon	Rogers (MI)	Walberg
McMorris Rodgers	Rohrabacher	Walden (OR)
	Ros-Lehtinen	Walsh (NY)
McNerney	Roskam	Walz (MN)
McNulty	Ross	Wamp
Meek (FL)	Rothman	Wasserman Schultz
Meeks (NY)	Roybal-Allard	
Melancon	Royce	Watt
Mica	Ruppersberger	Waxman
Michaud	Rush	Weiner
Miller (FL)	Ryan (OH)	Weldon (FL)
Miller (MI)	Ryan (WI)	Weller
Miller (NC)	Salazar	Westmoreland
Mitchell	Sali	Wexler
Mollohan	Sánchez, Linda T.	Whitfield (KY)
Moore (KS)		Wilson (NM)
Moore (WI)	Sanchez, Loretta	Wilson (OH)
Moran (KS)	Sarbanes	Wittman (VA)
Murphy (CT)	Saxton	Wolf
Murphy, Patrick	Schiff	Yarmuth
Murphy, Tim	Schwartz	Young (AK)
Murtha	Scott (GA)	Young (FL)

NOES—28

Becerra	Gutierrez	Schakowsky
Castor	Honda	Slaughter
Clarke	Johnson, E. B.	Stark
Clay	Kucinich	Thompson (MS)
Conyers	Lee	Waters
Davis (IL)	Lewis (GA)	Watson
DeGette	McDermott	Woolsey
Dingell	Miller, George	Wynn
Ellison	Moran (VA)	
Grijalva	Richardson	

NOT VOTING—30

Baca	Fossella	Paul
Baker	Hobson	Radanovich
Berkley	Hunter	Schmidt
Berry	Jefferson	Sherman
Boehner	Kingston	Shimkus
Brown (SC)	Lantos	Space
Camp (MI)	Lewis (KY)	Visclosky
Deal (GA)	Markey	Welch (VT)
Delahunt	McGovern	Wilson (SC)
Forbes	Miller, Gary	Wu

So the motion to recommit with instructions was agreed to.

Mr. FRANK of Massachusetts, by direction of the Committee on Financial Services, and pursuant to the foregoing order of the House reported the bill back to the House with said amendment.

The question being put, viva voce,

Will the House agree to said amendment?

The SPEAKER pro tempore, Mr. PASTOR, announced that the yeas had it.

So the amendment was agreed to.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

The question being put, viva voce,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. PASTOR, announced that the yeas had it.

Mr. FRANK of Massachusetts, demanded a recorded vote on passage of said bill, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 271 Nays 130

¶4.18 [Roll No. 18]

AYES—271

Abercrombie	Dicks	Klein (FL)
Ackerman	Dingell	Kucinich
Aderholt	Doggett	LaHood
Allen	Donnelly	Lampson
Altmire	Doyle	Langevin
Andrews	Edwards	Larsen (WA)
Arcuri	Ehlers	Larson (CT)
Bachus	Ellison	LaTourette
Baird	Ellsworth	Lee
Baldwin	Emanuel	Levin
Barrow	Engel	Lewis (GA)
Bean	Eshoo	Lipinski
Becerra	Etheridge	LoBiondo
Berman	Farr	Loebsack
Bishop (GA)	Fattah	Lofgren, Zoe
Bishop (NY)	Ferguson	Lowey
Blumenauer	Filner	Lynch
Bonner	Fortenberry	Mahoney (FL)
Boren	Frank (MA)	Maloney (NY)
Boswell	Gerlach	Markey
Boucher	Giffords	Marshall
Boustany	Gilchrest	Matheson
Boyd (FL)	Gillibrand	Matsui
Boyda (KS)	Gonzalez	McCarthy (NY)
Brady (PA)	Gordon	McCollum (MN)
Braley (IA)	Green, Al	McCotter
Brown, Corrine	Green, Gene	McDermott
Brown-Waite, Ginny	Grijalva	McGovern
	Gutierrez	McHugh
Burgess	Hall (NY)	McIntyre
Butterfield	Hare	McNerney
Calvert	Harman	McNulty
Capito	Hastings (FL)	Meek (FL)
Capps	Hayes	Meeks (NY)
Capuano	Herseth Sandlin	Melancon
Cardoza	Higgins	Michaud
Carnahan	Hill	Miller (NC)
Carney	Hinchey	Miller, George
Castle	Hinojosa	Mitchell
Castor	Hirono	Mollohan
Chandler	Hodes	Moore (KS)
Clarke	Holden	Moore (WI)
Clay	Holt	Moran (VA)
Cleaver	Honda	Murphy (CT)
Clyburn	Hooley	Murphy, Patrick
Conyers	Hoyer	Murphy, Tim
Cooper	Inglis (SC)	Murtha
Costa	Inslee	Musgrave
Costello	Israel	Myrick
Courtney	Jackson (IL)	Nadler
Cramer	Jackson-Lee (TX)	Napolitano
Crowley		Neal (MA)
Cuellar	Johnson (GA)	Oberstar
Cummings	Johnson (IL)	Obey
Davis (AL)	Johnson, E. B.	Olver
Davis (CA)	Jones (OH)	Ortiz
Davis (IL)	Kagen	Pallone
Davis, Lincoln	Kanjorski	Pascrell
Davis, Tom	Kaptur	Pastor
DeFazio	Kennedy	Payne
DeGette	Kildee	Perlmutter
DeLauro	Kilpatrick	Peterson (MN)
Dent	Kind	Platts
Diaz-Balart, L.	King (NY)	Pomeroy
Diaz-Balart, M.	Kirk	Porter

Price (NC)
Pryce (OH)
Rahall
Ramstad
Rangel
Regula
Reichert
Renzi
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Shuler
Sires
Skelton
Smith (NJ)
Smith (WA)
Snyder
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Walden (OR)
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Wexler
Whitfield (KY)
Wilson (OH)
Wolf
Woolsey
Wynn
Yarmuth

NOES—130

Akin
Alexander
Bachmann
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Bono Mack
Boozman
Brady (TX)
Broun (GA)
Buchanan
Burton (IN)
Buyer
Campbell (CA)
Cannon
Cantor
Carter
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Doolittle
Drake
Dreier
Duncan
Emerson
English (PA)
Everett
Fallin
Feeney
Flake
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Hulshof
Issa
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Latham
Latta
Lewis (CA)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCrery
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Moran (KS)
Neugebauer
Nunes
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Poe
Price (GA)
Putnam
Radanovich
Rehberg
Reynolds
Rogers (MI)
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Sensenbrenner
Sessions
Shadegg
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Tancredo
Terry
Thornberry
Walberg
Wamp
Weller
Westmoreland
Wilson (NM)
Wilson (SC)
Wittman (VA)
Young (AK)
Young (FL)

NOT VOTING—29

Baca
Baker
Berkley
Berry
Boehner
Brown (SC)
Camp (MI)
Cohen
Deal (GA)
Delahunt
Forbes
Fossella
Hobson
Hunter
Jefferson
Kingston
Lantos
Lewis (KY)
Miller, Gary
Paul
Rush
Schmidt
Sherman
Shimkus
Slaughter
Solis
Sullivan
Visclosky
Wu

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶4.19 CLERK TO CORRECT ENGROSSMENT

On motion of Ms. WATER, by unanimous consent,

Ordered, That in the engrossment of the foregoing bill the Clerk be authorized to make technical corrections, to include corrections in spelling, punctuation, section numbering, and cross-referencing, and the insertion of appropriate headings.

¶4.20 ADJOURNMENT OVER

On motion of Mr. HOYER, by unanimous consent,

Ordered, That when the House adjourns today, it adjourn to meet on Friday, January 18, 2008, at 10:30 a.m.; and further, when the House adjourns on Friday, January 18, 2008, it adjourn to meet at 12:30 p.m. on Tuesday, January 22, 2008, for morning-hour debate.

¶4.21 CALENDAR WEDNESDAY BUSINESS DISPENSED WITH

On motion of Mr. HOYER, by unanimous consent,

Ordered, That business in order for consideration on Wednesday, January 23, 2008, under clause 6, rule XV, the Calendar Wednesday rule, be dispensed with.

¶4.22 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. BACA, for January 16 and today;

To Mr. SHERMAN, for today;

To Mr. VISCLOSKY, for today; and

To Mr. WU, for today;

And then,

¶4.23 ADJOURNMENT

On motion of Mr. INSLEE, pursuant to the previous order of the House, at 4 o'clock and 20 minutes p.m., the House adjourned until 10:30 a.m. on Friday, January 18, 2008.

¶4.24 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

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

Mr. RAHALL: Committee on Natural Resources. H.R. 664. A bill to amend the Water Desalination Act of 1996 to authorize the Secretary of the Interior to assist in research and development, environmental and feasibility studies, and preliminary engineering for the Municipal Water District of Orange County, California, Dana Point Desalination Project located at Dana Point, California (Rept. 110–511, Pt. 1). Ordered to be printed.

¶4.25 COMMITTEE DISCHARGED

Pursuant to clause 2 of rule XII the Committee on Science and Technology discharged from further consideration. H.R. 664 referred to the Committee of the Whole House on the state of the Union.

¶4.26 PUBLIC BILLS AND RESOLUTIONS

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

By Mr. REYNOLDS (for himself, Mr. HERGER, Mr. ENGLISH of Pennsylvania, Mr. WELLER, Mr. CANTOR, Mr. TIBERI, Mr. WALSH of New York, Mr. FOSSELLA, Mr. KUHL of New York, Mr. BARTLETT of Maryland, Mr. BILIRAKIS, Mr. WILSON of South Carolina, Mr. GERLACH, Mrs. BIGGERT, Mr. CULBERSON, Mr. MILLER of Florida, Mr. CAMPBELL of California, Mrs. BONO MACK, Mr. TERRY, Mrs. DRAKE, Mr. WALBERG, Mr. LoBIONDO, Mr. SESSIONS, Mr. NEUGEBAUER, Mrs. MUSGRAVE, Mr. WESTMORELAND, Mr. WALDEN of Oregon, Mr. MCCARTHY of California, Mr. KLINE of Minnesota, Mr. KING of New York, Mr. MCHUGH, Mrs. BACHMANN, Mr. SOUDER, Mr. BRADY of Texas, and Mr. HUNTER):

H.R. 5031. A bill to amend the Internal Revenue Code of 1986 to extend relief from the alternative minimum tax; to the Committee on Ways and Means.

By Mr. JORDAN (for himself, Mr. STUPAK, Mr. SMITH of New Jersey, Mr. FRANKS of Arizona, Mr. MCHENRY, Mr. DAVID DAVIS of Tennessee, Mr. WALBERG, Mr. SALI, Mr. WELDON of Florida, Mr. MCCARTHY of California, Mr. HENSARLING, Mrs. MCMORRIS RODGERS, and Mrs. BACHMANN):

H.R. 5032. A bill to ensure that women seeking an abortion receive an ultrasound and the opportunity to review the ultrasound before giving informed consent to receive an abortion; to the Committee on Energy and Commerce.

By Mr. LIPINSKI:

H.R. 5033. A bill to amend the Public Health Service Act to provide for the public disclosure of charges for certain hospital and ambulatory surgical center services and drugs; to the Committee on Energy and Commerce.

By Mr. MCNERNEY:

H.R. 5034. A bill to amend titles 10 and 38, United States Code, to extend the time periods of for the use of educational assistance benefits to which certain veterans and members of the reserve components are entitled under such titles; to the Committee on Armed Services, and in addition to the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SCOTT of Virginia (for himself, Mr. CONYERS, Mr. NADLER, Ms. ZOE LOFGREN of California, Ms. JACKSON-LEE of Texas, Ms. WATERS, Mr. COHEN, Mr. JOHNSON of Georgia, Mr. GUTIERREZ, Mr. ELLISON, Ms. CORRINE BROWN of Florida, Mr. DAVIS of Illinois, Mr. FILNER, Mr. GRIJALVA, Mr. LEWIS of Georgia, Ms. NORTON, Mr. PAYNE, Mr. RANGEL, and Mr. STARK):

H.R. 5035. A bill to amend the Controlled Substances Act and the Controlled Substances Import and Export Act to eliminate increased penalties for cocaine offenses where the cocaine involved is cocaine base, to eliminate minimum mandatory penalties for offenses involving cocaine, to use the resulting savings to provide drug treatment and diversion programs for cocaine users, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HOLT (for himself, Mr. TOM DAVIS of Virginia, Mr. WEXLER, Mr. EMANUEL, Mr. CONYERS, Mr. LEWIS of Georgia, Mrs. MALONEY of New York, Ms. SCHAKOWSKY, Mr. WAXMAN, Mr. GEORGE MILLER of California, Mr. ABERCROMBIE, Mr. INSLEE, Ms. BALDWIN, Mr. FARR, Mr. RYAN of Ohio, Mr. HONDA, Mr. DOGGETT, Mr. BLUMENAUER, Mr. HARE, Mr. LOEBSACK,

Mr. SIRES, Mr. FRANK of Massachusetts, Mr. WEINER, Mr. BERMAN, Mr. DEFAZIO, Ms. HIRONO, Mr. GRIJALVA, Mr. DAVIS of Illinois, Mr. ROTHMAN, Mr. OLVER, Mr. FATTAH, Mr. DOYLE, Ms. KAPTUR, Ms. WATSON, Mr. HINCHEY, Mr. KLEIN of Florida, and Mr. CROWLEY):

H.R. 5036. A bill to direct the Administrator of General Services to reimburse certain jurisdictions for the costs of obtaining paper ballot voting systems for the general elections for Federal office to be held in November 2008, to reimburse jurisdictions for the costs incurred in conducting audits or hand counting of the results of the general elections for Federal office to be held in November 2008, and for other purposes; to the Committee on House Administration, and in addition to the Committee on Science and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BOOZMAN (for himself and Mr. HAYES):

H.R. 5037. A bill to require offices of the legislative branch to meet a threshold for participation by small business concerns owned and controlled by veterans with service-connected disabilities in procurement contracts entered into by such offices, and for other purposes; to the Committee on House Administration.

By Mr. CONYERS (for himself, Mr. EMANUEL, Mr. VAN HOLLEN, Mr. BECERRA, Mr. NADLER, Ms. ZOE LOFGREN of California, Mr. ELLISON, Mr. COHEN, Mr. HOLT, Mr. HONDA, Ms. KILPATRICK, and Ms. MOORE of Wisconsin):

H.R. 5038. A bill to amend title 18, United States Code, to prevent the election practice known as caging, and for other purposes; to the Committee on the Judiciary.

By Mr. COSTA:

H.R. 5039. A bill to suspend temporarily the duty on 1,2,4 Triazole; to the Committee on Ways and Means.

By Mr. COSTA:

H.R. 5040. A bill to suspend temporarily the duty on Fluopicolide; to the Committee on Ways and Means.

By Mr. COSTA:

H.R. 5041. A bill to suspend temporarily the duty on Fenhexamid; to the Committee on Ways and Means.

By Mr. COSTA:

H.R. 5042. A bill to suspend temporarily the duty on Belt & Synapse; to the Committee on Ways and Means.

By Mr. COSTA:

H.R. 5043. A bill to extend the temporary suspension of duty on Phenmedipham; to the Committee on Ways and Means.

By Mr. COSTA:

H.R. 5044. A bill to extend the temporary suspension of duty on Propiconazole; to the Committee on Ways and Means.

By Mr. COSTA:

H.R. 5045. A bill to extend the temporary suspension of duty on Previcur; to the Committee on Ways and Means.

By Mr. FORTUÑO:

H.R. 5046. A bill to amend the Military Construction Authorization Act, 1974 to repeal the limitation on the authorized uses of the former bombardment area on the island of Culebra and the prohibition on Federal Government responsibility for decontamination of the area; to the Committee on Armed Services.

By Mr. GARRETT of New Jersey:

H.R. 5047. A bill to suspend temporarily the duty on Bismuth Subsalicylate; to the Committee on Ways and Means.

By Mr. GARRETT of New Jersey:

H.R. 5048. A bill to suspend temporarily the duty on Acetoacetamide; to the Committee on Ways and Means.

By Mr. GARRETT of New Jersey:

H.R. 5049. A bill to suspend temporarily the duty on 5-Ethyl-2-methylpyridine; to the Committee on Ways and Means.

By Mr. GARRETT of New Jersey:

H.R. 5050. A bill to suspend temporarily the duty on squaric acid; to the Committee on Ways and Means.

By Mr. GARRETT of New Jersey:

H.R. 5051. A bill to suspend temporarily the duty on N,N-Dimethylacetoacetamide; to the Committee on Ways and Means.

By Mr. GARRETT of New Jersey:

H.R. 5052. A bill to suspend temporarily the duty on certain mixtures of N,N-Dimethylacetoacetamide; to the Committee on Ways and Means.

By Mr. GARRETT of New Jersey:

H.R. 5053. A bill to suspend temporarily the duty on Chlorodimethylacetoacetamide; to the Committee on Ways and Means.

By Mr. GARRETT of New Jersey:

H.R. 5054. A bill to suspend temporarily the duty on Polyphenolcyanate; to the Committee on Ways and Means.

By Mr. GARRETT of New Jersey:

H.R. 5055. A bill to suspend temporarily the duty on certain mixtures of N,N-Dimethylacetoacetamide; to the Committee on Ways and Means.

By Ms. LEE (for herself, Ms. WOOLSEY, Ms. WATERS, Mr. OLVER, Ms. NORTON, Mr. KUCINICH, and Mr. HINCHEY):

H.R. 5056. A bill to provide for the appointment of a high-level United States representative or special envoy for Iran for the purpose of easing tensions and normalizing relations between the United States and Iran; to the Committee on Foreign Affairs.

By Mrs. MALONEY of New York (for herself, Mr. CONYERS, and Mr. SMITH of Texas):

H.R. 5057. A bill to reauthorize the Debbie Smith DNA Backlog Grant Program; to the Committee on the Judiciary.

By Mr. MARKEY (for himself, Mr. INSLEE, Mr. HINCHEY, and Mr. LARSON of Connecticut):

H.R. 5058. A bill to prohibit the Secretary of the Interior from selling any oil and gas lease for any tract in the Lease Sale 193 Area of the Alaska Outer Continental Shelf Region until the Secretary determines whether to list the polar bear as a threatened species or an endangered species under the Endangered Species Act of 1973, and for other purposes; to the Committee on Natural Resources.

By Mr. MCDERMOTT:

H.R. 5059. A bill to amend the African Growth and Opportunity Act with respect to lesser developed countries; to the Committee on Ways and Means.

By Ms. LINDA T. SÁNCHEZ of California (for herself, Mr. DELAHUNT, Mr. ENGEL, Ms. JACKSON-LEE of Texas, Mr. TOWNS, Mr. CHABOT, Mr. COBLE, Mr. FLAKE, Mr. COHEN, Mr. PASCRELL, Mrs. MCCARTHY of New York, Mr. STUPAK, Mr. PERLMUTTER, Mr. BECERRA, Mr. BISHOP of New York, and Mr. SERRANO):

H.R. 5060. A bill to amend the Immigration and Nationality Act to allow athletes admitted as nonimmigrants described in section 101(a)(15)(P) of such Act to renew their period of authorized admission in 5-year increments; to the Committee on the Judiciary.

By Mr. SESTAK:

H.R. 5061. A bill to suspend temporarily the duty on Oryzalin; to the Committee on Ways and Means.

By Mr. SESTAK:

H.R. 5062. A bill to suspend temporarily the duty on lambda-cyhalothrin; to the Committee on Ways and Means.

By Mr. SESTAK:

H.R. 5063. A bill to extend the temporary suspension of duty on Acephate; to the Committee on Ways and Means.

By Mr. SESTAK:

H.R. 5064. A bill to extend the temporary suspension of duty on Ziram; to the Committee on Ways and Means.

By Mr. SESTAK:

H.R. 5065. A bill to extend the temporary suspension of duty on Cypermenthrin; to the Committee on Ways and Means.

By Mr. SESTAK:

H.R. 5066. A bill to extend the temporary suspension of duty on mixtures of thiophanate methyl and application adjuvants; to the Committee on Ways and Means.

By Mr. SESTAK:

H.R. 5067. A bill to extend the temporary suspension of duty on thiophanate methyl; to the Committee on Ways and Means.

By Mr. SESTAK:

H.R. 5068. A bill to extend the temporary suspension of duty on asulam sodium salt; to the Committee on Ways and Means.

By Mr. VISCLOSKY (for himself, Mr. WILSON of Ohio, Mr. COHEN, Mr. MOLLOHAN, Ms. DELAURO, Mr. PASTOR, Ms. KAPTUR, Mr. MURTHA, and Mr. ALLEN):

H.R. 5069. A bill to require manufacturers to demonstrate sufficient means to cover, for certain products distributed in commerce, costs of potential recalls, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DREIER (for himself and Mr. CROWLEY):

H. Res. 928. A resolution expressing the sense of the House of Representatives with respect to the trade relationship between the United States and India; to the Committee on Ways and Means.

By Ms. FOXX (for herself and Mr. COBLE):

H. Res. 929. A resolution commending the Appalachian State University Mountaineers for winning the 2007 National Collegiate Athletic Association Division I Football Championship Subdivision (formerly Division I-AA) title; to the Committee on Education and Labor.

By Mr. BAIRD (for himself and Mr. ENGLISH of Pennsylvania):

H. Res. 930. A resolution supporting the goals and ideals of ''Career and Technical Education Month''; to the Committee on Education and Labor.

By Mr. FEENEY (for himself, Mr. MICA, Mr. KELLER, Mr. LINCOLN DIAZ-BALART of Florida, Mr. MARIO DIAZ-BALART of Florida, Ms. CORRINE BROWN of Florida, Mr. BOYD of Florida, Mr. MAHONEY of Florida, Mr. MEEK of Florida, Mr. WELDON of Florida, and Mr. STEARNS):

H. Res. 931. A resolution expressing support for designation of February 17, 2008, as ''Race Day in America'' and highlighting the 50th running of the Daytona 500; to the Committee on Oversight and Government Reform.

By Ms. LINDA T. SÁNCHEZ of California (for herself, Mr. EHLERS, Mr. GEORGE MILLER of California, Mr. MCKEON, Ms. BORDALLO, Mr. BOUSTANY, Mr. BRADY of Pennsylvania, Mr. CARDOZA, Mr. CASTLE, Mr. CONYERS, Mr. DAVIS of Illinois, Ms. DELAURO, Mr. FARR, Mr. HINCHEY, Mr. HINOJOSA, Mr. HOLT, Mr. HONDA, Mr. KAGEN, Mr. KELLER, Mr. KILDEE, Mr. KUHL of New York, Mr. LANGEVIN, Mr. LOEBSACK, Mr. MARCHANT, Ms. MCCOLLUM of Minnesota, Mrs. NAPOLITANO, Mr. ORTIZ, Mr. PAYNE, Mr. PLATTS, Mr. RUPPERSBERGER, Mr. SCOTT of Virginia, Ms. SUTTON, Mr.

TOWNS, Ms. ROYBAL-ALLARD, Ms. WATSON, and Ms. SOLIS):

H. Res. 932. A resolution expressing support for designation of the week of February 4 through February 8, 2008 as ''National School Counseling Week''; to the Committee on Education and Labor.

¶4.27 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 82: Mr. WITTMAN of Virginia.
H.R. 248: Mr. KUHL of New York.
H.R. 460: Mr. MCDERMOTT.
H.R. 471: Mr. LATOURETTE.
H.R. 543: Mr. ABERCROMBIE.
H.R. 621: Mr. ENGLISH of Pennsylvania.
H.R. 624: Mr. SESTAK.
H.R. 657: Ms. ZOE LOFGREN of California.
H.R. 891: Mr. PRICE of North Carolina, Ms. TSONGAS, Mr. HODES, and Ms. NORTON.
H.R. 1000: Mr. RAHALL, Mr. DEFAZIO, Ms. RICHARDSON, Mr. CANNON, Mr. BURTON of Indiana, and Mrs. LOWEY.
H.R. 1032: Ms. WOOLSEY and Mr. BISHOP of Georgia.
H.R. 1069: Mr. HONDA.
H.R. 1070: Mr. MCINTYRE and Mr. HONDA.
H.R. 1073: Ms. GINNY BROWN-WAITE of Florida.
H.R. 1174: Mr. SHAYS.
H.R. 1261: Mr. PRICE of Georgia.
H.R. 1283: Mr. ROTHMAN and Mr. GENE GREEN of Texas.
H.R. 1407: Mr. AKIN.
H.R. 1419: Mr. GOODLATTE.
H.R. 1428: Mr. MCINTYRE.
H.R. 1435: Mrs. LOWEY.
H.R. 1497: Mr. GUTIERREZ.
H.R. 1553: Mr. SERRANO, Mr. RAMSTAD, and Ms. WOOLSEY.
H.R. 1609: Mr. GOODLATTE and Mr. GUTIERREZ.
H.R. 1610: Ms. CORRINE BROWN of Florida, Mr. ROSKAM, and Mr. GRIJALVA.
H.R. 1621: Mr. FERGUSON.
H.R. 1673: Mr. JORDAN and Ms. RICHARDSON.
H.R. 1778: Mr. COHEN.
H.R. 1843: Mr. SALI and Mr. DOYLE.
H.R. 1845: Mrs. CUBIN.
H.R. 1881: Mr. WOLF and Mr. KIND.
H.R. 1947: Mr. SESTAK, Mr. COHEN, and Ms. WOOLSEY.
H.R. 2040: Mr. WEXLER, Mr. HOLT, and Mr. HONDA.
H.R. 2049: Ms. SUTTON.
H.R. 2131: Mr. OBERSTAR.
H.R. 2212: Mr. SERRANO.
H.R. 2220: Mr. MANZULLO.
H.R. 2267: Mr. ALTMIRE.
H.R. 2290: Mr. MELANCON.
H.R. 2353: Mr. ALTMIRE.
H.R. 2379: Mr. SIRES.
H.R. 2464: Mr. SESTAK and Ms. WOOLSEY.
H.R. 2473: Mr. MICHAUD.
H.R. 2478: Mr. KUCINICH and Mr. MARKEY.
H.R. 2564: Mr. SAM JOHNSON of Texas.
H.R. 2634: Ms. VELÁZQUEZ.
H.R. 2734: Mr. JOHNSON of Illinois, Mr. TERRY, and Mr. BROUN of Georgia.
H.R. 2744: Mr. KAGEN, Mr. TOWNS, Ms. MOORE of Wisconsin, Ms. BEAN, Ms. WATSON, Mr. COURTNEY, Ms. HERSETH SANDLIN, and Mr. ENGLISH of Pennsylvania.
H.R. 2802: Mr. SESTAK.
H.R. 2862: Mr. EHLERS.
H.R. 2915: Ms. SOLIS and Mr. CLAY.
H.R. 2923: Mr. BURTON of Indiana.
H.R. 2927: Mr. PEARCE and Mr. FORBES.
H.R. 2942: Mr. HARE.
H.R. 2964: Mr. SESTAK.
H.R. 3001: Ms. SOLIS.
H.R. 3008: Mr. HINOJOSA.
H.R. 3132: Mr. SPACE.
H.R. 3176: Mr. MCCAUL of Texas.
H.R. 3229: Mr. ABERCROMBIE, Mr. HINCHEY, Ms. BORDALLO, Ms. BEAN, and Ms. HOOLEY.
H.R. 3232: Ms. BEAN, Mr. BOUSTANY, and Mr. HERGER.
H.R. 3289: Mr. HARE.
H.R. 3291: Ms. GINNY BROWN-WAITE of Florida.
H.R. 3304: Mr. GOODE.
H.R. 3363: Mr. MARSHALL and Mr. ROGERS of Michigan.
H.R. 3438: Mr. SESTAK.
H.R. 3439: Mr. SPACE and Mr. TOWNS.
H.R. 3464: Mr. ALLEN and Mr. CAPUANO.
H.R. 3532: Mr. MARSHALL, Mr. LINDER, Mr. SCOTT of Georgia, Mr. GINGREY, Mr. BISHOP of Georgia, Mr. KINGSTON, Mr. WESTMORELAND, Mr. JOHNSON of Georgia, Mr. PRICE of Georgia, Mr. BARROW, Mr. LEWIS of Georgia, and Mr. BROUN of Georgia.
H.R. 3618: Mr. BISHOP of Georgia.
H.R. 3645: Mr. HINOJOSA.
H.R. 3660: Mr. COURTNEY and Mr. EVERETT.
H.R. 3691: Mr. WATT.
H.R. 3697: Mrs. CUBIN and Mr. HINOJOSA.
H.R. 3698: Mr. FRANK of Massachusetts and Mr. VAN HOLLEN.
H.R. 3700: Mr. UDALL of Colorado.
H.R. 3726: Mr. KUHL of New York.
H.R. 3819: Mr. ALTMIRE.
H.R. 3903: Mr. BISHOP of Georgia.
H.R. 3934: Mr. SMITH of Washington and Mr. CANTOR.
H.R. 3936: Mr. MARSHALL, Mr. LINDER, Mr. SCOTT of Georgia, Mr. GINGREY,
Mr. BISHOP of Georgia, Mr. KINGSTON, Mr. WESTMORELAND, Mr. JOHNSON of Georgia, Mr. PRICE of Georgia, Mr. BARROW, Mr. LEWIS of Georgia, and Mr. BROUN of Georgia.
H.R. 3957: Ms. GIFFORDS.
H.R. 3987: Ms. MATSUI.
H.R. 4008: Mrs. MALONEY of New York, Mr. JONES of North Carolina, Mr. MOORE of Kansas, and Mr. NADLER.
H.R. 4025: Mr. YOUNG of Alaska and Mr. BOREN.
H.R. 4036: Mr. MCCOTTER.
H.R. 4054: Mr. RUPPERSBERGER and Mr. BISHOP of Georgia.
H.R. 4087: Mrs. DRAKE.
H.R. 4088: Mr. BRADY of Texas.
H.R. 4173: Mr. ABERCROMBIE.
H.R. 4288: Mr. SMITH of Washington.
H.R. 4460: Mr. MCCAUL of Texas.
H.R. 4462: Mrs. CUBIN.
H.R. 4464: Mr. NEUGEBAUER, Mr. LUCAS, Mr. MCCOTTER, Mr. CALVERT, Mr. WITTMAN of Virginia, Mr. PITTS, and Mr. SENSENBRENNER.
H.R. 4498: Mr. TERRY, Mr. KING of New York, Mrs. EMERSON, and Mr. SALI.
H.R. 4504: Mr. AL GREEN of Texas.
H.R. 4627: Mr. KUHL of New York and Mr. BILIRAKIS.
H.R. 4838: Ms. SOLIS, Mr. CROWLEY, Mr. MCGOVERN, Mr. GUTIERREZ, Ms. JACKSON-LEE of Texas, Mr. RANGEL, Mr. JACKSON of Illinois, Mr. GRIJALVA, Mr. FARR, Mrs. CAPPS, and Mr. FILNER.
H.R. 4852: Mr. FRANKS of Arizona, Mr. PAUL, Mr. RENZI, Mr. HAYES, Mr. BOOZMAN, Mr. SOUDER, Mr. SALI, Mr. BILIRAKIS, and Mrs. SCHMIDT.
H.R. 4934: Mr. ELLISON, Mr. FARR, Mr. GEORGE MILLER of California, Ms. CORRINE BROWN of Florida, Mr. GRIJALVA, and Mr. DEFAZIO.
H.R. 4936: Ms. DELAURO, and Mrs. MALONEY of New York.
H.J. Res. 9: Mr. GARRETT of New Jersey.
H.J. Res. 12: Mr. GARRETT of New Jersey.
H.J. Res. 54: Mr. DENT, Mr. MOORE of Kansas, Mrs. TAUSCHER, Mr. BOUSTANY, and Ms. FALLIN.
H.J. Res. 63: Mr. TERRY.
H. Con. Res. 154: Mr. WITTMAN of Virginia.
H. Con. Res. 161: Mr. FILNER.
H. Con. Res. 163: Ms. JACKSON-LEE of Texas.
H. Con. Res. 198: Mr. ROSS, and Mr. FRANK of Massachusetts.
H. Con. Res. 244: Ms. GINNY BROWN-WAITE of Florida, Mr. LINDER, Mr. BISHOP of Georgia, Mr. BACHUS, Mr. PORTER, Mr. WALDEN of Oregon, Mr. ALEXANDER, Mr. WAMP, Mrs. DRAKE, Mr. CUELLAR, Mr. BARTLETT of Maryland, Mr. PASCRELL, and Mrs. MUSGRAVE.
H. Con. Res. 257: Mr. WITTMAN of Virginia.
H. Con. Res. 267: Mr. HINOJOSA and Mr. PETERSON of Pennsylvania.
H. Con. Res. 280: Mr. BISHOP of Georgia, Mr. AL GREEN of Texas, Mr. GRIJALVA, Mr. JEFFERSON, Mr. TOWNS, Mr. KUCINICH, and Mr. NADLER.
H. Res. 49: Mr. DAVID DAVIS of Tennessee.
H. Res. 185: Mr. GENE GREEN of Texas.
H. Res. 248: Mr. MARKEY and Mr. TOWNS.
H. Res. 339: Mr. BOUCHER, Mr. BUTTERFIELD, Mr. LATOURETTE, Mr. FILNER, and Mr. TOWNS.
H. Res. 620: Ms. KAPTUR, Mr. FRELINGHUYSEN, Ms. GINNY BROWN-WAITE of Florida, and Mr. TOWNS.
H. Res. 821: Mr. TANCREDO.
H. Res. 848: Mr. WOLF and Mr. GENE GREEN of Texas.
H. Res. 875: Mr. TOWNS and Mr. WOLF.
H. Res. 887: Mr. RENZI, Mr. WHITFIELD of Kentucky, and Mr. KING of New York.
H. Res. 897: Mr. ROHRABACHER.
H. Res. 908: Ms. ESHOO, Mr. VAN HOLLEN, Mr. AL GREEN of Texas, Mr. SESSIONS, Mr. NEAL of Massachusetts, Mr. REICHERT, Mr. RENZI, Mr. DONNELLY, and Mr. LANGEVIN.
H. Res. 916: Mr. KAGEN, Mr. MCCAUL of Texas, Mr. JONES of North Carolina,
Mr. GINGREY, Mr. BAKER, Mr. MCKEON, Mr. CHABOT, Mr. HARE, Mr. COURTNEY,
Mr. RENZI, Ms. ROS-LEHTINEN, Mr. MCCOTTER, and Mr. DONNELLY.
H. Res. 917: Mr. WILSON of Ohio, Mr. MCNERNEY, Mr. KILDEE, Mr. HONDA, Mr. KIND, Ms. BORDALLO, Ms. SUTTON, Mr. DOYLE, Mr. CLEAVER, and Mr. HINCHEY.

¶4.28 DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 760: Mrs. CAPITO.

FRIDAY, JANUARY 18, 2008 (5)

¶5.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Mrs. BOYDA of Kansas, who laid before the House the following communication:

WASHINGTON, DC,
January 18, 2008.

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

NANCY PELOSI,
Speaker of the House of Representatives.

¶5.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mrs. BOYDA of Kansas, announced she had examined and approved the Journal of the proceedings of Thursday, January 17, 2008.

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

¶5.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

5051. A letter from the Secretary, Department of Transportation, transmitting the annual report of the Maritime Administration (MARAD) for Fiscal Year 2006, pursuant to 46 U.S.C. app. 1118; to the Committee on Armed Services.

5052. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting a letter on the approved retirement of Vice Admiral Terrance T. Etnyre, United States Navy, and his advancement to the grade of vice admiral on the retired list; to the Committee on Armed Services.

5053. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting authorization of the enclosed list of officers to wear the insignia of the grade of brigadier general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

5054. A letter from the Assistant Secretary for Installations and Environment, Department of Defense, transmitting notification of the decision to cancel the public–private competition for the Naval Supply Systems Command's ocean terminal operations and maintenance services; to the Committee on Armed Services.

5055. A letter from the Secretary, Department of Energy, transmitting the Department's annual report on the status of efforts to secure material in Russia and the former Soviet States, pursuant to Public Law 106–398, section 3171; to the Committee on Armed Services.

5056. A letter from the General Counsel, Department of the Treasury, transmitting the Department's final rule—Identify Theft Red Flags and Address Discrepancies Under the Fair and Accurate Credit Transactions Act of 2003 [Docket ID OCC–2007–0017] (RIN: 1557–AC87) received December 20, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5057. A letter from the General Counsel, Department of the Treasury, transmitting the Department's final rule—Fair Credit Reporting Affiliate Marketing Regulations [Docket ID. OCC–2007–0010] (RIN: 1557–AC88) received December 20, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5058. A letter from the Secretary, Securities and Exchange Commission, transmitting the Commission's final rule—ACCEPTANCE FROM FOREIGN PRIVATE ISSUERS OF FINANCIAL STATEMENTS PREPARED IN ACCORDANCE WITH INTERNATIONAL FINANCIAL REPORTING STANDARDS WITHOUT RECONCILIATION TO U.S. GAAP [RELEASE NOS. 33–8879; 34–57026; INTERNATIONAL SERIES RELEASE NO. 1306; File No. S7–13–07] (RIN: 3235–AJ90) received January 4, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5059. A letter from the Assistant Associate Administrator, SNP, Department of Agriculture, transmitting the Department's final rule—Applying for Free and Reduced Price Meals in the National School Lunch Program and School Breakfast Program and for Benefits in the Special Milk Program and Technical Amendments [Docket No.: FNS–2007–0023] (RIN: 0584–AD54) received December 20, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

5060. A letter from the Deputy Assistant Administrator For Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States; Regulatory Amendment to Modify Recordkeeping and Reporting and Observer Requirements; Correction [Docket No. 071106654–7655–01] (RIN: 0648–AW20) received December 20, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5061. A letter from the Deputy Assistant Administrator For Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Temporary Haddock Size Limit Extension [Docket No. 070709299–7300–01] (RIN: 0648–AV75) received December 20, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5062. A letter from the Deputy Assistant Administrator For Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Groundfish and Halibut Fisheries of the Bering Sea and Aleutian Islands Management Area and Gulf of Alaska, Seabird Avoidance Measures Revisions [Docket No. 070705262–7683–03] (RIN: 0648–AV38) received January 4, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5063. A letter from the Secretary, Department of Veterans Affairs, transmitting a copy of a draft bill, ''To amend title 38, United States Code, to establish within the Department of Veterans Affairs, the position of Assistant Secretary for Acquisition, Logistics, and Construction, and for other purposes.''; to the Committee on Veterans' Affairs.

5064. A letter from the Director, Office of Personnel Management, transmitting the Office's Fiscal Year 2006 annual report on Veteran's Employment in the Federal Government; to the Committee on Veterans' Affairs.

¶5.4 RESIGNATION AS MEMBER OF HOUSE OF REPRESENTATIVES

The SPEAKER pro tempore, Mrs. BOYDA of Kansas, laid before the House the following communication, which was read as follows:

HOUSE OF REPRESENTATIVES,
Washington, DC, January 17, 2008.

Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington DC.

MADAM SPEAKER: Earlier today I informed Louisiana Governor Bobby Jindal that I am resigning my position as United States Representative for the Sixth Congressional District of Louisiana effective February 2, 2008.

I have been humbled to serve in the U.S. House of Representatives for the past 22 years. I want to thank all members for their friendship during this time and willingness to sacrifice to serve this great nation. In particular, I want to thank the Louisiana Congressional delegation for always keeping the best interests of our state as our highest priority.

I also want to thank President Bush, the U.S. Congress, and the American people for their generosity in Louisiana's most pressing time of need. The people of Louisiana are indeed grateful for the support of the nation in the aftermath of the 2005 hurricane season, and on their behalf I once again express our deep gratitude.

With warmest personal regards, I remain

Sincerely yours,

RICHARD H. BAKER.

And then,

¶5.5 ADJOURNMENT

On motion of the SPEAKER pro tempore, Mrs. BOYDA of Kansas, by unanimous consent and pursuant to the special order of the House agreed to on Thursday, January 17, 2008, at 10 o'clock and 35 minutes a.m., declared the House adjourned until 12:30 p.m. on Tuesday, January 22, 2008.

¶5.6 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

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

Mr. CONYERS: Committee on the Judiciary. H.R. 3971. A bill to encourage States to report to the Attorney General certain information regarding the deaths of individuals in the custody of law enforcement agencies; with an amendment (Rept. 110–512). Referred to the Committee of the Whole House on the state of the Union.

¶5.7 PUBLIC BILLS AND RESOLUTIONS

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

By Mr. TIM MURPHY of Pennsylvania:

H.R. 5070. A bill to extend the suspension of duty on Polyfunctional aziridine; to the Committee on Ways and Means.

By Mr. TIM MURPHY of Pennsylvania:

H.R. 5071. A bill to extend the suspension of duty on Poly(toluene diisocyanate); to the Committee on Ways and Means.

By Mr. TIM MURPHY of Pennsylvania:

H.R. 5072. A bill to suspend temporarily the duty on Arcol Catalyst 3; to the Committee on Ways and Means.

By Mr. TIM MURPHY of Pennsylvania:

H.R. 5073. A bill to extend the suspension of duty on Crelan VP LS 2147; to the Committee on Ways and Means.

By Mr. TIM MURPHY of Pennsylvania:

H.R. 5074. A bill to extend the suspension of duty on Desmodur RF-E; to the Committee on Ways and Means.

By Mr. TIM MURPHY of Pennsylvania:

H.R. 5075. A bill to extend the suspension of duty on Desmodur R-E; to the Committee on Ways and Means.

By Mr. TIM MURPHY of Pennsylvania:

H.R. 5076. A bill to suspend temporarily the duty on Mondur M Flaked; to the Committee on Ways and Means.

By Mr. TIM MURPHY of Pennsylvania:

H.R. 5077. A bill to extend the suspension of duty on TSME; to the Committee on Ways and Means.

By Mr. TIM MURPHY of Pennsylvania:

H.R. 5078. A bill to extend the suspension of duty on Desmodur BL XP 2468; to the Committee on Ways and Means.

By Mr. TIM MURPHY of Pennsylvania:

H.R. 5079. A bill to extend the suspension of duty on Trimethylopropane tris(3-aziridinylpropanoate); to the Committee on Ways and Means.

By Mr. TIM MURPHY of Pennsylvania:

H.R. 5080. A bill to extend the suspension of duty on Desmodur HL BA; to the Committee on Ways and Means.

By Mr. TIM MURPHY of Pennsylvania:

H.R. 5081. A bill to extend the suspension of duty on Desmodur VP LS 2253; to the Committee on Ways and Means.

By Mr. TIM MURPHY of Pennsylvania:

H.R. 5082. A bill to suspend temporarily the duty on Desmodur VP LS 2253/1; to the Committee on Ways and Means.

By Mr. TIM MURPHY of Pennsylvania:

H.R. 5083. A bill to extend the suspension of duty on Desmodur E 14; to the Committee on Ways and Means.

By Mr. SHAYS:

H.R. 5084. A bill to require the Secretary of State to conduct ongoing assessments of the effectiveness of sanctions against Iran, and for other purposes; to the Committee on Foreign Affairs, and in addition to the Committees on Financial Services, Oversight and Government Reform, Ways and Means, and Agriculture, for a period to be subsequently determined by the Speaker, in each case for

consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BAKER (for himself, Mr. MCCRERY, Mr. JEFFERSON, Mr. ALEXANDER, Mr. BOUSTANY, and Mr. MELANCON):

H. Res. 933. A resolution commending the Louisiana State University Tigers football team for winning the 2007 Bowl Championship Series national championship game; to the Committee on Education and Labor.

¶5.8 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 1398: Mr. TIM MURPHY of Pennsylvania.

H.R. 5036: Mrs. CAPPS, Mr. PRICE of North Carolina, Ms. SUTTON, Mr. ELLISON, and Mr. MCGOVERN.

H.J. Res. 76: Mr. BECERRA, Mr. BERRY, Mr. BISHOP of New York, Mr. BOREN, Ms. CORRINE BROWN of Florida, Mr. BURTON of Indiana, Mr. BUTTERFIELD, Mr. CAPUANO, Mr. CARDOZA, Mr. CONYERS, Mr. CRAMER, Mr. DAVIS of Illinois, Mr. DOYLE, Mr. EMANUEL, Mr. FRANK of Massachusetts, Mr. GARRETT of New Jersey, Mr. HILL, Ms. HOOLEY, Mr. JACKSON of Illinois, Ms. JACKSON-LEE of Texas, Mrs. JONES of Ohio, Mr. KANJORSKI, Mr. KENNEDY, Ms. KILPATRICK, Mr. LARSON of Connecticut, Mr. LEWIS of Georgia, Mr. LOEBSACK, Ms. ZOE LOFGREN of California, Mr. MAHONEY of Florida, Mr. MEEK of Florida, Mr. MEEKS of New York, Ms. MOORE of Wisconsin, Mr. PALLONE, Mr. PETERSON of Minnesota, Mr. PORTER, Mr. ROGERS of Michigan, Mr. SERRANO, Mr. SIRES, Ms. SLAUGHTER, Mr. SMITH of New Jersey, Mr. TERRY, Ms. VELÁZQUEZ, Mr. WAXMAN, Mr. WILSON of Ohio, and Mr. YOUNG of Alaska.

H. Con. Res. 198: Mr. DOYLE.

H. Con. Res. 280: Mr. MARKEY, Mrs. NAPOLITANO, Ms. JACKSON-LEE of Texas, Mr. WYNN, Mr. JACKSON of Illinois, and Mr. ELLISON.

H. Res. 909: Ms. CORRINE BROWN of Florida, Mr. BURTON of Indiana, Mr. LINCOLN DIAZ-BALART of Florida, and Mr. SHERMAN.

H. Res. 932: Mr. WU, Mr. HARE, Ms. MATSUI, Mrs. TAUSCHER, and Mr. ETHERIDGE.

TUESDAY, JANUARY 22, 2008 (6)

¶6.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order at 12:30 p.m. by the SPEAKER pro tempore, Mr. MCGOVERN, who laid before the House the following communication:

WASHINGTON, DC,
January 22, 2008.

I hereby appoint the Honorable JAMES P. MCGOVERN to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

Whereupon, pursuant to the order of the House of January 4, 2007, Members were recognized for morning-hour debate.

¶6.2 RECESS—12:42 P.M.

The SPEAKER pro tempore, Mr. MCGOVERN, pursuant to clause 12(a) of rule I, declared the House in recess at 12 o'clock and 42 minutes p.m., until 2 p.m.

¶6.3 AFTER RECESS—2 P.M.

The SPEAKER pro tempore, Mrs. TAUSCHER, called the House to order.

¶6.4 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mrs. TAUSCHER, announced she had examined and approved the Journal of the proceedings of Friday, January 18, 2008.

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

¶6.5 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

5065. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Mandipropamid; Pesticide Tolerance [EPA-HQ-OPP-2007-0461; FRL-8346-6] received January 15, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5066. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Acetamiprid; Pesticide Tolerance [EPA-HQ-OPP-2006-0733; FRL-8348-1] received January 15, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5067. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Payment Withholding — Deletion of Duplicative Text [DFARS Case 2007-D010] (RIN: 0750-AF76) received January 15, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

5068. A letter from the Director, Defense Procurement and Acquisition, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Trade Agreements — New Thresholds [DFARS Case 2007-D023] (RIN: 0750-AF89) received January 15, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

5069. A letter from the Attorney, Office of Assistant General Counsel for Legislation and Regulatory Law, Department of Energy, transmitting the Department's final rule — Loan Guarantees for Projects That Employ Innovative Technologies (RIN: 1901-AB21) received January 14, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5070. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Nevada; Washoe County 8-Hour Ozone Maintenance Plan [EPA-R09-OAR-2007-1079; FRL-8509-2] received January 15, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5071. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Designation of Areas for Air Quality Planning Purposes; Arizona; San Manuel Sulfur Dioxide State Implementation Plan and Request for Redesignation to Attainment [EPA-R09-OAR-2006-0214; FRL-8514-7] received January 15, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5072. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of State Plans for Designated Facilities and Pollutants; Missouri; Clean Air Mercury Rule [EPA-R07-OAR-2007-0943; FRL-8517-7] received January 15, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5073. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; New York: Clean Air Interstate Rule [EPA-R02-OAR-2007-0913; FRL-8514-9] received January 15, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5074. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Illinois; Revisions to Emission Reduction Market System [EPA-R05-OAR-2007-0183; FRL-8514-5] received January 15, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5075. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Commercial Item Determinations [DFARS Case 2007-D005] (RIN: 0750-AF78) received January 15, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

5076. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Closeout of Contract Files [DFARS Case 2006-D045] (RIN: 0750-AF61) received January 15, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

5077. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Combating Trafficking in Persons [DFARS Case 2004-D017] (RIN: 0750-AF11) received January 15, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

5078. A letter from the Deputy Director of Civil Works, Department of Defense, transmitting the Department's final rule — Reissuance of Nationwide Permits [ZRIN 0710-ZA02] received December 20, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5079. A letter from the Regulations Officer, FHWA, Department of Transportation, transmitting the Department's final rule — Temporary Traffic Control Devices [FHWA Docket No. FHWA-2006-25203] (RIN: 2125-AF10) received January 14, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5080. A letter from the FMCSA Regulatory Ombudsman, Department of Transportation, transmitting the Department's final rule — Technical Amendments to Federal Motor Carrier Safety Regulations (RIN: 2126-AB13) received January 14, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5081. A letter from the FMCSA Regulatory Ombudsman, Department of Transportation, transmitting the Department's final rule — Civil Penalties Adjustments (RIN: 2126-AB12) received January 14, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5082. A letter from the Director of Regulations, Office of Pipeline Safety, Department of Transportation, transmitting the Department's final rule — Pipeline Safety: Applicability of Public Awareness Regulations to Certain Gas Distribution Operators [Docket ID PHMSA-2003-15852] (RIN: 2137-AE17) received January 14, 2008, pursuant to 5 U.S.C.

801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5083. A letter from the Regulations Officer, FHWA, Department of Transportation, transmitting the Department's final rule — National Standards for Traffic Control Devices; the Manual on Uniform Traffic Control Devices for Streets and Highways; Maintaining Traffic Sign Retroflectivity [FHWA Docket No. FHWA-2003-15149] (RIN: 2125-AE98) received January 14, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5084. A letter from the Assistant Chief Counsel for Hazardous Materials Safety, Department of Transportation, transmitting the Department's final rule — Hazardous Materials: Revisions to the List of Hazardous Substances and Reportable Quantities [Docket No. PHMSA-2006-28711 (HM-145N)] (RIN: 2137-AE24) received January 14, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5085. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A330-200 and -300 Series Airplanes, and Model A340-200 and -300 Series Airplanes [Docket No. FAA-2007-28925; Directorate Identifier 2007-NM-123-AD; Amendment 39-15248; AD 2007-23-02] (RIN: 2120-AA64) received January 14, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5086. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Fokker Model F.28 Mark 0700 and 0100 Airplanes [Docket No. FAA-2007-29064; Directorate Identifier 2007-NM-128-AD; Amendment 39-15249; AD 2007-23-03] (RIN: 2120-AA64) received January 14, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5087. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model DHC-8-102, -103, -106, -201, -202, -301, -311, and -315 Airplanes [Docket No. FAA-2007-29066; Directorate Identifier 2007-NM-147-AD; Amendment 39-15250; AD 2007-23-04] (RIN: 2120-AA64) received January 14, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5088. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A310 Series Airplanes [Docket No. FAA-2007-28922; Directorate Identifier 2007-NM-132-AD; Amendment 39-15225; AD 2007-21-07] (RIN: 2120-AA64) received January 14, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5089. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Saab Model SAAB 2000 Airplanes [Docket No. FAA-2007-29171; Directorate Identifier 2007-NM-154-AD; Amendment 39-15251; AD 2007-23-05] (RIN: 2120-AA64) received January 14, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5090. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model DHC-8-400 Series Airplanes [Docket No. FAA-2007-29235; Directorate Identifier 2007-NM-232-AD; Amendment 39-15245; AD 2007-22-09] (RIN: 2120-AA64) received January 14, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5091. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; General Electric Company (GE) CF6-80C2D1F Turbofan Engines [Docket No. FAA-2007-28319; Directorate Identifier 2007-NE-27-AD; Amendment 39-15243; AD 2007-22-07] (RIN: 2120-AA64) received January 14, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5092. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model DHC-8-102, -103, -106, -201, -202, -301, -311, and -315 Airplanes [Docket No. FAA-2007-28371; Directorate Identifier 2007-NM-040-AD; Amendment 39-15234; AD 2007-21-16] (RIN: 2120-AA64) received January 14, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5093. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; EADS SOCATA Model TBM 700 Airplanes [Docket No. FAA-2007-28645; Directorate Identifier 2007-CE-059-AD; Amendment 39-15228; AD 2007-21-10] (RIN: 2120-AA64) received January 14, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5094. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Hawker Beechcraft Model Hawker 800XP Airplanes [Docket No. FAA-2007-28810; Directorate Identifier 2007-NM-104-AD; Amendment 39-15226; AD 2007-21-08] (RIN: 2120-AA64) received January 14, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5095. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A300-600 Series Airplanes; and Model A310 Series Airplanes [Docket No. FAA-2007-28663; Directorate Identifier 2006-NM-223-AD; Amendment 39-15221; AD 2007-21-03] (RIN: 2120-AA64) received January 14, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5096. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A310 Series Airplanes [Docket No. FAA-2007-27925; Directorate Identifier 2006-NM-183-AD; Amendment 39-15232; AD 2007-21-14] (RIN: 2120-AA64) received January 14, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5097. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB-135BJ Airplanes [Docket No. FAA-2007-28909; Directorate Identifier 2007-NM-135-AD; Amendment 39-15230; AD 2007-21-12] (RIN: 2120-AA64) received January 14, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5098. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 707 Airplanes and Model 720 and 720B Series Airplanes [Docket No. FAA-2007-28811; Directorate Identifier 2006-NM-246-AD; Amendment 39-15233; AD 2007-21-15] (RIN: 2120-AA64) received January 14, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5099. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747 and 767 Airplanes [Docket No. FAA-2005-21701; Directorate Identifier 2005-NM-086-AD; Amendment 39-15231; AD 2007-21-13] (RIN: 2120-AA64) received January 14, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

¶6.6 PUBLIC WORKS PROJECTS

The SPEAKER pro tempore, Mrs. TAUSCHER, laid before the House a communication, which was read as follows:

HOUSE OF REPRESENTATIVES, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
Washington, DC, January 17, 2008.

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

DEAR MADAM SPEAKER, on January 16, 2008, the Committee on Transportation and Infrastructure met in open session to consider 17 resolutions authorizing the General Services Administration (''GSA'') Capital Investment Program for Fiscal Year 2008, in accordance with 40 U.S.C. §3307. The resolutions authorize leases for various Federal agencies. The Committee adopted the resolutions with a quorum present.

Enclosed are copies of the resolutions adopted by the Committee on Transportation and Infrastructure on January 16, 2008.

Sincerely,

JAMES L. OBERSTAR,
Chairman.

Enclosures.

LEASE—INTERNAL REVENUE SERVICE, SAN JOSE, CA

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that, pursuant to title 40 U.S.C. §3307, appropriations are authorized to lease up to 122,000 rentable square feet for the Internal Revenue Service, currently located at 55 S. Market Street, San Jose, CA, at a proposed total annual cost of $4,270,000 for a lease term of up to 10 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to the execution of the new lease.

Provided, that, to the maximum extent practicable, the Administrator of General Services shall require that the procurement includes minimum performance requirements requiring energy efficiency and the use of renewable energy.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, *except that,* if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in this resolution.

Provided further, that the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that, pursuant to title 40 U.S.C. §3307, appropriations are authorized to lease up to 82,274 rentable square feet for the Department of the Treasury, currently located at 1650 65th Street, in Emeryville, CA, at a proposed total annual cost of $2,879,590 for a lease term of up to 12 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to the execution of the new lease.

Provided, that, to the maximum extent practicable, the Administrator of General Services shall require that the procurement includes minimum performance requirements requiring energy efficiency and the use of renewable energy.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, *except that,* if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in this resolution.

Provided further, that the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

LEASE—COURT SERVICES AND OFFENDER SUPERVISION AGENCY—PUBLIC DEFENDER SERVICE FOR THE DISTRICT OF COLUMBIA—PRE-TRIAL SERVICES AGENCY, WASHINGTON, DC

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that, pursuant to title 40 U.S.C. §3307, appropriations are authorized to lease up to 151,300 rentable square feet for the Court Services and Offender Supervision Agency, Public Defender Service for the District of Columbia, and Pre-trial Services Agency, currently located at 633 Indiana Avenue, NW., Washington, DC, at a proposed total annual cost of $7,111,100 for a lease term of up to 10 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to the execution of the new lease.

Provided, that, to the maximum extent practicable, the Administrator of General Services shall require that the procurement includes minimum performance requirements requiring energy efficiency and the use of renewable energy.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, *except that,* if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in this resolution.

Provided further, that the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

LEASE—COURT SERVICES AND OFFENDERS SUPERVISION AGENCY—PRE-TRIAL SERVICES AGENCY, WASHINGTON, DC

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that, pursuant to title 40 U.S.C. §4 3307, appropriations are authorized to lease up to 79,105 rentable square feet for the Court Services and Offender Supervision Agency and Pre-trial Services Agency, currently located at 300 Indiana Avenue, NW., Washington, DC, at a proposed total annual cost of $3,717,935 for a lease term of up to 10 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to the execution of the new lease.

Provided, that, to the maximum extent practicable, the Administrator of General Services shall require that the procurement includes minimum performance requirements requiring energy efficiency and the use of renewable energy.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, *except that,* if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in this resolution.

Provided further, that the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

AMENDED LEASE—DEPARTMENT OF THE INTERIOR, WASHINGTON, DC

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that, pursuant to title 40 U.S.C. §3307, appropriations are authorized to amend lease prospectus PDC–09–WA05 to lease up to 94,435 rentable square feet for the Department of the Interior, Bureau of Land Management, currently located at 1620 L Street NW., Washington, DC, at a proposed total annual cost of $4,438,445 for a lease term of up to 10 years, a prospectus for which is attached to and included in this resolution. This resolution amends the Committee resolution of July 21, 2004, which authorized prospectus PDC–09–WA05, a lease up to 74,698 rentable square feet, at a proposed total annual cost of $3,361,410 for a lease term of up to 10 years.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to the execution of the new lease.

Provided, that, to the maximum extent practicable, the Administrator of General Services shall require that the procurement includes minimum performance requirements requiring energy efficiency and the use of renewable energy.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, *except that,* if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in this resolution.

Provided further, that the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

LEASE—NATIONAL ARCHIVES AND RECORDS ADMINISTRATION, ST. LOUIS, MO

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that, pursuant to title 40 U.S.C. §3307, appropriations are authorized to lease up to 524,737 rentable square feet for the National Archives and Records Administration, currently located in two government-owned buildings at the Federal Records Center at 9700 Page Boulevard in Overland, MO and one leased facility at 1319 Dielman Road in St. Louis, MO, at a proposed total annual cost of $11,545,137 for a lease term of up to 20 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to the execution of the new lease.

Provided, that, to the maximum extent practicable, the Administrator of General Services shall require that the procurement includes minimum performance requirements requiring energy efficiency and the use of renewable energy.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, *except that,* if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in this resolution.

Provided further, that the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

LEASE—DEPARTMENT OF DEFENSE—DEFENSE ADVANCED RESEARCH PROJECTS AGENCY, NORTHERN VIRGINIA

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that, pursuant to title 40 U.S.C. §5 3307, appropriations are authorized to lease up to 362,671 rentable square feet for the Department of Defense, Defense Advanced Research Projects Agency, currently located at 3701 North Fairfax Drive and 4301 North Fairfax Drive in Arlington, VA, at a proposed total annual cost of $14,506,840 for a lease term of up to 15 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to the execution of the new lease.

Provided, that, to the maximum extent practicable, the Administrator of General Services shall require that the procurement includes minimum performance requirements requiring energy efficiency and the use of renewable energy.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, *except that,* if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in this resolution.

Provided further, that the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

LEASE—DEPARTMENT OF DEFENSE, CRYSTAL GATEWAY NORTH, NORTHERN VIRGINIA

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that, pursuant to title 40 U.S.C. §3307, appropriations are authorized to lease up to 133,292 rentable square feet for the Department of Defense, currently located at Crystal Gateway North, 1111 Jefferson Davis Highway, Arlington, VA, at a proposed total

annual cost of $4,665,220 for a lease term of up to three years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to the execution of the new lease.

Provided, that, to the maximum extent practicable, the Administrator of General Services shall require that the procurement includes minimum performance requirements requiring energy efficiency and the use of renewable energy.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, *except that,* if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in this resolution.

Provided further, that the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

LEASE—ENVIRONMENTAL PROTECTION AGENCY, SAN FRANCISCO, CA

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that, pursuant to title 40 U.S.C. §3307, appropriations are authorized to lease up to 275,135 rentable square feet for the Environmental Protection Agency, currently located at 75 Hawthorne Street in San Francisco, CA, at a proposed total annual cost of $13,756,750 for a lease term of up to 15 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to the execution of the new lease.

Provided, that, to the maximum extent practicable, the Administrator of General Services shall require that the procurement includes minimum performance requirements requiring energy efficiency and the use of renewable energy.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, *except that,* if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in this resolution.

Provided further, that the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

LEASE—FEDERAL BUREAU OF INVESTIGATION, SAN FRANCISCO, CA

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that, pursuant to title 40 U.S.C. §3307, appropriations are authorized to lease up to 215,459 rentable square feet for the Federal Bureau of Investigation, currently located in the federally owned Phillip Burton Federal Building in San Francisco and a leased facility at 4703 Tidewater Avenue in Oakland, CA, at a proposed total annual cost of $13,142,999 for a lease term of up to 20 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to the execution of the new lease.

Provided, that, to the maximum extent practicable, the Administrator of General Services shall require that the procurement includes minimum performance requirements requiring energy efficiency and the use of renewable energy.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, *except that,* if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in this resolution.

Provided further, that the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

AMENDED LEASE—DRUG ENFORCEMENT ADMINISTRATION, MIAMI, FL

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that, pursuant to title 40 U.S.C. §3307, appropriations are authorized to lease up to 58,811 rentable square feet for the Drug Enforcement Administration, currently located in the Columbus Building, 5205 NW 84th Avenue, Miami, FL, at a proposed total annual cost of $3,881,527 for a lease term of up to 20 years, which is attached to and included in this resolution. This resolution amends the Committee resolution of February 25, 2004, which authorized prospectus PFL–02–MI04, a lease of up to 58,811 rentable square feet, at a proposed annual cost of $3,116,983 for a lease term of up to 15 years.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to the execution of the new lease.

Provided, that, to the maximum extent practicable, the Administrator of General Services shall require that the procurement includes minimum performance requirements requiring energy efficiency and the use of renewable energy.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, *except that,* if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in this resolution.

Provided further, that the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

LEASE—NUCLEAR REGULATORY COMMISSION, ATLANTA, GA

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that, pursuant to title 40 U.S.C. §3307, appropriations are authorized to lease up to 101,528 rentable square feet for the Nuclear Regulatory Commission, currently located in the Sam Nunn Atlanta Federal Center and Richard B. Russell FB-CT in Atlanta, GA, at a proposed total annual cost of $3,959,592 for a lease term of up to 15 years, a prospectus which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to the execution of the new lease.

Provided, that, to the maximum extent practicable, the Administrator of General Services shall require that the procurement includes minimum performance requirements requiring energy efficiency and the use of renewable energy.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, *except that,* if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in this resolution.

Provided further, that the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

LEASE—FEDERAL AVIATION ADMINISTRATION, BURLINGTON, MA

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that, pursuant to title 40 U.S.C. §3307, appropriations are authorized to lease up to 92,000 rentable square feet for the Federal Aviation Administration, currently located in two buildings in the New England Executive Park Burlington, MA, at a proposed total annual cost of $3,956,000 for a lease term of up to 10 years, a prospectus which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to the execution of the new lease.

Provided, that, to the maximum extent practicable, the Administrator of General Services shall require that the procurement includes minimum performance requirements requiring energy efficiency and the use of renewable energy.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, *except that,* if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in this resolution.

Provided further, that the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

AMENDED LEASE—FEDERAL BUREAU OF INVESTIGATION, FREDERICK COUNTY, VA AND BERKELEY COUNTY, WV

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that, pursuant to title 40 U.S.C. §3307, appropriations are authorized to lease up to 626,488 rentable square feet for the Federal Bureau of Investigation, currently located at the Central Records Complex, in Frederick County, VA, at a proposed total annual cost of $27,565,000 for a lease term of up to 20 years, which is attached to and included in this resolution. This resolution amends a July 19, 2006 Committee resolution that authorized a lease up to 947,000 rentable square feet, at a proposed total annual cost of $33,145,000 for a lease term of up to 20 years. The Committee resolution of July 19, 2006, amended an October 26, 2005 Committee

resolution which authorized a lease up to 947,000 rentable square feet, at a proposed total annual cost of $33,145,000 for a lease term of 15 years.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to the execution of the new lease.

Provided, that, to the maximum extent practicable, the Administrator of General Services shall require that the procurement includes minimum performance requirements requiring energy efficiency and the use of renewable energy.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, *except that,* if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in this resolution.

Provided further, that the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

LEASE—DEPARTMENT OF ENERGY—NATIONAL NUCLEAR SECURITY ADMINISTRATION, KANSAS CITY, MO

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that, pursuant to title 40 U.S.C. §3307, appropriations are authorized to lease up to 1,552,500 rentable square feet for the Department of Energy, National Nuclear Security Administration currently located at the Bannister Federal Complex in Kansas City, MO, at a proposed total annual cost of $58,995,000 for a lease term of up to 20 years, a prospectus which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to the execution of the new lease.

Provided, that, to the maximum extent practicable, the Administrator of General Services shall require that the procurement includes minimum performance requirements requiring energy efficiency and the use of renewable energy.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, *except that,* if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in this resolution.

Provided further, that the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

ALTERATIONS IN LEASED SPACE, FEDERAL BUREAU OF INVESTIGATION, SAN DIEGO, CA

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that, pursuant to title 40 U.S.C. §3307, appropriations are authorized for the alteration of leased space at 4181 Ruffin Road, San Diego, CA, for the Federal Bureau of Investigation centralized Intelligence and Counter Terrorism Fusion Center, at design costs of $300,000, and estimated construction costs of $2,936,000, for an estimated project cost of $3,236,000, a prospectus which is attached to and included in this resolution.

Provided, that, to the maximum extent practicable and considering life-cycle costs appropriate for the geographic area, the General Services Administration (''GSA'') shall use energy efficient and renewable energy systems, including photovoltaic systems, in carrying out the project.

Provided further, that, within 180 days of approval of this resolution, GSA shall submit to the Committee on Transportation and Infrastructure of the U.S. House of Representatives and the Committee on Environment and Public Works of the U.S. Senate a report on the planned use of energy efficient and renewable energy systems, including photovoltaic systems, for such project and, if such systems are not used for the project, the specific rationale for GSA's decision.

Provided further, that, beginning on the date of approval of this resolution, each alteration, design, or construction prospectus submitted by GSA shall include an estimate of the future energy performance of the building and a specific description of the use of energy efficient and renewable energy systems, including photovoltaic systems, in carrying out the project.

ALTERATIONS IN LEASED SPACE, BUREAU OF THE PUBLIC DEBT, MINERAL WELLS, WV

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that, pursuant to 40 U.S.C. §3307, appropriations are authorized for the installation of a backup generator and uninterruptible power supply at the Bureau of the Public Debt's Contingency and Alternate Processing Site facility located in Mineral Wells, WV, at design costs of $50,000, management and inspection costs of $68,000 and estimated construction costs of $1,737,000, for an estimated project cost of $1,855,000, a prospectus for which is attached to, and included in, this resolution.

Provided, that, to the maximum extent practicable and considering life-cycle costs appropriate for the geographic area, the General Services Administration (''GSA'') shall use energy efficient and renewable energy systems, including photovoltaic systems, in carrying out the project.

Provided further, that, within 180 days of approval of this resolution, GSA shall submit to the Committee on Transportation and Infrastructure of the U.S. House of Representatives and the Committee on Environment and Public Works of the U.S. Senate a report on the planned use of energy efficient and renewable energy systems, including photovoltaic systems, for such project and, if such systems are not used for the project, the specific rationale for GSA's decision.

Provided further, that, beginning on the date of approval of this resolution, each alteration, design, or construction prospectus submitted by GSA shall include an estimate of the future energy performance of the building and a specific description of the use of energy efficient and renewable energy systems, including photovoltaic systems, in carrying out the project.

The communication, together with the accompanying papers, was referred to the Committee on Appropriations.

¶6.7 MASTER SERGEANT KENNETH N. MACK POST OFFICE BUILDING

Ms. NORTON moved to suspend the rules and pass the bill (H.R. 3988) to designate the facility of the United States Postal Service located at 3701 Altamesa Boulevard in Fort Worth, Texas, as the ''Master Sergeant Kenneth N. Mack Post Office Building''.

The SPEAKER pro tempore, Mrs. TAUSCHER, recognized Ms. NORTON and Mr. SHAYS, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mrs. TAUSCHER, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶6.8 ARMY PFC JUAN ALONSO COVARRUBIAS POST OFFICE BUILDING

Ms. NORTON moved to suspend the rules and pass the bill (H.R. 3720) to designate the facility of the United States Postal Service located at 424 Clay Avenue in Waco, Texas, as the ''Army PFC Juan Alonso Covarrubias Post Office Building''.

The SPEAKER pro tempore, Mrs. TAUSCHER, recognized Ms. NORTON and Mr. SHAYS, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mrs. TAUSCHER, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶6.9 MORAL RESPONSIBILITY TO THE IMPOVERISHED

Ms. NORTON moved to suspend the rules and agree to the following concurrent resolution (H. Con. Res. 198); as amended:

Whereas poverty can be seen as a deep, structural problem that implicates our value system and our educational and economic institutions;

Whereas poverty may be defined as the lack of basic necessities of life such as food, shelter, clothing, health care, education, security, and opportunity;

Whereas policy initiatives addressing poverty have not kept pace with the needs of millions of Americans;

Whereas many experts believe that the lack of an equitable distribution of housing choices across the country leads to isolation and concentrated poverty;

Whereas the number of Americans living in poverty has risen by over 5,000,000 since 2000;

Whereas there were 37 million Americans living in poverty in 2005;

Whereas the official poverty rate in 2005 was 12.6 percent;

Whereas 24.9 percent of African Americans, 21.8 percent of Hispanics, 25.3 percent of Native Americans, 10.9 percent of Asian Americans, and 8.3 percent of Whites lived in poverty in the United States in 2005;

Whereas in 2005 a family of 4 was considered poor under the U.S. Census Bureau's official measure if the family's income was below $19,971;

Whereas the poverty rate for children 18 years and younger (17.6 percent) remained higher than that of 18–24 year-olds (11.1 percent) and that of people 65 and older (10.1 percent) in 2005; and

Whereas the number in poverty increased for people 65 and older by almost 400,000 since 2000: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of Congress that the United States should set a national goal of cutting poverty in half over the next 10 years.

The SPEAKER pro tempore, Mrs. TAUSCHER, recognized Ms. NORTON and Mr. SHAYS, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution, as amended?

The SPEAKER pro tempore, Mrs. TAUSCHER, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said concurrent resolution, as amended, was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said concurrent resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶6.10 JUDGE RICHARD B. ALLSBROOK POST OFFICE BUILDING

Ms. NORTON moved to suspend the rules and pass the bill (H.R. 4211) to designate the facility of the United States Postal Service located at 725 Roanoke Avenue in Roanoke Rapids, North Carolina, as the ''Judge Richard B. Allsbrook Post Office''.

The SPEAKER pro tempore, Mrs. TAUSCHER, recognized Ms. NORTON and Mr. SHAYS, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mrs. TAUSCHER, announced that two-thirds of the Members present had voted in the affirmative.

Ms. NORTON demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mrs. TAUSCHER, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶6.11 HIGHWAY TUNNELS

Mr. DEFAZIO moved to suspend the rules and pass the bill (H.R. 409) to amend title 23, United States Code, to inspect highway tunnels; as amended.

The SPEAKER pro tempore, Mrs. TAUSCHER, recognized Mr. DEFAZIO and Mr. DUNCAN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mrs. TAUSCHER, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

By unanimous consent, the title was amended so as to read: ''An Act to amend title 23, United States Code, to direct the Secretary of Transportation to establish national tunnel inspection standards for the proper safety inspection and evaluation of all highway tunnels, and for other purposes.''.

A motion to reconsider the votes whereby the rules were suspended and said bill, as amended, was passed and the title was amended was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶6.12 AMERICAN HIGHWAY USERS ALLIANCE

Mr. DEFAZIO moved to suspend the rules and agree to the resolution (H. Res. 772):

Whereas in 1932, Alfred P. Sloan, Jr., then president of General Motors Corporation, and other civic leaders had the foresight to found the National Highway Users Conference for the purpose of working ''for good, all-weather roads in every state'';

Whereas in 1970, the National Highway Users Conference merged with the Automotive Safety Foundation to form the Highway Users Federation for Safety and Mobility, which in 1995 was renamed as the American Highway Users Alliance (known as the ''Highway Users'');

Whereas since its founding, the Highway Users has been a persistent and outspoken proponent for adequate funding of the Nation's highway infrastructure and a consistent voice for motorists who use the highways for leisure, family, and business purposes and for those who depend on the Nation's transportation infrastructure for commercial purposes;

Whereas the Highway Users has voiced the interests of motorists and businesses on all major national highway and traffic safety legislation over the past 75 years, including the Federal-Aid Highway Act of 1956, which authorized the Interstate Highway System and established the Highway Trust Fund;

Whereas the Highway Users has been a consistent force for protecting the integrity of the Highway Trust Fund and State highway trust funds;

Whereas research conducted by the Highway Users has documented the promise and potential of modern United States highways in improving safety, facilitating emergency evacuations, and growing the national economy; and

Whereas the Highway Users has been a strong advocate in favor of strengthening the national highway network by promoting a strong Federal role in mobility and safety and by advocating policies that benefit highway users: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the American Highway Users Alliance on the occasion of its 75th anniversary;

(2) commends the many achievements of the American Highway Users Alliance; and

(3) encourages the American Highway Users Alliance to continue its tradition of excellence in service to motorists and the transportation industry.

The SPEAKER pro tempore, Mrs. TAUSCHER, recognized Mr. DEFAZIO and Mr. DUNCAN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mrs. TAUSCHER, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶6.13 HONORING THE UNITED STATES COAST GUARD

Mr. DEFAZIO moved to suspend the rules and agree to the following resolution (H. Res. 866):

Whereas the estimated street value of the cocaine seized by the Coast Guard in 2007 is more than $4,700,000,000 or nearly half of the Coast Guard's annual budget;

Whereas the Coast Guard's at sea drug interdictions are making a difference in the lives of American citizens evidenced by the reduced supply of cocaine in more than 35 major cities throughout the United States;

Whereas keeping illegal drugs from reaching our shores where they undermine American values and threaten families, schools, and communities continues to be an important national priority;

Whereas through robust interagency teamwork, collaboration with international partners, and ever-more effective tools and tactics, the Coast Guard has seized more than 2,000,000 pounds of cocaine during the past 10 years and will continue to tighten the web of detection and interdiction at sea; and

Whereas the Coast Guard men and women who, while away from family and hundreds of miles from our shores, execute this dangerous mission, as well as other vital maritime safety, security, and environmental protection missions, with quiet dedication and without want of public recognition, continue to show dedication and selfless service in protecting the Nation and the American people: Now, therefore, be it

Resolved, That the United States House of Representatives honors the United States Coast Guard, with its proud 217 year legacy of maritime law enforcement and border protection, along with the brave men and women whose efforts clearly demonstrate the honor, respect, and devotion to duty that ensures America's parents can sleep soundly knowing the Coast Guard is on patrol.

The SPEAKER pro tempore, Mrs. TAUSCHER, recognized Mr. DEFAZIO and Mr. COBLE, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mrs. TAUSCHER, announced that two-thirds of the Members present had voted in the affirmative.

Mr. DEFAZIO demanded that the vote be taken by the yeas and nays, which demand was supported by one-

fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mrs. TAUSCHER, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶6.14 COMMISSION ON ABOLITION OF TRANSATLANTIC SLAVE TRADE

Mr. PAYNE moved to suspend the rules and agree to the following amendment of the Senate to the bill (H.R. 3432) to establish the 200th Anniversary Commemoration Commission of the Abolition of the Transatlantic Slave Trade, and for other purposes:

On page 15, strike lines 3 through 5.

The SPEAKER pro tempore, Mrs. TAUSCHER, recognized Mr. PAYNE and Mr. POE, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said amendment?

The SPEAKER pro tempore, Mrs. TAUSCHER, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said amendment was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said amendment was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶6.15 RECESS—3:29 P.M.

The SPEAKER pro tempore, Mrs. TAUSCHER, pursuant to clause 12(a) of rule I, declared the House in recess at 3 o'clock and 29 minutes p.m., until approximately 6:30 p.m.

¶6.16 AFTER RECESS—6:30 P.M.

The SPEAKER pro tempore, Mr. GUTIERREZ, called the House to order.

¶6.17 H.R. 4211—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. GUTIERREZ, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and pass the bill (H.R. 4211) to designate the facility of the United States Postal Service located at 725 Roanoke Avenue in Roanoke Rapids, North Carolina, as the ''Judge Richard B. Allsbrook Post Office''.

The question being put,

Will the House suspend the rules and pass said bill?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 391 Nays 0

¶6.18 [Roll No. 19]

YEAS—391

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachus
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Gutierrez
Hall (NY)
Hall (TX)
Hastings (FL)
Hastings (WA)
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Rothman
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—39

Bachmann
Baird
Baker
Berman
Brown, Corrine
Costello
Davis (IL)
DeGette
Ellison
Gallegly
Giffords
Green, Gene
Grijalva
Hare
Harman
Hayes
Hinojosa
Hunter
Johnson (IL)
Kingston
LaHood
Lantos
Lucas
Miller, Gary
Moran (KS)
Napolitano
Radanovich
Rahall
Rohrabacher
Ross
Roybal-Allard
Rush
Sanchez, Loretta
Sherman
Snyder
Solis
Sutton
Watt
Wilson (OH)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶6.19 H. RES. 866—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. GUTIERREZ, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 866) honoring the brave men and women of the United States Coast Guard whose tireless work, dedication, and commitment to protecting the United States have led to the Coast Guard seizing over 350,000 pounds of cocaine at sea during 2007, far surpassing all of our previous records.

The question being put,

Will the House suspend the rules and agree to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 391 Nays 0

¶6.20 [Roll No. 20]

YEAS—391

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell

Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Gutierrez
Hall (NY)
Hall (TX)
Hastings (FL)
Hastings (WA)
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hirono
Hobson
Hodes
Hoekstra
Holt
Honda
Hooley
Hoyer
Hulshof
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Rothman
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—39

Baird
Baker
Berman
Brown, Corrine
Costello
Davis (IL)
DeGette
Ellison
Gallegly
Giffords
Green, Gene
Grijalva
Hare
Harman
Hayes
Hinojosa
Holden
Hunter
Johnson (IL)
Kingston
LaHood
Lantos
Lucas
Miller, Gary
Moran (KS)
Napolitano
Radanovich
Rahall
Rohrabacher
Ross
Roybal-Allard
Rush
Sanchez, Loretta
Sherman
Snyder
Solis
Sutton
Watt
Wilson (OH)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶6.21 PERMANENT SELECT COMMITTEE ON INTELLIGENCE

The SPEAKER pro tempore, Mr. GUTIERREZ, pursuant to clause 11 of rule X, clause 11 of rule I, and the order of the House of January 4, 2007, announced that the Speaker appointed the following Member of the House to the Permanent Select Committee on Intelligence to fill the existing vacancy thereon: Mr. SCHIFF.

Ordered, That the Clerk notify the Senate of the foregoing appointment.

¶6.22 MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate had passed without amendment a bill and a concurrent resolution of the House of the following titles.

H.R. 4986. An Act to provide for the enactment of the National Defense Authorization Act for Fiscal year 2008, as previously enrolled, with certain modifications to address the foreign sovereign immunities provisions of title 28, United States Code, with respect to the attachment of property in certain judgments against Iraq, the lapse of statutory authorities for the payment of bonuses, special pays, and similar benefits for members of the uniformed services, and for other purposes.

H. Con. Res. 279. A concurrent resolution providing for a conditional adjournment of the House of Representatives.

¶6.23 MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Edwin Thomas, one of his secretaries.

¶6.24 MESSAGE FROM THE PRESIDENT—UNITED STATES-TURKEY NUCLEAR ENERGY AGREEMENT

The SPEAKER pro tempore, Mr. GUTIERREZ, laid before the House a message from the President, which was read as follows:

To the Congress of the United States:

I transmit to the Congress, pursuant to sections 123 b. and 123 d. of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2153(b), (d)) (the ''Act''), the text of the proposed Agreement for Cooperation between the United States of America and the Republic of Turkey Concerning Peaceful Uses of Nuclear Energy (the ''Agreement'') together with a copy of the unclassified Nuclear Proliferation Assessment Statement (NPAS) and of my approval of the proposed Agreement and determination that the proposed Agreement will promote, and will not constitute an unreasonable risk to, the common defense and security. The Secretary of State will submit the classified NPAS and accompanying annexes separately in appropriate secure channels.

The Agreement was signed on July 26, 2000, and President Clinton approved and authorized execution and made the determinations required by section 123 b. of the Act (Presidential Determination 2000–26, 65 FR 44403 (July 18, 2000)). However, immediately after signature, U.S. agencies received information that called into question the conclusions that had been drawn in the required NPAS and the original classified annex, specifically, information implicating Turkish private entities in certain activities directly relating to nuclear proliferation. Consequently, the Agreement was not submitted to the Congress and the executive branch undertook a review of the NPAS evaluation.

My Administration has completed the NPAS review as well as an evaluation of actions taken by the Turkish government to address the proliferation activities of certain Turkish entities (once officials of the U.S. Government brought them to the Turkish government's attention). The Secretary of State, the Secretary of Energy, and the members of the Nuclear Regulatory Commission are confident that the pertinent issues have been sufficiently resolved and that there is a sufficient basis (as set forth in the classified annexes, which will be transmitted separately by the Secretary of State) to proceed with congressional review of the Agreement and, if legislation is not enacted to disapprove it, to bring the Agreement into force.

In my judgment, entry into force of the Agreement will serve as a strong incentive for Turkey to continue its support for nonproliferation objectives and enact future sound nonproliferation policies and practices. It will also promote closer political and economic ties with a NATO ally, and provide the necessary legal framework for U.S. industry to make nuclear exports to Turkey's planned civil nuclear sector.

This transmittal shall constitute a submittal for purposes of both section 123 b. and 123 d. of the Act. My Administration is prepared to begin immediate consultations with the Senate Foreign Relations Committee and the House Foreign Affairs Committee as provided in section 123 b. Upon completion of the period of 30 days of continuous session provided for in section 123 b., the period of 60 days of continuous session provided for in section 123 d. shall commence.

GEORGE W. BUSH.

THE WHITE HOUSE, *January 22, 2008*.

By unanimous consent, the message, together with the accompanying papers, was referred to the Committee on Foreign Affairs and ordered to be printed (H. Doc. 110–90).

¶6.25 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. DAVIS of Illinois, for today and January 23;

To Mr. LUCAS, for today;

To Mr. Gary G. MILLER of California, for today and balance of the week;

To Mrs. NAPOLITANO, for today and January 23;

To Mr. RUSH, for today and January 23;

To Mr. SHERMAN, for today and January 23;

To Mr. WATT; and

To Ms. ROYBAL-ALLARD, for today.

And then,

¶6.26 ADJOURNMENT

On motion of Mrs. BACHMAN, at 9 o'clock and 15 minutes p.m., the House adjourned.

¶6.27 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

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

Mr. OBERSTAR: Committee on Transportation and Infrastructure. House Resolution 866. A resolution honoring the brave men and women of the United States Coast Guard whose tireless work, dedication, and commitment to protecting the United States have led to the Coast Guard seizing over 350,000 pounds of cocaine at sea during 2007, far surpassing all of our previous records (Rept. 110–513). Referred to the House Calendar.

Mr. CONYERS: Committee on the Judiciary. H.R. 3992. A bill to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to provide grants for the improved mental health treatment and services provided to offenders with mental illnesses, and for other purposes (Rept. 110–514). Referred to the Committee of the Whole House on the state of the Union.

¶6.28 PUBLIC BILLS AND RESOLUTIONS

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

By Mr. HERGER:

H.R. 5085. A bill to amend the Internal Revenue Code of 1986 to expand expensing for small business; to the Committee on Ways and Means.

By Mr. PALLONE:

H.R. 5086. A bill to require the Attorney General to issue guidelines delineating when to enter into deferred prosecution agreements, to require judicial sanction of deferred prosecution agreements, and to provide for Federal monitors to oversee deferred prosecution agreements; to the Committee on the Judiciary.

By Mr. MITCHELL (for himself and Mr. PAUL):

H.R. 5087. A bill to prevent Members of Congress from receiving the automatic pay adjustment scheduled to take effect in 2009; to the Committee on House Administration, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. JORDAN:

H.R. 5088. A bill to suspend temporarily the duty on certain laundry work surfaces; to the Committee on Ways and Means.

By Mr. BARROW:

H.R. 5089. A bill to reform the veterans' disability determination process by requiring the Secretary of Veterans Affairs to pay disability compensation to certain veterans based on the concurring diagnosis of two physicians; to the Committee on Veterans' Affairs.

By Mr. BARROW:

H.R. 5090. A bill to amend the Family and Medical Leave Act of 1993 to permit a family member of a wounded veteran to take leave under such Act after a lesser period of service with an employer; to the Committee on Education and Labor, and in addition to the Committees on Oversight and Government Reform, and House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BURTON of Indiana:

H.R. 5091. A bill to prevent Members of Congress from receiving the automatic pay adjustment scheduled to take effect in 2009; to the Committee on House Administration, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. COBLE:

H.R. 5092. A bill to extend the temporary suspension of duty on acrylic or modoacrylic staple fibers, not carded, combed, or otherwise processed for spinning; to the Committee on Ways and Means.

By Mr. COBLE:

H.R. 5093. A bill to extend the temporary suspension of duty on acrylic or modacrylic filament tow; to the Committee on Ways and Means.

By Mr. COBLE:

H.R. 5094. A bill to extend the temporary suspension of duty on acrylic or modacrylic stable fibers, carded, combed, or otherwise processed for spinning; to the Committee on Ways and Means.

By Mr. COBLE:

H.R. 5095. A bill to extend the temporary suspension of duty on filament tow of rayon; to the Committee on Ways and Means.

By Mr. COBLE:

H.R. 5096. A bill to extend the temporary suspension of duty on certain staple fibers of viscose rayon, not carded, combed, or otherwise processed for spinning; to the Committee on Ways and Means.

By Mr. COBLE:

H.R. 5097. A bill to extend the temporary suspension of duty on certain staple fibers of viscose rayon, carded, combed, or otherwise processed for spinning; to the Committee on Ways and Means.

By Mr. COBLE:

H.R. 5098. A bill to extend the temporary suspension of duty on staple fibers of viscose rayon, not carded, combed, or otherwise processed for spinning; to the Committee on Ways and Means.

By Mr. GRAVES:

H.R. 5099. A bill to amend title 49, United States Code, to establish additional goals for airport master plans; to the Committee on Transportation and Infrastructure.

By Mr. SIMPSON:

H.R. 5100. A bill to extend the temporary suspension of duty on certain semi-manufactured forms of gold; to the Committee on Ways and Means.

By Mr. GENE GREEN of Texas (for himself and Mr. POE):

H. Res. 934. A resolution congratulating the city of Baytown, Texas, on its 60th anniversary; to the Committee on Oversight and Government Reform.

¶6.29 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 211: Mr. BUCHANAN.

H.R. 368: Mr. JACKSON of Illinois.

H.R. 551: Mrs. LOWEY.

H.R. 618: Mr. WITTMAN of Virginia, Mr. GRAVES, and Mr. LATHAM.

H.R. 619: Mr. UDALL of Colorado.

H.R. 620: Mr. WATT.

H.R. 676: Mr. MORAN of Virginia.

H.R. 821: Mr. REYNOLDS and Mr. SESTAK.

H.R. 822: Mrs. NAPOLITANO.

H.R. 861: Mr. BARRETT of South Carolina.

H.R. 871: Mr. PASCRELL.

H.R. 992: Mr. GEORGE MILLER of California.

H.R. 1032: Ms. RICHARDSON, Mr. LEWIS of Georgia, and Ms. LEE.

H.R. 1063: Mr. GRAVES.

H.R. 1110: Mrs. NAPOLITANO, Mr. LAMBORN, Ms. LORETTA SANCHEZ of California, and Mr. ISSA.

H.R. 1280: Ms. TSONGAS.

H.R. 1390: Mr. UDALL of Colorado.

H.R. 1553: Mr. MITCHELL, Mr. RYAN of Ohio, Mr. BOOZMAN, and Mr. GILCHREST.

H.R. 1621: Mr. PETERSON of Minnesota and Mr. EMANUEL.

H.R. 1667: Mr. MCNERNEY.

H.R. 1691: Mr. VAN HOLLEN.

H.R. 1747: Mr. MARKEY.

H.R. 1843: Mr. ETHERIDGE, Mr. MURPHY of Connecticut, and Mr. WITTMAN of Virginia.

H.R. 1912: Mr. FRANK of Massachusetts.

H.R. 1914: Mr. KLINE of Minnesota.

H.R. 1961: Mr. FRANK of Massachusetts.

H.R. 1964: Mr. PALLONE and Mr. GUTIERREZ.

H.R. 1968: Mrs. NAPOLITANO.

H.R. 2032: Mr. FRANK of Massachusetts.

H.R. 2052: Ms. HERSETH SANDLIN and Mr. BERMAN.

H.R. 2063: Mr. LAMPSON and Ms. HOOLEY.

H.R. 2091: Mr. CASTLE and Mr. CLAY.

H.R. 2092: Mr. BRALEY of Iowa.

H.R. 2138: Ms. FALLIN and Mr. WALSH of New York.

H.R. 2164: Mr. MCCARTHY of California and Mr. OBERSTAR.

H.R. 2169: Mr. TOWNS and Ms. TSONGAS.

H.R. 2255: Mr. DAVIS of Alabama.

H.R. 2266: Mr. ANDREWS and Mr. DOGGETT.

H.R. 2287: Mr. DAVIS of Kentucky and Mr. ALEXANDER.

H.R. 2320: Mr. BILBRAY.

H.R. 2370: Mr. HINOJOSA.

H.R. 2548: Mr. BLUMENAUER.

H.R. 2676: Mrs. MALONEY of New York and Mrs. SCHMIDT.

H.R. 2702: Mr. ANDREWS.

H.R. 2712: Mr. WILSON of South Carolina, Mr. GOODLATTE, and Mr. BUYER.

H.R. 2834: Ms. LINDA T. SÁNCHEZ of California.
H.R. 2926: Mr. FILNER.
H.R. 2933: Mr. VAN HOLLEN and Mr. SNYDER.
H.R. 2965: Mr. VAN HOLLEN and Mr. BRALEY of Iowa.
H.R. 3010: Mr. ARCURI and Ms. WOOLSEY.
H.R. 3014: Ms. BERKLEY and Mr. COHEN.
H.R. 3042: Mr. HINOJOSA.
H.R. 3098: Mrs. BOYDA of Kansas.
H.R. 3119: Mr. DAVIS of Illinois.
H.R. 3168: Mr. KLEIN of Florida.
H.R. 3175: Mr. HINOJOSA.
H.R. 3326: Ms. MATSUI and Ms. ZOE LOFGREN of California.
H.R. 3329: Mr. HINOJOSA, Mr. COURTNEY, and Mr. PETERSON of Minnesota.
H.R. 3430: Ms. WOOLSEY and Mr. BISHOP of Georgia.
H.R. 3481: Mr. SERRANO.
H.R. 3533: Mr. JEFFERSON.
H.R. 3598: Mr. SMITH of New Jersey, Mr. WALZ of Minnesota, Ms. SOLIS, Mr. OBERSTAR, Mr. HOLT, Mr. MCGOVERN, Mrs. MALONEY of New York, Mr. MCDERMOTT, Mr. HINCHEY, Mr. HONDA, Mr. BRALEY of Iowa, Mr. ISRAEL, Ms. HIRONO, and Mr. KILDEE.
H.R. 3646: Mr. MARIO DIAZ-BALART of Florida and Ms. EDDIE BERNICE JOHNSON of Texas.
H.R. 3663: Mr. ENGEL, Mr. MURPHY of Connecticut, Mr. PRICE of North Carolina, Mrs. LOWEY, Mr. KENNEDY, Mr. MITCHELL, and Ms. VELÁZQUEZ.
H.R. 3689: Mr. HINOJOSA, Mr. BOOZMAN, Ms. CLARKE, Mr. JEFFERSON, and Mr. KENNEDY.
H.R. 3700: Mr. JEFFERSON.
H.R. 3819: Mr. MILLER of Florida.
H.R. 3934: Mr. SOUDER, Mr. SHUSTER, Mr. MCGOVERN, and Ms. ROYBAL-ALLARD.
H.R. 3955: Mr. WAMP.
H.R. 4057: Mr. ALEXANDER.
H.R. 4088: Mr. SESTAK.
H.R. 4097: Mr. ABERCROMBIE, Mr. REYES, Mr. JOHNSON of Georgia, and Mr. TAYLOR.
H.R. 4129: Ms. DEGETTE and Mrs. NAPOLITANO.
H.R. 4157: Mrs. CUBIN.
H.R. 4236: Ms. SCHAKOWSKY, Mr. HASTINGS of Florida, Ms. MCCOLLUM of Minnesota, Mr. VISCLOSKY, and Mr. CLAY.
H.R. 4296: Mr. ALTMIRE.
H.R. 4318: Mr. SAM JOHNSON of Texas.
H.R. 4335: Mr. SESTAK, Mr. RUPPERSBERGER, Mr. MILLER of North Carolina, Mr. COURTNEY, Ms. SUTTON, and Mr. AL GREEN of Texas.
H.R. 4652: Ms. MOORE of Wisconsin and Ms. SCHAKOWSKY.
H.R. 4807: Mr. GENE GREEN of Texas.
H.R. 4841: Mr. BACA and Mr. COLE of Oklahoma.
H.R. 4936: Mr. DEFAZIO, Mr. CROWLEY, Mr. BERMAN, Mr. BROWN of South Carolina, Mr. ROTHMAN, and Mr. HARE.
H.R. 4959: Mr. HINCHEY, Mr. DOGGETT, Mr. BISHOP of New York, Mr. MCGOVERN, Mr. COURTNEY, Ms. SHEA-PORTER, Mr. MCDERMOTT, Mr. GEORGE MILLER of California, Mr. FARR, Mr. BLUMENAUER, and Ms. HIRONO.
H.R. 4987: Mr. ROYCE, Mr. BILIRAKIS, Mrs. BLACKBURN, Ms. GINNY BROWN-WAITE of Florida, Mr. GOODE, Mr. TANCREDO, Mr. WHITFIELD of Kentucky, Mr. BURTON of Indiana, Mr. GINGREY, Mr. SALI, Mr. GRAVES, Ms. FOXX, Mrs. MYRICK, Mr. COBLE, Mr. HOEKSTRA, Mr. SIMPSON, Mr. ROHRABACHER, and Mr. ROGERS of Alabama.
H.R. 4995: Mr. SESSIONS, Mr. BILBRAY, Mrs. MYRICK, Mr. WILSON of South Carolina, Mr. DREIER, Mr. KELLER, and Mr. KIRK.
H.R. 5036: Mrs. TAUSCHER, Ms. GIFFORDS, Ms. CORRINE BROWN of Florida, and Mr. BOYD of Florida.
H.R. 5056: Mr. CONYERS, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. STARK.
H.R. 5058: Mr. CLEAVER.
H.J. Res. 64: Mr. CAPUANO, Mr. BISHOP of New York, Mr. WELCH of Vermont, Mrs. MALONEY of New York, and Mr. THOMPSON of California.
H.J. Res. 70: Mr. RADANOVICH.
H.J. Res. 76: Ms. NORTON, Mr. WAMP, and Mr. YARMUTH.
H. Con. Res. 32: Mr. SHAYS and Mr. ROGERS of Michigan.
H. Con. Res. 198: Mr. SCOTT of Virginia, Mr. GONZALEZ, and Mr. GEORGE MILLER of California.
H. Con. Res. 223: Mr. PRICE of North Carolina.
H. Con. Res. 232: Mr. FEENEY.
H. Con. Res. 263: Mr. BONNER, Mr. GARRETT of New Jersey, Mr. CAMPBELL of California, Mr. JORDAN of Ohio, Mr. BARRETT of South Carolina, Mr. SHADEGG, Mr. RYAN of Wisconsin, Mr. SMITH of Texas, Mrs. BACHMANN, Mr. WILSON of South Carolina, and Mr. PEARCE.
H. Con. Res. 273: Mr. BILBRAY.
H. Con. Res. 280: Ms. MCCOLLUM of Minnesota, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. SIRES, Mr. PAYNE, Mr. HASTINGS of Florida, Mr. SERRANO, and Mr. BUTTERFIELD.
H. Res. 102: Mr. ROYCE.
H. Res. 532: Mr. MCCAUL of Texas.
H. Res. 543: Mr. GILCHREST and Mr. CUMMINGS.
H. Res. 700: Mr. HILL and Mr. TOWNS.
H. Res. 758: Mr. MCCOTTER.
H. Res. 795: Mr. CHABOT and Mr. PETERSON of Minnesota.
H. Res. 821: Mr. JONES of North Carolina.
H. Res. 838: Mr. CHABOT, Mr. HINOJOSA, Mr. HOLT, Mr. JORDAN, of OHIO Mr. LAMPSON, Mr. LIPINSKI, and Mr. WALSH of New York.
H. Res. 854: Mr. MCHUGH.
H. Res. 858: Mr. HOLT, Mr. COHEN, Mr. TOWNS, Mr. DAVIS of Illinois, Mr. SESTAK, Mr. WALDEN of Oregon, Mr. BRADY of Pennsylvania, and Ms. BORDALLO.
H. Res. 886: Mr. POE.
H. Res. 889: Mr. FORTUÑO, Mr. TOWNS, and Ms. JACKSON-LEE of Texas.
H. Res. 908: Ms. KILPATRICK.
H. Res. 916: Mr. SOUDER, Mr. TIBERI, Mrs. MALONEY of New York, Mr. PATRICK MURPHY of Pennsylvania, Mr. WOLF, Mr. RADANOVICH, Mr. LEWIS of Kentucky, Mr. BURGESS, Ms. HIRONO, Mr. LATTA, and Mr. TIM MURPHY of Pennsylvania.
H. Res. 917: Mr. KUHL of New York, Mr. MCGOVERN, Mr. UDALL of Colorado, and Mrs. MCMORRIS RODGERS.
H. Res. 932: Ms. KILPATRICK and Mr. SNYDER.

¶6.30 DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 3120: Mr. FEENEY.

WEDNESDAY, JANUARY 23, 2008 (7)

The House was called to order by the SPEAKER.

¶7.1 APPROVAL OF THE JOURNAL

The SPEAKER announced she had examined and approved the Journal of the proceedings of Tuesday, January 22, 2008.

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

¶7.2 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

5100. A letter from the Executive Director, Commodity Futures Trading Commission, transmitting the Commission's final rule — Exemption From Registration for Certain Foreign Persons (RIN: 3038-AC26) received January 15, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5101. A letter from the Executive Director, Commodity Futures Trading Commission, transmitting the Commission's final rule — Rules Relating To Review of National Futures Association Decisions in Disciplinary, Membership Denial, Registration and Member Responsibility Actions (RIN: 3038-AC43) received January 15, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5102. A letter from the Executive Director, Commodity Futures Trading Commission, transmitting the Commission's final rule — Termination of Associated Persons and Principals of Futures Commission Merchants, Introducing Brokers, Commodity Trading Advisors, Commodity Pool Operators and Leverage Transaction Merchants (RIN: 3038-AC45) received January 15, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5103. A letter from the Executive Director, Commodity Futures Trading Commission, transmitting the Commission's final rule — Maintenance of Books, Records and Reports by Traders (RIN: 3038-AC22) received January 15, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5104. A letter from the Executive Director, Commodity Futures Trading Commission, transmitting the Commission's final rule — Special Calls — received January 15, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5105. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations — received January 15, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5106. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations; Correction — received January 15, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5107. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Suspension of Community Eligibility [Docket No. FEMA-8005] received January 15, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5108. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations — received January 15, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5109. A letter from the General Counsel, National Credit Union Administration, transmitting the Administration's final rule — Records Preservation Program and Appendices-Record Retention Guidelines; Catastrophic Act Preparedness Guidelines (RIN: 3133-AD24) received January 16, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5110. A letter from the Assistant General Counsel for Regulatory Services, Department of Education, transmitting the Department's final rule — Direct Grant Programs [Docket ID ED-2007-OCFO-0132] (RIN: 1890-AA15) received January 17, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

5111. A letter from the Director, Bureau of Economic Analysis, Department of Commerce, transmitting the Department's final rule — Direct Investment Surveys; BE-11, Annual Survey of U.S. Direct Investment

Abroad [Docket No. 07 0301041-7802-03] (RIN: 0691-AA63) received January 17, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

5112. A letter from the Assistant Secretary For Export Administration, Department of Commerce, transmitting the Department's final rule — Revisions and Technical Corrections to the Export Administration Regulations and the Defense Priorities and Allocations System Regulation [Docket No. 071011588-7712-02] (RIN: 0694-AE15) received January 15, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

5113. A letter from the Chief Acquisition Officer, GSA, Department of Defense, transmitting the Department's final rule — Federal Acquisition Regulation; Federal Acquisition Circular 2005-22; Small Entity Compliance Guide [Docket FAR-2007-0002, Sequence 7] received January 4, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

5114. A letter from the Chief, Regulations and Publications Branch, Internal Revenue Service, transmitting the Service's final rule — 26 CFR 601.201: Rulings and determination letters. (Rev. Proc. 2008-09) received January 16, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5115. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Life Insurance Reserves —— Proposed AG VACARVM and Life PBR [Notice 2008-18] received January 16, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5116. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Section 42.—-Low-Income Housing Credit 26 CFR 1.42-16: Eligible basis reduced by federal grants. (Rev. Rul. 2008-6) received January 16, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5117. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Cell Captive Insurance Arrangements: Insurance Company Characterization and Certain Federal Tax Elections [Notice 2008-19] received January 16, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5118. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Section 162.—-Trade or Business Expenses 26 CFR 1.162-1: Business Expenses. (Also 801, 831) (Rev. Rul. 2008-8) received January 16, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5119. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Guidance Under Section 1502; Miscellaneous Operating Rules for Successor Persons; Succession to Items of the Liquidating Corporation [TD 9376] (RIN: 1545-BD54) received January 16, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

¶7.3 VETO OF H.R. 3963—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mrs. TAUSCHER, announced the unfinished business to be the further consideration of the veto message from the President on the bill (H.R. 3963) to amend title XXI of the Social Security Act to extend and improve the Children's Health Insurance Program, and for other purposes.

The question being on the passage of the bill, the objections of the President to the contrary notwithstanding.

After debate,

Mr. DINGELL moved the previous question on the bill.

The question being put, viva voce,

Will the House now order the previous question?

The SPEAKER pro tempore, Mrs. TAUSCHER, announced that the yeas had it.

Mr. BARTON of Texas objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 6, rule XX, and the call was taken by electronic device.

When there appeared { Yeas ..... 217 / Nays 195

¶7.4 [Roll No. 21]

YEAS—217

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

NAYS—195

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

NOT VOTING—18

Baird	LaHood	Rahall
Baker	Lantos	Rush
Berman	Lucas	Sanchez, Loretta
Costello	Miller, Gary	Sherman
Davis (IL)	Moran (KS)	Solis
Hinojosa	Napolitano	Wilson (OH)

So the previous question on the bill was ordered.

The question being put,

Will the House, upon reconsideration, agree to pass the bill, the objections of the President to the contrary notwithstanding?

It was decided in the negative ..... { Yeas ..... 260 / Nays 152

¶7.5 [Roll No. 22]

YEAS—260

Abercrombie	Baca	Berry
Ackerman	Baldwin	Bishop (GA)
Allen	Barrow	Bishop (NY)
Altmire	Bean	Blumenauer
Andrews	Becerra	Bono Mack
Arcuri	Berkley	Boren

Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Buchanan
Butterfield
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Castle
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Farr
Fattah
Ferguson
Filner
Fossella
Frank (MA)
Gerlach
Giffords
Gilchrest
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Klein (FL)
Kucinich
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McHugh
McIntyre
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pelosi
Perlmutter
Peterson (MN)
Petri
Platts
Pomeroy
Porter
Price (NC)
Pryce (OH)
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (NM)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NAYS—152

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Carter
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Fallin
Feeney
Flake
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
Kingston
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Latta
Lewis (CA)
Lewis (KY)
Linder
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McKeon
Mica
Miller (FL)
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Pickering
Pitts
Poe
Price (GA)
Putnam
Radanovich
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Walberg
Walden (OR)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (SC)
Wittman (VA)

NOT VOTING—19

Baird
Baker
Berman
Costello
Davis (IL)
Everett
Hinojosa
LaHood
Lantos
Lucas
Miller, Gary
Moran (KS)
Napolitano
Rahall
Rush
Sanchez, Loretta
Sherman
Solis
Wilson (OH)

The SPEAKER pro tempore, Mrs. TAUSCHER, announced that 260 Members had voted in the affirmative, and 152 Members had voted in the negative.

So, two-thirds of the Members present not having voted in favor thereof, the bill was not passed.

The message and the bill, together with the accompanying papers, were referred to the Committee on Energy and Commerce and the Committee on Ways and Means.

Ordered, That the Clerk notify the Senate thereof.

¶7.6 APPOINTMENT OF SPEAKER PRO TEMPORE TO SIGN ENROLLMENTS

The SPEAKER pro tempore, Mrs. TAUSCHER, laid before the House a communication, which was read as follows:

WASHINGTON, DC,
January 23, 2008.

I hereby appoint the Honorable STENY H. HOYER and the Honorable CHRIS VAN HOLLEN to act as Speaker pro tempore to sign enrolled bills and joint resolutions through February 6, 2008.

NANCY PELOSI,
Speaker of the House of Representatives.

By unanimous consent, the appointments were approved.

¶7.7 JOINT SESSION TO RECEIVE THE PRESIDENT

Mr. HOYER, submitted the following privileged concurrent resolution (H. Con. Res. 282):

Resolved by the House of Representatives (the Senate concurring), That the two Houses of Congress assemble in the Hall of the House of Representatives on Monday, January 28, 2008, at 9 p.m., for the purpose of receiving such communication as the President of the United States shall be pleased to make to them.

When said concurrent resolution was considered and agreed to.

A motion to reconsider the vote whereby said concurrent resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶7.8 RURAL HOUSING PROPERTY TRANSFER IMPROVEMENT

Mr. HODES moved to suspend the rules and pass the bill (H.R. 3873) to expedite the transfer of ownership of rural multifamily housing projects with loans made or insured under section 515 of the Housing Act of 1949 so that such projects are rehabilitated and preserved for use for affordable housing.

The SPEAKER pro tempore, Mr. HILL, recognized Mr. HODES and Mrs. CAPITO, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. HILL, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶7.9 PRE-FIRM PROPERTIES

Mr. FRANK of Massachusetts, moved to suspend the rules and pass the bill (H.R. 3959) to amend the National Flood Insurance Act of 1968 to provide for the phase-in of actuarial rates for certain pre-FIRM properties; as amended.

The SPEAKER pro tempore, Mr. HILL, recognized Mr. FRANK of Massachusetts, and Mr. GARRETT of New Jersey, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. HODES, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶7.10 HONORING CATHOLIC SCHOOLS

Ms. Linda T. SANCHEZ of California, moved to suspend the rules and agree

to the following resolution (H. Res. 916):

Whereas America's Catholic schools are internationally acclaimed for their academic excellence, but provide students more than a superior scholastic education;

Whereas Catholic schools ensure a broad, values-added education emphasizing the lifelong development of moral, intellectual, physical, and social values in America's young people;

Whereas the total Catholic school student enrollment for the 2006–2007 academic year was more than 2,300,000 and the student-teacher ratio was 15 to 1;

Whereas Catholic schools teach a diverse group of students;

Whereas more than 25 percent of school children enrolled in Catholic schools are from minority backgrounds, and nearly 14 percent are non-Catholics;

Whereas Catholic schools produce students strongly dedicated to their faith, values, families, and communities by providing an intellectually stimulating environment rich in spiritual, character, and moral development;

Whereas the Catholic high school graduation rate is 99 percent, with 80 percent of graduates attending four-year colleges and 17 percent attending two-year colleges or technical schools;

Whereas in the 1972 pastoral message concerning Catholic education, the National Conference of Catholic Bishops stated: ''Education is one of the most important ways by which the Church fulfills its commitment to the dignity of the person and building of community. Community is central to education ministry, both as a necessary condition and an ardently desired goal. The educational efforts of the Church, therefore, must be directed to forming persons-in-community; for the education of the individual Christian is important not only to his solitary destiny, but also the destinies of the many communities in which he lives.''; and

Whereas January 27 to February 2, 2008, has been designated as Catholic Schools Week by the National Catholic Educational Association and the United States Conference of Catholic Bishops: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals of Catholic Schools Week, an event co-sponsored by the National Catholic Educational Association and the United States Conference of Catholic Bishops and established to recognize the vital contributions of America's thousands of Catholic elementary and secondary schools; and

(2) congratulates Catholic schools, students, parents, and teachers across the Nation for their ongoing contributions to education, and for the key role they play in promoting and ensuring a brighter, stronger future for this Nation.

The SPEAKER pro tempore, Mr. HODES, recognized Ms. Linda T. SANCHEZ of California, and Mr. KELLER of Florida, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. HODES, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶7.11 NATIONAL MENTORING MONTH

Ms. Linda T. SANCHEZ of California, moved to suspend the rules and agree to the following resolution (H. Res. 908):

Whereas youth mentoring establishes a structured and trusting relationship between young people and caring individuals who offer guidance, support, and encouragement;

Whereas a growing body of mentoring research provides strong evidence that mentoring programs are successful in reducing delinquency, substance use and abuse, and academic failure;

Whereas research also shows that formal mentoring that is focused on developing the competence and character of the young person promotes positive outcomes such as improved academic achievement, self-esteem, social skills, and career development;

Whereas mentoring provides a supportive environment in which young people can grow, expand their vision of the future, and achieve goals that they never thought possible;

Whereas more than 4,000 mentoring programs in communities of all sizes across the United States focus on building strong, effective relationships between mentors and mentees;

Whereas public-private mentoring partnerships bring State and local leaders together to support mentoring programs by preventing duplication of efforts, offering training in best practices, and helping mentoring programs make the most of the limited resources available to benefit the Nation's youth;

Whereas the Corporation for National and Community Service has convened—

(1) the Federal Mentoring Council, which brings together several Federal agencies to coordinate approaches to mentoring within the Federal Government; and

(2) the National Mentoring Working Group, consisting of experts in mentoring from nonprofit organizations and foundations, to share information and ideas about mentoring programs;

Whereas more than 15,000,000 young people in the United States fall into a mentoring gap and still need mentors;

Whereas coordinated national, State, regional, and local efforts need Federal support to connect more youth with the powerful benefits that result from mentoring;

Whereas designation of January 2008 as National Mentoring Month will help call attention to the critical role mentors play in helping young people realize their potential;

Whereas the month-long celebration of mentoring will encourage more organizations across the United States, including schools, businesses, nonprofit organizations, faith institutions, foundations, and individuals to become engaged in mentoring;

Whereas National Mentoring Month will—

(1) build awareness of mentoring;

(2) encourage more people to become mentors; and

(3) help close the Nation's mentoring gap; and

Whereas the President issued a proclamation declaring January 2008 to be National Mentoring Month and calling on the people of the United States to—

(1) recognize the importance of mentoring;

(2) look for opportunities to serve as mentors in their communities; and

(3) observe the month with appropriate activities and programs: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals and ideals of National Mentoring Month;

(2) acknowledges the diligent efforts of individuals and groups who promote mentoring and who are observing the month with appropriate ceremonies and activities that promote awareness of and volunteer involvement with youth mentoring;

(3) recognizes with gratitude the contributions of the millions of caring adults and students who are already volunteering as mentors; and

(4) encourages more adults and students to volunteer as mentors.

The SPEAKER pro tempore, Mr. HODES, recognized Ms. Linda T. SANCHEZ of California, and Mr. KELLER of Florida, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Ms. HIRONO, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶7.12 NATIONAL SCHOOL COUNSELOR WEEK

Ms. Linda T. SANCHEZ of California, moved to suspend the rules and agree to the following resolution (H. Res. 932):

Whereas the American School Counselor Association has declared the week of February 4 through February 8, 2008 as ''National School Counseling Week'';

Whereas the House of Representatives has recognized the importance of school counseling through the inclusion of elementary and secondary school counseling programs in the last reauthorization of the Elementary and Secondary Education Act of 1965;

Whereas school counselors have long advocated that the education system of the United States must leave no child behind and must provide opportunities for all students;

Whereas school counselors have long emphasized the importance of personal and social development in academic achievement;

Whereas school counselors help develop well-rounded students by guiding them through their academic, personal, social, and career development;

Whereas school counselors play a vital role in ensuring that students are aware of financial aid and college opportunities;

Whereas school counselors may encourage students to pursue challenging academic courses to prepare them for college majors and careers in the science, technology, engineering, and mathematics fields;

Whereas school counselors help students cope with the serious and common challenges of growing up, including peer pressure, mental health issues, school violence, disciplinary problems, the deployment of family members to conflicts overseas, and problems in the home;

Whereas school counselors are also instrumental in helping students, teachers, and parents deal with personal trauma and community and national tragedies;

Whereas school counselors are among the few professionals in a school building that are trained in both education and mental health;

Whereas, despite the important contributions of school counselors to student success,

counseling positions are not always protected when budgets are cut;

Whereas the average student-to-counselor ratio in America's public schools, 476-to-1, is almost double the 250-to-1 ratio recommended by the American School Counselor Association, the American Counseling Association, the American Medical Association, the American Psychological Association, and other organizations;

Whereas the celebration of ''National School Counseling Week'' would increase awareness of the important and necessary role school counselors play in the lives of students in the United States; and

Whereas the week of February 4 through February 8, 2008 would be an appropriate week to designate as ''National School Counseling Week'': Now, therefore, be it

Resolved, That the United States House of Representatives—

(1) honors and recognizes the contributions of school counselors to the success of students in our Nation's elementary and secondary schools; and

(2) encourages the people of the United States to observe ''National School Counseling Week'' with appropriate ceremonies and activities that promote awareness of the crucial role school counselors play in preparing students for fulfilling lives as contributing members of society.

The SPEAKER pro tempore, Ms. HIRONO, recognized Ms. Linda T. SANCHEZ of California, and Mr. KELLER of Florida, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Ms. HIRONO, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶7.13 NATIONAL STALKING AWARENESS MONTH

Mr. SCOTT of Virginia, moved to suspend the rules and agree to the following resolution (H. Res. 852); as amended:

Whereas an estimated 1,006,970 women and 370,990 men are stalked annually in the United States and, in the majority of such cases, the person is stalked by someone who is not a stranger;

Whereas 81 percent of women, who are stalked by an intimate partner, are also physically assaulted by that partner, and 76 percent of women, who are killed by an intimate partner, were also stalked by that intimate partner;

Whereas 74.2 percent of stalking victims reported that the stalking partner interfered with their employment, 26 percent of stalking victims lose time from work as a result of their victimization, and 7 percent never return to work;

Whereas stalking victims are forced to take drastic measures to protect themselves, such as relocating, changing their addresses, changing their identities, changing jobs, and obtaining protection orders;

Whereas stalking is a crime that cuts across race, culture, gender, age, sexual orientation, physical and mental ability, and economic status;

Whereas stalking is a crime under Federal law and under the laws of all 50 States and the District of Columbia;

Whereas rapid advancements in technology have made cyber-surveillance the new frontier in stalking;

Whereas there are national organizations, local victim service organizations, prosecutors' offices, and police departments that stand ready to assist stalking victims and who are working diligently to craft competent, thorough, and innovative responses to stalking;

Whereas there is a need to enhance the criminal justice system's response to stalking and stalking victims, including aggressive investigation and prosecution; and

Whereas the House of Representatives urges the establishment of January 2008 as National Stalking Awareness Month: Now, therefore, be it

Resolved, That—

(1) it is the sense of the House of Representatives that—

(A) National Stalking Awareness Month provides an opportunity to educate the people of the United States about stalking;

(B) all Americans should applaud the efforts of the many victim service providers, police, prosecutors, national and community organizations, and private sector supporters for their efforts in promoting awareness about stalking; and

(C) policymakers, criminal justice officials, victim service and human service agencies, nonprofits, and others should recognize the need to increase awareness of stalking and the availability of services for stalking victims; and

(2) the House of Representatives urges national and community organizations, businesses in the private sector, and the media to promote awareness of the crime of stalking through National Stalking Awareness Month.

The SPEAKER pro tempore, Ms. HIRONO, recognized Mr. SCOTT of Virginia, and Mr. SMITH of Texas, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Ms. HIRONO, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

¶7.14 MENTALLY ILL OFFENDER TREATMENT AND CRIME REDUCTION

Mr. SCOTT of Virginia, moved to suspend the rules and pass the bill (H.R. 3992) to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to provide grants for the improved mental health treatment and services provided to offenders with mental illnesses, and for other purposes; as amended.

The SPEAKER pro tempore, Ms. HIRONO, recognized Mr. SCOTT of Virginia, and Mr. SMITH of Texas, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Ms. HIRONO, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶7.15 DEATH IN CUSTODY REPORTING

Mr. SCOTT of Virginia, moved to suspend the rules and pass the bill (H.R. 3971) to encourage States to report to the Attorney General certain information regarding the deaths of individuals in the custody of law enforcement agencies; as amended.

The SPEAKER pro tempore, Ms. HIRONO, recognized Mr. SCOTT of Virginia, and Mr. SMITH of Texas, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Ms. HIRONO, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

By unanimous consent, the title was amended so as to read: ''An Act to encourage States to report to the Attorney General certain information regarding the deaths of individuals in the custody of law enforcement agencies, and for other purposes.''.

A motion to reconsider the votes whereby the rules were suspended and said bill, as amended, was passed and the title was amended was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶7.16 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Ms. HARMAN, for January 22; and

To Mr. LUCAS, for today.

And then,

¶7.17 ADJOURNMENT

On motion of Mr. BRALEY, pursuant to House Concurrent Resolution 279, at 6 o'clock and 28 minutes p.m., the House adjourned until 2 p.m. on Monday, January 28 2008.

¶7.18 TIME LIMITATION OF REFERRED BILLS

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

H.R. 2830. Referral to the Committee on Energy and Commerce extended for a period ending not later than January 29, 2008.

¶7.19 PUBLIC BILLS AND RESOLUTIONS

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

By Mr. MANZULLO (for himself, Mr. LIPINSKI, Mr. CANTOR, Mr. HERGER, and Mr. FORTENBERRY):

H.R. 5101. A bill to amend the Internal Revenue Code of 1986 to accelerate the phasein of the deduction for domestic production activities; to the Committee on Ways and Means.

By Mr. CALVERT (for himself and Mr. JACKSON of Illinois):

H.R. 5102. A bill to direct the Secretary of Transportation to establish and collect a fee based on the fair market value of articles imported into the United States and articles exported from the United States in commerce and to use amounts collected from the fee to make grants to carry out certain transportation projects in the transportation trade corridors for which the fee is collected, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committees on Ways and Means, and Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. JOHNSON of Georgia (for himself, Mr. CUMMINGS, Ms. CLARKE, Mr. AL GREEN of Texas, Mr. LEWIS of Georgia, Mr. ELLISON, Mr. PERLMUTTER, Mr. CROWLEY, Ms. WATSON, Mr. KAGEN, and Ms. LINDA T. SÁNCHEZ of California):

H.R. 5103. A bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax to vehicle fleet operators for purchasing tires made from recycled rubber; to the Committee on Ways and Means.

By Mr. CONYERS (for himself and Mr. REYES):

H.R. 5104. A bill to extend the Protect America Act of 2007 for 30 days; to the Committee on the Judiciary, and in addition to the Committee on Intelligence (Permanent Select), for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DREIER (for himself, Mr. SESSIONS, Mr. KING of New York, Mrs. MILLER of Michigan, Mr. FOSSELLA, Mr. CANTOR, Mr. RADANOVICH, Mr. ROYCE, Mrs. BONO MACK, Mr. DENT, Mr. HERGER, and Mr. BLUNT):

H.R. 5105. A bill to amend the Internal Revenue Code of 1986 to reduce taxes by providing an alternative determination of income tax liability for individuals, repealing the estate and gift taxes, reducing corporate income tax rates, reducing the maximum tax for individuals on capital gains and dividends to 10 percent, indexing the basis of assets for purposes of determining capital gain or loss, creating tax-free accounts for retirement savings, lifetime savings, and life skills, repealing the adjusted gross income threshold in the medical care deduction for individuals under age 65 who have no employer health coverage, and for other purposes; to the Committee on Ways and Means.

By Mr. ABERCROMBIE:

H.R. 5106. A bill to authorize the Marine Mammal Commission to establish a national research program to fund basic and applied research on marine mammals, and for other purposes; to the Committee on Natural Resources.

By Ms. BEAN:

H.R. 5107. A bill to amend the Internal Revenue Code of 1986 to allow a 5-year carryback for certain net operating losses and to increase the dollar limitation on expensing certain depreciable assets; to the Committee on Ways and Means.

By Mr. FILNER:

H.R. 5108. A bill to amend section 8 of the United States Housing Act of 1937 to provide for rental assistance payments to assist certain owners of manufactured homes who rent the lots on which their homes are located; to the Committee on Financial Services.

By Mr. GARRETT of New Jersey (for himself, Mr. JORDAN, Mr. AKIN, Mrs. BLACKBURN, Mr. CAMPBELL of California, Mr. CANTOR, Mr. CULBERSON, Mr. DAVID DAVIS of Tennessee, Mr. FEENEY, Mr. FLAKE, Mr. FRANKS of Arizona, Mr. GINGREY, Mr. GOHMERT, Mr. HENSARLING, Mr. HERGER, Mr. MACK, Mr. MCCAUL of Texas, Mr. MCHENRY, Mr. PAUL, Mr. PENCE, Mr. RYAN of Wisconsin, Mrs. BACHMANN, Mr. BARTLETT of Maryland, Mr. BILBRAY, Mr. BURTON of Indiana, Mr. CANNON, Mr. CARTER, Mrs. CUBIN, Mr. DOOLITTLE, Ms. FALLIN, Ms. FOXX, Mr. GOODLATTE, Mr. HUNTER, Mr. ISSA, Mr. SAM JOHNSON of Texas, Mr. KLINE of Minnesota, Mr. LAMBORN, Mr. MANZULLO, Mr. MARCHANT, Mrs. MUSGRAVE, Mr. PITTS, Mr. PRICE of Georgia, Mrs. MCMORRIS RODGERS, Mr. ROSKAM, Mr. SESSIONS, Mr. SHADEGG, Mr. SOUDER, Mr. THORNBERRY, Mr. WALBERG, and Mr. WILSON of South Carolina):

H.R. 5109. A bill to amend the Internal Revenue Code of 1986 to provide for permanent tax incentives for economic growth; to the Committee on Ways and Means.

By Mr. HIGGINS (for himself, Ms. DELAURO, Mr. BACA, Mr. MCINTYRE, Mr. COURTNEY, Mr. MCNERNEY, Ms. SCHAKOWSKY, Mr. ARCURI, Mr. MOORE of Kansas, and Mr. ELLISON):

H.R. 5110. A bill to amend title VII of the Social Security Act to require the President to transmit the annual budget of the Social Security Administration without revisions to Congress, and for other purposes; to the Committee on Ways and Means.

By Mr. HOEKSTRA:

H.R. 5111. A bill to grant to a State with an unemployment rate that is equal to or greater than 125 percent of the national unemployment rate authority to use Federal funds made available to such State for job training programs; to the Committee on Education and Labor, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HULSHOF:

H.R. 5112. A bill to extend the temporary suspension of duty on certain master cylinder assemblies for braking systems designed for use in hybrid vehicles; to the Committee on Ways and Means.

By Mr. HULSHOF:

H.R. 5113. A bill to extend the temporary suspension of duty on certain transaxles designed for use in hybrid vehicles; to the Committee on Ways and Means.

By Mr. HULSHOF:

H.R. 5114. A bill to extend the temporary suspension of duty on certain static converters designed for use in hybrid vehicles; to the Committee on Ways and Means.

By Mr. HULSHOF:

H.R. 5115. A bill to extend the temporary suspension of duty on certain controllers for electric power assisted braking systems, designed for use in hybrid vehicles; to the Committee on Ways and Means.

By Mr. HULSHOF:

H.R. 5116. A bill to extend the temporary suspension of duty on certain nickel-metal hydride storage batteries designed for use in hybrid vehicles; to the Committee on Ways and Means.

By Mr. HULSHOF:

H.R. 5117. A bill to extend the temporary suspension of duty on 2,4-Dichloroaniline; to the Committee on Ways and Means.

By Mr. HULSHOF:

H.R. 5118. A bill to extend the temporary suspension of duty on Aluminum tris (O-ethylphosphonate); to the Committee on Ways and Means.

By Mr. HULSHOF:

H.R. 5119. A bill to suspend temporarily the duty on 2,2-Dimethylbutanoic acid 3-(2,4-dichlorophenyl)-2-oxo-1-oxaspiro(4.5)dec-3-en-4-yl ester; to the Committee on Ways and Means.

By Mr. HULSHOF:

H.R. 5120. A bill to extend the temporary suspension of duty on Fenamidone; to the Committee on Ways and Means.

By Mr. HULSHOF:

H.R. 5121. A bill to extend the temporary reduction of duty on cyclopropane-1,1-dicarboxylic acid, dimethyl ester; to the Committee on Ways and Means.

By Mr. HULSHOF:

H.R. 5122. A bill to suspend temporarily the duty on Pyrasulfotole; to the Committee on Ways and Means.

By Mr. HULSHOF:

H.R. 5123. A bill to extend the temporary suspension of duty on Pyrimethanil; to the Committee on Ways and Means.

By Mr. HUNTER (for himself, Mr. DREIER, Mr. POE, Mr. ROYCE, Mr. GOODE, and Mr. ROHRABACHER):

H.R. 5124. A bill to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to provide for two-layered, 14-foot reinforced fencing along the southwest border, and for other purposes; to the Committee on Homeland Security.

By Mr. ISRAEL (for himself and Mr. BISHOP of New York):

H.R. 5125. A bill to amend title XVIII of the Social Security Act to provide for a Medicare Advantage benchmark adjustment for certain local areas with VA medical centers and for certain contiguous areas; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KNOLLENBERG:

H.R. 5126. A bill to amend the Internal Revenue Code of 1986 to reduce individual income taxes by creating a new 5 percent rate of tax and to increase section 179 expensing for small businesses; to the Committee on Ways and Means.

By Mr. LATHAM (for himself, Mr. KING of Iowa, Mr. LOEBSACK, Mr. BOSWELL, and Mr. BRALEY of Iowa):

H.R. 5127. A bill to authorize the Secretary of the Interior to designate the Dr. Norman E. Borlaug Birthplace and Childhood Home in Cresco, Iowa, as a National Historic Site and unit of the National Park System, and for other purposes; to the Committee on Natural Resources.

By Ms. LEE (for herself, Ms. WOOLSEY, Ms. WATERS, and Mr. HINCHEY):

H.R. 5128. A bill disapproving of any formal agreement emerging from the ''Declaration of Principles for a Long-Term Relationship of Cooperation and Friendship Between the Republic of Iraq and the United States of America'' unless the agreement is approved through an Act of Congress; to the Committee on Foreign Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LEWIS of Georgia (for himself, Mr. GEORGE MILLER of California, Mr.

CONYERS, Mr. ANDREWS, Ms. NORTON, Mr. MCDERMOTT, Mr. SERRANO, Mr. MCGOVERN, Mr. WEXLER, Mr. GRIJALVA, Ms. LEE, Mr. FATTAH, Mr. FARR, Mr. ELLISON, Mr. HASTINGS of Florida, Ms. WOOLSEY, Mr. BERMAN, Ms. SOLIS, Ms. CORRINE BROWN of Florida, Mr. WYNN, Ms. DELAURO, Mr. COHEN, Mr. AL GREEN of Texas, Mrs. MALONEY of New York, Mr. KUCINICH, Ms. SUTTON, and Mr. CROWLEY):

H.R. 5129. A bill to restore, reaffirm, and reconcile legal rights and remedies under civil rights statutes; to the Committee on the Judiciary, and in addition to the Committees on Education and Labor, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCDERMOTT:

H.R. 5130. A bill to provide for the payment of interest on claims paid by the United States in connection with the correction of military records when a military corrections board sets aside a conviction by court-martial; to the Committee on Armed Services.

By Mr. POE:

H.R. 5131. A bill to amend title 18, United States Code, to provide criminal penalties for the destruction of memorials, headstones, markers, and graves commemorating persons serving in the Armed Forces on private property; to the Committee on the Judiciary.

By Ms. SOLIS:

H.R. 5132. A bill to require the Administrator of the Environmental Protection Agency to establish an Interagency Working Group on Environmental Justice to provide guidance to Federal agencies on the development of criteria for identifying disproportionately high and adverse human health or environmental effects on minority populations and low-income populations, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SPACE:

H.R. 5133. A bill to increase funding for the program of block grants to States for social services; to the Committee on Ways and Means.

By Mr. TERRY (for himself, Mr. POMEROY, Mr. PETERSON of Minnesota, Mr. SALAZAR, Mr. PAUL, Mrs. MCMORRIS RODGERS, Mr. GRAVES, Mr. MCCAUL of Texas, Mr. REHBERG, Mr. BISHOP of Georgia, Mr. BURTON of Indiana, Mr. FORTENBERRY, Mr. SOUDER, Mr. BOSWELL, Mr. KAGEN, Mr. SIMPSON, Mr. BOOZMAN, Mr. PEARCE, and Mr. GILCHREST):

H.R. 5134. A bill to amend the Internal Revenue Code of 1986 to provide an exclusion for gain from the sale of farmland to encourage the continued use of the property for farming, and for other purposes; to the Committee on Ways and Means.

By Mr. TIAHRT (for himself, Mrs. BOYDA of Kansas, Mr. MORAN of Kansas, and Mr. MOORE of Kansas):

H.R. 5135. A bill to designate the facility of the United States Postal Service located at 201 West Greenway Street in Derby, Kansas, as the ''Sergeant Jamie O. Maugans Post Office Building''; to the Committee on Oversight and Government Reform.

By Mr. TIBERI:

H.R. 5136. A bill to amend the Harmonized Tariff Schedule of the United States to permit foreign jewelry manufacturers who purchase precious metals produced in the United States for use in the manufacture of jewelry abroad to pay import duties on the value of the imported jewelry articles less the value of all United States origin precious metals incorporated in the article; to the Committee on Ways and Means.

By Mr. MANZULLO (for himself, Mr. LAHOOD, Mr. JACKSON of Illinois, Mr. JOHNSON of Illinois, Mr. DAVIS of Illinois, Mr. COSTELLO, Mr. SHIMKUS, Ms. SCHAKOWSKY, Mr. KIRK, Mr. ROSKAM, Mr. EMANUEL, Mrs. BIGGERT, Mr. LIPINSKI, Mr. WELLER, Ms. BEAN, and Mr. HARE):

H. Con. Res. 281. Concurrent resolution celebrating the birth of Abraham Lincoln and recognizing the prominence the Declaration of Independence played in the development of Abraham Lincoln's beliefs; to the Committee on Oversight and Government Reform.

By Mr. HOYER:

H. Con. Res. 282. Concurrent resolution providing for a joint session of Congress to receive a message from the President; considered and agreed to.

By Mr. PAYNE:

H. Con. Res. 283. Concurrent resolution calling for a peaceful resolution to the current electoral crisis in Kenya; to the Committee on Foreign Affairs.

By Mr. BLUMENAUER (for himself, Mr. OBERSTAR, Mr. DEFAZIO, Mr. WALSH of New York, Mr. PETRI, and Mr. FARR):

H. Res. 935. A resolution honoring the 100th anniversary of President Theodore Roosevelt's Conference of Governors, supporting the goals and ideals of that Conference, and recognizing the need for a similar undertaking today; to the Committee on Natural Resources.

By Mr. BLUMENAUER (for himself, Mr. OBERSTAR, Mr. DEFAZIO, Mr. WALSH of New York, Mr. PETRI, and Mr. FARR):

H. Res. 936. A resolution honoring the 200th anniversary of the Gallatin Report on Roads and Canals, celebrating the national unity the Gallatin Report engendered, and recognizing the vast contributions that national planning efforts have provided to the United States; to the Committee on Transportation and Infrastructure.

By Mr. BURGESS:

H. Res. 937. A resolution expressing the sense of the House of Representatives that the emergency communications services provided by the American Red Cross are vital resources for military service members and their families; to the Committee on Foreign Affairs.

By Mr. MOLLOHAN (for himself, Mr. NEAL of Massachusetts, Ms. VELÁZQUEZ, Mr. WYNN, Ms. LEE, Mr. MURTHA, Mr. MCNULTY, Mr. CARNEY, Mr. DOYLE, Mr. KANJORSKI, Mr. ALTMIRE, Mr. STUPAK, Ms. LINDA T. SÁNCHEZ of California, Mr. FATTAH, Mrs. MCCARTHY of New York, Mr. BISHOP of Georgia, Mr. OLVER, Mr. CAPUANO, Mr. PASCRELL, Mr. DICKS, Mr. LAMPSON, Mr. ORTIZ, Mr. REYES, Mr. SCHIFF, Mr. FRANK of Massachusetts, Mr. SPRATT, Mr. HASTINGS of Florida, Mrs. JONES of Ohio, Mrs. DAVIS of California, Mr. SCOTT of Virginia, Mr. DELAHUNT, Mr. PETERSON of Minnesota, Mr. SERRANO, Mrs. CAPITO, and Mr. RAHALL):

H. Res. 938. A resolution commending the West Virginia University Mountaineer football team for exemplifying the pride, determination, and spirit of the Mountain State and overcoming adversity with skill, commitment, and teamwork to win the 2008 Tostitos Fiesta Bowl; to the Committee on Education and Labor.

By Ms. ROS-LEHTINEN (for herself, Mr. BURTON of Indiana, Mr. CANTOR, Mr. RAMSTAD, Mr. WILSON of South Carolina, Mr. PENCE, Mr. MARSHALL, Mr. FORTUÑO, Mr. SHIMKUS, Mr. GALLEGLY, Ms. BERKLEY, Mr. BACHUS, Mr. COHEN, Mr. ROYCE, Mr. CHABOT, and Mr. LAMBORN):

H. Res. 939. A resolution condemning the glorification of terrorism and the continuing anti-Israel and anti-Semitic rhetoric at the United Nations; to the Committee on Foreign Affairs.

¶7.20 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 154: Ms. WOOLSEY.
H.R. 241: Mr. HAYES.
H.R. 303: Ms. ZOE LOFGREN of California.
H.R. 322: Mr. MICA.
H.R. 380: Mr. HINOJOSA.
H.R. 464: Mr. SESTAK.
H.R. 502: Mr. BILBRAY.
H.R. 503: Ms. TSONGAS and Mr. ELLISON.
H.R. 538: Mr. HALL of Texas.
H.R. 550: Mr. SHAYS.
H.R. 882: Ms. DELAURO, Ms. LORETTA SANCHEZ of California, and Mr. PASTOR.
H.R. 1000: Ms. SLAUGHTER, Mr. PERLMUTTER, Mr. DANIEL E. LUNGREN of California, Ms. GINNY BROWN-WAITE of Florida, and Mr. BILIRAKIS.
H.R. 1223: Mr. MICHAUD and Mr. THOMPSON of Mississippi.
H.R. 1225: Ms. ESHOO.
H.R. 1232: Mr. TIM MURPHY of Pennsylvania and Mr. ROSS.
H.R. 1237: Mr. WALDEN of Oregon, Mr. BISHOP of Georgia, Mr. JOHNSON of Illinois, and Mr. COSTELLO.
H.R. 1246: Mr. DOGGETT.
H.R. 1304: Mr. HASTINGS of Washington.
H.R. 1343: Mr. THOMPSON of Mississippi.
H.R. 1363: Mr. BISHOP of New York and Mr. FRANK of Massachusetts.
H.R. 1386: Mr. UDALL of Colorado.
H.R. 1399: Mr. WITTMAN of Virginia and Mr. LATTA.
H.R. 1524: Mr. PETERSON of Minnesota.
H.R. 1540: Mr. GONZALEZ.
H.R. 1542: Ms. ESHOO, and Mr. TOWNS.
H.R. 1553: Mr. WESTMORELAND, and Mr. ADERHOLT.
H.R. 1589: Mrs. LOWEY.
H.R. 1621: Mr. GORDON and Mr. MILLER of North Carolina.
H.R. 1665: Mr. UDALL of New Mexico and Mr. YOUNG of Alaska.
H.R. 1742: Mr. WELLER, Mr. SAM JOHNSON of Texas, and Mr. HERGER.
H.R. 1755: Ms. SCHAKOWSKY.
H.R. 1884: Mr. OLVER, Mr. PLATTS, Mr. CLAY, and Mr. BAIRD.
H.R. 1927: Mrs. LOWEY and Mr. ETHERIDGE.
H.R. 1974: Mr. BISHOP of Utah.
H.R. 1975: Mr. SIRES, Mr. LEVIN, Mr. MARSHALL, and Mr. ELLISON.
H.R. 2032: Mr. JACKSON of Illinois.
H.R. 2054: Mr. POMEROY.
H.R. 2060: Mr. LUCAS.
H.R. 2158: Mr. MCHENRY.
H.R. 2160: Mr. WYNN.
H.R. 2303: Ms. SUTTON.
H.R. 2310: Mr. MICHAUD.
H.R. 2327: Ms. MATSUI.
H.R. 2469: Mr. FORTENBERRY.
H.R. 2510: Mr. FORTENBERRY.
H.R. 2511: Mr. STARK, Mr. PASTOR, and Mr. BISHOP of Georgia.
H.R. 2564: Mr. HAYES.
H.R. 2695: Mr. PASTOR and Ms. BORDALLO.
H.R. 2708: Mr. HINCHEY, Mr. KILDEE, Ms. SUTTON, Mrs. MALONEY of New York, Mrs. NAPOLITANO, Mr. SIRES, Mr. LEWIS of Georgia, Mr. FRANK of Massachusetts, Mrs. CHRISTENSEN, Ms. NORTON, and Ms. SLAUGHTER.

H.R. 2894: Mr. ISRAEL, Mr. GOODLATTE, Mr. MCCAUL of Texas, and Mr. BOOZMAN.
H.R. 2990: Mr. BOREN and Ms. ESHOO.
H.R. 3008: Mr. CARNEY.
H.R. 3010: Mr. WATT.
H.R. 3026: Mr. SAM JOHNSON of Texas and Mr. MORAN of Virginia.
H.R. 3029: Mr. ROTHMAN and Ms. ESHOO.
H.R. 3195: Ms. TSONGAS.
H.R. 3256: Mr. BISHOP of Georgia.
H.R. 3257: Ms. ESHOO.
H.R. 3286: Mr. MICHAUD.
H.R. 3298: Ms. SCHAKOWSKY.
H.R. 3329: Ms. EDDIE BERNICE JOHNSON of Texas and Mr. SMITH of Washington.
H.R. 3359: Mr. MARCHANT.
H.R. 3406: Mr. SESTAK.
H.R. 3477: Mr. DAVID DAVIS of Tennessee.
H.R. 3480: Mr. ALEXANDER and Mr. BISHOP of Georgia.
H.R. 3543: Mr. MCCOTTER.
H.R. 3552: Mr. MANZULLO.
H.R. 3646: Mr. MCCAUL of Texas, Mr. ELLISON, and Mr. PETERSON of Minnesota.
H.R. 3652: Mr. MICHAUD.
H.R. 3660: Mr. SCHIFF.
H.R. 3714: Mr. PITTS and Mr. KING of Iowa.
H.R. 3729: Mr. CAMPBELL of California, Mr. ISSA, and Ms. ZOE LOFGREN of California.
H.R. 3819: Mr. ELLISON and Mr. RODRIGUEZ.
H.R. 3846: Ms. WATERS and Mr. STARK.
H.R. 3865: Mr. FRANK of Massachusetts.
H.R. 4001: Mr. RYAN of Ohio.
H.R. 4044: Mrs. CUBIN, Mr. BURTON of Indiana, Mr. FOSSELLA, and Mr. SOUDER.
H.R. 4102: Mr. HINCHEY.
H.R. 4126: Mr. SAM JOHNSON of Texas and Ms. VELÁZQUEZ.
H.R. 4133: Mr. MCCOTTER, Mrs. CUBIN, Mr. MCCAUL of Texas, Mr. HAYES, and Mr. TIAHRT.
H.R. 4176: Mr. ALTMIRE.
H.R. 4188: Mr. LAHOOD.
H.R. 4204: Mr. WELCH of Vermont, Mr. MCCAUL of Texas, and Mr. HILL.
H.R. 4206: Mr. PLATTS and Mr. ALLEN.
H.R. 4248: Mr. WELCH of Vermont.
H.R. 4264: Mr. SPRATT.
H.R. 4280: Mr. NUNES.
H.R. 4321: Mr. BOOZMAN.
H.R. 4454: Mr. CHANDLER.
H.R. 4464: Mr. WAMP, Mr. ALEXANDER, Mr. BARROW, Mr. BILBRAY, and Mr. LATOURETTE.
H.R. 4544: Ms. SCHAKOWSKY, Mr. GONZALEZ, Mr. BAIRD, and Ms. MOORE of Wisconsin.
H.R. 4577: Mr. BILBRAY and Mr. ALEXANDER.
H.R. 4611: Mr. PASTOR, Mr. WU, and Ms. SOLIS.
H.R. 4835: Ms. SCHAKOWSKY, Ms. LEE, and Mr. OLVER.
H.R. 4838: Ms. WOOLSEY, Mr. EMANUEL, Mr. DINGELL, Mr. CAPUANO, and Mr. STARK.
H.R. 4845: Mr. DAVID DAVIS of Tennessee.
H.R. 4926: Mrs. MALONEY of New York, Ms. NORTON, Mr. MCGOVERN, Mr. AL GREEN of Texas, Mr. CUMMINGS, Mrs. NAPOLITANO, and Mr. MCNULTY.
H.R. 4934: Mrs. JONES of Ohio, Ms. BERKLEY, Mr. KENNEDY, Mr. COHEN, and Ms. SCHAKOWSKY.
H.R. 4936: Mr. COHEN and Mrs. BOYDA of Kansas.
H.R. 4987: Mr. BILBRAY, Mr. MANZULLO, Mr. ALEXANDER, Mr. MILLER of Florida, Mr. MARCHANT, Mr. ISSA, Mr. MCINTYRE, and Mr. LAMBORN.
H.R. 4995: Mr. KLINE of Minnesota, Mr. NEUGEBAUER, Mr. PAUL, and Mr. ROYCE.
H.R. 5031: Mr. LINCOLN DIAZ-BALART of Florida, Mr. FORTENBERRY, and Mr. GARRETT of New Jersey.
H.R. 5036: Mr. THOMPSON of California and Mr. AL GREEN of Texas.
H.R. 5056: Mr. GUTIERREZ.
H.R. 5057: Mr. DANIEL E. LUNGREN of California.
H.R. 5058: Mr. DEFAZIO.
H.R. 5087: Mr. HOLT, Mr. HILL, Mr. COHEN, Mrs. BOYDA of Kansas, Mr. PATRICK MURPHY of Pennsylvania, and Mr. LAMPSON.
H. J. Res. 76: Mr. DEFAZIO.
H. Con. Res. 161: Mrs. CHRISTENSEN.
H. Con. Res. 163: Mrs. NAPOLITANO and Mr. FORTENBERRY.
H. Con. Res. 249: Ms. MATSUI and Mr. UDALL of New Mexico.
H. Con. Res. 253: Mr. SPRATT.
H. Con. Res. 255: Mr. FEENEY, Mr. WAXMAN, Mr. MCHUGH, Mr. BURTON of Indiana, and Mr. SOUDER.
H. Con. Res. 260: Mr. CONAWAY.
H. Con. Res. 266: Mr. BOUCHER.
H. Con. Res. 267: Mr. KINGSTON.
H. Con. Res. 278: Mr. MCCOTTER, Mr. UDALL of Colorado, Mr. CHABOT, Mr. TANCREDO, Mr. CULBERSON, Mr. ROYCE, Mr. ROHRABACHER, Mr. MACK, Mr. BURTON of Indiana, Mr. ENGEL, Mr. SIRES, Mr. LINDER, Mr. FORTUÑO, Ms. BORDALLO, Mr. LINCOLN DIAZ-BALART of Florida, Ms. BERKLEY, Mr. LIPINSKI, Mr. SESSIONS, Mr. MARIO DIAZ-BALART of Florida, Mr. KENNEDY, Mr. POE, Mrs. CHRISTENSEN, and Mr. ADERHOLT.
H. Con. Res. 280: Ms. SCHAKOWSKY, Mr. BERMAN, Ms. VELÁZQUEZ, Mr. WATT, and Ms. SOLIS.
H. Res. 49: Mr. ROGERS of Michigan, Mr. HOEKSTRA, Mrs. MILLER of Michigan, and Mr. EHLERS.
H. Res. 339: Mr. PASTOR.
H. Res. 373: Mr. DUNCAN and Mr. KENNEDY.
H. Res. 598: Mr. MCCOTTER.
H. Res. 753: Mr. COHEN.
H. Res. 815: Mr. KUCINICH.
H. Res. 820: Mr. SHAYS.
H. Res. 821: Mr. POE.
H. Res. 848: Mr. TOWNS.
H. Res. 886: Mr. TURNER, Mr. MANZULLO, Mr. KLINE of Minnesota, Mr. GOHMERT, Mr. SAM JOHNSON of Texas, Mr. BARTON of Texas, Mr. BURGESS, Mr. BOOZMAN, Mr. RYAN of Wisconsin, Mr. WILSON of South Carolina, Mr. BARTLETT of Maryland, Mr. HERGER, and Mr. JORDAN.
H. Res. 888: Mr. POE, Mr. FRANKS of Arizona, Mr. NEUGEBAUER, Mr. GOODE, Mr. SAM JOHNSON of Texas, Mr. BISHOP of Georgia, Mr. MCCAUL of Texas, Mrs. MYRICK, Mr. BLUNT, Mr. SALI, Mr. SOUDER, Mr. JORDAN, and Mr. BISHOP of Utah.
H. Res. 897: Mr. FORTUÑO.
H. Res. 911: Mr. ISRAEL, Ms. LORETTA SANCHEZ of California, Mrs. DAVIS of California, Mrs. GILLIBRAND, Mr. UDALL of Colorado, Mr. BRADY of Pennsylvania, Mr. ANDREWS, Ms. BORDALLO, Mrs. BOYDA of Kansas, Mr. PERLMUTTER, and Mr. CLEAVER.
H. Res. 925: Mr. BURTON of Indiana, Ms. ROS-LEHTINEN, Mr. MCCOTTER, and Mr. ROHRABACHER.
H. Res. 930: Mr. PETERSON of Pennsylvania, Mr. SMITH of Washington, Mr. DAVIS of Kentucky, Mr. ROSS, Mr. MCDERMOTT, Mrs. MCMORRIS RODGERS, Mrs. CUBIN, Mrs. BOYDA of Kansas, Mr. MARKEY, Mr. DICKS, and Mr. GENE GREEN of Texas.

MONDAY, JANUARY 28, 2008 (8)

¶8.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Mr. BUTTERFIELD, who laid before the House the following communication:

WASHINGTON, DC,
January 28, 2008.

I hereby appoint the Honorable G.K. BUTTERFIELD to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

¶8.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. BUTTERFIELD, announced he had examined and approved the Journal of the proceedings of Wednesday, January 23, 2008.

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

¶8.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

5120. A letter from the Administrator, Risk Management Agency, Department of Agriculture, transmitting the Department's final rule — Common Crop Insurance Regulations; Potato Provisions (RIN: 0563-AC05) received January 4, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5121. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Aspergillus Flavus AF36 on Corn; Temporary Exemption From the Requirement of a Tolerance [EPA-HQ-OPP-2007-0545; FRL-8342-1] received December 20, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5122. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Etoxazole; Pesticide Tolerance [EPA-HQ-OPP-2007-0309; FRL-8342-8] received December 20, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5123. A letter from the Secretary, Department of Energy, transmitting the Department's response to the Government Accountability Office Review of the Loan Guarantee Program under Title XVII of the Energy Policy Act of 2005; to the Committee on Appropriations.

5124. A letter from the Administrator Rural Housing Service, Department of Agriculture, transmitting the Department's final rule — Thermal Standards (RIN: 0575-AC65) received December 20, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5125. A letter from the Counsel for Legislation and Regulations, Department of Housing and Urban Development, transmitting the Department's final rule — Implementation of Mark-to-Market Program Revisions [Docket No. FR-4751-F-02] (RIN: 2502-AH86) received December 20, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5126. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to China pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

5127. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to Peru pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

5128. A letter from the Secretary, Department of Education, transmitting the annual report of the National Advisory Committee on Institutional Quality and Integrity for Fiscal Year 2007, pursuant to 20 U.S.C. 1145(e); to the Committee on Education and Labor.

5129. A letter from the Secretary, Department of Health and Human Services, transmitting the twenty-seventh annual report on the implementation of the Age Discrimination Act of 1975 by departments and agencies which administer programs of Federal financial assistance, pursuant to 42 U.S.C. 6106a(b); to the Committee on Education and Labor.

5130. A letter from the Under Secretary Food, Nutrition, and Consumer Services, Department of Agriculture, transmitting the

Department's final rule — Special Supplemental Nutrition Program for Women, Infants and Children (WIC): Revisions in the WIC Food Packages [FNS-2006-0037] (RIN: 0584-AD77) received December 20, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

5131. A letter from the Secretary, Department of Education, transmitting the Department's final rule — Measuring Educational Gains in the National Reporting System for Adult Education (RIN:1830-ZA06) received January 15, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

5132. A letter from the Deputy Director, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule — Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits — received December 20, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

5133. A letter from the Deputy Assistant Administrator Office of Diversion Control, Department of Justice, transmitting the Department's final rule — Issuance of Multiple Prescriptions for Schedule II Controlled Substances [Docket No. DEA-287F] (RIN: 1117-AB01) received December 20, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5134. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Virginia; Clean Air Interstate Rule Budget Trading Programs [EPA-R03-OAR-2007-0381; FRL-8510-3] received December 20, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5135. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; North Carolina; Redesignation of the Raleigh-Durham-Chapel Hill 8-Hour Ozone Nonattainment Area to Attainment for Ozone [EPA-R04-OAR-2007-0601-200747; FRL-8510-4] received December 20, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5136. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of State Plans for Designated Facilities and Pollutants; Iowa; Clean Air Mercury Rule [EPA-R07-OAR-2007-0655; FRL-8510-6] received December 20, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5137. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Partial Removal of Direct Final Rule and Revision of the Nonroad Diesel Technical Amendments and Tier 3 Technical Relief Provision [EPA-HQ-OAR-2007-0652; FRL-8509-9] (RIN: 2060-A037) received December 20, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5138. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Protection of Stratospheric Ozone: Extension of Global Laboratory and Analytical Use Exemption for Essential Class I Ozone-Depleting Substances [EPA-HQ-OAR-2007-0384; FRL-8510-9] (RIN: 2060-AO28) received December 20, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5139. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Protection of Stratospheric Ozone: The 2008 Critical Use Exemption From the Phaseout of Methyl Bromide [EPA-HQ-OAR-2006-1016; FRL-8510-8] (RIN: 2060-A030) received December 20, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5140. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, Monterey Bay Unified Air Pollution Control District and San Joaquin Valley Air Pollution Control District [EPA-R09-OAR-2007-1074, FRL-8509-8] received December 20, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5141. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the Continuous Emissions Monitoring Rule for the Acid Rain Program, NOx Budget Training Program, Clean Air Interstate Rule, and the Clean Air Mercury Rule. [EPA-HQ-OAR-2005-0132; FRL--8511-1] (RIN: 2060-AN16) received December 20, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5142. A letter from the Chief Acquisition Officer, GSA, Department of Defense, transmitting the Department's final rule — Federal Acquisition Regulation; FAR Case 2006-007, Contractor Code of Business Ethics and Conduct [FAC 2005-22; FAR Case 2006-007; Item II; Docket 2007-0001; Sequence 1] (RIN: 9000-AK67) received January 4, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

5143. A letter from the Chief Acquisition Officer, GSA, Department of Defense, transmitting the Department's final rule — Federal Acquisition Regulation; FAR Case 2006-008, Implementation of Section 104 of the Energy Policy Act of 2005 [FAC 2005-22; FAR Case 2006-008; Item I; Docket 2006-020; Sequence 12] (RIN: 9000-AK63) received January 4, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

5144. A letter from the Chief Acquisition Officer, GSA, Department of Defense, transmitting the Department's final rule — Federal Acquisition Regulation; Federal Acquisition Circular 2005-22; Introduction [Docket FAR-2007-0002, Sequence 7] received January 4, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

5145. A letter from the White House Liaison, Department of Health and Human Services, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

5146. A letter from the White House Liaison, Department of Justice, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

5147. A letter from the White House Liaison, Department of Justice, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

5148. A letter from the White House Liaison, Department of Justice, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

5149. A letter from the White House Liaison, Department of Justice, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

5150. A letter from the White House Liaison, Department of Justice, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

5151. A letter from the Director, National Gallery of Art, transmitting in accordance with Section 647(b) of Division F of the Consolidated Appropriations Act, FY 2004, Pub. L. 108-199, the Gallery's report on competitive sourcing efforts for FY 2007 and 2008; to the Committee on Oversight and Government Reform.

5152. A letter from the Chairman, Securities and Exchange Commission, transmitting the Commission's Performance and Accountability Report for fiscal year 2007; to the Committee on Oversight and Government Reform.

5153. A letter from the Commissioner, Social Security Commission, transmitting the semiannual report on the activities of the Office of Inspector General for the period April 1, 2007 through September 30, 2007, pursuant to 5 U.S.C. app. (Insp. Gen. Act), section 5(b); to the Committee on Oversight and Government Reform.

5154. A letter from the Deputy Assistant Administrator For Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Recreational Management Measures for the Summer Flounder Fishery; Fishing Year 2008 [Docket No. 070827484-7581-02] (RIN: 0648-AV99) received December 20, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5155. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Spiny Dogfish Fishery; Commercial Period 2 Quota Harvested [Docket No. 060418103-6181-02] (RIN: 0648-XD92) received December 20, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5156. A letter from the Assistant Administrator, Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Atlantic Highly Migratory Species; Atlantic Commercial Shark Management Measures [Docket No. 070803437-7666-02] (RIN: 0648-AV93) received December 20, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5157. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Halibut in the Gulf of Alaska [Docket No. 070213032-7032-01] (RIN: 0648-XE05) received December 20, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5158. A letter from the Deputy Director, Department of Defense, transmitting the Department's final rule — United States Army Restricted Area, Kuluk Bay, Adak, AK — received December 20, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5159. A letter from the Deputy Director of Civil Works, Department of Defense, transmitting the Department's final rule — Department of the Navy, Chesapeake Bay, in Vicinity of Bloodsworth Island, MD — received December 20, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5160. A letter from the Secretary, Federal Maritime Commission, Federal Maritime Commission, transmitting the Commission's final rule—Optional Method of Filing Form FMC-18, Application for a License as an Ocean Transportation Intermediary (RIN:

3072-AC32) received January 4, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5161. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting an extension of the Department's Memorandum of Understanding Between the Government of the United States of America and the Government of the Republic of Mali Concerning the Imposition of Import Restrictions on Certain Categories of Archaeological Material from the Region of the Niger River Valley and the Bandiagara Escarpment and the Department's Memorandum of Understanding between the United States and the Government of the Republic of Guatemala concerning the imposition of import restrictions on archaeological objects and material from the pre-Columbian Cultures of Guatemala, pursuant to 19 U.S.C. 2602(g)(1); to the Committee on Ways and Means.

5162. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's update on the details of projects that will be conducted under the Medicare Hopsital Gainsharing Demonstration, pursuant to Section 5007 of the Deficit Reduction Act of 2005; to the Committee on Ways and Means.

5163. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's final rule — Revisit User Fee Program for Medicare Survey and Certification Activities [CMS-2278-IFC2] (RIN: 0938-AP22) received December 20, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Energy and Commerce.

¶8.4 COMMUNICATION FROM THE CLERK—MESSAGE FROM THE SENATE

The SPEAKER pro tempore, Mr. BUTTERFIELD, laid before the House a communication, which was read as follows:

HOUSE OF REPRESENTATIVES,
Washington, DC, January 24, 2008.

Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on January 24, 2008, at 10:08 a.m.:

That the Senate agreed to S. Con. Res. 63.

With best wishes, I am

Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

¶8.5 COMMUNICATION FROM THE CLERK—MESSAGE FROM THE SENATE

The SPEAKER pro tempore, Mr. BUTTERFIELD, laid before the House a communication, which was read as follows:

HOUSE OF REPRESENTATIVES,
Washington, DC, January 25, 2008.

Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on January 25, 2008, at 9:55 a.m.:

That the Senate agreed to H. Con. Res. 282.

With best wishes, I am

Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

¶8.6 ENROLLED BILLS SIGNED

The SPEAKER pro tempore, Mr. BUTTERFIELD, announced that pursuant to clause 4, rule I, the Speaker signed the following enrolled bills on Thursday, January 24, 2008:

H.R. 3432. An Act to establish the Commission on the Abolition of the Transatlantic Slave Trade.

H.R. 4986. An Act to provide for the enactment of the National Defense Authorization Act for fiscal year 2008, as previously enrolled, with certain modifications to address the foreign sovereign immunities provisions of title 28, United States Code, with respect to the attachment of property in certain judgments against Iraq, the lapse of statutory authorities for the payment of bonuses, special pays, and similar benefits for members of the uniformed services, and for other purposes.

¶8.7 FELIX SPARKS POST OFFICE BUILDING

Mr. DAVIS of Illinois, moved to suspend the rules and pass the bill (H.R. 4240) to designate the facility of the United States Postal Service located at 10799 West Alameda Avenue in Lakewood, Colorado, as the ''Felix Sparks Post Office Building''.

The SPEAKER pro tempore, Mr. BUTTERFIELD, recognized Mr. DAVIS of Illinois, and Mr. WESTMORELAND, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. BUTTERFIELD, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶8.8 LARRY S. PIERCE POST OFFICE BUILDING

Mr. DAVIS of Illinois, moved to suspend the rules and pass the bill of the Senate (S. 2110) to designate the facility of the United States Postal Service located at 427 North Street in Taft, California, as the ''Larry S. Pierce Post Office''.

The SPEAKER pro tempore, Mr. BUTTERFIELD, recognized Mr. DAVIS of Illinois, and Mr. WESTMORELAND, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. BUTTERFIELD, announced that two-thirds of the Members present had voted in the affirmative.

Mr. DAVIS of Illinois, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. BUTTERFIELD, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶8.9 RICHARD B. ANDERSON FEDERAL BUILDING

Ms. Eddie Bernice JOHNSON of Texas, moved to suspend the rules and pass the bill (H.R. 4140) to designate the Port Angeles Federal Building in Port Angeles, Washington, as the ''Richard B. Anderson Federal Building''.

The SPEAKER pro tempore, Mr. BUTTERFIELD, recognized Ms. Eddie Bernice JOHNSON of Texas, and Mr. PETRI, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. BUTTERFIELD, announced that two-thirds of the Members present had voted in the affirmative.

Ms. Eddie Bernice JOHNSON of Texas, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. BUTTERFIELD, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶8.10 INTERNATIONAL CENTER

Ms. Eddie Bernice JOHNSON of Texas, moved to suspend the rules and pass the bill (H.R. 3913) to amend the International Center Act to authorize the lease or sublease of certain property described in such Act to an entity other than a foreign government or international organization if certain conditions are met.

The SPEAKER pro tempore, Mr. BUTTERFIELD, recognized Ms. Eddie Bernice JOHNSON of Texas, and Mr. PETRI, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. BUTTERFIELD, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶8.11 CLEAN WATER STATE REVOLVING FUND PERFORMANCE AND INNOVATION AWARD

Ms. Eddie Bernice JOHNSON of Texas, moved to suspend the rules and agree to the resolution (H. Res. 832); as amended:

Whereas the Texas Water Development Board (TWDB) was honored as a 2007 recipient of the Environmental Protection Agency's Performance and Innovation in the SRF Creating Environmental Success (PISCES) Award on November 5, 2007;

Whereas the Clean Water State Revolving Fund (CWSRF) program in Texas has been a front-runner and a precedent-setting program in wastewater management for many years, and its CWSRF leveraging practices as well as other established management practices are used by many other States as examples to enhance the management of their funds;

Whereas the CWSRF program in Texas has successfully awarded communities approximately $4,300,000,000 in low-interest loans to finance 472 water infrastructure projects across Texas;

Whereas these projects, which serve approximately one-half of the population of Texas and treat about 2,100,000,000 gallons per day of wastewater, provide direct environmental and public health benefits;

Whereas the TWDB is proposing to increase the marketability and demand for the CWSRF program by pursuing the use of extended loan terms beyond the authorized 20-year term to a 30-year term;

Whereas the TWDB developed a State Revolving Fund Information Management System to satisfy the need for more timely and accurate information on the status of water and wastewater loan projects as those projects move through the phases of the preapplication process and beyond;

Whereas the TWDB has actively encouraged asset management as evidenced by its creation of a Best Management Practices Guide for water conservation;

Whereas the TWDB established direct authority and responsibility for the coordination of the CWSRF program by creating State Revolving Fund Coordinator positions;

Whereas the TWDB's Intended Use Plan Post-Mortem Review was lauded for identifying various activities that will be used in improving future CWSRF Intended Use Plan development processes;

Whereas the TWDB holds interoffice planning meetings that serve as monthly forums to provide for interoffice discussion on State Revolving Fund policies, procedures and processes, and deadlines;

Whereas the TWDB assigned cross-functional, multidisciplinary teams to manage project performance review from application phase through construction, and these teams are responsible for identifying and developing solutions to project circumstances that may cause a project to fall behind its schedule; and

Whereas the TWDB was also noted for its outstanding regional water planning activities, best management practices in the areas of nonpoint source pollution funding, instream flow program, work with the United States Army Corps of Engineers to amend the Federal water resources development legislation to further enhance its watershed approach, funding of water reuse projects, agricultural and municipal water conservation projects, and water conservation education activities: Now, therefore, be it

Resolved, That the House of Representatives—

(1) honors the Texas Water Development Board on its selection by the Environmental Protection Agency as a 2007 Performance and Innovation in the SRF Creating Environmental Success (PISCES) Award recipient; and

(2) recognizes the importance of adequate investment and management of water resources in sustainable development, including environmental integrity and human health and overall quality of life in the United States.

The SPEAKER pro tempore, Mr. BUTTERFIELD, recognized Ms. Eddie Bernice JOHNSON of Texas, and Mr. PETRI, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. BUTTERFIELD, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

By unanimous consent, the title was amended so as to read: ''A resolution honoring the Texas Water Development Board on its selection as a 2007 recipient of the Environmental Protection Agency's Performance and Innovation in the SRF Creating Environmental Success Award.''.

A motion to reconsider the votes whereby the rules were suspended and said resolution, as amended, was agreed to and the title was amended was, by unanimous consent, laid on the table.

¶8.12 LOUISIANA STATE UNIVERSITY TIGERS

Mr. ALTMIRE moved to suspend the rules and agree to the resolution (H. Res. 933); as amended:

Whereas the Louisiana State University Tigers football team won the 2007 Bowl Championship Series national championship game, defeating the Ohio State University by a score of 38 to 24 at the Louisiana Superdome in New Orleans, Louisiana, on January 7, 2008;

Whereas the Louisiana State University football team won the Southeastern Conference Championship, on December 1, 2007, defeating the University of Tennessee by a score of 21 to 14 in the Southeastern Conference championship game at the Georgia Dome in Atlanta, Georgia;

Whereas the Louisiana State University football team won 12 games during the 2007 season;

Whereas the Louisiana State University football team won 7 games against nationally ranked opponents during the 2007 season;

Whereas the Louisiana State University football team set a total of 12 offensive school records during the 2007 season including 541 points scored, averaging 38.6 points per game and 6,152 yards in total offense;

Whereas Craig Steltz was named first-team All-American and led the Southeastern Conference in interceptions;

Whereas defensive tackle Glenn Dorsey was awarded the Bronko Nagurski Trophy, the Rotary Lombardi Trophy, the Outland Trophy, and the Ronnie Lott Trophy making him the most honored defensive player in Louisiana State University history;

Whereas quarterback Matt Flynn threw 21 touchdown passes during the 2007 season, including a career-high record of four touchdowns in the Bowl Championship Series national championship game;

Whereas running back Jacob Hester rushed for 1,103 yards during the 2007 season, scoring 12 touchdowns, and completed his collegiate football career of 363 carries without fumbling or turning over the football;

Whereas Louisiana State University head coach Les Miles has led the Tiger football program to 34 wins, 20 Southeastern Conference victories, 15 wins over nationally ranked opponents, and three double-digit win seasons as head coach; and

Whereas Louisiana State University is the first team to win two Bowl Championship Series national championship titles, having won two titles in 5 years: Now, therefore, be it

Resolved, That the House of Representatives—

(1) commends the Louisiana State University Tigers football team for winning the 2007 Bowl Championship Series national championship game;

(2) recognizes the achievements of all the players, coaches, and support staff who were instrumental in helping the Louisiana State University football team during the 2007 football season;

(3) congratulates the citizens of Louisiana, the Louisiana State University community and fans of Tiger football; and

(4) directs the Clerk of the House of Representatives to make available enrolled copies of this resolution to Louisiana State University for appropriate display and distribution to the coaches and members of the 2007 Louisiana State University football team.

The SPEAKER pro tempore, Mr. BUTTERFIELD, recognized Mr. ALTMIRE and Mr. BOUSTANY, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. BUTTERFIELD, announced that two-thirds of the Members present had voted in the affirmative.

Mr. ALTMIRE demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. BUTTERFIELD, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Tuesday, January 29, 2008.

¶8.13 WEST VIRGINIA UNIVERSITY MOUNTAINEERS

Mr. ALTMIRE moved to suspend the rules and agree to the resolution (H. Res. 938); as amended:

Whereas the West Virginia University Mountaineer football team won the 2008 Tostitos Fiesta Bowl, defeating the University of Oklahoma Sooners by a score of 48 to 28 in Glendale, Arizona, on January 2, 2008;

Whereas the Mountaineer football team has been a source of great pride for West Virginians throughout the years;

Whereas the people of West Virginia take their team's triumphs and setbacks as their own, in times of hardship and prosperity;

Whereas the Mountaineers displayed uncommon intensity and determination in preparing for the challenge of meeting one of the best teams in the country in the Tostitos Fiesta Bowl;

Whereas the Mountaineers executed an almost flawless game;

Whereas then-assistant coach Bill Stewart demonstrated true leadership and coaching skill by filling an unexpected coaching void, instilling confidence in his team, and leading them to victory, earning the admiration and gratitude of his fellow West Virginians;

Whereas the Fiesta Bowl Most Valuable Player on offense, Mountaineer quarterback

Pat White, gave a brilliant running and passing performance that inspired his teammates, delighted his fans, and frustrated his opponents;

Whereas the Fiesta Bowl Most Valuable Player on defense, Mountaineer linebacker and native West Virginian Reed Williams, led his teammates in an outstanding defensive performance;

Whereas Mountaineer senior fullback Owen Schmitt, through his steady play and gracious post-game words of victory, displayed the best qualities of team play and sportsmanship;

Whereas Mountaineer receiver Tito Gonzales demonstrated outstanding play with a 79-yard touchdown pass and showed a national television audience how important Mountaineer success was to his team and his State;

Whereas Mountaineer freshman tailback Noel Devine gave a spirited and skillful performance worthy of his injured teammate and mentor, record-breaking tailback Steve Slaton;

Whereas the Mountaineers' offensive line dominated the battle in the trenches, making possible the outstanding performances of White, Devine, Schmitt, receiver Darius Reynaud, kicker Pat McAfee, and the other offensive stars of the day;

Whereas the Mountaineers' attacking defense forced the Sooner offense to yield the field time and again;

Whereas the Mountaineers finished among the top 10 in college football rankings for 3 years in a row;

Whereas Mountaineer athletic director Ed Pastilong has instilled in the athletic department of West Virginia University the highest standards of ethics and performance throughout his many years of leadership; and

Whereas the Mountaineers and their new head coach Bill Stewart have brought great honor to themselves, their university, and the State of West Virginia: Now, therefore, be it

Resolved, That the House of Representatives—

(1) congratulates the West Virginia University Mountaineer football team for winning the 2008 Tostitos Fiesta Bowl; and

(2) commends the team for demonstrating throughout the season the best qualities of teamwork, dedication, and sportsmanship.

The SPEAKER pro tempore, Mr. BUTTERFIELD, recognized Mr. ALTMIRE and Mr. BOUSTANY, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. BUTTERFIELD, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

¶8.14 RECESS—3:18 P.M.

The SPEAKER pro tempore, Mr. BUTTERFIELD, pursuant to clause 12(a) of rule I, declared the House in recess at 3 o'clock and 18 minutes p.m., subject to the call of the Chair.

¶8.15 AFTER RECESS—5 P.M.

The SPEAKER pro tempore, Mr. BUTTERFIELD, called the House to order.

¶8.16 PROVIDING FOR CONSIDERATION OF H.R. 1528

Ms. SLAUGHTER, by direction of the Committee on Rules, reported (Rept. No. 110–519) the resolution (H. Res. 940) providing for consideration of the bill (H.R. 1528) to amend the National Trails System Act to designate the New England National Scenic Trail, and for other purposes.

When said resolution and report were referred to the House Calendar and ordered printed.

¶8.17 WAIVING A REQUIREMENT OF CLAUSE 6(A) OF RULE XIII

Ms. SLAUGHTER, by direction of the Committee on Rules, reported (Rept. No. 110–520) the resolution (H. Res. 941) waiving a requirement of clause 9(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules.

When said resolution and report were referred to the House Calendar and ordered printed.

¶8.18 S. 2110—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. BUTTERFIELD, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and pass the bill of the Senate (S. 2110) to designate the facility of the United States Postal Service located at 427 North Street in Taft, California, as the ''Larry S. Pierce Post Office''.

The question being put,

Will the House suspend the rules and pass said bill?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 388 / Nays 0

¶8.19 [Roll No. 23]

YEAS—388

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Carnahan
Carney
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Drake
Dreier
Duncan
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Fattah
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Napolitano
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Rothman
Royce
Ruppersberger
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Tsongas
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)

Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (FL)

NOT VOTING—42

Baker
Berkley
Berman
Boucher
Cardoza
Costa
DeFazio
Diaz-Balart, L.
Doolittle
Edwards
Farr
Feeney
Filner
Frank (MA)
Grijalva
Gutierrez
Hastings (FL)
Hinchey
Hulshof
Jones (OH)
Kirk
Lantos
Meek (FL)
Meeks (NY)
Miller, Gary
Miller, George
Nadler
Neal (MA)
Pallone
Price (NC)
Renzi
Ros-Lehtinen
Roskam
Roybal-Allard
Rush
Ryan (OH)
Simpson
Stark
Towns
Turner
Waters
Young (AK)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶8.20 H.R. 4140—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. BUTTERFIELD, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 4140) to designate the Port Angeles Federal Building in Port Angeles, Washington, as the ''Richard B. Anderson Federal Building''.

The question being put,

Will the House suspend the rules and pass said bill?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 388 Nays 0

¶8.21 [Roll No. 24]

YEAS—388

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Carnahan
Carney
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeGette
DeLauro
Dent
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Drake
Dreier
Duncan
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Fattah
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinojosa
Hirono
Hobson
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Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
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King (IA)
King (NY)
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Klein (FL)
Kline (MN)
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Kucinich
Kuhl (NY)
LaHood
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Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
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Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Napolitano
Neugebauer
Nunes
Oberstar
Olver
Ortiz
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
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Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
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Tsongas
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
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Wasserman Schultz
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Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (FL)

NOT VOTING—42

Baker
Berkley
Berman
Boucher
Burgess
Cardoza
Costa
DeFazio
Delahunt
Diaz-Balart, L.
Doolittle
Edwards
Farr
Feeney
Filner
Frank (MA)
Grijalva
Gutierrez
Hastings (FL)
Hinchey
Hulshof
Kirk
Lantos
Meek (FL)
Meeks (NY)
Miller, Gary
Miller, George
Nadler
Neal (MA)
Obey
Pallone
Price (NC)
Renzi
Roskam
Roybal-Allard
Rush
Simpson
Stark
Towns
Turner
Waters
Young (AK)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶8.22 RECESS—5:38 P.M.

The SPEAKER pro tempore, Mr. BUTTERFIELD, pursuant to clause 12(a) of rule I, declared the House in recess at 5 o'clock and 38 minutes p.m., until approximately 8:35 p.m. for the purpose of receiving in joint session the President of the United States.

¶8.23 AFTER RECESS—8:37 P.M.

The SPEAKER called the House to order.

¶8.24 JOINT SESSION TO RECEIVE A MESSAGE FROM THE PRESIDENT

The Majority Floor Services Chief announced the Vice President and Members of the Senate, who entered the Hall of the House and took seats assigned to them, the Vice President taking the Chair to the right of the Speaker.

Whereupon, pursuant to House Concurrent Resolution 282, the SPEAKER called the joint session of the two Houses to order.

The SPEAKER announced the appointment of Messrs. HOYER, CLYBURN, EMANUEL, LARSON of Connecticut, VAN HOLLEN, BECERRA, Mses. DELAURO, SLAUGHTER, Messrs. BOEHNER, BLUNT, PUTNAM, MCCOTTER, Ms. GRANGER, Messrs. CARTER, COLE and CANTOR, as members of the Committee on the part of the House to escort the President into the Hall of the House.

The Vice President announced the appointment of Messrs. REID, DURBIN, SCHUMER, Mrs. MURRAY, Mr. DORGAN, Ms. STABENOW, Messrs. BIDEN, DODD, MCCONNELL, KYL, ALEXANDER, Mrs. HUTCHISON, Messrs. CORNYN, ENSIGN, and COLEMAN, as members of the committee on the part of the Senate to escort the President into the Hall of the House.

The Majority Floor Services Chief announced the Dean of the Diplomatic Corps, who entered the Hall of the House and took the seat assigned to him.

The Majority Floor Services Chief announced the Chief Justice of the United States and Associate Justices of the Supreme Court, who entered the Hall of the House and took seats assigned to them.

The Majority Floor Services Chief announced the Members of the President's Cabinet, who entered the Hall of the House and took seats assigned to them.

The Majority Floor Services Chief and the Sergeant-at-Arms announced the President of the United States at 9 o'clock and 5 minutes p.m., escorted by the committees of the two Houses, who entered the Hall of the House and, at the Clerk's desk, delivered the following message:

Madam Speaker, Vice President CHENEY, Members of Congress, distinguished guests, and fellow citizens:

Seven years have passed since I first stood before you at this rostrum. In that time, our country has been tested in ways none of us could have imagined. We have faced hard decisions about peace and war, rising competition in the world economy, and the health and welfare of our citizens. These issues call for vigorous debate, and I think it's fair to say we've answered that call. Yet history will record that amid our differences, we acted with purpose. And together we showed the world the power and resilience of American self-government.

All of us were sent to Washington to carry out the people's business. That is the purpose of this body. It is the meaning of our oath. And it remains our charge to keep.

The actions of the 110th Congress will affect the security and prosperity of our Nation long after this session has ended. In this election year, let us show our fellow Americans that we recognize our responsibilities and are determined to meet them. And let us show them that Republicans and Democrats can compete for votes and cooperate for results at the same time.

From expanding opportunity to protecting our country, we have made good progress. Yet we have unfinished business before us, and the American people expect us to get it done.

In the work ahead, we must be guided by the philosophy that made our Nation great. As Americans, we believe in the power of individuals to determine their destiny and shape the course of history. We believe that the most reliable guide for our country is the collective wisdom of ordinary citizens. So in all we do, we must trust in the ability of free people to make wise decisions, and empower them to improve their lives and their futures.

To build a prosperous future, we must trust people with their own money and empower them to grow our economy. As we meet tonight, our economy is undergoing a period of uncertainty. America has added jobs for a record 52 straight months, but jobs are now growing at a slower pace. Wages are up, but so are prices for food and gas. Exports are rising, but the housing market has declined. And at kitchen tables across our country, there is concern about our economic future.

In the long run, Americans can be confident about our economic growth. But in the short run, we can all see that that growth is slowing. So last week, my administration reached agreement with Speaker PELOSI and Republican Leader BOEHNER on a robust growth package that includes tax relief for individuals and families and incentives for business investment. The temptation will be to load up the bill. That would delay it or derail it, and neither option is acceptable. This is a good agreement that will keep our economy growing and our people working. And this Congress must pass it as soon as possible.

We have other work to do on taxes. Unless the Congress acts, most of the tax relief we have delivered over the past 7 years will be taken away. Some in Washington argue that letting tax relief expire is not a tax increase. Try explaining that to 116 million American taxpayers who would see their taxes rise by an average of $1,800. Others have said they would personally be happy to pay higher taxes. I welcome their enthusiasm, and I am pleased to report that the IRS accepts both checks and money orders.

Most Americans think their taxes are high enough. With all the other pressures on their finances, American families should not have to worry about the Federal Government taking a bigger bite out of their paychecks. There is only one way to eliminate this uncertainty: make the tax relief permanent. And Members of Congress should know: If any bill raising taxes reaches my desk, I will veto it.

Just as we trust Americans with their own money, we need to earn their trust by spending their tax dollars wisely. Next week, I will send you a budget that terminates or substantially reduces 151 wasteful or bloated programs totaling more than $18 billion. The budget that I will submit will keep America on track for a surplus in 2012. American families have to balance their budgets, and so should their government.

The people's trust in their government is undermined by congressional earmarks, special interest projects that are often snuck in at the last minute, without discussion or debate. Last year, I asked you to voluntarily cut the number and cost of earmarks in half. I also asked you to stop slipping earmarks into committee reports that never even come to a vote. Unfortunately, neither goal was met. So this time, if you send me an appropriations bill that does not cut the number and cost of earmarks in half, I will send it back to you with my veto. And tomorrow, I will issue an executive order that directs Federal agencies to ignore any future earmark that is not voted on by the Congress. If these items are truly worth funding, the Congress should debate them in the open and hold a public vote.

Our shared responsibilities extend beyond matters of taxes and spending.

On housing, we must trust Americans with the responsibility of homeownership and empower them to weather turbulent times in the housing market. My administration brought together the HOPE NOW alliance, which is helping many struggling homeowners avoid foreclosure. The Congress can help even more. Tonight I ask you to pass legislation to reform Fannie Mae and Freddie Mac, modernize the Federal Housing Administration, and allow State housing agencies to issue tax-free bonds to help homeowners refinance their mortgages. These are difficult times for many American families, and by taking these steps, we can help more of them keep their homes.

To build a future of quality health care, we must trust patients and doctors to make medical decisions and empower them with better information and better options. We share a common goal: making health care more affordable and accessible for all Americans. The best way to achieve that goal is by expanding consumer choice, not government control. So I have proposed ending the bias in the Tax Code against those who do not get their health insurance through their employer. This one reform would put private coverage within reach for millions, and I call on the Congress to pass it this year. The Congress must also expand health savings accounts, create association health plans for small businesses, promote health information technology, and confront the epidemic of junk medical lawsuits. With all these steps, we will help ensure that decisions about your medical care are made in the privacy of your doctor's office, not in the Halls of Congress.

On education, we must trust students to learn if given the chance and empower parents to demand results from our schools. In neighborhoods across our country, there are boys and girls with dreams, and a decent education is their only hope of achieving them. Six years ago, we came together to pass the No Child Left Behind Act, and today no one can deny its results. Last year, fourth and eighth graders achieved the highest math scores on record. Reading scores are on the rise. And African American and Hispanic students posted all-time highs. Now we must work together to increase accountability, add flexibility for States and districts, reduce the number of high school dropouts, and provide extra help for struggling schools. Members of Congress, the No Child Left Behind Act is a bipartisan achievement. It is succeeding. And we owe it to America's children, their parents, and their teachers to strengthen this good law.

We must also do more to help children when their schools do not measure up. Thanks to the D.C. Opportunity Scholarships you approved, more than 2,600 of the poorest children in our Nation's capital have found new hope at a faith-based or other nonpublic school. Sadly, these schools are disappearing at an alarming rate in many of America's inner cities. So I will convene a White House summit aimed at strengthening these lifelines of learning. And to open the doors of these schools to more children, I ask you to support a new $300 million program called Pell Grants for Kids. We have seen how Pell Grants help low-income college students realize their full potential. Together, we have expanded

the size and reach of these grants. Now let's apply that same spirit to help liberate poor children trapped in failing public schools.

On trade, we must trust American workers to compete with anyone in the world and empower them by opening up new markets overseas. Today, our economic growth increasingly depends on our ability to sell American goods, crops, and services all over the world. So we are working to break down barriers to trade and investment wherever we can. We are working for a successful Doha round of trade talks, and we must complete a good agreement this year. At the same time, we are pursuing opportunities to open up new markets by passing free trade agreements.

I thank the Congress for approving a good agreement with Peru. Now I ask you to approve agreements with Colombia, Panama, and South Korea. Many products from these nations now enter America duty-free, yet many of our products face steep tariffs in their markets. These agreements will level the playing field. They will give us better access to nearly 100 million customers. And they will support good jobs for the finest workers in the world, those whose products say ''Made in the USA.''

These agreements also promote America's strategic interests. The first agreement that will come before you is with Colombia, a friend of America that is confronting violence and terror and fighting drug traffickers. If we fail to pass this agreement, we will embolden the purveyors of false populism in our hemisphere. So we must come together, pass this agreement, and show our neighbors in the region that democracy leads to a better life.

Trade brings better jobs, better choices, and better prices. Yet for some Americans, trade can mean losing a job, and the Federal Government has a responsibility to help. I ask the Congress to reauthorize and reform trade adjustment assistance, so we can help these displaced workers learn new skills and find new jobs.

To build a future of energy security, we must trust in the creative genius of American researchers and entrepreneurs and empower them to pioneer a new generation of clean energy technology. Our security, our prosperity, and our environment all require reducing our dependence on oil. Last year, I asked you to pass legislation to reduce oil consumption over the next decade, and you responded. Together we should take the next steps: Let us fund new technologies that can generate coal power while capturing carbon emissions. Let us increase the use of renewable power and emissions-free nuclear power. Let us continue investing in advanced battery technology and renewable fuels to power the cars and trucks of the future. Let us create a new international clean technology fund, which will help developing nations like India and China make greater use of clean energy sources. And let us complete an international agreement that has the potential to slow, stop, and eventually reverse the growth of greenhouse gases. This agreement will be effective only if it includes commitments by every major economy and gives none a free ride. The United States is committed to strengthening our energy security and confronting global climate change. And the best way to meet these goals is for America to continue leading the way toward the development of cleaner and more energy-efficient technology.

To keep America competitive into the future, we must trust in the skill of our scientists and engineers and empower them to pursue the breakthroughs of tomorrow. Last year, the Congress passed legislation supporting the American Competitiveness Initiative, but never followed through with the funding. This funding is essential to keeping our scientific edge. So I ask the Congress to double Federal support for critical basic research in the physical sciences and ensure America remains the most dynamic Nation on Earth.

On matters of science and life, we must trust in the innovative spirit of medical researchers and empower them to discover new treatments while respecting moral boundaries. In November, we witnessed a landmark achievement when scientists discovered a way to reprogram adult skin cells to act like embryonic stem cells. This breakthrough has the potential to move us beyond the divisive debates of the past by extending the frontiers of medicine without the destruction of human life. So we are expanding funding for this type of ethical medical research. And as we explore promising avenues of research, we must also ensure that all life is treated with the dignity it deserves. And so I call on the Congress to pass legislation that bans unethical practices, such as the buying, selling, patenting, or cloning of human life.

On matters of justice, we must trust in the wisdom of our Founders and empower judges who understand that the Constitution means what it says. I have submitted judicial nominees who will rule by the letter of the law, not the whim of the gavel. Many of these nominees are being unfairly delayed. They are worthy of confirmation, and the Senate should give each of them a prompt up-or-down vote.

In communities across our land, we must trust in the good heart of the American people and empower them to serve their neighbors in need. Over the past 7 years, more of our fellow citizens have discovered that the pursuit of happiness leads to the path of service. Americans have volunteered in record numbers. Charitable donations are higher than ever. Faith-based groups are bringing hope to pockets of despair, with newfound support from the Federal Government. And to help guarantee equal treatment for faith-based organizations when they compete for Federal funds, I ask you to permanently extend Charitable Choice.

Tonight the armies of compassion continue the march to a new day in the gulf coast. America honors the strength and resilience of the people of this region. We reaffirm our pledge to help them build stronger and better than before. And tonight I am pleased to announce that in April we will host this year's North American Summit of Canada, Mexico, and the United States in the great City of New Orleans.

There are two other pressing challenges that I have raised repeatedly before this body, and that this body has failed to address: entitlement spending and immigration.

Every Member in this Chamber knows that spending on entitlement programs like Social Security, Medicare, and Medicaid is growing faster than we can afford. And we all know the painful choices ahead if America stays on this path: massive tax increases, sudden and drastic cuts in benefits, or crippling deficits. I have laid out proposals to reform these programs. Now I ask Members of Congress to offer your proposals and come up with a bipartisan solution to save these vital programs for our children and our grandchildren.

The other pressing challenge is immigration. America needs to secure our borders, and with your help, my administration is taking steps to do so. We are increasing worksite enforcement, we are deploying fences and advanced technologies to stop illegal crossings, we have effectively ended the policy of ''catch and release'' at the border, and by the end of this year, we will have doubled the number of border patrol agents. Yet we also need to acknowledge that we will never fully secure our border until we create a lawful way for foreign workers to come here and support our economy. This will take pressure off the border and allow law enforcement to concentrate on those who mean us harm. We must also find a sensible and humane way to deal with people here illegally. Illegal immigration is complicated, but it can be resolved. And it must be resolved in a way that upholds both our laws and our highest ideals.

This is the business of our Nation here at home. Yet building a prosperous future for our citizens also depends on confronting enemies abroad, and advancing liberty in troubled regions of the world.

Our foreign policy is based on a clear premise: We trust that people, when given the chance, will choose a future of freedom and peace. In the last 7 years, we have witnessed stirring moments in the history of liberty. We have seen citizens in Georgia and Ukraine stand up for their right to free and fair elections. We have seen people in Lebanon take to the streets to demand their independence. We have seen Afghans emerge from the tyranny of the Taliban to choose a new president and a new parliament. We have seen jubilant Iraqis holding up ink-stained fingers and celebrating their freedom.

And these images of liberty have inspired us.

In the past 7 years, we have also seen images that have sobered us. We have watched throngs of mourners in Lebanon and Pakistan carrying the caskets of beloved leaders taken by the assassin's hand. We have seen wedding guests in blood-soaked finery staggering from a hotel in Jordan, Afghans and Iraqis blown up in mosques and markets, and trains in London and Madrid ripped apart by bombs. And on a clear September day, we saw thousands of our fellow citizens taken from us in an instant. These horrific images serve as a grim reminder: The advance of liberty is opposed by terrorists and extremists, evil men who despise freedom, despise America, and aim to subject millions to their violent rule.

Since September 11, we have taken the fight to these terrorists and extremists. We will stay on the offense, we will keep up the pressure, and we will deliver justice to our enemies.

We are engaged in the defining ideological struggle of the 21st century. The terrorists oppose every principle of humanity and decency that we hold dear. Yet in this war on terror, there is one thing we and our enemies agree on: In the long run, men and women who are free to determine their own destinies will reject terror and refuse to live in tyranny. That is why the terrorists are fighting to deny this choice to the people in Lebanon, Iraq, Afghanistan, Pakistan, and the Palestinian territories. And that is why, for the security of America and the peace of the world, we are spreading the hope of freedom.

In Afghanistan, America, our 25 NATO allies, and 15 partner nations are helping the Afghan people defend their freedom and rebuild their country. Thanks to the courage of these military and civilian personnel, a nation that was once a safe haven for al Qaeda is now a young democracy where boys and girls are going to school, new roads and hospitals are being built, and people are looking to the future with new hope. These successes must continue, so we are adding 3,200 marines to our forces in Afghanistan, where they will fight the terrorists and train the Afghan army and police. Defeating the Taliban and al Qaeda is critical to our security, and I thank the Congress for supporting America's vital mission in Afghanistan.

In Iraq, the terrorists and extremists are fighting to deny a proud people their liberty and fighting to establish safe havens for attacks across the world. One year ago, our enemies were succeeding in their efforts to plunge Iraq into chaos. So we reviewed our strategy and changed course. We launched a surge of American forces into Iraq. And we gave our troops a new mission: Work with Iraqi forces to protect the Iraqi people, pursue the enemy in its strongholds, and deny the terrorists sanctuary anywhere in the country.

The Iraqi people quickly realized that something dramatic had happened. Those who had worried that America was preparing to abandon them instead saw tens of thousands of American forces flowing into their country. They saw our forces moving into neighborhoods, clearing out the terrorists and staying behind to ensure the enemy did not return. And they saw our troops, along with Provincial Reconstruction Teams that include Foreign Service officers, and other skilled public servants, coming in to ensure that improved security was followed by improvements in daily life. Our military and civilians in Iraq are performing with courage and distinction, and they have the gratitude of our whole Nation.

The Iraqis launched a surge of their own. In the fall of 2006, Sunni tribal leaders grew tired of al Qaeda's brutality and started a popular uprising called ''The Anbar Awakening.'' Over the past year, similar movements have spread across the country. And today, this grassroots surge includes more than 80,000 Iraqi citizens who are fighting the terrorists. The government in Baghdad has stepped forward as well, adding more than 100,000 new Iraqi soldiers and police during the past year.

While the enemy is still dangerous and more work remains, the American and Iraqi surges have achieved results few of us could have imagined just 1 year ago:

When we met last year, many said that containing the violence was impossible. A year later, high-profile terrorist attacks are down, civilian deaths are down, and sectarian killings are down.

When we met last year, militia extremists, some armed and trained by Iran, were wreaking havoc in large areas of Iraq. A year later, coalition and Iraqi forces have killed or captured hundreds of militia fighters. And Iraqis of all backgrounds increasingly realize that defeating these militia fighters is critical to the future of their country.

When we met last year, al Qaeda had sanctuaries in many areas of Iraq, and their leaders had just offered American forces safe passage out of the country. Today, it is al Qaeda that is searching for safe passage. They have been driven from many of the strongholds they once held, and over the past year, we have captured or killed thousands of extremists in Iraq, including hundreds of key al Qaeda leaders and operatives. Last month, Osama bin Laden released a tape in which he railed against Iraqi tribal leaders who have turned on al Qaeda and admitted that coalition forces are growing stronger in Iraq. Ladies and gentlemen, some may deny the surge is working, but among the terrorists, there is no doubt. Al Qaeda is on the run in Iraq, and this enemy will be defeated.

When we met last year, our troop levels in Iraq were on the rise. Today, because of the progress just described, we are implementing a policy of 'return on success,' and the surge forces we sent to Iraq are beginning to come home.

This progress is a credit to the valor of our troops and the brilliance of their commanders. This evening, I want to speak directly to our men and women on the front lines. Soldiers, sailors, airmen, marines and coast guardsmen: In the past year, you have done everything we have asked of you, and more. Our Nation is grateful for your courage. We are proud of your accomplishments. And tonight in this hallowed Chamber, with the American people as our witness, we make you a solemn pledge: In the fight ahead, you will have all you need to protect our Nation. And I ask the Congress to meet its responsibilities to these brave men and women by fully funding our troops.

Our enemies in Iraq have been hit hard. They are not yet defeated, and we can still expect tough fighting ahead. Our objective in the coming year is to sustain and build on the gains we made in 2007, while transitioning to the next phase of our strategy. American troops are shifting from leading operations, to partnering with Iraqi forces, and, eventually, to a protective overwatch mission. As part of this transition, one Army brigade combat team and one Marine Expeditionary Unit have already come home and will not be replaced. In the coming months, four additional brigades and two Marine battalions will follow suit. Taken together, this means more than 20,000 of our troops are coming home.

Any further drawdown of U.S. troops will be based on conditions in Iraq and the recommendations of our commanders. General Petraeus has warned that too fast a drawdown could result in the ''disintegration of the Iraqi security forces, al Qaeda-Iraq regaining lost ground, and a marked increase in violence.'' Members of Congress, having come so far and achieved so much, we must not allow this to happen.

In the coming year, we will work with Iraqi leaders as they build on the progress they are making toward political reconciliation. At the local level, Sunnis, Shia, and Kurds are beginning to come together to reclaim their communities and rebuild their lives. Progress in the provinces must be matched by progress in Baghdad. And we are seeing some encouraging signs. The national government is sharing oil revenues with the provinces. The parliament recently passed both a pension law and de-Ba'athification reform. Now they are debating a provincial powers law. The Iraqis still have a distance to travel. But after decades of dictatorship and the pain of sectarian violence, reconciliation is taking place, and the Iraqi people are taking control of their future.

The mission in Iraq has been difficult and trying for our Nation. But it is in the vital interest of the United States that we succeed. A free Iraq will deny al Qaeda a safe haven. A free Iraq will show millions across the Middle East that a future of liberty is possible. And a free Iraq will be a friend of America,

a partner in fighting terror, and a source of stability in a dangerous part of the world.

By contrast, a failed Iraq would embolden extremists, strengthen Iran, and give terrorists a base from which to launch new attacks on our friends, our allies, and our homeland. The enemy has made its intentions clear. At a time when the momentum seemed to favor them, al Qaeda's top commander in Iraq declared that they will not rest until they have attacked us here in Washington. My fellow Americans, we will not rest, either. We will not rest until this enemy has been defeated. We must do the difficult work today, so that years from now people will look back and say that this generation rose to the moment, prevailed in a tough fight, and left behind a more hopeful region and a safer America.

We are also standing against the forces of extremism in the Holy Land, where we have new cause for hope. Palestinians have elected a president who recognizes that confronting terror is essential to achieving a state where his people can live in dignity and at peace with Israel. Israelis have leaders who recognize that a peaceful, democratic Palestinian state will be a source of lasting security. This month in Ramallah and Jerusalem, I assured leaders from both sides that America will do, and I will do, everything we can to help them achieve a peace agreement that defines a Palestinian state by the end of this year. The time has come for a Holy Land where a democratic Israel and a democratic Palestine live side by side in peace.

We are also standing against the forces of extremism embodied by the regime in Tehran. Iran's rulers oppress a good and talented people. And wherever freedom advances in the Middle East, it seems the Iranian regime is there to oppose it. Iran is funding and training militia groups in Iraq, supporting Hezbollah terrorists in Lebanon, and backing Hamas' efforts to undermine peace in the Holy Land. Tehran is also developing ballistic missiles of increasing range and continues to develop its capability to enrich uranium, which could be used to create a nuclear weapon. Our message to the people of Iran is clear: We have no quarrel with you, we respect your traditions and your history, and we look forward to the day when you have your freedom. Our message to the leaders of Iran is also clear: Verifiably suspend your nuclear enrichment, so negotiations can begin. And to rejoin the community of nations, come clean about your nuclear intention and past actions, stop your oppression at home, and cease your support for terror abroad. But above all, know this: America will confront those who threaten our troops, we will stand by our allies, and we will defend our vital interests in the Persian Gulf.

On the homefront, we will continue to take every lawful and effective measure to protect our country. This is our most solemn duty. We are grateful that there has not been another attack on our soil since 9/11. This is not for a lack of desire or effort on the part of the enemy. In the past 6 years, we have stopped numerous attacks, including a plot to fly a plane into the tallest building in Los Angeles, and another to blow up passenger jets bound for America over the Atlantic. Dedicated men and women in our government toil day and night to stop the terrorists from carrying out their plans. These good citizens are saving American lives, and everyone in this Chamber owes them our thanks. And we owe them something more: We owe them the tools they need to keep our people safe.

One of the most important tools we can give them is the ability to monitor terrorist communications. To protect America, we need to know who the terrorists are talking to, what they are saying, and what they are planning. Last year, the Congress passed legislation to help us do that. Unfortunately, the Congress set the legislation to expire on February 1. This means that if you don't act by Friday, our ability to track terrorists' threats would be weakened and our citizens will be in greater danger. The Congress must ensure the flow of vital intelligence is not disrupted. The Congress must pass liability protection for companies believed to have assisted in the efforts to defend America. We have had ample time for debate. The time to act is now.

Protecting our Nation from the dangers of a new century requires more than good intelligence and a strong military. It also requires changing the conditions that breed resentment and allow extremists to prey on despair. So America is using its influence to build a freer, more hopeful, and more compassionate world. This is a reflection of our national interest and the calling of our conscience.

America opposes genocide in Sudan. We support freedom in countries from Cuba and Zimbabwe to Belarus and Burma. America is leading the fight against global poverty, with strong education initiatives and humanitarian assistance. We have also changed the way we deliver aid by launching the Millennium Challenge Account. This program strengthens democracy, transparency, and the rule of law in developing nations, and I ask you to fully fund this important initiative.

America is leading the fight against global hunger. Today, more than half the world's food aid comes from the United States. And tonight, I ask the Congress to support an innovative proposal to provide food assistance by purchasing crops directly from farmers in the developing world, so we can build up local agriculture and help break the cycle of famine.

America is leading the fight against disease. With your help, we are working to cut by half the number of malaria-related deaths in 15 African nations. And our emergency plan for AIDS relief is treating 1.4 million people. We can bring healing and hope to many more. So I ask you to maintain the principles that have changed behavior and made this program a success. And I call on you to double our initial commitment to fighting HIV/AIDS by approving an additional $30 billion over the next 5 years.

America is a force for hope in the world because we are a compassionate people, and some of the most compassionate Americans are those who have stepped forward to protect us. We must keep faith with all who have risked life and limb so that we might live in freedom and peace. Over the past 7 years, we have increased funding for veterans by more than 95 percent. And as we increase funding, we must also reform our veterans' system to meet the needs of a new war and a new generation. I call on the Congress to enact the reforms recommended by Senator Bob Dole and Secretary Donna Shalala, so we can improve the system of care for our wounded warriors and help them build lives of hope, promise, and dignity.

Our military families also sacrifice for America. They endure sleepless nights and the daily struggle of providing for children while a loved one is serving far from home. We have a responsibility to provide for them. So I ask you to join me in expanding their access to child care, creating new hiring preferences for military spouses across the Federal Government, and allowing our troops to transfer their unused education benefits to their spouses or children. Our military families serve our Nation, they inspire our Nation, and tonight our Nation honors them.

The secret of our strength, the miracle of America, is that our greatness lies not in our government, but in the spirit and determination of our people. When the Federal Convention met in Philadelphia in 1787, our Nation was bound by the Articles of Confederation, which began with the words, 'We the undersigned delegates.' When Gouverneur Morris was asked to draft the preamble to our new Constitution, he offered an important revision and opened with words that changed the course of our Nation and the history of the world: 'We the people.'

By trusting the people, our Founders wagered that a great and noble Nation could be built on the liberty that resides in the hearts of all men and women. By trusting the people, succeeding generations transformed our fragile young democracy into the most powerful Nation on Earth and a beacon of hope for millions. And so long as we continue to trust the people, our Nation will prosper, our liberty will be secure, and the state of our Union will remain strong. So tonight, with confidence in freedom's power, and trust in the people, let us set forth to do their business.

God bless America.

At 10 o'clock and 5 minutes p.m., the President of the United States retired from the Hall of the House, followed by his Cabinet.

The Chief Justice of the United States and Associate Justices of the Supreme Court retired from the Hall of the House.

The SPEAKER, at 10 o'clock and 11 minutes p.m., then declared the joint session of the two Houses dissolved.

The Vice President and Members of the Senate retired from the Hall of the House.

¶8.25 REFERENCE OF THE PRESIDENT'S MESSAGE

On motion of Ms. WATSON, the message of the President, as delivered, together with the accompanying documents, was referred to the Committee of the Whole House on the state of the Union and ordered to be printed (H. Doc. 109–82).

¶8.26 BILLS PRESENTED TO THE PRESIDENT

Lorraine C. Miller, Clerk of the House reported that on January 24, 2008, she presented to the President of the United States, for his approval, the following bills:

H.R. 3432. An Act to establish the Commission on the Abolition of the Transatlantic Slave Trade.

H.R. 4986. An Act to provide for the enactment of the National Defense Authorization Act for Fiscal Year 2008, as previously enrolled, with certain modifications to address the foreign sovereign immunities provisions of title 28, United States Code, with respect to the attachment of property in certain judgments against Iraq, the lapse of statutory authorities for the payment of bonuses, special pays, and similar benefits for members of the uniformed services, and for other purposes.

¶8.27 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. COSTA, for today;

To Mr. Gary G. MILLER of California, for today and balance of the week; and

To Ms. ROYBAL-ALLARD, for today.

And then,

¶8.28 ADJOURNMENT

On motion of Mr. COHEN, at 10 o'clock and 14 minutes p.m., the House adjourned.

¶8.29 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

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

Mr. OBERSTAR: Committee on Transportation and Infrastructure. H.R. 4140. A bill to designate the Port Angeles Federal Building in Port Angeles, Washington, as the ''Richard B. Anderson Federal Building'' (Rept. 110–515). Referred to the House Calendar.

Mr. OBERSTAR: Committee on Transportation and Infrastructure. House Resolution 845. Resolution recognizing the 60th anniversary of Everglades National Park; with an amendment (Rept. 110–516 Pt. 1). Ordered to be printed.

Mr. OBERSTAR: Committee on Transportation and Infrastructure. House Resolution 832. Resolution honoring the Texas Water Development Board on its selection as a recipient of the Environmental Protection Agency's 2007 Clean Water State Revolving Fund Performance and Innovation Award (Rept. 110–517). Referred to the House Calendar.

Mr. OBERSTAR: Committee on Transportation and Infrastructure. H.R. 3913. A bill to amend the International Center Act to authorize the lease or sublease of certain property described in such Act to an entity other than a foreign government or international organization if certain conditions are met (Rept. 110–518). Referred to the Committee of the Whole House on the state of the Union.

Mr. CARDOZA: Committee on Rules. House Resolution 940. Resolution providing for consideration of the bill (H.R. 1528) to amend the National Trails System Act to designate the New England National Scenic Trail, and for other purposes (Rept. 110–519). Referred to the House Calendar.

Ms. SLAUGHTER: Committee on Rules. House Resolution 941. Resolution waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules (Rept. 110–520). Referred to the House Calendar.

¶8.30 PUBLIC BILLS AND RESOLUTIONS

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

By Mr. RAHALL:

H.R. 5137. A bill to ensure that hunting remains a purpose of the New River Gorge National River; to the Committee on Natural Resources.

By Ms. SHEA-PORTER:

H.R. 5138. A bill to amend title 11 of the United States Code to provide protection for medical debt homeowners, to restore bankruptcy protections for individuals experiencing economic distress as caregivers to ill or disabled family members, and to exempt from means testing debtors whose financial problems were caused by serious medical problems; to the Committee on the Judiciary.

By Ms. BERKLEY:

H.R. 5139. A bill to require the Secretary of the Interior to conduct a theme study to identify sites and resources to commemorate and interpret the Cold War; to the Committee on Natural Resources.

By Ms. PELOSI (for herself, Mr. BOEHNER, Mr. HOYER, Mr. BLUNT, Mr. CLYBURN, Mr. RANGEL, Mr. MCCRERY, Mr. OBEY, Mr. FRANK of Massachusetts, Mr. BACHUS, Mr. EMANUEL, Mr. LARSON of Connecticut, Ms. GRANGER, Ms. DELAURO, Mr. GEORGE MILLER of California, and Mr. BECERRA):

H.R. 5140. A bill to provide economic stimulus through recovery rebates to individuals, incentives for business investment, and an increase in conforming and FHA loan limits; to the Committee on Ways and Means, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ENGLISH of Pennsylvania:

H.R. 5141. A bill to amend the Internal Revenue Code of 1986 to encourage investment in high productivity property, and for other purposes; to the Committee on Ways and Means.

By Mr. ENGLISH of Pennsylvania:

H.R. 5142. A bill to amend the Internal Revenue Code of 1986 to provide an economic stimulus for individuals; to the Committee on Ways and Means.

By Mr. HINOJOSA (for himself, and Mr. CASTLE):

H.R. 5143. A bill to encourage model programs to support veteran student success in postsecondary education by coordinating services to address the academic, financial, physical, and social needs of veteran students; to the Committee on Education and Labor.

By Mr. ISRAEL:

H.R. 5144. A bill to suspend temporarily the duty on lightweight digital camera lenses; to the Committee on Ways and Means.

By Mr. ISRAEL:

H.R. 5145. A bill to suspend temporarily the duty on digital zoom camera lenses; to the Committee on Ways and Means.

By Mr. LAMPSON (for himself and Mr. EDWARDS):

H.R. 5146. A bill to amend the Energy Policy Act of 2005 to require the Secretary of Energy to acquire petroleum in quantities sufficient to fill the available capacity of the Strategic Petroleum Reserve, subject to certain limitations, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Science and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCDERMOTT:

H.R. 5147. A bill to suspend temporarily the duty on gaiters of textile materials; to the Committee on Ways and Means.

By Mr. NEUGEBAUER:

H.R. 5148. A bill to amend title 38, United States Code, to prohibit the Secretary of Veterans Affairs from collecting certain debts owed to the United States by members of the Armed Forces and veterans who die as a result of an injury incurred or aggravated on active duty in a combat zone, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. PETERSON of Pennsylvania:

H.R. 5149. A bill to suspend temporarily the duty on dry adhesive copolyamide pellets; to the Committee on Ways and Means.

By Mr. YARMUTH:

H.R. 5150. A bill to amend the Internal Revenue Code of 1986 to increase the child tax credit for taxable years beginning in 2008 and provide for the advance payment thereof; to the Committee on Ways and Means.

By Mr. AL GREEN of Texas (for himself, Mr. LEVIN, Ms. KAPTUR, Mr. HIGGINS, Mr. PERLMUTTER, Mr. SPRATT, Mr. DOGGETT, Mr. REYES, Mr. EDWARDS, Mr. RODRIGUEZ, Mr. ORTIZ, Mr. HONDA, Mr. BECERRA, Ms. SCHWARTZ, Ms. RICHARDSON, Mr. ELLISON, Ms. KILPATRICK, Mr. PAYNE, Ms. CLARKE, Mr. CLAY, Mr. JOHNSON of Georgia, Mr. BUTTERFIELD, Mr. MEEKS of New York, Mr. BISHOP of Georgia, Mr. VAN HOLLEN, Mr. LEWIS of Georgia, Mr. SCOTT of Georgia, Mr. MEEK of Florida, Mr. CUMMINGS, Ms. MOORE of Wisconsin, Mr. CLEAVER, Mr. GINGREY, Mr. WYNN, Ms. CORRINE BROWN of Florida, Ms. LEE, Mr. KENNEDY, Mr. DAVIS of Alabama, Mr. GENE GREEN of Texas, Mr. LAMPSON, Mr. SALAZAR, Ms. JACKSON-LEE of Texas, Mr. FATTAH, Mr. GRIJALVA, Mrs. MALONEY of New York, Mr. WU, Mr. TOWNS, Mr. JEFFERSON, Mr. SERRANO, Mr. BRADY of Pennsylvania, Ms. LORETTA SANCHEZ of California, Mr. RANGEL, Ms. BORDALLO, Ms. WATERS, Mr. BACHUS, Ms. WASSERMAN SCHULTZ, and Mr. WATT):

H. Res. 942. A resolution recognizing the significance of Black History Month; to the Committee on Oversight and Government Reform.

By Mr. HODES (for himself, Ms. MOORE of Wisconsin, Ms. HIRONO, Mr.

MAHONEY of Florida, Ms. BEAN, Mr. CROWLEY, Mr. NADLER, Mr. PERLMUTTER, Mr. CARNAHAN, Mr. MICHAUD, Mr. BUTTERFIELD, Mr. KLEIN of Florida, Ms. BERKLEY, Mr. WALZ of Minnesota, Ms. LINDA T. SÁNCHEZ of California, Ms. SHEA-PORTER, Mr. SHULER, Mr. AL GREEN of Texas, Mr. MURTHA, Mr. RODRIGUEZ, Mr. CLAY, Mr. WELCH of Vermont, Mrs. MALONEY of New York, Mr. ARCURI, Ms. JACKSON-LEE of Texas, Mr. SIRES, Ms. SUTTON, Mr. ALTMIRE, Mr. LEWIS of Georgia, Mr. CARNEY, Mr. KAGEN, Mr. WU, Mr. LAMPSON, Mr. ALLEN, Ms. HOOLEY, Mr. SCOTT of Georgia, Mr. HALL of New York, Mr. HILL, Mr. CLEAVER, Mr. HIGGINS, Ms. WASSERMAN SCHULTZ, Mr. DELAHUNT, Mr. CONYERS, Ms. SCHAKOWSKY, Mr. COURTNEY, Mr. WYNN, Mr. MATHESON, Mr. WEXLER, Mr. UDALL of Colorado, Mr. LOEBSACK, Mr. BRALEY of Iowa, Mr. LINCOLN DAVIS of Tennessee, Mr. DONNELLY, Mrs. CHRISTENSEN, Mr. EMANUEL, Mr. GORDON, Mr. HASTINGS of Washington, Mr. PRICE of North Carolina, Ms. DELAURO, Mr. WILSON of Ohio, and Mr. KUCINICH):

H. Res. 943. A resolution remembering the space shuttle Challenger disaster and honoring its crew members, who lost their lives on January 28, 1986; to the Committee on Science and Technology.

By Mr. SCOTT of Georgia (for himself, Mr. THOMPSON of Mississippi, Mr. BARROW, Mr. LEWIS of Georgia, Mr. JEFFERSON, Mr. BOUSTANY, Mr. KING of New York, Mr. LINDER, Mr. TOWNS, Mr. BISHOP of Georgia, Mrs. CHRISTENSEN, Mr. HODES, Mr. BUTTERFIELD, Ms. KILPATRICK, Ms. CORRINE BROWN of Florida, Ms. JACKSON-LEE of Texas, Mr. MELANCON, Mr. ALEXANDER, Mr. MCCRERY, Mr. RANGEL, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. LEE, Mr. CLEAVER, Mr. CLAY, Mr. CLYBURN, Mrs. JONES of Ohio, Ms. WATSON, Ms. RICHARDSON, Ms. CLARKE, Mrs. DAVIS of California, Mr. DAVIS of Illinois, Mr. AL GREEN of Texas, Mr. ENGEL, Mrs. LOWEY, Mr. WELLER, Mr. PAYNE, Ms. HOOLEY, Mr. PASCRELL, and Mr. MCGOVERN):

H. Res. 944. A resolution honoring the service and accomplishments of Lieutenant General Russell L. Honore, United States Army, for his 37 years of service on behalf of the United States; to the Committee on Armed Services.

By Mr. POE (for himself, Mr. COSTA, Mr. HOLDEN, and Mr. MOORE of Kansas):

H. Res. 945. A resolution raising awareness and promoting education on the criminal justice system by establishing March 2008 as ''National Criminal Justice Month''; to the Committee on the Judiciary.

¶8.31 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 21: Ms. SCHAKOWSKY.
H.R. 192: Mr. SMITH of Nebraska.
H.R. 380: Mr. ELLISON and Mr. WILSON of Ohio.
H.R. 549: Mr. ALEXANDER and Ms. ESHOO.
H.R. 690: Mr. ANDREWS.
H.R. 769: Mr. RAMSTAD.
H.R. 784: Mrs. LOWEY.
H.R. 827: Mr. PAUL.
H.R. 897: Mr. BLUMENAUER.
H.R. 962: Mr. KUCINICH.
H.R. 977: Ms. LINDA T. SÁNCHEZ of California.
H.R. 992: Ms. LEE.
H.R. 1043: Mr. JACKSON of Illinois.
H.R. 1070: Mrs. CHRISTENSEN.
H.R. 1076: Mr. WEXLER and Ms. ESHOO.
H.R. 1078: Mr. ARCURI.
H.R. 1110: Mr. COLE of Oklahoma.
H.R. 1188: Mr. SMITH of Washington.
H.R. 1198: Mr. TOM DAVIS of Virginia.
H.R. 1279: Ms. SOLIS, Ms. ESHOO, Mr. GERLACH, and Mr. ISRAEL.
H.R. 1293: Mr. HELLER.
H.R. 1295: Mr. WALBERG.
H.R. 1386: Ms. DELAURO.
H.R. 1554: Mr. MARSHALL.
H.R. 1621: Mr. PATRICK MURPHY of Pennsylvania, Mr. SCOTT of Virginia, and Mrs. DAVIS of California.
H.R. 1742: Mr. TIBERI.
H.R. 1783: Mr. GENE GREEN of Texas and Mr. VAN HOLLEN.
H.R. 1791: Mrs. BOYDA of Kansas and Mr. BISHOP of Georgia.
H.R. 1809: Mr. BISHOP of Georgia.
H.R. 1843: Mr. PRICE of North Carolina and Mr. HINCHEY.
H.R. 1889: Mr. MOORE of Kansas.
H.R. 1921: Ms. KILPATRICK.
H.R. 1926: Mr. GOODLATTE and Mr. VAN HOLLEN.
H.R. 1964: Mr. KENNEDY and Mr. AL GREEN of Texas.
H.R. 2159: Mr. WALZ of Minnesota.
H.R. 2167: Mr. BAIRD.
H.R. 2266: Mr. FRANK of Massachusetts.
H.R. 2303: Mr. LATTA.
H.R. 2329: Mr. DUNCAN and Mr. PORTER.
H.R. 2391: Mr. SESTAK.
H.R. 2469: Mr. CULBERSON.
H.R. 2488: Mr. REYNOLDS.
H.R. 2552: Mr. LEWIS of Georgia.
H.R. 2708: Mr. WYNN, Mr. GEORGE MILLER of California, and Mr. BISHOP of New York.
H.R. 2712: Mrs. DRAKE and Mr. HENSARLING.
H.R. 2796: Mr. MCCOTTER.
H.R. 2914: Mr. KUHL of New York.
H.R. 2915: Mr. FRANK of Massachusetts.
H.R. 2928: Mr. ROTHMAN and Mr. SESTAK.
H.R. 2933: Mr. PRICE of North Carolina.
H.R. 2994: Mr. WEXLER.
H.R. 3080: Mr. KLINE of Minnesota.
H.R. 3107: Mr. ALLEN.
H.R. 3109: Mr. LATTA.
H.R. 3229: Mr. SESTAK, Mr. TOWNS, and Mr. LAMPSON.
H.R. 3282: Mrs. MCCARTHY of New York and Mr. MCDERMOTT.
H.R. 3409: Mr. LOEBSACK, Mr. CLAY, Ms. MOORE of Kansas, and Mr. FILNER.
H.R. 3471: Mr. WALBERG and Mr. LOBIONDO.
H.R. 3548: Mr. HODES.
H.R. 3559: Mr. EVERETT and Mrs. BOYDA of Kansas.
H.R. 3652: Mr. WEXLER and Mr. DAVIS of Alabama.
H.R. 3694: Mr. SAM JOHNSON of Texas.
H.R. 3698: Mr. BERMAN.
H.R. 3723: Mr. HINOJOSA.
H.R. 3774: Mr. MORAN of Virginia.
H.R. 3810: Mr. HIGGINS.
H.R. 3819: Mr. RYAN of Ohio, Mr. PETERSON of Minnesota, Mrs. SCHMIDT, Ms. SUTTON, and Mr. CARNEY.
H.R. 3899: Ms. FALLIN.
H.R. 3934: Mrs. MCCARTHY of New York and Ms. SLAUGHTER.
H.R. 3979: Mr. BLUMENAUER.
H.R. 3995: Mr. MILLER of North Carolina and Mr. PLATTS.
H.R. 4008: Mr. MCCRERY and Mrs. BIGGERT.
H.R. 4061: Mr. AL GREEN of Texas and Mr. PAUL.
H.R. 4066: Mr. HINCHEY, Mr. HALL of New York, Mr. PASCRELL, and Mr. ROTHMAN.
H.R. 4102: Mr. OBERSTAR.
H.R. 4105: Mr. ROSS, Ms. SCHAKOWSKY, Mr. BISHOP of New York, and Mr. PRICE of North Carolina.
H.R. 4139: Mr. JOHNSON of Illinois.
H.R. 4247: Mr. HILL.
H.R. 4264: Mr. CRENSHAW and Mr. WEXLER.
H.R. 4296: Mr. WEXLER and Mr. LARSON of Connecticut.
H.R. 4297: Mrs. CAPITO.
H.R. 4328: Mr. HONDA.
H.R. 4332: Mr. WEXLER.
H.R. 4461: Mrs. BOYDA of Kansas.
H.R. 4540: Mr. GONZALEZ.
H.R. 4691: Mr. INGLIS of South Carolina.
H.R. 4838: Mr. PASTOR, Mr. SARBANES, and Mr. MOORE of Kansas.
H.R. 4841: Mr. KILDEE.
H.R. 4845: Mr. FEENEY.
H.R. 4900: Mr. SMITH of Texas and Mr. BOOZMAN.
H.R. 4915: Mr. LATTA and Mr. MILLER of North Carolina.
H.R. 4930: Mr. MARSHALL, Ms. BORDALLO, Mr. WAMP, Mr. BUCHANAN, and Mr. ROTHMAN.
H.R. 4934: Mr. DINGELL, Mr. WYNN, and Ms. SUTTON.
H.R. 4936: Mr. CASTLE, Mr. WOLF, Mr. VAN HOLLEN, Mr. MORAN of Virginia, Mr. WEXLER, and Mr. MOORE of Kansas.
H.R. 4959: Mr. DEFAZIO, Ms. LEE, Mr. CAPUANO, Ms. JACKSON-LEE of Texas, Mrs. CAPPS, Mr. SMITH of Washington, Ms. WASSERMAN SCHULTZ, and Mr. WEXLER.
H.R. 5035: Ms. WASSERMAN SCHULTZ and Mr. SCOTT of Georgia.
H.R. 5038: Mr. AL GREEN of Texas and Ms. WASSERMAN SCHULTZ.
H.R. 5058: Ms. ESHOO, Mrs. TAUSCHER, Mr. BERMAN, Mr. MCNULTY, Mr. SERRANO, Mr. MCDERMOTT, and Mr. VAN HOLLEN.
H.R. 5069: Mr. HARE.
H.R. 5087: Mr. EDWARDS, Mr. MILLER of Florida, Mrs. GILLIBRAND, and Ms. GIFFORDS.
H.R. 5109: Mr. BARRETT of South Carolina, Mr. BONNER, Mr. BROUN of Georgia, Mr. HELLER, Mr. KING of Iowa, Mrs. MYRICK, Mr. PEARCE, Mr. POE, Mr. SALI, and Mr. WELDON of Florida.
H.J. Res. 76: Mr. DOGGETT.
H. Con. Res. 32: Mr. REYES, Mr. BOYD of Florida, and Mr. CONAWAY.
H. Con. Res. 218: Mr. GARY G. MILLER of California.
H. Con. Res. 263: Mr. BACHUS, Mr. DAVID DAVIS of Tennessee, Mr. BURTON of Indiana, Mr. CANTOR, Mr. SESSIONS, Mr. BILBRAY, Mr. BOEHNER, Mr. WITTMAN of Virginia, Mr. BLUNT, Mr. PUTNAM, Mr. PLATTS, Mr. MCKEON, Mr. COBLE, Mr. CAMP of Michigan, Mr. BOUSTANY, Mrs. BIGGERT, Mr. COLE of Oklahoma, and Mr. KELLER.
H. Res. 76: Mr. MURTHA, Mr. KUCINICH, and Ms. MATSUI.
H. Res. 102: Mr. LYNCH, Mr. MARKEY, and Mr. COSTELLO.
H. Res. 111: Mrs. CAPITO.
H. Res. 185: Mr. BISHOP of New York, Mr. RAMSTAD, and Mr. VAN HOLLEN.
H. Res. 351: Mr. GARY G. MILLER of California.
H. Res. 543: Mr. KAGEN.
H. Res. 795: Mr. HINOJOSA, Mr. HIGGINS, and Ms. CLARKE.
H. Res. 820: Ms. BORDALLO and Mr. INSLEE.
H. Res. 858: Mr. DINGELL.
H. Res. 883: Mrs. MALONEY of New York and Mr. WEXLER.
H. Res. 886: Mr. CONAWAY and Mr. BARRETT of South Carolina.
H. Res. 897: Mr. BROWN of South Carolina and Mr. PORTER.
H. Res. 901: Mr. WEXLER.
H. Res. 919: Mr. DAVID DAVIS of Tennessee, Mr. MCINTYRE, Mr. RAHALL, Mr. PORTER, Mr. JONES of North Carolina, and Mr. GORDON.
H. Res. 929: Mr. HAYES.
H. Res. 930: Mr. INSLEE, Ms. LINDA T. SÁNCHEZ OF CALIFORNIA, MS. MCCOLLUM of Minnesota, and Ms. SUTTON.
H. Res. 931: Mr. MACK, Mr. MCHENRY, Mr. DUNCAN, Mr. SIMPSON, Mr. SHUSTER, Mr. SESSIONS, Mr. CONAWAY, Ms. HARMAN, Mr. ROSKAM, Mr. HENSARLING, Mr. PUTNAM, Mr. DAVIS of Kentucky, Mr. ENGLISH of Pennsylvania, Mr. WILSON of South Carolina, Ms.

WASSERMAN SCHULTZ, Mr. YOUNG of Alaska, Mrs. SCHMIDT, Mr. ADERHOLT, Mr. PICKERING, Mr. SULLIVAN, Mr. ALEXANDER, Mr. KINGSTON, Mr. CANNON, Mr. WESTMORELAND, Mr. GARRETT of New Jersey, Mr. HELLER, Mr. COBLE, Mr. CAMPBELL of California, Mr. CARTER, Mr. BOOZMAN, Mr. BURTON of Indiana, Mr. CASTLE, Ms. FALLIN, Mr. TERRY, Mr. MILLER of Florida, Ms. GINNY BROWN-WAITE of Florida, Mr. CRENSHAW, Mr. PRICE of Georgia, Ms. FOXX, Mrs. EMERSON, Mr. SHAYS, Mr. JONES of North Carolina, Mr. SHULER, Mr. ROGERS of Kentucky, Mrs. CAPITO, Mr. BROWN of South Carolina, and Mr. WALBERG.

H. Res. 939: Mrs. DRAKE, Mr. HENSARLING, and Mr. POE.

TUESDAY, JANUARY 29, 2008 (9)

¶9.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order at 10:30 a.m. by the SPEAKER pro tempore, Mr. ISRAEL, who laid before the House the following communication:

WASHINGTON, DC,
January 29, 2008.

I hereby appoint the Honorable STEVE ISRAEL to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

Whereupon, pursuant to the order of the House of January 4, 2007, Members were recognized for morning-hour debate.

¶9.2 RECESS—10:48 A.M.

The SPEAKER pro tempore, Mr. ISRAEL, pursuant to clause 12(a) of rule I, declared the House in recess at 10 o'clock and 48 minutes a.m., until noon.

¶9.3 AFTER RECESS—NOON

The SPEAKER pro tempore, Mr. PASTOR, called the House to order.

¶9.4 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. PASTOR, announced he had examined and approved the Journal of the proceedings of Monday, January 28, 2008.

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

¶9.5 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

5164. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Difenoconazole; Pesticide Tolerance [EPA-HQ-OPP-2007-0541; FRL-8343-5] received January 3, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5165. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Fluroxypyr; Pesticide Tolerance [EPA-HQ-OPP-2007-0114; FRL-8343-2] received December 21, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5166. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Dimethenamid; Pesticide Tolerance [EPA-HQ-OPP-2007-0116; FRL-8342-7] received December 21, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5167. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Lead System Integrators [DFARS Case 2006-D051] (RIN: 0750-AF80) received December 21, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

5168. A letter from the Counsel for Legislation and Regulations, Department of Housing and Urban Development, transmitting the Department's final rule — Project-Based Voucher Rents for Units Receiving Low-Income Housing Tax Credits [Docket No. FR-5034-F-02] (RIN: 2577-AC62) received December 20, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5169. A letter from the Director, Office of Legislative Affairs, Department of the Treasury, transmitting the Department's final rule — Identity Theft Red Flags and Address Discrepancies Under the Fair and Accurate Credit Transactions Act of 2003 [Docket ID OCC-2007-0017] (RIN: 1557-AC87) received December 20, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5170. A letter from the General Counsel, National Credit Union Administration, transmitting the Administration's final rule — Purchase, Sale, and Pledge of Eligible Obligations (RIN: 3133-AD37) received December 20, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5171. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; West Virginia; Section 110(a)(1) 8-Hour Ozone Maintenance Plan and Amendments to the 1-Hour Ozone Maintenance Plan [EPA-R03-OAR-2007-0215; FRL-8513-8] received January 3, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5172. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Michigan: Final Authorization of State Hazardous Waste Management Program Revision [Docket No. EPA-R05-RCRA-2007-0722; FRL-8514-1] received January 3, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5173. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to Consolidated Federal Air Rule; Correction [EPA-HQ-OAR-2007-0429; FRL-8511-7] (RIN: 2060-A045) received December 21, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5174. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Regulation of Oil-Bearing Hazardous Secondary Materials From the Petroleum Refining Industry Processed in a Gasification System to Produce Synthesis Gas [RCRA-2002: FRL-8511-5] (RIN: 2050-AE78) received December 21, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5175. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Summer Flounder Fishery; Commercial Quota Harvested for New York [Docket No. 061020273-7001-03] (RIN: 0648-XD45) received December 20, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5176. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Atlantic Bluefish Fishery; Quota Transfer [Docket No. 061109296-7009-02] (RIN: 0648-XD65) received December 20, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5177. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fraser River Sockeye and Pink Salmon Fisheries; Inseason Orders (RIN: 0648-XD05) received December 20, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5178. A letter from the Secretary, Federal Maritime Commission, Federal Maritime Commission, transmitting the Commission's final rule — Amendment to Regulations Governing the Filing of Proof of Financial Responsibility [Docket No. 07-06] (RIN: 3072-AC33) received January 4, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5179. A letter from the Director of Regulations Management, Office of Regulation Policy & Management, VA, Department of Veterans Affairs, transmitting the Department's final rule — Dependents' Educational Assistance (RIN: 2900-AM72) received January 4, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

5180. A letter from the Director of Regulations Management (00REG), Department of Veterans Affairs, transmitting the Department's final rule — Education: Approval of Accredited Courses for VA Education Benefits (RIN: 2900-AM80) received January 4, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

5181. A letter from the Director of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule — VA Acquisition Regulation: Plain Language Rewrite (RIN: 2900-AK78) received January 4, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

5182. A letter from the Acting SSA Regulations Officer, Social Security Administration, transmitting the Administration's final rule — Privacy and Disclosure of Official Records and Information [Docket No. SSA-2007-0067] (RIN: 0960-AG14) received December 20, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

¶9.6 COMMUNICATION REGARDING SUBPOENA

The SPEAKER pro tempore, Mr. PASTOR, laid before the House the following communication from Paul Arcangeli, Professional Staff Member, office of the House Committee on Armed Services:

COMMITTEE ON ARMED SERVICES,
HOUSE OF REPRESENTATIVES,
Washington, DC, January 28, 2008.

Hon. NANCY PELOSI,
Speaker, House of Representatives, Washington, DC.

DEAR MADAM SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have received a subpoena for testimony issued by the U.S. District Court for the Eastern District of Virginia.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the precedents and privileges of the House.

Sincerely,

PAUL ARCANGELI,
Professional Staff Member.

¶9.7 COMMUNICATION REGARDING SUBPOENA

The SPEAKER pro tempore, Mr. PASTOR, laid before the House the following communication from Roberta Y. Hopkins, Acting Chief of Staff, office of the Honorable William J. Jefferson:

JANUARY 28, 2008.

Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have received a subpoena for testimony issued by the U.S. District Court for the Eastern District of Virginia.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the precedents and privileges of the House.

Sincerely,

ROBERTA Y. HOPKINS,
Acting Chief of Staff.

¶9.8 COMMUNICATION REGARDING SUBPOENA

The SPEAKER pro tempore, Mr. PASTOR, laid before the House the following communication from Stephanie R. Butler, District Manager, office of the Honorable William J. Jefferson:

JANUARY 28, 2008.

Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have received a subpoena for testimony issued by the U.S. District Court for the Eastern District of Virginia.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the precedents and privileges of the House.

Sincerely,

STEPHANIE R. BUTLER,
District Manager.

¶9.9 ECONOMIC STIMULUS

Mr. RANGEL moved to suspend the rules and pass the bill (H.R. 5140) to provide economic stimulus through recovery rebates to individuals, incentives for business investment, and an increase in conforming and FHA loan limits.

The SPEAKER pro tempore, Mr. PASTOR, recognized Mr. RANGEL and Mr. MCCRERY, each for 20 minutes.

Pending consideration of said bill.

By unanimous consent, the time for debate was extended by 80 minutes, to be equally divided and controlled by Mr. RANGEL and Mr. MCCRERY.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Ms. DEGETTE, announced that two-thirds of the Members present had voted in the affirmative.

Mr. LARSON of Connecticut, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative	Yeas	385
	Nays	35
	Answered present	1

¶9.10 [Roll No. 25]

YEAS—385

Abercrombie	Dent	Kind
Ackerman	Diaz-Balart, L.	King (IA)
Aderholt	Diaz-Balart, M.	King (NY)
Akin	Dicks	Kirk
Alexander	Dingell	Klein (FL)
Allen	Doggett	Kline (MN)
Altmire	Donnelly	Knollenberg
Andrews	Doolittle	Kucinich
Arcuri	Doyle	Kuhl (NY)
Baca	Drake	LaHood
Bachmann	Dreier	Lamborn
Bachus	Duncan	Lampson
Baldwin	Edwards	Langevin
Barrett (SC)	Ehlers	Larsen (WA)
Barrow	Ellison	Larson (CT)
Bartlett (MD)	Ellsworth	Latham
Barton (TX)	Emanuel	LaTourette
Bean	Emerson	Latta
Becerra	Engel	Lee
Berkley	English (PA)	Levin
Berman	Eshoo	Lewis (CA)
Biggert	Etheridge	Lewis (GA)
Bilbray	Everett	Lipinski
Bilirakis	Fallin	LoBiondo
Bishop (GA)	Farr	Loebsack
Bishop (NY)	Fattah	Lofgren, Zoe
Bishop (UT)	Ferguson	Lowey
Blackburn	Fortenberry	Lucas
Blumenauer	Fossella	Lungren, Daniel E.
Blunt	Foxx	
Boehner	Frank (MA)	Lynch
Bonner	Franks (AZ)	Mack
Bono Mack	Frelinghuysen	Mahoney (FL)
Boozman	Gallegly	Maloney (NY)
Boren	Garrett (NJ)	Manzullo
Boswell	Gerlach	Marchant
Boucher	Giffords	Markey
Boustany	Gilchrest	Marshall
Boyda (KS)	Gillibrand	Matheson
Brady (PA)	Gonzalez	Matsui
Brady (TX)	Goodlatte	McCarthy (CA)
Braley (IA)	Gordon	McCarthy (NY)
Brown (SC)	Granger	McCaul (TX)
Brown-Waite, Ginny	Graves	McCollum (MN)
	Green, Al	McCotter
Buchanan	Green, Gene	McCrery
Burton (IN)	Grijalva	McDermott
Butterfield	Gutierrez	McGovern
Buyer	Hall (NY)	McHenry
Calvert	Hall (TX)	McHugh
Camp (MI)	Hare	McIntyre
Cannon	Harman	McKeon
Cantor	Hastings (WA)	McMorris Rodgers
Capito	Hayes	
Capps	Heller	McNerney
Capuano	Hensarling	McNulty
Cardoza	Herger	Meek (FL)
Carnahan	Herseth Sandlin	Meeks (NY)
Carney	Higgins	Melancon
Carter	Hill	Mica
Castle	Hinchey	Michaud
Castor	Hinojosa	Miller (FL)
Chabot	Hirono	Miller (MI)
Chandler	Hobson	Miller (NC)
Clarke	Hodes	Miller, George
Clay	Hoekstra	Mitchell
Cleaver	Holden	Mollohan
Clyburn	Holt	Moore (KS)
Cohen	Honda	Moore (WI)
Cole (OK)	Hooley	Moran (KS)
Conaway	Hoyer	Moran (VA)
Conyers	Hulshof	Murphy (CT)
Costa	Inglis (SC)	Murphy, Patrick
Costello	Inslee	Murphy, Tim
Courtney	Israel	Murtha
Cramer	Issa	Musgrave
Crenshaw	Jackson (IL)	Myrick
Crowley	Jackson-Lee (TX)	Nadler
Cuellar		Napolitano
Culberson	Jefferson	Neal (MA)
Cummings	Johnson (GA)	Neugebauer
Davis (AL)	Johnson, E. B.	Nunes
Davis (CA)	Johnson, Sam	Oberstar
Davis (IL)	Jones (NC)	Obey
Davis (KY)	Jordan	Olver
Davis, David	Kagen	Ortiz
Davis, Lincoln	Kanjorski	Pallone
DeFazio	Keller	Pascrell
DeGette	Kennedy	Pastor
Delahunt	Kildee	Payne
DeLauro	Kilpatrick	Pearce
Pelosi	Sánchez, Linda T.	Thompson (MS)
Pence	Sarbanes	Thornberry
Perlmutter	Saxton	Tiahrt
Peterson (PA)	Schakowsky	Tiberi
Petri	Schiff	Tierney
Pickering	Schmidt	Towns
Pitts	Schwartz	Tsongas
Platts	Scott (GA)	Turner
Pomeroy	Scott (VA)	Udall (CO)
Porter	Serrano	Udall (NM)
Price (NC)	Sessions	Upton
Pryce (OH)	Sestak	Van Hollen
Putnam	Shays	Velázquez
Radanovich	Shea-Porter	Visclosky
Rahall	Sherman	Walberg
Ramstad	Shimkus	Walden (OR)
Rangel	Shuler	Walsh (NY)
Regula	Shuster	Walz (MN)
Rehberg	Sires	Wamp
Reichert	Skelton	Waters
Renzi	Slaughter	Watson
Reyes	Smith (NE)	Watt
Reynolds	Smith (NJ)	Waxman
Richardson	Smith (TX)	Weiner
Rodriguez	Snyder	Welch (VT)
Rogers (AL)	Solis	Weldon (FL)
Rogers (KY)	Souder	Weller
Rogers (MI)	Space	Whitfield (KY)
Ros-Lehtinen	Spratt	Wilson (NM)
Roskam	Stark	Wilson (OH)
Ross	Stearns	Wilson (SC)
Rothman	Stupak	Wittman (VA)
Roybal-Allard	Sullivan	Wolf
Ruppersberger	Sutton	Woolsey
Rush	Tanner	Wu
Ryan (OH)	Tauscher	Wynn
Ryan (WI)	Terry	Yarmuth
Salazar	Thompson (CA)	Young (AK)
Sali		Young (FL)

NAYS—35

Baird	Forbes	Price (GA)
Berry	Gingrey	Rohrabacher
Boyd (FL)	Gohmert	Royce
Broun (GA)	Goode	Sanchez, Loretta
Burgess	Hunter	Sensenbrenner
Campbell (CA)	Johnson (IL)	Shadegg
Coble	Kaptur	Smith (WA)
Cooper	Kingston	Tancredo
Cubin	Linder	Taylor
Davis, Tom	Paul	Westmoreland
Deal (GA)	Peterson (MN)	Wexler
Flake	Poe	

ANSWERED ''PRESENT''—1

Brown, Corrine

NOT VOTING—10

Baker	Jones (OH)	Simpson
Feeney	Lantos	Wasserman Schultz
Filner	Lewis (KY)	
Hastings (FL)	Miller, Gary	

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶9.11 H. RES. 933—UNFINISHED BUSINESS

The SPEAKER pro tempore, Ms. DEGETTE, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and agree to pass the bill (H. Res. 933) commending the Louisiana State University Tigers football team for winning the 2007 Bowl Championship Series national Championship game; as amended.

The question being put,

Will the House suspend the rules and agree to said resolution, as amended?

The vote was taken by electronic device.

It was decided in the affirmative .....

Yeas	409
Nays	1
Answered present	4

¶9.12 [Roll No. 26]

YEAS—409

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carney
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walz (MN)
Wamp
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NAYS—1

Berry

ANSWERED ''PRESENT''—4

Broun (GA)
Gingrey
Space
Walsh (NY)

NOT VOTING—16

Carnahan
Doyle
Feeney
Filner
Hastings (FL)
Hastings (WA)
Jones (OH)
Lantos
LaTourette
Lewis (KY)
McDermott
Miller, Gary
Rangel
Simpson
Sires
Wasserman Schultz

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

¶9.13 PROTECT AMERICA

Mr. CONYERS moved to suspend the rules and pass the bill (H.R. 5104) to extend the Protect America Act of 2007 for 30 days; as amended.

The SPEAKER pro tempore, Ms. DEGETTE, recognized Mr. CONYERS and Mr. SMITH of Texas, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Ms. DEGETTE, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

By unanimous consent, the title was amended so as to read: ''An Act to extend the Protect America Act of 2007 for 15 days.''.

A motion to reconsider the votes whereby the rules were suspended and said bill, as amended, was passed and the title was amended was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶9.14 PROVIDING FOR CONSIDERATION OF H.R. 1528

Mr. CARDOZA, by direction of the Committee on Rules, called up the following resolution (H. Res. 940):

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1528) to amend the National Trails System Act to designate the New England National Scenic Trail, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Natural Resources. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Natural Resources now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived except those arising under clause 10 of rule XXI. Notwithstanding clause 11 of rule XVIII, no amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived except those arising under clause 9 or 10 of rule XXI. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. During consideration in the House of H.R. 1528 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

When said resolution was considered.

After debate,

Mr. CARDOZA moved the previous question on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House now order the previous question?

The SPEAKER pro tempore, Ms. DEGETTE, announced that the yeas had it.

So the previous question on the resolution was ordered.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Ms. DEGETTE, announced that the yeas had it.

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶9.15 NEW ENGLAND NATIONAL SCENIC TRAIL

The SPEAKER pro tempore, Ms. DEGETTE, pursuant to House Resolution 940 and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 1528) to amend the National Trails System Act to designate the New England National Scenic Trail, and for other purposes.

The SPEAKER pro tempore, Ms. DEGETTE, by unanimous consent, designated Mr. LYNCH as Chairman of the Committee of the Whole; and after some time spent therein,

The SPEAKER pro tempore, Ms. Loretta SANCHEZ of California, assumed the Chair.

When Mr. LYNCH, Chairman, pursuant to House Resolution 940, reported the bill back to the House with an amendment adopted by the Committee.

The previous question having been ordered by said resolution.

The following amendment, reported from the Committee of the Whole House on the state of the Union, was agreed to:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''New England National Scenic Trail Designation Act''.

SEC. 2. AUTHORIZATION AND ADMINISTRATION.

Section 5(a) of the National Trails System Act (16 U.S.C. 1244(a)) is amended by adding at the end the following:

''(____) NEW ENGLAND NATIONAL SCENIC TRAIL.—The New England National Scenic Trail, a continuous trail extending approximately 220 miles from the border of New Hampshire in the town of Royalston, Massachusetts to Long Island Sound in the town of Guilford, Connecticut, as generally depicted on the map titled 'New England National Scenic Trail Proposed Route', numbered T06–80,000, and dated October 2007. The map shall be on file and available for public inspection in the appropriate offices of the National Park Service. The Secretary of the Interior, in cooperation with Federal, State, tribal, regional, and local agencies, the Appalachian Mountain Club, the Connecticut Forest and Park Association, and other organizations, shall administer the trail consistent with the recommendations of the draft report titled the 'Metacomet Monadnock Mattabesset Trail System National Scenic Trail Feasibility Study and Environmental Assessment', prepared by the National Park Service, and dated Spring 2006. The United States shall not acquire for the trail any land or interest in land without the consent of the owner.''.

SEC. 3. MANAGEMENT.

(a) IN GENERAL.—The Secretary of the Interior (hereafter in this Act referred to as the ''Secretary'') shall use the Trail Management Blueprint described in the draft report titled the ''Metacomet Monadnock Mattabesett Trail System National Scenic Trail Feasibility Study and Environmental Assessment'', prepared by the National Park Service, and dated Spring 2006, as the framework for management and administration of the New England National Scenic Trail. Additional or more detailed plans for administration, management, protection, access, maintenance, or development of the trail may be developed consistent with the Trail Management Blueprint, and as approved by the Secretary.

(b) APPLICATION OF CERTAIN STATE AND LOCAL LAWS.—Notwithstanding subsection (a), all designated and future designated lands within the New England National Scenic Trail, including all Federal lands, shall be exclusively governed by relevant State and local laws regarding hunting, fishing, and the possession or use of a weapon (including concealed weapons), trap, or net.

SEC. 4. COOPERATIVE AGREEMENTS.

The Secretary is authorized to enter into cooperative agreements with the Commonwealth of Massachusetts (and its political subdivisions), the State of Connecticut (and its political subdivisions), the Appalachian Mountain Club, the Connecticut Forest and Park Association, and other regional, local, and private organizations deemed necessary and desirable to accomplish cooperative trail administrative, management, and protection objectives consistent with the Trail Management Blueprint. An agreement under this section may include provisions for limited financial assistance to encourage participation in the planning, acquisition, protection, operation, development, or maintenance of the trail.

SEC. 5. ADDITIONAL TRAIL SEGMENTS.

Pursuant to section 6 of the National Trails System Act, the Secretary is encouraged to work with the State of New Hampshire and appropriate local and private organizations to include that portion of the Metacomet-Monadnock Trail in New Hampshire (which lies between Royalston, Massachusetts and Jaffrey, New Hampshire) as a component of the New England National Scenic Trail. Inclusion of this segment, as well as other potential side or connecting trails, is contingent upon written application to the Secretary by appropriate State and local jurisdictions and a finding by the Secretary that trail management and administration is consistent with the Trail Management Blueprint.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

Mr. BISHOP of Utah, moved to recommit the bill to the Committee on Natural Resources with instructions to report the bill back to the House forthwith with the following amendment:

Page 3, line 4, strike ''owner.'' and insert ''owner. The Secretary may not use eminent domain to acquire land for the trail and may not accept any land that was acquired through the use of eminent domain for inclusion in the trail.''.

After debate,

By unanimous consent, the previous question was ordered on the motion to recommit with instructions.

The question being put, viva voce,

Will the House recommit said bill with instructions?

The SPEAKER pro tempore, Ms. Loretta SANCHEZ of California, announced that the nays had it.

Mr. BISHOP of Utah, objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 6, rule XX, and the call was taken by electronic device.

When there appeared { Yeas ..... 183 / Nays 205

¶9.16 [Roll No. 27]

YEAS—183

Aderholt	Frelinghuysen	Murphy, Tim
Akin	Gallegly	Musgrave
Alexander	Garrett (NJ)	Myrick
Altmire	Gerlach	Neugebauer
Arcuri	Gingrey	Nunes
Bachmann	Gohmert	Paul
Bachus	Goode	Pearce
Barrett (SC)	Goodlatte	Pence
Barrow	Granger	Peterson (PA)
Bartlett (MD)	Graves	Petri
Barton (TX)	Green, Gene	Pickering
Berkley	Hall (NY)	Pitts
Biggert	Hall (TX)	Platts
Bilbray	Hayes	Poe
Bilirakis	Heller	Porter
Bishop (UT)	Hensarling	Price (GA)
Blackburn	Herger	Ramstad
Blunt	Herseth Sandlin	Regula
Boehner	Hobson	Rehberg
Bonner	Hoekstra	Reichert
Bono Mack	Hulshof	Renzi
Boozman	Hunter	Reynolds
Boustany	Inglis (SC)	Rogers (AL)
Brady (TX)	Issa	Rogers (KY)
Broun (GA)	Johnson (IL)	Rogers (MI)
Brown (SC)	Johnson, Sam	Rohrabacher
Brown-Waite, Ginny	Jones (NC)	Ros-Lehtinen
	Jordan	Roskam
Buchanan	King (IA)	Royce
Burgess	King (NY)	Ryan (WI)
Burton (IN)	Kingston	Sali
Buyer	Kirk	Schmidt
Camp (MI)	Kline (MN)	Sensenbrenner
Campbell (CA)	Knollenberg	Sessions
Cannon	Kuhl (NY)	Shadegg
Cantor	LaHood	Shays
Capito	Lamborn	Shimkus
Carney	Lampson	Shuster
Castle	Latham	Smith (NE)
Chabot	Latta	Smith (NJ)
Coble	Lewis (CA)	Smith (TX)
Cole (OK)	Linder	Souder
Conaway	LoBiondo	Stearns
Crenshaw	Lucas	Sullivan
Cubin	Lungren, Daniel E.	Tancredo
Culberson		Terry
Davis (KY)	Mack	Thornberry
Davis, David	Manzullo	Tiahrt
Dent	Marshall	Turner
Doolittle	McCarthy (CA)	Upton
Drake	McCaul (TX)	Walberg
Dreier	McCotter	Walden (OR)
Duncan	McHenry	Walsh (NY)
Ehlers	McHugh	Wamp
Emerson	McIntyre	Weldon (FL)
English (PA)	McKeon	Weller
Ferguson	McMorris Rodgers	Whitfield (KY)
Flake		Wilson (SC)
Forbes	Mica	Wittman (VA)
Fossella	Miller (FL)	Wolf
Foxx	Miller (MI)	Young (AK)
Franks (AZ)	Moran (KS)	Young (FL)

NAYS—205

Abercrombie	Becerra	Boyd (FL)
Ackerman	Berman	Boyda (KS)
Allen	Bishop (GA)	Brady (PA)
Baca	Bishop (NY)	Braley (IA)
Baird	Blumenauer	Brown, Corrine
Baldwin	Boren	Butterfield
Bean	Boswell	Capps

Capuano
Cardoza
Carnahan
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Grijalva
Gutierrez
Hare
Harman
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (NY)
McDermott
McGovern
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmuter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NOT VOTING—42

Andrews
Baker
Berry
Boucher
Calvert
Carter
Davis, Tom
Deal (GA)
DeFazio
Diaz-Balart, L.
Diaz-Balart, M.
Doyle
Everett
Fallin
Feeney
Filner
Fortenberry
Gilchrest
Hastings (FL)
Hastings (WA)
Jones (OH)
Keller
Lantos
LaTourette
Lewis (KY)
Lipinski
Marchant
McCollum (MN)
McCrery
Miller, Gary
Pryce (OH)
Putnam
Radanovich
Saxton
Simpson
Slaughter
Tiberi
Udall (CO)
Wasserman Schultz
Westmoreland
Wilson (NM)
Wynn

So the motion to recommit with instructions was not agreed to.

The question being put, viva voce,

Will the House pass said bill?

The SPEAKER pro tempore, Ms. Loretta SANCHEZ of California, announced that the yeas had it.

Mr. GRIJALVA demanded a recorded vote on passage of said bill, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 261 / Nays 122

¶9.17 [Roll No. 28]

AYES—261

Abercrombie
Ackerman
Allen
Altmire
Arcuri
Baca
Bachus
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Blunt
Boozman
Boren
Boswell
Boucher
Boyd (FL)
Brady (PA)
Brady (TX)
Braley (IA)
Brown, Corrine
Buchanan
Butterfield
Capps
Capuano
Carnahan
Carney
Castle
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Donnelly
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Engel
English (PA)
Eshoo
Etheridge
Farr
Fattah
Ferguson
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Giffords
Gonzalez
Gordon
Granger
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inglis (SC)
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Klein (FL)
Knollenberg
Kucinich
LaHood
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
Lee
Levin
Lewis (GA)
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Peterson (PA)
Pickering
Pitts
Platts
Pomeroy
Price (NC)
Rahall
Ramstad
Rangel
Regula
Reichert
Reyes
Richardson
Rogers (MI)
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sessions
Shays
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Tiahrt
Tierney
Towns
Tsongas
Turner
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walsh (NY)
Walz (MN)
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Wexler
Whitfield (KY)
Wilson (OH)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth

NOES—122

Aderholt
Akin
Alexander
Bachmann
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Boehner
Bonner
Bono Mack
Boustany
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Doolittle
Drake
Dreier
Duncan
Emerson
Flake
Forbes
Fossella
Foxx
Franks (AZ)
Garrett (NJ)
Gingrey
Gohmert
Goode
Goodlatte
Graves
Hall (TX)
Hayes
Heller
Hensarling
Herger
Hoekstra
Hulshof
Hunter
Issa
Johnson, Sam
Jones (NC)
Jordan
King (IA)
Kingston
Kline (MN)
Kuhl (NY)
Lamborn
Latta
Lewis (CA)
Linder
Lungren, Daniel E.
Mack
Manzullo
McCarthy (CA)
McCaul (TX)
McCotter
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Moran (KS)
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Petri
Poe
Porter
Price (GA)
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Sensenbrenner
Shadegg
Shimkus
Shuster
Smith (NE)
Souder
Stearns
Sullivan
Tancredo
Thornberry
Walberg
Walden (OR)
Wamp
Wilson (SC)
Young (AK)
Young (FL)

NOT VOTING—47

Andrews
Baker
Berry
Boyda (KS)
Calvert
Cardoza
Carter
Davis, Tom
Deal (GA)
DeFazio
Diaz-Balart, L.
Diaz-Balart, M.
Doyle
Everett
Fallin
Feeney
Filner
Fortenberry
Gilchrest
Gillibrand
Hastings (FL)
Hastings (WA)
Jones (OH)
Keller
Lantos
LaTourette
Lewis (KY)
Lipinski
Marchant
McCollum (MN)
McCrery
Miller, Gary
Pryce (OH)
Putnam
Radanovich
Rodriguez
Ros-Lehtinen
Saxton
Sestak
Simpson
Tiberi
Udall (CO)
Wasserman Schultz
Weldon (FL)
Westmoreland
Wilson (NM)
Wynn

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶9.18 CALENDAR WEDNESDAY BUSINESS DISPENSED WITH

On motion of Mr. HOYER, by unanimous consent,

Ordered, That business in order for consideration on Wednesday, February 6, 2008, under clause 6, rule XV, the Calendar Wednesday rule, be dispensed with.

¶9.19 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. BARTON of Texas, for today after 7 p.m.; and

To Mr. WYNN, for today after 6 p.m..

And then,

¶9.20 ADJOURNMENT

On motion of Mrs. BLACKBURN, pursuant to House Concurrent Resolution 279, at 8 o'clock and 20 minutes p.m., the House adjourned until 2 p.m. on Wednesday, February 6, 2008.

¶9.21 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

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

Mr. FRANK of Massachusetts: Committee on Financial Services. H.R. 3521. A bill to improve the Operating Fund for public housing of the Department of Housing and Urban Development; with an amendment (Rept. 110–521). Referred to the Committee of the Whole House on the state of the Union.

¶9.22 COMMITTEE DISCHARGE

Pursuant to clause 2 of rule XII the Committee on Energy and Commerce discharged from further consideration. H.R. 2830 referred to the Committee of the Whole House on the state of the Union.

¶9.23 PUBLIC BILLS AND RESOLUTIONS

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

By Mr. RAHALL (for himself, Mrs. CAPITO, and Mr. MOLLOHAN):

H.R. 5151. A bill to designate as wilderness additional National Forest System lands in the Monongahela National Forest in the State of West Virginia, and for other purposes; to the Committee on Natural Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KIRK (for himself, Mr. KLEIN of Florida, Mr. CROWLEY, and Ms. BERKLEY):

H.R. 5152. A bill to authorize assistance for ethnic and religious minorities in Russia, Ukraine, and Belarus; to the Committee on Foreign Affairs.

By Mr. KANJORSKI:

H.R. 5153. A bill to increase temporarily the conforming loan limits of the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation in certain areas, enhance mortgage market liquidity, and for other purposes; to the Committee on Financial Services.

By Mr. FALEOMAVAEGA:

H.R. 5154. A bill to condition further increases in the minimum wage applicable to American Samoa and the Commonwealth of the Northern Mariana Islands on a determination by the Secretary of Labor that such increases will not have an adverse impact on the economies of American Samoa and the Commonwealth of the Northern Mariana Islands; to the Committee on Education and Labor.

By Ms. SHEA-PORTER:

H.R. 5155. A bill to amend title 38, United States Code, to prohibit the Secretary of Veterans Affairs from collecting certain debts to the United States in the case of veterans who die as a result of a service-connected disability incurred or aggravated on active duty in a combat zone, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. CLAY (for himself and Mr. WAMP):

H.R. 5156. A bill to require a study of the feasibility of establishing the John Lewis Civil Rights Trail System, and for other purposes; to the Committee on Natural Resources.

By Mr. FRANK of Massachusetts (for himself, Mr. MARKEY, Mr. FILNER, Ms. CLARKE, Mr. CONYERS, Mr. BOUCHER, Mr. JEFFERSON, Mr. GUTIERREZ, Mr. TIERNEY, Ms. NORTON, Mr. DEFAZIO, Ms. BALDWIN, Mr. CUMMINGS, Mr. FARR, Mr. ABERCROMBIE, Ms. MOORE of Wisconsin, Mr. THOMPSON of Mississippi, Ms. WASSERMAN SCHULTZ, Mr. BUTTERFIELD, Ms. ROYBAL-ALLARD, Ms. JACKSON-LEE of Texas, Mr. HINCHEY, Mr. MCGOVERN, Mr. KUCINICH, Ms. LEE, Mr. ALLEN, Mr. RANGEL, Mr. COHEN, Mr. RYAN of Ohio, Mr. OLVER, Mr. ACKERMAN, Mr. HARE, Mr. ELLISON, Mr. GEORGE MILLER of California, Mr. TOWNS, Mr. CLYBURN, Mr. VAN HOLLEN, Mr. MCDERMOTT, Mr. HONDA, Mr. CAPUANO, Mr. WAXMAN, Mr. WYNN, Mr. GONZALEZ, Mr. LANTOS, Ms. ZOE LOFGREN of California, Mr. BERMAN, Mr. STARK, Mr. AL GREEN of Texas, Mr. PAUL, Ms. WOOLSEY, Mr. WATT, Mr. CLAY, Ms. LINDA T. SÁNCHEZ of California, Mr. PAYNE, Mr. DAVIS of Illinois, Mr. JOHNSON of Georgia, Ms. HIRONO, Ms. SLAUGHTER, Ms. SCHAKOWSKY, Mr. MATHESON, Mr. SNYDER, Mr. SCOTT of Virginia, Mr. NADLER, Mr. BRADY of Pennsylvania, Mrs. CHRISTENSEN, Mrs. CAPPS, Mr. JACKSON of Illinois, Mr. RUSH, and Mr. LEWIS of Georgia):

H.R. 5157. A bill to amend the Higher Education Act of 1965 to repeal the provisions prohibiting persons convicted of drug offenses from receiving student financial assistance; to the Committee on Education and Labor.

By Mr. BOSWELL:

H.R. 5158. A bill to direct the United States Postal Service to designate a single, unique ZIP Code for Windsor Heights, Iowa; to the Committee on Oversight and Government Reform.

By Mr. BRADY of Pennsylvania (for himself and Mr. EHLERS):

H.R. 5159. A bill to establish the Office of the Capitol Visitor Center within the Office of the Architect of the Capitol, headed by the Chief Executive Officer for Visitor Services, to provide for the effective management and administration of the Capitol Visitor Center, and for other purposes; to the Committee on House Administration.

By Mr. KIND (for himself and Mr. HULSHOF):

H.R. 5160. A bill to amend the Internal Revenue Code of 1986 to encourage retirement savings by modifying requirements with respect to employer-established IRAs, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WU:

H.R. 5161. A bill to provide for the establishment of Green Transportation Infrastructure Research and Technology Transfer Centers, and for other purpose; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Science and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BRADY of Texas:

H.R. 5162. A bill to suspend temporarily the duty on a certain chemical used in the production of textiles; to the Committee on Ways and Means.

By Mr. BRADY of Texas:

H.R. 5163. A bill to suspend temporarily the duty on a certain chemical that is used for dyeing apparel home textiles; to the Committee on Ways and Means.

By Mr. BRADY of Texas:

H.R. 5164. A bill to suspend temporarily the duty on a certain chemical that is used for dyeing apparel home textiles; to the Committee on Ways and Means.

By Mr. BRADY of Texas:

H.R. 5165. A bill to extend the temporary suspension of duty on 4-Anilino-3-nitro-N-phenylbenzenesulphonamide; to the Committee on Ways and Means.

By Mr. BRADY of Texas:

H.R. 5166. A bill to suspend temporarily the duty on Naphthalenedisulfonic acid; to the Committee on Ways and Means.

By Mr. BRALEY of Iowa (for himself, Mr. CONYERS, Mr. FRANK of Massachusetts, Mr. SESTAK, Mr. HARE, Ms. SUTTON, Mr. SARBANES, Mr. KAGEN, Ms. HIRONO, Ms. KILPATRICK, Mr. HALL of New York, Mr. WELCH of Vermont, Ms. SHEA-PORTER, Mr. WALZ of Minnesota, Mr. PERLMUTTER, Mr. GONZALEZ, Mr. CARNAHAN, Mr. COURTNEY, Mr. GEORGE MILLER of California, Mr. CUMMINGS, Mr. MURPHY of Connecticut, Ms. LEE, Ms. CASTOR, Ms. JACKSON-LEE of Texas, Mr. ELLISON, Mr. KENNEDY, Mr. JOHNSON of Georgia, Mr. MORAN of Virginia, and Ms. HOOLEY):

H.R. 5167. A bill to amend the National Defense Authorization Act for Fiscal Year 2008 to remove the authority of the President to waive certain provisions; to the Committee on the Judiciary.

By Ms. GINNY BROWN-WAITE of Florida (for herself, Mr. YOUNG of Florida, Mr. HASTINGS of Florida, Mr. MARIO DIAZ-BALART of Florida, Mr. BOYD of Florida, Mr. CRENSHAW, Mr. KELLER, Mr. PUTNAM, Mr. WELDON of Florida, Mr. MAHONEY of Florida, Mr. MILLER of Florida, Mr. MEEK of Florida, Mr. BILIRAKIS, Mr. FEENEY, Ms. ROS-LEHTINEN, Mr. LINCOLN DIAZ-BALART of Florida, Mr. MACK, Mr. BUCHANAN, Ms. CORRINE BROWN of Florida, Mr. STEARNS, Mr. MICA, Ms. WASSERMAN SCHULTZ, Ms. CASTOR, Mr. KLEIN of Florida, and Mr. WEXLER):

H.R. 5168. A bill to designate the facility of the United States Postal Service located at 19101 Cortez Boulevard in Brooksville, Florida, as the ''Cody Grater Post Office Building''; to the Committee on Oversight and Government Reform.

By Mr. CANTOR:

H.R. 5169. A bill to amend the Internal Revenue Code of 1986 to reduce marginal income tax rates on corporations; to the Committee on Ways and Means.

By Mr. CARNEY (for himself and Mr. THOMPSON of Mississippi):

H.R. 5170. A bill to amend the Homeland Security Act of 2002 to provide for a privacy official within each component of the Department of Homeland Security, and for other purposes; to the Committee on Homeland Security.

By Mr. COSTA (for himself and Mr. RAHALL):

H.R. 5171. A bill to reauthorize and amend the National Geologic Mapping Act of 1992; to the Committee on Natural Resources.

By Mr. DONNELLY (for himself, Mr. SMITH of New Jersey, Mr. ELLSWORTH, and Mr. BUCHANAN):

H.R. 5172. A bill to amend the Internal Revenue Code of 1986 to provide recovery rebates to certain individuals receiving Social Security benefits; to the Committee on Ways and Means.

By Mr. ELLISON (for himself, Mr. COOPER, Mr. DUNCAN, Ms. MCCOLLUM of Minnesota, Mr. RAMSTAD, Mr. WALZ of Minnesota, Mr. PETERSON of Minnesota, Mr. CUMMINGS, and Mr. OBERSTAR):

H.R. 5173. A bill to temporarily delay application of proposed changes to Medicaid payment rules for case management and targeted case management services; to the Committee on Energy and Commerce.

By Mr. ENGLISH of Pennsylvania (for himself, Mr. POMEROY, Mr. SMITH of New Jersey, and Ms. ROS-LEHTINEN):

H.R. 5174. A bill to amend title XVIII of the Social Security Act to continue the ability of hospitals to supply a needed workforce of nurses and allied health professionals by preserving funding for hospital operated nursing and allied health education programs; to the Committee on Ways and Means.

By Ms. FOXX (for herself, Mr. LINDER, Mr. WILSON of South Carolina, Mr. BURTON of Indiana, Mr. TANCREDO, Mr. WELDON of Florida, Mr. KINGSTON, Mrs. BLACKBURN, Mr. DOOLITTLE, Mr. GARRETT of New Jersey, Mr. PENCE, Mr. FRANKS of Arizona, Mr. GOHMERT, Mr. PAUL, Mr. FLAKE, Mrs. MYRICK, Mr. BARTLETT of Maryland, and Mrs. CUBIN):

H.R. 5175. A bill to amend the Internal Revenue Code of 1986 to repeal the withholding of income and Social Security taxes; to the Committee on Ways and Means.

By Mr. GENE GREEN of Texas (for himself and Mr. TIM MURPHY of Pennsylvania):

H.R. 5176. A bill to amend the Public Health Service Act with respect to mental health services; to the Committee on Energy and Commerce.

By Mr. GRIJALVA:

H.R. 5177. A bill to provide for a land exchange involving certain Bureau of Land Management lands in Pima County, Arizona, for the purpose of consolidating Federal land ownership within the Las Cienegas National Conservation Area, and for other purposes; to the Committee on Natural Resources.

By Mr. GRIJALVA (for himself, Ms. JACKSON-LEE of Texas, Mr. DAVIS of Illinois, Mr. PAYNE, Mr. SCOTT of Virginia, and Ms. CLARKE):

H.R. 5178. A bill to enhance public safety by improving the reintegration of youth offenders into the families and communities to which they are returning; to the Committee on the Judiciary, and in addition to the Committees on Education and Labor, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HOLT (for himself, Mr. HINOJOSA, Mr. EHLERS, and Mr. MARKEY):

H.R. 5179. A bill to establish in the Department of Education an Assistant Secretary for International and Foreign Language Education and an Office of International and Foreign Language Education; to the Committee on Education and Labor.

By Mr. LOEBSACK (for himself, Mr. BOSWELL, and Mr. BRALEY of Iowa):

H.R. 5180. A bill making supplemental appropriations for fiscal year 2008 for the Department of Justice's Edward Byrne Memorial Justice Assistance Grant program; to the Committee on Appropriations, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MALONEY of New York (for herself, Ms. SUTTON, Mr. MCNULTY, Ms. JACKSON-LEE of Texas, Ms. WOOLSEY, and Mr. ABERCROMBIE):

H.R. 5181. A bill to amend the Public Health Service Act to establish a program of research regarding the risks posed by the presence of dioxin, synthetic fibers, and other additives in feminine hygiene products, and to establish a program for the collection and analysis of data on toxic shock syndrome; to the Committee on Energy and Commerce.

By Mrs. MALONEY of New York:

H.R. 5182. A bill to suspend temporarily the duty on cyclopentadecanolide; to the Committee on Ways and Means.

By Mrs. MALONEY of New York:

H.R. 5183. A bill to extend the temporary suspension of duty on cis-3-Hexen-1-ol; to the Committee on Ways and Means.

By Mrs. MALONEY of New York:

H.R. 5184. A bill to suspend temporarily the duty on 2-methyl-3-(3,4 methylenedioxyphenyl) propanal; to the Committee on Ways and Means.

By Mrs. MALONEY of New York:

H.R. 5185. A bill to extend the temporary suspension of duty on polytetramethylene ether glycol; to the Committee on Ways and Means.

By Mrs. MALONEY of New York:

H.R. 5186. A bill to extend the temporary suspension of duty on magnesium zinc aluminum hydroxide carbonate hydrate; to the Committee on Ways and Means.

By Mrs. MALONEY of New York:

H.R. 5187. A bill to extend the temporary suspension of duty on Magnesium aluminum hydroxide carbonate hydrate; to the Committee on Ways and Means.

By Mrs. MALONEY of New York:

H.R. 5188. A bill to extend the temporary suspension of duty on C12-18 alkenes; to the Committee on Ways and Means.

By Mr. MEEK of Florida:

H.R. 5189. A bill to establish the Orange Juice Promotion and Production Improvements Trust Fund; to the Committee on Agriculture.

By Mr. MILLER of Florida:

H.R. 5190. A bill to suspend temporarily the duty on certain acrylic fiber tow; to the Committee on Ways and Means.

By Mr. PAUL:

H.R. 5191. A bill to prohibit the use of Federal funds to carry out the highway project known as the ''Trans-Texas Corridor''; to the Committee on Transportation and Infrastructure.

By Ms. PRYCE of Ohio (for herself and Mr. MURTHA):

H.R. 5192. A bill to improve the palliative and end-of-life care provided to children with life-threatening conditions, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RUSH (for himself, Mrs. MALONEY of New York, Mr. BLUMENAUER, Mr. GUTIERREZ, and Ms. JACKSON-LEE of Texas):

H.R. 5193. A bill to award a Congressional Gold Medal to Barry C. Scheck and to Peter Neufeld in recognition of their outstanding service to the Nation and to justice as cofounders and co-directors of the Innocence Project; to the Committee on Financial Services.

By Mrs. TAUSCHER:

H.R. 5194. A bill to extend the temporary suspension of duty on Clethodim; to the Committee on Ways and Means.

By Mrs. TAUSCHER:

H.R. 5195. A bill to suspend temporarily the duty on Red 30-kilovolt high-frequency cable, 30 square millimeters; to the Committee on Ways and Means.

By Mrs. TAUSCHER:

H.R. 5196. A bill to suspend temporarily the duty on UNITRONIC LIYCY-type 350-volt Multi-conductor copper cable, PVC (Polyvinylcarbonate) insulation, 8.9 millimeter diamer; to the Committee on Ways and Means.

By Mrs. TAUSCHER:

H.R. 5197. A bill to suspend temporarily the duty on White plastic mounting flange, 286 millimeter diameter, 45 millimeter thickness; to the Committee on Ways and Means.

By Mrs. TAUSCHER:

H.R. 5198. A bill to suspend temporarily the duty on Cathode high voltage connector; to the Committee on Ways and Means.

By Mrs. TAUSCHER:

H.R. 5199. A bill to suspend temporarily the duty on Stainless steel Vaccuum Feed-Through for optical sensor, 41 millimeter diameter, MANSKE part number 43935/2; to the Committee on Ways and Means.

By Mrs. TAUSCHER:

H.R. 5200. A bill to suspend temporarily the duty on fiber optic amplifier type ILVS 19/4 with metal housing; to the Committee on Ways and Means.

By Mrs. TAUSCHER:

H.R. 5201. A bill to suspend temporarily the duty on single light optical sensor, stainless steel casing, 0.5 meter-long, 2.2 millimeter diameter cable; to the Committee on Ways and Means.

By Mrs. TAUSCHER:

H.R. 5202. A bill to suspend temporarily the duty on optical fiber sensor, consisting of a 10 millimeter diameter lens built in an M14 screw feedthrough with 10-meter long fiber optic cable of 2.2 millimeter diameter; to the Committee on Ways and Means.

By Mrs. TAUSCHER:

H.R. 5203. A bill to suspend temporarily the duty on 2.5-Kilowatt drive motor, Flange diameter 160 millimeter, shaft diameter 30 millimeter; to the Committee on Ways and Means.

By Mrs. TAUSCHER:

H.R. 5204. A bill to suspend temporarily the duty on fork-style optical sensor with special vacuum application, 2.5 meter-long cable, stainless steel casing and sheath material; to the Committee on Ways and Means.

By Mrs. TAUSCHER:

H.R. 5205. A bill to suspend temporarily the duty on cathode drive unit includes 89-Kilowatt Gearmotor, synchronous belt, stainless steel bearing housing, bearings, stainless steel drive shaft, cooling water lead-through, stainless steel driveflange connection, rubber seals, PEEK high performance plastic, insulators, water fittings and metric stainless steel hardware; to the Committee on Ways and Means.

By Mrs. TAUSCHER:

H.R. 5206. A bill to suspend temporarily the duty on Steel Ball Bearing, 62 millimeters outside diameter x 30 millimeters inside diameter x 16 millimeters width; to the Committee on Ways and Means.

By Mrs. TAUSCHER:

H.R. 5207. A bill to suspend temporarily the duty on Gas Flow Control Valve, 500 milliliters minimum; to the Committee on Ways and Means.

By Mrs. TAUSCHER:

H.R. 5208. A bill to suspend temporarily the duty on 1.25 inch Stainless Steel Tee Pipe Fitting; to the Committee on Ways and Means.

By Mrs. TAUSCHER:

H.R. 5209. A bill to suspend temporarily the duty on Pressure Hose with red jacket, 42 millimeters outside diameter x 32 millimeters inside diameter; to the Committee on Ways and Means.

By Mrs. TAUSCHER:

H.R. 5210. A bill to suspend temporarily the duty on Black NBR rubber O-ring, 3150 millimeters diameter, 9896 millimeters circumference; to the Committee on Ways and Means.

By Mrs. TAUSCHER:

H.R. 5211. A bill to suspend temporarily the duty on stainless steel Hose Barb, 88.5 millimeters length x 34 millimeters diameter; to the Committee on Ways and Means.

By Mrs. TAUSCHER:

H.R. 5212. A bill to suspend temporarily the duty on Gas Flow Control Valve 100 milliliters minimum; to the Committee on Ways and Means.

By Mrs. TAUSCHER:

H.R. 5213. A bill to suspend temporarily the duty on Mounting Fixture, 230 millimeters length x 150 millimeters width x 12 millimeters thick; to the Committee on Ways and Means.

By Mrs. TAUSCHER:

H.R. 5214. A bill to suspend temporarily the duty on feedthrough with housing 125 millimeters long, Housing mounting flange 180 millimeters outside diameter x 20 millimeters thick; to the Committee on Ways and Means.

By Mrs. TAUSCHER:

H.R. 5215. A bill to suspend temporarily the duty on coupling assembly with 2 steel hubs with 32 millimeter outside diameter, 18 millimeter inside diameter, and a white plastic sleeve with 46 millimeter outside diameter and 28 millimeter width; to the Committee on Ways and Means.

By Mr. UDALL of Colorado:

H.R. 5216. A bill to promote as a renewable energy source the use of biomass removed from forest lands in connection with hazardous fuel reduction projects on certain Federal land, and for other purposes; to the Committee on Energy and Commerce.

By Mr. UDALL of Colorado:

H.R. 5217. A bill to direct the Administrator of the Small Business Administration to conduct a demonstration program to raise awareness about telework among small business employers, and to encourage such employers to offer telework options to employees, and for other purposes; to the Committee on Small Business.

By Mr. UDALL of Colorado (for himself and Mr. FILNER):

H.R. 5218. A bill to promote fire-safe communities, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committees on Agriculture, Natural Resources, and Science and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WEINER:

H.R. 5219. A bill to authorize appropriations for the seafood inspection regime of the Food and Drug Administration; to the Committee on Agriculture.

By Mr. WU (for himself, Mr. BLUMENAUER, Mr. DEFAZIO, Ms. HOOLEY, and Mr. WALDEN of Oregon):

H.R. 5220. A bill to designate the facility of the United States Postal Service located at 3800 SW. 185th Avenue in Beaverton, Oregon, as the ''Major Arthur Chin Post Office Building''; to the Committee on Oversight and Government Reform.

By Mr. AKIN (for himself and Mr. CLEAVER):

H. Con. Res. 284. Concurrent resolution encouraging the President to proclaim 2008 as ''The National Year of the Bible''; to the Committee on Oversight and Government Reform.

By Mr. KANJORSKI (for himself, Mrs. CAPITO, Mr. WILSON of Ohio, Mr. ALTMIRE, Mr. MURTHA, Mr. CARNEY, Mr. TIM MURPHY of Pennsylvania, Mr. CHANDLER, Mr. PETERSON of Pennsylvania, Mr. GEORGE MILLER of California, Mr. HOLDEN, Mr. GERLACH, Mr. SHIMKUS, Mr. SHUSTER, Mr. WOLF, and Mr. SPACE):

H. Con. Res. 285. Concurrent resolution expressing the sense of the Congress that a postage stamp should be issued honoring the Nation's coal miners; to the Committee on Oversight and Government Reform.

By Mr. MORAN of Virginia (for himself, Mr. SCOTT of Virginia, Mr. TOM DAVIS of Virginia, Mr. PAYNE, Mr. MEEKS of New York, Mr. WOLF, Mr. CONYERS, Mr. CLAY, Mr. TOWNS, Ms. KILPATRICK, Ms. MOORE of Wisconsin, Mr. RUSH, Mr. HASTINGS of Florida, Mr. DAVIS of Illinois, Mr. JEFFERSON, Mr. CLEAVER, Mr. OBERSTAR, Mr. MARKEY, Mr. HALL of Texas, Mr. SHAYS, Mr. BUTTERFIELD, Mr. AL GREEN of Texas, Mr. HINOJOSA, Mr. DELAHUNT, Mr. WATT, Mr. ELLISON, Mr. PALLONE, Mr. JOHNSON of Georgia, Mr. BRALEY of Iowa, Mr. SCOTT of Georgia, Ms. WATSON, Ms. SLAUGHTER, Mr. LARSON of Connecticut, Mr. KUCINICH, Mr. ROSS, Mr. VAN HOLLEN, Mr. CARDOZA, Mr. SERRANO, and Mr. MCGOVERN):

H. Con. Res. 286. Concurrent resolution expressing the sense of Congress that Earl Lloyd should be recognized and honored for breaking the color barrier and becoming the first African American to play in the National Basketball Association League 58 years ago; to the Committee on Oversight and Government Reform.

By Mr. UDALL of Colorado (for himself, Mr. GORDON, Mr. HALL of Texas, Mr. FEENEY, and Mr. LAMPSON):

H. Con. Res. 287. Concurrent resolution celebrating the 50th anniversary of the United States Explorer I satellite, the world's first scientific spacecraft, and the birth of the United States space exploration program; to the Committee on Science and Technology.

By Mr. KUHL of New York (for himself and Mr. ARCURI):

H. Res. 946. A resolution recognizing the Canandaigua Veterans Affairs Medical Center on its 75th anniversary; to the Committee on Veterans' Affairs.

By Mr. ROYCE (for himself, Mr. LANTOS, Ms. ROS-LEHTINEN, Mr. FALEOMAVAEGA, Ms. WATSON, Mr. WILSON of South Carolina, Mr. BURTON of Indiana, Mr. CAPUANO, Mr. PAYNE, Mr. FOSSELLA, Mr. ACKERMAN, Ms. JACKSON-LEE of Texas, Mr. GARRETT of New Jersey, Mr. MEEKS of New York, Mr. ENGEL, Mr. HONDA, Mr. MCCOTTER, and Mr. MORAN of Virginia):

H. Res. 947. A resolution congratulating Lee Myung-Bak on his election to the Presidency of the Republic of Korea and wishing him well during his time of transition and his inauguration on February 25, 2008; to the Committee on Foreign Affairs.

By Mrs. BOYDA of Kansas (for herself, Mr. MOORE of Kansas, Mr. TIAHRT, and Mr. MORAN of Kansas):

H. Res. 948. A resolution congratulating the University of Kansas (''KU'') football team for winning the 2008 FedEx Orange Bowl and having the most successful year in program history; to the Committee on Education and Labor.

By Mr. BROUN of Georgia (for himself, Mr. BARRETT of South Carolina, and Mr. BARROW):

H. Res. 949. A resolution recognizing and commending the 100th Anniversary of the Augusta Metro Chamber of Commerce; to the Committee on Energy and Commerce.

By Ms. CORRINE BROWN of Florida:

H. Res. 950. A resolution recognizing the 19th annual ''Zora Neale Hurston Festival of the Arts and Humanities'' which will be held from January 26, 2008, to February 3, 2008; to the Committee on Oversight and Government Reform.

By Mr. GARRETT of New Jersey (for himself, Mr. ENGEL, Mr. HENSARLING, and Ms. BERKLEY):

H. Res. 951. A resolution condemning the ongoing Palestinian rocket attacks on Israeli civilians, and for other purposes; to the Committee on Foreign Affairs.

By Mr. KLEIN of Florida (for himself, Mr. ROSKAM, Mr. MARKEY, Mr. TOWNS, Mr. HOLDEN, Mrs. GILLIBRAND, Mr. ROSS, Mr. MCINTYRE, Mr. LEWIS of Georgia, Mr. KELLER, Mr. SHULER, Mr. COHEN, Mr. MCGOVERN, Ms. SUTTON, Mr. ALTMIRE, Mr. EHLERS, Mr. THOMPSON of California, Mr. BACA, Ms. LINDA T. SÁNCHEZ of California, Mr. HINCHEY, Mr. SESTAK, Mr. BRALEY of Iowa, Mr. LAMPSON, Ms. BORDALLO, Mrs. TAUSCHER, Mr. INSLEE, Mr. MEEK of Florida, Mrs. BOYDA of Kansas, Mr. SKELTON, Mr. DAVIS of Illinois, Ms. LORETTA SANCHEZ of California, Mr. FILNER, Mr. ROTHMAN, Mr. BISHOP of Georgia, Mr. BRADY of Pennsylvania, Mr. SARBANES, Mr. WALZ of Minnesota, Mr. ETHERIDGE, Mr. MAHONEY of Florida, Mr. CLEAVER, Ms. WASSERMAN SCHULTZ, Mr. LYNCH, Ms. MATSUI, Mr. ALLEN, Mr. ELLISON, Mr. WYNN, Ms. MCCOLLUM of Minnesota, Mr. HONDA, Mr. GRIJALVA, Mr. HILL, Mr. AL GREEN of Texas, Mr. FARR, Mr. VAN HOLLEN, Mr. MATHESON, Mr. MOORE of Kansas, Mr. GENE GREEN of Texas, Mr. SMITH of Washington, Mr. MITCHELL, Mr. KAGEN, Mr. WU, Mr. MCNERNEY, Mr. CARNEY, Mr. GORDON, Mr. WELCH of Vermont, Mrs. CAPPS, Mr. BERRY, Ms. TSONGAS, Mr. HIGGINS, Mr. ORTIZ, Mr. YOUNG of Alaska, Mr. REYNOLDS, Mr. LINCOLN DIAZ-BALART of Florida, Mr. DONNELLY, Mr. ARCURI, Mr. KUHL of New York, Mr. SOUDER, Ms. HIRONO, Mr. LANTOS, Mr. LOEBSACK, Mr. RAMSTAD, Mr. SIRES, Mrs. BLACKBURN, Mr. SHIMKUS, Mr. WALDEN of Oregon, Mr. GARRETT of New Jersey, Mr. DAVIS of Kentucky, Mr. KIRK, Ms. MOORE of Wisconsin, Mr. BOSWELL, Mr. RODRIGUEZ, Mr. REYES, Mr. COURTNEY, Mr. GUTIERREZ, Mr. KENNEDY, Mr. SERRANO, Mr. RUSH, Mr. HOLT, Ms. CASTOR, Ms. SCHAKOWSKY, Mr. ISRAEL, Mr. SCOTT of Georgia, Mr. LINCOLN DAVIS of Tennessee, Ms. WOOLSEY, Mr. LANGEVIN, Ms. NORTON, Mr. GONZALEZ, Mr. SHAYS, Mr. REICHERT, Mr. REHBERG, Mr. DANIEL E. LUNGREN of California, Mr. ENGLISH of Pennsylvania, Mr. HARE, Mr. CHANDLER, Mr. WILSON of Ohio, Ms. WATSON, Mr. KIND, Mr. MEEKS of New York, Mr. WEXLER, Mr. HALL of New York, Mr. THOMPSON of Mississippi, Mr. FATTAH, Ms. KILPATRICK, Mr. BISHOP of New York, Ms. BERKLEY, Mr. HASTINGS of Florida, Mr. ACKERMAN, Mr. KILDEE, Mrs. DAVIS of California, Mr. ENGEL, Mr. CAPUANO, Mr. FOSSELLA, Mr. SMITH of New Jersey, Mr. PUTNAM, and Ms. GRANGER):

H. Res. 952. A resolution expressing the sense of the House of Representatives that there should be established a National Teacher Day to honor and celebrate teachers in the United States; to the Committee on Oversight and Government Reform.

By Mr. KNOLLENBERG:

H. Res. 953. A resolution expressing the sense of the House of Representatives that all Americans should participate in a moment of silence to reflect upon the service and sacrifice of members of the United States Armed Forces both at home and abroad; to the Committee on Armed Services.

By Ms. ZOE LOFGREN of California (for herself, Mr. CONYERS, Mr. GRIJALVA, Mr. SMITH of Texas, Mr. KING of Iowa, Mr. THOMPSON of Mississippi, Ms. LORETTA SANCHEZ of California, Mr. KING of New York, Mr. REYES,

Ms. GIFFORDS, Mr. CARNEY, Ms. JACKSON-LEE of Texas, Mr. AL GREEN of Texas, Mr. DAVIS of Alabama, Mr. DANIEL E. LUNGREN of California, Mr. RODRIGUEZ, Mr. GALLEGLY, Mr. CUELLAR, Mr. PENCE, Mr. BERMAN, Mr. HILL, Mr. SHULER, Mr. WALZ of Minnesota, Mr. SPACE, Mr. ELLSWORTH, Mr. JOHNSON of Georgia, Mr. HALL of New York, Mr. MAHONEY of Florida, Mr. BRALEY of Iowa, Mr. DONNELLY, and Mrs. BOYDA of Kansas):

H. Res. 954. A resolution honoring the life of senior Border Patrol agent Luis A. Aguilar, who lost his life in the line of duty near Yuma, Arizona, on January 19, 2008; to the Committee on Homeland Security.

¶9.24 MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

225. The SPEAKER presented a memorial of the Legislature of the State of Alaska, relative to House Joint Resolution No. 11 urging the Congress of the United States to take action to honor the sovereignty of the individual states to regulate and command the National Guard of the states; to the Committee on Armed Services.

226. Also, a memorial of the House of Representatives of the Commonwealth of Pennsylvania, relative to House Resolution No. 447 expressing support for the Children's Health Insurance Program Reauthorization Act of 2007 and urging the Congress of the United States to override the veto; to the Committee on Energy and Commerce.

227. Also, a memorial of the Senate of the State of Michigan, relative to Senate Resolution No. 131 requesting the Congressional Joint Committee on the Library to approve the replacement of Michigan's statue of Zachariah Chandler with an image of President Gerald R. Ford as part of the National Statuary Hall collection; to the Committee on House Administration.

228. Also, a memorial of the Legislature of the State of Alaska, relative to Senate Joint Resolution No. 6 urging the Congress of the United States to defeat H.R. 39, titled ''To preserve the Arctic coastal plain of the Arctic National Wildlife Refuge, Alaska, as wilderness in recognition of its extraordinary natural ecosystems and for the permanent good of present and future generations of Americans''; to the Committee on Natural Resources.

229. Also, a memorial of the Legislature of the State of Alaska, relative to House Joint Resolution No. 21 urging the Congress of the United States to enact legislation to require congressional approval before an area in the United States may be considered for an international designation; to the Committee on Natural Resources.

230. Also, a memorial of the Legislature of the State of Alaska, relative to House Joint Resolution No. 17 encouraging Coeur Alaska, Inc., to pursue all legal options to resolve the issues presented in Southeast Alaska Conservation Council v. United States Army Corps of Engineers on behalf of itself and consistent with the state's efforts to enforce its rights as a state over its resources; to the Committee on the Judiciary.

¶9.25 PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII:

Mr. REYES introduced a bill (H.R. 5221) for the relief of Kumi Iizuka-Barcena; which was referred to the Committee on the Judiciary.

¶9.26 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 181: Ms. EDDIE BERNICE JOHNSON of Texas.
H.R. 197: Mr. ELLSWORTH.
H.R. 241: Mr. GOODLATTE, Mr. GOHMERT, Mr. FRANKS of Arizona, Mr. FEENEY, Mr. PENCE, Mr. MANZULLO, Mr. HERGER, Mr. THORNBERRY, Mr. BRADY of Texas, Mr. DAVID DAVIS of Tennessee, Mr. BARTLETT of Maryland, Mr. WILSON of South Carolina, Mr. PITTS, and Mr. BURGESS.
H.R. 281: Mr. THOMPSON of California.
H.R. 550: Mr. PORTER.
H.R. 551: Mr. WALDEN of Oregon.
H.R. 583: Mr. SESTAK.
H.R. 585: Mrs. LOWEY.
H.R. 621: Mr. LOBIONDO.
H.R. 648: Mrs. CUBIN and Mr. HOLDEN.
H.R. 685: Mr. ROSS, Mr. BURGESS, and Mr. MARCHANT.
H.R. 706: Mr. CONYERS.
H.R. 821: Mr. GONZALEZ.
H.R. 871: Mr. GEORGE MILLER of California.
H.R. 891: Ms. CLARKE, Ms. LORETTA SANCHEZ of California, and Mr. CALVERT.
H.R. 913: Mr. BACHUS.
H.R. 946: Mr. COHEN.
H.R. 1000: Mr. DICKS.
H.R. 1017: Ms. WATERS and Ms. LINDA T. SÁNCHEZ of California.
H.R. 1102: Mr. SMITH of Washington.
H.R. 1223: Mrs. BOYDA of Kansas.
H.R. 1232: Mr. REHBERG.
H.R. 1390: Mr. WU.
H.R. 1419: Mr. WEXLER.
H.R. 1428: Mrs. CAPITO.
H.R. 1444: Mrs. LOWEY.
H.R. 1456: Mr. SIRES.
H.R. 1497: Mr. FRANK of Massachusetts.
H.R. 1540: Mrs. BLACKBURN.
H.R. 1553: Mr. JACKSON of Illinois, and Mr. GINGREY.
H.R. 1584: Ms. MATSUI and Mr. RADANOVICH.
H.R. 1589: Mrs. CAPITO.
H.R. 1609: Mr. GEORGE MILLER of California, Mr. REYES, and Mr. WHITFIELD of Kentucky.
H.R. 1610: Mr. HASTINGS of Washington, Mr. REYNOLDS, and Mr. ALTMIRE.
H.R. 1621: Mr. JACKSON of Illinois.
H.R. 1653: Ms. RICHARDSON, Mr. SESTAK, and Mr. MICHAUD.
H.R. 1691; Mr. WEXLER.
H.R. 1738: Mr. FRANK of Massachusetts.
H.R. 1742: Mr. BLUMENAUER, Mr. ROSKAM, and Mr. MORAN of Virginia.
H.R. 1748: Mr. MANZULLO.
H.R. 1772: Mr. ELLSWORTH.
H.R. 1789: Mr. GOODLATTE.
H.R. 1801: Mr. DOGGETT.
H.R. 1818: Mrs. CAPITO.
H.R. 1829: Ms. GINNY BROWN-WAITE of Florida.
H.R. 1843: Mr. LOBIONDO.
H.R. 1881: Mr. KING of New York.
H.R. 1953: Mr. ELLISON and Mr. JACKSON of Illinois.
H.R. 1956: Ms. RICHARDSON.
H.R. 1964: Mr. RUPPERSBERGER.
H.R. 1965: Mr. BRALEY of Iowa.
H.R. 1975: Ms. MATSUI.
H.R. 2032: Mr. ELLISON.
H.R. 2045: Mr. WEXLER and Ms. LINDA T. SÁNCHEZ of California.
H.R. 2049: Mr. ISRAEL.
H.R. 2054: Mr. SIMPSON.
H.R. 2091: Mr. MOORE of Kansas.
H.R. 2188: Mrs. BOYDA of Kansas.
H.R. 2267: Mr. SESTAK and Mr. HOLDEN.
H.R. 2353: Ms. CLARKE.
H.R. 2464: Mr. WAMP.
H.R. 2495: Mr. MICHAUD and Mr. PATRICK MURPHY of Pennsylvania.
H.R. 2510: Mr. HALL of Texas.
H.R. 2580: Mr. LEWIS of Kentucky.
H.R. 2596: Mr. AL GREEN of Texas.
H.R. 2604: Ms. BALDWIN.
H.R. 2611: Mr. BRALEY of Iowa.
H.R. 2676: Mr. KING of New York.
H.R. 2685: Mr. MAHONEY of Florida.
H.R. 2686: Mr. MAHONEY of Florida.
H.R. 2702: Mr. COURTNEY.
H.R. 2708: Mr. ACKERMAN.
H.R. 2711: Mr. PORTER.
H.R. 2712: Mr. ENGLISH of Pennsylvania.
H.R. 2734: Mrs. BONO Mack and Mr. MCKEON.
H.R. 2802: Mr. DELAHUNT.
H.R. 2840: Mr. AL GREEN of Texas.
H.R. 3014: Mr. NADLER.
H.R. 3016: Mr. UDALL of Colorado.
H.R. 3051: Mrs. MUSGRAVE.
H.R. 3057: Mr. HINOJOSA.
H.R. 3182: Mr. MORAN of Virginia.
H.R. 3185: Mr. MICHAUD.
H.R. 3232: Mr. BILBRAY, Mr. MORAN of Virginia, and Mrs. CAPITO.
H.R. 3298: Mr. FORTUÑO and Mr. KUCINICH.
H.R. 3314: Mr. RANGEL.
H.R. 3363: Mr. SMITH of Nebraska and Mr. KIND.
H.R. 3378: Mr. HONDA, Mr. MORAN of Virginia, and Mrs. BOYDA of Kansas.
H.R. 3439: Mr. SESTAK and Mr. DAVIS of Illinois.
H.R. 3547: Ms. CORRINE BROWN of Florida.
H.R. 3609: Mr. SARBANES and Mr. DAVIS of Illinois.
H.R. 3616: Mr. GENE GREEN of Texas.
H.R. 3622: Mr. THOMPSON of Mississippi, Mr. MORAN of Virginia, Mr. CLEAVER, and Mr. WEXLER.
H.R. 3689: Mr. GONZALEZ and Ms. BALDWIN.
H.R. 3697: Mr. WEXLER.
H.R. 3717: Mr. KAGEN.
H.R. 3735: Mr. RAMSTAD.
H.R. 3750: Mr. MARSHALL.
H.R. 3797: Mr. SESTAK, Ms. ZOE LOFGREN of California, Ms. GIFFORDS, and Mr. ALTMIRE.
H.R. 3815: Ms. RICHARDSON.
H.R. 3819: Mr. DONNELLY, Mr. ENGLISH of Pennsylvania, and Ms. MATSUI.
H.R. 3825: Mr. BURGESS, Mr. FOSSELLA, Ms. PRYCE of Ohio, Mrs. CAPITO, and Mr. MCHUGH.
H.R. 3846: Mr. WEXLER, Mr. GONZALEZ, and Mr. MEEKS of New York.
H.R. 3852: Mr. LATTA.
H.R. 3899: Mr. GOODE.
H.R. 3934: Mr. ALTMIRE and Mrs. NAPOLITANO.
H.R. 3980: Mr. MCGOVERN.
H.R. 4044: Mr. WOLF.
H.R. 4061: Mr. EHLERS.
H.R. 4063: Mr. VAN HOLLEN.
H.R. 4088: Mr. KINGSTON.
H.R. 4105: Mr. JACKSON of Illinois.
H.R. 4125: Mr. POE.
H.R. 4126: Mr. DAVIS of Alabama, Mr. BRADY of Pennsylvania, Mr. ALLEN, and Mr. HERGER.
H.R. 4236: Mr. CROWLEY, Mr. ELLISON, Mr. SCOTT of Georgia, Ms. HIRONO, Mr. UDALL of New Mexico, and Mr. HILL.
H.R. 4244: Mr. NUNES.
H.R. 4318: Mr. BOYD of Florida.
H.R. 4355: Mr. ALEXANDER, Ms. WATERS, and Mr. SHIMKUS.
H.R. 4461: Mr. PERLMUTTER.
H.R. 4464: Mr. ADERHOLT, Mrs. CAPITO, Mr. GARRETT of New Jersey, Ms. FALLIN, Mr. SMITH of Nebraska, Mr. BACHUS, Mrs. EMERSON, Mr. SESSIONS, and Mr. FORBES.
H.R. 4544: Mr. HINOJOSA.
H.R. 4651: Mr. GRIJALVA.
H.R. 4833: Mr. SERRANO and Mr. PASTOR.
H.R. 4838: Mr. GEORGE MILLER of California, Mr. SMITH of Washington, and Ms. ESHOO.
H.R. 4841: Mr. CALVERT.
H.R. 4915: Mr. BARRETT of South Carolina and Mr. ENGLISH of Pennsylvania.
H.R. 4930: Mr. YOUNG of Florida, Mr. BARRETT of South Carolina, Mr. LOBIONDO, and Mr. SHUSTER.
H.R. 5032: Mr. MCCOTTER, Mr. FORTENBERRY, Mr. JONES of North Carolina, Mr. LINDER, Mr. GARRETT of New Jersey, Mr. SOUDER, Mr. BOOZMAN, Mr. PITTS, Mr. LAMBORN, Mr. CHABOT, Mr. BROUN of Georgia, Mr. FORBES, Mr. GOODE, and Mr. RENZI.

H.R. 5035: Mr. JACKSON of Illinois.
H.R. 5036: Mr. GORDON, Mr. LEVIN, Mr. ALTMIRE, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. MORAN of Virginia, Ms. WASSERMAN SCHULTZ, Mr. WYNN, Ms. WOOLSEY, Ms. JACKSON-LEE of Texas, Mr. PALLONE, Mr. GENE GREEN of Texas, Ms. KILPATRICK, Mr. COOPER, and Mr. JACKSON of Illinois.
H.R. 5056: Mr. WELCH of Vermont.
H.R. 5057: Mr. KILDEE, Mr. SMITH of Washington, and Mr. BERMAN.
H.R. 5058: Mr. HARE, Mrs. CAPPS, Mr. MCNERNEY, Mrs. DAVIS of California, Ms. LEE, Ms. DELAURO, Mr. SESTAK, Ms. WOOLSEY, and Mr. FARR.
H.R. 5060: Mr. MILLER of North Carolina and Mr. CHANDLER.
H.R. 5087: Mr. SHULER, Mr. WALBERG, Mr. KAGEN, and Mr. DEFAZIO.
H.R. 5105: Mr. HELLER.
H.R. 5109: Mr. BARTON of Texas, Mr. BISHOP of Utah, Mr. GOODE, Mr. JONES of North Carolina, Mr. MILLER of Florida, Mr. NEUGEBAUER, Mr. RADANOVICH, Mr. SENSENBRENNER, Mr. SULLIVAN, Mr. TANCREDO, Mr. MCCOTTER, Mr. STEARNS, Mr. DEAL of Georgia, and Mr. FOSSELLA.
H.R. 5124: Mr. SAXTON, Mr. GRAVES, Mr. BILBRAY, Mr. GINGREY, Mr. COBLE, Mrs. MYRICK, and Mr. MARCHANT.
H.R. 5132: Mr. HASTINGS of Florida.
H.R. 5143: Mr. GEORGE MILLER of California, Mr. ORTIZ, Mr. SIRES, Mr. PASTOR, Ms. VELÁZQUEZ, Mr. REYES, and Mr. BACA.
H.J. Res. 6: Mr. DENT.
H.J. Res. 67: Mr. MARSHALL.
H. Con. Res. 32: Mr. YOUNG of Florida, Mrs. MCMORRIS RODGERS, and Mr. MITCHELL.
H. Con. Res. 40: Mr. STUPAK.
H. Con. Res. 70: Mrs. DAVIS of California and Ms. BALDWIN.
H. Con. Res. 244: Mr. REYES, Mr. GARY G. MILLER of California, and Mr. HOLDEN.
H. Con. Res. 263: Mr. NUNES, Mr. SMITH of Nebraska, Mr. SULLIVAN, Mr. LUCAS, Mr. TIBERI, Mr. LATTA, Mr. BARTLETT of Maryland, Mr. HASTINGS of Washington, Mr. FOSSELLA, Mr. REICHERT, Mr. ROYCE, and Mr. PETRI.
H. Con. Res. 267: Mr. BISHOP of Utah, Mr. COLE of Oklahoma, and Mr. LATOURETTE.
H. Con. Res. 278: Mr. CALVERT, Mr. FOSSELLA, Ms. ZOE LOFGREN of California, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. WU, Ms. WASSERMAN SCHULTZ, Mr. BOSWELL, and Ms. WATSON.
H. Con. Res. 280: Mr. SCOTT of Virginia, Mr. GUTIERREZ, Mr. MORAN of Virginia, Mr. FATTAH, Mr. RANGEL, Ms. WATSON, Ms. SUTTON, Ms. CLARKE, Mr. MEEK of Florida, Mr. DAVIS of Alabama, and Ms. ZOE LOFGREN of California.
H. Res. 102: Mr. RYAN of Wisconsin.
H. Res. 373: Mr. CROWLEY and Mr. ROYCE.
H. Res. 530: Mr. MARKEY.
H. Res. 556: Mr. LEWIS of Kentucky and Mr. COLE of Oklahoma.
H. Res. 758: Mr. LAMBORN.
H. Res. 783: Mr. ADERHOLT.
H. Res. 792: Mrs. LOWEY.
H. Res. 796: Mr. KUHL of New York.
H. Res. 821: Mr. GARRETT of New Jersey.
H. Res. 834: Ms. GIFFORDS.
H. Res. 848: Mr. PRICE of North Carolina and Mr. COLE of Oklahoma.
H. Res. 868: Mr. WEXLER.
H. Res. 881: Mr. HOEKSTRA.
H. Res. 892: Mr. FRANK of Massachusetts, Mr. GORDON, and Mr. RAHALL.
H. Res. 896: Mr. FARR.
H. Res. 917: Ms. HOOLEY, Ms. ESHOO, Mrs. MYRICK, Mr. HINOJOSA, Mr. WEXLER, Mr. BILBRAY, Mr. BROUN of Georgia, Mr. GINGREY, Mr. MARIO DIAZ-BALART of Florida, Mr. ROSS, and Mr. MATHESON.
H. Res. 929: Mrs. MYRICK.
H. Res. 930: Mr. HOLDEN, Mr. LARSEN of Washington, Mr. MCNERNEY, Mr. SPACE, Mrs. DRAKE, Mr. REICHERT, and Mr. PETERSON of Minnesota.
H. Res. 931: Mr. RAMSTAD, Mr. REICHERT, Mr. GOODLATTE, Mr. GOODE, Mr. KUHL of New York, Mr. TIAHRT, Mr. SAM JOHNSON of Texas, Mrs. DRAKE, Mr. ISSA, Mr. STUPAK, and Mr. HALL of Texas.
H. Res. 939: Mr. KIRK, Mrs. MYRICK, and Mr. ROHRABACHER.
H. Res. 943: Mr. CHANDLER, Ms. WOOLSEY, and Mr. HONDA.
H. Res. 944: Mr. JOHNSON of Georgia.
H. Res. 945: Ms. HERSETH SANDLIN and Mr. ROSS.

¶9.27 PETITIONS

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

203. The SPEAKER presented a petition of the City Council of New Orleans, Louisiana, relative to Resolution No. R-07-530 urging the Congress of the United States to appropriate funds for 3,000 Permenent Supportive Housing subsidies for the hurricane — devastated areas of Louisiana; to the Committee on Financial Services.

204. Also, a petition of the San Francisco Board of Supervisors, California, relative to Resolution No. 641-07 urging the Federal Government to impose stricter relations on International Ship Traffic and supporting the Marine Vessel Emissions Reducation Act of 2007; to the Committee on Energy and Commerce.

205. Also, a petition of the Legislature of Rockland County, New York, relative to Resolution No. 574 requesting the Congress of the United States support ratification of the United Nations Convention on the Rights of the Child; to the Committee on Foreign Affairs.

206. Also, a petition of the San Francisco Board of Supervisors, California, relative to Resolution No. 594-07 urging Speaker Nancy Pelosi to continue support and immediately schedule a vote on H.R. 106, which reaffirms the proper recognition of the Armenian Genocide; to the Committee on Foreign Affairs.

207. Also, a petition of the San Francisco Board of Supervisors, California, relative to Resolution No. 569-07 urging neighboring nations and major investors to defense peaceful pro-democracy demonstrators in Burma; to the Committee on Foreign Affairs.

208. Also, a petition of the Legislature of Rockland County, New York, relative to Resolution No. 584 requesting that the United States Postal Service issue a postal stamp honoring Helen Hayes, October 10, 1900 — March 17, 1993; to the Committee on Oversight and Government Reform.

209. Also, a petition of the City Council of Santa Rosa, California, relative to Resolution No. 26998 recommending impeachment of President George W. Bush and Vice President Richard Cheney; to the Committee on the Judiciary.

210. Also, a petition of the Legislature of Ulster County, New York, relative to Resolution No. 392 urging the Congress of the United States to create a Select Committee to investigate the Presidential Administration and to make recommendations regarding grounds for possible impeachment; to the Committee on the Judiciary.

211. Also, a petition of the Miami-Dade County Board of County Commissioners, Florida, relative to Resolution No. R-1246-07 urging the Congress of the United States to reinstate the federal assault weapons ban; to the Committee on the Judiciary.

212. Also, a petition of the Miami-Dade County Board of County Commissioners, Florida, relative to Resolution No. R-1264-07 urging the Florida Legislature to designate NW 7th Avenue from NW 35th Street to 79th Street as Dr. Barbara Carey-Shuler Avenue; to the Committee on Transportation and Infrastructure.

213. Also, a petition of the Miami-Dade County Board of County Commissioners, Florida, relative to Resolution No. R-1245-07 urging the Florida Legislature to increase the penalties and fines for dog and other animal fighting; jointly to the Committees on Agriculture and the Judiciary.

214. Also, a petition of the Senate of the Associated Students of the Univeristy of Nevada, relative to a resolution petitioning the Congress of the United States to pass the DREAM Act; jointly to the Committees on Education and Labor and the Judiciary.

WEDNESDAY, FEBRUARY 6, 2008 (10)

¶10.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Mr. BAIRD, who laid before the House the following communication:

WASHINGTON, DC,
February 6, 2008.

I hereby appoint the Honorable BRIAN BAIRD to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

¶10.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. BAIRD, announced he had examined and approved the Journal of the proceedings of Thursday, January 29, 2008.

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

¶10.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

5183. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Bovine Spongiform Encephalopathy; Minimal-Risk Regions; Identification of Ruminants, and Processing and Importation of Commodities [Docket No. APHIS-2006-0026-3] (RIN: 0579-AC45) received January 22, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5184. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report on U.S. military personnel and U.S. individual civilians retained as contractors involved in supporting Plan Colombia, pursuant to Public Law 106-246, section 3204 (f); to the Committee on Armed Services.

5185. A letter from the Counsel for Legislation and Regulations, Department of Housing and Urban Development, transmitting the Department's final rule — FHA Appraiser Roster Requirements [Docket No. FR-5112-F-01] (RIN: 2502-AI53) received January 23, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5186. A letter from the Legal Information Assistant, Department of the Treasury, transmitting the Department's final rule — Identity Theft Red Flags and Address Discrepancies Under the Fair and Accurate Credit Transactions Act of 2003 [Docket ID OCC-2007-0017] (RIN: 1557-AC87) received January 29, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5187. A letter from the Director, Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting the Corporation's final rule — Rules of Practice and Procedure (RIN: 3064-AD22) received January 29,

2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5188. A letter from the Secretary, Securities and Exchange Commission, transmitting the Commission's final rule — Electronic Shareholder Forums [Release No. 34-57172; IC-28124; File No. S7-16-07] (RIN: 3235-AJ92) received January 23, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5189. A letter from the Attorney, Office of Assistant General Counsel for Legislation and Regulatory Law, Department of Energy, transmitting the Department's final rule — Workplace Substance Abuse Programs at DOE Sites (RIN: 1992-AA38) received January 23, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5190. A letter from the Director, Regulations Policy and Mgmt. Staff, Department of Health and Human Services, transmitting the Department's final rule — Index of Legally Marketed Unapproved New Animal Drugs for Minor Species [Docket No. 2006N-0067] (RIN: 0910-AF67) received January 23, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5191. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Fluopicolide; Pesticide Tolerance [EPA-HQ-OPP-2006-0481; FRL-8341-6] received January 25, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5192. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Boscalid; Denial of Objections [EPA-HQ-OPP-2005-0145; FRL-8347-3] received January 25, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5193. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Health and Safety Data Reporting; Addition of Certain Chemicals [EPA-HQ-OPPT-2007-0487; FRL-8154-2] (RIN: 2070-AB11) received January 25, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5194. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Michigan; Oxides of Nitrogen Regulations, Phase II [EPA-R05-OAR-2007-0024; FRL-8519-4] received January 24, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5195. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Maine; Ozone Maintenance Plans [EPA-R01-OAR-2007-0963; A-1-FRL-8522-1] received January 24, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5196. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Connecticut; State Implementation Plan Revision to Implement the Clean Air Interstate Rule [EPA-R01-OAR-2007-0399; FRL-8517-4] received January 24, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5197. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — State Operating Permit Programs; Ohio; Revisions to the Acid Rain Regulations [EPA-R05-OAR-2007-1198; FRL-8521-3] received January 24, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5198. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Massachusetts; Final Authorization of State Hazardous Waste Management Program Revisions [EPA-R01-RCRA-2007-1171; FRL-8521-8] received January 24, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5199. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — National Emission Standards for Hazardous Air Pollutants for Iron and Steel Foundries [EPA-HQ-OAR-2002-0034; FRL-8522-4] (RIN: 2060-AM85) received January 24, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5200. A letter from the Deputy Chief, CGB, Federal Communications Commission, transmitting the Commission's final rule — In the Matter of Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities [CG Docket No. 03-123] received January 29, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5201. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — In the Matter of Carriage of Digital Television Broadcast Signals: Amendment to Part 76 of the Commission's Rules [CS Docket No. 98-120] received January 29, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5202. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — In the matter of Amendment of Section 73.202(b) FM Table of Allotments, FM Broadcast Stations. (Charlo, Montana) [MB Docket No. 07-143 RM-11381] received January 29, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5203. A letter from the Chief of Staff, Media Burea, Federal Communications Commission, transmitting the Commission's final rule — In the Matter of Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Live Oak, Florida) [MB Docket No. 07-131 RM-11377] received January 29, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5204. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting Copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b; to the Committee on Foreign Affairs.

5205. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting the FY 2007 annual report in accordance with Section 655 of the Foreign Assistance Act of 1961 (FAA); to the Committee on Foreign Affairs.

5206. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(d) of the Arms Export Control Act, certification regarding the proposed license for the manufacture of military equipment to the Government of Colombia (Transmittal No. DDTC 093-07); to the Committee on Foreign Affairs.

5207. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report pursuant to Section 3 of the Arms Export Control Act, as amended, detailing an unauthorized retransfer of U.S.-granted defense articles; to the Committee on Foreign Affairs.

5208. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting Pursuant to section 565(b) of the Foreign Relations Authorization Act for FY 1994 and 1995 (Pub. L. 103-236), certifications and waivers of the prohibition against contracting with firms that comply with the Arab League Boycott of the State of Israel and of the prohibition against contracting with firms that discriminate in the award of subcontracts on the basis of religion, and accompanying Memorandum of Justification; to the Committee on Foreign Affairs.

5209. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's 2007 Annual Report on U.S. Government Assistance to and Cooperative Activities with Eurasia and the Fiscal Year 2007 Annual Report on U.S. Government Assistance to Eastern Europe under the Support for East European Democracy Act, as required by Pub. L. 101-179, Sec. 704(c); to the Committee on Foreign Affairs.

5210. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report pursuant to Paragraph (5)(D) of the Senate's May 1997 resolution of advice and consent to the ratification of the Conventional Armed Forces in Europe Treaty Flank Document of May 31, 1996; to the Committee on Foreign Affairs.

5211. A letter from the Chair, J. William Fulbright Foreign Scholarship Board, transmitting the annual report of the J. William Fulbright Foreign Scholarship Board for 2006-2007; to the Committee on Foreign Affairs.

5212. A communication from the President of the United States, transmitting a report including matters relating to the interdiction of aircraft engaged in illicit drug trafficking, pursuant to 22 U.S.C. 2291-4; (H. Doc. No. 110–91); to the Committee on Foreign Affairs and ordered to be printed.

5213. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-256, ''Bicycle Registration Reform Amendment Act of 2008,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

5214. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-257, ''Enhanced Professional Security Amendment Act of 2008,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

5215. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-258, ''Appointment of the Chief Medical Examiner Amendment Act of 2008,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

5216. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-259, ''Health Services Planning Program Amendment Act of 2008,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

5217. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-261, ''Frank Harris, Jr. Justice Amendment Act of 2008,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

5218. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-263, ''Tregaron Conservancy Tax Exemption and Relief Act of 2008,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

5219. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-265, ''Fiscal Year 2008 Supplemental Appropriations Temporary Act of 2008,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

5220. A letter from the Chairman, Council of the District of Columbia, transmitting a

copy of D.C. ACT 17-273, ''District Funds Reserved Act of 2008,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

5221. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-274, ''Wax Museum Project Tax Abatement Allocation Modification Act of 2008,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

5222. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-276, ''Presidential Primary Ballot Access Temporary Amendment Act of 2008,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

5223. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-277, ''Child Support Compliance Amendment Act of 2008,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

5224. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-279, ''Downtown Retail TIF Amendment Act of 2008,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

5225. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-275, ''Constitution Square Economic Development Act of 2008,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

5226. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-272, ''Small Business Commercial Property Tax Relief Act of 2008,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

5227. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-271, ''Public Education Personnel Reform Amendment Act of 2008,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

5228. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-264, ''Closing of Public Alley in Square 696, S.O. 07-8302, Act of 2008,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

5229. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-262, ''Arthur Capper/Carrollsburg Public Improvements Revenue Bonds Approval Amendment Act of 2008,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

5230. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-260, ''Effi Slaughter Barry HIV/AIDS Initiative Act of 2008,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

5231. A letter from the Chair, CPB Board of Directors, Corporation for Public Broadcasting, transmitting the semiannual report of the Office of the Inspector General for the period ending September 30, 2007, pursuant to 5 U.S.C. app. (Insp. Gen. Act), section 5(b); to the Committee on Oversight and Government Reform.

5232. A letter from the Deputy Chief Human Capital Officer, Department of Commerce, transmitting the Department's report on the use of the Category Rating System, pursuant to 5 U.S.C. 3319; to the Committee on Oversight and Government Reform.

5233. A letter from the Senior Procurement Executive and Director, Office of Acquisition Management and Procurement Executive, Department of Commerce, transmitting in accordance with Section 647(b) of Division F of the Consolidated Appropriations Act, FY 2004, Pub. L. 108-199, and the Office of Management and Budget Memorandum M-08-02, the Department's report on competitive sourcing efforts for FY 2007; to the Committee on Oversight and Government Reform.

5234. A letter from the White House Liaison, Department of Education, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

5235. A letter from the White House Liaison, Department of Education, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

5236. A letter from the Secretary, Department of Energy, transmitting in accordance with Section 647(b) of Division F of the Consolidated Appropriations Act, FY 2004, Pub. L. 108-199, the Department's report on competitive sourcing efforts for FY 2007; to the Committee on Oversight and Government Reform.

5237. A letter from the Deputy Associate General Counsel for Regulatory Affairs, Department of Homeland Security, transmitting the Department's final rule — Minimum Standards for Drivers' Licenses and Identification Cards Acceptable by Federal Agencies for Official Purposes [Docket No. DHS-2006-0030] (RIN: 1601-AA37) received January 14, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

5238. A letter from the Deputy Under Secretary for Management, Department of Homeland Security, transmitting in accordance with Section 647(b) of Division F of the Consolidated Appropriations Act, FY 2004, Pub. L. 108-199, the Department's report on competitive sourcing efforts for FY 2007; to the Committee on Oversight and Government Reform.

5239. A letter from the Assistant Secretary for Administration and Mgmt., Department of Labor, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

5240. A letter from the Assitant Secretary for Administration and Mgmt., Department of Labor, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

5241. A letter from the Secretary, Department of Veterans Affairs, transmitting in accordance with Section 647(b) of Division F of the Consolidated Appropriations Act, FY 2004, Pub. L. 108-199, the Department's report on competitive sourcing efforts for FY 2007; to the Committee on Oversight and Government Reform.

5242. A letter from the Assistant Administrator, Environmental Protection Agency, transmitting in accordance with Section 647(b) of Division F of the Consolidated Appropriations Act, FY 2004, Pub. L. 108-199, the Agency's report on competitive sourcing efforts for FY 2007; to the Committee on Oversight and Government Reform.

5243. A letter from the Administrator, Environmental Protection Agency, transmitting the Agency's report entitled ''Annual Report to Congress on Implementation of Public Law 106-107''; to the Committee on Oversight and Government Reform.

5244. A letter from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act covering the calendar year 2006, pursuant to 5 U.S.C. 552b; to the Committee on Oversight and Government Reform.

5245. A letter from the Secretary, Federal Trade Commission, transmitting the Commission's report entitled, ''Accounting for Laws that Apply Differently to the United States Postal Service and Its Private Competitors,'' pursuant to 39 U.S.C. 101; to the Committee on Oversight and Government Reform.

5246. A letter from the Director, Financial Management, Government Accountability Office, transmitting the FY 2007 annual report of the Comptrollers' General Retirement System, pursuant to Public Law 95-595; to the Committee on Oversight and Government Reform.

5247. A letter from the Director, Office of Personnel Management, transmitting the Chief Human Capital Officers (CHCO) Council's Report to Congress covering FY 2007, pursuant to 5 U.S.C. 1401 note Public Law 107-296 section 1303(d); to the Committee on Oversight and Government Reform.

5248. A letter from the Deputy Assistant Administrator for Operations, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Atlantic Surfclam and Ocean Quahog Fishery; Final 2008-2010 Fishing Quotas for Atlantic Surfclams and Ocean Quahogs [Docket No. 070717342-7713-02] (RIN: 0648-AV42) received January 22, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5249. A letter from the Assistant Secretary Legislative Affairs, Department of State, transmitting the Department's final rule — Visas: Documentation of immigrants under the Immigration and Nationality Act, as amended. — received January 23, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

5250. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a redesignation pursuant to Section 219 of the Immigration and Nationality Act; to the Committee on the Judiciary.

5251. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's final rule — Reauthorization of the Temporary Assistance for Needy Families (TANF) Program (RIN: 0970-AC27) received January 25, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5252. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Intermediary Transaction Tax Shelter [Notice 2008-20] received January 23, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5253. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Application of Section 338 to Insurance Companies [TD 9377] (RIN: 1545-BF02) received January 23, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5254. A letter from the Acting Regulations Officer of Social Security, Social Security Administration, transmitting the Administration's final rule — Private Printing of Prescribed Applications, Forms, and Other Publications [Docket No. SSA-2007-0009] (RIN: 0960-AG36) received January 22, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5255. A letter from the Acting SSA Regulations Officer, Social Security Administration, transmitting the Administration's final rule — Methods for Conducting Personal

Conferences When Waiver of Recovery of a Title II or Title XVI Overpayment Cannot Be Approved [Docket No. SSA-2006-0096] (RIN: 0960-AG40) received January 23, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5256. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's final rule — Revisit User Fee Program for Medicare Survey and Certification Activities [CMS-2278-IFC3] (RIN: 0938-AP22) received January 18, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and Ways and Means.

¶10.4 WHOLE NUMBER OF THE HOUSE OF REPRESENTATIVES ADJUSTED

The SPEAKER pro tempore, Mr. BAIRD, announced under clause 5(d) of rule XX, that, in light of the resignation of the gentleman from Louisiana [Mr. BAKER], the whole number of the House is 430.

¶10.5 COMMUNICATION FROM THE CLERK—MESSAGE FROM THE SENATE

The SPEAKER pro tempore, Mr. BAIRD, laid before the House a communication, which was read as follows:

HOUSE OF REPRESENTATIVES,
Washington, DC, January 30, 2008.

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

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on January 30, 2008, at 9:15 a.m.:

That the Senate passed without amendment H.R. 5104.

That the Senate passed S. 2571.

With best wishes, I am

Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

¶10.6 ENROLLED BILLS SIGNED

The SPEAKER pro tempore, Mr. BAIRD, announced that pursuant to clause 4, rule I, the Speaker signed the following enrolled bills on Wednesday, January 30, 2008:

H.R. 5104. An Act to extend the Protect America Act of 2007 for 15 days.

S. 2110. An Act to designate the facility of the United States Postal Service located at 427 North Street in Taft, California, as the ''Larry S. Pierce Post Office''.

¶10.7 COMMUNICATION FROM THE CLERK—MESSAGE FROM THE SENATE

The SPEAKER pro tempore, Mr. BAIRD, laid before the House a communication, which was read as follows:

HOUSE OF REPRESENTATIVES,
Washington, DC, February 5, 2008.

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

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on February 5, 2008, at 10:24 a.m.:

That the Senate agreed to S.J. Res 25. That the Senate passed S. 550.

Appointments: Washington's Farewell Address

With best wishes, I am

Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

¶10.8 COMMUNICATION FROM THE CLERK—MESSAGE FROM THE SENATE

The SPEAKER pro tempore, Mr. BAIRD, laid before the House a communication, which was read as follows:

HOUSE OF REPRESENTATIVES,
Washington, DC, February 4, 2008.

Hon. NANCY PELOSI,
Speaker, House of Representatives, Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on February 4, 2008, at 10:08 a.m.:

That the Senate concurs in the House amendment to the Senate amendment to the bill H.R. 4253.

Appointments: United States-Japan Interparliamentary Group conference

With best wishes, I am

Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

¶10.9 COMMISSION ON CIVIL RIGHTS

The SPEAKER pro tempore, Mr. BAIRD, pursuant to section 2 of the Civil Rights Commission Amendments Act of 1994 (42 United States Code 1975 note), the order of the House of January 4, 2007, and upon the recommendation of the Minority Leader, announced that the Speaker appointed the following member on the part of the House to the Commission on Civil Rights to fill the existing vacancy thereon and effective February 12, 2008, the Speaker's reappointment of the same Member to a six-year term expiring February 11, 2014: Mr. Todd Gaziano, Falls Church, Virginia.

Ordered, That the Clerk notify the Senate of the foregoing appointment.

¶10.10 COMMUNICATION REGARDING SUBPOENA

The SPEAKER pro tempore, Mr. BAIRD, laid before the House the following communication from Ericka Edwards-Jones, Congressional Aide, office of the Honorable William J. Jefferson:

HOUSE OF REPRESENTATIVES,
Washington, DC, January 28, 2008.

Hon. NANCY PELOSI,
Speaker, House of Representatives, Washington, DC.

DEAR MADAM SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have received a subpoena for testimony issued by the U.S. District Court for the Eastern District of Virginia.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the precedents and privileges of the House.

Sincerely,

ERICKA EDWARDS-JONES,
Congressional Aide.

¶10.11 COMMUNICATION REGARDING SUBPOENA

The SPEAKER pro tempore, Mr. BAIRD, laid before the House the following communication from Angelle B. Kwemo, Legislative Director, office of the Honorable William J. Jefferson:

HOUSE OF REPRESENTATIVES,
Washington, DC, January 29, 2008.

Hon. NANCY PELOSI,
Speaker, House of Representatives, Washington, DC.

DEAR MADAM SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have received a subpoena for testimony issued by the U.S. District Court for the Eastern District of Virginia.

After consultation with counsel, I have determined that compliance with the subpoena is consistent with the precedents and privileges of the House.

Sincerely,

ANGELLE B. KWEMO,
Legislative Director.

¶10.12 MESSAGE FROM THE PRESIDENT—BUDGET FY 2009

The SPEAKER pro tempore, Mr. BAIRD, laid before the House a message from the President, which was read as follows:

To the Congress of the United States:

At www.budget.gov, Americans will find the budget of the Federal Government for Fiscal Year 2009. Two key principles guided the development of my Budget—keeping America safe and ensuring our continued prosperity.

As we enter this New Year, our economy retains a solid foundation despite some challenges, revenues have reached record levels, and we have reduced the Federal deficit by $250 billion since 2004. Thanks to the hard work of the American people and spending discipline in Washington, we are now on a path to balance the budget by 2012. Our formula for achieving a balanced budget is simple: create the conditions for economic growth, keep taxes low, and spend taxpayer dollars wisely or not at all.

As Commander in Chief, my highest priority is the security of the American people. So my Budget invests substantial resources to protect the United States from those who would do us harm. Continuing our Nation's efforts to combat terrorism around the globe, my Budget provides our men and women in uniform the tools they need to succeed in Afghanistan and Iraq, and it furnishes the resources needed for our civilians to help those nations achieve economic and political stabilization. My Budget also strengthens our overseas diplomatic capabilities and development efforts, advances our political and economic interests abroad, and improves the lives of people around the world.

Here at home, we are blessed to live in a country that rewards hard work and innovation. In our flexible and dynamic economy, people can pursue their dreams, turn ideas into enterprises, and provide for their families.

As we look back over the past 7 years, we see the economy has successfully responded to substantial challenges, including a recession terrorist attacks, corporate scandals, wars, and devastating natural disasters. It is a measure of our economy's resilience and the effectiveness of pro-growth policies that our economy has absorbed these shocks, grown for 6 straight

years, and had the longest period of uninterrupted job growth on record. Yet mixed indicators confirm that economic growth cannot be taken for granted. To insure against the risk of an economic downturn, I will work with the Congress to pass a growth plan that will provide immediate, meaningful, and temporary help to our economy.

Americans have real concerns about their ability to afford healthcare coverage, pay rising energy bills, and meet monthly mortgage payments. They expect their elected leaders in Washington to address these pressures on our economy. So my Budget puts forth proposals to make health care more affordable and accessible, reduce our dependence on oil, and help Americans struggling to keep their homes.

Above all, my Budget continues the pro-growth policies that have helped promote innovation and entrepreneurship. I will not jeopardize our country's continued prosperity with a tax increase. Higher taxes would only lead to more wasteful spending in Washington—putting at risk both economic growth and a balanced budget.

As we work to keep taxes low, we must do more to restrain spending. My Budget proposes to keep non-security discretionary spending growth below 1 percent for 2009 and then hold it at that level for the next 4 years. It also cuts spending on projects that are not achieving results—because good intentions alone do not justify a program that is not working.

One of the best ways to reduce waste and increase accountability is to make Federal spending more transparent. To help Americans see where their money is being spent, we have launched a website called www.USAspending.gov, and to help Americans see the kind of results they are getting for their money, we launched www.ExpectMore.gov. I invite all Americans to log on and find out for themselves how their hard-earned tax dollars are being spent.

Billions of those tax dollars go to something called earmarks. Earmarks are special-interest items that are slipped into big spending bills or committee reports, often at the last hour, without discussion or debate. Last January, I asked the Congress to reform earmarks, and lawmakers took some modest steps in that direction. But they failed to end the practice of concealing earmarks in report language—and they continued to fund thousands of them. So I will take steps to advance earmark reform. I also call on the Congress to adopt the legislative line-item veto, which gives the legislative and executive branches a tool to help eliminate wasteful spending. Common-sense reform will help prevent billions of taxpayers' dollars from being spent on unnecessary and unjustified projects.

As we take these steps to address discretionary spending, we also need to confront the biggest challenge to the Federal budget: the unsustainable growth in entitlement spending. Many Americans depend on programs like Social Security, Medicare, and Medicaid, and we have an obligation to make sure they are sound for our children and grandchildren. If we do not address this challenge, we will leave our children three bad options: huge tax increases, huge deficits, or huge cuts in benefits. The longer we put off the problem, the more difficult, unfair, and expensive a solution becomes.

My Budget works to slow the rate of growth of these programs in the short term, which will save $208 billion over 5 years. This step alone would reduce Medicare's 75-year unfunded obligation by nearly one-third. My Administration cannot solve this problem alone, though. We need a commitment from the Congress to reform and improve these vital programs so they can serve future generations of Americans.

In my 2009 Budget, I have set clear priorities that will help us meet our Nation's most pressing needs while addressing the long-term challenges ahead. With pro-growth policies and spending discipline, we will balance the budget in 2012, keep the tax burden low, and provide for our national security. And that will help make our country safer and more prosperous.

GEORGE W. BUSH.

THE WHITE HOUSE, *February 4, 2008*.

By unanimous consent, the message, together with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed (H. Doc. 110–84).

¶10.13 NATIONAL ACADEMY OF RECORDING ARTS AND SCIENCES 50TH ANNIVERSARY

Mr. HODES moved to suspend the rules and agree to the following concurrent resolution (H. Con. Res. 273):

Whereas, in 1957, a group of visionary leaders gathered at the famed Brown Derby in Los Angeles to form The National Academy of Recording Arts & Sciences;

Whereas The Recording Academy soon created the GRAMMY Award which is the world's most visible and prestigious award for music;

Whereas the GRAMMY was created as a peer award, given by music makers, for music makers, to honor the highest quality recording music of the year without regard to sales or chart position;

Whereas The Recording Academy expanded its mission beyond recognition of musical excellence to include groundbreaking professional development, cultural enrichment, advocacy, education, and human services programs;

Whereas through its 12 chapters across America, The Recording Academy serves more than 18,000 musicians, singers, songwriters, producers, engineers, and other music professionals;

Whereas, in 1989, The Recording Academy created the GRAMMY Foundation to cultivate the understanding, appreciation, and advancement of the contribution of recorded music to American culture, from the artistic and technical legends of the past to the still unimagined musical breakthroughs of future generations of music professionals;

Whereas that same year, The Recording Academy created MusiCares, to provide a safety net of critical assistance for music people in times of need;

Whereas the GRAMMYs on the Hill Initiative, based in Washington, DC, works to advance the rights of the music community through advocacy, education, and dialogue; and

Whereas through this initiative, The Recording Academy has become a leading advocate for music makers: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress congratulates The Recording Academy during its 50th GRAMMY celebration for its important work in improving the environment for music and music makers.

The SPEAKER pro tempore, Mr. BAIRD, recognized Mr. HODES and Ms. FOXX, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution?

The SPEAKER pro tempore, Mr. BAIRD, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said concurrent resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said concurrent resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶10.14 MAJOR LEAGUE SOCCER CUP 2007—HUSTON DYNAMO TEAM

Mr. HODES moved to suspend the rules and agree to the following resolution (H. Res. 867):

Whereas the Houston Dynamo soccer team won the 2007 Major League Soccer Cup, defeating the New England Revolution by a score of 2–1 at RFK Stadium on November 18, 2007;

Whereas as the Houston Dynamo came back from a 1–0 halftime deficit to defeat the Revolution;

Whereas as Dwayne De Rosario, assisted on the tying goal to Joseph Ngwenya, scored the winning goal and was named the game's MVP;

Whereas as the Houston Dynamo were playing without Brian Ching, the MVP of last year's MLS Cup due to injury;

Whereas as the Houston Dynamo has won the Major League Soccer Cup for the second consecutive year;

Whereas as the Houston Dynamo is the first team to win back-to-back MLS Cups in 10 years;

Whereas as the Houston Dynamo have won the MLS Cup in their first 2 years of existence in Houston;

Whereas Houston Dynamo Coach Dominic Kinnear has guided the team to 26 wins, 20 draws, and 16 losses in his first 2 seasons in Houston; and

Whereas Houston Dynamo defender Eddie Robinson and midfielder Dwayne De Rosario were named to the 2007 MLS Best XI all-star team: Now, therefore, be it

Resolved, That the House of Representatives—

(1) commends the Houston Dynamo soccer team for winning the 2007 MLS Cup; and

(2) congratulates the team for back-to-back MLS Cup wins in their first 2 seasons in Houston.

The SPEAKER pro tempore, Mr. BAIRD, recognized Mr. HODES and Ms. FOXX, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. BAIRD, announced that two-thirds of the Members present had voted in the affirmative.

Mr. HODES demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. BAIRD, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶10.15 BLACK HISTORY MONTH

Mr. HODES moved to suspend the rules and agree to the following resolution (H. Res. 942):

Whereas the first Africans were brought involuntarily to the shores of America as early as the 17th century;

Whereas these Africans in America and their descendents are now known as African-Americans;

Whereas African-Americans suffered involuntary servitude and subsequently faced the injustices of lynch mobs, segregation, and denial of basic, fundamental rights;

Whereas despite involuntary servitude, African-Americans have made significant contributions to the economic, educational, political, artistic, literary, religious, scientific, and technological advancement of the Americas;

Whereas in the face of injustices, United States citizens of good will and of all races distinguished themselves with their commitment to the noble ideals upon which the United States was founded and courageously fought for the rights and freedom of African-Americans;

Whereas Dr. Martin Luther King Jr. lived and died to make real these noble ideals;

Whereas the birthdays of Abraham Lincoln and Fredrick Douglass inspired the creation of Negro History Week, the precursor to Black History Month;

Whereas Negro History Week represented the culmination of Dr. Carter G Woodson's efforts to enhance knowledge of black history started through the Journal of Negro History, published by Woodson's Association for the Study of African-American Life and History; and

Whereas the month of February is officially celebrated as Black History Month, which dates back to 1926, when Dr. Carter G. Woodson set aside a special period of time in February to recognize the heritage and achievement of Black Americans: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the significance of Black History Month as an important time to recognize the contributions of African-Americans in the Nation's history, and encourages the continued celebration of this month to provide an opportunity for all peoples of the United States to learn more about the past and to better understand the experiences that have shaped the Nation; and

(2) recognizes that the ethnic and racial diversity of the United States enriches and strengthens the Nation.

The SPEAKER pro tempore, Mr. BAIRD, recognized Mr. HODES and Mr. FEENEY, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. BAIRD, announced that two-thirds of the Members present had voted in the affirmative.

Mr. MELANCON demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. BAIRD, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶10.16 RACE DAY IN AMERICA—50TH DAYTONA 500

Mr. HODES moved to suspend the rules and agree to the following resolution (H. Res. 931):

Whereas the Daytona 500 is the most prestigious stock car race in the United States;

Whereas the Daytona 500 annually kicks off the National Association for Stock Car Auto Racing (''NASCAR'') Sprint Cup Series, NASCAR's top racing series;

Whereas millions of racing fans have spent the third Sunday of each February since 1959 watching, listening to, or attending the Daytona 500;

Whereas the purse for the Daytona 500 is typically the largest in motor sports;

Whereas winning the prestigious Harley J. Earl Trophy is stock car racing's greatest prize and privilege;

Whereas nearly 1,000,000 men and women in the Armed Forces in nearly 180 countries worldwide listen to the race on the radio via the American Forces Network;

Whereas Daytona International Speedway is the home of ''The Great American Race'', the Daytona 500;

Whereas fans from all 50 States and many foreign nations converge at the ''World Center of Racing'' each year to see the motor sports spectacle;

Whereas Daytona International Speedway becomes one of the largest cities in the State of Florida by population on race day, with more than 200,000 fans in attendance;

Whereas well-known politicians, celebrities, and athletes take part in the festivities surrounding the Daytona 500; and

Whereas February 17, 2008, would be an appropriate day to designate as ''Race Day in America'' because the Daytona 500 celebrates its historic 50th running on this day: Now, therefore, be it

Resolved, That the United States House of Representatives—

(1) recognizes the 50th running of the Daytona 500, ''The Great American Race''; and

(2) supports designation of a ''Race Day in America'' in honor of the Daytona 500.

The SPEAKER pro tempore, Mr. BAIRD, recognized Mr. HODES and Mr. FEENEY, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. BAIRD, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶10.17 CHALLENGER SPACE SHUTTLE DISASTER—JANUARY 28, 1986

Mr. MELANCON moved to suspend the rules and agree to the following resolution (H. Res. 943):

Whereas January 28, 2008, marks the 22-year anniversary of the tragic accident of the space shuttle Challenger, Mission 51–L, and the loss of seven of America's bravest and most dedicated citizens;

Whereas the space shuttle Challenger disaster occurred off the coast of central Florida, at 11:39 a.m. on January 28, 1986;

Whereas the space shuttle Challenger disintegrated 73 seconds into its flight after an O-ring seal in its right solid rocket booster failed at lift-off;

Whereas the seven-person crew on the shuttle included Commander Francis R. Scobee, Pilot Michael J. Smith, Mission Specialist Judith A. Resnik, Mission Specialist Ellison S. Onizuka, Mission Specialist Ronald E. McNair, Payload Specialist Gregory B. Jarvis, and Payload Specialist Sharon Christa McAuliffe;

Whereas Christa McAuliffe, a schoolteacher from Concord, New Hampshire, was on board as the first member in the Teacher in Space Project;

Whereas the National Aeronautics and Space Administration (NASA) selected Christa McAuliffe from a field of 11,000 applicants to be a part of the Challenger crew and teach lessons to schoolchildren from space;

Whereas the Committee on Science and Technology of the House of Representatives conducted oversight hearings on the Challenger disaster and released a report on October 29, 1986, on the causes of the accident; and

Whereas the House of Representatives continues to support NASA and its ongoing efforts to explore and educate the American public about space: Now, therefore, be it

Resolved, That the House of Representatives—

(1) honors the 22nd anniversary of the space shuttle Challenger disaster;

(2) celebrates the courage and bravery of the crew of the Challenger, and Christa McAuliffe and her passion for encouraging America's children to pursue careers in science and mathematics;

(3) commits itself and the Nation to using the lessons learned in inquiries into the space shuttle Challenger accident to ensure that the space agency always operates on a strong and stable foundation; and

(4) recognizes the continued dedication of the United States to the goal of space exploration for the benefit of all mankind.

The SPEAKER pro tempore, Mr. BAIRD, recognized Mr. MELANCON and Mr. FEENEY, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. BAIRD, announced that two-thirds of the Members present had voted in the affirmative.

Mr. HODES demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. BAIRD, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶10.18 UNITED STATES EXPLORER I SATELLITE 50TH ANNIVERSARY

Mr. MELANCON moved to suspend the rules and agree to the following concurrent resolution (H. Con. Res. 287):

Whereas January 31, 2008, is the 50th anniversary of the launch of Explorer I, the first United States satellite to be successfully lofted into space and the world's first scientific satellite;

Whereas the launch of Explorer I marks the birth of the era of United States space exploration, a half-century of advances in both robotic and human exploration of space, including the first footsteps by humanity on another world;

Whereas, since the launch of Explorer I, the United States has launched spacecraft—

(1) to explore each of the solar system's planets and the Earth's Moon;

(2) to observe the Earth and the interactions of its atmospheric, oceanic, and land systems;

(3) to conduct studies of the Sun and its interactions with Earth;

(4) to investigate asteroids and comets;

(5) to peer deeper into space to understand the origin of the universe and the formation of the stars, galaxies, and planets; and

(6) to extend human presence into space;

Whereas Explorer I and the impetus for scientific satellites occurred as part of the International Geophysical Year, a major scientific initiative of 67 nations to collect coordinated measurements of the Earth, whose spirit continues to be embodied in the international partnerships that enhance space endeavors;

Whereas Explorer I carried a scientific instrument designed and built by Dr. James A. Van Allen of the University of Iowa to detect cosmic rays;

Whereas the cosmic ray measurements from Explorer I led to the discovery of regions of energetic charged particles trapped in the Earth's magnetic field, later named the Van Allen radiation belts;

Whereas the combined efforts of Dr. James A. Van Allen and his science team, individuals at the Jet Propulsion Laboratory, and individuals at the Army Ballistic Missile Agency made possible the successful development and launch of Explorer I and ushered in a new age of United States scientific and human exploration of space;

Whereas the next 50 years of United States accomplishments in outer space will rely on individuals possessing strong mathematics, science, and engineering skills and the educators who will train such individuals;

Whereas the United States space program enables the development of advanced technologies, skills, and capabilities that support United States competitiveness and economic growth;

Whereas Dr. Van Allen, commenting on the future of space science a decade ago, said ''there is no shortage of great ideas on what we'd like to do. . . . There is virtually no limit to what can be investigated in interplanetary science and astronomy.''; and

Whereas over the next 50 years the United States will attain additional exciting and significant achievements in robotic and human space exploration: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) celebrates the achievement of the late Dr. James A. Van Allen and his science team and all of the individuals at the Jet Propulsion Laboratory and Army Ballistic Missile Agency who, through the successful launch of Explorer I, brought the United States into the space age and science into the realm of space;

(2) supports science, technology, engineering, and mathematics education programs, which are critical for preparing the next generation to lead future United States space endeavors;

(3) recognizes the role of the United States space program in strengthening the scientific and engineering foundation that contributes to United States innovation and economic growth; and

(4) looks forward to the next 50 years of United States achievements in the robotic and human exploration of space.

The SPEAKER pro tempore, Mr. BAIRD, recognized Mr. MELANCON and Mr. FEENEY, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution?

The SPEAKER pro tempore, Mr. BAIRD, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said concurrent resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said concurrent resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶10.19 X PRIZE FOUNDATION'S LEADERSHIP

Mr. MELANCON moved to suspend the rules and agree to the following resolution (H. Res. 907); as amended:

Whereas the United States is heavily dependent on foreign sources of oil that are concentrated in tumultuous countries and regions;

Whereas the national security and economic prosperity of the United States demand that we move toward a sustainable energy future;

Whereas the ability of foreign governments to assert great control over oil production allows unfriendly regimes to use energy exports as leverage against the United States and our allies;

Whereas continued reliance on the use of greenhouse gas intensive fuels may impact global climate change;

Whereas the automotive sector is heavily dependent on oil, which makes Americans vulnerable to oil price fluctuation and is a major source of greenhouse gas emissions;

Whereas average fuel economy in the United States has increased slowly during the last 20 years;

Whereas many promising technologies exist that can lead to a breakthrough vehicle that will meet the need for sustainable transportation;

Whereas breakthroughs are often achieved by the free market fueling the entrepreneurial spirit of inventors and investors;

Whereas the Automotive X PRIZE is a private, independent, technology-neutral competition being developed by the X PRIZE Foundation to inspire a new generation of viable, super-efficient vehicles that help break our addiction to oil and stem the effects of climate change;

Whereas the Automotive X PRIZE will award a multimillion dollar reward to teams that can design, build, and demonstrate production-capable vehicles that achieve 100 MPG or its equivalent; and

Whereas such prize competitions generate involvement and innovation across a broad spectrum of known and untapped talent such as the $25,000 Orteig Prize won by Charles Lindbergh which leveraged $400,000 worth of additional research by teams trying to win the prize and spurred a $250,000,000,000 aviation industry, and the $10,000,000 Ansari X Prize which leveraged $100,000,000 worth of additional research: Now, therefore, be it

Resolved, That the House of Representatives—

(1) congratulates the X PRIZE Foundation's leadership for inspiring a new generation of viable, super-efficient vehicles that help break our addiction to oil through the Automotive X PRIZE competition;

(2) congratulates the X PRIZE Foundation on their innovation and vision to bring together some of the finest minds in the public and private sectors, including government, academia, and industry, to advise and participate in the Automotive X PRIZE competition; and

(3) applauds the X PRIZE Foundation's ongoing commitment to find solutions to some of humanity's greatest challenges as exemplified in the Automotive X PRIZE.

The SPEAKER pro tempore, Mr. BAIRD, recognized Mr. MELANCON and Mr. FEENEY, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. BAIRD, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

¶10.20 KENYA ELECTORIAL CRISIS

Mr. PAYNE moved to suspend the rules and agree to the following concurrent resolution (H. Con. Res. 283); as amended:

Whereas on December 27, 2007, the citizens of Kenya went peacefully to the polls to elect a new parliament and a new President and signaled their commitment to democracy by turning out in large numbers and, in some instances, waiting in long lines to vote;

Whereas on December 29, 2007, the opposition presidential candidate, Raila Odinga, was reportedly over 300,000 votes ahead of the incumbent with 90 percent of the precincts reporting;

Whereas on December 30, 2007, the head of the Electoral Commission of Kenya (''ECK'') declared that Mwai Kibaki won the presidential election by 197,000 votes;

Whereas Mr. Kibaki was sworn in as President within an hour of the announcement of the election results, despite serious concerns raised about the legitimacy of the election results by domestic and international observers;

Whereas the lack of transparency in vote tallying, serious irregularities reported by election observers, the implausibility of the margin of victory, and the swearing in of the Party of National Unity presidential candidate with undue haste, all serve to undermine the credibility of the presidential election results;

Whereas the Government of Kenya imposed a ban on live media that day, and shortly

after the election results were announced, in contravention of Kenyan law, the Government also announced a blanket ban on public assembly and gave police the authority to use lethal force;

Whereas on January 1, 2008, 4 commissioners on the ECK issued a statement which called into question the election results announced by the Commission and called for a judicial review;

Whereas the head of the European Union Election Observation Mission stated that ''Lack of transparency as well as a number of verified irregularities . . . cast doubt on the accuracy of the results of the presidential election as announced by the ECK'' and called for an international audit of the results;

Whereas observers from the East African Community have called for an investigation into irregularities during the tallying process and for those responsible for such irregularities to be held accountable;

Whereas in 1991 President Daniel Arap Moi agreed to move from one party rule to multiparty politics, and in 1992, Kenyans voted in record numbers in the country's first multiparty election in almost 26 years;

Whereas in 1997 Kenya held its second multi-party elections, despite extremely high levels of tension between the opposition and the ruling party;

Whereas in 2002 the opposition succeeded in forming and holding together a coalition that for the first time in history ousted the ruling party from power, demonstrating to Kenyans and Africans that incumbency and the entrenched clout of a ruling party can be defeated through the ballot box;

Whereas the violence and unrest in Kenya threatens to roll back the democratic gains made over the past 17 years;

Whereas more than 900 people have died and an estimated 250,000 people, 80,000 of whom are children, have been displaced as a result of the violence;

Whereas Kenya has been a valuable United States ally since independence, providing the United States with access to its military facilities and political support in the United Nations, and has been an important ally in the war against terrorism, especially since the United States embassy bombings in Kenya and Tanzania in 1998;

Whereas the political instability in Kenya is connected to a larger struggle for democracy and is not merely the result of tribal violence;

Whereas continued violence and unrest could have serious political, economic, and security implications for the entire region; and

Whereas the Assistant Secretary of State for African Affairs has stated that ''serious flaws in the vote tallying process damaged the credibility of the process'' and that the United States should not ''conduct business as usual'' in Kenya: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) commends the Kenyan people for their commitment to democracy and respect for the democratic process as evidenced by the high voter turnout and peaceful voting on election day;

(2) strongly condemns the ongoing violence in Kenya and urges all parties concerned to immediately end use of violence as a means to achieve their political objectives;

(3) calls for a peaceful, negotiated settlement of the conflict in Kenya;

(4) calls on the 2 leading presidential candidates to continue to accept external and internal assistance to help find a solution to the current crisis which has the support of the people of Kenya;

(5) calls on Kenyan security forces to refrain from use of excessive force and respect the human rights of Kenyan citizens;

(6) calls for those who are found guilty of committing human rights violations to be held accountable for their actions;

(7) calls for an immediate end to the restrictions on the media, and on the rights of peaceful assembly and association;

(8) condemns threats to civil society groups, journalists, religious leaders, human rights activists, and all those who are making every effort to achieve a peaceful, just, and equitable political solution to the current electoral crisis;

(9) calls on the international community, United Nations aid organizations, and all neighboring countries to provide assistance to those affected by violence and encourages the use of all the diplomatic means at their disposal to persuade relevant political actors to commit to a peaceful resolution to the current crisis; and

(10) urges the President of the United States to—

(A) continue to support diplomatic efforts to facilitate a dialogue between leaders of the Party of National Unity, the Orange Democratic Movement, and other relevant actors that will lead to the establishment of an interim or coalition government in order to implement necessary constitutional reforms, establish a mechanism to investigate the election crisis, and address its root causes;

(B) consider the imposition of targeted sanctions, including a travel ban and asset freeze, on political leaders and other relevant actors who refuse to engage in mediation efforts to end the political crisis in the country; and

(C) conduct a review of current United States aid to Kenya for the purposes of restricting all non-essential assistance to Kenya unless the parties are able to establish a peaceful political resolution to the current crisis which is credible to the Kenyan people.

The SPEAKER pro tempore, Mr. BAIRD, recognized Mr. PAYNE and Mr. SMITH of New Jersey, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution, as amended?

The SPEAKER pro tempore, Mr. BAIRD, announced that two-thirds of the Members present had voted in the affirmative.

Mr. PAYNE demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. BAIRD, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Thursday, February 7, 2008.

¶10.21 LEE MYUNG-BAK—PRESIDENT OF THE REPUBLIC OF KOREA

Mr. PAYNE moved to suspend the rules and agree to the following resolution (H. Res. 947):

Whereas the United States and the Republic of Korea share a longstanding and comprehensive alliance rooted in the common principles of freedom and democracy;

Whereas on June 11, 2007, the House of Representatives passed H. Res. 295 recognizing ''the strong alliance between the Republic of Korea and the United States and expresses appreciation to the Republic of Korea for its contributions to international efforts to combat terrorism'';

Whereas on December 19, 2007, the Senate passed S. Res. 279 recognizing that ''the strength and endurance of the alliance between the United States and the Republic of Korea should be acknowledged and celebrated'';

Whereas, since 2000, the United States House of Representatives and the Republic of Korea National Assembly have engaged in an interparliamentary exchange to discuss issues central to the U.S.-Republic of Korea relationship;

Whereas there are deep cultural and personal ties between the peoples of the United States and the Republic of Korea, as exemplified by the large flow of visitors and exchanges each year between the two nations, as well as the nearly two million Korean-Americans;

Whereas Congress recognizes January 13 as Korean-American Day, honoring the contributions of Korean-Americans in forging stronger bilateral ties between our two countries;

Whereas the Republic of Korea is the United States seventh largest trading partner and the United States is the third largest trading partner of the Republic of Korea with nearly $80 billion in annual trade volume;

Whereas the United States and the Republic of Korea are working closely together to promote international peace and security, economic prosperity, human rights, and the rule of law; and

Whereas Lee Myung-Bak, upon winning the election to become the next President of the Republic of Korea, stated that he would seek to further strengthen the relationship with the United States: Now, therefore, be it

Resolved, That the House of Representatives congratulates Lee Myung-Bak on his election to the presidency of the Republic of Korea and wishes him well during his time of transition and on his inauguration on February 25, 2008.

The SPEAKER pro tempore, Mr. BAIRD, recognized Mr. PAYNE and Mr. ROYCE, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mrs. JONES of Ohio, announced that two-thirds of the Members present had voted in the affirmative.

Mr. PAYNE demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mrs. JONES of Ohio, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Thursday, February 7, 2008.

¶10.22 MENTAL HEALTH BENEFITS PARITY EXTENSION

Mr. PALLONE moved to suspend the rules and pass the bill (H.R. 4848) to extend for one year parity in the application of certain limits to mental health benefits, and for other purposes; as amended.

The SPEAKER pro tempore, Mrs. JONES of Ohio, recognized Mr. PALLONE and Mr. Tim MURPHY of Pennsylvania, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mrs. JONES of Ohio, announced that two-thirds of the Members present had voted in the affirmative.

Mr. BROUN of Georgia, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mrs. JONES of Ohio, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Thursday, February 7, 2008.

¶10.23 DO-NOT-CALL REGISTRY FEE EXTENSION

Mr. BUTTERFIELD moved to suspend the rules and pass the bill of the Senate (S. 781) to extend the authority of the Federal Trade Commission to collect Do-Not-Call Registry fees to fiscal years after fiscal year 2007.

The SPEAKER pro tempore, Mrs. JONES of Ohio, recognized Mr. BUTTERFIELD and Mr. STEARNS, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mrs. JONES of Ohio, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶10.24 MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Sherman, one of his secretaries.

¶10.25 MESSAGE FROM THE PRESIDENT—NATIONAL EMERGENCY WITH RESPECT TO CUBA

The SPEAKER pro tempore, Mrs. JONES of Ohio, laid before the House a message from the President, which was read as follows:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice to the *Federal Register* for publication, which states that the national emergency declared with respect to the Government of Cuba's destruction of two unarmed U.S.-registered civilian aircraft in international airspace north of Cuba on February 24, 1996, as amended and expanded on February 26, 2004, is to continue in effect beyond March 1, 2008.

GEORGE W. BUSH.

THE WHITE HOUSE, *February 6, 2008*.

By unanimous consent, the message, together with the accompanying papers, was referred to the Committee on Foreign Affairs and ordered to be printed (H. Doc. 110–93).

¶10.26 RECESS—5:07 P.M.

The SPEAKER pro tempore, Mrs. JONES of Ohio, pursuant to clause 12(a) of rule I, declared the House in recess at 5 o'clock and 7 minutes p.m., until approximately 6:30 p.m.

¶10.27 AFTER RECESS—6:30 P.M.

The SPEAKER pro tempore, Ms. JACKSON-LEE of Texas, called the House to order.

¶10.28 H. RES. 867—UNFINISHED BUSINESS

The SPEAKER pro tempore, Ms. JACKSON-LEE of Texas, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 867) commending the Houston Dynamo soccer team for winning the 2007 Major League Soccer Cup.

The question being put,

Will the House suspend the rules and agree to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 373 / Nays 0

¶10.29 [Roll No. 29]

YEAS—373

Abercrombie	Buyer	Dingell
Ackerman	Calvert	Doggett
Aderholt	Camp (MI)	Donnelly
Akin	Cantor	Doyle
Allen	Capito	Drake
Altmire	Capps	Dreier
Andrews	Capuano	Duncan
Arcuri	Cardoza	Edwards
Baca	Carnahan	Ehlers
Bachmann	Carney	Ellison
Bachus	Carter	Ellsworth
Baird	Castle	Emanuel
Barrett (SC)	Castor	Emerson
Barrow	Chabot	Engel
Bartlett (MD)	Chandler	English (PA)
Barton (TX)	Clarke	Eshoo
Becerra	Clay	Etheridge
Berkley	Cleaver	Everett
Berman	Clyburn	Fallin
Biggert	Coble	Fattah
Bilbray	Cohen	Feeney
Bilirakis	Cole (OK)	Ferguson
Bishop (GA)	Conyers	Flake
Bishop (NY)	Cooper	Forbes
Bishop (UT)	Costa	Fossella
Blunt	Costello	Foxx
Boehner	Courtney	Frank (MA)
Bonner	Cramer	Franks (AZ)
Bono Mack	Crenshaw	Frelinghuysen
Boozman	Crowley	Garrett (NJ)
Boren	Cuellar	Gerlach
Boswell	Culberson	Giffords
Boustany	Cummings	Gilchrest
Boyd (FL)	Davis (AL)	Gillibrand
Boyda (KS)	Davis (CA)	Gohmert
Brady (PA)	Davis (KY)	Gonzalez
Brady (TX)	Davis, David	Goode
Braley (IA)	Davis, Lincoln	Goodlatte
Broun (GA)	Deal (GA)	Gordon
Brown (SC)	DeFazio	Granger
Brown, Corrine	DeGette	Green, Al
Brown-Waite, Ginny	Delahunt	Green, Gene
Buchanan	DeLauro	Gutierrez
Burgess	Dent	Hall (NY)
Burton (IN)	Diaz-Balart, L.	Hall (TX)
Butterfield	Diaz-Balart, M.	Hastings (FL)
	Dicks	Hayes
Heller	McCollum (MN)	Salazar
Hensarling	McCotter	Sali
Herger	McCrery	Sánchez, Linda T.
Herseth Sandlin	McDermott	Sarbanes
Higgins	McGovern	Saxton
Hill	McHenry	Schakowsky
Hinchey	McHugh	Schiff
Hirono	McIntyre	Schmidt
Hobson	McKeon	Schwartz
Hodes	McNerney	Scott (GA)
Hoekstra	McNulty	Scott (VA)
Holden	Meek (FL)	Sensenbrenner
Holt	Meeks (NY)	Serrano
Honda	Melancon	Sessions
Hoyer	Mica	Sestak
Hunter	Michaud	Shadegg
Inglis (SC)	Miller (FL)	Shays
Inslee	Miller (MI)	Shea-Porter
Israel	Miller (NC)	Sherman
Issa	Miller, Gary	Shimkus
Jackson (IL)	Miller, George	Shuler
Jackson-Lee (TX)	Mitchell	Shuster
Johnson (GA)	Mollohan	Simpson
Johnson (IL)	Moore (KS)	Sires
Johnson, E. B.	Moran (KS)	Skelton
Johnson, Sam	Moran (VA)	Slaughter
Jones (NC)	Murphy (CT)	Smith (NE)
Jones (OH)	Murphy, Patrick	Smith (NJ)
Jordan	Murphy, Tim	Smith (TX)
Kagen	Murtha	Snyder
Kanjorski	Musgrave	Solis
Kaptur	Myrick	Souder
Keller	Nadler	Space
Kennedy	Napolitano	Spratt
Kildee	Neal (MA)	Stearns
Kilpatrick	Neugebauer	Stupak
Kind	Nunes	Sullivan
King (IA)	Oberstar	Sutton
King (NY)	Obey	Tancredo
Kingston	Olver	Tauscher
Kirk	Ortiz	Taylor
Klein (FL)	Pallone	Thompson (CA)
Kline (MN)	Pascrell	Thompson (MS)
Knollenberg	Pastor	Thornberry
Kucinich	Paul	Tiahrt
LaHood	Payne	Tiberi
Lamborn	Pearce	Tierney
Lampson	Perlmutter	Towns
Langevin	Peterson (MN)	Tsongas
Larsen (WA)	Peterson (PA)	Turner
Larson (CT)	Pickering	Udall (CO)
Latham	Pitts	Udall (NM)
LaTourette	Platts	Upton
Latta	Poe	Van Hollen
Lee	Pomeroy	Velázquez
Levin	Porter	Visclosky
Lewis (CA)	Price (GA)	Walberg
Lewis (GA)	Price (NC)	Walden (OR)
Lewis (KY)	Putnam	Walsh (NY)
Linder	Rahall	Walz (MN)
LoBiondo	Ramstad	Wamp
Loebsack	Rangel	Wasserman Schultz
Lofgren, Zoe	Regula	Waters
Lucas	Rehberg	Watson
Lungren, Daniel E.	Reichert	Watt
Lynch	Renzi	Waxman
Mack	Reyes	Weiner
Mahoney (FL)	Reynolds	Welch (VT)
Maloney (NY)	Richardson	Westmoreland
Marchant	Rodriguez	Wilson (NM)
Markey	Rogers (AL)	Wilson (OH)
Marshall	Rogers (KY)	Wilson (SC)
Matheson	Rogers (MI)	Wittman (VA)
Matsui	Ros-Lehtinen	Wolf
McCarthy (CA)	Roskam	Wu
McCarthy (NY)	Rothman	Yarmuth
McCaul (TX)	Roybal-Allard	Young (AK)
	Royce	
	Ryan (OH)	

NOT VOTING—56

Alexander	Graves	Pryce (OH)
Baldwin	Grijalva	Radanovich
Bean	Hare	Rohrabacher
Berry	Harman	Ross
Blackburn	Hastings (WA)	Ruppersberger
Blumenauer	Hinojosa	Rush
Boucher	Hooley	Ryan (WI)
Campbell (CA)	Hulshof	Sanchez, Loretta
Cannon	Jefferson	Smith (WA)
Conaway	Kuhl (NY)	Stark
Cubin	Lantos	Tanner
Davis (IL)	Lipinski	Terry
Davis, Tom	Lowey	Weldon (FL)
Doolittle	Manzullo	Weller
Farr	McMorris Rodgers	Wexler
Filner	Moore (WI)	Whitfield (KY)
Fortenberry	Pence	Woolsey
Gallegly	Petri	Wynn
Gingrey		Young (FL)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶10.30 H. RES. 942—UNFINISHED BUSINESS

The SPEAKER pro tempore, Ms. JACKSON-LEE of Texas, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 942) recognizing the significance of Black History Month.

The question being put,

Will the House suspend the rules and agree to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 367 Nays 0

¶10.31 [Roll No. 30]

YEAS—367

Abercrombie
Ackerman
Aderholt
Akin
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Becerra
Berkley
Berman
Biggert
Bilbray
Bilirakis
Bishop (NY)
Bishop (UT)
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Fattah
Feeney
Ferguson
Flake
Forbes
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Green, Al
Green, Gene
Gutierrez
Hall (NY)
Hall (TX)
Hastings (FL)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Loebsack
Lofgren, Zoe
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Perlmutter
Peterson (MN)
Peterson (PA)
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Putnam
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Richardson
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Rothman
Roybal-Allard
Royce
Ryan (OH)
Salazar
Sali
Sánchez, Linda T.
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Snyder
Solis
Souder
Space
Spratt
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Westmoreland
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Wu
Yarmuth
Young (AK)

NOT VOTING—62

Alexander
Baldwin
Bean
Berry
Bishop (GA)
Blackburn
Blumenauer
Boucher
Campbell (CA)
Cannon
Conaway
Cubin
Davis, Tom
Doolittle
Farr
Filner
Fortenberry
Gallegly
Gingrey
Graves
Grijalva
Hare
Harman
Hastings (WA)
Hinojosa
Hooley
Hulshof
Jefferson
Kuhl (NY)
Lantos
Lipinski
Lowey
Manzullo
McMorris Rodgers
Moore (KS)
Moore (WI)
Murtha
Pence
Petri
Pryce (OH)
Radanovich
Rangel
Reynolds
Rodriguez
Rohrabacher
Ross
Ruppersberger
Rush
Ryan (WI)
Sanchez, Loretta
Scott (GA)
Smith (WA)
Stark
Tanner
Terry
Weldon (FL)
Weller
Wexler
Whitfield (KY)
Woolsey
Wynn
Young (FL)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶10.32 H. RES. 943—UNFINISHED BUSINESS

The SPEAKER pro tempore, Ms. JACKSON-LEE of Texas, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 943) remembering the space shuttle Challenger disaster and honoring its crew members, who lost their lives on January 28, 1986.

The question being put,

Will the House suspend the rules and agree to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 371 Nays 0

¶10.33 [Roll No. 31]

YEAS—371

Abercrombie
Ackerman
Aderholt
Akin
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Becerra
Berkley
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Fattah
Feeney
Ferguson
Flake
Forbes
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Green, Al
Green, Gene
Gutierrez
Hall (NY)
Hall (TX)
Hastings (FL)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, E.B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Loebsack
Lofgren, Zoe
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)

Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Perlmutter
Peterson (MN)
Peterson (PA)
Pickering
Pitts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Putnam
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Rothman
Roybal-Allard
Royce
Ryan (OH)
Salazar
Sali
Sánchez, Linda T.
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Snyder
Solis
Souder
Space
Spratt
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Westmoreland
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Wu
Yarmuth
Young (AK)

NOT VOTING—58

Alexander
Baldwin
Bean
Berman
Berry
Blackburn
Blumenauer
Boucher
Campbell (CA)
Cannon
Conaway
Conyers
Cubin
Davis, Tom
Doolittle
Farr
Filner
Fortenberry
Gallegly
Gingrey
Graves
Grijalva
Hare
Harman
Hastings (WA)
Hinojosa
Hulshof
Jefferson
Kuhl (NY)
Lantos
Lipinski
Lowey
Manzullo
McMorris Rodgers
Moore (WI)
Murtha
Pence
Petri
Platts
Pryce (OH)
Radanovich
Rohrabacher
Ross
Ruppersberger
Rush
Ryan (WI)
Sanchez, Loretta
Smith (WA)
Stark
Tanner
Terry
Weldon (FL)
Weller
Wexler
Whitfield (KY)
Woolsey
Wynn
Young (FL)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶10.34 WAIVING A REQUIREMENT OF CLAUSE 6(A) AND RULE XIII

Ms. SUTTON, by direction of the Committee on Rules, reported (Rept. No. 110–522) the resolution (H. Res. 955) waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules.

When said resolution and report were referred to the House Calendar and ordered printed.

¶10.35 PROVIDING FOR CONSIDERATION OF H.R. 4137

Ms. SUTTON, by direction of the Committee on Rules, reported (Rept. No. 110–523) the resolution (H. Res. 956) providing for consideration of the bill (H.R. 4137) to amend and extend the Higher Education Act of 1965, and for other purposes.

When said resolution and report were referred to the House Calendar and ordered printed.

¶10.36 SENATE BILL AND JOINT RESOLUTION REFERRED

A bill and a joint resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 550. An Act to preserve existing judgeships on the Superior Court of the District of Columbia; to the Committee on Oversight and Government Reform.

S.J. Res. 25. A joint resolution providing for the appointment of John W. McCarter as a citizen regent of the Board of Regents of the Smithsonian Institution; to the Committee on House Administration.

¶10.37 ENROLLED BILL SIGNED

Lorraine C. Miller, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker on Monday, February 4, 2008:

H.R. 4253. An Act to improve and expand small business assistance programs for veterans of the armed forces and military reservists, and for other purposes.

¶10.38 BILL PRESENTED TO THE PRESIDENT

Lorraine C. Miller, Clerk of the House reported that on January 30, 2008, she presented to the President of the United States, for his approval, the following bills:

H.R. 5104. An Act to extend the Protect America Act of 2007 for 15 days.

¶10.39 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. BOUCHER, for today and balance of the week;

To Mr. GINGREY, for today;

To Mr. KUHL of New York, for today;

To Mr. PETRI, for today;

To Mr. RUPPERSBERGER, for today and balance of the week;

To Mr. RYAN of Wisconsin, for today;

To Mr. TANNER, for today and balance of the week;

To Mr. WHITFIELD, for today;

To Ms. WOOLSEY, for today and balance of the week; and

To Mr. WYNN, for today after 6 p.m.

And then,

¶10.40 ADJOURNMENT

On motion of Mr. YARMUTH, at 10 o'clock and 45 minutes p.m., the House adjourned.

¶10.41 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

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

Ms. SLAUGHTER: Committee on Rules. House Resolution 955. Resolution waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules (Rept. 110–522). Referred to the House Calendar.

Ms. SUTTON: Committee on Rules. House Resolution 956. Resolution providing for consideration of the bill (H.R. 4137) to amend and extend the Higher Education Act of 1965, and for other purposes (Rept. 110–523). Referred to the House Calendar.

¶10.42 TIME LIMITATION OF REFERRED BILL

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

[The following actions occurred on February 1, 2008]

H.R. 275. Referral to the Committee on the Judiciary extended for a period ending not later than February 8, 2008.

H.R. 275. Referral to the Committee on Energy and Commerce extended for a period ending not later than February 22, 2008.

H.R. 948. Referral to the Committee on Ways and Means extended for a period ending not later than March 31, 2008.

¶10.43 COMMITTEE DISCHARGE

[The following action occurred on February 1, 2008]

Pursuant to clause 2 of rule XII the Committee on Armed Services discharged from further consideration. H.R. 3111 referred to the Committee of the Whole House on the state of the Union.

¶10.44 PUBLIC BILLS AND RESOLUTIONS

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

By Mr. CAMPBELL of California (for himself, Mr. BOEHNER, Mr. PUTNAM, Mr. CARTER, Mr. HUNTER, Mr. SAM JOHNSON of Texas, Mr. SAXTON, Mr. WILSON of South Carolina, Mr. LAMBORN, Mr. BURGESS, Mr. KLINE of Minnesota, Mr. POE, Mr. ROHRABACHER, Mr. ROGERS of Michigan, Mr. BROUN of Georgia, Mr. ISSA, Mr. TIAHRT, Mr. BURTON of Indiana, Ms. FALLIN, Mr. MCCOTTER, Mr. GOHMERT, Mr. PITTS, Mr. HERGER, Mr. FEENEY, Mr. MCHENRY, Mr. FRANKS of Arizona, Mr. SESSIONS, Mr. WALBERG, Mr. MACK, Mr. CALVERT, Mr. KELLER, Mr. BOUSTANY, Mr. SULLIVAN, Mrs. SCHMIDT, Mr. BRADY of Texas, Mr. CONAWAY, Mr. GINGREY, Ms. FOXX, Mr. MILLER of Florida, Mr. CANNON, Mr. HALL of Texas, Mr. KING of Iowa, Mr. HENSARLING, Mrs. CAPITO, and Mr. KING of New York):

H.R. 5222. A bill to rescind funds appropriated by the Consolidated Appropriations Act, 2008, for the City of Berkeley, California, and any entities located in such city, and to provide that such funds shall be transferred to the Operation and Maintenance, Marine Corps account of the Department of Defense for the purposes of recruiting; to the Committee on Appropriations.

By Mr. BOSWELL (for himself, Mr. HAYES, Mr. BRALEY of Iowa, Mr. ORTIZ, Mrs. BOYDA of Kansas, Mr. BARTLETT of Maryland, and Mr. LOEBSACK):

H.R. 5223. A bill to provide for the enhancement of the suicide prevention programs of

the Department of Defense, and for other purposes; to the Committee on Armed Services.

By Mr. BONNER:

H.R. 5224. A bill to suspend temporarily the duty on Hexane, 1,6-dichloro-; to the Committee on Ways and Means.

By Mr. BONNER:

H.R. 5225. A bill to suspend temporarily the duty on Propanedioic acid, diethyl ester; to the Committee on Ways and Means.

By Mr. BONNER:

H.R. 5226. A bill to suspend temporarily the duty on Butane, 1-chloro; to the Committee on Ways and Means.

By Mr. BONNER:

H.R. 5227. A bill to suspend temporarily the duty on 1,3,5-Triazine, 2,4,6-tris(2-propenyloxyl)-; to the Committee on Ways and Means.

By Mr. ANDREWS (for himself and Mr. PETRI):

H.R. 5228. A bill to protect employees from invasion of privacy by employers by prohibiting video and audio monitoring of employees when in an area where it is reasonable to expect employees to change clothing; to the Committee on Education and Labor.

By Mr. BARTLETT of Maryland (for himself, Mr. ISRAEL, Mr. BOOZMAN, Mrs. GILLIBRAND, Ms. SCHWARTZ, Mr. CARTER, Mr. RODRIGUEZ, Mr. LOBIONDO, Mr. BISHOP of Utah, Mr. MILLER of Florida, Mr. CUMMINGS, Mr. SCHIFF, Mr. GORDON, Mr. UDALL of Colorado, Mr. WILSON of South Carolina, Mr. ELLISON, Mr. KIRK, Mr. JOHNSON of Georgia, Mr. KUHL of New York, Mr. WYNN, Mr. MEEK of Florida, Mr. BUTTERFIELD, Ms. FOXX, Ms. GIFFORDS, Ms. SHEA-PORTER, Mr. CARNEY, Mr. LOEBSACK, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. GILCHREST, Ms. CORRINE BROWN of Florida, Mr. JONES of North Carolina, Mr. HILL, Mrs. LOWEY, Ms. BERKLEY, Mr. NEUGEBAUER, Mr. WALZ of Minnesota, Mr. KING of Iowa, Mr. TIBERI, Mr. MCHENRY, Mr. WOLF, Mr. KINGSTON, Mr. PAUL, Mr. GOODE, and Mr. SAXTON):

H.R. 5229. A bill to amend title 38, United States Code, to remove certain limitations on the transfer of entitlement to basic educational assistance under the Montgomery GI Bill, and for other purposes; to the Committee on Armed Services, and in addition to the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. JACKSON-LEE of Texas:

H.R. 5230. A bill to amend title 28, United States Code, to grant to the House of Representatives the authority to bring a civil action to enforce, secure a declaratory judgment concerning the validity of, or prevent a threatened refusal or failure to comply with any subpoena or order issued by the House or any committee or subcommittee of the House to secure the production of documents, the answering of any deposition or interrogatory, or the securing of testimony, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BRALEY of Iowa:

H.R. 5231. A bill to amend the Internal Revenue Code of 1986 to extend the credit for electricity produced from certain renewable resources; to the Committee on Ways and Means.

By Mr. BURGESS:

H.R. 5232. A bill to provide that no Federal or State requirement to increase energy efficient lighting in public buildings shall require a hospital, school, day care center, mental health facility, or nursing home to install or utilize such energy efficient lighting if the lighting contains mercury; to the Committee on Energy and Commerce, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. DRAKE:

H.R. 5233. A bill to extend for two years the exemption of returning workers from the numerical limitations for H-2B temporary workers; to the Committee on the Judiciary.

By Mr. FRELINGHUYSEN:

H.R. 5234. A bill to amend title 18, United States Code, and the Social Security Act to limit the misuse of Social Security numbers, to establish criminal penalties for such misuse, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GALLEGLY (for himself and Mr. BLUNT):

H.R. 5235. A bill to establish the Ronald Reagan Centennial Commission; to the Committee on Oversight and Government Reform.

By Ms. HERSETH SANDLIN (for herself, Mr. WALDEN of Oregon, Mr. DEFAZIO, Mr. STUPAK, Mr. ROSS, Mr. PICKERING, Mrs. EMERSON, Mr. GOODLATTE, Mr. BONNER, and Mr. PETERSON of Pennsylvania):

H.R. 5236. A bill to promote the use of certain materials harvested from public lands in the production of renewable fuel, and for other purposes; to the Committee on Energy and Commerce.

By Mr. MCDERMOTT (for himself and Ms. GRANGER):

H.R. 5237. A bill to amend the U.S. Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003; to the Committee on Foreign Affairs.

By Mr. PEARCE (for himself, Mr. YOUNG of Alaska, Mr. BISHOP of Utah, Mrs. CUBIN, Mr. HELLER, Mrs. MCMORRIS RODGERS, Mr. CANNON, and Mr. SALI):

H.R. 5238. A bill to repeal a requirement to reduce by 2 percent the amount payable to each State in fiscal year 2008; to the Committee on Natural Resources.

By Mr. PORTER (for himself and Ms. SCHWARTZ):

H.R. 5239. A bill to amend the Internal Revenue Code of 1986 to provide that the proceeds of qualified mortgage bonds may be used to provide refinancing for subprime loans, to provide a temporary increase in the volume cap for qualified mortgage bonds used to provide that refinancing, and for other purposes; to the Committee on Ways and Means.

By Mr. UDALL of Colorado (for himself and Mr. SALAZAR):

H.R. 5240. A bill to restore equitable sharing with affected States of revenues from onshore Federal mineral leases; to the Committee on Natural Resources.

By Mr. UDALL of Colorado:

H.R. 5241. A bill to amend the Healthy Forests Restoration Act of 2003 to authorize the Secretary of Agriculture and the Secretary of the Interior to take expedited action to reduce the increased risk of severe wildfires to Colorado communities, water supplies, and infrastructure in or near forested areas most severely affected by infestations of bark beetles and other insects, and for other purposes; to the Committee on Agriculture, and in addition to the Committee on Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. YOUNG of Florida:

H.R. 5242. A bill to amend the Internal Revenue Code of 1986 to make permanent the deduction of State and local general sales taxes; to the Committee on Ways and Means.

By Mr. GILCHREST (for himself, Mr. CUMMINGS, Mr. JONES of North Carolina, Mr. MEEKS of New York, Mr. JOHNSON of Illinois, Mr. MURTHA, Mr. REYES, and Ms. KAPTUR):

H. Con. Res. 288. Concurrent resolution expressing the need for a more comprehensive diplomatic initiative led by the United States, Republic of Iraq, and international community; to the Committee on Foreign Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. JONES of Ohio (for herself, Mr. TIBERI, Mr. HINOJOSA, Mrs. CHRISTENSEN, Mr. PAYNE, Ms. WATSON, Mr. CLAY, Mr. BECERRA, Mr. MCNULTY, Mr. DAVIS of Illinois, Mr. MEEK of Florida, Ms. SUTTON, Ms. MOORE of Wisconsin, Ms. CORRINE BROWN of Florida, Mr. BISHOP of Georgia, Mr. ENGLISH of Pennsylvania, Mr. THOMPSON of Mississippi, Ms. NORTON, Mr. EMANUEL, and Ms. CLARKE):

H. Res. 957. A resolution expressing support for the second annual America Saves Week 2008 from February 24, 2008 through March 2, 2008; to the Committee on Financial Services.

By Mr. KLINE of Minnesota (for himself, Mr. BOEHNER, Mr. PUTNAM, Mr. CANNON, Mr. CANTOR, Mr. KELLER, Mr. MILLER of Florida, Mr. SESSIONS, Mr. WILSON of South Carolina, Mr. CARTER, Mr. ISSA, Mrs. BLACKBURN, Mr. BURTON of Indiana, Mr. SAM JOHNSON of Texas, Mr. BISHOP of Utah, Mr. GOHMERT, Mr. LOBIONDO, Mr. HENSARLING, Mr. BILBRAY, Mr. KING of Iowa, Mrs. BONO MACK, Mr. FEENEY, Mr. FOSSELLA, Mr. FORBES, Mr. CONAWAY, Mr. SALI, Mr. BARTLETT of Maryland, and Mr. WOLF):

H. Res. 958. A resolution reaffirming the commitment of the House of Representatives to the patriotic and professional men and women serving in the United States Marine Corps in defense of the United States; to the Committee on Armed Services.

By Mrs. MUSGRAVE (for herself and Mr. MURTHA):

H. Res. 959. A resolution supporting the Adopt-a-Platoon program, which encourages support to deployed soldiers through letters, care packages, pen pal campaigns, and monetary donations; to the Committee on Armed Services.

By Mr. ROTHMAN (for himself, Mr. HOLT, Mr. ENGEL, Mr. MCHUGH, Mr. SERRANO, Mr. SCHIFF, Mr. MEEKS of New York, Mrs. MALONEY of New York, Mr. HALL of New York, Mr. CROWLEY, Mr. FOSSELLA, Mr. COHEN, Ms. CLARKE, Ms. WASSERMAN SCHULTZ, Mr. SHAYS, Mrs. MCCARTHY of New York, Mr. PASCRELL, Mr. SIRES, Mr. WEINER, and Mr. PALLONE):

H. Res. 960. A resolution congratulating the National Football League champion New York Giants for winning Super Bowl XLII and completing one of the most remarkable postseason runs in professional sports history; to the Committee on Oversight and Government Reform.

By Mr. YOUNG of Alaska (for himself, Mr. BRADY of Pennsylvania, Mr. WALZ of Minnesota, Mr. ORTIZ, Mrs. CHRISTENSEN, Ms. BORDALLO, Mr. ABERCROMBIE, Mr. PEARCE, Mr. LEWIS of Georgia, Mr. FORTUÑO, Mr. TERRY, Mr. WAMP, Mr. BISHOP of Utah, Mr. COURTNEY, Mr. SHUSTER, Mr. PITTS, Mr. FORBES, Mr. PUTNAM, Mr. LEWIS of California, Mr. TAYLOR, Mr. SAXTON, Mr. HALL of Texas, Mr. HAYES, Mr. DUNCAN, Mr. MCCARTHY of California, Mr. SALI, Mr. UDALL of Colorado, Mr. CONAWAY, Mr. KLINE of Minnesota, Mr. PATRICK MURPHY of Pennsylvania, Mr. PAYNE, Mr. SNYDER, Mr. JONES of North Carolina, Mr. KUHL of New York, Mrs. MCMORRIS RODGERS, and Mr. MCCOTTER):

H. Res. 961. A resolution commending the Alaska Army National Guard for its service to the State of Alaska and the citizens of the United States; to the Committee on Armed Services.

By Ms. WATERS:

H. Res. 962. A resolution congratulating the city of Inglewood, California on its 100th anniversary and commending the city for its growth and resilience; to the Committee on Oversight and Government Reform.

¶10.45 PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII:

Mr. REYES introduced a bill (H.R. 5243) for the relief of Kumi Iizuka-Barcena; which was referred to the Committee on the Judiciary.

¶10.46 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 25: Mr. BROUN of Georgia.
H.R. 37: Mr. KLINE of Minnesota.
H.R. 96: Mr. ANDREWS.
H.R. 154: Mr. LAMPSON.
H.R. 241: Mrs. EMERSON.
H.R. 248: Mr. MORAN of Kansas and Mrs. BOYDA of Kansas.
H.R. 321: Mr. MCCOTTER.
H.R. 333: Mr. MCINTYRE.
H.R. 369: Ms. MATSUI.
H.R. 402: Mr. MCINTYRE.
H.R. 406: Mr. CLEAVER and Ms. HARMAN.
H.R. 549: Mr. MCDERMOTT.
H.R. 581: Mr. PRICE of Georgia.
H.R. 618: Mr. ROGERS of Michigan.
H.R. 621: Mr. MCKEON.
H.R. 643: Mr. SPACE.
H.R. 661: Mr. SIRES.
H.R. 677: Mr. WELCH of Vermont.
H.R. 685: Mr. BACA and Mr. SHAYS.
H.R. 706: Ms. ESHOO, Mr. SHERMAN, Mr. CARDOZA, Ms. LINDA T. SÁNCHEZ of California, Mr. HONDA, Mr. THOMPSON of California, Mr. COOPER, Mr. WU, Ms. JACKSON-LEE of Texas, and Mr. CUMMINGS.
H.R. 715: Ms. JACKSON-LEE of Texas.
H.R. 748: Mr. JONES of North Carolina and Mr. MARKEY.
H.R. 758: Mrs. MYRICK.
H.R. 768: Mr. SMITH of Texas.
H.R. 861: Mr. NEUGEBAUER and Mr. JONES of North Carolina.
H.R. 913: Mr. WHITFIELD of Kentucky.
H.R. 983: Mr. ROSS.
H.R. 992: Mr. SIRES, Ms. ESHOO, and Mr. LINCOLN DAVIS of Tennessee.
H.R. 997: Mr. PETERSON of Minnesota.
H.R. 1017: Mr. ALLEN and Mr. KILDEE.
H.R. 1023: Mr. TIM MURPHY of Pennsylvania, Mr. GILCHREST, and Mr. KAGEN.
H.R. 1029: Mr. MURPHY of Connecticut.
H.R. 1032: Mr. AL GREEN of Texas.
H.R. 1070: Mr. CONYERS.
H.R. 1078: Mr. FARR and Mr. WAMP.
H.R. 1093: Ms. HERSETH SANDLIN and Mr. POMEROY.
H.R. 1110: Mr. WILSON of South Carolina and Ms. RICHARDSON.
H.R. 1172: Mr. CARDOZA.
H.R. 1192: Ms. SOLIS and Mr. SERRANO.
H.R. 1225: Mr. MILLER of North Carolina.
H.R. 1229: Mr. WALSH of New York.
H.R. 1261: Mr. CAMP of Michigan.
H.R. 1279: Mr. AL GREEN of Texas.
H.R. 1293: Mr. SESTAK.
H.R. 1386: Mr. CONYERS, Mr. DINGELL, and Ms. SLAUGHTER.
H.R. 1418: Mr. ROTHMAN.
H.R. 1420: Mr. INSLEE and Mr. PATRICK MURPHY of Pennsylvania.
H.R. 1439: Mr. YARMUTH.
H.R. 1481: Mr. GINGREY.
H.R. 1507: Mr. TIERNEY.
H.R. 1527: Mr. CAMP of Michigan.
H.R. 1553: Ms. WASSERMAN SCHULTZ, Mrs. EMERSON, and Mr. BUCHANAN.
H.R. 1560: Mr. LATOURETTE.
H.R. 1589: Mr. KILDEE and Mr. CONAWAY.
H.R. 1619: Mr. BOUCHER.
H.R. 1650: Ms. HERSETH SANDLIN.
H.R. 1665: Mr. COHEN, Mr. WELCH of Vermont, and Mr. WALZ of Minnesota.
H.R. 1731: Mr. STARK.
H.R. 1750: Mr. WEXLER.
H.R. 1783: Ms. LORETTA SANCHEZ of California.
H.R. 1820: Mr. LARSON of Connecticut.
H.R. 1823: Mr. KLEIN of Florida, Mr. SESTAK, and Ms. BERKLEY.
H.R. 1846: Mr. MEEK of Florida.
H.R. 1927: Mr. SESTAK.
H.R. 1937: Ms. FALLIN and Mr. LUCAS.
H.R. 1975: Mrs. TAUSCHER, Mr. COOPER, and Mr. DOGGETT.
H.R. 2021: Mr. SCOTT of Virginia, Ms. ROYBAL-ALLARD, Mr. BISHOP of New York, Ms. DEGETTE, Mr. TIERNEY, Mr. SCOTT of Georgia, Mr. ACKERMAN, Ms. MOORE of Wisconsin, Mr. GUTIERREZ, Mr. ORTIZ, Mr. FILNER, Ms. BERKLEY, Mr. SESTAK, Mr. FARR, Mrs. BOYDA of Kansas, Mr. LAMPSON, Mrs. LOWEY, Mr. HIGGINS, Mr. MEEK of Florida, and Mr. REYES.
H.R. 2032: Mr. DUNCAN.
H.R. 2040: Ms. WATSON, Mr. MOORE of Kansas, and Mr. CONYERS.
H.R. 2053: Mr. ROGERS of Michigan, Mr. SOUDER, Mr. KAGEN, Mr. KLEIN of Florida, Mr. DAVIS of Alabama, and Mr. CRAMER.
H.R. 2067: Mr. MCCOTTER.
H.R. 2131: Mr. BUCHANAN and Mr. GENE GREEN of Texas.
H.R. 2164: Mr. PORTER.
H.R. 2188: Mr. PASTOR.
H.R. 2189: Ms. NORTON, Mr. HINCHEY, Mr. MILLER of North Carolina, and Mr. LEWIS of Georgia.
H.R. 2231: Mr. SESTAK, Mr. ROSS, and Mr. PASTOR.
H.R. 2312: Mr. BACHUS.
H.R. 2353: Mr. CAPUANO.
H.R. 2384: Mr. ROSS.
H.R. 2452: Mr. MURPHY of Connecticut, Mr. WEXLER, and Mr. HINOJOSA.
H.R. 2469: Mr. ENGLISH of Pennsylvania.
H.R. 2470: Ms. GINNY BROWN-WAITE of Florida.
H.R. 2526: Mr. HINCHEY.
H.R. 2564: Ms. FALLIN, Mr. LAMBORN, Mr. GOODLATTE, and Mr. YOUNG of Florida.
H.R. 2578: Mr. SMITH of Washington.
H.R. 2604: Mr. MOORE of Kansas
H.R. 2620: Mr. ELLISON.
H.R. 2634: Ms. CLARKE and Mr. SARBANES.
H.R. 2694: Ms. CLARKE.
H.R. 2702: Mr. DELAHUNT.
H.R. 2712: Mr. STEARNS.
H.R. 2744: Ms. GIFFORDS, Mr. MARIO DIAZ-BALART of Florida, Ms. GINNY BROWN-WAITE of Florida, Mrs. GILLIBRAND, Mr. JOHNSON of Illinois, Mr. SESTAK, Mr. LYNCH, Mr. GONZALEZ, and Mr. ETHERIDGE.
H.R. 2805: Mr. POMEROY, Mr. FARR, and Mr. OBERSTAR.
H.R. 2820: Mr. PAYNE, and Ms. JACKSON-LEE of Texas.
H.R. 2859: Mr. CROWLEY.
H.R. 2866: Mrs. SCHMIDT.
H.R. 2885: Mr. ROSKAM and Mr. BARRETT of South Carolina.
H.R. 2915: Mr. BERMAN, and Ms. ESHOO.
H.R. 3010: Mr. ENGLISH of Pennsylvania and Mr. COURTNEY.
H.R. 3054: Mr. WYNN.
H.R. 3080: Mr. CUMMINGS, Mr. CHABOT, and Mr. MCINTYRE.
H.R. 3132: Ms. DELAURO.
H.R. 3223: Mr. MORAN of Virginia.
H.R. 3257: Mr. MEEKS of New York, Ms. SLAUGHTER, and Ms. HOOLEY.
H.R. 3298: Mr. HILL.
H.R. 3327: Mr. BROWN of South Carolina.
H.R. 3329: Mr. UDALL of New Mexico and Mr. BACA.
H.R. 3345: Mr. SCOTT of Virginia.
H.R. 3347: Ms. SCHAKOWSKY and Mr. JOHNSON of Georgia.
H.R. 3357: Mr. WAXMAN.
H.R. 3378: Mr. JOHNSON of Georgia.
H.R. 3404: Mr. ROTHMAN.
H.R. 3423: Mr. TOWNS and Mr. HINCHEY.
H.R. 3430: Mr. JOHNSON of Georgia and Mr. MILLER of North Carolina.
H.R. 3438: Mr. SIRES.
H.R. 3439: Mr. HINCHEY, Ms. DELAURO, Mr. HARE, Mr. ETHERIDGE, and Mr. MEEKS of New York.
H.R. 3452: Mr. WYNN.
H.R. 3457: Ms. RICHARDSON.
H.R. 3464: Mr. WYNN.
H.R. 3466: Mr. WILSON of Ohio.
H.R. 3498: Mr. SPACE.
H.R. 3543: Mr. SCOTT of Virginia and Ms. MCCOLLUM of Minnesota.
H.R. 3546: Mr. ROSS and Mr. TERRY.
H.R. 3548: Mr. LEWIS of Georgia.
H.R. 3645: Mr. RYAN of Ohio.
H.R. 3652: Mr. GEORGE MILLER of California, Ms. MOORE of Wisconsin, Mr. MCDERMOTT, Mr. THOMPSON of Mississippi, Mr. DINGELL, Ms. LEE, and Mr. CLEAVER.
H.R. 3660: Mr. GRAVES and Mr. MICHAUD.
H.R. 3681: Mr. BOUCHER.
H.R. 3691: Mr. THOMPSON of California.
H.R. 3711: Ms. HERSETH SANDLIN.
H.R. 3724: Ms. JACKSON-LEE of Texas.
H.R. 3748: Mrs. BOYDA of Kansas and Mr. MEEKS of New York.
H.R. 3753: Mr. MCDERMOTT.
H.R. 3774: Mr. JOHNSON of Georgia.
H.R. 3797: Mr. SHAYS.
H.R. 3819: Mr. MORAN of Kansas, Ms. JACKSON-LEE of Texas, Mr. PEARCE, Mr. GOODE, Mrs. GILLIBRAND, and Mr. SMITH of Washington.
H.R. 3829: Mr. BERMAN.
H.R. 3846: Mrs. JONES of Ohio.
H.R. 3852: Mr. GORDON.
H.R. 3876: Ms. ZOE LOFGREN of California.
H.R. 3896: Mr. MCGOVERN, Ms. SUTTON, Ms. MATSUI, and Mr. RYAN of Ohio.
H.R. 3905: Mr. TOWNS and Mr. HONDA.
H.R. 3934: Mr. ROSS, Mr. WESTMORELAND, Mr. LYNCH, and Mr. MCINTYRE.
H.R. 3938: Mr. GONZALEZ, Mr. BRADY of Pennsylvania, and Mr. WYNN.
H.R. 4001: Mr. ETHERIDGE.
H.R. 4048: Mr. HONDA.
H.R. 4054: Ms. SHEA-PORTER.
H.R. 4063: Mr. MEEKS of New York.
H.R. 4102: Mr. FRANK of Massachusetts, Mr. MCDERMOTT, and Mr. PASTOR.
H.R. 4105: Mr. EHLERS and Mr. COSTELLO.
H.R. 4107: Mr. HINCHEY and Ms. HIRONO.
H.R. 4116: Mr. BOOZMAN, Mr. RUSH, Mr. KELLER, and Mr. MARCHANT, and Mr. MARSHALL.
H.R. 4130: Mr. PLATTS.
H.R. 4139: Mr. CHANDLER.
H.R. 4149: Ms. HERSETH SANDLIN, Mr. CARDOZA, and Mr. ELLISON.
H.R. 4202: Mr. GUTIERREZ.
H.R. 4205: Mrs. CAPPS.
H.R. 4206: Mr. UDALL of New Mexico.
H.R. 4207: Mr. PASTOR.

H.R. 4221: Ms. SCHAKOWSKY.
H.R. 4251: Mr. PASTOR and Mr. GRIJALVA.
H.R. 4264: Mr. HASTINGS of Florida.
H.R. 4266: Mr. CLEAVER.
H.R. 4279: Mr. WATT.
H.R. 4280: Mrs. BONO MACK.
H.R. 4296: Mr. PAYNE, Mr. TIM MURPHY of Pennsylvania, Mr. BUTTERFIELD, and Mr. BLUMENAUER.
H.R. 4308: Mr. BOUCHER.
H.R. 4318: Mr. MCDERMOTT and Mr. MCINTYRE.
H.R. 4335: Mr. BLUMENAUER.
H.R. 4336: Mr. BRADY of Pennsylvania, Mr. CHANDLER, Mr. GONZALEZ, and Mr. CONYERS.
H.R. 4449: Mr. EHLERS, Ms. BALDWIN, Mr. MATHESON, Ms. CORRINE BROWN of Florida, Mr. BRADY of Pennsylvania, Mr. HINOJOSA, Mr. MARKEY, and Mr. TIERNEY.
H.R. 4611: Ms. SCHAKOWSKY and Mr. MCDERMOTT.
H.R. 4831: Mr. HAYES.
H.R. 4838: Ms. SLAUGHTER, Mr. OLVER, and Mr. UDALL of Colorado.
H.R. 4848: Mr. ANDREWS, Mr. DINGELL, Mr. RANGEL, Mr. GEORGE MILLER of California, and Mr. EMANUEL.
H.R. 4882: Ms. SCHAKOWSKY.
H.R. 4900: Mr. JONES of North Carolina, Mr. MCCOTTER, Mr. CANNON, Mr. CHABOT, Mr. FRANKS of Arizona, Mrs. SCHMIDT, and Mr. COBLE.
H. R. 4915: Mr. BURGESS.
H.R. 4926: Mr. CHANDLER, Mr. GRIJALVA, Mr. SIRES, Mr. MEEKS of New York, Ms. SOLIS, Mr. ROSS, Mr. WYNN, and Ms. WATSON.
H.R. 4930: Mr. HALL of New York, Mr. MCCOTTER, Mrs. GILLIBRAND, Mr. GRAVES, Mr. OBERSTAR, Mr. SMITH of New Jersey, Mr. INGLIS of South Carolina, and Mr. SMITH of Washington.
H.R. 4934: Ms. WOOLSEY, Mr. HOLT, Ms. LEE, Ms. SOLIS, Mr. BOSWELL, Mr. WATT, Mr. KAGEN, Mr. BISHOP of New York, Mr. COURTNEY, Ms. DELAURO, Mr. RYAN of Ohio, Mr. CUMMINGS, Mr. KUCINICH, Mr. HONDA, Mr. JOHNSON of Georgia, Mr. CONYERS, and Mr. TOWNS.
H.R. 4936: Mr. TOWNS and Mr. CONYERS.
H.R. 4959: Mr. FATTAH, Ms. WOOLSEY, Mr. WELCH of Vermont, Ms. ZOE LOFGREN of California, Ms. NORTON, Mr. OLVER, Mr. BRADY of Pennsylvania, Mrs. MALONEY of New York, Mr. FRANK of Massachusetts, Mr. HASTINGS of Florida, Ms. SLAUGHTER, Ms. LINDA T. SÁNCHEZ of California, Mr. PAYNE, Mr. ROTHMAN, Mr. MURPHY of Connecticut, and Mr. CONYERS.
H.R. 4995: Mr. SHUSTER, Mr. MANZULLO, and Mr. PUTNAM.
H.R. 5036: Ms. CLARKE, Mr. PASTOR, Mr. CHANDLER, Mr. BECERRA, Mr. COHEN, Mr. KILDEE, Mr. PATRICK MURPHY of Pennsylvania, Mr. BARROW, and Ms. LINDA T. SÁNCHEZ of California.
H.R. 5038: Mr. WEXLER, Mr. SCOTT of Virginia, and Mr. MCDERMOTT.
H.R. 5056: Mr. MCDERMOTT.
H.R. 5057: Mr. DAVIS of Illinois, Mr. SENSENBRENNER, Mr. SCOTT of Virginia, Mr. GOODLATTE, Mr. KENNEDY, Mr. WEXLER, Mr. TOWNS, Mr. FARR, Ms. HIRONO, Mr. GUTIERREZ, Mr. ELLISON, and Mr. MEEKS of New York.
H.R. 5058: Mr. HALL of New York, Mr. MOORE of Kansas, Mr. CLAY, Mr. FRANK of Massachusetts, Mr. WAXMAN, Mr. LEWIS of Georgia, Mr. HONDA, Ms. MCCOLLUM of Minnesota, Ms. RICHARDSON, Mr. DOGGETT, Ms. CLARKE, Ms. KILPATRICK, and Mr. MITCHELL.
H.R. 5060: Mr. MEEKS of New York.
H.R. 5087: Mr. SESTAK, Mr. ALTMIRE, Mr. MARSHALL, and Mr. WALZ of Minnesota.
H.R. 5107: Mr. HODES, Mr. SPACE, Mr. YARMUTH, Ms. GIFFORDS, and Mrs. GILLIBRAND.
H.R. 5109: Mr. WESTMORELAND and Mr. FORBES.
H.R. 5110: Mrs. BOYDA of Kansas, Mr. GRIJALVA, Mr. FARR, and Mr. WILSON of Ohio.
H.R. 5128: Mr. LEWIS of Georgia, Mr. ABERCROMBIE, Mr. BRADY of Pennsylvania, Mr. HOLT, Mr. FARR, Mr. FILNER, and Mr. CONYERS.
H.R. 5130: Mr. JEFFERSON and Ms. MOORE of Wisconsin.
H.R. 5148: Mr. SESSIONS, Mr. FOSSELLA, Mr. BRADY of Pennsylvania, Mr. BURTON of Indiana, Mr. YOUNG of Alaska, Mr. CARTER, Mr. GOODE, Mr. GORDON, Mr. PEARCE, Mr. ROHRABACHER, Mr. ROGERS of Michigan, Mr. KUHL of New York, Mrs. Christensen, and Mr. PAUL.
H.R. 5161: Mr. CHANDLER and Ms. HOOLEY.
H.R. 5167: Mr. HINCHEY.
H.R. 5172: Mr. KUHL of New York, Mr. YOUNG of Alaska, Mr. MCNERNEY, Mr. WALZ of Minnesota, Mrs. GILLIBRAND, Mr. MAHONEY of Florida, Mr. PATRICK MURPHY of Pennsylvania, Mr. HODES, and Mr. COURTNEY.
H.R. 5178: Ms. EDDIE BERNICE JOHNSON of Texas, Ms. BORDALLO, Mr. CUMMINGS, Mr. ELLISON, and Ms. LINDA T. SÁNCHEZ of California.
H.R. 5179: Mr. CUMMINGS, Mr. JEFFERSON, and Mr. HONDA.
H.R. 5181: Mr. CUMMINGS.
H.J. Res. 70: Mr. SALI.
H.J. Res. 76: Mr. TIM MURPHY of Pennsylvania.
H. Con. Res. 137: Mr. LUCAS.
H. Con. Res. 163: Mr. PORTER, Mr. PAYNE, Mr. BISHOP of Georgia, Mr. LEWIS of Georgia, Ms. FALLIN, Ms. BERKLEY, Mr. ALLEN, and Mr. KENNEDY.
H. Con. Res. 244: Mr. LUCAS, Mr. GERLACH, Mr. MATHESON, Mr. MCCOTTER, Mr. NUNES, and Mr. RANGEL.
H. Con. Res. 253: Ms. EDDIE BERNICE JOHNSON of Texas.
H. Con. Res. 263: Mr. DREIER, Mr. ROGERS of Michigan, Mr. MANZULLO, Mr. SAM JOHNSON of Texas, Mr. FERGUSON, Mr. SHAYS, and Mr. HALL of Texas.
H. Con. Res. 276: Mr. BISHOP of New York and Mr. ENGLISH of Pennsylvania.
H. Con. Res. 280: Mrs. CAPPS, Mr. COHEN, Mr. BACA, and Ms. CASTOR.
H. Con. Res. 283: Mr. SMITH of New Jersey, Mr. BUTTERFIELD, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. CUMMINGS, Mr. TOWNS, Mr. RANGEL, Ms. CORRINE BROWN of Florida, Mr. BISHOP of Georgia, Mr. JEFFERSON, Mr. COSTA, Mrs. CHRISTENSEN, Mr. ELLISON, Ms. CLARKE, Mr. WATT, Mr. CROWLEY, Mr. RUSH, Mr. WYNN, Mr. LEWIS of Georgia, Mr. SHAYS, Ms. LEE, Mr. WOLF, Mr. JOHNSON of Georgia, Ms. WOOLSEY, Mr. LANTOS, Ms. JACKSON-LEE of Texas, Mr. DAVIS of Illinois, Mr. FATTAH, Mr. AL GREEN of Texas, and Ms. WATERS.
H. Con. Res. 285: Ms. LINDA T. SÁNCHEZ of California.
H. Con. Res. 286: Mr. BISHOP of Georgia, Ms. LEE, Mr. FATTAH, Mr. COHEN, Mr. RANGEL, and Mr. WYNN.
H. Con. Res. 287: Mr. ROHRABACHER and Ms. GIFFORDS.
H. Res. 49: Mr. MARCHANT, Mr. CRENSHAW, Mr. FOSSELLA, Mr. TOWNS, Mr. DOYLE, and Mr. WILSON of Ohio.
H. Res. 76: Ms. SCHAKOWSKY and Mr. CONYERS.
H. Res. 102: Mr. PETERSON of Minnesota.
H. Res. 146: Ms. SUTTON, Mr. MCDERMOTT, and Mr. MURPHY of Connecticut.
H. Res. 185: Mr. FORTUÑO and Mr. TOWNS.
H. Res. 212: Mr. SHAYS.
H. Res. 339: Mr. MARCHANT, Mr. PAYNE, Mr. HILL, and Mr. DEFAZIO.
H. Res. 783: Mr. ELLSWORTH.
H. Res. 848: Mr. BOOZMAN.
H. Res. 854: Mr. FORTUÑO and Mr. MCCOTTER.
H. Res. 892: Mr. DAVIS of Kentucky.
H. Res. 896: Mr. TOWNS.
H. Res. 907: Mr. BARTLETT of Maryland and Mr. ROHRABACHER.
H. Res. 909: Ms. LEE and Mr. MCCOTTER.
H. Res. 929: Mr. JONES of North Carolina.
H. Res. 930: Mr. WILSON of Ohio and Mr. LANGEVIN.
H. Res. 931: Mr. MCHUGH, Mr. SOUDER, and Mr. LAMBORN.
H. Res. 934: Mr. SESSIONS, Mr. PAUL, Mr. CARTER, Mr. CONAWAY, Mr. ORTIZ, Mr. BRADY of Texas, Mr. EDWARDS, Mr. SMITH of Texas, Mr. MARCHANT, Mr. HINOJOSA, Mr. HALL of Texas, Mr. AL GREEN of Texas, Mr. CULBERSON, and Mr. LAMPSON.
H. Res. 939: Mr. GONZALEZ.
H. Res. 942: Mr. DONNELLY, Ms. LINDA T. SÁNCHEZ of California, and Mr. BACA.
H. Res. 943: Mr. ROHRABACHER, Mr. HARE, Mr. CALVERT, Mr. CULBERSON, Mr. WELDON of Florida, and Ms. GIFFORDS.
H. Res. 946: Mr. MCHUGH.
H. Res. 947: Mr. KING of New York, Mr. SCHIFF, Mr. TOWNS, Mr. CROWLEY, Mr. SESSIONS, Ms. BORDALLO, Mr. KIRK, and Mr. SIRES.
H. Res. 951: Mr. ALEXANDER, Mrs. BLACKBURN, Mr. BROUN of Georgia, Mr. BURTON of Indiana, Mr. CANTOR, Mr. CROWLEY, Mr. CULBERSON, Ms. FALLIN, Mr. FEENEY, Mr. FORTUÑO, Ms. FOXX, Mr. GINGREY, Mr. GOHMERT, Mr. GOODLATTE, Mr. HASTINGS of Florida, Mr. HOEKSTRA, Mr. KIRK, Mr. KNOLLENBERG, Mr. KUHL of New York, Mr. LAMBORN, Mr. LOBIONDO, Mr. MACK, Mr. MCHENRY, Mr. PENCE, Mr. POE, Mr. PORTER, Mr. PRICE of Georgia, Mrs. MCMORRIS RODGERS, Mr. SESSIONS, Mr. SHUSTER, Mr. TANCREDO, Mr. TIBERI, Mr. WALBERG, Mr. MOORE of Kansas, Mr. SHAYS, Mr. WYNN, Mr. WELLER, and Mr. SHADEGG.
H. Res. 953: Mr. FORTUÑO, Mr. BISHOP of Georgia, Mr. BURGESS, Mr. GRAVES, Mr. WILSON of South Carolina, Mr. CULBERSON, Mr. GORDON, Mr. ADERHOLT, Mr. GONZALEZ, Mr. BRADY of Pennsylvania, Mr. SPACE, Mr. ROGERS of Michigan, Mr. GINGREY, Mr. CARNEY, Mr. ENGLISH of Pennsylvania, Mr. RADANOVICH, and Mr. PICKERING.
H. Res. 954: Mr. SENSENBRENNER, Mr. GOHMERT, Mr. MITCHELL, Mr. HARE, Mr. BROUN of Georgia, Mr. MCCAUL of Texas, and Mr. SHAYS.

THURSDAY, FEBRUARY 7, 2008 (11)

The House was called to order by the SPEAKER.

¶11.1 APPROVAL OF THE JOURNAL

The SPEAKER announced she had examined and approved the Journal of the proceedings of Wednesday, February 6, 2008.

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

¶11.2 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

5257. A letter from the Under Secretary for Acquisition, Technology and Logistics, Department of Defense, transmitting a comprehensive review of the C-5 Reliability Enhancement and Re-Engining Program (RERP), pursuant to 10 U.S.C. 2433; to the Committee on Armed Services.

5258. A letter from the Under Secretary for Acquisition, Technology and Logistics, Department of Defense, transmitting a letter regarding the Department's report on the amount of purchases from foreign entities for Fiscal Year 2007, pursuant to Public Law 104-201, section 827 (110 Stat. 2611); to the Committee on Armed Services.

5259. A letter from the Chief, Programs and Legislation Division, Department of the Air Force, Department of Defense, transmitting Notice of the decision to conduct a standard competition of the Supply functions at Robins Air Force Base (AFB), Georgia, pursuant

to 10 U.S.C. 2433(e)(1); to the Committee on Armed Services.

5260. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting a letter regarding a report to be submitted pursuant to Section 813 of the National Defense Authorization Act for Fiscal Year 2006, Pub. L. 109-360; to the Committee on Armed Services.

5261. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting authorization of the enclosed list of officers to wear the insignia of the next higher grade in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

5262. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting Authorization of Captain David W. Titley to wear the insignia of the grade of rear admiral (lower half) in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

5263. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting authorization of Colonel Leonard A. Patrick to wear the insignia of the grade of brigadier general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

5264. A letter from the Under Secretary for Acquisition, Technology and Logistics, Department of Defense, transmitting the Department's report on space-available transportation as required by Section 359 of the National Defense Authorization Act of FY 2006, Pub. L. 109-163; to the Committee on Armed Services.

5265. A letter from the Under Secretary for Acquisitions, Technology and Logistics, Department of Defense, transmitting a report on the budgeting of the Department of Defense for the sustainment of key military equipment, pursuant to Public Law 109-163, section 361; to the Committee on Armed Services.

5266. A letter from the Congressional Assistant, Board of Governors of the Federal Reserve System, transmitting the Joint Report to Congress on the Economic Growth and Regulatory Paperwork Reduction Act; to the Committee on Financial Services.

5267. A letter from the Secretary, Department of Commerce, transmitting the Department's 2008 Report on Foreign Policy-Based Export Controls; to the Committee on Financial Services.

5268. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to South Korea pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

5269. A letter from the Program Manager, Department of Health and Human Service, transmitting the Department's final rule — Interstate Shipment of Etiologic Agents (RIN: 0920-AA19) received January 25, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5270. A letter from the Deputy General Counsel, Federal Energy Regulatory Commission, transmitting the Commission's final rule — Transparency Provisions of Section 23 of the Natural Gas Act [Docket No. RM07-10-000; Order No. 704] received December 27, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5271. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule — Retirement Systems Modernization (RIN: 3206-AL34) received January 2, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

5272. A letter from the Director, U.S. Fish and Wildlife Service, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Revision of Special Regulation for the Central Idaho and Yellowstone Area Nonessential Experimental Populations of Gray Wolves in the Northern Rocky Mountains [FWS-R6-ES-2008-009 92220-1113-0000; ABC Code: C3] (RIN: 1018-AV39) received January 28, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5273. A letter from the Assistant Secretary for Fish, Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Revised Designation of Critical Habitat for the Tidewater Goby (Eucyclogobius newberryi) [FWS-R8-ES-2008-0010 92210-1117-0000-B4] (RIN: 1018-AU81) received January 28, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5274. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's determination on a petition on behalf of a class of workers from the Y-12 Plant in Oak Ridge, Tennessee to be added to the Special Exposure Cohort (SEC), pursuant to the Energy Employees Occupational Illness Compensation Program Act of 2000 (EEOICPA); to the Committee on the Judiciary.

5275. A letter from the Acting Director, National Drug Intelligence Center, Department of Justice, transmitting the Department's National Drug Threat Assessment 2008; to the Committee on the Judiciary.

5276. A letter from the Director, National Drug Intelligence Center, Department of Justice, transmitting the Department's National Methamphetamine Threat Assessment 2008; to the Committee on the Judiciary.

5277. A letter from the Director of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule — Loan Guaranty: Loan Servicing and Claims Procedures Modifications (RIN: 2900-AL65) received January 28, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

5278. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Disclosure of Return Information to the Bureau of the Census [TD 9373] (RIN: 1545-BH30) received January 2, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5279. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Disclosure of Return Information to the Bureau of the Census [TD 9372] (RIN: 1545-BE08) received January 2, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5280. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Effective Date Relief for Unified Rule for Loss on Subsidiary Stock [Notice 2008-9] received January 2, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5281. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Election of Alternative Funding Schedule [Announcement 2008-2] received January 2, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5282. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Nuclear Decommissioning Funds [TD 9374] (RIN: 1545-BF09) received January 2, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

¶11.3 MESSAGE FROM THE SENATE

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

H.R. 3541. An Act to amend the Do-not-call Implementation Act to eliminate the automatic removal of telephone numbers registered on the Federal ''do-not-call'' registry.

¶11.4 PROVIDING FOR CONSIDERATION OF H.R. 4137

Ms. SUTTON, by direction of the Committee on Rules, called up the following resolution (H. Res. 956):

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 4137) to amend and extend the Higher Education Act of 1965, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Education and Labor. After general debate the bill shall be considered for amendment under the five-minute rule.

SEC. 2. (a) It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Education and Labor now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived except those arising under clause 10 of rule XXI.

(b) Notwithstanding clause 11 of rule XVIII, no amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution and amendments en bloc described in section 3 of this resolution.

(c) Each amendment printed in the report of the Committee on Rules shall be considered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole.

(d) All points of order against amendments printed in the report of the Committee on Rules or amendments en bloc described in section 3 of this resolution are waived except those arising under clause 9 or 10 of rule XXI.

SEC. 3. It shall be in order at any time for the chairman of the Committee on Education and Labor or his designee to offer amendments en bloc consisting of amendments printed in the report of the Committee on Rules not earlier disposed of. Amendments en bloc offered pursuant to this section shall be considered as read, shall be debatable for 10 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Education and Labor or their designees, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of

the Whole. The original proponent of an amendment included in such amendments en bloc may insert a statement in the Congressional Record immediately before the disposition of the amendments en bloc.

SEC. 4. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 5. During consideration in the House of H.R. 4137 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

SEC. 6. House Resolution 941 is laid upon the table.

When said resolution was considered.

After debate,

Ms. SUTTON moved the previous question on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House now order the previous question?

The SPEAKER pro tempore, Mr. HOLDEN, announced that the nays had it.

Ms. SUTTON demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 204 Nays 196

¶11.5 [Roll No. 32]

YEAS—204

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

NAYS—196

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

NOT VOTING—29

Baldwin
Blackburn
Boucher
Cramer
Davis, Lincoln
Everett
Farr
Filner
Fortenberry
Graves
Hare
Hinojosa
Lantos
Lipinski
Lowey
Manzullo
Meek (FL)
Moore (WI)
Petri
Porter
Pryce (OH)
Ruppersberger
Ryan (WI)
Sanchez, Loretta
Smith (WA)
Tanner
Towns
Woolsey
Wynn

So the previous question on the resolution was ordered.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. HOLDEN, announced that the yeas had it.

Mr. HASTINGS of Washington, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 214 Nays 190

¶11.6 [Roll No. 33]

YEAS—214

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Fattah
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler

Sires
Skelton
Slaughter
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Wu
Yarmuth

NAYS—190

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

NOT VOTING—25

Baldwin
Blackburn
Boucher
Cramer
Davis, Lincoln
Everett
Farr
Ferguson
Filner
Fortenberry
Graves
Lantos
Lowey
Manzullo
Porter
Pryce (OH)
Ruppersberger
Ryan (WI)
Sanchez, Loretta
Smith (NJ)
Smith (WA)
Tanner
Towns
Woolsey
Wynn

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

Pursuant to section 6 of House Resolution 956, House Resolution 941 was laid on the table.

¶11.7 H. CON. RES. 283—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. HOLDEN, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and agree to the concurrent resolution (H. Con. Res. 283) calling for a peaceful resolution to the current electoral crisis in Kenya; as amended.

The question being put,

Will the House suspend the rules and agree to said concurrent resolution, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 405 Nays 1

¶11.8 [Roll No. 34]

YEAS—405

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Engel
English (PA)
Eshoo
Etheridge
Fallin
Fattah
Feeney
Ferguson
Flake
Forbes
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Green, Al
Green, Gene
Grijalva
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Price (GA)
Price (NC)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (TX)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Wu
Yarmuth
Young (AK)
Young (FL)

NAYS—1

Paul

NOT VOTING—23

Baldwin
Blackburn
Boucher
Cramer
Emerson
Everett
Farr
Filner
Fortenberry
Graves
Gutierrez
Lantos
Lowey
Manzullo
Porter
Pryce (OH)
Ruppersberger
Sanchez, Loretta
Smith (NJ)
Smith (WA)
Tanner
Woolsey
Wynn

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said concurrent resolution, as amended, was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said concurrent resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

¶11.9 MOMENT OF SILENCE IN MEMORY OF TORNADO VICTIMS

The SPEAKER announced that all Members stand and observe a moment of silence in memory of the victims of the tornadoes of February 5 and 6, 2008.

¶11.10 H.R. 4848—UNFINISHED BUSINESS

The SPEAKER, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and pass the bill (H.R. 4848) to extend for one year parity in the application of certain limits to mental health benefits, and for other purposes; as amended.

The question being put,

Will the House suspend the rules and pass said bill, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 384 / Nays 23

¶11.11 [Roll No. 35]

YEAS—384

Abercrombie	Crowley	Hinojosa
Ackerman	Cubin	Hirono
Aderholt	Cuellar	Hobson
Akin	Culberson	Hodes
Alexander	Cummings	Hoekstra
Allen	Davis (AL)	Holden
Altmire	Davis (CA)	Holt
Andrews	Davis (IL)	Honda
Arcuri	Davis (KY)	Hooley
Baca	Davis, David	Hoyer
Bachus	Davis, Lincoln	Hulshof
Baird	Davis, Tom	Hunter
Barrett (SC)	Deal (GA)	Inglis (SC)
Barrow	DeFazio	Inslee
Bartlett (MD)	DeGette	Israel
Barton (TX)	Delahunt	Issa
Bean	DeLauro	Jackson (IL)
Becerra	Dent	Jackson-Lee (TX)
Berkley	Diaz-Balart, L.	Jefferson
Berman	Diaz-Balart, M.	Johnson (GA)
Berry	Dicks	Johnson (IL)
Biggert	Dingell	Johnson, E. B.
Bilbray	Doggett	Johnson, Sam
Bilirakis	Donnelly	Jones (NC)
Bishop (GA)	Doyle	Jones (OH)
Bishop (NY)	Drake	Kagen
Bishop (UT)	Dreier	Kanjorski
Blunt	Edwards	Kaptur
Boehner	Ehlers	Keller
Bonner	Ellison	Kennedy
Bono Mack	Ellsworth	Kildee
Boozman	Emanuel	Kilpatrick
Boren	Engel	Kind
Boswell	English (PA)	King (NY)
Boustany	Eshoo	Kingston
Boyd (FL)	Etheridge	Kirk
Boyda (KS)	Fallin	Klein (FL)
Brady (PA)	Fattah	Kline (MN)
Brady (TX)	Feeney	Knollenberg
Braley (IA)	Ferguson	Kucinich
Brown (SC)	Filner	Kuhl (NY)
Brown, Corrine	Forbes	LaHood
Buchanan	Fossella	Lampson
Burgess	Frank (MA)	Langevin
Burton (IN)	Frelinghuysen	Larsen (WA)
Butterfield	Gallegly	Larson (CT)
Buyer	Gerlach	Latham
Calvert	Giffords	LaTourette
Camp (MI)	Gilchrest	Latta
Cantor	Gillibrand	Lee
Capito	Gingrey	Levin
Capps	Gohmert	Lewis (CA)
Capuano	Gonzalez	Lewis (GA)
Cardoza	Goode	Lewis (KY)
Carnahan	Goodlatte	Linder
Carney	Gordon	Lipinski
Carter	Granger	LoBiondo
Castle	Graves	Loebsack
Castor	Green, Al	Lofgren, Zoe
Chabot	Green, Gene	Lucas
Chandler	Grijalva	Lungren, Daniel E.
Clarke	Gutierrez	Lynch
Clay	Hall (NY)	Mahoney (FL)
Cleaver	Hall (TX)	Maloney (NY)
Clyburn	Hare	Markey
Coble	Harman	Marshall
Cohen	Hastings (FL)	Matheson
Cole (OK)	Hastings (WA)	Matsui
Conaway	Hayes	McCarthy (CA)
Conyers	Heller	McCarthy (NY)
Cooper	Herger	McCaul (TX)
Costa	Herseth Sandlin	McCollum (MN)
Costello	Higgins	McCotter
Courtney	Hill	McCrery
Crenshaw	Hinchey	McDermott
		McGovern
		McHenry
		McHugh
		McIntyre
		McKeon
		McMorris Rodgers
		McNerney
		McNulty
		Meek (FL)
		Meeks (NY)
		Melancon
		Mica
		Michaud
		Miller (FL)
		Miller (MI)
		Miller (NC)
		Miller, Gary
		Miller, George
		Mitchell
		Mollohan
		Moore (KS)
		Moore (WI)
		Moran (KS)
		Moran (VA)
		Murphy (CT)
		Murphy, Patrick
		Murphy, Tim
		Murtha
		Musgrave
		Myrick
		Nadler
		Napolitano
		Neal (MA)
		Neugebauer
		Nunes
		Oberstar
		Obey
		Olver
		Ortiz
		Pallone
		Pascrell
		Pastor
		Payne
		Pearce
		Perlmutter
		Peterson (MN)
		Peterson (PA)
		Petri
		Pickering
		Pitts
		Platts
		Pomeroy
		Price (GA)
		Price (NC)
		Putnam
		Radanovich
		Rahall
		Ramstad
		Rangel
		Regula
		Rehberg
		Reichert
		Renzi
		Reyes
		Reynolds
		Richardson
		Rodriguez
		Rogers (AL)
		Rogers (KY)
		Rogers (MI)
		Ros-Lehtinen
		Roskam
		Ross
		Rothman
		Roybal-Allard
		Rush
		Ryan (OH)
		Ryan (WI)
		Salazar
		Sánchez, Linda T.
		Sarbanes
		Saxton
		Schakowsky
		Schiff
		Schmidt
		Schwartz
		Scott (GA)
		Scott (VA)
		Sensenbrenner
		Serrano
		Sessions
		Sestak
		Shays
		Shea-Porter
		Sherman
		Shimkus
		Shuler
		Shuster
		Simpson
		Sires
		Skelton
		Slaughter
		Smith (NE)
		Smith (NJ)
		Smith (TX)
		Snyder
		Solis
		Souder
		Space
		Spratt
		Stark
		Stearns
		Stupak
		Sullivan
		Sutton
		Tancredo
		Tauscher
		Taylor
		Terry
		Thompson (CA)
		Thompson (MS)
		Thornberry
		Tiahrt
		Tiberi
		Tierney
		Towns
		Tsongas
		Turner
		Udall (CO)
		Udall (NM)
		Upton
		Van Hollen
		Velázquez
		Visclosky
		Walberg
		Walden (OR)
		Walsh (NY)
		Walz (MN)
		Wamp
		Wasserman Schultz
		Waters
		Watson
		Watt
		Waxman
		Weiner
		Welch (VT)
		Weldon (FL)
		Weller
		Westmoreland
		Wexler
		Whitfield (KY)
		Wilson (NM)
		Wilson (OH)
		Wilson (SC)
		Wittman (VA)
		Wolf
		Wu
		Young (AK)
		Young (FL)

NAYS—23

Bachmann	Flake	Mack
Broun (GA)	Foxx	Paul
Brown-Waite, Ginny	Franks (AZ)	Pence
Campbell (CA)	Garrett (NJ)	Poe
Cannon	Hensarling	Rohrabacher
Doolittle	Jordan	Royce
Duncan	King (IA)	Sali
	Lamborn	Shadegg

NOT VOTING—22

Baldwin	Fortenberry	Sanchez, Loretta
Blackburn	Lantos	Smith (WA)
Blumenauer	Lowey	Tanner
Boucher	Manzullo	Woolsey
Cramer	Marchant	Wynn
Emerson	Porter	Yarmuth
Everett	Pryce (OH)	
Farr	Ruppersberger	

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶11.12 HIGHER EDUCATION

The SPEAKER pro tempore, Mr. HOLDEN, pursuant to House Resolution 956 and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 4137) to amend and extend the Higher Education Act of 1965, and for other purposes.

The SPEAKER pro tempore, Mr. HOLDEN, by unanimous consent, designated Mr. PASTOR as Chairman of the Committee of the Whole; and after some time spent therein,

The SPEAKER pro tempore, Mr. WALZ of Minnesota, assumed the Chair.

When Mr. PASTOR, Chairman, reported that the Committee, having had under consideration said bill, had come to no resolution thereon.

¶11.13 ORDER OF BUSINESS—PROCEEDINGS ON VOTES

On motion of Mr. HINOJOSA, by unanimous consent,

Ordered, That, during consideration of the bill (H.R. 4137) to amend and extend the Higher Education Act of 1965, and for other purposes, pursuant to House Resolution 956, the Chair may reduce to two minutes the minimum time for electronic voting under clause 6 of rule XVIII and clauses 8 and 9 of rule XX.

¶11.14 HIGHER EDUCATION

The SPEAKER pro tempore, Mr. WALZ of Minnesota, pursuant to House Resolution 956 and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 4137) to amend and extend the Higher Education Act of 1965, and for other purposes.

Mr. PASTOR, Chairman of the Committee of the Whole, resumed the chair; and after some time spent therein,

¶11.15 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 4, printed in House Report 110-523, submitted by Mr. PETRI:

Page 451, line 24, strike ''and''; on page 452, line 5, strike the period and insert ''; and''; and after such line insert the following new paragraph:

''(8) the feasibility of a specific alternative market-based mechanism that will—

''(A) determine lender returns;

''(B) result in reduced Federal costs on a program-wide basis, on loans made, insured, or guaranteed under part B of this title, excluding from consideration the Federal PLUS loans described in section 428B that are the subject of the competitive loan auction pilot program under this section;

''(C) include not more than—

''(i) 10 percent of the annual loan volume under this part B of this title during the first year of the alternative pilot program; and

''(ii) 20 percent of the annual loan volume under this part B of this title during the subsequent years of the alternative pilot program;

''(D) permit participation in any alternative auction-based pilot program on a voluntary basis for eligible institutions and eligible lenders participating under part B of this title prior to July 1, 2007; and

''(E) provide for all savings to the United States Treasury generated by such alternative pilot program to be distributed to institutions participating under this section on a basis proportionate to loan volume

under such part for supplemental, need-based financial aid, except than an institution that is operating as an eligible lender under section 435(d)(2) shall not be eligible for any such distribution.

Page 452, line 14, strike the close quotation marks and following period, and after line 14 insert the following new subsection:

''(e) INDEPENDENT EVALUATION.—The Government Accountability Office shall conduct an independent evaluation of any auction or auctions conducted under this section no later than September 1, 2013.''.

It was decided in the affirmative ..... { Yeas ..... 260 / Nays 153

¶11.16 [Roll No. 36]

AYES—260

Abercrombie	Ferguson	McDermott
Ackerman	Filner	McGovern
Allen	Fossella	McHugh
Andrews	Frank (MA)	McIntyre
Arcuri	Frelinghuysen	McNerney
Baca	Giffords	McNulty
Baird	Gilchrest	Meek (FL)
Baldwin	Gillibrand	Meeks (NY)
Barrow	Gonzalez	Mica
Bartlett (MD)	Gordon	Michaud
Bean	Graves	Miller (NC)
Becerra	Green, Al	Miller, George
Berkley	Green, Gene	Mitchell
Berman	Grijalva	Mollohan
Biggert	Gutierrez	Moore (KS)
Bishop (GA)	Hall (NY)	Moore (WI)
Bishop (NY)	Hare	Moran (VA)
Blumenauer	Harman	Murphy (CT)
Bordallo	Hastings (FL)	Murphy, Patrick
Boren	Higgins	Murphy, Tim
Boswell	Hill	Murtha
Boyd (FL)	Hinchey	Nadler
Brady (PA)	Hinojosa	Napolitano
Braley (IA)	Hirono	Neal (MA)
Brown, Corrine	Hodes	Norton
Butterfield	Holden	Oberstar
Cannon	Holt	Obey
Capito	Honda	Olver
Capps	Hooley	Ortiz
Capuano	Hoyer	Pallone
Cardoza	Hulshof	Pascrell
Carnahan	Hunter	Pastor
Carney	Israel	Payne
Castle	Jackson (IL)	Perlmutter
Castor	Jackson-Lee (TX)	Peterson (MN)
Chandler	Jefferson	Peterson (PA)
Christensen	Johnson (GA)	Petri
Clarke	Johnson (IL)	Pickering
Clay	Johnson, E. B.	Platts
Cleaver	Jones (NC)	Pomeroy
Clyburn	Jones (OH)	Price (NC)
Cohen	Kagen	Rahall
Conyers	Kanjorski	Ramstad
Cooper	Kaptur	Rangel
Costa	Kennedy	Renzi
Costello	Kildee	Reyes
Courtney	Kilpatrick	Richardson
Crowley	Kind	Rodriguez
Cuellar	King (NY)	Rogers (KY)
Cummings	Kingston	Rogers (MI)
Davis (AL)	Kirk	Rohrabacher
Davis (CA)	Klein (FL)	Ros-Lehtinen
Davis (IL)	Kuhl (NY)	Rothman
Davis, Lincoln	LaHood	Roybal-Allard
DeFazio	Lampson	Rush
DeGette	Langevin	Ryan (OH)
Delahunt	Larsen (WA)	Salazar
DeLauro	Larson (CT)	Sánchez, Linda T.
Dent	Lee	Sarbanes
Diaz-Balart, L.	Levin	Saxton
Diaz-Balart, M.	Lewis (CA)	Schakowsky
Dicks	Lewis (GA)	Schiff
Dingell	Lewis (KY)	Schwartz
Doggett	Linder	Scott (GA)
Donnelly	Lipinski	Scott (VA)
Doyle	LoBiondo	Serrano
Duncan	Loebsack	Sestak
Edwards	Lofgren, Zoe	Shays
Ellison	Lucas	Shea-Porter
Ellsworth	Lynch	Sherman
Emanuel	Maloney (NY)	Sires
Emerson	Markey	Skelton
Engel	Marshall	Slaughter
English (PA)	Matheson	Smith (NJ)
Eshoo	Matsui	Snyder
Etheridge	McCarthy (NY)	Solis
Faleomavaega	McCollum (MN)	Space
Fattah		

Spratt	Udall (CO)	Watson
Stark	Udall (NM)	Watt
Stupak	Van Hollen	Waxman
Sutton	Velázquez	Welch (VT)
Tauscher	Visclosky	Wexler
Taylor	Walsh (NY)	Wilson (OH)
Thompson (CA)	Walz (MN)	Wolf
Thompson (MS)	Wasserman Schultz	Wu
Tierney	Waters	Young (AK)
Tsongas		

NOES—153

Aderholt	Foxx	Myrick
Akin	Franks (AZ)	Neugebauer
Alexander	Gallegly	Nunes
Altmire	Garrett (NJ)	Pearce
Bachmann	Gerlach	Pence
Bachus	Gingrey	Poe
Barrett (SC)	Gohmert	Price (GA)
Barton (TX)	Goode	Pryce (OH)
Berry	Goodlatte	Putnam
Bilbray	Granger	Radanovich
Bilirakis	Hall (TX)	Regula
Bishop (UT)	Hastings (WA)	Rehberg
Blackburn	Hayes	Reichert
Blunt	Heller	Reynolds
Bonner	Hensarling	Rogers (AL)
Bono Mack	Herger	Roskam
Boozman	Herseth Sandlin	Ross
Boustany	Hobson	Royce
Boyda (KS)	Hoekstra	Ryan (WI)
Brady (TX)	Inglis (SC)	Sali
Broun (GA)	Issa	Schmidt
Brown (SC)	Johnson, Sam	Sensenbrenner
Brown-Waite, Ginny	Jordan	Sessions
Buchanan	Keller	Shadegg
Burgess	King (IA)	Shimkus
Burton (IN)	Kline (MN)	Shuler
Buyer	Knollenberg	Shuster
Calvert	Kucinich	Simpson
Camp (MI)	Lamborn	Smith (NE)
Campbell (CA)	Latham	Smith (TX)
Cantor	LaTourette	Souder
Carter	Latta	Stearns
Chabot	Lungren, Daniel E.	Sullivan
Coble	Mack	Tancredo
Cole (OK)	Mahoney (FL)	Terry
Conaway	Manzullo	Thornberry
Crenshaw	Marchant	Tiahrt
Cubin	McCarthy (CA)	Tiberi
Culberson	McCaul (TX)	Turner
Davis (KY)	McCotter	Upton
Davis, David	McCrery	Walberg
Deal (GA)	McHenry	Walden (OR)
Doolittle	McKeon	Wamp
Drake	McMorris Rodgers	Weldon (FL)
Dreier	Melancon	Weller
Ehlers	Miller (FL)	Westmoreland
Fallin	Miller (MI)	Whitfield (KY)
Feeney	Miller, Gary	Wilson (NM)
Flake	Moran (KS)	Wilson (SC)
Forbes	Musgrave	Wittman (VA)
Fortuño		Yarmuth
		Young (FL)

NOT VOTING—21

Boehner	Inslee	Sanchez, Loretta
Boucher	Lantos	Smith (WA)
Cramer	Lowey	Tanner
Davis, Tom	Paul	Towns
Everett	Pitts	Weiner
Farr	Porter	Woolsey
Fortenberry	Ruppersberger	Wynn

So the amendment was agreed to.

¶11.17 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 5, printed in House Report 110-523, submitted by Mr. PETRI:

Page 359, beginning on line 13, strike subparagraphs (C), (D), and (E) and insert the following (and redesignate the succeeding paragraphs accordingly):

''(C) with respect to each of the guaranty agencies operating under a guaranty agreement under section 428(c)—

''(i) un-reconciled balances in held loans by year of origination;

''(ii) status and number of defaulted loans by length of default in 30-day increments; and

''(iii) status and number of delinquent loans by length of delinquency in 30-day increments;

Page 359, line 23, insert before the period the following: ''carrying out activities under this part''.

Page 359, beginning on line 24, strike subsection (c) through page 360, line 12.

Page 360, after line 12, insert the following new subsection:

(d) AUDIT OF FEDERAL FAMILY EDUCATION LOAN PROGRAM PORTFOLIO AND GUARANTY AGENCIES.—The Secretary of Education shall have a financial and compliance audit of all guaranty agencies participating in the loan programs under part B of title IV of the Higher Education Act of 1965 (including each guaranty agencies' contract for the servicing, collecting, and related activities of such loans), conducted annually by a qualified independent organization from a list of qualified organizations promulgated by the Secretary in accordance with the standards established by the Comptroller General. The standards shall measure the guaranty agency's compliance with the due diligence standards and shall include a defined statistical sampling technique designed to measure the performance rating of the guaranty agency for the purpose of this subsection. The Secretary shall submit the audit to Congress within 60 days of its completion and shall at the same time make the results of the audit publicly available.

It was decided in the affirmative ..... { Yeas ..... 222 / Nays 191

¶11.18 [Roll No. 37]

AYES—222

Abercrombie	Engel	Lofgren, Zoe
Ackerman	Eshoo	Lynch
Allen	Faleomavaega	Maloney (NY)
Andrews	Fattah	Markey
Baca	Filner	Marshall
Baird	Frank (MA)	Matheson
Baldwin	Frelinghuysen	Matsui
Barrow	Gillibrand	McCarthy (NY)
Becerra	Gonzalez	McCollum (MN)
Berkley	Graves	McDermott
Berman	Green, Al	McGovern
Bishop (GA)	Green, Gene	McHugh
Bishop (NY)	Grijalva	McIntyre
Blumenauer	Gutierrez	McNerney
Bordallo	Hall (NY)	McNulty
Boren	Hare	Meek (FL)
Brady (PA)	Harman	Meeks (NY)
Brown, Corrine	Hastings (FL)	Melancon
Capito	Higgins	Michaud
Capps	Hill	Miller (NC)
Capuano	Hinchey	Miller, George
Cardoza	Hinojosa	Mitchell
Carnahan	Hirono	Mollohan
Carney	Hodes	Moore (KS)
Castor	Holden	Moore (WI)
Chandler	Holt	Moran (VA)
Christensen	Honda	Murphy (CT)
Clarke	Hooley	Murphy, Patrick
Clay	Hoyer	Murphy, Tim
Cleaver	Inglis (SC)	Murtha
Clyburn	Israel	Nadler
Conyers	Jackson (IL)	Napolitano
Cooper	Jackson-Lee (TX)	Neal (MA)
Costa	Jefferson	Norton
Costello	Johnson (GA)	Oberstar
Courtney	Johnson (IL)	Obey
Crowley	Johnson, E. B.	Olver
Cuellar	Jones (OH)	Ortiz
Cummings	Kagen	Pallone
Davis (AL)	Kaptur	Pascrell
Davis (CA)	Kennedy	Pastor
Davis (IL)	Kildee	Payne
Davis, Lincoln	Kilpatrick	Perlmutter
DeFazio	Kind	Peterson (MN)
DeGette	Kirk	Petri
Delahunt	Klein (FL)	Pickering
DeLauro	Kuhl (NY)	Pomeroy
Diaz-Balart, L.	LaHood	Rahall
Diaz-Balart, M.	Langevin	Ramstad
Dicks	Larsen (WA)	Rangel
Dingell	Larson (CT)	Reichert
Doggett	Lee	Reyes
Donnelly	Levin	Richardson
Doyle	Lewis (GA)	Rodriguez
Edwards	Linder	Ros-Lehtinen
Ellison	Lipinski	Rothman
Ellsworth	LoBiondo	Roybal-Allard
Emanuel		Rush

Ryan (OH)
Salazar
Sánchez, Linda T.
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (NJ)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Waxman
Welch (VT)
Wexler
Wilson (OH)
Wolf
Wu
Young (AK)

NOES—191

Aderholt
Akin
Alexander
Altmire
Arcuri
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bean
Berry
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boswell
Boustany
Boyd (FL)
Boyda (KS)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Carter
Castle
Chabot
Coble
Cohen
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Deal (GA)
Dent
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Etheridge
Fallin
Feeney
Ferguson
Flake
Forbes
Fortuño
Fossella
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Hobson
Hoekstra
Hulshof
Hunter
Issa
Johnson, Sam
Jones (NC)
Jordan
Kanjorski
Keller
King (IA)
King (NY)
Kingston
Kline (MN)
Knollenberg
Kucinich
Lamborn
Lampson
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Loebsack
Lucas
Lungren, Daniel E.
Mack
Mahoney (FL)
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (PA)
Platts
Poe
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Ross
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Wamp
Watt
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Yarmuth
Young (FL)

NOT VOTING—21

Boucher
Cramer
Davis, Tom
Everett
Farr
Fortenberry
Inslee
Lantos
Lowey
Manzullo
Paul
Pitts
Porter
Ruppersberger
Sanchez, Loretta
Smith (WA)
Tanner
Towns
Weiner
Woolsey
Wynn

So the amendment was agreed to.

¶11.19 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 7, printed in House Report 110-523, submitted by Mr. DAVIS of Illinois:

At the end of the bill, add the following (and make such technical and conforming changes as may be appropriate):

TITLE XI—RELATED AMENDMENTS

SEC. 1101. TREATMENT IN BANKRUPTCY.

Section 523(a)(8) of title 11, the United States Code, is amended—

(1) in subparagraph (A)(i) by striking ''or made'' and all that follows through ''institution'', and inserting ''or made under any program funded in whole or in part by a governmental unit, or made under any program in which a substantial portion of the funds for making such overpayment or loan is provided by a nonprofit institution or an institution of higher education as defined in section 102 of the Higher Education Act and in which no part is funded by a governmental unit''; and

(2) in subparagraph (B) by inserting before the semicolon at the end the following:

''unless the period beginning on the date when such loan first became due and ending on the date of the filing of the petition, excluding any time during such period when the repayment obligation was deferred while the borrower was attending an eligible educational institution as defined in section 221(d)(2) of the Internal Revenue Code of 1986, is longer than 5 years''.

It was decided in the negative ..... { Yeas ..... 179 / Nays 236

¶11.20 [Roll No. 38]

AYES—179

Abercrombie
Ackerman
Allen
Andrews
Baldwin
Barrow
Becerra
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Bordallo
Boswell
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Carnahan
Castor
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costello
Courtney
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doyle
Ellison
Emanuel
Engel
Eshoo
Etheridge
Faleomavaega
Fattah
Filner
Frank (MA)
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Higgins
Hinchey
Hinojosa
Hirono
Holt
Honda
Hooley
Hoyer
Hulshof
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kagen
Kaptur
Kennedy
Kildee
Kilpatrick
Kucinich
LaHood
Langevin
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Markey
Matsui
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (WI)
Moran (VA)
Murphy, Patrick
Murphy, Tim
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Petri
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ros-Lehtinen
Rothman
Roybal-Allard
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Slaughter
Snyder
Solis
Spratt
Stark
Stupak
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Welch (VT)
Wexler
Wu
Yarmuth
Young (AK)

NOES—236

Aderholt
Akin
Alexander
Altmire
Arcuri
Baca
Bachmann
Bachus
Baird
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bean
Berkley
Berry
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boustany
Boyd (FL)
Boyda (KS)
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Cardoza
Carney
Carter
Castle
Chabot
Chandler
Coble
Cole (OK)
Conaway
Costa
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Davis (KY)
Davis, David
Davis, Lincoln
Deal (GA)
Dent
Donnelly
Doolittle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellsworth
Emerson
English (PA)
Fallin
Feeney
Ferguson
Flake
Forbes
Fortuño
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Hill
Hobson
Hodes
Hoekstra
Holden
Hunter
Inglis (SC)
Issa
Johnson, Sam
Jones (NC)
Jordan
Kanjorski
Keller
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Lampson
Larsen (WA)
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Marshall
Matheson
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mitchell
Moore (KS)
Moran (KS)
Murphy (CT)
Murtha
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Pickering
Platts
Poe
Pomeroy
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Richardson
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Ross
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuler
Shuster
Simpson
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Space
Stearns
Sullivan
Tancredo
Tauscher
Taylor
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Young (FL)

NOT VOTING—19

Boucher
Cramer
Davis, Tom
Everett
Farr
Fortenberry
Inslee
Lantos
Lowey
Paul
Pitts
Porter
Ruppersberger
Sanchez, Loretta
Smith (WA)
Tanner
Weiner
Woolsey
Wynn

So the amendment was not agreed to.

The SPEAKER pro tempore, Mrs. TAUSCHER, assumed the Chair.

When Mr. POMEROY, Acting Chairman, pursuant to House Resolution 956, reported the bill back to the House with an amendment adopted by the Committee.

The previous question having been ordered by said resolution.

The following amendment, reported from the Committee of the Whole House on the state of the Union, was agreed to:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''College Opportunity and Affordability Act of 2008''.

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

Sec. 1. Short title; table of contents.
Sec. 2. References; Effective date.
TITLE I—TITLE I AMENDMENTS
Sec. 101. Definitions of institution of higher education.
Sec. 102. Additional definitions.
Sec. 103. Treatment of territories and territorial student assistance.
Sec. 104. National Advisory Committee on Institutional Quality and Integrity.
''Sec. 114. National Advisory Committee on Institutional Quality and Integrity.
Sec. 105. Drug and alcohol abuse prevention.
Sec. 106. Prior rights and obligations.
Sec. 107. Improved information concerning the Federal student financial aid website.
Sec. 108. State commitment to affordable college education.
''Sec. 132. State commitment to affordable college education.
Sec. 109. Transparency in college tuition for consumers.
''Sec. 133. Transparency in college tuition for consumers.
Sec. 110. Textbook information.
''Sec. 134. Textbook information.
Sec. 111. Database of student information prohibited.
''Sec. 135. Database of student information prohibited.
Sec. 112. In-State tuition rates for members of the Armed Forces on active duty and dependents.
''Sec. 136. In-State tuition rates for members of the Armed Forces on active duty and dependents.
Sec. 113. Endowment Reporting.
''Sec. 137. Endowment Reporting.
Sec. 114. State higher education information system pilot program.
''Sec. 138. State higher education information system pilot program.
Sec. 115. Institution and lender reporting and disclosure requirements.
''PART E—LENDER AND INSTITUTION REQUIREMENTS RELATING TO EDUCATIONAL LOANS
''Sec. 151. Definitions.
''Sec. 152. Requirements for lenders and institutions participating in preferred lender arrangements.
''Sec. 153. Interest rate report for institutions and lenders participating in preferred lender arrangements.
''Sec. 154. Private educational loan disclosure requirements for covered institutions.
''Sec. 155. Integrity provisions.
''Sec. 156. Compliance and enforcement.
''Sec. 157. Student loan counseling.
Sec. 116. Feasibility study for national electronic student loan marketplace.
TITLE II—TITLE II REVISION
Sec. 201. Revision of title II.
''TITLE II—TEACHER QUALITY ENHANCEMENT
''Sec. 200. Definitions.
''Sec. 200A. Rule of Construction.
''PART A—TEACHER QUALITY PARTNERSHIP GRANTS
''Sec. 201. Purposes; Definitions.
''Sec. 202. Partnership grants.
''Sec. 203. Administrative provisions.
''Sec. 204. Accountability and evaluation.
''Sec. 205. Accountability for programs that prepare teachers.
''Sec. 206. Teacher development.
''Sec. 207. State functions.
''Sec. 208. General provisions.
''Sec. 209. Authorization of appropriations.
''PART B—PREPARING TEACHERS FOR DIGITAL AGE LEARNERS
''Sec. 221. Program authorized.
''Sec. 222. Uses of Funds.
''Sec. 223. Application requirements.
''Sec. 224. Evaluation.
''Sec. 225. Authorization of appropriations.
''PART C—ENHANCING TEACHER EDUCATION
''Sec. 240. Authorization of appropriations.
''SUBPART 1—RECRUITING TEACHERS WITH MATH, SCIENCE, OR LANGUAGE MAJORS
''Sec. 241. Program authorized.
''SUBPART 2—COMMUNITY COLLEGES AS PARTNERS IN TEACHER EDUCATION GRANTS
''Sec. 251. Grants to community colleges.
''Sec. 252. Definitions.
''SUBPART 3—HONORABLE AUGUSTUS F. HAWKINS CENTERS OF EXCELLENCE
''Sec. 261. Definitions.
''Sec. 262. Augustus F. Hawkins Centers of excellence.
''SUBPART 4—TEACH FOR AMERICA
''Sec. 271. Teach for America.
''SUBPART 5—EARLY CHILDHOOD EDUCATION PROFESSIONAL DEVELOPMENT AND CAREER TASK FORCE
''Sec. 281. Purpose.
''Sec. 282. Definition of early childhood education program.
''Sec. 283. Grants authorized.
''Sec. 284. State task force establishment.
''Sec. 285. State task force activities.
''Sec. 286. State application and report.
''Sec. 287. Evaluations.
''SUBPART 6—PREPARING GENERAL EDUCATION TEACHERS TO MORE EFFECTIVELY EDUCATE STUDENTS WITH DISABILITIES
''Sec. 291. Teach to Reach Grants.
Sec. 202. National Academy of Sciences study of best practices in teacher preparation.
TITLE III—TITLE III AMENDMENTS
Sec. 301. Program purpose.
Sec. 302. Title III grants for American Indian Tribally Controlled Colleges and Universities.
Sec. 303. Predominantly Black Institutions.
''Sec. 318. Predominantly Black Institutions.
Sec. 304. Assistance to Asian American and Native American Pacific Islander-serving institutions.
''Sec. 319. Asian American and Native American Pacific Islander-serving institutions.
Sec. 305. Native American-serving, nontribal institutions.
''Sec. 320. Native American-serving, nontribal institutions.
Sec. 306. Strengthening Historically Black Colleges and Universities.
Sec. 307. Endowment Challenge Grants.
Sec. 308. Historically Black College and University Capital Financing.
Sec. 309. Programs in STEM fields.
''SUBPART 2—PROGRAMS IN STEM FIELDS
''Sec. 355. YES Partnerships grant program.
''Sec. 356. Promotion of entry into STEM fields.
''Sec. 357. Evaluation and Accountability Plan.
Sec. 310. Technical assistance.
Sec. 311. Waiver authority.
Sec. 312. Authorization of appropriations.
Sec. 313. Technical corrections.
TITLE IV—TITLE IV AMENDMENTS
PART A—PART A AMENDMENTS
Sec. 401. Federal Pell Grants.
Sec. 402. Federal TRIO Programs.
Sec. 403. GEARUP Amendments.
Sec. 404. Academic Achievement Incentive Scholarships.
Sec. 405. Federal Supplemental Educational Opportunity Grants.
Sec. 406. Grants for access and persistence.
''Sec. 415E. Grants for access and persistence.
Sec. 407. Special programs for students whose families are engaged in migrant and seasonal farmwork.
Sec. 408. Robert C. Byrd Honors Scholarship Program.
''SUBPART 6—ROBERT C. BYRD AMERICAN COMPETITIVENESS PROGRAM
''Sec. 419A. Robert C. Byrd mathematics and science honors scholarship program.
''Sec. 419B. Mathematics and science incentive program.
''Sec. 419C. Foreign Language Partnerships.
''Sec. 419D. Adjunct Teacher Corps.
''Sec. 419E. Authorization of appropriations.
Sec. 409. Child care access means parents in school.
Sec. 410. Learning Anytime Anywhere Partnerships.
Sec. 411. TEACH Grants.
''Sec. 420P. Program evaluation.
PART B—FEDERAL FAMILY EDUCATION LOANS
Sec. 421. Limitations on Amounts of Loans Covered by Federal Insurance.
Sec. 422. Federal Interest Subsidies.
Sec. 423. Student loan information.
Sec. 424. Voluntary flexible agreements.
Sec. 425. Grace period for graduate and professional student PLUS loans.
Sec. 426. Consolidation loan disclosure.
Sec. 427. Extension of consolidation loan authority.
Sec. 428. Requirements for disbursement of student loans.
Sec. 429. Loan forgiveness for service in areas of national need.
''Sec. 428K. Loan forgiveness for service in areas of national need.
Sec. 430. Loan repayment for civil legal assistance attorneys.
''Sec. 428L. Loan repayment for civil legal assistance attorneys.
Sec. 431. Loan forgiveness for volunteer mentoring.
''Sec. 428M. Loan forgiveness for volunteer mentoring.
Sec. 432. Settlement of claims.
Sec. 433. Delinquency prevention, default aversion, and consumer education information programs.

''Sec. 433A. Delinquency prevention, default aversion, and consumer education information programs.
Sec. 434. Definition of eligible institution: participation rate index.
Sec. 434. Definition of eligible lender.
Sec. 435. Cohort default rates.
Sec. 436. Disability determinations.
PART C—COLLEGE WORK/STUDY
Sec. 441. Reauthorization.
Sec. 442. Additional funds for off-campus community service.
Sec. 443. Work Colleges.
PART D—FEDERAL DIRECT STUDENT LOANS
Sec. 451. Reauthorization.
Sec. 452. Public service job definition.
Sec. 453. Identity fraud protection.
Sec. 454. No accrual of interest for active duty service members.
Sec. 455. Direct loan program audit and reporting requirements.
PART E—PERKINS LOANS
Sec. 461. Extension of authority.
Sec. 462. Allowance for books and supplies.
Sec. 463. Agreements with institutions.
Sec. 464. Perkins loan terms and conditions.
Sec. 465. Cancellation for public service.
Sec. 466. Sense of Congress regarding Perkins Loans.
PART F—NEED ANALYSIS
Sec. 471. Cost of attendance.
Sec. 472. Discretion to make adjustments for nursing home expenses.
Sec. 473. Definitions.
Sec. 474. Use of most recent tax information in need analysis.
PART G—GENERAL PROVISIONS
Sec. 481. Compliance calendar.
Sec. 482. Improvements to paper and electronic forms and processes.
Sec. 483. Increasing access to technology.
Sec. 484. Sense of the Congress.
Sec. 485. Student eligibility.
Sec. 486. Assessment of costs and other charges.
Sec. 487. Readmission requirements for servicemembers.
Sec. 488. Institutional and financial assistance information for students.
Sec. 489. Articulation agreements.
''Sec. 486A. Articulation agreements.
Sec. 490. Program participation agreements.
Sec. 491. Regulatory relief and improvement.
Sec. 492. Transfer of allotments.
Sec. 493. Advisory Committee on Student Financial Assistance.
Sec. 494. Negotiated rulemaking.
Sec. 495. Technical amendment.
Sec. 495A. Campus-based digital theft prevention.
''Sec. 494. Campus-based digital theft prevention.
PART H—PROGRAM INTEGRITY
Sec. 496. Recognition of accrediting agency or association.
Sec. 497. Accreditation Ombudsman.
''Sec. 497. Accreditation Ombudsman.
Sec. 498. Program review and data.
Sec. 499. Competitive loan auction pilot program evaluation.
TITLE V—TITLE V AMENDMENTS
Sec. 501. Postbaccalaureate opportunities for Hispanic Americans.
''PART B—PROMOTING POSTBACCALAUREATE OPPORTUNITIES FOR HISPANIC AMERICANS
''Sec. 511. Purposes.
''Sec. 512. Program authority and eligibility.
''Sec. 513. Authorized activities.
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SEC. 2. REFERENCES; EFFECTIVE DATE.

(a) REFERENCES.—Except as otherwise expressly provided therein, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.).

(b) EFFECTIVE DATE.—Except as otherwise provided in this Act or the amendments made by this Act, the amendments made by this Act shall be effective on the date of enactment of this Act.

TITLE I—TITLE I AMENDMENTS

SEC. 101. DEFINITIONS OF INSTITUTION OF HIGHER EDUCATION.

(a) DEGREE PROGRAMS.—Section 101 (20 U.S.C. 1001) is amended—

(1) in subsection (a)(1), by inserting before the semicolon the following: '', or persons who meet the requirements of section 484(d)(3)'';

(2) in subsection (a)(3), by inserting '', or awards a degree that is acceptable for admission to a graduate or professional degree program, subject to review and approval by the Secretary'' after ''such a degree''; and

(3) by striking subsection (b)(2) and inserting the following:

''(2) a public or nonprofit private educational institution in any State that, in lieu of the requirement in subsection (a)(1), admits as regular students persons—

''(A) who are beyond the age of compulsory school attendance in the State in which the institution is located; or

''(B) who will be dually or concurrently enrolled in the institution and a secondary school.''.

(b) INTERNATIONAL MEDICAL SCHOOLS.—Section 102(a)(2)(A) (20 U.S.C. 1002(a)(2)(A)) is amended—

(1) in the first sentence, by inserting ''nursing school,'' after ''graduate medical school,'';

(2) in clause (i)—

(A) by striking ''or'' at the end of subclause (I); and

(B) by striking subclause (II) and inserting the following new subclauses:

''(II) the institution has or had a clinical training program that was approved by a State as of January 1, 1992, and continues to operate a clinical training program in at least one State, which is approved by that State; or

''(III) the institution—

''(aa) has a clinical training program that was approved by a State before January 1, 2008;

''(bb) certifies only unsubsidized Stafford or PLUS loans under part B of title IV to graduate and professional students attending the institution; and

''(cc) agrees to reimburse the Secretary for the cost of any loan defaults for students included in the institution's cohort default rate during the previous fiscal year; or''; and

(3) by striking the period at the end of clause (ii) and inserting ''; or''; and

(4) by adding at the end the following new clause:

''(iii) in the case of a nursing school located outside of the United States, the institution—

''(I) has agreements with hospitals or eligible nursing schools located in the United States that include provisions for students to complete their clinical training at such hospitals and eligible nursing schools;

''(II) certifies only unsubsidized Stafford and PLUS loans under part B of title IV for students attending the institution; and

''(III) agrees to reimburse the Secretary for the cost of any loan defaults to the extent that the institution's cohort default rate exceeds 5 percent.''.

(c) CONFORMING AMENDMENT CONCERNING 90/10 ENFORCEMENT.—Section 102(b)(1) (20 U.S.C. 1002(b)(1)) is amended—

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

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

(3) by striking subparagraph (F).

(d) ADDITIONAL INSTITUTIONS.—Section 102 (20 U.S.C. 1002) is further amended—

(1) by striking subsection (b)(2) and inserting the following:

''(2) ADDITIONAL INSTITUTIONS.—The term 'proprietary institution of higher education' also includes a proprietary educational institution in any State that, in lieu of the requirement in section 101(a)(1), admits as regular students individuals—

''(A) who are beyond the age of compulsory school attendance in the State in which the institution is located; or

''(B) who will be dually or concurrently enrolled in the institution and a secondary school.''; and

(2) by striking subsection (c)(2) and inserting the following:

''(2) ADDITIONAL INSTITUTIONS.—The term 'postsecondary vocational institution' also includes an educational institution in any State that, in lieu of the requirement in section 101(a)(1), admits as regular students individuals—

''(A) who are beyond the age of compulsory school attendance in the State in which the institution is located; or

''(B) who will be dually or concurrently enrolled in the institution and a secondary school.''.

SEC. 102. ADDITIONAL DEFINITIONS.

(a) AMENDMENT.—Section 103 (20 U.S.C. 1003) is amended—

(1) by adding at the end the following new paragraphs:

''(17) AUTHORIZING COMMITTEES.—The term 'authorizing committees' means the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and Labor of the House of Representatives.

''(18) CRITICAL FOREIGN LANGUAGE.—Except as otherwise provided, the term 'critical foreign language' means each of the languages contained in the list of critical languages designated by the Secretary in the Federal Register on August 2, 1985 (50 Fed. Reg. 149, 31412; promulgated under the authority of section 212(d) of the Education for Economic Security Act (repealed by section 2303 of the Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988)); as updated by the Secretary from time to time and published in the Federal Register, except that in the implementation of this definition with respect to a specific title, the Secretary may set priorities according to the purposes of such title and the national security, economic competitiveness, and educational needs of the United States.

''(19) DISCONNECTED STUDENTS.—The term 'disconnected students' means students who are—

''(A) homeless children and youths, as such term is defined in section 725 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a);

''(B) orphans, in foster care, or wards of the court, or who were in foster care or were wards of the court until the students reached the age of 16;

''(C) adjudicated or convicted juveniles, or who were adjudicated juveniles until the juveniles reached the upper age of juvenile court jurisdiction, or who were convicted juveniles who completed the sentence for the juvenile conviction prior to reaching the age of majority; or

''(D) pregnant or parenting youth.

''(20) DISTANCE EDUCATION.—

''(A) IN GENERAL.—Except as otherwise provided, the term 'distance education' means education that uses 1 or more of the technologies described in subparagraph (B)—

''(i) to deliver instruction to students who are separated from the instructor; and

''(ii) to support regular and substantive interaction between the students and the instructor, synchronously or asynchronously.

''(B) INCLUSIONS.—For the purposes of subparagraph (A), the technologies used may include—

''(i) the Internet;

''(ii) one-way and two-way transmissions through open broadcast, closed circuit, cable, microwave, broadband lines, fiber optics, satellite, or wireless communications devices;

''(iii) audio conferencing; or

''(iv) video cassette, DVDs, and CD–ROMs, if the cassette, DVDs, and CD–ROMs are used in a course in conjunction with the technologies listed in clauses (i) through (iii).

''(21) HIGH-NEED SCHOOL.—Except with respect to title II, the term 'high-need school' means a public or nonprofit private elementary or secondary school which is in a local educational agency which is eligible for assistance pursuant to title I of the Elementary and Secondary Education Act of 1965 in the applicable fiscal year, and which for the purpose of this paragraph and for that year was determined by the Secretary (pursuant to regulations and after consultation with the State educational agency of the State in which the school is located) to be a school in which the enrollment of children counted under section 1113(a)(5) of the Elementary and Secondary Education Act of 1965 exceeds 30 percent of the total enrollment of that school.

''(22) LIMITED ENGLISH PROFICIENT.—The term 'limited English proficient' has the meaning given such term in section 9101 of the Elementary and Secondary Education Act of 1965.

''(23) UNIVERSAL DESIGN.—The term 'universal design' means a concept or philosophy for designing and delivering products and services that are usable by people with the widest possible range of functional capabilities, which include products and services that are directly accessible (without requiring assistive technologies) and products and services that are interoperable with assistive technologies.

''(24) UNIVERSAL DESIGN FOR LEARNING.—The term 'universal design for learning' means a research-based framework for designing curriculum (including goals, methods, materials, and assessments) that—

''(A) provides curricular flexibility in the ways information is presented, in the ways students respond or demonstrate knowledge, and in the ways students are engaged; and

''(B) reduces barriers in instruction and assessment, provides appropriate supports and challenges, and maintains high achievement standards for all students, including students with disabilities.''; and

(2) by reordering paragraphs (1) through (16) and the paragraphs added by paragraph (1) of this subsection in alphabetical order based on the headings of such paragraphs, and renumbering such paragraphs as so reordered.

(b) CONFORMING AMENDMENTS.—The Act (20 U.S.C. 1001 et seq.) is amended—

(1) in section 131(a)(3)(B) (20 U.S.C. 1015(a)(3)(B)), by striking ''Committee on Labor and Human Resources of the Senate and the Committee on Education and the Workforce of the House of Representatives'' and inserting ''authorizing committees'';

(2) in section 141(d)(4)(B) (20 U.S.C. 1018(d)(4)(B)), by striking ''Committee on Education and the Workforce of the House of Representatives and the Committee on Labor and Human Resources of the Senate'' and inserting ''authorizing committees'';

(3) in section 401(f)(3) (20 U.S.C. 1070a(f)(3)), by striking ''to the Committee on Appropriations'' and all that follows through ''House of Representatives'' and inserting ''to the Committee on Appropriations of the Senate, the Committee on Appropriations of the House of Representatives, and the authorizing committees'';

(4) in section 428 (20 U.S.C. 1078)—

(A) in subsection (c)(9)(K), by striking ''House Committee on Education and the Workforce and the Senate Committee on Labor and Human Resources'' and inserting ''authorizing committees'';

(B) in the matter following paragraph (2) of subsection (g), by striking ''Committee on Labor and Human Resources of the Senate and the Committee on Education and the Workforce of the House of Representatives'' and inserting ''authorizing committees''; and

(C) in subsection (n)(4), by striking ''Committee on Education and the Workforce of the House of Representatives and the Committee on Labor and Human Resources of the Senate'' and inserting ''authorizing committees'';

(5) in section 428A(c) (20 U.S.C. 1078–1(c))—

(A) in the matter preceding subparagraph (A) of paragraph (2), by striking ''Chairperson'' and all that follows through ''House of Representatives'' and inserting ''members of the authorizing committees'';

(B) in paragraph (3), by striking ''Chairperson'' and all that follows through ''House of Representatives'' and inserting ''members of the authorizing committees''; and

(C) in paragraph (5), by striking ''Chairperson'' and all that follows through ''House of Representatives'' and inserting ''members of the authorizing committees'';

(6) in section 432 (20 U.S.C. 1082)—

(A) in subsection (f)(1)(C), by striking ''the Committee on Education and the Workforce of the House of Representatives or the Committee on Labor and Human Resources of the Senate'' and inserting ''either of the authorizing committees''; and

(B) in the matter following subparagraph (D) of subsection (n)(3), by striking ''Committee on Education and the Workforce of the House of Representatives and the Committee on Labor and Human Resources of the Senate'' and inserting ''authorizing committees'';

(7) in section 437(c)(1) (20 U.S.C. 1087(c)(1)), by striking ''Committee on Education and the Workforce of the House of Representatives and the Committee on Labor and Human Resources of the Senate'' and inserting ''authorizing committees'';

(8) in section 439 (20 U.S.C. 1087–2)—

(A) in subsection (d)(1)(E)(iii), by striking ''advise the Chairman'' and all that follows through ''House of Representatives'' and inserting ''advise the members of the authorizing committees'';

(B) in subsection (r)—

(i) in paragraph (3), by striking ''inform the Chairman'' and all that follows through ''House of Representatives,'' and inserting ''inform the members of the authorizing committees'';

(ii) in paragraph (5)(B), by striking ''plan, to the Chairman'' and all that follows through ''Education and Labor'' and inserting ''plan, to the members of the authorizing committees'';

(iii) in paragraph (6)(B)—

(I) by striking ''plan, to the Chairman'' and all that follows through ''House of Representatives'' and inserting ''plan, to the members of the authorizing committees''; and

(II) by striking ''Chairmen and ranking minority members of such Committees'' and inserting ''members of the authorizing committees'';

(iv) in paragraph (8)(C), by striking ''implemented to the Chairman'' and all that follows through ''House of Representatives, and'' and inserting ''implemented to the members of the authorizing committees, and to''; and

(v) in the matter preceding subparagraph (A) of paragraph (10), by striking ''days to the Chairman'' and all that follows through ''Education and Labor'' and inserting ''days to the members of the authorizing committees''; and

(C) in subsection (s)(2)—

(i) in the matter preceding clause (i) of subparagraph (A), by striking ''Treasury and to the Chairman'' and all that follows through ''House of Representatives'' and inserting ''Treasury and to the members of the authorizing committees''; and

(ii) in subparagraph (B), by striking ''Treasury and to the Chairman'' and all that follows through ''House of Representatives'' and inserting ''Treasury and to the members of the authorizing committees'';

(9) in section 455(b)(8)(B) (20 U.S.C. 1087e(b)(8)(B)), by striking ''Committee on Labor and Human Resources of the Senate and the Committee on Education and the Workforce of the House of Representatives'' and inserting ''authorizing committees'';

(10) in section 482(d) (20 U.S.C. 1089(d)), by striking ''Committee on Labor and Human Resources of the Senate and the Committee on Education and Labor of the House of Representatives'' and inserting ''authorizing committees'';

(11) in section 483(c) (20 U.S.C. 1090(c)), by striking ''Committee on Labor and Human Resources of the Senate and the Committee on Education and the Workforce of the House of Representatives'' and inserting ''authorizing committees'';

(12) in section 485 (20 U.S.C. 1092)—

(A) in subsection (f)(5)(A), by striking ''Committee on Education and the Workforce of the House of Representatives and the Committee on Labor and Human Resources of the Senate'' and inserting ''authorizing committees''; and

(B) in subsection (g)(4)(B), by striking ''Committee on Education and the Workforce of the House of Representatives and the Committee on Labor and Human Resources of the Senate'' and inserting ''authorizing committees'';

(13) in section 486 (20 U.S.C. 1093)—

(A) in subsection (e), by striking ''Committee on Labor and Human Resources of the Senate and the Committee on Education and the Workforce of the House of Representatives'' and inserting ''authorizing committees''; and

(B) in subsection (f)(3)—

(i) in the matter preceding clause (i) of subparagraph (A), by striking ''Committee on Labor and Human Resources of the Senate and the Committee on Education and the Workforce of the House of Representatives'' and inserting ''authorizing committees''; and

(ii) in the matter preceding clause (i) of subparagraph (B), by striking ''Committee on Labor and Human Resources of the Senate and the Committee on Education and the Workforce of the House of Representatives'' and inserting ''authorizing committees'';

(14) in section 487A(a)(5) (20 U.S.C. 1094a(a)(5)), by striking ''Committee on Labor and Human Resources of the Senate and the Committee on Education and the Workforce of the House of Representatives'' and inserting ''authorizing committees''; and

(15) in section 498B(d) (20 U.S.C. 1099c–2(d))—

(A) in paragraph (1), by striking ''Committee on Labor and Human Resources of the Senate and the Committee on Education and the Workforce of the House of Representatives'' and inserting ''authorizing committees''; and

(B) in paragraph (2), by striking ''Committee on Labor and Human Resources of the Senate and the Committee on Education and the Workforce of the House of Representatives'' and inserting ''authorizing committees''.

SEC. 103. TREATMENT OF TERRITORIES AND TERRITORIAL STUDENT ASSISTANCE.

Section 113 (20 U.S.C. 1011b) is amended—

(1) by striking ''treatment of territories and territorial student assistance'' in the heading of such section and inserting ''territorial waiver authority''; and

(2) by striking ''(a) WAIVER AUTHORITY.—''; and

(3) by striking subsection (b).

SEC. 104. NATIONAL ADVISORY COMMITTEE ON INSTITUTIONAL QUALITY AND INTEGRITY.

(a) AMENDMENT.—Section 114 (20 U.S.C. 1011c) is amended to read as follows:

''SEC. 114. NATIONAL ADVISORY COMMITTEE ON INSTITUTIONAL QUALITY AND INTEGRITY.

''(a) ESTABLISHMENT.—There is established in the Department a National Advisory Committee on Institutional Quality and Integrity (in this section referred to as the 'Committee') to assess the process of accreditation and the institutional eligibility and certification of such institutions under title IV.

''(b) MEMBERSHIP.—

''(1) IN GENERAL.—The Committee shall have 18 members, of which—

''(A) 6 members shall be appointed by the Secretary;

''(B) 6 members shall be appointed by the Speaker of the House of Representatives, 3 members on the recommendation of the majority leader of the House of Representatives, and 3 members on the recommendation of the minority leader of the House of Representatives; and

''(C) 6 members shall be appointed by the President pro tempore of the Senate, 3 members on the recommendation of the majority leader of the Senate, and 3 members on the recommendation of the minority leader of the Senate.

''(2) QUALIFICATIONS.—Individuals shall be appointed as members of the Committee—

''(A) on the basis of the individuals' experience, integrity, impartiality, and good judgment;

''(B) from among individuals who are representatives of, or knowledgeable concerning, education and training beyond secondary education, representing all sectors and types of institutions of higher education (as defined in section 102); and

''(C) on the basis of the individuals' technical qualifications, professional standing, and demonstrated knowledge in the fields of accreditation and administration in higher education.

''(3) TERMS OF MEMBERS.—Except as provided in paragraph (5), the term of office of each member of the Committee shall be for 6 years, except that any member appointed to fill a vacancy occurring prior to the expiration of the term for which the member's predecessor was appointed shall be appointed for the remainder of such term.

''(4) VACANCY.—A vacancy on the Committee shall be filled in the same manner as the original appointment was made not later than 90 days after the vacancy occurs. If a vacancy occurs in a position to be filled by the Secretary, the Secretary shall publish a Federal Register notice soliciting nominations for the position not later than 30 days after being notified of the vacancy.

''(5) INITIAL TERMS.—The terms of office for the initial members of the Committee shall be—

''(A) 3 years for members appointed under paragraph (1)(A);

''(B) 4 years for members appointed under paragraph (1)(B); and

''(C) 6 years for members appointed under paragraph (1)(C).

''(6) CHAIRPERSON.—The members of the Committee shall select a chairperson from among the members.

''(c) FUNCTIONS.—The Committee shall—

''(1) advise the Secretary with respect to establishment and enforcement of the standards of accrediting agencies or associations under subpart 2 of part H of title IV;

''(2) advise the Secretary with respect to the recognition of a specific accrediting agency or association;

''(3) advise the Secretary with respect to the preparation and publication of the list of nationally recognized accrediting agencies and associations;

''(4) advise the Secretary with respect to the eligibility and certification process for institutions of higher education under title IV, together with recommendations for improvements in such process;

''(5) advise the Secretary with respect to the relationship between—

''(A) accreditation of institutions of higher education and the certification and eligibility of such institutions; and

''(B) State licensing responsibilities with respect to such institutions;

''(6) take into consideration the complaints, and the resolution of such complaints, received by the ombudsman described in section 497 when advising the Secretary with respect to the recognition of a specific accrediting agency or association; and

''(7) carry out such other advisory functions relating to accreditation and institutional eligibility as the Secretary may prescribe by regulation.

''(d) MEETING PROCEDURES.—

''(1) SCHEDULE.—

''(A) BIANNUAL MEETINGS.—The Committee shall meet not less often than twice each year, at the call of the Chairperson.

''(B) PUBLICATION OF DATE.—The Committee shall submit the date and location of each meeting in advance to the Secretary, and the Secretary shall publish such information in the Federal Register not later than 30 days before the meeting.

''(2) AGENDA.—

''(A) ESTABLISHMENT.—The agenda for a meeting of the Committee shall be established by the Chairperson and shall be submitted to the members of the Committee upon notification of the meeting.

''(B) OPPORTUNITY FOR PUBLIC COMMENT.—The agenda shall include, at a minimum, opportunity for public comment during the Committee's deliberations.

''(3) FEDERAL ADVISORY COMMITTEE ACT.—The provisions of the Federal Advisory Committee Act (5 U.S.C. App.) shall apply to the Committee, except that section 14 of such Act shall not apply.

''(e) LIMITATION.—The Committee shall not recommend denial of an application related to the recognition of an accrediting agency or association for any reason other than a reason set forth in section 496.

''(f) REPORT AND NOTICE.—

''(1) NOTICE.—The Secretary shall annually publish in the Federal Register—

''(A) a list containing, for each member of the Committee—

''(i) the member's name;

''(ii) the date of the expiration of the member's term of office; and

''(iii) the individual described in subsection (b)(1) who appointed the member; and

''(B) a solicitation of nominations for each expiring term of office on the Committee of a member appointed by the Secretary.

''(2) REPORT.—Not later than September 30 of each year, the Committee shall make an annual report to the Secretary, the authorizing committees, and the public. The annual report shall contain—

''(A) a detailed summary of the agenda and activities of, and the findings and recommendations made by, the Committee during the preceding fiscal year;

''(B) a list of the date and location of each meeting during the preceding fiscal year;

''(C) a list of the members of the Committee and appropriate contact information; and

''(D) a list of the functions of the Committee, including any additional functions established by the Secretary through regulation.

''(g) TERMINATION.—The Committee shall terminate on September 30, 2012.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall be effective January 1, 2009.

SEC. 105. DRUG AND ALCOHOL ABUSE PREVENTION.

Section 120 (20 U.S.C. 1011i) is amended—

(1) in subsection (a)(2)—

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

(B) by redesignating subparagraph (B) as subparagraph (D); and

(C) by inserting after subparagraph (A) (as amended by subparagraph (A) of this paragraph) the following:

''(B) determine the number of drug and alcohol-related incidents and fatalities that—

''(i) occur on the institution's property or as part of any of the institution's activities; and

''(ii) are reported to the institution;

''(C) determine the number and type of sanctions described in paragraph (1)(E) that are imposed by the institution as a result of drug and alcohol-related incidents and fatalities on the institution's property or as part of any of the institution's activities; and'';

(2) in subsection (e)(5), by striking ''1999'' and inserting ''2009''; and

(3) by striking subsection (f).

SEC. 106. PRIOR RIGHTS AND OBLIGATIONS.

Section 121(a) (20 U.S.C. 1011j(a)) is amended—

(1) in paragraph (1), by striking ''1999 and for each of the 4 succeeding fiscal years'' and inserting ''2009 and for each succeeding fiscal year''; and

(2) in paragraph (2), by striking ''1999 and for each of the 4 succeeding fiscal years'' and inserting ''2009 and for each succeeding fiscal year''.

SEC. 107. IMPROVED INFORMATION CONCERNING THE FEDERAL STUDENT FINANCIAL AID WEBSITE.

Section 131 (20 U.S.C. 1015) is amended by striking subsection (d) and inserting the following:

''(d) PROMOTION OF THE DEPARTMENT OF EDUCATION FEDERAL STUDENT FINANCIAL AID WEBSITE.—The Secretary—

''(1) shall display a link to the Federal student financial aid website of the Department of Education in a prominent place on the homepage of the Department of Education website; and

''(2) may use administrative funds available for the Department's operations and expenses for the purpose of advertising and promoting the availability of the Federal student financial aid website.

''(e) PROMOTION OF AVAILABILITY OF INFORMATION CONCERNING STUDENT FINANCIAL AID PROGRAMS OF OTHER DEPARTMENTS AND AGENCIES.—

''(1) AVAILABILITY OF INFORMATION.—Not later than 90 days after the Secretary receives the information required under paragraph (2), the Secretary shall ensure that the eligibility requirements, application procedures, financial terms and conditions, and other relevant information for each non-departmental student financial assistance program are easily accessible through the Federal student financial aid website and are incorporated into the search matrix on such website in a manner that permits students and parents to readily identify the programs that are appropriate to their needs and eligibility.

''(2) AGENCY RESPONSE.—Each Federal department and agency shall promptly respond to surveys or other requests for the information required by paragraph (1), and shall identify for the Secretary any non-departmental student financial assistance program operated, sponsored, or supported by such Federal department or agency.

''(3) DEFINITION.—For purposes of this subsection, the term 'non-departmental student financial assistance program' means any grant, loan, scholarship, fellowship, or other form of financial aid for students pursuing a postsecondary education that is—

''(A) distributed directly to the student or to the student's account at on institution of higher education; and

''(B) operated, sponsored, or supported by a Federal department or agency other than the Department of Education.''.

SEC. 108. STATE COMMITMENT TO AFFORDABLE COLLEGE EDUCATION.

Part C of title I (20 U.S.C. 1015) is amended by adding at the end the following new section:

''SEC. 132. STATE COMMITMENT TO AFFORDABLE COLLEGE EDUCATION.

''(a) MAINTENANCE OF EFFORT REQUIRED.—A State shall provide—

''(1) for public institutions of higher education in such State for any academic year beginning on or after July 1, 2008, an amount which is equal to or greater than the average amount provided for non-capital and non-direct research and development expenses or costs by such State to such institutions of higher education during the 5 most recent preceding academic years for which satisfactory data are available; and

''(2) for private institutions of higher education in such State for any academic year beginning on or after July 1, 2008, an amount which is equal to or greater than the average amount provided for student financial aid for paying costs associated with postsecondary education by such State to such institutions during the 5 most recent preceding academic years for which satisfactory data are available.

''(b) WAIVER.—The Secretary shall waive the requirements of subsection (a), if the Secretary determines that such a waiver would be equitable due to exceptional or uncontrollable circumstances, such as a natural disaster or a precipitous and unforseen decline in the financial resources of a State or State educational agency, as appropriate.

''(c) VIOLATION OF MAINTENANCE OF EFFORT.—Notwithstanding any other provision of law, the Secretary shall withhold from any State that violates subsection (a) and does not receive a waiver pursuant to subsection (b) any amount that would otherwise be available to the State under section 415E until such State has made significant efforts to correct such violation.

''(d) RESEARCH INTO COST CONTAINMENT METHODS.—The Secretary is authorized—

''(1) to identify methods of cost containment currently utilized by institutions of higher education and systems of such institutions, and research into other possible methods of cost containment;

''(2) to disseminate—

''(A) the information obtained by such research to such institutions and systems; and

''(B) other information concerning research that has identified successful methods of cost containment;

''(3) to publicly recognize institutions of higher education that are doing an effective job at cost containment; and

''(4) to work together with such institutions and systems to implement these methods.''.

SEC. 109. TRANSPARENCY IN COLLEGE TUITION FOR CONSUMERS.

(a) AMENDMENT TO TITLE I.—Part C of title I (20 U.S.C. 1015) is amended by adding after section 132 (as added by section 108 of this Act) the following new section:

''SEC. 133. TRANSPARENCY IN COLLEGE TUITION FOR CONSUMERS.

''(a) COLLEGE AFFORDABILITY AND TRANSPARENCY LISTS.—Effective July 1, 2011, the Secretary shall annually update and make publicly available on the College Navigator website, in a manner that is sortable by State, the following lists:

''(1) A list of the top 5 percent of the institutions in each category (as defined by subsection (b)) that have the highest tuition and fees.

''(2) A list of the top 5 percent of the institutions in each such category that have the lowest tuition and fees.

''(3) A list of the top 5 percent of the institutions in each such category that have the largest increase, expressed as a percentage change, in their tuition and fees over the most recent three year period for which satisfactory data is available.

''(b) CATEGORIES OF INSTITUTIONS.—The following categories shall be used in compiling the information in subsection (a):

''(1) 4-year public institutions of higher education.

''(2) 4-year private, nonprofit institutions of higher education.

''(3) 4-year private, for-profit institutions of higher education.

''(4) 2-year public institutions of higher education.

''(5) 2-year private, nonprofit institutions of higher education.

''(6) 2-year private, for-profit institutions of higher education.

''(7) Less than 2-year public institutions of higher education.

''(8) Less than 2-year private, nonprofit institutions of higher education.

''(9) Less than 2-year private, for-profit institutions of higher education.

''(10) All types of institutions described in paragraphs (1) through (9).

''(c) INSTITUTION REPORTS.—If an institution of higher education appears on the list described in subsection (a)(3), the institution

or a representative association designated by the institution shall submit to the Secretary the following information:

''(1) A description of the factors contributing to the increase in the institution's tuition and fees, including an identification of the major areas in the institution's budget with the greatest cost increases.

''(2) If determinations of tuition and fee increases are not within the exclusive control of the institution, a description of the agency or instrumentality of State government or other entity that participates in such determinations, and the authority exercised by such agency, instrumentality, or entity.

''(d) QUALITY EFFICIENCY TASK FORCES.—(1) Each institution that is required to submit information by subsection (c) shall establish a quality-efficiency task force to—

''(A) review the operations of such institution;

''(B) analyze institutional operating costs in comparison with such costs at other institutions within the same category of institutions;

''(C) identify areas where, in comparison with other institutions in such category, the institution operates more expensively to produce a similar result;

''(D) develop annual benchmarks for the institution to reduce costs in areas identified under subparagraph (C);

''(E) conduct an in-depth analysis of such identified areas for cost reduction opportunities; and

''(F) submit a report to the Secretary and the institution on the results of the review and analysis conducted under this subsection.

''(2) An institution of higher education that does not meet the benchmarks established under paragraph (1)(D) shall provide to the Secretary a detailed explanation of the reasons why the institution did not meet such benchmarks.

''(e) INFORMATION TO THE PUBLIC.—The Secretary shall compile the information submitted under subsections (c) and (d) and shall submit an annual report summarizing such information to the authorizing committees and publish such report on the College Navigator website.

''(f) EXEMPTIONS.—An institution shall not be placed on the list required under subsection (a)(3) and shall not be subject to the reporting in subsection (c) if, for the 3-year interval described in subsection (a)(3) the institution meets the following criteria:

''(1) With respect to the category of institutions described in subsection (b) to which the institution belongs, the computed price of the institution is in the lowest quartile of institutions within such category, as determined by the Secretary, during the last year of such 3-year interval.

''(2) The dollar amount of the institution's increase in its full price, as computed under subsection (a)(3), is less than $500 for such 3-year interval.

''(g) STATE HIGHER EDUCATION APPROPRIATIONS CHART.—The Secretary shall annually report on the College Navigator website, in charts for each State—

''(1) a comparison of—

''(A) the percentage change in State appropriations per full-time equivalent student in each public institution of higher education in the State for each of the 5 most recent preceding academic years; to

''(B) the percentage change in tuition and fees for each public institution of higher education in the State for each of the 5 most recent preceding academic years; and

''(2) the total amount of need-based and merit-based aid provided by the State to full-time equivalent students attending an institution of higher education in the State.

''(h) AVAILABILITY OF NET PRICE INFORMATION.—

''(1) NET PRICE.—In this section, the term 'net price' means the average yearly tuition and fees actually charged to a full-time undergraduate student receiving student aid at an institution of higher education, after deduction of any discounts and Federal and State aid, and any other institutional aid, that reduce the full price of tuition and fees at the institution, as determined in accordance with regulations prescribed by the Secretary.

''(2) NET PRICE CALCULATOR.—

''(A) DEVELOPMENT.—Not later than 1 year after the date of enactment of the College Opportunity and Affordability Act of 2007, the Secretary shall, in consultation with institutions of higher education, develop a net price calculator to help students, families, and consumers determine the net price of an institution of higher education. The calculator shall be developed in a manner that permits students to determine an estimate of their individual net price of attendance for an institution.

''(B) USE OF NET PRICE CALCULATOR BY INSTITUTIONS.—Not later than 3 years after the date of enactment of the College Opportunity and Affordability Act of 2007, each institution of higher education that receives Federal funds under this Act shall adopt and make available for use on the institution's website the net price calculator developed under subparagraph (A) to help students, families, and other consumers determine the net price of such institution of higher education.

''(i) POSTSECONDARY EDUCATION PRICE INDICES.—Not later than 1 year after the date of enactment of the College Opportunity and Affordability Act of 2007, the Bureau of Labor Statistics, in consultation with the Commissioner of Education Statistics and representatives of institutions of higher education, shall develop, for inclusion in the higher education pricing summary page required under subsection (j)(3), postsecondary education price indices that accurately reflect the annual change in tuition and fees for undergraduate students in the categories of institutions described in subsection (b). Such indices shall be updated annually. Prior to the completion of the postsecondary education price indices, the Secretary is authorized to use an alternative, comparable index or indices.

''(j) CONSUMER COST INFORMATION.—

''(1) INFORMATION FROM INSTITUTIONS.—Not later than 1 year after the date of enactment of the College Opportunity and Affordability Act of 2007, the Secretary shall post on the College Navigator website and make available to institutions of higher education, students, families, and other consumers, in a consumer-friendly manner, the following information about each institution of higher education for the most recent academic year for which the Secretary has available data:

''(A) A statement of the institution's mission and specialties.

''(B) Total number of undergraduate students who applied, were admitted, and enrolled at the institution.

''(C) Where applicable, reading, writing, mathematics, and combined scores on the SAT or ACT for the middle 50 percent range of the institution's freshman class.

''(D) Enrollment of full-time, part-time, and transfer students at the institution, at the undergraduate and (where applicable) graduate levels.

''(E) Percentage of male and female undergraduate students enrolled at the institution.

''(F) Percentage of enrolled undergraduate students from the State in which the institution is located, from other States, and from other countries.

''(G) Percentage of enrolled undergraduate students at the institution by race and ethnic background.

''(H) Percentage of enrolled undergraduate students at the institution registered with the office of disability services (or equivalent department) as students with disabilities.

''(I) Retention rates for full-time and part-time first-time, first-year undergraduate students enrolled at the institution.

''(J) Average time to degree or certificate completion for first-time, first-year undergraduate students enrolled at the institution.

''(K) Percentage of enrolled undergraduate students who graduate within 2 years (in the case of 2-year institutions), and 4, 5, and 6 years (in the case of 2-year and 4-year institutions), including by income category, as defined in paragraph (4).

''(L) Number of students who obtained a certificate or an associates, bachelors, masters, or doctoral degree at the institution.

''(M) Undergraduate major areas of study with the highest number of degrees awarded.

''(N) The student-faculty ratio, and number of full-time, part-time, and adjunct faculty, and graduate teaching and research assistants with instructional responsibilities, at the institution.

''(O) Percentage of faculty at the institution with the highest degree in their field.

''(P) Percentage change in total price in tuition and fees and the net price for an undergraduate at the institution in each of the 3 most recent preceding academic years.

''(Q) Total average annual cost of tuition and fees, room and board, and books and other related costs for an undergraduate student enrolled at the institution, for—

''(i) full-time undergraduate students living on campus;

''(ii) full-time undergraduate students living off campus; and

''(iii) in the case of students attending a public institution of higher education, such costs for in-State and out-of-State students living on and off campus.

''(R) Average annual grant amount (including Federal, State, and institutional aid) broken down by income category as defined in paragraph (4) for a student enrolled at the institution.

''(S) Average annual amount of Federal student loans, and other loans provided through the institution, to undergraduate students enrolled at the institution.

''(T) Total annual grant aid available to undergraduate students enrolled at the institution, from the Federal Government, a State, the institution, and other sources.

''(U) Percentage of undergraduate students enrolled at the institution receiving Federal, State, and institutional grants, student loans, and any other type of student financial assistance provided publicly or through the institution, such as Federal work-study funds.

''(V) Number of students receiving Federal Pell Grants at the institution.

''(W) Average net price of the institution calculated for each income category, as defined in paragraph (4), for each of the 3 most recent preceding academic years.

''(X) Percentage of first-year undergraduate students enrolled at the institution who live on campus and off campus.

''(Y) The institution's cohort default rate, as defined under section 435(m).

''(Z) Information on the policies of the institution related to transfer of credit from other institutions.

''(AA) Information on campus safety required to be collected under section 485(f).

''(BB) Links to the appropriate sections of the institution's website that provide information on student activities offered by

the institution, such as intercollegiate sports, student organizations, study abroad opportunities, intramural and club sports, specialized housing options, community service opportunities, cultural and arts opportunities on campus, religious and spiritual life on campus, and lectures and outside learning opportunities.

''(CC) Links to the appropriate sections of the institution's website that provide information on services offered by the institution to students during and after college, such as internship opportunities, career and placement services, and preparation for further education.

''(2) DATA COLLECTION.—The Commissioner of Education Statistics shall continue to redesign the relevant parts of the Integrated Postsecondary Education Data System to include additional data as required by this subsection and to continue to improve the usefulness and timeliness of data collected by such System in order to inform consumers about institutions of higher education.

''(3) HIGHER EDUCATION PRICING SUMMARY PAGE.—The Secretary shall make publicly available on an annual basis, in a sortable and searchable electronic format on the College Navigator website, a list of all institutions of higher education participating in aid programs under title IV of this Act that includes for each such institution:

''(A) The undergraduate tuition and fees for the upcoming academic year.

''(B) The average annual net price by income category, as defined in paragraph (4), over the 3 most recent preceding academic years.

''(C) The average annual percentage change and dollar change in such institution's tuition and fees over the 3 most recent preceding academic years.

''(D) The average annual percentage change and dollar change in such institution's per student instructional spending over the 3 most recent preceding academic years.

''(E) The difference between the average annual percentage change in such institution's tuition and fees over the 3 most recent preceding academic years and the postsecondary education price indices, as defined in subsection (i).

''(F) A link to the institution information on the College Navigator website, as detailed in paragraph (1).

''(4) INCOME CATEGORIES.—

''(A) IN GENERAL.—For purposes of reporting the information required under this subsection and compiling information for the net price calculator, the following income categories shall apply:

''(i) $0–35,000;

''(ii) $35,001–70,000;

''(iii) $70,001–105,000;

''(iv) $105,001–140,000; and

''(v) $140,000 and up.

''(B) ANNUAL ADJUSTMENT.—The Secretary shall make available to all institutions of higher education participating in an aid program under title IV of this Act, on an annual basis, the annual inflation adjustment for the income categories set forth in subparagraph (A).

''(C) IMPRACTICABLE REPORTING EXEMPTION.—An institution that is required by this subsection to report any information pertaining to institutional aid by income category is not required to report such information to the extent that reporting such information by income category is impractical or impossible because information concerning income is not collected from the recipients of such institutional aid.

''(k) STUDENT AID RECIPIENT SURVEY.—

''(1) SURVEY REQUIRED.—The Secretary shall conduct a survey of student aid recipients under title IV on a regular cycle and State-by-State basis, but not less than once every 4 years—

''(A) to identify the population of students receiving Federal student aid;

''(B) to describe the income distribution and other socioeconomic characteristics of federally aided students;

''(C) to describe the combinations of aid from State, Federal, and private sources received by students from all income groups;

''(D) to describe the debt burden of educational loan recipients and their capacity to repay their education debts, and the impact of such debt burden on career choices;

''(E) to describe the role played by the price of postsecondary education in the determination by students of what institution to attend; and

''(F) to describe how the increased costs of textbooks and other instructional materials affects the costs of postsecondary education to students.

''(2) SURVEY DESIGN.—The survey shall be representative of full-time and part-time, undergraduate, graduate, professional, and current and former students in all types of institutions, and designed and administered in consultation with the Congress and the postsecondary education community.

''(3) DISSEMINATION.—The Commissioner of Education Statistics shall disseminate the information resulting from the survey in both printed and electronic form.

''(l) REGULATIONS.—The Secretary is authorized to issue such regulations as may be necessary to carry out the provisions of this section.''.

(b) SENSE OF CONGRESS REGARDING CONSUMER INFORMATION ABOUT INSTITUTIONS OF HIGHER EDUCATION.—

(1) FINDINGS.—Congress finds that—

(A) the diversity of the American higher education systems allows each student to find the right ''fit'' for his or her interests and talents;

(B) while the variety of options available is one of the great strengths of our system of higher education, it can also be overwhelming when students and their families begin a college search;

(C) there is a massive amount of information available about institutions of higher education, but it is often difficult to navigate or is scattered among several sources;

(D) the data collected and available is comprehensive; however, there is a need to keep consumer needs in mind in packaging the information that already exists and presenting the information in a simple, consumer-friendly format;

(E) in particular, prospective students and their families want a succinct overview of common key information about institutions, with easy access to more in-depth institution-specific information about campus life and the complete college experience; and

(F) a variety of efforts have been initiated by colleges and universities and others to provide web-based, consumer-friendly information geared to prospective students and their families.

(2) SENSE OF CONGRESS.—It is the sense of Congress that institutions of higher education should participate in efforts to provide concise, easily accessible, on-line consumer information to prospective students and families that is consistent across institutions while permitting opportunities for more in-depth exploration of specific institutions.

SEC. 110. TEXTBOOK INFORMATION.

Part C of title I (20 U.S.C. 1015) is further amended by adding after section 133 (as added by section 109 of this Act) the following new section:

''SEC. 134. TEXTBOOK INFORMATION.

''(a) PURPOSE AND INTENT.—The purpose of this section is to ensure that every student in higher education is offered better and more timely access to affordable course materials by educating and informing faculty, students, administrators, institutions of higher education, bookstores, distributors, and publishers on all aspects of the selection, purchase, sale, and use of course materials. It is the intent of this section—

''(1) to have all involved parties work together to identify ways to decrease the cost of college textbooks and supplemental materials for students while protecting the academic freedom of faculty members to select high quality course materials for students; and

''(2) to encourage—

''(A) college textbook publishers and distributors to work with faculty to promote understanding of the cost to students of purchasing faculty selected textbooks, including the disclosure of prices and bundling practices;

''(B) college bookstores to work with faculty to review timelines and processes for ordering and stocking course materials, and to disclose costs to faculty and students in a timely manner;

''(C) institutions of higher education to implement numerous options to address college textbook affordability;

''(D) institutions of higher education to work with student organizations to help students understand the factors driving textbook costs and available methods and resources to mitigate the effects of those costs; and

''(E) innovation in the development and use of course materials (including course materials utilizing the principles of universal design) and technologies that can help students receive the full value of their educational investment.

''(b) DEFINITIONS.—In this section:

''(1) BUNDLE.—The term 'bundle' means one or more college textbooks or other supplemental learning materials that may be packaged together to be sold as course materials for one price.

''(2) COLLEGE TEXTBOOK.—The term 'college textbook' means a textbook or a set of textbooks, used for, or in conjunction with, a course in postsecondary education at an institution of higher education.

''(3) COURSE SCHEDULE.—The term 'course schedule' means a listing of the courses or classes offered by an institution of higher education for an academic period, as defined by the institution.

''(4) CUSTOM TEXTBOOK.—The term 'custom textbook'—

''(A) means a college textbook that is compiled at the direction of a faculty member or other person or adopting entity in charge of selecting course materials at an institution of higher education; and

''(B) may include, alone or in combination, items such as selections from original instructor materials, previously copyrighted publisher materials, copyrighted third-party works, and elements unique to a specific institution, such as commemorative editions.

''(5) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' has the meaning given the term in section 102.

''(6) INTEGRATED TEXTBOOK.—The term 'integrated textbook' means a college textbook that is combined with materials developed by a third party and that, by third-party contractual agreement, may not be offered by publishers separately from the college textbook with which the materials are combined.

''(7) PUBLISHER.—The term 'publisher' means a publisher of college textbooks or supplemental materials involved in or affecting interstate commerce.

''(8) SUBSTANTIAL CONTENT.—The term 'substantial content' means parts of a college textbook, such as new chapters, additional eras of time, new themes, or new subject matter.

''(9) SUPPLEMENTAL MATERIAL.—The term 'supplemental material' means educational material developed to accompany a college textbook, which—

''(A) may include printed materials, computer disks, website access, and electronically distributed materials; and

''(B) is not bound by third-party contractual agreements to be sold in an integrated textbook.

''(c) PUBLISHER REQUIREMENTS.—

''(1) COLLEGE TEXTBOOK PRICING INFORMATION.—When a publisher provides a faculty member or other person or adopting entity in charge of selecting course materials at an institution of higher education with information regarding a college textbook or supplemental material, the publisher shall include, with any such information and in writing (which may include electronic communications), the following:

''(A) The price at which the publisher would make the college textbook or supplemental material available to the bookstore on the campus of, or otherwise associated with, such institution of higher education.

''(B) The copyright dates of all previous editions of such college textbook in the preceding 10 years, if any.

''(C) The substantial content revisions made between the current edition of the college textbook or supplemental material and the previous edition, if any.

''(D) Whether the college textbook or supplemental material is available in any other format, including paperback and unbound, and the price at which the publisher would make the college textbook or supplemental material in the other format available to the bookstore on the campus of, or otherwise associated with, such institution of higher education.

''(2) UNBUNDLING OF COLLEGE TEXTBOOKS FROM SUPPLEMENTAL MATERIALS.—A publisher that sells a college textbook and any supplemental material accompanying such college textbook as a single bundle shall also make available the college textbook and each supplemental material as separate and unbundled items, each separately priced.

''(3) CUSTOM TEXTBOOKS.—To the maximum extent practicable, publishers shall provide the information required under this subsection with respect to the development and provision of custom textbooks.

''(d) PROVISION OF ISBN COLLEGE TEXTBOOK INFORMATION IN COURSE SCHEDULES.—

''(1) INTERNET COURSE SCHEDULES.—Each institution of higher education, to the maximum extent practicable, shall—

''(A) disclose the International Standard Book Number and retail price information of required and recommended textbooks, related materials, and supplies for each course listed in the institution's course schedule used for pre-registration and registration purposes;

''(B) if the International Standard Book Number is not available for the items listed in subparagraph (A), use the author, title, publisher, and copyright date; and

''(C) if the institution determines that the disclosure of the information described in the preceding subparagraphs for a course is not practicable for a textbook, related material, or supply, then it should so indicate by placing the designation 'To Be Determined' in lieu of the information required under such subparagraphs.

''(2) WRITTEN COURSE SCHEDULES.—In the case of an institution of higher education that does not publish the institution's course schedule for the subsequent academic period on the Internet, the institution of higher education shall include the information required under paragraph (1) in any printed version of the institution's course schedule as it is available at the time of the course schedule's printing.

''(e) AVAILABILITY OF INFORMATION FOR COLLEGE BOOKSTORES.—An institution of higher education shall make available, as soon as is practicable, upon the request of any college bookstore, the most accurate information available regarding—

''(1) the institution's course schedule for the subsequent academic period; and

''(2) for each course or class offered by the institution for the subsequent academic period—

''(A) the information required by subsection (d)(1) for each college textbook or supplemental material required or recommended for such course or class;

''(B) the number of students enrolled in such course or class; and

''(C) the maximum student enrollment for such course or class.

''(f) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to supercede the institutional autonomy or academic freedom of instructors involved in the selection of college textbooks and classroom materials.

''(g) EFFECTIVE DATE.—This section shall be effective on and after July 1, 2008.''.

SEC. 111. DATABASE OF STUDENT INFORMATION PROHIBITED.

Part C of title I (20 U.S.C. 1015) is further amended by adding after section 134 (as added by section 110 of this Act) the following new section:

''SEC. 135. DATABASE OF STUDENT INFORMATION PROHIBITED.

''(a) PROHIBITION.—Except as described in subsection (b), nothing in this Act shall be construed to authorize the Secretary to develop, implement, or maintain a Federal database of personally identifiable information on individuals receiving assistance under this Act, attending institutions receiving assistance under this Act, or otherwise involved in any studies or other collections of data under this Act, including a student unit record system, an education bar code system, or any other system that tracks individual students over time.

''(b) EXCEPTION.—The provisions of subsection (a) shall not apply to a system (or a successor system) that is necessary for the operation of programs authorized by title II, IV, or VII, or data required to be collected by the Secretary under this Act (including section 133(g)), that were in use by the Secretary, directly or through a contractor, as of the day before the date of enactment of the College Opportunity and Affordability Act of 2008.

''(c) STATE DATABASES.—Nothing in this Act shall prohibit a State or a consortium of States from developing, implementing, or maintaining State-developed databases that track individuals over time, including student unit record systems that contain information related to enrollment, attendance, graduation and retention rates, student financial assistance, and graduate employment outcomes.''.

SEC. 112. IN-STATE TUITION RATES FOR MEMBERS OF THE ARMED FORCES ON ACTIVE DUTY AND DEPENDENTS.

Part C of title I (20 U.S.C. 1015) is further amended by adding after section 135 (as added by section 111 of this Act) the following new section:

''SEC. 136. IN-STATE TUITION RATES FOR MEMBERS OF THE ARMED FORCES ON ACTIVE DUTY AND DEPENDENTS.

''(a) REQUIREMENT.—A member of the armed forces on active duty for a period of more than 30 days whose domicile or permanent duty station is in a State, and the dependents of such a member, may not be charged tuition for attendance at a public institution of higher education in that State at a rate that is greater than the rate charged for residents of that State.

''(b) CONTINUATION.—If a member of the armed forces, or a dependent of a member, pays tuition at a public institution of higher education in a State at a rate determined by reason of subsection (a), the provisions of subsection (a) shall continue to apply to such member or dependent while continuously enrolled at that institution, notwithstanding a subsequent change in the permanent duty station of the member to a location outside the State.

''(c) EFFECTIVE DATE.—This section shall take effect at each public institution of higher education in a State at the beginning of the first period of enrollment at that institution that begins more than 90 days after the date of enactment of the Military Child College Affordability Act.

''(d) DEFINITIONS.—For purposes of this section:

''(1) STATE.—The term 'State' has the meaning given that term in section 103 of this Act.

''(2) MILITARY DEFINITIONS.—The terms 'armed forces' and 'active duty for a period of more than 30 days' have the meanings given those terms in section 101 of title 10, United States Code.''.

SEC. 113. ENDOWMENT REPORTING.

Part C of title I (20 U.S.C. 1015) is further amended by adding after section 135 (as added by section 111 of this Act) the following new section:

''SEC. 137. ENDOWMENT REPORTING.

''Each institution of higher education shall annually submit to the Secretary, in a form prescribed by the Secretary, a report on the expenditures made by such institution from any endowment funds of the institution for the purpose of reducing the costs of the programs of instruction offered by such institution, including the specific amounts expended for grants and other aid to reduce the amounts charged for tuition, fees, textbooks, meals, room and board.''.

SEC. 114. STATE HIGHER EDUCATION INFORMATION SYSTEM PILOT PROGRAM.

Part C of title I (20 U.S.C. 1015) is further amended by adding after section 135 (as added by section 111 of this Act) the following new section:

''SEC. 138. STATE HIGHER EDUCATION INFORMATION SYSTEM PILOT PROGRAM.

''(a) PURPOSE.—It is the purpose of this section to carry out a pilot program to assist not more than 5 States to develop State-level postsecondary student data systems to—

''(1) improve the capacity of States and institutions of higher education to generate more comprehensive and comparable data, in order to develop better-informed educational policy at the State level and to evaluate the effectiveness of institutional performance while protecting the confidentiality of students' personally identifiable information; and

''(2) identify how to best minimize the data-reporting burden placed on institutions of higher education, particularly smaller institutions, and to maximize and improve the information institutions receive from the data systems, in order to assist institutions in improving educational practice and postsecondary outcomes.

''(b) DEFINITION OF ELIGIBLE ENTITY.—In this section, the term 'eligible entity' means—

''(1) a State higher education system; or

''(2) a consortium of State higher education systems, or a consortium of individual institutions of higher education, that is broadly representative of institutions in different sectors and geographic locations.

''(c) COMPETITIVE GRANTS.—

''(1) GRANTS AUTHORIZED.—The Secretary shall award grants, on a competitive basis, to not more than 5 eligible entities to enable the eligible entities to—

''(A) design, test, and implement postsecondary student data systems that provide the maximum benefits to States, institutions of higher education, and State policymakers; and

''(B) examine the costs and burdens involved in implementing a State-level postsecondary student data system.

''(2) DURATION.—A grant awarded under this section shall be for a period of not more than 3 years.

''(d) APPLICATION REQUIREMENTS.—An eligible entity desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary determines is necessary, including a description of—

''(1) how the eligible entity will ensure that student privacy is protected and that individually identifiable information about students, the students' achievements, and the students' families remains confidential in accordance with the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. 1232g); and

''(2) how the activities funded by the grant will be supported after the 3-year grant period.

''(e) USE OF FUNDS.—A grant awarded under this section shall be used to—

''(1) design, develop, and implement the components of a comprehensive postsecondary student data system with the capacity to transmit student information within States;

''(2) improve the capacity of institutions of higher education to analyze and use student data;

''(3) select and define common data elements, data quality, and other elements that will enable the data system to—

''(A) serve the needs of institutions of higher education for institutional research and improvement;

''(B) provide students and the students' families with useful information for decision-making about postsecondary education;

''(C) provide State policymakers with improved information to monitor and guide efforts to improve student outcomes and success in higher education;

''(4) estimate costs and burdens at the institutional level for reporting to the postsecondary student data system; and

''(5) test the feasibility of protocols and standards for maintaining data privacy and data access.

''(f) EVALUATION; REPORTS.—Not later than 6 months after the end of the projects funded by grants awarded under this section, the Secretary shall—

''(1) conduct a comprehensive evaluation of the pilot program authorized by this section; and

''(2) report the Secretary's findings, as well as recommendations regarding the implementation of State-level postsecondary student data systems to the authorizing committees.

''(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2009 and each of the 4 succeeding fiscal years.''.

SEC. 115. INSTITUTION AND LENDER REPORTING AND DISCLOSURE REQUIREMENTS.

Title I (20 U.S.C. 1001 et seq.) is amended by adding at the end the following:

''PART E—LENDER AND INSTITUTION REQUIREMENTS RELATING TO EDUCATIONAL LOANS

''SEC. 151. DEFINITIONS.

''In this part:

''(1) COVERED INSTITUTION.—The term 'covered institution'—

''(A) means any educational institution that—

''(i) offers a postsecondary educational degree, certificate, or program of study (including any institution of higher education, as such term is defined in section 102); and

''(ii) receives any Federal funding or assistance; and

''(B) includes an authorized agent of the educational institution (including an alumni association, booster club, or other organization directly or indirectly authorized by such institution) or an employee of such institution.

''(2) EDUCATIONAL LOAN.—The term 'educational loan' (except when used as part of the term 'private educational loan') means—

''(A) any loan made, insured, or guaranteed under title IV; or

''(B) a private educational loan (as defined in paragraph (6)).

''(3) PREFERRED LENDER ARRANGEMENT.—The term 'preferred lender arrangement'—

''(A) means an arrangement or agreement between a lender and a covered institution—

''(i) under which arrangement or agreement a lender provides or otherwise issues educational loans to the students attending the covered institution or the parents of such students; and

''(ii) which arrangement or agreement relates to the covered institution recommending, promoting, or endorsing the educational loan product of the lender; and

''(B) does not include—

''(i) arrangements or agreements with respect to loans under parts D or E of title IV; or

''(ii) arrangements or agreements with respect to loans under section 499(b).

''(4) LENDER.—

''(A) IN GENERAL.—The term 'lender'—

''(i) means a creditor, except that such term shall not include an issuer of credit secured by a dwelling or under an open end credit plan; and

''(ii) includes an agent of a lender.

''(B) INCORPORATION OF TILA DEFINITIONS.—The terms 'creditor', 'dwelling', and 'open end credit plan' have the meanings given such terms in section 103 of the Truth in Lending Act (15 U.S.C. 1602).

''(5) OFFICER.—The term 'officer' includes a director or trustee of a covered institution, if such individual is treated as an employee of the covered institution.

''(6) PRIVATE EDUCATIONAL LOAN.—The term 'private educational loan' means a private loan provided by a lender that—

''(A) is not made, insured, or guaranteed under title IV; and

''(B) is issued by a lender expressly for postsecondary educational expenses to a student, or the parent of the student, regardless of whether the loan involves enrollment certification by the educational institution that the student attends.

''(7) POSTSECONDARY EDUCATIONAL EXPENSES.—The term 'postsecondary educational expenses' means any of the expenses that are included as part of a student's cost of attendance, as defined under section 472.

''SEC. 152. REQUIREMENTS FOR LENDERS AND INSTITUTIONS PARTICIPATING IN PREFERRED LENDER ARRANGEMENTS.

''(a) CERTIFICATION BY LENDERS.—In addition to any other disclosure required under Federal law, each lender under part B of title IV that participates in one or more preferred lender arrangements shall annually certify its compliance with the requirements of this Act. Such compliance of such preferred lender arrangement shall be reported on and attested to annually by the auditor of such lender in the audit conducted pursuant to section 428(b)(1)(U)(iii).

''(b) USE OF INSTITUTION NAME.—

''(1) IN GENERAL.—A covered institution that has entered into a preferred lender arrangement with a lender regarding private educational loans shall not agree to the lender's use of the name, emblem, mascot, or logo of the institution, or other words, pictures, or symbols readily identified with the institution, in the marketing of private educational loans to the students attending the institution in any way that implies that the institution endorses the private educational loans offered by the lender.

''(2) APPLICABILITY.—Paragraph (1) shall apply to any preferred lender arrangement, or extension of such arrangement, entered into or renewed after the date of enactment of the College Opportunity and Affordability Act of 2008.

''SEC. 153. INTEREST RATE REPORT FOR INSTITUTIONS AND LENDERS PARTICIPATING IN PREFERRED LENDER ARRANGEMENTS.

''(a) DUTIES OF THE SECRETARY.—

''(1) REPORT AND MODEL FORMAT.—Not later than 180 days after the date of enactment of the College Opportunity and Affordability Act of 2008, the Secretary shall—

''(A) prepare a report on the adequacy of the information provided to students and the parents of such students about educational loans, after consulting with students, representatives of covered institutions (including financial aid administrators, registrars, and business officers), lenders, loan servicers, and guaranty agencies;

''(B) develop and prescribe by regulation a model disclosure form to be used by lenders and covered institutions in carrying out subsections (b) and (c) that—

''(i) will be easy for students and parents to read and understand;

''(ii) will be easily usable by lenders, institutions, guaranty agencies, and loan servicers;

''(iii) will provide students and parents with the relevant, meaningful, and standard information about the terms and conditions for both Federal and private educational loans;

''(iv) is based on the report's findings and developed in consultation with—

''(I) students;

''(II) representatives of covered institutions, including financial aid administrators, registrars, business officers, and student affairs officials;

''(III) lenders;

''(IV) loan servicers;

''(V) guaranty agencies; and

''(VI) with respect to the requirements of clause (vi) concerning private educational loans, the Board of Governors of the Federal Reserve System;

''(v) provides information on the applicable interest rates and other terms and conditions of the educational loans provided by a lender to students attending the institution, or the parents of such students, disaggregated by each type of educational loan (including opportunity pools as defined in section 155(f)) provided to such students or parents by the lender, including—

''(I) the rate of interest, or the potential range of rates of interest, applicable to the loan, and whether such rates are fixed or variable;

''(II) limitations, if any, on interest rate adjustments, both in terms of frequency and amount, or lack thereof;

''(III) co-borrower requirements, including changes in interest rates;

''(IV) any fees associated with the loan;

''(V) the repayment terms available on the loan;

''(VI) the opportunity for deferment or forbearance in repayment of the loan, including whether the loan payments can be deferred if the student is in school;

''(VII) any additional terms and conditions applied to the loan, including any benefits that are contingent on the repayment behavior of the borrower;

''(VIII) the annual percentage rate for such loans, determined in the manner required under section 107 of the Truth in Lending Act (15 U.S.C. 1606);

''(IX) an example of the total cost of the educational loan over the life of the loan which shall be calculated—

''(aa) using a principal amount and the maximum rate of interest actually offered by the lender; and

''(bb) both with and without capitalization of interest, if that is an option for postponing interest payments;

''(X) the consequences for the borrower of defaulting on a loan, including any limitations on the discharge of an educational loan in bankruptcy;

''(XI) contact information for the lender; and

''(XII) any philanthropic contributions made by the lender to the covered institution, including the purpose of the contribution and any conditions related to its use; and

''(vi) provides, in addition, with respect to private educational loans, the following information with respect to loans made by each lender recommended by the covered institution:

''(I) the method of determining the interest rate of the loan;

''(II) potential finance charges, late fees, penalties, and adjustments to principal, based on defaults or late payments of the borrower; and

''(III) such other information as the Secretary may require; and

''(C)(i) submit the report and model disclosure form to the authorizing committees; and

''(ii) make the report and model disclosure form available to covered institutions, lenders, and the public.

''(2) MODEL FORM UPDATE.—Not later than 1 year after the submission of the report and model disclosure form described in paragraph (1)(B), the Secretary shall—

''(A) assess the adequacy of the model disclosure form;

''(B) after consulting with students, representatives of covered institutions (including financial aid administrators, registrars, business officers, and student affairs officials), lenders, loan servicers, guaranty agencies, and the Board of Governors of the Federal Reserve System—

''(i) prepare a list of any improvements to the model disclosure form that have been identified as beneficial to borrowers; and

''(ii) update the model disclosure form after taking such improvements into consideration; and

''(C)(i) submit the list of improvements and updated model disclosure form to the authorizing committees; and

''(ii) make the updated model disclosure form available to covered institutions, lenders, and the public.

''(3) USE OF FORM.—The Secretary shall take such steps as necessary to make the model disclosure form, and the updated model disclosure form, available to covered institutions and to encourage—

''(A) lenders subject to subsection (b) to use the model disclosure form or updated model disclosure form (if available) in providing the information required under subsection (b); and

''(B) covered institutions to use such format in preparing the information reported under subsection (c).

''(4) PROCEDURES.—Sections 482(c) and 492 of this Act shall not apply to the model disclosure form prescribed under paragraph (1)(B), but shall apply to the updating of such form under paragraph (2).

''(b) LENDER DUTIES.—Each lender that has a preferred lender arrangement with a covered institution shall, by March 1 of each year, or such other date determined by the Secretary, provide to the covered institution and to the Secretary the information included on the model disclosure form or an updated model disclosure form (if available) for each type of educational loan (including opportunity pools as defined in section 155(f)) to be offered by the lender to students attending the covered institution, or the parents of such students, for the forthcoming academic year.

''(c) COVERED INSTITUTION REPORTS.—Each covered institution shall—

''(1) prepare and submit to the Secretary an annual report, by a date determined by the Secretary, that includes, for each lender that has a preferred lender arrangement with the covered institution and that has submitted to the institution the information required under subsection (b)—

''(A) the information included on the model disclosure form or updated model disclosure form (if available) for each type of educational loan provided by the lender to students attending the covered institution, or the parents of such students; and

''(B) a detailed explanation of why the covered institution believes the terms and conditions of each type of educational loan provided pursuant to the agreement are beneficial for students attending the covered institution, or the parents of such students; and

''(2) ensure that the report required under paragraph (1) is made available to the public and provided to students attending or planning to attend the covered institution, and the parents of such students, in time for the student or parent to take such information into account before applying for or selecting an educational loan.

''(d) DISCLOSURES BY COVERED INSTITUTIONS.—A covered institution shall disclose, on its website and in the informational materials described in subsection (e)—

''(1) a statement that—

''(A) indicates that students are not limited to or required to use the lenders the institution recommends; and

''(B) the institution is required to process the documents required to obtain a Federal educational loan from any eligible lender the student selects;

''(2) at a minimum, all of the information provided by the model disclosure form prescribed under subsection (a)(1)(B), or updated model disclosure form (if available), with respect to any lender recommended by the institution for Federal educational loans and, as applicable, private educational loans (including opportunity pools as defined in section 155(f));

''(3) the maximum amount of Federal grant and loan aid available to students in an easy-to-understand format; and

''(4) the institution's cost of attendance (as determined under section 472).

''(e) INFORMATIONAL MATERIALS.—The informational materials described in this subsection are publications, mailings, or electronic messages or media distributed to prospective or current students and parents of students that describe or discuss the financial aid opportunities available to students at an institution of higher education.

''SEC. 154. PRIVATE EDUCATIONAL LOAN DISCLOSURE REQUIREMENTS FOR COVERED INSTITUTIONS.

''A covered institution that provides information to any student, or the parent of such student, regarding a private educational loan from a lender shall, prior to or concurrent with such information—

''(1) inform the student or parent of—

''(A) the student or parent's eligibility for assistance and loans under title IV; and

''(B) the terms and conditions of such private educational loan that may be less favorable than the terms and conditions of educational loans for which the student or parent is eligible, including interest rates, repayment options, and loan forgiveness; and

''(2) ensure that information regarding such private educational loan is presented in such a manner as to be distinct from information regarding loans that are made, insured, or guaranteed under title IV.

''SEC. 155. INTEGRITY PROVISIONS.

''(a) INSTITUTION CODE OF CONDUCT REQUIRED.—

''(1) CODE OF CONDUCT.—Each institution of higher education that participates in the Federal student loan programs under title IV or has students that obtain private educational loans shall—

''(A) develop a code of conduct in accordance with paragraph (2) with which its officers, employees, and agents shall comply with respect to educational loans;

''(B) publish the code of conduct prominently on its website; and

''(C) administer and enforce such code in accordance with the requirements of this subsection.

''(2) CONTENTS OF CODE.—The code required by this section shall—

''(A) prohibit a conflict of interest with the responsibilities of such officer, employee, or agent with respect to educational loans; and

''(B) at a minimum, include provisions in compliance with the provisions of the following subsections of this section.

''(3) TRAINING AND COMPLIANCE.—An institution of higher education shall administer and enforce a code of conduct required by this section by, at a minimum, requiring all of its officers, employees, and agents with responsibilities with respect to educational loans to obtain training annually in compliance with the code.

''(b) GIFT BAN.—

''(1) PROHIBITION.—No officer, employee, or agent of a covered institution who is employed in the financial aid office of the institution, or who otherwise has responsibilities with respect to educational loans, shall solicit or accept any gift from a lender, guarantor, or servicer of educational loans.

''(2) INSPECTOR GENERAL REPORT.—The Inspector General of the Department of Education shall investigate any reported violation of this subsection and shall annually submit a report to the authorizing committees identifying all substantiated violations of the gift ban under paragraph (1), including the lenders and covered institutions involved in each such violation, for the preceding year.

''(3) DEFINITION OF GIFT.—

''(A) IN GENERAL.—In this subsection, the term 'gift' means any gratuity, favor, discount, entertainment, hospitality, loan, or other item having a monetary value of more than a de minimus amount. The term includes a gift of services, transportation, lodging, or meals, whether provided in kind, by purchase of a ticket, payment in advance, or reimbursement after the expense has been incurred.

''(B) EXCEPTIONS.—The term 'gift' shall not include any of the following:

''(i) Standard material, activities, or programs on issues related to a loan, default aversion, default prevention, or financial literacy, such as a brochure, a workshop, or training.

''(ii) Food, refreshments, training, or informational material furnished to an officer, employee, or agent of an institution as an integral part of a training session that is designed to improve the service of a lender,

guarantor, or servicer of educational loans to the covered institution, if such training contributes to the professional development of the officer, employee, or agent of the institution.

''(iii) Favorable terms, conditions, and borrower benefits on an educational loan provided to a student employed by the covered institution if such terms, conditions, or benefits are comparable to those provided to all students of the institution.

''(iv) Entrance and exit counseling services provided to borrowers to meet a covered institution's responsibilities for entrance and exit counseling as required by section 485(b) provided that—

''(I) a covered institution's staff are in control of the counseling (whether in person or via electronic capabilities); and

''(II) such counseling does not promote the products or services of any lender.

''(v) Philanthropic contributions to a covered institution from a lender, guarantor, or servicer of educational loans that are unrelated to educational loans, provided, as applicable, that such contributions are disclosed pursuant to section 153(a)(1) and section 153(a)(2).

''(vi) State education grants, scholarships, or financial aid funds administered by or on behalf of a State.

''(C) RULE FOR GIFTS TO FAMILY MEMBERS.—For purposes of this section, a gift to a family member of an officer, employee, or agent of a covered institution, or a gift to any other individual based on that individual's relationship with the officer, employee, or agent, shall be considered a gift to the officer, employee, or agent if—

''(i) the gift is given with the knowledge and acquiescence of the officer, employee, or agent; and

''(ii) the officer, employee, or agent has reason to believe the gift was given because of the official position of the officer, employee, or agent.

''(c) CONTRACTING ARRANGEMENTS PROHIBITED.—

''(1) PROHIBITION.—An officer, employee, or agent who is employed in the financial aid office of a covered institution, or who otherwise has responsibilities with respect to educational loans, shall not accept from any lender or affiliate of any lender (as the term affiliate is defined in section 487(a)) any fee, payment, or other financial benefit (including the opportunity to purchase stock) as compensation for any type of consulting arrangement or other contract to provide services to a lender or on behalf of a lender.

''(2) EXCEPTIONS.—Nothing in this subsection shall be construed as prohibiting—

''(A) an officer, employee, or agent of a covered institution who is not employed in the institution's financial aid office, or who does not otherwise have responsibilities with respect to educational loans, from paid or unpaid service on a board of directors of a lender, guarantor, or servicer of educational loans;

''(B) an officer, employee, or agent of a covered institution who is not employed in the financial aid office but who has responsibility with respect to educational loans as a result of a position held at the covered institution, from paid or unpaid service on a board of directors of a lender, guarantor, or servicer of educational loans, provided that the covered institution has a written conflict of interest policy that clearly sets forth that such an officer, employee, or agent must be recused from participating in any decision of the board with respect to any transaction regarding educational loans; or

''(C) an officer, employee, or agent of a lender, guarantor, or servicer of educational loans from serving on a board of directors or serving as a trustee of a covered institution, provided that the covered institution has a written conflict of interest policy that clearly sets forth the procedures to be followed in instances where such a board member's or trustee's personal or business interests with respect to educational loans may be advanced by an action of the board of directors or trustees, including a provision that such a board member or trustee may not participate in any decision to approve any transaction where such conflicting interests may be advanced.

''(d) BAN ON REVENUE SHARING ARRANGEMENTS.—

''(1) PROHIBITION.—A covered institution shall not enter into any revenue sharing arrangement with any lender.

''(2) DEFINITION.—For purposes of this subsection, a revenue sharing arrangement is an arrangement between a covered institution and a lender under which—

''(A) a lender provides or issues educational loans to students attending the institution or to parents of such students; and

''(B)(i) the institution recommends the lender or the loan products of the lender; and

''(ii) in exchange, the lender pays a fee or provides other material benefits, including revenue or profit sharing, to the institution or officers, employees, or agents of the institution.

''(e) BAN ON STAFFING ASSISTANCE.—

''(1) PROHIBITION.—A covered institution shall not request or accept from any lender any assistance with call center staffing or financial aid office staffing.

''(2) CERTAIN ASSISTANCE PERMITTED.—Nothing in paragraph (1) shall be construed to prohibit a covered institution from requesting or accepting assistance from a lender related to—

''(A) professional development training for financial aid administrators;

''(B) providing educational counseling materials, financial literacy materials, or debt management materials to borrowers, provided that such materials disclose to borrowers the identification of any lender that assisted in preparing or providing such materials; or

''(C) staffing services on a short-term, non-recurring basis to assist the institution with financial aid-related functions during emergencies, including State-declared or federally declared natural disasters, federally declared national disasters, and other localized disasters and emergencies identified by the Secretary.

''(f) PROHIBITION ON OFFERS OF FUNDS FOR PRIVATE LOANS.—

''(1) PROHIBITION.—A covered institution shall not request or accept from any lender any offer of funds, including any opportunity pool, to be used for private educational loans to students in exchange for the covered institution providing concessions or promises to the lender with respect to such institution providing the lender with a specified number of loans, a specified loan volume, or a preferred lender arrangement for any loan made, insured, or guaranteed under title IV, and a lender shall not make any such offer.

''(2) DEFINITION.—In this subsection, the term 'opportunity pool' means an educational loan made by a private lender to a student attending the covered institution or the parent of such a student that is in any manner guaranteed by a covered institution, or that involves a payment, directly or indirectly, by such an institution of points, premiums, payments, additional interest, or other financial support to such lender for the purpose of such lender extending credit to either the students or the parents of students of the institution.

''(g) BAN ON PARTICIPATION ON ADVISORY COUNCILS.—An officer, employee, or agent who is employed in the financial aid office of a covered institution, or who otherwise has responsibilities with respect to educational loans, shall not serve on or otherwise participate with advisory councils of lenders or affiliates of lenders. Nothing in this subsection shall prohibit lenders from seeking advice from covered institutions or groups of covered institutions (including through telephonic or electronic means, or a meeting) in order to improve products and services for borrowers, provided there are no gifts or compensation (including for transportation, lodging, or related expenses) provided by lenders in connection with seeking this advice from such institutions. Nothing in this subsection shall prohibit an officer, employee, or agent of a covered institution from serving on the board of directors of a lender if required by State law.

''SEC. 156. COMPLIANCE AND ENFORCEMENT.

''(a) CONDITION OF ANY FEDERAL ASSISTANCE.—Notwithstanding any other provision of law, a covered institution or lender shall comply with this part as a condition of receiving Federal funds or assistance provided after the date of enactment of the College Opportunity and Affordability Act of 2008.

''(b) PENALTIES.—Notwithstanding any other provision of law, if the Secretary determines, after providing notice and an opportunity for a hearing for a covered institution or lender, that the covered institution or lender has violated subsection (a)—

''(1) in the case of a covered institution, or a lender that does not participate in a loan program under title IV, the Secretary may impose a civil penalty in an amount of not more than $27,500; and

''(2) in the case of a lender that does participate in a program under title IV, the Secretary may impose a civil penalty in an amount of not more than $27,500, or limit, terminate, or suspend the lender's participation in such program.

''(c) CONSIDERATIONS.—In taking any action against a covered institution or lender under subsection (b), the Secretary shall take into consideration the nature and severity of the violation of subsection (a).

''SEC. 157. STUDENT LOAN COUNSELING.

''(a) BORROWER CONTACT.—

''(1) FFEL LOANS.—Each holder of a loan under part B of title IV shall contact the borrower each year after five years has passed from the date that a borrower first selected either a graduated, extended, income sensitive, or income contingent repayment plan to ascertain if the borrower is able to select a repayment plan with a shorter repayment period that would reduce the total interest paid on the borrower's loan or loans under this part.

''(2) DIRECT LOANS.—The Secretary shall contact the borrower of each loan under part D or E of title IV each year after five years has passed from the date that a borrower first selected either an extended, graduated, income contingent, or alternative repayment plan to ascertain if the borrower is able to select a repayment plan for a shorter repayment period that would reduce the total interest paid on the borrower's loan under this part.

''(b) REQUIRED DISCLOSURE BEFORE DISBURSEMENT.—

''(1) DISCLOSURES BEFORE REPAYMENT.—Each lender of a loan under part B of title IV, and the Secretary with respect to each loan under part D or E of such title, shall provide to the borrower before repayment begins an explanation of principal to be borrowed, current balance, interest already paid, and interest due over the life of the loan, options by which borrowers may avoid or be removed from default, relevant fees associated with these options, and repayment options available to the borrower entering repayment, including income contingent repayment and income-based repayment.

''(2) DISCLOSURES DURING REPAYMENT.—Each lender of a loan under part B of title

IV, and the Secretary with respect to each loan under part D or E of such title, shall provide to the borrower during repayment an explanation of principal borrowed, current balance, interest already paid and interest due over the life of the loan, options by which borrowers may avoid or be removed from default, relevant fees associated with these options, and repayment options available to the borrower entering repayment, including income contingent repayment and income-based repayment. Each such lender and the Secretary shall also notify any borrower who tells the lender or the Secretary that the borrower is having difficulty making payments of the repayment options available, including forbearance. Each such lender and the Secretary shall make an explanation of repayment options available to the borrower, including income contingent repayment and forbearance, before the loan is disbursed, before repayment, and during repayment if the borrower notifies the lender or the Secretary that the borrower is having difficulty making payments.

''(c) INSTITUTIONAL COUNSELING.—

''(1) IN GENERAL.—Each institution of higher education shall, through financial aid officers or otherwise, make available counseling to borrowers of loans which are made, insured, or guaranteed under part B (other than loans made pursuant to section 428B) of this title or made under part D or E of this title prior to their signing the first promissory note. The counseling shall include—

''(A) average indebtedness of borrowers at that school, to be supplied by the Secretary;

''(B) sample monthly repayment amounts based on a range of student levels of indebtedness and on the average indebtedness of Stafford loan borrowers at the same school or in the same program of study at the same school;

''(C) data to be supplied by the Secretary on starting salaries for graduates of institutions by type and control of institution, and field of study;

''(D) repayment options available to the borrower when entering repayment, including income contingent repayment and income-based repayment;

''(E) detail to be supplied by the Secretary on how interest accrues and is capitalized during periods when it is not being paid by either the borrower or the Secretary; and

''(F) the likely consequences of default, including adverse credit reports, Federal offset, and litigation.

''(2) USE OF ELECTRONIC MEANS.—If initial counseling is conducted through interactive electronic means, the institution of higher education shall take reasonable steps to ensure that each student borrower receives the counseling materials, and participates in and completes the initial counseling.

''(d) DEPARTMENT OF EDUCATION INFORMATION DISCLOSURE AND TECHNICAL ASSISTANCE.—

''(1) OBLIGATION.—The Secretary shall display on the Department of Education website and provide to colleges and universities the following information to be used for counseling and consumer information for prospective borrowers:

''(A) Regional data on starting salaries in all major fields.

''(B) The increase in debt that results from forbearance on all loans and from capitalization of interest on unsubsidized loans.

''(C) The various repayment options available in the Federal student loan programs, including the availability of the income contingent repayment (ICR) program and the income-based repayment programs (IBR).

''(D) The Federal Government's powers to collect student loans, even when student borrowers are in bankruptcy.

''(2) PUBLICITY.—The Secretary shall make the location of the information under paragraph (1) widely known among the public, institutions, and lenders, and promote the use of such information by prospective students, enrolled students, and borrowers after entering repayment.''.

SEC. 116. FEASIBILITY STUDY FOR NATIONAL ELECTRONIC STUDENT LOAN MARKETPLACE.

(a) STUDY REQUIRED.—The Secretary of Education shall conduct a study of the feasibility of developing a National Electronic Student Loan Marketplace that would provide for one or more of the following:

(1) A registry of real-time information on Federal student loans (including loans under parts B and D of title IV of the Higher Education Act of 1965) and private educational loans (as defined in section 151 such Act of 1965 (as amended by this Act)) for both undergraduate and graduate students, and parents of students, for use by prospective borrowers or any person desiring information regarding available interest rates, fees, and other terms from lenders.

(2) Means by which lenders that participate in such marketplace would be bound to honor advertised rates or benefits.

(3) A mechanism whereby borrowers and student financial aid officials could publicly post or otherwise make available for users accessing the system their comments, opinions, or ratings concerning their experience as to the quality of lenders' loan products and loan servicing and other measurements or indicators of customer satisfaction.

(4) A mechanism whereby prospective borrowers could be matched with lenders that offer highly competitive products and loan servicing quality, including any procedures and safeguards necessary to minimize potentially adverse effects of multiple inquiries into participating borrowers' credit histories recorded by credit reporting agencies.

(5) Options concerning the establishment and ongoing maintenance of such a system, including whether such a system should be operated by one or more nonprofit or for-profit entities, how these entities should structure or organize such a system in order to provide the highest assurance of independence from, and the absence of any conflicting interest with, lenders participating in such a system, and methods to finance such a system at no or minimal cost to consumers and the Government.

(6) Other features that the Secretary determines could help prospective borrowers make informed decisions in selecting lenders from whom to obtain Federal and private educational loans.

(b) CONSULTATION.—In conducting the study required by this section, the Secretary of Education shall consult with—

(1) the Federal Trade Commission;

(2) representatives of student loan borrowers;

(3) representatives from institutions of higher education, including financial aid administrators, registrars, business officers, and student affairs officials;

(4) Federal and private education loan lenders, loan servicers, and guaranty agencies; and

(5) any other appropriate agency that is a member of the Financial Literacy and Education Commission established under the Financial Literacy and Education Improvement Act (20 U.S.C. 9701 et seq.).

(c) REPORT.—Not later than 6 months after completion of the model interest rate report format required under section 153(a)(1) of the Higher Education Act of 1965 (as amended by this Act), the Secretary of Education shall submit a report to the authorizing committees (as defined in section 103 of such Act) concerning the findings of the feasibility study together with an assessment of the advantages and disadvantages for consumers, institutions of higher education, lenders, and the Government of establishing such a system.

TITLE II—TITLE II REVISION

SEC. 201. REVISION OF TITLE II.

Title II (20 U.S.C. 1021 et seq.) is amended to read as follows:

''TITLE II—TEACHER QUALITY ENHANCEMENT

''SEC. 200. DEFINITIONS.

''For purposes of this title:

''(1) ARTS AND SCIENCES.—The term 'arts and sciences' means—

''(A) when referring to an organizational unit of an institution of higher education, any academic unit that offers 1 or more academic majors in disciplines or content areas corresponding to the academic subject matter areas in which teachers provide instruction; and

''(B) when referring to a specific academic subject area, the disciplines or content areas in which academic majors are offered by the arts and sciences organizational unit.

''(2) CHILDREN FROM LOW-INCOME FAMILIES.—The term 'children from low-income families' means children as described in section 1124(c)(1)(A) of the Elementary and Secondary Education Act of 1965.

''(3) CORE ACADEMIC SUBJECTS.—The term 'core academic subjects' has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965.

''(4) EARLY CHILDHOOD EDUCATION PROGRAM.—The term 'early childhood education program' means—

''(A) a Head Start program or an Early Head Start program carried out under the Head Start Act (42 U.S.C. 9831 et seq.), and includes Migrant and Seasonal Head Start and American Indian/Alaska Native Head Start;

''(B) a State licensed or regulated child care program or school; or

''(C) a State prekindergarten program (including a program authorized under section 619 or part C of the Individuals with Disabilities Education Act) that serves children from birth through kindergarten and that addresses the children's cognitive (including language, early literacy, and pre-numeracy), social, emotional, and physical development.

''(5) EARLY CHILDHOOD EDUCATOR.—The term 'early childhood educator' means an individual with primary responsibility for the education of children in an early childhood education program.

''(6) EDUCATIONAL SERVICE AGENCY.—The term 'educational service agency' has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965.

''(7) ESSENTIAL COMPONENTS OF READING INSTRUCTION.—The term 'essential components of reading instruction' has the meaning given such term in section 1208 of the Elementary and Secondary Education Act of 1965.

''(8) EXEMPLARY TEACHER.—The term 'exemplary teacher' has the meaning given such term in section 9101 of the Elementary and Secondary Education Act of 1965.

''(9) HIGH-NEED EARLY CHILDHOOD EDUCATION PROGRAM.—The term 'high-need early childhood education program' means an early childhood education program serving children from low-income families that is located within the geographic area served by a high-need local educational agency.

''(10) HIGH-NEED LOCAL EDUCATIONAL AGENCY.—The term 'high-need local educational agency' means a local educational agency—

''(A)(i) for which not less than 20 percent of the children served by the agency are children from low-income families;

''(ii) that serves not fewer than 10,000 children from low-income families; or

''(iii) with a total of less than 600 students in average daily attendance at the schools that are served by the agency, and all of the schools that are served by the agency are designated with a school locale code of Rural: Fringe, Rural: Distant, or Rural: Remote, as determined by the Secretary; and

''(B)(i) for which there is a high percentage of teachers not teaching in the academic subject areas or grade levels in which the teachers were trained to teach; or

''(ii) for which there is a high teacher turnover rate or a high percentage of teachers with emergency, provisional, or temporary certification or licensure.

''(11) HIGH-NEED SCHOOL.—Notwithstanding section 103, the term 'high-need school' means a public elementary school or public secondary school that—

''(A) is among the highest 25 percent of schools served by the local educational agency that serves the school, in terms of the percentage of students from families with incomes below the poverty line; or

''(B) is designated with a school locale code of Rural: Fringe, Rural: Distant, or Rural: Remote, as determined by the Secretary.

''(12) HIGHLY COMPETENT.—The term 'highly competent', when used with respect to an early childhood educator, means an educator—

''(A) with specialized education and training in development and education of young children from birth until entry into kindergarten;

''(B) with—

''(i) a baccalaureate degree in an academic major in the arts and sciences; or

''(ii) an associate's degree in a related educational area; and

''(C) who has demonstrated a high level of knowledge and use of content and pedagogy in the relevant areas associated with quality early childhood education.

''(13) HIGHLY QUALIFIED.—The term 'highly qualified' has the meaning given such term in section 9101 of the Elementary and Secondary Education Act of 1965 and, with respect to special education teachers, in section 602 of the Individuals with Disabilities Education Act.

''(14) LITERACY COACH.—The term 'literacy coach' means an individual—

''(A) who—

''(i) has teaching experience and a master's degree with a concentration in reading and writing education; and

''(ii) has demonstrated proficiency (as determined by the principal of the individual's school) in teaching reading and writing in a content area such as math, science, or social studies;

''(B) whose primary role with teachers and school personnel is—

''(i) to provide high-quality professional development opportunities for teachers and school personnel related to literacy;

''(ii) with respect to the areas of reading and writing, to collaborate with paraprofessionals, teachers, principals, and other administrators, and the community served by the school; and

''(iii) to work cooperatively and collaboratively with other professionals in planning programs to meet the needs of diverse population learners, including children with disabilities and limited English proficient individuals; and

''(C) who may provide students with—

''(i) reading or writing diagnosis and instruction; and

''(ii) reading and writing assessment, including assessment in cooperation with other professionals (such as special education teachers, speech and language teachers, and school psychologists).

''(15) POVERTY LINE.—The term 'poverty line' means the poverty line (as defined in section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))) applicable to a family of the size involved.

''(16) PROFESSIONAL DEVELOPMENT.—The term 'professional development' has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965.

''(17) SCIENTIFICALLY VALID RESEARCH.—The term 'scientifically valid research' includes applied research, basic research, and field-initiated research in which the rationale, design, and interpretation are soundly developed in accordance with accepted principles of scientific research.

''(18) TEACHING SKILLS.—The term 'teaching skills' means skills that enable a teacher to—

''(A) increase student learning, achievement, and the ability to apply knowledge;

''(B) effectively convey and explain academic subject matter;

''(C) employ strategies grounded in the disciplines of teaching and learning that—

''(i) are based on empirically based practice and scientifically valid research, where applicable, related to teaching and learning;

''(ii) are specific to academic subject matter; and

''(iii) focus on the identification of students' specific learning needs, particularly students with disabilities, students who are limited English proficient, students who are gifted and talented, and students with low literacy levels, and the tailoring of academic instruction to such needs;

''(D) conduct an ongoing assessment of student learning, which may include the use of formative assessments, performance-based assessments, project-based assessments, or portfolio assessments, that measure higher-order thinking skills, including application, analysis, synthesis, and evaluation;

''(E) effectively manage a classroom, including the ability to implement positive behavioral intervention support strategies;

''(F) communicate and work with parents and guardians, and involve parents and guardians in their children's education; and

''(G) use, in the case of an early childhood educator, age-appropriate and developmentally appropriate strategies and practices for children in early education programs.

"SEC. 200A. RULE OF CONSTRUCTION.

''Nothing in this title shall be construed to alter or otherwise affect the rights, remedies, and procedures afforded to the employees of local educational agencies under Federal, State, or local laws (including applicable regulations or court orders) or under the terms of collective bargaining agreements, memoranda of understanding, or other agreements between such employees and their employers, including the right of employees of local educational agencies to engage in collective bargaining with their employers.

''PART A—TEACHER QUALITY PARTNERSHIP GRANTS

"SEC. 201. PURPOSES; DEFINITIONS.

''(a) PURPOSES.—The purposes of this part are to—

''(1) improve student achievement;

''(2) improve the quality of the current and future teaching force by improving the preparation of prospective teachers and enhancing professional development activities;

''(3) hold teacher preparation programs at institutions of higher education accountable for preparing highly qualified teachers; and

''(4) recruit highly qualified individuals, including minorities and individuals from other occupations, into the teaching force.

''(b) DEFINITIONS.—In this part:

''(1) ELIGIBLE PARTNERSHIP.—The term 'eligible partnership' means an entity that—

''(A) shall include—

''(i) a high-need local educational agency;

''(ii) a high-need school or a consortium of high-need schools served by the high-need local educational agency or, as applicable, a high-need early childhood education program;

''(iii) a partner institution;

''(iv) a school, department, or program of education within such partner institution or a teacher professional development program within such partner institution; and

''(v) a school or department of arts and sciences within such partner institution; and

''(B) may include any of the following:

''(i) The Governor of the State.

''(ii) The State educational agency.

''(iii) The State board of education.

''(iv) The State agency for higher education.

''(v) A business.

''(vi) A public or private nonprofit educational organization.

''(vii) An educational service agency.

''(viii) A teacher organization.

''(ix) A high-performing local educational agency, or a consortium of such local educational agencies, that can serve as a resource to the partnership.

''(x) A charter school (as defined in section 5210 of the Elementary and Secondary Education Act of 1965).

''(xi) A school or department within the partner institution that focuses on psychology and human development.

''(xii) A school or department within the partner institution with comparable expertise in the disciplines of teaching, learning, and child and adolescent development.

''(xiii) An entity operating a program that provides alternative routes to State certification of teachers.

''(2) INDUCTION PROGRAM.—The term 'induction program' means a formalized program for new teachers during not less than the teachers' first 2 years of teaching that is designed to provide support for, and improve the professional performance and advance the retention in the teaching field of, beginning teachers. Such program shall promote effective teaching skills and shall include the following components:

''(A) High-quality teacher mentoring.

''(B) Periodic, structured time for collaboration with mentor teachers in the same department or field, as well as time for information-sharing among teachers, principals, administrators, and participating faculty in the partner institution.

''(C) The application of empirically based practice and scientifically valid research on instructional practices.

''(D) Opportunities for new teachers to draw directly upon the expertise of teacher mentors, faculty, and researchers to support the integration of empirically based practice and scientifically valid research with practice.

''(E) The development of skills in instructional and behavioral interventions derived from empirically based practice and, where applicable, scientifically valid research.

''(F) Faculty who—

''(i) model the integration of research and practice in the classroom; and

''(ii) assist new teachers with the effective use and integration of technology in the classroom.

''(G) Interdisciplinary collaboration among exemplary teachers, faculty, researchers, and other staff who prepare new teachers with respect to the learning process and the assessment of learning.

''(H) Assistance with the understanding of data, particularly student achievement data, and the data's applicability in classroom instruction.

''(I) Structured and formal observation of new teachers, and feedback for such teachers, at least 4 times each school year by multiple evaluators, including master teachers and the principal, using valid and reliable benchmarks of teaching skills and standards developed with input from teachers.

''(3) PARTNER INSTITUTION.—The term 'partner institution' means an institution of higher education, which may include a 2-year institution of higher education offering a dual program with a 4-year institution of higher education, participating in an eligible partnership that has a teacher preparation program—

''(A) whose graduates exhibit strong performance on State-determined qualifying assessments for new teachers through—

''(i) demonstrating that 80 percent or more of the graduates of the program who intend to enter the field of teaching have passed all of the applicable State qualification assessments for new teachers, which shall include an assessment of each prospective teacher's subject matter knowledge in the content area in which the teacher intends to teach; or

''(ii) being ranked among the highest-performing teacher preparation programs in the State as determined by the State—

''(I) using criteria consistent with the requirements for the State report card under section 205(b); and

''(II) using the State report card on teacher preparation required under section 205(b), after the first publication of such report card and for every year thereafter;

''(B) that requires—

''(i) each student in the program to meet and demonstrate high academic standards (including prior to entering and being accepted into a program) and participate in intensive clinical experience;

''(ii) each student in the program preparing to become a teacher to become highly qualified; and

''(iii) each student in the program preparing to become an early childhood educator to meet degree requirements, as established by the State, and become highly competent; or

''(C) whose participants include current teachers who seek ongoing professional development in the subject matter knowledge in which the teacher is assigned to teach; and

''(D) that requires the faculty of arts and sciences of the partner institution to lead collaborative seminars for such participants for the purpose of—

''(i) improving student learning;

''(ii) enhancing the quality of teaching and strengthening subject matter mastery and the pedagogical skills of current teachers through continuing professional development; and

''(iii) developing curriculum units, based on the subject matter presented, for use in the teachers' classrooms.

''(4) TEACHER MENTORING.—The term 'teacher mentoring' means the mentoring of new or prospective teachers through a new or established program that—

''(A) includes clear criteria for the selection of teacher mentors who will provide role model relationships for mentees, which criteria shall be developed by the eligible partnership and based on measures of teacher effectiveness;

''(B) provides high-quality training for such mentors, including instructional strategies for literacy instruction and classroom management;

''(C) provides regular and ongoing opportunities for mentors and mentees to observe each other's teaching methods in classroom settings during the day in a high-need school in the high-need local educational agency in the eligible partnership;

''(D) provides paid release time for mentors;

''(E) provides mentoring to each mentee by a colleague who teaches in the same field, grade, or subject as the mentee;

''(F) promotes empirically based practice of, and scientifically valid research on, where applicable—

''(i) teaching and learning;

''(ii) assessment of student learning;

''(iii) the development of teaching skills through the use of instructional and behavioral interventions; and

''(iv) the improvement of the mentees' capacity to measurably advance student learning; and

''(G) includes—

''(i) common planning time or regularly scheduled collaboration for the mentor and mentee; and

''(ii) joint professional development opportunities.

''(5) TEACHING RESIDENCY PROGRAM.—The term 'teaching residency program' means a school-based teacher preparation program in which a prospective teacher—

''(A) for 1 academic year, teaches alongside a mentor teacher, who is the teacher of record;

''(B) receives concurrent instruction during the year described in subparagraph (A) from the partner institution, which may include courses taught by local educational agency personnel or residency program faculty, in the teaching of the content area in which the teacher will become certified or licensed;

''(C) acquires effective teaching skills; and

''(D) prior to completion of the program, earns a master's degree, attains full State teacher certification or licensure, and becomes highly qualified.

''SEC. 202. PARTNERSHIP GRANTS.

''(a) PROGRAM AUTHORIZED.—From amounts made available under section 209, the Secretary is authorized to award grants, on a competitive basis, to eligible partnerships, to enable the eligible partnerships to carry out the activities described in subsection (c).

''(b) APPLICATION.—Each eligible partnership desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require. Each such application shall contain—

''(1) a needs assessment of all the partners in the eligible partnership with respect to the preparation, ongoing training, professional development, and retention, of general and special education teachers, principals, and, as applicable, early childhood educators;

''(2) a description of the extent to which the program prepares prospective and new teachers with strong teaching skills;

''(3) a description of how the program will prepare prospective and new teachers to use research and data to modify and improve instruction in the classroom;

''(4) a description of how the partnership will coordinate strategies and activities assisted under the grant with other teacher preparation or professional development programs, including those funded under the Elementary and Secondary Education Act of 1965 and the Individuals with Disabilities Education Act, and through the National Science Foundation, and how the activities of the partnership will be consistent with State, local, and other education reform activities that promote student achievement;

''(5) a resource assessment that describes the resources available to the partnership, including—

''(A) the integration of funds from other sources;

''(B) the intended use of the grant funds; and

''(C) the commitment of the resources of the partnership, including financial support, faculty participation, and time commitments, to the activities assisted under this section and to the continuation of the activities when the grant ends;

''(6) a description of—

''(A) how the partnership will meet the purposes of this part;

''(B) how the partnership will carry out the activities required under subsection (d) or (e) based on the needs identified in paragraph (1), with the goal of improving student achievement;

''(C) the partnership's evaluation plan under section 204(a);

''(D) how the partnership will align the teacher preparation program with the—

''(i) State early learning standards for early childhood education programs, as appropriate, and with the relevant domains of early childhood development; and

''(ii) student academic achievement standards and academic content standards under section 1111(b)(2) of the Elementary and Secondary Education Act of 1965, established by the State in which the partnership is located;

''(E) how the partnership will prepare general education teachers to teach students with disabilities, including training related to participation as a member of individualized education program teams, as defined in section 614(d)(1)(B) of the Individuals with Disabilities Education Act;

''(F) how the partnership will prepare general education and special education teachers to teach students with limited English proficiency;

''(G) how faculty at the partner institution will work, during the term of the grant, with highly qualified teachers in the classrooms of schools served by the high-need local educational agency in the partnership to provide high-quality professional development activities;

''(H) how the partnership will design, implement, or enhance a year-long, rigorous, and enriching teaching pre-service clinical program component;

''(I) how the partnership will support in-service professional development strategies and activities; and

''(J) how the partnership will collect, analyze, and use data on the retention of all teachers and early childhood educators in schools and early childhood programs located in the geographic area served by the partnership to evaluate the effectiveness of the partnership's teacher and educator support system; and

''(7) with respect to the induction program required as part of the activities carried out under this section—

''(A) a description of how the teacher preparation program will design and implement an induction program to support all new teachers through not less than the first 2 years of teaching in the further development of the new teachers' teaching skills, including the use of mentors who are trained and compensated by such program for the mentors' work with new teachers;

''(B) a demonstration that the schools and departments within the institution of higher education that are part of the induction program have relevant and essential roles in the effective preparation of teachers, including content expertise and expertise in teaching;

''(C) a demonstration of the partnership's capability and commitment to the use of empirically based practice and scientifically valid research related to teaching and learning, and the accessibility to and involvement of faculty; and

''(D) a description of how faculty involved in the induction program will be able to substantially participate in an early childhood education program or an elementary or secondary school classroom setting, as applicable, including release time and receiving workload credit for such participation.

''(c) REQUIRED USE OF GRANT FUNDS.—An eligible partnership that receives a grant under this section shall use grant funds to carry out a program for the pre-baccalaureate preparation of teachers under subsection (d), a teaching residency program under subsection (e), a leadership development program under subsection (f), or a combination of two or more such programs.

''(d) PARTNERSHIP GRANTS FOR PRE-BACCALAUREATE PREPARATION OF TEACHERS.—An eligible partnership that receives a grant to carry out an effective program for the pre-baccalaureate preparation of teachers shall carry out a program that includes all of the following:

''(1) REFORMS.—

''(A) IN GENERAL.—Implementing reforms, described in subparagraph (B), within each teacher preparation program and, as applicable, each preparation program for early childhood education programs, of the eligible partnership that is assisted under this section, to hold each program accountable for—

''(i) preparing—

''(I) current or prospective teachers to be highly qualified (including teachers in rural school districts who may teach multiple subjects, special educators, teachers of students who are limited English proficient who may teach multiple subjects, and teachers who are qualified to teach Advanced Placement or International Baccalaureate courses);

''(II) such teachers and, as applicable, early childhood educators, to understand empirically based practice and scientifically valid research related to teaching and learning and its applicability, and to use technology effectively, including the use of instructional techniques and strategies, consistent with the principles of universal design for learning, and positive behavioral support strategies to improve student achievement; and

''(III) as applicable, early childhood educators to be highly competent; and

''(ii) promoting strong teaching skills, including the ability to effectively teach higher-order analytical, evaluative, problem-solving, and communications skills, and, as applicable, techniques for early childhood educators to improve children's cognitive, social, emotional, and physical development.

''(B) REQUIRED REFORMS.—The reforms described in subparagraph (A) shall include—

''(i) implementing teacher preparation program curriculum changes that improve, evaluate, and assess how well all prospective and new teachers develop teaching skills;

''(ii) using empirically based practice and scientifically valid research, where applicable, about the disciplines of teaching and learning so that all prospective teachers and, as applicable, early childhood educators—

''(I) can understand and implement research-based teaching practices in classroom-based instruction;

''(II) have knowledge of student learning methods;

''(III) possess skills to analyze student academic achievement data and other measures of student learning, and use such data and measures to improve instruction in the classroom;

''(IV) possess teaching skills and an understanding of effective instructional strategies across all applicable content areas that enable general and special education teachers and early childhood educators to—

''(aa) meet the specific learning needs of all students, including students with disabilities, students who are limited English proficient, students who are gifted and talented, students with low literacy levels and, as applicable, children in early childhood education programs;

''(bb) differentiate instruction for such students; and

''(cc) effectively teach high-order analytical, evaluative, problem solving and communications skills appropriate for the teacher's content or specialty area;

''(V) can effectively participate in the individualized education program process, as defined in section 614(d)(1)(B) of the Individuals with Disabilities Education Act; and

''(VI) can successfully employ effective strategies for reading instruction using the essential components of reading instruction;

''(iii) ensuring collaboration with departments, programs, or units of a partner institution outside of the teacher preparation program in all academic content areas to ensure that new teachers receive training in both teaching and relevant content areas in order to become highly qualified, which may include training in multiple subjects to teach multiple grade levels as may be needed for individuals preparing to teach in rural communities;

''(iv) developing and implementing an induction program;

''(v) developing admissions goals and priorities aligned with the hiring objectives of the high-need local educational agency in the eligible partnership; and

''(vi) implementing program curriculum changes to prepare teachers to teach Advanced Placement or International Baccalaureate courses.

''(2) CLINICAL EXPERIENCE AND INTERACTION.—Developing and improving a sustained and high-quality pre-service clinical education program to further develop the teaching skills of all prospective teachers and, as applicable, early childhood educators, involved in the program. Such program shall do the following:

''(A) Incorporate year-long opportunities for enrichment activity or a combination of activities, including—

''(i) clinical learning in classrooms in high-need schools served by the high-need local educational agency in the eligible partnership and identified by the eligible partnership; and

''(ii) closely supervised interaction between faculty and new and experienced teachers, principals, and other administrators at early childhood education programs (as applicable), elementary schools, or secondary schools, and providing support for such interaction.

''(B) Integrate pedagogy and classroom practice and promote effective teaching skills in academic content areas, which may include preparation for meeting the unique needs of teaching in rural communities.

''(C) Provide high-quality teacher mentoring.

''(D)(i) Be offered over the course of a program of teacher preparation;

''(ii) be tightly aligned with course work (and may be developed as a 5th year of a teacher preparation program); and

''(iii) where feasible, allow prospective teachers to learn to teach in the same school district in which the teachers will work, learning the instructional initiatives and curriculum of that district.

''(E) Provide support and training for those individuals participating in an activity for prospective teachers described in this paragraph or paragraph (1) or (3), and for those who serve as mentors for such teachers, based on each individual's experience. Such support may include—

''(i) with respect to a prospective teacher or a mentor, release time for such individual's participation;

''(ii) with respect to a faculty member, receiving course workload credit and compensation for time teaching in the eligible partnership's activities; and

''(iii) with respect to a mentor, a stipend, which may include bonus, differential, or incentive pay, based on their extra skills and responsibilities.

''(3) INDUCTION PROGRAMS FOR NEW TEACHERS.—Creating an induction program for new teachers, or, in the case of an early childhood education program, providing mentoring or coaching for new early childhood educators.

''(4) SUPPORT AND TRAINING FOR PARTICIPANTS IN EARLY CHILDHOOD EDUCATION PROGRAMS.—In the case of an eligible partnership focusing on early childhood educator preparation, implementing initiatives that increase compensation for early childhood educators who attain associate or baccalaureate degrees in early childhood education.

''(5) TEACHER RECRUITMENT.—Developing and implementing effective mechanisms (which may include alternative routes to State certification of teachers) to ensure that the eligible partnership is able to recruit qualified individuals to become highly qualified teachers through the activities of the eligible partnership, which may include an emphasis on recruiting into the teaching profession—

''(A) underrepresented populations;

''(B) individuals to teach in rural communities and teacher shortage areas, including mathematics, science, special education, and instruction of limited English proficient students; and

''(C) mid-career professionals from other occupations, former military personnel, and recent college graduates with proven records of academic distinction.

''(6) LITERACY TRAINING.—Developing and implementing a program to strengthen content knowledge and teaching skills of elementary and secondary school teachers or literacy coaches that—

''(A) provides teacher training in reading instruction for elementary or secondary school teachers or literacy coaches who—

''(i) train classroom teachers to implement literacy programs; or

''(ii) tutor students with intense individualized reading, writing, and subject matter instruction during or beyond the school day;

''(B) develops or redesigns rigorous evidenced-based reading curricula that are aligned with challenging State academic content standards, as required under section 1111(b)(1) of the Elementary and Secondary Education Act of 1965, and with postsecondary standards for reading and writing;

''(C) provides opportunities for teachers to plan and assess instruction with other teachers, school leaders, and faculty at institutions of higher education;

''(D) provides training and professional development for principals to prepare them to understand the teaching of reading, guide instruction, and foster school improvement; and

''(E) establishes an evaluation and accountability plan for activities conducted

under this paragraph to measure the impact of such activities.

''(e) PARTNERSHIP GRANTS FOR THE ESTABLISHMENT OF TEACHING RESIDENCY PROGRAMS.—

''(1) IN GENERAL.—An eligible partnership receiving a grant to carry out an effective teaching residency program shall carry out a program that includes all of the following activities:

''(A) Supporting a teaching residency program described in paragraph (2) for high-need subjects and areas, as determined by the needs of the high-need local educational agency in the partnership.

''(B) Where feasible, attempt to place graduates of the teaching residency program in cohorts that facilitate professional collaboration, both among graduates of the teaching residency program and between such graduates and mentor teachers in the receiving school.

''(C) Ensuring that teaching residents that participated in the teaching residency program receive—

''(i) effective pre-service preparation as described in paragraph (2);

''(ii) teacher mentoring;

''(iii) induction through the induction program as the teaching residents enter the classroom as new teachers; and

''(iv) the preparation described in subparagraphs (A), (B), and (C) of subsection (d)(2).

''(2) TEACHING RESIDENCY PROGRAMS.—

''(A) ESTABLISHMENT AND DESIGN.—A teaching residency program under this subsection shall be a program based upon models of successful teaching residencies that serves as a mechanism to prepare teachers for success in the high-need schools in the eligible partnership, and shall be designed to include the following characteristics of successful programs:

''(i) The integration of pedagogy, classroom practice, and teacher mentoring.

''(ii) Engagement of teaching residents in rigorous graduate-level course work to earn a master's degree while undertaking a guided teaching apprenticeship.

''(iii) Experience and learning opportunities alongside a trained and experienced mentor teacher—

''(I) whose teaching shall complement the residency program so that classroom clinical practice is tightly aligned with course work;

''(II) who shall have extra responsibilities as a teacher leader of the teaching residency program, as a mentor for residents, and as a teacher coach during the induction program for novice teachers, and for establishing, within the program, a learning community in which all individuals are expected to continually improve their capacity to advance student learning; and

''(III) who may have full relief from teaching duties as a result of such additional responsibilities.

''(iv) The establishment of clear criteria for the selection of mentor teachers based on measures of teacher effectiveness and the appropriate subject area knowledge. Evaluation of teacher effectiveness shall be based on, but is not required to include all of, the observations of such domains of teaching, which may include the following:

''(I) Planning and preparation, including demonstrated knowledge of content, pedagogy, and assessment, including the use of formative assessments to improve student learning.

''(II) Appropriate instruction that engages students with different learning styles, including students with disabilities.

''(III) Collaboration with colleagues to improve instruction.

''(IV) Analysis of gains in student learning, based on multiple measures, that, when feasible, may include valid and reliable objective measures of the influence of teachers on the rate of student academic progress.

''(V) In the case of mentor candidates who will be mentoring current or future literacy and mathematics coaches or instructors, appropriate skills in the essential components of reading instruction, teacher training in literacy instructional strategies across core subject areas, and teacher training in mathematics instructional strategies, as appropriate.

''(v) Grouping of teaching residents in cohorts to facilitate professional collaboration among such residents.

''(vi) The development of admissions goals and priorities aligned with the hiring objectives of the local educational agency partnering with the program, as well as the instructional initiatives and curriculum of the agency, in exchange for a commitment by the agency to hire graduates from the teaching residency program.

''(vii) Support for residents, once the teaching residents are hired as teachers of record, through an induction program, professional development, and networking opportunities to support the residents through not less than the residents' first 2 years of teaching.

''(viii) Admission goals and priorities which may include consideration of applicants who reflect the communities in which they will teach as well as consideration of individuals from underrepresented populations in the teaching profession.

''(B) SELECTION OF INDIVIDUALS AS TEACHER RESIDENTS.—

''(i) ELIGIBLE INDIVIDUAL.—In order to be eligible to be a teacher resident in a teaching residency program under this subsection, an individual shall—

''(I) be a recent graduate of a 4-year institution of higher education or a mid-career professional from outside the field of education possessing strong content knowledge or a record of professional accomplishment; and

''(II) submit an application to the teaching residency program.

''(ii) SELECTION CRITERIA.—An eligible partnership carrying out a teaching residency program under this subsection shall establish criteria for the selection of eligible individuals to participate in the teaching residency program based on the following characteristics:

''(I) Strong content knowledge or record of accomplishment in the field or subject area to be taught.

''(II) Strong verbal and written communication skills, which may be demonstrated by performance on appropriate tests.

''(III) Other attributes linked to effective teaching, which may be determined by interviews or performance assessments, as specified by the eligible partnership.

''(C) STIPENDS; APPLICATIONS; AGREEMENTS; REPAYMENTS.—

''(i) STIPEND.—A teaching residency program under this paragraph shall provide a 1-year living stipend or salary to teaching residents during the 1-year teaching residency program. The stipend or salary shall be provided for no longer than 1 year.

''(ii) APPLICATIONS FOR STIPENDS.—Each teacher residency candidate desiring a stipend or salary during the period of residency shall submit an application to the eligible partnership at such time, and containing such information and assurances, as the eligible partnership may require.

''(iii) AGREEMENTS TO SERVE.—Each application submitted under clause (ii) shall contain or be accompanied by an agreement that the applicant will—

''(I) serve as a full-time teacher for a total of not less than 3 academic years after successfully completing the teaching residency program;

''(II) teach in a high-need school served by the high-need local educational agency in the eligible partnership;

''(III) teach in a field designated as high-need by the eligible partnership;

''(IV) provide to the eligible partnership a certificate, from the chief administrative officer of the school at which the resident is employed, of the employment required in subclauses (I), (II), and (III), at the beginning of, and upon completion of, each year or partial year of service;

''(V) be a highly qualified teacher, as defined in section 9101 of the Elementary and Secondary Education Act of 1965, when the applicant begins to fulfill the service obligation under this clause; and

''(VI) comply with the requirements set by the eligible partnership under clause (iv) if the applicant is unable or unwilling to complete the service obligation required by this clause.

''(iv) REPAYMENTS.—

''(I) IN GENERAL.—An eligible partnership carrying out a teaching residency program under this subsection shall require a recipient of a stipend or salary under this subparagraph who does not complete the service obligation required by clause (iii) to repay the stipend or salary to the eligible partnership, together with interest thereon accruing from the date of the stipend or salary award, and in accordance with such other terms and conditions specified by the eligible partnership, as necessary.

''(II) OTHER TERMS AND CONDITIONS.—Any other terms and conditions specified by the eligible partnership may include reasonable provisions for deferral of a teaching resident's service obligation required by clause (iii) on grounds of health, incapacitation, inability to secure employment in a school served by the eligible partnership, or other extraordinary circumstances.

''(III) USE OF REPAYMENTS.—An eligible partnership shall use any repayment received under this clause to carry out additional activities that are consistent with the purposes of this subsection.

''(f) PARTNERSHIP GRANTS FOR THE DEVELOPMENT OF LEADERSHIP PROGRAMS.—

''(1) IN GENERAL.—An eligible partnership receiving a grant to carry out an effective leadership program shall carry out a program that includes all of the following activities:

''(A) Preparing students currently enrolled or preparing to enroll in education administration programs in preparation for careers as superintendents, principals, or other school administrators (including students preparing to work in rural local educational agencies (as such term is defined in section 872 of this Act) who may perform multiple duties in addition to the role of administrator).

''(B) Promoting strong administrative skills and, as applicable, techniques for education administrators to improve the school environment and effectively manage schools.

''(C) Ensuring that students who participate in the leadership program receive—

''(i) effective pre-service preparation as described in subparagraph (D); and

''(ii) mentoring by educational administrators.

''(D) Developing and improving a sustained and high-quality pre-service clinical education program to further develop the leadership skills of all prospective educational administrators involved in the program. Such program shall do the following:

''(i) Incorporate year-long opportunities for enrichment activity or a combination of activities, including—

''(I) clinical learning in high-need schools served by the high-need local educational agency in the eligible partnership and identified by the eligible partnership; and

''(II) closely supervised interaction between faculty and new and experienced teachers, principals, and other administrators in high-need schools served by the high-need local educational agency in the eligible partnership and identified by the eligible partnership.

''(ii) Integrate pedagogy and practice and promote effective administrative skills for meeting the unique needs of rural and geographically isolated communities.

''(iii) Educational administrator mentoring.

''(E) Creating an induction program for new administrators.

''(F) Developing and implementing effective mechanisms to ensure that the eligible partnership is able to recruit qualified individuals to become educational administrators through the activities of the eligible partnership, which may include an emphasis on recruiting into the education administration profession—

''(i) underrepresented populations;

''(ii) individuals to serve as superintendents, principals, or other school administrators in rural and geographically isolated communities and shortage areas; or

''(iii) mid-career professionals from other occupations, former military personnel, and recent college graduates with proven records of academic distinction.

''(2) SELECTION OF INDIVIDUALS FOR THE LEADERSHIP PROGRAM.—In order to be eligible for the leadership program under this subsection, an individual shall—

''(A) be enrolled in or preparing to enroll in an institution of higher education, or a recent graduate of an institution of higher education, or a mid-career professional from outside the field of education possessing strong content knowledge or a record of professional accomplishment;

''(B) be current teachers who would like to become principals or principals who would like to be superintendents; and

''(C) submit an application to the leadership program.

''(g) CONSULTATION.—

''(1) IN GENERAL.—Members of an eligible partnership that receives a grant under this section shall engage in regular consultation throughout the development and implementation of programs and activities under this section.

''(2) REGULAR COMMUNICATION.—To ensure timely and meaningful consultation, regular communication shall occur among all members of the eligible partnership, including the high-need local educational agency. Such communication shall continue throughout the implementation of the grant and the assessment of programs and activities under this section.

''(3) WRITTEN CONSENT.—The Secretary may approve changes in grant activities of a grant under this section only if a written consent signed by all members of the eligible partnership is submitted to the Secretary.

''(h) CONSTRUCTION.—Nothing in this section shall be construed to prohibit an eligible partnership from using grant funds to coordinate with the activities of eligible partnerships in other States or on a regional basis through Governors, State boards of education, State educational agencies, State agencies responsible for early childhood education, local educational agencies, or State agencies for higher education.

''(i) SUPPLEMENT, NOT SUPPLANT.—Funds made available to carry out this section shall be used to supplement, and not supplant, other Federal, State, and local funds that would otherwise be expended to carry out activities under this section.

''SEC. 203. ADMINISTRATIVE PROVISIONS.

''(a) DURATION; NUMBER OF AWARDS; PAYMENTS.—

''(1) DURATION.—A grant awarded under this part shall be awarded for a period of 5 years.

''(2) NUMBER OF AWARDS.—An eligible partnership may not receive more than 1 grant during a 5-year period. Nothing in this title shall be construed to prohibit an individual member, that can demonstrate need, of an eligible partnership that receives a grant under this title from entering into another eligible partnership consisting of new members and receiving a grant with such other eligible partnership before the 5-year period described in the preceding sentence applicable to the eligible partnership with which the individual member has first partnered has expired.

''(3) PAYMENTS.—The Secretary shall make annual payments of grant funds awarded under this part.

''(b) PEER REVIEW.—

''(1) PANEL.—The Secretary shall provide the applications submitted under this part to a peer review panel for evaluation. With respect to each application, the peer review panel shall initially recommend the application for funding or for disapproval.

''(2) PRIORITY.—In recommending applications to the Secretary for funding under this part, the panel shall give priority—

''(A) to partnerships that include an institution of higher education whose teacher preparation program has a rigorous selection process to ensure the highest quality of students entering such programs; and

''(B)(i) to applications from broad-based eligible partnerships that involve businesses and community organizations; or

''(ii) to eligible partnerships so that the awards promote an equitable geographic distribution of grants among rural and urban areas.

''(3) SECRETARIAL SELECTION.—The Secretary shall determine, based on the peer review process, which applications shall receive funding and the amounts of the grants. In determining the grant amount, the Secretary shall take into account the total amount of funds available for all grants under this part and the types of activities proposed to be carried out by the eligible partnership.

''(c) MATCHING REQUIREMENTS.—

''(1) IN GENERAL.—Each eligible partnership receiving a grant under this part shall provide, from non-Federal sources, an amount equal to 100 percent of the amount of the grant, which may be provided in cash or in-kind, to carry out the activities supported by the grant.

''(2) WAIVER.—The Secretary may waive all or part of the matching requirement described in paragraph (1) for any fiscal year for an eligible partnership, if the Secretary determines that applying the matching requirement to the eligible partnership would result in serious hardship or an inability to carry out the authorized activities described in this part.

''(d) LIMITATION ON ADMINISTRATIVE EXPENSES.—An eligible partnership that receives a grant under this part may use not more than 2 percent of the grant funds for purposes of administering the grant.

''SEC. 204. ACCOUNTABILITY AND EVALUATION.

''(a) ELIGIBLE PARTNERSHIP EVALUATION.—Each eligible partnership submitting an application for a grant under this part shall establish and include in such application an evaluation plan that includes strong performance objectives. The plan shall include objectives and measures for increasing—

''(1) student achievement for all students as measured by the eligible partnership;

''(2) teacher retention in the first 3 years of a teacher's career;

''(3) improvement in the pass rates and scaled scores for initial State certification or licensure of teachers; and

''(4)(A) the percentage of highly qualified teachers hired by the high-need local educational agency participating in the eligible partnership;

''(B) the percentage of such teachers who are members of underrepresented groups;

''(C) the percentage of such teachers who teach high-need academic subject areas (such as reading, mathematics, science, and foreign languages, including less commonly taught languages and critical foreign languages);

''(D) the percentage of such teachers who teach in high-need areas (including special education, language instruction educational programs for limited English proficient students, and early childhood education);

''(E) the percentage of such teachers in high-need schools, disaggregated by the elementary, middle, and high school levels;

''(F) as applicable, the percentage of early childhood education program classes in the geographic area served by the eligible partnership taught by early childhood educators who are highly competent; and

''(G) as applicable, the number of teachers trained effectively to integrate technology into curricula and instruction, including technology consistent with the principles of universal design for learning, and who use technology to collect, manage, and analyze data to improve teaching, learning, and decision making for the purpose of improving student academic achievement.

''(b) INFORMATION.—An eligible partnership receiving a grant under this part shall ensure that teachers, principals, school superintendents, and faculty and leadership at institutions of higher education located in the geographic areas served by the eligible partnership are provided information about the activities carried out with funds under this part, including through electronic means.

''(c) REVOCATION OF GRANT.—If the Secretary determines that an eligible partnership receiving a grant under this part is not making substantial progress in meeting the purposes, goals, objectives, and measures, as appropriate, of the grant by the end of the third year of a grant under this part, then the Secretary shall require such eligible partnership to submit a revised application that identifies the steps the partnership will take to make substantial progress to meet the purposes, goals, objectives, and measures, as appropriate, of this part.

''(d) EVALUATION AND DISSEMINATION.—The Secretary shall evaluate the activities funded under this part and report the findings regarding the evaluation of such activities to the authorizing committees. The Secretary shall broadly disseminate—

''(1) successful practices developed by eligible partnerships under this part; and

''(2) information regarding such practices that were found to be ineffective.

''SEC. 205. ACCOUNTABILITY FOR PROGRAMS THAT PREPARE TEACHERS.

''(a) INSTITUTIONAL AND PROGRAM REPORT CARDS ON THE QUALITY OF TEACHER PREPARATION.—

''(1) REPORT CARD.—Each institution of higher education that conducts a traditional teacher preparation program or alternative routes to State certification or licensure program and that enrolls students receiving Federal assistance under this Act shall report annually to the State and the general public, in a uniform and comprehensible manner that conforms with the definitions

and methods established by the Secretary, both for traditional teacher preparation programs and alternative routes to State certification or licensure programs, the following information:

''(A) PASS RATES AND SCALED SCORES.—For the most recent year for which the information is available for those students who took the assessments and are enrolled in the traditional teacher preparation program or alternative routes to State certification or licensure program, and for those who have taken the assessments and have completed the traditional teacher preparation program or alternative routes to State certification or licensure program during the 2-year period preceding such year, for each of the assessments used for teacher certification or licensure by the State in which the program is located—

''(i) the percentage of students who have completed 100 percent of the nonclinical course work and taken the assessment who pass such assessment;

''(ii) the percentage of all such students who passed each such assessment;

''(iii) the percentage of students taking an assessment who enrolled in and completed the teacher preparation program;

''(iv) the average scaled score for all students who took each such assessment;

''(v) a comparison of the program's pass rates with the average pass rates for programs in the State; and

''(vi) a comparison of the program's average scaled scores with the average scaled scores for programs in the State.

''(B) PROGRAM INFORMATION.—The criteria for admission into the program, the number of students in the program (disaggregated by race, ethnicity, and gender), the average number of hours of supervised clinical experience required for those in the program, the number of full-time equivalent faculty and students in the supervised clinical experience, and the total number of students who have been certified or licensed as teachers, disaggregated by subject and area of certification or licensure.

''(C) STATEMENT.—In States that require approval or accreditation of teacher preparation programs, a statement of whether the institution's program is so approved or accredited, and by whom.

''(D) DESIGNATION AS LOW-PERFORMING.—Whether the program has been designated as low-performing by the State under section 208(a).

''(E) USE OF TECHNOLOGY.—A description of the activities that prepare teachers to effectively integrate technology into curricula and instruction and effectively use technology to collect, manage, and analyze data in order to improve teaching, learning, and decision making for the purpose of increasing student academic achievement.

''(F) TEACHER TRAINING.—A description of the activities that prepare general and special education teachers to effectively teach students with disabilities, including training related to participation as a member of individualized education program teams, as defined in section 614(d)(1)(B) of the Individuals with Disabilities Education Act, and to effectively teach students with limited English proficiency.

''(2) REPORT.—Each eligible partnership receiving a grant under section 202 shall report annually on the progress of the eligible partnership toward meeting the purposes of this part and the objectives and measures described in section 204(a).

''(3) FINES.—The Secretary may impose a fine not to exceed $25,000 on an institution of higher education for failure to provide the information described in this subsection in a timely or accurate manner.

''(4) SPECIAL RULE.—In the case of an institution of higher education that conducts a traditional teacher preparation program or alternative routes to State certification or licensure program and has fewer than 10 scores reported on any single initial teacher certification or licensure assessment during an academic year, the institution shall collect and publish information, as required under paragraph (1)(A), with respect to an average pass rate and scaled score on each State certification or licensure assessment taken over a 3-year period.

''(b) STATE REPORT CARD ON THE QUALITY OF TEACHER PREPARATION.—

''(1) IN GENERAL.—Each State that receives funds under this Act shall provide to the Secretary, annually, in a uniform and comprehensible manner that conforms with the definitions and methods established by the Secretary, a State report card on the quality of teacher preparation in the State, both for traditional teacher preparation programs and for alternative routes to State certification or licensure programs, which shall include not less than the following:

''(A) A description of the reliability and validity of the teacher certification and licensure assessments, and any other certification and licensure requirements, used by the State.

''(B) The standards and criteria that prospective teachers must meet to attain initial teacher certification or licensure and to be certified or licensed to teach particular academic subject areas or in particular grades within the State.

''(C) A description of how the assessments and requirements described in subparagraph (A) are aligned with the State's challenging academic content standards required under section 1111(b)(1) of the Elementary and Secondary Education Act of 1965 and State early learning standards for early childhood education programs.

''(D) For each of the assessments used by the State for teacher certification or licensure—

''(i) for each institution of higher education located in the State and each entity located in the State that offers an alternative route for teacher certification or licensure, the percentage of students at such institution or entity who have completed 100 percent of the nonclinical course work and taken the assessment who pass such assessment;

''(ii) the percentage of all such students at all such institutions taking the assessment who pass such assessment; and

''(iii) the percentage of students taking an assessment who enrolled in and completed the teacher preparation program.

''(E) A description of alternative routes to teacher certification or licensure in the State (including any such routes operated by entities that are not institutions of higher education), if any, including, for each of the assessments used by the State for teacher certification or licensure—

''(i) the percentage of individuals participating in such routes, or who have completed such routes during the 2-year period preceding the date of the determination, who passed each such assessment; and

''(ii) the average scaled score of individuals participating in such routes, or who have completed such routes during the period preceding the date of the determination, who took each such assessment.

''(F) A description of the State's criteria for assessing the performance of teacher preparation programs within institutions of higher education in the State. Such criteria shall include indicators of the academic content knowledge and teaching skills of students enrolled in such programs.

''(G) For each teacher preparation program in the State, the criteria for admission into the program, the number of students in the program, disaggregated by race, ethnicity, and gender (except that such disaggregation shall not be required in a case in which the number of students in a category is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual student), the average number of hours of supervised clinical experience required for those in the program, and the number of full-time equivalent faculty, adjunct faculty, and students in supervised clinical experience.

''(H) For the State as a whole, and for each teacher preparation program in the State, the number of teachers prepared, in the aggregate and reported separately by—

''(i) area of certification or licensure;

''(ii) academic major; and

''(iii) subject area for which the teacher has been prepared to teach.

''(I) Using the data generated under subparagraphs (G) and (H), a description of the extent to which teacher preparation programs are helping to address shortages of highly qualified teachers, by area of certification or licensure, subject, and specialty, in the State's public schools.

''(J) A description of the activities that prepare general and special education teachers to effectively teach students with disabilities, including training related to participation as a member of individualized education program teams, as defined in section 614(d)(1)(B) of the Individuals with Disabilities Education Act.

''(K) A description of the activities that prepare teachers to effectively integrate technology into curricula and instruction and effectively use technology to collect, manage, and analyze data to improve teaching, learning, and decision making for the purpose of increasing student academic achievement.

''(L) A description of the activities that prepare general education and special education teachers to effectively teach students with limited English proficiency.

''(2) PROHIBITION AGAINST CREATING A NATIONAL LIST.—The Secretary shall not create a national list or ranking of States, institutions, or schools using the scaled scores provided under this subsection.

''(c) DATA QUALITY.—The Secretary shall prescribe regulations requiring practices and procedures to ensure the reliability, validity, integrity, and accuracy of the data submitted pursuant to this section.

''(d) REPORT OF THE SECRETARY ON THE QUALITY OF TEACHER PREPARATION.—

''(1) REPORT CARD.—The Secretary shall provide to Congress, and publish and make widely available, a report card on teacher qualifications and preparation in the United States, including all the information reported in subparagraphs (A) through (L) of subsection (b)(1). Such report shall identify States for which eligible partnerships received a grant under this part. Such report shall be so provided, published, and made available annually.

''(2) REPORT TO CONGRESS.—The Secretary shall prepare and submit a report to Congress that contains the following:

''(A) A comparison of States' efforts to improve the quality of the current and future teaching force.

''(B) A comparison of eligible partnerships' efforts to improve the quality of the current and future teaching force.

''(C) The national mean and median scaled scores and pass rate on any standardized test that is used in more than 1 State for teacher certification or licensure.

''(3) SPECIAL RULE.—In the case of a teacher preparation program with fewer than 10 scores reported on any single initial teacher certification or licensure assessment during an academic year, the Secretary shall collect and publish information, and make

publicly available, with respect to an average pass rate and scaled score on each State certification or licensure assessment taken over a 3-year period.

''(e) COORDINATION.—The Secretary, to the extent practicable, shall coordinate the information collected and published under this part among States for individuals who took State teacher certification or licensure assessments in a State other than the State in which the individual received the individual's most recent degree.

''SEC. 206. TEACHER DEVELOPMENT.

''(a) ANNUAL GOALS.—Each institution of higher education that conducts a traditional teacher preparation program (including programs that offer any ongoing professional development programs) or alternative routes to State certification or licensure program, and that enrolls students receiving Federal assistance under this Act, shall set annual quantifiable goals for—

''(1) increasing the number of prospective teachers trained in teacher shortage areas designated by the State educational agency, including mathematics, science, special education, and instruction of limited English proficient students; and

''(2) more closely linking the training provided by the institution with the needs of schools and the instructional decisions new teachers face in the classroom.

''(b) ASSURANCE.—Each institution described in subsection (a) shall provide an assurance to the Secretary that—

''(1) training provided to prospective teachers responds to the identified needs of the local educational agencies or States where the institution's graduates are likely to teach, based on past hiring and recruitment trends;

''(2) prospective special education teachers receive course work in core academic subjects and receive training in providing instruction in core academic subjects;

''(3) general education teachers receive training in providing instruction to diverse populations, including children with disabilities, limited English proficient students, and children from low-income families; and

''(4) prospective teachers receive training on how to effectively teach in urban and rural schools, as applicable.

''(c) PUBLIC REPORTING.—As part of the annual report card required under section 205(a)(1), an institution of higher education described in subsection (a) shall publicly report whether the goals established under such subsection have been met.

''SEC. 207. STATE FUNCTIONS.

''(a) STATE ASSESSMENT.—In order to receive funds under this Act, a State shall have in place a procedure to conduct an assessment to identify and assist, through the provision of technical assistance, low-performing programs of teacher preparation. Such State shall provide the Secretary an annual list of such low-performing teacher preparation programs that includes an identification of those programs at risk of being placed on such list. Such assessment shall be described in the report under section 205(b). Levels of performance shall be determined solely by the State and may include criteria based on information collected pursuant to this part including progress in meeting the goals of—

''(1) increasing the percentage of highly qualified teachers in the State, including increasing professional development opportunities;

''(2) improving student achievement for all students; and

''(3) raising the standards for entry into the teaching profession.

''(b) TERMINATION OF ELIGIBILITY.—Any program of teacher preparation from which the State has withdrawn the State's approval, or terminated the State's financial support, due to the low performance of the program based upon the State assessment described in subsection (a)—

''(1) shall be ineligible for any funding for professional development activities awarded by the Department;

''(2) shall not be permitted to accept or enroll any student that receives aid under title IV in the institution's teacher preparation program; and

''(3) shall provide transitional support, including remedial services if necessary, for students enrolled at the institution at the time of termination of financial support or withdrawal of approval.

''(c) NEGOTIATED RULEMAKING.—If the Secretary develops any regulations implementing subsection (b)(2), the Secretary shall submit such proposed regulations to a negotiated rulemaking process, which shall include representatives of States, institutions of higher education, and educational and student organizations.

''(d) APPLICATION OF THE REQUIREMENTS.—The requirements of this section shall apply to both traditional teacher preparation programs and alternative routes to State certification and licensure programs.

''SEC. 208. GENERAL PROVISIONS.

''(a) METHODS.—In complying with sections 205 and 207, the Secretary shall ensure that States and institutions of higher education use fair and equitable methods in reporting and that the reporting methods do not allow identification of individuals.

''(b) SPECIAL RULE.—For each State that does not use content assessments as a means of ensuring that all teachers teaching in core academic subjects within the State are highly qualified, as required under section 1119 of the Elementary and Secondary Education Act of 1965 and in accordance with the State plan submitted or revised under section 1111 of such Act, or that each person employed as a special education teacher in the State who teaches elementary school, middle school, or secondary school is highly qualified by the deadline, as required under section 612(a)(14)(C) of the Individuals with Disabilities Education Act—

''(1) the Secretary shall, to the extent practicable, collect data comparable to the data required under this part from States, local educational agencies, institutions of higher education, or other entities that administer such assessments to teachers or prospective teachers; and

''(2) notwithstanding any other provision of this part, the Secretary shall use such data to carry out requirements of this part related to assessments, pass rates, and scaled scores.

''(c) RELEASE OF INFORMATION TO TEACHER PREPARATION PROGRAMS.—

''(1) IN GENERAL.—For the purpose of improving teacher preparation programs, a State educational agency that receives funds under this Act, or that participates as a member of a partnership, consortium, or other entity that receives such funds, shall provide to a teacher preparation program, upon the request of the teacher preparation program, any and all pertinent education-related information that—

''(A) may enable the teacher preparation program to evaluate the effectiveness of the program's graduates or the program itself; and

''(B) is possessed, controlled, or accessible by the State educational agency.

''(2) CONTENT OF INFORMATION.—The information described in paragraph (1)—

''(A) shall include an identification of specific individuals who graduated from the teacher preparation program to enable the teacher preparation program to evaluate the information provided to the program from the State educational agency with the program's own data about the specific courses taken by, and field experiences of, the individual graduates; and

''(B) may include—

''(i) kindergarten through grade 12 academic achievement and demographic data, without revealing personally identifiable information about an individual student, for students who have been taught by graduates of the teacher preparation program; and

''(ii) teacher effectiveness evaluations for teachers who graduated from the teacher preparation program.

''(d) LIMITATIONS.—

''(1) FEDERAL CONTROL PROHIBITED.—Nothing in this part shall be construed to permit, allow, encourage, or authorize any Federal control over any aspect of any private, religious, or home school (whether or not a home school is treated as a private school or home school under State law). This section shall not be construed to prohibit private, religious, or home schools from participation in programs or services under this part.

''(2) NO CHANGE IN STATE CONTROL ENCOURAGED OR REQUIRED.—Nothing in this part shall be construed to encourage or require any change in a State's treatment of any private, religious, or home school (whether or not a home school is treated as a private school or home school under State law).

''(3) NATIONAL SYSTEM OF TEACHER CERTIFICATION PROHIBITED.—Nothing in this part shall be construed to permit, allow, encourage, or authorize the Secretary to establish or support any national system of teacher certification.

''SEC. 209. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out this part $300,000,000 for fiscal year 2009 and such sums as may be necessary for each of the 2 succeeding fiscal years.

''PART B—PREPARING TEACHERS FOR DIGITAL AGE LEARNERS

''SEC. 221. PROGRAM AUTHORIZED.

''(a) PROGRAM AUTHORITY.—The Secretary is authorized to award grants to, or enter into contracts or cooperative agreements with, eligible consortia to pay the Federal share of the costs of projects to—

''(1) graduate teacher candidates who are prepared to use modern information, communication, and learning tools to—

''(A) improve student learning, assessment, and learning management; and

''(B) help students develop learning skills to succeed in higher education and to enter the workforce;

''(2) strengthen and develop partnerships among the stakeholders in teacher preparation to transform teacher education and ensure technology rich learning environments throughout a teacher candidate's pre-service education, including clinical experiences; and

''(3) assess the effectiveness of departments, schools, and colleges of education at institutions of higher education in preparing teacher candidates for successful implementation of technology-rich teaching-learning environments, including environments consistent with the principles of universal design for learning, that enable kindergarten through grade 12 students to develop learning skills to succeed in higher education and to enter the workforce.

''(b) AMOUNT AND DURATION.—A grant, contract, or cooperative agreement under this part—

''(1) shall be for not more than $2,000,000;

''(2) shall be for a 3-year period; and

''(3) may be renewed for one additional year.

''(c) NON-FEDERAL SHARE REQUIREMENT.—The Federal share of the cost of any project funded under this part shall not exceed 75

percent. The non-Federal share of the cost of such project may be provided in cash or in kind, fairly evaluated, including services.

''(d) DEFINITION OF ELIGIBLE CONSORTIUM.—In this part, the term 'eligible consortium' means a consortium of members that includes the following:

''(1) At least one institution of higher education that awards baccalaureate or masters degrees and prepares teachers for initial entry into teaching.

''(2) At least one State educational agency or local educational agency.

''(3) A department, school, or college of education at an institution of higher education.

''(4) A department, school, or college of arts and sciences at an institution of higher education.

''(5) At least one entity with the capacity to contribute to the technology-related reform of teacher preparation programs, which may be a professional association, foundation, museum, library, for-profit business, public or private nonprofit organization, community-based organization, or other entity.

''SEC. 222. USES OF FUNDS.

''(a) IN GENERAL.—An eligible consortium that receives a grant or enters into a contract or cooperative agreement under this part shall use funds made available under this part to carry out a project that—

''(1) develops long-term partnerships among members of the consortium that are focused on effective teaching with modern digital tools and content that substantially connect pre-service preparation of teacher candidates with high-needs schools; or

''(2) transforms the way departments, schools, and colleges of education teach classroom technology integration, including the principles of universal design, to teacher candidates.

''(b) USES OF FUNDS FOR PARTNERSHIP GRANTS.—In carrying out a project under subsection (a)(1), an eligible consortium shall—

''(1) provide teacher candidates, early in their preparation, with field experiences in educational settings with technology;

''(2) build the skills of teacher candidates to support technology-rich instruction, assessment and learning management in content areas, technology literacy, an understanding of the principles of universal design, and the development of other skills for entering the workforce;

''(3) provide professional development in the use of technology for teachers, administrators, and content specialists who participate in field placement;

''(4) provide professional development of technology pedagogical skills for faculty of departments, schools, and colleges of education and arts and sciences;

''(5) implement strategies for the mentoring of teacher candidates with respect to technology implementation by members of the consortium;

''(6) evaluate teacher candidates during the first years of teaching to fully assess outcomes of the project;

''(7) build collaborative learning communities for technology integration within the consortium to sustain meaningful applications of technology in the classroom during teacher preparation and early career practice; and

''(8) evaluate the effectiveness of the project.

''(c) USES OF FUNDS FOR TRANSFORMATION GRANTS.—In carrying out a project under subsection (a)(2), an eligible consortium shall—

''(1) redesign curriculum to require collaboration between the department, school, or college of education faculty and the department, school, or college of arts and sciences faculty who teach content or methods courses for training teacher candidates;

''(2) collaborate between the department, school, or college of education faculty and the department, school, or college of arts and science faculty and academic content specialists at the local educational agency to educate pre-service teachers who can integrate technology and pedagogical skills in content areas;

''(3) collaborate between the department, school, or college of education faculty and the department, school, or college of arts and sciences faculty who teach courses to pre-service teachers to—

''(A) develop and implement a plan for pre-service teachers and continuing educators that demonstrates effective instructional strategies and application of such strategies in the use of digital tools to transform the teaching and learning process; and

''(B) better reach underrepresented pre-service teacher populations with programs that connect such pre-service teacher populations with applications of technology;

''(4) collaborate among faculty and students to create and disseminate case studies of technology applications in classroom settings with a goal of improving student achievement in high-need schools;

''(5) provide additional technology resources for pre-service teachers to plan and implement technology applications in classroom settings that provide evidence of student learning; and

''(6) bring together expertise from departments, schools, or colleges of education, arts and science faculty, and academic content specialists at the local educational agency to share and disseminate technology applications in the classroom through teacher preparation and into early career practice.

''SEC. 223. APPLICATION REQUIREMENTS.

''To be eligible to receive a grant or enter into a contract or cooperative agreement under this part, an eligible consortium shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require. Such application shall include the following:

''(1) A description of the project to be carried out with the grant, including how the project will—

''(A) develop a long-term partnership focused on effective teaching with modern digital tools and content that substantially connects pre-service preparation of teacher candidates with high-need schools; or

''(B) transform the way departments, schools, and colleges of education teach classroom technology integration, including the principles of universal design, to teacher candidates.

''(2) A demonstration of—

''(A) the commitment, including the financial commitment, of each of the members of the consortium for the proposed project; and

''(B) the support of the leadership of each organization that is a member of the consortium for the proposed project.

''(3) A description of how each member of the consortium will participate in the project.

''(4) A description of how the State or local educational agency will incorporate the project into the agency's technology plan, if such a plan already exists.

''(5) A description of how the project will be continued after Federal funds are no longer available under this part for the project.

''(6) A description of how the project—

''(A) will incorporate State teacher technology standards; and

''(B) will incorporate State student technology standards.

''(7) A plan for the evaluation of the project, which shall include benchmarks to monitor progress toward specific project objectives.

''SEC. 224. EVALUATION.

''Not less than 10 percent of the funds awarded to an eligible consortium to carry out a project under this part shall be used to evaluate the effectiveness of such project.

''SEC. 225. AUTHORIZATION OF APPROPRIATIONS.

''There is authorized to be appropriated $100,000,000 to carry out this part for fiscal year 2009 and such sums as may be necessary for each of the 2 succeeding fiscal years.

''PART C—ENHANCING TEACHER EDUCATION

''SEC. 240. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out this part such sums as may be necessary for fiscal year 2009 and each of the 4 succeeding fiscal years.

''Subpart 1—Recruiting Teachers With Math, Science, or Language Majors

''SEC. 241. PROGRAM AUTHORIZED.

''(a) GRANTS AUTHORIZED.—From the amounts appropriated under section 240, the Secretary shall make competitive grants to institutions of higher education to improve the availability, recruitment, and retention of teachers from among students majoring in mathematics, science, foreign languages, special education, or teaching the English language to students who are limited English proficient, or to a combination of students majoring in such subjects. In making such grants, the Secretary shall give priority to institutions of higher education with programs that—

''(1) focus on preparing and retaining teachers in subjects in which there is a shortage of highly qualified teachers and that prepare students to teach in high-need schools; and

''(2) include plans to seek matching funds from other governmental and non-governmental sources.

''(b) APPLICATION.—Any institution of higher education desiring to receive a grant under this subpart shall submit to the Secretary an application at such time, in such form, and containing such information and assurances as the Secretary may require, including—

''(1) the number of students who graduated from the institution in the preceding year with the qualifications necessary to be teachers with expertise in mathematics, science, a foreign language, special education, or teaching limited English proficient individuals; and

''(2) a goal and timeline for increasing the number of such teachers who graduate from the institution.

''(c) USE OF FUNDS.—Grant funds made available under this subpart—

''(1) shall be used to create and provide new recruitment incentives to encourage students who are planning to pursue other careers to pursue careers in teaching, with an emphasis on recruiting students who are majoring in high-need subjects such as mathematics, science, foreign languages, and special education, and areas relevant to teaching the English language to students who are limited English proficient;

''(2) may be used to upgrade curriculum to provide all students studying to become teachers with high-quality instructional strategies for teaching reading and teaching the English language to students who are limited English proficient, and for adopting, modifying, and differentiating instruction to teach students with disabilities;

''(3) may be used to integrate department, school, or college of education faculty with other arts and science faculty in mathematics, science, foreign languages, special

education, and teaching the English language to students who are limited English proficient through steps such as—

''(A) dual appointments for faculty between departments, schools, or colleges of education and departments, schools, or colleges of arts and science; and

''(B) integrating course work with clinical experience;

''(4) may be used to develop strategic plans between departments, schools, or colleges of education and local school districts to better prepare teachers for high-need schools, including the creation of professional development partnerships for training new teachers in state-of-the-art teaching practices;

''(5) may be used to develop or enhance programs aimed at retaining teachers in high-need subjects such as mathematics, science, foreign languages, special education, and teaching the English language to students who are limited English proficient, and may include providing scholarship assistance to current teachers to upgrade their skills;

''(6) may be used to develop and apply virtual classroom simulation and related technologies to enhance recruitment, preparation, and retention for high-need schools in the areas of mathematics, science, foreign languages, special education, or teaching the English language to students who are limited English proficient; and

''(7) may be used to develop innovative teacher preparation programs that emphasize the essential components of reading instruction and other strategies based on scientifically valid research and that address early intervention strategies for students with reading difficulty or language processing differences.

''Subpart 2—Community Colleges as Partners in Teacher Education Grants

''SEC. 251. GRANTS TO COMMUNITY COLLEGES.

''(a) PROGRAM AUTHORIZED.—The Secretary is authorized to award grants, on a competitive basis, to eligible entities to assist such entities with—

''(1) establishing or enhancing teacher education programs at community colleges that—

''(A) include content and pedagogical training; and

''(B) are aligned with 4-year college and university teacher education programs to ensure a seemless transition for students from community colleges to 4-year institutions;

''(2) establishing or enhancing post baccalaureate certification programs offered at community colleges;

''(3) developing and delivering a rigorous program of study for students interested in a career in teaching; and

''(4) developing and delivering professional development for teachers to ensure their continued education and professional growth.

''(b) AUTHORIZED USES OF FUNDS.—Grant funds provided under this subpart shall be used to carry out the activities described in subsection (a), and may be used to—

''(1) develop curriculum for teacher education programs and post baccalaureate certification programs at community colleges;

''(2) establish or enhance clinical experiences for students in such teacher education programs and post baccalaureate certification programs;

''(3) establish or enhance professional development programs at community colleges that are available for teachers;

''(4) develop new associate degree programs focused on teacher preparation;

''(5) increase the alignment between community college teacher education programs and 4-year college and university teacher education programs, including articulation agreements, common course numbering, and joint admission programs;

''(6) recruit teacher candidates with the goal of diversifying the teacher workforce;

''(7) prepare teachers for high-demand subject areas including science, mathematics, technology, special education, critical foreign languages, or the education of limited English proficient individuals;

''(8) prepare teachers to teach in high-need schools;

''(9) increase coordination between teacher education programs and departments, schools, or colleges of arts and sciences;

''(10) encourage teacher education and post baccalaureate programs at times and in formats designed to make these programs more accessible to certain student populations, including mid-career professionals transitioning to teaching;

''(11) carry out other activities that aim to ensure that well-qualified individuals enter into the teaching profession;

''(12) develop associate's degree programs with an emphasis on the essential components of reading instruction to train educators such as pre-service teachers, paraprofessionals, speech-language pathology assistants, and tutors to teach students with reading difficulties and students who learn to read differently than their peers; and

''(13) develop licensure programs for early childhood educators that emphasize the essential components of reading instruction and other strategies based on scientifically valid research, and that address strategies for early screening and early intervention for students with reading difficulty and who learn to read differently than their peers.

''(c) ELIGIBLE ENTITY.—For purposes of this subpart, the term 'eligible entity' means an individual community college (or district of community colleges), a consortia of community colleges, or a statewide community college system that, for the purposes of carrying out activities under this subpart, has entered into a partnership with—

''(1) a four-year institution of higher education with a teacher education program, or a consortia of such institutions; and

''(2) at least one of the following:

''(A) The State agency that oversees teacher preparation or higher education in the State.

''(B) One or more local educational agencies.

''(C) The State educational agency.

''(D) A professional organization representing teachers.

''(d) APPLICATION.—Each eligible entity desiring a grant under this subpart shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require. Such application shall include—

''(1) an overview of the goals the eligible entity and its partners plan to pursue upon receipt of a grant under this subpart;

''(2) an identification of the institutions, agencies, or organizations that have entered into a partnership with the eligible entity to meet the requirements of subsection (c);

''(3) a description of how the eligible entity and its partners will work to ensure a seemless transition for students from community college to 4-year institutions;

''(4) an assurance by the eligible entity that students will be provided with intensive support services, which may include mentoring, academic and career support, and support for students who are transitioning, or have transitioned, from the community college to the 4-year institution; and

''(5) a description of the rigorous 2-year program of study to be provided by the eligible entity, and a description of how such program establishes a foundation for students to enter into a qualified teacher preparation program at a 4-year institution.

''(e) PRIORITY.—In awarding grants under this subpart, the Secretary shall give priority to applications the goals of which are to—

''(1) increase the diversification of the teacher workforce by enrolling and retaining students from minority racial and ethnic backgrounds and others underrepresented in the local education workforce;

''(2) prepare teachers for high-demand subject areas including science, mathematics, technology, special education, critical foreign languages, or the education of limited English proficient individuals; or

''(3) prepare teachers to enter into high-need schools.

''SEC. 252. DEFINITIONS.

''In this subpart:

''(1) COMMUNITY COLLEGE.—The term 'community college' means a publicly funded institution of higher education (as defined in section 101) at which the highest degree awarded is predominantly the associates degree.

''(2) FOUR-YEAR INSTITUTION.—The term '4-year institution' means an institution of higher education (as defined in section 101(a)) that provides a 4-year program of instruction for which the institution awards a bachelor's degree.

''(3) QUALIFIED TEACHER PREPARATION PROGRAM.—The term 'qualified teacher preparation program' means an undergraduate program for students at an institution of higher education that—

''(A) encourages collaboration between faculty in education and faculty in the relevant subject areas including, sciences mathematics, and foreign languages to pursue content coordination for courses taken frequently by students preparing to be teachers;

''(B) offers support services, including mentoring, exposure to and field experience in the classroom prior to graduation, or other practices, for students while they are in the program, and after graduation while working as teachers; and

''(C) focuses on increasing the number of teachers for high-demand subject areas.

''Subpart 3—Honorable Augustus F. Hawkins Centers of Excellence

''SEC. 261. DEFINITIONS.

''In this subpart:

''(1) ELIGIBLE INSTITUTION.—The term 'eligible institution' means—

''(A) an institution of higher education that has a teacher preparation program that is a qualified teacher preparation program under section 252, and that is—

''(i) a part B institution (as defined in section 322);

''(ii) a Hispanic-serving institution (as defined in section 502);

''(iii) a Tribal College or University (as defined in section 316);

''(iv) an Alaska Native-serving institution (as defined in section 317(b));

''(v) a Native Hawaiian-serving institution (as defined in section 317(b));

''(vi) a Predominantly Black Institution (as defined in section 318(b));

''(vii) an Asian American and Pacific Islander-serving institution (as defined in section 319(b)); or

''(viii) a Native American-serving nontribal institution (as defined in section 320(b));

''(B) a consortium of institutions described in subparagraph (A); or

''(C) an institution described in subparagraph (A), or a consortium described in subparagraph (B), in partnership with any other institution of higher education, but only if the center of excellence established under section 262 is located at an institution described in subparagraph (A).

''(2) SCIENTIFICALLY BASED READING RESEARCH.—The term 'scientifically based reading research' has the meaning given such term in section 1208 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6368).

"SEC. 262. AUGUSTUS F. HAWKINS CENTERS OF EXCELLENCE.

''(a) PROGRAM AUTHORIZED.—From the amounts appropriated to carry out this part, the Secretary is authorized to award competitive grants to eligible institutions to establish centers of excellence.

''(b) USE OF FUNDS.—Grants provided by the Secretary under this subpart shall be used to ensure that current and future teachers are highly qualified, by carrying out one or more of the following activities:

''(1) Implementing reforms within teacher preparation programs to ensure that such programs are preparing teachers who are highly qualified, are able to understand scientifically valid research, and are able to use advanced technology effectively in the classroom, including use for instructional techniques to improve student academic achievement, by—

''(A) retraining or recruiting faculty; and

''(B) designing (or redesigning) teacher preparation programs that—

''(i) prepare teachers to serve in low-performing schools and close student achievement gaps, and are based on rigorous academic content, scientifically valid research (including scientifically based reading research), and challenging State student academic content standards; and

''(ii) promote strong teaching skills, as defined in section 200(b).

''(2) Providing sustained and high-quality pre-service clinical experience, including the mentoring of prospective teachers by exemplary teachers, substantially increasing interaction between faculty at institutions of higher education and new and experienced teachers, principals, and other administrators at elementary schools or secondary schools, and providing support, including preparation time, for such interaction.

''(3) Developing and implementing initiatives to promote retention of highly qualified teachers and principals, including minority teachers and principals, including programs that provide—

''(A) teacher or principal mentoring from exemplary teachers or principals; or

''(B) induction and support for teachers and principals during their first 3 years of employment as teachers or principals, respectively.

''(4) Awarding scholarships based on financial need to help students pay the costs of tuition, room, board, and other expenses of completing a teacher preparation program.

''(5) Disseminating information on effective practices for teacher preparation and successful teacher certification and licensure assessment preparation strategies.

''(6) Activities authorized under section 202.

''(c) APPLICATION.—Any eligible institution desiring a grant under this subpart shall submit an application to the Secretary at such a time, in such a manner, and accompanied by such information as the Secretary may require.

''(d) MINIMUM GRANT AMOUNT.—The minimum amount of each grant under this subpart shall be $500,000.

''(e) LIMITATION ON ADMINISTRATIVE EXPENSES.—An eligible institution that receives a grant under this subpart may not use more than 2 percent of the grant funds for purposes of administering the grant.

''(f) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary to carry out this subpart.

''Subpart 4—Teach for America

"SEC. 271. TEACH FOR AMERICA.

''(a) DEFINITIONS.—

''(1) GRANTEE.—The term 'grantee' means Teach For America, Inc.

''(2) HIGH NEED.—Notwithstanding section 200(b), the term 'high need', when used with respect to a local educational agency, means a local educational agency experiencing a shortage of highly qualified teachers.

''(b) GRANTS AUTHORIZED.—The Secretary is authorized to award a grant to Teach For America, Inc., the national teacher corps of outstanding recent college graduates who commit to teach for 2 years in underserved communities in the United States, to implement and expand its program of recruiting, selecting, training, and supporting new teachers.

''(c) REQUIREMENTS.—In carrying out the grant program under subsection (b), the Secretary shall enter into an agreement with the grantee under which the grantee agrees to use the grant funds provided under this subpart to—

''(1) provide highly qualified teachers to high need local educational agencies in urban and rural communities;

''(2) pay the costs of recruiting, selecting, training, and supporting new teachers; and

''(3) serve a substantial number and percentage of underserved students.

''(d) AUTHORIZED ACTIVITIES.—

''(1) IN GENERAL.—Grant funds provided under this subpart shall be used by the grantee to carry out each of the following activities:

''(A) Recruiting and selecting teachers through a highly selective national process.

''(B) Providing pre-service training to such teachers through a rigorous summer institute that includes hands-on teaching experience and significant exposure to education course work and theory.

''(C) Placing such teachers in schools and positions designated by high need local educational agencies as high need placements serving underserved students.

''(D) Providing ongoing professional development activities for such teachers' first 2 years in the classroom, including regular classroom observations and feedback, and ongoing training and support.

''(2) LIMITATION.—The grantee shall use all grant funds received under this subpart to support activities related directly to the recruitment, selection, training, and support of teachers as described in paragraph (1).

''(e) REPORTS AND EVALUATIONS.—

''(1) ANNUAL REPORT.—The grantee shall provide to the Secretary an annual report that includes—

''(A) data on the number and quality of the teachers provided to local educational agencies through a grant under this subpart;

''(B) an externally conducted analysis of the satisfaction of local educational agencies and principals with the teachers so provided; and

''(C) comprehensive data on the background of the teachers chosen, the training such teachers received, the placement sites of such teachers, the professional development of such teachers, and the retention of such teachers.

''(2) STUDY.—

''(A) IN GENERAL.—From funds appropriated under section 240, the Secretary shall provide for a study that examines the achievement levels of the students taught by the teachers assisted under this subpart.

''(B) STUDENT LEARNING GAINS COMPARED.—The study shall compare, within the same schools, the student learning gains made by students taught by teachers who are assisted under this subpart with the student learning gains made by students taught by teachers who are not assisted under this subpart.

''(3) REQUIREMENTS.—The Secretary shall provide for such a study not less than once every 3 years, and each such study shall include multiple placement sites and multiple schools within placement sites.

''(4) PEER REVIEW STANDARDS.—Each such study shall meet the peer review standards of the education research community. Further, the peer review standards shall ensure that reviewers have expertise in assessment systems, accountability, and instruction.

''(f) AUTHORIZATION OF APPROPRIATIONS.—Of the sums authorized to be appropriated by section 240, the amount authorized to be appropriated to carry out this section shall not exceed—

''(1) $20,000,000 for fiscal year 2009;

''(2) $25,000,000 for fiscal year 2010; and

''(3) such sums as may be necessary for each of the 3 succeeding fiscal years.

''Subpart 5—Early Childhood Education Professional Development and Career Task Force

"SEC. 281. PURPOSE.

''It is the purpose of this subpart—

''(1) to improve the quality of the early childhood education workforce by creating a statewide early childhood education professional development and career task force for early childhood education program staff, directors, and administrators; and

''(2) to create—

''(A) a coherent system of core competencies, pathways to qualifications, credentials, degrees, quality assurances, access, and outreach, for early childhood education program staff, directors, and administrators, that is linked to compensation commensurate with experience and qualifications;

''(B) articulation agreements that enable early childhood education professionals to transition easily among degrees; and

''(C) compensation initiatives for individuals working in an early childhood education program that reflect the individuals' credentials, degrees, and experience.

"SEC. 282. DEFINITION OF EARLY CHILDHOOD EDUCATION PROGRAM.

''In this subpart, the term 'early childhood education program' means—

''(1) a family child care program, center-based child care program, State prekindergarten program, or school-based program, that—

''(A) provides early childhood development and education;

''(B) is licensed or regulated by the State; and

''(C) serves children from birth to school entry;

''(2) a Head Start Program carried out under the Head Start Act;

''(3) an Early Head Start Program carried out under section 645A of the Head Start Act; or

''(4) a program authorized under section 619 or part C of the Individuals with Disabilities Education Act.

"SEC. 283. GRANTS AUTHORIZED.

''(a) IN GENERAL.—The Secretary is authorized to award grants to States in accordance with the provisions of this subpart to enable such States—

''(1) to establish a State Task Force described in section 284; and

''(2) to support activities of the State Task Force described in section 285.

''(b) COMPETITIVE BASIS.—Grants under this subpart shall be awarded on a competitive basis.

''(c) EQUITABLE GEOGRAPHIC DISTRIBUTION.—In awarding grants under this subpart, the Secretary shall take into consideration providing an equitable geographic distribution of such grants.

''(d) DURATION.—Grants under this subpart shall be awarded for a period of 3 years.

"SEC. 284. STATE TASK FORCE ESTABLISHMENT.

''(a) STATE TASK FORCE ESTABLISHED.—The Governor of a State receiving a grant under this subpart shall establish, or designate an existing entity to serve as, the State Early Childhood Education Professional Development and Career Task Force (hereafter in this subpart referred to as the 'State Task Force').

''(b) MEMBERSHIP.—The State Task Force shall include a representative of a State educational agency, an institution of higher education (including an associate or a baccalaureate degree granting institution of higher education), an early childhood education program, a nonprofit early childhood organization, a statewide early childhood workforce scholarship or supplemental initiative, the State Head Start collaboration director, and any other entity or individual the Governor determines appropriate.

"SEC. 285. STATE TASK FORCE ACTIVITIES.

''(a) ACTIVITIES.—The State Task Force shall—

''(1) coordinate and communicate regularly with existing State Advisory Councils on Early Care and Education or a similar State entity charged with creating a comprehensive system of early care and education in the State (hereafter in this subpart referred to as 'State Advisory Councils') for the purposes of—

''(A) integrating recommendations for early childhood professional development and career activities into the plans of the State Advisory Council; and

''(B) assisting in the implementation of professional development and career activities that are consistent with the plans described in subparagraph (A);

''(2) conduct a review of opportunities for and barriers to high quality professional development, training, and higher education degree programs in early childhood development and learning, including a periodic statewide survey concerning the demographics of individuals working in early childhood education programs in the State, which survey shall include information disaggregated by—

''(A) race, gender, and ethnicity;

''(B) compensation levels;

''(C) type of early childhood education program setting;

''(D) specialized knowledge of child development;

''(E) years of experience in an early childhood education program;

''(F) attainment of—

''(i) academic credit for course work;

''(ii) an academic degree;

''(iii) a credential;

''(iv) licensure; or

''(v) certification in early childhood education; and

''(G) specialized knowledge in the education of children with limited English proficiency; and

''(3) develop a plan for a comprehensive statewide professional development and career system for individuals working in early childhood education programs or for early childhood education providers, which plan shall include—

''(A) methods of providing outreach to early childhood education program staff, directors, and administrators to enable such individuals and providers to be aware of opportunities and resources under the statewide plan, which may include outreach to underrepresented populations in the profession;

''(B) developing a unified data collection and dissemination system for early childhood education training, professional development, and higher education programs;

''(C) increasing the participation of early childhood educators in high quality training and professional development by assisting in paying the costs of enrollment in and completion of such training and professional development courses;

''(D) increasing the participation of early childhood educators in postsecondary education programs leading to degrees in early childhood education by providing assistance to pay the costs of enrollment in and completion of such postsecondary education programs, which assistance—

''(i) shall only be provided to an individual who—

''(I) enters into an agreement under which the individual agrees to work, for a reasonable number of years after receiving such a degree, in an early childhood education program that is located in a low-income area; and

''(II) has a family income equal to or less than the annually adjusted national median family income as determined by the Bureau of the Census; and

''(ii) shall be provided in an amount that does not exceed $17,500;

''(E) supporting professional development activities and a career lattice for a variety of early childhood professional roles with varying professional qualifications and responsibilities for early childhood education personnel, including strategies to enhance the compensation of such personnel;

''(F) supporting articulation agreements between 2- and 4-year public and private institutions of higher education and mechanisms to transform other training, professional development, and experience into academic credit;

''(G) developing mentoring and coaching programs to support new educators in and directors of early childhood education programs;

''(H) providing career development advising with respect to the field of early childhood education, including informing an individual regarding—

''(i) entry into and continuing education requirements for professional roles in the field;

''(ii) available financial assistance; and

''(iii) professional development and career advancement in the field;

''(I) enhancing the quality of faculty and course work in postsecondary programs that lead to an associate, baccalaureate, or graduate degree in early childhood education;

''(J) consideration of the availability of on-line graduate level professional development offered by institutions of higher education with experience and demonstrated expertise in establishing programs in child development, in order to improve the skills and expertise of individuals working in early childhood education programs; and

''(K) developing or enhancing a system of quality assurance with respect to the early childhood education professional development and career system, including standards or qualifications for individuals and entities who offer training and professional development in early childhood education.

''(b) PUBLIC HEARINGS.—The State Task Force shall hold public hearings and provide an opportunity for public comment on the activities described in the statewide plan described in subsection (a)(3).

''(c) PERIODIC REVIEW.—The State Task Force shall meet periodically to review implementation of the statewide plan and to recommend any changes to the statewide plan the State Task Force determines necessary.

"SEC. 286. STATE APPLICATION AND REPORT.

''(a) IN GENERAL.—Each State desiring a grant under this subpart shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require. Each such application shall include a description of—

''(1) the membership of the State Task Force;

''(2) the activities for which the grant assistance will be used;

''(3) other Federal, State, local, and private resources that will be available to support the activities of the State Task Force described in section 285;

''(4) the availability within the State of training, educator preparation, professional development, compensation initiatives, and career systems, related to early childhood education; and

''(5) the resources available within the State for such training, educator preparation, professional development, compensation initiatives, and career systems.

''(b) REPORT TO THE SECRETARY.—Not later than 2 years after receiving a grant under this subpart, a State shall submit a report to the Secretary that shall describe—

''(1) other Federal, State, local, and private resources that will be used in combination with a grant under this subpart to develop or expand the State's early childhood education professional development and career activities;

''(2) the ways in which the State Advisory Council will coordinate the various State and local activities that support the early childhood education professional development and career system; and

''(3) the ways in which the State Task Force will use funds provided under this subpart to carry out the activities described in section 285.

"SEC. 287. EVALUATIONS.

''(a) STATE EVALUATION.—Each State receiving a grant under this subpart shall—

''(1) evaluate the activities that are assisted under this subpart in order to determine—

''(A) the effectiveness of the activities in achieving State goals;

''(B) the impact of a career lattice for individuals working in early childhood education programs;

''(C) the impact of the activities on licensing or regulating requirements for individuals in the field of early childhood development;

''(D) the impact of the activities, and the impact of the statewide plan described in section 286(a)(3), on the quality of education, professional development, and training related to early childhood education programs that are offered in the State;

''(E) the change in compensation and retention of individuals working in early childhood education programs within the State resulting from the activities; and

''(F) the impact of the activities on the demographic characteristics of individuals working in early childhood education programs; and

''(2) submit a report at the end of the grant period to the Secretary regarding the evaluation described in paragraph (1).

''(b) SECRETARY'S EVALUATION.—Not later than September 30, 2013, the Secretary, in consultation with the Secretary of Health and Human Services, shall prepare and submit to the authorizing committees an evaluation of the State reports submitted under subsection (a)(2).

''Subpart 6—Preparing General Education Teachers to More Effectively Educate Students With Disabilities

"SEC. 291. TEACH TO REACH GRANTS.

''(a) AUTHORIZATION OF PROGRAM.—

''(1) IN GENERAL.—The Secretary is authorized to award grants, on a competitive basis, to eligible partnerships to improve the preparation of general education teacher

candidates to ensure that such teacher candidates possess the knowledge and skills necessary to effectively instruct students with disabilities in their classrooms.

''(2) DURATION OF GRANTS.—A grant under this section shall be awarded for a period of five years.

''(3) NON-FEDERAL SHARE.—An eligible partnership that receives a grant under this section shall provide not less than 25 percent of the cost of the activities carried out with such grant from non-Federal sources, which may be provided in cash or in kind.

''(b) DEFINITION OF ELIGIBLE PARTNERSHIP.—In this section, the term 'eligible partnership' is a partnership that—

''(1) shall include—

''(A) one or more departments or programs at an institution of higher education—

''(i) that prepare elementary or secondary general education teachers;

''(ii) that have a program of study that leads to an undergraduate degree, a master's degree, or completion of a post-baccalaureate program required for teacher certification; and

''(iii) the graduates of which are highly qualified, as defined in section 9101 of the Elementary and Secondary Education Act of 1965;

''(B) a department or program of special education at an institution of higher education; and

''(C) a high-need local educational agency; and

''(2) may include a department or program of mathematics, earth or physical science, foreign language, or other departments at the institution that have a role in preparing teachers.

''(c) REQUIRED ACTIVITIES.—An eligible partnership that receives a grant under this section shall use the grant funds to—

''(1) develop or strengthen an undergraduate, post-baccalaureate, or master's teacher preparation program by integrating special education strategies into the general education curriculum and academic content;

''(2) provide teacher candidates participating in the program under paragraph (1) with skills related to—

''(A) response to intervention, positive behavioral supports, differentiated instruction, and data driven instruction;

''(B) developing and administering alternate assessments of students with disabilities;

''(C) determining and utilizing accommodations for instruction and assessments;

''(D) collaborating with special educators, related services providers, and parents, including participation in Individualized Education Program development and implementation; and

''(E) utilizing technology and assistive technology for students with disabilities; and

''(3) provide extensive clinical experience for such participants, with mentoring and induction support throughout the program that continues during the first year of full-time teaching.

''(d) APPLICATION.—An eligible partnership seeking a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require. Such application shall include—

''(1) A self-assessment by the eligible partnership of the existing teacher preparation program at the institution of higher education and needs related to preparing general education teacher candidates to instruct students with disabilities.

''(2) An assessment of the existing personnel needs for general education teachers who instruct students with disabilities, performed by the local educational agency in which most graduates of the teacher preparation program are likely to teach after completion of the program under subsection (c)(1).

''(e) PEER REVIEW.—The Secretary shall convene a peer review committee to review applications for grants under this section and to make recommendations to the Secretary regarding the selection of grantees. Members of the peer review committee shall be recognized experts in the fields of special education, teacher preparation, and general education, and shall not be in a position to benefit financially from any grants awarded under this section.

''(f) EVALUATIONS.—

''(1) BY THE PARTNERSHIP.—An eligible partnership receiving a grant under this section shall conduct an evaluation at the end of the grant period to determine the effectiveness of the general education teachers who completed a program under subsection (c)(1) at instruction of students with disabilities in general education classrooms, and the systemic impact of the activities carried out by such grant on how each institution of higher education that is a member of the partnership prepares teachers for instruction in elementary and secondary schools. Each eligible partnership performing an evaluation under this paragraph shall report the findings of such evaluation to the Secretary.

''(2) REPORT BY THE SECRETARY.—Not later than 180 days after the last day of the grant period under this section, the Secretary shall make available to Congress and the public the findings of the evaluations submitted under paragraph (1), and information on best practices related to effective instruction of students with disabilities in general education classrooms.''.

SEC. 202. NATIONAL ACADEMY OF SCIENCES STUDY OF BEST PRACTICES IN TEACHER PREPARATION.

(a) IN GENERAL.—The Secretary shall enter into a contract with the National Academy of Sciences to conduct a 2-year study to develop suggested best practices in teacher preparation for departments, schools, and colleges of education. Such best practices shall include recommendations to improve teaching skills, including skills related to working with diverse populations.

(b) BEST RESEARCH; SUGGESTED TRAINING.—The suggested best practices developed under subsection (a) shall reflect the best research into how students learn and on the content-specific methods shown to be effective with students, including examining how children learn. The suggested best practices shall include suggested training for general and special education teachers in working with diverse populations, utilizing the principles of universal design for learning, assessments in the classroom, and classroom management.

(c) COLLABORATION.—

(1) IN GENERAL.—In conducting the study under subsection (a), the National Academy of Sciences shall collaborate with interested parties in developing the suggested best practices.

(2) INTERESTED PARTIES.—In this subsection, the term ''interested parties'' means—

(A) college presidents;

(B) deans of arts and sciences and teacher education programs;

(C) teacher preparation faculty;

(D) chief State school officers;

(E) school superintendents;

(F) teacher organizations;

(G) outstanding teachers and principals;

(H) teacher preparation accrediting organizations;

(I) individuals or organizations with expertise in working with diverse populations, including students with disabilities and limited English proficient students; and

(J) other organizations with expertise in teacher recruitment and training.

(d) PROHIBITION.—Nothing in this section shall be construed to authorize the National Academy of Sciences to recommend, or any other Federal Government entity or contractor to mandate, direct, control, or suggest, a specific curriculum for teacher education programs.

TITLE III—TITLE III AMENDMENTS

SEC. 301. PROGRAM PURPOSE.

Section 311 (20 U.S.C. 1057) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking ''351'' and inserting ''391''; and

(B) in paragraph (3)(F), by inserting '', including services that will assist in the education of special populations'' before the period; and

(2) in subsection (c)—

(A) in paragraph (6), by inserting '', including innovative, customized, instruction courses designed to help retain students and move the students rapidly into core courses and through program completion'' before the period;

(B) by redesignating paragraphs (7) through (12) as paragraphs (8) through (13), respectively;

(C) by inserting after paragraph (6) the following:

''(7) Education or counseling services designed to improve the financial literacy and economic literacy of students or the students' parents.'';

(D) in paragraph (12) (as redesignated by subparagraph (B)), by striking ''distance learning academic instruction capabilities'' and inserting ''distance education technologies''; and

(E) in the matter preceding subparagraph (A) of paragraph (13) (as redesignated by subparagraph (B)), by striking ''subsection (c)'' and inserting ''subsection (b) and section 391''.

SEC. 302. TITLE III GRANTS FOR AMERICAN INDIAN TRIBALLY CONTROLLED COLLEGES AND UNIVERSITIES.

(a) ELIGIBLE INSTITUTIONS.—Section 316(b)(3) (20 U.S.C. 1059c(b)(3)) is amended to read as follows:

''(3) TRIBAL COLLEGE OR UNIVERSITY.—The term 'Tribal College or University' means an institution that—

''(A) qualifies for funding under the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1801 et seq.) or the Navajo Community College Assistance Act (25 U.S.C. 640a note); or

''(B) is cited in section 532 of the Equity in Educational Land Grant Status Act of 1994 (7 U.S.C. 301 note).''.

(b) DISTANCE LEARNING.—Section 316(c)(2) is amended—

(1) by amending subparagraph (B) to read as follows:

''(B) construction, maintenance, renovation, and improvement in classrooms, libraries, laboratories, and other instructional facilities, including purchase or rental of telecommunications technology equipment or services, and the acquisition of real property adjacent to the campus of the institution on which to construct such facilities;'';

(2) in subparagraph (C), by inserting before the semicolon at the end the following: '', or advanced degrees in tribal governance or tribal public policy'';

(3) in subparagraph (D), by inserting before the semicolon at the end the following: '', and in tribal governance or tribal public policy'';

(4) by striking ''and'' at the end of subparagraph (K);

(5) by redesignating subparagraph (L) as subparagraph (M); and

(6) by inserting after subparagraph (K) the following new subparagraph:

''(L) developing or improving facilities for Internet use or other distance learning academic instruction capabilities; and''.

(c) APPLICATION AND ALLOTMENT.—Section 316(d) is amended to read as follows:

''(d) APPLICATION AND ALLOTMENT.—

''(1) INSTITUTIONAL ELIGIBILITY.—To be eligible to receive assistance under this section, a Tribal College or University shall be an eligible institution under section 312(b).

''(2) APPLICATION.—Any Tribal College or University desiring to receive assistance under this section shall submit an application to the Secretary at such time, and in such manner, as the Secretary may reasonably require.

''(3) MINIMUM GRANT.—Notwithstanding section 399(c), the amount allotted to each institution under this section shall not be less than $500,000.

''(4) SPECIAL RULES.—

''(A) CONCURRENT FUNDING.—For the purposes of this part, no Tribal College or University that is eligible for and receives funds under this section shall concurrently receive funds under other provisions of this part or part B.

''(B) EXEMPTION.—Section 313(d) shall not apply to institutions that are eligible to receive funds under this section.''.

(d) ALLOCATION OF FUNDS.—Section 316 is further amended by adding at the end the following new subsections:

''(e) CONSTRUCTION GRANTS.—

''(1) IN GENERAL.—Of the amount appropriated to carry out this section for any fiscal year, beginning with fiscal year 2009, the Secretary may reserve 30 percent of such amount for the purpose of awarding 1-year grants of not less than $1,000,000 to address construction, maintenance, and renovation needs at eligible institutions.

''(2) PREFERENCE.—In providing grants under paragraph (1) for any fiscal year, the Secretary shall give preference to eligible institutions that have not received an award under this section for a previous fiscal year.

''(f) ALLOTMENT OF REMAINING FUNDS.—The Secretary shall distribute any funds appropriated to carry out this section for any fiscal year that remain available after the Secretary has awarded grants under subsection (e), to each eligible institution as follows:

''(1) 60 percent of the remaining appropriated funds shall be distributed among the eligible Tribal Colleges and Universities on a pro rata basis, based on the respective Indian student counts (as defined in section 2(a) of the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1801(a)) of the Tribal Colleges and Universities; and

''(2) the remaining 40 percent shall be distributed in equal shares to the eligible Tribal Colleges and Universities.''.

SEC. 303. PREDOMINANTLY BLACK INSTITUTIONS.

Part A of title III is amended by inserting after section 317 (20 U.S.C. 1059d) the following new section:

''SEC. 318. PREDOMINANTLY BLACK INSTITUTIONS.

''(a) PURPOSE.—It is the purpose of this section to assist Predominantly Black Institutions in expanding educational opportunity through a program of Federal assistance.

''(b) DEFINITIONS.—For purposes of this section:

''(1) PREDOMINANTLY BLACK INSTITUTION.—The term 'Predominantly Black Institution' means an institution of higher education—

''(A) that is an eligible institution (as defined in paragraph (5)(A) of this subsection) with a minimum of 1,000 undergraduate students;

''(B) at which at least 50 percent of the undergraduate students enrolled at the institution are low-income individuals or first-generation college students (as that term is defined in section 402A(g)); and

''(C) at which at least 50 percent of the undergraduate students are enrolled in an educational program leading to a bachelor's or associate's degree that the institution is licensed to award by the State in which it is located.

''(2) LOW-INCOME INDIVIDUAL.—The term 'low-income individual' has the meaning given such term in section 402A(g).

''(3) MEANS-TESTED FEDERAL BENEFIT PROGRAM.—The term 'means-tested Federal benefit program' means a program of the Federal Government, other than a program under title IV, in which eligibility for the programs' benefits, or the amount of such benefits, or both, are determined on the basis of income or resources of the individual or family seeking the benefit.

''(4) STATE.—The term 'State' means each of the 50 States and the District of Columbia.

''(5) OTHER DEFINITIONS.—For purposes of this section, the terms defined by section 312 have the meanings provided by that section, except as follows:

''(A) ELIGIBLE INSTITUTION.—

''(i) The term 'eligible institution' means an institution of higher education that—

''(I) has an enrollment of needy undergraduate students as required and defined by subparagraph (B);

''(II) except as provided in section 392(b), the average educational and general expenditure of which are low, per full-time equivalent undergraduate student in comparison with the average educational and general expenditure per full-time equivalent undergraduate student of institutions that offer similar instruction;

''(III) has an enrollment of undergraduate students that is at least 40 percent Black American students;

''(IV) is legally authorized to provide, and provides within the State, an educational program for which the institution awards a bachelors degree, or in the case of a junior or community college, an associate's degree;

''(V) is accredited by a nationally recognized accrediting agency or association determined by the Secretary to be a reliable authority as to the quality of training offered, or is, according to such an agency or association, making reasonable progress toward accreditation; and

''(VI) is not receiving assistance under part B of this title.

''(ii) In awarding grants under this section the Secretary shall give priority to Predominantly Black Institutions with large numbers or percentages of students described in clause (i)(II) or clause (i)(III). The level of priority given to Predominantly Black Institutions with large numbers or percentages of students described in paragraph (1)(B) shall be twice the level of priority given to Predominantly Black Institutions with large numbers or percentages of students described in paragraph (1)(C).

''(B) ENROLLMENT OF NEEDY STUDENTS.—The term 'enrollment of needy students' means the enrollment at an eligible institution with respect to which at least 50 percent of the undergraduate students enrolled in an academic program leading to a degree—

''(i) in the second fiscal year preceding the fiscal year for which the determination is made, were Pell Grant recipients in such year;

''(ii) come from families that receive benefits under a means-tested Federal benefits program (as defined in paragraph (3));

''(iii) attended a secondary school that was a high-need school during any year of such attendance; or

''(iv) are 'first-generation college students' as that term is defined in section 402A(g), and a majority of such first-generation college students are low-income individuals.

''(c) AUTHORIZED ACTIVITIES.—

''(1) TYPES OF ACTIVITIES AUTHORIZED.—Grants awarded pursuant to subsection (d) shall be used by Predominantly Black Institutions—

''(A) to assist the institution to plan, develop, undertake, and implement programs to enhance the institution's capacity to serve more low- and middle-income Black American students;

''(B) to expand higher education opportunities for title IV eligible students by encouraging college preparation and student persistence in secondary and postsecondary education; and

''(C) to strengthen the institution's financial ability to serve the academic needs of the students described in subparagraphs (A) and (B).

''(2) AUTHORIZED ACTIVITIES.—Grants made to an institution under subsection (d) shall be used for one or more of the following activities:

''(A) The activities described in section 311(c)(1) through (11).

''(B) Academic instruction in disciplines in which Black Americans are underrepresented.

''(C) Establishing or enhancing a program of teacher education designed to qualify students to teach in a public elementary or secondary school in the State that shall include, as part of such program, preparation for teacher certification.

''(D) Establishing community outreach programs which will encourage elementary and secondary students to develop the academic skills and the interest to pursue postsecondary education.

''(E) Other activities proposed in the application submitted pursuant to subsection (e) that—

''(i) contribute to carrying out the purposes of this section; and

''(ii) are approved by the Secretary as part of the review and acceptance of such application.

''(3) ENDOWMENT FUND.—

''(A) IN GENERAL.—A Predominantly Black Institution may use not more than 20 percent of the grant funds provided under this section to establish or increase an endowment fund at the institution.

''(B) MATCHING REQUIREMENT.—In order to be eligible to use grant funds in accordance with subparagraph (A), the Predominantly Black Institution shall provide matching funds from non-Federal sources, in an amount equal to or greater than the Federal funds used in accordance with subparagraph (A), for the establishment or increase of the endowment fund.

''(C) COMPARABILITY.—The provisions of part C regarding the establishment or increase of an endowment fund, that the Secretary determines are not inconsistent with this subsection, shall apply to funds used under subparagraph (A).

''(4) LIMITATION.—Not more than 50 percent of the allotment of any Predominantly Black Institution may be available for the purpose of constructing or maintaining a classroom, library, laboratory, or other instructional facility.

''(d) ALLOTMENTS TO PREDOMINANTLY BLACK INSTITUTIONS.—

''(1) ALLOTMENT: PELL GRANT BASIS.—From the amount appropriated to carry out this section for any fiscal year, the Secretary shall allot to each Predominantly Black Institution having an application approved under subsection (e) a sum which bears the same ratio to one-half that amount

as the number of Pell Grant recipients in attendance at such institution at the end of the academic year preceding the beginning of that fiscal year bears to the total number of Pell Grant recipients at all institutions eligible under this section.

''(2) ALLOTMENT: GRADUATES BASIS.—From the amount appropriated to carry out this section for any fiscal year, the Secretary shall allot to each Predominantly Black Institution having an application approved under subsection (e) a sum which bears the same ratio to one-fourth that amount as the number of graduates for such year at such institution bears to the total number of graduates for such year at all intuitions eligible under this section.

''(3) ALLOTMENT: GRADUATES SEEKING A HIGHER DEGREE BASIS.—From the amount appropriated to carry out this section for any fiscal year, the Secretary shall allot to each Predominantly Black Institution having an application approved under subsection (e) a sum which bears the same ratio to one-fourth of that amount as the percentage of graduates per institution who, within 2 years of graduation with an associates degree or a baccalaureate degree, are admitted to and in attendance at, either a baccalaureate degree-granting institution or a graduate or professional school in a degree program in disciplines in which Black American students are underrepresented, bears to the percentage of such graduates per institution for all eligible institutions.

''(4) MINIMUM ALLOTMENT.—(A) Notwithstanding paragraphs (1), (2), and (3) of this subsection and section 399(c), the amount allotted to each Predominantly Black Institution under this section shall not be less than $250,000.

''(B) If the amount appropriated pursuant to section 399 for any fiscal year is not sufficient to pay the minimum allotment, the amount of such minimum allotment shall be ratably reduced. If additional sums become available for such fiscal year, such reduced allocation shall be increased on the same basis as it was reduced until the amount allotted equals the minimum allotment required by subparagraph (A).

''(5) REALLOTMENT.—The amount of a Predominantly Black Institution's allotment under paragraph (1), (2), (3), or (4) for any fiscal year, which the Secretary determines will not be required for such institution for the period such allotment is available, shall be available for reallotment to other Predominantly Black Institutions in proportion to the original allotment to such other institutions under this section for such fiscal year. The Secretary shall reallot such amounts from time to time, on such date and during such period as the Secretary deems appropriate.

''(e) APPLICATIONS.—No Predominantly Black Institution shall be entitled to its allotment of Federal funds for any grant under subsection (d) for any period unless the institution submits an application to the Secretary at such time, in such manner, and containing or accompanied by such information as the Secretary may reasonably require.

''(f) APPLICATION REVIEW PROCESS.—Section 393 shall not apply to applications under this section.

''(g) PROHIBITION.—No Predominantly Black Institution that applies for and receives a grant under this section may apply for or receive funds under any other program under this part or part B of this title.

''(h) DURATION AND CARRYOVER.—Any funds paid to a Predominantly Black Institution under this section and not expended or used for the purposes for which the funds were paid within 10 years following the date of the grant awarded to such institution under this section shall be repaid to the Treasury of the United States.''.

SEC. 304. ASSISTANCE TO ASIAN AMERICAN AND NATIVE AMERICAN PACIFIC ISLANDER-SERVING INSTITUTIONS.

Part A of title III is amended by inserting after section 318 (as added by section 303 of this Act) the following new section:

''SEC. 319. ASIAN AMERICAN AND NATIVE AMERICAN PACIFIC ISLANDER-SERVING INSTITUTIONS.

''(a) PROGRAM AUTHORIZED.—The Secretary shall provide grants and related assistance to Asian American and Native American Pacific Islander-serving institutions to enable such institutions to improve and expand their capacity to serve Asian Americans and Native American Pacific Islanders.

''(b) DEFINITIONS.—For the purpose of this section—

''(1) the term 'Asian American' has the meaning given the term Asian in the Office of Management and Budget's Standards for Maintaining, Collecting, and Presenting Federal Data on Race and Ethnicity as published on October 30, 1997 (62 Fed. Reg. 58789);

''(2) the term 'Native American Pacific Islander' means any descendant of the aboriginal people of any island in the Pacific Ocean that is a territory or possession of the United States;

''(3) the term 'Asian American and Native American Pacific Islander-serving institution' means an institution of higher education that—

''(A) is an eligible institution under section 312(b); and

''(B) at the time of application, has an enrollment of undergraduate students that is at least 10 percent Asian American and Native American Pacific Islander students; and

''(4) the term 'low-income individual' means an individual from a family whose taxable income for the preceding year did not exceed 150 percent of an amount equal to the poverty level determined by using criteria of poverty established by the Bureau of the Census.

''(c) AUTHORIZED ACTIVITIES.—

''(1) TYPES OF ACTIVITIES AUTHORIZED.—Grants awarded under this section shall be used by Asian American and Native American Pacific Islander-serving institutions to assist such institutions to plan, develop, undertake, and carry out activities to improve and expand such institutions' capacity to serve Asian Americans and Native American Pacific Islanders.

''(2) EXAMPLES OF AUTHORIZED ACTIVITIES.—Such programs may include—

''(A) purchase, rental, or lease of scientific or laboratory equipment for educational purposes, including instructional and research purposes;

''(B) renovation and improvement in classroom, library, laboratory, and other instructional facilities;

''(C) support of faculty exchanges, and faculty development and faculty fellowships to assist in attaining advanced degrees in the faculty's field of instruction;

''(D) curriculum development and academic instruction;

''(E) purchase of library books, periodicals, microfilm, and other educational materials;

''(F) funds and administrative management, and acquisition of equipment for use in strengthening funds management;

''(G) joint use of facilities such as laboratories and libraries;

''(H) academic tutoring and counseling programs and student support services;

''(I) establishing community outreach programs that will encourage elementary school and secondary school students to develop the academic skills and the interest to pursue postsecondary education;

''(J) establishing or improving an endowment fund;

''(K) academic instruction in disciplines in which Asian Americans and Native American Pacific Islanders are under-represented;

''(L) conducting research and data collection for Asian American and Native American Pacific Islander populations and subpopulations; and

''(M) establishing partnerships with community based organizations serving Asian Americans and Native American Pacific Islanders.

''(d) APPLICATION PROCESS.—

''(1) INSTITUTIONAL ELIGIBILITY.—Each Asian American and Native American Pacific Islander-serving institution desiring to receive assistance under this section shall submit to the Secretary such enrollment data as may be necessary to demonstrate that the institution is an Asian American and Native American Pacific Islander-serving institution as defined in subsection (b), along with such other information and data as the Secretary may require.

''(2) APPLICATIONS.—Any institution which is determined by the Secretary to be an Asian American and Native American Pacific Islander-serving institution may submit an application for assistance under this section to the Secretary. Such application shall include—

''(A) a 5-year plan for improving the assistance provided by the Asian American and Native American Pacific Islander-serving institution to Asian American and Native American Pacific Islander students; and

''(B) such other information and assurance as the Secretary may require.

''(3) SPECIAL RULES.—

''(A) ELIGIBILITY.—No Asian American and Native American Pacific Islander-serving institution that receives funds under this section shall concurrently receive funds under other provisions of this part or part B.

''(B) EXEMPTION.—Section 313(d) shall not apply to institutions that are eligible to receive funds under this section.

''(C) DISTRIBUTION.—In awarding grants under this section, the Secretary shall—

''(i) to the extent possible and consistent with the competitive process under which such grants are awarded, ensure maximum and equitable distribution among all eligible institutions; and

''(ii) give priority consideration to institutions that serve a significant percentage of Asian American and Native American Pacific Islander students who are low-income individuals.''.

SEC. 305. NATIVE AMERICAN-SERVING, NONTRIBAL INSTITUTIONS.

(a) GRANT PROGRAM AUTHORIZED.—Part A of title III (20 U.S.C. 1057 et seq.) is amended by adding after section 319 (as added by section 304 of this Act) the following new section:

''SEC. 320. NATIVE AMERICAN-SERVING, NONTRIBAL INSTITUTIONS.

''(a) PROGRAM AUTHORIZED.—The Secretary shall provide grants and related assistance to Native American-serving, nontribal institutions to enable such institutions to improve and expand their capacity to serve Native Americans.

''(b) DEFINITIONS.—In this section:

''(1) NATIVE AMERICAN.—The term 'Native American' means an individual who is of a tribe, people, or culture that is indigenous to the United States.

''(2) NATIVE AMERICAN-SERVING, NONTRIBAL INSTITUTION.—The term 'Native American-serving, nontribal institution' means an institution of higher education that, at the time of application—

''(A) has an enrollment of undergraduate students that is not less than 10 percent Native American students; and

''(B) is not a Tribal College or University (as defined in section 316).

''(c) AUTHORIZED ACTIVITIES.—

''(1) TYPES OF ACTIVITIES AUTHORIZED.—Grants awarded under this section shall be used by Native American-serving, nontribal institutions to assist such institutions to plan, develop, undertake, and carry out activities to improve and expand such institutions' capacity to serve Native Americans.

''(2) EXAMPLES OF AUTHORIZED ACTIVITIES.—Such programs may include—

''(A) the purchase, rental, or lease of scientific or laboratory equipment for educational purposes, including instructional and research purposes;

''(B) renovation and improvement in classroom, library, laboratory, and other instructional facilities;

''(C) support of faculty exchanges, and faculty development and faculty fellowships to assist faculty in attaining advanced degrees in the faculty's field of instruction;

''(D) curriculum development and academic instruction;

''(E) the purchase of library books, periodicals, microfilm, and other educational materials;

''(F) funds and administrative management, and acquisition of equipment for use in strengthening funds management;

''(G) the joint use of facilities such as laboratories and libraries; and

''(H) academic tutoring and counseling programs and student support services.

''(d) APPLICATION PROCESS.—

''(1) INSTITUTIONAL ELIGIBILITY.—A Native American-serving, nontribal institution desiring to receive assistance under this section shall submit to the Secretary such enrollment data as may be necessary to demonstrate that the institution is a Native American-serving, nontribal institution, along with such other information and data as the Secretary may by regulation require.

''(2) APPLICATIONS.—

''(A) PERMISSION TO SUBMIT APPLICATIONS.—Any institution that is determined by the Secretary to be a Native American-serving, nontribal institution may submit an application for assistance under this section to the Secretary.

''(B) SIMPLIFIED AND STREAMLINED FORMAT.—The Secretary shall, to the extent possible, prescribe a simplified and streamlined format for applications under this section that takes into account the limited number of institutions that are eligible for assistance under this section.

''(C) CONTENT.—An application submitted under subparagraph (A) shall include—

''(i) a 5-year plan for improving the assistance provided by the Native American-serving, nontribal institution to Native Americans; and

''(ii) such other information and assurances as the Secretary may require.

''(3) SPECIAL RULES.—

''(A) ELIGIBILITY.—No Native American-serving, nontribal institution that receives funds under this section shall concurrently receive funds under other provisions of this part or part B.

''(B) EXEMPTION.—Section 313(d) shall not apply to institutions that are eligible to receive funds under this section.

''(C) DISTRIBUTION.—In awarding grants under this section, the Secretary shall, to the extent possible and consistent with the competitive process under which such grants are awarded, ensure maximum and equitable distribution among all eligible institutions.''.

SEC. 306. STRENGTHENING HISTORICALLY BLACK COLLEGES AND UNIVERSITIES.

(a) DEFINITIONS.—Section 322(4) (20 U.S.C. 1061(4)) is amended by inserting after ''the Secretary'' the following: '', in consultation with the Commissioner of the National Center for Education Statistics,''.

(b) AUTHORIZED ACTIVITIES.—Section 323(a) (20 U.S.C. 1062(a)) is amended—

(1) by redesignating paragraph (12) as paragraph (15); and

(2) by inserting after paragraph (11) the following new paragraphs:

''(12) Acquisition of real property in connection with the construction, renovation, or addition to or improvement of campus facilities.

''(13) Education or financial information designed to improve the financial literacy and economic literacy of students or the students' parents, especially with regard to student indebtedness and student assistance programs under the title IV.

''(14) Technical assistance or services necessary for the implementation of projects or activities that are described in the grant application and that are approved, in advance, by the Secretary, except that not more than two percent of the grant amount may be used for this purpose.''.

(c) ALLOTMENTS.—

(1) MINIMUM ALLOTMENT.—Subsection (d) of section 324 (20 U.S.C. 1063(d)) is amended to read as follows:

''(d) MINIMUM ALLOTMENT.—(1) If an otherwise eligible part B institution did not enroll any Pell Grant recipients, or did not graduate any students in the previous academic year, or where appropriate, send any such graduates on to graduate or first-professional degree study, the institution shall not receive a grant under this part.

''(2) If the data provided by an eligible institution, pursuant to this section, is insufficient to justify an award in excess of $500,000, the otherwise eligible institution shall receive an allotment of $500,000, except that the Secretary shall not make an award of $500,000 if the amount determined based upon the formulas using subsection (b), (c), and (d) would be less than $250,000. If the amount determined by the formula would be less than $250,000, the Secretary shall award the minimum allotment of $250,000.''.

(2) CONDITION FOR ALLOTMENTS.—Section 324 (20 U.S.C. 1063) is further amended by adding at the end the following new subsection:

''(h) CONDITIONS FOR ALLOTMENTS.—No institution shall receive an allotment under this section unless the institution provides data, required by the Secretary consistent with the formula in subsections (a) through (c), including the number of Pell Grant recipients enrolled in the previous award year; the number of students who earned an associate or baccalaureate degree in the previous academic year; and, when appropriate, the percentage of graduates who, within the past five years, enrolled in a graduate or first-professional degree program. No institution shall receive an allotment, including the minimum allotment under subsection (d), unless the institution provides the data required of that institution by the Secretary.''.

(d) PROFESSIONAL OR GRADUATE INSTITUTIONS.—

(1) DURATION OF GRANT.—Section 326(b) (20 U.S.C. 1063b(b)) is amended by adding at the end the following new sentence: ''Any funds awarded for such five-year grant period that are obligated during such five-year period may be expended during the 10-year period beginning on the first day of such five-year period.''.

(2) AUTHORIZED ACTIVITIES.—Section 326(c) (20 U.S.C. 1063b(c)) is amended—

(A) by striking ''and'' at the end of paragraph (6);

(B) by striking the period at the end of paragraph (7) and inserting a semicolon; and

(C) by adding at the end the following new paragraphs:

''(8) acquisition of real property in connection with the construction, renovation, or addition to or improvement of campus facilities;

''(9) education or financial information designed to improve the financial literacy and economic literacy of students or the students' parents, especially with regard to student indebtedness and student assistance programs under the title IV; and

''(10) technical assistance or services necessary for the implementation of projects or activities that are described in the grant application and that are approved, in advance, by the Secretary, except that not more than two percent of the grant amount may be used for this purpose.''.

(3) ELIGIBILITY.—Section 326(e)(1) (20 U.S.C. 1063b(e)(1)) is amended—

(A) by striking ''and'' at the end of subparagraph (Q);

(B) by striking the period at the end of subparagraph (R) and inserting a semicolon; and

(C) by adding at the end the following new subparagraphs:

''(S) Alabama State University qualified graduate programs;

''(T) Bowie State University qualified graduate programs;

''(U) Delaware State University qualified graduate programs;

''(V) Langston University qualified graduate programs;

''(W) Prairie View A&M University qualified graduate programs; and

''(X) University of the District of Columbia David A. Clarke School of Law.''.

(4) CONFORMING AMENDMENT.—Section 326(e)(3) (20 U.S.C. 1063b(e)(3)) is amended—

(A) by striking ''1998'' and inserting ''2008''; and

(B) by striking ''(Q) and (R)'' and inserting ''(S) through (X)''.

(5) PRESERVATION OF FUNDING.—Section 326(f) (20 U.S.C. 1063b(f)) is amended—

(A) in paragraph (1)—

(i) by striking ''$26,600,000'' and inserting ''$54,500,000''; and

(ii) by striking ''(P)'' and inserting ''(R)'';

(B) in paragraph (2)—

(i) by striking ''$26,600,000, but not in excess of $28,600,000'' and inserting ''$54,500,000, but not in excess of $60,500,000''; and

(ii) by striking ''subparagraphs (Q) and (R)'' and inserting ''subparagraphs (S) through (X)''; and

(C) in paragraph (3)—

(i) by striking ''$28,600,000'' and inserting ''$60,500,000''; and

(ii) by striking ''(R)'' and inserting ''(X)''.

(e) UNEXPENDED FUNDS.—Section 327(b) (20 U.S.C. 1063c(b)) is amended to read as follows:

''(b) USE OF UNEXPENDED FUNDS.—Any funds paid to an institution and not expended or used for the purposes for which the funds were paid during the five-year period following the date of the initial grant award, may be carried over and expended during the succeeding five-year period, if such funds were obligated for a purpose for which the funds were paid during the five-year period following the date of the initial grant award.''.

SEC. 307. ENDOWMENT CHALLENGE GRANTS.

(a) AMOUNTS.—Section 331(b) (20 U.S.C. 1065(b)) is amended—

(1) in paragraph (2)(B)(i), by striking ''$500,000'' and inserting ''$1,000,000''; and

(2) in paragraph (5), by striking ''$50,000'' and inserting ''$100,000''.

(b) TECHNICAL ASSISTANCE.—Section 331 (20 U.S.C. 1065) is further amended by adding at the end the following new subsection:

''(l) TECHNICAL ASSISTANCE.—The Secretary, directly or by grant or contract, may

provide technical assistance to eligible institutions to prepare the institutions to qualify, apply for, and maintain a grant, under this section.''.

SEC. 308. HISTORICALLY BLACK COLLEGE AND UNIVERSITY CAPITAL FINANCING.

(a) DEFINITIONS.—Section 342 (20 U.S.C. 1066a) is amended—

(1) in paragraph (5)(G), by inserting ''by an accrediting agency or association recognized by the Secretary of Education'' after ''agency or association'';

(2) in paragraph (8)—

(A) is amended by striking ''the private'' and inserting ''any private''; and

(B) by inserting adding ''capital project'' after ''issuing taxable''; and

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

''(10) The term 'eligible foundation' means a non-profit foundation owned and sponsored by an eligible institution, or an entity wholly owned by such a foundation.

''(11) The term 'borrower' means the eligible institution or the eligible foundation that receives funding pursuant to a loan.''.

(b) FEDERAL INSURANCE FOR BONDS.—

(1) RESPONSIBILITIES OF DESIGNATED BONDING AUTHORITY.—Section 343(b) (20 U.S.C. 1066b(b)) is amended—

(A) in paragraph (1), by striking ''2 percent'' and inserting ''1 percent'';

(B) in paragraph (3)(A), by inserting '', not to exceed 1 percent,'' after ''charge such interest'';

(C) in paragraph (8)—

(i) by inserting ''for loans closed before June 15, 2008,'' before ''establish an escrow account'';

(ii) in subparagraph (B)(ii), by inserting ''within 90 days'' after ''loan proceeds'';

(D) by striking ''and'' at the end of paragraph (10);

(E) by striking the period at the end of paragraph (11) and inserting a semicolon; and

(F) by adding at the end the following new paragraphs:

''(12) with respect to any such loan, provide that any loan collateralization shall not exceed 100 percent of the loan amount; and

''(13) for loans closed after, June 15, 2008, establish a reserve account which shall be available to the Secretary to pay principal and interest on the bonds in the event of delinquency in loan repayment, which reserve account shall consist of an origination fee of 1 percent with respect to each loan.''.

(2) FORBEARANCE; DEFERMENT.—Section 343 is further amended by adding at the end the follow new subsections:

''(f) FORBEARANCE.—An insurance agreement under this subsection shall contain provisions providing that, upon request from the borrower and with the approval of the Secretary in consultation with the Advisory Board, the designated bond authority shall grant a borrower forbearance, renewable at 12-month intervals, on terms agreed to in writing by the parties to the loan with the approval of the Secretary, and otherwise consistent with the regulations of the Secretary.

''(g) DEFERMENT.—An insurance agreement under this subsection shall contain provisions providing that, during construction or renovation, the Designated Bond Authority shall grant a borrower deferment, renewable at 12-month intervals, on terms agreed to in writing by the parties to the loan with the approval of the Secretary in consultation with the Advisory Board, and otherwise consistent with the regulations of the Secretary.''.

(c) LIMITATIONS ON FEDERAL INSURANCE FOR BONDS ISSUED BY THE DESIGNATED BONDING AUTHORITY.—Section 344(a) (20 U.S.C. 1066c(a)) is amended—

(1) by striking ''$375,000,000'' and inserting ''$1,100,000,000'';

(2) by striking ''$250,000,000'' and inserting ''$733,333,333''; and

(3) by striking ''$125,000,000'' and inserting ''$366,666,666''.

(d) AUTHORITY OF THE SECRETARY.—Section 345(1) (20 U.S.C. 1066d(1)) is amended—

(1) by striking ''the Higher Education Amendments of 1992,'' and inserting ''the College Opportunity and Affordability Act of 2008'';

(2) by striking ''and'' at the end of subparagraph (A); and

(3) by inserting after subparagraph (B) the following new subparagraphs:

''(C) specify up to 3 designated bonding authorities to be authorized under this part; and

''(D) provide for periodic review of designated bonding authority authorizations no less frequently than every 3 years;''.

(e) HBCU CAPITAL FINANCING ADVISORY BOARD.—Section 347(b)(1) (20 U.S.C. 1066f(b)(1)) is amended—

(1) by striking out ''9 members'' and inserting ''11 members'';

(2) in subparagraph (C), by striking ''two'' and inserting ''three'';

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

''(G) The president of the Thurgood Marshall Scholarship Fund.''.

SEC. 309. PROGRAMS IN STEM FIELDS.

(a) YES PARTNERSHIPS; ENTRY INTO STEM FIELDS.—Part E of title III (20 U.S.C.1067 et seq.) is amended—

(1) by redesignating subpart 2 as subpart 3; and

(2) by inserting after subpart 1 the following new subpart:

''Subpart 2—Programs in STEM Fields

''SEC. 355. YES PARTNERSHIPS GRANT PROGRAM.

''(a) GRANT PROGRAM AUTHORIZED.—Subject to the availability of appropriations to carry out this subpart, the Secretary shall make grants to eligible partnerships (as described in subsection (f)) to support underrepresented minority youth engagement in science, technology, engineering, and mathematics through outreach and hands-on, experiential-based learning projects that encourage underrepresented minority students in kindergarten through grade 12 to pursue careers in science, technology, engineering, and mathematics.

''(b) MINIMUM GRANT AMOUNT.—A grant awarded to a partnership under this subpart shall be for an amount that is not less than $500,000.

''(c) DURATION.—A grant awarded under this subpart shall be for a period of 5 years.

''(d) NON-FEDERAL MATCHING SHARE REQUIRED.—A partnership receiving a grant under this subpart shall provide, from non-Federal sources, in cash or in kind, an amount equal to 50 percent of the costs of the project supported by such grant.

''(e) DISTRIBUTION OF GRANTS.—In awarding grants under this subpart, the Secretary shall ensure that, to the maximum extent practicable, the projects funded under this subpart are located in diverse geographic regions of the United States.

''(f) ELIGIBLE PARTNERSHIPS.—Notwithstanding the general eligibility provision in section 361, eligibility to receive grants under this subpart is limited to partnerships described in paragraph (5) of such section.

''SEC. 356. PROMOTION OF ENTRY INTO STEM FIELDS.

''(a) AUTHORITY TO CONTRACT, SUBJECT TO APPROPRIATIONS.—The Secretary of Education is authorized to enter into a contract with a firm with a demonstrated record of success in advertising to implement a campaign to expand the population of qualified individuals in science, technology, engineering, and math (STEM) fields by encouraging young Americans to enter the those fields.

''(b) DESIGN OF CAMPAIGN.—Such a campaign shall be designed to enhance the image of education and professions in the STEM fields and promote participation in the STEM fields and shall include—

''(1) monitoring trends in youth attitudes toward pursuing education and professions in the STEM fields and their propensity toward entering the STEM fields;

''(2) determining what factors contribute to encouraging and discouraging Americans from pursuing study in STEM fields and entering the STEM fields professionally;

''(3) determining what specific factors limit the participation of groups currently underrepresented in STEM fields, including Latinos, African-Americans, and women; and

''(4) drawing from the market research performed under this section and implementing an advertising campaign to encourage young Americans to take up studies in STEM fields, beginning at an early age.

''(c) REQUIRED COMPONENTS.—Such a campaign shall include components that focus tailored messages on appropriate age groups, starting with elementary school students. Such a campaign shall link participation in the STEM fields to the concept of service to one's country, so that young people will be encouraged to enter the STEM fields in order fulfill the obligation to be of service to their country.

''(d) PRIORITY.—Such a campaign shall hold as a high priority making specific appeals to Latinos, African-Americans, and women, who are currently under-represented in the STEM fields, in order to increase their numbers in the STEM fields, and shall tailor recruitment efforts to each specific group.

''(e) USE OF VARIETY OF MEDIA.—Such a campaign shall make use of a variety of media, with an emphasis on television advertising, to reach its intended audience.

''(f) TEACHING.—Such a campaign shall include a narrowly focused effort to attract current professionals in the STEM fields, through advertising in mediums likely to reach that specific group, into teaching in a STEM field in elementary and secondary school.

''SEC. 357. EVALUATION AND ACCOUNTABILITY PLAN.

''The Secretary shall develop an evaluation and accountability plan for projects funded under this subpart. Such plan shall include, if the Secretary determines that it is practical, an objective measure of the impact of such projects, such as a measure of whether underrepresented minority student enrollment in courses related to science, technology, engineering, and mathematics increases at the secondary and postsecondary levels.''.

(b) ELIGIBILITY FOR GRANTS.—Section 361 (20 U.S.C. 1067g) is amended—

(1) by striking ''or'' at the end of paragraph (3);

(2) in paragraph (4)—

(A) by inserting ''to include public institutions of higher education'' after ''organizations,'';

(B) in subparagraph (C), by inserting before the semicolon the following: '', the Department of Defense, or the National Science Foundation'';

(C) by striking ''or'' at the end of subparagraph (D);

(D) by striking the period at the end of subparagraph (E) and inserting ''; or''; and

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

''(F) institutions of higher education which have State-approved centers for research in science, technology, engineering, and mathematics; or''; and

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

''(5) only with respect to grants under subpart 2, partnerships of organizations, the membership of which shall include—

''(A) at least one institution of higher education eligible for assistance under this title or title V;

''(B) at least one high need local educational agency (as defined in section 200); and

''(C) at least two community organizations or entities, such as businesses, professional associations, community-based organizations, philanthropic organizations, or State agencies.''.

SEC. 310. TECHNICAL ASSISTANCE.

Section 391 (20 U.S.C. 1068) is amended by adding at the end the following new subsection:

''(e) TECHNICAL ASSISTANCE.—The Secretary, directly or by grant or contract, may provide technical assistance to eligible institutions to prepare the institutions to qualify, apply for, and maintain a grant, under this title.''.

SEC. 311. WAIVER AUTHORITY.

(a) Section 392 (20 U.S.C. 1068a) is amended by adding at the end the following new subsection:

''(c) WAIVER AUTHORITY WITH RESPECT TO INSTITUTIONS LOCATED IN AN AREA AFFECTED BY A GULF HURRICANE DISASTER.—

''(1) WAIVER AUTHORITY.—Notwithstanding any other provision of the law unless enacted with specific reference to this section, for any affected institution that was receiving assistance under this title at the time of a Gulf hurricane disaster, the Secretary shall, for each of the fiscal years 2009 through 2013—

''(A) waive—

''(i) the eligibility data requirements set forth in section 391(d);

''(ii) the wait-out period set forth in section 313(d);

''(iii) the allotment requirements under section 324; and

''(iv) the use of the funding formula developed pursuant to section 326(f)(3);

''(B) waive or modify any statutory or regulatory provision to ensure that affected institutions that were receiving assistance under this title at the time of a Gulf hurricane disaster are not adversely impacted by any formula calculation for fiscal year 2009 or for any of the 4 succeeding fiscal years; and

''(C) make available to each affected institution an amount that is not less than the amount made available to such institution under this title for fiscal year 2006.

''(2) DEFINITIONS.—In this subsection:

''(A) AFFECTED INSTITUTION.—The term 'affected institution' means an institution of higher education that—

''(i) is—

''(I) a part A institution, as such term is defined in section 312(b);

''(II) an American Indian Tribal College or University, as such term is defined in section 316(b);

''(III) an Alaskan Native-serving institution or Native Hawaiian-serving institution, as such terms are defined in section 317(b); or

''(IV) a part B institution, as such term is defined in section 322(2), or as identified in section 326(e) of such Act of 1965 (20 U.S.C. 1063(b));

''(ii) is located in an area affected by a Gulf hurricane disaster; and

''(iii) is able to demonstrate that, as a result of the impact of a Gulf hurricane disaster, the institution—

''(I) incurred physical damage;

''(II) has pursued collateral source compensation from insurance, the Federal Emergency Management Agency, and the Small Business Administration, as appropriate; and

''(III) was not able to fully reopen in existing facilities or to fully reopen to the pre-hurricane enrollment levels during the 30-day period beginning on August 29, 2005.

''(B) AREA AFFECTED BY A GULF HURRICANE DISASTER; GULF HURRICANE DISASTER.—The terms 'area affected by a Gulf hurricane disaster' and 'Gulf hurricane disaster' have the meanings given such terms in section 209 of the Higher Education Hurricane Relief Act of 2005 (Public Law 109–148, 119 Stat. 2809).''.

SEC. 312. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATIONS.—Section 399(a) (20 U.S.C. 1068h(a)) is amended to read as follows:

''(a) AUTHORIZATIONS.—

''(1) PART A.—(A) There are authorized to be appropriated to carry out part A, $150,000,000 (other than sections 316 through 320) for fiscal year 2009, and such sums as may be necessary for each of the 4 succeeding fiscal years.

''(B) There are authorized to be appropriated to carry out section 316, $30,000,000 for fiscal year 2009 and such sums as may be necessary for each of the 4 succeeding fiscal years.

''(C) There are authorized to be appropriated to carry out section 317, $15,000,000 for fiscal year 2009 and such sums as may be necessary for each of the 4 succeeding fiscal years.

''(D) There are authorized to be appropriated to carry out section 318, $75,000,000 for fiscal year 2009 and such sums as may be necessary for each of the 4 succeeding fiscal years.

''(E) There are authorized to be appropriated to carry out section 319, $30,000,000 for fiscal year 2009 and such sums as may be necessary for each of the 4 succeeding fiscal years.

''(F) There are authorized to be appropriated to carry out section 320, $25,000,000 for fiscal year 2009 and such sums as may be necessary for each of the 4 succeeding fiscal years.

''(2) PART B.—(A) There are authorized to be appropriated to carry out part B (other than section 326), $500,000,000 for fiscal year 2009, and such sums as may be necessary for each of the 4 succeeding fiscal years.

''(B) There are authorized to be appropriated to carry out section 326, $125,000,000 for fiscal year 2009, and such sums as may be necessary for each of the 4 succeeding fiscal years.

''(3) PART C.—There are authorized to be appropriated to carry out part C, $20,000,000 for fiscal year 2009, and such sums as may be necessary for each of the 4 succeeding fiscal years.

''(4) PART D.—(A) There are authorized to be appropriated to carry out part D (other than section 345(7), but including section 347), $150,000 for fiscal year 2009, and such sums as may be necessary for each of the 4 succeeding fiscal years.

''(B) There are authorized to be appropriated to carry out section 345(7), such sums as may be necessary for fiscal year 2009 and each of the 4 succeeding fiscal years.

''(5) PART E.—(A) There are authorized to be appropriated to carry out subpart 1 of part E, $12,000,000 for fiscal year 2009 and such sums as may be necessary for each of the 4 succeeding fiscal years.

''(B) There are authorized to be appropriated to carry out subpart 2 of part E, $10,000,000 for fiscal year 2009 and such sums as may be necessary for each of the 4 succeeding fiscal years.''.

(b) MINIMUM GRANT AMOUNT.—Section 399 (20 U.S.C. 1068h) is amended by adding at the end the following:

''(c) MINIMUM GRANT AMOUNT.—The minimum amount of a grant under this title shall be $200,000.''.

SEC. 313. TECHNICAL CORRECTIONS.

(a) AMENDMENTS.—Title III (20 U.S.C. 1051 et seq.) is further amended—

(1) in section 342(5)(C) (20 U.S.C. 1066a(5)(C)), by striking '',,'' and inserting '','';

(2) in section 343(e) (20 U.S.C. 1066b(e)), by inserting ''SALE OF QUALIFIED BONDS.—'' before ''Notwithstanding'';

(3) in the matter preceding clause (i) of section 365(9)(A) (20 U.S.C. 1067k(9)(A)), by striking ''support'' and inserting ''supports'';

(4) in section 391(b)(7)(E) (20 U.S.C. 1068(b)(7)(E)), by striking ''subparagraph (E)'' and inserting ''subparagraph (D)'';

(5) in the matter preceding subparagraph (A) of section 392(b)(2) (20 U.S.C. 1068a(b)(2)), by striking ''eligible institutions under part A institutions'' and inserting ''eligible institutions under part A''; and

(6) in the matter preceding paragraph (1) of section 396 (20 U.S.C. 1068e), by striking ''360'' and inserting ''399''.

(b) REDESIGNATION AND RELOCATION.—The Higher Education Act of 1965 is further amended—

(1) by redesignating part J of title IV (as added by section 802 of the College Cost Reduction and Access Act) as part G of title III, and moving such part from the end of title IV to the end of title III; and

(2) by redesignating section 499A (as added by such section) as section 399A.

TITLE IV—TITLE IV AMENDMENTS

PART A—PART A AMENDMENTS

SEC. 401. FEDERAL PELL GRANTS.

(a) AUTHORIZED MAXIMUMS.—Section 401(b)(2)(A) (20 U.S.C. 1070a(b)(2)(A)) is amended to read as follows:

''(2)(A) The amount of the Federal Pell Grant for a student eligible under this part shall be $9,000 for each of the academic years 2009–2010 through 2013–2014, less an amount equal to the amount determined to be the expected family contribution with respect to that student for that year.''.

(b) MULTIPLE GRANTS.—

(1) AMENDMENT.—Paragraph (5) of section 401(b) is amended to read as follows:

''(5) YEAR-ROUND PELL GRANTS.—The Secretary shall, for students enrolled in a baccalaureate degree, associate's degree, or certificate program of study at an eligible institution, award such students not more than two Pell grants during an award year to permit such students to accelerate progress toward their degree or certificate objectives by enrolling in courses for more than 2 semesters, or 3 quarters, or the equivalent, in a given academic year.''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall be effective July 1, 2009.

(c) INELIGIBILITY BASED ON INVOLUNTARY CIVIL COMMITMENT FOR SEXUAL OFFENSES.—Paragraph (7) of section 401(b) (as redesignated by section 101(a) of the College Cost Reduction and Access Act) is amended by inserting before the period the following: ''or who is subject to an involuntary civil commitment upon completion of a period of incarceration for a forcible or nonforcible sexual offense (as determined in accordance with the Federal Bureau of Investigation's Uniform Crime Reporting Program)''.

(d) TECHNICAL AMENDMENTS TO CCRAA.—Section 401(b)(9) is amended—

(1) by amending subparagraph (D) to read as follows:

''(D) PROGRAM REQUIREMENTS AND OPERATIONS OTHERWISE UNAFFECTED.—Except as provided in subparagraphs (B) and (C), nothing in this paragraph shall be construed to alter the requirements and operations of the Federal Pell Grant Program as authorized under this section, or authorize the imposition of additional requirements or operations for the determination and allocation of Federal Pell Grants under this section.''; and

(2) by amending subparagraph (F) to read as follows:

''(F) AVAILABILITY OF FUNDS.—The amounts made available by subparagraph (A) for any fiscal year shall be available beginning on October 1 of that fiscal year, and shall remain available through September 30 of the succeeding fiscal year.''.

(e) MAXIMUM DURATION OF ELIGIBILITY.—Section 401(c) is amended by adding at the end the following new paragraph:

''(5) The period during which a student may receive Federal Pell Grants shall not exceed the equivalent of 18 semesters or 27 quarters in duration, as determined by the Secretary by regulation. Such regulations shall provide, with respect to a student who received a Federal Pell Grant for a semester or quarter but was enrolled at a fraction of full-time, that only that same fraction of such semester or quarter shall count towards such duration limits. The provisions of this paragraph shall apply only to a student who receives a Federal Pell Grant for the first time on or after July 1, 2008.''.

(f) CALCULATION OF FEDERAL PELL GRANT ELIGIBILITY.—

(1) AMENDMENT.—Section 401(f) of the Higher Education Act of 1965 (20 U.S.C. 1070a(f)) is amended by adding at the end the following new paragraph:

''(4)(A) Notwithstanding paragraph (1) or any other provision of this section, the expected family contribution of each student described in subparagraph (B) shall be deemed to be zero for the period during which each such student is eligible to receive a Federal Pell Grant under subsection (c).

''(B) Subparagraph (A) shall apply to any student at an institution of higher education—

''(i) whose parent or guardian was a member of the Armed Forces of the United States who died as a result of performing military service in Iraq or Afghanistan after September 11, 2001; and

''(ii) who was 18 years or less, or was enrolled as a full-time or part-time student at an institution of higher education, as of the time of the parent or guardian's death.''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply with respect to Federal Pell Grants awarded for academic year 2009–2010, and each succeeding academic year.

(g) ACADEMIC COMPETITIVENESS GRANTS.—Section 401A (as amended by section 8003 of Public Law 109–171)—

(1) in subsection (b), by striking ''academic'' each place it appears;

(2) in subsection (c)—

(A) in the matter preceding paragraph (1)—

(i) by striking ''academic'' and inserting ''award''; and

(ii) by striking ''full–time''; and

(B) by amending paragraph (1) to read as follows:

''(1) is an eligible student under section 484, including being enrolled or accepted for enrollment in a degree, certificate, or other eligible program leading to a recognized educational credential at an institution of higher education;''; and

(C) in paragraph (3)—

(i) by striking ''academic'' each place it appears;

(ii) by striking ''established by a State or local educational agency and recognized as such by the Secretary'' each place it appears in subparagraphs (A)(i) and (B)(i) and inserting ''that prepares students for college and work beyond the basic graduation requirements and that is recognized as such by the designated State official, or with respect to any private school or home school, the designated school official for such school, consistent with State law'';

(iii) in subparagraph (A)(ii), by inserting '', except as part of a secondary school program of study'' before the semicolon;

(iv) in subparagraph (C)—

(I) by striking clause (i)(II) and inserting the following:

''(II) a critical foreign language; and''; and

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

(v) by adding at the end the following:

''(D) the third or fourth year of a program of undergraduate education at an institution of higher education (as defined in section 101(a)) that demonstrates, to the satisfaction of the Secretary, that the institution—

''(i) offers a single liberal arts curriculum leading to a baccalaureate degree, under which students are not permitted by the institution to declare a major in a particular subject area, and those students—

''(I) study, in such years, a subject described in subparagraph (C)(i) that is at least equal to the requirements for an academic major at an institution of higher education that offers a baccalaureate degree in such subject, as certified by an appropriate official from the institution; or

''(II) has obtained a cumulative grade point average of at least 3.0 (or the equivalent as determined under regulations prescribed by the Secretary) in the relevant coursework; and

''(ii) offered such curriculum prior to February 8, 2006.'';

(3) in subsection (d)—

(A) in paragraph (1)(A)—

(i) in clause (i), by inserting ''for one academic year during the student's first year of enrollment'' after ''$750'';

(ii) in clause (ii), by inserting ''for one academic year during the student's second year of enrollment'' after ''$1,300''; and

(iii) in clause (iii)—

(I) by inserting ''for one academic year'' after ''$4,000''; and

(II) by striking ''subsection (c)(3)(C).'' and inserting ''subparagraph (C) or (D) of subsection (c)(3), for each of the 2 years described in such subparagraphs; or'';

(B) in paragraph (2)—

(i) in subparagraph (A)—

(I) by striking ''an academic'' and inserting ''a''; and

(II) by striking ''(B), or (C)'' and inserting ''(B), (C), or (D)''; and

(ii) in subparagraph (B)—

(I) by striking ''or'' at the end of clause (ii); and

(II) by striking clause (iii) and inserting the following:

''(iii) two academic years under subsection (c)(3)(C); or

''(iv) two academic years under subsection (c)(3)(D).''; and

(C) by adding at the end the following new paragraph:

''(3) ADJUSTMENT FOR LESS THAN FULL-TIME ENROLLMENT.—A grant awarded under this section to an eligible student who attends an eligible institution on a less than full-time (but at least half-time or more) basis shall be reduced in the same proportion as would a Federal Pell Grant pursuant to section 401(b)(2)(B).''; and

(4) in subsection (g), by striking ''academic'' and inserting ''award''.

SEC. 402. FEDERAL TRIO PROGRAMS.

(a) PROGRAM AUTHORITY; AUTHORIZATION OF APPROPRIATIONS.—Section 402A (20 U.S.C. 1070a–11) is amended—

(1) in subsection (b)—

(A) in paragraph (1)—

(i) by inserting ''community-based organizations with experience in serving disadvantaged youth'' after ''private agencies and organizations''; and

(ii) by striking ''in exceptional circumstances,'';

(B) in paragraph (2)—

(i) in the matter preceding subparagraph (A), by striking ''4'' and inserting ''5''; and

(ii) by amending subparagraph (A) to read as follows:

''(A) to synchronize the awarding of grants for programs under this chapter, the Secretary may, under such terms as are consistent with the purposes of this chapter, provide a one-time, limited extension of the length of such an award;''; and

(C) by striking paragraph (3) and inserting the following:

''(3) MINIMUM GRANTS.—Unless the institution or agency requests a smaller amount, an individual grant authorized under this chapter shall be awarded in an amount that is not less than $200,000, except that an individual grant authorized under section 402G shall be awarded in an amount that is not less than $170,000.'';

(2) in subsection (c)—

(A) in paragraph (2)—

(i) by striking ''(2) PRIOR EXPERIENCE.—In'' and inserting the following:

''(2) CONSIDERATIONS.—(A) PRIOR EXPERIENCE.—In'';

(ii) by striking ''service delivery'' and inserting ''high quality service delivery, as determined under subsection (f),''; and

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

''(B) PARTICIPANT NEED.—In making grants under this chapter, the Secretary shall consider the number, percentages, and needs of eligible participants in the area, college, or school or schools to be served to aid such participants in preparing for, enrolling in, or succeeding in college, as appropriate to the particular program for which the eligible entity is applying.'';

(B) in paragraph (3)(B), by striking ''is not required to'' and inserting ''shall not'';

(C) in paragraph (5), by striking ''campuses'' and inserting ''different campuses''; and

(D) in paragraph (6), by adding at the end the following new sentence: ''The Secretary shall require each applicant for funds under the programs authorized by this chapter to identify services to foster care youth (including youth in foster care and youth who have left foster care after reaching age 16) as a permissible service in those programs, and to ensure that such youth receive supportive services, including mentoring, tutoring, and other services provided by those programs.'';

(3) in subsection (e)—

(A) by striking ''(g)(2)'' each place it appears and inserting ''(h)(4)''; and

(B) by adding at the end the following new paragraph:

''(3) Notwithstanding this subsection and subsection (i)(4), individuals who are homeless or unaccompanied youth as defined in section 725 of the McKinney-Vento Homeless Assistance Act shall be eligible to participate in programs under sections 402B, 402C, 402D, and 402F of this chapter.'';

(4) by redesignating subsections (f) and (g) as subsections (g) and (h), respectively;

(5) by inserting after subsection (e) the following:

''(f) OUTCOME CRITERIA.—

''(1) USE FOR PRIOR EXPERIENCE DETERMINATION.—The Secretary shall use the outcome criteria described in paragraphs (2) and (3) to evaluate the programs provided by a recipient of a grant under this chapter, and the Secretary shall determine an eligible entity's prior experience of high quality service delivery, as required under subsection (c)(2), based on the outcome criteria.

''(2) DISAGGREGATION OF RELEVANT DATA.—The outcome criteria under this subsection shall be disaggregated by low-income students, first generation college students, and individuals with disabilities, in the schools and institutions of higher education served by the program to be evaluated.

''(3) CONTENTS OF OUTCOME CRITERIA.—The outcome criteria under this subsection shall measure, annually and for longer periods, the quality and effectiveness of programs authorized under this chapter and shall include the following:

''(A) For programs authorized under section 402B, the extent to which the eligible entity met or exceeded the entity's objectives established in the entity's application for such program regarding—

''(i) the delivery of service to a total number of students served by the program;

''(ii) the continued secondary school enrollment of such students;

''(iii) the graduation of such students from secondary school;

''(iv) the completion by such students of a rigorous secondary school program of study that will make them eligible for programs such as the Academic Competitiveness Grants; and

''(v) the enrollment of such students in an institution of higher education.

''(B) For programs authorized under section 402C, the extent to which the eligible entity met or exceeded the entity's objectives for such program regarding—

''(i) the delivery of service to a total number of students served by the program, as agreed upon by the entity and the Secretary for the period;

''(ii) such students' school performance, as measured by the grade point average, or its equivalent;

''(iii) such students' academic performance, as measured by standardized tests, including tests required by the students' State;

''(iv) the retention in, and graduation from, secondary school of such students;

''(v) the completion by such students of a rigorous secondary school program of study that will make them eligible for programs such as the Academic Competitiveness Grants; and

''(vi) the enrollment of such students in an institution of higher education.

''(C) For programs authorized under section 402D—

''(i) the extent to which the eligible entity met or exceeded the entity's objectives regarding the retention in postsecondary education of the students served by the program;

''(ii)(I) in the case of an entity that is an institution of higher education offering a baccalaureate degree, the extent to which the percentage of students served by the program who completed degree programs met or exceeded the entity's objectives; or

''(II) in the case of an entity that is an institution of higher education that does not offer a baccalaureate degree, the extent to which the students served by the entity met or exceeded s objectives regarding—

''(aa) the completion of a degree or certificate; and

''(bb) the transfer to institutions of higher education that offer baccalaureate degrees;

''(iii) the extent to which the entity met or exceeded the entity's objectives regarding the delivery of service to a total number of students, as agreed upon by the entity and the Secretary for the period; and

''(iv) the extent to which the entity met or exceeded the entity's objectives regarding such students remaining in good academic standing.

''(D) For programs authorized under section 402E, the extent to which the entity met or exceeded the entity's objectives for such program regarding—

''(i) the delivery of service to a total number of students, as agreed upon by the entity and the Secretary for the period;

''(ii) the provision of appropriate scholarly and research activities for the students served by the program;

''(iii) the acceptance and enrollment of such students in graduate programs; and

''(iv) the continued enrollment of such students in graduate study and the attainment of doctoral degrees by former program participants.

''(E) For programs authorized under section 402F, the extent to which the entity met or exceeded the entity's objectives for such program regarding—

''(i) the enrollment of students without a secondary school diploma or its recognized equivalent, who were served by the program, in programs leading to such diploma or equivalent;

''(ii) the enrollment of secondary school graduates who were served by the program in programs of postsecondary education;

''(iii) the delivery of service to a total number of students, as agreed upon by the entity and the Secretary for the period; and

''(iv) the provision of assistance to students served by the program in completing financial aid applications and college admission applications.

''(4) MEASUREMENT OF PROGRESS.—In order to determine the extent to which an outcome criterion described in paragraph (2) or (3) is met or exceeded, the Secretary shall compare the agreed upon target for the criterion, as established in the eligible entity's application approved for funding by the Secretary, with the results for the criterion, measured as of the last day of the applicable time period for the determination for each outcome criteria.

''(5) APPEALS.—(A) Upon a determination by the Secretary not to accept an application, or upon a determination by the Secretary through the peer review process as specified in subsection (c)(4) not to fund an application, for any program under this chapter, the Secretary shall allow such applicant to appeal the funding decision. An applicant may submit a written request for reconsideration of the application, with appropriate documentary evidence, to the Secretary.

''(B) For appeals regarding the awarding of points for prior experience of high quality service delivery or a decision not to read an application or any mishandling of such application, a panel of three Department employees appointed by the Secretary shall review each request for reconsideration. The panel shall review the request for the purpose of identifying any technical errors or administrative problems with the scoring of the application, the awarding of prior experience points, or the handling of the application, including any decision not to read an application. The panel shall make its recommendations to the Secretary in writing.

''(C) For appeals regarding scoring decisions by the peer review panel, the Secretary shall refer the application to a second peer review panel.

''(D) In each instance, after the Secretary or the Secretary's designee considers the recommendations of the panel and makes a final decision, the Secretary shall notify each entity requesting reconsideration under this paragraph regarding the status of their appeal within 90 days after the date the applicant submitted the appeal.'';

(6) in subsection (g) (as redesignated by paragraph (4))—

(A) in the first sentence, by striking ''$700,000,000 for fiscal year 1999'' and all that follows through the period and inserting ''$950,000,000 for fiscal year 2009 and such sums for each of the 4 succeeding fiscal years.''; and

(B) by striking the fourth sentence; and

(7) in subsection (h) (as redesignated by paragraph (4))—

(A) by redesignating paragraphs (1) through (4) as paragraphs (3) through (6), respectively;

(B) by inserting before paragraph (3) (as redesignated by subparagraph (A)) the following:

''(1) DIFFERENT CAMPUS.—The term 'different campus' means a site of an institution of higher education that—

''(A) is geographically apart from the main campus of the institution;

''(B) is permanent in nature; and

''(C) offers courses in educational programs leading to a degree, certificate, or other recognized educational credential.

''(2) DIFFERENT POPULATION.—The term 'different population' means a group of individuals that an eligible entity desires to serve through an application for a grant under this chapter, and that—

''(A) is separate and distinct from any other population that the entity has applied for a grant under this chapter to serve; or

''(B) while sharing some of the same needs as another population that the eligible entity has applied for a grant under this chapter to serve, has distinct needs for specialized services.'';

(C) in paragraph (5) (as redesignated by subparagraph (A))—

(i) in subparagraph (A)—

(I) by striking '', any part of which occurred after January 31, 1955,''; and

(II) by striking ''or'' after the semicolon;

(ii) in subparagraph (B)—

(I) by striking ''after January 31, 1955,''; and

(II) by striking the period at the end and inserting a semicolon; and

(iii) by adding at the end the following:

''(C) was a member of a reserve component of the Armed forces called to active duty for a period of more than 180 days; or

''(D) was a member of a reserve component of the Armed Forces who served on active duty in support of a contingency operation (as that term is defined in section 101(a)(13) of title 10, United States Code) on or after September 11, 2001.''; and

(D) in paragraph (6), by striking ''subparagraph (A) or (B) of paragraph (3)'' and inserting ''subparagraph (A), (B), or (C) of paragraph (5)''.

(b) TALENT SEARCH.—Section 402B(b)(10) (20 U.S.C. 1070a–12(b)(10)) is amended by inserting '', groups of persons from disadvantaged backgrounds that have particular lower educational access or outcomes, or disconnected students'' after ''limited English proficiency''.

(c) UPWARD BOUND.—Section 402C (20 U.S.C. 1070a–13) is amended—

(1) in subsection (b)(11), by inserting '', including mathematics and science preparation,'' after ''special services'';

(2) in subsection (b)(12), by inserting '', groups of persons from disadvantaged backgrounds that have particular lower educational access or outcomes, or disconnected students'' after ''limited English proficiency''; and

(3) by adding at the end the following:

''(f) ABSOLUTE PRIORITY PROHIBITED IN UPWARD BOUND PROGRAM.—Upon enactment of this subsection and except as otherwise expressly provided by amendment to this section, the Secretary shall not continue implement or enforce the absolute priority for Upward Bound Program published by the Department of Education in the Federal Register on September 22, 2006 (71 Fed. Reg. 55447 et seq.). This subsection shall not be applied retroactively. In implementing this subsection, the Department shall allow the programs and participants chosen in the grant cycle to which the priority applies to continue their grants and participation without a further recompetition. The entities shall not be required to apply the absolute priority conditions or restrictions to future participants.''.

(d) STUDENT SUPPORT SERVICES.—Section 402D(b)(10) (20 U.S.C. 1070a–14(b)(10)) is amended by inserting '', groups of persons from disadvantaged backgrounds that have particular lower educational access or outcomes, or disconnected students'' after ''limited English proficiency''.

(e) AMENDMENT TO POSTBACCALAUREATE ACHIEVEMENT PROGRAM.—Section 402E(c)(2) (20 U.S.C. 1070a–15(c)(2)) is amended by inserting '', including Native Hawaiians, as defined section 317(b)(3), and Pacific Islanders'' after ''graduate education''.

(f) EDUCATIONAL OPPORTUNITY CENTERS.—Section 402F(b)(10) (20 U.S.C. 1070a–16(b)(10)) is amended by inserting '', groups of persons from disadvantaged backgrounds that have particular lower educational access or outcomes, or disconnected students'' after ''limited English proficiency''.

(g) STAFF DEVELOPMENT ACTIVITIES.—Section 402G(b) (20 U.S.C. 1070a–17(b)) is amended by adding at the end the following new paragraph:

''(5) Strategies for recruiting and serving hard-to-reach populations, including students of limited English proficiency, groups of persons from disadvantaged backgrounds that have particular lower educational access or outcomes, disconnected students, and students with disabilities.''.

(h) REPORTS, EVALUATIONS, AND GRANTS FOR PROJECT IMPROVEMENT AND DISSEMINATION.—Section 402H (20 U.S.C. 1070a–18) is amended—

(1) by striking the section heading and inserting ''reports, evaluations, and grants for project improvement and dissemination.'';

(2) by redesignating subsections (a) through (c) as subsections (b) through (d), respectively;

(3) by inserting before subsection (b) (as redesignated by paragraph (2)) the following:

''(a) REPORTS TO THE AUTHORIZING COMMITTEES.—The Secretary shall submit annually to the authorizing committees a report that documents the performance of all programs funded under this chapter. The report shall—

''(1) be submitted not later than 24 months after the eligible entities receiving funds under this chapter are required to report their performance to the Secretary;

''(2) focus on the programs' performance on the relevant outcome criteria determined under section 402A(f)(4);

''(3) aggregate individual project performance data on the outcome criteria in order to provide national performance data for each program;

''(4) include, when appropriate, descriptive data, multi-year data, and multi-cohort data; and

''(5) include comparable data on the performance nationally of low-income students, first-generation students, and students with disabilities.''; and

(4) in subsection (b) (as redesignated by paragraph (2)), by striking paragraph (2) and inserting the following:

''(2) PRACTICES.—

''(A) IN GENERAL.—The evaluations described in paragraph (1) shall identify institutional, community, and program or project practices that are particularly effective in—

''(i) enhancing the access of low-income individuals and first-generation college students to postsecondary education;

''(ii) the preparation of the individuals and students for postsecondary education; and

''(iii) fostering the success of the individuals and students in postsecondary education.

''(B) PRIMARY PURPOSE.—Any evaluation conducted under this chapter shall have as its primary purpose the identification of particular practices that further the achievement of the outcome criteria determined under section 402A(f)(4).

''(C) DISSEMINATION AND USE OF EVALUATION FINDINGS.—The Secretary shall disseminate to eligible entities and make available to the public the practices identified under subparagraph (B). Such practices may be used by eligible entities that receive assistance under this chapter after the dissemination.

''(3) RECRUITMENT.—The Secretary shall not require an eligible entity desiring to receive assistance under this chapter to recruit students to serve as a control group for purposes of evaluating any program or project assisted under this chapter.

''(4) CONSIDERATION.—When designing an evaluation under this subsection, the Secretary shall consider—

''(A) the burden placed upon the program participants or the eligible entity; and

''(B) approval by the institution's institutional review board.''.

SEC. 403. GEARUP AMENDMENTS.

(a) ELIGIBLE STUDENTS.—Section 404A(a) (20 U.S.C. 1070a–21(a)) is amended—

(1) in paragraph (1), by inserting '', including students with disabilities,'' after ''low-income students''; and

(2) in paragraph (2)(A), by inserting '', including students with disabilities,'' after ''secondary school students''.

(b) AWARD PERIOD; PRIORITY.—Section 404A(b) (20 U.S.C. 1070a–21(b)) is amended by striking paragraph (2) and inserting the following:

''(2) AWARD PERIOD.—The Secretary may award a grant under this chapter to an eligible entity described in paragraphs (1) and (2) of subsection (c) for 7 years.

''(3) PRIORITY.—In making awards to eligible entities described in subsection (c)(1), the Secretary shall—

''(A) give priority to eligible entities that—

''(i) on the day before the date of enactment of the College Opportunity and Affordability Act of 2008, carried out successful educational opportunity programs under this chapter (as this chapter was in effect on such day); and

''(ii) have a prior, demonstrated commitment to early intervention leading to college access through collaboration and replication of successful strategies; and

''(B) ensure that students served under this chapter on the day before the date of enactment of the College Opportunity and Affordability Act of 2008 continue to receive assistance through the completion of secondary school.''.

(c) REQUIREMENTS: CONTINUITY OF SERVICES.—

(1) COHORT APPROACH.—Section 404B(g)(1) (20 U.S.C. 1070a–22(g)(1)) is amended—

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

(B) in subparagraph (B)—

(i) by inserting ''and provide the option of continued services through the student's first year of attendance at an institution of higher education'' after ''grade level''; and

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

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

''(C) provide services under this chapter to students who have received services under a previous GEAR UP grant award but have not yet completed the 12th grade.''.

(2) EARLY INTERVENTION.—Section 404D (20 U.S.C. 1070a–24) is amended—

(A) in subsection (a)(1)(B)—

(i) by striking ''and'' at the end of clause (ii);

(ii) by striking the period at the end of clause (iii) and inserting ''; and''; and

(iii) by adding at the end the following new clause:

''(iv) the transition to college or postsecondary education through continuity of services to support students in and through the first year of attendance at an institution of higher education.'';

(B) in subsection (b)(2)(A)—

(i) by inserting ''and students in the first year of attendance at an institution of higher education'' after ''grade 12'';

(ii) by striking ''and'' at the end of clause (i);

(iii) by striking the period at the end of clause (ii) and inserting ''; and''; and

(iv) by adding at the end the following new clause:

''(iii) may include special programs or tutoring in science, technology, engineering, or mathematics.''; and

(C) in subsection (c)—

(i) in the matter preceding paragraph (1), by striking ''grade 12 who is eligible'' and inserting ''grade 12, and may consider a student in the first year of attendance at an institution, who is'';

(ii) in paragraph (1), by inserting ''eligible'' before ''to be counted'';

(iii) in paragraph (2), by inserting ''eligible'' before ''for free'', and by striking ''or'';

(iv) in paragraph (3), by inserting ''eligible'' before ''for assistance'', and by striking the period and inserting ''; or''; and

(v) by adding at the end the following new paragraph:

''(4) a disconnected student.''.

(d) FLEXIBILITY IN MEETING MATCHING REQUIREMENTS.—Section 404C (20 U.S.C. 1070a–23) is amended—

(1) in subsection (b)—

(A) in paragraph (1)(A), by inserting ''and accrued over the full duration of the grant award period'' after ''in cash or in kind'';

(B) in paragraph (2), by adding at the end the following new sentence: ''Eligible entities may request a reduced match percentage at the time of application or by petition subsequent to a grant award, provided that an eligible entity can demonstrate a change in circumstances that was unknown at the time of application.''; and

(C) by adding at the end the following new paragraph:

''(3) ADDITIONAL SPECIAL RULE.—To encourage eligible entities described in 404A(c) to provide students under this chapter with financial assistance for postsecondary education, each dollar of non-Federal funds obligated under subsection (c)(1) and (c)(2) shall, for purposes of paragraph (1)(A) of this subsection, be treated as 2 dollars.''; and

(2) in subsection (c)—

(A) in paragraph (1), by striking ''paid to students from State, local, institutional, or private funds under this chapter'' and inserting ''obligated to students from State, local, institutional, or private funds under this chapter, including pre-existing , non-Federal financial assistance programs'';

(B) by striking ''and'' at the end of paragraph (2);

(C) by striking the period at the end of paragraph (3) and inserting ''; and''; and

(D) by adding at the end the following new paragraph:

''(4) other resources recognized by the Secretary, including equipment and supplies, cash contribution from non-Federal sources, transportation expenses, in-kind or discounted program services, indirect costs, and facility usage.''.

(e) EARLY INTERVENTION.—Section 404D (20 U.S.C. 1070a–24) is amended—

(1) in subsection (b)(2)(A)(ii), by striking ''and academic counseling'' and inserting '', academic counseling, and financial literacy and economic literacy education or counseling'';

(2) in subsection (b)(2), by adding at the end the following new subparagraphs:

''(F) Fostering and improving parent and family involvement in elementary and secondary education by promoting the advantages of a college education, and emphasizing academic admission requirements and the need to take college preparation courses, through parent engagement and leadership activities.

''(G) Engaging entities described in section 404A(c)(2)(C) in a collaborative manner to provide matching resources and participate in other activities authorized under this section.

''(H) Disseminating information that promotes the importance of higher education, explains college preparation and admission requirements, and raises awareness of the resources and services provided by the eligible entities described in section 404A(c) to eligible students, their families, and communities.''; and

(3) by adding at the end of subsection (b) the following new paragraph:

''(3) ADDITIONAL PERMISSIBLE ACTIVITIES FOR STATES.—In meeting the requirements of subsection (a), an eligible entity described in section 404A(c) (1) receiving funds under this chapter may, in addition to the activities authorized by paragraph (2) of this subsection, use funds to provide technical assistance to—

''(A) middle schools or secondary schools that are located within the State; or

''(B) partnerships described in section 404A(c)(2) that are located within the State.''.

(f) SCHOLARSHIP COMPONENT.—Section 404E(b)(2) (20 U.S.C. 1070a–25) is amended by striking ''the maximum Federal Pell Grant'' and inserting ''the minimum Federal Pell Grant''.

(g) AUTHORIZATION OF APPROPRIATIONS.—Section 404H (20 U.S.C. 1070a–31) is amended by striking ''$200,000,000 for fiscal year 1999 and such sums as may be necessary for each of the 4 succeeding fiscal years'' and inserting ''$400,000,000 for fiscal year 2009 and such sums as may be necessary for each of the 4 succeeding fiscal years''.

SEC. 404. ACADEMIC ACHIEVEMENT INCENTIVE SCHOLARSHIPS.

Chapter 3 of subpart 2 of part A of title IV (20 U.S.C. 1070a–31 et seq.) is repealed.

SEC. 405. FEDERAL SUPPLEMENTAL EDUCATIONAL OPPORTUNITY GRANTS.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 413A(b)(1) (20 U.S.C. 1070b(b)(1)) is amended by striking ''$675,000,000 for fiscal year 1999'' and inserting ''$875,000,000 for fiscal year 2009''.

(b) ALLOWANCE FOR BOOKS AND SUPPLIES.—Section 413D(c)(3)(D) (20 U.S.C. 1070b–3(c)(3)(D)) is amended by striking ''$450'' and inserting ''$600''.

SEC. 406. GRANTS FOR ACCESS AND PERSISTENCE.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 415A(b) (20 U.S.C. 1070c(b)) is amended by striking paragraphs (1) and (2) and inserting the following:

''(1) IN GENERAL.—There are authorized to be appropriated to carry out this subpart $200,000,000 for fiscal year 2009 and such sums as may be necessary for each of the 4 succeeding fiscal years.

''(2) RESERVATION.—For any fiscal year for which the amount appropriated under paragraph (1) exceeds $30,000,000, the excess amount shall be available to carry out section 415E.''.

(b) APPLICATIONS FOR LEVERAGING EDUCATIONAL ASSISTANCE PARTNERSHIP PROGRAMS.—Section 415C(b) (20 U.S.C. 1070c–2(b)) is amended—

(1) in paragraph (2), by striking ''$5,000'' and inserting ''$12,500'';

(2) in paragraph (9), by striking ''and'' after the semicolon;

(3) in paragraph (10), by striking the period at the end and inserting ''; and''; and

(4) by adding at the end the following:

''(11) provides notification to eligible students that such grants are—

''(A) Leveraging Educational Assistance Partnership Grants; and

''(B) funded by the Federal Government and the State.''.

(c) GRANTS FOR ACCESS AND PERSISTENCE.—Section 415E (20 U.S.C. 1070c–3a) is amended to read as follows:

''SEC. 415E. GRANTS FOR ACCESS AND PERSISTENCE.

''(a) PURPOSE.—It is the purpose of this section to expand college access and increase college persistence by making allotments to States to enable the States to—

''(1) expand and enhance partnerships with institutions of higher education, early information and intervention, mentoring, or outreach programs, private corporations, philanthropic organizations, and other interested parties to carry out activities under this section and to provide coordination and cohesion among Federal, State, and local governmental and private efforts that provide financial assistance to help low-income students attend college;

''(2) provide need-based access and persistence grants to eligible low-income students;

''(3) provide early notification to low-income students of their eligibility for financial aid; and

''(4) encourage increased participation in early information and intervention, mentoring, or outreach programs.

''(b) ALLOTMENTS TO STATES.—

''(1) IN GENERAL.—

''(A) AUTHORIZATION.—From sums reserved under section 415A(b)(2) for each fiscal year, the Secretary shall make an allotment to each State that submits an application for an allotment in accordance with subsection (c) to enable the State to pay the Federal share of the cost of carrying out the activities under subsection (d).

''(B) DETERMINATION OF ALLOTMENT.—In making allotments under subparagraph (A), the Secretary shall consider the following:

''(i) CONTINUATION OF AWARD.—If a State continues to meet the specifications established in its application under subsection (c), the Secretary shall make an allotment to such State that is not less than the allotment made to such State for the previous fiscal year.

''(ii) PRIORITY.—The Secretary shall give priority in making allotments to States that meet the requirements under paragraph (2)(B)(ii).

''(2) FEDERAL SHARE.—

''(A) IN GENERAL.—The Federal share of the cost of carrying out the activities under subsection (d) for any fiscal year shall not exceed 66.66 percent.

''(B) DIFFERENT PERCENTAGES.—The Federal share under this section shall be determined in accordance with the following:

''(i) The Federal share of the cost of carrying out the activities under subsection (d) shall be equal to 57 percent if a State applies for an allotment under this section in partnership with any number of degree-granting institutions of higher education in the State whose combined full-time enrollment represents less than a majority of all students attending institutions of higher education in the State, and—

''(I) philanthropic organizations that are located in, or that provide funding in, the State; or

''(II) private corporations that are located in, or that do business in, the State.

''(ii) The Federal share of the cost of carrying out the activities under subsection (d) shall be equal to 66.66 percent if a State applies for an allotment under this section in partnership with any number of degree-granting institutions of higher education in the State whose combined full-time enrollment represents a majority of all students attending institutions of higher education in the State, and—

''(I) philanthropic organizations that are located in, or that provide funding in, the State; or

''(II) private corporations that are located in, or that do business in, the State.

''(C) NON-FEDERAL SHARE.—

''(i) IN GENERAL.—The non-Federal share under this section may be provided in cash or in kind, fairly evaluated.

''(ii) IN KIND CONTRIBUTION.—For the purpose of calculating the non-Federal share under this subparagraph, an in kind contribution is a non-cash contribution that—

''(I) has monetary value, such as the provision of—

''(aa) room and board; or

''(bb) transportation passes; and

''(II) helps a student meet the cost of attendance at an institution of higher education.

''(iii) EFFECT ON NEEDS ANALYSIS.—For the purpose of calculating a student's need in accordance with part F, an in kind contribution described in clause (ii) shall not be considered an asset or income of the student or the student's parent.

''(c) APPLICATION FOR ALLOTMENT.—

''(1) IN GENERAL.—

''(A) SUBMISSION.—A State that desires to receive an allotment under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

''(B) CONTENT.—An application submitted under subparagraph (A) shall include the following:

''(i) A description of the State's plan for using the allotted funds.

''(ii) Assurances that the State will provide matching funds, in cash or in kind, from State, institutional, philanthropic, or private funds, of not less than 33.33 percent of the cost of carrying out the activities under subsection (d). The State shall specify the methods by which matching funds will be paid. A State that uses non-Federal funds to create or expand existing partnerships with nonprofit organizations or community-based organizations in which such organizations match State funds for student scholarships, may apply such matching funds from such organizations toward fulfilling the State's matching obligation under this clause.

''(iii) Assurances that early information and intervention, mentoring, or outreach programs exist within the State or that there is a plan to make such programs widely available.

''(iv) A description of the organizational structure that the State has in place to administer the activities under subsection (d).

''(v) A description of the steps the State will take to ensure students who receive grants under this section persist to degree completion.

''(vi) Assurances that the State has a method in place, such as acceptance of the automatic zero expected family contribution determination described in section 479(c), to identify eligible low-income students and award State grant aid to such students.

''(vii) Assurances that the State will provide notification to eligible low-income students that grants under this section are—

''(I) Leveraging Educational Assistance Partnership Grants; and

''(II) funded by the Federal Government and the State.

''(2) STATE AGENCY.—The State agency that submits an application for a State under section 415C(a) shall be the same State

agency that submits an application under paragraph (1) for such State.

''(3) PARTNERSHIP.—In applying for an allotment under this section, the State agency shall apply for the allotment in partnership with—

''(A) not less than one public and one private degree-granting institution of higher education that are located in the State;

''(B) new or existing early information and intervention, mentoring, or outreach programs located in the State; and

''(C) not less than one—

''(i) philanthropic organization located in, or that provides funding in, the State; or

''(ii) private corporation located in, or that does business in, the State.

''(4) ROLES OF PARTNERS.—

''(A) STATE AGENCY.—A State agency that is in a partnership receiving an allotment under this section—

''(i) shall—

''(I) serve as the primary administrative unit for the partnership;

''(II) provide or coordinate matching funds, and coordinate activities among partners;

''(III) encourage each institution of higher education in the State to participate in the partnership;

''(IV) make determinations and early notifications of assistance as described under subsection (d)(2); and

''(V) annually report to the Secretary on the partnership's progress in meeting the purpose of this section; and

''(ii) may provide early information and intervention, mentoring, or outreach programs.

''(B) DEGREE-GRANTING INSTITUTIONS OF HIGHER EDUCATION.—A degree-granting institution of higher education (as defined in section 102) that is in a partnership receiving an allotment under this section—

''(i) shall—

''(I) recruit and admit participating qualified students and provide such additional institutional grant aid to participating students as agreed to with the State agency;

''(II) provide support services to students who receive an access and persistence grant under this section and are enrolled at such institution; and

''(III) assist the State in the identification of eligible students and the dissemination of early notifications of assistance as agreed to with the State agency; and

''(ii) may provide funding for early information and intervention, mentoring, or outreach programs or provide such services directly.

''(C) PROGRAMS.—An early information and intervention, mentoring, or outreach program that is in a partnership receiving an allotment under this section shall provide direct services, support, and information to participating students.

''(D) PHILANTHROPIC ORGANIZATION OR PRIVATE CORPORATION.—A philanthropic organization or private corporation that is in a partnership receiving an allotment under this section shall provide funds for access and persistence grants for participating students, or provide funds or support for early information and intervention, mentoring, or outreach programs.

''(d) AUTHORIZED ACTIVITIES.—

''(1) IN GENERAL.—

''(A) ESTABLISHMENT OF PARTNERSHIP.—Each State receiving an allotment under this section shall use the funds to establish a partnership to award access and persistence grants to eligible low-income students in order to increase the amount of financial assistance such students receive under this subpart for undergraduate education expenses.

''(B) AMOUNT.—

''(i) PARTNERSHIPS WITH INSTITUTIONS SERVING LESS THAN A MAJORITY OF STUDENTS IN THE STATE.—

''(I) IN GENERAL.—In the case where a State receiving an allotment under this section is in a partnership described in subsection (b)(2)(B)(i), the amount of an access and persistence grant awarded by such State shall be not less than the amount that is equal to the average undergraduate tuition and mandatory fees at 4-year public institutions of higher education in the State where the student resides and such amount shall be used toward the cost of attendance at an institution of higher education, located in the State, that is a partner in the partnership.

''(II) COST OF ATTENDANCE.—A State that has a program, apart from the partnership under this section, of providing eligible low-income students with grants that are equal to the average undergraduate tuition and mandatory fees at 4-year public institutions of higher education in the State, may increase the amount of access and persistence grants awarded by such State up to an amount that is equal to the average cost of attendance at 4-year public institutions of higher education in the State.

''(ii) PARTNERSHIP WITH INSTITUTIONS SERVING THE MAJORITY OF STUDENTS IN THE STATE.—In the case where a State receiving an allotment under this section is in a partnership described in subsection (b)(2)(B)(ii), the amount of an access and persistence grant awarded by such State shall be not less than the average cost of attendance at 4-year public institutions of higher education in the State where the student resides and such amount shall be used by the student to attend an institution of higher education, located in the State, that is a partner in the partnership.

''(2) EARLY NOTIFICATION.—

''(A) IN GENERAL.—Each State receiving an allotment under this section shall annually notify low-income students (such as students who are eligible to receive a free lunch under the school lunch program established under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.)) in grade 7 through grade 12 in the State, and their families, of their potential eligibility for student financial assistance, including an access and persistence grant, to attend an institution of higher education.

''(B) CONTENT OF NOTICE.—The notification under subparagraph (A)—

''(i) shall include—

''(I) information about early information and intervention, mentoring, or outreach programs available to the student;

''(II) information that a student's candidacy for an access and persistence grant is enhanced through participation in an early information and intervention, mentoring, or outreach program;

''(III) an explanation that student and family eligibility and participation in other Federal means-tested programs may indicate eligibility for an access and persistence grant and other student aid programs;

''(IV) a nonbinding estimation of the total amount of financial aid a low-income student with a similar income level may expect to receive, including an estimation of the amount of an access and persistence grant and an estimation of the amount of grants, loans, and all other available types of aid from the major Federal and State financial aid programs;

''(V) an explanation that in order to be eligible for an access and persistence grant, at a minimum, a student shall meet the requirement under paragraph (3), graduate from secondary school, and enroll at an institution of higher education that is a partner in the partnership;

''(VI) information on any additional requirements (such as a student pledge detailing student responsibilities) that the State may impose for receipt of an access and persistence grant under this section; and

''(VII) instructions on how to apply for an access and persistence grant and an explanation that a student is required to file a Free Application for Federal Student Aid authorized under section 483(a) to be eligible for such grant and assistance from other Federal and State financial aid programs; and

''(ii) may include a disclaimer that access and persistence grant awards are contingent upon—

''(I) a determination of the student's financial eligibility at the time of the student's enrollment at an institution of higher education that is a partner in the partnership;

''(II) annual Federal and State appropriations; and

''(III) other aid received by the student at the time of the student's enrollment at an institution of higher education that is a partner in the partnership.

''(3) ELIGIBILITY.—In determining which students are eligible to receive access and persistence grants, the State shall ensure that each such student complies with the following subparagraph (A) or (B):

''(A) Meets not less than 2 of the following criteria, with priority given to students meeting all of the following criteria:

''(i) Has an expected family contribution equal to zero (as described in section 479) or a comparable alternative based upon the State's approved criteria in section 415C(b)(4).

''(ii) Has qualified for a free lunch, or at the State's discretion a reduced price lunch, under the school lunch program established under the Richard B. Russell National School Lunch Act.

''(iii) Qualifies for the State's maximum undergraduate award, as authorized under section 415C(b).

''(iv) Is participating in, or has participated in, a Federal, State, institutional, or community early information and intervention, mentoring, or outreach program, as recognized by the State agency administering activities under this section.

''(B) Is receiving, or has received, an access and persistence grant under this section, in accordance with paragraph (5).

''(4) GRANT AWARD.—Once a student, including a student who has received early notification under paragraph (2) from the State, applies for admission to an institution that is a partner in the partnership, files a Free Application for Federal Student Aid and any related State form, and is determined to be eligible by the State under paragraph (3), the State shall—

''(A) issue the student a preliminary access and persistence grant award certificate with tentative award amounts; and

''(B) inform the student that payment of the access and persistence grant award amounts is subject to certification of enrollment and award eligibility by the institution of higher education.

''(5) DURATION OF AWARD.—An eligible student that receives an access and persistence grant under this section shall receive such grant award for each year of such student's undergraduate education in which the student remains eligible for assistance under this title, including pursuant to section 484(c), and remains financially eligible as determined by the State, except that the State may impose reasonable time limits to baccalaureate degree completion.

''(e) ADMINISTRATIVE COST ALLOWANCE.—A State that receives an allotment under this section may reserve not more than 3.5 percent of the funds made available annually

through the allotment for State administrative functions required to carry out this section.

''(f) STATUTORY AND REGULATORY RELIEF FOR INSTITUTIONS OF HIGHER EDUCATION.—The Secretary may grant, upon the request of an institution of higher education that is in a partnership described in subsection (b)(2)(B)(ii) and that receives an allotment under this section, a waiver for such institution from statutory or regulatory requirements that inhibit the ability of the institution to successfully and efficiently participate in the activities of the partnership.

''(g) APPLICABILITY RULE.—The provisions of this subpart which are not inconsistent with this section shall apply to the program authorized by this section.

''(h) MAINTENANCE OF EFFORT REQUIREMENT.—Each State receiving an allotment under this section for a fiscal year shall provide the Secretary an assurance that the aggregate amount expended per student or the aggregate expenditures by the State, from funds derived from non-Federal sources, for the authorized activities described in subsection (d) for the preceding fiscal year were not less than the amount expended per student or the aggregate expenditure by the State for such activities for the second preceding fiscal year.

''(i) SPECIAL RULE.—Notwithstanding subsection (h), for purposes of determining a State's share of the cost of the authorized activities described in subsection (d), the State shall consider only those expenditures from non-Federal sources that exceed its total expenditures for need-based grants, scholarships, and work-study assistance for fiscal year 1999 (including any such assistance provided under this subpart).

''(j) REPORTS.—Not later than 3 years after the date of enactment of the College Opportunity and Affordability Act of 2008, and annually thereafter, the Secretary shall submit a report describing the activities and the impact of the partnerships under this section to the authorizing committees.''.

(d) CONTINUATION AND TRANSITION.—During the 2-year period commencing on the date of enactment of this Act, the Secretary shall continue to award grants under section 415E of the Higher Education Act of 1965 (20 U.S.C. 1070c–3a), as such section existed on the day before the date of enactment of this Act, to States that choose to apply for grants under such predecessor section.

(e) IMPLEMENTATION AND EVALUATION.—Section 491(j) (20 U.S.C. 1098(j)) is amended—

(1) in paragraph (4), by striking ''and'' after the semicolon;

(2) by redesignating paragraph (5) as paragraph (6); and

(3) by inserting after paragraph (4) the following:

''(5) not later than 6 months after the date of enactment of the College Opportunity and Affordability Act of 2008, advise the Secretary on means to implement the activities under section 415E, and the Advisory Committee shall continue to monitor, evaluate, and make recommendations on the progress of partnerships that receive allotments under such section; and''.

SEC. 407. SPECIAL PROGRAMS FOR STUDENTS WHOSE FAMILIES ARE ENGAGED IN MIGRANT AND SEASONAL FARMWORK.

Section 418A (20 U.S.C. 1070d–2) is amended—

(1) in subsection (b)—

(A) in paragraph (1)(B)(i), by striking ''parents'' and inserting ''immediate family'';

(B) in paragraph (3)(B), by inserting ''(including preparation for college entrance examinations)'' after ''college program'';

(C) in paragraph (5), by striking ''weekly'';

(D) in paragraph (7), by striking ''and'' after the semicolon;

(E) in paragraph (8)—

(i) by inserting ''(such as transportation and child care)'' after ''services''; and

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

(F) by adding at the end the following:

''(9) other activities to improve persistence and retention in postsecondary education.'';

(2) in subsection (c)—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking ''parents'' and inserting ''immediate family''; and

(ii) in subparagraph (B)—

(I) in the matter preceding clause (i), by inserting ''to improve placement, persistence, and retention in postsecondary education,'' after ''services''; and

(II) in clause (i), by striking ''and career'' and inserting ''career, and economic education or personal finance'';

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

(iv) by redesignating subparagraph (F) as subparagraph (G);

(v) by inserting after subparagraph (E) the following:

''(F) internships; and''; and

(vi) in subparagraph (G) (as redesignated by clause (iv)), by striking ''support services'' and inserting ''essential supportive services (such as transportation and child care)''; and

(B) in paragraph (2)—

(i) in subparagraph (A), by striking ''and'' after the semicolon;

(ii) in subparagraph (B), by striking the period at the end and inserting '', and coordinating such services, assistance, and aid with other non-program services, assistance, and aid, including services, assistance, and aid provided by community-based organizations, which may include mentoring and guidance; and''; and

(iii) by adding at the end the following:

''(C) for students attending 2-year institutions of higher education, encouraging the students to transfer to 4-year institutions of higher education, where appropriate, and monitoring the rate of transfer of such students.'';

(3) in subsection (e), by striking ''section 402A(c)(1)'' and inserting ''section 402A(c)(2)'';

(4) in subsection (f)—

(A) in paragraph (1), by striking ''$150,000'' and inserting ''$180,000''; and

(B) in paragraph (2), by striking ''$150,000'' and inserting ''$180,000'';

(5) by redesignating subsections (g) and (h) as subsections (h) and (i), respectively;

(6) by inserting after subsection (f) the following:

''(g) RESERVATION AND ALLOCATION OF FUNDS.—From the amounts made available under subsection (i), the Secretary—

''(1) may reserve not more than a total of ½ of 1 percent for outreach activities, technical assistance, and professional development programs relating to the programs under subsection (a); and

''(2) shall, in awarding grants from the remainder of such amounts—

''(A) make available not less than 45 percent of such remainder for the high school equivalency programs and not less than 45 percent of such remainder for the college assistance migrant programs;

''(B) award the rest of such remainder for either high school equivalency programs or college assistance migrant programs based on the number, quality, and promise of the applications; and

''(C) consider the need to provide an equitable geographic distribution of such grants.'';

(7) by striking subsection (h) (as redesignated by paragraph (5)) and inserting the following:

''(h) DATA COLLECTION.—The Commissioner for Education Statistics shall—

''(1) annually collect data on persons receiving services authorized under this subpart regarding such persons rates of secondary school graduation, entrance into postsecondary education, and completion of postsecondary education;

''(2) not less often than once every 2 years, prepare and submit to the authorizing committees a report based on the most recently available data under paragraph (1) to the authorizing committees; and

''(3) make such report available to the public.''; and

(8) by striking subsection (i) (as redesignated by paragraph (5)) and inserting the following:

''(i) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of making grants and contracts under this section, there are authorized to be appropriated $75,000,000 for fiscal year 2009 and such sums as may be necessary for the each of the 4 succeeding fiscal years.''.

SEC. 408. ROBERT C. BYRD HONORS SCHOLARSHIP PROGRAM.

Subpart 6 of part A of title IV is amended to read as follows:

''Subpart 6—Robert C. Byrd American Competitiveness Program

''SEC. 419A. ROBERT C. BYRD MATHEMATICS AND SCIENCE HONORS SCHOLARSHIP PROGRAM.

''(a) PURPOSE.—The purpose of this section is to award scholarships to students who are enrolled in studies leading to baccalaureate and advanced degrees in physical, life, or computer sciences, mathematics, or engineering.

''(b) DEFINITIONS.—As used in this section—

''(1) the term 'computer science' means the branch of knowledge or study of computers, including such fields of knowledge or study as computer hardware, computer software, computer engineering, information systems, and robotics;

''(2) the term 'eligible student' means a student who—

''(A) is a citizen of the United States;

''(B) is selected by the managing agent to receive a scholarship;

''(C) is enrolled full-time in an institution of higher education, other than a United States service academy; and

''(D) has shown a commitment to and is pursuing a major in studies leading to a baccalaureate, masters, or doctoral degree (or a combination thereof) in physical, life, or computer sciences, mathematics, or engineering;

''(3) the term 'engineering' means the science by which the properties of matter and the sources of energy in nature are made useful to humanity in structures, machines, and products, as in the construction of engines, bridges, buildings, mines, and chemical plants, including such fields of knowledge or study as aeronautical engineering, chemical engineering, civil engineering, electrical engineering, industrial engineering, materials engineering, manufacturing engineering, and mechanical engineering;

''(4) the term 'life sciences' means the branch of knowledge or study of living things, including such fields of knowledge or study as biology, biochemistry, biophysics, microbiology, genetics, physiology, botany, zoology, ecology, and behavioral biology, except that the term does not encompass the health professions;

''(5) the term 'managing agent' means an entity to which an award is made under subsection (c) to manage a program of Mathematics and Science Honors Scholarships;

''(6) the term 'mathematics' means the branch of knowledge or study of numbers and the systematic treatment of magnitude, relationships between figures and forms, and relations between quantities expressed symbolically, including such fields of knowledge or study as statistics, applied mathematics, and operations research; and

''(7) the term 'physical sciences' means the branch of knowledge or study of the material universe, including such fields of knowledge or study as astronomy, atmospheric sciences, chemistry, earth sciences, ocean sciences, physics, and planetary sciences.

''(c) AWARD.—

''(1)(A) From funds appropriated under section 419F to carry out this section, the Secretary is authorized, through a grant or cooperative agreement, to make an award to a private, non-profit organization, other than an institution of higher education or system of institutions of higher education, to manage, through a public and private partnership, a program of Mathematics and Science Honors Scholarships under this section.

''(B) The award under subparagraph (A) shall be for a five-year period.

''(2)(A) One hundred percent of the funds awarded under paragraph (1)(A) for any fiscal year shall be obligated and expended solely on scholarships to eligible students.

''(B) No Federal funds shall be used to provide more than 50 percent of the cost of any scholarship to an eligible student.

''(3)(A) The Secretary may establish—

''(i) eligibility criteria for applicants for managing agent, including criteria regarding financial and administrative capability; and

''(ii) operational standards for the managing agent, including management and performance requirements, such as audit, recordkeeping, record retention, and reporting procedures and requirements.

''(B) The Secretary, as necessary, may review and revise any criteria, standards, and rules established under this paragraph and, through the agreement with the managing agent, see that any revisions are implemented.

''(4) If the managing agent fails to meet the requirements of this section the Secretary may terminate the award to the managing agent.

''(5) The Secretary shall conduct outreach efforts to help raise awareness of the Mathematics and Science Honors Scholarships.

''(d) DUTIES OF THE MANAGING AGENT.—The managing agent shall—

''(1) develop criteria to award Mathematics and Science Honors Scholarships based on established measurements available to secondary students who wish to pursue degrees in physical, life, or computer sciences, mathematics, or engineering;

''(2) establish a Mathematics and Science Honors Scholarship Fund in a separate, named account that clearly discloses the amount of Federal and non-Federal funds deposited in the account and used for scholarships under this section;

''(3) solicit funds for scholarships and for the administration of the program from non-Federal sources;

''(4) solicit applicants for scholarships;

''(5) from the amounts in the Fund, award scholarships to eligible students and transfer such funds to the institutions of higher education that they attend;

''(6) annually submit to the Secretary a financial audit and a report on the progress of the program, and such other documents as the Secretary may require to determine the effective management of the program; and

''(7) shall not develop a criteria that discriminates against a student based on the type of program in which the student completed his or her secondary education.

''(e) APPLICATIONS.—

''(1) Any eligible entity that desires to be the managing agent under this section shall submit an application to the Secretary, in such form and containing such information, as the Secretary may require.

''(2) Each application shall include a description of—

''(A) how the applicant meets or will meet requirements established under subsections (c)(3)(A) and (d);

''(B) how the applicant will solicit funds for scholarships and for the administration of the program from non-Federal sources;

''(C) how the applicant will provide nationwide outreach to inform students about the program and to encourage students to pursue degrees in physical, life, or computer sciences, mathematics, or engineering;

''(D) how the applicant will solicit applications for scholarships, including how the applicant will balance efforts in urban and rural areas;

''(E) the selection criteria based on established measurements available to secondary students the applicant will use to award scholarships and to renew those awards;

''(F) how the applicant will inform the institution of higher education chosen by the recipient of the name and scholarship amount of the recipient;

''(G) what procedures and assurances the applicant and the institution of higher education that the recipient attends will use to verify student eligibility, attendance, degree progress, and academic performance and to deliver and account for payments to such institution;

''(H) the management (including audit and accounting) procedures the applicant will use for the program;

''(I) the human, financial, and other resources that the applicant will need and use to manage the program;

''(J) how the applicant will evaluate the program and report to the Secretary annually; and

''(K) a description of how the entity will coordinate with, complement, and build on similar public and private mathematics and science programs.

''(f) SCHOLARSHIP RECIPIENTS.—

''(1) A student receiving a scholarship under this section shall be known as a Byrd Mathematics and Science Honors Scholar.

''(2) Any student desiring to receive a scholarship under this section shall submit an application to the managing agent in such form, and containing such information, as the managing agent may require.

''(3) Any student that receives a scholarship under this section shall enter into an agreement with the managing agent to complete 5 consecutive years of service in a full-time position related to the field in which the student obtained his or her undergraduate degree, to begin no later than 12 months following the later of—

''(A) the completion of the student's undergraduate degree program; or

''(B) the completion of a graduate degree program in a field related to the field in which the student obtained his or her undergraduate degree.

''(4) If any student that receives a scholarship under this section fails to earn at least a baccalaureate degree in physical, life, or computer sciences, mathematics, or engineering as defined under this section, the student shall repay to the managing agent the amount of any financial assistance paid to such student.

''(5) If any student that receives a scholarship under this section fails to meet the requirements of paragraph (3), the student shall repay to the managing agent the amount of any financial assistance paid to such student.

''(6)(A) Scholarships shall be awarded for only one academic year of study at a time.

''(B)(i) A scholarship shall be renewable on an annual basis for the established length of the academic program if the student awarded the scholarship remains eligible.

''(ii) The managing agent may condition renewal of a scholarship on measures of academic progress and achievement, with the approval of the Secretary.

''(C)(i) If a student fails to either remain eligible or meet established measures of academic progress and achievement, the managing agent shall instruct the student's institution of higher education to suspend payment of the student's scholarship.

''(ii) A suspension of payment shall remain in effect until the student is able to demonstrate to the satisfaction of the managing agent that he or she is again eligible and meets the established measures of academic progress and achievement.

''(iii) A student's eligibility for a scholarship shall be terminated if a suspension period exceeds 12 months.

''(D)(i)(I) A student awarded a scholarship may, in a manner and under the terms established by, and with the approval of, the managing agent, postpone or interrupt his or her enrollment at an institution of higher education for up to 12 months.

''(II) Such a postponement or interruption shall not be considered a suspension for purposes of subparagraph (C).

''(ii) Neither a student nor the student's institution of higher education shall receive the student's scholarship payments during the period of postponement or interruption, but such payments shall resume upon enrollment or reenrollment.

''(iii) In exceptional circumstances, such as serious injury or illness or the necessity to care for family members, the student's postponement or interruption may, upon notification and approval of the managing agent, be extended beyond the 12 month period described in clause (i)(I).

''(g) RESPONSIBILITIES OF INSTITUTION OF HIGHER EDUCATION.—

''(1) The managing agent shall require any institution of higher education that enrolls a student who receives a scholarship under this section to annually provide an assurance, prior to making any payment, that the student—

''(A) is eligible in accordance with subsection (b)(2); and

''(B) has provided the institution with a written commitment to attend, or is attending, classes and is satisfactorily meeting the institution's academic criteria for enrollment in its program of study.

''(2)(A) The managing agent shall provide the institution of higher education with payments from the Fund for selected recipients in at least two installments.

''(B) If a recipient declines a scholarship, does not attend courses, transfers to another institution of higher education, or becomes ineligible for a scholarship, an institution of higher education shall return prorated amounts of any scholarship payment to that recipient to the managing agent, who shall deposit it in to the Fund.

''SEC. 419B. MATHEMATICS AND SCIENCE INCENTIVE PROGRAM.

''(a) PROGRAM.—

''(1) IN GENERAL.—The Secretary is authorized to carry out a program of assuming the obligation to pay, pursuant to the provisions of this section, the interest on a loan made, insured, or guaranteed under part B or D of this title.

''(2) ELIGIBILITY.—The Secretary may assume interest payments under paragraph (1) only for a borrower who—

''(A) has submitted an application in compliance with subsection (d);

''(B) obtained one or more loans described in paragraph (1) as an undergraduate student;

''(C) is a new borrower (within the meaning of section 103(7) of this Act) on or after the date of enactment of the College Opportunity and Affordability Act of 2008;

''(D) is a highly qualified teacher (as defined in section 9101 of the Elementary and Secondary Education Act of 1965) of science, technology, engineering or mathematics at an elementary or secondary school in a high need local educational agency, or is a mathematics, science, or engineering professional; and

''(E) enters into an agreement with the Secretary to complete 5 consecutive years of service in a position described in subparagraph (D), starting on the date of the agreement.

''(3) PRIOR INTEREST LIMITATIONS.—The Secretary shall not make any payments for interest that—

''(A) accrues prior to the beginning of the repayment period on a loan in the case of a loan made under section 428H or a Federal Direct Unsubsidized Stafford Loan; or

''(B) has accrued prior to the signing of an agreement under paragraph (2)(E).

''(4) INITIAL SELECTION.—In selecting participants for the program under this section, the Secretary—

''(A) shall choose among eligible applicants on the basis of—

''(i) the national security, homeland security, and economic security needs of the United States, as determined by the Secretary, in consultation with other Federal agencies, including the Departments of Labor, Defense, Homeland Security, Commerce, and Energy, the Central Intelligence Agency, and the National Science Foundation; and

''(ii) the academic record or job performance of the applicant; and

''(B) may choose among eligible applicants on the basis of—

''(i) the likelihood of the applicant to complete the 5-year service obligation;

''(ii) the likelihood of the applicant to remain in science, mathematics, or engineering after the completion of the service requirement; or

''(iii) other relevant criteria determined by the Secretary.

''(5) AVAILABILITY SUBJECT TO APPROPRIATIONS.—Loan interest payments under this section shall be subject to the availability of appropriations. If the amount appropriated for any fiscal year is not sufficient to provide interest payments on behalf of all qualified applicants, the Secretary shall give priority to those individuals on whose behalf interest payments were made during the preceding fiscal year.

''(6) REGULATIONS.—The Secretary is authorized to prescribe such regulations as may be necessary to carry out the provisions of this section.

''(b) DURATION AND AMOUNT OF INTEREST PAYMENTS.—The period during which the Secretary shall pay interest on behalf of a student borrower who is selected under subsection (a) is the period that begins on the effective date of the agreement under subsection (a)(2)(E), continues after successful completion of the service obligation, and ends on the earlier of—

''(1) the completion of the repayment period of the loan;

''(2) payment by the Secretary of a total of $5,000 on behalf of the borrower;

''(3) if the borrower ceases to fulfill the service obligation under such agreement prior to the end of the 5-year period, as soon as the borrower is determined to have ceased to fulfill such obligation in accordance with regulations of the Secretary; or

''(4) 6 months after the end of any calendar year in which the borrower's gross income equals or exceeds 4 times the national per capita disposable personal income (current dollars) for such calendar year, as determined on the basis of the National Income and Product Accounts Tables of the Bureau of Economic Analysis of the Department of Commerce, as determined in accordance with regulations prescribed by the Secretary.

''(c) REPAYMENT TO ELIGIBLE LENDERS.—Subject to the regulations prescribed by the Secretary by regulation under subsection (a)(6), the Secretary shall pay to each eligible lender or holder for each payment period the amount of the interest that accrues on a loan of a student borrower who is selected under subsection (a).

''(d) APPLICATION FOR REPAYMENT.—

''(1) IN GENERAL.—Each eligible individual desiring loan interest payment under this section shall submit a complete and accurate application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

''(2) FAILURE TO COMPLETE SERVICE AGREEMENT.—Such application shall contain an agreement by the individual that, if the individual fails to complete the 5 consecutive years of service required by subsection (a)(2)(E), the individual agrees to repay the Secretary the amount of any interest paid by the Secretary on behalf of the individual.

''(e) TREATMENT OF CONSOLIDATION LOANS.—A consolidation loan made under section 428C of this Act, or a Federal Direct Consolidation Loan made under part D of title IV of this Act, may be a qualified loan for the purpose of this section only to the extent that such loan amount was used by a borrower who otherwise meets the requirements of this section to repay—

''(1) a loan made under section 428 or 428H of this Act; or

''(2) a Federal Direct Stafford Loan, or a Federal Direct Unsubsidized Stafford Loan, made under part D of title IV of this Act.

''(f) PREVENTION OF DOUBLE BENEFITS.—No borrower may, for the same service, receive a benefit under both this section and—

''(1) any loan forgiveness program under title IV of this Act; or

''(2) subtitle D of title I of the National and Community Service Act of 1990 (42 U.S.C. 12601 et seq.).

''(g) DEFINITIONS.—As used in this section—

''(1) the term 'high need local educational agency' has the same meaning given such term in section 200; and

''(2) the term 'mathematics, science, or engineering professional' means a person who—

''(A) holds a baccalaureate, masters, or doctoral degree (or a combination thereof) in science, mathematics, or engineering; and

''(B) works in a field the Secretary determines is closely related to that degree, which shall include working as a professor at a two- or four-year institution of higher education.

"SEC. 419C. FOREIGN LANGUAGE PARTNERSHIPS.

''(a) PURPOSE.—The purpose of this section is to increase the number of highly qualified teachers in, and the number of United States' students who achieve the highest level of proficiency in, foreign languages critical to the security and competitiveness of the Nation.

''(b) PROGRAM AUTHORIZED.—The Secretary is authorized to award grants to institutions of higher education, in partnership with one or more local educational agencies, to establish teacher preparation programs in critical foreign languages, and activities that will enable successful students to advance from elementary school through college to achieve proficiency in those languages.

''(c) APPLICATIONS.—

''(1) APPLICATION REQUIRED.—Any institution of higher education that desires to receive a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

''(2) CONTENTS.—Each Application shall—

''(A) identify each local educational agency partner and describe each such partner's responsibilities (including how they will be involved in planning and implementing the program, what resources they will provide, and how they will ensure continuity of student progress from elementary school to the postsecondary level); and

''(B) describe how the applicant will support and continue the program after the grant has expired, including how it will seek support from other sources, such as State and local government, foundations, and the private sector.

''(d) USES OF FUNDS.—Funds awarded under this section shall be used to develop and implement programs consistent with the purpose of this section by carrying out one or more of the following activities:

''(1) To recruit highly qualified teachers in critical foreign languages and professional development activities for such teachers at the elementary through high school level.

''(2) To provide innovative opportunities for students that will allow for critical language learning, such as immersion environments, intensive study opportunities, internships, and distance learning.

''(e) MATCHING REQUIREMENT.—Each grantee under this section shall provide, from non-Federal sources, an amount equal to 100 percent of the amount of the grant (in cash or in kind) to carry out the activities supported by the grant.

''(f) EVALUATION.—The Secretary shall evaluate the activities funded under this section and report the results of the evaluation to the appropriate Committees of Congress.

''(g) REPORT ON BEST PRACTICES.—Within one year after the date of enactment of this section, the Secretary shall—

''(1) conduct a study to identify the best practices to strengthen the role of institutions that receive funding under title III or title V in increasing America's critical foreign language education efforts; and

''(2) submit a report on the results of such study to the authorizing committees.

"SEC. 419D. ADJUNCT TEACHER CORPS.

''(a) PURPOSE.—The purpose of this section is to create opportunities for individuals with subject matter expertise in mathematics, science, and critical foreign languages to provide such subject matter expertise to secondary school students on an adjunct basis.

''(b) PROGRAM AUTHORIZED.—The Secretary is authorized to award grants to eligible entities to identify, recruit, and train individuals with subject matter expertise in mathematics, science, and critical foreign languages to serve as adjunct content specialists.

''(c) DURATION OF GRANTS.—The Secretary may award grants under this section for a period of not more than 5 years.

''(d) ELIGIBLE ENTITY.—For the purpose of this section, an eligible entity is—

''(1) a local educational agency; or

''(2) a partnership consisting of a local educational agency, serving as a fiscal agent, and a public or private educational organization or business.

''(e) USES OF FUNDS.—An eligible entity that receives a grant under this section is authorized to use such grant to carry out one or both of the following activities:

''(1) To develop the capacity of the eligible entity to identify, recruit, and train individuals with subject matter expertise in mathematics, science, and critical foreign languages who are not employed in the elementary and secondary education system (including individuals in business and government, and individuals who would participate through distance-learning arrangements) to become adjunct content specialists.

''(2) To provide pre-service training and on-going professional development to adjunct content specialists.

''(f) APPLICATIONS.—

''(1) APPLICATION REQUIRED.—To be considered for a grant under this section, an eligible entity shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary requires.

''(2) CONTENTS.—Such application shall include a description of—

''(A) the need for, and expected benefits of using, adjunct content specialists in the schools of the local educational agency, which may include information on the difficulty the local educational agency faces in recruiting qualified faculty in mathematics, science, and critical foreign language courses;

''(B) measurable objectives for the activities supported by the grant, including the number of adjunct content specialists the eligible entity intends to place in schools and classrooms, and the gains in academic achievement expected as a result of the addition of such specialists;

''(C) how the eligible entity will establish criteria for and recruit the most qualified individuals and public or private organizations and businesses to participate in the activities supported by the grant;

''(D) how the eligible entity will provide pre-service training and on-going professional development to adjunct content specialists to ensure that such specialists have the capacity to serve effectively;

''(E) how the eligible entity will use funds received under this section, including how the eligible entity will evaluate the success of the activities supported by the grant;

''(F) how the eligible entity will support and continue the activities supported by the grant after the grant has expired, including how such entity will seek support from other sources, such as State and local government and the private sector; and

''(G) an assurance that the use of adjunct content specialists will not result in the displacement or transfer of currently employed teachers nor a reduction in the number of overall teachers in the district.

''(g) PRIORITIES.—In awarding grants under this section, the Secretary shall give priority to eligible entities that demonstrate in the application for such a grant a plan to—

''(1) serve the schools of the local educational agency that have a large number or percentage of students performing below grade level in mathematics, science, or critical foreign language courses;

''(2) serve local educational agencies that have a large number or percentage of students from families with incomes below the poverty line (as such term is defined in section 200); and

''(3) recruit and train individuals to serve as adjunct content specialists in schools that have an insufficient number of teachers in mathematics, science, or critical foreign languages.

''(h) MATCHING REQUIREMENT.—Each eligible entity that receives a grant under this section shall provide, from non-Federal sources, an amount equal to 100 percent of the amount of such grant (in cash or in kind) to carry out the activities supported by such grant.

''(i) PERFORMANCE REPORT.—Each eligible entity receiving a grant under this section shall prepare and submit to the Secretary a final report on the results of the activities supported by such grant, which shall contain such information as the Secretary may require, including any improvements in student academic achievement as a result of the use of adjunct content specialists.

''(j) EVALUATION.—The Secretary shall evaluate the activities supported by grants under this section, including the impact of such activities on student academic achievement, and shall report the results of such evaluation to the authorizing committees.

''(k) DEFINITION.—In this section the term 'adjunct content specialist' means an individual who—

''(1) meets the requirements of section 9101(23)(B)(ii) of the Elementary and Secondary Education Act of 1965;

''(2) has demonstrated expertise in mathematics, science, or a critical foreign language, as determined by the local educational agency; and

''(3) may not be the primary provider of instructional services to a student unless the adjunct content specialist is under the direct supervision of a teacher who meets the requirements of Section 9101(23) of such Act.

''SEC. 419E. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out this subpart $50,000,000 for fiscal year 2009 and such sums as may be necessary for each of the 4 succeeding fiscal years.''.

SEC. 409. CHILD CARE ACCESS MEANS PARENTS IN SCHOOL.

(a) MINIMUM GRANT.—Section 419N(b)(2)(B) (20 U.S.C. 1070e(b)(2)(B)) is amended by striking ''$10,000'' and inserting ''$30,000''.

(b) ELIGIBLE INSTITUTIONS.—Section 419N(b)(4) is amended by striking ''$350,000'' and inserting ''$250,000''.

(c) INCOME ELIGIBILITY.—Section 419N(b)(7) is amended by striking ''who is eligible to receive'' and inserting ''whose income qualifies for eligibility for''.

(d) PUBLICITY.—Section 419N(b) is further amended by adding at the end the following new paragraph:

''(8) PUBLICITY.—The Secretary shall publicize the availability of grants under this section in appropriate periodicals in addition to publication in the Federal Register, and shall inform appropriate educational organizations of such availability.''.

(e) REPORTING REQUIREMENTS.—Section 419N(e) is amended—

(1) in paragraph (1)(A), by striking ''18 months,'' and all that follows through the end thereof and inserting ''annually.''; and

(2) in paragraph (2)—

(A) by striking ''the third annual grant payment'' and inserting ''continuation awards''; and

(B) by striking ''the 18-month report'' and inserting ''the reports''.

(f) AUTHORIZATION OF APPROPRIATIONS.—Section 419N(g) (20 U.S.C. 1070e(g)) is amended by striking ''$45,000,000 for fiscal year 1999'' and all that follows through the period and inserting ''such sums as may be necessary for fiscal year 2009 and each of the 4 succeeding fiscal years.''.

SEC. 410. LEARNING ANYTIME ANYWHERE PARTNERSHIPS.

Subpart 8 of part A of title IV (20 U.S.C. 1070f et seq.) is repealed.

SEC. 411. TEACH GRANTS.

Subpart 9 of part A of title IV is amended—

(1) in section 420L(1)(B), by striking ''sound'' and inserting ''responsible'';

(2) in section 420M—

(A) by striking ''academic year'' each place it appears in subsections (a)(1) and (c)(1) and inserting ''year''; and

(B) in subsection (c)(2)—

(i) by striking ''other student assistance'' and inserting ''other assistance the student may receive''; and

(ii) by striking the second sentence;

(3) in section 420N—

(A) in subsection (b)—

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

(ii) in paragraph (2), by striking the period at the end and inserting ''; and''; and

(iii) by adding at the end the following new paragraph:

''(3) contains, or is accompanied by, a plain-language disclosure form developed by the Secretary that clearly describes the nature of the TEACH Grant award, the service obligation, and the loan repayment requirements that are the consequence of the failure to complete the service obligation.''; and

(B) by adding a the end the following new subsection:

''(d) ADDITIONAL ADMINISTRATIVE PROVISIONS.—

''(1) CHANGE OF HIGH-NEED DESIGNATION.—In the event that a recipient of an initial grant under this subpart has acquired an academic degree, or expertise, in a field that was, at the time of the recipient's application for that grant, designated as high-need in accordance with subsection (b)(1)(C)(vii), but is no longer so designated, the grant recipient may fulfill the service obligation described in subsection (b)(1) by teaching in that field.

''(2) EXTENUATING CIRCUMSTANCES.—The Secretary shall establish, by regulation, categories of extenuating circumstances under which a recipient of a grant under this subpart who is unable to fulfill all or part of his or her service obligation may be excused from fulfilling that portion of the service obligation.''; and

(4) by adding at the end the following new section:

''SEC. 420P. PROGRAM EVALUATION.

''The Secretary shall evaluate the effectiveness of TEACH grants with respect to the schools and students served by recipients of such grants.''.

PART B—FEDERAL FAMILY EDUCATION LOANS

SEC. 421. LIMITATIONS ON AMOUNTS OF LOANS COVERED BY FEDERAL INSURANCE.

Section 424(a) (20 U.S.C. 1074(a)) is amended—

(1) by striking ''2012'' and inserting ''2013''; and

(2) by striking ''2016'' and inserting ''2017''.

SEC. 422. FEDERAL INTEREST SUBSIDIES.

Section 428(a)(5) (20 U.S.C. 1078(a)(5)) is amended—

(1) by striking ''2012'' and inserting ''2013''; and

(2) by striking ''2016'' and inserting ''2017''.

SEC. 423. STUDENT LOAN INFORMATION.

Section 428(k) (20 U.S.C. 1078(k)) is amended by adding at the end the following new paragraph:

''(4) STUDENT LOAN INFORMATION.—

''(A) Notwithstanding any other provision of law or regulation, if requested by an institution of higher education or a third party servicer (as defined in section 481(c)) working on behalf of such institution to prevent student loan defaults for borrowers who currently attend or previously attended such institution, a lender, secondary market, holder, or guaranty agency shall provide, free of charge and in a timely and effective

manner, any student loan information pertaining to loans made under this title, as determined by the Secretary, to such borrowers maintained by that entity, provided that the information requested is for a borrower who currently attends or previously attended such institution.

''(B) An institution and any third party servicer obtaining access to information under subparagraph (A), including any subcontractor obtaining access to information under subparagraph (C)(iii), shall safeguard that information—

''(i) as required by any law applicable to the institution, third party servicer, or subcontractor; and

''(ii) at least to the same extent that the disclosing financial institution is required to safeguard its customer information under sections 501 and 505(b) of the Gramm-Leach-Bliley Act (15 U.S.C. 6801, 6805(b)).

''(C) Any third party servicer that obtains information under this paragraph—

''(i) shall only use the information in a manner directly related to the default prevention work the servicer is performing on behalf of the institution of higher education;

''(ii) shall not sell the information to other entities;

''(iii) shall not share the information with, or transfer the information to, entities other than the borrower, a subcontractor of the third party servicer for purposes of skip tracing, or the institution of higher education referenced in subparagraph (A); and

''(iv) shall be subject to any regulations established by the Secretary pursuant to section 432 concerning the misuse of such information, including any penalties for such misuse.

''(D) Any requirement under subparagraph (A) to provide student loan information shall be considered an applicable legal requirement for the purposes of section 502(e)(8) of the Gramm-Leach-Bliley Act (15 U.S.C. 6802(e)(8)).

''(E) Any subcontractor obtaining access to information under subparagraph (C)(iii) shall meet the same restrictions that apply to third party servicers under subparagraph (C).''.

SEC. 424. VOLUNTARY FLEXIBLE AGREEMENTS.

Section 428A(a) (20 U.S.C. 1078–1(a)) is amended by adding at the end the following new paragraph:

''(3) REPORT REQUIRED.—The Secretary, in consultation with the guaranty agencies participating under voluntary flexible agreements, shall report on an annual basis to the authorizing committees regarding the program outcomes that the voluntary flexible agreements have had with respect to program integrity, program and cost efficiencies, delinquency prevention, default aversion, and consumer education programs described in section 433A, and the availability and delivery of student financial aid. Such report shall include—

''(A) a description of each voluntary flexible agreement and the performance goals established by the Secretary for each agreement;

''(B) a list of participating guaranty agencies and the specific statutory or regulatory waivers provided to each guaranty agency and any waivers provided to other guaranty agencies under paragraph (2);

''(C) a description of the standards by which each agency's performance under the agency's voluntary flexible agreement was assessed and the degree to which each agency achieved the performance standards;

''(D) an analysis of the fees paid by the Secretary, and the costs and efficiencies achieved under each voluntary flexible agreement; and

''(E) an identification of promising practices for program improvement that could be replicated by other guaranty agencies.''.

SEC. 425. GRACE PERIOD FOR GRADUATE AND PROFESSIONAL STUDENT PLUS LOANS.

(a) AMENDMENT.—Section 428B(d) (20 U.S.C. 1078–2(d)) is amended by amending paragraphs (1) and (2) to read as follows:

''(1) COMMENCEMENT OF REPAYMENT.—Repayment of principal on loans made under this section shall—

''(A) commence not later than—

''(i) in the case of a parent borrower, 60 days after the date such loan is disbursed by the lender; and

''(ii) in the case of a graduate or professional student borrower, commence at the beginning of a repayment period that begins the day after 6 months after the date the student ceases to carry at least one-half the normal full-time academic workload (as determined by the institution); and

''(B) be subject to deferral during any period during which the graduate or professional student or the parent meets the conditions required for a deferral under section 427(a)(2)(C) or 428(b)(1)(M).

''(2) CAPITALIZATION OF INTEREST.—

''(A) IN GENERAL.—Interest on loans made under this section—

''(i) which accrues prior to the beginning of repayment under paragraph (1)(A)(i), shall be added to the principal amount of the loan; and

''(ii) which accrues during a period in which payments of principal are deferred pursuant to paragraph (1)(B) shall, if agreed upon by the borrower and the lender—

''(I)(aa) be paid monthly or quarterly; or

''(bb) be added to the principal amount of the loan not more frequently than quarterly by the lender.

''(B) INSURABLE LIMITS.—Capitalization of interest under this paragraph shall not be deemed to exceed the annual insurable limit on account of the borrower.''.

(b) CONFORMING AMENDMENT.—Section 428(b)(7)(C) (20 U.S.C. 1078(b)(7)(C)) is amended by striking '', 428B,''.

(c) EFFECTIVE DATE.—The amendments made by this section shall be effective for loans issued on or after July 1, 2008.

SEC. 426. CONSOLIDATION LOAN DISCLOSURE.

Section 428C(b)(1) (20 U.S.C. 1078–3(b)(1)) is amended—

(1) by redesignating subparagraphs (E) and (F) as subparagraphs (F) and (G), respectively; and

(2) by inserting after subparagraph (D) the following new subparagraph:

''(E) that the lender will disclose, in a clear and conspicuous manner, to borrowers who seek to consolidate loans made under part E of this title—

''(i) that once the borrower adds a Federal Perkins Loan to a Federal Consolidation Loan, the borrower will lose all interest-free periods that would have been available, such as those when no interest accrues on the Federal Perkins Loan while the borrower is enrolled in school at least half-time, during the grace period, and during periods when the borrower's student loan repayments are deferred;

''(ii) that the borrower will no longer be eligible for loan cancellation of Federal Perkins Loans under any provision of section 465; and

''(iii) in detail the occupations listed in section 465 for which the borrower will lose eligibility for Federal Perkins Loan cancellation;''.

SEC. 427. EXTENSION OF CONSOLIDATION LOAN AUTHORITY.

Section 428C(e) (20 U.S.C. 1078–3(c)) is amended by striking ''2012'' and inserting ''2013''.

SEC. 428. REQUIREMENTS FOR DISBURSEMENT OF STUDENT LOANS.

(a) SPECIAL RULE.—Section 428G(a) (20 U.S.C. 1078–7(a)) is amended by adding at the end the following new paragraph:

''(4) AMENDMENT TO SPECIAL RULE.—Beginning on October 1, 2011, the special rule under paragraph (3) shall be applied by substituting '15 percent' for '10 percent'.''.

(b) REQUIREMENTS FOR DISBURSEMENTS TO FIRST YEAR STUDENTS.—Section 428G(b) (20 U.S.C. 1078–7(b)) is amended by adding at the end the following new paragraph:

''(3) AMENDMENT TO COHORT DEFAULT RATE EXEMPTION.—Beginning on October 1, 2011, the exemption to the requirements of paragraph (1) in the second sentence of such paragraph shall be applied by substituting '15 percent' for '10 percent'.''.

SEC. 429. LOAN FORGIVENESS FOR SERVICE IN AREAS OF NATIONAL NEED.

Section 428K (20 U.S.C. 1078–11) is amended to read as follows:

''SEC. 428K. LOAN FORGIVENESS FOR SERVICE IN AREAS OF NATIONAL NEED.

''(a) PROGRAM AUTHORIZED.—

''(1) LOAN FORGIVENESS AUTHORIZED.—The Secretary shall forgive, in accordance with this section, the student loan obligation of a borrower in the amount specified in subsection (c) who—

''(A) is employed full-time in an area of national need described in subsection (b); and

''(B) is not in default on a loan for which the borrower seeks forgiveness.

''(2) METHOD OF LOAN FORGIVENESS.—To provide loan forgiveness under paragraph (1), the Secretary is authorized to carry out a program—

''(A) through the holder of the loan, to assume the obligation to repay a qualified loan amount for a loan made, insured, or guaranteed under this part (other than an excepted PLUS loan (as such term is defined in section 493C(a))); and

''(B) to cancel a qualified loan amount for a loan made under part D of this title (other than such an excepted PLUS loan).

''(3) REGULATIONS.—The Secretary is authorized to issue such regulations as may be necessary to carry out the provisions of this section.

''(b) AREAS OF NATIONAL NEED.—For purposes of this section, an individual shall be treated as employed in an area of national need if the individual is employed full-time as any of the following:

''(1) EARLY CHILDHOOD EDUCATORS.—An individual who is employed as an early childhood educator in an eligible preschool program or eligible early childhood education program in a low-income community, and who is involved directly in the care, development, and education of infants, toddlers, or young children age 5 and under.

''(2) NURSES.—An individual who is employed—

''(A) as a nurse in a clinical setting; or

''(B) as a member of the nursing faculty at an accredited school of nursing (as those terms are defined in section 801 of the Public Health Service Act (42 U.S.C. 296)).

''(3) FOREIGN LANGUAGE SPECIALISTS.—An individual who has obtained a baccalaureate or advanced degree in a critical foreign language and is employed—

''(A) in an elementary or secondary school as a teacher of a critical foreign language;

''(B) in an agency of the United States Government in a position that regularly requires the use of such critical foreign language; or

''(C) in an institution of higher education as a faculty member or instructor teaching a critical foreign language.

''(4) LIBRARIANS.—An individual who is employed as a librarian in—

''(A) a public library that serves a geographic area within which the public schools have a combined average of 30 percent or more of their total student enrollments composed of children counted under section 1113(a)(5) of the Elementary and Secondary Education Act of 1965; or

''(B) a high-need school.

''(5) HIGHLY QUALIFIED TEACHERS: SERVING STUDENTS WHO ARE LIMITED ENGLISH PROFICIENT, LOW-INCOME COMMUNITIES, AND UNDERREPRESENTED POPULATIONS.—An individual who—

''(A) is highly qualified as such term is defined in section 9101 of the Elementary and Secondary Education Act of 1965; and

''(B)(i) is employed as a teacher educating students who are limited English proficient;

''(ii) is employed as a teacher in a high-need school; or

''(iii) is an individual from an underrepresented population in the teaching profession, as determined by the Secretary.

''(6) CHILD WELFARE WORKERS.—An individual who—

''(A) has obtained a degree in social work or a related field with a focus on serving children and families; and

''(B) is employed in public or private child welfare services.

''(7) SPEECH-LANGUAGE PATHOLOGISTS AND AUDIOLOGISTS.—An individual who is a speech-language pathologist or audiologist, who is employed in an eligible preschool program or an elementary or secondary school, and who has, at a minimum, a graduate degree in speech-language pathology, audiology, or communication sciences and disorders.

''(8) NATIONAL SERVICE.—An individual who is engaged as a participant in a project under the National and Community Service Act of 1990 (as such terms are defined in section 101 of such Act (42 U.S.C. 12511)).

''(9) SCHOOL COUNSELORS.—An individual who is employed as a school counselor (as such term is defined in section 5421(e)(3) of Elementary and Secondary Education Act of 1965 (20 U.S.C. 7245(e)(3))) in a high-need school.

''(10) PUBLIC SECTOR EMPLOYEES.—An individual who is employed in public safety (including as a first responder, firefighter, police officer, or other law enforcement or public safety officer), emergency management (including as an emergency medical technician), public health (including full-time professionals engaged in health care practitioner occupations and health care support occupations, as such terms are defined by the Bureau of Labor Statistics), or public interest legal services (including prosecution or public defense or legal advocacy in low-income communities at a nonprofit organization).

''(11) NUTRITION PROFESSIONALS.—An individual who—

''(A) is a licensed, certified, or registered dietician who has completed a degree in a relevant field; and

''(B) has obtained employment in an agency of the special supplemental nutrition program for women, infants, and children under section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786).

''(12) MEDICAL SPECIALISTS.—An individual who—

''(A) has received his or her degree from an accredited medical school (as accredited by the Liaison Committee on Medical Education or as defined by this title IV); and

''(B)(i) has been accepted to, or currently participates in, a graduate medical education training program or fellowship (or both) to provide health care services (as recognized by the Accreditation Council for Graduate Medical Education); or

''(ii) has been accepted to, or currently participates in, a graduate medical education program or fellowship (or both) to provide health care services that—

''(I) requires more than 5 years of total graduate medical training; and

''(II) has fewer United States medical school graduate applicants than the total number of training and fellowship positions available in the programs specified in subclause (I) of this clause.

''(13) MENTAL HEALTH PROFESSIONALS.—Individuals who have at least a master's degree in social work, psychology, or psychiatry and who are providing mental health services to children, adolescents, or veterans.

''(14) DENTISTS.—An individual who—

''(A) has received his or her degree from an accredited dental school (as accredited by the Commission on Dental Accreditation) and has completed residency training in pediatric dentistry, general dentistry, or dental public health; or

''(B) is employed as a member of the faculty at a program or school accredited by the Commission on Dental Accreditation.

''(15) STEM EMPLOYEES.—An individual who is employed in engineering, technology, applied sciences, or mathematics.

''(16) PHYSICAL THERAPISTS.—Individuals who are physical therapists and who are providing physical therapy services to children, adolescents, or veterans.

''(17) SUPERINTENDENTS, PRINCIPALS, AND OTHER ADMINISTRATORS.—Individuals who are school superintendents, principals, or other administrators for 5 consecutive complete school years in a school district of a local educational agency in which 30 percent or more of the schools are schools that qualify under section 465(a)(2)(A) for loan cancellation for Perkins loan recipients who teach in such a school.

''(c) QUALIFIED LOAN AMOUNT.—At the end of each school, academic, or calendar year of full-time employment on or after the date of enactment of the College Opportunity and Affordability Act of 2008 in an area of national need described in subsection (b), not to exceed 5 years, the Secretary shall forgive not more than $2,000 of the student loan obligation of a borrower that is outstanding after the completion of each such school, academic, or calendar year of employment, as appropriate, not to exceed $10,000 in the aggregate for any borrower.

''(d) PRIORITY.—The Secretary shall grant loan forgiveness under this section on a first-come, first-served basis, and subject to the availability of appropriations.

''(e) CONSTRUCTION.—Nothing in this section shall be construed to authorize the refunding of any repayment of a loan.

''(f) SEGAL AMERICORPS EDUCATION AWARD AND NATIONAL SERVICE AWARD RECIPIENTS.—A student borrower who qualifies for the maximum education award under subtitle D of title I of the National and Community Service Act of 1990 (42 U.S.C. 12601 et seq.) shall receive under this section the amount, if any, by which the maximum benefit available under this section exceeds the maximum education award available under such subtitle.

''(g) INELIGIBILITY FOR DOUBLE BENEFITS.—No borrower may receive a reduction of loan obligations under both this section and section 428J or 460.

''(h) DEFINITIONS.—In this section:

''(1) AUDIOLOGIST.—The term 'audiologist' means an individual who—

''(A) has received, at a minimum, a graduate degree in audiology from an institution of higher education accredited by an agency or association recognized by the Secretary pursuant to section 496(a) of this Act; and

''(B) provides audiology services under subsection (ll)(2) of section 1861 of the Social Security Act (42 U.S.C. 1395x(ll)(2)), or meets or exceeds the qualifications for a qualified audiologist under subsection (ll)(4) of such section (42 U.S.C. 1395x(ll)(4)).

''(2) EARLY CHILDHOOD EDUCATOR.—The term 'early childhood educator' means an early childhood educator who works directly with children in an eligible preschool program or eligible early childhood education program who has completed a baccalaureate or advanced degree in early childhood development, early childhood education, or in a field related to early childhood education.

''(3) ELIGIBLE PRESCHOOL PROGRAM.—The term 'eligible preschool program' means a program that provides for the care, development, and education of infants, toddlers, or young children age 5 and under, meets any applicable State or local government licensing, certification, approval, and registration requirements, and is operated by—

''(A) a public or private school that is supported, sponsored, supervised, or administered by a local educational agency;

''(B) a Head Start agency serving as a grantee designated under the Head Start Act (42 U.S.C. 9831 et seq.);

''(C) a nonprofit or community based organization; or

''(D) a child care program, including a home.

''(4) ELIGIBLE EARLY CHILDHOOD EDUCATION PROGRAM.—The term 'eligible early childhood education program' means—

''(A) a family child care program, center-based child care program, State prekindergarten program, school program, or other out-of-home early childhood development care program, that—

''(i) is licensed or regulated by the State; and

''(ii) serves 2 or more unrelated children who are not old enough to attend kindergarten;

''(B) a Head Start Program carried out under the Head Start Act (42 U.S.C. 9831 et seq.); or

''(C) an Early Head Start Program carried out under section 645A of the Head Start Act (42 U.S.C. 9840a).

''(5) LOW-INCOME COMMUNITY.—The term 'low-income community' means a school attendance area (as defined in section 1113(a)(2)(A) of the Elementary and Secondary Education Act of 1965)—

''(A) in which 70 percent of households earn less than 85 percent of the State median household income; or

''(B) that includes a high-need school.

''(6) PHYSICAL THERAPIST.—The term 'physical therapist' means an individual who—

''(A) has received, at a minimum, a graduate degree in physical therapy from an institution of higher education accredited by an agency or association recognized by the Secretary pursuant to section 496(a) of this Act; and

''(B) provides physical therapy services under 1861(p) of the Social Security Act (42 U.S.C. 1395x(p), or meets or exceeds the qualifications for a qualified physical therapist as determined by State law.

''(7) NURSE.—The term 'nurse' means a nurse who meets all of the following:

''(A) The nurse graduated from—

''(i) an accredited school of nursing (as those terms are defined in section 801 of the Public Health Service Act (42 U.S.C. 296));

''(ii) a nursing center; or

''(iii) an academic health center that provides nurse training.

''(B) The nurse holds a valid and unrestricted license to practice nursing in the State in which the nurse practices in a clinical setting.

''(C) The nurse holds one or more of the following:

''(i) A graduate degree in nursing, or an equivalent degree.

''(ii) A nursing degree from a collegiate school of nursing (as defined in section 801 of the Public Health Service Act (42 U.S.C. 296)).

''(iii) A nursing degree from an associate degree school of nursing (as defined in section 801 of the Public Health Service Act (42 U.S.C. 296)).

''(iv) A nursing degree from a diploma school of nursing (as defined in section 801 of the Public Health Service Act (42 U.S.C. 296)).

''(8) SPEECH-LANGUAGE PATHOLOGIST.—The term 'speech-language pathologist' means a speech-language pathologist who—

''(A) has received, at a minimum, a graduate degree in speech-language pathology or communication sciences and disorders from an institution of higher education accredited by an agency or association recognized by the Secretary pursuant to section 496(a) of this Act; and

''(B) provides speech-language pathology services under section 1861(ll)(1) of the Social Security Act (42 U.S.C. 1395x(ll)(1)), or meets or exceeds the qualifications for a qualified speech-language pathologist under subsection (ll)(3) of such section (42 U.S.C. 1395x(ll)(3)).

''(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2009 and each of the 4 succeeding fiscal years to provide loan forgiveness in accordance with this section.''.

SEC. 430. LOAN REPAYMENT FOR CIVIL LEGAL ASSISTANCE ATTORNEYS.

Part B of title IV (20 U.S.C. 1071 et seq.) is amended by inserting after section 428K the following new section:

''SEC. 428L. LOAN REPAYMENT FOR CIVIL LEGAL ASSISTANCE ATTORNEYS.

''(a) PURPOSE.—The purpose of this section is to encourage qualified individuals to enter and continue employment as civil legal assistance attorneys.

''(b) DEFINITIONS.—In this section:

''(1) CIVIL LEGAL ASSISTANCE ATTORNEY.—The term 'civil legal assistance attorney' means an attorney who—

''(A) is a full-time employee of a nonprofit organization that provides legal assistance with respect to civil matters to low-income individuals without a fee;

''(B) as such employee, provides civil legal assistance as described in subparagraph (A) on a full-time basis; and

''(C) is continually licensed to practice law.

''(2) STUDENT LOAN.—The term 'student loan' means—

''(A) subject to subparagraph (B), a loan made, insured, or guaranteed under part B, D, or E of this title; and

''(B) a loan made under section 428C or 455(g), to the extent that such loan was used to repay—

''(i) a Federal Direct Stafford Loan, a Federal Direct Unsubsidized Stafford Loan, or a Federal Direct PLUS Loan;

''(ii) a loan made under section 428, 428B, or 428H; or

''(iii) a loan made under part E.

''(c) PROGRAM AUTHORIZED.—The Secretary shall carry out a program of assuming the obligation to repay a student loan, by direct payments on behalf of a borrower to the holder or the Secretary in the case of a loan under part D or E of such loan, in accordance with subsection (d), for any borrower who—

''(1) is employed as a civil legal assistance attorney; and

''(2) is not in default on a loan for which the borrower seeks repayment.

''(d) TERMS OF AGREEMENT.—

''(1) IN GENERAL.—To be eligible to receive repayment benefits under subsection (c), a borrower shall enter into a written agreement with the Secretary that specifies that—

''(A) the borrower will remain employed as a civil legal assistance attorney for a required period of service of not less than 3 years, unless involuntarily separated from that employment;

''(B) if the borrower is involuntarily separated from employment on account of misconduct, or voluntarily separates from employment, before the end of the period specified in the agreement, the borrower will repay the Secretary the amount of any benefits received by such employee under this agreement;

''(C) if the borrower is required to repay an amount to the Secretary under subparagraph (B) and fails to repay such amount, a sum equal to that amount shall be recoverable by the Federal Government from the employee by such methods as are provided by law for the recovery of amounts owed to the Federal Government;

''(D) the Secretary may waive, in whole or in part, a right of recovery under this subsection if it is shown that recovery would be against equity and good conscience or against the public interest; and

''(E) the Secretary shall make student loan payments under this section for the period of the agreement, subject to the availability of appropriations.

''(2) REPAYMENTS.—

''(A) IN GENERAL.—Any amount repaid by, or recovered from, an individual under this subsection shall be credited to the appropriation account from which the amount involved was originally paid.

''(B) MERGER.—Any amount credited under subparagraph (A) shall be merged with other sums in such account and shall be available for the same purposes and period, and subject to the same limitations, if any, as the sums with which the amount was merged.

''(3) LIMITATIONS.—

''(A) STUDENT LOAN PAYMENT AMOUNT.—Student loan repayments made by the Secretary under this section shall be made subject to such terms, limitations, or conditions as may be mutually agreed upon by the borrower and the Secretary in an agreement under paragraph (1), except that the amount paid by the Secretary under this section shall not exceed—

''(i) $6,000 for any borrower in any calendar year; or

''(ii) an aggregate total of $40,000 in the case of any borrower.

''(B) BEGINNING OF PAYMENTS.—Nothing in this section shall authorize the Secretary to pay any amount to reimburse a borrower for any repayments made by such borrower prior to the date on which the Secretary entered into an agreement with the borrower under this subsection.

''(e) ADDITIONAL AGREEMENTS.—

''(1) IN GENERAL.—On completion of the required period of service under an agreement under subsection (d), the borrower and the Secretary may, subject to paragraph (2), enter into an additional agreement in accordance with subsection (d).

''(2) TERM.—An agreement entered into under paragraph (1) may specify that, notwithstanding subsection (d)(1)(A), the required period of service during which the borrower will remain employed as a civil legal assistance attorney may be less than 3 years.

''(f) AWARD BASIS; PRIORITY.—

''(1) AWARD BASIS.—Subject to paragraph (2), the Secretary shall provide repayment benefits under this section on a first-come, first-served basis, and subject to the availability of appropriations.

''(2) PRIORITY.—The Secretary shall give priority in providing repayment benefits under this section in any fiscal year to a borrower who—

''(A) has practiced law for 5 years or less and, for at least 90 percent of the time in such practice, has served as a civil legal assistance attorney;

''(B) received repayment benefits under this section during the preceding fiscal year; and

''(C) has completed less than 3 years of the first required period of service specified for the borrower in an agreement entered into under subsection (d).

''(g) REGULATIONS.—The Secretary is authorized to issue such regulations as may be necessary to carry out the provisions of this section.

''(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $10,000,000 for fiscal year 2009 and such sums as may be necessary for each of the 4 succeeding fiscal years.''.

SEC. 431. LOAN FORGIVENESS FOR VOLUNTEER MENTORING.

Part B of title IV is further amended by inserting after section 428L (as added by the preceding section) the following new section:

''SEC. 428M. LOAN FORGIVENESS FOR VOLUNTEER MENTORING.

''(a) PROGRAM AUTHORIZED.—

''(1) LOAN FORGIVENESS AUTHORIZED.—The Secretary shall forgive, in accordance with this section, the student loan obligation of a borrower in the amount specified in subsection (c) who—

''(A) commits to volunteering as a mentor for a period of at least one school year as described in subsection (b);

''(B) attends a recognized community college; and

''(C) is not in default on a loan for which the borrower seeks forgiveness.

''(2) METHOD OF LOAN FORGIVENESS.—To provide loan forgiveness under paragraph (1), the Secretary is authorized to carry out a program—

''(A) through the holder of the loan, to assume the obligation to repay a qualified loan amount for a loan made, insured, or guaranteed under this part (other than an excepted PLUS loan (as such term is defined in section 493C(a))); and

''(B) to cancel a qualified loan amount for a loan made under part D of this title (other than such an excepted PLUS loan).

''(3) REGULATIONS.—The Secretary is authorized to issue such regulations as may be necessary to carry out the provisions of this section.

''(b) VOLUNTEER MENTORING.—For purposes of this section, an individual shall be treated as participating in a volunteer mentoring program if they commit to mentoring an at-risk child for a period of not less than one school year.

''(c) QUALIFIED LOAN AMOUNT.—At the end of each school, academic, or calendar year of volunteering as a mentor on or after the date of enactment of the College Opportunity and Affordability Act of 2007 as described in subsection (b), not to exceed 5 years, the Secretary shall forgive $10 of the student loan obligation of a borrower that is outstanding after the completion of each such school, academic, or calendar year of employment, for every hour of mentoring committed, not to exceed $10,000 in the aggregate for any borrower.

''(d) PRIORITY.—The Secretary shall grant loan forgiveness under this section on a first-come, first-served basis, and subject to the availability of appropriations.''.

SEC. 432. SETTLEMENT OF CLAIMS.

Section 432(b) (20 U.S.C. 1082(b)) is amended by adding at the end the following: ''The Secretary may not enter into any settlement of any claim under this Act that exceeds $1,000,000 unless the Secretary has

asked the Attorney General to review the settlement agreement and issue an opinion to the Secretary and the authorizing committees related to such proposed settlement.''.

SEC. 433. DELINQUENCY PREVENTION, DEFAULT AVERSION, AND CONSUMER EDUCATION INFORMATION PROGRAMS.

Part B of title IV is further amended by inserting after section 433 (20 U.S.C. 1083) the following new section:

''SEC. 433A. DELINQUENCY PREVENTION, DEFAULT AVERSION, AND CONSUMER EDUCATION INFORMATION PROGRAMS.

''(a) GUARANTY AGENCY DUTY.—Each guaranty agency, with respect to loans insured by the agency, shall develop specific programs designed to prevent delinquencies and avert defaults.

''(b) TRAINING FOR STUDENTS AND FAMILIES.—Each guaranty agency, after consulting with institutions of higher education (including institutions of higher education participating in the William Ford Direct Loan Program), shall develop and make available high quality educational programs and materials to provide training for students and families in budgeting and financial management, including debt management and other aspects of financial literacy, such as the cost of using high interest loans to pay for postsecondary education. Such programs and materials shall address budgeting and financial management relating to student loans, and shall be made available to students and families, in a form and language that is understandable, before, during, and after the students' enrollment.

''(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to prohibit—

''(1) a guaranty agency from using activities, programs, and materials existing on the date of enactment of this section in meeting the requirements of this section; or

''(2) a lender or loan servicer from providing outreach or financial aid literacy information in accordance with subsection (b).''.

SEC. 434. DEFINITION OF ELIGIBLE INSTITUTION: PARTICIPATION RATE INDEX.

(a) AMENDMENTS.—Section 435(a) (20 U.S.C. 1085(a)) is amended—

(1) in paragraph (2)—

(A) in subparagraph (A)(ii), by striking ''paragraph (4)'' and inserting ''paragraph (5)''; and

(B) in subparagraph (B)—

(i) by striking ''and'' at the end of clause (ii); and

(ii) by striking clause (iii) and inserting the following new clauses:

''(iii) 25 percent for fiscal year 1994 through fiscal year 2011; and

''(iv) 30 percent for fiscal year 2012 and any succeeding fiscal year.'';

(2) by redesignating paragraph (6) as paragraph (8), and redesignating paragraphs (3) through (5) as paragraphs (4) through (6), respectively;

(3) by inserting after paragraph (2) the following new paragraph:

''(3) APPEALS FOR REGULATORY RELIEF.—An institution whose cohort default rate, calculated in accordance with subsection (m), is equal to or greater than the threshold percentage specified in paragraph (2)(B)(iv) of this subsection, for two consecutive fiscal years may, within 30 days of receiving notification from the Secretary, file an appeal demonstrating exceptional mitigating circumstances, as defined in paragraph (5). The Secretary shall issue a decision on any such appeal within 45 days after its submission. If the Secretary determines that the institution demonstrates exceptional mitigating circumstances, the Secretary shall not subject the institution to provisional certification based solely on the institution's cohort default rate.'';

(4) in paragraph (5)(A) (as redesignated by paragraph (2) of this subsection), by striking ''For the purposes of paragraph (2)(A)(ii)'' and all that follows through ''following criteria:'', and inserting ''For purposes of this subsection, an institution of higher education shall be treated as having exceptional mitigating circumstances that make application of paragraph (2) inequitable, and that provide for regulatory relief under paragraph (3), if such institution, in the opinion of an independent auditor, meets the following criteria:'';

(5) by inserting after paragraph (6) (as redesignated by paragraph (2) of this subsection) the following new paragraph:

''(7) DEFAULT PREVENTION AND ASSESSMENT OF ELIGIBILITY BASED ON HIGH DEFAULT RATES.—

''(A) FIRST YEAR.—(i) An institution whose cohort default rate is equal to or greater than the threshold percentage specified in paragraph (2)(B)(iv) in any fiscal year shall establish a default prevention task force to prepare a plan to—

''(I) identify the factors causing the institution's cohort default rate to exceed such threshold;

''(II) establish measurable objectives to improve the institution's cohort default rate; and

''(III) specify actions that the institution can take to improve student loan repayment, including enhanced use of professional judgment and discretion of student financial aid administrators.

''(ii) Each institution subject to this subparagraph shall submit the plan under clause (i) to the Secretary, who shall review the plan and offer technical assistance to the institution to promote improved student loan repayment.

''(B) SECOND CONSECUTIVE YEAR.—(i) An institution whose cohort default rate is equal to or greater than the threshold percentage specified in paragraph (2)(B)(iv) for two consecutive fiscal years shall require the institution's default prevention task force established under subparagraph (A) to review and revise the plan required under such subparagraph, and shall submit such revised plan to the Secretary.

''(ii) The Secretary shall review each revised plan submitted in accordance with this subparagraph, and may direct that such a plan be amended to include actions, with measurable objectives, that the Secretary determines, based on available data and analyses of student loan defaults, will promote student loan repayment.

''(C) COHORT DEFAULT RATES PUBLISHED.—The Secretary shall make available to the public on the College Navigator web site the cohort default rate and the plan of the default prevention task force of each institution that is subject to this paragraph.''; and

(6) in paragraph (8)(A) (as redesignated by paragraph (2) of this subsection), by striking ''0.0375'' and inserting ''0.0625''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a)(6) is effective for fiscal years beginning on or after October 1, 2011.

SEC. 434. DEFINITION OF ELIGIBLE LENDER.

Section 435(d)(1)(A)(ii) (20 U.S.C. 1085(d)(1)(A)(ii)) is amended—

(1) by striking ''part, or (III)'' and inserting ''part, (III)''; and

(2) by inserting before the semicolon at the end the following: '', or (IV) it is a National or State chartered bank with assets of less than $1,000,000,000''.

SEC. 435. COHORT DEFAULT RATES.

(a) AMENDMENTS.—Section 435(m) (20 U.S.C. 1085(m)) is amended—

(1) in the first sentence of paragraph (1)(A), by striking ''end of the following fiscal year'' and inserting ''end of the second fiscal year following the fiscal year in which the students entered repayment'';

(2) in paragraph (1)(B), by striking ''such fiscal year'' and inserting ''such second fiscal year'';

(3) in paragraph (1)(C), by striking ''end of the fiscal year immediately following the year in which they entered repayment'' and inserting ''end of the second fiscal year following the year in which they entered repayment'';

(4) in paragraph (2)(C)—

(A) by striking ''end of such following fiscal year is not considered as in default for the purposes of this subsection'' and inserting ''end of the second fiscal year following the year in which the loan entered repayment is not considered as in default for purposes of this subsection''; and

(B) by striking ''such fiscal year'' and inserting ''such second fiscal year''; and

(5) in paragraph (4)—

(A) by amending the header to read as follows: ''COLLECTION AND REPORTING OF COHORT DEFAULT RATES AND LIFE OF COHORT DEFAULT RATES.—''; and

(B) by amending subparagraph (A) to read as follows:

''(A) The Secretary shall collect data from all insurers under this part and shall publish not less often than once every fiscal year a report showing cohort default data and life of cohort default rate for each category of institution, including: (i) 4-year public institutions; (ii) 4-year private nonprofit institutions; (iii) 2-year public institutions; (iv) 2-year private institutions; (v) 4-year proprietary institutions; (vi) 2-year proprietary institutions; and (vii) less than 2-year proprietary institutions. For purposes of this subparagraph, the life of cohort default rate means, for any fiscal year in which 1 or more current and former students at an institution enter repayment on loans under section 428, 428A, or 428H, received for attendance at the institution, the percentage of those current and former students who enter repayment on such loans (or on the portion of a loan made under section 428C that is used to repay any such loans) received for attendance at the institution in that fiscal year who default before the end of each succeeding fiscal year.''.

(b) EFFECTIVE DATE AND TRANSITION.—

(1) EFFECTIVE DATE.—The amendments made by subsection (a) shall be effective for purposes of calculating cohort default rates for fiscal year 2008 and succeeding fiscal years.

(2) TRANSITION.—Notwithstanding paragraph (1), the method of calculating cohort default rates under section 435(m) of the Higher Education Act of 1965 as in effect on the day before the date of enactment of this Act shall continue in effect, and the rates so calculated shall be the basis for any sanctions imposed on institutions of higher education because of their cohort default rates, until three consecutive years of cohort default rates calculated in accordance with the amendments made by subsection (a) are available.

SEC. 436. DISABILITY DETERMINATIONS.

Section 437(a) (20 U.S.C. 1087(a)) is amended by adding at the end the following new sentence: ''A borrower who receives a permanent total disability rating from the Secretary of Veterans Affairs, and who provides documentation of such rating to the Secretary of Education, shall be considered permanently and totally disabled for the purpose of discharging such borrower's loans under this subsection, and such borrower shall not be required to present additional documentation for purposes of this subsection.''.

PART C—COLLEGE WORK/STUDY

SEC. 441. REAUTHORIZATION.

(a) EXTENSION OF AUTHORITY.—Section 441 (42 U.S.C. 2751) is amended—

(1) in subsection (b), by striking ''$1,000,000,000 for fiscal year 1999'' and inserting ''$1,500,000,000 for fiscal year 2009''; and

(2) in subsection (c)—

(A) by striking ''and'' at the end of paragraph (3);

(B) by striking the period at the end of paragraph (4) and inserting ''; and''; and

(C) by adding at the end the following new paragraph:

''(5) responding to the needs of the community, which may include activities in preparation for and during emergencies and natural disasters.''.

(b) ALLOWANCE FOR BOOKS AND SUPPLIES.—Section 442(c)(4)(D) (42 U.S.C. 2752(c)(4)(D)) is amended by striking ''$450'' and inserting ''$600''.

(c) GRANTS FOR FEDERAL WORK-STUDY PROGRAMS.—Section 443 (42 U.S.C. 2753) is amended—

(1) in subsection (b)(2)(B), strike ''(as described in subsection (d)), is'' insert the following: ''(as described in subsection (d)), and not less than 1 civic education and participation project (as described in subsection (e)), are''; and

(2) by adding at the end the following new subsection:

''(e) CIVIC EDUCATION AND PARTICIPATION ACTIVITIES.—

''(1) USE OF FUNDS.—In any academic year to which subsection (b)(2)(B) applies, an institution shall ensure that funds granted to such institution under this section are used in accordance with such subsection to compensate (including compensation for time spent in training and travel directly related to civic education and participation activities) students employed in projects that—

''(A) teach civics in schools;

''(B) raise awareness of government functions or resources; or

''(C) increase civic participation such as in voting or running for elected office.

''(2) PRIORITY FOR SCHOOLS.—To the extent practicable, an institution shall—

''(A) give priority to the employment of students participating in projects that educate or train the public about evacuation, emergency response, and injury prevention strategies relating to natural disasters, acts of terrorism, and other emergency situations; and

''(B) ensure that any student compensated with the funds described in paragraph (1) receives appropriate training to carry out the educational services required.

''(3) FEDERAL SHARE.—The Federal share of the compensation of work-study students compensated under this subsection may exceed 75 percent.''.

(d) FLEXIBLE USE OF FUNDS.—Section 445 (42 U.S.C. 2755) is amended by adding at the end the following new subsection:

''(d) FLEXIBILITY IN THE EVENT OF A MAJOR DISASTER.—

''(1) In the event of a major disaster, an eligible institution located in any area affected by such major disaster, as determined by the Secretary, may make payments under this part to disaster-affected students as follows:

''(A) For any academic year during which a major disaster occurs, such an eligible institution may pay wages under this part to disaster-affected students in an amount equal to or less than the amount of wages such students would have been paid under this part had the students been able to complete the work obligation necessary to receive work study funds for such academic year.

''(B) Wages shall not be awarded to any student who, for the academic year during which a major disaster occurs, was not eligible for work study or was not completing the work obligation necessary to receive work study funds under this part prior to the occurrence of the major disaster.

''(C) Any wages awarded to disaster-affected students under this subsection shall meet the matching requirements outlined in section 443.

''(2) DEFINITIONS.—In this subsection:

''(A) The term 'disaster-affected students' means students enrolled at an eligible institution who—

''(i) were receiving Federal work study payments from such eligible institution for an academic year prior to the occurrence of a major disaster during such academic year; and

''(ii) were prevented from fulfilling their work-study obligations for such academic year due to such major disaster, as determined by the Secretary.

''(B) The term 'major disaster' has the meaning given such term in section 102(2) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act.''.

SEC. 442. ADDITIONAL FUNDS FOR OFF-CAMPUS COMMUNITY SERVICE.

Section 447 (42 U.S.C. 2756a) is amended—

(1) by striking ''Each institution participating'' and inserting ''(a) COMMUNITY SERVICE-LEARNING.—Each institution participating''; and

(2) by adding at the end the following new subsection:

''(b) OFF-CAMPUS COMMUNITY SERVICE.—

''(1) GRANTS AUTHORIZED.—In addition to funds made available under section 443(b)(2)(B), the Secretary is authorized to award grants to institutions participating under this part to supplement off-campus community service employment.

''(2) USE OF FUNDS.—In any year in which section 443(b)(2)(B) applies, an institution shall ensure that funds granted to such institution under this subsection are used in accordance with such section 443 to recruit and compensate students (including compensation for time spent in training and for travel directly related to such community service).

''(3) PRIORITY.—In awarding grants under this subsection, the Secretary shall give priority to applications that support postsecondary students assisting with early childhood education activities and activities in preparation for and during emergencies and natural disasters.

''(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection such sums as may be necessary for fiscal year 2009 and each of the 4 succeeding fiscal years.''.

SEC. 443. WORK COLLEGES.

(a) WORK-LEARNING-SERVICE.—Section 448 (42 U.S.C. 2756b) is amended by striking ''work-learning'' each place it appears and inserting ''work-learning-service''.

(b) DEFINITION.—Section 448(e) is amended to read as follows:

''(e) DEFINITIONS.—For the purpose of this section—

''(1) the term 'work college' means an eligible institution that—

''(A) has been a public or private nonprofit, four-year, degree granting institution with a commitment to community service;

''(B) has operated a comprehensive work-learning-service program for at least 2 years;

''(C) requires all resident students, including at least one-half of all students who are enrolled on a full-time basis, to participate in a comprehensive work-learning-service program for at least 5 hours each week, or at least 80 hours during each period of enrollment, except summer school, unless the student is engaged in an institutionally organized or approved study abroad or externship program; and

''(D) provides students participating in the comprehensive work-learning-service program with the opportunity to contribute to their education and to the welfare of the community as a whole; and

''(2) the term 'comprehensive student work-learning-service program' means a student work-learning-service program that—

''(A) is an integral and stated part of the institution's educational philosophy and program;

''(B) requires participation of all resident students for enrollment and graduation;

''(C) includes learning objectives, evaluation, and a record of work performance as part of the student's college record;

''(D) provides programmatic leadership by college personnel at levels comparable to traditional academic programs;

''(E) recognizes the educational role of work-learning-service supervisors; and

''(F) includes consequences for nonperformance or failure in the work-learning-service program similar to the consequences for failure in the regular academic program.''.

(c) AUTHORIZATION.—Section 448(f) is amended—

(1) by striking ''$5,000,000'' and inserting ''such sums as may be necessary''; and

(2) by striking ''1999'' and inserting ''2009''.

PART D—FEDERAL DIRECT STUDENT LOANS

SEC. 451. REAUTHORIZATION.

Section 458(a) (20 U.S.C. 1087h(a)) is amended—

(1) in paragraph (2)—

(A) in the heading of such paragraph, by striking ''2011'' and inserting ''2013''; and

(B) by striking ''2011'' and inserting ''2013''; and

(2) in paragraph (3), by striking ''2011'' and inserting ''2013''.

SEC. 452. PUBLIC SERVICE JOB DEFINITION.

Section 455(m)(3)(B) (20 U.S.C. 1087e(m)(3)(B)) is amended to read as follows:

''(B) PUBLIC SERVICE JOB.—The term 'public service job' means—

''(i) a full-time job in emergency management, government (excluding time served as a member of Congress), military service, public safety, law enforcement, public health (including nurses, nurse practitioners, nurses in a clinical setting, and full-time professionals engaged in health care practitioner occupations and health care support occupations, as such terms are defined by the Bureau of Labor Statistics), public education, social work in a public child or family service agency, public interest law services (including prosecution or public defense or legal advocacy on behalf of low-income communities at a nonprofit organization), early childhood education (including licensed or regulated childcare, Head Start, and State funded prekindergarten), public service for individuals with disabilities, public service for the elderly, public library sciences, school-based library sciences and other school-based services, or at an organization that is described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from taxation under section 501(a) of such Code; or

''(ii) teaching as a full-time faculty member at a Tribal College or University as defined in section 316(b) and other faculty teaching in high-needs subject areas or areas of shortage (including nurse faculty, foreign language faculty and part-time faculty at community colleges), as determined by the Secretary.''.

SEC. 453. IDENTITY FRAUD PROTECTION.

Section 455 (20 U.S.C. 1087e) is further amended by adding at the end the following new subsection:

''(n) IDENTITY FRAUD PROTECTION.—The Secretary of Education shall take such steps as may be necessary to ensure that monthly Direct Loan statements and other publications of the Department of Education do not contain more than 4 digits of the Social Security number of any individual.''.

SEC. 454. NO ACCRUAL OF INTEREST FOR ACTIVE DUTY SERVICE MEMBERS.

(a) AMENDMENT.—Section 455 (20 U.S.C. 1087e) is further amended by adding at the end the following:

''(o) NO ACCRUAL OF INTEREST FOR ACTIVE DUTY SERVICE MEMBERS.—

''(1) IN GENERAL.—Notwithstanding any other provision of this part, and except as provided in paragraph (3), interest shall not accrue for an eligible borrower on a loan made under this part that is disbursed on or after October 1, 2008.

''(2) CONSOLIDATION LOANS.—In the case of any consolidation loan made under this part that is disbursed on or after October 1, 2008, interest shall not accrue pursuant to this subsection only on such portion of such loan as was used to repay a loan made under this part that was disbursed on or after October 1, 2008.

''(3) ELIGIBLE BORROWER.—In this subsection, the term 'eligible borrower' means an individual who—

''(A)(i) is serving on active duty during a war or other military operation or national emergency; or

''(ii) is performing qualifying National Guard duty during a war or other military operation or national emergency; and

''(B) is serving in an area of hostilities in which service qualifies for special pay under section 310 of title 37, United States Code.

''(4) LIMITATION.—An individual who qualifies as an eligible borrower under this subsection may receive the benefit of this subsection for not more than 60 months.''.

(b) CONSOLIDATION LOANS.—Section 428C(b)(5) (20 U.S.C. 1078–3(b)(5)) is amended by inserting after the first sentence the following: ''In addition, in the event that a borrower chooses to obtain a consolidation loan for the purposes of using the no accrual of interest for active duty service members program offered under section 455(o), the Secretary shall offer a Federal Direct Consolidation loan to any such borrower who applies for participation in such program.''.

SEC. 455. DIRECT LOAN PROGRAM AUDIT AND REPORTING REQUIREMENTS.

(a) AUDIT OF DIRECT LOAN SERVICING PORTFOLIO AND DIRECT LOAN SERVICING CONTRACTS.—Section 458 (20 U.S.C. 1087h) is amended by adding at the end the following:

''(d) AUDIT OF DIRECT LOAN SERVICING PORTFOLIO AND DIRECT LOAN SERVICING CONTRACTS.—The Secretary shall have a financial and compliance audit of all loans owned by the Department of Education and made under the William D. Ford Federal Direct Loan Program and all contracts for the origination, servicing, collection, and related activities of such loans, conducted annually by a qualified independent organization from a list of qualified organizations promulgated by the Secretary in accordance with standards established by the Comptroller General. The standards shall measure the servicer's compliance with the due diligence standards and shall include a defined statistical sampling technique designed to measure the performance rating of the servicer for the purpose of this section. The Secretary shall submit the audit to Congress within 60 days of its completion and shall at the same time make the results of the audit publicly available.''.

(b) QUARTERLY REPORTING OF ADMINISTRATIVE EXPENSES.—Section 458 (20 U.S.C. 1087h) is further amended by adding at the end the following:

''(e) BUDGET JUSTIFICATION AND QUARTERLY REPORTS.—In addition to the requirements of subsection (c), and as a prerequisite to expending funds under this section, the Secretary shall—

''(1) make publicly available immediately upon providing to Congress, its annual budget justification referenced in the last sentence of subsection (c), including the detailed descriptions of activities and the costs for each such activity; and

''(2) make publicly available within 30 days of the close of each calendar quarter, an interim report with at least the same level of detail as the annual report referred to above, showing the detailed descriptions of activities and the costs for each such activity, for the quarter, which shall include—

''(A) amendments to any contracts entered into by the Department for the purposes of servicing, origination, consolidating, or otherwise providing administrative support for the Direct Loan program;

''(B) a complete listing of all milestones for upgrades and improvements in any of the contracts referenced in section 458(d)(1) and the progress towards meeting such milestones;

''(C) with respect to each of the guaranty agencies operating under a guaranty agreement under section 428(c)—

''(i) un-reconciled balances in held loans by year of origination;

''(ii) status and number of defaulted loans by length of default in 30-day increments; and

''(iii) status and number of delinquent loans by length of delinquency in 30-day increments;

''(D) information technology purchases made under this section; and

''(E) costs and terms of all contracts with external consultants and employees of institutions of higher education carrying out activities under this part.''.

(c) AUDIT OF FEDERAL FAMILY EDUCATION LOAN PROGRAM PORTFOLIO AND GUARANTY AGENCIES.—The Secretary of Education shall have a financial and compliance audit of all guaranty agencies participating in the loan programs under part B of title IV of the Higher Education Act of 1965 (including each guaranty agencies' contract for the servicing, collecting, and related activities of such loans), conducted annually by a qualified independent organization from a list of qualified organizations promulgated by the Secretary in accordance with the standards established by the Comptroller General. The standards shall measure the guaranty agency's compliance with the due diligence standards and shall include a defined statistical sampling technique designed to measure the performance rating of the guaranty agency for the purpose of this subsection. The Secretary shall submit the audit to Congress within 60 days of its completion and shall at the same time make the results of the audit publicly available.

PART E—PERKINS LOANS

SEC. 461. EXTENSION OF AUTHORITY.

Section 461(b) (20 U.S.C. 1087aa(b)) is amended—

(1) in paragraph (1), by striking ''$250,000,000 for fiscal year 1999'' and inserting ''$350,000,000 for fiscal year 2009''; and

(2) in paragraph (2), by striking ''2003'' each place it appears and inserting ''2014''.

SEC. 462. ALLOWANCE FOR BOOKS AND SUPPLIES.

Section 462(c)(4)(D) (20 U.S.C. 1087bb(c)(4)(D)) is amended by striking ''$450'' and inserting ''$600''.

SEC. 463. AGREEMENTS WITH INSTITUTIONS.

(a) TRANSFERS FOR COLLECTION.—Section 463(a)(4)(B) (20 U.S.C. 1087cc(a)(4)(B)) is amended to read as follows:

''(B) if the institution is not one described in subparagraph (A), the Secretary may allow such institution to refer such note or agreement to the Secretary, without recompense, except that any sums collected on such a loan (less an amount not to exceed 30 percent of any such sums collected to cover the Secretary's collection costs) shall be repaid to such institution no later than 180 days after collection by the Secretary and treated as an additional capital contribution under section 462;''.

(b) REVISE AUTHORITY TO PRESCRIBE ADDITIONAL FISCAL CONTROLS.—Section 463(a)(9) (20 U.S.C. 1087cc(a)(9)) is amended by inserting '', except that nothing in this paragraph shall be construed to permit the Secretary to require the assignment of loans to the Secretary other than as is provided for in paragraphs (4) and (5)'' before the period.

SEC. 464. PERKINS LOAN TERMS AND CONDITIONS.

(a) LOAN LIMITS.—Section 464(a) (20 U.S.C. 1087dd(a)) is amended—

(1) in paragraph (2)(A)—

(A) by striking ''$4,000'' in clause (i) and inserting ''$5,500''; and

(B) by striking ''$6,000'' in clause (ii) and inserting ''$8,000''; and

(2) in paragraph (2)(B)—

(A) by striking ''$40,000'' in clause (i) and inserting ''$60,000'';

(B) by striking ''$20,000'' in clause (ii) and inserting ''$27,500''; and

(C) by striking ''$8,000'' in clause (iii) and inserting ''$11,000''.

(b) FORBEARANCE.—Section 464 (20 U.S.C. 1087dd) is further amended—

(1) in subsection (e)—

(A) in the matter preceding paragraph (1), by striking '', upon written request,'' and inserting '', as documented in accordance with paragraph (2),'';

(B) by redesignating paragraphs (1) through (3) as subparagraphs (A) through (C), respectively;

(C) by inserting ''(1)'' after ''FORBEARANCE.—''; and

(D) by adding at the end the following:

''(2) For the purpose of paragraph (1), the terms of forbearance agreed to by the parties shall be documented by—

''(A) confirming the agreement of the borrower by notice to the borrower from the institution of higher education; and

''(B) recording the terms in the borrower's file.'';

(2) in subsection (h)(1)(A), by striking ''12 ontime'' and inserting ''9 on-time''; and

(3) in subsection (j)(2), by striking ''(e)(3)'' and inserting ''(e)(1)(C)''.

SEC. 465. CANCELLATION FOR PUBLIC SERVICE.

Section 465(a) (20 U.S.C. 1087ee(a)) is amended—

(1) in paragraph (2)—

(A) by amending subparagraph (A) to read as follows:

''(A) as a full-time teacher for service in an academic year in a high-need school;'';

(B) in subparagraph (B), by striking ''Head Start Act which'' and inserting ''Head Start Act, or in a prekindergarten or child care program that is licensed or regulated by the State, that'';

(C) in subparagraph (H), by striking ''or'' after the semicolon;

(D) in subparagraph (I), by striking the period and inserting a semicolon; and

(E) by inserting before the matter following subparagraph (I) the following:

''(J) as a full-time fire fighter for service to a local, State, or Federal fire department or fire district;

''(K) as a full-time faculty member at a Tribal College or University, as that term is defined in section 316;

''(L) as a librarian, if the librarian has a master's degree in library science and is employed in—

''(i) an elementary school or secondary school that is eligible for assistance under

title I of the Elementary and Secondary Education Act of 1965; or

''(ii) a public library that serves a geographic area that contains 1 or more schools eligible for assistance under title I of the Elementary and Secondary Education Act of 1965; or

''(M) as a full-time speech language therapist, if the therapist has a master's degree and is working exclusively with schools that are eligible for assistance under title I of the Elementary and Secondary Education Act of 1965.''; and

(2) in paragraph (3)(A)—

(A) in clause (i)—

(i) by inserting ''(D),'' after ''(C),''; and

(ii) by striking ''or (I)'' and inserting ''(I), (J), (K), (L), or (M)'';

(B) in clause (ii), by inserting ''or'' after the semicolon;

(C) by striking clause (iii); and

(D) by redesignating clause (iv) as clause (iii).

SEC. 466. SENSE OF CONGRESS REGARDING PERKINS LOANS.

It is the sense of Congress that—

(1) the Federal Perkins Loan Program, which provides low-interest loans to help needy students finance the costs of postsecondary education, is an important part of Federal student aid, and should remain a campus-based aid program at colleges and universities; and

(2) in order to strengthen the Federal Perkins Loan Program, the Federal Government should support increased funds to the Program and restore the capital contribution funds for the Program, to provide more low-income students with affordable borrowing options.

PART F—NEED ANALYSIS

SEC. 471. COST OF ATTENDANCE.

(a) AMENDMENTS.—Section 472(3) (20 U.S.C. 1087kk(3)) is amended—

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

(2) by redesignating subparagraph (C) as subparagraph (D); and

(3) by inserting after subparagraph (B), as amended by paragraph (1), the following:

''(C) for students who live in housing located on a military base or for which a basic allowance is provided under section 403(b) of title 37, United States Code, shall be an allowance based on the expenses reasonably incurred by such students for board but not for room; and''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on July 1, 2009.

SEC. 472. DISCRETION TO MAKE ADJUSTMENTS FOR NURSING HOME EXPENSES.

Section 479A(a) (20 U.S.C. 1087tt) is amended by striking ''medical or dental expenses'' and inserting ''medical, dental, or nursing home expenses''.

SEC. 473. DEFINITIONS.

(a) TOTAL INCOME.—Section 480(a) (20 U.S.C. 1087vv(a)) is amended by adding at the end the following new paragraph:

''(3) Notwithstanding paragraph (1), with respect to dislocated workers (as defined in section 101 of the Workforce Investment Act of 1998 (29 U.S.C. 2801)), the term 'total income' is equal to estimated adjusted gross income plus estimated untaxed income and benefits for the current tax year minus estimated excludable income (as defined in subsection (e)) in for the current tax year.''.

(b) UNTAXED INCOME AND BENEFITS.—Section 480(b)(6) (20 U.S.C. 1087vv(b)(6)) is amended by inserting '', except that the value of on-base military housing or the value of basic allowance for housing determined under section 403(b) of title 37, United States Code, received by the parents, in the case of a dependent student, or the student or student's spouse, in the case of an independent student, shall be excluded'' before the semicolon.

(c) TREATMENT OF COOPERATIVE EDUCATION WORK INCOME.—Section 480(e) (20 U.S.C. 1087vv(e)) is amended—

(1) by redesignating paragraphs (2) through (4) as paragraphs (3) through (5), respectively; and

(2) by inserting after paragraph (1) the following new paragraph:

''(2) any income earned from work under a cooperative education program offered by an institution of higher education;''.

(d) TREATMENT OF VETERANS' EDUCATION BENEFITS IN ESTIMATED FINANCIAL ASSISTANCE CALCULATION.—Section 480(j) (20 U.S.C. 1087vv(j)) is amended by adding at the end the following new paragraph:

''(4) Notwithstanding paragraph (1), for the first year a student receives veterans' education benefits under chapter 30 of title 38, United States Code, the amount of such veterans' education benefits that is treated as estimated financial assistance not received under this title for the purposes of section 471(3) shall be calculated by subtracting the amount that the student's basic pay was reduced under section 3011(b) or 3012(c) of such title in order to be eligible to receive such benefits from the amount of such veterans' education benefits.''.

(e) EFFECTIVE DATE.—The amendments made by this section are effective on July 1, 2009.

SEC. 474. USE OF MOST RECENT TAX INFORMATION IN NEED ANALYSIS.

Section 480(a)(1) of the Higher Education Act of 1965 (20 U.S.C. 1087vv(a)(1)), as amended by section 473 of this Act, is further amended by adding at the end the following new sentence: ''Notwithstanding the preceding sentence, the Secretary shall, by regulation, provide for the use of the second preceding tax year when and to the extent necessary to carry out the simplification of applications used for the estimation and determination of financial aid eligibility through the sharing of data with the Internal Revenue Service with the consent of the taxpayer.''.

PART G—GENERAL PROVISIONS

SEC. 481. COMPLIANCE CALENDAR.

Section 482 (20 U.S.C. 1089) is amended by adding at the end the following:

''(e) COMPLIANCE CALENDAR.—Prior to the beginning of each award year, the Secretary shall provide to institutions of higher education a list of all the reports and disclosures required under this Act. The list shall include—

''(1) the date each report or disclosure is required to be completed and to be submitted, made available, or disseminated;

''(2) the required recipients of each report or disclosure;

''(3) any required method for transmittal or dissemination of each report or disclosure;

''(4) a description of the content of each report or disclosure sufficient to allow the institution to identify the appropriate individuals to be assigned the responsibility for such report or disclosure;

''(5) references to the statutory authority, applicable regulations, and current guidance issued by the Secretary regarding each report or disclosure; and

''(6) any other information which is pertinent to the content or distribution of the report or disclosure.''.

SEC. 482. IMPROVEMENTS TO PAPER AND ELECTRONIC FORMS AND PROCESSES.

(a) COMMON FINANCIAL AID FORM DEVELOPMENT AND PROCESSING.—Section 483 (20 U.S.C. 1090) is amended—

(1) in subsection (a)—

(A) by striking paragraphs (1), (2), and (5);

(B) by redesignating paragraphs (3), (4), (6), and (7), as paragraphs (9), (10), (11), and (12), respectively; and

(C) by inserting before paragraph (9), as redesignated by subparagraph (B), the following:

''(1) IN GENERAL.—The Secretary, in cooperation with representatives of agencies and organizations involved in student financial assistance, shall produce, distribute, and process free of charge common financial reporting forms as described in this subsection to be used for application and reapplication to determine the need and eligibility of a student for financial assistance under parts A through E (other than subpart 4 of part A). These forms shall be made available to applicants in both paper and electronic formats and shall be referred to as the 'Free Application for Federal Student Aid' or the 'FAFSA'. The Secretary shall work to make the FAFSA consumer-friendly and to make questions on the FAFSA easy for students and parents to read and understand, and shall ensure that the FAFSA is available in formats accessible to individuals with disabilities.

''(2) EARLY ESTIMATES.—The Secretary shall—

''(A) permit applicants to enter data in such forms as described in this subsection in the years prior to enrollment in order to obtain a non-binding estimate of the applicant's family contribution (as defined in section 473);

''(B) permit applicants to update information submitted on forms described in this subsection, without needing to re-enter previously submitted information;

''(C) develop a means to inform applicants, in the years prior to enrollment, of student aid options for individuals in similar financial situations; and

''(D) develop a means to provide a clear and conspicuous notice that the applicant's expected family contribution is subject to change and may not reflect the final expected family contribution used to determine Federal student financial aid award amounts.

''(3) PAPER FORMAT.—

''(A) IN GENERAL.—The Secretary shall produce, distribute, and process common forms in paper format to meet the requirements of paragraph (1). The Secretary shall develop a common paper form for applicants who do not meet the requirements of subparagraph (B).

''(B) EZ FAFSA.—

''(i) IN GENERAL.—The Secretary shall develop and use a simplified paper application form, to be known as the EZ FAFSA, to be used for applicants meeting the requirements of subsections (b) and (c) of section 479.

''(ii) REDUCED DATA REQUIREMENTS.—The EZ FAFSA shall permit an applicant to submit for financial assistance purposes, only the data elements required to make a determination of whether the applicant meets the requirements under subsections (b) and (c) of section 479.

''(iii) STATE DATA.—The Secretary shall include on the EZ FAFSA such data items as may be necessary to award State financial assistance, as provided under paragraph (6), except that the Secretary shall not include a State's data if that State does not permit its applicants to use the EZ FAFSA for State assistance.

''(iv) FREE AVAILABILITY AND PROCESSING.—The provisions of paragraph (7) shall apply to the EZ FAFSA, and the data collected by means of the EZ FAFSA shall be available to institutions of higher education, guaranty agencies, and States in accordance with paragraph (9).

''(v) TESTING.—The Secretary shall conduct appropriate field testing on the EZ FAFSA.

''(C) PROMOTING THE USE OF ELECTRONIC FAFSA.—

''(i) IN GENERAL.—The Secretary shall make all efforts to encourage all applicants to utilize the electronic forms described in paragraph (4).

''(ii) MAINTENANCE OF THE FAFSA IN A PRINTABLE ELECTRONIC FILE.—The Secretary shall maintain a version of the paper forms described in subparagraphs (A) and (B) in a printable electronic file that is easily portable. The printable electronic file will be made easily accessible and downloadable to students on the same website used to provide students with the electronic application forms described in paragraph (4) of this subsection. The Secretary shall enable students to submit a form created under this subparagraph that may be downloaded and printed from an electronic file format in order to meet the filing requirements of this section and in order to receive aid from programs under this title.

''(iii) REPORTING REQUIREMENT.—The Secretary shall report annually to Congress on the impact of the digital divide on students completing applications for title IV aid described under this paragraph and paragraph (4). The Secretary will also report on the steps taken to eliminate the digital divide and reduce production of the paper form described in subparagraph (A) of this paragraph. The Secretary's report will specifically address the impact of the digital divide on the following student populations: independent students, traditionally underrepresented students, and dependent students.

''(4) ELECTRONIC FORMAT.—

''(A) IN GENERAL.—The Secretary shall produce, distribute, and process common forms in electronic format to meet the requirements of paragraph (1). The Secretary shall develop common electronic forms for applicants who do not meet the requirements of subparagraph (C) of this paragraph.

''(B) STATE DATA.—The Secretary shall include on the common electronic forms space for information that needs to be entered for the applicant to be eligible for State financial assistance, as provided under paragraph (6), except the Secretary shall not require applicants to enter data required by any State other than the applicant's State of residence.

''(C) SIMPLIFIED APPLICATIONS: FAFSA ON THE WEB.—

''(i) IN GENERAL.—The Secretary shall develop and use a simplified electronic application form to be used by applicants meeting the requirements under subsections (b) and (c) of section 479.

''(ii) REDUCED DATA REQUIREMENTS.—The simplified electronic application forms shall permit an applicant to submit for financial assistance purposes, only the data elements required to make a determination of whether the applicant meets the requirements under subsection (b) or (c) of section 479.

''(iii) STATE DATA.—The Secretary shall include on the simplified electronic application forms such data items as may be necessary to award State financial assistance, as provided under paragraph (6), except that the Secretary shall not require applicants to enter data required by any State other than the applicant's State of residence.

''(iv) AVAILABILITY AND PROCESSING.—The data collected by means of the simplified electronic application forms shall be available to institutions of higher education, guaranty agencies, and States in accordance with paragraph (9).

''(v) TESTING.—The Secretary shall conduct appropriate field testing on the forms developed under this subparagraph.

''(D) USE OF FORMS.—Nothing in this subsection shall be construed to prohibit the use of the forms developed by the Secretary pursuant to this paragraph by an eligible institution, eligible lender, guaranty agency, State grant agency, private computer software provider, a consortium thereof, or such other entities as the Secretary may designate.

''(E) PRIVACY.—The Secretary shall ensure that data collection under this paragraph complies with section 552a of title 5, United States Code, and that any entity using the electronic version of the forms developed by the Secretary pursuant to this paragraph shall maintain reasonable and appropriate administrative, technical, and physical safeguards to ensure the integrity and confidentiality of the information, and to protect against security threats, or unauthorized uses or disclosures of the information provided on the electronic version of the forms. Data collected by such electronic version of the forms shall be used only for the application, award, and administration of aid awarded under this title, State aid awarded under section 415C, or aid awarded by eligible institutions or such entities as the Secretary may designate. No data collected by such electronic version of the forms shall be used for making final aid awards under this title until such data have been processed by the Secretary or a contractor or designee of the Secretary, except as may be permitted under this title.

''(F) SIGNATURE.—Notwithstanding any other provision of this Act, the Secretary may permit an electronic form under this paragraph to be submitted without a signature, if a signature is subsequently submitted by the applicant or if the applicant uses a personal identification number provided by the Secretary under subparagraph (G) of this paragraph.

''(G) PERSONAL IDENTIFICATION NUMBERS AUTHORIZED.—The Secretary may assign to applicants personal identification numbers—

''(i) to enable the applicants to use such numbers in lieu of a signature for purposes of completing a form under this paragraph;

''(ii) to enable the applicants to use such numbers in lieu of a signature for purposes of completing forms required by States under section 415C; and

''(iii) for any purpose determined by the Secretary to enable the Secretary to carry out this title.

''(H) PERSONAL IDENTIFICATION NUMBER IMPROVEMENT.—The Secretary shall implement a real-time data match between the Social Security Administration and the Department to minimize the time required for an applicant to obtain a personal identification number when applying for aid under this title through an electronic version of a form developed under this paragraph.

''(5) STREAMLINING.—

''(A) STREAMLINED REAPPLICATION PROCESS.—

''(i) IN GENERAL.—The Secretary shall develop streamlined reapplication forms and processes, including both paper and electronic reapplication processes, consistent with the requirements of this subsection, for an applicant who applies for financial assistance under this title in the next succeeding academic year subsequent to the year in which such applicant first applied for financial assistance under this title.

''(ii) MECHANISMS FOR REAPPLICATION.—The Secretary shall develop appropriate mechanisms to support reapplication.

''(iii) IDENTIFICATION OF UPDATED DATA.—The Secretary shall determine, in cooperation with States, institutions of higher education, agencies, and organizations involved in student financial assistance, the data elements that can be updated from the previous academic year's application.

''(iv) REDUCED DATA AUTHORIZED.—Nothing in this title shall be construed as limiting the authority of the Secretary to reduce the number of data elements required of reapplicants.

''(v) ZERO FAMILY CONTRIBUTION.—Applicants determined to have a zero family contribution pursuant to section 479(c) shall not be required to provide any financial data in a reapplication form, except that which is necessary to determine eligibility under such section.

''(B) REDUCTION OF DATA ELEMENTS.—

''(i) REDUCTION ENCOURAGED.—Of the number of data elements on the FAFSA on the date of enactment of the College Opportunity and Affordability Act of 2008 (including questions on the FAFSA for the purposes described in paragraph (6)), the Secretary, in cooperation with representatives of agencies and organizations involved in student financial assistance, shall continue to reduce the number of such data elements required to be entered by all applicants, with the goal of reducing such number by 50 percent. Reductions of data elements under paragraph (3)(B), (4)(C), or (5)(A)(iv) shall not be counted towards such reduction unless those data elements are reduced for all applicants.

''(ii) REPORT.—The Secretary shall submit a report on the process of this reduction to each the authorizing committees within 2 years after such date of enactment.

''(6) STATE REQUIREMENTS.—

''(A) IN GENERAL.—The Secretary shall include on the forms developed under this subsection, such State-specific nonfinancial data items as the Secretary determines are necessary to meet State requirements for need-based State aid under section 415C, except as provided in paragraphs (3)(B)(iii) and (4)(C)(iii) of this subsection. Such items shall be selected in consultation with State agencies that submit applications under section 415C in order to assist in the awarding of State financial assistance in accordance with the terms of this subsection, except as provided in paragraphs (3)(B)(iii) and (4)(C)(iii) of this subsection. The number of such data items shall not be less than the number included on the form for the 2008–2009 academic year, unless a State notifies the Secretary that the State no longer requires those data items for the distribution of State need-based aid.

''(B) ANNUAL REVIEW.—The Secretary shall conduct an annual review process to determine which forms and nonfinancial data items the States require to award need-based State aid and other application requirements that the States may impose.

''(C) STATE USE OF SIMPLIFIED FORMS.—The Secretary shall encourage States to take such steps as necessary to encourage the use of simplified application forms, including those described in paragraphs (3)(B) and (4)(C), to meet the requirements under subsection (b) or (c) of section 479.

''(D) FEDERAL REGISTER NOTICE.—The Secretary shall publish on an annual basis a notice in the Federal Register requiring State agencies to inform the Secretary—

''(i) if the State agency is unable to permit applicants to utilize the simplified application forms described in paragraphs (3)(B) and (4)(C); and

''(ii) of the State-specific nonfinancial data that the State agency requires for delivery of State need-based financial aid.

''(E) STATE NOTIFICATION TO THE SECRETARY.—

''(i) IN GENERAL.—Each State agency that submits an application under section 415C shall notify the Secretary—

''(I) whether the State permits an applicant to file a form described in paragraph (3)(B) or (4)(A) of this subsection for purposes of determining eligibility for State need-based grant aid; and

''(II) the State-specific nonfinancial data that the State agency requires for delivery of State need-based financial aid.

''(ii) ACCEPTANCE OF FORMS.—In the event that a State does not permit an applicant to file a form described in paragraph (3)(B) or (4)(A) of this subsection for purposes of determining eligibility for State need-based grant aid—

''(I) the State shall notify the Secretary if the State is not permitted to do so because of either State law or because of agency policy; and

''(II) the notification under subclause (I) shall include an estimate of the program cost to permit applicants to complete simplified application forms under paragraphs (3)(B) and (4)(A) of this subsection.

''(iii) LACK OF NOTIFICATION BY THE STATE.—If a State does not notify the Secretary pursuant to clause (i), the Secretary shall—

''(I) permit residents of that State to complete simplified application forms under paragraphs (3)(B) and (4)(A) of this subsection; and

''(II) not require any resident of that State to complete any nonfinancial data previously required by that State under this section.

''(7) CHARGES TO STUDENTS AND PARENTS FOR USE OF FORMS PROHIBITED.—

''(A) FEES PROHIBITED.—The FAFSA, in whatever form (including the EZ FAFSA, paper, electronic, simplified, or reapplication), shall be produced, distributed, and processed by the Secretary and no parent or student shall be charged a fee for the collection, processing, or delivery of financial aid through the use of the FAFSA. The need and eligibility of a student for financial assistance under parts A through E of this title (other than under subpart 4 of part A) may only be determined by using the FAFSA developed by the Secretary pursuant to this subsection. No student may receive assistance under parts A through E of this title (other than under subpart 4 of part A), except by use of the FAFSA developed by the Secretary pursuant to this subsection. No data collected on a form for which a fee is charged shall be used to complete the FAFSA.

''(B) NOTICE.—Any entity that provides to students and parents, or charges students or parents for, any value-added services with respect to or in connection with the FAFSA, such as completion of the FAFSA, submission of the FAFSA, or tracking of the FAFSA for a student, shall provide to students and parents clear and conspicuous notice that—

''(i) the FAFSA is a free Federal student aid application;

''(ii) the FAFSA can be completed without professional assistance; and

''(iii) includes the current Internet address for the FAFSA on the Department's web site.

''(8) APPLICATION PROCESSING CYCLE.—The Secretary shall enable students to submit a form created under this subsection in order to meet the filing requirements of this section and in order to receive aid from programs under this title and shall initiate the processing of applications under this subsection as early as practicable prior to October 15 of the year prior to the student's planned year of enrollment.'';

(2) by adding at the end of subsection (a) the following paragraph:

''(13) EARLY APPLICATION AND AWARD DEMONSTRATION PROGRAM.—

''(A) PROGRAM REQUIRED.—The Secretary shall, no later than two years after the date of the enactment of the College Opportunity and Affordability Act of 2008, implement an early application demonstration program enabling dependent students to—

''(i) complete applications under this subsection in such students' junior year of secondary school, or in the academic year that is 2 years prior to such students' intended year of enrollment at an institution of higher education;

''(ii) receive an estimate of such students' financial aid awards;

''(iii) update, in the year prior to such students' planned year of enrollment, the information contained in an application submitted under clause (i), using the process described in paragraph (5) to determine such students' final financial aid awards; and

''(iv) receive final financial aid awards based on updated information described in clause (iii).

''(B) PURPOSE AND OBJECTIVES.—The purpose of the demonstration program under this paragraph shall be to measure the benefits, in terms of student aspirations and plans to attend college, and the adverse effects, in terms of program costs, integrity, distribution, and delivery of aid under this title, of implementing an early application system for all dependent students that allows dependent students to apply for financial aid using information from the year prior to the year prior to enrollment. Additional objectives associated with implementation of the demonstration program are the following:

''(i) Measure the feasibility of enabling dependent students to apply for Federal, State, and institutional financial aid in their junior year of high school, using information from the year prior to the year prior to enrollment, by completing any of the application forms under this subsection.

''(ii) Identify whether receiving final financial aid awards no later than the fall of the senior year provides students with additional time to compete for the limited resources available for State and institutional financial aid and positively impacts the college aspirations and plans of these students.

''(iii) Measure the impact of using income information from the years prior to enrollment on—

''(I) eligibility for financial aid under this title and for other State and institutional aid; and

''(II) the cost of financial aid programs under this title.

''(iv) Effectively evaluate the benefits and adverse effects of the demonstration program on program costs, integrity, distribution, and delivery of aid.

''(C) PARTICIPANTS.—The Secretary shall select States and institutions within those States to participate in the demonstration program under this paragraph that are participating in the programs under this title and that are willing to make final financial aid awards to students based on their application information from the year prior to the year prior to enrollment. The Secretary shall also select as participants in the demonstration program secondary schools and dependent students that are located in the participating States.

''(D) APPLICATION PROCESS.—The Secretary shall insure that the following provisions are included in the demonstration program:

''(i) Participating States and institutions shall—

''(I) encourage participating students to apply for estimates of financial aid awards as provided under this title in such students' junior year of secondary school, or in the academic year that is 2 years prior to such students' intended year of enrollment at an institution of higher education, using the most recent information available; and

''(II) make final financial aid awards to participating students based on the updated information contained on a form submitted using the process described in paragraph (5).

''(ii) Financial aid administrators at participating institutions shall be allowed to use their discretion in awarding financial aid to participating students, as outlined under section 479A and section 480(d)(7).

''(E) EVALUATION.—The Secretary shall conduct a rigorous evaluation of this demonstration program in order to measure its benefits and adverse effects as indicated under subparagraph (A).

''(F) OUTREACH.—The Secretary shall make appropriate efforts in order to notify States of the demonstration program under this paragraph. Upon determination of participating States, the Secretary shall continue to make efforts to notify institutions and dependent students within participating States of the opportunity to participate in the demonstration program and of the participation requirements.

''(G) CONSULTATION.—The Secretary shall consult with the Advisory Committee on Student Financial Assistance, established under section 491, on the design and implementation of the demonstration program and on the evaluation described in subparagraph (E).'';

(3) by striking subsection (b); and

(4) by redesignating subsections (c), (d), and (e) as subsections (b), (c), and (d), respectively.

(b) MASTER CALENDAR.—Section 482(a)(1) (20 U.S.C. 1089(a)(1)) is amended by striking subparagraphs (B) and (C) and inserting the following:

''(B) by March 1: proposed modifications, updates, and notices pursuant to sections 478 and 483(a)(6) published in the Federal Register;

''(C) by June 1: final modifications, updates, and notices pursuant to sections 478 and 483(a)(6) published in the Federal Register;''.

(c) MODEL INSTITUTION FINANCIAL AID OFFER FORM.—

(1) REPORT AND MODEL FORMAT.—Not later than 1 year after the date of enactment of the College Opportunity and Affordability Act of 2008, the Secretary shall—

(A) prepare a report on the adequacy of the financial aid offer forms provided by institutions of higher education to students and the parents of such students, after consulting with—

(i) students;

(ii) parents of students;

(iii) representatives of institutions of higher education (including financial aid administrators, registrars, and business officers); and

(iv) consumer groups that receive no commercial or institution of higher education support;

(B) include in the report a model format for financial aid offer forms that—

(i) is based on the report's findings; and

(ii) includes the information described in paragraph (2); and

(C)(i) submit the report and model format to the authorizing committees (as defined in section 103 of the Higher Education Act of 1965 (20 U.S.C. 1003); and

(ii) make the report and model format available to institutions of higher education, lenders, and the public.

(2) MODEL FORMAT CONTENTS.—The model financial aid offer format developed under paragraph (1) shall present, in a consumer-friendly manner, the following information:

(A) The student's cost of attendance for the year for which the institution of higher education is issuing the financial aid offer form, including the actual or estimated costs included in the cost of attendance for such year for each of the following:

(i) Tuition and fees.

(ii) Room and board costs.

(iii) Books and supplies.

(iv) Transportation.

(B) The amount of financial aid that the student does not have to repay, such as scholarships and grants, offered to the student for such year.

(C) The conditions under which the financial aid described in subparagraph (B) is renewable each year.

(D) The amount of work-study assistance offered to the student for such year, and the conditions under which the student has to fulfill the work-study assistance.

(E) The types and amounts of loans under part B, D, or E of title IV for which the student is eligible for such year, and the interest rate, loan term, monthly repayment amount, and total repayment amount of each such loan.

(F) The types and amounts of loans under 428B or Federal Direct PLUS loans under section 455 for which a parent of the student is eligible for such year, and the interest rate, loan term, monthly repayment amount, and total repayment amount of each such loan.

(G) The net amount that the student or the student's parent will have to pay to attend the institution for such year, which amount shall be the difference between—

(i) the cost of attendance for the student for such year; less

(ii) the amount of financial aid offered by the covered institution in the financial aid offer form.

(H) Where a student or the student's parent can seek additional information regarding the financial aid offered.

(I) Any other information the Secretary determines necessary so that students and parents can make informed student loan borrowing decisions.

SEC. 483. INCREASING ACCESS TO TECHNOLOGY.

Section 483 (20 U.S.C. 1087ss) is further amended by adding at the end the following:

''(e) ADDRESSING THE DIGITAL DIVIDE.—The Secretary shall utilize savings accrued by moving more applicants to the electronic forms described in subsection (a)(4) to improve access to the electronic forms described in subsection (a)(4) for applicants meeting the requirements of section 479(b) or (c).''.

SEC. 484. SENSE OF THE CONGRESS.

It is the sense of the Congress that—

(1) in order to simplify the Free Application for Federal Student Aid (FAFSA), which serves as an entry point for the scholarships, grants, loans, and work-study assistance that make it possible for millions of students to attend college, the Secretary of Education and the Secretary of the Treasury should work together to develop a process by which the Department of Education will, with the aid applicant's permission, draw income information directly from the Internal Revenue Service for the purpose of completing the EZ FAFSA, the FAFSA, and FAFSA renewal applications and providing early estimates of aid eligibility; and

(2) this process would—

(A) ease the burden of reporting income-related information for applicants;

(B) increase the efficiency, accuracy, and security of the FAFSA filing process;

(C) significantly reduce the need for further verification by the Department of Education, institutions, and applicants; and

(D) protect the security, privacy, and safety of all data used in the FAFSA filing process.

SEC. 485. STUDENT ELIGIBILITY.

(a) AMENDMENTS.—Section 484 (20 U.S.C. 1091) is amended—

(1) in subsection (a)—

(A) in paragraph (4)(B), by striking ''the Republic of the Marshall Islands, the Federated States of Micronesia, or''; and

(B) in paragraph (5), by striking ''a citizen of any one of the Freely Associated States'' and inserting ''or, to the extent described in subsection (j), a citizen of the Republic of Palau'';

(2) by amending subsection (j) to read as follows:

''(j) ASSISTANCE UNDER SUBPART 1 OF PART A FOR STUDENTS FROM PALAU.—Notwithstanding any other provision of law, a student shall be eligible until September 30, 2009, for assistance under subpart 1 of part A if the student is otherwise qualified and—

''(1) is a citizen of the Republic of Palau and attends an institution of higher education in a State or a public or nonprofit private institution of higher education in the Freely Associated States; or

''(2) meets the requirements of subsection (a)(5) and attends a public or nonprofit private institution of higher education in any one of the Freely Associated States.'';

(3) by striking subsection (l) and inserting the following:

''(l) COURSES OFFERED THROUGH DISTANCE EDUCATION.—

''(1) RELATION TO CORRESPONDENCE COURSES.—

''(A) IN GENERAL.—A student enrolled in a course of instruction at an institution of higher education that is offered principally through distance education and leads to a recognized certificate, or associate, baccalaureate, or graduate degree, conferred by such institution, shall not be considered to be enrolled in correspondence courses.

''(B) EXCEPTION.—An institution of higher education referred to in subparagraph (A) shall not include an institution or school described in section 3(3)(C) of the Carl D. Perkins Career and Technical Education Act of 2006.

''(2) RESTRICTION OR REDUCTIONS OF FINANCIAL AID.—A student's eligibility to receive grants, loans, or work assistance under this title shall be reduced if a financial aid officer determines under the discretionary authority provided in section 479A that distance education results in a substantially reduced cost of attendance to such student.

''(3) SPECIAL RULE.—For award years prior to July 1, 2008, the Secretary shall not take any compliance, disallowance, penalty, or other action against a student or an eligible institution when such action arises out of such institution's prior award of student assistance under this title if the institution demonstrates to the satisfaction of the Secretary that its course of instruction would have been in conformance with the requirements of this subsection.'';

(4) in subsection (r)(2)—

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

(B) by redesignating subparagraph (B) as subparagraph (C); and

(C) by inserting after subparagraph (A) the following new subparagraph:

''(B) the student successfully passes two unannounced drug tests conducted by a drug rehabilitation program that complies with such criteria as the Secretary shall prescribe in regulations for purposes of subparagraph (A)(i); or''; and

(5) by adding at the end the following:

''(s) STUDENTS WITH INTELLECTUAL DISABILITIES.—

''(1) IN GENERAL.—Notwithstanding subsections (a), (c), and (d), in order to receive any grant or work assistance under section 401, subpart 3 of part A, and part C of this title, a student with an intellectual disability (as defined in section 768(2)) shall—

''(A) be enrolled or accepted for enrollment in a comprehensive transition and postsecondary education program for students with intellectual disabilities at an institution of higher education;

''(B) be maintaining satisfactory progress in the program as determined by the institution, in accordance with standards established by the institution; and

''(C) meet the requirements of paragraphs (3), (4), (5), and (6) of subsection (a).

''(2) AUTHORITY.—Notwithstanding any other provision of law, unless enacted with specific reference to this section, the Secretary is authorized to waive any statutory provision applicable to the student financial assistance programs under section 401, subpart 3 of part A, or part C of this title, or any institutional eligibility provisions of this title, as the Secretary deems necessary to ensure that programs enrolling students with intellectual disabilities otherwise determined to be eligible under this subsection may receive such financial assistance.

''(3) REGULATIONS.—Notwithstanding regulations applicable to grant or work assistance awards made under section 401 of part A, subpart 3 of part A, and part C of this title, including with respect to eligible programs, instructional time, credit status, and enrollment status as described in section 481, the Secretary shall promulgate regulations allowing programs enrolling students with intellectual disabilities otherwise determined to be eligible under this subsection to receive such awards.

''(t) DATA ANALYSIS ON ACCESS TO FEDERAL STUDENT AID FOR CERTAIN POPULATIONS.—

''(1) DEVELOPMENT OF THE SYSTEM.—Within one year of enactment of the College Opportunity and Affordability Act of 2008, the Secretary shall, in consultation with the Central Processing System, analyze data from the FAFSA containing information regarding the number, characteristics, and circumstances of students denied Federal student aid based on a drug conviction while receiving Federal aid.

''(2) RESULTS FROM ANALYSIS.—The results from the analysis of such information shall be made available on a continuous basis via the Department of Education website and the Digest of Education and Statistics.

''(3) DATA UPDATING.—The data analyzed under this subsection shall be updated at the beginning of each award year and at least one additional time during such award year.

''(4) REPORT TO CONGRESS.—The Secretary shall prepare and submit to the authorizing committees of the Congress, in each fiscal year, a report describing the results obtained by the establishment and operation of the data system authorized by this subsection.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take affect on July 1, 2009.

SEC. 486. ASSESSMENT OF COSTS AND OTHER CHARGES.

Section 484A(b) (20 U.S.C. 1091a(b)) is amended—

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

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

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

''(3) in collecting any obligation arising from a loan made under part E of this title, an institution of higher education that has an agreement with the Secretary pursuant to section 463(a) shall not be subject to a defense raised by any borrower based on a claim of infancy.''.

SEC. 487. READMISSION REQUIREMENTS FOR SERVICEMEMBERS.

Section 484B(a)(2) (20 U.S.C. 1091b(a)(2)) is amended by adding at the end the following new subparagraph:

''(C) READMISSION REQUIREMENTS FOR SERVICEMEMBERS.—Any institution of higher education that requires any student—

''(i) who is a member of the Armed Forces of the United States, or a member of

such Armed Forces in a retired status, including members of the National Guard or other reserve component,

''(ii) who is on active duty, or is called or ordered to active duty (as defined in section 481(d)), and

''(iii) whose attendance at such institution is interrupted by such active duty,

to apply for readmission to such institution of higher education after the conclusion of such active duty shall submit to the Secretary a statement justifying such requirement.''.

SEC. 488. INSTITUTIONAL AND FINANCIAL ASSISTANCE INFORMATION FOR STUDENTS.

(a) DISCLOSURE OF POLICIES.—Section 485(a) (20 U.S.C. 1092(a)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (G), by striking ''program, and'';

(B) by striking ''and'' at the end of subparagraph (N);

(C) by striking the period at the end of subparagraph (O) and inserting a semicolon; and

(D) by adding at the end the following new subparagraphs:

''(P) institutional policies and sanctions related to copyright infringement, including—

''(i) an annual disclosure that explicitly informs students that unauthorized distribution of copyrighted material, including unauthorized peer-to-peer file sharing, may subject the students to civil and criminal liabilities;

''(ii) a summary of the penalties for violation of Federal copyright laws;

''(iii) a description of the institution's policies with respect to unauthorized peer-to-peer file sharing, including disciplinary actions that are taken against students who engage in unauthorized distribution of copyrighted materials using the institution's information technology system; and

''(iv) a description of actions that the institution takes to prevent and detect unauthorized distribution of copyrighted material on the institution's information technology system; and

''(Q) institutional policies regarding meningoccal vaccinations which may include offering the vaccinations through the institution at a cost to the student.''; and

(2) by amending paragraph (4) to read as follows:

''(4) For purposes of this section, institutions may—

''(A) exclude from the information disclosed in accordance with subparagraph (L) of paragraph (1) the completion or graduation rates of students who leave school to serve in the Armed Forces, on official church missions, or with a recognized foreign aid service of the Federal Government; or

''(B) in cases in which the students described in subparagraph (A) represent 20 percent or more of the certificate- or degree-seeking, full-time, undergraduate students at an institution, the institution may recalculate the completion or graduation rates of such students by excluding from the calculation described in paragraph (3) the time period during which such students were not enrolled due to the service described in subparagraph (A) of this paragraph.''.

(b) CRIMINAL OFFENSES REPORTED.—Section 485(f)(1) (20 U.S.C. 1092(f)(1)) is amended—

(1) in the matter preceding subparagraph (A), by inserting '', other than a foreign institution of higher education,'' after ''under this title'';

(2) in subparagraph (C), by striking clauses (i) and (ii) and inserting the following:

''(i) the law enforcement authority of campus security personnel;

''(ii) the working relationship of campus security personnel with State and local law enforcement agencies, including whether or not the institution has a written agreement, such as a memorandum of understanding, with such agencies;

''(iii) the institution's plan, which shall address coordination with State and local law enforcement agencies, for the investigation of—

''(I) any felony described in subparagraph (F) of this paragraph occurring in the areas described in subparagraphs (A) through (D) of paragraph (12) of this subsection; and

''(II) a report of a missing student; and

''(iv) policies which encourage accurate and prompt reporting of all crimes to the campus police and the appropriate police agencies;'';

(3) in subparagraph (F)(ii), by inserting after ''through (VIII) of clause (I)'' the following: '', and for larceny-theft, simple assault, intimidation, and destruction, damage, or vandalism of property,''; and

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

''(J) A statement of current campus policies regarding immediate emergency response and evacuation procedures, including the use of electronic and cellular communication (if appropriate), which shall include procedures—

''(i) to notify the campus community in not more than 30 minutes in the event of a significant emergency or dangerous situation, involving an immediate threat to the health or safety of students or staff, occurring on the campus, in or on noncampus buildings or property, and on public property;

''(ii) to publicize emergency response and evacuation procedures on an annual basis in a manner designed to reach students and staff; and

''(iii) to test emergency response and evacuation procedures on an annual basis.''.

(c) ADDITIONAL AMENDMENT.—Section 485(f) is further amended—

(1) by redesignating paragraph (15) as paragraph (18); and

(2) by inserting after paragraph (14) the following:

''(15) COMPLIANCE REPORT.—The Secretary shall annually report to the authorizing committees regarding compliance with this subsection by institutions of higher education, including an up-to-date report on the Secretary's monitoring of such compliance.

''(16) BEST PRACTICES.—The Secretary may seek the advice and counsel of the Attorney General concerning the development, and dissemination to institutions of higher education, of best practices information about campus safety and emergencies.

''(17) RETALIATION PROHIBITED.—No participating institution or officer, employee, or agent of the institution shall intimidate, threaten, coerce, or otherwise discriminate against any individual for the purpose of interfering with the implementation of any provision of this subsection, or any rights or privileges accorded under this subsection, or because the individual has complained, testified, assisted, or otherwise participated in any aspect of an investigation, proceeding, or hearing.''.

(d) ADDITIONAL REQUIREMENTS.—Section 485 (20 U.S.C. 1092) is amended by adding at the end the following new subsections:

''(h) TRANSFER OF CREDIT POLICIES.—

''(1) DISCLOSURE.—Each institution of higher education participating in any program under this title shall publicly disclose in a readable and comprehensible manner the transfer of credit policies established by the institution which shall include a statement of the institution's current transfer of credit policies that includes, at a minimum—

''(A) any established criteria the institution uses regarding the transfer of credit earned at another institution of higher education; and

''(B) a list of institutions of higher education with which the institution has established an articulation agreement.

''(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to—

''(A) authorize the Secretary or the National Advisory Committee on Institutional Quality and Integrity to require particular policies, procedures, or practices by institutions of higher education with respect to transfer of credit;

''(B) authorize an officer or employee of the Department to exercise any direction, supervision, or control over the curriculum, program of instruction, administration, or personnel of any institution of higher education, or over any accrediting agency or association;

''(C) limit the application of the General Education Provisions Act; or

''(D) create any legally enforceable right on the part of a student to require an institution of higher education to accept a transfer of credit from another institution.

''(i) DISCLOSURE OF FIRE SAFETY STANDARDS AND MEASURES.—

''(1) ANNUAL FIRE SAFETY REPORTS ON STUDENT HOUSING REQUIRED.—Each eligible institution participating in any program under this title that maintains on-campus student housing facilities shall, on an annual basis, publish a fire safety report, which shall contain information with respect to the campus fire safety practices and standards of that institution, including—

''(A) statistics concerning the following in each on-campus student housing facility during the most recent calendar years for which data are available:

''(i) the number of fires and the cause of each fire;

''(ii) the number of injuries related to a fire that result in treatment at a medical facility;

''(iii) the number of deaths related to a fire; and

''(iv) the value of property damage caused by a fire;

''(B) a description of each on-campus student housing facility fire safety system, including the fire sprinkler system;

''(C) the number of regular mandatory supervised fire drills;

''(D) policies or rules on portable electrical appliances, smoking, and open flames (such as candles), procedures for evacuation, and policies regarding fire safety education and training programs provided to students, faculty, and staff; and

''(E) plans for future improvements in fire safety, if determined necessary by such institution.

''(2) REPORT TO THE SECRETARY.—Each eligible institution participating in any program under this title shall, on an annual basis submit to the Secretary a copy of the statistics required to be made available under subparagraph (A).

''(3) CURRENT INFORMATION TO CAMPUS COMMUNITY.—Each institution participating in any program under this title shall—

''(A) make, keep, and maintain a log, recording all fires in on-campus student housing facilities, including the nature, date, time, and general location of each fire; and

''(B) make annual reports to the campus community on such fires.

''(4) RESPONSIBILITIES OF THE SECRETARY.—The Secretary shall—

''(A) make such statistics submitted to the Secretary available to the public; and

''(B) in coordination with nationally recognized fire organizations and representatives of institutions of higher education, representatives of associations of institutions of

higher education, and other organizations that represent and house a significant number of students—

''(i) identify exemplary fire safety policies, procedures, programs, and practices;

''(ii) disseminate information to the Administrator of the United States Fire Administration;

''(iii) make available to the public information concerning those policies, procedures, programs, and practices that have proven effective in the reduction of fires; and

''(iv) develop a protocol for institutions to review the status of their fire safety systems.

''(5) RULES OF CONSTRUCTION.—Nothing in this subsection shall be construed to—

''(A) authorize the Secretary to require particular policies, procedures, programs, or practices by institutions of higher education with respect to fire safety, other than with respect to the collection, reporting, and dissemination of information required by this subsection;

''(B) affect the Family Educational Rights and Privacy Act of 1974 or the regulations issued under section 264 of the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. 1320d–2 note);

''(C) create a cause of action against any institution of higher education or any employee of such an institution for any civil liability; or

''(D) establish any standard of care.

''(6) COMPLIANCE REPORT.—The Secretary shall annually report to the authorizing committees regarding compliance with this subsection by institutions of higher education, including an up-to-date report on the Secretary's monitoring of such compliance.

''(7) EVIDENCE.—Notwithstanding any other provision of law, evidence regarding compliance or noncompliance with this subsection shall not be admissible as evidence in any proceeding of any court, agency, board, or other entity, except with respect to an action to enforce this subsection.

''(8) RETALIATION PROHIBITED.—No participating institution or officer, employee, or agent of the institution shall intimidate, threaten, coerce, or otherwise discriminate against any individual for the purpose of interfering with the implementation of any provision of this subsection, or any rights or privileges accorded under this subsection, or because the individual has complained, testified, assisted, or otherwise participated in any aspect of an investigation, proceeding, or hearing.

''(j) MISSING PERSON PROCEDURES.—

''(1) FORM AND PROTOCOLS.—Each institution of higher education participating in any program under this title shall—

''(A) include on its form for registration or enrollment of students an item in which the student can elect to identify an individual to be notified and police to be notified by the university within 24 hours of when a student is reported missing to the university, and

''(B) establish protocols for missing students that—

''(i) require any missing person report relating to any student be referred to the institution's police or campus security department; and

''(ii) if, on investigation of the report, such department determines that the missing person has been missing for more than 24 hours, require—

''(I) such department to refer to the item on the registration document required under subparagraph (A) and contact the individual named by the student in such item; and

''(II) if the student is under 18 years of age, the institution of higher education to automatically contact the parents of such student.

''(2) WAIVER.—The item required by paragraph (1)(A) shall explicitly and prominently state that by identifying an individual to contact in the case of disappearance, the student waives any right to sue based on Federal or State privacy law in the event that a missing persons notification is made to the individual named by such student in such item.

''(3) ADDITIONAL REMEDIES PERMITTED.—Nothing in this subsection shall be construed to prevent or discourage an institution of higher education from taking additional measures with respect to missing students beyond those required by this subsection.

''(k) NOTICE TO STUDENTS CONCERNING PENALTIES FOR DRUG VIOLATIONS.—

''(1) NOTICE UPON ENROLLMENT.—Each institution of higher education shall provide to each student, upon enrollment, a separate, clear, and conspicuous written notice that advises the student of the penalties under section 484(r).

''(2) NOTICE AFTER LOSS OF ELIGIBILITY.—Within two weeks of notification by the Secretary that a student has lost eligibility under section 484(r) for any grant, loan, or work assistance, an institution of higher education shall provide to each such student affected by the penalties listed under 484(r)(1) a separate, clear, and conspicuous written notice that notifies the student of the loss of eligibility and advises the student of the ways in which the student can regain eligibility under section 484(r)(2).''.

(e) DISCLOSURE OF ATHLETICALLY RELATED GRADUATION RATES.—Section 485(e)(3) (20 U.S.C. 1092(e)(3)) is amended to read as follows:

''(3) For purposes of this subsection, institutions may—

''(A) exclude from the reporting requirements under paragraphs (1) and (2) the completion or graduation rates of students and student athletes who leave school to serve in the Armed Forces, on official church missions, or with a recognized foreign aid service of the Federal Government; or

''(B) in cases in which the students described in subparagraph (A) represent 20 percent or more of the certificate- or degree-seeking, full-time, undergraduate students at an institution, the institution may calculate the completion or graduation rates of such students by excluding from the calculations described in paragraph (1) the time period during which such students were not enrolled due to the service described in subparagraph (A) of this paragraph.''.

SEC. 489. ARTICULATION AGREEMENTS.

Part G of title IV is amended by inserting after section 486 (20 U.S.C. 1093) the following new section:

''SEC. 486A. ARTICULATION AGREEMENTS.

''(a) PROGRAM TO ENCOURAGE ARTICULATION AGREEMENTS.—

''(1) PROGRAM ESTABLISHED.—The Secretary shall carry out a program for States, in cooperation with public institutions of higher education, to develop, enhance, and implement comprehensive articulation agreements among such institutions in a State, and (to the extent practicable) across State lines, by 2010. Such articulation agreements shall be made widely and publicly available on the websites of States and institutions. In developing, enhancing, and implementing articulation agreements, States and public institutions of higher education may employ strategies, where applicable, including—

''(A) common course numbering;

''(B) a general education core curriculum;

''(C) management systems regarding course equivalency, transfer of credit, and articulation; and

''(D) other strategies identified by the Secretary.

''(2) TECHNICAL ASSISTANCE PROVIDED.—The Secretary shall provide technical assistance to States and institutions of higher education for the purposes of developing and implementing articulation agreements in accordance with this subsection.

''(3) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to authorize the Secretary to require particular policies, procedures, or practices by institutions of higher education with respect to articulation agreements.

''(b) STUDY REQUIRED.—The Secretary shall conduct a study to review the articulation agreements at State-based college and university systems, including junior or community colleges, as well as those at other institutions of higher education. Such study shall consider—

''(1) the extent to which States and institutions have developed and implemented articulation agreements;

''(2) with respect to the articulation agreements developed—

''(A) the number and types of institutions participating the programs offered;

''(B) the cost-savings to the participating institutions and to the students;

''(C) what strategies are being employed, including common course numbering, general education core curriculum, and management systems;

''(D) the effective use of technologies to contain costs, maintain quality of instruction, and inform students; and

''(E) a description of the students to whom the articulation agreements are offered and, to the extent practicable, a description of the students who take advantage of the articulation agreements;

''(3) best practices and innovative strategies employed to implement effective articulation agreements; and

''(4) barriers to the implementation of articulation agreements, including technological and informational barriers.

''(c) REPORT.—The Secretary shall submit to the authorizing committees an interim report on the study required by this section not later than 2 years after the date of enactment of the College Opportunity and Affordability Act of 2008 and a final report on such study not later than January 1, 2013.

''(d) DEFINITION.—In this section, the term 'articulation agreement' means an agreement between institutions of higher education that specifies the acceptability of courses in transfer toward meeting specific degree or program requirements.''.

SEC. 490. PROGRAM PARTICIPATION AGREEMENTS.

(a) ADDITIONAL REQUIREMENTS.—Section 487(a) (20 U.S.C. 1094(a)) is amended—

(1) by adding at the end of paragraph (23) the following new subparagraph:

''(D) The institution shall be considered in compliance with the requirements of subparagraph (A) for each student to whom the institution electronically transmits a message containing a voter registration form acceptable for use in the State in which the institution is located, or an Internet address where such a form can be downloaded, provided such information is in an electronic message devoted exclusively to voter registration.''; and

(2) by adding at the end the following new paragraphs:

''(24)(A) A covered institution that has entered into a preferred lender arrangement will compile, maintain, and make available for students attending the institution (or the parents of such students) a list, in print or any other medium, of the specific lenders for educational loans that the institution recommends, promotes, or endorses in accordance with such preferred lender arrangement. In compiling, maintaining, and making available such list, the institution will—

''(i) clearly and fully disclose on such list—

''(I) no less than the information required to be disclosed in the model disclosure form, or updated model disclosure form, required under section 153;

''(II) why the institution has entered into a preferred lender arrangement with each listed lender, particularly with respect to terms and conditions favorable to the borrower; and

''(III) that the students attending the institution (or the parents of such students) do not have to borrow from a listed lender;

''(ii) ensure, through the use of the list provided by the Secretary under subparagraph (B), that—

''(I) there are not less than 3 lenders of loans made under part B that are not affiliates of each other included on such list and, if the institution recommends, promotes, or endorses private educational loans, there are not less than 2 lenders of private educational loans that are not affiliates of each other included on such list;

''(II) the list under this subparagraph—

''(aa) specifically indicates, for each listed lender, whether the lender is or is not an affiliate of each other lender on the list; and

''(bb) if a lender is an affiliate of another lender on the list, describes the details of such affiliation;

''(iii) prominently disclose the method and criteria used by the institution in selecting lenders with which to enter into preferred lender arrangements to ensure that such lenders are selected on the basis of the benefits provided to borrowers, including—

''(I) highly competitive interest rates, terms, or conditions of Federal and private educational loans;

''(II) high-quality servicing for such loans; or

''(III) additional benefits beyond the standard terms and conditions for such loans;

''(iv) exercise a duty of care and a duty of loyalty to compile the list under this subparagraph without prejudice and for the sole benefit of the students attending the institution (or the parents of such students);

''(v) not deny or otherwise impede the borrower's choice of a lender or cause unnecessary delays in loan certification under this title for those borrowers who choose a lender that has not been recommended, promoted, or endorsed by the institution; and

''(vi) comply with such other requirements as the Secretary may prescribe by regulation.

''(B) The Secretary shall maintain and update a list of lender affiliates of all eligible lenders, and shall provide such list to the institutions for use in carrying out subparagraph (A).

''(C) For the purposes of subparagraph (A)—

''(i) the term 'affiliate' means a person that controls, is controlled by, or is under common control with another person;

''(ii) a person controls, is controlled by, or is under common control with another person if—

''(I) the person directly or indirectly, or acting through 1 or more others, owns, controls, or has the power to vote 5 percent or more of any class of voting securities of such other person;

''(II) the person controls, in any manner, the election of a majority of the directors or trustees of such other person; or

''(III) the Secretary determines (after notice and opportunity for a hearing) that the person directly or indirectly exercises a controlling interest over the management or policies of such other person;

''(iii) the term 'preferred lender arrangement' has the meaning provided in section 151; and

''(iv) the term 'educational loans' has the meaning provided in section 151, except that such term does not include loans under section 499(b) or under parts D or E of this title.

''(25) The institution will submit to the Secretary annually, in such form as the Secretary may prescribe, data on—

''(A) the number and percentage of students taking classes in whole or in part online or through distance education;

''(B) of such students, the number and percentage of those taking their classes exclusively on-line or through distance education; and

''(C) the number and percentage of courses offered by the institution that are offered on-line or through distance education.''.

(b) REPORTS ON DISCIPLINARY PROCEEDINGS.—

(1) AMENDMENT.—Section 487(a) (20 U.S.C. 1094(a)) is further amended by adding after paragraph (25), as added by subsection (a) of this section, the following new paragraph:

''(26) The institution will, upon request, disclose to the alleged victim of any crime of violence (as that term is defined in section 16 of title 18), or a nonforcible sex offense, the final results of any disciplinary proceeding conducted by such institution against a student who is the alleged perpetrator of such crime or offense with respect to such crime or offense. If the alleged victim of such crime or offense is deceased, the next of kin of such victim shall be treated as the alleged victim for purposes of this paragraph.''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply with respect to any disciplinary proceeding conducted by such institution on or after one year after the date of enactment of this Act.

(c) ENFORCING THE 90/10 RULE.—

(1) AMENDMENT.—Section 487(a) (20 U.S.C. 1094(a)) is further amended by adding at the end the following new paragraph:

''(27) A proprietary institution of higher education (as defined in section 102(b)) will, as calculated in accordance with subsection (f)(1) of this section, have not less than 10 percent of its revenues from sources other than funds provided under this title, or will be subject to the sanctions described in subsection (f)(2) of this section.''.

(2) IMPLEMENTATION.—Section 487 is further amended by adding at the end the following new subsection:

''(f) IMPLEMENTATION OF NON-TITLE IV REVENUE REQUIREMENT.—

''(1) CALCULATION.—In carrying out subsection (a)(27), a proprietary institution of higher education shall—

''(A) use the cash basis of accounting;

''(B) consider as revenue only those funds generated by the institution from—

''(i) tuition, fees, and other institutional charges for students enrolled in programs eligible for assistance under this title;

''(ii) activities conducted by the institution, to the extent not included in tuition, fees, and other institutional charges, that are necessary for the education or training of its students who are enrolled in programs eligible for assistance under this title, if such activities are—

''(I) conducted on campus or at a facility under the control of the institution;

''(II) performed under the supervision of a member of the institution's faculty; and

''(III) required to be performed by all students in a specific educational program at the institution; and

''(iii) funds paid by a student, or on behalf of a student by a party other than the institution, for an education or training program that is not eligible for funds under this title, provided that the program is approved or licensed by the appropriate State agency and is accredited by an accrediting agency recognized by the Secretary;

''(C) presume that any title IV program funds disbursed or delivered to or on behalf of a student will be used to pay the student's tuition, fees, or other institutional charges, regardless of whether the institution credits those funds to the student's account or pays those funds directly to the student, except to the extent that the student's tuition, fees, or other institutional charges are satisfied by—

''(i) grant funds provided by non-Federal public agencies or private sources independent of the institution;

''(ii) funds provided under a contractual arrangement with Federal, State, or local government agencies for the purpose of providing job training to low-income individuals who are in need of that training; or

''(iii) funds used by a student from savings plans for educational expenses established by or on behalf of the student and which qualify for special tax treatment under the Internal Revenue Code of 1986, provided that the institution can reasonable demonstrate such funds were used to pay the student's tuition, fees, or other institutional charges;

''(D) include institutional aid as revenue to the school only as follows:

''(i) in the case of loans made by an institution, for each of the institution's fiscal years 2009 through 2012, the principal amount of loans made by the institution, based on the expected interest earned less the estimated amount to account for future defaults and loan forgiveness accounted for on an accrual basis, in accordance with Generally Accepted Accounting Principles and related standards and guidance, if the loans are bona fide as evidenced by enforceable promissory notes, are issued at intervals related to the institution's enrollment periods, and are subject to regular loan repayments and collections;

''(ii) in the case of loans made by an institution, for the institution's fiscal year 2013 and each of the institution's subsequent fiscal years, only the amount of loan repayments received during the fiscal year; and

''(iii) in the case of institutional scholarships, only those provided by the institution in the form of monetary aid or tuition discounts based upon the academic achievements or financial need of students, disbursed during the fiscal year from an established restricted account, and only to the extent that funds in that account represent designated funds from an outside source or from income earned on those funds;

''(E) exclude from revenues—

''(i) the amount of funds it received under the Federal Work-Study program, unless the institution used those funds to pay a student's institutional charges;

''(ii) the amount of funds it received under the Leveraging Education Assistance Partnership program;

''(iii) the amount of institutional funds it used to match title IV program funds;

''(iv) the amount of title IV program funds that must be refunded or returned; or

''(v) the amount charged for books, supplies, and equipment unless the institution includes that amount as tuition, fees, or other institutional charges.

''(2) SANCTIONS.—

''(A) An institution that fails to meet the requirements of subsection (a)(27) for 2 consecutive fiscal years shall become ineligible to participate in the programs authorized by this title. To regain eligibility to participate in the programs authorized by this title, an institution that loses its eligibility as a sanction under this subparagraph must demonstrate compliance with all eligibility requirements for at least the 3 fiscal years following the fiscal year the institution became ineligible.

''(B) In addition to such other means of enforcing the requirements of this title as

may be available to the Secretary, if an institution fails to meet the requirements of subsection (a)(27) in any fiscal year, the Secretary shall impose sanctions on the institution, which shall include—

''(i) placing the institution on provisional certification in accordance with section 498(h) until the institution demonstrates, to the satisfaction of the Secretary, that it is in compliance with subsection (a)(27);

''(ii) requiring the institution to provide to the Secretary satisfactory evidence of its financial responsibility in accordance with section 498(c)(3); and

''(iii) requiring such other increased monitoring and reporting requirements as the Secretary determines necessary until the institution demonstrates, to the satisfaction of the Secretary, that it is in compliance with subsection (a)(27).

''(3) PUBLICATION ON COLLEGE NAVIGATOR WEBSITE.—The Secretary shall publicly disclose the identity of any institution that fails to meet the requirements of subsection (a)(27) on the College Navigator website.

''(4) REPORT TO CONGRESS.—The Secretary shall annually submit to the authorizing committees a report that contains, for each institution subject to the requirement of subsection (a)(27), the result of the calculation of revenue performed by each such institution pursuant to such subsection and paragraph (1) of this subsection.''.

(d) COMPUTER DISPOSAL.—Section 487(a) is further amended by adding at the end the following new paragraph:

''(28)(A) The institution of higher education will establish a policy on the disposal or disposition (including selling, donating, returning upon lease end, or destroying by recycling), of all technology assets which may have personal and sensitive data of students. Such policy may include a forensic scrub that ensures total destruction of data on the technology assets and include a designated for disposal or disposition, transfer ownership and liability from that institution to State and federally approved recyclers or de-manufacturers of such equipment.

''(B) For purposes of this paragraph, the term 'technology assets' means a computer central processing unit, monitor, printer, router, server, peripheral devices (such as switches, hubs, and systems), firewalls, telephones, or other simple network devices or single piece of information technology equipment.''.

(e) COMMITMENT TO AND NOTICE OF TUITION LEVELS.—

(1) AMENDMENT.—Section 487(a) is further amended by adding at the end the following new paragraph:

''(29)(A) The institution will provide to each admitted student considering an undergraduate or graduate program—

''(i) a multi-year tuition and fee schedule; or

''(ii) a single-year tuition and fee schedule, and nonbinding, multi-year estimate of net costs after all financial aid is awarded, assuming constant family and student income, assets, and relevant circumstances.

''(B) Multi-year schedules and estimates required by subparagraph (A)—

''(i) may include a percentage or dollar increase or decrease of any size the institution deems appropriate from one year to the next; and

''(ii) shall indicate, on a year-by-year basis, costs for the normal duration of the relevant student's undergraduate or graduate program.

''(C) Institutions that elect a single-year tuition and fee schedule under subparagraph (A)(ii) shall include with each multi-year estimate the average deviation, in percentage terms, between previous year estimates and actual net costs for students at their institution.

''(D) The Secretary shall waive the requirements of subparagraph (A), and of the commitment made therender, if the institution demonstrates to the Secretary that the requirements of subparagraph (A) are not practicable because of the occurrence of one or more events causing the institution severe economic distress, dramatic reduction of State or Federal aid, or any other circumstance the Secretary deems valid.''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall be effective on July 1, 2009.

(f) AUDITS; FINANCIAL RESPONSIBILITY; ENFORCEMENT OF STANDARDS.—Section 487(c)(1)(A) (20 U.S.C. 1094(c)(1)(A)) is amended—

(1) in clause (i)—

(A) by striking ''clauses (ii) and (iii)'' and inserting ''clauses (ii), (iii), and (iv)''; and

(B) by inserting before the semicolon at the end the following: '', except that the Secretary may modify the requirements of this clause with respect to institutions of higher education that are foreign institutions, and may waive such requirements with respect to a foreign institution whose students receive less than $500,000 in loans under this title during the award year preceding the audit period'';

(2) in clause (ii), by striking ''or'' after the semicolon;

(3) in clause (iii), by inserting ''or'' after the semicolon; and

(4) by inserting after clause (iii) the following new clause:

''(iv) with respect to an eligible institution that is audited under clause (i), and for which it is determined through such audit that the percentage of students enrolled at the institution who were accepted for enrollment and made eligible for student financial assistance under this title by way of section 484(d)(2) exceeds 5 percent of the total enrollment of the institution for such academic year, an additional review to confirm that the institution is in compliance with the regulations prescribed by the Secretary under section 484(d);''.

(f) INSTITUTIONAL CERTIFICATIONS FOR PRIVATE EDUCATIONAL LOANS.—Section 487(a) is further amended by adding at the end the following new paragraph:

''(29)(A) The institution will—

''(i) upon the request of a private educational lender, acting in connection with an application initiated by a consumer for a private educational loan, provide certification to such private educational lender—

''(I) that the student who initiated the application for the private educational loan, or on whose behalf the application was initiated, is enrolled or is scheduled to enroll at the institution;

''(II) of the student's cost of attendance at the institution as determined under part F of this title; and

''(III) of the difference between the cost of attendance of the institution and the student's estimated financial assistance received under this title and other assistance known to the institution;

''(ii) disclose a borrower's ability to select a private educational lender of the borrower's choice; and

''(iii) inform students about the impact of a proposed private educational loan on the students' potential eligibility for other financial assistance, including Federal financial assistance under this title.

''(B) For purposes of this paragraph, the terms 'private educational lender' and 'private educational loan' have the meanings given in section 140 of the Truth in Lending Act (15 U.S.C. 1631 et seq.).''.

SEC. 491. REGULATORY RELIEF AND IMPROVEMENT.

Section 487A(b) (20 U.S.C. 1094a(b)) is amended—

(1) by amending paragraph (1) to read as follows:

''(1) IN GENERAL.—The Secretary shall continue the voluntary participation of any experimental sites in existence as of July 1, 2007, unless the Secretary determines that such site's participation has not been successful in carrying out the purposes of this section. Any activities approved by the Secretary prior to such date that have not been successful in carrying out the purposes of this section shall be discontinued not later than June 30, 2009.'';

(2) by striking the matter preceding paragraph (2)(A) and inserting the following:

''(2) REPORT.—The Secretary shall review and evaluate the experience of institutions participating as experimental sites and shall, on a biennial basis, submit a report based on the review and evaluation to the authorizing committees. Such report shall include—''; and

(3) in paragraph (3)—

(A) in subparagraph (A)—

(i) by striking ''Upon the submission of the report required by paragraph (2), the'' and inserting ''The''; and

(ii) by inserting ''periodically'' after ''authorized to'';

(B) by striking subparagraph (B);

(C) by redesignating subparagraph (C) as subparagraph (B); and

(D) in subparagraph (B) (as redesignated by subparagraph (C))—

(i) by inserting '', including requirements related to the award process and disbursement of student financial aid (such as innovative delivery systems for modular or compressed courses, or other innovative systems), verification of student financial aid application data, entrance and exit interviews, or other management procedures or processes as determined in the negotiated rulemaking process under section 492'' after ''requirements in this title'';

(ii) by inserting ''(other than an award rule related to an experiment in modular or compressed schedules)'' after ''award rules''; and

(iii) by inserting ''unless the waiver of such provisions is authorized by another provision under this title'' before the period at the end.

SEC. 492. TRANSFER OF ALLOTMENTS.

Section 488 (20 U.S.C. 1095) is amended by striking ''section 413D.'' and inserting ''section 413D or 462 (or both).''.

SEC. 493. ADVISORY COMMITTEE ON STUDENT FINANCIAL ASSISTANCE.

Section 491 (20 U.S.C. 1098) is amended—

(1) in subsection (a)(2)—

(A) in subparagraph (B), by striking ''and'' after the semicolon;

(B) in subparagraph (C), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

''(D) to provide knowledge and understanding of early intervention programs and make recommendations that will result in early awareness by low- and moderate-income students and families of their eligibility for assistance under this title, and, to the extent practicable, their eligibility for other forms of State and institutional need-based student assistance; and

''(E) to make recommendations that will expand and improve partnerships among the Federal Government, States, institutions, and private entities to increase the awareness and total amount of need-based student assistance available to low- and moderate-income students.'';

(2) in subsection (d)—

(A) in paragraph (6), by striking '', but nothing in this section shall authorize the committee to perform such studies, surveys, or analyses'';

(B) in paragraph (8), by striking ''and'' after the semicolon;

(C) by redesignating paragraph (9) as paragraph (10); and

(D) by inserting after paragraph (8) the following:

''(9) monitor the adequacy of total need-based aid available to low- and moderate-income students from all sources, assess the implications for access and persistence, and report those implications annually to Congress and the Secretary; and'';

(3) in subsection (j)(1)—

(A) by inserting ''and simplification'' after ''delivery processes''; and

(B) by striking '', including the implementation of a performance-based organization within the Department, and report to Congress regarding such modernization on not less than an annual basis''; and

(4) in subsection (k), by striking ''2004'' and inserting ''2011''.

SEC. 494. NEGOTIATED RULEMAKING.

Section 492(b)(1) (20 U.S.C. 1098a(b)(1)) is amended by striking ''from individuals nominated by groups described in subsection (a)(1)'' and inserting ''from individuals who are nominated by groups described in subsection (a)(1) and who have recognized legitimacy as designated representatives of major stakeholders, sectors, and constituencies in the higher education community''.

SEC. 495. TECHNICAL AMENDMENT.

Section 493C(b)(1) (20 U.S.C. 1098e(b)(1)) is amended by striking ''or is already in default''.

SEC. 495A. CAMPUS-BASED DIGITAL THEFT PREVENTION.

Part G of title IV (20 U.S.C. 1088 et seq.) is further amended by adding at the end the following new section:

''SEC. 494. CAMPUS-BASED DIGITAL THEFT PREVENTION.

''(a) IN GENERAL.—Each eligible institution participating in any program under this title shall to the extent practicable—

''(1) make publicly available to their students and employees, the policies and procedures related to the illegal downloading and distribution of copyrighted materials required to be disclosed under section 485(a)(1)(P); and

''(2) develop a plan for offering alternatives to illegal downloading or peer-to-peer distribution of intellectual property as well as a plan to explore technology-based deterrents to prevent such illegal activity.

''(b) GRANTS.—

''(1) PROGRAM AUTHORITY.—The Secretary may make grants to institutions of higher education, or consortia of such institutions, and enter into contracts with such institutions, consortia, and other organizations, to develop, implement, operate, improve, and disseminate programs of prevention, education, and cost-effective technological solutions, to reduce and eliminate the illegal downloading and distribution of intellectual property. Such grants or contracts may also be used for the support of a higher education centers that will provide training, technical assistance, evaluation, dissemination, and associated services and assistance to the higher education community as determined by the Secretary and institutions of higher education.

''(2) AWARDS.—Grants and contracts shall be awarded under paragraph (1) on a competitive basis.

''(3) APPLICATIONS.—An institution of higher education or a consortium of such institutions that desires to receive a grant or contract under paragraph (1) shall submit an application to the Secretary at such time, in such manner, and containing or accompanied by such information as the Secretary may reasonably require by regulation.

''(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection such sums as may be necessary for fiscal year 2009 and for each of the 4 succeeding fiscal years.''.

PART H—PROGRAM INTEGRITY

SEC. 496. RECOGNITION OF ACCREDITING AGENCY OR ASSOCIATION.

(a) AMENDMENTS.—Section 496 (20 U.S.C. 1099b) is amended—

(1) in subsection (a)—

(A) in paragraph (4)—

(i) by striking ''(4) such agency'' and insert ''(4)(A) such agency'';

(ii) by inserting ''and'' after the semicolon at the end; and

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

''(B) if such agency or association has or seeks to include within its scope of recognition the evaluation of the quality of institutions or programs offering distance education, such agency or association shall, in addition to meeting the other requirements of this subpart, demonstrate to the Secretary that—

''(i) the agency or association's standards effectively address the quality of an institution's distance education in the areas identified in paragraph (5), except that the agency or association shall not be required to have separate standards, procedures or policies for the evaluation of distance education institutions or programs in order to meet the requirements of this subparagraph, nor shall the agency or association be required to obtain the approval of the Secretary to expand its scope of accreditation to include distance education, provided that the agency or association notifies the Secretary in writing of the change in scope; and

''(ii) the agency or association requires an institution that offers distance education to have processes through which the institution establishes that the student who registers in a distance education course or program is the same student who participates in and completes the program and receives the academic credit;'';

(B) in paragraph (5), by amending subparagraph (A) to read as follows:

''(A) success with respect to student achievement in relation the institution's mission, which may include different standards for different institutions or programs, as established by the institution, including, as appropriate, consideration of State licensing examinations, consideration of course completion, and job placement rates;'';

(C) by striking paragraph (6) and inserting the following:

''(6) such agency or association shall establish and apply review procedures throughout the accrediting process, including evaluation and withdrawal proceedings which comply with due process procedures that provide for—

''(A) adequate specification of requirements, including clear and consistent standards for an institution to be accredited, and deficiencies at the institution of higher education or program examined;

''(B) an opportunity for a written response by any such institution to be included, prior to final action, in the evaluation and withdrawal proceedings;

''(C) upon the written request of an institution, an opportunity for the institution to appeal any adverse action, including denial, withdrawal, suspension, or termination of accreditation, at a hearing prior to such action becoming final, before an appeals panel that—

''(i) shall not include current members of the agency or association's underlying decision-making body that made the adverse decision; and

''(ii) is subject to a conflict of interest policy; and

''(D) the right to representation by counsel for such an institution during an appeal of the adverse action;''; and

(D) by striking paragraph (8) and inserting the following:

''(8) such agency or association shall make available to the public and the State licensing or authorizing agency, and submit to the Secretary, a summary of agency or association actions, including—

''(A) the award of accreditation or reaccreditation of an institution;

''(B) final denial, withdrawal, suspension, or termination of accreditation, and any findings made in connection with the action taken, together with the official comments of the affected institution; and

''(C) any other adverse action taken with respect to an institution;

''(9) such agency or association confirms, as a part of the agency or association's review for accreditation or reaccreditation, that the institution has transfer of credit policies—

''(A) that are publicly disclosed; and

''(B) that include a statement of the criteria established by the institution regarding the transfer of credit earned at another institution of higher education;

''(10) such agency or association reviews and takes into consideration the institution's response in any review or determination, and includes in any determination a written statement addressing the institution's response and stating the basis for such determination, and a copy of the institution's response; and

''(11) such agency or association shall not make a determination or take adverse action based upon an unpublished or undocumented policy, practice, or precedent.'';

(2) in subsection (c)—

(A) in paragraph (1), by inserting '', including those regarding distance education'' after ''their responsibilities'';

(B) by redesignating paragraphs (2) through (6) as paragraphs (4) through (8); and

(C) by inserting after paragraph (1) (as amended by subparagraph (A)) the following:

''(2) monitors the growth of programs at institutions that are experiencing significant enrollment growth;

''(3) requires an institution to submit a teach-out plan for approval to the accrediting agency upon the occurrence of any of the following events—

''(A) the Department notifies the accrediting agency of an action against the institution pursuant to section 487(d);

''(B) the accrediting agency acts to withdraw, terminate, or suspend the accreditation of an institution; and

''(C) the institution notifies the accrediting agency that the institution intends to cease operations;'';

(3) in subsection (g), by adding at the end the following: ''Nothing in this section shall be construed to permit the Secretary to establish any criteria that specifies, defines, or prescribes the standards that accrediting agencies or associations shall use to assess any institution's success with respect to student achievement.''; and

(4) in subsection (o), by adding at the end the following: ''Notwithstanding any other provision of law, the Secretary shall not promulgate any regulation with respect to subsection (a)(5).''.

(b) RULE OF CONSTRUCTION.—Section 496 is further amended by adding at the end the following new subsection:

''(p) RULE OF CONSTRUCTION.—Nothing in subsection (a)(5) of this section shall restrict the authority of—

''(1) an accrediting agency or association to set, with the involvement of its members, and to apply accreditation standards to institutions or programs that seek review by the agency or association; or

''(2) an institution to develop and use institutional standards to show its success with respect to student achievement, which shall be considered as part of any accreditation review.''.

(c) ADDITIONAL AMENDMENT.—Section 496(a)(4)(A) as amended by subsection (a) is further amended by inserting after ''consistently applies and enforces standards'' the following: ''that respect the stated mission of the institution of higher education, including religious missions, and''.

SEC. 497. ACCREDITATION OMBUDSMAN.

Subpart 2 of part H of title IV is amended by inserting after section 496 (20 U.S.C. 1099b) the following new section:

''SEC. 497. ACCREDITATION OMBUDSMAN.

''(a) APPOINTMENT.—The Assistant Secretary for Postsecondary Education, in consultation with the Secretary, shall appoint an Accreditation Ombudsman to provide timely assistance to institutions of higher education, accrediting agencies and associations, and other participants in the accreditation process who may have grievances related to the functions described in subsection (c).

''(b) PUBLIC INFORMATION.—The Assistant Secretary for Postsecondary Education shall disseminate information about the availability and functions of the Ombudsman to institutions of higher education, accrediting agencies and associations, and other participants in the accreditation process.

''(c) FUNCTIONS OF OMBUDSMAN.—The Ombudsman appointed under this section shall—

''(1) in accordance with regulations of the Secretary, receive, review, and attempt to resolve complaints from institutions of higher education, accrediting agencies and associations, and other participants in the accreditation process described in subsection (a), including, as appropriate, attempts to resolve such complaints within the Department of Education and with institutions of higher education, accreditation agencies and associations, and other participants in title IV programs; and

''(2) compile and analyze data on institutions of higher education and accrediting agency and association complaints and make appropriate recommendations.

''(d) REPORT.—Each year, the Ombudsman shall submit a report to the Assistant Secretary for Postsecondary Education, for inclusion in the annual report under section 114, that describes the activities, and evaluates the effectiveness of the Ombudsman during the preceding year.''.

SEC. 498. PROGRAM REVIEW AND DATA.

Section 498A(b) (20 U.S.C. 1099c–1(b)) is amended—

(1) by striking ''and'' at the end of paragraph (4);

(2) by striking the period at the end of paragraph (5) and inserting a semicolon; and

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

''(6) provide the institution adequate opportunity to review and respond to any program review report or audit finding before any final program review or audit determination is reached, including access to any and all workpapers, notes, documentation, records, or other information relating to the program review report or audit finding;

''(7) review and take into consideration the institution's response in any final program review or audit determination, and include in the final determination a written statement addressing the institution's response and stating the basis for such final determination, and a copy of the institution's response; and

''(8) maintain and preserve at all times the confidentiality of any program review report until the requirements of paragraphs (6) and (7) are met, and until a final program review determination has been issued.''.

SEC. 499. COMPETITIVE LOAN AUCTION PILOT PROGRAM EVALUATION.

Section 499 (as added by section 701 of the College Cost Reduction and Access Act of 2007) is amended by adding at the end the following new subsections:

''(c) REQUIRED INITIAL EVALUATION.—The Secretary and Secretary of the Treasury shall jointly conduct an evaluation, in consultation with the Office of Management and Budget, the Congressional Budget Office, and the Comptroller General, of the pilot program carried out by the Secretary under this section. The evaluation shall determine—

''(1) the extent of the savings to the Federal Government that are generated through the pilot program, compared to the cost the Federal Government would have incurred in operating the PLUS loan program under section 428B in the absence of the pilot program;

''(2) the number of lenders that participated in the pilot program, and the extent to which the pilot program generated competition among lenders to participate in the auctions under the pilot program;

''(3) the number and volume of loans made under the pilot in each State;

''(4) the effect of the transition to and operation of the pilot program on the ability of—

''(A) lenders participating in the pilot program to originate loans made through the pilot program smoothly and efficiently;

''(B) institutions of higher education participating in the pilot program to disburse loans made through the pilot program smoothly and efficiently; and

''(C) parents to obtain loans made through the pilot program in a timely and efficient manner;

''(5) the differential impact, if any, of the auction among the States, including between rural and non-rural States;

''(6) the feasibility of using the mechanism piloted to operate the other loan programs under part B of this title;

''(7) the feasibility of using other market mechanisms to operate the loan programs under part B of this title, including the sale of securities backed by federally owned student loan assets originated by banks acting as agents of the Federal Government; and

''(8) the feasibility of a specific alternative market-based mechanism that will—

''(A) determine lender returns;

''(B) result in reduced Federal costs on a program-wide basis, on loans made, insured, or guaranteed under part B of this title, excluding from consideration the Federal PLUS loans described in section 428B that are the subject of the competitive loan auction pilot program under this section;

''(C) include not more than—

''(i) 10 percent of the annual loan volume under this part B of this title during the first year of the alternative pilot program; and

''(ii) 20 percent of the annual loan volume under this part B of this title during the subsequent years of the alternative pilot program;

''(D) permit participation in any alternative auction-based pilot program on a voluntary basis for eligible institutions and eligible lenders participating under part B of this title prior to July 1, 2007; and

''(E) provide for all savings to the United States Treasury generated by such alternative pilot program to be distributed to institutions participating under this section on a basis proportionate to loan volume under such part for supplemental, need-based financial aid, except than an institution that is operating as an eligible lender under section 435(d)(2) shall not be eligible for any such distribution.

''(d) REPORTS.—The Secretary and the Secretary of the Treasury shall submit to the authorizing committees—

''(1) not later than September 1, 2010, a preliminary report regarding the findings of the evaluation described in subsection (c);

''(2) not later than September 1, 2012, an interim report regarding such findings; and

''(3) not later than September 1, 2013, a final report regarding such findings.

''(e) INDEPENDENT EVALUATION.—The Government Accountability Office shall conduct an independent evaluation of any auction or auctions conducted under this section no later than September 1, 2013.''.

TITLE V—TITLE V AMENDMENTS

SEC. 501. POSTBACCALAUREATE OPPORTUNITIES FOR HISPANIC AMERICANS.

(a) ESTABLISHMENT OF PROGRAM.—Title V is amended—

(1) by redesignating part B as part C;

(2) by redesignating sections 511 through 518 as sections 521 through 528, respectively; and

(3) by inserting after section 505 (20 U.S.C. 1101d) the following new part:

''PART B—PROMOTING POSTBACCALAUREATE OPPORTUNITIES FOR HISPANIC AMERICANS

''SEC. 511. PURPOSES.

''The purposes of this part are—

''(1) to expand postbaccalaureate educational opportunities for, and improve the academic attainment of, Hispanic students; and

''(2) to expand the postbaccalaureate academic offerings and enhance the program quality in the institutions that are educating the majority of Hispanic college students and helping large numbers of Hispanic and low-income students complete postsecondary degrees.

''SEC. 512. PROGRAM AUTHORITY AND ELIGIBILITY.

''(a) PROGRAM AUTHORIZED.—Subject to the availability of funds appropriated to carry out this part, the Secretary shall award competitive grants to Hispanic-serving institutions determined by the Secretary to be making substantive contributions to graduate educational opportunities for Hispanic students.

''(b) ELIGIBILITY.—For the purposes of this part, an 'eligible institution' means an institution of higher education that—

''(1) is an eligible institution under section 502(a)(2); and

''(2) offers a postbaccalaureate certificate or degree granting program.

''SEC. 513. AUTHORIZED ACTIVITIES.

''Grants awarded under this part shall be used for one or more of the following activities:

''(1) Purchase, rental, or lease of scientific or laboratory equipment for educational purposes, including instructional and research purposes.

''(2) Construction, maintenance, renovation, and improvement of classrooms, libraries, laboratories, and other instructional facilities, including purchase or rental of telecommunications technology equipment or services.

''(3) Purchase of library books, periodicals, technical and other scientific journals, microfilm, microfiche, and other educational materials, including telecommunications program materials.

''(4) Support for needy postbaccalaureate students including outreach, academic support services, mentoring, scholarships, fellowships, and other financial assistance to permit the enrollment of such students in postbaccalaureate certificate and degree granting programs.

''(5) Support of faculty exchanges, faculty development, faculty research, curriculum development, and academic instruction.

''(6) Creating or improving facilities for Internet or other distance learning academic instruction capabilities, including purchase or rental of telecommunications technology equipment or services.

''(7) Collaboration with other institutions of higher education to expand postbaccalaureate certificate and degree offerings.

''(8) Other activities proposed in the application submitted pursuant to section 514 that—

''(A) contribute to carrying out the purposes of this part; and

''(B) are approved by the Secretary as part of the review and acceptance of such application.

''SEC. 514. APPLICATION AND DURATION.

''(a) APPLICATION.—Any eligible institution may apply for a grant under this part by submitting an application to the Secretary at such time and in such manner as determined by the Secretary. Such application shall demonstrate how the grant funds will be used to improve postbaccalaureate education opportunities in programs and professions in which Hispanic Americans are underrepresented.

''(b) DURATION.—Grants under this part shall be awarded for a period not to exceed 5 years.

''(c) LIMITATION.—The Secretary shall not award more than one grant under this part in any fiscal year to any Hispanic-serving institution.''.

(b) COOPERATIVE ARRANGEMENTS.—Section 524(a) (as redesignated by subsection (a)(2)) (20 U.S.C. 1103c(a)) is amended by inserting ''and section 513'' after ''section 503''.

(c) AUTHORIZATION OF APPROPRIATIONS.—Subsection (a) of section 528 (as redesignated by subsection (a)(2) of this section) (20 U.S.C. 1103g) is amended to read as follows:

''(a) AUTHORIZATIONS.—

''(1) PART A.—There are authorized to be appropriated to carry out part A and part C of this title $175,000,000 for fiscal year 2009 and such sums as may be necessary for each of the 4 succeeding fiscal years.

''(2) PART B.—There are authorized to be appropriated to carry out part B of this title $125,000,000 for fiscal year 2009 and such sums as may be necessary for each of the 4 succeeding fiscal years.''.

(d) MINIMUM GRANT AMOUNT.—Section 528 (as redesignated by subsection (a)(2) of this section) (20 U.S.C. 1103g) is amended by adding at the end the following:

''(c) MINIMUM GRANT AMOUNT.—The minimum amount of a grant under this title shall be $200,000.''.

(e) PART A AUTHORIZED USES OF FUNDS.—Section 503(b) (20 U.S.C. 1101b(b)) is amended—

(1) by redesignating paragraph (14) as paragraph (15); and

(2) by inserting after paragraph (13) the following new paragraph:

''(14) Providing education or financial information designed to improve the financial literacy and economic literacy of students or the students' parents, especially with regard to student indebtedness and student assistance programs under the title IV.''.

TITLE VI—TITLE VI AMENDMENTS

SEC. 601. INTERNATIONAL AND FOREIGN LANGUAGE STUDIES.

(a) FINDINGS AND PURPOSES.—Section 601 (20 U.S.C. 1121) is amended—

(1) in subsection (a)(3), by striking ''post-Cold War'';

(2) in subsection (b)(1), by striking ''; and'' at the end of subparagraph (D) and inserting '', including through linkages overseas with institutions of higher education and relevant organizations that contribute to the educational programs assisted under this part; and''; and

(3) in subsection (b)(3) by inserting '', and international business and trade competitiveness'' before the period.

(b) GRADUATE AND UNDERGRADUATE LANGUAGE AND AREA CENTERS AND PROGRAMS.—Section 602(a) (20 U.S.C. 1122(a)) is amended—

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

''(A) IN GENERAL.—The Secretary is authorized to make grants to institutions of higher education or consortia of such institutions for the purpose of establishing, strengthening, and operating—

''(i) comprehensive foreign language and area or international studies centers and programs; and

''(ii) a diverse network of undergraduate foreign language and area or international studies centers and programs.'';

(2) in paragraph (2)—

(A) by striking ''and'' at the end of subparagraph (G);

(B) by striking the period at the end of subparagraph (H) and inserting a semicolon; and

(C) by inserting after subparagraph (H) the following new subparagraphs:

''(I) supporting instructors of the less commonly taught languages; and

''(J) projects that support in students an understanding of science and technology in coordination with foreign language proficiency.''; and

(3) in paragraph (4)—

(A) by amending subparagraph (B) to read as follows:

''(B) Partnerships or programs of linkage and outreach with 2-year and 4-year colleges and universities, including colleges of education and teacher professional development programs.'';

(B) in subparagraph (C), by striking ''Programs of linkage or outreach'' and inserting ''Partnerships or programs of linkage and outreach'';

(C) in subparagraph (E)—

(i) by striking ''foreign area'' and inserting ''area studies'';

(ii) by striking ''of linkage and outreach''; and

(iii) by striking ''(C), and (D)'' and inserting ''(D), and (E)'';

(D) by redesignating subparagraphs (C), (D), and (E) as subparagraphs (D), (E), and (F), respectively; and

(E) by inserting after subparagraph (B) the following new subparagraph:

''(C) Partnerships with local educational agencies and public and private elementary and secondary education schools that are designed to increase student academic achievement in foreign language and knowledge of world regions, and to facilitate the wide dissemination of materials related to area studies.''.

(c) FELLOWSHIPS FOR FOREIGN LANGUAGE AND AREA OR INTERNATIONAL STUDIES.—Section 602(b) (20 U.S.C. 1122(b)) is amended—

(1) by inserting ''AND UNDERGRADUATE'' after ''GRADUATE'' in the subsection heading; and

(2) by striking paragraph (2) and inserting the following:

''(2) ELIGIBLE STUDENTS.—A student receiving a stipend described in paragraph (1) shall be engaged in an instructional program with stated performance goals for functional foreign language use or in a program developing such performance goals, in combination with area studies, international studies, or the international aspects of a professional studies program, including predissertation level studies, preparation for dissertation research, dissertation research abroad, and dissertation writing, and—

''(A) in the case of graduate fellowships, activities in connection with a program described in this paragraph may include predissertation level studies, preparation for dissertation research, dissertation research abroad, and dissertation writing; or

''(B) in the case of undergraduate fellowships, students may be allowed to use their fellowships abroad for intermediate or advanced study of a less commonly taught language.''.

(d) LANGUAGE RESOURCE CENTERS.—Section 603(c) (20 U.S.C. 1123(c)) is amended by inserting ''reflect the purposes of this part and'' after ''shall''.

(e) UNDERGRADUATE INTERNATIONAL STUDIES AND FOREIGN LANGUAGE PROGRAMS.—Section 604 (20 U.S.C. 1124) is amended—

(1) in subsection (a)(1), by striking ''combinations'' each place it appears and inserting ''consortia'';

(2) in subsection (a)(2)—

(A) in subparagraph (B)(ii), by striking ''teacher training'' and inserting ''teacher professional development'';

(B) by redesignating subparagraphs (I) through (M) as subparagraphs (J) through (N), respectively;

(C) by inserting after subparagraph (H) the following new subparagraph:

''(I) the provision of grants for educational programs abroad that are closely linked to the program's overall goals and have the purpose of promoting foreign language fluency and knowledge of world regions, except that not more than 10 percent of a grant recipient's funds may be used for this purpose;''; and

(D) in subparagraph (M)(ii) (as redesignated by subparagraph (B) of this paragraph), by striking ''elementary and secondary education institutions'' and inserting ''local educational agencies and public and private elementary and secondary education schools'';

(3) in subsection (a)(4)(B), by inserting ''that demonstrates a need for a waiver or reduction'' before the period at the end;

(4) in subsection (a)(6), by inserting ''reflect the purposes of this part and'' after ''shall'';

(5) in subsection (a)(8), by striking ''may'' and inserting ''shall''; and

(6) by striking subsection (c).

(f) RESEARCH; STUDIES; ANNUAL REPORT.—Section 605(a) (20 U.S.C. 1125(a)) is amended by inserting before the period at the end of the first sentence the following: '', including the systematic collection, analysis, and dissemination of data''.

(g) TECHNOLOGICAL INNOVATION AND COOPERATION FOR FOREIGN INFORMATION ACCESS.—Section 606 (20 U.S.C. 1126) is amended—

(1) in subsection (a)—

(A) by striking ''or consortia of such institutions or libraries'' and inserting ''or partnerships between such institutions or libraries and nonprofit educational organizations including museums'';

(B) by striking ''new''; and

(C) by inserting ''from foreign sources'' after ''disseminate information'';

(2) in subsection (b)—

(A) by inserting ''acquire and'' before ''facilitate access'' in paragraph (1);

(B) by striking ''new means of'' in paragraph (3) and inserting ''new means and standards for'';

(C) by striking ''and'' at the end of paragraph (6);

(D) by striking the period at the end of paragraph (7) and inserting a semicolon; and

(E) by inserting after paragraph (7) the following new paragraphs:

''(8) to establish linkages between grant recipients under subsection (a) with libraries, museums, organizations, or institutions

of higher education located overseas to facilitate carrying out the purposes of this section; and

''(9) to carry out other activities deemed by the Secretary to be consistent with the purposes of this section.''; and

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

''(e) SPECIAL RULE.—The Secretary may waive or reduce the required non-Federal share for institutions that—

''(1) are eligible to receive assistance under part A or B of title III or under title V; and

''(2) have submitted a grant application under this section that demonstrates a need for a waiver or reduction.''.

(h) SELECTION OF GRANT RECIPIENTS.—Section 607(b) (20 U.S.C. 1127(b)) is amended—

(1) by striking ''objectives'' and inserting ''missions''; and

(2) by adding at the end the following new sentence: ''In keeping with the purposes of this part, the Secretary shall take into account the degree to which activities of centers, programs, and fellowships at institutions of higher education address national needs, generate and disseminate information, and foster debate on international issues.''.

(i) EQUITABLE DISTRIBUTION.—Section 608(a) (20 U.S.C. 1128(a)) is amended by adding at the end the following new sentence: ''Grants made under section 602 shall also reflect the purposes of this part.''.

(j) AUTHORIZATION OF APPROPRIATIONS.—Section 610 (20 U.S.C. 1128b) is amended by striking ''1999'' and inserting ''2009''.

(k) CONFORMING AMENDMENTS.—

(1) Sections 603(a), 604(a)(5), and 612 (20 U.S.C. 1123(a), 1124(a)(5), 1130–1) are each amended by striking ''combinations'' each place it appears and inserting ''consortia''.

(2) Section 612 (20 U.S.C. 1130–1) is further amended by striking ''combination'' each place it appears and inserting ''consortium''.

SEC. 602. BUSINESS AND INTERNATIONAL EDUCATION PROGRAMS.

(a) CENTERS FOR INTERNATIONAL BUSINESS EDUCATION.—Section 612 (20 U.S.C. 1130–1) is further amended—

(1) in subsection (a)(1)(C), by inserting ''manufacturing software systems, technology management,'' after ''commerce,'';

(2) in subsection (c)(2)(E), by inserting ''(including those that are eligible to receive assistance under part A or B of title III or under title V)'' after ''other institutions of higher education'';

(3) in subsection (c)(2)—

(A) by striking ''and'' at the end of subparagraph (E); and

(B) by inserting the following new subparagraph after subparagraph (E) (and redesignating the succeeding subparagraph):

''(F) programs encouraging the advancement and understanding of cultural, technological management, and manufacturing software systems practices between institutions of higher education in the United States and countries with existing partnerships with other countries, including those in Asian countries focused on this industry; and''; and

(4) in subsection (e), by adding at the end the following new paragraph:

''(5) SPECIAL RULE.—The Secretary may waive or reduce the required non-Federal share for institutions that—

''(A) are eligible to receive assistance under part A or B of title III or under title V; and

''(B) have submitted a grant application under this section that demonstrates a need for a waiver or reduction, as determined by the Secretary.''.

(b) EDUCATION AND TRAINING PROGRAMS.—Section 613 (20 U.S.C. 1130a) is amended by adding at the end the following new subsection:

''(e) SPECIAL RULE.—The Secretary may waive or reduce the required non-Federal share for institutions that—

''(1) are eligible to receive assistance under part A or B of title III or under title V; and

''(2) have submitted a grant application under this section that demonstrates a need for a waiver or reduction, as determined by the Secretary.''.

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 614 (20 U.S.C. 1130b) is amended by striking ''1999'' each place it appears and inserting ''2009''.

SEC. 603. INSTITUTE FOR INTERNATIONAL PUBLIC POLICY.

(a) FOREIGN SERVICE PROFESSIONAL DEVELOPMENT.—Section 621 (20 U.S.C. 1131) is amended—

(1) by striking the heading of such section and inserting the following:

''SEC. 621. PROGRAM FOR FOREIGN SERVICE PROFESSIONALS.'';

(2) by striking the second sentence of subsection (a) and inserting the following: ''The Institute shall conduct a program to enhance the international competitiveness of the United States by increasing the participation of underrepresented populations in the international service, including private international voluntary organizations, the international commercial service, and the foreign service of the United States.''; and

(3) in subsection (b)(1), by striking subparagraphs (A) and (B) and inserting the following:

''(A) A Tribally Controlled College or University or Alaska Native or Native Hawaiian-serving institution eligible for assistance under title III, an institution eligible for assistance under part B of title III, or a Hispanic-serving institution eligible for assistance under title V.

''(B) An institution of higher education which serves substantial numbers of underrepresented minority students.''.

(b) INSTITUTIONAL DEVELOPMENT.—Section 622(a) (20 U.S.C. 1131–1(a)) is amended by inserting before the period at the end the following: ''and promote collaboration with colleges and universities that receive funds under this title''.

(c) STUDY ABROAD PROGRAM.—Section 623(a) (20 U.S.C. 1131a(a)) is amended by inserting after ''1978,'' the following: ''Alaska Native-serving, Native Hawaiian-serving, and Hispanic-serving institutions,''.

(d) ADVANCED DEGREE IN INTERNATIONAL RELATIONS.—Section 624 (20 U.S.C. 1131b) is amended—

(1) by striking ''masters'' in the heading of such section and inserting ''advanced'';

(2) by striking ''a masters degree in international relations'' and inserting ''an advanced degree in international relations, international affairs, international economics, or other academic areas related to the Institute fellow's career objectives''; and

(3) by striking ''The masters degree program designed by the consortia'' and inserting ''The advanced degree study program shall be designed by the consortia, consistent with the fellow's career objectives, and''.

(e) INTERNSHIPS.—Section 625 (20 U.S.C. 1131c) is amended—

(1) in subsection (a), by inserting after ''1978,'' the following: ''Alaska Native-serving, Native Hawaiian-serving, and Hispanic-serving institutions,'';

(2) in subsection (b)—

(A) by inserting ''and'' after the semicolon at the end of paragraph (2);

(B) by striking ''; and'' at the end of paragraph (3) and inserting a period; and

(C) by striking paragraph (4); and

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

''(c) RALPH J. BUNCHE FELLOWS.—In order to assure the recognition and commitment of individuals from underrepresented student populations who demonstrate special interest in international affairs and language study, eligible students who participate in the internship programs authorized under subsections (a) and (b) shall be known as the Ralph J. Bunche Fellows.''.

(f) REPORT.—Section 626 (20 U.S.C. 1131d) is amended by striking ''annually prepare a report'' and inserting ''prepare a report biennially''.

(g) AUTHORIZATION OF APPROPRIATIONS.—Section 628 (20 U.S.C. 1131f) is amended by striking ''1999'' and inserting ''2009''.

SEC. 604. PREPARING FOR EARLY FOREIGN LANGUAGE INSTRUCTION.

Title VI (20 U.S.C. 1121 et seq.) is amended—

(1) by redesignating part D as part E;

(2) by redesignating section 631 (20 U.S.C. 1132) as section 641; and

(3) by inserting after section 628 the following new part:

''PART D—PREPARING FOR EARLY FOREIGN LANGUAGE INSTRUCTION

''SEC. 631. PREPARING FOR EARLY FOREIGN LANGUAGE INSTRUCTION.

''(a) DEFINITIONS.—In this section:

''(1) ELIGIBLE PARTNERSHIP.—The term 'eligible partnership' means a partnership that—

''(A) shall include—

''(i) a foreign language department of an institution of higher education; and

''(ii) a local educational agency; and

''(B) may include—

''(i) another foreign language or teacher education department of an institution of higher education;

''(ii) another local educational agency, or an elementary or secondary school;

''(iii) a business;

''(iv) a nonprofit organization of demonstrated effectiveness, including a museum;

''(v) heritage or community centers for language study;

''(vi) language resource centers; or

''(vii) the State foreign language coordinator or State educational agency.

''(2) HIGH-NEED LOCAL EDUCATIONAL AGENCY.—The term 'high-need local educational agency' has the meaning given the term in section 2102 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6602).

''(3) ARTICULATED.—The term 'articulated' means that each grade level of the foreign language program is designed to sequentially expand on the student achievement of the previous level with a goal toward achieving an established level of language proficiency.

''(b) PURPOSE.—The purpose of this section is to improve the performance of students in the study of foreign languages by encouraging States, institutions of higher education, elementary schools, and secondary schools to participate in programs that—

''(1) upgrade the status and stature of foreign language teaching by encouraging institutions of higher education to assume greater responsibility for improving foreign language teacher education through the establishment of a comprehensive, integrated system of recruiting and advising such teachers;

''(2) focus on education of foreign language teachers as a career-long process that should continuously stimulate teachers' intellectual growth and upgrade teachers' knowledge and skills;

''(3) bring foreign language teachers in elementary schools and secondary schools

together with linguists or higher education foreign language professionals to increase the subject matter knowledge and improve the teaching skills of teachers through the use of more sophisticated resources that institutions of higher education are better able to provide than such schools; and

''(4) develop more rigorous foreign language curricula that contain—

''(A) professionally accepted standards for elementary and secondary education instruction;

''(B) standards expected for postsecondary study in foreign language; and

''(C) articulated foreign language programs from kindergarten through grade 12 that demonstrate increased competence and proficiency over time and grade.

''(c) GRANTS TO PARTNERSHIPS.—

''(1) IN GENERAL.—The Secretary may award grants, on a competitive basis, to eligible partnerships to enable the eligible partnerships to pay the Federal share of the costs of carrying out the authorized activities described in this section.

''(2) DURATION.—The Secretary shall award grants under this section for a period of 5 years.

''(3) FEDERAL SHARE.—The Federal share of the costs of the activities assisted under this section shall be—

''(A) 75 percent of the costs for the first year that an eligible partnership receives a grant payment under this section;

''(B) 65 percent of such costs for the second such year; and

''(C) 50 percent of such costs for each of the third, fourth, and fifth such years.

''(4) NON-FEDERAL SHARE.—The non-Federal share of the costs of carrying out the authorized activities described in this section may be provided in cash or in kind, fairly evaluated.

''(5) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to eligible partnerships—

''(A) that include high-need local educational agencies; or

''(B) that emphasize the teaching of commonly taught and critical foreign languages in an articulated program that demonstrates increased competency and proficiency over grade and time.

''(d) APPLICATIONS.—

''(1) IN GENERAL.—Each eligible partnership desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require.

''(2) CONTENTS.—An application under paragraph (1) shall include—

''(A) an assessment of the teacher quality and professional development needs of all the schools and agencies participating in the eligible partnership with respect to the teaching and learning of foreign languages;

''(B) a description of how the activities to be carried out by the eligible partnership will be based on a review of relevant research, and an explanation of why the activities are expected to improve student performance and to strengthen the quality of foreign language instruction; and

''(C) a description of—

''(i) how the eligible partnership will carry out the authorized activities described in subsection (e); and

''(ii) the eligible partnership's evaluation and accountability plan as described in subsection (f).

''(e) AUTHORIZED ACTIVITIES.—An eligible partnership shall use the grant funds provided under this section for 1 or more of the following activities related to elementary schools or secondary schools:

''(1) Creating opportunities for enhanced and ongoing professional development that improves the subject matter knowledge of foreign language teachers.

''(2) Recruiting university students with foreign language majors for teaching.

''(3) Promoting strong teaching skills for foreign language teachers and teacher educators.

''(4) Establishing foreign language summer workshops or institutes (including follow-up) for teachers.

''(5) Establishing distance learning programs for foreign language teachers.

''(6) Designing programs to prepare a teacher at a school to provide professional development to other teachers at the school and to assist novice teachers at such school, including (if applicable) a mechanism to integrate experiences from a summer workshop or institute.

''(7) Developing instruction materials.

''(f) EVALUATION AND ACCOUNTABILITY PLAN.—Each eligible partnership receiving a grant under this section shall develop an evaluation and accountability plan for activities assisted under this section that includes strong performance objectives. The plan shall include objectives and measures for—

''(1) increased participation by students in advanced courses in foreign language;

''(2) increased percentages of secondary school classes in foreign language taught by teachers with academic majors in foreign language; and

''(3) increased numbers of foreign language teachers who participate in content-based professional development activities.

''(g) REPORT.—Each eligible partnership receiving a grant under this section shall annually report to the Secretary regarding the eligible partnership's progress in meeting the performance objectives described in subsection (f).

''(h) TERMINATION.—If the Secretary determines that an eligible partnership is not making substantial progress in meeting the performance objectives described in subsection (f) by the end of the third year of a grant under this section, the grant payments shall not be made for the fourth and fifth years of the grant.

''(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, such sums as may be necessary for fiscal year 2009 and for each of the 4 succeeding fiscal years.''.

SEC. 605. EVALUATION, OUTREACH, AND DISSEMINATION.

Part E of title VI, as redesignated by section 604 of this Act, is amended by inserting after section 641 (20 U.S.C. 1132 (as so redesignated)) the following new section:

''SEC. 642. EVALUATION, OUTREACH, AND DISSEMINATION.

''The Secretary may use not more than one percent of the funds made available for this title for program evaluation, national outreach, and information dissemination activities.''.

SEC. 606. STUDENT SAFETY.

Part E of title VI, as redesignated by section 604 of this Act, is further amended by inserting after section 642 (as added by section 605 of this Act) the following new section:

''SEC. 643. STUDENT SAFETY.

''Applicants seeking funds under this title to support student travel and study abroad shall submit as part of their grant application a description of safety policies and procedures for students participating in the program while abroad.''.

SEC. 607. SCIENCE AND TECHNOLOGY ADVANCED FOREIGN LANGUAGE EDUCATION GRANT PROGRAM.

Part E of title VI, as redesignated by section 604 of this Act, is further amended by inserting after section 643 (as added by section 606 of this Act) the following new section:

''SEC. 644. SCIENCE AND TECHNOLOGY ADVANCED FOREIGN LANGUAGE EDUCATION GRANT PROGRAM.

''(a) PURPOSE.—It is the purpose of this section to support programs in colleges and universities that—

''(1) encourage students to develop—

''(A) an understanding of science and technology; and

''(B) foreign language proficiency; and

''(2) foster future international scientific collaboration.

''(b) DEVELOPMENT.—The Secretary shall develop a program for the awarding of grants to institutions of higher education that develop innovative programs for the teaching of foreign languages.

''(c) REGULATIONS AND REQUIREMENTS.—The Secretary shall promulgate regulations for the awarding of grants under subsection (b). Such regulations shall require institutions of higher education to use grant funds for, among other things—

''(1) the development of an on-campus cultural awareness program by which students attend classes taught in a foreign language and study the science and technology developments and practices in a non-English speaking country;

''(2) immersion programs where students take science or technology related course work in a non-English speaking country; and

''(3) other programs, such as summer workshops, that emphasize the intense study of a foreign language and science technology.

''(d) GRANT DISTRIBUTION.—In distributing grants to institutions of higher education under this section, the Secretary shall give priority to—

''(1) institutions that have programs focusing on curricula that combine the study of foreign languages and the study of science and technology and produce graduates who have both skills; and

''(2) institutions teaching critical foreign languages.

''(e) APPROPRIATIONS AUTHORIZED.—There are authorized to be appropriated to carry out this section, such sums as may be necessary for fiscal year 2009 and for each subsequent fiscal year.''.

SEC. 608. REPORTING BY INSTITUTIONS.

Part E of title VI (20 U.S.C. 1122), as redesignated by section 604 of this Act, is further amended by inserting after section 644 (as added by section 607 of this Act) the following new section:

''SEC. 645. REPORTING BY INSTITUTIONS.

''(a) APPLICABILITY.—The data requirement in subsection (b) shall apply to an institution of higher education that receives funds for a center or program under this title if—

''(1) the amount of cash, or the fair market value, or both, of the contributions received from a foreign government or private sector corporation, foundation, or any other entity or individual (excluding domestic government entities) during any fiscal year exceeds $1,000,000 in the aggregate; and

''(2) the aggregate contribution is intended for use directly or indirectly by a center or program receiving funds under this title.

''(b) DATA REQUIRED.—The Secretary shall require of each institution to which this paragraph applies under subsection (a), as part of the Integrated Postsecondary Education Data System (IPEDS) annual data collection, that such institution report the following data:

''(1) The names and addresses of any foreign government or private sector corporation, foundation, or any other entity or individual that contributed such amount of cash or such fair market value of other property as described in subsection (a)(1).

''(2) The amount of such cash or the fair market value of such property.

''(c) EXEMPTION FROM REPORTING.—The Secretary may, at the request of the donor, exempt domestic donors who make anonymous donations from the institutional reporting requirement of subsection (b)(1) to preserve the anonymity of their contribution. The data of institutions shall identify such donors as 'anonymous'. This exemption does not apply to non-domestic donations.

''(d) DEADLINE.—Any report under subsection (b) shall be made no later than such date as the Secretary shall require.

''(e) CONSEQUENCES OF FAILURE TO REPORT.—In the case of any institution from which a report is requested under subsection (b), if the Secretary does not receive a report in accordance with the deadline established under subsection (d), the Secretary shall—

''(1) make a determination that the institution of higher education has failed to make the report required by this paragraph;

''(2) transmit a notice of the determination to Congress; and

''(3) publish in the Federal Register a notice of the determination and the effect of the determination on the eligibility of the institution of higher education for contracts and grants under this title.''.

SEC. 609. FEDERAL FOREIGN LANGUAGE EDUCATION MARKETING CAMPAIGN.

The Secretary of Education shall establish a foreign language education marketing campaign to encourage students at secondary schools and institutions of higher education to study foreign languages, particularly languages that are less commonly taught and critical to the national security of the United States.

TITLE VII—TITLE VII AMENDMENTS

SEC. 701. JAVITS FELLOWSHIP PROGRAM.

(a) AUTHORITY AND TIMING OF AWARDS.—Section 701(a) (20 U.S.C. 1132a(a)) is amended by inserting after the second sentence the following: ''For purposes of the exception in the preceding sentence, a master's degree in fine arts shall be considered a terminal degree.''.

(b) INTERRUPTIONS OF STUDY.—Section 701(c) (20 U.S.C. 1134(c)) is amended by adding at the end the following new sentence: ''In the case of other exceptional circumstances, such as active duty military service or personal or family member illness, the institution of higher education may also permit the fellowship recipient to interrupt periods of study for the duration of the tour of duty (in the case of military service) or not more than 12 months (in any other case), but without payment of the stipend.''.

(c) ALLOCATION OF FELLOWSHIPS.—Section 702(a)(1) (20 U.S.C. 1134a(a)(1)) is amended—

(1) in the first sentence, by inserting ''from diverse geographic regions'' after ''higher education''; and

(2) by adding at the end the following new sentence: ''The Secretary shall also assure that at least one representative appointed to the Board represents an institution that is eligible for a grant under title III or V of this Act.''.

(d) STIPENDS.—Section 703 (20 U.S.C. 1134b) is amended—

(1) in subsection (a)—

(A) by striking ''1999–2000'' and inserting ''2009–2010''; and

(B) by striking ''Foundation graduate fellowships'' and inserting ''Foundation Graduate Research Fellowship Program on February 1 of such academic year''; and

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

''(1) IN GENERAL.—(A) The Secretary shall (in addition to stipends paid to individuals under this subpart) pay to the institution of higher education, for each individual awarded a fellowship under this subpart at such institution, an institutional allowance. Except as provided in subparagraph (B), such allowance shall be, for academic year 2009–2010 and succeeding academic years, the same amount as the institutional payment made for academic year 2008–2009, adjusted for academic year 2009–2010 and annually thereafter in accordance with inflation as determined by the Department of Labor's Consumer Price Index for All Urban Consumers for the previous calendar year.''.

(e) AUTHORIZATION OF APPROPRIATIONS.—Section 705 (20 U.S.C. 1134d) is amended by striking ''1999'' and inserting ''2009''.

SEC. 702. GRADUATE ASSISTANCE IN AREAS OF NATIONAL NEED.

(a) DESIGNATION OF AREAS OF NATIONAL NEED; PRIORITY.—Section 712 (20 U.S.C. 1135a) is amended—

(1) by amending subsection (b) to read as follows:

''(b) DESIGNATION OF AREAS OF NATIONAL NEED.—After consultation with appropriate Federal and nonprofit agencies and organizations, including the National Science Foundation, the Department of Defense, the Department of Homeland Security, the National Academy of Sciences, and the Bureau of Labor Statistics, the Secretary shall designate areas of national need. In making such designations, the Secretary shall take into consideration—

''(1) the extent to which the interest in the area is compelling;

''(2) the extent to which other Federal programs support postbaccalaureate study in the area concerned;

''(3) an assessment of how the program may achieve the most significant impact with available resources;

''(4) an assessment of current and future professional workforce needs of the United States; and

''(5) the priority described in subsection (c).''; and

(2) by adding at the end the following new subsection:

''(c) PRIORITY.—The Secretary shall establish a priority for grants in order to prepare individuals for the professorate who will train highly qualified elementary and secondary mathematics and science teachers, special education teachers, and teachers who provide instruction for limited English proficient individuals. Such grants shall offer program assistance and graduate fellowships for—

''(1) post baccalaureate study related to teacher preparation and pedagogy in mathematics and science for students who have completed a master's degree or are pursuing a doctorate of philosophy in mathematics or science;

''(2) post baccalaureate study related to teacher preparation and pedagogy in special education and English language acquisition and academic proficiency for limited English proficient individuals; and

''(3) support of dissertation research in the fields of mathematics, science, special education, or second language pedagogy and second language acquisition.''.

(b) COLLABORATION REQUIRED FOR CERTAIN APPLICATIONS.—Section 713(b) (20 U.S.C. 1135b) is amended—

(1) by striking ''and'' at the end of paragraph (9);

(2) by redesignating paragraph (10) as paragraph (11); and

(3) by inserting after paragraph (9) the following new paragraph:

''(10) in the case of an application from a department, program, or unit in education or teacher preparation, provide assurances that such department, program, or unit will collaborate with departments, programs, or units in all content areas to ensure a successful combination of training in both teaching and such content; and''.

(c) STIPENDS.—Section 714(b) (20 U.S.C. 1135c(b)) is amended—

(1) by striking ''1999–2000'' and inserting ''2009–2010''; and

(2) by striking ''Foundation graduate fellowships'' and inserting ''Foundation Graduate Research Fellowship Program on February 1 of such academic year''.

(d) ADDITIONAL ASSISTANCE.—Section 715(a)(1) (20 U.S.C. 1135d(a)(1)) is amended—

(1) by striking ''1999–2000'' and inserting ''2009–2010'';

(2) by striking ''1998–1999'' and inserting ''2008–2009''; and

(3) by inserting ''for All Urban Consumers'' after ''Price Index''.

(e) AUTHORIZATION OF APPROPRIATIONS.—Section 716 (20 U.S.C. 1135e) is amended by striking ''1999'' and inserting ''2009''.

(f) TECHNICAL AMENDMENTS.—Section 714(c) (20 U.S.C. 1135c(c)) is amended—

(1) by striking ''section 716(a)'' and inserting ''section 715(a)''; and

(2) by striking ''section 714(b)(2)'' and inserting ''section 713(b)(2)''.

(g) ADDITIONAL TECHNICAL AMENDMENTS.—

(1) Section 711(a)(1) (20 U.S.C. 1135(a)) is amended by inserting ''(including a masters degree)'' after ''leading to a graduate degree''.

(2) Section 712(a)(1) (20 U.S.C. 1135a(a)(1)) is amended by inserting ''(including a masters degree)'' after ''leading to a graduate degree''.

(3) Section 713 (b)(5)(C) (20 U.S.C. 1135b(b)(5)(C)) is amended by inserting ''at the institution'' before the semicolon at the end.

SEC. 703. THURGOOD MARSHALL LEGAL EDUCATIONAL OPPORTUNITY PROGRAM.

(a) PROGRAM AUTHORITY.—Section 721(a) (20 U.S.C. 1136(a)) is amended—

(1) by inserting ''middle and high school'' after ''disadvantaged''; and

(2) by striking the period at the end of the sentence and inserting ''and admission to law practice.''.

(b) ELIGIBILITY.—Section 721(b) (20 U.S.C. 1136(b)) is amended by inserting ''middle and high school or'' before ''college student''.

(c) CONTRACT AND GRANT PURPOSES.—Section 721(c) (20 U.S.C. 1136(c)) is amended—

(1) by inserting ''middle and high school students'' after ''identify'' in paragraph (1);

(2) by amending paragraph (2) to read as follows:

''(2) to prepare such students for study at accredited law schools and assist them with the development of analytical skills and study methods to enhance their success and promote completion of law school;'';

(3) by striking ''and'' at the end of paragraph (4);

(4) by striking the period at the end of paragraph (5) and inserting ''; and''; and

(5) by adding at the end the following new paragraph:

''(6) to award Thurgood Marshall Fellowships to eligible law school students—

''(A) who participated in summer institutes authorized by subsection (d) and who are enrolled in an accredited law school; or

''(B) who are eligible law school students who have successfully completed a comparable summer institute program certified by the Council on Legal Educational Opportunity.''.

(d) SERVICES PROVIDED.—Section 721(d)(1)(D) (20 U.S.C. 1136(d)(1)(D)) is amended by inserting ''in analytical skills and study methods'' after ''courses''.

(e) AUTHORIZATION OF APPROPRIATIONS.—Section 721(h) (20 U.S.C. 1136(h)) is amended by striking ''1999'' and inserting ''2009''.

(f) GENERAL PROVISIONS.—Subsection (e) of section 731 (20 U.S.C. 1137(e)) is repealed.

SEC. 704. PATSY T. MINK FELLOWSHIP PROGRAM.

Part A of title VII (20 U.S.C. 1134) is further amended—

(1) by redesignating subpart 4 as subpart 6;

(2) in the heading of section 731, by striking ''subparts 1, 2, and 3'' and inserting ''subparts 1 through 5'';

(3) in subsections (a) and (b) of section 731, by striking ''subparts 1, 2, and 3'' each place it appears and inserting ''subparts 1 through 5'';

(4) in subsection (d) of such section, by striking ''subpart 1, 2, or 3'' and inserting ''subpart 1, 2, 3, 4, or 5''; and

(5) by inserting after subpart 3 the following new subpart:

''Subpart 4—Patsy T. Mink Fellowship Program

''SEC. 722. PATSY T. MINK FELLOWSHIPS.

''(a) PURPOSE; DESIGNATION.—

''(1) PURPOSE.—It is the purpose of this subpart to provide a program of fellowship awards to assist highly qualified minorities and women to acquire the terminal master's degree or the doctorate degree in academic areas in which such individuals are underrepresented for the purpose of entering the higher education professoriate.

''(2) ELIGIBLE INSTITUTIONS.—For purposes of this subpart, the term 'eligible institution' means an institution of higher education, or a consortium of such institutions, that offers a program of post baccalaureate study leading to a graduate degree.

''(3) DESIGNATION.—Each recipient of a fellowship award from an institution receiving a grant under this subpart shall be known as a Patsy T. Mink Graduate Fellow.

''(b) PROGRAM AUTHORIZED.—

''(1) GRANTS BY SECRETARY.—

''(A) IN GENERAL.—From funds made available under subsection (e), the Secretary shall make grants to eligible institutions of higher education to enable such institutions to make fellowship awards to qualified students in accordance with the provisions of this subpart.

''(B) PRIORITY CONSIDERATION.—In making grant awards under this subpart, the Secretary shall consider the applicant institution's prior experience in producing doctorates and terminal master's degree holders who are minorities and females, and shall give priority consideration in making grants under this subpart to those institutions with a demonstrated record of producing minorities and women who have earned such degrees.

''(2) DISTRIBUTION AND AMOUNTS OF GRANTS.—

''(A) EQUITABLE DISTRIBUTION.—In making such grants the Secretary shall, to the maximum extent feasible, ensure an equitable geographic distribution of awards and an equitable distribution among eligible public and private institutions of higher education that apply for grants under this subpart and that demonstrate the ability to achieve the purpose of this subpart.

''(B) SPECIAL RULE.—To the maximum extent practical, the Secretary shall award at least 50 percent of the amount appropriated under this subpart to institutions of higher education eligible for assistance under titles III and V, or to consortia composed of otherwise eligible institutions of higher education and such minority-serving institutions.

''(C) ALLOCATION.—In making such grants the Secretary shall, consistent with subparagraphs (A) and (B), allocate appropriated funds to those institutions whose applications indicate the ability to significantly increase the numbers of minorities and women entering the higher education professoriate and that commit institutional resources to the attainment of the purpose of this subpart. No grant made under this subpart shall support fewer than fifteen degree candidates consistent with subsection (d)(2).

''(D) REALLOTMENT.—Whenever the Secretary determines that an institution of higher education is unable to utilize all of the amounts made available to it under this subpart, the Secretary shall, on such dates during the fiscal year as the Secretary may determine, reallocate such unused amounts to institutions which demonstrate that they can use any reallocated grant funds to make fellowship awards to qualified individuals under this subpart.

''(c) APPLICATIONS.—

''(1) APPLICATIONS REQUIRED.—Any eligible institution of higher education offering a program of post baccalaureate study leading to a graduate degree that meets the purpose of this subpart may apply for a grant. Each such institution, or consortium of eligible institutions (including those institutions specified in subsection (b)(2)(B)) may make an application to the Secretary at such time, in such manner, and containing or accompanied by such information as the Secretary may reasonably require.

''(2) SELECTION OF APPLICATIONS.—In selecting applications for the making grants to institutions of higher education, the Secretary shall—

''(A) take into account the number and distribution of minority and female faculty nationally, as well as the current and projected need for highly trained individuals—

''(i) in all areas of the higher education professoriate; and

''(ii) in academic career fields in which minorities and women are underrepresented in the higher education professoriate; and

''(B) consider the need to prepare a larger number of minorities and women generally in academic career fields of high national priority, especially in areas in which such individuals are traditionally underrepresented in college and university faculties.

''(d) FELLOWSHIP TERMS AND CONDITIONS.—

''(1) SELECTION OF FELLOWS.—

''(A) ELIGIBLE APPLICANTS.—The Secretary shall assure that, in awarding fellowships from funds made available under this subpart, grantee institutions make fellowship awards to individuals who plan to pursue a career in instruction at any institution of higher education that is eligible to participate in title IV programs.

''(B) ACADEMIC PROGRESS.—Notwithstanding subparagraph (A), no otherwise eligible student selected for support shall receive a fellowship award—

''(i) during periods in which such student is enrolled, unless such student is maintaining satisfactory academic progress in, and devoting full-time to, study or research in the pursuit of the degree for which the fellowship support was awarded; or

''(ii) if the student is engaged in gainful employment, other than part-time employment related to teaching, research, or a similar activity determined by the institution to be consistent with and supportive of the student's progress toward the appropriate degree.

''(2) SERVICE REQUIREMENT.—

''(A) TEACHING REQUIRED.—Each Patsy T. Mink Graduate Fellow who earns the doctoral or terminal master's degree with assistance provided under this subpart shall teach at an eligible institution for one year for each year of fellowship assistance received under this subpart.

''(B) INSTITUTIONAL OBLIGATION.—Each institution which receives an award from the Secretary under this subpart shall provide an assurance that it has inquired of and determined the fellowship recipient's decision to, within 3 years of receiving the doctorate or terminal master's degree, begin employment at an eligible institution of higher education as required by this subpart.

''(C) AGREEMENT REQUIRED.—Prior to receiving the initial fellowship award, and upon the annual renewal of the fellowship award, a fellow shall sign an agreement with the Secretary memorializing this commitment to enter the professoriate.

''(D) CONSEQUENCES OF FAILURE.—If a fellowship recipient fails to honor the service requirement of this subsection, the Secretary shall—

''(i) require the individual to repay all or the applicable portion of the total fellowship amount awarded to the individual by converting the balance due to a loan at the interest rate applicable to loans made under part B of title IV; or

''(ii) require the individual to pay an amount determined by the Secretary to be appropriate, except as provided in subparagraph (E).

''(E) MODIFIED SERVICE REQUIREMENT.—The Secretary may waive or modify the service requirement of this paragraph based on regulations, promulgated pursuant to and consistent with criteria which determine the circumstances under which compliance with the service obligation by the fellowship recipient would be inequitable and represent a substantial hardship. The Secretary may waive the service requirement if—

''(i) compliance by the fellowship recipient would be deemed impossible because the individual is permanently and totally disabled at the time of the waiver request; or

''(ii) compliance by the fellowship recipient is based on documentation presented to the Secretary of substantial economic or personal hardship, as determined in accordance with regulations prescribed by the Secretary.

''(3) AMOUNT OF FELLOWSHIP AWARDS.—

''(A) IN GENERAL.—From the grants made pursuant to this subpart, eligible institutions shall award stipends to individuals who are awarded fellowships under this subpart. Such stipends shall reflect the purpose of the program authorized by this subpart to encourage highly qualified minorities and women to pursue graduate study for the purpose of entering the higher education professoriate.

''(B) AWARDS BASED ON NEED.—Stipends shall be in an amount equal to the level of support provided by the National Science Foundation graduate fellowships, except that such stipend shall be adjusted as necessary so as not to exceed the fellow's demonstrated need as determined by the institution of higher education where the graduate student is enrolled.

''(4) INSTITUTIONAL PAYMENTS.—

''(A) IN GENERAL.—The Secretary shall, in addition to the amounts made available to institutions for stipends to individuals under this subpart, pay to grantee institutions of higher education, for each individual awarded a fellowship under this subpart at such institution, an institutional allowance. Except as provided for in subparagraph (C), such allowance shall be, for academic year 2009–2010 and succeeding academic years, the same as the institutional payment made for that year under the Graduate Assistance in Areas of National Need program in subpart 2 of part A, and shall be adjusted annually thereafter in accordance with inflation as determined by the Department of Labor's Consumer Price Index for All Urban Consumers for the previous calendar year.

''(B) USE OF FUNDS.—Institutional payments may be expended at the discretion of the institution, except that such funds shall be used to provide academic support and career transition services for participating fellows.

''(C) REDUCTION.—The institutional allowance paid under subparagraph (A) shall be

reduced by the amount the institution charges and collects from a fellowship recipient for tuition and other expenses as part of the institution's instructional program.

''(D) USE FOR OVERHEAD PROHIBITED.—Funds made available pursuant to this subpart may not be used for general operational overhead of the academic department or institution receiving such funds.

''(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to appropriated to carry out this subpart such sums as may be necessary for fiscal year 2009 and for each of the 4 succeeding fiscal years.''.

SEC. 705. MASTERS DEGREES PROGRAMS AT HISTORICALLY BLACK COLLEGES AND UNIVERSITIES AND OTHER MINORITY SERVING INSTITUTIONS.

Part A of title VII (20 U.S.C. 1134) is further amended by inserting after subpart 4 (as added by section 704 of this Act) the following subpart:

''Subpart 5—Masters Degrees Programs at Historically Black Colleges and Universities and Other Minority Serving Institutions

''SEC. 723. GRANTS TO ACADEMIC DEPARTMENTS AND PROGRAMS AT ELIGIBLE INSTITUTIONS.

''(a) GRANT AUTHORITY.—

''(1) IN GENERAL.—From the amounts appropriated under subsection (g), the Secretary shall make grants to graduate academic departments, programs, and other academic units at historically Black colleges and universities and other minority-serving institutions that provide qualified courses of study leading to a degree in a qualified masters degree program described in subsection (d)(1)(B). Such grants shall be used to make fellowship awards to eligible students and may be combined with matching grants from non-Federal sources to strengthen qualified masters degree programs.

''(2) ADDITIONAL GRANTS.—From the amounts appropriated under subsection (g), The Secretary may also make grants to consortia and cooperative arrangements among eligible institutions that submit joint proposals, and have formal arrangements designed to fulfill the purposes of this subpart.

''(b) AWARD AND DURATION OF GRANTS.—

''(1) AWARDS.—The Secretary shall make awards to institutions that are eligible under subsection (d) and that submit an application to the Secretary in accordance with subsection (c). Awards shall be based on the following criteria:

''(A) The number of students enrolled in the masters degree program.

''(B) The number of students who earned such degrees in the previous year from the program for which the eligible institution is seeking funds.

''(C) The average cost of education per student, for all full-time masters degree students enrolled in the qualified masters degree program.

''(D) The quality of the academic program at the institution.

''(E) The quality of the application submitted by the institution or consortium.

''(2) DURATION AND AMOUNT.—

''(A) DURATION.—The Secretary shall award a grant under this subpart for a period of 5 years, which may be renewed for an additional 5 years consistent with subsection (c).

''(B) AMOUNT.—The Secretary shall award a grant to an academic department, program, or consortium at an eligible institution of higher education under this subpart for a fiscal year in an amount that is not less than $100,000, and not greater than $750,000.

''(c) APPLICATION.—

''(1) CONTENTS OF APPLICATIONS.—An institution that is eligible under subsection (d) that seeks a grant under this subpart shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require. The application shall include—

''(A) a description of the qualified masters degree program or programs that the institution intends to provide fellowship awards to, including the number of student awards to be made;

''(B) a budget describing the amount of the fellowship awards to students for 2 successive academic years, based on the academic progress of such students and the cost of attendance at the eligible institution, except that in no instance shall a graduate student receive a fellowship in excess of the award level provided for such students by the National Science Foundation;

''(C) a budget for stipends to students who are awarded fellowships under this subpart in order to encourage highly qualified students to pursue graduate study for the purposes described in this part; and

''(D) a description of activities to be undertaken with institutional, private foundation, or State matching funds that will be used to contribute to the increased production of minority masters degree candidates.

''(2) PREFERENCE TO CONTINUING GRANT RECIPIENTS.—

''(A) IN GENERAL.—The Secretary shall make initial grant awards consistent with the criteria in subsection (b)(1), and shall renew such awards if the grantee demonstrates success in satisfying the criteria in subparagraphs (A) and (B) of such subsection by increasing the number of African Americans and other minorities earning masters degrees at the institution based on benchmarks established by the Secretary.

''(B) RATABLE REDUCTION.—To the extent that appropriations are insufficient to comply with subparagraph (A) and subsection (b)(2)(B), available funds shall be distributed by ratably reducing the amounts required to be awarded under subsection (b)(2)(B).

''(d) INSTITUTIONAL ELIGIBILITY.—

''(1) QUALIFIED MASTERS DEGREE PROGRAMS.—

''(A) IN GENERAL.—To be eligible to apply for a grant under this part, an applicant shall be an academic department, program, or unit at an institution of higher education that is within the meaning of the term 'part B institution' as defined in section 322(2), that offers a qualified masters degree program, and that is specifically enumerated in paragraph (2), or a consortium of such institutions.

''(B) QUALIFIED MASTERS DEGREE PROGRAM.—For purposes of this subpart, the term 'qualified masters degree program' means a program of study leading to a masters degree in the physical or natural sciences, mathematics, engineering, computer science, information technology, nursing, allied health, or related scientific or health field identified by the Secretary.

''(C) LIMITATION.—No department, program, or unit shall be eligible to apply unless the qualified masters degree program has been in existence and awarded such degrees for at least four years.

''(2) ENUMERATED INSTITUTIONS.—For purposes of paragraph (1)(A), the institutions enumerated in this paragraph are—

''(A) Albany State University;

''(B) Alcorn State University;

''(C) Chicago State University;

''(D) Columbia Union College;

''(E) Coppin State University;

''(F) Elizabeth City State University;

''(G) Fayetteville State University;

''(H) Fisk University;

''(I) Fort Valley State University;

''(J) Grambling State University;

''(K) Kentucky State University;

''(L) Long Island University, Brooklyn campus;

''(M) Mississippi Valley State University;

''(N) Robert Morris College;

''(O) Savannah State University;

''(P) South Carolina State University;

''(Q) University of Arkansas, Pine Bluff;

''(R) Virginia State University;

''(S) West Virginia Sate University;

''(T) Winston-Salem State University; and

''(U) York College, The City University of New York.

''(3) LIMITATION.—No institution that is eligible for and receives an award under section 326 for a fiscal year shall be eligible to apply for, or receive funds under this subpart for the same fiscal year.

''(e) MATCHING FUNDS RULE.—Each eligible institution or consortium that receives an award under this subpart, may elect to use up to 25 percent of the total grant to carry out activities designed to strengthen its qualified masters degree program. An institution that elects to use funds for strengthening a qualified masters degree program shall provide an equal amount for such purpose from institutional, private foundation, or State sources. Matching funds must supplement, not supplant, existing resources available at the time of the Secretary's award.

''(f) USES OF FUNDS.—Funds made available under this section shall be used in accordance with the application under subsection (c).

''(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $25,000,000 for fiscal year 2009 and such sums as may be necessary for each of the 4 succeeding fiscal years.''.

SEC. 706. FUND FOR THE IMPROVEMENT OF POSTSECONDARY EDUCATION.

(a) CONTRACT AND GRANT PURPOSES.—Section 741(a) (20 U.S.C. 1138(a)) is amended—

(1) by amending paragraph (1) to read as follows:

''(1) the encouragement of the reform and improvement of, and innovation in, postsecondary education and the provision of educational opportunity for all, especially for the non-traditional student populations;'';

(2) in paragraph (2), by inserting before the semicolon at the end the following: ''for postsecondary students, especially institutions, programs, and joint efforts that provide academic credit for programs'';

(3) by amending paragraph (3) to read as follows:

''(3) the establishment of institutions and programs based on the technology of communications, including delivery by distance education;'';

(4) by amending paragraph (6) to read as follows:

''(6) the introduction of institutional reforms designed to expand individual opportunities for entering and reentering postsecondary institutions and pursuing programs of postsecondary study tailored to individual needs;'';

(5) by striking ''and'' at the end of paragraph (7);

(6) by striking the period at the end of paragraph (8) and inserting a semicolon; and

(7) by adding at the end the following new paragraphs:

''(9) the assessment, in partnership with a public or private nonprofit institution or agency, of the performance of teacher preparation programs within institutions of higher education in a State, using an assessment which provides comparisons across such institutions within the State based upon indicators including teacher candidate knowledge in subject areas in which such candidate has been prepared to teach;

''(10) the support of efforts to establish pilot programs and initiatives to help college campuses reduce illegal downloading of copyrighted content, in order to improve the

security and integrity of campus computer networks and save bandwidth costs;

''(11) the support of increased fire safety in student housing—

''(A) by establishing a demonstration incentive program for qualified student housing in institutions of higher education;

''(B) by making grants for the purpose of installing fire alarm detection, prevention, and protection technologies in student housing, dormitories, and other buildings controlled by such entities; and

''(C) by requiring, as a condition of such grants—

''(i) that such technologies be installed professionally to technical standards of the National Fire Protection Association; and

''(ii) that the recipient shall provide non-Federal matching funds in an amount equal to the amount of the grant;

''(12) the assessment, in partnership with a consortium of higher education organizations, of the feasibility and potential design of an inter-institution monitoring organization on gender and racial equality in campus faculty and administration;

''(13) the provision of support and assistance to partnerships between institutions of higher education and secondary schools with at least 10 percent of their enrollment assessed as late-entering limited English proficient students to establish programs that result in increased secondary school graduation rates of limited English proficient students and that increase the number of eligible late-entering limited English proficient students who pursue postsecondary education opportunities;

''(14) the provision of support and assistance for demonstration projects to provide comprehensive support services to ensure that homeless students, or students who were in foster care until the age of 18, enroll and succeed in postsecondary education, including providing housing to such students during periods when housing at the institution of higher education is closed or generally unavailable to other students;

''(15) the support of efforts to work with organizations that are exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1986 and institutions of higher education that seek to promote cultural diversity in the entertainment media industry including through the training of students in production, marketing, and distribution of culturally relevant content; and

''(16) the creation of consortia that join diverse institutions of higher education to design and offer curricular and co-curricular interdisciplinary programs at the undergraduate and graduate levels, sustained for not less than a 5 year period, that—

''(A) focus on poverty and human capability; and

''(B) include—

''(i) a service-learning component; and

''(ii) the delivery of educational services through informational resource centers, summer institutes, mid-year seminars, and other educational activities that stress the effects of poverty and how poverty can be alleviated through different career paths.''.

(b) SCHOLARSHIP PROGRAM FOR FAMILY MEMBERS OF VETERANS OR MEMBERS OF THE MILITARY; CENTER FOR BEST PRACTICES TO SUPPORT SINGLE PARENT STUDENTS.—Section 741 (20 U.S.C. 1138) is further amended by adding at the end the following new subsections:

''(c) SCHOLARSHIP PROGRAM FOR FAMILY MEMBERS OF VETERANS OR MEMBERS OF THE MILITARY.—

''(1) AUTHORIZATION.—The Secretary shall contract with a nonprofit organization with demonstrated experience in carrying out the activities described in this subsection to carry out a program to provide postsecondary education scholarships for eligible students.

''(2) ELIGIBLE STUDENTS.—In this subsection, the term 'eligible student' means an individual who is—

''(A)(i) a dependent student who is a child of—

''(I) an individual who is—

''(aa) serving on active duty during a war or other military operation or national emergency (as defined in section 481); or

''(bb) performing qualifying National Guard duty during a war or other military operation or national emergency (as defined in section 481); or

''(II) a veteran who died while serving or performing, as described in subclause (I), since September 11, 2001, or has been disabled while serving or performing, as described in subclause (I), as a result of such event; or

''(ii) an independent student who—

''(I) is a spouse of an individual who is—

''(aa) serving on active duty during a war or other military operation or national emergency (as defined in section 481); or

''(bb) performing qualifying National Guard duty during a war or other military operation or national emergency (as defined in section 481); or

''(II) was (at the time of the death of the veteran) a spouse of a veteran who died while serving or performing, as described in subclause (I), since September 11, 2001, or has been disabled while serving or performing, as described in subclause (I), as a result of such event; and

''(B) enrolled as a full-time or part-time student at an institution of higher education (as defined in section 102).

''(3) AWARDING OF SCHOLARSHIPS.—Scholarships awarded under this subsection shall be awarded based on need with priority given to eligible students who are eligible to receive Federal Pell Grants under subpart 1 of part A of title IV.

''(4) MAXIMUM SCHOLARSHIP AMOUNT.—The maximum scholarship amount awarded to an eligible student under this subsection for an academic year shall be $5,000.

''(5) AMOUNTS FOR SCHOLARSHIPS.—All of the amounts appropriated to carry out this subsection for a fiscal year shall be used for scholarships awarded under this subsection, except that a nonprofit organization receiving a contract under this subsection may use not more than 1 percent of such amounts for the administrative costs of the contract.

''(d) CENTER FOR BEST PRACTICES TO SUPPORT SINGLE PARENT STUDENTS.—

''(1) PROGRAM AUTHORIZED.—The Secretary is authorized to award 1 grant or contract to an institution of higher education to enable such institution to establish and maintain a center to study and develop best practices for institutions of higher education to support single parents who are also students attending such institutions.

''(2) INSTITUTION REQUIREMENTS.—The Secretary shall award the grant or contract under this subsection to a 4-year institution of higher education that has demonstrated expertise in the development of programs to assist single parents who are students at institutions of higher education, as shown by the institution's development of a variety of targeted services to such students, including on-campus housing, child care, counseling, advising, internship opportunities, financial aid, and financial aid counseling and assistance.

''(3) CENTER ACTIVITIES.—The center funded under this section shall—

''(A) assist institutions implementing innovative programs that support single parents pursuing higher education;

''(B) study and develop an evaluation protocol for such programs that includes quantitative and qualitative methodologies;

''(C) provide appropriate technical assistance regarding the replication, evaluation, and continuous improvement of such programs; and

''(D) develop and disseminate best practices for such programs.''.

(c) PROHIBITION.—Section 741 is further amended by adding after subsection (d) (as added by subsection (b) of this section) the following new subsection:

''(e) PROHIBITION.—No funds made available under this part may be used to provide financial assistance—

''(1) to students who do not meet the requirements of section 484(a)(5); or

''(2) to any institution of higher education after the date of enactment of this subsection unless the institution demonstrates to the Secretary that the institution meets or exceeds the most current version of ASHRAE/IES Standard 90.1 (as such term is used in section 342(a)(6) of the Energy Policy and Conservation Act (42 U.S.C. 6313(a)(6)) for any new facilities construction or major renovation of that institution after that date, except that this paragraph shall not apply with respect to barns or greenhouses or similar structures owned by the institution.''.

(d) TECHNICAL AMENDMENTS.—Part B of title VII (20 U.S.C. 1038 et seq.) is further amended—

(1) in section 742 (20 U.S.C. 1138a)—

(A) in subsection (b)—

(i) by striking ''(1) IN GENERAL.—''; and

(ii) by striking paragraph (2);

(B) in subsection (c), by striking ''and the Director'' each place it appears; and

(C) in subsection (d), by striking ''Director'' and inserting ''Secretary'';

(2) in section 743 (20 U.S.C. 1138b)—

(A) by striking ''(a) TECHNICAL EMPLOYEES.—''; and

(B) by striking subsection (b); and

(3) in section 744(a) (20 U.S.C. 1138c(a)), by striking ''Director'' each place it appears and inserting ''Secretary''.

(e) AREAS OF NATIONAL NEED.—Section 744(c) (20 U.S.C. 1138c(c)) is amended by adding at the end the following:

''(5) Establishment of academic programs including graduate and undergraduate courses, seminars and lectures, support of research, and development of teaching materials for the purpose of supporting faculty and academic programs that teach traditional American history (including significant constitutional, political, intellectual, economic, diplomatic, and foreign policy trends, issues, and documents; the history, nature, and development of democratic institutions of which American democracy is a part; and significant events and individuals in the history of the United States).

''(6) Establishment of centers to incorporate education in quality and safety into the preparation of medical and nursing students, through grants to medical schools, nursing schools, and osteopathic schools. Such grants shall be used to assist in providing courses of instruction that specifically equip students to understand the causes and remedies for medical error, medically-induced patient injuries and complications, and other defects in medical care; engage effectively in personal and systemic efforts to continually reduce medical harm; and improve patient care and outcomes, as recommended by the Institute of Medicine.''.

(f) AUTHORIZATION OF APPROPRIATIONS.—Section 745 (20 U.S.C. 1138d) is amended by striking ''$30,000,000 for fiscal year 1999'' and inserting ''$40,000,000 for fiscal year 2009''.

SEC. 707. URBAN-SERVING RESEARCH UNIVERSITIES.

Part C of title VII (20 U.S.C. 1139 et seq.) is amended to read as follows:

''*PART C—URBAN-SERVING RESEARCH UNIVERSITIES*

''SEC. 751. PURPOSE; PROGRAM AUTHORIZED.

''(a) PURPOSE.—It is the purpose of this part to provide incentives to urban-serving research universities to enable such universities to expand research knowledge and to develop and implement initiatives in partnership with community-based organizations and other public or nonprofit private entities to strengthen city economies, foster innovation and opportunity, and solve urban challenges.

''(b) PROGRAM AUTHORIZED.—The Secretary is authorized to award grants to urban-serving research universities to enable such universities to carry out the activities described in section 753 in accordance with the provisions of this part.

''SEC. 752. APPLICATION FOR URBAN-SERVING RESEARCH UNIVERSITY GRANTS.

''(a) APPLICATION.—An urban-serving research university seeking assistance under this part shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may reasonably require.

''(b) PRIORITY IN SELECTION OF APPLICATIONS.—The Secretary shall give priority to applications that propose to conduct joint projects supported by Federal, State, and local programs other than the program under this Act. In addition, the Secretary shall give priority to urban-serving research universities with a demonstrated record of effective engagement in serving the communities in which such universities are located.

''SEC. 753. ALLOWABLE ACTIVITIES.

''An urban-serving research university shall use funds awarded under this part to further develop and apply research findings to the development, implementation, and ongoing evaluation of—

''(1) systemic initiatives with elementary and secondary schools and other educational organizations designed to—

''(A) improve teacher quality and retention; or

''(B) develop strategies to improve postsecondary and workplace readiness, particularly in fields related to science, technology, engineering, and mathematics;

''(2) innovative economic revitalization efforts in conjunction with community-based organizations and other public or nonprofit private entities; or

''(3) public health outreach, education, and intervention activities designed to reduce health disparities in urban areas, in partnership with community-based organizations and other public or nonprofit private entities.

''SEC. 754. DEFINITIONS.

''As used in this part:

''(1) URBAN AREA.—The term 'urban area' means a city with a population of not less than 200,000 within a metropolitan statistical area.

''(2) URBAN-SERVING RESEARCH UNIVERSITY.—The term 'urban-serving research university' means a public institution of higher education that—

''(A) meets the requirements of section 101;

''(B) is located in an urban area;

''(C) has the capacity to conduct applicable research, as demonstrated by awarding more than 10 doctoral degrees per academic year;

''(D) draws a substantial portion of its students from the urban area in which such institution is located; and

''(E) has demonstrated and sustained a sense of responsibility to such urban area and the people of such area.

''SEC. 755. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out this part $50,000,000 for fiscal year 2009 and such sums as may be necessary for each of the 4 succeeding fiscal years.''.

SEC. 708. PROGRAMS TO ENSURE STUDENTS WITH DISABILITIES RECEIVE A QUALITY HIGHER EDUCATION.

(a) SERVING ALL STUDENTS WITH DISABILITIES.—Section 762(a) (20 U.S.C. 1140a(a)) is amended by striking ''students with learning disabilities'' and inserting ''students with disabilities''.

(b) AUTHORIZED ACTIVITIES.—

(1) AMENDMENT.—Section 762(b)(2) is amended—

(A) in subparagraph (A)—

(i) by inserting '', including methods and strategies consistent with the principles of universal design for learning'' after ''strategies''; and

(ii) by inserting ''in order to improve retention and completion'' after ''disabilities'';

(B) by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (F), respectively;

(C) by inserting after subparagraph (A) the following new subparagraph:

''(B) EFFECTIVE TRANSITION PRACTICES.—The development of innovative, effective, and efficient teaching methods and strategies to ensure the smooth transition of students with disabilities from high school to postsecondary education.''; and

(D) by inserting after subparagraph (C) (as redesignated by subparagraph (B) of this paragraph) the following new subparagraphs:

''(D) DISTANCE LEARNING.—The development of innovative, effective, and efficient teaching methods and strategies to provide faculty and administrators with the ability to provide accessible distance education programs or classes that would enhance access of students with disabilities to higher education, including the use of accessible electronic communication for instruction and advisement.

''(E) ACCESSIBILITY OF EDUCATION.—Making postsecondary education more accessible to students with disabilities through the use of accessible instructional materials and curriculum development, consistent with the principles of universal design for learning.''.

(2) REPORT.—Section 762 is further amended by adding at the end the following new subsection:

''(d) REPORT.—Not later than 3 years after the date of enactment of the College Opportunity and Affordability Act of 2008, the Secretary shall prepare and disseminate a report reviewing the activities of the demonstration projects authorized under this subpart and providing guidance and recommendations on how successful projects can be replicated.''.

(3) CONFORMING AMENDMENT.—Section 762(b)(3) is amended by striking ''subparagraphs (A) through (C)'' and inserting ''subparagraphs (A) through (F)''.

(c) APPLICATIONS.—Section 763 (20 U.S.C. 1140b) is amended—

(1) by amending paragraph (1) to read as follows:

''(1) a description of how such institution plans to address the activities allowed under this subpart;'';

(2) in paragraph (2)—

(A) by striking ''institution to develop'' and inserting ''institution, including students with disabilities, to develop''; and

(B) by striking ''and'' at the end;

(3) by striking the period at the end of paragraph (3) and inserting ''; and''; and

(4) by adding at the end the following new paragraph:

''(4) a description of the extent to which an institution will work to replicate the best practices of institutions of higher education with demonstrated success in serving students with disabilities.''.

(d) AUTHORIZATION OF APPROPRIATIONS FOR DEMONSTRATION PROJECTS TO ENSURE STUDENTS WITH DISABILITIES RECEIVE A QUALITY HIGHER EDUCATION.—Section 765 (20 U.S.C. 1140d) is amended by striking ''1999'' and inserting ''2009''.

(e) NATIONAL TECHNICAL ASSISTANCE CENTER; COMMISSION ON ACCESSIBLE MATERIALS; PROGRAMS TO SUPPORT IMPROVED ACCESS TO MATERIALS; TRANSITION PROGRAMS FOR STUDENTS WITH INTELLECTUAL DISABILITIES; COORDINATING CENTER.—Part D of title VII (20 U.S.C. 1140 et seq.) is further amended—

(1) in the part heading, by striking ''demonstration projects'' and inserting ''programs'';

(2) by inserting after the part heading the following:

''*Subpart 1—Quality Higher Education*'';

and

(3) by adding at the end the following:

''*Subpart 2—National Technical Assistance Center; Commission on Accessible Materials; Programs to Support Improved Access to Materials*

''SEC. 766. NATIONAL CENTER.

''(a) PURPOSE.—It is the purpose of this subpart to support the development of a national center to provide information and technical assistance for students with disabilities to improve the postsecondary recruitment, retention, and completion success rates of such students.

''(b) ESTABLISHMENT AND SUPPORT.—The Office of Postsecondary Education shall, by grant, contract, or cooperative agreement with an eligible entity or partnership of two or more eligible entities, provide for the establishment and support of a National Center for Information and Technical Support for Postsecondary Students with Disabilities (hereinafter in this subpart referred to as the 'Center') which shall carry out the duties set forth in subsection (d).

''(c) ELIGIBLE ENTITY.—In this subpart, the term 'eligible entity' means an institution of higher education or a private nonprofit organization with demonstrated expertise in—

''(1) supporting postsecondary students with disabilities;

''(2) technical knowledge necessary for the accessible dissemination of information; and

''(3) working with a diverse range of types of institutions of higher education, including community colleges.

''(d) DUTIES.—The duties of the Center shall include the following:

''(1) ASSISTANCE TO STUDENTS AND FAMILIES.—The Center shall provide information and technical assistance to students with disabilities and their families related to practices supporting students across a broad spectrum of disabilities, including—

''(A) information to assist prospective students with disabilities in planning their postsecondary academic career while they are in middle and secondary school;

''(B) research-based supports, services, and accommodations which are available in postsecondary settings, including services provided by other agencies such as vocational rehabilitation;

''(C) information on student mentoring and networking opportunities; and

''(D) successful recruitment and transition programs in existence in postsecondary institutions.

''(2) ASSISTANCE TO INSTITUTIONS OF HIGHER EDUCATION.—The Center shall provide information and technical assistance to faculty, staff, and administrators of institutions of higher education to improve the services provided to, the accommodations for, the retention rates of, and the completion rates of, students with disabilities in higher education settings, which may include—

''(A) collection and dissemination of promising practices and materials for accommodation and support of students with disabilities;

''(B) development and provision of training modules for higher education faculty on exemplary practices for accommodating and supporting students with disabilities across a range of academic fields; and

''(C) development of Internet-based tutorials for faculty, including graduate teaching assistants and new faculty, on promising practices related to support and retention of students with disabilities in postsecondary education.

''(3) INFORMATION COLLECTION AND DISSEMINATION.—The Center shall be responsible for building, maintaining, and updating a database of disability support services information with respect to institutions of higher education, or for expanding and updating an existing database of disabilities support services information with respect to institutions of higher education, which shall be available to the general public through a website built to the highest technical standards of accessibility currently practicable for the broad spectrum of individuals with disabilities. Such database and website shall include available information on—

''(A) disability documentation requirements;

''(B) support services available;

''(C) links to financial aid;

''(D) accommodations policies;

''(E) accessible instructional materials;

''(F) other topics relevant to students with disabilities and prospective students with disabilities; and

''(G) the information in the report described in paragraph (5).

''(4) PROFESSIONAL STANDARDS FOR DISABILITY SUPPORT PERSONNEL.—The Center shall work with organizations and individuals with proven expertise related to disability support services for postsecondary students with disabilities to consolidate, evaluate, improve upon, and disseminate information related to professional standards and best practices for disability support services personnel and offices in institutions of higher education.

''(5) REVIEW AND REPORT.—Not later than 3 years after the establishment of the Center, and every 2 years thereafter, the Center shall prepare and disseminate a report to Congress and the Secretary analyzing the current condition of postsecondary success for students with disabilities. Such report shall include—

''(A) a review of the activities of the programs authorized under this part;

''(B) annual enrollment and graduation rates of students with disabilities in institutions of higher education from existing data;

''(C) guidance on how successful postsecondary supports and services for students with disabilities could be widely implemented at institutions of higher education;

''(D) guidance on how to reduce barriers to full participation for students with disabilities in higher education; and

''(E) a description of activities necessary to facilitate a substantial improvement in the postsecondary success of such students.

''(e) STAFFING OF THE CENTER.—The Center shall employ disability support personnel with proven expertise in providing training and technical assistance to practitioners.

''SEC. 766A. ESTABLISHMENT OF ADVISORY COMMISSION ON ACCESSIBLE INSTRUCTIONAL MATERIALS IN POSTSECONDARY EDUCATION FOR STUDENTS WITH DISABILITIES.

''(a) ESTABLISHMENT.—

''(1) IN GENERAL.—The Secretary shall establish a commission to be known as the Advisory Commission on Accessible Instructional Materials in Postsecondary Education for Students with Disabilities, in this subpart referred to as the 'Commission'.

''(2) MEMBERSHIP.—

''(A) The Commission shall include one representative of each of the following:

''(i) Department of Education Office of Postsecondary Education.

''(ii) Department of Education Office of Special Education and Rehabilitative Services.

''(iii) Department of Education Office for Civil Rights.

''(iv) Library of Congress National Digital Information and Infrastructure Preservation Program Copyright Working Group.

''(v) Association on Higher Education and Disability.

''(vi) Association of American Publishers.

''(vii) Association of American University Presses.

''(viii) National Association of College Stores.

''(ix) National Council on Disability.

''(B) The Commission shall be composed of at least one but not more than two representatives, as appointed by the Secretary, of each of the following:

''(i) Staff from institutions of higher education with demonstrated experience teaching or supporting students with print disabilities, representing each of the following:

''(I) Large public institution of higher education.

''(II) Small public institution of higher education.

''(III) Large private institution of higher education.

''(IV) Small private institution of higher education.

''(V) Large community college.

''(VI) Small community college.

''(ii) Producers of materials in specialized formats, including each of the following:

''(I) Braille.

''(II) Audio or synthesized speech.

''(III) Digital media.

''(iii) Developers of accessibility and publishing software and supporting technologies.

''(iv) National organizations serving individuals with visual impairments that have demonstrated experience in technology evaluation research, academic publishing, production of material in accessible formats, and educational methodologies for such for individuals.

''(v) Postsecondary students with visual impairment.

''(vi) Postsecondary students with dyslexia or other learning disabilities related to reading.

''(vii) Attorneys with expertise in copyright law.

''(C) The Commission shall include at least two, but not more than three, representatives as appointed by the Secretary, of national membership organizations representing individuals with print disabilities, including each of the following:

''(i) Individuals with visual impairments.

''(ii) Individuals with learning disabilities related to reading.

''(D) The appointments of the members of the Commission shall be made not later than 45 days after the date of enactment of the College Opportunity and Affordability Act of 2008.

''(3) PERIOD OF APPOINTMENT; VACANCIES.—Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

''(4) INITIAL MEETING.—Not later than 30 days after the date on which all members of the Commission have been appointed, the Commission shall hold the Commission's first meeting.

''(5) MEETINGS.—The Commission shall meet at the call of the Chairperson. Meetings shall be publicly announced in advance and open to the public.

''(6) QUORUM.—A majority of the members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

''(7) CHAIRPERSON AND VICE CHAIRPERSON.—The Commission shall select a chairperson and vice chairperson from among the members of the Commission.

''(b) DUTIES OF THE COMMISSION.—

''(1) STUDY.—

''(A) IN GENERAL.—The Commission shall conduct a thorough study to assess the barriers, systemic issues, and technical solutions available which may affect or improve the timely delivery and quality of accessible instructional materials for postsecondary students, faculty, and staff with print disabilities, and make recommendations related to the development of a comprehensive approach that will ensure that postsecondary students with print disabilities can access instructional materials in specialized formats in a timeframe comparable to the availability of standard instructional materials for students without disabilities.

''(B) EXISTING INFORMATION.—To the extent practicable, in carrying out the study under this paragraph, the Commission shall identify and use existing research, recommendations, and information from—

''(i) the Model Demonstration Programs to Support Improved Access to Postsecondary Instructional Materials for Students with Print Disabilities, as described in section 766B;

''(ii) the Advisory Council and the Technical Assistance and Development Centers of the National Instructional Materials Access Center;

''(iii) the Library of Congress National Digital Information and Infrastructure Preservation Program Copyright Working Group;

''(iv) the Association of Higher Education and Disabilities E-Text Solutions Working Group;

''(v) the Recording for the Blind and Dyslexic's Technology Advisory Committee;

''(vi) the Association of American Publishers Higher Education Division's Critical Issues Task Force; and

''(vii) other existing research related to the creation and distribution of accessible instructional materials for students with print disabilities.

''(C) RECOMMENDATIONS.—The Commission shall develop recommendations to be used to inform Federal regulation and legislation, to identify best practices for systems of creating, collecting, maintaining, processing, and disseminating materials in specialized formats to eligible students, faculty, and staff while providing adequate copyright protections. In developing such recommendations, the Commission shall consider—

''(i) how to ensure that students with print disabilities may obtain instructional materials in accessible formats within a timeframe comparable to the availability of materials for students without disabilities;

''(ii) the feasibility and technical parameters of establishing national standardized electronic file formats such as, but not limited to, the National Instructional Materials Accessibility Standard as defined in section 674(e)(3)(B) of the Individuals with Disabilities Education Act, to be provided by publishers of instructional materials to producers of specialized formats, institutions of higher education, and eligible students;

''(iii) the feasibility of the establishment of a national clearinghouse, repository, or file-sharing network for electronic files in specialized formats and files used in producing instructional materials in specialized

formats, and a list of possible entities qualified to administer such a clearinghouse, repository, or network;

''(iv) the feasibility of including such a national clearinghouse, repository, or file-sharing network in the duties of the Center described in section 766;

''(v) market-based solutions involving collaborations between publishers of instructional materials, producers of specialized formats, and institutions of higher education, including—

''(I) barriers and opportunities to market entry;

''(II) unique concerns affecting university presses, small publishers, and solutions incorporating such works into a shared system; and

''(III) solutions utilizing universal design;

''(vi) solutions for low-incidence, high-cost requests for materials in specialized formats; and

''(vii) definitions of instructional materials, authorized entities, and eligible students.

''(2) REPORT.—Not later than 24 months after the first meeting, the Commission shall submit a report to the Secretary and to Congress that shall contain a detailed statement of the findings and conclusions of the Commission resulting from the study under subsection (a), together with the Commission's recommendations for such legislation and administrative actions as the Commission considers to be appropriate to implement the development of a comprehensive approach that will ensure that postsecondary students with print disabilities can access instructional materials in specialized formats in a timeframe comparable to the availability of standard instructional materials for students without disabilities.

''(3) FACILITATION OF EXCHANGE OF INFORMATION.—In carrying out the study under subsection (a), the Commission shall, to the extent practicable, facilitate the exchange of information concerning the issues that are the subject of the study among—

''(A) officials of the Federal Government;

''(B) educators from Federal, State, and local institutions of higher education and secondary schools;

''(C) publishers of instructional materials;

''(D) producers of materials in specialized formats;

''(E) representatives from the community of individuals with print disabilities; and

''(F) participants in the Model Demonstration Programs to Support Improved Access to Postsecondary Instructional Materials for Students with Print Disabilities, as described in section 766B.

''(c) COMMISSION PERSONNEL MATTERS.—

''(1) COMPENSATION OF MEMBERS.—Each member of the Commission who is not an officer or employee of the Federal Government shall serve without compensation. All members of the Commission who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

''(2) TRAVEL EXPENSES.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

''(3) STAFF.—

''(A) IN GENERAL.—The Chairperson of the Commission may, without regard to the civil service laws and regulations, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the Commission to perform the Commission's duties. The employment of an executive director shall be subject to confirmation by the Commission.

''(B) COMPENSATION.—The Chairperson of the Commission may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

''(4) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

''(5) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairperson of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals that do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

''(d) TERMINATION OF THE COMMISSION.—The Commission shall terminate on the date that is 90 days after the date on which the Commission submits the Commission's report under subsection (b)(2).

''SEC. 766B. MODEL DEMONSTRATION PROGRAMS TO SUPPORT IMPROVED ACCESS TO POSTSECONDARY INSTRUCTIONAL MATERIALS FOR STUDENTS WITH PRINT DISABILITIES.

''(a) PURPOSE.—It is the purpose of this section to support model demonstration programs to encourage the development of systems to improve the timely delivery and quality of postsecondary instructional materials in specialized formats to students with print disabilities, including systems to improve efficiency and reduce duplicative efforts across multiple institutions of higher education.

''(b) IN GENERAL.—The Secretary shall, on a competitive basis, award grants to, and enter into cooperative agreements with, a minimum of one partnership of two or more eligible entities to support the activities described in subsections (d) and (e).

''(c) PARTNERSHIP OF ELIGIBLE ENTITIES.—In this section, a partnership of two or more eligible entities—

''(1) shall include—

''(A) an institution of higher education with demonstrated expertise in meeting the needs of students with print disabilities, including retention and completion of such students; and

''(B) a public or private entity with demonstrated expertise in working with the creation of accessible instructional materials in specialized formats for postsecondary students with print disabilities, and the technical development expertise necessary for the efficient dissemination of such materials, including procedures to protect against copyright infringement with respect to the creation, use, and distribution of print course materials in specialized formats; and

''(2) may include one or more publishers of instructional materials.

''(d) REQUIRED ACTIVITIES.—The Secretary shall support the development and implementation of the following:

''(1) Processes and systems to help identify, and verify eligibility of, postsecondary students with print disabilities in need of instructional materials in specialized formats.

''(2) Procedures and systems to facilitate and simplify request methods for accessible instructional materials in specialized formats from eligible students, which may include a single point-of-entry system.

''(3) Procedures and systems to coordinate between institutions of higher education, publishers of instructional materials, and entities that produce materials in specialized formats, to efficiently facilitate requests for such materials, the responses to such requests, and the delivery of such materials.

''(4) Delivery systems that will ensure the timely provision of instructional materials in specialized formats to eligible students, which may include electronic file distribution.

''(5) Systems to encourage reduction of duplicative conversions of the same instructional materials for multiple eligible students at multiple institutions of higher education when such conversions may be shared.

''(6) Procedures to protect against copyright infringement with respect to the creation, use, and distribution of instructional materials while maintaining accessibility for students with print disabilities, which may include digital technologies such as watermarking, fingerprinting, and other emerging strategies.

''(7) Awareness, outreach, and training activities for faculty, staff, and students related to the acquisition and dissemination of instructional materials in specialized formats and instructional materials utilizing universal design.

''(8) Evaluation of the effectiveness of the programs under this section.

''(9) Guidance on how successful procedures and systems described in paragraphs (1) through (7) could be disseminated and implemented on a national basis.

''(e) AUTHORIZED ACTIVITIES.—The Secretary may support the development and implementation of the following:

''(1) Approaches limited to instructional materials used in smaller categories of postsecondary courses, such as introductory, first-, and second-year courses.

''(2) Market-based approaches for making instructional materials in specialized formats directly available to eligible students at prices comparable to standard instructional materials.

''(3) Approaches supporting a unified search across multiple databases or lists of available materials.

''(f) APPLICATION.—A partnership of eligible entities that wishes to apply for a grant under this section shall submit an application for such grant at such time, in such manner and in such format as the Secretary may prescribe. The application shall include information on how the partnership will implement activities under subsection (d) and, as applicable, subsection (e).

''(g) PRIORITY.—In awarding grants under this section, the Secretary shall give priority consideration to any applications that include development and implementation of the procedures and systems described in subsection (e)(2) or (e)(3).

''(h) REPORT TO CONGRESS.—Not later than 3 years after the date of the first grant award under this section, the Secretary shall submit to Congress a report that includes—

''(1) the number of grants and the amount of funds distributed under this section;

''(2) a summary of the purposes for which the grants were provided and an evaluation of the progress made under such grants;

''(3) a summary of the activities implemented under subsection (d) and, as applicable, subsection (e), including data on the number of students served and the number of instructional material requests executed and delivered in specialized formats; and

''(4) an evaluation of the effectiveness of programs funded under this section.

''(i) MODEL EXPANSION.—After 3 years, the Secretary shall review the results of the evaluations of participating partnerships, as well as the Commission report described in section 766A. If the Secretary finds that models used under this section are effective in improving the timely delivery and quality of materials in specialized formats and provide adequate protections against copyright infringement, the Secretary may expand the demonstration program to additional grantees reflecting regional and programmatic partnerships.

''(j) MODEL EXPANSION SPECIAL RULE.—The Commission's recommendations shall be submitted to the Secretary and a public comment period shall be issued prior to any expansion under subsection (i). No later than 90 days after close of public comment period, the Secretary shall issue guidance to new and existing grantees, taking into consideration the final Commission recommendations and public comments.

''(k) RULE OF CONSTRUCTION.—Nothing in this subpart shall be construed to limit or preempt any State law requiring the production or distribution of postsecondary instructional materials in accessible formats to students with disabilities.

''SEC. 766C. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out this subpart such sums as may be necessary for fiscal year 2009 and each of the 4 succeeding fiscal years.

''Subpart 3—Transition Programs for Students With Intellectual Disabilities Into Higher Education; Coordinating Center

''SEC. 767. PURPOSE.

''The purpose of this subpart is to support model demonstration programs that promote the successful transition of students with intellectual disabilities into higher education.

''SEC. 768. DEFINITIONS.

''In this Act:

''(1) COMPREHENSIVE TRANSITION AND POSTSECONDARY PROGRAM FOR STUDENTS WITH INTELLECTUAL DISABILITIES.—The term 'comprehensive transition and postsecondary program for students with intellectual disabilities' means a degree, certificate, or nondegree program that is—

''(A) offered by an institution of higher education;

''(B) designed to support students with an intellectual disability who are seeking to continue academic, vocational, and independent living instruction at an institution of higher education in order to prepare for gainful employment and independent living;

''(C) includes an advising and curriculum structure; and

''(D) requires students to participate on at least a half-time basis, as determined by the institution, with such participation focusing on academic components such as reading, language arts, or math, and occurring through a combination of one or more of the following activities:

''(i) Regular enrollment in courses offered by the institution.

''(ii) Auditing or participating in courses offered by the institution for which the student does not receive regular academic credit.

''(iii) Enrollment in noncredit, nondegree courses.

''(iv) Participation in internships or apprenticeships.

''(2) STUDENT WITH AN INTELLECTUAL DISABILITY.—The term 'student with an intellectual disability' means a student who is—

''(A) an individual whose mental retardation or other significant cognitive impairment substantially impacts the individual's intellectual and cognitive functioning; and

''(B)(i) a student eligible for assistance under the Individuals with Disabilities Education Act who has completed secondary school; or

''(ii) an individual who was, but is no longer, eligible for assistance under the Individuals with Disabilities Education Act because the individual has exceeded the maximum age for which the State in which the student resides provides a free appropriate public education.

''SEC. 769. MODEL COMPREHENSIVE TRANSITION AND POSTSECONDARY PROGRAMS FOR STUDENTS WITH INTELLECTUAL DISABILITIES.

''(a) GRANTS AUTHORIZED.—

''(1) IN GENERAL.—The Office of Postsecondary Education shall annually award grants, on a competitive basis, to institutions of higher education (or consortia of institutions of higher education), to create or expand high-quality, inclusive model comprehensive transition and postsecondary programs for students with intellectual disabilities.

''(2) DURATION OF GRANTS.—A grant under this section shall be awarded for a period of 5 years.

''(b) APPLICATION.—An institution of higher education (or a consortium) desiring a grant under this section shall submit an application to the Office of Postsecondary Education at such time, in such manner, and containing such information as the Office of Postsecondary Education may require.

''(c) PREFERENCE.—In awarding grants under this section, the Office of Postsecondary Education shall give preference to institutions of higher education (or consortia) that—

''(1) are located in geographically diverse, underserved areas; or

''(2) in the application submitted under subsection (b), agree to incorporate 1 or more of the following elements into the model programs carried out under the grant:

''(A) The formation of a partnership with any relevant agency serving students with intellectual disabilities, such as a vocational rehabilitation agency.

''(B) In the case of an institution of higher education that provides institutionally owned or operated housing for students attending the institution, the integration of students with intellectual disabilities into such housing.

''(C) The involvement of students attending the institution of higher education who are studying special education, general education, vocational rehabilitation, assistive technology, or related fields in the model program carried out under the grant.

''(d) USE OF FUNDS.—An institution of higher education (or consortium) receiving a grant under this section shall use the grant funds to establish a model comprehensive transition and postsecondary program for students with intellectual disabilities that—

''(1) serves students with intellectual disabilities;

''(2) provides individual supports and services for the academic and social inclusion of students with intellectual disabilities in academic courses, extracurricular activities, and other aspects of the institution of higher education's regular postsecondary program;

''(3) with respect to the students with intellectual disabilities participating in the model program, provides a focus on—

''(A) academic enrichment;

''(B) socialization;

''(C) independent living, including self-advocacy skills; and

''(D) integrated work experiences and career skills that lead to gainful employment;

''(4) integrates person-centered planning in the development of the course of study for each student with an intellectual disability participating in the model program;

''(5) participates with the coordinating center established under section 770 in the evaluation of the model program;

''(6) partners with 1 or more local educational agencies to support the participation of students with intellectual disabilities in the model program who are still eligible for special education and related services under the Individuals with Disabilities Education Act, including regarding the utilization of funds available under part B of such Act for such students;

''(7) plans for the sustainability of the model program after the end of the grant period; and

''(8) creates and offers a meaningful credential for students with intellectual disabilities upon the completion of the model program.

''(e) MATCHING REQUIREMENT.—An institution of higher education that receives a grant under this section shall provide matching funds toward the cost of the model comprehensive transition and postsecondary program for students with intellectual disabilities carried out under the grant, which may be provided in cash or in kind, in an amount not less than 25 percent of the amount of such grant funds.

''(f) REPORT.—Not later than 5 years after the date of the first grant award under this section, the Office of Postsecondary Education shall prepare and disseminate a report to the authorizing committees and to the public that reviews the activities of the model comprehensive transition and postsecondary programs for students with intellectual disabilities authorized under this subpart and provides guidance and recommendations on how successful programs can be replicated.

''SEC. 770. COORDINATING CENTER FOR TECHNICAL ASSISTANCE, EVALUATION, AND DEVELOPMENT OF STANDARDS.

''(a) IN GENERAL.—

''(1) AWARD.—The Office of Postsecondary Education shall, on a competitive basis, enter into a cooperative agreement with an eligible entity, for the purpose of establishing a coordinating center for technical assistance, evaluation, and recommendations related to the development of accreditation standards for institutions of higher education that offer inclusive comprehensive transition and postsecondary programs for students with intellectual disabilities.

''(2) DURATION.—The cooperative agreement under this section shall be for a period of 5 years.

''(b) REQUIREMENTS OF COOPERATIVE AGREEMENT.—The eligible entity entering into a cooperative agreement under this section shall establish and maintain a center that shall—

''(1) serve as the technical assistance entity for all comprehensive transition and postsecondary programs for students with intellectual disabilities assisted under section 769;

''(2) provide technical assistance regarding the development, evaluation, and continuous improvement of such programs;

''(3) develop an evaluation protocol for such programs that includes qualitative and quantitative methodology measuring student outcomes and program strengths in the areas of academic enrichment, socialization, independent living, and competitive or supported employment;

''(4) assist recipients of grants under section 769 in efforts to award a meaningful credential to students with intellectual disabilities upon the completion of such programs, which credential takes into consideration unique State factors;

''(5) define the necessary components of such programs, such as—

''(A) academic, vocational, social, and independent living skills;

''(B) evaluation of student progress;

''(C) program administration and evaluation;

''(D) student eligibility; and

''(E) issues regarding the equivalency of a student's participation in such programs to semester, trimester, quarter, credit, or clock hours at an institution of higher education, as the case may be;

''(6) analyze possible funding streams for such programs and provide recommendations regarding funding streams;

''(7) develop model memoranda of agreement between institutions of higher education and agencies providing funding for such programs;

''(8) develop mechanisms for regular communication between the recipients of grants under section 769 regarding such programs;

''(9) host a meeting of all recipients of grants under section 769 not less often than once each year; and

''(10) convene a workgroup to develop recommendations on criteria, standards, and components of such programs as described in paragraph (5), to include the participation of—

''(A) an expert in higher education;

''(B) an expert in special education;

''(C) a disability organization that represents students with intellectual disabilities; and

''(D) a national, State, or regional accrediting agency or association recognized by the Secretary under subpart 2 of part H of title IV.

''(c) REPORT.—No later than 5 years after the date of the establishment of the coordinating center under this section, such center shall report to the Secretary, the Congress, and the National Advisory Committee on Institutional Quality and Integrity on the recommendations of the workgroup described in subsection (b)(10).

''(d) DEFINITION OF ELIGIBLE ENTITY.—In this section, the term 'eligible entity' means an entity, or a partnership of entities, that has demonstrated expertise in the fields of higher education, students with intellectual disabilities, the development of comprehensive transition and postsecondary programs for students with intellectual disabilities, evaluation, and technical assistance.

"SEC. 770A. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated such sums as may be necessary to carry out this subpart for fiscal year 2009 and each of the 4 succeeding fiscal years.''.

(f) CONFORMING AMENDMENTS.—Part D of title VII (20 U.S.C. 1140 et seq.) is further amended—

(1) in section 761, by striking ''part'' and inserting ''subpart'';

(2) in section 762 (as amended by subsection (a)), by striking ''part'' each place the term appears and inserting ''subpart'';

(3) in section 763, in the matter preceding paragraph (1), by striking ''part'' and inserting ''subpart'';

(4) in section 764, by striking ''part'' and inserting ''subpart''; and

(5) in section 765, by striking ''part'' and inserting ''subpart''.

SEC. 709. SUBGRANTS TO NONPROFIT ORGANIZATIONS.

Section 771(e) (20 U.S.C. 1141(e)), as added by section 802 of the College Cost Reduction and Access Act of 2007, is amended by inserting after ''of this Act)'' the following: '', or those who have agreements with the Secretary under section 435(j)''.

SEC. 710. NURSING EDUCATION.

Title VII (20 U.S.C. 1133 et seq.) is further amended by adding at the end the following new part:

''PART F—NURSING EDUCATION

"SEC. 776. ADDITIONAL CAPACITY FOR R.N. STUDENTS OR GRADUATE-LEVEL NURSING STUDENTS.

''(a) AUTHORIZATION.—The Secretary shall award grants to institutions of higher education that offer—

''(1) a R.N. nursing program at the baccalaureate or associate degree level to enable such program to expand the faculty and facilities of such program to accommodate additional R.N. nursing program students; or

''(2) a graduate-level nursing program to accommodate advanced practice degrees for Registered Nurses or to accommodate students enrolled in a graduate-level nursing program to provide teachers of nursing students.

''(b) DETERMINATION OF NUMBER OF STUDENTS AND APPLICATION.—Each institution of higher education that offers a program described in subsection (a) that desires to receive a grant under this section shall—

''(1) determine for the 4 academic years preceding the academic year for which the determination is made the average number of matriculated nursing program students, in each of the institution's nursing programs (associate, baccalaureate, or advanced nursing degree program), at such institution for such academic years; and

''(2) submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require, including the average number in each of the institution's nursing programs determined under paragraph (1).

''(c) GRANT AMOUNT; AWARD BASIS.—

''(1) GRANT AMOUNT.—For each academic year after academic year 2008–2009, the Secretary is authorized to provide to each institution of higher education awarded a grant under this section an amount that is equal to $3,000 multiplied by the number of matriculated nursing program students at such institution for such academic year that is more than the average number determined with respect to such institution under subsection (b)(1). Such amount shall be used for the purposes described in subsection (a).

''(2) DISTRIBUTION OF GRANTS AMONG DIFFERENT DEGREE PROGRAMS.—

''(A) IN GENERAL.—Subject to subparagraph (B), from the funds available to award grants under this section for each fiscal year, the Secretary shall—

''(i) use 20 percent of such funds to award grants under this section to institutions of higher education for the purpose of accommodating advanced practice degrees or students in graduate-level nursing programs;

''(ii) use 40 percent of such funds to award grants under this section to institutions of higher education for the purpose of expanding R.N. nursing programs at the baccalaureate degree level; and

''(iii) use 40 percent of such funds to award grants under this section to institutions of higher education for the purpose of expanding R.N. nursing programs at the associate degree level.

''(B) DISTRIBUTION OF EXCESS FUNDS.—If, for a fiscal year, funds described in clause (i), (ii), or (iii) of subparagraph (A) remain available after the Secretary awards grants under this section to all applicants for the particular category of nursing programs described in such clause, the Secretary shall use equal amounts of the remaining funds to award grants under this section to applicants for the remaining categories of nursing programs.

''(C) EQUITABLE DISTRIBUTION.—In awarding grants under this section, the Secretary shall, to the extent practicable, ensure—

''(i) an equitable geographic distribution of the grants among the States; and

''(ii) an equitable distribution of the grants among different types of institutions of higher education.

''(d) PROHIBITION.—

''(1) USE OF FUNDS.—Funds provided under this section may not be used for the construction of new facilities.

''(2) RULE OF CONSTRUCTION.—Nothing in paragraph (1) shall be construed to prohibit funds provided under this section from being used for the repair or renovation of facilities.

"SEC. 777. NURSE FACULTY PILOT PROJECT.

''(a) PURPOSES.—The purposes of this section are to create a pilot program—

''(1) to provide scholarships to qualified nurses in pursuit of an advanced degree with the goal of becoming faculty members in an accredited nursing program; and

''(2) to provide grants to partnerships between accredited schools of nursing and hospitals or health facilities to ensure that those employees can earn a salary while obtaining an advanced degree in nursing with the goal of becoming nurse faculty.

''(b) ASSISTANCE AUTHORIZED.—

''(1) COMPETITIVE GRANTS AUTHORIZED.—The Secretary may, on a competitive basis, award grants to, and enter into contracts and cooperative agreements with, partnerships composed of an accredited school of nursing at an institution of higher education and a hospital or health facility to establish not more than 5 pilot projects to enable such hospital or health facility to retain its staff of experienced nurses while providing a mechanism to have such nurses become, through an accelerated nursing education program, faculty members of an accredited school of nursing.

''(2) DURATION; EVALUATION AND DISSEMINATION.—

''(A) DURATION.—Grants under this section shall be awarded for a period of 3 to 5 years.

''(B) MANDATORY EVALUATION AND DISSEMINATION.—Grants under this section shall be primarily used for evaluation, and dissemination to other institutions of higher education, of the information obtained through the activities described in subsection (a)(2).

''(3) CONSIDERATIONS IN MAKING AWARDS.—In awarding grants and entering into contracts and cooperative agreements under this section, the Secretary shall consider the following:

''(A) GEOGRAPHIC DISTRIBUTION.—Providing an equitable geographic distribution of such grants.

''(B) RURAL AND URBAN AREAS.—Distributing such grants to urban and rural areas.

''(C) RANGE AND TYPE OF INSTITUTION.—Ensuring that the activities to be assisted are developed for a range of types and sizes of institutions of higher education, including institutions providing alternative methods of delivery of instruction in addition to on-site learning.

''(D) PRIOR EXPERIENCE OR EXCEPTIONAL PROGRAMS.—The extent to which institutions of higher education have demonstrated prior experience in providing advanced nursing education programs to prepare nurses interested in pursuing a faculty role.

''(4) USES OF FUNDS.—Funds made available by grant, contract, or cooperative agreement under this section may be used—

''(A) to develop a new national demonstration initiative to align nursing education with the emerging challenges of healthcare delivery; and

''(B) for any one or more of the following innovations in educational programs:

''(i) To develop a clinical simulation laboratory in a hospital, health facility, or accredited school of nursing.

''(ii) To purchase distance learning technologies and to expand methods of delivery

of instruction to include alternatives in addition to on-site learning.

''(iii) To fund release time for qualified nurses enrolled in the graduate nursing program.

''(iv) To provide for faculty salaries.

''(v) To collect and analyze data on educational outcomes.

''(c) APPLICATIONS.—Each partnership desiring to receive a grant, contract, or cooperative agreement under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require. Each application shall include assurances that—

''(1) the individuals enrolled in the program will be qualified nurses in pursuit of a master's or doctoral degree in nursing and have a contractual obligation with the hospital or health facility that is in partnership with the institution of higher education;

''(2) the hospital or health facility of employment will be the clinical site for the accredited school of nursing program if the program requires a clinical site;

''(3) individuals enrolled in the program will maintain their employment on at least a part-time basis with the hospital or health facility that allowed them to participate in the program, and will receive an income from the hospital or health facility, as at least a part-time employee, and release times or flexible schedules to accommodate their program requirements, as necessary; and

''(4) upon completion of the program, such individuals will be required to teach for 2 years in an accredited school of nursing for each year of support the individual received under this program.

''(d) DEFINITION.—For purposes of this section, the term 'health facility' means an Indian Health Service center, a Native Hawaiian health center, a hospital, a federally qualified health center, a rural health clinic, a nursing home, a home health agency, a hospice program, a public health clinic, a State or local department of public health, a skilled nursing facility, or an ambulatory surgical center.

''(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section not more than $10,000,000 for fiscal year 2009 and such sums as may be necessary for each of the 4 succeeding fiscal years.''.

SEC. 711. NATIONAL STUDY ON HIGHER EDUCATION ACCESS AND SUCCESS FOR STUDENTS WITH DISABILITIES.

(a) STUDY.—The Comptroller General shall conduct a study of the barriers to, and opportunities for, the full participation of students with disabilities in institutions of higher education. The study shall address—

(1) the extent to which, and manner in which, students with disabilities are—

(A) prepared to participate in postsecondary education upon enrollment;

(B) applying to different types of institutions of higher education;

(C) accepted into different types of institutions of higher education;

(D) enrolling in and attending different types of institutions of higher education;

(E) utilizing financial aid programs; and

(F) completing programs of study at different types of institutions of higher education;

(2) factors that influence the accessibility of higher education for a broad spectrum of students with different disabilities, including—

(A) physical access;

(B) communication and outreach in accessible formats, including websites, admissions information, financial aid information, and other general information;

(C) availability of accessible instructional materials in a timely manner;

(D) financial factors; and

(E) eligibility for, and ability to access, adequate support services;

(3) the provision of accommodations for students with disabilities on college entrance and graduate admissions tests, including—

(A) the frequency of, and approval rate for, accommodations requests;

(B) documentation requirements for accommodations requests and criteria used to determine if an accommodation is appropriate; and

(C) challenges facing students in accessing reasonable accommodations on such tests;

(4) the effectiveness and capacity of disability support services in helping to recruit, retain, and support students with disabilities to complete their programs of study, and the role of disability support services relative to other departments in institutions of higher education, including—

(A) the number of staff working in disability support services offices;

(B) the budgets of disability support services offices; and

(C) the placement of the disability support services offices within the administrative structure of the institutions of higher education;

(5) the extent to which institutions of higher education provide assistance to students with disabilities to coordinate with, and receive services from, other support programs that may be available to such students, including services provided by local educational agencies, vocational rehabilitation agencies, Social Security, Medicaid, and other Federal, State, and local programs; and

(6) in institutions of higher education that have been effective in recruiting and graduating students with disabilities, the factors that may contribute to such effectiveness, including—

(A) faculty and staff preparation related to working with students with disabilities;

(B) program characteristics;

(C) accommodations and supports available; and

(D) any other relevant factors.

(b) REPORT.—The Comptroller General shall submit a report regarding the results of the study under subsection (a) to the authorizing committees (as defined in section 103 of the Higher Education Act of 1965 (20 U.S.C. 1003)) no later than 24 months after the date of the enactment of this Act.

TITLE VIII—ADDITIONAL PROGRAMS

SEC. 801. ADDITIONAL PROGRAMS.

The Higher Education Act of 1965 is further amended by adding at the end the following new title:

''TITLE VIII—ADDITIONAL PROGRAMS

''SEC. 800. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out this title such sums as may be necessary for fiscal year 2009 and each of the 4 succeeding fiscal years.

''PART A—LOW TUITION

''SEC. 801. INCENTIVES AND REWARDS FOR LOW TUITION.

''(a) REWARDS FOR LOW TUITION.—

''(1) GRANTS.—From funds made available under section 800, the Secretary shall award grants to institutions of higher education that, for academic year 2008–2009 or any succeeding academic year: (A) have an annual net tuition increase (expressed as a percentage) for the most recent academic year for which satisfactory data is available that is equal to or less than the percentage change in the postsecondary education price index for such academic year; (B) are public institutions of higher education that have a net tuition that is in the lowest quartile of comparable institutions; or (C) are public institutions of higher education that have a tuition increase of less than $500 for a full-time undergraduate student.

''(2) USE OF FUNDS.—Funds awarded to an institution of higher education under paragraph (1) shall be distributed by the institution in the form of need-based grant aid to students who are eligible for Federal Pell Grants, except that no student shall receive an amount under this section that would cause the amount of total financial aid received by such student to exceed the cost of attendance of the institution.

''(b) REWARDS FOR GUARANTEED TUITION.—

''(1) BONUS.—For each institution of higher education that the Secretary determines complies with the requirements of paragraph (2) or (3) of this subsection, the Secretary shall provide to such institution a bonus amount. Such institution shall award the bonus amount in the form of need-based aid first to students who are eligible for Federal Pell Grants who were in attendance at the institution during the award year that such institution satisfied the eligibility criteria for maintaining low tuition and fees, then to students who are eligible for Federal Pell Grants who were not in attendance at the institution during such award year.

''(2) 4-YEAR INSTITUTIONS.—An institution of higher education that provides a program of instruction for which it awards a bachelor's degree complies with the requirements of this paragraph if—

''(A) for a public institution of higher education, such institution's tuition is in the lowest quartile of comparable institutions; or

''(B) for any institution of higher education, such institution guarantees that for any academic year (or the equivalent) beginning on or after July 1, 2008, and for each of the 4 succeeding continuous academic years, the net tuition charged to an undergraduate student will not exceed—

''(i) for a public institution of higher education, $500 per year for a full-time undergraduate student; or

''(ii) for any other institution of higher education—

''(I) the amount that the student was charged for an academic year at the time he or she first enrolled in the institution of higher education, plus

''(II) the product of the percentage increase in the higher education price index for the prior academic year, or the most recent prior academic year for which data is available, multiplied by the amount determined under subclause (I).

''(3) LESS-THAN 4-YEAR INSTITUTIONS.—An institution of higher education that does not provide a program of instruction for which it awards a bachelor's degree complies with the requirements of this paragraph if—

''(A) for a public institution of higher education, such institution's tuition is in the lowest quartile of comparable institutions; or

''(B) for any institution of higher education, such institution guarantees that for any academic year (or the equivalent) beginning on or after July 1, 2008, and for each of the 1.5 succeeding continuous academic years, the net tuition charged to an undergraduate student will not exceed—

''(i) for a public institution of higher education, $500 per year for a full-time undergraduate student; or

''(ii) for any other institution of higher education—

''(I) the amount that the student was charged for an academic year at the time he or she first enrolled in the institution of higher education, plus

''(II) the product of the percentage increase in the higher education price index for the prior academic year, or the most recent prior academic year for which data is available, multiplied by the amount determined under subclause (I).

''(c) MAINTAINING AFFORDABLE TUITION.—

''(1) INSTITUTION REPORTS.—If an institution of higher education has an increase in annual net tuition (expressed as a percentage), for the most recent academic year for which satisfactory data is available, that is greater than the percentage increase in the postsecondary education price index for such academic year, and, with respect to any public institution of higher education, has a tuition that is not in the lowest quartile of comparable institutions the institution or a representative association is required to submit to the Secretary the following information, within 6 months of such determination:

''(A) A report on the factors contributing to the increase in the institution's costs and the increase in net tuition and fees charged to students, including identification of the major areas in the institution's budget with the greatest cost increases.

''(B) The institution's 3 most recent Form 990s submitted to the Internal Revenue Service, as required under section 6033 of the Internal Revenue Code of 1986.

''(C) A description of the major areas of expenditures in the institution's budget with the greatest increase for such academic year.

''(D) A description of actions being taken by the institution to reduce net tuition.

''(2) REPORT TO CONGRESS.—The Secretary shall compile the information submitted under this subsection and shall provide to the authorizing committees an annual report relating to such information.

''(d) DEFINITIONS.—In this section:

''(1) NET TUITION.—The term 'net tuition' means the average tuition and fees charged to a full-time undergraduate student by an institution of higher education for an academic year, minus the average grant amount received by such a student for such academic year.

''(2) POSTSECONDARY EDUCATION PRICE INDEX.—The term 'postsecondary education price index' means the postsecondary education price index developed pursuant to section 133(i).

''*PART B—COOPERATIVE EDUCATION*

''SEC. 811. STATEMENT OF PURPOSE; DEFINITION.

''(a) PURPOSE.—It is the purpose of this part to award grants to institutions of higher education or combinations of such institutions to encourage such institutions to develop and make available to as many of their students as possible work experience that will aid such students in future careers and will enable such students to support themselves financially while in school.

''(b) DEFINITION.—In this part the term 'cooperative education' means the provision of alternating or parallel periods of academic study and public or private employment to give students work experiences related to their academic or occupational objectives and an opportunity to earn the funds necessary for continuing and completing their education.

''SEC. 812. RESERVATIONS.

''(a) RESERVATIONS.—Of the amount appropriated to carry out this part under section 800 in each fiscal year—

''(1) not less than 50 percent shall be available for awarding grants to institutions of higher education and combinations of such institutions described in section 813(a)(1)(A) for cooperative education under section 813;

''(2) not less than 25 percent shall be available for awarding grants to institutions of higher education described in section 813(a)(1)(B) for cooperative education under section 813;

''(3) not to exceed 11 percent shall be available for demonstration projects under paragraph (1) of section 814(a);

''(4) not to exceed 11 percent shall be available for training and resource centers under paragraph (2) of section 814(a); and

''(5) not to exceed 3 percent shall be available for research under paragraph (3) of section 814(a).

''(b) AVAILABILITY OF APPROPRIATIONS.—Appropriations under this part shall not be available for the payment of compensation of students for employment by employers under arrangements pursuant to this part.

''SEC. 813. GRANTS FOR COOPERATIVE EDUCATION.

''(a) GRANTS AUTHORIZED.—

''(1) IN GENERAL.—The Secretary is authorized, from the amount available to carry out this part under section 800 in each fiscal year and in accordance with the provisions of this part—

''(A) to award grants to institutions of higher education or combinations of such institutions that have not received a grant under this paragraph in the 10-year period preceding the date for which a grant under this section is requested to pay the Federal share of the cost of planning, establishing, expanding, or carrying out programs of cooperative education by such institutions or combinations of institutions; and

''(B) to award grants to institutions of higher education that are operating an existing cooperative education program as determined by the Secretary to pay the cost of planning, establishing, expanding, or carrying out programs of cooperative education by such institutions.

''(2) PROGRAM REQUIREMENT.—Cooperative education programs assisted under this section shall provide alternating or parallel periods of academic study and of public or private employment, giving students work experience related to their academic or occupational objectives and the opportunity to earn the funds necessary for continuing and completing their education.

''(3) AMOUNT OF GRANTS.—

''(A) The amount of each grant awarded pursuant to paragraph (1)(A) to any institution of higher education or combination of such institutions in any fiscal year shall not exceed $500,000.

''(B)(i) Except as provided in clauses (ii) and (iii), the Secretary shall award grants in each fiscal year to each institution of higher education described in paragraph (1)(B) that has an application approved under subsection (b) in an amount which bears the same ratio to the amount reserved pursuant to section 812(a)(2) for such fiscal year as the number of unduplicated students placed in cooperative education jobs during the preceding fiscal year by such institution of higher education (other than cooperative education jobs under section 814 and as determined by the Secretary) bears to the total number of all such students placed in such jobs during the preceding fiscal year by all such institutions.

''(ii) No institution of higher education shall receive a grant pursuant to paragraph (1)(B) in any fiscal year in an amount which exceeds 25 percent of such institution's cooperative education program's personnel and operating budget for the preceding fiscal year.

''(iii) The minimum annual grant amount which an institution of higher education is eligible to receive under paragraph (1)(B) is $1,000 and the maximum annual grant amount is $75,000.

''(4) LIMITATION.—The Secretary shall not award grants pursuant to paragraphs (1)(A) and (B) to the same institution of higher education or combination of such institution in any one fiscal year.

''(5) USES.—Grants under paragraph (1)(B) shall be used exclusively—

''(A) to expand the quality of and participation in a cooperative education program;

''(B) for outreach in new curricular areas; and

''(C) for outreach to potential participants including underrepresented and nontraditional populations.

''(b) APPLICATIONS.—Each institution of higher education or combination of such institutions desiring to receive a grant under this section shall submit an application to the Secretary at such time and in such manner as the Secretary shall prescribe. Each such application shall—

''(1) set forth the program or activities for which a grant is authorized under this section;

''(2) specify each portion of such program or activities which will be performed by a nonprofit organization or institution other than the applicant, and the compensation to be paid for such performance;

''(3) provide that the applicant will expend during the fiscal year for which the grant is awarded for the purpose of such program or activities not less than the amount expended for such purpose during the previous fiscal year;

''(4) describe the plans which the applicant will carry out to assure, and contain a formal statement of the institution's commitment which assures, that the applicant will continue the cooperative education program beyond the 5-year period of Federal assistance described in subsection (c)(1) at a level which is not less than the total amount expended for such program during the first year such program was assisted under this section;

''(5) provide that, in the case of an institution of higher education that provides a 2-year program which is acceptable for full credit toward a bachelor's degree, the cooperative education program will be available to students who are certificate or associate degree candidates and who carry at least one-half of the normal full-time academic workload;

''(6) provide that the applicant will—

''(A) make such reports as may be necessary to ensure that the applicant is complying with the provisions of this section, including reports for the second and each succeeding fiscal year for which the applicant receives a grant with respect to the impact of the cooperative education program in the previous fiscal year, including—

''(i) the number of unduplicated student applicants in the cooperative education program;

''(ii) the number of unduplicated students placed in cooperative education jobs;

''(iii) the number of employers who have hired cooperative education students;

''(iv) the income for students derived from working in cooperative education jobs; and

''(v) the increase or decrease in the number of unduplicated students placed in cooperative education jobs in each fiscal year compared to the previous fiscal year; and

''(B) keep such records as may be necessary to ensure that the applicant is complying with the provisions of this part, including the notation of cooperative education employment on the student's transcript;

''(7) describe the extent to which programs in the academic disciplines for which the application is made have had a favorable reception by public and private sector employers;

''(8) describe the extent to which the institution is committed to extending cooperative education on an institution-wide basis for all students who can benefit;

''(9) describe the plans that the applicant will carry out to evaluate the applicant's cooperative education program at the end of the grant period;

''(10) provide for such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of, and accounting for, Federal funds paid to the applicant under this part;

''(11) demonstrate a commitment to serving all underserved populations at the institution; and

''(12) include such other information as may be necessary to carry out the provisions of this part.

''(c) DURATION OF GRANTS; FEDERAL SHARE.—

''(1) DURATION OF GRANTS.—No individual institution of higher education may receive, individually or as a participant in a combination of such institutions—

''(A) a grant pursuant to subsection (a)(1)(A) for more than 5 fiscal years; or

''(B) a grant pursuant to subsection (a)(1)(B) for more than 5 fiscal years.

''(2) FEDERAL SHARE.—The Federal share of a grant under subsection (a)(1)(A) may not exceed—

''(A) 85 percent of the cost of carrying out the program or activities described in the application in the first year the applicant receives a grant under this section;

''(B) 70 percent of such cost in the second such year;

''(C) 55 percent of such cost in the third such year;

''(D) 40 percent of such cost in the fourth such year; and

''(E) 25 percent of such cost in the fifth such year.

''(3) SPECIAL RULE.—Any provision of law to the contrary notwithstanding, the Secretary shall not waive the provisions of this subsection.

''(d) MAINTENANCE OF EFFORT.—If the Secretary determines that a recipient of funds under this section has failed to maintain the fiscal effort described in subsection (b)(3), then the Secretary may elect not to make grant payments under this section to such recipient.

''(e) FACTORS FOR SPECIAL CONSIDERATION OF APPLICATIONS.—

''(1) IN GENERAL.—In approving applications under this section, the Secretary shall give special consideration to applications from institutions of higher education or combinations of such institutions for programs which show the greatest promise of success because of—

''(A) the extent to which programs in the academic discipline with respect to which the application is made have had a favorable reception by public and private sector employers;

''(B) the strength of the commitment of the institution of higher education or combination of such institutions to cooperative education as demonstrated by the plans and formalized institutional commitment statement which such institution or combination has made to continue the program after the termination of Federal financial assistance;

''(C) the extent to which the institution or combination of institutions is committed to extending cooperative education for all students who can benefit; and

''(D) such other factors as are consistent with the purposes of this section.

''(2) ADDITIONAL SPECIAL CONSIDERATION.—The Secretary shall also give special consideration to applications from institutions of higher education or combinations of such institutions which demonstrate a commitment to serving all underserved populations attending such institutions.

''SEC. 814. DEMONSTRATION AND INNOVATION PROJECTS; TRAINING AND RESOURCE CENTERS; AND RESEARCH.

''(a) AUTHORIZATION.—The Secretary is authorized, in accordance with the provisions of this section, to make grants and enter into contracts—

''(1) from the amounts available in each fiscal year under section 812(a)(3), for the conduct of demonstration projects designed to demonstrate or determine the feasibility or value of innovative methods of cooperative education;

''(2) from the amounts available in each fiscal year under section 812(a)(4), for the conduct of training and resource centers designed to—

''(A) train personnel in the field of cooperative education;

''(B) improve materials used in cooperative education programs if such improvement is conducted in conjunction with other activities described in this paragraph;

''(C) furnish technical assistance to institutions of higher education to increase the potential of the institution to continue to conduct a cooperative education program without Federal assistance;

''(D) encourage model cooperative education programs which furnish education and training in occupations in which there is a national need;

''(E) support partnerships under which an institution carrying out a comprehensive cooperative education program joins with one or more institutions of higher education in order to (i) assist the institution that is not the institution carrying out the cooperative education program to develop and expand an existing program of cooperative education, or (ii) establish and improve or expand comprehensive cooperative education programs; and

''(F) encourage model cooperative education programs in the fields of science and mathematics for women and minorities who are underrepresented in such fields; and

''(3) from the amounts available in each fiscal year under section 812(a)(5), for the conduct of research relating to cooperative education.

''(b) ADMINISTRATIVE PROVISION.—

''(1) IN GENERAL.—To carry out this section, the Secretary may—

''(A) make grants to or contracts with institutions of higher education, or combinations of such institutions; and

''(B) make grants to or contracts with other public or private nonprofit agencies or organizations, whenever such grants or contracts will make an especially significant contribution to attaining the objectives of this section.

''(2) LIMITATION.—

''(A) The Secretary may not use more than 3 percent of the amount appropriated to carry out this section in each fiscal year to enter into contracts described in paragraph (1)(A).

''(B) The Secretary may use not more than 3 percent of the amount appropriated to carry out this section in each fiscal year to enter into contracts described in paragraph (1)(B).

''(c) SUPPLEMENT NOT SUPPLANT.—A recipient of a grant or contract under this section may use the funds provided only so as to supplement and, to the extent possible, increase the level of funds that would, in the absence of such funds, be made available from non-Federal sources to carry out the activities supported by such grant or contract, and in no case to supplant such funds from non-Federal sources.

''PART C—COLLEGE PARTNERSHIP GRANTS

''SEC. 821. COLLEGE PARTNERSHIP GRANTS AUTHORIZED.

''(a) GRANTS AUTHORIZED.—From the amount appropriated to carry out this part under section 800, the Secretary shall award grants to eligible partnerships for the purposes of developing and implementing articulation agreements.

''(b) ELIGIBLE PARTNERSHIPS.—For purposes of this part, an eligible partnership shall include at least two institutions of higher education, or a system of institutions of higher education, and may include either or both of the following:

''(1) A consortia of institutions of higher education.

''(2) A State higher education agency.

''(c) PRIORITY.—The Secretary shall give priority to eligible partnerships that—

''(1) are located in a State that is in compliance with section 486A; or

''(2) include—

''(A) 1 or more junior or community colleges (as defined by section 312(f) of this Act) that award associate's degrees; and

''(B) 1 or more institutions of higher education that offer a baccalaureate or post baccalaureate degree not awarded by the institutions described in subparagraph (A) with which it is partnered.

''(d) MANDATORY USE OF FUNDS.—Grants awarded under this part shall be used for—

''(1) the development of policies and programs to expand opportunities for students to earn bachelor's degrees, by facilitating the transfer of academic credits between institutions and expanding articulation and guaranteed transfer agreements between institutions of higher education, including through common course numbering and general education core curriculum;

''(2) academic program enhancements; and

''(3) programs to identify and remove barriers that inhibit student transfers, including technological and informational programs.

''(e) OPTIONAL USE OF FUNDS.—Grants awarded under this part may be used for—

''(1) support services to students participating in the program, such as tutoring, mentoring, and academic and personal counseling; and

''(2) any service that facilitates the transition of students between the partner institutions.

''(f) PROHIBITION.—No funds provided under this section shall be used to financially compensate an institution for the purposes of entering into an articulation agreement or for accepting students transferring into such institution.

''(g) APPLICATIONS.—Any eligible partnership that desires to obtain a grant under this section shall submit to the Secretary an application at such time, in such manner, and containing such information or assurances as the Secretary may require.

''(h) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary to carry out this section.

''(i) DEFINITION.—For purposes of this section, the term 'articulation agreement' means an agreement between institutions of higher education that specifies the acceptability of courses in transfer toward meeting specific degree requirements.

''PART D—STUDENT SUCCESS GRANTS

''SEC. 826. STUDENT SUCCESS GRANTS.

''(a) AUTHORIZATION OF PILOT PROGRAM.—From the amount appropriated to carry out this part under section 800, the Secretary is authorized to award grants on a competitive basis to eligible institutions for the purposes of helping low-income students succeed in persisting in and completing postsecondary education and training programs.

''(b) DEFINITIONS.—

''(1) ELIGIBLE INSTITUTION.—In this section, the term 'eligible institution' means an institution of higher education in which, during the three-year period preceding the year in which the institution is applying for a grant under this section, an average of not less than 50 percent of the institution's entering first-year students are enrolled in developmental courses to bring reading, writing, or mathematics skills up to college-level.

''(2) ELIGIBLE STUDENT.—In this section, the term 'eligible student' means a student who—

''(A) is eligible to receive assistance under section 401;

''(B) is a first-year student at the time of entering the pilot program; and

''(C) is selected by an eligible institution to participate in the pilot program.

''(c) APPLICATION.—An eligible institution seeking a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

''(d) STUDENT SUCCESS GRANT AMOUNT.—For an award year, each institution selected to participate in this pilot program shall receive an amount equal to $1,500 multiplied by the number of students the institution selects to participate in the pilot program in such year. An institution shall not select more than 200 students to participate in the pilot program under this section during such year.

''(e) PRIORITY FOR REPLICATION OF EVIDENCE-BASED POLICIES AND PRACTICES.—The Secretary shall give priority to applications submitted by eligible institutions that propose to replicate policies and practices that have proven effective in increasing persistence and completion by low-income students or students in need of developmental education.

''(f) PEER REVIEW.—The Secretary shall convene a peer review process to review applications for grants under this section and to make recommendations to the Secretary regarding the selection of grantees. Members of the peer review committee shall include researchers and practitioners who are recognized experts on services and policies to increase low income student success in post-secondary education and training. No member of the committee shall be in a position to benefit financially from the grants to eligible institutions under subsection (d).

''(g) MANDATORY USES.—An eligible institution that receives a grant under this section shall use the grant funds to assign a Student Success Coach to every first-year student participating in the pilot program to provide intensive career and academic advising, ongoing personal help in navigating college services such as financial aid and registration, and assistance in connecting to community resources that can help students overcome family and personal challenges to success. Student Success Coaches—

''(1) shall work with not more than 50 new students during any academic period;

''(2) may be employees of academic departments, student services offices, community-based organizations, or other entities as deemed appropriate by the institution; and

''(3) shall meet with each eligible student selected for the pilot program before registration for courses.

''(h) PERMISSIBLE USES.—An eligible institution that receives a grant under this section may use the grant funds to provide services and program innovations for students participating in the pilot, including the following:

''(1) College and career success courses, with tuition and fees for the course covered by the Student Success Grant. These courses may cover college success topics, including how to take notes, how to study, how to take tests, and how to budget time, and may also include a substantial career exploration component. Institutions may use such courses to help students develop a College and Career Success Plan so that by the end of the first semester the students have a clear sense of their career goals and what classes to take to achieve such goals.

''(2) Work-study jobs with private employers in the students' fields of study.

''(3) Learning communities that ensure that students participating in the pilot are clustered together for at least two courses beginning in the first semester after enrolling and have other opportunities to create and maintain bonds that allow them to provide academic and social support to each other.

''(4) Curricular redesign, which may include such innovations as 'blended' or accelerated remediation classes that help Student Success Grant recipients to attain college-level reading, writing, math skills (or a combination thereof) more rapidly than traditional remediation formats allow, and intensive skills refresher classes, offered prior to each semester, to help students who have tested into remedial coursework to reach entry level assessment scores for the post-secondary programs they wish to enter.

''(5) Instructional support, such as learning labs, supplemental instruction, and tutoring.

''(6) Assistance with support services, such as child care and transportation.

''(i) GRANT PERIOD; ADDITIONAL TECHNICAL ASSISTANCE.—

''(1) GRANT PERIOD.—Grants made under this section shall be for a period of not less than 60 months.

''(2) ADDITIONAL TECHNICAL ASSISTANCE.—After 36 months, the Secretary shall review the performance of the Student Success Grant pilot program students at each institution, and if no significant improvements have been made by Student Success Grant pilot program students in persistence and completion at an institution, then the Secretary shall provide additional technical assistance to help the institution improve outcomes.

''(j) REQUIRED NON-FEDERAL SHARE.—

''(1) IN GENERAL.—Each institution participating in the pilot program under this section shall provide a non-Federal match of 25 percent of the amount of grant to carry out the activities of the pilot program. The non-Federal share under this section may be provided in cash or in kind.

''(2) EFFECT ON NEED ANALYSIS.—For the purpose of calculating a student's need in accordance with part F of this title, services or benefits under this section shall not be considered to be an asset or income of the student or the students parents.

''(k) TECHNICAL ASSISTANCE.—The Secretary shall enter into contracts with private entities to provide such technical assistance to grantees under this section as the Secretary determines appropriate.

''(l) EVALUATION.—

''(1) OUTCOME EVALUATIONS.—The Secretary shall conduct an evaluation of program outcomes under the pilot program, and shall disseminate to the public the findings from the evaluation and information on best practices. The Secretary is encouraged to partner with other providers of funds, such as private foundations, to allow for use of an experimental or quasi-experimental evaluation in at least one of the pilot program sites.

''(2) INSTITUTIONAL PARTICIPATION.—As a condition of receiving grants under this section, participating institutions shall work with the evaluator to track persistence and completion outcomes for students in the pilot program, specifically the proportion of these students who take and complete developmental education courses, the proportion who take and complete college-level coursework, and the proportion who complete certificates and degrees. This data shall be broken down by race, ethnicity, and age and the evaluator shall assist institutions in analyzing this data to compare Student Success Grant pilot program participants to comparable nonparticipants, using statistical techniques to control for differences in the groups.

''(3) ANNUAL REPORTS.—Participating institutions under this section shall report on the data specified in paragraph (2) annually and the Secretary shall make this data publicly available.

''PART E—JOBS TO CAREERS

''SEC. 831. GRANTS TO CREATE BRIDGES FROM JOBS TO CAREERS.

''(a) AUTHORIZATION OF PROGRAM.—From amounts appropriated to carry out this part under section 800, the Secretary shall award grants, on a competitive basis, to institutions of higher education for the purposes of improving developmental education, including English language instruction, by customizing developmental education to student career goals, and helping students move rapidly from developmental coursework into for-credit occupational program courses and through program completion. The grants under this section shall focus in particular on creating bridges to for-credit occupational certificate programs that are articulated to degree programs.

''(b) APPLICATION.—An eligible institution seeking a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

''(c) PRIORITIES.—The Secretary shall give priority to applications that—

''(1) are from institutions of higher education in which not less than 50 percent of the institution's entering first-year students who are subject to mandatory assessment, are assessed as needing developmental courses to bring reading, writing, or mathematics skills up to college-level; and

''(2) propose to replicate practices that have proven effective with adults or propose to collaborate with adult education providers.

''(d) PEER REVIEW.—The Secretary shall convene a peer review process to review applications for grants under this section and to make recommendations to the Secretary regarding the selection of grantees.

''(e) MANDATORY ACTIVITY.—An eligible institution that receives a grant under this section shall use the grant funds to create workforce bridge programs that customize developmental education curricula, including English language instruction, to the content of the for-credit occupational certificate or degree programs, or clusters of such programs, in which developmental education students seek to enroll. Such bridge programs may include those that integrate the curricula and the instruction of both developmental and college-level coursework or that dually enroll students in remediation and college-level coursework.

''(f) PERMISSIBLE ACTIVITIES.—An eligible institution that receives a grant under this section, in addition to creating workforce bridge programs, may use the grant funds to carry out the following:

''(1) Design and implement innovative ways to improve retention in and completion of developmental education courses, including enrolling students in cohorts, accelerating course content, integrating remediation and college-level curricula and instruction, dually enrolling students in developmental and college-level courses, tutoring,

providing counseling and other supportive services, and giving small, material incentives for attendance and performance.

''(2) In consultation with faculty in the appropriate departments, redesignating class schedules to meet the needs of working adults, such as by creating evening, weekend, modular, compressed, distance-learning formats, or other alternative schedules.

''(3) Improving the quality of teaching in remedial courses through professional development, reclassification of such teaching positions, or other means the eligible institution determines appropriate.

''(4) Any other activities the eligible institution and the Secretary determine will promote retention of, and completion by, students attending institutions of higher education.

''(5) Fully advise students on the range of options and programs available, which may include: diploma; certification; 2-year degree; associate's degree; transfer degree to upper division; and career options.

''(g) GRANT PERIOD.—Grants made under this section shall be for a period of not less than 36 months and not more than 60 months.

''(h) TECHNICAL ASSISTANCE.—The Secretary shall provide technical assistance to grantees under this section throughout the grant period.

''(i) EVALUATION.—The Secretary shall conduct an evaluation of program impacts under the demonstration program, and shall disseminate to the public the findings from the evaluation and information on best practices. The Secretary is encouraged to partner with other providers of funds, such as private foundations, to allow for use of a random assignment evaluation in at least one of the demonstration sites.

''(j) DEFINITION OF INSTITUTION.—In this section, the term 'institution of higher education' means an institution of higher education as defined in section 101(a).

''PART F—PROJECT GRAD

"SEC. 836. PROJECT GRAD.

''(a) PURPOSES.—The purposes of this part are—

''(1) to provide support and assistance to programs implementing integrated education reform services in order to improve secondary school graduation and college attendance and completion rates for disadvantaged students; and

''(2) to promote the establishment of new programs to implement such integrated education reform services.

''(b) GRANT AUTHORIZED.—From the amount appropriated to carry out this part under section 800, the Secretary is authorized to award a grant to Project GRAD USA (referred to in this part as the 'grantee'), a nonprofit educational organization that has as its primary purpose the improvement of secondary school graduation and college attendance and completion rates for disadvantaged students, to implement and sustain the integrated education reform services described in subsection (d)(3) at existing Project GRAD program sites and to promote the expansion of such programs to new sites.

''(c) REQUIREMENTS OF GRANT AGREEMENT.—The Secretary shall enter into an agreement with the grantee that requires that the grantee shall—

''(1) enter into subcontracts with nonprofit educational organizations that serve a substantial number or percentage of low-income students (referred to in this part as 'subcontractors'), under which the subcontractors agree to implement the programs described in subsection (d) and provide matching funds for such programs;

''(2) directly carry out—

''(A) activities to implement and sustain the literacy, mathematics, classroom management, social service, and college access programs further described in subsection (d)(3);

''(B) activities to build the organizational and management capacity of the subcontractors to effectively implement and sustain the programs;

''(C) activities for the purpose of improving and expanding the programs, including but not limited to activities to further articulate a program for one or more grade levels and across grade levels, to tailor a program for a particular target audience, and provide tighter integration across programs;

''(D) activities for the purpose of implementing new Project GRAD program sites;

''(E) activities for the purpose of promoting greater public awareness of integrated education reform services to improve secondary school graduation and college attendance rates for disadvantaged students; and

''(F) other activities directly related to improving secondary school graduation and college attendance and completion rates for disadvantaged students; and

''(3) use grant funds available under this part to pay—

''(A) the amount determined under subsection (f)(1); and

''(B) costs associated with carrying out the activities and providing the services, as provided in paragraph (2) of this subsection.

''(d) SUPPORTED PROGRAMS.—

''(1) DESIGNATION.—The subcontractor programs referred to in subsection (c)(1) shall be known as Project GRAD programs.

''(2) FEEDER PATTERNS.—Each subcontractor shall implement a Project GRAD program and shall, with the agreement of the grantee—

''(A) identify or establish not less than one 'feeder pattern' of public schools, where 'feeder pattern' is defined as a high school and the elementary schools and middle schools that channel students into that high school; and

''(B) provide the integrated educational reform services described in paragraph (3) at the identified feeder pattern or feeder patterns.

''(3) INTEGRATED EDUCATION REFORM SERVICES.—The services provided through a Project GRAD program may include—

''(A) research-based programs in reading, mathematics, and classroom management;

''(B) campus-based social services programs, including a systematic approach to increase family and community involvement in the schools served by the Project GRAD program;

''(C) a college access program that includes—

''(i) providing college scholarships for students who meet established criteria;

''(ii) proven approaches for increasing student and family college awareness; and

''(iii) assistance for such students in applying for higher education financial aid; and

''(D) such other services identified by the grantee as necessary to increase secondary school graduation and college attendance and completion rates.

''(e) USE OF FUNDS.—Of the funds made available to carry out this part under section 800, not more than 8 percent of such funds, or $4,000,000, whichever is less, shall be used by the grantee to pay for administration of the grant, with the remainder of funds to be used for the purposes described in subsections (c)(1) and (2).

''(f) GRANTEE CONTRIBUTION AND MATCHING REQUIREMENT.—

''(1) IN GENERAL.—The grantee shall provide to each subcontractor an average of $200 for each pupil served by the subcontractor in the Project GRAD program, adjusted to take into consideration—

''(A) the resources available in the area where the subcontractor will implement the Project GRAD program; and

''(B) the need for Project GRAD programs in such area to improve student outcomes.

''(2) MATCHING REQUIREMENT.—Each subcontractor shall provide funds for the Project GRAD program in an amount that is equal to the amount received by the subcontractor from the grantee. Such matching funds may be provided in cash or in kind, fairly evaluated.

''(3) WAIVER AUTHORITY.—The grantee may waive, in whole or in part, the requirement of paragraph (2) for a subcontractor, if the subcontractor—

''(A) demonstrates that it would not otherwise be able to participate in the program; and

''(B) enters into an agreement with the grantee with respect to the amount to which the waiver will apply.

''(4) DECREASE IN GRANTEE SHARE.—Based on the funds or resources available to a subcontractor, the grantee may elect to provide the subcontractor with an amount that is less than the amount determined under paragraph (1).

''(g) EVALUATION.—

''(1) EVALUATION BY THE SECRETARY.—The Secretary shall select an independent entity to evaluate, every 3 years, the performance of students who participate in a Project GRAD program under this part. The evaluation shall—

''(A) be conducted using a rigorous research design for determining the effectiveness of the Project GRAD programs funded under this part; and

''(B) compare reading and mathematics achievement and, where applicable, the secondary school graduation, college attendance, and college completion rates of students who participate in a Project GRAD program funded under this part with those indicators for students of similar backgrounds who do not participate in such program.

''(2) EVALUATION BY GRANTEE AND SUBCONTRACTORS.—

''(A) IN GENERAL.—The grantee shall require each subcontractor to prepare an in-depth report of the results and the use of funds of each Project GRAD program funded under this part that includes—

''(i) data on the reading and mathematics achievement of students involved in the Project GRAD program;

''(ii) statistics on secondary school graduation, college attendance, and college completion rates; and

''(iii) such financial reporting as required by the Secretary to review the effectiveness and efficiency of the program.

''(B) FORM OF REPORT.—The report shall be in a form and include such content as shall be determined by the grantee, in consultation with the Secretary or the entity selected by the Secretary to evaluate the Project GRAD programs in accordance with paragraph (1).

''(3) AVAILABILITY OF EVALUATIONS.—Copies of any evaluation or report prepared under this subsection shall be made available to—

''(A) the Secretary; and

''(B) the chairperson and ranking member of the authorizing committees.

''(h) DEFINITIONS.—In this part the term 'low-income student' means a student who is determined by a local educational agency to be from a low-income family using the measures described in section 1113(a)(5) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6313(a)(5)).

''PART G—IMPROVING COLLEGE ENROLLMENT BY SECONDARY SCHOOLS

"SEC. 841. IMPROVING COLLEGE ENROLLMENT BY SECONDARY SCHOOLS.

''(a) IN GENERAL.—From the amount appropriated to carry out this part under section 800, the Secretary shall award a grant to one nonprofit organization described in subsection (b) to enable the nonprofit organization—

''(1) to make publicly available the year-to-year higher education enrollment rate trends of secondary school students, disaggregated by secondary school, in compliance with the Family Education Rights and Privacy Act of 1974;

''(2) to identify not less than 50 urban local educational agencies and 5 States with significant rural populations, each serving a significant population of low-income students, and to carry out a comprehensive needs assessment in the agencies and States of the factors known to contribute to improved higher education enrollment rates, which factors shall include—

''(A) an evaluation of the local educational agency's and State's leadership strategies;

''(B) the secondary school curriculum and class offerings of the local educational agency and State;

''(C) the professional development used by the local educational agency and the State to assist teachers, higher education counselors, and administrators in supporting the transition of secondary students into higher education;

''(D) secondary school student attendance and other factors demonstrated to be associated with enrollment into higher education;

''(E) the data systems used by the local educational agency and the State to measure college enrollment rates and the incentives in place to motivate the efforts of faculty and students to improve student and school-wide outcomes; and

''(F) strategies to mobilize student leaders to build a college-bound culture; and

''(3) to provide comprehensive services to improve the school-wide higher education enrollment rates of each of not less than 10 local educational agencies and States, with the federally funded portion of each project declining by not less than 20 percent each year beginning in the second year of the comprehensive services, that—

''(A) participated in the needs assessment described in paragraph (2); and

''(B) demonstrated a willingness and commitment to improving the higher education enrollment rates of the local educational agency or State, respectively.

''(b) GRANT RECIPIENT CRITERIA.—The recipient of the grant awarded under subsection (a) shall be a nonprofit organization with demonstrated expertise—

''(1) in increasing school-wide higher education enrollment rates in low-income communities nationwide by providing curriculum, training, and technical assistance to secondary school staff and student peer influencers; and

''(2) in a college transition data management system.

''PART H—DIPLOMA MILL PREVENTION

"SEC. 851. PURPOSE; DEFINITIONS.

''(a) PURPOSE.—The purpose of this part is to protect institutions of higher education, businesses and other employers, professional licensing boards, patients and clients of degree holders, taxpayers, and other individuals from any person claiming to possess a legitimate academic degree that in fact was issued by a fraudulent or non-existent school, by a non-educational entity posing as a school, or by any entity in violation of Federal or State law.

''(b) DEFINITIONS.—In this part:

''(1) DEGREE-GRANTING INSTITUTION.—The term 'degree-granting institution' means any entity that offers or confers an academic, professional, or occupational degree, diploma, or certificate, if such degree, diploma, or certificate may be used to represent to the general public that the individual possessing such degree, diploma, or certificate has completed a program of education or training beyond secondary education.

''(2) DIPLOMA MILL.—The term 'diploma mill' means any entity that—

''(A) lacks valid accreditation by an agency recognized by a Federal agency or a State government or other organization or association that recognizes accrediting agencies as a valid accrediting agency of institutions of higher education; and

''(B) offers degrees, diplomas, or certifications, for a fee, that may be used to represent to the general public that the individual possessing such a degree, diploma, or certification has completed a program of education or training beyond secondary education, but little or no education or course work is required to obtain such a degree, diploma, or certification.

''(3) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' has the meaning given such term in section 102.

"SEC. 852. RECOGNIZED ACCREDITING AGENCIES AND INSTITUTIONS.

''(a) LISTS MAINTAINED BY THE DEPARTMENT OF EDUCATION.—Not later than 30 days after the date of the enactment of this part, the Secretary of Education shall make available (in a regularly updated, electronic format) to the Secretary of Homeland Security and the heads of other appropriate Federal agencies, a list of—

''(1) accrediting agencies and associations, recognized by the Secretary of Education under section 496, or, at the discretion of the Secretary, other organizations involved in accreditation;

''(2) eligible institutions, as defined under section 435(a); and

''(3) to the extent practicable, foreign degree-granting institutions that—

''(A) have degree-granting authority, as granted by the appropriate agency or ministry of jurisdiction in the home country of such institution;

''(B) issue degrees that are accepted for professional licensure, public employment, and admission into graduate programs of degree-granting institutions in the home country (as determined by the Secretary of State);

''(C) are determined by the Secretary of Education to be academically equivalent to an eligible institution, as defined in section 435(a); and

''(D) are located in a home country that is capable of performing an effective academic evaluation of the degree-granting institutions to which it issues degree-granting authority, as determined by the Secretary of State, in consultation with the Secretary of Education,

for the purposes of assisting the Secretary of Homeland Security and the heads of such Federal agencies to determine, for immigration and Federal employment and hiring purposes, the legitimacy of degree-granting institutions and degrees issued by such institutions.

''(b) REVISIONS TO LISTS.—The Secretary of Education shall modify and maintain the lists described in subsection (a) as necessary to ensure that the lists and the information contained in the lists are accurate and up-to-date, based on the most recent information available to the Secretary.

''(c) NOTICE OF RECOGNITION.—To be eligible to receive funds under title IV, each eligible institution described in subsection (a)(2) shall, not later than 60 days after the date of the enactment of this part, prominently display on the institution's Internet website a notice indicating that the institution is recognized by the Secretary of Education as a legitimate institution for immigration and Federal employment and hiring purposes. If the Secretary of Education determines that an institution no longer qualifies as a legitimate degree-granting institutions described in subsection (a)(2), and removes the institution from the list maintained under such subsection, the institution shall, not later than 15 days after the removal of the institution from such list, delete the notice required by this subsection from the institution's Internet website.

"SEC. 853. ACCREDITING AGENCIES.

''No accrediting agency or association may be considered to be a reliable authority as to the quality of education or training offered by a degree-granting institution for any purpose related to immigration, Federal employment and hiring practices, or for any other Federal purposes, unless the agency or association is on the list of accrediting agencies and associations recognized by the Secretary of Education and provided to the Secretary of Homeland Security under section 852. The Secretary may consult with other organizations, such as the Council for Higher Education Accreditation, for such purposes.

"SEC. 854. TASK FORCE.

''(a) TASK FORCE ESTABLISHED.—The Secretary of Education shall establish within the Department of Education the Diploma Mill Task Force (referred to in this part as the 'Task Force').

''(b) MEMBERSHIP.—

''(1) NUMBER AND APPOINTMENT.—The Task Force shall, if practicable, be composed of 19 members, as follows:

''(A) The Assistant Secretary of Education for Postsecondary Education.

''(B) A representative of the Department of Education with experience related to the determination of the legitimacy and quality of degrees from foreign institutions of higher education, selected by the Secretary of Education.

''(C) A representative of the Department of Justice, selected by the Attorney General.

''(D) A representative of the Federal Trade Commission, selected by the Chairman of such agency.

''(E) A representative of the Secret Service, selected by the Director of the Secret Service.

''(F) A representative of the Department of State, selected by the Secretary of State.

''(G) A representative of the Department of Homeland Security, selected by the Secretary of Homeland Security.

''(H) A representative of the Office of Personnel Management, selected by the Director of such Office.

''(I) A representative of a national accreditation association.

''(J) A representative of a national organization representing collegiate registrars and admissions officers.

''(K) Two representatives of State degree approval agencies, selected by agreement of at least 3 of the Speaker of the House of Representatives, the Senate majority leader, the House minority leader, and the Senate minority leader.

''(L) Two representatives from regionally accredited institutions of higher education, selected by agreement of at least 3 of the Speaker of the House of Representatives, the Senate majority leader, the House minority leader, and the Senate minority leader.

''(M) One representative from a nationally accredited institution of higher education, selected by agreement of at least 3 of the Speaker of the House of Representatives,

the Senate majority leader, the House minority leader, and the Senate minority leader.

''(N) Four individuals from the general population with experience in higher education, the detection of fraudulent degrees and degree-granting institutions, or law enforcement related to credential fraud, selected as follows:

''(i) One individual selected by the Speaker of the House of Representatives.

''(ii) One individual selected by the minority leader of the House of Representatives.

''(iii) One individual selected by the majority leader of the Senate.

''(iv) One individual selected by the minority leader of the Senate.

''(2) CRITERIA FOR MEMBERSHIP.—All members of the Task Force shall be persons who are especially qualified to serve on the Task Force by virtue of their education, training, or experience, particularly in the fields of higher education, accreditation of institutions of higher education, foreign higher education standards, State regulation of institutions of higher education, immigration, Federal employment requirements and hiring practices, or fraud prevention, detection, or enforcement.

''(3) TERMS.—Each member shall be appointed for the life of the Task Force.

''(4) VACANCIES.—A vacancy in the Task Force shall be filled in the manner in which the original appointment was made.

''(5) CHAIR.—At the first meeting of the Task Force, the members of the Task Force shall elect a member of the Task Force to serve as Chair.

''(c) DUTIES.—

''(1) GUIDELINES.—The Task Force shall develop guidelines, to be used for the development of Federal legislation, to identify degree-granting institutions as legitimate or fraudulent degree-granting institutions for Federal purposes. In developing such guidelines, the Task Force shall consider—

''(A) characteristics of degree-granting institutions that help determine the legitimacy of the institution, such as whether an entity—

''(i) offers or confers degrees, diplomas, or certificates—

''(I) for little or no meaningful academic work;

''(II) without requiring an appropriate level of academic achievement for the attainment of such degrees, diplomas, or certificates; or

''(III) without imposing academic or other requirements for admittance into the institutions or programs offering such degrees, diplomas, or certificates;

''(ii) has fiscal and administrative structures and capacity appropriate to the specified scale of educational operations;

''(iii) has resources to support claims as a degree-granting institution, including curricula, qualified faculty, facilities, equipment, and supplies, student support services, objectives of the degrees or credentials offered, admissions practices, academic calendars and catalogs, and a grading system; and

''(iv) has degree-granting authority issued by the States in which degrees, or instruction leading to degrees, are offered, and is recognized by such States as an approved institution of higher education;

''(B) the feasibility of defining the term 'fraudulent degree-granting institution' (commonly referred to as 'diploma mills'), and if feasible, shall define such term to propose for use in Federal laws and regulations;

''(C) issues related to—

''(i) the detection of new and existing fraudulent degree-granting institutions;

''(ii) recognition and prevention of the practices used by such fraudulent degree-granting institutions to avoid detection;

''(iii) the enforcement of laws and regulations prohibiting such fraudulent degree-granting institutions and practices and the use of fraudulent degrees; and

''(iv) the prosecution of such fraudulent degree-granting institutions and practices and the use of fraudulent degrees;

''(D) difficulties in identifying fraudulent degree-granting institutions located in foreign countries, or that claim recognition or degree-granting authority from foreign countries;

''(E) means to alert and educate the public about fraudulent degree-granting institutions and the use of fraudulent degrees;

''(F) laws, regulations, and other means used by States to address fraudulent degree-granting institutions and the use of fraudulent degrees;

''(G) the potential need for coordination and cooperation among various Federal agencies to investigate and prosecute suspected fraudulent degree-granting institutions, and the detailed recommendations of the Task Force regarding such coordination and cooperation;

''(H) the study and the report to the Task Force required under this section; and

''(I) the purposes for which various agencies of the United States need to identify fraudulent degree-granting institutions, and identify, prohibit, and prevent the use of degrees issued by such fraudulent institutions, and the ability of such agencies to implement any guidelines considered by the Task Force.

''(2) DEVELOPMENT OF FEDERAL PLAN.—The Task Force shall develop a strategic diploma integrity protection plan (referred to in this section as the 'Plan') to address the sale and use of fraudulent degrees for Federal purposes. The Plan shall include the following:

''(A) Recommendations to Congress regarding the implementation by Federal agencies of the guidelines developed under paragraph (1).

''(B) Recommendations to the Federal Trade Commission regarding the application of the guidelines developed under paragraph (1) to any rulemaking under section 856 and to the enforcement of the rules promulgated under such section.

''(3) SUBMISSION OF REPORT TO CONGRESS.—Not later than one year after the date of the enactment of this part, the Task Force shall submit to the appropriate congressional committees a report, including—

''(A) the guidelines developed under paragraph (1);

''(B) the Plan developed under paragraph (2); and

''(C) a legislative proposal for consideration by Congress.

''SEC. 855. SENSE OF THE CONGRESS REGARDING USE BY STATES OF THE FEDERAL PLAN AS GUIDELINES.

''It is the sense of the Congress that—

''(1) each State should implement a strategic diploma integrity plan similar to any strategic diploma integrity plan developed under section 854, to the extent practicable and as soon as practicable after the date of the adoption of such a plan under such section; and

''(2) States may adopt more stringent standards than those standards contained in the Federal strategic diploma integrity plan and used by agencies of the United States to identify fraudulent degree-granting institutions operating within such State, except that State law does not preempt Federal law as applied to the employment and hiring practices of Federal employees working in such State.

''SEC. 856. UNFAIR AND DECEPTIVE ACTS AND PRACTICES REGARDING DIPLOMAS AND PROFESSIONAL CERTIFICATIONS.

''Not later than 180 days after the date of enactment of this part, the Secretary shall request in writing that the Federal Trade Commission shall develop a plan to address diploma mills based on section 18 of Federal Trade Commission Act (15 U.S.C. 57a).

''PART I—STUDENT SAFETY AND CAMPUS EMERGENCY MANAGEMENT

''SEC. 861. STUDENT SAFETY AND CAMPUS EMERGENCY MANAGEMENT.

''(a) GRANTS AUTHORIZED.—

''(1) IN GENERAL.—From the amount appropriated to carry out this part under section 800, the Secretary is authorized to award grants, on a competitive basis, to institutions of higher education or consortia of institutions of higher education to enable institutions of higher education or consortia to pay the Federal share of the cost of carrying out the authorized activities described in subsection (c).

''(2) CONSULTATION WITH THE ATTORNEY GENERAL AND THE SECRETARY OF HOMELAND SECURITY.—Where appropriate, the Secretary shall award grants under this section in consultation with the Attorney General of the United States and the Secretary of Homeland Security.

''(3) DURATION.—The Secretary shall award each grant under this section for a period of 2 years.

''(4) LIMITATION ON INSTITUTIONS AND CONSORTIA.—An institution of higher education or consortium shall be eligible for only 1 grant under this section.

''(b) FEDERAL SHARE; NON-FEDERAL SHARE.—

''(1) IN GENERAL.—The Federal share of the activities described in subsection (c) shall be 50 percent.

''(2) NON-FEDERAL SHARE.—The institution of higher education or consortium shall provide the non-Federal share, which may be provided from other Federal, State, and local resources dedicated to emergency preparedness and response.

''(c) AUTHORIZED ACTIVITIES.—Each institution of higher education or consortium receiving a grant under this section may use the grant funds to carry out 1 or more of the following:

''(1) Developing and implementing a state-of-the-art emergency communications system for each campus of an institution of higher education or consortium, in order to contact students via cellular, text message, or other state-of-the-art communications methods when a significant emergency or dangerous situation occurs. An institution or consortium using grant funds to carry out this paragraph shall also, in coordination with the appropriate State and local emergency management authorities—

''(A) develop procedures that students, employees, and others on a campus of an institution of higher education or consortium will be directed to follow in the event of a significant emergency or dangerous situation; and

''(B) develop procedures the institution of higher education or consortium shall follow to inform, within a reasonable and timely manner, students, employees, and others on a campus in the event of a significant emergency or dangerous situation, which procedures shall include the emergency communications system described in this paragraph.

''(2) Supporting measures to improve safety at the institution of higher education or consortium, such as—

''(A) security assessments;

''(B) security training of personnel and students at the institution of higher education or consortium;

''(C) where appropriate, coordination of campus preparedness and response efforts with local law enforcement, local emergency management authorities, and other agencies, to improve coordinated responses in emergencies among such entities;

''(D) establishing a hotline that allows a student or staff member at an institution or consortium to report another student or staff member at the institution or consortium who the reporting student or staff member believes may be a danger to the reported student or staff member or to others; and

''(E) acquisition and installation of access control, video surveillance, intrusion detection, and perimeter security technologies and systems.

''(3) Coordinating with appropriate local entities the provision of mental health services for students and staff of the institution of higher education or consortium, including mental health crisis response and intervention services for students and staff affected by a campus or community emergency.

''(d) APPLICATION.—Each institution of higher education or consortium desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

''(e) TECHNICAL ASSISTANCE.—The Secretary shall coordinate technical assistance provided by State and local emergency management agencies, the Department of Homeland Security, and other agencies as appropriate, to institutions of higher education or consortia that request assistance in developing and implementing the activities assisted under this section.

''(f) RULE OF CONSTRUCTION.—Nothing in this section shall be construed—

''(1) to provide a private right of action to any person to enforce any provision of this section;

''(2) to create a cause of action against any institution of higher education or any employee of the institution for any civil liability; or

''(3) to affect the Family Educational Rights and Privacy Act of 1974 or the regulations issued under section 264 of the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. 1320d–2 note).

''SEC. 862. MODEL EMERGENCY RESPONSE POLICIES, PROCEDURES, AND PRACTICES.

''The Secretary of Education, in consultation with the Attorney General of the United States and the Secretary of Homeland Security, shall—

''(1) advise institutions of higher education on model emergency response policies, procedures, and practices; and

''(2) disseminate information concerning those policies, procedures, and practices.

''SEC. 863. PREPARATION FOR FUTURE DISASTERS PLAN BY THE SECRETARY.

''(a) PLANNING.—The Secretary shall develop and maintain a disaster relief plan, in consultation with the appropriate agencies, to ensure a procedure is in place to address the needs of institutions of higher education in the event of a natural or man-made disaster with respect to which the President has declared a major disaster or emergency. The plan shall take into consideration the immediate safety and well-being of students, faculty, and staff. Additionally, such plan shall outline steps that can be taken to ensure institutions of higher education have a timely recovery.

''(b) SUBMISSION TO CONGRESS.—The Secretary shall submit to the authorizing committees the plan required by subsection (a) and any revisions of such plan.

''SEC. 864. EDUCATION DISASTER AND EMERGENCY RELIEF LOAN PROGRAM.

''(a) PROGRAM AUTHORIZED.—The Secretary is authorized to establish an Education Disaster and Emergency Relief Loan Program for institutions of higher education for direct or indirect losses incurred as a result of a federally declared major disaster or emergency.

''(b) USE OF ASSISTANCE.—The Secretary may, subject to the availability of appropriations, provide any assistance under the Education Disaster and Emergency Relief Loan program to institutions of higher education pursuant to this section only after the declaration of a major disaster or emergency by the President. Loan funds provided under this section may be used for—

''(1) direct and indirect construction, replacement, and renovation costs associated with or resulting from or preparing for a major disaster or emergency;

''(2) faculty salaries and incentives for retaining faculty; or

''(3) reimbursement for lost tuition and other revenues.

''(c) APPLICATION REQUIREMENTS.—To be considered for a loan under this section, an institution of higher education shall—

''(1) submit a financial statement and other appropriate data, documentation, or evidence requested by the Secretary that indicates that the institution incurred losses resulting from the impact of a major disaster or emergency and the monetary amount of such losses; and

''(2) demonstrate that the institution attempted to minimize the cost of any losses by pursuing collateral source compensation from the Federal Emergency Management Agency and insurance coverage prior to seeking a loan under this section, except that an institution of higher education shall not be required to receive collateral source compensation from the Federal Emergency Management Agency and insurance prior to being eligible for a loan under this section.

''(d) AUDIT.—The Secretary may audit a financial statement submitted under subsection (c) and an institution of higher education shall provide any information that the Secretary determines necessary to conduct such an audit.

''(e) REDUCTION IN LOAN AMOUNTS.—To determine the amount of a loan to make available to an institution of higher education under this section, the Secretary shall calculate the monetary amount of losses incurred by such institution as a result of a federally declared major disaster or emergency, and shall reduce such amount by the amount of collateral source compensation the institution has already received from insurance, the Federal Emergency Management Agency, and the Small Business Administration.

''(f) ESTABLISHMENT OF LOAN PROGRAM.—In order to disburse loans under this section, the Secretary shall prescribe regulations that—

''(1) establish the loan program, taking into consideration the structure of existing capital financing loan programs under this Act; and

''(2) that set forth—

''(A) terms for the loan program under this section;

''(B) procedures for an application for a loan under this section; and

''(C) minimum requirements for the loan program and for receiving a loan under this section, including the following:

''(i) Online forms to be used in submitting request for a loan under this section.

''(ii) Information to be included in such forms.

''(iii) Procedures to assist in filing and pursing a loan under this section.

''(g) DEFINITIONS.—In this section:

''(1) INSTITUTION AFFECTED BY A GULF HURRICANE DISASTER.—The term 'institution affected by a Gulf hurricane disaster' means an institution of higher education that—

''(A) is located in an area affected by a Gulf hurricane disaster; and

''(B) is able to demonstrate that the institution—

''(i) incurred physical damage resulting from the impact of a Gulf hurricane disaster;

''(ii) was not able to fully reopen in existing facilities or to fully reopen to the prehurricane levels for 30 days or more on or after August 29, 2005.

''(2) AREA AFFECTED BY A GULF HURRICANE DISASTER; GULF HURRICANE DISASTER.—The terms 'area affected by a Gulf hurricane disaster' and 'Gulf hurricane disaster' have the meanings given such terms in section 209 of the Higher Education Hurricane Relief Act of 2005 (Public Law 109–148, 119 Stat. 2809).

''(3) EMERGENCY.—The term 'emergency' has the meaning given such term in section 102(1) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act.

''(4) INSTITUTIONS OF HIGHER EDUCATION.—The term 'institution of higher education' has the meaning given such term in section 101.

''(5) MAJOR DISASTER.—The term 'major disaster' has the meaning given the term in section 102(2) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act.

''(h) EFFECTIVE DATE.—This section shall take effect on the date of the enactment of the College Opportunity and Affordability Act of 2008, and assistance provided to institutions of higher education pursuant to this section shall be available only with respect to federally declared major disasters or emergencies that occur after the date of the enactment of the College Opportunity and Affordability Act of 2008, except in the case of an institution affected by a Gulf hurricane disaster.

''SEC. 865. GUIDANCE ON MENTAL HEALTH DISCLOSURES FOR STUDENT SAFETY.

''Not later than 90 days after the date of enactment of the College Opportunity and Affordability Act of 2008, the Secretary shall provide guidance that clarifies the role of institutions of higher education with respect to the disclosure of education records, including to a parent or legal guardian of a dependent student, in the event that such student demonstrates that the student poses a significant risk of harm to himself or herself or to others, including a significant risk of suicide, homicide, or assault. Such guidance shall further clarify that an institution of higher education that, in good faith, discloses education records or other information in accordance with the requirements of this Act and the Family Educational Rights and Privacy Act of 1974 shall not be liable to any person for that disclosure.

''PART J—RURAL DEVELOPMENT GRANTS FOR RURAL COLLEGES AND UNIVERSITIES

''SEC. 871. PURPOSE.

''The purposes of this part are—

''(1) to increase—

''(A) enrollment and graduation rates from 2-year and 4-year colleges, and articulation from 2-year degree programs into 4-year degree programs, of graduates of rural high schools; and

''(B) degree completion for nontraditional students from rural areas; and

''(2) to promote economic growth and development in rural America through partnership grants to consortia of rural colleges and universities and other entities, such as local education agencies, employers, education service agencies, and nonprofit organizations.

''SEC. 872. DEFINITIONS.

''For the purposes of this part:

''(1) RURAL INSTITUTION OF HIGHER EDUCATION.—The term 'rural institution of higher education' means an institution of higher education that primarily serves rural areas.

''(2) RURAL AREA.—The term 'rural area' means an area in which there is located a rural local educational agency.

''(3) RURAL LOCAL EDUCATIONAL AGENCY.—The term 'rural local educational agency' means a local educational agency (as such term is defined in section 9101 of the Elementary and Secondary Education Act of 1965) that is designated with a metro-centric locale code of 41, 42, or 43 as determined by the National Center for Education Statistics (NCES), in conjunction with the Bureau of the Census, using the NCES system for classifying local educational agencies.

''(4) NONTRADITIONAL STUDENT.—The term 'nontraditional student' means an individual who—

''(A) delays enrollment in an institution of higher education by 3 or more years after completing high school;

''(B) attends an institution of higher education part-time; or

''(C) attends an institution of higher education and—

''(i) works full-time;

''(ii) is an independent student;

''(iii) has one or more dependents other than a spouse;

''(iv) is a single parent; or

''(v) does not have a high school diploma or the recognized equivalent of such a diploma.

''(5) REGIONAL EMPLOYER.—The term 'regional employer' means employers qualifying as businesses or other entities employing individuals within a rural area.

''SEC. 873. ENSURING COLLEGE ACCESS FOR RURAL HIGH SCHOOL GRADUATES.

''(a) GRANTS AUTHORIZED.—From the amounts appropriated to carry out this part under section 800, the Secretary of Education is authorized to make grants in accordance with this section to partnerships formed between one or more rural institution of higher education and any of the following entities:

''(1) One or more rural local educational agencies.

''(2) One or more rural education service agencies.

''(3) One or more regional employers.

''(4) One or more nonprofit organizations with expertise in rural education.

''(b) ELIGIBLE PARTNERSHIPS; APPLICATIONS.—To be eligible for a grant under this section, a partnership that meets the requirements of subsection (a) shall submit to the Secretary an application in such form and containing such information as the Secretary shall prescribe. In determining which applications to approve for a grant under this section, the Secretary shall consider—

''(1) the percentage of graduates, attendees, or former attendees of high schools from rural local educational agencies enrolled or otherwise affiliated with the entity; and

''(2) in the case of employers, the percentage of employees that are graduates of high schools in rural local educational agencies.

''(c) USE OF GRANT AMOUNTS.—Funds made available by a grant under this section to a partnership that meets the requirements of subsection (b) shall be used—

''(1) to improve enrollment rates for graduates and former attendees of rural high schools at rural institutions of higher education, including—

''(A) programs to provide information about college costs and financial aid options, assistance with college enrollment applications, and assistance with financial aid applications;

''(B) programs or initiatives that provide such graduates or former attendees of rural high schools access and exposure to campuses, classes, programs, and facilities of rural institutions of higher education, including covering the cost of transportation to and from institutions of higher education;

''(C) the formation of groups or other initiatives that create support groups of such students expressing interest in attending rural institutions of higher education;

''(D) extracurricular activities, such as internships, community service, and other activities for such individuals in advance of attending institutions of higher education; and

''(E) other initiatives that assist such individuals in applying and developing interest in attending rural institutions of higher education; and

''(2) to encourage participation of nontraditional students in degree programs at rural institutions of higher education, including—

''(A) programs to provide information about college costs and financial aid options, assistance with college enrollment applications, and assistance with financial aid applications for institutions of higher education;

''(B) outreach to nontraditional students through community initiatives; and

''(C) formation of support groups for nontraditional students enrolling in 2-year degree programs and articulating from 2-year degree programs to 4-year degree programs.

''SEC. 874. ECONOMIC DEVELOPMENT PARTNERSHIPS.

''(a) GRANTS AUTHORIZED.—From the amounts appropriated to carry out this part under section 800, the Secretary of Education is authorized to make grants in accordance with this section to partnerships formed between one or more rural institutions of higher education and one or more regional employers.

''(b) ELIGIBLE PARTNERSHIPS; APPLICATIONS.—To be eligible for a grant under this section, a partnership that meets the requirements of subsection (a) shall submit to the Secretary an application in such form and containing such information as the Secretary shall prescribe. In determining which applications to approve for a grant under this section, the Secretary shall consider—

''(1) the potential of the employer to employ graduates of rural institutions of higher education after graduation;

''(2) the potential of the employer engaged in the partnership to spur economic development in the region; and

''(3) the relevance of the employer to the regional economy.

''(c) USE OF GRANT AMOUNTS.—Funds made available by a grant under this section to a partnership that meets the requirements of subsection (a) shall be used—

''(1) to provide additional career training to attendees of rural institutions of higher education in fields relevant to the regional economy; and

''(2) to encourage regional businesses to employ graduates of rural institutions of higher education.

''(d) PREFERENCE IN SELECTION.—In determining which applications to approve for a grant under this section, the Secretary shall give priority to applications from partnerships that include one or more regional employers that are located in a rural area.

''SEC. 875. QUALITY OF LIFE IN RURAL AREAS.

''(a) GRANTS AUTHORIZED.—From the amounts appropriated to carry out this part under section 800, the Secretary of Education is authorized to make grants in accordance with this section to rural institutions of higher education.

''(b) USE OF GRANT AMOUNTS.—Funds made available by a grant under this section to a partnership that meets the requirements of subsection (a) shall be used to create or strengthen academic programs to prepare graduates to enter into high-need occupations in the regional and local economies.

''SEC. 876. ALLOCATION OF APPROPRIATIONS.

''(a) GRANT CONSIDERATIONS.—In making grant allocations under this part to qualifying institutions and partnerships, the Secretary shall consider—

''(1) the percentage of graduates of rural high schools attending rural institutions of higher education in proximity to the entity receiving the grant;

''(2) employment needs of regional employers in proximity to entities receiving the grant; and

''(3) the health of the regional economy of the region surrounding the entity receiving the grant.

''(b) MAXIMUM AND MINIMUM GRANTS.—No grant awarded by the Secretary under this part shall be less than $200,000 or more than $500,000.

''(c) GRANT DURATION.—A grant awarded under this part shall be awarded for one 3-year period.

''PART K—IMPROVING SCIENCE, TECHNOLOGY, ENGINEERING, AND MATHEMATICS EDUCATION WITH A FOCUS ON ALASKA NATIVE AND NATIVE HAWAIIAN STUDENTS

''SEC. 880. IMPROVING SCIENCE, TECHNOLOGY, ENGINEERING, AND MATHEMATICS EDUCATION WITH A FOCUS ON ALASKA NATIVE AND NATIVE HAWAIIAN STUDENTS.

''(a) PURPOSE.—The purpose of this section is—

''(1) to develop or expand programs for the development of professionals in the fields of science, technology, engineering, and mathematics; and

''(2) to focus resources on meeting the educational and cultural needs of Alaska Natives and Native Hawaiians.

''(b) DEFINITIONS.—In this section:

''(1) ALASKA NATIVE.—The term 'Alaska Native' has the meaning given the term 'Native' in section 3(b) of the Alaska Natives Claims Settlement Act (43 U.S.C. 1602(b)).

''(2) ELIGIBLE PARTNERSHIP.—The term 'eligible partnership' means a partnership that includes—

''(A) 1 or more colleges or schools of engineering;

''(B) 1 or more colleges of science or mathematics;

''(C) 1 or more institutions of higher education that offer 2-year degrees; and

''(D) 1 or more private entities that—

''(i) conduct career awareness activities showcasing local technology professionals;

''(ii) encourage students to pursue education in science, technology, engineering, and mathematics from elementary school through college, and careers in those fields, with the assistance of local technology professionals;

''(iii) develop internships, apprenticeships, and mentoring programs in partnership with relevant industries; and

''(iv) assist with placement of interns and apprentices.

''(3) NATIVE HAWAIIAN.—The term 'Native Hawaiian' has the meaning given the term in section 7207 of the Elementary and Secondary Education Act of 1965.

''(c) GRANT AUTHORIZED.—From the amounts appropriated to carry out this part under section 800, the Secretary is authorized to award a grant to an eligible partnership to enable the eligible partnership to expand programs for the development of science, technology, engineering, or mathematics professionals, from elementary school through college, including existing programs for Alaska Native and Native Hawaiian students.

''(d) USES OF FUNDS.—Grant funds under this section shall be used for 1 or more of the following:

''(1) Development or implementation of cultural, social, or educational transition

programs to assist students to transition into college life and academics in order to increase such students' retention rates in the fields of science, technology, engineering, or mathematics, with a focus on Alaska Native or Native Hawaiian students.

''(2) Development or implementation of academic support or supplemental educational programs to increase the graduation rates of students in the fields of science, technology, engineering, or mathematics, with a focus on Alaska Native and Native Hawaiian students.

''(3) Development or implementation of internship programs, carried out in coordination with educational institutions and private entities, to prepare students for careers in the fields of science, technology, engineering, or mathematics, with a focus on programs that serve Alaska Native or Native Hawaiian students.

''(4) Such other activities as are consistent with the purposes of this section.

''(e) APPLICATION.—Each eligible partnership that desires a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

''(f) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to an eligible partnership that provides 1 or more programs in which 30 percent or more of the program participants are Alaska Native or Native Hawaiian.

''(g) PERIOD OF GRANT.—A grant under this section shall be awarded for a period of 5 years.

''(h) EVALUATION AND REPORT.—Each eligible partnership that receives a grant under this section shall conduct an evaluation to determine the effectiveness of the programs funded under the grant and shall provide a report regarding the evaluation to the Secretary not later than 6 months after the end of the grant period.

''PART L—NATIONAL DATABASE ON FINANCIAL ASSISTANCE FOR STUDY OF SCIENCE, TECHNOLOGY, ENGINEERING, AND MATHEMATICS

''SEC. 881. NATIONAL DATABASE ON FINANCIAL ASSISTANCE FOR STUDY OF SCIENCE, TECHNOLOGY, ENGINEERING, AND MATHEMATICS.

''(a) ESTABLISHMENT AND MAINTENANCE OF DATABASE.—

''(1) DATABASE.—The Secretary of Education shall establish and maintain, on the public website of the Department of Education, a database consisting of information on scholarships, fellowships, and other programs of financial assistance available from public and private sources for the study of science, technology, engineering, or mathematics at the postsecondary and post baccalaureate levels.

''(2) PRESENTATION OF INFORMATION.—The information maintained on the database established under this section shall be displayed on the website in the following manner:

''(A) Separate information shall be provided for each of the fields of study referred to in paragraph (1) and for postsecondary and post baccalaureate programs of financial assistance.

''(B) The database shall provide specific information on any programs of financial assistance which are targeted to individuals of a particular gender, ethnicity, or other demographic group.

''(C) If the sponsor of any program of financial assistance included on the database maintains a public website, the database shall provide hyperlinks to the website.

''(D) In addition to providing the hyperlink to the website of a sponsor of a program of financial assistance as required under subparagraph (C), the database shall provide general information that an interested person may use to contact the sponsor, including the sponsor's electronic mail address.

''(E) The database shall have a search capability which permits an individual to search for information on the basis of each category of the information provided and on the basis of combinations of categories of the information provided, including whether the scholarship is need- or merit-based and by relevant academic majors.

''(F) The database shall include a recommendation that students and families should carefully review all of the application requirements prior to applying for aid, and a disclaimer that the scholarships presented in the database are not provided or endorsed by the Department of Education or the Federal Government.

''(b) DISSEMINATION OF INFORMATION ON DATABASE.—The Secretary shall take such actions as may be necessary on an ongoing basis, including sending notices to secondary schools and institutions of higher education, to disseminate information on the database established and maintained under this part and to encourage its use by interested parties.

''(c) USE OF VENDOR TO OBTAIN INFORMATION.—In carrying out this part, the Secretary of Education shall enter into a contract with a private entity under which the entity shall furnish and regularly update all of the information required to be maintained on the database established under this section.

''(d) ENCOURAGING THE PROVISION OF INFORMATION.—In carrying out this part, the Secretary of Education and the contracted entity shall consult with public and private sources of scholarships and make easily available a process for such entities to provide regular and updated information.

''PART M—TRAINING FOR REALTIME WRITERS

''SEC. 882. PROGRAM TO PROMOTE TRAINING AND JOB PLACEMENT OF REALTIME WRITERS.

''(a) AUTHORIZATION OF GRANT PROGRAM.—

''(1) IN GENERAL.—From the amounts appropriated to carry out this part under section 800, the Secretary of Education shall make competitive grants to eligible entities under subsection (b) to promote training and placement of individuals, including individuals who have completed a court reporting training program, as realtime writers in order to meet the requirements for closed captioning of video programming set forth in section 713 of the Communications Act of 1934 (47 U.S.C. 613) and the rules prescribed thereunder.

''(2) ELIGIBLE ENTITIES.—For purposes of this part, an eligible entity is a court reporting program that—

''(A) can document and demonstrate to the Secretary of Education that it meets minimum standards of educational and financial accountability, with a curriculum capable of training realtime writers qualified to provide captioning services;

''(B) is accredited by an accrediting agency recognized by the Department of Education; and

''(C) is participating in student aid programs under title IV.

''(3) PRIORITY IN GRANTS.—In determining whether to make grants under this section, the Secretary of Education shall give a priority to eligible entities that, as determined by the Secretary—

''(A) possess the most substantial capability to increase their capacity to train realtime writers;

''(B) demonstrate the most promising collaboration with local educational institutions, businesses, labor organizations, or other community groups having the potential to train or provide job placement assistance to realtime writers; or

''(C) propose the most promising and innovative approaches for initiating or expanding training or job placement assistance efforts with respect to realtime writers.

''(4) DURATION OF GRANT.—A grant under this section shall be for a period of 2 years.

''(5) MAXIMUM AMOUNT OF GRANT.—The amount of a grant provided under subsection (a) to an entity eligible may not exceed $1,500,000 for the 2-year period of the grant under paragraph (4).

''(b) APPLICATION.—

''(1) IN GENERAL.—To receive a grant under subsection (a), an eligible entity shall submit an application to the Secretary of Education at such time and in such manner as the secretary may require. The application shall contain the information set forth under paragraph (2).

''(2) INFORMATION.—Information in the application of an eligible entity under subsection (a) for a grant under subsection (a) shall include the following:

''(A) A description of the training and assistance to be funded using the grant amount, including how such training and assistance will increase the number of realtime writers.

''(B) A description of performance measures to be utilized to evaluate the progress of individuals receiving such training and assistance in matters relating to enrollment, completion of training, and job placement and retention.

''(C) A description of the manner in which the eligible entity will ensure that recipients of scholarships, if any, funded by the grant will be employed and retained as realtime writers.

''(D) A description of the manner in which the eligible entity intends to continue providing the training and assistance to be funded by the grant after the end of the grant period, including any partnerships or arrangements established for that purpose.

''(E) A description of how the eligible entity will work with local workforce investment boards to ensure that training and assistance to be funded with the grant will further local workforce goals, including the creation of educational opportunities for individuals who are from economically disadvantaged backgrounds or are displaced workers.

''(F) Additional information, if any, of the eligibility of the eligible entity for priority in the making of grants under subsection (a)(3).

''(G) Such other information as the Secretary may require.

''(c) USE OF FUNDS.—

''(1) IN GENERAL.—An eligible entity receiving a grant under subsection (a) shall use the grant amount for purposes relating to the recruitment, training and assistance, and job placement of individuals, including individuals who have completed a court reporting training program, as realtime writers, including—

''(A) recruitment;

''(B) subject to paragraph (2), the provision of scholarships;

''(C) distance learning;

''(D) further developing and implementing both English and Spanish curriculum to more effectively train realtime writing skills, and education in the knowledge necessary for the delivery of high-quality closed captioning services;

''(E) mentoring students to ensure successful completion of the realtime training and provide assistance in job placement;

''(F) encouraging individuals with disabilities to pursue a career in realtime writing; and

''(G) the employment and payment of personnel for all such purposes.

''(2) SCHOLARSHIPS.—

''(A) AMOUNT.—The amount of a scholarship under paragraph (1)(B) shall be based on the amount of need of the recipient of the scholarship for financial assistance, as determined in accordance with part F of title IV.

''(B) AGREEMENT.—Each recipient of a scholarship under paragraph (1)(B) shall enter into an agreement with the school in which the recipient is enrolled to provide realtime writing services for the purposes described in subsection (a)(1) for a period of time appropriate (as determined by the Secretary of Education or the Secretary's designee) for the amount of the scholarship received.

''(C) COURSEWORK AND EMPLOYMENT.—The Secretary of Education or the Secretary's designee shall establish requirements for coursework and employment for recipients of scholarships under paragraph (1)(B), including requirements for repayment of scholarship amounts in the event of failure to meet such requirements for coursework and employment. Requirements for repayment of scholarship amounts shall take into account the effect of economic conditions on the capacity of scholarship recipients to find work as realtime writers.

''(3) ADMINISTRATIVE COSTS.—The recipient of a grant under this section may not use more than 5 percent of the grant amount to pay administrative costs associated with activities funded by the grant. The Secretary of Education shall use not more than 5 percent of the amount available for grants under this part in any fiscal year for administrative costs of the program.

''(4) SUPPLEMENT NOT SUPPLANT.—Grants amounts under this part shall supplement and not supplant other Federal or non-Federal funds of the grant recipient for purposes of promoting the training and placement of individuals as realtime writers.

''(d) REPORTS.—

''(1) ANNUAL REPORTS.—Each eligible entity receiving a grant under subsection (a) shall submit to the Secretary of Education, at the end of each year of the grant period, a report on the activities of such entity with respect to the use of grant amounts during such year.

''(2) REPORT INFORMATION.—

''(A) IN GENERAL.—Each report of an entity for a year under paragraph (1) shall include a description of the use of grant amounts by the entity during such year, including an assessment by the entity of the effectiveness of activities carried out using such funds in increasing the number of realtime writers. The assessment shall utilize the performance measures submitted by the entity in the application for the grant under subsection (b)(2).

''(B) FINAL REPORT.—The final report of an entity on a grant under paragraph (1) shall include a description of the best practices identified by the entity as a result of the grant for increasing the number of individuals who are trained, employed, and retained in employment as realtime writers.

''(3) ANNUAL REVIEW.—The Inspector General of the Department of Education shall conduct an annual review of the management, efficiency, and effectiveness of the grants made under this part.

''PART N—CENTERS OF EXCELLENCE FOR VETERAN STUDENT SUCCESS

''SEC. 883. MODEL PROGRAMS FOR CENTERS OF EXCELLENCE FOR VETERAN STUDENT SUCCESS.

''(a) PURPOSE.—It is the purpose of this section to encourage model programs to support veteran student success in postsecondary education by coordinating services to address the academic, financial, physical, and social needs of veteran students.

''(b) GRANTS AUTHORIZED.—

''(1) IN GENERAL.—Subject to the availability of appropriations under section 800, the Secretary shall award grants to institutions of higher education to develop model programs to support veteran student success in postsecondary education.

''(2) GRANT PERIOD.—A grant awarded under this section shall be awarded for a period of 3 years.

''(c) USE OF GRANTS.—

''(1) REQUIRED ACTIVITIES.—An institution of higher education receiving a grant under this section shall use such grant to carry out a model program that includes—

''(A) establishing of a Center of Excellence for Veteran Student Success on the campus of the institution to provide a single point of contact to coordinate comprehensive support services for veteran students;

''(B) establishing a veteran students support team, including representatives from the offices of the institution responsible for admissions, registration, financial aid, veterans benefits, academic advising, student health, personal or mental health counseling, career advising, disabilities services, and any other office of the institution that provides support to veteran students on campus;

''(C) providing a full-time or part-time coordinator whose primary responsibility is to coordinate the model program carried out under this section;

''(D) monitoring the rates of veteran student enrollment, persistence, and completion; and

''(E) developing a plan to sustain the Center of Excellence for Veteran Student Success after the grant period.

''(2) OTHER AUTHORIZED ACTIVITIES.—An institution of higher education receiving a grant under this section may use such grant to carry out any of the following activities with respect to veteran students:

''(A) Outreach and recruitment of such students.

''(B) Supportive instructional services for such students, which may include—

''(i) personal, academic, and career counseling, as an on-going part of the program;

''(ii) tutoring and academic skill-building instruction assistance, as needed; and

''(iii) assistance with special admissions and transfer of credit from previous postsecondary education or experience.

''(C) Assistance in obtaining student financial aid.

''(D) Housing support for students living in institutional facilities and commuting students.

''(E) Cultural events, academic programs, orientation programs, and other activities designed to ease the transition to campus life for such students.

''(F) Support for veteran student organizations and veteran student support groups on campus.

''(G) Coordination of academic advising and admissions counseling with military bases and national guard units in the area.

''(H) Other support services the institution determines to be necessary to ensure the success of such students in achieving their educational and career goals.

''(d) APPLICATION; SELECTION.—

''(1) APPLICATION.—To be considered for a grant under this section, an institution of higher education shall submit to the Secretary an application at such time, in such manner, and accompanied by such information as the Secretary may require.

''(2) SELECTION CONSIDERATIONS.—In awarding grants under this section, the Secretary shall consider—

''(A) the number of veteran students enrolled at an institution of higher education; and

''(B) the need for model programs to address the needs of veteran students at a wide range of institutions of higher education, including the need to provide—

''(i) an equitable distribution of such grants to institutions of higher education of various types and sizes;

''(ii) an equitable geographic distribution of such grants; and

''(iii) an equitable distribution of such grants among rural and urban areas.

''(e) EVALUATION AND ACCOUNTABILITY PLAN.—The Secretary shall develop an evaluation and accountability plan for model programs funded under this section to objectively measure the impact of such programs, including a measure of whether postsecondary education enrollment, persistence, and completion for veterans increases as a result of such programs.

''PART O—UNIVERSITY SUSTAINABILITY PROGRAMS

''Subpart 1—Sustainability Planning Grants

''SEC. 884. GRANTS AUTHORIZED.

''(a) PROGRAM AUTHORIZED.—

''(1) IN GENERAL.—From the amounts appropriated to carry out this part under section 800, the Secretary, in consultation with the Administrator of the Environmental Protection Agency, shall make grants to eligible entities to establish sustainability programs to design and implement sustainability practices, including in the areas of energy management, greenhouse gas emissions reductions, green building, waste management, purchasing, transportation, and toxics management, and other aspects of sustainability that integrate campus operations with multidisciplinary academic programs and are applicable to the private and government sectors.

''(2) PERIOD OF GRANT.—The provision of payments under a grant under paragraph (1) may extend over a period of not more than 4 fiscal years.

''(3) DEFINITION OF ELIGIBLE ENTITIES.—For purposes of this part, the term 'eligible entity' means—

''(A) an institution of higher education that grants 2 or 4-year undergraduate degrees, or masters and doctoral degrees, or both; or

''(B) a non-profit consortia, association, alliance, or collaboration operating in partnership with one or more institutions of higher education that received funds for the implementation of work associated with sustainability programs under this part.

''(b) APPLICATIONS.—

''(1) IN GENERAL.—To receive a grant under subsection (a)(1), an eligible entity shall submit an application to the Secretary at such time, in such form, and containing such information as the Secretary may reasonably require.

''(2) ASSURANCES.—Such application shall include assurances that the eligible entity—

''(A) has developed or shall develop a plan, including an evaluation component, for the program component established pursuant to subsection (c);

''(B) shall use Federal funds received from a grant under subsection (a) to supplement, not supplant, non-Federal funds that would otherwise be available for projects funded under such section;

''(C) shall provide, with respect to any fiscal year in which such entity receives funds from a grant under subsection (a)(1), non-Federal funds or an in-kind contribution in an amount equal to 20 percent of funds from such grant, for the purpose of carrying out the program component established in subsection (c); and

''(D) shall collaborate with business, government, and the nonprofit sectors in the development and implementation of its sustainability plan.

''(c) USE OF FUNDS.—

''(1) INDIVIDUAL INSTITUTIONS.—Grants made under subsection (a) may be used by an eligible entity that is an individual institution of higher education for the following purposes:

''(A) To develop and implement administrative and operations practices at institutions of higher education that test, model, and analyze principles of sustainability.

''(B) To establish multidisciplinary education, research, and outreach programs at institutions of higher education that address the environmental, social, and economic dimensions of sustainability.

''(C) To support research and teaching initiatives that focus on multidisciplinary and integrated environmental, economic, and social elements.

''(D) To establish initiatives in the areas of energy management, greenhouse gas emissions reductions, green building, waste management, purchasing, toxics management, transportation, and other aspects of sustainability.

''(E) To support student, faculty, and staff work at institutions of higher education to implement, research, and evaluate sustainable practices.

''(F) To establish sustainability literacy as a requirement for undergraduate and graduate degree programs.

''(G) To integrate sustainability curriculum in all programs of instruction, particularly in business, architecture, technology, manufacturing, engineering, and science programs.

''(2) PARTNERSHIPS.—Grants made under subsection (a) may be used by an eligible entity that is a non-profit consortia, association, alliance, or collaboration operating as a partnership with one or more institutions of higher education for the following purposes:

''(A) To conduct faculty, staff and administrator training on the subjects of sustainability and institutional change.

''(B) To compile, evaluate, and disseminate best practices, case studies, guidelines and standards.

''(C) To conduct efforts to engage external stakeholders such as business, alumni, and accrediting agencies in the process of building support for research, education, and technology development for sustainability.

''(D) To conduct professional development programs for faculty in all disciplines to enable faculty to incorporate sustainability content in their courses.

''(E) To enable an appropriate non-profit consortia, association, alliance, or collaboration operating in partnership with an institution of higher education to create the analytical tools necessary for institutions of higher education to assess and measure their individual progress toward fully sustainable campus operations and fully integrating sustainability into the curriculum.

''(F) To develop educational benchmarks for institutions of higher education to determine the necessary rigor and effectiveness of academic sustainability programs.

''(d) REPORTS.—An eligible entity that receives a grant under subsection (a) shall submit to the Secretary, for each fiscal year in which the entity receives amounts from such grant, a report that describes the work conducted pursuant to subsection (c), research findings and publications, administrative savings experienced, and an evaluation of the program.

''(e) ALLOCATION REQUIREMENT.—The Secretary may not make grants under subsection (a) to any eligible entity in a total amount that is less than $250,000 or more than $2,000,000.

''Subpart 2—Summit on Sustainability

"SEC. 885. SUMMIT ON SUSTAINABILITY.

''Not later than September 30, 2008, the Secretary of Education, in consultation with the Administrator of the Environmental Protection Agency, shall convene a summit of higher education experts working in the area of sustainable operations and programs, representatives from agencies of the Federal Government, and business and industry leaders to focus on efforts of national distinction that—

''(1) encourage faculty, staff, and students at institutions of higher education to establish administrative and academic sustainability programs on campus;

''(2) enhance research by faculty and students at institutions of higher education in sustainability practices and innovations that assist and improve sustainability;

''(3) encourage institutions of higher education to work with community partners from the business, government, and nonprofit sectors to design and implement sustainability programs for application in the community and workplace;

''(4) identify opportunities for partnerships involving institutions of higher education and the Federal Government to expand sustainable operations and academic programs focused on environmental and economic sustainability; and

''(5) charge the summit participants or steering committee to submit a set of recommendations for addressing sustainability through institutions of higher education.

''PART P—MODELING AND SIMULATION PROGRAMS

"SEC. 886. MODELING AND SIMULATION.

''(a) PURPOSE; DEFINITION.—

''(1) PURPOSE.—The purpose of this section is to promote the study of modeling and simulation at institutions of higher education, through the collaboration with new and existing programs, and specifically to promote the use of technology in such study through the creation of accurate models that can simulate processes or recreate real life, by—

''(A) establishing a task force at the Department of Education to raise awareness of and define the study of modeling and simulation;

''(B) providing grants to institutions of higher education to develop new modeling and simulation degree programs; and

''(C) providing grants for institutions of higher education to enhance existing modeling and simulation degree programs.

''(2) DEFINITION.—In this section, the term 'modeling and simulation' means a field of study related to the application of computer science and mathematics to develop a level of understanding of the interaction of the parts of a system and of a system as a whole.

''(b) ESTABLISHMENT OF TASK FORCE.—

''(1) IN GENERAL.—Subject to the availability of appropriations, the Secretary shall establish a taskforce within the Department of Education to study modeling and simulation and to support the development of the modeling and simulation field. The activities of such taskforce shall include—

''(A) helping to define the study of modeling and simulation (including the content of modeling and simulation classes and programs);

''(B) identifying best practices for such study;

''(C) identifying core knowledge and skills that individuals who participate in modeling and simulation programs should acquire; and

''(D) providing recommendations to the Secretary with respect to—

''(i) the information described in subparagraphs (A) through (C); and

''(ii) a system by which grants under this section will be distributed.

''(2) TASKFORCE MEMBERSHIP.—The membership of the taskforce under this subsection shall be composed of representatives from—

''(A) institutions of higher education with established modeling and simulation degree programs;

''(B) the National Science Foundation;

''(C) Federal Government agencies that use modeling and simulation extensively, including the Department of Defense, the National Institute of Health, the Department of Homeland Security, the Department of Health and Human Services, the Department of Energy, and the Department of Transportation;

''(D) private industries with a primary focus on modeling and simulation;

''(E) national modeling and simulation organizations; and

''(F) the Office of Science and Technology Policy.

''(c) ENHANCING MODELING AND SIMULATION AT INSTITUTIONS OF HIGHER EDUCATION.—

''(1) ENHANCEMENT GRANTS AUTHORIZED.—

''(A) IN GENERAL.—The Secretary is authorized to award grants, on a competitive basis, to eligible institutions to enhance modeling and simulation degree programs at such eligible institutions.

''(B) DURATION OF GRANT.—A grant awarded under this subsection shall be awarded for a 3-year period, and such grant period may be extended for not more than 2 years if the Secretary determines that an eligible institution has demonstrated success in enhancing the modeling and simulation degree program at such eligible institution.

''(C) MINIMUM GRANT AMOUNT.—Subject to the availability of appropriations, a grant awarded to an eligible institution under this subsection shall not be less than $750,000.

''(D) NON-FEDERAL SHARE.—Each eligible institution receiving a grant under this subsection shall provide, from non-Federal sources, in cash or in kind, an amount equal to 25 percent of the amount of the grant to carry out the activities supported by the grant. The Secretary may waive the non-Federal share requirement under this subparagraph for an eligible institution if the Secretary determines a waiver to be appropriate based on the financial ability of the institution.

''(2) ELIGIBLE INSTITUTIONS.—For the purposes of this subsection, an eligible institution is an institution of higher education that—

''(A) has an established modeling and simulation degree program, including a major, minor, or career-track program; or

''(B) has an established modeling and simulation certificate or concentration program.

''(3) APPLICATION.—To be considered for a grant under this subsection, an eligible institution shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require. Such application shall include—

''(A) a letter from the president or provost of the eligible institution that demonstrates the institution's commitment to the enhancement of the modeling and simulation program at the institution of higher education;

''(B) an identification of designated faculty responsible for the enhancement of the institution's modeling and simulation program; and

''(C) a detailed plan for how the grant funds will be used to enhance the modeling and simulation program of the institution.

''(4) USES OF FUNDS.—A grant awarded under this subsection shall be used by an eligible institution to carry out the plan developed in accordance with paragraph (3)(C) to enhance modeling and simulation programs at the institution, which may include—

''(A) in the case of an institution that is eligible under paragraph (2)(B), activities to assist in the establishment of a major, minor, or career-track modeling and simulation program at the eligible institution;

''(B) expanding the multi-disciplinary nature of the institution's modeling and simulation programs;

''(C) recruiting students into the field of modeling and simulation through the provision of fellowships or assistantships;

''(D) creating new courses to compliment existing courses and reflect emerging developments in the modeling and simulation field;

''(E) conducting research to support new methodologies and techniques in modeling and simulation; and

''(F) purchasing equipment necessary for modeling and simulation programs.

''(d) ESTABLISHING MODELING AND SIMULATION PROGRAMS.—

''(1) ESTABLISHMENT GRANTS AUTHORIZED.—

''(A) IN GENERAL.—The Secretary is authorized to award grants to institutions of higher education to establish a modeling and simulation program, including a major, minor, career-track, certificate, or concentration program.

''(B) DURATION OF GRANT.—A grant awarded under this subsection shall be awarded for a 3-year period, and such grant period may be extended for not more than 2 years if the Secretary determines that an eligible institution has demonstrated success in establishing a modeling and simulation degree program at such eligible institution.

''(C) MINIMUM GRANT AMOUNT.—Subject to the availability of appropriations, a grant awarded to an eligible institution under this subsection shall not be less than $750,000.

''(D) NON-FEDERAL SHARE.—Each eligible institution receiving a grant under this subsection shall provide, from non-Federal sources, in cash or in kind, an amount equal to 25 percent of the amount of the grant to carry out the activities supported by the grant. The Secretary may waive the non-Federal share requirement under this subparagraph for an eligible institution if the Secretary determines a waiver to be appropriate based on the financial ability of the institution.

''(2) APPLICATION.—To apply for a grant under this subsection, an eligible institution shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require. Such application shall include—

''(A) a letter from the president or provost of the eligible institution that demonstrates the institution's commitment to the establishment of a modeling and simulation program at the institution of higher education;

''(B) a detailed plan for how the grant funds will be used to establish a modeling and simulation program at the institution; and

''(C) a description of how the modeling and simulation program established under this subsection will complement existing programs and fit in to the institution's current program and course offerings.

''(3) USES OF FUNDS.—A grant awarded under this subsection may be used by an eligible institution to—

''(A) establish, or work toward the establishment of, a modeling and simulation program, including a major, minor, career-track, certificate, or concentration program at the eligible institution;

''(B) provide adequate staffing to ensure the successful establishment of the modeling and simulation program, which may include the assignment of full-time dedicated or supportive faculty; and

''(C) purchasing equipment necessary for a modeling and simulation program.

''(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $40,000,000 for fiscal year 2009 and such sums as may be necessary for each of the 4 succeeding fiscal years. Of the amounts authorized to be appropriated for each fiscal year—

''(1) $1,000,000 is authorized to carry out the activities of the task force established pursuant to subsection (b); and

''(2) of the amount remaining after the allocation for paragraph (1)—

''(A) 50 percent is authorized to carry out the grant program under subsection (c); and

''(B) 50 percent is authorized to carry out the grant program under subsection (d).

''PART Q—BUSINESS WORKFORCE PARTNERSHIPS

"SEC. 887. GRANTS TO CREATE BUSINESS WORKFORCE PARTNERSHIPS.

''(a) PURPOSE AND AUTHORIZATION.—

''(1) PURPOSE.—The purpose of this section is to provide grants to institutions of higher education partnering with employers to strengthen ties between college degree credit offerings and business and industry workforce needs, and expand opportunities for worksite learning.

''(2) AUTHORIZATION OF PROGRAM.—The Secretary shall award grants, on a competitive basis, to eligible partnerships for the purposes of creating business and industry workforce partnerships.

''(b) DEFINITION OF BUSINESS AND INDUSTRY WORKFORCE PARTNERSHIP.—

''(1) IN GENERAL.—For purposes of this section, the term 'business and industry workforce partnership' means a partnership between one or more institutions of higher education and—

''(A) an employer or group of employers, or a local board (as such term is defined in section 101 of the Workforce Investment Act of 1998), or both; and

''(B) labor organizations, where applicable, that represent workers locally in the businesses or industries that are the focus of the partnership, including as a result of such organization's representation of employees at a worksite at which the partnership proposes to conduct activities under this section.

''(2) EXCEPTION.—In the case of a State that does not operate local boards, paragraph (1)(A) shall be applied by substituting 'State board' for 'local board'.

''(3) EXISTING PARTNERSHIPS.—Nothing in this subsection shall be construed to prohibit a partnership that is in existence on the date of enactment of this section from applying for a grant under this section.

''(c) APPLICATION.—A business and industry workforce partnership seeking a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

''(d) PRIORITY FOR APPLICATIONS FOCUSED ON SERVING NONTRADITIONAL STUDENTS.—The Secretary shall give priority to applications focused on serving nontraditional students who are independent, as defined in section 480(d), do not already have a bachelor's degree, and who have one or more of the following characteristics:

''(1) Are the first generation in their family to attend college.

''(2) Have delayed enrollment in college.

''(3) Have dependents.

''(e) PEER REVIEW.—The Secretary shall convene a peer review process, which shall include individuals knowledgeable about workforce education for working adults, to review applications for grants under this section, and make recommendations to the Secretary on the selection of grant recipients.

''(f) MANDATORY ACTIVITIES.—A partnership that receives a grant under this section shall use the grant funds to carry out all of the following activities:

''(1) Identify high demand occupations in the regional labor market which offer or can lead to high wages, in coordination with the State employment security agency funded under the Wagner-Peyser Act.

''(2) Develop linked career and educational pathways for those occupations and related ones, including, where appropriate, pathways involving registered apprenticeships.

''(3) Consult with employers offering jobs in occupations identified under paragraph (1) to determine workforce development needs.

''(4) Consult with labor organizations representing workers locally in the occupations identified in paragraph (1), where applicable.

''(5) Identify existing college degree credit offerings or create new degree credit offerings that prepare students to meet business and industry workforce needs, including offerings connected to registered apprenticeship programs.

''(g) PERMISSIBLE ACTIVITIES.—A partnership that receives a grant under this section may use the grant funds to carry out one or more of the following activities:

''(1) In consultation with faculty in the appropriate departments, adapt college offerings identified and created under subsection (f)(5) to the schedules and needs of working students, such as by creating evening, weekend, modular, compressed, or distance learning formats, enrolling students in learning communities, or other relevant innovations.

''(2) Create bridge programs that prepare students with lower skills or limited English proficiency to enter the college offerings identified or created under subsection (f)(5).

''(3) Expand worksite learning opportunities.

''(4) Other activities that the institution and the Secretary deem appropriate to carry out the purposes of this program.

''(h) GRANT PERIOD.—Grants made under this section shall be for a period of at least 36 months and not more than 60 months.

''(i) TECHNICAL ASSISTANCE.—The Secretary shall provide technical assistance to grantees under this section throughout the grant period.

''(j) EVALUATION.—The Secretary shall conduct an evaluation of the effectiveness of the program under this section and disseminate the findings of such evaluation, as well as information on promising practices developed under this section.

''(k) REPORT TO CONGRESS.—Not less than 36 months after the first grant is awarded under this section, the Secretary, jointly with the Secretary of Labor, shall report to Congress on:

''(1) Changes to the Higher Education Act and related Acts, such as the Perkins Vocational and Technical Education Act and the Workforce Investment Act (both Title I and Title II), that would help create and sustain business and industry workforce partnerships at colleges.

''(2) Other changes to the Higher Education Act and related Acts, such as the Perkins Vocational and Technical Education Act and the Workforce Investment Act, that would more generally strengthen the links between business and industry workforce needs, workforce development programs, and other college degree credit offerings.

''*PART R—PATH TO SUCCESS PROGRAM*

''SEC. 887. PATH TO SUCCESS.

''(a) PURPOSE.—The purpose of this part is to encourage community supported programs that—

''(1) leverage and enhance community support for at-risk young adults by facilitating the transition of such young adults who are eligible individuals into productive learning environments where such young adults can obtain the life, social, academic, and vocational skills and credentials necessary to strengthen the Nation's workforce;

''(2) provide counseling, as appropriate, for eligible individuals participating in the programs to allow such individuals to build a relationship with one or more guidance counselors during the period that the individuals are enrolled in the programs, including providing referrals and connections to community resources that help eligible individuals transition back into the community with the necessary life, social, academic, and vocational skills after being in detention, or incarcerated, particularly resources related to health, housing, job training, and workplace readiness;

''(3) provide training and education for eligible individuals participating in the programs, to allow such individuals to assist community officials and law enforcement agencies with the deterrence and prevention of gang and youth violence by participating in seminars, training, and workshops throughout the community; and

''(4) provide each eligible youth participating in the programs with individual attention based on a curriculum that matches the interests and abilities of the individual to the resources of the program.

''(b) REENTRY EDUCATION PROGRAM.—

''(1) GRANT PROGRAM ESTABLISHED.—The Secretary is authorized to award grants to community colleges to enter into and maintain partnerships with juvenile detention centers and secure juvenile justice residential facilities to provide assistance, services, and education to eligible individuals who reenter the community and pursue, in accordance with the requirements of this part, at least one of the following:

''(A) A certificate of graduation from a school providing secondary education, a general equivalency diploma (GED), or another recognized equivalent of such a certificate or diploma.

''(B) A certificate of completion for a specialized area of study, such as vocational training and other alternative post-secondary educational programs.

''(C) An associate's degree.

''(2) GRANT PERIOD.—A grant awarded under this part shall be for one 2-year period, and may be renewed for an additional period as the Secretary determines to be appropriate.

''(3) APPLICATION.—A community college desiring to receive a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary shall require, which shall include—

''(A) an assessment of the existing community resources available to serve at-risk youth;

''(B) a detailed description of the program and activities the community college will carry out with such grant; and

''(C) a proposed budget describing how the community college will use the funds made available by such grant.

''(4) PRIORITY.—In awarding grants under this part, the Secretary of Education shall give priority to community colleges that accept the highest number of eligible individuals from high-risk areas, and among such community colleges, shall give priority to community colleges that the Secretary determines will best carry out the purposes of this part, based on the applications submitted in accordance with paragraph (3).

''(c) ALLOWABLE USES OF FUNDS.—A community college awarded a grant under this part may use such grant to—

''(1) pay for tuition and transportation costs of eligible individuals;

''(2) establish and carry out an education program that includes classes for eligible individuals that—

''(A) provide marketable life and social skills to such individuals;

''(B) meet the education program requirements under subsection (d);

''(C) promote the civic engagement of such individuals; and

''(D) facilitate a smooth reentry of such individuals into the community;

''(3) create and carry out a mentoring program—

''(A) that is specifically designed to help eligible individuals with the potential challenges of the transitional period from detention to release;

''(B) is created in consultation with guidance counselors, academic advisors, law enforcement officials, and other community resources; and

''(C) that is administered by a program coordinator, selected and employed by the community college, who shall oversee each individual's development and shall serve as the immediate supervisor and reporting officer to whom the academic advisors, guidance counselors, and volunteers shall report regarding the progress of each such individual;

''(4) facilitate employment opportunities for eligible individuals by entering into partnerships with public and private entities to provide opportunities for internships, apprenticeships, and permanent employment, as possible, for such individuals; and

''(5) provide training for eligible individuals participating in the programs, to allow such individuals to assist community officials and law enforcement agencies with the deterrence and prevention of gang and youth violence by participating in seminars and workshop series throughout the community.

''(d) EDUCATION PROGRAM REQUIREMENTS.—An education program established and carried out under subsection (c) shall—

''(1) include classes that are required for completion of a certificate, diploma, or degree described in subparagraphs (A) through (C) of subsection (b)(1);

''(2) provide a variety of academic programs, with various completion requirements, to accommodate the distinctive academic backgrounds, learning curves, and concentration interests of the eligible individuals who participate in the program;

''(3) offer flexible academic programs that are designed to improve the academic development and achievement of eligible individuals, and to avoid high attrition rates for such individuals; and

''(4) provide for a uniquely designed education plan for each eligible individual participating in the program, which shall require such individual to receive, at a minimum, a certificate or diploma described in subparagraph (A) of subsection (b)(1) to successfully complete such program.

''(e) REPORTS.—Each community college awarded a grant under this part shall submit to the Secretary of Education a report—

''(1) documenting the results of the program carried out with such grant; and

''(2) evaluating the effectiveness of activities carried out through such program.

''(f) DEFINITIONS.—In this part:

''(1) COMMUNITY COLLEGE.—The term 'community college' means a public or nonprofit institution of higher education (as such term is defined in section 101 or 102(a)(2)(B)), that—

''(A) provides an educational program of not less than two years; and

''(B) that is accredited by a regional accrediting agency or association.

''(2) ELIGIBLE INDIVIDUAL.—The term 'eligible individual' means an individual who—

''(A) is 16 to 25 years of age;

''(B) has been convicted of a gang-related offense, and has served a period of detention in a juvenile detention center for such offense; and

''(C) is detained in, or has been released from, such center.

''(3) GANG-RELATED OFFENSE.—The term 'gang-related offense' means conduct constituting any Federal or State crime, punishable by imprisonment in any of the following categories:

''(A) A crime of violence.

''(B) A crime involving obstruction of justice, tampering with or retaliating against a witness, victim, or informant, or burglary.

''(C) A crime involving the manufacturing, importing, distributing, possessing with intent to distribute, or otherwise dealing in a controlled substance or listed chemical (as those terms are defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)).

''(4) GUIDANCE COUNSELOR.—The term 'guidance counselor' means an individual who works with at-risk youth on a one-on-one basis, to establishing a supportive relationship with such at-risk youth and to provide such at-risk youth with academic assistance and exposure to new experiences that enhance their ability to become responsible citizens.

''(5) HIGH-RISK AREA.—The term 'high-risk area' means a specified area within a State where there is a disproportionately high number of gang-related activities reported to State and local law enforcement authorities.''.

SEC. 802. SENSE OF THE CONGRESS; REPORT.

(a) SENSE OF CONGRESS.—It is the sense of the Congress that—

(1) in order to provide the borrowers of Federal student loans with the option of converting their loans to income contingent repayment by providing direct loans for the discharge of such loans (in this section referred to as ''direct IDEA loans''), the Secretary of Education and the Secretary of the Treasury will work together to develop a process by which the borrower will make payments on such loan using the income tax withholding system and will make appropriate adjustments to his or her withholding or estimated tax payments for such purposes;

(2) the Secretaries should determine—

(A) whether such a repayment option would be beneficial to borrowers and taxpayers; and

(B) how such program would be implemented by the Departments of Education and Treasury; and

(3) this process would—

(A) streamline the repayment process and provide greater flexibility for borrowers electing to use the direct IDEA loan;

(B) significantly reduce the number of loan defaults by borrowers; and

(C) significantly reduce the redundancy in reporting information pertaining to income contingent repayment to the Department of Education, institutions, and applicants.

(b) REPORT.—The Secretaries of Education and the Treasury shall, within one year after the date of enactment of this Act—

(1) provide the Congress with information on the progress in devising the direct IDEA loan with income contingent repayment using the income tax withholding system;

(2) inform the Congress of any necessary statutory changes for the purpose of establishing a direct IDEA loan with income contingent repayment using the income tax withholding system; and

(3) consider international programs demonstrating implementation of income contingent repayment collected through revenue services, such as programs in England, Australia, and New Zealand.

SEC. 803. INDEPENDENT EVALUATION OF DISTANCE EDUCATION PROGRAMS.

(a) INDEPENDENT EVALUATION.—The Secretary of Education shall enter into an agreement with the National Academy of Sciences to conduct a scientifically correct and statistically valid evaluation of the quality of distance education programs, as compared to campus-based education programs, at institutions of higher education. Such evaluation shall include—

(1) identification of the elements by which the quality of distance education, as compared to campus-based education, can be assessed, including elements such as subject matter, interactivity, and student outcomes;

(2) identification of distance and campus-based education program success, with respect to student achievement, in relation to the mission of the institution of higher education; and

(3) identification of the types of students (including classification of types of students based on student age) who most benefit from distance education programs, the types of students who most benefit from campus-based education programs, and the types of students who do not benefit from distance education programs, by assessing elements including access to higher education, job placement rates, undergraduate graduation rates, and graduate and professional degree attainment rates.

(b) SCOPE.—The National Academy of Sciences shall select for participation in the evaluation under subsection (a) a diverse group of institutions of higher education with respect to size, mission, and geographic distribution.

(c) INTERIM AND FINAL REPORTS.—The agreement under subsection (a) shall require that the National Academy of Sciences submit to the authorizing committees (as such term is defined in section 103 of the Higher Education Act of 1965 (20 U.S.C. 1003)—

(1) an interim report regarding the evaluation under subsection (a) not later than December 31, 2008; and

(2) a final report regarding such evaluation not later than December 31, 2010.

SEC. 804. ENCOURAGING COLLEGES AND UNIVERSITIES TO "GO GREEN".

(a) FINDINGS.—The Committee on Education and Labor of the House of Representatives makes the following findings:

(1) A commitment to and academic programs for environmental and economic sustainability are essential for our Nation's future prosperity.

(2) The more than 4,200 higher education institutions in the United States have the capacity to innovatively leverage spending and change consumption patterns by incorporating concepts of sustainability into their academic programs and by modeling sustainable economic and environmental practices for their communities.

(3) Many colleges and universities have interdisciplinary programs or centers focusing on equipping students with the academic content knowledge needed to understand concepts of sustainability and ''going green''.

(4) Many colleges and universities have programs related to the research of sustainability and sustainable systems.

(5) Academic programs related to sustainability vary in rigor because no national education content standards for academic sustainability programs currently exist.

(6) Colleges and universities may partner with businesses to encourage students and faculty to translate academic learning and research into practical solutions that promote sustainability.

(7) Colleges and universities that make an effort to reduce energy consumption and promote environmental sustainability not only reduce their own emissions, but also motivate the leaders of the next generation to action and create technical skills and resources to develop innovative solutions.

(8) Many colleges and universities have undertaken detailed, campus-wide assessments of their progress toward ''going green'' and sustainability or have measured their progress in specific sectors, such as operations, or specific parameters, such as recycling, energy, and water consumption.

(9) No system that evaluates and compares college and university campuses in terms of overall sustainability-related academic programs and practices currently exists.

(b) SENSE OF THE COMMITTEE ON EDUCATION AND LABOR.—It is the sense of the Committee on Education and Labor that in order to encourage increased public awareness of the need to ''go green'' by using sustainable economic and environmental practices and rigorous sustainability academic programs on college and university campuses, the following should be encouraged:

(1) The development of educational standards by institutions of higher education to determine the necessary rigor and effectiveness of academic sustainability programs.

(2) Public awareness of the need for ''going green'' by using sustainable economic and environmental practices.

(3) Non-governmental efforts to improve economic and environmental sustainability efforts on college and university campuses, including holding national summits to share best practices.

(4) Collaborative partnerships between Federal agencies, businesses, universities and communities to broaden sustainability practices.

SEC. 805. STUDY OF COSTS OF ENVIRONMENTAL, HEALTH, AND SAFETY STANDARDS.

(a) STUDY.—The Secretary of Education shall commission the National Research Council to conduct a national study to determine the viability of developing and implementing standards in environmental, health, and safety areas to provide for differential regulation of industrial laboratories and facilities, on the one hand, and research and teaching laboratories on the other. The National Research Council shall make specific recommendations for statutory and regulatory changes that are needed to develop such a differential approach.

(b) REPORT.—The Secretary of Education shall submit the list of those regulations that impose the greatest compliance costs on institutions of higher education and make recommendations for statutory changes to ease the compliance burden to the authorizing committees (as such term is defined in section 103 of the Higher Education Act of 1965 (20 U.S.C. 1003).

SEC. 806. STUDY OF MINORITY MALE ACADEMIC ACHIEVEMENT.

(a) STUDY REQUIRED.—The Secretary of Education shall—

(1) commission and ensure the conduct of a national study of underrepresented minority males, particularly African American and Hispanic American males, completing high school, and entering and graduating from colleges and universities in accordance with the following:

(A) the data comprising the study shall focus primarily on African American and Hispanic American males and will utilize existing data sources;

(B) the study shall focus on high school completion and preparation for college, success on the SAT and ACT, and minority male access to college, including the financing of college, and college persistence and graduation; and

(C) the implementation of the study shall be in four stages based on the recommendations of the Commissioner of Education Statistics; and

(2) make specific recommendations to the Congress and State superintendents of education on new approaches to increase—

(A) the number of minority males successfully preparing themselves for college study;

(B) the number of minority males graduating from high school and entering college; and

(C) the number of minority males graduating from college and entering careers in which they are underrepresented.

(b) SUBMISSION OF THE REPORT.—Not later than 4 years after the date of enactment of this section, the Secretary shall submit a report on the study required by subsection (a)(1), together with the recommendations required by subsection (a)(2), to the authorizing committees (as such term is defined in section 103 of the Higher Education Act of 1965 (20 U.S.C. 1003)).

SEC. 807. STUDY ON BIAS IN STANDARDIZED TESTS.

(a) STUDY.—The Comptroller General shall conduct a study to identify any race, ethnicity, and gender biases present in the design of standardized tests that are used for admission to institutions of higher education.

(b) DATA AVAILABLE TO THE PUBLIC.—Any data collected and used for the study under subsection (a) shall be made publicly available, except that such data shall not be made available in any manner that reveals personally identifiable information relating to any individual.

(c) REPORT.—Not later than one year after date of the enactment of this Act, the Comptroller General shall issue an interim report to the authorizing committees (as defined in section 103 of the Higher Education Act of 1965 (20 U.S.C. 1003)) related to the progress of the study under subsection (a).

SEC. 808. FEASIBILITY STUDY ON STUDENT LOANS.

(a) STUDY REQUIRED.—The Congressional Budget Office shall conduct a study on the feasibility of allowing borrowers in repayment of student loans made under the Higher Education Act of 1965 the option of selecting or renegotiating a fixed or variable interest rate on their loans and the repayment period of such loans. The study shall evaluate various scenarios and options and take into consideration the costs to the government, lenders and borrowers of allowing such an option as well as the impact on service quality.

(b) REPORT.—The Congressional Budget Office shall submit a report on the study required by this section to the authorizing committees (as defined in section 103 of the Higher Education Act of 1965 (20 U.S.C. 1003)) not later than one year after the date of the enactment of this Act.

SEC. 809. ENDOWMENT REPORT.

(a) ANALYSIS OF ENDOWMENTS.—The Secretary of Education shall conduct a study on the amounts, uses, and public purposes of the endowments of institutions of higher education. The study shall include information (disaggregated by types of institution) describing—

(1) the average and range of—

(A) the outstanding balance of such endowments;

(B) the growth of such endowments over the last 20 years; and

(C) the percentage of spending on an annual basis and, to the extent practicable, the uses of such endowments by the institutions; and

(2) the extent to which the funds in such endowments are restricted, and the restrictions placed upon such funds.

(b) SUBMISSION OF REPORT.—The Secretary shall submit the report required by subsection (a) to the authorizing committees (as such term is defined in section 103 of the Higher Education Act of 1965 (20 U.S.C. 1003)) not later than one year after the date of enactment of this Act.

SEC. 810. STUDY OF CORRECTIONAL POSTSECONDARY EDUCATION.

(a) STUDY REQUIRED.—The Secretary of Education shall—

(1) conduct a longitudinal study to assess the effects of correctional postsecondary education that—

(A) employs rigorous empirical methods that control for self-selection bias;

(B) measures a range of outcomes, including those related to employment and earnings, recidivism, engaged citizenship, impact on families of the incarcerated, and impact on the culture of the correctional institution;

(C) examines different delivery systems of postsecondary education, such as on-site and distance learning; and

(D) includes a projected cost-benefit analysis of the Federal investment in terms of reduction of future offending, reduction of future prison costs (construction and operational), increased tax payments by formerly incarcerated individuals, a reduction of welfare and other social service costs for successful formerly incarcerated individuals, and increased costs from the employment of formerly incarcerated individuals; and

(2) make specific recommendations to the Congress and the relevant State agencies responsible for correctional education, such as the State superintendents of education and State secretaries of corrections, on best approaches to increase correctional education and its effectiveness.

(b) SUBMISSION OF REPORTS.—Not later than 3 years after the date of enactment of this Act, the Secretary shall submit an interim report on the progress of the study required by subsection (a)(1) to the authorizing committees (as defined in section 103 of the Higher Education Act of 1965 (20 U.S.C. 1003)). Not later than 7 years after the date of enactment of this Act, the Secretary shall submit a final report, together with the recommendations required by subsection (a)(3), to the authorizing committees.

SEC. 811. NATIONAL UNDERGRADUATE FELLOWS PROGRAM.

(a) PROGRAM AUTHORIZED.—The Secretary is authorized to provide grants, on a competitive basis, to institutions of higher education (as defined in section 102) to support a National Undergraduate Fellows program.

(b) PURPOSE OF GRANTS.—Grants under this section shall be provided to enable administrators (including student affairs administrators)—

(1) to improve postsecondary degree completion rates of current underrepresented students through mentoring, a leadership institute, an internship, and funding to attend regional and national higher education administration conferences;

(2) to increase the retention and success rates of not only current students, but future generations of underrepresented college students, by encouraging them to pursue a career in higher education or student affairs; and

(3) to increase the quality and number of underrepresented higher education and student affairs administrators able to provide much needed student support services to students.

(c) USES OF FUNDS.—Grantees under this section may use the funds to provide—

(1) staffing support for the program, which may include a higher education administrator as a mentor;

(2) summer internship opportunities focusing on higher education administration, at an institution other than their own;

(3) a summer leadership institute participation opportunity for self reflection, leadership skill building, graduate school preparation, and career development; and

(4) as needed, support to attend regional and national higher education conferences for additional leadership and professional development.

(d) ON-GOING SUPPORT FOR THE FELLOWS PROGRAM.—From the funds appropriated in section 800 of the Higher Education Act of 1965, the Secretary shall award a grant, on a competitive basis, to a national organization to enable such organization to support the establishment and ongoing work of the program under this section.

SEC. 812. NATIONAL CENTER FOR LEARNING SCIENCE AND TECHNOLOGY TRUST FUND.

(a) ESTABLISHMENT.—There is established a nonprofit corporation to be known as the National Center for Learning Science and Technology (referred to in this Act as the ''Center'') which shall not be an agency or establishment of the United States Government. The Center shall be subject to the provisions of this section, and, to the extent consistent with this section, to the District of Columbia Nonprofit Corporation Act (D.C. Code, sec. 29–501 et seq.).

(b) FUNDING.—

(1) IN GENERAL.—There is established in the Treasury a separate fund to be known as the National Center for Learning Science and Technology Trust Fund (referred to in this Act as the ''Trust Fund''). The Trust Fund shall contain such amounts as are credited to the Trust Fund under paragraph (2) and other funds obtained under paragraph (3).

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Trust Fund such sums as may be necessary for the fiscal years 2008 and each of the 4 succeeding fiscal years.

(3) ADDITIONAL FUNDS.—The Trust Fund is authorized—

(A) to accept funds from any Federal agency or entity;

(B) to accept, hold, administer, invest, and spend any gift, devise, or bequest of real or personal property made to the Center; and

(C) to enter into contracts with individuals, public or private organizations, professional societies, and government agencies for the purpose of carrying out the functions of the Center.

(c) BOARD OF DIRECTORS; FUNCTIONS, AND DUTIES.—

(1) IN GENERAL.—A board of directors of the Center (referred to in this Act as the ''Board'') shall be established to oversee the administration of the Center. The initial Board shall consist of 9 members to be appointed by the Secretary of Education from a list of recommendations received from the House of Representatives and the Senate, who—

(A) reflect representation from the public and private sectors; and

(B) shall provide, as nearly as practicable, a broad representation of various regions of the United States, various professions and occupations, and various kinds of talent and experience appropriate to the functions and responsibilities of the Center.

(2) ORGANIZATION AND OPERATION.—The board shall incorporate and operate the center in accordance with the laws governing tax exempt organizations in the District of Columbia.

(d) TRUST FUND USES.—

(1) USES OF FUNDS.—To achieve the objectives of this Act, the Director of the Center, after consultation with the Board, shall use Trust funds to support research that is in the public interest but that is unlikely to be undertaken entirely with private funds—

(A) to support precompetitive and applied research development and demonstrations, and assessments of prototypes of innovative digital learning and information technologies as well as the components and tools needed to create them;

(B) to support the pilot testing and evaluation of these prototype systems;

(C) to encourage the widespread adoption and use of effective, innovative digital approaches to learning supported by this Act; and

(D) to support innovative digital media education programs for parents, teachers, and children to help children in the United States learn digital safety and build technology literacy.

(2) CONTRACTS AND GRANTS.—

(A) IN GENERAL.—In order to carry out the activities described in paragraph (1), the Director of the Center, with the agreement of a majority of the members of the Board, may award contracts and grants to colleges and universities, museums, libraries, public broadcasting entities and similar nonprofit organizations and public institutions with or without for-profit partners, and to for-profit organizations.

(B) PUBLIC DOMAIN.—

(i) IN GENERAL.—The research and development properties and materials associated with a project in which a majority of the funding used to carry out the project is from a grant or contract under this Act shall be freely and nonexclusively available to the general public in a timely manner.

(ii) EXEMPTION.—The Director of the Center may exempt specific projects from the requirement of clause (i) if the Director of the Center and a majority of the members of the Board determine that the general public will benefit significantly due to the project not being freely and nonexclusively available to the general public in a timely manner.

(C) PEER REVIEW.—To the extent practicable, proposals for grants or contracts shall be evaluated on the basis of comparative merit by panels of experts who represent diverse interests and perspectives, and who are appointed by the Director of the Center from recommendations from the fields served and from the Board of Directors.

(e) ACCOUNTABILITY AND REPORTING.—

(1) REPORT.—

(A) IN GENERAL.—Not later than April 30 of each year, the Director of the Center shall prepare a report for the preceding fiscal year that contains the information described in subparagraph (B).

(B) CONTENTS.—A report under subparagraph (A) shall include—

(i) a comprehensive and detailed report of the Center's operations, activities, financial condition, and accomplishments, and such recommendations as the Director of the Center determines appropriate;

(ii) a comprehensive and detailed inventory of funds distributed from the Trust Fund during the fiscal year for which the report is being prepared; and

(iii) an independent audit of the Trust Fund's finances and operations, and of the implementation of the goals established by the Board.

(C) STATEMENT OF THE BOARD.—Each report under subparagraph (A) shall include a statement from the Board containing—

(i) a clear description of the plans and priorities of the Board for the subsequent 5-

year period for expenditures from the Trust Fund; and

(ii) an estimate of the funds that will be available for such expenditures from the Trust Fund.

(D) SUBMISSION TO THE PRESIDENT AND CONGRESS.—A report under this subsection shall be submitted to the President and the authorizing committees (as such term is defined in section 103 of the Higher Education Act of 1965 (20 U.S.C. 1003)).

(2) TESTIMONY.—The Director and principal officers of the Center shall testify before the appropriate committees of Congress, upon request of such committees, with respect to—

(A) a report prepared under paragraph (1)(A); and

(B) any other matter that such committees may determine appropriate.

(f) USE OF FUNDS SUBJECT TO APPROPRIATIONS.—The authority to award grants, enter into contracts, or otherwise to expend funds under this section is subject to the availability of amounts deposited into the Trust Fund under subsection (b)(3)(A) or (B), or amounts otherwise appropriated for such purposes by an Act of Congress.

SEC. 813. GAO STUDY OF EDUCATION RELATED INDEBTEDNESS OF MEDICAL SCHOOL GRADUATES.

(a) STUDY REQUIRED.—The Comptroller General shall conduct a study to evaluate the higher education related indebtedness of medical school graduates in the United States at the time of graduation.

(b) DEADLINE.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall submit a report on the study required by subsection (a) to the authorizing Committees (as such term is defined in section 103 of the Higher Education Act of 1965), and shall make the report widely available to the public. Additional reports may be periodically prepared and released as necessary.

SEC. 814. STUDY ON REGIONAL SENSITIVITY IN THE NEEDS ANALYSIS FORMULA.

(a) STUDY.—The Comptroller General shall conduct a study to review the methodology that is used to determine the expected family contribution under part F of title IV of the Higher Education Act of 1965.

(b) STUDY COMPONENTS.—The study conducted under subsection (a) shall identify and evaluate the need analysis formula under part F of title IV of the Higher Education Act of 1965 and examine the need for regional sensitivity in need analysis. The study shall include—

(1) the factors that are used to determine a student's expected family contribution under part F of title IV of the Higher Education Act;

(2) the varying allowances that are made in calculating the expected family contribution;

(3) the effects of the income protection allowance on all aid recipients; and

(4) options for modifying the income protection allowance to reflect the significant differences in the cost of living in various parts of the United States.

(c) REPORT.—Not later than one year after the date of enactment of this Act, Comptroller General shall report to the authorizing committees (as such term is defined in section 103 of the Higher Education Act of 1965 (20 U.S.C. 1003)) on the results of the study conducted under this section.

SEC. 815. DYSLEXIA STUDY.

(a) INDEPENDENT EVALUATION.—The Secretary of Education shall enter into an agreement with the Center for Education of the National Academy of Sciences for a scientifically based study of the quality of teacher education programs, to determine if teachers are adequately prepared to meet the needs of students with reading and language processing challenges, including dyslexia. Such study shall—

(1) establish the prevalence of dyslexia and other processing difficulties in the general population by conducting a review of existing research and available relevant data; and

(2) conduct a survey of institutions of higher education to provide data on the extent to which teacher education programs are based on the essential components of reading instruction and scientifically valid research.

(b) COMPONENTS.—The study conducted under subsection (a) shall be designed to provide statistically reliable information on—

(1) the number, type of courses, and credit hours required to meet the requirements of the reading degree programs; and

(2) the extent to which the content of the reading degree programs are based on—

(A) the essentials of reading instruction and scientifically valid research, including phonemic awareness, phonics, fluency, vocabulary, and comprehension; and

(B) early intervention strategies based on scientific evidence concerning challenges to the development of language processing capacity, specifically dyslexia, and the extent to which such strategies are effective in preventing reading failure before it occurs.

(c) SCOPE.—The National Academy of Sciences shall select for participation in the evaluation under subsection (a) a diverse group of institutions of higher education with respect to size, mission, and geographic distribution.

(d) INTERIM AND FINAL REPORTS.—The National Academy of Sciences shall submit to the Secretary of Education, the Committee on Health, Education, Labor and Pensions of the Senate, and the Committee on Education and Labor of the House of Representatives—

(1) an interim report regarding the study under subsection (a) not later than 9 months after the award of the contract to the Center for Education, as specified in this Act; and

(2) a final report summarizing the findings, conclusions, and recommendations of such study not later than 18 months after the award of such contract.

(e) TASK FORCE.—

(1) ESTABLISHMENT.—Upon completion of the final report under subsection (d)(2), the Secretary of Education shall assemble a task force to make policy recommendations regarding the findings of the report to the Secretary.

(2) MEMBERSHIP.—The membership of the task force under this subsection shall include chief State school officers, State reading consultants, a panel of master teachers, national reading experts, and researchers with expertise in the relevant fields.

(3) PUBLIC HEARINGS.—The task force under this subsection shall hold public hearings to provide an opportunity for public comment on the results of the findings of the task force.

SEC. 816. STUDY AND REPORT ON BORROWER REPAYMENT PLANS.

(a) STUDY.—The Secretary of Education shall conduct a study—

(1) on the impact of the standard 10-year student loan repayment term on the ability of undergraduate borrowers in low-income areas, including Puerto Rico, to repay their loans made under title IV, part B, of the Higher Education Act of 1965; and

(2) to examine the extent to which longer payment terms would assist borrowers in such low-income areas in reducing their monthly loan payments.

(b) REPORT.—Not later than 1 year after the date of enactment of this title, the Secretary shall submit a report to Congress on the results of the study required by this section.

SEC. 817. NURSING SCHOOL CAPACITY.

(a) FINDINGS.—The Congress finds as follows:

(1) Researchers in the field of public health have identified the need for a national study to identify constraints encountered by schools of nursing in graduating the number of nurses sufficient to meet the health care needs of the United States.

(2) The shortage of qualified registered nurses has adversely affected the health care system of the United States.

(3) Individual States have had varying degrees of success with programs designed to increase the recruitment and retention of nurses.

(4) Schools of nursing have been unable to provide a sufficient number of qualified graduates to meet the workforce needs.

(5) Many nurses are approaching the age of retirement, and the problem worsens each year.

(6) In 2004, an estimated 125,000 applications from qualified applicants were rejected by schools of nursing, due to a shortage of faculty and a lack of capacity for additional students.

(b) STUDY WITH RESPECT TO CONSTRAINTS WITH RESPECT TO SCHOOLS OF NURSING.—

(1) IN GENERAL.—The Secretary shall request the Institute of Medicine of the National Academy of Sciences to enter into an agreement under which the Institute conducts a study for the purpose of—

(A) identifying constraints encountered by schools of nursing in admitting and graduating the number of registered nurses necessary to ensure patient safety and meet the need for quality assurance in the provision of health care; and

(B) developing recommendations to alleviate the constraints on a short-term and long-term basis.

(2) CERTAIN COMPONENTS.—The Secretary shall ensure that the agreement under paragraph (1) provides that the study under such subsection will include information on the following:

(A) The trends in applications for attendance at schools of nursing that are relevant to the purpose described in such subsection, including trends regarding applicants who are accepted for enrollment and applicants who are not accepted, particularly qualified applicants who are not accepted.

(B) The number and demographic characteristics of entry-level and graduate students currently enrolled in schools of nursing, the retention rates at the schools, and the number of recent graduates from the schools, as compared to previous years and to the projected need for registered nurses based on two-year, five-year, and ten-year projections.

(C) The number and demographic characteristics of nurses who pursue graduate education in nursing and non-nursing programs but do not pursue faculty positions in schools of nursing, the reasons therefor, including any regulatory barriers to choosing to pursue such positions, and the effect of such decisions on the ability of the schools to obtain adequate numbers of faculty members.

(D) The extent to which entry-level graduates of the schools are satisfied with their educational preparation, including their participation in nurse externships, internships, and residency programs, and to which they are able to effectively transition into the nursing workforce.

(E) The satisfaction of nurse managers and administrators with respect to the preparation and performance levels of entry-level graduates from the schools after one year, three years, and five years of practice, respectively.

(F) The extent to which the current salary, benefit structures, and characteristics of the workplace, including the number of nurses who are presently serving in faculty positions, influence the career path of nurses who have pursued graduate education.

(G) The extent to which the use of innovative technologies for didactic and clinical nursing education might provide for an increase in the ability of schools of nursing to train qualified nurses.

(3) RECOMMENDATIONS.—Recommendations under paragraph (2)(B) may include recommendations for legislative or administrative changes at the Federal or State level, and measures that can be taken in the private sector—

(A) to facilitate the recruitment of students into the nursing profession;

(B) to facilitate the retention of nurses in the workplace; and

(C) to improve the resources and ability of the education and health care systems to prepare a sufficient number of qualified registered nurses.

(4) METHODOLOGY OF STUDY.—

(A) SCOPE.—The Secretary shall ensure that the agreement under paragraph (1) provides that the study under such subsection will consider the perspectives of nurses and physicians in each of the various types of inpatient, outpatient, and residential facilities in the health care delivery system; faculty and administrators of schools of nursing; providers of health plans or health insurance; and consumers.

(B) CONSULTATION WITH RELEVANT ORGANIZATION.—The Secretary shall ensure that the agreement under paragraph (1) provides that relevant agencies and organizations with expertise on the nursing shortage will be consulted with respect to the study under such subsection, including but not limited to the following:

(i) The Agency for Healthcare Research and Quality.

(ii) The American Academy of Nursing.

(iii) The American Association of Colleges of Nursing.

(iv) The American Nurses Association.

(v) The American Organization of Nurse Executives.

(vi) The National Institute of Nursing Research.

(vii) The National League for Nursing.

(viii) The National Organization for Associate Degree Nursing.

(ix) The National Student Nurses Association.

(5) REPORT.—The Secretary shall ensure that the agreement under paragraph (1) provides that not later than 18 months after the date of the enactment of this section, a report providing the findings and recommendations made in the study under such subsection will be submitted to the Secretary, the Committee on Energy and Commerce of the House of Representatives, and the Committee on Health, Education, Labor, and Pensions of the Senate.

(6) OTHER ORGANIZATION.—If the Institute declines to conduct the study under paragraph (1), the Secretary may enter into an agreement with another appropriate private entity to conduct the study.

(c) DEFINITIONS.—For purposes of this section:

(1) The term ''Institute'' means the Institute of Medicine of the National Academy of Sciences.

(2)(A) The term ''school of nursing'' means a collegiate, associate degree, or diploma school of nursing in a State.

(B) The terms ''collegiate school of nursing'', ''associate degree school of nursing'', and ''diploma school of nursing'' have the meanings given to such terms in section 801 of the Public Health Service Act.

(3) The term ''Secretary'' means the Secretary of Education.

SEC. 818. STUDY OF THE IMPACT OF STUDENT LOAN DEBT ON PUBLIC SERVICE.

(a) STUDY.—The Secretary of Education, in consultation with the Office of Management and Budget, is authorized to coordinate with an organization with expertise in the field of public service, such as the National Academy of Public Administrators or the American Society for Public Administration, to coordinate with interested parties to conduct a study of how student loan debt levels impact the decisions of graduates of postsecondary and graduate education programs to enter into public service careers. Such study shall include—

(1) an assessment of the challenges to recruiting and retaining well-qualified public servants, including the impact of student loan debt;

(2) an evaluation of existing Federal programs to recruit and retain well-qualified public servants;

(3) an evaluation of whether additional Federal programs could increase the number of graduates of postsecondary and graduate education programs who enter careers in public service; and

(4) recommendations related to any potential pilot programs, including an academy for public service, that could be used to encourage new graduates of postsecondary and graduate education programs to enter public service careers.

(b) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary of Education, in consultation with the Office of Management and Budget, shall submit to Congress a report related to the findings of the study conducted under subsection (a).

SEC. 819. FEDERAL REGULATION OF HIGHER EDUCATION REPORT.

(a) ANALYSIS OF FEDERAL REGULATIONS ON INSTITUTIONS OF HIGHER EDUCATION.—The Secretary of Education shall contract with the National Research Council of the National Academies to conduct a study to ascertain the amount and scope of all Federal regulations and reporting requirements with which institutions of higher education must comply. The study shall include information describing—

(1) by agency, the number of Federal regulations and reporting requirements affecting institutions of higher education;

(2) by agency, the estimated time required and costs to institutions of higher education (disaggregated by types of institutions) to comply with the regulations and reporting requirements as required in (a)(1); and

(3) by agency, recommendations for consolidating, streamlining, and eliminating redundant and burdensome Federal regulations and reporting requirements affecting institutions of higher education.

(b) SUBMISSION OF REPORT.—The Secretary shall submit the report required by subsection (a) to the authorizing committees (as such term is defined in section 103 of the Higher Education Act of 1965 (20 U.S.C. 1003)) not later than 18 months after the date of enactment of this Act.

SEC. 820. STUDY OF AID TO LESS-THAN-HALF-TIME STUDENTS.

(a) STUDY REQUIRED.—The Secretary shall conduct a study on making and expanding the student aid available under title IV of the Higher Education Act of 1965 to less-than-half-time students. The Secretary shall submit a report on the results of such study, including the Secretary's recommendations, to the authorizing committees not later than one year after the date of enactment of this Act.

(b) SUBJECTS FOR STUDY.—The study required by this section shall, at a minimum, examine the following:

(1) The existing sources of Federal aid for less-than-half-time students seeking a college degree or certificate.

(2) The demand for Federal aid for less-than-half-time students and whether the demand is satisfied by existing sources of Federal aid, taking into consideration not only the number of less-than-half-time students currently seeking a college degree or certificate, but also any increase in the number of less-than-half-time students that may result from an expansion of Federal aid for less-than-half-time students seeking a college degree or certificate.

(3) The potential costs to the Federal Government and the potential benefits that could be received by students resulting from expanding Federal aid for less-than-half-time students seeking a college degree or certificate.

(4) The barriers to expanding Federal aid for less-than-half-time students, including identifying—

(A) statutory and regulatory barriers, such as student eligibility, institutional eligibility, need analysis, program integrity, and award amounts; and

(B) other factors that may limit participation in an expanded Federal aid program for less-than-half-time students.

(c) RECOMMENDATIONS TO BE PROVIDED.—The Secretary's recommendations under this section shall include recommendations for designing a demonstration student loan program tailored to less-than-half-time students. The recommendations shall include any required statutory or regulatory modifications, as well as proposed accountability mechanisms to protect students, institutions, and the Federal investment in higher education.

(d) DEFINITIONS.—As used in this section:

(1) the term ''Secretary'' means the Secretary of Education;

(2) the term ''authorizing committees'' has the meaning provided in section 103 of the Higher Education Act of 1965, as amended by this Act;

(3) the term ''less-than-half-time student'' means a student who is carrying less than one-half the normal full-time work load for the course of study that the student is pursuing, as determined by the institution such student is attending.

SEC. 821. ESTABLISHMENT OF PILOT PROGRAM FOR COURSE MATERIAL RENTAL.

(a) PILOT GRANT PROGRAM.—From the amounts appropriated pursuant to subsection (e), the Secretary shall make grants on a competitive basis to not more than 10 institutions of higher education to support pilot programs that expand the services of bookstores to provide the option for students to rent course materials in order to achieve savings for students.

(b) APPLICATION.—An institution of higher education that desires to obtain a grant under this section shall submit an application to the Secretary at such time, in such form, and containing or accompanied by such information, agreements, and assurances as the Secretary may reasonably require.

(c) USE OF FUNDS.—The funds made available by a grant under this section may be used for—

(1) purchase of course materials that the entity will make available by rent to students;

(2) any equipment or software necessary for the conduct of a rental program;

(3) hiring staff needed for the conduct of a rental program, with priority given to hiring enrolled undergraduate students; and

(4) building or acquiring extra storage space dedicated to course materials for rent.

(d) EVALUATION AND REPORT.—

(1) EVALUATIONS BY RECIPIENTS.—After a period of time to be determined by the Secretary, each institution of higher education

that receives a grant under this section shall submit a report to the Secretary on the effectiveness of their rental programs in reducing textbook costs for students.

(2) REPORT TO CONGRESS.—Not later than September 30, 2010, the Secretary shall submit a report to Congress on the effectiveness of the textbook rental pilot programs under this section, and identify the best practices developed in such pilot programs. Such report shall contain an estimate by the Secretary of the savings achieved by students who participate in such pilot programs.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $50,000,000 for fiscal year 2009 and 2010.

TITLE IX—AMENDMENTS TO OTHER LAWS

PART A—EDUCATION OF THE DEAF ACT OF 1986

SEC. 901. LAURENT CLERC NATIONAL DEAF EDUCATION CENTER.

Section 104 of the Education of the Deaf Act of 1986 (20 U.S.C. 4304) is amended—

(1) by striking the section heading and inserting ''laurent clerc national deaf education center'';

(2) in subsection (a)(1)(A), by inserting ''the Laurent Clerc National Deaf Education Center (referred to in this section as the 'Clerc Center') to carry out'' after ''maintain and operate''; and

(3) in subsection (b)—

(A) in the matter preceding subparagraph (A) of paragraph (1), by striking ''elementary and secondary education programs'' and inserting ''Clerc Center'';

(B) in paragraph (2), by striking ''elementary and secondary education programs'' and inserting ''Clerc Center'';

(C) in paragraph (4)(C)—

(i) in clause (i), by striking ''(6)'' and inserting ''(8)''; and

(ii) in clause (vi), by striking ''(m)'' and inserting ''(o)''; and

(D) by adding at the end the following:

''(5) The University, for purposes of the elementary and secondary education programs carried out at the Clerc Center, shall—

''(A)(i) select challenging academic content standards, challenging student academic achievement standards, and academic assessments of a State, adopted and implemented, as appropriate, pursuant to paragraphs (1) and (3) of section 1111(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(1) and (3)) and approved by the Secretary; and

''(ii) implement such standards and assessments for such programs by not later than the beginning of the 2009–2010 academic year;

''(B) annually determine whether such programs at the Clerc Center are making adequate yearly progress, as determined according to the definition of adequate yearly progress defined (pursuant to section 1111(b)(2)(C) of such Act (20 U.S.C. 6311(b)(2)(C))) by the State that has adopted and implemented the standards and assessments selected under subparagraph (A)(i); and

''(C) publicly report the results of the academic assessments implemented under subparagraph (A), except where such reporting would not yield statistically reliable information or would reveal personally identifiable information about an individual student, and whether the programs at the Clerc Center are making adequate yearly progress, as determined under subparagraph (B).''.

SEC. 902. AGREEMENT WITH GALLAUDET UNIVERSITY.

Section 105(b)(4) of the Education of the Deaf Act of 1986 (20 U.S.C. 4305(b)(4)) is amended—

(1) by striking ''the Act of March 3, 1931 (40 U.S.C. 276a–276a–5) commonly referred to as the Davis-Bacon Act'' and inserting ''subchapter IV of chapter 31 of title 40, United States Code, commonly referred to as the Davis-Bacon Act''; and

(2) by striking ''section 2 of the Act of June 13, 1934 (40 U.S.C. 276c)'' and inserting ''section 3145 of title 40, United States Code''.

SEC. 903. AGREEMENT FOR THE NATIONAL TECHNICAL INSTITUTE FOR THE DEAF.

Section 112 of the Education of the Deaf Act of 1986 (20 U.S.C. 4332) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking the second sentence;

(B) by redesignating paragraph (2) as paragraph (3); and

(C) by inserting after paragraph (1) the following:

''(2) If, pursuant to the agreement established under paragraph (1), either the Secretary or the institution of higher education terminates the agreement, the Secretary shall consider proposals from other institutions of higher education and enter into an agreement with one of those institutions for the establishment and operation of a National Technical Institute for the Deaf.''; and

(2) in subsection (b)—

(A) in paragraph (3), by striking ''Committee on Labor and Human Resources of the Senate'' and inserting ''Committee on Health, Education, Labor, and Pensions of the Senate''; and

(B) in paragraph (5)—

(i) by striking ''the Act of March 3, 1931 (40 U.S.C. 276a—276a–5) commonly referred to as the Davis-Bacon Act'' and inserting ''subchapter IV of chapter 31 of title 40, United States Code, commonly referred to as the Davis-Bacon Act''; and

(ii) by striking ''section 2 of the Act of June 13, 1934 (40 U.S.C. 276c)'' and inserting ''section 3145 of title 40, United States Code''.

SEC. 904. AUDIT.

Section 203 of the Education of the Deaf Act of 1986 (20 U.S.C. 4353) is amended—

(1) in subsection (b)—

(A) in paragraph (2), by striking ''sections'' and all that follows through the period and inserting ''sections 102(b), 105(b)(4), 112(b)(5), 203(c), 207(b)(2), subsections (c) through (f) of section 207, and subsections (b) and (c) of section 209.''; and

(B) in paragraph (3), by inserting ''and the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate'' after ''Secretary''; and

(2) in subsection (c)(2)(A), by striking ''Committee on Labor and Human Resources of the Senate'' and inserting ''Committee on Health, Education, Labor, and Pensions of the Senate''.

SEC. 905. REPORTS.

Section 204 of the Education of the Deaf Act of 1986 (20 U.S.C. 4354) is amended—

(1) in the matter preceding paragraph (1), by striking ''Committee on Labor and Human Resources of the Senate'' and inserting ''Committee on Health, Education, Labor, and Pensions of the Senate'';

(2) in paragraph (1), by striking ''preparatory,'';

(3) in paragraph (2)(C), by striking ''upon graduation/completion'' and inserting ''on the date that is 1 year after the date of graduation or completion''; and

(4) in paragraph (3)(B), by striking ''of the institution of higher education'' and all that follows through ''section 203'' and inserting ''of NTID programs and activities''.

SEC. 906. MONITORING, EVALUATION, AND REPORTING.

Section 205 of the Education of the Deaf Act of 1986 (20 U.S.C. 4355) is amended—

(1) in the first sentence of subsection (a), by striking ''preparatory,'';

(2) in subsection (b), by striking ''The Secretary, as part of the annual report required under section 426 of the Department of Education Organization Act, shall include a description of'' and inserting ''The Secretary shall annually transmit information to Congress on''; and

(3) in subsection (c), by striking ''fiscal years 1998 through 2003'' and inserting ''fiscal years 2008 through 2013''.

SEC. 907. LIAISON FOR EDUCATIONAL PROGRAMS.

Section 206(a) of the Education of the Deaf Act of 1986 (20 U.S.C. 4356(a)) is amended by striking ''Not later than 30 days after the date of enactment of this Act, the'' and inserting ''The''.

SEC. 908. FEDERAL ENDOWMENT PROGRAMS FOR GALLAUDET UNIVERSITY AND THE NATIONAL TECHNICAL INSTITUTE FOR THE DEAF.

Section 207(h) of the Education of the Deaf Act of 1986 (20 U.S.C. 4357(h)) is amended by striking ''fiscal years 1998 through 2003'' each place it appears and inserting ''fiscal years 2008 through 2013''.

SEC. 909. OVERSIGHT AND EFFECT OF AGREEMENTS.

Section 208(a) of the Education of the Deaf Act of 1986 (20 U.S.C. 4359(a)) is amended by striking ''Committee on Labor and Human Resources of the Senate and the Committee on Education and the Workforce of the House of Representatives'' and inserting ''Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate''.

SEC. 910. INTERNATIONAL STUDENTS.

Section 209 of the Education of the Deaf Act of 1986 (20 U.S.C. 4359a) is amended—

(1) in subsection (a)—

(A) by striking ''preparatory, undergraduate,'' and inserting ''undergraduate'';

(B) by striking ''Effective with'' and inserting the following:

''(1) IN GENERAL.—Except as provided in paragraph (2), effective with''; and

(C) by adding at the end the following:

''(2) DISTANCE LEARNING.—International students who participate in distance learning courses that are at the University or the NTID, who are residing outside of the United States, and are not enrolled in a degree program at the University or the NTID shall—

''(A) not be counted as international students for purposes of the cap on international students under paragraph (1), except that in any school year no United States citizen who applies to participate in distance learning courses that are at the University or NTID shall be denied participation in such courses because of the participation of an international student in such courses; and

''(B) not be charged a tuition surcharge, as described in subsection (b).''; and

(2) by striking subsections (b), (c), and (d), and inserting the following:

''(b) TUITION SURCHARGE.—Except as provided in subsections (a)(2)(B) and (c), the tuition for postsecondary international students enrolled in the University (including undergraduate and graduate students) or NTID shall include, for academic year 2008–2009 and any succeeding academic year, a surcharge of—

''(1) 100 percent for a postsecondary international student from a non-developing country; and

''(2) 50 percent for a postsecondary international student from a developing country, or a country that was a developing country for any academic year during the student's period of uninterrupted enrollment in a degree program at the University or NTID, except that such a surcharge shall not be adjusted retroactively.

''(c) REDUCTION OF SURCHARGE.—

''(1) IN GENERAL.—Beginning with the academic year 2008–2009, the University or NTID may reduce the surcharge—

''(A) under subsection (b)(1) from 100 percent to not less than 50 percent if—

''(i) a student described under subsection (b)(1) demonstrates need; and

''(ii) such student has made a good-faith effort to secure aid through such student's government or other sources; and

''(B) under subsection (b)(2) from 50 percent to not less than 25 percent if—

''(i) a student described under subsection (b)(2) demonstrates need; and

''(ii) such student has made a good faith effort to secure aid through such student's government or other sources.

''(2) DEVELOPMENT OF SLIDING SCALE.—The University and NTID shall develop a sliding scale model that—

''(A) will be used to determine the amount of a tuition surcharge reduction pursuant to paragraph (1); and

''(B) shall be approved by the Secretary.

''(d) DEFINITION.—In this section, the term 'developing country' means a country with a per-capita income of not more than $5,345, measured in 2005 United States dollars, as adjusted by the Secretary to reflect inflation since 2005.''.

SEC. 911. RESEARCH PRIORITIES.

Section 210(b) of the Education of the Deaf Act of 1986 (20 U.S.C. 4359b(b)) is amended by striking ''Committee on Education and the Workforce of the House of Representatives, and the Committee on Labor and Human Resources of the Senate'' and inserting ''Committee on Education and Labor of the House of Representatives, and the Committee on Health, Education, Labor, and Pensions of the Senate''.

SEC. 912. NATIONAL STUDY ON THE EDUCATION OF THE DEAF.

(a) CONDUCT OF STUDY.—Subsection (a)(1) of section 211 of the Education of the Deaf Act of 1986 (20 U.S.C. 4360) is amended by inserting after ''The Secretary shall'' the following: ''establish a commission on the education of the deaf (in this section referred to as the 'commission') to''.

(b) PUBLIC INPUT AND CONSULTATION.—Subsection (b) of such section is amended by striking ''Secretary'' each place it appears and inserting ''commission''.

(c) REPORT.—Subsection (c) of such section is amended—

(1) in the matter preceding paragraph (1), by striking ''Secretary'' and all that follows through ''1998'' and inserting ''commission shall report to the Secretary and Congress not later than 18 months after the date of the enactment of the College Opportunity and Affordability Act of 2008''; and

(2) in paragraph (1)—

(A) by striking ''recommendations,'' and inserting ''recommendations relating to educated-related factors that contribute to successful postsecondary education experiences and employment for individuals who are deaf,''; and

(B) by striking ''Secretary'' and inserting ''commission''.

(d) AUTHORIZATION OF APPROPRIATIONS.—Subsection (d) of such section is amended by striking ''$1,000,000 for each of the fiscal years 1999 and 2000'' and inserting ''such sums as may be necessary for each of the fiscal years 2008 and 2009''.

SEC. 913. AUTHORIZATION OF APPROPRIATIONS.

Section 212 of the Education of the Deaf Act of 1986 (20 U.S.C. 4360a) is amended—

(1) in subsection (a), in the matter preceding paragraph (1), by striking ''fiscal years 1998 through 2003'' and inserting ''fiscal years 2008 through 2013''; and

(2) in subsection (b), by striking ''fiscal years 1998 through 2003'' and inserting ''fiscal years 2008 through 2013''.

PART B—INDIAN EDUCATION

Subpart 1—Tribal Colleges and Universities

SEC. 921. REAUTHORIZATION OF THE TRIBALLY CONTROLLED COLLEGE OR UNIVERSITY ASSISTANCE ACT OF 1978.

(a) CLARIFICATION OF THE DEFINITION OF NATIONAL INDIAN ORGANIZATION.—Section 2(a)(6) of the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1801(a)(6)) is amended by striking ''in the field of Indian education'' and inserting ''in the fields of tribally controlled colleges and universities and Indian higher education''.

(b) INDIAN STUDENT COUNT.—Section 2(a) of the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1801(a)) is amended—

(1) by redesignating paragraphs (7) and (8) as paragraphs (8) and (9), respectively; and

(2) by inserting after paragraph (6) the following:

''(7) 'Indian student' means a student who is—

''(A) a member of an Indian tribe; or

''(B) a biological child of a member of an Indian tribe, living or deceased;''.

(c) CONTINUING EDUCATION.—Section 2(b) of the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1801(b)) is amended—

(1) in the matter preceding paragraph (1), by striking ''paragraph (7) of subsection (a)'' and inserting ''subsection (a)(8)'';

(2) by striking paragraph (5) and inserting the following:

''(5) DETERMINATION OF CREDITS.—Eligible credits earned in a continuing education program—

''(A) shall be determined as 1 credit for every 10 contact hours in the case of an institution on a quarter system, or 15 contact hours in the case of an institution on a semester system, of participation in an organized continuing education experience under responsible sponsorship, capable direction, and qualified instruction, as described in the criteria established by the International Association for Continuing Education and Training; and

''(B) shall be limited to 10 percent of the Indian student count of a tribally controlled college or university.''; and

(3) by striking paragraph (6).

(d) ACCREDITATION REQUIREMENT.—Section 103 of the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1804) is amended—

(1) in paragraph (2), by striking ''and'' at the end;

(2) in paragraph (3), by striking the period at the end and inserting ''; and''; and

(3) by inserting after paragraph (3), the following:

''(4)(A) is accredited by a nationally recognized accrediting agency or association determined by the Secretary of Education to be a reliable authority with regard to the quality of training offered; or

''(B) according to such an agency or association, is making reasonable progress toward accreditation.''.

(e) TECHNICAL ASSISTANCE CONTRACTS.—Section 105 of the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1805) is amended—

(1) by striking the section designation and heading and all that follows through ''The Secretary shall'' and inserting the following:

''SEC. 105. TECHNICAL ASSISTANCE CONTRACTS.

''(a) TECHNICAL ASSISTANCE.—

''(1) IN GENERAL.—The Secretary shall'';

(2) in the second sentence, by striking ''In the awarding of contracts for technical assistance, preference shall be given'' and inserting the following:

''(2) DESIGNATED ORGANIZATION.—The Secretary shall require that a contract for technical assistance under paragraph (1) shall be awarded''; and

(3) in the third sentence, by striking ''No authority'' and inserting the following:

''(b) EFFECT OF SECTION.—No authority''.

(f) AMOUNT OF GRANTS.—Section 108(a) of the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1808(a)) is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively, and indenting the subparagraphs appropriately;

(2) by striking ''(a) Except as provided in section 111,'' and inserting the following:

''(a) REQUIREMENT.—

''(1) IN GENERAL.—Except as provided in paragraph (2) and section 111,'';

(3) in paragraph (1) (as redesignated by paragraphs (1) and (2))—

(A) in the matter preceding subparagraph (A) (as redesignated by paragraph (1))—

(i) by striking ''him'' and inserting ''the Secretary''; and

(ii) by striking ''product of'' and inserting ''product obtained by multiplying'';

(B) in subparagraph (A) (as redesignated by paragraph (1)), by striking ''section 2(a)(7)'' and inserting ''section 2(a)(8)''; and

(C) in subparagraph (B) (as redesignated by paragraph (1)), by striking ''$6,000,'' and inserting ''$8,000, as adjusted annually for inflation.''; and

(4) by striking ''except that no grant shall exceed the total cost of the education program provided by such college or university.'' and inserting the following:

''(2) EXCEPTION.—The amount of a grant under paragraph (1) shall not exceed an amount equal to the total cost of the education program provided by the applicable tribally controlled college or university.''.

(g) GENERAL PROVISIONS REAUTHORIZATION.—Section 110(a) of the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1810(a)) is amended—

(1) in paragraphs (1), (2), (3), and (4), by striking ''1999'' and inserting ''2008'';

(2) in paragraphs (1), (2), and (3), by striking ''4 succeeding'' and inserting ''5 succeeding'';

(3) in paragraph (2), by striking ''$40,000,000'' and inserting ''such sums as may be necessary'';

(4) in paragraph (3), by striking ''$10,000,000'' and inserting ''such sums as may be necessary''; and

(5) in paragraph (4), by striking ''succeeding 4'' and inserting ''5 succeeding''.

(h) ENDOWMENT PROGRAM REAUTHORIZATION.—Section 306(a) of the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1836(a)) is amended—

(1) by striking ''1999'' and inserting ''2008''; and

(2) by striking ''4 succeeding'' and inserting ''5 succeeding''.

(i) TRIBAL ECONOMIC DEVELOPMENT REAUTHORIZATION.—Section 403 of the Tribal Economic Development and Technology Related Education Assistance Act of 1990 (25 U.S.C. 1852) is amended—

(1) by striking ''$2,000,000 for fiscal year 1999'' and inserting ''such sums as may be necessary for fiscal year 2008''; and

(2) by striking ''4 succeeding'' and inserting ''5 succeeding''.

(j) TRIBALLY CONTROLLED POSTSECONDARY CAREER AND TECHNICAL INSTITUTIONS.—

(1) IN GENERAL.—The Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1801 et seq.) is amended by adding at the end the following:

''TITLE V—TRIBALLY CONTROLLED POSTSECONDARY CAREER AND TECHNICAL INSTITUTIONS

''SEC. 501. DEFINITION OF TRIBALLY CONTROLLED POSTSECONDARY CAREER AND TECHNICAL INSTITUTION.

''In this title, the term 'tribally controlled postsecondary career and technical institution' has the meaning given the term in section 3 of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2302).

''SEC. 502. TRIBALLY CONTROLLED POSTSECONDARY CAREER AND TECHNICAL INSTITUTIONS PROGRAM.

''(a) IN GENERAL.—Subject to the availability of appropriations, for fiscal year 2008 and each fiscal year thereafter, the Secretary shall—

''(1) subject to subsection (b), select 2 tribally controlled postsecondary career and technical institutions to receive assistance under this title; and

''(2) provide funding to the selected tribally controlled postsecondary career and technical institutions to pay the costs (including institutional support costs) of operating postsecondary career and technical education programs for Indian students at the tribally controlled postsecondary career and technical institutions.

''(b) SELECTION OF CERTAIN INSTITUTIONS.—

''(1) REQUIREMENT.—For each fiscal year during which the Secretary determines that a tribally controlled postsecondary career and technical institution described in paragraph (2) meets the definition referred to in section 501, the Secretary shall select that tribally controlled postsecondary career and technical institution under subsection (a)(1) to receive funding under this section.

''(2) INSTITUTIONS.—The 2 tribally controlled postsecondary career and technical institutions referred to in paragraph (1) are—

''(A) the United Tribes Technical College; and

''(B) the Navajo Technical College.

''(c) METHOD OF PAYMENT.—For each applicable fiscal year, the Secretary shall provide funding under this section to each tribally controlled postsecondary career and technical institution selected for the fiscal year under subsection (a)(1) in a lump sum payment for the fiscal year.

''(d) DISTRIBUTION.—

''(1) IN GENERAL.—For fiscal year 2009 and each fiscal year thereafter, of amounts made available pursuant to section 504, the Secretary shall distribute to each tribally controlled postsecondary career and technical institution selected for the fiscal year under subsection (a)(1) an amount equal to the greater of—

''(A) the total amount appropriated for the tribally controlled postsecondary career and technical institution for fiscal year 2006; or

''(B) the total amount appropriated for the tribally controlled postsecondary career and technical institution for fiscal year 2008.

''(2) EXCESS AMOUNTS.—If, for any fiscal year, the amount made available pursuant to section 504 exceeds the sum of the amounts required to be distributed under paragraph (1) to the tribally controlled postsecondary career and technical institutions selected for the fiscal year under subsection (a)(1), the Secretary shall distribute to each tribally controlled postsecondary career and technical institution selected for that fiscal year a portion of the excess amount, to be determined by—

''(A) dividing the excess amount by the aggregate Indian student count (as defined in section 117(h) of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2327(h))) of such institutions for the prior academic year; and

''(B) multiplying the quotient described in subparagraph (A) by the Indian student count of each such institution for the prior academic year.

''SEC. 503. APPLICABILITY OF OTHER LAWS.

''(a) IN GENERAL.—Paragraphs (4) and (7) of subsection (a), and subsection (b), of section 2, sections 105, 108, 111, 112 and 113, and titles II, III, and IV shall not apply to this title.

''(b) INDIAN SELF-DETERMINATION AND EDUCATION ASSISTANCE.—Funds made available pursuant to this title shall be subject to the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).

''(c) ELECTION TO RECEIVE.—A tribally controlled postsecondary career and technical institution selected for a fiscal year under section 502(b) may elect to receive funds pursuant to section 502 in accordance with an agreement between the tribally controlled postsecondary career and technical institution and the Secretary under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) if the agreement is in existence on the date of enactment of the College Opportunity and Affordability Act of 2008.

''(d) OTHER ASSISTANCE.—Eligibility for, or receipt of, assistance under this title shall not preclude the eligibility of a tribally controlled postsecondary career and technical institutions to receive Federal financial assistance under—

''(1) any program under the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.);

''(2) any program under the Carl D. Perkins Career and Technical Education Act of 2006; or

''(3) any other applicable program under which a benefit is provided for—

''(A) institutions of higher education;

''(B) community colleges; or

''(C) postsecondary educational institutions.

''SEC. 504. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated such sums as are necessary for fiscal year 2008 and each fiscal year thereafter to carry out this title.''.

(2) CONFORMING AMENDMENTS.—Section 117 of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2327) is amended—

(A) by striking subsection (a) and inserting the following:

''(a) GRANT PROGRAM.—Subject to the availability of appropriations, the Secretary shall make grants under this section, to provide basic support for the education and training of Indian students, to tribally controlled postsecondary career and technical institutions that are not receiving Federal assistance as of the date on which the grant is provided under—

''(1) title I of the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1802 et seq.); or

''(2) the Navajo Community College Act (25 U.S.C. 640a et seq.).''; and

(B) by striking subsection (d) and inserting the following:

''(d) APPLICATIONS.—To be eligible to receive a grant under this section, a tribally controlled postsecondary career and technical institution that is not receiving Federal assistance under title I of the Tribally Controlled College or University Assistance Act (25 U.S.C. 1802 et seq.) or the Navajo Community College Act (25 U.S.C. 640a et seq.) shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.''.

(k) SHORT TITLE.—

(1) IN GENERAL.—The first section of the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1801 note; Public Law 95–471) is amended to read as follows:

''SEC. 1. SHORT TITLE.

''This Act may be cited as the 'Tribally Controlled Colleges and Universities Assistance Act of 1978'.''.

(2) REFERENCES.—Any reference in law (including regulations) to the Tribally Controlled College or University Assistance Act of 1978 shall be considered to be a reference to the ''Tribally Controlled Colleges and Universities Assistance Act of 1978''.

Subpart 2—Navajo Higher Education

SEC. 931. REAUTHORIZATION OF NAVAJO COMMUNITY COLLEGE ACT.

(a) PURPOSE.—Section 2 of the Navajo Community College Act (25 U.S.C. 640a) is amended—

(1) by striking ''Navajo Tribe of Indians'' and inserting ''Navajo Nation''; and

(2) by striking ''the Navajo Community College'' and inserting ''Diné College''.

(b) GRANTS.—Section 3 of the Navajo Community College Act (25 U.S.C. 640b) is amended—

(1) in the first sentence—

(A) by inserting ''the'' before ''Interior'';

(B) by striking ''Navajo Tribe of Indians'' and inserting ''Navajo Nation''; and

(C) by striking ''the Navajo Community College'' and inserting ''Diné College''; and

(2) in the second sentence—

(A) by striking ''Navajo Tribe'' and inserting ''Navajo Nation''; and

(B) by striking ''Navajo Indians'' and inserting ''Navajo people''.

(c) STUDY OF FACILITIES NEEDS.—Section 4 of the Navajo Community College Act (25 U.S.C. 640c) is amended—

(1) in subsection (a)—

(A) in the first sentence—

(i) by striking ''the Navajo Community College'' and inserting ''Diné College''; and

(ii) by striking ''August 1, 1979'' and inserting ''October 31, 2010''; and

(B) in the second sentence, by striking ''Navajo Tribe'' and inserting ''Navajo Nation'';

(2) in subsection (b), by striking ''the date of enactment of the Tribally Controlled Community College Assistance Act of 1978'' and inserting ''October 1, 2007''; and

(3) in subsection (c), in the first sentence, by striking ''the Navajo Community College'' and inserting ''Diné College''.

(d) AUTHORIZATION OF APPROPRIATIONS.—Section 5 of the Navajo Community College Act (25 U.S.C. 640c–1) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking ''$2,000,000'' and all that follows through the end of the paragraph and inserting ''such sums as are necessary for fiscal years 2008 through 2013.''; and

(B) by adding at the end the following:

''(3) Sums described in paragraph (2) shall be used to provide grants for construction activities, including the construction of buildings, water and sewer facilities, roads, information technology and telecommunications infrastructure, classrooms, and external structures (such as walkways).'';

(2) in subsection (b)(1)—

(A) in the matter preceding subparagraph (A)—

(i) by striking ''the Navajo Community College'' and inserting ''Diné College''; and

(ii) by striking '', for each fiscal year'' and all that follows through ''for—'' and inserting ''such sums as are necessary for fiscal years 2008 through 2013 to pay the cost of—'';

(B) in subparagraph (A)—

(i) by striking ''college'' and inserting ''College'';

(ii) in clauses (i) and (iii), by striking the commas at the end of the clauses and inserting semicolons; and

(iii) in clause (ii), by striking '', and'' at the end and inserting ''; and'';

(C) in subparagraph (B), by striking the comma at the end and inserting a semicolon;

(D) in subparagraph (C), by striking '', and'' at the end and inserting a semicolon;

(E) in subparagraph (D), by striking the period at the end and inserting ''; and''; and

(F) by adding at the end the following:

''(E) improving and expanding the College, including by providing, for the Navajo people and others in the community of the College—

''(i) higher education programs;

''(ii) career and technical education;

''(iii) activities relating to the preservation and protection of the Navajo language, philosophy, and culture;

''(iv) employment and training opportunities;

''(v) economic development and community outreach; and

''(vi) a safe learning, working, and living environment.''; and

(3) in subsection (c), by striking ''the Navajo Community College'' and inserting ''Diné College''.

(e) EFFECT ON OTHER LAWS.—Section 6 of the Navajo Community College Act (25 U.S.C. 640c–2) is amended—

(1) by striking ''the Navajo Community College'' each place it appears and inserting ''Diné College''; and

(2) in subsection (b), by striking ''college'' and inserting ''College''.

(f) PAYMENTS; INTEREST.—Section 7 of the Navajo Community College Act (25 U.S.C. 640c–3) is amended by striking ''the Navajo Community College'' each place it appears and inserting ''Diné College''.

PART C—HIGHER EDUCATION AMENDMENTS OF 1998; HIGHER EDUCATION AMENDMENTS OF 1992

SEC. 941. GRANTS FOR TRAINING FOR INCARCERATED INDIVIDUALS.

Part D of title VIII of the Higher Education Amendments of 1998 (20 U.S.C. 1151) is amended to read as follows:

''PART D—GRANTS FOR TRAINING FOR INCARCERATED INDIVIDUALS

''SEC. 821. GRANTS FOR IMPROVED WORKPLACE AND COMMUNITY TRANSITION TRAINING FOR INCARCERATED INDIVIDUALS.

''(a) DEFINITION.—In this section:

''(1) INCARCERATED INDIVIDUAL.—The term 'incarcerated individual' means a male or female offender who is incarcerated in a State prison, including a prerelease facility.

''(2) SECRETARY.—The term 'Secretary' means the Secretary of Education.

''(b) GRANT PROGRAM.—The Secretary—

''(1) shall establish a program in accordance with this section to provide grants to the State correctional education agencies in the States to assist and encourage incarcerated individuals to acquire educational and job skills, through—

''(A) coursework to prepare students to take college-level courses, such as remedial math and English for postsecondary preparation;

''(B) the pursuit of a postsecondary education certificate, or an associate or bachelor's degree, provided by a regionally or nationally accredited body while in prison; and

''(C) employment counseling and other related services which start during incarceration and end not later than 1 year after release from confinement; and

''(2) may establish such performance objectives and reporting requirements for State correctional education agencies receiving grants under this section as the Secretary determines are necessary to assess the effectiveness of the program under this section.

''(c) APPLICATION.—To be eligible for a grant under this section, a State correctional education agency shall submit to the Secretary a proposal for an incarcerated individual program that—

''(1) identifies the scope of the problem, including the number of incarcerated individuals in need of postsecondary education and vocational training;

''(2) lists the accredited public or private educational institution or institutions with campuses established outside the prison facility that will provide postsecondary preparatory or postsecondary educational services;

''(3) lists the cooperating agencies, public and private, or businesses that will provide related services, such as counseling in the areas of career development, substance abuse, health, and parenting skills;

''(4) describes specific performance objectives and evaluation methods (in addition to, and consistent with, any objectives established by the Secretary under subsection (b)(2)) that the State correctional education agency will use in carrying out its proposal, including—

''(A) specific and quantified student outcome measures that are referenced to outcomes for non-program participants with similar demographic characteristics; and

''(B) measures, consistent with the data elements and definitions described in subsection (d)(1)(A), of—

''(i) program completion, including an explicit definition of what constitutes a program completion within the proposal;

''(ii) knowledge and skill attainment, including specification of instruments that will measure knowledge and skill attainment;

''(iii) attainment of employment both prior to and subsequent to release;

''(iv) success in employment indicated by job retention and advancement; and

''(v) recidivism, including such subindicators as time before subsequent offense and severity of offense;

''(5) describes how the proposed programs are to be integrated with existing State correctional education programs (such as adult education, graduate education degree programs, and vocational training) and State prison industry programs; and

''(6) describes how the proposed programs will have considered or will utilize technology to deliver the services under this section.

''(d) PROGRAM REQUIREMENTS.—Each State correctional education agency receiving a grant under this section shall—

''(1) annually report to the Secretary regarding—

''(A) the results of the evaluations conducted using data elements and definitions provided by the Secretary for the use of State correctional education programs;

''(B) any objectives or requirements established by the Secretary pursuant to subsection (b)(2);

''(C) the additional performance objectives and evaluation methods contained in the proposal described in subsection (c)(4) as necessary to document the attainment of project performance objectives; and

''(D) how the funds provided under this section are being allocated among postsecondary preparatory education, postsecondary academic, and vocational education programs; and

''(2) provide to each State for each student eligible under subsection (e) not more than—

''(A) $3,000 annually for tuition, books, and essential materials; and

''(B) $300 annually for related services such as career development, substance abuse counseling, parenting skills training, and health education.

''(e) EDUCATION DELIVERY SYSTEMS.—State correctional education agencies and cooperating institutions shall, to the extent practicable, use high-tech applications in developing programs to meet the requirements and goals of this section.

''(f) LENGTH OF PARTICIPATION.—Services carried out with a grant under this section shall be available to incarcerated individuals as follows:

''(1) Educational services shall start during the period of incarceration or prerelease and shall end upon release.

''(2) Related services shall start during the period of incarceration or prerelease and may continue for not more than one year after release.

''(g) ALLOCATION OF FUNDS.—From the funds appropriated pursuant to subsection (h) for each fiscal year, the Secretary shall allot to each State an amount that bears the same ratio to such funds as the total number of incarcerated individuals in such State bears to the total number of such incarcerated individuals in all States.

''(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2009 and each of the 4 succeeding fiscal years.''.

SEC. 942. UNDERGROUND RAILROAD.

Section 841(c) of the Higher Education Amendments of 1998 (20 U.S.C. 1153(c)) is amended by striking ''this section'' and all that follows through the period at the end and inserting ''this section $3,000,000 for fiscal years 2009 and the 4 succeeding fiscal years.''.

SEC. 943. REPEALS OF EXPIRED AND EXECUTED PROVISIONS.

The following provisions of the Higher Education Amendments of 1998 are repealed:

(1) STUDY OF MARKET MECHANISMS IN FEDERAL STUDENT LOAN PROGRAMS.—Section 801 (20 U.S.C. 1018 note).

(2) STUDY OF FEASIBILITY OF ALTERNATE FINANCIAL INSTRUMENTS FOR DETERMINING LENDER YIELDS.—Section 802.

(3) STUDENT RELATED DEBT STUDY.—Section 803 (20 U.S.C. 1015 note).

(4) COMMUNITY SCHOLARSHIP MOBILIZATION.—Part C of title VIII (20 U.S.C. 1070 note).

(5) IMPROVING UNITED STATES UNDERSTANDING OF SCIENCE, ENGINEERING, AND TECHNOLOGY IN EAST ASIA.—Part F of title VIII (42 U.S.C. 1862 note).

(6) WEB-BASED EDUCATION COMMISSION.—Part J of title VIII.

SEC. 944. OLYMPIC SCHOLARSHIPS.

Section 1543(d) of the Higher Education Amendments of 1992 (20 U.S.C. 1070 note) is amended by striking ''1999'' and inserting ''2009''.

SEC. 945. ESTABLISHMENT OF ASSISTANT SECRETARY FOR INTERNATIONAL AND FOREIGN LANGUAGE EDUCATION.

(a) IN GENERAL.—Section 202 of the Department of Education Organization Act (20 U.S.C. 3412) is amended in subsection (b)(1)—

(1) in subparagraph (E) by striking ''and'' at the end;

(2) by redesignating subparagraph (F) as subparagraph (G); and

(3) by inserting after subparagraph (E) the following:

''(F) an Assistant Secretary for International and Foreign Language Education; and''.

(b) FUNCTIONS.—Such section is further amended by adding at the end the following:

''(j) The Assistant Secretary for International and Foreign Language Education—

''(1) shall be an individual with extensive background and experience in international and foreign language education; and

''(2) notwithstanding any other provision of law, shall report directly to the Secretary.''.

(c) CONFORMING AMENDMENT.—Such section is further amended in subsection (e)—

(1) in paragraph (4), by adding ''and'' at the end;

(2) in paragraph (5), by striking ''; and'' at the end and inserting a period; and

(3) by striking paragraph (6).

(d) OFFICE OF INTERNATIONAL AND FOREIGN LANGUAGE EDUCATION.—Title II of the Department of Education Organization Act is amended by inserting after section 207 (20 U.S.C. 3417) the following:

''OFFICE OF INTERNATIONAL AND FOREIGN LANGUAGE EDUCATION

''SEC. 207A. There shall be in the Department an Office of International and Foreign Language Education, to be administered by the Assistant Secretary for International and Foreign Language Education appointed under section 202(b). In addition to performing such functions affecting international and foreign language education as the Secretary may prescribe, the Assistant Secretary shall—

''(1) have responsibility for encouraging and promoting the study of foreign languages and the study of cultures of other countries at the elementary, secondary, and postsecondary levels in the United States;

''(2) carry out the administration of all Department programs on international and foreign language education and research;

''(3) coordinate with related international and foreign language education programs of other Federal departments and agencies; and

''(4) administer and coordinate the Department of Education's activities in international affairs.''.

PART D—JUSTICE DEPARTMENT PROGRAMS

SEC. 951. LOAN REPAYMENT FOR PROSECUTORS AND DEFENDERS.

Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended by adding at the end the following:

''PART JJ—LOAN REPAYMENT FOR PROSECUTORS AND PUBLIC DEFENDERS

''SEC. 3111. GRANT AUTHORIZATION.

''(a) PURPOSE.—The purpose of this section is to encourage qualified individuals to enter and continue employment as prosecutors and public defenders.

''(b) DEFINITIONS.—In this section:

''(1) PROSECUTOR.—The term 'prosecutor' means a full-time employee of a State or local agency who—

''(A) is continually licensed to practice law; and

''(B) prosecutes criminal or juvenile delinquency cases (or both) at the State or local level, including an employee who supervises, educates, or trains other persons prosecuting such cases.

''(2) PUBLIC DEFENDER.—The term 'public defender' means an attorney who—

''(A) is continually licensed to practice law; and

''(B) is—

''(i) a full-time employee of a State or local agency who provides legal representation to indigent persons in criminal or juvenile delinquency cases (or both), including an attorney who supervises, educates, or trains other persons providing such representation;

''(ii) a full-time employee of a nonprofit organization operating under a contract with a State or unit of local government, who devotes substantially all of such full-time employment to providing legal representation to indigent persons in criminal or juvenile delinquency cases (or both), including an attorney who supervises, educates, or trains other persons providing such representation; or

''(iii) employed as a full-time Federal defender attorney in a defender organization established pursuant to subsection (g) of section 3006A of title 18, United States Code, that provides legal representation to indigent persons in criminal or juvenile delinquency cases (or both).

''(3) STUDENT LOAN.—The term 'student loan' means—

''(A) a loan made, insured, or guaranteed under part B of title IV of the Higher Education Act of 1965 (20 U.S.C. 1071 et seq.);

''(B) a loan made under part D or E of title IV of the Higher Education Act of 1965 (20 U.S.C. 1087a et seq. and 1087aa et seq.); and

''(C) a loan made under section 428C or 455(g) of the Higher Education Act of 1965 (20 U.S.C. 1078–3 and 1087e(g)) to the extent that such loan was used to repay a Federal Direct Stafford Loan, a Federal Direct Unsubsidized Stafford Loan, or a loan made under section 428 or 428H of such Act.

''(c) PROGRAM AUTHORIZED.—The Attorney General shall, subject to the availability of appropriations, establish a program by which the Department of Justice shall assume the obligation to repay a student loan, by direct payments on behalf of a borrower to the holder of such loan, in accordance with subsection (d), for any borrower who—

''(1) is employed as a prosecutor or public defender; and

''(2) is not in default on a loan for which the borrower seeks forgiveness.

''(d) TERMS OF LOAN REPAYMENT.—

''(1) BORROWER AGREEMENT.—To be eligible to receive repayment benefits under subsection (c), a borrower shall enter into a written agreement with the Attorney General that specifies that—

''(A) the borrower will remain employed as a prosecutor or public defender for a required period of service of not less than 3 years, unless involuntarily separated from that employment;

''(B) if the borrower is involuntarily separated from employment on account of misconduct, or voluntarily separates from employment, before the end of the period specified in the agreement, the borrower will repay the Attorney General the amount of any benefits received by such employee under this section; and

''(C) if the borrower is required to repay an amount to the Attorney General under subparagraph (B) and fails to repay such amount, a sum equal to that amount shall be recoverable by the Federal Government from the employee (or such employee's estate, if applicable) by such methods as are provided by law for the recovery of amounts owed to the Federal Government.

''(2) REPAYMENT BY BORROWER.—

''(A) IN GENERAL.—Any amount repaid by, or recovered from, an individual or the estate of an individual under this subsection shall be credited to the appropriation account from which the amount involved was originally paid.

''(B) MERGER.—Any amount credited under subparagraph (A) shall be merged with other sums in such account and shall be available for the same purposes and period, and subject to the same limitations, if any, as the sums with which the amount was merged.

''(C) WAIVER.—The Attorney General may waive, in whole or in part, a right of recovery under this subsection if it is shown that recovery would be against equity and good conscience or against the public interest.

''(3) LIMITATIONS.—

''(A) STUDENT LOAN PAYMENT AMOUNT.—Student loan repayments made by the Attorney General under this section shall be made subject to the availability of appropriations, and subject to such terms, limitations, or conditions as may be mutually agreed upon by the borrower and the Attorney General in an agreement under paragraph (1), except that the amount paid by the Attorney General under this section shall not exceed—

''(i) $10,000 for any borrower in any calendar year; or

''(ii) an aggregate total of $60,000 in the case of any borrower.

''(B) BEGINNING OF PAYMENTS.—Nothing in this section shall authorize the Attorney General to pay any amount to reimburse a borrower for any repayments made by such borrower prior to the date on which the Attorney General entered into an agreement with the borrower under this subsection.

''(e) ADDITIONAL AGREEMENTS.—

''(1) IN GENERAL.—On completion of the required period of service under an agreement under subsection (d), the borrower and the Attorney General may, subject to paragraph (2), enter into an additional agreement in accordance with subsection (d).

''(2) TERM.—An agreement entered into under paragraph (1) may require the borrower to remain employed as a prosecutor or public defender for less than 3 years.

''(f) AWARD BASIS; PRIORITY.—

''(1) AWARD BASIS.—The Attorney General shall provide repayment benefits under this section—

''(A) subject to the availability of appropriations; and

''(B) in accordance with paragraph (2), except that the Attorney General shall determine a fair allocation of repayment benefits among prosecutors and defenders, and among employing entities nationwide.

''(2) PRIORITY.—In providing repayment benefits under this section in any fiscal year, the Attorney General shall give priority to borrowers—

''(A) who, when compared to other eligible borrowers, have the least ability to repay their student loans (considering whether the borrower is the beneficiary of any other student loan repayment program), as determined by the Attorney General; or

''(B) who—

''(i) received repayment benefits under this section during the preceding fiscal year; and

''(ii) have completed less than 3 years of the first required period of service specified for the borrower in an agreement entered into under subsection (d).

''(g) REGULATIONS.—The Attorney General is authorized to issue such regulations as may be necessary to carry out the provisions of this section.

''(h) REPORT BY INSPECTOR GENERAL.—Not later than 3 years after the date of the enactment of this section, the Inspector General of the Department of Justice shall submit to Congress a report on—

''(1) the cost of the program authorized under this section; and

''(2) the impact of such program on the hiring and retention of prosecutors and public defenders.

''(i) GAO STUDY.—Not later than one year after the date of the enactment of this section, the Comptroller General shall conduct a study of, and report to Congress on, the impact that law school accreditation requirements and other factors have on the costs of law school and student access to law school, including the impact of such requirements on racial and ethnic minorities.

''(j) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $25,000,000 for each of the fiscal years 2008 through 2013.''.

SEC. 952. NATIONAL CENTER FOR CAMPUS PUBLIC SAFETY.

(a) IN GENERAL.—The Attorney General of the United States is authorized to make grants, through the Office of Community Oriented Policing Services, to establish and operate a National Center for Campus Public

Safety (referred to in this section as the ''Center''). The Center shall—

(1) provide quality education and training for campus public safety agencies and the agencies' collaborative partners, including campus mental health agencies;

(2) foster quality research to strengthen the safety and security of the institutions of higher education in the United States;

(3) serve as a clearinghouse for the identification and dissemination of information, policies, procedures, and best practices relevant to campus public safety, including off-campus housing safety, the prevention of violence against persons and property and emergency response and evacuation procedures;

(4) develop protocols, in conjunction with the Attorney General, the Secretary of Homeland Security, the Secretary of Education, State, local, and tribal governments and law enforcement agencies, private and nonprofit organizations and associations, and other stakeholders, to prevent, protect against, respond to, and recover from, natural and man-made emergencies or dangerous situations involving an immediate threat to the health or safety of the campus community;

(5) promote the development and dissemination of effective behavioral threat assessment and management models to prevent campus violence;

(6) coordinate campus safety information (including ways to increase off-campus housing safety) and resources available from the Department of Justice, the Department of Homeland Security, the Department of Education, State, local, and tribal governments and law enforcement agencies, and private and nonprofit organizations and associations;

(7) increase cooperation, collaboration, and consistency in prevention, response, and problem-solving methods among law enforcement, mental health, and other agencies and jurisdictions serving institutions of higher education in the United States;

(8) develop standardized formats and models for mutual aid agreements and memoranda of understanding between campus security agencies and other public safety organizations and mental health agencies; and

(9) report annually to Congress and the Attorney General on activities performed by the Center during the previous 12 months.

(b) COORDINATION WITH AVAILABLE RESOURCES.—In establishing the Center, the Attorney General shall—

(1) consult with the Secretary of Homeland Security, the Secretary of Education, and the Attorneys General of each State; and

(2) coordinate the establishment and operation of the Center with campus public safety resources that may already be available within the Department of Homeland Security and the Department of Education.

(c) DEFINITION OF INSTITUTION OF HIGHER EDUCATION.—In this section, the term ''institution of higher education'' has the meaning given the term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $2,750,000 for each of the fiscal years 2008 and 2009 and such sums as may be necessary thereafter.

(e) SENSE OF THE HOUSE OF REPRESENTATIVES.—It is the sense of the House of Representatives that in order to increase awareness of the importance of student safety in off-campus housing that is located in the areas surrounding colleges and universities, the following should be encouraged:

(1) The creation of chapters at colleges and universities that aim to raise awareness of the issue of off-campus student safety.

(2) Public awareness on the benefits of security measures that may increase the safety of students living in off-campus housing.

(3) Collaborative partnerships between Federal agencies, local law enforcement agencies, non-profit organizations, colleges and universities, and communities to disseminate information and best practices related to off-campus housing safety for students.

SEC. 953. PRIVATE LOAN FORGIVENESS.

Notwithstanding any other provision of law—

(1) a public or private institution of higher education may provide an officer or employee of any branch of the United States Government, of any independent agency of the United States, or of the District of Columbia who is a current or former student of such institution, financial assistance for the purpose of repaying a student loan or providing forbearance of student loan repayment: *Provided*, That such repaying or providing forbearance is provided to any such officer or employee in accordance with a written, published policy of the institution relating to repaying or providing forbearance, respectively, for students or former students who perform public service; and

(2) an officer or employee of any branch of the United States Government, of any independent agency of the United States, or of the District of Columbia may receive repayment or forbearance permitted under paragraph (1).

PART E—STEVENSON-WYDLER TECHNOLOGY INNOVATION ACT OF 1980

SEC. 961. ESTABLISHMENT OF PROGRAM.

Section 5 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3704) is amended by inserting the following after subsection (b):

''(c) MINORITY SERVING INSTITUTION DIGITAL AND WIRELESS TECHNOLOGY OPPORTUNITY PROGRAM.—

''(1) IN GENERAL.—The Secretary shall establish a Minority Serving Institution Digital and Wireless Technology Opportunity Program to assist eligible institutions in acquiring, and augmenting their use of, digital and wireless networking technologies to improve the quality and delivery of educational services at eligible institutions.

''(2) AUTHORIZED ACTIVITIES.—An eligible institution may use a grant, cooperative agreement, or contract awarded under this subsection—

''(A) to acquire equipment, instrumentation, networking capability, hardware and software, digital network technology, wireless technology, and infrastructure to further the objective of the Program described in paragraph (1);

''(B) to develop and provide training, education, and professional development programs, including faculty development, to increase the use of, and usefulness of, digital and wireless networking technology;

''(C) to provide teacher education, including the provision of preservice teacher training and in-service professional development at eligible institutions, library and media specialist training, and preschool and teacher aid certification to individuals who seek to acquire or enhance technology skills in order to use digital and wireless networking technology in the classroom or instructional process, including instruction in science, mathematics, engineering, and technology subjects;

''(D) to obtain capacity-building technical assistance, including through remote technical support, technical assistance workshops, and distance learning services; and

''(E) to foster the use of digital and wireless networking technology to improve research and education, including scientific, mathematics, engineering, and technology instruction.

''(3) APPLICATION AND REVIEW PROCEDURES.—

''(A) IN GENERAL.—To be eligible to receive a grant, cooperative agreement, or contract under this subsection, an eligible institution shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require. Such application, at a minimum, shall include a description of how the funds will be used, including a description of any digital and wireless networking technology to be acquired, and a description of how the institution will ensure that digital and wireless networking will be made accessible to, and employed by, students, faculty, and administrators. The Secretary, consistent with subparagraph (C) and in consultation with the advisory council established under subparagraph (B), shall establish procedures to review such applications. The Secretary shall publish the application requirements and review criteria in the Federal Register, along with a statement describing the availability of funds.

''(B) ADVISORY COUNCIL.—The Secretary shall establish an advisory council to advise the Secretary on the best approaches to encourage maximum participation by eligible institutions in the program established under paragraph (1), and on the procedures to review proposals submitted to the program. In selecting the members of the advisory council, the Secretary shall consult with representatives of appropriate organizations, including representatives of eligible institutions, to ensure that the membership of the advisory council includes representatives of minority businesses and eligible institution communities. The Secretary shall also consult with experts in digital and wireless networking technology to ensure that such expertise is represented on the advisory council.

''(C) REVIEW PANELS.—Each application submitted under this subsection by an eligible institution shall be reviewed by a panel of individuals selected by the Secretary to judge the quality and merit of the proposal, including the extent to which the eligible institution can effectively and successfully utilize the proposed grant, cooperative agreement, or contract to carry out the program described in paragraph (1). The Secretary shall ensure that the review panels include representatives of minority serving institutions and others who are knowledgeable about eligible institutions and technology issues. The Secretary shall ensure that no individual assigned under this subsection to review any application has a conflict of interest with regard to that application. The Secretary shall take into consideration the recommendations of the review panel in determining whether to award a grant, cooperative agreement, or contract to an eligible institution.

''(D) INFORMATION DISSEMINATION.—The Secretary shall convene an annual meeting of eligible institutions receiving grants, cooperative agreements, or contracts under this subsection to foster collaboration and capacity-building activities among eligible institutions.

''(E) MATCHING REQUIREMENT.—The Secretary may not award a grant, cooperative agreement, or contract to an eligible institution under this subsection unless such institution agrees that, with respect to the costs incurred by the institution in carrying out the program for which the grant, cooperative agreement, or contract was awarded, such institution shall make available, directly, or through donations from public or private entities, non-Federal contributions in an amount equal to one-quarter of the grant,

cooperative agreement, or contract awarded by the Secretary, or $500,000, whichever is the lesser amount. The Secretary shall waive the matching requirement for any institution or consortium with no endowment, or an endowment that has a current dollar value lower than $50,000,000.

''(F) AWARDS.—

''(i) LIMITATION.—An eligible institution that receives a grant, cooperative agreement, or contract under this subsection that exceeds $2,500,000 shall not be eligible to receive another grant, cooperative agreement, or contract.

''(ii) CONSORTIA.—Grants, cooperative agreements, and contracts may only be awarded to eligible institutions. Eligible institutions may seek funding under this subsection for consortia which may include other eligible institutions, a State or a State education agency, local education agencies, institutions of higher education, community-based organizations, national nonprofit organizations, or businesses, including minority businesses.

''(iii) PLANNING GRANTS.—The Secretary may provide funds to develop strategic plans to implement such grants, cooperative agreements, or contracts.

''(iv) INSTITUTIONAL DIVERSITY.—In awarding grants, cooperative agreements, and contracts to eligible institutions, the Secretary shall ensure, to the extent practicable, that awards are made to all types of institutions eligible for assistance under this subsection.

''(v) NEED.—In awarding funds under this subsection, the Secretary shall give priority to the institution with the greatest demonstrated need for assistance.

''(G) ANNUAL REPORT AND EVALUATION.—

''(i) ANNUAL REPORT REQUIRED FROM RECIPIENTS.—Each institution that receives a grant, cooperative agreement, or contract awarded under this subsection shall provide an annual report to the Secretary on its use of the grant, cooperative agreement, or contract.

''(ii) INDEPENDENT ASSESSMENT.—Not later than 6 months after the date of enactment of this subsection, the Secretary shall enter into a contract with the National Academy of Public Administration to conduct periodic assessments of the program. The Assessments shall be conducted once every 3 years during the 10-year period following the enactment of this subsection. The assessments shall include an evaluation of the effectiveness of the program in improving the education and training of students, faculty and staff at eligible institutions that have been awarded grants, cooperative agreements, or contracts under the program; an evaluation of the effectiveness of the program in improving access to, and familiarity with, digital and wireless networking technology for students, faculty, and staff at all eligible institutions; an evaluation of the procedures established under paragraph (3)(A); and recommendations for improving the program, including recommendations concerning the continuing need for Federal support. In carrying out its assessments, the National Academy of Public Administration shall review the reports submitted to the Secretary under clause (i).

''(iii) REPORT TO CONGRESS.—Upon completion of each independent assessment carried out under clause (ii), the Secretary shall transmit the assessment to Congress along with a summary of the Secretary's plans, if any, to implement the recommendations of the National Academy of Public Administration.

''(H) DEFINITIONS.—In this subsection:

''(i) DIGITAL AND WIRELESS NETWORKING TECHNOLOGY.—The term 'digital and wireless networking technology' means computer and communications equipment and software that facilitates the transmission of information in a digital format.

''(ii) ELIGIBLE INSTITUTION.—The term 'eligible institution' means an institution that is—

''(I) a historically Black college or university that is a part B institution, as defined in section 322(2) of the Higher Education Act of 1965 (20 U.S.C. 1061(2)), an institution described in section 326(e)(1)(A), (B), or (C) of that Act (20 U.S.C. 1063b(e)(1)(A), (B), or (C)), or a consortium of institutions described in this subparagraph;

''(II) a Hispanic-serving institution, as defined in section 502(a)(5) of the Higher Education Act of 1965 (20 U.S.C. 1101a(a)(5));

''(III) a tribally controlled college or university, as defined in section 316(b)(3) of the Higher Education Act of 1965 (20 U.S.C. 1059c(b)(3));

''(IV) an Alaska Native-serving institution under section 317(b) of the Higher Education Act of 1965 (20 U.S.C. 1059d(b));

''(V) a Native Hawaiian-serving institution under section 317(b) of the Higher Education Act of 1965 (20 U.S.C. 1059d(b)); or

''(VI) an institution of higher education (as defined in section 365 of the Higher Education Act of 1965 (20 U.S.C. 1067k)) with an enrollment of needy students (as defined in section 312(d) of the Higher Education Act of 1965 (20 U.S.C. 1058(d))).

''(iii) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' has the meaning given the term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

''(iv) LOCAL EDUCATIONAL AGENCY.—The term 'local educational agency' has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

''(v) MINORITY BUSINESS.—The term 'minority business' includes HUBZone small business concerns (as defined in section 3(p) of the Small Business Act (15 U.S.C. 632(p))).

''(vi) MINORITY INDIVIDUAL.—The term 'minority individual' means an American Indian, Alaskan Native, Black (not of Hispanic origin), Hispanic (including persons of Mexican, Puerto Rican, Cuban and Central or South American origin), or Pacific Islander individual.

''(vii) STATE.—The term 'State' has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

''(viii) STATE EDUCATIONAL AGENCY.—The term 'State educational agency' has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).''.

SEC. 962. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary of Commerce to carry out section 5(c) of the Stevenson-Wydler Technology Innovation Act of 1980—

(1) $250,000,000 for fiscal year 2008; and

(2) such sums as may be necessary for each of the fiscal years 2009 through 2012.

TITLE X—PRIVATE STUDENT LOAN TRANSPARENCY AND IMPROVEMENT

SEC. 1001. SHORT TITLE.

This title may be cited as the ''Private Student Loan Transparency and Improvement Act of 2008''.

SEC. 1002. DEFINITIONS.

As used in this title—

(1) the term ''Board'' means the Board of Governors of the Federal Reserve System;

(2) the term ''covered educational institution''—

(A) means any educational institution that offers a postsecondary educational degree, certificate, or program of study (including any institution of higher education); and

(B) includes an agent or employee of the educational institution;

(3) the terms ''Federal banking agencies'' and ''appropriate Federal banking agency'' have the same meanings as in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813);

(4) the term ''institution of higher education'' has the same meaning as in section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002);

(5) the term ''postsecondary educational expenses'' means any of the expenses that are included as part of the cost of attendance of a student, as defined under section 472 of the Higher Education Act of 1965 (20 U.S.C. 10871l);

(6) the term ''private educational lender'' means any creditor (as defined in section 103 of the Truth in Lending Act) which solicits, makes, or extends private educational loans; and

(7) the term ''private educational loan''—

(A) means a loan provided by a private educational lender that—

(i) is not made, insured, or guaranteed under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.); and

(ii) is issued by a private educational lender expressly for postsecondary educational expenses to a student, or the parent of the student, regardless of whether the loan involves enrollment certification by the educational institution that the student attends, or whether the loan is provided through the educational institution that the subject student attends or directly to the borrower from the lender; and

(B) does not include an extension of credit under an open end consumer credit plan, a reverse mortgage transaction, a residential mortgage transaction (as those terms are defined in section 103 of the Truth in Lending Act), or any other loan that is secured by real property or a dwelling.

SEC. 1003. REGULATIONS.

The Board shall issue final regulations to implement this title and the amendments made by this title not later than 180 days after the date of enactment of this title.

SEC. 1004. EFFECTIVE DATES.

This title and the amendments made by this title shall become effective 180 days after the date on which regulations to carry out this title and the amendments made by this title are issued in final form.

Subtitle A—Preventing Unfair and Deceptive Private Educational Lending Practices and Eliminating Conflicts of Interest

SEC. 1011. AMENDMENT TO THE TRUTH IN LENDING ACT.

(a) IN GENERAL.—Chapter 2 of the Truth in Lending Act (15 U.S.C. 1631 et seq.) is amended by adding at the end the following new section:

''§ 140. Preventing unfair and deceptive private educational lending practices and eliminating conflicts of interest

''(a) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

''(1) COVERED EDUCATIONAL INSTITUTION.—The term 'covered educational institution'—

''(A) means any educational institution that offers a postsecondary educational degree, certificate, or program of study (including any institution of higher education); and

''(B) includes an agent or employee of the educational institution.

''(2) GIFT.—The term 'gift'—

''(A) means any gratuity, favor, discount, entertainment, hospitality, loan, or other item having a monetary value of more than a de minimis amount, including a gift of services, transportation, lodging, or meals, whether provided in kind, by purchase of a ticket, payment in advance, or reimbursement after the expense has been incurred;

''(B) does not include—

''(i) standard material, activities, or programs on issues related to a loan, default aversion, default prevention, or financial literacy, such as a brochure, a workshop, or training;

''(ii) food, refreshments, training, or informational material furnished to an employee or agent of a covered educational institution, as an integral part of a training session that is designed to improve the service of the private educational lender to the covered educational institution, if such training contributes to the professional development of the employee or agent of the covered educational institution;

''(iii) favorable terms, conditions, and borrower benefits on an educational loan provided to a student employed by the covered educational institution if such terms, conditions, or benefits are comparable to those provided to all students of the institution;

''(iv) the provision of financial literacy counseling or services to students or parents, including counseling or services provided in coordination with a covered educational institution, to the extent that such counseling or services—

''(I) are not undertaken to secure applications for private educational loans or to secure private educational loan volume;

''(II) are not undertaken to secure applications or loan volume for any loan made, insured, or guaranteed under part B of title IV of the Higher Education Act of 1965; and

''(III) do not promote the products or services of any private educational lender;

''(v) philanthropic contributions to a covered institution from a private educational lender that are unrelated to educational loans, to the extent that such contributions are disclosed pursuant to paragraphs (1) and (2) of section 153(a) of the Higher Education Act of 1965, if applicable; or

''(vi) State education grants, scholarships, or financial aid funds administered by or on behalf of a State; and

''(C) includes a gift to a family member of an officer, employee, or agent of a covered institution, or a gift to any other individual based on that individual's relationship with the officer, employee, or agent, if—

''(i) the gift is given with the knowledge and acquiescence of the officer, employee, or agent; and

''(ii) the officer, employee, or agent has reason to believe the gift was given because of the official position of the officer, employee, or agent.

''(3) INSTITUTION OF HIGHER EDUCATION.—the term 'institution of higher education' has the same meaning as in section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002).

''(4) POSTSECONDARY EDUCATIONAL EXPENSE.—The term 'postsecondary educational expenses' means any of the expenses that are included as part of the cost of attendance of a student, as defined under section 472 of the Higher Education Act of 1965 (20 U.S.C. 1087ll).

''(5) PRIVATE EDUCATIONAL LENDER.—The term 'private educational lender' means a creditor which solicits, makes, or extends private educational loans.

''(6) PRIVATE EDUCATIONAL LOAN.—The term 'private educational loan'—

''(A) means a loan provided by a private educational lender that—

''(i) is not made, insured, or guaranteed under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.); and

''(ii) is issued by a private educational lender expressly for postsecondary educational expenses to a student, or the parent of the student, regardless of whether the loan involves enrollment certification by the educational institution that the student attends, or whether the loan is provided through the educational institution that the subject student attends or directly to the borrower from the lender; and

''(B) does not include an extension of credit under an open end consumer credit plan, a reverse mortgage transaction, a residential mortgage transaction (as those terms are defined in section 103 of the Truth in Lending Act), or any other loan that is secured by real property or a dwelling.

''(7) REVENUE SHARING.—the term 'revenue sharing' means an arrangement between a covered educational institution and a private educational lender under which—

''(A) a private educational lender provides or issues private educational loans to students attending the covered educational institution or to the parents of such students;

''(B) the covered educational institution recommends to students or others the private educational lender or the private educational loans of the private educational lender; and

''(C) the private educational lender pays a fee or provides other material benefits, including profit or revenue sharing, to the covered educational institution or to the officers, employees, or agents of the covered educational institution in connection with the private educational loans provided to students attending the covered educational institution or a borrower acting on behalf of a student.

''(b) PROHIBITION ON CERTAIN GIFTS AND ARRANGEMENTS.—A private educational lender, including any officer or employee thereof, may not, directly or indirectly—

''(1) offer or provide any gift to a covered educational institution or a covered educational institution employee, nor may such covered educational institution, officer, or employee receive any such gift, in exchange for any advantage or consideration provided to such private educational lender related to its private educational loan activities; or

''(2) engage in revenue sharing with a covered educational institution.

''(c) PROHIBITION ON CO-BRANDING.—A private educational lender may not use the name, emblem, mascot, or logo of the covered educational institution, or other words, pictures, or symbols readily identified with the covered educational institution, in the marketing of private educational loans in any way that implies that the covered educational institution endorses the private educational loans offered by the lender.

''(d) BAN ON PARTICIPATION ON ADVISORY COUNCILS.—

''(1) IN GENERAL.—An officer, employee, or agent who is employed in the financial aid office of a covered institution, or who otherwise has responsibilities with respect to private educational loans, shall not serve on or otherwise participate with advisory councils of private educational lenders or affiliates of such lenders.

''(2) RULES OF CONSTRUCTION.—No provision of this subsection shall be construed as—

''(A) prohibiting private educational lenders from seeking advice from covered institutions or groups of covered institutions (including through telephonic or electronic means, or a meeting) in order to improve products and services for borrowers, to the extent that no gifts or compensation (including for transportation, lodging, or related expenses) are provided by private educational lenders in connection with seeking this advice from such institutions; or

''(B) prohibiting an employee, officer, or agent of a covered institution from serving on the board of directors of a private educational lender, if required by State law.

''(e) PROHIBITION ON PREPAYMENT OR REPAYMENT FEES OR PENALTY.—It shall be unlawful for any private educational lender to impose a fee or penalty on a borrower, directly or indirectly, for early repayment or prepayment, of any private educational loan.''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 2 of the Truth in Lending Act is amended by inserting after the item relating to section 139 the following new item:

''140. Preventing unfair and deceptive private educational lending practices and eliminating conflicts of interest.''.

SEC. 1012. CIVIL LIABILITY.

Section 130 of the Truth in Lending Act (15 U.S.C. 1640) is amended—

(1) in subsection (a)—

(A) in paragraph (3), by inserting ''or section 128(e)(8)'' after ''section 125''; and

(B) in the fourth sentence of the undesignated matter at the end—

(i) by striking ''125 or'' and inserting ''125,''; and

(ii) by inserting ''128(e)(8), or'' after ''125,''; and

(2) in subsection (e), by inserting before the first period, the following: ''or, in the case of a violation involving a private educational loan, 1 year from the date on which the first regular payment of principal is due under the loan''.

Subtitle B—Improved Disclosures for Private Educational Loans

SEC. 1021. PRIVATE EDUCATIONAL LOAN DISCLOSURES AND LIMITATIONS.

Section 128 of the Truth in Lending Act (15 U.S.C. 1638) is amended by adding at the end the following new subsection:

''(e) TERMS AND DISCLOSURE WITH RESPECT TO PRIVATE EDUCATIONAL LOANS.—

''(1) DISCLOSURES REQUIRED IN PRIVATE EDUCATIONAL LOAN APPLICATIONS AND SOLICITATIONS.—In any application for a private educational loan, or a solicitation for a private educational loan without requiring an application, the creditor shall disclose to the borrower, clearly and conspicuously—

''(A) the potential range of rates of interest applicable to the private educational loan;

''(B) whether the rate of interest applicable to the private educational loan is fixed or variable;

''(C) limitations on interest rate adjustments, both in terms of frequency and amount, or the lack thereof;

''(D) requirements for a co-borrower, including any changes in the applicable interest rates without a co-borrower;

''(E) potential finance charges, late fees, penalties, and adjustments to principal, based on defaults or late payments of the borrower;

''(F) fees or range of fees applicable to the private educational loan;

''(G) the term of the private educational loan;

''(H) whether interest will accrue while the student to whom the private educational loan relates is enrolled at an institution of higher education;

''(I) payment deferral options, including whether the deferment would apply to interest or principal, or both;

''(J) general eligibility criteria for the private educational loan;

''(K) an example of the total cost of the private educational loan over the life of the loan—

''(i) which shall be calculated using the principal amount and the maximum rate of interest actually offered by the creditor; and

''(ii) calculated both with and without capitalization of interest, if that is an option for postponing interest payments;

''(L) a statement that an institution of higher education may have school-specific

educational loan benefits and terms not detailed on the disclosure form;

''(M) that the borrower may qualify for Federal financial assistance through a program under title IV of the Higher Education Act of 1965, in lieu of, or in addition to, a loan from a non-Federal source;

''(N) the interest rates available with respect to such Federal financial assistance through a program under title IV of the Higher Education Act of 1965;

''(O) that the consumer may obtain additional information concerning such Federal financial assistance from their institution of higher education or at the website of the Department of Education;

''(P) that, as provided in paragraph (6)—

''(i) the borrower shall have up to 30 calendar days following the date on which the application for the private educational loan is approved and the borrower receives the disclosure documents required under this subsection for the loan to accept the terms of the private educational loan and consummate the transaction; and

''(ii) except for changes based on adjustments to the index used for a loan, the rates and terms of the loan may not be changed by the creditor during that 30-day period; and

''(Q) such other information as the Board shall prescribe, by rule, as necessary or appropriate for consumers to make informed borrowing decisions.

''(2) WRITTEN ACKNOWLEDGMENT OF RECEIPT.—In each case in which a disclosure is provided pursuant to paragraph (1) and an application initiated, a creditor shall obtain a written acknowledgment from the consumer that the consumer has read and understood the disclosure. The form of such written acknowledgment shall be subject to the regulations of the Board.

''(3) DISCLOSURES AT THE TIME OF PRIVATE EDUCATIONAL LOAN APPROVAL.—Subject to the rules of the Board, contemporaneously with the approval of a private educational loan application, and before the loan transaction is consummated, the creditor shall disclose to the borrower, clearly and conspicuously—

''(A) the applicable rate of interest in effect on the date of approval;

''(B) whether the rate of interest applicable to the private educational loan is fixed or variable;

''(C) limitations on interest rate adjustments, both in terms of frequency and amount, or the lack thereof;

''(D) the initial approved principal amount;

''(E) applicable finance charges, late fees, penalties, and adjustments to principal, based upon borrower defaults or late payments;

''(F) the maximum term under the private educational loan program;

''(G) an estimate of the total amount for repayment, at both the interest rate in effect on the date of approval and at the maximum possible rate of interest actually offered by the creditor, to the extent that such maximum rate may be determined, or if not, a good faith estimate thereof;

''(H) any principal and interest payments required while the student to whom the private educational loan relates is enrolled at an institution of higher education and interest which will accrue during such enrollment;

''(I) payment deferral options, including whether the deferment would apply to interest or principal, or both;

''(J) whether monthly payments are graduated;

''(K) that, as provided in paragraph (7)—

''(i) the borrower shall have up to 30 calendar days following the date on which the application for the private educational loan is approved and the borrower receives the disclosure documents required under this subsection for the loan to accept the terms of the private educational loan and consummate the transaction; and

''(ii) except for changes based on adjustments to the index used for a loan, the rates and terms of the loan may not be changed by the creditor during that 30-day period;

''(L) that the borrower may qualify for Federal financial assistance through a program under title IV of the Higher Education Act of 1965, in lieu of, or in addition to, a loan from a non-Federal source;

''(M) the interest rates available with respect to such Federal financial assistance through a program under title IV of the Higher Education Act of 1965;

''(N) the maximum monthly payment, calculated using the maximum rate of interest actually offered by the creditor, to the extent that such maximum rate may be determined, or if not, a good faith estimate thereof; and

''(O) such other information as the Board shall prescribe, by rule, as necessary or appropriate for consumers to make informed borrowing decisions.

''(4) INSTITUTIONAL CERTIFICATION REQUIRED.—Before a creditor may issue any funds with respect to an extension of credit described in paragraph (1), the creditor shall obtain from the relevant institution of higher education such institution's certification of—

''(A) the enrollment status of the borrower;

''(B) the borrower's cost of attendance at the institution as determined by the institution under part F of title IV of the Higher Education Act of 1965; and

''(C) the difference between the borrower's cost of attendance and the borrower's estimated financial assistance received under title IV of the Higher Education Act of 1965 and other assistance known to the institution.

''(5) DISCLOSURES AT THE TIME OF PRIVATE EDUCATIONAL LOAN CONSUMMATION.—Subject to the regulations prescribed by the Board, contemporaneously with the consummation of a private educational loan, the creditor shall make each of the disclosures described in subparagraphs (A) through (J) and (L) through (O) of paragraph (3) to the borrower.

''(6) FORMAT OF DISCLOSURES.—Disclosures required under paragraphs (1), (3), and (5) shall appear in a clearly legible, uniform format, subject to section 122(c).

''(7) EFFECTIVE PERIOD OF APPROVED RATE OF INTEREST AND LOAN TERMS.—

''(A) IN GENERAL.—With respect to a private educational loan, the borrower shall have the right to accept the terms of the loan and consummate the transaction at any time within 30 calendar days following the date on which the application for the private educational loan is approved and the borrower receives the disclosure documents required under this subsection for the loan, and the rates and terms of the loan may not be changed by the creditor during that period, subject to the rules of the Board.

''(B) PROHIBITION ON CHANGES.—Except for changes based on adjustments to the index used for a loan, the rates and terms of the loan may not be changed by the creditor prior to the earlier of—

''(i) the date of acceptance of the terms of the loan and consummation of the transaction by the borrower, as described in subparagraph (A); or

''(ii) the expiration of the 30-day period referred to in subparagraph (A).

''(C) PROHIBITION ON DISBURSEMENT.—No funds may be disbursed with respect to a private educational loan until acceptance of the loan by the borrower under subparagraph (A) and the expiration of the 3-day period under paragraph (7).

''(8) RIGHT TO CANCEL.—With respect to a private educational loan, the borrower may cancel the loan, without penalty to the borrower, at any time within 3 business days of the date on which the loan is consummated, subject to the rules of the Board. No funds may be transferred to the borrower during that 3-day period.

''(9) PROVISION OF INFORMATION.—On or before the date a creditor issues any funds with respect to an extension of credit described in paragraph (1), the creditor shall notify the relevant institution of higher education, in writing, of the amount of the extension of credit and the student on whose behalf credit is extended. The form of such written notification shall be subject to the regulations of the Board.

''(10) DEFINITIONS.—For purposes of this subsection, the following definitions shall apply:

''(A) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' has the same meaning as in section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002).

''(B) PRIVATE EDUCATIONAL LENDER.—The term 'private educational lender' means any creditor engaged in the business of soliciting, making, or extending private educational loans.

''(C) PRIVATE EDUCATIONAL LOAN.—The term 'private educational loan'—

''(i) means a loan provided by a private educational lender that—

''(I) is not made, insured, or guaranteed under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.); and

''(II) is issued by a private educational lender expressly for postsecondary educational expenses to a student, or the parent of the student, regardless of whether the loan involves enrollment certification by the educational institution that the student attends, or whether the loan is provided through the educational institution that the subject student attends or directly to the borrower from the lender; and

''(ii) does not include an extension of credit under an open end consumer credit plan, a reverse mortgage transaction, a residential mortgage transaction (as those terms are defined in section 103 this Act), or any other loan that is secured by real property or a dwelling.''.

SEC. 1022. APPLICATION OF TRUTH IN LENDING ACT TO ALL PRIVATE EDUCATIONAL LOANS.

Section 104(3) of the Truth in Lending Act (15 U.S.C. 1603(3)) is amended by inserting ''and other than private educational loans (as that term is defined in section 140(a))'' after ''consumer''.

Subtitle C—Financial Literacy

SEC. 1031. COORDINATED EDUCATION EFFORTS.

(a) IN GENERAL.—The Secretary of the Treasury (in this section referred to as the ''Secretary''), in coordination with the Secretary of Education, the Secretary of Agriculture (with respect to land grant covered educational institutions), and any other appropriate agency that is a member of the Financial Literacy and Education Commission established under the Financial Literacy and Education Improvement Act (20 U.S.C. 9701 et seq.), shall seek to enhance financial literacy among students at institutions of higher education through—

(1) the development of initiatives, programs, and curricula that improve student awareness of the short- and long-term costs associated with educational loans and other debt assumed while in college, their repayment obligations, and their rights as borrowers; and

(2) assisting such students in navigating the financial aid process.

(b) DUTIES.—For purposes of this section, the Secretary, working in conjunction with

the Secretary of Education, the Secretary of Agriculture, and the Financial Literacy and Education Commission, shall—

(1) identify programs that promote or enhance financial literacy for college students, with specific emphasis on programs that impart the knowledge and ability for students to best navigate the financial aid process, including those that involve partnerships between nonprofit organizations, colleges and universities, State and local governments, and student organizations;

(2) evaluate the effectiveness of such programs in terms of measured results, including positive behavioral change among college students;

(3) promote the programs identified as being the most effective; and

(4) encourage institutions of higher education to implement financial education programs for their students, including those that have the highest evaluations.

(c) REPORT.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this title, the Financial Literacy and Education Commission shall submit a report to Congress on the state of financial education among students at institutions of higher education.

(2) CONTENT.—The report required by this subsection shall include a description of progress made in enhancing financial education with respect to student understanding of financial aid, including the programs and evaluations required by this section.

(3) APPEARANCE BEFORE CONGRESS.—The Secretary shall, upon request, provide testimony before the Committee on Banking, Housing, and Urban Affairs of the Senate concerning the report required by this subsection.

Subtitle D—Study and Report on Nonindividual Information

SEC. 1041. STUDY AND REPORT ON NONINDIVIDUAL INFORMATION.

(a) STUDY.—The Comptroller General of the United States (in this section referred to as the ''Comptroller'') conduct a study—

(1) on the impact on and benefits to borrowers of the inclusion of nonindividual factors, including cohort default rate, accreditation, and graduation rate at institutions of higher education, used in the underwriting criteria to determine the pricing of private educational loans;

(2) to examine whether and to what extent the inclusion of such nonindividual factors—

(A) increases access to private educational loans for borrowers who lack credit history or results in less favorable rates for such borrowers; and

(B) impacts the types of private educational loan products and rates available at certain institutions of higher education, including a comparison of such impact—

(i) on private and public institutions; and

(ii) on historically Black colleges and universities (defined for purposes of this section as a ''part B institution'', within the meaning of section 322 of the Higher Education Act of 1965 (20 U.S.C. 1061)) and other colleges and universities; and

(3) to assess the extent to which the use of such nonindividual factors in underwriting may have a disparate impact on the pricing of private educational loans, based on gender, race, income level, and institution of higher education.

(b) REPORT.—Not later than 1 year after the date of enactment of this title, the Comptroller shall submit a report to Congress on the results of the study required by this section.

Subtitle E—Incentives For Low-Cost Educational Loans

SEC. 1051. CRA CREDIT FOR LOW-COST EDUCATIONAL LOANS.

Section 804 of the Community Reinvestment Act of 1977 (12 U.S.C. 2903) is amended by adding at the end the following new subsection:

''(d) LOW-COST EDUCATIONAL LOANS.—In assessing and taking into account, under subsection (a), the record of a financial institution, the appropriate Federal financial supervisory agency shall consider, as a factor, low-cost educational loans provided by the financial institution to low-income borrowers.''.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

Mr. FERGUSON moved to recommit the bill to the Committee on Education and Labor with instructions to report the bill back to the House forthwith with the following amendment:

At the end of the bill, add the following new title:

TITLE XII—LIMITATIONS ON EXPENDITURES

SEC. 1201. FUNDING PRIORITIES.

(a) PELL AND IDEA FIRST.—None of the funds appropriated or otherwise made available pursuant to an authorization of appropriations or other provision of this Act (including an amendment made by this Act) shall be expended to carry out any new program under this Act for any fiscal year, or any FIPSE program for that fiscal year, unless—

(1) the Federal Pell Grant program is fully funded for that fiscal year; and

(2) the Individuals with Disabilities Education Act is fully funded for that fiscal year.

(b) DEFINITIONS.—For purposes of this section:

(1) NEW PROGRAM.—The term ''new program under this Act'' means a title, part, subpart, section, or other provision of the Higher Education Act of 1965—

(A) for which funds are authorized to be appropriated or otherwise made available by an amendment made by this Act to the Higher Education Act of 1965; and

(B) for which funds were not authorized to be appropriated or otherwise made available prior to the date of enactment of this Act .

(2) FIPSE PROGRAM.—The term ''FIPSE program'' means any program authorized by section 741 of the Higher Education Act of 1965, as amended by title VII of this Act.

(3) PELL GRANT FULL FUNDING.—The Federal Pell Grant program shall be considered to be fully funded for a fiscal year only if the total amount appropriated or otherwise made available for such fiscal year is sufficient to provide a maximum Federal Pell Grant that equals or exceeds $9,000.

(4) IDEA FULL FUNDING.—The Individuals with Disabilities Education Act shall be considered to be fully funded for a fiscal year only if, with respect to such fiscal year, the total amount appropriated pursuant to the authorization of appropriations under section 611(i) of such Act (20 U.S.C. 1411(i)) or otherwise made available is sufficient to provide the maximum grant to each State as determined under section 611(a)(2)(B) of such Act (20 U.S.C. 1411(a)(2)(B)) for such fiscal year.

After debate,

By unanimous consent, the previous question was ordered on the motion to recommit with instructions.

The question being put, viva voce,

Will the House recommit said bill with instructions?

The SPEAKER pro tempore, Mrs. TAUSCHER, announced that the nays had it.

Mr. FERGUSON demanded a recorded vote on agreeing to said motion, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the negative ..... { Yeas ..... 194 / Nays 216

¶11.21 [Roll No. 39]

AYES—194

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

NOES—216

Abercrombie	Berman	Butterfield
Ackerman	Berry	Capps
Allen	Bishop (GA)	Capuano
Altmire	Bishop (NY)	Cardoza
Andrews	Blumenauer	Carnahan
Arcuri	Boren	Castle
Baca	Boswell	Castor
Baird	Boyd (FL)	Chandler
Baldwin	Boyda (KS)	Clarke
Bean	Brady (PA)	Clay
Becerra	Braley (IA)	Cleaver
Berkley	Brown, Corrine	Clyburn

Cohen
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Emanuel
Engel
Eshoo
Etheridge
Fattah
Filner
Foxx
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
LaHood
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tancredo
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Wu
Yarmuth

NOT VOTING—19

Boucher
Cramer
Davis, Tom
Everett
Farr
Fortenberry
Inslee
Lantos
Lewis (KY)
Lowey
Pitts
Porter
Ruppersberger
Sanchez, Loretta
Smith (WA)
Tanner
Turner
Woolsey
Wynn

So the motion to recommit with instructions was not agreed to.

The question being put, viva voce,

Will the House pass said bill?

The SPEAKER pro tempore, Mrs. TAUSCHER, announced that the yeas had it.

Mr. George MILLER of California, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 354 Nays 58

¶11.22 [Roll No. 40]

YEAS—354

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachus
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Bonner
Bono Mack
Boozman
Boren
Boswell
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Butterfield
Buyer
Calvert
Camp (MI)
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Drake
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Fallin
Fattah
Ferguson
Filner
Forbes
Fossella
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Giffords
Gilchrest
Gillibrand
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Klein (FL)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lucas
Lynch
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Platts
Pomeroy
Price (NC)
Pryce (OH)
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sessions
Sestak
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Wu
Yarmuth
Young (AK)
Young (FL)

NAYS—58

Akin
Bachmann
Barrett (SC)
Bartlett (MD)
Barton (TX)
Blackburn
Blunt
Boehner
Brady (TX)
Broun (GA)
Burgess
Burton (IN)
Campbell (CA)
Cannon
Cantor
Conaway
Cubin
Culberson
Deal (GA)
Doolittle
Dreier
Duncan
Feeney
Flake
Foxx
Franks (AZ)
Garrett (NJ)
Gingrey
Hensarling
Herger
Hoekstra
Jordan
King (IA)
Kingston
Kline (MN)
Lamborn
Linder
Lungren, Daniel E.
Mack
McHenry
Miller (FL)
Moran (KS)
Musgrave
Myrick
Paul
Pence
Poe
Price (GA)
Putnam
Rohrabacher
Royce
Ryan (WI)
Sali
Sensenbrenner
Shadegg
Tancredo
Weldon (FL)
Westmoreland

NOT VOTING—17

Boucher
Cramer
Davis, Tom
Everett
Farr
Fortenberry
Inslee
Lantos
Lowey
Pitts
Porter
Ruppersberger
Sanchez, Loretta
Smith (WA)
Tanner
Woolsey
Wynn

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶11.23 CLERK TO CORRECT ENGROSSMENT

On motion of Mr. George MILLER of California, by unanimous consent,

Ordered, That in the engrossment of the foregoing bill the Clerk be authorized to correct the table of contents, section numbers, punctuation, citations, and cross references, and to make such other technical and conforming changes as may be appropriate to reflect the actions of the House.

¶11.24 H. RES. 947—UNFINISHED BUSINESS

The SPEAKER pro tempore, Ms. BALDWIN, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 947) congratulating Lee Myung-Bak on his election to the Presidency of the Republic of Korea and wishing him well during his time of transition and his inauguration on February 25, 2008.

The question being put,

Will the House suspend the rules and agree to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative { Yeas ..... 388 Nays 0

¶11.25 [Roll No. 41]

YEAS—388

Abercrombie	DeFazio	Kaptur
Ackerman	DeGette	Keller
Aderholt	Delahunt	Kennedy
Akin	DeLauro	Kildee
Alexander	Dent	Kilpatrick
Allen	Diaz-Balart, M.	Kind
Altmire	Dicks	King (IA)
Andrews	Dingell	King (NY)
Arcuri	Doggett	Kingston
Baca	Donnelly	Kirk
Bachus	Doolittle	Klein (FL)
Baird	Doyle	Kline (MN)
Baldwin	Drake	Knollenberg
Barrett (SC)	Dreier	Kucinich
Barrow	Duncan	Kuhl (NY)
Bartlett (MD)	Edwards	LaHood
Barton (TX)	Ehlers	Lamborn
Bean	Ellison	Langevin
Becerra	Ellsworth	Larsen (WA)
Berkley	Emerson	Larson (CT)
Berman	Engel	Latham
Berry	English (PA)	Latta
Biggert	Eshoo	Lee
Bilbray	Etheridge	Levin
Bilirakis	Fallin	Lewis (GA)
Bishop (GA)	Fattah	Lewis (KY)
Bishop (NY)	Ferguson	Linder
Bishop (UT)	Filner	Lipinski
Blackburn	Flake	LoBiondo
Blumenauer	Forbes	Loebsack
Blunt	Fossella	Lofgren, Zoe
Boehner	Foxx	Lucas
Bonner	Frank (MA)	Lungren, Daniel E.
Bono Mack	Franks (AZ)	
Boozman	Frelinghuysen	Mack
Boren	Gallegly	Maloney (NY)
Boswell	Garrett (NJ)	Manzullo
Boustany	Gerlach	Markey
Boyd (FL)	Giffords	Matheson
Boyda (KS)	Gilchrest	Matsui
Brady (PA)	Gillibrand	McCarthy (CA)
Brady (TX)	Gingrey	McCaul (TX)
Braley (IA)	Gohmert	McCollum (MN)
Broun (GA)	Gonzalez	McCotter
Brown (SC)	Goode	McCrery
Brown, Corrine	Goodlatte	McDermott
Brown-Waite, Ginny	Gordon	McGovern
	Granger	McHenry
Buchanan	Graves	McHugh
Burgess	Green, Al	McIntyre
Burton (IN)	Green, Gene	McKeon
Butterfield	Grijalva	McMorris Rodgers
Buyer	Hall (NY)	
Calvert	Hall (TX)	McNerney
Camp (MI)	Hare	McNulty
Campbell (CA)	Harman	Meek (FL)
Cannon	Hastings (FL)	Meeks (NY)
Cantor	Hastings (WA)	Melancon
Capito	Hayes	Mica
Capps	Heller	Michaud
Capuano	Hensarling	Miller (FL)
Cardoza	Herger	Miller (MI)
Carnahan	Herseth Sandlin	Miller (NC)
Carney	Higgins	Miller, Gary
Carter	Hill	Miller, George
Castle	Hinchey	Mitchell
Castor	Hinojosa	Mollohan
Chabot	Hirono	Moore (KS)
Chandler	Hobson	Moore (WI)
Clarke	Hodes	Moran (KS)
Clay	Hoekstra	Moran (VA)
Cleaver	Holden	Murphy, Patrick
Clyburn	Holt	Murphy, Tim
Cohen	Honda	Murtha
Cole (OK)	Hooley	Musgrave
Conaway	Hoyer	Myrick
Conyers	Hulshof	Nadler
Cooper	Hunter	Napolitano
Costa	Inglis (SC)	Neugebauer
Costello	Israel	Nunes
Courtney	Issa	Oberstar
Crenshaw	Jackson (IL)	Obey
Crowley	Jackson-Lee (TX)	Olver
Cubin		Ortiz
Cuellar	Jefferson	Pallone
Culberson	Johnson (GA)	Pascrell
Cummings	Johnson (IL)	Pastor
Davis (AL)	Johnson, E. B.	Paul
Davis (CA)	Johnson, Sam	Payne
Davis (IL)	Jones (NC)	Pearce
Davis (KY)	Jones (OH)	Pence
Davis, David	Jordan	Perlmutter
Davis, Lincoln	Kagen	Peterson (MN)
Deal (GA)	Kanjorski	Peterson (PA)
Petri	Schmidt	Tierney
Pickering	Schwartz	Towns
Platts	Scott (GA)	Tsongas
Poe	Scott (VA)	Udall (CO)
Pomeroy	Sensenbrenner	Udall (NM)
Price (GA)	Serrano	Upton
Price (NC)	Sessions	Van Hollen
Pryce (OH)	Sestak	Velázquez
Putnam	Shadegg	Visclosky
Rahall	Shays	Walberg
Ramstad	Shea-Porter	Walden (OR)
Rangel	Sherman	Walsh (NY)
Regula	Shimkus	Walz (MN)
Rehberg	Shuler	Wamp
Reichert	Shuster	Wasserman Schultz
Renzi	Simpson	
Reyes	Sires	Waters
Richardson	Skelton	Watson
Rodriguez	Slaughter	Watt
Rogers (AL)	Smith (NE)	Waxman
Rogers (KY)	Smith (TX)	Weiner
Rogers (MI)	Snyder	Welch (VT)
Rohrabacher	Solis	Weldon (FL)
Ros-Lehtinen	Souder	Weller
Roskam	Spratt	Westmoreland
Ross	Stark	Wexler
Rothman	Stearns	Whitfield (KY)
Roybal-Allard	Stupak	Wilson (NM)
Royce	Sullivan	Wilson (OH)
Rush	Tancredo	Wilson (SC)
Ryan (OH)	Tauscher	Wittman (VA)
Salazar	Taylor	Wolf
Sali	Terry	Wu
Sánchez, Linda T.	Thompson (CA)	Yarmuth
	Thompson (MS)	Young (AK)
Sarbanes	Thornberry	Young (FL)
Schakowsky	Tiahrt	
Schiff	Tiberi	

NOT VOTING—41

Bachmann	Lantos	Reynolds
Boucher	LaTourette	Ruppersberger
Coble	Lewis (CA)	Ryan (WI)
Cramer	Lowey	Sanchez, Loretta
Davis, Tom	Lynch	Saxton
Diaz-Balart, L.	Mahoney (FL)	Smith (NJ)
Emanuel	Marchant	Smith (WA)
Everett	Marshall	Space
Farr	McCarthy (NY)	Sutton
Feeney	Murphy (CT)	Tanner
Fortenberry	Neal (MA)	Turner
Gutierrez	Pitts	Woolsey
Inslee	Porter	Wynn
Lampson	Radanovich	

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶11.26 FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title.

H.R. 5140. An Act to provide economic stimulus through recovery rebates to individuals, incentives for business investment, and an increase in conforming and FHA loan limits.

¶11.27 ORDER OF BUSINESS—CONSIDERATION OF H.R. 5140

On motion of Mr. RANGEL, by unanimous consent,

Ordered, That it shall be in order at any time to take from the Speaker's table, the bill (H.R. 5140) to provide economic stimulus through recovery rebates to individuals, incentives for business investment, and an increase in conforming and FHA loan limits, with a Senate amendment thereto, and to consider in the House, without intervention of any point of order, a motion offered by the Chairman of the Committee on Ways and Means or his designee that the House concur in the amendment of the Senate; the amendment of the Senate and the motion shall be considered as read; the motion shall be debatable for forty minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means; and the previous question shall be considered as ordered on the motion to its adoption without intervening motion.

¶11.28 ECONOMIC STIMULUS

Mr. RANGEL, pursuant to the previous order of the House, moved to take from the Speaker's table the bill (H.R. 5140) to provide economic stimulus through recovery rebates to individuals, incentives for business investment, and an increase in conforming and FHA loan limits; together with the following amendment of the Senate thereto:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Economic Stimulus Act of 2008''.

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

Sec. 1. Short title; table of contents.

TITLE I—RECOVERY REBATES AND INCENTIVES FOR BUSINESS INVESTMENT

Sec. 101. 2008 recovery rebates for individuals.
Sec. 102. Temporary increase in limitations on expensing of certain depreciable business assets.
Sec. 103. Special allowance for certain property acquired during 2008.

TITLE II—HOUSING GSE AND FHA LOAN LIMITS

Sec. 201. Temporary conforming loan limit increase for Fannie Mae and Freddie Mac.
Sec. 202. Temporary loan limit increase for FHA.

TITLE III—EMERGENCY DESIGNATION

Sec. 301. Emergency designation.

TITLE I—RECOVERY REBATES AND INCENTIVES FOR BUSINESS INVESTMENT

SEC. 101. 2008 RECOVERY REBATES FOR INDIVIDUALS.

(a) IN GENERAL.—Section 6428 of the Internal Revenue Code of 1986 is amended to read as follows:

''SEC. 6428. 2008 RECOVERY REBATES FOR INDIVIDUALS.

''(a) IN GENERAL.—In the case of an eligible individual, there shall be allowed as a credit against the tax imposed by subtitle A for the first taxable year beginning in 2008 an amount equal to the lesser of—

''(1) net income tax liability, or

''(2) $600 ($1,200 in the case of a joint return).

''(b) SPECIAL RULES.—

''(1) IN GENERAL.—In the case of a taxpayer described in paragraph (2)—

''(A) the amount determined under subsection (a) shall not be less than $300 ($600 in the case of a joint return), and

''(B) the amount determined under subsection (a) (after the application of subparagraph (A)) shall be increased by the product of $300 multiplied by the number of qualifying children (within the meaning of section 24(c)) of the taxpayer.

''(2) TAXPAYER DESCRIBED.—A taxpayer is described in this paragraph if the taxpayer—

''(A) has qualifying income of at least $3,000, or

''(B) has—

''(i) net income tax liability which is greater than zero, and

''(ii) gross income which is greater than the sum of the basic standard deduction plus the exemption amount (twice the exemption amount in the case of a joint return).

''(c) TREATMENT OF CREDIT.—The credit allowed by subsection (a) shall be treated as allowed by subpart C of part IV of subchapter A of chapter 1.

''(d) LIMITATION BASED ON ADJUSTED GROSS INCOME.—The amount of the credit allowed by subsection (a) (determined without regard to this subsection and subsection (f)) shall be reduced (but not below zero) by 5 percent of so much of the taxpayer's adjusted gross income as exceeds $75,000 ($150,000 in the case of a joint return).

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

''(1) QUALIFYING INCOME.—The term 'qualifying income' means—

''(A) earned income,

''(B) social security benefits (within the meaning of section 86(d)), and

''(C) any compensation or pension received under chapter 11, chapter 13, or chapter 15 of title 38, United States Code.

''(2) NET INCOME TAX LIABILITY.—The term 'net income tax liability' means the excess of—

''(A) the sum of the taxpayer's regular tax liability (within the meaning of section 26(b)) and the tax imposed by section 55 for the taxable year, over

''(B) the credits allowed by part IV (other than section 24 and subpart C thereof) of subchapter A of chapter 1.

''(3) ELIGIBLE INDIVIDUAL.—The term 'eligible individual' means any individual other than—

''(A) any nonresident alien individual,

''(B) any individual with respect to whom a deduction under section 151 is allowable to another taxpayer for a taxable year beginning in the calendar year in which the individual's taxable year begins, and

''(C) an estate or trust.

''(4) EARNED INCOME.—The term 'earned income' has the meaning set forth in section 32(c)(2) except that—

''(A) subclause (II) of subparagraph (B)(vi) thereof shall be applied by substituting 'January 1, 2009' for 'January 1, 2008', and

''(B) such term shall not include net earnings from self-employment which are not taken into account in computing taxable income.

''(5) BASIC STANDARD DEDUCTION; EXEMPTION AMOUNT.—The terms 'basic standard deduction' and 'exemption amount' shall have the same respective meanings as when used in section 6012(a).

''(f) COORDINATION WITH ADVANCE REFUNDS OF CREDIT.—

''(1) IN GENERAL.—The amount of credit which would (but for this paragraph) be allowable under this section shall be reduced (but not below zero) by the aggregate refunds and credits made or allowed to the taxpayer under subsection (g). Any failure to so reduce the credit shall be treated as arising out of a mathematical or clerical error and assessed according to section 6213(b)(1).

''(2) JOINT RETURNS.—In the case of a refund or credit made or allowed under subsection (g) with respect to a joint return, half of such refund or credit shall be treated as having been made or allowed to each individual filing such return.

''(g) ADVANCE REFUNDS AND CREDITS.—

''(1) IN GENERAL.—Each individual who was an eligible individual for such individual's first taxable year beginning in 2007 shall be treated as having made a payment against the tax imposed by chapter 1 for such first taxable year in an amount equal to the advance refund amount for such taxable year.

''(2) ADVANCE REFUND AMOUNT.—For purposes of paragraph (1), the advance refund amount is the amount that would have been allowed as a credit under this section for such first taxable year if this section (other than subsection (f) and this subsection) had applied to such taxable year.

''(3) TIMING OF PAYMENTS.—The Secretary shall, subject to the provisions of this title, refund or credit any overpayment attributable to this section as rapidly as possible. No refund or credit shall be made or allowed under this subsection after December 31, 2008.

''(4) NO INTEREST.—No interest shall be allowed on any overpayment attributable to this section.

''(h) IDENTIFICATION NUMBER REQUIREMENT.—

''(1) IN GENERAL.—No credit shall be allowed under subsection (a) to an eligible individual who does not include on the return of tax for the taxable year—

''(A) such individual's valid identification number,

''(B) in the case of a joint return, the valid identification number of such individual's spouse, and

''(C) in the case of any qualifying child taken into account under subsection (b)(1)(B), the valid identification number of such qualifying child.

''(2) VALID IDENTIFICATION NUMBER.—For purposes of paragraph (1), the term 'valid identification number' means a social security number issued to an individual by the Social Security Administration. Such term shall not include a TIN issued by the Internal Revenue Service.''.

(b) ADMINISTRATIVE AMENDMENTS.—

(1) DEFINITION OF DEFICIENCY.—Section 6211(b)(4)(A) of the Internal Revenue Code of 1986 is amended by striking ''and 53(e)'' and inserting ''53(e), and 6428''.

(2) MATHEMATICAL OR CLERICAL ERROR AUTHORITY.—Section 6213(g)(2)(L) of such Code is amended by striking ''or 32'' and inserting ''32, or 6428''.

(c) TREATMENT OF POSSESSIONS.—

(1) PAYMENTS TO POSSESSIONS.—

(A) MIRROR CODE POSSESSION.—The Secretary of the Treasury shall make a payment to each possession of the United States with a mirror code tax system in an amount equal to the loss to that possession by reason of the amendments made by this section. Such amount shall be determined by the Secretary of the Treasury based on information provided by the government of the respective possession.

(B) OTHER POSSESSIONS.—The Secretary of the Treasury shall make a payment to each possession of the United States which does not have a mirror code tax system in an amount estimated by the Secretary of the Treasury as being equal to the aggregate benefits that would have been provided to residents of such possession by reason of the amendments made by this section if a mirror code tax system had been in effect in such possession. The preceding sentence shall not apply with respect to any possession of the United States unless such possession has a plan, which has been approved by the Secretary of the Treasury, under which such possession will promptly distribute such payment to the residents of such possession.

(2) COORDINATION WITH CREDIT ALLOWED AGAINST UNITED STATES INCOME TAXES.—No credit shall be allowed against United States income taxes under section 6428 of the Internal Revenue Code of 1986 (as amended by this section) to any person—

(A) to whom a credit is allowed against taxes imposed by the possession by reason of the amendments made by this section, or

(B) who is eligible for a payment under a plan described in paragraph (1)(B).

(3) DEFINITIONS AND SPECIAL RULES.—

(A) POSSESSION OF THE UNITED STATES.—For purposes of this subsection, the term ''possession of the United States'' includes the Commonwealth of Puerto Rico and the Commonwealth of the Northern Mariana Islands.

(B) MIRROR CODE TAX SYSTEM.—For purposes of this subsection, the term ''mirror code tax system'' means, with respect to any possession of the United States, the income tax system of such possession if the income tax liability of the residents of such possession under such system is determined by reference to the income tax laws of the United States as if such possession were the United States.

(C) TREATMENT OF PAYMENTS.—For purposes of section 1324(b)(2) of title 31, United States Code, the payments under this subsection shall be treated in the same manner as a refund due from the credit allowed under section 6428 of the Internal Revenue Code of 1986 (as amended by this section).

(d) REFUNDS DISREGARDED IN THE ADMINISTRATION OF FEDERAL PROGRAMS AND FEDERALLY ASSISTED PROGRAMS.—Any credit or refund allowed or made to any individual by reason of section 6428 of the Internal Revenue Code of 1986 (as amended by this section) or by reason of subsection (c) of this section shall not be taken into account as income and shall not be taken into account as resources for the month of receipt and the following 2 months, for purposes of determining the eligibility of such individual or any other individual for benefits or assistance, or the amount or extent of benefits or assistance, under any Federal program or under any State or local program financed in whole or in part with Federal funds.

(e) APPROPRIATIONS TO CARRY OUT REBATES.—

(1) IN GENERAL.—Immediately upon the enactment of this Act, the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2008:

(A) DEPARTMENT OF TREASURY.—

(i) For an additional amount for ''Department of the Treasury—Financial Management Service—Salaries and Expenses'', $64,175,000, to remain available until September 30, 2009.

(ii) For an additional amount for ''Department of the Treasury—Internal Revenue Service—Taxpayer Services'', $50,720,000, to remain available until September 30, 2009.

(iii) For an additional amount for ''Department of the Treasury—Internal Revenue Service—Operations Support'', $151,415,000, to remain available until September 30, 2009.

(B) SOCIAL SECURITY ADMINISTRATION.—For an additional amount for ''Social Security Administration—Limitation on Administrative Expenses'', $31,000,000, to remain available until September 30, 2008.

(2) REPORTS.—No later than 15 days after enactment of this Act, the Secretary of the Treasury shall submit a plan to the Committees on Appropriations of the House of Representatives and the Senate detailing the expected use of the funds provided by paragraph (1)(A). Beginning 90 days after enactment of this Act, the Secretary of the Treasury shall submit a quarterly report to the Committees on Appropriations of the House of Representatives and the Senate detailing the actual expenditure of funds provided by paragraph (1)(A) and the expected expenditure of such funds in the subsequent quarter.

(f) CONFORMING AMENDMENTS.—

(1) Paragraph (2) of section 1324(b) of title 31, United States Code, is amended by inserting ''or 6428'' after ''section 35''.

(2) Paragraph (1) of section 1(i) of the Internal Revenue Code of 1986 is amended by striking subparagraph (D).

(3) The item relating to section 6428 in the table of sections for subchapter B of chapter 65 of such Code is amended to read as follows:

''Sec. 6428. 2008 recovery rebates for individuals.''.

SEC. 102. TEMPORARY INCREASE IN LIMITATIONS ON EXPENSING OF CERTAIN DEPRECIABLE BUSINESS ASSETS.

(a) IN GENERAL.—Subsection (b) of section 179 of the Internal Revenue Code of 1986 (relating to limitations) is amended by adding at the end the following new paragraph:

''(7) INCREASE IN LIMITATIONS FOR 2008.—In the case of any taxable year beginning in 2008—

''(A) the dollar limitation under paragraph (1) shall be $250,000,

''(B) the dollar limitation under paragraph (2) shall be $800,000, and

''(C) the amounts described in subparagraphs (A) and (B) shall not be adjusted under paragraph (5).''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. 103. SPECIAL ALLOWANCE FOR CERTAIN PROPERTY ACQUIRED DURING 2008.

(a) IN GENERAL.—Subsection (k) of section 168 of the Internal Revenue Code of 1986 (relating to special allowance for certain property acquired after September 10, 2001, and before January 1, 2005) is amended—

(1) by striking ''September 10, 2001'' each place it appears and inserting ''December 31, 2007'',

(2) by striking ''September 11, 2001'' each place it appears and inserting ''January 1, 2008'',

(3) by striking ''January 1, 2005'' each place it appears and inserting ''January 1, 2009'', and

(4) by striking ''January 1, 2006'' each place it appears and inserting ''January 1, 2010''.

(b) 50 PERCENT ALLOWANCE.—Subparagraph (A) of section 168(k)(1) of such Code is amended by striking ''30 percent'' and inserting ''50 percent''.

(c) CONFORMING AMENDMENTS.—

(1) Subclause (I) of section 168(k)(2)(B)(i) of such Code is amended by striking ''and (iii)'' and inserting ''(iii), and (iv)''.

(2) Subclause (IV) of section 168(k)(2)(B)(i) of such Code is amended by striking ''clauses (ii) and (iii)'' and inserting ''clause (iii)''.

(3) Clause (i) of section 168(k)(2)(C) of such Code is amended by striking ''and (iii)'' and inserting '', (iii), and (iv)''.

(4) Clause (i) of section 168(k)(2)(F) of such Code is amended by striking ''$4,600'' and inserting ''$8,000''.

(5)(A) Subsection (k) of section 168 of such Code is amended by striking paragraph (4).

(B) Clause (iii) of section 168(k)(2)(D) of such Code is amended by striking the last sentence.

(6) Paragraph (4) of section 168(l) of such Code is amended by redesignating subparagraphs (A), (B), and (C) as subparagraphs (B), (C), and (D) and inserting before subparagraph (B) (as so redesignated) the following new subparagraph:

''(A) BONUS DEPRECIATION PROPERTY UNDER SUBSECTION (K).—Such term shall not include any property to which section 168(k) applies.''.

(7) Paragraph (5) of section 168(l) of such Code is amended—

(A) by striking ''September 10, 2001'' in subparagraph (A) and inserting ''December 31, 2007'', and

(B) by striking ''January 1, 2005'' in subparagraph (B) and inserting ''January 1, 2009''.

(8) Subparagraph (D) of section 1400L(b)(2) of such Code is amended by striking ''January 1, 2005'' and inserting ''January 1, 2010''.

(9) Paragraph (3) of section 1400N(d) of such Code is amended—

(A) by striking ''September 10, 2001'' in subparagraph (A) and inserting ''December 31, 2007'', and

(B) by striking ''January 1, 2005'' in subparagraph (B) and inserting ''January 1, 2009''.

(10) Paragraph (6) of section 1400N(d) of such Code is amended by adding at the end the following new subparagraph:

''(E) EXCEPTION FOR BONUS DEPRECIATION PROPERTY UNDER SECTION 168(k).—The term 'specified Gulf Opportunity Zone extension property' shall not include any property to which section 168(k) applies.''.

(11) The heading for subsection (k) of section 168 of such Code is amended—

(A) by striking ''SEPTEMBER 10, 2001'' and inserting ''DECEMBER 31, 2007'', and

(B) by striking ''JANUARY 1, 2005'' and inserting ''JANUARY 1, 2009''.

(12) The heading for clause (ii) of section 168(k)(2)(B) of such Code is amended by striking ''PRE-JANUARY 1, 2005'' and inserting ''PRE-JANUARY 1, 2009''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 2007, in taxable years ending after such date.

TITLE II—HOUSING GSE AND FHA LOAN LIMITS

SEC. 201. TEMPORARY CONFORMING LOAN LIMIT INCREASE FOR FANNIE MAE AND FREDDIE MAC.

(a) INCREASE OF HIGH COST AREAS LIMITS FOR HOUSING GSES.—For mortgages originated during the period beginning on July 1, 2007, and ending at the end of December 31, 2008:

(1) FANNIE MAE.—With respect to the Federal National Mortgage Association, notwithstanding section 302(b)(2) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1717(b)(2)), the limitation on the maximum original principal obligation of a mortgage that may be purchased by the Association shall be the higher of—

(A) the limitation for 2008 determined under such section 302(b)(2) for a residence of the applicable size; or

(B) 125 percent of the area median price for a residence of the applicable size, but in no case to exceed 175 percent of the limitation for 2008 determined under such section 302(b)(2) for a residence of the applicable size.

(2) FREDDIE MAC.—With respect to the Federal Home Loan Mortgage Corporation, notwithstanding section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1454(a)(2)), the limitation on the maximum original principal obligation of a mortgage that may be purchased by the Corporation shall be the higher of—

(A) the limitation determined for 2008 under such section 305(a)(2) for a residence of the applicable size; or

(B) 125 percent of the area median price for a residence of the applicable size, but in no case to exceed 175 percent of the limitation determined for 2008 under such section 305(a)(2) for a residence of the applicable size.

(b) DETERMINATION OF LIMITS.—The areas and area median prices used for purposes of the determinations under subsection (a) shall be the areas and area median prices used by the Secretary of Housing and Urban Development in determining the applicable limits under section 202 of this title.

(c) RULE OF CONSTRUCTION.—A mortgage originated during the period referred to in subsection (a) that is eligible for purchase by the Federal National Mortgage Association or the Federal Home Loan Mortgage Corporation pursuant to this section shall be eligible for such purchase for the duration of the term of the mortgage, notwithstanding that such purchase occurs after the expiration of such period.

(d) EFFECT ON HOUSING GOALS.—Notwithstanding any other provision of law, mortgages purchased in accordance with the increased maximum original principal obligation limitations determined pursuant to this section shall not be considered in determining performance with respect to any of the housing goals established under section 1332, 1333, or 1334 of the Housing and Community Development Act of 1992 (12 U.S.C. 4562–4), and shall not be considered in determining compliance with such goals pursuant to section 1336 of such Act (12 U.S.C. 4566) and regulations, orders, or guidelines issued thereunder.

(e) SENSE OF CONGRESS.—It is the sense of the Congress that the securitization of mortgages by the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation plays an important role in providing liquidity to the United States housing markets. Therefore, the Congress encourages the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation to securitize mortgages acquired under the increased conforming loan limits established in this section, to the extent that such securitizations can be effected in a timely and efficient manner that does not impose additional costs for mortgages originated, purchased, or securitized under the existing limits or interfere with the goal of adding liquidity to the market.

SEC. 202. TEMPORARY LOAN LIMIT INCREASE FOR FHA.

(a) INCREASE OF HIGH-COST AREA LIMIT.—For mortgages for which the mortgagee has issued credit approval for the borrower on or before December 31, 2008, subparagraph (A) of section 203(b)(2) of the National Housing Act (12 U.S.C. 1709(b)(2)(A)) shall be considered (except for purposes of section 255(g) of such Act (12 U.S.C. 1715z–20(g))) to require that a mortgage shall involve a principal obligation in an amount that does not exceed the lesser of—

(1) in the case of a 1-family residence, 125 percent of the median 1-family house price in the area, as determined by the Secretary; and in the case of a 2-, 3-, or 4-family residence, the percentage of such median price that bears the same ratio to such median price as the dollar amount limitation determined for 2008 under section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1454(a)(2)) for a 2-, 3-, or 4-family residence, respectively, bears to the dollar amount limitation determined for 2008 under such section for a 1-family residence; or

(2) 175 percent of the dollar amount limitation determined for 2008 under such section 305(a)(2) for a residence of the applicable size (without regard to any authority to increase such limitation with respect to properties located in Alaska, Guam, Hawaii, or the Virgin Islands);

except that the dollar amount limitation in effect under this subsection for any size residence for any area shall not be less than the greater of (A) the dollar amount limitation in effect under such section 203(b)(2) for the area on October 21, 1998; or (B) 65 percent of the dollar amount limitation determined for 2008 under such section 305(a)(2) for a residence of the applicable size. Any reference in this subsection to dollar amount limitations in effect under section 305 (a)(2) of the Federal Home Loan Mortgage Corporation Act means such limitations as in effect without regard to any increase in such limitation pursuant to section 201 of this title.

(b) DISCRETIONARY AUTHORITY.—If the Secretary of Housing and Urban Development determines that market conditions warrant such an increase, the Secretary may, for the period that begins upon the date of the enactment of this Act and ends at the end of the date specified in subsection (a), increase the maximum dollar amount limitation determined pursuant to subsection (a) with respect to any particular size or sizes of residences, or with respect to residences located in any particular area or areas, to an amount that does not exceed the maximum dollar amount then otherwise in effect pursuant to subsection (a) for such size residence, or for such area (if applicable), by not more than $100,000.

(c) PUBLICATION OF AREA MEDIAN PRICES AND LOAN LIMITS.—The Secretary of Housing and Urban Development shall publish the median house prices and mortgage principal obligation limits, as revised pursuant to this section, for all areas as soon as practicable, but in no case more than 30 days after the date of the enactment of this Act. With respect to existing areas for which the Secretary has not established area median prices before such date of enactment, the Secretary may rely on existing commercial data in determining area median prices and calculating such revised principal obligation limits.

TITLE III—EMERGENCY DESIGNATION

SEC. 301. EMERGENCY DESIGNATION.

For purposes of Senate enforcement, all provisions of this Act are designated as emergency requirements and necessary to meet emergency needs pursuant to section 204 of S. Con. Res. 21

(110th Congress), the concurrent resolution on the budget for fiscal year 2008.

Pending consideration of said amendment of the Senate.

Pursuant to the previous order of the House, Mr. RANGEL moved that the House agree to the amendment of the Senate.

After debate,

Pursuant to the previous order of the House, the previous question was considered as ordered.

The question being put,

Will the House agree to said motion?

The SPEAKER pro tempore, Ms. BALDWIN, announced that the yeas had it.

Mr. RANGEL demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 380 Nays 34

¶11.29 [Roll No. 42]

YEAS—380

Abercrombie	Chandler	Gonzalez
Ackerman	Clarke	Goodlatte
Aderholt	Clay	Gordon
Akin	Cleaver	Granger
Alexander	Clyburn	Graves
Allen	Cohen	Green, Al
Altmire	Cole (OK)	Green, Gene
Andrews	Conaway	Grijalva
Arcuri	Conyers	Gutierrez
Baca	Costa	Hall (NY)
Bachmann	Costello	Hall (TX)
Bachus	Courtney	Hare
Baldwin	Crenshaw	Harman
Barrett (SC)	Crowley	Hastings (FL)
Barrow	Cuellar	Hastings (WA)
Bartlett (MD)	Culberson	Hayes
Barton (TX)	Cummings	Heller
Bean	Davis (AL)	Hensarling
Becerra	Davis (CA)	Herger
Berkley	Davis (IL)	Herseth Sandlin
Berman	Davis (KY)	Higgins
Biggert	Davis, David	Hill
Bilbray	Davis, Lincoln	Hinchey
Bilirakis	DeFazio	Hinojosa
Bishop (GA)	DeGette	Hirono
Bishop (NY)	Delahunt	Hobson
Bishop (UT)	DeLauro	Hodes
Blackburn	Dent	Hoekstra
Blumenauer	Diaz-Balart, L.	Holden
Blunt	Diaz-Balart, M.	Holt
Boehner	Dicks	Honda
Bonner	Dingell	Hooley
Bono Mack	Doggett	Hoyer
Boozman	Donnelly	Hulshof
Boren	Doolittle	Inglis (SC)
Boswell	Doyle	Israel
Boustany	Drake	Issa
Boyda (KS)	Dreier	Jackson (IL)
Brady (PA)	Edwards	Jackson-Lee (TX)
Brady (TX)	Ehlers	Jefferson
Braley (IA)	Ellison	Johnson (GA)
Brown (SC)	Ellsworth	Johnson (IL)
Brown, Corrine	Emanuel	Johnson, E. B.
Brown-Waite, Ginny	Emerson	Johnson, Sam
Buchanan	Engel	Jones (NC)
Burton (IN)	English (PA)	Jones (OH)
Butterfield	Eshoo	Jordan
Buyer	Etheridge	Kagen
Calvert	Fallin	Kanjorski
Camp (MI)	Fattah	Kaptur
Cannon	Feeney	Keller
Cantor	Ferguson	Kennedy
Capito	Filner	Kildee
Capps	Fossella	Kilpatrick
Capuano	Foxx	Kind
Cardoza	Frank (MA)	King (IA)
Carnahan	Franks (AZ)	King (NY)
Carney	Frelinghuysen	Kirk
Carter	Gallegly	Klein (FL)
Castle	Gerlach	Kline (MN)
Castor	Giffords	Knollenberg
Chabot	Gilchrest	Kucinich
Kuhl (NY)	Myrick	Sherman
LaHood	Nadler	Shimkus
Lamborn	Napolitano	Shuler
Lampson	Neal (MA)	Shuster
Langevin	Neugebauer	Sires
Larsen (WA)	Nunes	Skelton
Larson (CT)	Oberstar	Slaughter
Latham	Obey	Smith (NE)
LaTourette	Olver	Smith (NJ)
Latta	Ortiz	Smith (TX)
Lee	Pallone	Snyder
Levin	Pascrell	Solis
Lewis (CA)	Pastor	Souder
Lewis (GA)	Payne	Space
Lewis (KY)	Pearce	Spratt
Lipinski	Pelosi	Stark
LoBiondo	Pence	Stearns
Loebsack	Perlmutter	Stupak
Lofgren, Zoe	Peterson (PA)	Sullivan
Lucas	Petri	Sutton
Lynch	Pickering	Tauscher
Mack	Platts	Terry
Mahoney (FL)	Pomeroy	Thompson (CA)
Maloney (NY)	Price (NC)	Thompson (MS)
Manzullo	Pryce (OH)	Thornberry
Marchant	Putnam	Tiahrt
Markey	Radanovich	Tiberi
Marshall	Rahall	Tierney
Matheson	Ramstad	Towns
Matsui	Rangel	Tsongas
McCarthy (CA)	Regula	Turner
McCarthy (NY)	Rehberg	Udall (CO)
McCaul (TX)	Reichert	Udall (NM)
McCollum (MN)	Renzi	Upton
McCotter	Reyes	Van Hollen
McCrery	Reynolds	Velázquez
McDermott	Richardson	Visclosky
McGovern	Rodriguez	Walberg
McHenry	Rogers (AL)	Walden (OR)
McHugh	Rogers (KY)	Walsh (NY)
McIntyre	Rogers (MI)	Walz (MN)
McKeon	Ros-Lehtinen	Wamp
McMorris Rodgers	Roskam	Wasserman Schultz
McNerney	Ross	Waters
McNulty	Rothman	Watson
Meek (FL)	Roybal-Allard	Watt
Meeks (NY)	Rush	Waxman
Melancon	Ryan (OH)	Weiner
Mica	Ryan (WI)	Welch (VT)
Michaud	Salazar	Weldon (FL)
Miller (FL)	Sali	Weller
Miller (MI)	Sánchez, Linda T.	Wexler
Miller (NC)	Sarbanes	Whitfield (KY)
Miller, Gary	Saxton	Wilson (NM)
Miller, George	Schakowsky	Wilson (OH)
Mitchell	Schiff	Wilson (SC)
Mollohan	Schmidt	Wittman (VA)
Moore (KS)	Schwartz	Wolf
Moore (WI)	Scott (GA)	Wu
Moran (VA)	Scott (VA)	Wynn
Murphy (CT)	Serrano	Yarmuth
Murphy, Patrick	Sessions	Young (AK)
Murphy, Tim	Sestak	Young (FL)
Murtha	Shays	
Musgrave	Shea-Porter	

NAYS—34

Baird	Forbes	Peterson (MN)
Berry	Garrett (NJ)	Poe
Boyd (FL)	Gingrey	Price (GA)
Broun (GA)	Gohmert	Rohrabacher
Burgess	Goode	Royce
Campbell (CA)	Hunter	Sensenbrenner
Coble	Kingston	Shadegg
Cooper	Linder	Simpson
Cubin	Lungren, Daniel E.	Tancredo
Deal (GA)	Moran (KS)	Taylor
Duncan	Paul	Westmoreland
Flake		

NOT VOTING—16

Boucher	Inslee	Sanchez, Loretta
Cramer	Lantos	Smith (WA)
Davis, Tom	Lowey	Tanner
Everett	Pitts	Woolsey
Farr	Porter	
Fortenberry	Ruppersberger	

So the motion was agreed to.

A motion to reconsider the vote whereby said motion was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶11.30 APPOINTMENT OF SPEAKER PRO TEMPORE TO SIGN ENROLLMENTS

The SPEAKER pro tempore, Ms. BALDWIN, by unanimous consent, laid before the House a communication, which was read as follows:

WASHINGTON, DC,
February 7, 2008.

I hereby appoint the Honorable STENY H. HOYER and the Honorable CHRIS VAN HOLLEN to act as Speaker pro tempore to sign enrolled bills and joint resolutions through February 12, 2008.

NANCY PELOSI,
Speaker of the House of Representatives.

By unanimous consent, the appointments were approved.

¶11.31 CALENDAR WEDNESDAY BUSINESS DISPENSED WITH

On motion of Mr. HOYER, by unanimous consent,

Ordered, That business in order for consideration on Wednesday, February 13, 2008, under clause 6, rule XV, the Calendar Wednesday rule, be dispensed with.

¶11.32 ADJOURNMENT OVER

On motion of Mr. HOYER, by unanimous consent,

Ordered, That when the House adjourns today, it adjourn to meet on Friday, February 8, 2008, at 10:30 a.m.; and further, when the House adjourns on Friday, February 8, 2008, it adjourn to meet at 12:30 p.m. on Tuesday, February 12, 2008, for morning-hour debate.

¶11.33 COMMUNICATION FROM THE CLERK—MESSAGE FROM THE SENATE

The SPEAKER pro tempore, Mr. SPACE, laid before the House a communication, which was read as follows:

HOUSE OF REPRESENTATIVES,
Washington, DC, February 6, 2008.

Hon. NANCY PELOSI,
Speaker, House of Representatives, Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on February 6, 2008, at 9:35 a.m.:

That the Senate passed S. 2457.

With best wishes, I am,

Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

¶11.34 COMMUNICATION FROM THE CLERK—MESSAGE FROM THE SENATE

The SPEAKER pro tempore, Mr. SPACE, laid before the House a communication, which was read as follows:

HOUSE OF REPRESENTATIVES,
Washington, DC, February 5, 2008.

Hon. NANCY PELOSI,
Speaker, House of Representatives, Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on February 5, 2008, at 1:00 p.m.:

That the Senate passed with an amendment; requests a conference with the House and appoints conferees H.R. 2419.

With best wishes, I am,

Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

¶11.35 SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 2457. An Act to provide for extensions of leases of certain land by Mashantucket Pequot (Western) Tribe; to the Committee on Natural Resources.

¶11.36 ENROLLED BILL SIGNED

Lorraine C. Miller, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 5140. An Act to provide economic stimulus through recovery rebates to individuals, incentives for business investment, and an increase in conforming and FHA loan limits.

¶11.37 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. EVERETT, for today;

To Mr. PETRI, for today until noon; and

To Mr. RYAN of Wisconsin, for today until 12:05 p.m..

And then,

¶11.38 ADJOURNMENT

On motion of Mr. BARTLETT of Maryland, pursuant to the previous order of the House, at 10 o'clock and 20 minutes p.m., the House adjourned until 10:30 a.m. on Friday, February 8, 2008.

¶11.39 PUBLIC BILLS AND RESOLUTIONS

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

By Mrs. MALONEY of New York (for herself, Mr. FRANK of Massachusetts, Ms. WATERS, Mr. GUTIERREZ, Mr. LYNCH, Mr. ELLISON, Mr. COHEN, Mr. FATTAH, Mr. HINCHEY, Mr. LANGEVIN, Mr. NADLER, Ms. SHEA-PORTER, Ms. SOLIS, Mr. WELCH of Vermont, Mr. WYNN, Mr. GONZALEZ, Mr. DEFAZIO, Mr. TAYLOR, Mr. OBEY, Ms. HIRONO, Mrs. BOYDA of Kansas, Ms. WASSERMAN SCHULTZ, Mr. UDALL of Colorado, Mr. DINGELL, Ms. CORRINE BROWN of Florida, Mr. THOMPSON of Mississippi, Mr. HASTINGS of Florida, Ms. CLARKE, Mr. JACKSON of Illinois, Mr. DAVIS of Illinois, Mrs. GILLIBRAND, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. WATSON, Mr. ARCURI, Mr. ENGEL, Mr. TIERNEY, Mr. VAN HOLLEN, Mr. GEORGE MILLER of California, Mr. MORAN of Virginia, Mr. WEINER, Mr. ABERCROMBIE, Ms. SCHAKOWSKY, Mr. SHAYS, Mr. SERRANO, Mr. DOGGETT, and Mr. LINCOLN DAVIS of Tennessee):

H.R. 5244. A bill to amend the Truth in Lending Act to establish fair and transparent practices relating to the extension of credit under an open end consumer credit plan, and for other purposes; to the Committee on Financial Services.

By Mr. WATT:

H.R. 5245. A bill to suspend temporarily the duty on acid black 107; to the Committee on Ways and Means.

By Mr. WATT:

H.R. 5246. A bill to suspend temporarily the duty on acid black 132; to the Committee on Ways and Means.

By Mr. WATT:

H.R. 5247. A bill to extend the temporary suspension of duty on Acid black 172; to the Committee on Ways and Means.

By Mr. WATT:

H.R. 5248. A bill to suspend temporarily the duty on acid blue 113; to the Committee on Ways and Means.

By Mr. WATT:

H.R. 5249. A bill to extend the temporary suspension of duty on 4-[[3-(Acetylamino)phenyl]amino]-1-amino-9,10-dihydro- 9,10-dioxo-2-anthracenesulfonic acid, monosodium salt; to the Committee on Ways and Means.

By Mr. WATT:

H.R. 5250. A bill to suspend temporarily the duty on acid orange 116; to the Committee on Ways and Means.

By Mr. WATT:

H.R. 5251. A bill to suspend temporarily the duty on disperse blue 56; to the Committee on Ways and Means.

By Mr. WATT:

H.R. 5252. A bill to extend the temporary suspension of duty on Direct Black 22; to the Committee on Ways and Means.

By Mr. WATT:

H.R. 5253. A bill to suspend temporarily the duty on disperse blue 60; to the Committee on Ways and Means.

By Mr. WATT:

H.R. 5254. A bill to suspend temporarily the duty on disperse blue 79:1; to the Committee on Ways and Means.

By Mr. WATT:

H.R. 5255. A bill to suspend temporarily the duty on disperse orange 30; to the Committee on Ways and Means.

By Mr. WATT:

H.R. 5256. A bill to suspend temporarily the duty on disperse red 60; to the Committee on Ways and Means.

By Mr. WATT:

H.R. 5257. A bill to suspend temporarily the duty on disperse red 73; to the Committee on Ways and Means.

By Mr. WATT:

H.R. 5258. A bill to suspend temporarily the duty on disperse red 167:1; to the Committee on Ways and Means.

By Mr. WATT:

H.R. 5259. A bill to extend the temporary suspension of duty on 1/ 3-Phenyl-7-(4-propoxyphenyl)benzo[1,2-b:4,5-b]difuran- 2,6-dione; to the Committee on Ways and Means.

By Mr. WATT:

H.R. 5260. A bill to suspend temporarily the duty on disperse yellow 64; to the Committee on Ways and Means.

By Mr. WATT:

H.R. 5261. A bill to extend the temporary suspension of duty on Reactive Black 5; to the Committee on Ways and Means.

By Mr. WATT:

H.R. 5262. A bill to extend the temporary suspension of duty on Reactive Blue 250; to the Committee on Ways and Means.

By Mr. GRIJALVA:

H.R. 5263. A bill to encourage the collaborative, science-based ecosystem restoration of priority forest landscapes on Federal lands under the jurisdiction of the Bureau of Land Management and the Forest Service through a joint Collaborative Forest Landscape Restoration Program, and for other purposes; to the Committee on Natural Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RANGEL:

H.R. 5264. A bill to extend certain trade preference programs, and for other purposes; to the Committee on Ways and Means.

By Mr. ENGEL (for himself and Mr. BURGESS):

H.R. 5265. A bill to amend the Public Health Service Act to provide for research with respect to various forms of muscular dystrophy, including Becker, congenital, distal, Duchenne, Emery-Dreifuss facioscapulohumeral, limb-girdle, myotonic, and oculopharyngeal, muscular dystrophies; to the Committee on Energy and Commerce.

By Mr. BECERRA (for himself, Mr. CONYERS, Mr. EMANUEL, Mrs. MCCARTHY of New York, and Mr. RANGEL):

H.R. 5266. A bill to require certain semiautomatic pistols manufactured, imported, or sold by Federal firearms licensees to be capable of microstamping ammunition; to the Committee on the Judiciary.

By Mr. BOUCHER (for himself, Mr. GOODLATTE, Mr. DAVIS of Alabama, Mr. CHABOT, Ms. HERSETH SANDLIN, Mr. FEENEY, Ms. JACKSON-LEE of Texas, Mr. GALLEGLY, Mr. JOHNSON of Georgia, Mr. PENCE, Ms. ZOE LOFGREN of California, Mr. SCOTT of Virginia, and Mr. WEXLER):

H.R. 5267. A bill to regulate certain State taxation of interstate commerce, and for other purposes; to the Committee on the Judiciary.

By Mr. PALLONE (for himself, Mr. KING of New York, Mr. DINGELL, and Mr. REYNOLDS):

H.R. 5268. A bill to provide for a temporary increase of the Federal medical assistance percentage under the Medicaid Program, and for other purposes; to the Committee on Energy and Commerce.

By Mr. BRADY of Texas (for himself and Mr. HINOJOSA):

H.R. 5269. A bill to amend the Internal Revenue Code of 1986 to allow additional expenses for purposes of determining the Hope Scholarship Credit, and for other purposes; to the Committee on Ways and Means.

By Mr. RANGEL (for himself, Mr. OBERSTAR, Mr. MICA, Mr. COSTELLO, and Mr. PETRI):

H.R. 5270. A bill to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. CAPITO:

H.R. 5271. A bill to extend the temporary suspension of duty on 2-(Isocyanatosulfonyl) benzoic acid, methyl ester; to the Committee on Ways and Means.

By Mrs. CAPITO:

H.R. 5272. A bill to reduce temporarily the duty on Corvus herbicide; to the Committee on Ways and Means.

By Mrs. CAPITO:

H.R. 5273. A bill to reduce temporarily the duty on Evergol; to the Committee on Ways and Means.

By Mrs. CAPITO:

H.R. 5274. A bill to reduce temporarily the duty on Imidacloprid Pesticides; to the Committee on Ways and Means.

By Mrs. CAPITO:

H.R. 5275. A bill to suspend temporarily the duty on Liberty, Rely, and Ignite herbicides; to the Committee on Ways and Means.

By Mrs. CAPITO:

H.R. 5276. A bill to suspend temporarily the duty on A5546 sulfonamide; to the Committee on Ways and Means.

By Mrs. CAPITO:

H.R. 5277. A bill to extend the temporary suspension of duty on Imidacloprid Technical; to the Committee on Ways and Means.

By Mrs. CAPITO:

H.R. 5278. A bill to extend the temporary suspension of duty on Option and Revolver herbicides; to the Committee on Ways and Means.

By Mr. CUMMINGS (for himself, Mr. SARBANES, Mr. VAN HOLLEN, and Mr. WYNN):

H.R. 5279. A bill to establish the Baltimore National Heritage Area in the State of Maryland, and for other purposes; to the Committee on Natural Resources.

By Mr. LINCOLN DAVIS of Tennessee:

H.R. 5280. A bill to prevent unfair practices in credit card accounts, and for other purposes; to the Committee on Financial Services.

By Mr. FERGUSON:

H.R. 5281. A bill to suspend temporarily the duty on Hexanedioic acid, polymer with 1,2-ethanediol, 2-ethyl-2- (hydroxymethyl)-1,3-propanediol and 1,3-isobenzofurandione, 2-propenoate; to the Committee on Ways and Means.

By Mr. FERGUSON:

H.R. 5282. A bill to extend the suspension of duty on Lycopene 10%; to the Committee on Ways and Means.

By Mr. FERGUSON:

H.R. 5283. A bill to extend the suspension of duty on Quinclorac; to the Committee on Ways and Means.

By Mr. FERGUSON:

H.R. 5284. A bill to extend the suspension of duty on Vinclozolin; to the Committee on Ways and Means.

By Mr. FERGUSON:

H.R. 5285. A bill to extend the suspension of duty on Ecoflex F BX7011; to the Committee on Ways and Means.

By Mr. FERGUSON:

H.R. 5286. A bill to provide for the reliquidation of certain entries of industrial nitrocellulose; to the Committee on Ways and Means.

By Mr. FERGUSON:

H.R. 5287. A bill to extend the temporary suspension of duty on iron chloro-5,6-diamino-1,3-naphthalenedisulfonate complexes; to the Committee on Ways and Means.

By Mr. FERGUSON:

H.R. 5288. A bill to extend the temporary suspension of duty on Bis(4-fluorophenyl)methanone; to the Committee on Ways and Means.

By Mr. FERGUSON:

H.R. 5289. A bill to extend the temporary suspension of duty on ammonium bifluoride; to the Committee on Ways and Means.

By Mr. FERGUSON:

H.R. 5290. A bill to extend the temporary suspension of duty on certain light absorbing photo dyes; to the Committee on Ways and Means.

By Mr. FERGUSON:

H.R. 5291. A bill to extend the temporary suspension of duty on certain light absorbing photo dyes; to the Committee on Ways and Means.

By Mr. FORTUÑO:

H.R. 5292. A bill to permit the Secretary of Health and Human Services to directly administer Ryan White part A and B grants for eligible areas, States, or territories that failed to make appropriate use of previous Ryan White part A and B grants; to the Committee on Energy and Commerce.

By Mr. HELLER:

H.R. 5293. A bill to approve the settlement of the water rights claims of the Shoshone-Paiute Tribes of the Duck Valley Reservation in Nevada, to require the Secretary of the Interior to carry out the settlement, and for other purposes; to the Committee on Natural Resources.

By Mr. HERGER (for himself and Mr. WELLER):

H.R. 5294. A bill to amend the Internal Revenue Code of 1986 to repeal the additional 0.2 percent FUTA surtax; to the Committee on Ways and Means.

By Mr. INGLIS of South Carolina:

H.R. 5295. A bill to suspend temporarily the duty on certain hot feed extruding equipment used in the manufacture of extra-wide pneumatic truck and automobile tires, and parts and accessories thereof; to the Committee on Ways and Means.

By Mr. INGLIS of South Carolina:

H.R. 5296. A bill to suspend temporarily the duty on certain mold curing devices used in the manufacture of extra-wide pneumatic truck and automobile tires, and parts and accessories thereof; to the Committee on Ways and Means.

By Mr. INGLIS of South Carolina:

H.R. 5297. A bill to suspend temporarily the duty on certain tirebuilding machines used in the manufacture of extra-wide pneumatic truck and automobile tires, and parts and accessories thereof; to the Committee on Ways and Means.

By Mr. KANJORSKI:

H.R. 5298. A bill to deny a rebate of Federal income taxes to illegal immigrants; to the Committee on Ways and Means.

By Mr. LAHOOD:

H.R. 5299. A bill to suspend temporarily the duty on 7-Hydroxy; to the Committee on Ways and Means.

By Mr. LAHOOD:

H.R. 5300. A bill to extend the temporary suspension of duty on certain cores used in remanufacture; to the Committee on Ways and Means.

By Mr. PASCRELL:

H.R. 5301. A bill to extend the temporary suspension of duty on o-Acetylsalicylic acid; to the Committee on Ways and Means.

By Mr. PASCRELL:

H.R. 5302. A bill to extend the temporary suspension of duty on D-Mannose; to the Committee on Ways and Means.

By Mr. PASCRELL:

H.R. 5303. A bill to suspend temporarily the duty on Sedran Technical; to the Committee on Ways and Means.

By Mr. PASCRELL:

H.R. 5304. A bill to extend the temporary suspension of duty on Sorafenib tosylate; to the Committee on Ways and Means.

By Mr. PASCRELL:

H.R. 5305. A bill to suspend temporarily the duty on certain capers preserved by vinegar or acetic acid; to the Committee on Ways and Means.

By Mr. PASCRELL:

H.R. 5306. A bill to suspend temporarily the duty on certain pepperoncini prepared or preserved otherwise than by vinegar or acetic acid in concentrations less than 0.5 percent; to the Committee on Ways and Means.

By Mr. PASCRELL:

H.R. 5307. A bill to suspend temporarily the duty on certain capers preserved by vinegar or acetic acid; to the Committee on Ways and Means.

By Mr. PASCRELL:

H.R. 5308. A bill to suspend temporarily the duty on certain pepperoncini prepared or preserved by vinegar or acetic acid in concentrations at 0.5 percent or greater; to the Committee on Ways and Means.

By Mr. PASCRELL:

H.R. 5309. A bill to suspend temporarily the duty on certain pepperoncini prepared or preserved otherwise than by vinegar or acetic acid; to the Committee on Ways and Means.

By Mr. ROHRABACHER (for himself and Mr. WELDON of Florida):

H.R. 5310. A bill to amend the Internal Revenue Code of 1986 to provide tax incentives for investing in companies involved in space-related activities; to the Committee on Ways and Means.

By Mr. SALAZAR:

H.R. 5311. A bill to amend title 10, United States Code, to provide for the transfer certain receipts derived from leases involving Oil Shale Reserves Numbered 1 and 3 to the State of Colorado, and for other purposes; to the Committee on Natural Resources, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. LINDA T. SÁNCHEZ of California (for herself, Mr. CONYERS, Mr. COHEN, Mr. WATT, Ms. ZOE LOFGREN of California, Mr. JOHNSON of Georgia, Mr. KUCINICH, Ms. WASSERMAN SCHULTZ, Mr. WEXLER, and Mr. DELAHUNT):

H.R. 5312. A bill to amend chapter 1 of title 9 of the United States Code with respect to arbitration of certain controversies; to the Committee on the Judiciary.

By Mr. SHAYS:

H.R. 5313. A bill to suspend temporarily the duty on a thermoplastic biodegradable polymer; to the Committee on Ways and Means.

By Mr. SHAYS:

H.R. 5314. A bill to suspend temporarily the duty on a thermoplastic biodegradable polymer blend; to the Committee on Ways and Means.

By Mr. UDALL of New Mexico:

H.R. 5315. A bill to grant the Congressional Gold Medal to a group of soldiers from World War II; to the Committee on Financial Services, and in addition to the Committee on House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WALZ of Minnesota:

H.R. 5316. A bill to amend the Internal Revenue Code of 1986 to provide recovery rebates to certain individuals receiving Social Security or certain veterans benefits; to the Committee on Ways and Means.

By Mr. WEXLER:

H.R. 5317. A bill to amend part D of title XVIII of the Social Security Act to limit the increase in premium costs for beneficiaries under the Medicare prescription drug program to no more than the Social Security cost-of-living adjustment, and to direct the Secretary of Health and Human Services to negotiate lower prescription drug prices on behalf of Medicare beneficiaries; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. AL GREEN of Texas (for himself, Mr. SCOTT of Virginia, Mr. MCDERMOTT, Ms. LEE, Mr. MOORE of Kansas, Ms. MCCOLLUM of Minnesota, Mr. HASTINGS of Florida, Mr. MEEK of Florida, Mr. SERRANO, Mr. VISCLOSKY, Mr. BISHOP of Georgia, Ms. JACKSON-LEE of Texas, Mr. TOWNS, Mr. THOMPSON of Mississippi, Mr. YOUNG of Alaska, Mr. GENE GREEN of Texas, Ms. NORTON, Mr. ELLISON, Mr. RUPPERSBERGER, Mr. UDALL of Colorado, Mr. WYNN, Ms. MATSUI, Mr. COHEN, Ms. BORDALLO, Mrs. CHRISTENSEN, Mrs. MALONEY of New York, Mr. CROWLEY, Mr. KILDEE, Mr. DAVIS of Illinois, Mr. CUMMINGS, Mr. ROSS, Ms. LINDA T. SÁNCHEZ of California, Mr. FATTAH, Ms. WOOLSEY, Mr. WILSON of South Carolina, Mr. KUCINICH, and Mr. WEXLER):

H. Con. Res. 289. Concurrent resolution honoring and praising the National Association for the Advancement of Colored People on the occasion of its 99th anniversary; to the Committee on the Judiciary.

By Mr. MANZULLO (for himself, Mr. CROWLEY, Mr. ROHRABACHER, Mr. BURTON of Indiana, Mr. SMITH of New Jersey, Mr. GALLEGLY, Mrs. NAPOLITANO, Mr. PENCE, Mr. FORTUÑO, Ms.

WATSON, Mr. CHABOT, Mr. HASTINGS of Florida, Mr. HINOJOSA, Mr. ROYCE, Mr. PAYNE, Mr. CARNAHAN, and Mr. WEXLER):

H. Con. Res. 290. Concurrent resolution commemorating the 175th anniversary of the special relationship between the United States and the Kingdom of Thailand; to the Committee on Foreign Affairs.

By Mr. RODRIGUEZ (for himself and Mr. MILLER of Florida):

H. Res. 963. A resolution supporting the goals and ideals of National Salute to Hospitalized Veterans Week, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. DUNCAN:

H. Res. 964. A resolution to promote the safe operation of 15 passenger vans; to the Committee on Transportation and Infrastructure.

By Mr. ISSA (for himself, Ms. ROS-LEHTINEN, Mr. ROYCE, Mr. KING of New York, Mr. DOOLITTLE, Mr. GALLEGLY, Mrs. BIGGERT, Mr. DANIEL E. LUNGREN of California, Mr. MILLER of Florida, Mr. WALBERG, Mr. BILBRAY, Ms. FALLIN, Mr. KINGSTON, Mr. BUYER, Mr. WILSON of South Carolina, Mr. KELLER, Mr. SALI, Mr. PITTS, Ms. FOXX, Mr. REHBERG, Mr. PEARCE, Mr. BROUN of Georgia, and Mr. CAMPBELL of California):

H. Res. 965. A resolution condemning the actions and statements of Venezuelan president Hugo Rafael Chavez Frias; to the Committee on Foreign Affairs.

By Ms. EDDIE BERNICE JOHNSON of Texas (for herself, Mr. GORDON, Ms. KILPATRICK, Mr. CONYERS, Mr. RANGEL, Mr. ROHRABACHER, Mr. SCOTT of Virginia, Mr. FARR, Mr. EHLERS, Mrs. MALONEY of New York, Mr. KIND, Ms. LEE, Mr. REYES, Mr. LAMPSON, Mr. ROSS, Mr. HONDA, Mr. VAN HOLLEN, Mr. BUTTERFIELD, Mr. ELLISON, and Mr. SESTAK):

H. Res. 966. A resolution honoring African American inventors, past and present, for their leadership, courage, and significant contributions to our national competitiveness; to the Committee on Science and Technology.

By Mr. KINGSTON (for himself, Mr. WAMP, and Mr. WOLF):

H. Res. 967. A resolution providing for consideration of the concurrent resolution (H. Con. Res. 263) to establish the Joint Select Committee on Earmark Reform, and for other purposes; to the Committee on Rules.

By Mr. MORAN of Virginia (for himself, Mr. TOWNS, Mr. BISHOP of Georgia, Mr. REYES, Mr. LANGEVIN, Mr. SMITH of Washington, Mr. MILLER of Florida, Mr. SESTAK, Ms. BORDALLO, Mr. SCOTT of Virginia, Ms. ESHOO, Mr. DICKS, Mr. SAXTON, and Mr. CONAWAY):

H. Res. 968. A resolution recognizing the 50th anniversary of the Defense Advanced Research Projects Agency; to the Committee on Armed Services.

By Mr. SHAYS (for himself and Ms. HERSETH SANDLIN):

H. Res. 969. A resolution expressing the sense of the House of Representatives that all employers give veterans a holiday on Veteran's Day in honor of their service to our country; to the Committee on Education and Labor.

By Mr. SHIMKUS (for himself, Mr. KILDEE, Mr. LEWIS of Kentucky, Mr. PUTNAM, Mr. BRADY of Pennsylvania, and Mr. MCCAUL of Texas):

H. Res. 970. A resolution expressing support for designation of June 30 as ''National Corvette Day''; to the Committee on Oversight and Government Reform.

¶11.40 PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. INGLIS of South Carolina:

H.R. 5318. A bill to provide for the liquidation or reliquidation of entries of certain manufacturing equipment; to the Committee on Ways and Means.

By Mr. INGLIS of South Carolina:

H.R. 5319. A bill to provide for the liquidation or reliquidation of entries of certain manufacturing equipment; to the Committee on Ways and Means.

By Mr. INGLIS of South Carolina:

H.R. 5320. A bill to provide for the liquidation or reliquidation of an entry of certain manufacturing equipment; to the Committee on Ways and Means.

By Mr. INGLIS of South Carolina:

H.R. 5321. A bill to provide for the liquidation or reliquidation of entries of certain manufacturing equipment; to the Committee on Ways and Means.

By Mr. INGLIS of South Carolina:

H.R. 5322. A bill to liquidate or reliquidate certain entries of truck tires; to the Committee on Ways and Means.

By Mr. INGLIS of South Carolina:

H.R. 5323. A bill to liquidate or reliquidate certain entries of truck tires; to the Committee on Ways and Means.

By Mr. INGLIS of South Carolina:

H.R. 5324. A bill to liquidate or reliquidate certain entries of truck tires; to the Committee on Ways and Means.

By Mr. INGLIS of South Carolina:

H.R. 5325. A bill to liquidate or reliquidate certain entries of truck tires; to the Committee on Ways and Means.

By Mr. INGLIS of South Carolina:

H.R. 5326. A bill to liquidate or reliquidate certain entries of truck tires; to the Committee on Ways and Means.

By Mr. INGLIS of South Carolina:

H.R. 5327. A bill to liquidate or reliquidate certain entries of truck tires; to the Committee on Ways and Means.

By Mr. INGLIS of South Carolina:

H.R. 5328. A bill to liquidate or reliquidate certain entries of truck tires; to the Committee on Ways and Means.

By Mr. INGLIS of South Carolina:

H.R. 5329. A bill to liquidate or reliquidate certain entries of truck tires; to the Committee on Ways and Means.

By Mr. ROSKAM:

H.R. 5330. A bill to provide for the liquidation or reliquidation of certain entries of bulk aspirin; to the Committee on Ways and Means.

By Mr. SHAYS:

H.R. 5331. A bill for the liquidation or reliquidation of certain entries of top-of-the-stove stainless steel cooking ware from the Republic of Korea; to the Committee on Ways and Means.

¶11.41 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 87: Mr. BACHUS.

H.R. 197: Mr. WALZ of Minnesota.

H.R. 199: Mr. SARBANES.

H.R. 406: Mr. SESTAK.

H.R. 552: Mr. WU, Ms. LEE, and Mr. LATOURETTE.

H.R. 618: Mr. SHIMKUS and Mr. PENCE.

H.R. 685: Mrs. MALONEY of New York and Mr. SOUDER.

H.R. 728: Mr. MARIO DIAZ-BALART of Florida.

H.R. 758: Ms. CASTOR and Mr. SIRES.

H.R. 818: Mr. TOWNS, Mr. AL GREEN of Texas, Mr. GRIJALVA, and Mrs. JONES of Ohio.

H.R. 819: Mr. SESTAK.

H.R. 867: Mr. MCCOTTER.

H.R. 871: Mr. CROWLEY.

H.R. 882: Mr. DAVIS of Kentucky and Ms. SCHWARTZ.

H.R. 901: Mr. SESTAK, Mr. STARK, Mr. FRANK of Massachusetts, Mr. TOWNS, and Ms. ESHOO.

H.R. 914: Mr. SOUDER.

H.R. 951: Mr. JOHNSON of Illinois.

H.R. 1000: Mr. COURTNEY, Mr. BACA, Mr. BECERRA, Mr. CARDOZA, Mr. LINCOLN DAVIS of Tennessee, Mr. DOGGETT, Mr. DOYLE, Mr. EDWARDS, Ms. ESHOO, Ms. GIFFORDS, Mr. GORDON, Mr. MAHONEY of Florida, Mr. ROTHMAN, Ms. SCHWARTZ, and Mr. STARK.

H.R. 1076: Mr. MCINTYRE.

H.R. 1078: Mr. GOODLATTE, Mr. CAPUANO, and Mr. MCINTYRE.

H.R. 1084: Mr. FRANK of Massachusetts, Mr. ELLISON, and Mr. MILLER of North Carolina.

H.R. 1174: Mr. MCCOTTER.

H.R. 1237: Mr. CALVERT, Ms. RICHARDSON, Mr. STEARNS, Mr. OLVER, Mr. WALSH of New York, and Mr. AL GREEN of Texas.

H.R. 1283: Mr. HINOJOSA, Mrs. NAPOLITANO, and Mr. CALVERT.

H.R. 1312: Mr. MCCAUL of Texas and Ms. LINDA T. SÁNCHEZ of California.

H.R. 1322: Mr. BOSWELL, Mr. BRALEY of Iowa, and Mr. LOEBSACK.

H.R. 1328: Ms. BALDWIN.

H.R. 1333: Mrs. MCMORRIS RODGERS.

H.R. 1497: Mr. ROGERS of Kentucky.

H.R. 1552: Mr. JONES of North Carolina.

H.R. 1553: Mr. UDALL of Colorado.

H.R. 1584: Mr. GONZALEZ and Mr. THOMPSON of California.

H.R. 1610: Mr. CARDOZA.

H.R. 1726: Mr. SESTAK, Mr. VAN HOLLEN, Mr. SERRANO, and Mr. BERMAN.

H.R. 1742: Ms. Norton, Mr. MCGOVERN, Mr. LEWIS of Georgia, Mr. WOLF, Mr. MILLER of Florida, Mr. KIND, Mr. MEEK of Florida, Mr. GORDON, Mrs. BONO MACK, and Mr. CUMMINGS.

H.R. 1746: Mr. SHAYS.

H.R. 1783: Mr. TOWNS, Ms. BERKLEY, and Mr. COHEN.

H.R. 1829: Mr. PORTER, Mr. KING of New York, and Mr. GRAVES.

H.R. 1843: Mr. MURTHA and Mr. LANGEVIN.

H.R. 1881: Mr. ANDREWS.

H.R. 1884: Mr. MARSHALL, Mr. PATRICK MURPHY of Pennsylvania, and Mr. HOLT.

H.R. 1992: Mr. HINOJOSA, Mr. WATT, Mr. ROTHMAN, and Mr. SIRES.

H.R. 2016: Mr. PORTER.

H.R. 2040: Mr. BOYD of Florida, Mr. BACA, Mr. CARDOZA, Mrs. GILLIBRAND, Mr. BOREN, Mr. THOMPSON of California, Mr. POMEROY, Mr. MELANCON, Mr. GORDON, Ms. HERSETH SANDLIN, Mr. ELLSWORTH, Mr. MATHESON, Mr. TAYLOR, Mr. BERRY, Mr. COOPER, Mr. LAMPSON, Mr. LINCOLN DAVIS of Tennessee, Mr. WILSON of Ohio, Mr. ETHERIDGE, Mr. MICHAUD, Mr. ARCURI, Mr. HILL, Mr. SHULER, Mr. PETERSON of Minnesota, Mr. CARNEY, Mr. CHANDLER, Mr. PATRICK MURPHY of Pennsylvania, Mr. HOLDEN, Mr. MAHONEY of Florida, Ms. BEAN, Mr. SALAZAR, Mr. SPACE, Ms. HARMAN, Mr. COSTA, and Mr. HARE.

H.R. 2045: Ms. RICHARDSON and Mr. RYAN of Ohio.

H.R. 2048: Mr. RANGEL.

H.R. 2049: Mrs. LOWEY.

H.R. 2054: Mrs. BOYDA of Kansas and Mr. BUTTERFIELD.

H.R. 2066: Mrs. MALONEY of New York.

H.R. 2221: Mr. BLUMENAUER.

H.R. 2265: Ms. SLAUGHTER.

H.R. 2303: Mr. SPRATT, Mr. HOLDEN, and Mr. SMITH of New Jersey.

H.R. 2312: Mr. RADANOVICH, Mr. JONES of North Carolina, Mr. BROUN OF Georgia, and Mrs. DRAKE.

H.R. 2327: Mr. LIPINSKI.

H.R. 2391: Mr. KNOLLENBERG.

H.R. 2405: Mr. BLUMENAUER and Mr. SCHIFF.

H.R. 2472: Mr. BARROW.
H.R. 2511: Mr. SHAYS.
H.R. 2539: Mr. GONZALEZ and Mr. BISHOP of New York.
H.R. 2564: Mr. ROGERS of Kentucky.
H.R. 2567: Mr. RUPPERSBERGER.
H.R. 2708: Mr. ELLISON, Mr. BISHOP of Georgia, Mr. BOSWELL, Mr. KUCINICH, Mr. MCINTYRE, and Mrs. TAUSCHER.
H.R. 2712: Mrs. BLACKBURN and Mr. TERRY.
H.R. 2734: Mr. MICA.
H.R. 2762: Mr. MCCOTTER, Ms. GIFFORDS, and Mr. JONES of North Carolina.
H.R. 2784: Mr. GERLACH.
H.R. 2802: Mr. MCDERMOTT and Mr. OLVER.
H.R. 2818: Mr. SPACE.
H.R. 2832: Mr. BURTON of Indiana.
H.R. 2840: Mrs. CHRISTENSEN.
H.R. 2909: Ms. BERKLEY.
H.R. 2922: Mr. POMEROY, Mr. OBERSTAR, Mr. DAVIS of Illinois, Mr. LATOURETTE, and Mr. PLATTS.
H.R. 2933: Mr. MCCOTTER and Mr. RUPPERSBERGER.
H.R. 2990: Mr. LATHAM and Mr. BOSWELL.
H.R. 2997: Mr. ROHRABACHER and Mr. COHEN.
H.R. 3057: Mr. GOODLATTE.
H.R. 3109: Mr. BURGESS.
H.R. 3114: Mr. WAXMAN and Mr. MCHUGH.
H.R. 3140: Mr. KIND.
H.R. 3189: Mr. MCDERMOTT.
H.R. 3210: Mr. RANGEL.
H.R. 3232: Mr. FOSSELLA.
H.R. 3286: Mr. LOBIONDO.
H.R. 3326: Mr. CUMMINGS, Mrs. NAPOLITANO, and Mr. BERMAN.
H.R. 3363: Mr. PETERSON of Pennsylvania.
H.R. 3368: Mr. BAIRD and Mr. SESTAK.
H.R. 3372: Mr. SESTAK.
H.R. 3458: Mr. MILLER of Florida.
H.R. 3487: Mr. DUNCAN.
H.R. 3533: Mr. SARBANES.
H.R. 3544: Mr. GRIJALVA.
H.R. 3563: Mr. TOWNS.
H.R. 3609: Mr. THOMPSON of Mississippi, Mr. MEEK of Florida, Mr. DINGELL, Mr. LEWIS of Georgia, Mr. FATTAH, Mr. ALLEN, and Ms. SOLIS.
H.R. 3622: Mr. WELDON of Florida, Mr. CARDOZA, Mr. SAM JOHNSON of Texas, Mr. PUTNAM, and Mr. STEARNS.
H.R. 3634: Mr. LIPINSKI.
H.R. 3700: Mr. STUPAK and Mr. GONZALEZ.
H.R. 3713: Mr. ISRAEL.
H.R. 3748: Mr. HILL, Mr. HONDA, and Ms. MATSUI.
H.R. 3819: Mr. BOSWELL, Mr. COHEN, and Mr. FRANK of Massachusetts.
H.R. 3834: Mr. OBERSTAR, Mr. VISCLOSKY, Mr. WELCH of Vermont, Mr. HOLT, Mr. TOWNS, Mr. LINCOLN DAVIS of Tennessee, Mr. BRALEY of Iowa, Mr. BISHOP of Georgia, Mr. DAVIS of Illinois, Mr. BOSWELL, Mr. PAUL, Mr. WOLF, Mr. SCOTT of Virginia, Mr. FILNER, Mr. BRADY of Pennsylvania, Mr. MOORE of Kansas, and Mr. ROSS.
H.R. 3842: Mr. TOWNS.
H.R. 3846: Ms. BERKLEY and Mr. LAHOOD.
H.R. 3865: Mr. STUPAK.
H.R. 3898: Mr. GOODLATTE.
H.R. 3916: Mr. SULLIVAN and Mr. REICHERT.
H.R. 3938: Mr. BOSWELL.
H.R. 3990: Mr. WAXMAN and Mr. DOGGETT.
H.R. 4002: Mr. HODES.
H.R. 4008: Mr. WEXLER, Mr. BOYD of Florida, Mr. TIM MURPHY of Pennsylvania, and Mr. WALBERG.
H.R. 4025: Mr. CLEAVER and Mr. BRALEY of Iowa.
H.R. 4055: Mr. CUMMINGS.
H.R. 4061: Ms. ZOE LOFGREN of California, Mr. SMITH of Washington, Mr. WOLF, Mr. FRANK of Massachusetts, and Mr. PRICE of Georgia.
H.R. 4088: Mr. SHAYS.
H.R. 4122: Mr. GONZALEZ and Mr. CARDOZA.
H.R. 4123: Mr. GONZALEZ and Mr. CARDOZA.
H.R. 4133: Mr. SHIMKUS.
H.R. 4139: Mr. BOUCHER.
H.R. 4157: Mr. ROGERS of Kentucky.
H.R. 4173: Mr. HASTINGS of Florida and Mr. COHEN.
H.R. 4201: Mr. KING of Iowa.
H.R. 4207: Ms. DELAURO.
H.R. 4209: Mr. MORAN of Kansas.
H.R. 4218: Mr. MCINTYRE.
H.R. 4243: Mr. FALEOMAVAEGA.
H.R. 4266: Ms. BALDWIN.
H.R. 4296: Mr. TERRY.
H.R. 4301: Mr. CUMMINGS.
H.R. 4460: Mr. KLINE of Minnesota, Mr. BISHOP of Utah, and Mr. KING of Iowa.
H.R. 4461: Mr. MCGOVERN.
H.R. 4497: Mr. ADERHOLT.
H.R. 4651: Mr. ELLISON and Mrs. MALONEY of New York.
H.R. 4688: Mr. PASTOR.
H.R. 4845: Mr. BARTLETT of Maryland.
H.R. 4884: Mr. MICHAUD.
H.R. 4889: Mr. BOSWELL.
H R. 4930: Mr. ROGERS of Kentucky, Mr. KUHL of New York, Mr. SAXTON, and Mr. CARNEY.
H.R. 5057: Mr. COHEN.
H.R. 5058: Mr. TIERNEY, Mr. COHEN, and Mr. BLUMENAUER.
H.R. 5069: Mr. MICHAUD.
H.R. 5087: Mr. MICHAUD.
H.R. 5101: Mr. DOOLITTLE, Mr. DAVID DAVIS of Tennessee, Ms. FOXX, Mr. BARTLETT of Maryland, Mr. WILSON of South Carolina, Mr. PITTS, Mr. WAMP, Ms. FALLIN, Mr. PRICE of Georgia, Mr. JONES of North Carolina, Mr. SOUDER, Mr. PAUL, and Mr. SENSENBRENNER.
H.R. 5128: Mrs. CHRISTENSEN, Mr. BOSWELL, and Mr. STARK.
H.R. 5129: Mr. BISHOP of Georgia, Mr. JOHNSON of Georgia, Mr. JACKSON of Illinois, and Ms. LINDA T. SÁNCHEZ of California.
H.R. 5132: Mr. WYNN and Mr. FRANK of Massachusetts.
H.R. 5139: Mrs. TAUSCHER.
H.R. 5143: Mr. BECERRA, Mr. EDWARDS, Mr. YARMUTH, Mr. FILNER, Mr. HARE, Mr. REICHERT, Mr. LOBIONDO, Mr. GORDON, Mrs. NAPOLITANO, Mrs. MALONEY of New York, Mr. SHAYS, Mr. ENGLISH of Pennsylvania, and Mr. HONDA.
H.R. 5148: Mr. FORTUÑO, Mr. KAGEN, Ms. FALLIN, Mrs. BOYDA of Kansas, Mr. FLAKE, Mr. CARNEY, Mr. WOLF, Mrs. MYRICK, and Mr. SOUDER.
H.R. 5152: Mr. LANTOS, Mr. ISRAEL, and Mr. WYNN.
H.R. 5157: Mr. BLUMENAUER, Mr. GRIJALVA, Ms. WATERS, Mr. HASTINGS of Florida, Mrs. JONES of Ohio, Ms. ESHOO, and Ms. SOLIS.
H.R. 5160: Mr. ENGLISH of Pennsylvania.
H.R. 5169: Mr. HENSARLING.
H.R. 5171: Mr. HINCHEY and Mr. UDALL of Colorado.
H.R. 5172: Mr. HALL of New York.
H.R. 5173: Mr. SARBANES, Mr. DAVID DAVIS of Tennessee, Mr. LINCOLN DAVIS of Tennessee, Mr. ALLEN, Mr. WELCH of Vermont, Mr. FARR, Mr. VAN HOLLEN, Mr. MCDERMOTT, Mr. MICHAUD, Ms. BERKLEY, Mr. HONDA, Mr. LEWIS of Georgia, Mr. GOODE, Mr. KENNEDY, Mr. WYNN, Mr. RUPPERSBERGER, and Ms. HERSETH SANDLIN.
H.R. 5180: Mr. JOHNSON of Georgia, Mr. YARMUTH, Mr. WALZ of Minnesota, and Mr. SOUDER.
H.R. 5222: Mr. WAMP, Mr. MCCARTHY of California, Mr. YOUNG of Alaska, Mr. MCCAUL of Texas, Mr. BACHUS, Mr. FLAKE, Mr. GOODLATTE, Mr. TIBERI, Mr. DAVIS of Kentucky, Mr. FORBES, Mr. REHBERG, Mr. SOUDER, Mr. BONNER, Mr. SHUSTER, and Mrs. CUBIN.
H.J. Res. 54: Mr. JEFFERSON.
H.J. Res. 76: Mr. WOLF.
H. Con. Res. 32: Mr. JONES of North Carolina, Mr. SNYDER, Mr. BERRY, and Mr. SPRATT.
H. Con. Res. 106: Mr. WILSON of Ohio.
H. Con. Res. 137: Mr. HALL of Texas.
H. Con. Res. 154: Mr. CROWLEY.
H. Con. Res. 249: Ms. SCHAKOWSKY and Mr. DAVIS of Illinois.
H. Con. Res. 255: Mr. DONNELLY.
H. Con. Res. 263: Mr. GERLACH, Mr. HOEKSTRA, Mr. CANNON, Mr. BURGESS, Mrs. CUBIN, Mr. ALEXANDER, Mr. GRAVES, Mr. SHIMKUS, Mr. BUCHANAN, Mr. LINCOLN DIAZ-BALART of Florida, Mr. MARIO DIAZ-BALART of Florida, Mr. DUNCAN, Mr. ROGERS of Alabama, and Mr. LOBIONDO.
H. Con. Res. 267: Mr. SESSIONS.
H. Con. Res. 278: Mr. HINCHEY, Mr. DOOLITTLE, Mr. MARCHANT, Mr. BERMAN, Mr. ISRAEL, Mr. LUCAS, Mr. GARRETT of New Jersey, and Ms. CLARKE.
H. Con. Res. 280: Mr. CONYERS, Mr. ENGEL, Mrs. MALONEY of New York, and Mr. SESTAK.
H. Con. Res. 281: Mr. CHANDLER, Mr. COHEN, Mr. RYAN of Ohio, Ms. WATSON, Mr. BERMAN, Mr. WHITFIELD of Kentucky, Mr. BURTON of Indiana, Mr. HOEKSTRA, Mr. WELDON of Florida, Mrs. BONO MACK, Mr. PITTS, Mr. KNOLLENBERG, Mrs. WILSON of New Mexico, Mr. RENZI, Mr. REGULA, Mr. SAM JOHNSON of Texas, Mr. YOUNG of Alaska, Mr. AKIN, Mr. HULSHOF, Mr. TIAHRT, Mr. SMITH of Texas, Mrs. DRAKE, Mr. WALBERG, Mrs. MCMORRIS RODGERS, Mr. REICHERT, Mr. BISHOP of Utah, Mr. PEARCE, Mr. CANNON, Mr. SULLIVAN, Mr. BOOZMAN, Mr. REYNOLDS, Mr. WALSH of New York, Mr. LEWIS of California, Mrs. CAPITO, Mr. BILIRAKIS, Ms. PRYCE of Ohio, Mr. DEAL of Georgia, Mr. GINGREY, and Mr. CULBERSON.
H. Con. Res. 283: Ms. WATSON and Mr. CLAY.
H. Con. Res. 285: Mr. ROGERS of Kentucky.
H. Con. Res. 286: Mr. SESTAK.
H. Res. 111: Mr. BONNER, Mr. REHBERG, and Mr. WELLER.
H. Res. 447: Mr. MICHAUD.
H. Res. 578: Mr. MILLER of North Carolina, Mr. WILSON of South Carolina, Mr. JONES of North Carolina, and Mr. GRIJALVA.
H. Res. 679: Mrs. MYRICK, Mrs. TAUSCHER, Mr. KIRK, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. BISHOP of Georgia.
H. Res. 735: Mr. WEINER.
H. Res. 795: Mr. NEAL of Massachusetts.
H. Res. 820: Mr. BLUMENAUER.
H. Res. 821: Mr. RENZI.
H. Res. 829: Mr. GRAVES.
H. Res. 838: Mr. PUTNAM.
H. Res. 883: Mr. TOWNS.
H. Res. 889: Mr. PAYNE, Mr. HINOJOSA, Mr. ROGERS of Michigan, Mr. GONZALEZ, Ms. SLAUGHTER, Mr. KLEIN of Florida, Mr. SCOTT of Georgia, Mr. WEXLER, and Mr. CROWLEY.
H. Res. 897: Ms. EDDIE BERNICE JOHNSON of Texas.
H. Res. 934: Mr. SAM JOHNSON of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. GONZALEZ, Mr. RODRIGUEZ, Mr. DOGGETT, Mr. GOHMERT, Mr. CRAMER, Mr. PASTOR, Mr. RAMSTAD, Ms. SOLIS, Mrs. CAPPS, Mr. CARDOZA, and Mr. SALAZAR.
H. Res. 944: Mr. Broun of Georgia, Mr. COHEN, Mr. SKELTON, Mr. SNYDER, Ms. GIFFORDS, Mr. TAYLOR, Mrs. TAUSCHER, Mr. SPRATT, Ms. CASTOR, Mr. REYES, Mr. ABERCROMBIE, Mr. BOREN, Mr. COOPER, Mrs. BOYDA of Kansas, Mr. JONES of North Carolina, Mr. PAUL, Mr. KLINE of Florida, Mr. MCKEON, Mr. CARTER, Mr. LOBIONDO, Mr. MILLER of Florida, Mr. MCHUGH, Mr. GINGREY, Mr. AKIN, Mr. FORBES, Mr. BOOZMAN, Mr. SHUSTER, Mrs. CAPITO, Mr. MARSHALL, Mr. BRADY of Pennsylvania, Mr. ORTIZ, Mr. CONAWAY, and Mr. SAXTON.
H. Res. 945: Mr. CHANDLER.
H. Res. 951: Mr. ANDREWS, Mr. CHABOT, Mr. COHEN, Mr. MARIO DIAZ-BALART of Florida, Mr. FORBES, Mr. FRANKS of Arizona, Mr. GERLACH, Mr. GENE GREEN of Texas, Ms. HARMAN, Mr. KING of New York, Mr. KING of Iowa, Mr. KLINE of Minnesota, Mr. LANTOS, Mr. MCCAUL of Texas, Mr. MCCOTTER, Mr. MCHUGH, Mr. MCNULTY, Mr. MITCHELL, Mrs. MYRICK, Mr. PASTOR, Mr. PLATTS, Mr. RENZI, Mr. REYNOLDS, Mr. ROTHMAN, Mr. SENSENBRENNER, Mr. TERRY, and Mr. WAMP.

H. Res. 952; Mr. MARIO DIAZ-BALART of Florida, Mr. BLUMENAUER, Mr. BECERRA, and Mr. BARROW.

H. Res. 958: Mr. CALVERT, Mr. MCCARTHY of California, Mr. NEUGEBAUER, Mr. BACHUS, Mrs. DRAKE, Mr. MCKEON, Mr. FRANKS of Arizona, Mr. BROUN of Georgia, Mr. DAVIS of Kentucky, Mrs. SCHMIDT, Mr. PRICE of Georgia, Mr. FLAKE, Mr. SAXTON, Mr. GERLACH, Mr. SHUSTER, Mr. MCHUGH, Mr. KINGSTON, Mr. WALBERG, Mr. PLATTS, Mr. CULBERSON, Mrs. MUSGRAVE, Mr. THORNBERRY, and Mr. MARIO DIAZ-BALART of Florida.

H. Res. 960: Mr. HINCHEY, Mr. ISRAEL, Mr. BISHOP of Georgia, Mr. SHERMAN, Mr. WEXLER, Mr. RYAN of Ohio, Mr. EMANUEL, Mr. MURPHY of Connecticut, Mr. CLYBURN, Mr. DOGGETT, Ms. HOOLEY, Mr. BOSWELL, Mrs. TAUSCHER, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. CORRINE BROWN of Florida, Mr. CAMPBELL of California, Mr. LEWIS of Georgia, Mr. KIND, Mr. KILDEE, Mr. HILL, Mr. BLUMENAUER, Mr. KING of New York, Mr. MOORE of Kansas, Mr. ABERCROMBIE, Mr. SAXTON, Mr. CONYERS, Mr. CAPUANO, Mr. LYNCH, Mr. PAYNE, Mr. SCOTT of Georgia, Mr. HOYER, Mr. OBERSTAR, Mr. BERRY, Mr. SNYDER, Mr. WILSON of Ohio, Mr. ELLSWORTH, Ms. LINDA T. SÁNCHEZ of California, Mr. RANGEL, Mr. SPACE, Mr. ARCURI, and Mr. ALTMIRE.

H. Res. 962: Ms. ZOE LOFGREN of California, Mrs. TAUSCHER, Ms. RICHARDSON, Ms. HARMAN, Ms. ROYBAL-ALLARD, Mr. SCHIFF, Ms. WATSON, and Mr. FILNER.

FRIDAY, FEBRUARY 8, 2008 (12)

¶12.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order at 10:30 a.m. by the SPEAKER pro tempore, Mr. MITCHELL, who laid before the House the following communication:

WASHINGTON, DC,
February 8, 2008.

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

NANCY PELOSI,
Speaker of the House of Representatives.

¶12.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. MITCHELL, announced he had examined and approved the Journal of the proceedings of Thursday, February 7, 2008.

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

¶12.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

5283. A letter from the Counsel for Legislation and Regulations, Department of Housing and Urban Development, transmitting the Department's final rule — Empowerment Zones: Performance Standards for Utilization of Grant Funds [Docket No. FR-4853-F-02] (RIN: 2506-AC16) received January 4, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5284. A letter from the Regulatory Specialist Legislative and Regulatory Activities Division, Department of the Treasury, transmitting the Department's final rule — Community Reinvestment Act Regulations [Docket ID OCC-2007-0021] (RIN: 1557-AD05) received January 2, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5285. A letter from the General Counsel, Federal Retirement Thrift Investment Board, transmitting the Board's final rule — Participants' Choices of TSP Funds — received January 4, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

¶12.4 ENROLLED BILL SIGNED

Lorraine C. Miller, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 3541. An Act to amend the Do-not-call Implementation Act to eliminate the automatic removal of telephone numbers registered on the Federal ''do-not-call'' registry.

And then,

¶12.5 ADJOURNMENT

On motion of Mr. MITCHELL, pursuant to the special order of the House agreed to on February 7, 2008, at 10 o'clock and 44 minutes a.m., the House adjourned until 12:30 p.m. on Tuesday, February 12, 2008.

¶12.6 TIME LIMITATION OF REFERRED BILL

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

H.R. 275. Referral to the Committee on the Judiciary extended for a period ending not later than February 22, 2008.

¶12.7 PUBLIC BILLS AND RESOLUTIONS

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

By Mr. PRICE of North Carolina:

H.R. 5332. A bill to extend the temporary suspension of duty on Desmedipham in bulk or mixtures; to the Committee on Ways and Means.

By Mr. PRICE of North Carolina:

H.R. 5333. A bill to extend the temporary suspension of duty on 2,6-dibromo-4-cyanophenyl octanoate/heptanoate; to the Committee on Ways and Means.

By Mr. PRICE of North Carolina:

H.R. 5334. A bill to suspend temporarily the duty on product mixtures containing Methyl 2-[({[(4,6-dimethoxy-2-pyrimidinyl)amino] carbonyl}amino)sulfonyl]-4-[(mesylamino)methyl]benzoate Methyl 4-iodo-2-[3-(4-methoxy-6-methyl-1,3,5-triazin-2-yl)ureidosul fonyl]benzoate, sodium salt; to the Committee on Ways and Means.

By Mr. WAMP (for himself, Mr. ADERHOLT, Mr. BOOZMAN, Mr. SULLIVAN, Mr. LUCAS, Mr. LINCOLN DAVIS of Tennessee, Mr. DEAL of Georgia, Mr. COHEN, Mr. WHITFIELD of Kentucky, Mr. COLE of Oklahoma, Mr. SHULER, Mr. BERRY, Mr. DUNCAN, Mr. SNYDER, Mr. TANNER, Ms. FALLIN, Mr. GINGREY, and Mr. PRICE of Georgia):

H.R. 5335. A bill to amend the National Trails System Act to provide for the inclusion of new trail segments, land components, and campgrounds associated with the Trail of Tears National Historic Trail, and for other purposes; to the Committee on Natural Resources.

¶12.8 MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

231. The SPEAKER presented a memorial of the Legislature of the State of Maine, relative to House Joint Resolution No. 1526 memorializing the President of the United States and the Congress of the United States to support the creation of a National Affordable Housing Trust Fund; to the Committee on Financial Services.

232. Also, a memorial of the General Assembly of the State of Colorado, relative to a House Joint Resolution concerning governmental obligation to establish peace, and peacemaking and conflict resolution mehtods for use even in belief based dsiputes; to the Committee on Foreign Affairs.

233. Also, a memorial of the General Assembly of the State of Georgia, relative to Senate Resolution No. 139 urging the Congress of the United States to raise the allowable deduction for health savings accounts, to allow certain older citizens to contribute additional amounts, and to make all health insurance premiums pre-tax; to the Committee on Ways and Means.

234. Also, a memorial of the Senate of the State of Georgia, relative to Senate Resolution No. 646 urging the President of the United States and the Congress of the United States to adopt and implement an effective and comprehensive federal immigration and border security plan in response to the increasing illegal immigration crisis facing the United States; jointly to the Committees on the Judiciary and Homeland Security.

¶12.9 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 1147: Mr. LEVIN.

H.R. 2266: Mr. ROTHMAN.

H.R. 3175: Mr. ROTHMAN.

H.R. 3698: Mr. ROTHMAN.

H. Res. 102: Ms. LORETTA SANCHEZ of California and Ms. ESHOO.

H. Res. 957: Mr. MCCOTTER, Mr. HASTINGS of Florida, Mr. SAM JOHNSON of Texas, and Ms. EDDIE BERNICE JOHNSON of Texas.

¶12.10 PETITIONS

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

215. The SPEAKER presented a petition of the National Council Junior Order United American Mechanics, relative to Resolution No. 14 expressing support and sincere appreciation to the brave and dedicated men and women of the Armes Forces of the United States of America, who are reprenting our country, both at home and abroad; to the Committee on Armed Services.

216. Also, a petition of the National Council Junior Order United American Mechanics, relative to Resolution No. 12 opposing any ordinance or doctrine which will restrict our freedom to choose an alternate source for conservative news or views, or to restrict ouir efforts to get the truth to the public; to the Committee on Energy and Commerce.

217. Also, a petition of the National Council Junior Order United American Mechanics, relative to Resolution No. 11 opposing any rewarding of lawbreakers by means of illegal invasion through the process of entering the United States of America illegally; to the Committee on the Judiciary.

218. Also, a petition of the National Council Junior Order United American Mechanics, relative to Resolution No. 13 demanding that the Congress of the United States find common language that will bring the immigration issues to resolution; jointly to the Committees on the Judiciary and Homeland Security.

TUESDAY, FEBRUARY 12, 2008 (13)

¶13.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order at 12:30 p.m. by the SPEAKER pro tempore, Mr. BUTTERFIELD, who laid before the House the following communication:

WASHINGTON, DC,
February 12, 2008.

I hereby appoint the Honorable G.K. BUTTERFIELD to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

Whereupon, pursuant to the order of the House of January 4, 2007, Members were recognized for morning-hour debate.

¶13.2 RECESS—12:35 P.M.

The SPEAKER pro tempore, Mr. BUTTERFIELD, pursuant to clause 12(a) of rule I, declared the House in recess at 12 o'clock and 35 minutes p.m., until 2 p.m.

¶13.3 AFTER RECESS—2 P.M.

The SPEAKER pro tempore, Mr. RUSH, called the House to order.

¶13.4 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. RUSH, announced he had examined and approved the Journal of the proceedings of Friday, February 8, 2008.

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

¶13.5 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

5286. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Zeta-cypermethrin; Pesticide Tolerance [EPA-HQ-2007-0300; FRL-8346-3] received December 26, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5287. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Trifloxystrobin; Pesticide Tolerance [EPA-HQ-OPP-2006-0732; FRL-8342-6] received December 26, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5288. A letter from the Under Secretary for Acquisition, Technology and Logistics, Department of Defense, transmitting notification that increases in both the Program Acquisition Unit Cost (PAUC) and the Procurement Unit Cost (PUC) for the Joint Tactical Radio System Ground Mobile Radio (JTRS GMR) program exceed 15 percent, pursuant to 10 U.S.C. 2433; to the Committee on Armed Services.

5289. A letter from the Chairman, Commission on the National Guard and Reserves, transmitting the Commission's final report on the assessment of the reserve components of the U.S. military and recommendations to ensure that they are organized, trained, equipped, compensated, and supported to best meet the current and future requirements of U.S. national security; to the Committee on Armed Services.

5290. A letter from the Assistant Secretary for Homeland Defense and Americas' Security Affairs, Department of Defense, transmitting a report on assistance provided by the Department of Defense to civilian sporting events in support of essential security and safety, covering the period of calendar year 2007, pursuant to 10 U.S.C. 2564(e); to the Committee on Armed Services.

5291. A letter from the Under Secretary for Acquisition, Technology and Logistics, Department of Defense, transmitting the Department's report on progress toward compliance with destruction of the U.S. stockpile of lethal chemical agents and munitions by the extended Chemical Weapons Convention deadline of April 29, 2012, and not later than December 31, 2017, pursuant to Public Law 110-116, section 8119; to the Committee on Armed Services.

5292. A letter from the Secretary, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General Bruce A. Wright, United States Air Force, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

5293. A letter from the Deputy Administrator for Defense Programs, Department of Energy, transmitting the Department's draft Complex Transformation Supplemental Programmatic Environmental Impact Statement; to the Committee on Armed Services.

5294. A letter from the President and Chief Executive Officer, Corporation for Public Broadcasting, transmitting the Annual Report of the Corporation for Public Broadcasting for Fiscal Year 2006, pursuant to 47 U.S.C. 396(k)(3)(B)(iii)(V); to the Committee on Energy and Commerce.

5295. A letter from the Secretary, Department of Energy, transmitting the Department's report entitled, ''Facing the Hard Truths about Energy: A Comprehensive View to 2030 of Global Oil and Natural Gas''; to the Committee on Energy and Commerce.

5296. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — National Emission Standards for Hazardous Air Pollutants for Source Categories: Gasoline Distribution Bulk Terminals, Bulk Plants, and Pipeline Facilities; and Gasoline Dispensing Facilities [EPA-HQ-OAR-2006-0406, FRL-8512-3] (RIN: 2060-AM74) received December 26, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5297. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — National Emission Standards for Hospital Ethylene Oxide Sterilizers [EPA-HQ-OAR-2005-0171; FRL-8512-1] (RIN: 2060-AM14) received December 26, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5298. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Standards of Performance for Stationary Spark Ignition Internal Combustion Engines and National Emission Standards for Hazardous Air Pollutants for Reciprocating Internal Combustion Engines [EPA-HQ-OAR-2005-0030, FRL-8512-4] (RIN: 2060-AM81) received December 26, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5299. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-290, ''Juvenile Speedy Trial Equity Temporary Act of 2008,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

5300. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-289, ''National Capital Revitalization Corporation and Anacostia Waterfront Corporation Reorganization Act of 2008,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

5301. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-287, ''Minority and Women-Owned Business Assessment Act of 2008,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

5302. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-286, ''Operation Enduring Freedom and Operation Iraqi Freedom Active Duty Pay Differential Amendment Act of 2008,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

5303. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-285, ''District of Columbia Public Library Retirement Incentive Temporary Act of 2008,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

5304. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-284, ''Adoption and Safe Families Temporary Amendment Act of 2008,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

5305. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-283, ''Disposition and Redevelopment of Lot 854 in Square 441 Approval Act of 2008,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

5306. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-282, ''SafeRx Amendment Act of 2008,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

5307. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-288, ''Excellence in Local Business Contract Grading Act of 2008,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

5308. A letter from the United States Trade Representative, Executive Office of the President, transmitting a report on the Strategic Plan FY 2007 — FY 2012; to the Committee on Oversight and Government Reform.

5309. A letter from the Co-Chief Privacy Officer, Federal Election Commission, transmitting the Commission's report on the annual activities that affect privacy including complaints of privacy violations, implementation of the Privacy Act, and internal controls, pursuant to Section 522 of the Consolidated Appropriations Act of 2005; to the Committee on House Administration.

5310. A letter from the Under Secretary for Oceans and Atmosphere, Department of Commerce, transmitting the Department's report regarding the activities of the Northwest Atlantic Fisheries Organization for 2006, pursuant to 16 U.S.C. 5601 et seq.; to the Committee on Natural Resources.

5311. A letter from the Acting Staff Director, Commission on Civil Rights, transmitting notification that the Commission recently appointed members to the District of Columbia Advisory Committee; to the Committee on the Judiciary.

5312. A letter from the Chairman, National Science Board, transmitting the Board's report entitled, ''Moving Forward to Improve Engineering Education''; to the Committee on Science and Technology.

5313. A letter from the American Legion, transmitting the financial statement and independent audit of The American Legion proceedings of the 89th annual National Convention of the American Legion, held in

Reno, Nevada from August 24-30, 2007 and a report on the Organization's activities for the year preceding the Convention, pursuant to 36 U.S.C. 49; (H. Doc. No. —94); to the Committee on Veterans' Affairs and ordered to be printed.

5314. A letter from the Secretary, Department of Labor, transmitting the Department's fourteenth report on the impact of the Andean Trade Preference Act on U.S. trade and employment for 2007, pursuant to 19 U.S.C. 3205; to the Committee on Ways and Means.

5315. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's FY 2005 Annual Report on the Child Support Enforcement Program in accordance with 452(a) of the Social Security Act; to the Committee on Ways and Means.

5316. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's report entitled, ''Assets for Independence Demonstration Program: Status at the Conclusion of the Seventh Year,'' pursuant to Public Law 105-285, section 414(d)(1); to the Committee on Ways and Means.

5317. A letter from the Assistant U.S. Trade Representative for WTO and Multilateral Affairs, Office of the United States Trade Representative, transmitting the Administration's Annual Report on Subsidies Enforcement, pursuant to the Statement of Administrative Action of the Uruguay Round Agreements Act; to the Committee on Ways and Means.

5318. A letter from the Chair, Ticket to Work and Work Incentives Advisory Panel, transmitting the Panel's Final Advice Report on the Ticket to Work and Self-Sufficiency Program (the Ticket Program); to the Committee on Ways and Means.

5319. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's report on the results of a study on which Medicare beneficiaries with specific chronic conditions are deemed to be homebound for purposes of meeting Medicare's criteria for receiving home health services, pursuant to Section 702 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003; jointly to the Committees on Energy and Commerce and Ways and Means.

5320. A letter from the Secretary and Attorney General, Departments of Health and Human Services and Justice, transmitting the tenth Annual Report on the Health Care Fraud and Abuse Control (HCFAC) Program for Fiscal Year 2006, pursuant to 42 U.S.C. 1395i; jointly to the Committees on Energy and Commerce and Ways and Means.

¶13.6 LUIS A. AGUILAR

Mr. THOMPSON of Mississippi, moved to suspend the rules and agree to the following resolution (H. Res. 954); as amended:

Whereas Luis Aguilar was born in El Paso, Texas, on November 26, 1976, to Luis Aguilar and Cecilia G. Silva;

Whereas Luis Aguilar resided in Somerton, Arizona, and is survived by his mother and father, his wife, Erica Aguilar, his two children, Luis and Arianna, his brother, senior Border Patrol agent Marco Antonio Aguilar, and his sister, Angie Aguilar;

Whereas Luis Aguilar joined the United States Border Patrol on July 21, 2002;

Whereas on January 19, 2008, after over 5 years of dedicated service in the United States Border Patrol, Luis Aguilar selflessly paid the ultimate sacrifice in service to the United States;

Whereas Border Patrol agents carry out the vital role of protecting our Nation's borders and ensuring the safety of the United States;

Whereas Border Patrol agents work devotedly and selflessly on behalf of the people of the United States, without regard for the peril or danger to themselves; and

Whereas the United States will forever be grateful for the service of Luis Aguilar and mourn his loss: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the dedication and sacrifice made by the men and women who have lost their lives while serving as United States Border Patrol agents;

(2) honors Luis Aguilar for his service as a Border Patrol agent and for his sacrifice to the United States; and

(3) extends its deepest condolences to the family of Luis Aguilar.

The SPEAKER pro tempore, Mr. YARMUTH, recognized Mr. THOMPSON of Mississippi, and Mr. DAVIS of Tennessee, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. YARMUTH, announced that two-thirds of the Members present had voted in the affirmative.

Mr. THOMPSON of Mississippi demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. YARMUTH, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶13.7 ACADIA NATIONAL PARK

Mr. GRIJALVA moved to suspend the rules and pass the bill (H.R. 2251) to extend the Acadia National Park Advisory Commission, to provide improved visitor services at the park, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. YARMUTH, recognized Mr. GRIJALVA and Mr. BISHOP of Utah, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. YARMUTH, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶13.8 KALAUPAPA PENINSULA

Mr. GRIJALVA moved to suspend the rules and pass the bill (H.R. 3332) to provide for the establishment of a memorial within Kalaupapa National Historical Park located on the island of Molokai, in the State of Hawaii, to honor and perpetuate the memory of those individuals who were forcibly relocated to the Kalaupapa Peninsula from 1866 to 1969, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. YARMUTH, recognized Mr. GRIJALVA and Mr. BISHOP of Utah, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. YARMUTH, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶13.9 MUIR WOODS NATIONAL MONUMENT

Mr. GRIJALVA moved to suspend the rules and agree to the following resolution (H. Res. 868):

Whereas Congressman William Kent of California recognized the transcendent beauty and national significance of the coastal redwood trees and he set aside his private land for future generations;

Whereas Congressman Kent donated his lands to be known as Muir Woods in the State of California as the first National monument, presenting them to the United States Government as a gift to the people of the United States;

Whereas Muir Woods provides a keystone for conservation stewardship and a rich natural laboratory to explore the philosophy of its namesake, the admired conservation activist John Muir;

Whereas Muir Woods was recognized 100 years ago to be ''of extraordinary scientific interest and importance because of the primeval character of the forest and the character, age and size of the trees'';

Whereas the Kent donation made it possible for President Theodore Roosevelt to exercise one of the Nation's most unique preservation tools, the Antiquities Act, by declaring Muir Woods National Monument for the American people;

Whereas Muir Woods National Monument is preserved today through the dedicated staff and volunteers of the National Park Service;

Whereas on May 19, 1945 international delegates to the historic Charter Convention of the United Nations met in the beauty and peace of Muir Wood's Cathedral Grove to open the convention and honor the memory of the late President Franklin D. Roosevelt; and

Whereas in 1972 Muir Woods National Monument became part of the Golden Gate National Recreation Area and today attracts up to a million visitors annually: Now, therefore, be it

Resolved, That the United States House of Representatives—

(1) recognizes the foresight of President Roosevelt in using the Antiquities Act in declaring Muir Woods National Monument;

(2) recognizes the 100 years of careful preservation of America's Coastal Redwood forest within Muir Woods National Monument; and

(3) recognizes the natural and historical importance of the Muir Woods National Monument in the State of California and to the Nation.

The SPEAKER pro tempore, Mr. YARMUTH, recognized Mr. GRIJALVA, and Mr. BISHOP of Utah, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. YARMUTH, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶13.10 AMERICAN QUILTER'S SOCIETY

Mr. GRIJALVA moved to suspend the rules and agree to the following concurrent resolution (H. Con. Res. 209):

Whereas the Museum of the American Quilter's Society is the largest quilt museum in the world, with a total of 13,400 square feet of exhibition space and more than 150 quilts exhibited year-round in its 3 galleries;

Whereas the mission of the Museum is to educate the local, national, and international public about the art, history, and heritage of quiltmaking;

Whereas quilts in the Museum's permanent collection are made by quilters from 44 of the 50 States and many foreign countries;

Whereas the Museum, centrally located in Paducah, Kentucky, and open to the public year-round, averages 40,000 visitors per year;

Whereas individuals from all 50 States and from more than 25 foreign countries have visited the Museum;

Whereas the Museum's Friends, an organization dedicated to supporting and sustaining the Museum, also has members in all 50 States, with 84 percent of members living more than 60 miles from the Museum;

Whereas many members of the Museum's Friends have supported the Museum annually since the Museum began in 1991;

Whereas quilts exhibited in the Museum are representative of the Nation and its cultures thanks to the wide diversity of themes and topics, quilts, and quiltmakers; and

Whereas the Museum of the American Quilter's Society has national significance and support: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of Congress that the Museum of the American Quilter's Society, located at 215 Jefferson Street, Paducah, Kentucky, should be designated as the ''National Quilt Museum of the United States''.

The SPEAKER pro tempore, Mr. YARMUTH, recognized Mr. GRIJALVA and Mr. BISHOP of Utah, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution?

The SPEAKER pro tempore, Mr. YARMUTH, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said concurrent resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said concurrent resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶13.11 SANTA MARGARITA RIVER

Mr. GRIJALVA moved to suspend the rules and pass the bill (H.R. 29) to authorize the Secretary of the Interior to construct facilities to provide water for irrigation, municipal, domestic, military, and for other uses from the Santa Margarita River, California, and for other purposes.

The SPEAKER pro tempore, Mr. YARMUTH, recognized Mr. GRIJALVA and Mr. BISHOP of Utah, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. YARMUTH, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶13.12 AIRPORT AND AIRWAY TRUST FUND

Mr. CROWLEY moved to suspend the rules and pass the bill (H.R. 5270) to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, and for other purposes.

The SPEAKER pro tempore, Mr. YARMUTH, recognized Mr. CROWLEY and Mr. ENGLISH of Pennsylvania, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. YARMUTH, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶13.13 SIEGE OF SAVANNAH

Mr. FALEOMAVAEGA moved to suspend the rules and agree to the following resolution (H. Res. 909); as amended:

Whereas in the fall of 1779, Haitian soldiers of the Chasseurs-Volontaires de Saint Domingue volunteered to join in the fight for American independence;

Whereas the unit was comprised of over 500 men of color from the island of Haiti;

Whereas on October 9, 1779, the soldiers of Chasseurs-Volontaires de Saint Domingue served as the largest unit of soldiers of African descent to fight in the ''Siege of Savannah'';

Whereas records show that over 500 men sailed treacherous waters to join the effort against the British;

Whereas over 300 of them lost their lives attempting to drive the British from Savannah;

Whereas the Savannah Monument, a project of the Haitian American Historical Society represents the Haitian soldiers that fought in the ''Siege of Savannah'';

Whereas the Savannah Monument was erected in Savannah, Georgia on Monday, October 8, 2007, to recognize the Haitian involvement in the fight for American independence; and

Whereas the Savannah Monument includes a statue of a 12-year-old drummer boy, depicting Mr. Henri Christophe, who became a leader in Haiti's Revolution to gain independence and renounce slavery: Now, therefore, be it

Resolved, That the House of Representatives commemorates the courage of the Haitian soldiers that fought for American independence in the ''Siege of Savannah'' and for Haiti's independence and renunciation of slavery.

The SPEAKER pro tempore, Mr. YARMUTH, recognized Mr. BUTTERFIELD and Mr. SHAYS, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. YARMUTH, announced that two-thirds of the Members present had voted in the affirmative.

Mr. FALEOMAVAEGA demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. YARMUTH, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶13.14 NEW YORK GIANTS

Mr. BUTTERFIELD moved to suspend the rules and agree to the following resolution (H. Res. 960):

Whereas on February 3, 2008, in Glendale, Arizona, the New York Giants achieved the improbable and upset the previously undefeated New England Patriots by a score of 17 to 14 in Super Bowl XLII to win the National Football League (NFL) Championship;

Whereas during the 2007–2008 post season, the Giants were the epitome of determination, fortitude, and resiliency as they made their way through the playoffs and ultimately triumphed over the previously undefeated New England Patriots, who were favored by 12 points to win the championship game;

Whereas quarterback Elisha Nelson ''Eli'' Manning, who had 19 completions for 255 yards and 2 touchdowns, was selected as the Most Valuable Player of Super Bowl XLII;

Whereas the New York Giants' win over the New England Patriots was the most-watched Super Bowl ever, with 97,500,000 viewers, making it the second most viewed American broadcast in television history;

Whereas the Giants achieved one of the most remarkable feats in sports history by winning an NFL record-breaking 11 straight road games, granting them the title of ''Road Warriors'', and in the process became only the second team in NFL history to win 3 playoff games and the Super Bowl away from their home field;

Whereas in each round of the playoffs, when none of the experts thought they had a chance to win, the Giants and their loyal, dedicated, and passionate fans believed they could accomplish what others declared impossible;

Whereas Tom Coughlin, in his fourth season as head coach of the Giants, has gone to the playoffs for 3 straight seasons, and this season lead his team, with the help of Defensive Coordinator Steve Spagnuolo, Offensive Coordinator Kevin Gilbride, and the entire Giants coaching staff, to Super Bowl XLII and brought the Vince Lombardi Trophy back to the Meadowlands;

Whereas the New York Giants organization is one of the most successful in NFL history, boasting 15 Hall of Fame players, appearing in 26 postseasons, winning more than 600 games, 16 NFL divisional championships, and 7 NFL championships, including remarkable title runs in 1987, 1991, and 2008 (Super Bowls XXI, XXV, and XLII) that captivated New York and New Jersey;

Whereas Giants owner and Chief Executive Officer John Mara and Executive Vice President Steve Tisch have done a remarkable job leading this storied franchise with the assistance and dedication of their talented staff;

Whereas the New York Giants have played all their home games in the Meadowlands Sports Complex, located in East Rutherford, New Jersey, since 1976 and have supported Bergen County and the northern New Jersey and New York areas with community outreach projects; and

Whereas the entire Giants franchise has become a model of professionalism, teamwork, and community service in representing the entire New York and New Jersey metropolitan area: Now, therefore, be it

Resolved, That the House of Representatives congratulates the National Football League champion New York Giants for winning Super Bowl XLII and completing one of the most impressive seasons in professional sports history.

The SPEAKER pro tempore, Mr. YARMUTH, recognized Mr. BUTTERFIELD and Mr. SHAYS, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. JACKSON of Illinois, announced that two-thirds of the Members present had voted in the affirmative.

Mr. BUTTERFIELD demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. JACKSON of Illinois, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Wednesday, February 13, 2008.

¶13.15 DR. CLIFFORD BEEL JONES, SR. POST OFFICE BUILDING

Mr. BUTTERFIELD moved to suspend the rules and pass the bill (H.R. 3468) to designate the facility of the United States Postal Service located at 1704 Weeksville Road in Elizabeth City, North Carolina, as the ''Dr. Clifford Bell Jones, Sr. Post Office''.

The SPEAKER pro tempore, Mr. JACKSON of Illinois, recognized Mr. BUTTERFIELD and Mr. SHAYS, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. JACKSON of Illinois, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶13.16 PRIVATE JOHNATHON MILLICAN LULA POST OFFICE BUILDING

Mr. BUTTERFIELD moved to suspend the rules and pass the bill (H.R. 3532) to designate the facility of the United States Postal Service located at 5815 McLeod Street in Lula, Georgia, as the ''Private Johnathon Millican Lula Post Office''.

The SPEAKER pro tempore, Mr. JACKSON of Illinois, recognized Mr. BUTTERFIELD and Mr. SHAYS, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. JACKSON of Illinois, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶13.17 JAMAAL RASHARD ADDISON POST OFFICE BUILDING

Mr. BUTTERFIELD moved to suspend the rules and pass the bill (H.R. 4203) to designate the facility of the United States Postal Service located at 3035 Stone Mountain Street in Lithonia, Georgia, as the ''Jamaal RaShard Addison Post Office Building''; as amended.

The SPEAKER pro tempore, Mr. JACKSON of Illinois, recognized Mr. BUTTERFIELD and Mr. SHAYS, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. JACKSON of Illinois, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

By unanimous consent, the title was amended so as to read: ''An Act to designate the facility of the United States Postal Service located at 3035 Stone Mountain Street in Lithonia, Georgia, as the 'Specialist Jamaal RaShard Addison Post Office Building'.''.

A motion to reconsider the votes whereby the rules were suspended and said bill, as amended, was passed and the title was amended was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶13.18 SERGEANT JAMIE O. MAUGANS POST OFFICE BUILDING

Mr. BUTTERFIELD moved to suspend the rules and pass the bill (H.R. 5135) to designate the facility of the United States Postal Service located at 201 West Greenway Street in Derby, Kansas, as the ''Sergeant Jamie O. Maugans Post Office Building''.

The SPEAKER pro tempore, Mr. JACKSON of Illinois, recognized Mr. BUTTERFIELD and Mr. SHAYS, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. JACKSON of Illinois, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶13.19 ABRAHAM LINCOLN

Mr. BUTTERFIELD moved to suspend the rules and agree to the following concurrent resolution (H. Con. Res. 281):

Whereas Abraham Lincoln, the 16th President of the United States, was born of humble roots on February 12, 1809, in Hardin County, Kentucky;

Whereas Abraham Lincoln rose to political prominence as an attorney with a reputation for fairness, honesty, and a belief that all men are created equal and that they are endowed by their Creator with certain unalienable rights;

Whereas Abraham Lincoln was elected and served with distinction in 1832 as a captain of an Illinois militia company during the Black Hawk War;

Whereas Abraham Lincoln was elected to the Illinois legislature in 1834 from Sangamon County and was successively re-elected until 1840;

Whereas Abraham Lincoln revered the Declaration of Independence, forming the motivating moral and natural law principle for his opposition to the spread of slavery to new States entering the Union and to his belief in slavery's ultimate demise;

Whereas Abraham Lincoln was elected in 1846 to serve in the United States House of Representatives, ably representing central Illinois;

Whereas Abraham Lincoln re-entered political life as a reaction to the passage of the Kansas-Nebraska Act in 1854 which he opposed;

Whereas Abraham Lincoln expounded on his views of natural rights during the series of Lincoln-Douglas debates in 1858 declaring in Charleston, Illinois that natural rights were ''. . . enumerated in the Declaration of Independence, the right to life, liberty and the pursuit of happiness'' and these views brought Lincoln into national prominence;

Whereas Abraham Lincoln, through a legacy of courage, character, and patriotism, was elected to office as the 16th President of the United States on November 6, 1860;

Whereas Abraham Lincoln believed the Declaration of Independence to be the anchor of American republicanism, stating on February 22, 1861, during an address in Philadelphia, Pennsylvania at Independence Hall that, ''I have never had a feeling politically that did not spring from the sentiments embodied in the Declaration of Independence . . . I have often inquired of myself, what great principle or idea it was that kept this Confederacy so long together. It was not the mere matter of separation of the Colonies from the motherland; but that sentiment in the Declaration of Independence which gave liberty, not alone to the people of this country, but, I hope, to the world, for all future time. It was that which gave promise that in due time the weight would be lofted from the shoulders of men'';

Whereas, upon taking office and being thrust into the throes of the Civil War, President Abraham Lincoln wrote the Emancipation Proclamation, freeing all slaves in southern States that seceded from the Union on January 1, 1863;

Whereas, on November 19, 1863, Abraham Lincoln dedicated the battlefield at Gettysburg, Pennsylvania with the Gettysburg address, which would later be known as his greatest speech, that harkened back to the promises of the Declaration of Independence in the first sentence: ''Four score and seven years ago, our fathers brought forth, on this continent, a new nation, conceived in Liberty, and dedicated to the proposition that all men are created equal'';

Whereas Abraham Lincoln was reelected to the Presidency on November 8, 1864, by 55 percent of the popular vote;

Whereas Abraham Lincoln gave the ultimate sacrifice for his country, dying six weeks into his second term on April 15, 1865;

Whereas the year 2009 will be the Bicentennial anniversary of the birth of Abraham Lincoln, and the United States will observe 2 years of commemorations beginning February 12, 2008; and

Whereas all Americans could benefit from studying the life of Abraham Lincoln as a model of achieving the American Dream through honest, integrity, loyalty, and a lifetime of education: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the United States Congress—

(1) requests that the President issue a proclamation each year recognizing the anniversary of the birth of President Abraham Lincoln and calling upon the people of the United States to observe such anniversary with appropriate ceremonies and activities; and

(2) encourages State and local governments and local educational agencies to devote sufficient time to study and appreciate the reverence and respect Abraham Lincoln had for the significance and importance of the Declaration of Independence in the development of American history, jurisprudence, and the spread of freedom around the world.

The SPEAKER pro tempore, Mr. JACKSON of Illinois, recognized Mr. BUTTERFIELD and Mr. SHAYS, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution?

The SPEAKER pro tempore, Mr. JACKSON of Illinois, announced that two-thirds of the Members present had voted in the affirmative.

Mr. BUTTERFIELD demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. JACKSON of Illinois, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶13.20 COMMUNICATION FROM THE CLERK—MESSAGE FROM THE PRESIDENT

The SPEAKER pro tempore, Mr. JACKSON of Illinois, laid before the House a communication, which was read as follows:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, February 11, 2008.

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

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on February 11, 2008, at 4:12 p.m. and said to contain a message from the President whereby he submits the Economic Report of the President and the 2008 Annual Report of the Council of Economic Advisers.

With best wishes, I am

Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

¶13.21 ECONOMIC REPORT OF THE PRESIDENT

The Clerk then read the message from the President, as follows:

To the Congress of the United States:

Over the past 6 years of economic expansion, the American economy has proven its strength and resilience, Job creation grew uninterrupted for a record period of time, inflation remains moderate, unemployment is low, and productivity continues to grow. The economy is built upon a strong foundation, with deep and sophisticated capital markets, flexible labor markets, low taxes, and open trade and investment policies.

Americans should be confident about the long-term strength of our economy, but our economy is undergoing a period of uncertainty, and there are heightened risks to our near-term economic growth. To insure against these risks, I called upon the Congress to enact a growth package that is simple, temporary, and effective in keeping our economy growing and our people working.

There is more we should do to strengthen our economy. First, we must keep taxes low. Unless the Congress acts, most of the tax relief that we have delivered over the past 7 years will be taken away and 116 million American taxpayers will see their taxes rise by an average of $1,800. The tax relief of the past few years has been a key factor in promoting economic growth and job creation and it should be made permanent. We must also work together to tackle unfunded obligations in entitlement programs such as Social Security, Medicare, and Medicaid, I have laid out a detailed plan in my Budget to restrain spending, cut earmarks, and balance the budget by 2012 without raising taxes.

Second, we must trust Americans with the responsibility of homeownership and empower them to weather turbulent times in the market. My Administration has acted aggressively to help credit-worthy homeowners avoid foreclosure. We launched a new initiative called FHASecure to help families refinance their homes. I signed legislation to protect families from higher taxes when lenders forgive a portion of their home mortgage debt. We have also brought together the HOPE NOW alliance, which is helping many struggling homeowners avoid foreclosure by facilitating the refinancing and modification of mortgages. The Congress can do more to help American families keep their homes by passing legislation to reform Freddie Mac and Fannie Mae, modernize the Federal Housing Administration, and allow State housing agencies to issue tax-free bonds to help homeowners refinance their mortgages.

Third, we must continue opening new markets for trade and investment. We have an unprecedented opportunity to reduce barriers to global trade and investment through a successful Doha round. The Congress should also approve our pending free trade agreements. I thank the Congress for its approval of a good agreement with Peru, and ask for the approval of agreements with Colombia, Panama, and South Korea. These agreements will benefit our economy by providing greater access for our exports and supporting good jobs for American workers, and they will promote America's strategic interests. I have asked the Congress to reauthorize and reform trade adjustment assistance so that we can help those workers who are displaced by trade to learn new skills and find new jobs.

Fourth, we must make health care more affordable and accessible for all Americans. I have proposed changes in the tax code that would end the bias against those who do not receive

health insurance through their employer and would make it easier for many uninsured Americans to obtain insurance. This reform would put private health care coverage within reach for millions. My Budget also improves access to health care by increasing the power of small employers, civic groups, and community organizations to negotiate lower-priced health premiums. These policies would encourage competition among health plans across State lines, help reduce frivolous lawsuits that increase patients' costs, and promote the use of health savings accounts.

Fifth, we must increase our energy security and confront climate change. Last year, I proposed an ambitious plan to reduce U.S. dependence on oil and help cut the growth of greenhouse gas emissions. I am pleased that the Congress responded, and I was able to sign into law a bill that will increase fuel economy and the use of alternative fuels, as well as set new efficiency mandates on appliances, light bulbs, and Federal Government operations. In my State of the Union Message, I proposed that we take the next steps to accelerate technological breakthroughs by funding new technologies to generate coal power that captures carbon emissions, advance emissions-free nuclear power; and invest in advanced battery technology and renewable energy. I am also committing $2 billion to a new international clean technology fund that will help developing nations make greater use of clean energy sources. Additionally, my Budget proposes to protect the economy against oil supply disruptions by doubling the capacity of the Strategic Petroleum Reserve.

Finally, a strong and vibrant education system is vital to maintaining our Nation's competitive edge and extending economic opportunity to every citizen. Six years ago, we came together to pass the No Child Left Behind Act, and no one can deny its results. Now we must work together to increase accountability, add flexibility for States and districts, reduce the number of high school dropouts, and provide extra help for struggling schools.

Many of these issues are discussed in the 2008 Annual Report of the Council of Economic Advisers. The Council has prepared this Report to help policymakers understand the economic conditions and issues that underlie my Administration's policy decisions. By relying on the foundation and resilience of our economy, trusting the decisions of individuals and markets and pursuing pro-growth policies, we should have confidence in our prospects for continued prosperity and economic growth.

GEORGE W. BUSH.
THE WHITE HOUSE, *February 2008*.

By unanimous consent, the message, together with the accompanying papers, was referred to the Joint Economic Committee and ordered to be printed (H. Doc. 110–83).

¶13.22 COMMUNICATION FROM THE CLERK—MESSAGE FROM THE SENATE

The SPEAKER pro tempore, Mr. JACKSON of Illinois, laid before the House a communication, which was read as follows:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, February 8, 2008.

Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on February 8, 2008, at 2:22 p.m.:

That the Senate agreed to without amendment H. Con. Res. 273.

That the Senate agreed to S. Con. Res. 67.

That the Senate agreed to S. Con. Res. 68.

With best wishes, I am

Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

¶13.23 COMMUNICATION FROM THE CLERK—MESSAGE FROM THE SENATE

The SPEAKER pro tempore, Mr. JACKSON of Illinois, laid before the House a communication, which was read as follows:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, February 12, 2008.

Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on February 12, 2008, at 10:30 a.m.:

That the Senate agreed to S. Res. 446.

That the Senate passed S. 2071.

With best wishes, I am

Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

¶13.24 WHOLE NUMBER OF THE HOUSE OF REPRESENTATIVES ADJUSTED

The SPEAKER pro tempore, Mr. JACKSON of Illinois, announced under clause 5(d) of rule XX, that, in light of the passing of the gentleman from California, [Mr. LANTOS], the whole number of the House is adjusted to 429.

¶13.25 RECESS—4:55 P.M.

The SPEAKER pro tempore, Mr. JACKSON of Illinois, pursuant to clause 12(a) of rule I, declared the House in recess at 4 o'clock and 55 minutes p.m., until approximately 6:30 p.m.

¶13.26 AFTER RECESS—6:30 P.M.

The SPEAKER pro tempore, Ms. BALDWIN, called the House to order.

¶13.27 H. RES. 954—UNFINISHED BUSINESS

The SPEAKER pro tempore, Ms. BALDWIN, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 954) honoring the life of senior Border Patrol agent Luis A. Aguilar, who lost his life in the line of duty near Yuma, Arizona, on January 19, 20008; as amended.

The question being put,

Will the House suspend the rules and agree to said resolution, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 357 / Nays 0

¶13.28 [Roll No. 43]

YEAS—357

Abercrombie	Dent	Kind
Aderholt	Diaz-Balart, L.	King (IA)
Akin	Diaz-Balart, M.	King (NY)
Alexander	Dicks	Kingston
Allen	Dingell	Kirk
Altmire	Doggett	Klein (FL)
Andrews	Donnelly	Kline (MN)
Arcuri	Doolittle	Knollenberg
Baca	Drake	Kucinich
Bachmann	Dreier	LaHood
Bachus	Duncan	Lamborn
Baird	Edwards	Langevin
Baldwin	Ehlers	Larsen (WA)
Barrett (SC)	Ellison	Larson (CT)
Barrow	Ellsworth	Latham
Barton (TX)	Emanuel	LaTourette
Becerra	Emerson	Latta
Berkley	English (PA)	Lee
Berman	Eshoo	Levin
Berry	Etheridge	Lewis (CA)
Biggert	Everett	Lewis (GA)
Bilbray	Fallin	LoBiondo
Bilirakis	Farr	Loebsack
Bishop (GA)	Fattah	Lofgren, Zoe
Bishop (NY)	Feeney	Lucas
Bishop (UT)	Ferguson	Lungren, Daniel E.
Blackburn	Filner	Lynch
Blunt	Forbes	Mahoney (FL)
Boehner	Fortenberry	Maloney (NY)
Bonner	Fossella	Manzullo
Boozman	Foxx	Markey
Boren	Frank (MA)	Marshall
Boswell	Frelinghuysen	Matheson
Boucher	Gallegly	Matsui
Boustany	Garrett (NJ)	McCarthy (CA)
Boyd (FL)	Gerlach	McCarthy (NY)
Boyda (KS)	Giffords	McCaul (TX)
Brady (PA)	Gillibrand	McCollum (MN)
Brady (TX)	Gingrey	McCotter
Braley (IA)	Gohmert	McDermott
Broun (GA)	Gonzalez	McGovern
Brown (SC)	Goode	McHenry
Brown-Waite, Ginny	Goodlatte	McHugh
Buchanan	Gordon	McIntyre
Burgess	Granger	McKeon
Butterfield	Graves	McMorris Rodgers
Calvert	Green, Al	McNerney
Camp (MI)	Grijalva	McNulty
Campbell (CA)	Hall (NY)	Meek (FL)
Cannon	Hall (TX)	Meeks (NY)
Capito	Hare	Melancon
Capps	Harman	Mica
Capuano	Hastings (FL)	Michaud
Cardoza	Hastings (WA)	Miller (FL)
Carnahan	Heller	Miller (MI)
Carney	Hensarling	Miller (NC)
Carter	Herger	Miller, Gary
Castle	Herseth Sandlin	Miller, George
Castor	Higgins	Mitchell
Chabot	Hill	Mollohan
Clarke	Hirono	Moore (KS)
Cleaver	Hobson	Moore (WI)
Clyburn	Hodes	Moran (KS)
Coble	Hoekstra	Moran (VA)
Cohen	Holden	Murphy (CT)
Cole (OK)	Holt	Murphy, Patrick
Conaway	Hooley	Murphy, Tim
Conyers	Hoyer	Musgrave
Cooper	Hunter	Myrick
Costello	Inslee	Nadler
Courtney	Israel	Napolitano
Cramer	Issa	Neal (MA)
Crenshaw	Jackson (IL)	Neugebauer
Crowley	Jackson-Lee (TX)	Nunes
Cubin	Johnson (GA)	Oberstar
Culberson	Johnson, E. B.	Obey
Davis (AL)	Johnson, Sam	Olver
Davis (CA)	Jones (NC)	Pallone
Davis (IL)	Jones (OH)	Pascrell
Davis, David	Jordan	Pastor
Davis, Lincoln	Kanjorski	Payne
Deal (GA)	Kaptur	Pearce
DeFazio	Keller	Pence
DeGette	Kennedy	Perlmutter
Delahunt	Kildee	Peterson (MN)
DeLauro	Kilpatrick	

Petri
Pitts
Poe
Pomeroy
Porter
Price (NC)
Putnam
Rahall
Ramstad
Rangel
Rehberg
Reichert
Reynolds
Richardson
Rogers (AL)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Rush
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Stark
Stearns
Stupak
Sutton
Tancredo
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Tsongas
Turner
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Welch (VT)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—71

Ackerman
Bartlett (MD)
Bean
Blumenauer
Bono Mack
Brown, Corrine
Burton (IN)
Buyer
Cantor
Chandler
Clay
Costa
Cuellar
Cummings
Davis (KY)
Davis, Tom
Doyle
Engel
Flake
Franks (AZ)
Gilchrest
Green, Gene
Gutierrez
Hayes
Hinchey
Hinojosa
Honda
Hulshof
Inglis (SC)
Jefferson
Johnson (IL)
Kagen
Kuhl (NY)
Lampson
Lewis (KY)
Linder
Lipinski
Lowey
Mack
Marchant
McCrery
Murtha
Ortiz
Paul
Peterson (PA)
Pickering
Platts
Price (GA)
Pryce (OH)
Radanovich
Regula
Renzi
Reyes
Rodriguez
Rogers (KY)
Rohrabacher
Roskam
Ruppersberger
Ryan (OH)
Ryan (WI)
Schmidt
Space
Spratt
Sullivan
Terry
Towns
Udall (CO)
Weiner
Weldon (FL)
Wilson (OH)
Wynn

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

¶13.29 H. RES. 909—UNFINISHED BUSINESS

The SPEAKER pro tempore, Ms. BALDWIN, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 909) commemorating the courage of the Haitian soldiers that fought for American independence in the ''Siege of Savannah'' and for Haiti's independence and renunciation of slavery; as amended.

The question being put,

Will the House suspend the rules and agree to said resolution, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 361 / Nays 0

¶13.30 [Roll No. 44]

YEAS—361

Abercrombie
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Chabot
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Culberson
Davis (AL)
Davis (CA)
Davis (IL)
Davis, David
Davis, Lincoln
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Grijalva
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Hooley
Hoyer
Hunter
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
LaHood
Lamborn
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
LoBiondo
Loebsack
Lofgren, Zoe
Lucas
Lungren, Daniel E.
Lynch
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Petri
Pitts
Poe
Pomeroy
Porter
Price (NC)
Putnam
Rahall
Ramstad
Rangel
Rehberg
Reichert
Reynolds
Richardson
Rogers (AL)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Rush
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stupak
Sutton
Tancredo
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Tsongas
Turner
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Welch (VT)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—67

Ackerman
Bean
Blumenauer
Bono Mack
Brown, Corrine
Burton (IN)
Cantor
Chandler
Costa
Cuellar
Cummings
Davis (KY)
Davis, Tom
Doyle
Engel
Flake
Franks (AZ)
Gilchrest
Green, Gene
Gutierrez
Hayes
Hinchey
Hinojosa
Honda
Hulshof
Inglis (SC)
Jefferson
Kagen
Kuhl (NY)
Lampson
Lewis (KY)
Linder
Lipinski
Lowey
Mack
Marchant
McCrery
Moore (WI)
Murtha
Ortiz
Paul
Peterson (PA)
Pickering
Platts
Price (GA)
Pryce (OH)
Radanovich
Regula
Renzi
Reyes
Rodriguez
Rogers (KY)
Rohrabacher
Roskam
Ruppersberger
Ryan (OH)
Ryan (WI)
Schmidt
Space
Sullivan
Terry
Towns
Udall (CO)
Weiner
Weldon (FL)
Wilson (OH)
Wynn

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

¶13.31 MOMENT OF SILENCE IN MEMORY OF CONGRESSMAN TOM LANTOS

The SPEAKER announced that all Members stand and observe a moment of silence in memory of Congressman Tom Lantos.

¶13.32 H. CON. RES. 281—UNFINISHED BUSINESS

The SPEAKER pro tempore, Ms. BALDWIN, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the concurrent resolution (H. Con. Res. 281) celebrating the birth of Abraham Lincoln and recognizing the prominence the Declaration of Independence played in the development of Abraham Lincoln's beliefs.

The question being put,

Will the House suspend the rules and agree to said concurrent resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 357 Nays 0

¶13.33 [Roll No. 45]

YEAS—357

Abercrombie	Donnelly	Larsen (WA)
Aderholt	Doolittle	Larson (CT)
Akin	Drake	Latham
Alexander	Dreier	LaTourette
Allen	Duncan	Latta
Altmire	Edwards	Lee
Andrews	Ehlers	Levin
Arcuri	Ellison	Lewis (CA)
Baca	Ellsworth	Lewis (GA)
Bachmann	Emanuel	LoBiondo
Bachus	Emerson	Loebsack
Baird	English (PA)	Lofgren, Zoe
Baldwin	Eshoo	Lucas
Barrett (SC)	Etheridge	Lungren, Daniel E.
Barrow	Everett	
Bartlett (MD)	Fallin	Lynch
Barton (TX)	Farr	Mahoney (FL)
Becerra	Fattah	Maloney (NY)
Berman	Feeney	Manzullo
Berry	Ferguson	Markey
Biggert	Filner	Marshall
Bilbray	Forbes	Matheson
Bilirakis	Fortenberry	Matsui
Bishop (GA)	Fossella	McCarthy (CA)
Bishop (NY)	Foxx	McCarthy (NY)
Bishop (UT)	Frank (MA)	McCollum (MN)
Blackburn	Frelinghuysen	McCotter
Blunt	Gallegly	McDermott
Boehner	Garrett (NJ)	McGovern
Bonner	Gerlach	McHenry
Boozman	Giffords	McHugh
Boren	Gillibrand	McIntyre
Boswell	Gingrey	McKeon
Boucher	Gohmert	McMorris Rodgers
Boustany	Gonzalez	
Boyd (FL)	Goode	McNerney
Brady (PA)	Goodlatte	McNulty
Brady (TX)	Gordon	Meek (FL)
Braley (IA)	Granger	Meeks (NY)
Broun (GA)	Graves	Melancon
Brown (SC)	Green, Al	Mica
Brown-Waite, Ginny	Grijalva	Michaud
	Hall (NY)	Miller (FL)
Buchanan	Hall (TX)	Miller (MI)
Burgess	Hare	Miller (NC)
Butterfield	Harman	Miller, Gary
Buyer	Hastings (FL)	Miller, George
Calvert	Hastings (WA)	Mitchell
Camp (MI)	Heller	Mollohan
Campbell (CA)	Hensarling	Moore (KS)
Cannon	Herger	Moore (WI)
Capito	Herseth Sandlin	Moran (KS)
Capps	Higgins	Murphy (CT)
Capuano	Hill	Murphy, Patrick
Cardoza	Hirono	Murphy, Tim
Carnahan	Hobson	Musgrave
Carney	Hodes	Myrick
Carter	Hoekstra	Nadler
Castle	Holden	Napolitano
Castor	Holt	Neal (MA)
Chabot	Hooley	Neugebauer
Clarke	Hoyer	Nunes
Clay	Hunter	Oberstar
Cleaver	Inslee	Obey
Clyburn	Israel	Olver
Coble	Issa	Pallone
Cohen	Jackson (IL)	Pascrell
Cole (OK)	Jackson-Lee (TX)	Pastor
Conaway		Payne
Conyers	Johnson (GA)	Pearce
Cooper	Johnson (IL)	Pence
Costello	Johnson, E. B.	Perlmutter
Courtney	Johnson, Sam	Peterson (MN)
Cramer	Jones (NC)	Petri
Crenshaw	Jones (OH)	Pitts
Crowley	Jordan	Poe
Cubin	Kanjorski	Pomeroy
Culberson	Kaptur	Porter
Davis (AL)	Keller	Price (NC)
Davis (CA)	Kennedy	Putnam
Davis (IL)	Kildee	Rahall
Davis, David	Kilpatrick	Ramstad
Davis, Lincoln	Kind	Rangel
Deal (GA)	King (IA)	Rehberg
DeFazio	King (NY)	Reichert
DeGette	Kingston	Reynolds
Delahunt	Kirk	Richardson
DeLauro	Klein (FL)	Rogers (AL)
Dent	Kline (MN)	Rogers (MI)
Diaz-Balart, L.	Knollenberg	Ros-Lehtinen
Diaz-Balart, M.	Kucinich	Ross
Dicks	LaHood	Rothman
Dingell	Lamborn	Roybal-Allard
Doggett	Langevin	Royce
Rush	Slaughter	Velázquez
Salazar	Smith (NE)	Visclosky
Sali	Smith (NJ)	Walberg
Sánchez, Linda T.	Smith (TX)	Walden (OR)
	Smith (WA)	Walsh (NY)
Sanchez, Loretta	Snyder	Walz (MN)
Sarbanes	Solis	Wamp
Saxton	Souder	Wasserman Schultz
Schakowsky	Spratt	
Schiff	Stark	Waters
Schwartz	Stearns	Watson
Scott (GA)	Sutton	Watt
Scott (VA)	Tancredo	Waxman
Sensenbrenner	Tanner	Welch (VT)
Serrano	Tauscher	Weller
Sessions	Taylor	Westmoreland
Sestak	Thompson (CA)	Wexler
Shadegg	Thompson (MS)	Whitfield (KY)
Shays	Thornberry	Wilson (NM)
Shea-Porter	Tiahrt	Wilson (SC)
Sherman	Tiberi	Wittman (VA)
Shimkus	Tierney	Wolf
Shuler	Tsongas	Woolsey
Shuster	Turner	Wu
Simpson	Udall (NM)	Yarmuth
Sires	Upton	Young (AK)
Skelton	Van Hollen	Young (FL)

NOT VOTING—71

Ackerman	Hinojosa	Pryce (OH)
Bean	Honda	Radanovich
Berkley	Hulshof	Regula
Blumenauer	Inglis (SC)	Renzi
Bono Mack	Jefferson	Reyes
Boyda (KS)	Kagen	Rodriguez
Brown, Corrine	Kuhl (NY)	Rogers (KY)
Burton (IN)	Lampson	Rohrabacher
Cantor	Lewis (KY)	Roskam
Chandler	Linder	Ruppersberger
Costa	Lipinski	Ryan (OH)
Cuellar	Lowey	Ryan (WI)
Cummings	Mack	Schmidt
Davis (KY)	Marchant	Space
Davis, Tom	McCaul (TX)	Stupak
Doyle	McCrery	Sullivan
Engel	Moran (VA)	Terry
Flake	Murtha	Towns
Franks (AZ)	Ortiz	Udall (CO)
Gilchrest	Paul	Weiner
Green, Gene	Peterson (PA)	Weldon (FL)
Gutierrez	Pickering	Wilson (OH)
Hayes	Platts	Wynn
Hinchey	Price (GA)	

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said concurrent resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said concurrent resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶13.34 THE LATE HONORABLE TOM LANTOS

Mr. STARK, submitted the following privileged resolution (H. Res. 975):

Resolved, That the House has heard with profound sorrow of the death of the Honorable Tom Lantos, a Representative from the State of California.

Resolved, That a committee of such Members of the House as the Speaker may designate, together with such Members of the Senate as may be joined, be appointed to attend the funeral.

Resolved, That the Sergeant-at-Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provisions of these resolutions and that the necessary expenses in connection therewith be paid out of applicable accounts of the House.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

Resolved, That when the House adjourns today, it adjourn as a further mark of respect to the memory of the deceased.

When said resolution was considered.

After debate,

By unanimous consent, the previous question was ordered on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Ms. BALDWIN, announced that the yeas had it.

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶13.35 PROVIDING FOR CONSIDERATION OF H.R. 3521

Ms. SLAUGHTER, by direction of the Committee on Rules, reported (Rept. No. 110–524) the resolution (H. Res. 974) providing for the consideration of the bill (H.R. 3521) to improve the Operating Fund for public housing of the Department of Housing and Urban Development.

When said resolution and report were referred to the House Calendar and ordered printed.

¶13.36 PROVIDING FOR CONSIDERATION OF H.R. 5349

Ms. SLAUGHTER, by direction of the Committee on Rules, reported (Rept. No. 110–525) the resolution (H. Res. 976) providing for the consideration of the bill (H.R. 5349) to extend the Protect America Act of 2007 for 21 days.

When said resolution and report were referred to the House Calendar and ordered printed.

¶13.37 SENATE BILL AND CONCURRENT RESOLUTIONS REFERRED

A bill and concurrent resolutions of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 2071. An Act to enhance the ability to combat methamphetamine; to the Committee on Energy and Commerce; in addition to the Committee on the Judiciary for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

S. Con. Res. 67. A concurrent resolution establishing the Joint Congressional Committee on Inaugural Ceremonies; to the Committee on House Administration.

S. Con. Res. 68. A concurrent resolution authorizing the use of the rotunda of the Capitol by the Joint Congressional Committee on Inaugural Ceremonies; to the Committee on House Administration.

¶13.38 SENATE ENROLLED BILL SIGNED

The Speaker announced her signature to an enrolled bill of the Senate of the following title:

S. 781. An Act to extend the authority of the Federal Trade Commission to collect Do-Not-Call Registry fees to fiscal years after fiscal year 2007.

¶13.39 BILLS PRESENTED TO THE PRESIDENT

Lorraine C. Miller, Clerk of the House, reported that on February 7,

2008, she presented to the President of the United States, for his approval, the following bill:

H.R. 4253. An Act to improve and expand small business assistance programs for veterans of the armed forces and military reservists, and for other purposes.

Lorraine C. Miller, Clerk of the House, further reported that on February 8, 2008, she presented to the President of the United States, for his approval, the following bill:

H.R. 5140. An Act to provide economic stimulus through recovery rebates to individuals, incentives for business investment, and an increase in conforming and FHA loan limits.

¶13.40 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. CUELLAR, for today;

To Mr. CUMMINGS, for today;

To Mr. HONDA, for today and balance of the week;

To Mr. KUHL of New York, for today;

To Mr. ORTIZ, for today;

To Mr. RODRIGUEZ, for today;

To Mr. RUPPERSBERGER, for today and balance of the week; and

To Mr. RYAN of Ohio, for today.

And then,

¶13.41 ADJOURNMENT

On motion of Mr. LUNGREN of California, pursuant to House Resolution 975, at 9 o'clock and 36 minutes p.m., the House adjourned out of respect for the late Honorable Tom Lantos.

¶13.42 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

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

Ms. SUTTON: Committee on Rules. House Resolution 974. Resolution providing for consideration of the bill (H.R. 3521) to improve the Operating Fund for public housing of the Department of Housing and Urban Development (Rept. 110–524). Referred to the House Calendar.

Mr. HASTINGS of Florida: Committee on Rules. House Resolution 976. Resolution providing for consideration of the bill (H.R. 5349) to extend the Protect America Act of 2007 for 21 days (Rept. 110–525). Referred to the House Calendar.

¶13.43 PUBLIC BILLS AND RESOLUTIONS

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

By Ms. EDDIE BERNICE JOHNSON of Texas (for herself and Mr. OBERSTAR):

H.R. 5336. A bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to authorize funding for brownfields revitalization activities and State response programs, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. BIGGERT:

H.R. 5337. A bill to extend the temporary suspension of duty on triphenyltin hydroxide; to the Committee on Ways and Means.

By Mrs. BIGGERT:

H.R. 5338. A bill to extend the temporary suspension of duty on 4-(2,4-dichlorophenoxy) butyric acid and 4-(2,4-dichlorophenoxy) butyric acid, dimethylamine salt; to the Committee on Ways and Means.

By Mrs. BIGGERT:

H.R. 5339. A bill to extend the temporary suspension of duty on Bromoxynil Octonoate; to the Committee on Ways and Means.

By Mrs. BIGGERT:

H.R. 5340. A bill to extend the temporary suspension of duty on dichlorprop-p acid, dichlorprop-p dimethylamine salt, and dichlorprop-p 2-ethylhexyl ester; to the Committee on Ways and Means.

By Mrs. BIGGERT:

H.R. 5341. A bill to extend the temporary suspension of duty on Gibberellic Acid; to the Committee on Ways and Means.

By Mrs. BIGGERT:

H.R. 5342. A bill to extend the temporary suspension of duty on 2-methyl-4-chlorophenoxyacetic acid; to the Committee on Ways and Means.

By Mrs. BIGGERT:

H.R. 5343. A bill to extend the temporary suspension of duty on 2-ethylhexyl (4-chloro-2-methylphenoxy) acetate; to the Committee on Ways and Means.

By Mrs. BIGGERT:

H.R. 5344. A bill to extend the temporary suspension of duty on 2-Methyl-4-chlorophenoxy-acetic acid, dimethylamine salt; to the Committee on Ways and Means.

By Mrs. BIGGERT:

H.R. 5345. A bill to extend the temporary suspension of duty on MCPB Acid and MCPB Sodium Salt; to the Committee on Ways and Means.

By Mrs. BIGGERT:

H.R. 5346. A bill to suspend temporarily the duty on Imazapyr; to the Committee on Ways and Means.

By Mrs. BIGGERT:

H.R. 5347. A bill to suspend temporarily the duty on metsulfuron-methyl; to the Committee on Ways and Means.

By Mr. LANGEVIN (for himself and Mr. SHAYS):

H.R. 5348. A bill to amend the Social Security Act and the Internal Revenue Code of 1986 to assure comprehensive, affordable health insurance coverage for all Americans through an American Health Benefits Program; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CONYERS (for himself and Mr. REYES):

H.R. 5349. A bill to extend the Protect America Act of 2007 for 21 days; to the Committee on the Judiciary, and in addition to the Committee on Intelligence (Permanent Select), for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SCOTT of Virginia (for himself and Mrs. DRAKE):

H.R. 5350. A bill to authorize the Secretary of Commerce to sell or exchange certain National Oceanic and Atmospheric Administration property located in Norfolk, Virginia, and for other purposes; to the Committee on Natural Resources, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RANGEL (for himself, Mr. STARK, Mr. LEVIN, Mr. MCDERMOTT, Mr. LEWIS of Georgia, Mr. NEAL of Massachusetts, Mr. BECERRA, Mr. DOGGETT, Mr. POMEROY, Mrs. JONES of Ohio, Mr. LARSON of Connecticut, Mr. EMANUEL, Mr. BLUMENAUER, Mr. KIND, Mr. PASCRELL, Mr. CROWLEY, Mr. VAN HOLLEN, Ms. SCHWARTZ, Ms. CASTOR, Mr. COHEN, Mr. ELLISON, Ms. GIFFORDS, Mr. HALL of New York, Mr. HILL, Mr. HODES, Ms. HIRONO, Mr. JOHNSON of Georgia, Mr. KLEIN of Florida, Mr. MCNERNEY, Mr. SARBANES, Mr. SIRES, Ms. TSONGAS, and Mr. WELCH of Vermont):

H.R. 5351. A bill to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; to the Committee on Ways and Means.

By Mr. SESTAK:

H.R. 5352. A bill to protect seniors in the United States from elder abuse by establishing specialized elder abuse prosecution and research programs and activities to aid victims of elder abuse, to provide training to prosecutors and other law enforcement related to elder abuse prevention and protection, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MARKEY (for himself and Mr. PICKERING):

H.R. 5353. A bill to establish broadband policy and direct the Federal Communications Commission to conduct a proceeding and public broadband summits to assess competition, consumer protection, and consumer choice issues relating to broadband Internet access services, and for other purposes; to the Committee on Energy and Commerce.

By Mr. ACKERMAN:

H.R. 5354. A bill to suspend temporarily the duty on certain theatrical lighting fixtures; to the Committee on Ways and Means.

By Mr. ACKERMAN:

H.R. 5355. A bill to suspend temporarily the duty on certain theatrical lighting fixtures; to the Committee on Ways and Means.

By Mr. ACKERMAN:

H.R. 5356. A bill to suspend temporarily the duty on certain surge protective receptacles and surge suppressor strips; to the Committee on Ways and Means.

By Mr. ACKERMAN:

H.R. 5357. A bill to suspend temporarily the duty on certain lighting control timers; to the Committee on Ways and Means.

By Mr. ACKERMAN:

H.R. 5358. A bill to suspend temporarily the duty on certain electrical connectors and adaptors; to the Committee on Ways and Means.

By Mr. ACKERMAN:

H.R. 5359. A bill to extend the temporary suspension of duty on aluminum lamp-holder housings containing sockets; to the Committee on Ways and Means.

By Mr. ACKERMAN:

H.R. 5360. A bill to extend the temporary suspension of duty on brass lamp-holder housings containing sockets; to the Committee on Ways and Means.

By Mr. ACKERMAN:

H.R. 5361. A bill to extend the temporary suspension of duty on plastic lamp-holder housings containing sockets; to the Committee on Ways and Means.

By Mr. ACKERMAN:

H.R. 5362. A bill to extend the temporary suspension of duty on porcelain lamp-holder housings containing sockets; to the Committee on Ways and Means.

By Mr. ACKERMAN:

H.R. 5363. A bill to suspend temporarily the duty on high current ground fault circuit interrupters; to the Committee on Ways and Means.

By Mr. ACKERMAN:
H.R. 5364. A bill to suspend temporarily the duty on in line ground fault circuit interrupters; to the Committee on Ways and Means.

By Mr. ACKERMAN:
H.R. 5365. A bill to suspend temporarily the duty on ground fault circuit interrupter receptacles of greater than 15 amps; to the Committee on Ways and Means.

By Mr. ACKERMAN:
H.R. 5366. A bill to suspend temporarily the duty on ground fault circuit interrupter receptacles of 15 amps or less; to the Committee on Ways and Means.

By Mr. ACKERMAN:
H.R. 5367. A bill to suspend temporarily the duty on right angle ground fault circuit interrupters; to the Committee on Ways and Means.

By Mr. BARRETT of South Carolina:
H.R. 5368. A bill to suspend the duty on Aluminum (0.010″ and thicker); to the Committee on Ways and Means.

By Mr. BARRETT of South Carolina:
H.R. 5369. A bill to suspend temporarily the duty on certain products; to the Committee on Ways and Means.

By Mr. BARRETT of South Carolina:
H.R. 5370. A bill to suspend temporarily the duty on certain gelatins; to the Committee on Ways and Means.

By Mr. BARRETT of South Carolina:
H.R. 5371. A bill to suspend the duty on Aluminum (0.008″ and thinner); to the Committee on Ways and Means.

By Ms. BEAN (for herself and Mr. SIRES):
H.R. 5372. A bill to amend the Internal Revenue Code to allow a special depreciation allowance for reuse and recycling property; to the Committee on Ways and Means.

By Mr. BOSWELL:
H.R. 5373. A bill to amend the Internal Revenue Code of 1986 to extend the energy efficient appliance credit and the nonbusiness energy property credit; to the Committee on Ways and Means.

By Mr. BROWN of South Carolina:
H.R. 5374. A bill to extend the temporary suspension of duty on sodium methylate powder; to the Committee on Ways and Means.

By Mr. BROWN of South Carolina:
H.R. 5375. A bill to extend the temporary suspension of duty on Trimethyl cyclo hexanol; to the Committee on Ways and Means.

By Mr. BROWN of South Carolina:
H.R. 5376. A bill to extend the temporary suspension of duty on Thymol; to the Committee on Ways and Means.

By Mr. BROWN of South Carolina:
H.R. 5377. A bill to extend the temporary suspension of duty on 1,2 Octanediol; to the Committee on Ways and Means.

By Mr. BROWN of South Carolina:
H.R. 5378. A bill to extend the temporary suspension of duty on Menthyl anthranilate; to the Committee on Ways and Means.

By Mr. BROWN of South Carolina:
H.R. 5379. A bill to extend the temporary suspension of duty on 2-Phenylbenzimidazole-5-sulfonic acid; to the Committee on Ways and Means.

By Mr. BROWN of South Carolina:
H.R. 5380. A bill to extend the temporary suspension of duty on Methyl Salicylate; to the Committee on Ways and Means.

By Mr. BROWN of South Carolina:
H.R. 5381. A bill to extend the temporary suspension of duty on Methyl cinnamate; to the Committee on Ways and Means.

By Mr. BROWN of South Carolina:
H.R. 5382. A bill to extend the temporary suspension of duty on p-Methylacetophenone; to the Committee on Ways and Means.

By Mr. BROWN of South Carolina:
H.R. 5383. A bill to extend the temporary suspension of duty on 2,2-Dimethyl-3-(3-methylphenyl)proponal; to the Committee on Ways and Means.

By Mr. BROWN of South Carolina:
H.R. 5384. A bill to suspend temporarily the duty on 1,2 Hexanediol; to the Committee on Ways and Means.

By Mr. BROWN of South Carolina:
H.R. 5385. A bill to suspend temporarily the duty on 1,2 Pentanediol; to the Committee on Ways and Means.

By Mr. BROWN of South Carolina:
H.R. 5386. A bill to extend the temporary suspension of duty on 5-Methyl-2-(methylethyl)cyclohexyl-2-hydroxypropanoate; to the Committee on Ways and Means.

By Mr. BROWN of South Carolina:
H.R. 5387. A bill to suspend temporarily the duty on Frescolat MGA; to the Committee on Ways and Means.

By Mr. BROWN of South Carolina:
H.R. 5388. A bill to extend the temporary suspension of duty on Anisic Aldehyde; to the Committee on Ways and Means.

By Mr. BROWN of South Carolina:
H.R. 5389. A bill to extend the temporary suspension of duty on o-tert-Butylcyclohexanol; to the Committee on Ways and Means.

By Mr. BROWN of South Carolina:
H.R. 5390. A bill to reduce temporarily the duty on 4-ADPA; to the Committee on Ways and Means.

By Mr. BROWN of South Carolina:
H.R. 5391. A bill to suspend temporarily the duty on sodium hypophosphite; to the Committee on Ways and Means.

By Mr. BROWN of South Carolina:
H.R. 5392. A bill to extend the temporary suspension of duty on Mixtures of N-phenyl-N-((trichloromethyl)thio)-benzenesulfonamide, calcium carbonate, and mineral oil; to the Committee on Ways and Means.

By Mr. BROWN of South Carolina:
H.R. 5393. A bill to suspend temporarily the duty on Ferro Boron; to the Committee on Ways and Means.

By Mr. BROWN of South Carolina:
H.R. 5394. A bill to suspend temporarily the duty on Cobalt Boron; to the Committee on Ways and Means.

By Mr. CARNAHAN (for himself, Mr. CLAY, Mr. COSTELLO, Mrs. EMERSON, Mr. SKELTON, Mr. CLEAVER, Mr. RUSH, Mr. DAVIS of Illinois, Mr. THOMPSON of Mississippi, Ms. WATERS, Mr. CONYERS, Mr. FRANK of Massachusetts, Mr. PAYNE, Mr. AKIN, Ms. JACKSON-LEE of Texas, Ms. SOLIS, Mr. BECERRA, Mr. BISHOP of Georgia, and Mr. LEWIS of Georgia):
H.R. 5395. A bill to designate the facility of the United States Postal Service located at 11001 Dunklin Drive in St. Louis, Missouri, as the ''William 'Bill' Clay Post Office Building''; to the Committee on Oversight and Government Reform.

By Mr. TOM DAVIS of Virginia:
H.R. 5396. A bill to designate the Cold War Museum in Fairfax, Virginia, as the National Cold War Museum; to the Committee on Armed Services.

By Mr. HODES:
H.R. 5397. A bill to suspend temporarily the duty on certain battery assemblies; to the Committee on Ways and Means.

By Mr. HULSHOF:
H.R. 5398. A bill to suspend temporarily the duty on certain mixtures containing [3-[(6--chloro-3-pridinyl)methyl]-2-thiazolidinylidene]cyana ide; to the Committee on Ways and Means.

By Mr. ISSA:
H.R. 5399. A bill to suspend temporarily the duty on certain travel bags with a removable backpack or daypack; to the Committee on Ways and Means.

By Mr. LATOURETTE (for himself, Mr. JORDAN, Ms. KAPTUR, Mr. KUCINICH, Mr. RYAN of Ohio, Mr. TIBERI, Mr. TURNER, Ms. SUTTON, Mr. WILSON of Ohio, Mr. LATTA, Mr. HOBSON, Mrs. JONES of Ohio, and Mr. CHABOT):
H.R. 5400. A bill to designate the facility of the United States Postal Service located at 160 East Washington Street in Chagrin Falls, Ohio, as the ''Sgt. Michael M. Kashkoush Post Office Building''; to the Committee on Oversight and Government Reform.

By Mr. LOEBSACK (for himself, Mr. HARE, Ms. HOOLEY, Mr. PAYNE, Mr. VAN HOLLEN, Mr. BOSWELL, and Mr. KAGEN):
H.R. 5401. A bill to authorize the Secretary of Education to make grants for energy efficiency improvements and renewable energy improvements at public school facilities, and for other purposes; to the Committee on Education and Labor.

By Mr. WELCH of Vermont (for himself, Mr. INSLEE, Mr. HINCHEY, Mr. DAVIS of Illinois, Mr. MCDERMOTT, Mr. MILLER of North Carolina, Mr. VAN HOLLEN, Mr. WYNN, Mr. HALL of New York, and Mr. CARNAHAN):
H.R. 5402. A bill to amend the Small Business Act to establish the Office of Environment, Energy, and Climate Change and to establish the Climate Change Center and Clearinghouse to provide support and information on climate change to small business concerns; to the Committee on Small Business.

By Mr. YOUNG of Alaska (for himself and Mr. DICKS):
H.R. 5403. A bill to amend the Alaska Native Claims Settlement Act to provide an equitable distribution of land to the 13th Alaska Native Regional Corporation; to the Committee on Natural Resources.

By Mr. BROWN of South Carolina (for himself, Mr. OBERSTAR, Mr. MANZULLO, and Mr. MICHAUD):
H. Con. Res. 291. Concurrent resolution recognizing and honoring the 400th anniversary of Quebec City in Quebec, Canada, since its founding in 1608 by French explorer Samuel de Champlain; to the Committee on Foreign Affairs.

By Mr. CLEAVER (for himself and Mr. SKELTON):
H. Con. Res. 292. Concurrent resolution honoring Margaret Truman Daniel and her lifetime of accomplishments; to the Committee on Oversight and Government Reform.

By Mr. GORDON (for himself, Mr. ADERHOLT, Mr. BACHUS, Mr. BERRY, Mrs. BLACKBURN, Mr. CHANDLER, Mr. COHEN, Mr. COOPER, Mr. CRAMER, Mr. DAVID DAVIS of Tennessee, Mr. LINCOLN DAVIS of Tennessee, Mr. DUNCAN, Mr. ROGERS of Kentucky, Mr. ROSS, Mr. SNYDER, Mr. TANNER, Mr. TAYLOR, Mr. WAMP, Mr. WHITFIELD of Kentucky, Mr. DAVIS of Kentucky, Mr. DAVIS of Alabama, and Mr. BOOZMAN):
H. Res. 971. A resolution expressing the sympathies and support of the House of Representatives for the individuals and institutions affected by the powerful tornados that struck communities in Alabama, Arkansas, Kentucky, Mississippi, and Tennessee on February 5th, 2008; to the Committee on Transportation and Infrastructure.

By Mrs. CAPPS (for herself, Ms. FALLIN, Ms. SCHAKOWSKY, Mrs. MCMORRIS RODGERS, Mrs. CHRISTENSEN, Mrs. CUBIN, Ms. BORDALLO, Ms. LORETTA SANCHEZ of California, Ms. BALDWIN, Mr. ENGEL, Ms. SUTTON, Ms. GINNY BROWN-WAITE of Florida, Ms. WASSERMAN SCHULTZ, Ms. MATSUI, Ms. MCCOLLUM of Minnesota, Ms. SHEA-PORTER, Ms. HIRONO, Ms. KAPTUR, Mrs. BIGGERT, Mrs. MALONEY of New York, Mrs.

NAPOLITANO, Mr. MARKEY, Mr. STUPAK, Mr. TOWNS, Ms. NORTON, Ms. BEAN, Mr. ALTMIRE, Mrs. TAUSCHER, Mr. KIND, Mr. BILBRAY, Mr. HINCHEY, Mr. HOLT, Mr. MORAN of Virginia, Mr. BOUSTANY, Mr. KENNEDY, Mr. MCGOVERN, Mr. PICKERING, Mr. FARR, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. SCHMIDT, Mr. BISHOP of New York, Mrs. WILSON of New Mexico, Ms. PRYCE of Ohio, Ms. WOOLSEY, Ms. ZOE LOFGREN of California, Mr. ISRAEL, Ms. ROYBAL-ALLARD, Ms. HOOLEY, Mr. GENE GREEN of Texas, Mr. LARSON of Connecticut, Mrs. DRAKE, Ms. JACKSON-LEE of Texas, Mr. AL GREEN of Texas, Mr. MOORE of Kansas, Ms. SCHWARTZ, Ms. SLAUGHTER, Ms. MOORE of Wisconsin, Ms. DELAURO, Mr. ROSS, Ms. ROS-LEHTINEN, Mr. LANGEVIN, Mrs. CAPITO, Ms. SOLIS, Mrs. LOWEY, Mrs. BONO MACK, Mrs. MCCARTHY of New York, Mrs. MYRICK, Ms. CLARKE, Ms. HARMAN, Ms. CORRINE BROWN of Florida, Mrs. DAVIS of California, and Ms. HERSETH SANDLIN):

H. Res. 972. A resolution supporting the goals and ideals of American Heart Month and National Wear Red Day; to the Committee on Energy and Commerce.

By Mr. HINOJOSA (for himself and Mrs. BIGGERT):

H. Res. 973. A resolution supporting the goals and ideals of the 10th annual National Consumer Protection Week; to the Committee on Energy and Commerce.

By Mr. STARK:

H. Res. 975. A resolution expressing the condolences of the House of Representatives on the death of the Honorable Tom Lantos, a Representative of the State of California; considered and agreed to.

By Mr. BRALEY of Iowa (for himself, Mr. SARBANES, Mr. ABERCROMBIE, Ms. SUTTON, Mr. WELCH of Vermont, Mr. BOSWELL, Mrs. BOYDA of Kansas, Mr. ALTMIRE, Mr. KAGEN, Mr. WALZ of Minnesota, Ms. KAPTUR, Mr. ARCURI, Mr. HARE, Mr. LOEBSACK, Mr. WILSON of Ohio, Mr. OBEY, Mr. MICHAUD, Mr. DEFAZIO, Mr. SHULER, Mr. KLEIN of Florida, and Mr. MANZULLO):

H. Res. 977. A resolution expressing the sense of the House of Representatives that rebate checks would better stimulate the economy if spent on American-made products and services from American-owned companies; to the Committee on Energy and Commerce.

By Mr. KENNEDY (for himself, Mr. LANGEVIN, Ms. MCCOLLUM of Minnesota, Mrs. NAPOLITANO, Mr. TOWNS, Ms. DELAURO, Mr. HONDA, Mr. HARE, Mr. GRIJALVA, Ms. SUTTON, Ms. LINDA T. SÁNCHEZ of California, Mr. HINCHEY, Mr. VAN HOLLEN, Mr. CHANDLER, Mrs. CAPPS, and Mr. LOEBSACK):

H. Res. 978. A resolution expressing support for the designation of the week of March 3-7, 2008, as ''School Social Work Week'' to promote awareness of the vital role of school social workers in schools, and in the community as a whole, in helping students prepare for their future as productive citizens; to the Committee on Education and Labor.

¶13.44 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 81: Mrs. CHRISTENSEN.

H.R. 136: Mr. BOOZMAN and Mr. CHABOT.

H.R. 190: Mr. LINCOLN DAVIS of Tennessee, Mr. BROUN of Georgia, and Mr. ENGLISH of Pennsylvania.

H.R. 219: Mr. LATOURETTE.

H.R. 245: Mr. WEXLER.

H.R. 278: Mr. ARCURI.

H.R. 333: Mr. GENE GREEN of Texas and Mr. INSLEE.

H.R. 471: Mr. TURNER and Mr. FEENEY.

H.R. 555: Mr. FRANK of Massachusetts.

H.R. 648: Mr. CLAY, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. MOORE of Kansas, Mr. RENZI, and Mr. MATHESON.

H.R. 661: Mr. WYNN.

H.R. 685: Mr. KUHL of New York.

H.R. 724: Mr. LAMBORN.

H.R. 827: Mr. SOUDER.

H.R. 847: Mr. HERGER.

H.R. 850: Mr. BOOZMAN and Mr. CHABOT.

H.R. 1000: Mr. ACKERMAN, Mrs. BOYDA of Kansas, Mr. DONNELLY, Mr. ELLSWORTH, Mr. ENGEL, Mr. HILL, Mr. LAMPSON, Mr. LOEBSACK, Mr. MEEK of Florida, Mr. MOORE of Kansas, Mr. POMEROY, Mr. SHERMAN, Mr. SIRES, Mr. VISCLOSKY, Ms. TSONGAS, Mr. DUNCAN, Mr. GOODE, Mr. JONES of North Carolina, Mr. KINGSTON, Mr. LAHOOD, Mr. MANZULLO, Ms. PRYCE of Ohio, Mr. RAMSTAD, Mr. ROHRABACHER, Mrs. SCHMIDT, Mr. SMITH of New Jersey, Mr. STEARNS, Mr. WELLER, Mr. WOLF, Mr. ORTIZ, and Mr. MCINTYRE.

H.R. 1074: Ms. SUTTON, Mr. DAVIS of Alabama, and Mr. MEEK of Florida.

H.R. 1102: Mr. DEFAZIO and Mr. FRANK of Massachusetts.

H.R. 1134: Mr. SESTAK and Mr. SMITH of Washington.

H.R. 1306: Mr. SESSIONS.

H.R. 1328: Mr. WALZ of Minnesota.

H.R. 1431: Mr. WYNN.

H.R. 1439: Mr. BURGESS.

H.R. 1474: Mr. PORTER, Mr. SMITH of New Jersey, and Mrs. BONO MACK.

H.R. 1553: Mrs. CUBIN.

H.R. 1560: Mr. MURPHY of Connecticut.

H.R. 1588: Ms. DEGETTE.

H.R. 1589: Mr. PUTNAM.

H.R. 1594: Mr. FRANKS of Arizona.

H.R. 1621: Mr. KANJORSKI, Ms. WATERS, and Mr. PERLMUTTER.

H.R. 1653: Mr. MORAN of Virginia and Ms. LORETTA SANCHEZ of California.

H.R. 1791: Mr. ALTMIRE.

H.R. 1964: Ms. TSONGAS.

H.R. 1975: Mr. CARNAHAN.

H.R. 2040: Mr. MILLER of Florida, Mr. LAHOOD, Mrs. WILSON of New Mexico, Mr. SHIMKUS, Mr. REYNOLDS, Mr. WILSON of South Carolina, Mr. KLINE of Minnesota, and Mr. SMITH of New Jersey.

H.R. 2075: Mr. COLE of Oklahoma.

H.R. 2108: Mr. FARR.

H.R. 2131: Mr. BACHUS.

H.R. 2134: Mr. PENCE.

H.R. 2188: Mr. YARMUTH.

H.R. 2221: Ms. HARMAN.

H.R. 2223: Mr. CALVERT.

H.R. 2267: Mr. LATTA and Mr. SHAYS.

H.R. 2290: Mr. COBLE and Mr. EMANUEL.

H.R. 2303: Mr. BUTTERFIELD, Mr. SAXTON, Ms. LORETTA SANCHEZ of California, and Mr. RAMSTAD.

H.R. 2362: Mr. NEAL of Massachusetts.

H.R. 2370: Mr. SESTAK.

H.R. 2507: Mr. BARTLETT of Maryland.

H.R. 2514: Mr. KIND.

H.R. 2577: Mrs. MYRICK.

H.R. 2604: Mr. ROTHMAN.

H.R. 2694: Ms. BERKLEY.

H.R. 2702: Mr. KING of New York.

H.R. 2703: Mr. SHAYS.

H.R. 2708: Ms. DELAURO and Mr. FILNER.

H.R. 2712: Ms. GINNY BROWN-WAITE of Florida.

H.R. 2744: Mr. GERLACH, Mr. UDALL of Colorado, Mr. BOSWELL, Mr. ROSS, Mr. HIGGINS, Mr. CLEAVER, and Mr. CHANDLER.

H.R. 2790: Mr. MICHAUD.

H.R. 2792: Mr. DOYLE.

H.R. 2851: Mrs. DAVIS of California and Ms. LINDA T. SÁNCHEZ of California.

H.R. 2892: Mr. STUPAK.

H.R. 2923: Mr. TAYLOR.

H.R. 2933: Mr. BLUNT.

H.R. 2941: Mr. ALTMIRE and Mr. SESTAK.

H.R. 2991: Ms. WASSERMAN SCHULTZ.

H.R. 3080: Mr. LATOURETTE.

H.R. 3197: Ms. HOOLEY, Mr. DAVIS of Illinois, Mr. HONDA, and Mr. DEFAZIO.

H.R. 3212: Mr. JOHNSON of Georgia, and Mr. FRANK of Massachusetts.

H.R. 3213: Mr. LATTA.

H.R. 3304: Mr. STEARNS.

H.R. 3471: Mr. SMITH of Washington, Mrs. CAPITO, and Mr. SHAYS.

H.R. 3563: Mr. CAPUANO and Mr. MCGOVERN.

H.R. 3599: Mr. CONYERS.

H.R. 3635: Mr. DAVIS of Illinois, Mr. SESTAK, and Mr. CLEAVER.

H.R. 3652: Mr. STUPAK.

H.R. 3660: Ms. HERSETH SANDLIN and Mr. LATOURETTE.

H.R. 3679: Mr. PETERSON of Minnesota.

H.R. 3698: Ms. SHEA-PORTER.

H.R. 3738: Ms. GINNY BROWN-WAITE of Florida.

H.R. 3754: Ms. MATSUI, Mr. KIND, Mrs. BONO Mack, Mr. SHIMKUS, and Mr. BUTTERFIELD.

H.R. 3819: Mrs. NAPOLITANO and Mr. GORDON.

H.R. 3846: Ms. WASSERMAN SCHULTZ.

H.R. 3902: Mr. BOSWELL.

H.R. 3932: Mr. SNYDER and Mrs. MALONEY of New York.

H.R. 3934: Mr. BARTON of Texas and Mr. LARSEN of Washington.

H.R. 4063: Mr. FILNER and Mr. CUMMINGS.

H.R. 4126: Mr. PETRI, Mr. MANZULLO, Mrs. CHRISTENSEN, and Mr. DAVIS of Kentucky.

H.R. 4131: Ms. SCHAKOWSKY, Ms. WOOLSEY, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. VAN HOLLEN, Mr. BISHOP of New York, Mrs. TAUSCHER, Mr. FILNER, Mr. BRALEY of Iowa, Mr. MITCHELL, Mr. ARCURI, Mr. RAHALL, Mr. MICHAUD, Mr. SALAZAR, Ms. HIRONO, Mr. LARSEN of Washington, and Mr. CARNAHAN.

H.R. 4169: Ms. GINNY BROWN-WAITE of Florida.

H.R. 4206: Mr. TOWNS.

H.R. 4236: Mr. CAPUANO, Mr. NEAL of Massachusetts, Mr. SIRES, and Mr. ARCURI.

H.R. 4248: Mr. FARR, Mr. JONES of North Carolina, Mr. MCINTYRE, Mr. PATRICK MURPHY of Pennsylvania, and Ms. HOOLEY.

H.R. 4293: Mr. SOUDER.

H.R. 4296: Ms. DEGETTE.

H.R. 4318: Mr. KUHL of New York.

H.R. 4321: Mr. BISHOP of Georgia, Mrs. DRAKE, and Mr. WALZ of Minnesota.

H.R. 4335: Mr. HINCHEY and Ms. MCCOLLUM of Minnesota.

H.R. 4449: Mr. CAPUANO.

H.R. 4464: Mr. DEAL of Georgia, Mr. MORAN of Kansas, Mr. GRAVES, Mr. CONAWAY, Mr. LINDER, Mr. MARSHALL, and Mr. SULLIVAN.

H.R. 4540: Mr. COSTELLO.

H.R. 4611: Mr. ACKERMAN.

H.R. 4879: Ms. BALDWIN.

H.R. 4912: Ms. SCHWARTZ.

H.R. 4926: Mr. PORTER and Mr. VAN HOLLEN.

H.R. 4930: Mr. ENGLISH of Pennsylvania, Ms. HERSETH SANDLIN, Mr. PETERSON of Minnesota, Ms. MCCOLLUM of Minnesota, and Mr. GERLACH.

H.R. 4936: Ms. BERKLEY.

H.R. 4959: Ms. ESHOO, Ms. WATERS, and Ms. MATSUI.

H.R. 4987: Mr. BROUN of Georgia, Mrs. CUBIN, Mrs. CAPITO, Mr. GARRETT of New Jersey, Mr. GOODLATTE, Ms. FALLIN, Mr. CAMPBELL of California, Mr. HAYES, Mr. BOOZMAN, Mr. SAM JOHNSON of Texas, and Mr. SULLIVAN.

H.R. 5036: Mr. DELAHUNT, Mr. TIERNEY, Mr. STARK, Ms. SCHWARTZ, Ms. SHEA-PORTER, and Mr. COURTNEY.

H.R. 5057: Ms. WASSERMAN SCHULTZ, Ms. ZOE LOFGREN of California, Mr. DELAHUNT, and Mr. MORAN of Virginia.

H.R. 5058: Mr. FILNER, Mr. HODES, Mr. MILLER of North Carolina, Ms. SCHAKOWSKY, Mr. MICHAUD, Mr. DELAHUNT, and Ms. HARMAN.

H.R. 5087: Mr. LoBIONDO and Mr. CHABOT.

H.R. 5131: Mr. BURTON of Indiana, Ms. GINNY BROWN-WAITE of Florida, Ms. FALLIN, Mr. SAM JOHNSON of Texas, Mr. FORTUÑO, Mr. WILSON of South Carolina, and Mr. CULBERSON.

H.R. 5148: Mr. CONAWAY, Mr. PETERSON of Minnesota, Mr. TERRY, Mr. CHABOT, and Mrs. EMERSON.

H.R. 5152: Ms. SCHAKOWSKY.

H.R. 5161: Mr. EHLERS, Mr. BLUMENAUER, and Mr. BARTLETT of Maryland.

H.R. 5167: Ms. SCHAKOWSKY and Ms. WASSERMAN SCHULTZ.

H.R. 5173: Mr. KLINE of Minnesota, Mr. WAMP, and Mr. GORDON.

H.R. 5180: Mr. LEWIS of Kentucky, Mr. ELLISON, Mr. COHEN, Mr. DELAHUNT, Mr. MICHAUD, Mr. CUMMINGS, Mr. ETHERIDGE, Mr. CLEAVER, Ms. SUTTON, Mr. DAVIS of Kentucky, Mr. HOLDEN, Mr. TOWNS, and Mr. KAGEN.

H.R. 5193: Mr. DAVIS of Illinois.

H.R. 5222: Mr. MCKEON, Mr. BUYER, Mr. BUCHANAN, Mr. FORTENBERRY, Mr. DENT, Mr. RADANOVICH, Mr. SHAYS, Mr. STEARNS, Mr. WHITFIELD of Kentucky, Mr. BILBRAY, Mr. PETERSON of Pennsylvania, and Mr. BLUNT.

H.R. 5223: Mr. DELAHUNT, Mr. HOLDEN, Mr. MCDERMOTT, Mr. PETERSON of Minnesota, Mr. MCCAUL of Texas, and Ms. LORETTA SANCHEZ of California.

H.R. 5229: Mrs. CHRISTENSEN, Mr. ORTIZ, Mr. LAMPSON, Mr. TERRY, Mr. SMITH of Washington, and Mr. SIMPSON.

H.R. 5231: Mr. PERLMUTTER.

H.R. 5233: Ms. FOXX, Mr. WITTMAN of Virginia, Mr. MEEK of Florida, Mr. GERLACH, Mr. COBLE, and Mr. FRANKS of Arizona.

H.R. 5244: Mr. DELAHUNT, Ms. DELAURO, Mr. RAHALL, and Mr. BLUMENAUER.

H.R. 5265: Mr. UPTON, Mr. SAXTON, Mr. SESSIONS, Mr. KING of New York, Mr. WALZ of Minnesota, Mr. REYES, Mr. PAYNE, Mr. FERGUSON, Mr. BILBRAY, Mr. ELLISON, Mr. NEAL of Massachusetts, Ms. SUTTON, Mr. WHITFIELD of Kentucky, Mr. HOLDEN, Mr. ARCURI, Mr. GERLACH, and Mr. MCGOVERN.

H.R. 5268: Mr. WAXMAN.

H.R. 5292: Mr. SERRANO.

H.R. 5310: Mr. CALVERT.

H.R. 5335: Mr. BOREN, Mrs. EMERSON, and Mr. CRAMER.

H.J. Res. 67: Mr. KLINE of Minnesota, and Mr. WILSON of South Carolina.

H. Con. Res. 32: Mr. KINGSTON and Mr. BOOZMAN.

H. Con. Res. 120: Mr. SKELTON.

H. Con. Res. 250: Mr. STEARNS.

H. Con. Res. 260: Mr. TERRY.

H. Con. Res. 263: Mr. LATOURETTE and Mr. WHITFIELD of Kentucky.

H. Con. Res. 268: Mr. HINCHEY, Mrs. TAUSCHER, and Mr. SESTAK.

H. Con. Res. 275: Ms. WATSON.

H. Con. Res. 280: Ms. DEGETTE and Ms. WASSERMAN SCHULTZ.

H. Con. Res. 281: Mr. FORTENBERRY and Mr. HENSARLING.

H. Con. Res. 284: Mr. BROUN of Georgia.

H. Con. Res. 289: Ms. SCHAKOWSKY, Mr. DINGELL, Ms. WASSERMAN SCHULTZ, Mr. PASTOR, Mr. BRADY of Pennsylvania, and Ms. KILPATRICK.

H. Con. Res. 290: Mr. SESTAK, Mr. COHEN, Mr. AL GREEN of Texas, Ms. BORDALLO, Mr. BOOZMAN, Mr. BROWN of South Carolina, Mr. LARSEN of Washington, Mr. SCHIFF, Mr. WEINER, and Mr. WILSON of South Carolina.

H. Res. 102: Mr. VAN HOLLEN.

H. Res. 105: Mr. SOUDER and Mr. MARCHANT.

H. Res. 111: Mr. CARTER.

H. Res. 127: Mr. FEENEY, Mr. PAYNE, Mr. JONES of North Carolina, Ms. HIRONO, Mr. SKELTON, Mr. GOODLATTE, Mr. ROGERS of Kentucky, Mr. FERGUSON, Mr. SIMPSON, Mr. WITTMAN of Virginia, Mr. LEWIS of Kentucky, Mr. DUNCAN, Mr. BOUSTANY, Mr. DAVID DAVIS of Tennessee, Mr. WESTMORELAND, Mr. WALSH of New York, Mr. SENSENBRENNER, Mr. REGULA, Mr. MCCOTTER, Mr. LATOURETTE, Mr. REHBERG, Mr. THORNBERRY, Mr. SHUSTER, Mr. ROGERS of Michigan, Mr. MCNULTY, Mr. BOYD of Florida, Ms. KAPTUR, Mr. GILCHREST, Mr. RENZI, Mr. BERMAN, Mr. KLINE of Minnesota, Mr. SAM JOHNSON of Texas, Mr. TIM MURPHY of Pennsylvania, Mr. WAMP, Mr. LINCOLN DAVIS of Tennessee, Mr. RUSH, Mr. HELLER, Mr. LAHOOD, Mr. SALAZAR, Mr. MELANCON, Mr. HOLDEN, Mr. MICHAUD, Ms. LINDA T. SÁNCHEZ of California, Mr. CUMMINGS, Mr. WALDEN of Oregon, Mr. WOLF, Mr. REYNOLDS, Mrs. WILSON of New Mexico, and Mr. AKIN.

H. Res. 259: Mr. FOSSELLA, Mr. PETERSON of Minnesota, Ms. WASSERMAN SCHULTZ, Mr. COHEN, Ms. WOOLSEY, Mr. YOUNG of Alaska, Mr. BROUN of Georgia, Mr. WILSON of Ohio, Mr. JOHNSON of Georgia, and Ms. SUTTON.

H. Res. 356: Mr. FARR.

H. Res. 555: Mr. CAMP of Michigan.

H. Res. 700: Mr. PATRICK MURPHY of Pennsylvania.

H. Res. 733: Mrs. BOYDA of Kansas.

H. Res. 820: Ms. MCCOLLUM of Minnesota.

H. Res. 821: Mr. PENCE.

H. Res. 838: Mr. TIAHRT.

H. Res. 883: Ms. WASSERMAN SCHULTZ.

H. Res. 888: Mr. TURNER, Mr. Broun of Georgia, Mr. WAMP, Ms. FOXX, Mr. ROSS, Mr. GOODLATTE, Mr. LINCOLN DAVIS of Tennessee, Mrs. BLACKBURN, Mr. HOEKSTRA, Mr. PUTNAM, Mr. BARTON of Texas, Mr. SESSIONS, Mr. MANZULLO, Mr. PICKERING, Mr. WITTMAN of Virginia, Mr. COBLE, Mr. RAHALL, and Mr. LEWIS of Kentucky.

H. Res. 896: Mrs. CHRISTENSEN and Ms. BORDALLO.

H. Res. 917: Ms. RICHARDSON and Mr. ROTHMAN.

H. Res. 924: Mr. KAGEN, Mr. HONDA, Mrs. BOYDA of Kansas, and Ms. HIRONO.

H. Res. 925: Mr. PLATTS, Mr. WOLF, Ms. FALLIN, Mr. MCHENRY, Mr. BARRETT of South Carolina, Mr. ROGERS of Alabama, and Mr. HUNTER.

H. Res. 930: Mr. ALTMIRE and Mr. COHEN.

H. Res. 934: Mr. HENSARLING, Mr. BARTON of Texas, Mr. FATTAH, Mr. COOPER, Mr. SCHIFF, Mr. MOORE of Kansas, Ms. DEGETTE, Ms. HERSETH SANDLIN, Mr. ALTMIRE, Mr. MURPHY of Connecticut, Mr. DONNELLY, Mr. GRIJALVA, Mr. ALLEN, Mr. MCNERNEY, Mr. ROSS, Mr. RYAN of Ohio, Mr. SIRES, Ms. BERKLEY, Mr. BACA, Mr. BRALEY of Iowa, Mr. BOYD of Florida, Ms. ROYBAL-ALLARD, Mr. CUELLAR, and Ms. HOOLEY.

H. Res. 939: Mr. TERRY and Mr. COBLE.

H. Res. 945: Mr. CLEAVER.

H. Res. 951: Mr. BLUNT, Mr. BOYD of Florida, Mr. BRADY of Texas, Mr. CONAWAY, Mrs. CUBIN, Mr. DAVID DAVIS of Tennessee, Mr. DENT, Mr. DOOLITTLE, Mr. FERGUSON, Mr. FRANK of Massachusetts, Mr. FRELINGHUYSEN, Mrs. GILLIBRAND, Mr. HALL of New York, Mr. HARE, Mr. JOHNSON of Illinois, Mrs. MILLER of Michigan, Mr. PALLONE, Mr. PETERSON of Pennsylvania, Mr. REICHERT, Mr. ROGERS of Michigan, Mr. ROSKAM, Ms. WASSERMAN SCHULTZ, Mr. TOWNS, Mr. UPTON, Mr. WESTMORELAND, Mr. WOLF, Mrs. MCCARTHY of New York, Mr. COURTNEY, and Mr. FOSSELLA.

H. Res. 953: Mr. ISSA and Mr. LATTA.

H. Res. 954: Mrs. LOWEY.

H. Res. 958: Mr. HELLER, Mrs. MYRICK, Mr. KUHL of New York, Mr. LATTA, Mr. RADANOVICH, Mr. HUNTER, Mr. JORDAN, Mr. POE, and Mr. MCHENRY.

H. Res. 959: Mr. BURTON of Indiana, Mr. HENSARLING, Mr. BRADY of Pennsylvania, Mr. SESTAK, and Ms. BORDALLO.

H. Res. 960: Mr. THOMPSON of California and Mr. FERGUSON.

H. Res. 962: Mrs. CHRISTENSEN, Mr. CLEAVER, Mr. HIGGINS, and Mr. WATT.

H. Res. 963: Mr. EDWARDS, Mr. ORTIZ, Ms. BORDALLO, Mrs. Boyda of Kansas, Ms. SUTTON, Mr. MAHONEY of Florida, Mr. HOLDEN, Mr. TOWNS, Mr. CARNEY, Mr. HINCHEY, Mr. HINOJOSA, Ms. ROYBAL-ALLARD, Mr. CUELLAR, Mr. REYES, Mr. MITCHELL, Mr. GUTIERREZ, Mr. ETHERIDGE, Mr. GRIJALVA, Mr. HODES, Mr. SERRANO, Mr. COSTA, Ms. SHEA-PORTER, Mr. BACA, Mr. GONZALEZ, Mrs. MALONEY of New York, Ms. GINNY BROWN-WAITE of Florida, Mr. BILIRAKIS, Mr. MORAN of Kansas, Mr. BROWN of South Carolina, and Mr. COHEN.

H. Res. 966: Mr. RUSH, Mr. COOPER, and Mr. BRADY of Pennsylvania.

WEDNESDAY, FEBRUARY 13, 2008 (14)

The House was called to order by the SPEAKER.

¶14.1 APPROVAL OF THE JOURNAL

The SPEAKER announced she had examined and approved the Journal of the proceedings of Tuesday, February 12, 2008.

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

¶14.2 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

5321. A letter from the Secretary, Department of the Treasury, transmitting a six month periodic report on the national emergency with respect to Liberia that was declared in Executive Order 13348 of July 22, 2004, pursuant to 50 U.S.C. 1641(c); to the Committee on Foreign Affairs.

5322. A letter from the Secretary, Department of the Treasury, transmitting a six month periodic report on the national emergency with respect to Cote d'Ivoire that was declared in Executive Order 13396 of February 7, 2006, pursuant to 50 U.S.C. 1641(c); to the Committee on Foreign Affairs.

5323. A letter from the Secretary, Department of the Treasury, transmitting a six month periodic report on the national emergency with respect to Lebanon that was declared in Executive Order 13441 of August 1, 2007, pursuant to 50 U.S.C. 1641(c); to the Committee on Foreign Affairs.

5324. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting Copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b; to the Committee on Foreign Affairs.

5325. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting the Agency's reports containing the 30 September 2007 status of loans and guarantees issued under Section 25(a)(11) of the Arms Export Control Act; to the Committee on Foreign Affairs.

5326. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting a report in accordance with Section 25(a)(6) of the Arms Export Control Act (AECA), describing and analyzing services performed during FY 2007 by full-time USG employees who are performing services for which reimbursement is provided under Section 21(a) or Section 43(b) of the AECA; to the Committee on Foreign Affairs.

5327. A letter from the U.S. Global AIDS Coordinator, Department of State, transmitting the report entitled, ''The Power of Partnerships,'' the Fourth Annual Report of the President's Emergency Plan for AIDS Relief, pursuant to Public Law 108-25, section 301; to the Committee on Foreign Affairs.

5328. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-281, ''Non-Resident Taxi

Drivers Registration Amendment Act of 2008,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

5329. A letter from the Executive Director, Christopher Columbus Fellowship Foundation, transmitting pursuant to the Accountability of Tax Dollars Act, the Foundation's Form and Content Reports/Financial Statements for the First Quarter of FY 2008 ended December 31, 2007, as prepared by the U.S. General Services Administration; to the Committee on Oversight and Government Reform.

5330. A letter from the Secretary, Department of Education, transmitting in accordance with Section 647(b) of Division F of the Consolidated Appropriations Act, FY 2004, Pub. L. 108-199, the Department's Report to Congress on FY 2007 Competitive Sourcing Efforts; to the Committee on Oversight and Government Reform.

5331. A letter from the White House Liaison, Department of Health and Human Services, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

5332. A letter from the Secretary, Department of Labor, transmitting the Department's Performance and Accountability Report Highlights 2007; to the Committee on Oversight and Government Reform.

5333. A letter from the Attorney Advisor, Department of Transportation, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

5334. A letter from the Administrator, Environmental Protection Agency, transmitting the Agency's report entitled ''Annual Report to Congress on Implementation of Public Law 106-107''; to the Committee on Oversight and Government Reform.

5335. A letter from the Comptroller General, Government Accountability Office, transmitting the Office's Performance and Accountability Highlights for Fiscal Year 2007; to the Committee on Oversight and Government Reform.

5336. A letter from the Chairman, Nuclear Regulatory Commission, transmitting the Commission's Fiscal Year 2009 Performance Budget, in accordance with the Government Performance and Results Act of 1993; to the Committee on Oversight and Government Reform.

5337. A letter from the Director, Office of Government Ethics, transmitting the Office's FY 2007 Annual Federal Information Security Management Act and Privacy Management Report, pursuant to 44 U.S.C. 3544(c); to the Committee on Oversight and Government Reform.

5338. A letter from the Acting Controller, Office of Management and Budget, transmitting the 2007 Federal Financial Management Report as required by the Chief Financial Officers (CFO) Act of 1990, marking the 15th report submitted by the Office of Management and Budget (OMB) on the government-wide status of financial management; to the Committee on Oversight and Government Reform.

5339. A letter from the Secretary, Postal Regulatory Commission, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

5340. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Eclipse Aviation Corporation Model EA500 Airplanes [Docket No. FAA-2007-0247; Directorate Identifier 2007-CE-083-AD; Amendment 39-15278; AD 2007-24-12] (RIN: 2120-AA64) received February 5, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5341. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747-100B SUD, 747-200B, 747-300, 747-400, and 747-400D Series Airplanes [Docket No. FAA-2007-0194; Directorate Identifier 2007-NM-306-AD; Amendment 39-15266; AD 2007-23-18] (RIN: 2120-AA64) received February 5, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5342. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; CFM International, S.A. CFM56-5C4/1 Series Turbofan Engines [Docket No. FAA-2007-0108; Directorate Identifier 2001-NE-15-AD; Amendment 39-15270; AD 2007-24-04] (RIN: 2120-AA64) received February 5, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5343. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bell Helicopter Textron Canada Model 206A and 206B Helicopters [Docket No. FAA-2007-0176; Directorate Identifier 2007-SW-14-AD; Amendment 39-15263; AD 2007-23-17] (RIN: 2120-AA64) received February 5, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5344. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 737-100, -200, -200C, -300, -400, and -500 Series Airplanes [Docket No. FAA-2007-0211; Directorate Identifier 2007-NM-221-AD; Amendment 39-15268; AD 2007-24-02] (RIN: 2120-AA64) received February 5, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5345. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bell Helicopter Textron Canada Limited Model 206A, 206B, 206L, 206L-1, 206L-3, 206L-4, 222, 222B, 222U, 230, 407, 427, and 430 Helicopters [Docket No. FAA-2007-0179; Directorate Identifier 2007-SW-36-AD; Amendment 39-15264; AD 2007-19-52] (RIN: 2120-AA64) received February 5, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5346. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Cessna Aircraft Company, Model 525B Airplanes [Docket No. FAA-2007-0198; Directorate Identifier 2007-CE-085-AD; Amendment 39-15262; AD 2007-23-16] (RIN: 2120-AA64) received February 5, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5347. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Diamond Aircraft Industries Model DA 42 Airplanes [Docket No. FAA-2007-28955 Directorate Identifier 2007-CE-067-AD; Amendment 39-15260; AD 2007-23-14] (RIN: 2120-AA64) received February 5, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5348. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Aeromot-Industria Mecanico Metalurgica Ltda. Model AMT-100/200/200S/300 Gliders [Docket No. FAA-2007-28844 Directorate Identifier 2007-CE-066-AD; Amendment 39-15261; AD 2007-23-15] (RIN: 2120-AA64) received February 5, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5349. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bell Helicopter Textron, Inc. Model 204B, 205A, 205A-1, 205B, 210, 212, 412, 412EP, and 412CF Helicopters [Docket No. FAA-2007-0180; Directorate Identifier 2007-SW-37-AD; Amendment 39-15265; AD 2007-19-53] (RIN: 2120-AA64) received February 5, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5350. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A330-200, A330-300, A340-200, A340-300, A340-500, and A340-600 Series Airplanes [Docket No. FAA-2007-0076; Directorate Identifier 2007-NM-241-AD; Amendment 39-15246; AD 2007-22-10] (RIN: 2120-AA64) received February 5, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5351. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting notification that the Department intends to use FY 2008 IMET funds for the enclosed list of countries, pursuant to Public Law 110-161; jointly to the Committees on Foreign Affairs and Appropriations.

¶14.3 MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 3773. An Act to amend the Foreign Intelligence Surveillance Act of 1978 to establish a procedure for authorizing certain acquisitions of foreign intelligence, and for other purposes.

¶14.4 MOTION TO ADJOURN

Mrs. BLACKBURN moved that the House do now adjourn.

The question being put, viva voce,

Will the House now adjourn?

The SPEAKER pro tempore, Mr. JACKSON of Illinois, announced that the nays had it.

Mrs. BLACKBURN demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the negative ..... { Yeas ..... 3 / Nays 366

¶14.5 [Roll No. 46]

YEAS—3

Johnson (IL)	Tancredo	Tiahrt

NAYS—366

Abercrombie	Bilirakis	Brown, Corrine
Aderholt	Bishop (GA)	Brown-Waite, Ginny
Akin	Bishop (NY)	Buchanan
Alexander	Bishop (UT)	Burgess
Allen	Blackburn	Burton (IN)
Altmire	Blumenauer	Butterfield
Andrews	Blunt	Buyer
Arcuri	Boehner	Calvert
Baca	Bonner	Camp (MI)
Bachmann	Bono Mack	Campbell (CA)
Bachus	Boozman	Cannon
Baldwin	Boren	Cantor
Barrett (SC)	Boswell	Capito
Barrow	Boucher	Capps
Bartlett (MD)	Boustany	Capuano
Bean	Boyd (FL)	Cardoza
Becerra	Boyda (KS)	Carnahan
Berkley	Brady (PA)	Carney
Berman	Brady (TX)	Carter
Berry	Broun (GA)	Castle
Bilbray	Brown (SC)	

Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Deal (GA)
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doggett
Donnelly
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Gerlach
Giffords
Gillibrand
Gingrey
Gonzalez
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Hill
Hinchey
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Kucinich
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lucas
Lungren, Daniel E.
Lynch
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mitchell
Moore (KS)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Petri
Pitts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Putnam
Ramstad
Regula
Rehberg
Reichert
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Rush
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (TX)
Smith (WA)
Snyder
Solis
Space
Stearns
Stupak
Sutton
Tanner
Tauscher
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiberi
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Welch (VT)
Weller
Westmoreland
Wexler
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (FL)

NOT VOTING—59

Ackerman
Baird
Barton (TX)
Biggert
Braley (IA)
Cole (OK)
Cubin
Culberson
Cummings
Davis, Tom
DeFazio
Dicks
Doolittle
Doyle
Engel
Garrett (NJ)
Gilchrest
Gohmert
Goode
Higgins
Hinojosa
Honda
Knollenberg
Kuhl (NY)
Lowey
Mack
Mahoney (FL)
McCrery
Miller, George
Mollohan
Moore (WI)
Musgrave
Ortiz
Peterson (MN)
Peterson (PA)
Pickering
Platts
Pryce (OH)
Radanovich
Rahall
Rangel
Renzi
Reyes
Ruppersberger
Ryan (OH)
Smith (NJ)
Souder
Spratt
Stark
Sullivan
Taylor
Tierney
Towns
Waxman
Weiner
Weldon (FL)
Whitfield (KY)
Wynn
Young (AK)

So the motion to adjourn was not agreed to.

¶14.6 PROVIDING FOR CONSIDERATION OF H.R. 5349

Mr. ARCURI, by direction of the Committee on Rules, called up the following resolution (H. Res. 976):

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 5349) to extend the Protect America Act of 2007 for 21 days. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. The bill shall be considered as read. All points of order against provisions of the bill are waived. The previous question shall be considered as ordered on the bill to final passage without intervening motion except: (1) one hour of debate, with 40 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary and 20 minutes equally divided and controlled by the chairman and ranking minority member of the Permanent Select Committee on Intelligence; and (2) one motion to recommit.

SEC. 2. During consideration of H.R. 5349 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

When said resolution was considered.

After debate,

¶14.7 MOTION TO ADJOURN

Mr. HASTINGS of Washington, moved that the House do now adjourn.

The question being put, viva voce,

Will the House now adjourn?

The SPEAKER pro tempore, Mr. JACKSON of Illinois, announced that the nays had it.

Mr. HASTINGS of Washington, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the negative ..... { Yeas ..... 7 / Nays 364

¶14.8 [Roll No. 47]

YEAS—7

Dicks
Doolittle
Hastings (WA)
Johnson (IL)
King (IA)
Shimkus
Tiahrt

NAYS—364

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Arcuri
Baca
Bachmann
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Capps
Capuano
Cardoza
Carney
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (KY)
Davis, David
Davis, Lincoln
Deal (GA)
DeFazio
DeGette
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doggett
Donnelly
Drake
Dreier
Duncan
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
English (PA)
Eshoo
Etheridge
Everett
Fallin
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gillibrand
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (NC)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kingston
Kirk
Kline (MN)
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Putnam
Rahall
Ramstad
Regula
Rehberg
Reichert
Reynolds
Richardson
Rodriguez
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Rush
Ryan (WI)
Salazar
Sánchez, Linda T.

Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shuler
Shuster
Sires
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiberi
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Welch (VT)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (FL)

NOT VOTING—57

Andrews
Bachus
Berman
Brown, Corrine
Cannon
Carnahan
Costa
Cubin
Davis (IL)
Davis, Tom
Delahunt
DeLauro
Doyle
Edwards
Engel
Farr
Frank (MA)
Gilchrest
Gohmert
Hastings (FL)
Hinojosa
Honda
Johnson, Sam
Jones (OH)
Klein (FL)
Knollenberg
Lewis (KY)
Lowey
Marchant
McCrery
Miller (NC)
Moran (VA)
Obey
Olver
Ortiz
Pickering
Pryce (OH)
Radanovich
Rangel
Renzi
Reyes
Rogers (AL)
Ruppersberger
Ryan (OH)
Sali
Simpson
Skelton
Souder
Taylor
Tierney
Towns
Walsh (NY)
Waxman
Weiner
Weldon (FL)
Wynn
Young (AK)

So the motion to adjourn was not agreed to.

After further debate,

Mr. ARCURI moved the previous question on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House now order the previous question?

The SPEAKER pro tempore, Mr. HOLDEN, announced that the nays had it.

Mr. ARCURI demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 210 Nays 195

¶14.9 [Roll No. 48]

YEAS—210

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

NAYS—195

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

NOT VOTING—23

Bishop (GA)
Clay
Doolittle
Doyle
Engel
Gilchrest
Herger
Hinojosa
Honda
Jones (OH)
Lowey
Marchant
Mitchell
Ortiz
Pickering
Pryce (OH)
Renzi
Reyes
Ruppersberger
Ryan (OH)
Towns
Waxman
Wynn

So the previous question on the resolution was ordered.

Mr. HASTINGS of Washington, moved to reconsider the vote on the motion whereby the motion was agreed to.

Mr. ARCURI moved to lay on the table the motion to reconsider the vote.

The question being put, viva voce,

Will the House lay on the table the motion to reconsider said vote?

The SPEAKER pro tempore, Mr. HOLDEN, announced that the yeas had it.

Mr. HASTINGS of Washington, demanded a recorded vote on agreeing to said motion which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 206 Nays 194

¶14.10 [Roll No. 49]

AYES—206

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

Lofgren, Zoe
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McGovern
McIntyre
McNerney
McNulty
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Rush
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NOES—194

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

NOT VOTING—28

Berkley
Bishop (GA)
Doolittle
Doyle
Emanuel
Engel
Gilchrest
Herger
Hinojosa
Honda
Jackson-Lee (TX)
Loebsack
Lowey
Marchant
McDermott
Meek (FL)
Neugebauer
Ortiz
Pickering
Pryce (OH)
Renzi
Reyes
Ruppersberger
Ryan (OH)
Towns
Walsh (NY)
Waxman
Wynn

So the motion to lay on the table the motion to reconsider the vote was agreed to.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. HOLDEN, announced that the yeas had it.

Mr. HASTINGS of Washington, demanded a recorded vote on agreeing to said resolution, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 206 / Nays 199

¶14.11 [Roll No. 50]

AYES—206

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

NOES—199

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

NOT VOTING—23

Bachus
Bishop (GA)
Doolittle
Doyle
Engel
Gilchrest
Gillibrand
Hinojosa
Honda
Hooley
Lowey
McIntyre
Ortiz
Pickering
Pryce (OH)
Renzi
Reyes
Ruppersberger
Ryan (OH)
Towns
Waxman
Welch (VT)
Wynn

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

Mr. HASTINGS of Washington, moved to reconsider the vote on the resolution whereby the resolution was agreed to.

Mr. ARCURI moved to lay on the table the motion to reconsider the vote.

The question being put, viva voce,

Will the House lay on the table the motion to reconsider said vote?

The SPEAKER pro tempore, Mr. HOLDEN, announced that the yeas had it.

Mr. HASTINGS of Washington, demanded a recorded vote on agreeing to said motion which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 210 / Nays 195

¶14.12 [Roll No. 51]

AYES—210

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

NOES—195

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

NOT VOTING—23

Bishop (GA)	Honda	Renzi
Dingell	Lowey	Reyes
Doolittle	Ortiz	Ruppersberger
Doyle	Pascrell	Ryan (OH)
Engel	Peterson (MN)	Towns
Gilchrest	Pickering	Waxman
Gillibrand	Pryce (OH)	Wynn
Hinojosa	Rangel	

So the motion to lay on the table the motion to reconsider the vote was agreed to.

¶14.13 MOTION TO ADJOURN

Mr. HASTINGS of Washington, moved that the House do now adjourn.

The question being put, viva voce,

Will the House now adjourn?

The SPEAKER pro tempore, Mr. HOLDEN, announced that the nays had it.

Mr. HASTINGS of Washington, demanded a recorded vote on agreeing said motion, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the negative ..... { Yeas ..... 3 / Nays 395

¶14.14 [Roll No. 52]

AYES—3

Hastings (WA)	Johnson (IL)	Young (AK)

NOES—395

Abercrombie	Cuellar	Hulshof
Ackerman	Culberson	Hunter
Aderholt	Cummings	Inglis (SC)
Akin	Davis (AL)	Inslee
Alexander	Davis (CA)	Israel
Altmire	Davis (IL)	Issa
Andrews	Davis (KY)	Jackson (IL)
Arcuri	Davis, David	Jackson-Lee (TX)
Baca	Davis, Lincoln	Jefferson
Bachmann	Davis, Tom	Johnson (GA)
Baird	Deal (GA)	Johnson, E. B.
Baldwin	DeFazio	Johnson, Sam
Barrett (SC)	DeGette	Jones (NC)
Barrow	Delahunt	Jones (OH)
Bartlett (MD)	DeLauro	Jordan
Barton (TX)	Dent	Kagen
Bean	Diaz-Balart, L.	Kanjorski
Becerra	Diaz-Balart, M.	Kaptur
Berkley	Dicks	Keller
Berman	Dingell	Kennedy
Berry	Doggett	Kildee
Biggert	Donnelly	Kilpatrick
Bilbray	Drake	Kind
Bilirakis	Dreier	King (IA)
Bishop (NY)	Duncan	King (NY)
Bishop (UT)	Edwards	Kingston
Blackburn	Ehlers	Kirk
Blumenauer	Ellison	Klein (FL)
Blunt	Ellsworth	Kline (MN)
Boehner	Emanuel	Knollenberg
Bonner	Emerson	Kucinich
Bono Mack	English (PA)	Kuhl (NY)
Boozman	Eshoo	LaHood
Boren	Etheridge	Lamborn
Boswell	Everett	Lampson
Boucher	Fallin	Langevin
Boustany	Farr	Larsen (WA)
Boyd (FL)	Fattah	Larson (CT)
Boyda (KS)	Feeney	Latham
Brady (PA)	Ferguson	LaTourette
Brady (TX)	Filner	Latta
Braley (IA)	Flake	Lee
Broun (GA)	Forbes	Levin
Brown (SC)	Fortenberry	Lewis (CA)
Brown, Corrine	Fossella	Lewis (GA)
Brown-Waite, Ginny	Foxx	Lewis (KY)
Buchanan	Frank (MA)	Linder
Burgess	Franks (AZ)	Lipinski
Burton (IN)	Frelinghuysen	LoBiondo
Butterfield	Gallegly	Loebsack
Buyer	Garrett (NJ)	Lofgren, Zoe
Calvert	Gerlach	Lucas
Camp (MI)	Giffords	Lungren, Daniel E.
Campbell (CA)	Gillibrand	Lynch
Cannon	Gingrey	Mack
Cantor	Gohmert	Mahoney (FL)
Capito	Gonzalez	Maloney (NY)
Capps	Goode	Manzullo
Capuano	Goodlatte	Marchant
Cardoza	Gordon	Markey
Carnahan	Granger	Marshall
Carney	Graves	Matheson
Carter	Green, Al	Matsui
Castle	Green, Gene	McCarthy (CA)
Castor	Grijalva	McCarthy (NY)
Chabot	Hall (NY)	McCaul (TX)
Chandler	Hall (TX)	McCollum (MN)
Clarke	Hare	McCotter
Clay	Harman	McDermott
Cleaver	Hastings (FL)	McGovern
Clyburn	Hayes	McHenry
Coble	Heller	McHugh
Cohen	Hensarling	McIntyre
Cole (OK)	Herger	McKeon
Conaway	Herseth Sandlin	McMorris Rodgers
Conyers	Hill	McNerney
Cooper	Hinchey	McNulty
Costa	Hirono	Meek (FL)
Costello	Hobson	Meeks (NY)
Courtney	Hodes	Melancon
Cramer	Hoekstra	Mica
Crenshaw	Holden	Michaud
Crowley	Holt	
Cubin	Hooley	
	Hoyer	

Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Pallone
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Tsongas
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (FL)

NOT VOTING—30

Allen
Bachus
Bishop (GA)
Doolittle
Doyle
Engel
Gilchrest
Gutierrez
Higgins
Hinojosa
Honda
Lowey
McCrery
Musgrave
Napolitano
Ortiz
Pascrell
Pickering
Pryce (OH)
Rangel
Renzi
Reyes
Ruppersberger
Rush
Ryan (OH)
Towns
Turner
Udall (CO)
Waxman
Wynn

So the motion to adjourn was not agreed to.

¶14.15 PROTECT AMERICA

Mr. CONYERS, pursuant to House Resolution 976, called up for consideration the bill (H.R. 5349) to extend the Protect America Act of 2007 for 21 days.

Pending consideration of said bill.

Pursuant to House Resolution 976, the SPEAKER pro tempore, Mr. HOLDEN, recognized Messrs. CONYERS and SMITH of Texas, for 20 minutes each; and Messrs. THOMPSON of California, and HOEKSTRA for 10 minutes each.

When said bill was considered.

After debate,

The SPEAKER pro tempore, Mr. JACKSON of Illinois, pursuant to section 2 of House Resolution 976, announced that further proceedings on the bill were postponed.

¶14.16 AFRICAN AMERICAN INVENTORS

Ms. Eddie Bernice JOHNSON of Texas, moved to suspend the rules and agree to the following resolution (H. Res. 966):

Whereas African-American and other minority scientists, technologists, engineers, and mathematicians have made significant achievements in our national research enterprise and inspired future generations;

Whereas the National Society of Black Engineers (''NSBE'') lifts up African-American researchers of the past and present, including special contributors named in this Resolution;

Whereas Garrett Augustus Morgan made outstanding contributions to public safety;

Whereas firefighters in the early 1900s wore the safety helmets and gas masks that he invented, and for which he was awarded a gold medal at the Second International Exposition of Safety and Sanitation in New York in 1914;

Whereas 2 years later, he himself used the mask to rescue men trapped by a gas explosion in a tunnel being constructed under Lake Erie;

Whereas following the disaster which took 21 lives, the City of Cleveland honored him with a gold medal for his heroic efforts;

Whereas in 1923, he received a patent for a traffic signal to regulate vehicle movement in city areas, and this device was a direct precursor to the modern traffic light in use today;

Whereas Ernest Everett Just was a trailblazer in the fields of cell biology and zoology;

Whereas his research and papers on marine biology were so well received in 1915 that Ernest Everett Just was awarded the first Spingarn Medal by the National Association for the Advancement of Colored People at age 32;

Whereas Ernest Everett Just dedicated years of research toward the study of cells and cell structures in order to understand and find cures for cellular irregularities and diseases such as sickle cell anemia and cancer and became one of the most respected scientists in his field;

Whereas racial bigotry in the United States caused much of his work and his achievements to go unrewarded;

Whereas in other countries, he was treated as a pioneer and was recruited to work with Russian scientists and invited to be a guest researcher at the Kaiser Wilhelm Institute for Biology, the world's greatest scientific research laboratory at the time;

Whereas he was welcomed at the Naples Zoological Station in Italy and the Sorbonne in France, where he conducted research and was regarded as one of the most outstanding zoologists of his time;

Whereas Archibald Alphonso Alexander excelled in design and construction engineering;

Whereas, employed by the Marsh Engineering Company, he designed the Tidal Basin bridge in Washington, DC;

Whereas after studying bridge design in London, Archibald Alphonso Alexander and George Higbee formed a general contracting business that focused on bridge design;

Whereas his designs include Washington, DC's Whitehurst Freeway, the heating plant and power station at the University of Iowa, and an airfield in Tuskegee, Alabama;

Whereas he went on to become the first Republican territorial governor of the U.S. Virgin Islands;

Whereas David Nelson Crosthwait Jr. made significant and practical contributions to the engineering of heating and cooling systems;

Whereas he held numerous patents relating to heat transfer, ventilation, and air conditioning, the areas in which he was considered an expert;

Whereas David Nelson Crosthwait Jr. served as director of research laboratories for C. A. Dunham Company in Marshalltown, Iowa, where he served as technical advisor from 1930 to 1970;

Whereas he designed the heating systems for Radio City Music Hall and Rockefeller Center in New York City and authored texts and guides on heating and cooling with water;

Whereas during the 1920s and 1930s, he invented an improved boiler, a new thermostat control, and a new differential vacuum pump to improve the heating systems in larger buildings; and

Whereas African-American innovators continue to improve the daily lives of Americans through their inventions and stir the creative spirit of future generations: Now, therefore, be it

Resolved, That the United States House of Representatives—

(1) recognizes and appreciates the significant achievements to our national research enterprise made by African-American and other minority scientists, technologists, engineers, and mathematicians;

(2) honors and extends its appreciation and gratitude toward all African-American inventors, for the significant and honorable research and educational contributions that improve the lives of all citizens and that have gone unacknowledged too long; and

(3) looks for opportunities to make sure that the creativity and contribution of minority scientists, technologists, engineers, and mathematicians can be expressed through research, development, standardization, and innovation.

The SPEAKER pro tempore, Mr. JACKSON of Illinois, recognized Ms. Eddie Bernice JOHNSON of Texas. and Mr. AKIN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. JACKSON of Illinois, announced that two-thirds of the Members present had voted in the affirmative.

Mr. AKIN demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. JACKSON of Illinois, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶14.17 NATIONAL ENGINEERS WEEK

Mr. LIPINSKI moved to suspend the rules and agree to the following resolution (H. Res. 917):

Whereas National Engineers Week has grown into a formal coalition of more than 75 professional societies, major corporations, and government agencies, dedicated to ensuring a diverse and well-educated future engineering workforce by increasing understanding of and interest in engineering and technology careers among all young students, by promoting pre-college literacy in science, technology, engineering, and mathematics (STEM), and raising public understanding and appreciation of engineers' contributions to society;

Whereas February 17–23, 2008, has been designated by the President as National Engineers Week and the theme is ''Engineers Make a World of Difference'';

Whereas National Engineers Week, which was founded in 1951 by the National Society of Professional Engineers, is among the oldest of America's professional outreach efforts;

Whereas National Engineers Week is celebrated during the week of George Washington's birthday to honor the contributions

that our first President, a military engineer and land surveyor, made to engineering;

Whereas for one outreach program alone, the National Engineers Week Future City Competition, more than 1,100 schools and 32,000 middle school students participate annually and 7,500 volunteers donate more than 225,000 hours;

Whereas during National Engineers Week, more than 45,000 engineers connect with some 5,500,000 students and teachers in kindergarten through high school as they help students and teachers determine practical applications of their academics and help students discover that STEM subjects can be fun;

Whereas National Engineers Week activities at engineering schools and in other forums are encouraging all our young math and science students to see themselves as possible future engineers and to realize the practical picture of knowledge;

Whereas National Engineers Week sponsors are working together to transform the engineering workforce through the better inclusion of women and underrepresented minorities;

Whereas engineers from all disciplines send a new message to today's youth: engineers change the world, save lives, protect the Earth, and make a world of difference;

Whereas engineers are working together to mesh diversity and collaboration worldwide, whether reaching for the stars, building global networks, or helping today's young students prepare for their futures;

Whereas engineers use their professional, scientific, and technical knowledge and skills in creative and innovative ways to fulfill society's needs;

Whereas engineers have helped meet the major technological challenges of our time—from rebuilding towns devastated by natural disasters to designing an information superhighway that will speed our country into the future;

Whereas engineers are a crucial link in research, development, and demonstration in transforming scientific discoveries into useful products, and we will look more than ever to engineers and their knowledge and skills to meet the challenges of the future;

Whereas engineers play a crucial role in developing the consensus engineering standards that permit modern economies and societies to exist; and

Whereas the 2006 National Academy of Sciences report entitled ''Rising Above the Gathering Storm'' highlighted the worrisome trend that fewer students are now focusing on engineering in college at a time when increasing numbers of today's 2,000,000 United States engineers are nearing retirement: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals and ideals of National Engineers Week and its aim to increase understanding of and interest in engineering and technology careers and to promote literacy in science, technology, engineering, and mathematics; and

(2) will work with the engineering community to make sure that the creativity and contribution of that community can be expressed through research, development, standardization, and innovation.

The SPEAKER pro tempore, Ms. SOLIS, recognized Mr. LIPINSKI and Mr. AKIN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Ms. SOLIS, announced that two-thirds of the Members present had voted in the affirmative.

Mr. AKIN demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Ms. SOLIS, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶14.18 NATIONAL OCEANIC EXPLORATION

Mr. LIPINSKI moved to suspend the rules and pass the bill (H.R. 1834) to authorize the national ocean exploration program and the national undersea research program within the National Oceanic and Atmospheric Administration; as amended.

The SPEAKER pro tempore, Ms. SOLIS, recognized Mr. LIPINSKI and Mr. AKIN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Ms. SOLIS, announced that two-thirds of the Members present had voted in the affirmative.

Mr. AKIN demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Ms. SOLIS, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶14.19 FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE

Mr. CARDOZA moved to suspend the rules and pass the bill of the Senate (S. 2571) a bill to make technical corrections to the Federal Insecticide, Fungicide, and Rodenticide Act.

The SPEAKER pro tempore, Ms. SOLIS, recognized Mr. CARDOZA and Mr. LUCAS, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Ms. SOLIS, announced that two-thirds of the Members present had voted in the affirmative.

Mr. LUCAS demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Ms. SOLIS, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶14.20 PROTECT AMERICA

The SPEAKER pro tempore, Ms. SOLIS, pursuant to section 2 of House Resolution 976, called up for further consideration the bill (H.R. 5349) to extend the Protect America Act of 2007 for 21 days.

When said bill was further considered.

After debate,

Pursuant to House Resolution 976, the previous question was ordered on the bill.

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

Mr. SMITH of Texas, moved to recommit the bill to the Committee on the Judiciary with instructions to report the bill back to the House forthwith with the following amendment:

Strike out all after the enacting clause and insert the text of the bill H.R. 3773 as passed by the Senate on February 12, 2008.

¶14.21 POINT OF ORDER

Mr. CONYERS made a point of order against said motion to recommit with instructions and said:

''The motion to recommit is not germane to the bill under consideration and therefore should not be considered.

''H.R. 5349 seeks a 21-day extension of the Protect America Act as previously amended, thus amending the act so that it would expire not 195 days but 216 days after enactment.

''The motion to recommit goes beyond the scope of the bill, and beyond the scope of the Protect America Act the bill temporarily extends, to make permanent changes to the FISA law, including retroactive legal amnesty for telecom companies who may have broken the law in cooperating with earlier surveillance activities. Because it goes beyond the scope of the bill and deals with a different purpose, it is not germane.''

Mr. SMITH of Texas, was recognized to speak to the point of order and said:

''Madam Speaker, it is unfortunate that the Democratic majority is insisting on a procedural objection to block consideration of this motion to recommit. This motion substitutes the bipartisan bill passed yesterday by the Senate 68–29 to improve FISA, a bill that would dramatically improve our national security. It is sad to see the Democratic majority put procedure over substance when it comes to protecting Americans from terrorists.

''There is nothing more germane to the security of the American people than to take up the Senate bill as quickly as possible. Therefore, I would ask the gentleman from Michigan, the chairman of the Judiciary Committee, to withdraw his point of order and allow for an up or down vote on the bipartisan Senate reform bill. I hope the gentleman will withdraw his point of order and allow us to take a vote on a bill supported by both parties in the Senate, the administration, and many Democrats in the House.

''Again, I would like to reiterate my disappointment that the majority has raised a point of order against this motion to recommit. We need to stop playing procedural games with our national security and take a vote now on the Senate-passed bill to improve FISA.''

Mr. CONYERS was further recognized and said:

''Madam Speaker, I have never violated parliamentary procedure, and I would insist upon the point of order.''

The SPEAKER pro tempore, Ms. SOLIS, sustained the point of order, and said:

''The gentleman from Michigan makes a point of order that the motion to recommit offered by the gentleman from Texas proposes an amendment that is not germane to the bill.

''Clause 7 of rule XVI provides that no proposition on a subject different from that under consideration shall be admitted under color of amendment.

''The bill, H.R. 5349, extends the Protect America Act of 2007 for a limited time.

''The instructions contained in the motion to recommit propose permanent changes in law.

''A general principle of the germaneness rule is that where a bill is composed only of a temporary extension of existing programs, an amendment making permanent changes in law relating to such programs is not germane.

''The Chair will note a relevant precedent. On December 2, 1982, the Chair ruled that an amendment permanently changing the organic law governing an agency's operation was not germane to a bill that merely provided a temporary authorization for the agency. This precedent is recorded on page 722 of the House Rules and Manual.

''Therefore, in the opinion of the Chair, the instructions contained in the motion to recommit are not germane. The point of order is sustained.''

Mr. SMITH of Texas, appealed the ruling of the Chair.

The question being stated,

Will the decision of the Chair stand as the judgment of the House?

Mr. CONYERS moved to lay the appeal on the table.

The question being put, viva voce,

Will the House lay on the table the appeal of the ruling of the Chair?

The SPEAKER pro tempore, Ms. SOLIS, announced that the yeas had it.

Mr. SMITH of Texas, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 222 Nays 196

¶14.22 [Roll No. 53]

YEAS—222

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

NAYS—196

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

NOT VOTING—10

Gilchrest	McGovern	Ruppersberger
Hinojosa	Ortiz	Towns
Honda	Pickering	
Lowey	Renzi	

So the motion to lay the appeal on the table was agreed to.

A motion to reconsider the vote whereby said motion was agreed to was, by unanimous consent, laid on the table.

The question being put, viva voce,

Will the House pass said bill?

The SPEAKER pro tempore, Ms. SOLIS, announced that the yeas had it.

Mr. SMITH of Texas demanded a recorded vote on passage of said bill, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the negative ..... { Yeas ..... 191 Nays 229

¶14.23 [Roll No. 54]

AYES—191

Abercrombie	Davis (CA)	Johnson (GA)
Ackerman	Davis (IL)	Johnson, E. B.
Allen	DeGette	Jones (OH)
Andrews	Delahunt	Kagen
Arcuri	DeLauro	Kanjorski
Baca	Dicks	Kaptur
Baird	Dingell	Kennedy
Baldwin	Donnelly	Kildee
Barrow	Doyle	Kilpatrick
Bean	Edwards	Kind
Becerra	Ellison	Klein (FL)
Berkley	Ellsworth	Lampson
Berman	Emanuel	Langevin
Berry	Engel	Larsen (WA)
Bishop (GA)	Eshoo	Larson (CT)
Bishop (NY)	Etheridge	Levin
Blumenauer	Farr	Lipinski
Boucher	Fattah	Loebsack
Boyd (FL)	Frank (MA)	Lofgren, Zoe
Boyda (KS)	Giffords	Lynch
Brady (PA)	Gillibrand	Maloney (NY)
Braley (IA)	Gonzalez	Markey
Brown, Corrine	Gordon	Marshall
Butterfield	Green, Al	Matheson
Capps	Green, Gene	Matsui
Cardoza	Grijalva	McCarthy (NY)
Carnahan	Gutierrez	McCollum (MN)
Carney	Hare	McDermott
Castor	Harman	McGovern
Chandler	Hastings (FL)	McIntyre
Clarke	Herseth Sandlin	McNerney
Clay	Higgins	McNulty
Cleaver	Hill	Meek (FL)
Clyburn	Hirono	Meeks (NY)
Cohen	Hodes	Melancon
Conyers	Holden	Michaud
Cooper	Hooley	Miller (NC)
Costa	Hoyer	Miller, George
Courtney	Inslee	Mitchell
Cramer	Israel	Mollohan
Crowley	Jackson (IL)	Moore (KS)
Cuellar	Jackson-Lee (TX)	Moore (WI)
Cummings	Jefferson	Murtha
Davis (AL)		Nadler

Napolitano
Neal (MA)
Oberstar
Obey
Olver
Pastor
Pelosi
Perlmutter
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Roybal-Allard
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Schiff
Schwartz
Scott (GA)
Scott (VA)
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Tsongas
Udall (CO)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Watson
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Wynn
Yarmuth

NOES—229

Aderholt
Akin
Alexander
Altmire
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capuano
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Costello
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doggett
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (NY)
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hinchey
Hobson
Hoekstra
Holt
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Latta
Lee
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Mahoney (FL)
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Pallone
Pascrell
Paul
Payne
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Rothman
Royce
Ryan (WI)
Sali
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schmidt
Sensenbrenner
Serrano
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Udall (NM)
Upton
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Waters
Watt
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Young (AK)
Young (FL)

NOT VOTING—9

Gilchrest
Hinojosa
Honda
Lowey
Ortiz
Pickering
Renzi
Ruppersberger
Towns

So the bill was not passed.

A motion to reconsider the vote whereby said bill was not passed was, by unanimous consent, laid on the table.

¶14.24 H. RES. 960—UNFINISHED BUSINESS

The SPEAKER pro tempore, Ms. SOLIS, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 960) congratulating the National Football League champion New York Giants for winning Super Bowl XLII and completing one of the most remarkable postseason runs in professional sports history.

The question being put,

Will the House suspend the rules and agree to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative .....

Yeas	412
Nays	1
Answered present	2

¶14.25 [Roll No. 55]

YEAS—412

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E.B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NAYS—1

Murphy, Patrick

ANSWERED ''PRESENT''—2

Kagen
Shea-Porter

NOT VOTING—13

Blackburn
Ellison
Gilchrest
Hinojosa
Honda
Lowey
Ortiz
Pickering
Renzi
Ruppersberger
Stark
Towns
Waters

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

¶14.26 ADJOURNMENT OF THE TWO HOUSES

Mr. HOYER submitted the following privileged concurrent resolution (H. Con. Res. 293):

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on the legislative day of Thursday, February 14, 2008, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2 p.m. on Friday, February 15, 2008, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; that when the House adjourns on the legislative day of Friday, February 15, 2008, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 10 a.m. on Tuesday, February 19, 2008, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; that when the House adjourns on the legislative day of Tuesday, February 19, 2008, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until noon on Thursday, February 21, 2008, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; that when the House adjourns on the legislative day of Thursday, February 21, 2008, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2 p.m. on Monday, February 25, 2008, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns on any day from Friday, February 15, 2008, through Friday, February 22, 2008, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Monday, February 25, 2008, or such other time on that day as may be specified in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, or their respective designees, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble at such place and time as they may designate if, in their opinion, the public interest shall warrant it.

The question being put, viva voce,

Will the House agree to said concurrent resolution?

The SPEAKER pro tempore, Ms. SOLIS, announced that the yeas had it.

Mr. UPTON demanded a recorded vote on agreeing to said concurrent resolution, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 215 / Nays 203

¶14.27 [Roll No. 56]

AYES—215

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

NOES—203

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

NOT VOTING—10

Ackerman	Lowey	Ruppersberger
Gilchrest	Ortiz	Towns
Hinojosa	Pickering	
Honda	Renzi	

So the concurrent resolution was agreed to.

A motion to reconsider the vote whereby said concurrent resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶14.28 H. RES. 917—UNFINISHED BUSINESS

The SPEAKER pro tempore, Ms. SOLIS, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules ced the unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 917) supporting the goals and ideals of National Engineers Week, and for other purposes.

The question being put,

Will the House suspend the rules and agree to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 408 / Nays 0

¶14.29 [Roll No. 57]

YEAS—408

Abercrombie	Alexander	Andrews
Aderholt	Allen	Arcuri
Akin	Altmire	Baca

Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Chabot
Chandler
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Weiner
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—20

Ackerman
Berman
Braley (IA)
Clarke
English (PA)
Gilchrest
Hinojosa
Honda
Lowey
McCrery
Ortiz
Pickering
Radanovich
Renzi
Royce
Ruppersberger
Sherman
Towns
Waxman
Welch (VT)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶14.30 NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE

Mr. COHEN moved to suspend the rules and agree to the following concurrent resolution (H. Con. Res. 289):

Whereas the National Association for the Advancement of Colored People (NAACP), originally known as the National Negro Committee, was founded in New York City on February 12, 1909, the centennial of Abraham Lincoln's birth, by a multiracial group of activists who answered 'The Call' for a national conference to discuss the civil and political rights of African-Americans;

Whereas the National Association for the Advancement of Colored People was founded by a distinguished group of leaders in the struggle for civil and political liberty, including Ida Wells-Barnett, W.E.B. DuBois, Henry Moscowitz, Mary White Ovington, Oswald Garrison Villiard, and William English Walling;

Whereas the NAACP is the oldest and largest civil rights organization in the United States;

Whereas the mission of the NAACP is to ensure the political, educational, social, and economic equality of rights of all persons and to eliminate racial hatred and racial discrimination;

Whereas the NAACP is committed to achieving its goals through nonviolence;

Whereas the NAACP advances its mission through reliance upon the press, the petition, the ballot, and the courts, and has been persistent in the use of legal and moral persuasion, even in the face of overt and violent racial hostility;

Whereas the NAACP has used political pressure, marches, demonstrations, and effective lobbying to serve as the voice, as well as the shield, for minority Americans;

Whereas after years of fighting segregation in public schools, the NAACP, under the leadership of Special Counsel Thurgood Marshall, won one of its greatest legal victories in the Supreme Court's 1954 decision in Brown v. Board of Education;

Whereas in 1955, NAACP member Rosa Parks was arrested and fined for refusing to give up her seat on a segregated bus in Montgomery, Alabama—an act of courage that would serve as the catalyst for the largest grassroots civil rights movement in the history of the United States;

Whereas the NAACP was prominent in lobbying for the passage of the Civil Rights Acts of 1957, 1960, and 1964, the Voting Rights Act of 1965, the Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006, and the Fair Housing Act, laws which ensured Government protection for legal victories achieved;

Whereas in 2005, the National Association for the Advancement of Colored People launched the Disaster Relief Fund to help survivors in Louisiana, Mississippi, Texas, Florida, and Alabama to rebuild their lives; and

Whereas in 2007, the NAACP was prominent in lobbying for the passage of H. Res. 826, ''The Noose Intimidation Bill'', which expresses ''that the hanging of nooses is a horrible act when used for the purpose of intimidation and which under certain circumstances can be a criminal act that should be thoroughly investigated by Federal law enforcement authorities and that any criminal violations should be vigorously prosecuted'': Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) recognizes the 99th anniversary of the historic founding of the National Association for the Advancement of Colored People; and

(2) honors and praises the National Association for the Advancement of Colored People on the occasion of its anniversary for its work to ensure the political, educational, social, and economic equality of all persons.

The SPEAKER pro tempore, Mr. HODES, recognized Mr. COHEN and Mr. CHABOT, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution?

The SPEAKER pro tempore, Mr. HODES, announced that two-thirds of the Members present had voted in the affirmative.

Mr. CHABOT demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. HODES, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶14.31 MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Wanda Evans, one of his secretaries.

¶14.32 AMERICAN BRAILLE TACTILE FLAG

Mr. RODRIGUEZ moved to suspend the rules and pass the bill (H.R. 4169) to authorize the placement in Arlington

National Cemetery of an American Braille tactile flag in Arlington National Cemetery honoring blind members of the Armed Forces, veterans, and for other purposes.

The SPEAKER pro tempore, Mr. HODES, recognized Mr. RODIGUEZ and Mr. STEARNS, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. HODES, announced that two-thirds of the Members present had voted in the affirmative.

Mr. STEARNS demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. HODES, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶14.33 PEOPLE OF THE STATE OF WASHINGTON

Mr. RODRIGUEZ moved to suspend the rules and agree to the following resolution (H. Res. 790):

Whereas every day, American men and women risk their lives serving the country in the Armed Forces;

Whereas it is important to many Americans to be able to donate money directly to causes about which they care;

Whereas it is important for residents to have a tangible way to demonstrate their support for veterans;

Whereas despite Government funding for the Nation's veterans, many important needs of veterans remain unmet;

Whereas citizens in the State of Washington have banded together in a grassroots effort to create a Veterans Family Fund Certificate of Deposit;

Whereas any financial institution in the State of Washington can choose to offer a Veterans Family Fund Certificate of Deposit;

Whereas the Bank of Clark County has become the first institution to offer these Certificates of Deposit;

Whereas the Governor of the State of Washington and the Washington State Veterans Affairs Department have expressed the State's support for this program;

Whereas when a person buys a Veterans Family Fund Certificate of Deposit from a participating financial institution, half of the interest is automatically donated to the State of Washington's Veterans Innovation Program to address the unmet needs of the State of Washington's veterans and their families;

Whereas the Veterans Innovation Program provides emergency assistance to help current or former Washington National Guard or Reserve service members cope with financial hardships, unemployment, educational needs, and many basic family necessities; and

Whereas the Veterans Family Fund Certificate of Deposit will be officially launched on November 8, 2007: Now, therefore, be it

Resolved, That the House of Representatives—

(1) commends the people of the State of Washington for showing their support for the needs of the State of Washington's veterans; and

(2) encourages residents of other States to pursue creative ways to show their own support for veterans.

The SPEAKER pro tempore, Mr. HODES, recognized Mr. RODRIGUEZ and Mr. STEARNS, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. HODES, announced that two-thirds of the Members present had voted in the affirmative.

Mr. STEARNS demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. HODES, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶14.34 NATIONAL SALUTE TO HOSPITALIZED VETERANS WEEK

Mr. RODRIGUEZ moved to suspend the rules and agree to the following resolution (H. Res. 963):

Whereas February 11–15, 2008, has been designated by the President as National Salute to Hospitalized Veterans Week;

Whereas the National Salute to Hospitalized Veterans week each year is an opportunity to thank a special group of men and women, the more than 98,000 veterans of the United States Armed Forces, who are cared for every day in Department of Veterans Affairs (VA) medical centers, outpatient clinics, domiciliaries, and nursing homes;

Whereas at the 155 VA hospitals across the Nation, there are veterans who face the physical and mental wounds of combat every day, long after their military service has been completed;

Whereas we can never fully repay our debt of gratitude to the veterans, but will thank and support them with our words and deeds;

Whereas Mike Vogel, motion picture actor and star of the newly-released ''Cloverfield'', will lead the VA's annual patient recognition program as the national spokesperson, inviting the public to visit and honor hospitalized veterans during National Salute to Hospitalized Veterans Week; and

Whereas Mike Vogel will be the youngest celebrity to lead the National Salute, bringing youthful energy to the program at a time when the number of young combat veterans under the care of the VA is growing, and as the VA is looking to younger generations of Americans to replenish an aging volunteer force: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the National Salute to Hospitalized Veterans Program and its efforts to pay tribute to and express appreciation for hospitalized veterans, to increase community awareness of the role of VA medical centers, and to encourage citizens to visit hospitalized veterans and become involved as volunteers;

(2) encourages citizens who live near a VA hospital or clinic to take time this week to visit and thank our veterans; and

(3) will continue to work with veterans service organizations to support our veterans with words, actions, and financial assistance.

The SPEAKER pro tempore, Mr. HODES, recognized Mr. RODRIGUEZ and Mr. STEARNS, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. HODES, announced that two-thirds of the Members present had voted in the affirmative.

Mr. STEARNS demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. HODES, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶14.35 AMERICAN HEART MONTH

Mrs. CAPPS moved to suspend the rules and agree to the following resolution (H. Res. 972):

Whereas diseases of the heart are the Nation's leading cause of death and stroke is the third leading cause of death in both men and women;

Whereas nearly 2,400 American men, women, and children die of cardiovascular disease each day, an average of one death every 37 seconds;

Whereas many people do not recognize that heart disease, stroke, and other cardiovascular diseases are the number 1 killer of American women, claiming the lives of almost 460,000 American women each year or about one per minute;

Whereas we as a Nation have made great progress in reducing the death rates for coronary heart disease, but this progress has been much more modest in women and minorities, resulting in cardiovascular disease disparities;

Whereas many minority women, including African-American, Hispanic, Native-American and some subgroups of Asian-American women, have a greater prevalence of risk factors or are at a higher risk of death from heart disease, stroke, and other cardiovascular diseases, but they are less likely to know of this risk;

Whereas cardiovascular diseases cost the Nation more than any other cause of death, with direct and indirect costs estimated to reach $448.5 billion in the United States in 2008;

Whereas the research is clear that there are tools available to prevent heart disease, stroke, and other cardiovascular diseases and to improve survival rates from cardiovascular disease;

Whereas Congress, by Joint Resolution approved on December 30, 1963, requested that the President issue an annual proclamation designating February as ''American Heart Month'';

Whereas the National Heart, Lung, and Blood Institute of the National Institutes of Health, the American Heart Association, and many other organizations celebrate ''National Wear Red Day'' during February by ''going red'' to increase awareness about heart disease as the leading killer of women; and

Whereas every year since 1964 the President has issued a proclamation designating the month of February as ''American Heart Month'': Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals and ideals of ''American Heart Month'' and ''National Wear Red Day'';

(2) commends the efforts of States, territories and possessions of the United States, localities, nonprofit organizations, businesses, and other entities, and the people of

the United States who support ''American Heart Month'' and ''National Wear Red Day'';

(3) recognizes and reaffirms our commitment to fighting heart disease and stroke by promoting awareness about its causes, risks, and prevention, supporting research, and expanding access to medical treatment; and

(4) encourages each and every American to learn about their own personal risk for heart disease.

The SPEAKER pro tempore, Mr. HODES, recognized Mrs. CAPPS and Mrs. MYRICK, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. HODES, announced that two-thirds of the Members present had voted in the affirmative.

Mrs. MYRICK demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. HODES, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶14.36 VICTIMS OF TORNADOS

Mr. COHEN moved to suspend the rules and agree to the following resolution (H. Res. 971):

Whereas on the evening of Tuesday, February 5th, 2008, more than 100 tornados devastated communities in Alabama, Arkansas, Kentucky, Mississippi, and Tennessee;

Whereas more than 50 lives were lost in the deadliest tornado outbreak in the United States in more than 20 years;

Whereas more than a thousand homes, schools, and businesses were destroyed and tens of thousands of residents of the Mississippi Valley have been left without power;

Whereas the effect of the storms on Mississippi Valley families and businesses is still being felt;

Whereas hundreds of volunteers took time from their daily lives to help ensure that the victims of the storm are sheltered, clothed, fed, and emotionally comforted through this traumatic event;

Whereas the Federal Emergency Management Agency, first responders, the National Guard, and additional emergency personnel have coordinated with local authorities and firefighters and have performed beyond the call of duty in the preservation and protection of human lives; and

Whereas the strength, courage, and determination of the citizens of the Mississippi Valley have been evident following the tornados: Now, therefore, be it

Resolved, That the House of Representatives—

(1) expresses its deepest sympathies to the citizens of the States hit by the storms over the devastation caused by the powerful tornados that struck their communities on February 5th, 2008;

(2) expresses its appreciation to the Federal Emergency Management Agency, first responders, and the others involved in the relief effort for their valiant service to those affected by the storms; and

(3) expresses its support as the citizens of these communities continue their efforts to rebuild their community and their lives.

The SPEAKER pro tempore, Mr. HODES, recognized Mr. COHEN and Ms. FALLIN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. WALZ of Minnesota, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶14.37 MESSAGE FROM THE PRESIDENT—NATIONAL EMERGENCY WITH RESPECT TO SYRIA

The SPEAKER pro tempore, Mr. WALZ of Minnesota, laid before the House a message from the President, which was read as follows:

To the Congress of the United States:

Pursuant to the International Emergency Economic Powers Act, as amended (50 U.S.C. 1701 et seq.) (IEEPA), I hereby report that I have issued an Executive Order taking additional steps with respect to the Government of Syria's continued engagement in certain conduct that formed the basis for the national emergency declared in Executive Order 13338 of May 11, 2004, including but not limited to its efforts to undermine the stabilization and reconstruction of Iraq.

This order will block the property and interests in property of persons determined by the Secretary of the Treasury, after consultation with the Secretary of State, to be responsible for, to have engaged in, to have facilitated, or to have secured improper advantage as a result of, public corruption by senior officials within the Government of Syria. The order also revises a provision in Executive Order 13338 to block the property and interests in property of persons determined by the Secretary of the Treasury, after consultation with the Secretary of State, to be responsible for or otherwise significantly contributing to actions or decisions of the Government of Syria that have the purpose or effect of undermining efforts to stabilize Iraq or of allowing the use of Syrian territory or facilities to undermine efforts to stabilize Iraq.

I delegated to the Secretary of the Treasury the authority to take such actions, after consultation with the Secretary of State, including the promulgation of rules and regulations, and to employ all powers granted to the President by IEEPA as may be necessary to carry out the purposes of my order.

I wish to emphasize, as well, my ongoing concern over the destabilizing role Syria continues to play in Lebanon, including its efforts to obstruct, through intimidation and violence, Lebanon's democratic processes.

I am enclosing a copy of the Executive Order I have issued.

GEORGE W. BUSH.

THE WHITE HOUSE, *February 13, 2008.*

By unanimous consent, the message, together with the accompanying papers, was referred to the Committee on Foreign Affairs and ordered to be printed (H. Doc. 110–95).

¶14.38 PROVIDING FOR CONSIDERATION OF H. RES. 979

Mr. MCGOVERN, by direction of the Committee on Rules, reported (Rept. No. 110–526) the resolution (H. Res. 982) providing for the adoption of the resolution (H. Res. 979) recommending that the House of Representatives find Harriet Miers and Joshua Bolten, Chief of Staff, White House, in contempt of Congress for refusal to comply with subpoenas duly issued by the Committee on the Judiciary and for the adoption of the resolution (H. Res. 980) authorizing the Committee on the Judiciary to initiate or intervene in judicial proceedings to enforce certain subpoenas.

When said resolution and report were referred to the House Calendar and ordered printed.

¶14.39 WAIVING A REQUIREMENT OF CLAUSE 6(A) OF RULE XIII

Mr. MCGOVERN, by direction of the Committee on Rules, reported (Rept. No. 110–527) the resolution (H. Res. 983) waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules and providing for consideration of motions to suspend the rules.

When said resolution and report were referred to the House Calendar and ordered printed.

¶14.40 BILL PRESENTED TO THE PRESIDENT

Lorraine C. Miller, Clerk of the House reported that on February 12, 2008 she presented to the President of the United States, for his approval, the following bill.

H.R. 3541. An Act tuo amend the 'Do-not-call' Implementation Act to eliminate the automatic removal of telephone numbers registered on the Federal 'do-not-call' registry.

¶14.41 LEAVES OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. ORTIZ for today.

And then,

¶14.42 ADJOURNMENT

On motion of Mr. MEEK of Florida, at 9 o'clock p.m., the House adjourned.

¶14.43 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

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

Ms. SLAUGHTER: Committee on rules. House Resolution 982. Resolution providing for the adoption of the resolution (H. Res. 979) recommending that the House of Representatives find Harriet Miers and Joshua

Bolten, Chief of Staff, White House, in contempt of Congress for refusal to comply with subpoenas duly issued by the Committee on the Judiciary and for the adoption of the resolution (H. Res. 980) authorizing the Committee on the Judiciary to initiate or intervene in judicial proceedings to enforce certain subpoenas (Rept. 110–526). Referred to the House Calendar.

Mr. ARCURI: Committee on Rules. House Resolution 983. Resolution waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules and providing for consideration of motions to suspend the rules (Rept. 110–527). Referred to the House Calendar.

¶14.44 PUBLIC BILLS AND RESOLUTIONS

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

By Mr. FRANK of Massachusetts (for himself, Mr. YOUNG of Alaska, Mr. TIERNEY, Mr. GILCHREST, Mr. DELAHUNT, Mr. KENNEDY, and Mr. ALLEN):

H.R. 5404. A bill to amend the Public Health Service Act to establish a Federal grant program to provide increased health care coverage to and access for uninsured and underinsured workers and families in the commercial fishing industry, and for other purposes; to the Committee on Energy and Commerce.

By Mr. KIRK (for himself and Mr. ROSKAM):

H.R. 5405. A bill to protect seniors from identity theft and strengthen our national security by providing for the issuance of a secure Social Security card; to the Committee on Ways and Means.

By Mr. SULLIVAN:

H.R. 5406. A bill to suspend temporarily the duty on over-the-range microwaves; to the Committee on Ways and Means.

By Mr. ACKERMAN:

H.R. 5407. A bill to suspend temporarily the duty on certain wooden wall plates; to the Committee on Ways and Means.

By Mr. BISHOP of Georgia:

H.R. 5408. A bill to extend the temporary suspension of duty on Paraquat dichloride (1,1'dimethyl-4,4'-bipyridinium dichloride); to the Committee on Ways and Means.

By Mr. BISHOP of Georgia:

H.R. 5409. A bill to extend the temporary suspension of duty on 4-(trifluoromethyl)-benzaldehyde; to the Committee on Ways and Means.

By Mr. BISHOP of Georgia:

H.R. 5410. A bill to extend the temporary suspension of duty on 3-oxido-5-oxo-4-propionylcyclohex-3-enecarboxylic acid calcium salt; to the Committee on Ways and Means.

By Mr. BISHOP of Georgia:

H.R. 5411. A bill to extend the temporary suspension of duty on Methyl (E)-methoxyimino-2(2-o-tolyloxymethyl) phenyl) acetate (kresoxim methyl); to the Committee on Ways and Means.

By Mr. BISHOP of Georgia:

H.R. 5412. A bill to suspend temporarily the duty on 4-[3-(4-chlorophenyl)-3-(3,4-dimethoxyphenyl)-1-oxo-2-propen yl]morpholine; to the Committee on Ways and Means.

By Mr. ETHERIDGE:

H.R. 5413. A bill to suspend temporarily the duty on Thionyl chloride; to the Committee on Ways and Means.

By Mr. ETHERIDGE:

H.R. 5414. A bill to suspend temporarily the duty on Phosphorus Thiochloride; to the Committee on Ways and Means.

By Mr. ETHERIDGE:

H.R. 5415. A bill to suspend temporarily the duty on Sodium Methylate; to the Committee on Ways and Means.

By Mr. ETHERIDGE:

H.R. 5416. A bill to suspend temporarily the duty on Spiroxamine; to the Committee on Ways and Means.

By Mr. ETHERIDGE:

H.R. 5417. A bill to extend the temporary suspension of duty on Permethrin; to the Committee on Ways and Means.

By Mr. ETHERIDGE:

H.R. 5418. A bill to extend the temporary suspension of duty on 2-Chloro benzyl chloride; to the Committee on Ways and Means.

By Mr. ETHERIDGE:

H.R. 5419. A bill to suspend temporarily the duty on product mixtures containing Imidacloprid: 1-(6-Chloro-3-pyridinyl)methyl-N-nitroimidazolidin-2-ylidene amine Z9: (9Z)-9-Tricosene; to the Committee on Ways and Means.

By Mr. ETHERIDGE:

H.R. 5420. A bill to extend the temporary suspension of duty on Resmethrin; to the Committee on Ways and Means.

By Mr. ETHERIDGE:

H.R. 5421. A bill to extend the temporary suspension of duty on N-3[3-(1-methylethoxy)phenyl]-2-(trifluoromethyl)benzamide; to the Committee on Ways and Means.

By Mr. ETHERIDGE:

H.R. 5422. A bill to extend the temporary suspension of duty on mixtures containing methyl 2-(4,5-dihydro-4-methyl-5-oxo-3-propoxy-1H-1,2,4-triazol-1-yl)carboxamidosulfonylbenzoate; sodium (4,5-dihydro-4-methyl-5-oxo-3-propoxy-1H-1,2,4-triazol-1-ylcarbonyl)(2-methoxycarbonylphenylsulfonyl)azanide & methyl 4-iodo-2-[3-(4-methoxy-6-methy; to the Committee on Ways and Means.

By Mr. FERGUSON:

H.R. 5423. A bill to extend and modify the suspension of duty on polyisobutylene; to the Committee on Ways and Means.

By Ms. NORTON:

H.R. 5424. A bill to prohibit the charging of any fee for admission to any permanent exhibit in any museum or facility of the Smithsonian Institution; to the Committee on House Administration.

By Mr. PALLONE (for himself, Mr. FRANK of Massachusetts, Mr. JONES of North Carolina, Mr. KENNEDY, Mr. LOBIONDO, Mr. ANDREWS, Mr. BROWN of South Carolina, and Mr. LAMPSON):

H.R. 5425. A bill to amend the Magnuson-Stevens Fishery Conservation and Management Act to extend the authorized time period for rebuilding of certain overfished fisheries, and for other purposes; to the Committee on Natural Resources.

By Mr. PASCRELL (for himself and Mr. LEWIS of Kentucky):

H.R. 5426. A bill to amend title XVIII of the Social Security Act to increase the per resident payment floor for direct graduate medical education payments under the Medicare Program; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PAUL:

H.R. 5427. A bill to provide that no tax or fee may be imposed on certain coins and bullion; to the Committee on Ways and Means, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. TAUSCHER:

H.R. 5428. A bill to direct the Commandant of the Coast Guard to issue regulations requiring pilots of certain vessels to carry and utilize a portable electronic device equipped for navigational purposes, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. YOUNG of Alaska:

H.R. 5429. A bill to amend the Marine Mammal Protection Act of 1972 to authorize appropriations for marine mammal cooperative management agreements in Alaska, and for other purposes; to the Committee on Natural Resources.

By Mr. ELLISON:

H.R. 5430. A bill to suspend temporarily the duty on certain porous hollow fibers; to the Committee on Ways and Means.

By Mr. ELLISON:

H.R. 5431. A bill to suspend temporarily the duty on certain cellular plastic sheets for use in filters; to the Committee on Ways and Means.

By Mr. ELLISON:

H.R. 5432. A bill to suspend temporarily the duty on certain plastic mesh for use in filters; to the Committee on Ways and Means.

By Mr. ELLISON:

H.R. 5433. A bill to suspend temporarily the duty on certain plastic fittings; to the Committee on Ways and Means.

By Mr. HENSARLING:

H.R. 5434. A bill to protect innocent Americans from violent crime in national parks; to the Committee on Natural Resources.

By Ms. SOLIS (for herself, Mr. RODRIGUEZ, and Mrs. CAPPS):

H.R. 5435. A bill to address the digital television transition in border states; to the Committee on Energy and Commerce.

By Mr. HOYER:

H. Con. Res. 293. Concurrent resolution providing for an adjournment or recess of the two Houses; considered and agreed to.

By Mr. ABERCROMBIE (for himself, Mr. PAUL, Mr. BRADY of Pennsylvania, and Mrs. DRAKE):

H. Con. Res. 294. Concurrent resolution expressing the sense of Congress that the Secretary of Defense take immediate steps to appoint doctors of chiropractic as commissioned officers in the Armed Forces; to the Committee on Armed Services.

By Mr. BILIRAKIS:

H. Con. Res. 295. Concurrent resolution expressing the deepest appreciation of Congress to the families of members of the United States Armed Forces; to the Committee on Armed Services.

By Mr. BOOZMAN (for himself, Mr. SNYDER, Mr. ROSS, and Mr. BERRY):

H. Con. Res. 296. Concurrent resolution expressing support for the designation of August 2008 as ''National Heat Stroke Awareness Month'' to raise awareness and encourage prevention of heat stroke; to the Committee on Energy and Commerce.

By Mr. CONYERS:

H. Res. 979. A resolution recommending that the House of Representatives find Harriet Miers and Joshua Bolten, Chief of Staff, White House, in contempt of Congress for refusal to comply with subpoenas duly issued by the Committee on the Judiciary; to the Committee on the Judiciary.

By Mr. CONYERS:

H. Res. 980. A resolution authorizing the Committee on the Judiciary to initiate or intervene in judicial procedings to enforce certain subpoenas; to the Committee on Rules.

By Ms. BALDWIN (for herself and Mr. SESSIONS):

H. Res. 981. A resolution recognizing March 6, 2008, as the first-ever World Glaucoma Day, established to increase awareness of glaucoma, which is the second leading cause of preventable blindness in the United States and worldwide; to the Committee on Energy and Commerce.

By Ms. GIFFORDS (for herself, Mr. BURGESS, Mrs. CUBIN, Mr. CUELLAR, Mr. HALL of Texas, Mr. HUNTER, Mr. DANIEL E. LUNGREN of California, Mr.

REHBERG, Mr. RODRIGUEZ, Mr. SALAZAR, Mr. SESSIONS, and Mr. MITCHELL):

H. Res. 984. A resolution expressing support for the designation of July 26, 2008 as ''National Day of the Cowboy''; to the Committee on Oversight and Government Reform.

By Mr. TERRY:

H. Res. 985. A resolution expressing support for the designation of March 7 as National Information and Referral Services Day; to the Committee on Energy and Commerce.

¶14.45 PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII:

Mr. RANGEL introduced a bill (H.R. 5436) for the relief of Kadiatou Diallo, Sankerala Diallo, Ibrahima Diallo, Abdoul Diallo, Mamadou Bobo Diallo, and Mamadou Pathe Diallo; which was referred to the Committee on the Judiciary.

¶14.46 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 82: Mr. CHABOT.
H.R. 136: Mr. GOODE.
H.R. 260: Mr. GOHMERT.
H.R. 303: Mr. COHEN.
H.R. 368: Mr. ALEXANDER and Mr. KELLER.
H.R. 506: Ms. SOLIS.
H.R. 555: Mr. DAVIS of Illinois.
H.R. 618: Mr. RYAN of Wisconsin.
H.R. 643: Mr. KLEIN of Florida.
H.R. 690: Mr. KIND.
H.R. 706: Mr. MCGOVERN, Ms. HARMAN, Mr. MCNERNEY, Mr. COSTA, Ms. ROYBAL-ALLARD, Mrs. BONO Mack, Ms. LORETTA SANCHEZ of California, and Ms. Richardson.
H.R. 715: Mr. NEAL of Massachusetts.
H.R. 849: Mr. GOODE.
H.R. 850: Mr. GOODE.
H.R. 871: Mr. TOWNS.
H.R. 971: Mr. WITTMAN of Virginia.
H.R. 1014: Mr. HOLT.
H.R. 1076: Mr. HALL of Texas.
H.R. 1078: Mr. MARKEY.
H.R. 1306: Mr. ALTMIRE.
H.R. 1359: Mr. BROUN of Georgia.
H.R. 1363: Mr. JOHNSON of Georgia.
H.R. 1436: Mr. SAXTON.
H.R. 1439: Mr. WALDEN of Oregon.
H.R. 1537: Mr. ELLSWORTH.
H.R. 1539: Mr. MARCHANT.
H.R. 1576: Ms. GIFFORDS, Ms. ROS-LEHTINEN, and Ms. ESHOO.
H.R. 1643: Mr. GALLEGLY.
H.R. 1644: Mr. RAHALL and Mr. HERSETH SANDLIN.
H.R. 1653: Ms. DELAURO and Mr. JOHNSON of Georgia.
H.R. 1665: Ms. SHEA-PORTER.
H.R. 1767: Mr. AKIN and Mr. GRAVES.
H.R. 1783: Mr. MARKEY and Mr. ROSS.
H.R. 1890: Mr. ROSS and Mr. GENE GREEN of Texas.
H.R. 2040: Mr. LEWIS of Kentucky, Mrs. BLACKBURN, Mr. RYAN of Wisconsin, Mrs. BONO MACK, Mr. EHLERS, Mr. PEARCE, Mr. DEAL of Georgia, Mr. WELDON of Florida, Mr. STEARNS, Mr. FOSSELLA, Mr. ROHRABACHER, Mr. DANIEL E. LUNGREN of California, Mrs. BACHMANN, Mr. GOODLATTE, Mr. BOUSTANY, Mr. ALEXANDER, Mr. CRENSHAW, Mr. YOUNG of Florida, Mr. EVERETT, and Mrs. DAVIS of California.
H.R. 2091: Mr. SOUDER, Mr. CAMP of Michigan, and Mr. SCOTT of Georgia.
H.R. 2131: Mr. FERGUSON.
H.R. 2232: Mr. DOYLE.
H.R. 2303: Mr. MAHONEY of Florida, Mr. MACK, Mr. EDWARDS, Mr. BROWN of South Carolina, and Mr. HONDA.
H.R. 2325: Mr. NEUGEBAUER.
H.R. 2392: Ms. SUTTON.
H.R. 2458: Ms. GIFFORDS.
H.R. 2503: Ms. DEGETTE.
H.R. 2564: Mr. FEENEY.
H.R. 2593: Ms. ESHOO.
H.R. 2702: Mr. BARTLETT of Maryland.
H.R. 2708: Ms. HIRONO.
H.R. 2744: Ms. RICHARDSON, Mr. MCINTYRE, and Mrs. BIGGERT.
H.R. 2820: Mr. MEEK of Florida.
H.R. 2923: Mr. YOUNG of Florida.
H.R. 2991: Ms. HARMAN, Mr. BOSWELL, Ms. SCHAKOWSKY, Mr. PASCRELL, and Mr. SALAZAR.
H.R. 3005: Mr. THOMPSON of Mississippi, Ms. CORRINE BROWN of Florida, Mr. BUTTERFIELD, Mr. SCOTT of Virginia, Mr. LEWIS of Georgia, Ms. JACKSON-LEE of Texas, Mr. MEEKS of New York, Mr. BISHOP of Georgia, and Mr. MEEK of Florida.
H.R. 3008: Mr. FILNER.
H.R. 3014: Mr. BLUMENAUER.
H.R. 3049: Mr. JONES of North Carolina.
H.R. 3088: Mrs. DRAKE.
H.R. 3197: Mr. COURTNEY.
H.R. 3282: Mr. YOUNG of Florida and Mr. SHAYS.
H.R. 3303: Mr. PETRI.
H.R. 3453: Mr. WALZ of Minnesota, Mr. FRANK of Massachusetts, and Mrs. DAVIS of California.
H.R. 3457: Mr. SENSENBRENNER.
H.R. 3563: Mr. CLAY.
H.R. 3616: Mr. WILSON of Ohio.
H.R. 3642: Mr. SCOTT of Virginia.
H.R. 3652: Mr. WATT.
H.R. 3654: Mrs. MYRICK, Mr. PITTS, and Mr. WITTMAN of Virginia.
H.R. 3674: Mr. SHAYS and Mr. COURTNEY.
H.R. 3697: Mr. CUELLAR and Mr. HILL.
H.R. 3822: Mr. WALZ of Minnesota.
H.R. 3980: Mr. FARR.
H.R. 4008: Ms. MCCOLLUM of Minnesota, Mr. SESSIONS, Mr. KUHL of New York, Mrs. TAUSCHER, Mr. SIRES, Mr. ARCURI, Mr. MARCHANT, and Mr. ACKERMAN.
H.R. 4061: Mr. CAMPBELL of California and Mr. BAIRD.
H.R. 4091: Mr. RYAN of Ohio.
H.R. 4099: Mr. NUNES.
H.R. 4105: Ms. WASSERMAN SCHULTZ and Mr. WELDON of Florida.
H.R. 4116: Mr. WALBERG, Mr. WHITFIELD of Kentucky, Mr. LOBIONDO, and Mr. PASTOR.
H.R. 4129: Ms. SCHAKOWSKY.
H.R. 4173: Mr. MURPHY of Connecticut and Mr. MCDERMOTT.
H.R. 4188: Mr. GONZALEZ.
H.R. 4196: Mr. GRIJALVA.
H.R. 4296: Mrs. GILLIBRAND.
H.R. 4355: Mr. MCCARTHY of California and Mr. ARCURI.
H.R. 4449: Mr. HOLT.
H.R. 4450: Mr. SCOTT of Virginia and Mr. COHEN.
H.R. 4611: Ms. ESHOO.
H.R. 4749: Mr. SALI.
H.R. 4838: Mr. BLUMENAUER and Ms. MCCOLLUM of Minnesota.
H.R. 4852: Ms. FOXX, Mr. GARRETT of New Jersey, Mr. BROUN of Georgia, Mr. ALEXANDER, and Mr. DONNELLY.
H.R. 4935: Mr. SESSIONS, Mr. WELDON of Florida, and Mr. ALTMIRE.
H.R. 5056: Mr. BLUMENAUER.
H.R. 5058: Mr. GRIJALVA.
H.R. 5109: Mr. WITTMAN of Virginia, Mr. CHABOT, Mr. BOOZMAN, and Mr. ROYCE.
H.R. 5152: Mr. GALLEGLY and Mr. SHIMKUS.
H.R. 5161: Mr. GINGREY.
H.R. 5173: Ms. HOOLEY.
H.R. 5178: Ms. BERKLEY and Mr. COHEN.
H.R. 5179: Mr. HINCHEY and Mr. PASTOR.
H.R. 5232: Mrs. BLACKBURN, Mrs. DRAKE, and Mr. CULBERSON.
H.R. 5233: Mrs. MYRICK.
H.R. 5236: Mr. SHULER and Mr. BERRY.
H.R. 5244: Mr. ACKERMAN, Mr. MCGOVERN, Mr. HALL of New York, Mr. FILNER, Mr. MCNULTY, Mr. GRIJALVA, Mr. PAYNE, Mr. MCDERMOTT, and Mr. REYES.
H.R. 5268: Mrs. MCCARTHY of New York.
H.R. 5400: Ms. PRYCE of Ohio, Mrs. SCHMIDT, Mr. REGULA, and Mr. SPACE.
H.J. Res. 1: Mr. LAMBORN.
H.J. Res. 12: Mr. RAHALL.
H.J. Res. 67: Mr. KING of Iowa and Mr. BARTLETT of Maryland.
H. Con. Res. 223: Ms. BORDALLO and Mr. DAVIS of Illinois.
H. Con. Res. 244: Mr. BAIRD and Mr. CAPUANO.
H. Con. Res. 263: Mr. UPTON.
H. Con. Res. 285: Mr. COSTELLO and Mr. PATRICK MURPHY of Pennsylvania.
H. Con. Res. 289: Mr. BACA, Mr. BUTTERFIELD, and Mr. HONDA.
H. Res. 49: Mr. GENE GREEN of Texas.
H. Res. 259: Mr. SCHIFF, and Mr. KILDEE.
H. Res. 543: Mr. WOLF.
H. Res. 711: Mr. MCGOVERN.
H. Res. 753: Mr. PETERSON of Pennsylvania.
H. Res. 820: Mr. GRIJALVA.
H. Res. 892: Mr. WHITFIELD of Kentucky, Mr. ANDREWS, Mr. BARROW, Mr. MARSHALL, Mr. MELANCON, Mr. BERRY, Ms. MATSUI, Mr. HOBSON, Mr. LARSEN of Washington, Mr. COOPER, Mr. SHULER, Mr. SPACE, Mr. PATRICK MURPHY of Pennsylvania, Mr. CARNEY, Mr. SESTAK, Mr. PALLONE, Mr. SIRES, Mr. BOUSTANY, Ms. HIRONO, Mrs. GILLIBRAND, Mr. SALAZAR, Mr. GRIJALVA, Mr. KLEIN of Florida, Mr. COURTNEY, Ms. ESHOO, Ms. KAPTUR, Ms. SUTTON, Mr. VAN HOLLEN, Mr. ISRAEL, Mr. HILL, Mr. LINCOLN DAVIS of Tennessee, Mrs. JONES of Ohio, Mr. MATHESON, Mr. GONZALEZ, Mr. HARE, Ms. RICHARDSON, Mr. MURPHY of Pennsylvania, Mr. KAGEN, Mr. JORDAN, Mr. MITCHELL, Mr. GOODE, Mr. RODRIGUEZ, Mr. LOEBSACK, Ms. CASTOR, Mr. HODES, Mr. ELLSWORTH, Mr. ROSS, Mr. TANNER, Ms. BALDWIN, Mr. COSTELLO, Ms. WASSERMAN SCHULTZ, Mr. DONNELLY, Mr. ARCURI, Mr. RYAN of Ohio, Mr. SCOTT of Virginia, and Mr. TIM WILSON of South Carolina.
H. Res. 924: Mr. ARCURI.
H. Res. 937: Mr. DONNELLY, Mr. PASTOR, and Mr. GOODE.
H. Res. 945: Mr. SCOTT of Georgia.
H. Res. 951: Mr. BONNER, Mr. CARTER, Mr. DAVIS of Kentucky, Mr. GOODE, Mr. HELLER, Mr. JORDAN, Mrs. MALONEY of New York, Mr. PEARCE, Mr. MAHONEY of Florida, Mr. SALI, Mr. WILSON of South Carolina, and Mr. YOUNG of Florida.
H. Res. 953: Mr. LATOURETTE, Mrs. MYRICK, Mr. YOUNG of Florida, and Mr. SAXTON.
H. Res. 958: Mr. WITTMAN of Virginia, Mr. AKIN, Mr. BLUNT, Mr. PENCE, Mr. GOODE, Mr. MARCHANT, Mr. GINGREY, Mrs. BACHMANN, Mr. HERGER, Mr. YOUNG of Florida, and Mr. GARRETT of New Jersey.
H. Res. 959: Mr. PITTS, Mr. MARCHANT, Mr. WALBERG, Mr. SAM JOHNSON of Texas, Mrs. MYRICK, Mr. KLINE of Minnesota, Mr. FRANKS of Arizona, Mr. CHABOT, Mr. CONAWAY, Mr. PRICE of Georgia, Mr. BILBRAY, Mr. KING of Iowa, Mr. LAMBORN, Mr. BARRETT of South Carolina, Mr. CAMPBELL of California, Mr. DAVID DAVIS of Tennessee, Mr. BRADY of Texas, Mr. HERGER, Mrs. BLACKBURN, Mr. GINGREY, and Mrs. BACHMANN.
H. Res. 962: Ms. MATSUI, Mr. BERMAN, and Mr. COSTA.
H. Res. 968: Ms. GIFFORDS, Mr. ISRAEL, Mr. BARTLETT of Maryland, and Mr. ROHRABACHER.
H. Res. 972: Ms. RICHARDSON, Ms. DEGETTE, Ms. TSONGAS, Mr. GORDON, Mr. KANJORSKI, Ms. ESHOO, and Ms. KILPATRICK.
H. Res. 977: Mr. PATRICK MURPHY of Pennsylvania, Mr. CAPUANO, and Mr. KILDEE.
H. Res. 978: Mr. HINOJOSA.

THURSDAY, FEBRUARY 14, 2008 (15)

The House was called to order by the SPEAKER.

¶15.1 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. PALLONE, announced he had examined and approved the Journal of the proceedings of Wednesday, February 13, 2008.

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

¶15.2 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

5352. A letter from the Senior Vice President for Congressional Affairs, Export-Import Bank, transmitting the Bank's FY 2007 annual report for the Sub-Saharan Africa Initiative; to the Committee on Financial Services.

5353. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting the annual report to Congress on the operations of the Export-Import Bank of the United States for Fiscal Year 2007, pursuant to 12 U.S.C. 635g; to the Committee on Financial Services.

5354. A letter from the Acting Director, Office of Management, Federal Housing Finance Board, transmitting the Board's information on its 2008 compensation program, including current base salary structures, pursuant to 12 U.S.C. 1833b; to the Committee on Financial Services.

5355. A letter from the Chairperson, National Council of Disability, transmitting the Council's report entitled, ''The No Child Left Behind Act and the Individuals with Disabilities Education Act: A Progress Report''; to the Committee on Education and Labor.

5356. A letter from the Administrator, Energy Information Administration, Department of Energy, transmitting a copy of the Energy Information Administration's ''Profiles of Foreign Direct Investment in U.S. Energy 2006,'' pursuant to Public Law 95-91, section 205(h); to the Committee on Energy and Commerce.

5357. A letter from the Director, Office of Civilian Radioactive Waste Management, Department of Energy, transmitting the 2006 Annual Report on the activities and expenditures of the Office of Civilian Radioactive Waste Management system, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Energy and Commerce.

5358. A letter from the Secretary, Department of Commerce, transmitting the Department's Performance and Accountability Report for Fiscal Year 2007; to the Committee on Oversight and Government Reform.

5359. A letter from the Secretary, Department of Energy, transmitting the Department's Fiscal Year 2007 Agency Financial Report; to the Committee on Oversight and Government Reform.

5360. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's Annual Report for 2007 on the Implementation of the Federal Financial Assistance Management Improvement Act of 1999, pursuant to Public Law 106-107, section 5(d); to the Committee on Oversight and Government Reform.

5361. A letter from the Director, Office of Management and Budget, transmitting the Office's annual report for fiscal year 2007, in accordance with Section 203(a) of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act), Public Law 107-174; to the Committee on Oversight and Government Reform.

5362. A letter from the Secretary of the Board of Governors, U.S. Postal Service, transmitting the Service's Report, as required by Section 3686(c) of the Postal Accountability and Enhancement Act of 2006; to the Committee on Oversight and Government Reform.

5363. A letter from the Principal Deputy Assistant Attorney General, Department of Justice, transmitting the Department's report detailing the progress and the status of compliance with privatization requirements, pursuant to Public Law 105-33, section 11201(c) (111 Stat. 734); to the Committee on the Judiciary.

5364. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of Presidential Determination No. 2008-9, Waiver of Section 1083 of the National Defense Authorization Act for Fiscal Year 2008; to the Committee on the Judiciary.

5365. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's final rule — Visas: Documentation of Nonimmigrants Under the Immigration and Nationality Act — January 25, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

5366. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Pottsville, PA. [Docket No. FAA-2005-22490; Airspace Docket No. 05-AEA-018] received February 5, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5367. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Philipsburg, PA. [Docket No. FAA-2005-22493; Airspace Docket No. 05-AEA-021] received February 5, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5368. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Fort Scott, KS. [Docket No. FAA-2007-28771; Airspace Docket No. 07-ACE-8] received February 5, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5369. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Lee's Summit, MO. [Docket No. FAA-2007-28776; Airspace Docket No. 07-ACE-10] received February 5, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5370. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; St. Marys, PA. [Docket No. FAA-2005-22492; Airspace Docket No. 05-AEA-020] received February 5, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5371. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Tappahannock, VA. [Docket No. FAA-2007-29264; Airspace Docket No. 07-AEA-04] received February 5, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5372. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Muncy, PA. [Docket No. FAA-2007-0023; Airspace Docket No. 07-AEA-08] received February 5, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5373. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Hailey, ID [Docket FAA No. FAA-2007-27911; Airspace Docket No. 07-ANM-8] received February 5, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5374. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Williamsport, PA. [Docket No. FAA-2005-22491; Airspace Docket No. 05-AEA-019] received February 5, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5375. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment to Class E Airspace; Du Bois, PA [Docket No. FAA-2005-22489; Airspace Docket No. 05-AEA-017] received February 5, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5376. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Aguadilla, PR [Docket No. FAA-2007-29086; Airspace Docket No. 07-ASO-22] received February 5, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5377. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No. 30585; Amdt. No. 3249] received February 5, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5378. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 777 Airplanes [Docket No. FAA-2007-27619; Directorate Identifier 2005-NM-164-AD; Amendment 39-15257; AD 2007-23-11] (RIN: 2120-AA64) received February 5, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5379. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 767-200, -300, and -300F Series Airplanes [Docket No. FAA-2007-28376; Directorate Identifier 2007-NM-108-AD; Amendment 39-15255; AD 2007-23-09] (RIN: 2120-AA64) received February 5, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5380. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Cessna Model 560 Airplanes [Docket No. FAA-2007-0190; Directorate Identifier 2007-NM-234-AD; Amendment 39-15259; AD 2007-23-13] (RIN: 2120-AA64) received February 5, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5381. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747-400, 747-400D, and 747-400F Series Airplanes; Model 757-200 Series Airplanes; and Model 767-200, 767-300, and 767-300F Series Airplanes [Docket No. FAA-2007-28380; Directorate Identifier 2007-NM-088-AD; Amendment 39-15254; AD 2007-23-08] (RIN: 2120-AA64) received February 5, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5382. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 707 Airplanes and Model 720 and 720B Series Airplanes [Docket No. FAA-2007-28828; Directorate Identifier 2007-NM-010-AD; Amendment 39-15258; AD 2007-23-12] (RIN: 2120-AA64) received February 5, 2008, pursuant to 5 U.S.C.

801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5383. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A330 Airplanes [Docket No. FAA-2007-0073; Directorate Identifier 2007-NM-229-AD; Amendment 39-15240; AD 2007-22-04] (RIN: 2120-AA64) received February 5, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5384. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; EADS SOCATA Model TBM 700 Airplanes [Docket No. FAA-2007-0158; Directorate Identifier 2007-CE-081-AD; Amendment 39-15253; AD 2007-23-07] (RIN: 2120-AA64) received February 5, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5385. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; CTRM Aviation Sdn. Bhd. (Formerly Eagle Aircraft (Malaysia) Sdn. Bhd.) Model Eagle 150B Airplanes [Docket No. FAA-2007-28957 Directorate Identifier 2007-CE-069-AD; Amendment 39-15252; AD 2007-23-06] (RIN: 2120-AA64) received February 5, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5386. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Goodrich Evacuation Systems Approved Under Technical Standard Order (TSO) TSO-C69b and Installed on Airbus Model A330-200 and -300 Series Airplanes, Model A340-200 and -300 Series Airplanes, and Model A340-541 and -642 Airplanes [Docket No. FAA-2007-28882; Directorate Identifier 2007-NM-035-AD; Amendment 39-15247; AD 2007-23-01] (RIN: 2120-AA64) received February 5, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5387. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A330-200, A330-300, A340-200, A340-300, A340-500, and A340-600 Series Airplanes [Docket No. FAA-2007-0076; Directorate Identifier 2007-NM-241-AD; Amendment 39-15246; AD 2007-22-10] (RIN: 2120-AA64) received February 5, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5388. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A330 Airplanes [Docket No. FAA-2007-0073; Directorate Identifier 2007-NM-229-AD; Amendment 39-15240; AD 2007-22-04] (RIN: 2120-AA64) received February 5, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5389. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A300 Series Airplanes [Docket No. FAA-2007-27927; Directorate Identifier 2006-NM-182-AD; Amendment 39-15239; AD 2007-22-03] (RIN: 2120-AA64) received February 5, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5390. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 757-200, -200PF, and -200CB Series Airplanes [Docket No. FAA-2007-27560; Directorate Identifier 2006-NM-211-AD; Amendment 39-15198; AD 2007-19-07] (RIN: 2120-AA64) received February 5, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5391. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A300-600 Series Airplanes [Docket No. FAA-2007-28853; Directorate Identifier 2006-NM-218-AD; Amendment 39-15241; AD 2007-22-05] (RIN: 2120-AA64) received February 5, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5392. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Fokker Model F.28 Mark 0070 and 0100 Airplanes [Docket No. FAA-2007-28923; Directorate Identifier 2007-NM-133-AD; Amendment 39-15242; AD 2007-22-06] (RIN: 2120-AA64) received February 5, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5393. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Hazardous Materials; Miscellaneous Amendments [Docket No. PHMSA-05-21812 (HM-218D)] (RIN: 2137-AE10) received February 5, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5394. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No. 30576 ; Amdt. No. 3241] received February 5, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5395. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No. 30578 ; Amdt. No. 3243] received February 5, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5396. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30579; Amdt. No. 3244] received February 5, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5397. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Rolls-Royce plc (RR) RB211 Trent 768-60, 772-60, 772B-60, and 772C-60 Turbofan Engines [Docket No. FAA-2007-28976; Directorate Identifier 2007-NE-28-AD; Amendment 39-15244; AD 2007-22-08] (RIN: 2120-AA64) received February 5, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5398. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bell Helicopter Textron, Inc. Model 205A, 205A-1, 205B, 212, 412, 412CF, and 412EP Helicopters [Docket No. FAA-2007-27496; Directorate Identifier 2005-SW-37-AD; Amendment 39-15238; AD 2007-22-02] (RIN: 2120-AA64) received February 5, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5399. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bell Helicopter Textron Canada Model 206A and 206B Series Helicopters [Docket No. FAA-2007-0055; Directorate Identifier 2007-SW-12-AD; Amendment 39-15237; AD 2007-22-01] (RIN: 2120-AA64) received February 5, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

¶15.3 APPOINTMENT OF SPEAKER PRO TEMPORE TO SIGN ENROLLMENTS

The SPEAKER pro tempore, Mr. PALLONE, laid before the House a communication, which was read as follows:

WASHINGTON, DC,
February 14, 2008.

I hereby appoint the Honorable STENY H. HOYER and the Honorable CHRIS VAN HOLLEN to act as Speaker pro tempore to sign enrolled bills and joint resolutions through February 25, 2008.

NANCY PELOSI,
Speaker of the House of Representatives.

By unanimous consent, the appointments were approved.

¶15.4 RECESS—10:18 A.M.

The SPEAKER pro tempore, Mr. PALLONE, pursuant to clause 12(a) of rule I, declared the House in recess at 10 o'clock and 18 minutes a.m., subject to the call of the Chair.

¶15.5 AFTER RECESS—11:05 A.M.

The SPEAKER pro tempore, Mrs. TAUSCHER, called the House to order.

¶15.6 MOTION TO ADJOURN

Mr. Lincoln DIAZ-BALART of Florida, moved that the House do now adjourn.

The question being put, viva voce,

Will the House now adjourn?

The SPEAKER pro tempore, Mrs. TAUSCHER, announced that the nays had it.

DNMMr. Lincoln DIAZ-BALART of Florida, objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 6, rule XX, and the call was taken by electronic device.

When there appeared { Yeas ..... 2 / Nays 390

¶15.7 [Roll No. 58]

YEAS—2

Barton (TX)	Johnson (IL)

NAYS—390

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

DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doggett
Donnelly
Doolittle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jefferson
Johnson (GA)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lungren, Daniel E.
Lynch
Mack
Maloney (NY)
Manzullo
Marchant
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (WI)
Moran (KS)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Perlmutter
Peterson (MN)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Rush
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shea-Porter
Sherman
Shuler
Shuster
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—36

Ackerman
Berkley
Brown, Corrine
Cardoza
Davis (IL)
Dingell
Doyle
Engel
Garrett (NJ)
Honda
Jackson-Lee (TX)
Jones (OH)
Lowey
Lucas
Mahoney (FL)
Markey
Moore (KS)
Moran (VA)
Pence
Peterson (PA)
Rangel
Renzi
Rohrabacher
Ruppersberger
Ryan (OH)
Sestak
Shays
Shimkus
Simpson
Solis
Tierney
Towns
Watson
Wilson (NM)
Wittman (VA)
Wynn

So the motion to adjourn was not agreed to.

¶15.8 MESSAGE FROM THE SENATE

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

H.R. 5270. An Act to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, and for other purposes.

The message also announced that pursuant to section 5 of title I of division H of Public Law 110–161, the Chair, on behalf of the Vice President, appoints the following Senator as Chairman of the U.S.-Japan Interparliamentary Group conference for the One Hundred Tenth Congress: the Senator from Alaska [Mr. STEVENS].

¶15.9 PROVIDING FOR THE ADOPTION OF H. RES. 979 AND H. RES. 980

Ms. SLAUGHTER, by direction of the Committee on Rules, called up the following resolution (H. Res. 982):

Resolved, That House Resolution 979 and House Resolution 980 are hereby adopted.

When said resolution was considered. After debate,

¶15.10 MOTION TO ADJOURN

Mr. Lincoln DIAZ-BALART of Florida, moved that the House do now adjourn.

The question being put, viva voce,

Will the House now adjourn?

The SPEAKER pro tempore, Mrs. TAUSCHER, announced that the nays had it.

Mr. Lincoln DIAZ-BALART of Florida, objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 6, rule XX, and the call was taken by electronic device.

When there appeared { Yeas ..... 2 / Nays 400

¶15.11 [Roll No. 59]

YEAS—2

Johnson (IL)
Young (AK)

NAYS—400

Abercrombie
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Hooley
Hoyer
Hulshof
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney (NY)
Manzullo
Marchant
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.

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

NOT VOTING—26

Ackerman
Brown, Corrine
Costa
DeGette
Dicks
Edwards
Engel
English (PA)
Frelinghuysen
Green, Gene
Hill
Hinchey
Honda
Hunter
Jones (OH)
Kilpatrick
Lowey
Mahoney (FL)
Markey
Peterson (PA)
Renzi
Ruppersberger
Solis
Tierney
Towns
Young (FL)

So the motion to adjourn was not agreed to.

After further debate,

Ms. SLAUGHTER moved the previous question on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House now order the previous question?

The SPEAKER pro tempore, Mrs. TAUSCHER, announced that the yeas had it.

So the previous question on the resolution was ordered.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mrs. TAUSCHER, announced that the yeas had it.

Mr. Lincoln DIAZ-BALART of Florida demanded a recorded vote on agreeing to said resolution, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 223; Nays ..... 32; Answered present 1

¶15.12 [Roll No. 60]

AYES—223

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

NOES—32

Aderholt
Brown (SC)
Burton (IN)
Camp (MI)
Conaway
Cubin
Cuellar
Davis, David
Davis, Tom
Duncan
Ehlers
Fossella
Foxx
Gallegly
Hall (TX)
Hoekstra
Johnson (IL)
King (NY)
Kirk
Kuhl (NY)
LaHood
Latham
LoBiondo
McHugh
Miller, Gary
Moran (KS)
Poe
Ramstad
Sensenbrenner
Simpson
Weller
Wittman (VA)

ANSWERED ''PRESENT''—1

Porter

NOT VOTING—173

Ackerman
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Buyer
Calvert
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Crenshaw
Culberson
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Emerson
Engel
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Honda
Hulshof
Hunter
Inglis (SC)
Issa
Johnson, Sam
Jones (OH)
Jordan
Keller
King (IA)
Kingston
Kline (MN)
Knollenberg
Lamborn
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
Lowey
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Murphy, Tim
Musgrave
Myrick
Neal (MA)
Neugebauer
Nunes
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Price (GA)
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ruppersberger
Ryan (WI)
Sali
Saxton
Schmidt
Sessions
Shadegg
Shays
Shimkus
Shuster
Smith (NE)
Smith (NJ)
Smith (TX)
Solis
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Towns
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

Pursuant to House Resolution 982, H. Res. 979 and H. Res. 980 were considered as agreed to.

¶15.13 H. RES. 966—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mrs. TAUSCHER, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 966) honoring African Americans inventors, past and present, for their leadership, courage, and significant contributions to our national competitiveness.

The question being put,

Will the House suspend the rules and agree to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 387; Nays 0

¶15.14 [Roll No. 61]

YEAS—387

Abercrombie
Aderholt
Akin
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Boozman
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Conaway
Conyers
Cooper

Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lucas
Lungren, Daniel E.
Lynch
Maloney (NY)
Manzullo
Marchant
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Nadler
Napolitano
Neugebauer
Nunes
Oberstar
Obey
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Spratt
Stearns
Stupak
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—41

Ackerman
Alexander
Bachus
Bono Mack
Boustany
Brown, Corrine
Burgess
Capito
Cole (OK)
Deal (GA)
Doolittle
Drake
Emerson
Engel
Feeney
Hayes
Honda
Jones (OH)
King (IA)
LaTourette
Lowey
Mack
Mahoney (FL)
Markey
McCrery
McMorris Rodgers
Myrick
Neal (MA)
Olver
Peterson (MN)
Peterson (PA)
Price (NC)
Reichert
Rogers (KY)
Ruppersberger
Solis
Stark
Sullivan
Towns
Visclosky
Westmoreland

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶15.15 ORDER OF BUSINESS—ON CONSIDERATION OF H.R. 1834

On motion of Mr. BAIRD, by unanimous consent,

Ordered, That the text of the bill (H.R. 1834) to authorize the national ocean exploration program and the national undersea research program within the National Oceanic and Atmospheric Administration, as amended, as proposed to be adopted under suspension of the rules, be modified by the further amendment placed at the desk.

¶15.16 H.R. 1834—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mrs. TAUSCHER, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 1834) to authorize the national ocean exploration program and the national undersea research program within the National Oceanic and Atmospheric Administration; as amended.

The question being put,

Will the House suspend the rules and pass said bill, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 352 Nays 49

¶15.17 [Roll No. 62]

YEAS—352

Abercrombie
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (NY)
Blumenauer
Blunt
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Cannon
Capito
Capps
Cardoza
Carnahan
Carney
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Dreier
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Ferguson
Filner
Forbes
Fortenberry
Fossella
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Giffords
Gilchrest
Gillibrand
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Heller
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Nadler
Napolitano
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Perlmutter
Peterson (MN)
Pickering
Pitts
Platts
Pomeroy
Porter
Price (GA)
Price (NC)
Putnam
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Simpson
Sires
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Tsongas
Turner
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wittman (VA)

Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NAYS—49

Barrett (SC)
Blackburn
Broun (GA)
Campbell (CA)
Cantor
Carter
Conaway
Culberson
Doolittle
Duncan
Flake
Foxx
Franks (AZ)
Garrett (NJ)
Gingrey
Gohmert
Hastings (WA)
Hensarling
Johnson, Sam
Jordan
Kingston
Lamborn
Latta
Manzullo
Marchant
Miller (FL)
Moran (KS)
Myrick
Neugebauer
Nunes
Paul
Pence
Petri
Poe
Radanovich
Royce
Ryan (WI)
Sali
Sensenbrenner
Sessions
Shadegg
Shuster
Stearns
Sullivan
Tancredo
Thornberry
Tiahrt
Walberg
Wilson (SC)

NOT VOTING—27

Ackerman
Bishop (GA)
Bishop (UT)
Boehner
Brown, Corrine
Burgess
Capuano
Conyers
Deal (GA)
Drake
Engel
Feeney
Hayes
Honda
Jones (OH)
Lowey
Miller (NC)
Neal (MA)
Peterson (PA)
Pryce (OH)
Ruppersberger
Slaughter
Solis
Towns
Udall (CO)
Westmoreland
Wynn

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶15.18 S. 2571—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mrs. TAUSCHER, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill of the Senate (S. 2571) to make technical corrections to the Federal Insecticide, Fungicide, and Rodenticide Act.

The question being put,

Will the House suspend the rules and pass said bill?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 400 / Nays 0

¶15.19 [Roll No. 63]

YEAS—400

Abercrombie
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
English (PA)
Etheridge
Everett
Fallin
Farr
Fattah
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Tsongas
Turner
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—28

Ackerman
Bishop (UT)
Brown, Corrine
Burgess
Capuano
Conyers
Deal (GA)
Drake
Engel
Eshoo
Feeney
Granger
Hayes
Hinojosa
Honda
Jones (OH)
Klein (FL)
Lowey
Miller (NC)
Moore (WI)
Neal (MA)
Peterson (PA)
Ruppersberger
Slaughter
Solis
Towns
Udall (CO)
Wynn

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶15.20 H. CON RES. 289—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mrs. TAUSCHER, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the concurrent resolution (H. Con. Res. 289) honoring and praising the National Association for the Advancement of Colored People on the occasion of its 99th anniversary.

The question being put,

Will the House suspend the rules and agree to said concurrent resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 403 / Nays 0

¶15.21 [Roll No. 64]

YEAS—403

Abercrombie
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Cubin
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
English (PA)

Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Tsongas
Turner
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—25

Ackerman
Bishop (UT)
Brown, Corrine
Burgess
Carney
Conyers
Crowley
Cuellar
Deal (GA)
Doolittle
Drake
Engel
Hayes
Honda
Jones (OH)
Lowey
Miller (NC)
Neal (MA)
Peterson (PA)
Ruppersberger
Slaughter
Solis
Towns
Udall (CO)
Wynn

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said concurrent resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said concurrent resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶15.22 QUESTION OF PERSONAL PRIVILEGE

Mr. Lincoln DIAZ-BALART of Florida, rose to a question of personal privilege.

The SPEAKER pro tempore, Mrs. TAUSCHER, pursuant to rule IX, recognized Mr. Lincoln DIAZ-BALART of Florida, for one hour.

''Madam Speaker, it is with great regret, but I must rise today for a question of personal privilege. An article appeared today, Madam Speaker, on the Web site of a publication called The Politico reprinting a statement by a spokesperson for the majority leader of this House describing actions of mine as 'incomprehensible' and 'unjustifiable' and insinuating that I purposely brought disrespect to the House and to the memory of my dear friend and colleague, Congressman Tom Lantos.

''It was not my actions which were incomprehensible or unjustifiable, Madam Speaker, but rather the actions of the majority which deprived all Members of this House the opportunity to debate or even consider or vote on the contempt resolutions brought to the floor today by the majority in an absolutely totally unprecedented fashion.

''The majority knows that the rule we considered earlier is totally and absolutely unprecedented. Its sole purpose was to prevent us from even debating or voting on these contempt resolutions. And further, the majority denied us the opportunity to take up the Foreign Intelligence Surveillance Act amendments passed by the Senate, which we feel very strongly are in the supreme national interest of the United States.

''The majority knew that the minority was strongly of the belief that the only options available to us were procedural votes. The majority knew that we intended to utilize our procedural options to register our displeasure with this uncalled-for process.

''We purposely refrained from all procedural motions during the opening moments of the session today precisely to show respect for our friend and departed colleague.

''We were assured by the majority that we would not begin consideration of the rule, in other words, that the House would not reconvene until 11:30 a.m. or the conclusion of Mr. Lantos' memorial service.

''Tom Lantos, Madam Speaker, was an extraordinary man, a great man, and he was my friend. It was an honor for me to be present today at his memorial service in Statuary Hall. I was suddenly summoned out of the memorial service for my friend Mr. Lantos to perform my responsibilities as a member of the Rules Committee, to manage the rule for the minority side for the contempt resolutions. The majority had decided to resume the session during the memorial service.

''Madam Speaker, I am a member of the minority. Neither I nor my leadership control when the House convenes. What we saw today was an uncalled-for effort by the majority to force the minority to give up our rights to protest a process we feel is blatantly unfair.

''The majority's decision to reconvene the House interrupted the tribute to my good friend Mr. Lantos. It is the majority that decides when to convene the House. It is the majority that chose to convene the House even though many speakers remained to speak in the memorial for Mr. Lantos.

''I was told by my good friend Mr. DREIER that he does not recall any memorial being interrupted by a House session, and he has been here more years than I have. I have been here 15, and obviously I don't recall any either.

''Madam Speaker, the statement attacking me today by a spokesperson for the majority leader was totally uncalled for and unacceptable.''.

Mr. DREIER was recognized and said:

''Madam Speaker, I thank my friend for yielding. And we have all come to the conclusion that this has been a very sad day in many ways. Of course, the saddest part of it was the loss of our dear friend and colleague, Tom Lantos.

''I would simply like to say that Mr. DIAZ-BALART had the responsibility of serving as the floor manager for a rule that was, as he said in his very thoughtful statement, unprecedented. And we had a debate on that rule, and this House chose to do something it had never done before, pass a rule which took two contempt resolutions and adopted them. That was a decision of the House. And I think it was an unfortunate one.

''Mr. DIAZ-BALART had a responsibility to stand up for this institution. He and I stood together at that service, heard from colleagues of ours and heard from many other distinguished people who remembered the life of Tom Lantos.

''We were stunned when all of a sudden the bells rang and the House was going to reconvene in the middle of this memorial service.

''Now, members of the majority staff, Madam Speaker, had been informed, had been informed, of exactly what it was that we in the minority were going

to do. If the House reconvened and we proceeded with consideration of this special rule, we had informed the members of the majority staff that we were going to call for a vote.

''So Mr. DIAZ-BALART was simply working to, under very, very, very challenging, and, again, from my perspective, unprecedented circumstances, where I had never before seen the House of Representatives convened during a memorial service being held in Statuary Hall, but under those circumstances, Mr. DIAZ-BALART had the responsibility to fulfill his duties, not to the Republican Members, but to do what he believed to be right, and I agree with him, obviously, in upholding the rights of this institution. So for any Member, any Member or anyone outside to malign Mr. DIAZ-BALART for simply doing his job under very difficult circumstances is not right.

''Let me conclude by simply saying that Mr. DIAZ-BALART is one of those Members who we all know is a fighter for freedom and has been throughout his entire life. In many respects, LINCOLN DIAZ-BALART is very similar to Tom Lantos.

''Madam Speaker, I will say that it is a tragic irony that as we are remembering the life of Tom Lantos that a Member like Lincoln DIAZ-BALART would in any way be maligned for his work on behalf of the struggle for freedom and democracy and the liberation of people all over this world.''.

Mr. BLUNT was recognized and said:

''Madam Speaker, I thank the gentleman for yielding.

''I would say, of course, we come to the floor today with lots of disappointment on what we are failing to do today. We think we should stay until we get other matters done. But on this issue that relates to the activities of the day, first of all, I was at the memorial service, as many of you were. I was privileged to be there. Frankly, there are very few Members of Congress, in the history of the Congress, that could have, on the very short notice that we would have this sad service today, would have the Foreign Minister of Israel, the Secretary of State, the head of the United Nations, the Speaker of the House present. It was an impressive service, and I hate that we are having this debate around any lack of respect for that service.

''On the other hand, the only work we had to do today was 1 hour of debate on a rule that would then also replace the debate. One hour of debate. The service was scheduled to last from 10 o'clock until 11:30. It turned out it lasted until 11:50. But it was scheduled to last from 10 o'clock until 11:30.

''When at 10:45 the majority decides we are going to start the 1 hour of work we have to do today at 11, the majority should expect the other side to complain. If in fact Mr. DIAZ-BALART had not had his objection, 50 minutes of that 1-hour debate would have gone before I ever walked out of the memorial service. The vote lasted 50 minutes, or thereabouts. Apparently, Members couldn't even get in to vote for 50 minutes, let alone to get in to participate in the debate.

''Of course, we should have said, let's not start the debate on the only work we are doing today while we are passing up the work on the Foreign Intelligence Surveillance Act. We are voting to talk about how you can kill rats in the technical correction to the Federal Insecticide, Fungicide, and Rodenticide Act. That is the only debate we were going to have during 50 minutes of the 1 hour of the memorial service. And of course Lincoln DIAZ-BALART or somebody should have stepped up to stop that, and thank goodness he did.

''I am really sad that a service we should have all agreed on would be the priority of the morning, we couldn't manage for that to be the priority of the morning. We had to start the 1 hour of work we had to do 50 minutes before that service turned out to end and 30 minutes before it was scheduled to end.

''I am regretful that my good friend had to rise to this moment of personal privilege, but I certainly support him in seeking this privilege and hope that the Members of the House will understand what happened here and appreciate the great respect we all have for Tom Lantos.''.

Mr. HOYER was recognized and said:

''I rise, as I have a couple of times in the past, to simply say that I think on our side, obviously, we believed that we needed to move forward on the work. All of us, however, share what has been said about Tom Lantos, for whom we had the greatest respect, and we all share a sadness at his loss.

''I regret that the actions that precipitated this hour that you are taking have occurred. They have occurred. We can't change them. Having said that, I want to say that I understand the point the gentleman is making, and I understand the point my friend Mr. BLUNT has made. I think it will suffice to say that. But I can appreciate the position the gentleman found himself in and that Mr. BLUNT and his leadership found themselves in.''.

Mr. Lincoln DIAZ-BALART of Florida, was further recognized as said:

''Thank you. Madam Speaker, I utilized the opportunity of the rules to rise to a question of personal privilege due to the statements attributed in the press that I mentioned before to a spokesperson, which I stated and restated I believe were totally uncalled for and unacceptable.

''I thank all of you for having listened to me with such courtesy. It is for someone who arrived as a 4-year-old refugee with his family fleeing oppression, an extraordinary moment in the midst of the sadness of the day, and the offense that I felt, it is an extraordinary moment to be able to rise and invoke the rules of the House to seek the attention of the representatives of this extraordinary Nation. So I thank each and every one of you for your patience and your courtesy.

''At this point, after thanking Mr. DREIER, thanking Mr. BLUNT, and thanking the majority leader for their kind words, I simply end remembering a friend who everyone in this room can agree enriched our lives. My son mentioned the other day this week when we were talking about the sad news, he said, Dad, do you remember when I was a little kid and you wanted me to get my posture up, what you would tell me? I will never forget, he told me. Lantos. Your posture. That is one of the first things that impressed me about Tom Lantos, even before I learned about his zealous extraordinary commitment to the oppressed everywhere where people are still longing to be free.

''So let us all then end this recollection of what I believe was a very unfortunate moment remembering someone who we can all agree was extraordinary, enriched our lives, and was a great Member of Congress and a great American. Thank you all very much.''.

¶15.23 H.R. 4169—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mrs. TAUSCHER, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 4169) to authorize the placement in Arlington National Cemetery of an American Braille tactile flag in Arlington National Cemetery honoring blind members of the Armed Forces, veterans, and for other purposes.

The question being put,

Will the House suspend the rules and pass said bill?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 396 Nays 0

¶15.24 [Roll No. 65]

YEAS—396

Abercrombie	Boyda (KS)	Costello
Aderholt	Brady (PA)	Courtney
Akin	Brady (TX)	Cramer
Alexander	Braley (IA)	Crenshaw
Allen	Broun (GA)	Crowley
Altmire	Brown (SC)	Cubin
Andrews	Brown-Waite, Ginny	Cuellar
Arcuri	Buchanan	Culberson
Baca	Burton (IN)	Cummings
Bachmann	Butterfield	Davis (AL)
Bachus	Buyer	Davis (CA)
Baird	Calvert	Davis (IL)
Baldwin	Camp (MI)	Davis (KY)
Barrett (SC)	Campbell (CA)	Davis, David
Barrow	Cannon	Davis, Lincoln
Bartlett (MD)	Cantor	Davis, Tom
Bean	Capito	DeFazio
Becerra	Capps	DeGette
Berkley	Capuano	Delahunt
Berman	Cardoza	DeLauro
Berry	Carnahan	Dent
Biggert	Carney	Diaz-Balart, L.
Bilbray	Carter	Diaz-Balart, M.
Bilirakis	Castle	Dicks
Bishop (GA)	Castor	Dingell
Bishop (NY)	Chabot	Doggett
Bishop (UT)	Chandler	Donnelly
Blackburn	Clarke	Doolittle
Blumenauer	Clay	Dreier
Blunt	Cleaver	Duncan
Boehner	Clyburn	Edwards
Bonner	Coble	Ehlers
Bono Mack	Cohen	Ellison
Boozman	Cole (OK)	Ellsworth
Boren	Conaway	Emanuel
Boswell	Conyers	Emerson
Boucher	Cooper	English (PA)
Boustany	Costa	Etheridge
Boyd (FL)		Everett

Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Turner
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—32

Ackerman
Barton (TX)
Brown, Corrine
Burgess
Deal (GA)
Doyle
Drake
Engel
Eshoo
Hall (NY)
Hayes
Honda
Jones (OH)
Lofgren, Zoe
Lowey
McNerney
Miller, George
Murphy, Tim
Neal (MA)
Pascrell
Peterson (PA)
Ruppersberger
Sanchez, Loretta
Sestak
Solis
Thompson (CA)
Towns
Tsongas
Udall (CO)
Welch (VT)
Weller
Wynn

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶15.25 H. RES. 790—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mrs. TAUSCHER, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 790) commending the people of the State of Washington for showing their support for the needs of the State of Washington's veterans and encouraging residents of other States to pursue creative ways to show their own support for veterans.

The question being put,

Will the House suspend the rules and agree to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 383 Nays 0

¶15.26 [Roll No. 66]

YEAS—383

Abercrombie
Aderholt
Akin
Alexander
Allen
Altmire
Arcuri
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Bonner
Bono Mack
Boozman
Boren
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
English (PA)
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neugebauer
Nunes
Oberstar
Obey
Ortiz
Pallone
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Petri
Pickering
Pitts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Tsongas
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—45

Ackerman
Andrews
Baca
Barton (TX)
Blunt
Boehner
Boswell
Brown, Corrine
Burgess
Cantor
Cuellar
Davis, David
Deal (GA)
Delahunt
Doolittle
Doyle
Drake
Engel
Eshoo
Gohmert
Hayes
Honda
Issa
Jones (OH)
Lofgren, Zoe
Lowey
Miller, George
Neal (MA)
Olver
Pascrell
Peterson (PA)
Platts
Pryce (OH)
Putnam
Radanovich
Ros-Lehtinen
Ruppersberger
Rush
Solis
Thompson (CA)
Towns
Turner
Udall (CO)
Walberg
Wynn

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶15.27 H. RES. 963—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mrs. TAUSCHER, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 963) supporting the goals and ideals of National Salute to Hospitalized Veterans Week, and for other purposes.

The question being put,

Will the House suspend the rules and agree to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 384 Nays 0

¶15.28 [Roll No. 67]

YEAS—384

Aderholt
Akin
Alexander
Allen
Altmire
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett (MD)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
English (PA)
Etheridge
Everett
Fallin
Farr
Fattah
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hoekstra
Holden
Holt
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pastor
Paul
Payne
Pearce
Perlmutter
Peterson (MN)
Petri
Pitts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Spratt
Stark
Stearns
Stupak
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Tsongas
Turner
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—44

Abercrombie
Ackerman
Andrews
Barrett (SC)
Barton (TX)
Bonner
Broun (GA)
Brown, Corrine
Burgess
Cleaver
Conyers
Deal (GA)
Delahunt
Doyle
Drake
Engel
Eshoo
Feeney
Gohmert
Hayes
Hodes
Honda
Jones (OH)
Lofgren, Zoe
Lowey
Miller, George
Neal (MA)
Pascrell
Pence
Peterson (PA)
Pickering
Platts
Pryce (OH)
Ruppersberger
Rush
Solis
Sullivan
Thompson (CA)
Towns
Udall (CO)
Walsh (NY)
Weldon (FL)
Westmoreland
Wynn

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶15.29 H. RES. 972—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mrs. TAUSCHER, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 972) supporting the goals and ideals of American Heart Month and National Wear Red Day.

The question being put,

Will the House suspend the rules and agree to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 389 Nays 0

¶15.30 [Roll No. 68]

YEAS—389

Aderholt
Akin
Alexander
Allen
Altmire
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
DeFazio
DeGette
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Dreier
Duncan
Edwards
Ehlers
Ellsworth
Emanuel
Emerson
English (PA)
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre

McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pastor
Paul
Payne
Pence
Perlmutter
Peterson (MN)
Petri
Pitts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (WA)
Snyder
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Tsongas
Turner
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—39

Abercrombie
Ackerman
Andrews
Barton (TX)
Boren
Brown, Corrine
Burgess
Davis, Tom
Deal (GA)
Delahunt
Doyle
Drake
Ellison
Engel
Eshoo
Gohmert
Green, Gene
Hayes
Honda
Jones (NC)
Jones (OH)
Lofgren, Zoe
Lowey
Miller, George
Neal (MA)
Pascrell
Pearce
Peterson (PA)
Pickering
Platts
Pryce (OH)
Ruppersberger
Smith (TX)
Solis
Thompson (CA)
Towns
Udall (CO)
Woolsey
Wynn

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶15.31 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Ms. ESHOO, for today after 2:45 p.m.

And then,

¶15.32 ADJOURNMENT

On motion of Mr. LUNGREN of California, at 6 o'clock and 9 minutes p.m., the House adjourned.

¶15.33 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

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

Mr. BRADY of Pennsylvania: H. Res. 989. Resolution dismissing the election contest relating to the office of Representative from the Thirteenth Congressional District of Florida (Rept. 110–528). Referred to the House Calendar.

¶15.34 PUBLIC BILLS AND RESOLUTIONS

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

By Mr. ROSS (for himself and Mr. NUNES):

H.R. 5437. A bill to promote alternative and renewable fuels, domestic energy production, conservation, and efficiency, to increase American energy independence, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Science and Technology, Oversight and Government Reform, Armed Services, Agriculture, Natural Resources, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FALEOMAVAEGA:

H.R. 5438. A bill to name the Department of Veterans Affairs medical facility in Tafuna, American Samoa, as the ''Fuga Tolani Teleso Satele Department of Veterans Affairs Medical Facility''; to the Committee on Veterans' Affairs.

By Mr. THORNBERRY:

H.R. 5439. A bill to establish the Civil Service Reform Commission; to the Committee on Oversight and Government Reform, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FOSSELLA (for himself, Mr. KING of New York, Mr. HOEKSTRA, and Mr. SMITH of Texas):

H.R. 5440. A bill to amend the Foreign Intelligence Surveillance Act of 1978 to establish a procedure for authorizing certain acquisitions of foreign intelligence, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Intelligence (Permanent Select), for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. JONES of North Carolina (for himself, Mr. KLINE of Minnesota, Ms. LORETTA SANCHEZ of California, Mrs. BOYDA of Kansas, Ms. SHEA-PORTER, and Mr. WILSON of South Carolina):

H.R. 5441. A bill to amend title 10, United States Code, to extend the special survivor indemnity allowance to survivors of certain members of the Armed Forces who die on active duty; to the Committee on Armed Services.

By Mr. MARKEY (for himself, Mr. EMANUEL, and Mrs. CAPPS):

H.R. 5442. A bill to provide individuals with access to health information of which they are a subject, to ensure personal privacy, security, and confidentiality with respect to health related information in promoting the development of a nationwide interoperable health information infrastructure, to impose criminal and civil penalties for unauthorized use of personal health information, to provide for the strong enforcement of these rights, to protect States' rights, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, Education and Labor, and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ROYCE (for himself and Mrs. TAUSCHER):

H.R. 5443. A bill to improve defense cooperation between the Republic of Korea and the United States; to the Committee on Foreign Affairs.

By Mr. CLYBURN (for himself, Mr. HONDA, Mr. FALEOMAVAEGA, Ms. BORDALLO, Ms. HIRONO, Ms. MATSUI, Mr. WU, Mr. ABERCROMBIE, Mr. BACA, Mr. BECERRA, Mr. CARDOZA, Mr. COSTA, Mr. GONZALEZ, Mr. GUTIERREZ, Mr. HINOJOSA, Mrs. NAPOLITANO, Mr. ORTIZ, Mr. PASTOR, Mr. RODRIGUEZ, Ms. LINDA T. SÁNCHEZ of California, Ms. LORETTA SANCHEZ of California, Ms. ROYBAL-ALLARD, Mr. SALAZAR, Mr. SERRANO, Ms. VELÁZQUEZ, Mr. SIRES, Ms. KILPATRICK, Ms. LEE, Mr. CLEAVER, Ms. JACKSON-LEE of Texas, Mr. DAVIS of Illinois, Mr. BISHOP of Georgia, Ms. CORRINE BROWN of Florida, Mr. BUTTERFIELD, Mr. CLAY, Mrs. CHRISTENSEN, Ms. CLARKE, Mr. CONYERS, Mr. CUMMINGS, Mr. DAVIS of Alabama, Mr. ELLISON, Mr. HASTINGS of Florida, Mr. AL GREEN of Texas, Mr. FATTAH, Mr. JACKSON of Illinois, Mr. JEFFERSON, Mr. THOMPSON of Mississippi, Ms. WATERS, Ms. WATSON, Mr. WATT, Mr. WYNN, Mr. SCOTT of Virginia, Mr. SCOTT of Georgia, Mr. RUSH, Ms. RICHARDSON, Mr. RANGEL, Mr. PAYNE, Ms. NORTON, Ms. MOORE of Wisconsin, Mr. MEEKS of New York, Mr. MEEK of Florida, Mr. LEWIS of Georgia, Mrs. JONES of Ohio, Mr. JOHNSON of Georgia, and Ms. EDDIE BERNICE JOHNSON of Texas):

H.R. 5444. A bill making supplemental appropriations for fiscal year 2008 for summer youth employment activities; to the Committee on Appropriations, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PRICE of Georgia (for himself and Mr. SCOTT of Georgia):

H.R. 5445. A bill to amend part B of title XVIII of the Social Security Act to increase Medicare payments for physicians' services through December 31, 2009; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SMITH of New Jersey (for himself, Mr. DOYLE, Ms. ROS-LEHTINEN, Mr. LANGEVIN, Mr. PENCE, Mr. WOLF, and Mr. WELDON of Florida):

H.R. 5446. A bill to establish a health and education grant program related to autism spectrum disorders, and for other purposes; to the Committee on Foreign Affairs.

By Mr. TOWNS (for himself, Mr. SHAYS, Mrs. DAVIS of California, Mr. RODRIGUEZ, Ms. LEE, Mr. GUTIERREZ, and Mrs. JONES of Ohio):

H.R. 5447. A bill to establish the Social Work Reinvestment Commission to provide independent counsel to Congress on policy issues associated with the recruitment, retention, research, and reinvestment in the profession of social work; to the Committee on Education and Labor.

By Mr. ALLEN (for himself and Mr. MICHAUD):

H.R. 5448. A bill to amend title 38, United States Code, to improve the disability compensation evaluation procedure of the Secretary of Veterans Affairs for veterans with post-traumatic stress disorder, to improve the diagnosis and treatment of post-traumatic stress disorder by the Secretary of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. KAGEN (for himself, Mr. BRALEY of Iowa, Mr. PERLMUTTER, Mr. COHEN, Mr. MCNERNEY, Ms. CASTOR, Mr. WALZ of Minnesota, Mr. JOHNSON of Georgia, Mr. GRIJALVA, Ms. HIRONO, Mrs. NAPOLITANO, Ms. SUTTON, Ms. CLARKE, Mr. CONYERS, and Mr. ELLISON):

H.R. 5449. A bill to amend the Employee Retirement Income Security Act of 1974, Public Health Service Act, and the Internal Revenue Code of 1986 to prohibit discrimination in group health coverage and individual health insurance coverage; to the Committee on Energy and Commerce, and in addition to the Committees on Education and Labor, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SAM JOHNSON of Texas (for himself, Mr. POMEROY, Mr. HERGER, Mr. CAMP of Michigan, Mr. BRADY of Texas, Mr. TIBERI, and Mr. CANTOR):

H.R. 5450. A bill to amend the Internal Revenue Code of 1986 to remove cell phones from listed property under section 280F; to the Committee on Ways and Means.

By Ms. BORDALLO (for herself, Mr. KILDEE, Mr. SAXTON, Mr. DEFAZIO, Mr. FALEOMAVAEGA, Mr. ABERCROMBIE, Mr. GILCHREST, Mr. FARR, Mrs. CAPPS, Mrs. CHRISTENSEN, Mr. ALLEN, Mr. FORTUÑO, Mr. BROWN of South Carolina, Mr. PALLONE, and Ms. ROS-LEHTINEN):

H.R. 5451. A bill to reauthorize the Coastal Zone Management Act of 1972, and for other purposes; to the Committee on Natural Resources.

By Mrs. CAPPS (for herself, Mr. DELAHUNT, Ms. BORDALLO, Mr. INSLEE, Mr. FARR, Mr. HINCHEY, Mr. FALEOMAVAEGA, and Ms. MATSUI):

H.R. 5452. A bill to amend the Coastal Zone Management Act of 1972 to authorize grants to coastal States to support State efforts to initiate and complete surveys of coastal State waters and Federal waters adjacent to a State's coastal zone to identify potential areas suitable or unsuitable for the exploration, development, and production of renewable energy, and for other purposes; to the Committee on Natural Resources.

By Mrs. CAPPS (for herself, Ms. BORDALLO, Mr. SAXTON, Mr. MARKEY, Mr. PALLONE, Mr. INSLEE, Mr. FARR, Mr. DELAHUNT, Mr. FALEOMAVAEGA, Ms. MATSUI, and Mr. HINCHEY):

H.R. 5453. A bill to amend the Coastal Zone Management Act of 1972 to authorize assistance to coastal states to develop coastal climate change adaptation plans pursuant to approved management programs approved under section 306, to minimize contributions to climate change, and for other purposes; to the Committee on Natural Resources.

By Mr. BROWN of South Carolina (for himself and Mr. PRICE of North Carolina):

H.R. 5454. A bill to amend title 38, United States Code, to establish a presumption of service connection of amyotrophic lateral sclerosis for purposes of the laws administered by the Secretary of Veterans Affairs; to the Committee on Veterans' Affairs.

By Mr. BURTON of Indiana:

H.R. 5455. A bill to amend title 11 of the United States Code to make nondischargeable debts for personal injuries that result in permanent disability; to the Committee on the Judiciary.

By Mr. CLEAVER:

H.R. 5456. A bill to suspend temporarily the duty on Tembotrione; to the Committee on Ways and Means.

By Mr. CLEAVER:

H.R. 5457. A bill to extend the temporary suspension of duty on Deltamethrin; to the Committee on Ways and Means.

By Mr. CLEAVER:

H.R. 5458. A bill to suspend temporarily the duty on Hydrazine monohydrate; to the Committee on Ways and Means.

By Mr. CLEAVER:

H.R. 5459. A bill to extend the temporary suspension of duty on Triadimefon; to the Committee on Ways and Means.

By Ms. ESHOO (for herself and Mr. THOMPSON of California):

H.R. 5460. A bill to amend the Detainee Treatment Act of 2005 and title 18, United States Code, to include waterboarding in the definition of cruel, inhuman, or degrading treatment or punishment and in the definition of torture, and for other purposes; to the Committee on the Judiciary, and in addition to the Committees on Intelligence (Permanent Select), and Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FATTAH (for himself, Mr. PORTER, Ms. GINNY BROWN-WAITE of Florida, Mr. CARDOZA, Mr. CUMMINGS, Mr. PAYNE, Mr. HINOJOSA, Mr. COOPER, Mr. STARK, Mr. FILNER, Mr. PLATTS, Ms. LORETTA SANCHEZ of California, Mr. RAMSTAD, Mr. ELLISON, Mr. DAVIS of Illinois, Mr. ENGLISH of Pennsylvania, Ms. WASSERMAN SCHULTZ, Mr. LEWIS of Georgia, Ms. WOOLSEY, Ms. BORDALLO, Mrs. MALONEY of New York, Mr. MCDERMOTT, Mr. LAMPSON, Mr. TERRY, Mr. SESTAK, Mr. KENNEDY, Mr. GRIJALVA, Mr. OBERSTAR, Mr. YOUNG of Alaska, Mr. JEFFERSON, Ms. NORTON, Ms. KILPATRICK, and Ms. SCHAKOWSKY):

H.R. 5461. A bill to require the President to call a White House Conference on Children and Youth in 2010; to the Committee on Education and Labor.

By Mr. GOHMERT (for himself, Mr. KLINE of Minnesota, Mr. CAMPBELL of California, Mr. BRADY of Texas, Mr. KING of Iowa, Mr. SALI, Mr. LAMBORN, Mr. CONAWAY, Mr. SHADEGG, Mr. CHABOT, Mr. PRICE of Georgia, Mr. DAVID DAVIS of Tennessee, Mr. GARRETT of New Jersey, Mr. FRANKS of Arizona, Mrs. MYRICK, Mr. SAM JOHNSON of Texas, Mr. MANZULLO, Mr. GOODE, Mr. PITTS, Mr. WAMP, Mr. FEENEY, Mr. WALBERG, Mr. GINGREY, Mr. MARCHANT, Mr. HERGER, Mrs. BACHMANN, Mrs. BLACKBURN, Mr. AKIN, Mr. BROUN of Georgia, Mr. BILBRAY, Mr. BROWN of South Carolina, Mr. ISSA, Mr. NEUGEBAUER, Mr. HUNTER, Mr. POE, Mr. HALL of Texas, Mr. EHLERS, Mr. BURTON of Indiana, Mr. BARTON of Texas, Mr. MCHENRY, Mr. SESSIONS, Mr. HAYES, Mr. LATTA, Mr. PENCE, Mr. KING of New York, and Mr. DANIEL E. LUNGREN of California):

H.R. 5462. A bill to amend title 10, United States Code, to deny Federal funds for any State or city, county, or other political subdivision of a State that prohibits or unduly restricts the establishment or operation of a military recruiting office; to the Committee on Armed Services, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HENSARLING (for himself and Mr. ROYCE):

H.R. 5463. A bill to protect investors by fostering transparency and accountability of attorneys in private securities litigation; to the Committee on Financial Services, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KLEIN of Florida (for himself, Mr. SENSENBRENNER, Mr. NADLER, Mr. CHABOT, Mr. WEXLER, Mr. COHEN, Mr. JOHNSON of Georgia, Ms. SUTTON, Ms. WASSERMAN SCHULTZ, Ms. GRANGER, Mr. CHANDLER, Mr. BURTON of Indiana, Mr. HASTINGS of Florida, Mr. MAHONEY of Florida, Mr. RUPPERSBERGER, Mr. MEEK of Florida, and Mr. SCOTT of Virginia):

H.R. 5464. A bill to direct the Attorney General to make an annual grant to the A Child Is Missing Alert and Recovery Center to assist law enforcement agencies in the rapid recovery of missing children, and for other purposes; to the Committee on the Judiciary.

By Mr. LOEBSACK (for himself, Mr. GILCHREST, Mr. BISHOP of Georgia, Mr. JOHNSON of Georgia, Mr. BRADY of Pennsylvania, Mr. ABERCROMBIE, Mr. BRALEY of Iowa, Ms. HOOLEY, and Ms. SHEA-PORTER):

H.R. 5465. A bill to require the Department of Defense to implement a pain care initiative, and for other purposes; to the Committee on Armed Services.

By Mr. MCDERMOTT (for himself, Mr. STARK, Mr. LEWIS of Georgia, Ms. BERKLEY, Mr. DAVIS of Alabama, Ms. DELAURO, and Mr. FATTAH):

H.R. 5466. A bill to improve outcomes for vulnerable children by investing in families, improving accountability in the child welfare system, and finding safe, stable, and permanent homes for foster children; to the Committee on Ways and Means.

By Mr. PATRICK MURPHY of Pennsylvania (for himself and Mr. BILBRAY):

H.R. 5467. A bill to amend the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note) in order to prevent the loss of billions in taxpayer dollars; to the Committee on Oversight and Government Reform.

By Mr. SHUSTER (for himself and Mr. PLATTS):

H.R. 5468. A bill to amend title XIX of the Social Security Act to provide Medicaid coverage of drugs prescribed for certain research study child participants; to the Committee on Energy and Commerce.

By Ms. SLAUGHTER (for herself, Ms. SCHWARTZ, Mr. COHEN, Mr. SHAYS, Mr. MCHUGH, Mr. BRALEY of Iowa, Mr. BLUMENAUER, Mr. THOMPSON of California, Mr. KING of New York, Mrs. MCCARTHY of New York, Mr. CUELLAR, Mr. SERRANO, Mr. HIGGINS, Mr. RUPPERSBERGER, Ms. SUTTON, Mr. SNYDER, Mr. BARROW, Ms. KAPTUR, and Mr. KENNEDY):

H.R. 5469. A bill to provide grants for the revitalization of waterfront brownfields; to the Committee on Energy and Commerce, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STUPAK:

H.R. 5470. A bill to amend the Communications Act of 1934 to require the carriage of all

local television signals by satellite carriers in all local markets; to the Committee on Energy and Commerce.

By Mr. TOWNS (for himself and Mrs. BLACKBURN):

H.R. 5471. A bill to require the Consumer Product Safety Commission to prescribe rules requiring distinctive markings on toy and look-alike firearms; to the Committee on Energy and Commerce.

By Mr. VISCLOSKY (for himself, Mr. DONNELLY, Mr. SOUDER, Mr. BURTON of Indiana, Mr. HILL, Mr. PENCE, Mr. ELLSWORTH, and Mr. BUYER):

H.R. 5472. A bill to designate the facility of the United States Postal Service located at 2650 Dr. Martin Luther King Jr. Street, Indianapolis, Indiana, as the ''Julia M. Carson Post Office Building''; to the Committee on Oversight and Government Reform.

By Mr. WELCH of Vermont:

H.R. 5473. A bill to increase the supply and lower the cost of petroleum by temporarily suspending the acquisition of petroleum for the Strategic Petroleum Reserve; to the Committee on Energy and Commerce.

By Mr. ROGERS of Alabama (for himself, Mr. MEEK of Florida, Mr. TOWNS, Ms. BORDALLO, Mr. ADERHOLT, Mr. MARIO DIAZ-BALART of Florida, Mr. BISHOP of Georgia, Mr. MCGOVERN, Mr. GALLEGLY, Mr. UDALL of Colorado, Mr. SNYDER, Mr. BACHUS, Mr. BONNER, Mr. HASTINGS of Florida, Mr. FOSSELLA, Mr. CARTER, Mr. RANGEL, Mr. FARR, Mr. VAN HOLLEN, Mr. FILNER, Ms. SUTTON, Mr. DAVIS of Alabama, Mr. EVERETT, Ms. WASSERMAN SCHULTZ, Mrs. MYRICK, and Mr. CRAMER):

H. Con. Res. 297. Concurrent resolution recognizing the 60th anniversary of the integration of the United States Armed Forces; to the Committee on Armed Services.

By Mr. ISRAEL:

H. Con. Res. 298. Concurrent resolution expressing the Sense of Congress on the Humanitarian Crisis in Iraq; to the Committee on Foreign Affairs.

By Mr. MARKEY (for himself and Mr. STEARNS):

H. Con. Res. 299. Concurrent resolution supporting the goals and ideals of National Cystic Fibrosis Awareness Month; to the Committee on Energy and Commerce.

By Mr. BOEHNER (for himself, Mr. BLUNT, Mr. PUTNAM, Mr. MCCOTTER, Mr. CANTOR, Ms. GRANGER, Mr. CARTER, Mr. COLE of Oklahoma, Mr. DREIER, Mr. ADERHOLT, Mr. AKIN, Mr. CAMPBELL of California, Mr. BARTON of Texas, Mr. BRADY of Texas, Mr. BURGESS, Mr. CAMP of Michigan, Mr. CONAWAY, Mrs. CUBIN, Mr. CULBERSON, Mr. MARIO DIAZ-BALART of Florida, Mr. EVERETT, Mr. FEENEY, Mr. FORBES, Mr. FRANKS of Arizona, Mr. GARRETT of New Jersey, Mr. GINGREY, Mr. GOHMERT, Mr. HALL of Texas, Mr. HAYES, Mr. HENSARLING, Mr. HUNTER, Mr. ISSA, Mr. KLINE of Minnesota, Mr. LAMBORN, Mr. LOBIONDO, Mr. MACK, Mr. MARCHANT, Mr. MCCAUL of Texas, Mr. MCHENRY, Mr. MCKEON, Mrs. MILLER of Michigan, Mr. GARY G. MILLER of California, Mr. MILLER of Florida, Mr. NEUGEBAUER, Mr. PAUL, Mr. PENCE, Mr. POE, Mr. REYNOLDS, Mr. ROGERS of Alabama, Ms. ROS-LEHTINEN, Mr. SAXTON, Mr. SESSIONS, Mr. SHADEGG, Mr. SMITH of Texas, Mr. THORNBERRY, Mr. WALBERG, Mr. WESTMORELAND, and Mr. WILSON of South Carolina):

H. Res. 986. A resolution recognizing the courage and sacrifice of those members of the United States Armed Forces who were held as prisoners of war during the Vietnam conflict and calling for a full accounting of the 1,729 members of the Armed Forces who remain unaccounted for from the Vietnam conflict; to the Committee on Armed Services.

By Mr. BAIRD (for himself, Mr. BLUMENAUER, Mr. CROWLEY, Ms. DEGETTE, Mr. EHLERS, Mr. ETHERIDGE, Mr. GORDON, Mr. INSLEE, Mr. LARSEN of Washington, Mrs. MALONEY of New York, Mr. MURPHY of Connecticut, Mr. PATRICK MURPHY of Pennsylvania, Ms. SCHWARTZ, Mr. SMITH of Washington, Mr. UDALL of Colorado, Mr. UPTON, Mr. VAN HOLLEN, Mr. WALDEN of Oregon, and Mr. WAMP):

H. Res. 987. A resolution encouraging Americans to join others across the country in using their rebate checks to invest in renewable energy and energy-efficient products and services in order to save money, stimulate the economy, and reduce greenhouse gas emissions; to the Committee on Energy and Commerce.

By Mr. MATHESON (for himself, Mrs. CUBIN, Ms. BALDWIN, Mr. FERGUSON, Mr. CUMMINGS, Mr. SESSIONS, Mrs. CAPPS, Mr. TIM MURPHY of Pennsylvania, Mr. ROSS, Mr. FOSSELLA, Mr. GENE GREEN of Texas, Mr. HINOJOSA, Mr. TOWNS, Mr. BAIRD, and Ms. HOOLEY):

H. Res. 988. A resolution designating the month of March 2008 as ''MRSA Awareness Month''; to the Committee on Energy and Commerce.

By Mr. CHABOT (for himself, Mr. PAYNE, Mr. FLAKE, Mr. BERMAN, Mr. ROYCE, Mr. BLUMENAUER, and Mr. MORAN of Virginia):

H. Res. 990. A resolution encouraging the accelerated removal of agricultural subsidies of industrialized countries to alleviate poverty and promote growth, health, and stability in the economies of African countries; to the Committee on Foreign Affairs.

By Mr. ISRAEL:

H. Res. 991. A resolution recognizing the exceptional sacrifice of the 69th Infantry Regiment, known as the Fighting 69th, in support of the Global War on Terror; to the Committee on Armed Services.

By Mr. ISRAEL (for himself and Ms. PRYCE of Ohio):

H. Res. 992. A resolution honoring the sacrifice of all mothers in the Armed Forces who have deployed to theaters of combat on behalf of the United States; to the Committee on Armed Services.

¶15.35 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 25: Mr. WITTMAN of Virginia.

H.R. 78: Mr. JONES of North Carolina.

H.R. 552: Mr. WILSON of South Carolina, Mr. PORTER, and Ms. SHEA-PORTER.

H.R. 563: Mr. WITTMAN of Virginia.

H.R. 657: Mr. MICA.

H.R. 760: Mr. COSTA.

H.R. 768: Mr. BURTON of Indiana, Mr. JONES of North Carolina, and Mr. AKIN.

H.R. 769: Mr. AKIN.

H.R. 882: Mr. PUTNAM and Mr. BRADY of Pennsylvania.

H.R. 917: Mr. MANZULLO.

H.R. 946: Mr. MCDERMOTT.

H.R. 997: Mr. WITTMAN of Virginia.

H.R. 1110: Mr. FATTAH.

H.R. 1174: Mr. KIRK.

H.R. 1237: Mrs. GILLIBRAND and Mr. LOBIONDO.

H.R. 1386: Mr. STUPAK and Mr. SESTAK.

H.R. 1419: Mr. GARRETT of New Jersey.

H.R. 1422: Ms. DEGETTE and Mr. WITTMAN of Virginia.

H.R. 1431: Mr. FRANK of Massachusetts.

H.R. 1532: Mr. PAYNE, Mr. MCNULTY, and Mr. MCNERNEY.

H.R. 1576: Mr. LINCOLN DIAZ-BALART of Florida.

H.R. 1610: Ms. JACKSON-LEE of Texas and Mr. ABERCROMBIE.

H.R. 1629: Mr. PLATTS and Ms. HOOLEY.

H.R. 1665: Mr. WITTMAN of Virginia and Mr. PLATTS.

H.R. 1732: Mr. BRADY of Pennsylvania.

H.R. 1742: Mr. GALLEGLY, Mr. HOEKSTRA, Mr. CHANDLER, and Mr. HINOJOSA.

H.R. 1767: Mr. ADERHOLT, Mr. KING of Iowa, and Mr. LATOURETTE.

H.R. 1884: Ms. NORTON and Mr. MOORE of Kansas.

H.R. 2016: Mr. DEFAZIO and Mr. SARBANES.

H.R. 2040: Mr. THORNBERRY, Mr. HALL of Texas, Mr. HERGER, Mr. ISSA, Mr. SESSIONS, Mr. CONAWAY, Mr. GARY G. MILLER of California, Mr. BRADY of Texas, Mr. GILCHREST, Mr. TOM DAVIS of Virginia, Mr. LINDER, Mr. FORBES, Mr. TERRY, Mrs. CUBIN, Mr. RENZI, Mr. ADERHOLT, Mr. FLAKE, Mr. MCHUGH, Mr. REICHERT, Mr. BROUN of Georgia, Mr. KELLER, Mr. KIRK, Mr. DUNCAN, Mr. LATOURETTE, Mr. JOHNSON of Illinois, Mr. WALDEN of Oregon, Mr. PETRI, Mr. BROWN of South Carolina, and Mr. BLUNT.

H.R. 2169: Ms. DEGETTE and Mr. BRALEY of Iowa.

H.R. 2303: Mr. CHABOT, Mr. KING of Iowa, Mr. WALDEN of Oregon, Ms. GRANGER, Mr. LOEBSACK, and Mr. STEARNS.

H.R. 2312: Mr. MANZULLO, Mr. BARTLETT of Maryland, Mr. MCCAUL of Texas, and Mr. BOOZMAN.

H.R. 2325: Mr. GENE GREEN of Texas.

H.R. 2332: Mr. LATTA and Mrs. MALONEY of New York.

H.R. 2352: Mr. LOEBSACK.

H.R. 2464: Mr. BUYER.

H.R. 2507: Mr. KUHL of New York.

H.R. 2550: Mr. BARRETT of South Carolina.

H.R. 2588: Mr. FOSSELLA and Mr. KUHL of New York.

H.R. 2762: Mr. BRADY of Pennsylvania, Mr. CUMMINGS, Mr. CRAMER, and Mr. WELLER.

H.R. 2827: Mr. UDALL of New Mexico.

H.R. 2922: Mr. JEFFERSON.

H.R. 2933: Mr. WITTMAN of Virginia.

H.R. 2965: Mr. ELLISON and Mr. PASTOR.

H.R. 2991: Mr. DOGGETT and Mr. CHANDLER.

H.R. 3010: Ms. LINDA T. SÁNCHEZ of California, Ms. SHEA-PORTER, and Mrs. MCCARTHY of New York.

H.R. 3041: Mr. PLATTS.

H.R. 3109: Mr. BUYER.

H.R. 3130: Mr. SKELTON.

H.R. 3175: Mr. OBERSTAR and Mr. JEFFERSON.

H.R. 3186: Mr. KUHL of New York.

H.R. 3197: Mr. LOEBSACK.

H.R. 3212: Ms. LINDA T. SÁNCHEZ of California.

H.R. 3232: Mr. YOUNG of Florida.

H.R. 3234: Mr. MCCAUL of Texas.

H.R. 3257: Mr. TOWNS.

H.R. 3286: Mr. HALL of Texas.

H.R. 3289: Mr. BISHOP of New York.

H.R. 3326: Mrs. MALONEY of New York, Ms. BERKLEY, and Mr. BRADY of Pennsylvania.

H.R. 3363: Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 3366: Ms. WOOLSEY, Mr. HONDA, Mr. PASTOR, Mr. GONZALEZ, Mr. MCDERMOTT, and Mr. FATTAH.

H.R. 3423: Mr. FILNER.

H.R. 3438: Mr. HONDA and Mrs. NAPOLITANO.

H.R. 3439: Mr. HILL and Mr. MATHESON.

H.R. 3494: Mr. WITTMAN of Virginia.

H.R. 3544: Mr. VAN HOLLEN and Mr. RYAN of Ohio.

H.R. 3663: Mrs. CHRISTENSEN, Mr. SARBANES, Mr. SESTAK, Mrs. MCCARTHY of New York, Mr. GONZALEZ, Ms. JACKSON-LEE of Texas, Mr. RANGEL, Ms. MOORE of Wisconsin, Ms. BERKLEY, and Mr. PASTOR.

H.R. 3680: Mr. BURGESS.
H.R. 3700: Mr. WALBERG.
H.R. 3749: Mr. SKELTON.
H.R. 3750: Mr. KNOLLENBERG.
H.R. 3754: Mr. MATHESON and Mr. HILL.
H.R. 3817: Ms. HERSETH SANDLIN and Mr. WALZ of Minnesota.
H.R. 3819: Mr. FILNER and Mr. LIPINSKI.
H.R. 3834: Mr. PASTOR, Mr. RYAN of Wisconsin, Mr. BLUMENAUER, Mr. RENZI, and Mr. PLATTS.
H.R. 3861: Mr. PORTER.
H.R. 3934: Mr. PORTER, Mr. HELLER, Mr. TIM MURPHY of Pennsylvania, and Mr. DAVIS of Illinois.
H.R. 3954: Mr. MCNERNEY.
H.R. 3975: Mr. DAVID DAVIS of Tennessee.
H.R. 3980: Mr. MCDERMOTT.
H.R. 4008: Mr. HOLDEN.
H.R. 4071: Mr. LOBIONDO.
H.R. 4126: Mr. HINOJOSA and Mr. WITTMAN of Virginia.
H.R. 4174: Mr. GRIJALVA.
H.R. 4206: Mr. PAYNE.
H.R. 4208: Ms. MATSUI and Ms. SHEA-PORTER.
H.R. 4218: Mr. TAYLOR, Mr. BISHOP of Georgia, and Mr. MCNULTY.
H.R. 4236: Ms. SOLIS and Mr. HOLDEN.
H.R. 4251: Mr. COHEN and Ms. DEGETTE.
H.R. 4266: Mr. GRAVES.
H.R. 4291: Ms. MCCOLLUM of Minnesota and Mr. PETERSON of Minnesota.
H.R. 4464: Mr. CHABOT, Mr. MANZULLO, Mr. FRANKS of Arizona, Mr. MCCAUL of Texas, Mrs. DRAKE, Mr. HAYES, and Mr. UPTON.
H.R. 4544: Mr. GRIJALVA.
H.R. 4652: Mr. GRIJALVA.
H.R. 4688: Mr. RENZI.
H.R. 4790: Ms. SLAUGHTER.
H.R. 4897: Mr. RUSH, Mrs. NAPOLITANO, and Mr. GORDON.
H.R. 4900: Mr. CAMPBELL of California, Mr. GALLEGLY, Mr. WALBERG, Mr. CONAWAY, Mr. RENZI, Mr. HOLDEN, and Mr. SHULER.
H.R. 4930: Mrs. CHRISTENSEN and Mr. GOODE.
H.R. 4934: Mr. FILNER, Mr. NADLER, Mr. MCNULTY, Mr. STUPAK, Mr. LEWIS of Georgia, Ms. MCCOLLUM of Minnesota, Mr. KILDEE, Mr. STARK, and Mr. HINOJOSA.
H.R. 5032: Mrs. MUSGRAVE, Mrs. BLACKBURN, Mr. FEENEY, Mr. LATTA, Mr. SAM JOHNSON of Texas, Mr. BARTLETT of Maryland, Mr. MANZULLO, Mr. MARCHANT, Mr. GINGREY, and Mrs. MYRICK.
H.R. 5035: Mr. AL GREEN of Texas, Ms. SCHAKOWSKY, Mr. WYNN, and Mr. SERRANO.
H.R. 5036: Mr. CLAY.
H.R. 5057: Mrs. BLACKBURN.
H.R. 5060: Mr. GOODLATTE.
H.R. 5087: Mr. MAHONEY of Florida, Mr. CARNEY, Mr. HALL of New York, and Mr. KIND.
H.R. 5106: Mr. LANGEVIN, Mr. COHEN, and Mr. MORAN of Virginia.
H.R. 5110: Mr. HILL, Mr. DONNELLY, Mr. COHEN, Ms. MCCOLLUM of Minnesota, and Mr. DOYLE.
H.R. 5124: Mr. SAM JOHNSON of Texas, Mr. SULLIVAN, Mr. FRANKS of Arizona, and Ms. GINNY BROWN-WAITE of Florida.
H.R. 5131: Mr. AKIN, Mr. GINGREY, Mr. MARCHANT, Mr. GOODE, Mr. WALBERG, Mr. BARTLETT of Maryland, Mr. HALL of Texas, Mr. SHADEGG, Mr. RYAN of Wisconsin, Mr. SALI, Mr. BILBRAY, Mrs. CUBIN, Mr. BARRETT of South Carolina, Mr. CAMPBELL of California, Mr. DAVID DAVIS of Tennessee, Mrs. MUSGRAVE and Mr. FRANKS of Arizona.
H.R. 5143: Mr. FOSSELLA, Mr. CUELLAR, Mr. HILL, Mr. WALZ of Minnesota, Mr. MEEKS of New York, Mr. WYNN, Mr. WATT, Mr. DINGELL, Ms. ROYBAL-ALLARD, Mr. ARCURI, and Mr. MOLLOHAN.
H.R. 5148: Mr. GALLEGLY and Mr. MCINTYRE.
H.R. 5161: Mr. LIPINSKI.
H.R. 5171: Mr. BLUMENAUER and Mr. INSLEE.
H.R. 5173: Mr. KUHL of New York.
H.R. 5176: Mr. MCNULTY.
H.R. 5180: Mr. WHITFIELD of Kentucky, Mr. BISHOP of Georgia, Mr. LINCOLN DAVIS of Tennessee, Mr. FRANK of Massachusetts, Mr. MATHESON, Ms. BORDALLO, Ms. LORETTA SANCHEZ of California, Mr. CARNEY, Mr. SCOTT of Georgia, Mr. THOMPSON of Mississippi, Mr. JOHNSON of Illinois, Mr. WALDEN of Oregon, Mr. CAPUANO, Ms. LINDA T. SÁNCHEZ of California, Mr. SCOTT of Virginia, and Mr. ALLEN.
H.R. 5216: Mr. SALAZAR.
H.R. 5222: Mr. WALDEN of Oregon, Mr. ROGERS of Alabama, Mr. YOUNG of Florida, Mr. ALEXANDER, Mr. GARRETT of New Jersey, Mrs. MUSGRAVE, Mr. BOOZMAN, Mr. MARSHALL, Mr. NEUGEBAUER, and Mr. SHIMKUS.
H.R. 5233: Mr. KUHL of New York, Mr. CANTOR, and Mrs. MUSGRAVE.
H.R. 5236: Mr. PEARCE and Mrs. CUBIN.
H.R. 5242: Ms. GINNY BROWN-WAITE of Florida.
H.R. 5244: Mr. WALZ of Minnesota, Mr. BECERRA, and Mr. CHANDLER.
H.R. 5265: Mr. GENE GREEN of Texas, Mr. STUPAK, Mr. JACKSON of Illinois, Mr. BISHOP of Georgia, Mr. OBERSTAR, Mr. ETHERIDGE, Mr. FILNER, and Mr. HINOJOSA.
H.R. 5351: Ms. BERKLEY.
H.R. 5430: Mr. NEAL of Massachusetts.
H.R. 5431: Mr. NEAL of Massachusetts.
H.R. 5432: Mr. NEAL of Massachusetts.
H.R. 5433: Mr. NEAL of Massachusetts.
H.J. Res. 67: Mr. WITTMAN of Virginia.
H. Con. Res. 85: Mr. SESTAK.
H. Con. Res. 163: Mr. CARNEY, Ms. ZOE LOFGREN of California, Mr. WELLER, Mr. LAMBORN, Mr. BARTLETT of Maryland, Mr. KING of New York, Mr. GOODLATTE, Mr. WITTMAN of Virginia, Mrs. MALONEY of New York, and Mr. NEUGEBAUER.
H. Con. Res. 249: Mr. EMANUEL.
H. Con. Res. 263: Mr. TOM DAVIS of Virginia, Mr. MCCRERY, Mr. PAUL, Mr. RADANOVICH, and Mr. WALDEN of Oregon.
H. Con. Res. 286: Mr. BACA, Ms. SOLIS, Mr. BECERRA, Mr. LEWIS of Georgia, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. JONES of Ohio, Ms. CLARKE, Mr. CLYBURN, Mr. DOYLE, Mr. DOOLITTLE, Mr. FRELINGHUYSEN, Mr. KINGSTON, Mr. ROGERS of Kentucky, Mr. BROWN of South Carolina, Mr. LEWIS of California, Mr. CULBERSON, Mr. LEVIN, Mr. SIRES, Mr. KIND, Mr. RAHALL, Mr. HARE, Mr. KANJORSKI, Mr. ISSA, Mr. CUELLAR, Mr. FARR, Mr. REGULA, Mr. CAPUANO, Mr. GUTIERREZ, Mr. FRANK of Massachusetts, Mr. SHERMAN, Mr. OLVER, Ms. BALDWIN, Mr. VISCLOSKY, Ms. VELÁZQUEZ, Ms. HOOLEY, Mr. MCNERNEY, Mr. BRADY of Pennsylvania, Mr. MURTHA, Mr. DOGGETT, Mr. SALAZAR, and Mr. BOUCHER.
H. Con. Res. 290: Mr. MARKEY.
H. Con. Res. 292: Mr. MOORE of Kansas, Mr. CLAY, Mrs. EMERSON, Mr. GRAVES, Mrs. BOYDA of Kansas, Mr. TAYLOR, Mr. AKIN, and Mr. HULSHOF.
H. Con. Res. 295: Mr. WHITFIELD of Kentucky.
H. Res. 111: Ms. EDDIE BERNICE JOHNSON of Texas.
H. Res. 248: Mr. BROUN of Georgia and Mrs. WILSON of New Mexico.
H. Res. 333: Mr. BOSWELL.
H. Res. 339: Mr. WALZ of Minnesota.
H. Res. 356: Mr. ALTMIRE and Mr. ENGLISH of Pennsylvania.
H. Res. 679: Ms. SCHAKOWSKY and Mr. CUMMINGS.
H. Res. 887: Mr. MARCHANT, Mr. FOSSELLA, Ms. HERSETH SANDLIN, Mr. SHULER, Mr. KLINE of Minnesota, and Mr. ALTMIRE.
H. Res. 924: Ms. SUTTON.
H. Res. 930: Mr. SCOTT of Georgia and Mr. PASCRELL.
H. Res. 934: Ms. GRANGER.
H. Res. 939: Mr. CARTER and Mr. PORTER.
H. Res. 948: Mr. BOSWELL, Mrs. DAVIS of California, Mr. BRALEY of Iowa, Mr. HONDA, Mr. WALZ of Minnesota, Ms. BORDALLO, Mr. JOHNSON of Georgia, Mr. REYES, Mr. ORTIZ, and Mr. RYAN of Ohio.
H. Res. 951: Mr. ARCURI, Ms. BORDALLO, Mr. ETHERIDGE, Mr. GARY G. MILLER of California, Mrs. MUSGRAVE, Mr. SIMPSON, Mr. TIAHRT, Mr. WEXLER, Ms. CLARKE, Mr. LIPINSKI, Mr. HOLDEN, and Mr. KAGEN.
H. Res. 953: Mr. MILLER of Florida, Mr. HAYES, Mr. ROGERS of Alabama, Mr. COLE of Oklahoma, Mrs. MILLER of Michigan, Mr. SESSIONS, Mr. SHUSTER, Mr. LOBIONDO, Mr. LAMBORN, Mr. FRANKS of Arizona, Mr. HUNTER, Mr. EVERETT, and Mr. MCHUGH.
H. Res. 962: Mr. WYNN, Ms. KILPATRICK, Ms. JACKSON-LEE of Texas, and Ms. LINDA T. SÁNCHEZ of California.
H. Res. 977: Mr. HINCHEY, Mr. TIM MURPHY of Pennsylvania, Mr. PALLONE, Mr. CHANDLER, Mr. ROSS, and Ms. HIRONO.
H. Res. 978: Mr. MOORE of Kansas, Ms. KILPATRICK, and Mr. MEEKS of New York.

FRIDAY, FEBRUARY 15, 2008 (16)

¶16.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Mr. MCGOVERN, who laid before the House the following communication:

WASHINGTON, DC,
February 15, 2008.

I hereby appoint the Honorable JAMES P. MCGOVERN to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

¶16.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. MCGOVERN, announced he had examined and approved the Journal of the proceedings of Thursday, February 14, 2008.

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

¶16.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

5400. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule—Wood Packaging Material; Treatment Modification [Docket No. APHIS–2006–0129] (RIN: 0579–AC32) received February 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5401. A letter from the Secretary, Securities and Exchange Commission, Securities and Exchange Commission, transmitting the Commission's final rule—ELECTRONIC FILING AND REVISION OF FORM D [RELEASE NOS. 33–8891; 34–57280; 39–2453; IC–28145; FILE NO. S7–12–07] (RIN: 3235–AJ87) received February 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5402. A letter from the Chairperson, National Council on Disability, transmitting a copy of the NCD's ''National Disability Policy: A Progress Report,'' as required by Section 401(b)(1) of the Rehabilitation Act of 1973, as amended, covering the period from December 2005 through December 2006, pursuant to 29 U.S.C. 781(a)(8); to the Committee on Education and Labor.

5403. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule—Allotments From Federal Employees (RIN: 3206-AJ88) received February 6, 2008, pursuant to 5 U.S.C.

801(a)(1)(A); to the Committee on Oversight and Government Reform.

5404. A letter from the Deputy Assistant Administrator, Office of Diversion Control, Department of Justice, transmitting the Department's final rule—Reexportation of Controlled Substances [Docket No. DEA-276F] (RIN: 1117-AB00) received January 10, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

5405. A letter from the Assistant Secretary for the Army for Civil Works, Department of Defense, transmitting the Department's report on the Hurricane and Storm Damage Risk Reduction System Vertical Settlement, New Orleans, LA, pursuant to Pub. L. 109–234, Title II, Chapter 3; to the Committee on Transportation and Infrastructure.

5406. A letter from the Assistant Secretary of the Army for Civil Works, Department of Defense, transmitting the Department's report on the progress of the Louisiana Coastal Protection and Restoration (LaCPR) Study, pursuant to Public Law 109–148; to the Committee on Transportation and Infrastructure.

5407. A letter from the Assistant Secretary of the Army for Civil Works, Department of Defense, transmitting the Department's report on the progress of the Comprehensive Plan report on the Mississippi Coastal Improvements Program (MsCIP), pursuant to Public Law 109–148; to the Committee on Transportation and Infrastructure.

5408. A letter from the Assistant Secretary of the Army for Civil Works, Department of Defense, transmitting the Department's recommended re-authorization of a flood damage reduction project for the Santa Barbara Streams, Lower Mission Creek, Santa Barbara, California; to the Committee on Transportation and Infrastructure.

5409. A letter from the Assistant Secretary of the Army for Civil Works, Department of Defense, transmitting the Department's environmental assessment report for the Tanque Verde Creek, Arizona; to the Committee on Transportation and Infrastructure.

5410. A letter from the Assistant Secretary for Legislative Affairs, Department of Homeland Security, transmitting a report to Congress on the extent to which the implementation by the United States Coast Guard of regulations issued or enforced, or interpretations or guidelines established, pursuant to Public Law 104–55, carry out the intent of Congress and recognize and provide for the differences in the physical, chemical, biological, and other properties, and in the environmental effects, of the classes of fats, oils, and greases described under that law; to the Committee on Transportation and Infrastructure.

5411. A letter from the Secretary, Department of Transportation, transmitting the Department's interim report in accordance with Section 1807(e) of Public Law 109–59, the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users; to the Committee on Transportation and Infrastructure.

5412. A letter from the Secretary, Department of Transportation, transmitting the Department's report entitled, ''2006 Status of the Nation's Highways, Bridges and Transit: Conditions and Performance,'' pursuant to 23 U.S.C. 502(h); to the Committee on Transportation and Infrastructure.

5413. A letter from the Chair, National Surface Transportation Policy and Revenue Study Commission, transmitting the Commission's report entitled, ''Transportation for Tomorrow: Report of the National Surface Transportation Policy and Revenue Study Commission''; to the Committee on Transportation and Infrastructure.

5414. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule—Guidance Necessary to Facilitate Electronic Tax Administration-Updating of Section 7216 Regulations [TD 9375] (RIN: 1545–BA96) received January 4, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5415. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule—Guidance Regarding Marketing of Refund Anticipation Loans (RALS) and Certain Other Products in Connection with the Preparation of a Tax Return [REG–136596–07] (RIN: 1545–BH12) received January 4, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5416. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule—Revenue Procedure 2008–12—received January 4, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

¶16.4 MESSAGE FROM THE SENATE

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

H.R. 1216. An Act to direct the Secretary of Transportation to issue regulations to reduce the incidence of child injury and death occurring inside or outside of light motor vehicles, and for other purposes.

H. Con. Res. 293. A concurrent resolution providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate.

The message also announced that pursuant to section 5 of title I of division H of Public Law 110–161, the Chair, on behalf of the Vice President, appoints the following Senator as Vice Chairman of the U.S.-Japan Interparliamentary Group conference for the One Hundred Tenth Congress: the Senator from Alaska [Mr. STEVENS].

The message also announced that pursuant to the provisions of title 2, United States Code, section 1151, as amended, the Chair, on behalf of the President pro tempore, appoints the following individual to the Board of Trustees of the Open World Leadership Center: the Senator from Mississippi [Mr. WICKER].

The message also announced that pursuant to the provisions of Public Law 100–702, the Chair, on behalf of the President pro tempore, reappoints the following individual to the Federal Judicial Center Foundation Board: John B. White Jr. of South Carolina.

The message also announced that pursuant to the provisions of Public Law 110–161, the Chair, on behalf of the Democratic Leader, appoints the following individuals to serve as members of the National Commission on Children and Disasters: Mark Shriver of Maryland and Sheila Leslie of Nevada.

¶16.5 ADJOURNMENT OVER

On motion of Mr. HOYER, by unanimous consent,

Ordered, That when the House adjourns on Thursday, February 21, 2008, it adjourn to meet on Monday, February 25, 2008 at 4 p.m.

And then,

¶16.6 ADJOURNMENT

On motion of Mr. HOYER, pursuant to House Concurrent Resolution 293, at 10 o'clock and 25 minutes a.m., the House adjourned until 10:00 a.m. on Tuesday, February 19, 2008.

¶16.7 PUBLIC BILLS AND RESOLUTIONS

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

By Ms. BORDALLO (for herself and Ms. ROS-LEHTINEN):

H. Con. Res. 300. Concurrent resolution recognizing the necessity for the United States to maintain its significant leadership role in improving the health and promoting the resiliency of coral reef ecosystems, and for other purposes; to the Committee on Natural Resources.

By Mr. KIRK (for himself, Mr. TANNER, and Mr. LAMPSON):

H. Con. Res. 301. Concurrent resolution encouraging the United States Geological Survey, the National Science Foundation, and the Department of Defense to support a recovery mission for the human remains of the crew killed in the George One crash in Antarctica, and for other purposes; to the Committee on Armed Services, and in addition to the Committees on Science and Technology, and Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

¶16.8 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 82: Mr. SKELTON.

H.R. 1032: Mr. BERMAN, Mr. RANGEL, Ms. SOLIS, and Ms. BERKLEY.

H.R. 1419: Mr. HOLT.

H.R. 2352: Mr. COHEN.

H.R. 2702: Mr. LOEBSACK.

TUESDAY, FEBRUARY 19, 2008 (17)

¶17.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Mr. VAN HOLLEN, who laid before the House the following communication:

WASHINGTON, DC,
February 19, 2008.

I hereby appoint the Honorable CHRIS VAN HOLLEN to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

¶17.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. VAN HOLLEN, announced he had examined and approved the Journal of the proceedings of Friday, February 15, 2008.

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

¶17.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

5417. A letter from the Executive Director, Federal Energy Regulatory Commission,

transmitting the Commission's final rule — Update of the Federal Energy Regulatory Commission's Fees Schedule for Annual Charges for the Use of Government Lands [RM08-6-000] received January 28, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5418. A letter from the Deputy Assistant Administrator For Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Summer Flounder, Scup, and Black Sea Bass Fisheries; 2008 Summer Flounder, Scup, and Black Sea Bass Specifications; Preliminary 2008 Quota Adjustments; 2008 Summer Flounder Quota for Delaware [Docket No. 071030625-7696-02] (RIN: 0648-XC84) received February 5, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5419. A letter from the Deputy Assistant Administrator for Operations, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Gulf of Mexico Vermillion Snapper Fishery Management Measures [Docket No. 070518142-7238-02] (RIN: 0648-AV45) received February 5, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5420. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries off West Coast States; Pacific Coast Groundfish Fishery; Pacific Whiting Allocation [Docket No. 060824226-6322-02] (RIN: 0648-XE38) received February 5, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5421. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Chiniak Gully Research Area for Vessels Using Trawl Gear [Docket No. 070213032-7032-01] (RIN: 0648-XE81) received February 5, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5422. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Modification of the Yellowtail Flounder Landing Limit for the U.S./Canada Management Area [Docket No. 070227048-7091-02] (RIN: 0648-XE82) received February 5, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5423. A letter from the Assistant Secretary of the Army for Civil Works, Department of Defense, transmitting the Department's feasibility report and environmental assessment of the Swope Parl Industrial Area, Blue River Basin, Kansas City, Missouri; to the Committee on Transportation and Infrastructure.

5424. A letter from the Paralegal, Department of Transportation, transmitting the Department's final rule — National Transit Database: Amendment to Reporting Requirements and Non-Substantive Technical Changes [Docket No: FTA-2007-27319] (RIN: 2132-AA94) received January 14, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5425. A letter from the Paralegal, Department of Transportation, transmitting the Department's final rule — CHARTER SERVICE [Docket No. FTA-2005-22657] (RIN: 2132-AA85) received January 14, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5426. A letter from the Deputy General Counsel (Administration & Management), National Aeronautics and Space Administration, transmitting the Administration's final rule — Patents and Other Intellectual Property Rights [NOTICE: (07-083)] (RIN: 2700-AD35) received December 20, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science and Technology.

¶17.4 ENROLLED BILL SIGNED

The SPEAKER pro tempore, Mr. VAN HOLLEN, announced that pursuant to clause 4, rule I, the Speaker pro tempore, Mr. HOYER, had signed the following enrolled bill on Friday, February 15, 2008:

H.R. 5270. An Act to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, and for other purposes.

And then,

¶17.5 ADJOURNMENT

On motion of Mr. PETERSON of Minnesota, pursuant to House Concurrent Resolution 293, at 10 o'clock and 5 minutes a.m., the House adjourned until noon on Thursday, February 21, 2008.

¶17.6 PUBLIC BILLS AND RESOLUTIONS

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

By Mr. MITCHELL:

H.R. 5474. A bill to prevent payments of educational assistance for veterans and members of the Selected Reserve from being offset in the calculation of financial aid under the Higher Education Act of 1965; to the Committee on Education and Labor.

By Mr. MOORE of Kansas (for himself, Mrs. BIGGERT, Mrs. BOYDA of Kansas, Ms. GINNY BROWN-WAITE of Florida, Mr. CASTLE, Mr. CHABOT, Mr. CHANDLER, Mr. CLEAVER, Mr. CRAMER, Mr. CROWLEY, Mr. DAVIS of Alabama, Mr. LINCOLN DIAZ-BALART of Florida, Mr. MARIO DIAZ-BALART of Florida, Mr. EDWARDS, Mr. GORDON, Ms. GRANGER, Ms. HERSETH SANDLIN, Mr. HILL, Mr. ISRAEL, Mr. JONES of North Carolina, Mr. KIND, Mr. KIRK, Mr. LAHOOD, Mr. LAMPSON, Mr. MARSHALL, Mr. MATHESON, Mr. PETERSON of Minnesota, Mr. POE, Ms. PRYCE of Ohio, Mr. RAMSTAD, Ms. ROS-LEHTINEN, Ms. LORETTA SANCHEZ of California, Mr. SCHIFF, Mr. VAN HOLLEN, and Mrs. WILSON of New Mexico):

H.R. 5475. A bill to amend title 18, United States Code, to make a technical correction to ensure sex offenders who travel between States, regardless of when they traveled, must register with appropriate state and local authorities; to the Committee on the Judiciary.

By Mrs. JONES of Ohio (for herself and Mr. TIBERI):

H. Res. 993. A resolution expressing support for the second annual America Saves Week 2008 from February 24, 2008 through March 2, 2008; to the Committee on Financial Services.

¶17.7 MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

235. The SPEAKER presented a memorial of the Legislature of the State of Alaska, relative to House Joint Resolution No. 11 urging the Congress of the United States to take action to honor the sovereignty of the individual states to regulate and command the National Guard of the states; to the Committee on Armed Services.

236. Also, a memorial of the Senate of the State of New Jersey, relative to Senate Resolution No. 116 urging the Congress of the United States and the President of the United States to reverse the decision to close Fort Monmouth; to the Committee on Armed Services.

237. Also, a memorial of the Legislature of the State of Alaska, relative to House Joint Resolution No. 21 opposing the designation of any area in the state as a world heritage site, biospere reserve, or any other type of international designation without the consent of the Alaska State Legislature and affected local governments; to the Committee on Natural Resources.

238. Also, a memorial of the Legislature of the State of Alaska, relative to Senate Joint Resolution No. 6 urging the Congress of the United States to defeat H.R. 39 titled, ''To preserve the Arctic coastal plain of the Arctic National Wildlife Refuge, Alaska, as wilderness in recognition of its extraordinary natural ecosystems and for the permanent good of present and future generations of Americans''; to the Committee on Natural Resources.

¶17.8 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 219: Mr. DUNCAN.

H.R. 241: Mr. CARTER and Mr. BURTON of Indiana.

H.R. 1701: Mr. LEWIS of Kentucky.

H.R. 1767: Mr. DUNCAN.

H.R. 1897: Mr. LAMBORN.

H.R. 2421: Mr. GILCHREST.

H.R. 3650: Mr. FERGUSON, Mr. WILSON of South Carolina, and Ms. GIFFORDS.

H.R. 3726: Mr. LOEBSACK.

H.R. 3800: Mr. HOBSON and Mr. STUPAK.

H.R. 5087: Mr. BARTLETT of Maryland.

H.R. 5237: Mrs. EMERSON.

H. Con. Res. 239: Mr. GINGREY.

H. Res. 888: Mr. CALVERT, Mr. LAMBORN, Mr. ALEXANDER, Mr. SMITH of Nebraska, Mr. MICA, Mr. DEAL of Georgia, Mr. MARCHANT, Mr. HALL of Texas, Mr. HULSHOF, and Mr. INGLIS of South Carolina.

H. Res. 952: Mr. GERLACH, Ms. SHEA-PORTER, Ms. SOLIS, Ms. ZOE LOFGREN of California, Mr. LIPINSKI, Ms. DEGETTE, and Mr. GEORGE MILLER of California.

H. Res. 957: Mr. RANGEL, Mrs. BIGGERT, Ms. SCHAKOWSKY, Mr. BLUMENAUER, and Mr. POMEROY.

THURSDAY, FEBRUARY 21, 2008 (18)

¶18.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Mr. MCGOVERN, who laid before the House the following communication:

WASHINGTON, DC,
February 21, 2008.

I hereby appoint the Honorable JAMES P. MCGOVERN to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

¶18.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. MCGOVERN, announced he had examined and approved the Journal of the

proceedings of Tuesday, February 19, 2008.

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

¶18.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

5427. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Brucellosis in Cattle; State and Area Classifications; Texas [Docket No. APHIS-2008-0003] received February 5, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5428. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Irish Potatoes Grown in Colorado; Modification of the Handling Regulation for Area No. 2 [Docket No. AMS-FV-07-0115; FV08-948-1 FR] received February 5, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5429. A letter from the Deputy Director, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule — Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits — received February 5, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

5430. A letter from the General Counsel, Federal Energy Regulatory Commission, transmitting the Commission's final rule — Mandatory Reliability Standards for Critical Infrastructure Protection [Docket No. RM06-22-000; Order No. 706] received January 25, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5431. A letter from the Secretary of the Commission, Federal Trade Commission, transmitting the Commission's final rule — Rule Concerning Disclosures Regarding Energy Consumption and Water Use of Certain Home Appliances and other Products Required Under the Energy Policy and Conservation Act (''Appliance Labeling Rule'') [RIN: 3084-AB03] received February 6, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5432. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-291, ''Rhode Island Metro Plaza Revenue Bonds Approval Act of 2008,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

5433. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — Clarification of NRC Civil Penalty Authority over Contractors and Subcontractors Who Discriminate Against Employees for Engaging in Protected Activities (RIN: 3150-AH59) received February 11, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

5434. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — 26 CFR 601.105: Examination of returns and claims for refund, credit or abatement; determination of correct tax liability. (Also Part 1, 6662, 6694, 1.6662-4, 1.6694-2) (Rev. Proc. 2008-14) received February 6, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5435. A letter from the Chief, Publications and Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — APPEALS SETTLEMENT GUIDELINE ALL INDUSTRIES LOSSES CLAIMED AND INCOME TO BE REPORTED FROM SALE IN/LEASE OUT (SILO) TRANSACTIONS [UIL: 9300.38-00] received February 6, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5436. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Release of Lien or Discharge of Property [TD 9378] (RIN: 1545-BE35) received February 6, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5437. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Transition Guidance for New Funding Rules and Funding-Related Benefit Limitations under PPA '06 [Notice 2008-21] received February 6, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5438. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Section 411. — Minimum Vesting Standards 26 CFR 1.411(b)-1: Accrued benefit requirements. (Also, 7805; 301.7805-1.) (Rev. Rul. 2008-7) received February 6, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5439. A letter from the Secretary, Department of Health and Human Services, transmitting a draft of proposed legislation entitled the ''Medicare Funding Warning Response Act of 2008''; (H. Doc. No. 110–96); jointly to the Committees on Energy and Commerce, Ways and Means, and the Judiciary and ordered to be printed.

¶18.4 ENROLLED BILL SIGNED

The SPEAKER pro tempore, Mr. MCGOVERN, announced that pursuant to clause 4, rule I, the Speaker pro tempore, Mr. VAN HOLLEN, signed the following enrolled bill on Tuesday, February 19, 2008:

H.R. 1216. An Act to direct the Secretary of Transportation to issue regulations to reduce the incidence of child injury and death occurring inside or outside of light motor vehicles, and for other purposes.

And then,

¶18.5 ADJOURNMENT

On motion of Mr. PETERSON of Minnesota, pursuant to the special order of the House agreed to on Friday, February 15, 2008, at 12 o'clock and 4 minutes p.m., the House adjourned until 4 p.m. on Monday, February 25, 2008.

¶18.6 PUBLIC BILLS AND RESOLUTIONS

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

By Mr. MILLER of North Carolina:

H.R. 5476. A bill to extend the temporary suspension of duty on ethofumesate in bulk or mixtures; to the Committee on Ways and Means.

By Mr. SCHIFF:

H.R. 5477. A bill to designate the facility of the United States Postal Service located at 120 South Del Mar Avenue in San Gabriel, California, as the ''Chi Mui Post Office Building''; to the Committee on Oversight and Government Reform.

¶18.7 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 463: Mr. BRALEY of Iowa.

H.R. 1553: Mrs. GILLIBRAND, Mr. PASTOR, and Mr. NADLER.

H.R. 1992: Mr. ARCURI and Mr. ACKERMAN.

H.R. 2352: Mr. ARCURI, Mr. DEFAZIO, Mr. ORTIZ, and Mr. HONDA.

H.R. 2507: Mr. GINGREY.

H.R. 2604: Ms. SHEA-PORTER.

H.R. 3212: Mrs. DAVIS of California.

H.R. 3609: Mr. SERRANO, Mr. TURNER, Ms. SHEA-PORTER, and Mr. SIRES.

H.R. 3650: Mr. ISSA.

H.R. 3819: Mr. BRALEY of Iowa, Ms. SLAUGHTER, and Mr. SESTAK.

H.R. 4291: Mr. HIGGINS.

H.R. 4829: Mr. LAMPSON.

H.R. 4900: Mr. RAHALL, Mr. PETERSON of Pennsylvania, Mr. ROGERS of Alabama, Mr. WAMP, Mr. BURTON of Indiana, Mr. BISHOP of Utah, Mr. CANTOR, and Mr. CARTER.

H.R. 5475: Mr. ROSKAM, Mr. TANNER, Mr. ROSS, Mrs. TAUSCHER, Mr. MILLER of Florida, and Mrs. EMERSON.

H.J. Res. 12: Mr. ENGLISH of Pennsylvania and Mr. BISHOP of Utah.

H. Con. Res. 278: Mr. ISSA and Mr. COSTA.

H. Res. 939: Mrs. MUSGRAVE.

MONDAY, FEBRUARY 25, 2008 (19)

The House was called to order by the SPEAKER.

¶19.1 APPROVAL OF THE JOURNAL

The SPEAKER announced she had examined and approved the Journal of the proceedings of Thursday, February 21, 2008.

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

¶19.2 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

5440. A letter from the Under Secretary for Acquisition, Technology and Logistics, Department of Defense, transmitting notice of the completion of a public-private competition at the Defense Logistics Agency, pursuant to 10 U.S.C. 2462(a); to the Committee on Armed Services.

5441. A letter from the Chief, Programs and Legislation Division, Office of Legislative Liaison, Department of the Air Force, Department of Defense, transmitting notice of a public-private competition of the Commander of Headquarters Air Combat Command (HQ ACC), 57th Maintenance Group, Nellis Air Force Base, Nevada, pursuant to 10 U.S.C. 2462; to the Committee on Armed Services.

5442. A letter from the Comptroller, Department of Defense, transmitting the Department's quarterly report as of December 31, 2007, entitled, ''Acceptance of contributions for defense programs, projects and activities; Defense Cooperation Account,'' pursuant to 10 U.S.C. 2608; to the Committee on Armed Services.

5443. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting Copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b; to the Committee on Foreign Affairs.

5444. A letter from the District of Columbia Auditor, Office of the District of Columbia Auditor, transmitting a report entitled, ''Letter Report: Certification of the Fiscal Year 2008 Total Non-Dedicated Local Source Revenues in Support of the District's $333,840,000 General Obligation Bonds (2007C),'' pursuant to D.C. Code section 47-117(d); to the Committee on Oversight and Government Reform.

5445. A letter from the Secretary, Department of Education, transmitting the Department's 2007 Annual Report on Grants Streamlining, pursuant to Public Law 106-107, section 5; to the Committee on Oversight and Government Reform.

5446. A letter from the Assistant Secretary for Administration and Mgmt., Department of Labor, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

5447. A letter from the Assistant Secretary for Administration and Mgmt., Department of Labor, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

5448. A letter from the Assistant Secretary for Administration and Mgmt., Department of Labor, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

5449. A letter from the Attorney Advisor, Department of Transportation, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

5450. A letter from the Secretary, Mississippi River Commission, Department of the Army, Department of the Army, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act covering the calendar year 2007, pursuant to 5 U.S.C. 552b(j); to the Committee on Oversight and Government Reform.

5451. A letter from the Associate Deputy Secretary, Department of the Interior, transmitting the Department's Annual Report on grants streamlining and standardization, covering the period from September 2006 to November 2007, pursuant to Public Law 106-107, section 5; to the Committee on Oversight and Government Reform.

5452. A letter from the Acting Assistant Administrator for Legislative and Intergovernmental Affairs, National Aeronautics and Space Administration, transmitting a report on the Administration's category rating system covering the period from November 2006 through November 2007, pursuant to 5 U.S.C. 3319(d); to the Committee on Oversight and Government Reform.

5453. A letter from the Chairman, Nuclear Regulatory Commission, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the calendar year 2007, pursuant to 5 U.S.C. 552b(j); to the Committee on Oversight and Government Reform.

5454. A letter from the Assistant Secretary for Fish, Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Revised Designation of Critical Habitat for Astragalus magdalenae var. peirsonii (Peirson's Milk-Vetch) [[FWS-R8-ES-2008-0019] [92210-117-0000-B4]] (RIN: 1018-AU98) received February 15, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5455. A letter from the Assistant Secretary for Fish, Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for Berberis nevinii (Nevin's barberry) [[FWS-R8-ES-2008-0011][92210-1117-0000-B4]] (RIN: 1018-AU84) received February 15, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5456. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the designation as ''foreign terrorist organization'' pursuant to Section 219 of the Immigration and Nationality Act, pursuant to 8 U.S.C. 1189; to the Committee on the Judiciary.

5457. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Regulated Navigation Area; Buzzards Bay, Massachusetts; Navigable Waterways within the First Coast Guard District [CGD01-04-133] (RIN: 1625-AB17) received February 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5458. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulation; Milhomme Bayou, Stephensville, LA. [Docket No. USCG-2007-0146] (RIN: 1625-AA09) received February 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5459. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Chelsea River, Chelsea and East Boston, MA [USCG-2007-186] received February 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5460. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulation; Gulf Intracoastal Waterway, Mile 131.8, Clearwater, FL [Docket No. CGD07-07-107] (RIN: 1625-AA09) received February 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5461. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Hawker Beechcraft Model 400A Series Airplanes [Docket No. FAA-2007-28883; Directorate Identifier 2007-NM-106-AD; Amendment 39-15267; AD 2007-24-01] (RIN: 2120-AA64) received February 15, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5462. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Rolls-Royce Corporation AE 3007A and AE 3007C Series Turbofan Engines [Docket No. FAA-2007-26966; Directorate Identifier 99-NE-01-AD; Amendment 39-15271; AD 2007-24-05] (RIN: 2120-AA64) received February 15, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5463. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Cirrus Design Corporation Model SR22 Airplanes [Docket No. FAA-2007-0250; Directorate Identifier 2007-CE-091-AD; Amendment 39-15279; AD 2007-24-13] (RIN: 2120-AA64) received February 15, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5464. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Hartzell Propeller Inc. Model HC-E5N-3(), HC-E5N-3()(L), and HC-E5B-5() Propellers [Docket No. FAA-2007-28656; Directorate Identifier 2007-NE-31-AD; Amendment 39-15280; AD 2007-24-14] (RIN: 2120-AA64) received February 15, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5465. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; GROB-WERKE GMBH & CO KG Models G102 CLUB ASTIR III, G102 CLUB ASTIR IIIb, and G102 STANDARD ASTIR III Gliders [Docket No. FAA-2007-28670 Directorate Identifier 2007-CE-060-AD; Amendment 39-15277; AD 2007-24-11] (RIN: 2120-AA64) received February 15, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5466. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Societe de Motorisations Aeronautiques (SMA) SR305-230 and SR305-230-1 Reciprocating Engines [Docket No. FAA-2006-26102; Directorate Identifier 2006-NE-36-AD; Amendment 39-15272; AD 2007-24-06] (RIN: 2120-AA64) received February 15, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5467. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Turbomeca Arriel 2S1 and 2S2 Turboshaft Engines [Docket No. FAA-2007-28125; Directorate Identifier 2007-NE-17-AD; Amendment 39-15276; AD 2007-24-10] (RIN: 2120-AA64) received February 15, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5468. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Rolls-Royce plc RB211 Trent 768-60, 772-60, and 772B-60 Turbofan Engines [Docket No. FAA-2006-26052; Directorate Identifier 2006-NE-30-AD; Amendment 39-15275; AD 2007-24-09] (RIN: 2120-AA64) received February 15, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5469. A letter from the Publications and Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Qualifying Advanced Coal Project--Special Allocation Round [Notice 2008-26] received February 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5470. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — 26 C.F.R. 702.9037-2T: Payments from the Presidential Primary Matching Payment Account (temporary). (Rev. Proc. 2008-15) received February 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5471. A letter from the Branch Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Payments from the Presidential Primary Matching Payment Account [TD 9382] (RIN: 1545-BH41) received February 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5472. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — TIPRA Amendments to Section 199 [TD 9381] (RIN: 1545-BF79) received February 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5473. A letter from the Under Secretary for Policy, Department of Defense, transmitting the Department's notification of the intention to obligate FY 2008 funds under the Cooperative Threat Reduction Program, pursuant to Public Law 104-106, section 1205; jointly to the Committees on Armed Services and Foreign Affairs.

5474. A letter from the Inspector General, Special Inspector General for Iraq Reconstruction, transmitting the January 2008 Quarterly Report pursuant to Section 3001(i) of Title III of the 2004 Emergency Supplemental Appropriations for Defense and for the Reconstruction of Iraq and Afghanistan (Pub. L. 108-106) as amended by Pub. L. 108-375, Pub. L. 109-102, Pub. L. 109-364, Pub. L. 109-440, and Pub. L. 110-28; jointly to the Committees on Foreign Affairs and Appropriations.

¶19.3 COMMUNICATION FROM THE CLERK—MESSAGE FROM THE SENATE

The SPEAKER pro tempore, Mr. ROSS, laid before the House a communication, which was read as follows:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, February 21, 2008.

Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on February 21, 2008, at 1:08 p.m.:

That the Senate agreed to the conference report accompanying the bill: H.R. 2082.

With best wishes, I am

Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

¶19.4 SCHOOL SOCIAL WORK WEEK

Mr. COURTNEY moved to suspend the rules and agree to the following resolution (H. Res. 978):

Whereas the School Social Work Association of America declared the week of March 3–7, 2008, ''School Social Work Week'';

Whereas the House of Representatives recognized the importance of school social work through the inclusion of school social work programs in the current authorization of the Elementary and Secondary Education Act of 1965 and the Individuals with Disabilities Education Act;

Whereas school social workers serve as vital members of a school's educational team, playing a central role in creating partnerships between the home, school, and community, to ensure student academic success;

Whereas school social workers are especially skilled in providing services to students who face serious challenges to school success, including poverty, disability, discrimination, abuse, addiction, bullying, divorce of parents, loss of a loved one, and other barriers to learning;

Whereas there is a growing need for school districts to offer the mental health services that school social workers provide when working with families, teachers, principals, community agencies, and other entities to address the emotional, physical, and environmental needs so that students may achieve behavioral and academic success;

Whereas to achieve the goals of the No Child Left Behind Act of 2001 of help for all children in reaching their optimal potential and achievement, including those with serious emotional disturbances, schools must work to remove the emotional, behavioral, and academic barriers that interfere with student success in school;

Whereas fewer than 1 in 5 of the 17,500,000 children in need of mental health services actually receive these services, and the President's New Freedom Commission on Mental Health indicates that school mental health programs improve educational outcomes by decreasing absences, decreasing discipline referrals, and improving academic achievement;

Whereas school mental health programs are critical to early identification of mental health problems and in the provision of appropriate services when needed;

Whereas the national average ratio of students to school social workers recommended by the School Social Work Association of America is 400 to 1; and

Whereas the celebration of ''School Social Work Week'' highlights the awareness of the vital role school social workers play in the lives of students in the United States: Now, therefore, be it

Resolved, That the House of Representatives—

(1) honors and recognizes the contributions of school social workers to the success of students in schools across the Nation; and

(2) encourages the people of the United States to observe ''School Social Work Week'' with appropriate ceremonies and activities that promote awareness of the vital role of school social workers in schools, and the community as a whole, in helping students prepare for their future as productive citizens.

The SPEAKER pro tempore, Mr. ROSS, recognized Mr. COURTNEY and Mr. BISHOP of Utah, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. ROSS, announced that two-thirds of the Members present had voted in the affirmative.

Mr. COURTNEY demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. ROSS, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶19.5 CAREER AND TECHNICAL EDUCATION MONTH

Mr. COURTNEY moved to suspend the rules and agree to the following resolution (H. Res. 930); as amended:

Whereas there are over 15,000,000 secondary and postsecondary career and technical education students in the United States;

Whereas nationwide, there are over 10,000 secondary high schools and career tech centers and over 9,000 postsecondary institutions offering career and technical education programs;

Whereas a competitive global economy requires workers trained in skilled professions;

Whereas career and technical education plays a crucial role in preparing a well-educated and skilled workforce in America;

Whereas career and technical education prepares students for all of the 20 fastest growing occupations identified by the U.S. Department of Labor;

Whereas according to the U.S. Chamber of Commerce, nearly 75 percent of employers report severe conditions when trying to hire qualified workers and 40 percent say that applicants are poorly skilled;

Whereas students taking career and technical education courses have higher grade point averages in college, are less likely to drop out in high school and college, and have better employment and earnings outcomes than other students;

Whereas, in 2006, Congress reauthorized with bipartisan support the Carl D. Perkins Career and Technical Education Act, which provides states with Federal resources to support career and technical education programs; and

Whereas the Association for Career and Technical Education has designated February as ''Career and Technical Education Month'' to celebrate career and technical education across the country: Now, therefore, be it

Resolved, That the United States House of Representatives—

(1) supports the goals and ideals of Career and Technical Education month;

(2) recognizes the importance of career and technical education in preparing a well-educated and skilled workforce in America; and

(3) encourages educators, counselors, and administrators to promote career and technical education as an option to students.

The SPEAKER pro tempore, Mr. ROSS, recognized Mr. COURTNEY and Mr. BISHOP of Utah, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. ROSS, announced that two-thirds of the Members present had voted in the affirmative.

Mr. COURTNEY demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. ROSS, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶19.6 LIEUTENANT GENERAL RUSSEL L. HONORE

Mr. COURTNEY moved to suspend the rules and agree to the following resolution (H. Res. 944); as amended:

Whereas Lieutenant General Russel L. Honoré is a native of Lakeland, Louisiana;

Whereas Lieutenant General Honoré graduated from Southern University and A&M College in 1971 with a bachelor's degree in vocational agriculture and, upon graduation, was commissioned as a Second Lieutenant in the United States Army;

Whereas Lieutenant General Honoré graduated from Troy State University with a master's degree in human resources, received an honorary doctorate in public administration from Southern University and A&M College, and received an honorary doctorate in law from Stillman College;

Whereas Lieutenant General Honoré served in a number of infantry command positions in the Army, including overseas tours in Germany and as a commanding officer in the Second Infantry Division in Korea;

Whereas Lieutenant General Honoré saw action in Iraq and Kuwait during Operation Desert Storm;

Whereas Lieutenant General Honoré served as vice director for operations for the Joint Chiefs of Staff, Washington, District of Columbia, deputy commanding general and assistant commandant of the United States Army Infantry Center and School at Fort Benning, Georgia, and assistant division commander, maneuver/support for the First Calvary Division at Fort Hood, Texas;

Whereas Lieutenant General Honoré commanded the Joint Force Headquarters for Homeland Security;

Whereas Lieutenant General Honoré commanded the First United States Army, which is responsible for the training and deployment of 500,000 National Guard and Reserve members.

Whereas the awards and decorations of Lieutenant General Honoré include the Defense Distinguished Service Medal with Oak Leaf Cluster, the Distinguished Service Medal with Oak Leaf Cluster, the Defense Superior Service Medal, the Legion of Merit with four Oak Leaf Clusters, the Bronze Star Medal, the Defense Meritorious Service Medal, the Meritorious Service Medal with three Oak Leaf Clusters, and the Army Commendation Medal with three Oak Leaf clusters;

Whereas Lieutenant General Honoré led the Joint Task Force Katrina following the hurricane's destruction of the Gulf Coast in 2005, where he commanded all active-duty troops from all military branches dedicated to the storm recovery operations; and

Whereas Lieutenant General Honoré and his wife Beverly raised four children, Stephanie, Kimberly, Stephen, and Michael, and their son Michael has served in Iraq as an Army sergeant: Now, therefore, be it

Resolved, That the House of Representatives—

(1) honors Lieutenant General Honoré for his 37 years of service on behalf of the United States;

(2) commends Lieutenant General Honoré for his dedication and commitment to the Army and his leadership in the post-Katrina recovery effort; and

(3) recognizes Lieutenant General Honoré as a soldier, commander, and leader and for displaying throughout his distinguished military service the highest levels of leadership, professional competence, integrity, and courage.

The SPEAKER pro tempore, Mr. ROSS, recognized Mr. COURTNEY and Mr. BISHOP of Utah, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. ROSS, announced that two-thirds of the Members present had voted in the affirmative.

Mr. COURTNEY demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. ROSS, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶19.7 2008 $1 COINS ISSUANCE

Ms. MOORE of Wisconsin, moved to suspend the rules and pass the bill (H.R. 5478) to provide for the continued minting and issuance of certain $1 coins in 2008.

The SPEAKER pro tempore, Mr. ROSS, recognized Ms. MOORE of Wisconsin, and Mr. BISHOP of Utah, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. ROSS, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶19.8 RECESS—4:50 P.M.

The SPEAKER pro tempore, Mr. ROSS, pursuant to clause 12(a) of rule I, declared the House in recess at 4 o'clock and 50 minutes p.m., until approximately 6:30 p.m.

¶19.9 AFTER RECESS—6:30 P.M.

The SPEAKER pro tempore, Ms. BALDWIN, called the House to order.

¶19.10 H. RES. 978—UNFINISHED BUSINESS

The SPEAKER pro tempore, Ms. BALDWIN, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 978) expressing support for the designation of the week of March 3-7, 2008, as ''School Social Work Week'' to promote awareness of the vital role of school social workers in schools, and in the community as a whole, in helping students prepare for their future as productive citizens.

The question being put,

Will the House suspend the rules and agree to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 379 / Nays 0

¶19.11 [Roll No. 69]

YEAS—379

Abercrombie	Chabot	Franks (AZ)
Ackerman	Chandler	Frelinghuysen
Akin	Clarke	Garrett (NJ)
Alexander	Clay	Giffords
Altmire	Cleaver	Gillibrand
Andrews	Clyburn	Gingrey
Arcuri	Coble	Gohmert
Baca	Cohen	Gonzalez
Bachmann	Cole (OK)	Goode
Baird	Conaway	Goodlatte
Baldwin	Conyers	Gordon
Barrett (SC)	Cooper	Granger
Barrow	Costa	Green, Al
Bartlett (MD)	Costello	Green, Gene
Barton (TX)	Courtney	Hall (NY)
Bean	Cramer	Hare
Becerra	Crenshaw	Harman
Berkley	Crowley	Hastings (FL)
Berman	Cubin	Hayes
Berry	Cuellar	Heller
Biggert	Culberson	Hensarling
Bilbray	Cummings	Herger
Bilirakis	Davis (AL)	Higgins
Bishop (NY)	Davis (CA)	Hill
Bishop (UT)	Davis (IL)	Hinchey
Blackburn	Davis (KY)	Hirono
Blumenauer	Davis, David	Hobson
Blunt	Davis, Lincoln	Hodes
Boehner	Davis, Tom	Hoekstra
Bonner	Deal (GA)	Holden
Bono Mack	DeFazio	Holt
Boozman	DeGette	Honda
Boren	Delahunt	Hooley
Boswell	DeLauro	Hoyer
Boucher	Dent	Inglis (SC)
Boustany	Diaz-Balart, L.	Inslee
Boyd (FL)	Diaz-Balart, M.	Israel
Boyda (KS)	Dicks	Issa
Brady (PA)	Dingell	Jackson (IL)
Brady (TX)	Doggett	Jackson-Lee (TX)
Braley (IA)	Donnelly	Jefferson
Broun (GA)	Doyle	Johnson (GA)
Brown (SC)	Drake	Johnson (IL)
Brown, Corrine	Dreier	Johnson, E. B.
Brown-Waite, Ginny	Duncan	Johnson, Sam
Buchanan	Ehlers	Jones (NC)
Burgess	Ellsworth	Jones (OH)
Burton (IN)	Emanuel	Jordan
Butterfield	Emerson	Kagen
Buyer	Engel	Kanjorski
Calvert	English (PA)	Kaptur
Camp (MI)	Eshoo	Kennedy
Campbell (CA)	Etheridge	Kildee
Cannon	Everett	Kilpatrick
Cantor	Fallin	Kind
Capito	Fattah	King (IA)
Capps	Feeney	King (NY)
Cardoza	Filner	Kirk
Carney	Flake	Klein (FL)
Carter	Fortenberry	Kline (MN)
Castle	Fossella	Knollenberg
Castor	Foxx	Kucinich
Kuhl (NY)	Myrick	Sestak
LaHood	Nadler	Shadegg
Lamborn	Napolitano	Shays
Lampson	Neugebauer	Shea-Porter
Langevin	Nunes	Shimkus
Larsen (WA)	Oberstar	Shuler
Larson (CT)	Obey	Shuster
Latham	Olver	Simpson
Latta	Ortiz	Sires
Lee	Pallone	Skelton
Levin	Pascrell	Slaughter
Lewis (GA)	Pastor	Smith (NE)
Lewis (KY)	Paul	Smith (NJ)
Linder	Payne	Smith (TX)
Lipinski	Pearce	Smith (WA)
LoBiondo	Pence	Snyder
Loebsack	Perlmutter	Solis
Lofgren, Zoe	Peterson (MN)	Souder
Lowey	Petri	Stark
Lynch	Pickering	Stearns
Mack	Pitts	Stupak
Mahoney (FL)	Poe	Sullivan
Maloney (NY)	Porter	Sutton
Manzullo	Price (GA)	Tancredo
Markey	Price (NC)	Tanner
Marshall	Putnam	Tauscher
Matheson	Radanovich	Taylor
Matsui	Rahall	Terry
McCarthy (CA)	Ramstad	Thompson (CA)
McCarthy (NY)	Rangel	Thompson (MS)
McCaul (TX)	Regula	Thornberry
McCollum (MN)	Rehberg	Tiahrt
McCotter	Reichert	Tiberi
McCrery	Renzi	Tierney
McDermott	Reyes	Tsongas
McGovern	Richardson	Udall (NM)
McHenry	Rodriguez	Upton
McHugh	Rogers (AL)	Van Hollen
McIntyre	Rogers (KY)	Velázquez
McKeon	Rogers (MI)	Visclosky
McMorris Rodgers	Rohrabacher	Walberg
McNerney	Ros-Lehtinen	Walden (OR)
McNulty	Roskam	Walsh (NY)
Meek (FL)	Ross	Walz (MN)
Meeks (NY)	Rothman	Wamp
Melancon	Roybal-Allard	Wasserman Schultz
Mica	Royce	Waters
Michaud	Ryan (OH)	Watson
Miller (FL)	Ryan (WI)	Watt
Miller (MI)	Salazar	Waxman
Miller (NC)	Sali	Weiner
Miller, Gary	Sánchez, Linda T.	Welch (VT)
Miller, George	Sanchez, Loretta	Weller
Mitchell	Sarbanes	Westmoreland
Mollohan	Saxton	Wexler
Moore (KS)	Schakowsky	Whitfield (KY)
Moore (WI)	Schiff	Wilson (NM)
Moran (KS)	Schmidt	Wilson (OH)
Moran (VA)	Schwartz	Wilson (SC)
Murphy (CT)	Scott (GA)	Wittman (VA)
Murphy, Patrick	Scott (VA)	Wolf
Murphy, Tim	Sensenbrenner	Wu
Murtha	Serrano	Wynn
Musgrave	Sessions	Yarmuth

NOT VOTING—49

Aderholt	Gutierrez	Platts
Allen	Hall (TX)	Pomeroy
Bachus	Hastings (WA)	Pryce (OH)
Bishop (GA)	Herseth Sandlin	Reynolds
Capuano	Hinojosa	Ruppersberger
Carnahan	Hulshof	Rush
Doolittle	Hunter	Sherman
Edwards	Keller	Space
Ellison	Kingston	Spratt
Farr	LaTourette	Towns
Ferguson	Lewis (CA)	Turner
Forbes	Lucas	Udall (CO)
Gallegly	Lungren, Daniel E.	Weldon (FL)
Gerlach	Marchant	Woolsey
Gilchrest	Neal (MA)	Young (AK)
Graves	Peterson (PA)	Young (FL)
Grijalva		

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶19.12 MOMENT OF SILENCE IN MEMORY OF THOSE SLAIN AT NORTHERN ILLINOIS UNIVERSITY

The SPEAKER pro tempore, Ms. BALDWIN, announced that all Members stand and observe a moment of silence in memory of those slain at Northern Illinois University.

¶19.13 H. RES. 930—UNFINISHED BUSINESS

The SPEAKER pro tempore, Ms. BALDWIN, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 930) supporting the goals and ideals of ''Career and Technical Education Month''; as amended.

The question being put,

Will the House suspend the rules and agree to said resolution, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 380 Nays 0

¶19.14 [Roll No. 70]

YEAS—380

Abercrombie
Ackerman
Akin
Alexander
Altmire
Andrews
Arcuri
Baca
Bachmann
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Cardoza
Carney
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Drake
Dreier
Duncan
Ehlers
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Filner
Flake
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Giffords
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Green, Al
Green, Gene
Hall (NY)
Hare
Harman
Hastings (FL)
Hayes
Heller
Hensarling
Herger
Higgins
Hill
Hinchey
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
Latta
Lee
Levin
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Petri
Pickering
Pitts
Poe
Porter
Price (GA)
Price (NC)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Tsongas
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Wu
Wynn
Yarmuth

NOT VOTING—48

Aderholt
Allen
Bachus
Bishop (GA)
Capuano
Carnahan
Doolittle
Edwards
Ellison
Ferguson
Forbes
Gallegly
Gerlach
Gilchrest
Graves
Grijalva
Gutierrez
Hall (TX)
Hastings (WA)
Herseth Sandlin
Hinojosa
Hulshof
Hunter
Keller
Kingston
LaTourette
Lewis (CA)
Lucas
Lungren, Daniel E.
Marchant
Neal (MA)
Peterson (PA)
Platts
Pomeroy
Pryce (OH)
Reynolds
Ruppersberger
Rush
Sherman
Space
Spratt
Towns
Turner
Udall (CO)
Weldon (FL)
Woolsey
Young (AK)
Young (FL)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

¶19.15 H. RES. 944—UNFINISHED BUSINESS

The SPEAKER pro tempore, Ms. BALDWIN, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 944) honoring the service and accomplishments of Lieutenant General Russel L. Honore, United States Army, for his 37 years of service on behalf of the United States; as amended.

The question being put,

Will the House suspend the rules and agree to said resolution, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 380 Nays 0

¶19.16 [Roll No. 71]

YEAS—380

Abercrombie
Ackerman
Akin
Alexander
Altmire
Andrews
Arcuri
Baca
Bachmann
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Cardoza
Carney
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Drake
Dreier
Duncan
Ehlers
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Filner
Flake
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Giffords
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Green, Al
Green, Gene
Hall (NY)
Hare
Harman
Hastings (FL)
Hayes
Heller
Hensarling
Herger
Higgins
Hill
Hinchey
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
Latta
Lee
Levin
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Marshall

Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Petri
Pickering
Pitts
Poe
Porter
Price (GA)
Price (NC)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Tsongas
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Wu
Wynn
Yarmuth

NOT VOTING—48

Aderholt
Allen
Bachus
Bishop (GA)
Capuano
Carnahan
Doolittle
Edwards
Ellison
Ferguson
Forbes
Gallegly
Gerlach
Gilchrest
Graves
Grijalva
Gutierrez
Hall (TX)
Hastings (WA)
Herseth Sandlin
Hinojosa
Hulshof
Hunter
Keller
Kingston
LaTourette
Lewis (CA)
Lucas
Lungren, Daniel E.
Marchant
Neal (MA)
Peterson (PA)
Platts
Pomeroy
Pryce (OH)
Reynolds
Ruppersberger
Rush
Sherman
Space
Spratt
Towns
Turner
Udall (CO)
Weldon (FL)
Woolsey
Young (AK)
Young (FL)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

¶19.17 ORDER OF BUSINESS—CONSIDERATION OF H. RES. 989

On motion of Mr. GONZALEZ, by unanimous consent,

Ordered, That it may be in order at any time to consider in the House the resolution (H. Res. 989) dismissing the election contest relating to the office of Representative from the Thirteenth Congressional District of Florida; that the resolution be considered as read; and that the previous question shall be considered as ordered on the resolution to its adoption without intervening motion except ten minutes of debate equally divided and controlled by the Chairman and the Ranking Minority Member of the Committee on House Administration, or their designees.

¶19.18 13TH CONGRESSIONAL DISTRICT OF FLORIDA

Mr. GONZALEZ, pursuant to the previous order of the House, called up for consideration the resolution (H. Res. 989):

Resolved, That the election contest relating to the office of Representative from the Thirteenth Congressional District of Florida is dismissed.

When said resolution was considered.

After debate,

Pursuant to the previous order of the House, the previous question was ordered on the resolution.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Ms. BALDWIN, announced that the yeas had it.

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶19.19 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. BISHOP of Georgia, for today;

To Mr. EDWARDS of Texas, for today;

To Mr. ELLISON, for today;

To Mr. LUCAS, for today;

To Mr. RUPPERSBERGER, for today;

To Mr. SHERMAN, for today; and

To Ms. WOOLSEY, for today and balance of the week.

And then,

¶19.20 ADJOURNMENT

On motion of the SPEAKER pro tempore, Ms. BALDWIN, by unanimous consent, at 8 o'clock and 55 minutes p.m., declared the House adjourned until 10:30 a.m. on Tuesday, February 26, 2008.

¶19.21 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

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

Mr. RANGEL: Committee on Ways and Means. H.R. 5264. A bill to extend certain trade preference programs, and for other purposes; with amendments (Rept. 110–529). Referred to the Committee of the Whole House on the state of the Union.

¶19.22 COMMITTEE DISCHARGED

[The following action occurred on February 22, 2008]

Pursuant to clause 2 of rule XII, the Committees on Energy and Commerce and the Judiciary discharged from further consideration. H.R. 275 referred to the Committee of the Whole House on the state of the Union.

¶19.23 PUBLIC BILLS AND RESOLUTIONS

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

By Mr. GUTIERREZ (for himself, Mr. BACHUS, Mr. FRANK of Massachusetts, and Mr. PAUL):

H.R. 5478. A bill to provide for the continued minting and issuance of certain $1 coins in 2008; to the Committee on Financial Services. considered and passed.

By Mr. EHLERS (for himself, Mr. WALBERG, Mr. UPTON, Mrs. MILLER of Michigan, Mr. HOEKSTRA, Mr. LEVIN, Mr. DINGELL, Mr. ROGERS of Michigan, Mr. CAMP of Michigan, Mr. KILDEE, Ms. KILPATRICK, Mr. MCCOTTER, Mr. STUPAK, Mr. KNOLLENBERG, and Mr. CONYERS):

H.R. 5479. A bill to designate the facility of the United States Postal Service located at 117 North Kidd Street in Ionia, Michigan, as the ''Alonzo Woodruff Post Office Building''; to the Committee on Oversight and Government Reform.

By Mr. HOYER (for himself and Mr. BOEHNER) (both by request):

H.R. 5480. A bill to respond to a Medicare funding warning; to the Committee on Energy and Commerce, and in addition to the Committees on the Judiciary, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BILIRAKIS:

H.R. 5481. A bill to provide an additional 0.5 percent increase in the rates of military basic pay for members of the uniformed services above the pay increase proposed by the Department of Defense so as to ensure at least a minimum pay increase of 3.9 percent for members and to further narrow the pay gap that exists between the military and private sector pay scales; to the Committee on Armed Services.

By Mr. BROWN of South Carolina:

H.R. 5482. A bill to extend the duty suspension on Allyl isosulfocynate; to the Committee on Ways and Means.

By Mr. TOM DAVIS of Virginia:

H.R. 5483. A bill to designate the facility of the United States Postal Service located at 10449 White Granite Drive in Oakton, Virginia, as the ''Private First Class David H. Sharrett II Post Office Building''; to the Committee on Oversight and Government Reform.

By Mr. FRANK of Massachusetts:

H.R. 5484. A bill to amend the Internal Revenue Code of 1986 to exclude from income and employment taxes real property tax abatements for seniors and disabled individuals in exchange for services; to the Committee on Ways and Means.

By Mr. MILLER of North Carolina:

H.R. 5485. A bill to establish a program to evaluate HIV/AIDS programs in order to improve accountability, increase transparency, and ensure the delivery of evidence-based services; to the Committee on Foreign Affairs.

By Mr. ROGERS of Alabama (for himself and Mr. ADERHOLT):

H.R. 5486. A bill to expand the boundaries of the Little River Canyon National Preserve in the State of Alabama; to the Committee on Natural Resources.

By Ms. LORETTA SANCHEZ of California:

H.R. 5487. A bill to establish the Affordable Homeownership Preservation Fund of the

Neighborhood Reinvestment Corporation; to the Committee on Financial Services.

By Ms. GRANGER (for herself, Mr. KENNEDY, and Mr. WYNN):

H. Con. Res. 302. Concurrent resolution supporting the observance of Colorectal Cancer Awareness Month, and for other purposes; to the Committee on Energy and Commerce.

By Mr. DOYLE (for himself and Mr. SMITH of New Jersey):

H. Con. Res. 303. Concurrent resolution recognizing the importance of autism awareness, supporting efforts to increase funding for research into the causes and treatment of autism and to improve training and support for individuals with autism and those who care for individuals with autism; to the Committee on Energy and Commerce, and in addition to the Committees on Education and Labor, and Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BROUN of Georgia (for himself, Mr. BURGESS, Mr. BOUSTANY, Mr. PRICE of Georgia, Mr. PAUL, Mr. WESTMORELAND, Mr. SNYDER, Mr. LINDER, Mr. GINGREY, Mrs. CHRISTENSEN, Mr. DEAL of Georgia, and Mr. KAGEN):

H. Res. 994. A resolution expressing support for designation of a National Glanzmann's Thrombasthenia Awareness Day; to the Committee on Oversight and Government Reform.

By Mr. MARIO DIAZ-BALART of Florida (for himself, Mr. SIRES, Ms. ROS-LEHTINEN, Ms. WASSERMAN SCHULTZ, Mr. LINCOLN DIAZ-BALART of Florida, Mr. MACK, Mr. FORTUÑO, Mr. ROHRABACHER, Mr. BURTON of Indiana, Mr. WILSON of South Carolina, Mr. KLEIN of Florida, Mr. ENGEL, Mr. MICA, Mr. WEXLER, Mr. LOBIONDO, Mr. KINGSTON, Mr. HASTINGS of Florida, Mr. SAM JOHNSON of Texas, Mr. CHABOT, Mr. SMITH of New Jersey, Mr. MCCOTTER, Mr. KING of Iowa, Mrs. SCHMIDT, Mr. BROUN of Georgia, Mr. GARRETT of New Jersey, Mr. TIM MURPHY of Pennsylvania, Mr. BUCHANAN, Ms. CORRINE BROWN of Florida, and Mr. BOYD of Florida):

H. Res. 995. A resolution commemorating the 12th anniversary of the 1996 shooting down of 2 unarmed Brothers to the Rescue civilian aircraft, licensed by the United States, by the Cuban regime; to the Committee on Foreign Affairs.

By Mrs. JONES of Ohio (for herself, Mr. TIBERI, Mr. BECERRA, Mr. BISHOP of Georgia, Ms. CORRINE BROWN of Florida, Ms. CLARKE, Mr. DAVIS of Illinois, Mr. ENGLISH of Pennsylvania, Mr. HINOJOSA, Mr. SAM JOHNSON of Texas, Mr. MCNULTY, Ms. MOORE of Wisconsin, Mr. PAYNE, Mr. RANGEL, Ms. SUTTON, Mrs. BIGGERT, Mr. BLUMENAUER, Mrs. CHRISTENSEN, Mr. CLAY, Mr. EMANUEL, Mr. HASTINGS of Florida, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. MCCOTTER, Mr. MEEK of Florida, Ms. NORTON, Mr. POMEROY, Ms. SCHAKOWSKY, Mr. THOMPSON of Mississippi, Ms. WATSON, Mr. JEFFERSON, and Mr. COOPER):

H. Res. 996. A resolution expressing support for the second annual America Saves Week 2008 from February 24, 2008 through March 2, 2008; to the Committee on Financial Services.

By Mr. WEXLER (for himself, Mr. GALLEGLY, and Ms. SCHWARTZ):

H. Res. 997. A resolution expressing the strong support of the House of Representatives for the North Atlantic Treaty Organization to enter into a Membership Action Plan with Georgia and Ukraine; to the Committee on Foreign Affairs.

¶19.24 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 136: Mr. LAMPSON.
H.R. 303: Ms. SLAUGHTER.
H.R. 333: Mr. SCOTT of Georgia, Mr. PATRICK MURPHY of Pennsylvania, Mr. FARR, and Mr. MICA.
H.R. 351: Mr. GRIJALVA.
H.R. 583: Mrs. MYRICK.
H.R. 636: Mr. CAMP of Michigan.
H.R. 643: Mr. ROSS.
H.R. 661: Mr. TOWNS.
H.R. 685: Mr. GONZALEZ.
H.R. 687: Mr. MCDERMOTT.
H.R. 697: Mrs. WILSON of New Mexico and Mr. BROUN of Georgia.
H.R. 758: Ms. HERSETH SANDLIN, Ms. CLARKE, Mr. BECERRA, Ms. WATSON, Mr. BUTTERFIELD, Mr. WELCH of Vermont, and Ms. SUTTON.
H.R. 849: Mr. LAMPSON.
H.R. 850: Mr. LAMPSON.
H.R. 938: Mr. BROUN of Georgia.
H.R. 1014: Ms. TSONGAS.
H.R. 1043: Mr. SIRES.
H.R. 1078: Mr. LOBIONDO.
H.R. 1110: Mr. HALL of Texas.
H.R. 1245: Mr. SAXTON.
H.R. 1342: Mr. BROUN of Georgia.
H.R. 1359: Mr. Mr. CANNON.
H.R. 1436: Mr. FORTUÑO and Mr. ENGLISH of Pennsylvania.
H.R. 1439: Mr. BERRY and Mr. SALI.
H.R. 1518: Mr. TOWNS.
H.R. 1541: Mr. GORDON.
H.R. 1586: Mr. BROUN of Georgia.
H.R. 1621: Mr. PLATTS, Mrs. MALONEY of New York, and Mr. MARKEY.
H.R. 1653: Ms. SCHWARTZ.
H.R. 1738: Ms. Baldwin
H.R. 1783: Ms. DEGETTE, Mr. GUTIERREZ, and Mr. GONZALEZ.
H.R. 1926: Mr. CLAY.
H.R. 1937: Mr. SALI and Mrs. MUSGRAVE.
H.R. 1983: Mr. HOLT.
H.R. 2020: Mr. BOSWELL and Mr. ROSS.
H.R. 2040: Mr. ALTMIRE, Mr. CRAMER, Mr. ANDREWS, Mrs. BOYDA of Kansas, Mrs. TAUSCHER, Ms. BERKLEY, Mr. MCGOVERN, Mr. KILDEE, Mr. RANGEL, Mr. LEVIN, Mr. TIERNEY, Ms. WASSERMAN SCHULTZ, Mr. LANGEVIN, Mr. HODES, Mr. BECERRA, Ms. HOOLEY, Mr. BRALEY of Iowa, Mr. FARR, Mr. SKELTON, Mr. KAGEN, Mr. BAIRD, Mr. BLUMENAUER, Ms. SCHAKOWSKY, Mr. MCNERNEY, Mr. OLVER, Mrs. CAPPS, Ms. SOLIS, Mr. BISHOP of New York, Mr. LARSON of Connecticut, Mr. RODRIGUEZ, and Mr. VAN HOLLEN.
H. R. 2188: Mr. RENZI.
H. R. 2189: Mr. WEINER.
H. R. 2193: Mr. COHEN.
H. R. 2221: Ms. MCCOLLUM of Minnesota.
H. R. 2493: Mr. PLATTS.
H. R. 2578: Ms. DELAURO and Mrs. CAPITO.
H. R. 2588: Mr. PAUL and Mr. BARTLETT of Maryland.
H. R. 2676: Mr. RAHALL.
H. R. 2702: Mr. PATRICK MURPHY of Pennsylvania.
H. R. 2712: Mr. FRANKS of Arizona.
H. R. 2802: Mr. CARDOZA.
H. R. 2812: Mr. PAUL.
H. R. 2933: Mrs. EMERSON.
H. R. 2991: Mr. HALL of New York and Mr. PERLMUTTER.
H. R. 3036: Mr. ETHERIDGE.
H. R. 3080: Mr. SHAYS.
H. R. 3088: Mr. BURTON of Indiana and Mr. ENGLISH of Pennsylvania.
H. R. 3114 Mr. DAVIS of Illinois, Mr. VAN HOLLEN, Mr. BOSWELL, Mr. MICHAUD, Mr. SCOTT of Virginia, Mr. LEWIS of Georgia, Mr. GONZALEZ, Mr. BERMAN, Mr. HARE, and Mr. YARMUTH.
H.R. 3197: Mr. SIRES, Mr. TOWNS, and Mr. MEEKS of New York.
H.R. 3212: Mr. DELAHUNT.
H.R. 3219: Mr. TOWNS.
H.R. 3327: Mr. TOWNS.
H.R. 3404: Ms. SCHWARTZ.
H.R. 3429: Mr. GORDON.
H.R. 3457: Mr. FARR.
H.R. 3533: Mr. STARK, Mr. ELLSWORTH, and Mr. ALEXANDER.
H.R. 3543: Mr. KUCINICH.
H.R. 3652: Mr. HARE, Mr. LIPINSKI, Ms. MCCOLLUM of Minnesota, Mr. RYAN of Ohio, Mr. MCGOVERN, Mr. HIGGINS, and Mr. HILL.
H.R. 3689: Mr. VAN HOLLEN and Mr. YARMUTH.
H.R. 3748: Mr. GORDON.
H.R. 3750: Mr. RYAN of Ohio.
H.R. 3797: Mr. LARSON of Connecticut, Mr. HINOJOSA, Ms. LINDA T. SÁNCHEZ of California, and Mr. WU.
H.R. 3819: Mr. LOBIONDO and Mr. BOUCHER.
H.R. 3852: Mr. WILSON of Ohio and Mr. ALEXANDER.
H.R. 3865: Ms. WOOLSEY and Mrs. BOYDA of Kansas.
H.R. 3934: Mr. NUNES, Mr. TERRY, and Mr. JOHNSON of Georgia.
H.R. 4044: Mr. MILLER of Florida.
H.R. 4054: Mr. SCOTT of Virginia and Mr. HODES.
H.R. 4088: Mr. KLEIN of Florida.
H.R. 4089: Mr. FRANK of Massachusetts, Mr. FARR, Mr. BRALEY of Iowa, and Mr. DOYLE.
H.R. 4102: Mr. RANGEL, Mr. BRADY of Pennsylvania, Mr. HOLT, Mr. GEORGE MILLER of California, and Mr. WU.
H.R. 4105: Mr. ETHERIDGE and Mr. DAVIS of Illinois.
H.R. 4138: Mr. TIBERI.
H.R. 4139: Mr. OBERSTAR, Mr. WALDEN of Oregon, Mr. RODRIGUEZ, Mr. HINCHEY, Mr. THOMPSON of California, and Mr. THOMPSON of Mississippi.
H.R. 4236: Mr. MCDERMOTT, Ms. WOOLSEY, Mr. CUMMINGS, Mrs. MCCARTHY of New York, Mr. JOHNSON of Georgia, Mr. KUCINICH, Mr. COSTELLO, and Mr. HODES.
H.R. 4237: Ms. SHEA-PORTER.
H.R. 4266: Mr. PRICE of North Carolina and Mr. MOORE of Kansas.
H.R. 4280: Mr. ELLSWORTH.
H.R. 4294: Mr. DOGGETT.
H.R. 4296: Mr. TOWNS.
H.R. 4307: Mr. UPTON, Mr. HENSARLING, and Mr. PAUL.
H.R. 4308: Mr. Fortuño.
H.R. 4318: Mr. SALI.
H.R. 4335: Mr. BRADY of Pennsylvania and Mr. WEINER.
H.R. 4449: Mr. SCOTT of Georgia and Mr. ROSS.
H.R. 4461: Mr. WILSON of Ohio.
H.R. 4833: Mr. GRIJALVA.
H.R. 4915: Mr. LOBIONDO and Mr. HASTINGS of Washington.
H.R. 4926: Mr. PAYNE, Mrs. DAVIS of California, Ms. HIRONO, Mr. ISRAEL, Mr. HARE, Mr. SCOTT of Virginia, Mrs. MCCARTHY of New York, Mr. GOODE, and Mr. SESTAK.
H.R. 4930: Mr. PENCE and Mr. SOUDER.
H.R. 4987: Mr. BUYER, Mr. HELLER of Nevada, and Mr. PLATTS.
H.R. 4992: Ms. HIRONO.
H.R. 5028: Mr. MCNULTY.
H.R. 5031: Mr. GOODLATTE.
H.R. 5036: Ms. DEGETTE, Mr. BRALEY of Iowa, Mr. ENGEL, and Mr. PAYNE.
H.R. 5057: Mr. ARCURI, Ms. SUTTON, Mr. DEFAZIO, Mr. SESTAK, Mr. CHABOT, Mr. VAN HOLLEN, and Ms. MATSUI.
H.R. 5058: Mr. WEINER and Mr. ROTHMAN.
H.R. 5087: Mr. UDALL of Colorado, Mr. GOODE, and Mr. GRAVES.
H.R. 5110: Mr. VAN HOLLEN and Mr. BRALEY of Iowa.
H.R. 5134: Mr. SMITH of Nebraska.
H.R. 5148: Mr. SESTAK, Mr. PORTER, Mr. SALI, Mrs. CAPITO, Ms. JACKSON-LEE of

Texas, Mrs. LOWEY, Mr. LOBIONDO, Mrs. BONO MACK, and Mr. SMITH of New Jersey.

H.R. 5152: Mr. WEINER.

H.R. 5161: Mr. GORDON of Tennessee and Mr. BAIRD.

H.R. 5167: Mr. GRIJALVA.

H.R. 5173: Ms. SLAUGHTER, Mr. WU, Mr. GILCHREST, and Mr. TOWNS.

H.R. 5180: Mr. PASTOR, Ms. ZOE LOFGREN of California, Ms. SCHAKOWSKY, Mr. LYNCH, Mr. MCGOVERN, Ms. TSONGAS, Mr. DEFAZIO, Mr. HIGGINS, Ms. HIRONO, Mr. WEXLER, Mr. GERLACH, Ms. MATSUI, Mr. ORTIZ, Mr. PLATTS, Mr. FATTAH, Mr. CARDOZA, Mr. LAMPSON, Mr. WU, Ms. MOORE of Wisconsin, Mr. FILNER, Mr. RAHALL, Mr. MOORE of Kansas, Mr. HALL of New York, and Mr. ENGEL.

H.R. 5223: Mr. MCINTYRE, Mrs. TAUSCHER, Mr. GRIJALVA, and Mr. SMITH of Washington.

H.R. 5233: Mr. FEENEY.

H.R. 5235: Mr. CALVERT.

H.R. 5244: Mr. CONYERS, Ms. MCCOLLUM of Minnesota, Mr. WU, Mr. RODRIGUEZ, Mr. KENNEDY, Mr. CLAY, and Ms. WOOLSEY.

H.R. 5265: Mr. ALLEN, Ms. MCCOLLUM of Minnesota, Mr. PASTOR, Ms. SHEA-PORTER, Mr. MICHAUD, Mr. HINCHEY, Mr. PLATTS, Mr. GOODE, Mr. MCDERMOTT, Mr. RODRIGUEZ, Mr. WELCH of Vermont, Mr. MURPHY of Connecticut, and Mrs. CAPPS.

H.R. 5351: Mr. LOEBSACK and Mr. FALEOMAVAEGA.

H.R. 5401: Mr. HOLT.

H.R. 5428: Ms. WOOLSEY.

H.R. 5440: Mr. TERRY, Mr. FEENEY, Mr. ROHRABACHER, Mr. WALBERG, Mr. PRICE of Georgia, Mr. KUHL of New York, Mr. MCCOTTER, Mr. THORNBERRY, Mr. SHUSTER, Mr. HUNTER, Mr. GINGREY, Mr. WILSON of South Carolina, and Mr. PLATTS.

H.R. 5441: Mr. PATRICK MURPHY of Pennsylvania.

H.R. 5445: Mr. BOEHNER.

H.R. 5450: Mr. MCCRERY, Mr. EMANUEL, Mr. ENGLISH of Pennsylvania, Mrs. MYRICK, Mr. KLINE of Minnesota, and Mrs. BLACKBURN.

H.R. 5462: Ms. FOXX.

H.R. 5465: Mr. ELLISON and Mrs. TAUSCHER.

H.R. 5469: Mr. WU and Mr. BRADY of Pennsylvania.

H. Con. Res. 69: Mr. SERRANO, Mr. BROWN of South Carolina, and Mr. BURTON of Indiana.

H. Con. Res. 81: Mr. BOUCHER.

H. Con. Res. 232: Mr. AKIN.

H. Con. Res. 244: Mr. WITTMAN of Virginia, Mr. HASTINGS of Washington, and Mr. HOBSON.

H. Con. Res. 268: Mr. MURTHA.

H. Con. Res. 280: Mr. WEINER and Mr. BARROW.

H. Con. Res. 290: Mr. ISSA.

H. Con. Res. 292: Mr. ALLEN, Mr. BACA, Mr. BARROW, Mr. BERMAN, Mr. BLUNT, Ms. BORDALLO, Mr. BRADY of Pennsylvania, Mr. CARNAHAN, Mr. CLYBURN, Mr. CROWLEY, Mr. CUMMINGS, Mr. ELLSWORTH, Mr. ETHERIDGE, Mr. FALEOMAVAEGA, Mr. FARR, Mr. FOSSELLA, Ms. GIFFORDS, Mr. GUTIERREZ, Mr. HALL of New York, Mr. HIGGINS, Mr. ISRAEL, Mr. LOEBSACK, Mrs. LOWEY, Mr. MCDERMOTT, Mr. MCGOVERN, Mrs. MALONEY of New York, Mr. MEEK of Florida, Ms. MOORE of Wisconsin, Mr. PATRICK MURPHY of Pennsylvania, Mr. ORTIZ, Mr. PAYNE, Mr. RANGEL, Mr. REYES, Mr. SERRANO, Mr. SNYDER, Mrs. TAUSCHER, Mr. UDALL of Colorado, Mr. VAN HOLLEN, Ms. VELÁZQUEZ, Mr. WAXMAN, Mr. WEINER, Mr. WU, Ms. SCHAKOWSKY, and Mr. SESTAK.

H. Con. Res. 295: Mr. FORTUÑO, Mr. JONES of North Carolina, Mr. BRADY of Pennsylvania, Mr. FOSSELLA, Mr. TOWNS, and Mr. MILLER of Florida.

H. Res. 102: Mr. KILDEE and Mr. DAVIS of Illinois.

H. Res. 163: Mr. NEAL of Massachusetts.

H. Res. 265: Mr. BRADY of Pennsylvania, Ms. SUTTON, Mr. REYES, and Mr. ORTIZ.

H. Res. 339: Mr. PLATTS.

H. Res. 356: Mr. ROYCE and Mr. GARRETT of New Jersey.

H. Res. 672: Mr. FERGUSON and Mr. ROSS.

H. Res. 792: Ms. BALDWIN.

H. Res. 795: Ms. SHEA-PORTER and Mr. BLUMENAUER.

H. Res. 858: Mr. MCDERMOTT, Mr. MCGOVERN, Mr. KILDEE, Mr. HINOJOSA, Mr. CARNEY, Ms. NORTON, and Mr. MCNULTY.

H. Res. 883: Mr. LEWIS of Georgia, Mr. WEINER, Mr. HINCHEY, and Ms. CORRINE BROWN of Florida.

H. Res. 887: Mr. ELLSWORTH.

H. Res. 888: Mr. TERRY, Mr. BROWN of South Carolina, and Mr. CONAWAY.

H. Res. 900: Mr. HASTINGS of Florida, Mr. JEFFERSON, Mr. MEEKS of New York, Mrs. CHRISTENSEN, Mr. BRADY of Texas, Mr. CUMMINGS, Mr. BRADY of Pennsylvania, Mr. CLEAVER, Mrs. JONES of Ohio, Mr. CLAY, Mr. CONYERS, and Ms. LEE.

H. Res. 924: Mr. HARE, Mr. CARNEY, and Mr. WELCH of Vermont.

H. Res. 934: Mr. NEUGEBAUER.

H. Res. 939: Mr. SALI and Mr. FRANKS of Arizona.

H. Res. 951: Mr. BACA, Mr. BARTON of Texas, Mr. SHIMKUS, Mr. KIND, Mr. COBLE, Mr. COSTELLO, Mr. GORDON, Mr. MEEK of Florida, Ms. GIFFORDS, Mr. STEARNS, Mr. MILLER of Florida, Mr. RANGEL, Mr. HODES, Mr. HIGGINS, Mr. SULLIVAN, Mr. BARROW, Ms. ROS-LEHTINEN, Mr. DAVIS of Illinois, Mr. CHANDLER, Mr. JOHNSON of Georgia, Mr. EDWARDS, Mr. SESTAK, Mr. GALLEGLY, Mr. BARTLETT of Maryland, Mr. SOUDER, Mr. SAM JOHNSON of Texas, Mr. LINCOLN DIAZ-BALART of Florida, Mr. LINDER, Ms. SCHAKOWSKY, and Mr. SMITH of Texas.

H. Res. 962: Ms. MOORE of Wisconsin, Mr. FATTAH, Mr. DAVIS of Illinois, Mrs. DAVIS of California, Mr. HONDA, Mr. LEWIS of California, and Mr. CUMMINGS.

H. Res. 968: Mr. HUNTER, Mr. LEWIS of California, and Mr. TOM DAVIS of Virginia.

H. Res. 977: Ms. SCHAKOWSKY, Mr. CUMMINGS, and Mr. GORDON.

H. Res. 978: Mrs. BOYDA of Kansas, Mr. YARMUTH, Ms. MATSUI, Mr. WALZ of Minnesota, Mr. RAMSTAD, Mr. DAVIS of Illinois, and Mr. HALL of New York.

H. Res. 981: Mrs. CAPPS, Mr. ROSS, Mr. GENE GREEN of Texas, Mr. MCHUGH, Ms. CORRINE BROWN of Florida, Mr. SMITH of New Jersey, Mr. RUSH, Mr. MCDERMOTT, Mr. DOYLE, Mr. TOWNS, Mr. LOEBSACK, Mr. GRIJALVA, and Mr. ENGEL.

TUESDAY, FEBRUARY 26, 2008 (20)

¶20.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order at 10:30 a.m. by the SPEAKER pro tempore, Ms. CLARKE, who laid before the House the following communication:

WASHINGTON, DC,
February 26, 2008.

I hereby appoint the Honorable YVETTE D. CLARKE to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

Whereupon, pursuant to the order of the House of January 4, 2007, Members were recognized for morning-hour debate.

¶20.2 RECESS—10:41 A.M.

The SPEAKER pro tempore, Ms. CLARKE, pursuant to clause 12(a) of rule I, declared the House in recess at 10 o'clock and 41 minutes a.m., until noon.

¶20.3 AFTER RECESS—NOON

The SPEAKER pro tempore, Mr. HOLDEN, called the House to order.

¶20.4 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. HOLDEN, announced he had examined and approved the Journal of the proceedings of Monday, February 25, 2008.

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

The question being put, viva voce,

Will the House agree to the Chair's approval of said Journal?

The SPEAKER pro tempore, Mr. HOLDEN, announced that the yeas had it.

Mr. WILSON of South Carolina, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. HOLDEN, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶20.5 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

5475. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Tomatoes Grown in Florida; Decreased Assessment Rate [Docket No. AMS-FV-0114; FV07-966-2 IFR] received February 5, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5476. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Domestic Dates Produced or Packed in Riverside County, CA; Decreased Assessment Rate [Docket No. AMS-FV-07-0104; FV07-987-1 FIR] received February 5, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5477. A letter from the Principal Deputy Under Secretary, Personnel and Readiness, Department of Defense, transmitting the Department's report on the Critical Skills Retention Bonus (CSRB) program for FY 2007, pursuant to 37 U.S.C. 323 (h) Public Law 106-398, section 633 (a); to the Committee on Armed Services.

5478. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting authorization of Colonel James M. Holmes, United States Air Force, to wear the insignia of the grade of brigadier general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

5479. A letter from the Assistant Secretry for Installations and Environment, Department of the Navy, Department of Defense, transmitting notification of the decision to conduct a streamlined A-76 competition of aircraft maintenance, administration, and corrosion control functions performed by military personnel in various locations; to the Committee on Armed Services.

5480. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations — received February 20, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5481. A letter from the Assistant Secretary, Department of Education, transmitting the Department's final rule — National Institute

on Disability and Rehabilitation Research--Disability and Rehabilitation Research Projects and Centers Program--Disability Rehabilitation Research Projects (DRRPs), Rehabilitation Research and Training Centers (RRTCs), and Rehabilitation Engineering Research Centers (RERCs) — received February 13, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

5482. A letter from the Assistant General Counsel for Regulatory Services, Department of Education, transmitting the Department's final rule — Measuring Educational Gain in the National Reporting System for Adult Education (RIN: 1830-ZA06) received February 6, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

5483. A letter from the Director, Regulations Policy and Mgmt. Staff, Department of Health and Human Services, transmitting the Department's final rule — Exceptions of Alternatives to Labeling Requirements for Products Held by the Strategic National Stockpile [Docket No. 2006N-0466] received February 20, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5484. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the enclosed correspondance from the Prime Minister of Kosovo Hashim Thaci and the Speaker of the Parliament of Albania Jozefina Topalli expressing their condolences on the passing of Chairman Tom Lantos; to the Committee on Foreign Affairs.

5485. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(a) of the Arms Export Control Act, certification regarding the proposed technical assistance agreement for the export of technical data, defense services, and defense articles to the Government of the United Arab Emirates (Transmittal No. DDTC 001-08); to the Committee on Foreign Affairs.

5486. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification of a proposed agreement for the export of defense articles and services to the Governments of Russia, Ukraine and Norway (Transmittal No. DDTC 023-08); to the Committee on Foreign Affairs.

5487. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification of a proposed agreement for the export of defense articles and services to the Government of Japan (Transmittal No. DDTC 025-08); to the Committee on Foreign Affairs.

5488. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification of a proposed agreement for the export of defense articles and services to the Governments of Russia and Kazakhstan (Transmittal No. DDTC 024-08); to the Committee on Foreign Affairs.

5489. A letter from the White House Liaison, Department of Justice, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

5490. A letter from the White House Liaison, Department of Justice, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

5491. A letter from the White House Liaison, Department of Justice, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

5492. A letter from the White House Liaison, Department of Justice, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

5493. A letter from the White House Liaison, Department of Justice, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

5494. A letter from the White House Liaison, Department of Justice, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

5495. A letter from the White House Liaison, Department of Justice, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

5496. A letter from the White House Liaison, Department of Justice, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

5497. A letter from the White House Liaison, Department of Justice, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

5498. A letter from the White House Liaison, Department of Justice, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

5499. A letter from the Chairman, National Transportation Safety Board, transmitting in accordance with Section 647(b) of Division F of the Consolidated Appropriations Act, FY 2004, Pub. L. 108-199, the Board's Report to Congress on the Fiscal Year (FY) 2007 Competitive Sourcing Efforts; to the Committee on Oversight and Government Reform.

5500. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule — Career and Career-Conditional Employment and Adverse Actions (RIN: 3206-AL30) received February 6, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

5501. A letter from the Director, Office of Personnel Management, transmitting the Office's Federal Equal Opportunity Recruitment Program Report for Fiscal Year 2007; to the Committee on Oversight and Government Reform.

5502. A letter from the Director of Human Resources, Railroad Retirement Board, transmitting the Board's report on the use of the Category Rating System during fiscal year 2007, pursuant to 5 U.S.C. 3319(d); to the Committee on Oversight and Government Reform.

5503. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries in the Western Pacific; Western Pacific Crustacean Fisheries; 2008 Harvest Guidelines (RIN: 0648-XF19) received February 13, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5504. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Inseason Adjustment to the 2008 Gulf of Alaska Pacific Cod Total Allowable Catch Amount [Docket No. 070213032-7032-01] (RIN: 0648-XE80) received February 5, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5505. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Department's final rule — Fisheries of the Northeastern United States; Atlantic Bluefish Fishery; Quota Transfer [Docket No. 061109296-7009-02] (RIN: 0648-XE43) received February 5, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5506. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Processors Using Pot Gear in the Bering Sea and Aleutian Islands Management Area [Docket No. 070213033-7033-01] (RIN: 0648-XF14) received February 5, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5507. A letter from the Attorney, Department of Homeland Security, transmitting the Department's final rule — Landowner Defenses to Liability Under the Oil Pollution Act of 1990: Standards and Practices for Conducting All Appropriate Inquiries [Docket No. USCG-2006-25708] (RIN: 1625-AB09) received February 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5508. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Potomac and Anacostia Rivers, Washington, DC and Arlington and Fairfax Counties, VA [USCG-2008-0005] (RIN: 1625-AA87) received February 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5509. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30581; Amdt. No. 3246] received February 5, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5510. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — IFR Altitudes; Miscellaneous Amendments [Docket No. 30582; Amdt. No. 471] received February 5, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5511. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30584; Amdt. No. 3248] received February 5, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5512. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Time and Manner for Electing Capital Asset Treatment for Certain Self-Created Musical Works [TD 9379] (RIN: 1545-BG35) received February 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5513. A letter from the Branch Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — GO Zone Bonus Depreciation Recapture [Notice 2008-25] received February 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

¶20.6 PROVIDING FOR CONSIDERATION OF H.R. 3521

Mr. HASTINGS of Florida, by direction of the Committee on Rules, called up the following resolution (H. Res. 974):

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the

House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 3521) to improve the Operating Fund for public housing of the Department of Housing and Urban Development. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Financial Services. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Financial Services now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived except those arising under clause 10 of rule XXI. Notwithstanding clause 11 of rule XVIII, no amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived except those arising under clause 9 or 10 of rule XXI. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. During consideration in the House of H.R. 3521 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

SEC. 3. House Resolution 955 is laid upon the table.

When said resolution was considered.

After debate,

Mr. HASTINGS of Florida, moved the previous question on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House now order the previous question?

The SPEAKER pro tempore, Mr. HOLDEN, announced that the yeas had it.

Mr. SESSIONS demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. HOLDEN, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶20.7 APPROVAL OF THE JOURNAL—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. HOLDEN, pursuant to clause 8, rule XX, announced the unfinished business to be the question on agreeing to the Chair's approval of the Journal of Monday, February 25, 2008.

The roll was called under clause 6, rule XX, and the call was taken by electronic device.

When there appeared ....
Yeas 226
Nays 183
Answered present 1

¶20.8 [Roll No. 72]

YEAS—226

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

NAYS—183

Aderholt
Akin
Alexander
Altmire
Bachmann
Bachus
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carney
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Cuellar
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly
Doolittle
Drake
Dreier
Duncan
Ehlers
Ellsworth
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Giffords
Gilchrest
Gingrey
Goode
Goodlatte
Gordon
Granger
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Inglis (SC)
Issa
Johnson, Sam
Jordan
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
LaHood
Lamborn
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
LoBiondo
Lucas
Mack
Mahoney (FL)
Manzullo
Matheson
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mitchell
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (MN)
Pitts
Platts
Poe
Porter
Price (GA)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Sanchez, Loretta
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuler
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Stupak
Terry
Thornberry
Tiahrt
Tiberi
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

ANSWERED ''PRESENT''—1

Tancredo

NOT VOTING—18

Allen
Gohmert
Gonzalez
Graves
Gutierrez
Hulshof
Jones (OH)
Keller
Lungren, Daniel E.
Marchant
Mollohan
Pryce (OH)
Reynolds
Rush
Ryan (OH)
Sutton
Wexler
Woolsey

So the Journal was approved.

¶20.9 H. RES. 974—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. HOLDEN, pursuant to clause 8, rule XX, announced the further unfinished business to be the question on ordering the previous question on the resolution (H. Res. 974) providing for consideration of the bill (H.R. 3521) to improve the Operating Fund for public housing of the Department of Housing and Urban Development.

The question being put,

Will the House now order the previous question?

The vote was taken by electronic device.

It was decided in the affirmative { Yeas ..... 212 Nays 198

¶20.10 [Roll No. 73]

YEAS—212

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

NAYS—198

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

NOT VOTING—18

Allen
Graves
Gutierrez
Hinojosa
Hulshof
Jones (OH)
Keller
Lungren, Daniel E.
Marchant
Mollohan
Pryce (OH)
Rangel
Reynolds
Rush
Ryan (OH)
Sutton
Wexler
Woolsey

So the previous question on the resolution was ordered.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. HOLDEN, announced that the yeas had it.

Mr. SESSIONS demanded a recorded vote on agreeing to said resolution, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative { Yeas ..... 218 Nays 190

¶20.11 [Roll No. 74]

AYES—218

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

NOES—190

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Mack
Manzullo
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)

Miller, Gary	Reichert	Stearns
Moran (KS)	Renzi	Sullivan
Murphy, Tim	Rogers (AL)	Tancredo
Musgrave	Rogers (KY)	Terry
Myrick	Rogers (MI)	Thornberry
Neugebauer	Rohrabacher	Tiahrt
Nunes	Ros-Lehtinen	Tiberi
Paul	Roskam	Turner
Pearce	Royce	Upton
Pence	Ryan (WI)	Walberg
Peterson (PA)	Sali	Walden (OR)
Petri	Saxton	Walsh (NY)
Pickering	Schmidt	Wamp
Pitts	Sensenbrenner	Weldon (FL)
Platts	Sessions	Weller
Poe	Shadegg	Westmoreland
Porter	Shays	Whitfield (KY)
Price (GA)	Shimkus	Wilson (NM)
Putnam	Shuster	Wilson (SC)
Radanovich	Simpson	Wittman (VA)
Ramstad	Smith (NE)	Wolf
Regula	Smith (NJ)	Young (AK)
Rehberg	Souder	Young (FL)

NOT VOTING—20

Allen	Keller	Reynolds
Boswell	Lungren, Daniel E.	Rush
Graves	Marchant	Ryan (OH)
Gutierrez	Mollohan	Smith (TX)
Hinojosa	Moore (WI)	Sutton
Hulshof	Pryce (OH)	Wexler
Jones (OH)		Woolsey

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

Pursuant to section 3 of House Resolution 974, H. Res. 955 was laid on the table.

¶20.12 COMMITTEE RESIGNATION—MINORITY

The SPEAKER pro tempore, Mr. HOLDEN, laid before the House the following communication, which was read as follows:

FEBRUARY 21, 2008.

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

DEAR MADAM SPEAKER: Thank you for your service and for your leadership. I appreciate all your hard work and commitment to upholding the proud traditions of the House of Representatives.

Due to my impending appointment to the Committee on Appropriations, I hereby respectfully submit my resignation from the Committee on Agriculture and the Committee on Science and Technology, effective Monday, February 25, 2008.

I appreciate your consideration and I look forward to working with you in the future. Please do not hesitate to contact me if I can ever be of assistance.

With kind regards, I am,

Sincerely,

JO BONNER,
Member of Congress.

By unanimous consent, the resignation was accepted.

¶20.13 COMMITTEE ELECTION—MINORITY

Mr. PUTNAM, by direction of the Republican Conference, submitted the following privileged resolution (H. Res. 998):

Resolved, That the following Members are, and are hereby, elected to the following standing committees:

(1) COMMITTEE ON APPROPRIATIONS.—Mr. Bonner of Alabama;

(2) COMMITTEE ON THE BUDGET.—Mr. Jordan of Ohio;

(3) COMMITTEE ON FINANCIAL SERVICES.—Mr. Heller of Nevada;

(4) COMMITTEE ON NATURAL RESOURCES.—Mr. Smith of Nebraska, and Mr. Wittman of Virginia; and,

(5) COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE.—Mr. Latta.

When said resolution was considered and agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶20.14 COMMITTEE ELECTION—MAJORITY

Mr. SIRES, by direction of the Democratic Caucus, submitted the following privileged resolution (H. Res. 999):

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

COMMITTEE ON FOREIGN AFFAIRS.—Ms. Lee.

When said resolution was considered and agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶20.15 COMMITTEE RESIGNATION—MINORITY

The SPEAKER pro tempore, Mr. HOLDEN, laid before the House the following communication, which was read as follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, February 21, 2008.

Speaker NANCY PELOSI,
House of Representatives,
Washington, DC.

MADAM SPEAKER: This letter serves as my intent to resign from the Committee on Small Business, effective Monday, February 25, 2008. It has been my honor and pleasure to serve on the committee and I look forward to the work ahead for the remainder of the 110th Congress.

Sincerely,

JIM JORDAN,
Member of Congress.

By unanimous consent, the resignation was accepted.

¶20.16 COMMITTEE RESIGNATION—MINORITY

The SPEAKER pro tempore, Mr. HOLDEN, laid before the House the following communication, which was read as follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, February 22, 2008.

Speaker NANCY PELOSI,
The Capitol,
Washington, DC.

Minority Leader JOHN BOEHNER,
The Capitol,
Washington, DC.

DEAR SPEAKER PELOSI AND MINORITY LEADER BOEHNER: This letter serves as my intent to resign from the House Natural Resources Committee, Education and Labor Committee, and Small Business Committee, effective Monday, February 25th, 2008. If you have any questions regarding this matter, please feel free to contact me. Thank you.

Sincerely,

DEAN HELLER,
Member of Congress.

By unanimous consent, the resignation was accepted.

¶20.17 PUBLIC HOUSING ASSET MANAGEMENT

The SPEAKER pro tempore, Mr. HOLDEN, pursuant to House Resolution 974 and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 3521) to improve the Operating Fund for public housing of the Department of Housing and Urban Development.

The SPEAKER pro tempore, Mr. HOLDEN, by unanimous consent, designated Mr. SERRANO as Chairman of the Committee of the Whole; and after some time spent therein,

¶20.18 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 1, printed in House Report 110-524, submitted by Mr. SIRES:

Page 2, after line 17, insert the following:

The Secretary may not consider a public housing agency as failing to comply with the asset management requirements of subpart H of part 990 of title 24 of the Code of Federal Regulations, or any successor or amended regulation containing asset management requirements, or determine that an agency fails to comply with such requirements, because of or as a result of the agency determining its fees in accordance with this subsection.

At the end of the bill add the following new section:

SEC. 5. INELIGIBILITY OF ILLEGAL IMMIGRANTS FOR ASSISTANCE.

Immigrants who are not lawfully present in the United States shall be ineligible for financial assistance under this Act, as provided and defined by section 214 of the Housing and Community Development Act of 1980 (42 U.S.C. 1436a). Nothing in this Act shall be construed to alter the restrictions or definitions in such section 214.

It was decided in the affirmative ..... { Yeas ..... 415 / Nays 0

¶20.19 [Roll No. 75]

AYES—415

Abercrombie	Boyda (KS)	Courtney
Ackerman	Brady (PA)	Cramer
Aderholt	Brady (TX)	Crenshaw
Akin	Braley (IA)	Crowley
Alexander	Broun (GA)	Cubin
Altmire	Brown (SC)	Cuellar
Andrews	Brown, Corrine	Culberson
Arcuri	Buchanan	Cummings
Baca	Burgess	Davis (AL)
Bachmann	Burton (IN)	Davis (CA)
Bachus	Butterfield	Davis (IL)
Baird	Buyer	Davis (KY)
Baldwin	Calvert	Davis, David
Barrett (SC)	Camp (MI)	Davis, Lincoln
Barrow	Campbell (CA)	Davis, Tom
Bartlett (MD)	Cannon	Deal (GA)
Barton (TX)	Cantor	DeFazio
Bean	Capito	DeGette
Becerra	Capps	Delahunt
Berkley	Capuano	DeLauro
Berman	Cardoza	Dent
Berry	Carnahan	Diaz-Balart, L.
Biggert	Carney	Diaz-Balart, M.
Bilbray	Carter	Dicks
Bilirakis	Castle	Dingell
Bishop (GA)	Castor	Doggett
Bishop (NY)	Chabot	Donnelly
Bishop (UT)	Chandler	Doolittle
Blackburn	Clarke	Doyle
Blumenauer	Clay	Drake
Blunt	Cleaver	Dreier
Boehner	Clyburn	Duncan
Bonner	Coble	Edwards
Bono Mack	Cohen	Ehlers
Boozman	Cole (OK)	Ellison
Bordallo	Conaway	Ellsworth
Boren	Conyers	Emanuel
Boswell	Cooper	Emerson
Boustany	Costa	Engel
Boyd (FL)	Costello	English (PA)

Eshoo
Etheridge
Everett
Faleomavaega
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Green, Al
Green, Gene
Grijalva
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jordan
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Norton
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—18

Allen
Boucher
Brown-Waite, Ginny
Christensen
Fortuño
Graves
Gutierrez
Hulshof
Jones (OH)
Keller
Lungren, Daniel E.
Peterson (PA)
Pryce (OH)
Reynolds
Ryan (OH)
Sutton
Wexler
Woolsey

So the amendment was agreed to.

¶20.20 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 2, printed in House Report 110-524, submitted by Mr. MEEK of Florida:

Page 3, line 23, after the period insert the following: ''In the case of any public housing agency in receivership, the Secretary of Housing and Urban Development or any receiver may not abrogate, waive, repeal, or modify any provision of part 964 of title 24 of the Code of Federal Regulations or any provision of a formalized housing agreement entered into pursuant to such part 964 (including pursuant to section 964.11, 964.14, 964.18(a)(6), or 964.135 of such part) before the commencement of such receivership by a resident or tenant organization and the public housing agency.''.

It was decided in the affirmative ..... { Yeas ..... 337 / Nays 77

¶20.21 [Roll No. 76]

AYES—337

Abercrombie
Ackerman
Aderholt
Alexander
Altmire
Andrews
Arcuri
Baca
Bachus
Baird
Baldwin
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Boehner
Bonner
Bono Mack
Boozman
Bordallo
Boren
Boswell
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown (SC)
Brown, Corrine
Buchanan
Burton (IN)
Butterfield
Calvert
Camp (MI)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Drake
Dreier
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Faleomavaega
Fallin
Farr
Fattah
Ferguson
Filner
Forbes
Fortenberry
Fossella
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Giffords
Gilchrest
Gillibrand
Gonzalez
Goodlatte
Gordon
Green, Al
Green, Gene
Grijalva
Hall (NY)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hunter
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (NC)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Klein (FL)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Nadler
Napolitano
Neal (MA)
Norton
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Perlmutter
Peterson (MN)
Petri
Pickering
Pitts
Platts
Pomeroy
Porter
Price (NC)
Putnam
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stupak
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wittman (VA)
Wolf
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOES—77

Akin
Bachmann
Barrett (SC)
Bilirakis
Blackburn
Blunt
Brady (TX)
Broun (GA)
Burgess
Buyer
Campbell (CA)
Carter
Conaway
Cubin
Culberson
Davis, David
Deal (GA)
Doolittle
Duncan
Feeney
Flake
Foxx
Franks (AZ)
Garrett (NJ)
Gingrey
Gohmert
Goode
Granger
Hall (TX)
Heller
Hensarling
Herger
Inglis (SC)
Johnson (IL)
Johnson, Sam
Jordan
King (IA)
Kingston
Kirk
Kline (MN)
Lamborn
Latta
Lewis (KY)
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McHenry
McMorris Rodgers
Mica
Miller (FL)
Miller, Gary
Myrick
Neugebauer
Pence
Peterson (PA)
Poe
Price (GA)
Radanovich
Rohrabacher
Roskam
Royce
Sali
Sessions
Shadegg
Shimkus
Shuster
Smith (NE)
Stearns
Sullivan
Tancredo
Thornberry
Tiahrt
Wamp
Weldon (FL)
Westmoreland
Wilson (SC)

NOT VOTING—19

Allen
Boucher
Brown-Waite, Ginny
Christensen
Fortuño
Graves
Gutierrez
Hodes
Hulshof
Jones (OH)
Keller
Lewis (GA)
Lungren, Daniel E.
Pryce (OH)
Reynolds
Ryan (OH)
Sutton
Wexler
Woolsey

So the amendment was agreed to.

The SPEAKER pro tempore, Mrs. TAUSCHER, assumed the Chair.

When Mr. SERRANO, Chairman, pursuant to House Resolution 974, reported the bill back to the House with an amendment adopted by the Committee.

The previous question having been ordered by said resolution.

The following amendment, reported from the Committee of the Whole House on the state of the Union, was agreed to:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Public Housing Asset Management Improvement Act of 2007''.

SEC. 2. REVISIONS TO ASSET MANAGEMENT RULES AND RELATED FEES.

(a) MANAGEMENT AND RELATED FEES.—The Secretary shall not impose any restriction or limitation on the amount of management and related fees with respect to a public housing project if the fee is determined to be reasonable by the public housing agency, unless such restriction or limitation imposed by the Secretary on such fees—

(1) is determined pursuant to a negotiated rulemaking which is convened by the Secretary no earlier than April 1, 2009, and in accordance with subchapter III of chapter 5 of title 5, United States Code, with representatives from interested parties; and

(2) is effective only on or after January 1, 2011. The Secretary may not consider a public housing agency as failing to comply with the asset management requirements of subpart H of part 990 of title 24 of the Code of Federal Regulations, or any successor or amended regulation containing asset management requirements, or determine that an agency fails to comply with such requirements, because of or as a result of the agency determining its fees in accordance with this subsection

(b) INCREASE OF THRESHOLD FOR EXEMPTION FROM ASSET MANAGEMENT REQUIREMENTS.—Any public housing agency that owns or operates fewer than 500 public housing units under title I of the United States Housing Act of 1937 may elect to be exempt from any asset management requirement imposed by the Secretary. In the case of any public housing agency in receivership, the Secretary of Housing and Urban Development or any receiver may not abrogate, waive, repeal, or modify any provision of part 964 of title 24 of the Code of Federal Regulations or any provision of a formalized housing agreement entered into pursuant to such part 964 (including pursuant to section 964.11, 964.14, 964.18(a)(6), or 964.135 of such part) before the commencement of such receivership by a resident or tenant organization and the public housing agency.

SEC. 3. PROHIBITION ON RESTRICTION OF FUNGIBILITY OF CAPITAL FUND AMOUNTS.

The Secretary of Housing and Urban Development shall not impose any requirement, regulation, or guideline relating to asset management that restricts or limits in any way the use by public housing agencies of amounts for Capital Fund assistance under section 9(d) of such Act, pursuant to paragraph (1) or (2) of section 9(g) of the United States Housing Act of 1937 (42 U.S.C. 1437g(g)), for costs of any central office of a public housing agency.

SEC. 4. TENANT PARTICIPATION.

(a) RULE OF CONSTRUCTION.—Neither the requirements of this Act, nor any other requirement, regulation, guideline, or other policy or action of the Department of Housing and Urban Development relating to public housing asset management may be construed to repeal or waive any provision of part 964 of title 24 of the Code of Federal Regulations, regarding tenant participation and tenant opportunities in public housing. The Secretary of Housing and Urban Development shall ensure that public housing agencies encourage the reasonable efforts of resident tenant organizations to represent their members or the reasonable efforts of tenants to organize.

(b) GUIDANCE.—Guidance issued by the Secretary of Housing and Urban Development shall encourage participation by residents in the implementation of asset management and the development of local policies for such purposes.

SEC. 5. INELIGIBILITY OF ILLEGAL IMMIGRANTS FOR ASSISTANCE.

Immigrants who are not lawfully present in the United States shall be ineligible for financial assistance under this Act, as provided and defined by section 214 of the Housing and Community Development Act of 1980 (42 U.S.C. 1436a). Nothing in this Act shall be construed to alter the restrictions or definitions in such section 214.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

Mr. SMITH of Texas, moved to recommit the bill to the Committee on Financial Services with instructions to report the bill back to the House forthwith with the following amendment:

Strike all after the enacting clause and insert the text of the bill, H.R. 3773, as passed by the Senate on February 12, 2008.

Pending consideration of said motion.

¶20.22 POINT OF ORDER

Mr. SIRES made a point of order against the motion to recommit with instructions and said:

''Madam Speaker, I make a point of order that the amendment is not germane to the bill. The bill H.R. 3773 has nothing to do with the asset management bill under consideration.''

Mr. SMITH of Texas, was recognized to speak to the point of order and said:

''Madam Speaker, once again, the Democratic majority is insisting on a procedural objection to block consideration of the Senate-passed FISA modernization bill. This motion to recommit adds the bipartisan bill passed 2 weeks ago by the Senate, 68–29.

''Madam Speaker, there is nothing more germane to the security of the American people than to take up the Senate bill as quickly as possible.

''Now I would like to reiterate my disappointment that the majority has raised a point of order against this motion to recommit.

''Madam Speaker, I would like to ask the gentleman to withdraw his point of order and allow for an up-or-down vote on the bipartisan Senate reform bill.''

Mr. SIRES was further recognized and said:

''Madam Speaker, I insist on my point of order.''.

The SPEAKER pro tempore, Mrs. TAUSCHER, sustained the point of order, and said:

''The instructions in the motion to recommit propose an amendment consisting of the text of an entirely different measure that falls outside the jurisdiction of the Committee on Financial Services. The instructions are therefore not germane. The point of order is sustained. The motion is not in order.''

Mr. SMITH of Texas, appealed the ruling of the Chair.

The question being stated, viva voce,

Will the decision of the Chair stand as the judgment of the House?

Mr. SIRES moved to lay the appeal on the table.

The question being put, viva voce,

Will the House lay on the table the appeal of the ruling of the Chair?

The SPEAKER pro tempore, Mrs. TAUSCHER, announced that the nays had it.

Mr. SIRES demanded a recorded vote on agreeing to said motion, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 218 / Nays 195

¶20.23 [Roll No. 77]

AYES—218

Abercrombie	Eshoo	McGovern
Ackerman	Etheridge	McIntyre
Altmire	Farr	McNerney
Andrews	Fattah	McNulty
Arcuri	Filner	Meek (FL)
Baca	Gillibrand	Meeks (NY)
Baird	Gonzalez	Melancon
Baldwin	Gordon	Michaud
Barrow	Green, Al	Miller (NC)
Bean	Green, Gene	Miller, George
Becerra	Grijalva	Mitchell
Berkley	Hall (NY)	Mollohan
Berman	Hare	Moore (KS)
Berry	Harman	Moore (WI)
Bishop (GA)	Hastings (FL)	Moran (VA)
Bishop (NY)	Herseth Sandlin	Murphy (CT)
Blumenauer	Higgins	Murphy, Patrick
Boren	Hill	Murtha
Boswell	Hinchey	Nadler
Boucher	Hinojosa	Napolitano
Boyd (FL)	Hirono	Neal (MA)
Boyda (KS)	Hodes	Oberstar
Brady (PA)	Holden	Obey
Braley (IA)	Holt	Olver
Brown, Corrine	Honda	Ortiz
Butterfield	Hooley	Pallone
Capps	Hoyer	Pascrell
Capuano	Inslee	Pastor
Cardoza	Israel	Payne
Carnahan	Jackson (IL)	Perlmutter
Castor	Jackson-Lee (TX)	Pomeroy
Chandler	Jefferson	Price (NC)
Clarke	Johnson (GA)	Rahall
Clay	Johnson, E. B.	Rangel
Cleaver	Kagen	Reyes
Clyburn	Kanjorski	Richardson
Cohen	Kaptur	Rodriguez
Conyers	Kennedy	Ross
Cooper	Kildee	Rothman
Costa	Kilpatrick	Roybal-Allard
Costello	Kind	Ruppersberger
Courtney	Klein (FL)	Rush
Cramer	Kucinich	Salazar
Crowley	Langevin	Sánchez, Linda T.
Cuellar	Larsen (WA)	Sanchez, Loretta
Cummings	Larson (CT)	Sarbanes
Davis (AL)	Lee	Schakowsky
Davis (CA)	Levin	Schiff
Davis (IL)	Lewis (GA)	Schwartz
Davis, Lincoln	Lipinski	Scott (GA)
DeFazio	Loebsack	Scott (VA)
DeGette	Lofgren, Zoe	Serrano
Delahunt	Lowey	Sestak
DeLauro	Lynch	Shea-Porter
Dicks	Mahoney (FL)	Sherman
Dingell	Maloney (NY)	Shuler
Doggett	Markey	Sires
Donnelly	Marshall	Skelton
Doyle	Matheson	Slaughter
Edwards	Matsui	Smith (WA)
Ellison	McCarthy (NY)	Snyder
Ellsworth	McCollum (MN)	Solis
Emanuel	McDermott	Space
Engel		

Spratt
Stark
Stupak
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wilson (OH)
Wu
Wynn
Yarmuth

NOES—195

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

NOT VOTING—15

Allen
Brown-Waite, Ginny
Frank (MA)
Graves
Gutierrez
Hulshof
Jones (OH)
Keller
Lungren, Daniel E.
Peterson (MN)
Pryce (OH)
Ryan (OH)
Sutton
Wexler
Woolsey

So the motion to lay the appeal on the table was agreed to.

A motion to reconsider the vote whereby said motion was agreed to was, by unanimous consent, laid on the table.

Mrs. BACHMANN moved to recommit the bill to the Committee on Financial Services with instructions to report the bill back to the House promptly with the following instructions:

Page 2, after line 17, insert the following:

The Secretary of Housing and Urban Development shall not accept as reasonable any fees for enforcing any provision of a dwelling lease agreement or other similar agreement that requires the registration of or prohibits the possession of any firearm that is possessed by an individual for his or her personal protection or for sport the possession of which is not prohibited, or the registration of which is not required, by existing law.

After debate,

The SPEAKER pro tempore, Mrs. TAUSCHER, pursuant to section 2 of House Resolution 974, announced further proceedings on the bill were postponed.

¶20.24 CALENDAR WEDNESDAY BUSINESS DISPENSED WITH

On motion of Ms. SLAUGHTER, by unanimous consent,

Ordered, That business in order for consideration on Wednesday, February 27, 2008, under clause 6, rule XV, the Calendar Wednesday rule, be dispensed with.

¶20.25 PROVIDING FOR CONSIDERATION OF H.R. 5351

Ms. SLAUGHTER, by direction of the Committee on Rules, reported (Rept. No. 110–530) the resolution (H. Res. 1001) providing for consideration of the bill (H.R. 5351) to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation.

When said resolution and report were referred to the House Calendar and ordered printed.

And then,

¶20.26 ADJOURNMENT

On motion of Mr. ROHRABACHER, at 5 o'clock and 57 minutes p.m., the House adjourned.

¶20.27 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

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

Ms. MATSUI: Committee on Rules. House Resolution 1001. Resolution providing for the consideration of the bill (H.R. 5351) to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation. (Rept. 110–530). Referred to the House Calendar.

¶20.28 PUBLIC BILLS AND RESOLUTIONS

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

By Ms. WATERS (for herself, Ms. LEE, and Ms. WOOLSEY):

H.R. 5488. A bill to provide for the recovery and stability of Iraq, and for other purposes; to the Committee on Foreign Affairs.

By Mr. WITTMAN of Virginia (for himself, Mr. CANTOR, Mr. TOM DAVIS of Virginia, Mr. MORAN of Virginia, Mr. GOODE, Mr. SCOTT of Virginia, Mr. WOLF, Mr. BOUCHER, Mrs. DRAKE, Mr. FORBES, and Mr. GOODLATTE):

H.R. 5489. A bill to designate the facility of the United States Postal Service located at 6892 Main Street in Gloucester, Virginia, as the ''Congresswoman Jo Ann S. Davis Post Office''; to the Committee on Oversight and Government Reform.

By Mr. CHABOT:

H.R. 5490. A bill to reform the program for rental assistance under section 8 of the United States Housing Act of 1937, and for other purposes; to the Committee on Financial Services.

By Mr. LATOURETTE (for himself, Mr. LYNCH, and Mr. BURTON of Indiana):

H.R. 5491. A bill to amend the Public Health Service Act to authorize grants to States to establish and implement programs for registering pharmaceutical technicians; to the Committee on Energy and Commerce.

By Ms. MATSUI (for herself, Mr. BECERRA, and Mr. SAM JOHNSON of Texas):

H.R. 5492. A bill to authorize the Board of Regents of the Smithsonian Institution to construct a greenhouse facility at its museum support facility in Suitland, Maryland, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. BRADY of Pennsylvania:

H.R. 5493. A bill to provide that the usual day for paying salaries in or under the House of Representatives may be established by regulations of the Committee on House Administration; to the Committee on House Administration.

By Mr. BURTON of Indiana:

H.R. 5494. A bill to amend title 11 of the United States Code to make nondischargeable debts for personal injuries that result in permanent disability; to the Committee on the Judiciary.

By Mr. GERLACH:

H.R. 5495. A bill to extend for one year the exemption of returning workers from the numerical limitations for H-2B temporary workers; to the Committee on the Judiciary.

By Ms. MATSUI:

H.R. 5496. A bill to amend the Public Health Service Act to establish various programs for the recruitment and retention of public health workers and to eliminate critical public health workforce shortages in Federal, State, local, and tribal public health agencies; to the Committee on Energy and Commerce.

By Mr. MURTHA:

H.R. 5497. A bill to amend the Internal Revenue Code of 1986 to provide for tax preferred savings accounts for individuals under age 26, and for other purposes; to the Committee on Ways and Means.

By Mr. POE (for himself, Mr. COSTA, Mr. WEINER, Mr. BRALEY of Iowa, and Mr. REICHERT):

H.R. 5498. A bill to increase the cap on the obligation of receipts for the Crime Victims Fund; to the Committee on the Judiciary.

By Ms. TSONGAS:

H.R. 5499. A bill to provide for a timetable for the redeployment of the United States Armed Forces from Iraq and to seek political and diplomatic solutions for the security and stability of the Republic of Iraq; to the Committee on Foreign Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WYNN:

H.R. 5500. A bill to amend the Fair Credit Reporting Act to provide forbearance from foreclosures of subprime mortgages in the determination of a consumer credit score, and for other purposes; to the Committee on Financial Services.

By Mr. PUTNAM:

H. Res. 998. A resolution electing Minority Members to certain standing committees of

the House of Representatives; considered and agreed to.

By Mr. EMANUEL:

H. Res. 999. A resolution electing a Member to a certain standing committee of the House of Representatives; considered and agreed to.

By Mr. DOYLE (for himself, Mr. ALTMIRE, and Mr. TIM MURPHY of Pennsylvania):

H. Res. 1000. A resolution to commemorate the 250th Anniversary of the Naming of Pittsburgh as the culmination of the Forbes Campaign across Pennsylvania and the significance this event played in the making of America, in the settlement of the Continent, and in spreading the ideals of freedom and democracy throughout the world; to the Committee on Oversight and Government Reform.

By Mr. BLUMENAUER (for himself, Mr. BOUCHER, Mr. CAPUANO, Mr. CHANDLER, Mr. CLEAVER, Mr. COHEN, Mrs. DAVIS of California, Mr. DEFAZIO, Mr. DICKS, Mr. DOYLE, Ms. ESHOO, Mr. HINCHEY, Mr. HOLDEN, Mr. HONDA, Mr. JOHNSON of Illinois, Mr. KENNEDY, Mr. KILDEE, Mr. LAHOOD, Ms. MATSUI, Ms. MCCOLLUM of Minnesota, Mr. MCDERMOTT, Mr. MCINTYRE, Mr. MICHAUD, Ms. NORTON, Mr. OBERSTAR, Mr. PAYNE, Mr. REYES, Mr. ROSS, Mr. SPRATT, Mrs. TAUSCHER, Mr. WALDEN of Oregon, and Mr. WU):

H. Res. 1002. A resolution expressing support for designation of April 2008 as ''Public Radio Recognition Month''; to the Committee on Oversight and Government Reform.

¶20.29 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 78: Mrs. MYRICK.
H.R. 136: Mr. GOHMERT.
H.R. 223: Mr. LAMBORN.
H.R. 279: Mr. ROGERS of Alabama.
H.R. 549: Mr. ROGERS of Michigan.
H.R. 592: Mr. MCCOTTER and Mr. GALLEGLY.
H.R. 631: Mr. HERGER.
H.R. 718: Mr. LOEBSACK.
H.R. 728: Mr. LINCOLN DIAZ-BALART of Florida.
H.R. 850: Mr. GOHMERT.
H.R. 861: Mr. CAMPBELL of California.
H.R. 1029: Mr. WALBERG.
H.R. 1076: Mr. MCHUGH.
H.R. 1108: Mr. CLEAVER.
H.R. 1237: Mr. KUHL of New York.
H.R. 1264: Mr. WALBERG and Mr. TIM MURPHY of Pennsylvania.
H.R. 1295: Mr. ROSS, Mr. INGLIS of South Carolina, Mr. WITTMAN of Virginia, and Mr. HAYES.
H.R. 1320: Mr. ANDREWS.
H.R. 1336: Mr. MATHESON.
H.R. 1426: Mrs. DRAKE.
H.R. 1431: Mr. FILNER, Mr. ROSS, and Mr. AL GREEN of Texas.
H.R. 1497: Mr. INGLIS of South Carolina and Mr. SESTAK.
H.R. 1524: Mr. FRANK of Massachusetts.
H.R. 1553: Mrs. BLACKBURN.
H.R. 1565: Ms. SHEA-PORTER.
H.R. 1576: Mr. HASTINGS of Florida, Mr. WELCH of Vermont, and Mr. HILL.
H.R. 1589: Mr. MICA, Ms. FOXX, and Mr. JONES of North Carolina.
H.R. 1609: Mr. MCINTYRE.
H.R. 1663: Mr. PRICE of North Carolina.
H.R. 1707: Mr. BRADY of Pennsylvania.
H.R. 1726: Mrs. TAUSCHER, Ms. LEE, Mr. GRIJALVA, Mrs. CAPPS, Mr. TOWNS, Mr. COHEN, and Mr. RANGEL.
H.R. 1732: Mr. CARTER and Mr. MILLER of Florida.
H.R. 1840: Mr. LIPINSKI.
H.R. 1843: Mrs. LOWEY and Mr. FEENEY.
H.R. 1884: Mr. GEORGE MILLER of California and Ms. HERSETH SANDLIN.
H.R. 1889: Ms. MCCOLLUM of Minnesota.
H.R. 2040: Mr. YOUNG of Alaska, Mr. WEINER, Mr. FALEOMAVAEGA, Mr. MILLER of North Carolina, Mr. DEFAZIO, Ms. NORTON, Ms. TSONGAS, Mr. EDWARDS, Mr. LOEBSACK, Ms. LINDA T. SÁNCHEZ of California, Ms. ESHOO, Ms. RICHARDSON, Mr. ACKERMAN, Ms. DEGETTE, Mr. DINGELL, Mr. DAVIS of Illinois, Mr. PRICE of North Carolina, Mr. MCNULTY, Ms. ZOE LOFGREN of California, Mr. REYES, Mr. PASTOR, Ms. ROYBAL-ALLARD, Mrs. NAPOLITANO, Mr. UDALL of Colorado, Mr. SARBANES, Mr. LYNCH, Mr. FILNER, Mr. HALL of New York, Mr. SMITH of Washington, Mr. ABERCROMBIE, Mr. KIND, Mr. SERRANO, Mr. MOLLOHAN, and Mr. RAHALL.
H.R. 2122: Mr. ANDREWS.
H.R. 2158: Ms. FOXX and Mr. HELLER.
H.R. 2266: Mr. KENNEDY and Mrs. MCCARTHY of New York.
H.R. 2303: Mr. GALLEGLY, Mr. WALZ of Minnesota, Mr. BURTON of Indiana, Mr. BISHOP of Utah, Mr. SIMPSON, Ms. SLAUGHTER, Mr. MICHAUD, Mr. GINGREY, Mr. LINDER, Mr. KAGEN, and Mr. PERLMUTTER.
H.R. 2370: Mr. TOWNS and Ms. SHEA-PORTER.
H.R. 2452: Ms. WOOLSEY.
H.R. 2464: Mr. WELCH of Vermont and Mr. WYNN.
H.R. 2507: Mr. MILLER of Florida.
H.R. 2508: Mr. HELLER.
H.R. 2511: Mr. TOWNS.
H.R. 2668: Ms. SUTTON.
H.R. 2711: Mr. TOWNS.
H.R. 2744: Mr. PETERSON of Minnesota, Ms. WASSERMAN SCHULTZ, Mr. REICHERT, Mr. ENGEL, and Mr. PLATTS.
H.R. 2762: Mr. STUPAK, Mr. HOEKSTRA, Mr. TANCREDO, Mr. KIND, and Mr. WALBERG.
H.R. 2922: Mr. PAUL.
H.R. 2941: Ms. SHEA-PORTER.
H.R. 3010: Mr. SHERMAN, Ms. LEE, and Mr. JACKSON of Illinois.
H.R. 3021: Ms. HOOLEY.
H.R. 3042: Ms. SCHAKOWSKY.
H.R. 3109: Mr. HELLER, Mr. WALBERG, Mr. PITTS, and Mr. HASTINGS of Washington.
H.R. 3140: Mr. WITTMAN of Virginia and Mr. GRIJALVA.
H.R. 3145: Mr. HELLER.
H.R. 3175: Ms. ZOE LOFGREN of California and Mr. HINCHEY.
H.R. 3192: Mr. JEFFERSON.
H.R. 3359: Mr. CRENSHAW.
H.R. 3457: Mr. BOEHNER and Mr. TIBERI.
H.R. 3598: Ms. SHEA-PORTER.
H.R. 3609: Mr. SHAYS.
H.R. 3643: Mr. TOWNS, Ms. BALDWIN, Mr. SESTAK, Mr. ENGEL, Mr. ROTHMAN, Mrs. CAPPS, Mr. GENE GREEN of Texas, Mr. ABERCROMBIE, Mr. FRANK of Massachusetts, Mr. WAXMAN, and Ms. DEGETTE.
H.R. 3646: Mr. MILLER of North Carolina.
H.R. 3769: Mr. TANCREDO and Mr. LAMBORN.
H.R. 3820: Mr. LIPINSKI and Mr. GONZALEZ.
H.R. 3852: Mr. JEFFERSON.
H.R. 3916: Mr. MCNERNEY.
H.R. 3934: Mr. SHAYS and Mr. KELLER.
H.R. 4061: Mr. DEAL of Georgia and Mr. WALBERG.
H.R. 4088: Mr. HELLER.
H.R. 4093: Mr. COHEN.
H.R. 4133: Mrs. BACHMANN.
H.R. 4188: Mr. PAYNE.
H.R. 4236: Mr. FRANK of Massachusetts.
H.R. 4244: Mr. GRIJALVA.
H.R. 4247: Mr. GORDON.
H.R. 4544: Mr. PORTER.
H.R. 4775: Mr. GRIJALVA.
H.R. 4790: Mr. RUSH.
H.R. 4930: Mr. PLATTS, Mr. ROGERS of Alabama, Mr. HONDA, Mr. PORTER, and Mr. BACHUS.
H.R. 5057: Mr. SHIMKUS and Ms. HERSETH SANDLIN.
H.R. 5087: Mr. ELLSWORTH.
H.R. 5109: Mr. CONAWAY and Mr. SMITH of Texas.
H.R. 5110: Mr. SHULER, Mr. DOGGETT, and Mr. SKELTON.
H.R. 5126: Mr. SOUDER.
H.R. 5131: Mr. PLATTS, Mr. JONES of North Carolina, Mr. STEARNS, Mr. ROHRABACHER, and Mr. MCCOTTER.
H.R. 5157: Mr. FATTAH.
H.R. 5160: Mr. ALLEN.
H.R. 5161: Ms. MATSUI.
H.R. 5167: Mr. MCGOVERN.
H.R. 5173: Mrs. GILLIBRAND and Mr. MCHUGH.
H.R. 5229: Ms. DEGETTE.
H.R. 5241: Mr. SALAZAR.
H.R. 5267: Mr. JONES of North Carolina, Mr. AKIN, Mr. DAVID DAVIS of Tennessee, and Mr WEINER.
H.R. 5351: Mr. LIPINSKI.
H.R. 5425: Mr. PAUL, Mr. FOSSELLA, Mr. ORTIZ, Mr. BISHOP of New York, Mrs. DRAKE, and Mr. KING of New York.
H.R. 5440: Mr. WOLF and Mr. BOUSTANY.
H.R. 5445, Mr. SESSIONS.
H.R. 5449: Ms. SHEA-PORTER and Mr. NADLER.
H.R. 5452: Mr. GILCHREST and Mr. WAXMAN.
H.R. 5454: Mr. KUHL of New York, Mr. PAUL, Mr. MCINTYRE, and Mr. ENGLISH of Pennsylvania.
H.R. 5461: Ms. DEGETTE, Ms. JACKSON-LEE of Texas, Mr. HARE, and Mr. MCGOVERN.
H.J. Res. 12: Mr. WALBERG.
H. Con. Res. 195: Mr. WOLF.
H. Con. Res. 255: Mr. ELLSWORTH and Mr. FORTUÑO.
H. Res. 111: Ms. JACKSON-LEE of Texas.
H. Res. 248: Ms. DEGETTE and Mr. GERLACH.
H. Res. 282: Mrs. EMERSON.
H. Res. 356: Mr. THOMPSON of California.
H. Res. 638: Mr. PENCE and Mr. SHAYS.
H. Res. 784: Mr. JONES of North Carolina.
H. Res. 820: Ms. JACKSON-LEE of Texas.
H. Res. 829: Mr. MORAN of Kansas.
H. Res. 892: Mr. RANGEL, Ms. HOOLEY, Mr. HOLDEN, Mr. YOUNG of Alaska, Mr. WALBERG, and Mr. CLAY.
H. Res. 911: Mr. BLUMENAUER, Mr. HINOJOSA, Mr. COHEN, and Mr. ALLEN.
H. Res. 924: Mr. DAVIS of Illinois.
H. Res. 935: Ms. DELAURO.
H. Res. 936: Ms. DELAURO.
H. Res. 948: Mr. CLEAVER.
H. Res. 951: Mr. HASTINGS of Washington, Ms. SCHWARTZ, Ms. CASTOR, Mr. MARSHALL, Ms. BEAN, Mr. BACHUS, Mr. SMITH of Nebraska, Mr. WEINER, and Mr. STUPAK.
H. Res. 953: Mrs. CAPITO, Mr. ANDREWS, Mr. SESTAK, Mr. JONES of North Carolina, Mr. DAVIS of Kentucky, Mr. MCKEON, and Mr. MARSHALL.
H. Res. 958: Mr. GARY G. MILLER of California and Mr. JONES of North Carolina.
H. Res. 985: Mr. KING of New York, Mr. BRADY of Pennsylvania, and Mr. FERGUSON.
H. Res. 988: Mrs. MYRICK, Ms. SCHAKOWSKY, and Mr. COOPER.

WEDNESDAY, FEBRUARY 27, 2008 (21)

¶21.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Mr. SALAZAR, who laid before the House the following communication:

WASHINGTON, DC,
February 27, 2008.

I hereby appoint the Honorable JOHN T. SALAZAR to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

¶21.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. SALAZAR, announced he had examined and approved the Journal of the

proceedings of Tuesday, February 26, 2008.

Mr. POE, pursuant to clause 1, rule I, demanded a vote on agreeing to the Chair's approval of the Journal.

The question being put, viva voce,

Will the House agree to the Chair's approval of said Journal?

The SPEAKER pro tempore, Mr. SALAZAR, announced that the yeas had it.

Mr. POE objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mr. SALAZAR, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

The point of no quorum was considered as withdrawn.

¶21.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

5514. A letter from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting notification of the 2008 compensation program adjustments, including the Agency's current salary range structure and the performance-based merit pay matrix, in accordance with Section 1206 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989; to the Committee on Agriculture.

5515. A letter from the Secretary, Department of Commerce, transmitting the annual report on the Emergency Steel Loan Guarantee Program, as required by Section 101(i) of Chapter 1 of Pub. L. 106-51; to the Committee on Financial Services.

5516. A letter from the Assistant Secretary for Policy, Department of Labor, transmitting the Department's Report on the Impact of Increased Minimum Wages on the Economies of American Samoa and the Commonweath of the Northern Mariana Islands, pursuant to Public Law 110-28, section 8104; to the Committee on Education and Labor.

5517. A letter from the Assistant Secretary for Energy Efficiency and Renewable Energy, Department of Energy, transmitting the Department's semi-annual Implementation Report on Energy Conservation Standards Activities, pursuant to Section 141 of the Energy Policy Act of 2005; to the Committee on Energy and Commerce.

5518. A letter from the Public Printer, Government Printing Office, transmitting the Office's Annual Report for Fiscal Year 2007; to the Committee on House Administration.

5519. A letter from the Principal Deputy Assistant Attorney General, Department of Justice, transmitting the Department's report that summarizes the activities regarding prison rape abatement during calendar year 2006, pursuant to Public Law 108-79, section 5(b); to the Committee on the Judiciary.

5520. A letter from the Ombudsman for Part E, Department of Labor, transmitting the Third Annual Report of the Ombudsman for Part E of the Energy Employees Occupational Illness Compensation Program, pursuant to 15 U.S.C. 7385s-15(e); to the Committee on the Judiciary.

5521. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations; Recurring Marine Events in the Seventh Coast Guard District [Docket No. USCG-2007-0179] (RIN: 1625-AA08) received February 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5522. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Tampa Bay, Port of Tampa, Port of St. Petersburg, Rattlesnake, Old Port Tampa, Big Bend, Weedon Island, and Crystal River; Florida [USCG-2007-0062] (RIN: 1625-AA87) received February 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5523. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Molokini Crater, Maui, HI [Docket No. USCG-2007-0128] (RIN: 1625-AA00) received February 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5524. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Trent River between New Bern and James City, North Carolina [USCG-2007-0169] (RIN: 1625-AA00) received February 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5525. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Trent River between New Bern and James City, North Carolina [Docket No. USCG-2007-0169] (RIN: 1625-AA00) received February 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5526. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Safety Zones: Northeast Gateway, Deepwater Port, Atlantic Ocean, Boston, MA [USCG-2007-0191] (RIN: 1625-AA00) received February 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5527. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Anchorage Regulation; San Francisco Bay, CA [Docket Number: USCG-2007-0023 formerly CGD11-04-002] (RIN: 1625-AA01) received February 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5528. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Anchorage Regulation; Port Everglades, FL [Docket No. USCG-2007-0036, formerly CGD07-122] (RIN: 1625-AA01) received February 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5529. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Anchorage Grounds, Hampton Roads, VA [Docket No. USCG-2008-0041 formerly published under CGD05-06-064] (RIN: 1625-AA01) received February 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5530. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Potomac River, between Maryland and Virginia [USCG-2008-0015] (RIN: 1625-AA09) received February 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5531. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Elizabeth River — Eastern Branch, at Norfolk VA [USCG-2008-0018] received February 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5532. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operating Regulation; Gulf Intracoastal Waterway (Algiers Alternate Route), Belle Chasse, LA; Correction [[USCG-2007-0176] Formerly published as [CGD08-07-042]] (RIN:1625-AA09) received February 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5533. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Norwalk River, Norwalk, CT [USCG-2007-185] received February 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5534. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Corson Inlet, New Jersey Intracoastal Waterway (NJICW), Townsend Inlet, NJ [[USCG-2007-0026] [formerly published under CGD05-07-093]] (RIN: 1625-AA09) received February 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5535. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations: Isle of Wight Bay (Sinepuxent Bay), Ocean City, Maryland [[USCG-2007-0065 [previously published as CGD05-07-100]] (RIN: 1625-AA09) received February 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5536. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Kahului Harbor, Maui, HI [Docket No. USCG-2007-0093] (RIN: 1625-AA87) received February 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5537. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Tampa Bay, Port of Tampa, Rattlesnake, Big Bend, Florida [Docket No. USCG-2007-0097] (RIN: 1625-AA87) received February 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5538. A letter from the Assistant Secretary, Transportation Security Administration, Department of Homeland Security, transmitting a copy of a draft bill to authorize a temporary surcharge on the passenger aviation security fee to enhance deployment of checked baggage screening systems, to modify the use of the Aviation Security Capital Fund, and to increase training fees applicable to registration of aliens in U.S. flight schools; to the Committee on Transportation and Infrastructure.

5539. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No. 30580; Amdt. No. 3245] received February

5, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5540. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No. 30583; Amdt. No. 3247] received February 5, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5541. A letter from the Executive Director, National Surface Transportation Policy and Revenue Study Commission, transmitting the Commission's final report entitled, ''Transportation for Tomorrow''; to the Committee on Transportation and Infrastructure.

5542. A letter from the Secretary, Department of Veterans Affairs, transmitting a copy of a draft bill to authorize major medical facility projects for the Department of Veterans Affairs for fiscal year 2009; to the Committee on Veterans' Affairs.

5543. A letter from the Commissioner, Social Security Administration, transmitting the Administration's Fiscal Year 2009 Budget Overview; to the Committee on Ways and Means.

5544. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's report on the Medicare bundled end-stage renal disease prospective payment system, pursuant to Public Law 108-173, section 623(f)(1); jointly to the Committees on Energy and Commerce and Ways and Means.

¶21.4 MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 428. An Act to amend the Wireless Communications and Public Safety Act of 1999, and for other purposes.

The message also announced that pursuant to Public Law 107–12, the Chair announces, on behalf of the Majority Leader, the appointment of the following individual to serve as a member of the Public Safety Officer Medal of Valor Review Board: Trevor Whipple of Vermont, vice David E. Demag of Vermont.

¶21.5 PROVIDING FOR CONSIDERATION OF H.R. 5351

Ms. MATSUI, by direction of the Committee on Rules, called up the following resolution (H. Res. 1001):

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 5351) to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. The bill shall be considered as read. All points of order against provisions in the bill are waived. The previous question shall be considered as ordered on the bill, and any amendment thereto, to final passage without intervening motion except: (1) 90 minutes of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means; (2) an amendment in the nature of a substitute printed in the Congressional Record pursuant to clause 8 of rule XVIII, if offered by Representative McCrery of Louisiana or his designee, which shall be in order without intervention of any point of order (except those arising under clause 7 of rule XVI, clause 9 of rule XXI, or clause 10 of rule XXI), shall be considered as read, and shall be separately debatable for one hour equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions.

SEC. 2. During consideration of H.R. 5351 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

SEC. 3. House Resolution 983 is laid upon the table.

Pending consideration of said resolution.

¶21.6 POINT OF ORDER

Mr. CONAWAY made a point of order against consideration of said resolution and said:

''Mr. Speaker, I make a point of order against the consideration of the resolution because it is in violation of section 426(a) of the Congressional Budget Act.

''The resolution provides that all points of order against consideration of the bill are waived except those arising under clause 9 and 10 of rule XXI. This waiver of all points of order includes a waiver of section 425 of the Congressional Budget Act which causes the resolution to be in violation of section 426(a).''

The SPEAKER pro tempore, Mr. SALAZAR, responded to the point of order, and said:

''The gentleman from Texas makes a point of order that the resolution violates section 426(a) of the Congressional Budget Act of 1974.

''The gentleman has met the threshold burden to identify the specific language in the resolution on which the point of order is predicated. Such a point of order shall be disposed of by the question of consideration.

''After that debate the Chair will put the question of consideration, to wit: 'Will the House now consider the resolution?'.''.

Mr. CONAWAY was further recognized and said:

''Mr. Speaker, this bill that is the subject of this rule that is about to come before us includes two tax increases, one on section 199, which eliminates the oil and gas industry's ability to take advantage of this provision within the law to increase their taxes over the next 10 years by some $13 billion. There is also some tweaking with, and that's an odd word to use when it raises $4 billion, but a tweaking with the way foreign oil and gas income plays into the computation of the foreign tax credits that these companies could take advantage of.

''Both of these violate the Unfunded Mandate Reform Act provision on private initiatives and therefore are subject to this point of order on being waived. So I think that favorable consideration of this point of order is where we should be going with respect to the private sector mandates that are waived under this rule.''.

Mr. FLAKE was recognized to speak to the point of order and said:

''Mr. Speaker, as was mentioned, you could easily say that there are unfunded mandates in the bill. You could also say there is a particular earmark in the bill. Because the bill didn't go through regular order and we don't have a committee report to go along with it, there was not a certification that came saying that there were no earmarks in the bill.

''Of particular concern is a provision that would allow New York City to keep up to $2 billion worth of the employer share of payroll taxes and invest the funds in a transportation project. This is not the first time we have seen this. The New York Liberty Zone Tax Credit earmark was included in a previous energy bill passed by the House, but it was removed by the Senate.

''Now, I think we can all quibble about where the benefits go on some of these things, but it's clear that the target here is New York City. It's a targeted tax provision, and it's what we typically refer to as an earmark in the authorizing bill. And I would say that if it looks like an earmark and acts like an earmark, it is one. And it shouldn't be in this bill unless there is some kind of certification or something that is not an earmark. I just don't know how you can call it anything but that. This is just another example of how little impact Congress's steps to reform the process have actually had in the day-to-day operation of the House.

''For a point of order against an earmark to be rejected, the chairman needs to simply insert a statement into the RECORD saying there are no earmarks in the bill, and then the point of order can't be lodged. Here we don't even have that kind of statement, and still we are saying a point of order can't be lodged in this regard.

''So I would say that we ought to reject this bill for many reasons, not the least of which it's going to blow a $2 billion hole in the budget here for a limited specific tax provision benefiting only one group across the country.''.

Mr. CONAWAY was further recognized and said:

''I thank my colleague for pointing that out.

''Mr. Speaker, the Congressional Budget Office on a similar, almost exact, bill, 2776, earlier in the year, clearly stated that these were unfunded mandates. They breached the threshold appropriate under the Unfunded Mandate Reform Act, and a point of order should be sustained against this bill.''.

Ms. MATSUI was recognized to speak to the point of order and said:

''This point of order is about whether or not to consider this rule and ultimately the underlying bill. In fact, I would say that it is simply an effort to try to kill this bill before we even have an opportunity to debate it. I hope my

colleagues will vote 'yes' on this procedural motion so we can consider this important legislation today.

''Mr. Speaker, H.R. 5351 is about investing in clean, renewable energy and energy efficiency. It is about boosting our economy and national security while protecting our environment.

''It is abundantly clear that our dependence on foreign oil has skyrocketed with much of it imported from the volatile Middle East with a price tag today of $102 a barrel. It's time to reduce our dependence on foreign oil, not only to strengthen our national security but to support domestic production of renewable energy. We need to take action now and start by considering and passing the Renewable Energy and Energy Conservation Tax bill today.

''This bill is about the hardworking American families. It is about creating jobs for the American worker and about protecting their rights. If we are creating jobs in this bill, which we are, we should be making sure that workers are making prevailing wages.

''The Davis-Bacon Act requires contractors to pay no less than the locally prevailing wage on Federal contract construction. Davis-Bacon was adopted in 1931, during the Hoover administration, to protect the rights of the American workforce. During the more than 70 years since its enactment, Davis-Bacon has come under fire many times but has always received support from the Congress and American families who benefit from it.

''The Renewable Energy and Energy Conservation Tax Act addresses the priorities of the American people. In addition to tackling our energy crisis, H.R. 5351 complies with PAYGO rules, which is a priority of the 110th Congress. The bill is therefore paid for. Most of the funding is by reducing tax cuts to the top-earning oil companies. In order to pay for the important tax extensions and comply with PAYGO, there had to be revenue raisers. Our country is facing record deficits, and this Congress is acting responsibly.

''This bill will develop a progressive energy policy that is long term, not shortsighted. It does away with the tired strategies of the past, which focused only on producing more oil at the expense of the environment and of the American taxpayer. We are heeding the calls of the American people by adopting it.''.

Mr. BOSWELL was recognized to speak to the point of order and said:

''I oppose this point of order. I think that the gentlewoman from California made it very clear that it is appropriate and needed that we do what we're trying to do with H.R. 5351. And I want to support the rule for H.R. 5351, and I would like to thank Congresswoman MATSUI for her leadership and Chairman RANGEL for their continued work to ensure these vital tax credits are extended.

''This legislation takes many needed steps to ensure the United States continues to be a major player on the renewable energy stage. This legislation extends the renewable energy production tax credit which Iowa and my district have seen firsthand the benefits of. It creates a cellulosic alcohol production tax credit which will give a 50 cent per gallon credit for cellulosic alcohol produced for use of fuel, a step to get us out of bondage to OPEC, and anybody knows we have got to do this for the salvation of this country. This legislation also extends the biodiesel production tax credit and creates a new credit for plug-in hybrid vehicles, among other things.

''I'm also pleased to see that components of a bill I introduced, H.R. 5373, the Consumer and Manufacturer Energy Efficient Tax Credit Extension Act, were also included in this legislation. The underlying bill, which goes further than mine, would extend and modify the energy efficient appliance credit for 3 years and extend and modify the energy efficiency tax credits for improvements to existing homes.

''I'm very pleased to see that the chairman, the gentlewoman from California [Ms. MATSUI], and the House leadership recognize these tax credits are important, not only to the environment but also to the economy. I believe that all consumers want to make more energy-efficient choices, and this legislation will help them do that. It's a win-win situation for the environment and the American consumer's pocketbook.

''Iowa has been a leader for renewable energy, and I am proud to say in my district we are leading the State with a new biodiesel plant in Newton just last year and a new wind turbine plant, which provides the State with the equipment needed to supply its growing wind energy.

''I am also excited that we have the opportunity to make America more energy independent, create high-tech 'green' jobs for a 'green future,' ensure low-income families have affordable energy costs, and I look forward to continuing to work for a more energy-efficient future.

''So, again, I thank the gentlewoman for this time. And I would once again reiterate my support for this rule, that we can move on and oppose this point of order.''.

Mr. CONAWAY was further recognized and said:

''I was laboring under a misconception that the debate was to be limited to the point of order rather than the underlying bill itself. So since the other side has raised the issues in the bill, I'll take a couple of seconds to add some gratuitous comments about those as well rather than strictly talking about my point of order.

''At a time when we are clearly dependent on foreign oil, imported foreign oil, crude oil, and natural gas, and everyone recognizes that it's a strategic vulnerability to our country, a reduction in domestic production of crude oil and natural gas seems to be very wrongheaded in the sense of trying to reduce our dependency on imported foreign oil and natural gas.

''This bill will take $17 billion out of the search for crude oil and natural gas, domestic supplies in most instances, and put it towards some very worthy initiatives in terms of trying to find alternatives to that. There is no rational projection that any of these alternatives will develop in the next 15 to 20 years to supplant the need for crude oil and natural gas to drive the economy, whether you're talking about generating electricity or driving cars and trucks and airplanes. So at a time when we are fully dependent on crude oil and natural gas, it seems to make eminent sense that we ought to be encouraging domestic oil and gas companies to reinvest their profits, reinvest their moneys back in the ground.

''Now, mechanically what happens with respect to the oil and gas business is when they do find crude oil and natural gas, they find reserves in the ground and there is value associated with those reserves. Typically, those producers then go to the bank and use those reserves as collateral in the ground to borrow more money to spend additional money going into the ground. So for each dollar that we increase their taxes, there is a multiple of that dollar that does not get spent on searches for crude oil and natural gas that would be used domestically. We do nothing about the restrictions on a responsible, environmentally sound development of other areas that have proven crude oil and natural gas reserves, domestic crude oil and natural gas reserves. We do nothing in this legislation to affect that.

''In addition, my colleagues brought up the vaunted PAYGO rule, which is used almost every day in this Chamber. Quite frankly, these taxes have been used multiple times already in this Congress to pay for a variety of things. So if our constituents back home fully understood how theatrical the PAYGO situations with this bill really are, they would be probably offended, that that is just the typical Washington business-as-usual kinds of things that are going on.

''So while this bill, I believe, creates an unfunded mandate that is in violation of the Unfunded Mandate Reform Act and it should be properly subject to this point of order, the underlying bill itself is flawed on a variety of things as well.

''I will close, then, by just saying that I believe this point of order should be sustained and this rule should be defeated.''.

Ms. MATSUI was further recognized and said:

''Again, Mr. Speaker, I urge my colleagues to vote ''yes'' on the motion to consider so we can debate and pass this important piece of legislation today.''.

After debate,

The question being put, viva voce,

Will the House now consider the resolution?

The SPEAKER pro tempore, Mr. SALAZAR, announced that the yeas had it.

Mr. CONAWAY demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 224 Nays 186

¶21.7 [Roll No. 78]

YEAS—224

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

NAYS—186

Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Latham
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (FL)

NOT VOTING—18

Aderholt
Brown-Waite, Ginny
Cubin
Diaz-Balart, M.
Doolittle
Gilchrest
Gohmert
Jones (OH)
Keller
LaTourette
Lungren, Daniel E.
Miller, George
Moran (VA)
Reyes
Ryan (OH)
Smith (NJ)
Woolsey
Young (AK)

So the House decided to consider said resolution.

A motion to reconsider the vote whereby the House decided to consider said resolution.

Accordingly,

When said resolution was considered.

After debate,

Ms. MATSUI moved the previous question on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House now order the previous question?

The SPEAKER pro tempore, Mr. HOLDEN, announced that the yeas had it.

Mr. Lincoln DIAZ-BALART of Florida, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. HOLDEN, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶21.8 APPROVAL OF THE JOURNAL—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. HOLDEN, pursuant to clause 8, rule XX, announced the unfinished business to be the question on agreeing to the Chair's approval of the Journal of Tuesday, February 26, 2008.

The question being put, viva voce,

Will the House agree to the Chair's approval of said Journal?

The SPEAKER pro tempore, Mr. HOLDEN, announced that the yeas had it.

Mr. Lincoln DIAZ-BALART of Florida, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The roll was called under clause 6, rule XX, and the call was taken by electronic device.

When there appeared .... { Yeas ..... 217 Nays ..... 185 Answered present 1

¶21.9 [Roll No. 79]

YEAS—217

Abercrombie
Ackerman
Allen
Andrews
Arcuri
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Brown, Corrine
Buchanan
Butterfield
Capps
Capuano
Cardoza
Carnahan
Castle
Castor
Clarke
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Fortenberry
Gerlach
Gonzalez
Goodlatte
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (PA)
Pickering
Pomeroy
Price (NC)
Rahall
Rangel
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter

Sherman
Shuster
Sires
Skelton
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Sutton
Tanner
Tauscher
Taylor
Thompson (MS)
Tierney
Towns
Tsongas
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walberg
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Wu
Wynn
Yarmuth

NAYS—185

Akin
Alexander
Altmire
Bachmann
Bachus
Barrett (SC)
Barrow
Bartlett (MD)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carney
Carter
Chabot
Chandler
Coble
Cole (OK)
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Diaz-Balart, L.
Donnelly
Doolittle
Drake
Dreier
Duncan
Ehlers
Ellsworth
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Giffords
Gilchrest
Gillibrand
Goode
Gordon
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Inglis (SC)
Issa
Johnson, Sam
Jones (NC)
Jordan
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Mack
Manzullo
Marchant
Matheson
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mitchell
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pence
Peterson (MN)
Petri
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuler
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Stupak
Tancredo
Terry
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

ANSWERED ''PRESENT''—1

Gohmert

NOT VOTING—25

Aderholt
Barton (TX)
Braley (IA)
Brown-Waite, Ginny
Clay
Conaway
Cubin
Diaz-Balart, M.
Frank (MA)
Garrett (NJ)
Gingrey
Hunter
Jones (OH)
Keller
Lungren, Daniel E.
McMorris Rodgers
Miller (NC)
Pearce
Renzi
Reyes
Ryan (OH)
Slaughter
Sullivan
Udall (CO)
Woolsey

So the Journal was approved.

¶21.10 H. RES. 1001—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. HOLDEN, pursuant to clause 8, rule XX, announced the further unfinished business to be the question on ordering the previous question on the resolution (H. Res. 1001) providing for consideration of the bill (H.R. 5351) to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation.

The question being put,

Will the House now order the previous question?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 214 / Nays 189

¶21.11 [Roll No. 80]

YEAS—214

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

NAYS—189

Akin
Alexander
Bachmann
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Cramer
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Donnelly
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Hill
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Reynolds
Rogers (AL)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOT VOTING—25

Aderholt
Bachus
Bilbray
Brown-Waite, Ginny
Conyers
Cubin
Davis, Lincoln
Diaz-Balart, M.
Doolittle
Garrett (NJ)
Herger
Jones (OH)
Keller
Lungren, Daniel E.
Lynch
McMorris Rodgers
Miller (NC)
Pickering
Renzi
Reyes
Rogers (KY)
Royce
Ryan (OH)
Udall (CO)
Woolsey

So the previous question on the resolution was ordered.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. HOLDEN, announced that the yeas had it.

Mr. Lincoln DIAZ-BALART of Florida, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 220 Nays 188

¶21.12 [Roll No. 81]

YEAS—220

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

NAYS—188

Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hill
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOT VOTING—20

Aderholt
Berry
Brown-Waite, Ginny
Cubin
Davis (CA)
Diaz-Balart, M.
Garrett (NJ)
Jones (OH)
Keller
Knollenberg
Lungren, Daniel E.
McMorris Rodgers
Miller (NC)
Radanovich
Reyes
Ryan (OH)
Saxton
Tierney
Udall (CO)
Woolsey

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

Pursuant to section 3 of House Resolution 1001, H. Res. 983 was laid on the table.

¶21.13 RENEWABLE ENERGY AND ENERGY CONSERVATION

Mr. RANGEL, pursuant to House Resolution 1001, called up for consideration the bill (H.R. 5351) to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation.

When said bill was considered.

After debate,

Pursuant to House Resolution 1001, the previous question was ordered on the bill.

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

Mr. HOEKSTRA moved to recommit the bill to the Committee on Ways and Means with instructions to report the bill back to the House forthwith with the following amendment:

Strike all after the enacting clause and insert the following:

SECTION 1. FINDINGS.

Congress finds the following:

(1) The energy security of the United States is tied directly to the national security of the United States, the stability of the United States economy, and the stability of key oil producing nations.

(2) Radical jihadists who attacked the United States on September 11, 2001, continue planning to attack the United States and its citizens. If successful, such attacks would directly impact the energy security of the United States. Radical jihadists also seek to replace the governments of key oil producing nations with a caliphate.

(3) The Protect America Act of 2007, which provided key tools to detect and prevent potential terrorist attacks in foreign countries and within the United States expired at midnight, February 17, 2007.

(4) Without those key tools, the capability of the United States intelligence community to detect and prevent potential attacks has begun to substantially degrade, placing at risk the national security of the United States and the energy security of the United States.

(5) Consistent with a bipartisan consensus, Congress must take immediate action to adopt legislation to provide the intelligence community with strong and effective tools to ensure the national security and the energy security of the United States.

SEC. 2. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Foreign Intelligence Surveillance Act of 1978 Amendments Act of 2008'' or the ''FISA Amendments Act of 2008''.

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

Sec. 1. Findings.
Sec. 2. Short title; table of contents.

TITLE I—FOREIGN INTELLIGENCE SURVEILLANCE

Sec. 101. Additional procedures regarding certain persons outside the United States.
Sec. 102. Statement of exclusive means by which electronic surveillance and interception of domestic communications may be conducted.
Sec. 103. Submittal to Congress of certain court orders under the Foreign Intelligence Surveillance Act of 1978.
Sec. 104. Applications for court orders.
Sec. 105. Issuance of an order.
Sec. 106. Use of information.
Sec. 107. Amendments for physical searches.
Sec. 108. Amendments for emergency pen registers and trap and trace devices.
Sec. 109. Foreign Intelligence Surveillance Court.
Sec. 110. Weapons of mass destruction.
Sec. 111. Technical and conforming amendments.

TITLE II—PROTECTIONS FOR ELECTRONIC COMMUNICATION SERVICE PROVIDERS

Sec. 201. Definitions.
Sec. 202. Limitations on civil actions for electronic communication service providers.
Sec. 203. Procedures for implementing statutory defenses under the Foreign Intelligence Surveillance Act of 1978.
Sec. 204. Preemption of State investigations.
Sec. 205. Technical amendments.

TITLE III—OTHER PROVISIONS

Sec. 301. Severability.
Sec. 302. Effective date; repeal; transition procedures.

TITLE I—FOREIGN INTELLIGENCE SURVEILLANCE

SEC. 101. ADDITIONAL PROCEDURES REGARDING CERTAIN PERSONS OUTSIDE THE UNITED STATES.

(a) IN GENERAL.—The Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended—

(1) by striking title VII; and

(2) by adding after title VI the following new title:

"TITLE VII—ADDITIONAL PROCEDURES REGARDING CERTAIN PERSONS OUTSIDE THE UNITED STATES

"SEC. 701. LIMITATION ON DEFINITION OF ELECTRONIC SURVEILLANCE.

''Nothing in the definition of electronic surveillance under section 101(f) shall be construed to encompass surveillance that is targeted in accordance with this title at a person reasonably believed to be located outside the United States.

"SEC. 702. DEFINITIONS.

''(a) IN GENERAL.—The terms 'agent of a foreign power', 'Attorney General', 'contents', 'electronic surveillance', 'foreign intelligence information', 'foreign power', 'minimization procedures', 'person', 'United States', and 'United States person' shall have the meanings given such terms in section 101, except as specifically provided in this title.

''(b) ADDITIONAL DEFINITIONS.—

''(1) CONGRESSIONAL INTELLIGENCE COMMITTEES.—The term 'congressional intelligence committees' means—

''(A) the Select Committee on Intelligence of the Senate; and

''(B) the Permanent Select Committee on Intelligence of the House of Representatives.

''(2) FOREIGN INTELLIGENCE SURVEILLANCE COURT; COURT.—The terms 'Foreign Intelligence Surveillance Court' and 'Court' mean the court established by section 103(a).

''(3) FOREIGN INTELLIGENCE SURVEILLANCE COURT OF REVIEW; COURT OF REVIEW.—The terms 'Foreign Intelligence Surveillance Court of Review' and 'Court of Review' mean the court established by section 103(b).

''(4) ELECTRONIC COMMUNICATION SERVICE PROVIDER.—The term 'electronic communication service provider' means—

''(A) a telecommunications carrier, as that term is defined in section 3 of the Communications Act of 1934 (47 U.S.C. 153);

''(B) a provider of electronic communication service, as that term is defined in section 2510 of title 18, United States Code;

''(C) a provider of a remote computing service, as that term is defined in section 2711 of title 18, United States Code;

''(D) any other communication service provider who has access to wire or electronic communications either as such communications are transmitted or as such communications are stored; or

''(E) an officer, employee, or agent of an entity described in subparagraph (A), (B), (C), or (D).

''(5) ELEMENT OF THE INTELLIGENCE COMMUNITY.—The term 'element of the intelligence community' means an element of the intelligence community specified in or designated under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

"SEC. 703. PROCEDURES FOR TARGETING CERTAIN PERSONS OUTSIDE THE UNITED STATES OTHER THAN UNITED STATES PERSONS.

''(a) AUTHORIZATION.—Notwithstanding any other law, the Attorney General and the Director of National Intelligence may authorize jointly, for periods of up to 1 year, the targeting of persons reasonably believed to be located outside the United States to acquire foreign intelligence information.

''(b) LIMITATIONS.—An acquisition authorized under subsection (a)—

''(1) may not intentionally target any person known at the time of acquisition to be located in the United States;

''(2) may not intentionally target a person reasonably believed to be located outside the United States if the purpose of such acquisition is to target a particular, known person reasonably believed to be in the United States, except in accordance with title I or title III;

''(3) may not intentionally target a United States person reasonably believed to be located outside the United States, except in accordance with sections 704, 705, or 706;

''(4) shall not intentionally acquire any communication as to which the sender and all intended recipients are known at the time of the acquisition to be located in the United States; and

''(5) shall be conducted in a manner consistent with the fourth amendment to the Constitution of the United States.

''(c) CONDUCT OF ACQUISITION.—An acquisition authorized under subsection (a) may be conducted only in accordance with—

''(1) a certification made by the Attorney General and the Director of National Intelligence pursuant to subsection (f); and

''(2) the targeting and minimization procedures required pursuant to subsections (d) and (e).

''(d) TARGETING PROCEDURES.—

''(1) REQUIREMENT TO ADOPT.—The Attorney General, in consultation with the Director of National Intelligence, shall adopt targeting procedures that are reasonably designed to ensure that any acquisition authorized under subsection (a) is limited to targeting persons reasonably believed to be located outside the United States and does not result in the intentional acquisition of any communication as to which the sender and all intended recipients are known at the time of the acquisition to be located in the United States.

''(2) JUDICIAL REVIEW.—The procedures referred to in paragraph (1) shall be subject to judicial review pursuant to subsection (h).

''(e) MINIMIZATION PROCEDURES.—

''(1) REQUIREMENT TO ADOPT.—The Attorney General, in consultation with the Director of National Intelligence, shall adopt minimization procedures that meet the definition of minimization procedures under section 101(h) or section 301(4) for acquisitions authorized under subsection (a).

''(2) JUDICIAL REVIEW.—The minimization procedures required by this subsection shall be subject to judicial review pursuant to subsection (h).

''(f) CERTIFICATION.—

''(1) IN GENERAL.—

''(A) REQUIREMENT.—Subject to subparagraph (B), prior to the initiation of an acquisition authorized under subsection (a), the Attorney General and the Director of National Intelligence shall provide, under oath, a written certification, as described in this subsection.

''(B) EXCEPTION.—If the Attorney General and the Director of National Intelligence determine that immediate action by the Government is required and time does not permit the preparation of a certification under this subsection prior to the initiation of an acquisition, the Attorney General and the Director of National Intelligence shall prepare such certification, including such determination, as soon as possible but in no event more than 7 days after such determination is made.

''(2) REQUIREMENTS.—A certification made under this subsection shall—

''(A) attest that—

''(i) there are reasonable procedures in place for determining that the acquisition authorized under subsection (a) is targeted at persons reasonably believed to be located outside the United States and that such procedures have been approved by, or will be submitted in not more than 5 days for approval by, the Foreign Intelligence Surveillance Court pursuant to subsection (h);

''(ii) there are reasonable procedures in place for determining that the acquisition authorized under subsection (a) does not result in the intentional acquisition of any communication as to which the sender and all intended recipients are known at the time of the acquisition to be located in the United States, and that such procedures have been approved by, or will be submitted in not more than 5 days for approval by, the Foreign Intelligence Surveillance Court pursuant to subsection (h);

''(iii) the procedures referred to in clauses (i) and (ii) are consistent with the requirements of the fourth amendment to the Constitution of the United States and do not permit the intentional targeting of any person who is known at the time of acquisition to be located in the United States or the intentional acquisition of any communication as to which the sender and all intended recipients are known at the time of acquisition to be located in the United States;

''(iv) a significant purpose of the acquisition is to obtain foreign intelligence information;

''(v) the minimization procedures to be used with respect to such acquisition—

''(I) meet the definition of minimization procedures under section 101(h) or section 301(4); and

''(II) have been approved by, or will be submitted in not more than 5 days for approval by, the Foreign Intelligence Surveillance Court pursuant to subsection (h);

''(vi) the acquisition involves obtaining the foreign intelligence information from or with the assistance of an electronic communication service provider; and

''(vii) the acquisition does not constitute electronic surveillance, as limited by section 701; and

''(B) be supported, as appropriate, by the affidavit of any appropriate official in the area of national security who is—

''(i) appointed by the President, by and with the consent of the Senate; or

''(ii) the head of any element of the intelligence community.

''(3) LIMITATION.—A certification made under this subsection is not required to identify the specific facilities, places, premises, or property at which the acquisition authorized under subsection (a) will be directed or conducted.

''(4) SUBMISSION TO THE COURT.—The Attorney General shall transmit a copy of a certification made under this subsection, and any supporting affidavit, under seal to the Foreign Intelligence Surveillance Court as soon as possible, but in no event more than 5 days after such certification is made. Such certification shall be maintained under security measures adopted by the Chief Justice of the United States and the Attorney General, in consultation with the Director of National Intelligence.

''(5) REVIEW.—The certification required by this subsection shall be subject to judicial review pursuant to subsection (h).

''(g) DIRECTIVES AND JUDICIAL REVIEW OF DIRECTIVES.—

''(1) AUTHORITY.—With respect to an acquisition authorized under subsection (a), the Attorney General and the Director of National Intelligence may direct, in writing, an electronic communication service provider to—

''(A) immediately provide the Government with all information, facilities, or assistance necessary to accomplish the acquisition in a manner that will protect the secrecy of the

acquisition and produce a minimum of interference with the services that such electronic communication service provider is providing to the target; and

''(B) maintain under security procedures approved by the Attorney General and the Director of National Intelligence any records concerning the acquisition or the aid furnished that such electronic communication service provider wishes to maintain.

''(2) COMPENSATION.—The Government shall compensate, at the prevailing rate, an electronic communication service provider for providing information, facilities, or assistance pursuant to paragraph (1).

''(3) RELEASE FROM LIABILITY.—Notwithstanding any other law, no cause of action shall lie in any court against any electronic communication service provider for providing any information, facilities, or assistance in accordance with a directive issued pursuant to paragraph (1).

''(4) CHALLENGING OF DIRECTIVES.—

''(A) AUTHORITY TO CHALLENGE.—An electronic communication service provider receiving a directive issued pursuant to paragraph (1) may challenge the directive by filing a petition with the Foreign Intelligence Surveillance Court, which shall have jurisdiction to review such a petition.

''(B) ASSIGNMENT.—The presiding judge of the Court shall assign the petition filed under subparagraph (A) to 1 of the judges serving in the pool established by section 103(e)(1) not later than 24 hours after the filing of the petition.

''(C) STANDARDS FOR REVIEW.—A judge considering a petition to modify or set aside a directive may grant such petition only if the judge finds that the directive does not meet the requirements of this section, or is otherwise unlawful.

''(D) PROCEDURES FOR INITIAL REVIEW.—A judge shall conduct an initial review not later than 5 days after being assigned a petition described in subparagraph (C). If the judge determines that the petition consists of claims, defenses, or other legal contentions that are not warranted by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law or for establishing new law, the judge shall immediately deny the petition and affirm the directive or any part of the directive that is the subject of the petition and order the recipient to comply with the directive or any part of it. Upon making such a determination or promptly thereafter, the judge shall provide a written statement for the record of the reasons for a determination under this subparagraph.

''(E) PROCEDURES FOR PLENARY REVIEW.—If a judge determines that a petition described in subparagraph (C) requires plenary review, the judge shall affirm, modify, or set aside the directive that is the subject of that petition not later than 30 days after being assigned the petition, unless the judge, by order for reasons stated, extends that time as necessary to comport with the due process clause of the fifth amendment to the Constitution of the United States. Unless the judge sets aside the directive, the judge shall immediately affirm or affirm with modifications the directive, and order the recipient to comply with the directive in its entirety or as modified. The judge shall provide a written statement for the records of the reasons for a determination under this subparagraph.

''(F) CONTINUED EFFECT.—Any directive not explicitly modified or set aside under this paragraph shall remain in full effect.

''(G) CONTEMPT OF COURT.—Failure to obey an order of the Court issued under this paragraph may be punished by the Court as contempt of court.

''(5) ENFORCEMENT OF DIRECTIVES.—

''(A) ORDER TO COMPEL.—In the case of a failure to comply with a directive issued pursuant to paragraph (1), the Attorney General may file a petition for an order to compel compliance with the directive with the Foreign Intelligence Surveillance Court, which shall have jurisdiction to review such a petition.

''(B) ASSIGNMENT.—The presiding judge of the Court shall assign a petition filed under subparagraph (A) to 1 of the judges serving in the pool established by section 103(e)(1) not later than 24 hours after the filing of the petition.

''(C) STANDARDS FOR REVIEW.—A judge considering a petition filed under subparagraph (A) shall issue an order requiring the electronic communication service provider to comply with the directive or any part of it, as issued or as modified, if the judge finds that the directive meets the requirements of this section, and is otherwise lawful.

''(D) PROCEDURES FOR REVIEW.—The judge shall render a determination not later than 30 days after being assigned a petition filed under subparagraph (A), unless the judge, by order for reasons stated, extends that time if necessary to comport with the due process clause of the fifth amendment to the Constitution of the United States. The judge shall provide a written statement for the record of the reasons for a determination under this paragraph.

''(E) CONTEMPT OF COURT.—Failure to obey an order of the Court issued under this paragraph may be punished by the Court as contempt of court.

''(F) PROCESS.—Any process under this paragraph may be served in any judicial district in which the electronic communication service provider may be found.

''(6) APPEAL.—

''(A) APPEAL TO THE COURT OF REVIEW.—The Government or an electronic communication service provider receiving a directive issued pursuant to paragraph (1) may file a petition with the Foreign Intelligence Surveillance Court of Review for review of the decision issued pursuant to paragraph (4) or (5). The Court of Review shall have jurisdiction to consider such a petition and shall provide a written statement for the record of the reasons for a decision under this paragraph.

''(B) CERTIORARI TO THE SUPREME COURT.—The Government or an electronic communication service provider receiving a directive issued pursuant to paragraph (1) may file a petition for a writ of certiorari for review of the decision of the Court of Review issued under subparagraph (A). The record for such review shall be transmitted under seal to the Supreme Court of the United States, which shall have jurisdiction to review such decision.

''(h) JUDICIAL REVIEW OF CERTIFICATIONS AND PROCEDURES.—

''(1) IN GENERAL.—

''(A) REVIEW BY THE FOREIGN INTELLIGENCE SURVEILLANCE COURT.—The Foreign Intelligence Surveillance Court shall have jurisdiction to review any certification required by subsection (c) and the targeting and minimization procedures adopted pursuant to subsections (d) and (e).

''(B) SUBMISSION TO THE COURT.—The Attorney General shall submit to the Court any such certification or procedure, or amendment thereto, not later than 5 days after making or amending the certification or adopting or amending the procedures.

''(2) CERTIFICATIONS.—The Court shall review a certification provided under subsection (f) to determine whether the certification contains all the required elements.

''(3) TARGETING PROCEDURES.—The Court shall review the targeting procedures required by subsection (d) to assess whether the procedures are reasonably designed to ensure that the acquisition authorized under subsection (a) is limited to the targeting of persons reasonably believed to be located outside the United States and does not result in the intentional acquisition of any communication as to which the sender and all intended recipients are known at the time of the acquisition to be located in the United States.

''(4) MINIMIZATION PROCEDURES.—The Court shall review the minimization procedures required by subsection (e) to assess whether such procedures meet the definition of minimization procedures under section 101(h) or section 301(4).

''(5) ORDERS.—

''(A) APPROVAL.—If the Court finds that a certification required by subsection (f) contains all of the required elements and that the targeting and minimization procedures required by subsections (d) and (e) are consistent with the requirements of those subsections and with the fourth amendment to the Constitution of the United States, the Court shall enter an order approving the continued use of the procedures for the acquisition authorized under subsection (a).

''(B) CORRECTION OF DEFICIENCIES.—If the Court finds that a certification required by subsection (f) does not contain all of the required elements, or that the procedures required by subsections (d) and (e) are not consistent with the requirements of those subsections or the fourth amendment to the Constitution of the United States, the Court shall issue an order directing the Government to, at the Government's election and to the extent required by the Court's order—

''(i) correct any deficiency identified by the Court's order not later than 30 days after the date the Court issues the order; or

''(ii) cease the acquisition authorized under subsection (a).

''(C) REQUIREMENT FOR WRITTEN STATEMENT.—In support of its orders under this subsection, the Court shall provide, simultaneously with the orders, for the record a written statement of its reasons.

''(6) APPEAL.—

''(A) APPEAL TO THE COURT OF REVIEW.—The Government may appeal any order under this section to the Foreign Intelligence Surveillance Court of Review, which shall have jurisdiction to review such order. For any decision affirming, reversing, or modifying an order of the Foreign Intelligence Surveillance Court, the Court of Review shall provide for the record a written statement of its reasons.

''(B) CONTINUATION OF ACQUISITION PENDING REHEARING OR APPEAL.—Any acquisitions affected by an order under paragraph (5)(B) may continue—

''(i) during the pendency of any rehearing of the order by the Court en banc; and

''(ii) if the Government appeals an order under this section, until the Court of Review enters an order under subparagraph (C).

''(C) IMPLEMENTATION PENDING APPEAL.—Not later than 60 days after the filing of an appeal of an order under paragraph (5)(B) directing the correction of a deficiency, the Court of Review shall determine, and enter a corresponding order regarding, whether all or any part of the correction order, as issued or modified, shall be implemented during the pendency of the appeal.

''(D) CERTIORARI TO THE SUPREME COURT.—The Government may file a petition for a writ of certiorari for review of a decision of the Court of Review issued under subparagraph (A). The record for such review shall be transmitted under seal to the Supreme Court of the United States, which shall have jurisdiction to review such decision.

''(i) EXPEDITED JUDICIAL PROCEEDINGS.—Judicial proceedings under this section shall be conducted as expeditiously as possible.

''(j) MAINTENANCE AND SECURITY OF RECORDS AND PROCEEDINGS.—

''(1) STANDARDS.—A record of a proceeding under this section, including petitions filed, orders granted, and statements of reasons for decision, shall be maintained under security measures adopted by the Chief Justice of the United States, in consultation with the Attorney General and the Director of National Intelligence.

''(2) FILING AND REVIEW.—All petitions under this section shall be filed under seal. In any proceedings under this section, the court shall, upon request of the Government, review ex parte and in camera any Government submission, or portions of a submission, which may include classified information.

''(3) RETENTION OF RECORDS.—A directive made or an order granted under this section shall be retained for a period of not less than 10 years from the date on which such directive or such order is made.

''(k) ASSESSMENTS AND REVIEWS.—

''(1) SEMIANNUAL ASSESSMENT.—Not less frequently than once every 6 months, the Attorney General and Director of National Intelligence shall assess compliance with the targeting and minimization procedures required by subsections (e) and (f) and shall submit each such assessment to—

''(A) the Foreign Intelligence Surveillance Court; and

''(B) the congressional intelligence committees.

''(2) AGENCY ASSESSMENT.—The Inspectors General of the Department of Justice and of any element of the intelligence community authorized to acquire foreign intelligence information under subsection (a) with respect to their department, agency, or element—

''(A) are authorized to review the compliance with the targeting and minimization procedures required by subsections (d) and (e);

''(B) with respect to acquisitions authorized under subsection (a), shall review the number of disseminated intelligence reports containing a reference to a United States person identity and the number of United States person identities subsequently disseminated by the element concerned in response to requests for identities that were not referred to by name or title in the original reporting;

''(C) with respect to acquisitions authorized under subsection (a), shall review the number of targets that were later determined to be located in the United States and, to the extent possible, whether their communications were reviewed; and

''(D) shall provide each such review to—

''(i) the Attorney General;

''(ii) the Director of National Intelligence; and

''(iii) the congressional intelligence committees.

''(3) ANNUAL REVIEW.—

''(A) REQUIREMENT TO CONDUCT.—The head of an element of the intelligence community conducting an acquisition authorized under subsection (a) shall direct the element to conduct an annual review to determine whether there is reason to believe that foreign intelligence information has been or will be obtained from the acquisition. The annual review shall provide, with respect to such acquisitions authorized under subsection (a)—

''(i) an accounting of the number of disseminated intelligence reports containing a reference to a United States person identity;

''(ii) an accounting of the number of United States person identities subsequently disseminated by that element in response to requests for identities that were not referred to by name or title in the original reporting;

''(iii) the number of targets that were later determined to be located in the United States and, to the extent possible, whether their communications were reviewed; and

''(iv) a description of any procedures developed by the head of an element of the intelligence community and approved by the Director of National Intelligence to assess, in a manner consistent with national security, operational requirements and the privacy interests of United States persons, the extent to which the acquisitions authorized under subsection (a) acquire the communications of United States persons, as well as the results of any such assessment.

''(B) USE OF REVIEW.—The head of each element of the intelligence community that conducts an annual review under subparagraph (A) shall use each such review to evaluate the adequacy of the minimization procedures utilized by such element or the application of the minimization procedures to a particular acquisition authorized under subsection (a).

''(C) PROVISION OF REVIEW.—The head of each element of the intelligence community that conducts an annual review under subparagraph (A) shall provide such review to—

''(i) the Foreign Intelligence Surveillance Court;

''(ii) the Attorney General;

''(iii) the Director of National Intelligence; and

''(iv) the congressional intelligence committees.

''SEC. 704. CERTAIN ACQUISITIONS INSIDE THE UNITED STATES OF UNITED STATES PERSONS OUTSIDE THE UNITED STATES.

''(a) JURISDICTION OF THE FOREIGN INTELLIGENCE SURVEILLANCE COURT.—

''(1) IN GENERAL.—The Foreign Intelligence Surveillance Court shall have jurisdiction to enter an order approving the targeting of a United States person reasonably believed to be located outside the United States to acquire foreign intelligence information, if such acquisition constitutes electronic surveillance (as defined in section 101(f), regardless of the limitation of section 701) or the acquisition of stored electronic communications or stored electronic data that requires an order under this Act, and such acquisition is conducted within the United States.

''(2) LIMITATION.—In the event that a United States person targeted under this subsection is reasonably believed to be located in the United States during the pendency of an order issued pursuant to subsection (c), such acquisition shall cease until authority, other than under this section, is obtained pursuant to this Act or the targeted United States person is again reasonably believed to be located outside the United States during the pendency of an order issued pursuant to subsection (c).

''(b) APPLICATION.—

''(1) IN GENERAL.—Each application for an order under this section shall be made by a Federal officer in writing upon oath or affirmation to a judge having jurisdiction under subsection (a)(1). Each application shall require the approval of the Attorney General based upon the Attorney General's finding that it satisfies the criteria and requirements of such application, as set forth in this section, and shall include—

''(A) the identity of the Federal officer making the application;

''(B) the identity, if known, or a description of the United States person who is the target of the acquisition;

''(C) a statement of the facts and circumstances relied upon to justify the applicant's belief that the United States person who is the target of the acquisition is—

''(i) a person reasonably believed to be located outside the United States; and

''(ii) a foreign power, an agent of a foreign power, or an officer or employee of a foreign power;

''(D) a statement of the proposed minimization procedures that meet the definition of minimization procedures under section 101(h) or section 301(4);

''(E) a description of the nature of the information sought and the type of communications or activities to be subjected to acquisition;

''(F) a certification made by the Attorney General or an official specified in section 104(a)(6) that—

''(i) the certifying official deems the information sought to be foreign intelligence information;

''(ii) a significant purpose of the acquisition is to obtain foreign intelligence information;

''(iii) such information cannot reasonably be obtained by normal investigative techniques;

''(iv) designates the type of foreign intelligence information being sought according to the categories described in section 101(e); and

''(v) includes a statement of the basis for the certification that—

''(I) the information sought is the type of foreign intelligence information designated; and

''(II) such information cannot reasonably be obtained by normal investigative techniques;

''(G) a summary statement of the means by which the acquisition will be conducted and whether physical entry is required to effect the acquisition;

''(H) the identity of any electronic communication service provider necessary to effect the acquisition, provided, however, that the application is not required to identify the specific facilities, places, premises, or property at which the acquisition authorized under this section will be directed or conducted;

''(I) a statement of the facts concerning any previous applications that have been made to any judge of the Foreign Intelligence Surveillance Court involving the United States person specified in the application and the action taken on each previous application; and

''(J) a statement of the period of time for which the acquisition is required to be maintained, provided that such period of time shall not exceed 90 days per application.

''(2) OTHER REQUIREMENTS OF THE ATTORNEY GENERAL.—The Attorney General may require any other affidavit or certification from any other officer in connection with the application.

''(3) OTHER REQUIREMENTS OF THE JUDGE.—The judge may require the applicant to furnish such other information as may be necessary to make the findings required by subsection (c)(1).

''(c) ORDER.—

''(1) FINDINGS.—Upon an application made pursuant to subsection (b), the Foreign Intelligence Surveillance Court shall enter an ex parte order as requested or as modified approving the acquisition if the Court finds that—

''(A) the application has been made by a Federal officer and approved by the Attorney General;

''(B) on the basis of the facts submitted by the applicant, for the United States person who is the target of the acquisition, there is probable cause to believe that the target is—

''(i) a person reasonably believed to be located outside the United States; and

''(ii) a foreign power, an agent of a foreign power, or an officer or employee of a foreign power;

''(C) the proposed minimization procedures meet the definition of minimization procedures under section 101(h) or section 301(4); and

''(D) the application which has been filed contains all statements and certifications

required by subsection (b) and the certification or certifications are not clearly erroneous on the basis of the statement made under subsection (b)(1)(F)(v) and any other information furnished under subsection (b)(3).

''(2) PROBABLE CAUSE.—In determining whether or not probable cause exists for purposes of an order under paragraph (1), a judge having jurisdiction under subsection (a)(1) may consider past activities of the target, as well as facts and circumstances relating to current or future activities of the target. However, no United States person may be considered a foreign power, agent of a foreign power, or officer or employee of a foreign power solely upon the basis of activities protected by the first amendment to the Constitution of the United States.

''(3) REVIEW.—

''(A) LIMITATION ON REVIEW.—Review by a judge having jurisdiction under subsection (a)(1) shall be limited to that required to make the findings described in paragraph (1).

''(B) REVIEW OF PROBABLE CAUSE.—If the judge determines that the facts submitted under subsection (b) are insufficient to establish probable cause to issue an order under paragraph (1), the judge shall enter an order so stating and provide a written statement for the record of the reasons for such determination. The Government may appeal an order under this clause pursuant to subsection (f).

''(C) REVIEW OF MINIMIZATION PROCEDURES.—If the judge determines that the proposed minimization procedures required under paragraph (1)(C) do not meet the definition of minimization procedures under section 101(h) or section 301(4), the judge shall enter an order so stating and provide a written statement for the record of the reasons for such determination. The Government may appeal an order under this clause pursuant to subsection (f).

''(D) REVIEW OF CERTIFICATION.—If the judge determines that an application required by subsection (b) does not contain all of the required elements, or that the certification or certifications are clearly erroneous on the basis of the statement made under subsection (b)(1)(F)(v) and any other information furnished under subsection (b)(3), the judge shall enter an order so stating and provide a written statement for the record of the reasons for such determination. The Government may appeal an order under this clause pursuant to subsection (f).

''(4) SPECIFICATIONS.—An order approving an acquisition under this subsection shall specify—

''(A) the identity, if known, or a description of the United States person who is the target of the acquisition identified or described in the application pursuant to subsection (b)(1)(B);

''(B) if provided in the application pursuant to subsection (b)(1)(H), the nature and location of each of the facilities or places at which the acquisition will be directed;

''(C) the nature of the information sought to be acquired and the type of communications or activities to be subjected to acquisition;

''(D) the means by which the acquisition will be conducted and whether physical entry is required to effect the acquisition; and

''(E) the period of time during which the acquisition is approved.

''(5) DIRECTIONS.—An order approving acquisitions under this subsection shall direct—

''(A) that the minimization procedures be followed;

''(B) an electronic communication service provider to provide to the Government forthwith all information, facilities, or assistance necessary to accomplish the acquisition authorized under this subsection in a manner that will protect the secrecy of the acquisition and produce a minimum of interference with the services that such electronic communication service provider is providing to the target;

''(C) an electronic communication service provider to maintain under security procedures approved by the Attorney General any records concerning the acquisition or the aid furnished that such electronic communication service provider wishes to maintain; and

''(D) that the Government compensate, at the prevailing rate, such electronic communication service provider for providing such information, facilities, or assistance.

''(6) DURATION.—An order approved under this paragraph shall be effective for a period not to exceed 90 days and such order may be renewed for additional 90-day periods upon submission of renewal applications meeting the requirements of subsection (b).

''(7) COMPLIANCE.—At or prior to the end of the period of time for which an acquisition is approved by an order or extension under this section, the judge may assess compliance with the minimization procedures by reviewing the circumstances under which information concerning United States persons was acquired, retained, or disseminated.

''(d) EMERGENCY AUTHORIZATION.—

''(1) AUTHORITY FOR EMERGENCY AUTHORIZATION.—Notwithstanding any other provision of this Act, if the Attorney General reasonably determines that—

''(A) an emergency situation exists with respect to the acquisition of foreign intelligence information for which an order may be obtained under subsection (c) before an order authorizing such acquisition can with due diligence be obtained, and

''(B) the factual basis for issuance of an order under this subsection to approve such acquisition exists,

the Attorney General may authorize the emergency acquisition if a judge having jurisdiction under subsection (a)(1) is informed by the Attorney General, or a designee of the Attorney General, at the time of such authorization that the decision has been made to conduct such acquisition and if an application in accordance with this subsection is made to a judge of the Foreign Intelligence Surveillance Court as soon as practicable, but not more than 7 days after the Attorney General authorizes such acquisition.

''(2) MINIMIZATION PROCEDURES.—If the Attorney General authorizes such emergency acquisition, the Attorney General shall require that the minimization procedures required by this section for the issuance of a judicial order be followed.

''(3) TERMINATION OF EMERGENCY AUTHORIZATION.—In the absence of a judicial order approving such acquisition, the acquisition shall terminate when the information sought is obtained, when the application for the order is denied, or after the expiration of 7 days from the time of authorization by the Attorney General, whichever is earliest.

''(4) USE OF INFORMATION.—In the event that such application for approval is denied, or in any other case where the acquisition is terminated and no order is issued approving the acquisition, no information obtained or evidence derived from such acquisition, except under circumstances in which the target of the acquisition is determined not to be a United States person during the pendency of the 7-day emergency acquisition period, shall be received in evidence or otherwise disclosed in any trial, hearing, or other proceeding in or before any court, grand jury, department, office, agency, regulatory body, legislative committee, or other authority of the United States, a State, or political subdivision thereof, and no information concerning any United States person acquired from such acquisition shall subsequently be used or disclosed in any other manner by Federal officers or employees without the consent of such person, except with the approval of the Attorney General if the information indicates a threat of death or serious bodily harm to any person.

''(e) RELEASE FROM LIABILITY.—Notwithstanding any other law, no cause of action shall lie in any court against any electronic communication service provider for providing any information, facilities, or assistance in accordance with an order or request for emergency assistance issued pursuant to subsections (c) or (d).

''(f) APPEAL.—

''(1) APPEAL TO THE FOREIGN INTELLIGENCE SURVEILLANCE COURT OF REVIEW.—The Government may file an appeal with the Foreign Intelligence Surveillance Court of Review for review of an order issued pursuant to subsection (c). The Court of Review shall have jurisdiction to consider such appeal and shall provide a written statement for the record of the reasons for a decision under this paragraph.

''(2) CERTIORARI TO THE SUPREME COURT.—The Government may file a petition for a writ of certiorari for review of the decision of the Court of Review issued under paragraph (1). The record for such review shall be transmitted under seal to the Supreme Court of the United States, which shall have jurisdiction to review such decision.

''SEC. 705. OTHER ACQUISITIONS TARGETING UNITED STATES PERSONS OUTSIDE THE UNITED STATES.

''(a) JURISDICTION AND SCOPE.—

''(1) JURISDICTION.—The Foreign Intelligence Surveillance Court shall have jurisdiction to enter an order pursuant to subsection (c).

''(2) SCOPE.—No element of the intelligence community may intentionally target, for the purpose of acquiring foreign intelligence information, a United States person reasonably believed to be located outside the United States under circumstances in which the targeted United States person has a reasonable expectation of privacy and a warrant would be required if the acquisition were conducted inside the United States for law enforcement purposes, unless a judge of the Foreign Intelligence Surveillance Court has entered an order or the Attorney General has authorized an emergency acquisition pursuant to subsections (c) or (d) or any other provision of this Act.

''(3) LIMITATIONS.—

''(A) MOVING OR MISIDENTIFIED TARGETS.—In the event that the targeted United States person is reasonably believed to be in the United States during the pendency of an order issued pursuant to subsection (c), such acquisition shall cease until authority is obtained pursuant to this Act or the targeted United States person is again reasonably believed to be located outside the United States during the pendency of an order issued pursuant to subsection (c).

''(B) APPLICABILITY.—If the acquisition is to be conducted inside the United States and could be authorized under section 704, the procedures of section 704 shall apply, unless an order or emergency acquisition authority has been obtained under a provision of this Act other than under this section.

''(b) APPLICATION.—Each application for an order under this section shall be made by a Federal officer in writing upon oath or affirmation to a judge having jurisdiction under subsection (a)(1). Each application shall require the approval of the Attorney General based upon the Attorney General's finding that it satisfies the criteria and requirements of such application as set forth in this section and shall include—

''(1) the identity, if known, or a description of the specific United States person who is the target of the acquisition;

''(2) a statement of the facts and circumstances relied upon to justify the applicant's belief that the United States person who is the target of the acquisition is—

''(A) a person reasonably believed to be located outside the United States; and

''(B) a foreign power, an agent of a foreign power, or an officer or employee of a foreign power;

''(3) a statement of the proposed minimization procedures that meet the definition of minimization procedures under section 101(h) or section 301(4);

''(4) a certification made by the Attorney General, an official specified in section 104(a)(6), or the head of an element of the intelligence community that—

''(A) the certifying official deems the information sought to be foreign intelligence information; and

''(B) a significant purpose of the acquisition is to obtain foreign intelligence information;

''(5) a statement of the facts concerning any previous applications that have been made to any judge of the Foreign Intelligence Surveillance Court involving the United States person specified in the application and the action taken on each previous application; and

''(6) a statement of the period of time for which the acquisition is required to be maintained, provided that such period of time shall not exceed 90 days per application.

''(c) ORDER.—

''(1) FINDINGS.—If, upon an application made pursuant to subsection (b), a judge having jurisdiction under subsection (a) finds that—

''(A) on the basis of the facts submitted by the applicant, for the United States person who is the target of the acquisition, there is probable cause to believe that the target is—

''(i) a person reasonably believed to be located outside the United States; and

''(ii) a foreign power, an agent of a foreign power, or an officer or employee of a foreign power;

''(B) the proposed minimization procedures, with respect to their dissemination provisions, meet the definition of minimization procedures under section 101(h) or section 301(4); and

''(C) the application which has been filed contains all statements and certifications required by subsection (b) and the certification provided under subsection (b)(4) is not clearly erroneous on the basis of the information furnished under subsection (b),

the Court shall issue an ex parte order so stating.

''(2) PROBABLE CAUSE.—In determining whether or not probable cause exists for purposes of an order under paragraph (1)(A), a judge having jurisdiction under subsection (a)(1) may consider past activities of the target, as well as facts and circumstances relating to current or future activities of the target. However, no United States person may be considered a foreign power, agent of a foreign power, or officer or employee of a foreign power solely upon the basis of activities protected by the first amendment to the Constitution of the United States.

''(3) REVIEW.—

''(A) LIMITATIONS ON REVIEW.—Review by a judge having jurisdiction under subsection (a)(1) shall be limited to that required to make the findings described in paragraph (1). The judge shall not have jurisdiction to review the means by which an acquisition under this section may be conducted.

''(B) REVIEW OF PROBABLE CAUSE.—If the judge determines that the facts submitted under subsection (b) are insufficient to establish probable cause to issue an order under this subsection, the judge shall enter an order so stating and provide a written statement for the record of the reasons for such determination. The Government may appeal an order under this clause pursuant to subsection (e).

''(C) REVIEW OF MINIMIZATION PROCEDURES.—If the judge determines that the minimization procedures applicable to dissemination of information obtained through an acquisition under this subsection do not meet the definition of minimization procedures under section 101(h) or section 301(4), the judge shall enter an order so stating and provide a written statement for the record of the reasons for such determination. The Government may appeal an order under this clause pursuant to subsection (e).

''(D) SCOPE OF REVIEW OF CERTIFICATION.—If the judge determines that the certification provided under subsection (b)(4) is clearly erroneous on the basis of the information furnished under subsection (b), the judge shall enter an order so stating and provide a written statement for the record of the reasons for such determination. The Government may appeal an order under this subparagraph pursuant to subsection (e).

''(4) DURATION.—An order under this paragraph shall be effective for a period not to exceed 90 days and such order may be renewed for additional 90-day periods upon submission of renewal applications meeting the requirements of subsection (b).

''(5) COMPLIANCE.—At or prior to the end of the period of time for which an order or extension is granted under this section, the judge may assess compliance with the minimization procedures by reviewing the circumstances under which information concerning United States persons was disseminated, provided that the judge may not inquire into the circumstances relating to the conduct of the acquisition.

''(d) EMERGENCY AUTHORIZATION.—

''(1) AUTHORITY FOR EMERGENCY AUTHORIZATION.—Notwithstanding any other provision in this subsection, if the Attorney General reasonably determines that—

''(A) an emergency situation exists with respect to the acquisition of foreign intelligence information for which an order may be obtained under subsection (c) before an order under that subsection may, with due diligence, be obtained, and

''(B) the factual basis for issuance of an order under this section exists,

the Attorney General may authorize the emergency acquisition if a judge having jurisdiction under subsection (a)(1) is informed by the Attorney General or a designee of the Attorney General at the time of such authorization that the decision has been made to conduct such acquisition and if an application in accordance with this subsection is made to a judge of the Foreign Intelligence Surveillance Court as soon as practicable, but not more than 7 days after the Attorney General authorizes such acquisition.

''(2) MINIMIZATION PROCEDURES.—If the Attorney General authorizes such emergency acquisition, the Attorney General shall require that the minimization procedures required by this section be followed.

''(3) TERMINATION OF EMERGENCY AUTHORIZATION.—In the absence of an order under subsection (c), the acquisition shall terminate when the information sought is obtained, if the application for the order is denied, or after the expiration of 7 days from the time of authorization by the Attorney General, whichever is earliest.

''(4) USE OF INFORMATION.—In the event that such application is denied, or in any other case where the acquisition is terminated and no order is issued approving the acquisition, no information obtained or evidence derived from such acquisition, except under circumstances in which the target of the acquisition is determined not to be a United States person during the pendency of the 7-day emergency acquisition period, shall be received in evidence or otherwise disclosed in any trial, hearing, or other proceeding in or before any court, grand jury, department, office, agency, regulatory body, legislative committee, or other authority of the United States, a State, or political subdivision thereof, and no information concerning any United States person acquired from such acquisition shall subsequently be used or disclosed in any other manner by Federal officers or employees without the consent of such person, except with the approval of the Attorney General if the information indicates a threat of death or serious bodily harm to any person.

''(e) APPEAL.—

''(1) APPEAL TO THE COURT OF REVIEW.—The Government may file an appeal with the Foreign Intelligence Surveillance Court of Review for review of an order issued pursuant to subsection (c). The Court of Review shall have jurisdiction to consider such appeal and shall provide a written statement for the record of the reasons for a decision under this paragraph.

''(2) CERTIORARI TO THE SUPREME COURT.—The Government may file a petition for a writ of certiorari for review of the decision of the Court of Review issued under paragraph (1). The record for such review shall be transmitted under seal to the Supreme Court of the United States, which shall have jurisdiction to review such decision.

''SEC. 706. JOINT APPLICATIONS AND CONCURRENT AUTHORIZATIONS.

''(a) JOINT APPLICATIONS AND ORDERS.—If an acquisition targeting a United States person under section 704 or section 705 is proposed to be conducted both inside and outside the United States, a judge having jurisdiction under section 704(a)(1) or section 705(a)(1) may issue simultaneously, upon the request of the Government in a joint application complying with the requirements of section 704(b) or section 705(b), orders under section 704(c) or section 705(c), as applicable.

''(b) CONCURRENT AUTHORIZATION.—If an order authorizing electronic surveillance or physical search has been obtained under section 105 or section 304 and that order is still in effect, the Attorney General may authorize, without an order under section 704 or section 705, an acquisition of foreign intelligence information targeting that United States person while such person is reasonably believed to be located outside the United States.

''SEC. 707. USE OF INFORMATION ACQUIRED UNDER TITLE VII.

''(a) INFORMATION ACQUIRED UNDER SECTION 703.—Information acquired from an acquisition conducted under section 703 shall be deemed to be information acquired from an electronic surveillance pursuant to title I for purposes of section 106, except for the purposes of subsection (j) of such section.

''(b) INFORMATION ACQUIRED UNDER SECTION 704.—Information acquired from an acquisition conducted under section 704 shall be deemed to be information acquired from an electronic surveillance pursuant to title I for purposes of section 106.

''SEC. 708. CONGRESSIONAL OVERSIGHT.

''(a) SEMIANNUAL REPORT.—Not less frequently than once every 6 months, the Attorney General shall fully inform, in a manner consistent with national security, the congressional intelligence committees, the Committee on the Judiciary of the Senate, and the Committee on the Judiciary of the House of Representatives, concerning the implementation of this title.

''(b) CONTENT.—Each report made under subparagraph (a) shall include—

''(1) with respect to section 703—

''(A) any certifications made under subsection 703(f) during the reporting period;

''(B) any directives issued under subsection 703(g) during the reporting period;

''(C) a description of the judicial review during the reporting period of any such certifications and targeting and minimization procedures utilized with respect to such acquisition, including a copy of any order or pleading in connection with such review that contains a significant legal interpretation of the provisions of this section;

''(D) any actions taken to challenge or enforce a directive under paragraphs (4) or (5) of section 703(g);

''(E) any compliance reviews conducted by the Department of Justice or the Office of the Director of National Intelligence of acquisitions authorized under subsection 703(a);

''(F) a description of any incidents of noncompliance with a directive issued by the Attorney General and the Director of National Intelligence under subsection 703(g), including—

''(i) incidents of noncompliance by an element of the intelligence community with procedures adopted pursuant to subsections (d) and (e) of section 703; and

''(ii) incidents of noncompliance by a specified person to whom the Attorney General and Director of National Intelligence issued a directive under subsection 703(g); and

''(G) any procedures implementing this section;

''(2) with respect to section 704—

''(A) the total number of applications made for orders under section 704(b);

''(B) the total number of such orders either granted, modified, or denied; and

''(C) the total number of emergency acquisitions authorized by the Attorney General under section 704(d) and the total number of subsequent orders approving or denying such acquisitions; and

''(3) with respect to section 705—

''(A) the total number of applications made for orders under 705(b);

''(B) the total number of such orders either granted, modified, or denied; and

''(C) the total number of emergency acquisitions authorized by the Attorney General under subsection 705(d) and the total number of subsequent orders approving or denying such applications.''.

(b) TABLE OF CONTENTS.—The table of contents in the first section of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et. seq.) is amended—

(1) by striking the item relating to title VII;

(2) by striking the item relating to section 701; and

(3) by adding at the end the following:

''TITLE VII—ADDITIONAL PROCEDURES REGARDING CERTAIN PERSONS OUTSIDE THE UNITED STATES

''Sec. 701. Limitation on definition of electronic surveillance.
''Sec. 702. Definitions.
''Sec. 703. Procedures for targeting certain persons outside the United States other than United States persons.
''Sec. 704. Certain acquisitions inside the United States of United States persons outside the United States.
''Sec. 705. Other acquisitions targeting United States persons outside the United States.
''Sec. 706. Joint applications and concurrent authorizations.
''Sec. 707. Use of information acquired under title VII.
''Sec. 708. Congressional oversight.''.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) TITLE 18, UNITED STATES CODE.—

(A) SECTION 2232.—Section 2232(e) of title 18, United States Code, is amended by inserting ''(as defined in section 101(f) of the Foreign Intelligence Surveillance Act of 1978, regardless of the limitation of section 701 of that Act)'' after ''electronic surveillance''.

(B) SECTION 2511.—Section 2511(2)(a)(ii)(A) of title 18, United States Code, is amended by inserting ''or a court order pursuant to section 705 of the Foreign Intelligence Surveillance Act of 1978'' after ''assistance''.

(2) FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978.—

(A) SECTION 109.—Section 109 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1809) is amended by adding at the end the following:

''(e) DEFINITION.—For the purpose of this section, the term 'electronic surveillance' means electronic surveillance as defined in section 101(f) of this Act regardless of the limitation of section 701 of this Act.''.

(B) SECTION 110.—Section 110 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1810) is amended by—

(i) adding an ''(a)'' before ''CIVIL ACTION'',

(ii) redesignating subsections (a) through (c) as paragraphs (1) through (3), respectively; and

(iii) adding at the end the following:

''(b) DEFINITION.—For the purpose of this section, the term 'electronic surveillance' means electronic surveillance as defined in section 101(f) of this Act regardless of the limitation of section 701 of this Act.''.

(C) SECTION 601.—Section 601(a)(1) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1871(a)(1)) is amended by striking subparagraphs (C) and (D) and inserting the following:

''(C) pen registers under section 402;

''(D) access to records under section 501;

''(E) acquisitions under section 704; and

''(F) acquisitions under section 705;''.

(d) TERMINATION OF AUTHORITY.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by subsections (a)(2), (b), and (c) shall cease to have effect on December 31, 2013.

(2) CONTINUING APPLICABILITY.—Section 703(g)(3) of the Foreign Intelligence Surveillance Act of 1978 (as amended by subsection (a)) shall remain in effect with respect to any directive issued pursuant to section 703(g) of that Act (as so amended) for information, facilities, or assistance provided during the period such directive was or is in effect. Section 704(e) of the Foreign Intelligence Surveillance Act of 1978 (as amended by subsection (a)) shall remain in effect with respect to an order or request for emergency assistance under that section. The use of information acquired by an acquisition conducted under section 703 of that Act (as so amended) shall continue to be governed by the provisions of section 707 of that Act (as so amended).

SEC. 102. STATEMENT OF EXCLUSIVE MEANS BY WHICH ELECTRONIC SURVEILLANCE AND INTERCEPTION OF DOMESTIC COMMUNICATIONS MAY BE CONDUCTED.

(a) STATEMENT OF EXCLUSIVE MEANS.—Title I of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended by adding at the end the following new section:

''STATEMENT OF EXCLUSIVE MEANS BY WHICH ELECTRONIC SURVEILLANCE AND INTERCEPTION OF DOMESTIC COMMUNICATIONS MAY BE CONDUCTED

''SEC. 112. The procedures of chapters 119, 121, and 206 of title 18, United States Code, and this Act shall be the exclusive means by which electronic surveillance (as defined in section 101(f), regardless of the limitation of section 701) and the interception of domestic wire, oral, or electronic communications may be conducted.''.

(b) TABLE OF CONTENTS.—The table of contents in the first section of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended by adding after the item relating to section 111, the following:

''Sec. 112. Statement of exclusive means by which electronic surveillance and interception of domestic communications may be conducted.''.

(c) CONFORMING AMENDMENTS.—Section 2511(2) of title 18, United States Code, is amended in paragraph (f), by striking '', as defined in section 101 of such Act,'' and inserting ''(as defined in section 101(f) of such Act regardless of the limitation of section 701 of such Act)''.

SEC. 103. SUBMITTAL TO CONGRESS OF CERTAIN COURT ORDERS UNDER THE FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978.

(a) INCLUSION OF CERTAIN ORDERS IN SEMI-ANNUAL REPORTS OF ATTORNEY GENERAL.—Subsection (a)(5) of section 601 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1871) is amended by striking ''(not including orders)'' and inserting '', orders,''.

(b) REPORTS BY ATTORNEY GENERAL ON CERTAIN OTHER ORDERS.—Such section 601 is further amended by adding at the end the following:

''(c) SUBMISSIONS TO CONGRESS.—The Attorney General shall submit to the committees of Congress referred to in subsection (a)—

''(1) a copy of any decision, order, or opinion issued by the Foreign Intelligence Surveillance Court or the Foreign Intelligence Surveillance Court of Review that includes significant construction or interpretation of any provision of this Act, and any pleadings, applications, or memoranda of law associated with such decision, order, or opinion, not later than 45 days after such decision, order, or opinion is issued; and

''(2) a copy of any such decision, order, or opinion, and any pleadings, applications, or memoranda of law associated with such decision, order, or opinion, that was issued during the 5-year period ending on the date of the enactment of the FISA Amendments Act of 2008 and not previously submitted in a report under subsection (a).

''(d) PROTECTION OF NATIONAL SECURITY.—The Attorney General, in consultation with the Director of National Intelligence, may authorize redactions of materials described in subsection (c) that are provided to the committees of Congress referred to in subsection (a), if such redactions are necessary to protect the national security of the United States and are limited to sensitive sources and methods information or the identities of targets.''.

(c) DEFINITIONS.—Such section 601, as amended by subsections (a) and (b), is further amended by adding at the end the following:

''(e) DEFINITIONS.—In this section:

''(1) FOREIGN INTELLIGENCE SURVEILLANCE COURT; COURT.—The term ''Foreign Intelligence Surveillance Court'' means the court established by section 103(a).

''(2) FOREIGN INTELLIGENCE SURVEILLANCE COURT OF REVIEW; COURT OF REVIEW.—The term 'Foreign Intelligence Surveillance Court of Review' means the court established by section 103(b).''.

SEC. 104. APPLICATIONS FOR COURT ORDERS.

Section 104 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1804) is amended—

(1) in subsection (a)—

(A) by striking paragraphs (2) and (11);

(B) by redesignating paragraphs (3) through (10) as paragraphs (2) through (9), respectively;

(C) in paragraph (5), as redesignated by subparagraph (B) of this paragraph, by striking ''detailed'';

(D) in paragraph (6), as redesignated by subparagraph (B) of this paragraph, in the matter preceding subparagraph (A)—

(i) by striking ''Affairs or'' and inserting ''Affairs,''; and

(ii) by striking ''Senate—'' and inserting ''Senate, or the Deputy Director of the Federal Bureau of Investigation, if designated by the President as a certifying official—'';

(E) in paragraph (7), as redesignated by subparagraph (B) of this paragraph, by striking ''statement of'' and inserting ''summary statement of'';

(F) in paragraph (8), as redesignated by subparagraph (B) of this paragraph, by adding ''and'' at the end; and

(G) in paragraph (9), as redesignated by subparagraph (B) of this paragraph, by striking ''; and'' and inserting a period;

(2) by striking subsection (b);

(3) by redesignating subsections (c) through (e) as subsections (b) through (d), respectively; and

(4) in paragraph (1)(A) of subsection (d), as redesignated by paragraph (3) of this subsection, by striking ''or the Director of National Intelligence'' and inserting ''the Director of National Intelligence, or the Director of the Central Intelligence Agency''.

SEC. 105. ISSUANCE OF AN ORDER.

Section 105 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1805) is amended—

(1) in subsection (a)—

(A) by striking paragraph (1); and

(B) by redesignating paragraphs (2) through (5) as paragraphs (1) through (4), respectively;

(2) in subsection (b), by striking ''(a)(3)'' and inserting ''(a)(2)'';

(3) in subsection (c)(1)—

(A) in subparagraph (D), by adding ''and'' at the end;

(B) in subparagraph (E), by striking ''; and'' and inserting a period; and

(C) by striking subparagraph (F);

(4) by striking subsection (d);

(5) by redesignating subsections (e) through (i) as subsections (d) through (h), respectively;

(6) by amending subsection (e), as redesignated by paragraph (5) of this section, to read as follows:

''(e)(1) Notwithstanding any other provision of this title, the Attorney General may authorize the emergency employment of electronic surveillance if the Attorney General—

''(A) reasonably determines that an emergency situation exists with respect to the employment of electronic surveillance to obtain foreign intelligence information before an order authorizing such surveillance can with due diligence be obtained;

''(B) resonably determines that the factual basis for issuance of an order under this title to approve such electronic surveillance exists;

''(C) informs, either personally or through a designee, a judge having jurisdiction under section 103 at the time of such authorization that the decision has been made to employ emergency electronic surveillance; and

''(D) makes an application in accordance with this title to a judge having jurisdiction under section 103 as soon as practicable, but not later than 7 days after the Attorney General authorizes such surveillance.

''(2) If the Attorney General authorizes the emergency employment of electronic surveillance under paragraph (1), the Attorney General shall require that the minimization procedures required by this title for the issuance of a judicial order be followed.

''(3) In the absence of a judicial order approving such electronic surveillance, the surveillance shall terminate when the information sought is obtained, when the application for the order is denied, or after the expiration of 7 days from the time of authorization by the Attorney General, whichever is earliest.

''(4) A denial of the application made under this subsection may be reviewed as provided in section 103.

''(5) In the event that such application for approval is denied, or in any other case where the electronic surveillance is terminated and no order is issued approving the surveillance, no information obtained or evidence derived from such surveillance shall be received in evidence or otherwise disclosed in any trial, hearing, or other proceeding in or before any court, grand jury, department, office, agency, regulatory body, legislative committee, or other authority of the United States, a State, or political subdivision thereof, and no information concerning any United States person acquired from such surveillance shall subsequently be used or disclosed in any other manner by Federal officers or employees without the consent of such person, except with the approval of the Attorney General if the information indicates a threat of death or serious bodily harm to any person.

''(6) The Attorney General shall assess compliance with the requirements of paragraph (5).''; and

(7) by adding at the end the following:

''(i) In any case in which the Government makes an application to a judge under this title to conduct electronic surveillance involving communications and the judge grants such application, upon the request of the applicant, the judge shall also authorize the installation and use of pen registers and trap and trace devices, and direct the disclosure of the information set forth in section 402(d)(2).''.

SEC. 106. USE OF INFORMATION.

Subsection (i) of section 106 of the Foreign Intelligence Surveillance Act of 1978 (8 U.S.C. 1806) is amended by striking ''radio communication'' and inserting ''communication''.

SEC. 107. AMENDMENTS FOR PHYSICAL SEARCHES.

(a) APPLICATIONS.—Section 303 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1823) is amended—

(1) in subsection (a)—

(A) by striking paragraph (2);

(B) by redesignating paragraphs (3) through (9) as paragraphs (2) through (8), respectively;

(C) in paragraph (2), as redesignated by subparagraph (B) of this paragraph, by striking ''detailed'';

(D) in paragraph (3)(C), as redesignated by subparagraph (B) of this paragraph, by inserting ''or is about to be'' before ''owned''; and

(E) in paragraph (6), as redesignated by subparagraph (B) of this paragraph, in the matter preceding subparagraph (A)—

(i) by striking ''Affairs or'' and inserting ''Affairs,''; and

(ii) by striking ''Senate—'' and inserting ''Senate, or the Deputy Director of the Federal Bureau of Investigation, if designated by the President as a certifying official—''; and

(2) in subsection (d)(1)(A), by striking ''or the Director of National Intelligence'' and inserting ''the Director of National Intelligence, or the Director of the Central Intelligence Agency''.

(b) ORDERS.—Section 304 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1824) is amended—

(1) in subsection (a)—

(A) by striking paragraph (1); and

(B) by redesignating paragraphs (2) through (5) as paragraphs (1) through (4), respectively; and

(2) by amending subsection (e) to read as follows:

''(e)(1) Notwithstanding any other provision of this title, the Attorney General may authorize the emergency employment of a physical search if the Attorney General reasonably—

''(A) determines that an emergency situation exists with respect to the employment of a physical search to obtain foreign intelligence information before an order authorizing such physical search can with due diligence be obtained;

''(B) determines that the factual basis for issuance of an order under this title to approve such physical search exists;

''(C) informs, either personally or through a designee, a judge of the Foreign Intelligence Surveillance Court at the time of such authorization that the decision has been made to employ an emergency physical search; and

''(D) makes an application in accordance with this title to a judge of the Foreign Intelligence Surveillance Court as soon as practicable, but not more than 7 days after the Attorney General authorizes such physical search.

''(2) If the Attorney General authorizes the emergency employment of a physical search under paragraph (1), the Attorney General shall require that the minimization procedures required by this title for the issuance of a judicial order be followed.

''(3) In the absence of a judicial order approving such physical search, the physical search shall terminate when the information sought is obtained, when the application for the order is denied, or after the expiration of 7 days from the time of authorization by the Attorney General, whichever is earliest.

''(4) A denial of the application made under this subsection may be reviewed as provided in section 103.

''(5)(A) In the event that such application for approval is denied, or in any other case where the physical search is terminated and no order is issued approving the physical search, no information obtained or evidence derived from such physical search shall be received in evidence or otherwise disclosed in any trial, hearing, or other proceeding in or before any court, grand jury, department, office, agency, regulatory body, legislative committee, or other authority of the United States, a State, or political subdivision thereof, and no information concerning any United States person acquired from such physical search shall subsequently be used or disclosed in any other manner by Federal officers or employees without the consent of such person, except with the approval of the Attorney General if the information indicates a threat of death or serious bodily harm to any person.

''(B) The Attorney General shall assess compliance with the requirements of subparagraph (A).''.

(c) CONFORMING AMENDMENTS.—The Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended—

(1) in section 304(a)(4), as redesignated by subsection (b) of this section, by striking ''303(a)(7)(E)'' and inserting ''303(a)(6)(E)''; and

(2) in section 305(k)(2), by striking ''303(a)(7)'' and inserting ''303(a)(6)''.

SEC. 108. AMENDMENTS FOR EMERGENCY PEN REGISTERS AND TRAP AND TRACE DEVICES.

Section 403 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1843) is amended—

(1) in subsection (a)(2), by striking ''48 hours'' and inserting ''7 days''; and

(2) in subsection (c)(1)(C), by striking ''48 hours'' and inserting ''7 days''.

SEC. 109. FOREIGN INTELLIGENCE SURVEILLANCE COURT.

(a) DESIGNATION OF JUDGES.—Subsection (a) of section 103 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803) is amended by inserting ''at least'' before ''seven of the United States judicial circuits''.

(b) EN BANC AUTHORITY.—

(1) IN GENERAL.—Subsection (a) of section 103 of the Foreign Intelligence Surveillance Act of 1978, as amended by subsection (a) of this section, is further amended—

(A) by inserting ''(1)'' after ''(a)''; and

(B) by adding at the end the following new paragraph:

''(2)(A) The court established under this subsection may, on its own initiative, or upon the request of the Government in any proceeding or a party under section 501(f) or paragraph (4) or (5) of section 703(h), hold a hearing or rehearing, en banc, when ordered by a majority of the judges that constitute such court upon a determination that—

''(i) en banc consideration is necessary to secure or maintain uniformity of the court's decisions; or

''(ii) the proceeding involves a question of exceptional importance.

''(B) Any authority granted by this Act to a judge of the court established under this subsection may be exercised by the court en banc. When exercising such authority, the court en banc shall comply with any requirements of this Act on the exercise of such authority.

''(C) For purposes of this paragraph, the court en banc shall consist of all judges who constitute the court established under this subsection.''.

(2) CONFORMING AMENDMENTS.—The Foreign Intelligence Surveillance Act of 1978 is further amended—

(A) in subsection (a) of section 103, as amended by this subsection, by inserting ''(except when sitting en banc under paragraph (2))'' after ''no judge designated under this subsection''; and

(B) in section 302(c) (50 U.S.C. 1822(c)), by inserting ''(except when sitting en banc)'' after ''except that no judge''.

(c) STAY OR MODIFICATION DURING AN APPEAL.—Section 103 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803) is amended—

(1) by redesignating subsection (f) as subsection (g); and

(2) by inserting after subsection (e) the following new subsection:

''(f)(1) A judge of the court established under subsection (a), the court established under subsection (b) or a judge of that court, or the Supreme Court of the United States or a justice of that court, may, in accordance with the rules of their respective courts, enter a stay of an order or an order modifying an order of the court established under subsection (a) or the court established under subsection (b) entered under any title of this Act, while the court established under subsection (a) conducts a rehearing, while an appeal is pending to the court established under subsection (b), or while a petition of certiorari is pending in the Supreme Court of the United States, or during the pendency of any review by that court.

''(2) The authority described in paragraph (1) shall apply to an order entered under any provision of this Act.''.

(d) AUTHORITY OF FOREIGN INTELLIGENCE SURVEILLANCE COURT.—Section 103 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803), as amended by this Act, is amended by adding at the end the following:

''(h)(1) Nothing in this Act shall be considered to reduce or contravene the inherent authority of the Foreign Intelligence Surveillance Court to determine, or enforce, compliance with an order or a rule of such Court or with a procedure approved by such Court.

''(2) In this subsection, the terms 'Foreign Intelligence Surveillance Court' and 'Court' mean the court established by subsection (a).''.

SEC. 110. WEAPONS OF MASS DESTRUCTION.

(a) DEFINITIONS.—

(1) FOREIGN POWER.—Subsection (a)(4) of section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801(a)(4)) is amended by inserting '', the international proliferation of weapons of mass destruction,'' after ''international terrorism''.

(2) AGENT OF A FOREIGN POWER.—Subsection (b)(1) of such section 101 is amended—

(A) in subparagraph (B), by striking ''or'' at the end

(B) in subparagraph (C), by striking ''or'' at the end; and

(C) by adding at the end the following new subparagraphs:

''(D) engages in the international proliferation of weapons of mass destruction, or activities in preparation therefor; or

''(E) engages in the international proliferation of weapons of mass destruction, or activities in preparation therefor, for or on behalf of a foreign power; or''.

(3) FOREIGN INTELLIGENCE INFORMATION.—Subsection (e)(1)(B) of such section 101 is amended by striking ''sabotage or international terrorism'' and inserting ''sabotage, international terrorism, or the international proliferation of weapons of mass destruction''.

(4) WEAPON OF MASS DESTRUCTION.—Such section 101 is amended by inserting after subsection (o) the following:

''(p) 'Weapon of mass destruction' means—

''(1) any destructive device described in section 921(a)(4)(A) of title 18, United States Code, that is intended or has the capability to cause death or serious bodily injury to a significant number of people;

''(2) any weapon that is designed or intended to cause death or serious bodily injury through the release, dissemination, or impact of toxic or poisonous chemicals or their precursors;

''(3) any weapon involving a biological agent, toxin, or vector (as such terms are defined in section 178 of title 18, United States Code); or

''(4) any weapon that is designed to release radiation or radioactivity at a level dangerous to human life.''.

(b) USE OF INFORMATION.—

(1) IN GENERAL.—Section 106(k)(1)(B) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1806(k)(1)(B)) is amended by striking ''sabotage or international terrorism'' and inserting ''sabotage, international terrorism, or the international proliferation of weapons of mass destruction''.

(2) PHYSICAL SEARCHES.—Section 305(k)(1)(B) of such Act (50 U.S.C. 1825(k)(1)(B)) is amended by striking ''sabotage or international terrorism'' and inserting ''sabotage, international terrorism, or the international proliferation of weapons of mass destruction''.

(c) TECHNICAL AND CONFORMING AMENDMENT.—Section 301(1) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1821(1)) is amended by inserting '' 'weapon of mass destruction','' after '' 'person',''.

SEC. 111. TECHNICAL AND CONFORMING AMENDMENTS.

Section 103(e) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803(e)) is amended—

(1) in paragraph (1), by striking ''105B(h) or 501(f)(1)'' and inserting ''501(f)(1) or 703''; and

(2) in paragraph (2), by striking ''105B(h) or 501(f)(1)'' and inserting ''501(f)(1) or 703''.

TITLE II—PROTECTIONS FOR ELECTRONIC COMMUNICATION SERVICE PROVIDERS

SEC. 201. DEFINITIONS.

In this title:

(1) ASSISTANCE.—The term ''assistance'' means the provision of, or the provision of access to, information (including communication contents, communications records, or other information relating to a customer or communication), facilities, or another form of assistance.

(2) CONTENTS.—The term ''contents'' has the meaning given that term in section 101(n) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801(n)).

(3) COVERED CIVIL ACTION.—The term ''covered civil action'' means a civil action filed in a Federal or State court that—

(A) alleges that an electronic communication service provider furnished assistance to an element of the intelligence community; and

(B) seeks monetary or other relief from the electronic communication service provider related to the provision of such assistance.

(4) ELECTRONIC COMMUNICATION SERVICE PROVIDER.—The term ''electronic communication service provider'' means—

(A) a telecommunications carrier, as that term is defined in section 3 of the Communications Act of 1934 (47 U.S.C. 153);

(B) a provider of an electronic communication service, as that term is defined in section 2510 of title 18, United States Code;

(C) a provider of a remote computing service, as that term is defined in section 2711 of title 18, United States Code;

(D) any other communication service provider who has access to wire or electronic communications either as such communications are transmitted or as such communications are stored;

(E) a parent, subsidiary, affiliate, successor, or assignee of an entity described in subparagraph (A), (B), (C), or (D); or

(F) an officer, employee, or agent of an entity described in subparagraph (A), (B), (C), (D), or (E).

(5) ELEMENT OF THE INTELLIGENCE COMMUNITY.—The term ''element of the intelligence community'' means an element of the intelligence community specified in or designated under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

SEC. 202. LIMITATIONS ON CIVIL ACTIONS FOR ELECTRONIC COMMUNICATION SERVICE PROVIDERS.

(a) LIMITATIONS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, a covered civil action shall not lie or be maintained in a Federal or State court, and shall be promptly dismissed, if the Attorney General certifies to the court that—

(A) the assistance alleged to have been provided by the electronic communication service provider was—

(i) in connection with an intelligence activity involving communications that was—

(I) authorized by the President during the period beginning on September 11, 2001, and ending on January 17, 2007; and

(II) designed to detect or prevent a terrorist attack, or activities in preparation for a terrorist attack, against the United States; and

(ii) described in a written request or directive from the Attorney General or the head of an element of the intelligence community (or the deputy of such person) to the electronic communication service provider indicating that the activity was—

(I) authorized by the President; and

(II) determined to be lawful; or

(B) the electronic communication service provider did not provide the alleged assistance.

(2) REVIEW.—A certification made pursuant to paragraph (1) shall be subject to review by a court for abuse of discretion.

(b) REVIEW OF CERTIFICATIONS.—If the Attorney General files a declaration under section 1746 of title 28, United States Code, that disclosure of a certification made pursuant to subsection (a) would harm the national security of the United States, the court shall—

(1) review such certification in camera and ex parte; and

(2) limit any public disclosure concerning such certification, including any public order following such an ex parte review, to a statement that the conditions of subsection (a) have been met, without disclosing the subparagraph of subsection (a)(1) that is the basis for the certification.

(c) NONDELEGATION.—The authority and duties of the Attorney General under this section shall be performed by the Attorney General (or Acting Attorney General) or a designee in a position not lower than the Deputy Attorney General.

(d) CIVIL ACTIONS IN STATE COURT.—A covered civil action that is brought in a State court shall be deemed to arise under the Constitution and laws of the United States and shall be removable under section 1441 of title 28, United States Code.

(e) RULE OF CONSTRUCTION.—Nothing in this section may be construed to limit any otherwise available immunity, privilege, or defense under any other provision of law.

(f) EFFECTIVE DATE AND APPLICATION.—This section shall apply to any covered civil action that is pending on or filed after the date of enactment of this Act.

SEC. 203. PROCEDURES FOR IMPLEMENTING STATUTORY DEFENSES UNDER THE FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978.

The Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.), as amended by section 101, is further amended by adding after title VII the following new title:

''TITLE VIII—PROTECTION OF PERSONS ASSISTING THE GOVERNMENT

''SEC. 801. DEFINITIONS.

''In this title:

''(1) ASSISTANCE.—The term 'assistance' means the provision of, or the provision of access to, information (including communication contents, communications records, or other information relating to a customer or communication), facilities, or another form of assistance.

''(2) ATTORNEY GENERAL.—The term 'Attorney General' has the meaning give that term in section 101(g).

''(3) CONTENTS.—The term 'contents' has the meaning given that term in section 101(n).

''(4) ELECTRONIC COMMUNICATION SERVICE PROVIDER.—The term 'electronic communication service provider' means—

''(A) a telecommunications carrier, as that term is defined in section 3 of the Communications Act of 1934 (47 U.S.C. 153);

''(B) a provider of electronic communication service, as that term is defined in section 2510 of title 18, United States Code;

''(C) a provider of a remote computing service, as that term is defined in section 2711 of title 18, United States Code;

''(D) any other communication service provider who has access to wire or electronic communications either as such communications are transmitted or as such communications are stored;

''(E) a parent, subsidiary, affiliate, successor, or assignee of an entity described in subparagraph (A), (B), (C), or (D); or

''(F) an officer, employee, or agent of an entity described in subparagraph (A), (B), (C), (D), or (E).

''(5) ELEMENT OF THE INTELLIGENCE COMMUNITY.—The term 'element of the intelligence community' means an element of the intelligence community as specified or designated under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

''(6) PERSON.—The term 'person' means—

''(A) an electronic communication service provider; or

''(B) a landlord, custodian, or other person who may be authorized or required to furnish assistance pursuant to—

''(i) an order of the court established under section 103(a) directing such assistance;

''(ii) a certification in writing under section 2511(2)(a)(ii)(B) or 2709(b) of title 18, United States Code; or

''(iii) a directive under section 102(a)(4), 105B(e), as in effect on the day before the date of the enactment of the FISA Amendments Act of 2008 or 703(h).

''(7) STATE.—The term 'State' means any State, political subdivision of a State, the Commonwealth of Puerto Rico, the District of Columbia, and any territory or possession of the United States, and includes any officer, public utility commission, or other body authorized to regulate an electronic communication service provider.

''SEC. 802. PROCEDURES FOR IMPLEMENTING STATUTORY DEFENSES.

''(a) REQUIREMENT FOR CERTIFICATION.—

''(1) IN GENERAL.—Notwithstanding any other provision of law, no civil action may lie or be maintained in a Federal or State court against any person for providing assistance to an element of the intelligence community, and shall be promptly dismissed, if the Attorney General certifies to the court that—

''(A) any assistance by that person was provided pursuant to an order of the court established under section 103(a) directing such assistance;

''(B) any assistance by that person was provided pursuant to a certification in writing under section 2511(2)(a)(ii)(B) or 2709(b) of title 18, United States Code;

''(C) any assistance by that person was provided pursuant to a directive under sections 102(a)(4), 105B(e), as in effect on the day before the date of the enactment of the FISA Amendments Act of 2008, or 703(h) directing such assistance; or

''(D) the person did not provide the alleged assistance.

''(2) REVIEW.—A certification made pursuant to paragraph (1) shall be subject to review by a court for abuse of discretion.

''(b) LIMITATIONS ON DISCLOSURE.—If the Attorney General files a declaration under section 1746 of title 28, United States Code, that disclosure of a certification made pursuant to subsection (a) would harm the national security of the United States, the court shall—

''(1) review such certification in camera and ex parte; and

''(2) limit any public disclosure concerning such certification, including any public order following such an ex parte review, to a statement that the conditions of subsection (a) have been met, without disclosing the subparagraph of subsection (a)(1) that is the basis for the certification.

''(c) REMOVAL.—A civil action against a person for providing assistance to an element of the intelligence community that is brought in a State court shall be deemed to arise under the Constitution and laws of the United States and shall be removable under section 1441 of title 28, United States Code.

''(d) RELATIONSHIP TO OTHER LAWS.—Nothing in this section may be construed to limit any otherwise available immunity, privilege, or defense under any other provision of law.

''(e) APPLICABILITY.—This section shall apply to a civil action pending on or filed after the date of enactment of the FISA Amendments Act of 2008.''.

SEC. 204. PREEMPTION OF STATE INVESTIGATIONS.

Title VIII of the Foreign Intelligence Surveillance Act (50 U.S.C. 1801 et seq.), as added by section 203 of this Act, is amended by adding at the end the following new section:

''SEC. 803. PREEMPTION.

''(a) IN GENERAL.—No State shall have authority to—

''(1) conduct an investigation into an electronic communication service provider's alleged assistance to an element of the intelligence community;

''(2) require through regulation or any other means the disclosure of information about an electronic communication service provider's alleged assistance to an element of the intelligence community;

''(3) impose any administrative sanction on an electronic communication service provider for assistance to an element of the intelligence community; or

''(4) commence or maintain a civil action or other proceeding to enforce a requirement that an electronic communication service provider disclose information concerning alleged assistance to an element of the intelligence community.

''(b) SUITS BY THE UNITED STATES.—The United States may bring suit to enforce the provisions of this section.

''(c) JURISDICTION.—The district courts of the United States shall have jurisdiction over any civil action brought by the United States to enforce the provisions of this section.

''(d) APPLICATION.—This section shall apply to any investigation, action, or proceeding that is pending on or filed after the date of enactment of the FISA Amendments Act of 2008.''.

SEC. 205. TECHNICAL AMENDMENTS.

The table of contents in the first section of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.), as amended by section 101(b), is further amended by adding at the end the following:

''TITLE VIII—PROTECTION OF PERSONS ASSISTING THE GOVERNMENT

''Sec. 801. Definitions.

''Sec. 802. Procedures for implementing statutory defenses.

''Sec. 803. Preemption.''.

TITLE III—OTHER PROVISIONS

SEC. 301. SEVERABILITY.

If any provision of this Act, any amendment made by this Act, or the application thereof to any person or circumstances is held invalid, the validity of the remainder of the Act, any such amendments, and of the application of such provisions to other persons and circumstances shall not be affected thereby.

SEC. 302. EFFECTIVE DATE; REPEAL; TRANSITION PROCEDURES.

(a) IN GENERAL.—Except as provided in subsection (c), the amendments made by this Act shall take effect on the date of the enactment of this Act.

(b) REPEAL.—

(1) IN GENERAL.—Except as provided in subsection (c), sections 105A, 105B, and 105C of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1805a, 1805b, and 1805c) are repealed.

(2) TABLE OF CONTENTS.—The table of contents in the first section of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended by striking the items relating to sections 105A, 105B, and 105C.

(c) TRANSITIONS PROCEDURES.—

(1) PROTECTION FROM LIABILITY.—Notwithstanding subsection (b)(1), subsection (l) of section 105B of the Foreign Intelligence Surveillance Act of 1978 shall remain in effect with respect to any directives issued pursuant to such section 105B for information, facilities, or assistance provided during the period such directive was or is in effect.

(2) ORDERS IN EFFECT.—

(A) ORDERS IN EFFECT ON DATE OF ENACTMENT.—Notwithstanding any other provision of this Act or of the Foreign Intelligence Surveillance Act of 1978—

(i) any order in effect on the date of enactment of this Act issued pursuant to the Foreign Intelligence Surveillance Act of 1978 or section 6(b) of the Protect America Act of 2007 (Public Law 110–55; 121 Stat. 556) shall remain in effect until the date of expiration of such order; and

(ii) at the request of the applicant, the court established under section 103(a) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803(a)) shall reauthorize such order if the facts and circumstances continue to justify issuance of such order under the provisions of such Act, as in effect on the day before the date of the enactment of the Protect America Act of 2007, except as amended by sections 102, 103, 104, 105, 106, 107, 108, 109, and 110 of this Act.

(B) ORDERS IN EFFECT ON DECEMBER 31, 2013.—Any order issued under title VII of the Foreign Intelligence Surveillance Act of 1978, as amended by section 101 of this Act, in effect on December 31, 2013, shall continue in effect until the date of the expiration of such order. Any such order shall be governed by the applicable provisions of the Foreign Intelligence Surveillance Act of 1978, as so amended.

(3) AUTHORIZATIONS AND DIRECTIVES IN EFFECT.—

(A) AUTHORIZATIONS AND DIRECTIVES IN EFFECT ON DATE OF ENACTMENT.—Notwithstanding any other provision of this Act or of the Foreign Intelligence Surveillance Act of 1978, any authorization or directive in effect on the date of the enactment of this Act issued pursuant to the Protect America Act of 2007, or any amendment made by that Act, shall remain in effect until the date of expiration of such authorization or directive. Any such authorization or directive shall be governed by the applicable provisions of the Protect America Act of 2007 (121 Stat. 552), and the amendment made by that Act, and, except as provided in paragraph (4) of this subsection, any acquisition pursuant to such authorization or directive shall be deemed not to constitute electronic surveillance (as that term is defined in section 101(f) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801(f)), as construed in accordance with section 105A of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1805a)).

(B) AUTHORIZATIONS AND DIRECTIVES IN EFFECT ON DECEMBER 31, 2013.—Any authorization or directive issued under title VII of the Foreign Intelligence Surveillance Act of 1978, as amended by section 101 of this Act, in effect on December 31, 2013, shall continue in effect until the date of the expiration of such authorization or directive. Any such authorization or directive shall be governed by the applicable provisions of the Foreign Intelligence Surveillance Act of 1978, as so amended, and, except as provided in section 707 of the Foreign Intelligence Surveillance Act of 1978, as so amended, any acquisition pursuant to such authorization or directive shall be deemed not to constitute electronic surveillance (as that term is defined in section 101(f) of the Foreign Intelligence Surveillance Act of 1978, to the extent that such section 101(f) is limited by section 701 of the Foreign Intelligence Surveillance Act of 1978, as so amended).

(4) USE OF INFORMATION ACQUIRED UNDER PROTECT AMERICA ACT.—Information acquired from an acquisition conducted under the Protect America Act of 2007, and the amendments made by that Act, shall be deemed to be information acquired from an electronic surveillance pursuant to title I of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) for purposes of section 106 of that Act (50 U.S.C. 1806), except for purposes of subsection (j) of such section.

(5) NEW ORDERS.—Notwithstanding any other provision of this Act or of the Foreign Intelligence Surveillance Act of 1978—

(A) the government may file an application for an order under the Foreign Intelligence Surveillance Act of 1978, as in effect on the day before the date of the enactment of the Protect America Act of 2007, except as amended by sections 102, 103, 104, 105, 106, 107, 108, 109, and 110 of this Act; and

(B) the court established under section 103(a) of the Foreign Intelligence Surveillance Act of 1978 shall enter an order granting such an application if the application meets the requirements of such Act, as in effect on the day before the date of the enactment of the Protect America Act of 2007, except as amended by sections 102, 103, 104, 105, 106, 107, 108, 109, and 110 of this Act.

(6) EXTANT AUTHORIZATIONS.—At the request of the applicant, the court established under section 103(a) of the Foreign Intelligence Surveillance Act of 1978 shall extinguish any extant authorization to conduct electronic surveillance or physical search entered pursuant to such Act.

(7) APPLICABLE PROVISIONS.—Any surveillance conducted pursuant to an order entered pursuant to this subsection shall be subject to the provisions of the Foreign Intelligence Surveillance Act of 1978, as in effect on the day before the date of the enactment of the Protect America Act of 2007, except as amended by sections 102, 103, 104, 105, 106, 107, 108, 109, and 110 of this Act.

(8) TRANSITION PROCEDURES CONCERNING THE TARGETING OF UNITED STATES PERSONS OVERSEAS.—Any authorization in effect on the date of enactment of this Act under section 2.5 of Executive Order 12333 to intentionally target a United States person reasonably believed to be located outside the United States shall remain in effect, and shall constitute a sufficient basis for conducting such an acquisition targeting a United States person located outside the United States until the earlier of—

(A) the date that authorization expires; or

(B) the date that is 90 days after the date of the enactment of this Act.

Pending consideration of said motion.

¶21.14 POINT OF ORDER

Mr. RANGEL made a point of order against the motion to recommit with instructions, and said:

''Mr. Speaker, I make a point of order that the motion to recommit is not germane to the underlying bill, and I insist on my point of order.''.

Mr. HOEKSTRA was recognized to speak to the point of order and said:

''Mr. Speaker, as the distinguished chairman talked about in his closing remarks, and as the majority leader discussed in his closing remarks, the energy security of the United States is directly tied to the national security of the United States.

''It is beyond me to understand how the proponents of this bill can claim that the legislation before us this afternoon protects the energy independence and energy security of the United States when our critical foreign intelligence capabilities, designed specifically to protect the national security of the United States, continue to degrade. This, of course, happened 11 days ago with the expiration of the Protect America Act.

''Again the proponents of the bill say the energy security of the United States is directly tied to the national security of the United States. And that is why this motion to recommit should be considered in order.

''The national security of the United States is directly tied to the effectiveness of the tools that we give to the intelligence community. The same radical jihadist groups who attacked the United States on September 11, 2001 are continuing their plans to attack the United States and its citizens. You don't have to take my word for it. Read the declassified excerpts of the National Intelligence Estimate released by Director McConnell.

''The majority leader and others who are proponents of this bill have pointed out America's vulnerability on energy issues.

''And as we have said, your words were that this is a national security issue and it is imperative that we deal with it. The majority leader's words, we are talking about the threats to our oil supply and our energy supply, whether it was from Venezuela, whether it was from the Middle East or other parts of the world. We significantly enhance and increase our vulnerability on an energy standpoint when we let the tools of the intelligence community erode and when we no longer have good insight into what radical jihadists may be doing in Pakistan or what they may be doing in the Middle East or what they may be doing in South America when specifically these are the home bases of radical jihadists. You also have to take a look specifically at radical jihadists and take a look at where they are saying they want to act. They want to destabilize many of the governments that provide us with the oil and energy supplies that this country is so dependent on.

''Again, getting back to the point, the chairman has talked about energy security being tied to national security. This motion to recommit will do more to secure our energy independence and will do more to protect our energy security and national security than many of the other provisions in the bill because it specifically gives the tools to our intelligence community to protect not only our domestic sources of energy, but also enables us to protect the sources of energy that come from overseas.''.

Mr. RANGEL was further recognized and said:

''Mr. Speaker, I object. The proponent is not dealing with the question of the point of order but is dealing with another subject matter.''.

The SPEAKER pro tempore, Mr. GUTIERREZ, spoke and said:

''The gentleman from Michigan must confine his remarks to the point of order.''.

Mr. HOEKSTRA was further recognized and said:

''Thank you. That is exactly what I am talking about. I thank my colleague for pointing that out.

''And as we have said, your words were that this is a national security

issue and it is imperative that we deal with it. The majority leader's words, we are talking about the threats to our oil supply and our energy supply, whether it was from Venezuela, whether it was from the Middle East or other parts of the world. We significantly enhance and increase our vulnerability on an energy standpoint when we let the tools of the intelligence community erode and when we no longer have good insight into what radical jihadists may be doing in Pakistan or what they may be doing in the Middle East or what they may be doing in South America when specifically these are the home bases of radical jihadists. You also have to take a look specifically at radical jihadists and take a look at where they are saying they want to act. They want to destabilize many of the governments that provide us with the oil and energy supplies that this country is so dependent on.''.

Mr. RANGEL was further recognized and said:

''The proponent's speech is not related to the parliamentary question of the relevancy to the point of order.''.

The SPEAKER pro tempore, Mr. GUTIERREZ, spoke and said:

''The Chair will hear the gentleman on the point of order, but his remarks must be confined to the question of the point of order and may not dwell on the underlying substantive issue.''.

Mr. HOEKSTRA was further recognized and said:

''Thank you.

''Again, getting back to the point, the chairman has talked about energy security being tied to national security. This motion to recommit will do more to secure our energy independence and will do more to protect our energy security and national security than many of the other provisions in the bill because it specifically gives the tools to our intelligence community to protect not only our domestic sources of energy, but also enables us to protect the sources of energy that come from overseas.''.

Mr. RANGEL was further recognized and said:

''Mr. Speaker, I have all the respect for the proponent of the motion to recommit on the subject matter that he is trying to bring to the attention of this House, but the RECORD has got to indicate that as this great Nation and this House try to deal with the serious problem of global warming, of loss of jobs, of national security, of a variety of things that we should be focused on, that if the rule should be used constantly throughout this debate for a purpose other than the reason why this bill is before this House, it not only violates the parliamentary rules, but the spirit in which we should be looking at this energy bill. So I insist on my point of order.''.

The SPEAKER pro tempore, Mr. GUTIERREZ, sustained the point of order, and said:

''The Chair will rely on the precedent of February 26, 2008. The instructions in the motion to recommit address a totally unrelated measure within the jurisdiction of committees not represented in the underlying bill. The instructions are therefore nongermane and the point of order is sustained. The motion is not in order.''.

Mr. HOEKSTRA appealed the ruling of the Chair.

The question being stated, viva voce,

Will the decision of the Chair stand as the judgment of the House?

Mr. RANGEL moved to lay the appeal on the table.

The question being put, viva voce,

Will the House lay on the table the appeal of the ruling of the Chair?

The SPEAKER pro tempore, Mr. GUTIERREZ, announced that the yeas had it.

Mr. HOEKSTRA demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 222 Nays 191

¶21.15 [Roll No. 82]

YEAS—222

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

NAYS—191

Akin	Garrett (NJ)	Paul
Alexander	Gerlach	Pearce
Bachmann	Gilchrest	Pence
Bachus	Gingrey	Peterson (PA)
Barrett (SC)	Gohmert	Petri
Bartlett (MD)	Goode	Pickering
Barton (TX)	Granger	Pitts
Biggert	Graves	Platts
Bilbray	Hall (TX)	Poe
Bilirakis	Hastings (WA)	Porter
Bishop (UT)	Hayes	Price (GA)
Blackburn	Heller	Pryce (OH)
Blunt	Hensarling	Putnam
Boehner	Herger	Radanovich
Bonner	Hobson	Ramstad
Bono Mack	Hoekstra	Regula
Boozman	Hulshof	Rehberg
Boustany	Hunter	Reichert
Brady (TX)	Inglis (SC)	Renzi
Broun (GA)	Issa	Reynolds
Brown (SC)	Johnson (IL)	Rogers (AL)
Buchanan	Johnson, Sam	Rogers (KY)
Burgess	Jones (NC)	Rogers (MI)
Burton (IN)	Jordan	Rohrabacher
Buyer	King (IA)	Ros-Lehtinen
Calvert	King (NY)	Roskam
Camp (MI)	Kingston	Royce
Campbell (CA)	Kirk	Sali
Cannon	Kline (MN)	Saxton
Cantor	Knollenberg	Schmidt
Capito	Kuhl (NY)	Sensenbrenner
Carter	LaHood	Sessions
Castle	Lamborn	Shadegg
Chabot	Lampson	Shays
Coble	Latham	Shimkus
Cole (OK)	LaTourette	Shuster
Conaway	Latta	Simpson
Crenshaw	Lewis (CA)	Smith (NE)
Cubin	Lewis (KY)	Smith (NJ)
Culberson	Linder	Smith (TX)
Davis (KY)	LoBiondo	Souder
Davis, David	Lucas	Stearns
Davis, Tom	Mack	Sullivan
Deal (GA)	Manzullo	Tancredo
Dent	Marchant	Terry
Diaz-Balart, L.	McCarthy (CA)	Thornberry
Doolittle	McCaul (TX)	Tiahrt
Drake	McCotter	Tiberi
Dreier	McCrery	Turner
Duncan	McHenry	Upton
Ehlers	McHugh	Walberg
Emerson	McKeon	Walden (OR)
English (PA)	McMorris Rodgers	Walsh (NY)
Everett	Mica	Wamp
Fallin	Miller (FL)	Weldon (FL)
Feeney	Miller (MI)	Weller
Flake	Miller, Gary	Westmoreland
Forbes	Moran (KS)	Whitfield (KY)
Fortenberry	Murphy, Tim	Wilson (NM)
Fossella	Musgrave	Wilson (SC)
Foxx	Myrick	Wittman (VA)
Franks (AZ)	Neugebauer	Wolf
Frelinghuysen	Nunes	Young (AK)
Gallegly		Young (FL)

NOT VOTING—15

Aderholt	Goodlatte	Ryan (WI)
Brown-Waite, Ginny	Jones (OH)	Stark
Delahunt	Keller	Tierney
Diaz-Balart, M.	Lungren, Daniel E.	Udall (CO)
Ferguson	Reyes	Woolsey

So the motion to lay the appeal on the table was agreed to.

A motion to reconsider the vote whereby said motion was agreed to was, by unanimous consent, laid on the table.

Mr. ENGLISH of Pennsylvania, moved to recommit the bill to the Committee on Ways and Means with

instructions to report the bill back to the House promptly with the following amendments:

Strike subsection (b) of section 101 (relating to modification of credit phaseout).

Strike section 203 (relating to modification of limitation on automobile depreciation).

Strike subsection (c) of section 211 (relating to coproduction of renewable diesel with petroleum feedstock).

Strike section 212 (relating to clarification that credits for fuel are designed to provide an incentive for United States production).

Strike section 221 (relating to extension of transportation fringe benefit to bicycle commuters).

Strike section 222 (relating to restructuring of New York Liberty Zone tax credits).

Strike section 231 (relating to qualified energy conservation bonds).

Strike title III (relating to revenue provisions).

At the end of the bill, add the following new title:

TITLE V—REPEAL OF SUNSET ON MARRIAGE PENALTY RELIEF AND MODIFICATIONS TO CHILD TAX CREDIT

SEC. 501. REPEAL OF SUNSET ON MARRIAGE PENALTY RELIEF AND MODIFICATIONS TO CHILD TAX CREDIT.

Title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 (relating to sunset of provisions of such Act) shall not apply to—

(1) sections 301, 302, and 303 of such Act (relating to marriage penalty relief), and

(2) section 201 of such Act (relating to modifications to child tax credit).

After debate,

By unanimous consent, the previous question was ordered on the motion to recommit with instructions.

The question being put, viva voce,

Will the House recommit said bill with instructions?

The SPEAKER pro tempore, Mr. GUTIERREZ, announced that the nays had it.

Mr. ENGLISH of Pennsylvania, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the negative ..... { Yeas ..... 197 / Nays 222

¶21.16 [Roll No. 83]

YEAS—197

Akin	Burton (IN)	Dreier
Alexander	Buyer	Duncan
Altmire	Calvert	Ehlers
Bachmann	Camp (MI)	Emerson
Bachus	Campbell (CA)	English (PA)
Barrett (SC)	Cannon	Everett
Barrow	Cantor	Fallin
Bartlett (MD)	Capito	Feeney
Barton (TX)	Carter	Flake
Biggert	Chabot	Forbes
Bilbray	Coble	Fortenberry
Bilirakis	Cole (OK)	Fossella
Bishop (UT)	Conaway	Foxx
Blackburn	Crenshaw	Franks (AZ)
Blunt	Cubin	Frelinghuysen
Boehner	Culberson	Gallegly
Bonner	Davis (KY)	Garrett (NJ)
Bono Mack	Davis, David	Gerlach
Boozman	Davis, Tom	Giffords
Boustany	Deal (GA)	Gilchrest
Brady (TX)	Dent	Gingrey
Broun (GA)	Diaz-Balart, L.	Gohmert
Brown (SC)	Donnelly	Goode
Buchanan	Doolittle	Goodlatte
Burgess	Drake	Granger
Graves	McCaul (TX)	Rohrabacher
Hall (TX)	McCotter	Ros-Lehtinen
Hastings (WA)	McCrery	Roskam
Hayes	McHenry	Royce
Heller	McHugh	Ryan (WI)
Hensarling	McIntyre	Sali
Herger	McKeon	Saxton
Hobson	McMorris Rodgers	Schmidt
Hoekstra	Mica	Sensenbrenner
Hulshof	Miller (FL)	Sessions
Hunter	Miller (MI)	Shadegg
Inglis (SC)	Miller, Gary	Shimkus
Issa	Moran (KS)	Shuster
Johnson (IL)	Murphy, Tim	Simpson
Johnson, Sam	Musgrave	Smith (NE)
Jones (NC)	Myrick	Smith (NJ)
Jordan	Neugebauer	Smith (TX)
King (IA)	Nunes	Souder
King (NY)	Paul	Stearns
Kingston	Pearce	Sullivan
Kirk	Pence	Tancredo
Kline (MN)	Peterson (PA)	Terry
Knollenberg	Petri	Thornberry
Kuhl (NY)	Pickering	Tiahrt
LaHood	Pitts	Tiberi
Lamborn	Platts	Turner
Lampson	Poe	Upton
Latham	Porter	Walberg
LaTourette	Price (GA)	Walden (OR)
Latta	Pryce (OH)	Walsh (NY)
Lewis (CA)	Putnam	Wamp
Lewis (KY)	Radanovich	Weldon (FL)
Linder	Regula	Weller
LoBiondo	Rehberg	Westmoreland
Lucas	Reichert	Whitfield (KY)
Mack	Renzi	Wilson (NM)
Manzullo	Reynolds	Wilson (SC)
Marchant	Rogers (AL)	Wittman (VA)
Marshall	Rogers (KY)	Wolf
Matheson	Rogers (MI)	Young (AK)
McCarthy (CA)		Young (FL)

NAYS—222

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

NOT VOTING—9

Aderholt	Ferguson	Lungren, Daniel E.
Brown-Waite, Ginny	Jones (OH)	Reyes
Diaz-Balart, M.	Keller	Woolsey

So the motion to recommit with instructions was not agreed to.

The question being put, viva voce,

Will the House pass said bill?

The SPEAKER pro tempore, Ms. Loretta SANCHEZ of California, announced that the ayes had it.

Mr. MCDERMOTT demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 236 / Nays 182

¶21.17 [Roll No. 84]

YEAS—236

Abercrombie	DeFazio	Jackson-Lee (TX)
Ackerman	DeGette	Jefferson
Allen	Delahunt	Johnson (GA)
Altmire	DeLauro	Johnson (IL)
Andrews	Dicks	Johnson, E. B.
Arcuri	Dingell	Kagen
Baca	Doggett	Kanjorski
Baird	Donnelly	Kaptur
Baldwin	Doyle	Kennedy
Bean	Edwards	Kildee
Becerra	Ehlers	Kilpatrick
Berkley	Ellison	Kind
Berman	Ellsworth	Kirk
Berry	Emanuel	Klein (FL)
Bishop (GA)	Engel	Kucinich
Bishop (NY)	Eshoo	LaHood
Blumenauer	Etheridge	Langevin
Boswell	Farr	Larsen (WA)
Boucher	Fattah	Larson (CT)
Boyd (FL)	Filner	Lee
Boyda (KS)	Fortenberry	Levin
Brady (PA)	Frank (MA)	Lewis (GA)
Braley (IA)	Giffords	Lipinski
Brown, Corrine	Gilchrest	LoBiondo
Buchanan	Gillibrand	Loebsack
Butterfield	Gonzalez	Lofgren, Zoe
Capps	Gordon	Lowey
Capuano	Green, Al	Lynch
Cardoza	Grijalva	Mahoney (FL)
Carnahan	Gutierrez	Maloney (NY)
Carney	Hall (NY)	Markey
Castle	Hare	Marshall
Castor	Harman	Matsui
Chandler	Hastings (FL)	McCarthy (NY)
Clarke	Hayes	McCollum (MN)
Clay	Herseth Sandlin	McDermott
Cleaver	Higgins	McGovern
Clyburn	Hill	McIntyre
Cohen	Hinchey	McNerney
Conyers	Hinojosa	McNulty
Cooper	Hirono	Meek (FL)
Costa	Hodes	Meeks (NY)
Costello	Holden	Michaud
Courtney	Holt	Miller (NC)
Cramer	Honda	Miller, George
Crowley	Hooley	Mitchell
Cummings	Hoyer	Mollohan
Davis (AL)	Inslee	Moore (KS)
Davis (CA)	Israel	Moore (WI)
Davis (IL)	Jackson (IL)	Moran (VA)
Davis, Lincoln		

Murphy (CT)	Rush	Stupak
Murphy, Patrick	Ryan (OH)	Sutton
Murtha	Salazar	Tanner
Nadler	Sánchez, Linda T.	Tauscher
Napolitano	Sanchez, Loretta	Taylor
Neal (MA)	Sarbanes	Thompson (CA)
Oberstar	Saxton	Thompson (MS)
Obey	Schakowsky	Tierney
Olver	Schiff	Towns
Pallone	Schwartz	Tsongas
Pascrell	Scott (GA)	Udall (CO)
Pastor	Scott (VA)	Udall (NM)
Payne	Serrano	Van Hollen
Pelosi	Sestak	Velázquez
Perlmutter	Shays	Visclosky
Peterson (MN)	Shea-Porter	Walz (MN)
Pomeroy	Sherman	Wasserman Schultz
Price (NC)	Shuler	Waters
Rahall	Sires	Watson
Ramstad	Skelton	Watt
Rangel	Slaughter	Waxman
Reichert	Smith (NJ)	Weiner
Richardson	Smith (WA)	Welch (VT)
Rogers (AL)	Snyder	Wexler
Ros-Lehtinen	Solis	Wilson (OH)
Ross	Space	Wu
Rothman	Spratt	Wynn
Roybal-Allard	Stark	Yarmuth
Ruppersberger		

NAYS—182

Akin	Franks (AZ)	Nunes
Alexander	Frelinghuysen	Ortiz
Bachmann	Gallegly	Paul
Bachus	Garrett (NJ)	Pearce
Barrett (SC)	Gerlach	Pence
Barrow	Gingrey	Peterson (PA)
Bartlett (MD)	Gohmert	Petri
Barton (TX)	Goode	Pickering
Biggert	Goodlatte	Pitts
Bilbray	Granger	Platts
Bilirakis	Graves	Poe
Bishop (UT)	Green, Gene	Porter
Blackburn	Hall (TX)	Price (GA)
Blunt	Hastings (WA)	Pryce (OH)
Boehner	Heller	Putnam
Bonner	Hensarling	Radanovich
Bono Mack	Herger	Regula
Boozman	Hobson	Rehberg
Boren	Hoekstra	Renzi
Boustany	Hulshof	Reynolds
Brady (TX)	Hunter	Rodriguez
Broun (GA)	Inglis (SC)	Rogers (KY)
Brown (SC)	Issa	Rogers (MI)
Burgess	Johnson, Sam	Rohrabacher
Burton (IN)	Jones (NC)	Roskam
Buyer	Jordan	Royce
Calvert	King (IA)	Ryan (WI)
Camp (MI)	King (NY)	Sali
Campbell (CA)	Kingston	Schmidt
Cannon	Kline (MN)	Sensenbrenner
Cantor	Knollenberg	Sessions
Capito	Kuhl (NY)	Shadegg
Carter	Lamborn	Shimkus
Chabot	Lampson	Shuster
Coble	Latham	Simpson
Cole (OK)	LaTourette	Smith (NE)
Conaway	Latta	Smith (TX)
Crenshaw	Lewis (CA)	Souder
Cubin	Lewis (KY)	Stearns
Cuellar	Linder	Sullivan
Culberson	Lucas	Tancredo
Davis (KY)	Mack	Terry
Davis, David	Manzullo	Thornberry
Davis, Tom	Marchant	Tiahrt
Deal (GA)	McCarthy (CA)	Tiberi
Dent	McCaul (TX)	Turner
Diaz-Balart, L.	McCotter	Upton
Doolittle	McCrery	Walberg
Drake	McHenry	Walden (OR)
Dreier	McHugh	Walsh (NY)
Duncan	McKeon	Wamp
Emerson	McMorris Rodgers	Weldon (FL)
English (PA)		Weller
Everett	Melancon	Westmoreland
Fallin	Miller (FL)	Whitfield (KY)
Feeney	Miller, Gary	Wilson (NM)
Ferguson	Moran (KS)	Wilson (SC)
Flake	Murphy, Tim	Wittman (VA)
Forbes	Musgrave	Wolf
Fossella	Myrick	Young (AK)
Foxx	Neugebauer	Young (FL)

NOT VOTING—11

Aderholt	Keller	Miller (MI)
Brown-Waite, Ginny	Lungren, Daniel E.	Reyes
Diaz-Balart, M.	Matheson	Woolsey
Jones (OH)	Mica	

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶21.18 ORDER OF BUSINESS—SUSPENSION OF THE RULES

On motion of Mr. HOYER, by unanimous consent,

Ordered, That it may be in order, under clause 1, rule XV, on Thursday, February 28, 2008, for the Speaker to recognize Members for motions to suspend the rules.

¶21.19 UNITED STATES NAVAL ACADEMY

The SPEAKER pro tempore, Ms. Loretta SANCHEZ of California, pursuant to 10 United States Code 6968(a), and the order of the House of January 4, 2007, announced that the Speaker appointed the following Member of the House to the Board of Visitors to the United States Naval Academy to fill the existing vacancy thereon: Mr. FRELINGHUYSEN.

Ordered, That the Clerk notify the Senate of the foregoing appointment.

¶21.20 TRADE PREFERENCE PROGRAMS

Mr. LEVIN moved to suspend the rules and pass the bill (H.R. 5264) to extend certain trade preference programs, and for other purposes; as amended.

The SPEAKER pro tempore, Ms. Loretta SANCHEZ of California, recognized Mr. LEVIN and Mr. HERGER, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Ms. Loretta SANCHEZ of California, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

By unanimous consent, the title was amended so as to read: ''An Act to extend the Andean Trade Preference Act, and for other purposes.''.

A motion to reconsider the votes whereby the rules were suspended and said bill, as amended, was passed and the title was amended was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶21.21 ENROLLED BILL SIGNED

Lorraine C. Miller, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 2082. An Act to authorize appropriations for fiscal year 2008 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

¶21.22 SENATE ENROLLED BILL SIGNED

The Speaker announced her signature to an enrolled bill of the Senate of the following title:

S. 2571. An Act to make technical corrections to the Federal Insecticide, Fungicide, and Rodenticide Act.

¶21.23 BILLS PRESENTED TO THE PRESIDENT

Lorraine C. Miller, Clerk of the House reported that on February 25, 2008 she presented to the President of the United States, for his approval, the following bills:

H.R. 1216. An Act to direct the Secretary of Transportation to issue regulations to reduce the incidence of child injury and death occurring inside or outside of light motor vehicles, and for other purposes.

H.R. 5270. An Act to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, and for other purposes.

¶21.24 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Ms. Ginny BROWN-WAITE of Florida, for February 26 after 2 p.m. and balance of the week; and

To Mr. KELLER of Florida, for February 25 and balance of the week.

And then,

¶21.25 ADJOURNMENT

On motion of Mr. KLEIN of Florida, at 7 o'clock and 36 minutes p.m., the House adjourned.

¶21.26 PUBLIC BILLS AND RESOLUTIONS

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

By Mr. BERMAN (for himself, Ms. ROS-LEHTINEN, Mr. PAYNE, Ms. LEE, Mr. WAXMAN, and Ms. JACKSON-LEE of Texas):

H.R. 5501. A bill to authorize appropriations for fiscal years 2009 through 2013 to provide assistance to foreign countries to combat HIV/AIDS, tuberculosis, and malaria, and for other purposes; to the Committee on Foreign Affairs, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BOREN (for himself and Mr. YOUNG of Alaska):

H.R. 5502. A bill to amend Public Law 106-206 to direct the Secretary of the Interior and the Secretary of Agriculture to require annual permits and assess annual fees for commercial filming activities on Federal land for film crews of 5 persons or fewer; to the Committee on Natural Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PETERSON of Minnesota:

H.R. 5503. A bill to suspend temporarily the duty on certain engines for snowmobiles; to the Committee on Ways and Means.

By Mr. ROSS (for himself, Mr. SNYDER, Mr. BERRY, and Mr. BOOZMAN):

H.R. 5504. A bill to authorize the Secretary of the Interior to designate the President

William Jefferson Clinton Birthplace Home in Hope, Arkansas, as a National Historic Site and unit of the National Park System, and for other purposes; to the Committee on Natural Resources.

By Mr. RUSH:

H.R. 5505. A bill to authorize the Secretary of the Interior to conduct a study to determine the feasibility of designating the study area as the Black Metropolis District National Heritage Area in the State of Illinois, and for other purposes; to the Committee on Natural Resources.

By Mr. SIRES:

H.R. 5506. A bill to designate the facility of the United States Postal Service located at 369 Martin Luther King Jr. Drive in Jersey City, New Jersey, as the ''Bishop Ralph E. Brower Post Office Building''; to the Committee on Oversight and Government Reform.

By Ms. WOOLSEY (for herself, Ms. LEE, Ms. WATERS, Ms. CLARKE, Mr. CUMMINGS, and Mr. GRIJALVA):

H.R. 5507. A bill to require the safe, complete, and fully-funded redeployment of United States Armed Forces and contractor security forces from Iraq and to prohibit the establishment of any enduring or permanent United States military bases in Iraq, and for other purposes; to the Committee on Foreign Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BARROW:

H. Con. Res. 304. Concurrent resolution expressing the sense of Congress that allowing motor carriers domiciled in Mexico to operate in the United States without adequate regulation jeopardizes the safety and security of United States citizens, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. SMITH of Texas (for himself, Mr. BOEHNER, Mr. BLUNT, Mr. PUTNAM, Mr. MCCOTTER, Ms. GRANGER, Mr. CARTER, Mr. COLE of Oklahoma, Mr. DREIER, Mr. CANTOR, Mr. CAMP of Michigan, Mr. HOBSON, and Mr. TIAHRT):

H. Res. 1003. A resolution amending the Rules of the House of Representatives to provide increased accountability and transparency in the Committee on Standards of Official Conduct; to the Committee on Rules.

By Mr. ROHRABACHER (for himself and Mr. HUNTER):

H. Res. 1004. A resolution expressing sincere congratulations to the United States Navy and the Department of Defense for successfully intercepting the disabled National Reconnaissance Office satellite, NROL-21, on February 20, 2008; to the Committee on Armed Services.

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

H. Res. 1005. A resolution supporting the goals and ideals of Borderline Personality Awareness Month; to the Committee on Oversight and Government Reform.

¶21.27 PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII:

Mr. RANGEL introduced a bill (H.R. 5508) for the relief of Daniel Wachira; which was referred to the Committee on the Judiciary.

¶21.28 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 111: Mr. SIMPSON.

H.R. 351: Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 371: Mr. DAVIS of Illinois.

H.R. 402: Mr. ROGERS of Alabama.

H.R. 460: Mr. FILNER.

H.R. 688: Mr. SMITH of New Jersey, Mr. COHEN, Mr. PLATTS, Mr. VISCLOSKY, and Mr. LAHOOD.

H.R. 943: Mr. GALLEGLY.

H.R. 1000: Mr. KING of New York, Mr. MCHENRY, Mr. BILBRAY, Mrs. BONO MACK, Mrs. DRAKE, Mr. DREIER, Mr. FORBES, Mr. PEARCE, Mr. PORTER, Mr. REICHERT, Mr. REYNOLDS, Mr. ROSKAM, Mr. SESSIONS, Mr. SMITH of Texas, Mrs. WILSON of New Mexico, Mr. CASTLE, Mr. CHABOT, Mr. UPTON, and Mr. WITTMAN of Virginia.

H.R. 1197: Mr. FILNER.

H.R. 1273: Mrs. MALONEY of New York.

H.R. 1278: Mr. WALBERG.

H.R. 1320: Mr. EHLERS.

H.R. 1328: Mr. PEARCE.

H.R. 1418: Mr. ROGERS of Alabama.

H.R. 1436: Mr. KAGEN.

H.R. 1439: Mr. LATOURETTE.

H.R. 1537: Ms. CASTOR and Ms. SCHWARTZ.

H.R. 1554: Mrs. WILSON of New Mexico.

H.R. 1565: Mr. TAYLOR.

H.R. 1576: Mr. SMITH of Nebraska.

H.R. 1653: Mr. HINCHEY and Ms. MATSUI.

H.R. 1687: Ms. SOLIS.

H.R. 1709: Mr. SHAYS.

H.R. 1742: Mr. OBERSTAR, Ms. MATSUI, Ms. HERSETH SANDLIN, and Mr. WEINER.

H.R. 1829: Mr. REHBERG.

H.R. 1881: Mr. BISHOP of Georgia, Mr. GOODE, and Mr. VAN HOLLEN.

H.R. 1932: Mrs. WILSON of New Mexico.

H.R. 1992: Mr. MARKEY and Mr. DELAHUNT.

H.R. 2016: Mr. GONZALEZ and Mr. PASTOR.

H.R. 2040: Ms. KILPATRICK, Mr. SPRATT, Mr. ORTIZ, Mr. EMANUEL, Mr. SESTAK, Ms. BORDALLO, Mr. COURTNEY, Mr. MURTHA, Mr. CAPUANO, Mr. DELAHUNT, Mr. DOYLE, Mr. GEORGE MILLER of California, Mr. VISCLOSKY, Mr. ROTHMAN, Mr. NEAL of Massachusetts, Mr. COSTELLO, Ms. SHEA-PORTER, Mr. WALZ of Minnesota, Mr. SHERMAN, Mr. GUTIERREZ, Mr. ISRAEL, Mr. WELCH of Vermont, Mr. UDALL of New Mexico, Mr. LARSEN of Washington, Mr. MITCHELL, Mr. SIRES, Mr. RUPPERSBERGER, Mr. DONNELLY, Ms. HIRONO, Mr. OBERSTAR, Mr. LIPINSKI, Mr. GENE GREEN of Texas, Mr. YARMUTH, Ms. MOORE of Wisconsin, Mr. PERLMUTTER, Mr. PASCRELL, Mr. OBEY, Mr. TANNER, Ms. WATERS, Mr. WU, Mr. ENGEL, Mr. CLYBURN, Mr. MURPHY of Connecticut, Mr. CUELLAR, Mr. RYAN of Ohio, and Mr. KANJORSKI.

H.R. 2045: Ms. JACKSON-LEE of Texas, Mr. GRIJALVA, Mr. DAVIS of Illinois, and Mr. SESTAK.

H.R. 2046: Mr. GEORGE MILLER of California.

H.R. 2075: Ms. FALLIN.

H.R. 2169: Mrs. LOWEY.

H.R. 2183: Mr. MCHENRY.

H.R. 2219: Mrs. MUSGRAVE.

H.R. 2266: Mr. CLAY.

H.R. 2331: Mr. CUELLAR and Mr. PASCRELL.

H.R. 2352: Mr. THOMPSON of Mississippi.

H.R. 2521: Mr. GALLEGLY.

H.R. 2539: Mr. ENGLISH of Pennsylvania.

H.R. 2567: Ms. SHEA-PORTER.

H.R. 2606: Mr. GONZALEZ, Mr. SIMPSON, Ms. MCCOLLUM of Minnesota, Mrs. CAPITO, Mr. ROSS, Mr. CULBERSON, Mr. PAUL, Mr. MICHAUD, and Mr. SCOTT of Virginia.

H.R. 2634: Mr. WALZ of Minnesota.

H.R. 2708: Mr. SCOTT of Virginia.

H.R. 2762: Mr. LATHAM.

H.R. 2818: Mr. PORTER and Mr. HINOJOSA.

H.R. 2864: Mr. COSTELLO and Mr. LOBIONDO.

H.R. 2885: Mr. BILBRAY, Mr. SALI, Mr. FRANKS of Arizona, and Mr. WALBERG.

H.R. 2894: Mr. PITTS and Ms. TSONGAS.

H.R. 2915: Ms. HERSETH SANDLIN and Mr. MARKEY.

H.R. 2991: Ms. BERKLEY and Mr. WAMP.

H.R. 3041: Mr. WILSON of Ohio.

H.R. 3223: Mr. GILCHREST.

H.R. 3232: Mr. COURTNEY, Mr. REICHERT, Mr. RANGEL, and Mr. VISCLOSKY.

H.R. 3471: Mr. MICHAUD.

H.R. 3533: Mr. NEAL of Massachusetts, Mr. UPTON, and Mrs. MILLER of Michigan.

H.R. 3618: Mr. RAHALL, Mr. GENE GREEN of Texas, and Mr. GORDON.

H.R. 3622: Mr. FEENEY, Mr. HELLER, Mr. RAMSTAD, Ms. MCCOLLUM of Minnesota, Mr. MILLER of Florida, Mr. KLINE of Minnesota, and Mr. KING of New York.

H.R. 3654: Mr. TANNER.

H.R. 3660: Mr. WELDON of Florida.

H.R. 3663: Mr. REICHERT.

H.R. 3692: Mr. WEXLER.

H.R. 3700: Mr. PRICE of North Carolina.

H.R. 3819: Mr. INSLEE.

H.R. 3820: Mrs. MYRICK.

H.R. 3902: Mr. FILNER.

H.R. 4061: Mr. STARK and Mr. MATHESON.

H.R. 4116: Mr. FORBES.

H.R. 4133: Ms. FOXX and Mr. BROWN of South Carolina.

H.R. 4185: Mr. ISSA, Mr. DOOLITTLE, Mr. MCKEON, Mr. NUNES, and Mr. ROYCE.

H.R. 4201: Mr. LOBIONDO.

H.R. 4206: Mr. WEINER.

H.R. 4218: Ms. SHEA-PORTER.

H.R. 4236: Mr. DELAHUNT.

H.R. 4264: Mr. PUTNAM.

H.R. 4305: Ms. BERKLEY.

H.R. 4460: Mr. TANCREDO, Mr. INGLIS of South Carolina, Mr. NEUGEBAUER, Mr. CAMP of Michigan, and Mr. CHABOT.

H.R. 4464: Mr. TIBERI, Mr. BONNER, Mr. MCHENRY, Mr. BROWN of South Carolina, Mr. LINCOLN DAVIS of Tennessee, Mr. BARTLETT of Maryland, Mr. HASTINGS of Washington, and Mr. POE.

H.R. 4545: Mr. PASTOR, Mr. FRANK of Massachusetts, Mr. THOMPSON of Mississippi, and Mr. BUTTERFIELD.

H.R. 4926: Mr. PLATTS and Mr. FILNER.

H.R. 5058: Ms. SHEA-PORTER.

H.R. 5131: Mr. BUCHANAN and Mr. BILIRAKIS.

H.R. 5157: Mr. SIRES.

H.R. 5161: Ms. RICHARDSON, Mr. MCNERNEY, and Mr. CARNAHAN.

H.R. 5167: Ms. WOOLSEY.

H.R. 5173: Mrs. BACHMANN, Mr. HINCHEY, Ms. LEE, Ms. SUTTON, Mr. ALTMIRE, and Mr. LOEBSACK.

H.R. 5174: Mr. DAVIS of Illinois.

H.R. 5180: Mr. POE, Mr. MCNERNEY, Mr. PAYNE, Mr. COURTNEY, Ms. SHEA-PORTER, Mr. RUSH, Mr. MARSHALL, Mr. HARE, Mr. RAMSTAD, Mr. SALAZAR, Mr. JEFFERSON, Mr. Miller of North Carolina, Mr. RENZI, Mr. GRIJALVA, Mr. SIRES, Ms. GIFFORDS, Mr. LIPINSKI, and Mr. NADLER.

H.R. 5191: Mr. ENGLISH of Pennsylvania.

H.R. 5232: Ms. FOXX.

H.R. 5233: Mr. CONAWAY.

H.R. 5235: Mr. JORDAN, Mr. MCHUGH, Mr. ENGLISH of Pennsylvania, Mr. PLATTS, Mr. KING of New York, Mr. JONES of North Carolina, and Mr. YOUNG of Alaska.

H.R. 5238: Mrs. MUSGRAVE.

H.R. 5244: Mr. BAIRD, Mr. CUMMINGS, Mr. SIRES, and Mr. BERMAN.

H.R. 5265: Mr. WAXMAN, Mr. SKELTON, Mr. FRANK of Massachusetts, and Mrs. EMERSON.

H.R. 5435: Mr. ORTIZ and Mr. GONZALEZ.

H.R. 5443: Mr. FRANKS of Arizona.

H.R. 5445: Mr. SHADEGG, Mr. SAM JOHNSON of Texas, Mr. GOHMERT, Mr. FRANKS of Arizona, Mr. BROUN of Georgia, Mr. FEENEY, Mr. LAMBORN, Mr. BROWN of South Carolina, Mr. MCHENRY, Mr. AKIN, Mr. GOODLATTE, Mr. WILSON of South Carolina, Mr. BARTLETT of Maryland, Mr. DAVID DAVIS of Tennessee, Mr. WESTMORELAND, Mr. CONAWAY, and Mrs. BLACKBURN.

H.R. 5454: Mr. PETERSON of Pennsylvania and Mr. PASTOR.

H.R. 5461: Mr. MILLER of Florida.

H.R. 5465: Mr. SESTAK, Mr. FRANK of Massachusetts, and Mr. FILNER.

H.R. 5475: Mr. BOSWELL, Mr. NEUGEBAUER, Mr. WAMP, Mr. SHULER, and Mr. CONYERS.

H.R. 5491: Mr. PORTER.

H.J. Res. 68: Ms. JACKSON-LEE of Texas, Mr. PETERSON of Minnesota, Mr. KIND, and Mr. SESTAK.

H. Con. Res. 163: Mr. ROGERS of Alabama, Ms. BALDWIN, and Mr. PEARCE.

H. Con. Res. 285: Mr. PLATTS.

H. Con. Res. 290: Mr. SHERMAN.

H. Con. Res. 295: Mr. FEENEY and Mr. STEARNS.

H. Res. 49: Mr. HIGGINS, Mr. GONZALEZ, and Mr. PORTER.

H. Res. 241: Mr. CAPUANO.

H. Res. 259: Mrs. MALONEY of New York, Mr. SIRES, Mr. RANGEL, and Mr. GONZALEZ.

H. Res. 265: Mr. SESTAK, Mr. MILLER of Florida, Mr. PETERSON of Minnesota, Mr. MEEK of Florida, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. KENNEDY, Ms. SLAUGHTER, Ms. BORDALLO, and Mr. WILSON of South Carolina.

H. Res. 424: Mr. HOLT.

H. Res. 795: Mr. MICHAUD.

H. Res. 821: Mr. FORTUÑO, Mr. TIAHRT, and Mr. SESSIONS.

H. Res. 838: Mr. AKIN, Mr. FORTENBERRY, Mr. GINGREY, Mr. MACK, Mr. MCCAUL of Texas, Mr. MCHUGH, and Mr. WILSON of South Carolina.

H. Res. 854: Mr. SHERMAN.

H. Res. 888: Mr. MILLER of Florida, Mr. PAUL, and Ms. FALLIN.

H. Res. 896: Mr. DAVIS of Illinois.

H. Res. 924: Mr. HODES.

H. Res. 925: Mr. CUMMINGS.

H. Res. 937: Mr. LATHAM.

H. Res. 951: Mr. UDALL of Colorado, Mrs. BONO MACK, Mr. CANNON, Mr. ELLSWORTH, Mr. SIRES, Mr. WELDON of Florida, Mr. SHERMAN, Mr. MARKEY, Ms. GRANGER, Mr. TANNER, Mr. LATHAM, Mrs. NAPOLITANO, Mr. LYNCH, Mr. WAXMAN, Mr. COLE of Oklahoma, Mr. SAXTON, Mr. WU, and Mr. JONES of North Carolina.

H. Res. 962: Mr. TOWNS, Mrs. NAPOLITANO, Mr. MEEKS of New York, Ms. CLARKE, and Mr. BISHOP of Georgia.

H. Res. 977: Mr. BISHOP of New York and Mr. HODES.

H. Res. 997: Mr. HASTINGS of Florida.

THURSDAY, FEBRUARY 28, 2008 (22)

The House was called to order by the SPEAKER.

¶22.1 APPROVAL OF THE JOURNAL

The SPEAKER announced she had examined and approved the Journal of the proceedings of Wednesday, February 27, 2008.

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

¶22.2 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

5545. A letter from the Principal Deputy Assistant Attorney General, Department of Justice, transmitting a copy of a report required by Section 202(a)(1)(C) of Pub. L. 107-273, the ''21st Century Department of Justice Appropriations Authorization Act,'' related to certain settlements and injunctive relief, pursuant to 28 U.S.C. 530D Public Law 107-273, section 202; to the Committee on the Judiciary.

5546. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Modification of Class D Airspace; Atwater, CA [Docket No. FAA-2007-28139; Airspace Docket No. 07-AWP-3] received February 15, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5547. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Modification of Class D Airspace; Castle Airport, Atwater, CA [Docket No. FAA-2006-25671; Airspace Docket No. 07-AWP-3] received February 15, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5548. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Springfield, CO [Docket No. FAA-2007-27430; Airspace Docket No. 07-ANM-4] received February 15, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5549. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Revision of VOR Federal Airways 363; CA [Docket No. FAA-2005-20551; Airspace Docket No. 04-AWP-8] (RIN: 2120-AA66) received February 15, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5550. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendments to Class E Airspace; Helena, MT [Docket No. FAA-2007-28400; Airspace Docket No. 07-ANM-11] received February 15, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5551. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Mooresville, NC. [Docket No. FAA-2007-28366; Airspace Docket No. 07-ASO-11] received February 15, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5552. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Poplar Bluff, MO. [Docket No. FAA-2007-28773; Airspace Docket No. 07-ACE-9] received February 15, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5553. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class D and E Airspace, Revision of Class E Airspace; Easton, MD [Docket No. FAA-2007-28601; Airspace Docket No. 07-AEA-02] received February 15, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5554. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Montrose, PA. [Docket No. FAA-2007-0165; Airspace Docket No. 07-AEA-11] received February 15, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5555. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Honesdale, PA. [Docket No. FAA-2007-0153; Airspace Docket No. 07-AEA-12] received February 15, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5556. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Revision of Class E Airspace; McGrath, AK [Docket No. FAA-2007-29012; Airspace Docket No. 07-AAL-15] received February 15, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5557. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Revision of Class E Airspace; Soldotna, AK [Docket No. FAA-2007-29100; Airspace Docket No. 07-AAL-16] received February 15, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5558. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Lewiston, ME. [Docket No. FAA-2007-0245; Airspace Docket No. 07-ANE-95] received February 15, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5559. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Skowhegan, ME [Docket No. FAA-2007-0244; Airspace Docket No. 07-ANE-94] received February 15, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5560. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Farmington, ME [Docket No. FAA-2007-0243; Airspace Docket No. 07-ANE-93] received February 15, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5561. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Revision of Class E Airspace; Selawik, AK [Docket No. FAA-2007-27998; Airspace Docket No. 07-AAL-05] received February 15, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5562. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Revision of Class E Airspace; Buckland, AK [Docket No. FAA-2007-29009; Airspace Docket No. 07-AAL-12] received February 15, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5563. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Revision of Class E Airspace; Chevak, AK [Docket No. FAA-2007-29010; Airspace Docket No. 07-AAL-13] received February 15, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5564. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Revision of Class D and E Airspace; Kenai, AK [Docket No. FAA-2007-29011; Airspace Docket No. 07-AAL-14] received February 15, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5565. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's Annual Report On Child Welfare Outcomes 2002-2005, pursuant to Public Law 105-89, section 203(a); to the Committee on Ways and Means.

5566. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's final rule — Reauthorization of the Temporary Assistance for Needy Families (TANF) Program (RIN: 0970-xxxx) received January 30, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5567. A letter from the Chair, Christopher Columbus Fellowship Foundation, transmitting the FY 2007 Annual Report of the Christopher Columbus Fellowship Foundation, pursuant to Public Law 102-281, section 429(b) (106 Stat. 145); jointly to the Committees on Financial Services and Science and Technology.

5568. A letter from the Assistant Secretary for Legislative Affairs, Department of the Treasury, transmitting the Department's report entitled, ''2007 Report to Congress on Foreign Direct Investment in the United States from Countries that Boycott Israel or That Do Not Ban U.S.-Designated Foreign Terrorist Organizations,'' pursuant to Section 7(c) of the Foreign Investment and National Security Act of 2007; jointly to the

Committees on Foreign Affairs, Financial Services, and Energy and Commerce.

¶22.3 MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed bills of the following titles in which the concurrence of the House is requested:

S. 1200. An Act to amend the Indian Health Care Improvement Act to revise and extend that Act.

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

¶22.4 CAPTAIN JONATHAN D. GRASSBAUGH POST OFFICE

Mr. DAVIS of Illinois, moved to suspend the rules and pass the bill of the Senate (S. 2478) to designate the facility of the United States Postal Service located at 59 Colby Corner in East Hampstead, New Hampshire, as the ''Captain Jonathan D. Grassbaugh Post Office''.

The SPEAKER pro tempore, Mr. CUELLAR, recognized Mr. DAVIS of Illinois, and Ms. FOXX, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. CUELLAR, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶22.5 JOHN ''MARTY'' THIELS SOUTHPARK STATION

Mr. DAVIS of Illinois, moved to suspend the rules and pass the bill of the Senate (S. 2272) to designate the facility of the United States Postal Service known as the Southpark Station in Alexandria, Louisiana, as the John ''Marty'' Thiels Southpark Station, in honor and memory of Thiels, a Louisiana postal worker who was killed in the line of duty on October 4, 2007.

The SPEAKER pro tempore, Mr. CUELLAR, recognized Mr. DAVIS of Illinois, and Ms. FOXX, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. CUELLAR, announced that two-thirds of the Members present had voted in the affirmative.

Mr. DAVIS of Illinois, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. CUELLAR, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶22.6 SGT. JASON HARKINS POST OFFICE BUILDING

Mr. DAVIS of Illinois, moved to suspend the rules and pass the bill (H.R. 3936) to designate the facility of the United States Postal Service located at 116 Helen Highway in Cleveland, Georgia, as the ''Sgt. Jason Harkins Post Office Building''.

The SPEAKER pro tempore, Mr. CUELLAR, recognized Mr. DAVIS of Illinois, and Ms. FOXX, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. CUELLAR, announced that two-thirds of the Members present had voted in the affirmative.

Mr. DAVIS of Illinois, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. CUELLAR, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶22.7 JOHN HENRY WOOTEN, SR. POST OFFICE BUILDING

Mr. DAVIS of Illinois, moved to suspend the rules and pass the bill (H.R. 3803) to designate the facility of the United States Postal Service located at 3100 Cashwell Drive in Goldsboro, North Carolina, as the ''John Henry Wooten, Sr. Post Office Building''.

The SPEAKER pro tempore, Mr. CUELLAR, recognized Mr. DAVIS of Illinois, and Ms. FOXX, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. CUELLAR, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶22.8 IRAQ AND AFGHANISTAN FALLEN MILITARY HEROES OF LOUISVILLE MEMORIAL POST OFFICE BUILDING

Mr. DAVIS of Illinois, moved to suspend the rules and pass the bill (H.R. 4454) to designate the facility of the United States Postal Service located at 3050 Hunsinger Lane in Louisville, Kentucky, as the ''Iraq and Afghanistan Fallen Military Heroes of Louisville Memorial Post Office Building'', in honor of the servicemen and women from Louisville, Kentucky, who died in service during Operation Enduring Freedom and Operation Iraqi Freedom.

The SPEAKER pro tempore, Mr. CUELLAR, recognized Mr. DAVIS of Illinois, and Ms. FOXX, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. CUELLAR, announced that two-thirds of the Members present had voted in the affirmative.

Mr. DAVIS of Illinois, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. CUELLAR, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶22.9 JOINT CONGRESSIONAL COMMITTEE ON INAUGURAL CEREMONIES

Mrs. DAVIS of California, moved to suspend the rules and agree to the following concurrent resolution of the Senate (S. Con. Res. 67):

SECTION 1. ESTABLISHMENT OF JOINT COMMITTEE.

There is established a Joint Congressional Committee on Inaugural Ceremonies (in this resolution referred to as the ''joint committee''), consisting of 3 Senators and 3 Members of the House of Representatives appointed by the President of the Senate and the Speaker of the House of Representatives, respectively. The joint committee is authorized to make the necessary arrangements for the inauguration of the President-elect and the Vice President-elect of the United States.

SEC. 2. SUPPORT OF THE JOINT COMMITTEE.

The joint committee—

(1) is authorized to utilize appropriate equipment and the services of appropriate personnel of departments and agencies of the Federal Government, under arrangements between the joint committee and the heads of the departments and agencies, in connection with the inaugural proceedings and ceremonies; and

(2) may accept gifts and donations of goods and services to carry out its responsibilities.

The SPEAKER pro tempore, Mr. CUELLAR, recognized Mrs. DAVIS of California, and Mr. EHLERS, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution?

The SPEAKER pro tempore, Mr. CUELLAR, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said concurrent resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said concurrent resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶22.10 CAPITOL ROTUNDA USE

Mrs. DAVIS of California, moved to suspend the rules and agree to the following concurrent resolution of the Senate (S. Con. Res. 68):

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. USE OF THE ROTUNDA OF THE CAPITOL BY THE JOINT CONGRESSIONAL COMMITTEE ON INAUGURAL CEREMONIES.

The rotunda of the United States Capitol is authorized to be used on January 20, 2009, by the Joint Congressional Committee on Inaugural Ceremonies in connection with the proceedings and ceremonies conducted for the inauguration of the President-elect and the Vice President-elect of the United States.

The SPEAKER pro tempore, Mr. CUELLAR, recognized Mrs. DAVIS of California, and Mr. EHLERS, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution?

The SPEAKER pro tempore, Mr. CUELLAR, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said concurrent resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said concurrent resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶22.11 S. 2272—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. CUELLAR, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and pass the bill of the Senate (S. 2272) to designate the facility of the United States Postal Service known as the Southpark Station in Alexandria, Louisiana, as the John ''Marty'' Thiels Southpark Station, in honor and memory of Thiels, a Louisiana postal worker who was killed in the line of duty on October 4, 2007.

The question being put,

Will the House suspend the rules and pass said bill?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 400 Nays 0

¶22.12 [Roll No. 85]

YEAS—400

Abercrombie	Barton (TX)	Bonner
Ackerman	Bean	Bono Mack
Akin	Becerra	Boozman
Alexander	Berkley	Boren
Allen	Berman	Boswell
Altmire	Berry	Boucher
Andrews	Biggert	Boustany
Arcuri	Bilbray	Boyd (FL)
Baca	Bilirakis	Boyda (KS)
Bachmann	Bishop (GA)	Brady (PA)
Bachus	Bishop (NY)	Brady (TX)
Baird	Bishop (UT)	Braley (IA)
Baldwin	Blackburn	Broun (GA)
Barrett (SC)	Blumenauer	Brown (SC)
Barrow	Blunt	Buchanan
Bartlett (MD)	Boehner	Burton (IN)
Butterfield	Hall (TX)	Miller, George
Buyer	Hare	Mitchell
Calvert	Harman	Mollohan
Camp (MI)	Hastings (FL)	Moore (KS)
Campbell (CA)	Hastings (WA)	Moore (WI)
Cannon	Hayes	Moran (KS)
Cantor	Heller	Moran (VA)
Capito	Hensarling	Murphy (CT)
Capps	Herger	Murphy, Patrick
Capuano	Herseth Sandlin	Murphy, Tim
Cardoza	Higgins	Murtha
Carnahan	Hill	Musgrave
Carney	Hinojosa	Myrick
Carter	Hirono	Nadler
Castle	Hobson	Napolitano
Castor	Hodes	Neal (MA)
Chabot	Hoekstra	Neugebauer
Chandler	Holden	Nunes
Clarke	Holt	Oberstar
Clay	Hooley	Obey
Cleaver	Hoyer	Olver
Clyburn	Hulshof	Ortiz
Coble	Inglis (SC)	Pallone
Cohen	Inslee	Pascrell
Cole (OK)	Israel	Pastor
Conyers	Issa	Paul
Cooper	Jackson (IL)	Payne
Costa	Jefferson	Pearce
Costello	Johnson (GA)	Pence
Courtney	Johnson (IL)	Perlmutter
Cramer	Johnson, E. B.	Peterson (MN)
Crenshaw	Johnson, Sam	Petri
Crowley	Jones (NC)	Pickering
Cuellar	Jones (OH)	Pitts
Culberson	Jordan	Platts
Cummings	Kagen	Poe
Davis (AL)	Kanjorski	Pomeroy
Davis (CA)	Kaptur	Porter
Davis (IL)	Kennedy	Price (GA)
Davis (KY)	Kildee	Price (NC)
Davis, David	Kilpatrick	Pryce (OH)
Davis, Lincoln	Kind	Putnam
Davis, Tom	King (IA)	Radanovich
Deal (GA)	King (NY)	Rahall
DeFazio	Kingston	Ramstad
DeGette	Kirk	Rangel
Delahunt	Klein (FL)	Regula
DeLauro	Kline (MN)	Rehberg
Dent	Knollenberg	Reichert
Diaz-Balart, L.	Kucinich	Renzi
Diaz-Balart, M.	Kuhl (NY)	Reyes
Dicks	Lamborn	Reynolds
Dingell	Lampson	Richardson
Donnelly	Larsen (WA)	Rodriguez
Doolittle	Larson (CT)	Rogers (AL)
Doyle	Latham	Rogers (KY)
Drake	LaTourette	Rogers (MI)
Dreier	Latta	Rohrabacher
Duncan	Lee	Ros-Lehtinen
Edwards	Levin	Roskam
Ehlers	Lewis (CA)	Ross
Ellison	Lewis (GA)	Rothman
Ellsworth	Linder	Roybal-Allard
Emanuel	Lipinski	Royce
Emerson	LoBiondo	Ruppersberger
Engel	Loebsack	Ryan (OH)
English (PA)	Lowey	Ryan (WI)
Eshoo	Lucas	Salazar
Etheridge	Lungren, Daniel E.	Sali
Fallin	Lynch	Sánchez, Linda T.
Farr	Mack	Sanchez, Loretta
Fattah	Mahoney (FL)	Sarbanes
Feeney	Marchant	Saxton
Ferguson	Markey	Schakowsky
Filner	Marshall	Schiff
Flake	Matheson	Schmidt
Forbes	Matsui	Schwartz
Fortenberry	McCarthy (CA)	Scott (GA)
Fossella	McCarthy (NY)	Scott (VA)
Foxx	McCaul (TX)	Sensenbrenner
Frank (MA)	McCotter	Serrano
Franks (AZ)	McCrery	Sessions
Frelinghuysen	McDermott	Sestak
Garrett (NJ)	McHenry	Shadegg
Gerlach	McHugh	Shays
Giffords	McIntyre	Shea-Porter
Gilchrest	McKeon	Sherman
Gillibrand	McMorris Rodgers	Shimkus
Gohmert	McNerney	Shuler
Gonzalez	McNulty	Shuster
Goode	Meek (FL)	Simpson
Goodlatte	Meeks (NY)	Sires
Gordon	Melancon	Skelton
Granger	Mica	Slaughter
Graves	Michaud	Smith (NE)
Green, Al	Miller (FL)	Smith (NJ)
Green, Gene	Miller (MI)	Smith (TX)
Grijalva	Miller (NC)	Smith (WA)
Gutierrez	Miller, George	Snyder
Hall (NY)	Mitchell	Solis
	Mollohan	Souder
	Moore (KS)	Space
	Moore (WI)	Spratt
	Moran (KS)	Stark
	Moran (VA)	Stearns
	Murphy (CT)	Stupak
	Murphy, Patrick	Sullivan
	Murphy, Tim	Sutton
	Murtha	Tancredo
	Musgrave	Tanner
	Myrick	Tauscher
	Nadler	Taylor
	Napolitano	Terry
	Neal (MA)	Thompson (CA)
	Neugebauer	Thompson (MS)
	Nunes	Thornberry
	Oberstar	Tiahrt
	Obey	Tiberi
	Olver	Tierney
	Ortiz	Towns
	Pallone	Tsongas
	Pascrell	Turner
	Pastor	Udall (NM)
	Paul	Upton
	Payne	Van Hollen
	Pearce	Velázquez
	Pence	Visclosky
	Perlmutter	Walberg
	Peterson (MN)	Walden (OR)
	Petri	Walsh (NY)
	Pickering	Walz (MN)
	Pitts	Wamp
	Platts	Wasserman Schultz
	Poe	Waters
	Pomeroy	Watson
	Porter	Watt
	Price (GA)	Waxman
	Price (NC)	Weiner
	Pryce (OH)	Welch (VT)
	Putnam	Weldon (FL)
	Radanovich	Weller
	Rahall	Westmoreland
	Ramstad	Wexler
	Rangel	Whitfield (KY)
	Regula	Wilson (NM)
	Rehberg	Wilson (OH)
	Reichert	Wilson (SC)
	Renzi	Wittman (VA)
	Reyes	Wolf
	Reynolds	Wu
	Richardson	Wynn
	Rodriguez	Yarmuth
	Rogers (AL)	Young (AK)
	Rogers (KY)	Young (FL)
	Rogers (MI)	
	Rohrabacher	
	Ros-Lehtinen	
	Roskam	
	Ross	
	Rothman	
	Roybal-Allard	
	Royce	
	Ruppersberger	
	Ryan (OH)	
	Ryan (WI)	
	Salazar	
	Sali	
	Sánchez, Linda T.	
	Sanchez, Loretta	
	Sarbanes	
	Saxton	
	Schakowsky	
	Schiff	
	Schmidt	
	Schwartz	
	Scott (GA)	
	Scott (VA)	
	Sensenbrenner	
	Serrano	
	Sessions	
	Sestak	
	Shadegg	
	Shays	
	Shea-Porter	
	Sherman	
	Shimkus	
	Shuler	
	Shuster	
	Simpson	
	Sires	
	Skelton	
	Slaughter	
	Smith (NE)	
	Smith (NJ)	
	Smith (TX)	
	Smith (WA)	
	Snyder	

NOT VOTING—28

Aderholt	Gingrey	Lofgren, Zoe
Brown, Corrine	Hinchey	Maloney (NY)
Brown-Waite, Ginny	Honda	Manzullo
Burgess	Hunter	McCollum (MN)
Conaway	Jackson-Lee (TX)	McGovern
Cubin	Keller	Miller, Gary
Doggett	LaHood	Peterson (PA)
Everett	Langevin	Rush
Gallegly	Lewis (KY)	Udall (CO)
		Woolsey

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶22.13 H.R. 3936—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. CUELLAR, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 3936) to designate the facility of the United States Postal Service located at 116 Helen Highway in Cleveland, Georgia, as the ''Sgt. Jason Harkins Post Office Building''.

The question being put,

Will the House suspend the rules and pass said bill?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 400 Nays 0

¶22.14 [Roll No. 86]

YEAS—400

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

Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Giffords
Gilchrest
Gillibrand
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
Lamborn
Lampson
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—28

Abercrombie
Aderholt
Bilbray
Broun (GA)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Conaway
Cubin
Delahunt
Doggett
Everett
Gallegly
Gerlach
Gingrey
Hinchey
Jackson-Lee (TX)
Keller
LaHood
Langevin
Lewis (KY)
Maloney (NY)
Manzullo
Miller, Gary
Peterson (PA)
Rush
Udall (CO)
Woolsey

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶22.15 H.R. 4454—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. CUELLAR, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 4454) to designate the facility of the United States Postal Service located at 3050 Hunsinger Lane in Louisville, Kentucky, as the ''Iraq and Afghanistan Fallen Military Heroes of Louisville Memorial Post Office Building'', in honor of the servicemen and women from Louisville, Kentucky, who died in service during Operation Enduring Freedom and Operation Iraqi Freedom.

The question being put,

Will the House suspend the rules and pass said bill?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 404 / Nays 0

¶22.16 [Roll No. 87]

YEAS—404

Abercrombie
Ackerman
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Buchanan
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Giffords
Gillibrand
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
Lamborn
Lampson
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller

Westmoreland	Wilson (OH)	Wu
Wexler	Wilson (SC)	Yarmuth
Whitfield (KY)	Wittman (VA)	Young (AK)
Wilson (NM)	Wolf	Young (FL)

NOT VOTING—24

Aderholt	Gallegly	Manzullo
Brown, Corrine	Gilchrest	Miller, Gary
Brown-Waite, Ginny	Gingrey	Peterson (PA)
Burgess	Jackson-Lee (TX)	Rush
Carter	Keller	Tancredo
Conaway	LaHood	Udall (CO)
Cubin	Langevin	Woolsey
Everett	Lewis (KY)	Wynn

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶22.17 ADDITIONAL COSPONSORS—H.R. 840

Ms. MOORE of Wisconsin, by unanimous consent, was authorized to be considered as the first sponsor of the bill (H.R. 840) to amend the McKinney-Vento Homeless Assistance Act to consolidate the housing assistance programs for homeless persons under title IV of such Act, and for other purposes; for the purposes of adding cosponsors and requesting reprints pursuant to clause 4 of rule XXII.

¶22.18 NATIONAL COMMISSION ON CHILDREN AND DISASTERS

The SPEAKER pro tempore, Mr. CUELLAR, pursuant to section 605(a) of the Consolidated Appropriations Act, 2008, (Public Law 110-161) and the order of the House of January 4, 2007, announced that the Speaker's appointment of the following members on the part of the House to the National Commission on Children and Disasters: Dr. Irwin Redliner, New York, New York and Mr. Bruce A. Lockwood, Canton, Connecticut.

Ordered, That the Clerk notify the Senate of the foregoing appointments.

¶22.19 JOINT CONGRESSIONAL COMMITTEE ON INAUGURAL CEREMONIES

The SPEAKER pro tempore, Mr. CUELLAR, pursuant to Senate Concurrent Resolution 67, 110th Congress, and the order of the House of January 4, 2007, announced that the Speaker appointed the following Members of the House to the Joint Congressional Committee on Inaugural Ceremonies: Ms. PELOSI, Messrs. HOYER and BOEHNER.

Ordered, That the Clerk notify the Senate of the foregoing appointments.

¶22.20 ADJOURNMENT OVER

On motion of Mr. HOYER, by unanimous consent,

Ordered, That when the House adjourns today on Thursday, February 28, 2008, it adjourn to meet on Monday, March 3, 2008, at 2 p.m.; and further, when the House adjourns on Monday, March 3, 2008, it adjourn to meet at 12:30 p.m. on Tuesday, March 4, 2008, for morning-hour debate.

¶22.21 SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1200. An Act to amend the Indian Health Care Improvement Act to revise and extend that Act; to the Committee on Natural Resources and to the Committee on Ways and Means in addition, to the Committee on Energy and Commerce for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

S. 2450. An Act to amend the Federal Rules of Evidence to address the waiver of the attorney-client privilege and the work product doctrine; to the Committee on the Judiciary.

¶22.22 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. GINGREY, for today; and

To Mr. Gary G. MILLER of California, for today.

And then,

¶22.23 ADJOURNMENT

On motion of Mr. BARTLETT of Maryland, pursuant to the previous order of the House, at 1 o'clock and 30 minutes p.m., the House adjourned until 2 p.m. on Monday, March 3, 2008.

¶22.24 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

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

Mr. RAHALL: Committee on Natural Resources. H.R. 816. A bill to provide for the release of certain land from the Sunrise Mountain Instant Study Area in the State of Nevada and to grant a right-of-way across the released land for the construction and maintenance of a flood control project; with an amendment (Rept. 110–531). Referred to the Committee of the Whole House on the state of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 1143. A bill to authorize the Secretary of the Interior to lease certain lands in Virgin Islands National Park, and for other purposes; with an amendment (Rept. 110–532). Referred to the Committee of the Whole House on the state of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 1311. A bill to direct the Secretary of the Interior to convey the Alta-Hualapai Site to the city of Las Vegas, Nevada, for the development of a cancer treatment facility; with an amendments (Rept. 110–533). Referred to the Committee of the Whole House on the state of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 3473. A bill to provide for a land exchange with City of Bountiful, Utah, involving National Forest System land in the Wasatch-Cache National Forest and to further land ownership consolidation in that national forest, and for other purposes; with an amendment (Rept. 110–534). Referred to the Committee of the Whole House on the state of the Union.

¶22.25 PUBLIC BILLS AND RESOLUTIONS

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

By Mr. BUYER:

H.R. 5509. A bill to amend titles 10 and 38, United States Code, to improve and enhance procedures for the retirement of members of the Armed Forces for disability and to improve and enhance authorities for the rating and compensation of service-connected disabilities in veterans, and for other purposes; to the Committee on Veterans' Affairs, and in addition to the Committees on Armed Services, and Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WILSON of Ohio:

H.R. 5510. A bill to amend title II of the Social Security Act to eliminate the five-month waiting period in the disability insurance program, and for other purposes; to the Committee on Ways and Means.

By Mr. LAMBORN (for himself and Mr. UDALL of Colorado):

H.R. 5511. A bill to direct the Secretary of the Interior, acting through the Bureau of Reclamation, to remedy problems caused by a collapsed drainage tunnel in Leadville, Colorado, and for other purposes; to the Committee on Natural Resources.

By Mr. SPACE (for himself, Mr. GUTIERREZ, and Mr. FRANK of Massachusetts):

H.R. 5512. A bill to authorize the Secretary of the Treasury to prescribe the weights and the compositions of circulating coins, and for other purposes; to the Committee on Financial Services.

By Mrs. BLACKBURN (for herself, Mrs. SCHMIDT, Mr. SHADEGG, Mr. FEENEY, Mr. FRANKS of Arizona, Mr. COBLE, Ms. FALLIN, Mr. SESSIONS, and Mr. MCHENRY):

H.R. 5513. A bill to reduce youth usage of tobacco products, to enhance State efforts to eliminate retail sales of tobacco products to minors, and for other purposes; to the Committee on Energy and Commerce.

By Mr. CANNON:

H.R. 5514. A bill to amend title 28, United States Code, to limit Federal court jurisdiction over State laws restricting pornography, and for other purposes; to the Committee on the Judiciary.

By Mr. SAM JOHNSON of Texas (for himself, Mr. LEWIS of Kentucky, Mr. BRADY of Texas, and Mr. RYAN of Wisconsin):

H.R. 5515. A bill to amend the Social Security Act to prevent unauthorized earnings from being credited toward benefits under title II of such Act and to make improvements in provisions governing totalization agreements, to amend the Social Security Act and the Immigration and Nationality Act to prevent unauthorized employment, and to improve coordination of the provisions of such Acts, and for other purposes; to the Committee on the Judiciary, and in addition to the Committees on Ways and Means, Education and Labor, and Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PATRICK MURPHY of Pennsylvania (for himself and Mr. PLATTS):

H.R. 5516. A bill to increase Federal Pell Grants for the children of fallen police officers, firefighters, and other first responders; to the Committee on Education and Labor.

By Mr. POE (for himself, Mr. HINOJOSA, Mr. GONZALEZ, Mr. MCCAUL of Texas, Mr. GOHMERT, Mr. MARCHANT, Mr. SMITH of Texas, Mr. CONAWAY, Mr. GENE GREEN of Texas, Mr. HALL of Texas, Ms. GRANGER, Mr. DOGGETT, Mr. SAM JOHNSON of Texas, Mr. EDWARDS, Mr. CARTER, Mr. ORTIZ, Mr. HENSARLING, Mr. BRADY of Texas, Mr.

CULBERSON, Mr. CUELLAR, Mr. REYES, Mr. LAMPSON, Mr. NEUGEBAUER, Mr. THORNBERRY, Mr. AL GREEN of Texas, Mr. PAUL, Mr. BURGESS, Mr. SESSIONS, Mr. BARTON of Texas, Mr. RODRIGUEZ, Ms. EDDIE BERNICE JOHNSON of Texas, and Ms. JACKSON-LEE of Texas):

H.R. 5517. A bill to designate the facility of the United States Postal Service located at 7231 FM 1960 in Humble, Texas, as the ''Texas Military Veterans Post Office''; to the Committee on Oversight and Government Reform.

By Mr. UDALL of New Mexico:

H.R. 5518. A bill to amend the Federal Meat Inspection Act and the Poultry Products Inspection Act to authorize the Secretary of Agriculture to order the recall of meat and poultry that is adulterated, misbranded, or otherwise unsafe; to the Committee on Agriculture.

By Mr. BLUMENAUER (for himself and Mr. OBERSTAR):

H. Con. Res. 305. Concurrent resolution recognizing the importance of bicycling in transportation and recreation; to the Committee on Transportation and Infrastructure.

By Mr. RAHALL (for himself and Mr. MOLLOHAN):

H. Res. 1006. A resolution supporting the goals and ideals of a National Miner's Day to celebrate and honor the contributions of miners and encouraging the people of the United States to participate in local and National activities celebrating and honoring the contributions of miners; to the Committee on Education and Labor.

By Mr. MANZULLO (for himself, Mrs. BIGGERT, Mr. SHIMKUS, Mr. DAVIS of Illinois, Mr. GUTIERREZ, Mr. ROSKAM, Ms. BEAN, Mr. RUSH, Mr. LIPINSKI, Mr. BRALEY of Iowa, Mr. EMANUEL, Ms. SCHAKOWSKY, Mr. KIRK, Mr. COSTELLO, Mr. JOHNSON of Illinois, Mr. HARE, Mr. LAMBORN, Mr. WELLER, Ms. MCCOLLUM of Minnesota, Mr. LAHOOD, Ms. SUTTON, Mr. JACKSON of Illinois, and Ms. HARMAN):

H. Res. 1007. A resolution expressing the condolences of the House to those affected by the devastating shooting incident of February 14, 2008, at Northern Illinois University in DeKalb, Illinois; to the Committee on Education and Labor.

By Mr. KIRK (for himself, Mr. ANDREWS, Mr. WILSON of South Carolina, Mr. WEXLER, Mr. WOLF, Mr. CANTOR, and Mr. MCNULTY):

H. Res. 1008. A resolution condemning the persecution of Baha'is in Iran; to the Committee on Foreign Affairs.

By Ms. GINNY BROWN-WAITE of Florida (for herself, Mr. REICHERT, Mr. ROGERS of Alabama, Mr. ETHERIDGE, Mr. RUPPERSBERGER, and Mr. KELLER):

H. Res. 1009. A resolution recognizing school resource officers and their crucial role in keeping America's students, teachers, and administrators safe; to the Committee on Education and Labor, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DONNELLY (for himself and Mr. FEENEY):

H. Res. 1010. A resolution recognizing the importance of manufactured housing in the United States; to the Committee on Financial Services.

By Mr. WOLF (for himself and Mr. PAYNE):

H. Res. 1011. A resolution calling on the United States Government and the international community to promptly develop, fund, and implement a comprehensive regional strategy to protect civilians, facilitate humanitarian operations, contain and reduce violence, and contribute to conditions for sustainable peace and good governance in Chad, as well as in the wider region that includes the northern region of the Central African Republic and the Darfur region of Sudan; to the Committee on Foreign Affairs.

¶22.26 MEMORIALS

Under clause 3 of rule XII:

239. The SPEAKER presented a memorial of the Senate of the State of Hawaii, relative to Senate Resolution No. 24 urging the President of the United States to agree to an economy-wide reduction in its greenhouse gas emissions and to commit the United States to a binding international treaty that would result in a significant and rapid global reduction in atmospheric greenhouse gas concentration; to the Committee on Foreign Affairs.

¶22.27 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 41: Mr. SALI.
H.R. 197: Mr. THORNBERRY.
H.R. 211: Mr. MOORE of Kansas.
H.R. 370: Mr. MCCOTTER.
H.R. 706: Ms. WATERS.
H.R. 1014: Mr. CALVERT, Mr. SPACE, and Mr. PASCRELL.
H.R. 1076: Mrs. DRAKE and Mr. GRAVES.
H.R. 1283: Mr. CULBERSON and Mr. HILL.
H.R. 1419: Mr. COHEN and Mr. BURGESS.
H.R. 1422: Mr. SHAYS.
H.R. 1436: Mr. HAYES.
H.R. 1439: Mrs. CHRISTENSEN.
H.R. 1552: Mr. SALI.
H.R. 1554: Mr. SHUSTER.
H.R. 1584: Mr. PETRI and Mr. BUTTERFIELD.
H.R. 1589: Mr. ROHRABACHER.
H.R. 1610: Mr. HASTINGS of Florida, Ms. GIFFORDS, Mr. SALI, and Mr. TOM DAVIS of Virginia.
H.R. 1629: Mr. WALBERG, Mr. MCCOTTER, and Mr. TIM MURPHY of Pennsylvania.
H.R. 1761: Ms. GRANGER.
H.R. 1767: Mr. PLATTS, Mr. SMITH of Nebraska, Mr. BOSWELL, Mr. ROGERS of Alabama, Mr. WESTMORELAND, Mr. CONAWAY, and Mr. BOOZMAN.
H.R. 1820: Mr. CROWLEY, Mr. DOYLE, Mr. EMANUEL, Mr. BERMAN, Mr. BRADY of Pennsylvania, Mr. FRANK of Massachusetts, and Ms. NORTON.
H.R. 1845: Mrs. MYRICK and Mr. HAYES.
H.R. 1850: Mr. RANGEL.
H.R. 1954: Mr. MATHESON.
H.R. 2040: Mr. BOUCHER, Ms. GIFFORDS, Ms. SLAUGHTER, Mr. STUPAK, Mr. KLEIN of Florida, Mr. MCINTYRE, Mr. HOYER, and Mr. JACKSON of Illinois.
H.R. 2060: Mr. EHLERS.
H.R. 2221: Ms. RICHARDSON.
H.R. 2303: Mr. ETHERIDGE, Mrs. BONO MACK, and Mr. COBLE.
H.R. 2370: Mr. BARROW and Mrs. TAUSCHER.
H.R. 2549: Mr. KLEIN of Florida.
H.R. 2577: Ms. GRANGER.
H.R. 2588: Mr. FEENEY.
H.R. 2593: Mr. MCDERMOTT.
H.R. 2677: Mr. BOUCHER.
H.R. 2991: Mr. LAMPSON, Mr. GUTIERREZ, and Mr. MEEKS of New York.
H.R. 3453: Mr. RYAN of Ohio.
H.R. 3457: Mr. GORDON.
H.R. 3563: Mr. GORDON and Mr. ALLEN.
H.R. 3609: Mr. BERMAN, Ms. CORRINE BROWN of Florida, and Ms. SCHWARTZ.
H.R. 3646: Mrs. BONO MACK and Mr. POE.
H.R. 3652: Mr. BRADY of Pennsylvania.
H.R. 3713: Mr. WEXLER.
H.R. 3799: Mr. RUSH and Mr. FILNER.
H.R. 3817: Mr. KAGEN.
H.R. 4088: Mr. TIM MURPHY of Pennsylvania.
H.R. 4105: Mr. WILSON of Ohio.
H.R. 4236: Mr. DONNELLY and Mr. LOEBSACK.
H.R. 4248: Mr. SESTAK, Mr. GERLACH, Mr. HILL, Mr. BRADY of Pennsylvania, and Mr. PLATTS.
H.R. 4251: Ms. JACKSON-LEE of Texas.
H.R. 4264: Ms. CASTOR.
H.R. 4296: Mr. EMANUEL and Mr. GENE GREEN of Texas.
H.R. 4541: Mr. WAMP.
H.R. 4688: Mr. ELLISON and Mr. UDALL of Colorado.
H.R. 4838: Mr. VAN HOLLEN.
H.R. 4897: Mr. PAYNE, Mr. DAVIS of Illinois, and Mr. COHEN.
H.R. 5036: Mr. MATHESON, Mr. JOHNSON of Georgia, and Ms. MATSUI.
H.R. 5086: Mr. GONZALEZ.
H.R. 5110: Mr. ETHERIDGE and Mr. LOEBSACK.
H.R. 5148: Mr. WELDON of Florida, Mr. ENGLISH of Pennsylvania, Mr. MILLER of North Carolina, Mr. MILLER of Florida, Mr. POE, Mr. BARRETT of South Carolina, and Mr. VAN HOLLEN.
H.R. 5222: Mr. LATHAM, Mr. SALI, Mr. PLATTS, Mr. GOODE, Mr. CHABOT, Mr. BARRETT of South Carolina, and Mr. LUCAS.
H.R. 5223: Mr. KAGEN, Mr. SESTAK, Mr. CARNAHAN, and Mr. BOUCHER.
H.R. 5440: Mr. SIMPSON, Mr. KLINE of Minnesota, Mr. FORBES, Mr. FRANKS of Arizona, Mr. ROGERS of Kentucky, and Mr. YOUNG of Florida.
H.R. 5443: Mr. BRADY of Pennsylvania and Mr. BURTON of Indiana.
H.R. 5454: Mr. DELAHUNT, Mr. ROHRABACHER, Mr. YOUNG of Alaska, and Mr. SOUDER.
H.R. 5475: Mr. FARR.
H.R. 5506: Mr. LOBIONDO.
H. Con. Res. 40: Mr. WITTMAN of Virginia.
H. Con. Res. 138: Mr. CLAY.
H. Con. Res. 241: Mr. CLAY.
H. Con. Res. 302: Mr. ALLEN and Mr. BISHOP of Georgia.
H. Res. 18: Mr. ROGERS of Alabama.
H. Res. 105: Mrs. EMERSON and Mr. KIRK.
H. Res. 146: Mr. HIGGINS.
H. Res. 265: Mr. ABERCROMBIE and Mrs. BOYDA of Kansas.
H. Res. 353: Mr. GORDON and Mr. ALLEN.
H. Res. 356: Mr. NEAL of Massachusetts and Mr. PORTER.
H. Res. 543: Mr. STARK.
H. Res. 821: Mrs. MILLER of Michigan.
H. Res. 896: Mr. LEWIS of California and Mr. GRIJALVA.
H. Res. 958: Mr. DAVID DAVIS of Tennessee and Mr. MCCAUL of Texas.
H. Res. 965: Mr. LATTA, Mr. BLUNT, Mr. PLATTS, Mr. MACK, Mr. LINDER, Mr. BURTON of Indiana, Mr. PENCE, and Mr. POE.
H. Res. 968: Mr. CARNAHAN.
H. Res. 973: Mr. FRANK of Massachusetts, Mr. KANJORSKI, Ms. WATERS, Mrs. MALONEY of New York, Mr. GUTIERREZ, Mr. WATT, Mr. CAPUANO, Ms. BEAN, Mr. CLAY, Mr. GONZALEZ, Mr. AL GREEN of Texas, Mr. GRIJALVA, Mr. HODES, Mr. HOLT, Mr. LYNCH, Mrs. MCCARTHY of New York, Mr. MITCHELL, Mr. MOORE of Kansas, Ms. MOORE of Wisconsin, Mr. OLVER, Mr. ORTIZ, Mr. BECERRA, Mr. SHAYS, Mr. SIRES, Ms. SUTTON, and Mrs. JONES of Ohio.
H. Res. 981: Mr. KAGEN, Mr. STARK, Mr. WAXMAN, Ms. NORTON, Ms. MOORE of Wisconsin, Mrs. CHRISTENSEN, Ms. KILPATRICK, Mr. BARROW, Ms. DELAURO, Mr. MEEK of Florida, Mrs. MALONEY of New York, and Mr. WU.
H. Res. 995: Mr. MEEK of Florida, Ms. CASTOR, Mr. MCHENRY, Mr. BILIRAKIS, Ms. GINNY BROWN-WAITE of Florida, Mr. ALEXANDER, Mr. ANDREWS, Mr. GINGREY, Mr. SALI, and Mr. WELLER.

MONDAY, MARCH 3, 2008 (23)

¶23.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Ms. HOOLEY, who laid before the House the following communication:

WASHINGTON, DC,
March 3, 2008.

I hereby appoint the Honorable DARLENE HOOLEY to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

¶23.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Ms. HOOLEY, announced she had examined and approved the Journal of the proceedings of Thursday, February 28, 2008.

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

¶23.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

5569. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Mexican Fruit Fly; Removal of Quarantined Area [Docket No. APHIS-2007-0129] received January 31, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5570. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Change in Disease Status of Surrey County, England, Because of Foot-and-Mouth Disease [Docket No. APHIS-2007-0124] received January 31, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5571. A letter from the Assistant Secretary, Office of Legislative Affairs, Department of Homeland Security, transmitting the Department's report on the Critical Skills Retention Bonus (CSRB) program for FY 2007, pursuant to 37 U.S.C. 323 (h) Public Law 106-398, section 633 (a); to the Committee on Armed Services.

5572. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General Daniel P. Leaf, United States Air Force, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

5573. A letter from the Chairman, Board of Governors of the Federal Reserve System, transmitting the Board's semiannual Monetary Policy Report pursuant to Pub. L. 106-569; to the Committee on Financial Services.

5574. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations — received January 21, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5575. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Suspension of Community Eligibility [Docket No. FEMA-8007] received January 31, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5576. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations [Docket No. FEMA-B-7754] received January 31, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5577. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations — received January 31, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5578. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations — received January 31, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5579. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Suspension of Community Eligibility [Docket No. FEMA-8009] received February 14, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5580. A letter from the Assistant General Counsel for Regulatory Services, Department of Education, transmitting the Department's final rule — National Institute on Disability and Rehabilitation Research-Disability and Rehabilitation Research Projects and Centers Program-Disability Rehabilitation Research Projects (DRRPs), Rehabilitation Research and Training Centers (RRTCs), and Rehabilitation Engineering Research Centers (RERCs) — received February 5, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

5581. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's Third Annual Report to Congress on Testing for Rapid Detection of Adulteration of Food; to the Committee on Energy and Commerce.

5582. A letter from the Director, Bureau of Economic Analysis, Department of Commerce, transmitting the Department's final rule — Direct Investment Surveys: BE-12, 2007 Benchmark Survey of Foreign Direct Investment in the United States [Docket No. 070301044-7814-02] (RIN: 0691-AA64) received January 31, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

5583. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's Memorandum of Justification for determination on the Major Methamphetamine Precusor Chemical Exporting and Importing Countries, pursuant to Section 490(b)(1)(A) of the Foreign Assistance Act; to the Committee on Foreign Affairs.

5584. A letter from the Chairman, Federal Deposit Insurance Corporation, transmitting the Corporation's 2008 Annual Performance Plan, in accordance with the Government Performance and Results Act of 1993; to the Committee on Oversight and Government Reform.

5585. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule — Prevailing Rate Systems; Abolishment of Rock Island, Illinois, as a Nonappropriated Fund Federal Wage System Wage Area (RIN: 3206-AL44) received February 14, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

5586. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule — Prevailing Rate Systems; Definition of the Municipality of Bayamon, Puerto Rico, to a Nonappropriated Fund Federal Wage System Wage Area (RIN: 3206-AL43) received February 14, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

5587. A letter from the Director, U.S. Office of Personnel Management, Office of Personnel Management, transmitting the Office's final rule — SOLICITATION OF FEDERAL CIVILIAN AND UNIFORMED SERVICE PERSONNEL FOR CONTRIBUTIONS TO PRIVATE VOLUNTARY ORGANIZATIONS — Eligibility and Public Accountability Standards (RIN: 3206-AL47) received February 14, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

5588. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Inseason Adjustment to the 2008 Bering Sea Pollock Total Allowable Catch Amount [Docket No. 070213033-7033-01] (RIN: 0648-XE78) received January 31, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5589. A letter from the Secretary, Department of Transportation, transmitting the Department's report on obligations and unobligated balances of funds provided for Federal-aid highways and highway safety construction programs for Fiscal Year 2005, pursuant to 23 U.S.C. 104(j); to the Committee on Transportation and Infrastructure.

5590. A letter from the Trial Attorney, Department of Transportation, transmitting the Department's final rule — Passenger Train Emergency Systems; Emergency Communication, Emergency Egress, and Rescue Access [Docket No. FRA-2006-25273, Notice No. 2] (RIN: 2130-AB72) received February 20, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5591. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Event Data Recorders [Docket No. NHTSA-2008-0004] received February 20, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5592. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Confidential Business Information [Docket No. NHTSA-06-26140; Notice 2] (RIN: 2127-AJ95) received February 20, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5593. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Federal Motor Vehicle Safety Standards; Occupant Crash Protection; Fuel System Integrity [Docket No. NHTSA 2007-0010] (RIN: 2127-AK03) received February 20, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5594. A communication from the President of the United States, transmitting an Agreement between the United States of America and Denmark on Social Security, with a principal agreement and an administrative arrangement, both signed at Copenhagen on June 13, 2007, pursuant to 42 U.S.C. 433(e)(1); (H. Doc. No. 110-97); to the Committee on Ways and Means and ordered to be printed.

5595. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — 2008 Economic Stimulus Payments: Filing Instructions for Certain Individuals Not Otherwise Required to File and Income Tax Return [Notice 2008-28] received February 26, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5596. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — 2008 Calendar Year Resident Population Estimates [Notice 2008-22] received February 26, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5597. A letter from the Chief, Publications and Regulations, Internal Revenue Service,

transmitting the Service's final rule — Section 162(m)-Excessive Compensation (Rev. Rul. 2008-13) received February 26, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5598. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Voluntary Closing Agreement Program For Tax-Exempt Bonds and Tax Credit Bonds [Notice 2008-31] received February 27, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5599. A letter from the Social Security Regulations Officer, Social Security Administration, transmitting the Administration's final rule — Suspension of New Claims to the Federal Reviewing Official Review Level [Docket No. SSA-2007-0045] (RIN: 0960-AG53) received January 31, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5600. A letter from the Secretary, Department of Energy, transmitting the Department's report on Ultra-Deepwater and Unconventional Natural Gas and Other Petroleum Resources Research Program, pursuant to Public Law 109-58, section 999B; jointly to the Committees on Science and Technology and Natural Resources.

5601. A letter from the Secretary, Department of Commerce, transmitting the Department's report prepared by the Bureau of Economic Analysis pursuant to Section 8001 of the America Competes Act; jointly to the Committees on Science and Technology, Education and Labor, Foreign Affairs, and Ways and Means.

¶23.4 COMMUNICATION FROM THE CLERK—MESSAGE FROM THE SENATE

The SPEAKER pro tempore, Ms. HOOLEY, laid before the House a communication, which was read as follows:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, February 28, 2008.

Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on February 28, 2008, at 3:17 p.m. and 5:32 p.m., respectively:

That the Senate passed without amendment H.R. 5264.

That the Senate passed without amendment H.R. 5478.

With best wishes, I am,

Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

¶23.5 ENROLLED BILLS SIGNED

The SPEAKER pro tempore, Ms. HOOLEY, announced that pursuant to clause 4, rule I, the Speaker signed the following enrolled bills on Thursday, February 28, 2008:

H.R. 5264. An Act to extend the Andean Trade Preference Act, and for other purposes.

H.R. 5478. An Act to provide for the continued minting and issuance of certain $1 coins in 2008.

¶23.6 COMMUNICATION FROM THE CLERK—MESSAGE FROM THE SENATE

The SPEAKER pro tempore, Ms. HOOLEY, laid before the House a communication, which was read as follows:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, February 29, 2008.

Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on February 29, 2008, at 11:30 a.m.:

That the Senate passed S. 2146.

That the Senate passed S. 996.

Appointments:

National Security Working Group

National Commission on Children and Disasters

National Historic Publications and Records Commission

With best wishes, I am,

Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

¶23.7 COMMUNICATION FROM THE CLERK—MESSAGE FROM THE PRESIDENT

The SPEAKER pro tempore, Ms. HOOLEY, laid before the House a communication, which was read as follows:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, February 28, 2008.

Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on February 28, 2008, at 3:49 p.m. and said to contain a message from the President whereby he submits an agreement with the Kingdom of Denmark concerning Social Security.

With best wishes, I am,

Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

¶23.8 KINGDOM OF DENMARK SOCIAL SECURITY AGREEMENT

The Clerk then read the message from the President, as follows:

To the Congress of the United States:

Pursuant to section 233(e)(1) of the Social Security Act, as amended by the Social Security Amendments of 1977 (Public Law 95–216, 42 U.S.C. 433(e)(1)), I transmit herewith the Agreement Between the United States of America and the Kingdom of Denmark on Social Security, which consists of two separate instruments: a principal agreement and an administrative arrangement. The agreement was signed at Copenhagen on June 13, 2007.

The United States-Denmark Agreement is similar in objective to the social security agreements already in force with Australia, Austria, Belgium, Canada, Chile, Finland, France, Germany, Greece, Ireland, Italy, Japan, Korea, Luxembourg, the Netherlands, Norway, Portugal, Spain, Sweden, Switzerland, and the United Kingdom. Such bilateral agreements provide for limited coordination between the United States and foreign social security systems to eliminate dual social security coverage and taxation, and to help prevent the loss of benefit protection that can occur when workers divide their careers between two countries. The United States-Denmark Agreement contains all provisions mandated by section 233 and other provisions that I deem appropriate to carry out the purposes of section 233, pursuant to section 233(c)(4).

I also transmit for the information of the Congress a report prepared by the Social Security Administration explaining the key points of the Agreement, along with a paragraph-by-paragraph explanation of the provisions of the principal agreement and the related administrative arrangement. Attached to this report is the report required by section 233(e)(1) of the Social Security Act, which describes the effect of the Agreement on income and expenditures of the U.S. Social Security program and the number of individuals affected by the Agreement.

I commend to the Congress the United States-Denmark Social Security Agreement and related documents.

GEORGE W. BUSH.

THE WHITE HOUSE, *February 28, 2008.*

By unanimous consent, the message, together with the accompanying papers, was referred to the Committee on Ways and Means and ordered to be printed (H. Doc. 110–97).

¶23.9 SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 996. An Act to amend title 49, United States Code, to expand passenger facility fee eligibility for certain noise compatibility projects; to the Committee on Transportation and Infrastructure.

S. 2146. An Act to authorize the Administrator of the Environmental Protection Agency to accept, as part of a settlement, diesel emission reduction Supplemental Environmental Projects, and for other purposes; to the Committee on Energy and Commerce.

¶23.10 SENATE ENROLLED BILLS SIGNED

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

S. 2272. An Act to designate the facility of the United States Postal Service known as the Southpark Station in Alexandria, Louisiana, as the John ''Marty'' Thiels Southpark Station, in honor and memory of Thiels, a Louisiana postal worker who was killed in the line of duty on October 4, 2007.

S. 2478. An Act to designate the facility of the United States Postal Service located at 59 Colby Corner in East Hampstead, New Hampshire, as the ''Captain Jonathan D. Grassbaugh Post Office''.

¶23.11 BILLS PRESENTED TO THE PRESIDENT

Lorraine C. Miller, Clerk of the House, reported that on February 28, 2008 she presented to the President of the United States, for his approval, the following bills.

H.R. 5264. An Act to extend the Andean Trade Preference Act, and for other purposes.

H.R. 5478. An Act to provide for the continued minting and issuance of certain $1 coins in 2008.

Lorraine C. Miller, Clerk of the House, reports that on February 29, 2008 she presented to the President of the United States, for his approval, the following bill.

H.R. 2082. An Act to authorize appropriations for fiscal year 2008 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

And then,

¶23.12 ADJOURNMENT

On motion of the SPEAKER pro tempore, Ms. HOOLEY, by unanimous consent and pursuant to the special order of the House agreed to on Thursday, February 28, 2008, at 2 o'clock and 8 minutes p.m., declared the House adjourned until 12:30 p.m. on Tuesday, March 4, 2008.

¶23.13 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

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

Mr. BRADY of Pennsylvania: Committee on House Administration. H.R. 5159. A bill to establish the Office of the Capitol Visitor Center within the Office of the Architect of the Capitol, headed by the Chief Executive Officer for Visitor Services, to provide for the effective management and administration of the Capitol Visitor Center, and for other purposes; with an amendment (Rept. 110–535). Referred to the Committee of the Whole House on the state of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 1922. A bill to designate the Jupiter Inlet Lighthouse and the surrounding Federal land in the State of Florida as an Outstanding Natural Area and as a unit of the National Landscape System, and for other purposes; with amendments (Rept. 110–536 Pt. 1). Ordered to be printed.

¶23.14 TIME LIMITATION OF REFERRED BILL

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

[The following action occurred on February 29, 2008]

H.R. 135. Referral to the Committee on Transportation and Infrastructure extended for a period ending not later than April 30, 2008.

¶23.15 COMMITTEE DISCHARGED

Pursuant to clause 2 of rule XXI, the Committee on Transportation and Infrastructure discharged from further consideration. H.R. 1922 referred to the Committee of the Whole House on the state of the Union.

¶23.16 PUBLIC BILLS AND RESOLUTIONS

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

By Mr. KANJORSKI (for himself and Mr. ROYCE):

H.R. 5519. A bill to advance credit union efforts to promote economic growth, modify credit union regulatory standards and reduce burdens, and for other purposes; to the Committee on Financial Services.

By Mr. COHEN:

H.R. 5520. A bill to extend the temporary suspension of duty on ceiling fans for permanent installation; to the Committee on Ways and Means.

By Mr. KAGEN:

H.R. 5521. A bill to authorize the Lac du Flambeau Band of Lake Superior Chippewa Indians of Wisconsin to convey land and interests in land owned by the Tribe; to the Committee on Natural Resources.

By Mr. HULSHOF (for himself, Mr. SKELTON, Mr. GRAVES, Mr. AKIN, Mr. CARNAHAN, Mr. CLEAVER, Mr. CLAY, and Mrs. EMERSON):

H. Res. 1012. A resolution honoring the historical significance of and reaffirming continued Congressional support for commercial navigation on the Missouri River; to the Committee on Transportation and Infrastructure.

¶23.17 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 169: Mr. MICHAUD.

H.R. 211: Mr. LOBIONDO and Ms. NORTON.

H.R. 368: Mr. BUTTERFIELD and Mr. DAVIS of Illinois.

H.R. 406: Mr. CARDOZA, Mr. FRANK of Massachusetts, Mr. BECERRA, Mr. SALAZAR, Ms. SOLIS, Ms. ROS-LEHTINEN, Mr. LINCOLN DIAZ-BALART of Florida, Mr. MARIO DIAZ-BALART of Florida, Mr. CALVERT, Ms. VELÁZQUEZ, Mr. RODRIGUEZ, and Ms. ROYBAL-ALLARD.

H.R. 503: Mr. BURGESS.

H.R. 552: Mr. HILL, Mr. THOMPSON of Mississippi, Mr. WALBERG, Mr. LARSON of Connecticut, and Mr. GRIJALVA.

H.R. 1069: Mr. MILLER of North Carolina.

H.R. 1070: Mr. WEINER.

H.R. 1147: Mr. VAN HOLLEN.

H.R. 1174: Mr. FRELINGHUYSEN.

H.R. 1295: Mrs. BACHMANN.

H.R. 1422: Mr. ROTHMAN.

H.R. 1532: Mr. CARNEY and Ms. SLAUGHTER.

H.R. 1539: Mr. LAMBORN.

H.R. 1553: Mr. FRELINGHUYSEN and Mr. INSLEE.

H.R. 1621: Mr. KUHL of New York.

H.R. 1650: Mr. ELLISON.

H.R. 1930: Mr. FEENEY.

H.R. 2091: Mr. WILSON of Ohio and Mr. VAN HOLLEN.

H.R. 2188: Mr. SESTAK and Mr. FATTAH.

H.R. 2189: Mr. OBERSTAR.

H.R. 2234: Mr. JOHNSON of Georgia.

H.R. 2266: Mr. PATRICK MURPHY of Pennsylvania.

H.R. 2405: Mr. WEINER, Mr. MEEKS of New York, and Mr. MCCOTTER.

H.R. 2676: Mr. GENE GREEN of Texas.

H.R. 3014: Mr. BOUCHER and Mr. FRANK of Massachusetts.

H.R. 3175: Mr. MCDERMOTT and Mrs. MALONEY of New York.

H.R. 3544: Mr. SHAYS.

H.R. 3646: Mr. CARNAHAN and Mrs. NAPOLITANO.

H.R. 3650: Mr. COSTA, Mr. PORTER, Mr. CANTOR, and Mr. ENGLISH of Pennsylvania.

H.R. 3750: Mr. KAGEN.

H.R. 3819: Mr. FORTENBERRY.

H.R. 3834: Mr. STARK, Mr. CUMMINGS, Mr. JEFFERSON, Ms. SCHAKOWSKY, Mrs. CUBIN, and Mr. FORTUÑO.

H.R. 3842: Ms. ROYBAL-ALLARD.

H.R. 3896: Mr. HINCHEY.

H.R. 3934: Mr. CAMP of Michigan, Mr. RYAN of Wisconsin, and Mr. KLEIN of Florida.

H.R. 3980: Ms. ROYBAL-ALLARD.

H.R. 4054: Mr. SARBANES.

H.R. 4129: Mr. GRIJALVA.

H.R. 4135: Mrs. NAPOLITANO and Mr. PASTOR.

H.R. 4202: Ms. HERSETH SANDLIN.

H.R. 4206: Mr. FRANK of Massachusetts and Mr. BOSWELL.

H.R. 4207: Ms. MATSUI.

H.R. 4318: Mr. HERGER.

H.R. 4450: Mr. GRIJALVA.

H.R. 4460: Mr. WALBERG.

H.R. 4545: Mr. JOHNSON of Georgia.

H.R. 4790: Ms. LEE.

H.R. 4900: Mr. POE, Mr. BLUNT, Mr. ENGLISH of Pennsylvania, Mr. MILLER of Florida, Mr. MACK, Mr. CARNEY, Mr. GINGREY, and Mr. SIMPSON.

H.R. 4959: Ms. SUTTON.

H.R. 5069: Ms. LINDA T. SÁNCHEZ of California.

H.R. 5109: Mr. KINGSTON and Mr. HOEKSTRA.

H.R. 5157: Ms. DELAURO and Mr. SERRANO.

H.R. 5173: Mr. GRIJALVA, Mr. SCOTT of Virginia, Ms. TSONGAS, Ms. CLARKE, Mrs. JONES of Ohio, Ms. KILPATRICK, Ms. MOORE of Wisconsin, and Mr. WATT.

H.R. 5176: Mr. PAYNE.

H.R. 5236: Mrs. MUSGRAVE and Mr. FRANK of Massachusetts.

H.R. 5445: Mr. WALBERG, Mr. WELDON of Florida, and Mr. PAUL.

H.R. 5447: Mr. DAVIS of Illinois, Ms. SHEA-PORTER, Ms. CORRINE BROWN of Florida, Mr. RUSH, and Mr. MOORE of Kansas.

H.R. 5472: Mr. LEWIS of Georgia, Mr. BERMAN, Ms. WATSON, Mr. HASTINGS of Florida, Mr. WU, Mr. WILSON of Ohio, Mr. BACA, Mr. ENGEL, Ms. SUTTON, Mr. DELAHUNT, Ms. SCHAKOWSKY, Ms. WASSERMAN SCHULTZ, Mr. SKELTON, Mr. CLEAVER, Mr. SERRANO, Mr. SNYDER, and Mr. CARDOZA.

H.J. Res. 22: Mr. FEENEY.

H. Con. Res. 75: Mr. FARR.

H. Con. Res. 244: Mr. EHLERS, Mr. MEEKS of New York, Ms. PRYCE of Ohio, Mr. WELLER, Mrs. WILSON of New Mexico, Mr. DAVIS of Illinois, Mr. BUTTERFIELD, Mr. BRADY of Texas, Mr. PLATTS, Mr. BLUMENAUER, Mr. LATTA, Mr. TERRY, and Ms. FALLIN.

H. Res. 102: Mr. SARBANES.

H. Res. 123: Mrs. MCCARTHY of New York.

H. Res. 447: Mr. PERLMUTTER.

H. Res. 457: Ms. ROS-LEHTINEN.

H. Res. 672: Mr. STARK.

H. Res. 795: Ms. JACKSON-LEE of Texas, Ms. SUTTON, and Mr. SESTAK.

H. Res. 821: Mr. YOUNG of Alaska.

H. Res. 896: Ms. WATSON, Mr. CARDOZA, Mr. MEEK of Florida, Ms. BALDWIN, and Ms. SOLIS.

H. Res. 924: Mr. BARROW.

H. Res. 935: Mr. MORAN of Virginia and Ms. MATSUI.

H. Res. 936: Mr. MORAN of Virginia and Ms. MATSUI.

H. Res. 939: Mr. SAXTON.

H. Res. 951: Mr. CASTLE, Mr. BILBRAY, Mr. TIM MURPHY of Pennsylvania, Mr. ROGERS of Alabama, Mr. DUNCAN, Mr. RADANOVICH, Mr. ISRAEL, Mrs. CAPITO, Mr. MELANCON, Mr. CAMPBELL of California, Mr. MANZULLO, Mrs. BIGGERT, Mr. CAMP of Michigan, Mr. LARSEN of Washington, Mr. KLEIN of Florida, and Mr. YOUNG of Alaska.

H. Res. 962: Mr. CLAY, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. BUTTERFIELD, Mr. COHEN, Ms. NORTON, Mr. JEFFERSON, Ms. CORRINE BROWN of Florida, and Mr. PAYNE.

H. Res. 987: Mr. MARKEY, Mr. PALLONE, Ms. HIRONO, Mr. SPACE, Mr. MCNERNEY, Mr. OLVER, Mr. HALL of New York, Mrs. CAPPS, Mr. KIND, Mr. SALAZAR, Mr. DEFAZIO, Mrs. TAUSCHER, Mrs. DAVIS of California, Mr. MOORE of Kansas, Mr. WATT, Mr. MORAN of Virginia, Mr. HALL of Texas, Ms. HERSETH SANDLIN, Mr. GRIJALVA, and Mr. BARTLETT of Maryland.

H. Res. 1002: Mr. DOGGETT.

H. Res. 1007: Ms. WASSERMAN SCHULTZ, Mr. PETERSON of Minnesota, Mr. HOEKSTRA, Mr. HELLER, Mr. BURTON of Indiana, and Mr. POE.

TUESDAY, MARCH 4, 2008 (24)

¶24.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order at 12:30 p.m. by the SPEAKER pro tempore, Ms. ROYBAL-ALLARD, who laid before the House the following communication:

WASHINGTON, DC
March 4, 2008.

I hereby appoint the Honorable LUCILLE ROYBAL-ALLARD to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

Whereupon, pursuant to the order of the House of January 4, 2007, Members were recognized for morning-hour debate.

¶24.2 RECESS—12:40 P.M.

The SPEAKER pro tempore, Ms. ROYBAL-ALLARD, pursuant to clause 12(a) of rule I, declared the House in recess at 12 o'clock and 40 minutes p.m., until 2 p.m.

¶24.3 AFTER RECESS—2 P.M.

The SPEAKER pro tempore, Ms. MATSUI, called the House to order.

¶24.4 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Ms. MATSUI, announced she had examined and approved the Journal of the proceedings of Monday, March 3, 2008.

Mr. BISHOP of Utah, pursuant to clause 1, rule I, demanded a vote on agreeing to the Chair's approval of the Journal.

The question being put, viva voce,

Will the House agree to the Chair's approval of said Journal?

The SPEAKER pro tempore, Ms. MATSUI, announced that the yeas had it.

Mr. BISHOP of Utah, objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Ms. MATSUI, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

The point of no quorum was considered as withdrawn.

¶24.5 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

5602. A letter from the Chief, Policy Division, PSHSB, Federal Communications Commission, transmitting the Commission's final rule — In the Matter of Wireless E911 Location Accuracy Requirements Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems Association of Public-Safety Communications Officials-International, Inc. Request for Declaratory Ruling 911 Requirements for IP-Enabled Service Providers [PS Docket No. 07-114 CC Docket No. 94-102 WC Docket No. 05-196] received February 5, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5603. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-292, ''Commission on Fashion Arts and Events Establishment Act of 2008,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

5604. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-313, ''Emergency Medical Services Improvement Amendment Act of 2008,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

5605. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-312, ''Evictions with Dignity Amendment Act of 2008,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

5606. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-293, ''Park East Assistance Act of 2008,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

5607. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-294, ''Choice in Drug Treatment Temporary Amendment Act of 2008,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

5608. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-310, ''New Convention Center Hotel Omnibus Financing and Development Amendment Act of 2008,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

5609. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-295, ''Burned Fire Fighter Relief Temporary Amendment Act of 2008,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

5610. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-311, ''Uniform Anatomical Gift Revision Act of 2008,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

5611. A letter from the Deputy Assistant Administrator For Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery and Shrimp Fishery of the Gulf of Mexico; Amendment 27/14 [Docket No. 0612243157-7799-07] (RIN: 0648-AT87) received February 14, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5612. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's final rule — Chafee National Youth in Transition Database (RIN: 0970-AC21) received February 26, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5613. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — 26 CFR 1.1361: Special Rule for Bank Required to Change from the Reserve Method of Accounting on Becoming an S Corporation (Rev. Proc. 2008-18) received February 26, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

¶24.6 COMMUNICATION FROM THE CLERK—MESSAGE FROM THE PRESIDENT

The SPEAKER pro tempore, Mr. BLUMENAUER, laid before the House a communication, which was read as follows:

HOUSE OF REPRESENTATIVES,
Washington, DC, March 3, 2008.

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

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on March 3, 2008, at 2:32 p.m. and said to contain a message from the President whereby he submits the 2008 National Drug Control Strategy.

With best wishes, I am
Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

¶24.7 NATIONAL DRUG CONTROL STRATEGY

The Clerk then read the message from the President, as follows:

To the Congress of the United States:

I am pleased to transmit the 2008 National Drug Control Strategy, consistent with the provisions of section 201 of the Office of National Drug Control Policy Reauthorization Act of 2006.

My Administration published its first National Drug Control Strategy in 2002, inspired by a great moral imperative: we must reduce illegal drug use because, over time, drugs rob men, women, and children of their dignity and of their character. Thanks to bipartisan support in the Congress; the work of Federal, State, local, and tribal officials; and the efforts of ordinary citizens, 6 years later fewer Americans know the sorrow of addiction.

We have learned much about the nature of drug use and drug markets, and have demonstrated what can be achieved with a balanced strategy that puts resources where they are needed most. Prevention programs are reaching Americans in their communities, schools, workplaces, and through the media, contributing to a 24 percent decline in youth drug use since 2001. Today, approximately 860,000 fewer young people are using drugs than in 2001. We have expanded access to treatment in public health settings, the criminal justice system, and in sectors of society where resources are limited. The Access to Recovery program alone has extended treatment services to an additional 190,000 Americans, exceeding its 3-year goal by over 50 percent. We have seized unprecedented amounts of illegal drugs and have denied drug traffickers and terrorists the profits they need to conduct their deadly work. During the first three quarters of 2007 we saw significant disruptions in the cocaine and methamphetamine markets, with prices rising by 44 percent and 73 percent, and purities falling by 15 percent and 31 percent, respectively.

These results do not mean that our work is done. Rather, they provide a charter for future efforts. By pursuing a balanced strategy that addresses the epidemiology of drug use and the economics of drug availability, we can further reduce drug use in America.

I thank the Congress for its support and ask that it continue this noble work on behalf of the American people.

GEORGE W. BUSH.

THE WHITE HOUSE, *March 3, 2008*.

By unanimous consent, the message, together with the accompanying papers, was referred to the Committee on Armed Services, the Committee on Education and Labor, the Committee on Energy and Commerce, the Committee on Foreign Affairs, the Committee on Homeland Security, the Committee on the Judiciary, the Committee on Natural Resources, the Committee on Oversight and Government Reform, the Committee on Small Business, the Committee on Transportation and Infrastructure, the Committee on Veterans Affairs, and the Committee on Ways and Means, and ordered to be printed (H. Doc. 110–98).

¶24.8 VIRGIN ISLANDS NATIONAL PARK

Mr. RAHALL moved to suspend the rules and pass the bill (H.R. 1143) to authorize the Secretary of the Interior to lease certain lands in Virgin Islands National Park, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. BLUMENAUER, recognized Mr. RAHALL and Mr. BISHOP of Utah, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. BLUMENAUER, announced that two-thirds of the Members present had voted in the affirmative.

Mr. BISHOP of Utah, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. BLUMENAUER, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶24.9 NEVADA CANCER INSTITUTE EXPANSION

Mr. RAHALL moved to suspend the rules and pass the bill (H.R. 1311) to direct the Secretary of the Interior to convey the Alta-Hualapai Site to the city of Las Vegas, Nevada, for the development of a cancer treatment facility; as amended.

The SPEAKER pro tempore, Mr. BLUMENAUER, recognized Mr. RAHALL and Mr. BISHOP of Utah, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. BLUMENAUER, announced that two-thirds of the Members present had voted in the affirmative.

Mr. BISHOP of Utah, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. BLUMENAUER, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶24.10 PORT CHICAGO NAVAL MAGAZINE NATIONAL MEMORIAL

Mr. RAHALL moved to suspend the rules and pass the bill (H.R. 3111) to provide for the administration of Port Chicago Naval Magazine National Memorial as a unit of the National Park System, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. BLUMENAUER, recognized Mr. RAHALL and Mr. BISHOP of Utah, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. BLUMENAUER, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶24.11 NEW RIVER GORGE NATIONAL RIVER

Mr. RAHALL moved to suspend the rules and pass the bill (H.R. 5137) to ensure that hunting remains a purpose of the New River Gorge National River.

The SPEAKER pro tempore, Mr. BLUMENAUER, recognized Mr. RAHALL and Mr. BISHOP of Utah, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. BLUMENAUER, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶24.12 EVERGLADES NATIONAL PARK

Mr. RAHALL moved to suspend the rules and agree to the resolution (H. Res. 845); as amended:

Whereas Everglades National Park celebrated its 60th anniversary on December 6, 2007;

Whereas when President Harry S. Truman dedicated Everglades National Park on December 6, 1947, he stated: ''Here is land, tranquil in its quiet beauty, serving not as the source of water, but as the last receiver of it. To its natural abundance we owe the spectacular plant and animal life that distinguishes this place from all others in our country'';

Whereas Marjory Stoneman Douglas gave the Everglades the name ''River of Grass'' stating, ''There are no other Everglades in the world'';

Whereas Everglades National Park has been designated an International Biosphere Reserve, a World Heritage Site, and a Wetland of International Importance, in recognition of its significance to all the people of the world;

Whereas the Everglades ecosystem encompasses 3,000,000 acres of wetlands and is the largest subtropical wilderness in the United States featuring slow-moving freshwater that flows south from Lake Okeechobee through sawgrass and tree islands to the mangroves and seagrasses of Florida Bay;

Whereas Everglades National Park is home to rare and endangered species, such as the American crocodile, the Florida panther, and the West Indian manatee, and more than 350 species of birds, including the Great Egret, Wood Stork, Swallow-tailed Kite, and Roseate Spoonbill;

Whereas the Central and South Florida region is an international center for business, agriculture, and tourism, with a rapidly growing population of varied ethnic, economic, and social values, all of which are dependent on a sustainable framework for the water resources of the region to restore the Everglades ecosystem, provide adequate freshwater supplies, and promote a healthy and sustainable economy and overall quality of life;

Whereas Everglades National Park is an essential component of a larger ecosystem restoration effort, the Comprehensive Everglades Restoration Plan, which has been described as the world's largest ecosystem restoration project; and

Whereas this restoration effort must succeed in order to restore the natural Everglades ecosystem and ensure that the treasures of Everglades National Park can be passed on to our children and grandchildren: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the 60th anniversary of Everglades National Park; and

(2) dedicates itself to the success of the Comprehensive Everglades Restoration Plan.

The SPEAKER pro tempore, Mr. BLUMENAUER, recognized Mr. RAHALL and Mr. BISHOP of Utah, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. BLUMENAUER, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

¶24.13 MARJORY STONEHAM DOUGLAS

Mr. RAHALL moved to suspend the rules and agree to the resolution (H. Res. 807); as amended:

Whereas Marjory Stoneman Douglas was born on April 7, 1890, in Minneapolis, Minnesota, the daughter of Frank Stoneman, the first publisher of the Miami Herald;

Whereas Marjory Stoneman Douglas graduated from Wellesley College in 1912 where she was a member of the literary group Scribblers, editor-in-chief of the yearbook, and served on the executive board of the Equal Suffrage League;

Whereas Marjory Stoneman Douglas served in the Red Cross in Europe during World War I;

Whereas Marjory Stoneman Douglas moved to Miami in 1915 and became a reporter and writer at The Miami Herald where she wrote about progressive issues such as the fight for women's rights, racial justice, and environmental conservation;

Whereas Marjory Stoneman Douglas wrote dozens of short stories that were published in the Saturday Evening Post, Collier's, and Woman's Home Companion throughout the 1920s, 30s, and 40s;

Whereas in 1947 Marjory Stoneman Douglas wrote a ground-breaking book titled The Everglades: River of Grass that helped to draw national attention to a vast and little-known area that South Florida developers had deemed a worthless swamp;

Whereas in the same year, Marjory Stoneman Douglas' book mustered the public support to guard this subtropical marshland through a declaration from President Harry Truman, officially protecting the Everglades as a National Park;

Whereas at the age of 78, Marjory Stoneman Douglas founded the Friends of the Everglades, an educational and advocacy group dedicated to the protection and restoration of this ecosystem that continues to be at forefront of Florida conservation;

Whereas in November 1993, President Bill Clinton awarded Marjory Stoneman Douglas the Presidential Medal of Freedom, the highest honor given to a civilian;

Whereas 2007 marked the 60th anniversary of the publication of her book, The Everglades: River of Grass; and

Whereas Marjory Stoneman Douglas passed away in 1998 living to the age of 108, her ashes scattered in the Everglades she worked so tirelessly to preserve: Now, therefore, be it

Resolved, That the House of Representatives honors the life, achievements, and distinguished career of Marjory Stoneman Douglas, pioneer in the field of conservation, on the occasion of the 60th anniversary of the publication of The Everglades: River of Grass.

The SPEAKER pro tempore, Mr. BLUMENAUER, recognized Mr. RAHALL and Mr. BISHOP of Utah, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. BLUMENAUER, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

¶24.14 ORCHARD DETENTION BASIN FLOOD CONTROL

Mr. RAHALL moved to suspend the rules and pass the bill (H.R. 816) to provide for the release of certain land from the Sunrise Mountain Instant Study Area in the State of Nevada and to grant a right-of way across the released land for the construction and maintenance of a flood control project; as amended.

The SPEAKER pro tempore, Mr. BLUMENAUER, recognized Mr. RAHALL and Mr. BISHOP of Utah, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. BLUMENAUER, announced that two-thirds of the Members present had voted in the affirmative.

Mr. RAHALL demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. BLUMENAUER, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶24.15 BOUNTIFUL CITY LAND CONSOLIDATION

Mr. RAHALL moved to suspend the rules and pass the bill (H.R. 3473) to provide for a land exchange with the City of Bountiful, Utah, involving National Forest System land in the Wasatch-Cache National Forest and to further land ownership consolidation in that national forest, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. BLUMENAUER, recognized Mr. RAHALL and Mr. BISHOP of Utah, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. BLUMENAUER, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶24.16 200TH ANNIVERSARY OF CONGRESSIONAL CEMETERY

Mr. RAHALL moved to suspend the rules and agree to the resolution (H. Res. 698):

Whereas 2007 is the 200th anniversary of the founding of Congressional Cemetery;

Whereas Congressional Cemetery, first called the Washington Parish Burial Ground, was founded in 1807 near the banks of the Anacostia River in the District of Columbia and served the new federal city and a young America as its first unofficial national cemetery, predating Arlington National Cemetery by 70 years;

Whereas Congress was the primary developer of the cemetery through appropriations for road grading, fencing, building of the Public Vault and its Slate Path, and construction of the original Gatehouse, and Congress ultimately attached its name to the burial ground as early as the 1830's, referring to it as Congressional Cemetery;

Whereas within months of the establishment of the cemetery, the first burial of a Member of Congress took place when Senator Uriah Tracey (CT) died in Washington on July 19, 1807, and was interred the following day;

Whereas there are 19 Senators and 71 Representatives interred at Congressional Cemetery, and its cenotaphs, designed by second Architect of the Capitol Benjamin Latrobe, mark 165 sites to honor Members of Congress who died in office;

Whereas Congressional Cemetery holds more than 55,000 individuals in 30,000 burial sites marked by 14,000 headstones;

Whereas among those who have been buried at Congressional Cemetery are Vice Presidents George Clinton and Elbridge Gerry; Tobias Lear, personal secretary to George Washington; Commodore Thomas Tingey, first commandant of the Washington Navy Yard; William Wirt and William Pinckney, Attorneys General of the United States; Generals Jacob J. Brown and Alexander Macomb of the U.S. Army; General Archibald Henderson, longest-serving Commandant of the Marine Corps; Dr. William Thornton, who originally designed the United States Capitol and was the first Architect of the Capitol; George Watterston, third Librarian of Congress; Robert Mills, architect of the Washington Monument, the Department of Treasury Building, the Old Post Office, and the original U.S. Patent Office Building (current home of the National Museum of American Art and National Portrait Gallery); Philip P. Barbour, Speaker of the House of Representatives and Associate Justice of the Supreme Court; and 10 mayors of the City of Washington;

Whereas several prominent Native Americans who died while in Washington were buried at Congressional Cemetery, including Push-Ma-Ta-Ha, Chief of the Choctaws and a Brigadier General of the U.S. Army, and Kan Ya Tu Duta (or Scarlet Crow), a delegate of the Dakota Sioux;

Whereas among other significant figures in American history who are interred at Congressional Cemetery are Belva Lockwood, the first woman to practice law before the Supreme Court; conductor and composer John Philip Sousa; Adelaide Johnson, suffragette and sculptor of the ''Portrait Monument'' to Lucretia Mott, Elizabeth Cady Stanton, and Susan B. Anthony in the Rotunda of the Capitol; Civil War photographer Matthew Brady; silent film star Mary Fuller; and FBI Director J. Edgar Hoover;

Whereas the Congressional Cemetery was placed on the National Register of Historic Places on June 23, 1969;

Whereas the National Trust for Historic Preservation named Congressional Cemetery one of the 11 most endangered historical sites in America on June 16, 1997;

Whereas for over 30 years the cemetery has been managed by the nonprofit Association for the Preservation of Historic Congressional Cemetery, whose mission is to preserve, interpret, and honor this national treasure, significant District of Columbia landmark, and unique Capitol Hill asset; and

Whereas by working with community volunteers such as the Congressional Cemetery Dogwalkers Club, as well as with the Department of Veterans Affairs, the National Park Service, the Navy, and the Joint Military District of Washington, the Association for the Preservation of Historic Congressional

Cemetery has made significant improvements to the cemetery: Now, therefore, be it

Resolved, That on the 200th anniversary of the founding of Congressional Cemetery, the House of Representatives recognizes and honors the cultural and historical importance of Congressional Cemetery and the value of protecting and restoring this national treasure.

The SPEAKER pro tempore, Mr. BLUMENAUER, recognized Mr. RAHALL and Mr. BISHOP of Utah, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. BLUMENAUER, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶24.17 JUPITER INLET LIGHTHOUSE

Mr. RAHALL moved to suspend the rules and pass the bill (H.R. 1922) to designate the Jupiter Inlet Lighthouse and the surrounding Federal land in the State of Florida as an Outstanding Natural Area and as a unit of the National Landscape System, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. BLUMENAUER, recognized Mr. RAHALL and Mr. BISHOP of Utah, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. BLUMENAUER, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

By unanimous consent, the title was amended so as to read: ''An Act to designate the Jupiter Inlet Lighthouse and the surrounding Federal land in the State of Florida as an Outstanding Natural Area and as a unit of the National Landscape Conservation System, and for other purposes.''.

A motion to reconsider the votes whereby the rules were suspended and said bill, as amended, was passed and the title was amended was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶24.18 WRIGHT BROTHERS-DUNBAR NATIONAL HISTORICAL PARK

Mr. RAHALL moved to suspend the rules and pass the bill (H.R. 4191) to redesignate Dayton Aviation Heritage National Historical Park in the State of Ohio as ''Wright Brothers-Dunbar National Historical Park'', and for other purposes; as amended.

The SPEAKER pro tempore, Mr. BLUMENAUER, recognized Mr. RAHALL and Mr. BISHOP of Utah, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. BLUMENAUER, announced that two-thirds of the Members present had voted in the affirmative.

Mr. BISHOP of Utah, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. BLUMENAUER, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Wednesday, March 5, 2008.

¶24.19 RECESS—2:55 P.M.

The SPEAKER pro tempore, Mr. BLUMENAUER, pursuant to clause 12(a) of rule I, declared the House in recess at 2 o'clock and 55 minutes p.m., until approximately 6:30 p.m.

¶24.20 AFTER RECESS—6:30 P.M.

The SPEAKER pro tempore, Mr. DONNELLY, called the House to order.

¶24.21 CALENDAR WEDNESDAY BUSINESS DISPENSED WITH

On motion of Mr. SCOTT of Georgia, by unanimous consent,

Ordered, That business in order for consideration on Wednesday, March 5, 2008, under clause 6, rule XV, the Calendar Wednesday rule, be dispensed with.

¶24.22 APPROVAL OF THE JOURNAL—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. DONNELLY, pursuant to clause 8, rule XX, announced the unfinished business to be the question on agreeing to the Chair's approval of the Journal of Monday, March 3, 2008.

The question being put, viva voce,

Will the House agree to the Chair's approval of said Journal?

The SPEAKER pro tempore, Mr. DONNELLY, announced that the yeas had it.

So the Journal was approved.

¶24.23 H.R. 1143—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. DONNELLY, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 1143) to authorize the Secretary of the Interior to lease certain lands in Virgin Islands National Park, and for other purposes; as amended.

The question being put,

Will the House suspend the rules and pass said bill, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 378 / Nays ..... 0 }

¶24.24 [Roll No. 88]

YEAS—378

Abercrombie	Diaz-Balart, L.	Langevin
Ackerman	Diaz-Balart, M.	Larsen (WA)
Aderholt	Dicks	Larson (CT)
Alexander	Dingell	Latham
Allen	Donnelly	LaTourette
Altmire	Doolittle	Latta
Andrews	Doyle	Lee
Arcuri	Drake	Levin
Baca	Dreier	Lewis (CA)
Bachmann	Duncan	Lewis (GA)
Bachus	Edwards	Lewis (KY)
Baird	Ehlers	Linder
Baldwin	Ellison	Lipinski
Barrett (SC)	Ellsworth	LoBiondo
Barrow	Emanuel	Loebsack
Bartlett (MD)	Emerson	Lofgren, Zoe
Barton (TX)	Engel	Lowey
Bean	English (PA)	Lucas
Becerra	Eshoo	Lungren, Daniel E.
Berkley	Etheridge	Lynch
Berman	Farr	Mack
Berry	Fattah	Mahoney (FL)
Biggert	Feeney	Maloney (NY)
Bilbray	Ferguson	Manzullo
Bilirakis	Filner	Markey
Bishop (GA)	Flake	Marshall
Bishop (NY)	Forbes	Matheson
Bishop (UT)	Fossella	Matsui
Blackburn	Foxx	McCarthy (CA)
Blumenauer	Frank (MA)	McCarthy (NY)
Blunt	Franks (AZ)	McCaul (TX)
Boehner	Frelinghuysen	McCollum (MN)
Bonner	Gallegly	McCotter
Bono Mack	Garrett (NJ)	McCrery
Boozman	Gerlach	McDermott
Boren	Giffords	McGovern
Boswell	Gilchrest	McHenry
Boucher	Gillibrand	McHugh
Boustany	Gohmert	McIntyre
Boyd (FL)	Goode	McKeon
Boyda (KS)	Goodlatte	McMorris Rodgers
Brady (PA)	Gordon	McNerney
Brady (TX)	Graves	McNulty
Braley (IA)	Grijalva	Melancon
Broun (GA)	Hall (NY)	Mica
Brown (SC)	Hare	Michaud
Brown, Corrine	Harman	Miller (MI)
Buchanan	Hastings (FL)	Miller (NC)
Buyer	Hastings (WA)	Miller, Gary
Calvert	Hayes	Miller, George
Camp (MI)	Heller	Mitchell
Campbell (CA)	Herger	Mollohan
Cannon	Herseth Sandlin	Moore (KS)
Cantor	Higgins	Moore (WI)
Capito	Hill	Moran (KS)
Capps	Hinchey	Moran (VA)
Capuano	Hinojosa	Murphy (CT)
Cardoza	Hirono	Murphy, Patrick
Carter	Hobson	Murphy, Tim
Castle	Hodes	Murtha
Castor	Hoekstra	Musgrave
Chabot	Holden	Myrick
Chandler	Holt	Nadler
Clarke	Honda	Napolitano
Clay	Hooley	Neal (MA)
Cleaver	Hoyer	Neugebauer
Clyburn	Hunter	Nunes
Coble	Inglis (SC)	Oberstar
Cohen	Inslee	Obey
Cole (OK)	Israel	Olver
Conaway	Issa	Pallone
Cooper	Jackson (IL)	Pascrell
Costa	Jefferson	Pastor
Costello	Johnson (GA)	Paul
Courtney	Jones (NC)	Payne
Cramer	Jordan	Pearce
Crenshaw	Kagen	Pence
Crowley	Kanjorski	Perlmutter
Cubin	Kaptur	Peterson (MN)
Cuellar	Kennedy	Petri
Culberson	Kildee	Pickering
Cummings	Kilpatrick	Pitts
Davis (AL)	Kind	Platts
Davis (CA)	King (IA)	Poe
Davis (IL)	King (NY)	Pomeroy
Davis (KY)	Kingston	Porter
Davis, David	Kirk	Price (GA)
Davis, Lincoln	Klein (FL)	Price (NC)
Davis, Tom	Kline (MN)	Pryce (OH)
DeFazio	Knollenberg	Putnam
DeGette	Kuhl (NY)	Rahall
Delahunt	LaHood	Ramstad
DeLauro	Lamborn	
Dent	Lampson	

Regula
Rehberg
Reichert
Reynolds
Richardson
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shuler
Shuster
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Welch (VT)
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—50

Akin
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Carnahan
Carney
Conyers
Deal (GA)
Doggett
Everett
Fallin
Fortenberry
Gingrey
Gonzalez
Granger
Green, Al
Green, Gene
Gutierrez
Hall (TX)
Hensarling
Hulshof
Jackson-Lee (TX)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Keller
Kucinich
Marchant
Meek (FL)
Meeks (NY)
Miller (FL)
Ortiz
Peterson (PA)
Radanovich
Rangel
Renzi
Reyes
Rodriguez
Rogers (AL)
Rush
Sessions
Shimkus
Simpson
Tanner
Weiner
Weldon (FL)
Weller
Woolsey

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶24.25 H.R. 1311—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. DONNELLY, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 1311) to direct the Secretary of the Interior to convey the Alta-Hualapai Site to the city of Las Vegas, Nevada, for the development of a cancer treatment facility; as amended.

The question being put,

Will the House suspend the rules and pass said bill, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 377 / Nays 0

¶24.26 [Roll No. 89]

YEAS—377

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Buchanan
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gohmert
Goode
Goodlatte
Gordon
Graves
Grijalva
Hall (NY)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jefferson
Johnson (GA)
Jones (NC)
Jordan
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Rahall
Ramstad
Regula
Rehberg
Reichert
Reynolds
Richardson
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shuler
Shuster
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sutton
Tancredo
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Welch (VT)
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—51

Akin
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Carnahan
Carney
Conyers
Deal (GA)
Doggett
Everett
Fallin
Fortenberry
Gingrey
Gonzalez
Granger
Green, Al
Green, Gene
Gutierrez
Hall (TX)
Hensarling
Hulshof
Jackson-Lee (TX)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Keller
Kucinich
Marchant
Meek (FL)
Meeks (NY)
Miller (FL)
Ortiz
Peterson (PA)
Radanovich
Rangel
Renzi
Reyes
Rodriguez
Rogers (AL)
Rush
Sessions
Shimkus
Simpson
Sullivan
Tanner
Weiner
Weldon (FL)
Weller
Woolsey

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

By unanimous consent, the title was amended so as to read: ''An Act to provide for the conveyance of the Alta-Hualapai Site to the Nevada Cancer Institute, and for other purposes.''.

A motion to reconsider the votes whereby the rules were suspended and said bill, as amended, was passed and the title was amended was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶24.27 H.R. 816—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. DONNELLY, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 816) to provide for the release of certain land from the Sunrise Mountain Instant Study Area in the State of Nevada and to grant a right-of way across the released land for the construction and maintenance of a flood control project; as amended.

The question being put,

Will the House suspend the rules and pass said bill, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 375 / Nays 0

¶24.28 [Roll No. 90]

YEAS—375

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird

Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Buchanan
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gohmert
Goode
Goodlatte
Gordon
Graves
Grijalva
Hall (NY)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jefferson
Johnson (GA)
Jones (NC)
Jordan
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McKeon
McMorris Rodgers
McNerney
McNulty
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (NC)
Pryce (OH)
Putnam
Rahall
Ramstad
Regula
Rehberg
Reichert
Reynolds
Richardson
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shuler
Shuster
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Welch (VT)
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—53

Akin
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Carnahan
Carney
Conyers
Deal (GA)
Doggett
Everett
Fallin
Fortenberry
Gingrey
Gonzalez
Granger
Green, Al
Green, Gene
Gutierrez
Hall (TX)
Hensarling
Hulshof
Jackson-Lee (TX)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Keller
Kucinich
Marchant
McCarthy (CA)
McIntyre
Meek (FL)
Meeks (NY)
Miller (FL)
Ortiz
Peterson (PA)
Price (GA)
Radanovich
Rangel
Renzi
Reyes
Rodriguez
Rogers (AL)
Rush
Sessions
Shimkus
Simpson
Tanner
Weiner
Weldon (FL)
Weller
Woolsey

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶24.29 MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Sherman Williams, one of his secretaries.

¶24.30 MESSAGE FROM THE PRESIDENT—NATIONAL EMERGENCY WITH RESPECT TO ZIMBABEWE

The SPEAKER pro tempore, Mr. DONNELLY, laid before the House a message from the President, which was read as follows:

To the Congress of the United States:

The crisis constituted by the actions and policies of certain members of the Government of Zimbabwe and other persons to undermine Zimbabwe's democratic processes or institutions has not been resolved. These actions and policies pose a continuing unusual and extraordinary threat to the foreign policy of the United States. For these reasons, I have determined that it is necessary to continue this national emergency and to maintain in force the sanctions to respond to this threat.

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the Federal Register and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice to the Federal Register for publication, stating that the national emergency with respect to the actions and policies of certain members of the Government of Zimbabwe and other persons to undermine Zimbabwe's democratic processes or institutions is to continue in effect beyond March 6, 2008.

GEORGE W. BUSH.

THE WHITE HOUSE, *March 4, 2008.*

By unanimous consent, the message, together with the accompanying papers, was referred to the Committee on Foreign Affairs and ordered to be printed (H. Doc. 110–99).

¶24.31 PROVIDING FOR CONSIDERATION OF H.R. 1424

Ms. CASTOR, by direction of the Committee on Rules, reported (Rept. No. 110–538) the resolution (H. Res. 1014) providing for consideration of the bill (H.R. 1424) to amend section 712 of the Employee Retirement Income Security Act of 1974, section 2705 of the Public Health Service Act, and section 9812 of the Internal Revenue Code of 1986 to require equity in the provision of mental health and substance-related disorder benefits under group health plans.

When said resolution and report were referred to the House Calendar and ordered printed.

¶24.32 PROVIDING FOR CONSIDERATION OF H.R. 2857

Ms. CASTOR, by direction of the Committee on Rules, reported (Rept. No. 110–539) the resolution (H. Res. 1015) providing for consideration of the bill (H.R. 2857) to reauthorize and reform the national service laws.

When said resolution and report were referred to the House Calendar and ordered printed.

¶24.33 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. TANNER, for today;

To Mr. ORTIZ, for today;

To Ms. JACKSON-LEE of Texas, for today;

To Mr. CONYERS, for today;

To Ms. WOOLSEY, for today and balance of the week;

To Ms. Eddie Bernice JOHNSON of Texas, for today and balance of the week;

To Ms. Ginny BROWN-WAITE of Florida, for today and balance of the week;

To Mr. SESSIONS, for today;

To Mr. KELLER of Florida, for today and balance of the week; and

To Mr. GINGREY, for today.

And then,

¶24.34 ADJOURNMENT

On motion of Mr. ROHRABACHER, at 9 o'clock and 4 minutes p.m., the House adjourned.

¶24.35 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

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

Mr. DINGELL: Committee on Energy and Commerce. H.R. 1424. A bill to amend section 712 of the Employee Retirement Income Security Act of 1974, section 2705 of the Public Health Service Act, and section 9812 of the Internal Revenue Code of 1986 to require equity in the provision of mental health and substance-related disorder benefits under group health plans; with an amendment (Rept. 110–374 Pt. 3). Referred to the Committee of the Whole House on the state of the Union.

Mr. BERMAN: Committee on Foreign Affairs. H.R. 1084. A bill to amend the Foreign Assistance Act of 1961, the State Department Basic Authorities Act of 1956, and the Foreign Service Act of 1980 to build operational readiness in civilian agencies, and for other purposes; with an amendment (Rept. 110–537). Referred to the Committee of the Whole House on the state of the Union.

Ms. CASTOR: Committee on Rules. House Resolution 1014. Resolution providing for consideration of the bill (H.R. 1424) to amend section 712 of the Employee Retirement Income Security Act of 1974, section 2705 of the Public Health Service Act, and section 9812 of the Internal Revenue Code of 1986 to require equity in the provision of mental health and substance-related disorder benefits under group health plans (Rept. 110–538). Referred to the House Calendar.

Ms. MATSUI: Committee on Rules. House Resolution 1015. Resolution providing for consideration of the bill (H.R. 2857) to reauthorize and reform the national service laws (Rept. 110–539). Referred to the House Calendar.

¶24.36 PUBLIC BILLS AND RESOLUTIONS

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

By Mr. GEORGE MILLER of California (for himself and Mr. BARROW):

H.R. 5522. A bill to require the Secretary of Labor to issue interim and final occupational safety and health standards regarding worker exposure to combustible dust, and for other purposes; to the Committee on Education and Labor.

By Mr. McDERMOTT:

H.R. 5523. A bill to amend the Internal Revenue Code of 1986 to regulate and tax Internet gambling; to the Committee on Ways and Means.

By Mr. YARMUTH (for himself, Mrs. BIGGERT, Mr. GRIJALVA, Mr. HINOJOSA, Mr. COHEN, Ms. BERKLEY, Mr. CHANDLER, Ms. ROYBAL-ALLARD, Mr. HOLT, Ms. SCHAKOWSKY, Ms. BORDALLO, and Mr. DAVIS of Illinois):

H.R. 5524. A bill to amend the Runaway and Homeless Youth Act to authorize appropriations, and for other purposes; to the Committee on Education and Labor.

By Mr. FILNER:

H.R. 5525. A bill to amend the Small Business Act to improve the National Veterans Business Development Corporation; to the Committee on Small Business.

By Mr. FORTUÑO (for himself and Mr. SERRANO):

H.R. 5526. A bill to direct the Secretary of Veterans Affairs to establish the Task Force on Medical Facility Improvements in Puerto Rico, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. HINCHEY (for himself, Mr. HALL of New York, Mr. SESTAK, and Mrs. GILLIBRAND):

H.R. 5527. A bill to amend the Safe Drinking Water Act to protect the health of susceptible populations, including pregnant women, infants, and children, by requiring a health advisory, drinking water standard, and reference concentration for trichloroethylene vapor intrusion, and for other purposes; to the Committee on Energy and Commerce.

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

H.R. 5528. A bill to designate the facility of the United States Postal Service located at 120 Commercial Street in Brockton, Massachusetts, as the ''Rocky Marciano Post Office Building''; to the Committee on Oversight and Government Reform.

By Mr. MARKEY (for himself, Mr. SMITH of New Jersey, Mr. DELAHUNT, Mr. DOGGETT, Mr. HONDA, Mr. BLUMENAUER, Mr. HALL of New York, Mr. TERRY, Mr. HINCHEY, Mr. LEWIS of Georgia, Mr. VAN HOLLEN, Mr. BOSWELL, Ms. SHEA-PORTER, and Mr. HODES):

H.R. 5529. A bill to direct the President to seek to establish an international renewable energy agency to expand the availability and generating capacity of renewable energy to markets around the world in order to increase economic opportunity, drive technological innovation, enhance regional and global security, raise living standards, and reduce global warming pollution; to the Committee on Foreign Affairs.

By Mr. PALLONE (for himself, Mr. FILNER, Mr. HONDA, and Mr. GRIJALVA):

H.R. 5530. A bill to ensure the coordination and integration of Indian tribes in the National Homeland Security strategy and to establish an Office of Tribal Government Homeland Security within the Department of Homeland Security, and for other purposes; to the Committee on Natural Resources, and in addition to the Committee on Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WAXMAN (for himself, Mr. CANTOR, Mr. LATOURETTE, and Mr. CANNON):

H. Con. Res. 306. Concurrent resolution permitting the use of the Rotunda of the Capitol for a ceremony as part of the commemoration of the days of remembrance of victims of the Holocaust; to the Committee on House Administration.

By Mr. BRADY of Pennsylvania:

H. Con. Res. 307. Concurrent resolution expressing the sense of Congress that Members' Congressional papers should be properly maintained and encouraging Members to take all necessary measures to manage and preserve these papers; to the Committee on House Administration.

By Ms. NORTON (for herself, Mr. GRAVES, Mr. HOYER, Mr. CUMMINGS, Mr. VAN HOLLEN, Mr. WYNN, Mr. TOM DAVIS of Virginia, Mr. MORAN of Virginia, and Mr. WOLF):

H. Con. Res. 308. Concurrent resolution authorizing the use of the Capitol Grounds for the National Peace Officers' Memorial Service; to the Committee on Transportation and Infrastructure.

By Ms. NORTON (for herself, Mr. GRAVES, Mr. HOYER, Mr. CUMMINGS, Mr. VAN HOLLEN, Mr. WYNN, Mr. TOM DAVIS of Virginia, Mr. MORAN of Virginia, and Mr. WOLF):

H. Con. Res. 309. Concurrent resolution authorizing the use of the Capitol Grounds for the District of Columbia Special Olympics Law Enforcement Torch Run; to the Committee on Transportation and Infrastructure.

By Ms. MOORE of Wisconsin (for herself, Ms. BALDWIN, Mr. BISHOP of Georgia, Ms. BORDALLO, Ms. CORRINE BROWN of Florida, Mr. BUTTERFIELD, Mrs. CAPPS, Mr. CLAY, Mr. CLYBURN, Mr. COHEN, Mr. COURTNEY, Mr. CROWLEY, Mr. DAVIS of Illinois, Ms. DELAURO, Mr. ELLISON, Mr. FARR, Mr. FATTAH, Mr. FILNER, Mr. AL GREEN of Texas, Mr. GRIJALVA, Mr. HARE, Mr. HINCHEY, Ms. HIRONO, Mr. KAGEN, Ms. KILPATRICK, Mr. KIND, Ms. LEE, Mr. LEWIS of Georgia, Mrs. MALONEY of New York, Mr. MCDERMOTT, Mr. MCGOVERN, Mr. MEEKS of New York, Mr. MICHAUD, Mr. MOORE of Kansas, Mr. OBEY, Mr. RUPPERSBERGER, Mr. SALAZAR, Ms. HERSETH SANDLIN, Mr. SCOTT of Virginia, Mr. SERRANO, Mr. SIRES, Ms. SUTTON, Mr. TOWNS, and Mr. WU):

H. Res. 1013. A resolution expressing the sense of Congress that providing breakfast in schools through the National School Breakfast Program has a positive impact on classroom performance; to the Committee on Education and Labor.

By Mr. FEENEY (for himself, Mr. ROSKAM, Mr. YOUNG of Alaska, Mr. TANCREDO, Mr. WALBERG, Mr. DREIER, Mr. ROHRABACHER, Mr. MCHENRY, Mr. RADANOVICH, Mr. BARTLETT of Maryland, Mr. LAMBORN, Mr. ENGLISH of Pennsylvania, Mr. TIAHRT, Mr. DUNCAN, Mr. HERGER, Mr. DAVIS of Kentucky, Mr. AKIN, Mr. GOHMERT, Mr. SMITH of Texas, Mr. KING of New York, Mr. SENSENBRENNER, Mr. SALI, Mr. REYNOLDS, Ms. FOXX, Mr. WELLER, Mr. BARRETT of South Carolina, Mrs. BACHMANN, Mrs. MYRICK, Mr. HASTINGS of Washington, Mr. GARRETT of New Jersey, Mr. HUNTER, Mr. BARTON of Texas, Mr. COLE of Oklahoma, Mr. ROYCE, Mr. DOOLITTLE, Mr. BROUN of Georgia, Mr. MORAN of Kansas, Mr. KLINE of Minnesota, Mr. SAM JOHNSON of Texas, Mr. SHAYS, Mr. JONES of North Carolina, Mr. WILSON of South Carolina, Ms. FALLIN, Mr. SESSIONS, Mr. GINGREY, Mrs. SCHMIDT, Ms. PRYCE of Ohio, Mr. CANNON, Mrs. EMERSON, Mr. HENSARLING, Mr. CARTER, Mr. POE, Mr. RYAN of Wisconsin, Mr. ROGERS of Michigan, Mr. MACK, Mr. CAMPBELL of California, Mr. ISSA, Mr. FRANKS of Arizona, Mr. PETRI, Mr. BURGESS, Mr. FOSSELLA, Mr. PUTNAM, Mr. SHIMKUS, Mr. BRADY of Texas, Mr. LUCAS, Mr. WOLF, Mr. MCCAUL of Texas, Mr. CULBERSON, Mr. BLUNT, Mr. FORTENBERRY, Mr. BOEHNER, Mr. CHABOT, Mrs. CAPITO, Mr. KING of Iowa, Mr. MILLER of Florida, Mr. HALL of Texas, Mr. SOUDER, Mr. PENCE, Mr. PRICE of Georgia, and Mr. BACHUS):

H. Res. 1016. A resolution expressing the condolences of the House of Representatives on the death of William F. Buckley, Jr; to the Committee on Oversight and Government Reform.

By Mrs. GILLIBRAND (for herself and Mr. MCCAUL of Texas):

H. Res. 1017. A resolution expressing support for designation of the week before Thanksgiving as ''Global Entrepreneurship Week'' to inspire young people everywhere to embrace innovation, imagination, and creativity and to train the next generation of entrepreneurial leaders; to the Committee on Oversight and Government Reform.

By Mr. HILL (for himself, Mr. WAMP, Mr. BOYD of Florida, Mr. MOORE of

Kansas, Mr. MATHESON, Mr. DONNELLY, Mr. MELANCON, Mr. MAHONEY of Florida, Mr. SULLIVAN, Mr. KINGSTON, Mr. ROGERS of Kentucky, Mr. SMITH of New Jersey, and Mr. GOODE):

H. Res. 1018. A resolution amending the Rules of the House of Representatives to establish the House Ethics Commission; to the Committee on Rules.

By Ms. LEE (for herself, Mr. MCDERMOTT, Mr. FRANK of Massachusetts, Mr. HINCHEY, Ms. WOOLSEY, and Mr. GRIJALVA):

H. Res. 1019. A resolution expressing the sense of the House of Representatives that the current economic slowdown in the United States is directly related to the enormous costs of the ongoing occupation of Iraq, consigning the United States to what can only be called the Iraq recession, and for other purposes; to the Committee on Armed Services.

By Mr. WELCH of Vermont (for himself, Mr. HIGGINS, Mr. TIAHRT, and Mr. WALBERG):

H. Res. 1020. A resolution recognizing the tremendous service that members of the Armed Forces have given to the Nation, especially those who have been wounded in combat; to the Committee on Armed Services.

By Ms. WOOLSEY (for herself, Mr. RUSH, Mrs. CAPPS, Mrs. MALONEY of New York, Ms. LORETTA SANCHEZ of California, Ms. NORTON, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. CASTOR, Ms. BALDWIN, Ms. HOOLEY, Mrs. JONES of Ohio, Ms. KILPATRICK, Mrs. DAVIS of California, Ms. DELAURO, Ms. MCCOLLUM of Minnesota, Ms. ZOE LOFGREN of California, Ms. SUTTON, Ms. MOORE of Wisconsin, Ms. HIRONO, Mr. SCHIFF, Mrs. MCCARTHY of New York, Ms. BERKLEY, Ms. MATSUI, Ms. SCHAKOWSKY, Ms. HARMAN, Mrs. NAPOLITANO, Mr. LEWIS of Georgia, Ms. LINDA T. SÁNCHEZ of California, Mrs. MCMORRIS RODGERS, Ms. HERSETH SANDLIN, Ms. LEE, Ms. WATERS, Mr. PETERSON of Minnesota, Mr. SERRANO, and Mr. TOWNS):

H. Res. 1021. A resolution supporting the goals, ideals, and history of National Women's History Month; to the Committee on Oversight and Government Reform.

¶24.37 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 193: Mr. LAMPSON.
H.R. 351: Ms. CORRINE BROWN of Florida.
H.R. 371: Ms. SCHAKOWSKY.
H.R. 402: Mr. FEENEY.
H.R. 462: Mr. TIM MURPHY of Pennsylvania.
H.R. 552: Mr. SIRES, Mr. WOLF, Mr. MARKEY, Ms. HIRONO, Mr. HALL of New York, Mr. PAYNE, and Mr. ANDREWS.
H.R. 661: Mr. LIPINSKI.
H.R. 688: Mr. SESSIONS, Mr. BUTTERFIELD, Mr. SIRES, Mr. WALZ of Minnesota, Mr. CHABOT, Mr. AL GREEN of Texas, Mr. WAMP, and Mr. DUNCAN.
H.R. 706: Mr. FALEOMAVAEGA, Mr. GONZALEZ, Mr. HINOJOSA, Mr. MCDERMOTT, Mr. GRIJALVA, and Mr. GENE GREEN of Texas.
H.R. 724: Mr. FEENEY.
H.R. 725: Mr. LAMBORN.
H.R. 734: Mr. LIPINSKI.
H.R. 748: Ms. SCHWARTZ.
H.R. 876: Mr. UDALL of Colorado.
H.R. 943: Mr. JOHNSON of Illinois.
H.R. 992: Mrs. LOWEY.
H.R. 1014: Mr. CUELLAR, Mr. MCINTYRE, and Mr. HALL of Texas.
H.R. 1032: Mr. GENE GREEN of Texas, Ms. FALLIN, Mr. ELLISON, and Ms. HARMAN.
H.R. 1043: Mr. DOYLE.
H.R. 1078: Mrs. WILSON of New Mexico.
H.R. 1095: Mr. SOUDER.
H.R. 1108: Mr. BILBRAY.
H.R. 1110: Mr. ELLISON.
H.R. 1148: Ms. DEGETTE.
H.R. 1188: Mr. SMITH of New Jersey, Mrs. MALONEY of New York, Mr. ETHERIDGE, and Mr. BOOZMAN.
H.R. 1198: Mr. MCGOVERN and Mr. REYNOLDS.
H.R. 1222: Mr. BLUMENAUER and Mr. MCKEON.
H.R. 1228: Mr. PICKERING, Mr. MAHONEY of Florida, Mr. CARNAHAN, Mrs. DAVIS of California, Mr. BRALEY of Iowa, Mr. COURTNEY, Mr. PERLMUTTER, Mr. KAGEN, Ms. MOORE of Wisconsin, Mr. EMANUEL, Mr. YARMUTH, Mr. SNYDER, Mr. ELLISON, and Mr. LARSON of Connecticut.
H.R. 1237: Mr. BRADY of Pennsylvania, Mr. MCINTYRE, Mr. WELCH of Vermont, Mr. SHADEGG, Mr. BUCHANAN, and Mrs. CHRISTENSEN.
H.R. 1256: Mr. TOM DAVIS of Virginia and Mr. FILNER.
H.R. 1304: Ms. FOXX.
H.R. 1363: Mr. CARNEY, Mr. YARMUTH, and Mr. GUTIERREZ.
H.R. 1418: Mr. EMANUEL.
H.R. 1424: Mr. SMITH of Texas.
H.R. 1436: Mr. ROTHMAN.
H.R. 1439: Mrs. BONO MACK.
H.R. 1514: Ms. WASSERMAN SCHULTZ.
H.R. 1524: Ms. LINDA T. SÁNCHEZ of California.
H.R. 1554: Mr. CARNEY.
H.R. 1576: Mr. RODRIGUEZ and Mr. THORNBERRY.
H.R. 1596: Mr. WITTMAN of Virginia.
H.R. 1621: Mr. TIM MURPHY of Pennsylvania.
H.R. 1653: Mr. KENNEDY.
H.R. 1767: Mr. SHUSTER, Ms. GINNY BROWN-WAITE of Florida, and Mr. HILL.
H.R. 1783: Mr. LEWIS of Georgia and Mrs. NAPOLITANO.
H.R. 1818: Mr. BROWN of South Carolina.
H.R. 1820: Ms. ZOE LOFGREN of California, Mr. ELLISON, and Ms. SCHAKOWSKY.
H.R. 1841: Mrs. CAPPS.
H.R. 1850: Mr. HASTINGS of Florida.
H.R. 1884: Mr. SESTAK and Ms. VELÁZQUEZ.
H.R. 1921: Mr. STARK.
H.R. 2053: Mrs. WILSON of New Mexico and Mr. PASCRELL.
H.R. 2122: Mr. COURTNEY.
H.R. 2165: Mr. TOWNS, Mr. PASTOR, and Mr. FRANK of Massachusetts.
H.R. 2183: Mr. BILIRAKIS.
H.R. 2238: Mr. SERRANO.
H.R. 2325: Mr. SPACE.
H.R. 2370: Mr. KILDEE and Mr. AKIN.
H.R. 2380: Mr. ROSS.
H.R. 2514: Mr. BISHOP of New York and Mr. ENGLISH of Pennsylvania.
H.R. 2652: Mr. WITTMAN of Virginia.
H.R. 2702: Mr. DEFAZIO, Mr. JONES of North Carolina, Mrs. CAPPS, Mr. GORDON, Ms. ESHOO, and Mr. FRANK of Massachusetts.
H.R. 2790: Mr. SESTAK.
H.R. 2805: Mr. PAUL, Mr. GONZALEZ, Mr. LATHAM, Mr. WALBERG, Mr. JEFFERSON, Mr. ABERCROMBIE, Mr. BISHOP of Utah, Mr. LATOURETTE, Mrs. BOYDA of Kansas, Mr. GENE GREEN of Texas, Mr. BRALEY of Iowa, Mr. CAPUANO, and Mr. INSLEE.
H.R. 2894: Mr. GRIJALVA, Ms. SOLIS, and Mr. DONNELLY.
H.R. 2915: Mr. SHAYS and Ms. WATSON.
H.R. 2925: Mr. ROSS.
H.R. 2994: Ms. SHEA-PORTER.
H.R. 3151: Mr. HELLER.
H.R. 3309: Mr. RUPPERSBERGER.
H.R. 3334: Mrs. WILSON of New Mexico.
H.R. 3366: Ms. DEGETTE.
H.R. 3452: Ms. CORRINE BROWN of Florida.
H.R. 3457: Mr. STARK.
H.R. 3463: Mr. GILCHREST.
H.R. 3533: Mr. YARMUTH and Mr. MCCOTTER.
H.R. 3547: Ms. SLAUGHTER.
H.R. 3646: Mr. DAVID DAVIS of Tennessee and Mr. CANNON.
H.R. 3681: Mr. BROWN of South Carolina.
H.R. 3697: Mr. TIM MURPHY of Pennsylvania.
H.R. 3717: Mr. BRALEY of Iowa.
H.R. 3724: Mr. ENGLISH of Pennsylvania.
H.R. 3797: Mr. VAN HOLLEN and Ms. MOORE of Wisconsin.
H.R. 3799: Mr. ELLISON.
H.R. 3819: Mr. MCINTYRE and Ms. FOXX.
H.R. 3820: Mr. UPTON.
H.R. 3825: Mr. JOHNSON of Georgia, Mr. FILNER, Mr. DAVIS of Illinois, and Ms. GRANGER.
H.R. 3846: Mr. ROTHMAN and Mr. BISHOP of New York.
H.R. 3981: Mr. GILCHREST, Ms. DEGETTE, Mrs. LOWEY, Mr. MCDERMOTT, Ms. SUTTON, Mr. MCGOVERN, and Mr. PICKERING.
H.R. 3995: Mr. STARK and Ms. WASSERMAN SCHULTZ.
H.R. 4001: Mr. LAMPSON, Mr. RUPPERSBERGER, and Mr. TAYLOR.
H.R. 4008: Mr. VISCLOSKY and Mr. BOOZMAN.
H.R. 4022: Mr. MCDERMOTT.
H.R. 4061: Mr. SCOTT of Georgia, Mr. HODES, and Mr. BUCHANAN.
H.R. 4063: Ms. MATSUI, Mr. BUTTERFIELD, Ms. DEGETTE, and Ms. SCHAKOWSKY.
H.R. 4089: Ms. WOOLSEY, Mr. MICHAUD, and Mr. WALZ of Minnesota.
H.R. 4105: Ms. GIFFORDS.
H.R. 4106: Mr. CLAY, Mr. LYNCH, and Mr. MORAN of Virginia.
H.R. 4107: Ms. WASSERMAN SCHULTZ.
H.R. 4139: Mr. BERRY and Mr. MICHAUD.
H.R. 4172: Mr. DONNELLY.
H.R. 4236: Ms. DELAURO, Mr. ALTMIRE, and Ms. BALDWIN.
H.R. 4237: Mr. MCDERMOTT and Mr. MURPHY of Connecticut.
H.R. 4266: Mr. SKELTON.
H.R. 4279: Mr. COBLE.
H.R. 4296: Mr. BRADY of Pennsylvania and Mr. SMITH of Washington.
H.R. 4304: Mr. WESTMORELAND.
H.R. 4318: Mr. CAMP of Michigan.
H.R. 4335: Ms. SHEA-PORTER.
H.R. 4355: Mr. MCHUGH, Mr. SESSIONS, and Mr. DOOLITTLE.
H.R. 4829: Mr. HINOJOSA.
H.R. 4837: Mr. ENGLISH of Pennsylvania.
H.R. 4847: Mr. PAYNE, Mr. SCOTT of Virginia, Mrs. EMERSON, Mr. WU, and Ms. Richardson.
H.R. 4926: Mr. GENE GREEN of Texas, Mrs. LOWEY, and Mr. ISSA.
H.R. 4934: Ms. ZOE LOFGREN of California and Mr. BLUMENAUER.
H.R. 4995: Mr. SALI.
H.R. 5036: Mrs. LOWEY.
H.R. 5057: Mr. PATRICK MURPHY of Pennsylvania, Mr. SCHIFF, Mr. ABERCROMBIE, and Mr. NADLER.
H.R. 5087: Mr. DONNELLY.
H.R. 5109: Mr. ALEXANDER and Mr. LEWIS of Kentucky.
H.R. 5110: Mr. ISRAEL, Mr. CARNAHAN, and Mr. SERRANO.
H.R. 5124: Mr. HALL of Texas.
H.R. 5143: Mrs. LOWEY, Mr. CLAY, Mr. MITCHELL, Ms. JACKSON-LEE of Texas, Mr. SESTAK, Mr. CONYERS, and Ms. SUTTON.
H.R. 5148: Mr. UPTON, Mr. FORTENBERRY, Mrs. NAPOLITANO, Mr. HENSARLING, and Mr. BOSWELL.
H.R. 5152: Mr. NADLER.
H.R. 5161: Mr. COSTELLO.
H.R. 5171: Mr. MORAN of Virginia.
H.R. 5173: Ms. SCHAKOWSKY, Mr. SERRANO, Mr. COHEN, Mr. YARMUTH, and Mrs. BOYDA of Kansas.
H.R. 5175: Mr. CANNON.
H.R. 5222: Mr. JONES of North Carolina, Mr. CAMP of Michigan, and Mr. GALLEGLY.
H.R. 5235: Mr. MCCARTHY of California, Mrs. MYRICK, and Ms. GINNY BROWN-WAITE of Florida.

H.R. 5244: Mr. STARK, Mr. HARE, Ms. SLAUGHTER, and Mr. CAPUANO.

H.R. 5265: Mr. HODES, Mr. WOLF, Mr. LOBIONDO, and Mr. Wittman of Virginia.

H.R. 5315: Mr. AL GREEN of Texas and Mr. RODRIGUEZ.

H.R. 5395: Mr. HULSHOF, Mr. ROTHMAN, Mr. GRIJALVA, Mr. JEFFERSON, Mr. WYNN, Mr. HASTINGS of Florida, Mr. BUTTERFIELD, Mr. CLYBURN, and Mr. JOHNSON of Georgia.

H.R. 5401: Mr. GRIJALVA, Mr. BLUMENAUER, and Mr. HONDA.

H.R. 5428: Mr. FILNER.

H.R. 5443: Mr. WILSON of South Carolina, Mr. ENGEL, and Ms. BORDALLO.

H.R. 5447: Mr. JOHNSON of Georgia, Ms. NORTON, Mr. ENGLISH of Pennsylvania, Mr. PASTOR, and Ms. WOOLSEY.

H.R. 5461: Ms. DELAURO, Mr. SERRANO, and Mr. GENE GREEN of Texas.

H.R. 5464: Mr. CONYERS and Mr. MORAN of Virginia.

H.R. 5466: Mr. GEORGE MILLER of California, Mr. VAN HOLLEN, Mr. COOPER, and Ms. WOOLSEY.

H.R. 5475: Mr. SKELTON, Mr. ENGEL, and Ms. WASSERMAN SCHULTZ.

H.R. 5481: Mr. WILSON of South Carolina and Mr. BISHOP of Georgia.

H.R. 5505: Mr. SHIMKUS, Mr. DAVIS of Illinois, and Mr. CLAY.

H.R. 5513: Mr. ROGERS of Michigan.

H.J. Res. 68: Mr. DAVIS of Illinois.

H. Con. Res. 75: Mr. MURPHY of Connecticut, Mr. LEWIS of Georgia, and Mr. TOWNS.

H. Con. Res. 223: Mr. Issa and Mr. GOODLATTE.

H. Con. Res. 255: Mr. SHERMAN.

H. Con. Res. 276: Mr. VAN HOLLEN and Mr. BAIRD.

H. Con. Res. 292: Mr. RYAN of Ohio, Ms. WATERS, and Mr. DREIER.

H. Con. Res. 295: Mrs. DRAKE, Mr. CULBERSON, and Mr. LATTA.

H. Con. Res. 302: Mr. BILBRAY and Mr. ALTMIRE.

H. Res. 185: Mr. MORAN of Virginia.

H. Res. 276: Mr. JONES of North Carolina.

H. Res. 543: Mr. BRADY of Pennsylvania, and Mr. WILSON of Ohio.

H. Res. 679: Mr. ENGLISH of Pennsylvania.

H. Res. 821: Mrs. MYRICK.

H. Res. 845: Ms. BORDALLO.

H. Res. 896: Mr. CLAY, Ms. JACKSON-LEE of Texas, Mrs. NAPOLITANO, Mr. PASTOR, Mr. ORTIZ, Mr. AL GREEN of Texas, and Mr. HINOJOSA.

H. Res. 911: Mr. CARNAHAN, Mr. PATRICK MURPHY of Pennsylvania, and Mr. COURTNEY.

H. Res. 924: Ms. CASTOR, Mr. ALTMIRE, Mr. MITCHELL, Mr. COURTNEY, Mr. KLEIN of Florida, Mr. WALZ of Minnesota, Mr. HILL, Mr. KIND, Mr. CLAY, and Mr. BOUSTANY.

H. Res. 935: Mr. HINCHEY.

H. Res. 936: Mr. HINCHEY.

H. Res. 945: Mr. MCCOTTER.

H. Res. 951: Mr. PATRICK MURPHY of Pennsylvania, Mr. TOM DAVIS of Virginia, Mr. RYAN of Wisconsin, Mr. BILIRAKIS, Mr. BISHOP of New York, Mr. BARRETT of South Carolina, Mr. ALTMIRE, Mrs. TAUSCHER, Mrs. DRAKE, Mr. THOMPSON of California, Mr. GONZALEZ, Mr. CUELLAR, Mr. YARMUTH, Mr. BURGESS, Mr. BOREN, Mr. GRIJALVA, Mr. FORTENBERRY, Mr. SALAZAR, Mr. DOYLE, Mr. BOSWELL, Mrs. LOWEY, Mr. DONNELLY, Mr. LUCAS, Mr. DAVIS of Alabama, Mr. HERGER, Mr. ENGLISH of Pennsylvania, Mr. SARBANES, Mr. FILNER, Mr. JACKSON of Illinois, Mr. HILL, Mr. BLUMENAUER, Mrs. DAVIS of California, Mr. UDALL of New Mexico, Ms. PRYCE of Ohio, Ms. DEGETTE, Mr. AKIN, Mr. HAYES, Mr. BROWN of South Carolina, Mr. ALLEN, Mr. SCOTT of Georgia, Mr. RAMSTAD, Mrs. SCHMIDT, Mr. VAN HOLLEN, Mrs. BACHMANN, Mr. RYAN of Ohio, Ms. HERSETH Sandlin, Mr. SMITH of New Jersey, Mr. HULSHOF, Mr. PUTNAM, Mr. PERLMUTTER, Mr. LATTA, Mr. HUNTER, Mr. ADERHOLT, Mr. POMEROY, Ms. TSONGAS, Mr. COSTA, Mr. BUCHANAN, Mr. MCCARTHY of California, Mr. MILLER of North Carolina, and Mr. MCNERNEY.

H. Res. 952: Mr. WEINER and Mr. JONES of North Carolina.

H. Res. 953: Mr. INGLIS of South Carolina and Mr. BOOZMAN.

H. Res. 962: Ms. WOOLSEY, Ms. LEE, and Ms. SOLIS.

H. Res. 973: Mr. KENNEDY, Ms. CASTOR, and Ms. SCHAKOWSKY.

H. Res. 977: Ms. SHEA-PORTER.

H. Res. 981: Mr. BUTTERFIELD, Mr. BILBRAY, Mr. GORDON, Mr. MACK, Mr. MARKEY, Mr. GONZALEZ, Mr. ALLEN, Mr. BOUCHER, Mr. RUPPERSBERGER, Mr. SNYDER, Mr. CROWLEY, Mr. WOLF, and Mr. BOOZMAN.

H. Res. 988: Mr. DONNELLY, Mr. ELLSWORTH, Mr. CHANDLER, Mr. MELANCON, Mr. ORTIZ, Mr. DUNCAN, and Mr. WAXMAN.

H. Res. 991: Mr. BISHOP of New York, Mr. KING of New York, Mrs. MCCARTHY of New York, Mr. ACKERMAN, Mr. CROWLEY, Mr. TOWNS, Mrs. MALONEY of New York, Mr. ENGEL, Mrs. GILLIBRAND Mr. MCNULTY, Mr. HINCHEY, Mr. WALSH of New York, Mr. HIGGINS, Mr. KUHL of New York, Mr. WEINER, and Mr. HALL of New York.

H. Res. 992: Mr. BISHOP of Georgia, Mr. TOWNS, Mr. RYAN of Ohio, Mr. ROTHMAN, Ms. GIFFORDS, Mr. HINCHEY, Ms. NORTON, Mr. DAVIS of Illinois, and Ms. BORDALLO.

H. Res. 1007: Ms. BORDALLO.

H. Res. 1008: Mr. BERMAN, Mr. ENGEL, Mr. BURTON of Indiana, Mr. WAXMAN, Mr. MCCOTTER, Mr. HASTINGS of Florida, Mr. MCGOVERN, and Mr. PENCE.

H. Res. 1011: Mr. JEFFERSON and Mr. CAPUANO.

H. Res. 1012: Mr. BLUNT.

¶24.38 PETITIONS

Under clause 3 of rule XII:

219. The SPEAKER presented a petition of the City of Fruitland Park, Florida, relative to a letter informing the Congress of the United States that the City of Fruitland Park did not receive any requests for social security numbers for calendar year 2007; which was referred to the Committee on Ways and Means.

WEDNESDAY, MARCH 5, 2008 (25)

¶25.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Ms. MOORE of Wisconsin, who laid before the House the following communication:

WASHINGTON, DC,
March 5, 2008.

I hereby appoint the Honorable GWEN MOORE to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

¶25.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Ms. MOORE of Wisconsin, announced she had examined and approved the Journal of the proceedings of Tuesday, March 4, 2008.

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

¶25.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

5614. A letter from the Administrator, Risk Management Agency, Department of Agriculture, transmitting the Department's final rule — Common Crop Insurance Regulations; Florida Citrus Fruit Crop Provisions (RIN: 0563-AC01) received February 28, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5615. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Mexican Fruit Fly; Designation of Portion of San Diego County, CA as a Quarantined Area [Docket No. APHIS-2008-0005] received February 20, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5616. A letter from the Under Secretary for Acquisition, Technology, and Logistics, Department of Defense, transmitting the Department's certification that the survivability testing of the KC-135 Replacement Aircraft (KC-X), pursuant to 10 U.S.C. 2366(c)(2); to the Committee on Armed Services.

5617. A letter from the Under Secretary for Acquisitions, Technology and Logistics, Department of Defense, transmitting notification of the review and certification of the C-5 Reliability Enhancement and Re-engining Program (RERP), pursuant to 10 U.S.C. 2433; to the Committee on Armed Services.

5618. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Mandatory Use of Wide Area Workflow [DFARS Case 2006-D049] (RIN: 0750-AF63) received February 28, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

5619. A letter from the Acting Chairman of the Joint Chiefs of Staff, Department of Defense, transmitting a report required by Section 361 of the Fiscal Year 2008 National Defense Authorization Act; to the Committee on Armed Services.

5620. A letter from the Director, Defense Security Cooperation Agency, transmitting reports in accordance with Section 36(a) of the Arms Export Control Act, pursuant to 22 U.S.C. 2776(a); to the Committee on Foreign Affairs.

5621. A letter from the Secretary, Department of the Treasury, transmitting as required by Executive Order 13313 of July 31, 2003, a 6-month periodic report on the national emergency with respect to Iran that was declared in Executive Order 12957 on March 15, 1995, pursuant to 50 U.S.C. 1641(c); to the Committee on Foreign Affairs.

5622. A letter from the Chairman, Broadcasting Board of Governors, transmitting a copy of proposed legislation to clarify the authority of the Broadcasting Board of Governors to hire non-citizens in its efforts to produce and broadcast programming in 44 languages to audiences around the world; to the Committee on Foreign Affairs.

5623. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) and (d) of the Arms Export Control Act, certification regarding a proposed agreement for the export of defense articles or defense services to the Government of Japan (Transmittal No. DDTC 011-08); to the Committee on Foreign Affairs.

5624. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting consistent with the Authorization for Use of Military Force Against Iraq Resolution of 2002 (Pub. L. 107-243), the Authorization for the Use of Force Against Iraq Resolution (Pub. L. 102-1), and in order to keep the Congress fully informed, a report prepared by the Department of State for the December 12, 2006 — February 13, 2007 reporting period including matters relating to post-liberation Iraq under Section 7 of the

Iraq Liberation Act of 1998 (Pub. L. 105-338); to the Committee on Foreign Affairs.

5625. A letter from the Director, Strategic Issues, Government Accountability Office, transmitting the Office's report entitled, ''The Judgement Fund: Status of Reimbursements Required by the No Fear Act and Contract Disputes Act (GAO-08-295R),'' as mandated by Section 206 of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002; to the Committee on Oversight and Government Reform.

5626. A letter from the Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackerel Lottery in Areas 542 and 543 [Docket No. 070213033-7033-01] (RIN: 0648-XF05) received February 28, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5627. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Inseason Adjustment to the 2008 Gulf of Alaska Pollock Total Allowable Catch Amount [Docket No. 070213032-7032-01] (RIN: 0648-XE84) received February 28, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5628. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Vessels Greater Than or Equal to 60 Feet (18.3 Meters) Length Overall and Using Pot Gear in the Bering Sea and Aleutian Islands Management Area [Docket No. 070213033-7033-01] (RIN: 0648-XF06) received February 28, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5629. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackerel by Vessels in the Amendment 80 Limited Access Fishery in the Eastern Aleutian District and Bering Sea Subarea of the Bering Sea and Aleutian Islands Management Area [Docket No. 070213033-7033-01] (RIN: 0648-XF52) received February 28, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5630. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Vessels in the Amendment 80 Limited Access Fishery in the Bering Sea and Aleutian Islands Management Area [Docket No. 070213033-7033-01] (RIN: 0648-XF25) received February 28, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5631. A letter from the Deputy Assistant Administrator For Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Northeast Region Standardized Bycatch Reporting Methodology Omnibus Amendment [Docket No. 070627217-7523-02] (RIN: 0648-AV70) received February 28, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5632. A letter from the Deputy Assistant Administrator For Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Extension of Emergency Fishery Closure Due to the Presence of the Toxin that Causes Paralytic Shellfish Poisoning [Docket No. 050613158-5262-03] (RIN: 0648-AT48) received February 28, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5633. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 630 in the Gulf of Alaska [Docket No. 070213032-7032-01] (RIN: 0648-XF20) received February 28, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5634. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 610 in the Gulf of Alaska [Docket No. 070213032-7032-01] (RIN: 0648-XF20) received February 28, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5635. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 630 in the Gulf of Alaska [Docket No. 070213032-7032-01] (RIN: 0648-XF21) received February 28, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5636. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Prohibition on the Possession of Yellowtail Flounder in the U.S./Canada Management Area [Docket No. 070227048-7091-02] (RIN: 0648-XF04) received February 28, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5637. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Shallow-Water Species Fishery by Amendment 80 Vessels Subject to Sideboard Limits in the Gulf of Alaska [Docket No. 070213033-7033-01] (RIN: 0648-XF25) received February 28, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5638. A letter from the Deputy Assistant Administrator For Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries off West Coast States; Pacific Coast Groundfish Fishery; Vessel Monitoring System; Open Access Fishery; Correction [Docket No. 070703215-7530-02] (RIN: 0648-AU08) received February 28, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5639. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the designation as ''foreign terrorist organization'' pursuant to Section 219 of the Immigration and Nationality Act, pursuant to 8 U.S.C. 1189; to the Committee on the Judiciary.

5640. A letter from the Chairman, Defense Nuclear Facilities Safety Board, transmitting the Board's Fourth Quarterly Report on the Status of Significant Unresolved Issues with the Department of Energy's Design and Construction Projects, as required in House Conference Report 109-702, Section 3201; jointly to the Committees on Armed Services and Appropriations.

5641. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's ''Major'' final rule — Medicaid Program; Health Care-Related Taxes [CMS 2275-F] (RIN: 0938-AO80) received February 25, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and Ways and Means.

5642. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting Notification of the intention to waive the prohibition on the use of FY 2007 Economic Support Funds provided with respect to Bolivia, Costa Rica, Cyprus, Ecuador, Kenya, Mali, Mexico, Namibia, Niger, Paraguay, Peru, Samoa, South Africa, and Tanzania, pursuant to Public Law 109-102, section 574; jointly to the Committees on Foreign Affairs and Appropriations.

¶25.4 OPERATIONAL READINESS IN CIVILIAN AGENCIES

Mr. BERMAN moved to suspend the rules and pass the bill (H.R. 1084) to amend the Foreign Assistance Act of 1961, the State Department Basic Authorities Act of 1956, and the Foreign Service Act of 1980 to build operational readiness in civilian agencies, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. CLAY, recognized Mr. BERMAN and Mr. BILIRAKIS, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. CLAY, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶25.5 ELECTIONS IN TAIWAN

Mr. BERMAN moved to suspend the rules and agree to the concurrent resolution (H. Con. Res. 278); as amended:

Whereas the United States and Taiwan share common ideals and a clear vision for the 21st century, where freedom and democracy are the foundations for peace, prosperity, and progress;

Whereas Taiwan has dramatically improved its record on human rights and routinely holds free and fair elections in a multiparty system, as evidenced by Taiwan's first democratic presidential election in 1996, second in 2000, and third in 2004;

Whereas the democratic and open presidential elections in 2000 mark the first transfer of power from one party to another in Taiwan's history;

Whereas Taiwan has demonstrated its unequivocal support for human rights and a commitment to the democratic ideals of freedom of speech, freedom of the press, rule

of law, and free and fair elections routinely held in a multiparty system;

Whereas Taiwan is one of the strongest democratic allies of the United States in the Asia-Pacific region;

Whereas it is United States policy to support and strengthen democracy around the world;

Whereas, with its stable democratic system and impressive economic prowess, Taiwan stands apart from many equally young democracies whose freedom and liberty have been severely challenged; and

Whereas the United States Congress has organized congressional delegations to witness the electoral process in thriving democracies, including elections in Taiwan: Now, therefore, be it

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

(1) the United States Government should reaffirm its unwavering commitment to Taiwan's democracy and security; and

(2) international delegations should be encouraged to visit Taiwan for the purpose of witnessing the presidential elections in March 2008.

The SPEAKER pro tempore, Mr. CLAY, recognized Mr. BERMAN and Mr. BILIRAKIS, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution, as amended?

The SPEAKER pro tempore, Mr. CLAY, announced that two-thirds of the Members present had voted in the affirmative.

Mr. BILIRAKIS demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. CLAY, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶25.6 PALESTINIAN ROCKET ATTACKS

Mr. BERMAN moved to suspend the rules and agree to the resolution (H. Res. 951); as amended:

Whereas more than 4,000 rockets and mortar shells have been fired at Israel from the Gaza Strip by Hamas and other terrorist organizations since Israeli forces withdrew from there in 2005;

Whereas, since January 1, 2008, terrorists have fired nearly a thousand rockets and mortar shells into Israel;

Whereas the near-daily rocket fire has been targeted primarily and intentionally at civilian communities in Israel, such as Sderot and Ashkelon, making life in such areas agonizing;

Whereas the terrorist rockets have hit homes, schools, buildings, roads, power lines, and other such infrastructure in Israel;

Whereas these unprovoked rocket and mortar attacks have murdered over a dozen Israelis, inflicted hundreds of casualties, produced thousands of cases of shock and post-traumatic stress, especially among children, and caused severe disruption of daily life;

Whereas these deliberate cross-border rocket and mortar attacks on civilian populations constitute a blatant violation of human rights and international law;

Whereas those responsible for launching rocket attacks against Israel routinely embed their production facilities and launch sites amongst the Palestinian civilian population, utilizing them as human shields;

Whereas intentionally targeting civilian populations and the use of human shields violates international humanitarian and human rights law;

Whereas numerous reports have cited the copious amounts of sophisticated weapons, small arms, and weapons manufacturing materials that have been smuggled into Gaza through Egypt;

Whereas public reports have cited the role of Iran and Syria in providing material support and training to those carrying out rocket and other terrorist attacks from Gaza;

Whereas public reports have referenced the increased flow of ammunition, explosives, and higher-grade weapons into the Gaza Strip as a result of Hamas' breach of the 12-kilometer security fence separating Gaza from Egyptian Sinai on January 23, 2008;

Whereas it was reported that after the breach of the Egyptian-Gaza border, many Palestinian terrorists who had trained in Syria and Iran returned to Gaza;

Whereas the fielding and use of longer-range rockets by Hamas and other terrorist organizations to reach larger Israeli cities represents a dangerous expansion of the organizations' offensive capabilities and an escalation of the terrorist attacks on Israel;

Whereas the Government of Israel's military operations in Gaza only target Hamas and other terrorist organizations;

Whereas the inadvertent inflicting of civilian casualties as a result of defensive military operations aimed at military targets, while deeply regrettable, is not at all morally equivalent to the deliberate targeting of civilian populations as practiced by Hamas and other Gaza-based terrorist groups; and

Whereas the situation in the Gaza Strip remains a threat to international security and regional stability: Now, therefore, be it

Resolved, That the House of Representatives—

(1) strongly condemns—

(A) Hamas, which controls Gaza, and other Palestinian terrorist organizations for the ongoing rocket attacks on Israeli civilians and continued human rights violations;

(B) state sponsors of terror, such as Iran and Syria, for enabling Palestinian terrorist organizations to carry out attacks against innocent Israeli civilians; and

(C) the use of innocent Palestinian civilians as human shields by those who carry out rocket and other attacks;

(2) expresses condolences to the families of the innocent victims on both sides of the conflict;

(3) supports the sovereign right of the Government of Israel to defend its territory against attacks;

(4) expresses sympathy and support for innocent Palestinian civilians who reject all forms of terrorism and desire to live in peace with their Israeli neighbors but who continue to be utilized as human shields by terrorist organizations;

(5) considers rocket attacks against Israel and the fostering of terrorism in the Palestinian territories as direct and serious impediments to the achievement of Israeli-Palestinian peace;

(6) calls on the President to—

(A) direct the United States Permanent Representative to the United Nations to introduce a resolution within the United Nations Security Council condemning Palestinian rocket and other attacks against innocent Israeli civilians; and

(B) direct the Secretary of State to raise this issue in all applicable bilateral and international fora;

(7) calls on responsible countries and United States allies in the Middle East to officially and publicly condemn Palestinian rocket attacks and other terrorist actions against Israel; and

(8) reaffirms the strong and unyielding friendship between the Governments and the people of Israel and the United States.

The SPEAKER pro tempore, Mr. CLAY, recognized Mr. BERMAN and Mr. BILIRAKIS, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. CLAY, announced that two-thirds of the Members present had voted in the affirmative.

Mr. BILIRAKIS demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. CLAY, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶25.7 H.R. 4191—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. CLAY, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and pass the bill (H.R. 4191) to redesignate Dayton Aviation Heritage National Historical Park in the State of Ohio as ''Wright Brothers-Dunbar National Historical Park'', and for other purposes; as amended.

The question being put,

Will the House suspend the rules and pass said bill, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 407 / Nays 4

¶25.8 [Roll No. 91]

YEAS—407

Abercrombie	Brady (PA)	Culberson
Ackerman	Braley (IA)	Cummings
Aderholt	Brown (SC)	Davis (AL)
Akin	Brown, Corrine	Davis (CA)
Alexander	Buchanan	Davis (IL)
Allen	Burgess	Davis (KY)
Altmire	Burton (IN)	Davis, David
Andrews	Butterfield	Davis, Lincoln
Arcuri	Buyer	Davis, Tom
Baca	Calvert	Deal (GA)
Bachmann	Camp (MI)	DeFazio
Bachus	Campbell (CA)	DeGette
Baird	Cannon	Delahunt
Baldwin	Cantor	DeLauro
Barrett (SC)	Capito	Dent
Barrow	Capps	Diaz-Balart, L.
Bartlett (MD)	Capuano	Diaz-Balart, M.
Barton (TX)	Cardoza	Dicks
Bean	Carnahan	Dingell
Becerra	Carney	Donnelly
Berkley	Carter	Doolittle
Berman	Castle	Doyle
Berry	Castor	Drake
Biggert	Chabot	Dreier
Bilbray	Chandler	Duncan
Bilirakis	Clarke	Edwards
Bishop (GA)	Clay	Ehlers
Bishop (NY)	Cleaver	Ellison
Bishop (UT)	Clyburn	Ellsworth
Blackburn	Coble	Emanuel
Blumenauer	Cohen	Emerson
Blunt	Cole (OK)	Engel
Boehner	Conaway	English (PA)
Bonner	Cooper	Eshoo
Bono Mack	Costa	Etheridge
Boozman	Costello	Everett
Boren	Courtney	Fallin
Boswell	Cramer	Farr
Boucher	Crenshaw	Feeney
Boustany	Crowley	Ferguson
Boyd (FL)	Cubin	Filner
Boyda (KS)	Cuellar	Forbes

Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NAYS—4

Broun (GA)
Flake
Paul
Shadegg

NOT VOTING—17

Brady (TX)
Brown-Waite, Ginny
Conyers
Doggett
Fattah
Gonzalez
Johnson, E. B.
Keller
Kucinich
Marchant
Ortiz
Rangel
Renzi
Reyes
Rush
Tanner
Woolsey

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

By unanimous consent, the title was amended so as to read: ''An Act to redesignate the Dayton Aviation Heritage National Historical Park in the State of Ohio as the 'Wright Brothers-Dunbar National Historical Park', and for other purposes.''.

A motion to reconsider the votes whereby the rules were suspended and said bill, as amended, was passed and the title was amended was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶25.9 H. CON. RES. 278—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. HOLDEN, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the concurrent resolution (H. Con. Res. 278) supporting Taiwan's fourth direct and democratic presidential elections in March 2008; as amended.

The question being put,

Will the House suspend the rules and agree to said concurrent resolution, as amended?

The vote was taken by electronic device.

It was decided in the affirmative .....

Yeas	409
Nays	1
Answered present	1

¶25.10 [Roll No. 92]

YEAS—409

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)

Wolf
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NAYS—1

Paul

ANSWERED ''PRESENT''—1

Davis (KY)

NOT VOTING—17

Brown-Waite, Ginny
Conyers
Doggett
Feeney
Gonzalez
Herger
Johnson, E. B.
Keller
Kucinich
Marchant
Ortiz
Rangel
Renzi
Reyes
Rush
Tanner
Woolsey

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said concurrent resolution, as amended, was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said concurrent resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶25.11 H. RES. 951—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. HOLDEN, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 951) condemning the ongoing Palestinian rocket attacks on Israeli civilians, and for other purposes; as amended.

The question being put,

Will the House suspend the rules and agree to said resolution, as amended?

The vote was taken by electronic device.

It was decided in the affirmative .....

Yeas	404
Nays	1
Answered present	4

¶25.12 [Roll No. 93]

YEAS—404

Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Buchanan
Burgess
Burton (IN)
Butterfield
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Carnahan
Carney
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Payne
Pearce
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NAYS—1

Paul

ANSWERED ''PRESENT''—4

Abercrombie
Capuano
McDermott
Moran (VA)

NOT VOTING—19

Brown-Waite, Ginny
Buyer
Cardoza
Conyers
Doggett
Gonzalez
Johnson, E. B.
Keller
Kucinich
Marchant
Ortiz
Pence
Rangel
Renzi
Reyes
Rush
Tanner
Weldon (FL)
Woolsey

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

By unanimous consent, the title was amended so as to read: ''A resolution condemning the ongoing Palestinian rocket attacks on Israeli civilians by Hamas and other Palestinian terrorist organizations, and for other purposes.''.

A motion to reconsider the votes whereby the rules were suspended and said resolution, as amended, was agreed to and the title was amended was, by unanimous consent, laid on the table.

¶25.13 MARGARET TRUMAN DANIEL

Mr. DAVIS of Illinois, moved to suspend the rules and agree to the concurrent resolution (H. Con. Res. 292):

Whereas Margaret Truman Daniel was born to Bess and Harry S. Truman on February 17, 1924, in Independence, Missouri;

Whereas Margaret, a loving daughter, wife, mother, and friend, passed away on January 29, 2008, after leading an interesting and eventful life rooted in the strong will and independent spirit of her mother and father;

Whereas Margaret grew up in Missouri and moved to Washington when her father became a United States Senator for Missouri, during which time she attended The George Washington University;

Whereas Margaret became First Daughter when Vice President Harry S. Truman, the former Missouri Senator, was sworn into office after the passing of President Franklin D. Roosevelt;

Whereas, on April 21, 1956, Margaret married newspaperman Clifton Daniel in Independence, Missouri, at Trinity Episcopal Church, the same church in which her parents were married;

Whereas after graduating from The George Washington University in 1946 with a degree in history, Margaret pursued a singing career, which featured performances at Constitution Hall and Carnegie Hall;

Whereas, in 1953, after the Truman presidency, Margaret moved to New York City to work with the National Broadcasting Company, working on such shows as Edward R. Murrow's ''Person to Person'' and cohosting a talk show program with Mike Wallace;

Whereas, in 1955 and 1956, she acted as hostess on a radio program called ''Weekday'', and in 1965 cohosted a half-hour special events program broadcast live from Philadelphia;

Whereas, in 1966, Margaret conducted a radio program called ''Authors in the News'', a 5-minute interview with prominent writers which was broadcast every weekday on more than 100 radio stations;

Whereas, as a novelist, Margaret wrote 23 books, including best-selling mysteries and biographies;

Whereas Margaret exhibited a deep commitment to public service, serving as secretary to the Board of Trustees of the Truman Scholarship Foundation, as a member of the Board of Directors of the Truman Library Institute, as a member of the Executive Committee on the Truman Centennial Committee, and as a constant advocate for Presidential libraries;

Whereas, in 1984, Margaret received the Harry S. Truman Public Service Award;

Whereas for Missourians and countless others, Margaret will be forever respected and considered a ''real'' person, who grew up in Independence, Missouri;

Whereas Margaret Truman Daniel was an intelligent, independent, and gracious woman who made our Nation proud as she flourished in every aspect of her life; and

Whereas Margaret in every sense carried on the Truman family legacy and is survived by 3 sons, Clifton Daniel, Harrison Daniel, and Thomas Daniel, as well as 5 grandchildren, and is pre-deceased by her husband, Clifton Daniel, and a fourth son, William Daniel: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress honors Margaret Truman Daniel and her lifetime of accomplishments.

The SPEAKER pro tempore, Mr. HOLDEN, recognized Mr. DAVIS of Illinois, and Mr. BURTON of Indiana, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution?

The SPEAKER pro tempore, Mr. HOLDEN, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said concurrent resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said concurrent resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶25.14 CYNDI TAYLOR KRIER POST OFFICE BUILDING

Mr. DAVIS of Illinois, moved to suspend the rules and pass the bill (H.R. 4774) to designate the facility of the United States Postal Service located at 10250 John Saunders Road in San Anton, Texas, as the ''Cyndi Taylor Krier Post Office Building''; as amended.

The SPEAKER pro tempore, Mr. HOLDEN, recognized Mr. DAVIS of Illinois, and Mr. BURTON of Indiana, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. HOLDEN, announced that two-thirds of the Members present had voted in the affirmative.

Mr. BURTON of Indiana, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. HOLDEN, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶25.15 RECOGNIZING EARL LLOYD

Mr. DAVIS of Illinois, moved to suspend the rules and agree to the concurrent resolution (H. Con. Res. 286):

Whereas Earl Lloyd was born in Alexandria, Virginia on April 3, 1928;

Whereas Earl Lloyd first developed his passion for basketball at the city of Alexandria's segregated Parker-Gray High School;

Whereas Earl Lloyd was drafted by the NBA in 1950 as a ninth round pick by the Washington Capitols;

Whereas on October 31, 1950, Earl Lloyd became the first African-American to play in the NBA;

Whereas Earl Lloyd dissolved the color barrier in the NBA 3 years after Jackie Robinson had done the same in baseball;

Whereas Earl Lloyd proudly put his professional career on hold and served in the Army for 2 years before returning to the NBA;

Whereas Earl Lloyd played 560 NBA games and won a championship before retiring in 1960;

Whereas in 2003, Earl Lloyd was inducted into the Naismith Memorial Basketball Hall of Fame; and

Whereas the newly constructed basketball court at T.C. Williams in his home town of Alexandria was named in his honor: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of Congress that Earl Lloyd should be recognized and honored for breaking the color barrier and becoming the first African-American to play in the National Basketball Association League 58 years ago.

The SPEAKER pro tempore, Mr. HOLDEN, recognized Mr. DAVIS of Illinois, and Mr. BURTON of Indiana, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution?

The SPEAKER pro tempore, Mr. HOLDEN, announced that two-thirds of the Members present had voted in the affirmative.

Mr. DAVIS of Illinois, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. HOLDEN, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶25.16 MAJOR ARTHUR CHIN POST OFFICE BUILDING

Mr. DAVIS of Illinois, moved to suspend the rules and pass the bill (H.R. 5220) to designate the facility of the United States Postal Service located at 3800 SW. 185th Avenue in Beaverton, Oregon, as the ''Major Arthur Chin Post Office Building''.

The SPEAKER pro tempore, Mr. HOLDEN, recognized Mr. DAVIS of Illinois, and Mr. BURTON of Indiana, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. HOLDEN, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶25.17 SGT. MICHAEL M. KASHKOUSH POST OFFICE BUILDING

Mr. DAVIS of Illinois, moved to suspend the rules and pass the bill (H.R. 5400) to designate the facility of the United States Postal Service located at 160 East Washington Street in Chagrin Falls, Ohio, as the ''Sgt. Michael M. Kashkoush Post Office Building''.

The SPEAKER pro tempore, Mr. HOLDEN, recognized Mr. DAVIS of Illinois, and Mr. BURTON of Indiana, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. HOLDEN, announced that two-thirds of the Members present had voted in the affirmative.

Mr. DAVIS of Illinois, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. HOLDEN, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶25.18 BOARD OF REGENTS OF THE SMITHSONIAN INSTITUTION

Mr. BRADY of Pennsylvania, moved to suspend the rules and pass the joint resolution of the Senate (S.J. Res. 25) providing for the appointment of John W. McCarter as a citizen regent of the Board of Regents of the Smithsonian Institution.

The SPEAKER pro tempore, Mr. HOLDEN, recognized Mr. BRADY of Pennsylvania, and Mr. EHLERS, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said joint resolution?

The SPEAKER pro tempore, Mr. HOLDEN, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said joint resolution was passed.

A motion to reconsider the vote whereby the rules were suspended and said joint resolution was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶25.19 CAPITOL VISITOR CENTER

Mr. BRADY of Pennsylvania, moved to suspend the rules and pass the bill (H.R. 5159) to establish the Office of the Capitol Visitor Center within the Office of the Architect of the Capitol, headed by the Chief Executive Officer for Visitor Services, to provide for the effective management and administration of the Capitol Visitor Center, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. HOLDEN, recognized Mr. BRADY of Pennsylvania, and Mr. EHLERS, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. HOLDEN, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶25.20 CONGRESSIONAL PAPERS

Mr. BRADY of Pennsylvania, moved to suspend the rules and agree to the concurrent resolution (H. Con. Res. 307):

Whereas Members' Congressional papers (including papers of Delegates and Resident Commissioners to the Congress) serve as indispensable sources for the study of American representative democracy;

Whereas these papers document vital national, regional, and local public policy issues;

Whereas these papers are crucial to the public's understanding of the role of Congress in making the Nation's laws and responding to the needs of its citizens;

Whereas because these papers serve as essential primary sources for the history of Congress, the study of these papers will illuminate the careers of individual Members;

Whereas by custom, these papers are considered the personal property of the Member who receives and creates them, and it is therefore the Member who is responsible to decide on their ultimate disposition; and

Whereas resources are available through the Office of the Clerk of the House of Representatives and the Secretary of the Senate to assist Members with the professional and cost-effective management and preservation of these papers: Now, therefore, be it

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

(1) Members' Congressional papers (including papers of Delegates and Resident Commissioners to the Congress) should be properly maintained;

(2) each Member of Congress should take all necessary measures to manage and preserve the Member's own Congressional papers; and

(3) each Member of Congress should be encouraged to arrange for the deposit or donation of the Member's own noncurrent Congressional papers with a research institution that is properly equipped to care for them, and to make these papers available for educational purposes at a time the Member considers appropriate.

The SPEAKER pro tempore, Mr. HOLDEN, recognized Mr. BRADY of Pennsylvania, and Mr. EHLERS, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution?

The SPEAKER pro tempore, Mr. HOLDEN, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said concurrent resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said concurrent resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶25.21 SHOOTING AT NORTHERN ILLINOIS UNIVERSITY

Mr. DAVIS of Illinois, moved to suspend the rules and agree to the resolution (H. Res. 1007):

Whereas on Thursday, February 14, 2008, a gunman entered a lecture hall on the campus of Northern Illinois University and opened fire on the students assembled there;

Whereas the gunman took the lives of 5 students and wounded 17 more;

Whereas the 5 students who lost their lives that day were—

(1) Gayle Dubowski, age 20, of Carol Stream, Illinois, a devout member of her church who sang in the church choir and worked as a camp counselor and volunteer in rural Kentucky;

(2) Catalina ''Cati'' Garcia, age 20, of Cicero, Illinois, a first-generation American who had hoped to be a teacher, was her family's ''princess'' and inspiration, and was rarely seen without a beaming smile;

(3) Julianna Gehant, age 32, of Mendota, Illinois, who dreamed of becoming a teacher, and who spent more than 12 years in the United States Army and Army Reserve, serving our Nation and saving money for college;

(4) Ryanne Mace, age 19, of Carpentersville, Illinois, a much-loved only child who was rarely without a warm smile and hoped to be a counselor so she could help others; and

(5) Daniel Parmenter, age 20, of Westchester, Illinois, ''Danny'' to his friends, a 6-foot, 5-inch rugby player with a gentle spirit and bright future, who died trying to protect his girlfriend from gunfire;

Whereas the Northern Illinois University Police Department, the Police Departments of DeKalb, Sycamore, Aurora, Batavia, Cortland, Galesburg, Genoa, Geneva, Mendota, St. Charles, Rockford, and the Village of Winnebago, the Conservation Police, the Sheriff's Offices of DeKalb County, Winnebago County, and Kane County, the Kane County Bomb Squad, the Illinois State Police, the Federal Bureau of Investigation, the Bureau of Alcohol, Tobacco, Firearms, and Explosives, Reach/Air Angel, Flight for Life, Life Line, the Salvation Army, and the Fire and Emergency Medical Services Department of DeKalb, Sycamore, Cortland, Malta, Maple Park, Rochelle, Hampshire, Burlington, Shabbona, Hinckley, Genoa-Kingston, Waterman, Elburn, St. Charles, Ogle-Lee, Kaneville, Sugar Grove, North Aurora, and Somonauk responded to the emergency promptly and assisted capably in the initial crisis and the subsequent investigations;

Whereas the emergency responders and the doctors, nurses, and other health care providers at Kishwaukee Community Hospital, Saint Anthony Medical Center, Good Samaritan Hospital, Rockford Memorial Hospital, and Northwestern Memorial Hospital provided professional and dedicated care to the victims;

Whereas hundreds of volunteer counselors from Illinois and across the Nation have come to Northern Illinois University to assist the campus community;

Whereas the students, faculty, staff, and administration of Northern Illinois University, the people of the city of DeKalb and the State of Illinois, and all Americans have mourned the victims of this tragedy and have offered support to the victims' friends and families and to the greater Northern Illinois University community;

Whereas Northern Illinois University has established a scholarship fund to honor the memory of the students slain in the February 14 tragedy; and

Whereas the Northern Illinois University community is determined to move ''forward, together forward'', in the words of the Huskie fight song, and to persevere through this tragedy with heavy hearts but unbroken spirits: Now, therefore, be it

Resolved, That the House of Representatives—

(1) expresses its sincere condolences to the families, friends, and loved ones of those who were killed in the tragic shooting on February 14, 2008, at Northern Illinois University in DeKalb, Illinois: Gayle Dubowski, Catalina Garcia, Julianna Gehant, Ryanne Mace, and Daniel Parmenter;

(2) extends its support and prayers to those who were wounded and wishes them a speedy recovery;

(3) commends the emergency responders, law enforcement officers, health care providers, and counselors who performed their duties with professionalism and dedication in response to the tragedy;

(4) reaffirms its commitment to helping ensure that schools, colleges, and universities in the United States are safe and secure environments for learning; and

(5) expresses its solidarity with Northern Illinois University and its students, faculty, staff, and administration as they mourn their losses and as they recover from this tragic incident.

The SPEAKER pro tempore, Mr. HOLDEN, recognized Mr. DAVIS of Illinois, and Mrs. BIGGERT, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. HOLDEN, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶25.22 NATIONAL SCHOOL BREAKFAST PROGRAM

Mr. DAVIS of Illinois, moved to suspend the rules and agree to the resolution (H. Res. 1013):

Whereas breakfast program participants under the Child Nutrition Act of 1966 include public, private, elementary, middle, and high schools, as well as rural, suburban, and urban schools;

Whereas almost 17,000 schools that participate in the National School Lunch Program do not participate in the National School Breakfast Program;

Whereas in fiscal year 2006, 7,700,000 students in the United States consumed free or reduced-price school breakfasts provided under the National School Breakfast Program established by section 4 of the Child Nutrition Act of 1966;

Whereas less than half of the low-income students who participate in the National School Lunch Program also participate in the school breakfast program;

Whereas implementing or improving classroom breakfast programs have been shown to increase the participation of eligible students in breakfast consumption dramatically, doubling, and in some cases tripling, numbers, as evidenced by research in Minnesota, New York, and Wisconsin;

Whereas making breakfast widely available through different venues or a combination thereof, such as in the classroom, obtained as students exit their school bus, or outside the classroom, has been shown to lessen the stigma of receiving free or reduced-price breakfast, which often prevents eligible students from obtaining traditional breakfast in the cafeteria;

Whereas providing free universal breakfast, especially in the classroom, has been shown to significantly increase school breakfast participation rates and increase absences and tardiness;

Whereas studies have shown that access to nutritious programs such as the National School Lunch Program and National School Breakfast Program helps to create a strong learning environment for children and helps to improve children's concentration in the classroom;

Whereas providing breakfast in the classroom has been shown in several instances to improve attentiveness and academic performance, while reducing tardiness and disciplinary referrals;

Whereas students who eat a complete breakfast have been shown to make fewer mistakes and work faster in math exercises than those who eat a partial breakfast;

Whereas studies suggest that eating breakfast closer to classroom and test-taking time improves student performance on standardized tests relative to students who skip breakfast or have breakfast at home;

Whereas studies show that students who skip breakfast are more likely to have difficulty distinguishing among similar images, show increased errors, and have slower memory recall;

Whereas children who live in families that experience hunger have been shown to be more likely to have lower math scores, face an increased likelihood of repeating a grade, and receive more special education services;

Whereas studies suggest that children who eat breakfast have more adequate nutrition and intake of nutrients, such as calcium, fiber, protein, and vitamins A, E, D, and B–6; and

Whereas children who fail to eat breakfast, whether in school or at home, are more likely to be overweight than children who eat a daily healthy breakfast: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the importance of the National School Breakfast Program and its overall positive effect on the lives of low-income children and families, as well as its effect on helping to improve a child's overall classroom performance;

(2) expresses support for States that have successfully implemented school breakfast programs in order to improve the test scores and grades of its participating students; and

(3) encourages states to strengthen their school breakfast programs by improving access for students, to promote improvements in the nutritional quality of breakfasts served, and to inform students and parents of healthy nutritional and lifestyle choices.

The SPEAKER pro tempore, Mr. HOLDEN, recognized Mr. DAVIS of Illinois, and Mrs. BIGGERT, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. HOLDEN, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶25.23 PROVIDING FOR CONSIDERATION OF H.R. 1424

Ms. CASTOR, by direction of the Committee on Rules, called up the following resolution (H. Res. 1014):

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 1424) to amend section 712 of the Employee Retirement Income Security Act of 1974, section 2705 of the Public Health Service Act, and section 9812 of the Internal Revenue Code of 1986 to require equity in the provision of mental health and substance-related disorder benefits under group health plans. The bill shall be considered as read. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. In lieu of the amendments recommended by the Committees on Energy and Commerce, Ways and Means, and Education and Labor, the amendment in the nature of a substitute printed in the report of the Committee on Rules accompanying this resolution shall be considered as adopted. All points of order against provisions of the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except: (1) two hours of debate equally divided among and controlled by the chairman and ranking minority member of the Committee on Energy and Commerce, the chairman and ranking minority member of the Committee on Ways and Means, and the chairman and ranking minority member of the Committee on Education and Labor; and (2) one motion to recommit with or without instructions.

SEC. 2. In the engrossment of H.R. 1424, the Clerk shall—

(a) add the text of H.R. 493, as passed by the House, as new matter at the end of H.R. 1424;

(b) conform the title of H.R. 1424 to reflect the addition to the engrossment of H.R. 493;

(c) assign appropriate designations to provisions within the engrossment; and

(d) conform provisions for short titles within the engrossment.

SEC. 3. During consideration of H.R. 1424 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

Pending consideration of said resolution.

¶25.24 POINT OF ORDER

Mr. BROUN of Georgia, made a point of order against consideration of said resolution, and said:

''Mr. Speaker, I make a point of order against the consideration of the resolution because it is in violation of section 426(a) of the Congressional Budget Act.

''The resolution provides that 'all points of order against consideration of the bill are waived except those arising under clause 9 and 10 of rule XXI.' This waiver of all points of order includes a waiver of section 425 of the Congressional Budget Act which causes the resolution to be in violation of section 426(a).''.

The SPEAKER pro tempore, Mr. HOLDEN, responded to the point of order, and said:

''The gentleman from Georgia makes a point of order that the resolution violates section 426(a) of the Congressional Budget Act of 1974.

''The gentleman has met the threshold burden to identify the specific language in the resolution on which the point of order is predicated. Such a point of order shall be disposed of by the question of consideration.

''The gentleman from Georgia and a Member opposed, the gentlewoman from Florida, each will control 10 minutes of debate on the question of consideration.

''After that debate, the Chair will put the question of consideration, to wit: 'Will the House now consider the resolution?'.''.

Mr. BROUN of Georgia, was further recognized and said:

''Mr. Speaker, I have both professional and personal interest in this bill. I'm a medical doctor, and for years I've treated depression, anxiety, a lot of panic disorders. I'm also an addictionologist. I've treated drug and alcohol addiction and eating disorders. And so I've had many patients over the years that have had these kinds of problems.

''My mom has been involved in dealing with her own depression all the way up until she died of metastatic breast cancer, and she worked with the mental health society in our home community.

''I also have personal interest in this bill because my wife has suffered from depression. She has an eating disorder and has dealt with this in her history. She has suffered from depression to the point that several years ago she even tried to take her own life, and except for the grace of God she should have died. And so I do have a very personal interest in this bill. Mr. Speaker, this is why I have a vested interest in how

Congress addresses health care, and especially mental health coverage.

''CBO estimates that the cost of the mandates to the private sector in this bill would be at least $1.3 billion in 2008; and this would rise to $3 billion in 2012. The Unfunded Mandates Reform Act, or UMRA, establishes an annual threshold that cannot be exceeded, at least without Congress waiving this rule. For 2007, that threshold amount is $131 million, a great deal of money. This bill exceeds the $131 million threshold by over $1 billion, and it will place a crushing burden on private health insurers and millions of Americans seeking affordable health insurance. These mandates will directly harm businesses and Americans' ability to obtain affordable health insurance.

''This legislation is very well intended. It is also rash and very poorly drafted and I assure you that if this mental health parity bill is signed into law in its current form, it will result in at least three things:

''H.R. 1424 will increase health insurance and mental health costs;

''H.R. 1424 will result in Americans losing their mental health coverage due to the mandates and the increased costs of those mandates;

''H.R. 1424 will result in a myriad of lawsuits.

''I testified before the Rules Committee last night and offered two amendments that would have drastically improved this legislation. Well, the Democratic majority, instead of choosing to allow an honest dialogue and an open debate on an extremely important issue of mental health, they chose to deny all amendments to this legislation. Not only that, the majority changed the underlying bill's language late last night and inserted the text of the Genetic Information Non-Discrimination Act. This legislation will further erode mental health parity and jeopardize affordable group health insurance in America.''.

Ms. CASTOR was recognized to speak to the point of order and said:

''I strongly oppose the gentleman's point of order.

''This point of order is being raised today for one purpose and one purpose only, that is, to block this rule and ultimately the underlying bill, an underlying bill that prohibits discrimination against Americans with mental illness.

''I'm heartened by the fact that I do not believe the gentleman's point of order comes from a unanimous opinion of the other side of the aisle because the underlying bill is a bipartisan effort cosponsored by 274 Members of the House of Representatives. Yet there are opponents of this bill, and they will raise these dilatory tactics. The opponents don't even want to allow a debate or a final vote on this critical measure. They simply want to stop the process and kill the bill through this procedural maneuver.

''So despite whatever dilatory procedural devices the other side tries to use to stop this bill, we will stand up for the millions of Americans who need parity in mental health coverage, and we will vote to consider this important legislation today.

''We must consider this rule, and we will pass the Paul Wellstone Mental Health and Addiction Equity Act today.''.

Mr. HASTINGS of Washington, was recognized to speak to the point of order and said:

''I could hardly believe my ears when I heard my friend from Florida say that this is a dilatory tactic, and the idea was to, what was it, to deny a vote on this bill? For goodness sakes. Last night there were several attempts, several attempts to try to improve this bill in a way that would make it more palatable to more people in this House, and they were turned down every time by the majority, Democrat majority, in the Rules Committee. And so for my friend from Florida to stand up and say that that is an attempt to kill this bill, when last night she participated in an exercise to do exactly that, is just beyond me.''.

Mr. BROUN of Georgia, was further recognized and said:

''Mr. Speaker, I want to say that I resent my sincerity on this being questioned by the gentlelady from Florida. I am very sincere about this.

''I am very sincere about this. I talked to the Rules Committee last night. I have talked on this floor here tonight. And for you to make these charges that I'm not sincere about this bill is absolutely incorrect. Maybe the gentlelady didn't hear me, but I have very personal interests in mental health. It is an extremely important issue to me, to my wife, to my family. And for you to say I'm not sincere about this, I am just very shocked about that. But I am sincere.

''This bill, the way it's written, is going to actually deny people mental health coverage. We tried to fix it last night, make it better. And those attempts were denied over and over and over again.''.

Mr. COHEN was recognized to speak to the point of order and said:

''My father was a physician. After being a pediatrician for many years, he chose to change his specialty and go into psychiatry, and then child adolescent psychiatry. As a result of that, I was exposed to mental health issues and mental health treatment and the need for mental health professionals throughout this country.

''There has been a misconception in this country about people needing mental health treatment and their being adequately covered by insurance. In the same way that a physical illness affects people, mental illnesses do. And mental health treatment has been woefully undercovered and underserved, people who suffer from that in our country.

''I am proud to be a cosponsor of this bill and to join with the gentleman from Minnesota and the gentleman from Rhode Island who brought the bill and other cosponsors, because I think it shows that this Congress understands that mental health treatment needs to be covered, that diseases of the mind are similar to diseases of the body, the effect they can have on a person's overall well-being, but that their mental health and their physical health are also intertwined, and if mental health is not treated, physical health is affected.

''We need to be concerned about all of our fellow citizens, our brothers and sisters who might suffer from any illness. And it's time that we came out from the cloak of an ancient time when we looked upon mental health treatment as something to be shunned, to be embarrassed about if it was somebody in our families, our friends, or even ourselves. And so I wholeheartedly endorse this bill and feel that the passage of this bill will be a great day for Americans and for science.''.

Mr. BROUN of Georgia was further recognized and said:

''Mr. Speaker, in addition to the concerns that I raised earlier regarding the provisions of the mental health parity bill, that it will actually decrease mental health coverage and increase health insurance costs, let me share several additional concerns I have with the Genetic Information Non-Discrimination Act that was inserted late last night.

''Title I of the GINA legislation imposes Federal mandates on health plans regarding insurance coverage, while title II imposes mandates on employers regarding employment and related hiring decisions. However, there is no explicit language in this legislation clarifying that group health insurance plan sponsors may not be subjected to the more expansive remedies provided by title II.

''Why is that a problem? Because title II provides for rulemaking by the EEOC, the Equal Employment Opportunity Commission, and remedies before the EEOC and, ultimately, Federal courts.

''During floor debate on H.R. 493, Congressman ROB ANDREWS suggested that 'employers, including to the extent employers control or direct benefit plans, are subject to the requirements of title II of this bill,' including the much broader definition of genetic testing and tougher penalties associated with that title.

''I believe that this lack of clarity could and will lead to additional lawsuits through the use of broader remedies available in title II that are intended to be reserved for employers who violate their employees' civil rights, not for employees seeking to litigate group health plan disputes.

''Further, section 502 of ERISA says that all lawsuits must go through Federal court, which is not addressed in the mental health parity legislation. Nothing in this bill states that section 502 is preserved, so lawsuits can and will be brought in State court.

''Mr. Speaker, I want to go through just a list of some things that this bill will do.

''It's going to increase health care costs. CBO estimates that H.R. 1424 would impose mandates on private insurance companies, a total of $3 billion annually by 2012. These costs will ultimately be borne by employers offering health insurance and employees seeking to obtain coverage.

''Number two, it will increase the cost of business due to private sector mandates. The bill contains multiple new Federal mandates on the private sector, affecting the design and structure of health insurance plans.

''The bill also increases the threshold level at which employees suffering increased claim costs as a result of implementing the new Federal mandates can claim an exemption from the provisions of H.R. 1424.

''Number three, I think this will decrease the mental health coverage. While the bill imposes several new Federal mandates on those employers who choose to offer mental health coverage, there is nothing in H.R. 1424 that would require plans to cover these conditions. Thus H.R. 1424 could have the perverse effect of actually decreasing mental health coverage by encouraging an employee who is frustrated with the bill's onerous burdens to drop mental health insurance altogether.

''Four, I think it will increase the number of uninsured. It will erode the Federal preemption for employers. This codification of treatment mandate for health plans, they are going to use DSM-IV to codify that. And this book, DSM-IV, was generated for physicians to use just to be able to classify mental health. It has a whole lot of things in here that most employers would not want to cover.

''It will increase an intergovernmental mandate. It is a violation of UMRA. It has a lack of conscience clause, and it has a lack of medical management tools.''.

Ms. CASTOR of Florida, was further recognized and said:

''Mr. Speaker, I urge a 'yes' vote on the consideration of the resolution so we can move forward on the rule and to consider the bill.

''Those that oppose our efforts to end discrimination when it comes to mental health services will get their opportunity to debate the bill and to vote against these measures.

''So with that, Mr. Speaker, I urge a 'yes' vote to consider the rule.''.

After debate,

The question being put, viva voce,

Will the House now consider the resolution?

The SPEAKER pro tempore, Mr. HOLDEN, announced that the nays had it.

Ms. CASTOR demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative .....

Yeas	215
Nays	192
Answered present	1

¶25.25 [Roll No. 94]

YEAS—215

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

NAYS—192

Abercrombie	Boustany	Chabot
Aderholt	Brady (TX)	Coble
Akin	Broun (GA)	Conaway
Alexander	Brown (SC)	Crenshaw
Bachus	Buchanan	Cubin
Barrett (SC)	Burgess	Culberson
Bartlett (MD)	Burton (IN)	Davis (KY)
Barton (TX)	Buyer	Davis, David
Biggert	Calvert	Davis, Tom
Bilbray	Camp (MI)	Deal (GA)
Bilirakis	Campbell (CA)	Dent
Bishop (UT)	Cannon	Diaz-Balart, L.
Blackburn	Cantor	Diaz-Balart, M.
Bonner	Capito	Doolittle
Bono Mack	Carter	Drake
Boozman	Castle	Dreier
Duncan	Knollenberg	Rehberg
Ehlers	Kuhl (NY)	Reichert
Emerson	Lamborn	Reynolds
English (PA)	Lampson	Rodriguez
Everett	Latham	Rogers (AL)
Fallin	LaTourette	Rogers (KY)
Feeney	Latta	Rogers (MI)
Ferguson	Lewis (CA)	Rohrabacher
Flake	Lewis (KY)	Ros-Lehtinen
Forbes	Linder	Roskam
Fortenberry	LoBiondo	Ross
Fossella	Lucas	Royce
Foxx	Lungren, Daniel E.	Ryan (WI)
Franks (AZ)	Mack	Salazar
Frelinghuysen	Manzullo	Sali
Gallegly	Marchant	Saxton
Garrett (NJ)	McCarthy (CA)	Schmidt
Gerlach	McCaul (TX)	Sensenbrenner
Gilchrest	McCotter	Sessions
Gingrey	McCrery	Shadegg
Gohmert	McHenry	Shimkus
Goode	McHugh	Shuster
Goodlatte	McKeon	Simpson
Granger	McMorris Rodgers	Smith (NE)
Graves	Mica	Smith (NJ)
Hall (TX)	Miller (FL)	Smith (TX)
Hastings (WA)	Miller (MI)	Souder
Hayes	Miller, Gary	Stearns
Heller	Moran (KS)	Tancredo
Hensarling	Musgrave	Terry
Herger	Myrick	Thornberry
Hinojosa	Neugebauer	Tiahrt
Hobson	Nunes	Tiberi
Hoekstra	Paul	Turner
Hulshof	Pearce	Upton
Hunter	Pence	Walberg
Inglis (SC)	Peterson (PA)	Walden (OR)
Issa	Petri	Walsh (NY)
Jackson-Lee (TX)	Pickering	Wamp
Johnson (IL)	Pitts	Weldon (FL)
Johnson, Sam	Platts	Weller
Jones (NC)	Porter	Westmoreland
Jordan	Price (GA)	Whitfield (KY)
Kagen	Pryce (OH)	Wilson (NM)
King (IA)	Putnam	Wilson (SC)
King (NY)	Radanovich	Wittman (VA)
Kingston	Regula	Wolf
Kline (MN)		Young (AK)
		Young (FL)

ANSWERED ''PRESENT''—1

Bachmann

NOT VOTING—20

Blunt	Johnson, E. B.	Rangel
Boehner	Keller	Renzi
Brown-Waite, Ginny	Kucinich	Reyes
	Meek (FL)	Rush
Cole (OK)	Murphy, Tim	Sullivan
Conyers	Ortiz	Udall (CO)
Gonzalez	Poe	Woolsey

So the House decided to consider said resolution.

A motion to reconsider the vote whereby the House decided to consider said resolution.

Accordingly,

When said resolution was considered.

After debate,

Ms. CASTOR moved the previous question on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House now order the previous question?

The SPEAKER pro tempore, Mr. SNYDER, announced that the yeas had it.

Mr. HASTINGS of Washington, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 215 Nays 195

¶25.26 [Roll No. 95]

YEAS—215

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

NAYS—195

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

NOT VOTING—18

Brown-Waite, Ginny
Cole (OK)
Conyers
Costa
Cummings
Gonzalez
Johnson, E. B.
Keller
Meek (FL)
Ortiz
Peterson (PA)
Poe
Radanovich
Rangel
Renzi
Reyes
Rush
Woolsey

So the previous question on the resolution was ordered.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. SNYDER, announced that the yeas had it.

Mr. HASTINGS of Washington, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 209 Nays 198

¶25.27 [Roll No. 96]

YEAS—209

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

NAYS—198

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Carter
Castle
Chabot
Coble
Conaway
Crenshaw
Cubin
Cuellar
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green, Al
Green, Gene
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hinojosa
Hobson
Hoekstra
Hulshof
Inglis (SC)
Issa
Jackson-Lee (TX)
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Kagen
King (IA)
King (NY)
Kingston
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Lampson
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon

McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Pastor
Paul
Pearce
Pence
Petri
Pickering
Pitts
Platts
Porter
Price (GA)
Pryce (OH)
Putnam
Regula
Rehberg
Reichert
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Royce
Ryan (WI)
Salazar
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Snyder
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOT VOTING—21

Brown-Waite, Ginny
Cole (OK)
Conyers
Fallin
Gonzalez
Hunter
Johnson, E. B.
Keller
Meek (FL)
Ortiz
Peterson (PA)
Poe
Radanovich
Rangel
Renzi
Reyes
Rush
Shea-Porter
Stark
Woolsey
Wynn

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶25.28 H.R. 4774—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. SNYDER, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and pass the bill (H.R. 4774) to designate the facility of the United States Postal Service located at 10250 John Saunders Road in San Anton, Texas, as the ''Cyndi Taylor Krier Post Office Building''; as amended.

The question being put,

Will the House suspend the rules and pass said bill, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 404 Nays 0

¶25.29 [Roll No. 97]

YEAS—404

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pitts
Platts
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Rahall
Regula
Rehberg
Reichert
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wittman (VA)
Wolf
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—24

Bean
Bishop (GA)
Brown-Waite, Ginny
Conyers
Gonzalez
Higgins
Johnson, E. B.
Jones (OH)
Keller
Meek (FL)
Ortiz
Pickering
Poe
Radanovich
Ramstad
Rangel
Renzi
Reyes
Richardson
Rothman
Rush
Weldon (FL)
Wilson (SC)
Woolsey

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶25.30 H. CON. RES. 286—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. SNYDER, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the concurrent resolution (H. Con. Res. 286) expressing the sense of Congress that Earl Lloyd should be recognized and honored for breaking the color barrier and becoming the first African American to play in the National Basketball Association League 58 years ago.

The question being put,

Will the House suspend the rules and agree to said concurrent resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 412 Nays 0

¶25.31 [Roll No. 98]

YEAS—412

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

Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pomeroy
Porter
Price (GA)
Price (NC)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—16

Brown-Waite, Ginny
Conyers
Gonzalez
Gordon
Johnson, E. B.
Keller
Meek (FL)
Ortiz
Poe
Pryce (OH)
Rangel
Renzi
Rush
Schmidt
Sires
Woolsey

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said concurrent resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said concurrent resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶25.32 PAUL WELLSTONE MENTAL HEALTH AND ADDICTION EQUITY

Mr. PALLONE, pursuant to House Resolution 1014, called up for consideration the bill (H.R. 1427) to amend section 712 of the Employee Retirement Income Security Act of 1974, section 2705 of the Public Health Service Act, and section 9812 of the Internal Revenue Code of 1986 to require equity in the provision of mental health and substance-related disorder benefits under group health plans.

Pending consideration of said bill.

Pursuant to House Resolution 1014, in lieu of the amendments recommended by the Committee on Energy and Commerce, the Committee on Ways and Means, and the Committee on Education and Labor printed in the bill, the following amendment in the nature of a substitute, printed in House Report 110-538 of the Committee on Rules, was considered as agreed to:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Paul Wellstone Mental Health and Addiction Equity Act of 2007''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Amendments to the Employee Retirement Income Security Act of 1974.
Sec. 3. Amendments to the Public Health Service Act relating to the group market.
Sec. 4. Amendments to the Internal Revenue Code of 1986.
Sec. 5. Medicaid drug rebate.
Sec. 6. Limitation on Medicare exception to the prohibition on certain physician referrals for hospitals.
Sec. 7. Studies and reports.

SEC. 2. AMENDMENTS TO THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.

(a) EXTENSION OF PARITY TO TREATMENT LIMITS AND BENEFICIARY FINANCIAL REQUIREMENTS.—Section 712 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1185a) is amended—

(1) in subsection (a), by adding at the end the following new paragraphs:

''(3) TREATMENT LIMITS.—In the case of a group health plan that provides both medical and surgical benefits and mental health or substance-related disorder benefits—

''(A) NO TREATMENT LIMIT.—If the plan or coverage does not include a treatment limit (as defined in subparagraph (D)) on substantially all medical and surgical benefits in any category of items or services, the plan or coverage may not impose any treatment limit on mental health or substance-related disorder benefits that are classified in the same category of items or services.

''(B) TREATMENT LIMIT.—If the plan or coverage includes a treatment limit on substantially all medical and surgical benefits in any category of items or services, the plan or coverage may not impose such a treatment limit on mental health or substance-related disorder benefits for items and services within such category that is more restrictive than the predominant treatment limit that is applicable to medical and surgical benefits for items and services within such category.

''(C) CATEGORIES OF ITEMS AND SERVICES FOR APPLICATION OF TREATMENT LIMITS AND BENEFICIARY FINANCIAL REQUIREMENTS.—For purposes of this paragraph and paragraph (4), there shall be the following five categories of items and services for benefits, whether medical and surgical benefits or mental health and substance-related disorder benefits, and all medical and surgical benefits and all mental health and substance related benefits shall be classified into one of the following categories:

''(i) INPATIENT, IN-NETWORK.—Items and services not described in clause (v) furnished on an inpatient basis and within a network of providers established or recognized under such plan or coverage.

''(ii) INPATIENT, OUT-OF-NETWORK.—Items and services not described in clause (v) furnished on an inpatient basis and outside any network of providers established or recognized under such plan or coverage.

''(iii) OUTPATIENT, IN-NETWORK.—Items and services not described in clause (v) furnished on an outpatient basis and within a network of providers established or recognized under such plan or coverage.

''(iv) OUTPATIENT, OUT-OF-NETWORK.—Items and services not described in clause (v) furnished on an outpatient basis and outside any network of providers established or recognized under such plan or coverage.

''(v) EMERGENCY CARE.—Items and services, whether furnished on an inpatient or outpatient basis or within or outside any network of providers, required for the treatment of an emergency medical condition (as defined in section 1867(e) of the Social Security Act, including an emergency condition relating to mental health or substance-related disorders).

''(D) TREATMENT LIMIT DEFINED.—For purposes of this paragraph, the term 'treatment limit' means, with respect to a plan or coverage, limitation on the frequency of treatment, number of visits or days of coverage, or other similar limit on the duration or scope of treatment under the plan or coverage.

''(E) PREDOMINANCE.—For purposes of this subsection, a treatment limit or financial requirement with respect to a category of items and services is considered to be predominant if it is the most common or frequent of such type of limit or requirement with respect to such category of items and services.

''(4) BENEFICIARY FINANCIAL REQUIREMENTS.—In the case of a group health plan that provides both medical and surgical benefits and mental health or substance-related disorder benefits—

''(A) NO BENEFICIARY FINANCIAL REQUIREMENT.—If the plan or coverage does not include a beneficiary financial requirement (as defined in subparagraph (C)) on substantially all medical and surgical benefits within a

category of items and services (specified under paragraph (3)(C)), the plan or coverage may not impose such a beneficiary financial requirement on mental health or substance-related disorder benefits for items and services within such category.

''(B) BENEFICIARY FINANCIAL REQUIREMENT.—

''(i) TREATMENT OF DEDUCTIBLES, OUT-OF-POCKET LIMITS, AND SIMILAR FINANCIAL REQUIREMENTS.—If the plan or coverage includes a deductible, a limitation on out-of-pocket expenses, or similar beneficiary financial requirement that does not apply separately to individual items and services on substantially all medical and surgical benefits within a category of items and services (as specified in paragraph (3)(C)), the plan or coverage shall apply such requirement (or, if there is more than one such requirement for such category of items and services, the predominant requirement for such category) both to medical and surgical benefits within such category and to mental health and substance-related disorder benefits within such category and shall not distinguish in the application of such requirement between such medical and surgical benefits and such mental health and substance-related disorder benefits.

''(ii) OTHER FINANCIAL REQUIREMENTS.—If the plan or coverage includes a beneficiary financial requirement not described in clause (i) on substantially all medical and surgical benefits within a category of items and services, the plan or coverage may not impose such financial requirement on mental health or substance-related disorder benefits for items and services within such category in a way that results in greater out-of-pocket expenses to the participant or beneficiary than the predominant beneficiary financial requirement applicable to medical and surgical benefits for items and services within such category.

''(C) BENEFICIARY FINANCIAL REQUIREMENT DEFINED.—For purposes of this paragraph, the term 'beneficiary financial requirement' includes, with respect to a plan or coverage, any deductible, coinsurance, co-payment, other cost sharing, and limitation on the total amount that may be paid by a participant or beneficiary with respect to benefits under the plan or coverage, but does not include the application of any aggregate lifetime limit or annual limit.''; and

(2) in subsection (b)—

(A) by striking ''construed—'' and all that follows through ''(1) as requiring'' and inserting ''construed as requiring'';

(B) by striking ''; or'' and inserting a period; and

(C) by striking paragraph (2).

(b) EXPANSION TO SUBSTANCE-RELATED DISORDER BENEFITS AND REVISION OF DEFINITION.—Such section is further amended—

(1) by striking ''mental health benefits'' each place it appears (other than in any provision amended by paragraph (2)) and inserting ''mental health or substance-related disorder benefits'',

(2) by striking ''mental health benefits'' each place it appears in subsections (a)(1)(B)(i), (a)(1)(C), (a)(2)(B)(i), and (a)(2)(C) and inserting ''mental health and substance-related disorder benefits'', and

(3) in subsection (e), by striking paragraph (4) and inserting the following new paragraphs:

''(4) MENTAL HEALTH BENEFITS.—The term 'mental health benefits' means benefits with respect to services for mental health conditions, as defined under the terms of the plan and in accordance with applicable law, but does not include substance-related disorder benefits.

''(5) SUBSTANCE-RELATED DISORDER BENEFITS.—The term 'substance-related disorder benefits' means benefits with respect to services for substance-related disorders, as defined under the terms of the plan and in accordance with applicable law.''.

(c) AVAILABILITY OF PLAN INFORMATION ABOUT CRITERIA FOR MEDICAL NECESSITY.—Subsection (a) of such section, as amended by subsection (a)(1), is further amended by adding at the end the following new paragraph:

''(5) AVAILABILITY OF PLAN INFORMATION.—The criteria for medical necessity determinations made under the plan with respect to mental health and substance-related disorder benefits (or the health insurance coverage offered in connection with the plan with respect to such benefits) shall be made available by the plan administrator (or the health insurance issuer offering such coverage) in accordance with regulations to any current or potential participant, beneficiary, or contracting provider upon request. The reason for any denial under the plan (or coverage) of reimbursement or payment for services with respect to mental health and substance-related disorder benefits in the case of any participant or beneficiary shall, on request or as otherwise required, be made available by the plan administrator (or the health insurance issuer offering such coverage) to the participant or beneficiary in accordance with regulations.''.

(d) MINIMUM BENEFIT REQUIREMENTS.—Subsection (a) of such section is further amended by adding at the end the following new paragraph:

''(6) MINIMUM SCOPE OF COVERAGE AND EQUITY IN OUT-OF-NETWORK BENEFITS.—

''(A) MINIMUM SCOPE OF MENTAL HEALTH AND SUBSTANCE-RELATED DISORDER BENEFITS.—In the case of a group health plan (or health insurance coverage offered in connection with such a plan) that provides any mental health or substance-related disorder benefits, the plan or coverage shall include benefits for any mental health condition or substance-related disorder included in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association.

''(B) EQUITY IN COVERAGE OF OUT-OF-NETWORK BENEFITS.—

''(i) IN GENERAL.—In the case of a plan or coverage that provides both medical and surgical benefits and mental health or substance-related disorder benefits, if medical and surgical benefits are provided for substantially all items and services in a category specified in clause (ii) furnished outside any network of providers established or recognized under such plan or coverage, the mental health and substance-related disorder benefits shall also be provided for items and services in such category furnished outside any network of providers established or recognized under such plan or coverage in accordance with the requirements of this section.

''(ii) CATEGORIES OF ITEMS AND SERVICES.—For purposes of clause (i), there shall be the following three categories of items and services for benefits, whether medical and surgical benefits or mental health and substance-related disorder benefits, and all medical and surgical benefits and all mental health and substance-related disorder benefits shall be classified into one of the following categories:

''(I) EMERGENCY.—Items and services, whether furnished on an inpatient or outpatient basis, required for the treatment of an emergency medical condition (as defined in section 1867(e) of the Social Security Act, including an emergency condition relating to mental health or substance-related disorders).

''(II) INPATIENT.—Items and services not described in subclause (I) furnished on an inpatient basis.

''(III) OUTPATIENT.—Items and services not described in subclause (I) furnished on an outpatient basis.''.

(e) REVISION OF INCREASED COST EXEMPTION.—Paragraph (2) of subsection (c) of such section is amended to read as follows:

''(2) INCREASED COST EXEMPTION.—

''(A) IN GENERAL.—With respect to a group health plan (or health insurance coverage offered in connection with such a plan), if the application of this section to such plan (or coverage) results in an increase for the plan year involved of the actual total costs of coverage with respect to medical and surgical benefits and mental health and substance-related disorder benefits under the plan (as determined and certified under subparagraph (C)) by an amount that exceeds the applicable percentage described in subparagraph (B) of the actual total plan costs, the provisions of this section shall not apply to such plan (or coverage) during the following plan year, and such exemption shall apply to the plan (or coverage) for 1 plan year.

''(B) APPLICABLE PERCENTAGE.—With respect to a plan (or coverage), the applicable percentage described in this paragraph shall be—

''(i) 2 percent in the case of the first plan year to which this paragraph applies; and

''(ii) 1 percent in the case of each subsequent plan year.

''(C) DETERMINATIONS BY ACTUARIES.—Determinations as to increases in actual costs under a plan (or coverage) for purposes of this subsection shall be made in writing and prepared and certified by a qualified and licensed actuary who is a member in good standing of the American Academy of Actuaries. Such determinations shall be made available by the plan administrator (or health insurance issuer, as the case may be) to the general public.

''(D) 6-MONTH DETERMINATIONS.—If a group health plan (or a health insurance issuer offering coverage in connection with such a plan) seeks an exemption under this paragraph, determinations under subparagraph (A) shall be made after such plan (or coverage) has complied with this section for the first 6 months of the plan year involved.

''(E) NOTIFICATION.—An election to modify coverage of mental health and substance-related disorder benefits as permitted under this paragraph shall be treated as a material modification in the terms of the plan as described in section 102(a) and notice of which shall be provided a reasonable period in advance of the change.

''(F) NOTIFICATION OF APPROPRIATE AGENCY.—

''(i) IN GENERAL.—A group health plan that, based on a certification described under subparagraph (C), qualifies for an exemption under this paragraph, and elects to implement the exemption, shall notify the Department of Labor of such election.

''(ii) REQUIREMENT.—A notification under clause (i) shall include—

''(I) a description of the number of covered lives under the plan (or coverage) involved at the time of the notification, and as applicable, at the time of any prior election of the cost-exemption under this paragraph by such plan (or coverage);

''(II) for both the plan year upon which a cost exemption is sought and the year prior, a description of the actual total costs of coverage with respect to medical and surgical benefits and mental health and substance-related disorder benefits under the plan; and

''(III) for both the plan year upon which a cost exemption is sought and the year prior, the actual total costs of coverage with respect to mental health and substance-related disorder benefits under the plan.

''(iii) CONFIDENTIALITY.—A notification under clause (i) shall be confidential. The

Department of Labor shall make available, upon request to the appropriate committees of Congress and on not more than an annual basis, an anonymous itemization of such notifications, that includes—

''(I) a breakdown of States by the size and any type of employers submitting such notification; and

''(II) a summary of the data received under clause (ii).

''(G) NO IMPACT ON APPLICATION OF STATE LAW.—The fact that a plan or coverage is exempt from the provisions of this section under subparagraph (A) shall not affect the application of State law to such plan or coverage.

''(H) CONSTRUCTION.—Nothing in this paragraph shall be construed as preventing a group health plan (or health insurance coverage offered in connection with such a plan) from complying with the provisions of this section notwithstanding that the plan or coverage is not required to comply with such provisions due to the application of subparagraph (A).''.

(f) CHANGE IN EXCLUSION FOR SMALLEST EMPLOYERS.—Subsection (c)(1)(B) of such section is amended—

(1) by inserting ''(or 1 in the case of an employer residing in a State that permits small groups to include a single individual)'' after ''at least 2'' the first place it appears; and

(2) by striking ''and who employs at least 2 employees on the first day of the plan year''.

(g) ELIMINATION OF SUNSET PROVISION.—Such section is amended by striking subsection (f).

(h) CLARIFICATION REGARDING PREEMPTION.—Such section is further amended by inserting after subsection (e) the following new subsection:

''(f) PREEMPTION, RELATION TO STATE LAWS.—

''(1) IN GENERAL.—This part shall not be construed to supersede any provision of State law which establishes, implements, or continues in effect any consumer protections, benefits, methods of access to benefits, rights, external review programs, or remedies solely relating to health insurance issuers in connection with group health insurance coverage (including benefit mandates or regulation of group health plans of 50 or fewer employees) except to the extent that such provision prevents the application of a requirement of this part.

''(2) CONTINUED PREEMPTION WITH RESPECT TO GROUP HEALTH PLANS.—Nothing in this section shall be construed to affect or modify the provisions of section 514 with respect to group health plans.

''(3) OTHER STATE LAWS.—Nothing in this section shall be construed to exempt or relieve any person from any laws of any State not solely related to health insurance issuers in connection with group health coverage insofar as they may now or hereafter relate to insurance, health plans, or health coverage.'''.

(i) CONFORMING AMENDMENTS TO HEADING.—

(1) IN GENERAL.—The heading of such section is amended to read as follows:

''SEC. 712. EQUITY IN MENTAL HEALTH AND SUBSTANCE-RELATED DISORDER BENEFITS.''.

(2) CLERICAL AMENDMENT.—The table of contents in section 1 of such Act is amended by striking the item relating to section 712 and inserting the following new item:

''Sec. 712. Equity in mental health and substance-related disorder benefits.''.

(j) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply with respect to plan years beginning on or after January 1, 2009.

(2) SPECIAL RULE FOR COLLECTIVE BARGAINING AGREEMENTS.—In the case of a group health plan maintained pursuant to one or more collective bargaining agreements between employee representatives and one or more employers ratified before the date of the enactment of this Act, the amendments made by this section shall not apply to plan years beginning before the later of—

(A) the date on which the last of the collective bargaining agreements relating to the plan terminates (determined without regard to any extension thereof agreed to after the date of the enactment of this Act), or

(B) January 1, 2009.

For purposes of subparagraph (A), any plan amendment made pursuant to a collective bargaining agreement relating to the plan which amends the plan solely to conform to any requirement added by this section shall not be treated as a termination of such collective bargaining agreement.

(k) DOL ANNUAL SAMPLE COMPLIANCE.—The Secretary of Labor shall annually sample and conduct random audits of group health plans (and health insurance coverage offered in connection with such plans) in order to determine their compliance with the amendments made by this Act and shall submit to the appropriate committees of Congress an annual report on such compliance with such amendments. The Secretary shall share the results of such audits with the Secretaries of Health and Human Services and of the Treasury.

(l) ASSISTANCE TO PARTICIPANTS AND BENEFICIARIES.—The Secretary of Labor shall provide assistance to participants and beneficiaries of group health plans with any questions or problems with compliance with the requirements of this Act. The Secretary shall notify participants and beneficiaries how they can obtain assistance from State consumer and insurance agencies and the Secretary shall coordinate with State agencies to ensure that participants and beneficiaries are protected and afforded the rights provided under this Act.

SEC. 3. AMENDMENTS TO THE PUBLIC HEALTH SERVICE ACT RELATING TO THE GROUP MARKET.

(a) EXTENSION OF PARITY TO TREATMENT LIMITS AND BENEFICIARY FINANCIAL REQUIREMENTS.—Section 2705 of the Public Health Service Act (42 U.S.C. 300gg–5) is amended—

(1) in subsection (a), by adding at the end the following new paragraphs:

''(3) TREATMENT LIMITS.—In the case of a group health plan that provides both medical and surgical benefits and mental health or substance-related disorder benefits—

''(A) NO TREATMENT LIMIT.—If the plan or coverage does not include a treatment limit (as defined in subparagraph (D)) on substantially all medical and surgical benefits in any category of items or services (specified in subparagraph (C)), the plan or coverage may not impose any treatment limit on mental health or substance-related disorder benefits that are classified in the same category of items or services.

''(B) TREATMENT LIMIT.—If the plan or coverage includes a treatment limit on substantially all medical and surgical benefits in any category of items or services, the plan or coverage may not impose such a treatment limit on mental health or substance-related disorder benefits for items and services within such category that is more restrictive than the predominant treatment limit that is applicable to medical and surgical benefits for items and services within such category.

''(C) CATEGORIES OF ITEMS AND SERVICES FOR APPLICATION OF TREATMENT LIMITS AND BENEFICIARY FINANCIAL REQUIREMENTS.—For purposes of this paragraph and paragraph (4), there shall be the following five categories of items and services for benefits, whether medical and surgical benefits or mental health and substance-related disorder benefits, and all medical and surgical benefits and all mental health and substance related benefits shall be classified into one of the following categories:

''(i) INPATIENT, IN-NETWORK.—Items and services not described in clause (v) furnished on an inpatient basis and within a network of providers established or recognized under such plan or coverage.

''(ii) INPATIENT, OUT-OF-NETWORK.—Items and services not described in clause (v) furnished on an inpatient basis and outside any network of providers established or recognized under such plan or coverage.

''(iii) OUTPATIENT, IN-NETWORK.—Items and services not described in clause (v) furnished on an outpatient basis and within a network of providers established or recognized under such plan or coverage.

''(iv) OUTPATIENT, OUT-OF-NETWORK.—Items and services not described in clause (v) furnished on an outpatient basis and outside any network of providers established or recognized under such plan or coverage.

''(v) EMERGENCY CARE.—Items and services, whether furnished on an inpatient or outpatient basis or within or outside any network of providers, required for the treatment of an emergency medical condition (as defined in section 1867(e) of the Social Security Act, including an emergency condition relating to mental health or substance-related disorders).

''(D) TREATMENT LIMIT DEFINED.—For purposes of this paragraph, the term 'treatment limit' means, with respect to a plan or coverage, limitation on the frequency of treatment, number of visits or days of coverage, or other similar limit on the duration or scope of treatment under the plan or coverage.

''(E) PREDOMINANCE.—For purposes of this subsection, a treatment limit or financial requirement with respect to a category of items and services is considered to be predominant if it is the most common or frequent of such type of limit or requirement with respect to such category of items and services.

''(4) BENEFICIARY FINANCIAL REQUIREMENTS.—In the case of a group health plan that provides both medical and surgical benefits and mental health or substance-related disorder benefits—

''(A) NO BENEFICIARY FINANCIAL REQUIREMENT.—If the plan or coverage does not include a beneficiary financial requirement (as defined in subparagraph (C)) on substantially all medical and surgical benefits within a category of items and services (specified in paragraph (3)(C)), the plan or coverage may not impose such a beneficiary financial requirement on mental health or substance-related disorder benefits for items and services within such category.

''(B) BENEFICIARY FINANCIAL REQUIREMENT.—

''(i) TREATMENT OF DEDUCTIBLES, OUT-OF-POCKET LIMITS, AND SIMILAR FINANCIAL REQUIREMENTS.—If the plan or coverage includes a deductible, a limitation on out-of-pocket expenses, or similar beneficiary financial requirement that does not apply separately to individual items and services on substantially all medical and surgical benefits within a category of items and services, the plan or coverage shall apply such requirement (or, if there is more than one such requirement for such category of items and services, the predominant requirement for such category) both to medical and surgical benefits within such category and to mental health and substance-related disorder benefits within such category and shall not distinguish in the application of such requirement between such medical and surgical benefits and such mental health and substance-related disorder benefits.

''(ii) OTHER FINANCIAL REQUIREMENTS.—If the plan or coverage includes a beneficiary financial requirement not described in clause (i) on substantially all medical and surgical benefits within a category of items and services, the plan or coverage may not impose such financial requirement on mental health or substance-related disorder benefits for items and services within such category in a way that results in greater out-of-pocket expenses to the participant or beneficiary than the predominant beneficiary financial requirement applicable to medical and surgical benefits for items and services within such category.

''(C) BENEFICIARY FINANCIAL REQUIREMENT DEFINED.—For purposes of this paragraph, the term 'beneficiary financial requirement' includes, with respect to a plan or coverage, any deductible, coinsurance, co-payment, other cost sharing, and limitation on the total amount that may be paid by a participant or beneficiary with respect to benefits under the plan or coverage, but does not include the application of any aggregate lifetime limit or annual limit.''; and

(2) in subsection (b)—

(A) by striking ''construed—'' and all that follows through ''(1) as requiring'' and inserting ''construed as requiring'';

(B) by striking ''; or'' and inserting a period; and

(C) by striking paragraph (2).

(b) EXPANSION TO SUBSTANCE-RELATED DISORDER BENEFITS AND REVISION OF DEFINITION.—Such section is further amended—

(1) by striking ''mental health benefits'' each place it appears (other than in any provision amended by paragraph (2)) and inserting ''mental health or substance-related disorder benefits'',

(2) by striking ''mental health benefits'' each place it appears in subsections (a)(1)(B)(i), (a)(1)(C), (a)(2)(B)(i), and (a)(2)(C) and inserting ''mental health and substance-related disorder benefits'', and

(3) in subsection (e), by striking paragraph (4) and inserting the following new paragraphs:

''(4) MENTAL HEALTH BENEFITS.—The term 'mental health benefits' means benefits with respect to services for mental health conditions, as defined under the terms of the plan and in accordance with applicable law, but does not include substance-related disorder benefits.

''(5) SUBSTANCE-RELATED DISORDER BENEFITS.—The term 'substance-related disorder benefits' means benefits with respect to services for substance-related disorders, as defined under the terms of the plan and in accordance with applicable law.''.

(c) AVAILABILITY OF PLAN INFORMATION ABOUT CRITERIA FOR MEDICAL NECESSITY.—Subsection (a) of such section, as amended by subsection (a)(1), is further amended by adding at the end the following new paragraph:

''(5) AVAILABILITY OF PLAN INFORMATION.—The criteria for medical necessity determinations made under the plan with respect to mental health and substance-related disorder benefits (or the health insurance coverage offered in connection with the plan with respect to such benefits) shall be made available by the plan administrator (or the health insurance issuer offering such coverage) in accordance with regulations to any current or potential participant, beneficiary, or contracting provider upon request. The reason for any denial under the plan (or coverage) of reimbursement or payment for services with respect to mental health and substance-related disorder benefits in the case of any participant or beneficiary shall, on request or as otherwise required, be made available by the plan administrator (or the health insurance issuer offering such coverage) to the participant or beneficiary in accordance with regulations.''.

(d) MINIMUM BENEFIT REQUIREMENTS.—Subsection (a) of such section is further amended by adding at the end the following new paragraph:

''(6) MINIMUM SCOPE OF COVERAGE AND EQUITY IN OUT-OF-NETWORK BENEFITS.—

''(A) MINIMUM SCOPE OF MENTAL HEALTH AND SUBSTANCE-RELATED DISORDER BENEFITS.—In the case of a group health plan (or health insurance coverage offered in connection with such a plan) that provides any mental health or substance-related disorder benefits, the plan or coverage shall include benefits for any mental health condition or substance-related disorder included in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association.

''(B) EQUITY IN COVERAGE OF OUT-OF-NETWORK BENEFITS.—

''(i) IN GENERAL.—In the case of a group health plan (or health insurance coverage offered in connection with such a plan) that provides both medical and surgical benefits and mental health or substance-related disorder benefits, if medical and surgical benefits are provided for substantially all items and services in a category specified in clause (ii) furnished outside any network of providers established or recognized under such plan or coverage, the mental health and substance-related disorder benefits shall also be provided for items and services in such category furnished outside any network of providers established or recognized under such plan or coverage in accordance with the requirements of this section.

''(ii) CATEGORIES OF ITEMS AND SERVICES.—For purposes of clause (i), there shall be the following three categories of items and services for benefits, whether medical and surgical benefits or mental health and substance-related disorder benefits, and all medical and surgical benefits and all mental health and substance-related disorder benefits shall be classified into one of the following categories:

''(I) EMERGENCY.—Items and services, whether furnished on an inpatient or outpatient basis, required for the treatment of an emergency medical condition (as defined in section 1867(e) of the Social Security Act, including an emergency condition relating to mental health or substance-related disorders).

''(II) INPATIENT.—Items and services not described in subclause (I) furnished on an inpatient basis.

''(III) OUTPATIENT.—Items and services not described in subclause (I) furnished on an outpatient basis.''.

(e) REVISION OF INCREASED COST EXEMPTION.—Paragraph (2) of subsection (c) of such section is amended to read as follows:

''(2) INCREASED COST EXEMPTION.—

''(A) IN GENERAL.—With respect to a group health plan (or health insurance coverage offered in connection with such a plan), if the application of this section to such plan (or coverage) results in an increase for the plan year involved of the actual total costs of coverage with respect to medical and surgical benefits and mental health and substance-related disorder benefits under the plan (as determined and certified under subparagraph (C)) by an amount that exceeds the applicable percentage described in subparagraph (B) of the actual total plan costs, the provisions of this section shall not apply to such plan (or coverage) during the following plan year, and such exemption shall apply to the plan (or coverage) for 1 plan year.

''(B) APPLICABLE PERCENTAGE.—With respect to a plan (or coverage), the applicable percentage described in this paragraph shall be—

''(i) 2 percent in the case of the first plan year to which this paragraph applies; and

''(ii) 1 percent in the case of each subsequent plan year.

''(C) DETERMINATIONS BY ACTUARIES.—Determinations as to increases in actual costs under a plan (or coverage) for purposes of this subsection shall be made in writing and prepared and certified by a qualified and licensed actuary who is a member in good standing of the American Academy of Actuaries. Such determinations shall be made available by the plan administrator (or health insurance issuer, as the case may be) to the general public.

''(D) 6-MONTH DETERMINATIONS.—If a group health plan (or a health insurance issuer offering coverage in connection with such a plan) seeks an exemption under this paragraph, determinations under subparagraph (A) shall be made after such plan (or coverage) has complied with this section for the first 6 months of the plan year involved.

''(E) NOTIFICATION.—A group health plan under this part shall comply with the notice requirement under section 712(c)(2)(E) of the Employee Retirement Income Security Act of 1974 with respect to a modification of mental health and substance-related disorder benefits as permitted under this paragraph as if such section applied to such plan.

''(F) NOTIFICATION OF APPROPRIATE AGENCY.—

''(i) IN GENERAL.—A group health plan that, based on a certification described under subparagraph (C), qualifies for an exemption under this paragraph, and elects to implement the exemption, shall notify the Secretary of Health and Human Services of such election.

''(ii) REQUIREMENT.—A notification under clause (i) shall include—

''(I) a description of the number of covered lives under the plan (or coverage) involved at the time of the notification, and as applicable, at the time of any prior election of the cost-exemption under this paragraph by such plan (or coverage);

''(II) for both the plan year upon which a cost exemption is sought and the year prior, a description of the actual total costs of coverage with respect to medical and surgical benefits and mental health and substance-related disorder benefits under the plan; and

''(III) for both the plan year upon which a cost exemption is sought and the year prior, the actual total costs of coverage with respect to mental health and substance-related disorder benefits under the plan.

''(iii) CONFIDENTIALITY.—A notification under clause (i) shall be confidential. The Secretary of Health and Human Services shall make available, upon request to the appropriate committees of Congress and on not more than an annual basis, an anonymous itemization of such notifications, that includes—

''(I) a breakdown of States by the size and any type of employers submitting such notification; and

''(II) a summary of the data received under clause (ii).

''(G) CONSTRUCTION.—Nothing in this paragraph shall be construed as preventing a group health plan (or health insurance coverage offered in connection with such a plan) from complying with the provisions of this section notwithstanding that the plan or coverage is not required to comply with such provisions due to the application of subparagraph (A).''.

(f) CHANGE IN EXCLUSION FOR SMALLEST EMPLOYERS.—Subsection (c)(1)(B) of such section is amended—

(1) by inserting ''(or 1 in the case of an employer residing in a State that permits small

groups to include a single individual)'' after ''at least 2'' the first place it appears; and

(2) by striking ''and who employs at least 2 employees on the first day of the plan year''.

(g) ELIMINATION OF SUNSET PROVISION.—Such section is amended by striking out subsection (f).

(h) CLARIFICATION REGARDING PREEMPTION.—Such section is further amended by inserting after subsection (e) the following new subsection:

''(f) PREEMPTION, RELATION TO STATE LAWS.—

''(1) IN GENERAL.—Nothing in this section shall be construed to preempt any State law that provides greater consumer protections, benefits, methods of access to benefits, rights or remedies that are greater than the protections, benefits, methods of access to benefits, rights or remedies provided under this section.

''(2) CONSTRUCTION.—Nothing in this section shall be construed to affect or modify the provisions of section 2723 with respect to group health plans.''.

(i) CONFORMING AMENDMENT TO HEADING.—The heading of such section is amended to read as follows:

''SEC. 2705. EQUITY IN MENTAL HEALTH AND SUBSTANCE-RELATED DISORDER BENEFITS.''.

(j) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply with respect to plan years beginning on or after January 1, 2009.

(2) ELIMINATION OF SUNSET.—The amendment made by subsection (g) shall apply to benefits for services furnished after December 31, 2007.

(3) SPECIAL RULE FOR COLLECTIVE BARGAINING AGREEMENTS.—In the case of a group health plan maintained pursuant to one or more collective bargaining agreements between employee representatives and one or more employers ratified before the date of the enactment of this Act, the amendments made by this section shall not apply to plan years beginning before the later of—

(A) the date on which the last of the collective bargaining agreements relating to the plan terminates (determined without regard to any extension thereof agreed to after the date of the enactment of this Act), or

(B) January 1, 2009.

For purposes of subparagraph (A), any plan amendment made pursuant to a collective bargaining agreement relating to the plan which amends the plan solely to conform to any requirement added by this section shall not be treated as a termination of such collective bargaining agreement.

SEC. 4. AMENDMENTS TO THE INTERNAL REVENUE CODE OF 1986.

(a) EXTENSION OF PARITY TO TREATMENT LIMITS AND BENEFICIARY FINANCIAL REQUIREMENTS.—Section 9812 of the Internal Revenue Code of 1986 is amended—

(1) in subsection (a), by adding at the end the following new paragraphs:

''(3) TREATMENT LIMITS.—In the case of a group health plan that provides both medical and surgical benefits and mental health or substance-related disorder benefits—

''(A) NO TREATMENT LIMIT.—If the plan does not include a treatment limit (as defined in subparagraph (D)) on substantially all medical and surgical benefits in any category of items or services (specified in subparagraph (C)), the plan may not impose any treatment limit on mental health or substance-related disorder benefits that are classified in the same category of items or services.

''(B) TREATMENT LIMIT.—If the plan includes a treatment limit on substantially all medical and surgical benefits in any category of items or services, the plan may not impose such a treatment limit on mental health or substance-related disorder benefits for items and services within such category that is more restrictive than the predominant treatment limit that is applicable to medical and surgical benefits for items and services within such category.

''(C) CATEGORIES OF ITEMS AND SERVICES FOR APPLICATION OF TREATMENT LIMITS AND BENEFICIARY FINANCIAL REQUIREMENTS.—For purposes of this paragraph and paragraph (4), there shall be the following five categories of items and services for benefits, whether medical and surgical benefits or mental health and substance-related disorder benefits, and all medical and surgical benefits and all mental health and substance related benefits shall be classified into one of the following categories:

''(i) INPATIENT, IN-NETWORK.—Items and services not described in clause (v) furnished on an inpatient basis and within a network of providers established or recognized under such plan.

''(ii) INPATIENT, OUT-OF-NETWORK.—Items and services not described in clause (v) furnished on an inpatient basis and outside any network of providers established or recognized under such plan.

''(iii) OUTPATIENT, IN-NETWORK.—Items and services not described in clause (v) furnished on an outpatient basis and within a network of providers established or recognized under such plan.

''(iv) OUTPATIENT, OUT-OF-NETWORK.—Items and services not described in clause (v) furnished on an outpatient basis and outside any network of providers established or recognized under such plan.

''(v) EMERGENCY CARE.—Items and services, whether furnished on an inpatient or outpatient basis or within or outside any network of providers, required for the treatment of an emergency medical condition (as defined in section 1867(e) of the Social Security Act, including an emergency condition relating to mental health or substance-related disorders).

''(D) TREATMENT LIMIT DEFINED.—For purposes of this paragraph, the term 'treatment limit' means, with respect to a plan, limitation on the frequency of treatment, number of visits or days of coverage, or other similar limit on the duration or scope of treatment under the plan.

''(E) PREDOMINANCE.—For purposes of this subsection, a treatment limit or financial requirement with respect to a category of items and services is considered to be predominant if it is the most common or frequent of such type of limit or requirement with respect to such category of items and services.

''(4) BENEFICIARY FINANCIAL REQUIREMENTS.—In the case of a group health plan that provides both medical and surgical benefits and mental health or substance-related disorder benefits—

''(A) NO BENEFICIARY FINANCIAL REQUIREMENT.—If the plan does not include a beneficiary financial requirement (as defined in subparagraph (C)) on substantially all medical and surgical benefits within a category of items and services (specified in paragraph (3)(C)), the plan may not impose such a beneficiary financial requirement on mental health or substance-related disorder benefits for items and services within such category.

''(B) BENEFICIARY FINANCIAL REQUIREMENT.—

''(i) TREATMENT OF DEDUCTIBLES, OUT-OF-POCKET LIMITS, AND SIMILAR FINANCIAL REQUIREMENTS.—If the plan includes a deductible, a limitation on out-of-pocket expenses, or similar beneficiary financial requirement that does not apply separately to individual items and services on substantially all medical and surgical benefits within a category of items and services, the plan shall apply such requirement (or, if there is more than one such requirement for such category of items and services, the predominant requirement for such category) both to medical and surgical benefits within such category and to mental health and substance-related disorder benefits within such category and shall not distinguish in the application of such requirement between such medical and surgical benefits and such mental health and substance-related disorder benefits.

''(ii) OTHER FINANCIAL REQUIREMENTS.—If the plan includes a beneficiary financial requirement not described in clause (i) on substantially all medical and surgical benefits within a category of items and services, the plan may not impose such financial requirement on mental health or substance-related disorder benefits for items and services within such category in a way that results in greater out-of-pocket expenses to the participant or beneficiary than the predominant beneficiary financial requirement applicable to medical and surgical benefits for items and services within such category.

''(C) BENEFICIARY FINANCIAL REQUIREMENT DEFINED.—For purposes of this paragraph, the term 'beneficiary financial requirement' includes, with respect to a plan, any deductible, coinsurance, co-payment, other cost sharing, and limitation on the total amount that may be paid by a participant or beneficiary with respect to benefits under the plan, but does not include the application of any aggregate lifetime limit or annual limit.'', and

(2) in subsection (b)—

(A) by striking ''construed—'' and all that follows through ''(1) as requiring'' and inserting ''construed as requiring'',

(B) by striking ''; or'' and inserting a period, and

(C) by striking paragraph (2).

(b) EXPANSION TO SUBSTANCE-RELATED DISORDER BENEFITS AND REVISION OF DEFINITION.—Section 9812 of such Code is further amended—

(1) by striking ''mental health benefits'' each place it appears (other than in any provision amended by paragraph (2)) and inserting ''mental health or substance-related disorder benefits'',

(2) by striking ''mental health benefits'' each place it appears in subsections (a)(1)(B)(i), (a)(1)(C), (a)(2)(B)(i), and (a)(2)(C) and inserting ''mental health and substance-related disorder benefits'', and

(3) in subsection (e), by striking paragraph (4) and inserting the following new paragraphs:

''(4) MENTAL HEALTH BENEFITS.—The term 'mental health benefits' means benefits with respect to services for mental health conditions, as defined under the terms of the plan and in accordance with applicable law, but does not include substance-related disorder benefits.

''(5) SUBSTANCE-RELATED DISORDER BENEFITS.—The term 'substance-related disorder benefits' means benefits with respect to services for substance-related disorders, as defined under the terms of the plan and in accordance with applicable law.''.

(c) AVAILABILITY OF PLAN INFORMATION ABOUT CRITERIA FOR MEDICAL NECESSITY.—Subsection (a) of section 9812 of such Code, as amended by subsection (a)(1), is further amended by adding at the end the following new paragraph:

''(5) AVAILABILITY OF PLAN INFORMATION.—The criteria for medical necessity determinations made under the plan with respect to mental health and substance-related disorder benefits shall be made available by the plan administrator in accordance with regulations to any current or potential participant, beneficiary, or contracting provider upon request. The reason for any denial

under the plan of reimbursement or payment for services with respect to mental health and substance-related disorder benefits in the case of any participant or beneficiary shall, on request or as otherwise required, be made available by the plan administrator to the participant or beneficiary in accordance with regulations.''.

(d) MINIMUM BENEFIT REQUIREMENTS.—Subsection (a) of section 9812 of such Code is further amended by adding at the end the following new paragraph:

''(6) MINIMUM SCOPE OF COVERAGE AND EQUITY IN OUT-OF-NETWORK BENEFITS.—

''(A) MINIMUM SCOPE OF MENTAL HEALTH AND SUBSTANCE-RELATED DISORDER BENEFITS.—In the case of a group health plan that provides any mental health or substance-related disorder benefits, the plan shall include benefits for any mental health condition or substance-related disorder included in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association.

''(B) EQUITY IN COVERAGE OF OUT-OF-NETWORK BENEFITS.—

''(i) IN GENERAL.—In the case of a group health plan that provides both medical and surgical benefits and mental health or substance-related disorder benefits, if medical and surgical benefits are provided for substantially all items and services in a category specified in clause (ii) furnished outside any network of providers established or recognized under such plan, the mental health and substance-related disorder benefits shall also be provided for items and services in such category furnished outside any network of providers established or recognized under such plan in accordance with the requirements of this section.

''(ii) CATEGORIES OF ITEMS AND SERVICES.—For purposes of clause (i), there shall be the following three categories of items and services for benefits, whether medical and surgical benefits or mental health and substance-related disorder benefits, and all medical and surgical benefits and all mental health and substance-related disorder benefits shall be classified into one of the following categories:

''(I) EMERGENCY.—Items and services, whether furnished on an inpatient or outpatient basis, required for the treatment of an emergency medical condition (as defined in section 1867(e) of the Social Security Act, including an emergency condition relating to mental health or substance-related disorders).

''(II) INPATIENT.—Items and services not described in subclause (I) furnished on an inpatient basis.

''(III) OUTPATIENT.—Items and services not described in subclause (I) furnished on an outpatient basis.''.

(e) REVISION OF INCREASED COST EXEMPTION.—Paragraph (2) of section 9812(c) of such Code is amended to read as follows:

''(2) INCREASED COST EXEMPTION.—

''(A) IN GENERAL.—With respect to a group health plan, if the application of this section to such plan results in an increase for the plan year involved of the actual total costs of coverage with respect to medical and surgical benefits and mental health and substance-related disorder benefits under the plan (as determined and certified under subparagraph (C)) by an amount that exceeds the applicable percentage described in subparagraph (B) of the actual total plan costs, the provisions of this section shall not apply to such plan during the following plan year, and such exemption shall apply to the plan for 1 plan year.

''(B) APPLICABLE PERCENTAGE.—With respect to a plan, the applicable percentage described in this paragraph shall be—

''(i) 2 percent in the case of the first plan year to which this paragraph applies, and

''(ii) 1 percent in the case of each subsequent plan year.

''(C) DETERMINATIONS BY ACTUARIES.—Determinations as to increases in actual costs under a plan for purposes of this subsection shall be made in writing and prepared and certified by a qualified and licensed actuary who is a member in good standing of the American Academy of Actuaries. Such determinations shall be made available by the plan administrator to the general public.

''(D) 6-MONTH DETERMINATIONS.—If a group health plan seeks an exemption under this paragraph, determinations under subparagraph (A) shall be made after such plan has complied with this section for the first 6 months of the plan year involved.

''(E) NOTIFICATION OF APPROPRIATE AGENCY.—

''(i) IN GENERAL.—A group health plan that, based on a certification described under subparagraph (C), qualifies for an exemption under this paragraph, and elects to implement the exemption, shall notify the Secretary of the Treasury of such election.

''(ii) REQUIREMENT.—A notification under clause (i) shall include—

''(I) a description of the number of covered lives under the plan (or coverage) involved at the time of the notification, and as applicable, at the time of any prior election of the cost-exemption under this paragraph by such plan (or coverage);

''(II) for both the plan year upon which a cost exemption is sought and the year prior, a description of the actual total costs of coverage with respect to medical and surgical benefits and mental health and substance-related disorder benefits under the plan; and

''(III) for both the plan year upon which a cost exemption is sought and the year prior, the actual total costs of coverage with respect to mental health and substance-related disorder benefits under the plan.

''(iii) CONFIDENTIALITY.—A notification under clause (i) shall be confidential. The Secretary of the Treasury shall make available, upon request to the appropriate committees of Congress and on not more than an annual basis, an anonymous itemization of such notifications, that includes—

''(I) a breakdown of States by the size and any type of employers submitting such notification; and

''(II) a summary of the data received under clause (ii).

''(F) CONSTRUCTION.—Nothing in this paragraph shall be construed as preventing a group health plan from complying with the provisions of this section notwithstanding that the plan is not required to comply with such provisions due to the application of subparagraph (A).''.

(f) CHANGE IN EXCLUSION FOR SMALLEST EMPLOYERS.—Paragraph (1) of section 9812(c) of such Code is amended to read as follows:

''(1) SMALL EMPLOYER EXEMPTION.—

''(A) IN GENERAL.—This section shall not apply to any group health plan for any plan year of a small employer.

''(B) SMALL EMPLOYER.—For purposes of subparagraph (A), the term 'small employer' means, with respect to a calendar year and a plan year, an employer who employed an average of at least 2 (or 1 in the case of an employer residing in a State that permits small groups to include a single individual) but not more than 50 employees on business days during the preceding calendar year. For purposes of the preceding sentence, all persons treated as a single employer under subsection (b), (c), (m), or (o) of section 414 shall be treated as 1 employer and rules similar to rules of subparagraphs (B) and (C) of section 4980D(d)(2) shall apply.''.

(g) ELIMINATION OF SUNSET PROVISION.—Section 9812 of such Code is amended by striking subsection (f).

(h) CONFORMING AMENDMENTS TO HEADING.—

(1) IN GENERAL.—The heading of section 9812 of such Code is amended to read as follows:

''SEC. 9812. EQUITY IN MENTAL HEALTH AND SUBSTANCE-RELATED DISORDER BENEFITS.''.

(2) CLERICAL AMENDMENT.—The table of sections for subchapter B of chapter 100 of such Code is amended by striking the item relating to section 9812 and inserting the following new item:

''Sec. 9812. Equity in mental health and substance-related disorder benefits.''.

(i) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply with respect to plan years beginning on or after January 1, 2009.

(2) ELIMINATION OF SUNSET.—The amendment made by subsection (g) shall apply to benefits for services furnished after December 31, 2007.

(3) SPECIAL RULE FOR COLLECTIVE BARGAINING AGREEMENTS.—In the case of a group health plan maintained pursuant to one or more collective bargaining agreements between employee representatives and one or more employers ratified before the date of the enactment of this Act, the amendments made by this section (other than subsection (g)) shall not apply to plan years beginning before the later of—

(A) the date on which the last of the collective bargaining agreements relating to the plan terminates (determined without regard to any extension thereof agreed to after the date of the enactment of this Act), or

(B) January 1, 2009.

For purposes of subparagraph (A), any plan amendment made pursuant to a collective bargaining agreement relating to the plan which amends the plan solely to conform to any requirement added by this section shall not be treated as a termination of such collective bargaining agreement.

SEC. 5. MEDICAID DRUG REBATE.

Paragraph (1)(B)(i) of section 1927(c) of the Social Security Act (42 U.S.C. 1396r–8(c)) is amended—

(1) by striking ''and'' at the end of subclause (IV);

(2) in subclause (V)—

(A) by inserting ''and before January 1, 2009, and after December 31, 2014,'' after ''December 31, 1995,''; and

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

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

''(VI) after December 31, 2008, and before January 1, 2015, is 20.1 percent.''.

SEC. 6. LIMITATION ON MEDICARE EXCEPTION TO THE PROHIBITION ON CERTAIN PHYSICIAN REFERRALS FOR HOSPITALS.

(a) IN GENERAL.—Section 1877 of the Social Security Act (42 U.S.C. 1395nn) is amended—

(1) in subsection (d)(2)—

(A) in subparagraph (A), by striking ''and'' at the end;

(B) in subparagraph (B), by striking the period at the end and inserting ''; and''; and

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

''(C) in the case where the entity is a hospital, the hospital meets the requirements of paragraph (3)(D).'';

(2) in subsection (d)(3)—

(A) in subparagraph (B), by striking ''and'' at the end;

(B) in subparagraph (C), by striking the period at the end and inserting ''; and''; and

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

''(D) the hospital meets the requirements described in subsection (i)(1) not later than 18 months after the date of the enactment of this subparagraph.''; and

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

''(i) REQUIREMENTS FOR HOSPITALS TO QUALIFY FOR HOSPITAL EXCEPTION TO OWNERSHIP OR INVESTMENT PROHIBITION.—

''(1) REQUIREMENTS DESCRIBED.—For purposes of subsection (d)(3)(D), the requirements described in this paragraph for a hospital are as follows:

''(A) PROVIDER AGREEMENT.—The hospital had—

''(i) physician ownership on the date of enactment of this subsection; and

''(ii) a provider agreement under section 1866 in effect on such date of enactment.

''(B) LIMITATION ON EXPANSION OF FACILITY CAPACITY.—Except as provided in paragraph (3), the number of operating rooms and beds of the hospital at any time on or after the date of the enactment of this subsection are no greater than the number of operating rooms and beds as of such date.

''(C) PREVENTING CONFLICTS OF INTEREST.—

''(i) The hospital submits to the Secretary an annual report containing a detailed description of—

''(I) the identity of each physician owner and any other owners of the hospital; and

''(II) the nature and extent of all ownership interests in the hospital.

''(ii) The hospital has procedures in place to require that any referring physician owner discloses to the patient being referred, by a time that permits the patient to make a meaningful decision regarding the receipt of care, as determined by the Secretary—

''(I) the ownership interest of such referring physician in the hospital; and

''(II) if applicable, any such ownership interest of the treating physician.

''(iii) The hospital does not condition any physician ownership interests either directly or indirectly on the physician owner making or influencing referrals to the hospital or otherwise generating business for the hospital.

''(iv) The hospital discloses the fact that the hospital is partially owned by physicians—

''(I) on any public website for the hospital; and

''(II) in any public advertising for the hospital.

''(D) ENSURING BONA FIDE INVESTMENT.—

''(i) Physician owners in the aggregate do not own more than 40 percent of the total value of the investment interests held in the hospital or in an entity whose assets include the hospital.

''(ii) The investment interest of any individual physician owner does not exceed 2 percent of the total value of the investment interests held in the hospital or in an entity whose assets include the hospital.

''(iii) Any ownership or investment interests that the hospital offers to a physician owner are not offered on more favorable terms than the terms offered to a person who is not a physician owner.

''(iv) The hospital (or any investors in the hospital) does not directly or indirectly provide loans or financing for any physician owner investments in the hospital.

''(v) The hospital (or any investors in the hospital) does not directly or indirectly guarantee a loan, make a payment toward a loan, or otherwise subsidize a loan, for any individual physician owner or group of physician owners that is related to acquiring any ownership interest in the hospital.

''(vi) Investment returns are distributed to each investor in the hospital in an amount that is directly proportional to the investment of capital by such investor in the hospital.

''(vii) Physician owners do not receive, directly or indirectly, any guaranteed receipt of or right to purchase other business interests related to the hospital, including the purchase or lease of any property under the control of other investors in the hospital or located near the premises of the hospital.

''(viii) The hospital does not offer a physician owner the opportunity to purchase or lease any property under the control of the hospital or any other investor in the hospital on more favorable terms than the terms offered to an individual who is not a physician owner.

''(E) PATIENT SAFETY.—

''(i) Insofar as the hospital admits a patient and does not have any physician available on the premises to provide services during all hours in which the hospital is providing services to such patient, before admitting the patient—

''(I) the hospital discloses such fact to a patient; and

''(II) following such disclosure, the hospital receives from the patient a signed acknowledgment that the patient understands such fact.

''(ii) The hospital has the capacity to—

''(I) provide assessment and initial treatment for patients; and

''(II) refer and transfer patients to hospitals with the capability to treat the needs of the patient involved.

''(2) PUBLICATION OF INFORMATION REPORTED.—The Secretary shall publish, and update on an annual basis, the information submitted by hospitals under paragraph (1)(C)(i) on the public Internet website of the Centers for Medicare & Medicaid Services.

''(3) EXCEPTION TO PROHIBITION ON EXPANSION OF FACILITY CAPACITY.—

''(A) PROCESS.—

''(i) ESTABLISHMENT.—The Secretary shall establish and implement a process under which an applicable hospital (as defined in subparagraph (E)) may apply for an exception from the requirement under paragraph (1)(B).

''(ii) OPPORTUNITY FOR COMMUNITY INPUT.—The process under clause (i) shall provide individuals and entities in the community that the applicable hospital applying for an exception is located with the opportunity to provide input with respect to the application.

''(iii) TIMING FOR IMPLEMENTATION.—The Secretary shall implement the process under clause (i) on the date that is 18 months after the date of enactment of this subsection.

''(iv) REGULATIONS.—Not later than the date that is 18 months after the date of enactment of this subsection, the Secretary shall promulgate regulations to carry out the process under clause (i).

''(B) FREQUENCY.—The process described in subparagraph (A) shall permit an applicable hospital to apply for an exception up to once every 2 years.

''(C) PERMITTED INCREASE.—

''(i) IN GENERAL.—Subject to clause (ii) and subparagraph (D), an applicable hospital granted an exception under the process described in subparagraph (A) may increase the number of operating rooms and beds of the applicable hospital above the baseline number of operating rooms and beds of the applicable hospital (or, if the applicable hospital has been granted a previous exception under this paragraph, above the number of operating rooms and beds of the hospital after the application of the most recent increase under such an exception) by an amount determined appropriate by the Secretary.

''(ii) LIFETIME 50 PERCENT INCREASE LIMITATION.—The Secretary shall not permit an increase in the number of operating rooms and beds of an applicable hospital under clause (i) to the extent such increase would result in the number of operating rooms and beds of the applicable hospital exceeding 150 percent of the baseline number of operating rooms and beds of the applicable hospital.

''(iii) BASELINE NUMBER OF OPERATING ROOMS AND BEDS.—In this paragraph, the term 'baseline number of operating rooms and beds' means the number of operating rooms and beds of the applicable hospital as of the date of enactment of this subsection.

''(D) INCREASE LIMITED TO FACILITIES ON THE MAIN CAMPUS OF THE HOSPITAL.—Any increase in the number of operating rooms and beds of an applicable hospital pursuant to this paragraph may only occur in facilities on the main campus of the applicable hospital.

''(E) APPLICABLE HOSPITAL.—In this paragraph, the term 'applicable hospital' means a hospital—

''(i) that is located in a county in which the percentage increase in the population during the most recent 5-year period (as of the date of the application under subparagraph (A)) is at least 200 percent of the percentage increase in the population growth of the United States during that period, as estimated by Bureau of the Census;

''(ii) whose annual percent of total inpatient admissions and outpatient visits that represent inpatient admissions and outpatient visits under the program under title XIX is equal to or greater than the average percent with respect to such admissions and visits for all hospitals located in the State;

''(iii) that does not discriminate against beneficiaries of Federal health care programs and does not permit physicians practicing at the hospital to discriminate against such beneficiaries;

''(iv) that is located in a State in which the average bed capacity in the State is less than the national average bed capacity; and

''(v) in the case of a hospital located—

''(I) in a core-based statistical area, that is located in such an area in which the average bed occupancy rate in such area is greater than 80 percent; or

''(II) outside of a core-based statistical area, that is located in a State in which the average bed occupancy rate is greater than 80 percent.

''(F) PUBLICATION OF FINAL DECISIONS.—The Secretary shall publish final decisions with respect to applications under this paragraph in the Federal Register.

''(G) LIMITATION ON REVIEW.—There shall be no administrative or judicial review under section 1869, section 1878, or otherwise of the process under this paragraph (including the establishment of such process).

''(4) COLLECTION OF OWNERSHIP AND INVESTMENT INFORMATION.—For purposes of clauses (i) and (ii) of paragraph (1)(D), the Secretary shall collect physician ownership and investment information for each hospital as it existed on the date of the enactment of this subsection.

''(5) PHYSICIAN OWNER DEFINED.—For purposes of this subsection, the term 'physician owner' means a physician (or an immediate family member of such physician) with a direct or an indirect ownership interest in the hospital.''.

(b) ENFORCEMENT.—

(1) ENSURING COMPLIANCE.—The Secretary of Health and Human Services shall establish policies and procedures to ensure compliance with the requirements described in subsection (i)(1) of section 1877 of the Social Security Act, as added by subsection (a)(3), beginning on the date such requirements first apply. Such policies and procedures may include unannounced site reviews of hospitals.

(2) AUDITS.—Beginning not later than 18 months after the date of the enactment of this Act, the Secretary of Health and Human Services shall conduct audits to determine if

hospitals violate the requirements referred to in paragraph (1).

(c) ADJUSTMENT TO PAQI FUND.—Section 1848(l)(2)(A)(i)(III) of the Social Security Act (42 U.S.C. 1395w-4(l)(2)(A)(i)(III)), as amended by section 101(a)(2) of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110-173), is amended by striking ''$4,960,000,000'' and inserting ''$5,120,000,000''.

SEC. 7. STUDIES AND REPORTS.

(a) IMPLEMENTATION OF ACT.—

(1) GAO STUDY.—The Comptroller General of the United States shall conduct a study that evaluates the effect of the implementation of the amendments made by this Act on—

(A) the cost of health insurance coverage;

(B) access to health insurance coverage (including the availability of in-network providers);

(C) the quality of health care;

(D) Medicare, Medicaid, and State and local mental health and substance abuse treatment spending;

(E) the number of individuals with private insurance who received publicly funded health care for mental health and substance-related disorders;

(F) spending on public services, such as the criminal justice system, special education, and income assistance programs;

(G) the use of medical management of mental health and substance-related disorder benefits and medical necessity determinations by group health plans (and health insurance issuers offering health insurance coverage in connection with such plans) and timely access by participants and beneficiaries to clinically-indicated care for mental health and substance-use disorders; and

(H) other matters as determined appropriate by the Comptroller General.

(2) REPORT.—Not later than 2 years after the date of enactment of this Act, the Comptroller General shall prepare and submit to the appropriate committees of the Congress a report containing the results of the study conducted under paragraph (1).

(b) GAO REPORT ON UNIFORM PATIENT PLACEMENT CRITERIA.—Not later than 18 months after the date of the enactment of this Act, the Comptroller General shall submit to each House of the Congress a report on availability of uniform patient placement criteria for mental health and substance-related disorders that could be used by group health plans and health insurance issuers to guide determinations of medical necessity and the extent to which health plans utilize such criteria. If such criteria do not exist, the report shall include recommendations on a process for developing such criteria.

(c) DOL BIANNUAL REPORT ON ANY OBSTACLES IN OBTAINING COVERAGE.—Every two years, the Secretary of Labor, in consultation with the Secretaries of Health and Human Services and the Treasury, shall submit to the appropriate committees of each House of the Congress a report on obstacles, if any, that individuals face in obtaining mental health and substance-related disorder care under their health plans.

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Paul Wellstone Mental Health and Addiction Equity Act of 2007''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Amendments to the Employee Retirement Income Security Act of 1974.
Sec. 3. Amendments to the Public Health Service Act relating to the group market.
Sec. 4. Amendments to the Internal Revenue Code of 1986.
Sec. 5. Medicaid drug rebate.
Sec. 6. Limitation on Medicare exception to the prohibition on certain physician referrals for hospitals.
Sec. 7. Studies and reports.

SEC. 2. AMENDMENTS TO THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.

(a) EXTENSION OF PARITY TO TREATMENT LIMITS AND BENEFICIARY FINANCIAL REQUIREMENTS.—Section 712 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1185a) is amended—

(1) in subsection (a), by adding at the end the following new paragraphs:

''(3) TREATMENT LIMITS.—In the case of a group health plan that provides both medical and surgical benefits and mental health or substance-related disorder benefits—

''(A) NO TREATMENT LIMIT.—If the plan or coverage does not include a treatment limit (as defined in subparagraph (D)) on substantially all medical and surgical benefits in any category of items or services, the plan or coverage may not impose any treatment limit on mental health or substance-related disorder benefits that are classified in the same category of items or services.

''(B) TREATMENT LIMIT.—If the plan or coverage includes a treatment limit on substantially all medical and surgical benefits in any category of items or services, the plan or coverage may not impose such a treatment limit on mental health or substance-related disorder benefits for items and services within such category that is more restrictive than the predominant treatment limit that is applicable to medical and surgical benefits for items and services within such category.

''(C) CATEGORIES OF ITEMS AND SERVICES FOR APPLICATION OF TREATMENT LIMITS AND BENEFICIARY FINANCIAL REQUIREMENTS.—For purposes of this paragraph and paragraph (4), there shall be the following five categories of items and services for benefits, whether medical and surgical benefits or mental health and substance-related disorder benefits, and all medical and surgical benefits and all mental health and substance related benefits shall be classified into one of the following categories:

''(i) INPATIENT, IN-NETWORK.—Items and services not described in clause (v) furnished on an inpatient basis and within a network of providers established or recognized under such plan or coverage.

''(ii) INPATIENT, OUT-OF-NETWORK.—Items and services not described in clause (v) furnished on an inpatient basis and outside any network of providers established or recognized under such plan or coverage.

''(iii) OUTPATIENT, IN-NETWORK.—Items and services not described in clause (v) furnished on an outpatient basis and within a network of providers established or recognized under such plan or coverage.

''(iv) OUTPATIENT, OUT-OF-NETWORK.—Items and services not described in clause (v) furnished on an outpatient basis and outside any network of providers established or recognized under such plan or coverage.

''(v) EMERGENCY CARE.—Items and services, whether furnished on an inpatient or outpatient basis or within or outside any network of providers, required for the treatment of an emergency medical condition (as defined in section 1867(e) of the Social Security Act, including an emergency condition relating to mental health or substance-related disorders).

''(D) TREATMENT LIMIT DEFINED.—For purposes of this paragraph, the term 'treatment limit' means, with respect to a plan or coverage, limitation on the frequency of treatment, number of visits or days of coverage, or other similar limit on the duration or scope of treatment under the plan or coverage.

''(E) PREDOMINANCE.—For purposes of this subsection, a treatment limit or financial requirement with respect to a category of items and services is considered to be predominant if it is the most common or frequent of such type of limit or requirement with respect to such category of items and services.

''(4) BENEFICIARY FINANCIAL REQUIREMENTS.—In the case of a group health plan that provides both medical and surgical benefits and mental health or substance-related disorder benefits—

''(A) NO BENEFICIARY FINANCIAL REQUIREMENT.—If the plan or coverage does not include a beneficiary financial requirement (as defined in subparagraph (C)) on substantially all medical and surgical benefits within a category of items and services (specified under paragraph (3)(C)), the plan or coverage may not impose such a beneficiary financial requirement on mental health or substance-related disorder benefits for items and services within such category.

''(B) BENEFICIARY FINANCIAL REQUIREMENT.—

''(i) TREATMENT OF DEDUCTIBLES, OUT-OF-POCKET LIMITS, AND SIMILAR FINANCIAL REQUIREMENTS.—If the plan or coverage includes a deductible, a limitation on out-of-pocket expenses, or similar beneficiary financial requirement that does not apply separately to individual items and services on substantially all medical and surgical benefits within a category of items and services (as specified in paragraph (3)(C)), the plan or coverage shall apply such requirement (or, if there is more than one such requirement for such category of items and services, the predominant requirement for such category) both to medical and surgical benefits within such category and to mental health and substance-related disorder benefits within such category and shall not distinguish in the application of such requirement between such medical and surgical benefits and such mental health and substance-related disorder benefits.

''(ii) OTHER FINANCIAL REQUIREMENTS.—If the plan or coverage includes a beneficiary financial requirement not described in clause (i) on substantially all medical and surgical benefits within a category of items and services, the plan or coverage may not impose such financial requirement on mental health or substance-related disorder benefits for items and services within such category in a way that results in greater out-of-pocket expenses to the participant or beneficiary than the predominant beneficiary financial requirement applicable to medical and surgical benefits for items and services within such category.

''(C) BENEFICIARY FINANCIAL REQUIREMENT DEFINED.—For purposes of this paragraph, the term 'beneficiary financial requirement' includes, with respect to a plan or coverage, any deductible, coinsurance, co-payment, other cost sharing, and limitation on the total amount that may be paid by a participant or beneficiary with respect to benefits under the plan or coverage, but does not include the application of any aggregate lifetime limit or annual limit.''; and

(2) in subsection (b)—

(A) by striking ''construed—'' and all that follows through ''(1) as requiring'' and inserting ''construed as requiring'';

(B) by striking ''; or'' and inserting a period; and

(C) by striking paragraph (2).

(b) EXPANSION TO SUBSTANCE-RELATED DISORDER BENEFITS AND REVISION OF DEFINITION.—Such section is further amended—

(1) by striking ''mental health benefits'' each place it appears (other than in any provision amended by paragraph (2)) and inserting ''mental health or substance-related disorder benefits'',

(2) by striking ''mental health benefits'' each place it appears in subsections

(a)(1)(B)(i), (a)(1)(C), (a)(2)(B)(i), and (a)(2)(C) and inserting ''mental health and substance-related disorder benefits'', and

(3) in subsection (e), by striking paragraph (4) and inserting the following new paragraphs:

''(4) MENTAL HEALTH BENEFITS.—The term 'mental health benefits' means benefits with respect to services for mental health conditions, as defined under the terms of the plan and in accordance with applicable law, but does not include substance-related disorder benefits.

''(5) SUBSTANCE-RELATED DISORDER BENEFITS.—The term 'substance-related disorder benefits' means benefits with respect to services for substance-related disorders, as defined under the terms of the plan and in accordance with applicable law.''.

(c) AVAILABILITY OF PLAN INFORMATION ABOUT CRITERIA FOR MEDICAL NECESSITY.—Subsection (a) of such section, as amended by subsection (a)(1), is further amended by adding at the end the following new paragraph:

''(5) AVAILABILITY OF PLAN INFORMATION.—The criteria for medical necessity determinations made under the plan with respect to mental health and substance-related disorder benefits (or the health insurance coverage offered in connection with the plan with respect to such benefits) shall be made available by the plan administrator (or the health insurance issuer offering such coverage) in accordance with regulations to any current or potential participant, beneficiary, or contracting provider upon request. The reason for any denial under the plan (or coverage) of reimbursement or payment for services with respect to mental health and substance-related disorder benefits in the case of any participant or beneficiary shall, on request or as otherwise required, be made available by the plan administrator (or the health insurance issuer offering such coverage) to the participant or beneficiary in accordance with regulations.''.

(d) MINIMUM BENEFIT REQUIREMENTS.—Subsection (a) of such section is further amended by adding at the end the following new paragraph:

''(6) MINIMUM SCOPE OF COVERAGE AND EQUITY IN OUT-OF-NETWORK BENEFITS.—

''(A) MINIMUM SCOPE OF MENTAL HEALTH AND SUBSTANCE-RELATED DISORDER BENEFITS.—In the case of a group health plan (or health insurance coverage offered in connection with such a plan) that provides any mental health or substance-related disorder benefits, the plan or coverage shall include benefits for any mental health condition or substance-related disorder included in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association.

''(B) EQUITY IN COVERAGE OF OUT-OF-NETWORK BENEFITS.—

''(i) IN GENERAL.—In the case of a plan or coverage that provides both medical and surgical benefits and mental health or substance-related disorder benefits, if medical and surgical benefits are provided for substantially all items and services in a category specified in clause (ii) furnished outside any network of providers established or recognized under such plan or coverage, the mental health and substance-related disorder benefits shall also be provided for items and services in such category furnished outside any network of providers established or recognized under such plan or coverage in accordance with the requirements of this section.

''(ii) CATEGORIES OF ITEMS AND SERVICES.—For purposes of clause (i), there shall be the following three categories of items and services for benefits, whether medical and surgical benefits or mental health and substance-related disorder benefits, and all medical and surgical benefits and all mental health and substance-related disorder benefits shall be classified into one of the following categories:

''(I) EMERGENCY.—Items and services, whether furnished on an inpatient or outpatient basis, required for the treatment of an emergency medical condition (as defined in section 1867(e) of the Social Security Act, including an emergency condition relating to mental health or substance-related disorders).

''(II) INPATIENT.—Items and services not described in subclause (I) furnished on an inpatient basis.

''(III) OUTPATIENT.—Items and services not described in subclause (I) furnished on an outpatient basis.''.

(e) REVISION OF INCREASED COST EXEMPTION.—Paragraph (2) of subsection (c) of such section is amended to read as follows:

''(2) INCREASED COST EXEMPTION.—

''(A) IN GENERAL.—With respect to a group health plan (or health insurance coverage offered in connection with such a plan), if the application of this section to such plan (or coverage) results in an increase for the plan year involved of the actual total costs of coverage with respect to medical and surgical benefits and mental health and substance-related disorder benefits under the plan (as determined and certified under subparagraph (C)) by an amount that exceeds the applicable percentage described in subparagraph (B) of the actual total plan costs, the provisions of this section shall not apply to such plan (or coverage) during the following plan year, and such exemption shall apply to the plan (or coverage) for 1 plan year.

''(B) APPLICABLE PERCENTAGE.—With respect to a plan (or coverage), the applicable percentage described in this paragraph shall be—

''(i) 2 percent in the case of the first plan year to which this paragraph applies; and

''(ii) 1 percent in the case of each subsequent plan year.

''(C) DETERMINATIONS BY ACTUARIES.—Determinations as to increases in actual costs under a plan (or coverage) for purposes of this subsection shall be made in writing and prepared and certified by a qualified and licensed actuary who is a member in good standing of the American Academy of Actuaries. Such determinations shall be made available by the plan administrator (or health insurance issuer, as the case may be) to the general public.

''(D) 6-MONTH DETERMINATIONS.—If a group health plan (or a health insurance issuer offering coverage in connection with such a plan) seeks an exemption under this paragraph, determinations under subparagraph (A) shall be made after such plan (or coverage) has complied with this section for the first 6 months of the plan year involved.

''(E) NOTIFICATION.—An election to modify coverage of mental health and substance-related disorder benefits as permitted under this paragraph shall be treated as a material modification in the terms of the plan as described in section 102(a) and notice of which shall be provided a reasonable period in advance of the change.

''(F) NOTIFICATION OF APPROPRIATE AGENCY.—

''(i) IN GENERAL.—A group health plan that, based on a certification described under subparagraph (C), qualifies for an exemption under this paragraph, and elects to implement the exemption, shall notify the Department of Labor of such election.

''(ii) REQUIREMENT.—A notification under clause (i) shall include—

''(I) a description of the number of covered lives under the plan (or coverage) involved at the time of the notification, and as applicable, at the time of any prior election of the cost-exemption under this paragraph by such plan (or coverage);

''(II) for both the plan year upon which a cost exemption is sought and the year prior, a description of the actual total costs of coverage with respect to medical and surgical benefits and mental health and substance-related disorder benefits under the plan; and

''(III) for both the plan year upon which a cost exemption is sought and the year prior, the actual total costs of coverage with respect to mental health and substance-related disorder benefits under the plan.

''(iii) CONFIDENTIALITY.—A notification under clause (i) shall be confidential. The Department of Labor shall make available, upon request to the appropriate committees of Congress and on not more than an annual basis, an anonymous itemization of such notifications, that includes—

''(I) a breakdown of States by the size and any type of employers submitting such notification; and

''(II) a summary of the data received under clause (ii).

''(G) NO IMPACT ON APPLICATION OF STATE LAW.—The fact that a plan or coverage is exempt from the provisions of this section under subparagraph (A) shall not affect the application of State law to such plan or coverage.

''(H) CONSTRUCTION.—Nothing in this paragraph shall be construed as preventing a group health plan (or health insurance coverage offered in connection with such a plan) from complying with the provisions of this section notwithstanding that the plan or coverage is not required to comply with such provisions due to the application of subparagraph (A).''.

(f) CHANGE IN EXCLUSION FOR SMALLEST EMPLOYERS.—Subsection (c)(1)(B) of such section is amended—

(1) by inserting ''(or 1 in the case of an employer residing in a State that permits small groups to include a single individual)'' after ''at least 2'' the first place it appears; and

(2) by striking ''and who employs at least 2 employees on the first day of the plan year''.

(g) ELIMINATION OF SUNSET PROVISION.—Such section is amended by striking subsection (f).

(h) CLARIFICATION REGARDING PREEMPTION.—Such section is further amended by inserting after subsection (e) the following new subsection:

''(f) PREEMPTION, RELATION TO STATE LAWS.—

''(1) IN GENERAL.—This part shall not be construed to supersede any provision of State law which establishes, implements, or continues in effect any consumer protections, benefits, methods of access to benefits, rights, external review programs, or remedies solely relating to health insurance issuers in connection with group health insurance coverage (including benefit mandates or regulation of group health plans of 50 or fewer employees) except to the extent that such provision prevents the application of a requirement of this part.

''(2) CONTINUED PREEMPTION WITH RESPECT TO GROUP HEALTH PLANS.—Nothing in this section shall be construed to affect or modify the provisions of section 514 with respect to group health plans.

''(3) OTHER STATE LAWS.—Nothing in this section shall be construed to exempt or relieve any person from any laws of any State not solely related to health insurance issuers in connection with group health coverage insofar as they may now or hereafter relate to insurance, health plans, or health coverage.' ''.

(i) CONFORMING AMENDMENTS TO HEADING.—

(1) IN GENERAL.—The heading of such section is amended to read as follows:

"SEC. 712. EQUITY IN MENTAL HEALTH AND SUBSTANCE-RELATED DISORDER BENEFITS.".

(2) CLERICAL AMENDMENT.—The table of contents in section 1 of such Act is amended by striking the item relating to section 712 and inserting the following new item:

''Sec. 712. Equity in mental health and substance-related disorder benefits.''.

(j) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply with respect to plan years beginning on or after January 1, 2009.

(2) SPECIAL RULE FOR COLLECTIVE BARGAINING AGREEMENTS.—In the case of a group health plan maintained pursuant to one or more collective bargaining agreements between employee representatives and one or more employers ratified before the date of the enactment of this Act, the amendments made by this section shall not apply to plan years beginning before the later of—

(A) the date on which the last of the collective bargaining agreements relating to the plan terminates (determined without regard to any extension thereof agreed to after the date of the enactment of this Act), or

(B) January 1, 2009.

For purposes of subparagraph (A), any plan amendment made pursuant to a collective bargaining agreement relating to the plan which amends the plan solely to conform to any requirement added by this section shall not be treated as a termination of such collective bargaining agreement.

(k) DOL ANNUAL SAMPLE COMPLIANCE.—The Secretary of Labor shall annually sample and conduct random audits of group health plans (and health insurance coverage offered in connection with such plans) in order to determine their compliance with the amendments made by this Act and shall submit to the appropriate committees of Congress an annual report on such compliance with such amendments. The Secretary shall share the results of such audits with the Secretaries of Health and Human Services and of the Treasury.

(l) ASSISTANCE TO PARTICIPANTS AND BENEFICIARIES.—The Secretary of Labor shall provide assistance to participants and beneficiaries of group health plans with any questions or problems with compliance with the requirements of this Act. The Secretary shall notify participants and beneficiaries how they can obtain assistance from State consumer and insurance agencies and the Secretary shall coordinate with State agencies to ensure that participants and beneficiaries are protected and afforded the rights provided under this Act.

SEC. 3. AMENDMENTS TO THE PUBLIC HEALTH SERVICE ACT RELATING TO THE GROUP MARKET.

(a) EXTENSION OF PARITY TO TREATMENT LIMITS AND BENEFICIARY FINANCIAL REQUIREMENTS.—Section 2705 of the Public Health Service Act (42 U.S.C. 300gg–5) is amended—

(1) in subsection (a), by adding at the end the following new paragraphs:

''(3) TREATMENT LIMITS.—In the case of a group health plan that provides both medical and surgical benefits and mental health or substance-related disorder benefits—

''(A) NO TREATMENT LIMIT.—If the plan or coverage does not include a treatment limit (as defined in subparagraph (D)) on substantially all medical and surgical benefits in any category of items or services (specified in subparagraph (C)), the plan or coverage may not impose any treatment limit on mental health or substance-related disorder benefits that are classified in the same category of items or services.

''(B) TREATMENT LIMIT.—If the plan or coverage includes a treatment limit on substantially all medical and surgical benefits in any category of items or services, the plan or coverage may not impose such a treatment limit on mental health or substance-related disorder benefits for items and services within such category that is more restrictive than the predominant treatment limit that is applicable to medical and surgical benefits for items and services within such category.

''(C) CATEGORIES OF ITEMS AND SERVICES FOR APPLICATION OF TREATMENT LIMITS AND BENEFICIARY FINANCIAL REQUIREMENTS.—For purposes of this paragraph and paragraph (4), there shall be the following five categories of items and services for benefits, whether medical and surgical benefits or mental health and substance-related disorder benefits, and all medical and surgical benefits and all mental health and substance related benefits shall be classified into one of the following categories:

''(i) INPATIENT, IN-NETWORK.—Items and services not described in clause (v) furnished on an inpatient basis and within a network of providers established or recognized under such plan or coverage.

''(ii) INPATIENT, OUT-OF-NETWORK.—Items and services not described in clause (v) furnished on an inpatient basis and outside any network of providers established or recognized under such plan or coverage.

''(iii) OUTPATIENT, IN-NETWORK.—Items and services not described in clause (v) furnished on an outpatient basis and within a network of providers established or recognized under such plan or coverage.

''(iv) OUTPATIENT, OUT-OF-NETWORK.—Items and services not described in clause (v) furnished on an outpatient basis and outside any network of providers established or recognized under such plan or coverage.

''(v) EMERGENCY CARE.—Items and services, whether furnished on an inpatient or outpatient basis or within or outside any network of providers, required for the treatment of an emergency medical condition (as defined in section 1867(e) of the Social Security Act, including an emergency condition relating to mental health or substance-related disorders).

''(D) TREATMENT LIMIT DEFINED.—For purposes of this paragraph, the term 'treatment limit' means, with respect to a plan or coverage, limitation on the frequency of treatment, number of visits or days of coverage, or other similar limit on the duration or scope of treatment under the plan or coverage.

''(E) PREDOMINANCE.—For purposes of this subsection, a treatment limit or financial requirement with respect to a category of items and services is considered to be predominant if it is the most common or frequent of such type of limit or requirement with respect to such category of items and services.

''(4) BENEFICIARY FINANCIAL REQUIREMENTS.—In the case of a group health plan that provides both medical and surgical benefits and mental health or substance-related disorder benefits—

''(A) NO BENEFICIARY FINANCIAL REQUIREMENT.—If the plan or coverage does not include a beneficiary financial requirement (as defined in subparagraph (C)) on substantially all medical and surgical benefits within a category of items and services (specified in paragraph (3)(C)), the plan or coverage may not impose such a beneficiary financial requirement on mental health or substance-related disorder benefits for items and services within such category.

''(B) BENEFICIARY FINANCIAL REQUIREMENT.—

''(i) TREATMENT OF DEDUCTIBLES, OUT-OF-POCKET LIMITS, AND SIMILAR FINANCIAL REQUIREMENTS.—If the plan or coverage includes a deductible, a limitation on out-of-pocket expenses, or similar beneficiary financial requirement that does not apply separately to individual items and services on substantially all medical and surgical benefits within a category of items and services, the plan or coverage shall apply such requirement (or, if there is more than one such requirement for such category of items and services, the predominant requirement for such category) both to medical and surgical benefits within such category and to mental health and substance-related disorder benefits within such category and shall not distinguish in the application of such requirement between such medical and surgical benefits and such mental health and substance-related disorder benefits.

''(ii) OTHER FINANCIAL REQUIREMENTS.—If the plan or coverage includes a beneficiary financial requirement not described in clause (i) on substantially all medical and surgical benefits within a category of items and services, the plan or coverage may not impose such financial requirement on mental health or substance-related disorder benefits for items and services within such category in a way that results in greater out-of-pocket expenses to the participant or beneficiary than the predominant beneficiary financial requirement applicable to medical and surgical benefits for items and services within such category.

''(C) BENEFICIARY FINANCIAL REQUIREMENT DEFINED.—For purposes of this paragraph, the term 'beneficiary financial requirement' includes, with respect to a plan or coverage, any deductible, coinsurance, co-payment, other cost sharing, and limitation on the total amount that may be paid by a participant or beneficiary with respect to benefits under the plan or coverage, but does not include the application of any aggregate lifetime limit or annual limit.''; and

(2) in subsection (b)—

(A) by striking ''construed—'' and all that follows through ''(1) as requiring'' and inserting ''construed as requiring'';

(B) by striking ''; or'' and inserting a period; and

(C) by striking paragraph (2).

(b) EXPANSION TO SUBSTANCE-RELATED DISORDER BENEFITS AND REVISION OF DEFINITION.—Such section is further amended—

(1) by striking ''mental health benefits'' each place it appears (other than in any provision amended by paragraph (2)) and inserting ''mental health or substance-related disorder benefits'',

(2) by striking ''mental health benefits'' each place it appears in subsections (a)(1)(B)(i), (a)(1)(C), (a)(2)(B)(i), and (a)(2)(C) and inserting ''mental health and substance-related disorder benefits'', and

(3) in subsection (e), by striking paragraph (4) and inserting the following new paragraphs:

''(4) MENTAL HEALTH BENEFITS.—The term 'mental health benefits' means benefits with respect to services for mental health conditions, as defined under the terms of the plan and in accordance with applicable law, but does not include substance-related disorder benefits.

''(5) SUBSTANCE-RELATED DISORDER BENEFITS.—The term 'substance-related disorder benefits' means benefits with respect to services for substance-related disorders, as defined under the terms of the plan and in accordance with applicable law.''.

(c) AVAILABILITY OF PLAN INFORMATION ABOUT CRITERIA FOR MEDICAL NECESSITY.—Subsection (a) of such section, as amended by subsection (a)(1), is further amended by adding at the end the following new paragraph:

''(5) AVAILABILITY OF PLAN INFORMATION.—The criteria for medical necessity determinations made under the plan with respect to mental health and substance-related disorder benefits (or the health insurance coverage offered in connection with the plan

with respect to such benefits) shall be made available by the plan administrator (or the health insurance issuer offering such coverage) in accordance with regulations to any current or potential participant, beneficiary, or contracting provider upon request. The reason for any denial under the plan (or coverage) of reimbursement or payment for services with respect to mental health and substance-related disorder benefits in the case of any participant or beneficiary shall, on request or as otherwise required, be made available by the plan administrator (or the health insurance issuer offering such coverage) to the participant or beneficiary in accordance with regulations.''.

(d) MINIMUM BENEFIT REQUIREMENTS.—Subsection (a) of such section is further amended by adding at the end the following new paragraph:

''(6) MINIMUM SCOPE OF COVERAGE AND EQUITY IN OUT-OF-NETWORK BENEFITS.—

''(A) MINIMUM SCOPE OF MENTAL HEALTH AND SUBSTANCE-RELATED DISORDER BENEFITS.—In the case of a group health plan (or health insurance coverage offered in connection with such a plan) that provides any mental health or substance-related disorder benefits, the plan or coverage shall include benefits for any mental health condition or substance-related disorder included in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association.

''(B) EQUITY IN COVERAGE OF OUT-OF-NETWORK BENEFITS.—

''(i) IN GENERAL.—In the case of a group health plan (or health insurance coverage offered in connection with such a plan) that provides both medical and surgical benefits and mental health or substance-related disorder benefits, if medical and surgical benefits are provided for substantially all items and services in a category specified in clause (ii) furnished outside any network of providers established or recognized under such plan or coverage, the mental health and substance-related disorder benefits shall also be provided for items and services in such category furnished outside any network of providers established or recognized under such plan or coverage in accordance with the requirements of this section.

''(ii) CATEGORIES OF ITEMS AND SERVICES.—For purposes of clause (i), there shall be the following three categories of items and services for benefits, whether medical and surgical benefits or mental health and substance-related disorder benefits, and all medical and surgical benefits and all mental health and substance-related disorder benefits shall be classified into one of the following categories:

''(I) EMERGENCY.—Items and services, whether furnished on an inpatient or outpatient basis, required for the treatment of an emergency medical condition (as defined in section 1867(e) of the Social Security Act, including an emergency condition relating to mental health or substance-related disorders).

''(II) INPATIENT.—Items and services not described in subclause (I) furnished on an inpatient basis.

''(III) OUTPATIENT.—Items and services not described in subclause (I) furnished on an outpatient basis.''.

(e) REVISION OF INCREASED COST EXEMPTION.—Paragraph (2) of subsection (c) of such section is amended to read as follows:

''(2) INCREASED COST EXEMPTION.—

''(A) IN GENERAL.—With respect to a group health plan (or health insurance coverage offered in connection with such a plan), if the application of this section to such plan (or coverage) results in an increase for the plan year involved of the actual total costs of coverage with respect to medical and surgical benefits and mental health and substance-related disorder benefits under the plan (as determined and certified under subparagraph (C)) by an amount that exceeds the applicable percentage described in subparagraph (B) of the actual total plan costs, the provisions of this section shall not apply to such plan (or coverage) during the following plan year, and such exemption shall apply to the plan (or coverage) for 1 plan year.

''(B) APPLICABLE PERCENTAGE.—With respect to a plan (or coverage), the applicable percentage described in this paragraph shall be—

''(i) 2 percent in the case of the first plan year to which this paragraph applies; and

''(ii) 1 percent in the case of each subsequent plan year.

''(C) DETERMINATIONS BY ACTUARIES.—Determinations as to increases in actual costs under a plan (or coverage) for purposes of this subsection shall be made in writing and prepared and certified by a qualified and licensed actuary who is a member in good standing of the American Academy of Actuaries. Such determinations shall be made available by the plan administrator (or health insurance issuer, as the case may be) to the general public.

''(D) 6-MONTH DETERMINATIONS.—If a group health plan (or a health insurance issuer offering coverage in connection with such a plan) seeks an exemption under this paragraph, determinations under subparagraph (A) shall be made after such plan (or coverage) has complied with this section for the first 6 months of the plan year involved.

''(E) NOTIFICATION.—A group health plan under this part shall comply with the notice requirement under section 712(c)(2)(E) of the Employee Retirement Income Security Act of 1974 with respect to a modification of mental health and substance-related disorder benefits as permitted under this paragraph as if such section applied to such plan.

''(F) NOTIFICATION OF APPROPRIATE AGENCY.—

''(i) IN GENERAL.—A group health plan that, based on a certification described under subparagraph (C), qualifies for an exemption under this paragraph, and elects to implement the exemption, shall notify the Secretary of Health and Human Services of such election.

''(ii) REQUIREMENT.—A notification under clause (i) shall include—

''(I) a description of the number of covered lives under the plan (or coverage) involved at the time of the notification, and as applicable, at the time of any prior election of the cost-exemption under this paragraph by such plan (or coverage);

''(II) for both the plan year upon which a cost exemption is sought and the year prior, a description of the actual total costs of coverage with respect to medical and surgical benefits and mental health and substance-related disorder benefits under the plan; and

''(III) for both the plan year upon which a cost exemption is sought and the year prior, the actual total costs of coverage with respect to mental health and substance-related disorder benefits under the plan.

''(iii) CONFIDENTIALITY.—A notification under clause (i) shall be confidential. The Secretary of Health and Human Services shall make available, upon request to the appropriate committees of Congress and on not more than an annual basis, an anonymous itemization of such notifications, that includes—

''(I) a breakdown of States by the size and any type of employers submitting such notification; and

''(II) a summary of the data received under clause (ii).

''(G) CONSTRUCTION.—Nothing in this paragraph shall be construed as preventing a group health plan (or health insurance coverage offered in connection with such a plan) from complying with the provisions of this section notwithstanding that the plan or coverage is not required to comply with such provisions due to the application of subparagraph (A).''.

(f) CHANGE IN EXCLUSION FOR SMALLEST EMPLOYERS.—Subsection (c)(1)(B) of such section is amended—

(1) by inserting ''(or 1 in the case of an employer residing in a State that permits small groups to include a single individual)'' after ''at least 2'' the first place it appears; and

(2) by striking ''and who employs at least 2 employees on the first day of the plan year''.

(g) ELIMINATION OF SUNSET PROVISION.—Such section is amended by striking out subsection (f).

(h) CLARIFICATION REGARDING PREEMPTION.—Such section is further amended by inserting after subsection (e) the following new subsection:

''(f) PREEMPTION, RELATION TO STATE LAWS.—

''(1) IN GENERAL.—Nothing in this section shall be construed to preempt any State law that provides greater consumer protections, benefits, methods of access to benefits, rights or remedies that are greater than the protections, benefits, methods of access to benefits, rights or remedies provided under this section.

''(2) CONSTRUCTION.—Nothing in this section shall be construed to affect or modify the provisions of section 2723 with respect to group health plans.''.

(i) CONFORMING AMENDMENT TO HEADING.—The heading of such section is amended to read as follows:

''SEC. 2705. EQUITY IN MENTAL HEALTH AND SUBSTANCE-RELATED DISORDER BENEFITS.''.

(j) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply with respect to plan years beginning on or after January 1, 2009.

(2) ELIMINATION OF SUNSET.—The amendment made by subsection (g) shall apply to benefits for services furnished after December 31, 2007.

(3) SPECIAL RULE FOR COLLECTIVE BARGAINING AGREEMENTS.—In the case of a group health plan maintained pursuant to one or more collective bargaining agreements between employee representatives and one or more employers ratified before the date of the enactment of this Act, the amendments made by this section shall not apply to plan years beginning before the later of—

(A) the date on which the last of the collective bargaining agreements relating to the plan terminates (determined without regard to any extension thereof agreed to after the date of the enactment of this Act), or

(B) January 1, 2009.

For purposes of subparagraph (A), any plan amendment made pursuant to a collective bargaining agreement relating to the plan which amends the plan solely to conform to any requirement added by this section shall not be treated as a termination of such collective bargaining agreement.

SEC. 4. AMENDMENTS TO THE INTERNAL REVENUE CODE OF 1986.

(a) EXTENSION OF PARITY TO TREATMENT LIMITS AND BENEFICIARY FINANCIAL REQUIREMENTS.—Section 9812 of the Internal Revenue Code of 1986 is amended—

(1) in subsection (a), by adding at the end the following new paragraphs:

''(3) TREATMENT LIMITS.—In the case of a group health plan that provides both medical and surgical benefits and mental health or substance-related disorder benefits—

''(A) NO TREATMENT LIMIT.—If the plan does not include a treatment limit (as defined in subparagraph (D)) on substantially all medical and surgical benefits in any category of items or services (specified in subparagraph (C)), the plan may not impose any treatment limit on mental health or substance-related disorder benefits that are classified in the same category of items or services.

''(B) TREATMENT LIMIT.—If the plan includes a treatment limit on substantially all medical and surgical benefits in any category of items or services, the plan may not impose such a treatment limit on mental health or substance-related disorder benefits for items and services within such category that is more restrictive than the predominant treatment limit that is applicable to medical and surgical benefits for items and services within such category.

''(C) CATEGORIES OF ITEMS AND SERVICES FOR APPLICATION OF TREATMENT LIMITS AND BENEFICIARY FINANCIAL REQUIREMENTS.—For purposes of this paragraph and paragraph (4), there shall be the following five categories of items and services for benefits, whether medical and surgical benefits or mental health and substance-related disorder benefits, and all medical and surgical benefits and all mental health and substance related benefits shall be classified into one of the following categories:

''(i) INPATIENT, IN-NETWORK.—Items and services not described in clause (v) furnished on an inpatient basis and within a network of providers established or recognized under such plan.

''(ii) INPATIENT, OUT-OF-NETWORK.—Items and services not described in clause (v) furnished on an inpatient basis and outside any network of providers established or recognized under such plan.

''(iii) OUTPATIENT, IN-NETWORK.—Items and services not described in clause (v) furnished on an outpatient basis and within a network of providers established or recognized under such plan.

''(iv) OUTPATIENT, OUT-OF-NETWORK.—Items and services not described in clause (v) furnished on an outpatient basis and outside any network of providers established or recognized under such plan.

''(v) EMERGENCY CARE.—Items and services, whether furnished on an inpatient or outpatient basis or within or outside any network of providers, required for the treatment of an emergency medical condition (as defined in section 1867(e) of the Social Security Act, including an emergency condition relating to mental health or substance-related disorders).

''(D) TREATMENT LIMIT DEFINED.—For purposes of this paragraph, the term 'treatment limit' means, with respect to a plan, limitation on the frequency of treatment, number of visits or days of coverage, or other similar limit on the duration or scope of treatment under the plan.

''(E) PREDOMINANCE.—For purposes of this subsection, a treatment limit or financial requirement with respect to a category of items and services is considered to be predominant if it is the most common or frequent of such type of limit or requirement with respect to such category of items and services.

''(4) BENEFICIARY FINANCIAL REQUIREMENTS.—In the case of a group health plan that provides both medical and surgical benefits and mental health or substance-related disorder benefits—

''(A) NO BENEFICIARY FINANCIAL REQUIREMENT.—If the plan does not include a beneficiary financial requirement (as defined in subparagraph (C)) on substantially all medical and surgical benefits within a category of items and services (specified in paragraph (3)(C)), the plan may not impose such a beneficiary financial requirement on mental health or substance-related disorder benefits for items and services within such category.

''(B) BENEFICIARY FINANCIAL REQUIREMENT.—

''(i) TREATMENT OF DEDUCTIBLES, OUT-OF-POCKET LIMITS, AND SIMILAR FINANCIAL REQUIREMENTS.—If the plan includes a deductible, a limitation on out-of-pocket expenses, or similar beneficiary financial requirement that does not apply separately to individual items and services on substantially all medical and surgical benefits within a category of items and services, the plan shall apply such requirement (or, if there is more than one such requirement for such category of items and services, the predominant requirement for such category) both to medical and surgical benefits within such category and to mental health and substance-related disorder benefits within such category and shall not distinguish in the application of such requirement between such medical and surgical benefits and such mental health and substance-related disorder benefits.

''(ii) OTHER FINANCIAL REQUIREMENTS.—If the plan includes a beneficiary financial requirement not described in clause (i) on substantially all medical and surgical benefits within a category of items and services, the plan may not impose such financial requirement on mental health or substance-related disorder benefits for items and services within such category in a way that results in greater out-of-pocket expenses to the participant or beneficiary than the predominant beneficiary financial requirement applicable to medical and surgical benefits for items and services within such category.

''(C) BENEFICIARY FINANCIAL REQUIREMENT DEFINED.—For purposes of this paragraph, the term 'beneficiary financial requirement' includes, with respect to a plan, any deductible, coinsurance, co-payment, other cost sharing, and limitation on the total amount that may be paid by a participant or beneficiary with respect to benefits under the plan, but does not include the application of any aggregate lifetime limit or annual limit.'', and

(2) in subsection (b)—

(A) by striking ''construed—'' and all that follows through ''(1) as requiring'' and inserting ''construed as requiring'',

(B) by striking ''; or'' and inserting a period, and

(C) by striking paragraph (2).

(b) EXPANSION TO SUBSTANCE-RELATED DISORDER BENEFITS AND REVISION OF DEFINITION.—Section 9812 of such Code is further amended—

(1) by striking ''mental health benefits'' each place it appears (other than in any provision amended by paragraph (2)) and inserting ''mental health or substance-related disorder benefits'',

(2) by striking ''mental health benefits'' each place it appears in subsections (a)(1)(B)(i), (a)(1)(C), (a)(2)(B)(i), and (a)(2)(C) and inserting ''mental health and substance-related disorder benefits'', and

(3) in subsection (e), by striking paragraph (4) and inserting the following new paragraphs:

''(4) MENTAL HEALTH BENEFITS.—The term 'mental health benefits' means benefits with respect to services for mental health conditions, as defined under the terms of the plan and in accordance with applicable law, but does not include substance-related disorder benefits.

''(5) SUBSTANCE-RELATED DISORDER BENEFITS.—The term 'substance-related disorder benefits' means benefits with respect to services for substance-related disorders, as defined under the terms of the plan and in accordance with applicable law.''.

(c) AVAILABILITY OF PLAN INFORMATION ABOUT CRITERIA FOR MEDICAL NECESSITY.—Subsection (a) of section 9812 of such Code, as amended by subsection (a)(1), is further amended by adding at the end the following new paragraph:

''(5) AVAILABILITY OF PLAN INFORMATION.—The criteria for medical necessity determinations made under the plan with respect to mental health and substance-related disorder benefits shall be made available by the plan administrator in accordance with regulations to any current or potential participant, beneficiary, or contracting provider upon request. The reason for any denial under the plan of reimbursement or payment for services with respect to mental health and substance-related disorder benefits in the case of any participant or beneficiary shall, on request or as otherwise required, be made available by the plan administrator to the participant or beneficiary in accordance with regulations.''.

(d) MINIMUM BENEFIT REQUIREMENTS.—Subsection (a) of section 9812 of such Code is further amended by adding at the end the following new paragraph:

''(6) MINIMUM SCOPE OF COVERAGE AND EQUITY IN OUT-OF-NETWORK BENEFITS.—

''(A) MINIMUM SCOPE OF MENTAL HEALTH AND SUBSTANCE-RELATED DISORDER BENEFITS.—In the case of a group health plan that provides any mental health or substance-related disorder benefits, the plan shall include benefits for any mental health condition or substance-related disorder included in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association.

''(B) EQUITY IN COVERAGE OF OUT-OF-NETWORK BENEFITS.—

''(i) IN GENERAL.—In the case of a group health plan that provides both medical and surgical benefits and mental health or substance-related disorder benefits, if medical and surgical benefits are provided for substantially all items and services in a category specified in clause (ii) furnished outside any network of providers established or recognized under such plan, the mental health and substance-related disorder benefits shall also be provided for items and services in such category furnished outside any network of providers established or recognized under such plan in accordance with the requirements of this section.

''(ii) CATEGORIES OF ITEMS AND SERVICES.—For purposes of clause (i), there shall be the following three categories of items and services for benefits, whether medical and surgical benefits or mental health and substance-related disorder benefits, and all medical and surgical benefits and all mental health and substance-related disorder benefits shall be classified into one of the following categories:

''(I) EMERGENCY.—Items and services, whether furnished on an inpatient or outpatient basis, required for the treatment of an emergency medical condition (as defined in section 1867(e) of the Social Security Act, including an emergency condition relating to mental health or substance-related disorders).

''(II) INPATIENT.—Items and services not described in subclause (I) furnished on an inpatient basis.

''(III) OUTPATIENT.—Items and services not described in subclause (I) furnished on an outpatient basis.''.

(e) REVISION OF INCREASED COST EXEMPTION.—Paragraph (2) of section 9812(c) of such Code is amended to read as follows:

''(2) INCREASED COST EXEMPTION.—

''(A) IN GENERAL.—With respect to a group health plan, if the application of this section to such plan results in an increase for the plan year involved of the actual total costs of coverage with respect to medical and surgical benefits and mental health and substance-related disorder benefits under the

plan (as determined and certified under subparagraph (C)) by an amount that exceeds the applicable percentage described in subparagraph (B) of the actual total plan costs, the provisions of this section shall not apply to such plan during the following plan year, and such exemption shall apply to the plan for 1 plan year.

''(B) APPLICABLE PERCENTAGE.—With respect to a plan, the applicable percentage described in this paragraph shall be—

''(i) 2 percent in the case of the first plan year to which this paragraph applies, and

''(ii) 1 percent in the case of each subsequent plan year.

''(C) DETERMINATIONS BY ACTUARIES.—Determinations as to increases in actual costs under a plan for purposes of this subsection shall be made in writing and prepared and certified by a qualified and licensed actuary who is a member in good standing of the American Academy of Actuaries. Such determinations shall be made available by the plan administrator to the general public.

''(D) 6-MONTH DETERMINATIONS.—If a group health plan seeks an exemption under this paragraph, determinations under subparagraph (A) shall be made after such plan has complied with this section for the first 6 months of the plan year involved.

''(E) NOTIFICATION OF APPROPRIATE AGENCY.—

''(i) IN GENERAL.—A group health plan that, based on a certification described under subparagraph (C), qualifies for an exemption under this paragraph, and elects to implement the exemption, shall notify the Secretary of the Treasury of such election.

''(ii) REQUIREMENT.—A notification under clause (i) shall include—

''(I) a description of the number of covered lives under the plan (or coverage) involved at the time of the notification, and as applicable, at the time of any prior election of the cost-exemption under this paragraph by such plan (or coverage);

''(II) for both the plan year upon which a cost exemption is sought and the year prior, a description of the actual total costs of coverage with respect to medical and surgical benefits and mental health and substance-related disorder benefits under the plan; and

''(III) for both the plan year upon which a cost exemption is sought and the year prior, the actual total costs of coverage with respect to mental health and substance-related disorder benefits under the plan.

''(iii) CONFIDENTIALITY.—A notification under clause (i) shall be confidential. The Secretary of the Treasury shall make available, upon request to the appropriate committees of Congress and on not more than an annual basis, an anonymous itemization of such notifications, that includes—

''(I) a breakdown of States by the size and any type of employers submitting such notification; and

''(II) a summary of the data received under clause (ii).

''(F) CONSTRUCTION.—Nothing in this paragraph shall be construed as preventing a group health plan from complying with the provisions of this section notwithstanding that the plan is not required to comply with such provisions due to the application of subparagraph (A).''.

(f) CHANGE IN EXCLUSION FOR SMALLEST EMPLOYERS.—Paragraph (1) of section 9812(c) of such Code is amended to read as follows:

''(1) SMALL EMPLOYER EXEMPTION.—

''(A) IN GENERAL.—This section shall not apply to any group health plan for any plan year of a small employer.

''(B) SMALL EMPLOYER.—For purposes of subparagraph (A), the term 'small employer' means, with respect to a calendar year and a plan year, an employer who employed an average of at least 2 (or 1 in the case of an employer residing in a State that permits small groups to include a single individual) but not more than 50 employees on business days during the preceding calendar year. For purposes of the preceding sentence, all persons treated as a single employer under subsection (b), (c), (m), or (o) of section 414 shall be treated as 1 employer and rules similar to rules of subparagraphs (B) and (C) of section 4980D(d)(2) shall apply.''.

(g) ELIMINATION OF SUNSET PROVISION.—Section 9812 of such Code is amended by striking subsection (f).

(h) CONFORMING AMENDMENTS TO HEADING.—

(1) IN GENERAL.—The heading of section 9812 of such Code is amended to read as follows:

''SEC. 9812. EQUITY IN MENTAL HEALTH AND SUBSTANCE-RELATED DISORDER BENEFITS.''.

(2) CLERICAL AMENDMENT.—The table of sections for subchapter B of chapter 100 of such Code is amended by striking the item relating to section 9812 and inserting the following new item:

''Sec. 9812. Equity in mental health and substance-related disorder benefits.''.

(i) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply with respect to plan years beginning on or after January 1, 2009.

(2) ELIMINATION OF SUNSET.—The amendment made by subsection (g) shall apply to benefits for services furnished after December 31, 2007.

(3) SPECIAL RULE FOR COLLECTIVE BARGAINING AGREEMENTS.—In the case of a group health plan maintained pursuant to one or more collective bargaining agreements between employee representatives and one or more employers ratified before the date of the enactment of this Act, the amendments made by this section (other than subsection (g)) shall not apply to plan years beginning before the later of—

(A) the date on which the last of the collective bargaining agreements relating to the plan terminates (determined without regard to any extension thereof agreed to after the date of the enactment of this Act), or

(B) January 1, 2009.

For purposes of subparagraph (A), any plan amendment made pursuant to a collective bargaining agreement relating to the plan which amends the plan solely to conform to any requirement added by this section shall not be treated as a termination of such collective bargaining agreement.

SEC. 5. MEDICAID DRUG REBATE.

Paragraph (1)(B)(i) of section 1927(c) of the Social Security Act (42 U.S.C. 1396r–8(c)) is amended—

(1) by striking ''and'' at the end of subclause (IV);

(2) in subclause (V)—

(A) by inserting ''and before January 1, 2009, and after December 31, 2014,'' after ''December 31, 1995,''; and

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

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

''(VI) after December 31, 2008, and before January 1, 2015, is 20.1 percent.''.

SEC. 6. LIMITATION ON MEDICARE EXCEPTION TO THE PROHIBITION ON CERTAIN PHYSICIAN REFERRALS FOR HOSPITALS.

(a) IN GENERAL.—Section 1877 of the Social Security Act (42 U.S.C. 1395nn) is amended—

(1) in subsection (d)(2)—

(A) in subparagraph (A), by striking ''and'' at the end;

(B) in subparagraph (B), by striking the period at the end and inserting ''; and''; and

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

''(C) in the case where the entity is a hospital, the hospital meets the requirements of paragraph (3)(D).'';

(2) in subsection (d)(3)—

(A) in subparagraph (B), by striking ''and'' at the end;

(B) in subparagraph (C), by striking the period at the end and inserting ''; and''; and

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

''(D) the hospital meets the requirements described in subsection (i)(1) not later than 18 months after the date of the enactment of this subparagraph.''; and

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

''(i) REQUIREMENTS FOR HOSPITALS TO QUALIFY FOR HOSPITAL EXCEPTION TO OWNERSHIP OR INVESTMENT PROHIBITION.—

''(1) REQUIREMENTS DESCRIBED.—For purposes of subsection (d)(3)(D), the requirements described in this paragraph for a hospital are as follows:

''(A) PROVIDER AGREEMENT.—The hospital had—

''(i) physician ownership on the date of enactment of this subsection; and

''(ii) a provider agreement under section 1866 in effect on such date of enactment.

''(B) LIMITATION ON EXPANSION OF FACILITY CAPACITY.—Except as provided in paragraph (3), the number of operating rooms and beds of the hospital at any time on or after the date of the enactment of this subsection are no greater than the number of operating rooms and beds as of such date.

''(C) PREVENTING CONFLICTS OF INTEREST.—

''(i) The hospital submits to the Secretary an annual report containing a detailed description of—

''(I) the identity of each physician owner and any other owners of the hospital; and

''(II) the nature and extent of all ownership interests in the hospital.

''(ii) The hospital has procedures in place to require that any referring physician owner discloses to the patient being referred, by a time that permits the patient to make a meaningful decision regarding the receipt of care, as determined by the Secretary—

''(I) the ownership interest of such referring physician in the hospital; and

''(II) if applicable, any such ownership interest of the treating physician.

''(iii) The hospital does not condition any physician ownership interests either directly or indirectly on the physician owner making or influencing referrals to the hospital or otherwise generating business for the hospital.

''(iv) The hospital discloses the fact that the hospital is partially owned by physicians—

''(I) on any public website for the hospital; and

''(II) in any public advertising for the hospital.

''(D) ENSURING BONA FIDE INVESTMENT.—

''(i) Physician owners in the aggregate do not own more than 40 percent of the total value of the investment interests held in the hospital or in an entity whose assets include the hospital.

''(ii) The investment interest of any individual physician owner does not exceed 2 percent of the total value of the investment interests held in the hospital or in an entity whose assets include the hospital.

''(iii) Any ownership or investment interests that the hospital offers to a physician owner are not offered on more favorable terms than the terms offered to a person who is not a physician owner.

''(iv) The hospital (or any investors in the hospital) does not directly or indirectly provide loans or financing for any physician owner investments in the hospital.

''(v) The hospital (or any investors in the hospital) does not directly or indirectly guarantee a loan, make a payment toward a loan, or otherwise subsidize a loan, for any individual physician owner or group of physician owners that is related to acquiring any ownership interest in the hospital.

''(vi) Investment returns are distributed to each investor in the hospital in an amount that is directly proportional to the investment of capital by such investor in the hospital.

''(vii) Physician owners do not receive, directly or indirectly, any guaranteed receipt of or right to purchase other business interests related to the hospital, including the purchase or lease of any property under the control of other investors in the hospital or located near the premises of the hospital.

''(viii) The hospital does not offer a physician owner the opportunity to purchase or lease any property under the control of the hospital or any other investor in the hospital on more favorable terms than the terms offered to an individual who is not a physician owner.

''(E) PATIENT SAFETY.—

''(i) Insofar as the hospital admits a patient and does not have any physician available on the premises to provide services during all hours in which the hospital is providing services to such patient, before admitting the patient—

''(I) the hospital discloses such fact to a patient; and

''(II) following such disclosure, the hospital receives from the patient a signed acknowledgment that the patient understands such fact.

''(ii) The hospital has the capacity to—

''(I) provide assessment and initial treatment for patients; and

''(II) refer and transfer patients to hospitals with the capability to treat the needs of the patient involved.

''(2) PUBLICATION OF INFORMATION REPORTED.—The Secretary shall publish, and update on an annual basis, the information submitted by hospitals under paragraph (1)(C)(i) on the public Internet website of the Centers for Medicare & Medicaid Services.

''(3) EXCEPTION TO PROHIBITION ON EXPANSION OF FACILITY CAPACITY.—

''(A) PROCESS.—

''(i) ESTABLISHMENT.—The Secretary shall establish and implement a process under which an applicable hospital (as defined in subparagraph (E)) may apply for an exception from the requirement under paragraph (1)(B).

''(ii) OPPORTUNITY FOR COMMUNITY INPUT.—The process under clause (i) shall provide individuals and entities in the community that the applicable hospital applying for an exception is located with the opportunity to provide input with respect to the application.

''(iii) TIMING FOR IMPLEMENTATION.—The Secretary shall implement the process under clause (i) on the date that is 18 months after the date of enactment of this subsection.

''(iv) REGULATIONS.—Not later than the date that is 18 months after the date of enactment of this subsection, the Secretary shall promulgate regulations to carry out the process under clause (i).

''(B) FREQUENCY.—The process described in subparagraph (A) shall permit an applicable hospital to apply for an exception up to once every 2 years.

''(C) PERMITTED INCREASE.—

''(i) IN GENERAL.—Subject to clause (ii) and subparagraph (D), an applicable hospital granted an exception under the process described in subparagraph (A) may increase the number of operating rooms and beds of the applicable hospital above the baseline number of operating rooms and beds of the applicable hospital (or, if the applicable hospital has been granted a previous exception under this paragraph, above the number of operating rooms and beds of the hospital after the application of the most recent increase under such an exception) by an amount determined appropriate by the Secretary.

''(ii) LIFETIME 50 PERCENT INCREASE LIMITATION.—The Secretary shall not permit an increase in the number of operating rooms and beds of an applicable hospital under clause (i) to the extent such increase would result in the number of operating rooms and beds of the applicable hospital exceeding 150 percent of the baseline number of operating rooms and beds of the applicable hospital.

''(iii) BASELINE NUMBER OF OPERATING ROOMS AND BEDS.—In this paragraph, the term 'baseline number of operating rooms and beds' means the number of operating rooms and beds of the applicable hospital as of the date of enactment of this subsection.

''(D) INCREASE LIMITED TO FACILITIES ON THE MAIN CAMPUS OF THE HOSPITAL.—Any increase in the number of operating rooms and beds of an applicable hospital pursuant to this paragraph may only occur in facilities on the main campus of the applicable hospital.

''(E) APPLICABLE HOSPITAL.—In this paragraph, the term 'applicable hospital' means a hospital—

''(i) that is located in a county in which the percentage increase in the population during the most recent 5-year period (as of the date of the application under subparagraph (A)) is at least 200 percent of the percentage increase in the population growth of the United States during that period, as estimated by Bureau of the Census;

''(ii) whose annual percent of total inpatient admissions and outpatient visits that represent inpatient admissions and outpatient visits under the program under title XIX is equal to or greater than the average percent with respect to such admissions and visits for all hospitals located in the State;

''(iii) that does not discriminate against beneficiaries of Federal health care programs and does not permit physicians practicing at the hospital to discriminate against such beneficiaries;

''(iv) that is located in a State in which the average bed capacity in the State is less than the national average bed capacity; and

''(v) in the case of a hospital located—

''(I) in a core-based statistical area, that is located in such an area in which the average bed occupancy rate in such area is greater than 80 percent; or

''(II) outside of a core-based statistical area, that is located in a State in which the average bed occupancy rate is greater than 80 percent.

''(F) PUBLICATION OF FINAL DECISIONS.—The Secretary shall publish final decisions with respect to applications under this paragraph in the Federal Register.

''(G) LIMITATION ON REVIEW.—There shall be no administrative or judicial review under section 1869, section 1878, or otherwise of the process under this paragraph (including the establishment of such process).

''(4) COLLECTION OF OWNERSHIP AND INVESTMENT INFORMATION.—For purposes of clauses (i) and (ii) of paragraph (1)(D), the Secretary shall collect physician ownership and investment information for each hospital as it existed on the date of the enactment of this subsection.

''(5) PHYSICIAN OWNER DEFINED.—For purposes of this subsection, the term 'physician owner' means a physician (or an immediate family member of such physician) with a direct or an indirect ownership interest in the hospital.''.

(b) ENFORCEMENT.—

(1) ENSURING COMPLIANCE.—The Secretary of Health and Human Services shall establish policies and procedures to ensure compliance with the requirements described in subsection (i)(1) of section 1877 of the Social Security Act, as added by subsection (a)(3), beginning on the date such requirements first apply. Such policies and procedures may include unannounced site reviews of hospitals.

(2) AUDITS.—Beginning not later than 18 months after the date of the enactment of this Act, the Secretary of Health and Human Services shall conduct audits to determine if hospitals violate the requirements referred to in paragraph (1).

(c) ADJUSTMENT TO PAQI FUND.—Section 1848(l)(2)(A)(i)(III) of the Social Security Act (42 U.S.C. 1395w-4(l)(2)(A)(i)(III)), as amended by section 101(a)(2) of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110-173), is amended by striking ''$4,960,000,000'' and inserting ''$5,120,000,000''.

SEC. 7. STUDIES AND REPORTS.

(a) IMPLEMENTATION OF ACT.—

(1) GAO STUDY.—The Comptroller General of the United States shall conduct a study that evaluates the effect of the implementation of the amendments made by this Act on—

(A) the cost of health insurance coverage;

(B) access to health insurance coverage (including the availability of in-network providers);

(C) the quality of health care;

(D) Medicare, Medicaid, and State and local mental health and substance abuse treatment spending;

(E) the number of individuals with private insurance who received publicly funded health care for mental health and substance-related disorders;

(F) spending on public services, such as the criminal justice system, special education, and income assistance programs;

(G) the use of medical management of mental health and substance-related disorder benefits and medical necessity determinations by group health plans (and health insurance issuers offering health insurance coverage in connection with such plans) and timely access by participants and beneficiaries to clinically-indicated care for mental health and substance-use disorders; and

(H) other matters as determined appropriate by the Comptroller General.

(2) REPORT.—Not later than 2 years after the date of enactment of this Act, the Comptroller General shall prepare and submit to the appropriate committees of the Congress a report containing the results of the study conducted under paragraph (1).

(b) GAO REPORT ON UNIFORM PATIENT PLACEMENT CRITERIA.—Not later than 18 months after the date of the enactment of this Act, the Comptroller General shall submit to each House of the Congress a report on availability of uniform patient placement criteria for mental health and substance-related disorders that could be used by group health plans and health insurance issuers to guide determinations of medical necessity and the extent to which health plans utilize such criteria. If such criteria do not exist, the report shall include recommendations on a process for developing such criteria.

(c) DOL BIANNUAL REPORT ON ANY OBSTACLES IN OBTAINING COVERAGE.—Every two years, the Secretary of Labor, in consultation with the Secretaries of Health and Human Services and the Treasury, shall submit to the appropriate committees of each House of the Congress a report on obstacles, if any, that individuals face in obtaining mental health and substance-related disorder care under their health plans.

Pursuant to House Resolution 1014, the SPEAKER pro tempore, Mr. SNYDER, recognized Messrs. PALLONE, DEAL of Georgia, STARK, CAMP of Michigan, George MILLER of California, and MCKEON, for 20 minutes each.

When said bill was considered.

After debate,

Pursuant to House Resolution 1014, the previous question was ordered on the bill, as amended.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

Mr. HOEKSTRA moved to recommit the bill to the Committee on Energy and Commerce with instructions to report the bill back to the House forthwith with the following amendment:

Strike all after the enacting clause and insert the text of the bill H.R. 3773 as passed by the Senate on February 12, 2008.

After debate,

¶25.33 POINT OF ORDER

Mr. PALLONE made a point of order against the motion to recommit with instructions, and said:

''Mr. Speaker, I insist on my point of order.

''I raise a point of order that the motion to recommit contains nongermane instructions in violation of clause 7 of Rule XVI. The instructions in the motion to recommit address an unrelated matter within the jurisdiction of a committee not represented in the underlying bill.''

The SPEAKER pro tempore, Mr. SNYDER, sustained the point of order, and said:

''The Chair will rely on the precedents of February 26 and February 27, 2008. The instructions in the motion to recommit address foreign intelligence surveillance, a matter unrelated to issues of health and mental health and within the jurisdiction of committees not represented in the underlying bill. The instructions are therefore not germane and the point of order is sustained. The motion is not in order.''

Mr. HOEKSTRA appealed the ruling of the Chair.

The question being put, viva voce,

Will the decision of the Chair stand as the judgment of the House?

Mr. PALLONE moved to lay the appeal on the table.

The question being put, viva voce,

Will the House lay on the table the appeal of the ruling of the Chair?

The SPEAKER pro tempore, Mr. SNYDER, announced that the yeas had it.

Mr. HOEKSTRA objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 6, rule XX, and the call was taken by electronic device.

When there appeared { Yeas ..... 223 / Nays 186

¶25.34 [Roll No. 99]

YEAS—223

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

NAYS—186

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

ANSWERED ''PRESENT''—1

Johnson (IL)

NOT VOTING—18

Blunt	Diaz-Balart, L.	Renzi
Boehner	Gerlach	Rush
Brown-Waite, Ginny	Gonzalez	Saxton
Conyers	Johnson, E. B.	Woolsey
Cuellar	Keller	Wynn
DeFazio	Poe	
	Rangel	

So the motion to lay the appeal on the table was agreed to.

A motion to reconsider the vote whereby said motion was agreed to was, by unanimous consent, laid on the table.

Mr. KLINE of Minnesota, moved to recommit the bill to the Committee on Energy and Commerce with instructions to report the bill back to the House forthwith with the following amendment:

Strike all after the enacting clause and insert the following:

SEC. 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Mental Health Parity Act of 2008''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Mental health parity.
Sec. 3. Effective date.
Sec. 4. Federal administrative responsibilities.
Sec. 5. Asset verification through access to information held by financial institutions.

SEC. 2. MENTAL HEALTH PARITY.

(a) AMENDMENTS OF ERISA.—Subpart B of part 7 of title I of the Employee Retirement Income Security Act of 1974 is amended by inserting after section 712 (29 U.S.C. 1185a) the following:

''SEC. 712A. MENTAL HEALTH PARITY.

''(a) IN GENERAL.—In the case of a group health plan (or health insurance coverage offered in connection with such a plan) that provides both medical and surgical benefits and mental health benefits, such plan or coverage shall ensure that—

''(1) the financial requirements applicable to such mental health benefits are no more restrictive than the financial requirements applied to substantially all medical and surgical benefits covered by the plan (or coverage), including deductibles, copayments, coinsurance, out-of-pocket expenses, and annual and lifetime limits, except that the

plan (or coverage) may not establish separate cost sharing requirements that are applicable only with respect to mental health benefits; and

''(2) the treatment limitations applicable to such mental health benefits are no more restrictive than the treatment limitations applied to substantially all medical and surgical benefits covered by the plan (or coverage), including limits on the frequency of treatment, number of visits, days of coverage, or other similar limits on the scope or duration of treatment.

''(b) CLARIFICATIONS.—In the case of a group health plan (or health insurance coverage offered in connection with such a plan) that provides both medical and surgical benefits and mental health benefits, and complies with the requirements of subsection (a), such plan or coverage shall not be prohibited from—

''(1) negotiating separate reimbursement or provider payment rates and service delivery systems for different benefits consistent with subsection (a);

''(2) managing the provision of mental health benefits in order to provide medically necessary services for covered benefits, including through the use of any utilization review, authorization or management practices, the application of medical necessity and appropriateness criteria applicable to behavioral health, and the contracting with and use of a network of providers; and

''(3) applying the provisions of this section in a manner that takes into consideration similar treatment settings or similar treatments.

''(c) IN- AND OUT-OF-NETWORK.—In the case of a group health plan (or health insurance coverage offered in connection with such a plan) that provides both medical and surgical benefits and mental health benefits, and that provides such benefits on both an in- and out-of-network basis pursuant to the terms of the plan (or coverage), such plan (or coverage) shall ensure that the requirements of this section are applied to both in- and out-of-network services by comparing in-network medical and surgical benefits to in-network mental health benefits and out-of-network medical and surgical benefits to out-of-network mental health benefits.

''(d) SMALL EMPLOYER EXEMPTION.—

''(1) IN GENERAL.—Except as provided in paragraph (2), this section shall not apply to any group health plan (or group health insurance coverage offered in connection with a group health plan) for any plan year of any employer who employed an average of at least 2 (or 1 in the case of an employer residing in a State that permits small groups to include a single individual) but not more than 50 employees on business days during the preceding calendar year.

''(2) NO PREEMPTION OF CERTAIN STATE LAWS.—Nothing in paragraph (1) shall be construed to preempt any State insurance law relating to employers in the State who employed an average of at least 2 (or 1 in the case of an employer residing in a State that permits small groups to include a single individual) but not more than 50 employees on business days during the preceding calendar year.

''(3) APPLICATION OF CERTAIN RULES IN DETERMINATION OF EMPLOYER SIZE.—For purposes of this subsection:

''(A) APPLICATION OF AGGREGATION RULE FOR EMPLOYERS.—Rules similar to the rules under subsections (b), (c), (m), and (o) of section 414 of the Internal Revenue Code of 1986 shall apply for purposes of treating persons as a single employer.

''(B) EMPLOYERS NOT IN EXISTENCE IN PRECEDING YEAR.—In the case of an employer which was not in existence throughout the preceding calendar year, the determination of whether such employer is a small employer shall be based on the average number of employees that it is reasonably expected such employer will employ on business days in the current calendar year.

''(C) PREDECESSORS.—Any reference in this paragraph to an employer shall include a reference to any predecessor of such employer.

''(e) COST EXEMPTION.—

''(1) IN GENERAL.—With respect to a group health plan (or health insurance coverage offered in connections with such a plan), if the application of this section to such plan (or coverage) results in an increase for the plan year involved of the actual total costs of coverage with respect to medical and surgical benefits and mental health benefits under the plan (as determined and certified under paragraph (3)) by an amount that exceeds the applicable percentage described in paragraph (2) of the actual total plan costs, the provisions of this section shall not apply to such plan (or coverage) during the following plan year, and such exemption shall apply to the plan (or coverage) for 1 plan year. An employer may elect to continue to apply mental health parity pursuant to this section with respect to the group health plan (or coverage) involved regardless of any increase in total costs.

''(2) APPLICABLE PERCENTAGE.—With respect to a plan (or coverage), the applicable percentage described in this paragraph shall be—

''(A) 2 percent in the case of the first plan year in which this section is applied; and

''(B) 1 percent in the case of each subsequent plan year.

''(3) DETERMINATIONS BY ACTUARIES.—Determinations as to increases in actual costs under a plan (or coverage) for purposes of this section shall be made and certified by a qualified and licensed actuary who is a member in good standing of the American Academy of Actuaries. All such determinations shall be in a written report prepared by the actuary. The report, and all underlying documentation relied upon by the actuary, shall be maintained by the group health plan or health insurance issuer for a period of 6 years following the notification made under paragraph (6).

''(4) 6-MONTH DETERMINATIONS.—If a group health plan (or a health insurance issuer offering coverage in connection with a group health plan) seeks an exemption under this subsection, determinations under paragraph (1) shall be made after such plan (or coverage) has complied with this section for the first 6 months of the plan year involved.

''(5) NOTIFICATION.—An election to modify coverage of mental health benefits as permitted under this subsection shall be treated as a material modification in the terms of the plan as described in section 102(a) and shall be subject to the applicable notice requirements under section 104(b)(1).

''(6) NOTIFICATION TO APPROPRIATE AGENCY.—

''(A) IN GENERAL.—A group health plan (or a health insurance issuer offering coverage in connection with a group health plan) that, based upon a certification described under paragraph (3), qualifies for an exemption under this subsection, and elects to implement the exemption, shall notify the Department of Labor or the Department of Health and Human Services, as appropriate, of such election.

''(B) REQUIREMENT.—A notification under subparagraph (A) shall include—

''(i) a description of the number of covered lives under the plan (or coverage) involved at the time of the notification, and as applicable, at the time of any prior election of the cost-exemption under this subsection by such plan (or coverage);

''(ii) for both the plan year upon which a cost exemption is sought and the year prior, a description of the actual total costs of coverage with respect to medical and surgical benefits and mental health benefits under the plan; and

''(iii) for both the plan year upon which a cost exemption is sought and the year prior, the actual total costs of coverage with respect to mental health benefits under the plan.

''(C) CONFIDENTIALITY.—A notification under subparagraph (A) shall be confidential. The Department of Labor and the Department of Health and Human Services shall make available, upon request and on not more than an annual basis, an anonymous itemization of such notifications, that includes—

''(i) a breakdown of States by the size and type of employers submitting such notification; and

''(ii) a summary of the data received under subparagraph (B).

''(7) AUDITS BY APPROPRIATE AGENCIES.—To determine compliance with this subsection, the Department of Labor and the Department of Health and Human Services, as appropriate, may audit the books and records of a group health plan or health insurance issuer relating to an exemption, including any actuarial reports prepared pursuant to paragraph (3), during the 6 year period following the notification of such exemption under paragraph (6). A State agency receiving a notification under paragraph (6) may also conduct such an audit with respect to an exemption covered by such notification.

''(f) MENTAL HEALTH BENEFITS.—In this section, the term 'mental health benefits' means benefits with respect to mental health services (including substance use disorder treatment) as defined under the terms of the group health plan or coverage, and when applicable as may be defined under State law when applicable to health insurance coverage offered in connection with a group health plan.

''(g) ABORTION CLARIFICATION.—Nothing in this section shall require a group health plan (or health insurance coverage offered in connection with such a plan) to cover abortion as a treatment.''.

(b) PUBLIC HEALTH SERVICE ACT.—Subpart 2 of part A of title XXVII of the Public Health Service Act is amended by inserting after section 2705 (42 U.S.C. 300gg–5) the following:

''SEC. 2705A. MENTAL HEALTH PARITY.

''(a) IN GENERAL.—In the case of a group health plan (or health insurance coverage offered in connection with such a plan) that provides both medical and surgical benefits and mental health benefits, such plan or coverage shall ensure that—

''(1) the financial requirements applicable to such mental health benefits are no more restrictive than the financial requirements applied to substantially all medical and surgical benefits covered by the plan (or coverage), including deductibles, copayments, coinsurance, out-of-pocket expenses, and annual and lifetime limits, except that the plan (or coverage) may not establish separate cost sharing requirements that are applicable only with respect to mental health benefits; and

''(2) the treatment limitations applicable to such mental health benefits are no more restrictive than the treatment limitations applied to substantially all medical and surgical benefits covered by the plan (or coverage), including limits on the frequency of treatment, number of visits, days of coverage, or other similar limits on the scope or duration of treatment.

''(b) CLARIFICATIONS.—In the case of a group health plan (or health insurance coverage offered in connection with such a plan) that provides both medical and surgical benefits and mental health benefits, and complies with the requirements of subsection (a),

such plan or coverage shall not be prohibited from—

''(1) negotiating separate reimbursement or provider payment rates and service delivery systems for different benefits consistent with subsection (a);

''(2) managing the provision of mental health benefits in order to provide medically necessary services for covered benefits, including through the use of any utilization review, authorization or management practices, the application of medical necessity and appropriateness criteria applicable to behavioral health, and the contracting with and use of a network of providers; and

''(3) applying the provisions of this section in a manner that takes into consideration similar treatment settings or similar treatments.

''(c) IN- AND OUT-OF-NETWORK.—In the case of a group health plan (or health insurance coverage offered in connection with such a plan) that provides both medical and surgical benefits and mental health benefits, and that provides such benefits on both an in- and out-of-network basis pursuant to the terms of the plan (or coverage), such plan (or coverage) shall ensure that the requirements of this section are applied to both in- and out-of-network services by comparing in-network medical and surgical benefits to in-network mental health benefits and out-of-network medical and surgical benefits to out-of-network mental health benefits.

''(d) SMALL EMPLOYER EXEMPTION.—

''(1) IN GENERAL.—Except as provided in paragraph (2), this section shall not apply to any group health plan (or group health insurance coverage offered in connection with a group health plan) for any plan year of any employer who employed an average of at least 2 (or 1 in the case of an employer residing in a State that permits small groups to include a single individual) but not more than 50 employees on business days during the preceding calendar year.

''(2) NO PREEMPTION OF CERTAIN STATE LAWS.—Nothing in paragraph (1) shall be construed to preempt any State insurance law relating to employers in the State who employed an average of at least 2 (or 1 in the case of an employer residing in a State that permits small groups to include a single individual) but not more than 50 employees on business days during the preceding calendar year.

''(3) APPLICATION OF CERTAIN RULES IN DETERMINATION OF EMPLOYER SIZE.—For purposes of this subsection:

''(A) APPLICATION OF AGGREGATION RULE FOR EMPLOYERS.—Rules similar to the rules under subsections (b), (c), (m), and (o) of section 414 of the Internal Revenue Code of 1986 shall apply for purposes of treating persons as a single employer.

''(B) EMPLOYERS NOT IN EXISTENCE IN PRECEDING YEAR.—In the case of an employer which was not in existence throughout the preceding calendar year, the determination of whether such employer is a small employer shall be based on the average number of employees that it is reasonably expected such employer will employ on business days in the current calendar year.

''(C) PREDECESSORS.—Any reference in this paragraph to an employer shall include a reference to any predecessor of such employer.

''(e) COST EXEMPTION.—

''(1) IN GENERAL.—With respect to a group health plan (or health insurance coverage offered in connection with such a plan), if the application of this section to such plan (or coverage) results in an increase for the plan year involved of the actual total costs of coverage with respect to medical and surgical benefits and mental health benefits under the plan (as determined and certified under paragraph (3)) by an amount that exceeds the applicable percentage described in paragraph (2) of the actual total plan costs, the provisions of this section shall not apply to such plan (or coverage) during the following plan year, and such exemption shall apply to the plan (or coverage) for 1 plan year. An employer may elect to continue to apply mental health parity pursuant to this section with respect to the group health plan (or coverage) involved regardless of any increase in total costs.

''(2) APPLICABLE PERCENTAGE.—With respect to a plan (or coverage), the applicable percentage described in this paragraph shall be—

''(A) 2 percent in the case of the first plan year in which this section is applied; and

''(B) 1 percent in the case of each subsequent plan year.

''(3) DETERMINATIONS BY ACTUARIES.—Determinations as to increases in actual costs under a plan (or coverage) for purposes of this section shall be made and certified by a qualified and licensed actuary who is a member in good standing of the American Academy of Actuaries. All such determinations shall be in a written report prepared by the actuary. The report, and all underlying documentation relied upon by the actuary, shall be maintained by the group health plan or health insurance issuer for a period of 6 years following the notification made under paragraph (6).

''(4) 6-MONTH DETERMINATIONS.—If a group health plan (or a health insurance issuer offering coverage in connection with a group health plan) seeks an exemption under this subsection, determinations under paragraph (1) shall be made after such plan (or coverage) has complied with this section for the first 6 months of the plan year involved.

''(5) NOTIFICATION.—An election to modify coverage of mental health benefits as permitted under this subsection shall be treated as a material modification in the terms of the plan as described in section 102(a) of the Employee Retirement Income Security Act of 1974 and shall be subject to the applicable notice requirements under section 104(b)(1) of such Act.

''(6) NOTIFICATION TO APPROPRIATE AGENCY.—

''(A) IN GENERAL.—A group health plan (or a health insurance issuer offering coverage in connection with a group health plan) that, based upon a certification described under paragraph (3), qualifies for an exemption under this subsection, and elects to implement the exemption, shall notify the Department of Labor or the Department of Health and Human Services, as appropriate, of such election. A health insurance issuer providing health insurance coverage in connection with a group health plan shall provide a copy of such notice to the State insurance department or other State agency responsible for regulating the terms of such coverage.

''(B) REQUIREMENT.—A notification under subparagraph (A) shall include—

''(i) a description of the number of covered lives under the plan (or coverage) involved at the time of the notification, and as applicable, at the time of any prior election of the cost-exemption under this subsection by such plan (or coverage);

''(ii) for both the plan year upon which a cost exemption is sought and the year prior, a description of the actual total costs of coverage with respect to medical and surgical benefits and mental health benefits under the plan; and

''(iii) for both the plan year upon which a cost exemption is sought and the year prior, the actual total costs of coverage with respect to mental health benefits under the plan.

''(C) CONFIDENTIALITY.—A notification under subparagraph (A) shall be confidential. The Department of Labor and the Department of Health and Human Services shall make available, upon request and on not more than an annual basis, an anonymous itemization of such notifications, that includes—

''(i) a breakdown of States by the size and type of employers submitting such notification; and

''(ii) a summary of the data received under subparagraph (B).

''(7) AUDITS BY APPROPRIATE AGENCIES.—To determine compliance with this subsection, the Department of Labor and the Department of Health and Human Services, as appropriate, may audit the books and records of a group health plan or health insurance issuer relating to an exemption, including any actuarial reports prepared pursuant to paragraph (3), during the 6 year period following the notification of such exemption under paragraph (6). A State agency receiving a notification under paragraph (6) may also conduct such an audit with respect to an exemption covered by such notification.

''(f) MENTAL HEALTH BENEFITS.—In this section, the term 'mental health benefits' means benefits with respect to mental health services (including substance use disorder treatment) as defined under the terms of the group health plan or coverage, and when applicable as may be defined under State law when applicable to health insurance coverage offered in connection with a group health plan.

''(g) ABORTION CLARIFICATION.—Nothing in this section shall require a group health plan (or health insurance coverage offered in connection with such a plan) to cover abortion as a treatment.''.

SEC. 3. EFFECTIVE DATE.

(a) IN GENERAL.—The provisions of this Act shall apply to group health plans (or health insurance coverage offered in connection with such plans) beginning in the first plan year that begins on or after January 1 of the first calendar year that begins more than 1 year after the date of the enactment of this Act.

(b) TERMINATION OF CERTAIN PROVISIONS.—

(1) ERISA.—Section 712 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1185a) is amended by striking subsection (f) and inserting the following:

''(f) Sunset—This section shall not apply to benefits for services furnished after the effective date described in section 3(a) of the Mental Health Parity Act of 2008.''.

(2) PHSA.—Section 2705 of the Public Health Service Act (42 U.S.C. 300gg-5) is amended by striking subsection (f) and inserting the following:

''(f) Sunset—This section shall not apply to benefits for services furnished after the effective date described in section 3(a) of the Mental Health Parity Act of 2008.''.

SEC. 4. FEDERAL ADMINISTRATIVE RESPONSIBILITIES.

(a) GROUP HEALTH PLAN OMBUDSMAN.—

(1) DEPARTMENT OF LABOR.—The Secretary of Labor shall designate an individual within the Department of Labor to serve as the group health plan ombudsman for the Department. Such ombudsman shall serve as an initial point of contact to permit individuals to obtain information and provide assistance concerning coverage of mental health services under group health plans in accordance with this Act.

(2) DEPARTMENT OF HEALTH AND HUMAN SERVICES.—The Secretary of Health and Human Services shall designate an individual within the Department of Health and Human Services to serve as the group health plan ombudsman for the Department. Such ombudsman shall serve as an initial point of contact to permit individuals to obtain information and provide assistance concerning coverage of mental health services under

health insurance coverage issued in connection with group health plans in accordance with this Act.

(b) AUDITS.—The Secretary of Labor and the Secretary of Health and Human Services shall each provide for the conduct of random audits of group health plans (and health insurance coverage offered in connection with such plans) to ensure that such plans are in compliance with this Act (and the amendments made by this Act).

(c) GOVERNMENT ACCOUNTABILITY OFFICE STUDY.—

(1) STUDY.—The Comptroller General shall conduct a study that evaluates the effect of the implementation of the amendments made by this Act on the cost of health insurance coverage, access to health insurance coverage (including the availability of in-network providers), the quality of health care, the impact on benefits and coverage for mental health and substance use disorders, the impact of any additional cost or savings to the plan, the impact on out-of-network coverage for mental health benefits (including substance use disorder treatment), the impact on State mental health benefit mandate laws, other impact on the business community and the Federal Government, and other issues as determined appropriate by the Comptroller General.

(2) REPORT.—Not later than 2 years after the date of enactment of this Act, the Comptroller General shall prepare and submit to the appropriate committees of Congress a report containing the results of the study conducted under paragraph (1).

(d) REGULATIONS.—Not later than 1 year after the date of enactment of this Act, the Secretary of Labor and the Secretary of Health and Human Services shall jointly promulgate final regulations to carry out this Act.

SEC. 5. ASSET VERIFICATION THROUGH ACCESS TO INFORMATION HELD BY FINANCIAL INSTITUTIONS.

(a) ADDITION OF AUTHORITY.—Title XIX of the Social Security Act is amended by inserting after section 1939 the following new section:

''ASSET VERIFICATION THROUGH ACCESS TO INFORMATION HELD BY FINANCIAL INSTITUTIONS

''SEC. 1940. (a) IN GENERAL.—Subject to the provisions of this section, each State shall implement an asset verification program described in subsection (b), for purposes of determining or redetermining the eligibility of an individual for medical assistance under the State plan under this title.

''(b) ASSET VERIFICATION PROGRAM.—

''(1) IN GENERAL.—For purposes of this section, an asset verification program means a program described in paragraph (2) under which—

''(A) a State requires each applicant for, or recipient of, medical assistance under the State plan under this title to provide authorization by such applicant or recipient (and any other person whose income or resources are material to the determination of the eligibility of the applicant or recipient for such assistance) for the State to obtain (subject to the cost reimbursement requirements of section 1115(a) of the Right to Financial Privacy Act) from any financial institution (within the meaning of section 1101(1) of such Act) any financial record (within the meaning of section 1101(2) of such Act) held by the institution with respect to the applicant or recipient (and such other person, as applicable), whenever the State determines the record is needed in connection with a determination with respect to such eligibility for (or the amount or extent of) such medical assistance;

''(B) each such applicant or recipient (or other person) shall provide such authorization directly to the financial institution involved as a condition of eligibility for such medical assistance; and

''(C) the State uses such authorization to verify the financial resources of such applicant or recipient (and such other person, as applicable), in order to determine or redetermine the eligibility of such applicant or recipient for medical assistance under the State plan.

''(2) PROGRAM DESCRIBED.—A program described in this paragraph is a program for verifying individual assets in a manner consistent with the approach used by the Commissioner of Social Security under section 1631(e)(1)(B)(ii).

''(c) DURATION OF AUTHORIZATION.—An authorization provided to a State under subsection (b)(1) shall remain effective until the earliest of—

''(1) the rendering of a final adverse decision on the applicant's application for medical assistance under the State's plan under this title;

''(2) the cessation of the recipient's eligibility for such medical assistance; or

''(3) the express revocation by the applicant or recipient (or such other person described in subsection (b)(1), as applicable) of the authorization, in a written notification to the State.

''(d) REQUIRED DISCLOSURE.—The State shall inform any person who provides authorization pursuant to subsection (b)(1) of the duration and scope of the authorization.

''(e) REFUSAL OR REVOCATION OF AUTHORIZATION.—If an applicant for, or recipient of, medical assistance under the State plan under this title (or such other person described in subsection (b)(1), as applicable) refuses to provide, or revokes, any authorization made by the applicant or recipient (or such other person, as applicable) under subsection (a)(1)(B) for the State to obtain from any financial institution any financial record, the State may, on that basis, determine that the applicant or recipient is ineligible for medical assistance.

''(f) USE OF CONTRACTOR.—For purposes of implementing an asset verification program under this section, a State may select and enter into a contract with a public or private entity meeting such criteria and qualifications as the State determines appropriate.

''(g) TECHNICAL ASSISTANCE.—The Secretary shall provide States with technical assistance to aid in implementation of an asset verification program under this section.

''(h) REPORTS.—A State implementing an asset verification program under this section shall furnish to the Secretary such reports concerning the program, at such times, in such format, and containing such information as the Secretary determines appropriate.''.

(b) STATE PLAN REQUIREMENTS.—Section 1902(a) of the Social Security Act (42 U.S.C. 1396a(a)) is amended—

(1) in paragraph (69) by striking ''and'' at the end;

(2) in paragraph (70) by striking the period at the end and inserting ''; and''; and

(3) by inserting after paragraph (70), as so amended, the following new paragraph:

''(71) provide that the State will implement an asset verification program under such section.''.

(c) WITHHOLDING OF FEDERAL MATCHING PAYMENTS FOR NONCOMPLIANT STATES.—Section 1903(i) (42 U.S.C. 1396b(i)) is amended—

(1) in paragraph (21) by striking ''or'' at the end;

(2) in paragraph (22) by striking the period at the end and inserting ''; or''; and

(3) by adding after paragraph (22) the following new paragraph:

''(23) if a State is required to implement an asset verification program under section 1940 and fails to comply with the requirements of such section, with respect to amounts expended by such State for medical assistance for individuals subject to asset verification under such section.''.

(d) REPEAL.—Section 4 of Public Law 110–90 is repealed.

(e) ADJUSTMENT TO PAQI FUND.—Section 1848(l)(2) of the Social Security Act (42 U.S.C. 1395w–4(l)(2)), as amended by section 101(a)(2) of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110–73), is amended—

(1) in subparagraph (A)(i)—

(A) in subclause (III), by striking ''$4,960,000,000'' and inserting ''$4,360,000,000''; and

(B) by adding at the end the following new subclause:

''(IV) For expenditures during 2014, an amount equal to $1,000,000,000.'';

(2) in subparagraph (A)(ii), by adding at the end the following new subclause:

''(IV) 2014.—The amount available for expenditures during 2014 shall only be available for an adjustment to the update of the conversion factor under subsection (d) for that year.''; and

(3) in subparagraph (B)—

(A) in clause (ii), by striking ''and'' at the end;

(B) in clause (iii), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following new clause:

''(iv) 2014 for payment with respect to physicians' services furnished during 2014.''.

After debate,

By unanimous consent, the previous question was ordered on the motion to recommit with instructions.

The question being put, viva voce,

Will the House recommit said bill with instructions?

The SPEAKER pro tempore, Mr. SNYDER, announced that the nays had it.

Mr. KLINE of Minnesota, demanded a recorded vote on agreeing to said motion, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the negative ..... { Yeas ..... 196 / Nays 221

¶25.35 [Roll No. 100]

AYES—196

Aderholt	Cantor	Ferguson
Akin	Capito	Flake
Alexander	Carter	Forbes
Altmire	Chabot	Fortenberry
Bachmann	Coble	Fossella
Bachus	Cole (OK)	Foxx
Barrett (SC)	Conaway	Franks (AZ)
Bartlett (MD)	Crenshaw	Gallegly
Barton (TX)	Cubin	Garrett (NJ)
Biggert	Cuellar	Gerlach
Bilbray	Culberson	Gingrey
Bilirakis	Davis (KY)	Gohmert
Bishop (UT)	Davis, David	Goode
Blackburn	Davis, Lincoln	Goodlatte
Blunt	Deal (GA)	Granger
Bonner	Dent	Graves
Boozman	Diaz-Balart, L.	Green, Gene
Boren	Diaz-Balart, M.	Hall (TX)
Boustany	Donnelly	Hastings (WA)
Brady (TX)	Doolittle	Hayes
Broun (GA)	Drake	Heller
Brown (SC)	Dreier	Hensarling
Buchanan	Duncan	Herger
Burgess	Ehlers	Hinojosa
Burton (IN)	Ellsworth	Hobson
Buyer	Emerson	Hoekstra
Calvert	English (PA)	Hulshof
Camp (MI)	Everett	Hunter
Campbell (CA)	Fallin	Inglis (SC)
Cannon	Feeney	Issa

Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
King (IA)
King (NY)
Kingston
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Lampson
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
Matheson
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Musgrave
Myrick
Neugebauer
Nunes
Ortiz
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
Reichert
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOES—221

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

NOT VOTING—11

Boehner
Brown-Waite, Ginny
Gonzalez
Johnson, E. B.
Keller
Poe
Rangel
Renzi
Rush
Woolsey
Wynn

So the motion to recommit with instructions was not agreed to.

The question being put, viva voce,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. SNYDER, announced that the yeas had it.

Mr. PALLONE demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 268 Nays 148

¶25.36 [Roll No. 101]

YEAS—268

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Bono Mack
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Buchanan
Butterfield
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Castle
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Farr
Fattah
Ferguson
Filner
Fossella
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Giffords
Gilchrest
Gillibrand
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Hayes
Herseth Sandlin
Higgins
Hill
Hinchey
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Klein (FL)
Knollenberg
Kucinich
LaHood
Langevin
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pelosi
Perlmutter
Peterson (MN)
Pickering
Platts
Pomeroy
Price (NC)
Pryce (OH)
Rahall
Ramstad
Regula
Reyes
Richardson
Rodriguez
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (TX)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tiahrt
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weller
Wexler
Wilson (OH)
Wu
Yarmuth
Young (AK)

NAYS—148

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Boozman
Brady (TX)
Broun (GA)
Brown (SC)
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Carter
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Deal (GA)
Doolittle
Drake
Dreier
Duncan
Ehlers
Everett
Fallin
Feeney
Flake
Forbes
Fortenberry
Foxx
Franks (AZ)
Garrett (NJ)
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Heller
Hensarling
Herger
Hinojosa
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson, Sam
Jones (NC)
Jordan
King (IA)
Kingston
Kline (MN)
Kuhl (NY)
Lamborn
Lampson
Latham
Latta
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pitts
Porter
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Souder
Stearns
Tancredo
Terry
Thornberry
Tiberi
Turner
Walden (OR)
Weldon (FL)
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (FL)

NOT VOTING—13

Brown-Waite, Ginny
Gonzalez
Johnson, E. B.
Keller
Musgrave
Poe
Rangel
Renzi
Rush
Walberg
Welch (VT)
Woolsey
Wynn

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

Pursuant to Section 2 of House Resolution 1014, the text of H.R. 493, as passed by the House, was appended to the engrossment of H.R. 1424.

¶25.37 MESSAGE FROM THE SENATE

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

H. Con. Res. 289. A concurrent resolution honoring and praising the National Association for the Advancement of Colored People on the occasion of its 99th anniversary.

The message also announced that pursuant to the provisions of S. Con. Res. 67 (110th Congress), the Chair, on behalf of the Vice President, appoints the following Senators to the Joint Congressional Committee on Inaugural Ceremonies: the Senator from Nevada [Mr. REID], the Senator from California [Mrs. FEINSTEIN], the Senator from Utah [Mr. BENNETT].

¶25.38 H.R. 5400—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. SNYDER, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and pass the bill (H.R. 5400) to designate the facility of the United States Postal Service located at 160 East Washington Street in Chagrin Falls, Ohio, as the ''Sgt. Michael M. Kashkoush Post Office Building''.

The question being put,

Will the House suspend the rules and pass said bill?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 402 / Nays 0

¶25.39 [Roll No. 102]

YEAS—402

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Carnahan
Carney
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doggett
Donnelly
Doolittle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCotter
McCrery
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Musgrave
Myrick
Nadler
Napolitano
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—26

Arcuri
Berkley
Brown-Waite, Ginny
Cardoza
Cleaver
Dicks
Doyle
Emanuel
Feeney
Gonzalez
Holden
Johnson, E. B.
Keller
McCollum (MN)
McDermott
Murtha
Neal (MA)
Poe
Rangel
Renzi
Rush
Sessions
Wasserman Schultz
Woolsey
Wu
Wynn

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶25.40 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. CONYERS, for today until 7:30 p.m.;

To Mr. ORTIZ, for today until 5 p.m.;

To Mr. POE, for today after 12:30 p.m. and March 6; and

To Mr. TANNER, for today until 12:30 p.m.

And then,

¶25.41 ADJOURNMENT

On motion of Mr. BURGESS, at 11 o'clock and 44 minutes p.m., the House adjourned.

¶25.42 PUBLIC BILLS AND RESOLUTIONS

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

By Mr. KING of New York (for himself and Mr. MCCAUL of Texas):

H.R. 5531. A bill to amend the Homeland Security Act of 2002 to clarify criteria for certification relating to advanced spectroscopic portal monitors, and for other purposes; to the Committee on Homeland Security.

By Mr. KIND (for himself and Mr. CANNON):

H.R. 5532. A bill to improve Federal land management, resource conservation, environmental protection, and use of Federal real property, by requiring the Secretary of the Interior to develop a multipurpose cadastre of Federal real property and identifying inaccurate, duplicate, and out-of-date Federal land inventories, and for other purposes; to the Committee on Natural Resources.

By Mr. WYNN:

H.R. 5533. A bill to revise and extend the chemical-facility security program under Public Law 109-295, and for other purposes; to the Committee on Energy and Commerce.

By Mr. GRIJALVA:

H.R. 5534. A bill to amend the Lacey Act Amendments of 1981 to extend its protections to bears illegally harvested for their viscera in the same manner as with respect to prohibited wildlife species, and for other purposes; to the Committee on Natural Resources.

By Mr. FARR (for himself, Mr. SHAYS, Mr. HONDA, Mr. WALSH of New York, Mr. PETRI, and Ms. MCCOLLUM of Minnesota):

H.R. 5535. A bill to amend the Peace Corps Act to provide continued funding for the Peace Corps, to increase the readjustment

allowance for returning Peace Corps volunteers, and for other purposes; to the Committee on Foreign Affairs.

By Mr. ALLEN (for himself and Mr. GONZALEZ):

H.R. 5536. A bill to require the Secretary of Commerce to prescribe regulations to reduce the incidence of vessels colliding with North Atlantic right whales by limiting the speed of vessels, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. MURPHY of Connecticut:

H.R. 5537. A bill to amend the Juvenile Justice and Delinquency Prevention Act of 1974 with respect to juveniles who have committed offenses, and for other purposes; to the Committee on Education and Labor.

By Mr. NUNES:

H.R. 5538. A bill to suspend temporarily the duty on certain sleeping bags; to the Committee on Ways and Means.

By Mr. NUNES:

H.R. 5539. A bill to suspend temporarily the duty on certain sleeping bags; to the Committee on Ways and Means.

By Mr. SARBANES (for himself, Mr. WITTMAN of Virginia, Mr. HOYER, Mr. GILCHREST, Mr. WYNN, Mr. MORAN of Virginia, Mr. SCOTT of Virginia, Mr. CUMMINGS, Mr. RUPPERSBERGER, and Mr. VAN HOLLEN):

H.R. 5540. A bill to amend the Chesapeake Bay Initiative Act of 1998 to provide for the continuing authorization of the Chesapeake Bay Gateways and Watertrails Network; to the Committee on Natural Resources.

By Mr. CUMMINGS (for himself, Mr. MEEK of Florida, Mr. LEWIS of Georgia, Mr. NADLER, Mr. TOWNS, Mr. JEFFERSON, Mr. WYNN, Mr. BISHOP of Georgia, Ms. MATSUI, Mr. GRIJALVA, Mr. FILNER, Ms. BORDALLO, Mr. RANGEL, Mr. ELLISON, Mr. MOORE of Kansas, Ms. MOORE of Wisconsin, Mr. COHEN, Mrs. CHRISTENSEN, Mr. BARROW, Mrs. MALONEY of New York, Mrs. JONES of Ohio, Mr. DAVIS of Illinois, Mr. JOHNSON of Georgia, Mr. HINCHEY, Mr. HALL of New York, Mr. BUTTERFIELD, Mr. KUCINICH, Mr. ARCURI, Mr. SCOTT of Virginia, Mr. BRADY of Pennsylvania, Mr. MARKEY, Mr. PAYNE, Ms. LEE, Mr. SERRANO, Ms. SUTTON, Ms. HIRONO, Mr. AL GREEN of Texas, Ms. WOOLSEY, Mr. CLEAVER, Mr. SARBANES, Mr. MORAN of Virginia, Mr. HIGGINS, Mr. VAN HOLLEN, Ms. CORRINE BROWN of Florida, Mr. RUPPERSBERGER, Mr. ROTHMAN, Mr. HOYER, Mr. CONYERS, Mr. BOSWELL, Mr. MCGOVERN, Mr. HARE, Mr. HASTINGS of Florida, Mr. GILCHREST, Mr. HONDA, Mr. FATTAH, Ms. MCCOLLUM of Minnesota, Ms. ROYBAL-ALLARD, Mr. BARTLETT of Maryland, Mr. LYNCH, Ms. WASSERMAN SCHULTZ, Mr. MEEKS of New York, Ms. JACKSON-LEE of Texas, Mr. THOMPSON of Mississippi, Mr. BRALEY of Iowa, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. WATERS, and Ms. KILPATRICK):

H. Con. Res. 310. Concurrent resolution expressing support for a national day of remembrance for Harriet Ross Tubman; to the Committee on Oversight and Government Reform.

By Mrs. CAPPS (for herself, Mrs. MCMORRIS RODGERS, Ms. BALDWIN, Ms. GINNY BROWN-WAITE of Florida, Mrs. CHRISTENSEN, Ms. DEGETTE, Ms. DELAURO, Mrs. MALONEY of New York, Ms. MATSUI, Ms. MCCOLLUM of Minnesota, Mr. MCGOVERN, Ms. MOORE of Wisconsin, Ms. NORTON, Ms. SCHAKOWSKY, Ms. SLAUGHTER, and Ms. SOLIS):

H. Res. 1022. A resolution reducing maternal mortality both at home and abroad; to the Committee on Energy and Commerce, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. BONO MACK:

H. Res. 1023. A resolution supporting the We Don't Serve Teens campaign; to the Committee on Energy and Commerce.

¶25.43 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 78: Mr. ENGLISH of Pennsylvania.
H.R. 241: Mr. GALLEGLY.
H.R. 471: Mrs. DRAKE.
H.R. 598: Mr. LAMPSON.
H.R. 758: Mr. CUELLAR, Ms. BEAN, and Ms. TSONGAS.
H.R. 882: Mrs. CUBIN.
H.R. 1092: Mr. ANDREWS.
H.R. 1102: Mrs. MYRICK.
H.R. 1188: Ms. BERKLEY.
H.R. 1237: Mr. DENT, Ms. SUTTON, Mrs. JONES of Ohio, Mr. SHAYS, Mr. FATTAH, and Ms. MOORE of Wisconsin.
H.R. 1264: Ms. FOXX and Mr. ROTHMAN.
H.R. 1293: Mr. NEAL of Massachusetts.
H.R. 1343: Mr. DONNELLY.
H.R. 1359: Mr. BILBRAY, Mr. PRICE of Georgia, Mrs. CUBIN, and Mr. DOOLITTLE.
H.R. 1439: Ms. TSONGAS.
H.R. 1532: Ms. ESHOO.
H.R. 1621: Mr. MOORE of Kansas.
H.R. 1655: Mr. PLATTS and Mr. MCCOTTER.
H.R. 1665: Ms. LORETTA SANCHEZ of California and Mr. TANCREDO.
H.R. 1687: Mr. TIM MURPHY of Pennsylvania.
H.R. 1726: Mr. LEWIS of Georgia and Mr. ROTHMAN.
H.R. 1809: Mr. FRANK of Massachusetts.
H.R. 1889: Mr. AL GREEN of Texas.
H.R. 1890: Mr. AL GREEN of Texas.
H.R. 1957: Mrs. CAPPS.
H.R. 1983: Mr. BARROW.
H.R. 2015: Mr. BECERRA.
H.R. 2054: Mr. BROWN of South Carolina and Ms. HOOLEY.
H.R. 2063: Mr. FOSSELLA.
H.R. 2123: Ms. BERKLEY and Mr. MCGOVERN.
H.R. 2267: Mr. CARNEY.
H.R. 2303: Mr. UDALL of Colorado, Mr. ROTHMAN, Ms. GINNY BROWN-WAITE of Florida and Mr. UDALL of New Mexico.
H.R. 2329: Ms. BERKLEY and Ms. SCHWARTZ.
H.R. 2552: Mr. GRIJALVA.
H.R. 2702: Mr. WALZ of Minnesota, Mr. HOLT, Ms. TSONGAS, Mr. OBERSTAR and Mrs. CAPITO.
H.R. 2712: Mr. WITTMAN of Virginia.
H.R. 2744: Mr. HODES, Mr. HOLT, Mrs. BOYDA of Kansas, Mr. PASCRELL, Mrs. MUSGRAVE, Mr. HINOJOSA, and Mr. ANDREWS.
H.R. 2833: Ms. SOLIS.
H.R. 2925: Mr. GORDON.
H.R. 2965: Mr. MCDERMOTT.
H.R. 3001: Mr. VAN HOLLEN.
H.R. 3010: Ms. MATSUI, Mr. UDALL of New Mexico, and Mr. SKELTON.
H.R. 3014: Ms. DEGETTE.
H.R. 3049: Mr. PAUL and Mr. YOUNG of Alaska.
H.R. 3223: Mr. BOYD of Florida.
H.R. 3229: Mr. FILNER.
H.R. 3282: Mr. MARKEY and Mr. TOWNS.
H.R. 3359: Mr. MCCAUL of Texas.
H.R. 3396: Mr. JOHNSON of Georgia.
H.R. 3546: Mr. PASTOR and Ms. WASSERMAN SCHULTZ.
H.R. 3609: Mr. MCGOVERN, Mrs. NAPOLITANO, and Mr. CLAY.
H.R. 3622: Mr. BURTON of Indiana, Mr. SHULER, Mr. BERRY, Mr. BILIRAKIS, Mrs. BACHMANN, and Mr. MAHONEY of Florida.
H.R. 3646: Mr. ROGERS of Michigan and Mr. PEARCE.
H.R. 3650: Mr. WITTMAN of Virginia.
H.R. 3686: Ms. SCHAKOWSKY.
H.R. 3750: Mr. BUTTERFIELD, Mr. PASTOR, and Mr. GRIJALVA.
H.R. 3819: Mr. COSTELLO.
H.R. 3842: Mr. SIRES.
H.R. 3934: Mr. MCNULTY, Mr. ROGERS of Michigan, Mr. HENSARLING, Mr. MCCARTHY of California, Mr. WAXMAN, Mr. TOM DAVIS of Virginia, and Mr. CAMPBELL of California.
H.R. 3995: Mr. POE and Mr. COHEN.
H.R. 4054: Mr. PASTOR, Mr. BRADY of Pennsylvania, and Mr. BOSWELL.
H.R. 4091: Mrs. SCHMIDT, Mr. WELCH of Vermont, and Mr. CONYERS.
H.R. 4102: Ms. ZOE LOFGREN of California.
H.R. 4116: Ms. ZOE LOFGREN of California, Mr. DAVID DAVIS of Tennessee, and Mr. PLATTS.
H.R. 4133: Ms. FALLIN.
H.R. 4157: Mr. BOOZMAN and Mr. TIAHRT.
H.R. 4185: Mr. DREIER, Mr. DANIEL E. LUNGREN of California, Mr. STARK, and Mr. WAXMAN.
H.R. 4279: Mrs. BONO MACK.
H.R. 4304: Mr. DEAL of Georgia.
H.R. 4344: Mr. DAVID DAVIS of Tennessee.
H.R. 4449: Mr. JOHNSON of Georgia, Mr. LYNCH, Mr. WELCH of Vermont, and Mr. MAHONEY of Florida.
H.R. 4662: Mr. BLUMENAUER.
H.R. 4690: Ms. EDDIE BERNICE JOHNSON of Texas.
H.R. 4879: Mr. WILSON of Ohio.
H.R. 4930: Mr. KLINE of Minnesota, Mr. BOOZMAN, Mr. MORAN of Kansas, Mrs. DRAKE, Mr. FORTENBERRY, and Mr. POE.
H.R. 5032: Mr. PENCE, Mr. AKIN, Mr. KING of Iowa, Mr. TERRY, and Mr. NEUGEBAUER.
H.R. 5109: Mrs. DRAKE.
H.R. 5110: Mr. BISHOP of New York, Mr. BOSWELL, and Mr. HINOJOSA.
H.R. 5131: Mr. PITTS.
H.R. 5143: Mr. KAGEN, Mr. THOMPSON of California, and Ms. SOLIS.
H.R. 5173: Ms. BALDWIN, Mr. BLUMENAUER, Mr. BISHOP of Georgia, Mr. CLAY, Mr. CLEAVER, Mr. DAVIS of Alabama, Mr. DAVIS of Illinois, Mr. FATTAH, Mr. JACKSON of Illinois, Mr. JEFFERSON, Mr. PAYNE, Mr. THOMPSON of Mississippi, and Ms. WATSON.
H.R. 5176: Mr. HINOJOSA.
H.R. 5229: Mr. ENGLISH of Pennsylvania, Mr. MCINTYRE, and Mr. ACKERMAN.
H.R. 5232: Mr. SENSENBRENNER.
H.R. 5233: Mr. BISHOP of New York.
H.R. 5315: Mrs. WILSON of New Mexico.
H.R. 5395: Mr. DAVIS of Alabama, Mrs. MALONEY of New York, Ms. WATSON, Mr. BRALEY of Iowa, Mr. RANGEL, and Mr. AL GREEN of Texas.
H.R. 5435: Mr. CUELLAR.
H.R. 5443: Mr. KIRK, Mr. GALLEGLY, Mr. CROWLEY, and Mr. ENGLISH of Pennsylvania.
H.R. 5461: Mr. BERMAN.
H.R. 5464: Ms. BORDALLO.
H.R. 5468: Mr. CARNEY and Mr. PORTER.
H.R. 5496: Mr. GRIJALVA.
H.R. 5498: Ms. BALDWIN.
H.R. 5505: Mr. LAHOOD.
H.R. 5509: Mr. LAMBORN.
H.J. Res. 12: Mr. WITTMAN of Virginia.
H.J. Res. 39: Mr. ISSA.
H. Con. Res. 32: Mr. ROSS, Mr. BARRETT of South Carolina, Mr. BUYER, and Mr. BILIRAKIS.
H. Con. Res. 69: Mr. TIAHRT.
H. Con. Res. 163: Ms. KAPTUR, Mr. GENE GREEN of Texas, Mr. MCGOVERN, Mr. MCHENRY, Ms. NORTON, and Ms. BEAN.
H. Con. Res. 195: Mr. MCGOVERN and Mr. BLUMENAUER.
H. Con. Res. 244: Mr. ROSKAM, Mr. ENGLISH of Pennsylvania, Mr. LINCOLN DAVIS of Tennessee, Mr. LAHOOD, Mr. LAMBORN, Mr. BOYD of Florida, Mr. SMITH of New Jersey, Mr. THORNBERRY, Mr. ALTMIRE, Mr. KING of Iowa,

Mr. DAVID DAVIS of Tennessee, and Mr. BOUSTANY.

H. Con. Res. 277: Mr. PAUL.

H. Con. Res. 278: Mr. MCCAUL of Texas, Mr. SALI, and Mr. PUTNAM.

H. Con. Res. 286: Mr. BURTON of Indiana.

H. Con. Res. 294: Mr. RANGEL, Mr. RAMSTAD, Mrs. WILSON of New Mexico, Mr. SHAYS, Ms. HERSETH SANDLIN, and Mr. LOEBSACK.

H. Con. Res. 295: Mr. ENGLISH of Pennsylvania and Mr. YOUNG of Florida.

H. Res. 49: Mr. LINCOLN DIAZ-BALART of Florida.

H. Res. 146: Ms. BALDWIN.

H. Res. 333: Mr. STARK.

H. Res. 339: Mr. BOOZMAN.

H. Res. 356: Mr. LEWIS of California and Mr. TANCREDO.

H. Res. 671: Mr. SHAYS.

H. Res. 795: Mr. GORDON.

H. Res. 838: Mr. BILBRAY, Mr. BILIRAKIS, Mr. CARTER, Mr. FOSSELLA, Mr. HOLDEN, Mr. JONES of North Carolina, Mr. PAYNE, Mr. REYNOLDS, Mr. ROGERS of Michigan, and Mr. SMITH of New Jersey.

H. Res. 896: Mrs. MALONEY of New York.

H. Res. 924: Mr. HALL of New York.

H. Res. 925: Mr. CHABOT, Mr. FORTUÑO, and Mr. SMITH of New Jersey.

H. Res. 937: Mr. MORAN of Kansas.

H. Res. 948: Ms. KILPATRICK, Mr. MCGOVERN, Mr. OLVER, Mr. FILNER, Mr. HASTINGS of Florida, Mr. KLEIN of Florida, Mr. CROWLEY, Mr. TOWNS, Mrs. GILLIBRAND, Mr. WILSON of Ohio, Mr. KAGEN, Mr. LAMBORN, Mr. ROHRABACHER, and Mr. JONES of North Carolina.

H. Res. 951: Mr. BRADY of Pennsylvania, Mr. SCHIFF, Mr. PITTS, Mr. FATTAH, Ms. MATSUI, Mr. EMANUEL, Mr. CARNEY, Ms. GINNY BROWN-WAITE of Florida, Mr. KENNEDY, Mr. BERMAN, and Mr. NADLER.

H. Res. 959: Mr. HODES, Ms. FOXX, Mr. HUNTER, Mr. HAYES, and Mr. AKIN.

H. Res. 962: Mr. AL GREEN of Texas.

H. Res. 973; Mr. CHANDLER.

H. Res. 977: Mr. POE and Mr. WEXLER.

H. Res. 981: Mr. BISHOP of Georgia, Mr. FOSSELLA, and Ms. JACKSON-LEE of Texas.

H. Res. 984: Mr. POE and Mr. GONZALEZ.

H. Res. 987: Ms. SUTTON, Ms. BORDALLO, Mr. BOSWELL, and Mr. MCGOVERN.

H. Res. 988: Mr. BARROW and Mr. MOORE of Kansas.

H. Res. 991: Mr. FOSSELLA, Mr. ARCURI, Ms. CLARKE, Mr. NADLER, Ms. SLAUGHTER, and Mr. SERRANO.

H. Res. 992: Ms. ZOE LOFGREN of California, Mr. UDALL of Colorado, and Mr. MEEK of Florida.

H. Res. 994: Mr. WELDON of Florida, Mr. PENCE, Mr. DAVID DAVIS of Tennessee, Mr. FRANKS of Arizona, and Mr. FEENEY.

H. Res. 997: Mr. BILIRAKIS, Mr. FORTUÑO, Mr. CHABOT, Mr. SHAYS, and Mr. HINCHEY.

H. Res. 1005: Mr. MORAN of Virginia, Mr. SHAYS, and Mr. WOLF.

H. Res. 1008: Ms. BERKLEY and Mr. SHERMAN.

H. Res. 1016: Mr. STEARNS.

H. Res. 1018: Mr. FORTENBERRY.

H. Res. 1019: Mr. COHEN and Ms. WATERS.

H. Res. 1021: Mrs. WILSON of New Mexico, Mr. HASTINGS of Florida, Mrs. TAUSCHER, Ms. JACKSON-LEE of Texas, Ms. ROYBAL-ALLARD, Ms. BORDALLO, Ms. KAPTUR, Mr. DAVIS of Illinois, Ms. BEAN, Mrs. CHRISTENSEN, Mr. SIRES, Mr. JACKSON of Illinois, Ms. WASSERMAN SCHULTZ, Mr. GRIJALVA, Mr. KILDEE, Mr. STARK, and Mr. ELLISON.

THURSDAY, MARCH 6, 2008 (26)

The House was called to order by the SPEAKER.

¶26.1 APPROVAL OF THE JOURNAL

The SPEAKER announced she had examined and approved the Journal of the proceedings of Wednesday, March 5, 2008.

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

¶26.2 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

5643. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's Vehicle Fleet Report on Alternative Fuel Vehicles for fiscal year 2007, pursuant to 42 U.S.C. 13218; to the Committee on Energy and Commerce.

5644. A letter from the Assistant Secretary for Management, Department of Veterans Affairs, transmitting the Department's Vehicle Fleet Report on Alternative Fuel Vehicles for fiscal year 2007, pursuant to 42 U.S.C. 13218; to the Committee on Energy and Commerce.

5645. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the March 2008 International Narcotics Control Strategy Report, pursuant to 22 U.S.C. 2291(b)(2); to the Committee on Foreign Affairs.

5646. A letter from the Chief Justice, Supreme Court of the United States, transmitting a copy of the Report of the Proceedings of the Judicial Conference of the United States, September 18, 2007, pursuant to 28 U.S.C. 331; to the Committee on the Judiciary.

5647. A letter from the Pricipal Deputy Assistant Attorney General, Department of Justice, transmitting the Department's report on the activities of the Community Relations Service (CRS) for Fiscal Year 2006, pursuant to 42 U.S.C. 2000g-3; to the Committee on the Judiciary.

5648. A letter from the Pricipal Deputy Assistant Attorney General, Department of Justice, transmitting the Department's report on the use of exemption from antitrust laws provided by Section 405 of the Pandemic and All-Hazards Preparedness Act, Pub. L. 109-417; to the Committee on the Judiciary.

5649. A letter from the President and Chief Executive Officer, Little League Baseball, transmitting the Annual Report of Little League Baseball, Incorporated for the fiscal year ending September 30, 2007, pursuant to 36 U.S.C. 1084(b); to the Committee on the Judiciary.

5650. A letter from the Secretary, Department of Transportation, transmitting a copy of a draft bill to amend subsection (e)(1) of Section 2010 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, or SAFETEA-LU, to allow a State to use funds from a grant under Section 2010 to promote the use of motorcycle helmets; to the Committee on Transportation and Infrastructure.

¶26.3 PROVIDING FOR CONSIDERATION OF H.R. 2857

Ms. MATSUI, by direction of the Committee on Rules, called up the following resolution (H. Res. 1015):

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2857) to reauthorize and reform the national service laws. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Education and Labor. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Education and Labor now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived except those arising under clause 10 of rule XXI. Notwithstanding clause 11 of rule XVIII, no amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived except those arising under clause 9 or 10 of rule XXI. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. During consideration in the House of H.R. 2857 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

When said resolution was considered.

After debate,

Ms. MATSUI moved the previous question on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House now order the previous question?

The SPEAKER pro tempore, Mrs. TAUSCHER, announced that the yeas had it.

Mr. Lincoln DIAZ-BALART of Florida, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 217 / Nays 193

¶26.4 [Roll No. 103]

YEAS—217

Abercrombie	Berman	Braley (IA)
Ackerman	Berry	Brown, Corrine
Allen	Bishop (GA)	Butterfield
Altmire	Bishop (NY)	Capps
Andrews	Blumenauer	Capuano
Arcuri	Boren	Cardoza
Baca	Boswell	Carnahan
Baird	Boucher	Carney
Baldwin	Boyd (FL)	Castor
Becerra	Boyda (KS)	Chandler
Berkley	Brady (PA)	Clarke

Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Filner
Frank (MA)
Giffords
Gillibrand
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Wu
Yarmuth

NAYS—193

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

ANSWERED ''PRESENT''—1

Johnson (IL)

NOT VOTING—17

Brown-Waite, Ginny
Cubin
Fattah
Gonzalez
Johnson, E. B.
Keller
Kennedy
McCrery
Murphy, Tim
Poe
Rangel
Renzi
Reynolds
Rush
Woolsey
Wynn
Young (AK)

So the previous question on the resolution was ordered.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mrs. TAUSCHER, announced that the yeas had it.

Ms. MATSUI demanded a recorded vote on agreeing to said resolution, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 222 Nays 190

¶26.5 [Roll No. 104]

AYES—222

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

NOES—190

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

Simpson	Thornberry	Weldon (FL)
Smith (NE)	Tiahrt	Weller
Smith (NJ)	Tiberi	Westmoreland
Smith (TX)	Turner	Whitfield (KY)
Souder	Upton	Wilson (NM)
Stearns	Walberg	Wilson (SC)
Sullivan	Walden (OR)	Wittman (VA)
Tancredo	Walsh (NY)	Wolf
Terry	Wamp	Young (FL)

NOT VOTING—16

Brown-Waite, Ginny	Keller	Reynolds
Cubin	Kennedy	Rush
Fattah	McCrery	Woolsey
Gonzalez	Poe	Wynn
Johnson, E. B.	Rangel	Young (AK)
	Renzi	

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶26.6 NATIONAL SERVICE LAWS

The SPEAKER pro tempore, Ms. MOORE of Wisconsin, pursuant to House Resolution 1015 and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 2857) to reauthorize and reform the national service laws.

The SPEAKER pro tempore, Ms. MOORE of Wisconsin, by unanimous consent, designated Mrs. TAUSCHER as Chairman of the Committee of the Whole; and after some time spent therein,

The SPEAKER pro tempore, Mr. OBEY, assumed the Chair.

When Mr. HOLDEN, Acting Chairman, reported that the Committee, having had under consideration said bill, had come to no resolution thereon.

¶26.7 RECESS—1:21 P.M.

The SPEAKER pro tempore, Mr. OBEY, pursuant to clause 12(a) of rule I, declared the House in recess at 1 o'clock and 21 minutes p.m., until approximately 1:30 p.m.

¶26.8 AFTER RECESS—1:30 P.M.

The SPEAKER pro tempore, Mr. LARSON of Connecticut, called the House to order.

¶26.9 NATIONAL SERVICE LAWS

The SPEAKER pro tempore, Mr. LARSON of Connecticut, pursuant to House Resolution 1015 and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 2857) to reauthorize and reform the national service laws.

Mr. HOLDEN, Acting Chairman, assumed the chair; and after some time spent therein,

¶26.10 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 10, printed in House Report 110-539, submitted by Mr. FLAKE:

Page 16, line 11, strike ''; and'' and insert a period.

Page 16, strike line 12 and all that follows through page 18, line 21.

Page 148, line 24, strike ''$65,000,000 for fiscal year 2008,'' and all that follows through ''; and'' on page 149, line 4, and insert ''$45,000,000 for fiscal year 2008; and''.

It was decided in the negative ..... { Yeas ..... 153 / Nays 260

¶26.11 [Roll No. 105]

AYES—153

Aderholt	Foxx	Miller, Gary
Akin	Franks (AZ)	Moran (KS)
Alexander	Garrett (NJ)	Musgrave
Bachus	Gerlach	Myrick
Barrett (SC)	Gillibrand	Neugebauer
Bartlett (MD)	Gingrey	Nunes
Biggert	Gohmert	Paul
Bilbray	Goode	Pearce
Bilirakis	Goodlatte	Pence
Bishop (UT)	Granger	Peterson (PA)
Blackburn	Graves	Pitts
Blunt	Hall (TX)	Price (GA)
Boehner	Hastings (WA)	Putnam
Bonner	Hayes	Radanovich
Bono Mack	Heller	Rehberg
Boozman	Hensarling	Reichert
Boustany	Herger	Reynolds
Brady (TX)	Hobson	Rogers (AL)
Broun (GA)	Hoekstra	Rogers (KY)
Brown (SC)	Hunter	Rogers (MI)
Buchanan	Inglis (SC)	Rohrabacher
Burgess	Issa	Roskam
Burton (IN)	Johnson (IL)	Royce
Buyer	Johnson, Sam	Ryan (WI)
Calvert	Jones (NC)	Sali
Camp (MI)	Jordan	Schmidt
Campbell (CA)	King (IA)	Sensenbrenner
Cannon	Kingston	Sessions
Cantor	Kline (MN)	Shadegg
Carter	Knollenberg	Shimkus
Chabot	Kuhl (NY)	Shuster
Coble	Lamborn	Simpson
Cole (OK)	Latham	Smith (NE)
Conaway	Lewis (CA)	Smith (TX)
Crenshaw	Lewis (KY)	Souder
Cubin	Lucas	Stearns
Culberson	Lungren, Daniel E.	Sullivan
Davis (KY)	Mack	Tancredo
Davis, David	Manzullo	Thornberry
Deal (GA)	Marchant	Tiberi
Dent	Marshall	Walberg
Doolittle	McCarthy (CA)	Wamp
Drake	McCaul (TX)	Weldon (FL)
Dreier	McCollum (MN)	Westmoreland
Duncan	McCotter	Whitfield (KY)
English (PA)	McHenry	Wilson (NM)
Everett	McKeon	Wilson (SC)
Fallin	McMorris Rodgers	Wittman (VA)
Feeney	Miller (FL)	Wolf
Flake	Miller (MI)	Young (AK)
Forbes		Young (FL)
Fossella		

NOES—260

Abercrombie	Castle	Ehlers
Ackerman	Castor	Ellison
Allen	Chandler	Ellsworth
Altmire	Christensen	Emanuel
Andrews	Clarke	Emerson
Arcuri	Clay	Engel
Baca	Cleaver	Eshoo
Bachmann	Clyburn	Etheridge
Baldwin	Cohen	Faleomavaega
Barrow	Conyers	Farr
Barton (TX)	Cooper	Fattah
Bean	Costa	Ferguson
Becerra	Costello	Filner
Berkley	Courtney	Fortenberry
Berman	Cramer	Frank (MA)
Berry	Crowley	Gallegly
Bishop (GA)	Cuellar	Giffords
Bishop (NY)	Cummings	Gilchrest
Blumenauer	Davis (AL)	Gordon
Bordallo	Davis (CA)	Green, Al
Boren	Davis (IL)	Green, Gene
Boswell	Davis, Lincoln	Grijalva
Boucher	Davis, Tom	Gutierrez
Boyd (FL)	DeFazio	Hall (NY)
Boyda (KS)	DeGette	Hare
Brady (PA)	Delahunt	Harman
Braley (IA)	DeLauro	Hastings (FL)
Brown, Corrine	Diaz-Balart, L.	Herseth Sandlin
Butterfield	Diaz-Balart, M.	Higgins
Capito	Dicks	Hill
Capps	Dingell	Hinchey
Capuano	Doggett	Hinojosa
Cardoza	Donnelly	Hirono
Carnahan	Doyle	Hodes
Carney	Edwards	Holden
Holt	Mica	Schwartz
Honda	Michaud	Scott (GA)
Hooley	Miller (NC)	Scott (VA)
Hoyer	Miller, George	Serrano
Inslee	Mitchell	Shays
Israel	Mollohan	Shea-Porter
Jackson (IL)	Moore (KS)	Sherman
Jackson-Lee (TX)	Moore (WI)	Shuler
Jefferson	Moran (VA)	Sires
Johnson (GA)	Murphy (CT)	Skelton
Jones (OH)	Murphy, Patrick	Slaughter
Kagen	Murphy, Tim	Smith (NJ)
Kanjorski	Murtha	Smith (WA)
Kaptur	Nadler	Snyder
Kennedy	Napolitano	Space
Kildee	Neal (MA)	Spratt
Kilpatrick	Norton	Stark
Kind	Oberstar	Stupak
King (NY)	Obey	Sutton
Kirk	Olver	Tanner
Klein (FL)	Ortiz	Tauscher
Kucinich	Pallone	Taylor
LaHood	Pascrell	Terry
Lampson	Pastor	Thompson (CA)
Langevin	Payne	Thompson (MS)
Larsen (WA)	Perlmutter	Tierney
Larson (CT)	Peterson (MN)	Towns
LaTourette	Petri	Tsongas
Latta	Pickering	Turner
Lee	Platts	Udall (CO)
Levin	Pomeroy	Udall (NM)
Lewis (GA)	Porter	Upton
Lipinski	Price (NC)	Van Hollen
LoBiondo	Rahall	Velázquez
Loebsack	Ramstad	Visclosky
Lofgren, Zoe	Regula	Walden (OR)
Lowey	Renzi	Walsh (NY)
Lynch	Reyes	Walz (MN)
Mahoney (FL)	Richardson	Wasserman Schultz
Maloney (NY)	Rodriguez	Waters
Markey	Ros-Lehtinen	Watson
Matheson	Ross	Watt
Matsui	Rothman	Waxman
McCarthy (NY)	Roybal-Allard	Weiner
McDermott	Ruppersberger	Welch (VT)
McGovern	Ryan (OH)	Weller
McHugh	Salazar	Wexler
McIntyre	Sánchez, Linda T.	Wilson (OH)
McNerney	Sanchez, Loretta	Wu
McNulty	Sarbanes	Wynn
Meeks (NY)	Saxton	Yarmuth
Melancon	Schakowsky	

NOT VOTING—20

Baird	Johnson, E. B.	Rangel
Brown-Waite, Ginny	Keller	Rush
Fortuño	Linder	Schiff
Frelinghuysen	McCrery	Sestak
Gonzalez	Meek (FL)	Solis
Hulshof	Poe	Tiahrt
	Pryce (OH)	Woolsey

So the amendment was not agreed to.

¶26.12 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 11, printed in House Report 110-539, submitted by Mr. INSLEE:

Page 144, strike lines 15 through 19 and insert the following (and conform the table of contents accordingly):

Subtitle I—Energy Conservation Corps

SEC. 1811. GENERAL AUTHORITY.

The Corporation for National and Community Service (in this subtitle referred to as the ''Corporation'') shall make grants to States for the creation or expansion of full-time or part-time Energy Conservation Corps programs. Notwithstanding provisions identified in this subtitle, the Corporation shall apply the provisions of subtitle C of this subchapter in making grants under this section as necessary.

SEC. 1812. APPLICATION.

(a) IN GENERAL.—To be eligible to receive a grant under this subtitle, a State shall invite applications from within the State to receive an Energy Conservation Corps grant.

(b) PROCESS.—The State shall then prepare and submit a State application to the Corporation at such time, in such manner, and

containing such information as the Corporation may reasonably require. The Corporation shall consult with state and local Conservation Corps in the development of the application guidelines.

(c) DISADVANTAGED YOUTH.—To acknowledge the focused enrollment of disadvantaged youth and young adults in the Energy Conservation Corps, the Corporation shall—

(1) allow a higher cost-per-member to enable Energy Conservation Corps programs to provide the necessary supportive services to ensure the success of the participants; and

(2) allow for greater flexibility in retention rates.

(d) CONSIDERATION OF RESIDENTIAL CORPS.—The Corporation shall allow for equal consideration of residential Corps program opportunities since residential Corps thrive in rural areas that commonly lack opportunities for young adults, enable the participation for emancipated foster youth, gang involved youth, and others lacking a safe and stable home environment, allow for more structured time for work, training, education and counseling, and provide disaster response-ready crews immediately upon request.

(e) EQUITABLE TREATMENT.—In the consideration of applications, the Corporation shall ensure the equitable treatment of both urban and rural areas.

SEC. 1813. FOCUS OF PROGRAMS.

(a) IN GENERAL.—Programs that receive assistance under this subtitle may carry out activities that—

(1) meet an identifiable public need with specific emphasis on projects in support of energy conservation, infrastructure and transportation improvement, and emergency operations, including—

(A) improving the energy efficiency of housing for elderly and low-income people;

(B) building energy-efficient ''green'' housing for elderly and low-income people;

(C) environmental education and energy conservation education for elementary and secondary school students and the public;

(D) reusing and recycling including deconstruction;

(E) the repair, renovation, or rehabilitation of an existing infrastructure facility including, but not limited to, rail, mass transportation, ports, inland navigation, schools and hospitals;

(F) transportation enhancements;

(G) recreational trails improvements, including those that enable alternative means of transportation and ensure safe use;

(H) transformation of military bases affected by the Base Realignment and Closing process (BRAC) to green the space;

(I) tree planting and reforestation;

(J) renewable resource enhancement; and

(K) assisting in emergency operations, such as disaster prevention and relief; and

(2) provide opportunities for youth and young adults, especially disadvantaged youth, to be trained for careers related to the activities listed in paragraph (1), including those that will be part of the emerging field of ''green collar'' jobs.

(b) GOALS OF THE ENERGY CONSERVATION CORPS.—The goals of the Energy Conservation Corps are to—

(1) promote clean energy use and preserve, protect, and sustain the environment;

(2) provide young adults with opportunities to become better citizens, students and workers through meaningful service to their communities and the nation;

(3) mobilize youth and young adults, especially disadvantaged youth, to promote energy conservation and mitigate threats to the environment; and

(4) provide a pathway to responsible adulthood and productive, unsubsidized employment in the private sector.

SEC. 1814. TRAINING AND EDUCATION SERVICES.

All applicants must describe how they intend to—

(1) assess the skills of Corpsmembers;

(2) provide life skills and work skills training;

(3) provide training and education;

(4) develop agreements for academic study with—

(A) local education agencies;

(B) community colleges;

(C) 4-year colleges;

(D) area charter high schools and vocational-technical schools; and

(E) community-based organizations;

(5) provide career and educational guidance; and

(6) Recruit participants without high school diplomas.

SEC. 1815. PREFERENCE FOR CERTAIN PROJECTS.

In the consideration of applications the Corporation shall give preference to programs that are discrete and—

(1) meet an identifiable public need;

(2) instill a work ethic and a sense of public service in the participants;

(3) involve youth operating in crews or a team-based structure; and

(4) enhance skills development and educational level and opportunities for the participants.

SEC. 1816. PARTICIPANTS.

(a) IN GENERAL.—Age enrollment in programs that receive assistance under this subtitle shall be limited to individuals who, at the time of enrollment, are not less than 18 years nor more than 25 years of age, except that summer programs may include individuals not less than 14 years or more than 21 years of age at the time of the enrollment of such individuals.

(b) PARTICIPATION OF DISADVANTAGED YOUTH.—Programs that receive assistance under this subtitle shall ensure that at least 50 percent of the participants are economically disadvantaged youth.

(c) SPECIAL CORPSMEMBERS.—Notwithstanding subsection (a) of this section, program agencies may enroll a limited number of special Corpsmembers over age 25 so that the Energy Conservation Corps may draw on their special skills to fulfill the purposes of this chapter.

SEC. 1817. USE OF VOLUNTEERS.

The use of volunteer services under this section shall be subject to the condition that such use does not result in the displacement of any participant.

SEC. 1818. COOPERATION AMONG STATES FOR EMERGENCY RESPONSE.

(a) AGREEMENTS BETWEEN STATES.—States operating an Energy Conservation Corps may enter into a compact with participating states to provide for mutual cooperation to manage any emergency or disaster that is duly declared by the affected state.

(b) PARTICIPATING STATE RESPONSIBILITIES.—

(1) The authorized representative of a participating state may request assistance of another party by contracting the authorized representative of that state. The provisions of this agreement shall only apply to requests for assistance made by and to authorized representatives.

(2) There shall be frequent consultation between state officials who have assigned emergency management responsibilities and other appropriate representatives of the party states with affected jurisdictions and the United States Government, with free exchange of information, plans, and resource records relating to emergency capabilities.

SEC. 1819. FEDERAL SHARE.

The federal share of the cost of carrying out an Energy Conservation Corps program for which a grant is made under this subtitle is 76 percent of the total cost of the program.

SEC. 1820. BEST PRACTICES.

(a) TRAINING AND TECHNICAL ASSISTANCE.—The Corporation shall provide technical assistance to grantees that request assistance and shall disseminate best practices that emerge from the Energy Conservation Corps.

(b) CONTRACT.—In providing training and technical assistance, the Corporation shall contract with a national organization with a proven track record of developing and sustaining Corps, working with the Conservation Corps model, and engaging young people from disadvantaged backgrounds.

SEC. 1820A. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated such sums as may be necessary for fiscal years 2008 through 2010 to achieve the purposes of this subtitle.

(b) ALLOCATION.—Of the amounts appropriated to carry out this subtitle for each fiscal year—

(1) 90 percent shall be for grants to eligible entities;

(2) 5 percent shall be technical assistance, and dissemination of best practices; and

(3) 5 percent shall be for evaluation.

SEC. 1820B. LEARN AND SERVE AMERICA.

(a) IN GENERAL.—To promote Learn and Serve programs that have the potential to reach every student in our public education network and private schools through school-based green service-learning, the Corporation shall establish a competitive grant program for the creation or expansion of such service learning programs.

(b) APPLICATION.—To be eligible to receive a grant under this section, a State Education Agency, Local education Agency, or nonprofit organization shall submit an application with such information and in such time as the Corporation may require.

(c) AUTHORIZATION OF APPROPRIATIONS.—For this purpose, there are authorized to be appropriated $10,000,000 for fiscal year 2009 and such sums as may be necessary thereafter.

SEC. 1820C. NATIONAL SENIOR SERVICE CORPS.

(a) IN GENERAL.—To promote National Senior Service Corps programs that have the potential to both involve seniors in providing meaningful volunteer opportunities the Corporation shall establish a competitive grant program for the creation or expansion of National Senior Service Corps programs that—

(1) make effective use of the talents and experience of seniors, particularly baby boomers, in programs and projects involving seniors in the improvement of the energy efficiency of housing for elderly and low-income people;

(2) building or helping to supervise energy-efficient ''green'' housing for elderly and low-income people; the repair, renovation, or rehabilitation of an existing infrastructure facility including, but not limited to, rail, mass transportation, ports, inland navigation, schools and hospitals; transportation enhancements; recreational trails improvements, including those that enable alternative means of transportation and ensure safe use;

(3) volunteering in schools to teach or other support environmental education and energy conservation education for elementary and secondary school students and the public; and

(4) assisting in such other activities as the National Senior Service Corps may identify.

(b) ELIGIBILITY.—To be eligible to receive a grant under this section, a program in the National Senior Service Corps shall submit an application with such information and in such time as the Corporation may require.

(c) AUTHORIZATION.—For this purpose, there is authorized to be appropriated $10,000,000 for fiscal year 2009 and such sums as may be necessary thereafter.

It was decided in the affirmative ..... { Yeas ..... 252 Nays 161

¶26.13 [Roll No. 106]

AYES—252

Abercrombie	Gilchrest	Norton
Ackerman	Gillibrand	Oberstar
Allen	Gordon	Obey
Altmire	Green, Al	Olver
Andrews	Green, Gene	Ortiz
Arcuri	Grijalva	Pallone
Baca	Gutierrez	Pascrell
Baird	Hall (NY)	Pastor
Baldwin	Hare	Payne
Barrow	Harman	Perlmutter
Bartlett (MD)	Hastings (FL)	Peterson (MN)
Bean	Herseth Sandlin	Peterson (PA)
Becerra	Higgins	Pomeroy
Berkley	Hill	Porter
Berman	Hinchey	Price (NC)
Berry	Hinojosa	Rahall
Bilbray	Hirono	Ramstad
Bishop (GA)	Hodes	Reichert
Bishop (NY)	Holden	Renzi
Blumenauer	Honda	Reyes
Bordallo	Hooley	Richardson
Boren	Hoyer	Rodriguez
Boswell	Inslee	Ros-Lehtinen
Boucher	Israel	Ross
Boyd (FL)	Jackson (IL)	Rothman
Boyda (KS)	Jefferson	Roybal-Allard
Brady (PA)	Johnson (GA)	Ruppersberger
Braley (IA)	Johnson (IL)	Ryan (OH)
Brown, Corrine	Jones (OH)	Salazar
Butterfield	Kagen	Sánchez, Linda T.
Capito	Kanjorski	
Capps	Kaptur	Sanchez, Loretta
Capuano	Kennedy	Sarbanes
Cardoza	Kildee	Saxton
Carnahan	Kilpatrick	Schakowsky
Carney	Kind	Schiff
Castle	Kirk	Schwartz
Castor	Klein (FL)	Scott (GA)
Chandler	Kucinich	Scott (VA)
Christensen	Lampson	Shays
Clarke	Langevin	Shea-Porter
Clay	Larsen (WA)	Sherman
Cleaver	Larson (CT)	Shuler
Clyburn	LaTourette	Sires
Cohen	Lee	Skelton
Conyers	Levin	Slaughter
Cooper	Lewis (GA)	Smith (NJ)
Costa	Lipinski	Smith (WA)
Costello	LoBiondo	Snyder
Courtney	Loebsack	Souder
Cramer	Lofgren, Zoe	Space
Crowley	Lowey	Spratt
Cuellar	Lynch	Stark
Cummings	Mahoney (FL)	Stupak
Davis (AL)	Maloney (NY)	Sutton
Davis (CA)	Markey	Tanner
Davis (IL)	Marshall	Tauscher
Davis, Lincoln	Matheson	Taylor
DeFazio	Matsui	Thompson (CA)
DeGette	McCarthy (NY)	Thompson (MS)
Delahunt	McCollum (MN)	Tierney
DeLauro	McDermott	Towns
Diaz-Balart, L.	McGovern	Tsongas
Dicks	McHugh	Udall (CO)
Dingell	McIntyre	Udall (NM)
Doggett	McNerney	Upton
Donnelly	McNulty	Van Hollen
Doyle	Meek (FL)	Velázquez
Edwards	Meeks (NY)	Visclosky
Ehlers	Melancon	Walz (MN)
Ellison	Michaud	Wasserman Schultz
Ellsworth	Miller (MI)	
Emanuel	Miller (NC)	Waters
Engel	Miller, George	Watson
Eshoo	Mitchell	Watt
Etheridge	Mollohan	Waxman
Faleomavaega	Moore (KS)	Weiner
Farr	Moore (WI)	Welch (VT)
Fattah	Moran (VA)	Weller
Ferguson	Murphy (CT)	Wexler
Filner	Murphy, Patrick	Wilson (OH)
Fortenberry	Murtha	Wu
Frank (MA)	Nadler	Wynn
Frelinghuysen	Napolitano	Yarmuth
Giffords	Neal (MA)	

NOES—161

Aderholt	Barton (TX)	Boehner
Akin	Biggert	Bonner
Alexander	Bilirakis	Bono Mack
Bachmann	Bishop (UT)	Boozman
Bachus	Blackburn	Boustany
Barrett (SC)	Blunt	Brady (TX)
Broun (GA)	Hastings (WA)	Petri
Brown (SC)	Hayes	Pickering
Buchanan	Heller	Pitts
Burgess	Hensarling	Platts
Burton (IN)	Herger	Price (GA)
Buyer	Hobson	Putnam
Calvert	Hoekstra	Radanovich
Camp (MI)	Hunter	Regula
Campbell (CA)	Inglis (SC)	Rehberg
Cannon	Issa	Reynolds
Cantor	Johnson, Sam	Rogers (AL)
Carter	Jones (NC)	Rogers (KY)
Chabot	Jordan	Rogers (MI)
Coble	King (IA)	Rohrabacher
Cole (OK)	King (NY)	Roskam
Conaway	Kingston	Royce
Crenshaw	Kline (MN)	Ryan (WI)
Cubin	Knollenberg	Sali
Culberson	Kuhl (NY)	Schmidt
Davis (KY)	LaHood	Sensenbrenner
Davis, David	Lamborn	Sessions
Davis, Tom	Latham	Shadegg
Deal (GA)	Latta	Shimkus
Dent	Lewis (KY)	Shuster
Diaz-Balart, M.	Lucas	Simpson
Doolittle	Lungren, Daniel E.	Smith (NE)
Drake		Smith (TX)
Dreier	Mack	Stearns
Duncan	Manzullo	Sullivan
Emerson	Marchant	Tancredo
English (PA)	McCarthy (CA)	Terry
Everett	McCaul (TX)	Thornberry
Fallin	McCotter	Tiberi
Feeney	McHenry	Turner
Flake	McKeon	Walberg
Forbes	McMorris Rodgers	Walden (OR)
Fossella		Walsh (NY)
Foxx	Mica	Wamp
Franks (AZ)	Miller (FL)	Weldon (FL)
Gallegly	Miller, Gary	Westmoreland
Garrett (NJ)	Moran (KS)	Whitfield (KY)
Gerlach	Murphy, Tim	Wilson (NM)
Gingrey	Musgrave	Wilson (SC)
Gohmert	Myrick	Wittman (VA)
Goode	Neugebauer	Wolf
Goodlatte	Nunes	Young (AK)
Granger	Paul	Young (FL)
Graves	Pearce	
Hall (TX)	Pence	

NOT VOTING—20

Brown-Waite, Ginny	Johnson, E. B.	Rush
	Keller	Serrano
Fortuño	Lewis (CA)	Sestak
Gonzalez	Linder	Solis
Holt	McCrery	Tiahrt
Hulshof	Poe	Woolsey
Jackson-Lee (TX)	Pryce (OH)	
	Rangel	

So the amendment was agreed to.

The SPEAKER pro tempore, Mr. PASTOR, assumed the Chair.

When Mr. HOLDEN, Acting Chairman, pursuant to House Resolution 1015, reported the bill back to the House with an amendment adopted by the Committee.

The previous question having been ordered by said resolution.

The following amendment, reported from the Committee of the Whole House on the state of the Union, was agreed to:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Generations Invigorating Volunteerism and Education Act'' or the ''GIVE Act''.

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

Sec. 1. Short title; table of contents.

TITLE I—AMENDMENTS TO NATIONAL AND COMMUNITY SERVICE ACT OF 1990

Sec. 1001. References.

Subtitle A—Amendments to Subtitle A (General Provisions)

Sec. 1101. Purposes; sense of Congress.
Sec. 1102. Definitions.

Subtitle B—Amendments to Subtitle B (Service-Learning)

Sec. 1201. School-based allotments.
Sec. 1202. Higher education provisions.
Sec. 1203. Innovative programs and research.

Subtitle C—Amendments to Subtitle C (National Service Trust Program)

Sec. 1301. Prohibition on grants to Federal agencies; limits on Corporation costs.
Sec. 1302. E–Corps and technical amendments to types of programs.
Sec. 1303. Types of positions.
Sec. 1304. Conforming repeal relating to training and technical assistance.
Sec. 1305. Assistance to State Commissions; challenge grants.
Sec. 1306. Allocation of assistance to States and other eligible entities.
Sec. 1307. Additional authority.
Sec. 1308. State selection of programs.
Sec. 1309. Consideration of applications.
Sec. 1310. Description of participants.
Sec. 1311. Selection of national service participants.
Sec. 1312. Terms of service.
Sec. 1313. Adjustments to living allowance.

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Sec. 2301. Nondisplacement.
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TITLE VI—CONGRESSIONAL COMMISSION ON CIVIC SERVICE
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Sec. 6102. Findings.
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Sec. 6108. Reports.
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TITLE VII—SENSE OF CONGRESS
Sec. 7101. Sense of Congress.
TITLE VIII—SENSE OF CONGRESS
Sec. 8101. Sense of Congress.

TITLE I—AMENDMENTS TO NATIONAL AND COMMUNITY SERVICE ACT OF 1990

SEC. 1001. REFERENCES.

Except as otherwise specifically provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a provision, the reference shall be considered to be made to a provision of the National and Community Service Act of 1990 (42 U.S.C. 12501 et seq.).

Subtitle A—Amendments to Subtitle A (General Provisions)

SEC. 1101. PURPOSES; SENSE OF CONGRESS.

(a) PURPOSES.—Section 2(b) (42 U.S.C. 12501(b)) is amended—

(1) in paragraph (2), by striking ''community throughout'' and inserting ''community and service throughout the varied and diverse communities of'';

(2) in paragraph (4), by inserting after ''income,'' the following: ''geographic location,'';

(3) in paragraph (6), by inserting after ''existing'' the following: ''national'';

(4) in paragraph (7)—

(A) by striking ''programs and agencies'' and inserting ''programs, agencies, and communities''; and

(B) by striking ''and'' at the end;

(5) in paragraph (8), by striking the period and inserting a semicolon; and

(6) by adding at the end the following:

''(9) expand and strengthen service-learning programs through year-round opportunities, including during the summer months, to improve the education of children and youth and to maximize the benefits of national and community service, in order to renew the ethic of civic responsibility and the spirit of community to children and youth throughout the United States;

''(10) assist in coordinating and strengthening Federal and other citizen service opportunities, including opportunities for participation in emergency and disaster preparedness, relief, and recovery;

''(11) increase service opportunities for our Nation's retiring professionals, including such opportunities for those retiring from the science, technical, engineering, and mathematics professions to improve the education of our Nation's youth and keep America competitive in the global knowledge economy, and to further utilize the experience, knowledge, and skills of older Americans;

''(12) encourage the continued service of the alumni of the national service programs, including service in times of national need; and

''(13) encourage members of the Baby Boom generation to partake in service opportunities.''.

(b) SENSE OF CONGRESS.—The Act is amended by inserting after section 2 the following:

''SEC. 3. SENSE OF CONGRESS.

''It is the sense of Congress that the number of participants in the AmeriCorps programs, including the Volunteers in Service to America (VISTA) and the National Civilian Community Corps (NCCC), should grow to reach 100,000 participants by 2012.''.

SEC. 1102. DEFINITIONS.

Section 101 (42 U.S.C. 12511) is amended—

(1) by redesignating—

(A) paragraphs (21) through (29) as paragraphs (28) through (36), respectively;

(B) paragraphs (9) through (20) as paragraphs (15) through (26), respectively; and

(C) paragraphs (7) and (8) as paragraphs (10) and (11), respectively; and

(D) paragraphs (3) through (6) as paragraphs (5) through (8), respectively;

(2) by inserting after paragraph (2) the following:

''(3) APPROVED SUMMER OF SERVICE POSITION.—The term 'approved summer of service position' means a position in a program described under section 118(c)(8) for which the Corporation has approved the provision of a summer of service educational award as one of the benefits to be provided for successful service in the position.

''(4) BABY BOOM GENERATION.—The term 'Baby Boom generation' means the generation that consists of individuals born during the period beginning with 1946 and ending with 1964.'';

(3) in paragraph (5) (as so redesignated), by striking ''described in section 122'';

(4) in paragraph (7) (as so redesignated), by striking ''church or other'';

(5) by inserting after paragraph (8) (as so redesignated) the following:

''(9) DISADVANTAGED YOUTH.—The term 'disadvantaged youth' includes those youth who are economically disadvantaged and one or more of the following:

''(A) Who are out-of-school youth, including out-of-school youth who are unemployed.

''(B) Who are in or aging out of foster care.

''(C) Who have limited English proficiency.

''(D) Who are homeless or who have run away from home.

''(E) Who are at-risk to leave school without a diploma.

''(F) Who are former juvenile offenders or at risk of delinquency.'';

(6) by inserting after paragraph (11) (as so redesignated) the following:

''(12) GRANTMAKING ENTITY.—The term 'grantmaking entity' means a public or private nonprofit organization that—

''(A) has experience with service-learning or with meeting unmet human, educational, environmental, or public safety needs;

''(B) was in existence at least one year before the date on which the organization submitted an application under the national service laws; and

''(C) meets other such criteria as the Chief Executive Officer may establish.

''(13) HISPANIC-SERVING INSTITUTION.—The term 'Hispanic-serving institution' has the meaning given the term in section 502(a) of the Higher Education Act of 1965 (20 U.S.C. 1101a(a)).

''(14) HISTORICALLY BLACK COLLEGE OR UNIVERSITY.—The term 'historically black college or university' means a part B institution, as defined in section 322 of the Higher Education Act of 1965 (20 U.S.C. 1101a(a)).'';

(7) in paragraph (19) (as so redesignated), by striking ''section 101(a) of the Higher Education Act of 1965'' and inserting ''sections 101(a) and 102(a)(1) of the Higher Education Act of 1965'';

(8) in paragraph (23)(B) (as so redesignated), by striking ''program in which the participant is enrolled'' and inserting ''organization receiving assistance under the national service laws through which the participant is enrolled in an approved national service position'';

(9) by inserting after paragraph (26) (as so redesignated) the following:

''(27) QUALIFIED ORGANIZATION.—The term 'qualified organization' means a public or private nonprofit organization with experience working with school-age youth that meets such criteria as the Chief Executive Officer may establish.'';

(10) in paragraph (28)(B) (as so redesignated)—

(A) by striking ''602'' and inserting ''602(3)''; and

(B) by striking ''1401'' and inserting ''1401(3)''; and

(11) by adding at the end the following:

''(37) TRIBALLY CONTROLLED COLLEGE OR UNIVERSITY.—The term 'tribally controlled college or university' has the meaning given in section 2 of the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1801).''.

Subtitle B—Amendments to Subtitle B (Service-Learning)

SEC. 1201. SCHOOL-BASED ALLOTMENTS.

Part I of subtitle B of title I (42 U.S.C. 12521 et seq.) is amended to read as follows:

''PART I—PROGRAMS FOR ELEMENTARY AND SECONDARY STUDENTS

''SEC. 111. ASSISTANCE TO STATES, TERRITORIES, AND INDIAN TRIBES.

''(a) ALLOTMENTS TO STATES, TERRITORIES, AND INDIAN TRIBES.—The Corporation, in consultation with the Secretary of Education, may make allotments to State educational agencies, Territories, and Indian tribes to pay for the Federal share of—

''(1) planning and building the capacity within the State, Territory, or Indian tribe to implement service-learning programs that are based principally in elementary and secondary schools, including—

''(A) providing training for teachers, supervisors, personnel from community-based agencies (particularly with regard to the recruitment, utilization, and management of participants), and trainers, to be conducted by qualified individuals or organizations that have experience with service-learning;

''(B) developing service-learning curricula, consistent with State or local academic content standards, to be integrated into academic programs, including an age-appropriate learning component that provides participants an opportunity to analyze and apply their service experiences;

''(C) forming local partnerships described in paragraph (2) or (4) to develop school-based service-learning programs in accordance with this part;

''(D) devising appropriate methods for research and evaluation of the educational value of service-learning and the effect of service-learning activities on communities;

''(E) establishing effective outreach and dissemination of information to ensure the broadest possible involvement of community-based agencies with demonstrated effectiveness in working with school-age youth in their communities; and

''(F) establishing effective outreach and dissemination of information to ensure the broadest possible participation of schools throughout the State, with particular attention to schools identified for school improvement under title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.);

''(2) implementing, operating, or expanding school-based service-learning programs, which may include paying for the cost of the recruitment, training, supervision, placement, salaries, and benefits of service-learning coordinators, through distribution of Federal funds by State educational agencies, Territories, and Indian tribes made available under this part to projects operated by local partnerships among—

''(A) local educational agencies; and

''(B) 1 or more community partners that—

''(i) shall include a public or private nonprofit organization that—

''(I) has a demonstrated expertise in the provision of services to meet unmet human, education, environmental, or public safety needs;

''(II) will make projects available for participants, who shall be students; and

''(III) was in existence at least 1 year before the date on which the organization submitted an application under section 113; and

''(ii) may include a private for-profit business, private elementary or secondary school, or Indian tribe (except that an Indian tribe distributing funds to a project under this paragraph is not eligible to be part of the partnership operating that project);

''(3) planning of school-based service-learning programs, through distribution by State educational agencies, Territories, and Indian tribes of Federal funds made available under this part to local educational agencies and Indian tribes, which planning may include paying for the cost of—

''(A) the salaries and benefits of service-learning coordinators; or

''(B) the recruitment, training, supervision, and placement of service-learning coordinators who may be participants in a program under subtitle C or receive a national service educational award under subtitle D, who may be participants in a project under section 201 of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5001), or who may participate in a Youthbuild program under section 173A of the Workforce Investment Act of 1998 (29 U.S.C. 2918a),

who will identify the community partners described in paragraph (2)(B) and assist in the design and implementation of a program described in paragraph (2); and

''(4) implementing, operating, or expanding school-based service-learning programs to utilize adult volunteers in service-learning to improve the education of students, through distribution by State educational agencies, Territories, and Indian tribes of Federal funds made available under this part to—

''(A) local educational agencies;

''(B) Indian tribes (except that an Indian tribe distributing funds under this paragraph is not eligible to be a recipient of those funds);

''(C) public or private nonprofit organizations; or

''(D) partnerships or combinations of local educational agencies and entities described in subparagraph (B) or (C).

''(b) PROGRAMS TO ENCOURAGE CIVIC ENGAGEMENT IN SERVICE LEARNING.—

''(1) IN GENERAL.—From funds appropriated under section 501(a)(1), and without regard to section 112(b), the Corporation shall reserve up to 3 percent for competitive grants to partnerships described in subsection (a)(2) for the development of service-learning programs that promote greater civic engagement among elementary and secondary school students.

''(2) APPLICATION.—To be eligible to receive a grant under this subsection, a partnership shall submit an application at such time, in such manner, and containing such information as the Corporation may require.

''(3) ACTIVITIES.—Partnerships receiving grants under this subsection shall use funds to develop service-learning curricula that—

''(A) promote a better understanding of the principles of the Constitution of the United States, the heroes of American history (including military heroes), and the meaning of the Oath of Allegiance;

''(B) promote a better understanding of how the Nation's government functions; and

''(C) promote a better understanding of the importance of service in the Nation's character.

''(c) DUTIES OF SERVICE-LEARNING COORDINATOR.—A service-learning coordinator referred to in paragraph (2), (3), or (5) of subsection (a) shall provide services that may include—

''(1) providing technical assistance and information to, and facilitating the training of, teachers and assisting in the planning, development, execution, and evaluation of service-learning in their classrooms;

''(2) assisting local partnerships described in subsection (a) in the planning, development, and execution of service-learning projects, including summer of service programs; and

''(3) carrying out such other duties as the recipient of assistance under this part may determine to be appropriate.

''(d) RELATED EXPENSES.—An entity that receives financial assistance under this part may, in carrying out the activities described in subsection (a), use such assistance to pay for the Federal share of reasonable costs related to the supervision of participants, program administration, transportation, insurance, and evaluations and for other reasonable expenses related to the activities.

''SEC. 112. ALLOTMENTS.

''(a) INDIAN TRIBES AND TERRITORIES.—Of the amounts appropriated to carry out this part for any fiscal year, the Corporation shall reserve an amount of not less than 2 percent and not more than 3 percent for payments to Indian tribes, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, to be allotted in accordance with their respective needs.

''(b) ALLOTMENTS THROUGH STATES.—After reserving the amount under subsection (a), the Corporation shall use the remainder of the funds appropriated to carry out this part for any fiscal year as follows:

''(1) ALLOTMENTS.—

''(A) SCHOOL-AGE YOUTH.—From 50 percent of such remainder, the Corporation shall allot to each State an amount that bears the same ratio to 50 percent of such remainder as the number of school-age youth in the State bears to the total number of school-age youth of all States.

''(B) ALLOCATION UNDER ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965.—From 50 percent of such remainder, the Corporation shall allot to each State an amount that bears the same ratio to 50 percent of such remainder as the allocation to the State for the previous fiscal year under title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) or its successor authority bears to such allocations to all States.

''(2) DEFINITION.—Notwithstanding section 101, for purposes of this subsection, the term 'State' means each of the several States, the District of Columbia, and the Commonwealth of Puerto Rico.

''(c) REALLOTMENT.—If the Corporation determines that the allotment of a State, Territory, or Indian tribe under this section will not be required for a fiscal year because the State, Territory, or Indian tribe did not submit and receive approval of an application for the allotment under section 113, the Corporation shall make the allotment for such State, Territory, or Indian tribe available for grants to grantmaking entities to carry out service-learning programs as described in section 111(a) in such State, Territory, or Indian tribe. After grantmaking entities apply for the allotment with an application at such time and in such manner as the Corporation requires and receive approval, the remainder of such allotment shall be available for reallotment to such other States, Territories, or Indian tribes with approved applications submitted under section 113 as the Corporation may determine to be appropriate.

''(d) MINIMUM AMOUNT.—For any fiscal year for which amounts appropriated for this part exceed $43,000,000, the minimum allotment to each State (as defined in section 101) under this section shall be $65,000.''.

''SEC. 113. APPLICATIONS.

''(a) IN GENERAL.—To be eligible to receive an allotment under section 112, a State, acting through the State educational agency, Territory, or Indian tribe shall prepare, submit to the Corporation, and obtain approval of, an application at such time and in such manner as the Chief Executive Officer may reasonably require.

''(b) CONTENTS.—An application for an allotment under this part shall include—

''(1) a proposal for a 3-year plan promoting service-learning, which shall contain such information as the Chief Executive Officer may reasonably require, including how the applicant will integrate service opportunities into the academic program of the participants;

''(2) information about the criteria the State educational agency, Territory, or Indian tribe will use to evaluate and grant approval to applications submitted under subsection (c), including an assurance that the State educational agency, Territory, or Indian tribe will comply with the requirement in section 114(a);''.

''(3) information about the applicant's efforts to—

''(A) ensure that students of different ages, races, sexes, ethnic groups, disabilities, and economic backgrounds have opportunities to serve together;

''(B) include any opportunities for students enrolled in schools or other programs of education providing elementary or secondary education to participate in service-learning programs and ensure that such service-learning programs include opportunities for such students to serve together;

''(C) involve participants in the design and operation of the program;

''(D) promote service-learning in areas of greatest need, including low-income or rural areas; and

''(E) otherwise integrate service opportunities into the academic program of the participants; and

''(4) assurances that the applicant will comply with the nonduplication and nondisplacement requirements of section 177 and the grievance procedures required by section 176.

''(c) APPLICATION TO STATE, TERRITORY, OR INDIAN TRIBE TO RECEIVE ASSISTANCE TO CARRY OUT SCHOOL-BASED SERVICE-LEARNING PROGRAMS.—

''(1) IN GENERAL.—Any—

''(A) qualified organization, Indian tribe, Territory, local educational agency, for-profit business, private elementary, middle, or secondary school, or institution of higher education that desires to receive financial assistance under this subpart from a State, Territory, or Indian tribe for an activity described in section 111(a)(1);

''(B) partnership described in section 111(a)(2) that desires to receive such assistance from a State, Territory, or Indian tribe or grantmaking entity described in section 111(a)(2);

''(C) entity described in section 111(a)(3) that desires to receive such assistance from a State, Territory, or Indian tribe for an activity described in such section;

''(D) partnership described in section 111(a)(4) that desires to receive such assistance from a State, Territory, or Indian tribe for an activity described in such section; and

''(E) agency or partnership described in section 118(c)(8) that desires to receive such assistance, or approved summer of service positions, from a State, Territory, or Indian tribe for an activity described in such section to be carried out through a service-learning program described in section 111,

shall prepare, submit to the State educational agency, Territory, grantmaking entity, or Indian tribe, and obtain approval of, an application for the program.

''(2) SUBMISSION.—Such application shall be submitted at such time and in such manner, and shall contain such information, as the agency, Territory, Indian tribe, or entity may reasonably require.

''SEC. 114. CONSIDERATION OF APPLICATIONS.

''(a) PRIORITY.—In considering competitive applications under this part, the Corporation shall give priority to innovation, sustainability, capacity building, involvement of disadvantaged youth, and quality of programs, as well as other criteria approved by the Chief Executive Officer.

''(b) REJECTION OF APPLICATIONS.—If the Corporation rejects an application submitted by a State, Territory, or Indian tribe under section 113 for an allotment, the Corporation shall promptly notify the State, Territory, or Indian tribe of the reasons for the rejection of the application. The Corporation shall provide the State, Territory, or Indian tribe with a reasonable opportunity to revise and resubmit the application and shall provide technical assistance, if needed, to the State, Territory, or Indian tribe as part of the resubmission process. The Corporation shall promptly reconsider such resubmitted application.

''SEC. 115. PARTICIPATION OF STUDENTS AND TEACHERS FROM PRIVATE SCHOOLS.

''(a) IN GENERAL.—To the extent consistent with the number of students in the State, Territory, or Indian tribe or in the school district of the local educational agency involved who are enrolled in private nonprofit elementary and secondary schools, such State, Territory, Indian tribe, or agency shall (after consultation with appropriate private school representatives) make provision—

''(1) for the inclusion of services and arrangements for the benefit of such students so as to allow for the equitable participation of such students in the programs implemented to carry out the objectives and provide the benefits described in this part; and

''(2) for the training of the teachers of such students so as to allow for the equitable participation of such teachers in the programs implemented to carry out the objectives and provide the benefits described in this part.

''(b) WAIVER.—If a State, Territory, Indian tribe, or local educational agency is prohibited by law from providing for the participation of students or teachers from private nonprofit schools as required by subsection (a), or if the Corporation determines that a State, Territory, Indian tribe, or local educational agency substantially fails or is unwilling to provide for such participation on an equitable basis, the Chief Executive Officer shall waive such requirements and shall arrange for the provision of services to such students and teachers. Such waivers shall be subject to the requirements of sections 9503 and 9504 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7883 and 7884).

''SEC. 116. FEDERAL, STATE, AND LOCAL CONTRIBUTIONS.

''(a) FEDERAL SHARE.—

''(1) IN GENERAL.—The Federal share of the cost of carrying out a program for which assistance is provided under this part—

''(A) for new grants, may not exceed 80 percent of the total cost for the first year of the grant, 65 percent for the second year, and 50 percent for each remaining year; and

''(B) for continuing grants, may not exceed 50 percent of the total cost of the program.''.

''(2) NON-FEDERAL CONTRIBUTION.—In providing for the remaining share of the cost of carrying out such a program, each recipient of assistance under this part—

''(A) shall provide for such share through a payment in cash or in kind, fairly evaluated, including facilities, equipment, or services; and

''(B) may provide for such share through State sources or local sources, including private funds or donated services.

''(b) WAIVER.—The Chief Executive Officer may waive the requirements of subsection (a) in whole or in part with respect to any such program for any fiscal year if the Corporation determines that such a waiver would be equitable due to a lack of available financial resources at the local level.

''SEC. 116A. LIMITATIONS ON USES OF FUNDS.

''Not more than 6 percent of the amount of assistance received by an applicant in a fiscal year may be used to pay, in accordance with such standards as the Corporation may issue, for administrative costs, incurred by—

''(1) the original recipient; or

''(2) the entity carrying out the service-learning program supported with the assistance.''.

SEC. 1202. HIGHER EDUCATION PROVISIONS.

Section 119 (42 U.S.C. 12561) is redesignated as section 117 and amended—

(1) in subsection (a), by inserting after ''community service programs'' the following: ''through service-learning'';

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking ''combination'' and inserting ''consortia'';

(B) in paragraph (1)—

(i) in subparagraph (A), by striking ''and'' at the end;

(ii) in subparagraph (B), by adding ''and'' at the end; and

(iii) by adding at the end the following:

''(C) may coordinate with service-learning curricula being offered in the academic curricula at the institution of higher education or at one or more members of the consortia;'';

(3) in subsection (b)(3)—

(A) in the matter preceding subparagraph (A), by striking ''teachers at the elementary, secondary, and postsecondary levels'' and inserting ''institutions of higher education and their faculty'';

(B) in subparagraph (A), by striking ''education of the institution; and'' and inserting ''curricula of the institution to strengthen the instructional capacity of service-learning at the elementary and secondary levels;'';

(C) by redesignating subparagraph (B) as subparagraph (E); and

(D) by inserting after subparagraph (A) the following:

''(B) including service-learning as a key component of the health professionals curricula, including nursing, pre-medicine, medicine, and dentistry curricula of the institution;

''(C) including service-learning as a key component of the criminal justice professionals curricula of the institution;

''(D) including service-learning as a key component of the public policy and public administration curricula of the institution; and'';

(4) by striking subsections (c), (d), (e), and (g);

(5) by redesignating subsection (f) as (i); and

(6) by inserting after subsection (b) the following:

''(c) SPECIAL CONSIDERATION.—To the extent practicable, the Corporation shall give special consideration to applications submitted by predominantly Black institutions, Historically Black Colleges and Universities, Hispanic-serving institutions, Tribal Colleges and Universities, and community colleges serving predominantly minority populations.

''(d) FEDERAL, STATE, AND LOCAL CONTRIBUTIONS.—

''(1) FEDERAL SHARE.—

''(A) IN GENERAL.—The Federal share of the cost of carrying out a program for which assistance is provided under this part may not exceed 50 percent of the total cost of the program.

''(B) NON-FEDERAL CONTRIBUTION.—In providing for the remaining share of the cost of carrying out such a program, each recipient of a grant under this part—

''(i) shall provide for such share through a payment in cash or in kind, fairly evaluated, including facilities, equipment, or services; and

''(ii) may provide for such share through State sources or local sources, including private funds or donated services.

''(2) WAIVER.—The Chief Executive Officer may waive the requirements of paragraph (1) in whole or in part with respect to any such program for any fiscal year if the Corporation determines that such a waiver would be equitable due to a lack of available financial resources at the local level.

''(e) APPLICATION FOR GRANT.—

''(1) SUBMISSION.—To receive a grant or enter into a contract under this part, an applicant shall prepare, submit to the Corporation, and obtain approval of, an application at such time, in such manner, and containing such information and assurances as the Corporation may reasonably require. In requesting applications for assistance under this part, the Corporation shall specify such required information and assurances.

''(2) CONTENTS.—An application submitted under paragraph (1) shall contain, at a minimum—

''(A) assurances that—

''(i) prior to the placement of a participant, the applicant will consult with the appropriate local labor organization, if any, representing employees in the area who are engaged in the same or similar work as that proposed to be carried out by such program, to prevent the displacement and protect the rights of such employees; and

''(ii) the applicant will comply with the nonduplication and nondisplacement provisions of section 177 and the grievance procedures required by section 176; and

''(B) such other assurances as the Chief Executive Officer may reasonably require.

''(f) PRIORITY.—In making grants and entering into contracts under subsection (b), the Corporation shall give priority to applicants or institutions that submit applications containing proposals that—

''(1) demonstrate the commitment of the institution of higher education, other than by demonstrating the commitment of the students, to supporting the community service projects carried out under the program;

''(2) specify the manner in which the institution will promote faculty, administration, and staff participation in the community service projects;

''(3) specify the manner in which the institution will provide service to the community through organized programs, including, where appropriate, clinical programs for students in professional schools and colleges;

''(4) describe any partnership that will participate in the community service projects, such as a partnership comprised of—

''(A) the institution;

''(B)(i) a community-based agency;

''(ii) a local government agency; or

''(iii) a non-profit entity that serves or involves school-age youth, older adults, or low-income communities; and

''(C)(i) a student organization;

''(ii) a department of the institution; or

''(iii) a group of faculty comprised of different departments, schools, or colleges at the institution;

''(5) demonstrate community involvement in the development of the proposal;

''(6) describe research on effective strategies and methods to improve service utilized in the design of the project;

''(7) specify that the institution will use such assistance to strengthen the service infrastructure in institutions of higher education; or

''(8) with respect to projects involving delivery of services, specify projects that involve leadership development of school aged youth.

''(g) DEFINITION.—Notwithstanding section 101, as used in this part, the term 'student' means an individual who is enrolled in an institution of higher education on a full- or part-time basis.

''(h) FEDERAL WORK-STUDY.—To be eligible for assistance under this part, an institution of higher education must demonstrate that it meets the minimum requirements under section 443(b)(2)(B) of the Higher Education Act of 1965 (42 U.S.C. 2753(b)(2)(B)) relating to the participation of Federal Work-Study students in community service activities, or has received a waiver of those requirements from the Secretary of Education.''.

SEC. 1203. INNOVATIVE PROGRAMS AND RESEARCH.

Subtitle B of title I (42 U.S.C. 12521 et seq.) is further amended by adding after part II the following new part:

''PART III—INNOVATIVE SERVICE–LEARNING PROGRAMS AND RESEARCH

''SEC. 118. INNOVATIVE DEMONSTRATION SERVICE-LEARNING PROGRAMS AND RESEARCH.

''(a) IN GENERAL.—From the amounts appropriated to carry out this part for a fiscal year, the Corporation may make grants and fixed amount grants under subsection (f) with eligible entities for activities described in subsection (c).

''(b) ELIGIBLE ENTITIES DEFINED.—For purposes of this part, the term 'eligible entity' means a State education agency, a State commission, a Territory, an Indian tribe, an institution of higher education, or a public or private nonprofit organization (including grant-making entities), a public or private elementary or secondary school, a local educational agency, or a consortia of such entities, where a consortia of two or more such entities may also include a for-profit organization.

''(c) AUTHORIZED ACTIVITIES.—Funds under this part may be used to—

''(1) integrate service-learning programs into the science, technology, engineering, and mathematics (STEM) curricula at the elementary, secondary, or post-secondary, and post-baccalaureate levels in coordination with practicing or retired STEM professionals;

''(2) involve students in service-learning programs focusing on energy conservation in their community, including conducting educational outreach on energy conservation and working to improve energy efficiency in low income housing and in public spaces;

''(3) involve students in service-learning projects in emergency and disaster preparedness;

''(4) involve students in service-learning projects aimed at improving access to and obtaining the benefits from computers and other emerging technologies, including in low income or rural communities,in senior centers and communities, in schools, in libraries, and in other in senior centers and communities, in schools, in libraries, and in other public spaces;

''(5) involve high school age youth in the mentoring of middle school youth while involving all participants in service-learning to seek to meet unmet human, educational, environmental, public safety, or emergency disaster preparedness needs in their community;

''(6) conduct research and evaluations on service-learning, including service-learning in middle schools, and disseminate such research and evaluations widely;

''(7) conduct innovative and creative activities as described in section 111(a);

''(8) establish or implement summer of service programs during the summer months, including the cost of recruitment, training, and placement of service-learning coordinators—

''(A) for youth who will be enrolled in any grade from grade 6 through grade 12 at the end of the summer concerned;

''(B) for community-based service-learning projects that—

''(i) shall—

''(I) meet unmet human, educational, environmental (including energy conservation and stewardship), emergency and disaster preparedness, and public service needs; and

''(II) be intensive, structured, supervised, and designed to produce identifiable improvements to the community; and

''(ii) may include the extension of academic year service-learning programs into the summer months;

''(C) under which any student who completes 100 hours of service in an approved summer of service position, as certified through a process determined by the Corporation through regulations consistent with section 138(f), shall be eligible for a summer of service educational award of not more than $500 (or, at the discretion of the Chief Executive Officer, not more than $1,000 in the case of a participant who is economically disadvantaged) from funds deposited in the National Service Trust and distributed by the Corporation as described in section 148; and

''(D) subject to the limitation that a student may not receive more than 2 summer of service educational awards from funds deposited in the National Service Trust; and

''(9) carry out any other innovative service-learning programs or research that the Corporation considers appropriate.

''(d) PRIORITY.—Priority shall be given to programs that—

''(1) involve students and community stakeholders in the design and implementation of the service-learning program;

''(2) implement service-learning programs in low-income or rural communities; and

''(3) utilize adult volunteers, including tapping the resource of retired and retiring adults, in the planning and implementation of the service-learning programs.

''(e) REQUIREMENTS.—

''(1) THREE-YEAR TERM.—Each program funded under this part shall be carried out over a period of three years, including one planning year and two additional grant years, with a 1-year extension possible, if the program meets performance measures developed in accordance with section 179(a) and any other criteria determined by the Corporation.

''(2) ENCOURAGEMENT.—Each program funded under this part is encouraged to collaborate with other Learn and Serve programs, AmeriCorps, VISTA, and the National Senior Service Corps.

''(3) EVALUATION.—Upon completion of the program, the Corporation shall conduct an independent evaluation of the program and widely disseminate the results to the service community through multiple channels, including the Corporation's Resource Center or a clearinghouse of effective strategies and recommendations for improvement.

''(f) FIXED AMOUNT GRANTS.—

''(1) GENERAL.—For purposes of subsection (a), and subject to the limitations in this subsection, the Corporation may, upon making a determination described in paragraph (2), approve a fixed amount grant that is not subject to the Office of Management and Budget cost principles and related financial recordkeeping requirements.

''(2) DETERMINATION.—Before approving a fixed amount grant, the Corporation must determine that—

''(A) the reasonable and necessary costs of carrying out the terms of the grant significantly exceed the amount of assistance provided by the Corporation; or

''(B) based on the nature or design of the grant, any assistance provided by the Corporation can be reasonably presumed to be expended on reasonable and necessary costs.

''(3) MATCHING FUNDS.—

''(A) IN GENERAL.—The Federal share of the cost of carrying out a program for which a grant is made under this part may not exceed 75 percent of the total cost of the program in the first year of the grant and 50 percent of the total cost of the program in the remaining years of the grant, including if the grant is extended for a fourth year.

''(B) NON-FEDERAL CONTRIBUTION.—In providing for the remaining share of the cost of carrying out such a program, each recipient of a grant under this part—

''(i) shall provide for such share through a payment in cash or in kind, fairly evaluated, including facilities, equipment, or services; and

''(ii) may provide for such share through State sources or local sources, including private funds or donated services.

''(g) APPLICATIONS.—To be eligible to carry out a program under this part, an entity shall prepare, submit to the Corporation, and obtain approval of, an application at such time and in such manner as the Chief Executive Officer may reasonably require.''.

Subtitle C—Amendments to Subtitle C (National Service Trust Program)

SEC. 1301. PROHIBITION ON GRANTS TO FEDERAL AGENCIES; LIMITS ON CORPORATION COSTS.

Section 121 (42 U.S.C. 12571) is amended—

(1) in subsection (a), in the matter preceding paragraph (1), by inserting after ''subdivisions of States,'' the following: ''Territories,'';

(2) in subsection (b)—

(A) in the heading, by striking ''AGREEMENTS WITH FEDERAL AGENCIES'' and inserting ''RESTRICTIONS ON AGREEMENTS WITH FEDERAL AGENCIES'';

(B) in paragraph (1)—

(i) in the first sentence by striking ''by the agency.'' and inserting ''by the agency, including programs under the Public Lands Corps and Urban Youth Corps as described in section 122(a)(2).''; and

(ii) by striking the second sentence;

(C) by striking paragraph (2) and inserting the following:

''(2) PROHIBITION ON GRANTS.—The Corporation may not provide a grant under this section to a Federal agency.''; and

(D) in paragraph (3)—

(i) by striking ''receiving assistance under this subsection'' and inserting ''operating a national service program''; and

(ii) by striking ''using such assistance'';

(3) in subsection (c)(2)(B), by striking ''to be provided'' and inserting ''to be provided or otherwise approved'';

(4) in subsection (d)—

(A) in the subsection heading, by striking ''FIVE'' and inserting ''SIX''; and

(B) in paragraph (1), by striking ''5 percent'' and inserting ''6 percent''; and

(5) in subsection (e)—

(A) in paragraph (1)—

(i) by striking ''section 140'' and inserting ''paragraph (2)'';

(ii) by striking ''Federal share of the cost'' and inserting ''Corporation share of the cost, including member living allowances, employment-related taxes, health care coverage, and worker's compensation and other necessary operation costs,'';

(iii) by striking ''may not exceed 75 percent of such cost.'' and inserting ''may not exceed—''; and

(iv) by adding at the end the following:

''(A) for the first three years in which the recipient receives such assistance, 76 percent of such cost;

''(B) for the fourth through ninth years in which the recipient receives such assistance, a decreasing share of such cost between 76 percent and 50 percent, as established by the Corporation in regulation; and

''(C) for the tenth year (and each year thereafter) in which the recipient receives such assistance, 50 percent of such cost.'';

(B) by striking paragraph (3);

(C) by redesignating paragraph (2) as paragraph (3); and

(D) by inserting after paragraph (1) the following:

''(2) ALTERNATIVE CORPORATION SHARE FOR PROGRAMS IN RURAL OR SEVERELY ECONOMICALLY DISTRESSED COMMUNITIES.—Upon approval by the Corporation, the Corporation share of the cost, including member living allowances, employment-related taxes, health care coverage, and worker's compensation, of carrying out a national service program that receives assistance under subsection (a) and that is located in a rural or severely economically distressed community may not exceed—

''(A) for the first six years in which the recipient receives such assistance, 76 percent of such cost;

''(B) for the seventh through ninth years in which the recipient receives such assistance, a decreasing share of such cost between 76 and 65 percent as established by the Corporation in regulation; and

''(C) for the tenth year (and each year thereafter) in which the recipient receives such assistance, 65 percent of such cost.'';

(E) in paragraph (3) (as so redesignated), in subparagraph (B), by inserting after ''other Federal sources'' the following: ''including funds authorized under Youthbuild (section 173A of the Workforce Investment Act of 1998 (29 U.S.C. 2918a))''; and

(F) by adding at the end the following:

''(5) OTHER FEDERAL FUNDS.—

''(A) RECIPIENT REPORT.—A recipient of assistance under section 121 shall report to the Corporation the amount and source of any Federal funds used to carry out the program other than those provided by the Corporation.

''(B) CORPORATION REPORT.—The Corporation shall report to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate on an annual basis information regarding each recipient that uses Federal funds other than those provided by the Corporation to carry out the program, including amounts and sources of other Federal funds.''.

SEC. 1302. E–CORPS AND TECHNICAL AMENDMENTS TO TYPES OF PROGRAMS.

Section 122 (42 U.S.C. 12572) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking ''subsection (b)(1)'' and inserting ''subsection (c)(1)'';

(B) in paragraph (2)—

(i) in subparagraph (A), by striking ''including'' and all that follows through the semicolon at the end and inserting ''including projects involving urban renewal, sustaining natural resources, or improving human services;'';

(ii) in subparagraph (B), by striking ''including'' and inserting ''and at least 50 percent of whom are''; and

(iii) in subparagraph (C)(i), by inserting '', including mentoring'' before the semicolon;

(C) in paragraph (6)—

(i) in subparagraph (B), by striking ''; or'' and inserting a semicolon;

(ii) in subparagraph (C), by striking the period and inserting ''; or''; and

(iii) by adding at the end the following:

''(D) students participating in service-learning programs at an institution of higher education.'';

(D) in paragraph (7)(A), by inserting '', including elementary and secondary education, and other professions such as those in health care, criminal justice, environmental stewardship and conservation, or public safety'' before the semicolon;

(E) in paragraph (8)(C), by striking ''nonprofit'';

(F) in paragraph (9), by striking ''between the ages of 16 and 24'' and inserting ''between the ages of 16 and 25'';

(G) in paragraph (10), by striking ''gifted young adults'' and all that follows through the period at the end and inserting ''school-age youth and young adults of all backgrounds, including gifted youth, along with established successful entrepreneurs of all backgrounds and professions from the community in which the program exists to—

''(A) train the participants in utilizing problem-solving, entrepreneurship, and communication skills to design solutions to community problems; and

''(B) collaborate with stakeholders in the communities to implement the solutions devised by the participants in subparagraph (A).'';

(H) in paragraph (12)(A), by striking ''learning and recreation'' and inserting ''learning, recreation, and mentoring'';

(I) in paragraph (13), by striking ''and to combat rural poverty, including'' and inserting '', including the issues of rural poverty,'';

(J) by redesignating paragraph (15) as paragraph (19); and

(K) by inserting after paragraph (14) the following:

''(15) An E–Corps program that involves participants who provide services in a community by developing and assisting in carrying out technology programs which seek to increase access to technology and the benefits thereof in such community.

''(16) A program that engages citizens in public safety, public health, and emergency and disaster preparedness, and may include the recruitment and placing of qualified participants in positions to be trainees as law enforcement officers, firefighters, search and rescue personnel, and emergency medical service workers, and may engage Federal, State, and local stakeholders in collaboration to organize more effective responses to issues of public safety and public health, emergencies, and disasters.

''(17) A program, initiative, or partnership that seeks to expand the number of mentors for youths (including by recruiting high-school and college-aged individuals to enter into mentoring relationships), including mentors for disadvantaged youths, either through provision of direct mentoring services , provision of supportive services to direct mentoring service organizations (in the case of a partnership), or through the creative utilization of current and emerging technologies to connect youth with mentors.

''(18) A program that has the primary purpose of re-engaging court-involved youth and adults with the goal of reducing recidivism.'';

(2) by redesignating subsections (b) and (c) as (c) and (d), respectively;

(3) by inserting after subsection (a) the following:

''(b) INNOVATIVE PROGRAMS TO MEET THE NEEDS OF VETERANS.—

''(1) IN GENERAL.—From funds appropriated under section 501(a)(2), the Corporation shall reserve up to 3 percent for competitive grants to eligible recipients under subsection (a) for the development, either directly or through subgrants to other entities, of innovative initiatives to address the unique needs of veterans.

''(2) APPLICATION.—To be eligible to receive a grant under this subsection, an entity described in paragraph (1) shall submit an application at such time, in such manner, and containing such information as the Corporation may require.

''(3) ACTIVITIES.—Entities receiving grants under this subsection shall use funds to develop initiatives that—

''(A) recruit veterans, particularly returning veterans, into service opportunities;

''(B) promote community-based efforts to meet the unique needs of military families while a member of the family is deployed; and

''(C) promote community-based efforts to meet the unique needs of military families when a member of the family returns from a deployment.'';

(4) in subsection (c) (as so redesignated), in paragraph (4), by inserting after ''out-of-school youths,'' the following: ''disadvantaged youths,'';

(5) in subsection (d) (as so redesignated), in paragraph (1)—

(A) in subparagraph (A), by striking ''subsection (b) or (d) of''; and

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

''(C) PRIORITY FOR VETERANS.—Priorities established under subparagraphs (A) and (B) shall include priorities for programs that—

''(i) recruit veterans, particularly returning veterans, into service opportunities;

''(ii) promote community-based efforts to meet the unique needs of military families while a member of the family is deployed; and

''(iii) promote community-based efforts to meet the unique needs of military families when a member of the family returns from a deployment.''; and

(6) by adding at the end the following:

''(e) REQUIREMENTS FOR TUTORS.—

''(1) IN GENERAL.—Except as provided in paragraph (2), the Corporation shall require that each recipient of assistance under the national service laws that operates a tutoring program involving elementary or secondary school students certifies that individuals serving in approved national service positions as tutors in such program have—

''(A) either—

''(i) obtained their high school diploma; or

''(ii) passed a proficiency test demonstrating that such individuals have the skills necessary to achieve program goals; and

''(B) have successfully completed pre- and in-service training for tutors.

''(2) EXCEPTION.—The requirements in paragraph (1) do not apply to an individual serving in an approved national service position who is enrolled in an elementary or secondary school and is providing tutoring services through a structured, school-managed cross-grade tutoring program.

''(f) REQUIREMENTS FOR TUTORING PROGRAMS.—Each tutoring program that receives assistance under the national service laws shall—

''(1) offer a curriculum that is high quality, research-based, and consistent with the State academic content standards required by section 1111 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311) and the instructional program of the local educational agency; and

''(2) offer high quality, research-based pre- and in-service training for tutors.

''(g) CITIZENSHIP TRAINING.—The Corporation shall establish requirements for recipients of assistance under the national service laws relating to the promotion of citizenship and civic engagement, that are consistent with the principles on which citizenship programs administered by U.S. Citizenship and Immigration Services are based, among individuals enrolled in approved national service positions and approved summer of service positions.''.

SEC. 1303. TYPES OF POSITIONS.

Section 123 (42 U.S.C. 12573) is amended—

(1) in paragraph (2)(A) by inserting after ''subdivision of a State,'' the following: ''a Territory,''; and

(2) in paragraph (5) by inserting ''National'' before ''Civilian Community Corps''.

SEC. 1304. CONFORMING REPEAL RELATING TO TRAINING AND TECHNICAL ASSISTANCE.

Section 125 (42 U.S.C. 1257) is repealed.

SEC. 1305. ASSISTANCE TO STATE COMMISSIONS; CHALLENGE GRANTS.

Section 126 (42 U.S.C. 12576) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking ''$125,000 and $750,000'' and inserting ''$200,000 and $825,000''; and

(B) by striking paragraph (2) and inserting the following:

''(2) MATCHING REQUIREMENT.—In making grants to a State under this subsection, the Corporation shall require the State to provide matching funds of $1 from non-Federal sources for every $1 provided by the Corporation.

''(3) ALTERNATIVE.—Notwithstanding paragraph (2), the Chief Executive Officer may permit a State that demonstrates hardship or a new State Commission to use an alternative match as follows:''.

''(A) FIRST $100,000.—For the first $100,000 of grant amounts provided by the Corporation, a State shall not be required to provide matching funds.

''(B) AMOUNTS GREATER THAN $100,000.—For grant amounts of more than $100,000 and not exceeding $200,000 provided by the Corporation, a State shall provide $1 from non-Federal sources for every $2 provided by the Corporation.

''(C) AMOUNTS GREATER THAN $200,000.—For grant amounts of more than $200,000 provided by the Corporation, a State shall provide $1 from non-Federal sources for every $1 provided by the Corporation.''; and

(2) in subsection (c)—

(A) in paragraph (1), by striking ''to national service programs that receive assistance under section 121'' and inserting ''to programs supported under the national service laws''; and

(B) by striking paragraph (3) and inserting the following:

''(3) AMOUNT OF ASSISTANCE.—A challenge grant under this subsection may provide, for an initial 3-year grant period, not more than $1 of assistance under this subsection for each $1 in cash raised from private sources by the program supported under the national service laws in excess of amounts required to be provided by the program to satisfy matching funds requirements. After an initial 3-year grant period, grants under this subsection may provide not more than $1 of assistance for each $2 in cash raised from private sources by the program in excess of amounts required to be provided by the program to satisfy matching funds requirements. The Corporation may permit the use of local or State funds as matching funds if the Corporation determines that such use would be equitable due to a lack of available private funds at the local level. The Corporation shall establish a ceiling on the amount of assistance that may be provided to a national service program under this subsection.''.

SEC. 1306. ALLOCATION OF ASSISTANCE TO STATES AND OTHER ELIGIBLE ENTITIES.

Section 129 (42 U.S.C. 12581) is amended to read as follows:

''SEC. 129. PROVISION OF ASSISTANCE AND APPROVED NATIONAL SERVICE POSITIONS.

''(a) 1–PERCENT ALLOTMENT FOR CERTAIN TERRITORIES.—Of the funds allocated by the Corporation for provision of assistance under section 121(a) for a fiscal year, the Corporation shall reserve 1 percent for grants to the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands upon approval by the Corporation of an application submitted under section 130. The amount allotted as a grant to each such Territory under this subsection for a fiscal year shall be equal to the amount that bears the same ratio to 1 percent of the allocated funds for that fiscal year as the population of the Territory bears to the total population of such Territories.

''(b) ALLOTMENT FOR INDIAN TRIBES.—Of the funds allocated by the Corporation for provision of assistance under section 121(a) for a fiscal year, the Corporation shall reserve at least 1 percent for grants to Indian tribes, to be allotted by the Corporation on a competitive basis.

''(c) ALLOTMENT FOR COMPETITIVE GRANTS.—Of the funds allocated by the Corporation for provision of assistance under section 121(a) for a fiscal year and subject to section 133(d)(3), the Corporation shall reserve up to 62.7 percent for grants awarded on a competitive basis to States for national service programs and to nonprofit organizations seeking to operate a national service program in 2 or more States.''.

''(d) ALLOTMENT TO CERTAIN STATES ON FORMULA BASIS.—

''(1) GRANTS.—Of the funds allocated by the Corporation for provision of assistance under subsection (a) of section 121 for a fiscal year, the Corporation shall make a grant to each of the several States, the District of Columbia, and the Commonwealth of Puerto Rico that submits an application under section 130 that is approved by the Corporation.

''(2) ALLOTMENTS.—The amount allotted as a grant to each such State under this subsection for a fiscal year shall be equal to the amount that bears the same ratio to 35.3 percent of the allocated funds for that fiscal

year as the population of the State bears to the total population of the several States, the District of Columbia, and the Commonwealth of Puerto Rico, in compliance with paragraph (3).

''(3) MINIMUM AMOUNT.—Notwithstanding paragraph (2), the minimum grant made available to each State approved by the Corporation under paragraph (1) for each fiscal year must be at least $600,000 , or 0.5 percent of the amount allocated for the State formula under this section, whichever is greater.

''(e) EFFECT OF FAILURE TO APPLY.—If a State or Territory fails to apply for, or fails to give notice to the Corporation of its intent to apply for an allotment under this section, or the Corporation does not approve the application consistent with section 133, the Corporation may use the amount that would have been allotted under this section to the State or Territory to—

''(1) make grants (and provide approved national service positions in connection with such grants) to other grantmaking entities under section 121 that propose to carry out national service programs in such State or Territory; and

''(2) make a reallotment to other States or Territories with approved applications submitted under section 130, to the extent grant-making entities do not apply as described in paragraph (1).

''(f) APPLICATION REQUIRED.—The allotment of assistance and approved national service positions to a recipient under this section shall be made by the Corporation only pursuant to an application submitted by a State or other applicant under section 130.

''(g) APPROVAL OF POSITIONS SUBJECT TO AVAILABLE FUNDS.—The Corporation may not approve positions as approved national service positions under this subtitle for a fiscal year in excess of the number of such positions for which the Corporation has sufficient available funds in the National Service Trust for that fiscal year, taking into consideration funding needs for national service educational awards under subtitle D based on completed service. If appropriations are insufficient to provide the maximum allowable national service educational awards under subtitle D for all eligible participants, the Corporation is authorized to make necessary and reasonable adjustments to program rules.

''(h) SPONSORSHIP OF APPROVED NATIONAL SERVICE POSITIONS.—

''(1) SPONSORSHIP AUTHORIZED.—The Corporation may enter into agreements with persons or entities who offer to sponsor national service positions for which the person or entity will be responsible for supplying the funds necessary to provide a national service educational award. The distribution of these approved national service positions shall be made pursuant to the agreement, and the creation of these positions shall not be taken into consideration in determining the number of approved national service positions to be available for distribution under this section.

''(2) DEPOSIT OF CONTRIBUTION.—Funds provided pursuant to an agreement under paragraph (1) shall be deposited in the National Service Trust established in section 145 until such time as the funds are needed.

''(i) RESERVATION OF FUNDS FOR SPECIAL ASSISTANCE.—From amounts appropriated for a fiscal year pursuant to the authorization of appropriations in section 501(a)(2) and subject to the limitation in such section, the Corporation may reserve such amount as the Corporation considers to be appropriate for the purpose of making assistance available under section 126.

''(j) RESERVATION OF FUNDS TO INCREASE THE PARTICIPATION OF INDIVIDUALS WITH DISABILITIES.—From amounts appropriated for a fiscal year pursuant to the authorization of appropriations in section 501(a)(2) and subject to the limitation in such section, the Chief Executive Officer shall reserve an amount that is not less than 1 percent of such amount (except that the amount reserved may not exceed $10,000,000), in order to make grants to public or private nonprofit organizations to increase the participation of individuals with disabilities in national service and for demonstration activities in furtherance of this purpose.''.

SEC. 1307. ADDITIONAL AUTHORITY.

Part II of subtitle C of title I is amended by inserting after section 129 (42 U.S.C. 12581) the following:

''SEC. 129A. EDUCATION AWARDS ONLY PROGRAM.

''(a) IN GENERAL.—From amounts appropriated for a fiscal year to provide financial assistance under this subtitle and consistent with the restriction in subsection (b), the Corporation may, through fixed amount grants under subsection (d), provide operational assistance to programs that receive approved national service positions but do not receive funds under section 121(a).

''(b) LIMIT ON CORPORATION GRANT FUNDS.—Operational support under this section may not exceed $600 per individual enrolled in an approved national service position and may reach $800 per individual if the program supports at least 50 percent disadvantaged youth.

''(c) INAPPLICABLE PROVISIONS.—The following provisions shall not apply to programs funded under this section:

''(1) The limitation on administrative costs under section 121(d).

''(2) The matching funds requirements under section 121(e).

''(3) The living allowance and other benefits under sections 131(e) and section 140 (other than individualized support services for disabled members under section 140(f)).

''(d) FIXED AMOUNT GRANTS.—

''(1) GENERAL.—For purposes of subsection (a), and subject to the limitations in this subsection, the Corporation may, upon making a determination described in paragraph (2), approve a fixed amount grant that is not subject to the Office of Management and Budget cost principles and related financial recordkeeping requirements.

''(2) DETERMINATION.—Before approving a fixed amount grant, the Corporation must determine that—

''(A) the reasonable and necessary costs of carrying out the terms of the grant significantly exceed the amount of assistance provided by the Corporation; or

''(B) based on the nature or design of the grant, any assistance provided by the Corporation can be reasonably presumed to be expended on reasonable and necessary costs.''.

''SEC. 129B. PILOT AUTHORITY FOR MEMBER-SELECTED NATIONAL SERVICE POSITIONS.

''(a) AUTHORITY.—

''(1) IN GENERAL.—From the amounts appropriated for a fiscal year under this subtitle and consistent with the restriction in subsection (b), the Corporation may provide fixed amount grants on a competitive basis to up to 10 State Commissions to support member-selected approved national service positions.

''(2) LIMITATION.—The Corporation shall award grants under paragraph (1) to support not more than 500 approved national service positions among the participating States.

''(b) LIMITS ON CORPORATION GRANT FUNDS.—

''(1) IN GENERAL.—Grants awarded under subsection (a)(1) shall not exceed $600 per individual enrolled in an approved national service position under this section.

''(2) USE OF GRANT FUNDS.—Grants received by State Commissions under subsection (a)(1)—

''(A) shall not be distributed to organizations receiving participants with approved national service positions under this section; and

''(B) may—

''(i) be used for oversight activities and mechanisms for the service sites as determined by the State Commission or the Corporation, which may include site visits;

''(ii) be used for activities to augment the experience of AmeriCorps participants in approved national service positions under this section, including activities to engage such participants in networking opportunities with other AmeriCorps participants; and

''(iii) be used for recruitment or training activities for participants in approved national service positions under this section.

''(c) STATE COMMISSION APPLICATION.—

''(1) IN GENERAL.—A State Commission desiring to receive a grant under subsection (a)(1) shall submit an application to the Corporation at such time, in such manner, and containing such information as the Corporation shall determine appropriate.

''(2) APPROVAL.—The Corporation shall approve each application under paragraph (1) in accordance with section 130(d).

''(d) SELECTION OF PARTICIPANTS.—

''(1) APPLICANTS.—Participants desiring to receive an approved national service position under this section shall submit an application to the State Commission at such time and in such manner as the State Commission determines appropriate. The application shall contain—

''(A) a position description that includes—

''(i) the unmet human, educational, public safety, or environmental need or needs that will be met by the participant; and

''(ii) a description of the activities and responsibilities that will be carried out by the participant;

''(B) a description of the organization operating the service site where the applicant intends to complete the service described in subparagraph (A);

''(C) a description of the support that will be provided by the organization to the participant to complete the activities described in subparagraph (A);

''(D) the evidence of community support for the activities described in subparagraph (A);

''(E) a certification from the organization operating the service site that the organization is accepting the participant to perform the service outlined in subparagraph (A);

''(F) a certification from the organization operating the service site that the organization satisfies qualification criteria established by the Corporation or the State Commission, including standards relating to organizational capacity, financial management, and programmatic oversight; and

''(G) any other information that the Corporation and the State Commission deems necessary.

''(2) RESIDENCY.—A participant may apply for approved national service positions under this section in States other than the State in which the participant resides.

''(e) ORGANIZATION REQUIREMENTS.—The Corporation and the State Commissions shall ensure that the organizations receiving participants with approved national service positions under this section—

''(1) maintain not more than 5 full-time staff and not more than 5 part-time staff; and

''(2) are not duplicating service provided by an existing AmeriCorps grantee in the same community; and

''(3) are located in a community where no Intermediary AmeriCorps grants recipient is operating; and

''(4) have not applied to receive assistance under this subtitle.

''(f) FAILURE TO COMPLY.—If an organization receiving a participant with an approved national service position under this section fails to comply with terms and conditions established by the State Commission and the Corporation—

''(1) the organization shall not be eligible to receive such a participant, or receive an AmeriCorps grant under section 121, for not less than 5 years; and

''(2) the State Commission shall have the right to remove such a participant from the organization and relocate that individual to another site.

''(g) RECEIPT OF FINANCIAL ASSISTANCE.—An organization that receives participants with approved national service positions under this section shall not be considered a recipient of Federal financial assistance based on receiving such participants.

''(h) DEFINITION.—For the purpose of this section, the term 'Intermediary AmeriCorps grants recipient' means any organization that serves as a conduit between the Corporation and other unaffiliated organizations operating service sites.

SEC. 1308. STATE SELECTION OF PROGRAMS.

Section 130 (42 U.S.C. 12582) is amended—

(1) in subsection (a)—

(A) by inserting after ''State,'' the following: ''Territory,''; and

(B) by striking ''institution of higher education, or Federal agency'' and inserting ''or institution of higher education'';

(2) in subsection (b)(9) by striking ''section 122(c)'' and inserting ''section 122(d)'';

(3) in subsection (c)—

(A) in paragraph (1)—

(i) by striking ''jobs or positions'' and inserting ''proposed positions''; and

(ii) by striking '', including'' and all that follows through the period at the end and inserting a period;

(B) in paragraph (2) by inserting ''proposed'' before ''minimum''; and

(C) by adding at the end the following:

''(3) In the case of a nonprofit organization operating programs in 2 or more States, a description of the manner and extent to which the State Commissions of each State in which the nonprofit organization intends to operate were consulted and the nature of the consultation.''.

(4) in subsection (e)(2) by striking ''were selected'' and inserting ''were or will be selected'';

(5) in subsection (f)—

(A) in paragraph (1), by striking ''a program applicant'' and inserting ''an applicant''; and

(B) in paragraph (2)—

(i) in the heading, by striking ''PROGRAM APPLICANT'' and inserting ''APPLICANT'';

(ii) in the matter preceding subparagraph (A), by striking ''program applicant'' and inserting ''applicant'';

(iii) in subparagraph (A)—

(I) by inserting after ''subdivision of a State,'' the following: ''Territory,''; and

(II) by striking ''institution of higher education, or Federal agency'' and inserting ''or institution of higher education''; and

(iv) in subparagraph (B)—

(I) by inserting after ''subdivision of a State,'' the following: ''Territory,''; and

(II) by striking ''institution of higher education, or Federal agency'' and inserting ''or institution of higher education''; and

(6) in subsection (g), by striking the period and inserting ''or is already receiving financial assistance from the Corporation.''.

SEC. 1308A. NATIONAL SERVICE PROGRAM ASSISTANCE REQUIREMENTS.

Section 131(c)(3) (42 U.S.C. 12583(c)(3)) is amended to read as follows:

''(3) in the case of a program that is not funded through a State, including programs operated by nonprofit organizations seeking to operate a national service program in 2 or more States—

''(A) consult with and coordinate with the State Commission for the State in which the program operates; and

''(B) obtain written confirmation from the State Commission that the applicant seeking assistance under this Act has consulted with and coordinated with the State Commission when seeking to operate a program in that State.''.

SEC. 1309. CONSIDERATION OF APPLICATIONS.

Section 133 (42 U.S.C. 12585) is amended—

(1) in subsection (b)(2)(B), by striking ''jobs or'';

(2) in subsection (c)(6), insert after subparagraph (E) the following:

''(F) Areas that have a mortgage foreclosure rate greater than the national average mortgage foreclosure rate for the most recent 12 months for which satisfactory data are available.''.

(3) in subsection (c), by redesignating paragraph (8) as paragraph (9) and inserting after paragraph (7) the following:

''(8) The extent to which the program generates the involvement of volunteers.'';

(4) in subsection (d)(2)—

(3) in subsection (d), in paragraph (2)—

(A) in the matter preceding subparagraph (A), strike ''the Corporation may include—'' and insert ''the Corporation—''; and

(B) by striking subparagraphs (A) through (G) and inserting the following:

''(A) shall include national service programs that—

''(i) recruit veterans, particularly returning veterans, into service opportunities;

''(ii) promote community-based efforts to meet the unique needs of military families while a member of the family is deployed; and

''(iii) promote community-based efforts to meet the unique needs of military families when a member of the family returns from a deployment; and

''(B) may include—

''(i) national service programs that conform to the national service priorities in effect under section 122(d);

''(ii) innovative national service programs;

''(iii) national service programs that are well established in one or more States at the time of the application and are proposed to be expanded to additional States using assistance provided under section 121;

''(iv) grant programs in support of other national service programs if the grant programs are to be conducted by nonprofit organizations with a demonstrated and extensive expertise in the provision of services to meet human, educational, environmental, or public safety needs; and

''(v) professional corps programs described in section 122(a)(8).''; andI22 (3) by amending subsection (d)(3) to read as follows:

''(3) ADDITIONAL PRIORITY.—In making a competitive distribution under section 129(c), the Corporation—

''(A) shall solicit and consider the view of a State Commission regarding any application for assistance to operate a national service program within the State; and

''(B) may give priority to a national service program that is—

''(i) proposed in an application submitted by a State Commission; and

''(ii) not one of the types proposed in paragraph (2),

if the State Commission provides an adequate explanation of the reasons why it should not be a priority of such State to carry out any of such types of programs in the State.''.

SEC. 1310. DESCRIPTION OF PARTICIPANTS.

Section 137 (42 U.S.C. 12591) is amended—

(1) in subsection (a)—

(A) by striking paragraph (3); and

(B) by redesignating paragraphs (4), (5), and (6) as paragraphs (3), (4), and (5), respectively;

(2) in subsection (b)—

(A) in paragraph (1), by striking ''paragraph (4)'' and inserting ''paragraph (3)''; and

(B) in paragraph (2), by striking ''between the ages of 16 and 25'' and inserting ''a 16-year-old out of school youth or an individual between the ages of 17 and 25''; and

(3) in subsection (c), by striking ''(a)(5)'' and inserting ''(a)(4)''.

SEC. 1311. SELECTION OF NATIONAL SERVICE PARTICIPANTS.

Section 138 (42 U.S.C. 12592) is amended—

(1) in subsection (a) by striking ''conducted by the State'' and all that follows through ''or other entity'' and inserting ''conducted by the entity''; and

(2) in subsection (e)(2)(C) by inserting before the semicolon at the end the following: '', particularly those who were considered at the time of their service disadvantaged youth''.

SEC. 1312. TERMS OF SERVICE.

Section 139 (42 U.S.C. 12593) is amended—

(1) in subsection (b)(1), by striking ''not less than 9 months and'';

(2) in subsection (b)(2), by striking ''during a period of—'' and all that follows through the period at the end and inserting ''during a period of not more than 2 years.''; and

(3) in subsection (c)—

(A) in paragraph (1)(A), by striking ''as demonstrated by the participant'' and inserting ''as determined by the organization responsible for granting a release, if the participant has otherwise performed satisfactorily and has completed at least 15 percent of the original term of service'';

(B) in paragraph (2)(A), by striking ''provide to the participant that portion of the national service educational award'' and inserting ''certify the participant's eligibility for that portion of the national service educational award''; and

(C) in paragraph (2)(B), by striking ''to allow return to the program with which the individual was serving in order''.

SEC. 1313. ADJUSTMENTS TO LIVING ALLOWANCE.

Section 140 (42 U.S.C. 12594) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking ''paragraph (3)'' and inserting ''paragraphs (2) and (3)'';

(B) by striking paragraph (2);

(C) by redesignating paragraph (3) as (2);

(D) by inserting after paragraph (2) (as so redesignated) the following:

''(3) FEDERAL WORK-STUDY STUDENTS.—The living allowance that may be provided to an individual whose term of service includes hours for which the individual receives Federal work study wages shall be reduced by the amount of the individual's Federal work study award.'';

(E) in paragraph (4), by striking ''a reduced term of service under section 139(b)(3)'' and inserting ''a term of service that is less than 12 months'';

(2) in subsection (b), by striking ''shall include an amount sufficient to cover 85 percent of such taxes'' and all that follows through the period at the end and inserting ''may be used to pay such taxes.'';

(3) in subsection (c)—

(A) in paragraph (1) by adding ''and'' at the end;

(B) by striking paragraph (2); and

(C) by redesignating paragraph (3) as (2);

(4) in subsection (d)(1), by striking the second sentence; and

(5) by striking subsections (g) and (h).

Subtitle D—Amendments to Subtitle D (National Service Trust and Provision of National Service Educational Awards)

SEC. 1401. AVAILABILITY OF FUNDS IN THE NATIONAL SERVICE TRUST.

Section 145 (42 U.S.C. 12601) is amended—

(1) in subsection (a)—

(A) in paragraph (1)(B), by striking ''section 148(e)'' and inserting ''section 148(f)''; and

(B) in paragraph (2), by striking ''pursuant to section 196(a)(2)'' and inserting ''pursuant to section 196(a)(2), if the terms of such donations direct that they be deposited in the National Service Trust''; and

(2) in subsection (c), by striking ''for payments of national service educational awards in accordance with section 148.'' and inserting ''for—

''(1) payments of summer of service educational awards and national service educational awards in accordance with section 148; and

''(2) payments of interest in accordance with section 148(f).''.

SEC. 1402. INDIVIDUALS ELIGIBLE TO RECEIVE A NATIONAL SERVICE EDUCATIONAL AWARD FROM THE TRUST.

Section 146 (42 U.S.C. 12602) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking ''if the individual'' and inserting ''if the organization responsible for an individual's supervision certifies that the individual'';

(B) by striking paragraphs (1), (2), and (3) and inserting the following:

''(1) met the applicable eligibility requirements for the position; and

''(2)(A) successfully completed the required term of service described in subsection (b) in an approved national service position; or

''(B)(i) satisfactorily performed prior to being granted a release for compelling personal circumstances under section 139(c); and

''(ii) served at least 15 percent of the required term of service described in subsection (b); and''; and

(C) by redesignating paragraph (4) as paragraph (3);

(2) by striking subsection (c) and inserting the following:

''(c) LIMITATION ON RECEIPT OF NATIONAL SERVICE EDUCATIONAL AWARDS.—An individual may not receive, in national service educational awards, more than an amount equal to the aggregate value of 2 such awards for full-time service. The aggregate value of summer of service educational awards that an individual receives shall have no effect on the aggregate value of national service educational awards the individual may receive.'';

(3) in subsection (d)—

(A) in paragraph (1) by inserting after ''national service educational award'' the following: ''or a summer of service educational award''; and

(B) in paragraph (2)—

(i) in the matter preceding subparagraph (A), and in subparagraph (A), by inserting after ''national service educational award'' the following: ''or a summer of service educational award'';

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

(iii) in subparagraph (B) by striking the period at the end and inserting ''; or'';

(iv) by adding at the end the following:

''(C) in the case of a summer of service educational award, is enrolled at an eligible institution of higher education under section 148(c) or an educational institution described under section 148(a)(4) and failed to expend the full amount of that award during the original 7-year period.''; and

(4) in subsection (e)(1)—

(A) by inserting after ''qualifying under this section'' the following: ''or under section 118(c)(8)''; and

(B) by inserting after ''to receive a national service educational award'' the following: ''or a summer of service educational award''.

SEC. 1403. DETERMINATION OF THE AMOUNT OF NATIONAL SERVICE EDUCATIONAL AWARDS.

Section 147 (42 U.S.C. 12603) is amended—

(1) in subsection (a)—

(A) by striking ''a value, for each of not more than 2 of such terms of service, equal to 90 percent of—'' and inserting ''a value of—'' ; and

(B) by striking paragraphs (1) and (2) and inserting the following:

''(1) $4,825, for fiscal year 2008;

''(2) $4,925, for fiscal year 2009;

''(3) $5,025, for fiscal year 2010;

''(4) $5,125, for fiscal year 2011; and

''(5) $5,225, for fiscal year 2012 and each fiscal year thereafter.''; and

(2) in subsection (b), by inserting after ''for each of not more than 2 of such terms of service'' the following: ''in the period of one year''.

SEC. 1404. DISBURSEMENT OF EDUCATIONAL AWARDS.

Section 148 (42 U.S.C. 12604) is amended—

(1) in subsection (a)—

(A) in paragraph (2), by striking ''cost of attendance'' and inserting ''cost of attendance or other educational expenses'';

(B) in paragraph (3), by striking ''and'';

(C) by redesignating paragraph (4) as paragraph (6);

(D) by inserting after paragraph (3) the following:

''(4) to pay expenses incurred in enrolling in an educational institution or training establishment that meets the requirements of chapter 36 of title 38, United States Code (38 U.S.C. 3451 et seq.);

''(5) for a recipient of a summer of service educational award under section 118(c)(8)(C), to pay expenses incurred in enrolling in a college preparatory program in accordance with subsection (e); and''; and

(E) in paragraph (6) (as so redesignated) by striking ''subsection (e)'' and inserting ''subsection (f)'';

(2) in subsection (b)(1) by inserting after ''the national service educational award of the individual'' the following: '', or an eligible individual under section 118(c)(8) who received a summer of service educational award for a project that began after the individual completed grade 10 and desires to apply that summer of service educational award,'';

(3) in subsection (b)(2) by inserting after ''the national service educational award'' the following: ''or the summer of service educational award, as applicable,'';

(4) in subsection (b)(5) by inserting after ''the national service educational award'' the following: ''or the summer of service educational award, as applicable'';

(5) in subsection (b)(7)—

(A) in subparagraph (A), by striking '', other than a loan to a parent of a student pursuant to section 428B of such Act (20 U.S.C. 1078–2); and'' and inserting a semicolon;

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

(C) by adding at the end the following:

''(C) any loan (other than a loan described in subparagraph (A) or (B)) determined by an institution of higher education to be necessary to cover a student's educational expenses and made, insured, or guaranteed by—

''(i) an eligible lender, as defined in section 435 of the Higher Education Act of 1965 (20 U.S.C. 1085);

''(ii) the direct student loan program under part D of title IV of such Act;

''(iii) a State agency; or

''(iv) a lender otherwise determined by the Corporation to be eligible to receive disbursements from the National Service Trust.'';

(6) in subsection (c)(1), by inserting after ''national service educational award'' the following: '', or an eligible individual under section 118(c)(8) who desires to apply the individual's summer of service educational award,'';

(7) in subsection (c)(2)(A), by inserting after ''national service educational award'' the following: ''or summer of service educational award, as applicable,'';

(8) in subsection (c)(2)(C)(iii), by inserting after ''national service educational awards received under this subtitle'' the following: ''or summer of service educational awards received under section 118(c)(8)'';

(9) in subsection (c)(3), by inserting after ''national service educational awards'' the following: ''and summer of service educational awards'';

(10) in subsection (c)(5)—

(A) by inserting after ''national service educational award'' the following: '', or summer of service educational award, as applicable,''; and

(B) by inserting after ''additional'' the following: ''summer of service educational awards and additional'';

(11) in subsection (c)(6), by inserting after ''national service educational award'' the following: ''and summer of service educational award'';

(12) in subsection (d), by inserting after ''national service educational awards'' the following: ''and summer of service educational awards'';

(13) by redesignating subsections (e), (f), and (g) as (f), (g), and (h), respectively;

(14) by inserting after subsection (d) the following:

''(e) USE OF SUMMER OF SERVICE EDUCATIONAL AWARD TO PAY COLLEGE PREPARATORY EXPENSES.—

''(1) APPLICATION OF ELIGIBLE INDIVIDUALS.—An eligible individual under section 118(c)(8), or the parents or legal guardian of such an individual, who desires to apply the summer of service educational award of the individual to the payment of expenses incurred in enrolling in a college preparatory program shall, on a form prescribed by the Corporation, submit an application to the college preparatory program in which the individual will be enrolled that contains such information as the Corporation may require to verify the individual's eligibility.

''(2) SUBMISSION OF REQUESTS FOR PAYMENT BY PROGRAM.—A college preparatory program that receives one or more applications under paragraph (1) shall submit to the Corporation a statement, in a manner prescribed by the Corporation, that—

''(A) identifies each eligible individual filing an application under paragraph (1) for a disbursement of the individual's summer of service educational award under this subsection;

''(B) specifies the amounts for which such eligible individuals are qualified for disbursement; and

''(C) certifies that—

''(i) the college preparatory program is operated by a for-profit or non-profit organization with a track record of success in implementing college preparatory programs that collaborate with local educational agencies and adequately prepare secondary school students for admission to an institution of higher education without need for remediation;

''(ii) the college preparatory program has been in existence for at least one year prior to an eligible individual's submission of the application under paragraph (1); and

''(iii) individuals using summer of service educational awards received under section 118(c)(8) to pay the cost of enrolling in the college preparatory program do not comprise more than 15 percent of the total number of individuals enrolled in the program; and

''(D) contains such provisions concerning financial compliance and program quality as the Corporation may require.

''(3) DISBURSEMENT OF PAYMENTS.—Upon receipt of a statement from a college preparatory program that complies with paragraph (2), the Corporation shall, subject to paragraph (4), disburse the total amount of the summer of service educational awards for which eligible individuals who have submitted applications to that program under paragraph (1) are scheduled to receive. Such disbursement shall be made by check or other means that is payable to the program and requires the endorsement or other certification by the eligible individual.

''(4) MULTIPLE DISBURSEMENTS.—The total amount required to be disbursed to a college preparatory program under paragraph (3) for any period of enrollment may be disbursed by the Corporation in two or more installments consistent with appropriate divisions of such period of enrollment.

''(5) REFUND RULES.—The Corporation shall, by regulation, provide for the refund to the Corporation (and the crediting to the summer of service educational award of an eligible individual) of amounts disbursed to programs for the benefit of eligible individuals who withdraw or otherwise fail to complete the period of enrollment for which the assistance was provided. Amounts refunded to the Trust pursuant to this paragraph may be used by the Corporation to fund additional approved summer of service positions under section 118(c)(8).

''(6) MAXIMUM AWARD.—The portion of an eligible individual's total available summer of service educational award that may be disbursed under this subsection for any period of enrollment shall not exceed the cost of attendance.'';

(15) in subsection (f) (as so redesignated), by striking ''subsection (b)(6)'' and inserting ''subsection (b)(7)''; and

(16) in subsection (g) (as so redesignated), by striking ''Director'' and inserting ''Chief Executive Officer''.

SEC. 1405. PROCESS OF APPROVAL OF NATIONAL SERVICE POSITIONS.

(a) IN GENERAL.—Subtitle D of title I (42 U.S.C. 12601 et seq.) is further amended by adding at the end the following new section:

''SEC. 149. PROCESS OF APPROVAL OF NATIONAL SERVICE POSITIONS.

''(a) TIMING AND RECORDING REQUIREMENTS.—

''(1) IN GENERAL.—Notwithstanding subtitles C and D, and any other provision of law, in approving a position as an approved national service position, the Corporation—

''(A) shall approve the position at the time the Corporation—

''(i) enters into an enforceable agreement with an individual participant to serve in a program carried out under subtitle E of title I of this Act or under title I of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4951 et seq.), or a summer of service educational award; or

''(ii) except as provided in clause (i), awards a grant to (or enters into a contract or cooperative agreement with) an entity to carry out a program for which such a position is approved under section 123; and

''(B) shall record as an obligation an estimate of the net present value of the national service educational award associated with the position, based on a formula that takes into consideration historical rates of enrollment in such a program, and of earning and using national service educational awards for such a program and remain available.

''(2) FORMULA.—In determining the formula described in paragraph (1)(B), the Corporation shall consult with the Director of the Congressional Budget Office.

''(3) CERTIFICATION REPORT.—The Chief Executive Officer of the Corporation shall annually prepare and submit to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report that contains a certification that the Corporation is in compliance with the requirements of paragraph (1).

''(4) APPROVAL.—The requirements of this subsection shall apply to each approved national service position that the Corporation approves—

''(A) during fiscal year 2008; and

''(B) during any subsequent fiscal year.

''(b) RESERVE ACCOUNT.—

''(1) ESTABLISHMENT AND CONTENTS.—

''(A) ESTABLISHMENT.—Notwithstanding subtitles C and D, and any other provision of law, within the National Service Trust established under section 145, the Corporation shall establish a reserve account.

''(B) CONTENTS.—To ensure the availability of adequate funds to support the awards of approved national service positions for each fiscal year, the Corporation shall place in the account—

''(i) during fiscal year 2008, a portion of the funds that were appropriated for fiscal year 2008 or a previous fiscal year under section 501(a)(2), were made available to carry out subtitle C, D, or E of this title, subtitle A of title I of the Domestic Volunteer Service Act of 1973, or summer of service under section 118(c)(8), and remain available; and

''(ii) during fiscal year 2009 or a subsequent fiscal year, a portion of the funds that were appropriated for that fiscal year under section 501(a)(2) and were made available to carry out subtitle C, D, or E of this title, subtitle A of title I of the Domestic Volunteer Service Act of 1973, or summer of service under section 111(a)(5), and remain available.

''(2) OBLIGATION.—The Corporation shall not obligate the funds in the reserve account until the Corporation—

''(A) determines that the funds will not be needed for the payment of national service educational awards associated with previously approved national service positions and summer of service educational awards; or

''(B) obligates the funds for the payment of national service educational awards for such previously approved national service positions or summer of service educational awards, as applicable.

''(c) AUDITS.—The accounts of the Corporation relating to the appropriated funds for approved national service positions, and the records demonstrating the manner in which the Corporation has recorded estimates described in subsection (a)(1)(B) as obligations, shall be audited annually by independent certified public accountants or independent licensed public accountants certified or licensed by a regulatory authority of a State or other political subdivision of the United States in accordance with generally accepted auditing standards. A report containing the results of each such independent audit shall be included in the annual report required by subsection (a)(3).

''(d) AVAILABILITY OF AMOUNTS.—Except as provided in subsection (b), all amounts included in the National Service Trust under paragraphs (1), (2), and (3) of section 145(a) shall be available for payments of national service educational awards or summer of service educational awards under section 148.''.

(b) CONFORMING REPEAL.—Section 2 of the Strengthen AmeriCorps Program Act (Public Law 108–145; 117 Stat. 844; 42 U.S.C. 12605) is repealed.

SEC. 1406. REPORT ON VETERANS SERVING IN APPROVED NATIONAL SERVICE POSITIONS.

Subtitle D of title I (42 U.S.C. 12601 et seq.) is further amended by adding at the end the following new section:

''SEC. 150. REPORT ON VETERANS SERVING IN APPROVED NATIONAL SERVICE POSITIONS.

''(a) IN GENERAL.—The Corporation shall report annually to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate the number and percentage of veterans serving in approved national service positions.

''(b) ANNUAL GOALS.—In the report described in subsection (a), the Corporation shall outline strategies and goals for increasing the number and percentage of veterans serving in approved national service positions each year, including strategies being undertaken to recruit veterans to serve in such positions, and include an evaluation of progress in meeting such goals.''.

Subtitle E—Amendments to Subtitle E (National Civilian Community Corps)

SEC. 1501. PURPOSE.

Section 151 (42 U.S.C. 12611) is amended to read as follows:

''SEC. 151. PURPOSE.

''It is the purpose of this subtitle to authorize the operation of, and support for, residential and other service programs that combine the best practices of civilian service with the best aspects of military service, including leadership and team building, to meet national and community needs. Such needs to be met under such programs include those related to—

''(1) natural and other disasters;

''(2) infrastructure improvement;

''(3) environmental stewardship and conservation;

''(4) energy conservation; and

''(5) urban and rural development.''.

SEC. 1502. PROGRAM COMPONENTS.

Section 152 (42 U.S.C. 12612) is amended—

(1) by amending the section heading to read as follows:

''SEC. 152. ESTABLISHMENT OF NATIONAL CIVILIAN COMMUNITY CORPS PROGRAM.''.

(2) in subsection (a), by striking ''Civilian Community Corps Demonstration Program'' and inserting ''National Civilian Community Corps Program'';

(3) in subsection (b)—

(A) by striking ''Civilian Community Corps Demonstration Program'' and inserting ''National Civilian Community Corps Program''; and

(B) by striking ''a Civilian Community Corps'' and inserting ''a National Civilian Community Corps'';

(4) in the heading of subsection (c), by striking ''PROGRAMS'' and inserting ''COMPONENTS''; and

(5) in subsection (c), by striking ''program components are residential programs'' and all that follows and inserting ''programs referred to in subsection (b) may include a residential component.''.

SEC. 1503. ELIGIBLE PARTICIPANTS.

Section 153 (42 U.S.C. 12613) is amended—

(1) in subsection (a)—

(A) by striking ''Civilian Community Corps Demonstration Program'' and inserting ''National Civilian Community Corps Program''; and

(B) by striking ''on Civilian Community Corps'' and inserting ''on National Civilian Community Corps'';

(2) in subsection (b), by striking ''if the person'' and all that follows through the period at the end and inserting ''if the person will be at least 18 years of age on or before December 31 in the calendar year in which the individual enrolls in the program.'';

(3) in subsection (c)—

(A) by striking ''BACKROUNDS'' and inserting ''BACKGROUNDS''; and

(B) by adding at the end the following: ''The Director shall take appropriate steps, including through collaboration with the Office of Outreach and Recruitment, to increase the percentage of participants in the program who are disadvantaged youth toward 50 percent of all participants by year 2010. The Director shall report to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate annually on such efforts, any challenges faced, and the annual participation rates of disadvantaged youth in the program.''; and

(4) by striking subsection (e).

SEC. 1504. SUMMER NATIONAL SERVICE PROGRAM.

Section 154 (42 U.S.C. 12614) is amended—

(1) in subsection (a)—

(A) by striking ''Civilian Community Corps Program'' and inserting ''National Civilian Community Corps Demonstration Program''; and

(B) by striking ''on Civilian Community Corps'' and inserting ''on National Civilian Community Corps'';

(2) in subsection (b), by striking ''shall be'' and all that follows through the period at the end and inserting ''shall be from economically and ethnically diverse backgrounds, including youth who are in foster care.''.

SEC. 1505. TEAM LEADERS.

Section 155 (42 U.S.C. 12615) is amended—

(1) by amending the section heading to read as follows:

''SEC. 155. NATIONAL CIVILIAN COMMUNITY CORPS.'';

(2) in subsection (a)—

(A) by striking ''Civilian Community Corps Program'' and inserting ''National Civilian Community Corps Demonstration Program''; and

(B) by striking ''the Civilian Community Corps shall'' and inserting ''the National Civilian Community Corps shall'';

(3) in subsection (b)—

(A) by amending the subsection heading to read as follows:

''(b) MEMBERSHIP IN NATIONAL CIVILIAN COMMUNITY CORPS.—'';

(B) in paragraph (1), by inserting ''National'' before ''Civilian Community Corps'';

(C) in paragraph (3)—

(i) by striking ''superintendent'' and inserting ''campus director''; and

(ii) by striking ''camp'' and inserting ''campus''; and

(D) by adding at the end the following:

''(4) TEAM LEADERS.—The Director may select from Corps members individuals with prior supervisory or service experience to be team leaders within units in the National Civilian Community Corps to perform service that includes leading and supervising teams of Corps members. Team leaders shall—

''(A) be selected without regard to the age limitation under section 153(b);

''(B) be members of the National Civilian Community Corps; and

''(C) be provided the rights and benefits applicable to Corps members, except that the limitation on the amount of living allowance shall not exceed 10 percent more than the amount established under section 158(b).'';

(4) in subsection (d)—

(A) by amending the subsection heading to read as follows:

''(d) CAMPUSES.—'';

(B) in paragraph (1)—

(i) by amending the paragraph heading to read as follows:

''(1) UNITS TO BE ASSIGNED TO CAMPUSES.—'';

(ii) by striking ''in camps'' and inserting ''in campuses'';

(iii) by striking ''camp'' and inserting ''campus''; and

(iv) by striking ''in the camps'' and inserting ''in the campuses'';

(C) by amending paragraph (2) to read as follows:

''(2) CAMPUS DIRECTOR.—There shall be a campus director for each campus. The campus director is the head of the campus.'';

(D) in paragraph (3)—

(i) by amending the paragraph heading to read as follows:

''(3) ELIGIBLE SITE FOR CAMPUS.—'';

(ii) by striking ''A camp may be located'' and inserting ''A campus must be cost-effective and may, upon the completion of a feasibility study, be located'';

(5) in subsection (e)—

(A) by amending the paragraph heading to read as follows:

''(e) DISTRIBUTION OF UNITS AND CAMPUSES.—'';

(B) by striking ''camps are distributed'' and inserting ''campuses are cost-effective and are distributed''; and

(C) by striking ''rural areas'' and all that follows through the period at the end and inserting ''rural areas such that each Corps unit in a region can be easily deployed for disaster and emergency response to such region.''; and

(6) in subsection (f)—

(A) in paragraph (1)—

(i) by striking ''superintendent'' and inserting ''campus director''; and

(ii) by striking ''camp'' both places such term appears and inserting ''campus'';

(B) in paragraph (2)—

(i) in the matter preceding subparagraph (A), by striking ''superintendent of a camp'' and inserting ''campus director of a campus'';

(ii) in subparagraph (A)—

(I) by striking ''superintendent'' and inserting ''campus director'';

(II) by striking ''superintendent's'' and inserting ''campus director's''; and

(III) by striking ''camp'' each place such term appears and inserting ''campus''; and

(iii) in subparagraph (B), by striking ''superintendent'' and inserting ''campus director''; and

(C) in paragraph (3), by striking ''camp superintendent'' and inserting ''campus director''.

SEC. 1506. TRAINING.

Section 156 (42 U.S.C. 12616) is amended—

(1) in subsection (a)—

(A) by inserting ''National'' before ''Civilian Community Corps''; and

(B) by adding at the end the following: ''The Director shall ensure that to the extent practicable, each member of the Corps is trained in CPR, first aid, and other skills related to disaster preparedness and response.'';

(2) in subsection (b)(1), by inserting before the period at the end the following: '', including a focus on energy conservation, environmental stewardship or conservation, infrastructure improvement, urban and rural development, or disaster preparedness needs''; and

(3) by amending subsection (c)(2) to read as follows:

''(2) COORDINATION WITH OTHER ENTITIES.—Members of the cadre may provide, either directly or through grants, contracts, or cooperative agreements, the advanced service training referred to in subsection (b)(1) in coordination with vocational or technical schools, other employment and training providers, existing youth service programs, other qualified individuals, or organizations with expertise in training youth, including disadvantaged youth, in the skill areas described in such subsection.''.

SEC. 1507. CONSULTATION WITH STATE COMMISSIONS.

Section 157 (42 U.S.C. 12617) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by inserting ''National'' before ''Civilian Community Corps'';

(B) in paragraph (1), by inserting before the semicolon the following: ''with specific emphasis on projects in support of infrastructure improvement, disaster relief and recovery, the environment, energy conservation, and urban and rural development''; and

(C) in paragraph (2) by striking ''service learning'' and inserting ''service-learning'';

(2) in subsection (b)—

(A) in paragraph (1)(A), by striking ''and the Secretary of Housing and Urban Development'' and inserting ''the Secretary of Housing and Urban Development, the Administrator of the Environmental Protection Agency, the Administrator of the Federal Emergency Management Agency, the Secretary of Energy, the Secretary of Transportation, and the Chief of the United States Forest Service'';

(B) in paragraph (1)(B)—

(i) by inserting ''community-based organizations and'' before ''representatives of local communities''; and

(ii) by striking ''camp'' both places such term appears and inserting ''campus'';

(C) in paragraph (2), by inserting ''State Commissions,'' before ''and persons involved in other youth service programs.''; and

(3) in subsection (c)—

(A) in paragraph (1)—

(i) by striking ''superintendent'' both places such term appears and inserting ''campus director''; and

(ii) by striking ''camp'' both places such term appears and inserting ''campus'';

(B) in paragraph (2), by striking ''camp superintendents'' and inserting ''campus directors''.

SEC. 1508. AUTHORIZED BENEFITS FOR CORPS MEMBERS.

Section 158 (42 U.S.C. 12618) is amended—

(1) in subsection (a) by inserting ''National'' before ''Civilian Community Corps''; and

(2) in subsection (c)—

(A) in the matter preceding paragraph (1)—

(i) by inserting ''National'' before ''Civilian Community Corps''; and

(ii) by inserting before the colon the following: '', as the Director determines appropriate'';

(B) in paragraph (6), by striking ''Clothing'' and inserting ''Uniforms'';

(C) in paragraph (7), by striking ''Recreational services and supplies'' and inserting ''Supplies''.

SEC. 1509. PERMANENT CADRE.

Section 159 (42 U.S.C. 12619) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking ''Civilian Community Corps Demonstration Program'' and inserting ''National Civilian Community Corps Program''; and

(B) in paragraph (1)—

(i) by inserting ''including those'' before ''recommended''; and

(ii) by inserting ''National'' before ''Civilian Community Corps'';

(2) in subsection (b)(1), by inserting ''National'' before ''Civilian Community Corps'';

(3) in subsection (c)—

(A) in paragraph (1)(B)(i), by inserting ''National'' before ''Civilian Community Corps''; and

(B) in paragraph (2)—

(i) in subparagraph (A)—

(I) by striking ''The Director shall establish a permanent cadre of'' and inserting ''The Chief Executive Officer shall establish a permanent cadre that includes the Director and other appointed''; and

(II) by inserting ''National'' before ''Civilian Community Corps'';

(ii) in subparagraph (B), by striking ''The Director shall appoint the members'' and inserting ''The Chief Executive Officer shall consider the recommendations of the Director in appointing the other members'';

(iii) in subparagraph (C)—

(I) in the matter preceding clause (i), by striking ''the Director'' and inserting ''the Chief Executive Officer'';

(II) in clause (iii) by striking ''and'' at the end;

(III) by redesignating clause (iv) as (v); and

(IV) by inserting after clause (iii) the following:

''(iv) give consideration to retired and other former law enforcement, fire, rescue, and emergency personnel, and other individuals with backgrounds in disaster preparedness, relief, and recovery; and''; and

(iv) in subparagraph (E)—

(I) by inserting after ''techniques'' the following: '', including techniques for working with and enhancing the development of disadvantaged youth,''; and

(II) by striking ''service learning'' and inserting ''service-learning''; and

(C) in the first sentence of paragraph (3), by striking ''the members'' and inserting ''other members''.

SEC. 1510. CONTRACT AND GRANT AUTHORITY.

Section 161 (42 U.S.C. 12621) is amended—

(1) in subsection (a), by striking ''perform any program function under this subtitle'' and inserting ''carry out the National Civilian Community Corps program''; and

(2) in subsection (b)(2), by inserting ''National'' before ''Civilian Community Corps''.

SEC. 1511. OTHER DEPARTMENTS.

Section 162 (42 U.S.C. 12622) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) in subparagraph (A), by inserting ''National'' before ''Civilian Community Corps''; and

(ii) in subparagraph (B)(i), by striking ''the registry established by'' and all that follows through the semicolon and inserting ''the registry established by section 1143a of title 10, United States Code;'';

(B) in paragraph (2)(A), by striking ''to be recommended for appointment'' and inserting ''from which individuals may be selected for appointment by the Director''; and

(C) in paragraph (3), by inserting ''National'' before ''Civilian Community Corps''; and

(2) by striking subsection (b).

SEC. 1512. ADVISORY BOARD.

Section 163 (42 U.S.C. 12623) is amended—

(1) in subsection (a)—

(A) by striking ''Upon the establishment of the Program, there shall also be'' and inserting ''There shall be'';

(B) by inserting ''National'' before ''Civilian Community Corps Advisory Board''; and

(C) by striking ''to assist'' and all that follows through the period at the end and inserting ''to assist the Corps in responding rapidly and efficiently in times of natural and other disasters. Consistent with the needs outlined in section 151, the Advisory Board members shall help coordinate activities with the Corps as appropriate, including the mobilization of volunteers and coordination of volunteer centers to help local communities recover from the effects of natural and other disasters.'';

(2) in subsection (b)—

(A) by redesignating paragraphs (8) and (9) as paragraphs (13) and (14), respectively;

(B) by inserting after paragraph (7) the following:

''(8) The Administrator of the Federal Emergency Management Agency.

''(9) The Secretary of Transportation.

''(10) The Chief of the United States Forest Service.

''(11) The Administrator of the Environmental Protection Agency.

''(12) The Secretary of Energy.''; and

(C) in paragraph (13), as so redesignated, by striking ''industry,'' and inserting ''public and private organizations,''.

SEC. 1513. ANNUAL EVALUATION.

Section 164 (42 U.S.C. 12624) is amended—

(1) by inserting ''National'' before ''Civilian Community Corps''; and

(2) by adding at the end the following: ''Upon completing each such evaluation, the Corporation shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and Labor of the House of Representatives a report on the evaluation.''.

SEC. 1514. REPEAL OF FUNDING LIMITATION.

Section 165 (42 U.S.C. 12625) is repealed.

SEC. 1515. DEFINITIONS.

Section 166 (42 U.S.C. 12626) is amended—

(1) by striking paragraphs (2), (3), and (9);

(2) by redesignating paragraphs (4) through (8) as paragraphs (5) through (9), respectively;

(3) by inserting after paragraph (1) the following:

''(2) CAMPUS DIRECTOR.—The term 'campus director', with respect to a Corps campus, means the head of the campus under section 155(d).

''(3) CORPS.—The term 'Corps' means the National Civilian Community Corps required under section 155 as part of the Civilian Community Corps Program.

''(4) CORPS CAMPUS.—The term 'Corps campus' means the facility or central location established as the operational headquarters and boarding place for particular Corps units.'';

(4) in paragraph (5) (as so redesignated), by striking ''Civilian Community Corps Demonstration Program'' and inserting ''National Civilian Community Corps Program'';

(5) in paragraph (6) (as so redesignated), by inserting ''National'' before ''Civilian Community Corps'';

(6) in paragraph (8) (as so redesignated), by striking ''The terms'' and all that follows through ''Demonstration Program'' and inserting ''The term 'Program' means the National Civilian Community Corps Program''; and

(7) in paragraph (9) (as so redesignated)—

(A) in the heading by striking ''SERVICE LEARNING'' and inserting ''SERVICE-LEARNING''; and

(B) in the matter preceding subparagraph (A) by striking ''service learning'' and inserting ''service-learning''.

SEC. 1516. TERMINOLOGY.

Subtitle E of title I (42 U.S.C. 12611 et seq.) is amended—

(1) by striking the subtitle heading and inserting the following:

''Subtitle E—National Civilian Community Corps''; and

(2) in section 160(a) (42 U.S.C. 12620(a)) by inserting ''National'' before ''Civilian Community Corps''.

Subtitle F—Amendments to Subtitle F (Administrative Provisions)

SEC. 1601. FAMILY AND MEDICAL LEAVE.

Section 171(a)(1) (42 U.S.C. 12631(a)(1)) is amended by striking ''with respect to a project'' and inserting ''with respect to a project authorized under the national service laws''.

SEC. 1602. ADDITIONAL PROHIBITIONS ON USE OF FUNDS.

Section 174 (42 U.S.C. 12634) is amended by adding at the end the following:

''(d) REFERRALS FOR FEDERAL ASSISTANCE.—A program may not receive assistance under the national service laws for the sole purpose of referring individuals to Federal assistance programs or State assistance programs funded in part by the Federal government.''.

SEC. 1603. NOTICE, HEARING, AND GRIEVANCE PROCEDURES.

Section 176 (42 U.S.C. 12636) is amended—

(1) in subsection (a)(2)(A), by striking ''30 days'' and inserting ''1 or more periods of 30 days not to exceed 90 days in total''; and

(2) in subsection (f)—

(A) in paragraph (1), by striking ''A State or local applicant'' and inserting ''An entity''; and

(B) in paragraph (6)—

(i) in subparagraph (C), by striking ''and'';

(ii) by redesignating subparagraph (D) as subparagraph (E); and

(iii) by inserting after subparagraph (C) the following:

''(D) in a grievance filed by an individual applicant or participant—

''(i) the applicant's selection or the participant's reinstatement, as the case may be; and

''(ii) other changes in the terms and conditions of service; and''.

SEC. 1604. RESOLUTION OF DISPLACEMENT COMPLAINTS.

Section 177 (42 U.S.C. 12637) is amended—

(1) in subsections (a) and (b), by striking ''under this title'' each place it appears and inserting ''under the national service laws'';

(2) in subsection (b)(1), by striking ''employee or position'' and inserting ''employee, position, or volunteer (other than a participant under the national service laws)''; and

(3) by adding at the end the following:

''(f) PARENTAL INVOLVEMENT.—

''(1) IN GENERAL.—Programs that receive assistance under the national service laws shall consult with the parents or legal guardians of children in developing and operating programs that include and serve children.

''(2) PARENTAL PERMISSION.—Programs that receive assistance under the national service laws shall, consistent with State law, before transporting minor children, provide the reason for and obtain written permission of the children's parents.''.

SEC. 1605. STATE COMMISSIONS ON NATIONAL AND COMMUNITY SERVICE.

Section 178 (42 U.S.C. 12638) is amended—

(1) in subsection (c)(1), by adding at the end the following:

''(J) A representative of the volunteer sector.'';

(2) in subsection (c)(3), by striking '', unless the State permits the representative to serve as a voting member of the State Commission or alternative administrative entity'';

(3) by striking subsection (e)(1) and inserting the following:

''(1) Preparation of a national service plan for the State that—

''(A) is developed through an open and public process (such as through regional forums, hearings, and other means) that provides for maximum participation and input from companies, organizations, and public agencies using service and volunteerism as a strategy to meet critical community needs, including programs funded under the national service laws;

''(B) covers a 3-year period, the beginning of which may be set by the State;

''(C) is subject to approval by the chief executive officer of the State;

''(D) includes measurable goals and outcomes for the State consistent with those for national service programs as described in section 179(a)(1)(A);

''(E) ensures outreach to diverse community-based agencies that serve underrepresented populations, by—

''(i) using established networks and registries at the State level, or establishing such networks and registries; and

''(ii) coordinating with the Corporation's Office of Outreach and Recruitment;

''(F) provides for effective coordination of funding applications submitted by the State and others within the State under the national service laws;

''(G) is updated annually, reflecting changes in practices and policies that will improve the coordination and effectiveness of Federal, State, and local resources for service and volunteerism within the State; and

''(H) contains such information as the State Commission considers to be appropriate or as the Corporation may require.'';

(4) by redesignating subsections (f) through (j) as subsections (h) through (l), respectively;

(5) by inserting after subsection (e) the following:

''(f) RELIEF FROM ADMINISTRATIVE REQUIREMENTS.—Upon approval of a State plan submitted under subsection (e)(1), the Chief Executive Officer may waive, or specify alternatives to, administrative requirements (other than statutory provisions) otherwise applicable to grants made to States under the national service laws, including those requirements identified by a State as impeding the coordination and effectiveness of Federal, State, and local resources for service and volunteerism within a State.'';

''(g) STATE PLAN FOR BABY BOOMER AND OLDER ADULT VOLUNTEER AND PAID SERVICE.—

''(1) IN GENERAL.—Notwithstanding any other provision of this section, to be eligible to receive a grant or allotment under subtitle B or C or to receive a distribution of approved national service positions under subtitle C, a State must work with appropriate State agencies and private entities to develop a comprehensive State plan for volunteer and paid service by members of the Baby Boom generation and older adults.

''(2) MATTERS INCLUDED.—The State plan shall include—

''(A) recommendations for public policy initiatives, including how to best tap the population of members of the Baby Boom generation and older adults as sources of social capital and as ways to address community needs;

''(B) recommendations to the State unit on aging on—

''(i) a marketing outreach plan to businesses;

''(ii) outreach to non-profit organizations;

''(iii) the State's Department of Education; and

''(iv) other State agencies; and

''(C) recommendations for civic engagement and multigenerational activities, such as—

''(i) early childhood education, family literacy, and after school programs;

''(ii) respite services for older adults and caregivers; and

''(iii) transitions for members of the Baby Boom generation and older adults to purposeful work in their post career lives.

''(3) KNOWLEDGE INCORPORATED.—The State plan shall incorporate the current knowledge base regarding—

''(A) the economic impact of older workers' roles in the economy;

''(B) the social impact of older workers' roles in the community; and

''(C) the health and social benefits of active engagement for members of the Baby Boom generation and older adults.

''(4) PUBLICATION.—The State plan must be made public and be transmitted to the Chief Executive Officer.''; and

(6) in subsection (k)(1) (as redesignated by this section), by striking the period at the end and inserting '', consistent with section 174(d).''.

SEC. 1606. EVALUATION AND ACCOUNTABILITY.

Section 179 (42 U.S.C. 12639) is amended—

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

''(a) IN GENERAL.—The Corporation shall provide, directly or through grants or contracts, for the continuing evaluation of programs that receive assistance under the national service laws, including evaluations that measure the impact of such programs, to determine—

''(1) the effectiveness of programs receiving assistance under the national service laws in achieving stated goals and the costs associated with such, including—

''(A) an evaluation of performance measures, as established by the Corporation in consultation with each grantee receiving assistance under the national service laws, which may include—

''(i) number of participants enrolled and completing terms of service compared to the stated goals of the program;

''(ii) number of volunteers recruited from the community in which the program was implemented;

''(iii) if applicable based on the program design, the number of individuals receiving or benefitting from the service conducted;

''(iv) number of disadvantaged and underrepresented youth participants;

''(v) sustainability of project or program, including measures to ascertain the level of community support for the project or program;

''(vi) measures to ascertain the change in attitude toward civic engagement among the participants and the beneficiaries of the service; and

''(vii) other quantitative and qualitative measures as determined to be appropriate by the recipient of assistance; and

''(B) review of the implementation plan for reaching such measures described in subparagraph (A); and

''(2) the effectiveness of the structure and mechanisms for delivery of services, such as the effective utilization of the participants' time, the management of the participants, and the ease with which recipients were able to receive services, to maximize the cost-effectiveness and the program of such programs.'';

(2) in subsection (g)—

(A) in paragraph (3), by striking ''National Senior Volunteer Corps'' and inserting ''National Senior Service Corps''; and

(B) in paragraph (9), by striking ''to public service'' and all that follows through the period at the end and inserting ''to engage in service that benefits the community.''; and

(3) by adding at the end the following:

''(j) RESERVED PROGRAM FUNDS FOR ACCOUNTABILITY.—In addition to amounts appropriated to carry out this section, the Corporation may reserve up to 1 percent of total program funds appropriated for a fiscal year under the national service laws to support program accountability activities under this section.

''(k) CORRECTIVE PLANS.—

''(1) IN GENERAL.—A grantee that fails to reach the performance measures in subsection (a)(1)(A) as determined by the Corporation, shall reach an agreement with the Corporation on a corrective action plan to achieve the agreed upon performance measures.

''(2) ASSISTANCE.—

''(A) NEW PROGRAM.—For a program that has received assistance for less than 3 years and is failing to achieve the performance measures agreed upon under subsection (a)(1)(A), the Corporation shall—

''(i) provide technical assistance to the grantee to address targeted performance problems relating to the performance measures in subsection (a)(1)(A); and

''(ii) require quarterly reports from the grantee on the program's progress toward achieving the performance measures in subsection (a)(1)(A) to the appropriate State, Territory, or Indian tribe and the Corporation.

''(B) ESTABLISHED PROGRAMS.—For a program that has received assistance for 3 years or more and is failing to achieve the performance measures agreed upon under subsection (a)(1)(A), the Corporation shall require quarterly reports from the grantee on the program's progress towards achieving performance measures in subsection (a)(1)(A) to the appropriate State, Territory, or Indian tribe and the Corporation.

''(l) FAILURE TO MEET PERFORMANCE LEVELS.—If, after a period for correction as approved by the Corporation, a grantee or subgrantee fails to achieve the established levels of performance, the Corporation shall—

''(1) reduce the annual amount of the grant award attributable to the underperforming grantee or subgrantee by at least 25 percent; or

''(2) terminate assistance to the underperforming grantee or subgrantee, consistent with section 176(a).

''(m) REPORTS.—The Corporation shall submit to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate not later than two years after the date of the enactment of this subsection, and annually thereafter, a report containing information on the number of—

''(1) grantees implementing corrective action plans;

''(2) grantees for which the Corporation offers technical assistance under subsection (k);

''(3) grantees for which the Corporation terminates assistance for a program under subsection (l); and

''(4) grantees meeting or exceeding their performance measures in subsection (a).''.

SEC. 1607. TECHNICAL AMENDMENT.

Section 181 (42 U.S.C. 12641) is amended by striking ''Section 414'' and inserting ''Section 422''.

SEC. 1608. PARTNERSHIPS WITH SCHOOLS.

Section 182(b) (42 U.S.C. 12642(b)) is amended to read as follows:

''(b) ANNUAL REPORT.—On an annual basis, the head of each Federal agency and department shall prepare and submit, to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate, a report concerning the implementation of this section, including an evaluation of the performance goals and benchmarks of the partnership programs.''.

SEC. 1609. RIGHTS OF ACCESS, EXAMINATION, AND COPYING.

Section 183 (42 U.S.C. 12643) is amended—

(1) in each of subsections (a)(1) and (b)(1) by inserting after ''local government,'' the following: ''Territory,''; and

(2) by adding at the end the following:

''(c) INSPECTOR GENERAL.—The Inspector General of the Corporation shall have access to, and the right to examine and copy, any books, documents, papers, records, and other recorded information in any form—

''(1) within the possession or control of the Corporation or any State or local government, Territory, Indian tribe, or public or private nonprofit organization receiving assistance directly or indirectly under this Act; and

''(2) that relates to the duties of the Inspector General under the Inspector General Act of 1978.''.

SEC. 1610. ADDITIONAL ADMINISTRATIVE PROVISIONS.

Subtitle F of title I (42 U.S.C. 12631 et seq.) is amended by adding at the end the following:

"SEC. 185. CONSOLIDATED APPLICATION AND REPORTING REQUIREMENTS.

''(a) IN GENERAL.—To promote efficiency and eliminate duplicative requirements, the Corporation shall consolidate or modify application procedures and reporting requirements for programs and activities funded under the national service laws.

''(b) REPORTS TO CONGRESS.—Not later than 1 year after the date of the enactment of this section, and annually thereafter, the Corporation shall submit to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report containing information on the actions taken to modify the application procedures and reporting requirements for programs and activities funded under the national service laws, including a description of the consultation procedures with grantees, entities that expressed interest in applying for assistance under a national service law but did not apply, those entities whose application was rejected, and applications whose assistance was terminated due to failure to meet performance measures for the year covered by the report.

"SEC. 186. SUSTAINABILITY.

''(a) GOALS.—To ensure that recipients of assistance under the national service laws are carrying out sustainable projects or programs, the Corporation, after collaboration with State Commissions and consultation with recipients of assistance under the national service laws, may set sustainability goals supported by policies and procedures to—

''(1) build the capacity of the projects that receive assistance under the national service laws to meet community needs and lessen the dependence on Federal dollars to do so , taking into consideration challenges that programs in underserved rural or urban areas may face;

''(2) provide technical assistance to aid the recipients of assistance under the national service laws in leveraging non-Federal funds for the projects; and

''(3) implement measures to ascertain whether the projects are generating sufficient community support.

''(b) ENFORCEMENT.—If a recipient does not meet the sustainability goals in subsection (a) for a project, the Corporation may take action as described in sections 176 and 179.

"SEC. 187. USE OF RECOVERED FUNDS.

''(a) FACTORS CONSIDERED IN APPROVING REPAYMENT.—After the date of enactment of this section, whenever the Corporation recovers funds paid to a recipient under a grant or cooperative agreement made under the national service laws because the recipient made an expenditure of funds that was not allowable, or otherwise failed to discharge its responsibility to account properly for funds, the Corporation may consider those funds to be additional funds available and may arrange to repay to the recipient affected by that action an amount not to exceed 75 percent of the recovered funds if the Corporation determines that—

''(1) the practices or procedures of the recipient that resulted in the recovery of funds have been corrected, and that the recipient is in all other respects in compliance with the requirements of the grant or cooperative agreement, if the recipient was notified of any noncompliance with such requirements and given a reasonable period of time to remedy such noncompliance;

''(2) the recipient has submitted to the Corporation a plan for the use of those funds consistent with the national service laws and, to the extent possible, for the benefit of the community affected by the recovery of funds; and

''(3) the use of those funds in accordance with that plan would serve to achieve the objectives of the grant or cooperative agreement under which the funds were originally paid.

''(b) TERMS AND CONDITIONS OF REPAYMENT.—Any payments by the Corporation under this section shall be subject to other terms and conditions as the Corporation considers necessary to accomplish the purposes of the grant or cooperative agreement, including—

''(1) the submission of periodic reports on the use of funds provided under this section; and

''(2) consultation by the recipient with members of the community that will benefit from the payments.

''(c) AVAILABILITY OF FUNDS.—Notwithstanding any other provision of law, the funds made available under this section shall remain available for expenditure for a period of time considered reasonable by the Corporation, but in no case to exceed more than 3 fiscal years following the later of—

''(1) the fiscal year in which final agency action regarding the disallowance of funds is taken; or

''(2) if such recipient files a petition for judicial review regarding the disallowance of funds, the fiscal year in which final judicial action is taken on such a petition.

''(d) PUBLICATION IN FEDERAL REGISTER.—At least 60 days prior to entering into an arrangement under this section, the Corporation shall publish in the Federal Register a notice of intent to enter into such an arrangement and the terms and conditions under which payments will be made. Interested persons shall have an opportunity for at least 30 days to submit comments to the Corporation regarding the proposed arrangement.

"SEC. 188. EXPENSES OF ATTENDING MEETINGS.

''Notwithstanding section 1345 of title 31, United States Code, funds authorized under the national service laws shall be available for expenses of attendance of meetings that are concerned with the functions or activities for which the funds are appropriated or which will contribute to improved conduct, supervision, or management of those functions or activities.

"SEC. 189. GRANT PERIODS.

''Unless otherwise specifically provided, the Corporation has authority to make a grant under the national service laws for a period of 3 years.

"SEC. 189A. GENERATION OF VOLUNTEERS.

''In making decisions on applications for assistance or approved national service positions under the national service laws, the Corporation shall take into consideration the extent to which the applicant's proposal will increase the involvement of volunteers in meeting community needs.

"SEC. 189B. LIMITATION ON PROGRAM GRANT COSTS.

''(a) LIMITATION ON GRANT AMOUNTS.—Except as otherwise provided by this section, the amount of funds approved by the Corporation in a grant to operate a program authorized under the national service laws supporting individuals serving in approved national service positions may not exceed $16,000 per full-time equivalent position.

''(b) COSTS SUBJECT TO LIMITATION.—The limitation in subsection (a) applies to the Corporation's share of member support costs, staff costs, and other costs borne by the grantee or subgrantee to operate a program.

''(c) COSTS NOT SUBJECT TO LIMITATION.—The limitation in subsection (a) and (e)(1) shall not apply to expenses that are not included in the program operating grant award.

''(d) ADJUSTMENTS FOR INFLATION.—The amount specified in subsections (a) and (e)(1) shall be adjusted each year after 2008 for inflation as measured by the Consumer Price Index for All Urban Consumers published by the Secretary of Labor.

''(e) WAIVER AUTHORITY AND REPORTING REQUIREMENT.—

''(1) WAIVER.—The Chief Executive Officer may waive the requirements of this section, up to a maximum of $18,000, if necessary to meet the compelling needs of a particular program, such as exceptional training needs for a program serving disadvantaged youth, increased costs relating to the participation of individuals with disabilities, and start-up costs associated with a first-time grantee.

''(2) REPORTS.—The Chief Executive Officer shall report to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate annually on all waivers granted under this section, with an explanation of the compelling needs justifying such waivers.

"SEC. 189C. AUDITS AND REPORTS.

''The Corporation shall comply with applicable audit and reporting requirements as provided in the Chief Financial Officers Act of 1990 (31 U.S.C. 501 et seq.) and the Government Corporation Control Act of 1945 (31 U.S.C. 9101 et seq.). The Corporation shall report to the Congress any failure to comply with the requirements of such audits.''.

Subtitle G—Amendments to Subtitle G (Corporation for National and Community Service)

SEC. 1701. TERMS OF OFFICE.

Section 192 (42 U.S.C. 12651a) is amended—

(1) by striking subsection (c) and inserting the following:

''(c) TERMS.—Subject to subsection (e), each appointed member shall serve for a term of 5 years.'';

(2) by adding at the end the following:

''(e) SERVICE UNTIL APPOINTMENT OF SUCCESSOR.—A voting member of the Board whose term has expired may continue to serve for one year beyond expiration of the term if no successor is appointed or until the date on which a successor has taken office.''.

SEC. 1702. BOARD OF DIRECTORS AUTHORITIES AND DUTIES.

Section 192A(g) (42 U.S.C. 12651b(g)) is amended—

(1) in the matter preceding paragraph (1) by striking ''shall—'' and inserting ''shall have responsibility for setting overall policy for the Corporation and shall—'';

(2) in paragraph (1), by inserting before the semicolon at the end the following: '', and review the budget proposal in advance of submission to the Office of Management and Budget and to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate'';

(3) in paragraph (5)—

(A) in subparagraph (A) by striking ''and'' at the end;

(B) in subparagraph (B) by inserting ''and'' at the end; and

(C) by adding at the end the following:

''(C) review the performance of the Chief Executive Officer annually and forward a report on that review to the President;'';

(4) in paragraph (9), by inserting ''and'' after ''Corporation;'';

(5) in paragraph (10), by striking ''program; and'' and inserting ''program under a cost share agreement, as determined by the Corporation, in which the funds advanced or received as reimbursement shall be credited directly to a current appropriation; and''; and

(6) in paragraph (11), by striking ''September 30, 1995'' and inserting ''January 1, 2011''.

SEC. 1703. AUTHORITIES AND DUTIES OF THE CHIEF EXECUTIVE OFFICER.

Section 193A (42 U.S.C. 12651d) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by inserting after ''a strategic plan'' the following: '', including a plan for achieving 50 percent full-time approved national service positions by 2010,'';

(B) by redesignating paragraphs (7) through (11) as paragraphs (8) through (12), respectively;

(C) by inserting after paragraph (6) the following:

''(7) prepare and submit to the Committee on Education and Labor in the United States House of Representatives and the Committee on Health, Education, Labor, and Pensions in the United States Senate, and the Board an annual report on actions taken to achieve the goal of 50 percent full-time approved national service positions as described in paragraph (1), including an assessment of the progress made toward achieving that goal and the actions to be taken in the coming year toward achieving that goal;''; and

(D) in paragraph (11) (as so redesignated)—

(i) in the matter preceding subparagraph (A), by striking ''June 30, 1995,'' and inserting ''June 30 of each even-numbered year,''; and

(ii) in subparagraph (A)(i), by striking ''section 122(c)(1)'' and inserting ''section 122(d)(1)''; and

(2) in subsection (c)—

(A) in paragraph (9), by striking ''and'' at the end;

(B) by redesignating paragraph (10) as paragraph (11); and

(C) by inserting after paragraph (9) the following:

''(10) obtain the opinions of peer reviewers in evaluating applications to the Corporation for assistance under this title; and''; and

(3) by amending subsection (g) to read as follows:

''(g) RECRUITMENT AND PUBLIC AWARENESS FUNCTIONS.—The Chief Executive Officer shall assign or hire, as necessary, such additional national, regional, and State personnel to carry out such recruiting and public awareness functions of the Office of Outreach and Recruitment to ensure that such functions are carried out in a timely and effective manner. The Chief Executive Officer shall give priority in the hiring of such additional personnel to individuals who have formerly served as volunteers in the programs carried out under the national service laws or similar programs, and to individuals who have specialized experience in the recruitment of volunteers.''.

SEC. 1704. NONVOTING MEMBERS; PERSONAL SERVICES CONTRACTS.

Section 195 (42 U.S.C. 12651f) is amended—

(1) in subsection (c)—

(A) in paragraph (2)(B), by inserting after ''subdivision of a State,'' the following: ''Territory,''; and

(B) in paragraph (3)—

(i) in the heading, by striking ''MEMBER'' and inserting ''NON-VOTING MEMBER''; and

(ii) by inserting ''non-voting'' before ''member''; and

(2) by adding at the end the following new subsection:

''(g) PERSONAL SERVICES CONTRACTS.—The Corporation may enter into personal services contracts to carry out research, evaluation, and public awareness related to the national service laws.''.

SEC. 1705. DONATED SERVICES.

Section 196(a) (42 U.S.C. 12651g(a)) is amended—

(1) in paragraph (1)—

(A) by striking subparagraph (A) and inserting the following:

''(A) ORGANIZATIONS AND INDIVIDUALS.—Notwithstanding section 1342 of title 31, United States Code, the Corporation may solicit and accept the services of organizations and individuals (other than participants) to assist the Corporation in carrying out the duties of the Corporation under the national service laws, and may provide to such individuals the travel expenses described in section 192A(d).'';

(B) in subparagraph (B)—

(i) in the matter preceding clause (i), by striking ''Such a volunteer'' and inserting ''A person who is a member of an organization or is an individual covered by subparagraph (A)'';

(ii) in clause (i), by striking ''a volunteer'' and inserting ''such a person'';

(iii) in clause (ii), by striking ''volunteers'' and inserting ''such a person''; and

(iv) in clause (iii), by striking ''such a volunteer'' and inserting ''such a person''; and

(C) in subparagraph (C)(i), by striking ''Such a volunteer'' and inserting ''Such a person''; and

(2) by striking paragraph (3).

SEC. 1706. OFFICE OF OUTREACH AND RECRUITMENT.

Subtitle G of title I is further amended by adding at the end the following:

''SEC. 196B. OFFICE OF OUTREACH AND RECRUITMENT.

''(a) ESTABLISHMENT.—There is established in the Corporation an office to be known as the Office of Outreach and Recruitment (in this section referred to as the 'Office'), headed by a Director.

''(b) DUTIES.—The duties of the Office, carried out directly or through grants, contracts, or cooperative agreements, shall be—

''(1) to increase the public awareness of the wide range of service opportunities for citizens of all ages, regardless of socioeconomic status or geographic location, through a variety of methods, including—

''(A) print media;

''(B) the Internet and related emerging technologies;

''(C) television;

''(D) radio;

''(E) presentations at public or private forums;

''(F) other innovative methods of communication; and

''(G) outreach to offices of economic development, State employment security agencies, labor unions and trade associations, local education agencies, institutions of higher education, agencies and organizations serving veterans and people with disabilities, and other institutions or organizations from which participants for programs receiving assistance from the national service laws can be recruited;

''(2) to identify and implement methods of recruitment to increase the diversity of participants in the programs receiving assistance under the national service laws;

''(3) to collaborate with organizations with demonstrated expertise in supporting and accommodating individuals with disabilities, including institutions of higher education, to identify and implement methods of recruitment to increase the number of participants with disabilities in the programs receiving assistance under the national service laws;''.

''(2) to identify and implement recruitment strategies and training programs for bilingual volunteers in the National Senior Service Corps under title II of the Domestic Volunteer Service Act of 1973;

''(3) to identify and implement methods of recruitment to increase the diversity of service sponsors of programs desiring to receive assistance under the national service laws;

''(4) to collaborate with organizations which have established volunteer recruitment programs, including those on the Internet, to increase the recruitment capacity of the Corporation;

''(5) where practicable, to provide application materials in languages other than English for those with limited English proficiency who wish to participate in a national service program;

''(6) to coordinate with organizations of former participants of national service programs for service opportunities that may include capacity building, outreach, and recruitment for programs receiving assistance under the national service laws;

''(7) to collaborate with the training and technical assistance programs described in subtitle J and in appropriate paragraphs of section 198E(b);

''(8) to coordinate the clearinghouses described in section 198E; and

''(9) to coordinate with entities receiving funds under section 198E(b)(11) in establishing the Reserve Corps for alumni of the national service programs to serve in emergencies, disasters, and other times of national need.

''(c) COLLABORATION.—The duties described in subsection (b) shall be carried out in collaboration with the State Commissions.

''(d) AUTHORITY TO CONTRACT WITH A BUSINESS.—The Corporation may, through contracts or cooperative agreements, carry out the marketing duties described in subsection (b)(1), with priority given to those entities who have established expertise in the recruitment of disadvantaged youth, members of Indian tribes, and members of the Baby Boom generation.

''(e) CAMPAIGN TO SOLICIT FUNDS.—The Corporation, through the Director of the Office, may conduct a campaign to solicit funds for itself to conduct outreach and recruitment campaigns to recruit a diverse population of service sponsors of and participants in programs and projects receiving assistance under the national service laws.

''(f) REPORTING.—The Director of the Office shall complete a report annually to the Chief Executive Officer and the Board of Directors on its activities and results.''.

SEC. 1707. STUDY TO EXAMINE AND INCREASE SERVICE PROGRAMS FOR VETERANS AND VETERANS PARTICIPATION IN PROGRAMS UNDER THE NATIONAL SERVICE LAWS AND TO DEVELOP PILOT PROGRAM.

Subtitle G of title I is further amended by adding at the end the following:

''SEC. 196C. STUDY TO EXAMINE AND INCREASE SERVICE PROGRAMS FOR VETERANS AND VETERANS PARTICIPATION IN PROGRAMS UNDER THE NATIONAL SERVICE LAWS AND TO DEVELOP PILOT PROGRAM.

''(a) PLANNING STUDY.—The Corporation for National and Community Service shall conduct a study to identify—

''(1) specific areas of need for veterans;

''(2) how existing programs and activities carried out under the national service laws could better serve veterans and veterans service organizations;

''(3) gaps in service to veterans;

''(4) prospects for better coordination of services;

''(5) prospects for better utilization of veterans as resources and volunteers; and

''(6) methods for ensuring the efficient financial organization of services directed towards veterans.

''(b) CONSULTATION.—The study shall be carried out in consultation with veterans' service organizations, the Department of Veterans Affairs, State veterans agencies, the Department of Defense, and other individuals and entities the Corporation considers appropriate.

''(c) REPORT.—Not later than 1 year after the date of the enactment of this section, the Corporation shall submit to the Committee on Education and Labor of the House of Representatives and the Committee on Health,

Education, Labor, and Pensions of the Senate a report on the results of the planning study required by subsection (a), together with a plan for implementation of a pilot program using promising strategies and approaches for better targeting and serving veterans.

''(d) PILOT PROGRAM.—From amounts made available to carry out this section, the Corporation shall develop and carry out a pilot program based on the findings in the report submitted under subsection (c).

''(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of fiscal years 2008 through 2012.

SEC. 1708. COORDINATION WITH VETERANS ORGANIZATIONS SERVING VETERANS WITH DISABILITIES.

The Board of Directors of the Corporation for National and Community Service shall coordinate with veterans organizations serving veterans with disabilities to provide opportunities for young people enrolled in existing NACS programs to provide transportation services on a full-time, part-time, or as-needed basis.

SEC. 1709. STUDY TO EXAMINE AND INCREASE SERVICE PROGRAMS FOR DISPLACED WORKERS IN SERVICES CORPS AND COMMUNITY SERVICE AND TO DEVELOP PILOT PROGRAM PLANNING STUDY.

(a) PLANNING STUDY.—The Corporation for National and Community Service shall conduct a study to identify—

(1) specific areas of need for displaced workers;

(2) how existing programs and activities carried out under the national service laws could better serve displaced workers and communities that have been adversely affected by plant closings and job losses;

(3) prospects for better utilization of skilled workers as resources and volunteers; and

(4) methods for ensuring the efficient financial organization of services directed towards displaced workers.

(b) CONSULTATION.—The study shall be carried out in consultation with the Department of Labor, State labor agencies, and other individuals and entities the Corporation considers appropriate.

(c) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Corporation shall submit to Congress a report on the results of the planning study required by subsection (a), together with a plan for implementation of a pilot program using promising strategies and approaches for better targeting and serving displaced workers.

(d) PILOT PROGRAM.—From amounts made available to carry out this section, the Corporation shall develop and carry out a pilot program based on the findings in the report submitted under subsection (c).

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of fiscal years 2008 through 2012.

Subtitle H—Amendments to Subtitle H

SEC. 1801. TECHNICAL AMENDMENTS TO SUBTITLE H.

(a) ADDITIONAL CORPORATION ACTIVITIES TO SUPPORT NATIONAL SERVICE.—Subtitle H is amended by inserting after the subtitle heading and before section 198 the following:

''PART I—ADDITIONAL CORPORATION ACTIVITIES TO SUPPORT NATIONAL SERVICE''.

(b) TECHNICAL AMENDMENTS.—Section 198 (42 U.S.C. 12653) is amended—

(1) in subsection (a), by striking ''subsection (r)'' and inserting ''subsection (g)'';

(2) in subsection (b), by striking ''national service programs, including service-learning programs, and to support innovative and model programs, including'' and inserting ''service-learning programs and national service programs, including'';

(3) by striking subsections (c), (d), (e), and (f);

(4) by redesignating subsection (g) as subsection (c);

(5) by striking subsections (h), (i), and (j);

(6) by redesignating subsection (k) as subsection (d);

(7) by striking subsections (l) and (m);

(8) by redesignating subsections (n) and (o) as subsections (e) and (f), respectively;

(9) by striking subsections (p);

(10) by redesignating subsections (q), (r), and (s) as (g), (h), and (i), respectively.

SEC. 1802. REPEALS.

The following provisions are repealed:

(1) CLEARINGHOUSES.—Section 198A (42 U.S.C. 12653a).

(2) MILITARY INSTALLATION CONVERSION DEMONSTRATION PROGRAMS.—Section 198C (42 U.S.C. 12653c).

(3) SPECIAL DEMONSTRATION PROJECT.—Section 198D (42 U.S.C. 12653d).

SEC. 1803. INNOVATIVE AND MODEL PROGRAM SUPPORT.

Subtitle H is further amended by adding at the end the following:

''PART II—INNOVATIVE AND MODEL PROGRAM SUPPORT

''SEC. 198D. INNOVATIVE AND MODEL PROGRAM SUPPORT.

''(a) METHODS OF CONDUCTING ACTIVITIES.—The Corporation may, through grants and fixed amount grants under subsection (c), carry out the following programs:

''(1) PROGRAMS FOR DISADVANTAGED YOUTH.—A program selected from among those listed in 122(a) where no less than 75 percent of the participants are disadvantaged youth.

''(A) COMPONENTS OF PROGRAMS.—Such programs may include life skills training, employment training, educational counseling, program to complete a high-school diploma or GED, counseling, or a mentoring relationship with an adult volunteer.

''(B) PRIORITY.—Priority shall be given to programs that engage retirees to serve as mentors.

''(2) PROGRAMS FOCUSED ON LEARNING AND THINKING SKILLS.—Service programs to solve community problems while engaging or developing 21st century learning and thinking skills (critical-thinking and problem solving, communication skills, creativity and innovation skills, collaboration skills, contextual learning skills, information and media literacy skills, and information and communications literacy) and life skills (leadership, ethics, accountability, adaptability, personal productivity, personal responsibility, people skills, self-direction, and social responsibility) for school-age youth and low income adults. This may be a summer of service program or a year-round service program. Priority shall be given to programs that collaborate with the RSVP program, the AmeriCorps programs, or the Learn and Serve programs.

''(3) PROGRAMS THAT ENGAGE YOUTH UNDER THE AGE OF 17.—Programs that engage youth under the age of 17 in service to the community to meet unmet human, educational, environmental, emergency and disaster preparedness, or public safety needs and may be a summer program or a year-round program. Priority shall be given to programs that collaborate with the RSVP Program and the AmeriCorps programs.

''(4) PROGRAMS THAT FOCUS ON HEALTH AND WELLNESS.—Service programs that focus on the health and wellness of the members of a low-income or rural community. Priority shall be given to service programs that work to—

''(A) involve the community in service to those who are at-risk to not receive or pursue health care through such activities as health and wellness education, prevention, and care;

''(B) include in the service program employment training, where applicable, for participants in the program and may extend this opportunity to members of the community; and

''(C) collaborate with local institutions of higher education to include, as a portion of the pre-professional training of health care professionals including nurses, doctors, physician assistants, dentists, and emergency medical technicians, a service component to meet unmet healthcare and wellness needs in the community in which the service program is being carried out.

''(5) SILVER SCHOLARSHIP PROGRAMS.—A Silver Scholarship program for citizens age 55 and older to complete no less than 600 hours of service in a year meeting unmet human, educational, public safety, or environmental needs and receive a $1000 education award, provided that—

''(A) the Corporation establishes criteria for the types of the service required to be performed to receive such award; and

''(B) the citizen uses such award in accordance with sections 146(c), 146(d), and 148(c).''.

''(6) PROGRAMS THAT REDUCE RECIDIVISM.—Programs that re-engage court-involved youth and adults with the goal of reducing recidivism. Priority shall be given to such programs that create support systems beginning in corrections facilities, and programs that have life skills training, employment training, an education program, including a program to complete a high-school diploma or GED, educational and career counseling, post program placement, and support services, which could begin in corrections facilities. The program may include health and wellness programs, including but not limited to drug and alcohol treatment, mental health counseling, and smoking cessation.

''(7) PROGRAMS THAT RECRUIT CERTAIN INDIVIDUALS.—Demonstration projects for programs that have as one of their primary purposes the recruitment and acceptance of court-involved youth and adults as participants, volunteers, or members. Such a program may serve any purpose otherwise permitted under this Act.

''(8) OTHER INNOVATIVE AND MODEL PROGRAMS.—Any other innovative and model programs that the Corporation considers appropriate.

''(b) REQUIREMENTS.—

''(1) THREE-YEAR TERM.—Each program funded under this part shall be carried out over a period of three years, including one planning year and two additional grant years, with a 1-year extension possible, if the program meets performance measures developed in accordance with section 179(a) and any other criteria determined by the Corporation.

''(2) MATCHING FUNDS.—

''(A) IN GENERAL.—The Federal share of the cost of carrying out a program for which a grant is made under this part may not exceed 76 percent of the total cost of the program in the first year and may not exceed 50 percent of the total cost of the program for the remaining years of the grant, including if the grant is extended for 1 year.

''(B) NON-FEDERAL CONTRIBUTION.—In providing for the remaining share of the cost of carrying out such a program, each recipient of a grant under this part—

''(i) shall provide for such share through a payment in cash or in kind, fairly evaluated, including facilities, equipment, or services; and

''(ii) may provide for such share through State sources or local sources, including private funds or donated services.''.

''(3) COLLABORATION ENCOURAGED.—Each program funded under this part is encouraged to collaborate with Learn and Serve, AmeriCorps, VISTA, and the National Senior Service Corps.

''(4) EVALUATION.—Upon completion of the program, the Corporation shall conduct an independent evaluation of the program and widely disseminate the results to the service community through multiple channels, including the Corporation's Resource Center or a clearinghouse of effective strategies, and recommendations for improvement.

''(c) FIXED AMOUNT GRANTS.—

''(1) GENERAL.—For purposes of subsection (a), and subject to the limitations in this subsection, the Corporation may, upon making a determination described in paragraph (2), approve a fixed amount grant that is not subject to the Office of Management and Budget cost principles and related financial recordkeeping requirements.

''(2) DETERMINATION.—Before approving a fixed amount grant, the Corporation must determine that—

''(A) the reasonable and necessary costs of carrying out the terms of the grant significantly exceed the amount of assistance provided by the Corporation; or

''(B) based on the nature or design of the grant, any assistance provided by the Corporation can be reasonably presumed to be expended on reasonable and necessary costs.

''(d) APPLICATIONS.—To be eligible to carry out a program under this part, an entity shall prepare, submit to the Corporation, and obtain approval of, an application at such time and in such manner as the Chief Executive Officer may reasonably require.''.

SEC. 1804. CLEARINGHOUSES.

Subtitle H is further amended by adding at the end the following:

''PART III—NATIONAL SERVICE PROGRAMS CLEARINGHOUSE

''SEC. 198E. NATIONAL SERVICE PROGRAMS CLEARINGHOUSE.

''(a) IN GENERAL.—The Corporation shall provide assistance, either by grant, contract, or cooperative agreement, to entities with expertise in the dissemination of information through clearinghouses to establish one or more clearinghouses for the national service laws.

''(b) FUNCTION OF CLEARINGHOUSE.—Such a clearinghouse may—

''(1) assist entities carrying out State or local service-learning and national service programs with needs assessments and planning;

''(2) conduct research and evaluations concerning service-learning or programs receiving assistance under the national service laws unless the recipient is receiving funds for such purpose under part III of subtitle B and under subtitle H;

''(3)(A) provide leadership development and training to State and local service-learning program administrators, supervisors, service sponsors, and participants; and

''(B) provide training to persons who can provide the leadership development and training described in subparagraph (A);

''(4) facilitate communication among entities carrying out service-learning programs and programs offered under the national service laws and participants in such programs;

''(5) provide and disseminate information and curriculum materials relating to planning and operating service-learning programs and programs offered under the national service laws, to States, Territories, Indian tribes, and local entities eligible to receive financial assistance under the national service laws;

''(6) provide and disseminate information regarding methods to make service-learning programs and programs offered under the national service laws accessible to individuals with disabilities;

''(7) disseminate applications in languages other than English;

''(8)(A) gather and disseminate information on successful service-learning programs and programs offered under the national service laws, components of such successful programs, innovative curricula related to service-learning, and service-learning projects; and

''(B) coordinate the activities of the Clearinghouse with appropriate entities to avoid duplication of effort;

''(9) make recommendations to State and local entities on quality controls to improve the quality of service-learning programs and programs offered under the national service laws;

''(10) assist organizations in recruiting, screening, and placing a diverse population of service-learning coordinators and program sponsors;

''(11) collaborate with the Office of Outreach and Recruitment on an alumni network for those former participants in an approved national service position, to facilitate communication and collaboration between alumni and to leverage their skills, knowledge, and experiences to improve service across our Nation and also serve in a Reserve Corps, who are ready to serve in times of national need;

''(12) disseminate effective strategies for working with disadvantaged youth in national service programs as determined by organizations with an established expertise working with such youth; and

''(13) carry out such other activities as the Chief Executive Officer determines to be appropriate.''.

Subtitle I—Energy Conservation Corps

SEC. 1811. GENERAL AUTHORITY.

The Corporation for National and Community Service (in this subtitle referred to as the ''Corporation'') shall make grants to States for the creation or expansion of full-time or part-time Energy Conservation Corps programs. Notwithstanding provisions identified in this subtitle, the Corporation shall apply the provisions of subtitle C of this subchapter in making grants under this section as necessary.

SEC. 1812. APPLICATION.

(a) IN GENERAL.—To be eligible to receive a grant under this subtitle, a State shall invite applications from within the State to receive an Energy Conservation Corps grant.

(b) PROCESS.—The State shall then prepare and submit a State application to the Corporation at such time, in such manner, and containing such information as the Corporation may reasonably require. The Corporation shall consult with state and local Conservation Corps in the development of the application guidelines.

(c) DISADVANTAGED YOUTH.—To acknowledge the focused enrollment of disadvantaged youth and young adults in the Energy Conservation Corps, the Corporation shall—

(1) allow a higher cost-per-member to enable Energy Conservation Corps programs to provide the necessary supportive services to ensure the success of the participants; and

(2) allow for greater flexibility in retention rates.

(d) CONSIDERATION OF RESIDENTIAL CORPS.—The Corporation shall allow for equal consideration of residential Corps program opportunities since residential Corps thrive in rural areas that commonly lack opportunities for young adults, enable the participation for emancipated foster youth, gang involved youth, and others lacking a safe and stable home environment, allow for more structured time for work, training, education and counseling, and provide disaster response-ready crews immediately upon request.

(e) EQUITABLE TREATMENT.—In the consideration of applications, the Corporation shall ensure the equitable treatment of both urban and rural areas.

SEC. 1813. FOCUS OF PROGRAMS.

(a) IN GENERAL.—Programs that receive assistance under this subtitle may carry out activities that—

(1) meet an identifiable public need with specific emphasis on projects in support of energy conservation, infrastructure and transportation improvement, and emergency operations, including—

(A) improving the energy efficiency of housing for elderly and low-income people;

(B) building energy-efficient ''green'' housing for elderly and low-income people;

(C) environmental education and energy conservation education for elementary and secondary school students and the public;

(D) reusing and recycling including deconstruction;

(E) the repair, renovation, or rehabilitation of an existing infrastructure facility including, but not limited to, rail, mass transportation, ports, inland navigation, schools and hospitals;

(F) transportation enhancements;

(G) recreational trails improvements, including those that enable alternative means of transportation and ensure safe use;

(H) transformation of military bases affected by the Base Realignment and Closing process (BRAC) to green the space;

(I) tree planting and reforestation;

(J) renewable resource enhancement; and

(K) assisting in emergency operations, such as disaster prevention and relief; and

(2) provide opportunities for youth and young adults, especially disadvantaged youth, to be trained for careers related to the activities listed in paragraph (1), including those that will be part of the emerging field of ''green collar'' jobs.

(b) GOALS OF THE ENERGY CONSERVATION CORPS.—The goals of the Energy Conservation Corps are to—

(1) promote clean energy use and preserve, protect, and sustain the environment;

(2) provide young adults with opportunities to become better citizens, students and workers through meaningful service to their communities and the nation;

(3) mobilize youth and young adults, especially disadvantaged youth, to promote energy conservation and mitigate threats to the environment; and

(4) provide a pathway to responsible adulthood and productive, unsubsidized employment in the private sector.

SEC. 1814. TRAINING AND EDUCATION SERVICES.

All applicants must describe how they intend to—

(1) assess the skills of Corpsmembers;

(2) provide life skills and work skills training;

(3) provide training and education;

(4) develop agreements for academic study with—

(A) local education agencies;

(B) community colleges;

(C) 4-year colleges;

(D) area charter high schools and vocational-technical schools; and

(E) community-based organizations;

(5) provide career and educational guidance; and

(6) Recruit participants without high school diplomas.

SEC. 1815. PREFERENCE FOR CERTAIN PROJECTS.

In the consideration of applications the Corporation shall give preference to programs that are discrete and—

(1) meet an identifiable public need;

(2) instill a work ethic and a sense of public service in the participants;

(3) involve youth operating in crews or a team-based structure; and

(4) enhance skills development and educational level and opportunities for the participants.

SEC. 1816. PARTICIPANTS.

(a) IN GENERAL.—Age enrollment in programs that receive assistance under this subtitle shall be limited to individuals who, at the time of enrollment, are not less than 18 years nor more than 25 years of age, except that summer programs may include individuals not less than 14 years or more than 21 years of age at the time of the enrollment of such individuals.

(b) PARTICIPATION OF DISADVANTAGED YOUTH.—Programs that receive assistance under this subtitle shall ensure that at least 50 percent of the participants are economically disadvantaged youth.

(c) SPECIAL CORPSMEMBERS.—Notwithstanding subsection (a) of this section, program agencies may enroll a limited number of special Corpsmembers over age 25 so that the Energy Conservation Corps may draw on their special skills to fulfill the purposes of this chapter.

SEC. 1817. USE OF VOLUNTEERS.

The use of volunteer services under this section shall be subject to the condition that such use does not result in the displacement of any participant.

SEC. 1818. COOPERATION AMONG STATES FOR EMERGENCY RESPONSE.

(a) AGREEMENTS BETWEEN STATES.—States operating an Energy Conservation Corps may enter into a compact with participating states to provide for mutual cooperation to manage any emergency or disaster that is duly declared by the affected state.

(b) PARTICIPATING STATE RESPONSIBILITIES.—

(1) The authorized representative of a participating state may request assistance of another party by contracting the authorized representative of that state. The provisions of this agreement shall only apply to requests for assistance made by and to authorized representatives.

(2) There shall be frequent consultation between state officials who have assigned emergency management responsibilities and other appropriate representatives of the party states with affected jurisdictions and the United States Government, with free exchange of information, plans, and resource records relating to emergency capabilities.

SEC. 1819. FEDERAL SHARE.

The federal share of the cost of carrying out an Energy Conservation Corps program for which a grant is made under this subtitle is 76 percent of the total cost of the program.

SEC. 1820. BEST PRACTICES.

(a) TRAINING AND TECHNICAL ASSISTANCE.—The Corporation shall provide technical assistance to grantees that request assistance and shall disseminate best practices that emerge from the Energy Conservation Corps.

(b) CONTRACT.—In providing training and technical assistance, the Corporation shall contract with a national organization with a proven track record of developing and sustaining Corps, working with the Conservation Corps model, and engaging young people from disadvantaged backgrounds.

SEC. 1820A. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated such sums as may be necessary for fiscal years 2008 through 2010 to achieve the purposes of this subtitle.

(b) ALLOCATION.—Of the amounts appropriated to carry out this subtitle for each fiscal year—

(1) 90 percent shall be for grants to eligible entities;

(2) 5 percent shall be technical assistance, and dissemination of best practices; and

(3) 5 percent shall be for evaluation.

SEC. 1820B. LEARN AND SERVE AMERICA.

(a) IN GENERAL.—To promote Learn and Serve programs that have the potential to reach every student in our public education network and private schools through school-based green service-learning, the Corporation shall establish a competitive grant program for the creation or expansion of such service learning programs.

(b) APPLICATION.—To be eligible to receive a grant under this section, a State Education Agency, Local education Agency, or nonprofit organization shall submit an application with such information and in such time as the Corporation may require.

(c) AUTHORIZATION OF APPROPRIATIONS.—For this purpose, there are authorized to be appropriated $10,000,000 for fiscal year 2009 and such sums as may be necessary thereafter.

SEC. 1820C. NATIONAL SENIOR SERVICE CORPS.

(a) IN GENERAL.—To promote National Senior Service Corps programs that have the potential to both involve seniors in providing meaningful volunteer opportunities the Corporation shall establish a competitive grant program for the creation or expansion of National Senior Service Corps programs that—

(1) make effective use of the talents and experience of seniors, particularly baby boomers, in programs and projects involving seniors in the improvement of the energy efficiency of housing for elderly and low-income people;

(2) building or helping to supervise energy-efficient ''green'' housing for elderly and low-income people; the repair, renovation, or rehabilitation of an existing infrastructure facility including, but not limited to, rail, mass transportation, ports, inland navigation, schools and hospitals; transportation enhancements; recreational trails improvements, including those that enable alternative means of transportation and ensure safe use;

(3) volunteering in schools to teach or other support environmental education and energy conservation education for elementary and secondary school students and the public; and

(4) assisting in such other activities as the National Senior Service Corps may identify.

(b) ELIGIBILITY.—To be eligible to receive a grant under this section, a program in the National Senior Service Corps shall submit an application with such information and in such time as the Corporation may require.

(c) AUTHORIZATION.—For this purpose, there is authorized to be appropriated $10,000,000 for fiscal year 2009 and such sums as may be necessary thereafter.

Subtitle J—Training and Technical Assistance

SEC. 1821. TRAINING AND TECHNICAL ASSISTANCE.

Title I is further amended by adding at the end the following new subtitle:

''Subtitle J—Training and Technical Assistance

''SEC. 199N. TRAINING AND TECHNICAL ASSISTANCE.

''(a) IN GENERAL.—The Corporation shall conduct, either directly or through grants, contracts, or cooperative agreements, including through State Commissions on National and Community Service, appropriate training and technical assistance to—

''(1) programs receiving assistance under the national service laws; and

''(2) entities (particularly those in rural areas and underserved communities)—

''(A) that desire to carry out or establish national service programs;

''(B) that desire to apply for assistance under the national service laws; or

''(C) that desire to apply for a subgrant under the national service laws.

''(b) ACTIVITIES INCLUDED.—Such training and technical assistance activities may include—

''(1) providing technical assistance to those applying to carry out national service programs or those carrying out national service programs;

''(2) promoting leadership development in national service programs;

''(3) improving the instructional and programmatic quality of national service programs;

''(4) developing the management and budgetary skills of those operating or overseeing national service programs, including to increase the cost effectiveness of the programs under the national service laws;

''(5) providing for or improving the training provided to the participants in programs under the national service laws;

''(6) facilitating the education of national service programs in risk management procedures, including the training of participants in appropriate risk management practices;

''(7) training of those operating or overseeing national service programs in volunteer recruitment, management, and retention to improve the abilities of such individuals to use participants and other volunteers in an effective manner which results in high quality service and the desire of participants or volunteers to continue to serve in other capacities after the program is completed;

''(8) training of those operating or overseeing national service programs in program evaluation and performance measures to inform practices to augment the capacity and sustainability of the program;

''(9) training of those operating or overseeing national service programs to effectively accommodate people with disabilities to increase the participation of people with disabilities in national service programs. Such activities may utilize funding from the reservation of funds to increase the participation of individuals with disabilities as described in section 129(k);;

''(10) establishing networks and collaboration among employers, educators, and other key stakeholders in the community to further leverage resources to increase local participation and to coordinate community-wide planning and service;

''(11) providing training and technical assistance for the National Senior Service Corps, including providing such training and technical assistance to programs receiving assistance under section 201 of the Domestic Volunteer Service Act of 1973.''; and

''(12) carrying out such other activities as the Chief Executive Officer determines to be appropriate.

''(c) PRIORITY.—The Corporation shall give priority to programs under the national service laws and those entities wishing to establish programs under the national service laws seeking training or technical assistance that—

''(1) seek to carry out (as defined in section 101) high quality programs where the services are needed most;

''(2) seek to carry out (as defined in section 101) high quality programs where national service programs do not currently exist or where the programs are too limited to meet community needs;

''(3) seek to carry out (as defined in section 101) high quality programs that focus on and provide service opportunities for underserved rural and urban areas and populations; and

''(4) assist programs in developing a service component that combines students, out-of-school youths, and older adults as participants to provide needed community services.''.

Subtitle K—Repeal of Title III (Points of Light Foundation)

SEC. 1831. REPEAL.

Title III (42 U.S.C. 12661 et seq.) is repealed.

Subtitle L—Amendments to Title V (Authorization of Appropriations)

SEC. 1841. AUTHORIZATION OF APPROPRIATIONS.

Section 501 (42 U.S.C. 12681) is amended to read as follows:

"SEC. 501. AUTHORIZATION OF APPROPRIATIONS.

''(a) TITLE I.—

''(1) SUBTITLE B.—

''(A) IN GENERAL.—There are authorized to be appropriated to provide financial assistance under subtitle B of title I—

''(i) $65,000,000 for fiscal year 2008; and

''(ii) such sums as may be necessary for each of fiscal years 2009 through 2012.

''(B) PROGRAMS.—Of the amount appropriated under subparagraph (A) for a fiscal year—

''(i) not more than 60 percent shall be available to provide financial assistance under part I of subtitle B of title I;

''(ii) not more than 25 percent shall be available to provide financial assistance under part II of such subtitle; and

''(iii) not less than 15 percent shall be available to provide financial assistance under part III of such subtitle.

''(C) SUMMER OF SERVICE.—Of the amount appropriated under subparagraph (A) for a fiscal year, up to $10,000,000 shall be for summer of service grants and up to $10,000,000 shall be deposited in the National Service Trust to support summer of service educational awards, consistent with section 118(c)(8).''.

''(2) SUBTITLES C, D, AND H.—

''(A) IN GENERAL.—There are authorized to be appropriated to provide financial assistance under subtitles C and H of title I, to administer the National Service Trust and disburse national service educational awards and scholarships under subtitle D of title I, and to carry out such audits and evaluations as the Chief Executive Officer or the Inspector General of the Corporation may determine to be necessary, $485,000,000 for fiscal year 2008, and such sums as may be necessary for each of fiscal years 2009 through 2012.

''(B) PROGRAMS.—Of the amount appropriated under subparagraph (A) for a fiscal year, up to 15 percent shall be made available to provide financial assistance under subsections (b) and (c) of section 126, and under subtitle H of title I.

''(C) SUBTITLE C.—Of the amount appropriated under subparagraph (A), the following amounts shall be made available to provide financial assistance under section 121 of subtitle C of title I:

''(i) For fiscal year 2008, not more than $324,000,000.

''(ii) For fiscal year 2009, not more than $357,000,000.

''(iii) For fiscal year 2010, not more than $397,000,000.

''(iv) For each of fiscal years 2011 through 2012, such sums as may be necessary.

''(D) PRIORITY.—Notwithstanding any other provision of this Act, in obligating the amounts made available pursuant to the authorization of appropriations in subparagraph (C), priority shall be given to programs carried out in areas for which the President has declared the existence of a major disaster, in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170), as a consequence of Hurricanes Katrina and Rita.

''(3) SUBTITLE E.—There are authorized to be appropriated to operate the National Civilian Community Corps and provide financial assistance under subtitle E of title I, $25,000,000 for fiscal year 2008 and such sums as may be necessary for each of fiscal years 2009 through 2012.

''(4) ADMINISTRATION.—

''(A) IN GENERAL.—There are authorized to be appropriated for the administration of this Act, including financial assistance under sections 126(a) and 196B, $51,000,000 for fiscal year 2008 and such sums as may be necessary for each of fiscal years 2009 through 2012.

''(B) CORPORATION.—Of the amounts appropriated under subparagraph (A) for a fiscal year—

''(i) up to 69 percent shall be made available to the Corporation for the administration of this Act, including to provide financial assistance under section 196B; and

''(ii) the remainder shall be available to provide financial assistance under section 126(a).

''(5) TRAINING AND TECHNICAL ASSISTANCE.—Of the amounts appropriated for a fiscal year under subtitles B, C, and H of title I of this Act and under titles I and II of the Domestic Volunteer Service Act of 1973, the Corporation shall reserve up to 2.5 percent to carry out subtitle J of this Act. Notwithstanding subsection (b), amounts so reserved shall be available only for the fiscal year for which they are reserved.

''(b) AVAILABILITY OF APPROPRIATIONS.—Funds appropriated under this section shall remain available until expended.''.

TITLE II—AMENDMENTS TO THE DOMESTIC VOLUNTEER SERVICE ACT OF 1973

SEC. 2001. REFERENCES.

Except as otherwise specifically provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of a provision, the reference shall be considered to be made to a provision of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4950 et seq.).

Subtitle A—Amendments to Title I (National Volunteer Antipoverty Programs)

SEC. 2101. PURPOSE.

Section 2 (42 U.S.C. 4950) is amended—

(1) in subsection (a), by striking ''both young and older citizens'' and inserting ''citizens of all ages and backgrounds''; and

(2) in subsection (b), by striking ''local agencies'' and all that follows through the period at the end and inserting ''local agencies, expand relationships with, and support for, the efforts of civic, community, and educational organizations, and utilize the energy, innovative spirit, experience, and skills of all Americans.''.

SEC. 2102. PURPOSE OF THE VISTA PROGRAM.

Section 101 (42 U.S.C. 4951) is amended—

(1) in the second sentence, by striking ''afflicted with'' and inserting ''affected by''; and

(2) in the third sentence, by striking ''local level'' and all that follows through the period at the end and inserting ''local level, to support efforts by local agencies and organizations to achieve long-term sustainability of projects, consistent with section 186 of the National and Community Service Act of 1990, initiated or expanded under the VISTA program activities, and to strengthen local agencies and community organizations to carry out the purpose of this part.''.

SEC. 2103. APPLICATIONS.

Section 103 (42 U.S.C. 4953) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by inserting ''the Commonwealth of the Northern Mariana Islands,'' after ''American Samoa,''; and

(B) in paragraph (2)—

(i) by striking ''handicapped'' and inserting ''disabled''; and

(ii) by striking ''handicaps'' and inserting ''disabilities'';

(C) in paragraph (3), by striking ''jobless, the hungry, and low-income'' and inserting ''unemployed, the hungry, and low-income'';

(D) in paragraph (4), by striking ''prevention, education,'' and inserting ''through prevention, education, rehabilitation, and treatment,'';

(E) in paragraph (5), by inserting '', mental illness,'' after ''including'';

(F) in paragraph (6), by striking ''; and'' and inserting a semicolon;

(G) in paragraph (7), by striking the period and inserting a semicolon; and

(H) by adding at the end the following new paragraphs:

''(8) in the re-entry and re-integration of formerly incarcerated youth and adults into society, including life skills training, employment training, counseling, educational training, and educational counseling;

''(9) in developing and carrying out financial literacy, financial planning, budgeting, savings, and reputable credit accessibility programs in low-income communities, including those programs which educate on financing home ownership and higher education;

''(10) in initiating and supporting before-school and after-school programs servicing children in low-income communities that may engage participants in mentoring relationships, tutoring, life skills, or study skills programs, service-learning, physical, nutrition, and health education programs, including programs aimed at fighting childhood obesity, and other activities addressing the needs of the community's children;

''(11) in establishing and supporting community economic development initiatives, including micro-enterprises, with a priority on such programs in rural areas and other areas where such programs are needed most;

''(12) in assisting veterans and their families through establishing or augmenting programs which assist such persons with access to legal assistance, health care (including mental health), employment counseling or training, education counseling or training, affordable housing, and other support services; and

''(13) in addressing the health and wellness of low-income and underserved communities, including programs to increase access to preventive services, insurance, and health care.'';

(2) in subsection (b)—

(A) in paragraph (1), by striking ''recruitment and placement procedures'' and inserting ''placement procedures that involve sponsoring organizations and'';

(B) in paragraph (2)—

(i) in subparagraph (A)—

(I) strike ''related to the recruitment and'' and insert ''related to the'';

(II) strike ''in conjunction with the recruitment and'' and insert ''in conjunction with the''; and

(III) strike ''1993. Upon'' and all that follows through the period at the end and insert ''1993.'';

(ii) in subparagraph (B), by striking ''central information system that shall, on request, promptly provide'' and inserting ''database that provides''; and

(iii) in subparagraph (C)—

(I) by striking ''timely and effective'' and inserting ''timely and cost-effective''; and

(II) by striking ''the recruitment of volunteers'' and inserting ''recruitment and management of volunteers''; and

(C) in paragraph (3), by adding at the end the following: ''The Director shall give priority to—

''(A) disadvantaged youth (as defined in section 101 of the National and Community Service Act of 1990) and low-income adults; and

''(B) retired adults of any profession, but with an emphasis on those professions whose services and training are most needed in a community, such as the health care professions, teaching, counseling, and engineering

and other professions requiring a high level of technical and project management skills, to utilize their experience, including professional skills, in the VISTA program.'';

(D) in paragraph (5)(B), by striking ''information system'' and inserting ''database'';

(3) in subsection (c)—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking ''personnel described in subsection (b)(2)(C)'' and inserting ''personnel described in subsection (b)(2)(C), sponsoring organizations, and the Office of Outreach and Recruitment'';

(ii) in subparagraph (A), by inserting ''the Internet and related technologies,'' after ''television,'';

(iii) in subparagraph (B), by inserting ''Internet and related technologies,'' after ''through the'';

(iv) in subparagraph (C), by inserting after ''senior citizens organizations,'' the following: ''offices of economic development, State employment security agencies, employment offices,'';

(v) in subparagraph (F), by striking ''National and Community Service Trust Act of 1993'' and inserting ''National and Community Service Act of 1990''; and

(vi) in subparagraph (G), by striking '', on request,'';

(B) in paragraph (3), by striking ''this subsection'' and inserting ''this subsection and related public awareness and recruitment activities under the national service laws and through the Office of Outreach and Recruitment''; and

(C) in paragraph (4)—

(i) by striking ''Beginning'' and all that follows through ''for the purpose'' and inserting ''For the purpose''; and

(ii) by striking ''1.5 percent'' and inserting ''2 percent'';

(4) by amending the second sentence of subsection (d) to read as follows: ''Whenever feasible, such efforts shall be coordinated with an appropriate local workforce investment board established under section 117 of the Workforce Investment Act of 1998.'';

(5) in subsection (g) by striking ''and has been submitted to the Governor'' and all that follows and inserting a period; and

(6) by adding at the end the following:

''(i) The Director may enter into agreements under which public and private nonprofit organizations, with sufficient financial capacity and size, pay for all or a portion of the costs of supporting the service of volunteers under this title, consistent with the provisions of section 186 of the National and Community Service Act of 1990.''.

SEC. 2104. VISTA PROGRAMS OF NATIONAL SIGNIFICANCE.

Part A of title I is amended by inserting after section 103 (42 U.S.C. 4953) the following:

''SEC. 103A. VISTA PROGRAMS OF NATIONAL SIGNIFICANCE.

''(a) IN GENERAL.—With not less than one-third of the funds made available under subsection (d) in each fiscal year, the Director shall make grants for VISTA positions to support programs of national significance. Each program for which a grant is received under this subsection shall be carried out in accordance with the requirements applicable to that program.

''(b) ACTIVITIES SUPPORTED.—The Director shall make grants under subsection (a) to support one or more of the following programs to address problems that concern low-income and rural communities in the Nation:

''(1) In the re-entry and re-integration of formerly incarcerated youth and adults into society, including life skills training, employment training, counseling, educational training, and educational counseling.''.

''(2) In developing and carrying-out financial literacy, financial planning, budgeting, savings, and reputable credit accessibility programs in low-income communities, including those programs which educate on financing home ownership and higher education.

''(3) In initiating and supporting before-school and after-school programs in low-income communities that may include such activities as establishing mentoring relationships, physical education, tutoring, instruction in 21st century thinking skills, life skills, and study skills, community service, service-learning, nutrition and health education, and other activities aimed at keeping children, safe, educated, and healthy, which serve the children in such community.

''(4) In establishing and supporting community economic development initiatives, including micro-enterprises, with a priority on such programs in rural areas and areas where such programs are needed most.

''(5) In assisting veterans and their families through establishing or augmenting programs which assist such persons with access to legal assistance, health care (including mental health), employment counseling or training, education counseling or training, affordable housing, and other support services.

''(6) In addressing the health and wellness of low-income and underserved communities across our Nation, including programs to fight childhood obesity through nutrition, physical fitness, and other associated life skills education programs and programs to increase access to preventive services, insurance, and health care.

''(c) REQUIREMENTS.—

''(1) ELIGIBILITY.—In order to receive a grant under subsection (a), an applicant shall submit an application to the Director at such time and in such manner as the Director requires and receive approval of the application. Such application shall, at a minimum, demonstrate to the Director a level of expertise in carrying out such a program.

''(2) SUPPLEMENT NOT SUPPLANT.—Funds made available under subsection (d) shall be used to supplement and not supplant the number of VISTA volunteers engaged in programs addressing the problem for which such funds are awarded unless such sums are an extension of funds previously provided under this title.

''(d) FUNDING.—

''(1) IN GENERAL.—From the amounts appropriate under section 501 for each fiscal year there shall be available to the Director such sums as may be necessary to make grants under subsection (a).

''(2) LIMITATION.—No funds shall be made available to the Director to make grants under subsection (a) unless the amounts appropriated under section 501 available for such fiscal year to carry out part A are sufficient to maintain the number of projects and volunteers funded under part A in the preceding fiscal year.

''(e) INFORMATION.—The Director shall widely disseminate information on grants that may be made under this section, including through the Office of Outreach and Recruitment and other volunteer recruitment programs being carried out by public or private non-profit organizations.''.

SEC. 2105. TERMS AND PERIODS OF SERVICE.

Section 104(d) (42 U.S.C. 4954(d)) is amended—

(1) in the first sentence, by striking ''with the terms and conditions of their service.'' and inserting ''with the terms and conditions of their service or any adverse action, such as termination, proposed by the sponsoring organization. The procedure shall provide for an appeal to the Director of any proposed termination.''; and

(2) in the third sentence (as amended by this section), by striking ''and the terms and conditions of their service''.

SEC. 2106. SUPPORT SERVICE.

Section 105(a)(1)(B) (42 U.S.C. 4955(a)(1)(B)) is amended by striking ''Such stipend'' and all that follows through ''in the case of persons'' and inserting ''Such stipend shall be set at a minimum of $125 per month and a maximum of $150 per month, subject to the availability of funds to accomplish such a maximum. The Director may provide a stipend of $250 per month in the case of persons''.

SEC. 2107. SECTIONS REPEALED.

The following provisions are repealed:

(1) VISTA LITERACY CORPS.—Section 109 (42 U.S.C. 4959).

(2) UNIVERSITY YEAR FOR VISTA.—Part B of title I (42 U.S.C. 4971 et seq.).

(3) LITERACY CHALLENGE GRANTS.—Section 124 (42 U.S.C. 4995).

SEC. 2108. CONFORMING AMENDMENT.

Section 121 (42 U.S.C. 4991) is amended in the second sentence by striking ''situations'' and inserting ''organizations''.

SEC. 2109. FINANCIAL ASSISTANCE.

Section 123 (42 U.S.C. 4993) is amended—

(1) in the section heading by striking ''technical and''; and

(2) by striking ''technical and''.

Subtitle B—Amendments to Title II (National Senior Volunteer Corps)

SEC. 2201. CHANGE IN NAME.

Title II (42 U.S.C. 5000 et seq.) is amended in the title heading by striking ''**NATIONAL SENIOR VOLUNTEER CORPS**'' and inserting ''**NATIONAL SENIOR SERVICE CORPS**''.

SEC. 2202. PURPOSE.

Section 200 (42 U.S.C. 5000) is amended to read as follows:

''SEC. 200. STATEMENT OF PURPOSE.

''It is the purpose of this title to provide—

''(1) opportunities for senior service to meet unmet local, State, and national needs in the areas of education, public safety, emergency and disaster preparedness, relief, and recovery, health and human needs, and the environment;

''(2) for the National Senior Service Corps, comprised of the Retired and Senior Volunteer Program, the Foster Grandparent Program, and the Senior Companion Program, and demonstration and other programs to empower people 55 years of age or older to contribute to their communities through service, enhance the lives of those who serve and those whom they serve, and provide communities with valuable services;

''(3) opportunities for people 55 years of age or older, through the Retired and Senior Volunteer Program, to share their knowledge, experiences, abilities, and skills for the betterment of their communities and themselves;

''(4) opportunities for low-income people 55 years of age or older, through the Foster Grandparents Program, to have a positive impact on the lives of children in need;

''(5) opportunities for low-income people 55 years of age or older, through the Senior Companion Program, to provide critical support services and companionship to adults at risk of institutionalization and who are struggling to maintain a dignified independent life; and

''(6) for research, training, demonstration, and other program activities to increase and improve opportunities for people 55 years of age or older to meet unmet needs, including those related to public safety, public health, and emergency and disaster preparedness, relief, and recovery, in their communities.''.

SEC. 2203. GRANTS AND CONTRACTS FOR VOLUNTEER SERVICE PROJECTS.

Section 201 (42 U.S.C. 5001) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking ''avail themselves of opportunities for volunteer service in their community'' and inserting ''share their experiences, abilities, and skills for the betterment of their communities and themselves through service'';

(B) in paragraph (2), by striking '', and individuals 60 years of age or older will be given priority for enrollment,'';

(C) in paragraph (3) by inserting ''either prior to or during the volunteer service'' after ''may be necessary''; and—

(D) by striking paragraph (4) and inserting the following:

''(4) the project is being designed and implemented with the advice of experts in the field of service to be delivered as well as with those who have expertise in the recruitment and management of volunteers, particularly those of the Baby Boom generation.'';

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

''(c) The Director shall give priority to projects—

''(1) utilizing retired scientists, technicians, engineers, and mathematicians (the STEM professionals) to improve Science, Technology, Engineering, and Mathematics (STEM) education through activities such as assisting teachers in classroom demonstrations or laboratory experiences, running after-school, weekend, or summer programs designed to engage disadvantaged youth (as defined in section 101 of the National and Community Service Act of 1990) or low-income, minority youth in the STEM fields and to improve mastery of the STEM content, providing field trips to businesses, institutions of higher education, museums, and other locations where the STEM professions are practiced or illuminated;

''(2) utilizing retired health care professionals to improve the health and wellness of low income or rural communities;

''(3) utilizing retired criminal justice professionals for programs designed to prevent disadvantaged youth (as defined in section 101 of the National and Community Service Act of 1990) from joining gangs or committing crimes;

''(4) utilizing retired military and emergency professionals for programs to improve public safety, emergency and disaster preparedness, relief, and recovery, search and rescue, and homeland security efforts; and

''(5) utilizing retired computer science professionals, technicians of related technologies, business professionals, and others with relevant knowledge to increase, for low income individuals and families, access to and obtaining the benefits from computers and other existing and emerging technologies.''; and

(3) by adding at the end the following:

''(e) COMPETITIVE GRANT AWARDS REQUIRED.—

''(1) IN GENERAL.—Effective for fiscal year 2013 and each fiscal year thereafter, each grant or contract awarded under this section in such a year shall be—

''(A) awarded for a period of 3 years; and

''(B) awarded through a competitive process.

''(2) ELEMENTS OF COMPETITIVE PROCESS.—The competitive process required by paragraph (1)(B)—

''(A) shall include the use of a peer review panel, including members with expertise in senior service and aging;

''(B) shall ensure that—

''(i) the resulting grants (or contracts) support no less than the volunteer service years of the previous grant (or contract) cycle in a given geographic service area;

''(ii) the resulting grants (or contracts) maintain a similar program distribution; and

''(iii) every effort is made to minimize the disruption to volunteers; and

''(C) shall include the performance measures, outcomes, and other criteria established under subsection (f).

''(3) ESTABLISHMENT OF COMPETITIVE PROCESS.—The Corporation shall establish and make available the competitive process required by paragraph (1)(B) no later than 18 months after the date of the enactment of this subsection. The Corporation shall consult with the program directors of the Retired Senior Volunteer Program during development and implementation of the competitive process.

''(f) EVALUATION PROCESS REQUIRED.—

''(1) IN GENERAL.—Notwithstanding section 412, and effective beginning 180 days after the date of the enactment of this subsection, each grant or contract under this section that expires in fiscal year 2010, 2011, and 2012 shall be subject to an evaluation process. The evaluation process shall be carried out, to the maximum extent practicable, in fiscal year 2009, 2010, and 2011, respectively.

''(2) ELEMENTS OF EVALUATION PROCESS.—The evaluation process required by paragraph (1)—

''(A) shall include performance measures, outcomes, and other criteria; and

''(B) shall evaluate the extent to which the recipient of the grant or contract meets or exceeds such performance measures, outcomes, and other criteria.

''(3) ESTABLISHMENT OF EVALUATION PROCESS.—The Corporation shall, in collaboration and consultation with program directors of the Retired Senior Volunteer Program, establish and make available the evaluation process required by paragraph (1), including the performance measures, outcomes, and other criteria required by paragraph (2)(A), with particular attention to the different needs of rural and urban programs. The processes shall be established and made available, including notification of the available training and technical assistance, no later than 180 days after the date of the enactment of this subsection.

''(4) EFFECT OF FAILING TO MEET PERFORMANCE MEASURES.—If the evaluation process determines that the recipient has failed to meet or exceed the performance measures, outcomes, and other criteria established under this subsection, the grant or contract shall not be renewed. Any successor grant or contract shall be awarded through the competitive process described in subsection (e)(1).

''(5) SPECIAL RULE.—The Corporation may continue to fund a program which has failed to meet or exceed the performance measures, outcomes, and other criteria established under this subsection for up to 12 months if competition does not result in a successor grant or contract for such program, in order to minimize the disruption to volunteers and disruption of services. In such a case, outreach shall be conducted and a new competition shall be established. The previous recipient shall remain eligible for the new competition.

''(6) PERFORMANCE MEASURES.—

''(A) IN GENERAL.—The performance measures, outcomes, and other criteria established under this subsection may be updated or modified as necessary, in consultation with program directors for the Retired Senior Volunteer Program, but no earlier than fiscal year 2013.

''(B) OPERATIONAL PROBLEMS.—Effective for fiscal years before fiscal year 2013, the Corporation may, after consulting with program directors of the Retired Senior Volunteer Program, determine that a performance measure, outcome, or criterion established under this subsection is operationally problematic, and may, in consultation with program directors of the Retired Senior Volunteer Program and after notifying the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate—

''(i) eliminate the use of that performance measure, outcome, or criterion; or

''(ii) modify that performance measure, outcome, or criterion as necessary to render it no longer operationally problematic.

''(g) ONLINE RESOURCE GUIDE.—The Corporation shall develop and disseminate an online resource guide for the Retired Senior Volunteer Program within 180 days after the date of the enactment of this subsection, which shall include, but not be limited to—

''(1) examples of high performing programs;

''(2) corrective actions for underperforming programs; and

''(3) examples of meaningful outcome-based performance measures that capture a program's mission and priorities.

''(h) REPORT TO CONGRESS.—The Corporation shall submit, by 2012, to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report on—

''(1) the number of programs that did not meet or exceed the established performance measures, outcomes, and other criteria established under subsection (f);

''(2) the number of new grants awarded;

''(3) the challenges to the implementation of evaluation and competition, including but not limited to geographic distribution and the minimization of disruption to volunteers; and

''(4) how the current program geographic distribution affects recruitment for the Retired Senior Volunteer Program.''.

SEC. 2204. FOSTER GRANDPARENT PROGRAM GRANTS.

Section 211 (42 U.S.C. 5011) is amended—

(1) in subsection (a), by striking ''low-income persons aged sixty or over'' and inserting ''low-income and other persons aged 55 or over'';

(2) in subsection (b)—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking ''shall have the exclusive authority to determine, pursuant to the provisions of paragraph (2) of this subsection—'' and inserting ''may determine—'';

(ii) in subparagraph (A), by striking ''and'';

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

(iv) by adding after subparagraph (B) the following:

''(C) whether it is in the best interests of a child receiving, and of a particular foster grandparent providing, services in such a project, to continue such relationship after the child reaches the age of 21, if such child was receiving such services prior to attaining the age of 21.'';

(B) by striking paragraph (2); and

(C) by redesignating paragraph (3) as paragraph (2);

(3) in paragraph (2) (as redesignated by this section), by striking ''paragraphs (1) and (2)'' and inserting ''paragraph (1)'';

(4) by adding after paragraph (2) (as redesignated by this section) the following:

''(3) If an assignment of a foster grandparent is suspended or discontinued, the replacement of that foster grandparent shall be determined through the mutual agreement of all parties involved in the provision of services to the child.'';

(5) in subsection (d), in the second sentence, by striking ''Any stipend'' and all that follows through ''inflation,'' and inserting ''Any stipend or allowance provided under this part shall not exceed 75 percent of the minimum wage under section 6 the Fair

Labor Standards Act of 1938 (29 U.S.C. 206), and the Federal share shall not be less than $2.65 per hour, provided that the Director shall adjust the Federal share once prior to December 31, 2012, to account for inflation,'';

(6) in subsection (e)—

(A) in paragraph (1), by striking ''125'' and inserting ''200''; and

(B) in paragraph (2), by striking '', as so adjusted'' and all that follows through ''local situations'';

(7) by striking subsection (f) and inserting:

''(f)(1) Subject to the restrictions in paragraph (3), individuals who are not low-income persons may serve as volunteers under this part. The regulations issued by the Director to carry out this part (other than regulations relating to stipends or allowances to individuals authorized by subsection (d)) shall apply to all volunteers under this part, without regard to whether such volunteers are eligible to receive a stipend or allowance under subsection (d).

''(2) Except as provided under paragraph (1), each recipient of a grant or contract to carry out a project under this part shall give equal treatment to all volunteers who participate in such project, without regard to whether such volunteers are eligible to receive a stipend or allowance under subsection (d).

''(3) An individual who is not a low-income person may not become a volunteer under this part if allowing that individual to become a volunteer under this part would prevent a low-income person from becoming a volunteer under this part or would displace a low-income person from being a volunteer under this part.

''(4) The Office of Outreach and Recruitment shall conduct outreach to ensure the inclusion of low-income persons in programs and activities authorized under this title.''; and

(8) by adding at the end the following new subsections:

''(g) The Director may also provide a stipend or allowance in an amount not to exceed 10 percent more than the amount established under subsection (d) to leaders who, on the basis of past experience as volunteers, special skills, and demonstrated leadership abilities, may coordinate activities, including training, and otherwise support the service of volunteers under this part.

''(h) The program may accept up to 15 percent of volunteers serving in a project under this part for a fiscal year who do not meet the definition of 'low-income' under subsection (e), upon certification by the recipient of a grant or contract that it is unable to effectively recruit and place low-income volunteers in the number of placements approved for the project.''.

SEC. 2205. SENIOR COMPANION PROGRAM GRANTS.

Section 213 (42 U.S.C. 5013) is amended—

(1) in subsection (a), by striking ''low-income persons aged 60 or over'' and inserting ''low-income and other persons aged 55 or over'';

(2) in subsection (b), by striking ''Subsections (d), (e), and (f)'' and inserting ''Subsections (d) through (h)''; and

(3) by striking subsection (c)(2)(B) and inserting the following:

''(B) Senior companion volunteer trainers and leaders may receive a stipend or allowance consistent with subsection (g) authorized under subsection (d) of section 211, as approved by the Director.''.

SEC. 2206. PROMOTION OF NATIONAL SENIOR SERVICE CORPS.

Section 221 (42 U.S.C. 5021) is amended—

(1) in the section heading, by striking ''VOLUNTEER'' and inserting ''SERVICE''; and

(2) in subsection (b)(2), by inserting ''of all ages and backgrounds living in rural, suburban, and urban localities'' after ''greater participation of volunteers''.

SEC. 2207. TECHNICAL AMENDMENTS.

(a) CHANGE IN AGE ELIGIBILITY.—Section 223 (42 U.S.C. 5023) is amended by striking ''sixty years and older from minority groups'' and inserting ''55 years and older from minority and underserved populations''.

(b) NAME CHANGE.—Section 224 (42 U.S.C. 5024) is amended in the heading by striking ''VOLUNTEER'' and inserting ''SERVICE''.

SEC. 2208. PROGRAMS OF NATIONAL SIGNIFICANCE.

Section 225 (42 U.S.C. 5025) is amended—

(1) in subsection (a)—

(A) by amending paragraph (2) to read as follows:

''(2) Applicants for grants under paragraph (1) shall determine which program under part A, B, or C the program shall be carried out and submit an application as required for programs under part A, B, or C.''; and

(B) by adding at the end the following:

''(4) The Director shall ensure that at least 50 percent of the grants made under this section are from applicants currently not receiving assistance from the Corporation and when possible in locations where there are no current programs under part A, B, C in existence.'';

(2) in subsection (b)—

(A) in paragraph (1), by inserting before the period at the end the following: ''or Alzheimer's disease, with an intent of allowing those served to age in place'';

(B) in paragraph (2), by inserting before the period at the end the following: ''through education, prevention, treatment, and rehabilitation'';

(C) in paragraph (3), by inserting before the period at the end the following: '', including programs that teach parenting skills, life skills, family management skills'';

(D) by amending paragraph (4) to read as follows:

''(4) Programs that establish and support mentoring programs for disadvantaged youth (as defined in section 101 of the National and Community Service Act of 1990), including those mentoring programs that match youth with volunteer mentors leading to apprenticeship programs and employment training.'';

(E) in paragraph (5), by inserting before the period at the end the following: '', including those programs that serve youth and adults with limited English proficiency'';

(F) in paragraph (6), by striking ''and'' and all that follows through the period and insert ''and for individuals and children with disabilities or chronic illnesses living at home.'';

(G) in paragraph (7), by striking ''after-school activities'' and all that follows through the period at the end and inserting ''after-school programs serving children in low-income communities that may engage participants in mentoring relationships, tutoring, life skills or study skills programs, service-learning, physical, nutrition, and health education programs, including programs aimed at fighting childhood obesity, and other activities addressing the needs of the community's children, including those of working parents.'';

(H) by striking paragraphs (8), (9), (12), (13), (14), (15), (16), and (18);

(I) by redesignating paragraphs (10) and (11) as paragraphs (8) and (9), respectively;

(J) by inserting after paragraph (9) (as so redesignated) the following:

''(10) Programs that engage older adults with children and youth to complete service in energy conservation, environmental stewardship, or other environmental needs of a community.

''(11) Programs that collaborate with criminal justice professionals and organizations in prevention programs aimed at disadvantaged youth (as defined in section 101 of the National and Community Service Act of 1990) or youth re-entering society after incarceration and their families, which may include mentoring and counseling, which many include employment counseling.'';

(K) by redesignating paragraph (17) as paragraph (12); and

(L) by adding at the end the following:

''(13) Programs that strengthen community efforts in support of homeland security.'';

(3) in subsection (c)(1), by striking ''shall demonstrate to the Director'' and all that follows through the period at the end and inserting ''shall demonstrate to the Director a level of expertise in carrying out such a program.''; and

(4) in subsection (e)—

(A) by inserting ''widely'' before ''disseminate''; and

(B) by striking ''to field personnel'' and all that follows through the period at the end and inserting '', including through the Office of Outreach and Recruitment and other volunteer recruitment programs being carried out by public or private non-profit organizations.''.

SEC. 2209. ADDITIONAL PROVISIONS.

Part D of title II (42 U.S.C. 5000 et seq.) is amended by adding after section 227 the following:

''SEC. 228. CONTINUITY OF SERVICE.

''To ensure the continued service of individuals in communities served by the Retired and Senior Volunteer Program prior to enactment of this section, in making grants under this title the Corporation shall take actions it considers necessary to maintain service assignments for such seniors and to ensure continuity of service for communities.

''SEC. 229. ACCEPTANCE OF DONATIONS.

''(a) IN GENERAL.—Except as provided in subsection (b), a program receiving assistance under this title may accept donations, including donations in cash or in kind.

''(b) EXCEPTION.—Notwithstanding subsection (a), a program receiving assistance under this title shall not accept donations from the beneficiaries of the program.''.

SEC. 2210. AUTHORITY OF DIRECTOR.

Section 231 (42 U.S.C. 5028) is amended—

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

''(a) IN GENERAL.—

''(1) ACTIVITIES AUTHORIZED.—The Director is authorized to—

''(A) make grants to or enter into contracts with public or nonprofit organizations, including organizations funded under part A, B, or C, for the purposes of demonstrating innovative activities involving older Americans as volunteers; and

''(B) make incentive grants under subsection (d).

''(2) SUPPORT OF VOLUNTEERS.—The Director may support under this part both volunteers receiving stipends and volunteers not receiving stipends.'';

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking ''subsection (a)'' and inserting ''subsection (a)(1)(A)'';

(B) in paragraph (1), by striking ''activities;'' and inserting ''activities described in section 225(b) and carried out through programs described in parts A, B, and C;''; and

(C) by striking paragraphs (2) and (3) and inserting the following:

''(2) programs that support older Americans in aging in place while augmenting the capacity of members of a community to serve each other through reciprocal service centers, service credit banking, community economic scripts, barter services, timebanking, and other similar programs

where services are exchanged and not paid for; or

''(3) grants to non-profit organizations to establish sites or programs to—

''(A) assist retiring or retired individuals in locating opportunities for—

''(i) public service roles, including through paid or volunteer service;

''(ii) participating in life-planning programs, including financial planning and issues revolving around health and wellness; and

''(iii) continuing education, including leadership development, health and wellness, and technological literacy; and

''(B) connect retiring or retired individuals with members of the community to serve as leaders and mentors in life planning, relationships, employment counseling, education counseling, and other areas of expertise as developed by the retiring or retired adults.''; and

(3) by adding at the end the following:

''(c) PRIORITY.—For purposes of subsection (b)(2), priority shall be given to—

''(1) programs with established experience in carrying out such a program and engaging the entire community in service exchange;

''(2) programs with the capacity to connect to similar programs throughout a city or region to augment the available services to older Americans and for members of the community to serve each other;

''(3) programs seeking to establish in an area where needs of older Americans are left unmet and older Americans are unable to consider aging in place without such service exchange in place; and

''(4) programs that integrate participants in or collaborate with service-learning programs, AmeriCorps State and National programs, the VISTA program, the Retired and Senior Volunteer Program, Foster Grandparents program, and the Senior Companion programs, and programs described in section 411 of the Older Americans Act of 1965 (42 U.S.C. 3032).

''(d) INCENTIVE GRANTS.—The incentive grants referred to in subsection (a)(1)(B) are incentive grants to programs receiving assistance under this title, subject to the following:

''(1) Such grants (which may be fixed-amount grants) shall be grants in an amount equal to $300 per volunteer enrolled in the program, except that such amount shall be reduced as necessary to meet the goals of this section.

''(2) Such a grant shall be awarded to a program only if the program—

''(A) exceeds performance measures established under section 179 of the National and Community Service Act of 1990;

''(B) provides non-Federal matching funds in an amount that is not less than 50 percent of the amount received by the program under this title;

''(C) enrolls more than 50 percent of the volunteers in outcome-based service programs with measurable objectives meeting community needs, as determined by the Corporation; and

''(D) enrolls more volunteers from among members of the Baby Boom generation, as defined in section 101 of the National and Community Service Act of 1990, than were enrolled in the program during the previous fiscal year.

''(3) For each such grant, the Corporation shall require the recipient to provide matching funds of 70 cents from non-Federal sources for every $1 provided under the grant.

''(4) Such a grant shall be awarded to a program only if the program submits, at such time and in such manner as the Corporation may reasonably require, an application that contains—

''(A) a demonstration that the program has met the requirements of paragraph (2);

''(B) if applicable, a plan for innovative programs as described in paragraph (6)(B)(ii);

''(C) a sustainability plan that describes how the program will maintain the activities described in paragraph (6) when the grant terminates; and

''(D) other information that the Corporation may require.

''(5) Such grants shall be awarded for a period of 3 years, except that the grant shall be reviewed by the Corporation at the end of the first and second fiscal years and revoked if the Corporation finds that the program has failed to continue to meet the requirements of paragraph (2) for those fiscal years.

''(6) Such grants—

''(A) shall be used to increase the number of volunteers in outcome-based service with measurable objectives meeting community needs as determined by the Corporation; and

''(B) may be used—

''(i) for activities for which the program is authorized to receive assistance under this title; and

''(ii) for innovative programs focused on the Baby Boom generation, as defined in section 101 of the National and Community Service Act of 1990, that have been accepted by the Corporation through the application process in paragraph (4) and are outcome-based programs with measurable objectives meeting community needs as determined by the Corporation.

''(7) The Director shall, in making such grants, give high priority to programs receiving assistance under section 201.''.

Subtitle C—Amendments to Title IV (Administration and Coordination)

SEC. 2301. NONDISPLACEMENT.

Section 404(a) (42 U.S.C. 5044(a)) is amended by striking ''displacement of employed workers'' and inserting ''displacement of employed workers or volunteers (other than participants under the national service laws)''.

SEC. 2302. NOTICE AND HEARING PROCEDURES.

Section 412(a) (42 U.S.C. 5052(a)) is amended—

(1) in paragraph (2)—

(A) by striking ''75'' and inserting ''60''; and

(B) by adding ''and'' at the end;

(2) by striking paragraph (3); and

(3) by redesignating paragraph (4) as (3).

SEC. 2303. DEFINITIONS.

Section 421 (42 U.S.C. 5061) is amended—

(1) in paragraph (2), by inserting '', the Commonwealth of the Northern Mariana Islands,'' after ''American Samoa,'';

(2) in paragraph (13), by striking ''National Senior Volunteer Corps'' and inserting ''National Senior Service Corps''; and

(3) in paragraph (14)—

(A) by striking ''National Senior Volunteer Corps'' and inserting ''National Senior Service Corps''; and

(B) by striking ''parts A, B, C, and E of'';

SEC. 2304. PROTECTION AGAINST IMPROPER USE.

Section 425 (42 U.S.C. 5065) is amended by striking ''National Senior Volunteer Corps'' and inserting ''National Senior Service Corps''.

Subtitle D—Amendments to Title V (Authorization of Appropriations)

SEC. 2401. AUTHORIZATION OF APPROPRIATIONS FOR VISTA AND OTHER PURPOSES.

Section 501 (42 U.S.C. 5081) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking '', excluding section 109'' and all that follows and inserting ''$100,000,000 for fiscal year 2008 and such sums as may be necessary for each of fiscal years 2009 through 2012.'';

(B) by striking paragraphs (2) and (4) and redesignating paragraphs (3) and (5) as paragraphs (2) and (3); and

(C) in paragraph (2) (as redesignated by this section), by striking '', excluding section 125'' and all that follows and inserting ''such sums as may be necessary for each of fiscal years 2008 through 2012.''; and

(2) by striking subsection (e).

SEC. 2402. AUTHORIZATION OF APPROPRIATIONS FOR NATIONAL SENIOR SERVICE CORPS.

Section 502 (42 U.S.C. 5082) is amended to read as follows:

''SEC. 502. NATIONAL SENIOR SERVICE CORPS.

''(a) RETIRED AND SENIOR VOLUNTEER PROGRAM.—There are authorized to be appropriated to carry out part A of title II, $67,500,000 for fiscal year 2008 and such sums as may be necessary for each of fiscal years 2009 through 2012.

''(b) FOSTER GRANDPARENT PROGRAM.—There are authorized to be appropriated to carry out part B of title II, $115,000,000 for fiscal year 2008 and such sums as may be necessary for each of fiscal years 2009 through 2012.

''(c) SENIOR COMPANION PROGRAM.—There are authorized to be appropriated to carry out part C of title II, $52,000,000 for fiscal year 2008 and such sums as may be necessary for each of fiscal years 2009 through 2012.

''(d) DEMONSTRATION PROGRAMS.—There are authorized to be appropriated to carry out part E of title II, $500,000 for fiscal year 2008 and such sums as may be necessary for each of fiscal years 2009 through 2012.''.

SEC. 2403. ADMINISTRATION AND COORDINATION.

Section 504 (42 U.S.C. 5084) is amended to read as follows:

''SEC. 504. ADMINISTRATION AND COORDINATION.

''There are authorized to be appropriated for the administration of this Act $35,000,000 for fiscal year 2008 and such sums as may be necessary for each of fiscal years 2009 through 2012.''.

TITLE III—AMENDMENTS TO OTHER LAWS

SEC. 3101. INSPECTOR GENERAL ACT OF 1978.

Section 8F(a)(1) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by striking ''National and Community Service Trust Act of 1993'' and inserting ''National and Community Service Act of 1990''.

TITLE IV—TECHNICAL AMENDMENTS TO TABLES OF CONTENTS

SEC. 4101. TABLE OF CONTENTS FOR THE NATIONAL AND COMMUNITY SERVICE ACT OF 1990.

Section 1(b) of the National and Community Service Act of 1990 (42 U.S.C. 12501 note) is amended to read as follows:

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

''Sec. 1. Short title and table of contents.
''Sec. 2. Findings and purpose.
''Sec. 3. Sense of Congress.

''TITLE I—NATIONAL AND COMMUNITY SERVICE STATE GRANT PROGRAM

''Subtitle A—General Provisions

''Sec. 101. Definitions.

''Subtitle B—School-Based and Community-Based Service-Learning Programs

''PART I—PROGRAMS FOR ELEMENTARY AND SECONDARY STUDENTS

''Sec. 111. Assistance to States, Territories, and Indian tribes.
''Sec. 112. Allotments.
''Sec. 113. Applications.
''Sec. 114. Consideration of applications.
''Sec. 115. Participation of students and teachers from private schools.
''Sec. 116. Federal, State, and local contributions.
''Sec. 116A. Limitations on uses of funds.

''PART II—HIGHER EDUCATION INNOVATIVE PROGRAMS FOR COMMUNITY SERVICE

''Sec. 117. Higher education innovative programs for community service.

''PART III—INNOVATIVE SERVICE-LEARNING PROGRAMS AND RESEARCH
''Sec. 118. Innovative demonstration service-learning programs and research.
''Subtitle C—National Service Trust Program
''PART I—INVESTMENT IN NATIONAL SERVICE
''Sec. 121. Authority to provide assistance and approved national service positions.
''Sec. 122. Types of national service programs eligible for program assistance.
''Sec. 123. Types of national service positions eligible for approval for national service educational awards.
''Sec. 124. Types of program assistance.
''Sec. 126. Other special assistance.
''PART II—APPLICATION AND APPROVAL PROCESS
''Sec. 129. Provision of assistance and approved national service positions.
''Sec. 129A. Education awards only research.
''Sec. 130. Application for assistance and approved national service positions.
''Sec. 131. National service program assistance requirements.
''Sec. 132. Ineligible service categories.
''Sec. 133. Consideration of applications.
''PART III—NATIONAL SERVICE PARTICIPANTS
''Sec. 137. Description of participants.
''Sec. 138. Selection of national service participants.
''Sec. 139. Terms of service.
''Sec. 140. Living allowances for national service participants.
''Sec. 141. National service educational awards.
''Subtitle D—National Service Trust and Provision of National Service Educational Awards
''Sec. 145. Establishment of the National Service Trust.
''Sec. 146. Individuals eligible to receive a national service educational award from the Trust.
''Sec. 147. Determination of the amount of the national service educational award.
''Sec. 148. Disbursement of national service educational awards.
''Sec. 149. Process of approval of national service positions.
''Subtitle E—National Civilian Community Corps
''Sec. 151. Purpose.
''Sec. 152. Establishment of National Civilian Community Corps Program.
''Sec. 153. National service program.
''Sec. 154. Summer national service program.
''Sec. 155. National Civilian Community Corps.
''Sec. 156. Training.
''Sec. 157. Service projects.
''Sec. 158. Authorized benefits for Corps members.
''Sec. 159. Administrative provisions.
''Sec. 160. Status of Corps members and Corps personnel under Federal law.
''Sec. 161. Contract and grant authority.
''Sec. 162. Responsibilities of other departments.
''Sec. 163. Advisory board.
''Sec. 164. Annual evaluation.
''Sec. 166. Definitions.
''Subtitle F—Administrative Provisions
''Sec. 171. Family and medical leave.
''Sec. 172. Reports.
''Sec. 173. Supplementation.
''Sec. 174. Prohibition on use of funds.
''Sec. 175. Nondiscrimination.
''Sec. 176. Notice, hearing, and grievance procedures.
''Sec. 177. Nonduplication and nondisplacement.
''Sec. 178. State Commissions on National and Community Service.
''Sec. 179. Evaluation.
''Sec. 180. Engagement of participants.
''Sec. 181. Contingent extension.
''Sec. 182. Partnerships with schools.
''Sec. 183. Rights of access, examination, and copying.
''Sec. 184. Drug-free workplace requirements.
''Sec. 185. Consolidated application and reporting requirements.
''Sec. 186. Sustainability.
''Sec. 187. Use of recovered funds.
''Sec. 188. Expenses of attending meetings.
''Sec. 189. Grant periods.
''Sec. 189A. Generation of volunteers.
''Sec. 189B. Limitation on program grant costs.
''Sec. 189C. Audits and reports.
''Subtitle G—Corporation for National and Community Service
''Sec. 191. Corporation for National and Community Service.
''Sec. 192. Board of Directors.
''Sec. 192A. Authorities and duties of the Board of Directors.
''Sec. 193. Chief Executive Officer.
''Sec. 193A. Authorities and duties of the Chief Executive Officer.
''Sec. 194. Officers.
''Sec. 195. Employees, consultants, and other personnel.
''Sec. 196. Administration.
''Sec. 196A. Corporation State offices.
''Sec. 196B. Office of Outreach and Recruitment.
''Subtitle H—Investment for Quality and Innovation
''PART I—ADDITIONAL CORPORATION ACTIVITIES TO SUPPORT NATIONAL SERVICE
''Sec. 198. Additional corporation activities to support national service.
''Sec. 198B. Presidential awards for service.
''PART II—INNOVATIVE AND MODEL PROGRAM SUPPORT
''Sec. 198D. Innovative and model program support.
''PART III—NATIONAL SERVICE PROGRAMS CLEARINGHOUSE
''Sec. 198E. National service programs clearinghouse.
''Subtitle I—American Conservation and Youth Corps
''Sec. 199. Short title.
''Sec. 199A. General authority.
''Sec. 199B. Limitation on purchase of capital equipment.
''Sec. 199C. State application.
''Sec. 199D. Focus of programs.
''Sec. 199E. Related programs.
''Sec. 199F. Public lands or Indian lands.
''Sec. 199G. Training and education services.
''Sec. 199H. Preference for certain projects.
''Sec. 199I. Age and citizenship criteria for enrollment.
''Sec. 199J. Use of volunteers.
''Sec. 199K. Living allowance.
''Sec. 199L. Joint programs.
''Sec. 199M. Federal and State employee status.
''Subtitle J—Training and Technical Assistance
''Sec. 199N. Training and technical assistance.
''TITLE II—MODIFICATIONS OF EXISTING PROGRAMS
''Subtitle A—Publication
''Sec. 201. Information for students.
''Sec. 202. Exit counseling for borrowers.
''Sec. 203. Department information on deferments and cancellations.
''Sec. 204. Data on deferments and cancellations.
''Subtitle B—Youthbuild Projects
''Sec. 211. Youthbuild projects.
''Subtitle C—Amendments to Student Literacy Corps
''Sec. 221. Amendments to Student Literacy Corps.
''TITLE IV—PROJECTS HONORING VICTIMS OF TERRORIST ATTACKS
''Sec. 401. Projects.
''TITLE V—AUTHORIZATION OF APPROPRIATIONS
''Sec. 501. Authorization of appropriations.
''TITLE VI—MISCELLANEOUS PROVISIONS
''Sec. 601. Amtrak waste disposal.
''Sec. 602. Exchange program with countries in transition from totalitarianism to Democracy.''.

SEC. 4102. TABLE OF CONTENTS FOR THE DOMESTIC VOLUNTEER SERVICE ACT OF 1973.

Section 1(b) of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4950 note) is amended to read as follows:

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

''Sec. 1. Short title; table of contents.
''Sec. 2. Volunteerism policy.
''TITLE I—NATIONAL VOLUNTEER ANTIPOVERTY PROGRAMS
''PART A—VOLUNTEERS IN SERVICE TO AMERICA
''Sec. 101. Statement of purpose.
''Sec. 102. Authority to operate VISTA program.
''Sec. 103. Selection and assignment of volunteers.
''Sec. 103A. VISTA programs of national significance.
''Sec. 104. Terms and periods of service.
''Sec. 105. Support service.
''Sec. 106. Participation of beneficiaries.
''Sec. 107. Participation of younger and older persons.
''Sec. 108. Limitation.
''Sec. 110. Applications for assistance.
''PART C—SPECIAL VOLUNTEER PROGRAMS
''Sec. 121. Statement of purpose.
''Sec. 122. Authority to establish and operate special volunteer and demonstration programs.
''Sec. 123. Financial assistance.
''TITLE II—NATIONAL SENIOR SERVICE CORPS
''Sec. 200. Statement of purpose.
''PART A—RETIRED AND SENIOR VOLUNTEER PROGRAM
''Sec. 201. Grants and contracts for volunteer service projects.
''PART B—FOSTER GRANDPARENT PROGRAM
''Sec. 211. Grants and contracts for volunteer service projects.
''PART C—SENIOR COMPANION PROGRAM
''Sec. 213. Grants and contracts for volunteer service projects.
''PART D—GENERAL PROVISIONS
''Sec. 221. Promotion of National Senior Service Corps.
''Sec. 222. Payments.
''Sec. 223. Minority group participation.
''Sec. 224. Use of locally generated contributions in National Senior Service Corps.
''Sec. 225. Programs of national significance.

''Sec. 226. Adjustments to Federal financial assistance.
''Sec. 227. Multiyear grants or contracts.
''Sec. 228. Continuity of service.
''Sec. 229. Acceptance of donations.

''PART E—DEMONSTRATION PROGRAMS

''Sec. 231. Authority of Director.

''TITLE IV—ADMINISTRATION AND COORDINATION

''Sec. 403. Political activities.
''Sec. 404. Special limitations.
''Sec. 406. Labor standards.
''Sec. 408. Joint funding.
''Sec. 409. Prohibition of Federal control.
''Sec. 410. Coordination with other programs.
''Sec. 411. Prohibition.
''Sec. 414. Distribution of benefits between rural and urban areas.
''Sec. 415. Application of Federal law.
''Sec. 416. Evaluation.
''Sec. 417. Nondiscrimination provisions.
''Sec. 418. Eligibility for other benefits.
''Sec. 419. Legal expenses.
''Sec. 421. Definitions.
''Sec. 422. Audit.
''Sec. 423. Reduction of paperwork.
''Sec. 424. Review of project renewals.
''Sec. 425. Protection against improper use.
''Sec. 426. Center for Research and Training.

''TITLE V—AUTHORIZATION OF APPROPRIATIONS

''Sec. 501. National volunteer antipoverty programs.
''Sec. 502. National Senior Service Corps.
''Sec. 504. Administration and coordination.
''Sec. 505. Availability of appropriations.

''TITLE VI—AMENDMENTS TO OTHER LAWS AND REPEALERS

''Sec. 601. Supersedence of Reorganization Plan No. 1 of July 1, 1971.
''Sec. 602. Creditable service for civil service retirement.
''Sec. 603. Repeal of title VIII of the Economic Opportunity Act.
''Sec. 604. Repeal of title VI of the Older Americans Act.''.

TITLE V—EFFECTIVE DATE

SEC. 5101. EFFECTIVE DATE.

Unless specifically provided otherwise, the amendments made by this Act shall take effect on the date of the enactment of this Act.

SEC. 5102. SERVICE ASSIGNMENTS AND AGREEMENTS.

(a) SERVICE ASSIGNMENTS.—Changes pursuant to this Act in the terms and conditions of terms of service and other service assignments under the national service laws (including the amount of the education award) shall apply only to individuals who enroll or otherwise begin service assignments after 90 days after the date of enactment of this Act, except when agreed upon by all interested parties.

(b) AGREEMENTS.—Changes pursuant to this Act in the terms and conditions of grants, contracts, or other agreements under the national service laws shall apply only to such agreements entered into after 90 days after the date of enactment of this Act, except when agreed upon by the parties to such agreements.

(c) EXCEPTION.—Subsections (a) and (b) do not apply to the amendments made by this Act to section 201 of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5001). Any changes pursuant to those amendments apply as specified in those amendments.

TITLE VI—CONGRESSIONAL COMMISSION ON CIVIC SERVICE

SEC. 6101. SHORT TITLE.

This title may be cited as the ''Congressional Commission on Civic Service Act''.

SEC. 6102. FINDINGS.

Congress finds the following:

(1) The social fabric of the United States is stronger if individuals in the United States are committed to protecting and serving our Nation by utilizing national service and volunteerism to overcome our civic challenges.

(2) A more engaged civic society will strengthen the Nation by bringing together people from diverse backgrounds and experiences to work on solutions to some of our Nation's major challenges.

(3) Despite declines in civic health in the past 30 years, national service and volunteerism among the Nation's youth are increasing, and existing national service and volunteer programs greatly enhance opportunities for youth to engage in civic activity.

(4) In addition to the benefits received by nonprofit organizations and society as a whole, volunteering and national service provide a variety of personal benefits and satisfaction and can lead to new paths of civic engagement, responsibility, and upward mobility.

SEC. 6103. ESTABLISHMENT.

There is established in the legislative branch a commission to be known as the ''Congressional Commission on Civic Service'' (in this title referred to as the ''Commission'').

SEC. 6104. DUTIES.

(a) GENERAL PURPOSE.—The purpose of the Commission is to gather and analyze information in order to make recommendations to Congress to—

(1) improve the ability of individuals in the United States to serve others and, by doing so, to enhance our Nation and the global community;

(2) train leaders in public service organizations to better utilize individuals committed to national service and volunteerism as they manage human and fiscal resources;

(3) identify and offer solutions to the barriers that make it difficult for some individuals in the United States to volunteer or perform national service; and

(4) build on the foundation of service and volunteer opportunities that are currently available.

(b) SPECIFIC TOPICS.—In carrying out its general purpose under subsection (a), the Commission shall address and analyze the following specific topics:

(1) The level of understanding about the current Federal, State, and local volunteer programs and opportunities for service among individuals in the United States.

(2) The issues that deter volunteerism and national service, particularly among young people, and how the identified issues can be overcome.

(3) Whether there is an appropriate role for Federal, State, and local governments in overcoming the issues that deter volunteerism and national service and, if appropriate, how to expand the relationships and partnerships between different levels of government in promoting volunteerism and national service.

(4) Whether existing databases are effective in matching community needs to would-be volunteers and service providers.

(5) The effect on the Nation, on those who serve, and on the families of those who serve, if all individuals in the United States were expected to perform national service or were required to perform a certain amount of national service.

(6) Whether a workable, fair, and reasonable mandatory service requirement for all able young people could be developed, and how such a requirement could be implemented in a manner that would strengthen the social fabric of the Nation and overcome civic challenges by bringing together people from diverse economic, ethnic, and educational backgrounds.

(7) The need for a public service academy, a 4-year institution that offers a federally funded undergraduate education with a focus on training future public sector leaders.

(8) The means to develop awareness of national service and volunteer opportunities at a young age by creating, expanding, and promoting service options for primary and secondary school students and by raising awareness of existing incentives.

(9) The effectiveness of establishing a training program on college campuses to recruit and educate college students for national service.

(10) The effect on United States diplomacy and foreign policy interests of expanding service opportunities abroad, such as the Peace Corps, and the degree of need and capacity abroad for an expansion.

(11) The constraints that service providers, nonprofit organizations, and State and local agencies face in utilizing federally funded volunteer programs, and how these constraints can be overcome.

(12) Whether current Federal volunteer programs are suited to address the special skills and needs of senior volunteers, and if not, how these programs can be improved such that the Federal government can effectively promote service among the ''baby boomer'' generation.

(c) METHODOLOGY.—

(1) PUBLIC HEARINGS.—The Commission shall conduct public hearings in various locations around the United States.

(2) REGULAR AND FREQUENT CONSULTATION.—The Commission shall regularly and frequently consult with an advisory panel of Members of Congress appointed for such purpose by the Speaker of the House of Representatives and the Majority Leader of the Senate.

SEC. 6105. MEMBERSHIP.

(a) NUMBER AND APPOINTMENT.—

(1) IN GENERAL.—The Commission shall be composed of 8 members appointed as follows:

(A) 2 members appointed by the Speaker of the House of Representatives.

(B) 2 members appointed by the Minority Leader of the House of Representatives.

(C) 2 members appointed by the Majority Leader of the Senate.

(D) 2 members appointed by the Minority Leader of the Senate.

(2) QUALIFICATIONS.—The members of the Commission shall consist of individuals who are of recognized standing and distinction in the areas of international public service, national public service, service-learning, local service, business, or academia.

(3) DEADLINE FOR APPOINTMENT.—The members of the Commission shall be appointed not later than 90 days after the date of the enactment of this title.

(4) CHAIRPERSON.—The Chairperson of the Commission shall be designated by the Speaker of the House of Representatives at the time of the appointment.

(b) TERMS.—

(1) IN GENERAL.—The members of the Commission shall serve for the life of the Commission.

(2) VACANCIES.—A vacancy in the Commission shall not affect the power of the remaining members to execute the duties of the Commission but any such vacancy shall be filled in the same manner in which the original appointment was made.

(c) COMPENSATION.—

(1) RATES OF PAY; TRAVEL EXPENSES.—Each member shall serve without pay, except that each member shall receive travel expenses, including per diem in lieu of subsistence, in accordance with applicable provisions under subchapter I of chapter 57 of title 5, United States Code.

(2) PROHIBITION OF COMPENSATION OF FEDERAL EMPLOYEES.—Notwithstanding paragraph (1), any member of the Commission

who is a full-time officer or employee of the United States may not receive additional pay, allowances, or benefits because of service on the Commission.

(d) MEETING REQUIREMENTS.—

(1) FREQUENCY.—

(A) QUARTERLY MEETINGS.—The Commission shall meet at least quarterly.

(B) ADDITIONAL MEETINGS.—In addition to quarterly meetings, the Commission shall meet at the call of the Chairperson or a majority of its members.

(2) QUORUM.—5 members of the Commission shall constitute a quorum but a lesser number may hold hearings.

(3) MEETING BY TELEPHONE OR OTHER APPROPRIATE TECHNOLOGY.—Members of the Commission are permitted to meet using telephones or other suitable telecommunications technologies provided that all members of the Commission can fully communicate with all other members simultaneously.

SEC. 6106. DIRECTOR AND STAFF OF COMMISSION; EXPERTS AND CONSULTANTS.

(a) DIRECTOR.—

(1) APPOINTMENT.—The Commission shall have a Director who shall be appointed by the Chairperson with the approval of the Commission.

(2) CREDENTIALS.—The Director shall have credentials related to international public service, national public service, service-learning, or local service.

(3) SALARY.—The Director shall be paid at a rate determined by the Chairperson with the approval of the Commission, except that the rate may not exceed the rate of basic pay for GS–15 of the General Schedule.

(b) STAFF.—With the approval of the Chairperson, the Director may appoint and fix the pay of additional qualified personnel as the Director considers appropriate.

(c) EXPERTS AND CONSULTANTS.—With the approval of the Commission, the Director may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, but at rates for individuals not to exceed the daily equivalent of the maximum annual rate of basic pay for GS–15 of the General Schedule.

(d) STAFF OF FEDERAL AGENCIES.—Upon request of the Commission, Chairperson, or Director, the head of any Federal department or agency may detail, on a reimbursable basis, any of the personnel of that department or agency to the Commission to assist it in carrying out its duties under this title.

SEC. 6107. POWERS OF COMMISSION.

(a) HEARINGS AND SESSIONS.—The Commission may, for the purpose of carrying out this title, hold public hearings, sit and act at times and places, take testimony, and receive evidence as the Commission considers appropriate.

(b) POWERS OF MEMBERS AND AGENTS.—Any member or agent of the Commission may, if authorized by the Commission, take any action which the Commission is authorized to take by this section.

(c) OBTAINING OFFICIAL DATA.—Upon request of the Chairperson, the head of any department or agency shall furnish information to the Commission that the Commission deems necessary to enable it to carry out this title.

(d) PHYSICAL FACILITIES AND EQUIPMENT.—The Architect of the Capitol, in consultation with the appropriate entities in the legislative branch, shall locate and provide suitable facilities and equipment for the operation of the Commission on a nonreimbursable basis.

(e) ADMINISTRATIVE SUPPORT SERVICES.—Upon the request of the Commission, the Architect of the Capitol and the Administrator of General Services shall provide to the Commission on a nonreimbursable basis such administrative support services as the Commission may request in order for the Commission to carry out its responsibilities under this title.

SEC. 6108. REPORTS.

(a) INTERIM REPORT.—The Commission shall submit an interim report on its activities to Congress not later than 20 months after the date of the enactment of this title.

(b) FINAL REPORT.—

(1) DEADLINE.—The Commission shall submit a final report on its activities to Congress not later than 120 days after the submission of the interim report under subsection (a).

(2) CONTENTS.—The final report shall contain a detailed statement of the findings and conclusions of the Commission, together with its recommendations for proposed legislation.

SEC. 6109. TERMINATION.

The Commission shall terminate not later than 30 days after submitting its final report under section 6108(b)(1).

TITLE VII—SENSE OF CONGRESS

SEC. 7101. SENSE OF CONGRESS.

It is the Sense of Congress that the Corporation for National and Community Service should make the maximum effort possible to coordinate the recruiting and assignment procedures of their various programs to allow senior citizens and their grandchildren to share volunteer opportunities and/or be assigned to the same geographic areas during their period of service.

TITLE VIII—SENSE OF CONGRESS

SEC. 8101. SENSE OF CONGRESS.

It is the Sense of Congress that the Corporation for National and Community Service should make the maximum effort possible to coordinate with the National Endowment for the Humanities to provide opportunities for young people enrolled in NACS programs to collect oral histories form senior citizens in the communities where they serve.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

Mr. LUNGREN of California, moved to recommit the bill to the Committee on Education and Labor with instructions to report the bill back to the House forthwith with the following amendment:

Strike all after the enacting clause and insert the text of the bill H.R. 3773 as passed by the Senate on February 12, 2008.

Pending consideration of said motion.

¶26.14 POINT OF ORDER

Mr. George MILLER of California, made a point of order against the motion to recommit with instructions, and said:

''Mr. Speaker, I raise a point of order that the motion to recommit contains nongermane instructions in violation of clause 7, rule XVI. The instructions in the motion to recommit address an unrelated matter within the jurisdiction of a committee not represented in the underlying bill.''

Mr. LUNGREN of California, was recognized to speak to the point of order, and said:

''Mr. Speaker, it is unfortunate the gentleman has raised this point of order rather than allowing a straight up-or-down vote on the Senate-passed FISA legislation.

''Let me speak specifically to the point of order and why, in fact, this motion to recommit is in order.

''The underlying purpose of the germaneness rule is that it 'prevents the presentation to the House of propositions that might not reasonably be anticipated and for which it might not be properly prepared.' I cite to 8 Cannon, section 2993. That is clearly not the case here in that this body has dealt extensively with the subject matter of the Foreign Intelligence Surveillance Act. And, in fact, we were informed by the majority that we were to be prepared to vote on that this week.''

Mr. George MILLER of California, was further recognized and said:

''Mr. Speaker, the scheduling of the House is not the subject of this point of order. I raised a point of order that the motion addresses the jurisdiction of committees not represented in the underlying bill. Neither the Judiciary Committee or the Intelligence Committee is represented in the underlying bill, not the schedule of the House.''

Mr. LUNGREN of California, was further recognized and said:

''Mr. Speaker, despite the difference in titles of H.R. 2857 and H.R. 3773 relating to the motion, that is not controlling under Deschler-Brown, chapter 28, section 24. As a matter of fact, it refers to the fundamental purpose of the motion. The fundamental purpose of this motion does relate to H.R. 2857, as required by sections 935 and 936 of the House manual.

''The report on H.R. 2857 from the gentleman's committee states clearly in its statement of purpose of the bill found on page 57 of that report that the legislation seeks to emphasize, and I quote, 'the critical role of service in meeting the national priorities of emergency and disaster preparedness; and improves program integrity.' That is from the report on the bill from the gentleman's committee.

''In other words, the critical issue of homeland security provides the required nexus between the subject matters of H.R. 2857 and the motions as required under sections 935 and 936 of the House manual.

''Further, I would argue, it is clear that the subject matter requirements of section 935 and 936 of the House manual are satisfied. A specific section of the legislation brought to the floor by the gentleman's committee relating to 'Emergency and Disaster Preparedness' provides on page 71 of the gentleman's committee report that 'H.R. 2857 supports the role of service in addressing emergency and disaster preparedness.' These are the words from the gentleman's committee's report. 'In addition, this program may engage Federal, State, and local stakeholders to collaborate to achieve a more effective response to issue public safety, public health, emergencies and disasters'.''.

Mr. George MILLER of California, was further recognized and said:

''Mr. Speaker, I insist upon my point of order. The gentleman again is speaking to the scheduling of the floor of the House. The bill, in its entirety, speaks to national voluntary service. The gentleman, I guess, is talking about the

intelligence service. And the fact of the matter is, under the point of order there is nothing in this legislation within the jurisdiction of the committees, for the motion to recommit, of the Intelligence Committee or the Judiciary Committee, and I insist upon my point of order.''

Mr. LUNGREN of California, was further recognized and said:

''I was attempting to specify the germaneness, quoting specifically from the language of the committee report justifying support for this bill. I did not bring up public safety, public health, emergencies and disasters and effective response thereto. That is the premise contained in the bill and the committee report.

''Mr. Speaker, if we are to be able to respond to public safety, emergencies, and disasters, it does not limit it in the language of the gentleman's committee report to natural disasters. It therefore includes man-made disasters, of which we are very, very cognizant. And 9/11 is perhaps the greatest example. So the bill itself justifies its existence in that the individuals, under the ambit of the bill, to support responses for public safety, public health, emergencies, and disasters are affected in very specific ways by our capacity, our capacity, to determine beforehand what the nature of the disasters and emergencies would be and therefore allow us to array our individuals under this bill in concert, as is stated by the gentleman's report, to collaborate with Federal, State, and local stakeholders. In that way my amendment is very much germane to the main purpose of the bill and the specifics of the bill.

''Finally, the language of H.R. 2857 emphasizes the ability to deploy the National Civilian Community Corps to emergencies and disasters. It does not limit it to natural emergencies or disasters, therefore including terrorist attacks.''

Mr. George MILLER of California, was further recognized and said:

''Mr. Speaker, I insist on my point of order. Again, had we been involved with the committees of jurisdiction that the gentleman is referring to, the bill would have been referred by the Parliamentarian to those committees, and it was not. And let me just inform the gentleman. I know he's been out for a couple of days and he comes back with great vigor, and I admire his arguments. But there is nothing within the programs of Teach for America or the Boys and Girls Club of America or the Big Brothers Big Sisters program or the YouthBuild or the National Council on Aging or the Senior Citizen Nutrition Program or the American Red Cross, there is nothing in those programs that require that they eavesdrop or wiretap anybody's phones before they can deliver their services. And there is nothing within the jurisdiction of this legislation or of this committee that deals with those matters, and there is nothing in this bill that deals with the matters within the jurisdiction of those committees. And I insist upon my point of order.''

Mr. LUNGREN of California, was further recognized and said:

''Mr. Speaker, the gentleman says, with some humor in his voice, that we ought not to be considering the question of wiretapping. That is not the question we bring before us today. The question we bring before of us today and why this is germane is whether or not we have the ability to listen in on those who would kill us and therefore prepare for these disasters before they occur and, more than that, prevent them.''

Mr. George MILLER of California, was further recognized and said:

''Mr. Speaker, the gentleman from California is required to speak to the point of order.''

Mr. LUNGREN of California, was further recognized and said:

''Mr. Speaker, to suggest that intelligence gathered to prevent disaster has nothing to do with the ability of those we are asking under this bill to respond to disaster reminds one of the comment in literature years ago when one was confronted with the incongruity of the law and that person responded by saying: The law, sir, is an ass.

''I would not suggest we are at that point here, but I would suggest this: for anyone to say that, to blind ourselves to the information that would allow us to prevent disasters and prepare for the disasters, to say that that is irrelevant to the debate today shows how irrelevant the debate today is to the needs of the people of the State of California, the Nation, and, frankly, our allies. It is germane, Mr. Speaker.''

Mr. George MILLER of California, was further recognized and said:

''Mr. Speaker, I insist upon my point of order.

''And I appreciate that perhaps there's some confusion on the other side of the aisle between the Big Brothers of this program and Big Brother that you're thinking about.

''I insist upon my point of order.''

The SPEAKER pro tempore, Mr. PASTOR, sustained the point of order, and said:

''As the Chair most recently ruled on March 5, 2008, the instructions in the motion to recommit address a matter unrelated to the issues addressed in the underlying bill, and within the jurisdiction of committees not represented in the underlying bill. The instructions are therefore not germane, and the point of order is sustained. The motion is not in order.''

Mr. LUNGREN of California, appealed the ruling of the Chair.

The question being stated,

Will the decision of the Chair stand as the judgment of the House?

Mr. George MILLER of California, moved to lay the appeal on the table.

The question being put, viva voce,

Will the House lay on the table the appeal of the ruling of the Chair?

The SPEAKER pro tempore, Mr. PASTOR, announced that the yeas had it.

Mr. LUNGREN of California, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 221 / Nays 191

¶26.15 [Roll No. 107]

YEAS—221

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

NAYS—191

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack

Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hunter
Inglis (SC)
Issa
Johnson, Sam
Jones (NC)
Jordan
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Matheson
McCarthy (CA)
McCaul (TX)
McCotter
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Porter
Price (GA)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)

ANSWERED ''PRESENT''—1

Johnson (IL)

NOT VOTING—15

Brown-Waite, Ginny
Gonzalez
Hulshof
Johnson, E. B.
Keller
Linder
McCrery
Poe
Pryce (OH)
Rangel
Rush
Sestak
Solis
Woolsey
Young (FL)

So the motion to lay the appeal on the table was agreed to.

A motion to reconsider the vote whereby said motion was agreed to was, by unanimous consent, laid on the table.

Mr. KUHL of New York, moved to recommit the bill to the Committee on Education and Labor with instructions to report the bill back to the House promptly with the following amendments:

Page 123, line 10, strike the quotation marks and period.

Page 123, after line 10, insert the following new section:

''SEC. 189D. CRIMINAL HISTORY CHECKS.

''(a) IN GENERAL.—Entities selecting individuals to serve in a position in which the individual receives a Corporation grant-funded living allowance, stipend, education award, salary, or other remuneration in a program receiving assistance under the national service laws, shall, subject to regulations and requirements established by the Corporation, conduct criminal history checks for such individuals.

''(b) REQUIREMENTS.—A criminal history check shall, except in cases approved for good cause by the Corporation, include a name-based search of the Department of Justice National Sex Offender Public Registry and—

''(1) a search of the State criminal registry or repository in the State in which the program is operating and the State in which the individual resides at the time of application; or

''(2) a Federal Bureau of Investigation fingerprint check.

''(c) ELIGIBILITY PROHIBITION.—An individual shall be ineligible to serve in a position described under subsection (a) if such individual—

''(1) refuses to consent to the criminal history check described in subsection (b);

''(2) makes a false statement in connection with such criminal history check;

''(3) is registered, or is required to be registered, on a State sex offender registry or the national sex offender registry established under the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16901 et seq.); or

''(4) has been convicted of murder, as described in section 1111 of title 18, United States Code.''.

After debate,

The SPEAKER pro tempore, Mr. PASTOR, pursuant to section 2 of House Resolution 1015, announced that further proceedings on the bill were postponed.

¶26.16 COMMUNICATION REGARDING SUBPOENA

The SPEAKER pro tempore, Mr. PASTOR, laid before the House the following communication from the Chief Administrative Officer:

OFFICE OF THE CHIEF ADMINISTRATIVE OFFICER, HOUSE OF REPRESENTATIVES,
Washington, March 5, 2008.

Hon. NANCY PELOSI,
Speaker, House of Representatives, Washington, DC.

DEAR MADAM SPEAKER: This is to formally notify you, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with two administrative subpoenas for documents issued by the Merit Systems Protection Board.

After consulting with the Office of General Counsel, I have determined that compliance with the subpoenas is consistent with the privileges and rights of the House.

Sincerely,

DANIEL P. BEARD,
Chief Administrative Officer.

¶26.17 ADJOURNMENT OVER

On motion of Mr. SERRANO, by unanimous consent,

Ordered, That when the House adjourns today, it adjourn to meet on Monday, March 10, 2008, at 12:30 p.m., for morning-hour debate; and further, when the House adjourns on Wednesday, March 12, 2008, it adjourn to meet at 10:30 a.m. on Thursday, March 13, 2008.

And then,

¶26.18 ADJOURNMENT

On motion of Mr. BURGESS, pursuant to the previous order of the House, at 5 o'clock and 39 minutes p.m., the House adjourned until 12:30 p.m. on Monday, March 10, 2008.

¶26.19 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

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

Mr. CONYERS: Committee on the Judiciary. H.R. 1312. A bill to expedite adjudication of employer petitions for aliens of extraordinary artistic ability; with an amendment (Rept. 110–540). Referred to the Committee of the Whole House on the state of the Union.

¶26.20 REPORTED BILL SEQUENTIALLY REFERRED

Under clause 2 of rule XII, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. RAHALL: Committee on Natural Resources. H.R. 2176. A bill to provide for and approve the settlement of certain land claims of the Bay Mills Indian Community, with an amendment; referred to the Committee on Judiciary for a period ending not later than April 4, 2008, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(k) of rule X (Rept. 110–541, Pt. 1). Ordered to be printed.

Mr. RAHALL: Committee on Natural Resources. H.R. 4115. A bill to provide for and approve the settlement of certain land claims of the Sault Ste. Marie Tribe of Chippewa Indians, with an amendment; referred to the Committee on Judiciary for a period ending not later than April 4, 2008, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(k) of rule X (Rept. 110–542, Pt. 1). Ordered to be printed.

¶26.21 PUBLIC BILLS AND RESOLUTIONS

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

By Mr. RAHALL (for himself, Mr. GRIJALVA, and Mr. DICKS):

H.R. 5541. A bill to provide a supplemental funding source for catastrophic emergency wildland fire suppression activities on Department of the Interior and National Forest System lands, to require the Secretary of the Interior and the Secretary of Agriculture to develop a cohesive wildland fire management strategy, and for other purposes; to the Committee on Natural Resources, and in addition to the Committees on Agriculture, and the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SULLIVAN (for himself, Mr. BOREN, Mr. LUCAS, Mr. COLE of Oklahoma, Ms. FALLIN, Mr. PICKERING, Mr. MARCHANT, Mr. THOMPSON of Mississippi, Mr. BONNER, Mr. SESSIONS, Mr. TAYLOR, and Mr. UDALL of New Mexico):

H.R. 5542. A bill to amend title XVIII of the Social Security Act to provide for a temporary moratorium on enforcement of the cap amount on payments for hospice care under the Medicare Program, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ALLEN (for himself, Mr. ENGLISH of Pennsylvania, and Ms. BERKLEY):

H.R. 5543. A bill to amend the Internal Revenue Code of 1986 and the Employee Retirement Income Security Act of 1974 to increase the retirement security of women and small business owners, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BURGESS (for himself and Mr. STUPAK):

H.R. 5544. A bill to amend the Public Health Service Act to authorize a demonstration project for integrated health systems to expand access to primary and preventive care for the medically underserved, and for other purposes; to the Committee on Energy and Commerce.

By Mr. BURGESS:

H.R. 5545. A bill to amend title XVIII of the Social Security Act to modify Medicare physician reimbursement policies to ensure a future physician workforce, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CONYERS (for himself, Mr. CANNON, Ms. ZOE LOFGREN of California, Mr. SHUSTER, Mr. WEINER, Mr. DELAHUNT, Mr. PLATTS, Mr. WELCH of Vermont, Mr. SULLIVAN, Mr. WILSON of South Carolina, Mr. GOHMERT, Mr. HALL of Texas, Mr. BOOZMAN, and Mr. PETERSON of Pennsylvania):

H.R. 5546. A bill to amend the antitrust laws to ensure competitive market-based rates and terms for merchants' access to electronic payment systems; to the Committee on the Judiciary.

By Mr. ALLEN (for himself, Mr. DELAHUNT, Mr. MCGOVERN, and Mr. MICHAUD):

H.R. 5547. A bill to amend the Federal Power Act to ensure that the mission and functions of Regional Transmission Organizations and Independent System Operators include keeping energy costs as low as reasonably possible for consumers, and for other purposes; to the Committee on Energy and Commerce.

By Mr. COHEN:

H.R. 5548. A bill to provide for the continued availability of automated stamp vending machines at facilities of the United States Postal Service serving underserved communities, and for other purposes; to the Committee on Oversight and Government Reform, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CUMMINGS:

H.R. 5549. A bill to expand the dental workforce and improve dental access, prevention, and data reporting, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DAVIS of Illinois (for himself, Mr. TOM DAVIS of Virginia, Mrs. MALONEY of New York, Mr. CUMMINGS, Ms. NORTON, and Mr. SARBANES):

H.R. 5550. A bill to amend title 5, United States Code, to increase the maximum age to qualify for coverage as a ''child'' under the health benefits program for Federal employees; to the Committee on Oversight and Government Reform.

By Mr. DAVIS of Illinois (for himself and Ms. NORTON):

H.R. 5551. A bill to amend title 11, District of Columbia Official Code, to implement the increase provided under the District of Columbia Appropriations Act, 2008, in the amount of funds made available for the compensation of attorneys representing indigent defendants in the District of Columbia courts, and for other purposes; to the Committee on Oversight and Government Reform.

By Ms. GIFFORDS (for herself, Mr. BILBRAY, Mr. ALEXANDER, Mr. BOYD of Florida, Mrs. BOYDA of Kansas, Mrs. CAPITO, Mrs. CUBIN, Mr. DONNELLY, Mr. ELLSWORTH, Mr. FEENEY, Mr. FRANKS of Arizona, Mr. HALL of New York, Mr. HILL, Mr. HUNTER, Mr. ISRAEL, Mr. KENNEDY, Mr. LAMPSON, Mr. MARCHANT, Mr. MITCHELL, Mr. MOORE of Kansas, and Mr. TANCREDO):

H.R. 5552. A bill to require a report on the efforts of the United States Government to increase border security; to the Committee on Homeland Security.

By Mr. ISSA:

H.R. 5553. A bill to suspend temporarily the duty on certain travel bags; to the Committee on Ways and Means.

By Mr. MICHAUD (for himself, Mr. FILNER, Mr. MILLER of Florida, Ms. CORRINE BROWN of Florida, Mr. ALLEN, Mr. BISHOP of Georgia, Mr. LEWIS of Georgia, and Mr. COHEN):

H.R. 5554. A bill to amend title 38, United States Code, to expand and improve health care services available to veterans from the Department of Veterans Affairs for substance use disorders, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. PLATTS:

H.R. 5555. A bill to amend the Internal Revenue Code of 1986 to allow volunteer firefighters a deduction for personal safety clothing; to the Committee on Ways and Means.

By Mr. PLATTS:

H.R. 5556. A bill to amend the Internal Revenue Code of 1986 to allow certain individuals who have attained age 50 and who are unemployed to receive distributions from qualified retirement plans without incurring a 10 percent additional tax; to the Committee on Ways and Means.

By Mr. PLATTS:

H.R. 5557. A bill to amend the Internal Revenue Code of 1986 to allow a full deduction for meals and lodging in connection with medical care; to the Committee on Ways and Means.

By Mr. PRICE of Georgia:

H.R. 5558. A bill to limit the discriminatory taxation of oil pipeline property; to the Committee on the Judiciary.

By Mr. PUTNAM:

H.R. 5559. A bill to amend the Internal Revenue Code of 1986 to allow individuals a deduction for qualified long-term care insurance premiums, use of such insurance under cafeteria plans and flexible spending arrangements, and a credit for individuals with long-term care needs; to the Committee on Ways and Means.

By Mr. WELCH of Vermont (for himself, Mr. SHERMAN, Mr. ALLEN, Mr. BERMAN, Mr. BLUMENAUER, Mrs. CAPPS, Mr. CARDOZA, Ms. CLARKE, Mr. COURTNEY, Mr. CROWLEY, Mrs. DAVIS of California, Mr. DEFAZIO, Ms. DELAURO, Mr. DREIER, Mr. ELLISON, Ms. ESHOO, Mr. FARR, Mr. HALL of New York, Ms. HARMAN, Mr. HINCHEY, Mr. HODES, Mr. HONDA, Mr. INSLEE, Mr. KENNEDY, Mr. KUCINICH, Mr. LANGEVIN, Mr. LARSON of Connecticut, Ms. LEE, Ms. ZOE LOFGREN of California, Mr. MARKEY, Ms. MATSUI, Ms. MCCOLLUM of Minnesota, Mr. MCDERMOTT, Mr. MCGOVERN, Mr. MICHAUD, Mr. GEORGE MILLER of California, Mr. MILLER of North Carolina, Mr. MORAN of Virginia, Mr. MURPHY of Connecticut, Mr. NADLER, Mr. OLVER, Mr. PALLONE, Mr. PAYNE, Ms. LINDA T. SÁNCHEZ of California, Mr. SARBANES, Mr. SCHIFF, Mr. SERRANO, Ms. SHEA-PORTER, Mr. SIRES, Ms. SOLIS, Mr. STARK, Mrs. TAUSCHER, Mr. THOMPSON of California, Mr. VAN HOLLEN, Mr. WAXMAN, Mr. WEXLER, Ms. WOOLSEY, Mr. WU, and Mr. FILNER):

H.R. 5560. A bill to permit California and other States to effectively control greenhouse gas emissions from motor vehicles, and for other purposes; to the Committee on Energy and Commerce.

By Mr. HOYER (for himself, Mr. MORAN of Virginia, Mr. VAN HOLLEN, Mr. WYNN, Ms. NORTON, and Mr. WOLF):

H. Con. Res. 311. Concurrent resolution authorizing the use of the Capitol Grounds for the Greater Washington Soap Box Derby; to the Committee on Transportation and Infrastructure.

By Ms. ROS-LEHTINEN (for herself, Mr. WEXLER, Mr. BILIRAKIS, Mrs. MALONEY of New York, Mr. PAYNE, Mr. SMITH of New Jersey, Ms. WATSON, Mr. WILSON of South Carolina, Mr. FALEOMAVAEGA, Mr. MCCOTTER, Mr. MANZULLO, Mr. POE, Mr. GALLEGLY, Mr. MEEKS of New York, Mr. HOLT, Mr. FRANK of Massachusetts, Mr. FATTAH, Mrs. NAPOLITANO, Mr. MCNULTY, Mr. KENNEDY, Mr. SPACE, Mr. VAN HOLLEN, Mr. PALLONE, Mr. SARBANES, and Mr. CROWLEY):

H. Res. 1024. A resolution recognizing the 187th anniversary of the independence of Greece and celebrating Greek and American democracy; to the Committee on Foreign Affairs.

By Mr. BOUSTANY:

H. Res. 1025. A resolution providing for consideration of the bill (H.R. 1843) to extend the termination date for the exemption of returning workers from numerical limitations for temporary workers; to the Committee on Rules.

By Mr. BISHOP of Georgia (for himself, Mr. TIAHRT, Ms. MATSUI, Mr. MILLER of Florida, and Mr. TANNER):

H. Res. 1026. A resolution recognizing the 100th anniversary of the founding of the Congressional Club; to the Committee on Oversight and Government Reform.

By Mr. LAMBORN (for himself, Mr. DAVID DAVIS of Tennessee, Mrs. BLACKBURN, Mr. KINGSTON, Mr. GINGREY, Mr. FLAKE, Mr. PRICE of Georgia, Mrs. CUBIN, Mr. CHABOT, Mr. KUHL of New York, Mr. FRANKS of Arizona, Mr. PITTS, Ms. FOXX, Mrs. BACHMANN, and Mr. CANTOR):

H. Res. 1027. A resolution amending the Rules of the House of Representatives to strike rule XXVIII, popularly known as the ''Gephardt rule'', and to require recorded votes on measures that increase the statutory limit on the public debt; to the Committee on Rules.

By Ms. LEE (for herself, Ms. WOOLSEY, Ms. WATERS, and Mr. FILNER):

H. Res. 1028. A resolution reasserting congressional prerogatives in foreign policy and reaffirming the importance of following constitutional processes when the United States Government enters into agreements regarding the use or maintenance of the United States Armed Forces or the use of the financial resources of the United States to assist a foreign government or people and clarifying the nature and scope of status of forces

agreements; to the Committee on Foreign Affairs.

By Mr. GUTIERREZ (for himself, Mr. SERRANO, Ms. VELÁZQUEZ, Mr. BACA, Mrs. CHRISTENSEN, Mr. GRIJALVA, Mr. SALAZAR, Ms. JACKSON-LEE of Texas, Ms. ROYBAL-ALLARD, Mr. FATTAH, Mr. BUTTERFIELD, Ms. KILPATRICK, Mr. TOWNS, Mr. CONYERS, Ms. NORTON, Mr. HINCHEY, Mr. WATT, Mr. BRADY of Pennsylvania, Ms. CLARKE, Mr. SIRES, Mr. LINCOLN DIAZ-BALART of Florida, Ms. BERKLEY, and Mrs. JONES of Ohio):

H. Res. 1029. A resolution congratulating and recognizing Mr. Juan Antonio ''Chi-Chi'' Rodriguez for his continued success on and off of the golf course, for his generosity and devotion to charity, and for his exemplary dedication to the intellectual and moral growth of thousands of low-income and disadvantaged youth in our country; to the Committee on Oversight and Government Reform.

By Mr. NEUGEBAUER:

H. Res. 1030. A resolution recognizing the achievements of former Texas Tech University, Indiana University, and West Point men's basketball coach Bob Knight; to the Committee on Education and Labor.

¶26.22 MEMORIALS

Under clause 3 of rule XII:

240. The SPEAKER presented a memorial of the House of Representatives of the State of Michigan, relative to House Resolution No. 267 memorializing the Congress of the United States to extend unemployment benefits as a key part of the federal economic stimulus package; to the Committee on Ways and Means.

¶26.23 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 248: Mr. BILBRAY, Mrs. CUBIN, and Mr. DOOLITTLE.
H.R. 471: Ms. ESHOO.
H.R. 503: Mr. ALLEN.
H.R. 552: Mr. BERMAN, Mr. DENT, and Mr. TOWNS.
H.R. 579: Mr. SAXTON and Ms. SLAUGHTER.
H.R. 706: Mr. LEWIS of California.
H.R. 768: Mr. BARRETT of South Carolina and Mr. COBLE.
H.R. 864: Ms. BALDWIN.
H.R. 1000: Mr. PASTOR and Mr. MURPHY of Connecticut.
H.R. 1032: Mr. BLUMENAUER.
H.R. 1043: Mr. LATOURETTE and Mr. BROWN of South Carolina.
H.R. 1063: Mr. BROWN of South Carolina.
H.R. 1117: Ms. WOOLSEY and Mr. KAGEN.
H.R. 1188: Mr. PAYNE.
H.R. 1228: Mr. DOOLITTLE and Mr. KIND.
H.R. 1282: Mr. KILDEE, Mr. PORTER, and Mr. ANDREWS.
H.R. 1419: Mr. CHABOT and Mr. TOWNS.
H.R. 1439: Mr. DONNELLY.
H.R. 1479: Mr. SCHIFF.
H.R. 1537: Mr. WILSON of South Carolina and Mr. PASCRELL.
H.R. 1553: Mr. BROWN of South Carolina.
H.R. 1554: Mrs. CUBIN.
H.R. 1576: Mrs. MUSGRAVE.
H.R. 1584: Mr. DAVIS of Kentucky, Mr. LAMBORN, Mrs. TAUSCHER, Mr. SKELTON, and Mr. BROUN of Georgia.
H.R. 1610: Mr. LATTA, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. YOUNG of Alaska.
H.R. 1629: Ms. FOXX and Mr. ROTHMAN.
H.R. 1647: Mr. ALTMIRE.
H.R. 1691: Mr. COHEN and Ms. WOOLSEY.
H.R. 1738: Ms. LEE.
H.R. 1767: Mr. ENGLISH of Pennsylvania, Mr. DAVID DAVIS of Tennessee, and Mr. ARCURI.
H.R. 1783: Mr. KILDEE and Mr. OBERSTAR.
H.R. 1843: Mr. KLEIN of Florida.
H.R. 1975: Mr. FALEOMAVAEGA, Mr. MCGOVERN, Mr. PASTOR, Mr. RAMSTAD, Mr. EMANUEL, and Mr. BACA.
H.R. 2016: Mr. HIGGINS.
H.R. 2020: Mr. HINOJOSA.
H.R. 2054: Mr. MORAN of Kansas and Ms. BALDWIN.
H.R. 2066: Mr. UPTON.
H.R. 2091: Mr. EMANUEL and Mr. DINGELL.
H.R. 2320: Ms. LEE.
H.R. 2370: Mr. MARIO DIAZ-BALART of Florida.
H.R. 2371: Mr. MARKEY and Mr. BURGESS.
H.R. 2533: Ms. ZOE LOFGREN of California and Mr. FILNER.
H.R. 2611: Mr. UDALL of Colorado.
H.R. 2652: Mr. KUHL of New York.
H.R. 2689: Mr. ROTHMAN and Mr. UDALL of Colorado.
H.R. 2702: Mr. SHAYS.
H.R. 2762: Mr. MANZULLO, Mr. UDALL of Colorado, Ms. FALLIN, Mr. ISSA, Mr. HUNTER, and Mr. DENT.
H.R. 2794: Mr. GORDON.
H.R. 2802: Mr. COHEN and Mr. KILDEE.
H.R. 2818: Mr. MARKEY and Mr. LARSON of Connecticut.
H.R. 2894: Mrs. BONO MACK, Ms. BALDWIN, Ms. HIRONO, Mr. FORTUÑO, Mr. SIRES, Mr. DOGGETT, Mr. TOWNS, Ms. CASTOR, Mr. HOLT, Ms. SLAUGHTER, Mr. MOORE of Kansas, Mr. MCNERNEY, Mrs. TAUSCHER, Mr. CHANDLER, Mr. LEVIN, Mr. BAIRD, Mr. PATRICK MURPHY of Pennsylvania, and Mr. KAGEN.
H.R. 2915: Mr. CUMMINGS.
H.R. 2922: Mr. GRIJALVA, Mr. ELLISON, and Ms. BALDWIN.
H.R. 2943: Mr. KILDEE.
H.R. 3029: Mr. COHEN.
H.R. 3098: Mr. AKIN.
H.R. 3212: Mr. SCOTT of Virginia.
H.R. 3326: Mr. PASCRELL.
H.R. 3360: Ms. LEE.
H.R. 3363: Mr. AKIN.
H.R. 3418: Mr. HASTINGS of Florida.
H.R. 3480: Mr. FARR and Mrs. TAUSCHER.
H.R. 3485: Ms. LEE.
H.R. 3494: Mr. HELLER and Mr. HULSHOF.
H.R. 3533: Mr. DONNELLY and Mr. SMITH of Texas.
H.R. 3660: Ms. ESHOO.
H.R. 3779: Mr. EHLERS.
H.R. 3817: Mr. GERLACH.
H.R. 3928: Mr. DUNCAN.
H.R. 3981: Mr. RANGEL and Mr. ACKERMAN.
H.R. 4061: Mr. BROUN of Georgia.
H.R. 4088: Mr. KELLER and Mr. COHEN.
H.R. 4125: Mr. GONZALEZ.
H.R. 4206: Mr. MARKEY, Mr. HINOJOSA, and Mr. REHBERG.
H.R. 4218: Mr. GRIJALVA, and Ms. HERSETH SANDLIN.
H.R. 4279: Mr. PENCE.
H.R. 4516: Mr. STARK.
H.R. 4651: Mr. LATHAM.
H.R. 4838: Ms. TSONGAS.
H.R. 4845: Mr. KLINE of Minnesota.
H.R. 4879: Mrs. MCCARTHY of New York.
H.R. 4900: Mr. ROSS, Mr. SESSIONS, Mr. BOUCHER, Mr. BROWN of South Carolina, Mr. KELLER, Mr. COLE of Oklahoma, Mr. MARCHANT, Mr. KUHL of New York, Mr. TANCREDO, and Mr. MCCAUL of Texas.
H.R. 5036: Mr. RANGEL.
H.R. 5057: Ms. BALDWIN.
H.R. 5109: Mr. KELLER and Mr. SHUSTER.
H.R. 5124: Mr. CAMPBELL of California.
H.R. 5161: Ms. EDDIE BERNICE JOHNSON of Texas.
H.R. 5172: Mr. KLEIN of Florida.
H.R. 5180: Ms. MCCOLLUM of Minnesota, Mr. MITCHELL, Mr. ELLSWORTH, Mr. WELCH of Vermont, Mr. SHULER, Mr. HODES, Mr. MORAN of Virginia, Mr. ROSS, Mr. BOREN, Mr. DAVID DAVIS of Tennessee, Mr. GALLEGLY, Mr. GORDON, Ms. BALDWIN, and Ms. CORRINE BROWN of Florida.
H.R. 5265: Mr. CARNAHAN, Mr. WILSON of Ohio, and Mr. GEORGE MILLER of California.
H.R. 5268: Mr. HALL of New York, Ms. SUTTON, Mr. ELLISON, Ms. SCHAKOWSKY, Mrs. MALONEY of New York, Mr. ENGEL, Ms. BERKLEY, Ms. CASTOR, Mr. MCDERMOTT, Mr. BOUCHER, Mr. KUHL of New York, Mr. LOEBSACK, Mr. MCNULTY, Mr. HOLT, Mr. GENE GREEN of Texas, Mr. GRIJALVA, and Ms. BALDWIN.
H.R. 5269: Mr. GENE GREEN of Texas.
H.R. 5395: Mr. SIRES, Mr. SCOTT of Virginia, Ms. CORRINE BROWN of Florida, Ms. KILPATRICK, Ms. LEE, Mrs. CHRISTENSEN, Mr. BLUNT, Mr. JACKSON of Illinois, Ms. CLARKE, Mrs. JONES of Ohio, Mr. CUMMINGS, Mr. MEEK of Florida, Mr. MEEKS of New York, Ms. NORTON, Mr. SCOTT of Georgia, Mr. TOWNS, Mr. WATT, Mr. SARBANES, Mr. KUCINICH, Mr. LYNCH, Mr. MARCHANT, Mr. ISSA, and Mr. JORDAN.
H.R. 5401: Mr. KLEIN of Florida.
H.R. 5443: Mr. TOWNS and Mr. MORAN of Virginia.
H.R. 5445: Mrs. MCMORRIS RODGERS, Mr. MCHUGH, and Mr. BONNER.
H.R. 5447: Mr. MARSHALL, Mr. PAYNE, and Mr. LEWIS of Georgia.
H.R. 5448: Mr. BISHOP of Georgia, Mrs. MALONEY of New York, and Mr. LEWIS of Georgia.
H.R. 5450: Ms. SCHWARTZ, Mr. CANNON, Mr. FRANKS of Arizona, Mr. CHABOT, Mr. FORTENBERRY, Mr. AKIN, and Mr. CONAWAY.
H.R. 5464: Ms. ROS-LEHTINEN.
H.R. 5465: Mr. ACKERMAN, Mrs. CAPPS, and Mr. GORDON.
H.R. 5467: Mr. ENGLISH of Pennsylvania, Mr. PAUL, Mr. ARCURI, Mr. JONES of North Carolina, and Mr. HALL of New York.
H.R. 5472: Mrs. JONES of Ohio, Mr. GOODE, Mr. RUSH, Mr. JEFFERSON, Mr. MCGOVERN, Mr. HINOJOSA, Mr. AL GREEN of Texas, Mr. JOHNSON of Georgia, Ms. EDDIE BERNICE JOHNSON of Texas, and Ms. CORRINE BROWN of Florida.
H.R. 5475: Mr. PORTER.
H.R. 5511: Mrs. MUSGRAVE and Mr. SALAZAR.
H.R. 5515: Mr. CAMP of Michigan, Mr. CANTOR, Mr. ENGLISH of Pennsylvania, and Mr. HERGER.
H.R. 5519: Mr. RODRIGUEZ, Mr. ALTMIRE, and Mr. ACKERMAN.
H. Con. Res. 75: Mr. CAPUANO.
H. Con. Res. 137: Mr. BONNER.
H. Con. Res. 224: Ms. LEE.
H. Con. Res. 284: Mr. LAMBORN, Mr. PICKERING, Mr. SALI, Mr. SHULER, Mr. COBLE, Mr. FRANKS of Arizona, Mr. BOOZMAN, Mr. GINGREY, Mr. JORDAN, Mr. FEENEY, Mr. PITTS, Mr. MARCHANT, Mr. SAM JOHNSON of Texas, Mr. WALBERG, Mr. GOODE, Mr. CONAWAY, Mr. KING of Iowa, Mr. BILBRAY, Mr. BARRETT of South Carolina, Mr. DAVID DAVIS of Tennessee, Mr. BRADY of Texas, Mrs. BACHMANN, Mrs. CHRISTENSEN, Mr. MCCOTTER, and Mr. TANCREDO.
H. Con. Res. 301: Mr. MCDERMOTT and Mr. POE.
H. Con. Res. 302: Mr. LEVIN, Mr. CARTER, Mr. BERMAN, Mr. OBERSTAR, and Mr. MCDERMOTT.
H. Res. 49: Mr. MARIO DIAZ-BALART of Florida and Mr. KNOLLENBERG.
H. Res. 105: Mr. AKIN.
H. Res. 259: Mr. CASTLE.
H. Res. 351: Mr. LUCAS and Mr. KELLER.
H. Res. 690: Mr. MURPHY of Connecticut and Mr. POE.
H. Res. 888: Mr. LATTA and Mr. CAMPBELL of California.
H. Res. 892: Ms. CORRINE BROWN of Florida, Ms. MOORE of Wisconsin, Mr. ENGLISH of Pennsylvania, Mr. MURTHA, Mr. ROTHMAN, Mr. TIBERI, Mr. TOWNS, and Mr. GRAVES.
H. Res. 895: Ms. MCCOLLUM of Minnesota, Mr. PRICE of North Carolina, and Mr. SCOTT of Virginia.
H. Res. 959: Mr. WILSON of South Carolina, Mr. MILLER of Florida, Mr. SAXTON, Mr. EVERETT, and Mr. UDALL of Colorado.

H. Res. 962: Mr. SCOTT of Virginia, Ms. BORDALLO, Mr. BECERRA, Mrs. BONO MACK, and Mr. GARY G. MILLER of California.

H. Res. 991: Mr. REYNOLDS.

H. Res. 997: Ms. BERKLEY, Mr. HINOJOSA, Mr. SHIMKUS, Mr. SHUSTER, Mr. MCCOTTER, and Mr. ENGEL.

H. Res. 1006: Mrs. CAPITO.

H. Res. 1008: Mr. GENE GREEN of Texas.

H. Res. 1016: Mr. BURTON of Indiana, Mr. KELLER, Mr. HOEKSTRA, Ms. GRANGER, Mr. CONAWAY, Mr. GALLEGLY, Mr. CANTOR, and Mr. WELDON of Florida.

H. Res. 1018: Mr. MEEKS of New York, Mr. TANNER, Mr. ABERCROMBIE, Mr. KIND, Mr. CRAMER, Mr. BERRY, Mrs. GILLIBRAND, Mr. BAIRD, and Mr. ROSS.

H. Res. 1021: Mr. MICHAUD, Mrs. LOWEY, Mr. CARDOZA, Mr. WAXMAN, Ms. RICHARDSON, Mr. SHERMAN, Ms. WATSON, Mr. MCNERNEY, Mr. HONDA, Ms. SHEA-PORTER, Mr. CUMMINGS, Mrs. BIGGERT, Mrs. BOYDA of Kansas, Ms. FALLIN, Mrs. BONO MACK, Mrs. CAPITO, Ms. SOLIS, Mr. NADLER, Ms. ESHOO, and Mr. Hare.

¶26.24 PETITIONS

Under clause 3 of rule XII:

220. The SPEAKER presented a petition of the Council of the City of Binghamton, New York, relative to a Resolution urging the Congress of the United States to open an impeachment inquiry into President George W. Bush and Vice President Richard Cheney in defense of the United States Constitution; to the Committee on the Judiciary.

MONDAY, MARCH 10, 2008 (27)

¶27.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order at 12:30 p.m. by the SPEAKER pro tempore, Ms. HIRONO, who laid before the House the following communication:

WASHINGTON, DC,
March 10, 2008.

I hereby appoint the Honorable MAZIE K. HIRONO to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

Whereupon, pursuant to the order of the House of January 4, 2007, Members were recognized for morning-hour debate.

¶27.2 RECESS—12:33 P.M.

The SPEAKER pro tempore, Ms. HIRONO, pursuant to clause 12(a) of rule I, declared the House in recess at 12 o'clock and 33 minutes p.m., until 2 p.m.

¶27.3 AFTER RECESS—2 P.M.

The SPEAKER pro tempore, Ms. HIRONO, called the House to order.

¶27.4 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Ms. HIRONO, announced she had examined and approved the Journal of the proceedings of Thursday, March 6, 2008.

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

¶27.5 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

5651. A letter from the Deputy Secretary, Department of Defense, transmitting the Department's report for the first quarter of fiscal year 2008 as required by the Joint Improvised Explosive Device Defeat Fund provision in Title VI of Division A of the Department of Defense Appropriations Act of 2008, Pub. L. 110-116; to the Committee on Armed Services.

5652. A letter from the Chief, Congressional Action Division, Office of Legislative Liaison, Department of the Air Force, Department of Defense, transmitting notice of a performance decision on the public-private competition affecting Detachment 1, Training Support Squadron, Luke Air Force Base, Arizona; to the Committee on Armed Services.

5653. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Federal Motor Vehicle Safety Standards; Lamps, Reflective Devices, and Associated Equipment [Docket No. NHTSA-2007-28322] (RIN: 2127-AJ75) received February 20, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5654. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Federal Motor Vehicle Theft Prevention Standard; Final Listing of 2008 Light Duty Truck Lines Subject to the Requirements of This Standard and Exempted Vehicle Lines for Model Year 2008 [Docket No. NHTSA-2007-28497] (RIN: 2127-AJ97) received February 20, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5655. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — In the Matter of 2006 Quadrennial Regulatory Review — Review of the Commission's Broadcast Ownership Rules and Other Rules Adopted Pursuant to Section 202 of the Telecommunications Act of 1996 FCC 07-216 [MB Docket 06-121 etc.] received February 25, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5656. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — In the Matter of Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Peach Springs, Arizona) [MB Docket No. 07-164 RM-11386] received February 25, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5657. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — In the Matter of The Commission's Cable Horizontal and Vertical Ownership Limits Implementation of Section 11 of the Cable Television Consumer Protection and Competition Act of 1992 Implementation of Cable Act Reform Provisions of the Telecommunications Act of 1996 Review of the Commission's Regulations Governing Attribution of Broadcast and Cable/MDS Interests Review of the Commission's Regulations and Politics Affecting Investment in the Broadcast Industry Reexamination of the Commission's Cross-Interest Policy [MM Docket No. 92-264 CS Docket No. 98-82 CS Docket No. 96-85 MM Docket No. 94-150 MM Docket No. 92-51 MM to the Committee on Energy and Commerce.

5658. A letter from the Deputy Bureau Chief, Wireline Comp. Bur., Federal Communications Commission, transmitting the Commission's final rule — In the Matters of Telephone Numbers Requirements for IP-Enabled Services Providers Local Numbers Portability Porting Interval and Validation Requirements IP-Enabled Services Telephone Number Portability CTIA Petitions for Declaratory Ruling on Wireline-Wireless Porting Issues Final Regulatory Flexibility Analysis Numbering Resource Optimization [WC Docket No. 07-243 WC Docket No. 07-244 WC Docket No. 04-36 CC Docket No. 95-116 CC Docket No. 99-200] received February 25, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5659. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — In the Matter of Leased Commercial Access [MB Docket No. 07-42] received February 25, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5660. A letter from the General Counsel, Federal Energy Regulatory Commission, transmitting the Commission's final rule — Blanket Authorization Under FPA Section 203 [Docket No. RM07-21-000; Order No. 708] received February 25, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5661. A letter from the General Counsel, Federal Energy Regulatory Commission, transmitting the Commission's final rule — Cross-Subsidization Restrictions on Affiliate Transactions [Docket No. RM07-15-000; Order No. 707] received February 25, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5662. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — Delegated Authority to Order Use of Procedure for Access to Certain Sensitive Unclassified Information (RIN: 3150-AI32) received February 28, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5663. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting an annual report required by section 655 of the Foreign Assistance Act of 1961, pursuant to Public Law 104-164, section 655(a) (110 Stat. 1435); to the Committee on Foreign Affairs.

5664. A letter from the Secretary, Department of Commerce, transmitting consistent with the resolution of advice and consent to ratification of the Convention on the Prohibition of the Development, Production, Stockpiling, and Use of Chemical Weapons and on Their Destruction, adopted by the Senate of the United States on April 24, 1997, and Executive Order 13346 of July 8, 2004, certification for calendar year 2007; to the Committee on Foreign Affairs.

5665. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's report on ''Overseas Surplus Property,'' pursuant to Public Law 105-277, section 2215; to the Committee on Foreign Affairs.

5666. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification of a proposed technical assistance agreement for the export of technical data, defense services, and defense articles to the Governments of Belgium, France, Germany, Luxembourg, Spain, Turkey, the United Kingdom, Canada, South Africa, and Malaysia (Transmittal No. DDTC 014-08); to the Committee on Foreign Affairs.

5667. A letter from the Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), and pursuant to Executive Order 13313 of July 31, 2003, a six-month periodic report on the national emergency blocking property of persons undermining democratic processes or institutions in Zimbabwe that was declared in Executive Order 13288 of March 6, 2003; to the Committee on Foreign Affairs.

5668. A letter from the Acting Secretary, Department of Veterans Affairs, transmitting the Department's Annual Performance

and Accountability Report for FY 2007; to the Committee on Oversight and Government Reform.

5669. A letter from the Acting Assistant Secretary for Fish, Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for the Guajon (Eleutherodactylus cooki) (RIN: 1018-AU46) received February 29, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5670. A letter from the Deputy General Counsel, National Aeronautics and Space Administration, transmitting the Administration's final rule — CROSS-WAIVER OF LIABILITY (RIN: 2700-AB51) received February 28, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science and Technology.

5671. A letter from the Publications and Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Credit for New Qualified Alternative Motor Vehicles (Qualified Fuel Cell Motor Vehicles) [Notice 2008-33] received February 29, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5672. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Revenue Procedure: Purchase Price Safe Harbors for Sections 143 and 25 (Rev. Proc. 2008-17) received February 25, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5673. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's final rule — Medicare Program; Medicare Secondary Payer (MSP) Amendments [CMS-6272-F] (RIN: 0938-AN27) received February 25, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and Ways and Means.

¶27.6 COMMUNICATION FROM THE CLERK—MESSAGE FROM THE PRESIDENT

The SPEAKER pro tempore, Ms. HIRONO, laid before the House a communication, which was read as follows:

HOUSE OF REPRESENTATIVES,
Washington, DC, March 8, 2008.

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

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on March 8, 2008, at 11 :30 a.m. and said to contain a message from the President whereby he returns without his approval, H.R. 2082, the ''Intelligence Authorization Act for Fiscal Year 2008.''

With best wishes, I am

Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

¶27.7 VETO OF H.R. 2082

The Clerk then read the veto message from the President, as follows:

To the House of Representatives:

I am returning herewith without my approval H.R. 2082, the ''Intelligence Authorization Act for Fiscal Year 2008.'' The bill would impede the United States Government's efforts to protect the American people effectively from terrorist attacks and other threats because it imposes several unnecessary and unacceptable burdens on our Intelligence Community.

Section 444 of the bill would impose additional Senate confirmation requirements on two national security positions—the Director of the National Security Agency and the Director of the National Reconnaissance Office. The National Commission on Terrorist Attacks Upon the United States (9/11 Commission) observed that the effectiveness of the Intelligence Community suffers due to delays in the confirmation process; section 444 would only aggravate those serious problems. Senior intelligence officials need to assume their duties and responsibilities as quickly as possible to address the pressing requirements of national security. Instead of addressing the 9/11 Commission's concern, the bill would subject two additional vital positions to a more protracted process of Senate confirmation. Apart from causing such potentially harmful delays, this unwarranted requirement for Senate confirmation would also risk injecting political pressure into these positions of technical expertise and public trust.

Section 413 would create a new Inspector General for the Intelligence Community. This new office is duplicative and unnecessary. Each intelligence community component already has an Inspector General, and the Inspector General of the Office of the Director of National Intelligence has been vested with all the legal powers of any inspector general to carry out investigations on matters under the jurisdiction of the Director of National Intelligence. There is no reason to commit taxpayer resources to an additional inspector general with competing jurisdiction over the same intelligence elements. Creating duplicative inspectors general, who may have inconsistent views on the handling of particular matters, has the potential to create conflicts and impede the Intelligence Community from efficiently resolving issues and carrying out its core mission. In addition, the creation of a new inspector general would add yet another position in the Intelligence Community subject to Senate confirmation, contrary to the 9/11 Commission's recommendations.

Section 327 of the bill would harm our national security by requiring any element of the Intelligence Community to use only the interrogation methods authorized in the Army Field Manual on Interrogations. It is vitally important that the Central Intelligence Agency (CIA) be allowed to maintain a separate and classified interrogation program. The Army Field Manual is directed at guiding the actions of nearly three million active duty and reserve military personnel in connection with the detention of lawful combatants during the course of traditional armed conflicts, but terrorists often are trained specifically to resist techniques prescribed in publicly available military regulations such as the Manual. The CIA's ability to conduct a separate and specialized interrogation program for terrorists who possess the most critical information in the War on Terror has helped the United States prevent a number of attacks, including plots to fly passenger airplanes into the Library Tower in Los Angeles and into Heathrow Airport or buildings in downtown London. While details of the current CIA program are classified, the Attorney General has reviewed it and determined that it is lawful under existing domestic and international law, including Common Article 3 of the Geneva Conventions. I remain committed to an intelligence-gathering program that complies with our legal obligations and our basic values as a people. The United States opposes torture, and I remain committed to following international and domestic law regarding the humane treatment of people in its custody, including the ''Detainee Treatment Act of 2005.''

My disagreement over section 327 is not over any particular interrogation technique; for instance, it is not over waterboarding, which is not part of the current CIA program. Rather, my concern is the need to maintain a separate CIA program that will shield from disclosure to al Qaeda and other terrorists the interrogation techniques they may face upon capture. In accordance with a clear purpose of the ''Military Commissions Act of 2006,'' my veto is intended to allow the continuation of a separate and classified CIA interrogation program that the Department of Justice has determined is lawful and that operates according to rules distinct from the more general rules applicable to the Department of Defense. While I will continue to work with the Congress on the implementation of laws passed in this area in recent years, I cannot sign into law a bill that would prevent me, and future Presidents, from authorizing the CIA to conduct a separate, lawful intelligence program, and from taking all lawful actions necessary to protect Americans from attack.

Other provisions of the bill purport to require the executive branch to submit information to the Congress that may be constitutionally protected from disclosure, including information the disclosure of which could impair foreign relations, the national security, the deliberative processes of the Executive, or the performance of the Executive's constitutional duties. Section 326, for example, would require that the executive branch report, on a very short deadline and in accordance with a rigid set of specific statutory requirements, the details of highly classified interrogation techniques and the confidential legal advice concerning them. The executive branch voluntarily has provided much of this information to appropriate Members of Congress, demonstrating that questions concerning access to such information are best addressed through the customary practices and arrangements between the executive and legislative branches on such matters, rather than through the enactment of legislation.

In addition, section 406 would require a consolidated inventory of Special Access Programs (SAPs) to be submitted

to the Congress. Special Access Programs concern the most sensitive information maintained by the Government, and SAP materials are maintained separately precisely to avoid the existence of one document that can serve as a roadmap to our Nation's most vital information. The executive branch must be permitted to present this information in a manner that does not jeopardize national security. The executive branch will continue to keep the Congress appropriately informed of the matters to which the provisions relate in accordance with the accommodation principles the Constitution contemplates and the executive and legislative branches have long and successfully used to address information sharing on matters of national security.

GEORGE W. BUSH.

THE WHITE HOUSE, *March 8, 2008*.

The SPEAKER pro tempore, Ms. HIRONO, by unanimous consent, ordered that the veto message, together with the accompanying bill, be printed (H. Doc. 110–100) and spread upon the pages of the Journal of the House.

On motion of Mr. LOEBSACK, by unanimous consent, further consideration of the veto message was postponed until March 11, 2008.

¶27.8 COMMUNICATION FROM THE CLERK—MESSAGE FROM THE SENATE

The SPEAKER pro tempore, Ms. HIRONO, laid before the House a communication, which was read as follows:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, March 7, 2008.

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

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on March 7, 2008, at 3:20 p.m.:

That the Senate passed S. 2733.

Appointments:

Public Interest Declassification Board.

With best wishes, I am

Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

¶27.9 COMMUNICATION REGARDING SUBPOENA

The SPEAKER pro tempore, Ms. HIRONO, laid before the House the following communication from Mr. REYES:

HOUSE OF REPRESENTATIVES, PERMANENT SELECT COMMITTEE ON INTELLIGENCE,
Washington, DC, March 6, 2008.

Hon. NANCY PELOSI,
Speaker, House of Representatives, Washington, DC.

DEAR MADAM SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have received a subpoena for documents issued by the U.S. District Court for the Central District of California.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is inconsistent with the precedents and privileges of the House.

Sincerely,

SILVESTRE REYES,
Chairman.

¶27.10 NATIONAL 9-1-1 EDUCATION MONTH

Mr. DAVIS of Illinois, moved to suspend the rules and agree to the following resolution (H. Res. 537); as amended:

Whereas 9–1–1 is nationally recognized as the number to call in an emergency to receive immediate help from police, fire, emergency medical services, or other appropriate emergency response entities;

Whereas in 1967, the President's Commission on Law Enforcement and Administration of Justice recommended that a ''single number should be established'' nationwide for reporting emergency situations, and other Federal Government agencies and various governmental officials also supported and encouraged the recommendation;

Whereas in 1968, the American Telephone and Telegraph Company (AT&T) announced that it would establish the digits 9–1–1 as the emergency code throughout the United States;

Whereas 9–1–1 was designated by Congress as the national emergency call number under the Wireless Communications and Public Safety Act of 1999 (Public Law 106–81);

Whereas the ENHANCE 911 Act of 2004 (Public Law 108–494) established enhanced 9–1–1 as ''a high national priority'' as part of our Nation's homeland security and public safety;

Whereas it is important that policy makers at all levels of government understand the importance of 9–1–1, how the system works today, and the steps that are needed to modernize the 9–1–1 system;

Whereas the 9–1–1 system is the connection between the eyes and ears of the public and emergency responders, and is a significant homeland security asset;

Whereas there are over 6,000 9–1–1 public safety answering points (PSAPs) serving more than 3,000 counties and parishes throughout the United States;

Whereas PSAPs answer more than 200,000,000 9–1–1 calls each year in the United States, and a growing number of 9–1–1 calls are made using wireless and Internet Protocol-based communications services;

Whereas a growing segment of the population, including the deaf, hard of hearing, and deaf-blind, and individuals with speech disabilities, are increasingly communicating with nontraditional text, video, and instant messaging communications services, and anticipate that these services will be able to connect directly to 9–1–1;

Whereas the growth and variety of means of communication, including mobile and Internet Protocol-based systems, impose challenges for accessing 9–1–1 and implementing enhanced 9–1–1, and require increased education and awareness about their capabilities and limitations;

Whereas numerous other N–1–1 and 800 number services exist for non-emergency situations, including 2–1–1, 3–1–1, 5–1–1, 7–1–1, 8–1–1, poison control centers, and mental health hotlines, and the public needs to be educated on when to use these services in addition to or instead of 9–1–1;

Whereas international visitors and individuals immigrating to the United States make up an increasing part of the Nation's population in any given year, and such visitors and individuals may have limited knowledge of our emergency calling system;

Whereas people of all ages use 9–1–1, and it is critical to educate members of the public of all ages on the proper use of 9–1–1;

Whereas thousands of 9–1–1 calls are made every year by children properly trained in the use of 9–1–1, resulting in lives saved, and which, in turn, underscores the critical importance of training children early in life about 9–1–1;

Whereas there is a need to reduce the widespread misuse of the 9–1–1 system, including prank and non-emergency calls, which can result in costly and inefficient use of 9–1–1 and emergency response resources;

Whereas we as a Nation should strive to host at least 1 educational event in every school in the country each year regarding the proper use of 9–1–1;

Whereas an established National 9–1–1 Education Month could include public awareness events, including conferences and media outreach, training activities for parents, teachers, school administrators, care givers, children, the elderly, and businesses; educational events in schools and other appropriate venues; and production and distribution of educational content on 9–1–1 designed to educate people of all ages on the importance and proper use of 9–1–1; and

Whereas Americans deserve the finest the Nation can offer in 9–1–1 education: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the designation of an appropriate month as ''National 9–1–1 Education Month'' and the goals of such designation; and

(2) requests that the President issue a proclamation—

(A) designating a month as ''National 9–1–1 Education Month''; and

(B) calling upon Government officials, parents, teachers, school administrators, care givers, businesses, nonprofit organizations, and the people of the United States to observe such month with appropriate ceremonies, training events, and activities.

The SPEAKER pro tempore, Ms. HIRONO, recognized Mr. DAVIS of Illinois, and Mr. WESTMORELAND, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Ms. HIRONO, announced that two-thirds of the Members present had voted in the affirmative.

Mr. WESTMORELAND demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Ms. HIRONO, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶27.11 E. ARTHUR GRAY POST OFFICE BUILDING

Mr. DAVIS of Illinois, moved to suspend the rules and pass the bill (H.R. 3196) to designate the facility of the United States Postal Service located at 20 Sussex Street in Port Jervis, New York, as the ''E. Arthur Gray Post Office Building''.

The SPEAKER pro tempore, Ms. HIRONO, recognized Mr. DAVIS of Illinois, and Mr. WESTMORELAND, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Ms. HIRONO, announced that two-thirds of the Members present had voted in the affirmative.

Mr. WESTMORELAND demanded that the vote be taken by the yeas and

nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Ms. HIRONO, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶27.12 STEVE W. ALLEE CARRIER ANNEX

Mr. DAVIS of Illinois, moved to suspend the rules and pass the bill (H.R. 4166) to designate the facility of the United States Postal Service located at 701 East Copeland Drive in Lebanon, Missouri, as the ''Steve W. Allee Carrier Annex''.

The SPEAKER pro tempore, Ms. HIRONO, recognized Mr. DAVIS of Illinois and Mr. WESTMORELAND, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Ms. HIRONO, announced that two-thirds of the Members present had voted in the affirmative.

Mr. WESTMORELAND demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Ms. HIRONO, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶27.13 IOWA STATE UNIVERSITY OF SCIENCE AND TECHNOLOGY

Mr. LOEBSACK moved to suspend the rules and agree to the following resolution (H. Res. 924); as amended:

Whereas Iowa State University of Science and Technology was established by the Iowa General Assembly on March 22, 1858, as the Iowa Agricultural College and Model Farm in response to the State of Iowa's desire to provide higher education opportunities to farm families and working classes in Iowa, predating the passage of the Federal Morrill Act by 4 years;

Whereas on September 11, 1862, Iowa became the first State in the United States to accept the terms and conditions of the Morrill Act creating the land-grant system of colleges and universities;

Whereas the Iowa Agricultural College and Model Farm, known today as Iowa State University of Science and Technology, received Iowa's land-grant charter on March 29, 1864, making it one of the first land-grant institutions in the United States;

Whereas Iowa State University was a pioneer in all 3 parts of the land-grant mission, including—

(1) allowing access to all, regardless of race, gender, or social class;

(2) practical research; and

(3) outreach;

Whereas Iowa State University fulfilled the 3 parts of the land-grant mission by—

(1) creating the first land-grant institution to be coeducational from its opening, with 16 women in its first class; future suffragist Carrie Chapman Catt was an 1880 graduate; and George Washington Carver was the first African-American student, earning a bachelor's degree in 1894 and a master's degree in 1896, and was also the institution's first African-American faculty member;

(2) establishing the United States' first Engineering Experiment Station and domestic economy experimental kitchen, and one of the first agriculture experiment stations; and

(3) organizing the Farmers Institutes in the winter of 1869, by Iowa State President Adonijah Welch, and organizing the nation's first county Extension Service in 1903 in Sioux County in northwest Iowa by Professor Perry Holden;

Whereas some of the most important technological advancements of the modern world were the result of research at Iowa State, including—

(1) development of hybrid seed corn in the 1920s;

(2) pioneering work on soybean oil extraction and producing ethanol from corn and other plant materials by Professor Orland Sweeney in the 1930s;

(3) invention of the electronic digital computer in the late 1930s by Professor John Atanasoff and graduate student Clifford Berry, whose Atanasoff-Berry Computer was the first to incorporate the 7 basic principles of modern computing;

(4) laying the foundation for the modern plastics industry with polyethylene research by Professor Henry Gilman;

(5) development of the process still used today to refine pure rare-earth materials, including reactor-grade uranium, by Professor Frank Spedding and Harley Wilhelm, as a result of Iowa State's key role in the Manhattan Project in WWII;

(6) development of modern livestock animal genetics by Professor Jay Lush; and

(7) first field-testing of a genetically altered plant (tobacco) in 1987 and genetically altered tree (poplar) in 1989 by Professor Robert Thornburg;

Whereas Iowa State hired one of the first permanent campus artists-in-residence, with sculptor Christian Petersen holding that position from 1934 to 1955 and providing hundreds of sculptures and other art objects to the university, whose Art on Campus collection today includes more than 600 major public works of art;

Whereas Iowa State has had a technology transfer office since 1935, longer than all but one other university in the United States, and is acknowledged today as a leader in putting technology to work, being cited as a ''model of economic development'' and ''licensing powerhouse'' in a 2007 study commissioned by the National Science Foundation;

Whereas Iowa State University is today spearheading new advances in science and technology, including new materials, information sciences, green architecture, biological research, and the development of biorenewable fuels and other resources to support the bioeconomy and the Nation's independence from nonrenewable petroleum resources; and

Whereas more than 257,000 degrees have been awarded by Iowa State, and its graduates include heads of State, leaders of industry, great humanitarians, and gifted scientists, whose work has improved the quality of life for people worldwide: Now, therefore, be it

Resolved, That the United States House of Representatives congratulates Iowa State University of Science and Technology for 150 years of outstanding service to the State of Iowa, the United States, and the world in fulfilling its mission as a land-grant university; and thanks the State of Iowa for its visionary leadership in the beginning of the land-grant movement in the United States of America.

The SPEAKER pro tempore, Ms. HIRONO, recognized Mr. LOEBSACK and Mr. KUHL of New York, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Ms. HIRONO, announced that two-thirds of the Members present had voted in the affirmative.

Mr. KUHL of New York, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Ms. HIRONO, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Tuesday, March 11, 2008.

¶27.14 UNIVERSITY OF KANSAS FOOTBALL TEAM

Mr. LOEBSACK moved to suspend the rules and agree to the following resolution (H. Res. 948); as amended:

Whereas on January 3, 2008, the University of Kansas (KU) football team won the 2008 FedEx Orange Bowl, defeating Virginia Tech by a score of 24 to 21 for the first major bowl victory in university history;

Whereas the KU football team won 12 games this season to set a school record;

Whereas KU ranked seventh in the final Top 25 polls released on January 8, 2008, for the second highest final ranking in school history (the school ranked sixth in 1968);

Whereas the KU football team reached a number 2 ranking on November 18, 2007, their highest national ranking in program history;

Whereas the KU team set the school record for points, an average of 42.77 points per game, and total yards (479.77 yards);

Whereas KU was the only school in the country to rank in the top 5 nationally in both scoring offense (second) and scoring defense (fifth);

Whereas Head Coach Mark Mangino was awarded multiple national coach of the year honors;

Whereas Head Coach Mark Mangino has produced a minimum of 6 wins in 3 straight seasons for the first time in 46 years for the KU football program;

Whereas the KU football team produced 2 first-team All-Americans, cornerback Aqib Talib and offensive tackle Anthony Collins, and 1 second-team All-American in defensive tackle James McClinton; and

Whereas the KU football team was also honored to have 2 Academic All-America recipients on the team, Russell Brorsen and John Larson: Now, therefore, be it

Resolved, That the House of Representatives—

(1) congratulates and commends the University of Kansas football team for winning the 2008 FedEx Orange Bowl and for having the most successful year in program history;

(2) recognizes the significant achievements of the players, coaches, students, alumni, and support staff whose dedication and hard work helped the University of Kansas football team win the FedEx Orange Bowl; and

(3) respectfully requests the Clerk of the House of Representatives to transmit enrolled copies of this resolution to the following individuals for display:

(A) Robert Hemenway, Chancellor of the University of Kansas.

(B) Richard Lariviere, Provost and Executive Vice Chancellor of the University of Kansas.

(C) Lew Perkins, Athletics Director of the University of Kansas.

(D) Mark Mangino, Head Coach.

The SPEAKER pro tempore, Ms. HIRONO, recognized Mr. LOEBSACK and Mr. KUHL of New York, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Ms. HIRONO, announced that two-thirds of the Members present had voted in the affirmative.

Mr. KUHL of New York, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Ms. HIRONO, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Tuesday, March 11, 2008.

¶27.15 UNIVERSITY OF CALIFORNIA, LOS ANGELES, 100TH NCAA SPORTS NATIONAL TITLE

Mr. LOEBSACK moved to suspend the rules and agree to the following resolution (H. Res. 493); as amended:

Whereas on May 13, 2007, the women's water polo team of the University of California, Los Angeles (UCLA), defeated Stanford 5–4 in the championship game of the NCAA Division I Women's Water Polo National Championship tournament;

Whereas the victory gave Head Coach Adam Krikorian and the Bruins women's water polo team their third consecutive NCAA Championship and was the team's fifth overall national title;

Whereas Kelly Rulon, a driver for the Bruins, was selected as the tournament's Most Valuable Player;

Whereas UCLA women's water polo players Kelly Rulon, Emily Feher, Courtney Mathewson, Jillian Kraus, and Kacy Kunkel were named to the NCAA All-Tournament First Team;

Whereas the UCLA women's water polo team finished the 2007 season with a record of 28 wins and 2 losses, and now has a record of 90 wins and 6 losses over the past 3 seasons;

Whereas the 2007 Women's Water Polo National Championship makes UCLA the first school ever to win 100 NCAA sports national titles;

Whereas UCLA won its 100th NCAA title less than 58 years after the UCLA men's tennis team won the school's first NCAA title in 1950;

Whereas 16 different men's and women's sports programs contributed to the Bruins' 100 NCAA national championships, including—

(1) men's basketball in 1964, 1965, 1967, 1968, 1969, 1970, 1971, 1972, 1973, 1975, and 1995;

(2) men's golf in 1988;

(3) women's golf in 1991 and 2004;

(4) men's gymnastics in 1984 and 1987;

(5) women's gymnastics in 1997, 2000, 2001, 2003, and 2004;

(6) men's soccer in 1985, 1990, 1997, and 2002;

(7) women's softball in 1982, 1984, 1985, 1988, 1989, 1990, 1992, 1999, 2003, and 2004;

(8) men's swimming in 1982;

(9) men's tennis in 1950, 1952, 1953, 1954, 1956, 1960, 1961, 1965, 1970, 1971, 1975, 1976, 1979, 1982, 1984, and 2005;

(10) men's track and field in 1956, 1966, 1971, 1972, 1973, 1978, 1987, and 1988;

(11) women's outdoor track and field in 1982, 1983, and 2004;

(12) women's indoor track and field in 2000 and 2001;

(13) men's volleyball in 1970, 1971, 1972, 1974, 1975, 1976, 1979, 1981, 1982, 1983, 1984, 1987, 1989, 1993, 1995, 1996, 1998, 2000, and 2006;

(14) women's volleyball in 1984, 1990, and 1991;

(15) men's water polo in 1969, 1971, 1972, 1995, 1996, 1999, 2000, and 2004; and

(16) women's water polo in 2001, 2003, 2005, 2006, and 2007;

Whereas UCLA teams have won 14 NCAA national championships during the tenure of Daniel G. Guerrero, the current Director of Athletics at UCLA; and

Whereas UCLA, under the leadership of Chancellor Gene Block, continues to establish itself as one of the top research universities as well as top athletic programs in the Nation: Now, therefore, be it

Resolved, That the House of Representatives—

(1) congratulates the women's water polo team of the University of California, Los Angeles, and Head Coach Adam Krikorian for winning the 2007 NCAA Division I Women's Water Polo National Championship;

(2) congratulates UCLA on becoming the first school to win 100 NCAA sports national championship titles, making it the most accomplished athletic program in NCAA history; and

(3) recognizes the achievements of all the players, coaches, students, alumni, and staff of UCLA who were instrumental over the years in this prestigious achievement.

The SPEAKER pro tempore, Ms. HIRONO, recognized Mr. LOEBSACK and Mr. KUHL of New York, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Ms. HIRONO, announced that two-thirds of the Members present had voted in the affirmative.

Mr. LOEBSACK demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Ms. HIRONO, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Tuesday, March 11, 2008.

¶27.16 RECESS—3:11 P.M.

The SPEAKER pro tempore, Ms. HIRONO, pursuant to clause 12(a) of rule I, declared the House in recess at 3 o'clock and 11 minutes p.m., until approximately 6:30 p.m.

¶27.17 AFTER RECESS—6:34 P.M.

The SPEAKER pro tempore, Ms. LEE, called the House to order.

¶27.18 H. RES. 537—UNFINISHED BUSINESS

The SPEAKER pro tempore, Ms. LEE, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 537) expressing support for the designation and goals of ''National 9-1-1 Education Month'', and for other purposes; as amended.

The question being put,

Will the House suspend the rules and agree to said resolution, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 381 / Nays 0

¶27.19 [Roll No. 108]

YEAS—381

Abercrombie	Dingell	King (IA)
Ackerman	Doggett	King (NY)
Aderholt	Donnelly	Kingston
Akin	Doyle	Kirk
Alexander	Drake	Klein (FL)
Allen	Dreier	Kline (MN)
Altmire	Duncan	Knollenberg
Andrews	Edwards	Kucinich
Arcuri	Ehlers	Kuhl (NY)
Baca	Ellison	LaHood
Bachmann	Ellsworth	Lamborn
Bachus	Emanuel	Lampson
Baird	Emerson	Larsen (WA)
Baldwin	Engel	Larson (CT)
Barrett (SC)	English (PA)	Latham
Barrow	Eshoo	LaTourette
Bartlett (MD)	Etheridge	Latta
Barton (TX)	Everett	Lee
Bean	Fallin	Levin
Becerra	Farr	Lewis (CA)
Berkley	Fattah	Lewis (GA)
Berman	Feeney	Lewis (KY)
Biggert	Ferguson	Linder
Bilbray	Filner	Lipinski
Bilirakis	Flake	LoBiondo
Bishop (GA)	Forbes	Loebsack
Bishop (NY)	Fortenberry	Lofgren, Zoe
Bishop (UT)	Fossella	Lowey
Blackburn	Foxx	Lucas
Blumenauer	Frank (MA)	Lungren, Daniel E.
Blunt	Franks (AZ)	Mack
Boehner	Frelinghuysen	Mahoney (FL)
Bono Mack	Gallegly	Maloney (NY)
Boozman	Garrett (NJ)	Manzullo
Boswell	Gerlach	Markey
Boucher	Giffords	Marshall
Boustany	Gillibrand	Matheson
Boyd (FL)	Gingrey	Matsui
Boyda (KS)	Gohmert	McCarthy (CA)
Brady (PA)	Gonzalez	McCarthy (NY)
Brady (TX)	Goode	McCaul (TX)
Braley (IA)	Goodlatte	McCollum (MN)
Broun (GA)	Gordon	McCotter
Brown (SC)	Granger	McDermott
Buchanan	Graves	McGovern
Burgess	Green, Al	McHenry
Burton (IN)	Green, Gene	McHugh
Butterfield	Grijalva	McIntyre
Camp (MI)	Gutierrez	McKeon
Campbell (CA)	Hall (NY)	McMorris Rodgers
Cannon	Hall (TX)	McNerney
Cantor	Hare	McNulty
Capito	Harman	Meek (FL)
Capps	Hastings (FL)	Meeks (NY)
Capuano	Hastings (WA)	Melancon
Cardoza	Hayes	Mica
Carnahan	Heller	Michaud
Carney	Hensarling	Miller (FL)
Carter	Herger	Miller (NC)
Castle	Herseth Sandlin	Miller, Gary
Castor	Higgins	Miller, George
Chabot	Hill	Mollohan
Chandler	Hinchey	Moore (KS)
Clarke	Hinojosa	Moore (WI)
Clay	Hirono	Moran (KS)
Cleaver	Hobson	Murphy (CT)
Clyburn	Hodes	Murphy, Patrick
Coble	Hoekstra	Murphy, Tim
Cole (OK)	Holden	Murtha
Conaway	Holt	Musgrave
Conyers	Honda	Myrick
Cooper	Hoyer	Nadler
Costa	Hunter	Napolitano
Courtney	Inglis (SC)	Neugebauer
Cramer	Inslee	Nunes
Crenshaw	Israel	Obey
Crowley	Issa	Olver
Culberson	Jackson (IL)	Ortiz
Cummings	Jackson-Lee (TX)	Pallone
Davis (AL)	Johnson (GA)	Pascrell
Davis (CA)	Johnson (IL)	Pastor
Davis (IL)	Johnson, E. B.	Paul
Davis (KY)	Johnson, Sam	Payne
Davis, David	Jones (NC)	Pearce
Davis, Lincoln	Jones (OH)	Perlmutter
Deal (GA)	Jordan	Peterson (MN)
DeFazio	Kagen	Petri
DeGette	Kanjorski	Pickering
Delahunt	Kaptur	Pitts
DeLauro	Keller	Platts
Dent	Kennedy	Poe
Diaz-Balart, L.	Kildee	Pomeroy
Diaz-Balart, M.	Kind	
Dicks		

Porter
Price (GA)
Price (NC)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rogers (AL)
Rogers (KY)
Rogers (MI)
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sutton
Tancredo
Tanner
Tauscher
Terry
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walz (MN)
Wamp
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Westmoreland
Whitfield (KY)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Wu
Wynn
Yarmuth
Young (AK)

NOT VOTING—47

Berry
Bonner
Boren
Brown, Corrine
Brown-Waite, Ginny
Buyer
Calvert
Cohen
Costello
Cubin
Cuellar
Davis, Tom
Doolittle
Gilchrest
Hooley
Hulshof
Jefferson
Kilpatrick
Langevin
Lynch
Marchant
McCrery
Miller (MI)
Mitchell
Moran (VA)
Neal (MA)
Oberstar
Pence
Peterson (PA)
Pryce (OH)
Rangel
Rodriguez
Rohrabacher
Ros-Lehtinen
Rush
Sanchez, Loretta
Sullivan
Taylor
Thompson (MS)
Udall (CO)
Walsh (NY)
Waters
Weldon (FL)
Wexler
Wilson (NM)
Woolsey
Young (FL)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

¶27.20 H.R. 3196—UNFINISHED BUSINESS

The SPEAKER pro tempore, Ms. LEE, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 3196) to designate the facility of the United States Postal Service located at 20 Sussex Street in Port Jervis, New York, as the ''E. Arthur Gray Post Office Building''.

The question being put,

Will the House suspend the rules and pass said bill?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 382 Nays 0

¶27.21 [Roll No. 109]

YEAS—382

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Buchanan
Burgess
Burton (IN)
Butterfield
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Courtney
Cramer
Crenshaw
Crowley
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neugebauer
Nunes
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Perlmutter
Peterson (MN)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rogers (AL)
Rogers (KY)
Rogers (MI)
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Terry
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walz (MN)
Wamp
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Westmoreland
Whitfield (KY)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Wu
Wynn
Yarmuth
Young (AK)

NOT VOTING—46

Berry
Bonner
Brown, Corrine
Brown-Waite, Ginny
Buyer
Calvert
Cohen
Costello
Cubin
Cuellar
Davis, Tom
Doolittle
Emerson
Gilchrest
Hooley
Hulshof
Jefferson
Kilpatrick
Lynch
Marchant
McCrery
Miller (MI)
Mitchell
Moran (VA)
Neal (MA)
Oberstar
Pence
Peterson (PA)
Pryce (OH)
Rangel
Rodriguez
Rohrabacher
Ros-Lehtinen
Rush
Sanchez, Loretta
Taylor
Thompson (MS)
Turner
Udall (CO)
Walsh (NY)
Waters
Weldon (FL)
Wexler
Wilson (NM)
Woolsey
Young (FL)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶27.22 H.R. 4166—UNFINISHED BUSINESS

The SPEAKER pro tempore, Ms. LEE, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 4166) to designate the facility of the United States Postal Service located at 701 East Copeland Drive in Lebanon, Missouri, as the ''Steve W. Allee Carrier Annex''.

The question being put,

Will the House suspend the rules and pass said bill?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 382 Nays 0

¶27.23 [Roll No. 110]

YEAS—382

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Buchanan
Burgess
Burton (IN)
Butterfield
Camp (MI)
Campbell (CA)

Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Courtney
Cramer
Crenshaw
Crowley
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Musgrave
Myrick
Nadler
Napolitano
Neugebauer
Nunes
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Perlmutter
Peterson (MN)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Terry
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walz (MN)
Wamp
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Westmoreland
Whitfield (KY)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Wu
Wynn
Yarmuth
Young (AK)

NOT VOTING—46

Berry
Bonner
Brown, Corrine
Brown-Waite, Ginny
Buyer
Calvert
Cohen
Costello
Cubin
Cuellar
Davis, Tom
Doolittle
Gilchrest
Grijalva
Hooley
Hulshof
Jefferson
Kilpatrick
Lynch
Marchant
McCrery
Miller (MI)
Mitchell
Moran (VA)
Murtha
Neal (MA)
Oberstar
Pence
Peterson (PA)
Pryce (OH)
Rangel
Rohrabacher
Ros-Lehtinen
Rush
Sanchez, Loretta
Taylor
Thompson (MS)
Turner
Udall (CO)
Walsh (NY)
Waters
Weldon (FL)
Wexler
Wilson (NM)
Woolsey
Young (FL)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶27.24 USE OF THE ROTUNDA HONORING HOLOCAUST VICTIMS

On motion of Ms. LOFGREN of California, by unanimous consent, the Committee on House Administration was discharged from further consideration of the following concurrent resolution (H. Con. Res. 306):

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. USE OF ROTUNDA FOR HOLOCAUST DAYS OF REMEMBRANCE CEREMONY.

The Rotunda of the Capitol is authorized to be used on May 1, 2008, for a ceremony as part of the commemoration of the days of remembrance of victims of the Holocaust. Physical preparations for the ceremony shall be carried out in accordance with such conditions as the Architect of the Capitol may prescribe.

When said concurrent resolution was considered and agreed to.

A motion to reconsider the vote whereby said concurrent resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶27.25 USE OF THE ROTUNDA HONORING TROOPS IN IRAQ

Ms. LOFGREN of California, by unanimous consent, submitted the following concurrent resolution (H. Con. Res. 313):

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. USE OF ROTUNDA FOR CEREMONY HONORING THOSE SERVING IN AFGHANISTAN AND IRAQ.

(a) USE OF ROTUNDA.—The rotunda of the Capitol is authorized to be used on March 13, 2008, for a ceremony to honor the 5 years of service and sacrifice of our troops and their families in the war in Iraq and to remember those who are serving our Nation in Afghanistan and throughout the world.

(b) PREPARATIONS.—Physical preparations for the ceremony referred to in subsection (a) shall be carried out in accordance with such conditions as the Architect of the Capitol may prescribe.

When said concurrent resolution was considered and agreed to.

A motion to reconsider the vote whereby said concurrent resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶27.26 RECESS—8:55 P.M.

The SPEAKER pro tempore, Mr. ALTMIRE, pursuant to clause 12(a) of rule I, declared the House in recess at 8 o'clock and 55 minutes p.m., until approximately 9:07 p.m.

¶27.27 AFTER RECESS—9:10 P.M.

The SPEAKER pro tempore, Mr. ALTMIRE, called the House to order.

¶27.28 PROVIDING FOR CONSIDERATION OF H. RES. 895

Ms. SUTTON, by direction of the Committee on Rules, reported (Rept. No. 110–547) the resolution (H. Res. 1031) providing for consideration of the resolution (H. Res. 895) establishing within the House of Representatives an Office of Congressional Ethics, and for other purposes.

When said resolution and report were referred to the House Calendar and ordered printed.

¶27.29 SENATE ENROLLED JOINT RESOLUTION SIGNED

The Speaker announced her signature to an enrolled bill of the Senate of the following title:

S.J. Res. 25. An Act providing for the appointment of John W. McCarter as a citizen regent of the Board of Regents of the Smithsonian Institution.

¶27.30 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Ms. Ginny BROWN-WAITE of Florida, for today;

To Mr. BUYER, for today;

To Ms. KILPATRICK, for today and March 11;

To Mr. THOMPSON of Mississippi, for today and March 11 ;

To Ms. WOOLSEY, for today and balance of the week; and

To Mr. YOUNG of Florida, for today.

And then,

¶27.31 ADJOURNMENT

On motion of Ms. SUTTON, pursuant to the special order of the House agreed to on Thursday, March 6, 2008, at 9 o'clock and 11 minutes p.m., the House adjourned until 10:30 a.m. on Tuesday, March 11, 2008.

¶27.32 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

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

[The following action occurred on March 7, 2008]

Mr. SPRATT: Committee on the Budget. House Concurrent Resolution 312. Resolution revising the congressional budget for the United States Government for fiscal year 2008, establishing the congressional budget for the United States Government for fiscal year 2009, and setting forth appropriate budgetary levels for fiscal years 2010 through 2013 (Rept. 110–543). Referred to the Committee of the Whole House on the state of the Union.

[Filed on March 10, 2008]

Mr. OBERSTAR: Committee on Transportation and Infrastructure. House Resolution 936. Resolution honoring the 200th anniversary of the Gallatin Report on Roads and Canals, celebrating the national unity the Gallatin Report engendered, and recognizing the vast contributions that national planning efforts have provided to the United States; with amendments (Rept. 110–544). Referred to the House Calendar.

Mr. OBERSTAR: Committee on Transportation and Infrastructure. H.R. 5492. A bill to authorize the Board of Regents of the Smithsonian Institution to construct a greenhouse facility at its museum support facility in Suitland, Maryland, and for other purposes (Rept. 110–545). Referred to the Committee of the Whole House on the state of the Union.

Mr. BERMAN: Committee on Foreign Affairs. H.R. 5501. A bill to authorize appropriations for fiscal years 2009 through 2013 to provide assistance to foreign countries to combat HIV/AIDS, tuberculosis, and malaria, and for other purposes (Rept. 110–546 Pt. 1). Ordered to be printed.

Ms. SUTTON: Committee on Rules. House Resolution 1031. Resolution providing for the adoption of the resolution (H. Res. 895) establishing within the House of Representatives an Office of Congressional Ethics, and for other purposes (Rept. 110–547). Referred to the House Calendar.

¶27.33 COMMITTEE DISCHARGED

Pursuant to clause 2 of rule XII, the Committee on Financial Services discharged from further consideration. H.R. 5501 referred to the Committee of the Whole House on the state of the Union.

¶27.34 PUBLIC BILLS AND RESOLUTIONS

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

By Mr. BUYER:

H.R. 5561. A bill to amend the Economic Stimulus Act of 2008 to provide for a temporary increase in the maximum loan guaranty amount for housing loans guaranteed by the Secretary of Veterans Affairs; to the Committee on Veterans' Affairs.

By Mrs. WILSON of New Mexico:

H.R. 5562. A bill to authorize the National Guard to provide support for the border control activities of the United States Customs and Border Protection of the Department of Homeland Security, and for other purposes; to the Committee on Armed Services.

By Mrs. MCCARTHY of New York (for herself, Mr. GEORGE MILLER of California, Mr. PLATTS, Mr. SHAYS, Mr. HOLT, Ms. WOOLSEY, Ms. MATSUI, Mr. JEFFERSON, Mr. KLEIN of Florida, Mr. COURTNEY, Mr. SESTAK, and Ms. SHEA-PORTER):

H.R. 5563. A bill to reauthorize and reform the national service laws; to the Committee on Education and Labor.

By Mr. SHADEGG (for himself, Mr. MOORE of Kansas, Mr. POE, Mr. BACHUS, and Mr. FOSSELLA):

H.R. 5564. A bill to amend title 38, United States Code, to exclude an individual who has been convicted of committing certain sex offenses from receiving certain burial-related benefits and funeral honors which are otherwise available to certain veterans, members of the Armed Forces, and related individuals, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. WILSON of South Carolina:

H.R. 5565. A bill to amend the Internal Revenue Code of 1986 to provide a Federal income tax credit for certain home purchases; to the Committee on Ways and Means.

By Mrs. CAPITO (for herself, Mrs. BIGGERT, and Mr. BACHUS):

H.R. 5566. A bill to amend the Economic Stimulus Act of 2008 to provide for a temporary increase in the maximum loan guaranty amount for housing loans guaranteed by the Secretary of Veterans Affairs; to the Committee on Veterans' Affairs.

By Mr. FLAKE (for himself, Mr. BOEHNER, Mr. BURTON of Indiana, and Mr. HOEKSTRA):

H.R. 5567. A bill to rescind earmarks designated in the Intelligence Authorization Act for Fiscal Year 2008; to the Committee on Intelligence (Permanent Select).

By Mr. GRAVES:

H.R. 5568. A bill to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to clarify requirements relating to the construction of a physical fence along the southwest border, and for other purposes; to the Committee on Homeland Security.

By Ms. ZOE LOFGREN of California:

H.R. 5569. A bill to extend for 5 years the EB-5 regional center pilot program; to the Committee on the Judiciary.

By Ms. ZOE LOFGREN of California:

H.R. 5570. A bill to amend the Immigration and Nationality Act to eliminate the sunset in the special immigrant nonminister religious worker visa program; to the Committee on the Judiciary.

By Ms. ZOE LOFGREN of California:

H.R. 5571. A bill to extend for 5 years the program relating to waiver of the foreign country residence requirement with respect to international medical graduates; to the Committee on the Judiciary.

By Mr. MORAN of Virginia:

H.R. 5572. A bill to stimulate the economy of the United States by providing assistance to States for foreclosure mitigation counseling activities and increased community development block grant assistance; to the Committee on Financial Services.

By Mr. MORAN of Virginia (for himself, Mr. WOLF, and Mr. TOM DAVIS of Virginia):

H.R. 5573. A bill to amend title 5, United States Code, to provide for a lump-sum payment for certain Federal employees who retire with a substantial amount of unused sick leave for which they would not otherwise receive any compensation or benefit, and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. SALAZAR (for himself, Mr. UDALL of Colorado, and Mr. CHANDLER):

H.R. 5574. A bill to prohibit the transport of hydrolysate from the Pueblo Chemical Depot, Colorado, or the Blue Grass Army Depot, Kentucky, to an off-site location; to the Committee on Armed Services.

By Ms. ZOE LOFGREN of California (for herself and Mr. EHLERS):

H. Con. Res. 313. Concurrent resolution authorizing the use of the rotunda of the Capitol for a ceremony to honor the 5 years of service and sacrifice of our troops and their families in the war in Iraq and to remember those who are serving our Nation in Afghanistan and throughout the world; considered and agreed to.

By Mr. KAGEN (for himself, Mr. OBEY, Mr. SENSENBRENNER, Ms. MOORE of Wisconsin, Mr. KIND, Mr. PETRI, Ms. BALDWIN, Mr. RYAN of Wisconsin, and Mr. HINOJOSA):

H. Res. 1032. A resolution recognizing former Green Bay Packers quarterback Brett Favre on the occasion of his retirement from the National Football League, and honoring him for his years of commitment to the city of Green Bay and the State of Wisconsin, and his extensive charitable activities in Wisconsin and his home State of Mississippi; to the Committee on Oversight and Government Reform.

By Mr. TIM MURPHY of Pennsylvania (for himself, Mr. ALTMIRE, and Mr. DOYLE):

H. Res. 1033. A resolution honoring Mr. Myron Cope for his 35 years of service to southwest Pennsylvania and as the voice of the Pittsburgh Steelers; to the Committee on Oversight and Government Reform.

¶27.35 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 63: Mr. LAMBORN.
H.R. 87: Mrs. CAPITO.
H.R. 211: Mr. GRAVES.
H.R. 333: Mr. GONZALEZ.
H.R. 406: Ms. WATERS, Mr. CUELLAR, Mr. KANJORSKI, Mr. ROSS, Mr. BARROW, Ms. BEAN, Mr. BOREN, Mr. CARNEY, Mr. COOPER, Mr. CRAMER, Mr. LINCOLN DAVIS of Tennessee, Ms. GIFFORDS, Mr. HILL, Mr. MARSHALL, Mr. MATHESON, Mr. PATRICK MURPHY of Pennsylvania, Mr. SHULER, Mr. THOMPSON of California, Mr. LYNCH, Mr. WELCH of Vermont, and Mr. KLEIN of Florida.
H.R. 522: Mr. JEFFERSON.
H.R. 623: Mr. STARK.
H.R. 715: Mr. VAN HOLLEN.
H.R. 818: Mr. JEFFERSON and Mr. PAYNE.
H.R. 914: Mr. KIRK.
H.R. 992: Mr. ELLISON.
H.R. 1014: Mr. SMITH of Washington.
H.R. 1043: Mr. ENGEL, Mr. NADLER, Mrs. GILLIBRAND, Mr. COSTELLO, and Mr. GONZALEZ.
H.R. 1078: Mr. WITTMAN of Virginia.
H.R. 1090: Mr. CULBERSON.
H.R. 1178: Mr. PASTOR, Mr. PORTER, and Mr. PLATTS.
H.R. 1187: Mr. MARKEY.
H.R. 1188: Mr. BUTTERFIELD, Mr. HOEKSTRA, Mr. TIM MURPHY of Pennsylvania, and Mr. FERGUSON.
H.R. 1228: Mr. PASTOR.
H.R. 1279: Mr. VAN HOLLEN and Mr. SPACE.
H.R. 1282: Mr. JEFFERSON.
H.R. 1321: Mr. RYAN of Wisconsin.
H.R. 1363: Mr. SKELTON.
H.R. 1418: Mr. TIM MURPHY of Pennsylvania and Mr. ALTMIRE.
H.R. 1512: Mr. BISHOP of New York.
H.R. 1554: Mr. PASTOR and Ms. HERSETH SANDLIN.
H.R. 1621: Mr. DENT.
H.R. 1645: Mr. ROTHMAN.
H.R. 1653: Mr. INSLEE.
H.R. 1730: Mr. CONAWAY.
H.R. 1738: Mr. GENE GREEN of Texas.
H.R. 1774: Ms. SHEA-PORTER.
H.R. 1897: Mr. ENGLISH of Pennsylvania.
H.R. 1927: Mr. ROHRABACHER.
H.R. 2016: Mr. BACA.
H.R. 2066: Mr. LOEBSACK.
H.R. 2131: Mr. TOM DAVIS of Virginia.
H.R. 2189: Mr. WEXLER.
H.R. 2332: Mr. WITTMAN of Virginia.

H.R. 2514: Mr. LINCOLN DIAZ-BALART of Florida and Ms. ROS-LEHTINEN.
H.R. 2526: Mrs. MYRICK.
H.R. 2548: Ms. LINDA T. SAŃCHEZ of California, Mr. FARR, and Ms. WOOLSEY.
H.R. 2588: Mr. MARIO DIAZ-BALART of Florida.
H.R. 2652: Mr. UPTON.
H.R. 2702: Mrs. MYRICK and Mr. BISHOP of New York.
H.R. 2734: Mr. LUCAS.
H.R. 2744: Mr. BISHOP of Georgia, Mr. LINCOLN DAVIS of Tennessee, Mr. THOMPSON of Mississippi, Mr. MURTHA, and Mr. HOLDEN.
H.R. 2747: Mr. COSTA.
H.R. 2792: Mr. DAVIS of Illinois, Ms. SCHAKOWSKY, and Mr. ELLISON.
H.R. 2851: Mr. PLATTS, Ms. JACKSON-LEE of Texas, and Mr. CUMMINGS.
H.R. 2894: Mr. FILNER, Mr. CALVERT, Mr. BILIRAKIS, Mr. BOUCHER, Mr. TIAHRT, Mr. SESTAK, Mr. MEEK of Florida, Mr. BACA, Mr. GUTIERREZ, Mr. WU, Ms. SUTTON, Mr. PALLONE, Mr. DOYLE, Mr. KANJORSKI, Mr. MCGOVERN, Mr. CLEAVER, Mr. HIGGINS, Mr. KUCINICH, Mr. CROWLEY, Ms. BEAN, and Ms. SCHWARTZ.
H.R. 2964: Mr. GUTIERREZ, Ms. LEE, and Mr. FARR.
H.R. 2965: Mrs. BIGGERT.
H.R. 3014: Mr. BRADY of Pennsylvania.
H.R. 3132: Mr. ELLISON.
H.R. 3232: Mr. SIRES, Mrs. BONO MACK, Mr. CAPUANO, and Mr. BOREN.
H.R. 3234: Mr. PRICE of Georgia, Mr. HERGER, Mr. GINGREY, Mr. BROWN of South Carolina, Mrs. BLACKBURN, Mr. PENCE, Mr. PITTS, Mr. MARCHANT, Mr. BILBRAY, Mr. KINGSTON, Mr. BRADY of Texas, Mr. DAVID DAVIS of Tennessee, Ms. FOXX, Mr. WESTMORELAND, Mr. FRANKS of Arizona, and Mr. KUHL of New York.
H.R. 3282: Ms. SHEA-PORTER and Mr. SPACE.
H.R. 3309: Ms. LEE.
H.R. 3326: Mr. DAVIS of Illinois and Mr. GUTIERREZ.
H.R. 3337: Mr. ELLISON.
H.R. 3366: Ms. JACKSON-LEE of Texas and Mr. CARNAHAN.
H.R. 3438: Mrs. CAPPS and Mr. MEEKS of New York.
H.R. 3439: Mr. RAHALL, Mr. MCDERMOTT, and Mr. ABERCROMBIE.
H.R. 3514: Mr. COSTELLO, Mr. REYES, and Ms. BALDWIN.
H.R. 3533: Ms. BERKLEY, Mr. CUELLAR, Ms. SHEA-PORTER, Mr. HOEKSTRA, Mr. WALBERG, and Mr. YOUNG of Florida.
H.R. 3618: Mr. GONZALEZ.
H.R. 3637: Ms. ROS-LEHTINEN.
H.R. 3646: Mrs. MYRICK, Ms. SUTTON, and Mr. ISRAEL.
H.R. 3660: Mr. ALTMIRE.
H.R. 3696: Mr. CHANDLER.
H.R. 3754: Mr. TERRY.
H.R. 3769: Mr. YOUNG of Alaska.
H.R. 3799: Mr. SARBANES, Ms. DELAURO, Mrs. GILLIBRAND, and Mr. CUMMINGS.
H.R. 3819: Ms. SHEA-PORTER.
H.R. 3836: Mr. BISHOP of New York.
H.R. 3846: Mr. CASTLE and Mr. WAXMAN.
H.R. 3896: Ms. SCHAKOWSKY.
H.R. 3934: Mr. CANNON.
H.R. 3980: Mr. HINOJOSA.
H.R. 4008: Mr. GERLACH, Mr. LANGEVIN, and Mr. KINGSTON.
H.R. 4048: Mr. PAYNE.
H.R. 4055: Mr. PAYNE.
H.R. 4071: Mr. MICHAUD and Mr. PASTOR.
H.R. 4083: Ms. LEE.
H.R. 4138: Mr. GORDON and Mr. LOEBSACK.
H.R. 4236: Ms. SHEA-PORTER, Mr. WU, Mr. HIGGINS, Mr. ABERCROMBIE, and Mr. WEINER.
H.R. 4248: Ms. FALLIN and Ms. BALDWIN.
H.R. 4296: Mrs. BONO MACK and Mr. LEWIS of Kentucky.
H.R. 4308: Mrs. BONO MACK.
H.R. 4311: Mr. MCKEON.
H.R. 4355: Mr. ALLEN and Mr. LOEBSACK.
H.R. 4544: Mr. ISRAEL and Mr. GOHMERT.
H.R. 4790: Mr. WEXLER.
H.R. 4847: Mr. MCHUGH, Mr. MILLER of North Carolina, Ms. SHEA-PORTER, and Mrs. MYRICK.
H.R. 4884: Mr. PAYNE and Mr. ANDREWS.
H.R. 4900: Mr. SHADEGG, Mr. BOSWELL, Mr. WELDON of Florida, Mr. EDWARDS, Mr. WESTMORELAND, and Mr. ROGERS of Michigan.
H.R. 4959: Ms. BALDWIN and Mr. HONDA.
H.R. 5036: Mr. MCNULTY.
H.R. 5109: Mrs. BIGGERT, Mr. INGLIS of South Carolina, Mr. WAMP, Mr. LATTA, and Mr. SIMPSON.
H.R. 5110: Mr. CUMMINGS and Mr. SPACE.
H.R. 5148: Ms. ESHOO, Mr. SHAYS, and Mr. PLATTS.
H.R. 5236: Mr. REHBERG.
H.R. 5265: Mr. CALVERT, Ms. MATSUI, and Mr. POE.
H.R. 5401: Mr. CARNAHAN.
H.R. 5443: Ms. WATSON.
H.R. 5474: Ms. GIFFORDS.
H.R. 5475: Ms. BERKLEY.
H.R. 5481: Mrs. SCHMIDT.
H.R. 5483: Mr. WITTMAN of Virginia, Mrs. DRAKE, Mr. GOODE, Mr. CANTOR, Mr. BOUCHER, Mr. WOLF, Mr. MORAN of Virginia, and Mr. FORBES.
H.R. 5513: Ms. FOXX.
H.R. 5515: Ms. GIFFORDS, Mr. MCCRERY, Mr. GOODE, Mr. FRANKS of Arizona, Mr. FEENEY, and Mrs. BLACKBURN.
H.R. 5532: Mr. HUNTER.
H.R. 5534: Mr. CAMPBELL of California and Ms. SUTTON.
H. Con. Res. 163: Mr. WOLF, Mr. SCOTT of Virginia, Mr. TAYLOR, Mr. BERMAN, and Mr. CLAY.
H. Con. Res. 262: Ms. BERKLEY and Mr. SOUDER.
H. Con. Res. 299: Mr. COHEN, Mrs. Wilson of New Mexico, Mr. LEWIS of Georgia, Mr. LATHAM, Mr. MCDERMOTT, Mr. BAIRD, and Mr. HINCHEY.
H. Con. Res. 302: Ms. FALLIN, Mr. COLE of Oklahoma, Mr. LINCOLN DIAZ-BALART of Florida, Mr. FRANKS of Arizona, Mr. DOOLITTLE, Mrs. CUBIN, Mr. SESSIONS, Mr. LAHOOD, Mr. MCCAUL of Texas, Mr. HAYES, Mrs. WILSON of New Mexico, Mrs. MUSGRAVE, Mr. NEUGEBAUER, Mr. SIMPSON, Mr. BACHUS, Mr. TANCREDO, Mr. CRENSHAW, Mr. WELDON of Florida, Mr. THORNBERRY, Mr. MARCHANT, Mr. BRADY of Texas, Mr. ISSA, Mr. BARTLETT of Maryland, Mrs. BIGGERT, Mr. GERLACH, Mr. SHUSTER, Mr. LUCAS, Mr. TERRY, Mr. SHIMKUS, Mrs. CAPITO, Mr. MCHUGH, Mr. CASTLE, Mr. FEENEY, Mr. MANZULLO, Mr. RADANOVICH, Mr. KING of New York, Mr. BARRETT of South Carolina, Mr. ROGERS of Alabama, Mr. LATHAM, Mr. WILSON of South Carolina, Mr. LATTA, Mr. FOSSELLA, Mr. OLVER, Ms. FOXX, Mr. BROWN of South Carolina, Mr. CUELLAR, Mr. LEWIS of California, Mrs. DRAKE, Mr. COBLE, Mr. MICA, Mr. SULLIVAN, Mr. CULBERSON, Mr. DREIER, Mr. CALVERT, Mr. ISRAEL, Ms. SCHAKOWSKY, Mr. CANTOR, Mr. RUPPERSBERGER, Mr. STUPAK, Ms. DEGETTE, Mr. WOLF, Ms. BALDWIN, Mr. WAMP, Mrs. MYRICK, Mr. MORAN of Kansas, Mr. SCOTT of Virginia, Mrs. CAPPS, Mr. BURTON of Indiana, Mr. TAYLOR, Ms. SUTTON, Mr. LEWIS of Georgia, Mr. TOWNS, Mr. FERGUSON, Mr. SMITH of Texas, Mr. RAMSTAD, Mr. RUSH, Mr. GALLEGLY, Mr. SMITH of New Jersey, Mr. SAM JOHNSON of Texas, Mr. CONAWAY, Mr. SNYDER, Mr. HINOJOSA, Mr. MORAN of Virginia, Mr. WALZ of Minnesota, Mr. LANGEVIN, Mr. REYES, Mr. GENE GREEN of Texas, Mr. COHEN, Mr. BURGESS, Mr. BARTON of Texas, Mr. BUTTERFIELD, Mr. MARKEY, Ms. BORDALLO, Mr. PUTNAM, Mr. MCGOVERN, Mr. JEFFERSON, Mr. ENGLISH of Pennsylvania, Mr. CUMMINGS, Mr. GONZALEZ, Mr. AL GREEN of Texas, Mr. CHABOT, Mr. HALL of Texas, Ms. JACKSON-LEE of Texas, Mr. MCNULTY, Mr. MACK, and Mr. UPTON.
H. Con. Res. 305: Mr. OLVER, Mr. BOSWELL, Mr. SNYDER, Mr. MICHAUD, Mr. DUNCAN, Mr. MORAN of Virginia, Mr. BRALEY of Iowa, and Mr. LAHOOD.
H. Res. 76: Mr. STARK.
H. Res. 123: Mr. ELLISON.
H. Res. 169: Mr. BISHOP of New York, Mr. COOPER, Mr. HENSARLING, and Mr. ISRAEL.
H. Res. 351: Mr. TANCREDO and Mr. SHUSTER.
H. Res. 356: Mr. HUNTER.
H. Res. 407: Mr. BROWN of South Carolina.
H. Res. 543: Mr. TOM DAVIS of Virginia.
H. Res. 672: Mr. MARKEY.
H. Res. 821: Mr. HUNTER.
H. Res. 834: Mr. ISRAEL and Mr. ENGLISH of Pennsylvania.
H. Res. 896: Mr. CALVERT, Ms. LEE, Mr. BECERRA, Mr. BUTTERFIELD, Mr. BRADY of Pennsylvania, and Ms. SUTTON.
H. Res. 924: Mr. LAMBORN and Mr. COSTELLO.
H. Res. 939: Mr. BUYER.
H. Res. 958: Mr. PITTS.
H. Res. 962: Mr. GUTIERREZ, Mr. THOMPSON of Mississippi, and Mr. RANGEL.
H. Res. 973: Mr. BACA.
H. Res. 977: Mr. SPACE.
H. Res. 991: Mr. FRANKS of Arizona, Ms. BORDALLO, Mr. ORTIZ, Mr. BOREN, Mr. SESTAK, Mr. MORAN of Virginia, Mr. BARTLETT of Maryland, Mrs. LOWEY, Mr. RANGEL, Mr. LARSEN of Washington, Mr. DAVIS of Kentucky, Mr. RYAN of Ohio, Ms. KAPTUR, Mr. ANDREWS, Mrs. TAUSCHER, and Mr. LOEBSACK.
H. Res. 992: Ms. FALLIN, Mrs. CAPPS, Mr. CARNAHAN, and Ms. SHEA-PORTER.
H. Res. 1004: Mr. POE and Mr. CALVERT.
H. Res. 1005: Mr. PLATTS, Mr. COOPER, Mr. MATHESON, Mr. EMANUEL, Mr. SHULER, Mrs. EMERSON, Mr. BONNER, Mr. HOBSON, Mr. RAMSTAD, Mr. ALEXANDER, Mr. LOBIONDO, Mr. HAYES, Mr. MARCHANT, Mr. TIM MURPHY of Pennsylvania, Mr. REYNOLDS, Mr. WALDEN of Oregon, Mr. COBLE, Mr. BOOZMAN, Mr. ENGLISH of Pennsylvania, Mr. MORAN of Kansas, Mr. ISSA, Mr. MARIO DIAZ-BALART of Florida, Mr. FATTAH, Mr. STEARNS, Mr. WHITFIELD of Kentucky, Mr. SHUSTER, Mr. MILLER of Florida, Mr. SULLIVAN, Mr. JOHNSON of Illinois, Mr. DEAL of Georgia, Mr. WALSH of New York, Mr. CRENSHAW, Mr. MCCOTTER, Mr. GARRETT of New Jersey, Mr. TIBERI, Mr. BILBRAY, Mr. BOUSTANY, Mr. FORTENBERRY, Mrs. DRAKE, Mr. GILCHREST, Mr. JONES of North Carolina, Mr. RENZI, Mr. DOOLITTLE, Mr. KIRK, and Mr. COLE of Oklahoma.
H. Res. 1021: Mr. MCGOVERN, Mr. FILNER, Ms. GIFFORDS, Mr. KIRK, and Ms. TSONGAS.
H. Res. 1022: Ms. FALLIN, Mr. TOWNS, Mr. EDWARDS, Ms. BORDALLO, and Ms. JACKSON-LEE of Texas.
H. Res. 1023: Ms. ROYBAL-ALLARD.
H. Res. 1026: Mr. DAVID DAVIS of Tennessee.

TUESDAY, MARCH 11, 2008 (28)

¶28.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order at 10:30 a.m. by the SPEAKER pro tempore, Ms. SOLIS, who laid before the House the following communication:

WASHINGTON, DC,
March 11, 2008.

I hereby appoint the Honorable HILDA L. SOLIS to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

¶28.2 MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has agreed to a bill of the following title in which the concurrence of the House is requested:

S. Con. Res. 66. A concurrent resolution commemorating the 175th anniversary of the commencement of the special relationship between the United States and the Kingdom of Thailand.

¶28.3 MORNING-HOUR DEBATE

The SPEAKER pro tempore, Ms. SOLIS, pursuant to the order of the House of January 4, 2007, recognized Members for morning-hour debate.

¶28.4 RECESS—10:48 A.M.

The SPEAKER pro tempore, Ms. SOLIS, pursuant to clause 12(a) of rule I, declared the House in recess at 10 o'clock and 48 minutes a.m., until noon.

¶28.5 AFTER RECESS—NOON

The SPEAKER pro tempore, Ms. SUTTON, called the House to order.

¶28.6 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Ms. SUTTON, announced she had examined and approved the Journal of the proceedings of Monday, March 10, 2008.

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

¶28.7 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

5674. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Add Mauritius to the List of Regions Where African Swine Fever Exists [Docket No. APHIS-2007-0151] received February 20, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5675. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Mediterranean Fruit Fly; Add Portion of Los Angeles County, CA, to the List of Quarantined Areas [Docket No. APHIS-2008-0004] received February 20, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5676. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Codification and Modification of Berry Amendment [DFARS Case 2002-D002] (RIN: 0750-AD76) received February 25, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

5677. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's report on the Community Services Block Grant Discretionary Activities: Community Economic Development and Rural Community Facilities Funded During Fiscal Year 2003; to the Committee on Education and Labor.

5678. A letter from the Chairman, Nuclear Regulatory Commission, transmitting the Commission's report entitled, ''Radiation Source Use and Replacement,'' pursuant to Public Law 109-58, section 651(d); to the Committee on Energy and Commerce.

5679. A letter from the Acting Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule — Expanded Authorization for Temporary Exports and Reexports of Tools of Trade to Sudan [Docket No. 071129776-7777-01] (RIN: 0694-AE20) received February 28, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

5680. A letter from the Chief Counsel (Foreign Assets Control), Department of the Treasury, transmitting the Department's final rule — Iranian Assets Control Regulations, Narcotices Trafficking Sanctions Regulations, Burmese Sanctions Regulations, Sudanese Sanctions Regulations, Weapons of Mass Destruction Trade Control Regulations — received February 20, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

5681. A letter from the Director, U.S. Fish and Wildlife Service, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Final Rule Designating the Northern Rocky Mountain Population of Gray Wolf as a Distinct Population Segment and Removing This Distinct Population Segment From the Federal List of Endangered and Threatened Wildlife [[FWS-R6-ES-2008-008] [92220-1113-0000; ABC Code: C6]] (RIN: 1018-AU53) received February 28, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5682. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Atlantic Highly Migratory Species; Atlantic Bluefin Tuna Fisheries (RIN: 0648-XF39) received February 28, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5683. A letter from the Administrator, Environmental Protection Agency, transmitting the Agency's 2004 Clean Watersheds Needs Survey, as required by Section 516(b)(1)(B) of the Clean Water Act; to the Committee on Transportation and Infrastructure.

5684. A letter from the Assistant Secretary for Import Administration, Department of Commerce, transmitting the annual report on the activities of the Foreign-Trade Zones Board for fiscal year 2006, pursuant to 19 U.S.C. 81p(c); to the Committee on Ways and Means.

5685. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Substitute for Return [TD 9380] (RIN: 1545-BC45) received February 25, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5686. A letter from the Assistant Secretary for Legislative Affairs, Department of Homeland Security, transmitting the Department's report entitled, ''The Federal Agency Data Mining Reporting Act of 2007,'' pursuant to Section 804 of the Implementing Recommendations of the 9/11 Commission Act of 2007; to the Committee on Homeland Security.

5687. A letter from the Chairman, Federal Deposit Insurance Corporation, transmitting in accordance with the provisions of section 17(a) of the Federal Deposit Insurance Act, the Chief Financial Officers Act of 1990, Pub. L. 101–576, and the Government Performance and Results Act of 1993, the Corporation's 2007 Annual Report; jointly to the Committees on Financial Services and Oversight and Government Reform.

5688. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's final rule — Medicare Program; Prior Determination for Certain Items and Services [CMS-6024-F] (RIN: 0938-AN10) received February 25, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and Ways and Means.

¶28.8 MOTION TO ADJOURN

Mr. GOHMERT moved that the House do now adjourn.

The question being put, viva voce,

Will the House now adjourn?

The SPEAKER pro tempore, Mr. CAPUANO, announced that the nays had it.

Mr. GOHMERT objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 6, rule XX, and the call was taken by electronic device.

When there appeared { Yeas ..... 20 / Nays 364

¶28.9 [Roll No. 111]

YEAS—20

Bishop (UT)	Johnson (IL)	Renzi
Calvert	King (IA)	Shuster
Coble	Marchant	Tancredo
Davis, David	McCaul (TX)	Whitfield (KY)
Doolittle	Pearce	Wilson (SC)
Gohmert	Radanovich	Young (AK)
Gordon	Reichert	

NAYS—364

Abercrombie	Conyers	Green, Gene
Ackerman	Cooper	Grijalva
Aderholt	Costa	Gutierrez
Akin	Costello	Hall (NY)
Alexander	Courtney	Hall (TX)
Altmire	Cramer	Hare
Andrews	Crenshaw	Harman
Arcuri	Crowley	Hastings (FL)
Baca	Cubin	Hastings (WA)
Bachmann	Cuellar	Hayes
Bachus	Culberson	Heller
Baird	Cummings	Hensarling
Baldwin	Davis (AL)	Herger
Barrett (SC)	Davis (CA)	Herseth Sandlin
Barrow	Davis (IL)	Hill
Bartlett (MD)	Davis (KY)	Hinchey
Barton (TX)	Davis, Tom	Hinojosa
Becerra	Deal (GA)	Hirono
Berkley	DeFazio	Hobson
Berman	DeGette	Hodes
Berry	Delahunt	Hoekstra
Biggert	DeLauro	Holden
Bilbray	Dent	Holt
Bilirakis	Diaz-Balart, L.	Honda
Bishop (GA)	Diaz-Balart, M.	Hoyer
Bishop (NY)	Dicks	Hulshof
Blumenauer	Dingell	Hunter
Blunt	Doggett	Inglis (SC)
Boehner	Donnelly	Inslee
Bonner	Doyle	Israel
Bono Mack	Dreier	Issa
Boozman	Duncan	Jackson (IL)
Boren	Edwards	Jackson-Lee (TX)
Boswell	Ehlers	Jefferson
Boucher	Ellison	Johnson (GA)
Boyd (FL)	Ellsworth	Johnson, E. B.
Boyda (KS)	Emanuel	Johnson, Sam
Brady (PA)	Emerson	Jones (NC)
Brady (TX)	Engel	Jordan
Braley (IA)	English (PA)	Kagen
Broun (GA)	Eshoo	Kanjorski
Brown (SC)	Etheridge	Kaptur
Brown, Corrine	Everett	Keller
Buchanan	Fallin	Kennedy
Burgess	Farr	Kildee
Burton (IN)	Fattah	Kind
Butterfield	Feeney	King (NY)
Buyer	Ferguson	Kingston
Camp (MI)	Filner	Kirk
Campbell (CA)	Flake	Klein (FL)
Cannon	Forbes	Knollenberg
Cantor	Fortenberry	Kucinich
Capito	Fossella	Kuhl (NY)
Capps	Foxx	Lamborn
Capuano	Frank (MA)	Lampson
Cardoza	Franks (AZ)	Langevin
Carnahan	Frelinghuysen	Larsen (WA)
Carney	Gallegly	Larson (CT)
Carter	Garrett (NJ)	Latham
Castle	Gerlach	LaTourette
Castor	Giffords	Latta
Chabot	Gilchrest	Lee
Chandler	Gillibrand	Levin
Clarke	Gingrey	Lewis (CA)
Clay	Gonzalez	Lewis (GA)
Cleaver	Goode	Lewis (KY)
Clyburn	Goodlatte	Linder
Cohen	Granger	Lipinski
Cole (OK)	Graves	LoBiondo
Conaway	Green, Al	

Loebsack	Pascrell	Shuler
Lofgren, Zoe	Pastor	Simpson
Lowey	Paul	Sires
Lucas	Payne	Skelton
Lungren, Daniel E.	Perlmutter	Slaughter
	Peterson (MN)	Smith (NE)
Lynch	Petri	Smith (NJ)
Mack	Pickering	Smith (TX)
Maloney (NY)	Pitts	Snyder
Manzullo	Platts	Solis
Matheson	Pomeroy	Space
Matsui	Porter	Spratt
McCarthy (CA)	Price (GA)	Stearns
McCarthy (NY)	Price (NC)	Stupak
McCollum (MN)	Putnam	Sullivan
McCotter	Ramstad	Sutton
McCrery	Regula	Tanner
McDermott	Rehberg	Tauscher
McGovern	Reyes	Taylor
McHenry	Reynolds	Terry
McHugh	Richardson	Thompson (CA)
McIntyre	Rodriguez	Thornberry
McKeon	Rogers (AL)	Tiahrt
McMorris Rodgers	Rogers (KY)	Tiberi
	Rogers (MI)	Tierney
McNerney	Roskam	Towns
McNulty	Ross	Tsongas
Meeks (NY)	Rothman	Turner
Melancon	Roybal-Allard	Udall (NM)
Mica	Ruppersberger	Upton
Michaud	Ryan (OH)	Van Hollen
Miller (FL)	Ryan (WI)	Velázquez
Miller (MI)	Salazar	Visclosky
Miller (NC)	Sali	Walberg
Miller, Gary	Sánchez, Linda T.	Walden (OR)
Miller, George		Walsh (NY)
Mollohan	Sanchez, Loretta	Walz (MN)
Moore (KS)	Sarbanes	Wamp
Moore (WI)	Saxton	Wasserman Schultz
Moran (KS)	Schakowsky	
Moran (VA)	Schmidt	Waters
Murphy (CT)	Schwartz	Watson
Murphy, Patrick	Scott (GA)	Watt
Murphy, Tim	Scott (VA)	Waxman
Murtha	Sensenbrenner	Welch (VT)
Musgrave	Serrano	Weller
Nadler	Sessions	Westmoreland
Napolitano	Sestak	Wilson (NM)
Neugebauer	Shadegg	Wilson (OH)
Nunes	Shays	Wittman (VA)
Olver	Shea-Porter	Wolf
Ortiz	Sherman	Wu
Pallone	Shimkus	Yarmuth

NOT VOTING—44

Allen	Markey	Ros-Lehtinen
Bean	Marshall	Royce
Blackburn	Meek (FL)	Rush
Boustany	Mitchell	Schiff
Brown-Waite, Ginny	Myrick	Smith (WA)
	Neal (MA)	Souder
Davis, Lincoln	Oberstar	Stark
Drake	Obey	Thompson (MS)
Higgins	Pence	Udall (CO)
Hooley	Peterson (PA)	Weiner
Jones (OH)	Poe	Weldon (FL)
Kilpatrick	Pryce (OH)	Wexler
Kline (MN)	Rahall	Woolsey
LaHood	Rangel	Wynn
Mahoney (FL)	Rohrabacher	Young (FL)

So the motion to adjourn was not agreed to.

¶28.10 BOARD OF REGENTS OF THE SMITHSONIAN INSTITUTION GREENHOUSE FACILITY

Ms. MATSUI moved to suspend the rules and pass the bill (H.R. 5492) to authorize the Board of Regents of the Smithsonian Institution to construct a greenhouse facility at its museum support facility in Suitland, Maryland, and for other purposes.

The SPEAKER pro tempore, Mr. CAPUANO, recognized Ms. MATSUI and Mr. GRAVES, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. CAPUANO, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶28.11 200TH ANNIVERSARY OF THE GALLATIN REPORT

Mr. DEFAZIO moved to suspend the rules and agree to the following resolution (H. Res. 936); as amended:

Whereas President Thomas Jefferson commissioned his Secretary of the Treasury, Albert Gallatin, to provide a new vision for transportation that would unite the young Republic;

Whereas 2008 marks the bicentennial of the national plan, known as the Gallatin Report on Roads and Canals (Gallatin Report), presented by Secretary Gallatin to President Jefferson;

Whereas the Gallatin Report proposed transportation improvements not as ends in themselves but as means to further national unity;

Whereas transportation improvements were part of the promise of the American Revolution, as James Madison, writing in The Federalist No. 14, emphasized, ''Let it be remarked . . . that the intercourse throughout the Union will be facilitated by new improvements. Roads will everywhere be shortened, and kept in better order; accommodations for travelers will be multiplied and meliorated; an interior navigation on our eastern side will be opened throughout, or nearly throughout, the whole extent of the thirteen States'';

Whereas Madison's words have served as a worthy reminder of the needs for transportation infrastructure since that time;

Whereas the Gallatin Report incorporated the improvements to the Postal Service that Benjamin Franklin bequeathed to the Nation, including Franklin's route surveys, his placement of milestones on principal roads, and his development of shorter transportation routes;

Whereas the Gallatin Report called for an inland waterway navigation canal from Massachusetts to North Carolina, which was the precursor to the modern day Intercostal Waterway system;

Whereas the United States, as a result of Gallatin's legacy, has a record of successful infrastructure developments, including—

(1) the Erie Canal, which vastly reduced transportation costs to the interior;

(2) the transcontinental railway, which united the Nation;

(3) transit projects across the Nation, which promote freedom and opportunity;

(4) the National Highway System, including the Dwight D. Eisenhower System of Interstate and Defense Highways, which fostered interstate commerce, national unity, and broke down barriers between the States; and

(5) the Tennessee Valley Authority, devised by President Franklin Delano Roosevelt as a ''corporation clothed with the power of government but possessed of the flexibility and initiative of a private enterprise'', which brought electricity, conservation planning, and opportunity for thousands in the Tennessee Valley and across the Nation;

Whereas to be regarded as a success, any national planning endeavor must address and reconcile the needs of different regions of the Nation;

Whereas the genius of the Gallatin Report was its alignment of the hopes of the Nation with the opportunities presented by access to new markets, populations, and territories;

Whereas the United States currently faces new challenges in financing the transportation infrastructure that is necessary for the future economic needs of the Nation; and

Whereas if the United States is to succeed in a world of increasing international competition, the United States must have a new national plan for transportation improvements to provide for the Nation's future: Now, therefore, be it

Resolved, That the House of Representatives—

(1) reaffirms the goals and ideals that formed the impetus for Albert Gallatin's national plan for transportation improvements 200 years ago;

(2) calls on the Federal Government, States, localities, schools, nonprofit organizations, businesses, and the citizens of the United States to mark this important anniversary by recalling the important legacy of public investment in infrastructure, which connects and enhances the economies, communications, and communities of the several States; and

(3) supports the creation of a new national plan for transportation improvements to align the demands for economic development with the resources of the Nation.

The SPEAKER pro tempore, Mr. CAPUANO, recognized Mr. DEFAZIO and Mr. DUNCAN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. CAPUANO, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

Mr. BLUMENAUER demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. CAPUANO, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Wednesday, March 12, 2008.

¶28.12 COMMITTEE ELECTION—MINORITY

Mr. PUTNAM, by direction of the Republican Conference, submitted the following privileged resolution (H. Res. 1034):

Resolved, That the following named Members be, and are hereby, elected to the following standing committees of the House of Representatives:

COMMITTEE ON ARMED SERVICES: Mr. Wittman of Virginia.

COMMITTEE ON HOMELAND SECURITY: Mrs. Miller of Michigan.

When said resolution was considered and agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶28.13 MOTION TO ADJOURN

Mr. WESTMORELAND moved that the House do now adjourn.

The question being put, viva voce,

Will the House now adjourn?

The SPEAKER pro tempore, Mr. CAPUANO, announced that the nays had it.

Mr. WESTMORELAND objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 6, rule XX, and the call was taken by electronic device.

When there appeared { Yeas ..... 6 / Nays 387

¶28.14 [Roll No. 112]

YEAS—6

Coble	Johnson (IL)	Westmoreland
Gohmert	Myrick	Young (AK)

NAYS—387

Abercrombie	Costello	Hastings (FL)
Ackerman	Courtney	Hastings (WA)
Akin	Cramer	Hayes
Alexander	Crenshaw	Heller
Allen	Crowley	Hensarling
Altmire	Cuellar	Herger
Andrews	Culberson	Herseth Sandlin
Arcuri	Cummings	Higgins
Baca	Davis (AL)	Hill
Bachmann	Davis (CA)	Hinojosa
Bachus	Davis (IL)	Hirono
Baird	Davis (KY)	Hobson
Baldwin	Davis, David	Hodes
Barrett (SC)	Davis, Tom	Hoekstra
Barrow	Deal (GA)	Holt
Bartlett (MD)	DeFazio	Honda
Bean	DeGette	Hoyer
Becerra	Delahunt	Hulshof
Berkley	DeLauro	Hunter
Berman	Dent	Inglis (SC)
Berry	Diaz-Balart, L.	Inslee
Biggert	Diaz-Balart, M.	Israel
Bilbray	Dicks	Issa
Bilirakis	Dingell	Jackson (IL)
Bishop (GA)	Doggett	Jackson-Lee (TX)
Bishop (NY)	Donnelly	Jefferson
Bishop (UT)	Doolittle	Johnson (GA)
Blumenauer	Doyle	Johnson, E. B.
Blunt	Drake	Johnson, Sam
Boehner	Dreier	Jones (NC)
Bonner	Duncan	Jordan
Bono Mack	Edwards	Kagen
Boozman	Ehlers	Kanjorski
Boren	Ellison	Kaptur
Boswell	Ellsworth	Keller
Boustany	Emanuel	Kennedy
Boyd (FL)	Emerson	Kildee
Boyda (KS)	Engel	Kind
Brady (PA)	English (PA)	King (IA)
Brady (TX)	Eshoo	King (NY)
Braley (IA)	Etheridge	Kingston
Broun (GA)	Everett	Kirk
Brown (SC)	Fallin	Klein (FL)
Brown, Corrine	Farr	Kline (MN)
Brown-Waite, Ginny	Fattah	Knollenberg
Buchanan	Feeney	Kucinich
Burgess	Ferguson	Kuhl (NY)
Burton (IN)	Filner	LaHood
Butterfield	Flake	Lamborn
Buyer	Forbes	Lampson
Calvert	Fortenberry	Langevin
Camp (MI)	Fossella	Larsen (WA)
Campbell (CA)	Foxx	Larson (CT)
Cannon	Frank (MA)	Latham
Cantor	Franks (AZ)	LaTourette
Capito	Frelinghuysen	Latta
Capps	Gallegly	Lee
Capuano	Gerlach	Levin
Carnahan	Giffords	Lewis (CA)
Carney	Gilchrest	Lewis (GA)
Carter	Gillibrand	Lewis (KY)
Castle	Gingrey	Linder
Chabot	Gonzalez	Lipinski
Chandler	Goode	LoBiondo
Clarke	Goodlatte	Loebsack
Clay	Gordon	Lofgren, Zoe
Cleaver	Graves	Lowey
Clyburn	Green, Al	Lucas
Cohen	Green, Gene	Lungren, Daniel E.
Cole (OK)	Grijalva	Lynch
Conaway	Gutierrez	Mack
Conyers	Hall (NY)	Mahoney (FL)
Cooper	Hall (TX)	Maloney (NY)
Costa	Hare	Manzullo
Costello	Harman	Marchant
Courtney	Hastings (FL)	Marshall
Cramer	Hastings (WA)	Matheson
Crenshaw	Hayes	Matsui
Crowley	Heller	McCarthy (CA)
Cuellar	Hensarling	McCarthy (NY)
Culberson	Herger	McCaul (TX)
Cummings	Herseth Sandlin	McCollum (MN)
Davis (AL)	Higgins	McCotter
Davis (CA)	Hill	McDermott
Davis (IL)	Hinojosa	McGovern
Davis (KY)	Hirono	McHenry
Davis, David	Hobson	McHugh
Davis, Tom	Hodes	McIntyre
Deal (GA)	Hoekstra	McKeon
DeFazio	Holt	McMorris Rodgers
DeGette	Honda	McNerney
Delahunt	Hoyer	McNulty
DeLauro	Hulshof	Meeks (NY)
Dent	Hunter	Melancon
Diaz-Balart, L.	Inglis (SC)	Mica
Diaz-Balart, M.	Inslee	Michaud
Dicks	Israel	Miller (FL)
Dingell	Issa	Miller (MI)
Doggett	Jackson (IL)	Miller (NC)
Donnelly	Jackson-Lee (TX)	Miller, Gary
Doolittle	Jefferson	Miller, George
Doyle	Johnson (GA)	Mollohan
Drake	Johnson, E. B.	Moore (KS)
Dreier	Johnson, Sam	Moore (WI)
Duncan	Jones (NC)	Moran (KS)
Edwards	Jordan	Moran (VA)
Ehlers	Kagen	Murphy (CT)
Ellison	Kanjorski	Murphy, Patrick
Ellsworth	Kaptur	Murphy, Tim
Emanuel	Keller	Murtha
Emerson	Kennedy	Musgrave
Engel	Kildee	Nadler
English (PA)	Kind	Napolitano
Eshoo	King (IA)	Neugebauer
Etheridge	King (NY)	Nunes
Everett	Kingston	Obey
Fallin	Kirk	Olver
Farr	Klein (FL)	Ortiz
Fattah	Kline (MN)	Pallone
Feeney	Knollenberg	Pastor
Ferguson	Kucinich	Paul
Filner	Kuhl (NY)	Payne
Flake	LaHood	Pearce
Forbes	Lamborn	Peterson (MN)
Fortenberry	Lampson	Petri
Fossella	Langevin	Pickering
Foxx	Larsen (WA)	Pitts
Frank (MA)	Larson (CT)	Platts
Franks (AZ)	Latham	Poe
Frelinghuysen	LaTourette	Pomeroy
Gallegly	Latta	Porter
Gerlach	Lee	Price (GA)
Giffords	Levin	Price (NC)
Gilchrest	Lewis (CA)	Putnam
Gillibrand	Lewis (GA)	Radanovich
Gingrey	Lewis (KY)	Rahall
Gonzalez	Linder	Ramstad
Goode	Lipinski	Regula
Goodlatte	LoBiondo	Rehberg
Gordon	Loebsack	Reichert
Graves	Lofgren, Zoe	Reyes
Green, Al	Lowey	Reynolds
Green, Gene	Lucas	Richardson
Grijalva	Lungren, Daniel E.	Rodriguez
Gutierrez	Lynch	Rogers (AL)
Hall (NY)	Mack	Rogers (KY)
Hall (TX)	Mahoney (FL)	Rogers (MI)
Hare	Maloney (NY)	Rohrabacher
Harman	Manzullo	Roskam
Hastings (FL)	Marchant	Ross
Hastings (WA)	Marshall	Rothman
Hayes	Matheson	Roybal-Allard
Heller	Matsui	Royce
Hensarling	McCarthy (CA)	Ruppersberger
Herger	McCarthy (NY)	Ryan (OH)
Herseth Sandlin	McCaul (TX)	Ryan (WI)
Higgins	McCollum (MN)	Salazar
Hill	McCotter	Sali
Hinojosa	McDermott	Sánchez, Linda T.
Hirono	McGovern	Sanchez, Loretta
Hobson	McHenry	Sarbanes
Hodes	McHugh	Saxton
Hoekstra	McIntyre	Schakowsky
Holt	McKeon	Schiff
Honda	McMorris Rodgers	Schmidt
Hoyer	McNerney	Schwartz
Hulshof	McNulty	Scott (GA)
Hunter	Meeks (NY)	Scott (VA)
Inglis (SC)	Melancon	Sensenbrenner
Inslee	Mica	Serrano
Israel	Michaud	Sessions
Issa	Miller (FL)	Sestak
Jackson (IL)	Miller (MI)	Shadegg
Jackson-Lee (TX)	Miller (NC)	Shays
Jefferson	Miller, Gary	Shea-Porter
Johnson (GA)	Miller, George	Sherman
Johnson, E. B.	Mollohan	Shimkus
Johnson, Sam	Moore (KS)	Shuler
Jones (NC)	Moore (WI)	Shuster
Jordan	Moran (KS)	Simpson
Kagen	Moran (VA)	Sires
Kanjorski	Murphy (CT)	Skelton
Kaptur	Murphy, Patrick	Slaughter
Keller	Murphy, Tim	Smith (NE)
Kennedy	Murtha	Smith (NJ)
Kildee	Musgrave	Smith (TX)
Kind	Nadler	Smith (WA)
King (IA)	Napolitano	Snyder
King (NY)	Neugebauer	Solis
Kingston	Nunes	Space
Kirk	Obey	Spratt
Klein (FL)	Olver	Stark
Kline (MN)	Ortiz	Stearns
Knollenberg	Pallone	Stupak
Kucinich	Pastor	Sullivan
Kuhl (NY)	Paul	Sutton
LaHood	Payne	Tancredo
Lamborn	Pearce	Tanner
Lampson	Peterson (MN)	Tauscher
Langevin	Petri	Taylor
Larsen (WA)	Pickering	Terry
Larson (CT)	Pitts	Thompson (CA)
Latham	Platts	Thornberry
LaTourette	Poe	Tiahrt
Latta	Pomeroy	Tiberi
Lee	Porter	Tierney
Levin	Price (GA)	Towns
Lewis (CA)	Price (NC)	Tsongas
Lewis (GA)	Putnam	Turner
Lewis (KY)	Radanovich	Udall (NM)
Linder	Rahall	Upton
Lipinski	Ramstad	Van Hollen
LoBiondo	Regula	Velázquez
Loebsack	Rehberg	Visclosky
Lofgren, Zoe	Reichert	Walberg
Lowey	Reyes	Walden (OR)
Lucas	Reynolds	Walsh (NY)
Lungren, Daniel E.	Richardson	Walz (MN)
Lynch	Rodriguez	Wamp
Mack	Rogers (AL)	Wasserman Schultz
Mahoney (FL)	Rogers (KY)	Waters
Maloney (NY)	Rogers (MI)	Watson
Manzullo	Rohrabacher	Watt
Marchant	Roskam	Waxman
Marshall	Ross	Weiner
Matheson	Rothman	Welch (VT)
Matsui	Roybal-Allard	Weldon (FL)
McCarthy (CA)	Royce	Weller
McCarthy (NY)	Ruppersberger	Wexler
McCaul (TX)	Ryan (OH)	Whitfield (KY)
McCollum (MN)	Ryan (WI)	Wilson (NM)
McCotter	Salazar	Wilson (OH)
McDermott	Sali	Wilson (SC)
McGovern	Sánchez, Linda T.	Wittman (VA)
McHenry	Sanchez, Loretta	Wolf
McHugh	Sarbanes	Wu
McIntyre	Saxton	Yarmuth
McKeon	Schakowsky	Young (FL)
McMorris Rodgers	Schiff	
McNerney	Schmidt	
McNulty	Schwartz	
Meeks (NY)	Scott (GA)	
Melancon	Scott (VA)	
Mica	Sensenbrenner	
Michaud	Serrano	
Miller (FL)	Sessions	
Miller (MI)	Sestak	
Miller (NC)	Shadegg	
Miller, Gary	Shays	
Miller, George	Shea-Porter	
Mollohan	Sherman	
Moore (KS)	Shimkus	
Moore (WI)	Shuler	
Moran (KS)	Shuster	
Moran (VA)	Simpson	
Murphy (CT)	Sires	
Murphy, Patrick	Skelton	
Murphy, Tim	Slaughter	
Murtha	Smith (NE)	
Musgrave	Smith (NJ)	
Nadler	Smith (TX)	
Napolitano	Smith (WA)	
Neugebauer	Snyder	
Nunes	Solis	
Obey	Space	
Olver	Spratt	
Ortiz	Stark	
Pallone	Stearns	
Pastor	Stupak	
Paul	Sullivan	
Payne	Sutton	
Pearce	Tancredo	
Peterson (MN)	Tanner	
Petri	Tauscher	
Pickering	Taylor	
Pitts	Terry	
Platts	Thompson (CA)	
Poe	Thornberry	
Pomeroy	Tiahrt	
Porter	Tiberi	
Price (GA)	Tierney	
Price (NC)	Towns	
Putnam	Tsongas	
Radanovich	Turner	
Rahall	Udall (NM)	
Ramstad	Upton	
Regula	Van Hollen	
Rehberg	Velázquez	
Reichert	Visclosky	
Reyes	Walberg	
Reynolds	Walden (OR)	
Richardson	Walsh (NY)	
Rodriguez	Walz (MN)	
Rogers (AL)	Wamp	
Rogers (KY)	Wasserman Schultz	
Rogers (MI)	Waters	
Rohrabacher	Watson	
Roskam	Watt	
Ross	Waxman	
Rothman	Weiner	
Roybal-Allard	Welch (VT)	
Royce	Weldon (FL)	
Ruppersberger	Weller	
Ryan (OH)	Wexler	
Ryan (WI)	Whitfield (KY)	
Salazar	Wilson (NM)	
Sali	Wilson (OH)	
Sánchez, Linda T.	Wilson (SC)	
Sanchez, Loretta	Wittman (VA)	
Sarbanes	Wolf	
Saxton	Wu	
Schakowsky	Yarmuth	
Schiff	Young (FL)	
Schmidt		
Schwartz		
Scott (GA)		
Scott (VA)		
Sensenbrenner		
Serrano		
Sessions		
Sestak		
Shadegg		
Shays		
Shea-Porter		
Sherman		
Shimkus		
Shuler		
Shuster		
Simpson		
Sires		
Skelton		
Slaughter		

NOT VOTING—35

Aderholt	Hooley	Peterson (PA)
Barton (TX)	Jones (OH)	Pryce (OH)
Blackburn	Kilpatrick	Rangel
Boucher	Markey	Renzi
Cardoza	McCrery	Ros-Lehtinen
Castor	Meek (FL)	Rush
Cubin	Mitchell	Souder
Davis, Lincoln	Neal (MA)	Thompson (MS)
Garrett (NJ)	Oberstar	Udall (CO)
Granger	Pascrell	Woolsey
Hinchey	Pence	Wynn
Holden	Perlmutter	

So the motion to adjourn was not agreed to.

¶28.15 COMMITTEE RESIGNATION—MINORITY

The SPEAKER pro tempore, Mr. CAPUANO, laid before the House the following communication, which was read as follows:

HOUSE OF REPRESENTATIVES,
Washington, DC, March 10, 2008.

Hon. NANCY PELOSI,
The Capitol,
Washington, DC.

DEAR MADAM SPEAKER: I hereby inform you that I respectfully resign my seat on the House Committee on Armed Services effective Tuesday, March 11, 2008.

Sincerely,

CANDICE S. MILLER.

By unanimous consent, the resignation was accepted.

¶28.16 COMMITTEE RESIGNATION—MINORITY

The SPEAKER pro tempore, Mr. CAPUANO, laid before the House the following communication, which was read as follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, March 10, 2008.

Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington, DC.
Hon. JOHN BOEHNER,
Republican Leader,
Washington, DC.

DEAR SPEAKER PELOSI AND LEADER BOEHNER: I am writing to resign from the Foreign Affairs Committee, effective March 11, 2008. I have enjoyed my brief time serving on this Committee.

With kind regards, I am

Sincerely,

ROB WITTMAN,
Member of Congress.

By unanimous consent, the resignation was accepted.

¶28.17 COMMITTEE RESIGNATION—MAJORITY

The SPEAKER pro tempore, Mr. CAPUANO, laid before the House the following communication, which was read as follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, March 11, 2008.

Speaker NANCY PELOSI,
House of Representatives,
Washington, DC.

DEAR SPEAKER PELOSI, With my pending appointment to the House Transportation and Infrastructure Committee, I am writing to submit my resignation from the House Committee on Financial Services. It has been an honor and a privilege to serve on the Financial Services Committee since the beginning of the 110th Congress.

Sincerely,

ALBIO SIRES,
Member of Congress.

By unanimous consent, the resignation was accepted.

¶28.18 COMMITTEE ELECTION—MAJORITY

Mr. CROWLEY, by direction of the Democratic Caucus, submitted the following privileged resolution (H. Res. 1035):

Resolved, That the following named Members be, and are hereby, elected to the following standing committees of the House of Representatives:

(1) COMMITTEE ON FOREIGN AFFAIRS.—Mr. Berman, Chairman.

(2) COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE.—Mr. Sires.

When said resolution was considered and agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶28.19 OPEN ACCESS TO HOLOCAUST AND WORLD WAR II ARCHIVES

Mr. CROWLEY moved to suspend the rules and agree to the following resolution (H. Res. 854); as amended:

Whereas for the past 62 years, until their ultimate release on November 28, 2007, the

International Tracing Service (''ITS'') archives located in Bad Arolsen, Germany remained the largest closed Holocaust-era archives in the world;

Whereas while Holocaust survivors and their descendants have had limited access to individual records at Bad Arolsen, reports suggest that they faced long delays, incomplete information, and even unresponsiveness;

Whereas until the archives' recent release, the materials remained inaccessible to researchers and research institutions;

Whereas the 1955 Bonn Accords established an International Commission of 11 member countries (Belgium, France, Germany, Greece, Israel, Italy, Luxembourg, the Netherlands, Poland, the United Kingdom, the United States) responsible for overseeing the administration of the ITS Holocaust archives which contain 17,500,000 individual names and 50,000,000 documents;

Whereas the new International Committee of the Red Cross (''ICRC'') and the Director of the ITS, who is an ICRC employee, oversee the daily operations of the ITS and report to the Commission at its annual meetings;

Whereas the new ICRC leadership at the ITS should be commended for their commitment to providing expedited and comprehensive responses to Holocaust survivor requests for information, and for their efforts to complete the digitization of all archives as soon as possible;

Whereas since the inception of the ITS, the German government has financed its operations;

Whereas beginning in the late 1990s, the U.S. Holocaust Memorial Museum (''Holocaust Museum''), Holocaust survivor organizations, and others began exerting pressure on International Commission members to allow unfettered access to the ITS archives;

Whereas following years of delay, in May 2006 in Luxemburg, the International Commission of the ITS agreed upon amendments to the Bonn Accords which would grant researchers access to the archives and would allow each Commission member country to receive a digitized copy of the archives and make the copy available to researchers under their own country's respective archival and privacy laws and practices;

Whereas the first 3 Commission member countries to ratify the amendments to the Bonn Accords were the United States, Israel, and Poland, all 3 home to hundreds of thousands of survivors of Nazi brutality;

Whereas the United States Holocaust Memorial Museum has worked to ensure the timely release of the Bad Arolsen archives to survivors, researchers, and the public;

Whereas the United States Department of State engaged in diplomatic efforts with other Commission member countries to provide open access to the archives;

Whereas the United States House of Representatives unanimously passed H. Res. 240 on April 25, 2007 and the United States Senate passed S. Res. 141 on May 1, 2007, urging all member countries of the International Commission of the ITS who have yet to ratify the May 2006 Amendments to the 1955 Bonn Accords Treaty, to expedite the ratification process to allow for open access to the Holocaust archives located at Bad Arolsen, Germany;

Whereas on May 15, 2007, the International Commission voted in favor of a United States proposal to allow a transfer of a digital copy of archived materials to any of the 11 member States that have adopted the May 2006 amendments to the Bonn Accords; thereafter, transfer of materials to both the United States Holocaust Memorial Museum and Yad Vashem, the Holocaust Martyrs' and Heroes' Remembrance Authority in Israel, was initiated;

Whereas while it is not possible to provide meaningful compensation to Holocaust survivors for the pain, suffering and loss of life they have experienced, it is a moral and justifiable imperative for Holocaust survivors and their families to be offered expedited open access to these archives;

Whereas with respect to the release of the materials, time is of the essence in order for Holocaust researchers to access the archives while Holocaust survivor eyewitnesses to the horrific atrocities of Nazi Germany are still alive;

Whereas opening the historic record is a vital contribution to the world's collective memory and understanding of the Holocaust and to ensure that unchecked anti-Semitism and complete disrespect for the value of human life, including the crimes committed against non-Jewish victims which made such horrors possible, is never again permitted to take hold;

Whereas despite overwhelming international recognition of the unconscionable horrors of the Holocaust and its devastating impact on World Jewry, there has been a sharp increase in global anti-Semitism and Holocaust denial in recent years; and

Whereas it is critical that the international community continue to heed the lessons of the Holocaust, one of the darkest periods in the history of humankind, and take immediate and decisive measures to combat the scourge of anti-Semitism: Now, therefore, be it

Resolved, That the House of Representatives—

(1) expresses its appreciation to all countries that ratified the amendments to the Bonn Accords allowing for open access to the Holocaust Archives located in Bad Arolsen, Germany;

(2) congratulates the dedication, commitment, and collaborative efforts of the United States Holocaust Memorial Museum, the Department of State, and the International Committee of the Red Cross to open the archives;

(3) encourages the United States Holocaust Memorial Museum and the International Committee of the Red Cross to act with all possible urgency to create appropriate conditions to ensure survivors, their families, and researchers have direct access to the archives, and are offered effective assistance in navigating and interpreting these archives;

(4) remembers and pays tribute to the murder of 6,000,000 innocent Jews and more than 5,000,000 other innocent victims during the Holocaust committed by Nazi perpetrators and their collaborators; and

(5) must remain vigilant in combating global anti-Semitism, intolerance, and bigotry.

The SPEAKER pro tempore, Mrs. TAUSCHER, recognized Mr. CROWLEY and Mr. MANZULLO, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mrs. TAUSCHER, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

¶28.20 UNITED STATES AND THE KINGDOM OF THAILAND'S RELATIONSHIP

Mr. CROWLEY moved to suspend the rules and agree to the following concurrent resolution (H. Con. Res. 290); as amended:

Whereas the United States will celebrate the 175th anniversary of its relationship with the Kingdom of Thailand since the signing of the original Treaty of Amity and Commerce in 1833 during President Andrew Jackson's administration and the reign of King Rama III;

Whereas the Kingdom of Thailand was the United States' first treaty ally in the Asia-Pacific region and remains a steadfast friend with the Thai and American people sharing the values of freedom, democracy, and liberty;

Whereas Thailand was designated as a major non-NATO ally in December 2003, which improved the security of both nations, particularly through joint counterterrorism efforts;

Whereas for more than a quarter century Thailand has been the host country of Cobra Gold, the United States Pacific Command's annual multinational military training exercise designed to ensure regional peace and promote regional security cooperation;

Whereas the United States and Thailand launched joint relief operations in the wake of the tragic 2004 tsunami from Utapao, Thailand, thus strengthening the overall capacity of the forces involved in providing relief and setting the model for effective humanitarian operations throughout the entire region affected by the deadly tsunami;

Whereas Thailand is a key partner of the United States in Southeast Asia and has supported closer relations between the United States and the Association of Southeast Asian Nations (''ASEAN'');

Whereas Congress passed H. Con. Res. 409 in 2006 commemorating the 60th Anniversary of the Ascension to the Throne of His Majesty King Bhumibol Adulyadej of Thailand;

Whereas on December 5, 2007, the people of Thailand celebrated the 80th birthday of His Majesty King Bhumibol Adulyadej, the world's longest serving monarch, who is loved and respected by Thai for his lifelong dedication to the social and economic development of the Thai people;

Whereas on December 23, 2007, the Royal Thai Government held nationwide parliamentary elections that should help pave the way for a successful return of stable democracy to Thailand;

Whereas approximately 500,000 Americans of Thai descent are living in the United States and share in the mutual pursuit of the American Dream;

Whereas Thailand is America's 20th largest trading partner with bilateral trade totaling $30,600,000,000 per year; and

Whereas the bonds of friendship and mutual respect between the United States and Thailand are strong: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) commemorates the 175th anniversary of United States and Thailand relations;

(2) offers its sincere congratulations to the Kingdom of Thailand and the Thai people for their democratic, free, and fair election;

(3) commemorates the 80th birthday of His Majesty King Bhumibol Adulyadej of Thailand and offers its sincere congratulations and best wishes for the continued prosperity of the Kingdom of Thailand; and

(4) looks forward to continued, enduring ties of friendship between the Thai and American people.

The SPEAKER pro tempore, Mrs. TAUSCHER, recognized Mr. CROWLEY

and Mr. MANZULLO, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution, as amended?

The SPEAKER pro tempore, Mrs. TAUSCHER, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said concurrent resolution, as amended, was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said concurrent resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶28.21 187TH ANNIVERSARY OF THE INDEPENDENCE OF GREECE

Mr. CROWLEY moved to suspend the rules and agree to the following resolution (H. Res. 1024); as amended:

Whereas the ancient Greeks developed the concept of democracy, in which the supreme power to govern was vested in the people;

Whereas the Founding Fathers of the United States drew heavily on the political experience and philosophy of ancient Greece in forming our representative democracy;

Whereas Greek Commander in Chief Petros Mavromichalis, a founder of the modern Greek state, said to the citizens of the United States in 1821 that ''it is in your land that liberty has fixed her abode and . . . in imitating you, we shall imitate our ancestors and be thought worthy of them if we succeed in resembling you'';

Whereas Greece played a major role in the World War II struggle to protect freedom and democracy through such bravery as was shown in the historic Battle of Crete, which provided the Axis land war with its first major setback, setting off a chain of events that significantly affected the outcome of World War II;

Whereas the price for Greece in holding onto our common values in their region was high, as hundreds of thousands of civilians were killed in Greece during World War II;

Whereas throughout the 20th century, Greece was one of a few countries that allied with the United States in every major international conflict;

Whereas President George W. Bush, in recognizing Greek Independence Day, said, ''Greece and America have been firm allies in the great struggles for liberty. Americans will always remember Greek heroism and Greek sacrifice for the sake of freedom . . . [and] as the 21st Century dawns, Greece and America once again stand united; this time in the fight against terrorism. The United States deeply appreciates the role Greece is playing in the war against terror. . . . America and Greece are strong allies, and we're strategic partners.'';

Whereas President Bush stated that Greece's successful ''law enforcement operations against a terrorist organization [November 17] responsible for three decades of terrorist attacks underscore the important contributions Greece is making to the global war on terrorism'';

Whereas Greece is a strategic partner and ally of the United States in bringing political stability and economic development to the volatile Balkan region, having invested over $20 billion in the countries of the region, thereby creating over 200,000 new jobs, and having contributed over $750 million in development aid for the region;

Whereas Greece was extraordinarily responsive to requests by the United States during the war in Iraq, as Greece immediately granted unlimited access to its airspace and the base in Souda Bay, and many ships of the United States that delivered troops, cargo, and supplies to Iraq were refueled in Greece;

Whereas Greece is a top contributor to the defense efforts of the North Atlantic Treaty Organization (NATO), spending an estimated 3 percent of its gross domestic product on defense, and is also an active participant in peacekeeping and peace-building operations conducted by international organizations, including the United Nations, NATO, the European Union (EU), and the Organization for Security and Cooperation in Europe (OSCE);

Whereas in August 2004, the Olympic games came home to Athens, Greece, the land of their ancient birthplace 2,500 years ago and the city of their modern revival in 1896;

Whereas Greece received worldwide praise for its extraordinary handling during the 2004 Olympics of over 14,000 athletes from 202 countries and over 2 million spectators and journalists, which it did efficiently, securely, and with its famous Greek hospitality;

Whereas the unprecedented security effort in Greece for the first summer Olympics after the attacks on the United States on September 11, 2001, included a record-setting expenditure of over $1,390,000,000 and assignment of over 70,000 security personnel, as well as the utilization of an eight-country Olympic Security Advisory Group that included the United States;

Whereas Greece, located in a region where Christianity meets Islam and Judaism, maintains excellent relations with Muslim nations and Israel;

Whereas the Government of Greece has had extraordinary success in recent years in furthering cross-cultural understanding and reducing tensions between Greece and Turkey, as seen most recently with the January 2008 visit to Turkey by Greece's Prime Minister Kostas Karamanlis, the first official visit by a Greek Prime Minister in 49 years;

Whereas Greece and the United States are at the forefront of the effort for freedom, democracy, peace, stability, and human rights;

Whereas those and similar ideals have forged a close bond between Greece and the United States and their peoples;

Whereas March 25, 2008, Greek Independence Day, marks the 187th anniversary of the beginning of the revolution that freed the Greek people from the Ottoman Empire; and

Whereas it is proper and desirable for the United States to celebrate this anniversary with the Greek people and to reaffirm the democratic principles from which these two great nations were born: Now, therefore, be it

Resolved, That the House of Representatives—

(1) extends warm congratulations and best wishes to the people of Greece as they celebrate the 187th anniversary of the independence of Greece;

(2) expresses support for the principles of democratic governance to which the people of Greece are committed; and

(3) notes the important role that Greece has played in the wider European region and in the community of nations since gaining its independence 187 years ago.

The SPEAKER pro tempore, Mrs. TAUSCHER, recognized Mr. CROWLEY and Mr. MANZULLO, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mrs. TAUSCHER, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

¶28.22 PERMISSION TO FILE REPORT

On motion of Ms. BERKLEY, by unanimous consent, the Committee on Foreign Affairs was granted permission to file a supplemental report (Rept. No. 110–546, part II) on the bill (H.R. 5501) to authorize appropriations for fiscal years 2009 through 2013 to provide assistance to foreign countries to combat HIV/AIDS, tuberculosis, and malaria, and for other purposes.

¶28.23 MOTION TO ADJOURN

Mr. MANZULLO moved that the House do now adjourn.

The question being put, viva voce,

Will the House now adjourn?

The SPEAKER pro tempore, Mrs. TAUSCHER, announced that the nays had it.

Mr. MANZULLO objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 6, rule XX, and the call was taken by electronic device.

When there appeared { Yeas ..... 5 / Nays 388

¶28.24 [Roll No. 113]

YEAS—5

Baird	Gohmert	Young (AK)
Cleaver	Johnson (IL)	

NAYS—388

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

Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Gerlach
Giffords
Gillibrand
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holt
Honda
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Keller
Kennedy
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNulty
Meek (FL)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Perlmutter
Peterson (MN)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (NM)
Upton
Van Hollen
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Wu
Yarmuth
Young (FL)

NOT VOTING—35

Bean
Blackburn
Capito
Cooper
Davis (IL)
Davis, Lincoln
Garrett (NJ)
Gilchrest
Gingrey
Hinchey
Holden
Hooley
Kaptur
Kilpatrick
Larson (CT)
Markey
McCrery
McNerney
Meeks (NY)
Mitchell
Oberstar
Pence
Peterson (PA)
Pryce (OH)
Rangel
Ros-Lehtinen
Rush
Shea-Porter
Souder
Thompson (MS)
Udall (CO)
Velázquez
Weldon (FL)
Woolsey
Wynn

So the motion to adjourn was not agreed to.

¶28.25 FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Byrd, one of its clerks, announced that the Senate has agreed to a concurrent resolution of the following title in which the concurrence of the House is requested:

H. Con. Res. 313. A concurrent resolution authorizing the use of the rotunda of the Capitol for a ceremony to honor the 5 years of service and sacrifice of our troops and their families in the war in Iraq and to remember those who are serving our Nation in Afghanistan and throughout the world.

¶28.26 NATIONAL SERVICE LAWS

Mr. George MILLER of California, moved to suspend the rules and pass the bill (H.R. 5563) to authorize and reform the national service laws.

The SPEAKER pro tempore, Mr. ALTMIRE, recognized Mr. George MILLER of California, and Mr. PLATTS, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. ALTMIRE, announced that two-thirds of the Members present had voted in the affirmative.

Mr. George MILLER of California, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. ALTMIRE, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Wednesday, March 12, 2008.

¶28.27 MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Wanda Evans, one of his secretaries.

¶28.28 HIGHER EDUCATION PROGRAMS EXTENSION

Mr. George MILLER of California, moved to suspend the rules and pass the bill of the Senate (S. 2733) to temporarily extend the programs under the Higher Education Act of 1965.

The SPEAKER pro tempore, Mr. ALTMIRE, recognized Mr. George MILLER of California, and Mr. PLATTS, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. ALTMIRE, announced that two-thirds of the Members present had voted in the affirmative.

Mr. PLATTS demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. ALTMIRE, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Wednesday, March 12, 2008.

¶28.29 MOTION TO ADJOURN

Mr. PLATTS moved that the House do now adjourn.

The question being put, viva voce,

Will the House now adjourn?

The SPEAKER pro tempore, Mr. ALTMIRE, announced that the nays had it.

Mr. PLATTS objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 6, rule XX, and the call was taken by electronic device.

When there appeared { Yeas ..... 4 / Nays 396

¶28.30 [Roll No. 114]

YEAS—4

Gohmert
Johnson (IL)
Westmoreland
Young (AK)

NAYS—396

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capps
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes

Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Wu
Wynn
Yarmuth
Young (FL)

NOT VOTING—28

Berman
Blackburn
Blumenauer
Blunt
Boehner
Capito
Capuano
Davis (IL)
Davis, Lincoln
Frank (MA)
Gingrey
Hooley
Kilpatrick
McNerney
Mitchell
Oberstar
Pence
Pryce (OH)
Rangel
Renzi
Ros-Lehtinen
Rush
Scott (GA)
Souder
Tancredo
Thompson (MS)
Udall (CO)
Woolsey

So the motion to adjourn was not agreed to.

¶28.31 H. RES. 924—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. ALTMIRE, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 924) congratulating Iowa State University of Science and Technology for 150 years of leadership and service to the United States and the world as Iowa's land-grant university; as amended.

The question being put,

Will the House suspend the rules and agree to said resolution, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 405 / Nays 0

¶28.32 [Roll No. 115]

YEAS—405

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—23

Blackburn
Capito
Davis (IL)
Davis, Lincoln
Frank (MA)
Hall (NY)
Hill
Hooley
Kilpatrick
Mitchell
Oberstar
Paul
Pence
Pryce (OH)
Rangel
Renzi
Ros-Lehtinen
Rush
Scott (GA)
Souder
Tancredo
Thompson (MS)
Woolsey

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

¶28.33 COMMUNICATION FROM THE CLERK—CERTIFICATE OF ELECTION

The SPEAKER laid before the House a communication, which was read as follows:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, March 10. 2008.

Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: I have the honor to transmit herewith a facsimile copy of a letter received from Mr. Daniel White, Executive Director, Illinois State Board of Elections, indicating that, according to the unofficial returns of the Special Election held March 8, 2008, the Honorable Bill Foster was elected Representative to Congress for the Fourteenth Congressional District, State of Illinois.

With best wishes, I am

Sincerely,

LORRAINE C. MILLER,
Clerk.

¶28.34 ORDER OF BUSINESS—SWEARING IN OF MEMBER-ELECT

On motion of Mr. COSTELLO, by unanimous consent,

Ordered, That, notwithstanding the fact that the certificate of election of Mr. Foster, 14th District of the State of Illinois, has not been received by the Clerk of the House of Representatives, Mr. FOSTER be permitted to take the oath of office as prescribed by law, there being no contest and no question with regard to his election.

Mr. FOSTER then presented himself at the bar of the House and took the oath of office prescribed by law.

¶28.35 WHOLE NUMBER OF THE HOUSE OF REPRESENTATIVES ADJUSTED

The SPEAKER pro tempore, Mr. ALTMIRE, announced under clause 5(d) of rule XX, that, in light of the administration of the oath to the Representative FOSTER, that the whole number of the House is adjusted to 430.

¶28.36 NOTICE REQUIREMENT—CONSIDERATION OF RESOLUTION—QUESTION OF PRIVILEGES

Mr. PRICE of Georgia, pursuant to clause 2(a)(1) of rule IX, announced his intention to call up the following resolution, as a question of the privileges of the House:

Whereas in an interview published by National Journal Magazine on March 7, 2008, John Brennan, a foreign policy adviser to Sen. Barack Obama (D-IL) and former CIA official who once served as head of the National Counterterrorism Center, stated, ''There is this great debate over whether or not the telecom companies should in fact be given immunity for their agreement to provide support and cooperate with the government after 9/11 . . . I do believe strongly that they should be granted that immunity, because they were told to do so by the appropriate authorities that were operating in a legal context, and so I think that's important . . . And I know people are concerned about that, but I do believe that's the right thing to do . . . I do believe the Senate version of the FISA bill addresses the issues appropriately;'';

Whereas a bipartisan group of 25 state attorneys general recently wrote a letter to House of Representatives leaders in support of the Senate bill's passage, stating in part ''A bipartisan majority of the United States Senate recently approved S. 2248 . . . But until it is also passed by the House of Representatives, intelligence officials must obtain FISA warrants every time they attempt to monitor suspected terrorists in overseas countries. Passing S. 2248 would ensure our intelligence experts are once again able to conduct real-time surveillance. . . . With S. 2248 still pending in the House of Representatives, our national security is in jeopardy;'';

Whereas Ret. Admiral Bobby R. Inman, former director of the National Security Agency and deputy director of the CIA told the Austin-American Statesman last month that Americans are more vulnerable without the Protect America Act and ''the only way for the country to prevent future terrorists attacks is to increase its ability to eavesdrop on their communication;'';

Whereas Glenn Sulmasy, a Harvard national security expert, wrote in the February 15 edition of The Tampa Tribune that ''the global technologies of cell phones, computers, the internet, and other such means of communication—which were not, and could not have been, envisioned by the drafters of FISA in the 1970s—have changed the way information moves around the world. . . . Herein lie the gaps meant to be filled'' by the Protect America Act of 2007;

Whereas in its bipartisan findings the Senate Select Committee on Intelligence concluded in Oct. 2007 that ''electronic communication service providers acted on a good faith belief that the President's program, and their assistance, was lawful;'';

Whereas 20 Senate Democrats supported final passage of S. 2248, including Senate Intelligence Chairman Jay Rockefeller (D-WV) and Kent Conrad (D-ND), Chairman of the Senate Budget Committee;

Whereas on February 12, 2008, after passage of S. 2248, the Senate amended the bill H.R. 3773 with the text of S. 2248 and sent the amended bill back to the House of Representatives for its consideration;

Whereas Sen. Kent Conrad (D-ND) wrote in a Feb. 28 letter to the editor of The Fargo Forum, ''The FISA law needed reform to account for modern information technology, current patterns of communication and the nature of the threats facing our country. . . . [The bipartisan Senate bill] does include strong privacy safeguards and considerable judicial oversight to ensure that our fundamental freedoms are protected. . . . Leaving [telecommunications companies] completely subject to civil litigation could cause problems in vital intelligence collection in the future;'';

Whereas 21 House of Representatives Democrats expressed support for the bipartisan Senate FISA bill in a Jan. 28 letter to Speaker Pelosi stating that, ''we have it within our ability to replace the expiring Protect America Act by passing strong, bipartisan FISA modernization legislation that can be signed into law and we should do so—the consequences of not passing such a measure could place our national security at undue risk;'';

Whereas in an editorial published by the Charleston Post and Courier on February 29, 2008, House of Representatives Democrat leadership was described as ''indeed causing a potentially dangerous gap in the nation's defenses'' and ''creating an unnecessary cloud of uncertainty in a critical area of intelligence operations where there should be great clarity.''; and

Whereas the failure of the House of Representatives to expeditiously consider the bipartisan Senate-passed Foreign Intelligence Surveillance Act of 1978 Amendments Act of 2008 has brought discredit to the House of Representatives: Now, therefore, be it

Resolved, That the House of Representatives should immediately consider a motion to concur in the Senate amendment to the bill, H.R. 3773.

The SPEAKER pro tempore, Mr. ALTMIRE, responded to the foregoing notice, and said:

''The gentleman may offer his resolution.''

¶28.37 PRIVILEGES OF THE HOUSE

Mr. PRICE of Georgia, rose to a question of the privileges of the House and called up the following resolution:

Whereas in an interview published by National Journal Magazine on March 7, 2008, John Brennan, a foreign policy adviser to Sen. Barack Obama (D-IL) and former CIA official who once served as head of the National Counterterrorism Center, stated, ''There is this great debate over whether or not the telecom companies should in fact be given immunity for their agreement to provide support and cooperate with the government after 9/11 . . . I do believe strongly that they should be granted that immunity, because they were told to do so by the appropriate authorities that were operating in a legal context, and so I think that's important . . . And I know people are concerned about that, but I do believe that's the right thing to do . . . I do believe the Senate version of the FISA bill addresses the issues appropriately;'';

Whereas a bipartisan group of 25 state attorneys general recently wrote a letter to House of Representatives leaders in support of the Senate bill's passage, stating in part ''A bipartisan majority of the United States Senate recently approved S. 2248 . . . But until it is also passed by the House of Representatives, intelligence officials must obtain FISA warrants every time they attempt to monitor suspected terrorists in overseas countries. Passing S. 2248 would ensure our intelligence experts are once again able to conduct real-time surveillance. . . . With S. 2248 still pending in the House of Representatives, our national security is in jeopardy;'';

Whereas Ret. Admiral Bobby R. Inman, former director of the National Security Agency and deputy director of the CIA told the Austin-American Statesman last month that Americans are more vulnerable without the Protect America Act and ''the only way for the country to prevent future terrorists attacks is to increase its ability to eavesdrop on their communication;'';

Whereas Glenn Sulmasy, a Harvard national security expert, wrote in the February 15 edition of The Tampa Tribune that ''the global technologies of cell phones, computers, the internet, and other such means of communication—which were not, and could not have been, envisioned by the drafters of FISA in the 1970s—have changed the way information moves around the world. . . . Herein lie the gaps meant to be filled'' by the Protect America Act of 2007;

Whereas in its bipartisan findings the Senate Select Committee on Intelligence concluded in Oct. 2007 that ''electronic communication service providers acted on a good faith belief that the President's program, and their assistance, was lawful;'';

Whereas 20 Senate Democrats supported final passage of S. 2248, including Senate Intelligence Chairman Jay Rockefeller (D–WV) and Kent Conrad (D–ND), Chairman of the Senate Budget Committee;

Whereas on February 12, 2008, after passage of S. 2248, the Senate amended the bill H.R. 3773 with the text of S. 2248 and sent the amended bill back to the House of Representatives for its consideration;

Whereas Sen. Kent Conrad (D–ND) wrote in a Feb. 28 letter to the editor of The Fargo Forum, ''The FISA law needed reform to account for modern information technology, current patterns of communication and the nature of the threats facing our country. . . .

[The bipartisan Senate bill] does include strong privacy safeguards and considerable judicial oversight to ensure that our fundamental freedoms are protected. . . . Leaving [telecommunications companies] completely subject to civil litigation could cause problems in vital intelligence collection in the future;'';

Whereas 21 House of Representatives Democrats expressed support for the bipartisan Senate FISA bill in a Jan. 28 letter to Speaker Pelosi stating that, ''we have it within our ability to replace the expiring Protect America Act by passing strong, bipartisan FISA modernization legislation that can be signed into law and we should do so—the consequences of not passing such a measure could place our national security at undue risk;'';

Whereas in an editorial published by the Charleston Post and Courier on February 29, 2008, House of Representatives Democrat leadership was described as ''indeed causing a potentially dangerous gap in the nation's defenses'' and ''creating an unnecessary cloud of uncertainty in a critical area of intelligence operations where there should be great clarity.''; and

Whereas the failure of the House of Representatives to expeditiously consider the bipartisan Senate-passed Foreign Intelligence Surveillance Act of 1978 Amendments Act of 2008 has brought discredit to the House of Representatives: Now, therefore, be it

Resolved, That the House of Representatives should immediately consider a motion to concur in the Senate amendment to the bill, H.R. 3773.

The SPEAKER pro tempore, Mr. ALTMIRE, ruled that the resolution submitted did not present a question of the privileges of the House under rule IX, and said:

''The Chair is prepared to rule.

''Under the precedents recorded in section 702 of the House Rules and Manual, the resolution addresses a legislative sentiment and not a question of the privileges of the House.''

Mr. PRICE of Georgia, appealed the ruling of the Chair.

The question being stated,

Will the decision of the Chair stand as the judgment of the House?

Mr. HOYER moved to lay the appeal on the table.

The question being put, viva voce,

Will the House lay on the table the appeal of the ruling of the Chair?

The SPEAKER pro tempore, Mr. ALTMIRE, announced that the yeas had it.

Mr. PRICE of Georgia, demanded a recorded vote on agreeing to said motion, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative .....

Yeas	218
Nays	192
Answered present	1

¶28.38 [Roll No. 116]

AYES—218

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

NOES—192

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

ANSWERED ''PRESENT''—1

Johnson (IL)

NOT VOTING—18

Bishop (UT)	Mitchell	Ros-Lehtinen
Capito	Oberstar	Rush
Ellsworth	Pence	Souder
Hooley	Peterson (PA)	Tancredo
Kilpatrick	Pryce (OH)	Thompson (MS)
Miller, George	Rangel	Woolsey

So the motion to lay the appeal on the table was agreed to.

A motion to reconsider the vote whereby said motion was agreed to was, by unanimous consent, laid on the table.

¶28.39 VETO OF H.R. 2082—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. ALTMIRE, announced the unfinished business to be the further consideration of the veto message from the President on the bill (H.R. 2082) to authorize appropriations for fiscal year 2008 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

The question being on the passage of the bill, the objections of the President to the contrary notwithstanding.

After debate,

On motion of Mr. REYES, the previous question was ordered.

The question being put,

Will the House, upon reconsideration, agree to pass the bill, the objections of the President to the contrary notwithstanding?

It was decided in the negative .....

Yeas	225
Nays	188

¶28.40 [Roll No. 117]

YEAS—225

Abercrombie	Baca	Becerra
Ackerman	Baird	Berkley
Allen	Baldwin	Berman
Altmire	Barrow	Berry
Andrews	Bartlett (MD)	Bishop (GA)
Arcuri	Bean	Bishop (NY)

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

NAYS—188

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

NOT VOTING—17

Capito
Coble
Davis (KY)
Dent
Hooley
Kilpatrick
Mitchell
Oberstar
Pryce (OH)
Radanovich
Rangel
Ros-Lehtinen
Rush
Schwartz
Tancredo
Thompson (MS)
Woolsey

The SPEAKER pro tempore, Mr. SALAZAR, announced that 225 Members had voted in the affirmative and 188 Members had voted in the negative.

So, two-thirds of the Members present not having voted in favor thereof, the bill was not passed.

The message and the bill, together with the accompanying papers, were referred to the Permanent Select Committee on Intelligence.

Ordered, That the Clerk notify the Senate thereof.

¶28.41 H. RES. 948—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. SALAZAR, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 948) congratulating the University of Kansas (''KU'') football team for winning the 2008 Fed Ex Orange Bowl and having the most successful year in program history; as amended.

The question being put,

Will the House suspend the rules and pass said bill, as amended?

The vote was taken by electronic device.

It was decided in the affirmative .....

Yeas	396
Nays	0
Answered present	12

¶28.42 [Roll No. 118]

YEAS—396

Abercrombie
Ackerman
Aderholt
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capps
Capuano
Cardoza
Carney
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Putnam
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton

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

ANSWERED ''PRESENT''—12

Akin
Blunt
Boucher
Carnahan
Clay
Cleaver
Emerson
Graves
Hulshof
Larsen (WA)
Skelton
Smith (NE)

NOT VOTING—21

Alexander
Butterfield
Capito
Davis, Tom
Dent
Dingell
Hooley
Kilpatrick
McCrery
Mitchell
Moran (VA)
Oberstar
Pryce (OH)
Radanovich
Rangel
Ros-Lehtinen
Rush
Tancredo
Tanner
Thompson (MS)
Woolsey

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution, as amended, was passed was, by unanimous consent, laid on the table.

¶28.43 H. RES. 493—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. SALAZAR, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 493) congratulating the women's water polo team of the University of California, Los Angeles, for winning the 2007 NCAA Division I Women's Water Polo National Championship, and congratulating UCLA on its 100th NCAA sports national title, making it the most accomplished athletic program in NCAA history; as amended.

The question being put,

Will the House suspend the rules and pass said bill, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 400 Nays 0

¶28.44 [Roll No. 119]

YEAS—400

Abercrombie
Ackerman
Aderholt
Akin
Allen
Altmire
Andrews
Arcuri
Baca
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Deal (GA)
DeFazio
DeGette
Delahunt
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Putnam
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Ross
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thornberry
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—29

Alexander
Bachmann
Boren
Butterfield
Capito
Davis, Tom
DeLauro
Dent
Dingell
Hill
Hooley
Kilpatrick
Lewis (GA)
McCrery
Melancon
Mitchell
Moran (VA)
Oberstar
Pryce (OH)
Radanovich
Rangel
Ros-Lehtinen
Rothman
Rush
Tancredo
Thompson (MS)
Tiahrt
Wasserman Schultz
Woolsey

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

¶28.45 PROVIDING FOR CONSIDERATION OF H. CON. RES. 312

Ms. SUTTON, by direction of the Committee on Rules, reported (Rept. No. 110–548) the resolution (H. Res. 1036) providing for consideration of the concurrent resolution (H. Con. Res. 312) revising the congressional budget for the United States Government for fiscal year 2008, establishing the congressional budget for the United States Government for fiscal year 2009, and setting forth appropriate budgetary levels for fiscal years 2010 through 2013.

When said resolution and report were referred to the House Calendar and ordered printed.

¶28.46 PROVIDING FOR CONSIDERATION OF H. RES. 895

Ms. SUTTON, by direction of the Committee on Rules, called up the following resolution (H. Res. 1031):

Resolved, That House Resolution 895, amended by the amendment printed in the report of the Committee on Rules accompanying this resolution, is hereby adopted.

When said resolution was considered.

After debate,

¶28.47 MOTION TO ADJOURN

Mr. ABERCROMBIE moved that the House do now adjourn.

The question being put, viva voce,

Will the House now adjourn?

The SPEAKER pro tempore, Mr. POMEROY, announced that the nays had it.

Mr. LAHOOD objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 6, rule XX, and the call was taken by electronic device.

It was decided in the negative .....

Yeas	177
Nays	196
Answered present	1

¶28.48 [Roll No. 120]

YEAS—177

Abercrombie
Aderholt
Akin
Bachmann
Barrett (SC)
Bartlett (MD)
Barton (TX)
Berry
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Carter
Castle
Chabot
Chandler
Coble
Cohen
Cole (OK)
Conaway
Crenshaw
Cubin
Cuellar
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Doolittle
Drake
Dreier
Duncan
Ehlers
English (PA)
Fallin
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Frelinghuysen
Gallegly
Garrett (NJ)
Gilchrest
Goode
Goodlatte
Gordon
Granger
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hulshof
Hunter
Inglis (SC)
Issa
Jefferson
Johnson, Sam
Jordan
Kaptur
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Latta
Lewis (CA)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Pence
Petri
Pickering
Pitts
Porter
Price (GA)
Putnam
Regula
Rehberg
Reichert
Reynolds
Rogers (AL)
Rogers (MI)
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Sanchez, Loretta
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Stupak
Sullivan
Taylor
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Wu
Young (AK)
Young (FL)

NAYS—196

Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Capps
Capuano
Cardoza
Carnahan
Carney
Castor
Clarke
Cleaver
Clyburn
Conyers
Cooper
Costello
Courtney
Cramer
Crowley
Cummings
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Foster
Frank (MA)
Gerlach
Giffords
Gillibrand
Gonzalez
Green, Al
Green, Gene
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Jones (NC)
Kagen
Kanjorski
Kennedy
Kildee
Kind
Kucinich
Lampson
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McCotter
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Perlmutter
Platts
Poe
Pomeroy
Price (NC)
Rahall
Ramstad
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Spratt
Sutton
Tanner
Tauscher
Thompson (CA)
Tierney
Towns
Tsongas
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Watson
Waxman
Weiner
Welch (VT)
Wexler

ANSWERED ''PRESENT''—1

Johnson (IL)

NOT VOTING—55

Alexander
Bachus
Boucher
Butterfield
Capito
Clay
Costa
Culberson
Davis (AL)
DeLauro
Dingell
Emerson
Everett
Feeney
Franks (AZ)
Gingrey
Gohmert
Graves
Grijalva
Gutierrez
Hinchey
Hoekstra
Hooley
Jones (OH)
Kilpatrick
Klein (FL)
Lewis (GA)
Lewis (KY)
McCaul (TX)
McCrery
Miller (NC)
Miller, George
Mitchell
Oberstar
Peterson (MN)
Peterson (PA)
Pryce (OH)
Radanovich
Rangel
Renzi
Rogers (KY)
Ros-Lehtinen
Rush
Solis
Stark
Tancredo
Thompson (MS)
Udall (CO)
Walsh (NY)
Waters
Watt
Wilson (OH)
Woolsey
Wynn
Yarmuth

So the motion to adjourn was not agreed to.

After further debate,

Ms. SUTTON moved the previous question on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House now order the previous question?

The SPEAKER pro tempore, Mr. POMEROY, announced that the yeas had it.

Mr. DREIER demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative .....

Yeas	207
Nays	206

¶28.49 [Roll No. 121]

YEAS—207

Abercrombie
Aderholt
Akin
Alexander
Bachmann
Bachus
Baird
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Boyd (FL)
Brady (TX)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Carter
Chabot
Chandler
Clay
Coble
Cole (OK)
Conaway
Costello
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kennedy
Kildee
Kind
Klein (FL)
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pelosi
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Ramstad
Regula
Rehberg
Reichert
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (MI)
Rohrabacher
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Shays
Sherman
Shimkus
Shuler
Shuster
Sires
Simpson
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stearns
Stark
Stupak
Sullivan
Sutton
Tancredo
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Tsongas
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NAYS—206

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

Herger
Hill
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson, Sam
Jordan
Kaptur
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Meeks (NY)
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Putnam
Regula
Rehberg
Reichert
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuler
Shuster
Simpson
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tanner
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Waters
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOT VOTING—17

Boucher
Capito
Davis, Lincoln
Hooley
Kilpatrick
Mitchell
Oberstar
Pryce (OH)
Radanovich
Rangel
Renzi
Ros-Lehtinen
Rush
Tancredo
Thompson (MS)
Woolsey
Wynn

So the previous question on the resolution was ordered.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. POMEROY, announced that the yeas had it.

Mr. DREIER demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 229; Nays ..... 182; Answered present 4

¶28.50 [Roll No. 122]

YEAS—229

Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bilirakis
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyda (KS)
Brady (PA)
Braley (IA)
Brown-Waite, Ginny
Buchanan
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Castle
Castor
Chabot
Clarke
Clyburn
Cohen
Conyers
Cooper
Costa
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doggett
Donnelly
Edwards
Ellison
Ellsworth
Emanuel
Engel
English (PA)
Eshoo
Etheridge
Farr
Fattah
Fossella
Foster
Frank (MA)
Gerlach
Giffords
Gillibrand
Gonzalez
Gordon
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Hayes
Heller
Herseth Sandlin
Higgins
Hill
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Hulshof
Inslee
Israel
Jackson (IL)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Kagen
Kanjorski
Keller
Kennedy
Kildee
Kind
Kirk
Klein (FL)
Knollenberg
Kucinich
Kuhl (NY)
Lampson
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Nadler
Napolitano
Neal (MA)
Obey
Olver
Ortiz
Pallone
Pascrell
Payne
Pelosi
Perlmutter
Peterson (MN)
Platts
Pomeroy
Porter
Price (NC)
Rahall
Ramstad
Reyes
Reynolds
Richardson
Rodriguez
Ross
Rothman
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Sires
Slaughter
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stupak
Sutton
Tauscher
Taylor
Thompson (CA)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Wittman (VA)
Wu
Yarmuth

NAYS—182

Abercrombie
Aderholt
Akin
Alexander
Bachmann
Bachus
Baird
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Boyd (FL)
Brady (TX)
Broun (GA)
Brown (SC)
Brown, Corrine
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Carter
Chandler
Clay
Cleaver
Coble
Cole (OK)
Conaway
Costello
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dingell
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
Everett
Fallin
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Hall (TX)
Hastings (WA)
Hensarling
Herger
Hinchey
Hobson
Hoekstra
Hunter
Inglis (SC)
Issa
Jackson-Lee (TX)
Johnson, Sam
Jordan
Kaptur
King (IA)
King (NY)
Kingston
Kline (MN)
LaHood
Lamborn
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McKeon
McMorris Rodgers
Melancon
Mica
Miller (FL)
Miller, Gary
Murtha
Musgrave
Myrick
Neugebauer
Nunes
Pastor
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Poe
Price (GA)
Putnam
Regula
Rehberg
Reichert
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Sanchez, Loretta
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuler
Shuster
Simpson
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Stark
Stearns
Sullivan
Tanner
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Waters
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

ANSWERED ''PRESENT''—4

Delahunt
Doyle
Jones (OH)
Roybal-Allard

NOT VOTING—15

Capito
Hooley
Kilpatrick
Mitchell
Oberstar
Pryce (OH)
Radanovich
Rangel
Renzi
Ros-Lehtinen
Rush
Tancredo
Thompson (MS)
Woolsey
Wynn

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶28.51 MOTION TO ADJOURN

Ms. SUTTON moved that the House do now adjourn.

The question being put, viva voce,

Will the House now adjourn?

The SPEAKER pro tempore, Mr. WEINER, announced that the yeas had it.

Mr. DREIER demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 216; Nays 186

¶28.52 [Roll No. 123]

YEAS—216

Abercrombie
Ackerman
Allen
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bartlett (MD)
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown (SC)
Brown, Corrine
Buchanan
Butterfield
Capps
Capuano
Cardoza
Carnahan
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doolittle
Doyle
Edwards
Ellison
Emanuel
Emerson
Engel
Eshoo
Etheridge
Farr
Fattah
Feeney
Filner
Frank (MA)
Gillibrand
Gonzalez
Gordon
Graves
Green, Al
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)

Jones (OH)	Moore (KS)	Serrano
Kagen	Moore (WI)	Sestak
Kanjorski	Moran (VA)	Shea-Porter
Kaptur	Murphy (CT)	Sherman
Kennedy	Murphy, Patrick	Shuler
Kildee	Nadler	Sires
Kind	Napolitano	Skelton
King (IA)	Neal (MA)	Slaughter
Klein (FL)	Obey	Smith (WA)
Langevin	Olver	Snyder
Larsen (WA)	Ortiz	Solis
Larson (CT)	Pallone	Space
Lee	Pastor	Stark
Levin	Paul	Sutton
Lewis (GA)	Payne	Tanner
Lewis (KY)	Perlmutter	Tauscher
Linder	Peterson (MN)	Taylor
Lipinski	Pickering	Thompson (CA)
Loebsack	Pomeroy	Tierney
Lofgren, Zoe	Price (NC)	Towns
Lowey	Reyes	Tsongas
Lynch	Richardson	Udall (CO)
Mahoney (FL)	Rodriguez	Van Hollen
Maloney (NY)	Ross	Velázquez
Markey	Rothman	Visclosky
Marshall	Roybal-Allard	Wasserman Schultz
Matheson	Ruppersberger	
Matsui	Ryan (OH)	Waters
McCollum (MN)	Salazar	Watson
McGovern	Sánchez, Linda T.	Waxman
McIntyre		Weiner
McNerney	Sanchez, Loretta	Welch (VT)
McNulty	Sarbanes	Weldon (FL)
Meek (FL)	Schakowsky	Wexler
Meeks (NY)	Schiff	Whitfield (KY)
Michaud	Schwartz	Wilson (OH)
Miller (NC)	Scott (GA)	Wu
Miller, George	Scott (VA)	Yarmuth

NAYS—186

Aderholt	Fossella	Miller (FL)
Akin	Foxx	Miller (MI)
Alexander	Franks (AZ)	Miller, Gary
Altmire	Frelinghuysen	Mollohan
Bachmann	Gallegly	Moran (KS)
Bachus	Garrett (NJ)	Murphy, Tim
Barrett (SC)	Gerlach	Musgrave
Barton (TX)	Giffords	Myrick
Biggert	Gilchrest	Neugebauer
Bilbray	Gingrey	Nunes
Bilirakis	Gohmert	Pearce
Bishop (UT)	Goode	Pence
Blackburn	Goodlatte	Peterson (PA)
Blunt	Granger	Petri
Boehner	Green, Gene	Pitts
Bonner	Hall (TX)	Platts
Bono Mack	Hastings (WA)	Poe
Boozman	Hayes	Porter
Boucher	Heller	Price (GA)
Boustany	Hensarling	Putnam
Brady (TX)	Herger	Rahall
Broun (GA)	Hoekstra	Ramstad
Brown-Waite, Ginny	Hulshof	Regula
	Hunter	Rehberg
Burgess	Inglis (SC)	Reichert
Burton (IN)	Issa	Reynolds
Buyer	Jordan	Rogers (AL)
Calvert	Keller	Rogers (KY)
Camp (MI)	King (NY)	Rogers (MI)
Campbell (CA)	Kingston	Rohrabacher
Cannon	Kirk	Roskam
Cantor	Kline (MN)	Royce
Carney	Knollenberg	Ryan (WI)
Carter	Kucinich	Sali
Castle	Kuhl (NY)	Schmidt
Chabot	LaHood	Sensenbrenner
Cole (OK)	Lamborn	Sessions
Conaway	Lampson	Shadegg
Crenshaw	Latham	Shays
Cubin	LaTourette	Shimkus
Culberson	Latta	Shuster
Davis, David	Lewis (CA)	Simpson
Davis, Tom	LoBiondo	Smith (NE)
Deal (GA)	Lucas	Smith (NJ)
Dent	Lungren, Daniel E.	Smith (TX)
Diaz-Balart, L.		Souder
Diaz-Balart, M.	Mack	Stearns
Donnelly	Manzullo	Stupak
Drake	Marchant	Sullivan
Dreier	McCarthy (CA)	Terry
Duncan	McCaul (TX)	Thornberry
Ehlers	McCotter	Tiahrt
Ellsworth	McCrery	Tiberi
English (PA)	McDermott	Turner
Everett	McHenry	Udall (NM)
Fallin	McHugh	Upton
Ferguson	McKeon	Walberg
Flake	McMorris Rodgers	Walden (OR)
Forbes		Walsh (NY)
Fortenberry	Mica	Walz (MN)
Wamp	Wilson (NM)	Wolf
Watt	Wilson (SC)	Young (AK)
Westmoreland	Wittman (VA)	Young (FL)

NOT VOTING—27

Capito	Melancon	Ros-Lehtinen
Conyers	Mitchell	Rush
Cramer	Murtha	Saxton
Foster	Oberstar	Spratt
Holden	Pascrell	Tancredo
Hooley	Pryce (OH)	Thompson (MS)
Johnson, Sam	Radanovich	Weller
Kilpatrick	Rangel	Woolsey
McCarthy (NY)	Renzi	Wynn

So the motion to adjourn was agreed to.

Accordingly,

At 10 o'clock and 44 minutes p.m., the House adjourned.

¶28.53 OATH OF OFFICE/MEMBERS, RESIDENT COMMISSSIONERS AND DELEGATES

The oath of office required by the sixth article of the Constitution of the United States, and as provided by section 2 of the act of May 13, 1884 (23 Stat. 22), to be administered to Members, Resident Commissioner, and Delegates of the House of Representatives, the text of which is carried in 5 U.S.C. 3331:

> ''I, AB, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God.''

has been subscribed to in person and filed in duplicate with the Clerk of the House of Representatives by the following Member of the 110th Congress, pursuant to the provisions of 2 U.S.C. 25:

BILL FOSTER, Illinois, Fourteenth.

¶28.54 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

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

Mr. BERMAN: Committee on Foreign Affairs. Supplemental report on H.R. 5501. A bill to authorize appropriations for fiscal years 2009 through 2013 to provide assistance to foreign countries to combat HIV/AIDS, tuberculosis, and malaria, and for other purposes (Rept. 110–546, Pt. 2).

Mr. MCGOVERN: Committee on Rules. House Resolution 1036. Resolution Providing for consideration of the concurrent resolution (H. Con. Res. 312) revising the congressional budget for the United States Government for fiscal year 2008, establishing the congressional budget for the United States Government for fiscal year 2009, and setting forth appropriate budgetary levels for fiscal years 2010 through 2013. (Rept. 110–548). Referred to the House Calendar.

¶28.55 PUBLIC BILLS AND RESOLUTIONS

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

By Mr. WAXMAN (for himself and Mr. MARKEY):

H.R. 5575. A bill to require new coal-fired electric generating units to use state-of-the-art control technology to capture and permanently sequester carbon dioxide emissions, and for other purposes; to the Committee on Energy and Commerce.

By Mr. BUYER (for himself and Mr. LAMBORN):

H.R. 5576. A bill to amend title 38, United States Code, to make certain improvements in the claims processing of the Department of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. THOMPSON of Mississippi (for himself, Ms. JACKSON-LEE of Texas, Mr. MARKEY, Ms. LORETTA SANCHEZ of California, Mr. DICKS, Ms. HARMAN, Mr. DEFAZIO, Mrs. LOWEY, Ms. NORTON, Ms. ZOE LOFGREN of California, Mrs. CHRISTENSEN, Mr. ETHERIDGE, Mr. LANGEVIN, Mr. CUELLAR, Mr. CARNEY, Ms. CLARKE, Mr. AL GREEN of Texas, Mr. PERLMUTTER, and Mr. PASCRELL):

H.R. 5577. A bill to amend the Homeland Security Act of 2002 to extend, modify, and recodify the authority of the Secretary of Homeland Security to enhance security and protect against acts of terrorism against chemical facilities, and for other purposes; to the Committee on Homeland Security, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PETERSON of Minnesota (for himself and Mr. GOODLATTE):

H.R. 5578. A bill to extend agricultural programs beyond March 15, 2008, to suspend permanent price support authorities beyond that date, and for other purposes; to the Committee on Agriculture, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CASTLE (for himself and Mr. KANJORSKI):

H.R. 5579. A bill to remove an impediment to troubled debt restructuring on the part of holders of residential mortgage loans, and for other purposes; to the Committee on Financial Services.

By Ms. SCHAKOWSKY (for herself, Mr. WAXMAN, Mr. ELLISON, and Ms. HIRONO):

H.R. 5580. A bill to amend the Toxic Substances Control Act to phase out the use of mercury in the manufacture of chlorine and caustic soda, and for other purposes; to the Committee on Energy and Commerce.

By Mr. CAMPBELL of California:

H.R. 5581. A bill to require the Secretary of the Interior to notify units of local government when a Native American group files a petition to become a federally recognized Indian tribe and before the decision on the petition is made, and for other purposes; to the Committee on Natural Resources.

By Mr. CLAY (for himself and Mr. LARSON of Connecticut):

H.R. 5582. A bill to authorize appropriations for the National Historical Publications and Records Commission through fiscal year 2014; to the Committee on Oversight and Government Reform.

By Mr. GRIJALVA:

H.R. 5583. A bill to withdraw the Tusayan Ranger District and Federal land managed by the Bureau of Land Management in the vicinity of Kanab Creek and in House Rock Valley from location, entry, and patent under the mining laws, and for other purposes; to the Committee on Natural Resources.

By Mr. GRIJALVA:
H.R. 5584. A bill to amend the Intermodal Surface Transportation Efficiency Act of 1991 to identify a western passage of the CANAMEX Corridor in Arizona, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. ISRAEL:
H.R. 5585. A bill to amend title XVIII of the Social Security Act to provide comprehensive cancer patient treatment education under the Medicare Program and to provide for research to improve cancer symptom management; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. EDDIE BERNICE JOHNSON of Texas:
H.R. 5586. A bill to amend the Internal Revenue Code of 1986 to expand the availability of the Internal Revenue Service's Taxpayer Assistance Centers; to the Committee on Ways and Means.

By Mr. LEWIS of Georgia (for himself, Mr. JOHNSON of Georgia, and Mr. SCOTT of Georgia):
H.R. 5587. A bill to direct the Secretary of the Army to conduct a comprehensive study of long-term water management in the southeastern United States; to the Committee on Transportation and Infrastructure.

By Mr. MARKEY (for himself, Mr. INSLEE, Mr. HINCHEY, and Mr. LARSON of Connecticut):
H.R. 5588. A bill to prohibit the Secretary of the Interior from offering for oil and gas leasing or any related activity any tract in the Lease Sale 193 Area of the Alaska Outer Continental Shelf Region until the Secretary determines whether to list the polar bear as a threatened species or an endangered species under the Endangered Species Act of 1973, and for other purposes; to the Committee on Natural Resources.

By Mr. MELANCON:
H.R. 5589. A bill to modify the project for navigation, Atchafalaya River and Bayous Chene, Boeuf, and Black, Louisiana, to include an additional area, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. PASCRELL (for himself and Mr. CANTOR):
H.R. 5590. A bill to amend title XVIII of the Social Security Act to permit physical therapy services to be furnished under the Medicare Program to individuals under the care of a dentist; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PITTS:
H.R. 5591. A bill to amend the Internal Revenue Code of 1986 to allow nontaxable employer matching contributions to section 529 college savings plans; to the Committee on Ways and Means.

By Mr. REYES (for himself, Mr. GRIJALVA, Mr. CUELLAR, Mr. RODRIGUEZ, Mr. ORTIZ, and Mr. HINOJOSA):
H.R. 5592. A bill to establish grant programs to improve the health of border area residents and for bioterrorism preparedness in the border area, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. LINDA T. SÁNCHEZ of California (for herself, Mr. CONYERS, Mr. SMITH of Texas, and Mr. CANNON):
H.R. 5593. A bill to amend title 5, United States Code, to make technical amendments to certain provisions of title 5, United States Code, enacted by the Congressional Review Act; to the Committee on the Judiciary.

By Mr. YOUNG of Alaska (for himself and Mr. LOBIONDO):
H.R. 5594. A bill to require the Commandant of the Coast Guard to conduct an evaluation and review of certain vessel discharges; to the Committee on Transportation and Infrastructure.

By Mr. HENSARLING (for himself and Mr. CAMPBELL of California):
H. Con. Res. 314. Concurrent resolution establishing a Joint Select Committee on Earmark Reform; to the Committee on Rules.

By Mr. WILSON of South Carolina (for himself, Mr. HENSARLING, Mr. AKIN, Mr. BACHUS, Mr. BARRETT of South Carolina, Mr. BARTON of Texas, Mrs. BLACKBURN, Mr. BOEHNER, Mr. BRADY of Texas, Mr. BROUN of Georgia, Mr. BURTON of Indiana, Mr. CAMPBELL of California, Mr. CANTOR, Mr. CARTER, Mr. CHABOT, Mr. CONAWAY, Mrs. CUBIN, Mr. CULBERSON, Mr. DAVID DAVIS of Tennessee, Ms. FALLIN, Ms. FOXX, Mr. FRANKS of Arizona, Mr. GINGREY, Mr. GOHMERT, Ms. GRANGER, Mr. HERGER, Mr. ISSA, Mr. SAM JOHNSON of Texas, Mr. KING of Iowa, Mr. KINGSTON, Mr. KLINE of Minnesota, Mr. LAMBORN, Mr. LATTA, Mr. LEWIS of Kentucky, Mr. LUCAS, Mr. MACK, Mr. MARCHANT, Mr. MCCAUL of Texas, Mr. MCHENRY, Mr. MCKEON, Mr. MILLER of Florida, Mrs. MUSGRAVE, Mrs. MYRICK, Mr. NEUGEBAUER, Mr. PENCE, Mr. PITTS, Mr. PLATTS, Mr. POE, Mr. PRICE of Georgia, Mr. PUTNAM, Mr. RADANOVICH, Mr. SALI, Mr. SESSIONS, Mr. SHADEGG, Mr. SMITH of Nebraska, Mr. SMITH of Texas, and Mr. WALBERG):
H. Con. Res. 315. Concurrent resolution supporting the idea that coalition victory in Iraq is possible; to the Committee on Armed Services.

By Mr. PUTNAM:
H. Res. 1034. A resolution electing Minority Members to certain standing committees of the House of Representatives; considered and agreed to.

By Mr. EMANUEL:
H. Res. 1035. A resolution electing certain Members to certain standing committees of the House of Representatives; considered and agreed to.

By Mr. KAGEN:
H. Res. 1037. A resolution expressing the need for enhanced public awareness of Hidradenitis Suppurativa, and for the support of the designation of a National Hidradenitis Suppurativa Awareness Month; to the Committee on Energy and Commerce.

By Mr. THOMPSON of Mississippi (for himself and Mr. KING of New York):
H. Res. 1038. A resolution recognizing the fifth anniversary of the Department of Homeland Security and honoring the Department's employees for their extraordinary efforts and contributions to protect and secure our Nation; to the Committee on Homeland Security.

¶28.56 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 248: Mr. CAMPBELL of California.
H.R. 303: Mr. ELLISON.
H.R. 406: Mr. JEFFERSON, Mrs. CAPPS, Mr. ELLISON, Mr. STARK, Mr. PERLMUTTER, Mr. TAYLOR, and Mr. UDALL of Colorado.
H.R. 581: Mr. ENGLISH of Pennsylvania.
H.R. 583: Ms. BEAN and Mr. DAVIS of Illinois.
H.R. 594: Mr. ROSS.
H.R. 618: Mr. BARTON of Texas.
H.R. 631: Mr. KLINE of Minnesota.
H.R. 648: Mr. PASTOR, Mr. TIM MURPHY of Pennsylvania, and Mrs. JONES of Ohio.
H.R. 741: Mr. BOYD of Florida.
H.R. 808: Ms. CLARKE.
H.R. 882: Mr. ANDREWS.
H.R. 1017: Mr. LOEBSACK.
H.R. 1092: Mr. FORTUÑO.
H.R. 1110: Mr. LAMPSON.
H.R. 1188: Mr. TOWNS and Mr. DAVID DAVIS of Tennessee.
H.R. 1213: Mr. PLATTS.
H.R. 1222: Mr. MARIO DIAZ-BALART of Florida.
H.R. 1228: Mr. UPTON.
H.R. 1237: Ms. DELAURO, Mr. PORTER, and Mr. MURPHY of Connecticut.
H.R. 1295: Mr. TAYLOR.
H.R. 1386: Mr. ALTMIRE and Mr. HINCHEY.
H.R. 1390: Mr. BILIRAKIS.
H.R. 1436: Ms. HERSETH SANDLIN.
H.R. 1464: Ms. SHEA-PORTER.
H.R. 1524: Mr. SIMPSON and Mrs. CAPPS.
H.R. 1540: Mr. EMANUEL, Mr. FATTAH, Mr. WYNN, and Mr. UDALL of Colorado.
H.R. 1584: Mr. CLEAVER, Mr. SMITH of New Jersey, Mr. CONAWAY, Mr. COSTA, Mr. MURTHA, Mr. CHABOT, Mr. LINCOLN DIAZ-BALART of Florida, Mr. BOEHNER, Mr. THORNBERRY, Mr. FRELINGHUYSEN, Mr. SESSIONS, Mr. UDALL of New Mexico, Mrs. SCHMIDT, Mr. FRANKS of Arizona, Mr. PUTNAM, Mr. LOBIONDO, Mr. AKIN, Mr. BUCHANAN, Mr. MCHENRY, Ms. BERKLEY, Mr. BRADY of Pennsylvania, Mr. TURNER, Mr. TAYLOR, Mr. PERLMUTTER, and Mr. CASTLE.
H.R. 1609: Mr. SCHIFF.
H.R. 1665: Ms. KILPATRICK.
H.R. 1738: Mr. COSTELLO.
H.R. 1791: Mr. TIM MURPHY of Pennsylvania.
H.R. 1881: Ms. GRANGER.
H.R. 1884: Mr. MILLER of North Carolina.
H.R. 1967: Ms. BEAN.
H.R. 1975: Ms. KAPTUR, Mr. HOLDEN, Mr. GORDON, and Ms. BORDALLO.
H.R. 1992: Mr. BUTTERFIELD.
H.R. 2060: Ms. HERSETH SANDLIN.
H.R. 2125: Mr. ELLISON.
H.R. 2164: Mr. HOEKSTRA.
H.R. 2297: Mr. FRANKS of Arizona.
H.R. 2303: Ms. HERSETH SANDLIN.
H.R. 2407: Mr. BONNER.
H.R. 2464: Mrs. BONO MACK.
H.R. 2526: Mr. TERRY.
H.R. 2593: Mr. TOWNS and Mr. ELLISON.
H.R. 2734: Mr. MARCHANT.
H.R. 2818: Mr. SHAYS and Mr. MCCOTTER.
H.R. 2894: Mr. FOSSELLA and Mr. HENSARLING.
H.R. 2948: Mr. MILLER of Florida.
H.R. 2990: Mr. MICHAUD, Mr. VAN HOLLEN, Mr. PRICE of North Carolina, Mr. WELDON of Florida, Mr. MORAN of Virginia, Mr. FORTENBERRY, Mr. PEARCE, and Mrs. CUBIN.
H.R. 3001: Mr. LOEBSACK.
H.R. 3025: Ms. WOOLSEY.
H.R. 3037: Mr. INSLEE.
H.R. 3061: Ms. WOOLSEY.
H.R. 3175: Mr. LEWIS of Georgia.
H.R. 3339: Mr. WEXLER.
H.R. 3406: Mr. PAYNE.
H.R. 3457: Mr. WAXMAN and Mr. SCHIFF.
H.R. 3543: Ms. SCHAKOWSKY.
H.R. 3609: Mr. MEEKS of New York and Mr. PAYNE.
H.R. 3681: Mr. ENGLISH of Pennsylvania.
H.R. 3682: Mr. TOWNS.
H.R. 3689: Mr. UDALL of Colorado.
H.R. 3820: Mr. WATT.
H.R. 3828: Mrs. LOWEY, Mr. GRIJALVA, Mr. MEEKS of New York, Mr. THOMPSON of Mississippi, Ms. VELÁZQUEZ, Mrs. CHRISTENSEN, Mr. BLUMENAUER, and Mr. FILNER.

H.R. 3852: Mr. BOOZMAN.
H.R. 3892: Mr. FRANK of Massachusetts.
H.R. 3981: Mr. ELLISON, Mr. DOYLE, Mr. WAXMAN, and Mr. GONZALEZ.
H.R. 4044: Mr. NADLER, Mrs. MALONEY of New York, and Mrs. CHRISTENSEN.
H.R. 4054: Mr. JOHNSON of Georgia, Ms. JACKSON-LEE of Texas, and Mr. RUSH.
H.R. 4061: Mr. KLINE of Minnesota and Mrs. SCHMIDT.
H.R. 4088: Mr. WILSON of South Carolina, Mr. FRELINGHUYSEN, Mrs. BACHMANN, and Mr. CARTER.
H.R. 4176: Mr. LATTA.
H.R. 4179: Mr. HIGGINS, Mr. GONZALEZ, Ms. ZOE LOFGREN of California, Mrs. LOWEY, and Ms. LINDA T. SÁNCHEZ of California.
H.R. 4236: Mr. BRALEY of Iowa.
H.R. 4318: Mrs. CUBIN and Ms. GRANGER.
H.R. 4335: Mr. FILNER and Mr. FALEOMAVAEGA.
H.R. 4545: Mr. FILNER, Mr. GONZALEZ, and Mr. CLAY.
H.R. 4651: Mr. PASTOR and Mr. PLATTS.
H.R. 4838: Ms. DEGETTE, Mr. DAVIS of Illinois, and Mr. LEWIS of Georgia.
H.R. 4900: Mr. BOEHNER, Mr. PITTS, Mr. FEENEY, and Mr. KLINE of Minnesota.
H.R. 4926: Mr. FRANK of Massachusetts.
H.R. 4930: Mr. GONZALEZ.
H.R. 4934: Mr. PAYNE.
H.R. 4959: Mr. ELLISON.
H.R. 5058: Mr. SCHIFF.
H.R. 5086: Mr. JOHNSON of Georgia.
H.R. 5124: Mrs. CAPITO.
H.R. 5130: Ms. CORRINE BROWN of Florida, Ms. JACKSON-LEE of Texas, Mr. GRIJALVA, Mr. HINCHEY, Mr. BRADY of Pennsylvania, Mr. PAYNE, and Mr. CLAY.
H.R. 5131: Mr. EDWARDS.
H.R. 5148: Mr. MCCARTHY of California.
H.R. 5173: Mr. HINOJOSA, Mr. PATRICK MURPHY of Pennsylvania, Mr. LATOURETTE, Ms. KAPTUR, and Mr. BOUCHER.
H.R. 5244: Mr. MILLER of North Carolina, Ms. ZOE LOFGREN of California, and Mr. FARR.
H.R. 5268: Mr. ALLEN.
H.R. 5434: Mr. PETERSON of Pennsylvania, Mr. LAMBORN, Mrs. MUSGRAVE, Mr. FRANKS of Arizona, Mr. JONES of North Carolina, Mr. HERGER, Mr. POE, Mr. MILLER of Florida, Mr. YOUNG of Alaska, Mrs. CUBIN, Mr. BROUN of Georgia, Mr. WITTMAN of Virginia, and Mr. SAM JOHNSON of Texas.
H.R. 5440: Mr. CAMP of Michigan, Mr. SESSIONS, Ms. GINNY BROWN-WAITE of Florida, Mr. POE, Mrs. CUBIN, Mr. BURGESS, Mr. WITTMAN of Virginia, Mr. MILLER of Florida, Mr. RADANOVICH, Mr. BLUNT, Mr. BROUN of Georgia, Mrs. BIGGERT, Mr. JORDAN, Mr. LOBIONDO, Mr. BUYER, Mr. BARTON of Texas, Mr. HALL of Texas, Mrs. MYRICK, Mr. MCCARTHY of California, Mr. MARCHANT, Mr. SHADEGG, and Mrs. SCHMIDT.
H.R. 5464: Mr. LANGEVIN.
H.R. 5466: Mr. AL GREEN of Texas, Mr. HINOJOSA, Mr. ABERCROMBIE, and Mr. CONYERS.
H.R. 5483: Mr. GOODLATTE and Mr. SCOTT of Virginia.
H.R. 5489: Mr. SKELTON, Mr. RAHAL, Mr. LINCOLN DIAZ-BALART of Florida, Mr. MARSHALL, Mr. ENGLISH of Pennsylvania, and Mr. LINDER.
H.R. 5496: Mr. ELLISON.
H.R. 5505: Ms. SCHAKOWSKY.
H.R. 5510: Mr. HIGGINS.
H.R. 5513: Mr. WESTMORELAND.
H.R. 5522: Ms. WOOLSEY, Mr. BISHOP of New York, Mrs. DAVIS of California, Mr. HARE, Mr. HINOJOSA, Mr. HOLT, Mr. KILDEE, Mr. KUCINICH, Mr. PAYNE, Ms. LINDA T. SÁNCHEZ of California, Ms. DELAURO, Mr. BRALEY of Iowa, Mr. BISHOP of Georgia, Mrs. MCCARTHY of New York, Mr. SARBANES, Mr. COURTNEY, and Ms. SHEA-PORTER.
H.R. 5534: Ms. SCHAKOWSKY.
H.R. 5561: Mr. ROHRABACHER, Mr. BUCHANAN, and Mr. BILIRAKIS.
H.R. 5563: Mr. ALTMIRE, Mr. SARBANES, Mr. HINOJOSA, Mr. DAVIS of Illinois, Mr. YARMUTH, Mr. KILDEE, Mr. HARE, Mr. PRICE of North Carolina, Mr. GRIJALVA, Ms. CLARKE, Ms. HIRONO, Mr. ANDREWS, Ms. LINDA T. SÁNCHEZ of California, Mr. LOEBSACK, Mr. MEEKS of New York, and Mr. BISHOP of New York.
H. J. Res. 68: Mr. WITTMAN of Virginia, Mr. DUNCAN, and Mr. KILDEE.
H. Con. Res. 91: Mr. TOM DAVIS of Virginia, Ms. CORRINE BROWN of Florida, Mr. ALTMIRE, Mr. SHAYS, Mr. HAYES, Mr. LEWIS of Georgia, Mr. MCDERMOTT, Mr. DAVIS of Illinois, Mr. WAMP, Mr. KUHL of New York, Mr. SIRES, Mr. GRIJALVA, and Ms. GIFFORDS.
H. Con. Res. 163: Mr. AL GREEN of Texas, Mr. CANTOR, Mr. BAIRD, Mr. FERGUSON, Mr. TERRY, and Mr. GORDON.
H. Con. Res. 244: Ms. HERSETH SANDLIN, Mr. BUYER, Mr. KLINE of Minnesota, and Mr. RYAN of Wisconsin.
H. Con. Res. 263: Mr. TURNER.
H. Con. Res. 266: Mr. MCGOVERN.
H. Con. Res. 290: Mr. MCCOTTER.
H. Con. Res. 302: Mr. GORDON, Mr. HENSARLING, Ms. NORTON, Mr. CARNEY, and Ms. ROS-LEHTINEN.
H. Res. 111: Mr. GRIJALVA.
H. Res. 146: Mr. HINCHEY and Mr. DOYLE.
H. Res. 672: Mr. SHERMAN.
H. Res. 795: Mr. COSTA.
H. Res. 821: Mr. SENSENBRENNER.
H. Res. 838: Mr. KUHL of New York, Mr. WALBERG, Mr. MCGOVERN, Mr. YOUNG of Alaska, Mr. HULSHOF, and Mr. LAHOOD.
H. Res. 865: Mr. SHERMAN.
H. Res. 900: Mr. DAVIS of Illinois, Mr. MCGOVERN, and Mr. HINOJOSA.
H. Res. 959: Mr. LOBIONDO.
H. Res. 977: Mr. DAVIS of Illinois.
H. Res. 981: Mr. HINOJOSA, Mr. TERRY, Mr. CAPUANO, Mrs. MCCARTHY of New York, Mr. PORTER, Mr. HINCHEY, and Mr. GERLACH.
H. Res. 985: Mr. SMITH of Nebraska and Mr. GORDON.
H. Res. 988: Mr. ENGLISH of Pennsylvania and Mr. TOM DAVIS of Virginia.
H. Res. 991: Mr. COHEN, Mr. ELLSWORTH, Mr. MEEK of Florida, Mr. MCHUGH, Mr. COOPER, and Mrs. DAVIS of California.
H. Res. 992: Mr. MCGOVERN and Ms. EDDIE BERNICE JOHNSON of Texas.
H. Res. 994: Mr. MARIO DIAZ-BALART of Florida, Mr. GOODE, Mr. BRADY of Texas, Mr. LAMBORN, Mr. KINGSTON, Mr. MARCHANT, Mr. AKIN, Mr. GALLEGLY, Mr. COBLE, Mr. BURTON of Indiana, Mr. SAXTON, Mr. REGULA, Mr. CARTER, Mr. LUCAS, Mrs. BONO MACK, Ms. FALLIN, Mr. FERGUSON, Mr. COLE of Oklahoma, Mrs. CAPITO, Mr. REHBERG, Mr. ALEXANDER, Mr. HOEKSTRA, Mr. JONES of North Carolina, Mr. BARTLETT of Maryland, Mr. MILLER of Florida, Mr. WILSON of South Carolina, Mr. CARNAHAN, Mrs. BOYDA of Kansas, Mr. REYNOLDS, Mr. SALI, Mr. MCCARTHY of California, Mr. GOHMERT, Mr. GORDON, Mr. DENT, Mr. SHUSTER, Mr. ENGLISH of Pennsylvania, Mr. DANIEL E. LUNGREN of California, Mr. TIM MURPHY of Pennsylvania, Mr. KING of Iowa, Mr. EHLERS, and Ms. HARMAN.
H. Res. 997: Mr. SMITH of New Jersey, Mr. DREIER, Mr. ANDREWS, Ms. KAPTUR, Mr. HOLT, Mrs. CAPPS, Mr. COOPER, Mr. MCNULTY, Mr. CROWLEY, Mr. ISSA, Mr. ROTHMAN, Ms. JACKSON-LEE of Texas, Mr. FARR, and Mrs. TAUSCHER.
H. Res. 1008: Ms. ROS-LEHTINEN, Mr. HIGGINS, and Mr. BISHOP of New York.
H. Res. 1011: Mr. CHABOT, Mr. DOYLE, Ms. SCHAKOWSKY, Mr. OLVER, Mr. TOWNS, Mr. FATTAH, Mr. MCGOVERN, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. RANGEL, Mr. BISHOP of Georgia, Mr. MCNULTY, Mr. PITTS, Mr. GEORGE MILLER of California, and Mrs. MYRICK.
H. Res. 1018: Mr. PLATTS and Mr. LOEBSACK.
H. Res. 1019: Mr. FATTAH and Mr. LEWIS of Georgia.
H. Res. 1024: Mr. FERGUSON, Mr. JACKSON of Illinois, Mr. INGLIS of South Carolina, Mrs. MYRICK, Ms. JACKSON-LEE of Texas, Mr. WU, Mr. ENGEL, Ms. TSONGAS, Mr. SIRES, Ms. BERKLEY, and Mr. TIM MURPHY of Pennsylvania.
H. Res. 1025: Mr. GILCHREST.
H. Res. 1026: Mr. SKELTON, Mr. HALL of Texas, Mr. ENGLISH of Pennsylvania, Mr. SCOTT of Georgia, and Mr. DONNELLY.
H. Res. 1029: Mr. NEAL of Massachusetts, Mrs. BONO MACK, Ms. WATERS, Mr. PASTOR, Mrs. SCHMIDT, Mr. SESTAK, Mr. MCHUGH, and Ms. SOLIS.
H. Res. 1033: Mr. SHUSTER.

WEDNESDAY, MARCH 12, 2008 (29)

¶29.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Mr. TIERNEY, who laid before the House the following communication:

WASHINGTON, DC,
March 12, 2008.

I hereby appoint the Honorable JOHN F. TIERNEY to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

¶29.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. TIERNEY, announced he had examined and approved the Journal of the proceedings of Tuesday, March 11, 2008.

Mr. WESTMORELAND, pursuant to clause 1, rule I, demanded a vote on agreeing to the Chair's approval of the Journal.

The question being put, viva voce,

Will the House agree to the Chair's approval of said Journal?

The SPEAKER pro tempore, Mr. TIERNEY, announced that the yeas had it.

Mr. WESTMORELAND objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mr. TIERNEY, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

The point of no quorum was considered as withdrawn.

¶29.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

5689. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — 1-Propanesulfonic acid, 2-methyl-2-[(1-oxo-2-propenyl)amino]—, monosodium salt, polymer with ethenol and ethenyl acetate; Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2007-0223; FRL-8344-7] received February 15, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5690. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Methoxyfenozide; Pesticide Tolerance and Time-Limited Pesticide Tolerances [EPA-HQ-OPP-2007-0495; FRL-8352-2] received February 28, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5691. A letter from the Director, Regulatory Management Division, Environmental

Protection Agency, transmitting the Agency's final rule — Acetic acid, [5-chloro-8-quinolinyl) oxy]—, 1-methylhexyl ester (Cloquintocet-mexyl); Pesticide Tolerance [EPA-HQ-OPP-2007-0555; FRL-8350-8] received February 28, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5692. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Formetanate Hydrochloride; Pesticide Tolerances for Emergency Exemptions [EPA-HQ-OPP-2006-0916; FRL-8343-6] received February 15, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5693. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Mesotrione; Pesticide Tolerance [EPA-HQ-OPP-2007-0030; FRL-8349-7] received February 15, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5694. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Vitamin E, d-alpha tocopheryl, dl-alpha tocopherol acetate, and dl-alpha tocopheryl acetate; Inert Ingredients; Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2005-0306; FRL-8347-8] received February 15, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5695. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Carfentrazone-ethyl; Pesticide Tolerance [EPA-HQ-OPP-2007-0193; FRL-8349-4] received February 15, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5696. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, South Coast Air Quality Management District [EPA-R09-OAR-2007-0621; FRL-8530-7] received February 28, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5697. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Ohio [EPA-R05-OAR-2006-0879; FRL-8533-8] received February 28, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5698. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; State of Iowa [EPA-R07-OAR-2007-1180; FRL-8535-9] received February 28, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5699. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Indiana; VOC Emissions from Fuel Grade Ethanol Production Operations [EPA-R05-OAR-2007-0293; FRL-8529-8] received February 15, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5700. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Redesignation of 8-Hour Ozone Nonattainment Areas to Attainment and Approval of the Areas' Maintenance Plans and 2002 Base-Year Inventories; Correction [EPA-R03-OAR-2007-0324; EPA-R03-OAR-2007-0476; EPA-R03-OAR-2007-0344; FRL-8536-6] received February 28, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5701. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Redesignation of the Allentown-Bethlehem-Easton 8-Hour Ozone Nonattainment Area to Attainment and Approval of the Area's Maintenance Plan and 2002 Base Year Inventory [EPA-R03-OAR-2007-0606; FRL-8536-5] received February 28, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5702. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; VOC and Nox RACT Determination for Merck and Co., Inc. [EPA-R09-OAR-2007-0534; FRL-8536-4] received February 28, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5703. A letter from the Secretary, Department of Defense, transmitting the report on Measuring Stability and Security in Iraq pursuant to Section 9010 of the Department of Defense Appropriations Act, 2006, Pub. L. 109-289, as amended by Section 1308 of Pub. L. 110-28 and Section 1224 of Pub. L. 110-181; to the Committee on Foreign Affairs.

5704. A letter from the Senior Procurement Executive, (OCAO), GSA, Department of Defense, transmitting the Department's final rule — Federal Acquisition Regulation; Federal Acquisition Circular 2005-23; Small Entity Compliance Guide [Docket FAR-2007-0002, Sequence 9] received January 31, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

5705. A letter from the Senior Procurement Executive, (OCAO), GSA, Department of Defense, transmitting the Department's final rule — Federal Acquisition Regulation; FAR Case 2005-016, Performance-Based Payments [FAC 2005-23; FAR Case 2005-016; Item III; Docket 2007-0001; Sequence 13] (RIN: 9000-AK64) received January 31, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

5706. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — 26 CFR 601.105: Examination of returns and claims for refund, credit, or abatement; determination of correct tax liability. (Also: Part 1, 280F; 1.280F-7.) (Rev. Proc. 2008-22) received March 7, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5707. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Alternative Disability Mortality Tables — Continued Reliance on Revenue Ruling 96-7 [Notice 2008-29] received March 7, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5708. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Update for Weighted Average Interest Rates, Yield Curves, and Segment Rates [Notice 2008-37] received March 10, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5709. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — 26 CFR 601.204: Changes in accounting periods and in methods of accounting. (Also Part 1, 446; 472; 1.446-1; 1.472-1; 1.472-8) (Rev. Proc. 2008-23) received March 10, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

¶29.4 MESSAGE FROM THE SENATE

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

H.R. 1593. An Act to reauthorize the grant program for reentry of offenders into the community in the Omnibus Crime Control and Safe Streets Act of 1968, to improve reentry planning and implementation, and for other purposes.

The message also announced that the Senate has agreed to without amendment in which the concurrence of the House is requested, concurrent resolutions of the House of the following titles:

H. Con. Res. 270. A concurrent resolution to make corrections in the enrollment of the bill H.R. 1593.

H. Con. Res. 306. A concurrent resolution permitting the use of the Rotunda of the Capitol for a ceremony as part of the commemoration of the days of remembrance of victims of the Holocaust.

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

S. 2516. An Act to assist members of the Armed forces in obtaining United States citizenship, and for other purposes.

¶29.5 CALENDAR WEDNESDAY BUSINESS

The SPEAKER pro tempore, Mr. KIND, directed that business under clause 6, rule XV, the Calendar Wednesday rule, be called.

The committees were called and the call now rests with the Committee on Agriculture.

¶29.6 MOTION TO ADJOURN

Mr. DREIER moved that the House do now adjourn.

The question being put, viva voce,

Will the House now adjourn?

The SPEAKER pro tempore, Mr. TIERNEY, announced that the nays had it.

Mr. DREIER objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 6, rule XX, and the call was taken by electronic device.

When there appeared { Yeas ..... 5 / Nays 375

¶29.7 [Roll No. 124]

YEAS—5

Davis, Lincoln	Johnson (IL)	Miller, George
Honda	Kingston	

NAYS—375

Abercrombie	Barrett (SC)	Bishop (GA)
Ackerman	Barrow	Bishop (NY)
Aderholt	Bartlett (MD)	Blackburn
Akin	Barton (TX)	Blumenauer
Alexander	Bean	Blunt
Allen	Becerra	Boehner
Altmire	Berkley	Bonner
Andrews	Berman	Bono Mack
Arcuri	Berry	Boozman
Baca	Biggert	Boren
Bachmann	Bilbray	Boswell
Baldwin	Bilirakis	Boustany

Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Carney
Carter
Castle
Castor
Chabot
Chandler
Clarke
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doggett
Donnelly
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gillibrand
Gohmert
Gonzalez
Goode
Goodlatte
Granger
Graves
Green, Al
Green, Gene
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jordan
Kagen
Kanjorski
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Wu
Yarmuth
Young (FL)

NOT VOTING—49

Bachus
Baird
Bishop (UT)
Boucher
Brown, Corrine
Burgess
Cardoza
Carnahan
Clay
Costello
Cubin
Culberson
Cummings
Dicks
Doolittle
Fossella
Gilchrest
Gingrey
Gordon
Grijalva
Hall (TX)
Hinchey
Hooley
Jefferson
Johnson (GA)
Jones (OH)
Kaptur
Marchant
Markey
McCaul (TX)
Meek (FL)
Murtha
Oberstar
Peterson (PA)
Pryce (OH)
Rangel
Renzi
Rush
Ryan (OH)
Sali
Simpson
Sutton
Tancredo
Thompson (MS)
Udall (CO)
Wexler
Woolsey
Wynn
Young (AK)

So the motion to adjourn was not agreed to.

¶29.8 FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 2745. An Act to extend agricultural programs beyond March 15, 2008, to suspend permanent price support authorities beyond that date, and for other purposes.

¶29.9 PRIVILEGES OF THE HOUSE

Mr. BOEHNER, pursuant to rule IX, rose to a question of the privileges of the House and submitted the following privileged resolution (H. Res. 1039):

Whereas on January 5, 2007, the House of Representatives adopted a rule of the House amending clause 2(a) of rule XX to include that, ''A record vote by electronic device shall not be held open for the sole purpose of reversing the outcome of such vote.'';

Whereas on the evening of March 11, 2008, the Speaker pro tempore repeated an annoucement regarding enforcement of such rule, stating ''An alleged violation of clause 2(a) of rule XX may subject the vote to collateral challenge in the form of a question of the privileges of the House pursuant to rule IX.'';

Whereas a press release dated October 7, 2005 from then Minority Leader Nancy Pelosi stated, ''Democrats have proposed guidelines for how we think the House of Representatives should operate, a Minority Bill of Rights.'' Included in this document is the declaration that ''No vote shall be held open in order to manipulate the outcome. When we take back the People's House, we will heed that declaration.'',

Whereas H. Res. 1031 provided that ''House Resolution 895, amended by the amendment printed in the report of the Committee on Rules accompanying this resolution, is hereby adopted.''

Whereas on March 11, 2008 the publication Roll Call reported, ''Republicans nearly defeated the measure on a procedural maneuver, but House leaders held the vote open for at least 10 additional minutes to turn a handful of Democrats—sealing the win with the votes of Reps. Emanuel Cleaver (D–Mo.), Sanford Bishop (D–Ga.), G.K. Butterfield (D–N.C.) and Bart Stupak (D–Mich.). With their support, the bill was allowed to come to the floor.'' (''House Passes Ethics Bill; Pelosi Hails Victory,'' Roll Call, March 11, 2008.);

Whereas on March 11, 2008 the publication The Politico reported, ''Republicans, backed by 18 Democrats, thought they had won a parliamentary vote prior to consideration of the new ethics office, a victory that would have derailed [sic] But Speaker Nancy Pelosi (D–Calif.) and the Democratic leadership held the vote open for 16 minutes beyond the alloted 15-minute deadline, and in that period, convinced several Democrats to switch their votes.'' (''New Ethics Office Approved by House After Controversial Quote,'' The Politico, March 11, 2008.);

Whereas on March 11, 2008 The Politico further reported, ''In response to GOP manipulation of votes during their years of control, Pelosi promised at the beginning of the 110th Congress that floor votes would only last 15 minutes, and 'no vote shall be held open to manipulate the outcome.' Pelosi, however, appeared to go back on that promise during the previous question vote, which was open for a total of 31 minutes before it was gaveled closed.'' (''New Ethics Office Approved by House After Controversial Quote,'' The Politico, March 11, 2008);

Whereas on March 11, 2008 The Politico further reported, ''The most vocal Democratic opponent of the OCE, Rep. Neil Abercrombie (D–Hawaii), who made an impassioned speech on the floor urging his colleagues to vote against the measure, insisted that the opposition had actually won the parliamentary vote, regardless of the final outcome. 'We did win,' Abercrombie declared afterwards. 'This thing is totally discredited.''' (''New Ethics Office Approved by House After Controversial Quote,'' The Politico, March 11, 2008.);

Whereas on March 12, 2008 Associated Press reported, ''Republicans yelled in protest as Democrats held the 15-minute vote open for 27 minutes while Democratic leaders urged holdouts in the party to support the party position.'' (''House Approves Ethics Panel,'' Associated Press, March 12, 2008.);

Whereas on March 11, 2008, Roll Call reported, '''There are still plenty of people trying to keep it from coming to the floor,' said one Democratic lawmaker, who spoke in advance of the vote on the condition of anonymity, fearing reprisals from party leadership. The Member added that colleagues expressed a 'lot of unhappiness', as many acknowledged they would have to vote for the bill once it reached the floor.'';

Whereas at 9:31 p.m. the vote on Ordering the Previous Question on H. Res. 1031, was ordered and was to be a 15-minute vote;

Whereas that vote was held open for 27 total minutes;

Whereas 413 Members of the House, which was the total number of Members present and voting, had registered their votes after 21 minutes had elapsed;

Whereas no new Member of the House voted after 21 minutes into the vote who had not previously recorded their vote;

Whereas at 21 minutes elapsed, the vote was 204 yeas and 209 nays, the motion failing;

Whereas for approximately the next 5 minutes, no further votes were cast or changed and the previous question vote was held open for the sole purpose of changing the outcome of the vote;

Whereas during the final moments of Roll Call Vote 121, after conversing with Democratic leaders in full view of the House, three Democratic Members changed their votes from Nay to Aye;

Whereas Speaker Nancy Pelosi left the floor during this time and returned with Representative Bart Stupak who changed his vote from a no to a yes;

Whereas Speaker Nancy Pelosi and Majority Whip James Clyburn approached Representatives Sanford Bishop and Emanuel

Cleaver on the Democratic side of the aisle and had them change their votes from a no to a yes;

Whereas according to Speaker Nancy Pelosi's document entitled ''A New Direction for America,'' page 24 states that ''floor votes should be completed within 15 minutes with the customary 2 minute extension to accommodate members' ability to reach the House Chamber to cast their votes. No vote shall be held open in order to manipulate the outcome.'';

Whereas the result of the 3 Democratic vote changes, after 12 minutes of extended vote time and pressure from Democratic leadership, manipulated the outcome and changed the result from 204 yeas and 209 nays, the motion failing, to 207 yeas and 206 nays, the motion passing; and

Whereas a Democratic Member approached Members and staff of the minority following the announced outcome of the vote and revealed that, ''Deals were made to get Cleaver and Bishop;'': Now, therefore, be it

Resolved, That

(1) the House denounces this action in the strongest terms possible, rejects the practice of holding votes open beyond a reasonable period of time for the sole purpose of circumventing the will of the House, and directs the Speaker to take such steps as necessary to prevent any further abuse;

(2) The votes on ordering the previous question and adoption of House Resolution 1031 are hereby vacated;

(3) the Committee on Standards of Official Conduct is directed to investigate without further delay violations of House rules by Speaker Nancy Pelosi and other Members of the Democratic leadership and report its findings and recommendations to the House, including a recommendation regarding the appropriate actions for the Speaker's activities; and,

(4) The Select Committee to Investigate the Voting Irregularities of August 2, 2007, is hereby directed to investigate and include in the report its findings and resulting recommendations concerning the actions of the Speaker, concerning the time the vote was held open and the changes in votes cast by members, resulting in passage of the previous question vote to H. Res. 1031 on March 11, 2008.

The SPEAKER pro tempore, Mr. TIERNEY, ruled that the resolution submitted did present a question of the privileges of the House under rule IX, and said:

''The resolution presents a question of the privileges of the House.''.

Mr. MCGOVERN moved to lay the resolution on the table.

The question being put, viva voce,

Will the House lay the resolution on the table?

The SPEAKER pro tempore, Mr. TIERNEY, announced that the yeas had it.

Mr. BOEHNER demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 215 / Nays 193

¶29.10 [Roll No. 125]

YEAS—215

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

NAYS—193

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

NOT VOTING—21

Boswell	Gordon	Rothman
Cardoza	Hooley	Rush
Costello	Johnson (GA)	Tancredo
Cubin	Maloney (NY)	Taylor
Ehlers	Oberstar	Thompson (MS)
Engel	Rangel	Woolsey
Gingrey	Renzi	Young (AK)

So the motion to lay the resolution on the table was agreed to.

A motion to reconsider the vote whereby said motion was agreed to was, by unanimous consent, laid on the table.

¶29.11 MOTION TO ADJOURN

Mr. SHADEGG moved that the House do now adjourn.

The question being put, viva voce,

Will the House now adjourn?

The SPEAKER pro tempore, Mr. TIERNEY, announced that the nays had it.

Mr. SHADEGG demanded a recorded vote on agreeing to said motion which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the negative ..... { Yeas ..... 14 / Nays 384

¶29.12 [Roll No. 126]

AYES—14

Campbell (CA)	Lewis (CA)	Sessions
Carter	Lewis (KY)	Shadegg
Cole (OK)	Linder	Sullivan
Hulshof	Marchant	Whitfield (KY)
Johnson (IL)	Regula	

NOES—384

Ackerman	Baldwin	Biggert
Aderholt	Barrett (SC)	Bilbray
Akin	Barrow	Bilirakis
Alexander	Bartlett (MD)	Bishop (GA)
Allen	Barton (TX)	Bishop (NY)
Altmire	Bean	Bishop (UT)
Andrews	Becerra	Blackburn
Arcuri	Berkley	Blunt
Baca	Berman	Boehner
Bachmann	Berry	Bonner

Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Cannon
Cantor
Capito
Capps
Capuano
Carnahan
Carney
Castle
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Conaway
Conyers
Cooper
Costa
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foster
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gohmert
Gonzalez
Goode
Goodlatte
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis (SC)
Inslee
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Obey
Olver
Ortiz
Pallone
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rehberg
Reichert
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Westmoreland
Wexler
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Wu
Wynn
Yarmuth
Young (FL)

NOT VOTING—31

Abercrombie
Bachus
Baird
Blumenauer
Cardoza
Castor
Cohen
Costello
Cubin
Dicks
Engel
Frank (MA)
Gingrey
Gordon
Hooley
Israel
Johnson (GA)
McCollum (MN)
Miller, George
Oberstar
Pascrell
Peterson (PA)
Rangel
Renzi
Rothman
Rush
Tancredo
Thompson (MS)
Weldon (FL)
Woolsey
Young (AK)

So the motion to adjourn was not agreed to.

¶29.13 POINT OF PERSONAL PRIVILEGE

Mr. HASTINGS of Washington, rose to a question of personal privilege, and said:

''Mr. Speaker, no one in this House takes more seriously than I do the rules governing confidentiality of matters before the House Ethics Committee.

''Each of us privileged to serve on the committee signs an oath pledging not to disclose information related to our work in the committee except as authorized under our committee rules.

''During nearly 8 years of service on the Ethics Committee, including 2 years as the chairman, I have never found it necessary to disclose committee documents or any other privileged information. Mr. Speaker, that changed yesterday when it became clear that the Democrat leadership would, indeed, force Members to vote on a proposed independent ethics entity.

''You see, I knew, and Chairwoman Stephanie TUBBS JONES knew, something that the other Members of this House did not know. Several months ago, we had been advised by the nonpartisan, professional attorneys at the Ethics Committee that they believed the proposed independent ethics entity would infringe upon Members' due process protections under the rules of the House and that it would seriously hamper the Ethics Committee's ability to carry out its important responsibilities.

''When the ranking member of the bipartisan task force, Mr. SMITH of Texas, sent a letter asking for our committee's official comments on Representative CAPUANO's proposal, I took his request to Chairwoman TUBBS JONES and asked her to prepare a formal response with me to the ranking member of that task force. I did so because I felt strongly that the proposed entity would so greatly impact the work of the Ethics Committee that it would be irresponsible, Mr. Speaker, irresponsible not to share with task force members our official views of this plan.

''Last night, in a Dear Colleague letter to every Member of this House, that was printed in the CONGRESSIONAL RECORD, it was printed in Roll Call, it was printed in other publications, Representative TUBBS JONES has attempted to rewrite the history on this issue.

''For reasons that I have trouble fathoming, she now claims, and I quote, Mr. Speaker, 'Both Representative HASTINGS and I agreed that the Ethics Committee could not and should not give advice to the committee charged by House leadership with reviewing the ethics process itself.'.

''Mr. Speaker, nothing could be further from the truth. I could not possibly have stated more clearly to Mrs. TUBBS JONES my desire to respond fully and jointly to Ranking Member SMITH's request for guidance on how the task force proposal would affect our committee.

''Now I recognize the difficulty that she must have explaining to her colleagues why she did not believe that they should be made aware of the concerns expressed by our nonpartisan attorneys on the committee. But, Mr. Speaker, those attorneys don't work for her and they don't work for me. They work for every Member of this House. So, I don't understand, I didn't understand then and I don't understand now, why my distinguished colleague, the gentlelady from Ohio, sought to keep that information from every Member of the House, but she did. And I do not stand by and permit her to call into question my integrity on setting that record straight, as I did so with a letter I sent out to every Member, along with the e-mail of the attorneys on their advice on that issue.

''Now, Mr. Speaker, Members should be advised that this is not the first time that I have had to set the record straight following ill-considered public comments by Representative TUBBS JONES. Last June, she issued a press release declaring that the Ethics Committee would empanel an investigative subcommittee into the matter of Representative William JEFFERSON. Under the committee's rules, Representative TUBBS JONES had no authority to issue such a statement and lacked the authority to establish such a subcommittee. She not only knew that such an action would require a bipartisan vote of the committee, but she also knew that the committee had never voted on the matter. And she knew, Mr. Speaker, that I had pressed her for months to reestablish the Jefferson subcommittee which had lapsed at the end of the last Congress before it completed its work. And I said so, Mr. Speaker, when she issued that because she did not consult with me and ask me to give permission for her to release that statement. She simply did not do

so. So, once again, I cannot fathom her reason for making such an inaccurate and irresponsible statement as I mentioned earlier.

''Mr. Speaker, I make no apology to this House for insisting that Members benefit from the advice and counsel of the skilled attorneys at the Ethics Committee before voting on a proposed independent entity. After all, Mr. Speaker, this affects them. I'm a Member, also, of the Rules Committee. And at the Rules Committee 2 weeks ago, when we had testimony on this issue, I expressed my concern then as to what would come of this outside entity.

''So, Mr. Speaker, I resent the claim by Representative TUBBS JONES that I have violated the rules of the House and the Ethics Committee in this manner. As she no doubt intended, Representative TUBBS JONES' false allegations have now made their way into the news, bringing further discredit to the House. But most disturbing, Mr. Speaker, is her public threat to use her position as chairman of the House Ethics Committee to bring sanctions against me. Such a threat can only be motivated by a desire to intimidate and embarrass, while distracting attention from her decision to keep every Member of this House from receiving information that I think every Member deserved to have before we voted on that proposal last night.

''Mr. Speaker, I think her action in calling into question and impugning my reputation, and what she did last night, is wrong, and I think she failed in her effort of trying to do that.

''So I rise today, point of personal privilege, to point out the history of this, and my position, and the reason why I felt that every Member of this House had to have this important information, notwithstanding the fact that we had a very short time frame to even debate the matter at hand.''

¶29.14 MOTION TO ADJOURN

Mr. LAHOOD moved that the House do now adjourn.

The question being put, viva voce,

Will the House now adjourn?

The SPEAKER pro tempore, Mr. PASTOR, announced that the nays had it.

Mr. LAHOOD objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 6, rule XX, and the call was taken by electronic device.

When there appeared { Yeas ..... 3 / Nays 382

¶29.15 [Roll No. 127]

YEAS—3

Johnson (IL) McNerney Paul

NAYS—382

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Chabot
Chandler
Clarke
Cleaver
Clyburn
Coble
Cohen
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Tom
DeFazio
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foster
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herseth Sandlin
Higgins
Hill
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hulshof
Inglis (SC)
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNulty
Meek (FL)
Meeks (NY)
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Moore (KS)
Moore (WI)
Moran (KS)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Peterson (MN)
Petri
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Tierney
Tsongas
Turner
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Wu
Wynn
Yarmuth
Young (FL)

NOT VOTING—44

Bachus
Barton (TX)
Boucher
Brown, Corrine
Clay
Cole (OK)
Cubin
Davis, Lincoln
Deal (GA)
DeGette
Doyle
Emanuel
Frank (MA)
Herger
Hinchey
Hinojosa
Hooley
Hunter
Issa
Manzullo
Marchant
Melancon
Mollohan
Moran (VA)
Oberstar
Perlmutter
Peterson (PA)
Pickering
Rangel
Renzi
Rush
Schakowsky
Shimkus
Smith (NJ)
Stupak
Sullivan
Tancredo
Thompson (MS)
Towns
Udall (CO)
Weldon (FL)
Westmoreland
Woolsey
Young (AK)

So the motion to adjourn was not agreed to.

¶29.16 PRIVILEGES OF THE HOUSE

Mr. BOEHNER, pursuant to rule IX, rose to a question of the privileges of the House and submitted the following privileged resolution (H. Res. 1040):

Whereas on June 13, 2007, the publication The Politico reported, ''Democratic leaders gave in to Republican demands that lawmakers be allowed to challenge individual member-requested projects from the final version of each appropriations bill.''

Whereas on November 15, 2007, Representatives Jack Kingston and Frank Wolf introduced H. Con. Res. 263, to establish a Joint Select Committee on Earmark Reform, and for other purposes;

Whereas on March 6, 2008, The Hill reports in ''Obey Criticizes Kingston on earmarks'' that ''Kingston said Obey has been 'very irritated' with his push for reform.'';

Whereas on March 5, 2008, House Appropriations Chairman David Obey sent a Dear Colleague to Republican Members stating ''In light of the continuing discussion on earmarks in the Republican Conference, the Appropriations Committee needs to determine how it would proceed.''

Whereas on March 6, 2008, The Hill reports in ''Task Force Looking Beyond Earmarks'' that ''Obey issued a memo to Republicans in multiple-choice format asking them to check one of two boxes, stating whether they believed in a one-year moratorium and therefore would not be submitting earmark requests, or did not believe in a moratorium and would be submitting requests. Obey spokeswoman Kristin Brost said Obey called the memo his 'anti-hypocrisy memo, aimed at House Minority Leader John Boehner's (R–Ohio) repeated calls for a moratorium.' '';

Whereas the Chairman of the Appropriations Committee Dave Obey stated in said letter: ''Because it is important for the Committee to move ahead with bills in a timely fashion, I will assume that any Member not returning this form by March 19, 2008 wishes to see Congressional earmarks discontinued and will therefore be submitting no request for fiscal year 2009.''

Whereas House Rule XXIII Clause 16, states that a Member may not condition the inclusion of language to provide funding for a congressional earmark on any vote cast by another Member.

Whereas the Chairman of the Appropriations Committee, Dave Obey, has conditioned the receipt of an earmark from the Committee on Appropriations on a Member's opposition to a moratorium on earmarks: Now, therefore, be it

Resolved, That the Committee on Standards of Official Conduct is directed to investigate without further delay violations of House rules by Representative Dave Obey and report its findings and recommendations to the House, including a recommendation regarding the appropriate action for Representative Obey's violations.

The SPEAKER pro tempore, Mr. PASTOR, ruled that the resolution submitted did present a question of the privileges of the House under rule IX, and said:

''The resolution presents a question of privilege.''.

Mr. McGOVERN moved to lay the resolution on the table.

The question being put, viva voce,

Will the House lay the resolution on the table?

The SPEAKER pro tempore, Mr. PASTOR, announced that the nays had it.

Mr. McGOVERN demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 219 / Nays 193

¶29.17 [Roll No. 128]

YEAS—219

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

NAYS—193

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

NOT VOTING—17

Bachus	Hooley	Spratt
Boucher	Oberstar	Tancredo
Clyburn	Rangel	Thompson (MS)
Gutierrez	Renzi	Woolsey
Hall (TX)	Rothman	Young (AK)
Hinchey	Rush	

So the motion to lay the resolution on the table was agreed to.

A motion to reconsider the vote whereby said motion was agreed to was, by unanimous consent, laid on the table.

¶29.18 PROVIDING FOR CONSIDERATION OF H. CON. RES. 312

Mr. McGOVERN, by direction of the Committee on Rules, called up the following resolution (H. Res. 1036):

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the concurrent resolution (H. Con. Res. 312) revising the congressional budget for the United States Government for fiscal year 2008, establishing the congressional budget for the United States Government for fiscal year 2009, and setting forth appropriate budgetary levels for fiscal years 2010 through 2013. The first reading of the concurrent resolution shall be dispensed with. All points of order against consideration of the concurrent resolution are waived. General debate shall not exceed four hours, with three hours confined to the congressional budget equally divided and controlled by the chairman and ranking minority member of the Committee on the Budget and one hour on the subject of economic goals and policies equally divided and controlled by Representative Maloney of New York and Representative Saxton of New Jersey or their designees. After general debate the concurrent resolution shall be considered for amendment under the five-minute rule. The concurrent resolution shall be considered as read. No amendment shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by a proponent and an opponent, and shall not be subject to amendment. All points of order against the amendments printed in the report are waived except that the adoption of an amendment in the nature of a substitute shall constitute the conclusion of consideration of the concurrent resolution for amendment. After the conclusion of consideration of the concurrent resolution for amendment, the Committee shall rise and report the concurrent resolution to the House with such amendment as may have been adopted. The previous question shall be considered as ordered on the concurrent resolution and amendments thereto to final adoption without intervening motion except amendments offered by the chairman of the Committee on the Budget pursuant to section 305(a)(5) of the Congressional Budget Act of 1974 to achieve mathematical consistency. The concurrent resolution shall not be subject to a demand for division of the question of its adoption.

SEC. 2. After a motion that the Committee rise has been rejected on a legislative day, the Chair may entertain another such motion on that day only if offered by the chairman of the Committee on the Budget or the Majority Leader or a designee. After a motion to strike out the resolving words of the

concurrent resolution (as described in clause 9 of rule XVIII) has been rejected, the Chair may not entertain another such motion during further consideration of the concurrent resolution.

SEC. 3. During consideration in the House of House Concurrent Resolution 312 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the concurrent resolution to such time as may be designated by the Speaker.

SEC. 4. After adoption of House Concurrent Resolution 312, it shall be in order to take from the Speaker's table Senate Concurrent Resolution 70 and to consider the Senate concurrent resolution in the House. All points of order against the Senate concurrent resolution and against its consideration are waived. It shall be in order to move to strike all after the resolving clause of the Senate concurrent resolution and to insert in lieu thereof the provisions of House Concurrent Resolution 312 as adopted by the House. All points of order against that motion are waived.

When said resolution was considered.

After debate,

Mr. McGOVERN moved the previous question on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House now order the previous question?

The SPEAKER pro tempore, Mr. ROSS, announced that the yeas had it.

Mr. Lincoln DIAZ-BALART of Florida, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 222 Nays 196

¶29.19 [Roll No. 129]

YEAS—222

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

NAYS—196

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

NOT VOTING—11

Cannon	Rangel	Terry
Gutierrez	Renzi	Woolsey
Hooley	Rush	Young (AK)
Oberstar	Tancredo	

So the previous question on the resolution was ordered.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. ROSS, announced that the yeas had it.

Mr. Lincoln DIAZ-BALART of Florida, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 223 Nays 195

¶29.20 [Roll No. 130]

YEAS—223

Abercrombie	Ellsworth	Marshall
Ackerman	Emanuel	Matheson
Allen	Engel	Matsui
Altmire	Eshoo	McCarthy (NY)
Andrews	Etheridge	McCollum (MN)
Arcuri	Farr	McDermott
Baca	Fattah	McGovern
Baird	Filner	McIntyre
Baldwin	Foster	McNerney
Barrow	Frank (MA)	McNulty
Bean	Giffords	Meek (FL)
Becerra	Gillibrand	Meeks (NY)
Berkley	Gonzalez	Melancon
Berman	Gordon	Michaud
Berry	Green, Al	Miller (NC)
Bishop (GA)	Green, Gene	Miller, George
Bishop (NY)	Grijalva	Mitchell
Blumenauer	Hall (NY)	Mollohan
Boren	Hare	Moore (KS)
Boswell	Harman	Moore (WI)
Boucher	Herseth Sandlin	Moran (VA)
Boyd (FL)	Higgins	Murphy (CT)
Boyda (KS)	Hill	Murphy, Patrick
Brady (PA)	Hinchey	Murtha
Braley (IA)	Hinojosa	Nadler
Brown, Corrine	Hirono	Napolitano
Butterfield	Hodes	Neal (MA)
Capps	Holden	Obey
Capuano	Holt	Olver
Cardoza	Honda	Ortiz
Carnahan	Hoyer	Pallone
Carney	Inslee	Pascrell
Castor	Israel	Pastor
Chandler	Jackson (IL)	Payne
Clarke	Jackson-Lee (TX)	Perlmutter
Clay	Jefferson	Peterson (MN)
Cleaver	Johnson (GA)	Pomeroy
Clyburn	Johnson, E. B.	Price (NC)
Cohen	Jones (OH)	Rahall
Conyers	Kagen	Reyes
Cooper	Kanjorski	Richardson
Costa	Kaptur	Rodriguez
Costello	Kennedy	Ross
Courtney	Kildee	Rothman
Cramer	Kilpatrick	Roybal-Allard
Crowley	Kind	Ruppersberger
Cuellar	Klein (FL)	Ryan (OH)
Cummings	Kucinich	Salazar
Davis (AL)	Langevin	Sánchez, Linda T.
Davis (CA)	Larsen (WA)	Sanchez, Loretta
Davis (IL)	Larson (CT)	Sarbanes
Davis, Lincoln	Lee	Schakowsky
DeFazio	Levin	Schiff
DeGette	Lewis (GA)	Schwartz
Delahunt	Lipinski	Scott (GA)
DeLauro	Loebsack	Scott (VA)
Dicks	Lofgren, Zoe	Serrano
Dingell	Lowey	Sestak
Doggett	Lynch	Shea-Porter
Donnelly	Mahoney (FL)	Sherman
Doyle	Maloney (NY)	Shuler
Edwards	Markey	Sires
Ellison		

Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Wu
Wynn
Yarmuth

NAYS—195

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

NOT VOTING—11

Gutierrez
Hastings (FL)
Hooley
Linder
Oberstar
Rangel
Renzi
Rush
Tancredo
Woolsey
Young (AK)

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶29.21 H.R. 5563—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. ROSS, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and pass the bill (H.R. 5563) to authorize and reform the national service laws.

The question being put,

Will the House suspend the rules and pass said bill?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 277 Nays 140

¶29.22 [Roll No. 131]

YEAS—277

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Bachus
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Buchanan
Butterfield
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Castle
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Farr
Fattah
Ferguson
Filner
Fortenberry
Foster
Frank (MA)
Frelinghuysen
Gerlach
Giffords
Gilchrest
Gillibrand
Gonzalez
Gordon
Graves
Green, Al
Green, Gene
Grijalva
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Hulshof
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Klein (FL)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Peterson (PA)
Platts
Pomeroy
Porter
Price (NC)
Pryce (OH)
Rahall
Ramstad
Reichert
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walsh (NY)
Walz (MN)
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Wittman (VA)
Wolf
Wu
Wynn
Yarmuth

NAYS—140

Aderholt
Akin
Alexander
Bachmann
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bilbray
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Carter
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Doolittle
Drake
Dreier
Duncan
Everett
Fallin
Feeney
Flake
Forbes
Fossella
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gingrey
Gohmert
Goode
Goodlatte
Granger
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hunter
Inglis (SC)
Issa
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
Kingston
Kline (MN)
Lamborn
Latta
Lewis (CA)
Lewis (KY)
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCotter
McCrery
McHenry
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Petri
Pickering
Pitts
Poe
Price (GA)
Putnam
Radanovich
Regula
Rehberg
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thornberry
Tiahrt
Tiberi
Walberg
Walden (OR)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Young (FL)

NOT VOTING—12

Gutierrez
Hooley
Linder
McKeon
Oberstar
Rangel
Renzi
Rush
Tancredo
Waters
Woolsey
Young (AK)

So, less than two-thirds of the Members present having voted in favor thereof, the rules were not suspended and said bill was not passed.

¶29.23 CONGRESSIONAL BUDGET

The SPEAKER pro tempore, Mr. ROSS, pursuant to House Resolution 1036 and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the consideration of the concurrent resolution (H. Con. Res. 312) revising the congressional budget for the United States Government for fiscal year 2008, establishing the congressional budget for the United States Government for fiscal year 2009, and setting forth appropriate budgetary levels for fiscal years 2010 through 2013.

The SPEAKER pro tempore, Mr. ROSS, by unanimous consent, designated Mrs. TAUSCHER as Chairman of the Committee of the Whole.

The SPEAKER pro tempore, Ms. Loretta SANCHEZ of California, assumed

the Chair; and after some time spent therein,

When Mr. WEINER, Acting Chairman, reported that the Committee, having had under consideration said concurrent resolution, had come to no resolution thereon.

¶29.24 APPROVAL OF THE JOURNAL—UNFINISHED BUSINESS

The SPEAKER pro tempore, Ms. Loretta SANCHEZ of California, pursuant to clause 8, rule XX, announced the unfinished business to be the question on agreeing to the Chair's approval of the Journal of Tuesday, March 11, 2008.

The question being put, viva voce,

Will the House agree to the Chair's approval of said Journal?

The SPEAKER pro tempore, Ms. Loretta SANCHEZ of California, announced that the yeas had it.

So the Journal was approved.

¶29.25 ADJOURNMENT OF THE TWO HOUSES

Mr. SPRATT submitted the following privileged concurrent resolution (H. Con. Res. 316):

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on the legislative day of Thursday, March 13, 2008, or Friday, March 14, 2008, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2 p.m. on Monday, March 31, 2008, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns on any day from Thursday, March 13, 2008, through Friday, March 28, 2008, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Monday, March 31, 2008, or such other time on that day as may be specified in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, or their respective designees, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble at such place and time as they may designate if, in their opinion, the public interest shall warrant it.

The question being put, viva voce,

Will the House agree to said concurrent resolution?

The SPEAKER pro tempore, Ms. Loretta SANCHEZ of California, announced that the yeas had it.

Mr. RYAN of Wisconsin, demanded a recorded vote on agreeing to said concurrent resolution, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 211 / Nays 204

¶29.26 [Roll No. 132]

YEAS—211

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

NAYS—204

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

NOT VOTING—14

Carnahan	Marshall	Tancredo
Gutierrez	Oberstar	Udall (CO)
Hooley	Rangel	Woolsey
Issa	Renzi	Young (AK)
Kennedy	Rush	

So the concurrent resolution was agreed to.

A motion to reconsider the vote whereby said concurrent resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶29.27 H. RES. 936—UNFINISHED BUSINESS

The SPEAKER pro tempore, Ms. Loretta SANCHEZ of California, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 936) honoring the 200th anniversary of the Gallatin Report on Roads and Canals, celebrating the national unity the Gallatin Report engendered, and recognizing the vast contributions that national planning efforts have provided to the United States; as amended.

The question being put,

Will the House suspend the rules and agree to said resolution, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 411 / Nays 0

¶29.28 [Roll No. 133]

YEAS—411

Abercrombie	Andrews	Barrett (SC)
Ackerman	Arcuri	Barrow
Aderholt	Baca	Bartlett (MD)
Akin	Bachmann	Barton (TX)
Alexander	Bachus	Bean
Allen	Baird	Berkley
Altmire	Baldwin	Berman

Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foster
Foxx
Frank (MA)
Franks (AZ)
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hulshof
Inglis (SC)
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Wu
Wynn
Yarmuth
Young (FL)

NOT VOTING—18

Becerra
Bono Mack
Courtney
Frelinghuysen
Gutierrez
Hooley
Hunter
Issa
Kennedy
Mack
Oberstar
Rangel
Renzi
Rush
Tancredo
Udall (CO)
Woolsey
Young (AK)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

By unanimous consent, the title was amended so as to read: ''A resolution reaffirming the goals and ideals that formed the impetus for Albert Gallatin's national plan for transportation improvements 200 years ago, and for other purposes.''.

A motion to reconsider the votes whereby the rules were suspended and said resolution, as amended, was agreed to and the title was amended was, by unanimous consent, laid on the table.

¶29.29 S. 2733—UNFINISHED BUSINESS

The SPEAKER pro tempore, Ms. Loretta SANCHEZ of California, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill of the Senate (S. 2733) to temporarily extend the programs under the Higher Education Act of 1965.

The question being put,

Will the House suspend the rules and pass said bill?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 411 / Nays 4

¶29.30 [Roll No. 134]

YEAS—411

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Forbes
Fortenberry
Fossella
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali

Sánchez, Linda T.	Smith (WA)	Visclosky
Sanchez, Loretta	Snyder	Walberg
Sarbanes	Solis	Walden (OR)
Saxton	Souder	Walsh (NY)
Schakowsky	Space	Walz (MN)
Schiff	Spratt	Wamp
Schmidt	Stark	Wasserman Schultz
Schwartz	Stearns	Waters
Scott (GA)	Stupak	Watson
Scott (VA)	Sullivan	Watt
Sensenbrenner	Sutton	Waxman
Serrano	Tanner	Weiner
Sessions	Tauscher	Welch (VT)
Shadegg	Taylor	Weldon (FL)
Shays	Terry	Weller
Shea-Porter	Thompson (CA)	Westmoreland
Sherman	Thompson (MS)	Wexler
Shimkus	Thornberry	Whitfield (KY)
Shuler	Tiahrt	Wilson (NM)
Shuster	Tiberi	Wilson (OH)
Simpson	Tierney	Wilson (SC)
Sires	Towns	Wittman (VA)
Skelton	Tsongas	Wolf
Slaughter	Turner	Wu
Smith (NE)	Udall (NM)	Wynn
Smith (NJ)	Upton	Yarmuth
Smith (TX)	Van Hollen	Young (FL)
	Velázquez	

NAYS—4

Doolittle	Linder
Flake	Paul

NOT VOTING—14

Davis, Tom	Rangel	Tancredo
Gutierrez	Renzi	Udall (CO)
Hooley	Roskam	Woolsey
Issa	Rush	Young (AK)
Oberstar	Sestak	

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶29.31 CONGRESSIONAL BUDGET

The SPEAKER pro tempore, Mr. JACKSON of Illinois, pursuant to House Resolution 1036 and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the further consideration of the concurrent resolution (H. Con. Res. 312) revising the congressional budget for the United States Government for fiscal year 2008, establishing the congressional budget for the United States Government for fiscal year 2009, and setting forth appropriate budgetary levels for fiscal years 2010 through 2013.

The SPEAKER pro tempore, Ms. Loretta SANCHEZ of California, Acting Chairman, assumed the Chair; and after some time spent therein,

The SPEAKER pro tempore, Ms. MOORE of Wisconsin, assumed the Chair.

When Mr. ALTMIRE, Acting Chairman, reported that the Committee, having had under consideration said concurrent resolution, had come to no resolution thereon.

¶29.32 PROVIDING FOR CONSIDERATION OF SENATE AMENDMENT TO H.R. 3773

Mr. WELCH of Vermont, by direction of the Committee on Rules, reported (Rept. No. 110–549) the resolution (H. Res. 1041) providing for the consideration of the Senate amendment to the bill (H.R. 3773) to amend the Foreign Intelligence Surveillance Act of 1978 to establish a procedure for authorizing certain acquisitions of foreign intelligence, and for other purposes.

When said resolution and report were referred to the House Calendar and ordered printed.

¶29.33 CONGRESSIONAL BUDGET

The SPEAKER pro tempore, Ms. MOORE of Wisconsin, pursuant to House Resolution 1036 and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the further consideration of the concurrent resolution (H. Con. Res. 312) revising the congressional budget for the United States Government for fiscal year 2008, establishing the congressional budget for the United States Government for fiscal year 2009, and setting forth appropriate budgetary levels for fiscal years 2010 through 2013.

The SPEAKER pro tempore, Mr. ALTMIRE, Acting Chairman, assumed the Chair; and after some time spent therein,

The SPEAKER pro tempore, Mr. PETERSON of Minnesota, assumed the Chair.

When Mr. WILSON of Ohio, Acting Chairman, reported that the Committee, having had under consideration said concurrent resolution, had come to no resolution thereon.

¶29.34 AGRICULTURAL PROGRAMS EXTENSION

Mr. PETERSON of Minnesota, moved to suspend the rules and pass the bill of the Senate (S. 2745) to extend agricultural programs beyond March 15, 2008, to suspend permanent price support authorities beyond that date, and for other purposes.

The SPEAKER pro tempore, Mr. WILSON of Ohio, recognized Mr. PETERSON of Minnesota, and Mr. GOODLATTE, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. WILSON of Ohio, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶29.35 PENSION PROTECTION TECHNICAL CORRECTIONS

Mr. POMEROY moved to suspend the rules and pass the bill (H.R. 3361) to make technical corrections related to the Pension Protection Act of 2006; as amended.

The SPEAKER pro tempore, Mr. WILSON of Ohio, recognized Mr. POMEROY and Mr. RYAN of Wisconsin, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. WILSON of Ohio, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶29.36 RECOGNITION OF EXCEPTIONAL SACRIFICE OF THE 69TH INFANTRY REGIMENT

Mr. MCINTYRE moved to suspend the rules and agree to the following resolution (H. Res. 991):

Whereas the 69th Infantry Regiment, or the Fighting 69th, with citizen-soldiers from Brooklyn, Queens, Manhattan, the Bronx, Staten Island, and Long Island, has faithfully answered America's call to arms since its formation in 1851;

Whereas the Fighting 69th was one of the first units to assist in the recovery effort at the World Trade Center in New York following the September 11, 2001, terrorist attack, where they lost a comrade, a firefighter;

Whereas the 69th Infantry Regiment, while deployed to Iraq as ''Task Force Wolfhound'', its first overseas combat since World War II, fought to defend the city of Al Taji against al-Qaeda terrorists, protected Iraq's first free elections, and secured the infamous ''Route Irish'', the most dangerous road in Baghdad;

Whereas 19 members of the Fighting 69th were killed in action and over 78 were wounded in Operation Wolfhound; and

Whereas the Fighting 69th has now served the Nation in 5 wars and over 20 campaigns, and Congress has awarded 6 members with the Congressional Medal of Honor: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the 69th Infantry Regiment, or the Fighting 69th, as one of the great regiments in American military history;

(2) recognizes that America owes a tremendous debt for the exceptional service, patriotism, and fidelity of the soldiers of the Fighting 69th;

(3) recognizes that the Fighting 69th has continually participated in the Global War on Terror since the attack on September 11, 2001; and

(4) acknowledges that as the 69th Infantry Regiment deploys to Afghanistan to fight in the central front in the Global War on Terror, that the proud traditions of the regiment will be respected and that the sacrifices of one of America's most storied combat units will not go unnoticed.

The SPEAKER pro tempore, Mr. WILSON of Ohio, recognized Mr. MCINTRYE and Mr. KNOLLENBERG, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. WILSON of Ohio, announced that two-thirds of the Members present had voted in the affirmative.

Mr. MCINTYRE demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. WILSON of Ohio, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Thursday, March 13, 2008.

¶29.37 MOMENT OF SILENCE FOR MEMBERS OF THE UNITED STATES ARMED SERVICES

Mr. MCINTYRE moved to suspend the rules and agree to the following resolution (H. Res. 953); as amended:

Whereas it was through the brave and noble efforts of the Nation's forefathers that the United States first gained freedom and became a sovereign nation;

Whereas there are more than 1,354,000 active component and more than 1,100,000 reserve component members of the Armed Forces serving the Nation in support and defense of the values and freedom that all Americans cherish;

Whereas the members of the Armed Forces deserve the utmost respect and admiration of their fellow Americans for putting their lives in danger for the sake of the freedoms enjoyed by all Americans;

Whereas the families of members of the Armed Forces make sacrifices commensurate with the men and women of the Armed Forces;

Whereas members of the Armed Forces are defending freedom and democracy around the globe and are playing a vital role in protecting the safety and security of all Americans;

Whereas the Nation officially celebrates and honors the accomplishments and sacrifices of veterans, patriots, and leaders who fought for freedom, this resolution pays tribute to those who currently serve in the Armed Forces;

Whereas all Americans should participate in a moment of silence to support our troops and their families; and

Whereas March 26th, 2008, is designated as ''National Support Our Troops Day'': Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that all Americans should participate in a moment of silence to reflect upon the service and sacrifice of members of the United States Armed Forces both at home and abroad, and their families.

The SPEAKER pro tempore, Mr. WILSON of Ohio, recognized Mr. MCINTYRE and Mr. KNOLLENBERG, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. WILSON of Ohio, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

¶29.38 MESSAGE FROM THE PRESIDENT—NATIONAL EMERGENCY WITH RESPECT TO IRAN

The SPEAKER pro tempore, Mr. WILSON of Ohio, laid before the House a message from the President, which was read as follows:

To the Congress of the United States:

The crisis between the United States and Iran constituted by the actions and policies of the Government of Iran that led to the declaration of a national emergency on March 15, 1995, has not been resolved. The actions and policies of the Government of Iran are contrary to the interests of the United States in the region and pose a continuing unusual and extraordinary threat to the national security, foreign policy, and economy of the United States. Iran remains the world's most active state sponsor of terrorism, and continues to provide lethal support to Lebanese Hizballah, HAMAS, Palestinian Islamic Jihad and numerous other terrorist organizations in the region, as well as to the Taliban in Afghanistan and various Iraqi militant groups. For these reasons, I have determined that it is necessary to continue the national emergency declared with respect to Iran and maintain in force comprehensive sanctions against Iran to respond to this threat.

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice to the *Federal Register* for publication, stating that the Iran emergency declared on March 15, 1995, is to continue in effect beyond March 15, 2008.

GEORGE W. BUSH.

THE WHITE HOUSE, *March 11, 2008*.

By unanimous consent, the message, together with the accompanying papers, was referred to the Committee on Foreign Affairs and ordered to be printed (H. Doc. 110–101).

¶29.39 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. MITCHELL, for March 10 and 11; and

To Mr. YOUNG of Alaska, for today and balance of the week.

And then,

¶29.40 ADJOURNMENT

On motion of Mr. YARMUTH, pursuant to the special order of the House agreed to on Thursday, March 6, 2008, at 10 o'clock and 18 minutes p.m., the House adjourned until 10:30 a.m. on Thursday, March 13, 2008.

¶29.41 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

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

Mr. ARCURI: Committee on Rules. House Resolution 1041. Resolution providing for consideration of the Senate amendment to the bill (H.R. 3773) to amend the Foreign Intelligence Surveillance Act of 1978 to establish a procedure for authorizing certain acquisitions of foreign intelligence, and for other purposes (Rept. 110–549). Referred to the House Calendar.

¶29.42 PUBLIC BILLS AND RESOLUTIONS

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

By Mr. CARNEY (for himself and Mr. KIRK):

H.R. 5595. A bill to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to provide dental care to veterans with service-connected disabilities, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. CALVERT:

H.R. 5596. A bill to extend the basic pilot program for employment eligibility confirmation; to the Committee on the Judiciary, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. BEAN:

H.R. 5597. A bill to amend the Internal Revenue Code of 1986 to modify the new energy efficient home credit and to provide a credit against tax for the purchase of certain energy efficient homes; to the Committee on Ways and Means.

By Mr. CLAY:

H.R. 5598. A bill to establish a program under which employing offices of the House of Representatives may agree to reimburse employees for child care expenses, and for other purposes; to the Committee on House Administration.

By Mrs. MALONEY of New York (for herself, Mr. WYNN, Mr. HOYER, Ms. NORTON, Mr. TOM DAVIS of Virginia, Mr. TURNER, Mr. HONDA, Mr. GONZALEZ, Mr. RUPPERSBERGER, Mr. COHEN, and Mr. CANNON):

H.R. 5599. A bill to designate the Federal building located at 4600 Silver Hill Road in Suitland, Maryland, as the ''Thomas Jefferson Census Bureau Headquarters Building''; to the Committee on Transportation and Infrastructure.

By Ms. NORTON (for herself and Mr. TOM DAVIS of Virginia):

H.R. 5600. A bill to permit nonjudicial employees of the District of Columbia courts, employees transferred to the Pretrial Services, Parole, Adult Probation, and Offender Supervision Trustee, and employees of the District of Columbia Public Defender Service to have periods of service performed prior to the enactment of the Balanced Budget Act of 1997 included as part of the years of service used to determine the time at which such employees are eligible to retire under chapter 84 of title 5, United States Code, and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. PORTER (for himself and Ms. BERKLEY):

H.R. 5601. A bill to designate the facility of the United States Postal Service located at 7925 West Russell Road in Las Vegas, Nevada, as the ''Sergeant Irving Joseph Schwartz Post Office Building''; to the Committee on Oversight and Government Reform.

By Mr. GINGREY (for himself, Mr. BOUSTANY, Mr. BROUN of Georgia, Mr. BURGESS, Mr. MILLER of Florida, Mr.

BOOZMAN, Mr. PRICE of Georgia, Mr. WELDON of Florida, Mr. PAUL, and Mr. SIMPSON):

H.J. Res. 77. A joint resolution expressing Congressional support for the goals and ideals of National Health Care Decisions Day; to the Committee on Energy and Commerce.

By Mr. SPRATT:

H. Con. Res. 316. Concurrent resolution providing for an adjournment or recess of the two Houses; considered and agreed to.

By Mr. BOEHNER:

H. Res. 1039. A resolution raising a question of the privileges of the House.

By Mr. BOEHNER:

H. Res. 1040. A resolution raising a question of the privileges of the House.

By Mrs. BONO MACK (for herself and Ms. ROYBAL-ALLARD):

H. Res. 1042. A resolution supporting the We Don't Serve Teens campaign; to the Committee on Energy and Commerce.

By Mr. FORTENBERRY (for himself, Mr. KILDEE, Mr. LEWIS of Georgia, Mr. WAMP, Mr. LAHOOD, Mr. JONES of North Carolina, Mr. SMITH of Nebraska, Mr. MORAN of Kansas, Mr. DELAHUNT, Mr. WALZ of Minnesota, Mr. BRALEY of Iowa, Mr. HELLER, Mr. EHLERS, Mr. MCCAUL of Texas, Mr. BUCHANAN, Mr. TIM MURPHY of Pennsylvania, Mr. FRANKS of Arizona, Mr. KIND, Mr. BLUMENAUER, Mr. LEWIS of Kentucky, Mr. SCOTT of Georgia, Mr. KUHL of New York, Mr. BURGESS, Mrs. NAPOLITANO, Mr. ISSA, Mr. MCCOTTER, Mr. SULLIVAN, Mrs. MCMORRIS RODGERS, Mr. COLE of Oklahoma, Mr. GILCHREST, Mr. KING of Iowa, Mr. INGLIS of South Carolina, Mr. WELCH of Vermont, Mr. CHABOT, Mr. FERGUSON, Mr. WALDEN of Oregon, Mr. PITTS, Mr. BARRETT of South Carolina, Mr. KINGSTON, Mr. RAMSTAD, Mr. REHBERG, Mr. ALEXANDER, Mr. MOORE of Kansas, Mr. SHULER, Mr. TOM DAVIS of Virginia, Mr. BOREN, and Mr. WAXMAN):

H. Res. 1043. A resolution honoring the life and legacy of Chief Standing Bear, a pioneer in civil rights for Native Americans, on the 100th anniversary of Chief Standing Bear's death; to the Committee on Natural Resources.

By Ms. ZOE LOFGREN of California (for herself and Mr. DELAHUNT):

H. Res. 1044. A resolution condemning the dismissal of the Supreme Court in Pakistan and calling for their reinstatement by the Government of Pakistan; to the Committee on Foreign Affairs.

¶29.43 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 245: Mr. BISHOP of Utah and Mr. HILL.
H.R. 281: Mr. PALLONE.
H.R. 402: Mrs. WILSON of New Mexico.
H.R. 406: Ms. BALDWIN, Mr. SHIMKUS, Mr. KAGEN, Mr. FILNER, Mr. ETHERIDGE, Mrs. CAPITO, Mrs. BIGGERT, Mrs. BONO MACK, Mr. ISSA, Mr. LEWIS of California, Mr. GARY G. MILLER of California, Mr. TIAHRT, Mr. POMEROY, and Mr. FURTUÑO.
H.R. 522: Mr. ENGLISH of Pennsylvania and Mr. SIRES.
H.R. 594: Mr. SKELTON.
H.R. 685: Mr. CHABOT.
H.R. 715: Mr. CONYERS and Mr. CARNEY.
H.R. 782: Ms. MATSUI.
H.R. 861: Mr. PENCE.
H.R. 1000: Mr. KANJORSKI, Mr. ALLEN, Ms. HERSETH SANDLIN, and Mr. ISRAEL.
H.R. 1032: Mr. KING of New York.
H.R. 1074: Mrs. CAPPS.
H.R. 1110: Mr. WITTMAN of Virginia and Mr. HOEKSTRA.
H.R. 1134: Mr. TERRY and Mr. WALBERG.
H.R. 1142: Mr. JEFFERSON, Mr. SIRES, Mr. ENGLISH of Pennsylvania, Mr. JONES of North Carolina, Mr. GONZALEZ, Mr. LOBIONDO, Mr. ELLISON, Mrs. MALONEY of New York, Mr. SHULER, Mr. WALZ of Minnesota, Mr. ROSS, Mr. WITTMAN of Virginia, and Mr. COOPER.
H.R. 1198: Mr. WYNN.
H.R. 1264: Mr. BROWN of South Carolina.
H.R. 1273: Mr. TOWNS.
H.R. 1369: Ms. NORTON.
H.R. 1439: Mr. GALLEGLY and Mr. TERRY.
H.R. 1474: Ms. DEGETTE.
H.R. 1542: Mr. SIRES, Mrs. DAVIS of California, Ms. WASSERMAN SCHULTZ, Ms. CLARKE, Ms. SCHWARTZ, and Ms. CORRINE BROWN of Florida.
H.R. 1584: Mr. UDALL of Colorado, Mrs. WILSON of New Mexico, and Mr. FORTENBERRY.
H.R. 2208: Mr. TIM MURPHY of Pennsylvania.
H.R. 2370: Mr. KNOLLENBERG and Mr. HAYES.
H.R. 2458: Mr. STARK.
H.R. 2564: Mr. TIM MURPHY of Pennsylvania.
H.R. 2588: Mr. TERRY.
H.R. 2702: Mr. ISRAEL.
H.R. 2744: Mr. CARNEY, Mr. JEFFERSON, Mr. SIRES, Mr. BERRY, and Mr. KENNEDY.
H.R. 2833: Mr. DEFAZIO.
H.R. 2922: Ms. SOLIS, Ms. SHEA-PORTER, and Mr. PASTOR.
H.R. 2958: Mr. SOUDER.
H.R. 3005: Mr. RODRIGUEZ, Mr. GONZALEZ, Mr. BACA, Mr. GRIJALVA, Mr. GUTIERREZ, Mr. HINOJOSA, Mrs. NAPOLITANO, Ms. SOLIS, Mr. REYES, Ms. ROYBAL-ALLARD, and Mr. SIRES.
H.R. 3036: Ms. LEE.
H.R. 3088: Mr. SMITH of Nebraska.
H.R. 3173: Ms. NORTON.
H.R. 3337: Mr. PASTOR.
H.R. 3452: Ms. RICHARDSON.
H.R. 3635: Mr. COHEN.
H.R. 3652: Mr. BRALEY of Iowa.
H.R. 3660: Mrs. CAPITO.
H.R. 3681: Mr. FILNER.
H.R. 3811: Mr. UDALL of Colorado.
H.R. 3842: Ms. CLARKE.
H.R. 3892: Mr. CONYERS.
H.R. 4044: Mr. DOYLE, Mr. ENGLISH of Pennsylvania, and Mr. SHAYS.
H.R. 4048: Mr. STARK.
H.R. 4055: Mr. WAXMAN and Mr. COHEN.
H.R. 4065: Mr. GOODE.
H.R. 4089: Mr. YOUNG of Alaska, Ms. CORRINE BROWN of Florida, Mr. LOEBSACK, Ms. MCCOLLUM of Minnesota, and Mr. COURTNEY.
H.R. 4105: Mr. MILLER of Florida and Mr. FEENEY.
H.R. 4116: Ms. ESHOO and Mr. WITTMAN of Virginia.
H.R. 4138: Mr. DOYLE.
H.R. 4206: Mr. CONYERS.
H.R. 4218: Mr. ELLISON and Ms. CLARKE.
H.R. 4236: Mr. CONYERS and Mr. WELCH of Vermont.
H.R. 4460: Mr. KELLER.
H.R. 4544: Mr. TERRY.
H.R. 4900: Mr. EVERETT, Ms. GINNY BROWN-WAITE of Florida, Mr. SOUDER, Mr. GOODE, Mr. BUCHANAN, Mr. ALTMIRE, Mr. PENCE, Mrs. BLACKBURN, Mr. GARRETT of New Jersey, Mr. BARRETT of South Carolina, Mrs. CUBIN, Mr. BILBRAY, and Mr. BISHOP of Georgia.
H.R. 4930: Mr. LATOURETTE.
H.R. 5035: Mr. WATT.
H.R. 5038: Ms. MCCOLLUM of Minnesota.
H.R. 5102: Mr. BACA, Mrs. BONO MACK, and Mr. ENGLISH of Pennsylvania.
H.R. 5109: Ms. GINNY BROWN-WAITE of Florida.
H.R. 5161: Mr. COHEN.
H.R. 5233: Mr. GARRETT of New Jersey and Mrs. BIGGERT.
H.R. 5244: Ms. JACKSON-LEE of Texas and Mr. RYAN of Ohio.
H.R. 5312: Mr. FATTAH.
H.R. 5440: Mrs. BLACKBURN.
H.R. 5442: Mr. DOGGETT.
H.R. 5443: Mr. SMITH of Washington, Mr. FORTUÑO, and Mr. ACKERMAN.
H.R. 5447: Mr. CONYERS and Mr. CLAY.
H.R. 5454: Mr. MCCOTTER.
H.R. 5489: Mr. DAVIS of Kentucky, Mr. FALEOMAVAEGA, and Mrs. MYRICK.
H.R. 5534: Mr. FARR.
H.R. 5546: Mr. CARNEY.
H.R. 5561: Mr. BROWN of South Carolina and Mr. BOOZMAN.
H.R. 5580: Mr. HINCHEY.
H.R. 5587: Mr. BISHOP of Georgia.
H.J. Res. 68: Mr. MOORE of Kansas.
H. Con. Res. 280: Ms. RICHARDSON.
H. Con. Res. 295: Mr. MARSHALL and Mr. TERRY.
H. Con. Res. 302: Mr. CLAY and Mrs. EMERSON.
H. Con. Res. 315: Mr. HUNTER, Mr. FEENEY, Mr. BOUSTANY, Mr. KING of New York, Mr. ALEXANDER, Mrs. BACHMANN, Mr. BILBRAY, Mr. BURGESS, Mrs. DRAKE, Mr. FOSSELLA, Mr. GOODE, Mr. HALL of Texas, Mr. KELLER, Mr. MCCOTTER, Mr. WAMP, Mr. WELDON of Florida, Mr. YOUNG of Alaska, and Mr. LINCOLN DIAZ-BALART of Florida.
H. Res. 105: Ms. HERSETH SANDLIN.
H. Res. 146: Mr. FARR.
H. Res. 169: Mr. UDALL of Colorado.
H. Res. 424: Mr. HOLDEN, Mr. TOWNS, Mr. DAVIS of Illinois, and Mr. KENNEDY.
H. Res. 705: Mr. SAM JOHNSON of Texas.
H. Res. 896: Mr. GONZALEZ, Mr. ELLISON, Mr. GUTIERREZ, and Mr. SIRES.
H. Res. 937: Mr. HAYES and Ms. ZOE LOFGREN of California.
H. Res. 959: Mr. TOWNS.
H. Res. 970: Mrs. MILLER of Michigan, Mr. SOUDER, Mr. ROGERS of Kentucky, and Mr. BURGESS.
H. Res. 973: Mr. TOWNS.
H. Res. 990: Mr. ENGLISH of Pennsylvania.
H. Res. 997: Mr. LEVIN, Mr. LINCOLN DIAZ-BALART of Florida, Mr. RYAN of Ohio, Mr. GERLACH, and Mr. ENGLISH of Pennsylvania.
H. Res. 1005: Mrs. NAPOLITANO.
H. Res. 1008: Mr. INGLIS of South Carolina.
H. Res. 1018: Mr. KUCINICH.
H. Res. 1021: Mrs. DRAKE and Mr. BLUMENAUER.
H. Res. 1026: Mr. MELANCON, Mr. TOWNS, and Mr. KILDEE.

THURSDAY, MARCH 13, 2008 (30)

The House was called to order by the SPEAKER.

¶30.1 APPROVAL OF THE JOURNAL

The SPEAKER announced she had examined and approved the Journal of the proceedings of Wednesday, March 12, 2008.

Mr. MCDERMOTT, pursuant to clause 1, rule I, demanded a vote on agreeing to the Chair's approval of the Journal.

The question being put, viva voce,

Will the House agree to the Chair's approval of said Journal?

The SPEAKER announced that the yeas had it.

Mr. MCDERMOTT demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶30.2 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

5710. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Importation of Fruits and Vegetables [Docket No. APHIS-2007-0116] (RIN: 0579-AC64) received March 6, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5711. A letter from the Director, Regulations Policy and Mgmt. Staff, Department of Health and Human Services, transmitting the Department's final rule — Food Labeling: Health Claims; Soluble Fiber From Certain Foods and Risk of Coronary Heart Disease [[Docket No. FDA-2009-P-0090](formerly Docket No. 2006P-0393)] received March 11, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5712. A letter from the Regulatory Specialist, LRAD, Department of the Treasury, transmitting the Department's final rule — Securities Offering Disclosure Rules [Docket ID OCC-2008-0003] (RIN: 1557-AD04) received March 7, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5713. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — In the Matter of Standardized and Enhanced Disclosure Requirements for Television Broadcast License Public Interest Obligations Extension of the Filing Requirement For Children's Television Programming Report (FCC Form 398) [MM Docket No. 00-168 MM Docket No. 00-44] received March 10, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5714. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — In the Matter of DTV Consumer Education Initiative [MB Docket No. 07-148] received March 10, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5715. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — In the Matter of Advanced Television Systems and their Impact Upon the Existing Television Broadcast Service [MB Docket No. 87-268] received March 10, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5716. A letter from the Deputy Assistant Administrator For Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Shrimp Fisheries of the Gulf of Mexico; Revisions to Bycatch Reduction Devices and Testing Protocols [Docket No. 0612243163-7151-01] (RIN: 0648-AU59) received March 11, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5717. A letter from the Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; Closure [Docket No. 001005281-0369-02] (RIN: 0648-XF24) received March 11, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5718. A letter from the Director Office of Standards, Regulations, and Variances, Department of Labor, transmitting the Department's final rule — Criteria and Procedures for Proposed Assessment of Civil Penalties (RIN: 1219-AB57) received March 11, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

5719. A letter from the SSA Regulations Officer, Social Security Administration, transmitting the Administration's final rule — Amendment to the Attorney Advisor Program [Docket No. SSA 2007-0036] (RIN: 0960-AG49) received March 11, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

¶30.3 MOMENT OF SILENCE IN MEMORY OF FALLEN TROOPS IN IRAQ

The SPEAKER announced that all Members stand and observe a moment of silence in memory of fallen troops in Iraq.

¶30.4 NOTICE REQUIREMENT— CONSIDERATION OF RESOLUTION— QUESTION OF PRIVILEGE

Mr. PRICE of Georgia, pursuant to clause 2(a)(1) of rule IX, announced his intention to call up the following resolution, as a question of the privileges of the House:

Whereas on December 11, 2007, a bipartisan group of 21 State attorneys general wrote to Senate Majority Leader Reid and Senate Minority Leader McConnell regarding the FISA Amendments Act of 2007 (S. 2248);

Whereas this bipartisan group of State attorneys general represents the States of Alabama, Arkansas, Colorado, Florida, Georgia, Kansas, Nebraska, New Hampshire, North Carolina, North Dakota, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Texas, Utah, Virginia, West Virginia, Washington, and Wisconsin;

Whereas the State attorneys general stated that protecting communications carriers from ''unprecedented legal exposure is essential to domestic and national security. State, local and federal law enforcement and intelligence agencies rely heavily on timely and responsive assistance from communications providers and other private parties; indeed, this assistance is utterly essential to the agencies' functions. If carriers and other parties run the risk of facing massive litigation every time they assist the government or law enforcement, they will lack incentives to cooperate, with potentially devastating consequences for public safety'';

Whereas on February 5, 2008, the Director of the Federal Bureau of Investigation testified before the Senate Select Committee on Intelligence that ''in protecting the homeland . . . it's absolutely essential we have the support, willing support of the communications carriers'';

Whereas in the same hearing, Director Mueller further stated ''[m]y concern is that if we do not have this immunity, we will not have that willing support of the communications carriers'';

Whereas on March 4, 2008, a bipartisan group of 25 State attorneys general wrote to the Speaker of the FISA Amendments Act of 2007;

Whereas this bipartisan group of State attorneys general represents the States of Alabama, Alaska, Arkansas, Colorado, Florida, Georgia, Idaho, Indiana, Kansas, Maryland, Michigan, Nebraska, New Hampshire, North Carolina, North Dakota, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Texas, Utah, Virginia, Washington, and West Virginia;

Whereas the State attorneys general stated they ''are our states' chief law enforcement officials and therefore responsible for taking whatever action is necessary to keep our citizens safe'';

Whereas the State attorneys general also stated ''[a] bipartisan majority of the United States Senate recently approved S. 2248. But until it is also passed by the House of Representatives, intelligence officials must obtain FISA warrants every time they attempt to monitor suspected terrorists in overseas countries. Passing S. 2248 would ensure our intelligence experts are once again able to conduct real-time surveillance. As you know, prompt access to intelligence data is critical to the ongoing safety and security of our nation.'';

Whereas on February 12, 2008, after passage of S. 2248, the Senate amended the bill H.R. 3773 with the text of S. 2248 and sent the amended bill back to the House for its consideration;

Whereas the State attorneys general concluded that with ''S. 2248 still pending in the House of Representatives, our national security is in jeopardy.'';

Whereas all Members of the House of Representatives have a responsibility to provide the intelligence community and Federal law enforcement with all the necessary and appropriate tools to keep Americans and the homeland safe;

Whereas all Members of the House of Representatives have a responsibility to ensure they are not impeding the efforts of State and local law enforcement to use all the necessary and appropriate tools to keep Americans and the homeland safe;

Whereas according to the calendar distributed to Members by the House majority, the House of Representatives is scheduled to be in recess during the two-week period beginning on March 17, 2008; and

Whereas it would bring discredit to the House of Representatives to adjourn for two weeks without considering the amendments to H.R. 3773 now pending before the House: Now, therefore, be it

Resolved, That the House of Representatives—

(1) should immediately consider a motion to concur in the Senate amendment to the bill, H.R. 3773; and

(2) should not adjourn for the Easter District Work Period prior to consideration of a motion to concur in the Senate amendment to the bill, H.R. 3773.

¶30.5 PRIVILEGES OF THE HOUSE

Mr. PRICE of Georgia, pursuant to rule IX, rose to a question of the privileges of the House and submitted the following resolution:

Whereas on December 11, 2007, a bipartisan group of 21 State attorneys general wrote to Senate Majority Leader Reid and Senate Minority Leader McConnell regarding the FISA Amendments Act of 2007 (S. 2248);

Whereas this bipartisan group of State attorneys general represents the States of Alabama, Arkansas, Colorado, Florida, Georgia, Kansas, Nebraska, New Hampshire, North Carolina, North Dakota, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Texas, Utah, Virginia, West Virginia, Washington, and Wisconsin;

Whereas the State attorneys general stated that protecting communications carriers from ''unprecedented legal exposure is essential to domestic and national security. State, local and federal law enforcement and intelligence agencies rely heavily on timely and responsive assistance from communications providers and other private parties; indeed, this assistance is utterly essential to the agencies' functions. If carriers and other parties run the risk of facing massive litigation every time they assist the government or law enforcement, they will lack incentives to cooperate, with potentially devastating consequences for public safety'';

Whereas on February 5, 2008, the Director of the Federal Bureau of Investigation testified before the Senate Select Committee on Intelligence that ''in protecting the homeland . . . it's absolutely essential we have the support, willing support of the communications carriers'';

Whereas in the same hearing, Director Mueller further stated ''[m]y concern is that if we do not have this immunity, we will not have that willing support of the communications carriers'';

Whereas on March 4, 2008, a bipartisan group of 25 State attorneys general wrote to the Speaker of the FISA Amendments Act of 2007;

Whereas this bipartisan group of State attorneys general represents the States of Alabama, Alaska, Arkansas, Colorado, Florida, Georgia, Idaho, Indiana, Kansas, Maryland, Michigan, Nebraska, New Hampshire, North Carolina, North Dakota, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Texas, Utah, Virginia, Washington, and West Virginia;

Whereas the State attorneys general stated they ''are our states' chief law enforcement officials and therefore responsible for taking whatever action is necessary to keep our citizens safe'';

Whereas the State attorneys general also stated ''[a] bipartisan majority of the United States Senate recently approved S. 2248. But until it is also passed by the House of Representatives, intelligence officials must obtain FISA warrants every time they attempt to monitor suspected terrorists in overseas countries. Passing S. 2248 would ensure our intelligence experts are once again able to conduct real-time surveillance. As you know, prompt access to intelligence data is critical to the ongoing safety and security of our nation.'';

Whereas on February 12, 2008, after passage of S. 2248, the Senate amended the bill H.R. 3773 with the text of S. 2248 and sent the amended bill back to the House for its consideration;

Whereas the State attorneys general concluded that with ''S. 2248 still pending in the House of Representatives, our national security is in jeopardy.'';

Whereas all Members of the House of Representatives have a responsibility to provide the intelligence community and Federal law enforcement with all the necessary and appropriate tools to keep Americans and the homeland safe;

Whereas all Members of the House of Representatives have a responsibility to ensure they are not impeding the efforts of State and local law enforcement to use all the necessary and appropriate tools to keep Americans and the homeland safe;

Whereas according to the calendar distributed to Members by the House majority, the House of Representatives is scheduled to be in recess during the two-week period beginning on March 17, 2008; and

Whereas it would bring discredit to the House of Representatives to adjourn for two weeks without considering the amendments to H.R. 3773 now pending before the House: Now, therefore, be it

Resolved, That the House of Representatives—

(1) should immediately consider a motion to concur in the Senate amendment to the bill, H.R. 3773; and

(2) should not adjourn for the Easter District Work Period prior to consideration of a motion to concur in the Senate amendment to the bill, H.R. 3773.

The SPEAKER pro tempore, Mrs. TAUSCHER, spoke and said:

''Does the gentleman from Georgia wish to be heard on whether the resolution constitutes a question of the privileges of the House?''

Mr. PRICE of Georgia, was recognized and said:

''Madam Speaker, we are now 27 days, 27 days into a unilateral disarmament. We are not doing our job in the House of Representatives. We are not fulfilling our oath, and we are not protecting the American people. This brings discredit on the House of Representatives.

''The underlying bill simply allows the American intelligence community to make certain that they are able to listen or surveil on terrorists in a foreign land speaking to another terrorist or suspected terrorist in a foreign land.

''My constituents don't understand why the House isn't acting on this. They believe the House is bringing discredit on the Nation. Americans don't understand.

''The Senate has acted responsibly. It is imperative that the majority of the House be given an opportunity to vote on this issue. The majority of the House has said that they would pass this bill. Not bringing this bill to the floor for a vote brings discredit and abrogates our responsibility as Representatives of the United States of America.

''I urge the Speaker and I urge my colleagues to allow this to come to the floor for a vote.''

The SPEAKER pro tempore, Mrs. TAUSCHER, ruled that the resolution submitted did not present a question of the privileges of the House under rule IX, and said:

''As the Chair ruled on March 11, 2008, under the precedents recorded in section 702 of the House Rules and Manual, the resolution addresses a legislative sentiment and not a question of the privileges of the House.''

Mr. PRICE of Georgia, appealed the ruling of the Chair.

Mr. SCOTT of Virginia, moved to lay the appeal on the table.

The question being put, viva voce,

Will the House lay on the table the appeal of the ruling of the Chair?

The SPEAKER pro tempore, Mrs. TAUSCHER, announced that the yeas had it.

Mr. PRICE of Georgia, objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 6, rule XX, and the call was taken by electronic device.

When there appeared { Yeas ..... 222 / Nays 192

¶30.6 [Roll No. 135]

YEAS—222

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

NAYS—192

Aderholt	Crenshaw	Hensarling
Akin	Culberson	Herger
Alexander	Davis (KY)	Hobson
Bachmann	Davis, David	Hoekstra
Bachus	Davis, Tom	Hulshof
Barrett (SC)	Deal (GA)	Inglis (SC)
Barrow	Dent	Johnson (IL)
Bartlett (MD)	Diaz-Balart, L.	Johnson, Sam
Barton (TX)	Diaz-Balart, M.	Jones (NC)
Biggert	Doolittle	Jordan
Bilbray	Drake	Keller
Bilirakis	Dreier	King (IA)
Bishop (UT)	Duncan	King (NY)
Blackburn	Ehlers	Kingston
Blunt	Emerson	Kirk
Boehner	English (PA)	Kline (MN)
Bonner	Everett	Knollenberg
Bono Mack	Fallin	Kuhl (NY)
Boozman	Feeney	Lamborn
Brady (TX)	Ferguson	Lampson
Broun (GA)	Flake	Latham
Brown (SC)	Forbes	LaTourette
Brown-Waite, Ginny	Fortenberry	Latta
Buchanan	Fossella	Lewis (CA)
Burgess	Foxx	Lewis (KY)
Burton (IN)	Franks (AZ)	Linder
Buyer	Frelinghuysen	LoBiondo
Calvert	Gallegly	Lucas
Camp (MI)	Garrett (NJ)	Lungren, Daniel E.
Campbell (CA)	Gerlach	Mack
Cannon	Gilchrest	Manzullo
Cantor	Gingrey	Marchant
Capito	Gohmert	McCarthy (CA)
Carnahan	Goode	McCaul (TX)
Carter	Goodlatte	McCotter
Castle	Granger	McCrery
Chabot	Graves	McHenry
Coble	Hall (TX)	McHugh
Cole (OK)	Hastings (WA)	McKeon
Conaway	Hayes	
	Heller	

McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (FL)

NOT VOTING—15

Boustany
Cubin
Hooley
Hunter
Issa
LaHood
Oberstar
Rangel
Renzi
Ruppersberger
Rush
Tancredo
Udall (CO)
Woolsey
Young (AK)

So the motion to lay the appeal on the table was agreed to.

A motion to reconsider the vote whereby said motion was agreed to was, by unanimous consent, laid on the table.

¶30.7 APPROVAL OF THE JOURNAL—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mrs. TAUSCHER, pursuant to clause 8, rule XX, announced the unfinished business to be the question on agreeing to the Chair's approval of the Journal of Wednesday, March 12, 2008.

The question being put,

Will the House agree to the Chair's approval of said Journal?

The vote was taken by electronic device.

When there appeared .... { Yeas ..... 222; Nays ..... 183; Answered present 1

¶30.8 [Roll No. 136]

YEAS—222

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

NAYS—183

Aderholt
Akin
Alexander
Altmire
Bachmann
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bilbray
Bilirakis
Bishop (UT)
Blunt
Boehner
Bonner
Bono Mack
Boozman
Brady (TX)
Broun (GA)
Brown (SC)
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carney
Carter
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Diaz-Balart, L.
Donnelly
Doolittle
Drake
Dreier
Duncan
Ehlers
Ellsworth
Emerson
English (PA)
Etheridge
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gingrey
Goode
Gordon
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hill
Hobson
Hoekstra
Hulshof
Inglis (SC)
Johnson, Sam
Jones (NC)
Keller
King (IA)
King (NY)
Kingston
Knollenberg
Lamborn
LaTourette
Latta
Lewis (CA)
Lewis (KY)
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mitchell
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Souder
Stearns
Stupak
Terry
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (FL)

ANSWERED ''PRESENT''—1

Gohmert

NOT VOTING—23

Blackburn
Boustany
Cubin
DeGette
Hooley
Hunter
Issa
Jordan
Kline (MN)
LaHood
Linder
McCollum (MN)
Oberstar
Pitts
Rangel
Renzi
Ruppersberger
Rush
Sullivan
Tancredo
Udall (CO)
Woolsey
Young (AK)

So the Journal was approved.

¶30.9 CONGRESSIONAL BUDGET

The SPEAKER pro tempore, Mrs. TAUSCHER, pursuant to House Resolution 1036 and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the further consideration of the concurrent resolution (H. Con. Res. 312) revising the congressional budget for the United States Government for fiscal year 2008, establishing the congressional budget for the United States Government for fiscal year 2009, and setting forth appropriate budgetary levels for fiscal years 2010 through 2013.

The Acting Chairman, Mr. PASTOR, assumed the Chair; and after some time spent therein,

¶30.10 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment in the nature of a substitute numbered 1, printed in House Report 110-48, submitted by Ms. KILPATRICK of Michigan:

Strike all after the resolving clause and insert the following:

SECTION 1. CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2009.

The Congress determines and declares that the concurrent resolution on the budget for fiscal year 2009, including appropriate budgetary levels for fiscal years 2010 through 2013.

TITLE I—RECOMMENDED LEVELS AND AMOUNTS

SEC. 101. RECOMMENDED LEVELS AND AMOUNTS.

The following budgetary levels are appropriate for each of fiscal years 2009 through 2013:

(1) FEDERAL REVENUES.—For purposes of the enforcement of this resolution:

(A) The recommended levels of Federal revenues are as follows:

Fiscal year 2009: $2,113,137,000,000.
Fiscal year 2010: $2,333,975,000,000.
Fiscal year 2011: $2,520,860,000,000.
Fiscal year 2012: $2,736,299,000,000.
Fiscal year 2013: $2,838,866,000,000.

(B) The amounts by which the aggregate levels of Federal revenues should be adjusted are as follows:

Fiscal year 2009: $16,013,000,000.
Fiscal year 2010: $151,111,000,000.
Fiscal year 2011: $92,835,000,000.
Fiscal year 2012: $82,984,000,000.
Fiscal year 2013: $84,126,000,000.

(2) NEW BUDGET AUTHORITY.—For purposes of the enforcement of this resolution, the appropriate levels of total new budget authority are as follows:

Fiscal year 2009: $2,597,686,000,000.
Fiscal year 2010: $2,630,042,000,000.
Fiscal year 2011: $2,761,520,000,000.
Fiscal year 2012: $2,802,739,000,000.
Fiscal year 2013: $2,929,212,000,000.

(3) BUDGET OUTLAYS.—For purposes of the enforcement of this resolution, the appropriate levels of total budget outlays are as follows:

Fiscal year 2009: $2,596,055,000,000.
Fiscal year 2010: $2,680,087,000,000.
Fiscal year 2011: $2,777,894,000,000.
Fiscal year 2012: $2,790,731,000,000.
Fiscal year 2013: $2,919,409,000,000.

(4) DEFICITS (ON-BUDGET).—For purposes of the enforcement of this resolution, the amounts of the deficits (on-budget) are as follows:

Fiscal year 2009: $482,918,000,000.
Fiscal year 2010: $346,112,000,000.
Fiscal year 2011: $257,034,000,000.
Fiscal year 2012: $54,432,000,000.
Fiscal year 2013: $80,543,000,000.

(5) DEBT SUBJECT TO LIMIT.—Pursuant to section 301(a)(5) of the Congressional Budget Act of 1974, the appropriate levels of the debt subject to limit are as follows:

Fiscal year 2009: $10,146,000,000.
Fiscal year 2010: $10,601,000,000.
Fiscal year 2011: $10,963,000,000.
Fiscal year 2012: $11,149,000,000.
Fiscal year 2013: $11,344,000,000.

(6) DEBT HELD BY THE PUBLIC.—The appropriate levels of debt held by the public are as follows:

Fiscal year 2009: $5,701,000,000.
Fiscal year 2010: $5,858,000,000.
Fiscal year 2011: $5,907,000,000.
Fiscal year 2012: $5,740,000,000.
Fiscal year 2013: $5,593,000,000.

SEC. 102. MAJOR FUNCTIONAL CATEGORIES.

The Congress determines and declares that the appropriate levels of new budget authority and outlays for fiscal years 2009 through 2013 for each major functional category are:

(1) National Defense (050):
Fiscal year 2009:
(A) New budget authority, $542,497,000,000.
(B) Outlays, $573,362,000,000.
Fiscal year 2010:
(A) New budget authority, $550,414,000,000.
(B) Outlays, $560,726,000,000.
Fiscal year 2011:
(A) New budget authority, $557,026,000,000.
(B) Outlays, $560,099,000,000.
Fiscal year 2012:
(A) New budget authority, $565,800,000,000.
(B) Outlays, $556,699,000,000.
Fiscal year 2013:
(A) New budget authority, $576,223,000,000.
(B) Outlays, $568,829,000,000.

(2) International Affairs (150):
Fiscal year 2009:
(A) New budget authority, $40,506,000,000.
(B) Outlays, $37,529,000,000.
Fiscal year 2010:
(A) New budget authority, $41,911,000,000.
(B) Outlays, $39,535,000,000.
Fiscal year 2011:
(A) New budget authority, $42,828,000,000.
(B) Outlays, $40,665,000,000.
Fiscal year 2012:
(A) New budget authority, $43,642,000,000.
(B) Outlays, $41,307,000,000.
Fiscal year 2013:
(A) New budget authority, $44,072,000,000.
(B) Outlays, $41,672,000,000.

(3) General Science, Space, and Technology (250):
Fiscal year 2009:
(A) New budget authority, $30,049,000,000.
(B) Outlays, $28,761,000,000.
Fiscal year 2010:
(A) New budget authority, $31,280,000,000.
(B) Outlays, $30,704,000,000.
Fiscal year 2011:
(A) New budget authority, $32,589,000,000.
(B) Outlays, $32,312,000,000.
Fiscal year 2012:
(A) New budget authority, $33,968,000,000.
(B) Outlays, $33,677,000,000.
Fiscal year 2013:
(A) New budget authority, $35,413,000,000.
(B) Outlays, $34,591,000,000.

(4) Energy (270):
Fiscal year 2009:
(A) New budget authority, $5,374,000,000.
(B) Outlays, $2,423,000,000.
Fiscal year 2010:
(A) New budget authority, $5,345,000,000.
(B) Outlays, $3,354,000,000.
Fiscal year 2011:
(A) New budget authority, $5,412,000,000.
(B) Outlays, $3,983,000,000.
Fiscal year 2012:
(A) New budget authority, $5,503,000,000.
(B) Outlays, $4,370,000,000.
Fiscal year 2013:
(A) New budget authority, $5,595,000,000.
(B) Outlays, $4,684,000,000.

(5) Natural Resources and Environment (300):
Fiscal year 2009:
(A) New budget authority, $41,428,000,000.
(B) Outlays, $37,340,000,000.
Fiscal year 2010:
(A) New budget authority, $36,559,000,000.
(B) Outlays, $38,557,000,000.
Fiscal year 2011:
(A) New budget authority, $37,447,000,000.
(B) Outlays, $39,030,000,000.
Fiscal year 2012:
(A) New budget authority, $38,345,000,000.
(B) Outlays, $39,424,000,000.
Fiscal year 2013:
(A) New budget authority, $39,267,000,000.
(B) Outlays, $40,038,000,000.

(6) Agriculture (350):
Fiscal year 2009:
(A) New budget authority, $22,094,000,000.
(B) Outlays, $21,726,000,000.
Fiscal year 2010:
(A) New budget authority, $22,284,000,000.
(B) Outlays, $21,226,000,000.
Fiscal year 2011:
(A) New budget authority, $22,456,000,000.
(B) Outlays, $21,436,000,000.
Fiscal year 2012:
(A) New budget authority, $22,828,000,000.
(B) Outlays, $21,995,000,000.
Fiscal year 2013:
(A) New budget authority, $23,186,000,000.
(B) Outlays, $22,376,000,000.

(7) Commerce and Housing Credit (370):
Fiscal year 2009:
(A) New budget authority, $11,022,000,000.
(B) Outlays, $4,913,000,000.
Fiscal year 2010:
(A) New budget authority, $15,349,000,000.
(B) Outlays, $7,245,000,000.
Fiscal year 2011:
(A) New budget authority, $10,460,000,000.
(B) Outlays, $3,617,000,000.
Fiscal year 2012:
(A) New budget authority, $10,708,000,000.
(B) Outlays, $3,188,000,000.
Fiscal year 2013:
(A) New budget authority, $11,104,000,000.
(B) Outlays, $3,110,000,000.

(8) Transportation (400):
Fiscal year 2009:
(A) New budget authority, $74,619,000,000.
(B) Outlays, $81,067,000,000.
Fiscal year 2010:
(A) New budget authority, $78,682,000,000.
(B) Outlays, $84,845,000,000.
Fiscal year 2011:
(A) New budget authority, $79,709,000,000.
(B) Outlays, $87,159,000,000.
Fiscal year 2012:
(A) New budget authority, $80,660,000,000.
(B) Outlays, $89,274,000,000.
Fiscal year 2013:
(A) New budget authority, $81,653,000,000.
(B) Outlays, $91,609,000,000.

(9) Community and Regional Development (450):
Fiscal year 2009:
(A) New budget authority, $16,546,000,000.
(B) Outlays, $24,684,000,000.
Fiscal year 2010:
(A) New budget authority, $16,819,000,000.
(B) Outlays, $22,720,000,000.
Fiscal year 2011:
(A) New budget authority, $17,127,000,000.
(B) Outlays, $19,392,000,000.
Fiscal year 2012:
(A) New budget authority, $17,443,000,000.
(B) Outlays, $17,669,000,000.
Fiscal year 2013:
(A) New budget authority, $17,748,000,000.
(B) Outlays, $17,507,000,000.

(10) Education, Training, Employment, and Social Services (500):
Fiscal year 2009:
(A) New budget authority, $115,485,000,000.
(B) Outlays, $96,894,000,000.
Fiscal year 2010:
(A) New budget authority, $122,844,000,000.
(B) Outlays, $118,545,000,000.
Fiscal year 2011:
(A) New budget authority, $125,862,000,000.
(B) Outlays, $123,385,000,000.
Fiscal year 2012:
(A) New budget authority, $128,078,000,000.
(B) Outlays, $124,647,000,000.
Fiscal year 2013:
(A) New budget authority, $121,940,000,000.
(B) Outlays, $123,740,000,000.

(11) Health (550):
Fiscal year 2009:
(A) New budget authority, $323,727,000,000.
(B) Outlays, $310,812,000,000.
Fiscal year 2010:
(A) New budget authority, $340,699,000,000.
(B) Outlays, $337,134,000,000.
Fiscal year 2011:
(A) New budget authority, $361,681,000,000.
(B) Outlays, $359,998,000,000.
Fiscal year 2012:
(A) New budget authority, $384,698,000,000.
(B) Outlays, $383,092,000,000.
Fiscal year 2013:
(A) New budget authority, $410,017,000,000.
(B) Outlays, $408,170,000,000.

(12) Medicare (570):
Fiscal year 2009:
(A) New budget authority, $420,691,000,000.
(B) Outlays, $420,420,000,000.
Fiscal year 2010:
(A) New budget authority, $445,725,000,000.
(B) Outlays, $445,825,000,000.
Fiscal year 2011:
(A) New budget authority, $494,870,000,000.
(B) Outlays, $494,693,000,000.
Fiscal year 2012:
(A) New budget authority, $491,853,000,000.
(B) Outlays, $491,610,000,000.
Fiscal year 2013:
(A) New budget authority, $552,889,000,000.
(B) Outlays, $553,003,000,000.

(13) Income Security (600):
Fiscal year 2009:
(A) New budget authority, $419,956,000,000.
(B) Outlays, $420,166,000,000.
Fiscal year 2010:
(A) New budget authority, $425,776,000,000.
(B) Outlays, $426,298,000,000.
Fiscal year 2011:
(A) New budget authority, $435,181,000,000.
(B) Outlays, $435,414,000,000.
Fiscal year 2012:
(A) New budget authority, $420,612,000,000.
(B) Outlays, $421,056,000,000.
Fiscal year 2013:
(A) New budget authority, $436,245,000,000.
(B) Outlays, $435,944,000,000.

(14) Social Security (650):
Fiscal year 2009:
(A) New budget authority, $21,308,000,000.
(B) Outlays, $21,308,000,000.
Fiscal year 2010:
(A) New budget authority, $23,794,000,000.
(B) Outlays, $23,794,000,000.
Fiscal year 2011:
(A) New budget authority, $27,330,000,000.

(B) Outlays, $27,330,000,000.
Fiscal year 2012:
(A) New budget authority, $30,342,000,000.
(B) Outlays, $30,342,000,000.
Fiscal year 2013:
(A) New budget authority, $33,162,000,000.
(B) Outlays, $33,162,000,000.
(15) Veterans Benefits and Services (700):
Fiscal year 2009:
(A) New budget authority, $97,404,000,000.
(B) Outlays, $96,269,000,000.
Fiscal year 2010:
(A) New budget authority, $100,136,000,000.
(B) Outlays, $99,789,000,000.
Fiscal year 2011:
(A) New budget authority, $105,936,000,000.
(B) Outlays, $105,581,000,000.
Fiscal year 2012:
(A) New budget authority, $103,251,000,000.
(B) Outlays, $102,386,000,000.
Fiscal year 2013:
(A) New budget authority, $109,230,000,000.
(B) Outlays, $108,398,000,000.
(16) Administration of Justice (750):
Fiscal year 2009:
(A) New budget authority, $52,104,000,000.
(B) Outlays, $52,184,000,000.
Fiscal year 2010:
(A) New budget authority, $53,101,000,000.
(B) Outlays, $53,336,000,000.
Fiscal year 2011:
(A) New budget authority, $54,338,000,000.
(B) Outlays, $54,526,000,000.
Fiscal year 2012:
(A) New budget authority, $55,622,000,000.
(B) Outlays, $55,474,000,000.
Fiscal year 2013:
(A) New budget authority, $56,967,000,000.
(B) Outlays, $56,542,000,000.
(17) General Government (800):
Fiscal year 2009:
(A) New budget authority, $24,020,000,000.
(B) Outlays, $24,328,000,000.
Fiscal year 2010:
(A) New budget authority, $20,461,000,000.
(B) Outlays, $20,469,000,000.
Fiscal year 2011:
(A) New budget authority, $21,111,000,000.
(B) Outlays, $20,985,000,000.
Fiscal year 2012:
(A) New budget authority, $21,819,000,000.
(B) Outlays, $21,827,000,000.
Fiscal year 2013:
(A) New budget authority, $22,507,000,000.
(B) Outlays, $22,283,000,000.
(18) Net Interest (900):
Fiscal year 2009:
(A) New budget authority, $333,566,000,000.
(B) Outlays, $333,566,000,000.
Fiscal year 2010:
(A) New budget authority, $367,308,000,000.
(B) Outlays, $367,308,000,000.
Fiscal year 2011:
(A) New budget authority, $401,371,000,000.
(B) Outlays, $401,371,000,000.
Fiscal year 2012:
(A) New budget authority, $421,521,000,000.
(B) Outlays, $421,521,000,000.
Fiscal year 2013:
(A) New budget authority, $429,535,000,000.
(B) Outlays, $429,535,000,000.
(19) Allowances (920):
Fiscal year 2009:
(A) New budget authority, $2,350,000,000.
(B) Outlays, $1,554,000,000.
Fiscal year 2010:
(A) New budget authority, $2,200,000,000.
(B) Outlays, $1,915,000,000.
Fiscal year 2011:
(A) New budget authority, $2,150,000,000.
(B) Outlays, $2,031,000,000.
Fiscal year 2012:
(A) New budget authority, $2,150,000,000.
(B) Outlays, $2,101,000,000.
Fiscal year 2013:
(A) New budget authority, $2,150,000,000.
(B) Outlays, $2,132,000,000.
(20) Undistributed Offsetting Receipts (950):
Fiscal year 2009:
(A) New budget authority, −$67,060,000,000.
(B) Outlays, −$67,060,000,000.
Fiscal year 2010:
(A) New budget authority, −$70,645,000,000.
(B) Outlays, −$70,645,000,000.
Fiscal year 2011:
(A) New budget authority, −$73,364,000,000.
(B) Outlays, −$73,364,000,000.
Fiscal year 2012:
(A) New budget authority, −$76,104,000,000.
(B) Outlays, −$76,104,000,000.
Fiscal year 2013:
(A) New budget authority, −$79,691,000,000.
(B) Outlays, −$79,691,000,000.
(21) Overseas Deployments and Other Activities (970):
Fiscal year 2009:
(A) New budget authority, $70,000,000,000.
(B) Outlays, $74,809,000,000.
Fiscal year 2010:
(A) New budget authority, $0.
(B) Outlays, $47,407,000,000.
Fiscal year 2011:
(A) New budget authority, $0.
(B) Outlays, $18,251,000,000.
Fiscal year 2012:
(A) New budget authority, $0.
(B) Outlays, $5,176,000,000.
Fiscal year 2013:
(A) New budget authority, $0.
(B) Outlays, $1,775,000,000.

TITLE II—MISCELLANEOUS PROVISIONS

SEC. 201. DEPARTMENT OF DEFENSE REPORT TO CONGRESS.

(a) FINDINGS.—The Congress finds that—
(1) between 2001 and 2007, GAO provided the Department of Defense with 2864 recommendations, many related to improving their business practices and, to date, the Department of Defense has implemented 1389 recommendations and closed 215 recommendations without implementation; and
(2) the GAO estimates that the 1389 implemented recommendations have yielded the Department of Defense a savings of $63.7 billion between fiscal years 2001 and 2007.
(b) ASSUMPTION; REPORT.—
(1) ASSUMPTION.—This resolution assumes $300,000,000 to be used by the Department of Defense to implement the remaining 1260 recommendations of the Government Accountability Office.
(2) REPORT.—The Secretary of Defense should submit a report to Congress within 90 days that demonstrates how each such recommendation will be implemented, and, in the case of any such recommendation that cannot be implemented, a detailed reason for such inability to implement such recommendation.

SEC. 202. REDEPLOYMENT.

It is the sense of the Congress that—
(1) the war in Iraq should end as safely and quickly as practicable and our troops should be brought home;
(2) the performance of United States military personnel in Iraq and Afghanistan should be commended, their courage and sacrifice have been exceptional, and when they come home, their service should be recognized appropriately; and
(3) the purpose of funds made available by this Act should be to transition the mission of United States Armed Forces in Iraq and undertake their redeployment, and not to extend or prolong the war and occupation.

It was decided in the negative ..... { Yeas ..... 126 / Nays 292

¶30.11 [Roll No. 137]

AYES—126

Abercrombie	Becerra	Brady (PA)
Ackerman	Berman	Braley (IA)
Andrews	Bishop (GA)	Brown, Corrine
Baca	Blumenauer	Butterfield
Baldwin	Boswell	Capps
Capuano	Jackson-Lee (TX)	Pallone
Castor	Jefferson	Pascrell
Christensen	Johnson (GA)	Pastor
Clarke	Johnson, E. B.	Payne
Clay	Jones (OH)	Price (NC)
Cleaver	Kaptur	Richardson
Clyburn	Kennedy	Rothman
Cohen	Kildee	Roybal-Allard
Conyers	Kilpatrick	Ruppersberger
Costello	Kucinich	Ryan (OH)
Crowley	Langevin	Sánchez, Linda T.
Cuellar	Larson (CT)	Sarbanes
Cummings	Lee	Schakowsky
Davis (AL)	Levin	Scott (GA)
Davis (CA)	Loebsack	Scott (VA)
Delahunt	Lofgren, Zoe	Serrano
DeLauro	Lowey	Sherman
Doyle	Lynch	Sires
Ellison	Maloney (NY)	Slaughter
Emanuel	Markey	Solis
Engel	Matsui	Stark
Faleomavaega	McCollum (MN)	Sutton
Farr	McDermott	Thompson (MS)
Fattah	McGovern	Tierney
Filner	McNulty	Towns
Frank (MA)	Meek (FL)	Tsongas
Green, Al	Meeks (NY)	Van Hollen
Grijalva	Miller (NC)	Velázquez
Gutierrez	Miller, George	Wasserman Schultz
Hare	Moore (WI)	Waters
Harman	Moran (VA)	Watson
Hastings (FL)	Nadler	Watt
Hinchey	Napolitano	Waxman
Hirono	Neal (MA)	Weiner
Holt	Norton	Wexler
Honda	Obey	Wynn
Hoyer	Olver	
Jackson (IL)		

NOES—292

Aderholt	Crenshaw	Hensarling
Akin	Culberson	Herger
Alexander	Davis (KY)	Herseth Sandlin
Allen	Davis, David	Higgins
Altmire	Davis, Lincoln	Hill
Arcuri	Davis, Tom	Hinojosa
Bachmann	Deal (GA)	Hobson
Bachus	DeFazio	Hodes
Baird	DeGette	Hoekstra
Barrett (SC)	Dent	Holden
Barrow	Diaz-Balart, L.	Hulshof
Bartlett (MD)	Diaz-Balart, M.	Inglis (SC)
Barton (TX)	Dicks	Inslee
Bean	Dingell	Israel
Berkley	Doggett	Issa
Berry	Donnelly	Johnson (IL)
Biggert	Doolittle	Johnson, Sam
Bilbray	Drake	Jones (NC)
Bilirakis	Dreier	Jordan
Bishop (NY)	Duncan	Kagen
Bishop (UT)	Edwards	Kanjorski
Blackburn	Ehlers	Keller
Blunt	Ellsworth	Kind
Boehner	Emerson	King (IA)
Bonner	English (PA)	King (NY)
Bono Mack	Eshoo	Kingston
Boozman	Etheridge	Kirk
Boren	Everett	Klein (FL)
Boucher	Fallin	Kline (MN)
Boyd (FL)	Feeney	Knollenberg
Boyda (KS)	Ferguson	Kuhl (NY)
Brady (TX)	Flake	Lamborn
Broun (GA)	Forbes	Lampson
Brown (SC)	Fortenberry	Larsen (WA)
Brown-Waite, Ginny	Fortuño	Latham
Buchanan	Fossella	LaTourette
Burgess	Foster	Latta
Burton (IN)	Foxx	Lewis (CA)
Buyer	Franks (AZ)	Lewis (KY)
Calvert	Frelinghuysen	Linder
Camp (MI)	Gallegly	Lipinski
Campbell (CA)	Garrett (NJ)	LoBiondo
Cannon	Gerlach	Lucas
Cantor	Giffords	Lungren, Daniel E.
Capito	Gilchrest	Mack
Cardoza	Gillibrand	Mahoney (FL)
Carnahan	Gingrey	Manzullo
Carney	Gohmert	Marchant
Carter	Gonzalez	Marshall
Castle	Goode	Matheson
Chabot	Goodlatte	McCarthy (CA)
Chandler	Gordon	McCarthy (NY)
Coble	Granger	McCaul (TX)
Cole (OK)	Graves	McCotter
Conaway	Green, Gene	McCrery
Cooper	Hall (NY)	McHenry
Costa	Hall (TX)	McHugh
Courtney	Hastings (WA)	McIntyre
Cramer	Hayes	McKeon
	Heller	

McMorris Rodgers
McNerney
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Mitchell
Mollohan
Moore (KS)
Moran (KS)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Neugebauer
Nunes
Ortiz
Paul
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Royce
Ryan (WI)
Salazar
Sali
Sanchez, Loretta
Saxton
Schiff
Schmidt
Schwartz
Sensenbrenner
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Shimkus
Shuler
Shuster
Simpson
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spratt
Stearns
Stupak
Sullivan
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Turner
Udall (CO)
Udall (NM)
Upton
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Wu
Yarmuth
Young (FL)

NOT VOTING—16

Bordallo
Boustany
Cubin
Davis (IL)
Hooley
Hunter
LaHood
Lewis (GA)
Oberstar
Rangel
Renzi
Rush
Space
Tancredo
Woolsey
Young (AK)

So the amendment in the nature of a substitute was not agreed to.

After some further time,

¶30.12 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment in the nature of a substitute numbered 2, printed in House Report 110-48, submitted by Ms. LEE:

Strike all after the resolving clause and insert the following:

SECTION 1. CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2009.

The Congress determines and declares that the concurrent resolution on the budget for fiscal year 2008 is revised and replaced and that this is the concurrent resolution on the budget for fiscal year 2009, including appropriate budgetary levels for fiscal years 2010 through 2018.

SEC. 2. RECOMMENDED LEVELS AND AMOUNTS.

The following budgetary levels are appropriate for each of fiscal years 2008 through 2018:

(1) FEDERAL REVENUES.—For purposes of the enforcement of this resolution:

(A) The recommended levels of Federal revenues are as follows:

Fiscal year 2008: $1,895,099,000,000.
Fiscal year 2009: $2,133,180,000,000.
Fiscal year 2010: $2,325,649,000,000.
Fiscal year 2011: $2,531,506,000,000.
Fiscal year 2012: $2,671,192,000,000.
Fiscal year 2013: $2,772,290,000,000.
Fiscal year 2014: $2,958,205,000,000.
Fiscal year 2015: $3,077,843,000,000.
Fiscal year 2016: $3,229,982,000,000.
Fiscal year 2017: $3.392,139,000,000.
Fiscal year 2018: $3,565,088,000,000.

(B) The amounts by which the aggregate levels of Federal revenues should be adjusted are as follows:

Fiscal year 2008: $4,441,000,000.
Fiscal year 2009: $36,056,000,000.
Fiscal year 2010: $142,785,000,000.
Fiscal year 2011: $103,481,000,000.
Fiscal year 2012: $17,877,000,000.
Fiscal year 2013: $17,550,000,000.
Fiscal year 2014: $49,669,000,000.
Fiscal year 2015: $49,578,000,000.
Fiscal year 2016: $49,647,000,000.
Fiscal year 2017: $49,781,000,000.
Fiscal year 2018: $49,781,000,000.

(2) NEW BUDGET AUTHORITY.—For purposes of the enforcement of this resolution, the appropriate levels of total new budget authority are as follows:

Fiscal year 2008: $2,673,946,000,000.
Fiscal year 2009: $2,616,978,000,000.
Fiscal year 2010: $2,715,278,000,000.
Fiscal year 2011: $2,867,630,000,000.
Fiscal year 2012: $2,931,558,000,000.
Fiscal year 2013: $3,115,760,000,000.
Fiscal year 2014: $3,254,760,000,000.
Fiscal year 2015: $3,391,086,000,000.
Fiscal year 2016: $3,574,696,000,000.
Fiscal year 2017: $3,696,318,000,000.
Fiscal year 2018: $3,804,202,000,000.

(3) BUDGET OUTLAYS.—For purposes of the enforcement of this resolution, the appropriate levels of total budget outlays are as follows:

Fiscal year 2008: $2,555,301,000,000.
Fiscal year 2009: $2,633,489,000,000.
Fiscal year 2010: $2,742,901,000,000.
Fiscal year 2011: $2,868,360,000,000.
Fiscal year 2012: $2,906,718,000,000.
Fiscal year 2013: $3,098,022,000,000.
Fiscal year 2014: $3,237,564,000,000.
Fiscal year 2015: $3,369,163,000,000.
Fiscal year 2016: $3,556,338,000,000.
Fiscal year 2017: $3,672,919,000,000.
Fiscal year 2018: $3,784,879,000,000.

(4) DEFICITS (ON-BUDGET).—For purposes of the enforcement of this resolution, the amounts of the deficits (on-budget) are as follows:

Fiscal year 2008: $680,203,000,000.
Fiscal year 2009: $500,309,000,000.
Fiscal year 2010: $417,252,000,000.
Fiscal year 2011: $336,854,000,000.
Fiscal year 2012: $235,527,000,000.
Fiscal year 2013: $325,732,000,000.
Fiscal year 2014: $299,359,000,000.
Fiscal year 2015: $291,320,000,000.
Fiscal year 2016: $326,356,000,000.
Fiscal year 2017: $280,780,000,000.
Fiscal year 2018: $219,791,000,000.

(5) DEBT SUBJECT TO LIMIT.—Pursuant to section 301(a)(5) of the Congressional Budget Act of 1974, the appropriate levels of the debt subject to limit are as follows:

Fiscal year 2008: $9,665,000,000,000.
Fiscal year 2009: $10,261,000,000,000.
Fiscal year 2010: $10,786,000,000,000.
Fiscal year 2011: $11,228,000,000,000.
Fiscal year 2012: $11,595,000,000,000.
Fiscal year 2013: $12,035,000,000,000.
Fiscal year 2014: $12,446,000,000,000.
Fiscal year 2015: $12,846,000,000,000.
Fiscal year 2016: $13,259,000,000,000.
Fiscal year 2017: $13,637,000,000,000.
Fiscal year 2018: $13,963,000,000,000.

(6) DEBT HELD BY THE PUBLIC.—The appropriate levels of debt held by the public are as follows:

Fiscal year 2008: $5,494,000,000,000.
Fiscal year 2009: $5,815,000,000,000.
Fiscal year 2010: $6,043,000,000,000.
Fiscal year 2011: $6,172,000,000,000.
Fiscal year 2012: $6,185,000,000,000.
Fiscal year 2013: $6,284,000,000,000.
Fiscal year 2014: $6,351,000,000,000.
Fiscal year 2015: $6,405,000,000,000.
Fiscal year 2016: $6,495,000,000,000.
Fiscal year 2017: $6,541,000,000,000.
Fiscal year 2018: $6,528,000,000,000.

SEC. 3. MAJOR FUNCTIONAL CATEGORIES.

The Congress determines and declares that the appropriate levels of new budget authority and outlays for fiscal years 2009 through 2013 for each major functional category are:

(1) National Defense (050):
Fiscal year 2008:
(A) New budget authority, $590,686,000,000.
(B) Outlays, $576,173,000,000.
Fiscal year 2009:
(A) New budget authority, $447,581,000,000.
(B) Outlays, $511,354,000,000.
Fiscal year 2010:
(A) New budget authority, $459,368,000,000.
(B) Outlays, $480,072,000,000.
Fiscal year 2011:
(A) New budget authority, $472,272,000,000.
(B) Outlays, $476,871,000,000.
Fiscal year 2012:
(A) New budget authority, $485,586,000,000.
(B) Outlays, $475,791,000,000.
Fiscal year 2013:
(A) New budget authority, $499,094,000,000.
(B) Outlays, $490,585,000,000.
Fiscal year 2014:
(A) New budget authority, $513,212,000,000.
(B) Outlays, $503,768,000,000.
Fiscal year 2015:
(A) New budget authority, $527,678,000,000.
(B) Outlays, $518,179,000,000.
Fiscal year 2016:
(A) New budget authority, $542,899,000,000.
(B) Outlays, $537,546,000,000.
Fiscal year 2017:
(A) New budget authority, $558,342,000,000.
(B) Outlays, $548,691,000,000.
Fiscal year 2018:
(A) New budget authority, $574,487,000,000.
(B) Outlays, $559,777,000,000.
(2) International Affairs (150):
Fiscal year 2008:
(A) New budget authority, $32,648,000,000.
(B) Outlays, $32,843,000,000.
Fiscal year 2009:
(A) New budget authority, $78,708,000,000.
(B) Outlays, $58,091,000,000.
Fiscal year 2010:
(A) New budget authority, $80,799,000,000.
(B) Outlays, $69,354,000,000.
Fiscal year 2011:
(A) New budget authority, $82,696,000,000.
(B) Outlays, $75,316,000,000.
Fiscal year 2012:
(A) New budget authority, $84,581,000,000.
(B) Outlays, $78,716,000,000.
Fiscal year 2013:
(A) New budget authority, $86,082,000,000.
(B) Outlays, $82,004,000,000.
Fiscal year 2014:
(A) New budget authority, $88,183,000,000.
(B) Outlays, $83,742,000,000.
Fiscal year 2015:
(A) New budget authority, $90,302,000,000.
(B) Outlays, $85,752,000,000.
Fiscal year 2016:
(A) New budget authority, $92,503,000,000.
(B) Outlays, $87,813,000,000.
Fiscal year 2017:
(A) New budget authority, $94,708,000,000.
(B) Outlays, $89,907,000,000.
Fiscal year 2018:
(A) New budget authority, $96,989,000,000.
(B) Outlays, $91,849,000,000.
(3) General Science, Space, and Technology (250):
Fiscal year 2008:
(A) New budget authority, $27,407,000,000.
(B) Outlays, $26,456,000,000.
Fiscal year 2009:
(A) New budget authority, $27,934,000,000.
(B) Outlays, $27,645,000,000.
Fiscal year 2010:
(A) New budget authority, $28,472,000,000.
(B) Outlays, $28,507,000,000.
Fiscal year 2011:
(A) New budget authority, $29,071,000,000.
(B) Outlays, $29,297,000,000.
Fiscal year 2012:
(A) New budget authority, $29,679,000,000.
(B) Outlays, $29,917,000,000.
Fiscal year 2013:
(A) New budget authority, $30,290,000,000.
(B) Outlays, $30,026,000,000.
Fiscal year 2014:

(A) New budget authority, $30,930,000,000.
(B) Outlays, $30,417,000,000.
Fiscal year 2015:
(A) New budget authority, $31,576,000,000.
(B) Outlays, $30,991,000,000.
Fiscal year 2016:
(A) New budget authority, $32,255,000,000.
(B) Outlays, $31,754,000,000.
Fiscal year 2017:
(A) New budget authority, $32,933,000,000.
(B) Outlays, $32,288,000,000.
Fiscal year 2018:
(A) New budget authority, $33,645,000,000.
(B) Outlays, $32,956,000,000.
(4) Energy (270):
Fiscal year 2008:
(A) New budget authority, $3,548,000,000.
(B) Outlays, $1,681,000,000.
Fiscal year 2009:
(A) New budget authority, $33,874,000,000.
(B) Outlays, $11,831,000,000.
Fiscal year 2010:
(A) New budget authority, $33,832,000,000.
(B) Outlays, $22,716,000,000.
Fiscal year 2011:
(A) New budget authority, $33,880,000,000.
(B) Outlays, $28,901,000,000.
Fiscal year 2012:
(A) New budget authority, $33,950,000,000.
(B) Outlays, $30,073,000,000.
Fiscal year 2013:
(A) New budget authority, $34,022,000,000.
(B) Outlays, $31,681,000,000.
Fiscal year 2014:
(A) New budget authority, $33,989,000,000.
(B) Outlays, $31,695,000,000.
Fiscal year 2015:
(A) New budget authority, $345,096,000,000.
(B) Outlays, $31,850,000,000.
Fiscal year 2016:
(A) New budget authority, $34,203,000,000.
(B) Outlays, $31,917,000,000.
Fiscal year 2017:
(A) New budget authority, $34,318,000,000.
(B) Outlays, $32,019,000,000.
Fiscal year 2018:
(A) New budget authority, $34,443,000,000.
(B) Outlays, $32,167,000,000.
(5) Natural Resources and Environment (300):
Fiscal year 2008:
(A) New budget authority, $45,960,000,000.
(B) Outlays, $42,952,000,000.
Fiscal year 2009:
(A) New budget authority, $46,290,000,000.
(B) Outlays, $45,834,000,000.
Fiscal year 2010:
(A) New budget authority, $47,182,000,000.
(B) Outlays, $47,922,000,000.
Fiscal year 2011:
(A) New budget authority, $48,070,000,000.
(B) Outlays, $48,656,000,000.
Fiscal year 2012:
(A) New budget authority, $48,968,000,000.
(B) Outlays, $49,384,000,000.
Fiscal year 2013:
(A) New budget authority, $49,890,000,000.
(B) Outlays, $50,111,000,000.
Fiscal year 2014:
(A) New budget authority, $44,106,000,000.
(B) Outlays, $46,623,000,000.
Fiscal year 2015:
(A) New budget authority, $45,045,000,000.
(B) Outlays, $45,838,000,000.
Fiscal year 2016:
(A) New budget authority, $47,484,000,000.
(B) Outlays, $47,643,000,000.
Fiscal year 2017:
(A) New budget authority, $49,976,000,000.
(B) Outlays, $49,972,000,000.
Fiscal year 2018:
(A) New budget authority, $52,998,000,000.
(B) Outlays, $51,603,000,000.
(6) Agriculture (350):
Fiscal year 2008:
(A) New budget authority, $22,456,000,000.
(B) Outlays, $21,528,000,000.
Fiscal year 2009:
(A) New budget authority, $21,529,000,000.
(B) Outlays, $21,279,000,000.
Fiscal year 2010:
(A) New budget authority, $21,719,000,000.
(B) Outlays, $20,680,000,000.
Fiscal year 2011:
(A) New budget authority, $21,891,000,000.
(B) Outlays, $20,876,000,000.
Fiscal year 2012:
(A) New budget authority, $22,263,000,000.
(B) Outlays, $21,435,000,000.
Fiscal year 2013:
(A) New budget authority, $22,621,000,000.
(B) Outlays, $21,816,000,000.
Fiscal year 2014:
(A) New budget authority, $23,003,000,000.
(B) Outlays, $22,180,000,000.
Fiscal year 2015:
(A) New budget authority, $22,278,000,000.
(B) Outlays, $21,483,000,000.
Fiscal year 2016:
(A) New budget authority, $22,605,000,000.
(B) Outlays, $21,754,000,000.
Fiscal year 2017:
(A) New budget authority, $23,102,000,000.
(B) Outlays, $22,136,000,000.
Fiscal year 2018:
(A) New budget authority, $23,445,000,000.
(B) Outlays, $22,443,000,000.
(7) Commerce and Housing Credit (370):
Fiscal year 2008:
(A) New budget authority, $11,216,000,000.
(B) Outlays, $5,381,000,000.
Fiscal year 2009:
(A) New budget authority, $9,899,000,000.
(B) Outlays, $3,998,000,000.
Fiscal year 2010:
(A) New budget authority, $13,887,000,000.
(B) Outlays, $5,886,000,000.
Fiscal year 2011:
(A) New budget authority, $8,998,000,000.
(B) Outlays, $2,197,000,000.
Fiscal year 2012:
(A) New budget authority, $9,246,000,000.
(B) Outlays, $1,742,000,000.
Fiscal year 2013:
(A) New budget authority, $9,642,000,000.
(B) Outlays, $1,651,000,000.
Fiscal year 2014:
(A) New budget authority, $9,742,000,000.
(B) Outlays, $1,366,000,000.
Fiscal year 2015:
(A) New budget authority, $9,677,000,000.
(B) Outlays, $985,000,000.
Fiscal year 2016:
(A) New budget authority, $9,360,000,000.
(B) Outlays, $442,000,000.
Fiscal year 2017:
(A) New budget authority, $19,282,000,000.
(B) Outlays, $5,249,000,000.
Fiscal year 2018:
(A) New budget authority, $14,300,000,000.
(B) Outlays, $5,138,000,000.
(8) Transportation (400):
Fiscal year 2008:
(A) New budget authority, $98,594,000,000.
(B) Outlays, $87,772,000,000.
Fiscal year 2009:
(A) New budget authority, $97,798,000,000.
(B) Outlays, $98,321,000,000.
Fiscal year 2010:
(A) New budget authority, $86,607,000,000.
(B) Outlays, $97,871,000,000.
Fiscal year 2011:
(A) New budget authority, $90,527,000,000.
(B) Outlays, $98,670,000,000.
Fiscal year 2012:
(A) New budget authority, $95,470,000,000.
(B) Outlays, $103,030,000,000.
Fiscal year 2013:
(A) New budget authority, $99,456,000,000.
(B) Outlays, $108,070,000,000.
Fiscal year 2014:
(A) New budget authority, $94,588,000,000.
(B) Outlays, $107,880,000,000.
Fiscal year 2015:
(A) New budget authority, $97,628,000,000.
(B) Outlays, $109,579,000,000.
Fiscal year 2016:
(A) New budget authority, $100,659,000,000.
(B) Outlays, $112,823,000,000.
Fiscal year 2017:
(A) New budget authority, $103,685,000,000.
(B) Outlays, $116,645,000,000.
Fiscal year 2018:
(A) New budget authority, $95,302,000,000.
(B) Outlays, $119,603,000,000.
(9) Community and Regional Development (450):
Fiscal year 2008:
(A) New budget authority, $20,029,000,000.
(B) Outlays, $27,819,000,000.
Fiscal year 2009:
(A) New budget authority, $20,178,000,000.
(B) Outlays, $25,473,000,000.
Fiscal year 2010:
(A) New budget authority, $20,470,000,000.
(B) Outlays, $24,372,000,000.
Fiscal year 2011:
(A) New budget authority, $20,804,000,000.
(B) Outlays, $22,173,000,000.
Fiscal year 2012:
(A) New budget authority, $21,149,000,000.
(B) Outlays, $21,076,000,000.
Fiscal year 2013:
(A) New budget authority, $21,483,000,000.
(B) Outlays, $21,109,000,000.
Fiscal year 2014:
(A) New budget authority, $21,843,000,000.
(B) Outlays, $21,045,000,000.
Fiscal year 2015:
(A) New budget authority, $22,202,000,000.
(B) Outlays, $21,368,000,000.
Fiscal year 2016:
(A) New budget authority, $22,577,000,000.
(B) Outlays, $21,726,000,000.
Fiscal year 2017:
(A) New budget authority, $22,960,000,000.
(B) Outlays, $22,100,000,000.
Fiscal year 2018:
(A) New budget authority, $23,352,000,000.
(B) Outlays, $22,512,000,000.
(10) Education, Training, Employment, and Social Services (500):
Fiscal year 2008:
(A) New budget authority, $100,077,000,000.
(B) Outlays, $93,665,000,000.
Fiscal year 2009:
(A) New budget authority, $152,938,000,000.
(B) Outlays, $114,540,000,000.
Fiscal year 2010:
(A) New budget authority, $159,402,000,000.
(B) Outlays, $154,790,000,000.
Fiscal year 2011:
(A) New budget authority, $163,118,000,000.
(B) Outlays, $160,122,000,000.
Fiscal year 2012:
(A) New budget authority, $166,089,000,000.
(B) Outlays, $162,091,000,000.
Fiscal year 2013:
(A) New budget authority, $160,703,000,000.
(B) Outlays, $161,936,000,000.
Fiscal year 2014:
(A) New budget authority, $163,075,000,000.
(B) Outlays, $160,666,000,000.
Fiscal year 2015:
(A) New budget authority, $165,862,000,000.
(B) Outlays, $162,859,000,000.
Fiscal year 2016:
(A) New budget authority, $168,896,000,000.
(B) Outlays, $165,817,000,000.
Fiscal year 2017:
(A) New budget authority, $172,108,000,000.
(B) Outlays, $168,982,000,000.
Fiscal year 2018:
(A) New budget authority, $175,190,000,000.
(B) Outlays, $172,248,000,000.
(11) Health (550):
Fiscal year 2008:
(A) New budget authority, $315,101,000,000.
(B) Outlays, $316,688,000,000.
Fiscal year 2009:
(A) New budget authority, $325,947,000,000.
(B) Outlays, $322,038,000,000.
Fiscal year 2010:
(A) New budget authority, $342,990,000,000.
(B) Outlays, $342,678,000,000.
Fiscal year 2011:
(A) New budget authority, $364,074,000,000.

(B) Outlays, $362,827,000,000.
Fiscal year 2012:
(A) New budget authority, $387,180,000,000.
(B) Outlays, $385,634,000,000.
Fiscal year 2013:
(A) New budget authority, $412,555,000,000.
(B) Outlays, $410,734,000,000.
Fiscal year 2014:
(A) New budget authority, $461,751,000,000.
(B) Outlays, $459,405,000,000.
Fiscal year 2015:
(A) New budget authority, $490,571,000,000.
(B) Outlays, $488,275,000,000.
Fiscal year 2016:
(A) New budget authority, $522,027,000,000.
(B) Outlays, $519,484,000,000.
Fiscal year 2017:
(A) New budget authority, $560,796,000,000.
(B) Outlays, $558,123,000,000.
Fiscal year 2018:
(A) New budget authority, $598,392,000,000.
(B) Outlays, $595,600,000,000.
(12) Medicare (570):
Fiscal year 2008:
(A) New budget authority, $390,458,000,000.
(B) Outlays, $390,454,000,000.
Fiscal year 2009:
(A) New budget authority, $420,086,000,000.
(B) Outlays, $419,880,000,000.
Fiscal year 2010:
(A) New budget authority, $445,118,000,000.
(B) Outlays, $445,247,000,000.
Fiscal year 2011:
(A) New budget authority, $494,261,000,000.
(B) Outlays, $494,084,000,000.
Fiscal year 2012:
(A) New budget authority, $491,241,000,000.
(B) Outlays, $490,999,000,000.
Fiscal year 2013:
(A) New budget authority, $552,274,000,000.
(B) Outlays, $552,389,000,000.
Fiscal year 2014:
(A) New budget authority, $592,257,000,000.
(B) Outlays, $592,056,000,000.
Fiscal year 2015:
(A) New budget authority, $634,929,000,000.
(B) Outlays, $634,673,000,000.
Fiscal year 2016:
(A) New budget authority, $712,077,000,000.
(B) Outlays, $712,180,000,000.
Fiscal year 2017:
(A) New budget authority, $740,467,000,000.
(B) Outlays, $740,257,000,000.
Fiscal year 2018:
(A) New budget authority, $767,646,000,000.
(B) Outlays, $767,378,000,000.
(13) Income Security (600):
Fiscal year 2008:
(A) New budget authority, $435,615,000,000.
(B) Outlays, $435,150,000,000.
Fiscal year 2009:
(A) New budget authority, $474,208,000,000.
(B) Outlays, $472,869,000,000.
Fiscal year 2010:
(A) New budget authority, $488,352,000,000.
(B) Outlays, $486,209,000,000.
Fiscal year 2011:
(A) New budget authority, $505,021,000,000.
(B) Outlays, $502,945,000,000.
Fiscal year 2012:
(A) New budget authority, $498,262,000,000.
(B) Outlays, $495,754,000,000.
Fiscal year 2013:
(A) New budget authority, $519,205,000,000.
(B) Outlays, $517,057,000,000.
Fiscal year 2014:
(A) New budget authority, $532,617,000,000.
(B) Outlays, $531,454,000,000.
Fiscal year 2015:
(A) New budget authority, $547,151,000,000.
(B) Outlays, $545,700,000,000.
Fiscal year 2016:
(A) New budget authority, $567,206,000,000.
(B) Outlays, $565,806,000,000.
Fiscal year 2017:
(A) New budget authority, $576,948,000,000.
(B) Outlays, $575,380,000,000.
Fiscal year 2018:
(A) New budget authority, $587,245,000,000.
(B) Outlays, $585,652,000,000.
(14) Social Security (650):
Fiscal year 2008:
(A) New budget authority, $19,378,000,000.
(B) Outlays, $19,378,000,000.
Fiscal year 2009:
(A) New budget authority, $21,208,000,000.
(B) Outlays, $21,220,000,000.
Fiscal year 2010:
(A) New budget authority, $23,692,000,000.
(B) Outlays, $23,696,000,000.
Fiscal year 2011:
(A) New budget authority, $27,226,000,000.
(B) Outlays, $27,226,000,000.
Fiscal year 2012:
(A) New budget authority, $30,235,000,000.
(B) Outlays, $30,236,000,000.
Fiscal year 2013:
(A) New budget authority, $33,053,000,000.
(B) Outlays, $33,053,000,000.
Fiscal year 2014:
(A) New budget authority, $36,065,000,000.
(B) Outlays, $36,066,000,000.
Fiscal year 2015:
(A) New budget authority, $39,363,000,000.
(B) Outlays, $39,364,000,000.
Fiscal year 2016:
(A) New budget authority, $43,054,000,000.
(B) Outlays, $43,054,000,000.
Fiscal year 2017:
(A) New budget authority, $47,046,000,000.
(B) Outlays, $47,046,000,000.
Fiscal year 2018:
(A) New budget authority, $51,400,000,000.
(B) Outlays, $51,400,000,000.
(15) Veterans Benefits and Services (700):
Fiscal year 2008:
(A) New budget authority, $86,365,000,000.
(B) Outlays, $83,551,000,000.
Fiscal year 2009:
(A) New budget authority, $94,258,000,000.
(B) Outlays, $100,762,000,000.
Fiscal year 2010:
(A) New budget authority, $96,246,000,000.
(B) Outlays, $97,493,000,000.
Fiscal year 2011:
(A) New budget authority, $100,984,000,000.
(B) Outlays, $101,609,000,000.
Fiscal year 2012:
(A) New budget authority, $97,137,000,000.
(B) Outlays, $97,053,000,000.
Fiscal year 2013:
(A) New budget authority, $138,057,000,000.
(B) Outlays, $137,573,000,000.
Fiscal year 2014:
(A) New budget authority, $139,850,000,000.
(B) Outlays, $139,467,000,000.
Fiscal year 2015:
(A) New budget authority, $141,742,000,000.
(B) Outlays, $141,300,000,000.
Fiscal year 2016:
(A) New budget authority, $147,423,000,000.
(B) Outlays, $147,195,000,000.
Fiscal year 2017:
(A) New budget authority, $145,847,000,000.
(B) Outlays, $145,682,000,000.
Fiscal year 2018:
(A) New budget authority, $144,051,000,000.
(B) Outlays, $143,814,000,000.
(16) Administration of Justice (750):
Fiscal year 2008:
(A) New budget authority, $46,237,000,000.
(B) Outlays, $44,282,000,000.
Fiscal year 2009:
(A) New budget authority, $45,858,000,000.
(B) Outlays, $45,610,000,000.
Fiscal year 2010:
(A) New budget authority, $44,784,000,000.
(B) Outlays, $46,744,000,000.
Fiscal year 2011:
(A) New budget authority, $45,924,000,000.
(B) Outlays, $46,897,000,000.
Fiscal year 2012:
(A) New budget authority, $47,107,000,000.
(B) Outlays, $47,069,000,000.
Fiscal year 2013:
(A) New budget authority, $48,349,000,000.
(B) Outlays, $47,990,000,000.
Fiscal year 2014:
(A) New budget authority, $49,617,000,000.
(B) Outlays, $49,236,000,000.
Fiscal year 2015:
(A) New budget authority, $53,261,000,000.
(B) Outlays, $52,875,000,000.
Fiscal year 2016:
(A) New budget authority, $55,606,000,000.
(B) Outlays, $55,180,000,000.
Fiscal year 2017:
(A) New budget authority, $57,212,000,000.
(B) Outlays, $56,799,000,000.
Fiscal year 2018:
(A) New budget authority, $58,887,000,000.
(B) Outlays, $58,413,000,000.
(17) General Government (800):
Fiscal year 2008:
(A) New budget authority, $56,407,000,000.
(B) Outlays, $56,920,000,000.
Fiscal year 2009:
(A) New budget authority, $23,841,000,000.
(B) Outlays, $24,171,000,000.
Fiscal year 2010:
(A) New budget authority, $20,273,000,000.
(B) Outlays, $20,289,000,000.
Fiscal year 2011:
(A) New budget authority, $21,159,000,000.
(B) Outlays, $21,008,000,000.
Fiscal year 2012:
(A) New budget authority, $21,853,000,000.
(B) Outlays, $21,856,000,000.
Fiscal year 2013:
(A) New budget authority, $22,527,000,000.
(B) Outlays, $22,301,000,000.
Fiscal year 2014:
(A) New budget authority, $23,285,000,000.
(B) Outlays, $23,044,000,000.
Fiscal year 2015:
(A) New budget authority, $23,728,000,000.
(B) Outlays, $23,650,000,000.
Fiscal year 2016:
(A) New budget authority, $24,430,000,000.
(B) Outlays, $24,444,000,000.
Fiscal year 2017:
(A) New budget authority, $25,115,000,000.
(B) Outlays, $24,867,000,000.
Fiscal year 2018:
(A) New budget authority, $25,848,000,000.
(B) Outlays, $25,566,000,000.
(18) Net Interest (900):
Fiscal year 2008:
(A) New budget authority, $350,038,000,000.
(B) Outlays, $350,038,000,000.
Fiscal year 2009:
(A) New budget authority, $336,143,000,000.
(B) Outlays, $336,143,000,000.
Fiscal year 2010:
(A) New budget authority, $372,731,000,000.
(B) Outlays, $372,731,000,000.
Fiscal year 2011:
(A) New budget authority, $411,018,000,000.
(B) Outlays, $411,018,000,000.
Fiscal year 2012:
(A) New budget authority, $437,665,000,000.
(B) Outlays, $437,665,000,000.
Fiscal year 2013:
(A) New budget authority, $456,148,000,000.
(B) Outlays, $456,148,000,000.
Fiscal year 2014:
(A) New budget authority, $478,881,000,000.
(B) Outlays, $478,881,000,000.
Fiscal year 2015:
(A) New budget authority, $499,189,000,000.
(B) Outlays, $499,189,000,000.
Fiscal year 2016:
(A) New budget authority, $517,770,000,000.
(B) Outlays, $517,770,000,000.
Fiscal year 2017:
(A) New budget authority, $533,414,000,000.
(B) Outlays, $533,414,000,000.
Fiscal year 2018:
(A) New budget authority, $548,262,000,000.
(B) Outlays, $548,262,000,000.
(19) Allowances (920):
Fiscal year 2008:
(A) New budget authority, $108,056,000,000.
(B) Outlays, $28,901,000,000.
Fiscal year 2009:
(A) New budget authority, $5,760,000,000.
(B) Outlays, $39,491,000,000.

Fiscal year 2010:
(A) New budget authority, $0,000,000.
(B) Outlays, $26,291,000,000.
Fiscal year 2011:
(A) New budget authority, $0,000,000.
(B) Outlays, $11,032,000,000.
Fiscal year 2012:
(A) New budget authority, $0,000,000.
(B) Outlays, $3,302,000,000.
Fiscal year 2013:
(A) New budget authority, $0,000,000.
(B) Outlays, $1,478,000,000.
Fiscal year 2014:
(A) New budget authority, $0,000,000.
(B) Outlays, $805,000,000.
Fiscal year 2015:
(A) New budget authority, $0,000,000.
(B) Outlays, $445,000,000.
Fiscal year 2016:
(A) New budget authority, $0,000,000.
(B) Outlays, $327,000,000.
Fiscal year 2017:
(A) New budget authority, $0,000,000.
(B) Outlays, $302,000,000.
Fiscal year 2018:
(A) New budget authority, $0,000,000.
(B) Outlays, $177,000,000.
(20) Undistributed Offsetting Receipts (950):
Fiscal year 2008:
(A) New budget authority, $−86,330,000,000.
(B) Outlays, $−86,330,000,000.
Fiscal year 2009:
(A) New budget authority, $−67,060,000,000.
(B) Outlays, $−67,060,000,000.
Fiscal year 2010:
(A) New budget authority, $−70,645,000,000.
(B) Outlays, $−70,645,000,000.
Fiscal year 2011:
(A) New budget authority, $−73,364,000,000.
(B) Outlays, $−73,364,000,000.
Fiscal year 2012:
(A) New budget authority, $−76,104,000,000.
(B) Outlays, $−76,104,000,000.
Fiscal year 2013:
(A) New budget authority, $−79,691,000,000.
(B) Outlays, $−76,691,000,000.
Fiscal year 2014:
(A) New budget authority, $−82,234,000,000.
(B) Outlays, $−82,234,000,000.
Fiscal year 2015:
(A) New budget authority, $−85,193,000,000.
(B) Outlays, $−85,193,000,000.
Fiscal year 2016:
(A) New budget authority, $−88,338,000,000.
(B) Outlays, $−88,338,000,000.
Fiscal year 2017:
(A) New budget authority, $−96,941,000,000.
(B) Outlays, $−96,941,000,000.
Fiscal year 2018:
(A) New budget authority, $−101,681,000,000.
(B) Outlays, $−101,681,000,000.
(21) Overseas Deployments and Other Activities (970):
Fiscal year 2008:
(A) New budget authority, $_____,000,000.
(B) Outlays, $_____,000,000.
Fiscal year 2009:
(A) New budget authority, $_____,000,000.
(B) Outlays, $_____,000,000.
Fiscal year 2010:
(A) New budget authority, $_____,000,000.
(B) Outlays, $_____,000,000.
Fiscal year 2011:
(A) New budget authority, $_____,000,000.
(B) Outlays, $_____,000,000.
Fiscal year 2012:
(A) New budget authority, $_____,000,000.
(B) Outlays, $_____,000,000.
Fiscal year 2013:
(A) New budget authority, $_____,000,000.
(B) Outlays, $_____,000,000.
Fiscal year 2014:
(A) New budget authority, $_____,000,000.
(B) Outlays, $_____,000,000.
Fiscal year 2015:
(A) New budget authority, $_____,000,000.
(B) Outlays, $_____,000,000.
Fiscal year 2016:
(A) New budget authority, $_____,000,000.
(B) Outlays, $_____,000,000.
Fiscal year 2017:
(A) New budget authority, $_____,000,000.
(B) Outlays, $_____,000,000.
Fiscal year 2018:
(A) New budget authority, $_____,000,000.
(B) Outlays, $_____,000,000.

SEC. 4.

It was decided in the negative ..... { Yeas ..... 98 / Nays 322

¶30.13 [Roll No. 138]

AYES—98

Abercrombie	Gutierrez	Moore (WI)
Ackerman	Hare	Nadler
Baca	Hastings (FL)	Napolitano
Baldwin	Hinchey	Neal (MA)
Becerra	Hirono	Norton
Blumenauer	Holt	Olver
Brady (PA)	Honda	Pallone
Butterfield	Inslee	Pastor
Capps	Jackson (IL)	Payne
Capuano	Jackson-Lee (TX)	Ryan (OH)
Castor	Jefferson	Sánchez, Linda T.
Christensen	Johnson (GA)	Schakowsky
Clarke	Johnson, E. B.	Scott (GA)
Clay	Jones (OH)	Serrano
Cleaver	Kagen	Slaughter
Clyburn	Kaptur	Solis
Cohen	Kilpatrick	Stark
Conyers	Kucinich	Thompson (MS)
Crowley	Larson (CT)	Tierney
Cummings	Lee	Towns
Davis (IL)	Levin	Tsongas
Delahunt	Lewis (GA)	Velázquez
Doyle	Lofgren, Zoe	Wasserman Schultz
Ellison	Lynch	Waters
Engel	Maloney (NY)	Watson
Faleomavaega	Markey	Watt
Farr	McCollum (MN)	Waxman
Fattah	McDermott	Weiner
Filner	McGovern	Welch (VT)
Frank (MA)	McNulty	Wexler
Gordon	Meek (FL)	Wynn
Green, Al	Meeks (NY)	
Green, Gene	Miller, George	
Grijalva		

NOES—322

Aderholt	Calvert	Edwards
Akin	Camp (MI)	Ehlers
Alexander	Campbell (CA)	Ellsworth
Allen	Cannon	Emanuel
Altmire	Cantor	Emerson
Andrews	Capito	English (PA)
Arcuri	Cardoza	Eshoo
Bachmann	Carnahan	Etheridge
Bachus	Carney	Everett
Baird	Carter	Fallin
Barrett (SC)	Castle	Feeney
Barrow	Chabot	Ferguson
Bartlett (MD)	Chandler	Flake
Barton (TX)	Coble	Forbes
Bean	Cole (OK)	Fortenberry
Berkley	Conaway	Fortuño
Berman	Cooper	Fossella
Berry	Costa	Foster
Biggert	Costello	Foxx
Bilbray	Courtney	Franks (AZ)
Bilirakis	Cramer	Frelinghuysen
Bishop (GA)	Crenshaw	Gallegly
Bishop (NY)	Cubin	Gerlach
Bishop (UT)	Cuellar	Giffords
Blackburn	Culberson	Gilchrest
Blunt	Davis (AL)	Gillibrand
Boehner	Davis (CA)	Gingrey
Bonner	Davis (KY)	Gohmert
Bono Mack	Davis, David	Gonzalez
Boozman	Davis, Lincoln	Goode
Boren	Davis, Tom	Goodlatte
Boswell	Deal (GA)	Granger
Boucher	DeFazio	Graves
Boyd (FL)	DeGette	Hall (NY)
Boyda (KS)	DeLauro	Hall (TX)
Brady (TX)	Dent	Harman
Braley (IA)	Diaz-Balart, L.	Hastings (WA)
Broun (GA)	Diaz-Balart, M.	Hayes
Brown (SC)	Dicks	Heller
Brown, Corrine	Dingell	Hensarling
Brown-Waite, Ginny	Doggett	Herger
Buchanan	Donnelly	Herseth Sandlin
Burgess	Doolittle	Higgins
Burton (IN)	Drake	Hill
Buyer	Dreier	Hinojosa
	Duncan	Hobson
Hodes	Michaud	Sarbanes
Hoekstra	Miller (FL)	Saxton
Holden	Miller (MI)	Schiff
Hoyer	Miller (NC)	Schmidt
Hulshof	Miller, Gary	Schwartz
Inglis (SC)	Mitchell	Scott (VA)
Israel	Mollohan	Sensenbrenner
Issa	Moore (KS)	Sessions
Johnson (IL)	Moran (KS)	Sestak
Johnson, Sam	Moran (VA)	Shadegg
Jones (NC)	Murphy (CT)	Shays
Jordan	Murphy, Patrick	Shea-Porter
Kanjorski	Murphy, Tim	Sherman
Keller	Murtha	Shimkus
Kennedy	Musgrave	Shuler
Kildee	Myrick	Shuster
Kind	Neugebauer	Simpson
King (IA)	Nunes	Sires
King (NY)	Obey	Skelton
Kingston	Ortiz	Smith (NE)
Kirk	Pascrell	Smith (NJ)
Klein (FL)	Paul	Smith (TX)
Kline (MN)	Pearce	Smith (WA)
Knollenberg	Pence	Snyder
Kuhl (NY)	Perlmutter	Souder
Lamborn	Peterson (MN)	Space
Lampson	Peterson (PA)	Spratt
Langevin	Petri	Stearns
Larsen (WA)	Pickering	Stupak
Latham	Pitts	Sullivan
LaTourette	Platts	Sutton
Latta	Poe	Tanner
Lewis (CA)	Pomeroy	Tauscher
Lewis (KY)	Porter	Taylor
Linder	Price (GA)	Terry
Lipinski	Price (NC)	Thompson (CA)
LoBiondo	Pryce (OH)	Thornberry
Loebsack	Putnam	Tiahrt
Lowey	Radanovich	Tiberi
Lucas	Rahall	Turner
Lungren, Daniel E.	Ramstad	Udall (CO)
Mack	Regula	Udall (NM)
Mahoney (FL)	Rehberg	Upton
Manzullo	Reichert	Van Hollen
Marchant	Reyes	Visclosky
Marshall	Reynolds	Walberg
Matheson	Richardson	Walden (OR)
Matsui	Rodriguez	Walsh (NY)
McCarthy (CA)	Rogers (AL)	Walz (MN)
McCarthy (NY)	Rogers (KY)	Wamp
McCaul (TX)	Rogers (MI)	Weldon (FL)
McCotter	Rohrabacher	Westmoreland
McCrery	Ros-Lehtinen	Whitfield (KY)
McHenry	Roskam	Wilson (NM)
McHugh	Ross	Wilson (OH)
McIntyre	Rothman	Wilson (SC)
McKeon	Roybal-Allard	Wittman (VA)
McMorris Rodgers	Royce	Wolf
McNerney	Ruppersberger	Wu
Melancon	Ryan (WI)	Yarmuth
Mica	Salazar	Young (FL)
	Sali	
	Sanchez, Loretta	

NOT VOTING—14

Bordallo	LaHood	Tancredo
Boustany	Oberstar	Weller
Garrett (NJ)	Rangel	Woolsey
Hooley	Renzi	Young (AK)
Hunter	Rush	

So the amendment in the nature of a substitute was not agreed to.

The SPEAKER pro tempore, Mr. CARNEY, assumed the Chair.

When Mr. SERRANO, Acting Chairman, reported that the Committee, having had under consideration said bill, had come to no resolution thereon.

¶30.14 COMMUNICATION FROM THE CLERK—CERTIFICATE OF ELECTION

The SPEAKER laid before the House a communication, which was read as follows:

MARCH 12, 2008.

Hon. NANCY PELOSI,
Speaker, House of Representatives, Washington, DC.

DEAR MADAM SPEAKER: I have the honor to transmit herewith a facsimile copy of a letter received from Mr. Matthew Tusing, Deputy Secretary of State, Office of the Secretary of State of Indiana, indicating that, according to the unofficial returns of the Special Election held March 11, 2008, the

Honorable André D. Carson was elected Representative to Congress for the Seventh Congressional District, State of Indiana.

With best wishes, I am,

Sincerely,

LORRAINE C. MILLER,
Clerk.

¶30.15 ORDER OF BUSINESS—SWEARING IN OF MEMBER-ELECT

On motion of Mr. VISCLOSKY, by unanimous consent,

Ordered, That, notwithstanding the fact that the certificate of election of Mr. Andre Carson, 7th District of the State of Indiana, has not been received by the Clerk of the House of Representatives, Mr. CARSON be permitted to take the oath of office as prescribed by law, there being no contest and no question with regard to his election.

Mr. CARSON then presented himself at the bar of the House and took the oath of office prescribed by law.

¶30.16 WHOLE NUMBER OF THE HOUSE OF REPRESENTATIVES ADJUSTED

The SPEAKER announced under clause 5(d) of rule XX, in light of the adnubustration of the oath to Representative CARSON, the whole number of the House is adjusted to 431.

¶30.17 CALL OF THE HOUSE

The SPEAKER, by unanimous consent, ordered a call of the House.

The call was taken by electronic device, and the following-named Members responded—

¶30.18 [Roll No. 139]

Ackerman	Butterfield	Diaz-Balart, M.
Aderholt	Buyer	Dicks
Akin	Calvert	Dingell
Alexander	Camp (MI)	Doggett
Allen	Campbell (CA)	Donnelly
Altmire	Cannon	Drake
Andrews	Cantor	Dreier
Arcuri	Capito	Duncan
Baca	Capps	Edwards
Bachmann	Capuano	Ehlers
Bachus	Cardoza	Ellison
Baldwin	Carnahan	Ellsworth
Barrett (SC)	Carney	Emanuel
Barrow	Carson	Engel
Bartlett (MD)	Castle	English (PA)
Barton (TX)	Castor	Eshoo
Bean	Chabot	Etheridge
Becerra	Chandler	Everett
Berkley	Clarke	Fallin
Berman	Clay	Farr
Berry	Cleaver	Fattah
Biggert	Clyburn	Ferguson
Bilbray	Coble	Filner
Bilirakis	Cohen	Flake
Bishop (GA)	Conaway	Forbes
Bishop (NY)	Conyers	Fortenberry
Bishop (UT)	Cooper	Fossella
Blackburn	Costa	Foster
Blunt	Costello	Foxx
Boehner	Courtney	Franks (AZ)
Bonner	Crenshaw	Frelinghuysen
Boozman	Crowley	Gallegly
Boren	Cubin	Garrett (NJ)
Boswell	Cuellar	Gerlach
Boucher	Culberson	Giffords
Boyd (FL)	Cummings	Gilchrest
Boyda (KS)	Davis (AL)	Gillibrand
Brady (PA)	Davis (CA)	Gonzalez
Brady (TX)	Davis (IL)	Goode
Braley (IA)	Davis (KY)	Goodlatte
Broun (GA)	Davis, David	Gordon
Brown (SC)	Davis, Lincoln	Granger
Brown, Corrine	Deal (GA)	Graves
Brown-Waite, Ginny	DeGette	Green, Al
	Delahunt	Green, Gene
Buchanan	DeLauro	Grijalva
Burgess	Dent	Gutierrez
Burton (IN)	Diaz-Balart, L.	Hall (NY)
Hall (TX)	McCarthy (NY)	Sali
Hare	McCaul (TX)	Sánchez, Linda T.
Harman	McCotter	
Hastings (FL)	McDermott	Sanchez, Loretta
Hastings (WA)	McGovern	Sarbanes
Hayes	McHugh	Saxton
Heller	McIntyre	Schakowsky
Hensarling	McKeon	Schiff
Herger	McMorris Rodgers	Schmidt
Herseth Sandlin		Schwartz
Higgins	McNerney	Scott (GA)
Hinchey	McNulty	Scott (VA)
Hinojosa	Meek (FL)	Sensenbrenner
Hirono	Meeks (NY)	Serrano
Hobson	Melancon	Sessions
Hodes	Mica	Sestak
Hoekstra	Michaud	Shadegg
Holden	Miller (FL)	Shays
Holt	Miller (MI)	Shea-Porter
Honda	Miller (NC)	Sherman
Hoyer	Miller, Gary	Shimkus
Hulshof	Miller, George	Shuler
Inglis (SC)	Mitchell	Shuster
Inslee	Mollohan	Sires
Israel	Moore (KS)	Skelton
Issa	Moore (WI)	Slaughter
Jackson (IL)	Moran (KS)	Smith (NE)
Jackson-Lee (TX)	Moran (VA)	Smith (NJ)
	Murphy (CT)	Smith (TX)
Jefferson	Murphy, Patrick	Smith (WA)
Johnson (GA)	Murphy, Tim	Snyder
Johnson (IL)	Murtha	Solis
Johnson, E. B.	Musgrave	Souder
Johnson, Sam	Myrick	Space
Jones (NC)	Nadler	Spratt
Jones (OH)	Napolitano	Stark
Jordan	Neal (MA)	Stearns
Kagen	Neugebauer	Stupak
Kanjorski	Nunes	Sullivan
Kaptur	Obey	Sutton
Keller	Olver	Tanner
Kildee	Ortiz	Tauscher
Kilpatrick	Pallone	Taylor
Kind	Pascrell	Terry
King (IA)	Pastor	Thompson (MS)
King (NY)	Paul	Thornberry
Kingston	Pearce	Tiahrt
Kirk	Pence	Tiberi
Klein (FL)	Perlmutter	Tierney
Knollenberg	Petri	Towns
Kucinich	Pickering	Tsongas
Kuhl (NY)	Pitts	Turner
Lamborn	Platts	Udall (NM)
Lampson	Poe	Upton
Langevin	Pomeroy	Van Hollen
Larsen (WA)	Porter	Velázquez
Larson (CT)	Price (GA)	Visclosky
Latham	Price (NC)	Walberg
LaTourette	Putnam	Walden (OR)
Latta	Radanovich	Walsh (NY)
Lee	Rahall	Walz (MN)
Levin	Ramstad	Wamp
Lewis (CA)	Regula	Wasserman Schultz
Lewis (GA)	Rehberg	
Lewis (KY)	Reichert	Waters
Lipinski	Reyes	Watson
LoBiondo	Reynolds	Watt
Loebsack	Richardson	Waxman
Lofgren, Zoe	Rodriguez	Weiner
Lowey	Rogers (KY)	Welch (VT)
Lucas	Rogers (MI)	Weldon (FL)
Lungren, Daniel E.	Rohrabacher	Westmoreland
	Ros-Lehtinen	Wexler
Lynch	Roskam	Whitfield (KY)
Mack	Ross	Wilson (NM)
Mahoney (FL)	Rothman	Wilson (OH)
Maloney (NY)	Roybal-Allard	Wilson (SC)
Marchant	Royce	Wittman (VA)
Markey	Ruppersberger	Wolf
Matheson	Ryan (OH)	Wynn
Matsui	Ryan (WI)	Yarmuth
McCarthy (CA)	Salazar	Young (FL)

Thereupon, the SPEAKER pro tempore, Mr. ELLISON, announced that 384 Members had been recorded, a quorum.

Further proceedings under the call were dispensed with.

¶30.19 CONGRESSIONAL BUDGET

The SPEAKER pro tempore, Mr. ELLISON, pursuant to House Resolution 1036 and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the further consideration of the concurrent resolution (H. Con. Res. 312) revising the congressional budget for the United States Government for fiscal year 2008, establishing the congressional budget for the United States Government for fiscal year 2009, and setting forth appropriate budgetary levels for fiscal years 2010 through 2013.

Mr. SERRANO, Acting Chairman, assumed the chair; and after some time spent therein,

¶30.20 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment in the nature of a substitute numbered 3, printed in House Report 100-48, submitted by Mr. RYAN of Wisconsin:

Strike all after the resolving clause and insert the following:

SECTION 1. CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2009.

(a) DECLARATION.—The Congress determines and declares that the concurrent resolution on the budget for fiscal year 2008 is revised and replaced and that this is the concurrent resolution on the budget for fiscal year 2009, including appropriate budgetary levels for fiscal years 2010 through 2013.

(b) TABLE OF CONTENTS.—

Sec. 1. Concurrent resolution on the budget for fiscal year 2009.

TITLE I—RECOMMENDED LEVELS AND AMOUNTS

Sec. 101. Recommended levels and amounts.
Sec. 102. Major functional categories.

TITLE II—RECONCILIATION

Sec. 201. Reconciliation in the House of Representatives.

TITLE III—EARMARK REFORM

Sec. 301. Moratorium on earmarks.
Sec. 302. Joint select committee on earmark reform.

TITLE IV—BUDGET ENFORCEMENT

Sec. 401. Enhance accountability by requiring a separate vote on an increase in the public debt.
Sec. 402. Same-day consideration of reports.
Sec. 403. Two-thirds requirement for certain waivers under the Rules of the House.
Sec. 404. Two-thirds requirement for availability of certain measures on the Internet.
Sec. 405. Cost estimates for conference reports and unreported measures.
Sec. 406. Roll call votes for new spending.
Sec. 407. Nondefense, nonterrorism related spending point of order.
Sec. 408. Limitation on long-term spending proposals.
Sec. 409. Limit on new direct spending in reconciliation legislation.
Sec. 410. Restrictions on advance appropriations.
Sec. 411. Policy statement on hanford and nuclear clean-up.
Sec. 412. Policy statement on war funding.
Sec. 413. Policy statement on medical liability.
Sec. 414. Policy statement on the Medicare ''trigger''.
Sec. 415. Program integrity initiatives.
Sec. 416. Policy statement on the alternative minimum tax.
Sec. 417. Policy statement on health care spending.

TITLE V—EMERGENCY RESERVE FUND

Sec. 501. Nondefense reserve fund for emergencies.
Sec. 502. Emergency criteria.
Sec. 503. Development of guidelines for application of emergency definition.

Sec. 504. Committee notification of emergency legislation.
Sec. 505. Up-to-date tabulations.
Sec. 506. Contingency operations related to the global war on terrorism and for unanticipated defense needs.
TITLE VI—LEGISLATIVE LINE ITEM VETO AUTHORITY
Sec. 601. Presidential recommendations.
Sec. 602. Procedures in the United States Congress.
Sec. 603. Identification of targeted tax benefits.
Sec. 604. Additional matters.
Sec. 605. Abuse of proposed cancellations.
TITLE VII—PAY-AS-YOU-GO
Sec. 701. Strengthening pay-as-you-go.
TITLE VIII—GENERAL PROVISIONS
Sec. 801. Application and effect of changes in allocations and aggregates.
Sec. 802. Adjustments to reflect changes in concepts and definitions.
Sec. 803. Compliance with section 13301 of the Budget Enforcement Act of 1990.
Sec. 804. Exercise of rulemaking powers.

TITLE I—RECOMMENDED LEVELS AND AMOUNTS

SEC. 101. RECOMMENDED LEVELS AND AMOUNTS.

The following budgetary levels are appropriate for each of fiscal years 2008 through 2013:

(1) FEDERAL REVENUES.—For purposes of the enforcement of this resolution:

(A) The recommended levels of Federal revenues are as follows:

Fiscal year 2008: $1,873,540,000,000.
Fiscal year 2009: $2,017,033,000,000.
Fiscal year 2010: $2,104,764,000,000.
Fiscal year 2011: $2,198,889,000,000.
Fiscal year 2012: $2,291,296,000,000.
Fiscal year 2013: $2,352,645,000,000.

(B) The amounts by which the aggregate levels of Federal revenues should be adjusted are as follows:

Fiscal year 2008: -$6,000,000,000.
Fiscal year 2009: -$80,091,000,000.
Fiscal year 2010: -$78,100,000,000.
Fiscal year 2011: -$229,136,000,000.
Fiscal year 2012: -$362,019,000,000.
Fiscal year 2013: -$402,095,000,000.

(2) NEW BUDGET AUTHORITY.—For purposes of the enforcement of this resolution, the appropriate levels of total new budget authority are as follows:

Fiscal year 2008: $2,546,649,000,000.
Fiscal year 2009: $2,429,637,000,000.
Fiscal year 2010: $2,409,712,000,000.
Fiscal year 2011: $2,514,762,000,000.
Fiscal year 2012: $2,523,758,000,000.
Fiscal year 2013: $2,619,267,000,000.

(3) BUDGET OUTLAYS.—For purposes of the enforcement of this resolution, the appropriate levels of total budget outlays are as follows:

Fiscal year 2008: $2,461,810,000,000.
Fiscal year 2009: $2,478,438,000,000.
Fiscal year 2010: $2,476,911,000,000.
Fiscal year 2011: $2,523,601,000,000.
Fiscal year 2012: $2,504,363,000,000.
Fiscal year 2013: $2,594,191,000,000.

(4) DEFICITS (ON-BUDGET).—For purposes of the enforcement of this resolution, the amounts of the deficits (on-budget) are as follows:

Fiscal year 2008: $588,270,000,000.
Fiscal year 2009: $462,405,000,000.
Fiscal year 2010: $372,147,000,000.
Fiscal year 2011: $324,712,000,000.
Fiscal year 2012: $213,067,000,000.
Fiscal year 2013: $241,546,000,000.

(5) DEBT SUBJECT TO LIMIT.—Pursuant to section 301(a)(5) of the Congressional Budget Act of 1974, the appropriate levels of the debt subject to limit are as follows:

Fiscal year 2008: $9,572,826,000,000.
Fiscal year 2009: $10,179,229,000,000.
Fiscal year 2010: $10,745,093,000,000.
Fiscal year 2011: $11,281,763,000,000.
Fiscal year 2012: $11,746,433,000,000.
Fiscal year 2013: $12,233,839,000,000.

(6) DEBT HELD BY THE PUBLIC.—The appropriate levels of debt held by the public are as follows:

Fiscal year 2008: $5,402,148,000,000.
Fiscal year 2009: $5,733,577,000,000.
Fiscal year 2010: $6,002,163,000,000.
Fiscal year 2011: $6,225,463,000,000.
Fiscal year 2012: $6,337,014,000,000.
Fiscal year 2013: $6,482,741,000,000.

SEC. 102. MAJOR FUNCTIONAL CATEGORIES.

The Congress determines and declares that the appropriate levels of new budget authority and outlays for fiscal years 2008 through 2013 for each major functional category are:

(1) National Defense (050):

Fiscal year 2008:
(A) New budget authority, $693,273,000,000.
(B) Outlays, $604,289,000,000.
Fiscal year 2009:
(A) New budget authority, $612,497,000,000.
(B) Outlays, $645,433,000,000.
Fiscal year 2010:
(A) New budget authority, $550,414,000,000.
(B) Outlays, $607,032,000,000.
Fiscal year 2011:
(A) New budget authority, $557,026,000,000.
(B) Outlays, $577,925,000,000.
Fiscal year 2012:
(A) New budget authority, $565,800,000,000.
(B) Outlays, $561,666,000,000.
Fiscal year 2013:
(A) New budget authority, $576,223,000,000.
(B) Outlays, $570,503,000,000.

(2) International Affairs (150):

Fiscal year 2008:
(A) New budget authority, $38,072,000,000.
(B) Outlays, $33,588,000,000.
Fiscal year 2009:
(A) New budget authority, $33,768,000,000.
(B) Outlays, $35,763,000,000.
Fiscal year 2010:
(A) New budget authority, $35,118,000,000.
(B) Outlays, $35,808,000,000.
Fiscal year 2011:
(A) New budget authority, $35,956,000,000.
(B) Outlays, $35,327,000,000.
Fiscal year 2012:
(A) New budget authority, $36,684,000,000.
(B) Outlays, $35,274,000,000.
Fiscal year 2013:
(A) New budget authority, $37,028,000,000.
(B) Outlays, $34,967,000,000.

(3) General Science, Space, and Technology (250):

Fiscal year 2008:
(A) New budget authority, $27,407,000,000.
(B) Outlays, $26,456,000,000.
Fiscal year 2009:
(A) New budget authority, $27,934,000,000.
(B) Outlays, $27,645,000,000.
Fiscal year 2010:
(A) New budget authority, $28,472,000,000.
(B) Outlays, $28,507,000,000.
Fiscal year 2011:
(A) New budget authority, $29,071,000,000.
(B) Outlays, $29,297,000,000.
Fiscal year 2012:
(A) New budget authority, $29,679,000,000.
(B) Outlays, $29,917,000,000.
Fiscal year 2013:
(A) New budget authority, $30,290,000,000.
(B) Outlays, $30,026,000,000.

(4) Energy (270):

Fiscal year 2008:
(A) New budget authority, $3,548,000,000.
(B) Outlays, $1,681,000,000.
Fiscal year 2009:
(A) New budget authority, $3,874,000,000.
(B) Outlays, $1,928,000,000.
Fiscal year 2010:
(A) New budget authority, $3,832,000,000.
(B) Outlays, $2,330,000,000.
Fiscal year 2011:
(A) New budget authority, $3,880,000,000.
(B) Outlays, $2,656,000,000.
Fiscal year 2012:
(A) New budget authority, $3,950,000,000.
(B) Outlays, $2,984,000,000.
Fiscal year 2013:
(A) New budget authority, $4,022,000,000.
(B) Outlays, $3,212,000,000.

(5) Natural Resources and Environment (300):

Fiscal year 2008:
(A) New budget authority, $32,560,000,000.
(B) Outlays, $34,440,000,000.
Fiscal year 2009:
(A) New budget authority, $32,890,000,000.
(B) Outlays, $34,424,000,000.
Fiscal year 2010:
(A) New budget authority, $33,782,000,000.
(B) Outlays, $35,328,000,000.
Fiscal year 2011:
(A) New budget authority, $34,670,000,000.
(B) Outlays, $35,729,000,000.
Fiscal year 2012:
(A) New budget authority, $35,568,000,000.
(B) Outlays, $36,169,000,000.
Fiscal year 2013:
(A) New budget authority, $36,490,000,000.
(B) Outlays, $36,896,000,000.

(6) Agriculture (350):

Fiscal year 2008:
(A) New budget authority, $22,456,000,000.
(B) Outlays, $21,528,000,000.
Fiscal year 2009:
(A) New budget authority, $21,529,000,000.
(B) Outlays, $21,279,000,000.
Fiscal year 2010:
(A) New budget authority, $21,719,000,000.
(B) Outlays, $20,680,000,000.
Fiscal year 2011:
(A) New budget authority, $21,891,000,000.
(B) Outlays, $20,876,000,000.
Fiscal year 2012:
(A) New budget authority, $22,263,000,000.
(B) Outlays, $21,435,000,000.
Fiscal year 2013:
(A) New budget authority, $22,621,000,000.
(B) Outlays, $21,816,000,000.

(7) Commerce and Housing Credit (370):

Fiscal year 2008:
(A) New budget authority, $11,216,000,000.
(B) Outlays, $5,381,000,000.
Fiscal year 2009:
(A) New budget authority, $8,560,000,000.
(B) Outlays, $2,907,000,000.
Fiscal year 2010:
(A) New budget authority, $8,687,000,000.
(B) Outlays, $1,448,000,000.
Fiscal year 2011:
(A) New budget authority, $8,798,000,000.
(B) Outlays, $1,244,000,000.
Fiscal year 2012:
(A) New budget authority, $9,246,000,000.
(B) Outlays, $1,637,000,000.
Fiscal year 2013:
(A) New budget authority, $9,642,000,000.
(B) Outlays, $1,535,000,000.

(8) Transportation (400):

Fiscal year 2008:
(A) New budget authority, $79,794,000,000.
(B) Outlays, $77,795,000,000.
Fiscal year 2009:
(A) New budget authority, $74,798,000,000.
(B) Outlays, $80,350,000,000.
Fiscal year 2010:
(A) New budget authority, $76,607,000,000.
(B) Outlays, $83,694,000,000.
Fiscal year 2011:
(A) New budget authority, $77,527,000,000.
(B) Outlays, $85,807,000,000.
Fiscal year 2012:
(A) New budget authority, $78,470,000,000.
(B) Outlays, $87,808,000,000.
Fiscal year 2013:
(A) New budget authority, $79,456,000,000.
(B) Outlays, $90,112,000,000.

(9) Community and Regional Development (450):

Fiscal year 2008:
(A) New budget authority, $20,029,000,000.

(B) Outlays, $27,819,000,000.
Fiscal year 2009:
(A) New budget authority, $14,553,000,000.
(B) Outlays, $24,251,000,000.
Fiscal year 2010:
(A) New budget authority, $14,826,000,000.
(B) Outlays, $21,816,000,000.
Fiscal year 2011:
(A) New budget authority, $15,134,000,000.
(B) Outlays, $17,874,000,000.
Fiscal year 2012:
(A) New budget authority, $15,450,000,000.
(B) Outlays, $15,817,000,000.
Fiscal year 2013:
(A) New budget authority, $15,755,000,000.
(B) Outlays, $15,561,000,000.
(10) Education, Training, Employment, and Social Services (500):
Fiscal year 2008:
(A) New budget authority, $90,077,000,000.
(B) Outlays, $90,729,000,000.
Fiscal year 2009:
(A) New budget authority, $92,835,000,000.
(B) Outlays, $89,831,000,000.
Fiscal year 2010:
(A) New budget authority, $98,754,000,000.
(B) Outlays, $94,527,000,000.
Fiscal year 2011:
(A) New budget authority, $101,693,000,000.
(B) Outlays, $99,246,000,000.
Fiscal year 2012:
(A) New budget authority, $103,814,000,000.
(B) Outlays, $100,416,000,000.
Fiscal year 2013:
(A) New budget authority, $97,578,000,000.
(B) Outlays, $99,411,000,000.
(11) Health (550):
Fiscal year 2008:
(A) New budget authority, $285,101,000,000.
(B) Outlays, $286,688,000,000.
Fiscal year 2009:
(A) New budget authority, $305,795,000,000.
(B) Outlays, $304,946,000,000.
Fiscal year 2010:
(A) New budget authority, $322,751,000,000.
(B) Outlays, $323,300,000,000.
Fiscal year 2011:
(A) New budget authority, $343,709,000,000.
(B) Outlays, $342,746,000,000.
Fiscal year 2012:
(A) New budget authority, $366,700,000,000.
(B) Outlays, $365,286,000,000.
Fiscal year 2013:
(A) New budget authority, $391,993,000,000.
(B) Outlays, $390,267,000,000.
(12) Medicare (570):
Fiscal year 2008:
(A) New budget authority, $390,458,000,000.
(B) Outlays, $390,454,000,000.
Fiscal year 2009:
(A) New budget authority, $420,086,000,000.
(B) Outlays, $419,880,000,000.
Fiscal year 2010:
(A) New budget authority, $445,118,000,000.
(B) Outlays, $445,247,000,000.
Fiscal year 2011:
(A) New budget authority, $494,261,000,000.
(B) Outlays, $494,084,000,000.
Fiscal year 2012:
(A) New budget authority, $491,241,000,000.
(B) Outlays, $490,999,000,000.
Fiscal year 2013:
(A) New budget authority, $552,274,000,000.
(B) Outlays, $552,389,000,000.
(13) Income Security (600):
Fiscal year 2008:
(A) New budget authority, $389,865,000,000.
(B) Outlays, $394,100,000,000.
Fiscal year 2009:
(A) New budget authority, $410,152,000,000.
(B) Outlays, $412,970,000,000.
Fiscal year 2010:
(A) New budget authority, $414,946,000,000.
(B) Outlays, $416,690,000,000.
Fiscal year 2011:
(A) New budget authority, $424,315,000,000.
(B) Outlays, $425,038,000,000.
Fiscal year 2012:
(A) New budget authority, $410,706,000,000.
(B) Outlays, $410,707,000,000.
Fiscal year 2013:
(A) New budget authority, $426,299,000,000.
(B) Outlays, $426,036,000,000.
(14) Social Security (650):
Fiscal year 2008:
(A) New budget authority, $19,378,000,000.
(B) Outlays, $19,378,000,000.
Fiscal year 2009:
(A) New budget authority, $21,308,000,000.
(B) Outlays, $21,308,000,000.
Fiscal year 2010:
(A) New budget authority, $23,794,000,000.
(B) Outlays, $23,794,000,000.
Fiscal year 2011:
(A) New budget authority, $27,330,000,000.
(B) Outlays, $27,330,000,000.
Fiscal year 2012:
(A) New budget authority, $30,342,000,000.
(B) Outlays, $30,342,000,000.
Fiscal year 2013:
(A) New budget authority, $33,162,000,000.
(B) Outlays, $33,162,000,000.
(15) Veterans Benefits and Services (700):
Fiscal year 2008:
(A) New budget authority, $86,365,000,000.
(B) Outlays, $83,551,000,000.
Fiscal year 2009:
(A) New budget authority, $94,268,000,000.
(B) Outlays, $92,943,000,000.
Fiscal year 2010:
(A) New budget authority, $96,000,000,000.
(B) Outlays, $96,210,000,000.
Fiscal year 2011:
(A) New budget authority, $101,800,000,000.
(B) Outlays, $101,475,000,000.
Fiscal year 2012:
(A) New budget authority, $99,115,000,000.
(B) Outlays, $98,271,000,000.
Fiscal year 2013:
(A) New budget authority, $105,094,000,000.
(B) Outlays, $104,266,000,000.
(16) Administration of Justice (750):
Fiscal year 2008:
(A) New budget authority, $46,237,000,000.
(B) Outlays, $44,282,000,000.
Fiscal year 2009:
(A) New budget authority, $50,024,000,000.
(B) Outlays, $47,520,000,000.
Fiscal year 2010:
(A) New budget authority, $48,972,000,000.
(B) Outlays, $49,384,000,000.
Fiscal year 2011:
(A) New budget authority, $47,218,000,000.
(B) Outlays, $48,912,000,000.
Fiscal year 2012:
(A) New budget authority, $48,425,000,000.
(B) Outlays, $48,887,000,000.
Fiscal year 2013:
(A) New budget authority, $49,692,000,000.
(B) Outlays, $49,540,000,000.
(17) General Government (800):
Fiscal year 2008:
(A) New budget authority, $56,407,000,000.
(B) Outlays, $56,920,000,000.
Fiscal year 2009:
(A) New budget authority, $22,970,000,000.
(B) Outlays, $23,408,000,000.
Fiscal year 2010:
(A) New budget authority, $19,402,000,000.
(B) Outlays, $19,449,000,000.
Fiscal year 2011:
(A) New budget authority, $20,039,000,000.
(B) Outlays, $19,938,000,000.
Fiscal year 2012:
(A) New budget authority, $20,733,000,000.
(B) Outlays, $20,753,000,000.
Fiscal year 2013:
(A) New budget authority, $21,407,000,000.
(B) Outlays, $21,194,000,000.
(18) Net Interest (900):
Fiscal year 2008:
(A) New budget authority, $349,335,000,000.
(B) Outlays, $349,335,000,000.
Fiscal year 2009:
(A) New budget authority, $333,462,000,000.
(B) Outlays, $333,462,000,000.
Fiscal year 2010:
(A) New budget authority, $367,501,000,000.
(B) Outlays, $367,501,000,000.
Fiscal year 2011:
(A) New budget authority, $403,836,000,000.
(B) Outlays, $403,836,000,000.
Fiscal year 2012:
(A) New budget authority, $429,556,000,000.
(B) Outlays, $429,556,000,000.
Fiscal year 2013:
(A) New budget authority, $445,455,000,000.
(B) Outlays, $445,455,000,000.
(19) Allowances (920):
Fiscal year 2008:
(A) New budget authority, -$8,599,000,000.
(B) Outlays, -$274,000,000.
Fiscal year 2009:
(A) New budget authority, -$84,556,000,000.
(B) Outlays, -$72,700,000,000.
Fiscal year 2010:
(A) New budget authority, -$129,273,000,000.
(B) Outlays, -$124,124,000,000.
Fiscal year 2011:
(A) New budget authority, -$155,968,000,000.
(B) Outlays, -$168,315,000,000.
Fiscal year 2012:
(A) New budget authority, -$195,848,000,000.
(B) Outlays, -$205,425,000,000.
Fiscal year 2013:
(A) New budget authority, -$229,181,000,000.
(B) Outlays, -$246,124,000,000.
(20) Undistributed Offsetting Receipts (950):
Fiscal year 2008:
(A) New budget authority, -$86,330,000,000.
(B) Outlays, -$86,330,000,000.
Fiscal year 2009:
(A) New budget authority, -$68,110,000,000.
(B) Outlays, -$68,110,000,000.
Fiscal year 2010:
(A) New budget authority, -$71,710,000,000.
(B) Outlays, -$71,710,000,000.
Fiscal year 2011:
(A) New budget authority, -$77,424,000,000.
(B) Outlays, -$77,424,000,000.
Fiscal year 2012:
(A) New budget authority, -$78,136,000,000.
(B) Outlays, -$78,136,000,000.
Fiscal year 2013:
(A) New budget authority, -$86,033,000,000.
(B) Outlays, -$86,033,000,000.

TITLE II—RECONCILIATION

SEC. 201. RECONCILIATION IN THE HOUSE OF REPRESENTATIVES.

(a) SUBMISSION TO PROVIDE FOR THE REFORM OF MANDATORY SPENDING.—

(1) IN GENERAL.—Not later than July 29, 2008, the House committees named in paragraph (2) shall submit their recommendations to the House Committee on the Budget. After receiving those recommendations, the Committee on the Budget shall report to the House a reconciliation bill carrying out all such recommendations without substantive revision.

(2) INSTRUCTIONS.—

(A) COMMITTEE ON AGRICULTURE.—The Committee on Agriculture shall report changes in laws within its jurisdiction sufficient to reduce direct spending $9,321,000,000 for the period of fiscal years 2009 through 2013.

(B) COMMITTEE ON ARMED SERVICES.—The Committee on Armed Services shall report changes in laws within its jurisdiction sufficient to reduce direct spending $1,292,000,000 for the period of fiscal years 2009 through 2013.

(C) COMMITTEE ON EDUCATION AND LABOR.—The Committee on Education and the Labor shall report changes in laws within its jurisdiction sufficient to reduce direct spending $15,926,000,000 for the period of fiscal years 2009 through 2013.

(D) COMMITTEE ON ENERGY AND COMMERCE.—The Committee on Energy and Commerce shall report changes in laws within its jurisdiction sufficient to reduce direct spending $115,812,000,000 for the period of fiscal years 2009 through 2013.

(E) COMMITTEE ON FINANCIAL SERVICES.—The Committee on Financial Services shall

report changes in laws within its jurisdiction sufficient to reduce direct spending $73,000,000 for the period of fiscal years 2009 through 2013.

(F) COMMITTEE ON FOREIGN AFFAIRS.—The Committee on Foreign Relations shall report changes in laws within its jurisdiction sufficient to reduce direct spending $250,000,000 for the period of fiscal years 2009 through 2013.

(G) COMMITTEE ON THE JUDICIARY.—The Committee on the Judiciary shall report changes in laws within its jurisdiction sufficient to reduce direct spending $3,450,000,000 for the period of fiscal years 2009 through 2013.

(H) COMMITTEE ON NATURAL RESOURCES.—The Committee on Natural Resources shall report changes in laws within its jurisdiction sufficient to reduce direct spending $3,721,000,000 for the period of fiscal years 2009 through 2013.

(I) COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM.—The Committee on Oversight and Government Reform shall report changes in laws within its jurisdiction sufficient to reduce direct spending $4,679,000,000 for the period of fiscal years 2009 through 2013.

(J) COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE.—The Committee on Transportation and Infrastructure shall report changes in laws within its jurisdiction sufficient to reduce direct spending $4,672,000,000 for the period of fiscal years 2009 through 2013.

(K) COMMITTEE ON WAYS AND MEANS.—The Committee on Ways and Means shall report changes in laws within its jurisdiction sufficient to reduce direct spending $253,204,000,000 for the period of fiscal years 2009 through 2013.

(b) REVENUE RECONCILIATION.—The House Committee on Ways and Means shall report a reconciliation bill not later than July 29, 2008, that consists of changes in laws within its jurisdiction sufficient to reduce revenues by not more than $1,151,441,000,000 for the period of fiscal years 2009 through 2013.

(c) SUBMISSION OF REVISED ALLOCATIONS.—

(1) Upon the submission to the Committee on the Budget pursuant to subsection (a), or the reporting of a measure pursuant to subsection (b), a recommendation that has complied with its reconciliation instructions pursuant to section 310(c) of the Congressional Budget Act of 1974, the chairman of that committee may file with the House appropriately revised allocations under section 302(a) of such Act and revised functional levels and aggregates.

(2) Upon the submission to the House of a conference report recommending a reconciliation bill or resolution in which a committee has complied with its reconciliation instructions solely by virtue of this section, the chairman of the Committee on the Budget may file with the House appropriately revised allocations and aggregates under such Act.

(3) Allocations and aggregates revised pursuant to this subsection shall be considered to be allocations and aggregates established by the concurrent resolution on the budget pursuant to section 301 of such Act.

TITLE III—EARMARK REFORM

SEC. 301. MORATORIUM ON EARMARKS.

(a) HOUSE.— In the House, for the remainder of the 110th Congress, it shall not be in order to consider a bill, joint resolution, or conference report, containing a congressional earmark, limited tax benefit, or limited tariff benefit, as such terms are defined in clause 9 of rule XXI of the Rules of the House of Representatives.

(b) SENATE.—In the Senate, [to be supplied]

SEC. 302. JOINT SELECT COMMITTEE ON EARMARK REFORM.

(a) ESTABLISHMENT AND COMPOSITION.—There is established a Joint Select Committee on Earmark Reform. The joint select committee shall be composed of 16 members as follows:

(1) 8 Members of the House of Representatives, 4 appointed from the majority by the Speaker of the House and 4 from the minority by the minority leader; and

(2) 8 Members of the Senate, 4 appointed from the majority by the majority leader of the Senate and 4 from the minority by the minority leader. A vacancy in the joint select committee shall not affect the power of the remaining members to execute the functions of the joint select committee, and shall be filled in the same manner as the original selection.

(b) STUDY AND REPORT.—

(1) STUDY.—The joint select committee shall make a full study of the practices of the House, Senate, and executive branch, regarding earmarks in authorizing, appropriation, tax, and tariff measures. As part of the study, the joint select committee shall consider the efficacy of—

(A) the disclosure requirements of clause 9 of rule XXI and clause 17 of rule XXIII of the Rules of the House of Representatives, House Resolution 491, and rule XLIV of the Standing Rules of the Senate, and the definitions contained therein;

(B) requiring full transparency in the process, with earmarks listed in bills at the outset of the legislative process and continuing throughout consideration;

(C) requiring that earmarks not be placed in any bill after initial committee consideration;

(D) requiring that Members be permitted to offer amendments to remove earmarks at subcommittee, full committee, floor consideration, and during conference committee meetings;

(E) requiring that bill sponsors and majority and minority managers certify the validity of earmarks contained in their bills;

(F) recommending changes to earmark requests made by the executive branch through the annual budget submitted to Congress pursuant to section 1105 of title 31, United States Code;

(G) requiring that House and Senate amendments meet earmark disclosure requirements, including amendments adopted pursuant to a special order of business;

(H) establishing new categories for earmarks, including—

(i) projects with national scope;

(ii) military projects; and

(iii) local or provincial projects, including the level of matching funds required for such project.

(2) REPORT.—

(A) the joint select committee shall submit to the House and the Senate a report of its findings and recommendations not later than 6 months after adoption of this concurrent resolution.

(B) no recommendation shall be made by the joint select committee except upon the majority vote of the members from each House, respectively.

(C) notwithstanding any other provision of this resolution, any recommendation with respect to the rules and procedures of one House that only affects matters related solely to that House may only be made and voted on by members of the joint select committee from that House and, upon its adoption by a majority of such members, shall be considered to have been adopted by the full committee as a recommendation of the joint select committee. In conducting the study under paragraph (1), the joint select committee shall hold not fewer than 5 public hearings.

(c) RESOURCES AND DISSOLUTION.—

(1) The joint select committee may utilize the resources of the House and Senate.

(2) The joint select committee shall cease to exist 30 days after the submission of the report described in subsection (a)(2).

(d) DEFINITION.—For purposes of this section, the term ''earmark'' shall include congressional earmarks, congressionally directed spending items, limited tax benefits, or limited tariff benefits as those terms are defined in clause 9 of rule XXI of the Rules of the House of Representatives and rule XLIV of the Standing Rules of the Senate. Nothing in this subsection shall confine the study of the joint select committee or otherwise limit its recommendations.

TITLE IV—BUDGET ENFORCEMENT

SEC. 401. ENHANCE ACCOUNTABILITY BY REQUIRING A SEPARATE VOTE ON AN INCREASE IN THE PUBLIC DEBT.

(a) PUBLIC DEBT LIMIT.—In the House, a joint resolution prepared pursuant to the adoption of a concurrent resolution on the budget, or any revision to such concurrent resolution, under the procedures set forth in rule XXVIII of the Rules of the House of Representatives shall reflect an increase in the statutory limit on the public debt of zero.

(b) STATEMENT.—The report of the Committee on the Budget on a concurrent resolution and the joint explanatory statement of the managers on a conference report to accompany such concurrent resolution shall

(1) include the language of the joint resolution described in rule XXVIII, which will reflect no increase in the statutory limit on the public debt;

(2) contain a clear statement that an increase in the statutory limit on the public debt requires a separate roll call vote of all Members of the House of Representatives.

SEC. 402. SAME-DAY CONSIDERATION OF REPORTS.

A report on a rule, joint rule, or the order of business may not be called up for consideration on the same calendar day, or less than 17 hours after that, it is presented to the House except—

(1) when so determined by a vote of two-thirds of the Members voting, a quorum being present;

(2) in the case of a resolution proposing only to waive a requirement of clause 4 or of clause 8 of rule XXII concerning the availability of reports; or

(3) during the last three days of a session of Congress.

SEC. 403. TWO-THIRDS REQUIREMENT FOR CERTAIN WAIVERS UNDER THE RULES OF THE HOUSE.

It is not in order to consider a rule or order that waives—

(1) the layover requirement of clause 8 of rule XXII concerning the availability of reports;

(2) clause 8(a)(1) of rule XXII;

(3) the scope requirement of the last sentence of clause 9 of rule XXII;

by a vote of less than two-thirds of the Members voting, a quorum being present.

SEC. 404. TWO-THIRDS REQUIREMENT FOR AVAILABILITY OF CERTAIN MEASURES ON THE INTERNET.

(a) AVAILABILITY OF COMMITTEE REPORTED MEASURES.—Except as specified in subparagraph (2) of clause 4(a) of rule XIII of the Rules of the House of Representatives, it shall not be in order to consider in the House a measure or matter reported by a committee until the third calendar day (excluding Saturdays, Sundays, or legal holidays except when the House is in session on such a day) on which each report of a committee on that measure or matter has been available and until the third such calendar day on which the underlying measure or matter has been made available by the Committee on Rules on its Internet site.

(b) AVAILABILITY OF CONFERENCE REPORTS.—Except as specified in subparagraph (2) of clause (a) of rule XXII of the House of Representatives, it shall not be in order to consider a conference report until—

(1) the third calendar day (excluding Saturdays, Sundays, or legal holidays except when the House is in session on such a day) on which the conference report and the accompanying joint explanatory statement have been available, published in the Congressional Record and until the third such calendar day on which such conference report and joint explanatory statement have been made available by the standing committee of the House with subject matter jurisdiction over the underlying legislation on its Internet site; and

(2) copies of the conference report and the accompanying joint explanatory statement have been available to Members, Delegates, and the Resident Commissioner for at least two hours,

(c) POINT OF ORDER.—It is not in order to consider a rule or order which would waive subsections (a) or (b) by a vote of less than two-thirds of the Members voting, a quorum being present.

SEC. 405. COST ESTIMATES FOR CONFERENCE REPORTS AND UNREPORTED MEASURES.

It shall not be in order to consider a conference report or an unreported bill or joint resolution unless an estimate of costs as described in clause 3(d)(2) of rule XIII has been printed in the Congressional Record at least one day before its consideration.

SEC. 406. ROLL CALL VOTES FOR NEW SPENDING.

The yeas and nays shall be considered as ordered when the Speaker puts the question on passage of a bill or joint resolution, or on adoption of a conference report, for which the chairman of the Budget Committee has advised the Speaker that such bill, joint resolution or conference report authorizes or provides new budget authority of not less than $50,000,000. The Speaker may not entertain a unanimous consent request or motion to suspend this section.

SEC. 407. NONDEFENSE, NONTERRORISM RELATED SPENDING POINT OF ORDER.

(a) NONDEFENSE AND NONTERRORISM-RELATED SPENDING.—It shall not be in order to consider any supplemental appropriation measure that primarily provides funding for war-related defense needs and for the global war on terrorism, that also provides funding for domestic discretionary programs, projects or activities designated as emergencies.

(b) LISTING OF NONDEFENSE AND NONTERRORISM-RELATED PROVISIONS.—Prior to the consideration of any appropriation bill or joint resolution referred to in subsection (a), the Committee on the Budget of the House shall transmit to the Speaker, the Majority Leader, the Minority Leader, and the Ranking Member of the Committee on the Budget, and, to the extent practicable, publish in the Congressional Record, a list of any nondefense and nonterrorism related provisions designated as emergency included in that bill or joint resolution.

SEC. 408. LIMITATION ON LONG-TERM SPENDING PROPOSALS.

(a) CONGRESSIONAL BUDGET OFFICE ANALYSIS OF PROPOSALS.—The Director of the Congressional Budget Office shall, to the extent practicable, prepare for each bill or joint resolution reported from committee (except measures within the jurisdiction of the Committee on Appropriations), or amendments thereto or conference reports thereon, an estimate of whether the measure would cause, relative to current law, a net increase in direct spending in excess of $5 billion in any of the four 10-year periods beginning in fiscal year 2016 through fiscal year 2055.

(b) DIRECT SPENDING LIMITATION.—In the House, it shall not be in order to consider any bill, joint resolution, amendment, or conference report that would cause a net increase in direct spending in excess of $5 billion in any of the four 10-year periods beginning in 2016 through 2055.

SEC. 409. LIMIT ON NEW DIRECT SPENDING IN RECONCILIATION LEGISLATION.

In the House, it shall not be in order to consider any reconciliation bill, joint resolution, amendment, or conference report, in relation to, a reconciliation bill pursuant to section 310 of the Congressional Budget Act of 1974, that produces an increase in outlays, if—

(1) the effect of all the provisions in the jurisdiction of any committee is to create gross new direct spending that exceeds 20 percent of the total savings instruction to the committee; or

(2) the effect of the adoption of an amendment would result in gross new direct spending that exceeds 20 percent of the total savings instruction to the committee.

SEC. 410. RESTRICTIONS ON ADVANCE APPROPRIATIONS.

(a) IN GENERAL.—

(1) In the House, except as provided in subsection (b), an advance appropriation may not be reported in a bill or joint resolution making a general appropriation or continuing appropriation, and may not be in order as an amendment thereto.

(2) Managers on the part of the House may not agree to a Senate amendment that would violate paragraph (1) unless specific authority to agree to the amendment first is given by the House by a separate vote with respect thereto.

(b) ADVANCE APPROPRIATION.—In the House, an advance appropriation may be provided for the fiscal years 2010 and 2011 for programs, projects, activities, or accounts identified in the joint explanatory statement of managers accompanying this resolution under the heading ''Accounts Identified for Advance Appropriations'' in an aggregate amount not to exceed $23,565,000,000 in new budget authority in each year.

(c) DEFINITION.—In this section, the term ''advance appropriation'' means any new budget authority provided in a bill or joint resolution making general appropriations or any new budget authority provided in a bill or joint resolution making continuing appropriations for fiscal year 2009 that first becomes available for any fiscal year after 2009.

SEC. 411. POLICY STATEMENT ON HANFORD AND NUCLEAR CLEAN-UP.

It is the policy of this resolution that the United States Government must meet its responsibility in cleaning up nuclear waste sites created in the name of our Nation's defense by our World War II and Cold War era nuclear weapons production and is an obligation of the Federal Government, not an option. The Environmental Management program responsible for cleaning up these wastes requires a sufficient level of funding so as not to cause legal cleanup milestones and obligations to be missed.

SEC. 412. POLICY STATEMENT ON WAR FUNDING.

(a) FINDINGS.—Congress finds that—

(1) there are currently more than 183,000 troops in the theater supporting Operations Iraqi and Enduring Freedom;

(2) in February of 2007, the President submitted a war request for supplemental funding to support these troops and their ongoing operations in the global war on terrorism;

(3) more than a year later, Congress has only acted to partially fund that request by providing less than half of the funding required by the troops;

(4) this policy assumes Congress will act on war funding requests in a timely manner so as to avoid—

(A) not having sufficient funds to pay United States soldiers, serving at home or abroad;

(B) not having sufficient funds to pay civilian Army personnel;

(C) significant disruption in base budget activities, which may result in delaying or foregoing contracts and activities (e.g., training) that ultimately may increase cost; and

(D) losing the ability to use the Commanders Emergency Response Program, which is critical to the success of United States and Coalition Forces in Iraq and Afghanistan.

(b) POLICY OF THE HOUSE ON WAR FUNDING.—It is the policy of the House that funding for troops in Operations Iraqi and Enduring Freedom should be provided in a timely manner so as not hinder their performance or needlessly place them in harms way.

SEC. 413. POLICY STATEMENT ON MEDICAL LIABILITY.

(a) FINDINGS.—Congress finds that—

(1) medical liability and the resulting practice of defensive medicine continue to plague the medical profession in the United States, reducing access for patients, increasing the cost of medical care generally, and increasing the cost of government programs such as Medicare and Medicaid for the United States taxpayer; and

(2) as the medical liability crisis grows, a large fraction of these dollars will be spent on wasteful health care services provided solely to shield providers from a lawsuits.

(b) POLICY STATEMENT ON MEDICAL LIABILITY.—It is the policy of this resolution that it assumes effective medical liability reform which will contribute to the overall goal of domestic entitlement reform, constraining the growth of vital programs such as Medicare and Medicaid and helping to ensure their long-term viability.

SEC. 414. POLICY STATEMENT ON THE MEDICARE "TRIGGER".

This resolution assumes that the committees of jurisdiction, in complying with the reconciliation instruction set forth in section 20, will submit to the Committee on the Budget language that locks in any savings resulting from Medicare funding warning legislation designed to reduce the program's general revenue spending exceeding 45 percent. By directing savings solely to deficit reduction, this provision will help Medicare fulfill its mission for the long term.

SEC. 415. PROGRAM INTEGRITY INITIATIVES.

(a) ADJUSTMENTS TO DISCRETIONARY SPENDING LIMITS.—

(1) CONTINUING DISABILITY REVIEWS AND SUPPLEMENTAL SECURITY INCOME REDETERMINATIONS.—In the House, prior to consideration of a bill or joint resolution making appropriations for fiscal year 2009 that appropriates $264,000,000 for continuing disability reviews and Supplemental Security Income redeterminations for the Social Security Administration, and provides an additional appropriation of up to $240,000,000, and the amount is designated for continuing disability reviews and Supplemental Security Income redeterminations for the Social Security Administration, the allocation to the Committee on Appropriations shall be increased by the amount of the additional budget authority and outlays resulting from that budget authority for fiscal year 2009.

(2) INTERNAL REVENUE SERVICE TAX COMPLIANCE.—In the House, prior to consideration of a bill or joint resolution making appropriations for fiscal year 2009 that appropriates $6,997,000,000 to the Internal Revenue Service and the amount is designated to improve compliance with the provisions of the Internal Revenue Code of 1986 and provides an additional appropriation of up to $490,000,000, and the amount is designated to

improve compliance with the provisions of the Internal Revenue Code of 1986, the allocation to the Committee on Appropriations shall be increased by the amount of the additional budget authority and outlays resulting from that budget authority for fiscal year 2009.

(3) HEALTH CARE FRAUD AND ABUSE CONTROL PROGRAM.—In the House, prior to consideration of a bill or joint resolution making appropriations for fiscal year 2009 that appropriates up to $198,000,000 and the amount is designated to the health care fraud and abuse control program at the Department of Health and Human Services, the allocation to the Committee on Appropriations shall be increased by the amount of additional budget authority and outlays resulting from that budget authority for fiscal year 2009.

(4) UNEMPLOYMENT INSURANCE PROGRAM INTEGRITY ACTIVITIES.—In the House, prior to consideration of a bill or joint resolution making appropriations for fiscal year 2009 that appropriates $10,000,000 for in-person reemployment and eligibility assessments and unemployment insurance improper payment reviews for the Department of Labor and provides an additional appropriation of up to $40,000,000, and the amount is designated for in-person reemployment and eligibility assessments and unemployment insurance improper payment reviews for the Department of Labor, the allocation to the Committee on Appropriations shall be increased by the amount of additional budget authority and outlays resulting from that budget authority for fiscal year 2009.

(b) PROCEDURE FOR ADJUSTMENTS.—

(1) IN GENERAL.—In the House, prior to consideration of a bill, joint resolution, amendment, or conference report, the chairman of the Committee on the Budget shall make the adjustments set forth in subsection (a) for the incremental new budget authority in that measure and the outlays resulting from that budget authority if that measure meets the requirements set forth in subsection (a), except that no adjustment shall be made for provisions exempted for the purposes of titles III and IV of the Congressional Budget Act of 1974 under section 404 of this resolution.

(2) MATTERS TO BE ADJUSTED.—The adjustments referred to in paragraph (1) are to be made to—

(A) the allocations made pursuant to the appropriate concurrent resolution on the budget pursuant to section 302(a) of the Congressional Budget Act of 1974; and

(B) the budgetary aggregates as set forth in this resolution.

(c) PRESIDENT'S BUDGET.—In determining whether an adjustments may be made pursuant to this section, the Chairman of the Committee on the Budget shall take into consideration, the recommendations made in President's budget related to such adjustments.

SEC. 416. POLICY STATEMENT ON THE ALTERNATIVE MINIMUM TAX.

This resolution assumes that the Committee on Ways and Means, in complying with the reconciliation instruction set forth pursuant to section 201(b) of this resolution, will prepare legislative language which will phase out the alternative minimum tax.

SEC. 417. POLICY STATEMENT ON HEALTH CARE SPENDING.

(a) FINDINGS.—The Congress finds that—

(1) Medicare's unfunded liability will grow from $34 trillion to $45 trillion in the next 5 years;

(2) health care spending is expected to reach nearly 20 percent of GDP by 2017;

(3) half of the Nation's $2.4 trillion in annual health care spending comes from taxpayer dollars; and

(4) the only way to ensure health care entitlement programs survive and continue to fulfill their missions in the 21st century is through fundamental reform.

(b) POLICY STATEMENT ON HEALTH CARE SPENDING.—This resolution assumes that the committees of jurisdiction over health care spending issues will report legislation to reduce health care costs and expand coverage, in part, by removing distortions in the health care market. The removal of these distortions may be accomplished by increasing personal ownership and improving health care quality and information through the sharing of information, including the passage of H.R. 1174 and H.R. 3370.

TITLE V—EMERGENCY RESERVE FUND

SEC. 501. NONDEFENSE RESERVE FUND FOR EMERGENCIES.

(a) NONDEFENSE SET ASIDE.—In the House:

(1) Except as provided by subsection 506, if a bill or joint resolution is reported, or an amendment is offered thereto (or considered as adopted) or a conference report is filed thereon, that provides new discretionary budget authority (and outlays flowing therefrom), and such provision is designated as an emergency pursuant to this section, the chairman of the Committee on the Budget shall make adjustments to the allocations and aggregates set forth in this resolution up to the amount of such provisions if the requirements set forth in section 504 are met, but the sum of all adjustments made under this paragraph shall not exceed $7,300,000,000 for fiscal year 2009.

(2) If a bill or joint resolution is reported or a conference report is filed thereon, and a direct spending or receipt provision included therein is designated as an emergency pursuant to this paragraph, the chairman of the Committee on the Budget may make adjustments to the allocations and aggregates set forth in this resolution.

(b) ADDITIONAL ADJUSTMENT PROCEDURES.—In the House, before any adjustment is made pursuant to this section for any bill, joint resolution, or conference report that designates a provision an emergency, the enactment of which would cause the total amount of the set aside fund set forth in subsection (a)(1) for fiscal year 2009 to be exceeded:

(1) The chairman of the Committee on the Budget shall convene a meeting of that committee, where it shall be in order, subject to the terms set forth in this section, for one motion described in paragraph (2) to be made to authorize the chairman to make adjustments above the maximum amount of adjustments set forth in subsection (a). If the Chairman does not call such a meeting within 24 hours of a committee reporting such a measure, any member of the Committee may call such a meeting.

(2) The motion referred to in paragraph (1) shall be in the following form: ''I move that the chairman of the Committee on the Budget be authorized to adjust the allocations and aggregates set forth in the concurrent resolution on the budget for fiscal year 2009 by the following amount: $_____,000,000 for fiscal year 2009.'', with the blank being filled in with amount determined by the chairman of the Committee on the Budget. For any measure referred to in subsection (a)(1), such amount shall not exceed the total amount for fiscal year 2009 designated as an emergency in excess of the applicable amount remaining in the set aside fund.

(3) The motion set forth in paragraph (2) shall be open for debate and amendment, but any amendment offered thereto is only in order if limited to changing an amount in the motion.

(4) Except as provided by paragraph (5), the chairman of the Committee on the Budget may not make any adjustments under subsection (a) or subsection (b) unless or until the committee filing a report or joint statement of managers on a conference report on a measure including an emergency designation fulfills the terms set forth in section 504.

(5) The chairman of the Committee on the Budget shall make any adjustments he deems necessary under this section if he determines the enactment of the provision or provisions designated as an emergency is essential to respond to an urgent and imminent need, the chairman determines the exceptional circumstances referred to in rule 3 of the rules of the committee are met and the committee cannot convene to consider the motion referred to in this section in a timely fashion.

(c) APPLICATION OF ADJUSTMENTS.—The adjustments made pursuant to subsection (a) or (b) shall

(1) apply while that bill, joint resolution, conference report or amendment is under consideration;

(2) take effect upon the enactment of that legislation; and

(3) be published in the Congressional Record as soon as practicable.

SEC. 502. EMERGENCY CRITERIA.

As used in this title:

(1) The term ''emergency'' means a situation that—

(A) requires new budget authority and outlays (or new budget authority and the outlays flowing therefrom) for the prevention or mitigation of, or response to, loss of life or property, or a threat to national security; and

(B) is unanticipated.

(2) The term ''unanticipated'' means that the underlying situation is—

(A) sudden, which means quickly coming into being or not building up over time;

(B) urgent, which means a pressing and compelling need requiring immediate action;

(C) unforeseen, which means not predicted or anticipated as an emerging need; and

(D) Temporary, which means not of a permanent duration.

SEC. 503. DEVELOPMENT OF GUIDELINES FOR APPLICATION OF EMERGENCY DEFINITION.

In the House, as soon as practicable after the adoption of this resolution, the chairman of the Committee on the Budget shall, after consultation with the chairmen of the applicable committees, the Ranking Member of the Committee on the Budget, and the Director of the Congressional Budget Office, prepare additional guidelines for application of the definition of an emergency and shall issue a committee print from the Committee on the Budget for this purpose.

SEC. 504. COMMITTEE NOTIFICATION OF EMERGENCY LEGISLATION.

(a) COMMITTEE NOTIFICATION.—Whenever a committee of the House (including a committee of conference) reports any bill or joint resolution that includes a provision designated as an emergency pursuant to this title, the report accompanying that bill or joint resolution (or the joint explanatory statement of managers in the case of a conference report on any such bill or joint resolution) shall identify all provisions that provide amounts designated as an emergency and shall provide an explanation of the manner in which the provision meets the criteria set forth in section 502.

(b) CONGRESSIONAL RECORD.—If such a measure is to be considered by the House without being reported by the committee of jurisdiction, then the committee shall cause the explanation to be published in the Congressional Record as soon as practicable.

SEC. 505. UP-TO-DATE TABULATIONS.

The Committee on the Budget of the House shall publish in the Congressional Record up-to-date tabulations of amounts remaining in the set aside fund set forth in section 501, or

authorized in excess thereof, as soon as practicable after the enactment of such amounts designated as emergencies.

SEC. 506. CONTINGENCY OPERATIONS RELATED TO THE GLOBAL WAR ON TERRORISM AND FOR UNANTICIPATED DEFENSE NEEDS.

(a) EXEMPTION OF CONTINGENCY OPERATIONS RELATED TO THE GLOBAL WAR ON TERRORISM AND FOR UNANTICIPATED DEFENSE NEEDS.—In the House, if any bill or joint resolution is reported, or an amendment is offered thereto or a conference report is filed thereon, that makes appropriations for fiscal year 2009 for contingency operations directly related to the global war on terrorism, and other unanticipated defense-related operations, then the new budget authority, new entitlement authority, outlays, or receipts resulting therefrom shall not count for purposes of titles III or IV of the Congressional Budget Act of 1974.

(b) CURRENT LEVEL.—Amounts included in this resolution for the purpose set forth in this section shall be considered to be current law for purposes of the preparation of the current level of budget authority and outlays and the appropriate levels shall be adjusted upon the enactment of such bill.

TITLE VI—LEGISLATIVE LINE ITEM VETO AUTHORITY

SEC. 601. PRESIDENTIAL RECOMMENDATIONS.

(a) PROPOSED CANCELLATIONS.—If, within 45 calendar days after the enactment of any bill or joint resolution providing any discretionary budget authority, item of direct spending, limited tariff benefit, or targeted tax benefit, the President proposes, in the manner provided in subsection (b), the cancellation of any dollar amount of such discretionary budget authority, item of direct spending, or targeted tax benefit, such recommendation shall be introduced as a free-standing measure consistent with the terms of this title and shall be eligible for the expedited procedures set forth herein. If the 45 calendar-day period expires during a period where either House of Congress stands adjourned sine die at the end of a Congress or for a period greater than 45 calendar days, the President may propose a cancellation under this section and transmit a special message under subsection (b) on the first calendar day of session following such a period of adjournment.

(b) TRANSMITTAL OF SPECIAL MESSAGE.—

(1) SPECIAL MESSAGE.—

(A) CONTENTS OF SPECIAL MESSAGE.—Each special message shall specify, with respect to the discretionary budget authority, items of direct spending proposed, limited tariff benefits, or targeted tax benefits to be canceled—

(i) the dollar amount of discretionary budget authority, the specific item of direct spending (that OMB, after consultation with CBO, estimates to increase budget authority or outlays as required by section 1017(9)), the limited tariff benefit, or the targeted tax benefit that the President proposes be canceled;

(ii) any account, department, or establishment of the Government to which such discretionary budget authority is available for obligation, and the specific project or governmental functions involved;

(iii) the reasons why such discretionary budget authority, item of direct spending, limited tariff benefit, or targeted tax benefit should be canceled;

(iv) to the maximum extent practicable, the estimated fiscal, economic, and budgetary effect (including the effect on outlays and receipts in each fiscal year) of the proposed cancellation;

(v) to the maximum extent practicable, all facts, circumstances, and considerations relating to or bearing upon the proposed cancellation and the decision to propose the cancellation, and the estimated effect of the proposed cancellation upon the objects, purposes, or programs for which the discretionary budget authority, item of direct spending, limited tariff benefit, or the targeted tax benefit is provided;

(vi) a numbered list of cancellations to be included in an approval bill that, if enacted, would cancel discretionary budget authority, items of direct spending, limited tariff benefit, or targeted tax benefits proposed in that special message; and

(vii) if the special message is transmitted subsequent to or at the same time as another special message, a detailed explanation why the proposed cancellations are not substantially similar to any other proposed cancellation in such other message.

(C) DUPLICATIVE PROPOSALS PROHIBITED.—The President may not propose to cancel the same or substantially similar discretionary budget authority, item of direct spending, limited tariff benefit, or targeted tax benefit more than one time under this Act.

(D) MAXIMUM NUMBER OF SPECIAL MESSAGES.—The President may not transmit to the Congress more than 5 special messages under this subsection related to any bill or joint resolution described in subsection (a), but may transmit not more than 10 special messages for any omnibus budget reconciliation or appropriation measure.

(2) ENACTMENT OF APPROVAL BILL.—

(A) DEFICIT REDUCTION.—Amounts of budget authority, items of direct spending, limited tariff benefit, or targeted tax benefits which are canceled pursuant to enactment of a bill as provided under this section shall be dedicated only to reducing the deficit or increasing the surplus.

(B) ADJUSTMENT OF LEVELS IN THE CONCURRENT RESOLUTION ON THE BUDGET.—Not later than 5 days after the date of enactment of an approval bill as provided under this section, the chairs of the Committees on the Budget of the Senate and the House of Representatives shall revise allocations and aggregates and other appropriate levels under the appropriate concurrent resolution on the budget to reflect the cancellation, and the applicable committees shall report revised suballocations pursuant to section 302(b), as appropriate.

(C) TRUST FUNDS AND SPECIAL FUNDS.—Notwithstanding subparagraph (A), nothing in this title shall be construed to require or allow the deposit of amounts derived from a trust fund or special fund which are canceled pursuant to enactment of a bill as provided under this section to any other fund.

SEC. 602. PROCEDURES IN THE UNITED STATES CONGRESS.

(a) EXPEDITED CONSIDERATION.—

(1) IN GENERAL.—The majority leader or minority leader of each House or his designee shall (by request) introduce an approval bill as defined in section 1017 not later than the third day of session of that House after the date of receipt of a special message transmitted to the Congress under section 1011(b). If the bill is not introduced as provided in the preceding sentence in either House, then, on the fourth day of session of that House after the date of receipt of the special message, any Member of that House may introduce the bill.

(2) CONSIDERATION IN THE HOUSE OF REPRESENTATIVES.—

(A) REFERRAL AND REPORTING.—Any committee of the House of Representatives to which an approval bill is referred shall report it to the House without amendment not later than the seventh legislative day after the date of its introduction. If a committee fails to report the bill within that period or the House has adopted a concurrent resolution providing for adjournment sine die at the end of a Congress, such committee shall be automatically discharged from further consideration of the bill and it shall be placed on the appropriate calendar.

(B) PROCEEDING TO CONSIDERATION.—After an approval bill is reported by or discharged from committee or the House has adopted a concurrent resolution providing for adjournment sine die at the end of a Congress, it shall be in order to move to proceed to consider the approval bill in the House. Such a motion shall be in order only at a time designated by the Speaker in the legislative schedule within two legislative days after the day on which the proponent announces his intention to offer the motion. Such a motion shall not be in order after the House has disposed of a motion to proceed with respect to that special message. The previous question shall be considered as ordered on the motion to its adoption without intervening motion. A motion to reconsider the vote by which the motion is disposed of shall not be in order.

(C) CONSIDERATION.—The approval bill shall be considered as read. All points of order against an approval bill and against its consideration are waived. The previous question shall be considered as ordered on an approval bill to its passage without intervening motion except five hours of debate equally divided and controlled by the proponent and an opponent and one motion to limit debate on the bill. A motion to reconsider the vote on passage of the bill shall not be in order.

(D) SENATE BILL.—An approval bill received from the Senate shall not be referred to committee.

(3) CONSIDERATION IN THE SENATE.—

(A) MOTION TO PROCEED TO CONSIDERATION.—A motion to proceed to the consideration of a bill under this subsection in the Senate shall not be debatable. It shall not be in order to move to reconsider the vote by which the motion to proceed is agreed to or disagreed to.

(B) LIMITS ON DEBATE.—Debate in the Senate on a bill under this subsection, and all debatable motions and appeals in connection therewith (including debate pursuant to subparagraph (D)), shall not exceed 10 hours, equally divided and controlled in the usual form.

(C) APPEALS.—Debate in the Senate on any debatable motion or appeal in connection with a bill under this subsection shall be limited to not more than 1 hour, to be equally divided and controlled in the usual form.

(D) MOTION TO LIMIT DEBATE.—A motion in the Senate to further limit debate on a bill under this subsection is not debatable.

(E) MOTION TO RECOMMIT.—A motion to recommit a bill under this subsection is not in order.

(F) CONSIDERATION OF THE HOUSE BILL.—

(i) IN GENERAL.—If the Senate has received the House companion bill to the bill introduced in the Senate prior to the vote required under paragraph (1)(C), then the Senate may consider, and the vote under paragraph (1)(C) may occur on, the House companion bill.

(ii) PROCEDURES AFTER VOTE ON SENATE BILL.—If the Senate votes, pursuant to paragraph (1)(C), on the bill introduced in the Senate, then immediately following that vote, or upon receipt of the House companion bill, the House bill shall be deemed to be considered, read the third time, and the vote on passage of the Senate bill shall be considered to be the vote on the bill received from the House.

(b) AMENDMENTS PROHIBITED.—No amendment to, or motion to strike a provision from, a bill considered under this section shall be in order in either the Senate or the House of Representatives.

SEC. 603. IDENTIFICATION OF TARGETED TAX BENEFITS.

(a) STATEMENT.—The chairman of the Committee on Ways and Means of the House of Representatives and the chairman of the Committee on Finance of the Senate acting jointly (hereafter in this subsection referred to as ''the chairmen'' shall review any revenue or reconciliation bill or joint resolution which includes any amendment to the Internal Revenue Code of 1986 that is being prepared for filing by a committee of conference of the two Houses, and shall identify whether such bill or joint resolution contains any targeted tax benefits. The chairmen shall provide to the committee of conference a statement identifying any such targeted tax benefits or declaring that the bill or joint resolution does not contain any targeted tax benefits. Any such statement shall be made available to any Member of Congress by the chairmen immediately upon request.

(b) STATEMENT INCLUDED IN LEGISLATION.—

(1) IN GENERAL.—Notwithstanding any other rule of the House of Representatives or any rule or precedent of the Senate, any revenue or reconciliation bill or joint resolution which includes any amendment to the Internal Revenue Code of 1986 reported by a committee of conference of the two Houses may include, as a separate section of such bill or joint resolution, the information contained in the statement of the chairmen, but only in the manner set forth in paragraph (2).

(2) APPLICABILITY.—The separate section permitted under subparagraph (A) shall read as follows: Section 1021 of the Congressional Budget and Impoundment Control Act of 1974 shall ''_____'' apply to ''_____.'' with the blank spaces being filled in with—

(A) in any case in which the chairmen identify targeted tax benefits in the statement required under subsection (a), the word ''only'' in the first blank space and a list of all of the specific provisions of the bill or joint resolution in the second blank space; or

(B) in any case in which the chairmen declare that there are no targeted tax benefits in the statement required under subsection (a), the word ''not'' in the first blank space and the phrase ''any provision of this Act'' in the second blank space.

(c) IDENTIFICATION IN REVENUE ESTIMATE.—With respect to any revenue or reconciliation bill or joint resolution with respect to which the chairmen provide a statement under subsection (a), the Joint Committee on Taxation shall—

(1) in the case of a statement described in subsection (b)(2)(A), list the targeted tax benefits in any revenue estimate prepared by the Joint Committee on Taxation for any conference report which accompanies such bill or joint resolution, or

(2) in the case of a statement described in section 13(b)(2)(B), indicate in such revenue estimate that no provision in such bill or joint resolution has been identified as a targeted tax benefit.

(d) PRESIDENT'S AUTHORITY.—If any revenue or reconciliation bill or joint resolution is signed into law

(1) with a separate section described in subsection (b)(2), then the President may use the authority granted in this section only with respect to any targeted tax benefit in that law, if any, identified in such separate section; or

(2) without a separate section described in subsection (b)(2), then the President may use the authority granted in this section with respect to any targeted tax benefit in that law.

SEC. 604. ADDITIONAL MATTERS.

(a) DEFINITIONS.—

(1) APPROPRIATION LAW.—The term ''appropriation law'' means an Act referred to in section 105 of title I, United States Code, including any general or special appropriation Act, or any Act making supplemental, deficiency, or continuing appropriations, that has been signed into law pursuant to Article I, section 7, of the Constitution of the United States.

(2) APPROVAL BILL.—The term ''approval bill'' means a bill or joint resolution which only approves proposed cancellations of dollar amounts of discretionary budget authority, items of new direct spending, limited tariff benefits, or targeted tax benefits in a special message transmitted by the President under this part and

(A) the title of which is as follows: ''A bill approving the proposed cancellations transmitted by the President on _____,'' the blank space being filled in with the date of transmission of the relevant special message and the public law number to which the message relates;

(B) which does not have a preamble; and

(C) which provides only the following after the enacting clause: ''That the Congress approves of proposed cancellations: _____,'' the blank space being filled in with a list of the cancellations contained in the President's special message, ''as transmitted by the President in a special message on _____,'' the blank space being filled in with the appropriate date, ''regarding _____.'' the blank space being filled in with the Public Law number to which the special message relates;

(D) which only includes proposed cancellations that are estimated by CBO to meet the definition of discretionary budgetary authority or items of direct spending, or limited tariff benefits, or that are identified as targeted tax benefits pursuant to section 1014;

(E) if any proposed cancellation other than discretionary budget authority or targeted tax benefits is estimated by CBO to not meet the definition of item of direct spending, then the approval bill shall include at the end: ''The President shall cease the suspension of the implementation of the following under section 1013 of the Legislative Line Item Veto Act of 2006: _____,'' the blank space being filled in with the list of such proposed cancellations; and

(F) if no CBO estimate is available, then the entire list of legislative provisions proposed by the President is inserted in the second blank space in subparagraph (C).

(3) CALENDAR DAY.—The term ''calendar day'' means a standard 24-hour period beginning at midnight.

(4) CANCEL OR CANCELLATION.—The terms ''cancel'' or ''cancellation'' means to prevent

(A) budget authority from having legal force or effect;

(B) in the case of entitlement authority, to prevent the specific legal obligation of the United States from having legal force or effect;

(C) in the case of the food stamp program, to prevent the specific provision of law that provides such benefit from having legal force or effect;

(D) a limited tariff benefit from having legal force or effect, and to make any necessary, conforming statutory change to ensure that such limited tariff benefit is not implemented; or

(E) a targeted tax benefit from having legal force or effect, and to make any necessary, conforming statutory change to ensure that such targeted tax benefit is not implemented and that any budgetary resources are appropriately canceled.

(5) CBO.—The term ''CBO'' means the Director of the Congressional Budget Office.

(6) DIRECT SPENDING.—The term ''direct spending'' means—

(A) budget authority provided by law (other than an appropriation law);

(B) entitlement authority; and

(C) the food stamp program.

(7) DOLLAR AMOUNT OF DISCRETIONARY BUDGET AUTHORITY.—

(A) Except as provided in subparagraph (B), the term ''dollar amount of discretionary budget authority'' means the dollar amount of budget authority—

(i) specified in an appropriation law, or the dollar amount of budget authority or obligation limitation required to be allocated by a specific proviso in an appropriation law for which a specific dollar figure was not included;

(ii) represented separately in any table, chart, or explanatory text included in the statement of managers or the governing committee report accompanying such law;

(iii) required to be allocated for a specific program, project, or activity in a law (other than an appropriation law) that mandates the expenditure of budget authority from accounts, programs, projects, or activities for which budget authority is provided in an appropriation law;

(iv) represented by the product of the estimated procurement cost and the total quantity of items specified in an appropriation law or included in the statement of managers or the governing committee report accompanying such law; or

(v) represented by the product of the estimated procurement cost and the total quantity of items required to be provided in a law (other than an appropriation law) that mandates the expenditure of budget authority from accounts, programs, projects, or activities for which budget authority is provided in an appropriation law.

(B) The term ''dollar amount of discretionary budget authority'' does not include—

(i) direct spending;

(ii) budget authority in an appropriation law which funds direct spending provided for in other law;

(iii) any existing budget authority canceled in an appropriation law; or

(iv) any restriction, condition, or limitation in an appropriation law or the accompanying statement of managers or committee reports on the expenditure of budget authority for an account, program, project, or activity, or on activities involving such expenditure.

(8) ITEM OF DIRECT SPENDING.—The term ''item of direct spending'' means any provision of law that results in an increase in budget authority or outlays for direct spending relative to the most recent levels calculated consistent with the methodology used to calculate a baseline under section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985 and included with a budget submission under section 1105(a) of title 31, United States Code, in the first year or the 5-year period for which the item is effective. Such item does not include an extension or reauthorization of existing direct spending, but only refers to provisions of law that increase such direct spending.

(9) LIMITED TARIFF BENEFIT.—The term ''limited tariff benefit'' means any provision of law that modifies the Harmonized Tariff Schedule of the United States in a manner that benefits 10 or fewer entities (as defined in paragraph (12)(B)).

(10) OMB.—The term ''OMB'' means the Director of the Office of Management and Budget.

(11) OMNIBUS RECONCILIATION OR APPROPRIATION MEASURE.—The term ''omnibus reconciliation'' or ''appropriation measure'' means—

(A) in the case of a reconciliation bill, any such bill that is reported to its House by the Committee on the Budget; or

(B) in the case of an appropriation measure, any such measure that provides appropriations for programs, projects, or activities

falling within 2 or more section 302(b) suballocations.

(12) TARGETED TAX BENEFIT.—

(A) The ''term targeted tax benefit'' means any revenue-losing provision that provides a Federal tax deduction, credit, exclusion, or preference to ten or fewer beneficiaries (determined with respect to either present law or any provision of which the provision is a part) under the Internal Revenue Code of 1986 in any year for which the provision is in effect;

(B) For purposes of subparagraph (A)—

(i) all businesses and associations that are members of the same controlled group of corporations (as defined in section 1563(a) of the Internal Revenue Code of 1986) shall be treated as a single beneficiary;

(ii) all shareholders, partners, members, or beneficiaries of a corporation, partnership, association, or trust or estate, respectively, shall be treated as a single beneficiary;

(iii) all employees of an employer shall be treated as a single beneficiary;

(iv) all qualified plans of an employer shall be treated as a single beneficiary;

(v) all beneficiaries of a qualified plan shall be treated as a single beneficiary;

(vi) all contributors to a charitable organization shall be treated as a single beneficiary;

(vii) all holders of the same bond issue shall be treated as a single beneficiary; and

(viii) if a corporation, partnership, association, trust or estate is the beneficiary of a provision, the shareholders of the corporation, the partners of the partnership, the members of the association, or the beneficiaries of the trust or estate shall not also be treated as beneficiaries of such provision;

(C) For the purpose of this paragraph, the term ''revenue-losing provision'' means any provision that is estimated to result in a reduction in federal tax revenues (determined with respect to either present law or any provision of which the provision is a part) for a period of the—

(i) first fiscal year for which the provision is effective; or

(ii) five fiscal years beginning with the first fiscal year for which the provision is effective;

(D) the ''term targeted tax benefit'' does not include any provision which applies uniformly to an entire industry; and

(E) the terms used in this paragraph shall have the same meaning as those terms have generally in the Internal Revenue Code of 1986, unless otherwise expressly provided.

SEC. 605. ABUSE OF PROPOSED CANCELLATIONS.

The President, or any executive branch official, should not condition the inclusion or exclusion or threaten to condition the inclusion or exclusion of any proposed cancellation in any special message under this title upon any vote cast or to be cast by any Member of either House of Congress.

TITLE VII—PAY-AS-YOU-GO

SEC. 701. STRENGTHENING PAY-AS-YOU-GO.

(a) LIMITATION.—In the House, in determining the effect of a bill, joint resolution, amendment or conference report on the deficit or surplus for purposes of clause 10 of rule XXI of the Rules of the House of Representatives, the Committee on the Budget shall disregard provisions that are impermissible offsets.

(b) DEFINITION OF IMPERMISSIBLE OFFSETS.—A provision is an ''impermissible offset'' if the Committee on the Budget determines that it—

(1) is the same or substantially the same as a change in law reducing the deficit included in a bill, joint resolution, or conference report previously passed by the House but not enacted;

(2) causes a decrease in outlays within the first time period set forth in clause 10 of such rule XXI, but causes no change in outlays over the second time period included in the clause; or

(3) causes an increase in revenue within the first time period set forth in clause 10 of such rule XXI, but causes no change in revenues over the second time period included in the clause.

(c) TREATMENT OF DIRECT SPENDING PROVISIONS.—In the House:

(1) For purposes of enforcing clause 10 of rule XXI of the Rules of the House of Representatives, a provision included in a bill, joint resolution, or conference report increasing direct spending in any year may be deemed by the chairman of the Committee on the Budget to be structured such that it artificially disguises an increase in entitlement spending by use of expiration dates or reductions in entitlement or beneficiary levels.

(2) The chairman of the Committee on the Budget shall cause a clear statement for any bill, joint resolution or conference report as to whether a provision increasing mandatory budget authority or outlays has or has not been structured as described in paragraph (1), to be inserted in the Congressional Record if requested by the Speaker, the Majority Leader, the Minority Leader or the Ranking Member of the Committee on the Budget.

(d) STRENGTHEN PAY-AS-YOU-GO.—It shall not be in order to consider any bill, joint resolution, or conference report that increases the deficit in the budget year or the five-fiscal year period following the second period of fiscal years set forth in clause 10 of rule XXI of the Rules of the House of the House Representatives. The effect of such measure on the deficit or surplus shall be determined on the same basis as set forth in such clause.

TITLE VIII—GENERAL PROVISIONS

SEC. 801. APPLICATION AND EFFECT OF CHANGES IN ALLOCATIONS AND AGGREGATES.

(a) APPLICATION.—Any adjustments of allocations and aggregates made pursuant to this resolution shall—

(1) apply while that measure is under consideration;

(2) take effect upon the enactment of that measure; and

(3) be published in the Congressional Record as soon as practicable.

(b) EFFECT OF CHANGED ALLOCATIONS AND AGGREGATES.—Revised allocations and aggregates resulting from these adjustments shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations and aggregates contained in this resolution.

(c) BUDGET COMMITTEE DETERMINATIONS.—For purposes of this resolution—

(1) the levels of new budget authority, outlays, direct spending, new entitlement authority, revenues, deficits, and surpluses for a fiscal year or period of fiscal years shall be determined on the basis of estimates made by the appropriate Committee on the Budget; and

(2) such chairman may make any other necessary adjustments to such levels to reflect the timing of responses to reconciliation directives pursuant to section 201 of this resolution.

SEC. 802. ADJUSTMENTS TO REFLECT CHANGES IN CONCEPTS AND DEFINITIONS.

Upon the enactment of a bill or joint resolution providing for a change in concepts or definitions, the appropriate chairman of the Committee on the Budget shall make adjustments to the levels and allocations in this resolution in accordance with section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 (as in effect prior to September 30, 2002).

SEC. 803. COMPLIANCE WITH SECTION 13301 OF THE BUDGET ENFORCEMENT ACT OF 1990.

(a) IN GENERAL.—In the House and the Senate, notwithstanding section 302(a)(1) of the Congressional Budget Act of 1974 and section 13301 of the Budget Enforcement Act of 1990, the joint explanatory statement accompanying the conference report on any concurrent resolution on the budget shall include in its allocation under section 302(a) of the Congressional Budget Act of 1974 to the Committee on Appropriations amounts for the discretionary administrative expenses of the Social Security Administration.

(b) SPECIAL RULE.—In the House, for purposes of applying section 302(f) of the Congressional Budget Act of 1974, estimates of the level of total new budget authority and total outlays provided by a measure shall include any discretionary amounts provided for the Social Security Administration.

SEC. 804. EXERCISE OF RULEMAKING POWERS.

Congress adopts the provisions of this title—

(1) as an exercise of the rulemaking power of the Senate and the House, respectively, and as such they shall be considered as part of the rules of each House, or of that House to which they specifically apply, and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change those rules (so far as they relate to that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

It was decided in the negative { Yeas ..... 157 / Nays ..... 263 }

¶30.21 [Roll No. 140]

AYES—157

Aderholt	Ehlers	McCotter
Akin	Everett	McCrery
Alexander	Fallin	McHenry
Bachmann	Feeney	McIntyre
Bachus	Ferguson	McKeon
Barrett (SC)	Flake	McMorris Rodgers
Bartlett (MD)	Forbes	Mica
Barton (TX)	Fortenberry	Miller (FL)
Biggert	Foxx	Miller (MI)
Bilbray	Franks (AZ)	Miller, Gary
Bilirakis	Gallegly	Musgrave
Bishop (UT)	Garrett (NJ)	Myrick
Blackburn	Gilchrest	Neugebauer
Blunt	Gingrey	Nunes
Boehner	Gohmert	Paul
Bonner	Goodlatte	Pearce
Bono Mack	Granger	Pence
Brady (TX)	Graves	Peterson (PA)
Broun (GA)	Hall (TX)	Petri
Brown (SC)	Hastings (WA)	Pickering
Brown-Waite, Ginny	Hensarling	Pitts
Buchanan	Herger	Platts
Burgess	Hoekstra	Poe
Burton (IN)	Hulshof	Price (GA)
Buyer	Inglis (SC)	Pryce (OH)
Calvert	Issa	Putnam
Camp (MI)	Johnson, Sam	Radanovich
Campbell (CA)	Jones (NC)	Rehberg
Cannon	Jordan	Reynolds
Cantor	Keller	Rogers (KY)
Carter	King (IA)	Rogers (MI)
Chabot	Kingston	Rohrabacher
Coble	Kline (MN)	Ros-Lehtinen
Cole (OK)	Knollenberg	Roskam
Conaway	Lamborn	Royce
Cooper	Lampson	Ryan (WI)
Crenshaw	Latham	Sali
Cubin	Latta	Sensenbrenner
Culberson	Lewis (CA)	Sessions
Davis (KY)	Lewis (KY)	Shadegg
Davis, David	Linder	Shimkus
Davis, Tom	Lucas	Shuler
Deal (GA)	Lungren, Daniel E.	Shuster
Diaz-Balart, L.	Mack	Simpson
Diaz-Balart, M.	Manzullo	Smith (NE)
Doolittle	Marchant	Smith (TX)
Drake	McCarthy (CA)	Souder
Dreier	McCaul (TX)	Stearns

Sullivan
Terry
Thornberry
Tiberi
Upton
Walberg
Wamp
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Young (FL)

NOES—263

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boozman
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Donnelly
Doyle
Duncan
Edwards
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Filner
Fossella
Foster
Frank (MA)
Frelinghuysen
Gerlach
Giffords
Gillibrand
Gonzalez
Goode
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Hayes
Heller
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Klein (FL)
Kucinich
Kuhl (NY)
Langevin
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McHugh
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Porter
Price (NC)
Rahall
Ramstad
Regula
Reichert
Reyes
Richardson
Rodriguez
Rogers (AL)
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tiahrt
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh (NY)
Walz (MN)
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Wexler
Wilson (OH)
Wolf
Wu
Wynn
Yarmuth

NOT VOTING—15

Bordallo
Boustany
Fortuño
Hooley
Hunter
LaHood
Oberstar
Rangel
Renzi
Rush
Tancredo
Waters
Weller
Woolsey
Young (AK)

So the amendment in the nature of a substitute was not agreed to.

The SPEAKER pro tempore, Mrs. TAUSCHER, assumed the Chair.

When Mr. CAPUANO, Acting Chairman, pursuant to House Resolution 1036, reported the concurrent resolution back to the House.

The previous question having been ordered by said resolution.

The question being put, viva voce,

Will the House agree to said concurrent resolution?

The SPEAKER pro tempore, Mrs. TAUSCHER, announced that pursuant to clause 10, rule XX the yeas and nays were ordered, and the call was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 212 Nays 207

¶30.22 [Roll No. 141]

YEAS—212

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

NAYS—207

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

NOT VOTING—12

Boustany
Hooley
Hunter
LaHood
Oberstar
Rangel
Renzi
Rush
Tancredo
Weller
Woolsey
Young (AK)

So the concurrent resolution was agreed to.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶30.23 H. RES. 991—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mrs. TAUSCHER, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res.

991) recognizing the exceptional sacrifice of the 69th Infantry Regiment, known as the Fighting 69th, in support of the Global War on Terror.

The question being put,

Will the House suspend the rules and agree to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 406 Nays 0

¶30.24 [Roll No. 142]

YEAS—406

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hulshof
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCaul (TX)
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Wu
Wynn
Yarmuth
Young (FL)

NOT VOTING—24

Berman
Boustany
Cramer
Gohmert
Gutierrez
Hooley
Hunter
King (IA)
LaHood
Lewis (CA)
McCarthy (NY)
McCollum (MN)
McCotter
Meeks (NY)
Oberstar
Rangel
Renzi
Rush
Tancredo
Tierney
Waters
Weller
Woolsey
Young (AK)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶30.25 CLERK TO CORRECT ENGROSSMENT

On motion of Mr. STARK, by unanimous consent,

Ordered, That in the engrossment of the bill (H.R. 3361) to make technical corrections related to the Pension Protection Act of 2006, the Clerk be authorized to engross the bill in the form of the following bill as placed at the desk:

SECTION 1. SHORT TITLE; REFERENCES TO ACTS.

(a) IN GENERAL.—This Act may be cited as the ''Pension Protection Technical Corrections Act of 2008''.

(b) REFERENCES TO ACTS.—For purposes of this Act—

(1) AMENDMENT OF 1986 CODE.—The term ''1986 Code'' means the Internal Revenue Code of 1986.

(2) AMENDMENT OF ERISA.—The term ''ERISA'' means the Employee Retirement Income Security Act of 1974.

(3) 2006 ACT.—The term ''2006 Act'' means the Pension Protection Act of 2006.

SEC. 2. AMENDMENTS RELATED TO TITLE I.

(a) AMENDMENTS RELATED TO SECTIONS 101 AND 111.—

(1) AMENDMENTS TO ERISA.—

(A) Clause (i) of section 302(c)(1)(A) of ERISA is amended by striking ''the plan is'' and inserting ''the plan are''.

(B) Section 302(c)(7) of ERISA is amended by inserting ''which reduces the accrued benefit of any participant'' after ''subsection (d)(2)'' in subparagraph (A).

(C) Section 302(d)(1) of ERISA is amended by striking '', the valuation date,''.

(2) AMENDMENTS TO 1986 CODE.—

(A) Clause (i) of section 412(c)(1)(A) of the 1986 Code is amended by striking ''the plan is'' and inserting ''the plan are''.

(B) Section 412(c)(7) of the 1986 Code is amended by inserting ''which reduces the accrued benefit of any participant'' after ''subsection (d)(2)'' in subparagraph (A).

(C) Section 412(d)(1) of the 1986 Code is amended by striking '', the valuation date,''.

(b) AMENDMENTS RELATED TO SECTIONS 102 AND 112.—

(1) AMENDMENTS TO ERISA.—

(A) Section 303(b) of ERISA is amended to read as follows:

''(b) TARGET NORMAL COST.—For purposes of this section—

''(1) IN GENERAL.—Except as provided in subsection (i)(2) with respect to plans in at-risk status, the term 'target normal cost' means, for any plan year, the excess of—

''(A) the sum of—

''(i) the present value of all benefits which are expected to accrue or to be earned under the plan during the plan year, plus

''(ii) the amount of plan-related expenses expected to be paid from plan assets during the plan year, over

''(B) the amount of mandatory employee contributions expected to be made during the plan year.

''(2) SPECIAL RULE FOR INCREASE IN COMPENSATION.—For purposes of this subsection, if any benefit attributable to services performed in a preceding plan year is increased by reason of any increase in compensation during the current plan year, the increase in such benefit shall be treated as having accrued during the current plan year.''.

(B) Section 303(c)(5)(B)(iii) of ERISA is amended by inserting ''beginning'' before ''after 2008''.

(C) Section 303(c)(5)(B)(iv)(II) of ERISA is amended by inserting ''for such year'' after ''beginning in 2007)''.

(D) Section 303(f)(4)(A) of ERISA is amended by striking ''paragraph (2)'' and inserting ''paragraph (3)''.

(E) Section 303(h)(2)(F) of ERISA is amended—

(i) by striking ''section 205(g)(3)(B)(iii)(I)) for such month'' and inserting ''section 205(g)(3)(B)(iii)(I) for such month)'', and

(ii) by striking ''subparagraph (B)'' and inserting ''subparagraph (C)''.

(F) Section 303(i) of ERISA is amended—

(i) in paragraph (2)—

(I) by striking subparagraph (A) and inserting the following new subparagraph:

''(A) the excess of—

''(i) the sum of—

''(I) the present value of all benefits which are expected to accrue or to be earned under the plan during the plan year, determined using the additional actuarial assumptions described in paragraph (1)(B), plus

''(II) the amount of plan-related expenses expected to be paid from plan assets during the plan year, over

''(ii) the amount of mandatory employee contributions expected to be made during the plan year, plus'', and

(II) in subparagraph (B), by striking ''the target normal cost (determined without regard to this paragraph) of the plan for the plan year'' and inserting ''the amount determined under subsection (b)(1)(A)(i) with respect to the plan for the plan year'', and

(ii) by striking ''subparagraph (A)(ii)'' in the last sentence of paragraph (4)(B) and inserting ''subparagraph (A)''.

(G) Section 303(j)(3) of ERISA—

(i) is amended by adding at the end of subparagraph (A) the following new sentence: ''In the case of plan years beginning in 2008, the funding shortfall for the preceding plan year may be determined using such methods of estimation as the Secretary of the Treasury may provide.'',

(ii) by adding at the end of subparagraph (E) the following new clause:

''(iii) PLAN WITH ALTERNATE VALUATION DATE.—The Secretary of the Treasury shall prescribe regulations for the application of this paragraph in the case of a plan which has a valuation date other than the first day of the plan year.'', and

(iii) by striking ''AND SHORT YEARS'' in the heading of subparagraph (E) and inserting '', SHORT YEARS, AND YEARS WITH ALTERNATE VALUATION DATE''.

(H) Section 303(k)(6)(B) of ERISA is amended by striking '', except'' and all that follows and inserting a period.

(2) AMENDMENTS TO 1986 CODE.—

(A) Section 430(b) of the 1986 Code is amended to read as follows:

''(b) TARGET NORMAL COST.—For purposes of this section—

''(1) IN GENERAL.—Except as provided in subsection (i)(2) with respect to plans in at-risk status, the term 'target normal cost' means, for any plan year, the excess of—

''(A) the sum of—

''(i) the present value of all benefits which are expected to accrue or to be earned under the plan during the plan year, plus

''(ii) the amount of plan-related expenses expected to be paid from plan assets during the plan year, over

''(B) the amount of mandatory employee contributions expected to be made during the plan year.

''(2) SPECIAL RULE FOR INCREASE IN COMPENSATION.—For purposes of this subsection, if any benefit attributable to services performed in a preceding plan year is increased by reason of any increase in compensation during the current plan year, the increase in such benefit shall be treated as having accrued during the current plan year.''.

(B) Section 430(c)(5)(B)(iii) of the 1986 Code is amended by inserting ''beginning'' before ''after 2008''.

(C) Section 430(c)(5)(B)(iv)(II) of the 1986 Code is amended by inserting ''for such year'' after ''beginning in 2007)''.

(D) Section 430(f) of the 1986 Code is amended—

(i) by striking ''as of the first day of the plan year'' the second place it appears in the first sentence of paragraph (3)(A),

(ii) by striking ''paragraph (2)'' in paragraph (4)(A) and inserting ''paragraph (3)'',

(iii) by striking ''paragraph (1), (2), or (4) of section 206(g)'' in paragraph (6)(B)(iii) and inserting ''subsection (b), (c), or (e) of section 436'',

(iv) by striking ''the sum of'' in paragraph (6)(C), and

(v) by striking ''of the Treasury'' in paragraph (8).

(E) Section 430(h)(2) of the 1986 Code is amended—

(i) by inserting ''and target normal cost'' after ''funding target'' in subparagraph (B),

(ii) by striking ''liabilities'' and inserting ''benefits'' in subparagraph (B),

(iii) by striking ''section 417(e)(3)(D)(i)) for such month'' in subparagraph (F) and inserting ''section 417(e)(3)(D)(i) for such month)'', and

(iv) by striking ''subparagraph (B)'' in subparagraph (F) and inserting ''subparagraph (C)''.

(F) Section 430(i) of the 1986 Code is amended—

(i) in paragraph (2)—

(I) by striking subparagraph (A) and inserting the following new subparagraph:

''(A) the excess of—

''(i) the sum of—

''(I) the present value of all benefits which are expected to accrue or to be earned under the plan during the plan year, determined using the additional actuarial assumptions described in paragraph (1)(B), plus

''(II) the amount of plan-related expenses expected to be paid from plan assets during the plan year, over

''(ii) the amount of mandatory employee contributions expected to be made during the plan year, plus'', and

(II) in subparagraph (B), by striking ''the target normal cost (determined without regard to this paragraph) of the plan for the plan year'' and inserting ''the amount determined under subsection (b)(1)(A)(i) with respect to the plan for the plan year'', and

(ii) by striking ''subparagraph (A)(ii)'' in the last sentence of paragraph (4)(B) and inserting ''subparagraph (A)''.

(G) Section 430(j)(3) of the 1986 Code is amended—

(i) by adding at the end of subparagraph (A) the following new sentence: ''In the case of plan years beginning in 2008, the funding shortfall for the preceding plan year may be determined using such methods of estimation as the Secretary may provide.'',

(ii) by striking ''section 302(c)'' in subparagraph (D)(ii)(II) and inserting ''section 412(c)'',

(iii) by adding at the end of subparagraph (E) the following new clause:

''(iii) PLAN WITH ALTERNATE VALUATION DATE.—The Secretary shall prescribe regulations for the application of this paragraph in the case of a plan which has a valuation date other than the first day of the plan year.'', and

(iv) by striking ''AND SHORT YEARS'' in the heading of subparagraph (E) and inserting '', SHORT YEARS, AND YEARS WITH ALTERNATE VALUATION DATE''.

(H) Section 430(k) of the 1986 Code is amended—

(i) by inserting ''(as provided under paragraph (2))'' after ''applies'' in paragraph (1), and

(ii) by striking '', except'' and all that follows in paragraph (6)(B) and inserting a period.

(c) AMENDMENTS RELATED TO SECTIONS 103 AND 113.—

(1) AMENDMENTS TO ERISA.—

(A) Section 101(j) of ERISA is amended—

(i) in paragraph (2), by striking ''section 206(g)(4)(B)'' and inserting ''section 206(g)(4)(A)''; and

(ii) by adding at the end the following: ''The Secretary of the Treasury, in consultation with the Secretary, shall have the authority to prescribe rules applicable to the notices required under this subsection.''.

(B) Section 206(g)(1)(B)(ii) of ERISA is amended by striking ''a funding'' and inserting ''an adjusted funding''.

(C) The heading for section 206(g)(1)(C) of ERISA is amended by inserting ''BENEFIT'' after ''EVENT''.

(D) Section 206(g)(3)(E) of ERISA is amended by adding at the end the following new flush sentence:

''Such term shall not include the payment of a benefit which under section 203(e) may be immediately distributed without the consent of the participant.''.

(E) Section 206(g)(5)(A)(iv) of ERISA is amended by inserting ''adjusted'' before ''funding''.

(F) Section 206(g)(9)(C) of ERISA is amended—

(i) by striking ''without regard to this subparagraph and'' in clause (i), and

(ii) in clause (iii)—

(I) by striking ''without regard to this subparagraph'' and inserting ''without regard to the reduction in the value of assets under section 303(f)(4)'', and

(II) by inserting ''beginning'' before ''after'' each place it appears.

(G) Section 206(g) of ERISA is amended by redesignating paragraph (10) as paragraph (11) and by inserting after paragraph (9) the following new paragraph:

''(10) SECRETARIAL AUTHORITY FOR PLANS WITH ALTERNATE VALUATION DATE.—In the case of a plan which has designated a valuation date other than the first day of the plan year, the Secretary of the Treasury may prescribe rules for the application of this subsection which are necessary to reflect the alternate valuation date.''.

(H) Section 502(c)(4) of ERISA is amended by striking ''by any person'' and all that follows through the period and inserting ''by any person of subsection (j), (k), or (l) of section 101 or section 514(e)(3).''.

(2) AMENDMENTS TO 1986 CODE.—

(A) Section 436(b)(2) of the 1986 Code is amended—

(i) by striking ''section 303'' and inserting ''section 430'' in the matter preceding subparagraph (A), and

(ii) by striking ''a funding'' and inserting ''an adjusted funding'' in subparagraph (B).

(B) Section 436(b)(3) of the 1986 Code is amended—

(i) by inserting ''BENEFIT'' after ''EVENT'' in the heading, and

(ii) by striking ''any event'' in subparagraph (B) and inserting ''an event''.

(C) Section 436(d)(5) of the 1986 Code is amended by adding at the end the following new flush sentence:

''Such term shall not include the payment of a benefit which under section 411(a)(11) may be immediately distributed without the consent of the participant.''.

(D) Section 436(f) of the 1986 Code is amended—

(i) by inserting ''adjusted'' before ''funding'' in paragraph (1)(D), and

(ii) by striking ''prefunding balance under section 430(f) or funding standard carryover balance'' in paragraph (2) and inserting ''prefunding balance or funding standard carryover balance under section 430(f)''.

(E) Section 436(j)(3) of the 1986 Code is amended—

(i) in subparagraph (A)—

(I) by striking ''without regard to this paragraph and'',

(II) by striking ''section 430(f)(4)(A)'' and inserting ''section 430(f)(4)'', and

(III) by striking ''paragraph (1)'' and inserting ''paragraphs (1) and (2)'', and

(ii) in subparagraph (C)—

(I) by striking ''without regard to this paragraph'' and inserting ''without regard to the reduction in the value of assets under section 430(f)(4)'', and

(II) by inserting ''beginning'' before ''after'' each place it appears.

(F) Section 436 of the 1986 Code is amended by redesignating subsection (k) as subsection (m) and by inserting after subsection (j) the following new subsections:

''(k) SECRETARIAL AUTHORITY FOR PLANS WITH ALTERNATE VALUATION DATE.—In the case of a plan which has designated a valuation date other than the first day of the plan year, the Secretary may prescribe rules for the application of this section which are

necessary to reflect the alternate valuation date.

''(1) SINGLE-EMPLOYER PLAN.—For purposes of this section, the term 'single-employer plan' means a plan which is not a multiemployer plan.''.

(3) AMENDMENTS TO 2006 ACT.—Sections 103(c)(2)(A)(ii) and 113(b)(2)(A)(ii) of the 2006 Act are each amended—

(A) by striking ''subsection'' and inserting ''section'', and

(B) by striking ''subparagraph'' and inserting ''paragraph''.

(d) AMENDMENTS RELATED TO SECTIONS 107 AND 114.—

(1) AMENDMENTS TO ERISA.—

(A) Section 103(d) of ERISA is amended—

(i) in paragraph (3), by striking ''the normal costs, the accrued liabilities'' and inserting ''the normal costs or target normal costs, the accrued liabilities or funding target'', and

(ii) by striking paragraph (7) and inserting the following new paragraph:

''(7) A certification of the contribution necessary to reduce the minimum required contribution determined under section 303, or the accumulated funding deficiency determined under section 304, to zero.''.

(B) Section 4071 of ERISA is amended by striking ''as section 303(k)(4) or 307(e)'' and inserting ''or section 303(k)(4),''.

(2) AMENDMENTS TO 1986 CODE.—

(A) Section 401(a)(29) of the 1986 Code is amended by striking ''ON PLANS IN AT-RISK STATUS'' in the heading.

(B) Section 401(a)(32)(C) of the 1986 Code is amended—

(i) by striking ''section 430(j)'' and inserting ''section 430(j)(3)'', and

(ii) by striking ''paragraph (5)(A)'' and inserting ''section 430(j)(4)(A)''.

(C) Section 401(a)(33) of the 1986 Code is amended—

(i) by striking ''section 412(c)(2)'' in subparagraph (B)(iii) and inserting ''section 412(d)(2)'', and

(ii) by striking ''section 412(b)(2) (without regard to subparagraph (B) thereof)'' in subparagraph (D) and inserting ''section 412(b)(1), without regard to section 412(b)(2)''.

(D) Section 411 of the 1986 Code is amended—

(i) by striking ''section 412(c)(2)'' in subsection (a)(3)(C) and inserting ''section 412(d)(2)'', and

(ii) by striking ''section 412(e)(2)'' in subsection (d)(6)(A) and inserting ''section 412(d)(2)''.

(E) Section 414(l)(2)(B)(i)(I) of the 1986 Code is amended to read as follows:

''(I) the sum of the funding target and target normal cost determined under section 430, over''.

(F) Section 4971 of the 1986 Code is amended—

(i) by striking ''required minimum'' in subsection (b)(1) and inserting ''minimum required'',

(ii) by inserting ''or unpaid minimum required contribution, whichever is applicable'' after ''accumulated funding deficiency'' each place it appears in subsections (c)(3) and (d)(1), and

(iii) by striking ''section 412(a)(1)(A)'' in subsection (e)(1) and inserting ''section 412(a)(2)''.

(3) AMENDMENT TO 2006 ACT.—Section 114 of the 2006 Act is amended by adding at the end the following new subsection:

''(g) EFFECTIVE DATES.—

''(1) IN GENERAL.—The amendments made by this section shall apply to plan years beginning after 2007.

''(2) EXCISE TAX.—The amendments made by subsection (e) shall apply to taxable years beginning after 2007, but only with respect to plan years described in paragraph (1) which end with or within any such taxable year.''.

(e) AMENDMENT RELATED TO SECTION 116.—Section 409A(b)(3)(A)(ii) of the 1986 Code is amended by inserting ''to an applicable covered employee'' after ''under the plan''.

SEC. 3. AMENDMENTS RELATED TO TITLE II.

(a) AMENDMENT RELATED TO SECTIONS 201 AND 211.—Section 201(b)(2)(A) of the 2006 Act is amended by striking ''has not used'' and inserting ''has not adopted, or ceased using,''.

(b) AMENDMENTS RELATED TO SECTIONS 202 AND 212.—

(1) AMENDMENTS TO ERISA.—

(A) Section 302(b)(3) of ERISA is amended by striking ''the plan adopts'' and inserting ''the plan sponsor adopts''.

(B) Section 305(b)(3)(C) of ERISA is amended by striking ''section 101(b)(4)'' and inserting ''section 101(b)(1)''.

(C) Section 305(b)(3)(D) of ERISA is amended by striking ''The Secretary'' in clause (iii) and inserting ''The Secretary of the Treasury, in consultation with the Secretary''.

(D) Section 305(c)(7) of ERISA is amended—

(i) by striking ''to agree on'' and all that follows in subparagraph (A)(ii) and inserting ''to adopt a contribution schedule with terms consistent with the funding improvement plan and a schedule from the plan sponsor,'', and

(ii) by striking subparagraph (B) and inserting the following new subparagraph:

''(B) DATE OF IMPLEMENTATION.—The date specified in this subparagraph is the date which is 180 days after the date on which the collective bargaining agreement described in subparagraph (A) expires.'', and

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

''(C) FAILURE TO MAKE SCHEDULED CONTRIBUTIONS.—Any failure to make a contribution under a schedule of contribution rates provided under this paragraph shall be treated as a delinquent contribution under section 515 and shall be enforceable as such.''.

(E) Section 305(e) of ERISA is amended—

(i) in paragraph (3)(C)—

(I) by striking all that follows ''to adopt a'' in clause (i)(II) and inserting ''to adopt a contribution schedule with terms consistent with the rehabilitation plan and a schedule from the plan sponsor under paragraph (1)(B)(i),'',

(II) by striking clause (ii) and inserting the following new clause:

''(ii) DATE OF IMPLEMENTATION.—The date specified in this clause is the date which is 180 days after the date on which the collective bargaining agreement described in clause (i) expires.'', and

(III) by adding at the end the following new clause:

''(iii) FAILURE TO MAKE SCHEDULED CONTRIBUTIONS.—Any failure to make a contribution under a schedule of contribution rates provided under this subsection shall be treated as a delinquent contribution under section 515 and shall be enforceable as such.'',

(ii) in paragraph (4)—

(I) by striking ''the date of'' in subparagraph (A)(ii), and

(II) by striking ''and taking'' in subparagraph (B) and inserting ''but taking'',

(iii) in paragraph (6)—

(I) by striking ''paragraph (1)(B)(i)'' and inserting ''the last sentence of paragraph (1)'', and

(II) by striking ''established'' and inserting ''establish'',

(iv) in paragraph (8)(C)(iii)—

(I) by striking ''the Secretary'' in subclause (I) and inserting ''the Secretary of the Treasury, in consultation with the Secretary'', and

(II) by striking ''Secretary'' in the last sentence and inserting ''Secretary of the Treasury'', and

(v) by striking ''an employer's withdrawal liability'' in paragraph (9)(B) and inserting ''the allocation of unfunded vested benefits to an employer''.

(F) Section 305(f)(2)(A)(i) of ERISA is amended by adding at the end the following: ''to a participant or beneficiary whose annuity starting date (as defined in section 205(h)(2)) occurs after the date such notice is sent,''.

(G) Section 305(g) of ERISA is amended by inserting ''under subsection (c)'' after ''funding improvement plan'' the first place it appears.

(H) Section 502(c)(2) of ERISA is amended by striking ''101(b)(4)'' and inserting ''101(b)(1)''.

(I) Section 502(c)(8)(A) of ERISA is amended by inserting ''plan'' after ''multiemployer''.

(2) AMENDMENTS TO 1986 CODE.—

(A) Section 432(b)(3)(C) of the 1986 Code is amended by striking ''section 101(b)(4)'' and inserting ''section 101(b)(1)''.

(B) Section 432(b)(3)(D)(iii) of the 1986 Code is amended by striking ''The Secretary of Labor'' and inserting ''The Secretary, in consultation with the Secretary of Labor''.

(C) Section 432(c) of the 1986 Code is amended—

(i) in paragraph (3), by striking ''section 304(d)'' in subparagraph (A)(ii) and inserting ''section 431(d)'', and

(ii) in paragraph (7)—

(I) by striking ''to agree on'' and all that follows in subparagraph (A)(ii) and inserting ''to adopt a contribution schedule with terms consistent with the funding improvement plan and a schedule from the plan sponsor,'', and

(II) by striking subparagraph (B) and inserting the following new subparagraph:

''(B) DATE OF IMPLEMENTATION.—The date specified in this subparagraph is the date which is 180 days after the date on which the collective bargaining agreement described in subparagraph (A) expires.''.

(D) Section 432(e) of the 1986 Code is amended—

(i) in paragraph (3)(C)—

(I) by striking all that follows ''to adopt a'' in clause (i)(II) and inserting ''to adopt a contribution schedule with terms consistent with the rehabilitation plan and a schedule from the plan sponsor under paragraph (1)(B)(i),'', and

(II) by striking clause (ii) and inserting the following new clause:

''(ii) DATE OF IMPLEMENTATION.—The date specified in this clause is the date which is 180 days after the date on which the collective bargaining agreement described in clause (i) expires.'',

(ii) in paragraph (4)—

(I) by striking ''the date of'' in subparagraph (A)(ii), and

(II) by striking ''and taking'' in subparagraph (B) and inserting ''but taking'',

(iii) in paragraph (6)—

(I) by striking ''paragraph (1)(B)(i)'' and inserting ''the last sentence of paragraph (1)'', and

(II) by striking ''established'' and inserting ''establish'',

(iv) in paragraph (8)—

(I) by striking ''section 204(g)'' in subparagraph (A)(i) and inserting ''section 411(d)(6)'',

(II) by inserting ''of the Employee Retirement Income Security Act of 1974'' after ''4212(a)'' in subparagraph (C)(i)(II),

(III) by striking ''the Secretary of Labor'' in subparagraph (C)(iii)(I) and inserting ''the Secretary, in consultation with the Secretary of Labor'', and

(IV) by striking ''the Secretary of Labor'' in the last sentence of subparagraph (C)(iii) and inserting ''the Secretary'', and

(v) by striking ''an employer's withdrawal liability'' in paragraph (9)(B) and inserting

''the allocation of unfunded vested benefits to an employer''.

(E) Section 432(f)(2)(A)(i) of the 1986 Code is amended—

(i) by striking ''section 411(b)(1)(A)'' and inserting ''section 411(a)(9)''; and

(ii) by inserting at the end the following: ''to a participant or beneficiary whose annuity starting date (as defined in section 417(f)(2)) occurs after the date such notice is sent,''.

(F) Section 432(g) of the 1986 Code is amended by inserting ''under subsection (c)'' after ''funding improvement plan'' the first place it appears.

(G) Section 432(i) of the 1986 Code is amended—

(i) by striking ''section 412(a)'' in paragraph (3) and inserting ''section 431(a)'', and

(ii) by striking paragraph (9) and inserting the following new paragraph:

''(9) PLAN SPONSOR.—For purposes of this section, section 431, and section 4971(g)—

''(A) IN GENERAL.—The term 'plan sponsor' means, with respect to any multiemployer plan, the association, committee, joint board of trustees, or other similar group of representatives of the parties who establish or maintain the plan.

''(B) SPECIAL RULE FOR SECTION 404(c) PLANS.—In the case of a plan described in section 404(c) (or a continuation of such plan), such term means the bargaining parties described in paragraph (1).''.

(H) Section 412(b)(3) of the 1986 Code is amended by striking ''the plan adopts'' and inserting ''the plan sponsor adopts''.

(I) Section 4971(g)(4) of the 1986 Code is amended—

(i) in subparagraph (B)(ii), by striking ''first day of'' and inserting ''day following the close of'', and

(ii) by striking clause (ii) of subparagraph (C) and inserting the following new clause:

''(ii) PLAN SPONSOR.—For purposes of clause (i), the term 'plan sponsor' has the meaning given such term by section 432(i)(9).''.

(3) AMENDMENTS TO 2006 ACT.—

(A) Section 212(b)(2) of the 2006 Act is amended by striking ''Section 4971(c)(2) of such Code'' and inserting ''Section 4971(e)(2) of such Code''.

(B) Section 212(e)(1) of the 2006 Act is amended by inserting '', except that the amendments made by subsection (b) shall apply to taxable years beginning after 2007, but only with respect to plan years beginning after 2007 which end with or within any such taxable year'' before the period at the end.

(C) Section 212(e)(2) of the 2006 Act is amended by striking ''section 305(b)(3) of the Employee Retirement Income Security Act of 1974'' and inserting ''section 432(b)(3) of the Internal Revenue Code of 1986''.

SEC. 4. AMENDMENTS RELATED TO TITLE III.

(a) AMENDMENT RELATED TO SECTION 301.—Clause (ii) of section 101(c)(2)(A) of the Pension Funding Equity Act of 2004, as amended by section 301(c) of the 2006 Act, is amended by striking ''2008'' and inserting ''2009''.

(b) AMENDMENTS RELATED TO SECTION 302.—

(1) AMENDMENT TO ERISA.—Section 205(g)(3)(B)(iii)(II) of ERISA is amended by striking ''section 205(g)(3)(B)(iii)(II)'' and inserting ''section 205(g)(3)(A)(ii)(II)''.

(2) AMENDMENTS TO 1986 CODE.—

(A) Section 417(e)(3)(D)(i) of the 1986 Code is amended by striking ''clause (ii)'' and inserting ''subparagraph (C)''.

(B)(i) Section 415(b)(2)(E)(v) of the 1986 Code is amended to read as follows:

''(v) For purposes of adjusting any benefit or limitation under subparagraph (B), (C), or (D), the mortality table used shall be the applicable mortality table (within the meaning of section 417(e)(3)(B)).''.

(ii)(I) Except as provided in subclause (II), the amendment made by clause (i) shall apply to years beginning after December 31, 2008.

(II) A plan sponsor may elect to have the amendment made by clause (i) apply to any year beginning after December 31, 2007, and before January 1, 2009, or to any portion of any such year.

SEC. 5. AMENDMENTS RELATED TO TITLE IV.

(a) AMENDMENT RELATED TO SECTION 401.—Section 4006(a)(3)(A)(i) of ERISA is amended by striking ''1990'' and inserting ''2005''.

(b) AMENDMENT RELATED TO SECTION 402.—Section 402(c)(1)(A) of the 2006 Act is amended by striking ''commercial airline'' and inserting ''commercial''.

(c) AMENDMENT RELATED TO SECTION 408.—Section 4044(e) of ERISA, as added by section 408(b)(2) of the 2006 Act, is redesignated as subsection (f).

(d) AMENDMENTS RELATED TO SECTION 409.—Section 4041(b)(5)(A) of ERISA is amended by striking ''subparagraph (B)'' and inserting ''subparagraphs (B) and (D)''.

(e) AMENDMENTS RELATED TO SECTION 410.—Section 4050(d)(4)(A) of ERISA is amended—

(1) by striking ''and'' at the end of clause (i), and

(2) by striking clause (ii) and inserting the following new clauses:

''(ii) which is not a plan described in paragraph (2), (3), (4), (6), (7), (8), (9), (10), or (11) of section 4021(b), and

''(iii) which, was a plan described in section 401(a) of the Internal Revenue Code of 1986 which includes a trust exempt from tax under section 501(a) of such Code, and''.

SEC. 6. AMENDMENTS RELATED TO TITLE V.

(a) AMENDMENT RELATED TO SECTION 501.—Section 101(f)(2)(B)(ii) of ERISA is amended—

(1) by striking ''for which the latest annual report filed under section 104(a) was filed'' in subclause (I)(aa) and inserting ''to which the notice relates'', and

(2) by striking subclause (II) and inserting the following new subclause:

''(II) in the case of a multiemployer plan, a statement, for the plan year to which the notice relates and the preceding 2 plan years, of the value of the plan assets (determined both in the same manner as under section 304 and under the rules of subclause (I)(bb)) and the value of the plan liabilities (determined in the same manner as under section 304 except that the method specified in section 305(i)(8) shall be used),''.

(b) AMENDMENTS RELATED TO SECTION 502.—

(1) Section 101(k)(2) of ERISA is amended by filing at the end the following new flush sentence:

''Subparagraph (C)(i) shall not apply to individually identifiable information with respect to any plan investment manager or adviser, or with respect to any other person (other than an employee of the plan) preparing a financial report required to be included under paragraph (1)(B).''.

(2) Section 4221 of ERISA is amended by striking subsection (e) and by redesignating subsections (f) and (g) as subsections (e) and (f), respectively.

(c) AMENDMENTS RELATED TO SECTION 503.—

(1) AMENDMENTS TO ERISA.—

(A) Section 104(b)(3) of ERISA is amended by—

(i) striking ''section 103(f)'' and inserting ''section 101(f)'', and

(ii) striking ''the administrators'' and inserting ''the administrator''.

(B) Section 104(d)(1)(E)(ii) of ERISA is amended by inserting ''funding'' after ''plan's''.

(2) AMENDMENTS TO 2006 ACT.—Section 503(e) of the 2006 Act is amended by striking ''section 101(f)'' and inserting ''section 104(d)''.

(d) AMENDMENT RELATED TO SECTION 505.—Section 4010(d)(2)(B) of ERISA is amended by striking ''section 302(d)(2)'' and inserting ''section 303(d)(2)''.

(e) AMENDMENTS RELATED TO SECTION 506.—

(1) Section 4041(c)(2)(D)(i) of ERISA is amended by striking ''subsection (a)(2)'' the second place it appears and inserting ''subparagraph (A) or the regulations under subsection (a)(2)''.

(2) Section 4042(c)(3)(C)(i) of ERISA is amended—

(A) by striking ''and plan sponsor'' and inserting '', the plan sponsor, or the corporation'', and

(B) by striking ''subparagraph (A)(i)'' and inserting ''subparagraph (A)''.

(f) AMENDMENTS RELATED TO SECTION 508.—Section 209(a) of ERISA is amended—

(1) in paragraph (1)—

(A) by striking ''regulations prescribed by the Secretary'' and inserting ''such regulations as the Secretary may prescribe'', and

(B) by striking the last sentence and inserting ''The report required under this paragraph shall be in the same form, and contain the same information, as periodic benefit statements under section 105(a).'', and

(2) by striking paragraph (2) and inserting the following:

''(2) If more than one employer adopts a plan, each such employer shall furnish to the plan administrator the information necessary for the administrator to maintain the records, and make the reports, required by paragraph (1). Such administrator shall maintain the records, and make the reports, required by paragraph (1).''

(g) AMENDMENT RELATED TO SECTION 509.—Section 101(i)(8)(B) of ERISA is amended to read as follows:

''(B) ONE-PARTICIPANT RETIREMENT PLAN.—For purposes of subparagraph (A), the term 'one-participant retirement plan' means a retirement plan that on the first day of the plan year—

''(i) covered only one individual (or the individual and the individual's spouse) and the individual (or the individual and the individual's spouse) owned 100 percent of the plan sponsor (whether or not incorporated), or

''(ii) covered only one or more partners (or partners and their spouses) in the plan sponsor.''.

SEC. 7. AMENDMENTS RELATED TO TITLE VI.

(a) AMENDMENTS RELATED TO SECTION 601.—

(1) AMENDMENTS TO ERISA.—

(A) Section 408(g)(3)(D)(ii) of ERISA is amended by striking ''subsection (b)(14)(B)(ii)'' and inserting ''subsection (b)(14)(A)(ii)''.

(B) Section 408(g)(6)(A)(i) of ERISA is amended by striking ''financial adviser'' and inserting ''fiduciary adviser''.

(C) Section 408(g)(11)(A) of ERISA is amended—

(i) by striking ''the participant'' each place it appears and inserting ''a participant'', and

(ii) by striking ''section 408(b)(4)'' in clause (ii) and inserting ''subsection (b)(4)''.

(2) AMENDMENTS TO 1986 CODE.—

(A) Section 4975(d)(17) of the 1986 Code, in the matter preceding subparagraph (A), is amended by striking ''and that permits'' and inserting ''that permits''.

(B) Section 4975(f)(8) of the 1986 Code is amended—

(i) in subparagraph (A), by striking ''subsection (b)(14)'' and inserting ''subsection (d)(17)'',

(ii) in subparagraph (C)(iv)(II), by striking ''subsection (b)(14)(B)(ii)'' and inserting ''(d)(17)(A)(ii)'',

(iii) in subparagraph (F)(i)(I), by striking ''financial adviser'' and inserting ''fiduciary adviser,'',

(iv) in subparagraph (I), by striking ''section 406'' and inserting ''subsection (c)'', and

(v) in subparagraph (J)(i)—

(I) by striking ''the participant'' each place it appears and inserting ''a participant'',

(II) in the matter preceding subclause (I), by inserting ''referred to in subsection (e)(3)(B)'' after ''investment advice'', and

(III) in subclause (II), by striking ''section 408(b)(4)'' and inserting ''subsection (d)(4)''.

(3) AMENDMENT TO 2006 ACT.—Section 601(b)(4) of the 2006 Act is amended by striking ''section 4975(c)(3)(B)'' and inserting ''section 4975(e)(3)(B)''.

(b) AMENDMENTS RELATED TO SECTION 611.—

(1) AMENDMENT TO ERISA.—Section 408(b)(18)(C) of ERISA is amended by striking ''or less''.

(2) AMENDMENTS TO 1986 CODE.—Section 4975(d) of the 1986 Code is amended—

(A) in the matter preceding subparagraph (A) of paragraph (18)—

(i) by striking ''party in interest'' and inserting ''disqualified person'', and

(ii) by striking ''subsection (e)(3)(B)'' and inserting ''subsection (e)(3)'',

(B) in paragraphs (19), (20), and (21), by striking ''party in interest'' each place it appears and inserting ''disqualified person'', and

(C) by striking ''or less'' in paragraph (21)(C).

(c) AMENDMENTS RELATED TO SECTION 612.—Section 4975(f)(11)(B)(i) of the 1986 Code is amended by—

(1) inserting ''of the Employee Retirement Income Security Act of 1974'' after ''section 407(d)(1)'', and

(2) inserting ''of such Act'' after ''section 407(d)(2)''.

(d) AMENDMENTS RELATED TO SECTION 624.—Section 404(c)(5) of ERISA is amended by striking ''participant'' each place it appears and inserting ''participant or beneficiary''.

SEC. 8. AMENDMENTS RELATED TO TITLE VII.

(1) AMENDMENTS TO ERISA.—

(A) Section 203(f)(1)(B) of ERISA is amended to read as follows:

''(B) the requirements of section 204(c) or 205(g), or the requirements of subsection (e), with respect to accrued benefits derived from employer contributions,''.

(B) Section 204(b)(5) of ERISA is amended—

(i) by striking ''clause'' in subparagraph (A)(iii) and inserting ''subparagraph'', and

(ii) by inserting ''otherwise'' before ''allowable'' in subparagraph (C).

(C) Subclause (II) of section 204(b)(5)(B)(i) of ERISA is amended to read as follows:

''(II) PRESERVATION OF CAPITAL.—An applicable defined benefit plan shall be treated as failing to meet the requirements of paragraph (1)(H) unless the plan provides that an interest credit (or equivalent amount) of less than zero shall in no event result in the account balance or similar amount being less than the aggregate amount of contributions credited to the account.''.

(2) AMENDMENTS TO 1986 CODE.—

(A) Section 411(b)(5) of the 1986 Code is amended—

(i) by striking ''clause'' in subparagraph (A)(iii) and inserting ''subparagraph'', and

(ii) by inserting ''otherwise'' before ''allowable'' in subparagraph (C).

(B) Section 411(a)(13)(A) of the 1986 Code is amended—

(i) by striking ''paragraph (2)'' in clause (i) and inserting ''subparagraph (B)'',

(ii) by striking clause (ii) and inserting the following new clause:

''(ii) the requirements of subsection (a)(11) or (c), or the requirements of section 417(e), with respect to accrued benefits derived from employer contributions,'', and

(iii) by striking ''paragraph (3)'' in the matter following clause (ii) and inserting ''subparagraph (C)''.

(C) Subclause (II) of section 411(b)(5)(B)(i) of the 1986 Code is amended to read as follows:

''(II) PRESERVATION OF CAPITAL.—An applicable defined benefit plan shall be treated as failing to meet the requirements of paragraph (1)(H) unless the plan provides that an interest credit (or equivalent amount) of less than zero shall in no event result in the account balance or similar amount being less than the aggregate amount of contributions credited to the account.''.

(3) AMENDMENTS TO 2006 ACT.—

(A) Section 701(d)(2) of the 2006 Act is amended by striking ''204(g)'' and inserting ''205(g)''.

(B) Section 701(e) of the 2006 Act is amended—

(i) by inserting ''on or'' after ''period'' in paragraph (3),

(ii) in paragraph (4)—

(I) by inserting ''the earlier of'' after ''before'' in the matter preceding subparagraph (A), and

(II) by striking ''earlier'' and inserting ''later'' in subparagraph (A),

(iii) by inserting ''on or'' before ''after'' each place it appears in paragraph (5), and

(iv) by adding at the end the following new paragraph:

''(6) SPECIAL RULE FOR VESTING REQUIREMENTS.—The requirements of section 203(f)(2) of the Employee Retirement Income Security Act of 1974 and section 411(a)(13)(B) of the Internal Revenue Code of 1986 (as added by this Act)—

''(A) shall not apply to a participant who does not have an hour of service after the effective date of such requirements (as otherwise determined under this subsection); and

''(B) in the case of a plan other than a plan described in paragraph (3) or (4), shall apply to plan years ending on or after June 29, 2005.''.

SEC. 9. AMENDMENTS RELATED TO TITLE VIII.

(a) AMENDMENTS RELATED TO SECTION 801.—

(1) Section 404(o) of the 1986 Code is amended—

(A) by striking ''430(g)(2)'' in paragraph (2)(A)(ii) and inserting ''430(g)(3)'', and

(B) by striking ''412(f)(4)'' in paragraph (4)(B) and inserting ''412(d)(3)''.

(2) Section 404(a)(7)(A) of the 1986 Code is amended—

(A) by striking the next to last sentence, and

(B) by striking ''the plan's funding shortfall determined under section 430'' in the last sentence and inserting ''the excess (if any) of the plan's funding target (as defined in section 430(d)(1)) over the value of the plan's assets (as determined under section 430(g)(3))''.

(b) AMENDMENT RELATED TO SECTION 802.—Section 404(a)(1)(D)(i) of the 1986 Code is amended by striking ''431(c)(6)(C)'' and inserting ''431(c)(6)(D)''.

(c) AMENDMENT RELATED TO SECTION 803.—Clause (iii) of section 404(a)(7)(C) of the 1986 Code is amended to read as follows:

''(iii) LIMITATION.—In the case of employer contributions to 1 or more defined contribution plans—

''(I) if such contributions do not exceed 6 percent of the compensation otherwise paid or accrued during the taxable year to the beneficiaries under such plans, this paragraph shall not apply to such contributions or to employer contributions to the defined benefit plans to which this paragraph would otherwise apply by reason of contributions to the defined contribution plans, and

''(II) if such contributions exceed 6 percent of such compensation, this paragraph shall be applied by only taking into account such contributions to the extent of such excess. For purposes of this clause, amounts carried over from preceding taxable years under subparagraph (B) shall be treated as employer contributions to 1 or more defined contributions plans to the extent attributable to employer contributions to such plans in such preceding taxable years.''.

(d) AMENDMENTS RELATED TO SECTION 824.—

(1) Section 408A(c)(3)(B) of the 1986 Code, as in effect after the amendments made by section 824(b)(1) of the 2006 Act, is amended—

(A) by striking the second ''an'' before ''eligible'',

(B) by striking ''other than a Roth IRA'', and

(C) by adding at the end the following new flush sentence:

''This subparagraph shall not apply to a qualified rollover contribution from a Roth IRA or to a qualified rollover contribution from a designated Roth account which is a rollover contribution described in section 402A(c)(3)(A).''

(2) Section 408A(d)(3)(B), as in effect after the amendments made by section 824(b)(2)(B) of the 2006 Act, is amended by striking ''(other than a Roth IRA)'' and by inserting at the end the following new sentence: ''This paragraph shall not apply to a distribution which is a qualified rollover contribution from a Roth IRA or a qualified rollover contribution from a designated Roth account which is a rollover contribution described in section 402A(c)(3)(A)''.

(e) AMENDMENT TO SECTION 827.—The first sentence of section 72(t)(2)(G)(iv) of the 1986 Code is amended by inserting ''on or'' before ''before''.

(f) AMENDMENTS RELATED TO SECTION 829.—

(1) Section 402(c)(11) of the 1986 Code is amended—

(A) by inserting ''described in paragraph (8)(B)(iii)'' after ''eligible retirement plan'' in subparagraph (A), and

(B) by striking ''trust'' before ''designated beneficiary'' in subparagraph (B).

(2)(A) Section 402(f)(2)(A) of the 1986 Code is amended by adding at the end the following new sentence: ''Such term shall include any distribution to a designated beneficiary which would be treated as an eligible rollover distribution by reason of subsection (c)(11), or section 403(a)(4)(B), 403(b)(8)(B), or 457(e)(16)(B), if the requirements of subsection (c)(11) were satisfied.''

(B) Clause (i) of section 402(c)(11)(A) of the 1986 Code is amended by striking ''for purposes of this subsection''.

(C) The amendments made by this paragraph shall apply with respect to plan years beginning after December 31, 2008.

(g) AMENDMENT RELATED TO SECTION 832.—Section 415(f) of the 1986 Code is amended by striking paragraph (2) and by redesignating paragraph (3) as paragraph (2).

(h) AMENDMENTS RELATED TO SECTION 833.—

(1) Section 408A(c)(3)(C) of the 1986 Code, as added by section 833(c) of the 2006 Act, is redesignated as subparagraph (E).

(2) In the case of taxable years beginning after December 31, 2009, section 408A(c)(3)(E) of the 1986 Code (as redesignated by paragraph (1))—

(A) is redesignated as subparagraph (D), and

(B) is amended by striking ''subparagraph (C)(ii)'' and inserting ''subparagraph (B)(ii)''.

(i) AMENDMENTS RELATED TO SECTION 841.—

(1) Section 420(c)(1)(A) of the 1986 Code is amended by adding at the end the following new sentence: ''In the case of a qualified future transfer or collectively bargained transfer to which subsection (f) applies, any assets so transferred may also be used to pay liabilities described in subsection (f)(2)(C).''

(2) Section 420(f)(2) of the 1986 Code is amended by striking ''such'' before ''the applicable'' in subparagraph (D)(i)(I).

(3) Section 4980(c)(2)(B) of the 1986 Code is amended by striking ''or'' at the end of clause (i), by striking the period at the end of clause (ii) and inserting '', or'', and by adding at the end the following new clause:

''(iii) any transfer described in section 420(f)(2)(B)(ii)(II).''.

(j) AMENDMENTS RELATED TO SECTION 845.—

(1) Subsection (l) of section 402 of the 1986 Code is amended—

(A) in paragraph (1)—

(i) by inserting ''maintained by the employer described in paragraph (4)(B)'' after ''an eligible retirement plan'', and

(ii) by striking ''of the employee, his spouse, or dependents (as defined in section 152)'' ,

(B) in paragraph (4)(D), by—

(i) inserting ''(as defined in section 152)'' after ''dependents'', and

(ii) striking ''health insurance plan'' and inserting ''health plan'', and

(C) in paragraph (5)(A), by striking ''health insurance plan'' and inserting ''health plan''.

(2) Subparagraph (B) of section 402(l)(3) of the 1986 Code is amended by striking ''all amounts distributed from all eligible retirement plans were treated as 1 contract for purposes of determining the inclusion of such distribution under section 72'' and inserting ''all amounts to the credit of the eligible public safety officer in all eligible retirement plans maintained by the employer described in paragraph (4)(B) were distributed during such taxable year and all such plans were treated as 1 contract for purposes of determining under section 72 the aggregate amount which would have been so includible''.

(k) AMENDMENTS RELATED TO SECTION 854.—

(1) Section 3121(b)(5)(E) of the 1986 Code is amended by striking ''or special trial judge''.

(2) Section 210(a)(5)(E) of the Social Security Act is amended by striking ''or special trial judge''.

(l) AMENDMENTS RELATED TO SECTION 856.—Section 856 of the 2006 Act, and the amendments made by such section, are hereby repealed, and the Internal Revenue Code of 1986 shall be applied and administered as if such sections and amendments had not been enacted.

(m) AMENDMENT RELATED TO SECTION 864.—Section 864(a) of the 2006 Act is amended by striking ''Reconciliation''.

SEC. 10. AMENDMENTS RELATED TO TITLE IX.

(a) AMENDMENT RELATED TO SECTION 901.—Section 401(a)(35)(E)(iv) of the 1986 Code is amended to read as follows:

''(iv) ONE-PARTICIPANT RETIREMENT PLAN.—For purposes of clause (iii), the term 'one-participant retirement plan' means a retirement plan that on the first day of the plan year—

''(I) covered only one individual (or the individual and the individual's spouse) and the individual (or the individual and the individual's spouse) owned 100 percent of the plan sponsor (whether or not incorporated), or

''(II) covered only one or more partners (or partners and their spouses) in the plan sponsor.''.

(b) AMENDMENTS RELATED TO SECTION 902.—

(1) Section 401(k)(13)(D)(i)(I) of the 1986 Code is amended by striking ''such compensation as exceeds 1 percent but does not'' and inserting ''such contributions as exceed 1 percent but do not''.

(2) Sections 401(k)(8)(E) and 411(a)(3)(G) of the 1986 Code are each amended—

(A) by striking ''an erroneous automatic contribution'' and inserting ''a permissible withdrawal'', and

(B) by striking ''ERRONEOUS AUTOMATIC CONTRIBUTION'' in the heading and inserting ''PERMISSIBLE WITHDRAWAL''.

(3) Section 402(g)(2)(A)(ii) of the 1986 Code is amended by inserting ''through the end of such taxable year'' after ''such amount''.

(4) Section 414(w)(3) of the 1986 Code is amended—

(A) in subparagraph (B), by inserting ''and'' after the comma at the end,

(B) by striking subparagraph (C), and

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

(5) Section 414(w)(5) of the 1986 Code is amended by striking ''and'' at the end of subparagraph (B), by striking the period at the end of subparagraph (C) and inserting a comma, and by adding at the end the following:

''(D) a simplified employee pension the terms of which provide for a salary reduction arrangement described in section 408(k)(6), and

''(E) a simple retirement account (as defined in section 408(p)).''.

(6) Section 414(w)(6) of the 1986 Code is amended by inserting ''or for purposes of applying the limitation under section 402(g)(1)'' before the period at the end.

(c) AMENDMENTS RELATED TO SECTION 903.—

(1) AMENDMENT OF 1986 CODE.—Section 414(x)(1) of the 1986 Code is amended by adding at the end of paragraph (1) the following new sentence: ''In the case of a termination of the defined benefit plan and the applicable defined contribution plan forming part of an eligible combined plan, the plan administrator shall terminate each such plan separately.''

(2) AMENDMENTS OF ERISA.—Section 210(e) of ERISA is amended—

(A) by adding at the end of paragraph (1) the following new sentence: ''In the case of a termination of the defined benefit plan and the applicable defined contribution plan forming part of an eligible combined plan, the plan administrator shall terminate each such plan separately.'', and

(B) by striking paragraph (3) and by redesignating paragraphs (4), (5), and (6) as paragraphs (3), (4), and (5), respectively.

(d) AMENDMENTS RELATED TO SECTION 906.—

(1) Section 906(b)(1)(B)(ii) of the 2006 Act is amended by striking ''paragraph (1)'' and inserting ''paragraph (10)''.

(2) Section 4021(b) of ERISA is amended by inserting ''or'' at the end of paragraph (12), by striking ''; or'' at the end of paragraph (13) and inserting a period, and by striking paragraph (14).

SEC. 11. AMENDMENTS RELATED TO TITLE X.

(a) AMENDMENTS TO RAILROAD RETIREMENT ACT.—

(1) Section 14(b) of the Railroad Retirement Act of 1974 (45 U.S.C. 231m(b)) is amended by adding at the end the following:

''(3)(i) Payments made pursuant to paragraph (2) of this subsection shall not require that the employee be entitled to an annuity under section 2(a)(1) of this Act: Provided, however, That where an employee is not entitled to such an annuity, payments made pursuant to paragraph (2) may not begin before the month in which the following three conditions are satisfied:

''(A) The employee has completed ten years of service in the railroad industry or, five years of service all of which accrues after December 31, 1995.

''(B) The spouse or former spouse attains age 62.

''(C) The employee attains age 62 (or if deceased, would have attained age 62).

''(ii) Payments made pursuant to paragraph (2) of this subsection shall terminate upon the death of the spouse or former spouse, unless the court document provides for termination at an earlier date. Notwithstanding the language in a court order, that portion of payments made pursuant to paragraph (2) which represents payments computed pursuant to section 3(f)(2) of this Act shall not be paid after the death of the employee.

''(iii) If the employee is not entitled to an annuity under section 2(a)(1) of this Act, payments made pursuant to paragraph (2) of this subsection shall be computed as though the employee were entitled to an annuity.''.

(2) Subsection (d) of section 5 of the Railroad Retirement Act (45 U.S.C. 231d) is repealed.

(b) EFFECTIVE DATES.—

(1) SUBSECTION (a)(1).—The amendment made by subsection (a)(1) shall apply with respect to payments due for months after August 2007. If, prior to the effective date of such amendment, payment pursuant to paragraph (2) of section 14(b) of the Railroad Retirement Act of 1974 (45 U.S.C. 231m(b)) was terminated because of the employee's death, payment to the former spouse may be reinstated for months after August 2007.

(2) SUBSECTION (a)(2).—The amendment made by subsection (a)(2) shall take effect upon the date of the enactment of this Act.

SEC. 12. AMENDMENTS RELATED TO TITLE XI.

(a) AMENDMENT RELATED TO SECTION 1104.—Section 1104(d)(1) of the 2006 Act is amended by striking ''Act'' the first place it appears and inserting ''section''.

(b) AMENDMENTS RELATED TO SECTION 1105.—Section 3304(a) of the 1986 Code is amended—

(1) in paragraph (15)—

(A) by redesignating clauses (i) and (ii) of subparagraph (A) as subclauses (I) and (II),

(B) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii),

(C) by striking the semicolon at the end of clause (ii) (as so redesignated) and inserting '', and'',

(D) by striking ''(15)'' and inserting ''(15)(A) subject to subparagraph (B),'', and

(E) by adding at the end the following:

''(B) the amount of compensation shall not be reduced on account of any payments of governmental or other pensions, retirement or retired pay, annuity, or other similar payments which are not includible in the gross income of the individual for the taxable year in which it was paid because it was part of a rollover distribution;'', and

(2) by striking the last sentence.

(c) AMENDMENTS RELATED TO SECTION 1106.—Section 3(37)(G) of ERISA is amended by—

(1) striking ''paragraph'' each place it appears in clauses (ii), (iii), and (v)(I) and inserting ''subparagraph'',

(2) striking ''subclause (i)(II)'' in clause (iii) and inserting ''clause (i)(II)'',

(3) striking ''subparagraph'' in clause (v)(II) and inserting ''clause'', and

(4) by striking ''section 101(b)(4)'' in clause (v)(III) and inserting ''section 101(b)(1)''.

SEC. 13. EFFECTIVE DATE.

Except as otherwise provided in this Act, the amendments made by this Act shall take effect as if included in the provisions of the 2006 Act to which the amendments relate.

¶30.26 SECRET SESSION

On motion of Mr. HOYER, by unanimous consent,

Ordered, That (1) at a time designated by the Speaker on the legislative day of March 13, 2008, the House resolve itself into secret session as though pursuant to clause 9 of rule XVII; (2) debate in such secret session proceed without intervening motion for one hour equally divided and controlled by the Majority Leader and the Minority Whip; and (3) at the conclusion of that debate, the secret session shall be dissolved.

¶30.27 ADJOURNMENT

On motion of Mr. REYES, by unanimous consent,

Ordered, That when the secret session of the House is dissolved pursuant to the previous order of the House the House stand adjourned.

¶30.28 RECESS—7:33 P.M.

The SPEAKER pro tempore, Mrs. TAUSCHER, pursuant to clause 12(a) of rule I, declared the House in recess at 7 o'clock and 33 minutes p.m., subject to the call of the Chair for the purpose of clearing the Chamber for a secret session.

¶30.29 AFTER RECESS—10:11 P.M.

The SPEAKER pro tempore, Mrs. TAUSCHER, called the House to order.

¶30.30 SECRET SESSION DECLARED

The SPEAKER pro tempore, Mrs. TAUSCHER, pursuant to the previous order of the House, at 10 o'clock and 11 minutes p.m. declared the House in a secret session.

¶30.31 SECRET SESSION DISSOLVED

The SPEAKER pro tempore Mrs. TAUSCHER, pursuant to the previous order of the House, at 11 o'clock and 9 minutes p.m. dissolved the secret session of the House.

¶30.32 SENATE ENROLLED BILLS SIGNED

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

S. 2733. An Act to temporarily extend the programs under the Higher Education Act of 1965.

S. 2745. An Act to extend agricultural programs beyond March 15, 2008, to suspend permanent price support authorities beyond that date, and for other purposes.

And then,

¶30.33 ADJOURNMENT

The SPEAKER pro tempore, Mrs. TAUSCHER, pursuant to the previous order of the House, at 11 o'clock and 9 minutes p.m., declared the House adjourned.

¶30.34 OATH OF OFFICE/MEMBERS, RESIDENT COMMISSIONERS AND DELEGATES

The oath of office required by the sixth article of the Constitution of the United States, and as provided by section 2 of the act of May 13, 1884 (23 Stat. 22), to be administered to Members, Resident Commissioner, and Delegates of the House of Representatives, the text of which is carried in 5 U.S.C. 3331:

> ''I, AB, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God.''

has been subscribed to in person and filed in duplicate with the Clerk of the House of Representatives by the following Member of the 110th Congress, pursuant to the provisions of 2 U.S.C. 25:

ANDRÉ CARSON, Indiana, Seventh.

¶30.35 PUBLIC BILLS AND RESOLUTIONS

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

By Mr. ELLSWORTH (for himself, Mr. EMANUEL, Mr. MCDERMOTT, Mr. LEWIS of Georgia, and Mr. POMEROY):

H.R. 5602. A bill to amend the Internal Revenue Code of 1986 and the Social Security Act to treat certain domestically controlled foreign persons performing services under contract with the United States Government as American employers for purposes of certain employment taxes and benefits; to the Committee on Ways and Means.

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

H.R. 5603. A bill to amend title 10, United States Code, to enhance the national defense through empowerment of the National Guard, enhancement of the functions of the National Guard Bureau, and improvement of Federal-State military coordination in domestic emergency response, and for other purposes; to the Committee on Armed Services.

By Mr. DOGGETT (for himself, Mr. LINCOLN DIAZ-BALART of Florida, Mr. RAMSTAD, Mr. ALLEN, Mrs. CAPITO, Mr. COHEN, Mr. MARIO DIAZ-BALART of Florida, Mr. AL GREEN of Texas, Mr. HOLDEN, Mr. KENNEDY, Mrs. MCCARTHY of New York, Ms. MCCOLLUM of Minnesota, Ms. MATSUI, Mr. MORAN of Virginia, Mr. PLATTS, Ms. ROS-LEHTINEN, and Ms. LINDA T. SÁNCHEZ of California):

H.R. 5604. A bill to amend title XVIII of the Social Security Act to reduce cost-sharing under part D of such title for certain non-institutionalized full-benefit dual eligible individuals; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DEFAZIO (for himself, Mr. STARK, Mr. BERRY, Mr. CHANDLER, Mr. MORAN of Virginia, Mr. HINCHEY, Mr. MCGOVERN, Mr. ISRAEL, Mr. DOGGETT, Ms. LEE, Mr. WU, and Mr. KUCINICH):

H.R. 5605. A bill to amend title XI of the Social Security Act to provide for transparency in the relationship between physicians and manufacturers of drugs, devices, or medical supplies for which payment is made under Medicare, Medicaid, or SCHIP, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SCHIFF (for himself and Mr. ROGERS of Michigan):

H.R. 5606. A bill to amend the National Child Protection Act of 1993 to establish a permanent background check system; to the Committee on the Judiciary.

By Mr. NADLER (for himself, Mr. PETRI, Mr. CONYERS, and Mr. DELAHUNT):

H.R. 5607. A bill to provide safe, fair, and responsible procedures and standards for resolving claims of state secret privilege; to the Committee on the Judiciary.

By Mr. RAHALL (for himself and Mr. KILDEE):

H.R. 5608. A bill to establish regular and meaningful consultation and collaboration with tribal officials in the development of Federal policies that have tribal implications, to strengthen the United States government-to-government relationships with Indian tribes, and to reduce the imposition of unfunded mandates upon Indian tribes; to the Committee on Natural Resources.

By Mr. BISHOP of Georgia (for himself, Mr. BUYER, Mr. TAYLOR, Mr. MILLER of Florida, Mr. SAXTON, Mr. WILSON of South Carolina, Mr. ELLISON, Ms. CORRINE BROWN of Florida, Mr. RANGEL, Mr. REICHERT, Mr. FILNER, Mr. PASTOR, Mrs. LOWEY, Mr. HINCHEY, Mr. MCDERMOTT, Mrs. NAPOLITANO, Mrs. MALONEY of New York, Mr. BUTTERFIELD, Ms. BORDALLO, Ms. SHEA-PORTER, Mr. LEWIS of Georgia, Mr. CUMMINGS, Mr. LOEBSACK, Mr. COHEN, Mr. MCNERNEY, Mr. BOYD of Florida, Mr. CARNEY, Mr. CRAMER, Ms. HARMAN, Mr. MARSHALL, Mr. MELANCON, Mr. PETERSON of Minnesota, Mr. POMEROY, Mr. WILSON of Ohio, Mr. SENSENBRENNER, Mr. KAGEN, Mr. BOSWELL, Mr. ABERCROMBIE, Mr. WALZ of Minnesota, Mr. MICHAUD, and Mrs. BOYDA of Kansas):

H.R. 5609. A bill to provide for transitional health care for members of the Armed Forces separated from active duty who agree to serve in the Selected Reserve of the Ready Reserve; to the Committee on Armed Services.

By Mr. GRIJALVA (for himself, Mr. RAHALL, Mr. DEFAZIO, Mr. COSTA, and Mr. UDALL of New Mexico):

H.R. 5610. A bill to designate as wilderness additional National Forest System lands, Bureau of Land Management Lands, and National Parks Service lands in the States of West Virginia, Arizona, New Mexico, Oregon, and California, and for other purposes; to the Committee on Natural Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SCOTT of Georgia (for himself, Mr. DAVIS of Kentucky, Mr. GERLACH, Mr. MANZULLO, Mr. BARRETT of South Carolina, Mr. NEUGEBAUER, Mr. JONES of North Carolina, Mr. WILSON of Ohio, Mr. CLAY, Mr. ROSS, Mr. MEEKS of New York, Ms. MOORE of Wisconsin, Mr. DONNELLY, Ms. GINNY BROWN-WAITE of Florida, and Mr. LINCOLN DAVIS of Tennessee):

H.R. 5611. A bill to reform the National Association of Registered Agents and Brokers, and for other purposes; to the Committee on Financial Services.

By Mr. TAYLOR (for himself, Mr. MELANCON, Mr. JEFFERSON, Mr. THOMPSON of Mississippi, and Mr. PICKERING):

H.R. 5612. A bill to amend the Internal Revenue Code of 1986 to waive the deadline on the construction of GO Zone property which is eligible for bonus depreciation; to the Committee on Ways and Means.

By Mr. DINGELL (for himself and Mr. TIM MURPHY of Pennsylvania):

H.R. 5613. A bill to extend certain moratoria and impose additional moratoria on certain Medicaid regulations through April 1, 2009; to the Committee on Energy and Commerce.

By Mr. CASTLE (for himself and Mr. GUTIERREZ):

H.R. 5614. A bill to authorize the production of Saint-Gaudens Double Eagle ultra-high relief bullion coins in palladium to provide affordable opportunities for investments in precious metals, and for other purposes; to the Committee on Financial Services.

By Mr. ANDREWS (for himself, Mr. GEORGE MILLER of California, Mr. PLATTS, Mr. LINCOLN DIAZ-BALART of Florida, and Mr. MARIO DIAZ-BALART of Florida):

H.R. 5615. A bill to provide parity under group health plans and group health insurance coverage in the provision of benefits for prosthetic devices and components and benefits for other medical and surgical services; to the Committee on Education and Labor.

By Mrs. BACHMANN (for herself, Mr. DAVID DAVIS of Tennessee, Mrs. BLACKBURN, Mr. SMITH of Nebraska, Mrs. CUBIN, Mr. GOODE, Mr. FEENEY, Mrs. DRAKE, Mr. WALBERG, Mr. SENSENBRENNER, Mr. WELDON of Florida, and Mr. SHADEGG):

H.R. 5616. A bill to provide for the repeal of the phase out of incandescent light bulbs unless the Comptroller General makes certain specific findings; to the Committee on Energy and Commerce.

By Mr. BAIRD (for himself and Ms. SLAUGHTER):

H.R. 5617. A bill to amend the Lobbying Disclosure Act of 1995 to require the disclosure of political intelligence activities; to the Committee on the Judiciary.

By Ms. BORDALLO (for herself, Mr. FALEOMAVAEGA, Mr. SAXTON, Mr. ABERCROMBIE, Mr. GILCHREST, and Mr. FARR):

H.R. 5618. A bill to reauthorize and amend the National Sea Grant College Program Act, and for other purposes; to the Committee on Natural Resources.

By Mr. BOUCHER (for himself and Mr. SMITH of Texas):

H.R. 5619. A bill to enhance the ability to combat methamphetamine; to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BRALEY of Iowa (for himself, Mr. COHEN, Mr. FILNER, and Mr. PAYNE):

H.R. 5620. A bill to establish a program to assure the safety of fresh produce intended for human consumption, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. GINNY BROWN-WAITE of Florida:

H.R. 5621. A bill to amend title 10, United States Code, to extend concurrent receipt authority to members and former members of the uniformed services who are entitled to voluntary separation incentive payments and are also entitled to veterans' disability compensation; to the Committee on Armed Services.

By Ms. GINNY BROWN-WAITE of Florida:

H.R. 5622. A bill to direct the Secretary of Veterans Affairs to carry out a pilot program to establish standards of access to care for veterans seeking health care from certain Department of Veterans Affairs medical facilities, and for other purposes; to the Committee on Veterans' Affairs.

By Ms. GINNY BROWN-WAITE of Florida (for herself and Mr. MILLER of Florida):

H.R. 5623. A bill to amend title 38, United States Code, to establish licensure requirements for employees and contractor personnel of the Department of Veterans Affairs performing orthotics services, pedorthics services, or prosthetics services in any State in which there is a State licensure requirement for persons performing those services in private practice; to the Committee on Veterans' Affairs.

By Ms. CLARKE (for herself, Mr. THOMPSON of Mississippi, Mr. LANGEVIN, Ms. HARMAN, and Mrs. LOWEY):

H.R. 5624. A bill to amend the Homeland Security Act of 2002 to secure domestic sources of radiological materials that could be used to make a radiological dispersion device against access by terrorists, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CLEAVER:

H.R. 5625. A bill to amend the Economic Stimulus Act of 2008 to provide for a temporary increase in the maximum loan guaranty amount for housing loans guaranteed by the Secretary of Veterans Affairs; to the Committee on Veterans' Affairs.

By Mr. DELAHUNT (for himself and Ms. DELAURO):

H.R. 5626. A bill to reassert the constitutional role of Congress in making long-term security commitments, to defer significant long-term security commitments to Iraq to the next Administration and Congress, and to maintain international legal authority and immunity for United States Armed Forces in Iraq by promoting the extension of the United Nations mandate; to the Committee on Foreign Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LINCOLN DIAZ-BALART of Florida (for himself, Mr. SIRES, Ms. ROS-LEHTINEN, Mr. MARIO DIAZ-BALART of Florida, Mr. BURTON of Indiana, and Mr. SMITH of New Jersey):

H.R. 5627. A bill to award the congressional gold medal to Dr. Oscar Elias Biscet, in recognition of his courageous and unwavering commitment to democracy and human rights in Cuba; to the Committee on Financial Services.

By Mr. ELLISON (for himself, Ms. LEE, and Ms. MOORE of Wisconsin):

H.R. 5628. A bill to amend the Help America Vote Act of 2002 to give individuals who are permitted to cast a provisional ballot in elections for Federal office the option to reregister to vote in such elections at the polling place, to establish a uniform standard for the treatment of provisional ballots cast at incorrect polling places, and for other purposes; to the Committee on House Administration.

By Ms. ESHOO (for herself, Mr. BARTON of Texas, Mr. HILL, Mr. UPTON, Mr. WYNN, Mr. PITTS, Ms. ZOE LOFGREN of California, Mr. ROGERS of Michigan, Mr. CAPUANO, Mr. BUYER, Mr. MCGOVERN, Mr. TIM MURPHY of Pennsylvania, Mr. LYNCH, and Mr. FERGUSON):

H.R. 5629. A bill to amend the Public Health Service Act to establish a pathway for the licensure of biosimilar biological products, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. GIFFORDS:

H.R. 5630. A bill to modify certain requirements with respect to H-1B nonimmigrants; to the Committee on the Judiciary.

By Mr. GOODE (for himself, Mr. TOM DAVIS of Virginia, Mr. BOUCHER, Mr. CANTOR, Mr. GOODLATTE, Mr. FORBES, Mr. SCOTT of Virginia, Mrs. DRAKE, Mr. WOLF, Mr. WITTMAN of Virginia, and Mr. MORAN of Virginia):

H.R. 5631. A bill to designate the facility of the United States Postal Service located at 1155 Seminole Trail in Charlottesville, Virginia, as the ''Corporal Bradley T. Arms Post Office Building''; to the Committee on Oversight and Government Reform.

By Mr. GORDON (for himself, Mr. WHITFIELD of Kentucky, and Mr. MATHESON):

H.R. 5632. A bill to prohibit the importation of certain low-level radioactive waste into the United States; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GUTIERREZ (for himself, Mr. WATT, and Mr. FRANK of Massachusetts):

H.R. 5633. A bill to amend the Fair Credit Reporting Act to prohibit certain discriminatory uses of consumer reports and consumer information in connection with certain personal lines of insurance, and for other purposes; to the Committee on Financial Services.

By Mr. KENNEDY (for himself and Mr. MCCAUL of Texas):

H.R. 5634. A bill to exempt from numerical limitations any alien who has received a Ph.D. from an institution of higher education within the 3-year period preceding such alien's petition for special immigrant status; to the Committee on the Judiciary.

By Mr. KIND (for himself and Mr. BRADY of Texas):

H.R. 5635. A bill to suspend temporarily the duty on digital-to-analog converter boxes; to the Committee on Ways and Means.

By Mr. LEWIS of Georgia:

H.R. 5636. A bill to establish a comprehensive process to inform American consumers about food and product recalls, and for other purposes; to the Committee on Energy and Commerce.

By Mr. LEWIS of Georgia:

H.R. 5637. A bill to authorize the Attorney General to award grants to eligible entities to prevent or alleviate community violence by providing education, mentoring, and counseling services to children, adolescents, teachers, families, and community leaders on the principles and practice of nonviolence; to the Committee on Education and Labor.

By Ms. ZOE LOFGREN of California:

H.R. 5638. A bill to amend title 35, United States Code, to create an exception from infringement for certain component parts used to repair another article of manufacture; to the Committee on the Judiciary.

By Mr. UDALL of Colorado (for himself and Mr. WAMP):

H.R. 5639. A bill to direct the Secretary of Health and Human Services to publish physical activity guidelines for the general public, and for other purposes; to the Committee on Energy and Commerce.

By Mr. ELLISON (for himself, Mr. ALLEN, Ms. MCCOLLUM of Minnesota, Mr. OBERSTAR, Mr. PETERSON of Minnesota, Mr. RAMSTAD, and Mr. WALZ of Minnesota):

H.J. Res. 78. A joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Centers for Medicare & Medicaid Services within the Department of Health and Human Services relating to optional State plan case management services under the Medicaid Program; to the Committee on Energy and Commerce.

By Mr. INSLEE (for himself, Mr. REICHERT, Ms. BALDWIN, Mr. PRICE of North Carolina, Mr. HINCHEY, and Ms. SLAUGHTER):

H.J. Res. 79. A joint resolution disapproving the rule submitted by the Federal Communications Commission with respect

to broadcast media ownership; to the Committee on Energy and Commerce.

By Mr. MCGOVERN (for himself and Mr. DANIEL E. LUNGREN of California):

H. Res. 1045. A resolution recognizing the paramount need to address the threat of international terrorism and protect the global security of the United States by reducing the number and accessibility of nuclear weapons and preventing their proliferation, and directing a portion of the resulting savings towards child survival, hunger, and universal education, and calling on the President to take action to achieve these goals; to the Committee on Foreign Affairs.

By Mrs. DAVIS of California (for herself, Mr. SHAYS, Mr. FARR, Mr. MORAN of Virginia, Mr. GALLEGLY, Mr. MOORE of Kansas, Mr. COHEN, Mr. RANGEL, Ms. WOOLSEY, Mr. BERMAN, Mr. GERLACH, Ms. SCHAKOWSKY, Mr. KUCINICH, and Ms. LINDA T. SÁNCHEZ of California):

H. Res. 1046. A resolution expressing support for the designation of September 2008 as ''National Link Awareness Month'' and recognizing the link between animal cruelty and other forms of societal violence; to the Committee on the Judiciary, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GERLACH:

H. Res. 1047. A resolution expressing the strong support of the House of Representatives for the North Atlantic Treaty Organization to enter into a Membership Action Plan with Ukraine; to the Committee on Foreign Affairs.

By Ms. ZOE LOFGREN of California (for herself, Mr. DANIEL E. LUNGREN of California, and Ms. ROS-LEHTINEN):

H. Res. 1048. A resolution condemning the detention of Dr. Nguyen Quoc Quan, a citizen of the United States, by the Government of Vietnam, and expressing the sense of the House of Representatives that the United States should remove permanent normal trade relations status with Vietnam unless Dr. Nguyen is released; to the Committee on Foreign Affairs, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MACK (for himself, Ms. ROS-LEHTINEN, Mr. PENCE, Mr. MARIO DIAZ-BALART of Florida, Mr. LAMBORN, Mr. MCHENRY, Mrs. BONO MACK, Mr. MCCAUL of Texas, Mr. WESTMORELAND, and Mr. LINCOLN DIAZ-BALART of Florida):

H. Res. 1049. A resolution calling for the Bolivarian Republic of Venezuela to be designated a state sponsor of terrorism; to the Committee on Foreign Affairs.

By Mr. OLVER (for himself, Mr. TIERNEY, Mr. NEAL of Massachusetts, Mr. MCGOVERN, Mr. FRANK of Massachusetts, Ms. TSONGAS, Mr. CAPUANO, Mr. LYNCH, Mr. DELAHUNT, Mr. HODES, Ms. SHEA-PORTER, Mr. WELCH of Vermont, Mr. LARSON of Connecticut, Mr. BLUMENAUER, Mr. LANGEVIN, Mr. MURPHY of Connecticut, Mr. FARR, Mr. MICHAUD, Mr. COURTNEY, Mr. SHAYS, Mr. MARKEY, Ms. DELAURO, Mr. KENNEDY, Mr. ALLEN, Mr. AL GREEN of Texas, Mr. UDALL of Colorado, and Mr. TOM DAVIS of Virginia):

H. Res. 1050. A resolution recognizing Pittsfield, Massachusetts, as being home to the earliest known reference to the word ''baseball'' in the United States as well as being the birthplace of college baseball; to the Committee on Education and Labor.

¶30.36 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 82: Mr. KUHL of New York and Mr. LATTA.

H.R. 211: Mr. MATHESON.

H.R. 333: Mrs. WILSON of New Mexico.

H.R. 406: Mr. MEEKS of New York, Mr. BOYD of Florida, Mr. ALTMIRE, Mr. LAHOOD, Mr. MURPHY of Connecticut, Mr. BOOZMAN, Ms. TSONGAS, Mr. HELLER, and Mrs. MCMORRIS RODGERS.

H.R. 552: Mr. JEFFERSON, Mr. SARBANES, Ms. CLARKE, Ms. GIFFORDS, Mr. MCNULTY, Mr. BUCHANAN, Mr. TIM MURPHY of Pennsylvania, Mr. PATRICK MURPHY of Pennsylvania, Mr. SESSIONS, Mr. RUSH, and Mr. MURPHY of Connecticut.

H.R. 594: Mr. WOLF.

H.R. 619: Ms. DELAURO.

H.R. 690: Mr. MCINTYRE.

H.R. 706: Ms. BERKLEY and Mr. CROWLEY.

H.R. 760: Mr. NADLER.

H.R. 847: Ms. BERKLEY.

H.R. 882: Mrs. WILSON of New Mexico.

H.R. 1017; Ms. RICHARDSON.

H.R. 1043: Mrs. MYRICK and Mr. JOHNSON of Illinois.

H.R. 1072: Mr. FARR.

H.R. 1103: Ms. ESHOO.

H.R. 1108: Mr. SHAYS.

H.R. 1178: Ms. NORTON.

H.R. 1193: Mr. ELLISON.

H.R. 1237: Mr. SAM JOHNSON of Texas, Ms. CLARKE, Mr. LYNCH, and Mr. RUSH.

H.R. 1264: Mr. GERLACH and Mr. KAGEN.

H.R. 1295: Mr. SHIMKUS.

H.R. 1363: Mr. HINCHEY and Mr. HOLDEN.

H.R. 1418: Mr. GOODE, Mr. WYNN, and Mr. COHEN.

H.R. 1431: Mr. ALEXANDER.

H.R. 1439: Mr. FORTUÑO.

H.R. 1594: Mr. FILNER.

H.R. 1665: Mr. TIM MURPHY of Pennsylvania.

H.R. 1767: Mr. LATHAM.

H.R. 1781: Mr. MOORE of Kansas.

H.R. 1820: Mr. STARK.

H.R. 1843: Ms. RICHARDSON and Mr. JEFFERSON.

H.R. 1992: Mr. CLAY and Mr. MCCOTTER.

H.R. 2054: Mr. HOLDEN.

H.R. 2091: Mr. KAGEN and Mr. DOGGETT.

H.R. 2123: Mr. COHEN.

H.R. 2138: Mrs. BLACKBURN and Mrs. MYRICK.

H.R. 2205: Mr. KING of New York.

H.R. 2342: Ms. BORDALLO.

H.R. 2469: Mr. BILBRAY.

H.R. 2495: Mr. ALTMIRE.

H.R. 2790: Mr. RODRIGUEZ, Mr. PASTOR, and Mr. ALLEN.

H.R. 2792: Mr. WU and Mr. PASTOR.

H.R. 2820: Mr. MILLER of North Carolina.

H.R. 2892: Mr. TOWNS.

H.R. 2894: Mr. KENNEDY.

H.R. 2896: Mr. BERRY.

H.R. 2897: Mr. ABERCROMBIE, Mr. CARNEY, and Mr. KILDEE.

H.R. 2922: Mr. BOUCHER.

H.R. 2965: Ms. ESHOO and Mr. MARSHALL.

H.R. 3036: Mr. DELAHUNT.

H.R. 3089: Mr. KUHL of New York.

H.R. 3098: Mr. SMITH of Nebraska.

H.R. 3175: Ms. DEGETTE.

H.R. 3212: Mr. CONYERS and Ms. CORRINE BROWN of Florida.

H.R. 3223: Ms. BORDALLO.

H.R. 3232: Mr. NEAL of Massachusetts, Mr. LYNCH, Mr. ENGEL, and Mr. INGLIS of South Carolina.

H.R. 3287: Mr. TOWNS.

H.R. 3314: Mr. NEAL of Massachusetts.

H.R. 3406: Ms. SUTTON.

H.R. 3533: Mr. TOM DAVIS of Virginia, Mr. HULSHOF, Mr. KNOLLENBERG, Mr. LEVIN, Mr. KAGEN, Mr. RAMSTAD, and Mrs. CHRISTENSEN.

H.R. 3543: Ms. DELAURO.

H.R. 3544: Mr. BERRY.

H.R. 3547: Ms. ROYBAL-ALLARD, Ms. LINDA T. SÁNCHEZ of California, Ms. SOLIS, and Mr. BERMAN.

H.R. 3609: Mr. BRADY of Pennsylvania, Ms. KILPATRICK, Mr. MARKEY, Ms. SLAUGHTER, and Mr. OLVER.

H.R. 3622: Mr. TIM MURPHY of Pennsylvania.

H.R. 3652: Mr. FILNER.

H.R. 3654: Mr. BISHOP of New York.

H.R. 3660: Ms. RICHARDSON.

H.R. 3726: Mrs. CHRISTENSEN and Mr. CARSON.

H.R. 3797: Mr. DOGGETT.

H.R. 3799: Mr. LEWIS of Georgia, Mr. FATTAH, Mr. AL GREEN of Texas, and Mr. SERRANO.

H.R. 3822: Mr. RAMSTAD.

H.R. 3825: Mr. TIM MURPHY of Pennsylvania and Ms. HIRONO.

H.R. 3834: Ms. FALLIN, Mr. GONZALEZ, and Ms. BALDWIN.

H.R. 3846: Mr. MILLER of North Carolina.

H.R. 3865: Mr. OLVER.

H.R. 3934: Mrs. DRAKE and Ms. PRYCE of Ohio.

H.R. 3968: Mr. AKIN, Mr. MCNULTY, and Ms. CLARKE.

H.R. 4044: Mrs. GILLIBRAND.

H.R. 4054: Mr. BAIRD.

H.R. 4055: Mr. HINCHEY.

H.R. 4061: Mr. HULSHOF and Mr. PLATTS.

H.R. 4088: Mr. BUYER.

H.R. 4105: Mr. MCNERNEY.

H.R. 4116: Mr. MCINTYRE.

H.R. 4139: Mr. SALAZAR.

H.R. 4230: Ms. SOLIS and Ms. WATERS.

H.R. 4248: Mrs. CAPITO, Mr. CALVERT, and Mr. FERGUSON.

H.R. 4313: Mr. BACA, Mr. KAGEN, Ms. SUTTON, Mr. COOPER, and Mr. WAXMAN.

H.R. 4318: Mr. TERRY.

H.R. 4460: Mr. MARIO DIAZ-BALART of Florida.

H.R. 4884: Mr. MCNERNEY.

H.R. 4897: Ms. WOOLSEY.

H.R. 4900: Mr. PORTER, Mr. BOUSTANY, Mr. DAVID DAVIS of Tennessee, Mr. AKIN, Mr. PEARCE, Mr. PUTNAM, Mr. KAGEN, Mr. MATHESON, Mr. NUNES, Mr. ADERHOLT, Mr. CULBERSON, Mr. MURTHA, Mr. SALI, Mr. NEUGEBAUER, Mr. SMITH of Nebraska, Mr. STEARNS, Ms. FOXX, Mr. BOREN, and Mr. ROYCE.

H.R. 4926: Mr. GORDON and Ms. WOOLSEY.

H.R. 4930: Mr. JOHNSON of Georgia.

H.R. 4934: Mr. SCOTT of Georgia.

H.R. 4959: Mr. FILNER.

H.R. 4987: Mr. FEENEY.

H.R. 5032: Mr. BRADY of Texas, Ms. FOXX, Mr. BARRETT of South Carolina, Mrs. CUBIN, Mr. CANTOR, Mr. WAMP, and Mrs. DRAKE.

H.R. 5038: Mr. SIRES and Ms. WOOLSEY.

H.R. 5109: Mr. SMITH of Nebraska.

H.R. 5130: Mr. CUMMINGS, Mr. MEEK of Florida, Mr. INSLEE, Mr. SCOTT of Virginia, Mrs. JONES of Ohio, Ms. KILPATRICK, and Mr. CONYERS.

H.R. 5136: Mr. SHAYS.

H.R. 5173: Mr. PRICE of North Carolina and Mr. KAGEN.

H.R. 5180: Mrs. BOYDA of Kansas, Mr. HINOJOSA, Mr. LEWIS of Georgia, Mr. DAVIS of Alabama, Mr. WYNN, Mr. DAVIS of Illinois, Mr. BARROW, Mr. KLEIN of Florida, and Ms. SOLIS.

H.R. 5223: Mrs. NAPOLITANO.

H.R. 5235: Mr. WELDON of Florida and Mr. MILLER of Florida.

H.R. 5244: Mr. LEWIS of Georgia.

H.R. 5268: Mr. STARK and Ms. WOOLSEY.

H.R. 5315: Mr. MOORE of Kansas and Mr. WALBERG.

H.R. 5437: Mr. BOREN and Mr. SHIMKUS.

H.R. 5440: Mr. SHIMKUS.

H.R. 5443: Mr. LARSEN of Washington and Mr. JOHNSON of Georgia.

H.R. 5445: Mr. FORTENBERRY and Ms. GINNY BROWN-WAITE of Florida.
H.R. 5448: Mr. ENGLISH of Pennsylvania, Mr. MCNERNEY, Ms. BORDALLO, Mr. MOORE of Kansas, Mr. TERRY, and Mr. KAGEN.
H.R. 5461: Mr. KUCINICH.
H.R. 5465: Mr. GRIJALVA.
H.R. 5467: Mr. MILLER of Florida, Mr. MCINTYRE, and Mr. POE.
H.R. 5470: Mr. BERRY and Mr. THOMPSON of California.
H.R. 5475: Mr. GRAVES.
H.R. 5481: Mr. SOUDER and Mr. FOSSELLA.
H.R. 5489: Mr. YOUNG of Florida, Mr. PUTNAM, and Mrs. CAPPS.
H.R. 5490: Ms. FOXX, Mr. KINGSTON, Mr. BRADY of Texas, Mrs. CUBIN, Mr. GOODE, Mr. FEENEY, Mr. WAMP, and Mr. SHADEGG.
H.R. 5505: Mr. LIPINSKI.
H.R. 5510: Mr. COSTELLO, Ms. EDDIE BERNICE JOHNSON of Texas.
H.R. 5514: Mr. PITTS.
H.R. 5529: Mr. MILLER of North Carolina, Mr. MCNERNEY, and Mr. GRIJALVA.
H.R. 5532: Mrs. BLACKBURN and Mr. BOUCHER.
H.R. 5534: Mr. DEFAZIO and Mr. LEVIN.
H.R. 5542: Ms. EDDIE BERNICE JOHNSON of Texas.
H.R. 5543: Ms. GINNY BROWN-WAITE of Florida and Mr. MCNERNEY.
H.R. 5558: Mr. ENGLISH of Pennsylvania.
H.R. 5559: Mr. PAUL, Mr. GRIJALVA, Mr. GOODLATTE, and Mr. SOUDER.
H.R. 5561: Mr. CLEAVER.
H.J. Res. 53: Mr. FALEOMAVAEGA.
H.J. Res. 68: Mr. FILNER.
H. Con. Res. 28: Mr. CARNEY.
H. Con. Res. 75: Ms. SHEA-PORTER.
H. Con. Res. 223: Mr. MARSHALL.
H. Con. Res. 244: Mr. BILBRAY, Mr. COURTNEY, and Mr. SMITH of Nebraska.
H. Con. Res. 305: Ms. WOOLSEY, Mr. DOGGETT, Mr. DOYLE, and Mr. BISHOP of Georgia.
H. Con. Res. 315: Mr. ROGERS of Kentucky, Mr. BROWN of South Carolina, Mr. CALVERT, Mr. COLE of Oklahoma, Mr. DAVIS of Kentucky, Mr. PETERSON of Pennsylvania, Ms. ROS-LEHTINEN, Mr. SAXTON, Mr. SULLIVAN, Mr. TANCREDO, Mr. SHUSTER, Mr. TERRY, and Mr. GRAVES.
H. Res. 356: Mr. RADANOVICH.
H. Res. 424: Mr. WALZ of Minnesota, Mr. ALTMIRE, Ms. SUTTON, Mrs. MALONEY of New York, Mr. RYAN of Ohio, Ms. CASTOR, Ms. MOORE of Wisconsin, Mr. KILDEE, Ms. BALDWIN, Mr. HILL, Mr. BRADY of Pennsylvania, Mr. EMANUEL, Mrs. MCCARTHY of New York, Mr. BAIRD, Mr. BOSWELL, and Mr. MARKEY.
H. Res. 538: Mr. GEORGE MILLER of California, Ms. SCHAKOWSKY, Mr. ELLISON, Ms. MCCOLLUM of Minnesota, Ms. JACKSON-LEE of Texas, Mr. BLUMENAUER, Mr. KIRK, and Mr. VAN HOLLEN.
H. Res. 887: Mr. BURTON of Indiana.
H. Res. 888: Mr. KINGSTON and Mr. BACHUS.
H. Res. 896: Ms. EDDIE BERNICE JOHNSON of Texas.
H. Res. 985: Mr. ENGLISH of Pennsylvania and Mr. DAVIS of Illinois.
H. Res. 987: Mr. ISRAEL and Mr. HINCHEY.
H. Res. 988: Mr. SAM JOHNSON of Texas and Mr. HULSHOF.
H. Res. 990: Mr. JEFFERSON.
H. Res. 992: Ms. SUTTON.
H. Res. 997: Mr. ALTMIRE and Mr. COSTA.
H. Res. 1006: Mr. MARSHALL.
H. Res. 1011: Mr. RUSH, Mr. SHAYS, Mr. STARK, Mr. FRANKS of Arizona, Ms. WATERS, and Ms. JACKSON-LEE of Texas.
H. Res. 1016: Mr. JORDAN, Mrs. MCMORRIS RODGERS, Mr. MCCOTTER, Mr. KUHL of New York, Mrs. CUBIN, and Mr. MCCARTHY of California.
H. Res. 1026: Mr. SMITH of Washington, Mr. PEARCE, and Mr. REYES.
H. Res. 1044: Ms. JACKSON-LEE of Texas.

¶30.37 DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 3547: Mr. GALLEGLY.
H.R. 5464: Mr. SENSENBRENNER.

FRIDAY, MARCH 14, 2008 (31)

¶31.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Ms. WASSERMAN SCHULTZ, who laid before the House the following communication:

WASHINGTON, DC,
March 14, 2008.

I hereby appoint the Honorable DEBBIE WASSERMAN SCHULTZ to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

¶31.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Ms. WASSERMAN SCHULTZ, announced she had examined and approved the Journal of the proceedings of Thursday, March 13, 2008.

Mr. PALLONE, pursuant to clause 1, rule I, demanded a vote on agreeing to the Chair's approval of the Journal.

The question being put, viva voce,

Will the House agree to the Chair's approval of said Journal?

The SPEAKER pro tempore, Ms. WASSERMAN SCHULTZ, announced that the yeas had it.

Mr. PALLONE demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Ms. WASSERMAN SCHULTZ, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶31.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

5720. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — In the Matter of Amendment of Section 73.202(b) Table of Allotments, FM Broadcast Stations. (Blanca, Colorado) [MB Docket No. 07-165 RM-11371] received March 10, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5721. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — In the matter of Amendment of Section 73.202(b) FM Table of Allotments, FM Broadcast Stations. (Susanville, California) [MB Docket No. 07-221 RM-11402] received March 10, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5722. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Miscellaneous Pension Protection Act Changes [Notice 2008-30] received March 7, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5723. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Section 4371.-Imposition of Tax 26 CFR: 4371 (Also: 4372, 4373, and 4374) (Rev. Rul. 2008-15) received March 7, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5724. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Voluntary Compliance Initiative Covering Policies of Insurance and Reinsurance Issued by Foreign Insurers and Foreign Reinsurers. [Announcement 2008-18] received March 7, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5725. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Qualified Films Under Section 199 [TD 9384] (RIN: 1545-BG33) received March 7, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5726. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Guidance under Section 1502; Amendment of Matching Rule for Certain Gains on Member Stock [TD 9383] (RIN: 1545-BH21) received March 7, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5727. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Diversification Requirements for Variable Annuity, Endowment, and Life Insurance Contracts [TD 9385] (RIN: 1545-BG65) received March 7, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

¶31.4 MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate agreed to the following resolution:

S. RES. 485

In the Senate of the United States, March 14 (legislative day, March 13), 2008.

Whereas Howard Metzenbaum served the people of Ohio with distinction for 8 years in the Ohio State Legislature;

Whereas Howard Metzenbaum served the people of Ohio with distinction for 18 years in the United States Senate;

Resolved, That the Senate has heard with profound sorrow and deep regret the announcement of the death of the Honorable Howard Metzenbaum, former member of the United States Senate.

Resolved, That the Secretary of the Senate communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That when the Senate recesses today, it stand in recess as a further mark of respect to the memory of the Honorable Howard Metzenbaum.

The message also announced that the Senate has agreed to without amendment a concurrent resolution of the House of the following titles:

H. Con. Res. 316. A concurrent resolution providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate.

The message also announced that the Senate has agreed to a concurrent resolution of the following title in which the concurrence of the House is requested:

S. Con. Res. 71. A concurrent resolution authorizing the use of the rotunda of the Capitol for the presentation of the Congressional Gold Medal to Michael Ellis DeBakey, M.D.

¶31.5 PROVIDING FOR CONSIDERATION OF H.R. 3773

Mr. ARCURI, by direction of the Committee on Rules, called up the following resolution (H. Res. 1041):

Resolved, That upon adoption of this resolution it shall be in order to take from the Speaker's table the bill (H.R. 3773) to amend the Foreign Intelligence Surveillance Act of 1978 to establish a procedure for authorizing certain acquisitions of foreign intelligence, and for other purposes, with the Senate amendment thereto, and to consider in the House, without intervention of any point of order except those arising under clause 10 of rule XXI, a motion offered by the chairman of the Committee on the Judiciary or his designee that the House concur in the Senate amendment with the amendment printed in the report of the Committee on Rules accompanying this resolution. The Senate amendment and the motion shall be considered as read. The motion shall be debatable for one hour, with 40 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary and 20 minutes equally divided and controlled by the chairman and ranking minority member of the Permanent Select Committee on Intelligence. The previous question shall be considered as ordered on the motion to its adoption without intervening motion.

SEC. 2. During consideration of the motion to concur pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the motion to such time as may be designated by the Speaker.

When said resolution was considered.

After debate,

Mr. ARCURI moved the previous question on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House now order the previous question?

The SPEAKER pro tempore, Mr. PASTOR, announced that the yeas had it.

Mr. HASTINGS of Washington, objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 6, rule XX, and the call was taken by electronic device.

When there appeared { Yeas ..... 217 / Nays 190

¶31.6 [Roll No. 143]

YEAS—217

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

NAYS—190

Aderholt	Dreier	Lewis (KY)
Akin	Duncan	Linder
Alexander	Ehlers	LoBiondo
Bachmann	Emerson	Lucas
Bachus	Engel	Lungren, Daniel E.
Barrett (SC)	English (PA)	Mack
Barrow	Everett	Manzullo
Bartlett (MD)	Fallin	Marchant
Barton (TX)	Feeney	McCarthy (CA)
Bean	Ferguson	McCaul (TX)
Biggert	Flake	McCotter
Bilbray	Forbes	McCrery
Bilirakis	Fortenberry	McHenry
Bishop (UT)	Fossella	McHugh
Blackburn	Foxx	McKeon
Blunt	Franks (AZ)	Mica
Boehner	Frelinghuysen	Miller (FL)
Bonner	Gallegly	Miller (MI)
Bono Mack	Garrett (NJ)	Miller, Gary
Boozman	Gerlach	Moran (KS)
Brady (TX)	Gingrey	Murphy, Tim
Broun (GA)	Gohmert	Myrick
Brown (SC)	Goode	Neugebauer
Buchanan	Goodlatte	Pearce
Burgess	Graves	Pence
Burton (IN)	Hall (TX)	Petri
Buyer	Hastings (WA)	Pitts
Calvert	Hayes	Platts
Camp (MI)	Heller	Poe
Campbell (CA)	Hensarling	Porter
Cannon	Herger	Price (GA)
Cantor	Hobson	Pryce (OH)
Capito	Hoekstra	Putnam
Carney	Hulshof	Radanovich
Carter	Inglis (SC)	Ramstad
Castle	Issa	Regula
Chabot	Johnson (IL)	Rehberg
Coble	Johnson, Sam	Reichert
Cole (OK)	Jones (NC)	Renzi
Conaway	Jordan	Reynolds
Cooper	Keller	Rogers (AL)
Crenshaw	King (IA)	Rogers (KY)
Culberson	King (NY)	Rogers (MI)
Davis (KY)	Kingston	Rohrabacher
Davis, David	Kirk	Ros-Lehtinen
Davis, Lincoln	Kline (MN)	Roskam
Davis, Tom	Knollenberg	Royce
Deal (GA)	Kuhl (NY)	Ryan (WI)
Dent	Lamborn	Sali
Diaz-Balart, L.	Lampson	Saxton
Diaz-Balart, M.	Latham	Schmidt
Donnelly	LaTourette	Sensenbrenner
Doolittle	Latta	Sessions
Drake	Lewis (CA)	
Shadegg	Sullivan	Wamp
Shays	Terry	Weldon (FL)
Shimkus	Thornberry	Westmoreland
Shuster	Tiahrt	Whitfield (KY)
Simpson	Tiberi	Wilson (NM)
Smith (NE)	Turner	Wilson (SC)
Smith (NJ)	Upton	Wittman (VA)
Smith (TX)	Walberg	Wolf
Souder	Walden (OR)	Young (FL)
Stearns	Walsh (NY)	

NOT VOTING—23

Boustany	Hunter	Pickering
Brown-Waite, Ginny	LaHood	Rangel
Cramer	McMorris Rodgers	Rush
Cubin	Meeks (NY)	Tancredo
Gilchrest	Musgrave	Weller
Granger	Nunes	Woolsey
Hinojosa	Oberstar	Young (AK)
Hooley	Peterson (PA)	

So the previous question on the resolution was ordered.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. PASTOR, announced that the yeas had it.

Mr. HASTINGS of Washington, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 221 / Nays 188

¶31.7 [Roll No. 144]

YEAS—221

Abercrombie	DeFazio	Kagen
Ackerman	DeGette	Kanjorski
Allen	Delahunt	Kaptur
Altmire	DeLauro	Kennedy
Andrews	Dicks	Kildee
Arcuri	Dingell	Kilpatrick
Baca	Doggett	Kind
Baird	Donnelly	Klein (FL)
Baldwin	Doyle	Kucinich
Barrow	Edwards	Langevin
Bean	Ellison	Larsen (WA)
Becerra	Ellsworth	Larson (CT)
Berkley	Emanuel	Lee
Berman	Eshoo	Levin
Berry	Etheridge	Lewis (GA)
Bishop (GA)	Farr	Lipinski
Bishop (NY)	Fattah	Loebsack
Blumenauer	Filner	Lofgren, Zoe
Boren	Foster	Lowey
Boswell	Frank (MA)	Lynch
Boucher	Giffords	Mahoney (FL)
Boyd (FL)	Gillibrand	Maloney (NY)
Boyda (KS)	Gonzalez	Markey
Brady (PA)	Gordon	Marshall
Braley (IA)	Green, Al	Matheson
Brown, Corrine	Green, Gene	Matsui
Butterfield	Grijalva	McCarthy (NY)
Capps	Gutierrez	McCollum (MN)
Capuano	Hall (NY)	McDermott
Cardoza	Hare	McGovern
Carnahan	Harman	McIntyre
Carney	Hastings (FL)	McNerney
Carson	Herseth Sandlin	McNulty
Castor	Higgins	Meek (FL)
Chandler	Hill	Melancon
Clarke	Hinchey	Michaud
Clay	Hirono	Miller (NC)
Cleaver	Hodes	Miller, George
Clyburn	Holden	Mitchell
Cohen	Holt	Mollohan
Conyers	Honda	Moore (KS)
Costa	Hoyer	Moore (WI)
Costello	Inslee	Moran (VA)
Courtney	Israel	Murphy (CT)
Crowley	Jackson (IL)	Murphy, Patrick
Cuellar	Jackson-Lee (TX)	Murtha
Cummings	Jefferson	Nadler
Davis (AL)	Johnson (GA)	Napolitano
Davis (CA)	Johnson, E. B.	Neal (MA)
Davis (IL)	Jones (OH)	Obey
Davis, Lincoln		Olver

Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Wu
Wynn
Yarmuth

NAYS—188

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Brady (TX)
Broun (GA)
Brown (SC)
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Cooper
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
Engel
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Lampson
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Paul
Pearce
Pence
Petri
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (FL)

NOT VOTING—21

Boustany
Brown-Waite, Ginny
Cramer
Cubin
Gilchrest
Hinojosa
Hooley
Hunter
LaHood
Meeks (NY)
Musgrave
Nunes
Oberstar
Peterson (PA)
Pickering
Rangel
Rush
Tancredo
Weller
Woolsey
Young (AK)

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶31.8 FOREIGN INTELLIGENCE SURVEILLANCE

Mr. CONYERS, pursuant to House Resolution 1041, the bill (H.R. 3773) to amend the Foreign Intelligence Surveillance Act of 1978 to establish a procedure for authorizing certain acquisitions of foreign intelligence, and for other purposes, together with the following amendment of the Senate thereto, was taken from the Speaker's table:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Foreign Intelligence Surveillance Act of 1978 Amendments Act of 2008'' or the ''FISA Amendments Act of 2008''.

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

Sec. 1. Short title; table of contents.

TITLE I—FOREIGN INTELLIGENCE SURVEILLANCE

Sec. 101. Additional procedures regarding certain persons outside the United States.
Sec. 102. Statement of exclusive means by which electronic surveillance and interception of domestic communications may be conducted.
Sec. 103. Submittal to Congress of certain court orders under the Foreign Intelligence Surveillance Act of 1978.
Sec. 104. Applications for court orders.
Sec. 105. Issuance of an order.
Sec. 106. Use of information.
Sec. 107. Amendments for physical searches.
Sec. 108. Amendments for emergency pen registers and trap and trace devices.
Sec. 109. Foreign Intelligence Surveillance Court.
Sec. 110. Weapons of mass destruction.
Sec. 111. Technical and conforming amendments.

TITLE II—PROTECTIONS FOR ELECTRONIC COMMUNICATION SERVICE PROVIDERS

Sec. 201. Definitions.
Sec. 202. Limitations on civil actions for electronic communication service providers.
Sec. 203. Procedures for implementing statutory defenses under the Foreign Intelligence Surveillance Act of 1978.
Sec. 204. Preemption of State investigations.
Sec. 205. Technical amendments.

TITLE III—OTHER PROVISIONS

Sec. 301. Severability.
Sec. 302. Effective date; repeal; transition procedures.

TITLE I—FOREIGN INTELLIGENCE SURVEILLANCE

SEC. 101. ADDITIONAL PROCEDURES REGARDING CERTAIN PERSONS OUTSIDE THE UNITED STATES.

(a) IN GENERAL.—The Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended—

(1) by striking title VII; and

(2) by adding after title VI the following new title:

''TITLE VII—ADDITIONAL PROCEDURES REGARDING CERTAIN PERSONS OUTSIDE THE UNITED STATES

''SEC. 701. LIMITATION ON DEFINITION OF ELECTRONIC SURVEILLANCE.

''Nothing in the definition of electronic surveillance under section 101(f) shall be construed to encompass surveillance that is targeted in accordance with this title at a person reasonably believed to be located outside the United States.

''SEC. 702. DEFINITIONS.

''(a) IN GENERAL.—The terms 'agent of a foreign power', 'Attorney General', 'contents', 'electronic surveillance', 'foreign intelligence information', 'foreign power', 'minimization procedures', 'person', 'United States', and 'United States person' shall have the meanings given such terms in section 101, except as specifically provided in this title.

''(b) ADDITIONAL DEFINITIONS.—

''(1) CONGRESSIONAL INTELLIGENCE COMMITTEES.—The term 'congressional intelligence committees' means—

''(A) the Select Committee on Intelligence of the Senate; and

''(B) the Permanent Select Committee on Intelligence of the House of Representatives.

''(2) FOREIGN INTELLIGENCE SURVEILLANCE COURT; COURT.—The terms 'Foreign Intelligence Surveillance Court' and 'Court' mean the court established by section 103(a).

''(3) FOREIGN INTELLIGENCE SURVEILLANCE COURT OF REVIEW; COURT OF REVIEW.—The terms 'Foreign Intelligence Surveillance Court of Review' and 'Court of Review' mean the court established by section 103(b).

''(4) ELECTRONIC COMMUNICATION SERVICE PROVIDER.—The term 'electronic communication service provider' means—

''(A) a telecommunications carrier, as that term is defined in section 3 of the Communications Act of 1934 (47 U.S.C. 153);

''(B) a provider of electronic communication service, as that term is defined in section 2510 of title 18, United States Code;

''(C) a provider of a remote computing service, as that term is defined in section 2711 of title 18, United States Code;

''(D) any other communication service provider who has access to wire or electronic communications either as such communications are transmitted or as such communications are stored; or

''(E) an officer, employee, or agent of an entity described in subparagraph (A), (B), (C), or (D).

''(5) ELEMENT OF THE INTELLIGENCE COMMUNITY.—The term 'element of the intelligence community' means an element of the intelligence community specified in or designated under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

''SEC. 703. PROCEDURES FOR TARGETING CERTAIN PERSONS OUTSIDE THE UNITED STATES OTHER THAN UNITED STATES PERSONS.

''(a) AUTHORIZATION.—Notwithstanding any other law, the Attorney General and the Director of National Intelligence may authorize jointly, for periods of up to 1 year, the targeting of persons reasonably believed to be located outside the United States to acquire foreign intelligence information.

''(b) LIMITATIONS.—An acquisition authorized under subsection (a)—

''(1) may not intentionally target any person known at the time of acquisition to be located in the United States;

''(2) may not intentionally target a person reasonably believed to be located outside the United States if the purpose of such acquisition is to target a particular, known person reasonably believed to be in the United States, except in accordance with title I or title III;

''(3) may not intentionally target a United States person reasonably believed to be located outside the United States, except in accordance with sections 704, 705, or 706;

''(4) shall not intentionally acquire any communication as to which the sender and all intended recipients are known at the time of the acquisition to be located in the United States; and

''(5) shall be conducted in a manner consistent with the fourth amendment to the Constitution of the United States.

''(c) CONDUCT OF ACQUISITION.—An acquisition authorized under subsection (a) may be conducted only in accordance with—

''(1) a certification made by the Attorney General and the Director of National Intelligence pursuant to subsection (f); and

''(2) the targeting and minimization procedures required pursuant to subsections (d) and (e).

''(d) TARGETING PROCEDURES.—

''(1) REQUIREMENT TO ADOPT.—The Attorney General, in consultation with the Director of National Intelligence, shall adopt targeting procedures that are reasonably designed to ensure that any acquisition authorized under subsection (a) is limited to targeting persons reasonably believed to be located outside the United States and does not result in the intentional acquisition of any communication as to which the sender and all intended recipients are known at the time of the acquisition to be located in the United States.

''(2) JUDICIAL REVIEW.—The procedures referred to in paragraph (1) shall be subject to judicial review pursuant to subsection (h).

''(e) MINIMIZATION PROCEDURES.—

''(1) REQUIREMENT TO ADOPT.—The Attorney General, in consultation with the Director of National Intelligence, shall adopt minimization procedures that meet the definition of minimization procedures under section 101(h) or section 301(4) for acquisitions authorized under subsection (a).

''(2) JUDICIAL REVIEW.—The minimization procedures required by this subsection shall be subject to judicial review pursuant to subsection (h).

''(f) CERTIFICATION.—

''(1) IN GENERAL.—

''(A) REQUIREMENT.—Subject to subparagraph (B), prior to the initiation of an acquisition authorized under subsection (a), the Attorney General and the Director of National Intelligence shall provide, under oath, a written certification, as described in this subsection.

''(B) EXCEPTION.—If the Attorney General and the Director of National Intelligence determine that immediate action by the Government is required and time does not permit the preparation of a certification under this subsection prior to the initiation of an acquisition, the Attorney General and the Director of National Intelligence shall prepare such certification, including such determination, as soon as possible but in no event more than 7 days after such determination is made.

''(2) REQUIREMENTS.—A certification made under this subsection shall—

''(A) attest that—

''(i) there are reasonable procedures in place for determining that the acquisition authorized under subsection (a) is targeted at persons reasonably believed to be located outside the United States and that such procedures have been approved by, or will be submitted in not more than 5 days for approval by, the Foreign Intelligence Surveillance Court pursuant to subsection (h);

''(ii) there are reasonable procedures in place for determining that the acquisition authorized under subsection (a) does not result in the intentional acquisition of any communication as to which the sender and all intended recipients are known at the time of the acquisition to be located in the United States, and that such procedures have been approved by, or will be submitted in not more than 5 days for approval by, the Foreign Intelligence Surveillance Court pursuant to subsection (h);

''(iii) the procedures referred to in clauses (i) and (ii) are consistent with the requirements of the fourth amendment to the Constitution of the United States and do not permit the intentional targeting of any person who is known at the time of acquisition to be located in the United States or the intentional acquisition of any communication as to which the sender and all intended recipients are known at the time of acquisition to be located in the United States;

''(iv) a significant purpose of the acquisition is to obtain foreign intelligence information;

''(v) the minimization procedures to be used with respect to such acquisition—

''(I) meet the definition of minimization procedures under section 101(h) or section 301(4); and

''(II) have been approved by, or will be submitted in not more than 5 days for approval by, the Foreign Intelligence Surveillance Court pursuant to subsection (h);

''(vi) the acquisition involves obtaining the foreign intelligence information from or with the assistance of an electronic communication service provider; and

''(vii) the acquisition does not constitute electronic surveillance, as limited by section 701; and

''(B) be supported, as appropriate, by the affidavit of any appropriate official in the area of national security who is—

''(i) appointed by the President, by and with the consent of the Senate; or

''(ii) the head of any element of the intelligence community.

''(3) LIMITATION.—A certification made under this subsection is not required to identify the specific facilities, places, premises, or property at which the acquisition authorized under subsection (a) will be directed or conducted.

''(4) SUBMISSION TO THE COURT.—The Attorney General shall transmit a copy of a certification made under this subsection, and any supporting affidavit, under seal to the Foreign Intelligence Surveillance Court as soon as possible, but in no event more than 5 days after such certification is made. Such certification shall be maintained under security measures adopted by the Chief Justice of the United States and the Attorney General, in consultation with the Director of National Intelligence.

''(5) REVIEW.—The certification required by this subsection shall be subject to judicial review pursuant to subsection (h).

''(g) DIRECTIVES AND JUDICIAL REVIEW OF DIRECTIVES.—

''(1) AUTHORITY.—With respect to an acquisition authorized under subsection (a), the Attorney General and the Director of National Intelligence may direct, in writing, an electronic communication service provider to—

''(A) immediately provide the Government with all information, facilities, or assistance necessary to accomplish the acquisition in a manner that will protect the secrecy of the acquisition and produce a minimum of interference with the services that such electronic communication service provider is providing to the target; and

''(B) maintain under security procedures approved by the Attorney General and the Director of National Intelligence any records concerning the acquisition or the aid furnished that such electronic communication service provider wishes to maintain.

''(2) COMPENSATION.—The Government shall compensate, at the prevailing rate, an electronic communication service provider for providing information, facilities, or assistance pursuant to paragraph (1).

''(3) RELEASE FROM LIABILITY.—Notwithstanding any other law, no cause of action shall lie in any court against any electronic communication service provider for providing any information, facilities, or assistance in accordance with a directive issued pursuant to paragraph (1).

''(4) CHALLENGING OF DIRECTIVES.—

''(A) AUTHORITY TO CHALLENGE.—An electronic communication service provider receiving a directive issued pursuant to paragraph (1) may challenge the directive by filing a petition with the Foreign Intelligence Surveillance Court, which shall have jurisdiction to review such a petition.

''(B) ASSIGNMENT.—The presiding judge of the Court shall assign the petition filed under subparagraph (A) to 1 of the judges serving in the pool established by section 103(e)(1) not later than 24 hours after the filing of the petition.

''(C) STANDARDS FOR REVIEW.—A judge considering a petition to modify or set aside a directive may grant such petition only if the judge finds that the directive does not meet the requirements of this section, or is otherwise unlawful.

''(D) PROCEDURES FOR INITIAL REVIEW.—A judge shall conduct an initial review not later than 5 days after being assigned a petition described in subparagraph (C). If the judge determines that the petition consists of claims, defenses, or other legal contentions that are not warranted by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law or for establishing new law, the judge shall immediately deny the petition and affirm the directive or any part of the directive that is the subject of the petition and order the recipient to comply with the directive or any part of it. Upon making such a determination or promptly thereafter, the judge shall provide a written statement for the record of the reasons for a determination under this subparagraph.

''(E) PROCEDURES FOR PLENARY REVIEW.—If a judge determines that a petition described in subparagraph (C) requires plenary review, the judge shall affirm, modify, or set aside the directive that is the subject of that petition not later than 30 days after being assigned the petition, unless the judge, by order for reasons stated, extends that time as necessary to comport with the due process clause of the fifth amendment to the Constitution of the United States. Unless the judge sets aside the directive, the judge shall immediately affirm or affirm with modifications the directive, and order the recipient to comply with the directive in its entirety or as modified. The judge shall provide a written statement for the records of the reasons for a determination under this subparagraph.

''(F) CONTINUED EFFECT.—Any directive not explicitly modified or set aside under this paragraph shall remain in full effect.

''(G) CONTEMPT OF COURT.—Failure to obey an order of the Court issued under this paragraph may be punished by the Court as contempt of court.

''(5) ENFORCEMENT OF DIRECTIVES.—

''(A) ORDER TO COMPEL.—In the case of a failure to comply with a directive issued pursuant to paragraph (1), the Attorney General may file a petition for an order to compel compliance with the directive with the Foreign Intelligence Surveillance Court, which shall have jurisdiction to review such a petition.

''(B) ASSIGNMENT.—The presiding judge of the Court shall assign a petition filed under subparagraph (A) to 1 of the judges serving in the pool established by section 103(e)(1) not later than 24 hours after the filing of the petition.

''(C) STANDARDS FOR REVIEW.—A judge considering a petition filed under subparagraph (A) shall issue an order requiring the electronic communication service provider to comply with the directive or any part of it, as issued or as modified, if the judge finds that the directive meets the requirements of this section, and is otherwise lawful.

''(D) PROCEDURES FOR REVIEW.—The judge shall render a determination not later than 30 days after being assigned a petition filed under subparagraph (A), unless the judge, by order for reasons stated, extends that time if necessary to comport with the due process clause of the fifth amendment to the Constitution of the United States. The judge shall provide a written statement for the record of the reasons for a determination under this paragraph.

''(E) CONTEMPT OF COURT.—Failure to obey an order of the Court issued under this paragraph may be punished by the Court as contempt of court.

''(F) PROCESS.—Any process under this paragraph may be served in any judicial district in which the electronic communication service provider may be found.

''(6) APPEAL.—

''(A) APPEAL TO THE COURT OF REVIEW.—The Government or an electronic communication service provider receiving a directive issued pursuant to paragraph (1) may file a petition with

the Foreign Intelligence Surveillance Court of Review for review of the decision issued pursuant to paragraph (4) or (5). The Court of Review shall have jurisdiction to consider such a petition and shall provide a written statement for the record of the reasons for a decision under this paragraph.

''(B) CERTIORARI TO THE SUPREME COURT.—The Government or an electronic communication service provider receiving a directive issued pursuant to paragraph (1) may file a petition for a writ of certiorari for review of the decision of the Court of Review issued under subparagraph (A). The record for such review shall be transmitted under seal to the Supreme Court of the United States, which shall have jurisdiction to review such decision.

''(h) JUDICIAL REVIEW OF CERTIFICATIONS AND PROCEDURES.—

''(1) IN GENERAL.—

''(A) REVIEW BY THE FOREIGN INTELLIGENCE SURVEILLANCE COURT.—The Foreign Intelligence Surveillance Court shall have jurisdiction to review any certification required by subsection (c) and the targeting and minimization procedures adopted pursuant to subsections (d) and (e).

''(B) SUBMISSION TO THE COURT.—The Attorney General shall submit to the Court any such certification or procedure, or amendment thereto, not later than 5 days after making or amending the certification or adopting or amending the procedures.

''(2) CERTIFICATIONS.—The Court shall review a certification provided under subsection (f) to determine whether the certification contains all the required elements.

''(3) TARGETING PROCEDURES.—The Court shall review the targeting procedures required by subsection (d) to assess whether the procedures are reasonably designed to ensure that the acquisition authorized under subsection (a) is limited to the targeting of persons reasonably believed to be located outside the United States and does not result in the intentional acquisition of any communication as to which the sender and all intended recipients are known at the time of the acquisition to be located in the United States.

''(4) MINIMIZATION PROCEDURES.—The Court shall review the minimization procedures required by subsection (e) to assess whether such procedures meet the definition of minimization procedures under section 101(h) or section 301(4).

''(5) ORDERS.—

''(A) APPROVAL.—If the Court finds that a certification required by subsection (f) contains all of the required elements and that the targeting and minimization procedures required by subsections (d) and (e) are consistent with the requirements of those subsections and with the fourth amendment to the Constitution of the United States, the Court shall enter an order approving the continued use of the procedures for the acquisition authorized under subsection (a).

''(B) CORRECTION OF DEFICIENCIES.—If the Court finds that a certification required by subsection (f) does not contain all of the required elements, or that the procedures required by subsections (d) and (e) are not consistent with the requirements of those subsections or the fourth amendment to the Constitution of the United States, the Court shall issue an order directing the Government to, at the Government's election and to the extent required by the Court's order—

''(i) correct any deficiency identified by the Court's order not later than 30 days after the date the Court issues the order; or

''(ii) cease the acquisition authorized under subsection (a).

''(C) REQUIREMENT FOR WRITTEN STATEMENT.—In support of its orders under this subsection, the Court shall provide, simultaneously with the orders, for the record a written statement of its reasons.

''(6) APPEAL.—

''(A) APPEAL TO THE COURT OF REVIEW.—The Government may appeal any order under this section to the Foreign Intelligence Surveillance Court of Review, which shall have jurisdiction to review such order. For any decision affirming, reversing, or modifying an order of the Foreign Intelligence Surveillance Court, the Court of Review shall provide for the record a written statement of its reasons.

''(B) CONTINUATION OF ACQUISITION PENDING REHEARING OR APPEAL.—Any acquisitions affected by an order under paragraph (5)(B) may continue—

''(i) during the pendency of any rehearing of the order by the Court en banc; and

''(ii) if the Government appeals an order under this section, until the Court of Review enters an order under subparagraph (C).

''(C) IMPLEMENTATION PENDING APPEAL.—Not later than 60 days after the filing of an appeal of an order under paragraph (5)(B) directing the correction of a deficiency, the Court of Review shall determine, and enter a corresponding order regarding, whether all or any part of the correction order, as issued or modified, shall be implemented during the pendency of the appeal.

''(D) CERTIORARI TO THE SUPREME COURT.—The Government may file a petition for a writ of certiorari for review of a decision of the Court of Review issued under subparagraph (A). The record for such review shall be transmitted under seal to the Supreme Court of the United States, which shall have jurisdiction to review such decision.

''(i) EXPEDITED JUDICIAL PROCEEDINGS.—Judicial proceedings under this section shall be conducted as expeditiously as possible.

''(j) MAINTENANCE AND SECURITY OF RECORDS AND PROCEEDINGS.—

''(1) STANDARDS.—A record of a proceeding under this section, including petitions filed, orders granted, and statements of reasons for decision, shall be maintained under security measures adopted by the Chief Justice of the United States, in consultation with the Attorney General and the Director of National Intelligence.

''(2) FILING AND REVIEW.—All petitions under this section shall be filed under seal. In any proceedings under this section, the court shall, upon request of the Government, review ex parte and in camera any Government submission, or portions of a submission, which may include classified information.

''(3) RETENTION OF RECORDS.—A directive made or an order granted under this section shall be retained for a period of not less than 10 years from the date on which such directive or such order is made.

''(k) ASSESSMENTS AND REVIEWS.—

''(1) SEMIANNUAL ASSESSMENT.—Not less frequently than once every 6 months, the Attorney General and Director of National Intelligence shall assess compliance with the targeting and minimization procedures required by subsections (e) and (f) and shall submit each such assessment to—

''(A) the Foreign Intelligence Surveillance Court; and

''(B) the congressional intelligence committees.

''(2) AGENCY ASSESSMENT.—The Inspectors General of the Department of Justice and of any element of the intelligence community authorized to acquire foreign intelligence information under subsection (a) with respect to their department, agency, or element—

''(A) are authorized to review the compliance with the targeting and minimization procedures required by subsections (d) and (e);

''(B) with respect to acquisitions authorized under subsection (a), shall review the number of disseminated intelligence reports containing a reference to a United States person identity and the number of United States person identities subsequently disseminated by the element concerned in response to requests for identities that were not referred to by name or title in the original reporting;

''(C) with respect to acquisitions authorized under subsection (a), shall review the number of targets that were later determined to be located in the United States and, to the extent possible, whether their communications were reviewed; and

''(D) shall provide each such review to—

''(i) the Attorney General;

''(ii) the Director of National Intelligence; and

''(iii) the congressional intelligence committees.

''(3) ANNUAL REVIEW.—

''(A) REQUIREMENT TO CONDUCT.—The head of an element of the intelligence community conducting an acquisition authorized under subsection (a) shall direct the element to conduct an annual review to determine whether there is reason to believe that foreign intelligence information has been or will be obtained from the acquisition. The annual review shall provide, with respect to such acquisitions authorized under subsection (a)—

''(i) an accounting of the number of disseminated intelligence reports containing a reference to a United States person identity;

''(ii) an accounting of the number of United States person identities subsequently disseminated by that element in response to requests for identities that were not referred to by name or title in the original reporting;

''(iii) the number of targets that were later determined to be located in the United States and, to the extent possible, whether their communications were reviewed; and

''(iv) a description of any procedures developed by the head of an element of the intelligence community and approved by the Director of National Intelligence to assess, in a manner consistent with national security, operational requirements and the privacy interests of United States persons, the extent to which the acquisitions authorized under subsection (a) acquire the communications of United States persons, as well as the results of any such assessment.

''(B) USE OF REVIEW.—The head of each element of the intelligence community that conducts an annual review under subparagraph (A) shall use each such review to evaluate the adequacy of the minimization procedures utilized by such element or the application of the minimization procedures to a particular acquisition authorized under subsection (a).

''(C) PROVISION OF REVIEW.—The head of each element of the intelligence community that conducts an annual review under subparagraph (A) shall provide such review to—

''(i) the Foreign Intelligence Surveillance Court;

''(ii) the Attorney General;

''(iii) the Director of National Intelligence; and

''(iv) the congressional intelligence committees.

"SEC. 704. CERTAIN ACQUISITIONS INSIDE THE UNITED STATES OF UNITED STATES PERSONS OUTSIDE THE UNITED STATES.

''(a) JURISDICTION OF THE FOREIGN INTELLIGENCE SURVEILLANCE COURT.—

''(1) IN GENERAL.—The Foreign Intelligence Surveillance Court shall have jurisdiction to enter an order approving the targeting of a United States person reasonably believed to be located outside the United States to acquire foreign intelligence information, if such acquisition constitutes electronic surveillance (as defined in section 101(f), regardless of the limitation of section 701) or the acquisition of stored electronic communications or stored electronic data that requires an order under this Act, and such acquisition is conducted within the United States.

''(2) LIMITATION.—In the event that a United States person targeted under this subsection is reasonably believed to be located in the United States during the pendency of an order issued pursuant to subsection (c), such acquisition shall cease until authority, other than under this section, is obtained pursuant to this Act or the targeted United States person is again reasonably believed to be located outside the United States during the pendency of an order issued pursuant to subsection (c).

''(b) APPLICATION.—

''(1) IN GENERAL.—Each application for an order under this section shall be made by a Federal officer in writing upon oath or affirmation to a judge having jurisdiction under subsection (a)(1). Each application shall require the approval of the Attorney General based upon the Attorney General's finding that it satisfies the criteria and requirements of such application, as set forth in this section, and shall include—

''(A) the identity of the Federal officer making the application;

''(B) the identity, if known, or a description of the United States person who is the target of the acquisition;

''(C) a statement of the facts and circumstances relied upon to justify the applicant's belief that the United States person who is the target of the acquisition is—

''(i) a person reasonably believed to be located outside the United States; and

''(ii) a foreign power, an agent of a foreign power, or an officer or employee of a foreign power;

''(D) a statement of the proposed minimization procedures that meet the definition of minimization procedures under section 101(h) or section 301(4);

''(E) a description of the nature of the information sought and the type of communications or activities to be subjected to acquisition;

''(F) a certification made by the Attorney General or an official specified in section 104(a)(6) that—

''(i) the certifying official deems the information sought to be foreign intelligence information;

''(ii) a significant purpose of the acquisition is to obtain foreign intelligence information;

''(iii) such information cannot reasonably be obtained by normal investigative techniques;

''(iv) designates the type of foreign intelligence information being sought according to the categories described in section 101(e); and

''(v) includes a statement of the basis for the certification that—

''(I) the information sought is the type of foreign intelligence information designated; and

''(II) such information cannot reasonably be obtained by normal investigative techniques;

''(G) a summary statement of the means by which the acquisition will be conducted and whether physical entry is required to effect the acquisition;

''(H) the identity of any electronic communication service provider necessary to effect the acquisition, provided, however, that the application is not required to identify the specific facilities, places, premises, or property at which the acquisition authorized under this section will be directed or conducted;

''(I) a statement of the facts concerning any previous applications that have been made to any judge of the Foreign Intelligence Surveillance Court involving the United States person specified in the application and the action taken on each previous application; and

''(J) a statement of the period of time for which the acquisition is required to be maintained, provided that such period of time shall not exceed 90 days per application.

''(2) OTHER REQUIREMENTS OF THE ATTORNEY GENERAL.—The Attorney General may require any other affidavit or certification from any other officer in connection with the application.

''(3) OTHER REQUIREMENTS OF THE JUDGE.—The judge may require the applicant to furnish such other information as may be necessary to make the findings required by subsection (c)(1).

''(c) ORDER.—

''(1) FINDINGS.—Upon an application made pursuant to subsection (b), the Foreign Intelligence Surveillance Court shall enter an ex parte order as requested or as modified approving the acquisition if the Court finds that—

''(A) the application has been made by a Federal officer and approved by the Attorney General;

''(B) on the basis of the facts submitted by the applicant, for the United States person who is the target of the acquisition, there is probable cause to believe that the target is—

''(i) a person reasonably believed to be located outside the United States; and

''(ii) a foreign power, an agent of a foreign power, or an officer or employee of a foreign power;

''(C) the proposed minimization procedures meet the definition of minimization procedures under section 101(h) or section 301(4); and

''(D) the application which has been filed contains all statements and certifications required by subsection (b) and the certification or certifications are not clearly erroneous on the basis of the statement made under subsection (b)(1)(F)(v) and any other information furnished under subsection (b)(3).

''(2) PROBABLE CAUSE.—In determining whether or not probable cause exists for purposes of an order under paragraph (1), a judge having jurisdiction under subsection (a)(1) may consider past activities of the target, as well as facts and circumstances relating to current or future activities of the target. However, no United States person may be considered a foreign power, agent of a foreign power, or officer or employee of a foreign power solely upon the basis of activities protected by the first amendment to the Constitution of the United States.

''(3) REVIEW.—

''(A) LIMITATION ON REVIEW.—Review by a judge having jurisdiction under subsection (a)(1) shall be limited to that required to make the findings described in paragraph (1).

''(B) REVIEW OF PROBABLE CAUSE.—If the judge determines that the facts submitted under subsection (b) are insufficient to establish probable cause to issue an order under paragraph (1), the judge shall enter an order so stating and provide a written statement for the record of the reasons for such determination. The Government may appeal an order under this clause pursuant to subsection (f).

''(C) REVIEW OF MINIMIZATION PROCEDURES.—If the judge determines that the proposed minimization procedures required under paragraph (1)(C) do not meet the definition of minimization procedures under section 101(h) or section 301(4), the judge shall enter an order so stating and provide a written statement for the record of the reasons for such determination. The Government may appeal an order under this clause pursuant to subsection (f).

''(D) REVIEW OF CERTIFICATION.—If the judge determines that an application required by subsection (b) does not contain all of the required elements, or that the certification or certifications are clearly erroneous on the basis of the statement made under subsection (b)(1)(F)(v) and any other information furnished under subsection (b)(3), the judge shall enter an order so stating and provide a written statement for the record of the reasons for such determination. The Government may appeal an order under this clause pursuant to subsection (f).

''(4) SPECIFICATIONS.—An order approving an acquisition under this subsection shall specify—

''(A) the identity, if known, or a description of the United States person who is the target of the acquisition identified or described in the application pursuant to subsection (b)(1)(B);

''(B) if provided in the application pursuant to subsection (b)(1)(H), the nature and location of each of the facilities or places at which the acquisition will be directed;

''(C) the nature of the information sought to be acquired and the type of communications or activities to be subjected to acquisition;

''(D) the means by which the acquisition will be conducted and whether physical entry is required to effect the acquisition; and

''(E) the period of time during which the acquisition is approved.

''(5) DIRECTIONS.—An order approving acquisitions under this subsection shall direct—

''(A) that the minimization procedures be followed;

''(B) an electronic communication service provider to provide to the Government forthwith all information, facilities, or assistance necessary to accomplish the acquisition authorized under this subsection in a manner that will protect the secrecy of the acquisition and produce a minimum of interference with the services that such electronic communication service provider is providing to the target;

''(C) an electronic communication service provider to maintain under security procedures approved by the Attorney General any records concerning the acquisition or the aid furnished that such electronic communication service provider wishes to maintain; and

''(D) that the Government compensate, at the prevailing rate, such electronic communication service provider for providing such information, facilities, or assistance.

''(6) DURATION.—An order approved under this paragraph shall be effective for a period not to exceed 90 days and such order may be renewed for additional 90-day periods upon submission of renewal applications meeting the requirements of subsection (b).

''(7) COMPLIANCE.—At or prior to the end of the period of time for which an acquisition is approved by an order or extension under this section, the judge may assess compliance with the minimization procedures by reviewing the circumstances under which information concerning United States persons was acquired, retained, or disseminated.

''(d) EMERGENCY AUTHORIZATION.—

''(1) AUTHORITY FOR EMERGENCY AUTHORIZATION.—Notwithstanding any other provision of this Act, if the Attorney General reasonably determines that—

''(A) an emergency situation exists with respect to the acquisition of foreign intelligence information for which an order may be obtained under subsection (c) before an order authorizing such acquisition can with due diligence be obtained, and

''(B) the factual basis for issuance of an order under this subsection to approve such acquisition exists,

the Attorney General may authorize the emergency acquisition if a judge having jurisdiction under subsection (a)(1) is informed by the Attorney General, or a designee of the Attorney General, at the time of such authorization that the decision has been made to conduct such acquisition and if an application in accordance with this subsection is made to a judge of the Foreign Intelligence Surveillance Court as soon as practicable, but not more than 7 days after the Attorney General authorizes such acquisition.

''(2) MINIMIZATION PROCEDURES.—If the Attorney General authorizes such emergency acquisition, the Attorney General shall require that the minimization procedures required by this section for the issuance of a judicial order be followed.

''(3) TERMINATION OF EMERGENCY AUTHORIZATION.—In the absence of a judicial order approving such acquisition, the acquisition shall terminate when the information sought is obtained, when the application for the order is denied, or after the expiration of 7 days from the time of authorization by the Attorney General, whichever is earliest.

''(4) USE OF INFORMATION.—In the event that such application for approval is denied, or in any other case where the acquisition is terminated and no order is issued approving the acquisition, no information obtained or evidence derived from such acquisition, except under circumstances in which the target of the acquisition is determined not to be a United States person during the pendency of the 7-day emergency acquisition period, shall be received in evidence or otherwise disclosed in any trial, hearing, or other proceeding in or before any court, grand jury, department, office, agency, regulatory body, legislative committee, or other authority of the United States, a State, or political subdivision thereof, and no information concerning any United States person acquired from such acquisition shall subsequently be used or disclosed in any other manner by Federal officers

or employees without the consent of such person, except with the approval of the Attorney General if the information indicates a threat of death or serious bodily harm to any person.

''(e) RELEASE FROM LIABILITY.—Notwithstanding any other law, no cause of action shall lie in any court against any electronic communication service provider for providing any information, facilities, or assistance in accordance with an order or request for emergency assistance issued pursuant to subsections (c) or (d).

''(f) APPEAL.—

''(1) APPEAL TO THE FOREIGN INTELLIGENCE SURVEILLANCE COURT OF REVIEW.—The Government may file an appeal with the Foreign Intelligence Surveillance Court of Review for review of an order issued pursuant to subsection (c). The Court of Review shall have jurisdiction to consider such appeal and shall provide a written statement for the record of the reasons for a decision under this paragraph.

''(2) CERTIORARI TO THE SUPREME COURT.—The Government may file a petition for a writ of certiorari for review of the decision of the Court of Review issued under paragraph (1). The record for such review shall be transmitted under seal to the Supreme Court of the United States, which shall have jurisdiction to review such decision.

''SEC. 705. OTHER ACQUISITIONS TARGETING UNITED STATES PERSONS OUTSIDE THE UNITED STATES.

''(a) JURISDICTION AND SCOPE.—

''(1) JURISDICTION.—The Foreign Intelligence Surveillance Court shall have jurisdiction to enter an order pursuant to subsection (c).

''(2) SCOPE.—No element of the intelligence community may intentionally target, for the purpose of acquiring foreign intelligence information, a United States person reasonably believed to be located outside the United States under circumstances in which the targeted United States person has a reasonable expectation of privacy and a warrant would be required if the acquisition were conducted inside the United States for law enforcement purposes, unless a judge of the Foreign Intelligence Surveillance Court has entered an order or the Attorney General has authorized an emergency acquisition pursuant to subsections (c) or (d) or any other provision of this Act.

''(3) LIMITATIONS.—

''(A) MOVING OR MISIDENTIFIED TARGETS.—In the event that the targeted United States person is reasonably believed to be in the United States during the pendency of an order issued pursuant to subsection (c), such acquisition shall cease until authority is obtained pursuant to this Act or the targeted United States person is again reasonably believed to be located outside the United States during the pendency of an order issued pursuant to subsection (c).

''(B) APPLICABILITY.—If the acquisition is to be conducted inside the United States and could be authorized under section 704, the procedures of section 704 shall apply, unless an order or emergency acquisition authority has been obtained under a provision of this Act other than under this section.

''(b) APPLICATION.—Each application for an order under this section shall be made by a Federal officer in writing upon oath or affirmation to a judge having jurisdiction under subsection (a)(1). Each application shall require the approval of the Attorney General based upon the Attorney General's finding that it satisfies the criteria and requirements of such application as set forth in this section and shall include—

''(1) the identity, if known, or a description of the specific United States person who is the target of the acquisition;

''(2) a statement of the facts and circumstances relied upon to justify the applicant's belief that the United States person who is the target of the acquisition is—

''(A) a person reasonably believed to be located outside the United States; and

''(B) a foreign power, an agent of a foreign power, or an officer or employee of a foreign power;

''(3) a statement of the proposed minimization procedures that meet the definition of minimization procedures under section 101(h) or section 301(4);

''(4) a certification made by the Attorney General, an official specified in section 104(a)(6), or the head of an element of the intelligence community that—

''(A) the certifying official deems the information sought to be foreign intelligence information; and

''(B) a significant purpose of the acquisition is to obtain foreign intelligence information;

''(5) a statement of the facts concerning any previous applications that have been made to any judge of the Foreign Intelligence Surveillance Court involving the United States person specified in the application and the action taken on each previous application; and

''(6) a statement of the period of time for which the acquisition is required to be maintained, provided that such period of time shall not exceed 90 days per application.

''(c) ORDER.—

''(1) FINDINGS.—If, upon an application made pursuant to subsection (b), a judge having jurisdiction under subsection (a) finds that—

''(A) on the basis of the facts submitted by the applicant, for the United States person who is the target of the acquisition, there is probable cause to believe that the target is—

''(i) a person reasonably believed to be located outside the United States; and

''(ii) a foreign power, an agent of a foreign power, or an officer or employee of a foreign power;

''(B) the proposed minimization procedures, with respect to their dissemination provisions, meet the definition of minimization procedures under section 101(h) or section 301(4); and

''(C) the application which has been filed contains all statements and certifications required by subsection (b) and the certification provided under subsection (b)(4) is not clearly erroneous on the basis of the information furnished under subsection (b),

the Court shall issue an ex parte order so stating.

''(2) PROBABLE CAUSE.—In determining whether or not probable cause exists for purposes of an order under paragraph (1)(A), a judge having jurisdiction under subsection (a)(1) may consider past activities of the target, as well as facts and circumstances relating to current or future activities of the target. However, no United States person may be considered a foreign power, agent of a foreign power, or officer or employee of a foreign power solely upon the basis of activities protected by the first amendment to the Constitution of the United States.

''(3) REVIEW.—

''(A) LIMITATIONS ON REVIEW.—Review by a judge having jurisdiction under subsection (a)(1) shall be limited to that required to make the findings described in paragraph (1). The judge shall not have jurisdiction to review the means by which an acquisition under this section may be conducted.

''(B) REVIEW OF PROBABLE CAUSE.—If the judge determines that the facts submitted under subsection (b) are insufficient to establish probable cause to issue an order under this subsection, the judge shall enter an order so stating and provide a written statement for the record of the reasons for such determination. The Government may appeal an order under this clause pursuant to subsection (e).

''(C) REVIEW OF MINIMIZATION PROCEDURES.—If the judge determines that the minimization procedures applicable to dissemination of information obtained through an acquisition under this subsection do not meet the definition of minimization procedures under section 101(h) or section 301(4), the judge shall enter an order so stating and provide a written statement for the record of the reasons for such determination. The Government may appeal an order under this clause pursuant to subsection (e).

''(D) SCOPE OF REVIEW OF CERTIFICATION.—If the judge determines that the certification provided under subsection (b)(4) is clearly erroneous on the basis of the information furnished under subsection (b), the judge shall enter an order so stating and provide a written statement for the record of the reasons for such determination. The Government may appeal an order under this subparagraph pursuant to subsection (e).

''(4) DURATION.—An order under this paragraph shall be effective for a period not to exceed 90 days and such order may be renewed for additional 90-day periods upon submission of renewal applications meeting the requirements of subsection (b).

''(5) COMPLIANCE.—At or prior to the end of the period of time for which an order or extension is granted under this section, the judge may assess compliance with the minimization procedures by reviewing the circumstances under which information concerning United States persons was disseminated, provided that the judge may not inquire into the circumstances relating to the conduct of the acquisition.

''(d) EMERGENCY AUTHORIZATION.—

''(1) AUTHORITY FOR EMERGENCY AUTHORIZATION.—Notwithstanding any other provision in this subsection, if the Attorney General reasonably determines that—

''(A) an emergency situation exists with respect to the acquisition of foreign intelligence information for which an order may be obtained under subsection (c) before an order under that subsection may, with due diligence, be obtained, and

''(B) the factual basis for issuance of an order under this section exists,

the Attorney General may authorize the emergency acquisition if a judge having jurisdiction under subsection (a)(1) is informed by the Attorney General or a designee of the Attorney General at the time of such authorization that the decision has been made to conduct such acquisition and if an application in accordance with this subsection is made to a judge of the Foreign Intelligence Surveillance Court as soon as practicable, but not more than 7 days after the Attorney General authorizes such acquisition.

''(2) MINIMIZATION PROCEDURES.—If the Attorney General authorizes such emergency acquisition, the Attorney General shall require that the minimization procedures required by this section be followed.

''(3) TERMINATION OF EMERGENCY AUTHORIZATION.—In the absence of an order under subsection (c), the acquisition shall terminate when the information sought is obtained, if the application for the order is denied, or after the expiration of 7 days from the time of authorization by the Attorney General, whichever is earliest.

''(4) USE OF INFORMATION.—In the event that such application is denied, or in any other case where the acquisition is terminated and no order is issued approving the acquisition, no information obtained or evidence derived from such acquisition, except under circumstances in which the target of the acquisition is determined not to be a United States person during the pendency of the 7-day emergency acquisition period, shall be received in evidence or otherwise disclosed in any trial, hearing, or other proceeding in or before any court, grand jury, department, office, agency, regulatory body, legislative committee, or other authority of the United States, a State, or political subdivision thereof, and no information concerning any United States person acquired from such acquisition shall subsequently be used or disclosed in any other manner by Federal officers or employees without the consent of such person, except with the approval of the Attorney General if the information indicates a threat of death or serious bodily harm to any person.

''(e) APPEAL.—

''(1) APPEAL TO THE COURT OF REVIEW.—The Government may file an appeal with the Foreign Intelligence Surveillance Court of Review

for review of an order issued pursuant to subsection (c). The Court of Review shall have jurisdiction to consider such appeal and shall provide a written statement for the record of the reasons for a decision under this paragraph.

''(2) CERTIORARI TO THE SUPREME COURT.—The Government may file a petition for a writ of certiorari for review of the decision of the Court of Review issued under paragraph (1). The record for such review shall be transmitted under seal to the Supreme Court of the United States, which shall have jurisdiction to review such decision.

''SEC. 706. JOINT APPLICATIONS AND CONCURRENT AUTHORIZATIONS.

''(a) JOINT APPLICATIONS AND ORDERS.—If an acquisition targeting a United States person under section 704 or section 705 is proposed to be conducted both inside and outside the United States, a judge having jurisdiction under section 704(a)(1) or section 705(a)(1) may issue simultaneously, upon the request of the Government in a joint application complying with the requirements of section 704(b) or section 705(b), orders under section 704(c) or section 705(c), as applicable.

''(b) CONCURRENT AUTHORIZATION.—If an order authorizing electronic surveillance or physical search has been obtained under section 105 or section 304 and that order is still in effect, the Attorney General may authorize, without an order under section 704 or section 705, an acquisition of foreign intelligence information targeting that United States person while such person is reasonably believed to be located outside the United States.

''SEC. 707. USE OF INFORMATION ACQUIRED UNDER TITLE VII.

''(a) INFORMATION ACQUIRED UNDER SECTION 703.—Information acquired from an acquisition conducted under section 703 shall be deemed to be information acquired from an electronic surveillance pursuant to title I for purposes of section 106, except for the purposes of subsection (j) of such section.

''(b) INFORMATION ACQUIRED UNDER SECTION 704.—Information acquired from an acquisition conducted under section 704 shall be deemed to be information acquired from an electronic surveillance pursuant to title I for purposes of section 106.

''SEC. 708. CONGRESSIONAL OVERSIGHT.

''(a) SEMIANNUAL REPORT.—Not less frequently than once every 6 months, the Attorney General shall fully inform, in a manner consistent with national security, the congressional intelligence committees, the Committee on the Judiciary of the Senate, and the Committee on the Judiciary of the House of Representatives, concerning the implementation of this title.

''(b) CONTENT.—Each report made under subparagraph (a) shall include—

''(1) with respect to section 703—

''(A) any certifications made under subsection 703(f) during the reporting period;

''(B) any directives issued under subsection 703(g) during the reporting period;

''(C) a description of the judicial review during the reporting period of any such certifications and targeting and minimization procedures utilized with respect to such acquisition, including a copy of any order or pleading in connection with such review that contains a significant legal interpretation of the provisions of this section;

''(D) any actions taken to challenge or enforce a directive under paragraphs (4) or (5) of section 703(g);

''(E) any compliance reviews conducted by the Department of Justice or the Office of the Director of National Intelligence of acquisitions authorized under subsection 703(a);

''(F) a description of any incidents of noncompliance with a directive issued by the Attorney General and the Director of National Intelligence under subsection 703(g), including—

''(i) incidents of noncompliance by an element of the intelligence community with procedures adopted pursuant to subsections (d) and (e) of section 703; and

''(ii) incidents of noncompliance by a specified person to whom the Attorney General and Director of National Intelligence issued a directive under subsection 703(g); and

''(G) any procedures implementing this section;

''(2) with respect to section 704—

''(A) the total number of applications made for orders under section 704(b);

''(B) the total number of such orders either granted, modified, or denied; and

''(C) the total number of emergency acquisitions authorized by the Attorney General under section 704(d) and the total number of subsequent orders approving or denying such acquisitions; and

''(3) with respect to section 705—

''(A) the total number of applications made for orders under 705(b);

''(B) the total number of such orders either granted, modified, or denied; and

''(C) the total number of emergency acquisitions authorized by the Attorney General under subsection 705(d) and the total number of subsequent orders approving or denying such applications.''.

(b) TABLE OF CONTENTS.—The table of contents in the first section of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et. seq.) is amended—

(1) by striking the item relating to title VII;

(2) by striking the item relating to section 701; and

(3) by adding at the end the following:

''TITLE VII—ADDITIONAL PROCEDURES REGARDING CERTAIN PERSONS OUTSIDE THE UNITED STATES

''Sec. 701. Limitation on definition of electronic surveillance.

''Sec. 702. Definitions.

''Sec. 703. Procedures for targeting certain persons outside the United States other than United States persons.

''Sec. 704. Certain acquisitions inside the United States of United States persons outside the United States.

''Sec. 705. Other acquisitions targeting United States persons outside the United States.

''Sec. 706. Joint applications and concurrent authorizations.

''Sec. 707. Use of information acquired under title VII.

''Sec. 708. Congressional oversight.''.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) TITLE 18, UNITED STATES CODE.—

(A) SECTION 2232.—Section 2232(e) of title 18, United States Code, is amended by inserting ''(as defined in section 101(f) of the Foreign Intelligence Surveillance Act of 1978, regardless of the limitation of section 701 of that Act)'' after ''electronic surveillance''.

(B) SECTION 2511.—Section 2511(2)(a)(ii)(A) of title 18, United States Code, is amended by inserting ''or a court order pursuant to section 705 of the Foreign Intelligence Surveillance Act of 1978'' after ''assistance''.

(2) FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978.—

(A) SECTION 109.—Section 109 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1809) is amended by adding at the end the following:

''(e) DEFINITION.—For the purpose of this section, the term 'electronic surveillance' means electronic surveillance as defined in section 101(f) of this Act regardless of the limitation of section 701 of this Act.''.

(B) SECTION 110.—Section 110 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1810) is amended by—

(i) adding an ''(a)'' before ''CIVIL ACTION'',

(ii) redesignating subsections (a) through (c) as paragraphs (1) through (3), respectively; and

(iii) adding at the end the following:

''(b) DEFINITION.—For the purpose of this section, the term 'electronic surveillance' means electronic surveillance as defined in section 101(f) of this Act regardless of the limitation of section 701 of this Act.''.

(C) SECTION 601.—Section 601(a)(1) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1871(a)(1)) is amended by striking subparagraphs (C) and (D) and inserting the following:

''(C) pen registers under section 402;

''(D) access to records under section 501;

''(E) acquisitions under section 704; and

''(F) acquisitions under section 705;''.

(d) TERMINATION OF AUTHORITY.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by subsections (a)(2), (b), and (c) shall cease to have effect on December 31, 2013.

(2) CONTINUING APPLICABILITY.—Section 703(g)(3) of the Foreign Intelligence Surveillance Act of 1978 (as amended by subsection (a)) shall remain in effect with respect to any directive issued pursuant to section 703(g) of that Act (as so amended) for information, facilities, or assistance provided during the period such directive was or is in effect. Section 704(e) of the Foreign Intelligence Surveillance Act of 1978 (as amended by subsection (a)) shall remain in effect with respect to an order or request for emergency assistance under that section. The use of information acquired by an acquisition conducted under section 703 of that Act (as so amended) shall continue to be governed by the provisions of section 707 of that Act (as so amended).

SEC. 102. STATEMENT OF EXCLUSIVE MEANS BY WHICH ELECTRONIC SURVEILLANCE AND INTERCEPTION OF DOMESTIC COMMUNICATIONS MAY BE CONDUCTED.

(a) STATEMENT OF EXCLUSIVE MEANS.—Title I of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended by adding at the end the following new section:

''STATEMENT OF EXCLUSIVE MEANS BY WHICH ELECTRONIC SURVEILLANCE AND INTERCEPTION OF DOMESTIC COMMUNICATIONS MAY BE CONDUCTED

''SEC. 112. The procedures of chapters 119, 121, and 206 of title 18, United States Code, and this Act shall be the exclusive means by which electronic surveillance (as defined in section 101(f), regardless of the limitation of section 701) and the interception of domestic wire, oral, or electronic communications may be conducted.''.

(b) TABLE OF CONTENTS.—The table of contents in the first section of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended by adding after the item relating to section 111, the following:

''Sec. 112. Statement of exclusive means by which electronic surveillance and interception of domestic communications may be conducted.''.

(c) CONFORMING AMENDMENTS.—Section 2511(2) of title 18, United States Code, is amended in paragraph (f), by striking '', as defined in section 101 of such Act,'' and inserting ''(as defined in section 101(f) of such Act regardless of the limitation of section 701 of such Act)''.

SEC. 103. SUBMITTAL TO CONGRESS OF CERTAIN COURT ORDERS UNDER THE FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978.

(a) INCLUSION OF CERTAIN ORDERS IN SEMIANNUAL REPORTS OF ATTORNEY GENERAL.—Subsection (a)(5) of section 601 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1871) is amended by striking ''(not including orders)'' and inserting '', orders,''.

(b) REPORTS BY ATTORNEY GENERAL ON CERTAIN OTHER ORDERS.—Such section 601 is further amended by adding at the end the following:

''(c) SUBMISSIONS TO CONGRESS.—The Attorney General shall submit to the committees of Congress referred to in subsection (a)—

''(1) a copy of any decision, order, or opinion issued by the Foreign Intelligence Surveillance

Court or the Foreign Intelligence Surveillance Court of Review that includes significant construction or interpretation of any provision of this Act, and any pleadings, applications, or memoranda of law associated with such decision, order, or opinion, not later than 45 days after such decision, order, or opinion is issued; and

''(2) a copy of any such decision, order, or opinion, and any pleadings, applications, or memoranda of law associated with such decision, order, or opinion, that was issued during the 5-year period ending on the date of the enactment of the FISA Amendments Act of 2008 and not previously submitted in a report under subsection (a).

''(d) PROTECTION OF NATIONAL SECURITY.—The Attorney General, in consultation with the Director of National Intelligence, may authorize redactions of materials described in subsection (c) that are provided to the committees of Congress referred to in subsection (a), if such redactions are necessary to protect the national security of the United States and are limited to sensitive sources and methods information or the identities of targets.''.

(c) DEFINITIONS.—Such section 601, as amended by subsections (a) and (b), is further amended by adding at the end the following:

''(e) DEFINITIONS.—In this section:

''(1) FOREIGN INTELLIGENCE SURVEILLANCE COURT; COURT.—The term ''Foreign Intelligence Surveillance Court'' means the court established by section 103(a).

''(2) FOREIGN INTELLIGENCE SURVEILLANCE COURT OF REVIEW; COURT OF REVIEW.—The term 'Foreign Intelligence Surveillance Court of Review' means the court established by section 103(b).''.

SEC. 104. APPLICATIONS FOR COURT ORDERS.

Section 104 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1804) is amended—

(1) in subsection (a)—

(A) by striking paragraphs (2) and (11);

(B) by redesignating paragraphs (3) through (10) as paragraphs (2) through (9), respectively;

(C) in paragraph (5), as redesignated by subparagraph (B) of this paragraph, by striking ''detailed'';

(D) in paragraph (6), as redesignated by subparagraph (B) of this paragraph, in the matter preceding subparagraph (A)—

(i) by striking ''Affairs or'' and inserting ''Affairs,''; and

(ii) by striking ''Senate—'' and inserting ''Senate, or the Deputy Director of the Federal Bureau of Investigation, if designated by the President as a certifying official—'';

(E) in paragraph (7), as redesignated by subparagraph (B) of this paragraph, by striking ''statement of'' and inserting ''summary statement of'';

(F) in paragraph (8), as redesignated by subparagraph (B) of this paragraph, by adding ''and'' at the end; and

(G) in paragraph (9), as redesignated by subparagraph (B) of this paragraph, by striking ''; and'' and inserting a period;

(2) by striking subsection (b);

(3) by redesignating subsections (c) through (e) as subsections (b) through (d), respectively; and

(4) in paragraph (1)(A) of subsection (d), as redesignated by paragraph (3) of this subsection, by striking ''or the Director of National Intelligence'' and inserting ''the Director of National Intelligence, or the Director of the Central Intelligence Agency''.

SEC. 105. ISSUANCE OF AN ORDER.

Section 105 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1805) is amended—

(1) in subsection (a)—

(A) by striking paragraph (1); and

(B) by redesignating paragraphs (2) through (5) as paragraphs (1) through (4), respectively;

(2) in subsection (b), by striking ''(a)(3)'' and inserting ''(a)(2)'';

(3) in subsection (c)(1)—

(A) in subparagraph (D), by adding ''and'' at the end;

(B) in subparagraph (E), by striking ''; and'' and inserting a period; and

(C) by striking subparagraph (F);

(4) by striking subsection (d);

(5) by redesignating subsections (e) through (i) as subsections (d) through (h), respectively;

(6) by amending subsection (e), as redesignated by paragraph (5) of this section, to read as follows:

''(e)(1) Notwithstanding any other provision of this title, the Attorney General may authorize the emergency employment of electronic surveillance if the Attorney General—

''(A) reasonably determines that an emergency situation exists with respect to the employment of electronic surveillance to obtain foreign intelligence information before an order authorizing such surveillance can with due diligence be obtained;

''(B) reasonably determines that the factual basis for issuance of an order under this title to approve such electronic surveillance exists;

''(C) informs, either personally or through a designee, a judge having jurisdiction under section 103 at the time of such authorization that the decision has been made to employ emergency electronic surveillance; and

''(D) makes an application in accordance with this title to a judge having jurisdiction under section 103 as soon as practicable, but not later than 7 days after the Attorney General authorizes such surveillance.

''(2) If the Attorney General authorizes the emergency employment of electronic surveillance under paragraph (1), the Attorney General shall require that the minimization procedures required by this title for the issuance of a judicial order be followed.

''(3) In the absence of a judicial order approving such electronic surveillance, the surveillance shall terminate when the information sought is obtained, when the application for the order is denied, or after the expiration of 7 days from the time of authorization by the Attorney General, whichever is earliest.

''(4) A denial of the application made under this subsection may be reviewed as provided in section 103.

''(5) In the event that such application for approval is denied, or in any other case where the electronic surveillance is terminated and no order is issued approving the surveillance, no information obtained or evidence derived from such surveillance shall be received in evidence or otherwise disclosed in any trial, hearing, or other proceeding in or before any court, grand jury, department, office, agency, regulatory body, legislative committee, or other authority of the United States, a State, or political subdivision thereof, and no information concerning any United States person acquired from such surveillance shall subsequently be used or disclosed in any other manner by Federal officers or employees without the consent of such person, except with the approval of the Attorney General if the information indicates a threat of death or serious bodily harm to any person.

''(6) The Attorney General shall assess compliance with the requirements of paragraph (5).''; and

(7) by adding at the end the following:

''(i) In any case in which the Government makes an application to a judge under this title to conduct electronic surveillance involving communications and the judge grants such application, upon the request of the applicant, the judge shall also authorize the installation and use of pen registers and trap and trace devices, and direct the disclosure of the information set forth in section 402(d)(2).''.

SEC. 106. USE OF INFORMATION.

Subsection (i) of section 106 of the Foreign Intelligence Surveillance Act of 1978 (8 U.S.C. 1806) is amended by striking ''radio communication'' and inserting ''communication''.

SEC. 107. AMENDMENTS FOR PHYSICAL SEARCHES.

(a) APPLICATIONS.—Section 303 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1823) is amended—

(1) in subsection (a)—

(A) by striking paragraph (2);

(B) by redesignating paragraphs (3) through (9) as paragraphs (2) through (8), respectively;

(C) in paragraph (2), as redesignated by subparagraph (B) of this paragraph, by striking ''detailed'';

(D) in paragraph (3)(C), as redesignated by subparagraph (B) of this paragraph, by inserting ''or is about to be'' before ''owned''; and

(E) in paragraph (6), as redesignated by subparagraph (B) of this paragraph, in the matter preceding subparagraph (A)—

(i) by striking ''Affairs or'' and inserting ''Affairs,''; and

(ii) by striking ''Senate—'' and inserting ''Senate, or the Deputy Director of the Federal Bureau of Investigation, if designated by the President as a certifying official—''; and

(2) in subsection (d)(1)(A), by striking ''or the Director of National Intelligence'' and inserting ''the Director of National Intelligence, or the Director of the Central Intelligence Agency''.

(b) ORDERS.—Section 304 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1824) is amended—

(1) in subsection (a)—

(A) by striking paragraph (1); and

(B) by redesignating paragraphs (2) through (5) as paragraphs (1) through (4), respectively; and

(2) by amending subsection (e) to read as follows:

''(e)(1) Notwithstanding any other provision of this title, the Attorney General may authorize the emergency employment of a physical search if the Attorney General reasonably—

''(A) determines that an emergency situation exists with respect to the employment of a physical search to obtain foreign intelligence information before an order authorizing such physical search can with due diligence be obtained;

''(B) determines that the factual basis for issuance of an order under this title to approve such physical search exists;

''(C) informs, either personally or through a designee, a judge of the Foreign Intelligence Surveillance Court at the time of such authorization that the decision has been made to employ an emergency physical search; and

''(D) makes an application in accordance with this title to a judge of the Foreign Intelligence Surveillance Court as soon as practicable, but not more than 7 days after the Attorney General authorizes such physical search.

''(2) If the Attorney General authorizes the emergency employment of a physical search under paragraph (1), the Attorney General shall require that the minimization procedures required by this title for the issuance of a judicial order be followed.

''(3) In the absence of a judicial order approving such physical search, the physical search shall terminate when the information sought is obtained, when the application for the order is denied, or after the expiration of 7 days from the time of authorization by the Attorney General, whichever is earliest.

''(4) A denial of the application made under this subsection may be reviewed as provided in section 103.

''(5)(A) In the event that such application for approval is denied, or in any other case where the physical search is terminated and no order is issued approving the physical search, no information obtained or evidence derived from such physical search shall be received in evidence or otherwise disclosed in any trial, hearing, or other proceeding in or before any court, grand jury, department, office, agency, regulatory body, legislative committee, or other authority of the United States, a State, or political subdivision thereof, and no information concerning any United States person acquired from

such physical search shall subsequently be used or disclosed in any other manner by Federal officers or employees without the consent of such person, except with the approval of the Attorney General if the information indicates a threat of death or serious bodily harm to any person.

''(B) The Attorney General shall assess compliance with the requirements of subparagraph (A).''.

(c) CONFORMING AMENDMENTS.—The Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended—

(1) in section 304(a)(4), as redesignated by subsection (b) of this section, by striking ''303(a)(7)(E)'' and inserting ''303(a)(6)(E)''; and

(2) in section 305(k)(2), by striking ''303(a)(7)'' and inserting ''303(a)(6)''.

SEC. 108. AMENDMENTS FOR EMERGENCY PEN REGISTERS AND TRAP AND TRACE DEVICES.

Section 403 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1843) is amended—

(1) in subsection (a)(2), by striking ''48 hours'' and inserting ''7 days''; and

(2) in subsection (c)(1)(C), by striking ''48 hours'' and inserting ''7 days''.

SEC. 109. FOREIGN INTELLIGENCE SURVEILLANCE COURT.

(a) DESIGNATION OF JUDGES.—Subsection (a) of section 103 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803) is amended by inserting ''at least'' before ''seven of the United States judicial circuits''.

(b) EN BANC AUTHORITY.—

(1) IN GENERAL.—Subsection (a) of section 103 of the Foreign Intelligence Surveillance Act of 1978, as amended by subsection (a) of this section, is further amended—

(A) by inserting ''(1)'' after ''(a)''; and

(B) by adding at the end the following new paragraph:

''(2)(A) The court established under this subsection may, on its own initiative, or upon the request of the Government in any proceeding or a party under section 501(f) or paragraph (4) or (5) of section 703(h), hold a hearing or rehearing, en banc, when ordered by a majority of the judges that constitute such court upon a determination that—

''(i) en banc consideration is necessary to secure or maintain uniformity of the court's decisions; or

''(ii) the proceeding involves a question of exceptional importance.

''(B) Any authority granted by this Act to a judge of the court established under this subsection may be exercised by the court en banc. When exercising such authority, the court en banc shall comply with any requirements of this Act on the exercise of such authority.

''(C) For purposes of this paragraph, the court en banc shall consist of all judges who constitute the court established under this subsection.''.

(2) CONFORMING AMENDMENTS.—The Foreign Intelligence Surveillance Act of 1978 is further amended—

(A) in subsection (a) of section 103, as amended by this subsection, by inserting ''(except when sitting en banc under paragraph (2))'' after ''no judge designated under this subsection''; and

(B) in section 302(c) (50 U.S.C. 1822(c)), by inserting ''(except when sitting en banc)'' after ''except that no judge''.

(c) STAY OR MODIFICATION DURING AN APPEAL.—Section 103 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803) is amended—

(1) by redesignating subsection (f) as subsection (g); and

(2) by inserting after subsection (e) the following new subsection:

''(f)(1) A judge of the court established under subsection (a), the court established under subsection (b) or a judge of that court, or the Supreme Court of the United States or a justice of that court, may, in accordance with the rules of their respective courts, enter a stay of an order or an order modifying an order of the court established under subsection (a) or the court established under subsection (b) entered under any title of this Act, while the court established under subsection (a) conducts a rehearing, while an appeal is pending to the court established under subsection (b), or while a petition of certiorari is pending in the Supreme Court of the United States, or during the pendency of any review by that court.

''(2) The authority described in paragraph (1) shall apply to an order entered under any provision of this Act.''.

(d) AUTHORITY OF FOREIGN INTELLIGENCE SURVEILLANCE COURT.—Section 103 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803), as amended by this Act, is amended by adding at the end the following:

''(h)(1) Nothing in this Act shall be considered to reduce or contravene the inherent authority of the Foreign Intelligence Surveillance Court to determine, or enforce, compliance with an order or a rule of such Court or with a procedure approved by such Court.

''(2) In this subsection, the terms 'Foreign Intelligence Surveillance Court' and 'Court' mean the court established by subsection (a).''.

SEC. 110. WEAPONS OF MASS DESTRUCTION.

(a) DEFINITIONS.—

(1) FOREIGN POWER.—Subsection (a)(4) of section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801(a)(4)) is amended by inserting '', the international proliferation of weapons of mass destruction,'' after ''international terrorism''.

(2) AGENT OF A FOREIGN POWER.—Subsection (b)(1) of such section 101 is amended—

(A) in subparagraph (B), by striking ''or'' at the end

(B) in subparagraph (C), by striking ''or'' at the end; and

(C) by adding at the end the following new subparagraphs:

''(D) engages in the international proliferation of weapons of mass destruction, or activities in preparation therefor; or

''(E) engages in the international proliferation of weapons of mass destruction, or activities in preparation therefor, for or on behalf of a foreign power; or''.

(3) FOREIGN INTELLIGENCE INFORMATION.—Subsection (e)(1)(B) of such section 101 is amended by striking ''sabotage or international terrorism'' and inserting ''sabotage, international terrorism, or the international proliferation of weapons of mass destruction''.

(4) WEAPON OF MASS DESTRUCTION.—Such section 101 is amended by inserting after subsection (o) the following:

''(p) 'Weapon of mass destruction' means—

''(1) any destructive device described in section 921(a)(4)(A) of title 18, United States Code, that is intended or has the capability to cause death or serious bodily injury to a significant number of people;

''(2) any weapon that is designed or intended to cause death or serious bodily injury through the release, dissemination, or impact of toxic or poisonous chemicals or their precursors;

''(3) any weapon involving a biological agent, toxin, or vector (as such terms are defined in section 178 of title 18, United States Code); or

''(4) any weapon that is designed to release radiation or radioactivity at a level dangerous to human life.''.

(b) USE OF INFORMATION.—

(1) IN GENERAL.—Section 106(k)(1)(B) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1806(k)(1)(B)) is amended by striking ''sabotage or international terrorism'' and inserting ''sabotage, international terrorism, or the international proliferation of weapons of mass destruction''.

(2) PHYSICAL SEARCHES.—Section 305(k)(1)(B) of such Act (50 U.S.C. 1825(k)(1)(B)) is amended by striking ''sabotage or international terrorism'' and inserting ''sabotage, international terrorism, or the international proliferation of weapons of mass destruction''.

(c) TECHNICAL AND CONFORMING AMENDMENT.—Section 301(1) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1821(1)) is amended by inserting ''weapon of mass destruction',' after ''person',''.

SEC. 111. TECHNICAL AND CONFORMING AMENDMENTS.

Section 103(e) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803(e)) is amended—

(1) in paragraph (1), by striking ''105B(h) or 501(f)(1)'' and inserting ''501(f)(1) or 703''; and

(2) in paragraph (2), by striking ''105B(h) or 501(f)(1)'' and inserting ''501(f)(1) or 703''.

TITLE II—PROTECTIONS FOR ELECTRONIC COMMUNICATION SERVICE PROVIDERS

SEC. 201. DEFINITIONS.

In this title:

(1) ASSISTANCE.—The term ''assistance'' means the provision of, or the provision of access to, information (including communication contents, communications records, or other information relating to a customer or communication), facilities, or another form of assistance.

(2) CONTENTS.—The term ''contents'' has the meaning given that term in section 101(n) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801(n)).

(3) COVERED CIVIL ACTION.—The term ''covered civil action'' means a civil action filed in a Federal or State court that—

(A) alleges that an electronic communication service provider furnished assistance to an element of the intelligence community; and

(B) seeks monetary or other relief from the electronic communication service provider related to the provision of such assistance.

(4) ELECTRONIC COMMUNICATION SERVICE PROVIDER.—The term ''electronic communication service provider'' means—

(A) a telecommunications carrier, as that term is defined in section 3 of the Communications Act of 1934 (47 U.S.C. 153);

(B) a provider of an electronic communication service, as that term is defined in section 2510 of title 18, United States Code;

(C) a provider of a remote computing service, as that term is defined in section 2711 of title 18, United States Code;

(D) any other communication service provider who has access to wire or electronic communications either as such communications are transmitted or as such communications are stored;

(E) a parent, subsidiary, affiliate, successor, or assignee of an entity described in subparagraph (A), (B), (C), or (D); or

(F) an officer, employee, or agent of an entity described in subparagraph (A), (B), (C), (D), or (E).

(5) ELEMENT OF THE INTELLIGENCE COMMUNITY.—The term ''element of the intelligence community'' means an element of the intelligence community specified in or designated under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

SEC. 202. LIMITATIONS ON CIVIL ACTIONS FOR ELECTRONIC COMMUNICATION SERVICE PROVIDERS.

(a) LIMITATIONS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, a covered civil action shall not lie or be maintained in a Federal or State court, and shall be promptly dismissed, if the Attorney General certifies to the court that—

(A) the assistance alleged to have been provided by the electronic communication service provider was—

(i) in connection with an intelligence activity involving communications that was—

(I) authorized by the President during the period beginning on September 11, 2001, and ending on January 17, 2007; and

(II) designed to detect or prevent a terrorist attack, or activities in preparation for a terrorist attack, against the United States; and

(ii) described in a written request or directive from the Attorney General or the head of an element of the intelligence community (or the deputy of such person) to the electronic communication service provider indicating that the activity was—

(I) authorized by the President; and

(II) determined to be lawful; or

(B) the electronic communication service provider did not provide the alleged assistance.

(2) REVIEW.—A certification made pursuant to paragraph (1) shall be subject to review by a court for abuse of discretion.

(b) REVIEW OF CERTIFICATIONS.—If the Attorney General files a declaration under section 1746 of title 28, United States Code, that disclosure of a certification made pursuant to subsection (a) would harm the national security of the United States, the court shall—

(1) review such certification in camera and ex parte; and

(2) limit any public disclosure concerning such certification, including any public order following such an ex parte review, to a statement that the conditions of subsection (a) have been met, without disclosing the subparagraph of subsection (a)(1) that is the basis for the certification.

(c) NONDELEGATION.—The authority and duties of the Attorney General under this section shall be performed by the Attorney General (or Acting Attorney General) or a designee in a position not lower than the Deputy Attorney General.

(d) CIVIL ACTIONS IN STATE COURT.—A covered civil action that is brought in a State court shall be deemed to arise under the Constitution and laws of the United States and shall be removable under section 1441 of title 28, United States Code.

(e) RULE OF CONSTRUCTION.—Nothing in this section may be construed to limit any otherwise available immunity, privilege, or defense under any other provision of law.

(f) EFFECTIVE DATE AND APPLICATION.—This section shall apply to any covered civil action that is pending on or filed after the date of enactment of this Act.

SEC. 203. PROCEDURES FOR IMPLEMENTING STATUTORY DEFENSES UNDER THE FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978.

The Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.), as amended by section 101, is further amended by adding after title VII the following new title:

"TITLE VIII—PROTECTION OF PERSONS ASSISTING THE GOVERNMENT

"SEC. 801. DEFINITIONS.

''In this title:

''(1) ASSISTANCE.—The term 'assistance' means the provision of, or the provision of access to, information (including communication contents, communications records, or other information relating to a customer or communication), facilities, or another form of assistance.

''(2) ATTORNEY GENERAL.—The term 'Attorney General' has the meaning give that term in section 101(g).

''(3) CONTENTS.—The term 'contents' has the meaning given that term in section 101(n).

''(4) ELECTRONIC COMMUNICATION SERVICE PROVIDER.—The term 'electronic communication service provider' means—

''(A) a telecommunications carrier, as that term is defined in section 3 of the Communications Act of 1934 (47 U.S.C. 153);

''(B) a provider of electronic communication service, as that term is defined in section 2510 of title 18, United States Code;

''(C) a provider of a remote computing service, as that term is defined in section 2711 of title 18, United States Code;

''(D) any other communication service provider who has access to wire or electronic communications either as such communications are transmitted or as such communications are stored;

''(E) a parent, subsidiary, affiliate, successor, or assignee of an entity described in subparagraph (A), (B), (C), or (D); or

''(F) an officer, employee, or agent of an entity described in subparagraph (A), (B), (C), (D), or (E).

''(5) ELEMENT OF THE INTELLIGENCE COMMUNITY.—The term 'element of the intelligence community' means an element of the intelligence community as specified or designated under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

''(6) PERSON.—The term 'person' means—

''(A) an electronic communication service provider; or

''(B) a landlord, custodian, or other person who may be authorized or required to furnish assistance pursuant to—

''(i) an order of the court established under section 103(a) directing such assistance;

''(ii) a certification in writing under section 2511(2)(a)(ii)(B) or 2709(b) of title 18, United States Code; or

''(iii) a directive under section 102(a)(4), 105B(e), as in effect on the day before the date of the enactment of the FISA Amendments Act of 2008 or 703(h).

''(7) STATE.—The term 'State' means any State, political subdivision of a State, the Commonwealth of Puerto Rico, the District of Columbia, and any territory or possession of the United States, and includes any officer, public utility commission, or other body authorized to regulate an electronic communication service provider.

"SEC. 802. PROCEDURES FOR IMPLEMENTING STATUTORY DEFENSES.

''(a) REQUIREMENT FOR CERTIFICATION.—

''(1) IN GENERAL.—Notwithstanding any other provision of law, no civil action may lie or be maintained in a Federal or State court against any person for providing assistance to an element of the intelligence community, and shall be promptly dismissed, if the Attorney General certifies to the court that—

''(A) any assistance by that person was provided pursuant to an order of the court established under section 103(a) directing such assistance;

''(B) any assistance by that person was provided pursuant to a certification in writing under section 2511(2)(a)(ii)(B) or 2709(b) of title 18, United States Code;

''(C) any assistance by that person was provided pursuant to a directive under sections 102(a)(4), 105B(e), as in effect on the day before the date of the enactment of the FISA Amendments Act of 2008, or 703(h) directing such assistance; or

''(D) the person did not provide the alleged assistance.

''(2) REVIEW.—A certification made pursuant to paragraph (1) shall be subject to review by a court for abuse of discretion.

''(b) LIMITATIONS ON DISCLOSURE.—If the Attorney General files a declaration under section 1746 of title 28, United States Code, that disclosure of a certification made pursuant to subsection (a) would harm the national security of the United States, the court shall—

''(1) review such certification in camera and ex parte; and

''(2) limit any public disclosure concerning such certification, including any public order following such an ex parte review, to a statement that the conditions of subsection (a) have been met, without disclosing the subparagraph of subsection (a)(1) that is the basis for the certification.

''(c) REMOVAL.—A civil action against a person for providing assistance to an element of the intelligence community that is brought in a State court shall be deemed to arise under the Constitution and laws of the United States and shall be removable under section 1441 of title 28, United States Code.

''(d) RELATIONSHIP TO OTHER LAWS.—Nothing in this section may be construed to limit any otherwise available immunity, privilege, or defense under any other provision of law.

''(e) APPLICABILITY.—This section shall apply to a civil action pending on or filed after the date of enactment of the FISA Amendments Act of 2008.''.

SEC. 204. PREEMPTION OF STATE INVESTIGATIONS.

Title VIII of the Foreign Intelligence Surveillance Act (50 U.S.C. 1801 et seq.), as added by section 203 of this Act, is amended by adding at the end the following new section:

"SEC. 803. PREEMPTION.

''(a) IN GENERAL.—No State shall have authority to—

''(1) conduct an investigation into an electronic communication service provider's alleged assistance to an element of the intelligence community;

''(2) require through regulation or any other means the disclosure of information about an electronic communication service provider's alleged assistance to an element of the intelligence community;

''(3) impose any administrative sanction on an electronic communication service provider for assistance to an element of the intelligence community; or

''(4) commence or maintain a civil action or other proceeding to enforce a requirement that an electronic communication service provider disclose information concerning alleged assistance to an element of the intelligence community.

''(b) SUITS BY THE UNITED STATES.—The United States may bring suit to enforce the provisions of this section.

''(c) JURISDICTION.—The district courts of the United States shall have jurisdiction over any civil action brought by the United States to enforce the provisions of this section.

''(d) APPLICATION.—This section shall apply to any investigation, action, or proceeding that is pending on or filed after the date of enactment of the FISA Amendments Act of 2008.''.

SEC. 205. TECHNICAL AMENDMENTS.

The table of contents in the first section of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.), as amended by section 101(b), is further amended by adding at the end the following:

''TITLE VIII—PROTECTION OF PERSONS ASSISTING THE GOVERNMENT

''Sec. 801. Definitions.
''Sec. 802. Procedures for implementing statutory defenses.
''Sec. 803. Preemption.''.

TITLE III—OTHER PROVISIONS

SEC. 301. SEVERABILITY.

If any provision of this Act, any amendment made by this Act, or the application thereof to any person or circumstances is held invalid, the validity of the remainder of the Act, any such amendments, and of the application of such provisions to other persons and circumstances shall not be affected thereby.

SEC. 302. EFFECTIVE DATE; REPEAL; TRANSITION PROCEDURES.

(a) IN GENERAL.—Except as provided in subsection (c), the amendments made by this Act shall take effect on the date of the enactment of this Act.

(b) REPEAL.—

(1) IN GENERAL.—Except as provided in subsection (c), sections 105A, 105B, and 105C of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1805a, 1805b, and 1805c) are repealed.

(2) TABLE OF CONTENTS.—The table of contents in the first section of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended by striking the items relating to sections 105A, 105B, and 105C.

(c) TRANSITIONS PROCEDURES.—

(1) PROTECTION FROM LIABILITY.—Notwithstanding subsection (b)(1), subsection (l) of section 105B of the Foreign Intelligence Surveillance Act of 1978 shall remain in effect with respect to any directives issued pursuant to such

section 105B for information, facilities, or assistance provided during the period such directive was or is in effect.

(2) ORDERS IN EFFECT.—

(A) ORDERS IN EFFECT ON DATE OF ENACTMENT.—Notwithstanding any other provision of this Act or of the Foreign Intelligence Surveillance Act of 1978—

(i) any order in effect on the date of enactment of this Act issued pursuant to the Foreign Intelligence Surveillance Act of 1978 or section 6(b) of the Protect America Act of 2007 (Public Law 110–55; 121 Stat. 556) shall remain in effect until the date of expiration of such order; and

(ii) at the request of the applicant, the court established under section 103(a) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803(a)) shall reauthorize such order if the facts and circumstances continue to justify issuance of such order under the provisions of such Act, as in effect on the day before the date of the enactment of the Protect America Act of 2007, except as amended by sections 102, 103, 104, 105, 106, 107, 108, 109, and 110 of this Act.

(B) ORDERS IN EFFECT ON DECEMBER 31, 2013.—Any order issued under title VII of the Foreign Intelligence Surveillance Act of 1978, as amended by section 101 of this Act, in effect on December 31, 2013, shall continue in effect until the date of the expiration of such order. Any such order shall be governed by the applicable provisions of the Foreign Intelligence Surveillance Act of 1978, as so amended.

(3) AUTHORIZATIONS AND DIRECTIVES IN EFFECT.—

(A) AUTHORIZATIONS AND DIRECTIVES IN EFFECT ON DATE OF ENACTMENT.—Notwithstanding any other provision of this Act or of the Foreign Intelligence Surveillance Act of 1978, any authorization or directive in effect on the date of the enactment of this Act issued pursuant to the Protect America Act of 2007, or any amendment made by that Act, shall remain in effect until the date of expiration of such authorization or directive. Any such authorization or directive shall be governed by the applicable provisions of the Protect America Act of 2007 (121 Stat. 552), and the amendment made by that Act, and, except as provided in paragraph (4) of this subsection, any acquisition pursuant to such authorization or directive shall be deemed not to constitute electronic surveillance (as that term is defined in section 101(f) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801(f)), as construed in accordance with section 105A of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1805a)).

(B) AUTHORIZATIONS AND DIRECTIVES IN EFFECT ON DECEMBER 31, 2013.—Any authorization or directive issued under title VII of the Foreign Intelligence Surveillance Act of 1978, as amended by section 101 of this Act, in effect on December 31, 2013, shall continue in effect until the date of the expiration of such authorization or directive. Any such authorization or directive shall be governed by the applicable provisions of the Foreign Intelligence Surveillance Act of 1978, as so amended, and, except as provided in section 707 of the Foreign Intelligence Surveillance Act of 1978, as so amended, any acquisition pursuant to such authorization or directive shall be deemed not to constitute electronic surveillance (as that term is defined in section 101(f) of the Foreign Intelligence Surveillance Act of 1978, to the extent that such section 101(f) is limited by section 701 of the Foreign Intelligence Surveillance Act of 1978, as so amended).

(4) USE OF INFORMATION ACQUIRED UNDER PROTECT AMERICA ACT.—Information acquired from an acquisition conducted under the Protect America Act of 2007, and the amendments made by that Act, shall be deemed to be information acquired from an electronic surveillance pursuant to title I of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) for purposes of section 106 of that Act (50 U.S.C. 1806), except for purposes of subsection (j) of such section.

(5) NEW ORDERS.—Notwithstanding any other provision of this Act or of the Foreign Intelligence Surveillance Act of 1978—

(A) the government may file an application for an order under the Foreign Intelligence Surveillance Act of 1978, as in effect on the day before the date of the enactment of the Protect America Act of 2007, except as amended by sections 102, 103, 104, 105, 106, 107, 108, 109, and 110 of this Act; and

(B) the court established under section 103(a) of the Foreign Intelligence Surveillance Act of 1978 shall enter an order granting such an application if the application meets the requirements of such Act, as in effect on the day before the date of the enactment of the Protect America Act of 2007, except as amended by sections 102, 103, 104, 105, 106, 107, 108, 109, and 110 of this Act.

(6) EXTANT AUTHORIZATIONS.—At the request of the applicant, the court established under section 103(a) of the Foreign Intelligence Surveillance Act of 1978 shall extinguish any extant authorization to conduct electronic surveillance or physical search entered pursuant to such Act.

(7) APPLICABLE PROVISIONS.—Any surveillance conducted pursuant to an order entered pursuant to this subsection shall be subject to the provisions of the Foreign Intelligence Surveillance Act of 1978, as in effect on the day before the date of the enactment of the Protect America Act of 2007, except as amended by sections 102, 103, 104, 105, 106, 107, 108, 109, and 110 of this Act.

(8) TRANSITION PROCEDURES CONCERNING THE TARGETING OF UNITED STATES PERSONS OVERSEAS.—Any authorization in effect on the date of enactment of this Act under section 2.5 of Executive Order 12333 to intentionally target a United States person reasonably believed to be located outside the United States shall remain in effect, and shall constitute a sufficient basis for conducting such an acquisition targeting a United States person located outside the United States until the earlier of—

(A) the date that authorization expires; or

(B) the date that is 90 days after the date of the enactment of this Act.

Mr. RANGEL, pursuant to House Resolution 1041, moved to agree to the amendment of the Senate, with the following amendment in the nature of a substitute to the text printed in House Report 110-549:

In lieu of the matter proposed to be inserted by the Senate, insert the following:

SEC. 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Foreign Intelligence Surveillance Act of 1978 Amendments Act of 2008'' or the ''FISA Amendments Act of 2008''.

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

Sec. 1. Short title; table of contents.

TITLE I—FOREIGN INTELLIGENCE SURVEILLANCE

Sec. 101. Additional procedures regarding certain persons outside the United States.
Sec. 102. Statement of exclusive means by which electronic surveillance and interception of certain communications may be conducted.
Sec. 103. Submittal to Congress of certain court orders under the Foreign Intelligence Surveillance Act of 1978.
Sec. 104. Applications for court orders.
Sec. 105. Issuance of an order.
Sec. 106. Use of information.
Sec. 107. Amendments for physical searches.
Sec. 108. Amendments for emergency pen registers and trap and trace devices.
Sec. 109. Foreign intelligence surveillance court.
Sec. 110. Review of previous actions.
Sec. 111. Weapons of mass destruction.
Sec. 112. Statute of limitations.

TITLE II—PROTECTION OF PERSONS ASSISTING THE GOVERNMENT

Sec. 201. Statutory defenses.
Sec. 202. Technical amendments.

TITLE III—COMMISSION ON WARRANTLESS ELECTRONIC SURVEILLANCE ACTIVITIES

Sec. 301. Commission on Warrantless Electronic Surveillance Activities.

TITLE IV—OTHER PROVISIONS

Sec. 401. Severability.
Sec. 402. Effective date.
Sec. 403. Repeals.
Sec. 404. Transition procedures.
Sec. 405. No rights under the FISA Amendments Act of 2008 for undocumented aliens.
Sec. 406. Surveillance to protect the United States.

TITLE I—FOREIGN INTELLIGENCE SURVEILLANCE

SEC. 101. ADDITIONAL PROCEDURES REGARDING CERTAIN PERSONS OUTSIDE THE UNITED STATES.

(a) IN GENERAL.—The Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended—

(1) by striking title VII; and

(2) by adding after title VI the following new title:

''TITLE VII—ADDITIONAL PROCEDURES REGARDING CERTAIN PERSONS OUTSIDE THE UNITED STATES

''SEC. 701. DEFINITIONS.

''(a) IN GENERAL.—The terms 'agent of a foreign power', 'Attorney General', 'contents', 'electronic surveillance', 'foreign intelligence information', 'foreign power', 'minimization procedures', 'person', 'United States', and 'United States person' have the meanings given such terms in section 101, except as specifically provided in this title.

''(b) ADDITIONAL DEFINITIONS.—

''(1) CONGRESSIONAL INTELLIGENCE COMMITTEES.—The term 'congressional intelligence committees' means—

''(A) the Select Committee on Intelligence of the Senate; and

''(B) the Permanent Select Committee on Intelligence of the House of Representatives.

''(2) FOREIGN INTELLIGENCE SURVEILLANCE COURT; COURT.—The terms 'Foreign Intelligence Surveillance Court' and 'Court' mean the court established by section 103(a).

''(3) FOREIGN INTELLIGENCE SURVEILLANCE COURT OF REVIEW; COURT OF REVIEW.—The terms 'Foreign Intelligence Surveillance Court of Review' and 'Court of Review' mean the court established by section 103(b).

''(4) ELECTRONIC COMMUNICATION SERVICE PROVIDER.—The term 'electronic communication service provider' means—

''(A) a telecommunications carrier, as that term is defined in section 3 of the Communications Act of 1934 (47 U.S.C. 153);

''(B) a provider of electronic communication service, as that term is defined in section 2510 of title 18, United States Code;

''(C) a provider of a remote computing service, as that term is defined in section 2711 of title 18, United States Code;

''(D) any other communication service provider who has access to wire or electronic communications either as such communications are transmitted or as such communications are stored; or

''(E) an officer, employee, or agent of an entity described in subparagraph (A), (B), (C), or (D).

''(5) INTELLIGENCE COMMUNITY.—The term 'intelligence community' has the meaning

given the term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

"SEC. 702. PROCEDURES FOR TARGETING CERTAIN PERSONS OUTSIDE THE UNITED STATES OTHER THAN UNITED STATES PERSONS.

''(a) AUTHORIZATION.—Notwithstanding any other provision of law, pursuant to an order issued in accordance with subsection (i)(3) or a determination under subsection (g)(1)(B), the Attorney General and the Director of National Intelligence may authorize jointly, for a period of up to 1 year from the effective date of the authorization, the targeting of persons reasonably believed to be located outside the United States to acquire foreign intelligence information.

''(b) LIMITATIONS.—An acquisition authorized under subsection (a)—

''(1) may not intentionally target any person known at the time of acquisition to be located in the United States;

''(2) may not intentionally target a person reasonably believed to be located outside the United States in order to target a particular, known person reasonably believed to be in the United States;

''(3) may not intentionally target a United States person reasonably believed to be located outside the United States;

''(4) may not intentionally acquire any communication as to which the sender and all intended recipients are known at the time of the acquisition to be located in the United States; and

''(5) shall be conducted in a manner consistent with the fourth amendment to the Constitution of the United States.

''(c) CONDUCT OF ACQUISITION.—An acquisition authorized under subsection (a) may be conducted only in accordance with—

''(1) a certification made by the Attorney General and the Director of National Intelligence pursuant to subsection (g) or a determination under paragraph (1)(B) of such subsection; and

''(2) the procedures and guidelines required pursuant to subsections (d), (e), and (f).

''(d) TARGETING PROCEDURES.—

''(1) REQUIREMENT TO ADOPT.—The Attorney General, in consultation with the Director of National Intelligence, shall adopt targeting procedures that are reasonably designed to ensure that any acquisition authorized under subsection (a) is limited to targeting persons reasonably believed to be located outside the United States and does not result in the intentional acquisition of any communication as to which the sender and all intended recipients are known at the time of the acquisition to be located in the United States.

''(2) JUDICIAL REVIEW.—The procedures required by paragraph (1) shall be subject to judicial review pursuant to subsection (i).

''(e) MINIMIZATION PROCEDURES.—

''(1) REQUIREMENT TO ADOPT.—The Attorney General, in consultation with the Director of National Intelligence, shall adopt minimization procedures for acquisitions authorized under subsection (a) that—

''(A) in the case of electronic surveillance, meet the definition of minimization procedures under section 101(h); and

''(B) in the case of a physical search, meet the definition of minimization procedures under section 301(4).

''(2) JUDICIAL REVIEW.—The minimization procedures required by paragraph (1) shall be subject to judicial review pursuant to subsection (i).

''(f) GUIDELINES FOR COMPLIANCE WITH LIMITATIONS.—

''(1) REQUIREMENT TO ADOPT.—The Attorney General, in consultation with the Director of National Intelligence, shall adopt guidelines to ensure—

''(A) compliance with the limitations in subsection (b); and

''(B) that an application is filed under section 104 or 303, if required by this Act.

''(2) CRITERIA.—With respect to subsection (b)(2), the guidelines adopted pursuant to paragraph (1) shall contain specific criteria for determining whether a significant purpose of an acquisition is to acquire the communications of a specific United States person reasonably believed to be located in the United States. Such criteria shall include consideration of whether—

''(A) the department or agency of the Federal Government conducting the acquisition has made an inquiry to another department or agency of the Federal Government to gather information on the specific United States person;

''(B) the department or agency of the Federal Government conducting the acquisition has provided information that identifies the specific United States person to another department or agency of the Federal Government;

''(C) the department or agency of the Federal Government conducting the acquisition determines that the specific United States person has been the subject of ongoing interest or repeated investigation by a department or agency of the Federal Government; and

''(D) the specific United States person is a natural person.

''(3) TRAINING.—The Director of National Intelligence shall establish a training program for appropriate personnel of the intelligence community to ensure that the guidelines adopted pursuant to paragraph (1) are properly implemented.

''(4) SUBMISSION TO CONGRESS AND FOREIGN INTELLIGENCE SURVEILLANCE COURT.—The Attorney General shall submit the guidelines adopted pursuant to paragraph (1) to—

''(A) the congressional intelligence committees;

''(B) the Committees on the Judiciary of the House of Representatives and the Senate; and

''(C) the Foreign Intelligence Surveillance Court.

''(g) CERTIFICATION.—

''(1) IN GENERAL.—

''(A) REQUIREMENT.—Subject to subparagraph (B), if the Attorney General and the Director of National Intelligence seek to authorize an acquisition under this section, the Attorney General and the Director of National Intelligence shall provide, under oath, a written certification, as described in this subsection.

''(B) EMERGENCY AUTHORIZATION.—If the Attorney General and the Director of National Intelligence determine that an emergency situation exists, immediate action by the Government is required, and time does not permit the completion of judicial review pursuant to subsection (i) prior to the initiation of an acquisition, the Attorney General and the Director of National Intelligence may authorize the acquisition and shall submit to the Foreign Intelligence Surveillance Court a certification under this subsection as soon as possible but in no event more than 7 days after such determination is made.

''(2) REQUIREMENTS.—A certification made under this subsection shall—

''(A) attest that—

''(i) there are reasonable procedures in place for determining that the acquisition authorized under subsection (a)—

''(I) is targeted at persons reasonably believed to be located outside the United States and such procedures have been submitted to the Foreign Intelligence Surveillance Court; and

''(II) does not result in the intentional acquisition of any communication as to which the sender and all intended recipients are known at the time of the acquisition to be located in the United States, and such procedures have been submitted to the Foreign Intelligence Surveillance Court;

''(ii) guidelines have been adopted in accordance with subsection (f) to ensure compliance with the limitations in subsection (b) and to ensure that applications are filed under section 104 or section 303, if required by this Act;

''(iii) the minimization procedures to be used with respect to such acquisition—

''(I) meet the definition of minimization procedures under section 101(h) or section 301(4) in accordance with subsection (e); and

''(II) have been submitted to the Foreign Intelligence Surveillance Court;

''(iv) the procedures and guidelines referred to in clauses (i), (ii), and (iii) are consistent with the requirements of the fourth amendment to the Constitution of the United States;

''(v) a significant purpose of the acquisition is to obtain foreign intelligence information;

''(vi) the acquisition involves obtaining the foreign intelligence information from or with the assistance of an electronic communication service provider; and

''(vii) the acquisition complies with the limitations in subsection (b);

''(B) be supported, as appropriate, by the affidavit of any appropriate official in the area of national security who is—

''(i) appointed by the President, by and with the consent of the Senate; or

''(ii) the head of an element of the intelligence community; and

''(C) include—

''(i) an effective date for the authorization that is between 30 and 60 days from the submission of the written certification to the court; or

''(ii) if the acquisition has begun or will begin in less than 30 days from the submission of the written certification to the court—

''(I) the date the acquisition began or the effective date for the acquisition;

''(II) a description of why implementation was required in less than 30 days from the submission of the written certification to the court; and

''(III) if the acquisition is authorized under paragraph (1)(B), the basis for the determination that an emergency situation exists, immediate action by the government is required, and time does not permit the completion of judicial review prior to the initiation of the acquisition.

''(3) LIMITATION.—A certification made under this subsection is not required to identify the specific facilities, places, premises, or property at which the acquisition authorized under subsection (a) will be directed or conducted.

''(4) SUBMISSION TO THE COURT.—The Attorney General shall transmit a copy of a certification made under this subsection, and any supporting affidavit, under seal to the Foreign Intelligence Surveillance Court before the initiation of an acquisition under this section, except in accordance with paragraph (1)(B). The Attorney General shall maintain such certification under security measures adopted by the Chief Justice of the United States and the Attorney General, in consultation with the Director of National Intelligence.

''(5) REVIEW.—A certification submitted pursuant to this subsection shall be subject to judicial review pursuant to subsection (i).

''(h) DIRECTIVES AND JUDICIAL REVIEW OF DIRECTIVES.—

''(1) AUTHORITY.—Pursuant to an order issued in accordance with subsection (i)(3) or a determination under subsection (g)(1)(B), the Attorney General and the Director of National Intelligence may direct, in writing, an

electronic communication service provider to—

''(A) immediately provide the Government with all information, facilities, or assistance necessary to accomplish the acquisition authorized in accordance with this section in a manner that will protect the secrecy of the acquisition and produce a minimum of interference with the services that such electronic communication service provider is providing to the target of the acquisition; and

''(B) maintain under security procedures approved by the Attorney General and the Director of National Intelligence any records concerning the acquisition or the aid furnished that such electronic communication service provider wishes to maintain.

''(2) COMPENSATION.—The Government shall compensate, at the prevailing rate, an electronic communication service provider for providing information, facilities, or assistance pursuant to paragraph (1).

''(3) RELEASE FROM LIABILITY.—Notwithstanding any other provision of law, no cause of action shall lie in any court against any electronic communication service provider for providing any information, facilities, or assistance in accordance with a directive issued pursuant to paragraph (1).

''(4) CHALLENGING OF DIRECTIVES.—

''(A) AUTHORITY TO CHALLENGE.—An electronic communication service provider receiving a directive issued pursuant to paragraph (1) may challenge the directive by filing a petition with the Foreign Intelligence Surveillance Court, which shall have jurisdiction to review such a petition.

''(B) ASSIGNMENT.—The presiding judge of the Court shall assign the petition filed under subparagraph (A) to 1 of the judges serving in the pool established by section 103(e)(1) not later than 24 hours after the filing of the petition.

''(C) STANDARDS FOR REVIEW.—A judge considering a petition to modify or set aside a directive may grant such petition only if the judge finds that the directive does not meet the requirements of this section or is otherwise unlawful.

''(D) PROCEDURES FOR INITIAL REVIEW.—A judge shall conduct an initial review of a petition filed under subparagraph (A) not later than 5 days after being assigned such petition. If the judge determines that the petition does not consist of claims, defenses, or other legal contentions that are warranted by existing law, a nonfrivolous argument for extending, modifying, or reversing existing law, or establishing new law, the judge shall immediately deny the petition and affirm the directive or any part of the directive that is the subject of the petition and order the recipient to comply with the directive or any part of it. Upon making such a determination or promptly thereafter, the judge shall provide a written statement for the record of the reasons for a determination under this subparagraph.

''(E) PROCEDURES FOR PLENARY REVIEW.—If a judge determines that a petition filed under subparagraph (A) requires plenary review, the judge shall affirm, modify, or set aside the directive that is the subject of that petition not later than 30 days after being assigned the petition. If the judge does not set aside the directive, the judge shall immediately affirm or modify the directive and order the recipient to comply with the directive in its entirety or as modified. The judge shall provide a written statement for the records of the reasons for a determination under this subparagraph.

''(F) CONTINUED EFFECT.—Any directive not explicitly modified or set aside under this paragraph shall remain in full effect.

''(G) CONTEMPT OF COURT.—Failure to obey an order of the Court issued under this paragraph may be punished by the Court as contempt of court.

''(5) ENFORCEMENT OF DIRECTIVES.—

''(A) ORDER TO COMPEL.—If an electronic communication service provider fails to comply with a directive issued pursuant to paragraph (1), the Attorney General may file a petition for an order to compel the electronic communication service provider to comply with the directive with the Foreign Intelligence Surveillance Court, which shall have jurisdiction to review such a petition.

''(B) ASSIGNMENT.—The presiding judge of the Court shall assign a petition filed under subparagraph (A) to 1 of the judges serving in the pool established by section 103(e)(1) not later than 24 hours after the filing of the petition.

''(C) PROCEDURES FOR REVIEW.—A judge considering a petition filed under subparagraph (A) shall issue an order requiring the electronic communication service provider to comply with the directive or any part of it, as issued or as modified not later than 30 days after being assigned the petition if the judge finds that the directive meets the requirements of this section and is otherwise lawful. The judge shall provide a written statement for the record of the reasons for a determination under this paragraph.

''(D) CONTEMPT OF COURT.—Failure to obey an order of the Court issued under this paragraph may be punished by the Court as contempt of court.

''(E) PROCESS.—Any process under this paragraph may be served in any judicial district in which the electronic communication service provider may be found.

''(6) APPEAL.—

''(A) APPEAL TO THE COURT OF REVIEW.—The Government or an electronic communication service provider receiving a directive issued pursuant to paragraph (1) may file a petition with the Foreign Intelligence Surveillance Court of Review for review of a decision issued pursuant to paragraph (4) or (5). The Court of Review shall have jurisdiction to consider such a petition and shall provide a written statement for the record of the reasons for a decision under this paragraph.

''(B) CERTIORARI TO THE SUPREME COURT.—The Government or an electronic communication service provider receiving a directive issued pursuant to paragraph (1) may file a petition for a writ of certiorari for review of the decision of the Court of Review issued under subparagraph (A). The record for such review shall be transmitted under seal to the Supreme Court of the United States, which shall have jurisdiction to review such decision.

''(i) JUDICIAL REVIEW OF CERTIFICATIONS AND PROCEDURES.—

''(1) IN GENERAL.—

''(A) REVIEW BY THE FOREIGN INTELLIGENCE SURVEILLANCE COURT.—The Foreign Intelligence Surveillance Court shall have jurisdiction to review any certification submitted pursuant to subsection (g) and the targeting and minimization procedures required by subsections (d) and (e).

''(B) TIME PERIOD FOR REVIEW.—The Court shall review the certification submitted pursuant to subsection (g) and the targeting and minimization procedures required by subsections (d) and (e) and approve or deny an order under this subsection not later than 30 days after the date on which a certification is submitted.

''(2) REVIEW.—The Court shall review the following:

''(A) CERTIFICATIONS.—A certification submitted pursuant to subsection (g) to determine whether the certification contains all the required elements.

''(B) TARGETING PROCEDURES.—The targeting procedures required by subsection (d) to assess whether the procedures are reasonably designed to ensure that the acquisition authorized under subsection (a) is limited to the targeting of persons reasonably believed to be located outside the United States and does not result in the intentional acquisition of any communication as to which the sender and all intended recipients are known at the time of the acquisition to be located in the United States.

''(C) MINIMIZATION PROCEDURES.—The minimization procedures required by subsection (e) to assess whether such procedures meet the definition of minimization procedures under section 101(h) or section 301(4) in accordance with subsection (e).

''(3) ORDERS.—

''(A) APPROVAL.—If the Court finds that a certification submitted pursuant to subsection (g) contains all of the required elements and that the procedures required by subsections (d) and (e) are consistent with the requirements of those subsections and with the fourth amendment to the Constitution of the United States, the Court shall enter an order approving the certification and the use of the procedures for the acquisition.

''(B) CORRECTION OF DEFICIENCIES.—If the Court finds that a certification submitted pursuant to subsection (g) does not contain all of the required elements or that the procedures required by subsections (d) and (e) are not consistent with the requirements of those subsections or the fourth amendment to the Constitution of the United States—

''(i) in the case of a certification submitted in accordance with subsection (g)(1)(A), the Court shall deny the order, identify any deficiency in the certification or procedures, and provide the Government with an opportunity to correct such deficiency; and

''(ii) in the case of a certification submitted in accordance with subsection (g)(1)(B), the Court shall issue an order directing the Government to, at the Government's election and to the extent required by the Court's order—

''(I) correct any deficiency identified by the Court not later than 30 days after the date the Court issues the order; or

''(II) cease the acquisition authorized under subsection (g)(1)(B).

''(C) REQUIREMENT FOR WRITTEN STATEMENT.—In support of its orders under this subsection, the Court shall provide, simultaneously with the orders, for the record a written statement of its reasons.

''(4) APPEAL.—

''(A) APPEAL TO THE COURT OF REVIEW.—The Government may appeal any order under this section to the Foreign Intelligence Surveillance Court of Review, which shall have jurisdiction to review such order. For any decision affirming, reversing, or modifying an order of the Foreign Intelligence Surveillance Court, the Court of Review shall provide for the record a written statement of its reasons.

''(B) CONTINUATION OF ACQUISITION PENDING REHEARING OR APPEAL.—Any acquisition affected by an order under paragraph (3)(B)(ii) may continue—

''(i) during the pendency of any rehearing of the order by the Court en banc; and

''(ii) if the Government appeals an order under this section, subject to subparagraph (C), until the Court of Review enters an order under subparagraph (A).

''(C) IMPLEMENTATION OF EMERGENCY AUTHORITY PENDING APPEAL.—Not later than 60 days after the filing of an appeal of an order issued under paragraph (3)(B)(ii) directing the correction of a deficiency, the Court of Review shall determine, and enter a corresponding order regarding whether all or any part of the correction order, as issued or modified, shall be implemented during the pendency of the appeal. The Government shall conduct an acquisition affected by such

order issued under paragraph (3)(B)(ii) in accordance with an order issued under this subparagraph or shall cease such acquisition.

''(D) CERTIORARI TO THE SUPREME COURT.—The Government may file a petition for a writ of certiorari for review of a decision of the Court of Review issued under subparagraph (A). The record for such review shall be transmitted under seal to the Supreme Court of the United States, which shall have jurisdiction to review such decision.

''(5) SCHEDULE.—

''(A) REPLACEMENT OF AUTHORIZATIONS IN EFFECT.—If the Attorney General and the Director of National Intelligence seek to replace an authorization issued pursuant to section 105B of the Foreign Intelligence Surveillance Act of 1978, as added by section 2 of the Protect America Act of 2007 (Public Law 110-55), the Attorney General and the Director of National Intelligence shall, to the extent practicable, submit to the Court a certification under subsection (g) and the procedures required by subsections (d), (e), and (f) at least 30 days before the expiration of such authorization.

''(B) REAUTHORIZATION OF AUTHORIZATIONS IN EFFECT.—If the Attorney General and the Director of National Intelligence seek to replace an authorization issued pursuant to this section, the Attorney General and the Director of National Intelligence shall, to the extent practicable, submit to the Court a certification under subsection (g) and the procedures required by subsections (d), (e), and (f) at least 30 days prior to the expiration of such authorization.

''(C) CONSOLIDATED SUBMISSIONS.—The Attorney General and Director of National Intelligence shall, to the extent practicable, annually submit to the Court a consolidation of—

''(i) certifications under subsection (g) for reauthorization of authorizations in effect;

''(ii) the procedures required by subsections (d), (e), and (f); and

''(iii) the annual review required by subsection (l)(3) for the preceding year.

''(D) TIMING OF REVIEWS.—The Attorney General and the Director of National Intelligence shall, to the extent practicable, schedule the completion of the annual review under subsection (l)(3) and a semiannual assessment under subsection (l)(1) so that they may be submitted to the Court at the time of the consolidated submission under subparagraph (C).

''(E) CONSTRUCTION.—The requirements of subparagraph (C) shall not be construed to preclude the Attorney General and the Director of National Intelligence from submitting certifications for additional authorizations at other times during the year as necessary.

''(6) COMPLIANCE.—At or before the end of the period of time for which a certification submitted pursuant to subsection (g) and procedures required by subsection (d) and (e) are approved by an order under this section, the Foreign Intelligence Surveillance Court may assess compliance with the minimization procedures required by subsection (e) by reviewing the circumstances under which information concerning United States persons was acquired, retained, or disseminated.

''(j) JUDICIAL PROCEEDINGS.—

''(1) EXPEDITED PROCEEDINGS.—Judicial proceedings under this section shall be conducted as expeditiously as possible.

''(2) TIME LIMITS.—A time limit for a judicial decision in this section shall apply unless the Court, the Court of Review, or any judge of either the Court or the Court of Review, by order for reasons stated, extends that time for good cause.

''(k) MAINTENANCE AND SECURITY OF RECORDS AND PROCEEDINGS.—

''(1) STANDARDS.—The Foreign Intelligence Surveillance Court shall maintain a record of a proceeding under this section, including petitions filed, orders granted, and statements of reasons for decision, under security measures adopted by the Chief Justice of the United States, in consultation with the Attorney General and the Director of National Intelligence.

''(2) FILING AND REVIEW.—All petitions under this section shall be filed under seal. In any proceedings under this section, the court shall, upon request of the Government, review ex parte and in camera any Government submission, or portions of a submission, which may include classified information.

''(3) RETENTION OF RECORDS.—The Director of National Intelligence and the Attorney General shall retain a directive made or an order granted under this section for a period of not less than 10 years from the date on which such directive or such order is made.

''(l) ASSESSMENTS AND REVIEWS.—

''(1) SEMIANNUAL ASSESSMENT.—Not less frequently than once every 6 months, the Attorney General and Director of National Intelligence shall assess compliance with the procedures and guidelines required by subsections (d), (e), and (f) and shall submit each assessment to—

''(A) the congressional intelligence committees;

''(B) the Committees on the Judiciary of the House of Representatives and the Senate; and

''(C) the Foreign Intelligence Surveillance Court.

''(2) AGENCY ASSESSMENT.—The Inspectors General of the Department of Justice and of each element of the intelligence community authorized to acquire foreign intelligence information under subsection (a), with respect to such Department or such element—

''(A) are authorized to review compliance with the procedures and guidelines required by subsections (d), (e), and (f);

''(B) with respect to acquisitions authorized under subsection (a), shall review the disseminated intelligence reports containing a reference to a United States person identity and the number of United States person identities subsequently disseminated by the element concerned in response to requests for identities that were not referred to by name or title in the original reporting;

''(C) with respect to acquisitions authorized under subsection (a), shall review the targets that were later determined to be located in the United States and, to the extent possible, whether their communications were reviewed; and

''(D) shall provide each such review to—

''(i) the Attorney General;

''(ii) the Director of National Intelligence;

''(iii) the congressional intelligence committees;

''(iv) the Committees on the Judiciary of the House of Representatives and the Senate; and

''(v) the Foreign Intelligence Surveillance Court.

''(3) ANNUAL REVIEW.—

''(A) REQUIREMENT TO CONDUCT.—The head of each element of the intelligence community conducting an acquisition authorized under subsection (a) shall conduct an annual review to determine whether there is reason to believe that foreign intelligence information has been or will be obtained from the acquisition. The annual review shall provide, with respect to such acquisitions authorized under subsection (a)—

''(i) the number and nature of disseminated intelligence reports containing a reference to a United States person identity;

''(ii) the number and nature of United States person identities subsequently disseminated by that element in response to requests for identities that were not referred to by name or title in the original reporting;

''(iii) the number of targets that were later determined to be located in the United States and, to the extent possible, whether their communications were reviewed; and

''(iv) a description of any procedures developed by the head of such element of the intelligence community and approved by the Director of National Intelligence to assess, in a manner consistent with national security, operational requirements and the privacy interests of United States persons, the extent to which the acquisitions authorized under subsection (a) acquire the communications of United States persons, and the results of any such assessment.

''(B) USE OF REVIEW.—The head of each element of the intelligence community that conducts an annual review under subparagraph (A) shall use each such review to evaluate the adequacy of the minimization procedures utilized by such element or the application of the minimization procedures to a particular acquisition authorized under subsection (a).

''(C) PROVISION OF REVIEW.—The head of each element of the intelligence community that conducts an annual review under subparagraph (A) shall provide such review to—

''(i) the Foreign Intelligence Surveillance Court;

''(ii) the Attorney General;

''(iii) the Director of National Intelligence;

''(iv) the congressional intelligence committees; and

''(v) the Committees on the Judiciary of the House of Representatives and the Senate.

''(m) CONSTRUCTION.—Nothing in this Act shall be construed to require an application under section 104 for an acquisition that is targeted in accordance with this section at a person reasonably believed to be located outside the United States.

''SEC. 703. CERTAIN ACQUISITIONS INSIDE THE UNITED STATES OF UNITED STATES PERSONS OUTSIDE THE UNITED STATES.

''(a) JURISDICTION OF THE FOREIGN INTELLIGENCE SURVEILLANCE COURT.—

''(1) IN GENERAL.—The Foreign Intelligence Surveillance Court shall have jurisdiction to review an application and enter an order approving the targeting of a United States person reasonably believed to be located outside the United States to acquire foreign intelligence information if the acquisition constitutes electronic surveillance or the acquisition of stored electronic communications or stored electronic data that requires an order under this Act and such acquisition is conducted within the United States.

''(2) LIMITATION.—If a United States person targeted under this subsection is reasonably believed to be located in the United States during the pendency of an order issued pursuant to subsection (c), such acquisition shall cease unless authority, other than under this section, is obtained pursuant to this Act or the targeted United States person is again reasonably believed to be located outside the United States during the pendency of an order issued pursuant to subsection (c).

''(b) APPLICATION.—

''(1) IN GENERAL.—Each application for an order under this section shall be made by a Federal officer in writing upon oath or affirmation to a judge having jurisdiction under subsection (a)(1). Each application shall require the approval of the Attorney General based upon the Attorney General's finding that it satisfies the criteria and requirements of such application, as set forth in this section, and shall include—

''(A) the identity of the Federal officer making the application;

''(B) the identity, if known, or a description of the United States person who is the target of the acquisition;

''(C) a statement of the facts and circumstances relied upon to justify the applicant's belief that the United States person who is the target of the acquisition is—

''(i) a person reasonably believed to be located outside the United States; and

''(ii) a foreign power, an agent of a foreign power, or an officer or employee of a foreign power;

''(D) a statement of proposed minimization procedures that—

''(i) in the case of electronic surveillance, meet the definition of minimization procedures in section 101(h); and

''(ii) in the case of a physical search, meet the definition of minimization procedures in section 301(4);

''(E) a description of the nature of the information sought and the type of communications or activities to be subjected to acquisition;

''(F) a certification made by the Attorney General or an official specified in section 104(a)(6) that—

''(i) the certifying official deems the information sought to be foreign intelligence information;

''(ii) a significant purpose of the acquisition is to obtain foreign intelligence information;

''(iii) such information cannot reasonably be obtained by normal investigative techniques;

''(iv) identifies the type of foreign intelligence information being sought according to the categories described in each subparagraph of section 101(e); and

''(v) includes a statement of the basis for the certification that—

''(I) the information sought is the type of foreign intelligence information designated; and

''(II) such information cannot reasonably be obtained by normal investigative techniques;

''(G) a summary statement of the means by which the acquisition will be conducted and whether physical entry is required to effect the acquisition;

''(H) the identity of any electronic communication service provider necessary to effect the acquisition, provided, however, that the application is not required to identify the specific facilities, places, premises, or property at which the acquisition authorized under this section will be directed or conducted;

''(I) a statement of the facts concerning any previous applications that have been made to any judge of the Foreign Intelligence Surveillance Court involving the United States person specified in the application and the action taken on each previous application; and

''(J) a statement of the period of time for which the acquisition is required to be maintained, provided that such period of time shall not exceed 90 days per application.

''(2) OTHER REQUIREMENTS OF THE ATTORNEY GENERAL.—The Attorney General may require any other affidavit or certification from any other officer in connection with the application.

''(3) OTHER REQUIREMENTS OF THE JUDGE.—The judge may require the applicant to furnish such other information as may be necessary to make the findings required by subsection (c)(1).

''(c) ORDER.—

''(1) FINDINGS.—Upon an application made pursuant to subsection (b), the Foreign Intelligence Surveillance Court shall enter an ex parte order as requested or as modified by the Court approving the acquisition if the Court finds that—

''(A) the application has been made by a Federal officer and approved by the Attorney General;

''(B) on the basis of the facts submitted by the applicant, for the United States person who is the target of the acquisition, there is probable cause to believe that the target is—

''(i) a person reasonably believed to be located outside the United States; and

''(ii) a foreign power, an agent of a foreign power, or an officer or employee of a foreign power;

''(C) the proposed minimization procedures—

''(i) in the case of electronic surveillance, meet the definition of minimization procedures in section 101(h); and

''(ii) in the case of a physical search, meet the definition of minimization procedures in section 301(4);

''(D) the application that has been filed contains all statements and certifications required by subsection (b) and the certification or certifications are not clearly erroneous on the basis of the statement made under subsection (b)(1)(F)(v) and any other information furnished under subsection (b)(3).

''(2) PROBABLE CAUSE.—In determining whether or not probable cause exists for purposes of paragraph (1)(B), a judge having jurisdiction under subsection (a)(1) may consider past activities of the target and facts and circumstances relating to current or future activities of the target. No United States person may be considered a foreign power, agent of a foreign power, or officer or employee of a foreign power solely upon the basis of activities protected by the first amendment to the Constitution of the United States.

''(3) REVIEW.—

''(A) LIMITATION ON REVIEW.—Review by a judge having jurisdiction under subsection (a)(1) shall be limited to that required to make the findings described in paragraph (1).

''(B) REVIEW OF PROBABLE CAUSE.—If the judge determines that the facts submitted under subsection (b) are insufficient to establish probable cause under paragraph (1)(B), the judge shall enter an order so stating and provide a written statement for the record of the reasons for such determination. The Government may appeal an order under this subparagraph pursuant to subsection (f).

''(C) REVIEW OF MINIMIZATION PROCEDURES.—If the judge determines that the proposed minimization procedures referred to in paragraph (1)(C) do not meet the definition of minimization procedures as required under such paragraph the judge shall enter an order so stating and provide a written statement for the record of the reasons for such determination. The Government may appeal an order under this subparagraph pursuant to subsection (f).

''(D) REVIEW OF CERTIFICATION.—If the judge determines that an application under subsection (b) does not contain all of the required elements, or that the certification or certifications are clearly erroneous on the basis of the statement made under subsection (b)(1)(F)(v) and any other information furnished under subsection (b)(3), the judge shall enter an order so stating and provide a written statement for the record of the reasons for such determination. The Government may appeal an order under this subparagraph pursuant to subsection (f).

''(4) SPECIFICATIONS.—An order approving an acquisition under this subsection shall specify—

''(A) the identity, if known, or a description of the United States person who is the target of the acquisition identified or described in the application pursuant to subsection (b)(1)(B);

''(B) if provided in the application pursuant to subsection (b)(1)(H), the nature and location of each of the facilities or places at which the acquisition will be directed;

''(C) the nature of the information sought to be acquired and the type of communications or activities to be subjected to acquisition;

''(D) the means by which the acquisition will be conducted and whether physical entry is required to effect the acquisition; and

''(E) the period of time during which the acquisition is approved.

''(5) DIRECTIONS.—An order approving an acquisition under this subsection shall direct—

''(A) that the minimization procedures referred to in paragraph (1)(C), as approved or modified by the Court, be followed;

''(B) an electronic communication service provider to provide to the Government forthwith all information, facilities, or assistance necessary to accomplish the acquisition authorized under such order in a manner that will protect the secrecy of the acquisition and produce a minimum of interference with the services that such electronic communication service provider is providing to the target of the acquisition;

''(C) an electronic communication service provider to maintain under security procedures approved by the Attorney General any records concerning the acquisition or the aid furnished that such electronic communication service provider wishes to maintain; and

''(D) that the Government compensate, at the prevailing rate, such electronic communication service provider for providing such information, facilities, or assistance.

''(6) DURATION.—An order approved under this subsection shall be effective for a period not to exceed 90 days and such order may be renewed for additional 90-day periods upon submission of renewal applications meeting the requirements of subsection (b).

''(7) COMPLIANCE.—At or prior to the end of the period of time for which an acquisition is approved by an order or extension under this section, the judge may assess compliance with the minimization procedures referred to in paragraph (1)(C) by reviewing the circumstances under which information concerning United States persons was acquired, retained, or disseminated.

''(d) EMERGENCY AUTHORIZATION.—

''(1) AUTHORITY FOR EMERGENCY AUTHORIZATION.—Notwithstanding any other provision of this Act, if the Attorney General reasonably determines that—

''(A) an emergency situation exists with respect to the acquisition of foreign intelligence information for which an order may be obtained under subsection (c) before an order authorizing such acquisition can with due diligence be obtained, and

''(B) the factual basis for issuance of an order under this subsection to approve such acquisition exists,

the Attorney General may authorize such acquisition if a judge having jurisdiction under subsection (a)(1) is informed by the Attorney General, or a designee of the Attorney General, at the time of such authorization that the decision has been made to conduct such acquisition and if an application in accordance with this section is made to a judge of the Foreign Intelligence Surveillance Court as soon as practicable, but not more than 7 days after the Attorney General authorizes such acquisition.

''(2) MINIMIZATION PROCEDURES.—If the Attorney General authorizes an acquisition under paragraph (1), the Attorney General shall require that the minimization procedures referred to in subsection (c)(1)(C) for the issuance of a judicial order be followed.

''(3) TERMINATION OF EMERGENCY AUTHORIZATION.—In the absence of a judicial order approving an acquisition authorized under paragraph (1), such acquisition shall terminate when the information sought is obtained, when the application for the order is

denied, or after the expiration of 7 days from the time of authorization by the Attorney General, whichever is earliest.

''(4) USE OF INFORMATION.—If an application for approval submitted pursuant to paragraph (1) is denied, or in any other case where the acquisition is terminated and no order is issued approving the acquisition, no information obtained or evidence derived from such acquisition, except under circumstances in which the target of the acquisition is determined not to be a United States person, shall be received in evidence or otherwise disclosed in any trial, hearing, or other proceeding in or before any court, grand jury, department, office, agency, regulatory body, legislative committee, or other authority of the United States, a State, or political subdivision thereof, and no information concerning any United States person acquired from such acquisition shall subsequently be used or disclosed in any other manner by Federal officers or employees without the consent of such person, except with the approval of the Attorney General if the information indicates a threat of death or serious bodily harm to any person.

''(e) RELEASE FROM LIABILITY.—Notwithstanding any other provision of law, no cause of action shall lie in any court against any electronic communication service provider for providing any information, facilities, or assistance in accordance with an order or request for emergency assistance issued pursuant to subsections (c) or (d).

''(f) APPEAL.—

''(1) APPEAL TO THE FOREIGN INTELLIGENCE SURVEILLANCE COURT OF REVIEW.—The Government may file an appeal with the Foreign Intelligence Surveillance Court of Review for review of an order issued pursuant to subsection (c). The Court of Review shall have jurisdiction to consider such appeal and shall provide a written statement for the record of the reasons for a decision under this paragraph.

''(2) CERTIORARI TO THE SUPREME COURT.—The Government may file a petition for a writ of certiorari for review of a decision of the Court of Review under paragraph (1). The record for such review shall be transmitted under seal to the Supreme Court of the United States, which shall have jurisdiction to review such decision.

''(g) CONSTRUCTION.—Nothing in this Act shall be construed to require an application under section 104 for an acquisition that is targeted in accordance with this section at a person reasonably believed to be located outside the United States.

''SEC. 704. OTHER ACQUISITIONS TARGETING UNITED STATES PERSONS OUTSIDE THE UNITED STATES.

''(a) JURISDICTION AND SCOPE.—

''(1) JURISDICTION.—The Foreign Intelligence Surveillance Court shall have jurisdiction to enter an order pursuant to subsection (c).

''(2) SCOPE.—No department or agency of the Federal Government may intentionally target, for the purpose of acquiring foreign intelligence information, a United States person reasonably believed to be located outside the United States under circumstances in which the targeted United States person has a reasonable expectation of privacy and a warrant would be required if the acquisition were conducted inside the United States for law enforcement purposes, unless a judge of the Foreign Intelligence Surveillance Court has entered an order with respect to such targeted United States person or the Attorney General has authorized an emergency acquisition pursuant to subsection (c) or (d) or any other provision of this Act.

''(3) LIMITATIONS.—

''(A) MOVING OR MISIDENTIFIED TARGETS.—If a targeted United States person is reasonably believed to be in the United States during the pendency of an order issued pursuant to subsection (c), acquisitions relating to such targeted United States Person shall cease unless authority is obtained pursuant to this Act or the targeted United States person is again reasonably believed to be located outside the United States during the pendency of such order.

''(B) APPLICABILITY.—If an acquisition is to be conducted inside the United States and could be authorized under section 703, the acquisition may only be conducted if authorized under section 703 or in accordance with another provision of this Act other than this section.

''(b) APPLICATION.—Each application for an order under this section shall be made by a Federal officer in writing upon oath or affirmation to a judge having jurisdiction under subsection (a)(1). Each application shall require the approval of the Attorney General based upon the Attorney General's finding that it satisfies the criteria and requirements of such application as set forth in this section and shall include—

''(1) the identity of the Federal officer making the application;

''(2) the identity, if known, or a description of the specific United States person who is the target of the acquisition;

''(3) a statement of the facts and circumstances relied upon to justify the applicant's belief that the United States person who is the target of the acquisition is—

''(A) a person reasonably believed to be located outside the United States; and

''(B) a foreign power, an agent of a foreign power, or an officer or employee of a foreign power;

''(4) a statement of proposed minimization procedures that—

''(A) in the case of electronic surveillance, meet the definition of minimization procedures in section 101(h); and

''(B) in the case of a physical search, meet the definition of minimization procedures in section 301(4);

''(5) a certification made by the Attorney General, an official specified in section 104(a)(6), or the head of an element of the intelligence community that—

''(A) the certifying official deems the information sought to be foreign intelligence information; and

''(B) a significant purpose of the acquisition is to obtain foreign intelligence information;

''(6) a statement of the facts concerning any previous applications that have been made to any judge of the Foreign Intelligence Surveillance Court involving the United States person specified in the application and the action taken on each previous application; and

''(7) a statement of the period of time for which the acquisition is required to be maintained, provided that such period of time shall not exceed 90 days per application.

''(c) ORDER.—

''(1) FINDINGS.—Upon an application made pursuant to subsection (b), the Foreign Intelligence Surveillance Court shall enter an ex parte order as requested or as modified by the Court if the Court finds that—

''(A) the application has been made by a Federal officer and approved by the Attorney General;

''(B) on the basis of the facts submitted by the applicant, for the United States person who is the target of the acquisition, there is probable cause to believe that the target is—

''(i) a person reasonably believed to be located outside the United States; and

''(ii) a foreign power, an agent of a foreign power, or an officer or employee of a foreign power;

''(C) the proposed minimization procedures—

''(i) in the case of electronic surveillance, meet the definition of minimization procedures in section 101(h); and

''(ii) in the case of a physical search, meet the definition of minimization procedures in section 301(4);

''(D) the application that has been filed contains all statements and certifications required by subsection (b) and the certification provided under subsection (b)(5) is not clearly erroneous on the basis of the information furnished under subsection (b).

''(2) PROBABLE CAUSE.—In determining whether or not probable cause exists for purposes of an order under paragraph (1)(B), a judge having jurisdiction under subsection (a)(1) may consider past activities of the target and facts and circumstances relating to current or future activities of the target. No United States person may be considered a foreign power, agent of a foreign power, or officer or employee of a foreign power solely upon the basis of activities protected by the first amendment to the Constitution of the United States.

''(3) REVIEW.—

''(A) LIMITATIONS ON REVIEW.—Review by a judge having jurisdiction under subsection (a)(1) shall be limited to that required to make the findings described in paragraph (1). The judge shall not have jurisdiction to review the means by which an acquisition under this section may be conducted.

''(B) REVIEW OF PROBABLE CAUSE.—If the judge determines that the facts submitted under subsection (b) are insufficient to establish probable cause under paragraph (1)(B), the judge shall enter an order so stating and provide a written statement for the record of the reasons for such determination. The Government may appeal an order under this clause pursuant to subsection (e).

''(C) REVIEW OF MINIMIZATION PROCEDURES.—If the judge determines that the proposed minimization procedures referred to in paragraph (1)(C) do not meet the definition of minimization procedures as required under such paragraph, the judge shall enter an order so stating and provide a written statement for the record of the reasons for such determination. The Government may appeal an order under this clause pursuant to subsection (e).

''(D) SCOPE OF REVIEW OF CERTIFICATION.—If the judge determines that an application under subsection (b) does not contain all the required elements, or that the certification provided under subsection (b)(5) is clearly erroneous on the basis of the information furnished under subsection (b), the judge shall enter an order so stating and provide a written statement for the record of the reasons for such determination. The Government may appeal an order under this clause pursuant to subsection (e).

''(4) DURATION.—An order under this paragraph shall be effective for a period not to exceed 90 days and such order may be renewed for additional 90-day periods upon submission of renewal applications meeting the requirements of subsection (b).

''(5) COMPLIANCE.—At or prior to the end of the period of time for which an order or extension is granted under this section, the judge may assess compliance with the minimization procedures referred to in paragraph (1)(C) by reviewing the circumstances under which information concerning United States persons was disseminated, provided that the judge may not inquire into the circumstances relating to the conduct of the acquisition.

''(d) EMERGENCY AUTHORIZATION.—

''(1) AUTHORITY FOR EMERGENCY AUTHORIZATION.—Notwithstanding any other provision of this section, if the Attorney General reasonably determines that—

''(A) an emergency situation exists with respect to the acquisition of foreign intelligence information for which an order may be obtained under subsection (c) before an order under that subsection may, with due diligence, be obtained, and

''(B) the factual basis for the issuance of an order under this section exists,

the Attorney General may authorize such acquisition if a judge having jurisdiction under subsection (a)(1) is informed by the Attorney General or a designee of the Attorney General at the time of such authorization that the decision has been made to conduct such acquisition and if an application in accordance with this section is made to a judge of the Foreign Intelligence Surveillance Court as soon as practicable, but not more than 7 days after the Attorney General authorizes such acquisition.

''(2) MINIMIZATION PROCEDURES.—If the Attorney General authorizes an emergency acquisition under paragraph (1), the Attorney General shall require that the minimization procedures referred to in subsection (c)(1)(C) be followed.

''(3) TERMINATION OF EMERGENCY AUTHORIZATION.—In the absence of an order under subsection (c), the acquisition authorized under paragraph (1) shall terminate when the information sought is obtained, if the application for the order is denied, or after the expiration of 7 days from the time of authorization by the Attorney General, whichever is earliest.

''(4) USE OF INFORMATION.—If an application submitted pursuant to paragraph (1) is denied, or in any other case where an acquisition under this section is terminated and no order with respect to the target of the acquisition is issued under subsection (c), no information obtained or evidence derived from such acquisition, except under circumstances in which the target of the acquisition is determined not to be a United States person, shall be received in evidence or otherwise disclosed in any trial, hearing, or other proceeding in or before any court, grand jury, department, office, agency, regulatory body, legislative committee, or other authority of the United States, a State, or political subdivision thereof, and no information concerning any United States person acquired from such acquisition shall subsequently be used or disclosed in any other manner by Federal officers or employees without the consent of such person, except with the approval of the Attorney General if the information indicates a threat of death or serious bodily harm to any person.

''(e) APPEAL.—

''(1) APPEAL TO THE COURT OF REVIEW.—The Government may file an appeal with the Foreign Intelligence Surveillance Court of Review for review of an order issued pursuant to subsection (c). The Court of Review shall have jurisdiction to consider such appeal and shall provide a written statement for the record of the reasons for a decision under this paragraph.

''(2) CERTIORARI TO THE SUPREME COURT.—The Government may file a petition for a writ of certiorari for review of a decision of the Court of Review issued under paragraph (1). The record for such review shall be transmitted under seal to the Supreme Court of the United States, which shall have jurisdiction to review such decision.

''SEC. 705. JOINT APPLICATIONS AND CONCURRENT AUTHORIZATIONS.

''(a) JOINT APPLICATIONS AND ORDERS.—If an acquisition targeting a United States person under section 703 or section 704 is proposed to be conducted both inside and outside the United States, a judge having jurisdiction under section 703(a)(1) or section 704(a)(1) may issue simultaneously, upon the request of the Government in a joint application complying with the requirements of section 703(b) and section 704(b), orders under section 703(c) and section 704(c), as appropriate.

''(b) CONCURRENT AUTHORIZATION.—

''(1) ELECTRONIC SURVEILLANCE.—If an order authorizing electronic surveillance has been obtained under section 105 and that order is still in effect, during the pendency of that order the Attorney General may authorize, without an order under section 703 or 704, electronic surveillance for the purpose of acquiring foreign intelligence information targeting that United States person while such person is reasonably believed to be located outside the United States.

''(2) PHYSICAL SEARCH.—If an order authorizing a physical search has been obtained under section 304 and that order is still in effect, during the pendency of that order the Attorney General may authorize, without an order under section 703 or 704, a physical search for the purpose of acquiring foreign intelligence information targeting that United States person while such person is reasonably believed to be located outside the United States.

''SEC. 706. USE OF INFORMATION ACQUIRED UNDER TITLE VII.

''Information acquired pursuant to section 702 or 703 shall be considered information acquired from an electronic surveillance pursuant to title I for purposes of section 106.

''SEC. 707. CONGRESSIONAL OVERSIGHT.

''(a) SEMIANNUAL REPORT.—Not less frequently than once every 6 months, the Attorney General shall fully inform, in a manner consistent with national security, the congressional intelligence committees and the Committees on the Judiciary of the Senate and the House of Representatives, concerning the implementation of this title.

''(b) CONTENT.—Each report made under subsection (a) shall include—

''(1) with respect to section 702—

''(A) any certifications made under section 702(g) during the reporting period;

''(B) with respect to each certification made under paragraph (1)(B) of such section, the reasons for exercising the authority under such paragraph;

''(C) any directives issued under section 702(h) during the reporting period;

''(D) a description of the judicial review during the reporting period of any such certifications and targeting and minimization procedures adopted pursuant to subsections (d) and (e) of section 702 utilized with respect to such acquisition, including a copy of any order or pleading in connection with such review that contains a significant legal interpretation of the provisions of section 702;

''(E) any actions taken to challenge or enforce a directive under paragraph (4) or (5) of section 702(h);

''(F) any compliance reviews conducted by the Attorney General or the Director of National Intelligence of acquisitions authorized under subsection 702(a);

''(G) a description of any incidents of noncompliance with a directive issued by the Attorney General and the Director of National Intelligence under subsection 702(h), including—

''(i) incidents of noncompliance by an element of the intelligence community with procedures and guidelines adopted pursuant to subsections (d), (e), and (f) of section 702; and

''(ii) incidents of noncompliance by a specified person to whom the Attorney General and Director of National Intelligence issued a directive under subsection 702(h); and

''(H) any procedures implementing section 702;

''(2) with respect to section 703—

''(A) the total number of applications made for orders under section 703(b);

''(B) the total number of such orders—

''(i) granted;

''(ii) modified; or

''(iii) denied; and

''(C) the total number of emergency acquisitions authorized by the Attorney General under section 703(d) and the total number of subsequent orders approving or denying such acquisitions; and

''(3) with respect to section 704—

''(A) the total number of applications made for orders under 704(b);

''(B) the total number of such orders—

''(i) granted;

''(ii) modified; or

''(iii) denied; and

''(C) the total number of emergency acquisitions authorized by the Attorney General under subsection 704(d) and the total number of subsequent orders approving or denying such applications.

''SEC. 708. SAVINGS PROVISION.

''Nothing in this title shall be construed to limit the authority of the Federal Government to seek an order or authorization under, or otherwise engage in any activity that is authorized under, any other title of this Act.''.

(b) TABLE OF CONTENTS.—The table of contents in the first section of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et. seq.) is amended—

(1) by striking the item relating to title VII;

(2) by striking the item relating to section 701; and

(3) by adding at the end the following:

''TITLE VII—ADDITIONAL PROCEDURES REGARDING CERTAIN PERSONS OUTSIDE THE UNITED STATES

''Sec. 701. Definitions.

''Sec. 702. Procedures for targeting certain persons outside the United States other than United States persons.

''Sec. 703. Certain acquisitions inside the United States of United States persons outside the United States.

''Sec. 704. Other acquisitions targeting United States persons outside the United States.

''Sec. 705. Joint applications and concurrent authorizations.

''Sec. 706. Use of information acquired under title VII.

''Sec. 707. Congressional oversight.

''Sec. 708. Savings provision.''.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) TITLE 18, UNITED STATES CODE.—Section 2511(2)(a)(ii)(A) of title 18, United States Code, is amended by inserting ''or a court order pursuant to section 704 of the Foreign Intelligence Surveillance Act of 1978'' after ''assistance''.

(2) FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978.—Section 601(a)(1) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1871(a)(1)) is amended—

(A) in subparagraph (C), by striking ''and''; and

(B) by adding at the end the following new subparagraphs:

''(E) acquisitions under section 703; and

''(F) acquisitions under section 704;''.

SEC. 102. STATEMENT OF EXCLUSIVE MEANS BY WHICH ELECTRONIC SURVEILLANCE AND INTERCEPTION OF CERTAIN COMMUNICATIONS MAY BE CONDUCTED.

(a) STATEMENT OF EXCLUSIVE MEANS.—Title I of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended by adding at the end the following new section:

''STATEMENT OF EXCLUSIVE MEANS BY WHICH ELECTRONIC SURVEILLANCE AND INTERCEPTION OF CERTAIN COMMUNICATIONS MAY BE CONDUCTED

''SEC. 112. (a) Except as provided in subsection (b), the procedures of chapters 119, 121, and 206 of title 18, United States Code, and this Act shall be the exclusive means by which electronic surveillance and the interception of domestic wire, oral, or electronic communications may be conducted.

''(b) Only an express statutory authorization for electronic surveillance or the interception of domestic wire, oral, or electronic communications, other than as an amendment to this Act or chapters 119, 121, or 206 of title 18, United States Code, shall constitute an additional exclusive means for the purpose of subsection (a).''.

(b) OFFENSE.—Section 109(a) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1809(a)) is amended by striking ''authorized by statute'' each place it appears in such section and inserting ''authorized by this Act, chapter 119, 121, or 206 of title 18, United States Code, or any express statutory authorization that is an additional exclusive means for conducting electronic surveillance under section 112.''; and

(c) CONFORMING AMENDMENTS.—

(1) TITLE 18, UNITED STATES CODE.—Section 2511(2)(a) of title 18, United States Code, is amended by adding at the end the following:

''(iii) If a certification under subparagraph (ii)(B) for assistance to obtain foreign intelligence information is based on statutory authority, the certification shall identify the specific statutory provision, and shall certify that the statutory requirements have been met.''; and

(2) TABLE OF CONTENTS.—The table of contents in the first section of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended by inserting after the item relating to section 111 the following new item:

''Sec. 112. Statement of exclusive means by which electronic surveillance and interception of certain communications may be conducted.''.

SEC. 103. SUBMITTAL TO CONGRESS OF CERTAIN COURT ORDERS UNDER THE FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978.

(a) INCLUSION OF CERTAIN ORDERS IN SEMI-ANNUAL REPORTS OF ATTORNEY GENERAL.—Subsection (a)(5) of section 601 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1871) is amended by striking ''(not including orders)'' and inserting '', orders,''.

(b) REPORTS BY ATTORNEY GENERAL ON CERTAIN OTHER ORDERS.—Such section 601 is further amended by adding at the end the following:

''(c) SUBMISSIONS TO CONGRESS.—The Attorney General shall submit to the committees of Congress referred to in subsection (a)—

''(1) a copy of any decision, order, or opinion issued by the Foreign Intelligence Surveillance Court or the Foreign Intelligence Surveillance Court of Review that includes significant construction or interpretation of any provision of this Act, and any pleadings, applications, or memoranda of law associated with such decision, order, or opinion, not later than 45 days after such decision, order, or opinion is issued; and

''(2) a copy of any such decision, order, or opinion, and any pleadings, applications, or memoranda of law associated with such decision, order, or opinion, that was issued during the 5-year period ending on the date of the enactment of the FISA Amendments Act of 2008 and not previously submitted in a report under subsection (a).

''(d) PROTECTION OF NATIONAL SECURITY.—The Attorney General, in consultation with the Director of National Intelligence, may authorize redactions of materials described in subsection (c) that are provided to the committees of Congress referred to in subsection (a), if such redactions are necessary to protect the national security of the United States and are limited to sensitive sources and methods information or the identities of targets.''.

(c) DEFINITIONS.—Such section 601, as amended by subsections (a) and (b), is further amended by adding at the end the following:

''(e) DEFINITIONS.—In this section:

''(1) FOREIGN INTELLIGENCE SURVEILLANCE COURT.—The term 'Foreign Intelligence Surveillance Court' means the court established by section 103(a).

''(2) FOREIGN INTELLIGENCE SURVEILLANCE COURT OF REVIEW.—The term 'Foreign Intelligence Surveillance Court of Review' means the court established by section 103(b).''.

SEC. 104. APPLICATIONS FOR COURT ORDERS.

Section 104 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1804) is amended—

(1) in subsection (a)—

(A) by striking paragraphs (2) and (11);

(B) by redesignating paragraphs (3) through (10) as paragraphs (2) through (9), respectively;

(C) in paragraph (5), as redesignated by subparagraph (B) of this paragraph, by striking ''detailed'';

(D) in paragraph (7), as redesignated by subparagraph (B) of this paragraph, by striking ''statement of'' and inserting ''summary statement of'';

(E) in paragraph (8), as redesignated by subparagraph (B) of this paragraph, by adding ''and'' at the end; and

(F) in paragraph (9), as redesignated by subparagraph (B) of this paragraph, by striking ''; and'' and inserting a period;

(2) by striking subsection (b);

(3) by redesignating subsections (c) through (e) as subsections (b) through (d), respectively; and

(4) in paragraph (1)(A) of subsection (d), as redesignated by paragraph (3) of this subsection, by striking ''or the Director of National Intelligence'' and inserting ''the Director of National Intelligence, or the Director of the Central Intelligence Agency''.

SEC. 105. ISSUANCE OF AN ORDER.

Section 105 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1805) is amended—

(1) in subsection (a)—

(A) by striking paragraph (1); and

(B) by redesignating paragraphs (2) through (5) as paragraphs (1) through (4), respectively;

(2) in subsection (b), by striking ''(a)(3)'' and inserting ''(a)(2)'';

(3) in subsection (c)(1)—

(A) in subparagraph (D), by adding ''and'' at the end;

(B) in subparagraph (E), by striking ''; and'' and inserting a period; and

(C) by striking subparagraph (F);

(4) by striking subsection (d);

(5) by redesignating subsections (e) through (i) as subsections (d) through (h), respectively;

(6) by amending subsection (e), as redesignated by paragraph (5) of this section, to read as follows:

''(e)(1) Notwithstanding any other provision of this title, the Attorney General may authorize the emergency employment of electronic surveillance if the Attorney General—

''(A) reasonably determines that an emergency situation exists with respect to the employment of electronic surveillance to obtain foreign intelligence information before an order authorizing such surveillance can with due diligence be obtained;

''(B) reasonably determines that the factual basis for the issuance of an order under this title to approve such electronic surveillance exists;

''(C) informs, either personally or through a designee, a judge having jurisdiction under section 103 at the time of such authorization that the decision has been made to employ emergency electronic surveillance; and

''(D) makes an application in accordance with this title to a judge having jurisdiction under section 103 as soon as practicable, but not later than 7 days after the Attorney General authorizes such surveillance.

''(2) If the Attorney General authorizes the emergency employment of electronic surveillance under paragraph (1), the Attorney General shall require that the minimization procedures required by this title for the issuance of a judicial order be followed.

''(3) In the absence of a judicial order approving such electronic surveillance, the surveillance shall terminate when the information sought is obtained, when the application for the order is denied, or after the expiration of 7 days from the time of authorization by the Attorney General, whichever is earliest.

''(4) A denial of the application made under this subsection may be reviewed as provided in section 103.

''(5) In the event that such application for approval is denied, or in any other case where the electronic surveillance is terminated and no order is issued approving the surveillance, no information obtained or evidence derived from such surveillance shall be received in evidence or otherwise disclosed in any trial, hearing, or other proceeding in or before any court, grand jury, department, office, agency, regulatory body, legislative committee, or other authority of the United States, a State, or political subdivision thereof, and no information concerning any United States person acquired from such surveillance shall subsequently be used or disclosed in any other manner by Federal officers or employees without the consent of such person, except with the approval of the Attorney General if the information indicates a threat of death or serious bodily harm to any person.

''(6) The Attorney General shall assess compliance with the requirements of paragraph (5).''; and

(7) by adding at the end the following:

''(i) In any case in which the Government makes an application to a judge under this title to conduct electronic surveillance involving communications and the judge grants such application, upon the request of the applicant, the judge shall also authorize the installation and use of pen registers and trap and trace devices, and direct the disclosure of the information set forth in section 402(d)(2).''.

SEC. 106. USE OF INFORMATION.

Subsection (i) of section 106 of the Foreign Intelligence Surveillance Act of 1978 (8 U.S.C. 1806) is amended by striking ''radio communication'' and inserting ''communication''.

SEC. 107. AMENDMENTS FOR PHYSICAL SEARCHES.

(a) APPLICATIONS.—Section 303 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1823) is amended—

(1) in subsection (a)—

(A) by striking paragraph (2);

(B) by redesignating paragraphs (3) through (9) as paragraphs (2) through (8), respectively;

(C) in paragraph (2), as redesignated by subparagraph (B) of this paragraph, by striking ''detailed''; and

(D) in paragraph (3)(C), as redesignated by subparagraph (B) of this paragraph, by inserting ''or is about to be'' before ''owned''; and

(2) in subsection (d)(1)(A), by striking ''or the Director of National Intelligence'' and inserting ''the Director of National Intelligence, or the Director of the Central Intelligence Agency''.

(b) ORDERS.—Section 304 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1824) is amended—

(1) in subsection (a)—

(A) by striking paragraph (1); and

(B) by redesignating paragraphs (2) through (5) as paragraphs (1) through (4), respectively; and

(2) by amending subsection (e) to read as follows:

''(e)(1) Notwithstanding any other provision of this title, the Attorney General may authorize the emergency employment of a physical search if the Attorney General—

''(A) reasonably determines that an emergency situation exists with respect to the employment of a physical search to obtain foreign intelligence information before an order authorizing such physical search can with due diligence be obtained;

''(B) reasonably determines that the factual basis for issuance of an order under this title to approve such physical search exists;

''(C) informs, either personally or through a designee, a judge of the Foreign Intelligence Surveillance Court at the time of such authorization that the decision has been made to employ an emergency physical search; and

''(D) makes an application in accordance with this title to a judge of the Foreign Intelligence Surveillance Court as soon as practicable, but not more than 7 days after the Attorney General authorizes such physical search.

''(2) If the Attorney General authorizes the emergency employment of a physical search under paragraph (1), the Attorney General shall require that the minimization procedures required by this title for the issuance of a judicial order be followed.

''(3) In the absence of a judicial order approving such physical search, the physical search shall terminate when the information sought is obtained, when the application for the order is denied, or after the expiration of 7 days from the time of authorization by the Attorney General, whichever is earliest.

''(4) A denial of the application made under this subsection may be reviewed as provided in section 103.

''(5)(A) In the event that such application for approval is denied, or in any other case where the physical search is terminated and no order is issued approving the physical search, no information obtained or evidence derived from such physical search shall be received in evidence or otherwise disclosed in any trial, hearing, or other proceeding in or before any court, grand jury, department, office, agency, regulatory body, legislative committee, or other authority of the United States, a State, or political subdivision thereof, and no information concerning any United States person acquired from such physical search shall subsequently be used or disclosed in any other manner by Federal officers or employees without the consent of such person, except with the approval of the Attorney General if the information indicates a threat of death or serious bodily harm to any person.

''(B) The Attorney General shall assess compliance with the requirements of subparagraph (A).''.

(c) CONFORMING AMENDMENTS.—The Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended—

(1) in section 304(a)(4), as redesignated by subsection (b) of this section, by striking ''303(a)(7)(E)'' and inserting ''303(a)(6)(E)''; and

(2) in section 305(k)(2), by striking ''303(a)(7)'' and inserting ''303(a)(6)''.

SEC. 108. AMENDMENTS FOR EMERGENCY PEN REGISTERS AND TRAP AND TRACE DEVICES.

Section 403 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1843) is amended—

(1) in subsection (a)(2), by striking ''48 hours'' and inserting ''7 days''; and

(2) in subsection (c)(1)(C), by striking ''48 hours'' and inserting ''7 days''.

SEC. 109. FOREIGN INTELLIGENCE SURVEILLANCE COURT.

(a) DESIGNATION OF JUDGES.—Subsection (a) of section 103 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803) is amended by inserting ''at least'' before ''seven of the United States judicial circuits''.

(b) EN BANC AUTHORITY.—

(1) IN GENERAL.—Subsection (a) of section 103 of the Foreign Intelligence Surveillance Act of 1978, as amended by subsection (a) of this section, is further amended—

(A) by inserting ''(1)'' after ''(a)''; and

(B) by adding at the end the following new paragraph:

''(2)(A) The court established under this subsection, on its own initiative or upon the request of the Government in any proceeding or a party under section 501(f) or paragraph (4) or (5) of section 703(h), may hold a hearing or rehearing, en banc, when ordered by a majority of the judges that constitute such court upon a determination that—

''(i) en banc consideration is necessary to secure or maintain uniformity of the court's decisions; or

''(ii) the proceeding involves a question of exceptional importance.

''(B) Any authority granted by this Act to a judge of the court established under this subsection may be exercised by the court en banc. When exercising such authority, the court en banc shall comply with any requirements of this Act on the exercise of such authority.

''(C) For purposes of this paragraph, the court en banc shall consist of all judges who constitute the court established under this subsection.''.

(2) CONFORMING AMENDMENTS.—The Foreign Intelligence Surveillance Act of 1978 is further amended—

(A) in subsection (a) of section 103, as amended by this subsection, by inserting ''(except when sitting en banc under paragraph (2))'' after ''no judge designated under this subsection''; and

(B) in section 302(c) (50 U.S.C. 1822(c)), by inserting ''(except when sitting en banc)'' after ''except that no judge''.

(c) STAY OR MODIFICATION DURING AN APPEAL.—Section 103 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803) is amended—

(1) by redesignating subsection (f) as subsection (g); and

(2) by inserting after subsection (e) the following new subsection:

''(f)(1) A judge of the court established under subsection (a), the court established under subsection (b) or a judge of that court, or the Supreme Court of the United States or a justice of that court, may, in accordance with the rules of their respective courts, enter a stay of an order or an order modifying an order of the court established under subsection (a) or the court established under subsection (b) entered under any title of this Act, while the court established under subsection (a) conducts a rehearing, while an appeal is pending to the court established under subsection (b), or while a petition of certiorari is pending in the Supreme Court of the United States, or during the pendency of any review by that court.

''(2) The authority described in paragraph (1) shall apply to an order entered under any provision of this Act.''.

(d) AUTHORITY OF FOREIGN INTELLIGENCE SURVEILLANCE COURT.—Section 103 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803), as amended by this Act, is further amended by adding at the end the following:

''(i) Nothing in this Act shall be construed to reduce or contravene the inherent authority of the court established by subsection (a) to determine or enforce compliance with an order or a rule of such court or with a procedure approved by such court.''.

SEC. 110. INSPECTOR GENERAL REVIEW OF PREVIOUS ACTIONS.

(a) DEFINITIONS.—In this section:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term ''appropriate committees of Congress'' means—

(A) the Select Committee on Intelligence and the Committee on the Judiciary of the Senate; and

(B) the Permanent Select Committee on Intelligence and the Committee on the Judiciary of the House of Representatives.

(2) FOREIGN INTELLIGENCE SURVEILLANCE COURT.—The term ''Foreign Intelligence Surveillance Court'' means the court established by section 103(a) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803(a)).

(3) PRESIDENT'S SURVEILLANCE PROGRAM AND PROGRAM.—The terms ''President's Surveillance Program'' and ''Program'' mean the intelligence activity involving communications that was authorized by the President during the period beginning on September 11, 2001, and ending on January 17, 2007, including the program referred to by the President in a radio address on December 17, 2005 (commonly known as the Terrorist Surveillance Program).

(b) REVIEWS.—

(1) REQUIREMENT TO CONDUCT.—The Inspectors General of the Department of Justice, the Office of the Director of National Intelligence, the National Security Agency, and any other element of the intelligence community that participated in the President's Surveillance Program shall complete a comprehensive review of, with respect to the oversight authority and responsibility of each such Inspector General—

(A) all of the facts necessary to describe the establishment, implementation, product, and use of the product of the Program;

(B) the procedures and substance of, and access to, the legal reviews of the Program;

(C) communications with and participation of individuals and entities in the private sector related to the Program;

(D) interaction with the Foreign Intelligence Surveillance Court and transition to court orders related to the Program; and

(E) any other matters identified by any such Inspector General that would enable that Inspector General to complete a review of the Program, with respect to such Department or element.

(2) COOPERATION AND COORDINATION.—

(A) COOPERATION.—Each Inspector General required to conduct a review under paragraph (1) shall—

(i) work in conjunction, to the extent practicable, with any other Inspector General required to conduct such a review; and

(ii) utilize, to the extent practicable, and not unnecessarily duplicate or delay such reviews or audits that have been completed or are being undertaken by any such Inspector General or by any other office of the Executive Branch related to the Program.

(B) COORDINATION.—The Inspectors General shall designate one of the Inspectors General required to conduct a review under paragraph (1) that is appointed by the President, by and with the advice and consent of the Senate, to coordinate the conduct of the reviews and the preparation of the reports.

(c) REPORTS.—

(1) PRELIMINARY REPORTS.—Not later than 60 days after the date of the enactment of this Act, the Inspectors General of the Department of Justice, the Office of the Director of National Intelligence, the National Security Agency, and any other Inspector General required to conduct a review under subsection (b)(1) shall submit to the appropriate committees of Congress an interim report that describes the planned scope of such review.

(2) FINAL REPORT.—Not later than 1 year after the date of the enactment of this Act, the Inspectors General of the Department of Justice, the Office of the Director of National Intelligence, the National Security Agency, and any other Inspector General required to conduct a review under subsection (b)(1) shall submit to the appropriate committees of Congress and the Commission established under section 301(a) a comprehensive report on such reviews that includes any recommendations of any such Inspectors General within the oversight authority and responsibility of any such Inspector General.

(3) FORM.—A report submitted under this subsection shall be submitted in unclassified form, but may include a classified annex. The unclassified report shall not disclose the name or identity of any individual or entity of the private sector that participated in the Program or with whom there was communication about the Program, to the extent that information is classified.

(d) RESOURCES.—

(1) EXPEDITED SECURITY CLEARANCE.—The Director of National Intelligence shall ensure that the process for the investigation and adjudication of an application by an Inspector General or any appropriate staff of an Inspector General for a security clearance necessary for the conduct of the review under subsection (b)(1) is carried out as expeditiously as possible.

(2) ADDITIONAL PERSONNEL FOR THE INSPECTORS GENERAL.—An Inspector General required to conduct a review under subsection (b)(1) and submit a report under subsection (c) is authorized to hire such additional personnel as may be necessary to carry out such review and prepare such report in a prompt and timely manner. Personnel authorized to be hired under this paragraph—

(A) shall perform such duties relating to such a review as the relevant Inspector General shall direct; and

(B) are in addition to any other personnel authorized by law.

SEC. 111. WEAPONS OF MASS DESTRUCTION.

(a) DEFINITIONS.—

(1) FOREIGN POWER.—Subsection (a) of section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801(a)) is amended—

(A) in paragraph (5), by striking ''persons; or'' and inserting ''persons;'';

(B) in paragraph (6), by striking the period and inserting ''; or''; and

(C) by adding at the end the following new paragraph:

''(7) an entity not substantially composed of United States persons that is engaged in the international proliferation of weapons of mass destruction.''.

(2) AGENT OF A FOREIGN POWER.—Subsection (b)(1) of such section 101 is amended—

(A) in subparagraph (B), by striking ''or'' at the end; and

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

''(D) engages in the international proliferation of weapons of mass destruction, or activities in preparation therefor; or''.

(3) FOREIGN INTELLIGENCE INFORMATION.—Subsection (e)(1)(B) of such section 101 is amended by striking ''sabotage or international terrorism'' and inserting ''sabotage, international terrorism, or the international proliferation of weapons of mass destruction''.

(4) WEAPON OF MASS DESTRUCTION.—Such section 101 is amended by adding at the end the following new subsection:

''(p) 'Weapon of mass destruction' means—

''(1) any explosive, incendiary, or poison gas device that is intended or has the capability to cause a mass casualty incident;

''(2) any weapon that is designed or intended to cause death or serious bodily injury to a significant number of persons through the release, dissemination, or impact of toxic or poisonous chemicals or their precursors;

''(3) any weapon involving a biological agent, toxin, or vector (as such terms are defined in section 178 of title 18, United States Code) that is designed, intended, or has the capability of causing death, illness, or serious bodily injury to a significant number of persons; or

''(4) any weapon that is designed, intended, or has the capability of releasing radiation or radioactivity causing death, illness, or serious bodily injury to a significant number of persons.''.

(b) USE OF INFORMATION.—

(1) IN GENERAL.—Section 106(k)(1)(B) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1806(k)(1)(B)) is amended by striking ''sabotage or international terrorism'' and inserting ''sabotage, international terrorism, or the international proliferation of weapons of mass destruction''.

(2) PHYSICAL SEARCHES.—Section 305(k)(1)(B) of such Act (50 U.S.C. 1825(k)(1)(B)) is amended by striking ''sabotage or international terrorism'' and inserting ''sabotage, international terrorism, or the international proliferation of weapons of mass destruction''.

(c) TECHNICAL AND CONFORMING AMENDMENT.—Section 301(1) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1821(1)) is amended by inserting ''weapon of mass destruction ,'' after ''person,''.

SEC. 112. STATUTE OF LIMITATIONS.

(a) IN GENERAL.—Section 109 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1809) is amended by adding at the end the following new subsection:

''(e) STATUTE OF LIMITATIONS.—No person shall be prosecuted, tried, or punished for any offense under this section unless the indictment is found or the information is instituted not later than 10 years after the commission of the offense.''.

(b) APPLICATION.—The amendment made by subsection (a) shall apply to any offense committed before the date of the enactment of this Act if the statute of limitations applicable to that offense has not run as of such date.

TITLE II—PROTECTION OF PERSONS ASSISTING THE GOVERNMENT

SEC. 201. STATUTORY DEFENSES.

The Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended by adding after title VII the following:

''TITLE VIII—PROTECTION OF PERSONS ASSISTING THE GOVERNMENT

''SEC. 801. DEFINITIONS.

''In this title:

''(1) ASSISTANCE.—The term 'assistance' means the provision of, or the provision of access to, information (including communication contents, communications records, or other information relating to a customer or communication), facilities, or another form of assistance.

''(2) ATTORNEY GENERAL.—The term 'Attorney General' has the meaning given that term in section 101(g).

''(3) CONTENTS.—The term 'contents' has the meaning given that term in section 101(n).

''(4) COVERED CIVIL ACTION.—The term 'covered civil action' means a suit in Federal or State court against any person for providing assistance to an element of the intelligence community.

''(5) ELECTRONIC COMMUNICATION SERVICE PROVIDER.—The term 'electronic communication service provider' means—

''(A) a telecommunications carrier, as that term is defined in section 3 of the Communications Act of 1934 (47 U.S.C. 153);

''(B) a provider of electronic communication service, as that term is defined in section 2510 of title 18, United States Code;

''(C) a provider of a remote computing service, as that term is defined in section 2711 of title 18, United States Code;

''(D) any other communication service provider who has access to wire or electronic communications either as such communications are transmitted or as such communications are stored;

''(E) a parent, subsidiary, affiliate, successor, or assignee of an entity described in subparagraph (A), (B), (C), or (D); or

''(F) an officer, employee, or agent of an entity described in subparagraph (A), (B), (C), (D), or (E).

''(6) INTELLIGENCE COMMUNITY.—The term 'intelligence community' has the meaning given that term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

''(7) PERSON.—The term 'person' means—

''(A) an electronic communication service provider; or

''(B) a landlord, custodian, or other person who may be authorized or required to furnish assistance pursuant to—

''(i) an order of the court established under section 103(a) directing such assistance;

''(ii) a certification in writing under section 2511(2)(a)(ii)(B) or 2709(b) of title 18, United States Code; or

''(iii) a directive under section 102(a)(4), 105B(e), as added by section 2 of the Protect America Act of 2007 (Public Law 110-55), or 703(h).

''(8) STATE.—The term 'State' means any State, political subdivision of a State, the Commonwealth of Puerto Rico, the District of Columbia, and any territory or possession of the United States, and includes any officer, public utility commission, or other body authorized to regulate an electronic communication service provider.

''SEC. 802. PROCEDURES FOR COVERED CIVIL ACTIONS.

''(a) INTERVENTION BY GOVERNMENT.— In any covered civil action, the court shall permit the Government to intervene. Whether or not the Government intervenes in the civil action, the Attorney General may submit any information in any form the Attorney General determines is appropriate and the court shall consider all such submissions.

''(b) FACTUAL AND LEGAL DETERMINATIONS.—In any covered civil action, any party may submit to the court evidence, briefs, arguments, or other information on any matter with respect to which a privilege based on state secrets is asserted. The court shall review any such submission in accordance with the procedures set forth in section 106(f) and may, based on the review, make any appropriate determination of fact or law. The court may, on motion of the Attorney General, take any additional actions the court deems necessary to protect classified information. The court may, to the extent practicable and consistent with national security, request that any party present briefs and arguments on any legal question the court determines is raised by such a submission even if that party does not have full access to the submission. The court shall consider whether the employment of a special master or an expert witness, or both, would facilitate proceedings under this section.

''(c) LOCATION OF REVIEW.—The court may conduct the review in a location and facility specified by the Attorney General as necessary to ensure security.

''(d) REMOVAL.—A covered civil action that is brought in a State court shall be deemed to arise under the Constitution and laws of the United States and shall be removable under section 1441 of title 28, United States Code.

''(e) SPECIAL RULE FOR CERTAIN CASES.—For any covered civil action alleging that a person provided assistance to an element of the intelligence community pursuant to a request or directive during the period from September 11, 2001 through January 17, 2007, the Attorney General shall provide to the court any request or directive related to the allegations under the procedures set forth in subsection (b).

''(f) APPLICABILITY.—This section shall apply to a civil action pending on or filed after the date of the enactment of this Act.''.

SEC. 202. TECHNICAL AMENDMENTS.

The table of contents in the first section of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended by adding at the end the following:

''TITLE VIII—PROTECTION OF PERSONS ASSISTING THE GOVERNMENT

''Sec. 801. Definitions

''Sec. 802. Procedures for covered civil actions.''.

TITLE III—COMMISSION ON WARRANTLESS ELECTRONIC SURVEILLANCE ACTIVITIES

SEC. 301. COMMISSION ON WARRANTLESS ELECTRONIC SURVEILLANCE ACTIVITIES.

(a) ESTABLISHMENT OF COMMISSION.—There is established in the legislative branch a commission to be known as the ''Commission on Warrantless Electronic Surveillance Activities'' (in this section referred to as the ''Commission'').

(b) DUTIES OF COMMISSION.—

(1) IN GENERAL.—The Commission shall—

(A) ascertain, evaluate, and report upon the facts and circumstances relating to electronic surveillance activities conducted without a warrant between September 11, 2001 and January 17, 2007;

(B) evaluate the lawfulness of such activities;

(C) examine all programs and activities relating to intelligence collection inside the United States or regarding United States persons that were in effect or operation on September 11, 2001, and all such programs and activities undertaken since that date, including the legal framework or justification for those activities; and

(D) report to the President and Congress the findings and conclusions of the Commission and any recommendations the Commission considers appropriate.

(2) PROTECTION OF NATIONAL SECURITY.—The Commission shall carry out the duties of the Commission under this section in a manner consistent with the need to protect national security.

(c) COMPOSITION OF COMMISSION.—

(1) MEMBERS.—The Commission shall be composed of 9 members, of whom—

(A) 5 members shall be appointed jointly by the majority leader of the Senate and the Speaker of the House of Representatives; and

(B) 4 members shall be appointed jointly by the minority leader of the Senate and the minority leader of the House of Representatives.

(2) QUALIFICATIONS.—It is the sense of Congress that individuals appointed to the Commission should be prominent United States citizens with significant depth of experience in national security, Constitutional law, and civil liberties.

(3) CHAIR; VICE CHAIR.—

(A) CHAIR.—The Chair of the Commission shall be jointly appointed by the majority leader of the Senate and the Speaker of the House of Representatives from among the members appointed under paragraph (1)(A).

(B) VICE CHAIR.—The Vice Chair of the Commission shall be jointly appointed by the minority leader of the Senate and the minority leader of the House of Representatives from among the members appointed under paragraph (1)(B).

(4) DEADLINE FOR APPOINTMENT.—All members of the Commission shall be appointed not later than 90 days after the date of the enactment of this Act.

(5) INITIAL MEETING.—The Commission shall hold its first meeting and begin operations not later than 45 days after the date on which a majority of its members have been appointed.

(6) SUBSEQUENT MEETINGS.—After its initial meeting, the Commission shall meet upon the call of the Chair.

(7) QUORUM.—A majority of the members of the Commission shall constitute a quorum, but a lesser number may hold hearings.

(8) VACANCIES.—Any vacancy in the Commission shall not affect its powers and shall be filled in the same manner in which the original appointment was made.

(d) POWERS OF COMMISSION.—

(1) HEARINGS AND EVIDENCE.—The Commission or, on the authority of the Chair, any subcommittee or member thereof may, for the purpose of carrying out this section, hold such hearings and sit and act at such times and places, take such testimony, receive such evidence, and administer such oaths as the Commission, such designated subcommittee, or designated member may determine advisable.

(2) SUBPOENAS.—

(A) ISSUANCE.—

(i) IN GENERAL.—The Commission may issue subpoenas requiring the attendance and testimony of witnesses and the production of any evidence relating to any matter that the Commission is empowered to investigate under this section. The attendance of witnesses and the production of evidence may be required from any place within the United States at any designated place of hearing within the United States.

(ii) SIGNATURE.—Subpoenas issued under this paragraph may be issued under the signature of the Chair of the Commission, the chair of any subcommittee created by a majority of the Commission, or any member designated by a majority of the Commission and may be served by any person designated by such Chair, subcommittee chair, or member.

(B) ENFORCEMENT.—

(i) IN GENERAL.—If a person refuses to obey a subpoena issued under subparagraph (A), the Commission may apply to a United States district court for an order requiring that person to appear before the Commission to give testimony, produce evidence, or both, relating to the matter under investigation. The application may be made within the judicial district where the hearing is conducted or where that person is found, resides, or transacts business. Any failure to obey the order of the court may be punished by the court as civil contempt.

(ii) JURISDICTION.—In the case of contumacy or failure to obey a subpoena issued under subparagraph (A), the United States district court for the judicial district in which the subpoenaed person resides, is served, or may be found, or where the subpoena is returnable, may issue an order requiring such person to appear at any designated place to testify or to produce documentary or other evidence. Any failure to obey the order of the court may be punished by the court as a contempt of that court.

(iii) ADDITIONAL ENFORCEMENT.—In the case of the failure of a witness to comply with any subpoena or to testify when summoned under authority of this paragraph, the Commission, by majority vote, may certify a statement of fact attesting to such failure to the appropriate United States attorney, who shall bring the matter before the grand jury for its action, under the same statutory authority and procedures as if the United States attorney had received a certification under sections 102 through 104 of the Revised Statutes of the United States (2 U.S.C. 192 through 194).

(3) CONTRACTING.—The Commission may, to such extent and in such amounts as are provided in appropriations Acts, enter into contracts to enable the Commission to discharge its duties under this section.

(4) INFORMATION FROM FEDERAL AGENCIES.—

(A) IN GENERAL.—The Commission is authorized to secure directly from any executive department, bureau, agency, board, commission, office, independent establishment, or instrumentality of the Government documents, information, suggestions, estimates, and statistics for the purposes of this section. Each department, bureau, agency, board, commission, office, independent establishment, or instrumentality shall furnish such documents, information, suggestions, estimates, and statistics directly to the Commission upon request made by the Chair, the chair of any subcommittee created by a majority of the Commission, or any member designated by a majority of the Commission.

(B) RECEIPT, HANDLING, STORAGE, AND DISSEMINATION.—Information shall only be received, handled, stored, and disseminated by members of the Commission and its staff in a manner consistent with all applicable statutes, regulations, and Executive orders.

(5) ASSISTANCE FROM FEDERAL AGENCIES.—

(A) GENERAL SERVICES ADMINISTRATION.—The Administrator of General Services shall provide to the Commission on a reimbursable basis administrative support and other services for the performance of the Commission's functions.

(B) OTHER DEPARTMENTS AND AGENCIES.—In addition to the assistance prescribed in subparagraph (A), departments and agencies of the United States may provide to the Commission such services, funds, facilities, staff, and other support services as they may determine advisable and as may be authorized by law.

(6) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services or property.

(7) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as departments and agencies of the United States.

(e) STAFF OF COMMISSION.—

(1) IN GENERAL.—

(A) APPOINTMENT AND COMPENSATION.—The Chair, in consultation with Vice Chair and in accordance with rules agreed upon by the Commission, may appoint and fix the compensation of an executive director and such other personnel as may be necessary to enable the Commission to carry out its functions, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that no rate of pay fixed under this paragraph may exceed the equivalent of that payable for a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

(B) PERSONNEL AS FEDERAL EMPLOYEES.—

(i) IN GENERAL.—The executive director and any personnel of the Commission who

are employees shall be employees under section 2105 of title 5, United States Code, for purposes of chapters 63, 81, 83, 84, 85, 87, 89, 89A, 89B, and 90 of that title.

(ii) MEMBERS OF COMMISSION.—Clause (i) shall not be construed to apply to members of the Commission.

(2) DETAILEES.—A Federal Government employee may be detailed to the Commission without reimbursement from the Commission, and such detailee shall retain the rights, status, and privileges of his or her regular employment without interruption.

(3) CONSULTANT SERVICES.—The Commission is authorized to procure the services of experts and consultants in accordance with section 3109 of title 5, United States Code, at rates not to exceed the daily rate paid a person occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(f) SECURITY CLEARANCES FOR COMMISSION MEMBERS AND STAFF.—

(1) EXPEDITIOUS PROVISION OF CLEARANCES.—The appropriate Federal agencies or departments shall cooperate with the Commission in expeditiously providing to the Commission members and staff appropriate security clearances to the extent possible pursuant to existing procedures and requirements, except that no person shall be provided with access to classified information under this section without the appropriate security clearances.

(2) ACCESS TO CLASSIFIED INFORMATION.—All members of the Commission and commission staff, as authorized by the Chair or the designee of the Chair, who have obtained appropriate security clearances, shall have access to classified information related to the surveillance activities within the scope of the examination of the Commission and any other related classified information that the members of the Commission determine relevant to carrying out the duties of the Commission under this section.

(3) FACILITIES AND RESOURCES.—The Director of National Intelligence shall provide the Commission with appropriate space and technical facilities approved by the Commission.

(g) COMPENSATION AND TRAVEL EXPENSES.—

(1) COMPENSATION.—Each member of the Commission may be compensated at a rate not to exceed the daily equivalent of the annual rate of basic pay in effect for a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day during which that member is engaged in the actual performance of the duties of the Commission.

(2) TRAVEL EXPENSES.—While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703(b) of title 5, United States Code.

(h) NONAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—

(1) IN GENERAL.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.

(2) PUBLIC MEETINGS.—The Commission shall hold public hearings and meetings to the extent appropriate.

(3) PUBLIC HEARINGS.—Any public hearings of the Commission shall be conducted in a manner consistent with the protection of information provided to or developed for or by the Commission as required by any applicable statute, regulation, or Executive order.

(i) REPORTS AND RECOMMENDATIONS OF COMMISSION.—

(1) INTERIM REPORTS.—The Commission may submit to the President and Congress interim reports containing such findings, conclusions, and recommendations for corrective measures as have been agreed to by a majority of Commission members.

(2) FINAL REPORT.—Not later than one year after the date of its first meeting, the Commission, in consultation with appropriate representatives of the intelligence community, shall submit to the President and Congress a final report containing such information, analysis, findings, conclusions, and recommendations as have been agreed to by a majority of Commission members.

(3) FORM.—The reports submitted under paragraphs (1) and (2) shall be submitted in unclassified form, but may include a classified annex.

(4) RECOMMENDATIONS FOR DECLASSIFICATION.—The Commission may make recommendations to the appropriate department or agency of the Federal Government regarding the declassification of documents or portions of documents.

(j) TERMINATION.—

(1) IN GENERAL.—The Commission, and all the authorities of this section, shall terminate 60 days after the date on which the final report is submitted under subsection (i)(2).

(2) ADMINISTRATIVE ACTIVITIES BEFORE TERMINATION.—The Commission may use the 60-day period referred to in paragraph (1) for the purpose of concluding its activities, including providing testimony to committees of Congress concerning its report and disseminating the final report.

(k) DEFINITIONS.—In this section:

(1) INTELLIGENCE COMMUNITY.—The term ''intelligence community'' has the meaning given the term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

(2) UNITED STATES PERSON.—The term ''United States person'' has the meaning given the term in section 101(i) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801(i)).

(l) FUNDING.—

(1) IN GENERAL.—There are authorized to be appropriated such sums as may be necessary to carry out the activities of the Commission under this section.

(2) DURATION OF AVAILABILITY.—Amounts made available to the Commission under paragraph (1) shall remain available until the termination of the Commission.

TITLE IV—OTHER PROVISIONS

SEC. 401. SEVERABILITY.

If any provision of this Act, any amendment made by this Act, or the application thereof to any person or circumstances is held invalid, the validity of the remainder of the Act, any such amendments, and of the application of such provisions to other persons and circumstances shall not be affected thereby.

SEC. 402. EFFECTIVE DATE.

Except as provided in section 404, the amendments made by this Act shall take effect on the date of the enactment of this Act.

SEC. 403. REPEALS.

(a) REPEAL OF PROTECT AMERICA ACT OF 2007 PROVISIONS.—

(1) AMENDMENTS TO FISA.—

(A) IN GENERAL.—Except as provided in section 404, sections 105A, 105B, and 105C of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1805a, 1805b, and 1805c) are repealed.

(B) TECHNICAL AND CONFORMING AMENDMENTS.—

(i) TABLE OF CONTENTS.—The table of contents in the first section of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 nt) is amended by striking the items relating to sections 105A, 105B, and 105C.

(ii) CONFORMING AMENDMENTS.—Except as provided in section 404, section 103(e) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803(e)) is amended—

(I) in paragraph (1), by striking ''105B(h) or 501(f)(1)'' and inserting ''501(f)(1) or 702(h)(4)''; and

(II) in paragraph (2), by striking ''105B(h) or 501(f)(1)'' and inserting ''501(f)(1) or 702(h)(4)''.

(2) REPORTING REQUIREMENTS.—Except as provided in section 404, section 4 of the Protect America Act of 2007 (Public Law 110-55; 121 Stat. 555) is repealed.

(3) TRANSITION PROCEDURES.—Except as provided in section 404, subsection (b) of section 6 of the Protect America Act of 2007 (Public Law 110-55; 121 Stat. 556) is repealed.

(b) FISA AMENDMENTS ACT OF 2008.—

(1) IN GENERAL.—Except as provided in section 404, effective December 31, 2009, title VII of the Foreign Intelligence Surveillance Act of 1978, as amended by section 101(a), is repealed.

(2) TECHNICAL AND CONFORMING AMENDMENTS.—Effective December 31, 2009—

(A) the table of contents in the first section of such Act (50 U.S.C. 1801 nt) is amended by striking the items related to title VII;

(B) except as provided in section 404, section 601(a)(1) of such Act (50 U.S.C. 1871(a)(1)) is amended to read as such section read on the day before the date of the enactment of this Act; and

(C) except as provided in section 404, section 2511(2)(a)(ii)(A) of title 18, United States Code, is amended by striking ''or a court order pursuant to section 704 of the Foreign Intelligence Surveillance Act of 1978''.

SEC. 404. TRANSITION PROCEDURES.

(a) TRANSITION PROCEDURES FOR PROTECT AMERICA ACT OF 2007 PROVISIONS.—

(1) CONTINUED EFFECT OF ORDERS, AUTHORIZATIONS, DIRECTIVES.—Notwithstanding any other provision of law, any order, authorization, or directive issued or made pursuant to section 105B of the Foreign Intelligence Surveillance Act of 1978, as added by section 2 of the Protect America Act of 2007 (Public Law 110-55; 121 Stat. 552), shall continue in effect until the expiration of such order, authorization, or directive.

(2) APPLICABILITY OF PROTECT AMERICA ACT OF 2007 TO CONTINUED ORDERS, AUTHORIZATIONS, DIRECTIVES.—Notwithstanding any other provision of this Act or of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.)—

(A) subject to paragraph (3), section 105A of such Act, as added by section 2 of the Protect America Act of 2007 (Public Law 110-55; 121 Stat. 552), shall continue to apply to any acquisition conducted pursuant to an order, authorization, or directive referred to in paragraph (1); and

(B) sections 105B and 105C of such Act (as so added) shall continue to apply with respect to an order, authorization, or directive referred to in paragraph (1) until the expiration of such order, authorization, or directive.

(3) USE OF INFORMATION.—Information acquired from an acquisition conducted pursuant to an order, authorization, or directive referred to in paragraph (1) shall be deemed to be information acquired from an electronic surveillance pursuant to title I of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) for purposes of section 106 of such Act (50 U.S.C. 1806).

(4) PROTECTION FROM LIABILITY.—Subsection (l) of section 105B of the Foreign Intelligence Surveillance Act of 1978, as added by section 2 of the Protect America Act of 2007, shall continue to apply with respect to any directives issued pursuant to such section 105B.

(5) JURISDICTION OF FOREIGN INTELLIGENCE SURVEILLANCE COURT.—Notwithstanding any other provision of this Act or of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.), section 103(e), as amended by section 5(a) of the Protect America Act

of 2007 (Public Law 110-55; 121 Stat. 556), shall continue to apply with respect to a directive issued pursuant to section 105B of the Foreign Intelligence Surveillance Act of 1978, as added by section 2 of the Protect America Act of 2007, until the expiration of all orders, authorizations, and directives issued or made pursuant to such section.

(6) REPORTING REQUIREMENTS.—

(A) CONTINUED APPLICABILITY.—Notwithstanding any other provision of this Act, the Protect America Act of 2007 (Public Law 110-55), or the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.), section 4 of the Protect America Act of 2007 shall continue to apply until the date that the certification described in subparagraph (B) is submitted.

(B) CERTIFICATION.—The certification described in this subparagraph is a certification—

(i) made by the Attorney General;

(ii) submitted as part of a semi-annual report required by section 4 of the Protect America Act of 2007;

(iii) that states that there will be no further acquisitions carried out under section 105B of the Foreign Intelligence Surveillance Act of 1978, as added by section 2 of the Protect America Act of 2007, after the date of such certification; and

(iv) that states that the information required to be included under such section 4 relating to any acquisition conducted under such section 105B has been included in a semi-annual report required by such section 4.

(7) EFFECTIVE DATE.—Paragraphs (1) through (6) shall take effect as if enacted on August 5, 2007.

(b) TRANSITION PROCEDURES FOR FISA AMENDMENTS ACT OF 2008 PROVISIONS.—

(1) ORDERS IN EFFECT ON DECEMBER 31, 2009.—Notwithstanding any other provision of this Act or of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.), any order, authorization, or directive issued or made under title VII of the Foreign Intelligence Surveillance Act of 1978, as amended by section 101(a), shall continue in effect until the date of the expiration of such order, authorization, or directive.

(2) APPLICABILITY OF TITLE VII OF FISA TO CONTINUED ORDERS, AUTHORIZATIONS, DIRECTIVES.—Notwithstanding any other provision of this Act or of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.), with respect to any order, authorization, or directive referred to in paragraph (1), title VII of such Act, as amended by section 101(a), shall continue to apply until the expiration of such order, authorization, or directive.

(3) CHALLENGE OF DIRECTIVES; PROTECTION FROM LIABILITY; USE OF INFORMATION.—Notwithstanding any other provision of this Act or of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.)—

(A) section 103(e) of such Act, as amended by section 113, shall continue to apply with respect to any directive issued pursuant to section 702(h) of such Act, as added by section 101(a);

(B) section 702(h)(3) of such Act (as so added) shall continue to apply with respect to any directive issued pursuant to section 702(h) of such Act (as so added);

(C) section 703(e) of such Act (as so added) shall continue to apply with respect to an order or request for emergency assistance under that section;

(D) section 706 of such Act (as so added) shall continue to apply to an acquisition conducted under section 702 or 703 of such Act (as so added); and

(E) section 2511(2)(a)(ii)(A) of title 18, United States Code, as amended by section 101(c)(1), shall continue to apply to an order issued pursuant to section 704 of the Foreign Intelligence Surveillance Act of 1978, as added by section 101(a).

(4) REPORTING REQUIREMENTS.—

(A) CONTINUED APPLICABILITY.—Notwithstanding any other provision of this Act or of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.), section 601(a) of such Act (50 U.S.C. 1871(a)), as amended by section 101(c)(2), and sections 702(l) and 707 of such Act, as added by section 101(a), shall continue to apply until the date that the certification described in subparagraph (B) is submitted.

(B) CERTIFICATION.—The certification described in this subparagraph is a certification—

(i) made by the Attorney General;

(ii) submitted to the Select Committee on Intelligence of the Senate, the Permanent Select Committee on Intelligence of the House of Representatives, and the Committees on the Judiciary of the Senate and the House of Representatives;

(iii) that states that there will be no further acquisitions carried out under title VII of the Foreign Intelligence Surveillance Act of 1978, as amended by section 101(a), after the date of such certification; and

(iv) that states that the information required to be included in a review, assessment, or report under section 601 of such Act, as amended by section 101(c), or section 702(l) or 707 of such Act, as added by section 101(a), relating to any acquisition conducted under title VII of such Act, as amended by section 101(a), has been included in a review, assessment, or report under such section 601, 702(l), or 707.

(5) TRANSITION PROCEDURES CONCERNING THE TARGETING OF UNITED STATES PERSONS OVERSEAS.—Any authorization in effect on the date of enactment of this Act under section 2.5 of Executive Order 12333 to intentionally target a United States person reasonably believed to be located outside the United States shall continue in effect, and shall constitute a sufficient basis for conducting such an acquisition targeting a United States person located outside the United States until the earlier of—

(A) the date that such authorization expires; or

(B) the date that is 90 days after the date of the enactment of this Act.

SEC. 405. NO RIGHTS UNDER THE FISA AMENDMENTS ACT OF 2008 FOR UNDOCUMENTED ALIENS.

This Act and the amendments made by this Act shall not be construed to prohibit surveillance of, or grant any rights to, an alien not permitted to be in or remain in the United States.

SEC. 406. SURVEILLANCE TO PROTECT THE UNITED STATES.

This Act and the amendments made by this Act shall not be construed to prohibit the intelligence community (as defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4))) from conducting lawful surveillance that is necessary to—

(1) prevent Osama Bin Laden, al Qaeda, or any other terrorist or terrorist organization from attacking the United States, any United States person, or any ally of the United States;

(2) ensure the safety and security of members of the United States Armed Forces or any other officer or employee of the Federal Government involved in protecting the national security of the United States; or

(3) protect the United States, any United States person, or any ally of the United States from threats posed by weapons of mass destruction or other threats to national security.

Pursuant to House Resolution 1041, the SPEAKER pro tempore, Mr. ROSS, recognized Messrs. CONYERS and SMITH of Texas, for 20 minutes each; and Messrs. REYES and HOEKSTRA for 10 minutes each.

When said motion was considered.

After debate,

The previous question having been ordered by said resolution.

The question being put, viva voce,

Will the House agree to said motion?

The SPEAKER pro tempore, Mr. ROSS, announced that the ayes had it.

Mr. SMITH of Texas, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative .....

Yeas	213
Nays	197
Answered present	1

¶31.9 [Roll No. 145]

YEAS—213

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

Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Wilson (OH)
Wu
Wynn
Yarmuth

NAYS—197

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Brady (TX)
Broun (GA)
Brown (SC)
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capuano
Carney
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Cooper
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Fallin
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hinchey
Hobson
Hoekstra
Holden
Hulshof
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
Lamborn
Lampson
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McDermott
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Paul
Pearce
Pence
Petri
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Wamp
Welch (VT)
Weldon (FL)
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (FL)

ANSWERED ''PRESENT''—1

Davis, Lincoln

NOT VOTING—20

Boustany
Brown-Waite, Ginny
Cramer
Everett
Green, Gene
Hooley
Hunter
LaHood
Musgrave
Nunes
Oberstar
Peterson (PA)
Pickering
Rangel
Rush
Tancredo
Walsh (NY)
Weller
Woolsey
Young (AK)

So the motion was agreed to.

A motion to reconsider the vote whereby said motion was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said amendment.

¶31.10 APPROVAL OF THE JOURNAL—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. ROSS, pursuant to clause 8, rule XX, announced the unfinished business to be the question on agreeing to the Chair's approval of the Journal of Thursday, March 13, 2008.

The question being put,

Will the House agree to the Chair's approval of said Journal?

The vote was taken by electronic device.

When there appeared ....
Yeas 202
Nays 148
Answered present 1

¶31.11 [Roll No. 146]

YEAS—202

Aderholt
Allen
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Boren
Boswell
Boucher
Boyda (KS)
Brady (PA)
Brown, Corrine
Buchanan
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carson
Castor
Clarke
Clay
Cleaver
Clyburn
Cohen
Cooper
Costa
Courtney
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
DeLauro
Dent
Dingell
Doggett
Donnelly
Doyle
Ellison
Emanuel
Emerson
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Giffords
Gillibrand
Gonzalez
Goodlatte
Gordon
Granger
Green, Al
Grijalva
Gutierrez
Hall (NY)
Hare
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hodes
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kildee
Kilpatrick
Kirk
Klein (FL)
Kucinich
Kuhl (NY)
Lampson
Langevin
Larsen (WA)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lungren, Daniel E.
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
McCarthy (NY)
McCollum (MN)
McCrery
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Nadler
Napolitano
Obey
Olver
Ortiz
Pallone
Pastor
Paul
Payne
Price (NC)
Rahall
Renzi
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shadegg
Shea-Porter
Sherman
Shuler
Sires
Skelton
Smith (NJ)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Sutton
Tanner
Taylor
Thompson (MS)
Tierney
Towns
Tsongas
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walberg
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Wu
Wynn
Yarmuth

NAYS—148

Akin
Alexander
Altmire
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Bonner
Bono Mack
Boozman
Brady (TX)
Broun (GA)
Brown (SC)
Burgess
Burton (IN)
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carney
Carter
Castle
Chabot
Chandler
Cole (OK)
Conaway
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Ehlers
Ellsworth
English (PA)
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Foxx
Franks (AZ)
Garrett (NJ)
Gerlach
Gilchrest
Graves
Hall (TX)
Hastings (WA)
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Inglis (SC)
Issa
Johnson, Sam
Jordan
King (IA)
King (NY)
Kingston
Kline (MN)
Knollenberg
Lamborn
Latham
LaTourette
Latta
Lewis (CA)
Linder
LoBiondo
Lucas
Mack
Manzullo
Matheson
McCarthy (CA)
McCaul (TX)
McCotter
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (MI)
Miller, Gary
Mitchell
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Pence
Perlmutter
Peterson (MN)
Petri
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Sensenbrenner
Shimkus
Shuster
Smith (NE)
Smith (TX)
Stearns
Sullivan
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Turner
Udall (CO)
Upton
Walden (OR)
Wamp
Westmoreland
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf

ANSWERED ''PRESENT''—1

Gohmert

NOT VOTING—79

Abercrombie
Ackerman
Becerra
Blumenauer
Boehner
Boustany
Boyd (FL)
Braley (IA)
Brown-Waite, Ginny
Buyer
Coble
Conyers
Costello
Cramer
Crenshaw
Davis (AL)
Delahunt
Dicks
Drake
Edwards
Everett
Fossella
Frank (MA)
Frelinghuysen
Gallegly
Gingrey
Goode
Green, Gene
Harman
Hayes
Hirono
Holden
Holt
Hooley
Hunter
Johnson, E. B.
Kagen
Keller
Kennedy
Kind
LaHood
Larson (CT)
Lewis (KY)
Marchant
Matsui
Miller (FL)
Murtha
Musgrave
Neal (MA)
Nunes
Oberstar
Pascrell
Pearce
Peterson (PA)
Pickering
Pitts
Pomeroy
Rangel
Ros-Lehtinen
Rush
Ryan (OH)
Saxton
Schmidt
Sessions
Shays
Simpson
Slaughter
Stark
Stupak
Tancredo
Tauscher
Terry
Walsh (NY)
Weldon (FL)
Weller
Whitfield (KY)
Woolsey
Young (AK)
Young (FL)

So the Journal was approved.

¶31.12 CALENDAR WEDNESDAY BUSINESS DISPENSED WITH

On motion of Mr. McGOVERN, by unanimous consent,

Ordered, That business in order for consideration on Wednesday, April 2, 2008, under clause 6, rule XV, the Calendar Wednesday rule, be dispensed with.

¶31.13 APPOINTMENT OF SPEAKER PRO TEMPORE TO SIGN ENROLLMENTS

The SPEAKER pro tempore, Mr. WILSON of Ohio, laid before the House

a communication, which was read as follows:

WASHINGTON, DC,
March 14, 2008.

I hereby appoint the Honorable STENY H. HOYER and the Honorable CHRIS VAN HOLLEN to act as Speaker pro tempore to sign enrolled bills and joint resolutions through March 31, 2008.

NANCY PELOSI,
Speaker of the House of Representatives.

By unanimous consent, the appointments were approved.

¶31.14 HOUSE PAGE BOARD

The SPEAKER pro tempore, Mr. WILSON of Ohio, pursuant to 2 United States Code 88b-3, amended by section 2 of the House Page Board Revision Act of 2007, and the order of the House of January 4, 2007, announced that the Speaker and Minority Leader jointly reappointed the following individuals to the House of Representatives Page Board for a term of one year, effective March 20, 3008: Ms. Lynn Silversmith Klein of Maryland and Mr. Adam Jones of Michigan.

¶31.15 SENATE CONCURRENT RESOLUTION REFERRED

A concurrent resolution of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. Con. Res. 71. A concurrent resolution authorizing the use of the rotunda of the Capitol for the presentation of the Congressional Gold Medal to Michael Ellis DeBakey, M.D., the Committee on House Administration.

¶31.16 ENROLLED BILL SIGNED

Lorraine C. Miller, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 1593. An Act to reauthorize the grant program for reentry of offenders into the community in the Omnibus Crime Control and Safe Streets Act of 1968, to improve reentry planning and implementation, and for other purposes.

¶31.17 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Ms. BORDALLO, for today and balance of the week;

To Mr. BOUSTANY, for today and balance of the week;

To Ms. Ginny BROWN-WAITE of Florida, for today; and

To Mr. WELLER of Illinois, for today after 1:30 p.m. and balance of the week.

And then,

¶31.18 ADJOURNMENT

On motion of Mr. BARTLETT of Maryland, pursuant to House Concurrent Resolution 316, at 3 o'clock and 35 minutes p.m., the House adjourned until 2 p.m. on Monday, March 31, 2008.

¶31.19 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

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

Mr. THOMPSON of Mississippi: Committee on Homeland Security. H.R. 5577. A bill to amend the Homeland Security Act of 2002 to extend, modify, and recodify the authority of the Secretary of Homeland Security to enhance security and protect against acts of terrorism against chemical facilities, and for other purposes (Rept. 110–550 Pt. 1). Ordered to be printed.

¶31.20 TIME LIMITATION OF REFERRED BILL

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

H.R. 5577. Referral to the Committee on Energy and Commerce extended for a period ending not later than April 11, 2008.

¶31.21 PUBLIC BILLS AND RESOLUTIONS

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

By Mrs. SCHMIDT (for herself and Mr. OBERSTAR):

H.R. 5640. A bill to authorize the Secretary of Health and Human Services to provide services for birthparents who have placed a child for adoption, and for other purposes; to the Committee on Education and Labor.

By Mr. MCCOTTER (for himself and Mr. PAUL):

H.R. 5641. A bill to amend the Internal Revenue Code of 1986 to permit hardship loans from certain individual retirement plans; to the Committee on Ways and Means.

By Mr. SMITH of Texas (for himself, Mr. CANTOR, Mr. GOODLATTE, and Mr. FEENEY):

H.R. 5642. A bill to increase the numerical limitation with respect to H-1B nonimmigrants for fiscal years 2008 and 2009; to the Committee on the Judiciary.

By Mr. ALLEN (for himself, Mr. BURTON of Indiana, Mr. CARNAHAN, Ms. GIFFORDS, Mr. DOYLE, Mr. DAVIS of Illinois, and Ms. BORDALLO):

H.R. 5643. A bill to amend the Internal Revenue Code of 1986 to allow a refundable credit against income tax for the purchase of a principal residence by a first-time homebuyer; to the Committee on Ways and Means.

By Mr. MICA (for himself, Mr. SHUSTER, Mr. COSTA, Mr. SALAZAR, Mr. BACHUS, Mr. BOOZMAN, Mr. BOUSTANY, Mr. BROWN of South Carolina, Mr. BUCHANAN, Mrs. CAPITO, Mr. MARIO DIAZ-BALART of Florida, Mrs. DRAKE, Mr. DUNCAN, Mr. EHLERS, Ms. FALLIN, Mr. GERLACH, Mr. GRAVES, Mr. LOBIONDO, Mr. MACK, Mrs. MILLER of Michigan, Mr. MORAN of Kansas, Mr. PLATTS, Mr. WESTMORELAND, and Mr. YOUNG of Alaska):

H.R. 5644. A bill to provide for competitive development and operation of high-speed rail corridor projects; to the Committee on Transportation and Infrastructure.

By Ms. WATERS (for herself, Mr. FRANK of Massachusetts, Ms. ROYBAL-ALLARD, Mr. STARK, Mr. HONDA, Ms. LINDA T. SÁNCHEZ of California, Mr. COSTA, Ms. ZOE LOFGREN of California, Mr. SIRES, Mr. AL GREEN of Texas, Mr. MCDERMOTT, and Ms. CLARKE):

H.R. 5645. A bill to exclude assistance payments under certain post-foster care guardianship assistance programs from consideration as income for purposes of the United States Housing Act of 1937; to the Committee on Financial Services.

By Mr. BROUN of Georgia (for himself, Mr. ENGLISH of Pennsylvania, Mr. HENSARLING, Mr. BILBRAY, Mr. BURTON of Indiana, Mr. KING of Iowa, Ms. FALLIN, Mr. MILLER of Florida, Mr. DAVID DAVIS of Tennessee, Mrs. MUSGRAVE, Mr. GINGREY, Mr. GOODE, and Mr. GARRETT of New Jersey):

H.R. 5646. A bill to protect the second amendment rights of individuals to carry firearms and ammunition in units of the National Park System and the National Wildlife Refuge System and to require that hunting activities be a land use in all management plans for Federal land to the extent that such use is not clearly incompatible with the purposes for which the Federal land is managed; to the Committee on Natural Resources.

By Mr. EMANUEL:

H.R. 5647. A bill to provide public charter school options for those students that attend schools that are in need of improvement and have been identified for restructuring and those schools with a graduation rate of less than 60 percent, and for other purposes; to the Committee on Education and Labor, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GOODLATTE (for himself, Mr. PETERSON of Minnesota, Mr. YOUNG of Alaska, Mr. BISHOP of Utah, Mr. SALAZAR, Mr. SALI, and Mr. BACA):

H.R. 5648. A bill to amend the Cooperative Forestry Assistance Act of 1978 to establish a Federal wildland fire emergency suppression fund to facilitate accountable fire suppression activities by the Secretary of Agriculture and the Secretary of the Interior to unanticipated large fire events, to encourage enhanced management efficiencies and cost controls of wildland fire suppression, and to reduce the risk of catastrophic wildfire to communities, and for other purposes; to the Committee on Agriculture, and in addition to the Committee on Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KIRK:

H.R. 5649. A bill to establish the Home Owners' Loan Corporation to provide emergency home mortgage relief; to the Committee on Financial Services.

By Mr. MILLER of Florida:

H.R. 5650. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to limit the repair, restoration, reconstruction, or replacement of certain property and to discontinue large in-lieu contributions; to the Committee on Transportation and Infrastructure.

By Mr. MITCHELL:

H.R. 5651. A bill to amend title 38, United States Code, to establish a program of educational assistance for members of the Armed Forces who serve in the Armed Forces after September 11, 2001, and for other purposes; to the Committee on Veterans' Affairs, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PEARCE:

H.R. 5652. A bill to direct the United States Sentencing Commission to make certain changes in the Sentencing Guidelines as they affect certain human trafficking offenses; to the Committee on the Judiciary.

By Mr. PEARCE (for himself, Mr. UDALL of New Mexico, and Mrs. WILSON of New Mexico):

H.R. 5653. A bill to reduce temporarily the duty on certain isotopic separation machinery and apparatus, and parts thereof, for use

in the construction of an isotopic separation facility in southern New Mexico; to the Committee on Ways and Means.

By Mr. RUSH (for himself, Mr. JOHNSON of Georgia, Ms. KILPATRICK, Mr. BUTTERFIELD, Mr. ELLISON, Mr. DAVIS of Illinois, Ms. MOORE of Wisconsin, Mr. PAYNE, Ms. JACKSON-LEE of Texas, Mrs. CHRISTENSEN, Mr. COHEN, Mr. LEWIS of Georgia, Ms. WATSON, Mrs. CAPPS, Ms. BALDWIN, Ms. HARMAN, Mr. CLAY, Ms. CLARKE, Mr. RUPPERSBERGER, Mr. LARSON of Connecticut, Ms. DELAURO, and Mr. HASTINGS of Florida):

H.R. 5654. A bill to authorize a program to provide grants to youth-serving organizations that carry out child-parent visitation programs for children with incarcerated parents; to the Committee on Education and Labor.

By Mr. WEINER:

H.R. 5655. A bill to amend the Internal Revenue Code of 1986 to expand and improve the dependent care tax credit; to the Committee on Ways and Means.

By Mr. HOLT (for himself, Mr. BERMAN, and Ms. ROS-LEHTINEN):

H. Con. Res. 317. Concurrent resolution condemning the Burmese regime's undemocratic constitution and scheduled referendum; to the Committee on Foreign Affairs.

By Mr. PAYNE (for himself, Mr. SMITH of New Jersey, Ms. JACKSON-LEE of Texas, Mr. SHAYS, Mr. BLUMENAUER, and Mr. GRIJALVA):

H. Con. Res. 318. Concurrent resolution supporting the goals and ideals of the International Year of Sanitation; to the Committee on Foreign Affairs.

By Mr. WEXLER:

H. Con. Res. 319. Concurrent resolution recognizing March 19, 2008, as the fifth anniversary of the Iraq war and urging President George W. Bush to begin an immediate and safe redeployment of United States Armed Forces from Iraq; to the Committee on Armed Services, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GOODLATTE (for himself, Mr. WOLF, Mr. BOUCHER, Mr. MORAN of Virginia, Mr. SCOTT of Virginia, Mr. TOM DAVIS of Virginia, Mr. GOODE, Mr. CANTOR, Mr. FORBES, Mrs. DRAKE, and Mr. WITTMAN of Virginia):

H. Res. 1051. A resolution congratulating James Madison University in Harrisonburg, Virginia, for 100 years of service and leadership to the United States; to the Committee on Education and Labor.

By Ms. BEAN (for herself, Mr. CHABOT, and Mr. BURTON of Indiana):

H. Res. 1052. A resolution recognizing the importance of the signing of the General Framework Agreement for Peace in Bosnia and Herzegovina; to the Committee on Foreign Affairs.

By Mr. COSTA (for himself and Mr. POE):

H. Res. 1053. A resolution supporting the mission and goals of National Crime Victims' Rights week in order to increase public awareness of the rights, needs, and concerns of victims and survivors of crime in the United States; to the Committee on the Judiciary.

By Mrs. DAVIS of California (for herself, Ms. FALLIN, Ms. LORETTA SANCHEZ of California, Ms. HARMAN, Mrs. CAPPS, Ms. NORTON, Mrs. BOYDA of Kansas, Mr. BRADY of Pennsylvania, Mr. ORTIZ, Ms. WASSERMAN SCHULTZ, Ms. BORDALLO, Mrs. WILSON of New Mexico, Ms. GINNY BROWN-WAITE of Florida, Mrs. TAUSCHER, Mrs. MUSGRAVE, Ms. JACKSON-LEE of Texas, Ms. SCHAKOWSKY, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. CHRISTENSEN, Ms. SHEA-PORTER, Mr. SNYDER, Mr. LOBIONDO, Ms. TSONGAS, Mr. LOEBSACK, Ms. DELAURO, Ms. MATSUI, Ms. GIFFORDS, Ms. CASTOR, Mrs. DRAKE, and Mrs. MCMORRIS RODGERS):

H. Res. 1054. A resolution honoring the service and achievements of women in the Armed Forces and female veterans; to the Committee on Armed Services, and in addition to the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HASTINGS of Florida (for himself, Ms. SLAUGHTER, Mr. RANGEL, Mr. MEEKS of New York, Ms. SOLIS, and Mr. BUTTERFIELD):

H. Res. 1055. A resolution recognizing the enduring value of the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) as a cornerstone of global efforts to combat racial discrimination and uphold human rights, and for other purposes; to the Committee on Foreign Affairs, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. HOOLEY (for herself, Mr. MCCAUL of Texas, Mr. MATHESON, Mr. MCGOVERN, Ms. SOLIS, Mr. COURTNEY, Ms. LEE, Ms. MCCOLLUM of Minnesota, Mr. LOEBSACK, Mr. MITCHELL, Mr. HOLT, Mr. WU, Mr. BLUMENAUER, Mr. HONDA, Mr. INSLEE, and Mr. LIPINSKI):

H. Res. 1056. A resolution expressing support for designation of April 28, 2008, as ''National Healthy Schools Day''; to the Committee on Oversight and Government Reform.

By Mr. LAMBORN (for himself, Mr. FRANKS of Arizona, Mr. SESSIONS, Mr. MARSHALL, Mr. BRADY of Texas, Mr. KING of Iowa, Mrs. CUBIN, Mr. GOODE, Mr. FEENEY, Mr. BROUN of Georgia, Mrs. DRAKE, Mr. KLINE of Minnesota, Mr. BURTON of Indiana, Mrs. BACHMANN, Mr. KINGSTON, and Mr. WILSON of South Carolina):

H. Res. 1057. A resolution commemorating the 25th anniversary of President Ronald Reagan's Strategic Defense Initiative speech; to the Committee on Armed Services, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ROSS:

H. Res. 1058. A resolution supporting the designation of Destination ImagiNation Week; to the Committee on Oversight and Government Reform.

By Mr. WALBERG (for himself and Mr. ROGERS of Michigan):

H. Res. 1059. A resolution congratulating the Adrian College Bulldogs men's hockey team for winning the Midwest Collegiate Hockey Association regular season title and postseason tournament and for having the best first year win-loss record in Division III history; to the Committee on Education and Labor.

By Mr. WEINER:

H. Res. 1060. A resolution expressing condolences to the families of the eight people killed and nine people wounded in the library of the Mercaz Harav Yeshiva in Jerusalem's Kiryat Moshe quarter on March 6, 2008; to the Committee on Foreign Affairs.

¶31.22 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 245: Mr. MORAN of Virginia.

H.R. 406: Mr. BARRETT of South Carolina, Mr. BONNER, Mr. EVERETT, Mr. NUNES, Mr. SHADEGG, Mr. ABERCROMBIE, Mr. COSTELLO, Mr. CROWLEY, Mr. JACKSON of Illinois, Mr. BUTTERFIELD, Ms. CLARKE, Ms. DEGETTE, Mr. DOYLE, Mr. EDWARDS, Mr. EMANUEL, Mr. HALL of New York, Mr. HOLDEN, Mr. HOYER, Ms. KAPTUR, Mr. KIND, Mr. Carson, Mrs. LOWEY, Mr. MCNERNEY, Mr. MURTHA, Mr. OBEY, Mr. SARBANES, Mr. SCHIFF, Mr. HULSHOF, Mr. DANIEL E. LUNGREN of California, and Mr. UPTON.

H.R. 503: Mr. WITTMAN of Virginia.

H.R. 530: Mr. CONYERS.

H.R. 552: Ms. DELAURO.

H.R. 579: Mr. WAMP and Mr. BOOZMAN.

H.R. 715: Mr. GENE GREEN of Texas and Mr. HOLDEN.

H.R. 917: Mr. PLATTS.

H.R. 948: Mr. TIERNEY.

H.R. 1050: Mr. FILNER and Mr. CARNAHAN.

H.R. 1188: Mr. HOLDEN, Mr. GENE GREEN of Texas, and Mr. GORDON.

H.R. 1197: Mr. FEENEY.

H.R. 1223: Mr. WAMP.

H.R. 1256: Mr. ROTHMAN, Mr. FRANK of Massachusetts, and Mr. VAN HOLLEN.

H.R. 1264: Mr. CAMPBELL of California.

H.R. 1282: Ms. CLARKE.

H.R. 1295: Mr. SALI and Mr. CAMP of Michigan.

H.R. 1343: Ms. MOORE of Wisconsin.

H.R. 1419: Mr. LATHAM and Mr. ALTMIRE.

H.R. 1430: Mr. MARSHALL.

H.R. 1461: Mr. TIERNEY.

H.R. 1537: Mr. CUMMINGS.

H.R. 1553: Ms. MCCOLLUM of Minnesota.

H.R. 1584: Mr. SESTAK, Mr. MARIO DIAZ-BALART of Florida, Mr. RAHALL, Mr. NADLER, Mr. RUSH, and Mrs. DRAKE.

H.R. 1609: Mr. FRELINGHUYSEN.

H.R. 1610: Mr. MACK, Ms. FOXX, Mrs. MYRICK, and Mr. SMITH of New Jersey.

H.R. 1621: Mr. JEFFERSON, and Mr. BISHOP of New York.

H.R. 1629: Mr. HOLDEN, Mr. BROWN of South Carolina, Mr. ROSS, Mr. MATHESON, Mr. MILLER of North Carolina, Mr. ARCURI, Mr. MCNULTY, Mr. KAGEN, and Mr. GERLACH.

H.R. 1755: Mr. HINCHEY.

H.R. 1843: Mr. KENNEDY and Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 1921: Mr. WATT.

H.R. 1992: Mr. WAXMAN and Mr. LANGEVIN.

H.R. 2046: Mr. BISHOP of New York.

H.R. 2132: Mr. BRALEY of Iowa.

H.R. 2331: Mr. WU, Ms. HERSETH SANDLIN and Mr. YOUNG of Alaska.

H.R. 2352: Mr. MORAN of Virginia.

H.R. 2370: Mr. BLUNT and Mr. HOLDEN.

H.R. 2371: Mr. HOLDEN, Mr. ALLEN, and Mr. CLAY.

H.R. 2652: Mr. TERRY.

H.R. 2734: Mr. BROWN of South Carolina and Mr. CANNON.

H.R. 2744: Mr. DELAHUNT and Mr. LOEBSACK.

H.R. 2805: Mr. GERLACH, Mr. SIRES, Mr. PASTOR, and Ms. SOLIS.

H.R. 2898: Mr. MCCOTTER.

H.R. 3010: Mr. HASTINGS of Florida, Mr. BISHOP of New York, Mrs. LOWEY, Mr. SMITH of Washington, Mr. CHANDLER, and Mr. VAN HOLLEN.

H.R. 3089: Mr. LINDER.

H.R. 3094: Mr. DOGGETT.

H.R. 3186: Mr. GORDON.

H.R. 3289: Mr. COURTNEY, Mr. KILDEE, Mr. ALTMIRE, Mr. YARMUTH, and Ms. CLARKE.

H.R. 3347: Mr. TIERNEY.

H.R. 3363: Ms. BALDWIN and Mr. TIBERI.
H.R. 3430: Ms. LEE and Mr. SALAZAR.
H.R. 3453: Mr. ELLISON.
H.R. 3533: Mr. SHIMKUS and Mr. MACK.
H.R. 3609: Ms. DELAURO and Ms. MCCOLLUM of Minnesota.
H.R. 3654: Mr. LAMPSON.
H.R. 3658: Mr. BURTON of Indiana.
H.R. 3750: Mr. MILLER of North Carolina.
H.R. 3807: Mr. BAIRD.
H.R. 3817: Mrs. EMERSON.
H.R. 3834: Mr. MCNERNEY and Mr. LATHAM.
H.R. 3892: Mr. VAN HOLLEN.
H.R. 3934: Mr. TIBERI, Mr. PASTOR, and Mr. DAVIS of Kentucky.
H.R. 3995: Ms. MATSUI.
H.R. 4066: Mr. SHULER and Mr. GRIJALVA.
H.R. 4088: Mrs. WILSON of New Mexico.
H.R. 4206: Mr. BOUCHER.
H.R. 4236: Mr. OLVER, Mr. BOSWELL, and Mr. MURPHY of Connecticut.
H.R. 4266: Ms. ESHOO.
H.R. 4348: Mr. CANTOR.
H.R. 4416: Mr. JONES of North Carolina.
H.R. 4417: Mr. JONES of North Carolina.
H.R. 4418: Mr. JONES of North Carolina.
H.R. 4433: Mr. JONES of North Carolina.
H.R. 4434: Mr. JONES of North Carolina.
H.R. 4435: Mr. JONES of North Carolina.
H.R. 4436: Mr. JONES of North Carolina.
H.R. 4439: Mr. JONES of North Carolina.
H.R. 4440: Mr. JONES of North Carolina.
H.R. 4688: Ms. BORDALLO, Mr. PETERSON of Minnesota, Mr. ACKERMAN, Mr. HONDA, and Mr. ENGLISH of Pennsylvania.
H.R. 4879: Mrs. MUSGRAVE and Ms. GRANGER.
H.R. 4900: Mr. GRAVES, Mr. WITTMAN of Virginia, Mr. BURGESS, Ms. PRYCE of Ohio, Mr. HENSARLING, Mr. HOEKSTRA, Mr. MCHENRY, Mrs. WILSON of New Mexico, Mr. MELANCON, Mr. ALEXANDER, Mr. SAM JOHNSON of Texas, Mr. HAYES, Mr. JORDAN, and Mr. DINGELL.
H.R. 4930: Mr. LYNCH.
H.R. 5031: Mr. GARY G. MILLER of California.
H.R. 5157: Ms. KILPATRICK.
H.R. 5167: Mr. DAVIS of Illinois.
H.R. 5173: Mr. GENE GREEN of Texas.
H.R. 5176: Mr. WEXLER, Ms. CLARKE, and Ms. EDDIE BERNICE JOHNSON of Texas.
H.R. 5180: Mr. JONES of North Carolina.
H.R. 5232: Mr. BARTON of Texas.
H.R. 5236: Mr. GOODE.
H.R. 5265: Mr. TOM DAVIS of Virginia, Mr. PRICE of North Carolina, Mr. SAM JOHNSON of Texas, Mr. SHAYS, and Mr. HALL of Texas.
H.R. 5268: Mr. TOWNS, and Mr. WILSON of Ohio.
H.R. 5315: Mr. HALL of New York, Ms. BERKLEY, Ms. CORRINE BROWN of Florida, and Mr. HARE.
H.R. 5440: Mr. BILIRAKIS.
H.R. 5443: Mr. COURTNEY, Mr. SNYDER, and Mr. GONZALEZ.
H.R. 5450: Mr. YOUNG of Florida, Mr. SCHIFF, Mr. PRICE of Georgia, Mr. SHADEGG, Mr. SALI, Mr. BILBRAY, Mr. KING of Iowa, Mr. CAMPBELL of California, Mr. DAVID DAVIS of Tennessee, Mr. GARRETT of New Jersey, Mr. HENSARLING, Mrs. BACHMANN, Mr. POE, Mr. GINGREY, Mr. ROGERS of Michigan, Mr. BURTON of Indiana, and Mr. YOUNG of Alaska.
H.R. 5465: Mr. CARNAHAN.
H.R. 5468: Mr. ENGLISH of Pennsylvania and Ms. CLARKE.
H.R. 5472: Mrs. CAPPS, Ms. RICHARDSON, Mr. SCOTT of Virginia, Ms. LEE, Mrs. MALONEY of New York, Mr. HARE, Mr. GONZALEZ, Mr. CLAY, Ms. MCCOLLUM of Minnesota, Mr. SHIMKUS, and Mr. RANGEL.
H.R. 5473: Mr. YARMUTH.
H.R. 5475: Mr. COSTA.
H.R. 5477: Mr. BERMAN, Mr. CARDOZA, Ms. ZOE LOFGREN of California, Ms. ROYBAL-ALLARD, Mrs. NAPOLITANO, Ms. LINDA T. SÁNCHEZ of California, Ms. SOLIS, Mr. BECERRA, Ms. HARMAN, Mr. THOMPSON of California, Mrs. CAPPS, Ms. LEE, Ms. MATSUI, Mr. WAXMAN, Mr. FARR, Ms. WATSON, Mr. BACA, Ms. ESHOO, Mrs. TAUSCHER, Mr. MCKEON, Mr. DOOLITTLE, Mr. LEWIS of California, Mr. COSTA, Mr. MCNERNEY, Mr. MCCARTHY of California, Mr. ROHRABACHER, Mr. DANIEL E. LUNGREN of California, Mr. CAMPBELL of California, Mrs. DAVIS of California, Mr. CALVERT, Ms. WATERS, Mr. RADANOVICH, Mr. HERGER, Mr. ROYCE, Mr. ISSA, Mr. HONDA, Ms. LORETTA SANCHEZ of California, Ms. RICHARDSON, Mr. GEORGE MILLER of California, Mr. SHERMAN, and Mrs. BONO MACK.
H.R. 5515: Mr. GINGREY, Ms. FOXX, Mrs. CUBIN, Mr. MARCHANT, Mr. WILSON of South Carolina, Mrs. MYRICK, Mr. DOOLITTLE, and Mr. LUCAS.
H.R. 5519: Mr. MILLER of Florida and Mr. LIPINSKI.
H.R. 5534: Mr. SCHIFF and Mr. FRANK of Massachusetts.
H.R. 5549: Mr. WYNN.
H.R. 5560: Mrs. BONO MACK, Mr. MCNERNEY, Mr. CARNAHAN, Ms. BERKLEY, Mr. GRIJALVA, Mrs. NAPOLITANO, and Mr. HOLT.
H.R. 5580: Mr. SESTAK.
H.R. 5611: Ms. VELÁZQUEZ.
H.R. 5618: Mr. BROWN of South Carolina, Mr. ALLEN, and Mr. PALLONE.
H.J. Res. 1: Mr. HELLER and Mr. LATTA.
H.J. Res. 50: Mr. MACK, Mr. FEENEY, Mr. BISHOP of Georgia, Mr. BURTON of Indiana, Mrs. TAUSCHER, and Mr. BOOZMAN.
H.J. Res. 55: Mrs. BOYDA of Kansas.
H. Con. Res. 22: Ms. KAPTUR.
H. Con. Res. 40: Mrs. BACHMANN.
H. Con. Res. 241: Mr. TANCREDO.
H. Con. Res. 295: Mr. BISHOP of Georgia and Mr. GONZALEZ.
H. Con. Res. 301: Mrs. BONO MACK.
H. Con. Res. 305: Mr. WU.
H. Con. Res. 315: Mr. CAMP of Michigan, Mr. WITTMAN of Virginia, and Mr. DOOLITTLE.
H. Res. 49: Mr. LEVIN.
H. Res. 76: Ms. MOORE of Wisconsin.
H. Res. 259: Mr. GARY G. MILLER of California.
H. Res. 356: Mrs. MUSGRAVE and Mr. CARDOZA.
H. Res. 424: Mr. WYNN, Mr. COHEN, Mr. PAYNE, Mr. BRALEY of Iowa, and Mr. GENE GREEN of Texas.
H. Res. 727: Mr. UDALL of Colorado.
H. Res. 821: Mr. GARY G. MILLER of California.
H. Res. 906: Mr. BROUN of Georgia, Mr. WELDON of Florida, Mr. MILLER of Florida, and Mr. TIAHRT.
H. Res. 959: Mr. MCGOVERN.
H. Res. 962: Mrs. JONES of Ohio.
H. Res. 984: Ms. JACKSON-LEE of Texas, Mr. FILNER, Ms. KILPATRICK, Mr. MATHESON, Mr. REYES, Mr. BOSWELL, Ms. KAPTUR, Ms. SHEA-PORTER, Mr. MELANCON, Mr. YARMUTH, Ms. RICHARDSON, and Mr. MOORE of Kansas.
H. Res. 990: Mr. GONZALEZ.
H. Res. 992: Mr. VAN HOLLEN, Mrs. TAUSCHER, and Mrs. DAVIS of California.
H. Res. 1003: Mr. CAMPBELL of California.
H. Res. 1005: Mr. WITTMAN of Virginia.
H. Res. 1011: Mr. TANCREDO and Mr. LYNCH.
H. Res. 1019: Mr. STARK and Mr. ELLISON.
H. Res. 1020: Ms. GIFFORDS, Mr. BISHOP of Georgia, Ms. BORDALLO, Mrs. BOYDA of Kansas, Mr. FRANKS of Arizona, Mr. LOEBSACK, Mr. TOWNS, Mrs. SCHMIDT, Mr. FOSSELLA, Mr. MCKEON, Mr. ROGERS of Michigan, Mr. COURTNEY, Mr. COHEN, Mr. SNYDER, Mr. REYES, Mr. CONAWAY, Mr. LAMBORN, Mr. YOUNG of Florida, Ms. SHEA-PORTER, Mr. ISRAEL, Mr. SHAYS, Ms. GINNY BROWN-WAITE of Florida, Mr. SALI, Mr. MCINTYRE, Mr. ORTIZ, Mr. SPRATT, Mr. ETHERIDGE, Mr. BOYD of Florida, Mrs. DRAKE, Mr. SMITH of Washington, Mr. CAMP of Michigan, Mr. CROWLEY, Mr. ABERCROMBIE, Mrs. WILSON of New Mexico, Mr. HAYES, Ms. TSONGAS, and Mr. FRELINGHUYSEN.
H. Res. 1025: Mr. LUCAS.
H. Res. 1027: Mr. SALI and Mr. HENSARLING.
H. Res. 1042: Mr. LINCOLN DIAZ-BALART of Florida.
H. Res. 1043: Mr. RAHALL.

¶31.23 DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 3547: Ms. CORRINE BROWN of Florida.

MONDAY, MARCH 31, 2008 (32)

¶32.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Mrs. JONES of Ohio, who laid before the House the following communication:

WASHINGTON, DC,
March 31, 2008.

I hereby appoint the Honorable STEPHANIE TUBBS JONES to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

¶32.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mrs. JONES of Ohio, announced she had examined and approved the Journal of the proceedings of Friday, March 14, 2008.

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

¶32.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

5728. A letter from the Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of the Navy, Case Number 07-09, pursuant to 31 U.S.C. 1351; to the Committee on Appropriations.

5729. A letter from the Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of the Navy, Case Number 07-08, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

5730. A letter from the Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of the Navy, Case Number 07-06, pursuant to 31 U.S.C. 1351; to the Committee on Appropriations.

5731. A letter from the Secretary, Department of Homeland Security, transmitting a report of a violation of the Antideficiency Act in the Treasury Appropriation Fund, pursuant to 31 U.S.C. 1351; to the Committee on Appropriations.

5732. A letter from the Director, Selective Service System, transmitting a report of a violation of the Antideficiency Act, pursuant to 31 U.S.C. 1351; to the Committee on Appropriations.

5733. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting report on the Family Subsistence Supplemental Allowance (FSSA) program, covering the period October 1, 2006, through September 30, 2007, pursuant to 37 U.S.C. 402(a) Public Law 106-398, section 604(a); to the Committee on Armed Services.

5734. A letter from the Under Secretary for Acquisition, Technology and Logistics, Department of Defense, transmitting the Department's Commercial Activities Report for 2007, pursuant to 10 U.S.C. 2462(b); to the Committee on Armed Services.

5735. A letter from the Director, Pentagon Renovation and Construction Program Office, Department of Defense, transmitting the eighteenth annual report on the Pentagon Renovation and Construction Program Office (PENREN), pursuant to 10 U.S.C. 2674; to the Committee on Armed Services.

5736. A letter from the Director, Army National Guard, Department of Defense, transmitting a report on the Army National Guard's Annual Financial Statement for FY 2007; to the Committee on Armed Services.

5737. A letter from the District of Columbia Auditor, Office of the District of Columbia Auditor, transmitting a copy of a report entitled ''Fiscal Year 2007 Annual Report on Advisory Neighborhood Commissions,'' pursuant to D.C. Code section 47-117(d); to the Committee on Oversight and Government Reform.

5738. A letter from the Federal Co-Chairman, Delta Regional Authority, transmitting in compliance with the Accountability for Tax Dollars Act of 2002 (ATDA), a copy of the Authority's Audited Financial Statements for FY 2007, pursuant to Public Law 106-554, section 382L; to the Committee on Oversight and Government Reform.

5739. A letter from the Under Secretary for Acquisitions, Technology and Logistics, Department of Defense, transmitting the Department's annual report on the implementation of Pub. L. 106-107, the Federal Financial Assistance Management Improvement Act of 1999; to the Committee on Oversight and Government Reform.

5740. A letter from the Associate General Counsel for General Law, Department of Homeland Security, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

5741. A letter from the General Counsel, Department of Housing and Urban Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

5742. A letter from the General Counsel, Department of Housing and Urban Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

5743. A letter from the General Counsel, Department of Housing and Urban Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

5744. A letter from the General Counsel, Department of Housing and Urban Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

5745. A letter from the General Counsel, Department of Housing and Urban Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

5746. A letter from the White House Liaison, Department of Justice, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

5747. A letter from the Principal Deputy Assistant Attorney General, Department of Justice, transmitting the Department's Federal Information Security Management Act and Agency Privacy Management Report, pursuant to Public Law 107-296; to the Committee on Oversight and Government Reform.

5748. A letter from the Assistant Secretary for Administration and Mgmt., Department of Labor, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

5749. A letter from the Attorney Advisor, Department of Transportation, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

5750. A letter from the Assistant Secretary for Policy and Planning, Department of Veterans Affairs, transmitting in accordance with Pub. L. 105-270, the Federal Activities Inventory Reform Act of 1998 (FAIR Act), the Department's inventory of commercial activities for calendar year 2006; to the Committee on Oversight and Government Reform.

5751. A letter from the Chairman, Federal Deposit Insurance Corporation, transmitting the Corporation's 2008 Annual Performance Plan, in accordance with the Government Performance and Results Act of 1993; to the Committee on Oversight and Government Reform.

5752. A letter from the Chairman, Federal Election Commission, transmitting the Commission's Strategic Plan for Fiscal Years 2008 through 2013, pursuant to 5 U.S.C. 306; to the Committee on Oversight and Government Reform.

5753. A letter from the Chief Operating Officer/President, Financing Corporation, transmitting a copy of the Financing Corporation's Statement on Internal Controls and the 2007 Audited Financial Statements, pursuant to Public Law 101-73, section 511(a) (103 Stat. 404); to the Committee on Oversight and Government Reform.

5754. A letter from the Administrator, General Services Administration, transmitting notification of the new mileage reimbursement rates for Federal employees who use privately owned vehicles while on official travel, pursuant to 5 U.S.C. 5707(b)(1)(A); to the Committee on Oversight and Government Reform.

5755. A letter from the Chairman, Merit Systems Protection Board, transmitting the Board's report entitled, ''Attracting the Next Generation: A Look at Federal Entry-Level New Hires,'' pursuant to 5 U.S.C. 1204(a)(3); to the Committee on Oversight and Government Reform.

5756. A letter from the General Counsel, National Labor Relations Board, transmitting the Board's report on the amount of acquisitions made from entities that manufacture the articles, materials, or supplies outside the United States in Fiscal Year 2007; to the Committee on Oversight and Government Reform.

5757. A letter from the Chief Executive Officer, Neighborhood Reinvestment Corporation, transmitting the Corporation's 2007 Annual Performance Plan, in accordance with the Government Performance and Results Act of 1993; to the Committee on Oversight and Government Reform.

5758. A letter from the President and CEO, Overseas Private Investment Corporation, transmitting the Corporation's report on the use of the Category Rating System during fiscal year 2007, pursuant to 5 U.S.C. 3319(d); to the Committee on Oversight and Government Reform.

5759. A letter from the Chief Operating Officer/President, Resolution Funding Corporation, transmitting a copy of the Resolution Funding Corporation's Statement on Internal Controls and the 2007 Audited Financial Statements, pursuant to Public Law 101-73, section 511(a) (103 Stat. 404); to the Committee on Oversight and Government Reform.

5760. A letter from the Chair, Office of Compliance, transmitting the Office's report on the adoption of regulations implementing employment rights and protection for Veterans, as required by the Congressional Accountability Act of 1995, pursuant to 2 U.S.C. 1316a; jointly to the Committees on Education and Labor and House Administration.

¶32.4 MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has agreed to a concurrent resolution of the following title in which the concurrence of the House is requested:

S. Con. Res. 70. A concurrent resolution setting forth the congressional budget for the United States government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013.

¶32.5 GULF OF THE FARALLONES AND CORDELL BANK NATIONAL MARINE SANCTUARIES

Mr. KENNEDY moved to suspend the rules and pass the bill (H.R. 1187) to expand the boundaries of the Gulf of the Farallones and Cordell Bank National Marine Sanctuaries Boundary Modification and Protection Act; as amended.

The SPEAKER pro tempore, Mrs. JONES of Ohio, recognized Mr. KENNEDY and Mr. BISHOP of Utah, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mrs. JONES of Ohio, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

By unanimous consent, the title was amended so as to read: ''An Act to expand the boundaries of the Gulf of the Farallones National Marine Sanctuary and the Cordell Bank National Marine Sanctuary, and for other purposes.''.

A motion to reconsider the votes whereby the rules were suspended and said bill, as amended, was passed and the title was amended was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶32.6 NATIONAL INTEGRATED COASTAL AND OCEAN OBSERVATION

Mr. KENNEDY moved to suspend the rules and pass the bill (H.R. 2342) to direct the President to establish a National Integrated Coastal and Ocean Observation System, and for other purposes; as amended.

The SPEAKER pro tempore, Mrs. JONES of Ohio, recognized Mr. KENNEDY and Mr. BISHOP of Utah, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mrs. JONES of Ohio, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof,

the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶32.7 CAPTIVE WILDLIFE SAFETY

Mr. ABERCROMBIE moved to suspend the rules and pass the bill (H.R. 4933) to amend Lacey Act Amendments of 1981 to protect captive wildlife and to make technical corrections, and for other purposes; as amended.

The SPEAKER pro tempore, Mrs. JONES of Ohio, recognized Mr. ABERCROMBIE and Mr. BISHOP of Utah, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mrs. JONES of Ohio, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶32.8 HYDROGRAPHIC SERVICES IMPROVEMENT

Mr. ABERCROMBIE moved to suspend the rules and pass the bill (H.R. 3352) to reauthorize and amend the Hydrographic Services Improvement Act, and for other purposes; as amended.

The SPEAKER pro tempore, Mrs. JONES of Ohio, recognized Mr. ABERCROMBIE and Mr. BISHOP of Utah, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mrs. JONES of Ohio, announced that two-thirds of the Members present had voted in the affirmative.

Mr. WESTMORELAND demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mrs. JONES of Ohio, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶32.9 NATIONAL FISH AND WILDLIFE FOUNDATION

Mr. ABERCROMBIE moved to suspend the rules and pass the bill (H.R. 3891) to amend the National Fish and Wildlife Foundation Establishment Act to increase the number of Directors on the Board of Directors of the National Fish and Wildlife Foundation; as amended.

The SPEAKER pro tempore, Mrs. JONES of Ohio, recognized Mr. ABERCROMBIE and Mr. BISHOP of Utah, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mrs. JONES of Ohio, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶32.10 OUACHITA NATIONAL FOREST

Mr. ABERCROMBIE moved to suspend the rules and pass the bill (H.R. 2675) to provide for the conveyance of approximately 140 acres of land in the Ouachita National Forest in Oklahoma to the Indian Nations Council, Inc., of the Boy Scouts of America, and for other purposes; as amended.

The SPEAKER pro tempore, Mrs. JONES of Ohio, recognized Mr. ABERCROMBIE and Mr. BISHOP of Utah, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mrs. JONES of Ohio, announced that two-thirds of the Members present had voted in the affirmative.

Mr. BISHOP of Utah, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mrs. JONES of Ohio, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶32.11 UTAH NATIONAL GUARD

Mr. ABERCROMBIE moved to suspend the rules and pass the bill (H.R. 3651) to require the conveyance of certain public land within the boundaries of Camp Williams, Utah, to support the training and readiness of the Utah National Guard; as amended.

The SPEAKER pro tempore, Mrs. JONES of Ohio, recognized Mr. ABERCROMBIE and Mr. BISHOP of Utah, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mrs. JONES of Ohio, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶32.12 LOWER COLORADO RIVER

Mr. ABERCROMBIE moved to suspend the rules and pass the bill (H.R. 2515) to authorize appropriations for the Bureau of Reclamation to carry out the Lower Colorado River Multi-Species Conservation Program in the States of Arizona, California, and Nevada, and for other purposes; as amended.

The SPEAKER pro tempore, Mrs. JONES of Ohio, recognized Mr. ABERCROMBIE and Mr. BISHOP of Utah, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mrs. JONES OF Ohio, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶32.13 COLORECTAL CANCER AWARENESS

Mr. WYNN moved to suspend the rules and agree to the following concurrent resolution (H. Con. Res. 302):

Whereas colorectal cancer is the second most common cause of cancer deaths for men and women in the United States;

Whereas colorectal cancer affects men and women equally;

Whereas more than 148,810 people in the United States will be diagnosed with colon cancer this year;

Whereas over 49,960 people in the United States will die from colon cancer this year;

Whereas every 3.5 minutes, someone is diagnosed with colorectal cancer and every 9 minutes someone dies from colorectal cancer;

Whereas every 5 seconds someone who should be screened for colorectal cancer is not;

Whereas the vast majority of colon cancer deaths can be prevented through proper screening and early detection;

Whereas the survival rate of individuals who have colorectal cancer is 90 percent when detected in the early stages versus only a 10 percent survival rate when colorectal cancer is diagnosed after it has spread to distant organs;

Whereas only 39 percent of colorectal cancer patients have their cancers detected at an early stage;

Whereas uninsured Americans are more likely to be diagnosed with late stage colon cancer than patients with private insurance;

Whereas only 18.8 percent of those without health coverage in the United States have

currently been properly screened for colorectal cancer;

Whereas if the majority of Americans age 50 or older were screened regularly for colorectal cancer, the death rate from this disease could plummet by up to 80 percent;

Whereas regular colorectal cancer screening has been ranked as one of the most cost effective screening interventions available, with the potential to save more than 30,000 lives a year;

Whereas treatment costs for colorectal cancer are extremely high, estimated at $8,400,000,000 for 2004;

Whereas increasing the number of people between the ages of 50 years and 64 years of age who are regularly screened in the United States, would provide significant savings in billions of dollars to the Medicare program from cancer prevention and treatment costs;

Whereas the Blue Star, developed by the Members of the National Colorectal Cancer Roundtable, the American Cancer Society, the Colon Cancer Alliance, and C3: Colorectal Cancer Coalition represents the collective fight against colon cancer, the eternal memory of the people whose lives have already been lost to the disease, and the shining hope for a future free of colon cancer;

Whereas Coaches vs. Cancer (a partnership between the American Cancer Society and the National Association of Basketball Coaches), the Colon Cancer Alliance, and Ethicon Endo-Surgery have created ''Earn a Blue Star Day'' as a means for individuals and corporations to raise awareness of the importance of screening for colon cancer;

Whereas greater awareness of this cancer and the means to prevent it will save the lives of tens of thousands of Americans each year; and

Whereas observing a Colorectal Cancer Awareness Month during the month of March would provide a special opportunity to offer education on the importance of early detection and screening: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) supports the observance of Colorectal Cancer Awareness Month in order to provide a special opportunity to offer education on the importance of early detection and screening;

(2) recognizes and applauds the national and community organizations for their work in promoting awareness about colorectal cancer, providing information on the importance of prevention and early detection through regular screening, and facilitating access to treatment for its sufferers; and

(3) urges organizations and health practitioners to ''earn a Blue Star'' by using this opportunity to promote awareness about colorectal cancer and to support early identification and removal of pre-cancerous polyps, detectable only through colorectal cancer screenings.

The SPEAKER pro tempore, Mrs. JONES of Ohio, recognized Mr. WYNN and Mr. BURGESS, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution?

The SPEAKER pro tempore, Mrs. JONES of Ohio, announced that two-thirds of the Members present had voted in the affirmative.

Mr. WYNN demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mrs. JONES of Ohio, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶32.14 RECESS—3:20 P.M.

The SPEAKER pro tempore, Mrs. JONES of Ohio, pursuant to clause 12(a) of rule I, declared the House in recess at 3 o'clock and 20 minutes p.m., until approximately 6:30 p.m.

¶32.15 AFTER RECESS—6:30 P.M.

The SPEAKER pro tempore, Mr. WELCH of Vermont, called the House to order.

¶32.16 H.R. 3352—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. WELCH of Vermont, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and pass the bill (H.R. 3352) to reauthorize and amend the Hydrographic Services Improvement Act, and for other purposes; as amended.

The question being put,

Will the House suspend the rules and pass said bill, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 308 / Nays 60

¶32.17 [Roll No. 147]

YEAS—308

Abercrombie	Chandler	Gallegly
Ackerman	Clarke	Gerlach
Alexander	Clay	Giffords
Allen	Cleaver	Gillibrand
Altmire	Clyburn	Gohmert
Andrews	Cohen	Goodlatte
Arcuri	Cole (OK)	Gordon
Baca	Cooper	Graves
Bachus	Costa	Green, Al
Baird	Costello	Green, Gene
Baldwin	Courtney	Hall (NY)
Barrow	Cramer	Hall (TX)
Bean	Crenshaw	Harman
Becerra	Crowley	Hastings (FL)
Berkley	Cuellar	Hayes
Berman	Cummings	Heller
Berry	Davis (AL)	Herger
Biggert	Davis (CA)	Herseth Sandlin
Bilbray	Davis (KY)	Higgins
Bilirakis	Davis, David	Hill
Bishop (GA)	Davis, Lincoln	Hinojosa
Bishop (NY)	Davis, Tom	Hirono
Bishop (UT)	DeFazio	Hodes
Blumenauer	Delahunt	Holden
Bonner	DeLauro	Holt
Bono Mack	Dent	Hooley
Boozman	Diaz-Balart, L.	Hoyer
Boren	Diaz-Balart, M.	Hunter
Boswell	Doggett	Inslee
Boucher	Donnelly	Israel
Boustany	Doyle	Jackson (IL)
Boyd (FL)	Drake	Jackson-Lee (TX)
Boyda (KS)	Dreier	Johnson (IL)
Brady (PA)	Edwards	Johnson, E. B.
Brown (SC)	Ehlers	Jones (NC)
Brown-Waite, Ginny	Ellison	Jones (OH)
Buchanan	Ellsworth	Kagen
Burgess	Emanuel	Kanjorski
Butterfield	Emerson	Kaptur
Buyer	Engel	Keller
Calvert	English (PA)	Kennedy
Camp (MI)	Eshoo	Kildee
Capito	Fallin	Kilpatrick
Capps	Farr	King (NY)
Capuano	Fattah	Kirk
Cardoza	Ferguson	Klein (FL)
Carnahan	Filner	Knollenberg
Carney	Forbes	Kucinich
Carson	Fortenberry	Kuhl (NY)
Castle	Foster	LaHood
Castor	Frank (MA)	Lampson
	Frelinghuysen	
Langevin	Musgrave	Sherman
Larsen (WA)	Nadler	Shimkus
Larson (CT)	Napolitano	Shuster
Latham	Nunes	Simpson
LaTourette	Oberstar	Sires
Latta	Obey	Skelton
Lee	Olver	Slaughter
Levin	Ortiz	Smith (NE)
Lewis (CA)	Pallone	Smith (NJ)
Lewis (GA)	Pascrell	Smith (TX)
Lewis (KY)	Pastor	Smith (WA)
Lipinski	Payne	Snyder
LoBiondo	Pearce	Solis
Loebsack	Perlmutter	Souder
Lofgren, Zoe	Peterson (MN)	Space
Lowey	Petri	Spratt
Lucas	Platts	Stupak
Lungren, Daniel E.	Porter	Tanner
	Price (NC)	Taylor
Lynch	Putnam	Terry
Mahoney (FL)	Radanovich	Thompson (CA)
Maloney (NY)	Rahall	Thompson (MS)
Markey	Ramstad	Thornberry
Matheson	Regula	Tierney
Matsui	Rehberg	Towns
McCarthy (CA)	Reichert	Tsongas
McCarthy (NY)	Renzi	Turner
McCollum (MN)	Reyes	Van Hollen
McCotter	Richardson	Velázquez
McCrery	Rodriguez	Visclosky
McDermott	Rogers (AL)	Walberg
McGovern	Rogers (KY)	Walden (OR)
McHugh	Rogers (MI)	Walsh (NY)
McIntyre	Ros-Lehtinen	Walz (MN)
McKeon	Roskam	Wasserman Schultz
McMorris Rodgers	Ross	
	Roybal-Allard	Waters
McNerney	Ruppersberger	Watson
McNulty	Ryan (OH)	Watt
Meek (FL)	Salazar	Weiner
Meeks (NY)	Sánchez, Linda T.	Welch (VT)
Melancon		Wexler
Mica	Saxton	Wilson (NM)
Michaud	Schakowsky	Wilson (OH)
Miller (MI)	Schiff	Wittman (VA)
Miller (NC)	Schmidt	Wolf
Miller, Gary	Schwartz	Woolsey
Miller, George	Scott (GA)	Wu
Mitchell	Scott (VA)	Wynn
Moore (KS)	Serrano	Yarmuth
Murphy (CT)	Sestak	Young (AK)
Murphy, Patrick	Shays	Young (FL)
Murphy, Tim	Shea-Porter	

NAYS—60

Aderholt	Garrett (NJ)	Moran (KS)
Akin	Gingrey	Myrick
Barrett (SC)	Goode	Neugebauer
Bartlett (MD)	Hastings (WA)	Paul
Barton (TX)	Hensarling	Pence
Blackburn	Hoekstra	Pitts
Brady (TX)	Inglis (SC)	Poe
Broun (GA)	Issa	Price (GA)
Burton (IN)	Johnson, Sam	Royce
Campbell (CA)	Jordan	Ryan (WI)
Carter	King (IA)	Sali
Chabot	Kline (MN)	Sensenbrenner
Conaway	Lamborn	Sessions
Culberson	Linder	Stearns
Deal (GA)	Mack	Sullivan
Duncan	Manzullo	Tancredo
Everett	Marchant	Tiberi
Flake	McCaul (TX)	Wamp
Foxx	McHenry	Westmoreland
Franks (AZ)	Miller (FL)	Wilson (SC)

NOT VOTING—62

Bachmann	Grijalva	Rangel
Blunt	Gutierrez	Reynolds
Boehner	Hare	Rohrabacher
Braley (IA)	Hinchey	Rothman
Brown, Corrine	Hobson	Rush
Cannon	Honda	Sanchez, Loretta
Cantor	Hulshof	Sarbanes
Coble	Jefferson	Shadegg
Conyers	Johnson (GA)	Shuler
Cubin	Kind	Stark
Davis (IL)	Kingston	Sutton
DeGette	Marshall	Tauscher
Dicks	Mollohan	Tiahrt
Dingell	Moore (WI)	Udall (CO)
Doolittle	Moran (VA)	Udall (NM)
Etheridge	Murtha	Upton
Feeney	Neal (MA)	Waxman
Fossella	Peterson (PA)	Weldon (FL)
Gilchrest	Pickering	Weller
Gonzalez	Pomeroy	Whitfield (KY)
Granger	Pryce (OH)	

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶32.18 H.R. 2675—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. WELCH of Vermont, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 2675) to provide for the conveyance of approximately 140 acres of land in the Ouachita National Forest in Oklahoma to the Indian Nations Council, Inc., of the Boy Scouts of America, and for other purposes; as amended.

The question being put,

Will the House suspend the rules and pass said bill, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 370 Nays 2

¶32.19 [Roll No. 148]

YEAS—370

Abercrombie	Capito	English (PA)
Ackerman	Capps	Eshoo
Aderholt	Capuano	Everett
Akin	Cardoza	Fallin
Alexander	Carnahan	Farr
Allen	Carney	Fattah
Altmire	Carson	Feeney
Andrews	Carter	Ferguson
Arcuri	Castle	Filner
Baca	Castor	Flake
Bachus	Chabot	Forbes
Baird	Chandler	Fortenberry
Baldwin	Clarke	Foster
Barrett (SC)	Clay	Foxx
Barrow	Cleaver	Franks (AZ)
Bartlett (MD)	Clyburn	Frelinghuysen
Barton (TX)	Cohen	Gallegly
Bean	Cole (OK)	Garrett (NJ)
Becerra	Conaway	Gerlach
Berkley	Conyers	Giffords
Berman	Cooper	Gillibrand
Berry	Costa	Gingrey
Biggert	Costello	Gohmert
Bilbray	Courtney	Goode
Bilirakis	Cramer	Goodlatte
Bishop (GA)	Crenshaw	Gordon
Bishop (NY)	Crowley	Graves
Bishop (UT)	Cuellar	Green, Al
Blackburn	Culberson	Green, Gene
Blumenauer	Cummings	Hall (NY)
Blunt	Davis (AL)	Hall (TX)
Boehner	Davis (CA)	Harman
Bonner	Davis (KY)	Hastings (FL)
Bono Mack	Davis, David	Hastings (WA)
Boozman	Davis, Lincoln	Hayes
Boren	Davis, Tom	Heller
Boswell	Deal (GA)	Hensarling
Boucher	DeFazio	Herger
Boustany	Delahunt	Herseth Sandlin
Boyd (FL)	DeLauro	Higgins
Boyda (KS)	Dent	Hill
Brady (PA)	Diaz-Balart, L.	Hinojosa
Brady (TX)	Diaz-Balart, M.	Hodes
Broun (GA)	Doggett	Hoekstra
Brown (SC)	Donnelly	Holden
Brown-Waite, Ginny	Doyle	Holt
Buchanan	Drake	Hooley
Burgess	Dreier	Hoyer
Burton (IN)	Duncan	Hunter
Butterfield	Edwards	Inglis (SC)
Buyer	Ehlers	Inslee
Calvert	Ellison	Israel
Camp (MI)	Ellsworth	Issa
Campbell (CA)	Emanuel	Jackson (IL)
Cantor	Emerson	Jackson-Lee (TX)
	Engel	
Johnson (IL)	Meeks (NY)	Schmidt
Johnson, E. B.	Melancon	Schwartz
Johnson, Sam	Mica	Scott (GA)
Jones (NC)	Michaud	Scott (VA)
Jones (OH)	Miller (FL)	Sensenbrenner
Jordan	Miller (MI)	Serrano
Kagen	Miller (NC)	Sessions
Kanjorski	Miller, Gary	Sestak
Kaptur	Miller, George	Shays
Keller	Mitchell	Shea-Porter
Kennedy	Moore (KS)	Sherman
Kildee	Moran (KS)	Shimkus
Kilpatrick	Murphy (CT)	Shuster
King (IA)	Murphy, Patrick	Simpson
King (NY)	Murphy, Tim	Sires
Kirk	Musgrave	Skelton
Klein (FL)	Myrick	Slaughter
Kline (MN)	Nadler	Smith (NE)
Knollenberg	Napolitano	Smith (NJ)
Kucinich	Neugebauer	Smith (TX)
Kuhl (NY)	Nunes	Smith (WA)
LaHood	Oberstar	Snyder
Lamborn	Obey	Solis
Lampson	Olver	Souder
Langevin	Ortiz	Space
Larsen (WA)	Pallone	Spratt
Larson (CT)	Pascrell	Stearns
Latham	Pastor	Stupak
LaTourette	Paul	Sullivan
Latta	Payne	Tancredo
Lee	Pearce	Tanner
Levin	Pence	Taylor
Lewis (CA)	Perlmutter	Terry
Lewis (GA)	Peterson (MN)	Thompson (CA)
Lewis (KY)	Petri	Thompson (MS)
Linder	Pitts	Thornberry
Lipinski	Platts	Tiberi
LoBiondo	Poe	Tierney
Loebsack	Porter	Towns
Lofgren, Zoe	Price (GA)	Tsongas
Lowey	Price (NC)	Turner
Lucas	Putnam	Van Hollen
Lungren, Daniel E.	Radanovich	Velázquez
	Rahall	Visclosky
Lynch	Ramstad	Walberg
Mack	Regula	Walden (OR)
Mahoney (FL)	Rehberg	Walsh (NY)
Maloney (NY)	Reichert	Walz (MN)
Manzullo	Renzi	Wamp
Marchant	Reyes	Wasserman Schultz
Markey	Richardson	
Matheson	Rodriguez	Waters
Matsui	Rogers (AL)	Watson
McCarthy (CA)	Rogers (KY)	Watt
McCarthy (NY)	Rogers (MI)	Weiner
McCaul (TX)	Ros-Lehtinen	Welch (VT)
McCollum (MN)	Roskam	Westmoreland
McCotter	Ross	Wexler
McCrery	Roybal-Allard	Wilson (NM)
McDermott	Royce	Wilson (OH)
McGovern	Ruppersberger	Wilson (SC)
McHenry	Ryan (OH)	Wittman (VA)
McHugh	Ryan (WI)	Wolf
McIntyre	Salazar	Wu
McKeon	Sali	Wynn
McMorris Rodgers	Sánchez, Linda T.	Yarmuth
	Saxton	Young (AK)
McNerney	Schakowsky	Young (FL)
McNulty	Schiff	
Meek (FL)		

NAYS—2

Frank (MA)	Woolsey

NOT VOTING—58

Bachmann	Hirono	Rohrabacher
Braley (IA)	Hobson	Rothman
Brown, Corrine	Honda	Rush
Cannon	Hulshof	Sanchez, Loretta
Coble	Jefferson	Sarbanes
Cubin	Johnson (GA)	Shadegg
Davis (IL)	Kind	Shuler
DeGette	Kingston	Stark
Dicks	Marshall	Sutton
Dingell	Mollohan	Tauscher
Doolittle	Moore (WI)	Tiahrt
Etheridge	Moran (VA)	Udall (CO)
Fossella	Murtha	Udall (NM)
Gilchrest	Neal (MA)	Upton
Gonzalez	Peterson (PA)	Waxman
Granger	Pickering	Weldon (FL)
Grijalva	Pomeroy	Weller
Gutierrez	Pryce (OH)	Whitfield (KY)
Hare	Rangel	
Hinchey	Reynolds	

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶32.20 H. CON. RES. 302—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. WELCH of Vermont, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the concurrent resolution (H. Con. Res. 302) supporting the observance of Colorectal Cancer Awareness Month, and for other purposes.

The question being put,

Will the House suspend the rules and agree to said concurrent resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 371 Nays 0

¶32.21 [Roll No. 149]

YEAS—371

Abercrombie	Carnahan	Filner
Ackerman	Carney	Flake
Aderholt	Carson	Forbes
Akin	Carter	Fortenberry
Alexander	Castle	Foster
Allen	Castor	Foxx
Altmire	Chabot	Frank (MA)
Andrews	Chandler	Franks (AZ)
Arcuri	Clarke	Frelinghuysen
Baca	Clay	Gallegly
Bachus	Cleaver	Garrett (NJ)
Baird	Clyburn	Gerlach
Baldwin	Cohen	Giffords
Barrett (SC)	Cole (OK)	Gillibrand
Barrow	Conaway	Gingrey
Bartlett (MD)	Conyers	Gohmert
Barton (TX)	Cooper	Goode
Bean	Costa	Goodlatte
Becerra	Costello	Gordon
Berkley	Courtney	Graves
Berman	Cramer	Green, Al
Berry	Crenshaw	Green, Gene
Biggert	Crowley	Hall (NY)
Bilbray	Cuellar	Hall (TX)
Bilirakis	Culberson	Harman
Bishop (GA)	Cummings	Hastings (FL)
Bishop (NY)	Davis (AL)	Hastings (WA)
Bishop (UT)	Davis (CA)	Hayes
Blackburn	Davis (KY)	Heller
Blumenauer	Davis, David	Hensarling
Blunt	Davis, Lincoln	Herger
Boehner	Davis, Tom	Herseth Sandlin
Bonner	Deal (GA)	Higgins
Bono Mack	DeFazio	Hill
Boozman	Delahunt	Hinojosa
Boren	DeLauro	Hirono
Boswell	Dent	Hodes
Boucher	Diaz-Balart, L.	Hoekstra
Boustany	Diaz-Balart, M.	Holden
Boyd (FL)	Doggett	Holt
Boyda (KS)	Donnelly	Hooley
Brady (PA)	Doyle	Hoyer
Brady (TX)	Drake	Hunter
Broun (GA)	Dreier	Inglis (SC)
Brown (SC)	Duncan	Inslee
Brown-Waite, Ginny	Edwards	Israel
	Ehlers	Issa
Buchanan	Ellison	Jackson (IL)
Burgess	Ellsworth	Jackson-Lee (TX)
Burton (IN)	Emanuel	
Butterfield	Emerson	Johnson (IL)
Buyer	Engel	Johnson, E. B.
Calvert	English (PA)	Johnson, Sam
Camp (MI)	Eshoo	Jones (NC)
Campbell (CA)	Everett	Jones (OH)
Cantor	Fallin	Jordan
Capito	Farr	Kagen
Capps	Fattah	Kanjorski
Capuano	Feeney	Kaptur
Cardoza	Ferguson	Keller

Kennedy
Kildee
Kilpatrick
King (IA)
King (NY)
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Moore (KS)
Moran (KS)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Musgrave
Myrick
Nadler
Napolitano
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Petri
Pitts
Platts
Poe
Porter
Price (GA)
Price (NC)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Ross
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shays
Shea-Porter
Sherman
Shimkus
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stearns
Stupak
Sullivan
Tancredo
Tanner
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiberi
Tierney
Towns
Tsongas
Turner
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Watson
Watt
Weiner
Welch (VT)
Westmoreland
Wexler
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—59

Bachmann
Braley (IA)
Brown, Corrine
Cannon
Coble
Cubin
Davis (IL)
DeGette
Dicks
Dingell
Doolittle
Etheridge
Fossella
Gilchrest
Gonzalez
Granger
Grijalva
Gutierrez
Hare
Hinchey
Hobson
Honda
Hulshof
Jefferson
Johnson (GA)
Kind
Kingston
Lewis (GA)
Marshall
Mollohan
Moore (WI)
Moran (VA)
Murtha
Neal (MA)
Peterson (PA)
Pickering
Pomeroy
Pryce (OH)
Rangel
Reynolds
Rohrabacher
Rothman
Rush
Sanchez, Loretta
Sarbanes
Shadegg
Shuler
Stark
Sutton
Tauscher
Tiahrt
Udall (CO)
Udall (NM)
Upton
Waters
Waxman
Weldon (FL)
Weller
Whitfield (KY)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said concurrent resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said concurrent resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶32.22 COMMUNICATION REGARDING SUBPOENA

The SPEAKER pro tempore, Mr. WELCH of Vermont, laid before the House the following communication from Mr. BERRY:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, March 14, 2008.

Hon. NANCY PELOSI,
Speaker, House of Representatives, Washington, DC.

DEAR MADAM SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a civil subpoena, issued by the U.S. Court of Federal Claims, for documents and testimony.

After consultation with counsel, I have determined that compliance with the subpoena is consistent with the precedents and privileges of the House.

Sincerely,

MARION BERRY,
Member of Congress.

¶32.23 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. BRALEY of Iowa, for today;

To Ms. GRANGER, for today through April 11;

To Mr. HONDA, for today;

To Mr. KIND, for today; and

To Mr. WHITFIELD, for today.

And then,

¶32.24 ADJOURNMENT

On motion of Mrs. JONES of Ohio, pursuant to the special order of the House agreed to on March 14, 2008, at 9 o'clock and 40 minutes p.m., the House adjourned until 10:30 a.m. on Tuesday, April 1, 2008.

¶32.25 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

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

Mr. RAHALL: Committee on Natural Resources. H.R. 4933. A bill to amend the Lacey Act Amendments of 1981 to protect captive wildlife and to make technical corrections, and for other purposes (Rept. 110–551). Referred to the Committee of the Whole House on the state of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 3891. A bill to amend the National Fish and Wildlife Foundation Establishment Act to increase the number of Directors on the Board of Directors of the National Fish and Wildlife Foundation (Rept. 110–552). Referred to the Committee of the Whole House on the state of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 2675. A bill to provide for the conveyance of approximately 140 acres of land in the Ouachita National Forest in Oklahoma to the Indian Nations Council, Inc., of the Boy Scouts of America, and for other purposes; with an amendment (Rept. 110–553). Referred to the Committee of the Whole House on the state of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 3651. A bill to require the conveyance of certain public land within the boundaries of Camp Williams, Utah, to support the training and readiness of the Utah National Guard; with an amendment (Rept. 110–554). Referred to the Committee of the Whole House on the state of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 2515. A bill to authorize appropriations for the Bureau of Reclamation to carry out the Lower Colorado River Multi-Species Conservation Program in the States of Arizona, California, and Nevada, and for other purposes; with an amendment (Rept. 110–555). Referred to the Committee of the Whole House on the state of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 3352. A bill to reauthorize and amend the Hydrographic Services Improvement Act, and for other purposes; with an amendment (Rept. 110–556). Referred to the Committee of the Whole House on the state of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 1187. A bill to expand the boundaries of the Gulf of the Farallones National Marine Sanctuary and the Cordell Bank National Marine Sanctuary; with amendments (Rept. 110–557). Referred to the Committee of the Whole House on the state of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 2342. A bill to direct the President to establish a National Integrated Coastal and Ocean Observation System, and for other purposes; with an amendment (Rept. 110–558, Pt. 1). Ordered to be printed.

Mr. GORDON: Committee on Science and Technology. H.R. 4847. A bill to reauthorize the United States Fire Administration, and for other purposes; with an amendment (Rept. 110–559). Referred to the Committee of the Whole House on the state of the Union.

Mr. WAXMAN: Committee on Oversight and Government Reform. H.R. 5551. A bill to amend title 11, District of Columbia Official Code, to implement the increase provided under the District of Columbia Appropriations Act, 2008, in the amount of funds made available for the compensation of attorneys representing indigent defendants in the District of Columbia courts, and for other purposes (Rept. 110–560). Referred to the Committee of the Whole House on the state of the Union.

¶32.26 TIME LIMITATION OF REFERRED BILL

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

H.R. 948. Referral to the Committee on Ways and Means extended for a period ending not later than May 2, 2008.

¶32.27 COMMITTEE DISCHARGED

Pursuant to clause 2 of rule XII, the Committee on Science and Technology discharged from further consideration. H.R. 2342 referred to the Committee of the Whole House on the state of the Union.

¶32.28 PUBLIC BILLS AND RESOLUTIONS

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

By Mr. HENSARLING (for himself and Mr. CONAWAY):

H.R. 5656. A bill to repeal a requirement with respect to the procurement and acquisition of alternative fuels; to the Committee on Oversight and Government Reform.

By Mr. COHEN:

H.R. 5657. A bill to clarify the authority of States to use funds as the non-Federal share

of Medicaid expenditures for certain regional medical centers; to the Committee on Energy and Commerce.

By Mr. SKELTON (for himself and Mr. HUNTER) (both by request):

H.R. 5658. A bill to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2009, and for other purposes; to the Committee on Armed Services.

By Mr. ENGLISH of Pennsylvania (for himself, Mr. SESSIONS, Mr. WALSH of New York, Mr. CHABOT, Mr. WILSON of South Carolina, and Mr. SENSENBRENNER):

H.R. 5659. A bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for recycling or remanufacturing equipment; to the Committee on Ways and Means.

By Mr. MEEK of Florida:

H.R. 5660. A bill to amend the Internal Revenue Code of 1986 to allow a nonrefundable credit for mentoring and housing young adults; to the Committee on Ways and Means.

By Mr. PEARCE:

H.R. 5661. A bill to amend the Surface Mining Control and Reclamation Act of 1977 to clarify that uncertified States and Indian tribes have the authority to use certain payments for certain noncoal reclamation projects; to the Committee on Natural Resources.

By Mr. REYES:

H.R. 5662. A bill to enhance the safety of ports of entry in the United States, and for other purposes; to the Committee on Homeland Security, and in addition to the Committees on Ways and Means, Agriculture, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RODRIGUEZ:

H.R. 5663. A bill to amend title 38, United States Code, to provide for an increase in the rates of basic educational assistance payable under the laws administered by the Secretary of Veterans Affairs; to the Committee on Veterans' Affairs.

By Mr. RODRIGUEZ:

H.R. 5664. A bill to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to update at least once every six years the plans and specifications for specially adapted housing furnished to veterans by the Secretary; to the Committee on Veterans' Affairs.

By Mr. TURNER:

H.R. 5665. A bill to impose limitations on investment and certain operations by foreign entities in the United States; to the Committee on Financial Services, and in addition to the Committees on Foreign Affairs, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. VELÁZQUEZ:

H.R. 5666. A bill to amend the Internal Revenue Code of 1986 to increase the earned income tax credit to taxpayers who exceed 40 hours of wage work per week; to the Committee on Ways and Means.

By Ms. JACKSON-LEE of Texas (for herself, Mr. PAUL, Mr. MCCAUL of Texas, Mr. POE, Mr. ORTIZ, Mr. HENSARLING, Ms. GRANGER, Mr. REYES, Mr. CUELLAR, Mr. BURGESS, Mr. EDWARDS, Mr. GENE GREEN of Texas, Mr. CONAWAY, Mr. CULBERSON, Mr. HINOJOSA, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. HALL of Texas, Mr. GONZALEZ, Mr. SESSIONS, Mr. LAMPSON, Mr. NEUGEBAUER, and Mr. AL GREEN of Texas):

H. Con. Res. 320. Concurrent resolution honoring Army Specialist Monica L. Brown, extending gratitude to her and her family, and pledging continuing support for the men and women of the United States Armed Forces; to the Committee on Armed Services.

By Mr. LEWIS of Georgia (for himself, Mr. CONYERS, Mr. SMITH of Texas, Mr. NADLER, Mr. SCOTT of Virginia, Mr. COHEN, Mr. ELLISON, Ms. ZOE LOFGREN of California, Mr. CUMMINGS, Mr. RANGEL, Mr. SCOTT of Georgia, Mr. CLAY, Ms. NORTON, Mr. RUSH, Mrs. CHRISTENSEN, Mr. DAVIS of Illinois, Mr. HASTINGS of Florida, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. VAN HOLLEN, Mr. CLEAVER, Mr. BISHOP of Georgia, Ms. MCCOLLUM of Minnesota, and Mr. DONNELLY):

H. Res. 1061. A resolution commemorating the 40th anniversary of the assassination of Dr. Martin Luther King, Jr., and encouraging people of the United States to pause and remember the life and legacy of Dr. Martin Luther King, Jr., and for other purposes; to the Committee on the Judiciary.

By Mrs. MCCARTHY of New York:

H. Res. 1062. A resolution expressing support for National Facial Protection Month; to the Committee on Energy and Commerce.

By Mr. WU (for himself, Mr. PETRI, Mr. BERMAN, Ms. ROS-LEHTINEN, Mr. WEXLER, Mr. GALLEGLY, and Mr. CHANDLER):

H. Res. 1063. A resolution marking the 225th anniversary of the Treaty of Paris of 1783, which ended the Revolutionary War with the Kingdom of Great Britain and recognized the independence of the United States of America, and acknowledging the shared values and close friendship between the peoples and governments of the United States and the United Kingdom of Great Britain and Northern Ireland; to the Committee on Foreign Affairs.

¶32.29 PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII:

Ms. SHEA-PORTER introduced a bill (H.R. 5667) to provide for the liquidation or reliquidation of certain entries of newspaper printing presses and components thereof; which was referred to the Committee on Ways and Means.

¶32.30 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 211: Mr. SARBANES.

H.R. 333: Mr. MURPHY of Connecticut.

H.R. 406: Mrs. GILLIBRAND, Mr. PRICE of North Carolina, Mr. MCINTYRE, Mr. RANGEL, Mr. MCCOTTER, Mr. RUSH, Mr. YOUNG of Alaska, Mr. RUPPERSBERGER, Mr. MACK, and Mr. TANNER.

H.R. 549: Mr. WAMP and Mr. BOSWELL.

H.R. 579: Mr. BURGESS, Mr. PAYNE, Mr. ELLISON, and Mr. MICA.

H.R. 601: Mr. JOHNSON of Georgia.

H.R. 734: Mr. BARROW.

H.R. 769: Mr. HERGER.

H.R. 780: Mr. SHAYS.

H.R. 864: Mr. SMITH of Nebraska.

H.R. 1023: Mr. MICHAUD.

H.R. 1032: Mr. BOREN and Mr. MEEK of Florida.

H.R. 1043: Mr. HOLDEN, Mr. WILSON of Ohio, Mr. GUTIERREZ, and Mr. RYAN of Ohio.

H.R. 1072: Mr. TOWNS.

H.R. 1073: Mr. SARBANES.

H.R. 1076: Mr. WILSON of Ohio and Mr. BISHOP of Georgia.

H.R. 1078: Mr. LINCOLN DIAZ-BALART of Florida.

H.R. 1110: Mr. MCHENRY, Mr. CUELLAR, Ms. CASTOR, and Mr. GONZALEZ.

H.R. 1142: Mr. GORDON, Mr. BUCHANAN, Mr. ROTHMAN, and Mr. CUELLAR.

H.R. 1188: Mr. ROTHMAN.

H.R. 1192: Mr. GONZALEZ, Mr. COHEN, Mr. ROGERS of Alabama, Mr. JOHNSON of Georgia, and Mr. BOUSTANY.

H.R. 1228: Mr. DEFAZIO and Mr. KUHL of New York.

H.R. 1237: Mr. LATOURETTE, Mr. EHLERS, Ms. TSONGAS, Mr. HOEKSTRA, Mr. BOREN, Mr. FEENEY, and Ms. SHEA-PORTER.

H.R. 1273: Mr. WEINER.

H.R. 1282: Mr. MOORE of Kansas.

H.R. 1283: Mr. CHABOT, Mr. EMANUEL, Mr. HOEKSTRA, Mr. INSLEE, Mr. LAMPSON, Mr. MCCOTTER, Mr. RODRIGUEZ, and Mr. STUPAK.

H.R. 1359: Mr. JONES of North Carolina.

H.R. 1422: Mrs. MUSGRAVE.

H.R. 1514: Ms. RICHARDSON and Ms. SOLIS.

H.R. 1553: Mrs. BIGGERT and Mr. EMANUEL.

H.R. 1576: Mr. MARIO DIAZ-BALART of Florida.

H.R. 1589: Mr. HOLDEN.

H.R. 1606: Mr. GONZALEZ.

H.R. 1609: Mr. VISCLOSKY.

H.R. 1621: Mr. GERLACH.

H.R. 1653: Mr. MCGOVERN, Ms. CASTOR, Mr. GUTIERREZ, and Ms. GIFFORDS.

H.R. 1707: Mr. HARE and Ms. CLARKE.

H.R. 1738: Mr. BUTTERFIELD and Mr. GORDON.

H.R. 1783: Mr. BOSWELL.

H.R. 1791: Mr. REHBERG.

H.R. 1823: Mr. ENGLISH of Pennsylvania and Mr. LAMBORN.

H.R. 1843: Mr. FORTUÑO.

H.R. 1846: Mr. GORDON.

H.R. 1964: Mr. ENGEL.

H.R. 1968: Mr. BERMAN.

H.R. 1973: Ms. JACKSON-LEE of Texas.

H.R. 1975: Mr. CAPUANO.

H.R. 1992: Mrs. CAPPS, Mr. MURPHY of Connecticut, and Mr. KENNEDY.

H.R. 2091: Mr. PERLMUTTER and Ms. FOXX.

H.R. 2116: Mr. DAVIS of Alabama, Mr. DUNCAN, Mr. MICA, and Mr. PITTS.

H.R. 2138: Mr. BERMAN.

H.R. 2160: Mr. SHULER.

H.R. 2188: Mr. FRANK of Massachusetts.

H.R. 2205: Mr. COHEN.

H.R. 2236: Ms. SLAUGHTER and Mr. ALLEN.

H.R. 2266: Ms. SHEA-PORTER, Mr. LAHOOD, and Mr. FARR.

H.R. 2391: Mr. JONES of North Carolina.

H.R. 2392: Mr. ABERCROMBIE.

H.R. 2421: Mrs. JONES of Ohio.

H.R. 2452: Mr. KLEIN of Florida and Mr. ISRAEL.

H.R. 2458: Mr. YOUNG of Alaska.

H.R. 2470: Mr. JOHNSON of Georgia and Mr. SHIMKUS.

H.R. 2475: Mr. JONES of North Carolina.

H.R. 2593: Mr. BLUMENAUER and Mr. FARR.

H.R. 2676: Mr. GORDON.

H.R. 2694: Mr. FILNER.

H.R. 2702: Mr. WALDEN of Oregon, Mr. PORTER, and Mr. MCCOTTER.

H.R. 2744: Ms. ESHOO, Mr. SHERMAN, and Mr. ORTIZ.

H.R. 2770: Mr. ALTMIRE.

H.R. 2792: Mr. BERMAN and Mr. EMANUEL.

H.R. 2800: Mr. FORTUÑO.

H.R. 2818: Mr. SOUDER, Mr. LEWIS of Georgia, and Mr. BURGESS.

H.R. 2878: Mr. MCCOTTER.

H.R. 3089: Mr. BURGESS.

H.R. 3109: Mr. SHADEGG.

H.R. 3114: Mr. TOWNS, Mr. AL GREEN of Texas, Mr. HINOJOSA, and Mr. STARK.

H.R. 3158: Mr. VAN HOLLEN.

H.R. 3175: Mr. VAN HOLLEN, Ms. LEE, Mr. COHEN, and Mr. GONZALEZ.

H.R. 3212: Mr. GORDON, Ms. MOORE of Wisconsin, Mr. GONZALEZ, and Mr. ROTHMAN.

H.R. 3282: Mr. PETERSON of Minnesota and Mr. HOEKSTRA.

H.R. 3309: Mr. CUMMINGS and Mr. SARBANES.

H.R. 3366: Mr. KUCINICH.

H.R. 3429: Mr. PLATTS.
H.R. 3453: Mr. YOUNG of Alaska.
H.R. 3457: Mr. HOLDEN, Mr. BARROW, and Mr. JONES of North Carolina.
H.R. 3533: Mr. CRENSHAW, Mr. AKIN, Mr. ORTIZ, and Mr. EHLERS.
H.R. 3543: Mr. SESTAK and Mr. ETHERIDGE.
H.R. 3544: Mr. WALZ of Minnesota and Mr. HOLDEN.
H.R. 3559: Mr. GORDON.
H.R. 3622: Mr. GARRETT of New Jersey and Mr. WALZ of Minnesota.
H.R. 3646: Mr. FALEOMAVAEGA.
H.R. 3658: Mr. SERRANO, Ms. JACKSON-LEE of Texas, Ms. WATSON, Mr. MACK, and Mr. PENCE.
H.R. 3660: Mr. DENT.
H.R. 3726: Mrs. BIGGERT.
H.R. 3769: Mr. PERLMUTTER.
H.R. 3799: Mr. VAN HOLLEN, Ms. MCCOLLUM of Minnesota, Mr. PASTOR, Mr. GRIJALVA, Mr. KUCINICH, and Mr. BERMAN.
H.R. 3842: Mr. PASTOR.
H.R. 3846: Mr. LEWIS of Georgia, Ms. LEE, Mr. CLEAVER, Ms. SUTTON, and Mr. RANGEL.
H.R. 3892: Ms. MCCOLLUM of Minnesota, Mr. PASTOR, and Mr. GONZALEZ.
H.R. 3934: Ms. NORTON and Mr. HOBSON.
H.R. 3980: Mr. PASTOR.
H.R. 4008: Mr. BOREN, Mr. SAM JOHNSON of Texas, Ms. BALDWIN, and Mr. KANJORSKI.
H.R. 4052: Mr. MCHUGH, Mr. ARCURI, and Mr. MCCOTTER.
H.R. 4053: Mr. CARNAHAN and Mr. WAXMAN.
H.R. 4055: Mr. TOWNS, Ms. LEE, and Mr. BERMAN.
H.R. 4105: Mr. BOYD of Florida and Mr. MEEK of Florida.
H.R. 4109: Ms. JACKSON-LEE of Texas and Mr. LEWIS of Georgia.
H.R. 4139: Mr. LINCOLN DAVIS of Tennessee.
H.R. 4176: Mr. CANTOR.
H.R. 4188: Ms. SCHAKOWSKY.
H.R. 4236: Mr. PAYNE, Ms. CASTOR, Ms. ROS-LEHTINEN, Mr. ROTHMAN, Mr. PERLMUTTER, Mr. MICHAUD, Mr. ALLEN, and Mr. KAGEN.
H.R. 4280: Mr. PEARCE.
H.R. 4283: Mr. LEWIS of Georgia.
H.R. 4449: Mr. GRIJALVA.
H.R. 4450: Ms. ZOE LOFGREN of California and Mr. ROTHMAN.
H.R. 4790: Mr. GRIJALVA.
H.R. 4838: Ms. GIFFORDS, Mr. ROTHMAN, and Mr. WEINER.
H.R. 4847: Mr. GORDON, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. COSTELLO, Mrs. BIGGERT, Mr. HALL of New York, Mr. LIPINSKI, Mr. ETHERIDGE, Mr. CHANDLER, Mr. WILSON of Ohio, Mr. UDALL of Colorado, Mr. EHLERS, Mr. BILBRAY, Mr. MATHESON, Mr. BARTLETT of Maryland, Mr. GERLACH, Ms. SUTTON, Mr. GALLEGLY, and Mr. MICHAUD.
H.R. 4900: Mr. LAMBORN, Mr. LATOURETTE, Mr. WILSON of South Carolina, Mr. PETERSON of Minnesota, Mr. LAMPSON, Mr. DEAL of Georgia, Mrs. MILLER of Michigan, and Mr. MORAN of Kansas.
H.R. 5028: Mrs. GILLIBRAND.
H.R. 5036: Mr. BOUCHER, Mr. UDALL of Colorado, Ms. LEE, Mr. MURTHA, and Mr. SNYDER.
H.R. 5128: Mr. ELLISON.
H.R. 5155: Mr. FILNER.
H.R. 5157: Mr. DOYLE and Mr. ANDREWS.
H.R. 5173: Mr. WILSON of Ohio and Ms. ZOE LOFGREN of California.
H.R. 5180: Mrs. MCCARTHY of New York, Mr. SPACE, Mr. HINCHEY, and Mr. THOMPSON of California.
H.R. 5193: Mr. ABERCROMBIE.
H.R. 5223: Mr. GORDON of Tennessee and Mr. COHEN.
H.R. 5229: Mr. PLATTS.
H.R. 5244: Mr. HONDA, Ms. SUTTON, Mr. SARBANES, Ms. ROYBAL-ALLARD, Ms. BALDWIN, and Ms. ESHOO.
H.R. 5265: Mr. INSLEE, Mr. BISHOP of New York, Mr. CAPUANO, and Mr. RUPPERSBERGER.
H.R. 5315: Mr. HALL of Texas.
H.R. 5435: Mr. FILNER.
H.R. 5440: Mr. CANTOR.
H.R. 5442: Mr. WAXMAN.
H.R. 5443: Mr. MCKEON.
H.R. 5447: Mr. ELLISON, Mr. ROSS, Ms. JACKSON-LEE of Texas, Mr. ROTHMAN, Mr. ALLEN, and Mr. FILNER.
H.R. 5454: Mr. CLAY.
H.R. 5461: Mr. GEORGE MILLER of California.
H.R. 5465: Ms. ZOE LOFGREN of California, Mr. SIRES, Mr. WYNN, Ms. SUTTON, and Mr. HINCHEY.
H.R. 5469: Mr. FATTAH and Mr. RYAN of Ohio.
H.R. 5472: Mr. CARSON.
H.R. 5510: Mr. ENGLISH of Pennsylvania, Mr. SCOTT of Georgia, and Mr. SIRES.
H.R. 5513: Ms. WATSON and Mr. PITTS.
H.R. 5554: Ms. BORDALLO and Mr. LEVIN.
H.R. 5560: Mr. PRICE of North Carolina, Ms. DEGETTE, Mrs. LOWEY, and Ms. LORETTA SANCHEZ of California.
H.R. 5561: Mrs. BOYDA of Kansas and Mr. FORTUÑO.
H.R. 5567: Mr. SHAYS.
H.R. 5573: Mr. PLATTS, Ms. WATERS, Mr. REYES, Mr. ANDREWS, Mr. GORDON of Tennessee, Mr. GONZALEZ, and Mr. ROTHMAN.
H.R. 5591: Mr. GERLACH and Mr. MICHAUD.
H.R. 5609: Mr. SAM JOHNSON of Texas, Mr. LAMPSON, Mr. CARNAHAN, and Mr. HINOJOSA.
H.R. 5641: Ms. GINNY BROWN-WAITE of Florida and Mr. BURGESS.
H. J. Res. 68: Mr. PAYNE.
H. J. Res. 70: Mr. BARTLETT of Maryland.
H. Con. Res. 13: Mr. PETERSON of Minnesota, Mr. GORDON, and Mr. BOYD of Florida.
H. Con. Res. 81: Mr. EHLERS.
H. Con. Res. 163: Mr. CLEAVER.
H. Con. Res. 195: Mr. YOUNG of Florida.
H. Con. Res. 223: Mr. JOHNSON of Illinois and Mr. LARSON of Connecticut.
H. Con. Res. 276: Mr. TOWNS.
H. Con. Res. 299: Mr. MELANCON, Mr. COSTELLO, Mr. KUHL of New York, Mrs. SCHMIDT, Mr. ALLEN, Mr. DOOLITTLE, Mr. COBLE, Mr. DENT, Mr. GRIJALVA, Mr. UPTON, Mr. KING of New York, Mr. GOODLATTE, Mr. RODRIGUEZ, and Mr. GENE GREEN of Texas.
H. Con. Res. 314: Mr. MARCHANT.
H. Con. Res. 318: Mr. DELAHUNT, Ms. WATSON, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. MCDERMOTT, Mr. HINCHEY, and Mr. BUTTERFIELD.
H. Res. 49: Ms. KILPATRICK, Mr. UPTON, Mr. MCCOTTER, and Mr. LEWIS of Kentucky.
H. Res. 102: Mr. GONZALEZ and Mrs. BACHMANN.
H. Res. 259: Mr. LEWIS of Georgia.
H. Res. 543: Mr. BOREN.
H. Res. 896: Ms. WATERS, Ms. KILPATRICK, Ms. NORTON, Mr. FATTAH, Mr. RANGEL, Mr. JEFFERSON, Mr. COHEN, Mr. SCOTT of Virginia, Mr. LEWIS of Georgia, Mr. SERRANO, Mr. MCGOVERN, and Ms. BERKLEY.
H. Res. 911: Mr. KAGEN, Mr. HILL, and Mr. JOHNSON of Georgia.
H. Res. 939: Mr. MCCOTTER and Mr. GARRETT of New Jersey.
H. Res. 968: Mr. LAMPSON.
H. Res. 981: Mr. ALTMIRE, Mr. KIRK, Mr. JOHNSON of Georgia, Mr. SARBANES, Mrs. DAVIS of California, Ms. SCHAKOWSKY, Ms. HIRONO, Mr. SERRANO, Ms. ESHOO, Mr. ORTIZ, Mr. MORAN of Virginia, Mr. RANGEL, Mr. WEXLER, Mr. OLVER, Ms. SUTTON, Mr. LATTA, Mr. BOSWELL, Mr. COHEN, Mr. CUMMINGS, Mr. HALL of Texas, Mr. FALEOMAVAEGA, and Mr. BARTLETT of Maryland.
H. Res. 985: Mr. ROGERS of Michigan and Mr. MCDERMOTT.
H. Res. 997: Mr. PRICE of North Carolina.
H. Res. 1019: Mr. TOWNS, Mr. RANGEL, Mr. OBERSTAR, and Mr. JEFFERSON.
H. Res. 1021: Ms. GRANGER and Mr. VAN HOLLEN.
H. Res. 1022: Mr. NADLER, Ms. ZOE LOFGREN of California, and Mr. SCOTT of Virginia.
H. Res. 1026: Mr. YOUNG of Alaska and Mrs. EMERSON.
H. Res. 1028: Mr. MCDERMOTT and Mr. ELLISON.
H. Res. 1044: Mr. PASCRELL and Mr. COBLE.
H. Res. 1048: Mr. LAMPSON.
H. Res. 1053: Mr. HOLDEN, Mr. WYNN, Mr. CHABOT, Mr. SHADEGG, Mr. MOORE of Kansas, Mr. MCCAUL of Texas, Mr. GENE GREEN of Texas, Mr. REICHERT, Ms. MATSUI, Ms. JACKSON-LEE of Texas, Mr. MCCOTTER, and Mr. MORAN of Virginia.
H. Res. 1054: Mr. SKELTON, Ms. CORRINE BROWN of Florida, Mr. FILNER, Ms. SUTTON, Ms. MCCOLLUM of Minnesota, Mrs. NAPOLITANO, Ms. KAPTUR, and Mr. MORAN of Virginia.
H. Res. 1056: Ms. WASSERMAN SCHULTZ, Mr. GRIJALVA, and Mr. TOWNS.

TUESDAY, APRIL 1, 2008 (33)

¶33.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order at 10:30 a.m. by the SPEAKER pro tempore, Mr. ISRAEL, who laid before the House the following communication:

WASHINGTON, DC,
April 1, 2008.

I hereby appoint the Honorable STEVE ISRAEL to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker, House of Representatives.

Whereupon, pursuant to the order of the House of January 4, 2007, Members were recognized for morning-hour debate.

¶33.2 RECESS—10:59 A.M.

The SPEAKER pro tempore, Mr. ISRAEL, pursuant to clause 12(a) of rule I, declared the House in recess at 10 o'clock and 59 minutes a.m. until noon.

¶33.3 AFTER RECESS—NOON

The SPEAKER pro tempore, Mrs. JONES of Ohio, called the House to order.

¶33.4 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mrs. JONES of Ohio, announced she had examined and approved the Journal of the proceedings of Monday, March 31, 2008.

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

¶33.5 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

5761. A letter from the Director, International Cooperation, Department of Defense, transmitting Pursuant to Section 27(f) of the Arms Export Control Act and Section 1(f) of Executive Order 11958, Transmittal No. 02-08, which informs of our intent to sign Project Arrangement Number Five concerning Apache Attack Helicopter Modernized Target Acquisition and Designation Sight and Pilot Night Vision Sensor Infrared Weather Performance Analysis, pursuant to 22 U.S.C. 2767(f); to the Committee on Foreign Affairs.

5762. A letter from the Director, International Cooperation, Department of Defense, transmitting Pursuant to Section 27(f) of the Arms Export Control Act and Section

1(f) of Executive Order 11958, Transmittal No. 01-08, informing of an intent to sign the Project Agreement between the Department of Defense of the United States and the Ministry of Defense of the Republic of Singapore Concerning Development of Fuel Cell Power Systems, pursuant to 22 U.S.C. 2767(f); to the Committee on Foreign Affairs.

5763. A letter from the Secretary, Department of the Treasury, transmitting the semiannual report detailing payments made to Cuba as a result of the provision of telecommunications services pursuant to Department of the Treasury specific licenses, as required by Section 1705(e)(6) of the Cuban Democracy Act of 1992, 22 U.S.C. 6004(e)(6), as amended by Section 102(g) of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996, and pursuant to Executive Order 13313 of July 31, 2003, pursuant to 22 U.S.C. 6032; to the Committee on Foreign Affairs.

5764. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification that effective February 17, 2008, 25% Danger Pay Allowance for Chad has been established based on the unsettled security situation that could endanger lives of U.S. Government civilian employees, pursuant to 5 U.S.C. 5928; to the Committee on Foreign Affairs.

5765. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting Copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b; to the Committee on Foreign Affairs.

5766. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting Copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b; to the Committee on Foreign Affairs.

5767. A letter from the Acting Director, Defense Security Cooperation Agency, transmitting pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 08-44 concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance to Iraq for defense articles and services; to the Committee on Foreign Affairs.

5768. A letter from the Director, Defense Security Cooperation Agency, transmitting pursuant to Section 62(a) of the Arms Export Control Act (AECA), notification concerning the Department of the Army's proposed extension of a lease of defense articles to the Government of Denmark (Transmittal No. 09–07); to the Committee on Foreign Affairs.

5769. A letter from the Under Secretary for Policy, Department of Defense, transmitting the Department's FY 2009 Cooperative Threat Reduction Annual Report, pursuant to Public Law 106-398, section 1308; to the Committee on Foreign Affairs.

5770. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 3(d) of the Arms Export Control Act, certification regarding the proposed transfer of major defense equipment from the Government of Germany (Transmittal No. RSAT-02-08); to the Committee on Foreign Affairs.

5771. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(d) of the Arms Export Control Act, certification regarding the proposed license for the manufacture of military equipment to the Government of the United Kingdom (Transmittal No. DDTC 015-08); to the Committee on Foreign Affairs.

5772. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(d) of the Arms Export Control Act, certification regarding the proposed license for the manufacture of military equipment to the Government of the United Kingdom (Transmittal No. DDTC 022-08); to the Committee on Foreign Affairs.

5773. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to sections 36(c) and 36(d) of the Arms Export Control Act, certification regarding the proposed license for the manufacture of military equipment and the export of defense articles and services to the Government of Russia (Transmittal No. DDTC 040-08); to the Committee on Foreign Affairs.

5774. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification of a proposed license for the export of defense articles to the Government of Georgia (Transmittal No. DDTC 033-08); to the Committee on Foreign Affairs.

5775. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification of a proposed agreement for the export of defense articles and services to the Republic of Korea (Transmittal No. DDTC 007-08); to the Committee on Foreign Affairs.

5776. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification of a proposed manufacturing license agreement for the export of defense articles and services to the Government of Turkey (Transmittal No. DDTC 026-08); to the Committee on Foreign Affairs.

5777. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification of a proposed agreement for the export of defense articles and services to the Government of Japan (Transmittal No. DDTC 006-08); to the Committee on Foreign Affairs.

5778. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification of an application for a license for the export of defense articles and services to the Governments of the United Kingdom and France (Transmittal No. DDTC 032-08); to the Committee on Foreign Affairs.

5779. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification of a proposed agreement for the export of defense articles and services to the Government of Russia (Transmittal No. DDTC 028-08); to the Committee on Foreign Affairs.

5780. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification of a proposed manufacturing license agreement for the export of defense articles and services to the Government of Canada (Transmittal No. DDTC 037-08); to the Committee on Foreign Affairs.

5781. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification of an application for a license for the export of defense articles and services to the Government of the United Kingdom (Transmittal No. DDTC 019-08); to the Committee on Foreign Affairs.

5782. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification of a proposed agreement for the export of defense articles and services to the Government of Mexico (Transmittal No. DDTC 008-08); to the Committee on Foreign Affairs.

5783. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification of a proposed agreement for the export of defense articles and services to the Government of Australia (Transmittal No. DDTC 115-07); to the Committee on Foreign Affairs.

5784. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification of a proposed agreement for the export of defense articles and services to the Government of Mexico (Transmittal No. DDTC 017-08); to the Committee on Foreign Affairs.

5785. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification of a proposed license for the export of defense articles and services to the Governments of Russia and Kazakstan (Transmittal No. DDTC 029-08); to the Committee on Foreign Affairs.

5786. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report pursuant to Section 3 of the Arms Export Control Act, as amended, detailing an unauthorized retransfer of U.S.-granted defense articles; to the Committee on Foreign Affairs.

5787. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's final rule — Amendment to the International Arms Traffic in Arms Regulations: North Atlantic Treaty Organization (NATO) — received March 18, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

5788. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting extension of the waiver of Section 907 of the FREEDOM Support Act, Pub. L. 102-511, with respect to assistance to the Government of Azerbaijan; to the Committee on Foreign Affairs.

5789. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report providing information on steps taken by the U.S. Government to bring about an end to the Arab League boycott of Israel and to expand the process of normalization between Israel and the Arab League countries, as requested in Section 635 of the Department of State, Foreign Operations, and Related Programs Appropriations Act for Fiscal Year 2008 (Pub. L. 110-161); to the Committee on Foreign Affairs.

5790. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to Section 620C(c) of the Foreign Assistance Act of 1961, as amended, and in accordance with section 1(a)(6) of Executive Order 13313, a report prepared by the Department of State on the progress toward a negotiated solution of the Cyprus question covering the period December 1, 2007 through January 31, 2008; to the Committee on Foreign Affairs.

5791. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of Presidential Determination No. 2008-13, ''Waiver of Restrictions on Providing Funds to the Palestinian Authority,'' pursuant to Section 650(d) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2008, Pub. L. 110-161; to the Committee on Foreign Affairs.

5792. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-323, ''Clean Cars Act of 2008,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

5793. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-324, ''Accrued Sick and Safe Leave Act of 2008,'' pursuant to D.C.

Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

5794. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-325, ''College Savings Program Increased Tax Benefit Act of 2008,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

5795. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-326, ''Omnibus Executive Service System, Police and Fire Systems, and Retirement Modifications for Chief of Police Cathy L. Lanier and Fire Chief Dennis L. Rubin Amendment Act of 2008,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

5796. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-327, ''Producer Licensing Amendment Act of 2008,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

5797. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-328, ''Special Election Amendment Act of 2008,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

5798. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-329, ''Prohibition of Discrimination on the Basis of Gender Identity and Expression Amendment Act of 2008,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

5799. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-330, ''Fire-Standard-Compliant Cigarettes Act of 2008,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

5800. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-331, ''Fire Hydrant Inspection, Repair, and Maintenance Amendment Act of 2008,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

5801. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-332, ''Department of Transportation Establishment Temporary Amendment Act of 2008,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

5802. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-333, ''Extension of Time to Dispose of the Old Congress Heights School Temporary Amendment Act of 2008,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

5803. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-334, ''Inclusionary Zoning Implementation Temporary Amendment Act of 2008,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

5804. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-335, ''Conversion Fee Clarification Temporary Amendment Act of 2008,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

5805. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-336, ''Supplemental Appropriations Clarification Temporary Amendment Act of 2008,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

5806. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-337, ''Local Rent Supplemental Program Temporary Amendment Act of 2008,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

¶33.6 NORTH ATLANTIC TREATY ORGANIZATION

Mr. BERMAN moved to suspend the rules and agree to the following resolution (H. Res. 997); as amended:

Whereas the sustained commitment of the North Atlantic Treaty Organization (NATO) to mutual defense has made possible the democratic transformation of Central and Eastern Europe and Eurasia;

Whereas NATO members can and should play a critical role in addressing the security challenges of the post-Cold War era in creating the stable environment needed for emerging democracies in Europe and Eurasia;

Whereas lasting stability and security in Europe and Eurasia require the military, economic, and political integration of emerging democracies into existing European structures;

Whereas, in an era of threats from terrorism and the proliferation of weapons of mass destruction, NATO is increasingly contributing to security in the face of global security challenges for the protection and interests of its member States;

Whereas the Government of Georgia and the Government of Ukraine have each expressed a desire to join the Euro-Atlantic community, and Georgia and Ukraine are working closely with NATO and its members to meet criteria for eventual NATO membership;

Whereas, at the NATO-Ukraine Commission Foreign Ministerial meeting in Vilnius in April 2005, NATO and Ukraine launched an Intensified Dialogue on membership between the Alliance and Ukraine;

Whereas, following a meeting of NATO Foreign Ministers in New York on September 21, 2006, NATO Secretary General Jaap de Hoop Scheffer announced the launching of an Intensified Dialogue on membership between NATO and Georgia;

Whereas the Riga Summit Declaration, issued by the heads of state and government participating in the meeting of the North Atlantic Council in November 2006, reaffirms that NATO's door remains open to new members and that NATO will continue to review the process for new membership, stating ''We reaffirm that the Alliance will continue with Georgia and Ukraine its Intensified Dialogues which cover the full range of political, military, financial, and security issues relating to those countries' aspirations to membership, without prejudice to any eventual Alliance decision. We reaffirm the importance of the NATO-Ukraine Distinctive Partnership, which has its 10th anniversary next year and welcome the progress that has been made in the framework of our Intensified Dialogue. We appreciate Ukraine's substantial contributions to our common security, including through participation in NATO-led operations and efforts to promote regional cooperation. We encourage Ukraine to continue to contribute to regional security. We are determined to continue to assist, through practical cooperation, in the implementation of far-reaching reform efforts, notably in the fields of national security, defense, reform of the defense-industrial sector and fighting corruption. We welcome the commencement of an Intensified Dialogue with Georgia as well as Georgia's contribution to international peacekeeping and security operations. We will continue to engage actively with Georgia in support of its reform process. We encourage Georgia to continue progress on political, economic and military reforms, including strengthening judicial reform, as well as the peaceful resolution of outstanding conflicts on its territory. We reaffirm that it is of great importance that all parties in the region should engage constructively to promote regional peace and stability.'';

Whereas, in January 2008, Ukraine forwarded to NATO Secretary General Jaap de Hoop Scheffer a letter, signed by President Victor Yushchenko, Prime Minister Yulia Tymoshenko, and Verkhovna Rada Speaker Arseniy Yatsenyuk, requesting that NATO integrate Ukraine into the Membership Action Plan;

Whereas, in January 2008, Georgia held a referendum on NATO and 76.22 percent of the votes supported membership;

Whereas in February 2008, Georgia forwarded a letter signed by President Mikhail Saakashvili to NATO Secretary General Jaap de Hoop Scheffer requesting that NATO integrate Georgia into the Membership Action Plan;

Whereas participation in a Membership Action Plan does not guarantee future membership in the NATO Alliance;

Whereas United States support for the approval of Membership Action Plans for Georgia and Ukraine demonstrates support for the development of democratic institutions in those countries, the process of defense reform and respect for human rights, and does not represent a hostile attempt to expand the Alliance at the expense of the security of any country; and

Whereas NATO membership requires significant national and international commitments and sacrifices and is not possible without the support of the populations of the NATO member states: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that—

(1) the House of Representatives—

(A) reaffirms its previous expressions of support for continued enlargement of the North Atlantic Treaty Organization (NATO) to include qualified candidates; and

(B) supports the commitment to further enlargement of NATO to include democratic governments that are able and willing to meet the responsibilities of membership;

(2) the expansion of NATO contributes to NATO's continued effectiveness and relevance;

(3) Georgia and Ukraine are strong allies that have made important progress in the areas of defense, democratic, and human rights reform;

(4) a stronger, deeper relationship among the Government of Georgia, the Government of Ukraine, and NATO will be mutually beneficial to those countries and to NATO member states; and

(5) the United States should take the lead in supporting the awarding of a Membership Action Plan to Georgia and Ukraine as soon as possible.

The SPEAKER pro tempore, Mrs. JONES of Ohio, recognized Mr. BERMAN and Ms. ROS-LEHTINEN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mrs. JONES of Ohio, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

¶33.7 REFUGEE POPULATIONS

Mr. BERMAN moved to suspend the rules and agree to the following resolution (H. Res. 185); as amended:

Whereas armed conflicts in the Middle East have created refugee populations numbering in the millions and comprised of peoples from many ethnic, religious, and national backgrounds;

Whereas Jews have lived mostly as a minority in the Middle East, North Africa, and the Persian Gulf region for more than 2,500 years;

Whereas the United States has long voiced its concern about the mistreatment of minorities and the violation of human rights in the Middle East and elsewhere;

Whereas the United States continues to play a pivotal role in seeking an end to the Arab-Israeli conflict in the Middle East and to promoting a peace that will benefit all the peoples of the region;

Whereas United States administrations historically have called for a just solution to the Palestinian refugee problem;

Whereas the Palestinian refugee issue has received considerable attention from countries of the world while the issue of Jewish refugees from the Arab and Muslim worlds has received very little attention;

Whereas a comprehensive peace in the region will require the resolution of all outstanding issues through bilateral and multilateral negotiations involving all concerned parties;

Whereas approximately 850,000 Jews have been displaced from Arab countries since the declaration of the State of Israel in 1948;

Whereas the United States has demonstrated interest and concern about the mistreatment, violation of rights, forced expulsion, and expropriation of assets of minority populations in general, and in particular, former Jewish refugees displaced from Arab countries as evidenced, inter alia, by—

(1) the Memorandum of Understanding signed by President Jimmy Carter and Israeli Foreign Minister Moshe Dayan on October 4, 1977, which states that ''[a] solution of the problem of Arab refugees and Jewish refugees will be discussed in accordance with rules which should be agreed'';

(2) after negotiating the Camp David Accords, the Framework for Peace in the Middle East, the statement by President Jimmy Carter in a press conference on October 27, 1977, that ''Palestinians have rights . . . obviously there are Jewish refugees . . . they have the same rights as others do''; and

(3) in an interview after Camp David II in July 2000, at which the issue of Jewish refugees displaced from Arab lands was discussed, the statement by President Clinton that ''There will have to be some sort of international fund set up for the refugees. There is, I think, some interest, interestingly enough, on both sides, in also having a fund which compensates the Israelis who were made refugees by the war, which occurred after the birth of the State of Israel. Israel is full of people, Jewish people, who lived in predominantly Arab countries who came to Israel because they were made refugees in their own land.'';

Whereas the international definition of a refugee clearly applies to Jews who fled the persecution of Arab regimes, where a refugee is a person who ''owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group, or political opinion, is outside the country of his nationality, and is unable to or, owing to such fear, is unwilling to avail himself of the protection of that country'' (the 1951 Convention relating to the Status of Refugees);

Whereas on January 29, 1957, the United Nations High Commissioner for Refugees (UNHCR), determined that Jews fleeing from Arab countries were refugees that fell within the mandate of the UNHCR;

Whereas United Nations Security Council Resolution 242 of November 22, 1967, calls for a ''just settlement of the refugee problem'' without distinction between Palestinian and Jewish refugees, and this is evidenced by—

(1) the Soviet Union's United Nations delegation attempt to restrict the ''just settlement'' mentioned in Resolution 242 solely to Palestinian refugees (S/8236, discussed by the Security Council at its 1382nd meeting of November 22, 1967, notably at paragraph 117, in the words of Ambassador Kouznetsov of the Soviet Union), but this attempt failed, signifying the international community's intention of having the resolution address the rights of all Middle East refugees; and

(2) a statement by Justice Arthur Goldberg, the United States' Chief Delegate to the United Nations at that time, who was instrumental in drafting the unanimously adopted Resolution 242, where he has pointed out that ''The resolution addresses the objective of 'achieving a just settlement of the refugee problem'. This language presumably refers both to Arab and Jewish refugees, for about an equal number of each abandoned their homes as a result of the several wars.'';

Whereas in his opening remarks before the January 28, 1992, organizational meeting for multilateral negotiations on the Middle East in Moscow, United States Secretary of State James Baker made no distinction between Palestinian refugees and Jewish refugees in articulating the mission of the Refugee Working Group, stating that ''[t]he refugee group will consider practical ways of improving the lot of people throughout the region who have been displaced from their homes'';

Whereas the Roadmap to a Permanent Two-State Solution to the Israeli-Palestinian Conflict, which refers in Phase III to an ''agreed, just, fair, and realistic solution to the refugee issue,'' uses language that is equally applicable to all persons displaced as a result of the conflict in the Middle East;

Whereas Israel's agreements with Egypt, Jordan, and the Palestinians have affirmed that a comprehensive solution to the Arab-Israeli conflict will require a just solution to the plight of all ''refugees'';

Whereas the initiative to secure rights and redress for Jews who were forced to flee Arab countries does not conflict with the right of Palestinian refugees to claim redress;

Whereas all countries should be aware of the plight of Jews and other minority groups displaced from countries in the Middle East, North Africa, and the Persian Gulf;

Whereas an international campaign is proceeding in some 40 countries to record the history and legacy of Jewish refugees from Arab countries;

Whereas a just, comprehensive Arab-Israeli peace cannot be reached without addressing the uprooting of centuries-old Jewish communities in the Middle East, North Africa, and the Persian Gulf; and

Whereas it would be inappropriate and unjust for the United States to recognize rights for Palestinian refugees without recognizing equal rights for Jewish refugees from Arab countries: Now, therefore, be it

Resolved, That—

(1) for any comprehensive Middle East peace agreement to be credible and enduring, the agreement must address and resolve all outstanding issues relating to the legitimate rights of all refugees, including Jews, Christians, and other populations, displaced from countries in the Middle East; and

(2) the President should instruct the United States Representative to the United Nations and all United States representatives in bilateral and multilateral fora to—

(A) use the voice, vote, and influence of the United States to ensure that any resolutions relating to the issue of Middle East refugees, and which include a reference to the required resolution of the Palestinian refugee issue, must also include a similarly explicit reference to the resolution of the issue of Jewish refugees from Arab countries; and

(B) make clear that the United States Government supports the position that, as an integral part of any comprehensive Arab-Israeli peace, the issue of refugees from the Middle East, North Africa, and the Persian Gulf must be resolved in a manner that includes recognition of the legitimate rights of and losses incurred by all refugees displaced from Arab countries, including Jews, Christians, and other groups.

The SPEAKER pro tempore, Mrs. JONES of Ohio, recognized Mr. BERMAN and Ms. ROS-LEHTINEN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mrs. JONES of Ohio, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

¶33.8 ALEXANDER LITVINENKO

Mr. BERMAN moved to suspend the rules and agree to the following concurrent resolution (H. Con. Res. 154); as amended:

Whereas Russian dissident and writer Alexander Litvinenko, a citizen and resident of Great Britain, suddenly fell ill on November 1, 2006, and died three weeks later in a London hospital;

Whereas British health officials concluded, following an autopsy, that Mr. Litvinenko died of radiation poisoning caused by ingestion of the radioactive element polonium-210, and British law enforcement officials have announced that they are treating Mr. Litvinenko's death as a murder;

Whereas polonium-210, according to the Health Physics Society, radiates alpha particles that cannot penetrate paper or human skin but, if ingested through eating, drinking, or breathing, are extremely toxic, with the ability to destroy cells, damage vital organs such as the liver, kidneys, and bone marrow, cause cancer, and result in human death;

Whereas according to the Health Physics Society, just one millionth of a gram of polonium-210 can be fatal, an amount invisible to the naked eye;

Whereas 97 percent of the world's legal production of polonium-210 occurs at the Avangard nuclear facility in Russia, and Russia is the world's leading exporter of polonium-210 for commercial purposes;

Whereas polonium-210 is presently neither produced in nor commercially exported to Great Britain;

Whereas polonium-210, being especially dangerous to public health and safety if improperly handled, may attract the attention of terrorists because it can be easily and safely concealed and transported and is not usually detectable by radiation detectors;

Whereas this instance of poisoning by use of polonium-210 could serve as a model for future use of the radioactive element to assassinate individuals, poison and kill large numbers of people, or spread general panic and hysteria amongst the public;

Whereas Mr. Litvinenko was a former agent and official in the Federal Security Service of the Russian Federation during the period when present Russian President Vladimir Putin ran that agency;

Whereas in 1998 Mr. Litvinenko was fired from the Federal Security Service and subsequently arrested and briefly incarcerated without conviction for a criminal act after publicly accusing high-level officials of the Federal Security Service of crimes that included plotting assassination attempts;

Whereas Mr. Litvinenko fled Russia and successfully sought asylum in Great Britain, becoming a naturalized British citizen in October 2006;

Whereas Mr. Litvinenko, after arriving in Britain, repeatedly accused the Federal Security Service and many of its officers, including now-President Putin, of involvement in organized crime, assassinations, and other illegal activity;

Whereas on November 1, 2006, before falling ill, Mr. Litvinenko reportedly met with three citizens of Russia, including former Federal Security Service agent Andrei Lugovoi;

Whereas the manner in which the polonium-210 was obtained, transported, and used must be fully investigated and revealed in order to reveal any defects or inadequacies in the present safeguard regime for that substance administered by the Russian Government and in order to prevent the unlawful, criminal, or terrorist acquisition or use of polonium-210 in the future;

Whereas the danger posed by polonium-210, as displayed by the discovery, subsequent to Mr. Litvinenko's death, of numerous cases of its exposure to objects and persons who had contact with Mr. Litvinenko and his meal companions, demonstrates the threat that the proliferation and use of polonium-210 poses to the lives of innocents worldwide, as well as to international security;

Whereas on July 15, 2006, the United States and Russia jointly announced the Global Initiative to Combat Nuclear Terrorism, which ''will enhance cooperation . . . to combat the global threat of nuclear terrorism . . . [including] determined and systematic efforts to improve accounting, control, and physical protection of nuclear material and radioactive substances, as well as security of nuclear facilities; [and] detect and suppress illicit trafficking or other illicit activities involving such materials, especially measures to prevent their acquisition and use by terrorists'';

Whereas Mr. Lugovoi has won immunity from prosecution as a member of the Russian Duma in December 2007 elections allegedly influenced by government electoral manipulation, which provides credence to claims that he has enjoyed official support in obtaining that office and its associated immunity; and

Whereas the British investigation into Mr. Litvinenko's murder continues in an atmosphere of deteriorating relations between the United Kingdom and the Russian Federation due, in part, to a lack of agreement on the further pursuit of that investigation: Now, therefore, be it

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

(1) the fatal radiation poisoning of Alexander Litvinenko raises significant concerns about the potential involvement of elements of the Russian Government in Mr. Litvinenko's death, and about the security and proliferation of radioactive materials;

(2) the use of such radioactive materials in such cases demonstrates a threat to the safety and security of the people of the Russian Federation, the United Kingdom, the United States, and other countries; and

(3) the President of the United States and the Secretary of State should urge Russian President Vladimir Putin and other officials of the Russian Government to cooperate fully with the British Government in its investigation into Mr. Litvinenko's death and to ensure the security of the production, storage, distribution, and export of polonium-210 as a material that may become dangerous to large numbers of people if utilized by terrorists.

The SPEAKER pro tempore, Mrs. JONES of Ohio, recognized Mr. BERMAN and Ms. ROS-LEHTINEN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution, as amended?

The SPEAKER pro tempore, Mrs. JONES of Ohio, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said concurrent resolution, as amended, was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said concurrent resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶33.9 CIVIL RIGHTS

Mr. SCOTT of Georgia, moved to suspend the rules and pass the bill (H.R. 2040) to require the Secretary of the Treasury to mint coins in commemoration of the semicentennial of the enactment of the Civil Rights Act of 1964; as amended.

The SPEAKER pro tempore, Mrs. JONES of Ohio, recognized Mr. SCOTT of Georgia, and Mr. HELLER of Nevada, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mrs. JONES of Ohio, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶33.10 HARRIET ROSS TUBMAN

Mr. DAVIS of Illinois, moved to suspend the rules and agree to the following concurrent resolution (H. Con. Res. 310):

Whereas Harriet Ross Tubman was born into slavery in Bucktown, Maryland, in or around 1820;

Whereas in 1849 she escaped to Philadelphia and became a ''conductor'' on the Underground Railroad;

Whereas she was commonly referred to as ''Moses'' due to her courage and sacrifice in leading many enslaved persons out of bondage into freedom, endeavoring despite great hardship and danger of being re-enslaved;

Whereas Harriet Ross Tubman became an eloquent and effective speaker on behalf of the movement to abolish slavery;

Whereas during the Civil War, Harriet Ross Tubman assisted the Union Army as a cook, nurse, scout, spy, and became the first woman to lead an armed expedition in the war, leading to the liberation of more than seven hundred slaves;

Whereas after the Civil War, she became active in the women's suffrage movement and continued to fight for human dignity, human rights, opportunity, and justice;

Whereas in 1896, Harriet Ross Tubman purchased 25 acres of land in Auburn, New York, to create a home and hospital for indigent, aged, and sick African-Americans, which opened on June 23, 1908, as the Harriet Tubman Home for the Sick and Aged, becoming the only charity outside of New York City dedicated to the shelter and care of African-Americans in New York;

Whereas in 1944 the United States Maritime Commission launched the SS Harriet Tubman (Hull Number 3032), the first Liberty ship ever named for an African-American woman;

Whereas in 1978, Harriet Ross Tubman was the first honoree in the United States Postal Service Black Heritage Stamp Series;

Whereas the Episcopal Church has designated Harriet Ross Tubman a saint in its Book of Common Prayer;

Whereas Harriet Ross Tubman, whose courageous and dedicated pursuit of the promise of American ideals and common principles of humanity continues to serve and inspire all people who cherish freedom, died at her home in Auburn, New York, on March 10, 1913;

Whereas March 10, 1990, was designated as Harriet Ross Tubman Day and States such as Delaware, Georgia, Maryland, New York, and Texas host annual celebrations that honor the life of Harriet Tubman; and

Whereas we support honoring the contributions of Harriet Ross Tubman annually on March 10: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) supports the designation of a national day of remembrance for Harriet Ross Tubman; and

(2) encourages the people of the United States to support and participate in appropriate ceremonies, programs, and other activities to commemorate a national day of remembrance for Harriet Ross Tubman.

The SPEAKER pro tempore, Mrs. JONES of Ohio, recognized Mr. DAVIS of Illinois, and Mr. DAVIS of Virginia, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution?

The SPEAKER pro tempore, Mrs. JONES of Ohio, announced that two-thirds of the Members present had voted in the affirmative.

Mr. DAVIS of Illinois, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mrs. JONES of Ohio, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶33.11 BORDERLINE PERSONALITY AWARENESS

Mr. DAVIS of Illinois, moved to suspend the rules and agree to the following resolution (H. Res. 1005); as amended:

Whereas borderline personality disorder (BPD) affects the regulation of emotion and afflicts approximately 2 percent of the general population;

Whereas BPD is a leading cause of suicide, as an estimated 10 percent of individuals with this disorder take their own lives;

Whereas BPD usually manifests itself in adolescence and early adulthood;

Whereas symptoms of BPD include self-injury; rage; substance abuse; destructive impulsiveness; a pattern of unstable emotions, self-image, and relationships; and may result in suicide;

Whereas BPD is inheritable and is exacerbated by environmental factors;

Whereas official recognition of BPD is relatively new, and diagnosing it is often impeded by lack of awareness and frequent cooccurrence with other conditions, such as depression, bipolar disorder, substance abuse, anxiety, and eating disorders;

Whereas despite its prevalence, enormous public health costs, and the devastating toll it takes on individuals, families, and communities, BPD only recently has begun to command the attention it requires;

Whereas it is essential to increase awareness of BPD among people suffering from this disorder, their families, mental health professionals, and the general public by promoting education, research, funding, early detection, and effective treatments; and

Whereas the National Education Alliance for Borderline Personality Disorder and the National Alliance on Mental Illness have requested that Congress designate May as Borderline Personality Disorder Awareness Month as a means of educating our Nation about this disorder, the needs of those suffering from it, and its consequences: Now, therefore, be it

Resolved, That the House of Representatives supports the goals and ideals of Borderline Personality Disorder Awareness Month.

The SPEAKER pro tempore, Mrs. JONES of Ohio, recognized Mr. DAVIS of Illinois, and Mr. DAVIS of Virginia, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mrs. JONES of Ohio, announced that two-thirds of the Members present had voted in the affirmative.

Mr. DAVIS of Virginia, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mrs. JONES of Virginia, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶33.12 NATIONAL WOMEN'S HISTORY

Mr. DAVIS of Illinois, moved to suspend the rules and agree to the following resolution (H. Res. 1021); as amended:

Whereas the purpose of National Women's History Month is to increase awareness and knowledge of women's involvement in history;

Whereas as recently as the 1970s, women's history was rarely included in the kindergarten through grade 12 curriculum and was not part of public awareness;

Whereas the Education Task Force of the Sonoma County (California) Commission on the Status of Women initiated a ''Women's History Week'' celebration in 1978 centered around International Women's History Day, which is celebrated on March 8th;

Whereas in 1981, responding to the growing popularity of women's history celebrations, Congress passed a resolution making Women's History Week a national observance;

Whereas during this time, using information provided by the National Women's History Project, founded in Sonoma County, California, thousands of schools and communities joined in the commemoration of National Women's History Week, with support and encouragement from governors, city councils, school boards, and Congress;

Whereas in 1987, the National Women's History Project petitioned Congress to expand the national celebration to include the entire month of March;

Whereas educators, workplace program planners, parents, and community organizations in thousands of American communities, under the guidance of the National Women's History Project, have turned National Women's History Month into a major local learning experience and celebration;

Whereas the popularity of women's history celebrations has sparked a new interest in uncovering women's forgotten heritage;

Whereas the President's Commission on the Celebration of Women in American History was established to consider how best to acknowledge and celebrate the roles and accomplishments of women in American history;

Whereas the National Women's History Museum was founded in 1996 as an institution dedicated to preserving, interpreting, and celebrating the diverse historic contributions of women, and integrating this rich heritage fully into the Nation's teachings and history books;

Whereas the House of Representatives recognizes March, 2008, as National Women's History Month; and

Whereas the theme of National Women's History Month for 2008 is visionary female artists and their contribution to our cultural heritage: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals and ideals of National Women's History Month;

(2) recognizes and honors the women and organizations in the United States that have fought for and continue to promote the teaching of women's history; and

(3) reaffirms its commitment to promoting National Women's History Month, which this year honors female artists.

The SPEAKER pro tempore, Mrs. JONES of Ohio, recognized Mr. DAVIS of Illinois, and Mr. DAVIS of Virginia, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. SERRANO, announced that two-thirds of the Members present had voted in the affirmative.

Mr. DAVIS of Illinois, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. SERRANO, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶33.13 CODY GRATER POST OFFICE BUILDING

Mr. DAVIS of Illinois, moved to suspend the rules and pass the bill (H.R. 5168) to designate the facility of the United States Postal Service located at 19101 Cortez Boulevard in Brooksville, Florida, as the ''Cody Grater Post Office Building''.

The SPEAKER pro tempore, Mr. SERRANO, recognized Mr. DAVIS of Illinois, and Mr. DAVIS of Virginia, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. SERRANO, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶33.14 DISTRICT OF COLUMBIA

Mr. DAVIS of Illinois, moved to suspend the rules and pass the bill (H.R. 5551) to amend title 11, District of Columbia Official Code, to implement the increase provided under the District of Columbia Appropriations Act, 2008, in the amount of funds made available for the compensation of attorneys representing indigent defendants in the District of Columbia courts, and for other purposes.

The SPEAKER pro tempore, Mr. SERRANO, recognized Mr. DAVIS of Illinois, and Mr. DAVIS of Virginia, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. SERRANO, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶33.15 SUPERIOR COURT DISTRICT OF COLUMBIA

Mr. DAVIS of Illinois, moved to suspend the rules and pass the bill of the Senate (S. 550) to preserve existing judgeships on the Superior Court of the District of Columbia.

The SPEAKER pro tempore, Mr. SERRANO, recognized Mr. DAVIS of Illinois, and Mr. DAVIS of Virginia, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. SERRANO, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶33.16 NATIONAL CRIMINAL JUSTICE MONTH

Mr. CONYERS moved to suspend the rules and agree to the following resolution (H. Res. 945):

Whereas there are approximately three million Americans employed within the justice system;

Whereas approximately seven million adults are on probation, parole, or are incarcerated;

Whereas millions of Americans have been victims of crime and, consequently, lost income, incurred medical expenses, and suffered emotionally;

Whereas the cost of crime to individuals, communities, businesses, and the various levels of government exceeds the billions of dollars spent each year in administering the criminal justice system;

Whereas, in 2006, fifty percent of Americans admitted they fear that their home would be burglarized when they are not home; thirty-four percent of American women feared that they would be sexually assaulted; and forty-four percent of Americans feared they would be a victim of a terrorist attack;

Whereas approximately thirty-five percent of Americans have very little or no confidence in the criminal justice system and the negative effects of crime in regard to confidence in governmental agencies and overall social stability are immeasurable;

Whereas crime rates have dropped since the early 1990s, but most Americans believe that the rate of crime is increasing;

Whereas Federal, State, and local governments increased their spending for police protection, corrections, judicial, and legal activities in fiscal year 2005 by 5.5 percent or $204 billion; and

Whereas there is a need to educate Americans and to promote awareness within American society as to the causes and consequences of crime, as well as the strategies and developments for preventing and responding to crime: Now, therefore, be it

Resolved, That—

(1) it is the sense of the House of Representatives that—

(A) National Criminal Justice Month provides an opportunity to educate Americans on the criminal justice system; and

(B) Americans should be aware of the causes and consequences of crime, how to prevent crime, and how to respond to crime; and

(2) the House of Representatives urges policymakers, criminal justice officials, educators, victim service providers, nonprofits, community leaders, and others to promote awareness of how to prevent and respond to crime through National Criminal Justice Month.

The SPEAKER pro tempore, Mr. SERRANO, recognized Mr. CONYERS and Mr. GOHMERT, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. SERRANO, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶33.17 ARTS REQUIRE TIMELY SERVICE

Mr. CONYERS moved to suspend the rules and pass the bill (H.R. 1312) to expedite adjudication of employer petitions for aliens of extraordinary artistic ability; as amended.

The SPEAKER pro tempore, Mr. SERRANO, recognized Mr. CONYERS and Mr. SMITH of Texas, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. SERRANO, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶33.18 MARTIN LUTHER KING, JR.

Mr. CONYERS moved to suspend the rules and agree to the following resolution (H. Res. 1061):

Whereas 40 years ago on April 4, 1968, Dr. Martin Luther King, Jr., the moral leader of America, was taken from us all too soon by an assassin's bullet, while standing on the balcony of his motel room in Memphis, Tennessee, where he was to lead sanitation workers in protest against low wages and intolerable working conditions;

Whereas Dr. Martin Luther King, Jr., while just one man, changed America forever in a few short years through his preaching of nonviolence and passive resistance;

Whereas Dr. King was the preeminent civil rights advocate of his time, leading the civil rights movement in the United States during the 1950s and 1960s and earning world-wide recognition as an eloquent and articulate spokesperson for equality;

Whereas Dr. King dedicated his life to securing the fundamental principles of the United States of liberty and justice for all United States citizens;

Whereas Dr. King was a champion of nonviolence who fervently advocated nonviolent resistance as the strategy to end segregation and racial discrimination in America, and in 1964, at age 35, he became the youngest man to be awarded the Nobel Peace Prize in recognition for his efforts;

Whereas through his work and reliance on nonviolent protest, Dr. King was instrumental in the passage of the Civil Rights Act of 1964 and the Voting Rights Act of 1965;

Whereas Dr. Martin Luther King, Jr., broke down walls of racial segregation and racial discrimination in places of public accommodation;

Whereas Dr. Martin Luther King, Jr., opened doors to the participation of all Americans in the political process;

Whereas the work of Dr. King created a basis of understanding and respect and helped communities, and the United States as a whole, to act cooperatively and courageously to restore tolerance, justice, and equality between people;

Whereas in the face of hatred and violence, Dr. King preached a doctrine of nonviolence and civil disobedience to combat segregation, discrimination, and racial injustice, and believed that people have the moral capacity to care for other people;

Whereas Dr. King awakened the conscience and consciousness of the United States and used his message of hope to bring people together to build the ''Beloved Community'', a community of justice, at peace with itself;

Whereas Dr. Martin Luther King, Jr., through his persistence, raw courage, and faith brought about a nonviolent revolution in America without firing a single bullet; and

Whereas our country and our society are better because of what he did and what he said: Now, therefore, be it

Resolved, That the House of Representatives encourages all Americans to—

(1) pause and remember the life and legacy of Dr. Martin Luther King, Jr., on this, the 40th anniversary of his death;

(2) commemorate the legacy of Dr. King, so that, as Dr. King hoped, ''one day this Nation will rise up and live out the true meaning of its creed: We hold these truths to be self-evident; that all men are created equal''; and

(3) remember the message of Dr. King and rededicate themselves to Dr. King's goal of a free and just United States.

The SPEAKER pro tempore, Mr. SERRANO, recognized Mr. CONYERS and Mr. SMITH of Texas, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. SERRANO, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶33.19 H. CON. RES. 310—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. SERRANO, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and agree to the concurrent resolution (H. Con. Res. 310) expressing support for a national day of remembrance for Harriet Ross Tubman.

The question being put,

Will the House suspend the rules and agree to said concurrent resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 416 Nays 0

¶33.20 [Roll No. 150]

YEAS—416

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—14

Andrews
Cubin
Fossella
Granger
Jefferson
Pryce (OH)
Reynolds
Rothman
Rush
Schwartz
Shuler
Tauscher
Udall (NM)
Waxman

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said concurrent resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said concurrent resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶33.21 MOMENT OF SILENCE IN MEMORY OF THE LATE HONORABLE WILLIAM L. DICKINSON

The SPEAKER pro tempore, Ms. JACKSON-LEE of Texas, announced that all Members stand and observe a moment of silence in memory of the late Honorable William L. Dickinson.

¶33.22 H. RES. 1005—UNFINISHED BUSINESS

The SPEAKER pro tempore, Ms. JACKSON-LEE of Texas, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 1005) supporting the goals and ideals of Borderline Personality Awareness Month; as amended.

The question being put,

Will the House suspend the rules and agree to said resolution, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 414 Nays 0

¶33.23 [Roll No. 151]

YEAS—414

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston

Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—16

Andrews
Calvert
Cubin
Granger
Jefferson
Pryce (OH)
Reynolds
Rothman
Rush
Schwartz
Shuler
Tauscher
Terry
Udall (NM)
Wamp
Waxman

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

By unanimous consent, the title was amended so as to read: ''A resolution supporting the goals and ideals of Borderline Personality Disorder Awareness Month.''.

A motion to reconsider the votes whereby the rules were suspended and said resolution, as amended, was agreed to and the title was amended was, by unanimous consent, laid on the table.

¶33.24 H. RES. 1021—UNFINISHED BUSINESS

The SPEAKER pro tempore, Ms. JACKSON-LEE of Texas, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 1021) supporting the goals, ideals, and history of National Women's History Month; as amended.

The question being put,

Will the House suspend the rules and agree to said resolution, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 413 / Nays 0

¶33.25 [Roll No. 152]

YEAS—413

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—17

Andrews
Calvert
Cubin
Granger
Jefferson
McCaul (TX)
Pryce (OH)
Renzi
Reynolds
Rothman
Rush
Schwartz
Shuler
Tauscher
Udall (NM)
Wamp
Waxman

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

¶33.26 PROVIDING FOR CONSIDERATION OF H.R. 5501

Mr. WELCH of Vermont, by direction of the Committee on Rules, reported (Rept. No. 110–562) the resolution (H. Res. 1065) providing for the consideration of the bill (H.R. 5501) to authorize appropriations for fiscal years 2009 through 2013 to provide assistance to

foreign countries to combat HIV/AIDS, tuberculosis, and malaria, and for other purposes.

When said resolution and report were referred to the House Calendar and ordered printed.

¶33.27 COMMITTEE ELECTION—MAJORITY

Mr. SCHIFF, by direction of the Democratic Caucus, submitted the following privileged resolution (H. Res. 1066):

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

(1) COMMITTEE ON FINANCIAL SERVICES.—Mr. Foster, and Mr. Carson.

When said resolution was considered and agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

And then,

¶33.28 ADJOURNMENT

On motion of Mr. SHAYS, at 7 o'clock and 18 minutes p.m., the House adjourned.

¶33.29 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

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

Mr. RAHALL: Committee on Natural Resources. H.R. 2016. A bill to establish the National Landscape Conservation System, and for other purposes; with an amendment (Rept. 110–561). Referred to the Committee of the Whole House on the state of the Union.

Mr. MCGOVERN: Committee on rules. H. Res. 1065. A resolution providing for consideration of the bill (H.R. 5501) to authorize appropriations for fiscal years 2009 through 2013 to provide assistance to foreign countries to combat HIV/AIDS, tuberculosis, and malaria, and for other purposes (Rept. 110–562). Referred to the House Calendar.

¶33.30 PUBLIC BILLS AND RESOLUTIONS

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

By Mr. MCCOTTER (for himself, Mr. ROHRABACHER, Mr. WALSH of New York, Mr. WAMP, Mr. BURGESS, Ms. BERKLEY, and Mr. DEFAZIO):

H.R. 5668. A bill to prohibit Federal government officials and employees from attending the opening ceremonies of the 2008 Summer Olympic Games held in communist China based upon communist China brutalizing protesters in Tibet, supporting and enabling Sudan's genocidal regime, forcing a one child policy upon Chinese families, persecuting Chinese citizens for freely exercising religion, repressing free and independent labor unions, engaging in wanton environmental degradation, and systematically denying the Chinese people their basic freedoms; to the Committee on Foreign Affairs.

By Mr. TOWNS (for himself and Mr. TERRY):

H.R. 5669. A bill to amend the Public Health Service Act to reauthorize the poison center national toll-free number, national media campaign, and grant program to provide assistance for poison prevention, sustain the funding of poison centers, and enhance the public health of people of the United States; to the Committee on Energy and Commerce.

By Mr. FOSSELLA (for himself and Mr. PASCRELL):

H.R. 5670. A bill to amend the Internal Revenue Code of 1986 to provide a Federal income tax credit for certain home purchases; to the Committee on Ways and Means.

By Mr. HERGER (for himself and Mr. BLUMENAUER):

H.R. 5671. A bill to amend the laws establishing the Whiskeytown-Shasta-Trinity National Recreation Area and the Columbia River Gorge National Scenic Area, units of the National Forest System derived from the public domain, to authorize the Secretary of Agriculture to retain and utilize special use permit fees collected by the Secretary in connection with the operation of marinas in the recreation area and the operation of the Multnomah Falls Lodge in the scenic area, and for other purposes; to the Committee on Natural Resources.

By Ms. EDDIE BERNICE JOHNSON of Texas:

H.R. 5672. A bill to establish the Commission on Women's Business Ownership; to the Committee on Financial Services, and in addition to the Committees on Oversight and Government Reform, and Small Business, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCCARTHY of California (for himself, Mr. EHLERS, and Mr. DANIEL E. LUNGREN of California):

H.R. 5673. A bill to amend the Uniformed and Overseas Citizens Absentee Voting Act to direct the Secretary of Defense to collect absentee ballots of absent overseas uniformed services voters for elections for Federal office and deliver the ballots to State election officials prior to the time established for the closing of the polls on the date of the election, and for other purposes; to the Committee on House Administration.

By Mr. MEEK of Florida (for himself, Mr. RYAN of Ohio, and Mr. ELLSWORTH):

H.R. 5674. A bill to amend title 18, United States Code, to require the Bureau of Prisons to provide secure storage areas in prison facilities for employees authorized to carry a firearm; to the Committee on the Judiciary.

By Mr. MEEK of Florida:

H.R. 5675. A bill to amend the Harmonized Tariff Schedule of the United States to revise the classification of certain cigars; to the Committee on Ways and Means.

By Mr. MILLER of Florida:

H.R. 5676. A bill to designate the historic Federal Building located at 100 North Palafox Street in Pensacola, Florida, as the ''Winston E. Arnow Federal Building''; to the Committee on Transportation and Infrastructure.

By Mr. MCCOTTER (for himself, Mr. LEVIN, Mr. FERGUSON, Mr. SHULER, Mr. KNOLLENBERG, Mrs. MILLER of Michigan, and Mr. BROWN of South Carolina):

H. Res. 1064. A resolution recognizing Gordon ''Gordie'' Howe on the occasion of his 80th birthday, and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. EMANUEL:

H. Res. 1066. A resolution electing certain Members to a certain standing committee of the House of Representatives; considered and agreed to.

By Mr. COURTNEY (for himself, Mr. SKELTON, Mr. SHAYS, Ms. DELAURO, Mr. LARSON of Connecticut, Mr. MURPHY of Connecticut, Mr. LANGEVIN, Ms. BORDALLO, Mr. DOYLE, Mr. BRADY of Pennsylvania, Mr. BRALEY of Iowa, Mr. COHEN, Mr. BARTLETT of Maryland, Ms. HIRONO, Mr. HARE, Mr. OLVER, Mr. GONZALEZ, Mr. DONNELLY, Mr. HOLDEN, Mr. SESTAK, and Mr. SCOTT of Virginia):

H. Res. 1067. A resolution recognizing the 50th anniversary of the crossing of the North Pole by the USS Nautilus (SSN 571) and its significance in the history of both our Nation and the world; to the Committee on Armed Services.

By Mr. BRADY of Pennsylvania (for himself and Mr. EHLERS):

H. Res. 1068. A resolution permitting active duty members of the Armed Forces who are assigned to a Congressional liaison office of the Department of Defense at the House of Representatives to obtain membership in the exercise facility established for employees of the House of Representatives; to the Committee on House Administration.

By Mr. CROWLEY (for himself, Mr. KIRK, and Mr. MAHONEY of Florida):

H. Res. 1069. A resolution condemning the use of television programming by Hamas to indoctrinate hatred, violence, and anti-Semitism toward Israel in young Palestinian children; to the Committee on Foreign Affairs.

By Mr. PASCRELL (for himself, Mr. SOUDER, Mr. POMEROY, Mrs. MILLER of Michigan, and Mr. ENGEL):

H. Res. 1070. A resolution expressing strong support for Albania, Croatia, and Macedonia to be extended invitations for membership to the North Atlantic Treaty Organization at the April 2008 Bucharest Summit, and for other purposes; to the Committee on Foreign Affairs.

¶33.31 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 89: Mr. MCCOTTER.

H.R. 241: Mr. GERLACH.

H.R. 281: Mr. KILDEE and Mr. HINOJOSA.

H.R. 351: Ms. JACKSON-LEE of Texas and Mr. CONYERS.

H.R. 406: Mr. HODES and Mr. SCOTT of Georgia.

H.R. 471: Mr. YOUNG of Alaska and Mr. ROGERS of Kentucky.

H.R. 503: Mr. MEEKS of New York and Mr. MEEK of Florida.

H.R. 636: Mr. WESTMORELAND.

H.R. 741: Mr. BARROW.

H.R. 784: Mr. HOLT.

H.R. 901: Mr. GONZALEZ, Mrs. BOYDA of Kansas, Ms. HERSETH SANDLIN, and Ms. WASSERMAN SCHULTZ.

H.R. 1032: Mr. KLEIN of Florida.

H.R. 1188: Mr. HOLT.

H.R. 1264: Mr. MURTHA, Mr. PLATTS, Mr. DAVIS of Alabama, Mr. BONNER, and Mr. GRAVES.

H.R. 1295: Mr. HERGER, Mr. ROGERS of Michigan, and Mr. KING of Iowa.

H.R. 1399: Mr. MITCHELL.

H.R. 1436: Mr. MCCAUL of Texas.

H.R. 1464: Ms. SUTTON.

H.R. 1565: Mr. SCOTT of Virginia.

H.R. 1621: Ms. SLAUGHTER.

H.R. 1646: Mr. HINOJOSA.

H.R. 1667: Ms. JACKSON-LEE of Texas.

H.R. 1687: Mrs. TAUSCHER.

H.R. 1742: Mr. MCDERMOTT and Mrs. LOWEY.

H.R. 1921: Ms. CORRINE BROWN of Florida and Mr. WYNN.

H.R. 1927: Mr. MICA and Mr. KLEIN of Florida.

H.R. 2014: Mr. SAM JOHNSON of Texas.

H.R. 2045: Mr. BUTTERFIELD.

H.R. 2049: Mr. CROWLEY.

H.R. 2165: Mr. WHITFIELD of Kentucky and Ms. BORDALLO.

H.R. 2210: Mr. PASTOR.
H.R. 2329: Mr. LAMPSON and Mr. ELLISON.
H.R. 2417: Mr. FALEOMAVAEGA.
H.R. 2470: Mr. RYAN of Ohio.
H.R. 2516: Ms. SUTTON.
H.R. 2550: Ms. SCHWARTZ, Mr. RODRIGUEZ, Mr. SMITH of Texas, and Mr. LYNCH.
H.R. 2634: Mr. HODES.
H.R. 2702: Mr. TIM MURPHY of Pennsylvania and Mr. LINCOLN DAVIS of Tennessee.
H.R. 2762: Mr. LANGEVIN.
H.R. 2784: Mr. SKELTON.
H.R. 2864: Mr. ANDREWS.
H.R. 2922: Mr. ALLEN and Mr. GERLACH.
H.R. 2965: Ms. JACKSON-LEE of Texas and Mr. LEWIS of Georgia.
H.R. 3010: Mr. MARKEY.
H.R. 3089: Mr. MCCAUL of Texas and Mr. SESSIONS.
H.R. 3098: Mr. LAHOOD and Mr. BLUNT.
H.R. 3132: Mr. PASTOR, Mr. BERMAN, Ms. GIFFORDS, Ms. HIRONO, Mrs. DAVIS of California, and Mr. COHEN.
H.R. 3191: Mr. BOSWELL and Mr. PATRICK MURPHY of Pennsylvania.
H.R. 3229: Mr. CRAMER, Mr. DONNELLY, Ms. HARMAN, Mr. POMEROY, Mr. SPACE, Mr. TANNER, Mr. WILSON of Ohio, and Mr. TAYLOR.
H.R. 3282: Ms. ESHOO.
H.R. 3416: Mr. FARR.
H.R. 3434: Mr. BOREN.
H.R. 3439: Mr. PASTOR, Ms. MCCOLLUM of Minnesota, Mr. FRANK of Massachusetts, and Mr. ROTHMAN.
H.R. 3457: Mr. COHEN.
H.R. 3622: Mr. BOOZMAN.
H.R. 3652: Mr. ARCURI and Ms. BALDWIN.
H.R. 3658: Mr. ENGEL.
H.R. 3700: Ms. VELÁZQUEZ.
H.R. 3769: Ms. SLAUGHTER and Mrs. MALONEY of New York.
H.R. 3799: Mr. MORAN of Virginia and Ms. SCHAKOWSKY.
H.R. 3822: Mr. ROSS.
H.R. 3865: Mr. DELAHUNT and Mr. JOHNSON of Georgia.
H.R. 3876: Mr. ABERCROMBIE.
H.R. 3881: Mr. MICHAUD.
H.R. 3934: Ms. WASSERMAN SCHULTZ.
H.R. 3990: Mr. WEINER and Mr. SESTAK.
H.R. 4002: Mr. BOREN.
H.R. 4044: Mr. DELAHUNT, Mr. COHEN, Mr. FILNER, and Mr. JOHNSON of Georgia.
H.R. 4054: Mr. DOYLE, Mr. BUTTERFIELD, Mr. HARE, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. SCOTT of Georgia.
H.R. 4102: Mr. PAYNE.
H.R. 4130: Mr. GOODE.
H.R. 4202: Ms. MOORE of Wisconsin.
H.R. 4236: Mr. RAHALL and Mr. HALL of New York.
H.R. 4318: Mr. KIND.
H.R. 4544: Mr. MCCAUL of Texas.
H.R. 4959: Ms. HARMAN, Mr. WU, and Mr. COHEN.
H.R. 5028: Mr. WALZ of Minnesota, Mr. KLEIN of Florida, and Mr. LAMPSON.
H.R. 5032: Mr. HUNTER, Mr. BURTON of Indiana, Mrs. SCHMIDT, Mr. MCCAUL of Texas, Mr. WILSON of South Carolina, Ms. FALLIN, Mr. SMITH of Texas, and Mr. HAYES.
H.R. 5038: Ms. LINDA T. SÁNCHEZ of California.
H.R. 5057: Mr. REICHERT.
H.R. 5060: Mr. SCHIFF.
H.R. 5109: Mr. KUHL of New York, Mr. BURGESS, and Mr. GARY G. MILLER of California.
H.R. 5134: Mr. MARSHALL and Mr. VISCLOSKY.
H.R. 5148: Mr. BOUCHER and Mr. DOOLITTLE.
H.R. 5173: Mr. ROSS and Mr. BRADY of Pennsylvania.
H.R. 5178: Mr. LEWIS of Georgia.
H.R. 5268: Ms. DEGETTE, Mr. HASTINGS of Florida, Mr. ARCURI, Ms. MATSUI, Mr. BRADY of Pennsylvania, Mrs. CAPPS, Mr. DAVIS of Alabama, and Mr. MARKEY.
H.R. 5315: Mr. HODES.
H.R. 5450: Mr. HILL, Mr. BURGESS, Mr. KUHL of New York, and Mr. MCDERMOTT.
H.R. 5462: Mr. CULBERSON.
H.R. 5477: Mr. GALLEGLY and Ms. WOOLSEY.
H.R. 5481: Mr. WITTMAN of Virginia.
H.R. 5490: Mr. FLAKE.
H.R. 5493: Mr. EHLERS and Mrs. MYRICK.
H.R. 5506: Mr. PASCRELL.
H.R. 5541: Mr. YOUNG of Alaska, Mrs. NAPOLITANO, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Mr. HINCHEY, Mr. SARBANES, Mr. SHULER, Mr. BAIRD, Mr. CHANDLER, and Mr. ALLEN.
H.R. 5561: Mr. KUHL of New York and Ms. GINNY BROWN-WAITE of Florida.
H.R. 5566: Mr. GALLEGLY.
H.R. 5580: Ms. WATSON, Ms. JACKSON-LEE of Texas, and Mr. MORAN of Virginia.
H.R. 5585: Mrs. CAPPS.
H.R. 5587: Mr. BOYD of Florida.
H.R. 5602: Mr. HILL and Mr. BOSWELL.
H.R. 5609: Ms. SUTTON.
H.R. 5611: Mr. CAPUANO, Mr. KIND, and Mr. HOLDEN.
H.R. 5613: Mr. PALLONE, Mr. ALLEN, Ms. SCHAKOWSKY, Mr. ENGEL, Mr. KING of New York, Mr. WAXMAN, Mr. TOWNS, Mr. BOUCHER, Mr. ROSS, Ms. ESHOO, Mr. GORDON, Mrs. MALONEY of New York, Mr. HARE, Ms. SUTTON, Mr. MCDERMOTT, Mr. BOSWELL, Mr. MARKEY, Mr. GOODE, Mr. HOLT, Mr. HOEKSTRA, Ms. BERKLEY, Mr. MCNULTY, Mr. BRALEY of Iowa, Mr. FARR, Mrs. CAPPS, Mr. GENE GREEN of Texas, Mr. REYES, Mr. RUPPERSBERGER, Mr. SARBANES, Mr. INSLEE, Ms. HARMAN, Mr. FERGUSON, Mr. CAPUANO, Mr. WELCH of Vermont, Mr. DOYLE, Mr. CUMMINGS, Ms. MATSUI, Mr. WU, Mr. STARK, Ms. DEGETTE, Mr. MARSHALL, Ms. SOLIS, Ms. CASTOR, Mr. RODRIGUEZ, Mr. JOHNSON of Georgia, Mr. VAN HOLLEN, and Mr. FRANK of Massachusetts.
H.R. 5627: Mr. MCCOTTER and Mr. MILLER of Florida.
H.R. 5635: Mr. DAVIS of Alabama and Mr. MEEK of Florida.
H.J. Res. 9: Mr. COLE of Oklahoma.
H. Con. Res. 81: Ms. ZOE LOFGREN of California.
H. Con. Res. 235: Mr. MANZULLO, Mr. WILSON of South Carolina, Mr. BOOZMAN, Mr. KLEIN of Florida, and Mr. ENGEL.
H. Res. 102: Mr. SPACE.
H. Res. 146: Mr. WEXLER and Ms. MOORE of Wisconsin.
H. Res. 163: Mr. CONYERS.
H. Res. 356: Mr. MCNERNEY.
H. Res. 638: Mr. WILSON of South Carolina.
H. Res. 896: Mr. BARTLETT of Maryland.
H. Res. 925: Mr. MARIO DIAZ-BALART of Florida.
H. Res. 988: Mr. ISRAEL, Mr. SHULER, Mr. DOYLE, and Mr. TANNER.
H. Res. 992: Mr. WYNN and Mr. CRAMER.
H. Res. 997: Mr. DAVIS of Illinois, and Mr. WALSH of New York.
H. Res. 1008: Mr. FRANK of Massachusetts.
H. Res. 1011: Mr. HUNTER, Mrs. DAVIS of California, Mrs. TAUSCHER, Mr. SIRES, Ms. BORDALLO, Ms. WOOLSEY, and Mr. WEXLER.
H. Res. 1026: Mr. NEUGEBAUER.
H. Res. 1054: Ms. BERKLEY, Mrs. GILLIBRAND, Ms. SCHWARTZ, and Mrs. MALONEY of New York.
H. Res. 1056: Mr. CHANDLER.
H. Res. 1061: Ms. LEE, Mr. AL GREEN of Texas, and Mr. WATT.
H. Res. 1062: Mr. LARSEN of Washington.

WEDNESDAY, APRIL 2, 2008 (34)

The House was called to order by the SPEAKER.

¶34.1 APPROVAL OF THE JOURNAL

The SPEAKER announced she had examined and approved the Journal of the proceedings of Tuesday, April 1, 2008.

Mr. BARRETT of South Carolina, pursuant to clause 1, rule I, demanded a vote on agreeing to the Chair's approval of the Journal.

The question being put, viva voce,

Will the House agree to the Chair's approval of said Journal?

The SPEAKER announced that the yeas had it.

Mr. BARRETT of South Carolina, objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

The point of no quorum was considered as withdrawn.

¶34.2 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

5807. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Community Facilities Grant Program (RIN: 0575-AC75) received March 18, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5808. A letter from the President and Chief Executive Officer, Corporation for Public Broadcasting, transmitting the Corporation's annual report on the provision of services to minority and diverse audiences by public broadcasting entities and public telecommunications entities, pursuant to 47 U.S.C. 396(m)(2); to the Committee on Energy and Commerce.

5809. A letter from the Attorney, Office of Assistant General Counsel for Legislation and Regulatory Law, Department of Energy, transmitting the Department's final rule — Alternative Fuel Transportation Program; Private and Local Government Fleet Determination (RIN: 1904-AB69) received March 17, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5810. A letter from the Secretary, Department of Energy, transmitting the Department's report outlining the status of Exxon and Stripper Well Oil Overcharge Funds as of September 30, 2006, satisfying the request set forth in the Conference Report accompanying the Department of Interior and Related Agencies Appropriations Act of 1988, Pub. L. 100-202; to the Committee on Energy and Commerce.

5811. A letter from the Administrator, Energy Information Administration, Department of Energy, transmitting a copy of a report entitled ''Emissions of Greenhouse Gases in the United States 2006,'' pursuant to Public Law 102-486 section 1605(a); to the Committee on Energy and Commerce.

5812. A letter from the Chief Financial Officer, Department of Energy, transmitting the Department's status of the report entitled, ''Report on Uncosted Balances,'' pursuant to Public Law 102-486; to the Committee on Energy and Commerce.

5813. A letter from the Secretary, Department of Energy, transmitting a letter expressing the Department's opposition to efforts to legislatively impose temporary or long-term suspensions on the acquisition of petroleum for the Strategic Petroleum Reserve; to the Committee on Energy and Commerce.

5814. A letter from the Comptroller General, Government Accountability Office, transmitting the Office's report concerning GAO employees who were assigned to congressional committees during fiscal year

2007, pursuant to 31 U.S.C. 719(b)(1)(C); to the Committee on Oversight and Government Reform.

5815. A letter from the Board Members, Railroad Retirement Board, transmitting a copy of the annual report for Calendar Year 2007, in compliance with the Government in the Sunshine Act, pursuant to 5 U.S.C. 552b(j); to the Committee on Oversight and Government Reform.

5816. A letter from the Assistant Secretary, Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — National Park System Units in Alaska (RIN: 1024-AD38) received March 13, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5817. A letter from the Deputy Assistant Administrator For Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Summer Flounder, Scup, and Black Sea Bass Fisheries; 2008 Scup Specifications; Correction [Docket No. 071030625-8130-02] (RIN: 0648-XC84) received March 13, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5818. A letter from the Director, Administrative Office of the United States Courts, transmitting the third annual report to Congress on victims' rights, pursuant to 18 U.S.C. 3771; to the Committee on the Judiciary.

5819. A letter from the Director, Administrative Office of the United States Courts, transmitting the Office's fiscal year 2008 update to the Long Range Plan for Information Technology in the Federal Judiciary and the Judiciary Information Technology Fund Annual Report for Fiscal Year 2007, pursuant to 28 U.S.C. 612(h); to the Committee on the Judiciary.

5820. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's determination on a petition on behalf of a class of workers from the Mound Plant near Dayton, Ohio to be added to the Special Exposure Cohort (SEC), pursuant to the Energy Employees Occupational Illness Compensation Program Act of 2000 (EEOICPA); to the Committee on the Judiciary.

5821. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's determination on a petition on behalf of a class of workers from the Combustion Engineering facility in Windsor, Connecticut to be added to the Special Exposure Cohort (SEC), pursuant to the Energy Employees Occupational Illness Compensation Program Act of 2000 (EEOICPA); to the Committee on the Judiciary.

5822. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's determination on a petition on behalf of a class of workers from the Lawrence Livermore National Laboratory to be added to the Special Exposure Cohort (SEC), pursuant to the Energy Employees Occupational Illness Compensation Program Act of 2000 (EEOICPA); to the Committee on the Judiciary.

5823. A letter from the Director, Citizenship and Immigration Services, Department of Homeland Security, transmitting the Annual Report of the Citizenship and Immigration Services for Fiscal Year 2007; to the Committee on the Judiciary.

5824. A letter from the Ombudsman, Department of Labor, transmitting the Third Annual Report of the Ombudsman of the Energy Employees Occupational Illness Compensation Program; to the Committee on the Judiciary.

5825. A letter from the Assistant Secretary Legislative Affairs, Department of State, transmitting the Department's final rule — Visas: Documentation of immigrants under the Immigration and Nationality Act, as amended. [Public Notice:] received March 10, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

5826. A letter from the Executive Vice President/COO, National Security Council, transmitting the Council's 2007 Financial Report, pursuant to 36 U.S.C. 463 Public Law 83-259; to the Committee on the Judiciary.

5827. A letter from the Acting Chief Acquisition Officer & Senior Procurement Executive, GSA, Department of Defense, transmitting the Department's final rule — Federal Acquisition Regulation; Federal Acquisition Circular 2005-24; Small Entity Compliance Guide [Docket FAR-2007-0002, Sequence 11] received March 18, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science and Technology.

5828. A letter from the Acting Chief Acquisition Officer & Senior Procurement Executive, GSA, Department of Defense, transmitting the Department's final rule — Federal Acquisition Regulation; FAR Case 2007-004, Common Security Configurations [FAC 2005-24; FAR Case 2007-004; Item VI; Docket 2008-0001; Sequence 5] (RIN: 9000-AK88) received March 18, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science and Technology.

5829. A letter from the Acting Chief Acquisition Officer & Senior Procurement Executive, GSA, Department of Defense, transmitting the Department's final rule — Federal Acquisition Regulation; FAR Case 2005-027, FAR Part 30-CAS Administration [FAC 2005-24; FAR Case 2005-027; Item V; Docket 2006-0020; Sequence 9] (RIN: 9000-AK60) received March 18, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science and Technology.

5830. A letter from the Acting Chief Acquisition Officer & Senior Procurement Executive, GSA, Department of Defense, transmitting the Department's final rule — Federal Acquisition Regulation; FAR Case 2006-028, New Designated Countries-Dominican Republic, Bulgaria, and Romania [FAC 2005-24; FAR Case 2006-028; Item IV; Docket 2008-0001; Sequence 4] (RIN: 9000-AK77) received March 18, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science and Technology.

5831. A letter from the Acting Chief Acquisition Officer & Senior Procurement Executive, GSA, Department of Defense, transmitting the Department's final rule — Federal Acquisition Regulation; FAR Case 2007-016, Trade Agreements — New Thresholds [FAC 2005-24; FAR Case 2007-016; Item III; Docket 2008-0001; Sequence 3] (RIN: 9000-AK89) received March 18, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science and Technology.

5832. A letter from the Acting Chief Acquisition Officer & Senior Procurement Executive, GSA, Department of Defense, transmitting the Department's final rule — Federal Acquisition Regulation; FAR Case 2006-016, Numbered Notes for Synopses [FAC 2005-24; FAR Case 2006-016; Item II; Docket 2008-0001; Sequence 2] (RIN: 9000-AK70) received March 18, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science and Technology.

5833. A letter from the Acting Chief Acquisition Officer & Senior Procurement Executive, GSA, Department of Defense, transmitting the Department's final rule — Federal Acquisition Regulation; FAR Case 2005-011, Contractor Personnel in a Designated Operational Area or Supporting a Diplomatic or Consular Mission [FAC 2005-24; FAR Case 2005-011; Item I; Docket 2008-0001; Sequence 1] (RIN: 9000-AK42) received March 18, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science and Technology.

5834. A letter from the Acting Chief Acquisition Officer & Senior Procurement Executive, GSA, Department of Defense, transmitting the Department's final rule — Federal Acquisition Regulation; Federal Acquisition Circular 2005-24; Introduction [Docket FAR-2007-0002, Sequence 10] received March 18, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science and Technology.

5835. A letter from the Federal Register Liaison Officer, Department of the Treasury, transmitting the Department's final rule — Expansion of the Alexander Valley Viticultural Area (2005R-501P) [T.D. TTB-65; Re: Notice No. 61] (RIN: 1513-AB23) received March 14, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5836. A letter from the Chief, Publications and Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Section 61.-Gross Income Defined 26 CFR 1.61-21: Taxation of fringe benefits. (Rev. Rul. 2008-14) received March 18, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5837. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Issuance of Opinion and Advisory Letters and Opening of the EGTRRA Determination Letter Program for Pre-Approved Defined Contribution Plans [Announcement 2008-23] received March 18, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5838. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Abandonment of Stock or Other Securities [TD 9386] (RIN: 1545-BE80) received March 13, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5839. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — 26 CFR 601.204: Changes in accounting periods and in methods of accounting. (Also, Part 1, 446, 461, 481; 1.446-1, 1.461-1, 1.461-4, 1.461-5, 1.481-1) (Rev. Proc. 2008-25) received March 13, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5840. A letter from the Acting Regulations Officer of Social Security, Social Security Administration, transmitting the Administration's final rule — Revised Medical Criteria for Evaluating Immune System Disorders [Docket No. SSA 2006-0070] (RIN: 0960-AF33) received March 18, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

¶34.3 MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 980. An Act to amend the Controlled Substances Act to address online pharmacies.

¶34.4 PROVIDING FOR CONSIDERATION OF H.R. 5501

Mr. MCGOVERN, by direction of the Committee on Rules, called up the following resolution (H. Res. 1065):

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 5501) to authorize appropriations for fiscal years 2009 through 2013 to provide assistance to foreign countries to combat HIV/AIDS, tuberculosis, and malaria, and for other purposes. The

first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed two hours equally divided and controlled by the chairman and ranking minority member of the Committee on Foreign Affairs. After general debate the bill shall be considered for amendment under the five-minute rule. The bill shall be considered as read. All points of order against provisions of the bill are waived. Notwithstanding clause 11 of rule XVIII, no amendment to the bill shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived except those arising under clause 9 or 10 of rule XXI. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. During consideration in the House of H.R. 5501 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

When said resolution was considered.

After debate,

Mr. McGOVERN moved the previous question on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House now order the previous question?

The SPEAKER pro tempore, Mr. SALAZAR, announced that the yeas had it.

Mr. Lincoln DIAZ-BALART of Florida, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. SALAZAR, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶34.5 APPROVAL OF THE JOURNAL—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. SALAZAR, pursuant to clause 8, rule XX, announced the unfinished business to be the question on agreeing to the Chair's approval of the Journal of Tuesday, April 1, 2008.

The question being put, viva voce,

Will the House agree to the Chair's approval of said Journal?

The SPEAKER pro tempore, Mr. SALAZAR, announced that the yeas had it.

Mr. Lincoln DIAZ-BALART of Florida, objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 6, rule XX, and the call was taken by electronic device.

When there appeared ....
- Yeas 232
- Nays 177
- Answered present 1

¶34.6 [Roll No. 153]

YEAS—232

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

NAYS—177

Aderholt	Alexander	Bachus
Akin	Altmire	Barrett (SC)
Barrow	Goode	Peterson (PA)
Bartlett (MD)	Graves	Petri
Biggert	Hall (TX)	Pickering
Bilbray	Hastings (WA)	Pitts
Bilirakis	Hayes	Platts
Bishop (UT)	Heller	Poe
Blackburn	Hensarling	Porter
Blunt	Herger	Price (GA)
Boehner	Hobson	Pryce (OH)
Bonner	Hoekstra	Putnam
Bono Mack	Hulshof	Radanovich
Boozman	Hunter	Ramstad
Boustany	Inglis (SC)	Regula
Brady (TX)	Inslee	Rehberg
Broun (GA)	Issa	Reichert
Brown (SC)	Johnson, Sam	Renzi
Burgess	Jones (NC)	Reynolds
Burton (IN)	Jordan	Rogers (AL)
Buyer	Keller	Rogers (KY)
Calvert	King (IA)	Rogers (MI)
Camp (MI)	King (NY)	Rohrabacher
Campbell (CA)	Kingston	Ros-Lehtinen
Cannon	Kirk	Roskam
Carter	Kline (MN)	Royce
Castle	Knollenberg	Ryan (WI)
Chabot	LaHood	Sali
Coble	Lamborn	Schmidt
Cole (OK)	LaTourette	Sensenbrenner
Conaway	Latta	Sessions
Crenshaw	Lewis (CA)	Shadegg
Culberson	Lewis (KY)	Shays
Davis (KY)	Linder	Shimkus
Davis, David	LoBiondo	Shuler
Davis, Tom	Lucas	Simpson
Deal (GA)	Mack	Smith (NE)
Diaz-Balart, L.	Manzullo	Smith (NJ)
Diaz-Balart, M.	Marchant	Smith (TX)
Doolittle	Marshall	Stearns
Drake	McCarthy (CA)	Stupak
Dreier	McCaul (TX)	Terry
Duncan	McCotter	Thompson (CA)
Ehlers	McCrery	Thornberry
Everett	McHenry	Tiahrt
Fallin	McHugh	Tiberi
Feeney	McKeon	Turner
Ferguson	McMorris Rodgers	Upton
Flake	Miller (MI)	Walden (OR)
Forbes	Miller, Gary	Wamp
Fortenberry	Mitchell	Weldon (FL)
Fossella	Moran (KS)	Weller
Foxx	Murphy, Tim	Westmoreland
Franks (AZ)	Musgrave	Wilson (SC)
Frelinghuysen	Myrick	Wittman (VA)
Gallegly	Neugebauer	Wolf
Garrett (NJ)	Nunes	Young (AK)
Gerlach	Pearce	Young (FL)
Gilchrest	Pence	
Gingrey		

ANSWERED ''PRESENT''—1

Tancredo

NOT VOTING—20

Cantor	Granger	Saxton
Cubin	Hinchey	Souder
DeLauro	Jefferson	Sullivan
Emerson	Maloney (NY)	Tauscher
Fattah	Miller (FL)	Udall (CO)
Giffords	Oberstar	Udall (NM)
Gohmert	Rush	

So the Journal was approved.

¶34.7 H. RES. 1065—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. SALAZAR, pursuant to clause 8, rule XX, announced the further unfinished business to be the question on ordering the previous question on the resolution (H. Res. 1065) providing for consideration of the bill (H.R. 5501) to authorize appropriations for fiscal years 2009 through 2013 to provide assistance to foreign countries to combat HIV/AIDS, tuberculosis, and malaria, and for other purposes.

The question being put,

Will the House now order the previous question?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 215 Nays 199

¶34.8 [Roll No. 154]

YEAS—215

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

NAYS—199

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

NOT VOTING—16

Andrews
Cubin
Fattah
Gohmert
Granger
Hinchey
Jefferson
Maloney (NY)
Marchant
Miller (FL)
Rush
Saxton
Souder
Tauscher
Udall (CO)
Walsh (NY)

So the previous question on the resolution was ordered.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. SALAZAR, announced that the yeas had it.

Mr. Lincoln DIAZ-BALART of Florida, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 221 Nays 192

¶34.9 [Roll No. 155]

YEAS—221

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

NAYS—192

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hill
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas

Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOT VOTING—17

Andrews
Cramer
Cubin
Ellison
Fattah
Granger
Hinchey
Jefferson
Maloney (NY)
Miller (FL)
Rangel
Rush
Saxton
Souder
Tauscher
Tiberi
Udall (CO)

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶34.10 HIV/AIDS, TUBERCULOSIS, AND MALARIA REAUTHORIZATION

The SPEAKER pro tempore, Mr. SALAZAR, pursuant to House Resolution 1065 and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 5501) to authorize appropriations for fiscal years 2009 through 2013 to provide assistance to foreign countries to combat HIV/AIDS, tuberculosis, and malaria, and for other purposes.

The SPEAKER pro tempore, Mr. SALAZAR, by unanimous consent, designated Ms. NORTON as Chairman of the Committee of the Whole; and after some time spent therein,

¶34.11 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 4, printed in House Report 110-562, submitted by Mr. CARSON:

Page 49, line 10, insert before the period at the end the following: ''Recognizing that human and institutional capacity form the core of any health care system that can sustain the fight against HIV/AIDS, tuberculosis, and malaria, the plan shall include a strategy to encourage postsecondary educational institutions in host countries, particularly in Africa, in collaboration with United States postsecondary educational institutions, historically black colleges and universities, to develop such human and institutional capacity and in the process further build their capacity to sustain the fight against these diseases.''.

Page 104, line 21, before ''capacity'' insert ''human and institutional''.

Page 105, line 5, insert ''partnerships,'' after ''telecommunications services,''.

It was decided in the affirmative ..... { Yeas ..... 415 / Nays 10

¶34.12 [Roll No. 156]

AYES—415

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Bordallo
Boren
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fortuño
Fossella
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goodlatte
Gordon
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Norton
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOES—10

Campbell (CA)
Cannon
Garrett (NJ)
Goode
Hensarling
Jordan
Neugebauer
Poe
Sessions
Westmoreland

NOT VOTING—10

Bishop (UT)
Boswell
Cubin
Faleomavaega
Granger
Jefferson
Miller (FL)
Rush
Souder
Tauscher

So the amendment was agreed to.

The SPEAKER pro tempore, Mr. ROSS, assumed the Chair.

When Ms. NORTON, Chairman, pursuant to House Resolution 1065, reported the bill back to the House with sundry amendments adopted by the Committee.

The previous question having been ordered by said resolution.

The following sundry amendments, reported from the Committee of the Whole House on the state of the Union, were agreed to:

Page 59, line 7, insert '', safe drinking water,'' after ''nutrition''.

Page 43, line 4, insert before the period at the end the following: '', including both Principal Recipients and sub-recipients''.

Page 35, line 13, insert '', Malawi, Swaziland, Lesotho'' after ''Republic''.

Page 49, line 10, insert before the period at the end the following: ''Recognizing that human and institutional capacity form the core of any health care system that can sustain the fight against HIV/AIDS, tuberculosis, and malaria, the plan shall include a strategy to encourage postsecondary educational institutions in host countries, particularly in Africa, in collaboration with United States postsecondary educational institutions, historically black colleges and

universities, to develop such human and institutional capacity and in the process further build their capacity to sustain the fight against these diseases.''.

Page 104, line 21, before ''capacity'' insert ''human and institutional''.

Page 105, line 5, insert ''partnerships,'' after ''telecommunications services,''.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

Mr. RYAN of Wisconsin, moved to recommit the bill to the Committee on Foreign Affairs with instructions to report the bill back to the House forthwith with the following amendments:

Page 96, line 10, strike ''$4,000,000,000'' and insert ''such sums as may be necessary''.

Page 97, line 1, strike ''$5,000,000,000'' and insert ''such sums as may be necessary''.

Page 116, line 8, strike ''$10,000,000,000'' and insert ''6,000,000,000''.

Page 122, after line 2, insert the following:

SEC. 405. SENSE OF CONGRESS.

(a) FINDINGS.—Congress finds the following:

(1) According to Congressional Budget Office estimates, $50 billion to carry out the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 would not be spent during the five-year authorization period, but instead would take 10 years or until 2018 to spend.

(2) Recent funding disbursement trends for the current program suggest that the current funding levels are outpacing the capacity of the countries and nongovernmental organizations to efficiently implement the program. Over the 2005–2006 funding period, assistance commitments grew $1.3 billion from $4.3 billion to $5.6 billion, while the actual disbursements of funds grew at a much slower rate of $400 million from $3.5 billion to $3.9 billion. As such, the current commitment exceeds disbursement by $1.7 billion, or 30 percent of the current commitment.

(3) Reports from recipient countries indicate the absorptive capacity for HIV/AIDS programs has become a constraint on actual expenditure of funds. For instance, a 2005 survey of World Bank Multi-Country AIDS Program (MAP) country directors in Africa found that nearly 40 percent of those countries believed that absorptive capacity ''remains limited and is the real issue; new financial resources will exacerbate this problem''.

(4) Additionally, a 2007 Center for Global Development report on HIV/AIDS programs in Mozambique, Uganda, and Zambia found that overburdened government staff at all levels, along with the limited absorptive capacity of sub-grantees, created major bottlenecks for funding disbursement.

(5) Advocates of increased HIV/AIDS funding appear to have based their recommendations for such funding at least in part on UNAIDS' estimates of a global price tag for addressing the HIV/AIDS epidemic. Such international estimates are flawed, however, because the primary source for such projections—the UNAIDS' ''Resource Needs Model'', or RNM—overestimates the resources needed, relies on a higher estimate of people living with HIV/AIDS, and includes support for countries that are also Global Fund donors. Specifically:

(A) The UNAIDS report titled ''Critical Review of Costing Models to Estimate Resource Needs to Address Global HIV and AIDS'' found that ''the [RNM] has a number of limitations'', each of which contributes to an overestimate of the resources needed to mount a successful response.

(B) Newer projections such as the 2007 ''Epidemic Update'' lowered the estimated number of people living with HIV/AIDS worldwide from 39.5 million to 33.2 million—a 16 percent reduction—yet UNAIDS has not publicly released a revised lower projection of resource needs.

(C) Projections in the RNM report include significant financing for middle-income countries such as China, Russia, and Brazil that are actually Global Fund donors themselves and should not require international assistance.

(b) SENSE OF CONGRESS.—In light of the findings contained in subsection (a), which indicate that even current levels of funding for HIV/AIDS programs cannot be disbursed in an efficient and effective manner, Congress should ensure that the amount of funding authorized by this Act to carry out the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 is consistent with the demonstrated absorptive capacity to carry out such programs around the world.

After debate,

By unanimous consent, the previous question was ordered on the motion to recommit with instructions.

The question being put, viva voce,

Will the House recommit said bill with instructions?

The SPEAKER pro tempore, Mr. ROSS, announced that the nays had it.

Mr. RYAN of Wisconsin, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the negative ..... { Yeas ..... 175 / Nays 248

¶34.13 [Roll No. 157]

YEAS—175

Aderholt
Akin
Alexander
Altmire
Bachmann
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Davis (KY)
Davis, Tom
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Ehlers
Everett
Fallin
Feeney
Flake
Forbes
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gillibrand
Gingrey
Gohmert
Goode
Goodlatte
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
King (IA)
Kingston
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Taylor
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Wamp
Weldon (FL)
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NAYS—248

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

NOT VOTING—7

Cubin	Jefferson	Tauscher
Culberson	Miller (FL)	
Granger	Rush	

So the motion to recommit with instructions was not agreed to.

The question being put, viva voce,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. ROSS, announced that the yeas had it.

Mr. BERMAN demanded a recorded vote on passage of said bill, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 308 Nays 116

¶34.14 [Roll No. 158]

AYES—308

Abercrombie	DeLauro	Kennedy
Ackerman	Dent	Kildee
Aderholt	Diaz-Balart, L.	Kilpatrick
Allen	Diaz-Balart, M.	Kind
Altmire	Dicks	King (NY)
Andrews	Dingell	Kirk
Arcuri	Doggett	Klein (FL)
Baca	Donnelly	Kline (MN)
Bachus	Doyle	Knollenberg
Baird	Dreier	Kucinich
Baldwin	Edwards	Kuhl (NY)
Barrow	Ehlers	LaHood
Bean	Ellison	Lampson
Becerra	Ellsworth	Langevin
Berkley	Emanuel	Larsen (WA)
Berman	Emerson	Larson (CT)
Berry	Engel	Latham
Biggert	English (PA)	Latta
Bilirakis	Eshoo	Lee
Bishop (GA)	Etheridge	Levin
Bishop (NY)	Farr	Lewis (CA)
Blumenauer	Fattah	Lewis (GA)
Bonner	Ferguson	Lewis (KY)
Bono Mack	Filner	Lipinski
Boozman	Fortenberry	Loebsack
Boren	Fossella	Lofgren, Zoe
Boswell	Foster	Lowey
Boucher	Frank (MA)	Lungren, Daniel E.
Boustany	Frelinghuysen	Lynch
Boyd (FL)	Gerlach	Mahoney (FL)
Boyda (KS)	Giffords	Maloney (NY)
Brady (PA)	Gilchrest	Markey
Braley (IA)	Gillibrand	Marshall
Brown, Corrine	Gonzalez	Matheson
Butterfield	Gordon	Matsui
Capito	Green, Al	McCarthy (NY)
Capps	Green, Gene	McCollum (MN)
Capuano	Grijalva	McCotter
Cardoza	Gutierrez	McDermott
Carnahan	Hall (NY)	McGovern
Carney	Hare	McHugh
Carson	Harman	McIntyre
Carter	Hastings (FL)	McNerney
Castle	Herseth Sandlin	McNulty
Castor	Higgins	Meek (FL)
Chabot	Hill	Meeks (NY)
Chandler	Hinchey	Melancon
Clarke	Hinojosa	Michaud
Clay	Hirono	Miller (NC)
Cleaver	Hobson	Miller, George
Clyburn	Hodes	Mitchell
Cohen	Holden	Mollohan
Cole (OK)	Holt	Moore (KS)
Conyers	Honda	Moore (WI)
Cooper	Hooley	Moran (KS)
Costa	Hoyer	Moran (VA)
Costello	Hulshof	Murphy (CT)
Courtney	Inglis (SC)	Murphy, Patrick
Cramer	Inslee	Murphy, Tim
Crowley	Israel	Murtha
Cuellar	Issa	Nadler
Cummings	Jackson (IL)	Napolitano
Davis (AL)	Jackson-Lee (TX)	Neal (MA)
Davis (CA)	Johnson (GA)	Nunes
Davis (IL)	Johnson (IL)	Oberstar
Davis (KY)	Johnson, E. B.	Obey
Davis, Lincoln	Jones (OH)	Olver
Davis, Tom	Kagen	Ortiz
DeFazio	Kanjorski	Pallone
DeGette	Kaptur	Pascrell
Delahunt	Kennedy	Pastor
Dent	Kildee	Payne
Diaz-Balart, L.	Kilpatrick	Pelosi
Diaz-Balart, M.	Kind	Pence
Dicks	King (NY)	Perlmutter
Dingell	Kirk	Peterson (MN)
Doggett	Klein (FL)	Pickering
Donnelly	Kline (MN)	Platts
Doyle	Knollenberg	Pomeroy
Dreier	Kucinich	Porter
Edwards	Kuhl (NY)	Price (NC)
Ehlers	LaHood	Pryce (OH)
Ellison	Lampson	Rahall
Ellsworth	Langevin	Ramstad
Emanuel	Larsen (WA)	Rangel
Emerson	Larson (CT)	Regula
Engel	Latham	Rehberg
English (PA)	Latta	Reichert
Eshoo	Lee	Reyes
Etheridge	Levin	Reynolds
Farr	Lewis (CA)	Richardson
Fattah	Lewis (GA)	Rodriguez
Ferguson	Lewis (KY)	Rogers (AL)
Filner	Lipinski	Rogers (MI)
Fortenberry	Loebsack	Ros-Lehtinen
Fossella	Lofgren, Zoe	Ross
Foster	Lowey	Rothman
Frank (MA)	Lungren, Daniel E.	Roybal-Allard
Frelinghuysen	Lynch	Ruppersberger
Gerlach	Mahoney (FL)	Ryan (OH)
Giffords	Maloney (NY)	Salazar
Gilchrest	Markey	Sánchez, Linda T.
Gillibrand	Marshall	Sanchez, Loretta
Gonzalez	Matheson	Sarbanes
Gordon	Matsui	Schakowsky
Green, Al	McCarthy (NY)	Schiff
Green, Gene	McCollum (MN)	Schmidt
Grijalva	McCotter	Schwartz
Gutierrez	McDermott	Scott (GA)
Hall (NY)	McGovern	Scott (VA)
Hare	McHugh	Serrano
Harman	McIntyre	Sestak
Hastings (FL)	McNerney	Shays
Herseth Sandlin	McNulty	Shea-Porter
Higgins	Meek (FL)	Sherman
Hill	Meeks (NY)	Shimkus
Hinchey	Melancon	Shuler
Hinojosa	Michaud	Sires
Hirono	Miller (NC)	Skelton
Hobson	Miller, George	Slaughter
Hodes	Mitchell	Smith (NJ)
Holden	Mollohan	Smith (WA)
Holt	Moore (KS)	Snyder
Honda	Moore (WI)	Solis
Hooley	Moran (KS)	Souder
Hoyer	Moran (VA)	Space
Hulshof	Murphy (CT)	Spratt
Inglis (SC)	Murphy, Patrick	Stark
Inslee	Murphy, Tim	Stupak
Israel	Murtha	Sutton
Issa	Nadler	Tanner
Jackson (IL)	Napolitano	Taylor
Jackson-Lee (TX)	Neal (MA)	Thompson (CA)
Johnson (GA)	Nunes	Thompson (MS)
Johnson (IL)	Oberstar	Thornberry
Johnson, E. B.	Obey	Tiahrt
Jones (OH)	Olver	Tierney
Kagen	Ortiz	Towns
Kanjorski	Pallone	Tsongas
Kaptur	Pascrell	Turner
Udall (CO)	Udall (NM)	Van Hollen
Velázquez	Visclosky	Walberg
Walsh (NY)	Walz (MN)	Wasserman Schultz
Waters	Watson	Watt
Waxman	Weiner	Welch (VT)
Weller	Wexler	Wilson (NM)
Wilson (OH)	Wilson (SC)	Wolf
Woolsey	Wu	Wynn
Yarmuth	Young (AK)	Young (FL)

NOES—116

Akin	Franks (AZ)	Musgrave
Alexander	Gallegly	Myrick
Bachmann	Garrett (NJ)	Neugebauer
Barrett (SC)	Gingrey	Paul
Bartlett (MD)	Gohmert	Pearce
Barton (TX)	Goode	Peterson (PA)
Bilbray	Goodlatte	Petri
Bishop (UT)	Graves	Pitts
Blackburn	Hall (TX)	Poe
Blunt	Hastings (WA)	Price (GA)
Boehner	Hayes	Putnam
Brady (TX)	Heller	Radanovich
Broun (GA)	Hensarling	Rogers (KY)
Brown (SC)	Herger	Rohrabacher
Brown-Waite, Ginny	Hoekstra	Roskam
Buchanan	Hunter	Royce
Burgess	Johnson, Sam	Ryan (WI)
Burton (IN)	Jones (NC)	Sali
Buyer	Jordan	Saxton
Calvert	Keller	Sensenbrenner
Camp (MI)	King (IA)	Sessions
Campbell (CA)	Kingston	Shadegg
Cannon	Lamborn	Shuster
Cantor	LaTourette	Simpson
Coble	Linder	Smith (NE)
Conaway	LoBiondo	Smith (TX)
Crenshaw	Lucas	Stearns
Culberson	Mack	Sullivan
Davis, David	Manzullo	Tancredo
Deal (GA)	Marchant	Terry
Doolittle	McCarthy (CA)	Tiberi
Drake	McCaul (TX)	Upton
Duncan	McCrery	Walden (OR)
Everett	McHenry	Wamp
Fallin	McKeon	Weldon (FL)
Feeney	McMorris Rodgers	Westmoreland
Flake	Mica	Whitfield (KY)
Forbes	Miller (MI)	Wittman (VA)
Foxx	Miller, Gary	

NOT VOTING—7

Cubin	Miller (FL)	Tauscher
Granger	Renzi	
Jefferson	Rush	

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶34.15 CLERK TO CORRECT ENGROSSMENT

On motion of Mr. BERMAN, by unanimous consent,

Ordered, That in the engrossment of the foregoing bill the Clerk be authorized to make technical corrections to include corrections in spelling, punctuation, section numbering and cross-referencing, and the insertion of appropriate headings.

¶34.16 PROVIDING FOR CONSIDERATION OF H.R. 4847

Ms. SUTTON, by direction of the Committee on Rules, reported (Rept. No. 110–563) the resolution (H. Res. 1071) providing for the consideration of the bill (H.R. 4847) to reauthorize the United States Fire Administration, and for other purposes.

When said resolution and report were referred to the House Calendar and ordered printed.

¶34.17 SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 980. An Act to amend the Controlled Substances Act to address online pharmacies; to the Committee on Energy and Commerce, in addition to the Committee on the Judiciary for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

And then,

¶34.18 ADJOURNMENT

On motion of Mr. HALL of New York, at 8 o'clock and 31 minutes p.m., the House adjourned.

¶34.19 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

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

Ms. SUTTON: Committee on Rules. House Resolution 1071. A resolution providing for consideration of the bill (H.R. 4847) to reauthorize the United States Fire Administration, and for other purposes (Rept. 110–563). Referred to the House Calendar.

¶34.20 PUBLIC BILLS AND RESOLUTIONS

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

By Mr. AKIN (for himself and Mr. WOLF):

H.R. 5677. A bill to amend the Tariff Act of 1930 to prohibit the importation into the United States of plastinated human remains; to the Committee on Ways and Means.

By Ms. WATERS:

H.R. 5678. A bill to provide economic stimulus through emergency community development block grant assistance for the redevelopment of abandoned and foreclosed homes; to the Committee on Financial Services, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. WATERS:

H.R. 5679. A bill to amend the Real Estate Settlement Procedures Act of 1974 to require mortgagees for mortgages in default to engage in reasonable loss mitigation activities; to the Committee on Financial Services.

By Mr. GRIJALVA:

H.R. 5680. A bill to amend certain laws relating to Native Americans, and for others

purposes; to the Committee on Natural Resources.

By Mr. MCNERNEY:

H.R. 5681. A bill to amend the Internal Revenue Code of 1986 to provide incentives to improve America's research competitiveness, and for other purposes; to the Committee on Ways and Means.

By Mr. ALLEN:

H.R. 5682. A bill to improve access to broadband service in rural and underserved areas of the United States, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, and Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DAVIS of Illinois (for himself, Mr. WAXMAN, and Ms. NORTON):

H.R. 5683. A bill to make certain reforms with respect to the Government Accountability Office, and for other purposes; to the Committee on Oversight and Government Reform.

By Ms. HERSETH SANDLIN (for herself and Mr. BOOZMAN):

H.R. 5684. A bill to amend title 38, United States Code, to make certain improvements in the basic educational assistance program administered by the Secretary of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

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

H.R. 5685. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to reauthorize the temporary mortgage and rental payments program; to the Committee on Transportation and Infrastructure.

By Mr. PERLMUTTER (for himself, Mr. ANDREWS, Mr. BRALEY of Iowa, Ms. CLARKE, Mr. ELLISON, Mr. ETHERIDGE, Mr. FOSSELLA, Mr. GENE GREEN of Texas, Mr. GRIJALVA, Mrs. LOWEY, Mrs. MALONEY of New York, Mr. MCCAUL of Texas, Mr. MCGOVERN, Mr. NADLER, Mr. ROSS, Mr. SCOTT of Georgia, Mr. SIRES, and Mr. TERRY):

H.R. 5686. A bill to direct the Secretary of Homeland Security to conduct a survey to determine the level of compliance with national consensus standards and any barriers to achieving compliance with such standards, and for other purposes; to the Committee on Science and Technology.

By Mr. GILCHREST (for himself, Mr. CUMMINGS, Mr. JONES of North Carolina, Mr. MEEKS of New York, Mr. JOHNSON of Illinois, Mr. MURTHA, Mr. REYES, Mr. SHAYS, Mr. ENGLISH of Pennsylvania, Ms. KAPTUR, and Ms. BALDWIN):

H. Con. Res. 321. Concurrent resolution expressing the need for a more comprehensive diplomatic initiative led by the United States, Iraq, and the international community; to the Committee on Foreign Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. BOYDA of Kansas (for herself and Mr. MOORE of Kansas):

H. Res. 1072. A resolution amending the Rules of the House of Representatives to require that Members post on their websites all earmark requests made to the Committee on Appropriations; to the Committee on Standards of Official Conduct.

By Mr. DAVIS of Illinois (for himself and Mr. MARCHANT):

H. Res. 1073. A resolution expressing the sense of the House of Representatives that public servants should be commended for their dedication and continued service to the Nation during Public Service Recognition Week, May 5 through 11, 2008; to the Committee on Oversight and Government Reform.

By Ms. HERSETH SANDLIN:

H. Res. 1074. A resolution honoring the 60th anniversary of the commencement of the carving of the Crazy Horse Memorial; to the Committee on Natural Resources.

¶34.21 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 303: Mr. WITTMAN of Virginia.

H.R. 402: Mr. YOUNG of Alaska and Mr. COURTNEY.

H.R. 406: Mr. ACKERMAN, Mr. BERRY, Mr. CLYBURN, Mr. DEFAZIO, Mr. DOGGETT, Mr. FOSTER, Ms. HOOLEY, Mr. LANGEVIN, Mr. LARSEN of Washington, Mr. LEVIN, Mr. MCNULTY, Mr. MARKEY, Mr. THOMPSON of Mississippi, Mr. WEINER, Mr. YARMUTH, Mr. FLAKE, Mr. HALL of Texas, Mr. COURTNEY, Mr. ELLSWORTH, Mr. MEEK of Florida, Mr. MITCHELL, Mr. MOLLOHAN, Mr. OBERSTAR, Mr. RAHALL, Ms. RICHARDSON, Mr. SKELTON, Ms. FALLIN, Mr. HUNTER, Mr. RENZI, Mr. SMITH of Nebraska, and Mr. WITTMAN of Virginia.

H.R. 552: Mr. PETRI, Mr. SHUSTER, Mr. LYNCH, Mr. REYES, and Mr. TANCREDO.

H.R. 621: Mr. SCOTT of Virginia and Mr. WITTMAN of Virginia.

H.R. 715: Mr. HINOJOSA.

H.R. 728: Mr. HINOJOSA, Mr. BOSWELL, Ms. JACKSON-LEE of Texas, Mr. DOOLITTLE, and Mrs. JONES of Ohio.

H.R. 772: Ms. BALDWIN.

H.R. 989: Mr. DUNCAN.

H.R. 1050: Mr. LEWIS of Georgia.

H.R. 1105: Mr. BOOZMAN.

H.R. 1110: Ms. WATSON and Mr. BROWN of South Carolina.

H.R. 1157: Mr. DEAL of Georgia.

H.R. 1222: Mr. BOOZMAN.

H.R. 1223: Mr. BOOZMAN.

H.R. 1264: Mr. BOOZMAN.

H.R. 1343: Mr. CULBERSON and Ms. GINNY BROWN-WAITE of Florida.

H.R. 1363: Mr. EMANUEL, Ms. LORETTA SANCHEZ of California, and Mr. HINOJOSA.

H.R. 1474: Mr. HALL of Texas.

H.R. 1497: Mr. KAGEN and Mr. ELLISON.

H.R. 1524: Mr. FARR, Mr. BOOZMAN, Mrs. NAPOLITANO, Mr. GUTIERREZ, Mr. TOWNS, and Mr. KILDEE.

H.R. 1527: Mr. DOOLITTLE and Mr. LAHOOD.

H.R. 1535: Mr. CARSON.

H.R. 1553: Mr. TIERNEY and Mr. WITTMAN of Virginia.

H.R. 1589: Mr. RAHALL.

H.R. 1609: Mr. MITCHELL.

H.R. 1619: Mr. HOLDEN.

H.R. 1665: Mr. OBERSTAR, Mr. MANZULLO, and Mr. KUHL of New York.

H.R. 1738: Ms. MCCOLLUM of Minnesota.

H.R. 1742: Mr. BISHOP of New York and Mr. CULBERSON.

H.R. 1888: Mr. GARRETT of New Jersey.

H.R. 1919: Mr. BOSWELL and Mr. FERGUSON.

H.R. 1938: Mr. CHANDLER.

H.R. 1984: Mr. WU.

H.R. 1992: Ms. ZOE LOFGREN of California.

H.R. 2052: Ms. SUTTON and Mr. HARE.

H.R. 2054: Mr. RYAN of Wisconsin and Mr. KAGEN.

H.R. 2063: Mr. PAYNE.

H.R. 2092: Mr. FARR.

H.R. 2106: Mr. KELLER.

H.R. 2123: Mr. SESTAK.

H.R. 2232: Mr. ELLISON.

H.R. 2267: Mr. MCCAUL of Texas.

H.R. 2514: Mr. ROSS.

H.R. 2585: Mr. CUELLAR.

H.R. 2634: Mrs. BIGGERT and Mr. BACA.

H.R. 2686: Mr. SCOTT of Georgia, Mr. BOSWELL, Mr. THOMPSON of California, Mrs. GILLIBRAND, Mr. TAYLOR, Mr. ARCURI, Mr. WILSON of Ohio, Mr. SPACE, and Mr. CARDOZA.

H.R. 2694: Mr. WELCH of Vermont.

H.R. 2702: Mr. RYAN of Ohio.

H.R. 2790: Mr. BOOZMAN.

H.R. 2820: Mr. BURGESS.

H.R. 2885: Mrs. BACHMANN.

H.R. 2897: Ms. DEGETTE, Mr. ALLEN, Mr. GENE GREEN of Texas, and Mr. ALTMIRE.

H.R. 2933: Mr. WALZ of Minnesota.

H.R. 3089: Mr. POE, Mr. ADERHOLT, and Mr. WILSON of South Carolina.

H.R. 3175: Mr. KIRK.

H.R. 3229: Ms. KILPATRICK, Ms. LEE, Mr. CLEAVER, Mr. DAVIS of Illinois, Ms. CORRINE BROWN of Florida, Mr. BUTTERFIELD, Ms. CLARKE, Mr. CLAY, Mr. CLYBURN, Mr. DAVIS of Alabama, Mr. ELLISON, Mr. FATTAH, Mr. AL GREEN of Texas, Mr. JACKSON of Illinois, Mrs. JONES of Ohio, Mr. MEEKS of New York, Ms. NORTON, Mr. PAYNE, Mr. RANGEL, Mr. SCOTT of Virginia, Mr. THOMPSON of Mississippi, Ms. WATERS, Ms. WATSON, Mr. WATT, Mr. WYNN, Mr. CARSON, and Ms. RICHARDSON.

H.R. 3232: Mr. ETHERIDGE, Mr. MCDERMOTT, and Mr. LAHOOD.

H.R. 3298: Mr. FOSTER.

H.R. 3404: Mr. CUMMINGS.

H.R. 3513: Mr. TOWNS.

H.R. 3533: Mr. BERRY.

H.R. 3543: Ms. WATERS, Mr. KLEIN of Florida, and Mr. ELLISON.

H.R. 3658: Mr. SMITH of New Jersey.

H.R. 3660: Mr. RAHALL and Mr. SMITH of Nebraska.

H.R. 3797: Mr. FRANK of Massachusetts.

H.R. 3829: Mr. MOORE of Kansas.

H.R. 3846: Mr. BUTTERFIELD.

H.R. 3852: Mr. DOOLITTLE.

H.R. 3934: Mr. CULBERSON.

H.R. 3979: Mr. HOLT.

H.R. 3980: Mr. SIRES.

H.R. 4000: Mr. SNYDER.

H.R. 4044: Mr. MCINTYRE.

H.R. 4061: Mr. JOHNSON of Georgia, Mr. WAMP, and Mr. CANNON.

H.R. 4088: Mr. BACHUS and Mr. HULSHOF.

H.R. 4093: Mr. ELLISON and Ms. ESHOO.

H.R. 4105: Mr. DOOLITTLE and Mr. ALTMIRE.

H.R. 4107: Mr. MARSHALL.

H.R. 4138: Mr. BOSWELL and Mr. KIRK.

H.R. 4139: Mr. ROSS.

H.R. 4157: Mr. PICKERING and Mrs. SCHMIDT.

H.R. 4337: Mr. FILNER and Mr. LOBIONDO.

H.R. 4355: Mr. BERRY, Ms. BERKLEY, Mr. FARR, and Mr. ELLISON.

H.R. 4464: Mr. COBLE, Mr. CAMP of Michigan, Mrs. CUBIN, Mrs. BACHMANN, and Mr. MCHUGH.

H.R. 4544: Mr. LYNCH.

H.R. 4651: Ms. SCHAKOWSKY.

H.R. 4900: Mr. LEWIS of Kentucky, Mr. DENT, Mr. ROGERS of Kentucky, Mr. WILSON of Ohio, Mr. GOODLATTE, Ms. GRANGER, Mr. UPTON, and Mr. HERGER.

H.R. 4930: Mr. LINCOLN DAVIS of Tennessee, and Mr. TOM DAVIS of Virginia.

H.R. 5087: Mr. SALI.

H.R. 5131: Mr. MARSHALL and Mr. COURTNEY.

H.R. 5143: Mr. MCNERNEY and Mr. KIND.

H.R. 5157: Mr. MEEKS of New York.

H.R. 5176: Mr. COSTELLO.

H.R. 5179: Mr. PRICE of North Carolina.

H.R. 5235: Mr. LATTA.

H.R. 5266: Mr. MARKEY and Mr. MCGOVERN.

H.R. 5267: Mr. MEEKS of New York and Mr. FRANKS of Arizona.

H.R. 5443: Mr. SMITH of New Jersey, Mr. CHABOT, and Mr. BOOZMAN.

H.R. 5445: Mr. BUYER, Mr. KLEIN of Florida, and Mr. SALI.
H.R. 5464: Mr. MEEKS of New York.
H.R. 5465: Mr. EMANUEL.
H.R. 5467: Mrs. BLACKBURN and Mr. DONNELLY.
H.R. 5481: Mr. MICHAUD, Mr. PUTNAM, and Mr. GORDON.
H.R. 5488: Mr. FILNER and Ms. JACKSON-LEE of Texas.
H.R. 5490: Mr. JORDAN, Mr. MARCHANT, Mr. Fortuño, Mr. BARTLETT of Maryland, Mr. AKIN, Mr. WILSON of South Carolina, Mr. ROYCE, Mr. WELDON of Florida, Mr. HENSARLING, Mr. NEUGEBAUER, Mr. MANZULLO, Mr. BISHOP of Utah, Mr. BURTON of Indiana, Mr. CAMPBELL of California, Mr. DAVID DAVIS of Tennessee, Mr. FRANKS of Arizona, Mr. SESSIONS, Mr. TANCREDO, Mr. GINGREY, Mrs. MUSGRAVE, and Mrs. BACHMANN.
H.R. 5507: Mr. BRADY of Pennsylvania.
H.R. 5515: Mr. BONNER and Mr. MOORE of Kansas.
H.R. 5519: Mr. WALSH of New York.
H.R. 5532: Mr. WOLF.
H.R. 5534: Mr. KILDEE, Mr. FILNER, Mr. GALLEGLY, and Mrs. MALONEY of New York.
H.R. 5546: Mr. ELLISON.
H.R. 5552: Mr. KLEIN of Florida.
H.R. 5610: Mr. TOWNS.
H.R. 5613: Mr. ABERCROMBIE, Mr. KILDEE, Mr. DELAHUNT, Mr. ALTMIRE, Mr. KAGEN, Mr. STUPAK, Mr. TIERNEY, Mr. CARDOZA, and Mr. WYNN.
H.R. 5618: Mr. INSLEE and Mrs. CAPPS.
H.R. 5635: Mr. BOUCHER.
H.R. 5640: Mr. PAYNE.
H.R. 5641: Mr. KILDEE.
H.R. 5668: Ms. FOXX.
H. J. Res. 12: Mr. HELLER.
H. J. Res. 53: Mr. PAYNE and Mr. CARNAHAN.
H. Con. Res. 33: Mr. ELLISON.
H. Con. Res. 70: Mr. KAGEN and Mr. MCDERMOTT.
H. Con. Res. 244: Mr. COSTELLO, Mr. PAYNE, Mr. SHIMKUS, Mr. FORTENBERRY, Mrs. BIGGERT, and Mr. DOOLITTLE.
H. Con. Res. 249: Mr. YOUNG of Alaska and Mr. WAXMAN.
H. Con. Res. 294: Mr. UDALL of New Mexico, Mr. OBERSTAR, Mr. GORDON, Ms. SHEA-PORTER, Mr. BOSWELL, and Mr. MARCHANT.
H. Con. Res. 295: Mr. CARTER.
H. Con. Res. 305: Mr. GILCHREST, Ms. NORTON, and Mr. LEWIS of Georgia.
H. Con. Res. 318: Mr. TOWNS, Ms. BORDALLO, and Ms. MCCOLLUM of Minnesota.
H. Con. Res. 320: Mr. SMITH of Texas, Mr. CARTER, Mrs. MALONEY of New York, Mr. BRADY of Texas, Ms. NORTON, and Mr. MARCHANT.
H. Res. 76: Ms. RICHARDSON.
H. Res. 259: Ms. MCCOLLUM of Minnesota.
H. Res. 711: Mr. WALZ of Minnesota.
H. Res. 758: Mr. KNOLLENBERG.
H. Res. 820: Mr. KLEIN of Florida.
H. Res. 838: Mr. ACKERMAN, Mr. BRADY of Texas, Mr. BURTON of Indiana, Mr. FILNER, Ms. GRANGER, Mr. DANIEL E. LUNGREN of California, Mr. PEARCE, Mr. TIBERI, and Mr. WITTMAN of Virginia.
H. Res. 896: Mr. WYNN and Mr. WATT.
H. Res. 977: Mr. ISRAEL.
H. Res. 981: Mr. BERMAN, Mr. WAMP, Mr. JEFFERSON, Ms. SOLIS, Mr. KING of New York, Mr. WILSON of South Carolina, Mr. ENGLISH of Pennsylvania, Mrs. LOWEY, and Mrs. BLACKBURN.
H. Res. 984: Mr. LAMPSON and Mr. UDALL of Colorado.
H. Res. 987: Mr. LEWIS of Georgia, Mr. BISHOP of New York, Mr. FILNER, Mr. CHANDLER, and Mr. BARROW.
H. Res. 1002: Mr. EHLERS, Mr. BOSWELL, Mr. NADLER, Mr. GRIJALVA, Mr. SMITH of Washington, Mr. RAMSTAD, Mr. BISHOP of New York, Mr. HODES, and Mr. WALZ of Minnesota.
H. Res. 1008: Mr. RAMSTAD, Mr. SALI, and Mr. SHIMKUS.
H. Res. 1011: Mr. MCCOTTER, Ms. LEE, Mr. FRANK of Massachusetts, and Mr. MCINTYRE.
H. Res. 1026: Mr. BOYD of Florida, Mr. ROSS, Ms. HERSETH SANDLIN, Mr. ARCURI, Mr. BARROW, Ms. BEAN, Mr. BERRY, Mr. BOSWELL, Mr. CARNEY, Mr. SPRATT, Mr. COOPER, Mr. COSTA, Mr. CRAMER, Mr. LINCOLN DAVIS of Tennessee, Ms. HARMAN, Mr. HILL, Mr. HOLDEN, Mr. LAMPSON, Mr. MAHONEY of Florida, Mr. MARSHALL, Mr. PETERSON of Minnesota, Mr. SPACE, Mr. WILSON of Ohio, Mr. MATHESON, Mr. DAVIS of Illinois, Mrs. CHRISTENSEN, Ms. CLARKE, Mr. CLYBURN, Mr. ELLISON, Mr. FATTAH, Mr. HASTINGS of Florida, Mrs. JONES of Ohio, Mr. LEWIS of Georgia, Mr. MEEK of Floria, Mr. MEEKS of New York, Ms. MOORE of Wisconsin, Mr. RANGEL, Mr. THOMPSON of Mississippi, Ms. WATSON, Ms. RICHARDSON, and Mr. CARSON.
H. Res. 1028: Mr. BRADY of Pennsylvania.
H. Res. 1037: Mr. BILBRAY.
H. Res. 1044: Mr. HINCHEY.
H. Res. 1063: Mr. KING of New York and Mr. WILSON of South Carolina.
H. Res. 1064: Mr. CAMP of Michigan, Mr. KING of New York, Mr. BOOZMAN, and Mr. CONYERS.
H. Res. 1070: Mr. GILCHREST and Ms. BORDALLO.

¶34.22 DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1108: Mr. PITTS.
H.R. 1983: Mrs. EMERSON.
H. Res. 865: Mr. BURTON of Indiana.

THURSDAY, APRIL 3, 2008 (35)

¶35.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Mr. HOLDEN, who laid before the House the following communication:

WASHINGTON, DC,
April 3, 2008.

I hereby appoint the Honorable TIM HOLDEN to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

¶35.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. HOLDEN, announced he had examined and approved the Journal of the proceedings of Wednesday, April 2, 2008.

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

¶35.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

5841. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations — received March 10, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5842. A letter from the Director, Department of Labor, transmitting the Department's final rule — Mine Rescue Teams (RIN: 1219-AB53) received March 3, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

5843. A letter from the Deputy Director Office of Health Plan Standards and Compliance Assistance EBSA/USDOL, Department of Labor, transmitting the Department's final rule — Mental Health Parity (RIN: 1210-AA62) received March 18, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

5844. A letter from the Deputy Director, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule — Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits — received March 3, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

5845. A letter from the General Counsel, Consumer Product Safety Commission, transmitting the Commission's final rule — Final Rule: Standard for the Flammability (Open Flame) of Mattress Sets; Correction — received March 18, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5846. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — Fitness For Duty Programs (RIN: 3150-AF12) received March 13, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5847. A letter from the Assistant Secretary Legislative Affairs, Department of State, transmitting the Department's final rule — Amendment to the International Arms Traffic in Arms Regulations: Sri Lanka [Public Notice:] received March 18, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

5848. A letter from the Deputy Assistant Administrator For Regulatory Programs, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Gulf of Alaska; 2008 and 2009 Final Harvest Specifications for Groundfish [Docket No. 071106671-8010-02] (RIN: 0648-XD67) received March 13, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5849. A letter from the Deputy Assistant Administrator for Operations, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery and Shrimp Fishery of the Gulf of Mexico; Amendment 27/14; Correction [Docket No. 0612243157-7799-07] (RIN: 0648-AT87) received March 13, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5850. A letter from the Deputy Assistant Administrator For Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Groundfish, Crab, Scallop, and Salmon Fisheries of the Bering Sea and Aleutian Islands Management Area [Docket No. 070711313-8014-02] (RIN: 0648-AV62) received March 5, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5851. A letter from the Under Secretary and Director, Department of Commerce, transmitting the Department's final rule — Changes in the Requirement for a Description of the Mark in Trademark Applications [Docket No. PTO-T-2007-0035] (RIN: 0651-AC17) received March 18, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

5852. A letter from the Secretary of the Commission, Federal Trade Commission, transmitting the Commission's final rule — Revised Jurisdictional Thresholds for Section 7A of the Clayton Act — received March 5, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

5853. A letter from the OGE Director, Office of Government Ethics, transmitting the Office's final rule — Post-Employment Conflict of Interest Restriction; Revision of Departmental Component Designations (RIN: 3209-AA14) received March 18, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

5854. A letter from the Acting Chief, Border Security Regulations Branch, Department of Homeland Security, transmitting the Department's final rule — ADDITION OF SAN ANTONIO INTERNATIONAL AIRPORT TO LIST OF DESIGNATED LANDING LOCATIONS FOR CREAIN AIRCRAFT [USCBP-2007-0017 CBP Dec. 08-01] received March 5, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5855. A letter from the Acting Chief, Trade & Comm'l Regs. Branch, Department of Homeland Security, transmitting the Department's final rule — ADDITION OF LITHUANIA TO THE LIST OF NATIONS ENTITLED TO SPECIAL TONNAGE TAX EXEMPTION [CBP Dec. 08-02] received March 5, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5856. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Section 1035 (Also 72) (Rev. Proc. 2008-24) received March 14, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5857. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's final rule — Medicaid Program; Multiple Source Drug Definition [CMS-2238-IFC] (RIN: 0938-AP26) received March 14, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Energy and Commerce.

¶35.4 PROVIDING FOR CONSIDERATION OF H.R. 4847

Ms. SUTTON, by direction of the Committee on Rules, called up the following resolution (H. Res. 1071):

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 4847) to reauthorize the United States Fire Administration, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Science and Technology. After general debate the bill shall be considered for amendment under the five-minute rule. In lieu of the amendment in the nature of a substitute recommended by the Committee on Science and Technology now printed in the bill, it shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute printed in part A of the report of the Committee on Rules accompanying this resolution. That amendment in the nature of a substitute shall be considered as read. All points of order against that amendment in the nature of a substitute are waived except those arising under clause 10 of rule XXI. Notwithstanding clause 11 of rule XVIII, no amendment to that amendment in the nature of a substitute shall be in order except those printed in part B of the report of the Committee on Rules. Each amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived except those arising under clause 9 or 10 of rule XXI. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. During consideration in the House of H.R. 4847 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

When said resolution was considered.

After debate,

On motion of Ms. SUTTON, the previous question was ordered on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. HOLDEN, announced that the yeas had it.

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶35.5 UNITED STATES FIRE ADMINISTRATION

The SPEAKER pro tempore, Mr. HOLDEN, pursuant to House Resolution 1071 and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 4847) to reauthorize the United States Fire Administration, and for other purposes.

The SPEAKER pro tempore, Mr. HOLDEN, by unanimous consent, designated Mr. FALEOMAVAEGA as Chairman of the Committee of the Whole; and after some time spent therein,

The SPEAKER pro tempore, Mr. SALAZAR, assumed the Chair.

When Mr. FALEOMAVAEGA, Chairman, pursuant to House Resolution 1071, reported the bill back to the House with an amendment adopted by the Committee.

The previous question having been ordered by said resolution.

The following amendment, reported from the Committee of the Whole House on the state of the Union, was agreed to:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''United States Fire Administration Reauthorization Act of 2008''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) The loss of life due to fire has dropped significantly over the last 25 years in the United States. However, the United States still has one of the highest fire death rates in the industrialized world. For 2006, the National Fire Protection Association reported 3,245 civilian fire deaths, 17,925 civilian fire injuries, and $11,307,000,000 in direct losses due to fire.

(2) Every year, over 100 firefighters die in the line of duty. The United States Fire Administration should continue its leadership to help local fire agencies dramatically reduce these fatalities.

(3) Members of the fire service community should continue to work together to further the promotion of national voluntary consensus standards that increase firefighter safety.

(4) The United States Fire Administration provides crucial support to the Nation's 30,300 fire departments through training, data collection, fire awareness and education, and other activities for improving fire prevention, control, and suppression technologies.

(5) The collection of data on fire and other emergency incidents is a vital tool both for policy makers and emergency responders to identify and develop responses to emerging hazards. Improving the United States Fire Administration's data collection capabilities is essential for accurately tracking and responding to the magnitude and nature of the Nation's fire problem.

(6) The research and development performed by the Federal Government and nongovernment organizations on fire technologies, techniques, and tools advance the capabilities of the Nation's fire service to prevent and suppress fires.

(7) The United States Fire Administration is one of the strongest voices representing the Nation's fire service within the Federal Government, and, as such, it should have a prominent place within the Federal Government.

SEC. 3. AUTHORIZATION OF APPROPRIATIONS FOR UNITED STATES FIRE ADMINISTRATION.

Section 17(g)(1) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2216(g)(1)) is amended—

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

(2) in subparagraph (D), by striking the period at the end and inserting a semicolon; and

(3) by adding after subparagraph (D) the following new subparagraphs:

''(E) $70,000,000 for fiscal year 2009;

''(F) $72,100,000 for fiscal year 2010;

''(G) $74,263,000 for fiscal year 2011; and

''(H) $76,490,890 for fiscal year 2012.''.

SEC. 4. NATIONAL FIRE ACADEMY TRAINING PROGRAM MODIFICATIONS AND REPORTS.

(a) AMENDMENTS TO FIRE ACADEMY TRAINING.—Section 7(d)(1) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2206(d)(1)) is amended—

(1) by amending subparagraph (H) to read as follows:

''(H) response, tactics, and strategies for dealing with national catastrophes, including terrorist-caused national catastrophes and incidents that involve weapons of mass destruction;'';

(2) in subparagraph (K), by striking ''forest'' and inserting ''wildland'';

(3) in subparagraph (M), by striking ''response tactics and'' and inserting ''response, tactics, and'';

(4) by redesignating subparagraphs (I) through (N) as subparagraphs (M) through (R), respectively; and

(5) by inserting after subparagraph (H) the following new subparagraphs:

''(I) response, tactics, and strategies for fighting large-scale fires or multiple fires in a general area that cross jurisdictional boundaries;

''(J) response, tactics, and strategies for fighting fires occurring at the wildland-urban interface;

''(K) response, tactics, and strategies for fighting fires involving hazardous materials;

''(L) advanced emergency medical services training;''.

(b) TRIENNIAL REPORTS.—Section 7 of such Act (15 U.S.C. 2206) is amended by adding at the end the following new subsection:

''(m) TRIENNIAL REPORT.—In the first annual report filed pursuant to section 16 for which the deadline for filing is after the expiration of the 18-month period that begins on the date of the enactment of the United States Fire Administration Reauthorization Act of 2008, and in every third annual report thereafter, the Administrator shall include information about changes made to the Academy curriculum, including—

''(1) the basis for such changes, including a review of the incorporation of lessons learned by emergency response personnel after significant emergency events and emergency preparedness exercises performed under the National Exercise Program; and

''(2) the desired training outcome of all such changes.''.

(c) AUTHORIZING THE ADMINISTRATOR TO ENTER INTO CONTRACTS TO PROVIDE ON-SITE TRAINING THROUGH CERTAIN ACCREDITED ORGANIZATIONS.—Section 7(f) of such Act (15 U.S.C. 2206(f)) is amended to read as follows:

''(f) ASSISTANCE.—

''(1) IN GENERAL.—The Administrator is authorized to provide assistance to State and local fire service training programs through grants, contracts, or otherwise.

''(2) AUTHORIZATION TO ENTER INTO CONTRACTS TO PROVIDE ON-SITE TRAINING THROUGH CERTAIN ACCREDITED ORGANIZATIONS.—

''(A) IN GENERAL.—The Administrator is authorized to enter into a contract with one or more nationally recognized organizations that have established on-site training programs that prepare fire service personnel to meet national voluntary consensus standards for fire service personnel and that facilitate the delivery of the education and training programs outlined in subsection (d)(1) directly to fire service personnel.

''(B) RESTRICTIONS.—The Administrator shall not enter into a contract with such organization unless such organization—

''(i) provides training that leads to certification by a program accredited by a nationally recognized accreditation organization; or

''(ii) at the time the Administrator enters into the contract, provides training under such a program under a cooperative agreement with a Federal agency.

''(3) RESTRICTION ON USE OF FUNDS.—The amounts expended by the Administrator to carry out this subsection in any fiscal year shall not exceed 4 percent of the amount authorized to be appropriated in such fiscal year pursuant to section 17 of this Act.''.

(d) INCIDENT COMMAND TRAINING COURSE FOR FIRES AT PORTS REQUIRED.—Not later than 2 years after the date of the enactment of this Act, the Administrator of the United States Fire Administration, in consultation with the Superintendent of the National Academy for Fire Prevention and Control, shall consolidate and integrate into the current Academy curriculum a course on incident command training for fire service personnel for fighting fires at United States ports and in marine environments, including fires on the water and aboard vessels. Such course shall not relate to border and port security.

SEC. 5. NATIONAL FIRE INCIDENT REPORTING SYSTEM UPGRADES.

(a) INCIDENT REPORTING SYSTEM DATABASE.—Section 9 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2208) is amended by adding at the end the following new subsection:

''(d) NATIONAL FIRE INCIDENT REPORTING SYSTEM UPDATE.—Of the amounts made available pursuant to subparagraphs (E), (F), and (G) of section 17(g)(1), the Administrator shall use no more than an aggregate amount of $5,000,000 during the 3-year period consisting of fiscal years 2009, 2010, and 2011 to carry out activities necessary to update the National Fire Incident Reporting system to an Internet-based, real-time incident reporting database, including capital investment, contractor engagement, and user education.''.

(b) TECHNICAL CORRECTION.—Section 9(b)(2) of such Act (15 U.S.C. 2208(b)(2)) is amended by striking ''assist State,'' and inserting ''assist Federal, State,''.

SEC. 6. FIRE TECHNOLOGY ASSISTANCE AND DISSEMINATION.

(a) ASSISTANCE TO FIRE SERVICES FOR FIRE PREVENTION AND CONTROL IN WILDLAND-URBAN INTERFACE.—Section 8(d) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2207(d)) is amended—

(1) by striking ''RURAL ASSISTANCE'' in the heading and inserting ''RURAL AND WILDLAND-URBAN INTERFACE ASSISTANCE'';

(2) by striking ''The Administrator'' and inserting ''(1) The Administrator''; and

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

''(2) The Administrator is authorized to assist the Nation's fire services, directly or through contracts, grants, or other forms of assistance, for activities and equipment to improve fire prevention and control in the wildland-urban interface.''.

(b) DISSEMINATION.—Section 8 of such Act (15 U.S.C. 2207) is amended by adding at the end the following new subsection:

''(h) DISSEMINATION.—Beginning 1 year after the date of the enactment of the United States Fire Administration Reauthorization Act of 2008, the Administrator, in collaboration with the relevant departments and agencies of the Federal Government, shall make available to the public information regarding United States Fire Administration funded activities to advance new knowledge and best practices in firefighting, through a regularly updated Internet database.''.

SEC. 7. ENCOURAGING ADOPTION OF STANDARDS FOR FIREFIGHTER HEALTH AND SAFETY.

The Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.) is amended by adding at the end the following new sections:

''SEC. 37. ENCOURAGING ADOPTION OF STANDARDS FOR FIREFIGHTER HEALTH AND SAFETY.

''The Administrator shall promote adoption by fire services of national voluntary consensus standards for firefighter health and safety, including such standards for firefighter operations, training, staffing, and fitness, by educating fire services about such standards, encouraging the adoption at all levels of government of such standards, and making recommendations on other ways in which the Federal Government can promote the adoption of such standards by fire services.

''SEC. 38. TRAINING AGENCIES ON IMPORTANCE OF CLEARING BIOMASS IN WILDLAND AREAS TO PROMOTE FIREFIGHTER SAFETY.

''In collaboration with the relevant departments and agencies of the Federal Government, the Administrator shall develop and provide information and training to relevant departments and agencies of the Federal Government on the importance of clearing biomass in wildland areas of Federal lands to promote the safety of firefighters.''.

SEC. 8. COORDINATION REGARDING FIRE SERVICE-BASED EMERGENCY MEDICAL SERVICES.

(a) IN GENERAL.—Section 21(e) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2218(e)) is amended to read as follows:

''(e) COORDINATION.—

''(1) IN GENERAL.—To the extent practicable, the Administrator shall utilize existing programs, data, information, and facilities already available in other Federal Government departments and agencies and, where appropriate, existing research organizations, centers, and universities.

''(2) COORDINATION OF FIRE PREVENTION AND CONTROL PROGRAMS.—The Administrator shall provide liaison at an appropriate organizational level to assure coordination of the Administrator's activities with State and local government agencies, departments, bureaus, or offices concerned with any matter related to programs of fire prevention and control with private and other Federal organizations and offices so concerned.

''(3) COORDINATION OF FIRE SERVICE-BASED EMERGENCY MEDICAL SERVICES PROGRAMS.—The Administrator shall provide liaison at an appropriate organizational level to assure coordination of the Administrator's activities with State and local government agencies, departments, bureaus, or offices concerned with programs related to emergency medical services provided by fire service-based systems with private and other Federal organizations and offices so concerned.''.

(b) FIRE SERVICE-BASED EMERGENCY MEDICAL SERVICES BEST PRACTICES.—Section 8(c) of such Act (15 U.S.C. 2207(c)) is amended—

(1) by redesignating paragraphs (2) through (4) as paragraphs (3) through (5), respectively; and

(2) by inserting after paragraph (1) the following new paragraph:

''(2) The Administrator is authorized to conduct, directly or through contracts or grants, studies of the operations and management aspects of fire service-based emergency medical services and coordination between emergency medical services and fire services. Such studies may include the optimum protocols for on-scene care, the allocation of resources, and the training requirements for fire service-based emergency medical services.''.

SEC. 9. DEFINITIONS.

Section 4 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2203) is amended—

(1) in paragraph (3), by striking ''Administration'' and inserting ''Administration, who is the Assistant Administrator of the Federal Emergency Management Agency'';

(2) in paragraph (7), by striking ''and'' after the semicolon;

(3) in paragraph (8), by striking the period at the end and inserting ''; and'';

(4) by redesignating paragraphs (6), (7), and (8) as paragraphs (7), (8), and (9), respectively;

(5) by inserting after paragraph (5) the following new paragraph:

''(6) 'hazardous materials' has the meaning given such term in section 5102(2) of title 49, United States Code;''; and

(6) by adding at the end the following new paragraph:

''(10) 'wildland-urban interface' has the meaning given such term in section 101(16) of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6511(16)).''.

SEC. 10. SUPPORTING THE ADOPTION OF FIRE SPRINKLERS.

Congress supports the recommendations of the United States Fire Administration regarding the adoption of fire sprinklers in

commercial buildings and educational programs to raise awareness of the importance of installing fire sprinklers in residential buildings.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

Mrs. MCMORRIS RODGERS moved to recommit the bill to the Committee on Science and Technology with instructions to report the bill back to the House forthwith with the following amendment:

Page 5, line 16, after the em dash, insert ''(1)''.

Page 5, line 23, strike ''otherwise'' and insert ''otherwise, so long as the State or local government in which such fire service training program operates provides that any firefighter or rescue personnel, entity, or organization, including a governmental or intergovernmental entity, providing inspection services or advice on a voluntary basis without expectation of compensation regarding proper installation, use, defects, or recalls of infant and child safety seats shall not be liable for any act or omission in connection with providing such services or advice that results in harm to an infant or child''.

Page 7, after line 6, insert the following new paragraph:

(2) That portion of paragraph (1) added by the amendment made by this subsection that appears after ''otherwise'' shall take effect after the end of the 2-year period beginning on the date of enactment of this Act.

After debate,

By unanimous consent, the previous question was ordered on the motion to recommit with instructions.

The question being put, viva voce,

Will the House recommit said bill with instructions?

The SPEAKER pro tempore, Mr. SALAZAR, announced that the nays had it.

Mrs. MCMORRIS RODGERS demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the negative ..... { Yeas ..... 205 Nays 209

¶35.6 [Roll No. 159]

YEAS—205

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

NAYS—209

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

NOT VOTING—16

Allen	Jefferson	Rush
Boucher	Klein (FL)	Sires
Castor	Knollenberg	Wittman (VA)
Cubin	Miller (FL)	Wynn
Granger	Paul	
Hooley	Rangel	

So the motion to recommit with instructions was not agreed to.

The question being put, viva voce,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. SALAZAR, announced that the yeas had it.

Mr. GORDON of Tennessee, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 412 Nays 0

¶35.7 [Roll No. 160]

YEAS—412

Abercrombie	Burton (IN)	DeLauro
Ackerman	Butterfield	Dent
Aderholt	Buyer	Diaz-Balart, L.
Akin	Calvert	Diaz-Balart, M.
Alexander	Camp (MI)	Dicks
Altmire	Campbell (CA)	Dingell
Andrews	Cannon	Doggett
Arcuri	Cantor	Donnelly
Baca	Capito	Doolittle
Bachmann	Capps	Doyle
Bachus	Capuano	Drake
Baird	Cardoza	Dreier
Baldwin	Carnahan	Duncan
Barrett (SC)	Carney	Edwards
Barrow	Carson	Ehlers
Bartlett (MD)	Carter	Ellison
Barton (TX)	Castle	Ellsworth
Bean	Chabot	Emanuel
Becerra	Chandler	Emerson
Berkley	Clarke	Engel
Berman	Clay	English (PA)
Berry	Cleaver	Eshoo
Biggert	Clyburn	Etheridge
Bilbray	Coble	Everett
Bilirakis	Cohen	Fallin
Bishop (GA)	Cole (OK)	Farr
Bishop (NY)	Conaway	Fattah
Bishop (UT)	Conyers	Feeney
Blackburn	Cooper	Ferguson
Blumenauer	Costa	Filner
Blunt	Costello	Flake
Bonner	Courtney	Forbes
Bono Mack	Cramer	Fortenberry
Boozman	Crenshaw	Fossella
Boren	Crowley	Foster
Boswell	Cuellar	Foxx
Boustany	Culberson	Frank (MA)
Boyd (FL)	Cummings	Franks (AZ)
Boyda (KS)	Davis (AL)	Frelinghuysen
Brady (PA)	Davis (CA)	Gallegly
Brady (TX)	Davis (IL)	Garrett (NJ)
Braley (IA)	Davis (KY)	Gerlach
Broun (GA)	Davis, David	Giffords
Brown (SC)	Davis, Lincoln	Gilchrest
Brown, Corrine	Davis, Tom	Gillibrand
Brown-Waite, Ginny	Deal (GA)	Gingrey
	DeFazio	Gohmert
Buchanan	DeGette	Gonzalez
Burgess	Delahunt	Goode

Goodlatte
Gordon
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—18

Allen
Boehner
Boucher
Castor
Cubin
Granger
Hooley
Jefferson
Knollenberg
Miller (FL)
Paul
Pryce (OH)
Rangel
Rush
Sires
Velázquez
Wittman (VA)
Wynn

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶35.8 FIRST SPONSOR CHANGE—H.R. 4312

Mr. BOUSTANY, by unanimous consent, was authorized to be considered as the first sponsor of the bill (H.R. 4312) to amend the Internal Revenue Code of 1986 to extend certain benefits applicable to the Gulf Opportunity Zone, and for other purposes; for the purposes of adding cosponsors and requesting reprints pursuant to clause 4 of rule XXII.

¶35.9 HOUR OF MEETING

On motion of Mr. HOYER, by unanimous consent,

Ordered, That when the House adjourns on Friday, April 4, 2008, it adjourn to meet at 12:30 p.m. on Tuesday, April 8, 2008, for morning-hour debate.

¶35.10 CALENDAR WEDNESDAY BUSINESS DISPENSED WITH

On motion of Mr. HOYER, by unanimous consent,

Ordered, That business in order for consideration on Wednesday, April 9, 2008, under clause 6, rule XV, the Calendar Wednesday rule, be dispensed with.

¶35.11 ADJOURNMENT

On motion of Mr. BURGESS, at 3 o'clock and 36 minutes p.m., the House adjourned.

¶35.12 PUBLIC BILLS AND RESOLUTIONS

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

By Mr. CLAY (for himself and Mr. WAXMAN):

H.R. 5687. A bill to amend the Federal Advisory Committee Act to increase the transparency and accountability of Federal advisory committees, and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. WELLER (for himself and Mr. TIBERI):

H.R. 5688. A bill to provide for a program of targeted extended unemployment compensation, and for other purposes; to the Committee on Ways and Means.

By Mr. DOGGETT (for himself, Mr. ABERCROMBIE, Mr. ACKERMAN, Mr. ALLEN, Mr. ANDREWS, Mr. ARCURI, Ms. BALDWIN, Mr. BECERRA, Mr. BERMAN, Mr. BLUMENAUER, Mr. BRALEY of Iowa, Ms. GINNY BROWN-WAITE of Florida, Mrs. CAPPS, Mr. CAPUANO, Ms. CLARKE, Mr. CUMMINGS, Mr. DAVIS of Illinois, Mrs. DAVIS of California, Mr. DEFAZIO, Ms. DEGETTE, Mr. DELAHUNT, Ms. DELAURO, Mr. ELLISON, Mr. EMANUEL, Ms. ESHOO, Mr. FARR, Mr. FILNER, Mr. FRANK of Massachusetts, Mr. GENE GREEN of Texas, Mr. GRIJALVA, Mr. HARE, Mr. HINCHEY, Mr. HINOJOSA, Ms. HIRONO, Mr. HOLT, Mr. HONDA, Ms. HOOLEY, Mr. ISRAEL, Mr. JACKSON of Illinois, Ms. JACKSON-LEE of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. KAPTUR, Mr. KENNEDY, Mr. KIND, Mr. KUCINICH, Mr. LANGEVIN, Ms. LEE, Mr. LEVIN, Mr. LEWIS of Georgia, Mr. LIPINSKI, Mr. LOEBSACK, Ms. ZOE LOFGREN of California, Mrs. LOWEY, Mr. LYNCH, Mrs. MALONEY of New York, Mr. MARKEY, Mr. MATHESON, Ms. MATSUI, Mrs. MCCARTHY of New York, Mr. MCDERMOTT, Mr. MCGOVERN, Mr. MCNULTY, Mr. MEEKS of New York, Mr. GEORGE MILLER of California, Mr. NADLER, Mrs. NAPOLITANO, Mr. NEAL of Massachusetts, Mr. OBERSTAR, Mr. OLVER, Mr. PALLONE, Mr. PASCRELL, Mr. PAYNE, Mr. PLATTS, Ms. RICHARDSON, Mr. ROTHMAN, Ms. ROYBAL-ALLARD, Mr. RUSH, Mr. RYAN of Ohio, Ms. LINDA T. SÁNCHEZ of California, Ms. LORETTA SANCHEZ of California, Mr. SARBANES, Ms. SCHAKOWSKY, Mr. SERRANO, Mr. SESTAK, Mr. SHERMAN, Ms. SLAUGHTER, Mr. SMITH of Washington, Mr. SNYDER, Ms. SOLIS, Mr. STARK, Ms. SUTTON, Mrs. TAUSCHER, Mr. THOMPSON of California, Mr. TIERNEY, Ms. TSONGAS, Mr. UDALL of New Mexico, Mr. VAN HOLLEN, Mr. WALZ of Minnesota, Ms. WATERS, Ms. WATSON, Mr. WAXMAN, Mr. WEINER, Mr. WELCH of Vermont, Ms. WOOLSEY, and Mr. WU):

H.R. 5689. A bill to amend the Internal Revenue Code of 1986 and title 18, United States Code, to deter the smuggling of tobacco products into the United States, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BERMAN (for himself, Mr. THOMPSON of Mississippi, Mr. PAYNE, and Ms. LEE):

H.R. 5690. A bill to exempt the African National Congress from treatment as a terrorist organization for certain acts or events, provide relief for certain members of the African National Congress regarding admissibility, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. SHEA-PORTER:

H.R. 5691. A bill to amend the Internal Revenue Code of 1986 to allow an above-the-line deduction for State and local real property taxes on principal residences of taxpayers who elect not to deduct State and local income and general sales taxes, a refundable credit for the increased cost in 2008 of heating oil used to heat the principal residence of the taxpayer, and to increase and make permanent the deduction for qualified tuition and related expenses; to the Committee on Ways and Means.

By Mrs. TAUSCHER (for herself, Mr. ROGERS of Michigan, Mr. BLUMENAUER, Ms. DELAURO, Ms. JACKSON-LEE of Texas, Mrs. NAPOLITANO, Mr. KILDEE, Mr. KUCINICH, and Mr. TOWNS):

H.R. 5692. A bill to provide for infant crib safety, and for other purposes; to the Committee on Energy and Commerce.

By Mr. BOOZMAN:

H.R. 5693. A bill to amend the Internal Revenue Code of 1986 to allow a credit against tax for volunteer firefighters; to the Committee on Ways and Means.

By Mr. BOOZMAN:

H.R. 5694. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for certain travel expenses of qualified emergency volunteers; to the Committee on Ways and Means.

By Ms. GINNY BROWN-WAITE of Florida (for herself and Mr. BILBRAY):

H.R. 5695. A bill to amend the National Voter Registration Act of 1993 to require applications for voter registration with respect to elections for Federal office to include a statement that an alien who falsely claims to be a citizen of the United States is deportable under the Immigration and Nationality Act, and for other purposes; to the Committee on House Administration.

By Mr. DEFAZIO (for himself, Mr. WALDEN of Oregon, and Mr. BOUCHER):

H.R. 5696. A bill to make a technical correction to section 3009 of the Deficit Reduction Act of 2005; to the Committee on Energy and Commerce.

By Mr. DEFAZIO (for himself, Mr. BLUMENAUER, Mr. PALLONE, Ms. HIRONO, Mr. STARK, Ms. WATSON, Mr. CUMMINGS, Mr. MCCOTTER, Ms. BERKLEY, Ms. LEE, Mr. WELCH of Vermont, Mr. ABERCROMBIE, and Ms. ZOE LOFGREN of California):

H.R. 5697. A bill to prohibit the use of certain funds related to the 2008 Olympic Games in China, and for other purposes; to the Committee on Foreign Affairs.

By Mr. HASTINGS of Florida (for himself, Mr. HOLT, and Mr. BURGESS):

H.R. 5698. A bill to amend titles XVI, XVIII, XIX, and XXI of the Social Security Act to remove inmate limitations on Medicaid, Medicare, SSI, and SCHIP benefits for persons in custody pending disposition of charges; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HENSARLING (for himself, Mr. AKIN, Mr. BARRETT of South Carolina, Mr. BARTLETT of Maryland, Mr. BISHOP of Utah, Mrs. BLACKBURN, Mr. BRADY of Texas, Mr. BROUN of Georgia, Mr. CAMPBELL of California, Mr. CANNON, Mr. CANTOR, Mr. DAVID DAVIS of Tennessee, Ms. FALLIN, Mr. FEENEY, Mr. FLAKE, Mr. FORTUÑO, Ms. FOXX, Mr. FRANKS of Arizona, Mr. GINGREY, Mr. HOEKSTRA, Mr. KLINE of Minnesota, Mr. LAMBORN, Mr. MARCHANT, Mr. MCCARTHY of California, Mrs. MUSGRAVE, Mr. NEUGEBAUER, Mr. PAUL, Mr. PENCE, Mr. RYAN of Wisconsin, Mr. SESSIONS, Mr. SHADEGG, Mr. TANCREDO, Mr. WALBERG, Mr. WILSON of South Carolina, and Mr. WITTMAN of Virginia):

H.R. 5699. A bill to amend the Federal Election Campaign Act of 1971 to protect uncompensated Internet activity by individuals from treatment as a contribution or expenditure under the Act, and for other purposes; to the Committee on House Administration.

By Mr. HINCHEY (for himself, Mrs. GILLIBRAND, Mr. ARCURI, Mr. HALL of New York, Mr. HOLT, Mr. ENGEL, Mr. MCGOVERN, Mr. MCNULTY, Mrs. MCCARTHY of New York, Mr. KENNEDY, Mr. GOODE, Mr. DAVID DAVIS of Tennessee, Mr. RODRIGUEZ, Ms. SHEA-PORTER, Mr. LOEBSACK, Mr. ANDREWS, Mr. ALEXANDER, Mr. ALTMIRE, and Mr. BISHOP of New York):

H.R. 5700. A bill to amend the Internal Revenue Code of 1986 to allow a $1,000 refundable credit for individuals who are bona fide volunteer members of volunteer firefighting and emergency medical service organizations; to the Committee on Ways and Means.

By Mr. HOLDEN:

H.R. 5701. A bill to extend the temporary suspension of duty on Acetamiprid; to the Committee on Ways and Means.

By Mr. LEVIN (for himself, Mr. CASTLE, Mr. MCDERMOTT, Mr. KILDEE, Mrs. MCCARTHY of New York, Mr. MOORE of Kansas, Mr. FARR, Ms. DELAURO, Ms. SLAUGHTER, Ms. WASSERMAN SCHULTZ, Mr. GEORGE MILLER of California, Ms. HOOLEY, Mr. CUMMINGS, Mr. BLUMENAUER, Mr. HIGGINS, Mr. WU, and Mr. COHEN):

H.R. 5702. A bill to amend titles XVIII and XIX of the Social Security Act to promote the use of advance directives, and for other purposes; to the Committee on Energy and Commerce.

By Mr. LEWIS of Georgia:

H.R. 5703. A bill to amend the Internal Revenue Code of 1986 to provide that elderly and disabled individuals receiving in-home care under certain government programs are not liable for the payment of employment taxes with respect to the providers of such care, and for other purposes; to the Committee on Ways and Means.

By Mr. LEWIS of Georgia:

H.R. 5704. A bill to ensure that home health agencies can assign the most appropriate skilled service to make the initial assessment visit for home health services for Medicare beneficiaries requiring rehabilitation therapy under a home health plan of care, based upon physician referral; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCDERMOTT (for himself and Mr. MARKEY):

H.R. 5705. A bill to establish a commission to study methods for improving and promoting bilateral renewable energy cooperation between the United States and India, and for other purposes; to the Committee on Foreign Affairs.

By Mrs. MYRICK:

H.R. 5706. A bill to amend the Immigration and Nationality Act to increase penalties for employing illegal aliens; to the Committee on the Judiciary.

By Mr. POMEROY (for himself and Mr. MORAN of Kansas):

H.R. 5707. A bill to provide incentives to physicians to practice in rural and medically underserved communities; to the Committee on the Judiciary.

By Ms. ROS-LEHTINEN (for herself and Mr. HASTINGS of Florida):

H.R. 5708. A bill to adjust the boundary of the Everglades National Park, and for other purposes; to the Committee on Natural Resources.

By Mr. SPACE:

H.R. 5709. A bill to amend title 38, United States Code, to require the Secretary of Veterans Affairs to carry out quality assurance activities with respect to the administration of disability compensation, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. UDALL of New Mexico:

H.R. 5710. A bill to authorize the Secretary of the Interior to provide financial assistance to the Eastern New Mexico Rural Water Authority for the planning, design, and construction of the Eastern New Mexico Rural Water System, and for other purposes; to the Committee on Natural Resources.

By Mr. WEINER:

H.R. 5711. A bill to amend part B of title XVIII of the Social Security Act to establish a floor for payment for mammography under the Medicare Program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WELCH of Vermont (for himself, Mr. TOWNS, and Mr. WAXMAN):

H.R. 5712. A bill to require disclosure by Federal contractors of certain violations relating to the award or performance of Federal contracts; to the Committee on Oversight and Government Reform.

By Mr. SMITH of New Jersey (for himself, Mr. BISHOP of Georgia, Mr. WOLF, Mr. BLUMENAUER, Mr. PITTS, Mr. CHABOT, Mr. MCGOVERN, Ms. MOORE of Wisconsin, Mr. ROHRABACHER, and Mr. WALSH of New York):

H. Res. 1075. A resolution condemning the Chinese Government's unwarranted violence against Tibetan protesters, the Chinese Government's use of Internet censorship and surveillance to control news of the protests, and urging compliance with Chinese criminal law and to provide information and access to all persons detained; to the Committee on Foreign Affairs.

By Mr. MCKEON (for himself, Mr. BOEHNER, Mr. BLUNT, Mr. EHLERS, Mr. PRICE of Georgia, Mr. HOEKSTRA, Mr. KLINE of Minnesota, Mr. BOUSTANY, Mr. WILSON of South Carolina, Mr. DAVID DAVIS of Tennessee, Mr. MARCHANT, Ms. FOXX, Mr. FEENEY, Mr. HENSARLING, Mr. POE, Mr. SAM JOHNSON of Texas, Mrs. MUSGRAVE, Mr. BROUN of Georgia, Mr. PITTS, Mr. HAYES, Mr. AKIN, Mr. BRADY of Texas, Mr. DANIEL E. LUNGREN of California, Mr. WAMP, Mr. CAMPBELL of California, Mr. JORDAN, Mr. MCCARTHY of California, Mr. FRANKS of Arizona, Mr. MCCOTTER, Mr. FORBES, Mr. BARTLETT of Maryland, Mr. ROYCE, Mr. CALVERT, Mr. MCHENRY, Mrs. BONO MACK, Mr. HUNTER, Mr. SESSIONS, Mr. HERGER, and Mr. GARY G. MILLER of California):

H. Res. 1076. A resolution calling upon the courts to uphold the fundamental and constitutional right of parents to direct the upbringing and education of their children; to the Committee on the Judiciary.

By Ms. PELOSI (for herself, Mr. SENSENBRENNER, Mr. MARKEY, Mr. GEORGE MILLER of California, Mr. MCDERMOTT, Ms. ESHOO, Mr. INSLEE, Ms. SOLIS, Ms. NORTON, and Mr. HOLT):

H. Res. 1077. A resolution calling on the Government of the People's Republic of China to end its crackdown in Tibet and enter into a substantive dialogue with His Holiness the Dalai Lama to find a negotiated solution that respects the distinctive language, culture, religious identity, and fundamental freedoms of all Tibetans, and for other purposes; to the Committee on Foreign Affairs.

By Mr. ELLISON (for himself, Mr. MORAN of Virginia, and Mr. CLEAVER):

H. Res. 1078. A resolution expressing the sense of the House of Representatives that a Global Marshall Plan holds the potential to demonstrate the commitment of the United States to peace and prosperity; to the Committee on Foreign Affairs.

By Mr. HINOJOSA (for himself and Mrs. BIGGERT):

H. Res. 1079. A resolution supporting the goals and ideals of Financial Literacy Month 2008, and for other purposes; to the Committee on Financial Services.

By Mr. WHITFIELD of Kentucky (for himself, Mrs. BLACKBURN, Mr. SKELTON, Mr. HUNTER, Mr. LEWIS of Kentucky, Mr. YARMUTH, Mr. DAVIS of Kentucky, Mr. ROGERS of Kentucky, Mr. CHANDLER, Mr. DAVID DAVIS of Tennessee, Mr. DUNCAN, Mr. WAMP, Mr. LINCOLN DAVIS of Tennessee, Mr. COOPER, Mr. GORDON, Mr. TANNER, Mr. COHEN, Mr. BRADY of Pennsylvania, Ms. BORDALLO, Mr. HAYES, Mr. TAYLOR, Mr. JONES of North Carolina, Mr. WILSON of South Carolina, Mr.

CONAWAY, Mrs. DAVIS of California, Mr. SESTAK, Mr. SNYDER, Mrs. TAUSCHER, Mr. ABERCROMBIE, Mr. THORNBERRY, Mr. TERRY, Mr. FORTUÑO, Mrs. SCHMIDT, Mr. BURGESS, Ms. FOXX, Mr. ROGERS of Michigan, Mrs. EMERSON, Mr. YOUNG of Florida, Mr. BILIRAKIS, Mr. NUNES, Mr. BROWN of South Carolina, Mr. PETRI, and Mr. LINDER):

H. Res. 1080. A resolution honoring the extraordinary service and exceptional sacrifice of the 101st Airborne Division (Air Assault), known as the Screaming Eagles; to the Committee on Armed Services.

¶35.13 MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

241. The SPEAKER presented a memorial of the House of Representatives of the State of Michigan, relative to House Resolution No. 243 memorializing the Congress of the United States to enact legislation to change the computation of state federal medical assistance percentage (FMAPS) by disregarding employer contributions to prefund retiree health care in calculating medicaid; to the Committee on Energy and Commerce.

242. Also, a memorial of the Legislature of the State of Maine, relative to Senate Joint Resolution No. 845 memorializing the members of the Congress of the United States to act in the best interests of Maine citizens concerning medicaid changes; to the Committee on Energy and Commerce.

243. Also, a memorial of the House of Representatives of the State of Illinois, relative to House Resolution No. 909 urging the Congress of the United States to amend the Voting Rights Act of 1965 to make all its provisions permanent; to the Committee on the Judiciary.

244. Also, a memorial of the Legislature of the State of Alaska, relative to a Resolution urging the Congress of the United States to reauthorize federal, state, and local forensic DNA grants for DNA labs in Alaska; to the Committee on the Judiciary.

245. Also, a memorial of the Senate of the State of Michigan, relative to Senate Resolution No. 86 memorializing the Congress of the United States to reject legislation that would preempt the authority of the Great Lakes states to curb the release of ballast water; to the Committee on Transportation and Infrastructure.

246. Also, a memorial of the Legislature of the State of Maine, relative to House Joint Resolution No. 1563 memorializing the President of the United States, the Congress of the United States and the United States Department of Veterans Affairs to ensure funding for Veterans' healthcare; to the Committee on Veterans' Affairs.

247. Also, a memorial of the Legislature of the State of Mississippi, relative to Senate Concurrent Resolution No. 565 requesting that the Congress of the United States extend the Gulf Opportunity (GO) Zone Act of 2005; to the Committee on Ways and Means.

248. Also, a memorial of the Legislature of the State of Louisiana, relative to House Concurrent Resolution No. 7 memorializing the Congress of the United States to review and consider eliminating provisions of law which reduce social security benefits for those receiving benefits from federal, state, or local government retirement systems; to the Committee on Ways and Means.

¶35.14 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 190: Mr. EVERETT.

H.R. 192: Mr. GOODE.

H.R. 197: Mrs. BACHMANN.

H.R. 245: Mr. SHUSTER.

H.R. 333: Mr. HOLT, Mr. AL GREEN of Texas, and Mr. PLATTS.

H.R. 351: Mr. RANGEL and Mr. RUSH.

H.R. 406: Mr. DAVIS of Alabama, Mr. DICKS, Mr. MAHONEY of Florida, Ms. SLAUGHTER, Mr. SMITH of Washington, Mr. SPRATT, Mr. STUPAK, Mr. VAN HOLLEN, Mr. WALZ of Minnesota, Ms. WATSON, Mr. BILBRAY, Mr. BRADY of Texas, Mr. BURTON of Indiana, Mr. FERGUSON, Mr. GERLACH, Mr. GILCHREST, Mrs. MILLER of Michigan, Mr. ROGERS of Kentucky, Mr. SULLIVAN, Ms. SCHWARTZ, Ms. GINNY BROWN-WAITE of Florida, and Mrs. DRAKE.

H.R. 583: Mr. HILL, Mr. UPTON, Mr. JOHNSON of Georgia, Mr. TOM DAVIS of Virginia, Mr. WHITFIELD of Kentucky, Mr. MARCHANT, Mr. ALTMIRE, Mr. KLEIN of Florida, Mrs. BIGGERT, Mr. RYAN of Ohio, and Mr. SESSIONS.

H.R. 610: Mrs. LOWEY.

H.R. 654: Mr. SESTAK.

H.R. 728: Mr. BISHOP of New York, Mr. LOEBSACK, Ms. WATSON, and Mrs. DAVIS of California.

H.R. 917: Ms. KAPTUR.

H.R. 989: Mr. PLATTS.

H.R. 1000: Mr. KIND, Mr. HINOJOSA, Mr. CHANDLER, Mrs. GILLIBRAND, Mr. MCNERNEY, Mr. SESTAK, Mr. THOMPSON of California, Mr. MILLER of North Carolina, and Mr. HALL of Texas.

H.R. 1050: Mr. PAYNE.

H.R. 1134: Mr. BARTLETT of Maryland, Mr. CRAMER, and Mr. HILL.

H.R. 1147: Mr. DOGGETT.

H.R. 1264: Mr. SALI and Mr. BISHOP of Georgia.

H.R. 1279: Mr. PICKERING.

H.R. 1306: Ms. GINNY BROWN-WAITE of Florida and Mr. WITTMAN of Virginia.

H.R. 1386: Ms. KAPTUR and Mr. BERMAN.

H.R. 1419: Mr. RYAN of Ohio, Mr. MICHAUD, and Mr. PLATTS.

H.R. 1474: Mr. SESTAK and Ms. KAPTUR.

H.R. 1524: Mr. MELANCON.

H.R. 1552: Ms. WASSERMAN SCHULTZ, Mr. ALTMIRE, and Mr. GENE GREEN of Texas.

H.R. 1584: Mr. NEAL of Massachusetts, Mrs. BONO MACK, and Mr. LATTA.

H.R. 1609: Mr. GALLEGLY and Mr. SHULER.

H.R. 1610: Mr. CUELLAR, Mr. STUPAK, and Mr. JACKSON of Illinois.

H.R. 1629: Mr. BOOZMAN.

H.R. 1643: Mr. CHANDLER.

H.R. 1647: Mr. JOHNSON of Illinois.

H.R. 1653: Ms. SUTTON, Mrs. MALONEY of New York, and Mrs. TAUSCHER.

H.R. 1791: Mr. SALI.

H.R. 1881: Mrs. MCCARTHY of New York, Ms. ESHOO, Mr. LINCOLN DIAZ-BALART of Florida, Mr. BRADY of Pennsylvania, and Mr. MEEK of Florida.

H.R. 1927: Mr. BISHOP of Georgia, Mr. HOLT, and Mr. UDALL of New Mexico.

H.R. 1992: Mrs. DAVIS of California.

H.R. 2033: Mr. WU.

H.R. 2046: Mr. NADLER.

H.R. 2060: Mr. PORTER.

H.R. 2131: Mr. GRIJALVA.

H.R. 2160: Mr. COURTNEY.

H.R. 2164: Mr. HINCHEY.

H.R. 2247: Mr. LINCOLN DIAZ-BALART of Florida and Mr. MCGOVERN.

H.R. 2330: Mr. KUHL of New York.

H.R. 2357: Mr. RYAN of Ohio and Ms. CLARKE.

H.R. 2370: Mr. ROTHMAN and Mr. PRICE of North Carolina.

H.R. 2488: Mr. MCCAUL of Texas.

H.R. 2550: Mr. COURTNEY and Mr. KUHL of New York.

H.R. 2677: Mr. KENNEDY.

H.R. 2686: Mr. MICHAUD, Ms. HARMAN, Mrs. BOYDA of Kansas, Mr. BISHOP of Georgia, Mr. CHANDLER, Mr. CUELLAR, Mr. SALAZAR, and Mr. ELLSWORTH.

H.R. 2712: Mr. YOUNG of Alaska.

H.R. 2744: Mr. DAVIS of Alabama and Mr. CROWLEY.

H.R. 2762: Mr. MCCAUL of Texas and Mr. LEWIS of Kentucky.

H.R. 2802: Mr. PASTOR, Mr. LEWIS of Georgia, Mrs. BLACKBURN, and Ms. JACKSON-LEE of Texas.

H.R. 2818: Mr. ROSS, Mrs. MALONEY of New York, and Mr. YOUNG of Alaska.

H.R. 2892: Mr. STARK.

H.R. 2894: Mr. WITTMAN of Virginia.

H.R. 2914: Mr. ANDREWS.

H.R. 2941: Mr. LOBIONDO.

H.R. 2943: Mr. MCCOTTER.

H.R. 3112: Mr. RYAN of Ohio.

H.R. 3177: Mrs. BACHMANN.

H.R. 3229: Mr. CARNAHAN, Mr. PETERSON of Minnesota, and Mr. HASTINGS of Florida.

H.R. 3404: Mr. LEWIS of Georgia and Mr. PRICE of North Carolina.

H.R. 3636: Mr. SIRES.

H.R. 3664: Mr. MCCOTTER.

H.R. 3750: Mr. TOM DAVIS of Virginia.

H.R. 3819: Mr. MITCHELL and Mr. DEFAZIO.

H.R. 3934: Mr. MITCHELL and Mr. REGULA.

H.R. 4081: Mr. SMITH of Texas.

H.R. 4102: Ms. BALDWIN.

H.R. 4105: Mr. GRIJALVA and Ms. ROS-LEHTINEN.

H.R. 4116: Mr. TERRY.

H.R. 4175: Mr. AL GREEN of Texas.

H.R. 4206: Mr. ALTMIRE.

H.R. 4236: Mr. NADLER.

H.R. 4248: Mr. PASTOR, Mr. MARSHALL, Mr. ALTMIRE, Mr. KING of New York, and Mr. COSTELLO.

H.R. 4312: Mr. PICKERING.

H.R. 4318: Mr. BECERRA.

H.R. 4335: Mr. BACA and Mr. RYAN of Ohio.

H.R. 4544: Mr. AL GREEN of Texas.

H.R. 4688: Ms. BERKLEY and Mr. MCCOTTER.

H.R. 4690: Mr. WEINER.

H.R. 4836: Ms. DEGETTE, Ms. MATSUI, Mr. BOYD of Florida, Mr. RYAN of Ohio, and Ms. SOLIS.

H.R. 4930: Mr. TERRY.

H.R. 4934: Ms. BALDWIN.

H.R. 4936: Mr. SHAYS.

H.R. 5057: Mr. WYNN.

H.R. 5124: Mr. ALEXANDER.

H.R. 5173: Mr. NADLER and Mr. WEXLER.

H.R. 5236: Mrs. BONO MACK.

H.R. 5404: Mrs. CAPPS.

H.R. 5443: Mr. BLUMENAUER, Mr. SCHIFF, Mr. MCCOTTER, Mr. CARNAHAN, and Mr. SESSIONS.

H.R. 5450: Mr. ELLSWORTH and Mr. BRADY of Pennsylvania.

H.R. 5461: Mr. CONAWAY.

H.R. 5466: Mr. CARDOZA, Ms. DEGETTE, Mr. ELLISON, and Mr. LAMPSON.

H.R. 5467: Mr. MOORE of Kansas.

H.R. 5469: Mr. ALTMIRE.

H.R. 5475: Mr. BROWN of South Carolina.

H.R. 5481: Mr. PASTOR.

H.R. 5496: Mr. MCNULTY.

H.R. 5540: Ms. NORTON.

H.R. 5546: Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 5554: Mr. HINOJOSA.

H.R. 5565: Mr. DUNCAN.

H.R. 5591: Mr. CHABOT, Mr. BURGESS, and Mr. WELDON of Florida.

H.R. 5603: Mr. SHULER.

H.R. 5611: Mr. MILLER of North Carolina and Mr. LEWIS of Kentucky.

H.R. 5616: Mr. MARCHANT, Mr. AKIN, Mr. HOEKSTRA, Mr. BROUN of Georgia, Mr. BURTON of Indiana, Mr. FRANKS of Arizona, Mr. DOOLITTLE, Mr. LAMBORN, Mr. TANCREDO, Mr. POE, Mr. CULBERSON, Mr. PAUL, and Mr. CONAWAY.

H.R. 5641: Mr. BILBRAY.

H.R. 5645: Mr. CLEAVER.

H.R. 5646: Mr. LATTA, Mr. ROGERS of Alabama, Mr. POE, Mr. CARTER, and Ms. GINNY BROWN-WAITE of Florida.

H.R. 5656: Mr. SENSENBRENNER, Mr. BISHOP of Utah, Mrs. BLACKBURN, Mr. BRADY of

Texas, Mr. BURTON of Indiana, Mr. CANTOR, Mr. FRANKS of Arizona, Mr. KLINE of Minnesota, Mr. MCHENRY, Mr. PRICE of Georgia, Mr. SESSIONS, Mr. SHADEGG, and Mr. SULLIVAN.

H.R. 5668: Mr. GARRETT of New Jersey and Ms. ROS-LEHTINEN.

H.R. 5670: Mr. BURTON of Indiana, Ms. GINNY BROWN-WAITE of Florida, and Mr. KUHL of New York.

H.R. 5684: Ms. CORRINE BROWN of Florida and Ms. BERKLEY.

H.J. Res. 12: Mr. PITTS.

H.J. Res. 68: Ms. BALDWIN.

H.J. Res. 79: Ms. WATERS and Mr. FRANK of Massachusetts.

H. Con. Res. 75: Ms. BALDWIN.

H. Con. Res. 137: Mr. BOOZMAN.

H. Con. Res. 295: Mrs. MCMORRIS RODGERS.

H. Con. Res. 305: Mr. WAMP and Mr. ROSKAM.

H. Con. Res. 315: Mr. BARTLETT of Maryland and Mr. CANNON.

H. Con. Res. 318: Mr. MCGOVERN, Mr. HINOJOSA, and Mr. CHABOT.

H. Res. 76: Ms. SUTTON.

H. Res. 111: Mr. STEARNS.

H. Res. 424: Mr. LEWIS of Georgia, Mr. MURPHY of Connecticut, Mrs. BOYDA of Kansas, Mr. CROWLEY, Mr. HIGGINS, Mr. ELLISON, Mr. HARE, Mr. HINCHEY, Mr. MCGOVERN, Ms. BORDALLO, Mr. REYES, Mr. EDWARDS, and Mr. GRIJALVA.

H. Res. 758: Mr. HOEKSTRA.

H. Res. 820: Mr. GONZALEZ.

H. Res. 937: Mr. PLATTS.

H. Res. 987: Mr. MELANCON.

H. Res. 1011: Mr. AKIN, Mr. MORAN of Virginia, Mr. HERGER, Mr. KIRK, and Mr. CARNAHAN.

H. Res. 1020: Mr. BRALEY of Iowa, Mr. DANIEL E. LUNGREN of California, Mr. HODES, Mr. UDALL of Colorado, Mr. YOUNG of Alaska, Mr. VAN HOLLEN, Mr. BRADY of Pennsylvania, Mr. SESTAK, Mr. LARSEN of Washington, Mr. MAHONEY of Florida, Mr. NUNES, Mr. ELLISON, Mr. ALTMIRE, Mr. COSTA, Mr. DONNELLY, Mr. FILNER, Mr. MILLER of Florida, and Mr. CARNAHAN.

H. Res. 1052: Mr. ALTMIRE.

H. Res. 1058: Mr. MCCAUL of Texas.

H. Res. 1063: Mr. KUHL of New York and Mr. BROWN of South Carolina.

H. Res. 1069: Mr. HODES, Mrs. MALONEY of New York, Mr. BLUMENAUER, and Ms. BERKLEY.

H. Res. 1070: Mr. MACK.

¶35.15 PETITIONS

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

221. The SPEAKER presented a petition of the Board of Chosen Freeholders of the County Monmouth, New Jersey, relative to Resolution No. 2008–11 requesting the Congress of the United States and the President of the United States reverse the decision to close the United States Army Installation at Fort Monmouth and supporting requests for an investigation by the Attorney General; to the Committee on Armed Services.

222. Also, a petition of the Common Council of the City of Hammond, Lake County, Indiana, relative to Resolution No. R3 calling upon the Congress of the United States to take emergency action to protect homeowners by enacting a Homeowners and Banks Protection Act; to the Committee on Financial Services.

223. Also, a petition of the Board of Supervisors of Essex County, New York, relative to Resolution No. 56 supporting H.R. 3036 and S. 198, the No Child Left Inside Act; to the Committee on Education and Labor.

224. Also, a petition of the City Council of Foster City, California, relative to Resolution No. 2008–8 requesting the U.S. Postal Service assign zip codes 94404 exclusively to Foster City and to designate Foster City's postal facility as a main post office; to the Committee on Oversight and Government Reform.

225. Also, a petition of the Commission of the City of Lauderhill, Florida, relative to Resolution No. 07R–11–311 supporting S. 344 which would require youth athletic coaches to meet level two screening requirements; to the Committee on the Judiciary.

226. Also, a petition of the Miami-Dade County Board of County Commissioners, Florida, relative to Resolution No. R–131–08 urging the Congress of the United States and the Florida Legislature to strengthen hate crime laws to provide that intentionally exposing a person to hanging nooses or other objects or symbols evidencing prejudice creates a presumption of a hate crime, in light of recent events in Jena, Louisiana; to the Committee on the Judiciary.

227. Also, a petition of the Miami-Dade County Board of County Commissioners, Florida, relative to Resolution No. R–132–08 urging the Florida Legislature to designate that portion of State Road 934 on N.W. 79th Street between N.W. 7th Avenue and N.W. 37th Avenue as ''Rev. Dr. C.P. Preston, Jr. Street''; to the Committee on Transportation and Infrastructure.

228. Also, a petition of the California State Lands Commission, relative to a letter expressing concerns regarding H.R. 2830, the Coast Guard Authorization Act of 2007; jointly to the Committees on Transportation and Infrastructure, Homeland Security, Energy and Commerce, and the Judiciary.

FRIDAY, APRIL 4, 2008 (36)

¶36.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Mr. MCGOVERN, who laid before the House the following communication:

WASHINGTON, DC,
April 4, 2008.

I hereby appoint the Honorable JAMES P. MCGOVERN to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

¶36.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. MCGOVERN, announced he had examined and approved the Journal of the proceedings of Thursday, April 3, 2008.

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

¶36.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

5858. A letter from the Secretary, Department of Agriculture, transmitting a copy of draft legislation, ''The Rural Housing Section 502 Guaranteed Loan Enhancements Act of 2007''; to the Committee on Financial Services.

5859. A letter from the Deputy Principal Director of Defense Research and Engineering, Department of Defense, transmitting the annual report to Congress describing the activities of the Defense Production Act Title III Fund for Fiscal Year 2007, pursuant to 50 U.S.C. app. 2094; to the Committee on Financial Services.

5860. A letter from the Deputy Chief, National Forest System, Department of Agriculture, transmitting a detailed boundary map for the Wildcat River in New Hampshire, pursuant to 16 U.S.C. 6394; to the Committee on Natural Resources.

5861. A letter from the Acting Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's first biennial report on the implementation of the Deep Sea Coral Research and Technology Program, pursuant to the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006; to the Committee on Natural Resources.

5862. A letter from the Acting Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's 2007 Report to Congress on the Disclosure of Financial Interests and Recusal Requirements for Regional Fishery Management Councils and Scientific and Statistical Committees (SSCs), in compliance with Section 302(j) of the Magnuson-Stevens Fishery Conservation and Management Act; to the Committee on Natural Resources.

5863. A letter from the Chair, Barry M. Goldwater Scholarship and Excellence in Education Foundation, transmitting the Foundation's Annual Report for FY 2007, pursuant to Public Law 99-661; to the Committee on Science and Technology.

5864. A letter from the Director, National Science Foundation, transmitting the Foundation's report on its support of basic research that can be considered high-risk or high-reward, pursuant to Public Law 110-69, section 1008(c); to the Committee on Science and Technology.

5865. A letter from the Secretary, Department of Homeland Security, transmitting an annual report of the Department's Office of Civil Rights and Civil Liberties for fiscal year 2007, pursuant to 6 U.S.C. 345(b); jointly to the Committees on Homeland Security and the Judiciary.

And then,

¶36.4 ADJOURNMENT

On motion of the SPEAKER pro tempore, Mr. MCGOVERN, by unanimous consent and pursuant to the special order of the House of April 3, 2008, at 10 o'clock and 3 minutes a.m., declared the House adjourned until 12:30 p.m. on Tuesday, April 8, 2008.

¶36.5 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

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

Mr. CONYERS: Committee on the Judiciary. H.R. 2176. A bill to provide for and approve the settlement of certain land claims of the Bay Mills Indian Community; adversely (Rept. 110–541 Pt. 2). Referred to the Committee of the Whole House on the state of the Union.

Mr. CONYERS: Committee on the Judiciary. H.R. 4115. A bill to provide for and approve the settlement of certain land claims of the Sault Ste. Marie Tribe of Chippewa Indians; adversely (Rept. 110–542 Pt. 2). Referred to the Committee of the Whole House on the state of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 1328. A bill to amend the Indian Health Care Improvement Act to revise and extend that Act; with an amendment (Rept. 110–564 Pt. 1). Ordered to be printed.

¶36.6 TIME LIMITATION OF REFERRED BILL

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

H.R. 1328. Referral to the Committee on Energy and Commerce and Ways and Means extended for a period ending not later than June 6, 2008.

¶36.7 PUBLIC BILLS AND RESOLUTIONS

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

By Mr. SHADEGG:

H.R. 5713. A bill to amend the Internal Revenue Code of 1986 to clarify the eligibility for certain fuels credits for fuel with insufficient nexus to the United States; to the Committee on Ways and Means.

By Ms. PELOSI (for herself, Mr. BOEHNER, Mr. HOYER, Mr. BLUNT, Mr. CLYBURN, Mr. CANTOR, Mr. EMANUEL, Mr. PUTNAM, Mr. BERMAN, Ms. ROS-LEHTINEN, Mr. ACKERMAN, and Mr. PENCE):

H. Con. Res. 322. Concurrent resolution recognizing the 60th anniversary of the founding of the modern State of Israel and reaffirming the bonds of close friendship and cooperation between the United States and Israel; to the Committee on Foreign Affairs.

By Ms. SOLIS (for herself, Mr. MARKEY, Mr. WAXMAN, Mr. GRIJALVA, Mrs. CAPPS, Mr. FARR, Ms. MCCOLLUM of Minnesota, Ms. LEE, Mr. INSLEE, Ms. JACKSON-LEE of Texas, Mr. MCDERMOTT, Mrs. CHRISTENSEN, Mr. PAYNE, Mr. BERMAN, Mr. TOWNS, Mr. HINCHEY, Mr. KUCINICH, Mr. BLUMENAUER, Mr. HONDA, Mr. ELLISON, Ms. ROYBAL-ALLARD, Mr. RANGEL, Ms. HIRONO, Mr. REYES, Ms. WOOLSEY, Ms. BALDWIN, Mr. BUTTERFIELD, Ms. CASTOR, Mr. VAN HOLLEN, Mr. MCGOVERN, Mr. MORAN of Virginia, Mr. DELAHUNT, Mr. OLVER, Mrs. NAPOLITANO, Mr. NEAL of Massachusetts, Mr. LARSON of Connecticut, Ms. NORTON, Mr. KILDEE, Mr. AL GREEN of Texas, Ms. DEGETTE, Mr. ALLEN, Mrs. TAUSCHER, Mr. FRANK of Massachusetts, Mr. SCHIFF, Ms. ESHOO, Ms. MOORE of Wisconsin, Mr. KIND, Mr. NADLER, Mr. LANGEVIN, Ms. SCHAKOWSKY, Mr. GORDON, Ms. LINDA T. SÁNCHEZ of California, Mr. HASTINGS of Florida, Mr. CARNAHAN, Mrs. DAVIS of California, Mr. GUTIERREZ, Mr. MOORE of Kansas, Mr. LEWIS of Georgia, Mr. CHANDLER, Mr. ENGEL, Mr. HODES, Mr. COHEN, Mr. RODRIGUEZ, Mr. MICHAUD, Mr. HALL of New York, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. TIERNEY, Mr. STARK, Mr. JEFFERSON, Mr. DAVIS of Illinois, Ms. SHEA-PORTER, Ms. CLARKE, Mr. CROWLEY, Mr. GEORGE MILLER of California, Mr. MCNERNEY, Mr. WEINER, Mrs. MALONEY of New York, Ms. ZOE LOFGREN of California, Mr. DOYLE, Ms. HARMAN, Ms. MATSUI, Ms. SUTTON, Ms. TSONGAS, Ms. BORDALLO, Mr. CLEAVER, Mr. SESTAK, Mr. DOGGETT, Mr. JOHNSON of Georgia, Mr. WELCH of Vermont, Mr. SHAYS, Mr. SHERMAN, Mr. GENE GREEN of Texas, Mr. SARBANES, Mr. LYNCH, Mr. SERRANO, Mr. GONZALEZ, and Mr. BAIRD):

H. Res. 1081. A resolution recognizing the week of April 7, 2008, to April 13, 2008, as ''National Public Health Week''; to the Committee on Energy and Commerce.

¶36.8 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 460: Mr. MEEKS of New York.
H.R. 1359: Mr. WAMP.
H.R. 2268: Mr. BARRETT of South Carolina, Mr. TIAHRT, Mr. CANNON, Mr. GOHMERT, Mr. ALTMIRE, Mr. LATTA, Mr. CAMPBELL of California, Mr. ROGERS of Kentucky, Mr. LATHAM, Mr. WHITFIELD of Kentucky, Ms. SHEA-PORTER, and Mr. KNOLLENBERG.
H.R. 3654: Mr. PERLMUTTER, Mr. COSTA, and Mr. GALLEGLY.
H.R. 3822: Mr. WELCH of Vermont.
H.R. 3825: Mr. MOORE of Kansas and Mr. LEWIS of Georgia.
H.R. 5662: Mr. GRIJALVA.
H.J. Res. 12: Mr. KING of Iowa.
H. Con. Res. 163: Mr. HINOJOSA and Mr. PICKERING.
H. Con. Res. 239: Mr. JONES of North Carolina.
H. Res. 795: Ms. BALDWIN.
H. Res. 952: Ms. BALDWIN and Ms. HERSETH SANDLIN.

TUESDAY, APRIL 8, 2008 (37)

¶37.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order at 12:30 p.m. by the SPEAKER pro tempore, Mrs. CAPPS, who laid before the House the following communication:

WASHINGTON, DC,
April 8, 2008.

I hereby appoint the Honorable LOIS CAPPS to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

¶37.2 MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Williams, one of his secretaries.

¶37.3 MORNING-HOUR DEBATE

The SPEAKER pro tempore, Mrs. CAPPS, pursuant to the order of the House of January 4, 2007, recognized Members for morning-hour debate.

¶37.4 RECESS—12:34 P.M.

The SPEAKER pro tempore, Mrs. CAPPS, pursuant to clause 12(a) of rule I, declared the House in recess at 12 o'clock and 34 minutes p.m., until 2 p.m.

¶37.5 AFTER RECESS—2 P.M.

The SPEAKER pro tempore, Mrs. JONES of Ohio, called the House to order.

¶37.6 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mrs. JONES of Ohio, announced she had examined and approved the Journal of the proceedings of Friday, April 4, 2008.

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

¶37.7 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

5866. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Addition of Armenia to the List of Regions Where African Swine Fever Exists [Docket No. APHIS-2007-0142] received March 27, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5867. A letter from the Chief Financial Officer, Department of Agriculture, transmitting the Department's final rule — Debt Management — received February 29, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5868. A letter from the Administrator, Risk Management Agency, Department of Agriculture, transmitting the Corporation's final rule — Common Crop Insurance Regulations; Cultivated Wild Rice Crop Insurance Provisions (RIN: 0563-AC00) received April 1, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5869. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations [Docket No. FEMA-B-7766] received March 26, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5870. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations — received March 26, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5871. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations — received March 26, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5872. A letter from the Counsel for Legislation and Regulations, Department of Housing and Urban Development, transmitting the Department's final rule — HUD Office of Hearings and Appeals; Conforming Changes To Reflect Organization Regulations [Docket No. FR-5185-F-01] (RIN: 2501-AD35) received March 26, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5873. A letter from the Regulatory Specialist Legislative and Regulatory Activities Division, Department of the Treasury, transmitting the Department's final rule — Lending Limits [Docket No. OCC-2008-0005] (RIN: 1557-AD08) received March 26, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5874. A letter from the General Counsel, Corporation for National and Community Service, transmitting the Corporation's final rule — National Service Criminal History Checks (RIN: 3045-AA44) received March 26, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

5875. A letter from the Under Secretary Food, Nutrition, and Consumer Services, Department of Agriculture, transmitting the Department's final rule — Special Supplemental Nutrition Program for Women, Infants and Children (WIC): Implementation of Nondiscretionary WIC Certification and Nondiscretionary WIC Certification and General Administrative Provisions [FNS-2007-0009] (RIN: 0584-AD73) received March 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

5876. A letter from the Director, Department of Labor, transmitting the Department's final rule — Asbestos Exposure Limit (RIN: 1219-AB24) received March 26, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

5877. A letter from the Deputy Assistant Administrator Office of Diversion Control, Department of Justice, transmitting the Department's final rule — Schedules of Controlled Substances: Exempt Anabolic Steroid Products [Docket No. DEA-289F] (RIN: 1117-

AB04) received April 1, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5878. A letter from the General Counsel, Federal Energy Regulatory Commission, transmitting the Commission's final rule — Elimination of FERC Form No. 423 [Docket No. RM07-18-000; Order No. 709] received March 26, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5879. A letter from the Chief, Administrative Law Division, Central Intelligence Agency, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

5880. A letter from the Acting Chairman, Consumer Product Safety Commission, transmitting the Commission's annual report for FY 2007 prepared in accordance with the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act), Pub. L. 107-174; to the Committee on Oversight and Government Reform.

5881. A letter from the General Counsel, Corporation for National and Community Service, transmitting the Corporation's final rule — Corporation for National and Community Service Implementation of OMB Guidance on Nonprocurement Debarment and Suspension (RIN: 3045-AA48) received March 26, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

5882. A letter from the General Counsel, Corporation for National and Community Service, transmitting the Corporation's final rule — Program Fraud Civil Remedies Act (RIN: 3045-AA42) received March 26, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

5883. A letter from the White House Liaison, Department of Education, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

5884. A letter from the White House Liaison, Department of Education, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

5885. A letter from the Chief Human Capital Officer, Department of Energy, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

5886. A letter from the Assistant Secretary for Administration and Management, Department of Labor, transmitting the Department's annual report for FY 2007, summarizing data and analysis of complaints filed for the past five fiscal years and how the Department is working to fulfill the requirements of the Act, pursuant to Public Law 107-174, section 203 of Title II; to the Committee on Oversight and Government Reform.

5887. A letter from the Secretary, Department of Transportation, transmitting the Departments' Report on Management Decisions and Final Actions on Office of Inspector General Audit Recommendations for the period ending September 30, 2007, pursuant to 31 U.S.C. 9106; to the Committee on Oversight and Government Reform.

5888. A letter from the Director, Office of Communications and Legislative Affairs, Equal Employment Opportunity Commission, transmitting the Commission's annual report on the Government in the Sunshine Act for Calendar Year 2007, pursuant to 5 U.S.C. 552b(j); to the Committee on Oversight and Government Reform.

5889. A letter from the Senior Vice President and Chief Financial Officer, Export-Import Bank, transmitting the Bank's Annual Management Report for the fiscal year ended September 30, 2007, pursuant to 31 U.S.C. 9106; to the Committee on Oversight and Government Reform.

5890. A letter from the Chairman, Federal Deposit Insurance Corporation, transmitting the Corporation's annual report required by Section 203 of the Notification and Federal Antidiscrimination and Retaliation Act of 2002, Pub. L. 107-174, for Fiscal Year 2007; to the Committee on Oversight and Government Reform.

5891. A letter from the Chairman, Federal Labor Relations Authority, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

5892. A letter from the Commissioner, International Boundry and Water Commission, transmitting the Commission's annual report for FY 2007 prepared in accordance with the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act), Pub. L. 107-174; to the Committee on Oversight and Government Reform.

5893. A letter from the Chairman, National Credit Union Administration, transmitting the Administration's annual report for FY 2007 prepared in accordance with the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act); to the Committee on Oversight and Government Reform.

5894. A letter from the Chairman, Nuclear Regulatory Commission, transmitting the Commission's annual report for FY 2007 prepared in accordance with the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act), Pub. L. 107-174; to the Committee on Oversight and Government Reform.

5895. A letter from the Director, Office of Personnel Management, transmitting the Office's Fiscal Year 2007 annual report on statistical data relating to Federal sector equal employment opportunity complaints filed with the Office, pursuant to Public Law 107-174, section 203; to the Committee on Oversight and Government Reform.

5896. A letter from the Senior Associate General Counsel, Office of the Director of National Intelligence, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

5897. A letter from the Acting Chief Administrative Office, Patent and Trademark Office, transmitting the Office's FY 2007 Annual Report required by Section 203 of the Notification and Federal Antidiscrimination and Retaliation Act of 2002, Pub. L. 107-174; to the Committee on Oversight and Government Reform.

5898. A letter from the Board Members, Railroad Retirement Board, transmitting the Board's annual report for FY 2007 prepared in accordance with Section 203 of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act), Public Law 107-174; to the Committee on Oversight and Government Reform.

5899. A letter from the EEO Director, Securities and Exchange Commission, transmitting a report about the Commission's activities in FY 2007 to ensure accountability for antidiscrimination and whistleblower laws related to employment, pursuant to Public Law 107-174, section 203 of Title II; to the Committee on Oversight and Government Reform.

5900. A letter from the Administrator, Small Business Administration, transmitting a copy of the Administration's Fiscal Year 2007 Notification and Federal Employee Anti-Discrimination and Retaliation (No FEAR) Act Annual Report; to the Committee on Oversight and Government Reform.

5901. A letter from the Assistant Secretary for Land and Minerals Management, Department of the Interior, transmitting the Department's final rule — Reporting Amendments [Docket No. MMS-2008-MRM-0021] (RIN: 1010-AD20) received March 27, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5902. A letter from the Deputy Assistant Administrator for Operations, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Pacific Halibut Fisheries; Catch Sharing Plan [Docket No. 071218860-8246-02] (RIN: 0648-AW26) received March 26, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5903. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Vessels Catching Pacific Cod for Processing by the Offshore Component in the Central Regulatory Area of the Gulf of Alaska [Docket No. 071106671-8010-02] (RIN: 0648-XG24) received March 26, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5904. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Vessels Catching Pacific Cod for Processing by the Inshore Component in the Western Regulatory Area of the Gulf of Alaska [Docket No. 071106671-8010-02] (RIN: 0648-XG00) received March 26, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5905. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackerel in the Bering Sea and Aleutian Islands Management Area [Docket No. 070213033-7033-01] (RIN: 0648-XD68) received March 5, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5906. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Non-American Fisheries Act Crab Vessels Catching Pacific Cod for Processing by the Inshore Component in the Central Regulatory Area of the Gulf of Alaska [Docket No. 070213032-7032-01] (RIN: 0648-XF57) received March 5, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5907. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Atlantic Sea Scallop Fishery; Closure of the Elephant Trunk Scallop Access Area to General Category Scallop Vessels [Docket No. 060314069-6138-002] (RIN: 0648-XG29) received April 1, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5908. A letter from the Acting Chief, Regulatory Management Division, Department of Homeland Security, transmitting the Department's final rule — Petitions Filed on Behalf of H-1B Temporary Workers Subject to or Exempt From the Annual Numerical Limitation [CIS No. 2434-07; DHS Docket No.

USCIS-2007-0060] (RIN: 1615-AB68) received March 26, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

5909. A letter from the Assistant Secretary Legislative Affairs, Department of State, transmitting the Department's final rule — Visas: Documentation of Immigrants and Nonimmigrants—Visa Classification Symbols [Public Notice: Docket No.] received March 26, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

5910. A letter from the Regulations Officer, FHWA, Department of Transportation, transmitting the Department's final rule — Indian Reservation Road Bridge Program [FHWA Docket No. FHWA-2007-27536] (RIN: 2125-AF20) received April 3, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5911. A letter from the Acting Director of Regulations, DOT/PHMSA, Department of Transportation, transmitting the Department's final rule — Pipeline Safety: Administrative Procedures, Address Updates, and Technical Amendments [Docket No. PHMSA-2007-0033] (RIN: 2137-AE29) received April 3, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5912. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Enhanced Airworthiness Program for Airplane Systems/Fuel Tank Safety (EAPAS/FTS); Final Rule [Docket No.: FAA-2004-18379; Amendment Nos. 1-60, 21-90, 25-123, 26-0, 91-297, 121-336, 125-53, 129-43] (RIN: 2120-AI31) received April 3, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5913. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Airworthiness Certification of New Aircraft [Docket No. FAA-2003-14825; Amendment No. 21-88] (RIN: 2120-AH90) received April 3, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5914. A letter from the Regulations Officer, FHWA, Department of Transportation, transmitting the Department's final rule — Parks, Recreation Areas, Wildlife and Waterfowl Refuges, and Historic Sites [Docket No. FHWA-2005-22884] (RIN: 2125-AF14 and 2132-AA83) received April 1, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5915. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Civil Penalties [Docket No. NHTSA-2007-28445; Notice 2] (RIN: 2127-AK07) received April 1, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5916. A letter from the Federal Register Liaison Officer, Department of the Treasury, transmitting the Department's final rule — Puerto Rican Tobacco Products and Cigarette Papers and Tubes Shipped From Puerto Rico to the United States (2007R-368P) [T.D. TTB-68; Re: T.D. ATF-444 and Notice No. 912] (RIN: 1513-AB38) received April 1, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5917. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Reissuance Standards for State and Local Bonds [Notice 2008-41] received March 28, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5918. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Amplification of Notice 2006-27 Certification of Energy Efficient Home Credit [Notice 2008-35] received March 5, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5919. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Amplification of Notice 2006-28 Energy Efficient Home Credit; Manufactured Homes [Notice 2008-36] received March 5, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5920. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Action on Decision SUBJECT: Herbert V. Kohler, Jr. et al. v. Commissioner; T.C. Memo. 2006-152; 92 T.C.M. (CCH) 48; T.C. Dkt. Nos. 4621-03, 4622-03, 4646-03, 4649-03 [IRB No.: 2008-9] received March 5, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5921. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — 26 CFR 601.601: Rules and Regulations. (Also Part I, 25, 103, 143; 1.25-4T, 1.103-1, 6a.103A-2.) (Rev. Proc. 2008-19) received March 5, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5922. A letter from the Program Manager, CMS, Department of Health and Human Services, transmitting the Department's ''Major'' final rule — Medicare Program; Modification to the Weighting Methodology Used to Calculate the Low-income Benchmark Amount [CMS-4133-F] (RIN: 0938-AP25) received April 1, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Energy and Commerce.

5923. A letter from the Boards of Trustees, Federal Hospital Insurance and Federal Supplementary Medical Insurance Trust Funds, transmitting the 2008 Annual Report of the Board of Trustees of the Federal Hospital Insurance Trust Fund And Federal Supplementary Medical Insurance Trust Fund, pursuant to 42 U.S.C. 401(c)(2), 1395i(b)(2), and 1395t(b)(2); (H. Doc. No. —102); jointly to the Committees on Ways and Means and Energy and Commerce, and ordered to be printed.

¶37.8 COMMUNICATION FROM THE CLERK—MESSAGE FROM THE SENATE

The SPEAKER pro tempore, Mrs. JONES of Ohio, laid before the House a communication, which was read as follows:

APRIL 7, 2008.

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

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on April 7, 2008, at 10:33 a.m.:

That the Senate agreed to S. Con. Res. 73.

With best wishes, I am,

Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

¶37.9 MESSAGE FROM THE PRESIDENT—UNITED STATES-COLUMBIA TRADE PROMOTION AGREEMENT

The SPEAKER pro tempore, Mrs. JONES of Ohio, laid before the House a message from the President, which was read as follows:

To the Congress of the United States:

I am pleased to transmit legislation and supporting documents to implement the United States-Colombia Trade Promotion Agreement (the ''Agreement''). The Agreement represents an historic development in our relations with Colombia, which has shown its commitment to advancing democracy, protecting human rights, and promoting economic opportunity. Colombia's importance as a steadfast strategic partner of the United States was recognized by President Clinton's support for an appropriation in 2000 to provide funding for Plan Colombia, and my Administration has continued to stand with Colombia as it confronts violence, terror, and drug traffickers.

This Agreement will increase opportunity for the people of Colombia through sustained economic growth and is therefore vital to ensuring that Colombia continues on its trajectory of positive change. Under the leadership of President Alvaro Uribe, Colombia has made a remarkable turnaround since 1999 when it was on the verge of being a failed state. This progress is in part explained by Colombia's success in demobilizing tens of thousands of paramilitary fighters. The Colombian government reports that since 2002, kidnappings, terrorist attacks, and murders are all down substantially, as is violence against union members.

The Government of Colombia, with the assistance of the United States, is continuing its efforts to further reduce the level of violence in Colombia and to ensure that those responsible for violence are quickly brought to justice. To speed prosecutions of those responsible for violent crimes, the Prosecutor General's Office plans to hire this year 72 new prosecutors and more than 110 investigators into the Human Rights Unit. These additions are part of the increase of more than 2,100 staff that will be added to the Prosecutor General's office in 2008 and 2009. To support these additional personnel and their activities, Colombia has steadily increased the budget for the Prosecutor General's Office, including by more than $40 million this year, bringing the total outlay for that office to nearly $600 million.

In negotiating this Agreement, my Administration was guided by the objectives set out by the Congress in the Trade Act of 2002. My Administration has complied fully with the letter and spirit of Trade Promotion Authority—from preparation for the negotiations, to consultations with the Congress throughout the talks, to the content of the Agreement itself. In addition, my Administration has conducted several hundred further consultations, led congressional trips to Colombia, and last year renegotiated key labor, environmental, investment, and intellectual property rights provisions in the Agreement at the behest of the Congress. By providing for the effective enforcement of labor and environmental laws, combined with strong remedies for noncompliance, the Agreement will contribute to improved worker rights and higher levels of environmental protection in Colombia. The result is an Agreement that all of us can be proud

of and that will create significant new opportunities for American workers, farmers, ranchers, businesses, and consumers by opening the Colombian market and eliminating barriers to U.S. goods, services, and investment.

Under the Agreement, tariffs on over 80 percent of U.S. industrial and consumer goods exported to Colombia will be eliminated immediately, with tariffs on the remaining goods eliminated within 10 years. The Agreement will allow 52 percent of U.S. agricultural exports, by value, to enter Colombia duty-free immediately, with the remaining agricultural tariffs phased out over time. This will help to level the playing field, as 91 percent of U.S. imports from Colombia already enjoy duty-free access to our market under U.S. trade preference programs.

My Administration looks forward to continuing to work with the Congress on a bipartisan path forward to secure approval of this legislation that builds on the positive spirit of the May 10, 2007, agreement on trade between the Administration and the House and Senate leadership, and the strong bipartisan support demonstrated by both Houses of Congress in overwhelmingly approving the United States-Peru Trade Promotion Agreement last year. The United States-Colombia Trade Promotion Agreement represents an historic step forward in U.S. relations with a key friend and ally in Latin America. Congressional approval of legislation to implement the Agreement is in our national interest, and I urge the Congress to act favorably on this legislation as quickly as possible.

GEORGE W. BUSH.

THE WHITE HOUSE, *April 7, 2008*.

By unanimous consent, the message, together with the accompanying papers, was referred to the Committee on Ways and Means and ordered to be printed (H. Doc. 110–103).

¶37.10 NATIONAL MONTH OF THE MILITARY CHILD

Ms. BORDALLO moved to suspend the rules and agree to the following resolution (H. Res. 265); as amended:

Whereas more than 2,750,000 Americans are demonstrating their courage and commitment to freedom by serving in the Armed Forces of the United States;

Whereas 50 percent of the members of the Armed Forces, when deployed away from their permanent duty stations, have left families with children behind;

Whereas no one feels the effect of those deployments more than the children of deployed service members;

Whereas as of March 15, 2008, approximately 3,400 of these children have lost a parent serving in the Armed Forces during the preceding 5 years;

Whereas the daily struggles and personal sacrifices of children of members of the Armed Forces too often go unnoticed;

Whereas the children of members of the Armed Forces are a source of pride and honor to all Americans and it is fitting that the Nation recognize their contributions and celebrate their spirit;

Whereas the ''National Month of the Military Child'', observed in April each year, recognizes military children for their sacrifices and contributes to demonstrating the Nation's unconditional support to members of the Armed Forces;

Whereas in addition to Department of Defense programs to support military families and military children, various programs and campaigns have been established in the private sector to honor, support, and thank military children by fostering awareness and appreciation for the sacrifices and the challenges they face; and

Whereas a month-long salute to military children will encourage support for those organizations and campaigns established to provide direct support for military children and families: Now, therefore, be it

Resolved, That the House of Representatives—

(1) joins the Secretary of Defense in honoring the children of members of the Armed Forces and recognizes that they too share in the burden of protecting the Nation;

(2) urges Americans to join with the military community in observing the ''National Month of the Military Child'' with appropriate ceremonies and activities that honor, support, and thank military children; and

(3) recognizes with great appreciation the contributions made by private-sector organizations that provide resources and assistance to military families and the communities that support them.

The SPEAKER pro tempore, Mrs. JONES of Ohio, recognized Ms. BORDALLO and Mr. WITTMAN of Virginia, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mrs. JONES of Ohio, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

¶37.11 ARMY RESERVE CENTENNIAL

Ms. BORDALLO moved to suspend the rules and pass the joint resolution (H.J. Res. 70) congratulating the Army Reserve on its centennial, which will be formally celebrated on April 23, 2008, and commemorating the historic contributions of its veterans and continuing contributions of its soldiers to the vital national security interests and homeland defense missions of the United States; as amended.

The SPEAKER pro tempore, Mrs. JONES of Ohio, recognized Ms. BORDALLO and Mr. WITTMAN of Virginia, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said joint resolution, as amended?

The SPEAKER pro tempore, Mrs. JONES of Ohio, announced that two-thirds of the Members present had voted in the affirmative.

Ms. BORDALLO demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mrs. JONES of Ohio, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶37.12 HONORING ARMED FORCES MEMBERS SERVICE TO NATION

Ms. BORDALLO moved to suspend the rules and agree to the following resolution (H. Res. 1020); as amended:

Whereas United States soldiers, sailors, airmen, Marines, and their families have made extraordinary sacrifices to serve our country in Afghanistan and Iraq;

Whereas more than 1,600,000 members of the Armed Forces of the United States have been deployed in Operation Enduring Freedom or Operation Iraqi Freedom since September 2001;

Whereas more than 30,000 soldiers, sailors, airmen, and Marines have been wounded in battle;

Whereas advances in battlefield medicine have resulted in hundreds of lives being saved; and

Whereas both physical and mental injuries sustained during combat have a life-altering impact on our servicemen and women as well as their families: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the tremendous service that our soldiers, sailors, airmen, and Marines have given to the Nation, especially those who have sustained injury in combat;

(2) is committed to providing wounded warriors with the highest quality medical care available, and to supporting wounded members of all Armed Forces and their families during their recovery;

(3) commends the actions of private citizens and organizations who volunteer their continued support to America's wounded warriors; and

(4) encourages Members and all citizens to take steps to show support and appreciation for returning troops, especially those who have been wounded.

The SPEAKER pro tempore, Mrs. JONES of Ohio, recognized Ms. BORDALLO and Mr. WITTMAN of Virginia, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mrs. JONES of Ohio, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

¶37.13 EARLY HEARING DETECTION AND INTERVENTION

Mrs. CAPPS moved to suspend the rules and pass the bill (H.R. 1198) to amend the Public Health Service Act regarding early detection, diagnosis, and treatment of hearing loss; as amended.

The SPEAKER pro tempore, Mrs. JONES of Ohio, recognized Mrs. CAPPS and Mr. DEAL of Georgia, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mrs. JONES of Ohio, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶37.14 EMERGENCY MEDICAL SERVICES FOR CHILDREN

Mrs. CAPPS moved to suspend the rules and pass the bill (H.R. 2464) to amend the Public Health Service Act to provide a means for continued improvement in emergency medical services for children; as amended.

The SPEAKER pro tempore, Mrs. JONES of Ohio, recognized Mrs. CAPPS and Mr. DEAL of Georgia, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mrs. JONES of Ohio, announced that two-thirds of the Members present had voted in the affirmative.

Mr. MATHESON demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mrs. JONES of Ohio, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶37.15 CYTOLOGY PROFICIENCY IMPROVEMENT

Mrs. CAPPS moved to suspend the rules and pass the bill (H.R. 1237) to amend the Public Health Service Act to provide revised standards for quality assurance in screening and evaluation of gynecologic cytology preparations, and for other purposes; as amended.

The SPEAKER pro tempore, Mrs. JONES of Ohio, recognized Mrs. CAPPS and Mr. DEAL of Georgia, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mrs. JONES of Ohio, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶37.16 SAFETY OF SENIORS

Mrs. CAPPS moved to suspend the rules and pass the bill of the Senate (S. 845) to direct the Secretary of Health and Human Services to expand and intensify programs with respect to research and related activities concerning elder falls.

The SPEAKER pro tempore, Mrs. JONES of Ohio, recognized Mrs. CAPPS and Mr. DEAL of Georgia, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mrs. JONES of Ohio, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶37.17 FOOD ALLERGY AND ANAPHYLAXIS MANAGEMENT

Mrs. CAPPS moved to suspend the rules and pass the bill (H.R. 2063) to direct the Secretary of Health and Human Services, in consultation with the Secretary of Education, to develop a voluntary policy for managing the risk of food allergy and anaphylaxis in schools, to establish school-based food allergy management grants, and for other purposes; as amended.

The SPEAKER pro tempore, Mrs. JONES of Ohio, recognized Mrs. CAPPS and Mr. DEAL of Georgia, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mrs. JONES of Ohio, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

By unanimous consent, the title was amended so as to read: ''An Act to direct the Secretary of Health and Human Services, in consultation with the Secretary of Education, to develop a voluntary policy for managing the risk of food allergy and anaphylaxis in schools.''.

A motion to reconsider the votes whereby the rules were suspended and said bill, as amended, was passed and the title was amended was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶37.18 NEWBORN SCREENING SAVES LIVES

Mrs. CAPPS moved to suspend the rules and pass the bill of the Senate (S. 1858) to amend the Public Health Service Act to establish grant programs to provide for education and outreach on newborn screening and coordinated followup care once newborn screening has been conducted, to reauthorize programs under part A of title XI of such Act, and for other purposes.

The SPEAKER pro tempore, Mrs. JONES of Ohio, recognized Mrs. CAPPS and Mr. DEAL of Georgia, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mrs. JONES of Ohio, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶37.19 TRAUMATIC BRAIN INJURY

Ms. BALDWIN moved to suspend the rules and pass the bill of the Senate (S. 793) to provide for the expansion and improvement of traumatic brain injury programs; as amended.

The SPEAKER pro tempore, Mrs. JONES of Ohio, recognized Ms. BALDWIN and Mr. DEAL of Georgia, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mrs. JONES of Ohio, announced that two-thirds of the Members present had voted in the affirmative.

Ms. BALDWIN demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mrs. JONES of Ohio, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶37.20 RECESS—4:22 P.M.

The SPEAKER pro tempore, Mrs. JONES of Ohio, pursuant to clause 12(a) of rule I, declared the House in recess at 4 o'clock and 22 minutes p.m., until approximately 6:30 p.m.

¶37.21 AFTER RECESS—6:33 P.M.

The SPEAKER pro tempore, Mr. CUMMINGS, called the House to order.

¶37.22 PROVIDING FOR CONSIDERATION OF H.R. 2537

Ms. SLAUGHTER, by direction of the Committee on Rules, reported (Rept.

No. 110–572) the resolution (H. Res. 1083) providing for the consideration of the bill (H.R. 2537) to amend the Federal Water Pollution Control Act relating to beach monitoring, and for other purposes.

When said resolution and report were referred to the House Calendar and ordered printed.

¶37.23 PROVIDING FOR CONSIDERATION OF H.R. 2016

Ms. SLAUGHTER, by direction of the Committee on Rules, reported (Rept. No. 110–573) the resolution (H. Res. 1084) providing for the consideration of the bill (H.R. 2016) to establish the National Landscape Conservation System, and for other purposes.

When said resolution and report were referred to the House Calendar and ordered printed.

¶37.24 H.J. RES. 70—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. CUMMINGS, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and pass the joint resolution (H.J. Res. 70) congratulating the Army Reserve on its centennial, which will be formally celebrated on April 23, 2008, and commemorating the historic contributions of its veterans and continuing contributions of its soldiers to the vital national security interests and homeland defense missions of the United States; as amended.

The question being put,

Will the House suspend the rules and pass said joint resolution, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 393 Nays 0

¶37.25 [Roll No. 161]

YEAS—393

Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Filner
Forbes
Fortenberry
Fossella
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Goode
Goodlatte
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Pearce
Pence
Perlmutter
Peterson (MN)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Ross
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—37

Abercrombie
Boucher
Braley (IA)
Brown, Corrine
Buyer
Carnahan
Crenshaw
Cubin
Diaz-Balart, L.
Diaz-Balart, M.
Emerson
Engel
Feeney
Ferguson
Flake
Gonzalez
Gordon
Granger
Hall (NY)
Heller
Johnson (GA)
Johnson (IL)
Langevin
Markey
McDermott
Mollohan
Payne
Peterson (PA)
Pryce (OH)
Rodriguez
Rohrabacher
Rothman
Rush
Sires
Udall (CO)
Wilson (NM)
Woolsey

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said joint resolution, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said joint resolution, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said joint resolution.

¶37.26 H.R. 2464 —UNFINISHED BUSINESS

The SPEAKER pro tempore, Ms. RICHARDSON, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 2464) to amend the Public Health Service Act to provide a means for continued improvement in emergency medical services for children; as amended.

The question being put,

Will the House suspend the rules and pass said bill, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 390 Nays 1

¶37.27 [Roll No. 162]

YEAS—390

Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Filner
Forbes
Fortenberry
Fossella
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Goode
Goodlatte
Graves

Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mitchell
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Pearce
Pence
Perlmutter
Peterson (MN)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Ross
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NAYS—1

Paul

NOT VOTING—39

Abercrombie
Berman
Boucher
Braley (IA)
Brown, Corrine
Buyer
Crenshaw
Cubin
Diaz-Balart, L.
Diaz-Balart, M.
Emerson
Engel
Feeney
Ferguson
Flake
Gonzalez
Gordon
Granger
Hall (NY)
Heller
Johnson (GA)
Langevin
Markey
McDermott
Miller, George
Mollohan
Murphy, Tim
Payne
Peterson (PA)
Pryce (OH)
Rohrabacher
Rothman
Rush
Schwartz
Sires
Sullivan
Udall (CO)
Wilson (NM)
Woolsey

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶37.28 S. 793—UNFINISHED BUSINESS

The SPEAKER pro tempore, Ms. RICHARDSON, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill of the Senate (S. 793) to provide for the expansion and improvement of traumatic brain injury programs; as amended.

The question being put,

Will the House suspend the rules and pass said bill, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 392 / Nays 1

¶37.29 [Roll No. 163]

YEAS—392

Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Filner
Forbes
Fortenberry
Fossella
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Goode
Goodlatte
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McGovern
McHenry
McHugh
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Pearce
Pence
Perlmutter
Peterson (MN)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Putnam
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Ross
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NAYS—1

Paul

NOT VOTING—37

Abercrombie
Boucher
Braley (IA)
Brown, Corrine
Buyer
Crenshaw
Cubin
Diaz-Balart, L.
Diaz-Balart, M.
Emerson
Engel
Feeney
Ferguson
Flake
Gonzalez
Gordon
Granger
Hall (NY)
Johnson (GA)
Langevin
Markey
McDermott
McIntyre
Mollohan
Payne
Peterson (PA)
Pryce (OH)
Radanovich
Renzi
Rohrabacher
Rothman
Rush
Sali
Sires
Udall (CO)
Wilson (NM)
Woolsey

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said amendment.

¶37.30 PEOPLE'S REPUBLIC OF CHINA AND TIBET

Mr. BERMAN moved to suspend the rules and agree to the following resolution (H. Res. 1077):

Whereas March 10, 2008, marked the 49th anniversary of a historic uprising against Chinese rule over the Tibetan people, which forced His Holiness, the 14th Dalai Lama, to escape into exile in India;

Whereas Tibetan Buddhist monks and nuns in and around Lhasa were blocked by Chinese authorities from staging peaceful demonstrations on this anniversary date and were met with excessive force by the Chinese authorities;

Whereas protests by Tibetans spread inside the Tibet Autonomous Region and other Tibetan areas of China;

Whereas the accumulated grievances of almost six decades of cultural, religious, economic, and linguistic repression of the Tibetan people by the Government of the People's Republic of China has resulted in resentments which are at the root of the Tibetan protests;

Whereas resentment of the Chinese Government by the Tibetan people has increased sharply since 2005 as a result of Chinese policies, laws, and regulations that have reduced economic opportunity for Tibetans and severely eroded the ability of Tibetans to preserve their distinctive language, culture, and religious identity;

Whereas the response by the Chinese Government to the Tibetan protests was disproportionate and extreme, reportedly resulting in the deaths of hundreds and the detention of thousands of Tibetans;

Whereas there have been reports that some Tibetans engaged in rioting that may have resulted in the destruction of government and private property, as well as the deaths of civilians;

Whereas His Holiness the Dalai Lama has used his leadership to promote democracy, freedom, and peace for the Tibetan people through a negotiated settlement of the Tibet issue, based on autonomy within the context of China;

Whereas six rounds of dialogue between representatives of the Dalai Lama and Chinese officials have not resulted in meaningful progress;

Whereas the Chinese Government has rebuffed calls by the President of the United States, the United States Congress, and world leaders to respond positively to the Dalai Lama's willingness to be personally involved in discussions with Chinese leaders on the future of Tibet;

Whereas the Chinese Government has denigrated the Dalai Lama, labeling him as ''a splittist'' and ''a wolf in monk's robes'', thereby further alienating Tibetans who consider the Dalai Lama their spiritual leader;

Whereas the Dalai Lama was recognized for his contribution to world peace when he received the Nobel Peace Prize in 1989;

Whereas the United States Congress, in recognition of the Dalai Lama's outstanding moral and religious leadership and his advocacy of nonviolence, awarded him with the Congressional Gold Medal on October 17, 2007;

Whereas the Chinese Government has failed to honor its commitment to improve the human rights situation in China as a condition for Beijing being selected as the site for the 2008 Summer Olympic Games;

Whereas the Chinese Government has impeded the access of international journalists to Tibetan areas of China and distorted reports of events surrounding the Tibetan protests, thereby violating the commitment it made that ''there will be no restrictions on media reporting and movement of journalists up to and including the Olympic Games'';

Whereas for many years, the Chinese Government has restricted the ability of foreign journalists and foreign government officials, including United States Government officials, to freely travel in Tibetan areas of China, thereby curtailing access to information on the situation in Tibetan areas;

Whereas the Chinese Government's use of propaganda during the protests to demonize Tibetans and incite ethnic nationalism is exacerbating ethnic tensions and is counterproductive to resolving the situation;

Whereas the United States Department of State included the People's Republic of China among the group of countries described as ''the most systematic violators of human rights'' in the introduction of the 2006 Country Reports on Human Rights Practices and in previous Human Rights Reports, but did not do so in the 2007 Human Rights Report, despite no evidence of significant improvements in the human rights situation in China in the past year; and

Whereas it is the policy of the United States ''to support the aspirations of the Tibetan people to safeguard their distinct identity'' and ''to support economic development, cultural preservation, health care, and education and environmental sustainability for Tibetans inside Tibet'', in accordance with the Tibetan Policy Act of 2002 (22 U.S.C. 6901 note): Now, therefore, be it

Resolved, That the United States House of Representatives—

(1) calls on the Government of the People's Republic of China to end its crackdown on nonviolent Tibetan protestors and its continuing cultural, religious, economic, and linguistic repression inside Tibet;

(2) calls on the Chinese Government to begin a results-based dialogue, without preconditions, directly with His Holiness the Dalai Lama to address the legitimate grievances of the Tibetan people and provide for a long-term solution that respects the human rights and dignity of every Tibetan;

(3) calls on the Chinese Government to allow independent international monitors and journalists, free and unfettered access to the Tibet Autonomous Region and all other Tibetan areas of China for the purpose of monitoring and documenting events surrounding the Tibetan protests and to verify that individuals injured receive adequate medical care;

(4) calls on the Chinese Government to immediately release all Tibetans who are imprisoned for nonviolently expressing opposition to Chinese Government policies in Tibet;

(5) calls on the United States Department of State to publicly issue a statement reconsidering its decision not to include the People's Republic of China among the group of countries described as ''the world's most systematic human rights violators'' in the introduction of the 2007 Country Reports on Human Rights Practices; and

(6) calls on the United States Department of State to fully implement the Tibetan Policy Act of 2002 (22 U.S.C. 6901 note), including the stipulation that the Secretary of State ''seek to establish an office in Lhasa, Tibet to monitor political, economic and cultural developments in Tibet'', and also to provide consular protection and citizen services in emergencies, and further urges that the agreement to permit China to open further diplomatic missions in the United States should be contingent upon the establishment of a United States Government office in Lhasa.

The SPEAKER pro tempore, Ms. RICHARDSON, recognized Mr. BERMAN and Ms. ROS-LEHTINEN, each for 20 minutes.

After debate,

By unanimous consent, the time for debate was extended by 10 minutes to be equally divided and controlled by Mr. BERMAN and Mr. SMITH of New Jersey.

After further debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Ms. RICHARDSON, announced that two-thirds of the Members present had voted in the affirmative.

Mr. BERMAN demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Ms. RICHARDSON, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Wednesday, April 9, 2008.

¶37.31 SENATE CONCURRENT RESOLUTION REFERRED

A Concurrent Resolution of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. Con. Res. 73. A concurrent resolution expressing Congresional support for the goals and ideals of National Health Care Decisions Day; to the Committee on Energy and Commerce.

¶37.32 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. ABERCROMBIE, for today until 11 a.m. April 10;

To Mr. BRALEY of Iowa, for today; and

To Mr. BUYER, for today.

And then,

¶37.33 ADJOURNMENT

On motion of Mr. GINGREY, at 9 o'clock and 45 minutes p.m., the House adjourned.

¶37.34 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

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

Mr. DINGELL: Committee on Energy and Commerce. H.R. 1198. A bill to amend the Public Health Service Act regarding early detection, diagnosis, and treatment of hearing loss; with an amendment (Rept. 110–565). Referred to the Committee of the Whole House on the state of the Union.

Mr. DINGELL: Committee on Energy and Commerce. H.R. 1237. A bill to amend the Public Health Service Act to provide revised standards for quality assurance in screening and evaluation of gynecologic cytology preparations, and for other purposes; with an

amendment (Rept. 110–566). Referred to the Committee of the Whole House on the state of the Union.

Mr. DINGELL: Committee on Energy and Commerce. H.R. 1418. A bill to provide for the expansion and improvement of traumatic brain injury programs; with an amendment (Rept. 110–567). Referred to the Committee of the Whole House on the state of the Union.

Mr. DINGELL: Committee on Energy and Commerce. H.R. 2464. A bill to amend the Public Health Service Act to provide a means for continued improvement in emergency medical services for children; with an amendment (Rept. 110–568). Referred to the Committee of the Whole House on the state of the Union.

Mr. DINGELL: Committee on Energy and Commerce. H.R. 3701. A bill to amend the Public Health Service Act to direct the Secretary of Health and Human Services to intensify programs with respect to research and related activities concerning falls among older adults; with an amendment (Rept. 110–569). Referred to the Committee of the Whole House on the state of the Union.

Mr. DINGELL: Committee on Energy and Commerce. H.R. 3825. A bill to amend the Public Health Service Act to establish grant programs to provide for education and outreach on newborn screening and coordinated followup care once newborn screening has been conducted, to reauthorize programs under part A of title XI of such Act, and for other purposes; with an amendment (Rept. 110–570). Referred to the Committee of the Whole House on the state of the Union.

Mr. DINGELL: Committee on Energy and Commerce. H.R. 2063. A bill to direct the Secretary of Health and Human Services, in consultation with the Secretary of Education, to develop a voluntary policy for managing the risk of food allergy and anaphylaxis in schools, to establish school-based food allergy management grants, and for other purposes; with amendments (Rept. 110–571 Pt. 1). Ordered to be printed.

Ms. MATSUI: Committee on Rules. House Resolution 1083. Resolution providing for consideration of the bill (H.R. 2537) to amend the Federal Water Pollution Control Act relating to beach monitoring, and for other purposes (Rept. 110–572). Referred to the House Calendar.

Mr. HASTINGS of Florida: Committee on Rules. House Resolution 1084. Resolution providing for consideration of the bill (H.R. 2016) to establish the National Landscape Conservation System, and for other purposes (Rept. 110–573). Referred to the House Calendar.

¶37.35 COMMITTEE DISCHARGED

Pursuant to clause 2 of rule XII the Committee on Education and Labor discharged from further consideration. H.R. 2063 referred to the Committee of the Whole House on the state of the Union.

¶37.36 PUBLIC BILLS AND RESOLUTIONS

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

By Mr. SKELTON (for himself, Mr. ORTIZ, Mr. TAYLOR, Mr. ABERCROMBIE, Mr. REYES, Mr. SMITH of Washington, Ms. LORETTA SANCHEZ of California, Mr. MCINTYRE, Mrs. TAUSCHER, Mr. BRADY of Pennsylvania, Mrs. DAVIS of California, Mr. MARSHALL, Ms. BORDALLO, Mr. BOREN, Mrs. BOYDA of Kansas, Mr. COURTNEY, Mr. LOEBSACK, Mr. SESTAK, Ms. CASTOR, Mr. HUNTER, Mr. SAXTON, Mr. MCHUGH, Mr. EVERETT, Mr. BARTLETT of Maryland, Mr. MCKEON, Mr. FORBES, Mr. MILLER of Florida, Mr. WILSON of South Carolina, Mr. GINGREY, Mr. DAVIS of Kentucky, Mr. LAMBORN, Mr. CLAY, Ms. TSONGAS, and Mr. LOBIONDO):

H.R. 5714. A bill to require the Secretary of the Treasury to mint coins in recognition and celebration of the establishment of the United States Army in 1775, to honor the American soldier of both today and yesterday, in wartime and in peace, and to commemorate the traditions, history, and heritage of the United States Army and its role in American society, from the Colonial period to today; to the Committee on Financial Services.

By Mr. GEORGE MILLER of California (for himself, Mr. MCKEON, Mr. HINOJOSA, Mr. ALTMIRE, Ms. SHEA-PORTER, Mr. HARE, Mr. HOLT, Mr. COURTNEY, Mr. GRIJALVA, Mr. SARBANES, Mr. SCOTT of Virginia, Ms. WOOLSEY, Mr. BISHOP of New York, Ms. HIRONO, Mr. LOEBSACK, Mr. WU, and Mr. SESTAK):

H.R. 5715. A bill to ensure continued availability of access to the Federal student loan program for students and families; to the Committee on Education and Labor.

By Mr. BECERRA (for himself, Mr. DOGGETT, and Mr. PASCRELL):

H.R. 5716. A bill to amend the Internal Revenue Code of 1986 to provide taxpayer protection and assistance, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCCOTTER (for himself, Mr. COHEN, and Mr. MEEKS of New York):

H.R. 5717. A bill to establish a reward system to provide monetary awards to individuals who provide information relating to violations of the CAN-SPAM Act; to the Committee on Energy and Commerce.

By Mrs. MALONEY of New York (for herself, Mr. DAVIS of Illinois, Mr. HOYER, Mr. GEORGE MILLER of California, Mr. TOM DAVIS of Virginia, Ms. WOOLSEY, Mr. BERMAN, Ms. DELAURO, Mr. ELLISON, Mr. FATTAH, Mr. FILNER, Mrs. GILLIBRAND, Mr. LEWIS of Georgia, Ms. MCCOLLUM of Minnesota, Mr. MORAN of Virginia, Mr. SARBANES, Ms. SCHAKOWSKY, Mr. SERRANO, Mr. VAN HOLLEN, Mr. CUMMINGS, Mr. AL GREEN of Texas, and Mr. KUCINICH):

H.R. 5718. A bill to provide that 8 of the 12 weeks of parental leave made available to a Federal employee shall be paid leave, and for other purposes; to the Committee on Oversight and Government Reform, and in addition to the Committees on House Administration, and Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RANGEL (for himself, Mr. MCDERMOTT, Mr. LEWIS of Georgia, Mr. POMEROY, Mr. EMANUEL, Mr. BLUMENAUER, Mr. KIND, Ms. BERKLEY, Mr. CROWLEY, Mr. MEEK of Florida, Mr. ELLISON, Ms. GIFFORDS, Mr. HALL of New York, Mr. MAHONEY of Florida, Mr. WALZ of Minnesota, Mr. WELCH of Vermont, and Mrs. JONES of Ohio):

H.R. 5719. A bill to amend the Internal Revenue Code of 1986 to conform return preparer penalty standards, delay implementation of withholding taxes on government contractors, enhance taxpayer protections, assist low-income taxpayers, and for other purposes; to the Committee on Ways and Means.

By Mr. RANGEL (for himself, Mr. MCDERMOTT, Mr. LEWIS of Georgia, Mr. POMEROY, Mr. THOMPSON of California, Mr. EMANUEL, Mr. BLUMENAUER, Ms. BERKLEY, Mr. CROWLEY, Mr. ELLISON, Ms. GIFFORDS, Mr. JOHNSON of Georgia, Mr. MAHONEY of Florida, Mr. RODRIGUEZ, Ms. SHEA-PORTER, Mr. SIRES, Mr. WELCH of Vermont, and Mrs. JONES of Ohio):

H.R. 5720. A bill to amend the Internal Revenue Code of 1986 to provide assistance for housing; to the Committee on Ways and Means.

By Mr. SULLIVAN (for himself, Mr. BOREN, Mr. ROSS, Mr. LUCAS, Mr. COLE of Oklahoma, Mr. OBERSTAR, and Ms. FALLIN):

H.R. 5721. A bill to amend title XIX of the Social Security Act to provide for a DSH redistribution pool from unexpended Medicaid DSH allotments in order to increase Medicaid DSH allotments for low DSH States and to provide grants for health access networks serving the uninsured; to the Committee on Energy and Commerce.

By Mr. SMITH of New Jersey (for himself, Mr. PAYNE, Mr. FORTENBERRY, Mr. PITTS, Mr. WOLF, Mrs. DRAKE, Ms. ROS-LEHTINEN, Mr. CHABOT, and Mr. WILSON of South Carolina):

H.R. 5722. A bill to mandate reporting requirements for convicted sex traffickers and other sex offenders intending to engage in international travel, to provide advance notice of convicted sex offenders who intend to travel outside the United States to the government of the country of destination, to prevent entry into the United States by any foreign sex offender, and for other purposes; to the Committee on Foreign Affairs, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KANJORSKI:

H.R. 5723. A bill to amend the Federal Home Loan Bank Act to allow Federal home loan banks to invest surplus funds in student loan securities and make advances for student loan financing, and for other purposes; to the Committee on Financial Services.

By Mr. HOYER (for himself and Mr. BOEHNER) (both by request):

H.R. 5724. A bill to implement the United States-Colombia Trade Promotion Agreement; to the Committee on Ways and Means.

By Mr. ALEXANDER:

H.R. 5725. A bill to amend the Internal Revenue Code of 1986 to allow employers a credit against income tax for employing members of the Ready Reserve or National Guard; to the Committee on Ways and Means.

By Mr. BAIRD:

H.R. 5726. A bill to amend the Immigration and Nationality Act to require prospective employers of H-1B nonimmigrants to participate in an educational, training, or mentorship program for United States workers; to the Committee on the Judiciary.

By Mrs. CAPITO:

H.R. 5727. A bill to authorize the Secretary of Labor to make grants for the establishment of information technology centers in rural areas; to the Committee on Education and Labor.

By Mrs. CAPITO (for herself, Mr. TANCREDO, Mr. BILBRAY, Mr. MARCHANT, Mr. POE, and Mr. MILLER of Florida):

H.R. 5728. A bill to amend the Internal Revenue Code of 1986 to allow individual taxpayers to designate a portion of income taxes to fund the improvement of barriers at the United States border, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Homeland Security, for a period to be subsequently determined by the Speaker, in each

case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ELLSWORTH:

H.R. 5729. A bill to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to provide comprehensive health care to children of Vietnam veterans born with Spina Bifida, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. FILNER:

H.R. 5730. A bill to direct the Secretary of Veterans Affairs to display in each prosthetic and orthotic clinic of the Department of Veterans Affairs an Injured and Amputee Veterans Bill of Rights; to the Committee on Veterans' Affairs.

By Mr. GALLEGLY (for himself and Mr. SMITH of Texas):

H.R. 5731. A bill to prohibit offices of the legislative branch from entering into a contract for the provision of goods or services within the Capitol Complex with any contractor who does not participate in the basic pilot program for employment eligibility verification, and for other purposes; to the Committee on House Administration.

By Mrs. MYRICK:

H.R. 5732. A bill to establish procedures for the issuance by the Commissioner of Social Security of ''no match'' letters to employers, and for the notification of the Secretary of Homeland Security regarding such letters; to the Committee on Ways and Means.

By Mr. REHBERG:

H.R. 5733. A bill to require the Secretary of the Treasury to mint and issue coins commemorating the 100th anniversary of the establishment of Glacier National Park, and for other purposes; to the Committee on Financial Services.

By Mr. GINGREY (for himself, Mr. BOUSTANY, Mr. BROUN of Georgia, Mr. BURGESS, Mr. MILLER of Florida, Mr. BOOZMAN, Mr. PRICE of Georgia, Mr. WELDON of Florida, Mr. PAUL, and Mr. SIMPSON):

H. Con. Res. 323. Concurrent resolution expressing Congressional support for the goals and ideals of National Health Care Decisions Day; to the Committee on Energy and Commerce.

By Ms. KAPTUR (for herself and Mr. KILDEE):

H. Con. Res. 324. Concurrent resolution expressing the sense of Congress relating to the trade promotion agreement between the United States and Colombia; to the Committee on Ways and Means.

By Ms. VELÁZQUEZ (for herself and Mr. CHABOT):

H. Res. 1082. A resolution recognizing the plumbing industry and supporting the goals and ideals of ''National Plumbing Industry Week''; to the Committee on Small Business.

By Ms. CORRINE BROWN of Florida (for herself and Mr. CASTLE):

H. Res. 1085. A resolution supporting the goals and ideals of National Train Day; to the Committee on Oversight and Government Reform.

By Ms. EDDIE BERNICE JOHNSON of Texas (for herself, Mrs. CAPPS, and Mrs. MCCARTHY of New York):

H. Res. 1086. A resolution recognizing National Nurses Week on May 6 through May 12, 2008; to the Committee on Energy and Commerce.

By Ms. KAPTUR:

H. Res. 1087. A resolution expressing the sense of the House of Representatives that the North American Free Trade Agreement must be renegotiated to foster fair trade that truly benefits all the people of Canada, the United States and Mexico; to the Committee on Ways and Means.

By Mr. NADLER (for himself, Mr. RANGEL, Ms. CLARKE, Mr. SERRANO, Mr. TOWNS, and Mrs. MALONEY of New York):

H. Res. 1088. A resolution recognizing and commending the Alvin Ailey American Dance Theater for 50 years of service as a vital American cultural ambassador to the world; to the Committee on Education and Labor.

By Ms. LORETTA SANCHEZ of California (for herself and Ms. ZOE LOFGREN of California):

H. Res. 1089. A resolution calling on the government of Vietnam to release from prison, end the detention without trial, and cease the harassment and house arrest of the people who signed the Manifesto on Freedom and Democracy for Vietnam, and expressing the sense of Congress that the President should encourage Vietnam to release such people from prison and to direct the Secretary of State to establish a Countries of Particular Concern list to condemn countries like Vietnam, which engage in ''particularly severe violations'' of human rights; to the Committee on Foreign Affairs.

By Mr. JEFFERSON (for himself and Mr. PAYNE):

H. Res. 1090. A resolution honoring the esteemed former President Nelson Rolihlahla Mandela on the occasion of his 90th birthday; to the Committee on Foreign Affairs.

By Mr. YOUNG of Alaska (for himself, Mr. FEENEY, Mr. DREIER, Mr. JONES of North Carolina, Mr. ADERHOLT, Mr. BURTON of Indiana, Mr. WILSON of South Carolina, Mr. EVERETT, Mr. LATTA, Mr. RAHALL, Mr. PAUL, Mr. BOREN, Mr. ISSA, and Mr. SIMPSON):

H. Res. 1091. A resolution honoring the life, achievements, and contributions of Charlton Heston and extending its deepest sympathies to the family of Charlton Heston for the loss of such a great generous man, husband, and father; to the Committee on Oversight and Government Reform.

¶37.37 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 245: Mr. MORAN of Kansas.

H.R. 281: Mr. PETERSON of Minnesota, Mr. BOSWELL, Ms. WATSON, Mr. INSLEE, and Mr. CARDOZA.

H.R. 303: Mr. ETHERIDGE and Mr. GOODLATTE.

H.R. 351: Mr. JACKSON of Illinois, Mr. HONDA, and Mr. PAYNE.

H.R. 368: Mr. JEFFERSON, Mr. KILDEE, and Mr. MURPHY of Connecticut.

H.R. 406: Mr. PEARCE, Mr. PASCRELL, Mr. ALEXANDER, Mr. COLE of Oklahoma, Mr. DREIER, Mr. HOEKSTRA, Mr. LOBIONDO, Mr. LUCAS, Mr. MCCRERY, Mr. REHBERG, Mr. SAXTON, Mr. SIMPSON, Mr. WALSH of New York, Mr. MCKEON, Mr. MELANCON, Mr. ALLEN, and Mr. GALLEGLY.

H.R. 471: Mr. DUNCAN, Mr. SHUSTER, Mrs. MCCARTHY of New York, and Mr. WITTMAN of Virginia.

H.R. 594: Mr. ALTMIRE.

H.R. 643: Mr. CULBERSON.

H.R. 728: Mr. VAN HOLLEN and Mr. MICA.

H.R. 741: Mr. MARKEY and Mr. KELLER.

H.R. 882: Mr. MILLER of Florida and Mr. SHUSTER.

H.R. 998: Mr. FILNER, Mr. HASTINGS of Florida, Mr. HARE, and Mr. DAVIS of Illinois.

H.R. 1017: Ms. MOORE of Wisconsin.

H.R. 1043: Mr. HONDA and Mr. KILDEE.

H.R. 1050: Mr. JACKSON of Illinois, Mr. KUCINICH, and Mr. CLAY.

H.R. 1076: Mr. LATOURETTE, Mr. CULBERSON, Mr. JOHNSON of Georgia, and Mr. LAHOOD.

H.R. 1078: Mr. PASTOR.

H.R. 1102: Mr. STARK.

H.R. 1110: Ms. SHEA-PORTER.

H.R. 1222: Mr. HONDA.

H.R. 1223: Mr. CLAY and Mr. HONDA.

H.R. 1228: Mr. JACKSON of Illinois.

H.R. 1264: Mr. PASTOR.

H.R. 1279: Mr. LYNCH.

H.R. 1280: Mr. WITTMAN of Virginia.

H.R. 1293: Mr. GARRETT of New Jersey.

H.R. 1295: Mrs. CUBIN.

H.R. 1306: Mr. PLATTS.

H.R. 1343: Mr. FOSSELLA and Mr. SPACE.

H.R. 1373: Mr. COHEN.

H.R. 1381: Mr. MCGOVERN.

H.R. 1418: Mr. GRIJALVA.

H.R. 1431: Mr. PITTS.

H.R. 1435: Mr. AL GREEN of Texas.

H.R. 1440: Mr. BUTTERFIELD and Mr. ROSS.

H.R. 1514: Mr. JOHNSON of Georgia and Mr. MILLER of Florida.

H.R. 1590: Ms. SLAUGHTER.

H.R. 1609: Mr. REGULA, Mr. BARROW, Mr. EHLERS, Mr. MCHUGH, Mr. BILBRAY, Mr. ETHERIDGE, Mr. STARK, Mr. PETRI, Mr. PUTNAM, Mr. BRADY of Texas, Mr. NEAL of Massachusetts, Mr. FALEOMAVAEGA, Mr. WELCH of Vermont, and Mr. POMEROY.

H.R. 1619: Mrs. EMERSON, Mr. LINCOLN DAVIS of Tennessee, and Mr. TERRY.

H.R. 1641: Mr. COHEN.

H.R. 1646: Ms. JACKSON-LEE of Texas, Ms. WATSON, and Mr. INSLEE.

H.R. 1667: Mr. BISHOP of New York and Ms. WATSON.

H.R. 1738: Mr. SPACE.

H.R. 1767: Mr. SMITH of Texas and Mr. LEWIS of Kentucky.

H.R. 1776: Mr. SHULER, Mr. FILNER, and Ms. SUTTON.

H.R. 1783: Ms. LEE.

H.R. 1884: Mr. JACKSON of Illinois, Mr. REGULA, Mr. MARKEY, Mr. BISHOP of Georgia, and Mr. WHITFIELD of Kentucky.

H.R. 1998: Mr. MCCOTTER.

H.R. 2014: Mr. PASTOR.

H.R. 2032: Ms.ZOE LOFGREN.

H.R. 2091: Ms. GINNY BROWN-WAITE of Florida, Mr. KIND, Mr. DONNELLY, Mr. KUHL of New York, and Mr. TIBERI.

H.R. 2111: Ms. ESHOO.

H.R. 2138: Ms. TSONGAS, Mr. GONZALEZ, and Mrs. BONO MACK.

H.R. 2140: Mr. ENGEL and Mr. PERLMUTTER.

H.R. 2160: Mr. WHITFIELD of Kentucky.

H.R. 2188: Ms. DELAURO.

H.R. 2312: Mr. FOSSELLA.

H.R. 2332: Ms. GIFFORDS.

H.R. 2343: Mr. PAYNE.

H.R. 2377: Mr. MARIO DIAZ-BALART of Florida.

H.R. 2564: Mr. ALEXANDER.

H.R. 2567: Mr. ELLISON.

H.R. 2578: Mr. DICKS.

H.R. 2580: Mr. GALLEGLY.

H.R. 2593: Mr. FATTAH, Ms. NORTON, Mrs. NAPOLITANO, Mr. OLVER, and Ms. LINDA T. SÁNCHEZ of California.

H.R. 2634: Mr. SHERMAN and Mr. ROTHMAN.

H.R. 2676: Mr. PAYNE, Mr. CULBERSON, and Mr. HILL.

H.R. 2694: Ms. SHEA-PORTER, Mr. SKELTON, and Mr. NEAL of Massachusetts.

H.R. 2702: Mr. CARDOZA, Mr. BOSWELL, Mr. THOMPSON of California, and Mr. COSTA.

H.R. 2708: Mr. BERMAN and Mr. BOREN.

H.R. 2711: Ms. ESHOO.

H.R. 2744: Mr. MURPHY of Connecticut, Mr. ELLSWORTH, Mrs. LOWEY, Mr. RUSH, Mr. BARROW, Mr. CUMMINGS, Mr. FURTUÑO, Mr. FOSTER, Ms. SCHWARTZ, and Mr. CLAY.

H.R. 2851: Ms. MOORE of Wisconsin, Mr. GRIJALVA, Mr. COURTNEY, Mr. SHULER, Mr. KILDEE, Mr. HALL of New York, Mr. TOWNS, Mr. KUCINICH, Mr. MELANCON, and Mr. LOEBSACK.

H.R. 2914: Mr. PASTOR.

H.R. 2994: Mr. LATOURETTE.

H.R. 3001: Ms. DELAURO and Mr. GENE GREEN of Texas.

H.R. 3042: Mr. EMANUEL.

H.R. 3053: Mr. MCCOTTER.

H.R. 3109: Mr. ROGERS of Michigan.
H.R. 3195: Mrs. DRAKE.
H.R. 3212: Mr. STARK.
H.R. 3282: Mr. CAPUANO.
H.R. 3289: Mr. GRIJALVA, Ms. LINDA T. SÁNCHEZ of California, Mr. PALLONE, and Mr. MOORE of Kansas.
H.R. 3314: Mr. MOORE of Kansas.
H.R. 3339: Mr. FILNER.
H.R. 3369: Mr. MCCOTTER.
H.R. 3453: Mr. KENNEDY, Mr. TIERNEY, and Ms. BERKLEY.
H.R. 3457: Mr. PITTS.
H.R. 3463: Ms. SUTTON.
H.R. 3543: Mr. CONYERS.
H.R. 3618: Mr. ETHERIDGE and Mr. SPACE.
H.R. 3622: Mr. LINCOLN DIAZ-BALART of Florida.
H.R. 3634: Mr. MOORE of Kansas.
H.R. 3650: Mr. CARTER and Mr. GONZALEZ.
H.R. 3652: Mr. JACKSON of Illinois.
H.R. 3658: Mr. COHEN.
H.R. 3663: Ms. DEGETTE and Mr. TOWNS.
H.R. 3692: Mr. LEWIS of Georgia.
H.R. 3717: Mr. ELLISON and Mr. MCGOVERN.
H.R. 3797: Mr. LYNCH.
H.R. 3819: Mr. SHIMKUS.
H.R. 3844: Mr. MCCOTTER.
H.R. 3934: Mrs. SCHMIDT, Ms. MATSUI, Ms. KILPATRICK, Mr. WEXLER, and Mr. HONDA.
H.R. 3968: Mr. GRIJALVA, Mr. LEWIS of Georgia, and Mr. CAPUANO.
H.R. 3981: Mrs. MCMORRIS RODGERS, Mr. ROSS, Mr. RYAN of Ohio, and Mr. GORDON.
H.R. 4044: Ms. BORDALLO.
H.R. 4088: Mr. JOHNSON of Illinois and Mr. ROGERS of Alabama.
H.R. 4089: Mr. ALLEN, Ms. BERKLEY, and Mr. HOLDEN.
H.R. 4105: Mr. CLEAVER, Mr. VISCLOSKY, Mr. OLVER, Mr. ALEXANDER, and Mr. WAMP.
H.R. 4138: Mr. GENE GREEN of Texas.
H.R. 4206: Mr. LEWIS of Georgia, Mr. WAMP, and Mr. BACA.
H.R. 4246: Mr. MEEKS of New York and Mr. WELCH of Vermont.
H.R. 4304: Mr. GINGREY.
H.R. 4310: Mr. DELAHUNT.
H.R. 4318: Mr. MURPHY of Connecticut.
H.R. 4453: Mrs. CHRISTENSEN.
H.R. 4458: Mr. LOBIONDO.
H.R. 4544: Mr. RAHALL.
H.R. 4545: Mr. JACKSON of Illinois and Mr. HONDA.
H.R. 4574: Mr. GARRETT of New Jersey.
H.R. 4627: Mr. MCHUGH.
H.R. 4836: Mr. PAYNE and Mr. NEAL of Massachusetts.
H.R. 4838: Mr. TIERNEY.
H.R. 4883: Ms. BORDALLO, Mr. BRADY of Pennsylvania, Ms. SHEA-PORTER, Mr. GRIJALVA, Mr. REYES, Mr. ORTIZ, and Ms. SCHAKOWSKY.
H.R. 4884: Ms. BORDALLO, Mr. BRADY of Pennsylvania, Ms. SHEA-PORTER, Mr. GRIJALVA, Mr. REYES, Mr. WELCH of Vermont, Mr. ORTIZ, and Ms. SCHAKOWSKY.
H.R. 4915: Mr. CHABOT and Mrs. LOWEY.
H.R. 4930: Mr. DAVID DAVIS of Tennessee.
H.R. 4995: Mr. MCCAUL of Texas.
H.R. 5031: Mr. ADERHOLT.
H.R. 5058: Mr. ANDREWS and Mr. JACKSON of Illinois.
H.R. 5069: Mr. HILL.
H.R. 5106: Mr. HONDA and Mr. FORTUÑO.
H.R. 5110: Mr. HARE and Mr. PALLONE.
H.R. 5131: Mr. KUHL of New York, Mr. HENSARLING, Mr. LAMPSON, and Mr. NUNES.
H.R. 5143: Mr. BARRETT of South Carolina.
H.R. 5152: Mr. FOSSELLA.
H.R. 5160: Mr. BURTON of Indiana.
H.R. 5161: Mr. MATHESON.
H.R. 5175: Mrs. MUSGRAVE.
H.R. 5233: Mr. BOUSTANY.
H.R. 5244: Mr. ROTHMAN, Mr. KILDEE, Ms. LORETTA SANCHEZ of California, and Mr. ISRAEL.
H.R. 5265: Mr. KIRK, Mr. DELAHUNT, Mr. ROTHMAN, and Ms. WATSON.
H.R. 5268: Mr. BLUMENAUER, Mr. PASCRELL, Mr. JOHNSON of Georgia, Mr. HIGGINS, Mr. NADLER, Ms. CLARKE, Mr. WEXLER, Ms. MOORE of Wisconsin, and Ms. SLAUGHTER.
H.R. 5315: Ms. HOOLEY, Mr. GRIJALVA, Mr. UDALL of Colorado, Ms. GIFFORDS, Mr. HONDA, Ms. BORDALLO, Mr. PEARCE, and Mr. COHEN.
H.R. 5443: Ms. GIFFORDS, Mr. FALEOMAVAEGA, and Mr. ROHRABACHER.
H.R. 5446: Mr. ELLISON, Ms. BORDALLO, Ms. JACKSON-LEE of Texas, Mr. PAYNE, Mr. MCNULTY, Mr. BURTON of Indiana, and Mr. WEXLER.
H.R. 5447: Mr. RUPPERSBERGER, Ms. KILPATRICK, and Ms. BORDALLO.
H.R. 5469: Ms. SCHAKOWSKY.
H.R. 5474: Mr. SPACE.
H.R. 5481: Mr. BURTON of Indiana and Mr. CARNEY.
H.R. 5490: Mrs. BLACKBURN.
H.R. 5505: Mr. JACKSON of Illinois.
H.R. 5522: Mr. GRIJALVA, Ms. ESHOO, Mr. SCOTT of Virginia, Mr. ANDREWS, Ms. HIRONO, Mr. ROTHMAN, Mr. DAVIS of Illinois, Ms. CLARKE, and Mr. YARMUTH.
H.R. 5532: Mr. WAMP and Mr. PETRI.
H.R. 5534: Ms. LEE, Mr. WHITFIELD of Kentucky, and Mr. SMITH of New Jersey.
H.R. 5541: Mr. DINGELL, Mr. THOMPSON of California, Mrs. CAPPS, Ms. BORDALLO, Mrs. CHRISTENSEN, Mr. DEFAZIO, Mr. MORAN of Virginia, Mr. HOLT, Mr. GILCHREST, Mrs. LOWEY, Mrs. BONO MACK, Mr. JACKSON of Illinois, Mr. WAXMAN, Mr. FRANK of Massachusetts, Mr. GONZALEZ, Mr. MCGOVERN, Mr. LARSEN of Washington, Mr. MICHAUD, Mr. SAXTON, Mrs. MALONEY of New York, Mr. KILDEE, Mr. OLVER, Mr. LAHOOD, and Mr. GEORGE MILLER of California.
H.R. 5544: Mr. NEUGEBAUER.
H.R. 5545: Mr. SESSIONS.
H.R. 5546: Ms. MCCOLLUM of Minnesota.
H.R. 5561: Mr. CARNAHAN and Mrs. BONO MACK.
H.R. 5569: Mr. COSTA.
H.R. 5573: Ms. WATSON, Mr. VAN HOLLEN, Ms. JACKSON-LEE of Texas, Mr. WEXLER, Mr. FILNER, Ms. WOOLSEY, Mr. FRANK of Massachusetts, Mrs. JONES of Ohio, Mr. ALLEN, Mr. HINOJOSA, Mr. MCGOVERN, Mr. SIRES, Mr. BISHOP of New York, Mr. HARE, Ms. BALDWIN, Mr. ELLISON, and Mr. INSLEE.
H.R. 5586: Mrs. MCCARTHY of New York.
H.R. 5602: Mr. STARK, Ms. SLAUGHTER, Mr. NEAL of Massachusetts, Ms. DeLAURO, Ms. GIFFORDS, Mr. BOYD of Florida, and Mr. PATRICK MURPHY of Pennsylvania.
H.R. 5606: Mr. GORDON, Mr. YOUNG of Alaska, Mr. TOWNS, Mr. MCCAUL of Texas, Mr. BURTON of Indiana, Mr. PASTOR, Ms. WASSERMAN SCHULTZ, and Mr. CARNAHAN.
H.R. 5611: Mr. ROSKAM, Mrs. MYRICK, Ms. ROS-LEHTINEN, Mr. PERLMUTTER, and Mr. LAHOOD.
H.R. 5613: Mr. NEAL of Massachusetts, Ms. ROYBAL-ALLARD, Ms. BALDWIN, Ms. MCCOLLUM of Minnesota, Ms. CLARKE, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. OLVER, Mr. MCGOVERN, Mr. SPRATT, Mr. DAVIS of Alabama, Mr. MCCOTTER, Mr. PRICE of North Carolina, Mr. ISRAEL, Mr. MILLER of North Carolina, Mr. FATTAH, Ms. MOORE of Wisconsin, Mr. PASCRELL, Ms. KAPTUR, Mr. SAM JOHNSON of Texas, Mr. MEEKS of New York, Mrs. WILSON of New Mexico, Ms. WOOLSEY, Ms. DELAURO, Mrs. MCCARTHY of New York, Mr. SCOTT of Virginia, Ms. RICHARDSON, Mr. HALL of New York, Mr. BISHOP of Georgia, Mr. WEXLER, Mr. LANGEVIN, Mr. PASTOR, Mr. MORAN of Kansas, Mr. HONDA, Mr. LEWIS of Georgia, Mr. GEORGE MILLER of California, Mr. RANGEL, Mr. GONZALEZ, Mr. PERLMUTTER, Mr. GRIJALVA, Mr. BECERRA, Ms. LEE, Mr. UDALL of New Mexico, Mr. WALSH of New York, Mr. WALZ of Minnesota, Mr. LYNCH, Mr. LOEBSACK, Ms. VELÁZQUEZ, Ms. LINDA T. SÁNCHEZ of California, Mr. HINCHEY, Mr. ELLISON, Mr. CLAY, Mr. THOMPSON of California, Mr. KENNEDY, Mr. NADLER, Mr. FILNER, Mrs. LOWEY, Mr. ACKERMAN, Mr. PLATTS, Mr. OBERSTAR, Ms. NORTON, Mr. CROWLEY, Mrs. GILLIBRAND, Mr. MICHAUD, Ms. HOOLEY, Mr. HIGGINS, Mr. SERRANO, Mr. BERMAN, Mrs. DAVIS of California, Mr. HAYES, Mr. GERLACH, Mrs. TAUSCHER, Mr. RAMSTAD, and Ms. GIFFORDS.
H.R. 5624: Mr. HOLT.
H.R. 5629: Mr. BOUCHER and Mr. MCCARTHY of California.
H.R. 5635: Mr. CHABOT, Mr. PETRI, Mrs. TAUSCHER, and Mr. CROWLEY.
H.R. 5638: Mr. BOUCHER and Mr. WILSON of Ohio.
H.R. 5641: Mr. MILLER of Florida.
H.R. 5654: Mr. ABERCROMBIE and Mr. JACKSON of Illinois.
H.R. 5666: Mr. TOWNS.
H.R. 5668: Mr. SMITH of New Jersey, Mr. TANCREDO, and Mr. CAPUANO.
H.R. 5670: Mr. PAUL and Mr. MCHUGH.
H.R. 5672: Ms. BORDALLO, Mr. TOWNS, Mr. BRADY of Pennsylvania, Mr. FILNER, and Ms. CLARKE.
H.R. 5674: Mr. MCCAUL of Texas.
H.R. 5678: Ms. VELÁZQUEZ.
H.R. 5681: Mrs. GILLIBRAND.
H.R. 5684: Mr. RODRIGUEZ, Ms. BORDALLO, Mrs. BOYDA of Kansas, and Mr. GRIJALVA.
H.R. 5690: Mr. CONYERS.
H.R. 5713: Mr. BUYER.
H. Con. Res. 194: Mr. CROWLEY.
H. Con. Res. 257: Mrs. MYRICK, Mr. KIRK, Mr. LAMBORN, Mr. LOBIONDO, Mr. MCCAUL of Texas, and Mr. BISHOP of Utah.
H. Con. Res. 295: Mr. HENSARLING.
H. Con. Res. 315: Mr. SENSENBRENNER, Mr. JORDAN, Mr. HULSHOF, Mr. SIMPSON, Mr. GARY G. MILLER of California, Mr. TURNER, Mr. ADERHOLT, Ms. GINNY BROWN-WAITE of Florida, Mr. LINDER, Mr. SHIMKUS, and Mr. BOOZMAN.
H. Con. Res. 317: Mr. ACKERMAN, Mr. BURTON of Indiana, Mr. CROWLEY, Mr. ROHRABACHER, Ms. JACKSON-LEE of Texas, Mr. OLVER, and Mr. ROTHMAN.
H. Con. Res. 318: Ms. LEE, Mr. SERRANO, Mr. LEWIS of Georgia, Mr. RANGEL, Mr. FATTAH, and Mr. ROTHMAN.
H. Con. Res. 320: Mrs. DAVIS of California, Mr. PAYNE, Mr. TOWNS, Mr. BURTON of Indiana, and Mr. DOGGETT.
H. Con. Res. 321: Mr. MORAN of Virginia.
H. Res. 265: Mrs. DAVIS of California.
H. Res. 652: Mr. MCCOTTER.
H. Res. 820: Mr. COSTA.
H. Res. 834: Mr. SMITH of Washington and Mrs. BOYDA of Kansas.
H. Res. 838: Mr. ARCURI, Mr. BARTON of Texas, Mr. BISHOP of Georgia, Mr. CLAY, Mr. COSTELLO, Mr. DAVIS of Illinois, Ms. DELAURO, Mr. DOYLE, Mr. FERGUSON, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. KAPTUR, Mr. KILDEE, Mr. LATTA, Mrs. MCCARTHY of New York, Mr. MCHENRY, Mrs. MILLER of Michigan, Mrs. SCHMIDT, Mr. SESSIONS, Ms. SHEA-PORTER, Mr. TOWNS, and Mr. STUPAK.
H. Res. 865: Ms. WASSERMAN SCHULTZ.
H. Res. 888: Mr. TIM MURPHY of Pennsylvania.
H. Res. 925: Mr. WILSON of South Carolina, Ms. GIFFORDS, Mr. PENCE, and Mr. ENGLISH of Pennsylvania.
H. Res. 977: Mr. ELLSWORTH.
H. Res. 981: Mr. LEWIS of Kentucky, Mr. HONDA, Mr. ALEXANDER, Mr. HOLDEN, Mr. LEWIS of Georgia, Mr. SAM JOHNSON of Texas, Mr. CONAWAY, Mr. DAVID DAVIS of Tennessee, Mr. HAYES, Mr. CLAY, Mr. HIGGINS, Ms. DEGETTE, Mr. LATHAM, Ms. BORDALLO, Mr. FILNER, Mr. CRENSHAW, Mr. KENNEDY, Mr. CANTOR, Mr. MCGOVERN, and Ms. HOOLEY.
H. Res. 987: Mr. SESTAK, Mr. HODES, and Mr. PRICE of North Carolina.
H. Res. 1008: Mrs. TAUSCHER.
H. Res. 1019: Ms. BALDWIN, Mr. PAYNE, Mr. RUSH, Ms. JACKSON-LEE of Texas, and Ms. WATSON.

H. Res. 1020: Mr. PASTOR and Mr. POE.

H. Res. 1022: Mr. MOORE of Kansas, Mr. WYNN, Ms. HIRONO, Mr. DAVIS of Illinois, Ms. LEE, and Mr. COHEN.

H. Res. 1026: Mr. MCGOVERN, Mr. TANCREDO, Mr. BACHUS, and Mr. MICA.

H. Res. 1029: Mr. PETERSON of Minnesota, Mr. CLAY, Mr. YOUNG of Florida, Mr. FILNER, and Mr. GONZALEZ.

H. Res. 1030: Mr. POE, Mr. BURGESS, Mr. SMITH of Texas, Mr. WILSON of South Carolina, Mr. CONAWAY, Mr. HENSARLING, Mr. PENCE, Mr. REGULA, and Mr. BUYER.

H. Res. 1048: Mr. TOM DAVIS of Virginia.

H. Res. 1053: Mr. MARCHANT and Mr. RUPPERSBERGER.

H. Res. 1063: Mr. BOUSTANY, Mr. INGLIS of South Carolina, Mr. GENE GREEN of Texas, Mr. BISHOP of New York, Mr. SKELTON, Mr. PAYNE, Mr. ETHERIDGE, and Mr. COHEN.

H. Res. 1069: Ms. SCHAKOWSKY, Mr. BURTON of Indiana, Mr. ENGEL, Mr. KLEIN of Florida, Mr. POE, Mr. PENCE, and Mr. FORTUÑO.

H. Res. 1070: Mr. CHABOT, Mr. FORTUÑO, and Mr. WELCH of Vermont.

H. Res. 1072: Ms. GIFFORDS.

H. Res. 1075: Mr. BURTON of Indiana, Mr. PAYNE, Mr. HINCHEY, Ms. GIFFORDS, Mr. MCCOTTER, and Mr. KING of New York.

H. Res. 1077: Mr. MCCOTTER, Mr. CHABOT, Ms. JACKSON-LEE of Texas, Ms. ROS-LEHTINEN, Mr. BERMAN, Ms. MCCOLLUM of Minnesota, Ms. LEE, Mr. FRANK of Massachusetts, and Mr. SMITH of New Jersey.

H. Res. 1080: Mr. WOLF, Mr. SPRATT, Mr. FILNER, and Mr. BOOZMAN.

WEDNESDAY, APRIL 9, 2008 (38)

The House was called to order by the SPEAKER.

¶38.1 APPROVAL OF THE JOURNAL

The SPEAKER announced she had examined and approved the Journal of the proceedings of Tuesday, April 8, 2008.

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

¶38.2 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

5924. A letter from the Chief, Programs and Legislation Division, Department of the Air Force, Department of Defense, transmitting Notice of the decision to conduct a standard competition of the Civil Engineer Function at Schriever Air Force Base, Colorado, pursuant to 10 U.S.C. 2461; to the Committee on Armed Services.

5925. A letter from the Chairman, Department of Defense, transmitting the 2008 report on vulnerability assessments for FY 2007 and military construction requirements for the FY 2007 to FY 2012 Future Years Defense Plan, pursuant to 10 U.S.C. 2859; to the Committee on Armed Services.

5926. A letter from the Assistant Secretary for Homeland Defense and Americas' Security Affairs, Department of Defense, transmitting the Annual Report of the Activities of the Western Hemisphere Institute for Security Cooperation for 2007, pursuant to 10 U.S.C. 2166(i); to the Committee on Armed Services.

5927. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting authorization of Colonel Norman J. Brozenick, Jr., United States Air Force, to wear the insignia of the grade of brigadier general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

5928. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting letter on the approved retirement Admiral William J. Fallon, United States Navy, and his advancement to the grade of admiral on the retired list; to the Committee on Armed Services.

5929. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting a letter on the approved retirement Vice Admiral John G. Morgan, Jr., United States Navy, and his advancement to the grade of vice admiral on the retired list; to the Committee on Armed Services.

5930. A letter from the Secretary, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General William E. Mortensen, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

5931. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting authorization of the enclosed list of officers to wear the insignia of the next higher grade in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

5932. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting notice of the intention to convert the combined commissary and exchange store at Homestead Air Reserve Base, Florida, to an independent Army and Air Force Exchange Service (AAFES) store; to the Committee on Armed Services.

5933. A letter from the Acting General Counsel, Department of Defense, transmitting a copy of legislative proposals as part of the National Defense Authorization Bill for Fiscal Year 2009; to the Committee on Armed Services.

5934. A letter from the Director, Defense Security Cooperation Agency, transmitting pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 08-40 concerning the Department of the Navy's proposed Letter(s) of Offer and Acceptance to Turkey for defense articles and services; to the Committee on Foreign Affairs.

5935. A letter from the Assistant Secretary for Legislative Affairs, Department of Defense, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification of a proposed license for the export of defense articles to the Government of Italy (Transmittal No. DDTC 018-08); to the Committee on Foreign Affairs.

5936. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting Copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b; to the Committee on Foreign Affairs.

5937. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report pursuant to Section 804 of the PLO Commitments Compliance Act of 1989 (title VIII, Foreign Relations Authorization Act, FY 1990 and 1991 (Pub. L. 101-246), and Sections 603-604 (Middle East Peace Commitments Act of 2002) and 699 of the Foreign Relations Authorization Act, FY 2003 (Pub. L. 107-228), including a copy of Presidential Determination No. 2008-11 on the Implementation of Sections 603 and 604 of the Foreign Relations Authorization Act of Fiscal Year 2003; to the Committee on Foreign Affairs.

5938. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report pursuant to Section 804 of the PLO Commitments Compliance Act of 1989 (title VIII, Foreign Relations Authorization Act, FY 1990 and 1991 (Pub. L. 101-246), and Sections 603-604 (Middle East Peace Commitments Act of 2002) and 699 of the Foreign Relations Authorization Act, FY 2003 (Pub. L. 107-228), including a copy of Presidential Determination No. 2008-12 on the Implementation of Sections 603 and 604 of the Foreign Relations Authorization Act of Fiscal Year 2003; to the Committee on Foreign Affairs.

5939. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's report on assistance to Azerbaijan, pursuant to Public Law 107-115, section 907(g)(6); to the Committee on Foreign Affairs.

5940. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the 2006 Annual Report on the United States Participation in the United Nations, pursuant to Public Law 79-264, section 4(a); to the Committee on Foreign Affairs.

5941. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report concerning methods employed by the Government of Cuba to comply with the United States-Cuba September 1994 ''Joint Communique'' and the treatment by the Government of Cuba of persons returned to Cuba in accordance with the United States-Cuba May 1995 ''Joint Statement,'' together known as the Migration Accords, pursuant to Public Law 105-277, section 2245; to the Committee on Foreign Affairs.

5942. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's determination on Vietnamese cooperation on accounting for POW/MIAs, pursuant to Public Law 110-161, 109; to the Committee on Foreign Affairs.

5943. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's report on ''Tibet Negotiations,'' pursuant to Public Law 107-228, section 613(b); to the Committee on Foreign Affairs.

5944. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report mandated in the Participation of Taiwan in the World Health Organization Act, 2004 (Pub. L. 108-235), Section 1(c); to the Committee on Foreign Affairs.

5945. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(d) of the Arms Export Control Act, certification regarding the proposed license for the manufacture of military equipment to the Government of United Kingdom (Transmittal No. DDTC 035-08); to the Committee on Foreign Affairs.

5946. A letter from the Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), and pursuant to Executive Order 13313 of July 31, 2003, a six-month periodic report on the national emergency with respect to persons who commit, threaten to commit, or support terrorism that was declared in Executive Order 13224 of September 23, 2001; to the Committee on Foreign Affairs.

5947. A letter from the General Counsel, Department of the Treasury, transmitting a copy of a draft bill, ''To authorize the United States participation in, and appropriations for the United States constribution to, the fifteenth replenishment of the resources of the International Development Association''; to the Committee on Foreign Affairs.

5948. A letter from the General Counsel, Department of the Treasury, transmitting a copy of a draft bill, ''To authorize the United States Participation in and appropriations for the United States contribution to, the

eleventh replenishment of the resources of the African Development Fund''; to the Committee on Foreign Affairs.

5949. A letter from the Chairman, International Fund for Ireland, transmitting a copy of the 2007 Annual Report of the Fund; to the Committee on Foreign Affairs.

5950. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Offshore Airspace Area 1485L and Revision of Control 1485H; Barrow, AK [Docket No. FAA-2006-23872; Airspace Docket No. 06-AAL-9] (RIN: 2120-AA66) received April 3, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5951. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendments Class E Airspace; Provo, UT [Docket No. FAA-2006-24234; Airspace Docket No. 06-AWP-5] (RIN: 2120-AA66) received April 3, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5952. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of High Altitude Area Navigation Routes; South Central United States [Docket No. FAA-2005-22398; Airspace Docket No. 05-ASO-7] (RIN: 2120-AA66) received April 3, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5953. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Revocation of Low Altitude Reporting Point; AK [Docket No. FAA-2005-225010; Airspace Docket No. 06-AAL-17] (RIN: 2120-AA66) received April 3, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5954. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A318, A319, A320, and A321 Airplanes [Docket No. FAA-2006-24949; Directorate Identifier 2006-NM-110-AD; Amendment 39-14626; AD 2006-12-02] (RIN: 2120-AA64) received April 3, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5955. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Hamilton Sundstrand Model 14RF-19 Propellers [Docket No. FAA-2005-21691; Directorate Identifier 2005-NE-13-AD; Amendment 39-14701; AD 2006-16-01] (RIN: 2120-AA64) received April 3, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5956. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747 Airplanes [Docket No. FAA-2005-22510; Directorate Identifier 2004-NM-32-AD; Amendment 39-14600; AD 2006-10-16] (RIN: 2120-AA64) received April 3, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5957. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; EADS SOCATA Model TBM 700 Airplanes [Docket No. FAA-2006-25332; Directorate Identifier 2006-CE-40-AD; Amendment 39-14808; AD 2006-22-11] (RIN: 2120-AA64) received April 3, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5958. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Rolls-Royce Deutschland Ltd & Co KG Tay 611-8, Tay 611-8C, Tay 620-15, Tay 650-15, and Tay 651-54 Turbofan Engines [Docket No. FAA-2007-27811; Directorate Identifier 2004-NE-11-AD; Amendment 39-15321; AD 2007-26-19] (RIN: 2120-AA64) received April 3, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5959. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; BAE Systems (Operations) Limited Model BAe 146 and Avro 146-RJ Airplanes [Docket No. FAA-2007-0044; Directorate Identifier 2007-NM-126-AD; Amendment 39-15320; AD 2007-26-18] (RIN: 2120-AA64) received April 3, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5960. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747 Airplanes [Docket No. FAA-2007-28989; Directorate Identifier 2007-NM-070-AD; Amendment 39-15319; AD 2007-26-17] (RIN: 2120-AA64) received April 3, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5961. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bell Helicopter Textron Canada Model 430 Helicopters [Docket No. FAA-2007-28688; Directorate Identifier 2005-SW-21-AD; Amendment 39-15312; AD 2007-26-10] (RIN: 2120-AA64) received April 3, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5962. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 707 Airplanes and Model 720 and 720B Series Airplanes [Docket No. FAA-2007-28828; Directorate Identifier 2007-NM-010-AD; Amendment 39-15258; AD 2007-23-12] (RIN: 2120-AA64) received April 3, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5963. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Cessna Model 680 Airplanes [Docket No. FAA-2007-0379; Directorate Identifier 2007-NM-331-AD; Amendment 39-15318; AD 2007-26-16] (RIN: 2120-AA64) received April 3, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5964. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Piaggio Aero Industries S.p.A. Model P 180 Airplanes [Docket No. FAA-2007-0294 Directorate Identifier 2007-CE-087-AD; Amendment 39-15365; AD 2008-03-14] (RIN: 2120-AA64) received April 1, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5965. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Eurocopter Deutschland Model EC135 Helicopters [Docket No. FAA-2008-0165; Directorate Identifier 2007-SW-58-AD; Amendment 39-15377; AD 2008-04-05] (RIN: 2120-AA64) received April 1, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5966. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model DHC-8-400 Series Airplanes [Docket No. FAA-2008-0167; Directorate Identifier 2008-NM-029-AD; Amendment 39-15374; AD 2008-04-02] (RIN: 2120-AA64) received April 1, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5967. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Eurocopter France Model AS-365N2 and N3, SA-365C, C1 and C2, and SA-365N and NI Helicopters [Docket No. FAA-2008-0164; Directorate Identifier 2007-SW-43-AD; Amendment 39-15375; AD 2008-04-03] (RIN: 2120-AA64) received April 1, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5968. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Cirrus Design Corporation Models SR20 and SR22 Airplanes [Docket No. FAA-2007-28246; Directorate Identifier 2007-CE-048-AD; Amendment 39-15367; AD 2008-03-16] (RIN: 2120-AA64) received April 1, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5969. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; DG Flugzeugbau GmbH Model DG-500MB Gliders [Docket No. FAA-2007-28843 Directorate Identifier 2007-CE-065-AD; Amendment 39-15317; AD 2007-26-15] (RIN: 2120-AA64) received April 1, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5970. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Eurocopter France Model SA332C, L, L1, and L2 Helicopters [Docket No. FAA-2008-0044; Directorate Identifier 2007-SW-40-AD; Amendment 39-15341; AD 2008-02-11] (RIN: 2120-AA64) received April 1, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5971. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Rolls-Royce Corporation AE 3007A and AE 3007C Series Turbofan Engines [Docket No. FAA-2007-26966; Directorate Identifier 99-NE-01-AD; Amendment 39-15271; AD 2007-24-05] (RIN: 2120-AA64) received April 1, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5972. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 757-200, -200CB, and -300 Series Airplanes [Docket No. FAA-2007-28990; Directorate Identifier 2007-NM-033-AD; Amendment 39-15304; AD 2007-26-02] (RIN: 2120-AA64) received April 1, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5973. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 737-100, -200, -200C, -300, -400, and -500 Series Airplanes [Docket No. FAA-2007-28942; Directorate Identifier 2007-NM-093-AD; Amendment 39-15306; AD 2007-26-04] (RIN: 2120-AA64) received April 1, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5974. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 777-200, -200LR, -300, and -300ER Series Airplanes [Docket No. FAA-2007-28854; Directorate Identifier 2007-NM-109-AD; Amendment 39-15307; AD 2007-26-05] (RIN: 2120-AA64) received April 1, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5975. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747-200B, 747-300, and 747-400 Series Airplanes [Docket No.

FAA-2007-0336; Directorate Identifier 2007-NM-201-AD; Amendment 39-15308; AD 2007-26-06] (RIN: 2120-AA64) received April 1, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5976. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Thrush Aircraft, Inc. Model S2R Series Airplanes [Docket No. FAA-2007-28432; Directorate Identifier 2007-CE-051-AD; Amendment 39-15303; AD 2007-26-01] (RIN: 2120-AA64) received April 1, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5977. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Hartzell Propeller Inc. Compact Series Propellers [Docket No. FAA-2007-28876; Directorate Identifier 2000-NE-08-AD; Amendment 39-15311; AD 2007-26-09] (RIN: 2120-AA64) received April 1, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5978. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747-200B, 747-300, 747-400, 747-400D, and 747-400F Series Airplanes Equipped with General Electric CF6-80C2 Engines [Docket No. FAA-2007-28352; Directorate Identifier 2007-NM-037-AD; Amendment 39-15309; AD 2007-26-07] (RIN: 2120-AA64) received April 1, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5979. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Flight Simulation Training Device Initial and Continuing Qualification and Use [Docket No. FAA-2002-12461; Amendment Nos. 1-54, 11-52, 60-1, 121-327] (RIN: 2120-AH07) received April 3, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5980. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Organization and Delegation of Powers and Duties; Secretarial Succession [Docket No. OST 2008-0103] (RIN: 2105-AD73) received April 3, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5981. A letter from the Program Manager, Center for Beneficiary Choices, Department of Health and Human Services, transmitting the Department's ''Major'' final rule — Medicare Program; Policy and Technical Changes to the Medicare Prescription Drug Benefit [CMS-4130-F] (RIN: 0938-AO74) received April 9, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and Ways and Means.

5982. A letter from the Director, Defense Security Cooperation Agency, transmitting notification that the Department intends to use ''no year'' IMET funds for Pakistan, pursuant to Public Law 107-115, section 515; jointly to the Committees on Foreign Affairs and Appropriations.

¶38.3 HIS HOLINESS POPE BENEDICT XVI

Mr. PAYNE moved to suspend the rules and agree to the following resolution (H. Res. 838); as amended:

Whereas Joseph Alois Ratzinger ascended to the Papacy and chose the name Benedict XVI on April 19, 2005, becoming the 265th reigning Pope in the history of the Roman Catholic Church;

Whereas he was born and baptized on April 16, 1927, in Marktl am Inn, Germany;

Whereas he was required to leave seminary at the age of 16 and forced into military service for Nazi Germany;

Whereas he risked grave danger by defecting from the Nazi anti-aircraft corps in 1945 and subsequently spent time in an Allied prisoner of war camp;

Whereas he was ordained to the priesthood on June 29, 1951;

Whereas he is a highly regarded theologian and scholar, having served in various university posts from 1959 until 1977;

Whereas he has written 25 books and given thousands of hours of lectures, making him one of the most prolific theologians in modern times;

Whereas he participated as a theological advisor to the Second Vatican Council from 1962 until 1965;

Whereas he was appointed Archbishop of Munich and Freising in Germany on March 24, 1977, and ordained a bishop on May 28, 1977;

Whereas he was elevated to cardinal on June 27, 1977;

Whereas he was appointed Prefect of the Congregation for the Doctrine of the Faith and President of the Pontifical Biblical Commission on November 25, 1981;

Whereas he was elected Dean of the College of Cardinals on November 27, 2002;

Whereas Cardinal Joseph Ratzinger was installed as Bishop of Rome on April 24, 2005;

Whereas Pope Benedict XVI has made repeated calls for peaceful resolutions to international conflicts;

Whereas Pope Benedict XVI has made reconciliation and peace an important goal of his Papacy on an ecumenical level reaching out to both Orthodox and Protestant Churches and in an inter-religious manner with Judaism and Islam;

Whereas Pope Benedict XVI has affirmed the dignity of the human person with respect to refugees, exiles, evacuees, and other migrant persons;

Whereas Pope Benedict XVI has decried the imminent dangers posed by terrorism and extremism; and

Whereas Pope Benedict XVI has identified the failed revolutions and violent ideologies of the 20th century as being the result of the ''Dictatorship of Relativism'': Now, therefore, be it

Resolved, That the United States House of Representatives welcomes His Holiness Pope Benedict XVI on his first apostolic visit to the United States.

The SPEAKER pro tempore, Mr. ISRAEL, recognized Mr. PAYNE and Ms. ROS-LEHTINEN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. ISRAEL, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

¶38.4 CRIME AND VIOLENCE IN CARIBBEAN

Mr. PAYNE moved to suspend the rules and agree to the following resolution (H. Res. 865); as amended:

Whereas, in his 2006 New Year's address, then Prime Minister of Jamaica, P.J. Patterson, said, ''Without a doubt, the high level of violent crime remains our most troubling and pressing problem.'';

Whereas, in opening the Parliament of Trinidad and Tobago in September 2005, President George Maxwell Richards said his country was in crisis due to the escalating crime rate;

Whereas, in March 2007, the United Nations Office on Drugs and Crime (UNODC) and the International Bank for Reconstruction and Development (World Bank) issued a report entitled, ''Crime, Violence, and Development: Trends, Costs, and Policy Options in the Caribbean'';

Whereas the UNODC and World Bank report presents detailed analyses of crime and violence in the Caribbean region and offers possible policy responses;

Whereas the UNODC and World Bank report draws on input from governments, civil society organizations, and Caribbean experts;

Whereas the UNODC and World Bank report that the Caribbean region has the highest murder and assault rates in the world, with murder rates at 4 times the level of the United States;

Whereas the UNODC and World Bank report that high crime levels have long term developmental effects on the Caribbean:

(1) crime cost the Jamaican economy $12,400,000,000 in Jamaican dollars, 3.7 percent of its gross domestic product, in 2001; and

(2) reducing the region-wide homicide rate by ⅓ could over double the rate of economic growth per capita; and

Whereas the UNODC and World Bank report reached the following conclusions:

(1) Caribbean countries are transit points and not producers of cocaine. Interdiction needs to be complemented by other strategies outside the region: principally demand reduction in consumer countries and eradication and/or alternative development in producer countries;

(2) illegal gun trafficking is a dangerous outgrowth of the drug trade. Better enforcement methods help, as can improved gun interdiction in ports;

(3) deaths and injuries from youth violence constitute a major threat to public health and social and economic progress across the Caribbean. Youth are disproportionately represented in the ranks of both victims and perpetrators of crime and violence;

(4) although the average deportee from the United States to the Caribbean is not involved in criminal activity, a minority of deportees may be causing serious problems, both by direct involvement in crime and by providing a perverse role model for youth. The report recommends that more services be offered to reintegrate deportees, with deporting countries contributing to the cost of these programs;

(5) some types of crime, such as organized crime and drug and illegal firearms trafficking, are impervious to alternative prevention initiatives and require an efficient criminal justice system, and therefore urgent priorities for improving the criminal justice system in the region include the development of management information systems, tracking of justice system performance, monitoring of reform programs, and increased accountability to citizens;

(6) several Caribbean countries are increasingly investing in crime prevention—using approaches such as integrated citizen security programs, crime prevention through environmental design, and a public health approach that focuses on risk factors for violent behaviors;

(7) youth violence is a particularly serious problem in the region, and youth homicide rates in several countries of the region are significantly above the world average. To address issues of youth violence, Caribbean policymakers should invest in programs that

have been shown to be successful in careful evaluations such as: (i) early childhood development and mentoring programs; (ii) interventions to keep high risk youth in secondary schools; and (iii) opening schools after hours and on weekends to offer additional activities and training; and

(8) many of the issues facing the Caribbean transcend national boundaries and require a coordinated regional and international response. Demand for drugs emanates from Europe and the United States; deportees are sent back to the region from the United States, the United Kingdom, and Canada; and many weapons that are trafficked are brought from the United States: Now, therefore, be it

Resolved, That the House of Representatives—

(1) welcomes the recommendations for more effective law enforcement and crime prevention efforts contained in the March 2007 UNODC and World Bank report, ''Crime, Violence, and Development: Trends, Costs, and Policy Options in the Caribbean'', to the extent those recommendations do not conflict with existing U.S. law;

(2) urges the United States Government to consider fully and carefully the recommendations in the UNODC and World Bank Report and to take the recommendations into account when developing United States policy toward the current member states of the Caribbean Community (CARICOM) and the Dominican Republic;

(3) urges the governments of United States and other drug-consuming countries to increase counter-narcotics assistance to the current member states of CARICOM and the Dominican Republic;

(4) urges the United States Government to increase coordination on policy development and implementation with the current member states of CARICOM and the Dominican Republic to help combat crime and violence in the region;

(5) urges the Department of State and the Department of Homeland Security to work with the current member states of CARICOM and the Dominican Republic to mitigate the negative effects of United States deportation policy;

(6) urges the current member states of CARICOM and the Dominican Republic to consider fully and carefully the recommendations in the UNODC and World Bank Report, and to take the recommendations into account, especially regarding improvements in their criminal justice systems; and

(7) urges the United States Government to consider the impact on the current member states of CARICOM and the Dominican Republic of the proposed Merida Initiative to combat drugs, violence, and transnational crime in Mexico and Central America, especially whether a successful plan will drive narco-traffickers from Mexico and Central America to the current member states of CARICOM or the Dominican Republic.

The SPEAKER pro tempore, Mr. ISRAEL, recognized Mr. PAYNE and Ms. ROS-LEHTINEN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. ISRAEL, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

By unanimous consent, the title was amended so as to read: ''A resolution expressing the sense of the House of Representatives that the March 2007 report of the United Nations Office on Drugs and Crime and the International Bank for Reconstruction and Development makes an important contribution to the understanding of the high levels of crime and violence in the Caribbean, and that the United States should work with the current member states of Caribbean Community and the Dominican Republic to address crime and violence in the region.''.

A motion to reconsider the votes whereby the rules were suspended and said resolution, as amended, was agreed to and the title was amended was, by unanimous consent, laid on the table.

¶38.5 CONGRESSWOMAN JO ANN S. DAVIS POST OFFICE BUILDING

Mr. CLAY moved to suspend the rules and pass the bill (H.R. 5489) to designate the facility of the United States Postal Service located at 6892 Main Street in Glocester, Virginia, as the ''Congresswoman Jo Ann S. Davis Post Office''.

The SPEAKER pro tempore, Mr. ISRAEL, recognized Mr. CLAY and Mr. MARCHANT, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. ISRAEL, announced that two-thirds of the Members present had voted in the affirmative.

Mr. WITTMAN of Virginia, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. ISRAEL, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶38.6 JULIA M. CARSON POST OFFICE BUILDING

Mr. CLAY moved to suspend the rules and pass the bill (H.R. 5472) to designate the facility of the United States Postal Service located at 2650 Dr. Martin Luther King Jr. Street, Indianapolis, Indiana, as the ''Julia M. Carson Post Office Building''.

The SPEAKER pro tempore, Mr. ISRAEL, recognized Mr. CLAY and Mr. MARCHANT, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. ISRAEL, announced that two-thirds of the Members present had voted in the affirmative.

Mr. CLAY demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. ISRAEL, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶38.7 WILLIAM 'BILL' CLAY POST OFFICE BUILDING

Mr. CLAY moved to suspend the rules and pass the bill (H.R. 5395) to designate the facility of the United States Postal Service located at 11001 Dunklin Drive in St. Louis, Missouri, as the ''William 'Bill' Clay Post Office Building''.

The SPEAKER pro tempore, Mr. ISRAEL, recognized Mr. CLAY and Mr. MARCHANT, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. ISRAEL, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶38.8 DEPARTMENT OF HOMELAND SECURITY FIFTH ANNIVERSARY

Mr. CARNEY moved to suspend the rules and agree to the following resolution (H. Res. 1038):

Whereas, in the wake of the attacks of September 11, 2001, the Department of Homeland Security was created in an effort to consolidate our Nation's efforts to prevent, prepare for, respond to, and mitigate against threats to the homeland, including acts of terrorism, natural disasters, or other emergencies;

Whereas the Department of Homeland Security marked its fifth year of full-scale operations on March 1, 2008;

Whereas the Department has strived to integrate 22 disparate agencies and offices, while at the same time has been successful in helping prevent another terrorist attack over this period;

Whereas the United States must continue to remain vigilant against all such threats;

Whereas the employees of the Department of Homeland Security have spent the past 5 years enhancing our Nation's domestic preparedness and collective response to terrorism and standing ready to assist State, local, and tribal governments as they prepare for and prevent acts of terrorism and respond to natural disasters and other emergencies;

Whereas the Department's employees work diligently to deter, detect, and prevent acts of terrorism and stand willing, ready, and able to respond in the event of a terrorist incident or other major emergency;

Whereas the Department's employees have cooperated closely with the private sector to enhance emergency preparedness across the Nation;

Whereas the American people rely on the Department's employees to protect our Nation's borders, airports, seaports, rail lines, and other transit systems;

Whereas the continuing efforts of the Department's employees will be crucial to the security of our Nation in the years to come;

Whereas the Department's employees have sacrificed, and will continue to sacrifice, time with their families and working long hours to fulfill the Department's vital mission;

Whereas because the Nation depends on the Department's employees to keep the American people safe from harm, they deserve the best in training, testing, and equipment;

Whereas the Department's employees often do not receive the recognition they deserve; and

Whereas the Nation is indebted to the Department's employees for their sacrifices, efforts, and contributions: Now, therefore, be it

Resolved, That the United States House of Representatives—

(1) recognizes the fifth anniversary of the Department of Homeland Security; and

(2) honors the Department's dedicated public servants for their extraordinary service to this Nation in helping preserve the safety and security of the American people.

The SPEAKER pro tempore, Mr. ISRAEL, recognized Mr. CARNEY and Mrs. MILLER of Michigan, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. ISRAEL, announced that two-thirds of the Members present had voted in the affirmative.

Mr. CARNEY demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. ISRAEL, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Thursday, April 10, 2008.

¶38.9 NATIONAL PLUMBING INDUSTRY WEEK

Ms. VELAZQUEZ moved to suspend the rules and agree to the following resolution (H. Res. 1082):

Whereas on June 27, 1883, Victorian plumbers came together at the Old Masonic Temple in New York City, New York, for the first-ever convention of master plumbers;

Whereas the Plumbing-Heating-Cooling Contractors—National Association (PHCC) is the oldest trade association in the construction industry;

Whereas for over 125 years, our Nation has been paving the way for today's plumbing, heating, and cooling contractor's status as important, and independent small business people;

Whereas the majority of plumbing contractors are small business owners, who help create critical jobs in this country;

Whereas the men and women who design, manufacture, install, and maintain water efficient plumbing systems play a crucial role in our economy;

Whereas this industry has one of the best and most extensive training programs in the country by providing young men and women with thousands of dollars in scholarships every year;

Whereas professional certified plumbers save our Nation millions of dollars each year through the design and installation of more efficient equipment that provides essential comfort while reducing water consumption; and

Whereas the House of Representatives supports the industry in its celebration of ''National Plumbing Industry Week'', April 27 through May 3, 2008: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes that small business plumbing contractors have benefitted from the reduced regulatory burden provided as a result of passage of the Regulatory Flexibility Act of 1980 (Public Law 96–354) and the Small Business Regulatory Enforcement Fairness Act of 1996 (Public Law 104–121);

(2) recognizes that the loan guarantee program under Section 7(a) of the Small Business Act (15 U.S.C. 636(a)) administered by the Administrator of the Small Business Administration has provided access to capital for small business plumbing contractors;

(3) recognizes that approximately 80 percent of plumbing contractors around the country are small, family owned and run companies;

(4) recognizes these small firms account for a large percentage of our Nation's GDP, through sales, service, and repair;

(5) recognizes how small businesses in the plumbing industry are the leader in developing, and utilizing new innovative technologies which help improve and maintain the infrastructure our Nation depends on; and

(6) supports the goals and ideals of ''National Plumbing Industry Week''.

The SPEAKER pro tempore, Mr. ISRAEL, recognized Ms. VELAZQUEZ and Mr. CHABOT, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. HOLDEN, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶38.10 PROVIDING FOR CONSIDERATION OF H.R. 2016

Mr. HASTINGS of Florida, by direction of the Committee on Rules, called up the following resolution (H. Res. 1084):

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2016) to establish the National Landscape Conservation System, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Natural Resources. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Natural Resources now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived except those arising under clause 10 of rule XXI. Notwithstanding clause 11 of rule XVIII, no amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived except those arising under clause 9 or 10 of rule XXI. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. During consideration in the House of H.R. 2016 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

When said resolution was considered.

After debate,

Mr. HASTINGS of Florida, moved the previous question on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House now order the previous question?

The SPEAKER pro tempore, Mr. HOLDEN, announced that the yeas had it.

Mr. HASTINGS of Washington, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 220 / Nays 190

¶38.11 [Roll No. 164]

YEAS—220

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

Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Langevin
Larsen (WA)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NAYS—190

Aderholt
Akin
Bachmann
Bachus
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Deal (GA)
Dent
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Mahoney (FL)
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOT VOTING—20

Abercrombie
Alexander
Boucher
Buyer
Cubin
Davis, Tom
Diaz-Balart, L.
Ferguson
Granger
Hill
Hunter
Jones (NC)
Kaptur
Larson (CT)
Neugebauer
Rothman
Rush
Shays
Sires
Velázquez

So the previous question on the resolution was ordered.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. HOLDEN, announced that the yeas had it.

Mr. HASTINGS of Washington, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 220 / Nays 188

¶38.12 [Roll No. 165]

YEAS—220

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

NAYS—188

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

NOT VOTING—22

Abercrombie
Alexander
Boucher
Buyer
Cubin
Davis, Tom
Diaz-Balart, L.
Ferguson
Granger
Green, Al
Larson (CT)
McGovern
Neugebauer
Rothman
Rush
Shays
Sires
Sullivan
Sutton
Udall (CO)
Velázquez
Waxman

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶38.13 H. RES. 1077—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. HOLDEN, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 1077) calling on the Government of the People's Republic of China to end its crackdown in Tibet and enter into a substantive dialogue with His Holiness the Dalai Lama to find a negotiated solution that respects the distinctive language, culture, religious identity, and fundamental freedoms of all Tibetans, and for other purposes.

The question being put,

Will the House suspend the rules and agree to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 413 Nays 1

¶38.14 [Roll No. 166]

YEAS—413

Ackerman	Cardoza	Etheridge
Aderholt	Carnahan	Everett
Akin	Carney	Fallin
Alexander	Carson	Farr
Allen	Carter	Fattah
Altmire	Castle	Filner
Andrews	Castor	Flake
Arcuri	Chabot	Forbes
Baca	Chandler	Fortenberry
Bachmann	Clarke	Fossella
Bachus	Clay	Foster
Baird	Cleaver	Foxx
Baldwin	Clyburn	Frank (MA)
Barrett (SC)	Coble	Franks (AZ)
Barrow	Cohen	Frelinghuysen
Bartlett (MD)	Cole (OK)	Gallegly
Barton (TX)	Conaway	Garrett (NJ)
Bean	Conyers	Gerlach
Becerra	Cooper	Giffords
Berkley	Costa	Gilchrest
Berman	Costello	Gillibrand
Berry	Courtney	Gingrey
Biggert	Cramer	Gohmert
Bilbray	Crenshaw	Gonzalez
Bilirakis	Crowley	Goode
Bishop (GA)	Cuellar	Goodlatte
Bishop (NY)	Culberson	Gordon
Bishop (UT)	Cummings	Graves
Blackburn	Davis (AL)	Green, Al
Blumenauer	Davis (CA)	Green, Gene
Blunt	Davis (IL)	Grijalva
Boehner	Davis (KY)	Gutierrez
Bonner	Davis, David	Hall (NY)
Bono Mack	Davis, Lincoln	Hall (TX)
Boozman	Davis, Tom	Hare
Boren	Deal (GA)	Harman
Boswell	DeFazio	Hastings (FL)
Boustany	DeGette	Hastings (WA)
Boyd (FL)	Delahunt	Hayes
Boyda (KS)	DeLauro	Heller
Brady (PA)	Dent	Hensarling
Brady (TX)	Diaz-Balart, M.	Herger
Braley (IA)	Dicks	Herseth Sandlin
Broun (GA)	Dingell	Higgins
Brown (SC)	Doggett	Hill
Brown, Corrine	Donnelly	Hinchey
Brown-Waite, Ginny	Doolittle	Hinojosa
Buchanan	Doyle	Hirono
Burgess	Drake	Hobson
Burton (IN)	Dreier	Hodes
Butterfield	Duncan	Hoekstra
Calvert	Edwards	Holden
Camp (MI)	Ehlers	Holt
Campbell (CA)	Ellison	Honda
Cannon	Ellsworth	Hooley
Cantor	Emanuel	Hoyer
Capito	Emerson	Hulshof
Capps	Engel	Hunter
Capuano	English (PA)	Inglis (SC)
	Eshoo	Inslee
	Israel	Melancon
	Issa	Mica
	Jackson (IL)	Michaud
	Jackson-Lee (TX)	Miller (FL)
	Jefferson	Miller (MI)
	Johnson (GA)	Miller (NC)
	Johnson (IL)	Miller, Gary
	Johnson, E. B.	Mitchell
	Johnson, Sam	Mollohan
	Jones (NC)	Moore (KS)
	Jones (OH)	Moore (WI)
	Jordan	Moran (KS)
	Kagen	Moran (VA)
	Kanjorski	Murphy (CT)
	Kaptur	Murphy, Patrick
	Keller	Murphy, Tim
	Kennedy	Murtha
	Kildee	Musgrave
	Kilpatrick	Myrick
	Kind	Nadler
	King (IA)	Napolitano
	King (NY)	Neal (MA)
	Kingston	Nunes
	Kirk	Oberstar
	Klein (FL)	Obey
	Kline (MN)	Olver
	Knollenberg	Ortiz
	Kucinich	Pallone
	Kuhl (NY)	Pascrell
	LaHood	Pastor
	Lamborn	Payne
	Lampson	Pearce
	Langevin	Pelosi
	Larsen (WA)	Pence
	Latham	Perlmutter
	LaTourette	Peterson (MN)
	Latta	Peterson (PA)
	Lee	Petri
	Levin	Pickering
	Lewis (CA)	Pitts
	Lewis (GA)	Platts
	Lewis (KY)	Poe
	Linder	Pomeroy
	Lipinski	Porter
	LoBiondo	Price (GA)
	Loebsack	Price (NC)
	Lofgren, Zoe	Pryce (OH)
	Lowey	Putnam
	Lucas	Radanovich
	Lungren, Daniel E.	Rahall
	Lynch	Ramstad
	Mack	Rangel
	Mahoney (FL)	Regula
	Maloney (NY)	Rehberg
	Manzullo	Reichert
	Marchant	Renzi
	Markey	Reyes
	Marshall	Reynolds
	Matheson	Richardson
	Matsui	Rodriguez
	McCarthy (CA)	Rogers (AL)
	McCarthy (NY)	Rogers (KY)
	McCaul (TX)	Rogers (MI)
	McCollum (MN)	Rohrabacher
	McCotter	Ros-Lehtinen
	McCrery	Roskam
	McDermott	Ross
	McGovern	Roybal-Allard
	McHenry	Royce
	McHugh	Ruppersberger
	McIntyre	Ryan (OH)
	McKeon	Ryan (WI)
	McMorris Rodgers	Salazar
	McNerney	Sali
	McNulty	Sánchez, Linda T.
	Meek (FL)	Sanchez, Loretta
	Meeks (NY)	Sarbanes
		Saxton
		Schakowsky
		Schiff
		Schmidt
		Schwartz
		Scott (GA)
		Scott (VA)
		Sensenbrenner
		Serrano
		Sessions
		Sestak
		Shadegg
		Shea-Porter
		Sherman
		Shimkus
		Shuler
		Shuster
		Simpson
		Skelton
		Slaughter
		Smith (NE)
		Smith (NJ)
		Smith (TX)
		Smith (WA)
		Snyder
		Solis
		Souder
		Space
		Spratt
		Stark
		Stearns
		Stupak
		Sullivan
		Sutton
		Tancredo
		Tanner
		Tauscher
		Taylor
		Terry
		Thompson (CA)
		Thompson (MS)
		Thornberry
		Tiahrt
		Tiberi
		Tierney
		Towns
		Tsongas
		Turner
		Udall (NM)
		Upton
		Van Hollen
		Visclosky
		Walberg
		Walden (OR)
		Walsh (NY)
		Walz (MN)
		Wamp
		Wasserman Schultz
		Waters
		Watson
		Watt
		Waxman
		Weiner
		Welch (VT)
		Weldon (FL)
		Weller
		Westmoreland
		Wexler
		Whitfield (KY)
		Wilson (NM)
		Wilson (OH)
		Wilson (SC)
		Wittman (VA)
		Wolf
		Woolsey
		Wu
		Wynn
		Yarmuth
		Young (AK)
		Young (FL)

NAYS—1

Paul

NOT VOTING—17

Abercrombie	Ferguson	Rush
Boucher	Granger	Shays
Buyer	Larson (CT)	Sires
Cubin	Miller, George	Udall (CO)
Diaz-Balart, L.	Neugebauer	Velázquez
Feeney	Rothman	

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶38.15 NATIONAL LANDSCAPE CONSERVATION SYSTEM

The SPEAKER pro tempore, Mr. SARBANES, pursuant to House Resolution 1084 and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 2016) to establish the National Landscape Conservation System, and for other purposes.

The SPEAKER pro tempore, Mr. SARBANES, by unanimous consent, designated Mr. HOLDEN as Chairman of the Committee of the Whole; and after some time spent therein,

The SPEAKER pro tempore, Mr. CUMMINGS, assumed the Chair.

When Mr. SERRANO, Acting Chairman, reported that the Committee, having had under consideration said bill, had come to no resolution thereon.

¶38.16 RECESS—3:07 P.M.

The SPEAKER pro tempore, Mr. CUMMINGS, pursuant to clause 12(a) of rule I, declared the House in recess at 3 o'clock and 7 minutes p.m., subject to the call of the Chair.

¶38.17 AFTER RECESS—4:25 P.M.

The SPEAKER pro tempore, Mr. CUELLAR, called the House to order.

¶38.18 PROVIDING FOR CONSIDERATION OF H.R. 5724

Ms. SLAUGHTER, by direction of the Committee on Rules, reported (Rept. No. 110–574) the resolution (H. Res. 1092) providing for consideration of the bill (H.R. 5724) to implement the United States-Colombia Trade Promotion Agreement.

When said resolution and report were referred to the House Calendar and ordered printed.

¶38.19 NATIONAL LANDSCAPE CONSERVATION SYSTEM

The SPEAKER pro tempore, Mr. CUELLAR, pursuant to House Resolution 1084 and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 2016) to establish the National Landscape Conservation System, and for other purposes.

Mr. SALAZAR, Acting Chairman, assumed the chair; and after some time spent therein,

¶38.20 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 1, printed in House Report 110-573, submitted by Mr. GRIJALVA:

At the end of the bill, add the following:

SEC. 5. BORDER SECURITY.

Nothing in this Act shall impede any efforts by the Department of Homeland Security to secure the borders of the United States.

It was decided in the affirmative ..... { Yeas ..... 414 / Nays 0

¶38.21 [Roll No. 167]

AYES—414

Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Boehner
Bonner
Bono Mack
Boozman
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Filner
Flake
Forbes
Fortenberry
Fortuño
Fossella
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Latham
LaTourette
Latta
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Norton
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Skelton
Slaughter
Smith (NE)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wittman (VA)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—21

Abercrombie
Berman
Blunt
Brady (TX)
Buyer
Costa
Culberson
Diaz-Balart, L.
Faleomavaega
Ferguson
Granger
Herger
Larson (CT)
Lee
McCrery
Rothman
Rush
Shays
Sires
Smith (NJ)
Wilson (SC)

So the amendment was agreed to.

¶38.22 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 3, printed in House Report 110-573, submitted by Mr. BISHOP of Utah:

Page 2, strike line 15 and all that follows through page 3, line 2, and insert the following:

(a) ESTABLISHMENT.—There is established in the Bureau of Land Management the National Landscape Conservation System.

It was decided in the negative ..... { Yeas ..... 175 / Nays 246

¶38.23 [Roll No. 168]

AYES—175

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Barton (TX)
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Boozman
Boustany
Boyda (KS)
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Deal (GA)
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Emerson
English (PA)
Everett
Fallin
Feeney
Flake
Forbes
Fortuño
Fossella
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gingrey
Gohmert
Goode
Goodlatte
Graves
Hall (NY)
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Latham
Latta
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Matheson
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Pickering
Pitts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Walberg
Walden (OR)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOES—246

Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bartlett (MD)
Bean
Becerra
Berkley
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Bono Mack
Bordallo
Boren
Boswell
Boucher
Boyd (FL)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Fortenberry
Foster
Frank (MA)
Frelinghuysen
Gerlach
Giffords
Gilchrest
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hare
Harman
Hastings (FL)
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Kirk
Klein (FL)
Kucinich
LaHood
Lampson
Langevin
Larsen (WA)
LaTourette
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey

Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Petri
Platts
Pomeroy
Price (NC)
Rahall
Ramstad
Rangel
Reichert
Reyes
Richardson
Rodriguez
Ross
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—14

Abercrombie
Berman
Buyer
Diaz-Balart, L.
Faleomavaega
Ferguson
Granger
Larson (CT)
Lee
Rothman
Rush
Shays
Sires
Smith (NJ)

So the amendment was not agreed to.

¶38.24 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 4, printed in House Report 110-573, submitted by Mr. BISHOP of Utah:

Page 4, strike lines 5 through 11, and insert the following:

(c) MANAGEMENT.—The Secretary shall manage the system in accordance with each applicable law (including regulations) relating to each component of the system included under subsection (b).

It was decided in the negative ..... { Yeas ..... 172 Nays 245

¶38.25 [Roll No. 169]

AYES—172

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Deal (GA)
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Emerson
English (PA)
Everett
Fallin
Feeney
Flake
Forbes
Fortuño
Fossella
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gingrey
Gohmert
Goode
Goodlatte
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Hobson
Hoekstra
Hulshof
Hunter
Issa
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Lampson
Latham
Latta
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Matheson
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Pickering
Pitts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Turner
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOES—245

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

NOT VOTING—18

Abercrombie
Becerra
Buyer
Diaz-Balart, L.
Faleomavaega
Ferguson
Granger
Gutierrez
Jones (OH)
Larson (CT)
Perlmutter
Peterson (MN)
Rothman
Rush
Shays
Sires
Smith (NJ)
Tiberi

So the amendment was not agreed to.

¶38.26 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 5, printed in House Report 110-573, submitted by Mr. BISHOP of Utah:

Page 4, at the end of line 23, insert the following: ''Moreover, nothing in this Act is intended to additionally restrict or hinder energy development within the system.''.

It was decided in the affirmative ..... { Yeas ..... 333 Nays 89

¶38.27 [Roll No. 170]

AYES—333

Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Berkley
Berry
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Chabot
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Cooper
Costa
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
DeLauro
Dingell
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ellison
Ellsworth
Emanuel
Emerson
English (PA)
Etheridge
Everett
Faleomavaega
Fallin
Fattah
Feeney
Flake
Forbes
Fortenberry
Fortuño
Fossella
Foster
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Graves
Green, Al
Green, Gene
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Hill
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Hoyer
Hulshof
Inglis (SC)
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kind
King (IA)
King (NY)
Kingston
Klein (FL)
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Larsen (WA)
Latham
LaTourette
Latta
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Loebsack
Lowey
Lucas
Lungren, Daniel E.
Mack
Mahoney (FL)
Manzullo

Marchant
Marshall
Matheson
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mitchell
Mollohan
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Neugebauer
Norton
Nunes
Oberstar
Obey
Ortiz
Paul
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sanchez, Loretta
Sarbanes
Saxton
Schiff
Schmidt
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Shimkus
Shuler
Shuster
Simpson
Skelton
Smith (NE)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Spratt
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Taylor
Terry
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Waters
Watt
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Wynn
Yarmuth
Young (AK)
Young (FL)

NOES—89

Ackerman
Baird
Baldwin
Berman
Biggert
Bishop (NY)
Blumenauer
Braley (IA)
Capps
Capuano
Castor
Chandler
Christensen
Clarke
Conyers
Costello
Courtney
Delahunt
Dicks
Doggett
Ehlers
Engel
Eshoo
Farr
Filner
Frank (MA)
Grijalva
Gutierrez
Hastings (FL)
Higgins
Hinchey
Hirono
Hodes
Holt
Honda
Inslee
Israel
Johnson, E. B.
Jones (OH)
Kennedy
Kildee
Kilpatrick
Kirk
Kucinich
Langevin
Lee
Lipinski
Lofgren, Zoe
Lynch
Maloney (NY)
Markey
Matsui
McCollum (MN)
McDermott
McGovern
McNulty
Miller, George
Moore (KS)
Moore (WI)
Nadler
Napolitano
Neal (MA)
Olver
Pallone
Pascrell
Pastor
Payne
Reyes
Roybal-Allard
Sánchez, Linda T.
Schakowsky
Schwartz
Sherman
Slaughter
Solis
Stark
Tauscher
Thompson (MS)
Tierney
Towns
Van Hollen
Wasserman Schultz
Watson
Waxman
Weiner
Welch (VT)
Wilson (OH)
Woolsey
Wu

NOT VOTING—13

Abercrombie
Becerra
Buyer
Diaz-Balart, L.
Ferguson
Granger
Hunter
Larson (CT)
Rothman
Rush
Shays
Sires
Smith (NJ)

So the amendment was agreed to.

¶38.28 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 6, printed in House Report 110-573, submitted by Mr. ALTMIRE:

At the end of the bill, add the following:

Nothing in this Act shall be construed as affecting the authority, jurisdiction, or responsibility of the several States to manage, control, or regulate fish and resident wildlife under State law or regulations, including the regulation of hunting, fishing, trapping, and recreational shooting on public land managed by the Bureau of Land Management. Nothing in this Act shall be construed as limiting access for hunting, fishing, trapping, or recreational shooting.

It was decided in the affirmative ..... { Yeas ..... 416 / Nays 5

¶38.29 [Roll No. 171]

AYES—416

Ackerman
Aderholt
Akin
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Faleomavaega
Fallin
Farr
Fattah
Feeney
Filner
Flake
Forbes
Fortenberry
Fortuño
Fossella
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Norton
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Skelton
Slaughter
Smith (NE)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOES—5

Honda
Kucinich
Lofgren, Zoe
McDermott
Moore (WI)

NOT VOTING—14

Abercrombie
Alexander
Becerra
Buyer
Diaz-Balart, L.
Ferguson
Granger
Larson (CT)
Peterson (MN)
Rothman
Rush
Shays
Sires
Smith (NJ)

So the amendment was agreed to.

¶38.30 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 7, printed in House Report 110-573, submitted by Mr. PEARCE:

Page 4, at the end of line 23, insert the following: ''Specifically, inclusion in the National Landscape Conservation System shall not affect current grazing rights or operations.''.

It was decided in the affirmative ..... { Yeas ..... 214 / Nays 207

¶38.31 [Roll No. 172]

AYES—214

Aderholt
Akin
Altmire
Bachmann
Bachus
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Berry
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt

Boehner
Bonner
Bono Mack
Boozman
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carney
Carter
Chabot
Coble
Cole (OK)
Conaway
Costa
Crenshaw
Cubin
Cuellar
Culberson
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeGette
Dent
Diaz-Balart, M.
Donnelly
Doolittle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellsworth
Emerson
English (PA)
Everett
Fallin
Feeney
Flake
Forbes
Fortenberry
Fortuño
Fossella
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Giffords
Gillibrand
Gingrey
Gohmert
Goode
Goodlatte
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
Loebsack
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
Matheson
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
McNerney
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Norton
Nunes
Paul
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Pickering
Pitts
Poe
Pomeroy
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Royce
Ryan (OH)
Ryan (WI)
Salazar
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuler
Shuster
Simpson
Skelton
Smith (NE)
Smith (TX)
Souder
Space
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Udall (CO)
Udall (NM)
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Weldon (FL)
Westmoreland
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOES—207

Ackerman
Allen
Andrews
Arcuri
Baca
Baird
Baldwin
Bean
Berkley
Berman
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Bordallo
Boren
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carson
Castle
Castor
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costello
Courtney
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
DeFazio
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Ellison
Emanuel
Engel
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Filner
Foster
Frank (MA)
Frelinghuysen
Gerlach
Gilchrest
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Kirk
Klein (FL)
Kucinich
Langevin
Larsen (WA)
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Petri
Platts
Price (NC)
Rahall
Ramstad
Rangel
Reyes
Richardson
Rodriguez
Roybal-Allard
Ruppersberger
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Upton
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Whitfield (KY)
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—14

Abercrombie
Alexander
Becerra
Buyer
Diaz-Balart, L.
Ferguson
Granger
Larson (CT)
Rothman
Rush
Shays
Sires
Smith (NJ)
Weller

So the amendment was agreed to.

The SPEAKER pro tempore, Mr. WEINER, assumed the Chair.

When Mr. SALAZAR, Acting Chairman, pursuant to House Resolution 1084, reported the bill back to the House with an amendment adopted by the Committee.

The previous question having been ordered by said resolution.

The following amendment, reported from the Committee of the Whole House on the state of the Union, was agreed to:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''National Landscape Conservation System Act''.

SEC. 2. DEFINITIONS.

In this Act:

(1) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(2) SYSTEM.—The term ''system'' means the National Landscape Conservation System established by section 3(a).

SEC. 3. ESTABLISHMENT OF THE NATIONAL LANDSCAPE CONSERVATION SYSTEM.

(a) ESTABLISHMENT.—In order to conserve, protect, and restore nationally significant landscapes that have outstanding cultural, ecological, and scientific values for the benefit of current and future generations, there is established in the Bureau of Land Management the National Landscape Conservation System.

(b) COMPONENTS.—The system shall include each of the following areas administered by the Bureau of Land Management:

(1) Each area that is designated as—

(A) a national monument;

(B) a national conservation area;

(C) a wilderness study area;

(D) a National Scenic Trail or National Historic Trail designated as a component of the National Trails System;

(E) a component of the National Wild and Scenic Rivers System; or

(F) a component of the National Wilderness Preservation System.

(2) Any area designated by Congress to be administered for conservation purposes, including—

(A) the Steens Mountain Cooperative Management and Protection Area, as designated under section 101(a) of the Steens Mountain Cooperative Management and Protection Act of 2000 (16 U.S.C. 460nnn–11(a));

(B) the Headwaters Forest Reserve;

(C) the Yaquina Head Outstanding Natural Area; and

(D) any additional area designated by Congress for inclusion in the system.

(c) MANAGEMENT.—The Secretary shall manage the system—

(1) in accordance with each applicable law (including regulations) relating to each component of the system included under subsection (b); and

(2) in a manner that protects the values for which the components of the system were designated.

SEC. 4. STATUTORY CONSTRUCTION.

Nothing in this Act shall be construed to enhance, diminish, or modify any law or proclamation (or regulations related to such law or proclamation) under which the components of the system identified in section 3(b) were established, or are managed, including, but not limited to, the Alaska National Interest Land Conservation Act (43 U.S.C. 1601 et seq.), the Wilderness Act (16 U.S.C. 1131 et seq.), the Wild and Scenic Rivers Act (16 U.S.C. 1271 et seq.), the National Trails System Act (16 U.S.C. 1241 et seq.), and the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.). In addition, nothing in this Act creates a Federal cause of action based on inclusion within the National Landscape Conservation System. Moreover, nothing in this Act is intended to additionally restrict or hinder energy development within the system. Nothing in this Act shall be construed as affecting the authority, jurisdiction, or responsibility of the several States to manage, control, or regulate fish and resident wildlife under State law or regulations, including the regulation of hunting, fishing, trapping, and recreational shooting on public land managed by the Bureau of Land Management. Nothing in this Act shall be construed as limiting access for hunting, fishing, trapping, or recreational shooting. Specifically, inclusion in the National Landscape Conservation System shall not affect current grazing rights or operations.

SEC. 5. BORDER SECURITY.

Nothing in this Act shall impede any efforts by the Department of Homeland Security to secure the borders of the United States.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

Mr. CANNON moved to recommit the bill to the Committee on Natural Resources with instructions to report the bill back to the House promptly with the following amendment:

At the end of section 4 of the bill, add the following:

In addition, nothing in this Act shall affect the right to bear arms under the Second Amendment within the National Landscape Conservation System.

After debate,

By unanimous consent, the previous question was ordered on the motion to recommit with instructions.

The question being put, viva voce,

Will the House recommit said bill with instructions?

The SPEAKER pro tempore, Mr. WEINER, announced that the nays had it.

Mr. CANNON demanded a recorded vote on agreeing to said motion, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the negative ..... { Yeas ..... 208 Nays 212

¶38.32 [Roll No. 173]

AYES—208

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

NOES—212

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

NOT VOTING—10

Abercrombie
Buyer
Diaz-Balart, L.
Ferguson
Granger
Larson (CT)
Paul
Rush
Shays
Sires

So the motion to recommit with instructions was not agreed to.

The question being put, viva voce,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. WEINER, announced that the yeas had it.

Mr. CANNON demanded a recorded vote on passage of said bill, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 278 Nays 140

¶38.33 [Roll No. 174]

AYES—278

Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bishop (GA)
Bishop (NY)
Blumenauer
Bono Mack
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Butterfield
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Engel
English (PA)
Eshoo
Etheridge
Farr
Fattah
Filner
Fortenberry
Foster
Frank (MA)
Frelinghuysen
Gerlach
Giffords
Gilchrest
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inglis (SC)
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Kirk
Klein (FL)
Kucinich
Kuhl (NY)
LaHood
Lampson
Langevin
Larsen (WA)
LaTourette
Lee
Levin
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McCotter
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Petri
Pickering
Platts
Pomeroy
Porter
Price (NC)
Pryce (OH)
Rahall
Ramstad
Rangel
Regula
Reichert
Renzi
Reyes
Richardson
Rodriguez
Rogers (MI)
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth
Young (FL)

NOES—140

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bilirakis
Bishop (UT)
Blunt
Boehner
Bonner
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Burgess
Burton (IN)
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Carter
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Deal (GA)
Doolittle
Drake
Dreier
Duncan
Emerson
Everett
Fallin
Flake
Forbes
Fossella
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gingrey
Gohmert
Goode
Goodlatte
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hoekstra
Hulshof
Hunter
Issa
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kline (MN)
Knollenberg
Lamborn
Latham
Latta
Lewis (CA)
Lewis (KY)
Lucas
Lungren, Daniel E.
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (PA)
Pitts
Poe
Price (GA)
Putnam
Radanovich
Rehberg
Reynolds
Rogers (AL)
Rogers (KY)
Rohrabacher
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Turner
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Westmoreland
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)

NOT VOTING—12

Abercrombie
Blackburn
Buyer
Diaz-Balart, L.
Feeney
Ferguson
Granger
Larson (CT)
Paul
Rush
Shays
Sires

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶38.34 FIRST SPONSORS CHANGE—H.R. 3368

Mr. BRADY of Texas, by unanimous consent, was authorized to be considered as the first sponsor of the bill (H.R. 3368) to amend the Public Health Service Act to establish a pulmonary hypertension clinical research network, to expand pulmonary hypertension research and training, and for other purposes, (a bill originally introduced by the late Representative Lantos); for the purposes of adding cosponsors and requesting reprintings pursuant to clause 7(b)(4) of rule XII.

¶38.35 FARM BILL EXTENSION

On motion of Mr. HOLDEN, by direction of the Committee on Agriculture and pursuant to clause 1 of rule XXII, the bill (H.R. 2419) to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; together with the amendment of the Senate thereto, was taken from the Speaker's table.

When on motion of Mr. HOLDEN, it was,

Resolved, That the House disagree to the amendment of the Senate and agree to the conference asked by the Senate on the disagreeing votes of the two Houses thereon.

Ordered, That the Clerk notify the Senate thereof.

¶38.36 MOTION TO INSTRUCT CONFEREES—H.R. 2419

Mr. GOODLATTE moved that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate on H.R. 2419 be instructed, within the scope of the conference, to disagree to any provision which will result in an increase in taxes.

After debate,

By unanimous consent, the previous question was ordered on the motion to instruct the managers on the part of the House.

The question being put, viva voce,

Will the House agree to said motion?

The SPEAKER pro tempore, Mr. HASTINGS of Florida, announced that the yeas had it.

Mr. GOODLATTE objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 6, rule XX, and the call was taken by electronic device.

When there appeared { Yeas ..... 400 / Nays 11

¶38.37 [Roll No. 175]

YEAS—400

Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Ehlers
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Filner
Flake
Forbes
Fortenberry
Fossella
Foster
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Ortiz
Pallone
Pascrell
Pastor
Paul
Pearce
Pence
Perlmutter
Peterson (MN)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Watson
Watt
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NAYS—11

Blumenauer
Capuano
DeFazio
Ellison
Frank (MA)
McDermott
McGovern
Olver
Payne
Waters
Woolsey

NOT VOTING—19

Abercrombie
Bachus
Buyer
Edwards
Ferguson
Giffords
Granger
Hooley
Larson (CT)
Myrick
Peterson (PA)
Rangel

Rush
Salazar
Shays
Sires
Stark
Stearns
Waxman

So the motion to instruct the managers on the part of the House was agreed to.

A motion to reconsider the vote whereby said motion was agreed to, was, by unanimous consent, laid on the table.

¶38.38 H.R. 5489—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. HASTINGS of Florida, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and pass the bill (H.R. 5489) to designate the facility of the United States Postal Service located at 6892 Main Street in Glocester, Virginia, as the ''Congresswoman Jo Ann S. Davis Post Office''.

The question being put,

Will the House suspend the rules and pass said bill?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 397 Nays 0

¶38.39 [Roll No. 176]

YEAS—397

Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Bonner
Bono Mack
Boozman
Boren
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Ehlers
Ellison
Ellsworth
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Filner
Flake
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Inglis (SC)
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney (NY)
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—33

Abercrombie
Bachus
Boehner
Boswell
Butterfield
Buyer
Cole (OK)
Edwards
Emanuel
Ferguson
Fossella
Giffords
Granger
Hooley
Hulshof
Issa
Jones (OH)
Larson (CT)
Mahoney (FL)
Marchant
McCrery
Moran (VA)
Murtha
Peterson (MN)
Peterson (PA)
Rangel
Reynolds
Rush
Shays
Sires
Slaughter
Stark
Waxman

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶38.40 H.R. 5472—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. HASTINGS of Florida, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 5472) to designate the facility of the United States Postal Service located at 2650 Dr. Martin Luther King Jr. Street, Indianapolis, Indiana, as the ''Julia M. Carson Post Office Building''.

The question being put,

Will the House suspend the rules and pass said bill?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 401 Nays 0

¶38.41 [Roll No. 177]

YEAS—401

Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Bonner
Bono Mack
Boozman
Boren
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Filner
Flake
Forbes
Fortenberry
Fossella
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Gerlach
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)

LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—29

Abercrombie
Bachus
Boehner
Boswell
Buyer
Coble
Dicks
Edwards
Ferguson
Garrett (NJ)
Giffords
Granger
Hooley
Kildee
Larson (CT)
Marchant
McCollum (MN)
McCrery
Moran (VA)
Murtha
Peterson (MN)
Peterson (PA)
Rangel
Rush
Shays
Sires
Slaughter
Stark
Waxman

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶38.42 APPOINTMENT OF CONFEREES—H.R. 2419

The SPEAKER pro tempore, Mr. HASTINGS of Florida, by unanimous consent, appointed the following Members as managers on the part of the House to the conference with the Senate on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R 2419) to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes:

From the Committee on Agriculture, for consideration of the House bill (except title XII) and the Senate amendment (except secs. 12001, 12201–12601, and 12701–12808), and modifications committed to conference: Messrs. PETERSON of Minnesota, HOLDEN, MCINTYRE, ETHERIDGE, BOSWELL, BACA, CARDOZA, SCOTT of Georgia, MUSGRAVE, and Mr. NEUGEBAUER.

From the Committee on Education and Labor, for consideration of secs. 4303 and 4304 of the House bill, and secs. 4901–4905, 4911, and 4912 of the Senate amendment, and modifications committed to conference: Mr. George MILLER of California, Mrs. MCCARTHY of New York, and Mr. PLATTS.

From the Committee on Energy and Commerce, for consideration of secs. 6012, 6023, 6024, 6028, 6029, 9004, 9005, and 9017 of the House bill, and secs. 6006, 6012, 6110–6112, 6202, 6302, 7044, 7049, 7307, 7507, 9001, 11060, 11072, 11087, and 11101–11103 of the Senate amendment, and modifications committed to conference: Messrs. DINGELL, PALLONE, and BARTON of Texas.

From the Committee on Financial Services, for consideration of sec. 11310 of the House bill, and secs. 6501–6505, 11068, and 13107 of the Senate amendment, and modifications committed to conference: Mr. KANJORSKI, Ms. WATERS, and Mr. BACHUS.

From the Committee on Foreign Affairs, for consideration of secs. 3001–3008, 3010–3014, and 3016 of the House bill, and secs. 3001–3022, 3101–3107, and 3201–3204 of the Senate amendment, and modifications committed to conference: Messrs. BERMAN, SHERMAN, and Ms. ROS-LEHTINEN.

From the Committee on the Judiciary, for consideration of secs. 11102, 11312, and 11314 of the House bill, and secs. 5402, 10103, 10201, 10203, 10205, 11017, 11069, 11076, 13102, and 13104 of the Senate amendment, and modifications committed to conference: Messrs. CONYERS, SCOTT of Virginia, and SMITH of Texas.

From the Committee on Natural Resources, for consideration of secs. 2313, 2331, 2341, 2405, 2607, 2607A, 2611, 5401, 6020, 7033, 7311, 8101, 8112, 8121–8127, 8204, 8205, 11063, and 11075 of the Senate amendment, and modifications committed to conference: Mr. RAHALL, Ms. BORDALLO, and Mrs. MCMORRIS RODGERS.

From the Committee on Oversight and Government Reform, for consideration of secs. 1501 and 7109 of the House bill, and secs. 7020, 7313, 7314, 7316, 7502, 8126, 8205, and 10201 of the Senate amendment, and modifications committed to conference: Messrs. WAXMAN, TOWNS, and JORDAN of Ohio.

From the Committee on Science and Technology, for consideration of secs. 4403, 9003, 9006, 9010, 9015, 9019, and 9020 of the House bill, and secs. 7039, 7051, 7315, 7501, and 9001 of the Senate amendment, and modifications committed to conference: Messrs. GORDON of Tennessee, LAMPSON, and MCCAUL of Texas.

From the Committee on Small Business, for consideration of subtitle D of title XI of the Senate amendment, and modifications committed to conference: Ms. VELÁZQUEZ, Messrs. SHULER, and CHABOT.

From the Committee on Transportation and Infrastructure, for consideration of secs. 2203, 2301, 6019, and 6020 of the House bill, and secs. 2604, 6029, 6030, 6034, and 11087 of the Senate amendment, and modifications committed to conference: Mr. OBERSTAR, Ms. NORTON, and Mr. GRAVES.

From the Committee on Ways and Means, for consideration of sec. 1303 and title XII of the House bill, and secs. 12001–12601, and 12701–12808 of the Senate amendment, and modifications committed to conference: Messrs. RANGEL, POMEROY, and MCCRERY.

For consideration of the House bill (except title XII) and the Senate amendment (except secs. 12001, 12201–12601, and 12701–12808), and modifications committed to conference: Ms. DELAURO and Mr. PUTNAM.

Ordered, That the Clerk notify the Senate of the foregoing appointments.

¶38.43 SENATE ENROLLED BILL SIGNED

The Speaker announced her signature to an enrolled bill of the Senate of the following title:

S. 550. An Act to preserve existing judgeships on the Superior Court of the District of Columbia.

¶38.44 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. BUYER, for today and balance of the week; and

To Mr. LARSON of Connecticut, for today and balance of the week.

And then,

¶38.45 ADJOURNMENT

On motion of Mr. YARMUTH, at 10 o'clock and 50 minutes p.m., the House adjourned.

¶38.46 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

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

Ms. SLAUGHTER: Committee on Rules. House Resolution 1092. Resolution relating to the consideration of the bill (H.R. 5724) to implement the United States-Colombia Trade Promotion Agreement (Rept. 110–574). Referred to the House Calendar.

¶38.47 PUBLIC BILLS AND RESOLUTIONS

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

By Mr. TOWNS (for himself and Mr. STEARNS):

H.R. 5734. A bill to direct the Secretary of Transportation to study and establish a motor vehicle safety standard that provides for a means of alerting blind and other pedestrians of motor vehicle operation; to the Committee on Energy and Commerce.

By Mrs. MCCARTHY of New York (for herself, Mr. RAMSTAD, Mr. ETHERIDGE, and Mr. POE):

H.R. 5735. A bill to amend the Higher Education Act of 1965 to require institutions of higher education to disclose their emergency response and evacuation procedures; to the Committee on Education and Labor.

By Mr. ADERHOLT:

H.R. 5736. A bill to designate the Department of Veterans Affairs outpatient clinic in Gadsden, Alabama, as the Colonel Ola Lee Mize Veterans Clinic; to the Committee on Veterans' Affairs.

By Mr. HELLER:

H.R. 5737. A bill to amend the Internal Revenue Code of 1986 to provide for a deduction for travel expenses to medical centers of the Department of Veterans Affairs in connection with examinations or treatments relating to service-connected disabilities; to the Committee on Ways and Means.

By Mr. ROSS:

H.R. 5738. A bill to improve the protections afforded under Federal law to consumers from contaminated seafood by directing the Secretary of Commerce to establish a program, in coordination with other appropriate Federal agencies, to strengthen activities for ensuring that seafood sold or offered for sale to the public in or affecting interstate commerce is fit for human consumption; to the Committee on Energy and Commerce, and in addition to the Committees on Agriculture, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. SCHAKOWSKY (for herself and Mr. VISCLOSKY):

H.R. 5739. A bill to assure that the services of a nonemergency department physician are available to hospital patients 24-hours-a-day, seven days a week in all non-Federal hospitals with at least 100 licensed beds; to the Committee on Energy and Commerce.

By Mr. MITCHELL (for himself, Mr. SCOTT of Virginia, Ms. GINNY BROWN-WAITE of Florida, Mr. KING of New York, Mr. CARNEY, Mr. BOUCHER, Mr. MORAN of Virginia, Mr. SALAZAR, Mr. BISHOP of Georgia, Mr. HOLT, Mr. COURTNEY, Ms. BERKLEY, Mr. ELLISON, Mr. WALZ of Minnesota, Ms. MATSUI, Mr. DINGELL, Mr. PATRICK MURPHY of Pennsylvania, Mr. BARTLETT of Maryland, Mr. SESTAK, Mr. YOUNG of Alaska, Mrs. MALONEY of New York, Mr. UDALL of Colorado, Mr. JEFFERSON, Mrs. NAPOLITANO, Mr. MOLLOHAN, Ms. SHEA-PORTER, Mr. MCNERNEY, Mr. BUCHANAN, Mr. MCHENRY, Mrs. TAUSCHER, Mr. PASCRELL, Ms. BORDALLO, Ms. HERSETH SANDLIN, Mr. SAXTON, Mr. JONES of North Carolina, Ms. KAPTUR, Ms. SUTTON, Mr. KENNEDY, Mr. SERRANO, Ms. JACKSON-LEE of Texas, Mr. BILIRAKIS, Mr. WEINER, Mr. HINOJOSA, Ms. ESHOO, Mr. RODRIGUEZ, Mr. WALDEN of Oregon, Mr. KLEIN of Florida, Mr. ORTIZ, Mr. TIM MURPHY of Pennsylvania, Ms. WOOLSEY, Mr. HOLDEN, Mr. LARSON of Connecticut, Ms. MOORE of Wisconsin, Mr. MCGOVERN, Mr. MURPHY of Connecticut, Ms. DELAURO, Mr. COSTELLO, Mrs. CHRISTENSEN, Mrs. CAPPS, Mr. SHAYS, Ms. MCCOLLUM of Minnesota, Mr. TOWNS, Mr. DEFAZIO, Mr. GRIJALVA, Mr. HONDA, Mr. WATT, Mr. ETHERIDGE, Mr. ROTHMAN, Mr. MAHONEY of Florida, Mr. LEWIS of Georgia, Mrs. MYRICK, Mr. DELAHUNT, Mr. HARE, Mr. SARBANES, Mr. RYAN of Ohio, Mrs. DRAKE, Mr. SCHIFF, Mr. CLEAVER, Mr. HINCHEY, Mr. UDALL of New Mexico, Ms. ROYBAL-ALLARD, Mrs. BOYDA of Kansas, Mr. BOSWELL, Mrs. MCCARTHY of New York, Mr. LATHAM, Mr. HALL of New York, Mr. CROWLEY, Mr. LOEBSACK, Mr. MILLER of North Carolina, Ms. TSONGAS, Mr. MICHAUD, Ms. CORRINE BROWN of Florida, Mr. DAVIS of Alabama, Mr. YOUNG of Florida, Mr. REICHERT, Mr. KUHL of New York, Mr. ROGERS of Michigan, Mr. WEXLER, Mr. BUTTERFIELD, Mrs. CAPITO, Mr. ELLSWORTH, Mr. PORTER, Mr. ALTMIRE, Mr. SPACE, Mrs. DAVIS of California, Mr. HAYES, Mr. ROSKAM, Mr. DAVID DAVIS of Tennessee, Mrs. SCHMIDT, Mr. REYNOLDS, Mr. FOSSELLA, Mr. CASTLE, Mrs. MUSGRAVE, Mr. SALI, Ms. WASSERMAN SCHULTZ, Mr. BERRY, Mr. CARNAHAN, Mr. TIERNEY, Mr. BERMAN, Mr. WELCH of Vermont, Ms. GIFFORDS, Mr. PETERSON of Minnesota, Mr. PALLONE, Mr. PAYNE, Mr. RUSH, Mr. CHABOT, Mr. LAMPSON, Mr. JACKSON of Illinois, Mr. MARIO DIAZ-BALART of Florida, Mr. YARMUTH, Mr. CARDOZA, Mr. ALLEN, Mr. LOBIONDO, Ms. HOOLEY, Mr. RANGEL, Mr. KIND, Ms. SCHAKOWSKY, Mr. BRADY of Pennsylvania, Mr. SHULER, Mr. REYES, Mr. ENGEL, Mr. HIGGINS, Mr. KNOLLENBERG, Mr. PLATTS, Mr. KAGEN, Mr. MCINTYRE, Mr. CRAMER, Mr. VISCLOSKY, Mr. BLUMENAUER, Mr. COHEN, Ms. ZOE LOFGREN of California, Mr. KILDEE, Mr. MCCOTTER, Mr. MILLER of Florida, Mr. GILCHREST, Mr. ENGLISH of Pennsylvania, Ms. HIRONO, Ms. LEE, Mr. SHUSTER, Mr. HERGER, Mr. BRALEY of Iowa, Ms. ROS-LEHTINEN, Mr. LAHOOD, Mr. THOMPSON of California, Mr. COSTA, Mr. OBERSTAR, Mr. CAPUANO, Mr. EDWARDS, Mr. SOUDER, Mr. MICA, and Mr. DAVIS of Illinois):

H.R. 5740. A bill to amend title 38, United States Code, to establish a program of educational assistance for members of the Armed Forces who serve in the Armed Forces after September 11, 2001, and for other purposes; to the Committee on Veterans' Affairs.

By Ms. BORDALLO (for herself, Mr. FALEOMAVAEGA, Mr. ABERCROMBIE, Mr. FARR, Mr. PALLONE, Mr. HINCHEY, Mrs. CHRISTENSEN, and Mr. GONZALEZ):

H.R. 5741. A bill to amend the High Seas Driftnet Fishing Moratorium Protection Act and the Magnuson-Stevens Fishery Conservation and Management Act to improve the conservation of sharks; to the Committee on Natural Resources.

By Ms. BORDALLO (for herself, Mr. FALEOMAVAEGA, Mrs. CHRISTENSEN, and Mr. FORTUÑO):

H.R. 5742. A bill to amend the Internal Revenue Code of 1986 to extend eligibility under the new markets tax credit for community development entities created or organized in American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, Puerto Rico, and the Virgin Islands; to the Committee on Ways and Means.

By Mr. BROUN of Georgia:

H.R. 5743. A bill to provide the Secretary of Homeland Security with the authority to procure real property and accept in-kind donations; to the Committee on Homeland Security.

By Mr. COHEN:

H.R. 5744. A bill to amend the Internal Revenue Code of 1986 to extend permanently the election to deduct State and local general sales taxes; to the Committee on Ways and Means.

By Mr. LAMPSON (for himself, Mr. CHABOT, Mr. AL GREEN of Texas, Mr. GENE GREEN of Texas, Mr. KAGEN, Mr. SHIMKUS, Mr. UDALL of Colorado, and Mr. POE):

H.R. 5745. A bill to amend the Missing Children's Assistance Act to expand the definition of missing child for purposes of that Act; to the Committee on Education and Labor.

By Mr. LARSON of Connecticut (for himself, Mr. DENT, Mr. WYNN, Mr. INGLIS of South Carolina, Ms. DELAURO, Mr. DOYLE, Mr. HOLDEN, Mr. WAMP, Mr. TERRY, Mr. MCNULTY, and Mr. BUTTERFIELD):

H.R. 5746. A bill to amend the Internal Revenue Code of 1986 to establish the infrastructure foundation for the hydrogen economy, and for other purposes; to the Committee on Ways and Means.

By Ms. ZOE LOFGREN of California (for herself, Mr. CAMPBELL of California, Ms. BEAN, and Mr. GRIJALVA):

H.R. 5747. A bill to amend the Federal Election Campaign Act of 1971 to restrict political robocalls, and for other purposes; to the Committee on House Administration.

By Mr. MARCHANT:

H.R. 5748. A bill to amend title XIX of the Social Security Act to permit States to exclude earned income in determining eligibility for medical assistance for individuals with extremely high prescription drug costs; to the Committee on Energy and Commerce.

By Mr. MCDERMOTT (for himself and Mr. ENGLISH of Pennsylvania):

H.R. 5749. A bill to provide for a program of emergency unemployment compensation; to the Committee on Ways and Means.

By Mr. NADLER:

H.R. 5750. A bill to amend the Immigration and Nationality Act to exempt certain elderly persons from demonstrating an understanding of the English language and the history, principles, and form of government of the United States as a requirement for naturalization, and to permit certain other elderly persons to take the history and government examination in a language of their choice; to the Committee on the Judiciary.

By Mr. PASTOR (for himself and Mr. GRIJALVA):

H.R. 5751. A bill to direct the Secretary of the Interior and the Secretary of Agriculture to jointly conduct a study of certain land adjacent to the Walnut Canyon National Monument in the State of Arizona, and for other purposes; to the Committee on Natural Resources.

By Mr. SALI (for himself, Mr. HUNTER, Mr. WHITFIELD of Kentucky, Mr. MCCOTTER, Mr. JONES of North Carolina, Mr. RENZI, Mr. POE, Mr. DEAL of Georgia, Mr. GARY G. MILLER of California, Mr. TERRY, and Ms. FALLIN):

H.R. 5752. A bill to provide for the security of United States passports, and for other purposes; to the Committee on Foreign Affairs.

By Mr. STUPAK (for himself and Mr. FOSSELLA):

H.R. 5753. A bill to prohibit the sale of kitchen ranges or ovens which do not include a design, bracket, or other device which complies with an applicable consensus product safety standard intended to prevent the product from tipping; to the Committee on Energy and Commerce.

By Mr. VISCLOSKY:

H.R. 5754. A bill to amend the Employee Retirement Income Security Act of 1974 and title 11, United State Code, to provide necessary reforms for employee pension benefit plans; to the Committee on Education and Labor, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each

case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STUPAK:

H. Con. Res. 325. Concurrent resolution celebrating the 50th Anniversary of the Mackinac Island State Park Commission's Historical Preservation and Museum Program, which began on June 15, 1958, and for other purposes; to the Committee on Natural Resources.

By Mr. VAN HOLLEN (for himself and Mr. DENT):

H. Con. Res. 326. Concurrent resolution honoring professional surveyors and recognizing their contributions to society; to the Committee on Oversight and Government Reform.

By Mr. CAPUANO (for himself, Mr. DOYLE, Mr. FRANK of Massachusetts, Ms. JACKSON-LEE of Texas, Ms. LEE, Mr. MCCOTTER, Mr. MCGOVERN, and Mr. OLVER):

H. Res. 1093. A resolution calling on the President not to attend the Opening Ceremony of the 2008 Olympic Games in Beijing until China takes credible steps to persuade Sudan to end the genocide in Darfur and allow full deployment of the United Nations-African Union Mission in Darfur; to the Committee on Foreign Affairs.

By Mr. COSTA (for himself, Mr. CAMP of Michigan, Ms. ROS-LEHTINEN, and Mr. CLAY):

H. Res. 1094. A resolution expressing support for designation of April as ''National Donate Life Month'' and expressing gratitude to all Americans who have communicated their intent to be organ and tissue donors; to the Committee on Energy and Commerce.

By Mr. AL GREEN of Texas (for himself, Mr. BACA, Mr. HONDA, Ms. KILPATRICK, Mr. BUTTERFIELD, Mr. BISHOP of Georgia, Mr. CARNAHAN, Ms. CLARKE, Mr. CLEAVER, Mr. COHEN, Mr. CUELLAR, Mr. CUMMINGS, Mr. ELLISON, Mr. ELLSWORTH, Mr. FATTAH, Mr. GENE GREEN of Texas, Mr. GRIJALVA, Mr. HASTINGS of Florida, Mr. HINOJOSA, Mr. JEFFERSON, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. KUCINICH, Ms. LEE, Mr. LEWIS of Georgia, Mr. MCDERMOTT, Mr. MEEK of Florida, Mr. RANGEL, Ms. LINDA T. SÁNCHEZ of California, Ms. LORETTA SANCHEZ of California, Ms. SCHAKOWSKY, Mr. SCOTT of Virginia, Mr. SIRES, Ms. SOLIS, Ms. SUTTON, Mr. THOMPSON of Mississippi, Mr. TOWNS, Mr. VAN HOLLEN, Mr. WATT, Mr. WYNN, Mr. GONZALEZ, and Mr. SMITH of Texas):

H. Res. 1095. A resolution recognizing and honoring the 40th anniversary of congressional passage of title VIII of the Civil Rights Act of 1968 (the Fair Housing Act) and the 20th anniversary of the Fair Housing Amendments Act of 1988; to the Committee on the Judiciary.

By Mr. MOORE of Kansas (for himself, Mrs. BOYDA of Kansas, Mr. MORAN of Kansas, Mr. TIAHRT, and Mr. LAMBORN):

H. Res. 1096. A resolution commending the University of Kansas Jayhawks for winning the 2008 National Collegiate Athletic Association Division I basketball championship; to the Committee on Education and Labor.

¶38.48 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 78: Mr. BILBRAY.
H.R. 96: Mr. MORAN of Virginia.
H.R. 303: Mr. GALLEGLY.
H.R. 351: Mr. BLUMENAUER and Mr. LEWIS of Georgia.
H.R. 406: Mr. ANDREWS, Mr. MICHAUD, Mr. WILSON of Ohio, Mr. GORDON, Mr. LIPINSKI, Mr. SPACE, Mr. VISCLOSKY, Mrs. CUBIN, Mr. WOLF, Mr. SESSIONS, Mr. BOUCHER, Mrs. BACHMANN, Mr. BARTON of Texas, Mrs. BLACKBURN, Mr. BOUSTANY, Mr. CAMPBELL of California, Mr. CRENSHAW, Mr. DAVID DAVIS of Tennessee, Mr. TOM DAVIS of Virginia, Mr. DENT, Mr. FOSSELLA, Mr. MCCARTHY of California, Mrs. MYRICK, Mr. PUTNAM, Mr. ROHRABACHER, and Mrs. SCHMIDT.
H.R. 436: Mr. SHIMKUS.
H.R. 471: Mr. RENZI.
H.R. 510: Mr. BROUN of Georgia, Mr. KINGSTON, Mr. ALEXANDER, Mr. BROWN of South Carolina, Mr. DAVID DAVIS of Tennessee, Mr. DUNCAN, Mrs. BLACKBURN, Mrs. MUSGRAVE, Mr. PITTS, Mr. CAMPBELL of California, and Mr. COLE of Oklahoma.
H.R. 579: Ms. ROS-LEHTINEN, Mr. WITTMAN of Virginia, Mr. SIRES, and Mr. BLUMENAUER.
H.R. 583: Mr. GERLACH.
H.R. 621: Mr. SESTAK.
H.R. 736: Mr. PITTS.
H.R. 741: Mr. GENE GREEN of Texas.
H.R. 748: Mr. SOLI, Mr. BRADY of Pennsylvania, Mr. CARNEY, Mr. DEFAZIO, Mr. WITTMAN of Virginia, Mr. DAVIS of Illinois, Mr. CRAMER, Mr. GALLEGLY, Mr. SCHIFF, and Mr. YOUNG of Alaska.
H.R. 769: Mr. BROUN of Georgia and Mr. WITTMAN of Virginia.
H.R. 843: Mr. GALLEGLY.
H.R. 989: Mr. SHULER.
H.R. 992: Mr. LIPINSKI.
H.R. 997: Mr. MCCARTHY of California.
H.R. 998: Mr. COHEN and Mr. NADLER.
H.R. 1000: Mr. BOUCHER, Mr. TANNER and Mr. NUNES.
H.R. 1032: Mr. KILDEE and Mr. BUTTERFIELD.
H.R. 1072: Mr. MARKEY.
H.R. 1108: Mr. THOMPSON of California.
H.R. 1110: Mr. KENNEDY.
H.R. 1176: Mr. MCDERMOTT and Mr. PAYNE.
H.R. 1185: Mr. MITCHELL.
H.R. 1264: Mr. SPACE.
H.R. 1306: Mr. HAYES.
H.R. 1308: Ms. DEGETTE.
H.R. 1322: Mr. DAVIS of Illinois.
H.R. 1359: Mr. SOUDER.
H.R. 1386: Mr. MCNERNEY.
H.R. 1439: Mr. SHAYS and Mr. MAHONEY of Florida.
H.R. 1456: Mrs. MUSGRAVE.
H.R. 1472: Mr. MCCAUL of Texas.
H.R. 1475: Mr. JACKSON of Illinois.
H.R. 1518: Mr. LYNCH.
H.R. 1527: Mr. TERRY.
H.R. 1553: Mr. MILLER of Florida.
H.R. 1609: Mr. LEWIS of California, Mr. BOOZMAN, Mr. SOUDER and Mr. RAHALL.
H.R. 1647: Mr. BARTLETT of Maryland, Mr. MCGOVERN, Mr. MEEKS of New York, Mr. SARBANES, Mr. BILBRAY and Mr. INSLEE.
H.R. 1653: Mr. SCHIFF.
H.R. 1742: Ms. JACKSON-LEE of Texas, Mr. ALEXANDER, Ms. FOXX, Mr. YOUNG of Alaska, Mr. KENNEDY, Mr. WHITFIELD of Kentucky, Mr. GUTIERREZ, Mr. SKELTON and Mr. BACHUS.
H.R. 1781: Mr. SPACE.
H.R. 1820: Mr. BECERRA and Mr. MARKEY.
H.R. 1881: Mr. LOEBSACK, Mr. FOSSELLA, Mr. LATOURETTE, Ms. BORDALLO, Mr. WEXLER, Mr. OLVER, and Mr. MICHAUD.
H.R. 1973: Mr. TURNER.
H.R. 1983: Ms. KAPTUR.
H.R. 2042: Ms. HOOLEY and Mr. BISHOP of New York.
H.R. 2073: Mr. DAVIS of Illinois.
H.R. 2114: Mrs. CAPPS.
H.R. 2158: Mr. BROUN of Georgia and Mr. GOODE.
H.R. 2167: Mr. JOHNSON of Georgia.
H.R. 2169: Ms. SUTTON, Ms. KILPATRICK, and Mr. HINOJOSA.
H.R. 2219: Mr. ROTHMAN.
H.R. 2231: Mr. YOUNG of Florida.
H.R. 2267: Mr. ENGLISH of Pennsylvania.
H.R. 2471: Mr. FRANKS of Arizona.
H.R. 2478: Ms. ESHOO.
H.R. 2593: Mr. JACKSON of Illinois.
H.R. 2676: Mr. DAVIS of Illinois.
H.R. 2686: Mr. SCHIFF, Mr. BACA, Ms. LORETTA SANCHEZ of California, Mr. HOLDEN, Mr. CARNEY, Mr. BOREN, and Mr. GORDON.
H.R. 2744: Mr. WEXLER, Mr. SERRANO, Mr. FATTAH, Mr. LARSON of Connecticut, Mr. MOORE of Kansas, Mr. MAHONEY of Florida, Mr. CARDOZA, and Mr. RODRIGUEZ.
H.R. 2762: Mr. CONAWAY.
H.R. 2792: Ms. ZOE LOFGREN of California.
H.R. 2802: Mr. CARNAHAN, Mr. EMANUEL, and Mr. TIBERI.
H.R. 2809: Mr. MCGOVERN.
H.R. 2905: Mr. WITTMAN of Virginia.
H.R. 2915: Ms. DEGETTE.
H.R. 2942: Mr. JEFFERSON.
H.R. 3005: Mr. KING of New York.
H.R. 3054: Ms. JACKSON-LEE of Texas, Mr. HINCHEY, and Mr. RUSH.
H.R. 3140: Mr. JOHNSON of Georgia and Mr. KAGEN.
H.R. 3227: Mr. SMITH of Washington.
H.R. 3287: Mr. JACKSON of Illinois.
H.R. 3334: Mr. KIRK.
H.R. 3484: Mrs. TAUSCHER.
H.R. 3609: Ms. LEE.
H.R. 3652: Mr. SIRES.
H.R. 3767: Mr. RADANOVICH.
H.R. 3865: Mr. MOORE of Kansas and Ms. MCCOLLUM of Minnesota.
H.R. 3886: Mr. PRICE of North Carolina.
H.R. 3892: Ms. LINDA T. SÁNCHEZ of California.
H.R. 4008: Mr. HENSARLING.
H.R. 4018: Ms. BERKLEY.
H.R. 4044: Mr. WALZ of Minnesota and Mr. GRIJALVA.
H.R. 4205: Mr. LYNCH.
H.R. 4218: Mr. MCGOVERN.
H.R. 4236: Mr. ISRAEL, Ms. TSONGAS, and Mr. SCHIFF.
H.R. 4248: Mrs. BLACKBURN.
H.R. 4318: Mr. DAVIS of Kentucky, Mr. LATOURETTE, and Mr. POMEROY.
H.R. 4344: Mr. GOODE and Mr. TERRY.
H.R. 4450: Mrs. CAPPS and Ms. PRYCE of Ohio.
H.R. 4516: Mr. FILNER.
H.R. 4540: Mr. RENZI.
H.R. 4900: Mr. DEFAZIO, Mr. GOHMERT, Mr. GENE GREEN of Texas, Mr. REHBERG, Mrs. MUSGRAVE, Mr. ISSA, Mr. CRAMER, Ms. HERSETH SANDLIN, Mr. YOUNG of Alaska, and Mr. SHIMKUS.
H.R. 4926: Ms. ZOE LOFGREN of California, Mr. BOREN, Mr. COURTNEY, Mr. JOHNSON of Georgia, Mr. JACKSON of Illinois, Mr. LEWIS of Georgia, Mr. SCOTT of Georgia, and Mr. SPACE.
H.R. 4927: Mrs. MUSGRAVE and Mr. PERLMUTTER.
H.R. 4934: Mr. BOUCHER.
H.R. 4959: Mr. KILDEE.
H.R. 5134: Mr. KLINE of Minnesota.
H.R. 5173: Mr. SPACE, Mr. CHANDLER, and Ms. EDDIE BERNICE JOHNSON of Texas.
H.R. 5176: Mr. MCGOVERN.
H.R. 5223: Ms. SUTTON, Ms. MOORE of Wisconsin, Mr. WALZ of Minnesota, and Mr. ELLISON.
H.R. 5233: Mr. GILCHREST.
H.R. 5236: Mr. TERRY.
H.R. 5267: Mr. WILSON of South Carolina.
H.R. 5405: Mr. FRANKS of Arizona.
H.R. 5425: Mr. WALSH of New York.
H.R. 5440: Mr. HENSARLING.
H.R. 5442: Mr. GENE GREEN of Texas and Ms. LINDA T. SÁNCHEZ of California.
H.R. 5443: Mr. SAXTON.
H.R. 5445: Mr. MORAN of Kansas, Mr. GINGREY, and Mr. NEUGEBAUER.
H.R. 5446: Ms. BERKLEY.
H.R. 5447: Mr. KILDEE, Ms. SUTTON, Mr. MCGOVERN, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. ABERCROMBIE, and Mr. ISRAEL.

H.R. 5463: Mr. CANNON.
H.R. 5465: Mr. JONES of North Carolina, Mr. SPRATT, and Mr. ANDREWS.
H.R. 5466: Mr. COHEN and Mr. GENE GREEN of Texas.
H.R. 5481: Mr. LAHOOD and Mr. GALLEGLY.
H.R. 5488: Mr. WYNN, Mr. PAYNE, Ms. SCHAKOWSKY, Mr. FATTAH, and Ms. RICHARDSON.
H.R. 5534: Mr. HINCHEY, Mrs. CAPPS, Mr. FERGUSON, and Ms. ZOE LOFGREN of California.
H.R. 5541: Mr. SPRATT, Mr. INSLEE, Ms. HERSETH SANDLIN, and Mr. GENE GREEN of Texas.
H.R. 5546: Mr. YARMUTH.
H.R. 5567: Mr. DUNCAN.
H.R. 5573: Mr. ELLSWORTH, Mr. PETRI, and Mr. MEEKS of New York.
H.R. 5583: Mr. PASTOR.
H.R. 5591: Mr. TERRY and Mrs. BLACKBURN.
H.R. 5595: Mrs. CHRISTENSEN, Mr. BRADY of Pennsylvania, Mr. BOUCHER, and Mr. GOODE.
H.R. 5602: Mr. THOMPSON of California, Mr. BISHOP of Georgia, Mr. HOLDEN, and Mr. MOORE of Kansas.
H.R. 5603: Ms. BORDALLO and Mr. GORDON.
H.R. 5609: Mr. SHIMKUS.
H.R. 5613: Mr. DENT, Mr. AL GREEN of Texas, Mr. RAHALL, Mr. MCHUGH, Mr. MATHESON, Mr. SCOTT of Georgia, Ms. TSONGAS, Mr. ARCURI, Mr. KUHL of New York, Mr. SKELTON, Ms. SLAUGHTER, Mr. MCNERNEY, Mr. THOMPSON of Mississippi, Mr. YARMUTH, Mr. DAVIS of Illinois, Ms. ZOE LOFGREN of California, Mr. SHERMAN, Mr. BISHOP of New York, Mrs. NAPOLITANO, and Mr. CHANDLER.
H.R. 5614: Mr. REHBERG and Mr. PAUL.
H.R. 5626: Mr. MCGOVERN, Mr. FRANK of Massachusetts, and Mr. ELLISON.
H.R. 5635: Mr. KLINE of Minnesota.
H.R. 5636: Mr. MCDERMOTT, Ms. JACKSON-LEE of Texas, Mr. ELLISON, Mrs. MALONEY of New York, and Mr. DAVIS of Illinois.
H.R. 5637: Ms. LEE and Mr. FILNER.
H.R. 5640: Mr. CHABOT.
H.R. 5645: Ms. RICHARDSON.
H.R. 5648: Ms. HERSETH SANDLIN.
H.R. 5656: Mr. BURGESS, Mr. CULBERSON, Mr. COLE of Oklahoma, Mr. HALL of Texas, and Mr. BROUN of Georgia.
H.R. 5662: Mr. HINOJOSA.
H.R. 5668: Mr. MICHAUD, Mr. SOUDER, and Ms. WATERS.
H.R. 5672: Ms. LEE.
H.R. 5685: Mr. SCHIFF.
H.R. 5695: Mrs. MYRICK.
H.R. 5696: Mr. HARE.
H.R. 5699: Mr. ROHRABACHER, Mr. ROYCE, and Mr. BLUNT.
H.R. 5700: Ms. WOOLSEY and Mr. KILDEE.
H.R. 5710: Mrs. WILSON of New Mexico.
H.R. 5716: Mr. STARK.
H.R. 5721: Mrs. CUBIN.
H.R. 5731: Mrs. BLACKBURN and Mr. CULBERSON.
H.J. Res. 12: Mr. DAVID DAVIS of Tennessee and Mrs. BLACKBURN.
H. Con. Res. 13: Mr. SPACE.
H. Con. Res. 305: Mr. JACKSON of Illinois, Mr. CHANDLER, Mr. SESTAK, and Mr. WAXMAN.
H. Con. Res. 315: Mr. STEARNS.
H. Con. Res. 317: Mr. BRADY of Pennsylvania, Mr. MCGOVERN, and Mr. BLUMENAUER.
H. Con. Res. 322: Mr. ENGEL, Mr. MANZULLO, Mr. WEXLER, Mr. MACK, Mr. BURTON of Indiana, Mr. PAYNE, Mr. FORTUNO, Ms. BERKLEY, Mrs. MCCARTHY of New York, Mr. POE, Mr. BROWN of South Carolina, Ms. SCHWARTZ, Mr. TANNER, Ms. JACKSON-LEE of Texas, Mr. HENSARLING, Mr. GARRETT of New Jersey, Mr. WILSON of South Carolina, Mr. WEINER, Mr. CHABOT, Mr. KUHL of New York, Mr. WAXMAN, Ms. CORRINE BROWN of Florida, Mrs. MALONEY of New York, Mr. SKELTON, Mr. NADLER, Mr. MCNULTY, Mr. LEVIN, Mrs. TAUSCHER, Mr. KLEIN of Florida, Mr. HASTINGS of Florida, Ms. SCHAKOWSKY, Mrs. DAVIS of California, Ms. TSONGAS, Ms. GIFFORDS, Mr. KAGEN, Mr. REICHERT, Mr. PORTER, Mr. AL GREEN of Texas, Mr. COHEN, Ms. MCCOLLUM of Minnesota, Ms. HARMAN, Mr. SHERMAN, Mr. HOLT, Ms. WASSERMAN SCHULTZ, Mr. VAN HOLLEN, Ms. LINDA T. SÁNCHEZ of California, Mr. SESTAK, Mr. LARSON of Connecticut, Mr. SCHIFF, Mr. HARE, Mr. MEEK of Florida, Mr. GENE GREEN of Texas, Mr. ROTHMAN, Mr. CUELLAR, Mr. CHANDLER, Mr. BACA, Mr. MARKEY, Mr. COSTELLO, Mr. MCCARTHY of California, Mr. BISHOP of Georgia, Mr. LANGEVIN, Mr. GALLEGLY, Mr. KING of New York, Mr. TERRY, Mr. MCHENRY, Mr. PATRICK MURPHY of Pennsylvania, Mr. BISHOP of New York, Ms. ROYBAL-ALLARD, Mr. PALLONE, Mr. MOORE of Kansas, Ms. DELAURO, Mr. LEWIS of Georgia, Mr. KNOLLENBERG, and Mr. NEUGEBAUER.
H. Res. 49: Mr. NUNES, Mr. ENGLISH of Pennsylvania, and Mr. DINGELL.
H. Res. 111: Mr. SALAZAR.
H. Res. 146: Mr. DELAHUNT.
H. Res. 424: Ms. LEE and Ms. DEGETTE.
H. Res. 653: Mr. DAVIS of Illinois and Ms. EDDIE BERNICE JOHNSON of Texas.
H. Res. 705: Mrs. MILLER of Michigan, Mr. SMITH of New Jersey, and Mr. DUNCAN.
H. Res. 758: Mr. GALLEGLY, Mr. ROGERS of Michigan, Mrs. MILLER of Michigan, and Mr. SAXTON.
H. Res. 896: Mr. PAYNE.
H. Res. 981: Mr. SENSENBRENNER, Mr. ISSA, Mr. HARE, and Ms. RICHARDSON.
H. Res. 987: Mr. BUTTERFIELD, Mr. SHULER, Ms. BALDWIN, Mr. DOYLE, Mr. GILCHREST, Mr. GENE GREEN of Texas, Ms. HARMAN, Mr. HILL, Ms. HOOLEY, Mr. MATHESON, Mr. ROSS, Ms. LINDA T. SÁNCHEZ of California, Ms. SCHAKOWSKY, Mr. SHIMKUS, Ms. SOLIS, and Mr. TAYLOR.
H. Res. 1008: Ms. ESHOO and Mr. MCHUGH.
H. Res. 1011: Mr. MILLER of North Carolina, Mr. JACKSON of Illinois, Mr. PLATTS, Mr. LANGEVIN, and Ms. CORRINE BROWN of Florida.
H. Res. 1022: Ms. CORRINE BROWN of Florida, Mrs. DAVIS of California, Ms. WATSON, Mr. BERMAN, Ms. PRYCE of Ohio, Mrs. NAPOLITANO, Mrs. BONO MACK, Mrs. LOWEY, Mrs. GILLIBRAND, Ms. TSONGAS, Ms. HARMAN, Ms. BERKLEY, Ms. WOOLSEY, Ms. LINDA T. SÁNCHEZ of California, Ms. LORETTA SANCHEZ of California, and Ms. CLARKE.
H. Res. 1026: Mr. DINGELL.
H. Res. 1048: Mr. MCNULTY.
H. Res. 1054: Mr. CARNAHAN, Ms. HIRONO, and Mr. HARE.
H. Res. 1055: Mr. PAYNE, Mr. ELLISON, and Mr. LEWIS of Georgia.
H. Res. 1063: Mr. TANNER, Mr. WHITFIELD of Kentucky, Ms. JACKSON-LEE of Texas, Mr. KLEIN of Florida, Mr. COSTA, and Mr. HINOJOSA.
H. Res. 1064: Mr. SHAYS.
H. Res. 1069: Mr. KING of New York.
H. Res. 1072: Mr. WALZ of Minnesota.
H. Res. 1073: Mr. MCDERMOTT, Mr. TOWNS, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. MEEKS of New York, Mr. CLAY, Mr. RANGEL, Mrs. JONES of Ohio, Mr. MCGOVERN, Ms. LEE, Ms. MATSUI, Mr. SARBANES, Ms. JACKSON-LEE of Texas, Mr. MCHUGH, Ms. MCCOLLUM of Minnesota, Mr. KUCINICH, Mr. SNYDER, Mr. RUSH, Mr. SMITH of Washington, Mr. FATTAH, Mr. TOM DAVIS of Virginia, Mr. MORAN of Virginia, Mr. JOHNSON of Georgia, Ms. MOORE of Wisconsin, Ms. NORTON, Mr. PAYNE, Mr. VAN HOLLEN, Mr. GRIJALVA, Mr. HINOJOSA, Mr. HASTINGS of Florida, Mr. BUTTERFIELD, Ms. WATSON, Mrs. MALONEY of New York, Mr. HOYER, Mr. SHIMKUS, Mr. GUTIERREZ, Mr. CLEAVER, Ms. SCHAKOWSKY, Mr. LYNCH, Mr. HIGGINS, Mr. COSTELLO, and Mr. LIPINSKI.
H. Res. 1079: Mr. MCCOTTER, Mr. PEARCE, Ms. PRYCE of Ohio, Ms. MOORE of Wisconsin, Ms. MCCOLLUM of Minnesota, Mr. DAVIS of Illinois, and Ms. EDDIE BERNICE JOHNSON of Texas.
H. Res. 1080: Mr. HENSARLING and Mrs. DRAKE.
H. Res. 1081: Mr. WU, Ms. WASSERMAN SCHULTZ, Ms. KILPATRICK, Mr. HILL, Ms. DELAURO, Ms. SLAUGHTER, Mr. PRICE of North Carolina, Mr. FILNER, Mr. WYNN, Mr. SCOTT of Virginia and Mr. OBERSTAR.

¶38.49 DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1665: Mr. TIM MURPHY of Pennsylvania.

THURSDAY, APRIL 10, 2008 (39)

¶39.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Mr. CUELLAR, who laid before the House the following communication:

WASHINGTON, DC,
April 10, 2008.

I hereby appoint the Honorable HENRY CUELLAR to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

¶39.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. CUELLAR, announced he had examined and approved the Journal of the proceedings of Wednesday, April 9, 2008.

Mr. PALLONE, pursuant to clause 1, rule I, demanded a vote on agreeing to the Chair's approval of the Journal.

The question being put, viva voce,

Will the House agree to the Chair's approval of said Journal?

The SPEAKER pro tempore, Mr. CUELLAR, announced that the yeas had it.

Mr. PALLONE objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mr. CUELLAR, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

The point of no quorum was considered as withdrawn.

¶39.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

5983. A letter from the Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of the Army, Case Number 05-05, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

5984. A letter from the Director, Selective Service System, transmitting a report of a violation of the Antideficiency Act, pursuant to 31 U.S.C. 1351; to the Committee on Appropriations.

5985. A letter from the General Deputy Assistant Secretary for Community Planning and Development, Department of Housing and Urban Development, transmitting the Department's second annual Homeless Assessment Report; to the Committee on Financial Services.

5986. A letter from the Director, Office of Thrift Supervision, Department of Treasury, transmitting a letter on the details of the Office's 2008 compensation plan, pursuant to 12 U.S.C. 18336; to the Committee on Financial Services.

5987. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to Turkey pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

5988. A letter from the Secretary, Federal Trade Commission, transmitting the Thirtieth Annual Report to Congress consistent with Section 815 of the Fair Debt Collection Practices Act, pursuant to 15 U.S.C. 1692m; to the Committee on Financial Services.

5989. A letter from the Under Secretary for Natural Resources and Environment, Department of Agriculture, transmitting the Department's proposal to accept a 160-acre donation from the Wilderness Land Trust, pursuant to 16 U.S.C. 1131-1136; to the Committee on Natural Resources.

5990. A letter from the Certification Officer, Department of the Interior, transmitting the Department's final rule — Tribal Energy Resource Agreements under the Indian Tribal Energy Development and Self-Determination Act (RIN: 1076-AE80) received March 13, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5991. A letter from the Acting Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, transmitting the 2007 report on the Apportionment of Membership on the Regional Fishery Management Councils pursuant to section 302(b) of the Magnuson Stevens Fishery Conservation and Management Act; to the Committee on Natural Resources.

5992. A letter from the Director, Administrative Office of the United States Courts, transmitting the third annual report to Congress on victims' rights, pursuant to 18 U.S.C. 3771; to the Committee on the Judiciary.

5993. A letter from the Staff Director, Commission on Civil Rights, transmitting notification that the Commission recently appointed members to the Texas Advisory Committee; to the Committee on the Judiciary.

5994. A letter from the Staff Director, Commission on Civil Rights, transmitting notification that the Commission recently appointed members to the Vermont Advisory Committee; to the Committee on the Judiciary.

5995. A letter from the Staff Director, Commission on Civil Rights, transmitting notification that the Commission recently appointed members to the Rhode Island Advisory Committee; to the Committee on the Judiciary.

5996. A letter from the Staff Director, Commission on Civil Rights, transmitting notification that the Commission recently appointed members to the New Jersey Advisory Committee; to the Committee on the Judiciary.

5997. A letter from the Staff Director, Commission on Civil Rights, transmitting notification that the Commission recently appointed members to the Ohio Advisory Committee; to the Committee on the Judiciary.

5998. A letter from the Director, Bureau of Justice Assistance, Department of Justice, transmitting the annual report of the Office of Justice Programs' Bureau of Justice Assistance for Fiscal Year 2005, pursuant to 42 U.S.C. 3712(b); to the Committee on the Judiciary.

5999. A letter from the Secretary, Judicial Conference of the United States, transmitting a copy of the proposed ''Federal Courts Jurisdiction and Venue Clarification Act of 2008''; to the Committee on the Judiciary.

6000. A letter from the Secretary, Judicial Conference of the United States, transmitting a copy of two court improvement proposals adopted in September 2007; to the Committee on the Judiciary.

6001. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 707 Airplanes and Model 720 and 720B Series Airplanes [Docket No. FAA-2007-28828; Directorate Identifier 2007-NM-010-AD; Amendment 39-15258; AD 2007-23-12] (RIN: 2120-AA64) received April 3, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6002. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Learjet Model 45 Airplanes [Docket No. FAA-2006-25174; Directorate Identifier 2005-NM-007-AD; Amendment 39-15328; AD 2008-01-03] (RIN: 2120-AA64) received April 3, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6003. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model ERJ 170 and ERJ 190 Airplanes [Docket No. FAA-2007-0082; Directorate Identifier 2007-NM-219-AD; Amendment 39-15332; AD 2008-02-02] (RIN: 2120-AA64) received April 3, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6004. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; BAE Systems (Operations) Limited Model BAE 146 and Avro 146-RJ Airplanes [Docket No. FAA-2007-0044; Directorate Identifier 2007-NM-126-AD; Amendment 39-15320; AD 2007-26-18] (RIN: 2120-AA64) received April 3, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6005. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; EMBRAER Model EMB-135BJ Airplanes [Docket No. FAA-2007-0129; Directorate Identifier 2007-NM-099-AD; Amendment 39-15331; AD 2008-02-01] (RIN: 2120-AA64) received April 3, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6006. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A310 Series Airplanes [Docket No. FAA-2007-0171; Directorate Identifier 2007-NM-220-AD; Amendment 39-15330; AD 2008-01-05] (RIN: 2120-AA64) received April 3, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6007. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; EMBRAER Model EMB-120, -120ER, -120FC, -120QC, and -120RT Airplanes [Docket No. FAA-2007-28855; Directorate Identifier 2007-NM-098-AD; Amendment 39-15323; AD 2007-26-21] (RIN: 2120-AA64) received April 3, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6008. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Pilatus Aircraft Limited Model PC-12, PC-12/45, and PC-12/47 Airplanes [Docket No. FAA-2007-0116 Directorate Identifier 2007-CE-082-AD; Amendment 39-15333; AD 2008-02-03] (RIN: 2120-AA64) received April 3, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6009. A letter from the Chairman, Department of Transportation, transmitting the Department's final rule — DECISION SIMPLIFIED STANDARDS FOR RAIL RATE CASES [STB Ex Parte No. 646 (Sub-No. 1)] received March 27, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6010. A letter from the Chairman, Department of Transportation, transmitting the Department's final rule — DECISION METHODOLOGY TO BE EMPLOYED IN DETERMINING THE RAILROAD INDUSTRY'S COST OF CAPITAL [STB Ex Parte No. 664] received March 27, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6011. A letter from the Chief Counsel, Department of Transportation, transmitting the Department's final rule — Saint Lawrence Seaway Development Corporation Seaway Regulations and Rules: Periodic Update, Various Categories [Docket No. SLSDC 2007-0005] (RIN: 2135-AA27) received February 21, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6012. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Eclipse Aviation Corporation Model EA500 Airplanes [Docket No. FAA-2007-29316; Directorate Identifier 2007-CE-078-AD; Amendment 39-15334; AD 2008-02-04] (RIN: 2120-AA64) received April 3, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6013. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; GARMIN International GSM 85 Servo Gearbox Units [Docket No. FAA-2007-28730; Directorate Identifier 2007-CE-063-AD; Amendment 39-15336; AD 2008-02-06] (RIN: 2120-AA64) received April 3, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6014. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 777-200 and -300 Series Airplanes Equipped with Rolls-Royce RB211-TRENT 800 Series Engines [Docket No. FAA-2006-25609; Directorate Identifier 2005-NM-263-AD; Amendment 39-15335; AD 2008-02-05] (RIN: 2120-AA64) received April 3, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6015. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A300 Airplanes; and Model A300 B4-600, B4-600R, and F4-600R Series Airplanes, and Model C4-605R Variant F Airplanes (Collectively Called A300-600 Series Airplanes) [Docket No. FAA-2007-27926; Directorate Identifier 2006-NM-050-AD; Amendment 39-15316; AD 2007-26-14] (RIN: 2120-AA64) received April 3, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6016. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; General Electric Company CF6-50, -80A1/A3, and -80C2A Series Turbofan Engines [Docket No. FAA-2007-0053; Directorate Identifier 98-ANE-54-AD; Amendment 39-15347; AD 2008-02-17] (RIN: 2120-AA64) received April 3, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6017. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 767-200 and 767-300 Series Airplanes [Docket No. FAA-2007-28375; Directorate Identifier 2007-NM-015-AD; Amendment 39-15346; AD 2008-02-16] (RIN: 2120-AA64) received April 3, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6018. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A319 and A320 Series Airplanes [Docket No. FAA-2007-29170; Directorate Identifier 2007-NM-075-AD; Amendment 39-15345; AD 2008-02-15] (RIN: 2120-AA64) received April 3, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6019. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Cessna Aircraft Company 172 and 182 Series Airplanes [Docket No. FAA-2007-29317; Directorate Identifier 2007-CE-079-AD; Amendment 39-15348; AD 2008-02-18] (RIN: 2120-AA64) received April 3, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6020. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model 717-200 Airplanes [Docket No. FAA-2007-29329; Directorate Identifier 2007-NM-205-AD; Amendment 39-15342; AD 2008-02-12] (RIN: 2120-AA64) received April 3, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6021. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 727 Airplanes [Docket No. FAA-2007-28884; Directorate Identifier 2007-NM-116-AD; Amendment 39-15343; AD 2008-02-13] (RIN: 2120-AA64) received April 3, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6022. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747-400, -400D, and -400F Series Airplanes; Boeing Model 757 Airplanes; and Boeing Model 767 Airplanes [Docket No. FAA-2007-28973; Directorate Identifier 2007-NM-118-AD; Amendment 39-15344; AD 2008-02-14] (RIN: 2120-AA64) received April 3, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6023. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Aircraft Industries, a.s. (Type Certificate No. G24EU formerly held by LETECKE ZAVODY a.s. and LET Aeronautical Works) Model L-13 Blanik Gliders [Docket No. FAA-2007-28980 Directorate Identifier 2007-CE-071-AD; Amendment 39-15282; AD 2007-25-01] (RIN: 2120-AA64) received April 1, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6024. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model MD-11, MD-11F, DC-10-30 and DC-10-30F (KC-10A and KDC-10), DC-10-40, DC-10-40F, and MD-10-30F Airplanes [Docket No. FAA-2007-28351; Directorate Identifier 2007-NM-074-AD; Amendment 39-15192; AD 2007-19-02] (RIN: 2120-AA64) received April 1, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6025. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A330 Airplanes [Docket No. FAA-2007-0269; Directorate Identifier 2007-NM-158-AD; Amendment 39-15287; AD 2007-25-05] (RIN: 2120-AA64) received April 1, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6026. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Fokker Model F27 Mark 050 Airplanes [Docket No. FAA-2007-0268; Directorate Identifier 2007-NM-129-AD; Amendment 39-15286; AD 2007-25-04] (RIN: 2120-AA64) received April 1, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6027. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Augusta S.p.A. Model AB139 and AW139 Helicopters [Docket No. FAA-2007-0285; Directorate Identifier 2007-SW-15-AD; Amendment 39-15296; AD 2007-25-14] (RIN: 2120-AA64) received April 1, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6028. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747-400 and 747-400D Series Airplanes [Docket No. FAA-2007-0301; Directorate Identifier 2007-NM-069-AD; Amendment 39-15300; AD 2007-25-18] (RIN: 2120-AA64) received April 1, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6029. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bell Helicopter Textron Canada Limited Model 206A and 206B Helicopters [Docket No. FAA-2007-28690; Directorate Identifier 2006-SW-21-AD; Amendment 39-15289; AD 2007-25-07] (RIN: 2120-AA64) received April 1, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6030. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Eurocopter France Model SA-365 N1, AS-365N2, AS 365 N3, SA-366G1, EC 155B, and EC155B1 Helicopters [Docket No. FAA-2007-28448; Directorate Identifier 2006-SW-24-AD; Amendment 39-15290; AD 2007-25-08] (RIN: 2120-AA64) received April 1, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6031. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747-400 Series Airplanes [Docket No. FAA-2007-0302; Directorate Identifier 2007-NM-161-AD; Amendment 39-15301; AD 2007-25-19] (RIN: 2120-AA64) received April 1, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6032. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A300 Series Airplanes and Model A300-600 Series Airplanes [Docket No. FAA-2007-27257; Directorate Identifier 2006-NM-131-AD; Amendment 39-15297; AD 2007-25-15] (RIN: 2120-AA64) received April 1, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6033. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A310 Series Airplanes [Docket No. FAA-2007-28996; Directorate Identifier 2006-NM-217-AD; Amendment 39-15283; AD 2007-25-02] (RIN: 2120-AA64) received April 1, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6034. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 737-600, -700, -700C, -800, and -900 Series Airplanes [Docket No. FAA-2007-29031; Directorate Identifier 2007-NM-130-AD; Amendment 39-15284; AD 2007-25-03] (RIN: 2120-AA64) received April 1, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6035. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A300 Series Airplanes, Model A300-600 Series Airplanes, and Model A310 Series Airplanes [Docket No. FAA-2007-27982; Directorate Identifier 2007-NM-009-AD; Amendment 39-15288; AD 2007-25-06] (RIN: 2120-AA64) received April 1, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6036. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A310 Airplanes [Docket No. FAA-2007-29117; Directorate Identifier 2007-NM-114-AD; Amendment 39-15291; AD 2007-25-09] (RIN: 2120-AA64) received April 1, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6037. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Dassault Model Mystere-Falcom 50, Mystere-Falcom 900, Falcon 900EX, Falcom 2000, and Falcome 2000EX Airplanes [Docket No. FAA-2007-29175; Directorate Identifier 2007-NM-134-AD; Amendment 39-15292; AD 2007-25-10] (RIN: 2120-AA64) received April 1, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6038. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Fokker Model F.28 Mark 0070 and 0100 Airplanes [Docket No. FAA-2007-29256; Directorate Identifier 2007-NM-137-AD; Amendment 39-15293; AD 2007-25-11] (RIN: 2120-AA64) received April 1, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6039. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A318, A319, A320, and A321 Series Airplanes [Docket No. FAA-2007-29249; Directorate Identifier 2007-NM-112-AD; Amendment 39-15294; AD 2007-25-12] (RIN: 2120-AA64) received April 1, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6040. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 767-300F Series Airplanes [Docket No. FAA-2007-28943; Directorate Identifier 2007-NM-011-AD; Amendment 39-15295; AD 2007-25-13] (RIN: 2120-AA64) received April 1, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6041. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model DC-9-81 (MD-81) and DC-9-82 (MD-82) Airplanes [Docket No. FAA-2007-29226; Directorate Identifier 2006-NM-256-AD; Amendment 39-15298; AD 2007-25-16] (RIN: 2120-AA64) received April 1, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6042. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747-100, 747-100B, 747-100B SUD, 747-200B, 747-200C, 747-200F, 747-300, 747SR, and 747SP Series Airplanes [Docket No. FAA-2007-28620; Directorate Identifier 2007-NM-090-AD; Amendment 39-15299; AD 2007-25-17] (RIN: 2120-AA64) received April 1, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6043. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model DC-10-10, DC-10-10F, DC-10-15, DC-10-30 and DC-10-30F (KC-10A and KDC-10) Airplanes; Model DC-10-40 and DC-10-40F Airplanes; and Model MD-11 and MD-11F Airplanes [Docket No. FAA-2005-21470; Directorate Identifier 2003-NM-45-AD; Amendment 39-15302; AD 2007-25-20] (RIN: 2120-AA64) received April 1, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6044. A letter from the Board of Trustees, Federal Old-Age And Survivors Insurance And Federal Disability Insurance Trust Funds, transmitting the 2008 Annual Report of the Board of Trustees of the Federal Old-Age and Survivors Insurance and the Federal Disability Insurance Trust Funds, pursuant to 42 U.S.C. 401(c)(2), 1395i(b)(2), and 1395t(b)(2); (H. Doc. No. 100–104); to the Committee on Ways and Means and ordered to be printed.

¶39.4 PROVIDING FOR CONSIDERATION OF H.R. 2537

Ms. MATSUI, by direction of the Committee on Rules, called up the following resolution (H. Res. 1083):

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2537) to amend the Federal Water Pollution Control Act relating to beach monitoring, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Transportation and Infrastructure. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Transportation and Infrastructure now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived except those arising under clause 10 of rule XXI. Notwithstanding clause 11 of rule XVIII, no amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII before the beginning of consideration of the bill and except pro forma amendments for the purpose of debate. Each amendment so printed may be offered only by the Member who caused it to be printed or his designee and shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. During consideration in the House of H.R. 2537 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

When said resolution was considered.

After debate,

On motion of Ms. MATSUI, the previous question was ordered on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. CUELLAR, announced that the yeas had it.

Ms. MATSUI demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. CUELLAR, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶39.5 APPROVAL OF THE JOURNAL—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. CUELLAR, pursuant to clause 8, rule XX, announced the unfinished business to be the question on agreeing to the Chair's approval of the Journal of Wednesday, April 9, 2008.

The question being put, viva voce,

Will the House agree to the Chair's approval of said Journal?

The SPEAKER pro tempore, Mr. CUELLAR, announced that the yeas had it.

Ms. MATSUI objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 6, rule XX, and the call was taken by electronic device.

When there appeared ....

Yeas	228
Nays	182
Answered present	1

¶39.6 [Roll No. 178]

YEAS—228

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

NAYS—182

Aderholt	Fallin	McCarthy (CA)
Akin	Feeney	McCaul (TX)
Alexander	Flake	McCotter
Bachmann	Forbes	McCrery
Bachus	Fossella	McHenry
Barrett (SC)	Foxx	McHugh
Bartlett (MD)	Franks (AZ)	McKeon
Barton (TX)	Frelinghuysen	McMorris Rodgers
Biggert	Gallegly	Mica
Bilbray	Garrett (NJ)	Miller (FL)
Bilirakis	Gerlach	Miller (MI)
Blackburn	Gilchrest	Miller, Gary
Blunt	Gingrey	Mitchell
Boehner	Goode	Moran (KS)
Bonner	Graves	Murphy, Tim
Bono Mack	Hall (TX)	Musgrave
Boozman	Hastings (WA)	Myrick
Boustany	Hayes	Neugebauer
Brady (TX)	Heller	Nunes
Broun (GA)	Hensarling	Pence
Brown (SC)	Herger	Perlmutter
Burgess	Hobson	Petri
Burton (IN)	Hoekstra	Pitts
Camp (MI)	Hulshof	Platts
Campbell (CA)	Hunter	Poe
Cannon	Inglis (SC)	Porter
Cantor	Issa	Price (GA)
Capito	Johnson, Sam	Pryce (OH)
Carter	Jones (NC)	Putnam
Castle	Jordan	Radanovich
Chabot	Keller	Regula
Coble	King (IA)	Rehberg
Cole (OK)	King (NY)	Reichert
Conaway	Kingston	Renzi
Crenshaw	Kline (MN)	Reynolds
Culberson	Knollenberg	Rogers (AL)
Davis (KY)	Kuhl (NY)	Rogers (KY)
Davis, David	LaHood	Rogers (MI)
Davis, Tom	Lamborn	Rohrabacher
Deal (GA)	LaTourette	Ros-Lehtinen
Diaz-Balart, L.	Latta	Roskam
Diaz-Balart, M.	Lewis (CA)	Royce
Doolittle	Lewis (KY)	Sali
Drake	Linder	Saxton
Dreier	LoBiondo	Schmidt
Duncan	Lucas	Sensenbrenner
Ehlers	Lungren, Daniel E.	Sessions
Ellsworth	Mack	Shadegg
Emerson	Manzullo	Shays
English (PA)	Marchant	Shimkus
Everett		

Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Stupak
Sullivan
Terry
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Turner
Udall (CO)
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

ANSWERED ''PRESENT''—1

Tancredo

NOT VOTING—19

Andrews
Bishop (NY)
Bishop (UT)
Buyer
Cubin
Ferguson
Gohmert
Gordon
Granger
Jones (OH)
Klein (FL)
Larson (CT)
Pearce
Ramstad
Rush
Ryan (WI)
Sires
Weiner
Wexler

So the Journal was approved.

¶39.7 COMMUNICATION FROM THE CLERK—CERTIFICATE OF ELECTION

The SPEAKER laid before the House a communication, which was read as follows:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, April 9, 2008.

Hon. NANCY PELOSI,
Speaker, House of Representatives, Washington, DC.

DEAR MADAM SPEAKER: I have the honor to transmit herewith a scanned copy of a certificate from the Honorable Debra Bowen, Secretary of State for the State of California, indicating that, according to the semi-final official canvass of votes from the Special Election held April 8, 2008, the Honorable Jackie Speier was elected Representative to Congress for the Twelfth Congressional District, State of California.

With best wishes, I am
Sincerely,

LORRAINE C. MILLER.

Enclosure.

¶39.8 MEMBER-ELECT SWORN IN

Ms. Jackie Speier of the 12th District of California, presented herself at the bar of the House and took the oath of office prescribed by law.

¶39.9 WHOLE NUMBER OF THE HOUSE OF REPRESENTATIVES ADJUSTED

The SPEAKER announced under clause 5(d) of rule XX, that in light of the aministration of the oath to Representative SPEIER, the whole number of the House is adjusted to 432.

¶39.10 H. RES. 1083—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. CUELLAR, pursuant to clause 8, rule XX, announced the unfinished business is to be the question of agreeing to said resolution (H. Res. 1083) providing for consideration of the bill (H.R. 2537) to amend the Federal Water Pollution Control Act relating to beach monitoring, and for other purposes.

The question being put,

Will the House agree to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 224 / Nays 192

¶39.11 [Roll No. 179]

YEAS—224

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

NAYS—192

Aderholt
Akin
Alexander
Bachmann
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilirakis
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Obey
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Roybal-Allard
Royce
Ryan (WI)
Sali
Saxton
Schiff
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOT VOTING—15

Andrews
Bachus
Bishop (NY)
Bishop (UT)
Buyer
Cubin
Davis, Tom
Ferguson
Granger
Jones (OH)
Larson (CT)
Ramstad
Rush
Sires
Weiner

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶39.12 H. RES. 1038—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. CUELLAR, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 1038) recognizing the fifth anniversary of the Department of Homeland Security and honoring the Department's employees for their extraordinary efforts and contributions to protect and secure our Nation.

The question being put,

Will the House suspend the rules and agree to the resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 406 / Nays 3

¶39.13 [Roll No. 180]

YEAS—406

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow

Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Farr
Fattah
Feeney
Filner
Flake
Fortenberry
Fossella
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Graves
Green, Al
Green, Gene
Grijalva
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Putnam
Radanovich
Rahall
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NAYS—3

Kucinich
Nadler
Paul

NOT VOTING—22

Andrews
Bishop (NY)
Bishop (UT)
Buyer
Cubin
Davis, Tom
Fallin
Ferguson
Forbes
Granger
Gutierrez
Hunter
Jones (OH)
Larson (CT)
Meeks (NY)
Petri
Pryce (OH)
Ramstad
Rangel
Rush
Schwartz
Sires

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶39.14 PROVIDING FOR CONSIDERATION OF H.R. 5724

Ms. SLAUGHTER, by direction of the Committee on Rules, called up the following resolution (H. Res. 1092):

Resolved, That section 151(e)(1) and section 151(f)(1) of the Trade Act of 1974 shall not apply in the case of the bill (H.R. 5724) to implement the United States-Colombia Trade Promotion Agreement.

When said resolution was considered.

After debate,

On motion of Ms. SLAUGHTER, the previous question was ordered on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. ROSS, announced that the nays had it.

Ms. SLAUGHTER demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 224; Nays ..... 195; Answered present 1

¶39.15 [Roll No. 181]

YEAS—224

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

NAYS—195

Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bean
Biggert
Bilbray
Bilirakis
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boustany
Boyd (FL)
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burton (IN)
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway

Cooper
Cramer
Crenshaw
Cubin
Cuellar
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goodlatte
Graves
Hall (TX)
Hastings (WA)
Heller
Hensarling
Herger
Hill
Hobson
Hoekstra
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Mahoney (FL)
Manzullo
Marchant
Matheson
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

ANSWERED ''PRESENT''—1

Tanner

NOT VOTING—12

Andrews
Bishop (NY)
Bishop (UT)
Burgess
Buyer
Ferguson
Granger
Hulshof
Larson (CT)
Ramstad
Rush
Sires

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶39.16 BEACH MONITORING

The SPEAKER pro tempore, Mr. ROSS, pursuant to House Resolution 1083 and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 2537) to amend the Federal Water Pollution Control Act relating to beach monitoring, and for other purposes.

The SPEAKER pro tempore, Mr. ROSS, by unanimous consent, designated Ms. DEGETTE as Chairman of the Committee of the Whole; and after some time spent therein,

¶39.17 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 8 submitted by Mr. FLAKE:

Page 3, after line 8, insert the following:

(c) PROHIBITION ON EARMARKS.—None of the funds appropriated pursuant to section 406(i) of such Act (33 U.S.C. 1346(i)) may be used for a Congressional earmark as defined in clause 9(d) of rule XXI of the Rules of the House of Representatives.

It was decided in the affirmative .....

Yeas 263
Nays 117
Answered present 1

¶39.18 [Roll No. 182]

AYES—263

Aderholt
Akin
Alexander
Allen
Altmire
Arcuri
Bachmann
Bachus
Baird
Barrett (SC)
Barrow
Bartlett (MD)
Becerra
Biggert
Bilirakis
Blackburn
Blumenauer
Blunt
Bonner
Bono Mack
Boswell
Boucher
Boustany
Boyda (KS)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Buchanan
Burton (IN)
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Clay
Coble
Cohen
Cole (OK)
Conaway
Cooper
Costa
Courtney
Crenshaw
Cuellar
Culberson
Davis (CA)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
DeLauro
Dent
Dicks
Doggett
Donnelly
Doolittle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellsworth
Emerson
English (PA)
Eshoo
Everett
Fallin
Feeney
Flake
Forbes
Fortenberry
Fossella
Foxx
Frelinghuysen
Garrett (NJ)
Gerlach
Giffords
Gillibrand
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Graves
Green, Gene
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (WA)
Heller
Hensarling
Herger
Herseth Sandlin
Hill
Hodes
Hoekstra
Honda
Hoyer
Inglis (SC)
Issa
Jefferson
Johnson, Sam
Jones (NC)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Lampson
Langevin
Latham
Latta
Levin
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Loebsack
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney (NY)
Manzullo
Marshall
Matheson
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
Meek (FL)
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Moore (KS)
Moran (KS)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Myrick
Neugebauer
Norton
Nunes
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Putnam
Radanovich
Regula
Rehberg
Reichert
Renzi
Reynolds
Rodriguez
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Ross
Royce
Ryan (WI)
Sali
Saxton
Schiff
Schmidt
Schwartz
Scott (VA)
Sensenbrenner
Sestak
Shadegg
Shays
Shea-Porter
Shimkus
Shuler
Shuster
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Solis
Souder
Space
Speier
Spratt
Stearns
Sullivan
Sutton
Tancredo
Tauscher
Taylor
Terry
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Van Hollen
Walberg
Wamp
Wasserman Schultz
Waxman
Welch (VT)
Weldon (FL)
Westmoreland
Whitfield (KY)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (FL)

NOES—117

Abercrombie
Baldwin
Bean
Berkley
Berman
Berry
Bilbray
Bishop (GA)
Boozman
Bordallo
Boyd (FL)
Brady (PA)
Brown, Corrine
Butterfield
Capuano
Chandler
Christensen
Clarke
Cleaver
Clyburn
Conyers
Costello
Cramer
Crowley
Cummings
Davis (IL)
Delahunt
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Ellison
Engel
Etheridge
Faleomavaega
Farr
Fattah
Filner
Foster
Frank (MA)
Gonzalez
Green, Al
Hastings (FL)
Hayes
Higgins
Hinchey
Hirono
Hobson
Holt
Hooley
Hunter
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Klein (FL)
Kucinich
LaTourette
Lee
Lewis (GA)
Lipinski
Mahoney (FL)
Markey
Matsui
McDermott
Meeks (NY)
Melancon
Mica
Mollohan
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Price (NC)
Rahall
Reyes
Richardson
Ros-Lehtinen
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sarbanes
Schakowsky
Serrano
Sherman
Simpson
Smith (WA)
Snyder
Stupak
Tanner
Thompson (MS)
Tierney
Towns
Tsongas
Velázquez
Visclosky
Walsh (NY)
Walz (MN)
Watson
Watt
Weiner
Wexler
Wynn
Young (AK)

ANSWERED ''PRESENT''—1

Obey

NOT VOTING—55

Ackerman
Andrews
Baca
Barton (TX)
Bishop (NY)
Bishop (UT)
Boehner
Boren
Brown-Waite, Ginny
Burgess
Buyer
Calvert
Cardoza
Cubin
Davis (AL)
Doyle
Emanuel
Ferguson
Fortuño
Franks (AZ)
Gallegly
Gilchrest
Granger
Grijalva
Hinojosa
Holden
Hulshof
Johnson (IL)
Jones (OH)
LaHood
Larsen (WA)
Larson (CT)
Lofgren, Zoe
Lowey
Marchant
McNulty
Musgrave
Payne
Pryce (OH)
Ramstad
Rangel
Rogers (AL)
Rush
Sanchez, Loretta
Scott (GA)
Sessions
Sires
Skelton
Stark
Udall (CO)
Udall (NM)
Walden (OR)
Waters
Weller
Wilson (NM)

So the amendment was agreed to.

The SPEAKER pro tempore, Mrs. BOYDA of Kansas, assumed the Chair.

When Mr. JACKSON of Illinois, Acting Chairman, reported that the Committee, having had under consideration said bill, had come to no resolution thereon.

¶39.19 ADJOURNMENT OVER

On motion of Mr. HOYER, by unanimous consent,

Ordered, That when the House adjourns today, it adjourn to meet on Monday, April 14, 2008, at 12:30 p.m. for morning-hour debate.

¶39.20 CALENDAR WEDNESDAY BUSINESS DISPENSED WITH

On motion of Mr. HOYER, by unanimous consent,

Ordered, That business in order for consideration on Wednesday, April 16, 2008, under clause 6, rule XV, the Calendar Wednesday rule, be dispensed with.

¶39.21 HOUR OF MEETING

On motion of Mr. HOYER, by unanimous consent,

Ordered, That when the House adjourns on Wednesday, April 16, 2008, it adjourn to meet at 8:30 a.m. on Thursday, April 17, 2008.

¶39.22 ORDER OF BUSINESS—MEETING RECESS

On motion of Mr. HOYER, by unanimous consent,

Ordered, That it may be in order on Thursday, April 17, 2008, for the Speaker to declare a recess, subject to the call of the Chair, for the purpose of receiving in the Chamber former Members of Congress.

¶39.23 MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 2739. An Act to authorize certain programs and activities in the Department of the Interior, the Forest Service, and the Department of Energy, to implement further the Act approving the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America, to amend the Compact of Free Association Amendments Act of 2003, and for other purposes.

¶39.24 BILL PRESENTED TO THE PRESIDENT

Lorraine C. Miller, Clerk of the House, reported that on April 7, 2008, she presented to the President of the United States, for his approval, the following bill.

H.R. 1593. An Act to reauthorize the grant program for reentry of offenders into the community in the Omnibus Crime Control and Safe Streets Act of 1968, to improve reentry planning and implementation, and for other purposes.

¶39.25 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. BISHOP of New York, for today after 11 a.m.; and

To Ms. Ginny BROWN-WAITE of Florida, for today after 2 p.m.

And then,

¶39.26 ADJOURNMENT

On motion of Mr. BARTLETT of Maryland, pursuant to the previous order of the House, at 6 o'clock and 31 minutes p.m., the House adjourned until 12:30 p.m. on Monday, April 14, 2008.

¶39.27 OATH OF OFFICE—MEMBERS, RESIDENT COMMISSIONERS AND DELEGATES

The oath of office required by the sixth article of the Constitution of the United States, and as provided by section of the act of May 13, 1884 (23 Stat. 22) to be administered to Members, Resident Commissioner, and Delegates of the House of Representatives, the text of which is carried in 5 U.S.C. 3331:

''I, AB, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office of which I am about to enter. So held me God.''

has been subscribed to in person and filed in duplicate with the Clerk of the House of Representatives by the following Member of the 110th Congress, pursuant to the provisions of 2 U.S.C. 25:

JACKIE SPEIER, California, Twelfth.

¶39.28 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

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

Mr. FRANK of Massachusetts: Committee on Financial Services. H.R. 2634. A bill to provide for greater responsibility in lending and expanded cancellation of debts owed to the United States and the international financial institutions by low-income countries, and for other purposes; with an amendment (Rept. 110–575). Referred to the Committee of the Whole House on the state of the Union.

Mr. GORDON: Committee on Science and Technology. H.R. 5161. A bill to provide for the establishment of Green Transportation Infrastructure Research and Technology Transfer Centers, and for other purpose; with an amendment (Rept. 110–576 Pt. 1). Ordered to be printed.

Mr. CONYERS: Committee on the Judiciary. H.R. 1777. A bill to amend the Improving America's Schools Act of 1994 to make permanent the favorable treatment of need-based educational aid under the antitrust laws (Rept. 110–577). Referred to the Committee of the Whole House of the state of the Union.

Mr. WAXMAN: Committee on Oversight and Government Reform. H.R. 4881. A bill to prohibit the awarding of a contract or grant in excess of the simplified acquisition threshold unless the prospective contractor or grantee certifies in writing to the agency awarding the contract or grant that the contractor or grantee has no seriously delinquent tax debts, and for other purposes; with an amendment (Rept. 110–578). Referred to the Committee of the Whole House on the state of the Union.

Mr. FRANK of Massachusetts: Committee on Financial Services. H.R. 3965. A bill to extend the Mark-to-Market program of the Department of Housing and Urban Development, and for other purposes; with an amendment (Rept. 110–579). Referred to the Committee of the Whole House on the state of the Union.

Mr. WAXMAN: Committee on Oversight and Government Reform. H.R. 3548. A bill to enhance citizen access to Government information and services by establishing plain language as the standard style for Government documents issued to the public, and for other purposes; with an amendment (Rept. 110–580). Referred to the Committee of the Whole House on the state of the Union.

¶39.29 PUBLIC BILLS AND RESOLUTIONS

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

By Mr. KIND (for himself, Mr. RAMSTAD, Mr. COOPER, Mr. GILCHREST, Ms. BEAN, Mr. UDALL of Colorado, and Mr. WALZ of Minnesota):

H.R. 5755. A bill to establish the Bipartisan Earmark Reform Commission; to the Committee on Oversight and Government Reform, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KIND (for himself and Mr. GILCHREST):

H.R. 5756. A bill to reauthorize the Neotropical Migratory Bird Conservation Act; to the Committee on Natural Resources.

By Mr. DEAL of Georgia (for himself, Mr. BURGESS, Mrs. BLACKBURN, Mr. SHADEGG, Mr. SULLIVAN, Mr. TERRY, Mr. HALL of Texas, Mr. WESTMORELAND, Mr. UPTON, and Mr. GINGREY):

H.R. 5757. A bill to amend title XIX of the Social Security Act to require asset verification through access to information held by financial institutions, to reduce fraud and abuse in State Medicaid programs, and for other purposes; to the Committee on Energy and Commerce.

By Ms. LEE:

H.R. 5758. A bill to prohibit authorized lenders of home equity conversion mortgages from requiring seniors to purchase an annuity with the proceeds of a reverse mortgage, and to provide other consumer protections to reverse mortgage borrowers, and for other purposes; to the Committee on Financial Services.

By Mr. BROUN of Georgia (for himself, Mr. BILBRAY, Mr. WESTMORELAND, Mrs. DRAKE, Mr. BARTLETT of Maryland, Mrs. BLACKBURN, Mr. AKIN, Mrs. MUSGRAVE, Mr. PITTS, Mr. GOODE, Mr. DAVID DAVIS of Tennessee, Mr. WALBERG, Mr. ADERHOLT, Mr. MARCHANT, Mr. GOHMERT, Mr. FRANKS of Arizona, Mr. PRICE of Georgia, Mr. GINGREY, Mr. DEAL of Georgia, Mr. LINDER, Mr. KINGSTON, Mr. WAMP, Mr. TANCREDO, Mr. COBLE, Ms. FOXX, Mr. POE, and Mrs. MYRICK):

H.R. 5759. A bill to amend title 4, United States Code, to declare English as the national language of the Government of the United States, and for other purposes; to the Committee on Education and Labor.

By Ms. GINNY BROWN-WAITE of Florida (for herself, Mr. POE, Mr. CHABOT, Mr. SENSENBRENNER, and Mr. LAMPSON):

H.R. 5760. A bill to reauthorize the Adam Walsh Child Protection and Safety Act of 2006, and for other purposes; to the Committee on the Judiciary.

By Mr. CASTLE (for himself and Mr. DENT):

H.R. 5761. A bill to withhold Federal financial assistance from each country that denies or unreasonably delays the acceptance of nationals of such country who have been ordered removed from the United States and to prohibit the issuance of visas to nationals of such country; to the Committee on Foreign Affairs, and in addition to the Committees on the Judiciary, and Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. DELAURO (for herself, Mr. MCDERMOTT, Mr. WAXMAN, Ms. SUTTON, Mr. ROTHMAN, Ms. KAPTUR, Mr. HINCHEY, Mr. FARR, Mr. MCGOVERN, Ms. SCHAKOWSKY, and Mr. WELCH of Vermont):

H.R. 5762. A bill to prohibit the use of non-ambulatory livestock for human food and to require the Secretary of Agriculture to publish the names of retailers and school districts that have purchased meat, poultry, or

egg products subject to voluntary recall; to the Committee on Agriculture.

By Mr. ELLISON (for himself, Mr. RAMSTAD, Mr. OBERSTAR, and Mr. WALZ of Minnesota):

H.R. 5763. A bill to temporarily delay application of proposed changes to the Departmental Appeals Board within the Department of Health and Human Services; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, and Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. EMANUEL (for himself and Mr. RAMSTAD):

H.R. 5764. A bill to amend the Internal Revenue Code of 1986 to allow a continuous levy on payments to Medicaid providers and suppliers; to the Committee on Ways and Means.

By Ms. ESHOO (for herself, Mr. PICKERING, Mr. TANNER, Mr. HULSHOF, Mr. STUPAK, Mr. RAMSTAD, Mr. CAMP of Michigan, and Mr. LINDER):

H.R. 5765. A bill to amend title XVIII of the Social Security Act to cover remote patient management services for certain chronic health conditions under the Medicare Program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ETHERIDGE (for himself, Mr. THOMPSON of Mississippi, Mrs. MCCARTHY of New York, Mrs. CHRISTENSEN, Mr. COHEN, Mrs. JONES of Ohio, Mr. HARE, Ms. JACKSON-LEE of Texas, Ms. SCHAKOWSKY, Ms. CLARKE, Mr. MILLER of North Carolina, Mrs. CAPPS, and Mr. HONDA):

H.R. 5766. A bill to amend the Homeland Security Act of 2002 to establish in the Department of Homeland Security the Office of National School Preparedness and Response, and for other purposes; to the Committee on Homeland Security, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FRANK of Massachusetts (for himself and Mr. PAUL):

H.R. 5767. A bill to prohibit the Secretary of the Treasury and the Board of Governors of the Federal Reserve System from proposing, prescribing, or implementing any regulation under subchapter IV of chapter 53 of title 31, United States Code, and for other purposes; to the Committee on Financial Services.

By Mr. FRELINGHUYSEN:

H.R. 5768. A bill to amend the Commodity Exchange Act to provide the Commodity Futures Trading Commission authority over off-exchange retail foreign currency transactions, and for other purposes; to the Committee on Agriculture, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GINGREY (for himself, Mr. ADERHOLT, Mr. AKIN, Mrs. BACHMANN, Mr. BARTLETT of Maryland, Mr. BILIRAKIS, Mrs. BLACKBURN, Mr. BROUN of Georgia, Mr. CAMPBELL of California, Mr. CONAWAY, Mr. DEAL of Georgia, Mrs. DRAKE, Mr. FEENEY, Mr. FORTENBERRY, Ms. FOXX, Mr. GOHMERT, Mr. GOODE, Mr. HALL of Texas, Mr. KING of Iowa, Mr. KINGSTON, Mr. LEWIS of Kentucky, Mr. LINDER, Mr. MCCOTTER, Ms. MOORE of Wisconsin, Mr. PITTS, Mr. PRICE of Georgia, Mr. PEARCE, Mr. ROSKAM, Mr. SHIMKUS, Mr. SENSENBRENNER, Mr. WESTMORELAND, and Mr. YOUNG of Alaska):

H.R. 5769. A bill to direct the Federal Trade Commission to revise the Telemarketing Sales Rule to explicitly prohibit the sending of a text message containing an unsolicited advertisement to a cellular telephone number listed on the national do-not-call registry; to the Committee on Energy and Commerce.

By Mr. HALL of New York (for himself, Mr. HINCHEY, Mr. GEORGE MILLER of California, Mr. LEWIS of Georgia, and Ms. LEE):

H.R. 5770. A bill to provide for a study by the National Academy of Sciences of potential impacts of climate change on water resources and water quality; to the Committee on Science and Technology, and in addition to the Committees on Natural Resources, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCCAUL of Texas (for himself, Mrs. BLACKBURN, Mr. BROUN of Georgia, Ms. GINNY BROWN-WAITE of Florida, Mr. CAMPBELL of California, Mr. FLAKE, Mr. FEENEY, Mr. GALLEGLY, Mr. GINGREY, Mr. HENSARLING, Mr. ISSA, Mr. JONES of North Carolina, Mr. KIRK, Mr. KLINE of Minnesota, Mr. LATTA, Mr. MCCOTTER, Mrs. MYRICK, Mr. NEUGEBAUER, Mr. WALBERG, Mr. TIBERI, Mr. SALI, Mr. REICHERT, Ms. FOXX, Mr. POE, and Mr. MACK):

H.R. 5771. A bill to prohibit the use of Federal funds for a project or program named for an individual then serving as a Member, Delegate, Resident Commissioner, or Senator of the United States Congress; to the Committee on Oversight and Government Reform.

By Mr. MURPHY of Connecticut (for himself and Mrs. BIGGERT):

H.R. 5772. A bill to amend section 811 of the Cranston-Gonzalez National Affordable Housing Act to improve the program under such section for supportive housing for persons with disabilities; to the Committee on Financial Services.

By Ms. NORTON (for herself and Mr. CLAY):

H.R. 5773. A bill to authorize the Secretary of the Interior to enter into a long-term ground lease for the operation and maintenance of Rock Creek, Langston, and East Potomac as golf courses, and for other purposes; to the Committee on Natural Resources.

By Ms. LINDA T. SÁNCHEZ of California (for herself, Ms. DELAURO, Ms. BORDALLO, Mrs. CHRISTENSEN, Ms. JACKSON-LEE of Texas, Mr. LEWIS of Georgia, Mrs. MALONEY of New York, Mr. PAYNE, Ms. SUTTON, Mr. TOWNS, Ms. WATSON, and Mr. WELCH of Vermont):

H.R. 5774. A bill to provide effective employment, training, and career and technical education programs and to address barriers that result from family responsibilities, and to encourage and support individuals to enter nontraditional occupational fields; to the Committee on Education and Labor.

By Mr. SESSIONS (for himself, Mr. BROUN of Georgia, Mr. BARTLETT of Maryland, Mr. KING of Iowa, Ms. FALLIN, Mr. BOUSTANY, Mr. CAMPBELL of California, Mr. CONAWAY, Mr. KLINE of Minnesota, Mr. ISSA, Mr. LAMBORN, Mr. MCKEON, Mr. STEARNS, Mr. SOUDER, and Mr. FLAKE):

H.R. 5775. A bill to amend the Labor-Management Reporting and Disclosure Act to provide for specified civil penalties for violations of that Act, and for other purposes; to the Committee on Education and Labor.

By Mr. SHADEGG (for himself, Mr. FEENEY, Mr. MARCHANT, Mr. BROUN of Georgia, Mrs. MUSGRAVE, Mr. WESTMORELAND, Mr. GOODE, Mr. BARTLETT of Maryland, Mr. GOHMERT, Mrs. BLACKBURN, Mr. FRANKS of Arizona, Mr. AKIN, Mr. CAMPBELL of California, Mr. PITTS, Mr. PRICE of Georgia, Mr. SENSENBRENNER, and Mr. HOEKSTRA):

H.R. 5776. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income certain distributions from qualified retirement plans used for mortgage payments; to the Committee on Ways and Means.

By Mr. TANCREDO:

H.R. 5777. A bill to impose certain restrictions on trade with and investment in the People's Republic of China, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Foreign Affairs, the Judiciary, and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

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

H.R. 5778. A bill to preserve the independence of the District of Columbia Water and Sewer Authority; to the Committee on Oversight and Government Reform.

By Mr. WEXLER:

H.R. 5779. A bill to amend the Internal Revenue Code of 1986 to impose a tax on the amount of wages in excess of the contribution and benefit base, and for other purposes; to the Committee on Ways and Means.

By Mrs. WILSON of New Mexico (for herself, Mr. ETHERIDGE, and Mr. UDALL of New Mexico):

H.R. 5780. A bill to amend title XVIII of the Social Security Act to provide for coverage of clinical pharmacist practitioner services under part B of the Medicare Program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. COURTNEY (for himself and Mr. GEORGE MILLER of California):

H. Res. 1097. A resolution expressing support for the designation of the month of April 2008, as National Child Abuse Prevention Month to provide attention to the tragic circumstances that face some of our Nation's children on a daily basis and to underscore our commitment to preventing child abuse and neglect so that all children can live in safety and security; to the Committee on Education and Labor.

By Mr. FILNER (for himself and Mr. BILIRAKIS):

H. Res. 1098. A resolution supporting the goals and ideals of the Year of the American Veteran; to the Committee on Veterans' Affairs.

By Ms. EDDIE BERNICE JOHNSON of Texas (for herself and Ms. JACKSON-LEE of Texas):

H. Res. 1099. A resolution honoring the life of Arbella Perkins Ewings; to the Committee on Oversight and Government Reform.

By Mr. LOEBSACK (for himself, Mr. BOSWELL, Mr. BRALEY of Iowa, Mr. LATHAM, and Mr. KING of Iowa):

H. Res. 1100. A resolution congratulating the University of Iowa Hawkeyes Wrestling Team on Winning the 2008 NCAA Division I National Wrestling Championships; to the Committee on Education and Labor.

By Ms. NORTON:

H. Res. 1101. A resolution honoring and commending The George Washington University in Washington, D.C., for hosting the 2008 Science Olympiad National Tournament; to the Committee on Education and Labor.

¶39.30 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 81: Mr. SALI.
H.R. 303: Ms. TSONGAS.
H.R. 333: Mr. BLUMENAUER, Mr. VAN HOLLEN, and Mr. TERRY.
H.R. 406: Mrs. EMERSON, Mr. GINGREY, Mrs. MUSGRAVE, Ms. PRYCE of Ohio, Mr. RADANOVICH, Mr. FRANKS of Arizona, Ms. SPEIER, Mr. HERGER, and Mr. PICKERING.
H.R. 552: Mr. NADLER, Mr. ALEXANDER, and Mr. JACKSON of Illinois.
H.R. 616: Ms. ROS-LEHTINEN.
H.R. 618: Mr. PETRI.
H.R. 768: Mr. PITTS.
H.R. 769: Mr. LINDER.
H.R. 821: Mr. WU.
H.R. 1108: Mr. YARMUTH and Mr. DREIER.
H.R. 1117: Ms. BALDWIN.
H.R. 1223: Mr. TERRY.
H.R. 1232: Mr. HONDA.
H.R. 1256: Mr. MORAN of Virginia.
H.R. 1343: Mr. COSTA.
H.R. 1363: Mr. JACKSON of Illinois.
H.R. 1395: Mr. LAMPSON.
H.R. 1440: Mr. GENE GREEN of Texas.
H.R. 1552: Ms. EDDIE BERNICE JOHNSON of Texas.
H.R. 1584: Mr. HARE.
H.R. 1589: Mr. LAHOOD, Mr. GALLEGLY, Mr. UDALL of New Mexico, Mr. ELLISON, Mr. DAVID DAVIS of Tennessee, and Ms. HARMAN.
H.R. 1609: Mr. ROHRABACHER, Mr. ISSA, Mr. MILLER of Florida, Mr. SMITH of Texas, Ms. GINNY BROWN-WAITE of Florida, and Mr. MEEKS of New York.
H.R. 1610: Mr. MICHAUD, Mr. BILIRAKIS, and Mr. DAVIS of Alabama.
H.R. 1621: Mrs. CAPPS.
H.R. 1643: Mr. RAMSTAD and Mr. WALZ of Minnesota.
H.R. 1738: Mrs. BOYDA of Kansas.
H.R. 1767: Mr. CUELLAR and Mr. KIRK.
H.R. 1829: Ms. ROS-LEHTINEN and Mr. YOUNG of Florida.
H.R. 1927: Mr. GALLEGLY, Mr. ELLISON, Mr. VAN HOLLEN, Mr. BLUMENAUER, and Mr. WILSON of South Carolina.
H.R. 2091: Mr. PASTOR, Mr. DAVIS of Illinois, and Ms. BALDWIN.
H.R. 2138: Mr. KENNEDY and Ms. BALDWIN.
H.R. 2221: Ms. TSONGAS.
H.R. 2280: Mr. SOUDER.
H.R. 2352: Ms. HARMAN.
H.R. 2353: Mr. HINCHEY.
H.R. 2357: Mr. JOHNSON of Georgia and Mr. CUMMINGS.
H.R. 2370: Mr. BACHUS, Mr. GOODLATTE, and Mr. HARE.
H.R. 2593: Ms. WATERS.
H.R. 2609: Mr. LOEBSACK.
H.R. 2634: Ms. ROS-LEHTINEN.
H.R. 2702: Mr. PASCRELL.
H.R. 2712: Mr. YOUNG of Florida.
H.R. 2734: Mr. UPTON, Mr. EHLERS, Mr. LATTA, Mr. TIBERI, and Mr. ROGERS of Kentucky.
H.R. 2860: Mr. PETERSON of Minnesota.
H.R. 2864: Mr. ROTHMAN.
H.R. 2897: Mr. PAYNE, Mr. DAVIS of Illinois, Mr. PAUL, and Mr. TOWNS.
H.R. 2923: Mr. BISHOP of Georgia.
H.R. 2941: Ms. BERKLEY.
H.R. 3036: Mr. OLVER.
H.R. 3047: Mr. KUHL of New York.
H.R. 3054: Ms. LEE and Mr. RANGEL.
H.R. 3212: Mr. SCHIFF.
H.R. 3229: Mr. BACA, Mr. CUMMINGS, Mr. GUTIERREZ, Mr. HINOJOSA, Mr. KUCINICH, Mrs. MALONEY of New York, Mr. GEORGE MILLER of California, Mr. REYES, Ms. ROYBAL-ALLARD, Mr. VAN HOLLEN, and Mr. WEINER.
H.R. 3232: Mr. BOOZMAN, Mr. ROGERS of Kentucky, Ms. TSONGAS, and Mr. BOUCHER.
H.R. 3234: Mr. BARTLETT of Maryland, Mr. BURGESS, Mr. RYAN of Wisconsin, Mr. CONAWAY, Mr. AKIN, Mrs. DRAKE, Mr. ROYCE, and Mr. ENGLISH of Pennsylvania.
H.R. 3363: Mr. HONDA.
H.R. 3368: Mr. RANGEL and Mr. STUPAK.
H.R. 3391: Mr. FALEOMAVAEGA.
H.R. 3404: Mr. BUTTERFIELD.
H.R. 3700: Mr. KENNEDY.
H.R. 3769: Mr. HOLDEN.
H.R. 3817: Mr. LATHAM.
H.R. 3886: Mr. COHEN.
H.R. 3934: Mr. MEEK of Florida and Ms. CLARKE.
H.R. 3968: Mr. SMITH of Nebraska.
H.R. 4105: Mr. CAMPBELL of California, Ms. ZOE LOFGREN of California, and Mr. SESSIONS.
H.R. 4133: Mr. SOUDER.
H.R. 4138: Mr. ELLISON.
H.R. 4296: Mr. JONES of North Carolina.
H.R. 4310: Mr. STARK.
H.R. 4318: Mr. BOOZMAN.
H.R. 4335: Mr. SCHIFF.
H.R. 4449: Mr. JACKSON of Illinois, Mr. WAMP, and Mr. DELAHUNT.
H.R. 4460: Mr. STEARNS.
H.R. 4464: Mr. MCCARTHY of California.
H.R. 4611: Ms. DEGETTE.
H.R. 4688: Mr. LEWIS of Georgia.
H.R. 4833: Mr. UDALL of Colorado.
H.R. 4883: Ms. SUTTON, Mr. RODRIGUEZ, Mr. HALL of New York, Ms. LEE, and Mr. WALZ of Minnesota.
H.R. 4884: Ms. SUTTON, Mr. RODRIGUEZ, Mr. HALL of New York, Ms. LEE, and Mr. WALZ of Minnesota.
H.R. 4926: Mr. PASCRELL.
H.R. 4927: Mr. SALAZAR and Ms. DEGETTE.
H.R. 4930: Mr. WITTMAN of Virginia and Mr. BILIRAKIS.
H.R. 5057: Ms. BERKLEY.
H.R. 5058: Mrs. LOWEY.
H.R. 5131: Mr. CARTER, Mr. MAHONEY of Florida, and Mr. HUNTER.
H.R. 5180: Ms. BERKLEY.
H.R. 5233: Mr. PITTS.
H.R. 5268: Mr. SPACE, Mr. FILNER, and Mr. CHANDLER.
H.R. 5315: Mr. PASTOR.
H.R. 5405: Ms. GINNY BROWN-WAITE of Florida.
H.R. 5426: Mr. MCNULTY, Mr. RYAN of Ohio, Mr. MORAN of Kansas, and Mr. THOMPSON of Mississippi.
H.R. 5440: Mr. DANIEL E. LUNGREN of California, Mr. FERGUSON, and Mr. CONAWAY.
H.R. 5447: Mr. KENNEDY, Mr. ETHERIDGE, Ms. BALDWIN, Mr. SARBANES, Ms. SCHAKOWSKY, and Ms. LINDA T. SÁNCHEZ of California.
H.R. 5448: Mrs. BOYDA of Kansas, Mr. COHEN, Mr. BURGESS, Mr. HILL, Mr. PATRICK MURPHY of Pennsylvania, Ms. ZOE LOFGREN and Mr. HAYS.
H.R. 5450: Mr. CARNEY, Mr. PORTER, and Mr. LEWIS of Kentuck.
H.R. 5477: Mr. NUNES, Mr. FILNER, Mr. DREIER, Mr. STARK, Mr. GARY G. MILLER of California, Mr. BILBRAY, and Mr. HUNTER.
H.R. 5488: Mr. JOHNSON of Georgia, Mrs. CHRISTENSEN, Mr. BLUMENAUER, and Mr. DAVIS of Illinois.
H.R. 5498: Ms. BERKLEY.
H.R. 5515: Mr. MANZULLO.
H.R. 5519: Mr. MCHUGH.
H.R. 5524: Mr. SHAYS, Mrs. MUSGRAVE, Mrs. CAPITO, Mr. PUTNAM, Mr. PASTOR, Mr. SCOTT of Virginia, Mr. CONYERS, Ms. JACKSON-LEE of Texas, Mr. WAXMAN, Ms. NORTON, Mr. ELLISON, and Mr. LEWIS of Georgia.
H.R. 5534: Ms. BERKLEY and Mrs. DAVIS of California.
H.R. 5540: Mrs. DRAKE.
H.R. 5542: Mr. SHADEGG.
H.R. 5545: Mr. BRADY of Texas.
H.R. 5546: Mr. SHULER and Mr. WHITFIELD. of Kentucky.
H.R. 5567: Mr. MCCOTTER.
H.R. 5590: Mr. MCNULTY.
H.R. 5595: Mr. RYAN of Ohio, Mr. OBERSTAR, Mr. ALTMIRE, Mr. BERRY, Mr. HOLT, Mr. CAPUANO, Ms. KAPTUR, Mr. HOLDEN, Mr. MOORE of Kansas, Mr. TAYLOR, Ms. HARMAN, and Mr. WELCH of Vermont.
H.R. 5602: Ms. KILPATRICK.
H.R. 5604: Mr. ARCURI and Mr. MOORE of Kansas.
H.R. 5609: Mr. HARE.
H.R. 5611: Mr. YOUNG of Alaska, Mr. CARNAHAN, and Mr. SOUDER.
H.R. 5613: Ms. SCHWARTZ, Ms. PRYCE of Ohio, Mr. PAYNE, Mr. ENGLISH of Pennsylvania, Mr. YOUNG of Alaska, Mr. BARROW, Mr. HODES, Mr. DOGGETT, Mr. MURPHY of Connecticut, Mr. MORAN of Virginia, Mrs. DRAKE, Mr. LATOURETTE, Mr. SHAYS, Ms. WATERS.
H.R. 5636: Mr. FILNER.
H.R. 5641: Mr. KIRK.
H.R. 5643: Mr. PAUL and Ms. EDDIE BERNICE JOHNSON of Texas.
H.R. 5656: Mrs. MYRICK, Mr. TERRY, Mr. PETERSON of Pennsylvania, and Mr. BLUNT.
H.R. 5668: Mr. BILIRAKIS.
H.R. 5674: Ms. GINNY BROWN-WAITE of Florida.
H.R. 5684: Mr. MICHAUD, Mr. CUELLAR, and Mr. BOSWELL.
H.R. 5686: Mr. WOLF, Ms. ZOE LOFGREN of California, and Mr. FILNER.
H.R. 5696: Mrs. CUBIN.
H.R. 5697: Ms. SUTTON, Mr. MCGOVERN, Mr. MICHAUD, Ms. CLARKE, and Mr. CAPUANO.
H.R. 5711: Mr. KING of New York.
H.R. 5715: Mr. DVAIS of Illinois, Mr. DAVID DAVIS of Tennessee, Mr. KELLER, Mr. OLVER, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. THOMPSON of Mississippi, Mr. PAYNE, Mr. KENNEDY, Mr. ELLISON, Mr. LEWIS of Georgia, Mr. KILDEE, Mrs. MCCARTHY of New York, Ms. CLARKE, Ms. LINDA T. SÁNCHEZ of California, Mr. FORTUÑO, and Mr. KUCINICH.
H.R. 5723: Mr. SESTAK, Mr. HINOJOSA, Mr. GORDON, Mr. THORNBERRY, and Mr. AL GREEN of Texas.
H.R. 5739: Mr. PAYNE.
H.R. 5740: Mr. KIRK, Mr. CAMP of Michigan, Mr. RUPPERSBERGER, Mr. LINCOLN DIAZ-BALART of Florida, Mr. PASTOR, Mr. TIAHRT, Mr. LEVIN, Mr. ISRAEL, and Ms. BALDWIN.
H.R. 5750: Mr. MORAN of Virginia.
H.R. 5752: Mr. BILBRAY, Mr. DUNCAN, and Mr. STEARNS.
H. Con. Res. 163: Mr. JACKSON of Illinois, and Mr. TANCREDO.
H. Con. Res. 315: Mr. SHAYS, Mrs. MCMORRIS RODGERS, and Mr. MICA.
H. Con. Res. 317: Mr. DEFAZIO, Mr. GEORGE MILLER of California, Mr. JACKSON of Illinois, Mr. SCHIFF, Ms. VELÁZQUEZ, Mr. RANGEL, Ms. WATERS, Mr. VAN HOLLEN, Mr. DOGGETT, Ms. WATSON, Mr. SPRATT, Mr. LEVIN, Mr. ISRAEL, Mr. MCDERMOTT, Mr. HINCHEY, Mr. BAIRD, Ms. NORTON, Mr. INSLEE, Ms. WASSERMAN SCHULTZ, Mr. FATTAH, Mr. DAVIS of Illinois, Mr. KING of Iowa, Mr. SOUDER, and Mrs. DAVIS of California.
H. Con. Res. 318: Mr. MILLER of North Carolina, and Mr. JEFFERSON.
H. Con. Res. 322: Mr. GORDON, Ms. FOXX, Mr. MAHONEY of Florida, Mr. FERGUSON, Mr. SAXTON, Mr. MCHUGH, Mr. BRADY of Pennsylvania, Mr. DINGELL, Mr. HONDA, Mr. WYNN, Mr. LOBIONDO, Mr. PASCRELL, Mrs. CUBIN, Mr. BLUMENAUER, Mr. HOLDEN, Mr. CROWLEY, Mr. HODES, Mr. KIRK, Mr. COBLE, Mr. VISCLOSKY, Mr. HOEKSTRA, Mr. FRANKS of Arizona, Mr. SIRES, Ms. SUTTON, Mr. DONNELLY, Ms. FALLIN, Mr. LIPINSKI, Mr. DELAHUNT, Mr. BOSWELL, Mr. YOUNG of Florida, Mr. BARRETT of South Carolina, Mr. STUPAK, Mr. CUMMINGS, Mr. CARDOZA, Mr. MATHESON, Mr. CALVERT, and Mr. ANDREWS.

H. Res. 102: Mr. WALBERG.
H. Res. 111: Mr. SALI.
H. Res. 248: Mr. FRANK of Massachusetts.
H. Res. 373: Ms. SOLIS.
H. Res. 424: Mr. SPACE.
H. Res. 834: Mr. HODES.
H. Res. 858: Mr. PETERSON of Minnesota and Mr. CAMP of Michigan.
H.. Res. 896: Mr. GENE GREEN of Texas and Ms. ROYBAL-ALLARD.
H. Res. 925: Mr. SOUDER.
H. Res. 939: Mr. SMITH of New Jersey.
H. Res. 987: Ms. MCCOLLUM of Minnesota, Mr. ARCURI, Mr. MARSHALL, Mr. KUCINICH, Ms. CORRINE BROWN of Florida, Mr. DONNELLY, Mr. DOGGETT, Mr. WU, Mr. THOMPSON of Mississippi, Mr. KENNEDY, Mr. CARNEY, Ms. BERKLEY, Mr. HOLT, Mr. MCDERMOTT, Mr. ELLSWORTH, Mr. BERRY, Ms. MATSUI, Mr. WALZ of Minnesota, Ms. LORETTA SANCHEZ of California, Mr. WELCH of Vermont, Mr. RODRIGUEZ, Mr. JACKSON of Illinois, Mr. MEEKS of New York, Mr. ALTMIRE, Mr. LOEBSACK, Mr. COOPER, Mr. RAHALL, Mr. CLEAVER, Mr. DAVIS of Alabama, Mr. DELAHUNT, Mr. HIGGINS, Mr. RYAN of Ohio, Mr. ORTIZ, Mr. GONZALEZ, and Mr. MCNULTY.
H. Res. 1008: Mr. CALVERT.
H. Res. 1011: Mr. HASTINGS of Florida, Ms. CLARKE, and Mr. DELAHUNT.
H. Res. 1026: Mr. COHEN.
H. Res. 1029: Ms. BORDALLO, Mr. PAYNE, Mr. MORAN of Kansas, Mr. ORTIZ, Mr. COHEN, Mr. MEEKS of New York, Mr. SHULER, Ms. SCHAKOWSKY, Mr. HONDA, Mr. ABERCROMBIE, Mr. CARDOZA, Mr. BECERRA, Mr. RODRIGUEZ, Mr. DREIER, Mr. COSTELLO, and Mr. COSTA.
H. Res. 1052: Ms. ZOE LOFGREN of California.
H. Res. 1058: Mr. PAUL.
H. Res. 1063: Ms. BERKLEY.
H. Res. 1064: Mr. SOUDER.
H. Res. 1073: Mr. JACKSON of Illinois, Mr. AL GREEN of Texas, Mr. EMANUEL, Ms. KILPATRICK, Mr. THOMPSON of Mississippi, Mr. CUMMINGS, Mr. BISHOP of Georgia, Mr. WAXMAN, Mr. HOLT, Mr. HINCHEY, Mr. CONYERS, Mr. PRICE of North Carolina, Mrs. CHRISTENSEN, and Mr. DAVIS of Alabama.
H. Res. 1076: Mrs. BLACKBURN, Mr. LAMBORN, Mr. CARTER, Mr. SALI, Mr. WALBERG, Mr. GARRETT of New Jersey, Mr. ROHRABACHER, Mr. BISHOP of Utah, and Mr. DREIER.
H. Res. 1079: Mr. BACA, Ms. CLARKE, Ms. JACKSON-LEE of Texas, Mrs. MALONEY of New York, Mr. PRICE of Georgia, Mr. CLEAVER, and Mr. AL GREEN of Texas.
H. Res. 1086: Mr. THOMPSON of Mississippi, Mr. MCDERMOTT, Ms. MCCOLLUM of Minnesota, Mr. MCNULTY, Mr. ELLISON, Mr. GRIJALVA, Mr. COHEN, Mr. FILNER, Ms. ZOE LOFGREN of California, Mr. UPTON, Mr. GOODE, and Mr. STARK.
H. Res. 1091: Mr. ROGERS of Kentucky, Mr. REGULA, Mr. COBLE, Mr. BLUNT, Mr. POE, Mr. GALLEGLY, Mr. BILBRAY, Mr. HAYES, Mr. MCHUGH, Mr. RADANOVICH, Mr. FORTENBERRY, Mrs. WILSON of New Mexico, Mrs. CAPITO, Mr. SMITH of Nebraska, Mr. BOEHNER, Mr. HUNTER, Mr. ROGERS of Michigan, Mr. KUHL of New York, Mr. HELLER, Mr. PORTER, Mr. MORAN of Kansas, Mr. LUCAS, Mr. COLE of Oklahoma, Mr. KING of New York, Mr. CAMPBELL of California, Mr. HOEKSTRA, Mrs. MUSGRAVE, Mr. SHADEGG, Mr. THORNBERRY, Mrs. BLACKBURN, Mr. CARTER, Mrs. MILLER of Michigan, Mr. RENZI, Ms. GINNY BROWN-WAITE of Florida, Mr. BUCHANAN, Mr. DINGELL, Mr. SAM JOHNSON of Texas, Mr. BILIRAKIS, Mr. BACHUS, Mr. BACA, Mr. GRIJALVA, Mr. TOM DAVIS of Virginia, Mr. UPTON, Mr. KANJORSKI, Mr. HASTINGS of Florida, Mr. BARTLETT of Maryland, Mr. ELLSWORTH, Mr. TAYLOR, Mr. ALEXANDER, Mr. SKELTON, Mr. GILCHREST, Mr. BISHOP of New York, Mr. SMITH of Texas, Mr. MCKEON, Mr. LATHAM, Mr. FLAKE, Mr. JOHNSON of Illinois, Mr. WU, Mr. DANIEL E. LUNGREN of California, Mr. MICHAUD, Mr. WELDON of Florida, Mr. SULLIVAN, Mr. ORTIZ, Mr. PASTOR, Mr. WESTMORELAND, Mr. MCINTYRE, Mr. GARY G. MILLER of California, Mr. MCHENRY, Mrs. EMERSON, Mr. PRICE of Georgia, Mr. LEWIS of California, Mr. SHIMKUS, Mr. SHULER, Mr. KELLER, Mr. BROUN of Georgia, Mr. YOUNG of Florida, Mr. PETRI, and Mr. DAVID DAVIS of Tennessee.

MONDAY, APRIL 14, 2008 (40)

¶40.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order at 12:30 p.m. by the SPEAKER pro tempore, Ms. HIRONO, who laid before the House the following communication:

WASHINGTON, DC,
April 14, 2008.

I hereby appoint the Honorable MAZIE K. HIRONO to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

Whereupon, pursuant to the order of the House of January 4, 2007, Members were recognized for morning-hour debate.

¶40.2 RECESS—12:32 P.M.

The SPEAKER pro tempore, Ms. HIRONO, pursuant to clause 12(a) of rule I, declared the House in recess at 12 o'clock and 32 minutes p.m., until 2 p.m.

¶40.3 AFTER RECESS—2 P.M.

The SPEAKER pro tempore, Mr. COHEN, called the House to order.

¶40.4 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. COHEN, announced he had examined and approved the Journal of the proceedings of Thursday, April 10, 2008.

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

¶40.5 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

6045. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Suspension of Community Eligibility [Docket No. FEMA-8015] received April 1, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6046. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations [Docket No. FEMA-B-7761] received February 21, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6047. A letter from the Deputy Secretary, Securities and Exchange Commission, transmitting the Commission's final rule — Proposed Rule Changes of Self-Regulatory Organizations [Release No. 34-57526; File No. S7-06-07] (RIN: 3235-AJ80) received March 26, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6048. A letter from the Director, Directorate of Standards and Guidance, Department of Labor, transmitting the Department's final rule — Updating OSHA Standards Based on National Consensus Standards [Docket No. OSHA-2007-0040] (RIN: 1218-AC08) received March 27, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

6049. A letter from the Deputy Director, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule — Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits — received April 1, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

6050. A letter from the Director, Regulations Policy and Mgmt. Staff, Department of Health and Human Services, transmitting the Department's final rule — Food Labeling: Safe Handling Statements: Labeling of Shell Eggs [Docket No. 2004N-0382] (RIN: 0910-ZA23) received March 26, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6051. A letter from the Assistant Secretary Legislative Affairs, Department of State, transmitting the Department's final rule — Amendment to the International Traffic in Arms Regulations: Part 121 — The United States Munitions List [Public Notice] received April 4, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

6052. A letter from the Senior Procurement Executive, (OCAO), GSA, Department of Defense, transmitting the Department's final rule — Federal Acquisition Regulation; FAR Case 2006-019, Contracts with Religious Entities [FAC 2005-23; FAR Case 2006-019; Item II; Docket 2007-0001; Sequence 12] (RIN: 9000-AK66) received January 31, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

6053. A letter from the Senior Procurement Executive, (OCAO), GSA, Department of Defense, transmitting the Department's final rule — Federal Acquisition Regulation; FAR Case 2006-030, Electronic Products Environmental Assessment Tool (EPEAT) [FAC 2005-23; FAR Case 2006-030; Item I; Docket 2007-0001, Sequence 9] (RIN: 9000-AK85) received January 31, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

6054. A letter from the Senior Procurement Executive, (OCAO), GSA, Department of Defense, transmitting the Department's final rule — Federal Acquisition Regulation; Federal Acquisition Circular 2005-23; Introduction [Docket FAR-2007-0002, Sequence 8] received January 31, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

6055. A letter from the Deputy Archivist of the United States, National Archives and Records Administration, transmitting the Administration's final rule — Locations and Hours; Changes in NARA Research Room Hours [Docket NARA-08-0001] (RIN: 3095-AB57) received April 3, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

6056. A letter from the OGE Director, Office of Government Ethics, transmitting the Office's final rule — Technical Updating Amendments to Executive Branch Financial Disclosure and Standards of Ethical Conduct Regulations (RINs: 3209-AA00 and 3209-AA04) received March 27, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

6057. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule — Crow Tribe Abandoned Mine Land Reclamation Plan [SATS No. CR-1-FOR; Docket ID OSM-2007-0019] received March 28, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6058. A letter from the Branch Chief of Listing, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for Helianthus paradoxus (Pecos Sunflower)

[[FWS-R2-ES-2008-0002] [92210-1117-0000-B4] (RIN: 1018-AV02) received April 4, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6059. A letter from the Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 630 of the Gulf of Alaska [Docket No. 070213032-7032-01] (RIN: 0648-XF82) received March 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6060. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Bering Sea and Aleutian Islands; Final 2008 and 2009 Harvest Specifications for Groundfish [Docket No. 071106673-8011-02] (RIN: 0648-XD69) received March 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6061. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Vessels Catching Pacific Cod for Processing by the Inshore Component in the Central Regulatory Area of the Gulf of Alaska [Docket No. 070213032-7032-01] (RIN: 0648-XF74) received March 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6062. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Vessels Catching Pacific Cod for Processing by the Inshore Component in the Central Regulatory Area of the Gulf of Alaska [Docket No. 070213032-7032-01] (RIN: 0648-XF90) received March 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6063. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Non-American Fisheries Act Crab Vessels Catching Pacific Cod for Processing by the Offshore Component in the Western Regulatory Area of the Gulf of Alaska [Docket No. 070213032-8032-01] (RIN: 0648-XF94) received March 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6064. A letter from the Acting General Counsel, Department of Justice, transmitting the Department's final rule — Inflation Adjustment for Civil Monetary Penalties Under Sections 274A, 274B, and 274C of the Immigration and Nationality Act [EOIR Docket No. 165F; A.G. Order No. 2944-2008] (RIN: 1125-AA39) received March 13, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

6065. A letter from the Acting Chief, Trade & Comm'l Regs. Branch, Department of Homeland Security, transmitting the Department's final rule — UNITED STATES — JORDAN FREE TRADE AGREEMENT [DOCKET NUMBER USCBP-2007-0001 CBP Dec. 08-03] (RIN: 1505-AB75) received March 27, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6066. A letter from the Chief Counsel, Bureau of Public Debt, Department of the Treasury, transmitting the Department's final rule — Sale and Issue of Marketable Book-Entry Treasury Bills, Notes, and Bonds — Minimum and Multiple Amounts Eligible for STRIPS, Legacy Treasury Direct, and Certification Requirements [Docket No. BPD GSRS 08-01] received March 17, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6067. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Section 1274.—Determination of Issue Price in the Case of Certain Debt Instruments Issued for Property (Also Sections 42, 280G, 382, 412, 467, 468, 482, 483, 642, 807, 846, 1288, 7520, 7872.) (Rev. Rul. 2008-20) received March 20, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6068. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Classification of Certain Foreign Entities [TD 9388] (RIN: 1545-BH24) received March 25, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6069. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — COORDINATED ISSUE PAPER ALL INDUSTRIES COST SHARING STOCK BASED COMPENSATION UIL 482.11-13 [LMSB-04-0208-005] received March 25, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6070. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Tier 1 —— Transfer of Intangibles Offshore/ 482 Cost Sharing Buy-in Payment Issue Directive #2 [LMSB Control No. LMSB-4-0308-016 Impacted IRM 4.51.5] received March 25, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6071. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Tier 1 Issue Foreign Tax Credit Generator Directive [LMSB Control No: LMSB-04-0208-003 Impacted IRM 4.51.5] received March 25, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6072. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Partnership Audit Techniques Guide — Chapters 1, 2 and 7 [LMSB-04-0208-007] received March 25, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6073. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Publication of Inflation Adjustment Factor, Nonconventional Source Fuel Credit, and Reference Price for Calendar Year 2007 [Notice 2008-44] received April 1, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6074. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Amplification of Notice 2006-52 Deduction for Energy Efficient Commercial Buildings [Notice 2008-40] received March 13, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6075. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's final rule — Medicare and State Health Care Programs: Fraud and Abuse; Issuance of Advisory Opinions by OIG — received March 26, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and Ways and Means.

6076. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's final rule — Revisit User Fee Program for Medicare Survey and Certification Activities [CMS-2278-IFC4] (RIN: 0938-AP22) received February 29, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and Ways and Means.

6077. A letter from the Senior Counsel for Regulatory Affairs, Department of the Treasury, transmitting the Department's final rule — Regulations Pertaining to Mergers, Acquisitions and Takeovers — received March 27, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Financial Services, Energy and Commerce, and Foreign Affairs.

¶40.6 COMMUNICATION FROM THE CLERK—MESSAGE FROM THE SENATE

The SPEAKER pro tempore, Mr. COHEN, laid before the House a communication, which was read as follows:

HOUSE OF REPRESENTATIVES,
Washington, DC, April 14, 2008.

Hon. NANCY PELOSI,
Speaker, House of Representatives, Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on April 14, 2008, at 12:56 p.m.:

That the Senate agreed to the amendment of the House, S. 793.

With best wishes, I am

Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

¶40.7 COMMITTEE RESIGNATION—MAJORITY

The SPEAKER pro tempore, Mr. COHEN, laid before the House the following communication, which was read as follows:

HOUSE OF REPRESENTATIVES,
Washington, DC.

Hon. NANCY PELOSI,
Speaker, House of Representatives, Washington, DC.

DEAR SPEAKER PELOSI, This letter is to advise you that I will relinquish my seat on the House Committee on Energy and Commerce effective 5:00 p.m. EST, April 9, 2008.

It has been my honor to serve for the past twelve years as a member of the Committee and for the past 2 years as Chairman of the Sub-Committee on Environment and Hazardous Materials. I consider it a singular privilege to have worked with Chairman John Dingell, a true lion of the Congress, and on the important work of the Committee.

While I have fully complied with both the letter and spirit of the ethics rules as well as engaged in appropriate recusals, I am concerned that this issue is a distraction from the critical work of the Committee on climate change, energy independence and environmental protection. Unfortunately, it appears that this issue has become fodder for cynical partisan attacks.

I would also like to thank you for all of the support you have given me throughout my career.

Sincerely,

ALBERT R. WYNN,
Member of Congress.

By unanimous consent, the resignation was accepted.

¶40.8 PRIVATE CALENDAR OBJECTORS—MAJORITY AND MINORITY

The SPEAKER pro tempore, Mr. COHEN, announced designations by the Majority and Minority Leaderships, respectively, of the following Members as

the official objectors for the Private Calendar for the 110th Congress: Messrs. BOUCHER, SCHIFF, GRIJALVA, KING of Iowa, FORBES, and SMITH of Texas.

¶40.9 VICTIMS OF VIOLENCE IN COLORADO SPRINGS AND ARVADA, COLORADO

Mr. ELLSWORTH moved to suspend the rules and agree to the resolution (H. Res. 886); as amended:

Whereas on Sunday, December 9, 2007, a man entered the New Life Church property with the intent to cause harm to members and guests of the church;

Whereas the attacker shot 5 bystanders at the New Life Church, killing 2 of them and injuring 3 others;

Whereas the shooting resulted in the tragic loss of Stephanie Works, 18, and Rachel Works, 16, who lost their lives from wounds sustained from shots fired by the attacker;

Whereas the attacker wounded David Works, who was still hospitalized days after the shootings, Judy Purcell, and Larry Bourbannais;

Whereas Jeanne Assam, a volunteer private security guard, heroically rushed into harm's way and used her own gun to stop the shooter, thereby saving the lives of several other bystanders;

Whereas the quick response of private security, the El Paso County Sheriff's Office, the Colorado Springs Police Department, the Colorado Springs Fire Department, the Colorado Springs SWAT Team, Federal authorities, and medical professionals limited the danger to the church and local community;

Whereas this event occurred only hours after another tragic and fatal shooting, which occurred at the Youth With A Mission facility, located in Arvada, Colorado;

Whereas the shooting at Youth With A Mission resulted in the death of Tiffany Johnson, 26, and Philip Crouse, 24;

Whereas the attacker seriously wounded Dan Griebenow and Charlie Blanch; and

Whereas local first responders in the City of Arvada and in Jefferson County, Colorado, responded quickly and professionally, thereby saving wounded individuals: Now, therefore, be it

Resolved, That the House of Representatives—

(1) offers its heartfelt condolences to the victims and families of the tragic acts of violence in Colorado Springs, Colorado, and Arvada, Colorado; and

(2) conveys its gratitude to Jeanne Assam, city and county officials, as well as the police, fire, sheriff, Federal authorities, and emergency medical teams whose quick response saved lives.

The SPEAKER pro tempore, Mr. COHEN, recognized Mr. ELLSWORTH and Ms. FOXX, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. COHEN, announced that two-thirds of the Members present had voted in the affirmative.

Mr. ELLSWORTH demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. COHEN, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶40.10 NATIONAL GLANZMANN'S THROMBASTHENIA AWARENESS DAY

Mr. DAVIS of Illinois, moved to suspend the rules and agree to the resolution (H. Res. 994); as amended:

Whereas Glanzmann's Thrombasthenia affects men, women, and children of all ages;

Whereas this disorder is very distressing to those who have it, causing great discomfort and severe emotional stress;

Whereas children with Glanzmann's Thrombasthenia are unable to participate in many normal childhood activities including most sports and are often subject to social discomfort because of their disorder;

Whereas Glanzmann's Thrombasthenia includes a wide range of symptoms including life-threatening, uncontrollable bleeding and severe bruising;

Whereas Glanzmann's Thrombasthenia is frequently misdiagnosed or undiagnosed by medical professionals;

Whereas currently there is no cure for Glanzmann's Thrombasthenia;

Whereas it is essential to educate the public on the symptoms, treatments, and constant efforts to cure Glanzmann's Thrombasthenia to insure early diagnosis and treatment of the condition;

Whereas Helen P. Smith established the Glanzmann's Thrombasthenia Research Foundation in Augusta, Georgia, in 2001;

Whereas Helen P. Smith and the Glanzmann's Thrombasthenia Research Foundation have worked tirelessly to promote awareness of Glanzmann's Thrombasthenia and help fund research on the disorder; and

Whereas Congress should determine an appropriate day to designate as National Glanzmann's Thrombasthenia Awareness Day: Now, therefore, be it

Resolved, That the House of Representatives supports the designation of a National Glanzmann's Thrombasthenia Awareness Day.

The SPEAKER pro tempore, Mr. COHEN, recognized Mr. DAVIS of Illinois, and Ms. FOXX, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. COHEN, announced that two-thirds of the Members present had voted in the affirmative.

Mr. DAVIS of Illinois, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. COHEN, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶40.11 TEXAS MILITARY VETERANS POST OFFICE BUILDING

Mr. DAVIS of Illinois, moved to suspend the rules and pass the bill (H.R. 5517) to designate the facility of the United States Postal Service located at 7231 FM 1960 in Humble, Texas, as the ''Texas Military Veterans Post Office''.

The SPEAKER pro tempore, Mr. COHEN, recognized Mr. DAVIS of Illinois, and Ms. FOXX, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. COHEN, announced that two-thirds of the Members present had voted in the affirmative.

Mr. DAVIS of Illinois, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. COHEN, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Tuesday, April 15, 2008.

¶40.12 CONTRACTING AND TAX ACCOUNTABILITY

Mr. BRALEY of Iowa, moved to suspend the rules and pass the bill (H.R. 4881) to prohibit the awarding of a contract or grant in excess of the simplified acquisition threshold unless the prospective contractor or grantee certifies in writing to the agency awarding the contract or grant that the contractor or grantee has no seriously delinquent tax debts, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. COHEN, recognized Mr. BRALEY of Iowa, and Ms. FOXX, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. COHEN, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶40.13 PLAIN LANGUAGE IN GOVERNMENT

Mr. BRALEY of Iowa, moved to suspend the rules and pass the bill (H.R. 3548) to enhance citizen access to Government information and services by establishing plain language as the standard style for Government documents issued to the public, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. COHEN, recognized Mr. BRALEY of Iowa, and Ms. FOXX, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. COHEN, announced that two-thirds of the Members present had voted in the affirmative.

Mr. BRALEY of Iowa, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. COHEN, pursuant to clause 8, rule XX,

announced that further proceedings on the question were postponed.

¶40.14 MEALS ON WHEELS ASSOCIATION OF AMERICA

Ms. WOOLSEY moved to suspend the rules and agree to the resolution (H. Res. 259):

Whereas the Meals On Wheels Association of America is the oldest and largest organization in the United States representing those who provide meal services to people in need;

Whereas the Meals On Wheels member local senior nutrition programs help those men and women in cities, suburban areas, and rural communities across America who are elderly, homebound, disabled, frail, or at risk;

Whereas the Meals On Wheels member programs provide nutritious meals to individuals who suffer from long-term chronic conditions as well as those who may just need short-term assistance;

Whereas good nutrition is essential to good health and the meals provided by senior nutrition programs contribute to the overall well-being of America's seniors;

Whereas the Meals On Wheels member programs serve this country's over 60 population, which is rapidly growing and projected to increase dramatically;

Whereas the demand for the services Meals On Wheels member programs will continue to increase at an astounding pace;

Whereas in the words of the Meals On Wheels Association of America, these programs are needed ''so no senior goes hungry''; and

Whereas each March, chosen because it was during this month that the law was enacted that included senior meal programs in the Older Americans Act of 1965, Meals On Wheels member programs across the country conduct local, community-based ''March For Meals'' fundraising and awareness campaigns: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the important work the Meals On Wheels Association of America and its member senior nutrition programs throughout the country do in preventing senior hunger and improving the quality of life for hundreds of thousands of our nation's seniors each year,

(2) recognizes the important role the Meals On Wheels Association of America and its member programs throughout the country's March For Meals campaigns play in increasing awareness of the need for senior nutrition programs and in raising non-Federal funds and soliciting volunteers to support and assist these programs in accomplishing their important mission,

(3) honors the Meals On Wheels Association of America and its member programs for their continuing hard work and dedication on behalf of our nation's seniors, and

(4) encourages Members of Congress to support their local senior nutrition programs by participating in their annual March For Meals events and delivering meals to homebound seniors in a community within their district or State.

The SPEAKER pro tempore, Mr. COHEN, recognized Ms. WOOLSEY and Ms. FOXX, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. COHEN, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶40.15 NATIONAL CHILD ABUSE PREVENTION MONTH

Ms. WOOLSEY moved to suspend the rules and agree to the resolution (H. Res. 1097); as amended:

Whereas in 2006, an estimated 905,000 children were determined to be victims of abuse or neglect out of an estimated 6,100,000 children referred for investigations and assessments;

Whereas the number of children who received an investigation or assessment by Child Protective Services increased by 333,000 from 2002 to 2006;

Whereas in 2006, an estimated 1,530 children died tragically as a result of abuse or neglect;

Whereas some of the most vulnerable children in our Nation are the most likely to be maltreated, with the youngest suffering the highest rate of victimization and children with disabilities also experiencing a high risk of maltreatment;

Whereas 91,278 of the victims of abuse and neglect had not yet reached their first birthday, with more than 84 percent being less than a month old;

Whereas children who are abused or neglected are at higher risk in adulthood for health problems such as alcoholism, depression, drug abuse, eating disorders, obesity, suicide, and certain chronic diseases;

Whereas a National Institute of Justice study indicated abuse or neglect during childhood increased the likelihood of arrest as a juvenile by 59 percent and adult criminal behavior by 28 percent;

Whereas it is estimated that approximately one-third of abused and neglected children grow up to victimize their own children;

Whereas 25 percent of children maltreated in 2006 had prior history of victimization.

Whereas child abuse and neglect can have long-term economic and societal costs;

Whereas community-based services to overburdened families are far less costly than the emotional and physical damage inflicted on children or the costs of child protective services, law enforcement, courts, foster care, health care, and the treatment of adults recovering from child abuse;

Whereas the annual estimated cost to the United States for not preventing child abuse and neglect is approximately $104,000,000,000, according to a 2008 report by Prevent Child Abuse America;

Whereas child protection agencies are unable to provide important follow-up services such as counseling or case management to 40 percent of the abused and neglected children on their caseloads; and

Whereas it is appropriate to designate the month of April 2008, as National Child Abuse Prevention Month: Now, therefore, be it

Resolved, That the United States House of Representatives—

(1) expresses support for the designation of National Child Abuse Prevention Month;

(2) should increase public awareness of child abuse and neglect prevention and should continue to work with the States to reduce the incidence of child abuse and neglect; and

(3) should recognize that child abuse and neglect prevention programs reduce child maltreatment, strengthen families, reduce mental illness, deter criminal behavior, and contribute to children's positive emotional, academic, social, and cognitive development.

The SPEAKER pro tempore, Mr. COHEN, recognized Ms. WOOLSEY and Ms. FOXX, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. COHEN, announced that two-thirds of the Members present had voted in the affirmative.

Ms. WOOLSEY demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. COHEN, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Tuesday, April 15, 2008.

¶40.16 RECESS—3:46 P.M.

The SPEAKER pro tempore, Mr. COHEN, pursuant to clause 12(a) of rule I, declared the House in recess at 3 o'clock and 46 minutes p.m., until approximately 6:30 p.m.

¶40.17 AFTER RECESS—6:30 P.M.

The SPEAKER pro tempore, Ms. LEE, called the House to order.

¶40.18 PROVIDING FOR CONSIDERATION OF H.R. 5719

Ms. CASTOR, by direction of the Committee on Rules, reported (Rept. No. 110–585) the resolution (H. Res. 1102) providing for the consideration of the bill (H.R. 5719) to amend the Internal Revenue Code of 1986 to conform return preparer penalty standards, delay implementation of withholding taxes on government contractors, enhance taxpayer protections, assist low-income taxpayers, and for other purposes.

When said resolution and report were referred to the House Calendar and ordered printed.

¶40.19 PROVIDING FOR CONSIDERATION OF H.R. 2634

Ms. CASTOR, by direction of the Committee on Rules, reported (Rept. No. 110–586) the resolution (H. Res. 1103) providing for the consideration of the bill (H.R. 2634) to provide for greater responsibility in lending and expanded cancellation of debts owed to the United States and the international financial institutions by low-income countries, and for other purposes.

When said resolution and report were referred to the House Calendar and ordered printed.

¶40.20 H. RES. 886—UNFINISHED BUSINESS

The SPEAKER pro tempore, Ms. LEE, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 886) expressing sympathy to the victims and families of the tragic acts of violence in Colorado Springs, Colorado and Arvada, Colorado; as amended.

The question being put,

Will the House suspend the rules and agree to said resolution, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 380 / Nays 0

¶40.21 [Roll No. 183]

YEAS—380

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Altmire
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
DeFazio
DeGette
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
Eshoo
Etheridge
Everett
Fallin
Farr
Feeney
Ferguson
Filner
Flake
Forbes
Fossella
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gillibrand
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Hooley
Hoyer
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pastor
Pearce
Pence
Perlmutter
Peterson (MN)
Petri
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Putnam
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Welch (VT)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)

NOT VOTING—51

Allen
Andrews
Becerra
Bishop (GA)
Brady (PA)
Brown, Corrine
Butterfield
Buyer
Capuano
Culberson
Davis, Lincoln
Delahunt
English (PA)
Fattah
Fortenberry
Gilchrest
Gohmert
Gutierrez
Hastings (FL)
Honda
Hulshof
Jefferson
Lampson
LoBiondo
Mack
Meek (FL)
Moran (VA)
Neal (MA)
Pascrell
Paul
Payne
Peterson (PA)
Pickering
Pryce (OH)
Radanovich
Renzi
Richardson
Rohrabacher
Rush
Schwartz
Shays
Shuster
Smith (WA)
Solis
Tsongas
Turner
Udall (CO)
Weiner
Weldon (FL)
Wilson (NM)
Young (FL)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

¶40.22 H. RES. 994—UNFINISHED BUSINESS

The SPEAKER pro tempore, Ms. LEE, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 994) expressing support for designation of a National Glanzmann's Thrombasthenia Awareness Day; as amended.

The question being put,

Will the House suspend the rules and agree to said resolution, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 377 / Nays 0

¶40.23 [Roll No. 184]

YEAS—377

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Altmire
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Cardoza
Carnahan
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
DeFazio
DeGette
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
Eshoo
Etheridge
Everett
Fallin
Farr
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gillibrand
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Hooley
Hoyer
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Musgrave
Myrick
Nadler
Napolitano
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pastor
Pearce
Pence
Perlmutter
Peterson (MN)
Petri
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)

Putnam
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Welch (VT)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)

NOT VOTING—54

Allen
Andrews
Becerra
Bishop (GA)
Brady (PA)
Brown, Corrine
Butterfield
Buyer
Capuano
Carney
Carson
Culberson
Davis, Lincoln
Delahunt
English (PA)
Fattah
Gilchrest
Gohmert
Gutierrez
Hastings (FL)
Honda
Hulshof
Jefferson
Lampson
LoBiondo
Mack
Meek (FL)
Moran (VA)
Murtha
Neal (MA)
Pascrell
Paul
Payne
Peterson (PA)
Pickering
Pryce (OH)
Radanovich
Renzi
Richardson
Rohrabacher
Rush
Schwartz
Shays
Shuster
Smith (WA)
Solis
Tsongas
Turner
Udall (CO)
Walsh (NY)
Weiner
Weldon (FL)
Wilson (NM)
Young (FL)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

¶40.24 H.R. 3548—UNFINISHED BUSINESS

The SPEAKER pro tempore, Ms. LEE, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 3548) to enhance citizen access to Government information and services by establishing plain language as the standard style for Government documents issued to the public, and for other purposes; as amended.

The question being put,

Will the House suspend the rules and pass said bill, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 376 Nays 1

¶40.25 [Roll No. 185]

YEAS—376

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Altmire
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
DeFazio
DeGette
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
Eshoo
Etheridge
Everett
Fallin
Farr
Feeney
Ferguson
Filner
Forbes
Fortenberry
Fossella
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gillibrand
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Hooley
Hoyer
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Musgrave
Myrick
Nadler
Napolitano
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pastor
Pearce
Pence
Perlmutter
Peterson (MN)
Petri
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Putnam
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Welch (VT)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)

NAYS—1

Flake

NOT VOTING—54

Allen
Andrews
Becerra
Bishop (GA)
Brady (PA)
Brown, Corrine
Butterfield
Buyer
Capuano
Chandler
Culberson
Davis, Lincoln
Delahunt
English (PA)
Fattah
Gilchrest
Gohmert
Gutierrez
Hastings (FL)
Honda
Hulshof
Hunter
Jefferson
Lampson
LoBiondo
Mack
Marchant
Meek (FL)
Moran (VA)
Murtha
Neal (MA)
Pascrell
Paul
Payne
Peterson (PA)
Pickering
Pryce (OH)
Radanovich
Renzi
Richardson
Rohrabacher
Rush
Schwartz
Shays
Shuster
Smith (WA)
Solis
Tsongas
Turner
Udall (CO)
Weiner
Weldon (FL)
Wilson (NM)
Young (FL)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶40.26 MESSAGE FROM THE SENATE

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

H.R. 1119. An Act to amend title 36, United States Code, to revise the congressional charter of the Military Order of the Purple Heart of the United States of America, Incorporated, to authorize associate membership in the corporation for the spouse and siblings of a recipient of the Purple Heart medal.

H.J. Res. 70. A joint resolution congratulating the Army Reserve on its centennial, which will be formally celebrated on April 23, 2008, and commemorating the historic contributions of its veterans and continuing contributions of its soldiers to the vital national security interests and homeland defense missions of the United States.

The message also announced that the Senate has passed a concurrent resolution of the following title in which the concurrence of the House is requested:

S. Con. Res. 76. A concurrent resolution to make technical corrections in the enrollment of the bill S. 1858.

¶40.27 SENATE ENROLLED BILLS SIGNED

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

S. 845. An Act to direct the Secretary of Health and Human Services to expand and intensify programs with respect to research and related activities concerning elder falls.

S. 1858. An Act to amend the Public Health Service Act to establish grant programs to provide for education and outreach on newborn screening and coordinating followup care once newborn screening has been conducted, to reauthorize programs under part A of title XI of such Act, and for other purposes.

¶40.28 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. BUYER, for today;

To Mr. CULBERSON, for today;

To Mr. HONDA, for today and April 15;

To Ms. RICHARDSON, for today and April 15;

To Ms. SOLIS, for today and until 5:30 p.m. on April 15.

And then,

¶40.29 ADJOURNMENT

On motion of Ms. WASSERMAN SCHULTZ, at 9 o'clock and 48 minutes p.m., the House adjourned.

¶40.30 REPORT OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

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

Mr. BRADY of Pennsylvania: Committee on House Administration. H.R. 281. A bill to amend the Help America Vote Act of 2002 to allow all eligible voters to vote by mail in Federal elections; with an amendment (Rept. 110–581). Referred to the Committee of the Whole House on the state of the Union.

Mr. BRADY of Pennsylvania: Committee on House Administration. H.R. 5036. A bill to direct the Administrator of General Services to reimburse certain jurisdictions for the costs of obtaining paper ballot voting systems for the general elections for Federal office to be held in November 2008, to reimburse jurisdictions for the costs incurred in conducting audits or hand counting of the results of the general elections for Federal office to be held in November 2008, and for other purposes; with amendments (Rept. 110–582, Pt. 1). Ordered to be printed.

Mr. GEORGE MILLER of California: Committee on Education and Labor. H.R. 5715. A bill to ensure continued availability of access to the Federal student loan program for students and families (Rept. 110–583). Referred to the Committee of the Whole House on the state of the Union.

Mr. RANGEL: Committee on Ways and Means. H.R. 5719. A bill to amend the Internal Revenue Code of 1986 to conform return preparer penalty standards, delay implementation of withholding taxes on government contractors, enhance taxpayer protections, assist low-income taxpayers, and for other purposes; with an amendment (Rept. 110–584). Referred to the Committee of the Whole House on the state of the Union.

Mr. RANGEL: Committee on Ways and Means. Supplemental Report on H.R. 5719. A bill to amend the Internal Revenue Code of 1986 to conform return preparer penalty standards, delay implementation of withholding taxes on government contractors, enhance taxpayer protections, assist low-income taxpayers, and for other purposes (Rept. 110–584 Pt. 2).

Ms. SUTTON: Committee on Rules. House Resolution 1102. Resolution providing for consideration of the bill (H.R. 5719) to amend the Internal Revenue Code of 1986 to conform return preparer penalty standards, delay implementation of withholding taxes on government contractors, enhance taxpayer protections, assist low-income taxpayers, and for other purposes (Rept. 110–585). Referred to the House Calendar.

Mr. WELCH of Vermont: Committee on Rules. House Resolution 1103. Resolution providing for consideration of the bill (H.R. 2634) to provide for greater responsibility in lending and expanded cancellation of debts owed to the United States and the international financial institutions by low-income countries, and for other purposes (Rept. 110–586). Referred to the House Calendar.

Mr. BRADY of Pennsylvania: Committee on House Administration. House Resolution 1068. Resolution permitting active duty members of the Armed Forces who are assigned to a Congressional liaison office of the Department of Defense at the House of Representatives to obtain membership in the exercise facility established for employees of the House of Representatives; with amendments (Rept. 110–587). Referred to the House Calendar.

Mr. BRADY of Pennsylvania: Committee on House Administration. H.R. 5493. A bill to provide that the usual day for paying salaries in or under the House of Representatives may be established by regulations of the Committee on House Administration (Rept. 110–588). Referred to the Committee of the Whole House on the state of the Union.

Mr. CONYERS: Committee on the Judiciary. H.R. 5570. A bill to amend the Immigration and Nationality Act to eliminate the sunset in the special immigrant nonminister religious worker visa program; with amendments (Rept. 110–589). Referred to the Committee of the Whole House on the state of the Union.

¶40.31 TIME LIMITATION OF REFERRED BILLS

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

(The following action occurred on April 11, 2008)

H.R. 5577. Referral to the Committee on Energy and Commerce extended for a period ending not later than May 30, 2008.

¶40.32 COMMITTEE DISCHARGED

Pursuant to clause 2 of rule XII the Committee on Science and Technology discharged from further consideration. H.R. 5036 referred to the Committee of the Whole House on the state of the Union.

¶40.33 PUBLIC BILLS AND RESOLUTIONS

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

By Mrs. MALONEY of New York (for herself, Mr. DAVIS of Illinois, Mr. TOM DAVIS of Virginia, Mr. GEORGE MILLER of California, Mr. HOYER, Mr. BERMAN, Mr. CUMMINGS, Ms. DELAURO, Mr. ELLISON, Mr. FATTAH, Mr. FILNER, Mrs. GILLIBRAND, Mr. AL GREEN of Texas, Mr. KUCINICH, Mr. LEWIS of Georgia, Ms. MCCOLLUM of Minnesota, Mr. MORAN of Virginia, Mr. SARBANES, Ms. SCHAKOWSKY, Mr. SERRANO, Mr. VAN HOLLEN, and Ms. WOOLSEY):

H.R. 5781. A bill to provide that 8 of the 12 weeks of parental leave made available to a Federal employee shall be paid leave, and for other purposes; to the Committee on Oversight and Government Reform, and in addition to the Committee on House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BOOZMAN (for himself, Mr. MCCOTTER, Mr. SESSIONS, Mr. PETERSON of Pennsylvania, Mr. MILLER of Florida, Mr. MARCHANT, Mr. HUNTER, Mr. WESTMORELAND, Ms. GINNY BROWN-WAITE of Florida, Mrs. CUBIN, Mr. BURTON of Indiana, Mr. YOUNG of Alaska, Mr. FRANKS of Arizona, Mr. HAYES, Mr. GARRETT of New Jersey, Mr. CANNON, Mr. WILSON of South Carolina, Mr. WAMP, Mr. HALL of Texas, Mr. HENSARLING, Mr. DEAL of Georgia, Mr. GINGREY, Mr. ROGERS of Kentucky, Mr. ROGERS of Alabama, Mr. KELLER, Mr. ADERHOLT, Mr. MCINTYRE, Mr. SOUDER, Mr. LAMBORN, Mr. CAMP of Michigan, Mr. REHBERG, Mrs. MILLER of Michigan, Mr. MOLLOHAN, and Mr. SALI):

H.R. 5782. A bill to amend chapter 44 of title 18, United States Code, to provide for reciprocity in regard to the manner in which nonresidents of a State may carry certain concealed firearms in that State; to the Committee on the Judiciary.

By Mr. CAMPBELL of California (for himself, Mr. CANTOR, Mr. RYAN of Wisconsin, Mr. MCCARTHY of California, Mr. SHADEGG, Mr. FEENEY, Mr. DAVID DAVIS of Tennessee, Mr. BROUN of Georgia, Mr. CONAWAY, Mr. MCCAUL of Texas, Mr. HENSARLING, Mr. GARRETT of New Jersey, Mr. FLAKE, Mr. BISHOP of Utah, Mr. KLINE of Minnesota, Mr. MANZULLO, Mr. HOEKSTRA, Mr. NEUGEBAUER, Mr. WELDON of Florida, Mr. ROYCE, Mrs. BLACKBURN, Mr. WILSON of South Carolina, Mr. AKIN, Mr. BARTLETT of Maryland, Mr. FORTUÑO, Mrs. BACHMANN, Mr. GOODE, Mrs. MUSGRAVE, Mr. GINGREY, Mr. TANCREDO, Mr. LAMBORN, Mr. SESSIONS, Mr. LUCAS, Mr. DOOLITTLE, Ms. FALLIN, Mr. FRANKS of Arizona, Mr. BARRETT of South Carolina, Mr. BURTON of Indiana, Mr. MARIO DIAZ-BALART of Florida, Mr. WESTMORELAND, Mr. JONES of North Carolina, Mr. ISSA, Mr. LATTA, Mr. DUNCAN, and Mrs. CUBIN):

H.R. 5783. A bill to amend the Internal Revenue Code of 1986 to allow taxpayers to make contributions to the Federal Government on their income tax returns; to the Committee on Ways and Means.

By Ms. GRANGER (for herself, Mr. WYNN, Ms. NORTON, and Mr. PLATTS):

H.R. 5784. A bill to amend the Internal Revenue Code of 1986 to allow individuals a refundable credit against income tax for the purchase of private health insurance; to the Committee on Ways and Means.

By Mr. HILL:

H.R. 5785. A bill to amend the Internal Revenue Code of 1986 to provide a credit for providing volunteer service to military families through the America Supports You program of the Department of Defense; to the Committee on Ways and Means.

By Mr. HILL:

H.R. 5786. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for care packages provided for soldiers in combat zones; to the Committee on Ways and Means.

By Mr. MOORE of Kansas (for himself and Mr. DUNCAN):

H.R. 5787. A bill to amend title 40, United States Code, to enhance authorities with regard to real property that has yet to be reported excess, and for other purposes; to the Committee on Oversight and Government Reform.

By Ms. ZOE LOFGREN of California (for herself and Ms. SUTTON):

H. Res. 1104. A resolution congratulating California Secretary of State Debra Bowen and Ohio Secretary of State Jennifer Brunner, recipients of the 2008 John F. Kennedy Profile in Courage Award; to the Committee on House Administration.

By Mr. MCDERMOTT (for himself, Ms. LEE, Mr. MARKEY, and Mr. INSLEE):

H. Res. 1105. A resolution expressing the sense of the House of Representatives supporting Earth Hour 2008, and for other purposes; to the Committee on Energy and Commerce.

By Mr. REICHERT (for himself, Mr. GERLACH, and Mr. ENGLISH of Pennsylvania):

H. Res. 1106. A resolution expressing support for designation of April 2008 as ''National Autism Awareness Month'' and supporting efforts to devote new resources to research into the causes and treatment of autism and to improve training and support for individuals with autism and those who care for individuals with autism; to the Committee on Energy and Commerce, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

¶40.34 MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

249. The SPEAKER presented a memorial of the Legislature of the Commonwealth of Guam, relative to Resolution No. 24 supporting the passage of the Filipino Veterans Equity Act of 2007; to the Committee on Armed Services.

250. Also, a memorial of the Legislature of the State of Kansas, relative to Senate Concurrent Resolution No. 1621 urging the Congress of the United States and the President of the United States to halt the contract process for the Air Force mid-air refueling tanker until Congress and the President have reviewed and approved all the technical, security and economic aspects of the purchase; to the Committee on Armed Services.

251. Also, a memorial of the Legislature of the State of Alabama, relative to a Resolution encouraging the Congress of the United States to accept the decision of the United States Air Force concerning the jet tanker contract; to the Committee on Armed Services.

252. Also, a memorial of the Senate of the State of Kansas, relative to Senate Resolution No. 1831 urging the Congress of the United States to amend the No Child Left Behind Act so that states will be allowed to continue to work toward the goal of closing the achievement gap without overly prescriptive federal rules, unfunded mandates and the coercion of losing federal funds; to the Committee on Education and Labor.

253. Also, a memorial of the Legislature of the State of Wyoming, relative to a Joint Resolution requesting the Congress of the United State amend the Satellite Home Viewers Improvement Act; to the Committee on Energy and Commerce.

254. Also, a memorial of the Legislature of the Commonwealth of Guam, relative to Resolution No. 62 supporting H. Res. 121 expressing the sense that the Government of Japan should formally acknowledge, apologize, and accept historical responsibility in a clear and unequivocal manner for its Imperial Armed Forces' coercion of young women into sexual slavery during Japan's colonial and wartime occupation of Asia and the Pacific Islands from the 1930s through the duration of World War II; to the Committee on Foreign Affairs.

255. Also, a memorial of the Senate of the State of Hawaii, relative to Senate Resolution No. 19 requesting the Congress of the United States authorize the establishment of a national monument for women in Washington, D.C., to recognize and honor the leadership contributions of America's women; to the Committee on Natural Resources.

256. Also, a memorial of the Senate of the State of New Jersey, relative to Senate Resolution No. 99 memorializing the Congress of the United States to pass the ''Clean Railroads Act of 2007''; to the Committee on Transportation and Infrastructure.

257. Also, a memorial of the Legislature of the State of Louisiana, relative to Senate Concurrent Resolution No. 28 memorializing the Congress of the United States to adopt and implement the recommendations of the Veterans' Disability Benefits Commission; to the Committee on Ways and Means.

258. Also, a memorial of the Legislature of the State of Louisiana, relative to Senate Concurrent Resolution No. 3 memorializing the Congress of the United States to review and consider eliminating provisions of federal law which reduce Social Security benefits for those receiving pension benefits from federal, state, or local government retirement or pension systems, plans, or funds; to the Committee on Ways and Means.

259. Also, a memorial of the Legislature of the State of California, relative to Senate Joint Resolution No. 22 memorializes the Tobacco Tax and Trade Bureau to protect and preserve the ability of California wineries, as well as all American wineries, to contribute to the economy of California and the nation by withdrawing the Notices of Proposed Rulemaking Number 77 and Number 78; to the Committee on Ways and Means.

¶40.35 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 245: Mr. KIND.
H.R. 271: Mr. ROTHMAN.
H.R. 351: Ms. WOOLSEY.
H.R. 728: Ms. SLAUGHTER.
H.R. 741: Mr. FILNER.
H.R. 943: Mr. GOODE and Mr. SOUDER.
H.R. 989: Mr. GARY G. MILLER of California.
H.R. 992: Mr. DELAHUNT.
H.R. 1032: Ms. MATSUI, Mr. MCGOVERN, and Mr. CLEAVER.
H.R. 1040: Mr. COLE of Oklahoma and Mr. MCCAUL of Texas.
H.R. 1050: Mr. GRIJALVA and Mr. FATTAH.
H.R. 1092: Ms. ZOE LOFGREN of California.
H.R. 1110: Ms. ROS-LEHTINEN.
H.R. 1142: Mr. UDALL of New Mexico, Mr. MORAN of Kansas, Ms. ROS-LEHTINEN, Mr. MURPHY of Connecticut, and Mr. MURTHA.
H.R. 1148: Mr. BRADY of Pennsylvania.
H.R. 1264: Mr. ALTMIRE.
H.R. 1279: Mr. PRICE of North Carolina.
H.R. 1283: Ms. DELAURO, Mr. JACKSON of Illinois, and Mr. GOODLATTE.
H.R. 1295: Mr. BARRETT of South Carolina, Mr. RENZI, Mr. WAMP, Mr. LEWIS of Kentucky, and Mr. HOEKSTRA.
H.R. 1527: Mr. BOREN.
H.R. 1553: Mr. BOREN and Mr. LOEBSACK.
H.R. 1576: Mr. SIMPSON, Mr. SHAYS, and Mr. BERMAN.
H.R. 1590: Mr. PRICE of North Carolina.
H.R. 1600: Mr. HOLT.
H.R. 1609: Ms. HARMAN, Ms. HERSETH SANDLIN, Mr. PASTOR, Mr. WILSON of Ohio, Mr. REYNOLDS, and Mr. WELDON of Florida.
H.R. 1643: Mr. BERRY.
H.R. 1653: Mr. HIGGINS.
H.R. 1691: Ms. ESHOO.
H.R. 1738: Ms. ESHOO.
H.R. 1742: Mr. PERLMUTTER.
H.R. 1783: Mr. DAVIS of Alabama.
H.R. 1820: Mr. LEWIS of Georgia, Mr. WU, Mr. ABERCROMBIE, and Mr. WELCH of Vermont.
H.R. 1869: Mr. PEARCE.
H.R. 1927: Mr. YOUNG of Alaska.
H.R. 1929: Mr. PAUL.
H.R. 2014: Mr. ADERHOLT.
H.R. 2088: Mr. PICKERING.
H.R. 2167: Mr. VAN HOLLEN.
H.R. 2169: Mrs. MCCARTHY of New York and Ms. WATERS.
H.R. 2188: Mr. COHEN, Mr. CUMMINGS, Mr. AL GREEN of Texas, and Mr. MOLLOHAN.
H.R. 2236: Mr. SERRANO.
H.R. 2343: Mr. HINCHEY and Mrs. CHRISTENSEN.
H.R. 2477: Mr. CUMMINGS.
H.R. 2548: Mr. PALLONE and Mr. FILNER.
H.R. 2676: Mr. FILNER and Mr. WU.
H.R. 2702: Mr. MOORE of Kansas.
H.R. 2706: Mr. LAMBORN.
H.R. 2734: Mr. REHBERG, Mr. HASTINGS of Washington, Mr. DREIER, Mr. YOUNG of Alaska, Ms. GRANGER, and Mr. KUHL of New York.
H.R. 2738: Mr. LAMBORN.
H.R. 2744: Mr. STUPAK, Ms. VELÁZQUEZ, Mr. MOLLOHAN, Mr. THOMPSON of California, Mr. RENZI, Mrs. MYRICK, and Mr. DOGGETT.
H.R. 2792: Mr. WAXMAN.
H.R. 2818: Ms. SCHAKOWSKY.
H.R. 2833: Ms. BORDALLO, Mr. KLEIN of Florida, and Mr. BARROW.
H.R. 2905: Mr. LATTA.
H.R. 2942: Mr. WAMP.
H.R. 3001: Mr. PASTOR.
H.R. 3014: Mr. MCGOVERN.
H.R. 3109: Mrs. BLACKBURN.
H.R. 3175: Mr. BRALEY of Iowa.
H.R. 3282: Mr. PORTER.
H.R. 3430: Ms. DEGETTE.
H.R. 3463: Mr. BRADY of Pennsylvania.
H.R. 3543: Mr. FATTAH, Mr. CARNEY, Mr. KANJORSKI, Ms. SCHWARTZ, and Mr. DOYLE.
H.R. 3635: Mr. MCGOVERN.
H.R. 3642: Mr. EMANUEL.
H.R. 3765: Mr. EMANUEL.
H.R. 3820: Mr. KNOLLENBERG and Mr. SPACE.
H.R. 3865: Mr. MORAN of Kansas, Mr. MCCOTTER, and Mr. MARSHALL.
H.R. 3874: Mr. KILDEE.
H.R. 3960: Mrs. BLACKBURN.
H.R. 4105: Ms. HERSETH SANDLIN, Mr. JOHNSON of Georgia, and Mr. ABERCROMBIE.
H.R. 4236: Mr. KENNEDY, Ms. SCHWARTZ, and Mr. TOWNS.
H.R. 4244: Mr. PLATTS.
H.R. 4318: Mr. MCCARTHY of California and Mr. HOBSON.
H.R. 4449: Mr. BRALEY of Iowa, Mr. LOEBSACK, and Mr. OLVER.
H.R. 4790: Mrs. CAPPS, Ms. WASSERMAN SCHULTZ, Ms. SUTTON, and Ms. EDDIE BERNICE JOHNSON of Texas.
H.R. 4883: Mr. SPACE and Ms. BERKLEY.
H.R. 4884: Mr. SPACE and Ms. BERKLEY.
H.R. 4900: Mr. DAVIS of Kentucky, Mr. HIGGINS, Mr. CAMP of Michigan, Mr. PRICE of Georgia, Mr. MARSHALL, and Mr. HELLER.
H.R. 4934: Mr. SIRES.
H.R. 5033: Mr. INGLIS of South Carolina.
H.R. 5057: Ms. NORTON.
H.R. 5131: Mr. ISSA and Mr. BRADY of Pennsylvania.
H.R. 5161: Mr. BRADY of Pennsylvania and Mr. INSLEE.
H.R. 5244: Mr. KAGEN, Mr. BRALEY of Iowa, and Mr. MEEK of Florida.

H.R. 5268: Ms. WASSERMAN SCHULTZ, Mr. MEEKS of New York, Mr. CLAY, Mr. SIRES, and Mr. HINCHEY.
H.R. 5425: Mr. FORTUÑO.
H.R. 5443: Mr. GARRETT of New Jersey and Mr. KING of New York.
H.R. 5466: Mr. UDALL of Colorado.
H.R. 5469: Mr. ARCURI.
H.R. 5488: Mr. HINCHEY.
H.R. 5496: Mr. PRICE of North Carolina and Ms. EDDIE BERNICE JOHNSON of Texas.
H.R. 5499: Mr. FRANK of Massachusetts.
H.R. 5510: Mr. GENE GREEN of Texas.
H.R. 5532: Mr. PLATTS, Mr. BRALEY of Iowa, and Mr. BROUN of Georgia.
H.R. 5534: Mr. CUMMINGS and Mr. GONZALEZ.
H.R. 5540: Mr. PLATTS.
H.R. 5544: Ms. SCHAKOWSKY.
H.R. 5554: Mrs. NAPOLITANO.
H.R. 5561: Mr. LAMBORN.
H.R. 5575: Mr. MCDERMOTT.
H.R. 5580: Mr. HARE.
H.R. 5583: Mr. HINCHEY.
H.R. 5595: Mr. BRALEY of Iowa, Mr. MARSHALL, Ms. CASTOR, Mr. FATTAH, Mr. PATRICK MURPHY of Pennsylvania, Mr. DOYLE, Ms. WASSERMAN SCHULTZ, Mr. CARDOZA, Mr. KANJORSKI, Mr. NEAL of Massachusetts, Mr. LOEBSACK, Mr. MITCHELL, Mr. SHULER, Mr. MOLLOHAN, Mr. MELANCON, Mr. WALZ of Minnesota, Ms. SUTTON, Mr. BOSWELL, Mr. MURPHY of Connecticut, Ms. LINDA T. SÁNCHEZ of California, Mr. ARCURI, Mr. GEORGE MILLER of California, Mr. THOMPSON of California, Mr. MCNERNEY, Mr. ROSS, Mr. DONNELLY, and Mr. PETERSON of Minnesota.
H.R. 5598: Mr. RUSH, Ms. LEE, Mr. FATTAH, and Mr. HONDA.
H.R. 5602: Ms. LORETTA SANCHEZ of California.
H.R. 5609: Mr. ORTIZ.
H.R. 5613: Mr. GUTIERREZ, Mr. BILIRAKIS, Mr. SESTAK, Mr. WEINER, Mr. UDALL of Colorado, Mr. ALEXANDER, Mr. SIRES, Mr. REYNOLDS, Mr. DICKS, Mr. TIBERI, Ms. WASSERMAN SCHULTZ, Mr. SNYDER, Mr. FOSSELLA, Mr. BUTTERFIELD, Mr. EDWARDS, Mr. TERRY, and Ms. LORETTA SANCHEZ of California.
H.R. 5626: Mr. FARR and Ms. SCHAKOWSKY.
H.R. 5656: Mrs. CUBIN, Mrs. BACHMANN, Mr. FEENEY, Mr. KING of Iowa, Ms. FOXX, Mr. WESTMORELAND, Mr. GARRETT of New Jersey, and Mr. POE.
H.R. 5660: Ms. BERKLEY and Mr. ELLISON.
H.R. 5662: Mr. FILNER.
H.R. 5668: Mr. PENCE.
H.R. 5673: Ms. FOXX and Mr. WHITFIELD of Kentucky.
H.R. 5684: Mr. REYES, Mr. PETERSON of Minnesota, Mr. FORTUÑO, and Mr. SALAZAR.
H.R. 5686: Mr. BRADY of Pennsylvania and Mr. BOREN.
H.R. 5689: Mr. BISHOP of New York.
H.R. 5695: Mr. MARCHANT.
H.R. 5696: Mr. MATHESON.
H.R. 5700: Mrs. LOWEY.
H.R. 5717: Mr. CONAWAY.
H.R. 5719: Mr. CUMMINGS.
H.R. 5722: Ms. WATSON.
H.R. 5731: Mr. FRANKS of Arizona, Mr. POE, Ms. GINNY BROWN-WAITE of Florida, Mr. KING of Iowa, and Mrs. MYRICK.
H.R. 5737: Mr. PORTER.
H.R. 5740: Mr. PRICE of North Carolina, Ms. HARMAN, Mr. DICKS, Mrs. LOWEY, Mr. OBEY, Mr. GORDON, Mr. EMANUEL, Mr. MOORE of Kansas, Mr. OLVER, Mr. CARTER, Ms. SLAUGHTER, and Mr. DENT.
H.R. 5749: Mr. RANGEL, Mr. PORTER, Mr. STARK, Mr. YOUNG of Alaska, Mr. LEVIN, Mrs. MILLER of Michigan, Mr. LEWIS of Georgia, Mr. MCCOTTER, Mrs. JONES of Ohio, Ms. BERKLEY, Mr. VAN HOLLEN, Mr. NADLER, Mr. SCOTT of Georgia, Mr. FARR, Mr. ELLISON, Mr. KIND, and Mr. GORDON.
H.R. 5752: Mr. PETERSON of Minnesota.
H.R. 5769: Mr. BILBRAY.
H.R. 5770: Mr. WAXMAN and Mr. KLEIN of Florida.
H.R. 5771: Mr. BURTON of Indiana.
H. J. Res. 12: Mr. SALI.
H. Con. Res. 70: Mr. MILLER of North Carolina.
H. Con. Res. 257: Mrs. DRAKE and Mr. CHABOT.
H. Con. Res. 299: Mr. WHITFIELD of Kentucky, Mr. PLATTS, Mrs. GILLIBRAND, Mr. DELAHUNT, Mr. KENNEDY, Ms. SCHAKOWSKY, and Ms. BALDWIN.
H. Con. Res. 317: Mr. KING of New York, Mr. PRICE of North Carolina, Ms. SCHWARTZ, and Ms. SCHAKOWSKY.
H. Con. Res. 318: Ms. MOORE of Wisconsin, Mr. MEEK of Florida, Mrs. MALONEY of New York, and Mr. MORAN of Virginia.
H. Con. Res. 322: Mr. REYNOLDS, Mr. SCOTT of Georgia, Mrs. BIGGERT, Mr. ISRAEL, Mr. SESSIONS, Mr. ARCURI, Mr. FRANK of Massachusetts, Mr. GONZALEZ, Mr. Broun of Georgia, Mr. MCNERNEY, Mr. MURPHY of Connecticut, Mr. GARY G. MILLER of California, Ms. BEAN, Mr. LAMBORN, Mr. COURTNEY, Ms. MATSUI, Mr. BARROW, Mr. MARSHALL, Mr. FOSTER, Mr. JOHNSON of Georgia, Mr. TIBERI, and Mr. LINDER.
H. Res. 356: Mr. CONAWAY.
H. Res. 653: Mr. FATTAH and Mr. ABERCROMBIE.
H. Res. 705: Mrs. BACHMANN.
H. Res. 758: Mr. WALBERG, and Mr. GARRETT of New Jersey.
H. Res. 820: Mr. HINCHEY.
H. Res. 834: Mr. COURTNEY and Mr. LOEBSACK.
H. Res. 896: Mr. REYES.
H. Res. 937: Mr. WOLF.
H. Res. 977: Mr. MCGOVERN and Mr. HIGGINS.
H. Res. 987: Mr. DICKS and Ms. GIFFORDS.
H. Res. 1008: Mr. MCNERNEY, Mr. MARSHALL, and Mr. GORDON.
H. Res. 1019: Mr. JOHNSON of Georgia.
H. Res. 1022: Mr. SCHIFF.
H. Res. 1026: Mrs. BLACKBURN and Mr. MEEK of Florida.
H. Res. 1044: Mr. GONZALEZ and Mr. BRALEY of Iowa.
H. Res. 1048: Mr. CHABOT and Mr. WOLF.
H. Res. 1079: Mr. KENNEDY, Mr. EHLERS, Mr. JONES of North Carolina, Mr. NEUGEBAUER, Mr. WILSON of Ohio, Mr. GRIJALVA, Mr. MEEKS of New York, Mr. POMEROY, Mr. PAYNE, Mrs. MCCARTHY of New York, Ms. BEAN, Mr. DAVIS of Kentucky, Mr. PUTNAM, and Mr. SMITH of Nebraska.
H. Res. 1080: Mr. FALEOMAVAEGA and Mr. LATTA.
H. Res. 1081: Mr. WEXLER.
H. Res. 1091: Mr. DAVIS of Kentucky, Mr. PENCE, Mr. ROSS, Mr. FRANKS of Arizona, Mrs. CUBIN, Mr. MILLER of Florida, Mr. CONAWAY, Mr. BROWN of South Carolina, Mr. TANCREDO, Mr. KIND, Mr. SESSIONS, Mr. ROGERS of Alabama, Mr. TIAHRT, and Mr. BISHOP of Georgia.
H. Res. 1093: Ms. WATERS, Ms. BERKLEY, Ms. CLARKE, and Ms. DELAURO.
H. Res. 1095: Mr. BECERRA, Ms. CASTOR, Mr. CONYERS, Ms. JACKSON-LEE of Texas, Mrs. MALONEY of New York, Mr. NADLER, Mr. STARK, Ms. WATERS, Mr. BRADY of Pennsylvania, Mr. SERRANO, and Mr. BERMAN.
H. Res. 1096: Mrs. MCCARTHY of New York, Mr. ARCURI, Mr. GORDON, Mr. MAHONEY of Florida, Mr. MELANCON, Mr. SCHIFF, Mr. SHULER, Mr. THOMPSON of California, and Mr. WILSON of Ohio.

¶40.36 PETITIONS

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

229. The SPEAKER presented a petition of the County Commission of Mobile, Alabama, relative to a Resolution urging the Congress of the United States to consider the needs of the American war fighter, to affirm the selection process of the United States Air Force, and to support the creation of American jobs by moving all deliberate speed to fund and implement the KC-45 tanker project; to the Committee on Armed Services.

230. Also, a petition of the Miami-Dade County Board of County Commissioners, Florida, relative to Resolution No. R-137-08 urging the Florida Legislature to strengthen mortgage fraud laws; to the Committee on Financial Services.

231. Also, a petition of the City Commission of the City of Coconut Creek, Florida, relative to Resolution No. 2007-131 urging the Congress of the United States to re-enact the Federal Assault Weapons Ban; to the Committee on the Judiciary.

232. Also, a petition of the Miami-Dade County Board of County Commissioners, Florida, relative to Resolution No. R-135-08 urging the Florida Legislature to pass and the Governor to sign into law legislation reinstating a property tax exemption for solar energy systems and other renewable energy systems and to streamline the process for applying for such an exemption; to the Committee on the Judiciary.

233. Also, a petition of the City Council of New Orleans, Louisiana, relative to Resolution No. R-08-100 urging the Congress of the United States to appropriate 100% federal share for one hundred year flood protection for Southeast Louisiana; to the Committee on Transportation and Infrastructure.

234. Also, a petition of the City Council of the City of Pittsburgh, PA, relative to Resolution No. 2008-0111 urging the Congress of the United States to act quickly and efficiently in order to renew the Delta Queen's soon to expire exemption from the Safety of Life at Sea Act of 1966; to the Committee on Transportation and Infrastructure.

235. Also, a petition of the City Council of Atlanta, Georgia, relative to Resolution No. 08-R-0476 calling upon the Senate of the United States to introduce and pass the the James Zadroga 9/11 Health and Compensation Act; jointly to the Committees on Energy and Commerce and the Judiciary.

TUESDAY, APRIL 15, 2008 (41)

The House was called to order at 10:30 a.m. by the SPEAKER, when, pursuant to the order of the House of January 4, 2007, Members were recognized for morning-hour debate.

¶41.1 RECESS—11:07 A.M.

The SPEAKER pro tempore, Mr. ISRAEL, pursuant to clause 12(a) of rule I, declared the House in recess at 11 o'clock and 7 minutes a.m., until noon.

¶41.2 AFTER RECESS—NOON

The SPEAKER pro tempore, Ms. BALDWIN, called the House to order.

¶41.3 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Ms. BALDWIN, announced she had examined and approved the Journal of the proceedings of Monday, April 14, 2008.

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

¶41.4 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

6078. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Ferric Citrate; Inert Ingredient; Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2006-0479; FRL-8071-2] received March 31, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6079. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Fenhexamid; Pesticide Tolerance [EPA-HQ-OPP-2007-0303; FRL-8357-2] received April 3, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6080. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Buprofezin; Pesticide Tolerance [EPA-HQ-OPP-2007-0426; FRL-8356-9] received April 3, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6081. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — S-Abscisic Acid, Temporary Exemption From the Requirement of a Tolerance [EPA-HQ-OPP-2008-0092; FRL-8357-4] received March 27, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6082. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Flonicamid; Pesticide Tolerance [EPA-HQ-OPP-2007-0338; FRL-8356-7] received March 27, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6083. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Dicamba; Pesticide Tolerance [EPA-HQ-OPP-2007-0325; FRL-8356-6] received March 27, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6084. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Acequinocyl; Pesticide Tolerance [EPA-HQ-OPP-2006-0678; FRL-8356-6] received March 27, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6085. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Flumioxazin; Pesticide Tolerance [EPA-HQ-OPP-2007-0308; FRL-8352-5] received February 29, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6086. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Bifenazate; Pesticide Tolerance [EPA-HQ-OPP-2007-0302; FRL-8351-6] received February 29, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6087. A letter from the Directors, Congressional Budget Office and Office of Management and Budget, transmitting a joint report on the technical assumptions to be used in preparing estimates of National Defense Function (050) fiscal year 2009 outlay rates and prior year outlays, pursuant to 10 U.S.C. 226; to the Committee on the Budget.

6088. A letter from the Chairman, National Endowment for the Arts and Member Federal Council on the Arts and the Humanities, National Foundation on the Arts and the transmitting the Federal Council on the Arts and the Humanities' thirty-second annual report on the Arts and Artifacts Indemnity Program for Fiscal Year 2007, pursuant to 20 U.S.C. 959(c); to the Committee on Education and Labor.

6089. A letter from the Secretary, Department of Health and Human Services, transmitting as required by Sections 913(b)(2) and Section 902(g) of the Healthcare Research and Quality Act of 1999 (Pub. L. 106-129), reports entitled ''The National Healthcare Quality Report 2007'' (NHQR) and ''The National Healthcare Disparities Report 2007'' (NHDR); to the Committee on Energy and Commerce.

6090. A letter from the Director, Regulatory Management Division, Environment Protection Agency, transmitting the Agency's final rule — National Perchloroethylene Air Emission Standards for Dry Cleaning Facilities [EPA-HQ-OAR-2005-0155; FRL-8547-4] (RIN: 2060-AO52) received March 27, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6091. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Federal Implementation Plan for the Billings/Laurel, Montana, Sulfur Dioxide Area [EPA-R08-OAR-2006-0098; FRL-8551-2] (RIN: 2008-AA01) received March 31, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6092. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Delegation of New Source Performance Standards and National Emission Standards for Hazardous Air Pollutants for the States of Arizona and Nevada [AZ and NV-EPA-R09-OAR-2006-1014 FRL-8551-1] received March 31, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6093. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Delegation of National Emission Standards for Hazardous Air Pollutants for Source Categories; State of Nevada, Nevada Division of Environmental Protection [EPA-R09-OAR-2008-0229; FRL-8550-9] received March 31, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6094. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Alabama: Final Authorization of State Hazardous Waste Management Program Revision [EPA-R04-RCRA-2007-0992; FRL-8550-3] received March 31, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6095. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Final 8-hour Ozone National Ambient Air Quality Standards Designations for the Early Action Compact Areas [EPA-HQ-2008-0006; FRL-8550-1] (RIN: 2060-AO83) received March 31, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6096. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of State Air Quality Plans for Designated Facilities and Pollutants; State of Maryland; Control of Large Municipal Waste Combustor (LMWC) Emissions from Existing Facilities [EPA-R03-OAR-2008-MD-0209; FRL-8552-5] received April 3, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6097. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Revisions to the Nevada State Implementation Plan; Updated Statutory and Regulatory Provisions; Rescissions [EPA-R09-OAR-2007-1155; FRL-8548-8] received April 3, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6098. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; North Carolina: Approval of Revisions to the 1-Hour Ozone Maintenance Plan for the Raleigh/Durham and Greensboro/Winston-Salem/High Point Areas [EPA-R04-OAR-2008-0036-200801(a); FRL-8551-9] received April 3, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6099. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Virginia: Final Authorization of State Hazardous Waste Management Program Revision [EPA-R03-RCRA-2008-0256; FRL-8548-9] received March 27, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6100. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Revision to the California State Implementation Plan, Bay Area Air Quality Management District [EPA-R09-OAR-2007-0970; FRL-8547-6] received March 27, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6101. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — NESHAP: National Emission Standards for Hazardous Air Pollutants: Standards for Hazardous Waste Combustors; Amendments [EPA-HQ-OAR-2004-0022 FRL-8549-4] (RIN: 2050-AG35) received March 27, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6102. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; State of Missouri [EPA-R07-OAR-2008-0103; FRL-8549-8] received March 27, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6103. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; State of Missouri [EPA-R07-OAR-2008-0100; FRL-8549-6] received March 27, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6104. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Utah: Final Authorization of State Hazardous Waste Management Program Revisions [EPA-R08-RCRA-2006-0127; FRL-8538-1] received February 29, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6105. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Partial Withdrawal of Direct Final Rule Revising the California State Implementation Plan, Monterey Bay Unified Air Pollution Control District and San Joaquin Valley Air Pollution Control District [EPA-R09-OAR-2007-1074, FRL-8537-9] received February 29, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6106. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation

of Air Quality Implementation Plans; Commonwealth of Virginia; Control of Particulate Matter from Pulp and Paper Mills; Correction [EPA-R03-OAR-2005-VA-0011; FRL-8537-6] received February 29, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6107. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; State of Maryland; Revised Definition of Volatile Organic Compound (VOC) [EPA-R03-OAR-2007-1157; FRL-8532-4] received February 21, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6108. A letter from the Chairman, Federal Communications Commission, transmitting the Commission's FY 2007 Annual Report required by Section 203 of the Notification and Federal Antidiscrimination and Retaliation Act of 2002, Pub. L. 107-174; to the Committee on Energy and Commerce.

6109. A letter from the Inspector General, U.S. House of Representatives, transmitting the Inspector General's final report on the Management Advisory review of the Exchange 2003 Implementation; to the Committee on House Administration.

6110. A letter from the Acting Administrator, FAA, Department of Transportation, transmitting the Federal Aviation Administration's Capital Investment Plan (CIP) for fiscal years 2009-2013, pursuant to 49 U.S.C. app. 2203(b)(1); to the Committee on Transportation and Infrastructure.

6111. A letter from the Assistant Secretary of the Army for Civil Works, Department of Defense, transmitting the Administration's position on the budgeting for the Park River at Grafton, North Dakota, flood damage reduction project; to the Committee on Transportation and Infrastructure.

6112. A letter from the Secretary, Department of Transportation, transmitting a report entitled, ''Fundamental Properties of Asphalts and Modified Asphalts-II'' submitted in accordance with Section 6016(e) of the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA), Pub. L. 102-240, and Section 5117(b)(5) of the Transportation Equity Act of the 21st Century (TEA-21) and the extension of those provisions through FY 2007; to the Committee on Transportation and Infrastructure.

6113. A letter from the President and Chief Executive Officer, National Railroad Passenger Corporation, transmitting Amtrak's Grant and Legislative Request for FY09, pursuant to 49 U.S.C. 24315(b); to the Committee on Transportation and Infrastructure.

6114. A letter from the Board of Trustees, National Railroad Retirement Investment Trust, transmitting the National Railroad Retirement Investment Trust's annual management report covering FY 2007, pursuant to 45 U.S.C. 231n Public Law 107-90, section 105; to the Committee on Transportation and Infrastructure.

6115. A letter from the Director, National Science Foundation, transmitting the Foundation's Performance Highlights for FY 2007; to the Committee on Science and Technology.

6116. A letter from the Chairman, Board of Veterans' Appeals, Department of Veterans Affairs, transmitting a copy of the Report of the Chairman for FY 2007; to the Committee on Veterans' Affairs.

6117. A letter from the Secretary, Department of Veterans Affairs, transmitting a copy of a draft bill entitled, ''To amend title 38, United States Code, to improve veterans' health care benefits and for other purposes''; to the Committee on Veterans' Affairs.

6118. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's biennial report on evaluation, research and technical assistance activities supported by ''The Promoting Safe and Stable Families Program''; to the Committee on Ways and Means.

¶41.5 FEDERAL LAW ENFORCEMENT OFFICERS CONGRESSIONAL BADGE OF BRAVERY

Ms. LOFGREN of California, moved to suspend the rules and pass the bill (H.R. 4056) to establish an awards mechanism to honor Federal law enforcement officers injured in the line of duty; as amended.

The SPEAKER pro tempore, Ms. BALDWIN, recognized Ms. LOFGREN of California, and Mr. CHABOT, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Ms. BALDWIN, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶41.6 NATIONAL CRIME VICTIMS' RIGHTS WEEK

Ms. LOFGREN of California, moved to suspend the rules and agree to the resolution (H. Res. 1053):

Whereas 23,000,000 Americans are victims of crime each year, and of those, 5,200,000 are victims of violent crime;

Whereas a just society acknowledges crime's impact on individuals, families, and communities by ensuring that rights, resources, and services are available to help rebuild lives;

Whereas victims' rights are a critical component of the promise of ''justice for all,'' the foundation for our system of justice in America;

Whereas although our Nation has steadily expanded rights, protections, and services for victims of crime, too many victims are still not able to realize the hope and promise of these gains;

Whereas we must do better to ensure services are available for underserved segments of our population, including crime victims with disabilities, victims with mental illness, victims who are teenagers, victims who are elderly, victims in rural areas, and victims in communities of color;

Whereas observing victims' rights and treating victims with dignity and respect serves the public interest by engaging victims in the justice system, inspiring respect for public authorities, and promoting confidence in public safety;

Whereas America recognizes that we make our homes, neighborhoods, and communities safer and stronger by serving victims of crime and ensuring justice for all;

Whereas our Nation must strive to protect, expand, and observe crime victims' rights so that there truly is justice for victims and justice for all; and

Whereas National Crime Victims' Rights Week, April 13, 2008 through April 19, 2008, provides an opportunity for us to strive to reach the goal of justice for all by ensuring that all victims are afforded their legal rights and provided with assistance as they face the financial, physical, and psychological impact of crime: Now, therefore, be it

Resolved, That the United States House of Representatives—

(1) supports the mission and goals of the 2008 National Crime Victims' Rights Week in order to increase public awareness of the impact of crime on victims and survivors of crime, and of the rights and needs of such victims and survivors; and

(2) directs the Clerk of the House of Representatives to transmit an enrolled copy of this resolution to the Office for Victims of Crime in the Department of Justice.

The SPEAKER pro tempore, Ms. BALDWIN, recognized Ms. LOFGREN of California, and Mr. CHABOT, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Ms. BALDWIN, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶41.7 40TH ANNIVERSARY OF CIVIL RIGHTS

Mr. CONYERS moved to suspend the rules and agree to the resolution (H. Res. 1095):

Whereas April 11, 2008, marks the 40th anniversary of congressional passage of the Fair Housing Act;

Whereas September 13, 2008, marks the 20th anniversary of congressional passage of the Fair Housing Amendments Act of 1988;

Whereas the Chicago Freedom Movement, led by the Reverend Doctor Martin Luther King, Jr., expanded the fight for civil rights from the South to the North, raised the national consciousness about housing discrimination, and shaped the debate that led to the landmark fair housing legislation, the Fair Housing Act;

Whereas the National Advisory Commission on Civil Disorders, appointed by President Lyndon B. Johnson and commonly known as the Kerner Commission, found in 1968 that ''[o]ur nation is moving toward two societies, one black and one white—separate and unequal'';

Whereas Congress passed the Fair Housing Act as part of the Civil Rights Act of 1968, and President Lyndon B. Johnson signed the Act into law on April 11, 1968, one week after the assassination of the Reverend Doctor Martin Luther King, Jr.;

Whereas the Fair Housing Act prohibits discrimination in housing and housing-related transactions on the basis of race, color, national origin, and religion;

Whereas in section 808 of the Housing and Community Development Act of 1974, Congress amended the Fair Housing Act to include protection on the basis of sex;

Whereas the Fair Housing Amendments Act of 1988, passed by overwhelming margins in Congress, included protection on the basis of familial status and disability, created an important enforcement mechanism, and expanded the definition of ''discriminatory

housing practices'' to include interference and intimidation, requiring the Department of Housing and Urban Development to issue regulations to implement and interpret the Fair Housing Act and report annually to Congress on the nature and extent of housing discrimination;

Whereas the intent of Congress in passing the Fair Housing Act was broad and inclusive, to advance equal opportunity in housing and achieve racial integration for the benefit of all people in the United States;

Whereas housing integration affects educational attainment, employment opportunities, access to health care, and home equity;

Whereas the majority of Americans support neighborhood integration, and numerous studies have shown the universal benefits of residential integration;

Whereas more than 4,000,000 violations of fair housing laws still occur each year against people of all protected classes, and testing of the enforcement of fair housing laws continues to uncover a high rate of discrimination in the rental, sales, mortgage lending, and insurance markets;

Whereas less than 1 percent of violations of fair housing laws are reported each year;

Whereas fair housing centers funded by Fair Housing Initiatives Program (FHIP) are the frontline in the effort to resolve housing discrimination;

Whereas in 2006, approximately 27,000 housing discrimination complaints were filed, of which 18,000 complaints were resolved by fair housing centers;

Whereas the Fair Housing Assistance Program (FHAP) funds fair housing grants annually on a non-competitive basis to State and local fair housing enforcement agencies which are used for complaint processing, administrative costs, special enforcement efforts, training and other projects designed to enhance the agency's administration and enforcement of its fair housing law;

Whereas fair housing education and enforcement play a pivotal role in increasing housing choice and minority homeownership and combating predatory lending; and

Whereas the Fair Housing Act is an essential component of our Nation's civil rights legislation: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes and honors the 40th anniversary of the enactment of the Fair Housing Act (42 U.S.C. 3601 et seq.) and the 20th anniversary of the enactment of the Fair Housing Amendments Act of 1988 (Public Law 100–430; 102 Stat. 1619);

(2) supports activities to recognize and celebrate the important historical milestones represented by the anniversaries of the enactment of the Fair Housing Act and the enactment of the Fair Housing Amendments Act of 1988; and

(3) encourages all people and levels of government to rededicate themselves to the enforcement and the ideals of fair housing laws.6

The SPEAKER pro tempore, Ms. BALDWIN, recognized Mr. CONYERS and Mr. CHABOT, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Ms. BALDWIN, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶41.8 RELIGIOUS WORKER VISA EXTENSION

Mr. CONYERS moved to suspend the rules and pass the bill (H.R. 5570) to amend the Immigration and Nationality Act to eliminate the sunset in the special immigrant nonminister religious worker visa program; as amended.

The SPEAKER pro tempore, Ms. BALDWIN, recognized Mr. CONYERS and Mr. KING of Iowa, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Ms. BALDWIN, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

By unanimous consent, the title was amended so as to read: ''An Act to amend the Immigration and Nationality Act with respect to the special immigrant nonminister religious worker program, and for other purposes.''.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed and the title was amended was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶41.9 EMERGENCY ASSISTANCE FOR SECURE ELECTIONS

Ms. LOFGREN of California, moved to suspend the rules and pass the bill (H.R. 5036) to direct the Administrator of General Services to reimburse certain jurisdictions for the costs of obtaining paper ballot voting systems for the general elections for Federal office to be held in November 2008, to reimburse jurisdictions for the costs incurred in conducting audits or hand counting of the results of the general elections for Federal office to be held in November 2008, and for other purposes; as amended.

The SPEAKER pro tempore, Ms. BALDWIN, recognized Ms. LOFGREN of California, and Mr. EHLERS, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. SERRANO, announced that two-thirds of the Members present had voted in the affirmative.

Mr. EHLERS demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. SERRANO, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶41.10 SALARY REGULATIONS

Mr. BRADY of Pennsylvania, moved to suspend the rules and pass the bill (H.R. 5493) to provide that the usual day for paying salaries in or under the House of Representatives may be established by regulations of the Committee on House Administration.

The SPEAKER pro tempore, Mr. SERRANO, recognized Mr. BRADY of Pennsylvania, and Mr. EHLERS, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. SERRANO, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶41.11 EXERCISE FACILITY FOR EMPLOYEES OF THE HOUSE OF REPRESENTATIVES

Mr. BRADY of Pennsylvania, moved to suspend the rules and agree to the resolution (H. Res. 1068); as amended:

Resolved, That any active duty member of the Armed Forces who is assigned to a Congressional liaison office of the Armed Forces at the House of Representatives may obtain membership in the exercise facility established for employees of the House of Representatives (as described in section 103(a) of the Legislative Branch Appropriations Act, 2005) in the same manner as an employee of the House of Representatives, in accordance with such regulations as the Committee on House Administration may promulgate.

The SPEAKER pro tempore, Mr. SERRANO, recognized Mr. BRADY of Pennsylvania and Mr. EHLERS, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. SERRANO, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

By unanimous consent, the title was amended so as to read: ''A resolution permitting active duty members of the Armed Forces who are assigned to a Congressional liaison office of the Armed Forces at the House of Representatives to obtain membership in the exercise facility established for employees of the House of Representatives.''.

A motion to reconsider the votes whereby the rules were suspended and said resolution, as amended, was agreed to and the title was amended was, by unanimous consent, laid on the table.

¶41.12 CAPITOL ROTUNDA USE

On motion of Mr. BRADY of Pennsylvania, by unanimous consent, the Committee on House Administration was discharged from further consideration of the following concurrent resolution of the Senate (S. Con. Res. 71):

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. USE OF THE ROTUNDA OF THE CAPITOL FOR THE PRESENTATION OF THE CONGRESSIONAL GOLD MEDAL.

The rotunda of the United States Capitol is authorized to be used on April 23, 2008, for the presentation of the Congressional Gold Medal to Michael Ellis DeBakey, M.D. Physical preparations for the conduct of the ceremony shall be carried out in accordance with such conditions as may be prescribed by the Architect of the Capitol.

When said concurrent resolution was considered and agreed to.

A motion to reconsider the vote whereby said concurrent resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶41.13 PROVIDING FOR CONSIDERATION OF H.R. 5719

Ms. SUTTON, by direction of the Committee on Rules, called up the following resolution (H. Res. 1102):

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 5719) to amend the Internal Revenue Code of 1986 to conform return preparer penalty standards, delay implementation of withholding taxes on government contractors, enhance taxpayer protections, assist low-income taxpayers, and for other purposes. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. The amendment in the nature of a substitute recommended by the Committee on Ways and Means now printed in the bill shall be considered as adopted. The bill, as amended, shall be considered as read. All points of order against provisions of the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means; and (2) one motion to recommit with or without instructions.

SEC. 2. During consideration of H.R. 5719 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

When said resolution was considered.

Ms. SUTTON submitted the following amendment:

Add at the end the following new sections:

SEC. 3. Notwithstanding any other provision of this resolution, the amendment considered as adopted under the first section of this resolution shall be modified as specified in section 4.

SEC. 4. The modification referred to in section 3 is as follows:

Page 21, line 26, insert ''as related to account beneficiary substantiation requirements'' after ''flexible spending arrangements''.

Add at the end the following new section:

SEC. 20. GAO STUDY ON HEALTH SAVINGS ACCOUNTS.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study of the use of distributions from health savings accounts.

(b) SUBMISSION OF REPORT.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General shall submit a report on the findings of the study conducted under subsection (a) and shall include therein recommendations (if any) relating to such findings. The report shall be submitted to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate.

After debate,

Ms. SUTTON moved the previous question on the amendment and the resolution to their adoption or rejection.

The question being put, viva voce,

Will the House now order the previous question?

The SPEAKER pro tempore, Mr. SERRANO, announced that the yeas had it.

Mr. SESSIONS demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 220 Nays 196

¶41.14 [Roll No. 186]

YEAS—220

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

NAYS—196

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

NOT VOTING—15

Blunt	Honda	Pascrell
Capuano	LoBiondo	Peterson (PA)
Culberson	Mack	Richardson
Delahunt	Meek (FL)	Rush
Gohmert	Pallone	Wilson (NM)

So the previous question on the amendment and the resolution was ordered.

The question being put, viva voce,

Will the House agree to said amendment?

The SPEAKER pro tempore, Mr. SERRANO, announced that the yeas had it.

So the amendment was agreed to.

The question being put, viva voce,

Will the House agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. SERRANO, announced that the yeas had it.

Mr. SESSIONS demanded a recorded vote on agreeing to said resolution, as amended, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 222 Nays 195

¶41.15 [Roll No. 187]

AYES—222

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

NOES—195

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

NOT VOTING—14

Capuano	Honda	Peterson (PA)
Culberson	LoBiondo	Richardson
Delahunt	Mack	Rush
Gohmert	Pallone	Wilson (NM)
Gutierrez	Pascrell	

So the resolution, as amended, was agreed to.

A motion to reconsider the vote whereby said resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

¶41.16 H.R. 5036—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. SERRANO, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and pass the bill (H.R. 5036) to direct the Administrator of General Services to reimburse certain jurisdictions for the costs of obtaining paper ballot voting systems for the general elections for Federal office to be held in November 2008, to reimburse jurisdictions for the costs incurred in conducting audits or hand counting of the results of the general elections for Federal office to be held in November 2008, and for other purposes; as amended.

The question being put,

Will the House suspend the rules and pass said bill, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 239 Nays 178

¶41.17 [Roll No. 188]

YEAS—239

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

Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NAYS—178

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Coble
Conaway
Crenshaw
Cubin
Davis (KY)
Davis, David
Deal (GA)
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gilchrest
Gingrey
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Petri
Pickering
Pitts
Platts
Poe
Price (GA)
Pryce (OH)
Putnam
Radanovich
Rahall
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOT VOTING—14

Capuano
Culberson
Delahunt
Gohmert
Honda
LoBiondo
Mack
Pallone
Pascrell
Peterson (PA)
Rangel
Richardson
Rush
Wilson (NM)

So, less than two-thirds of the Members present having voted in favor thereof, the rules were not suspended and said bill, as amended, was not passed.

¶41.18 TAXPAYER ASSISTANCE AND SIMPLIFICATION

Mr. LEWIS of Georgia, pursuant to House Resolution 1102, called up for consideration the bill (H.R. 5719) to amend the Internal Revenue Code of 1986 to conform return preparer penalty standards, delay implemention of withholding taxes on government contractors, enhance taxpayer protections, assist low-income taxpayers, and for other purposes.

Pending consideration of the bill.

Pursuant to House Resolution 1102, the amendment in the nature of a substitute recommended by the Committee on Ways and Means printed in the bill, modified by the following amendment previously agreed to in the House, was considered as agreed to:

Add at the end the following new sections:

SEC. 3. Notwithstanding any other provision of this resolution, the amendment considered as adopted under the first section of this resolution shall be modified as specified in section 4.

SEC. 4. The modification referred to in section 3 is as follows:

Page 21, line 26, insert ''as related to account beneficiary substantiation requirements'' after ''flexible spending arrangements''.

Add at the end the following new section:

SEC. 20. GAO STUDY ON HEALTH SAVINGS ACCOUNTS.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study of the use of distributions from health savings accounts.

(b) SUBMISSION OF REPORT.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General shall submit a report on the findings of the study conducted under subsection (a) and shall include therein recommendations (if any) relating to such findings. The report shall be submitted to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate.

When said bill, as amended, was considered.

After debate,

Pursuant to House Resolution 1102, the previous question was ordered on the bill, as amended.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

Mr. HERGER moved to recommit the bill to the Committee on Ways and Means with instructions to report the bill back to the House promptly with the following amendment:

Add at the end the following new sections:

SEC. 20. DENIAL OF TAX EXEMPT INTEREST WITH RESPECT TO BONDS OF SANCTUARY STATES AND CITIES.

(a) IN GENERAL.—Paragraph (1) of section 103(c) (defining State or local bond) is amended by adding at the end the following new sentence: ''Such term shall not include any obligation of a State or political subdivision thereof, if such State or political subdivision has in effect a policy (whether statutory or otherwise) specifying that employees of such State or political subdivision are not required to notify Federal officials of an alien who may be unlawfully present in the United States.''

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to bonds issued after the date of the enactment of this Act.

SEC. 21. EFFORTS TO ADMINISTER EARNED INCOME TAX CREDIT.

The Secretary of the Treasury shall increase the efforts of the Internal Revenue Service to ensure, to the extent possible, that aliens unlawfully present in the United States are not allowed a credit under section 32 of the Internal Revenue Code of 1986 (relating to earned income).

After debate,

By unanimous consent, the previous question was ordered on the motion to recommit with instructions.

The question being put, viva voce,

Will the House recommit said bill with instructions?

The SPEAKER pro tempore, Ms. JACKSON-LEE of Texas, announced that the nays had it.

Mr. HERGER objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 6, rule XX, and the call was taken by electronic device.

When there appeared { Yeas ..... 210 / Nays 210

¶41.19 [Roll No. 189]

YEAS—210

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

NAYS—210

Abercrombie
Ackerman
Allen
Andrews
Arcuri
Baca
Baird
Baldwin
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer

Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carson
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Maloney (NY)
Markey
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pascrell
Pastor
Payne
Pelosi
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—12

Culberson
Cummings
Delahunt
Gohmert
Honda
Mack
Pallone
Peterson (PA)
Radanovich
Richardson
Rush
Wilson (NM)

So the motion to recommit with instructions was not agreed to.

¶41.20 POINT OF ORDER

Mr. WESTMORELAND made a point of order and said:

''I make a point of order that the electronic vote just completed violated clause 2(a) of rule XX which provides in part ''a recorded vote by electronic device shall not be held open for the sole purpose of reversing the outcome of such vote.''.

The SPEAKER pro tempore, Ms. JACKSON-LEE of Texas, spoke and said:

''As the Chair Advised on March 11, 2008, a challenge to the Chair's actions under clause 2 of rule 20 may be raised collaterally.''.

The question being put, viva voce,

Will the House pass said bill?

The SPEAKER pro tempore, Ms. JACKSON-LEE of Texas, announced that the yeas had it.

Mr. REYNOLDS demanded a recorded vote on passage of said bill, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 238 Nays 179

¶41.21 [Roll No. 190]

AYES—238

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

NOES—179

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

NOT VOTING—14

Culberson
Delahunt
Gohmert
Honda
Johnson, E. B.
Mack
Pallone
Paul
Peterson (MN)
Peterson (PA)
Radanovich
Richardson
Rush
Wilson (NM)

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶41.22 H.R. 5517—UNFINISHED BUSINESS

The SPEAKER pro tempore, Ms. JACKSON-LEE of Texas, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and pass the bill (H.R. 5517) to designate the facility of the United States Postal Service located at 7231 FM 1960 in Humble, Texas, as the ''Texas Military Veterans Post Office.''.

The question being put,

Will the House suspend the rules and pass said bill?

The vote was taken by electronic device.

It was decided in the affirmative { Yeas ..... 413 Nays 0

¶41.23 [Roll No. 191]

YEAS—413

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pascrell
Pastor
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—18

Cardoza
Chandler
Courtney
Culberson
Delahunt
Dicks
Gohmert
Honda
Linder
Mack
Pallone
Paul
Peterson (PA)
Radanovich
Rangel
Richardson
Rush
Wilson (NM) 6

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶41.24 CLERK TO CORRECT ENGROSSMENT

On motion of Mr. MCNULTY, by unanimous consent,

Ordered, That in the engrossment of the bill (H.R. 5719) to amend the Internal Revenue Code of 1986 to conform return preparer penalty standards, delay implementation of withholding taxes on government contractors, enhance taxpayer protections, assist low-income taxpayers, and for other purposes, the Clerk be authorized to make technical corrections in spelling, punctuation, section numbering, and cross-referencing, and the insertion of appropriate headings.

¶41.25 PROVIDING FOR CONSIDERATION OF H.R. 5715

Ms. CASTOR, by direction of the Committee on Rules, reported (Rept. No. 110–590) the resolution (H. Res. 1107) providing for consideration of the bill (H.R. 5715) to ensure continued availability of access to the Federal student loan program for students and families.

When said resolution and report were referred to the House Calendar and ordered printed.

¶41.26 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. CULBERSON, for today and balance of the week;

To Mr. LOBIONDO, for April 14 and until 6 p.m. today;

To Mr. MACK, for April 14 and balance of the week; and

To Mr. PALLONE, for today.

And then,

¶41.27 ADJOURNMENT

On motion of Mr. GILCHREST, at 11 o'clock and 25 minutes p.m., the House adjourned.

¶41.28 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

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

Ms. CASTOR: Committee on Rules. House Resolution 1107. Resolution providing for consideration of the bill (H.R. 5715) to ensure continued availability of access to the Federal student loan program for students and families (Rept. 110–590). Referred to the House Calendar.

¶41.29 PUBLIC BILLS AND RESOLUTIONS

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

By Mr. DEFAZIO (for himself, Mr. COSTELLO, Mr. PETRI, Mr. DUNCAN, Mr. OBERSTAR, Mr. LIPINSKI, Mr. FILNER, Mr. COHEN, Mr. BOOZMAN, Mr. CAPUANO, and Mr. GEORGE MILLER of California):

H.R. 5788. A bill to amend title 49, United States Code, to establish prohibitions against voice communications using a mobile communications device on commercial airline flights, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. WU (for himself, Mr. GORDON, Mr. BAIRD, and Mr. WILSON of Ohio):

H.R. 5789. A bill to reauthorize the Small Business Innovation Research (SBIR) Program and the Small Business Technology Transfer (STTR) Program, and for other purposes; to the Committee on Small Business, and in addition to the Committee on Science and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FOSTER:

H.R. 5790. A bill to amend the Internal Revenue Code of 1986 to allow the deduction for State and local real property taxes whether or not the taxpayer itemizes other deductions, and for other purposes; to the Committee on Ways and Means.

By Ms. SHEA-PORTER (for herself and Mr. LATHAM):

H.R. 5791. A bill to amend title 10, United States Code, to clarify the effective date of active duty of members of the reserve components of the Armed Forces receiving an alert order anticipating a call or order to active duty in support of a contingency operation for purposes of entitlement to medical

and dental care as members of the Armed Forces on active duty; to the Committee on Armed Services.

By Mr. MOORE of Kansas (for himself, Ms. PRYCE of Ohio, Mr. CAMPBELL of California, and Mr. KLEIN of Florida):

H.R. 5792. A bill to amend the Liability Risk Retention Act of 1986 to increase insurance competition and available coverage for consumers; to the Committee on Financial Services.

By Ms. ZOE LOFGREN of California (for herself, Mr. CANNON, Mr. COHEN, Mr. CHABOT, Mr. MEEKS of New York, and Mr. SENSENBRENNER):

H.R. 5793. A bill to restrict any State or local jurisdiction from imposing a new discriminatory tax on cell phone services, providers, or property; to the Committee on the Judiciary.

By Mr. BRADY of Texas (for himself, Mr. AKIN, Mr. BACHUS, Mr. BARRETT of South Carolina, Mr. BARTLETT of Maryland, Mr. BILBRAY, Mrs. BLACKBURN, Mr. BLUNT, Mr. BROUN of Georgia, Ms. GINNY BROWN-WAITE of Florida, Mr. BURTON of Indiana, Mr. CAMPBELL of California, Mr. CARTER, Mr. CHABOT, Mr. COLE of Oklahoma, Mr. CONAWAY, Mr. EDWARDS, Mr. ENGLISH of Pennsylvania, Mr. FEENEY, Mr. FLAKE, Ms. FOXX, Mr. GARRETT of New Jersey, Mr. GOHMERT, Mr. GOODE, Mr. HALL of Texas, Mr. HENSARLING, Mr. HERGER, Mr. HOEKSTRA, Mr. INGLIS of South Carolina, Mr. SAM JOHNSON of Texas, Mr. JONES of North Carolina, Mr. KING of Iowa, Mr. KINGSTON, Mr. LAMBORN, Mr. MCCAUL of Texas, Mr. MCCOTTER, Mr. MCKEON, Mr. MACK, Mrs. BONO MACK, Mr. MARCHANT, Mrs. MYRICK, Mr. MILLER of Florida, Mr. MORAN of Kansas, Mr. NEUGEBAUER, Mr. PAUL, Mr. PENCE, Mr. PITTS, Mr. PRICE of Georgia, Mr. RYAN of Wisconsin, Mr. SENSENBRENNER, Mr. SESSIONS, Mr. SHIMKUS, Mr. STEARNS, Mr. TERRY, Mr. THORNBERRY, Mr. WELLER, and Mr. WESTMORELAND):

H.R. 5794. A bill to provide for the periodic review of the efficiency and public need for Federal agencies, to establish a Commission for the purpose of reviewing the efficiency and public need of such agencies, and to provide for the abolishment of agencies for which a public need does not exist; to the Committee on Oversight and Government Reform.

By Mr. CAMPBELL of California:

H.R. 5795. A bill to require the Secretary of the Interior to notify units of local government when a Native American group files a petition to become a federally recognized Indian tribe and before the decision on the petition is made, and for other purposes; to the Committee on Natural Resources.

By Ms. CLARKE:

H.R. 5796. A bill to provide funding for the Neighborhood Reinvestment Corporation for mortgage foreclosure mitigation activities; to the Committee on Appropriations.

By Mrs. DRAKE:

H.R. 5797. A bill to amend title 5, United States Code, to provide for a qualified Roth contribution program under the Thrift Savings Plan; to the Committee on Oversight and Government Reform.

By Mr. HILL:

H.R. 5798. A bill to amend the Internal Revenue Code of 1986 to allow a credit for care packages provided for soldiers in combat zones; to the Committee on Ways and Means.

By Ms. EDDIE BERNICE JOHNSON of Texas:

H.R. 5799. A bill to amend titles XVIII and XIX of the Social Security Act to improve the transparency of information on skilled nursing facilities and nursing facilities and to clarify and improve the targeting of the enforcement of requirements with respect to such facilities; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KANJORSKI:

H.R. 5800. A bill to amend the Internal Revenue Code of 1986 to impose a windfall profit tax on oil and natural gas (and products thereof) and to appropriate the proceeds for the Low-Income Home Energy Assistance Program; to the Committee on Ways and Means, and in addition to the Committee on Appropriations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LAMPSON (for himself, Mr. BOSWELL, Mr. SPACE, Mr. HILL, Mr. BARROW, and Mr. MELANCON):

H.R. 5801. A bill to provide for direct access to electronic tax return filing, and for other purposes; to the Committee on Ways and Means.

By Ms. LEE (for herself, Mr. ELLISON, and Mr. DAVIS of Illinois):

H.R. 5802. A bill to amend the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 to repeal the denial of food stamp eligibility of ex-offenders; to the Committee on Agriculture.

By Ms. ZOE LOFGREN of California:

H.R. 5803. A bill to direct the Election Assistance Commission to establish a program to make grants to participating States and units of local government which will administer the regularly scheduled general election for Federal office held in November 2008 for carrying out a program to make backup paper ballots available in the case of the failure of a voting system or voting equipment in the election or some other emergency situation, and for other purposes; to the Committee on House Administration.

By Mr. MCDERMOTT (for himself, Mr. TIERNEY, Mr. NEAL of Massachusetts, Mr. STARK, Mr. LEWIS of Georgia, Mr. DOGGETT, Mr. EMANUEL, Mr. PASCRELL, Ms. BERKLEY, Mr. CROWLEY, Ms. SCHWARTZ, Mr. DAVIS of Alabama, Ms. DELAURO, Mr. GEORGE MILLER of California, Ms. LINDA T. SÁNCHEZ of California, Mr. HARE, Ms. SUTTON, Mr. HONDA, Mr. HIGGINS, Mr. BRADY of Pennsylvania, Mr. GRIJALVA, Mr. CUMMINGS, Mr. KAGEN, and Mr. LEVIN):

H.R. 5804. A bill to amend the Internal Revenue Code of 1986 to modify the rules relating to the treatment of individuals as independent contractors or employees, and for other purposes; to the Committee on Ways and Means.

By Mr. PEARCE:

H.R. 5805. A bill to establish a new solar energy future for America through public-private partnership and energy leasing for reliable and affordable energy for the American people, and for other purposes; to the Committee on Natural Resources.

By Mr. RUSH (for himself and Mr. UPTON):

H.R. 5806. A bill to permit universal service support to schools under the Communications Act of 1934 to be used for enhanced emergency notification services; to the Committee on Energy and Commerce.

By Mr. SALAZAR:

H.R. 5807. A bill to amend title 10, United States Code, to provide for the distribution of a share of certain mineral revenues, and for other purposes; to the Committee on Natural Resources, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. SLAUGHTER (for herself, Mr. BLUMENAUER, Mrs. CAPPS, Mr. CONYERS, Mr. ELLISON, Mr. GRIJALVA, Mr. HINCHEY, Ms. JACKSON-LEE of Texas, Ms. MCCOLLUM of Minnesota, Mr. MCGOVERN, Mr. MCNULTY, Mr. GEORGE MILLER of California, Mr. MORAN of Virginia, Mr. VAN HOLLEN, Mr. WAXMAN, and Mr. HONDA):

H.R. 5808. A bill to amend the Public Health Service Act to authorize the National Institute of Environmental Health Sciences to develop multidisciplinary research centers regarding women's health and disease prevention, and for other purposes; to the Committee on Energy and Commerce.

By Ms. SLAUGHTER (for herself, Mr. BLUMENAUER, Mrs. CAPPS, Mr. CONYERS, Mr. ELLISON, Mr. GRIJALVA, Mr. HINCHEY, Ms. JACKSON-LEE of Texas, Ms. MCCOLLUM of Minnesota, Mr. MCGOVERN, Mr. MCNULTY, Mr. GEORGE MILLER of California, Mr. MORAN of Virginia, Mr. VAN HOLLEN, Mr. WAXMAN, and Mr. HONDA):

H.R. 5809. A bill to amend the Public Health Service Act to authorize the National Institute of Environmental Health Sciences to conduct and coordinate a research program on hormone disruption, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Natural Resources, and Science and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. VELÁZQUEZ:

H.R. 5810. A bill to amend title V of the Social Security Act to provide grants for school-based mentoring programs for at risk teenage girls to prevent and reduce teen pregnancy, and to provide student loan forgiveness for mentors participating in such programs; to the Committee on Energy and Commerce, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WAXMAN (for himself, Mr. CLAY, and Mr. HODES):

H.R. 5811. A bill to amend title 44, United States Code, to require preservation of certain electronic records by Federal agencies, to require a certification and reports relating to Presidential records, and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. YOUNG of Alaska (for himself, Mr. PAUL, and Mr. CANTOR):

H.R. 5812. A bill to amend title II of the Social Security Act to authorize waivers by the Commissioner of Social Security of the 5-month waiting period for entitlement to benefits based on disability in cases in which the Commissioner determines that such waiting period would cause undue hardship to terminally ill beneficiaries; to the Committee on Ways and Means.

By Mr. CONYERS (for himself, Ms. KILPATRICK, Mr. KILDEE, Mr. UPTON, Mr. MCCOTTER, Mr. CAMP of Michigan, Mr. EHLERS, Mr. DINGELL, Mr. WALBERG, Mr. KNOLLENBERG, Mr. ROGERS of Michigan, Mr. LEVIN, Mr. STUPAK, Mr. HOEKSTRA, and Mrs. MILLER of Michigan):

H. Con. Res. 327. Concurrent resolution congratulating and saluting Focus: HOPE on its 40th anniversary and for its remarkable commitment and contributions to Detroit, the State of Michigan, and the United

States; to the Committee on Oversight and Government Reform.

By Mr. ENGEL (for himself, Ms. BALDWIN, Mrs. CAPPS, Mrs. DAVIS of California, Mr. ELLISON, Mr. FARR, Mr. FATTAH, Mr. GRIJALVA, Mr. GUTIERREZ, Mr. HOLT, Mr. HONDA, Mr. LOEBSACK, Mrs. LOWEY, Mrs. MALONEY of New York, Mr. MCDERMOTT, Mr. MCGOVERN, Mr. MCNULTY, Mr. NADLER, Ms. NORTON, Mr. PALLONE, Mr. ROTHMAN, Ms. LINDA T. SÁNCHEZ of California, Ms. SCHAKOWSKY, Mr. SIRES, Ms. SOLIS, Mr. STARK, Ms. SUTTON, Mr. TOWNS, Ms. WASSERMAN SCHULTZ, Mr. WEINER, Mr. WEXLER, and Ms. WOOLSEY):

H. Con. Res. 328. Concurrent resolution supporting the goals and ideals of the National Day of Silence with respect to antilesbian, gay, bisexual, and transgender name-calling, bullying, and harassment faced by individuals in schools; to the Committee on Education and Labor, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SHAYS (for himself and Mr. REICHERT):

H. Res. 1108. A resolution expressing the sense of the House of Representatives that future Iraq reconstruction should be paid for by the Government of Iraq; to the Committee on Foreign Affairs.

By Mr. SIRES:

H. Res. 1109. A resolution honoring the memory of Dith Pran by remembering his life's work and continuing to acknowledge and remember the victims of genocides that have taken place around the globe; to the Committee on Foreign Affairs.

¶41.30 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 25: Mr. BARRETT of South Carolina.

H.R. 351: Ms. SCHAKOWSKY, Ms. NORTON, and Mr. BRADY of Pennsylvania.

H.R. 406: Mr. BUYER, Mr. COBLE, Mr. DAVIS of Kentucky, Mr. DOOLITTLE, Mr. EHLERS, Ms. GRANGER, Mr. HAYES, Mr. SAM JOHNSON of Texas, Mr. MARCHANT, Mr. RAMSTAD, Mr. ROYCE, Mr. SHUSTER, and Mr. TURNER.

H.R. 471: Mr. LOBIONDO, Ms. DELAURO, Mr. KELLER, and Mr. HINOJOSA.

H.R. 510: Mr. YOUNG of Alaska, Mr. BARTON of Texas, Mr. CALVERT, Mr. LEWIS of California, Mr. GARY G. MILLER of California, Mr. HOEKSTRA, Mr. WITTMAN of Virginia, Mr. PEARCE, and Mr. SULLIVAN.

H.R. 643: Mr. VAN HOLLEN.

H.R. 657: Mr. HONDA.

H.R. 661: Mr. ELLISON.

H.R. 688: Mr. JONES of North Carolina and Mr. GERLACH.

H.R. 728: Mr. ALTMIRE.

H.R. 919: Ms. FOXX.

H.R. 953: Ms. FOXX.

H.R. 981: Mr. RYAN of Ohio.

H.R. 1043: Ms. SLAUGHTER.

H.R. 1050: Mr. THOMPSON of Mississippi, Ms. JACKSON-LEE of Texas, Mr. ELLISON, and Mr. HONDA.

H.R. 1056: Mr. HOEKSTRA.

H.R. 1057: Mr. HOEKSTRA.

H.R. 1076: Mr. DAVIS of Kentucky and Mr. MCKEON.

H.R. 1185: Mr. GRIJALVA.

H.R. 1190: Mr. TOWNS and Mr. GRIJALVA.

H.R. 1228: Mr. ALLEN.

H.R. 1293: Mr. AKIN.

H.R. 1303: Mr. CHANDLER.

H.R. 1380: Mrs. BONO MACK.

H.R. 1524: Mr. JACKSON of Illinois, Mr. CASTLE, Mr. HARE, Mr. ORTIZ, and Mr. WALBERG.

H.R. 1540: Mr. BRADY of Pennsylvania, Mrs. LOWEY, and Mr. BARTLETT of Maryland.

H.R. 1707: Mrs. LOWEY.

H.R. 1742: Mr. JACKSON of Illinois, Mr. LYNCH, Mrs. NAPOLITANO, and Mr. JEFFERSON.

H.R. 1776: Mr. CARNAHAN, Mr. LOEBSACK, and Mr. CHANDLER.

H.R. 1843: Mr. BLUNT and Mr. ENGLISH of Pennsylvania.

H.R. 1884: Ms. KAPTUR, Mrs. BOYDA of Kansas, Mr. FRANKS of Arizona, Mr. PASCRELL, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. HILL, and Mr. HELLER.

H.R. 1921: Mr. FRANK of Massachusetts.

H.R. 1932: Mr. TIBERI and Mr. DAVID DAVIS of Tennessee.

H.R. 1983: Mr. CHANDLER.

H.R. 2188: Mr. GERLACH and Mr. ALLEN.

H.R. 2267: Mr. PLATTS.

H.R. 2329: Mrs. BACHMANN, Mr. KLEIN of Florida, Mr. WELCH of Vermont, and Mr. ENGLISH of Pennsylvania.

H.R. 2332: Mr. GENE GREEN of Texas, Mr. YOUNG of Alaska, and Mr. SHADEGG.

H.R. 2343: Mr. KENNEDY.

H.R. 2371: Mr. RUPPERSBERGER, Mr. ROSS, Mr. TERRY, Mr. TOWNS, Mr. BUTTERFIELD, Mr. ALTMIRE, and Mr. BRALEY of Iowa.

H.R. 2380: Mr. KAGEN and Mr. HOBSON.

H.R. 2421: Ms. TSONGAS.

H.R. 2458: Mr. BRADY of Texas.

H.R. 2593: Ms. SCHAKOWSKY, Ms. SUTTON, and Mr. HONDA.

H.R. 2676: Mr. PLATTS and Mr. BRALEY of Iowa.

H.R. 2686: Mr. MCINTYRE and Mr. POMEROY.

H.R. 2892: Ms. LEE and Mr. FRANK of Massachusetts.

H.R. 2976: Mr. COHEN and Ms. SCHAKOWSKY.

H.R. 3054: Ms. WATERS.

H.R. 3149: Mr. CARTER.

H.R. 3189: Mr. CONYERS.

H.R. 3463: Mr. BLUMENAUER.

H.R. 3543: Mr. MCGOVERN.

H.R. 3544: Mr. HINOJOSA, Mr. HILL, Mr. BRADY of Pennsylvania, and Mr. CRAMER.

H.R. 3616: Mr. MOORE of Kansas.

H.R. 3642: Mr. MCGOVERN.

H.R. 3652: Mr. GRIJALVA, Mr. LEWIS of Georgia, and Mr. OBERSTAR.

H.R. 3654: Mr. CARSON and Mr. HILL.

H.R. 3658: Mr. MCDERMOTT.

H.R. 3660: Mr. SESSIONS and Mr. HUNTER.

H.R. 3728: Ms. WOOLSEY, Mr. FATTAH, and Ms. SCHAKOWSKY.

H.R. 3797: Mr. KIND.

H.R. 3818: Mr. LATTA and Mr. HUNTER.

H.R. 3886: Mr. RYAN of Ohio.

H.R. 3981: Mr. ALEXANDER.

H.R. 4044: Mr. GONZALEZ, Mr. PETERSON of Minnesota, Mr. BISHOP of Georgia, and Mr. HINOJOSA.

H.R. 4061: Mr. MARSHALL.

H.R. 4093: Mr. ARCURI.

H.R. 4126: Mr. MCKEON, Mr. ENGLISH of Pennsylvania, Mrs. JONES of Ohio, and Mr. NUNES.

H.R. 4188: Mr. HONDA and Ms. WASSERMAN SCHULTZ.

H.R. 4204: Ms. WASSERMAN SCHULTZ.

H.R. 4236: Mr. WALZ of Minnesota.

H.R. 4279: Ms. WATSON.

H.R. 4310: Mr. HARE.

H.R. 4651: Mr. WELCH of Vermont.

H.R. 4775: Mrs. MALONEY of New York and Mr. WAXMAN.

H.R. 4838: Mr. WELCH of Vermont.

H.R. 4926: Mr. BLUMENAUER.

H.R. 4927: Mr. UDALL of Colorado.

H.R. 4930: Mr. BRALEY of Iowa.

H.R. 4934: Mr. WILSON of Ohio.

H.R. 4987: Mr. CALVERT.

H.R. 5032: Mr. DOOLITTLE, Mr. SENSENBRENNER, Mr. ALEXANDER, Mr. TIAHRT, Mr. PICKERING, and Mr. SHADEGG.

H.R. 5057: Mr. MOORE of Kansas.

H.R. 5131: Mr. BURGESS.

H.R. 5174: Mr. MCNULTY.

H.R. 5176: Ms. JACKSON-LEE of Texas.

H.R. 5223: Ms. BERKLEY and Mr. HARE.

H.R. 5236: Mr. SHADEGG.

H.R. 5315: Mr. CARSON.

H.R. 5441: Mr. LIPINSKI and Mr. MICA.

H.R. 5443: Mr. FOSSELLA.

H.R. 5445: Mr. ELLISON and Mr. KLINE of Minnesota.

H.R. 5447: Ms. SCHWARTZ, Mr. HONDA, Mr. LINCOLN DAVIS of Tennessee, Mrs. MALONEY of New York, Mr. BLUMENAUER, Mr. HINOJOSA, Mr. BRALEY of Iowa, Mr. BISHOP of Georgia, and Mr. BERMAN.

H.R. 5450: Mr. ALTMIRE.

H.R. 5461: Mr. ALLEN.

H.R. 5466: Ms. SUTTON.

H.R. 5473: Mr. DELAHUNT, Mr. WALZ of Minnesota, Mr. WEXLER, Mr. MARKEY, Mr. MCINTYRE, Mr. FRANK of Massachusetts, Mr. WILSON of Ohio, Mr. BARROW, Mr. MURPHY of Connecticut, Mr. HINCHEY, Mr. HODES, Ms. GIFFORDS, Mr. MCGOVERN, Mr. WAXMAN, Mr. BRALEY of Iowa, Ms. SHEA-PORTER, Ms. SCHAKOWSKY, Mr. EMANUEL, Mrs. CAPPS, and Mr. CARSON.

H.R. 5481: Mr. YOUNG of Alaska.

H.R. 5488: Mr. MCDERMOTT and Mr. KUCINICH.

H.R. 5490: Mr. BARRETT of South Carolina.

H.R. 5515: Mr. GOHMERT.

H.R. 5546: Mr. ENGLISH of Pennsylvania.

H.R. 5561: Ms. HERSETH SANDLIN and Mr. MCHUGH.

H.R. 5585: Mr. PRICE of North Carolina.

H.R. 5591: Mr. SOUDER, Mr. WALBERG, and Mr. HINOJOSA.

H.R. 5595: Mr. SOUDER, Mr. CARSON, Mr. ENGLISH of Pennsylvania, and Mr. HARE.

H.R. 5596: Mr. SENSENBRENNER, Mr. TANCREDO, Mr. BILBRAY, and Mr. FRANKS of Arizona.

H.R. 5609: Mr. PAYNE.

H.R. 5611: Mr. PLATTS and Mr. AKIN.

H.R. 5613: Mr. LOBIONDO, Mr. BRADY of Pennsylvania, Mr. KLEIN of Florida, Mr. LINCOLN DIAZ-BALART of Florida, Mr. MELANCON, Mr. RUSH, Mr. COHEN, Mr. BACA, Mr. HINOJOSA, Mr. COURTNEY, and Mr. RYAN of Ohio.

H.R. 5627: Mr. SESSIONS, Mr. SHULER, Mrs. MILLER of Michigan, Mr. PENCE, Mr. KUHL of New York, and Mr. KNOLLENBERG.

H.R. 5629: Mr. DELAHUNT and Mr. NUNES.

H.R. 5642: Mr. DANIEL E. LUNGREN of California and Mr. GOHMERT.

H.R. 5646: Mr. KINGSTON, Mr. WESTMORELAND, Mr. LINDER, Mr. BARTLETT of Maryland, Mrs. BLACKBURN, Mr. AKIN, Mr. DEAL of Georgia, Mr. FRANKS of Arizona, Mr. GOHMERT, Mr. MARCHANT, Mr. ADERHOLT, and Mr. FEENEY.

H.R. 5659: Mr. PAUL.

H.R. 5684: Mr. WELCH of Vermont, Mr. HINOJOSA, Mr. SPACE, and Mr. ROSS.

H.R. 5695: Mr. GINGREY, Mr. HELLER, and Mr. GALLEGLY.

H.R. 5709: Mr. BOSWELL, Mr. ENGLISH of Pennsylvania, and Mrs. BOYDA of Kansas.

H.R. 5712: Mr. SARBANES, Mr. BRALEY of Iowa, Mr. HODES, and Mr. MURPHY of Connecticut.

H.R. 5717: Mr. YOUNG of Alaska.

H.R. 5731: Mr. CAMPBELL of California, Mr. GARY G. MILLER of California, and Mr. ENGLISH of Pennsylvania.

H.R. 5734: Ms. CORRINE BROWN of Florida, Ms. LINDA T. SANCHEZ of California, Mr. MCDERMOTT, Mr. ELLISON, and Mr. MCGOVERN.

H.R. 5737: Mrs. DRAKE, Mr. SOUDER, and Mr. BUCHANAN.

H.R. 5740: Mr. SIRES, Mrs. MILLER of Michigan, Mr. CARSON, Mr. DONNELLY, and Mr. FEENEY.

H.R. 5749: Mr. BLUMENAUER, Mr. POMEROY, Mr. DINGELL, Mr. WILSON of Ohio, Mr. STUPAK, and Mr. KILDEE.

H.R. 5752: Mr. MANZULLO.

H.R. 5753: Mr. MCGOVERN.

H.R. 5759: Mr. HASTINGS of Washington.

H.R. 5762: Mr. DEFAZIO.
H.R. 5770: Mr. HONDA.
H.R. 5775: Mr. SHADEGG.
H. Con. Res. 70: Mr. DELAHUNT.
H. Con. Res. 195: Mr. TANNER, Mrs. CAPPS, Mr. COHEN, Mr. MARCHANT, Ms. BORDALLO, Ms. GRANGER, and Mr. HINOJOSA.
H. Con. Res. 223: Mr. WALZ of Minnesota.
H. Con. Res. 244: Mr. HUNTER, Mr. MAHONEY of Florida, Mr. CULBERSON, and Mr. DICKS.
H. Con. Res. 295: Mr. MCCARTHY of California, Mr. ABERCROMBIE, and Mr. WITTMAN of Virginia.
H. Con. Res. 298: Mr. BURTON of Indiana.
H. Con. Res. 322: Mr. HIGGINS, Mr. LINCOLN DIAZ-BALART of Florida, Mr. MICHAUD, Mr. ALTMIRE, Mr. DAVIS of Alabama, Mr. PERLMUTTER, Mr. HELLER, Mr. YOUNG of Alaska, Mr. SMITH of New Jersey, Mr. UDALL of Colorado, Mr. SMITH of Texas, Mr. BILIRAKIS, Mr. REHBERG, Mr. LARSEN of Washington, Mr. COSTA, Mr. YARMUTH, Mr. UDALL of New Mexico, Mr. ELLISON, Mr. SHAYS, Mr. BOOZMAN, Mr. SALI, Mr. POMEROY, Mr. SOUDER, Mr. ALEXANDER, Mr. CRENSHAW, and Mr. NUNES.
H. Res. 353: Mr. BUTTERFIELD.
H. Res. 373: Ms. TSONGAS.
H. Res. 887: Mr. MCINTYRE.
H. Res. 896: Mrs. BONO MACK.
H. Res. 1008: Mr. WAMP.
H. Res. 1011: Ms. ZOE LOFGREN of California, and Ms. ESHOO.
H. Res. 1043: Mr. BRADY of Pennsylvania, and Mr. HARE.
H. Res. 1069: Mr. MANZULLO.
H. Res. 1091: Mr. MICA, and Mr. MARIO DIAZ-BALART of Florida.
H. Res. 1095: Mrs. JONES of Ohio.
H. Res. 1096: Mr. CLEAVER, Mr. UDALL of New Mexico, Mr. BOSWELL, Mr. SALAZAR, Mr. ISRAEL, Mr. WU, Mrs. CAPPS, Mr. ELLISON, Mr. GONZALEZ, Ms. BERKLEY, Mr. BAIRD, Mr. TAYLOR, Mr. RYAN of Ohio, Mr. POMEROY, Mr. KIRK, Mr. MATHESON, and Ms. HERSETH SANDLIN.

WEDNESDAY, APRIL 16, 2008 (42)

¶42.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Ms. DEGETTE, who laid before the House the following communication:

WASHINGTON, DC,
April 16, 2008.

I hereby appoint the Honorable DIANA DEGETTE to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

¶42.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Ms. DEGETTE, announced she had examined and approved the Journal of the proceedings of Tuesday, April 15, 2008.

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

¶42.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

6119. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Pyroxsulam; Pesticide Tolerances [EPA-HQ-OPP-2006-0785; FRL-8349-9] received February 21, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6120. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Dibasic Esters (DBE); Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2007-0182; FRL-8341-4] received February 21, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6121. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Cyfluthrin; Pesticide Tolerance [EPA-HQ-OPP-2006-0857; FRL-8350-3] received February 21, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6122. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — National Emission Standards for Hazardous Air Pollutants for Source Categories: Gasoline Distribution Bulk Terminals, Bulk Plants, and Pipeline Facilities and Gasoline Dispensing Facilities; Correction [EPA-HQ-OAR-2006-0406, FRL-8540-2] (RIN: 2060-AM74) received March 4, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6123. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — In-Use Testing for Heavy-Duty Diesel Engines and Vehicles; Emission Measurement Accuracy Margins for Portable Emission Measurement Systems and Program Revisions [EPA-HQ-OAR-2004-0072; FRL-8539-3] (RIN: 2060-A069) received March 4, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6124. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Determination of Nonattainment and Reclassification of the Atlanta, Georgia 8-hour Ozone Nonattainment Area [EPA-R04-OAR-2007-0958-200802; FRL-8539-2] received March 4, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6125. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Wisconsin; Approval of Construction Permit Waiver [EPA-R05-OAR-2007-0717; FRL-8533-1] received March 4, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6126. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Maryland; Update to Materials Incorporated by Reference; Correction [MD201-3117; FRL-8536-3] received March 4, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6127. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Maine; Open Burning Rule [EPA-R01-OAR-2005-ME-0008; A-1-FRL-8526-5] received February 21, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6128. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Virginia; Amendments to Existing Regulation Provisions Concerning Reasonably Available Control Technology [EPA-R03-OAR-2007-1169; FRL-8532-6] received February 21, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6129. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of State Implementation Plans; Montana; Revisions to Administrative Rules of Montana, and Interstate Transport of Pollution [EPA-R08-OAR-2007-0646; FRL-8527-1] received February 21, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6130. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Texas; Revisions to Control Volatile Organic Compound Emissions; Volatile Organic Compound Control for El Paso, Gregg, Nueces, and Victoria Counties and the Ozone Standard Nonattainment Areas of Beaumont/Port Arthur, Dallas/Fort Worth, and Houston/Galveston [EPA-R06-OAR-2005-TX-0015; FRL-8532-1] received February 21, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6131. A letter from the Federal Register Certifying Officer, Department of the Treasury, transmitting the Department's final rule — Standards for the Administrative Collection of Claims [A.G. Order No. 2918-2007] (Treasury RIN: 1510-AA91) received March 4, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

6132. A letter from the Deputy Under Secretary for Management, Department of Homeland Security, transmitting the Department's Fiscal Year 2009-2013 Future Years Homeland Security Program, pursuant to 6 U.S.C. 454 Public Law 107-296, section 874(c); to the Committee on Homeland Security.

6133. A letter from the Under Secretary for Acquisition, Technology and Logistics, Department of Defense, transmitting the Fiscal Year 2007 Defense Environmental Programs Annual Report, pursuant to 10 U.S.C. 2706; jointly to the Committees on Armed Services and Energy and Commerce.

6134. A letter from the Secretary, Department of Health and Human Services, transmitting the Medicare Beneficiary Ombudsman Annual Report for Calendar Years 2005-2006, pursuant to Public Law 108-173, section 923(a) (117 Stat. 2394); jointly to the Committees on Energy and Commerce and Ways and Means.

6135. A letter from the Assistant Secretary of the Army for Civil Works, Department of Defense, transmitting a legislative proposal to address the declining balance in the Inland Waterways Trust Fund (IWTF); jointly to the Committees on Transportation and Infrastructure and Ways and Means.

6136. A letter from the Chairman, Medicare Payment Advisory Commission, transmitting a copy of the Commission's ''March 2008 Report to the Congress: Medicare Payment Policy''; jointly to the Committees on Ways and Means and Energy and Commerce.

6137. A letter from the Director, Office of Personnel Management, transmitting a legislative proposal entitled, ''Federal Employees Short-term Disability Security Act of 2008''; jointly to the Committees on Oversight and Government Reform, House Administration, and the Judiciary.

¶42.4 FARM SECURITY AND RURAL INVESTMENT

Mr. PETERSON of Minnesota, moved to suspend the rules and pass the bill (H.R. 5813) to amend Public Law 110-196 to provide for a temporary extension of programs authorized by the Farm Security and Rural Investment Act of 2002 beyond April 18, 2008.

The SPEAKER pro tempore, Ms. DEGETTE, recognized Mr. PETERSON

of Minnesota, and Mr. GOODLATTE, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Ms. DEGETTE, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶42.5 PROVIDING FOR CONSIDERATION OF H.R. 5715

Ms. CASTOR, by direction of the Committee on Rules, called up the following resolution (H. Res. 1107):

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 5715) to ensure continued availability of access to the Federal student loan program for students and families. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and contrilled by the chairman and ranking minority member of the Committee on Education and Labor. After general debate the bill shall be considered for amendment under the five-minute rule. The amendment printed in part A of the report of the Committee on Rules accompanying this resolution shall be considered as adopted in the House and in the Committee of the Whole. The bill, as amended, shall be considered as the original bill for the purpose of further amendment under the five-minute rule and shall be considered as read. All points of order against provisions in the bill, as amended, are waived. Notwithstanding clause 11 of rule XVIII, no further amendment to the bill, as amended, shall be in order except those printed in part B of the report of the Committee on Rules. Each further amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such further amendments are waived except those arising under clause 9 or 10 of rule XXI. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill, as amended, to the House with such further amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. During consideration in the House of H.R. 5715 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

When said resolution was considered.

After debate,

Ms. CASTOR moved the previous question on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House now order the previous question?

The SPEAKER pro tempore, Ms. DEGETTE, announced that the yeas had it.

Mr. Lincoln DIAZ-BALART of Florida, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Ms. DEGETTE, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶42.6 MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 3221. An Act moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation.

¶42.7 PROVIDING FOR CONSIDERATION OF H.R. 2634

Mr. WELCH of Vermont, by direction of the Committee on Rules, called up the following resolution (H. Res. 1103):

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2634) to provide for greater responsibility in lending and expanded cancellation of debts owed to the United States and the international financial institutions by low-income countries, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Financial Services. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Financial Services now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived except those arising under clause 10 of rule XXI. Notwithstanding clause 11 of rule XVIII, no amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived except those arising under clause 9 or 10 of rule XXI. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. During consideration in the House of H.R. 2634 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

When said resolution was considered.

After debate,

Mr. WELCH of Vermont, moved the previous question on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House now order the previous question?

The SPEAKER pro tempore, Ms. DEGETTE, announced that the yeas had it.

Mr. SESSIONS demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 217 / Nays 196

¶42.8 [Roll No. 192]

YEAS—217

Abercrombie	Castor	Emanuel
Ackerman	Chandler	Engel
Allen	Clarke	Eshoo
Altmire	Clay	Etheridge
Andrews	Cleaver	Farr
Arcuri	Clyburn	Filner
Baca	Cohen	Foster
Baird	Conyers	Frank (MA)
Baldwin	Cooper	Giffords
Becerra	Costello	Gillibrand
Berkley	Courtney	Gonzalez
Berman	Cramer	Gordon
Berry	Crowley	Green, Al
Bishop (GA)	Cuellar	Green, Gene
Bishop (NY)	Cummings	Grijalva
Blumenauer	Davis (AL)	Gutierrez
Boren	Davis (CA)	Hall (NY)
Boswell	Davis (IL)	Hare
Boucher	Davis, Lincoln	Hastings (FL)
Boyd (FL)	DeFazio	Herseth Sandlin
Boyda (KS)	DeGette	Higgins
Braley (IA)	Delahunt	Hinchey
Brown, Corrine	Dicks	Hinojosa
Butterfield	Dingell	Hirono
Capps	Doggett	Hodes
Capuano	Donnelly	Holden
Cardoza	Doyle	Holt
Carnahan	Edwards	Honda
Carney	Ellison	Hooley
Carson	Ellsworth	Hoyer

Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McNerney
McNulty
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Smith (WA)
Snyder
Solis
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NAYS—196

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

NOT VOTING—18

Bono Mack
Brady (PA)
Costa
DeLauro
Fattah
Ferguson
Harman
Mack
Markey
Meek (FL)
Nunes
Peterson (PA)
Roskam
Rothman
Rush
Slaughter
Wexler
Wilson (NM)

So the previous question on the resolution was ordered.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Ms. DEGETTE, announced that the yeas had it.

Mr. Lincoln DIAZ-BALART of Florida, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 220 / Nays 190

¶42.9 [Roll No. 193]

YEAS—220

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

NAYS—190

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

NOT VOTING—21

Aderholt
Brady (PA)
Costa
Cramer
DeLauro
Fattah
Ferguson
Harman
Mack
Markey
Meek (FL)
Nunes
Peterson (PA)
Reyes
Rogers (AL)
Rothman
Rush
Weldon (FL)
Wexler
Wilson (NM)
Woolsey

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶42.10 H. RES. 1107—UNFINISHED BUSINESS

The SPEAKER pro tempore, Ms. DEGETTE, pursuant to clause 8, rule XX, announced the unfinished business to be the question on ordering the previous question on the resolution (H. Res. 1107) providing for consideration of the bill (H.R. 5715) to ensure continued availability of access to the Federal student loan program for students and families.

The question being put,

Will the House now order the previous question?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 218 / Nays 198

¶42.11 [Roll No.194]

YEAS—218

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

NAYS—198

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

NOT VOTING—15

Bilbray
Boswell
Brady (PA)
DeLauro
Fattah
Ferguson
Mack
Markey
Meek (FL)
Peterson (PA)
Rothman
Rush
Wexler
Wilson (NM)
Wynn

So the previous question on the resolution was ordered.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Ms. DEGETTE, announced that the yeas had it.

Mr. Lincoln DIAZ-BALART of Florida, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 223 / Nays 192

¶42.12 [Roll No. 195]

YEAS—223

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

NAYS—192

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer

Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Flake
Forbes
Fortenberry
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hill
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOT VOTING—16

Bilbray
Brady (PA)
DeLauro
Fattah
Ferguson
Foxx
Holt
Mack
Meek (FL)
Peterson (PA)
Rothman
Rush
Schwartz
Wexler
Wilson (NM)
Wynn

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶42.13 DEBT RELIEF

The SPEAKER pro tempore, Ms. DEGETTE, pursuant to House Resolution 1103 and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 2634) to provide for greater responsibility in lending and expanded cancellation of debts owed to the United States and the international financial institutions by low-income counties, and for other purposes.

The SPEAKER pro tempore, Ms. DEGETTE, by unanimous consent, designated Mr. PASTOR as Chairman of the Committee of the Whole; and after some time spent therein,

¶42.14 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 1, as modified, printed in House Report 110-586, submitted by Mr. FRANK of Massachusetts:

Page 3, in the first undesignated line, strike ''only on the condition that'' and insert ''subject to all and only the following conditions: That''.

Page 6, beginning on line 17, strike ''economic policy conditionality'' and insert ''certain economic policy conditionalities''.

Page 6, beginning on line 22, strike ''economic'' and all that follows through ''IMF,'' on line 24 and insert ''certain economic policy conditions, including the privatization of essential basic services such as water,''.

Page 7, line 22, strike ''requirements'' and insert ''economic criteria''.

Page 9, line 5, insert '', without undermining the financial integrity of the institution'' before the period.

Page 9, line 14, insert '', or to other countries eligible for assistance from the International Development Association'' before the period.

Page 15, line 9, insert ''from'' before ''the''.

Page 15, line 20, strike ''repeatedly''.

Page 16, line 1, insert ''with the United States'' after ''cooperating''.

Page 16, line 2, strike ''and''.

Page 16, line 5, strike ''consistent''.

Page 16, line 6, strike ''rights.'' and all that follows through the second period and insert ''rights (as defined in section 116 of the Foreign Assistance Act of 1961 (Public Law 87–195));''.

Page 16, after line 6, insert the following:

''(7) the government of which has not been identified in the most recent Trafficking in Persons Report issued by the Department of State as not fully complying with minimum standards for eliminating human trafficking and not making significant efforts to do so;

''(8) the government of which has been determined by the President to be cooperating with United States efforts to stop illegal immigration to the United States; and

''(9) the government of which has been determined by the President to be committed to free and fair elections.''.

Page 16, beginning on line 21, strike ''without any conditions except requiring the government of such a country to—'' and inserting ''only on the condition that the government of such a country—''.

It was decided in the affirmative ..... { Yeas ..... 424 / Nays 0

¶42.15 [Roll No. 196]

AYES—424

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fortuño
Fossella
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Norton
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi

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

NOT VOTING—12

Bachus
Brady (PA)
Brown, Corrine
Faleomavaega
Fattah
Gillibrand
Mack
Meek (FL)
Peterson (PA)
Rush
Wilson (NM)
Wynn

So the amendment was agreed to.

¶42.16 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 2, printed in House Report 110-586, submitted by Mr. ROHRABACHER:

In section 1626(h) of the International Financial Institutions Act, as proposed to be added by section 3 of the bill, strike ''and'' at the end of paragraph (5), strike the period at the end of paragraph (6) and insert ''; and'', and add at the end the following:

''(7) the government of which was chosen by and permits free and fair elections.''.

It was decided in the affirmative ..... { Yeas ..... 382; Nays ..... 41; Answered present 2

¶42.17 [Roll No. 197]

AYES—382

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Christensen
Clay
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fortuño
Fossella
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Hall (NY)
Hall (TX)
Hare
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mitchell
Moran (KS)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Napolitano
Neal (MA)
Neugebauer
Norton
Nunes
Oberstar
Pallone
Pascrell
Pastor
Paul
Pearce
Pence
Perlmutter
Peterson (MN)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (VA)
Sensenbrenner
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Solis
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Watson
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Wu
Yarmuth
Young (AK)
Young (FL)

NOES—41

Baldwin
Blumenauer
Butterfield
Capuano
Cleaver
Cohen
Gutierrez
Hinchey
Honda
Jackson (IL)
Jackson-Lee (TX)
Johnson, E. B.
Jones (OH)
Kilpatrick
Kucinich
Lee
Lewis (GA)
McDermott
McGovern
McNulty
Miller, George
Mollohan
Moore (WI)
Moran (VA)
Nadler
Obey
Olver
Ortiz
Payne
Price (NC)
Rahall
Richardson
Scott (GA)
Serrano
Snyder
Towns
Tsongas
Waters
Watt
Woolsey
Wynn

ANSWERED ''PRESENT''—2

Clarke
Ellison

NOT VOTING—11

Brady (PA)
Brown, Corrine
Faleomavaega
Fattah
Harman
Mack
Meek (FL)
Moore (KS)
Peterson (PA)
Rush
Wilson (NM)

So the amendment was agreed to.

The SPEAKER pro tempore, Mrs. TAUSCHER, assumed the Chair.

When Mr. JACKSON of Illinois, Acting Chairman, pursuant to House Resolution 1103, reported the bill back to the House with an amendment adopted by the Committee.

The previous question having been ordered by said resolution.

The following amendment, reported from the Committee of the Whole House on the state of the Union, was agreed to:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Jubilee Act for Responsible Lending and Expanded Debt Cancellation of 2008''.

SEC. 2. FINDINGS.

The Congress finds the following:

(1) Many low-income countries have been struggling under the burden of international debts for many years.

(2) Since 1996, when the Heavily Indebted Poor Countries Initiative (HIPC) was created, more than 30 nations have seen some form of debt relief totaling approximately $80,000,000,000.

(3) Congress has demonstrated its support for bilateral and multilateral debt relief through the enactment of comprehensive debt relief initiatives for heavily indebted low-income countries in—

(A) title V of H.R. 3425 of the 106th Congress, as enacted into law by section 1000(a)(5) of the Act entitled ''An Act making consolidated appropriations for the fiscal year ending September 30, 2000, and for other purposes'', approved November 29, 1999 (Public Law 106–113; 113 Stat. 1501–311) and the amendments made by such title;

(B) title II of H.R. 5526 of the 106th Congress, as enacted into law by section 101(a) of the Act entitled ''An Act making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2001, and for other purposes'', approved November 6, 2000 (Public Law 106–429; 114 Stat. 1900A–5); and

(C) title V of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (Public Law 108–25; 117 Stat. 747) and the amendment made by such title.

(4) In 2005, the United States and other G–8 nations reached an agreement to provide cancellation of 100 percent of the debts owed by eligible poor nations to Paris Club members, the IMF, the World Bank, and the African Development Bank. The Inter-American Development Bank reached an agreement in early 2007 to provide similar treatment.

(5) The 2005 agreement led to the creation of the Multilateral Debt Relief Initiative (MDRI). As of April 2007, 22 nations have seen the majority of their debts to the IMF, World Bank, and African Development Bank cancelled under the terms of the MDRI. In March 2007, the Inter-American Development Bank announced it would provide full debt cancellation to 5 Latin American countries on MDRI terms.

(6) Resources released by debt relief efforts to date are reaching the poor. Cameroon is using the $29,800,000 of savings it will gain from the MDRI in 2006 for national poverty reduction priorities, including infrastructure, social sector and governance reforms. Uganda is using its $57,900,000 savings in 2006 on improving energy infrastructure to try to

ease acute electricity shortages, as well as primary education, malaria control, healthcare and water infrastructure (specifically targeting the poor and under-served villages). Zambia is using its savings of $23,800,000 under the MDRI in 2006 to increase spending on agricultural projects, such as smallholder irrigation and livestock disease control, as well as to eliminate fees for healthcare in rural areas.

(7) While debt cancellation has a record of success, there remains an unfinished agenda on international debt. There are a number of challenges to both the effective reduction of poverty and inequality and the achievement of broader debt cancellation.

(8) 2007 is an important year to address the unfinished agenda on international debt as the global Jubilee debt campaign has declared 2007 a ''Sabbath year'', 7 years after the historic Jubilee 2000 campaign.

(9) A critical issue which needs to be addressed on debt is the way that non-concessional lenders stand to gain financially from lending to poor countries that have benefited from debt relief without having paid for past debt relief or facing the prospect of paying for the future relief of unsustainable and irresponsible new lending. In these cases, the gains of debt relief for poor debtor countries are at risk of being eroded. This takes the form of new lending to countries that have received debt cancellation from countries including China.

(10) It is also essential that all lenders and borrowers accept co-responsibility and learn from past mistakes—as evidenced by the debt crisis itself—by making more productive investment choices and engaging in more responsible lending and borrowing in the future. In October 2006, Norway became the first creditor to accept co-responsibility for past lending mistakes and cancelled the debt of 5 nations on the grounds that the loans reflected poor development policy.

(11) A growing number of governments and intergovernmental bodies, including the United Kingdom, the European Commission, and Norway, are raising concerns about the harmful impacts of certain economic policy conditionalities. Many impoverished countries that have received debt cancellation under the HIPC and MDRI initiatives have done so at a high social cost, because they have had to implement certain economic policy conditions, including the privatization of essential basic services such as water, and comply with other harmful requirements. Some of these policies have had the effect of limiting fiscal space for productive investment and threatening growth and human development. Several countries currently eligible for debt cancellation under the HIPC or MDRI programs are facing extended delays in receiving cancellation because they are struggling to comply with such requirements from the IMF and World Bank.

(12) There is also an urgent need to look beyond the constraints of current debt relief initiatives to address the need for expanded debt cancellation. The current initiatives allow countries to qualify for relief based on economic criteria rather than human needs. A January 2007 report by the United Nations Human Rights Council found that eligibility for debt cancellation should be expanded to cover all low-income countries.

(13) The Government of the United Kingdom has proposed that qualification for the MDRI be extended to the 67 nations which qualify for assistance exclusively from the International Development Association. To be eligible for cancellation, countries must meet economic criteria pertaining to public financial management, anti-corruption measures, and budget transparency.

(14) Since debt cancellation is an essential component of the United States development assistance strategy and the United States has been able to lead the debt cancellation efforts of the international community by example, the United States should continue to work to improve and expand initiatives in this area.

(15) The United States has been a leader in supporting debt relief efforts to date and should continue to work to improve and expand initiatives in this area.

SEC. 3. CANCELLATION OF DEBT OWED BY ELIGIBLE LOW-INCOME COUNTRIES.

Title XVI of the International Financial Institutions Act (22 U.S.C. 262p—262p–8) is amended by adding at the end the following:

''SEC. 1626. CANCELLATION OF DEBT OWED BY ELIGIBLE LOW-INCOME COUNTRIES.

''(a) IN GENERAL.—The Secretary of the Treasury shall commence immediate efforts, within the Paris Club of Official Creditors, the International Monetary Fund (IMF), the International Bank for Reconstruction and Development (World Bank), and the other international financial institutions (as defined in section 1701(c)(2)), to negotiate an agreement to accomplish the following:

''(1) Cancellation by each international financial institution of all debts owed to the institution by eligible low-income countries, and, to the extent possible, financing the debt cancellation from the ongoing operations, procedures, and accounts of the institution, without undermining the financial integrity of the institution.

''(2) Cancellation by the United States of all debts owed to it by eligible low-income countries.

''(3) Ensuring that any waiting period for the enhanced debt cancellation is not excessive.

''(4) Ensuring that the provision of debt cancellation to eligible low-income countries is not followed by a reduction in the provision of any other development assistance to the countries by international financial institutions and bilateral creditors, or to other countries eligible for assistance from the International Development Association.

''(5) Encouraging the government of each eligible low-income country to allocate at least 20 percent of its national budget towards poverty-alleviation programs such as the provision of basic health care services, education services, and clean water services to all individuals in the country.

This subsection shall not be interpreted to authorize the Secretary of the Treasury to enter into an agreement to accomplish any of the foregoing without express congressional authorization to do so.

''(b) ESTABLISHMENT OF FRAMEWORK FOR CREDITOR TRANSPARENCY.—The Secretary of the Treasury shall commence immediate efforts, within the Paris Club of Official Creditors, the International Monetary Fund, the World Bank, and the other international financial institutions (as so defined), to ensure that each of the institutions—

''(1) continues to make efforts to promote greater transparency regarding the activities of the institution, including credit, grant, guarantee, and technical assistance operations, following a policy of maximum disclosure; and

''(2) supports continued efforts to allow informed participation and input by affected communities, including translation of information on proposed projects, provision of information (including draft documents) through information technology application, oral briefings, and outreach to and dialogue with community organizations and institutions in affected areas.

''(c) ESTABLISHMENT OF FRAMEWORK FOR RESPONSIBLE LENDING.—The Secretary of the Treasury shall commence immediate efforts to—

''(1) develop and promote policies to ensure all creditors, with no distinction, will contribute to preserving the gains of debt relief for low-income debtor countries;

''(2) provide that the external financing needs of low-income countries are met primarily through grant financing rather than new lending;

''(3) seek the international adoption of a binding legal framework on new lending that—

''(A) guarantees that no creditor can take or expect to take financial advantage of acquired or newly awarded debt relief through the terms and rates of such lending to beneficiary countries;

''(B) is binding on all creditors, whether multilateral, bilateral or private;

''(C) foresees, as a sanction for creditors who violate it, an equitable share in the burden of the losses from any future debt relief needed by the sovereign debtor to whom lending was irresponsibly provided;

''(D) provides for decisions on irresponsible lending to be made by an entity independent from the creditors; and

''(E) enables fair opportunities for the people of the affected country to be heard; and

''(4) support the development of responsible financing standards where creditors and aid/loan recipients alike adhere to standards to assure transparency and accountability to citizens, human rights, and the avoidance of new odious debt, while encouraging the development of renewable energy and helping countries to transition away from dependence on oil.

''(d) GAO AUDIT OF DEBT PORTFOLIOS OF COUNTRIES WITH QUESTIONABLE LOANS.—

''(1) IN GENERAL.—The Comptroller General of the United States shall undertake an audit of the debt portfolios of previous governments in countries such as the Democratic Republic of Congo and South Africa, where there is significant evidence that odious, onerous, or illegal loans were made to the government. Each such audit shall—

''(A) consider debt owed to the World Bank, the IMF, and the other international financial institutions (as so defined), export credit debts owed to governments, and debts owed to commercial creditors, and assess whether or not past investments produced the intended results;

''(B) investigate the process by which the loans were contracted, how the funds were used, and determine whether United States or international laws were violated in the contraction of these loans, and whether any of the loans were odious or onerous; and

''(C) be planned and executed in a transparent and consultative manner, engaging congressional bodies and civil society groups in the countries.

''(2) REPORT.—Within 2 years after the date of the enactment of this section, the Comptroller General of the United States shall prepare and submit to the Committees on Financial Services and on Foreign Affairs of the House of Representatives and the Committees on Banking, Housing, and Urban Affairs and on Foreign Relations of the Senate a report that contains the results of the audits undertaken under paragraph (1).

''(e) AVAILABILITY ON TREASURY DEPARTMENT WEBSITE OF REMARKS OF UNITED STATES EXECUTIVE DIRECTORS AT MEETINGS OF INTERNATIONAL FINANCIAL INSTITUTIONS' BOARDS OF DIRECTORS.—The Secretary of the Treasury shall make available on the website of the Department of the Treasury the full record of the remarks of the United States Executive Director at meetings of the boards of directors of the International Monetary Fund, the World Bank, and the other international financial institutions (as so defined), about cancellation or reduction of debts owed to the institution involved, with redaction by the Secretary of the Treasury of material deemed too sensitive for public distribution, but showing the topic, amount

of material redacted, and reason for the redaction.

''(f) REPORT FROM THE COMPTROLLER GENERAL.—Within 1 year after the date of the enactment of this section, the Comptroller General of the United States shall prepare and submit to the Committees on Financial Services and on Foreign Affairs of the House of Representatives and the Committees on Banking, Housing, and Urban Affairs and on Foreign Relations of the Senate a report on the availability of the ongoing operations, procedures, and accounts of the IMF, the World Bank, and the other international financial institutions (as so defined) for canceling the debt of eligible low-income countries.

''(g) ANNUAL REPORTS FROM THE PRESIDENT.—Not later than December 31 of each year, the President shall submit to the Committees on Financial Services and on Foreign Affairs of the House of Representatives and the Committees on Foreign Relations and on Banking, Housing, and Urban Affairs of the Senate a report, which shall be made available to the public, on the activities undertaken under this section, and other progress made in accomplishing the purposes of this section, for the prior fiscal year. The report shall include a list of the countries that have received debt cancellation, a list of the countries whose request for debt cancellation has been denied and the reasons therefor, and a list of the countries whose requests for debt cancellation are under consideration.

''(h) ELIGIBLE LOW-INCOME COUNTRY DEFINED.—In this section, the term 'eligible low-income country' means a country—

''(1) that is eligible for financing from the International Development Association but not from the World Bank, and does not qualify for debt relief under the Enhanced HIPC Initiative (as defined in section 1625(e)(3)) and under the Multilateral Debt Relief Initiative;

''(2) that has transparent and effective budget execution and public financial management systems which ensure that the savings from debt relief are spent on reducing poverty;

''(3) the government of which does not have an excessive level of military expenditures;

''(4) the government of which has not provided support for acts of international terrorism, as determined by the Secretary of State under section 6(j)(1) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)(1)), or section 620A(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2371(a));

''(5) the government of which is cooperating with the United States on international narcotics control matters;

''(6) the government of which (including its military or other security forces) does not engage in a pattern of gross violations of internationally recognized human rights (as defined in section 116 of the Foreign Assistance Act of 1961 (Public Law 87–195));

''(7) the government of which has not been identified in the most recent Trafficking in Persons Report issued by the Department of State as not fully complying with minimum standards for eliminating human trafficking and not making significant efforts to do so;

''(8) the government of which has been determined by the President to be cooperating with United States efforts to stop illegal immigration to the United States;

''(9) the government of which has been determined by the President to be committed to free and fair elections;

''(10) the government of which was chosen by and permits free and fair elections; and

''(11) the government of which does not have business interests with Iran.''.

SEC. 4. LIMITATION ON CONDITIONALITY OF DEBT RELIEF FOR ELIGIBLE LOW-INCOME COUNTRIES.

Title XVI of the International Financial Institutions Act (22 U.S.C. 262p—262p–8) is further amended by adding at the end the following:

''SEC. 1627. LIMITATION ON CONDITIONALITY OF DEBT RELIEF FOR ELIGIBLE LOW-INCOME COUNTRIES.

''(a) IN GENERAL.—The Secretary of the Treasury shall commence immediate efforts within the Paris Club of Official Creditors, the International Monetary Fund (IMF), the International Bank for Reconstruction and Development (World Bank), and the other international financial institutions (as defined in section 1701(c)(2)), to ensure that debt cancellation is provided to eligible low-income countries (as defined in section 1626(h)) subject to all and only the following conditions: That the government of such a country—

''(1) take steps so that the financial benefits of debt relief are applied to programs to combat poverty (in particular through concrete measures to improve economic infrastructure, basic services in education, nutrition, and health, particularly treatment and prevention of the leading causes of mortality) and to redress environmental degradation;

''(2) make policy decisions through transparent and participatory processes;

''(3) adopt an integrated development strategy to support poverty reduction through economic growth, that includes monitorable poverty reduction goals;

''(4) implement transparent policy making and budget procedures, good governance, and effective anticorruption measures;

''(5) broaden public participation and popular understanding of the principles and goals of poverty reduction, particularly through economic growth, and good governance;

''(6) promote the participation of citizens and nongovernmental organizations in the economic policy choices of the government; and

''(7) produce an annual report disclosing how the savings from debt cancellation were used, and make the report publicly available and easily accessible to all interested parties, including civil society groups and the media.

''(b) ANNUAL REPORTS TO THE CONGRESS.—Not later than December 31 of each year, the President shall submit to the Committees on Financial Services and on International Relations of the House of Representatives and the Committees on Foreign Relations and on Banking, Housing, and Urban Affairs of the Senate a report, which shall be made available to the public, on the activities undertaken under this section, and other progress made in accomplishing the purposes of this section, for the prior fiscal year.''.

SEC. 5. SENSE OF THE CONGRESS.

It is the sense of the Congress that to further the goals of debt reduction for low-income countries, in addition to the efforts described in this Act, the United States should pay off outstanding arrearages of $595,800,000 to the International Development Association and regional development banks, and become current on all debt reduction efforts, including those carried out by the International Development Association and under the Enhanced Heavily Indebted Poor Countries Initiative and the Multilateral Debt Relief Initiative.

SEC. 6. SENSE OF THE CONGRESS.

(a) FINDING.—The Congress finds that Haiti is scheduled to send $48,700,000 in debt payments to multilateral financial institutions in 2008.

(b) SENSE OF THE CONGRESS.—It is the sense of the Congress that, due to the current humanitarian and political instability in Haiti, including food shortages and political turmoil, the Secretary of the Treasury should use his influence to expedite the complete and immediate cancellation of Haiti's debts to all international financial institutions, or if such debt cancellation cannot be provided, to urge the institutions to immediately suspend the requirement that Haiti make further debt service payments on debts owed to the institutions.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

Mr. Mario DIAZ-BALART of Florida, moved to recommit the bill to the Committee on Financial Services with instructions to report the bill back to the House forthwith with the following amendments:

Page 16, line 2, strike ''and''.

Page 16, line 6, strike the 1st period and all that follows and insert ''; and''.

Page 16, after line 6, insert the following:

''(7) the government of which does not have business interests with Iran.''.

After debate,

By unanimous consent, the previous question was ordered on the motion to recommit with instructions.

The question being put, viva voce,

Will the House recommit said bill with instructions?

The SPEAKER pro tempore, Mrs. TAUSCHER, announced that the nays had it.

Mr. Mario DIAZ-BALART of Florida, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative .....

Yeas	291
Nays	130
Answered present	1

¶42.18 [Roll No. 198]

YEAS—291

Aderholt	Buyer	Diaz-Balart, L.
Akin	Calvert	Diaz-Balart, M.
Alexander	Camp (MI)	Dicks
Altmire	Campbell (CA)	Donnelly
Arcuri	Cannon	Doolittle
Baca	Cantor	Drake
Bachmann	Capito	Dreier
Bachus	Cardoza	Duncan
Barrett (SC)	Carnahan	Edwards
Barrow	Carney	Ehlers
Bartlett (MD)	Carson	Ellsworth
Barton (TX)	Carter	Emanuel
Bean	Castle	Emerson
Berkley	Chabot	Engel
Biggert	Chandler	English (PA)
Bilbray	Coble	Everett
Bilirakis	Cohen	Fallin
Bishop (UT)	Cole (OK)	Feeney
Blackburn	Conaway	Ferguson
Blunt	Costa	Flake
Boehner	Costello	Forbes
Bonner	Courtney	Fortenberry
Bono Mack	Cramer	Fossella
Boozman	Crenshaw	Foster
Boren	Cubin	Foxx
Boucher	Culberson	Franks (AZ)
Boustany	Davis (AL)	Frelinghuysen
Boyd (FL)	Davis (IL)	Gallegly
Boyda (KS)	Davis (KY)	Garrett (NJ)
Brady (TX)	Davis, David	Gerlach
Broun (GA)	Davis, Lincoln	Giffords
Brown (SC)	Davis, Tom	Gillibrand
Brown-Waite, Ginny	Deal (GA)	Gingrey
Buchanan	DeFazio	Gohmert
Burgess	DeGette	Goode
Burton (IN)	DeLauro	Goodlatte
	Dent	Gordon

Granger
Graves
Green, Al
Green, Gene
Hall (NY)
Hall (TX)
Hare
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Hill
Hobson
Hodes
Hoekstra
Holden
Hooley
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Marshall
Matheson
Matsui
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mitchell
Moore (KS)
Moran (KS)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Musgrave
Myrick
Nadler
Neugebauer
Nunes
Ortiz
Paul
Pearce
Pence
Perlmutter
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Royce
Ruppersberger
Ryan (WI)
Salazar
Sali
Sanchez, Loretta
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Sensenbrenner
Sessions
Sestak
Shadegg
Shays
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Space
Stearns
Sullivan
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waxman
Weiner
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (SC)
Wittman (VA)
Wolf
Yarmuth
Young (AK)
Young (FL)

NAYS—130

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldwin
Becerra
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Braley (IA)
Butterfield
Capps
Capuano
Castor
Clarke
Clay
Cleaver
Clyburn
Conyers
Cooper
Crowley
Cuellar
Cummings
Davis (CA)
Delahunt
Dingell
Doggett
Doyle
Ellison
Eshoo
Etheridge
Farr
Filner
Frank (MA)
Gilchrest
Gonzalez
Grijalva
Gutierrez
Hastings (FL)
Higgins
Hinchey
Hinojosa
Hirono
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kilpatrick
Kind
Kucinich
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Loebsack
Markey
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McNulty
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (WI)
Moran (VA)
Murtha
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Payne
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Richardson
Rothman
Roybal-Allard
Ryan (OH)
Sánchez, Linda T.
Sarbanes
Scott (GA)
Scott (VA)
Serrano
Shea-Porter
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Speier
Spratt
Stark
Stupak
Sutton
Thompson (MS)
Tierney
Tsongas
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Welch (VT)
Wilson (OH)
Woolsey
Wu
Wynn

ANSWERED ''PRESENT''—1

Sherman

NOT VOTING—9

Brady (PA)
Brown, Corrine
Fattah
Harman
Mack
Meek (FL)
Peterson (PA)
Rush
Wilson (NM)

So the motion to recommit with instructions was agreed to.

Mr. FRANK of Massachusetts, by direction of the Committee on Financial Services and pursuant to the foregoing order of the House, reported the bill back to the House with said amendments.

The question being put, viva voce,

Will the House agree to said amendments?

The SPEAKER pro tempore, Mrs. TAUSCHER, announced that the yeas had it.

So the amendments were agreed to.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

The question being put, viva voce,

Will the House pass said bill?

The SPEAKER pro tempore, Mrs. TAUSCHER, announced that the yeas had it.

Mr. FRANK of Massachusetts, demanded a recorded vote on passage of said bill, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 285 Nays 132

¶42.19 [Roll No. 199]

AYES—285

Abercrombie
Ackerman
Alexander
Allen
Andrews
Arcuri
Baca
Bachus
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Bono Mack
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Braley (IA)
Brown (SC)
Butterfield
Camp (MI)
Capito
Capps
Capuano
Cardoza
Carnahan
Castle
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole (OK)
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cubin
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Dreier
Edwards
Ehlers
Ellison
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Fallin
Farr
Ferguson
Filner
Fortenberry
Foster
Frank (MA)
Frelinghuysen
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hare
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inglis (SC)
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Klein (FL)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meeks (NY)
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Perlmutter
Peterson (MN)
Pickering
Pomeroy
Porter
Price (NC)
Pryce (OH)
Rahall
Ramstad
Rangel
Rehberg
Reichert
Renzi
Reyes
Richardson
Rodriguez
Rogers (AL)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Simpson
Sires
Skelton
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Terry
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Weiner
Welch (VT)
Weller
Wexler
Wilson (OH)
Wittman (VA)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)

NOES—132

Aderholt
Akin
Altmire
Bachmann
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Boozman
Brady (TX)
Broun (GA)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Campbell (CA)
Cannon
Cantor
Carney
Carter
Chabot
Coble
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Drake
Duncan
Ellsworth
Everett
Feeney
Flake
Forbes
Fossella
Foxx
Franks (AZ)
Gallegly
Gillibrand
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hoekstra
Hulshof
Hunter
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
Kingston
Kline (MN)
Lamborn
Lampson
Latta
Lewis (KY)
Linder
LoBiondo
Manzullo
Marchant
McCarthy (CA)
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pence
Petri
Pitts
Platts
Poe
Price (GA)
Putnam
Radanovich
Regula
Reynolds
Rogers (KY)
Rogers (MI)
Royce
Ryan (WI)
Sali
Saxton
Sensenbrenner
Sessions
Shadegg
Shuster

Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Taylor
Thornberry
Tiahrt
Tiberi
Walberg
Wamp
Weldon (FL)
Westmoreland
Whitfield (KY)
Wilson (SC)
Young (FL)

NOT VOTING—15

Brady (PA)
Brown, Corrine
Carson
Fattah
Gordon
Hall (NY)
Harman
Mack
Meek (FL)
Melancon
Peterson (PA)
Rush
Slaughter
Waxman
Wilson (NM)

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶42.20 CLERK TO CORRECT ENGROSSMENT

On motion of Mr. WATT, by unanimous consent,

Ordered, That in the engrossment of the foregoing bill the Clerk be authorized to make technical corrections to include corrections in spelling, punctuation, section numbering, and cross-referencing, and the insertion of appropriate headings.

¶42.21 FEDERAL STUDENT LOAN PROGRAM

The SPEAKER pro tempore, Mrs. TAUSCHER, pursuant to House Resolution 1107 and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 5715) to ensure continued availability of access to the Federal student loan program for students and families.

The SPEAKER pro tempore, Mrs. TAUSCHER, by unanimous consent, designated Mr. JACKSON of Illinois, as Chairman of the Committee of the Whole; and after some time spent therein,

¶42.22 MOTION TO RISE

A recorded vote by electronic device was ordered in the Committee of the Whole on the motion of Mr. George MILLER of California, that the Committee do now rise.

It was decided in the affirmative ..... { Yeas ..... 395 / Nays 1

¶42.23 [Roll No. 200]

AYES—395

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foster
Foxx
Frank (MA)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Norton
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Petri
Pitts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Ramstad
Rangel
Regula
Rehberg
Reichert
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Sires
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Speier
Stearns
Stupak
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Waxman
Welch (VT)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)

NOES—1

Stark

NOT VOTING—40

Bachus
Berman
Berry
Bishop (UT)
Brady (PA)
Brown, Corrine
Christensen
Conyers
Davis (IL)
Dicks
Faleomavaega
Fattah
Feeney
Fortuño
Franks (AZ)
Harman
Hulshof
Linder
Mack
Markey
McCrery
Meek (FL)
Peterson (PA)
Pickering
Platts
Rahall
Renzi
Rush
Sestak
Simpson
Slaughter
Spratt
Sullivan
Tierney
Watt
Weiner
Weldon (FL)
Wilson (NM)
Wynn
Young (FL)

So the motion was agreed to.

The SPEAKER pro tempore, Mrs. JONES of Ohio, assumed the Chair.

When Mr. JACKSON of Illinois, Chairman, reported that the Committee, having had under consideration said bill, had come to no resolution thereon.

¶42.24 BEACH MONITORING

The SPEAKER pro tempore, Mrs. JONES of Ohio, pursuant to House Resolution 1083 and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 2537) to amend the Federal Water Pollution Control Act relating to beach monitoring, and for other purposes.

The Acting Chairman, Mr. JACKSON of Illinois, assumed the Chair; and after some time spent therein,

¶42.25 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the question raised by an appeal in the Committee, to wit: ''Shall the decision of the Chair stand as the judgment of the Committee?''.

It was decided in the affirmative ..... { Yeas ..... 216 / Nays 193

¶42.26 [Roll No. 201]

AYES—216

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Bordallo
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Braley (IA)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge

Farr
Foster
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Shea-Porter
Sherman
Shuler
Sires
Skelton
Smith (WA)
Snyder
Solis
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NOES—193

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

NOT VOTING—27

Berry
Brady (PA)
Brown, Corrine
Christensen
Faleomavaega
Fattah
Feeney
Filner
Fortuño
Harman
Mack
McHugh
Meek (FL)
Napolitano
Norton
Peterson (PA)
Pickering
Rangel
Rush
Schwartz
Sestak
Simpson
Slaughter
Tierney
Weiner
Wilson (NM)
Wynn

So the decision of the Chair stood as the judgment of the Committee.

The SPEAKER pro tempore, Ms. JACKSON-LEE of Texas, assumed the Chair.

When Mr. JACKSON of Illinois, Acting Chairman, reported that the Committee, having had under consideration said bill, had come to no resolution thereon.

¶42.27 H. RES. 1097—UNFINISHED BUSINESS

The SPEAKER pro tempore, Ms. JACKSON-LEE of Texas, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 1097) expressing support for the designation of the month of April 2008, as National Child Abuse Prevention Month to provide attention to the tragic circumstances that face some of our Nation's children on a daily basis and to underscore our commitment to preventing child abuse and neglect so that all children can live in safety and security; as amended.

The question being put,

Will the House suspend the rules and agree to said resolution, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 410 Nays 0

¶42.28 [Roll No. 202]

YEAS—410

Abercrombie
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Petri
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder

Solis	Tiberi	Watt
Souder	Towns	Waxman
Space	Tsongas	Welch (VT)
Speier	Turner	Weldon (FL)
Spratt	Udall (CO)	Weller
Stark	Udall (NM)	Westmoreland
Stearns	Upton	Wexler
Stupak	Van Hollen	Whitfield (KY)
Sullivan	Velázquez	Wilson (OH)
Sutton	Visclosky	Wilson (SC)
Tancredo	Walberg	Wittman (VA)
Tanner	Walden (OR)	Wolf
Tauscher	Walsh (NY)	Woolsey
Taylor	Walz (MN)	Wu
Terry	Wamp	Wynn
Thompson (CA)	Wasserman Schultz	Yarmuth
Thompson (MS)	Waters	Young (AK)
Thornberry	Watson	Young (FL)
Tiahrt		

NOT VOTING—21

Ackerman	Harman	Rush
Berry	Mack	Schwartz
Brady (PA)	Marchant	Sestak
Brown, Corrine	Meek (FL)	Simpson
DeFazio	Peterson (PA)	Tierney
Fattah	Pickering	Weiner
Feeney	Rangel	Wilson (NM)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution, as amended, was agreed to.

¶42.29 BEACH MONITORING

The SPEAKER pro tempore, Mr. SERRANO, pursuant to House Resolution 1083 and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 2537) to amend the Federal Water Pollution Control Act relating to beach monitoring, and for other purposes.

Ms. JACKSON-LEE of Texas, Acting Chairman, assumed the Chair; and after some time spent therein,

The SPEAKER pro tempore, Mr. ELLSWORTH, assumed the Chair.

When Ms. JACKSON-LEE of Texas, Acting Chairman, pursuant to House Resolution 1083, reported the bill back to the House with an amendment adopted by the Committee.

The following amendment, reported from the Committee of the Whole House on the state of the Union, was agreed to:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Beach Protection Act of 2008''.

SEC. 2. WATER POLLUTION SOURCE IDENTIFICATION.

(a) SOURCE TRACKING.—Section 406(b) of the Federal Water Pollution Control Act (33 U.S.C. 1346(b)) is amended—

(1) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and

(2) by inserting after paragraph (2) the following:

''(3) SOURCE IDENTIFICATION PROGRAMS.—In carrying out a monitoring and notification program, a State or local government may develop and implement a coastal recreation waters pollution source identification and tracking program for coastal recreation waters adjacent to beaches or similar points of access that are used by the public and are not meeting applicable water quality standards for pathogens and pathogen indicators. If, in carrying out such source identification and tracking program, a source of pathogenic contamination is identified by such State or local government, such State or local government shall make information on the existence of such source available to the public on the Internet within 24 hours of the identification of such source.''.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 406(i) of such Act (33 U.S.C. 1346(i)) is amended by striking ''$30,000,000 for each of fiscal years 2001 through 2005'' and inserting ''$40,000,000 for each of fiscal years 2008 through 2012''.

(c) PROHIBITION ON EARMARKS.—None of the funds appropriated pursuant to section 406(i) of such Act (33 U.S.C. 1346(i)) may be used for a Congressional earmark as defined in clause 9(d) of rule XXI of the Rules of the House of Representatives.

SEC. 3. FUNDING FOR BEACHES ENVIRONMENTAL ASSESSMENT AND COASTAL HEALTH ACT.

Section 8 of the Beaches Environmental Assessment and Coastal Health Act of 2000 (114 Stat. 877) is amended by striking ''2005'' and inserting ''2012''.

SEC. 4. STATE REPORTS.

Section 406(b)(4)(A)(ii) of the Federal Water Pollution Control Act (as redesignated by section (2)(a)(1) of this Act) is amended by inserting ''and all environmental agencies of the State with authority to prevent or treat sources of pollution in coastal recreation waters'' after ''public''.

SEC. 5. USE OF RAPID TESTING METHODS.

(a) CONTENTS OF STATE AND LOCAL GOVERNMENT PROGRAMS.—Section 406(c)(4)(A) of the Federal Water Pollution Control Act (33 U.S.C. 1346(c)(4)(A)) is amended by inserting '', including rapid testing methods,'' after ''methods''.

(b) REVISED CRITERIA.—Section 304(a)(9)(A) of such Act (33 U.S.C. 1314(a)(9)(A)) is amended by inserting ''and rapid testing methods'' after ''methods''.

(c) VALIDATION AND USE OF RAPID TESTING METHODS.—

(1) VALIDATION OF RAPID TESTING METHODS.—Not later than October 1, 2010, the Administrator of the Environmental Protection Agency shall complete an evaluation and validation of a rapid testing method for the water quality criteria and standards for pathogens and pathogen indicators described in section 303(i)(1)(A).

(2) GUIDANCE FOR USE OF RAPID TESTING METHODS.—

(A) IN GENERAL.—Not later than 180 days after completion of the validation under paragraph (1), and after providing notice and an opportunity for public comment, the Administrator shall publish guidance for the use at coastal recreation waters adjacent to beaches or similar points of access that are used by the public of rapid testing methods that will enhance the protection of public health and safety through rapid public notification of any exceeding of applicable water quality standards for pathogens and pathogen indicators.

(B) PRIORITIZATION.—In developing such guidance, the Administrator shall prioritize the use of rapid testing methods at those beaches or similar points of access that are the most used by the public.

(d) DEFINITION.—Section 502 of such Act (33 U.S.C. 1362) is amended by adding at the end the following:

''(25) RAPID TESTING METHOD.—The term 'rapid testing method' means a method of testing the water quality of coastal recreation waters for which results are available as soon as practicable and not more than 6 hours after a water quality sample is received by the testing facility.''.

SEC. 6. NOTIFICATION OF FEDERAL, STATE, AND LOCAL AGENCIES.

Section 406(c)(5) of the Federal Water Pollution Control Act (33 U.S.C. 1346(c)(5)) is amended—

(1) by striking ''prompt communication'' and inserting ''communication, within 24 hours of the receipt of the results of a water quality sample,'';

(2) in subparagraph (A)—

(A) by inserting ''(i) in the case of any State in which the Administrator is administering the program under section 402,'' before ''the Administrator'' the first place it appears; and

(B) by inserting at the end the following:

''(ii) in the case of any State other than a State to which clause (i) applies, all agencies of the State government with authority to require the prevention or treatment of the sources of coastal recreation water pollution; and'';

(3) by redesignating paragraphs (6) and (7) as paragraphs (7) and (8), respectively; and

(4) by inserting after paragraph (5) the following:

''(6) measures for an annual report to the Administrator, in such form as the Administrator determines appropriate, on the occurrence, nature, location, pollutants involved, and extent of any exceeding of applicable water quality standards for pathogens and pathogen indicators;''.

SEC. 7. CONTENT OF STATE AND LOCAL PROGRAMS.

Section 406(c) of the Federal Water Pollution Control Act (33 U.S.C. 1346(c)) is amended—

(1) by striking ''and'' at the end of paragraph (7) (as redesignated by section 6(3) of this Act);

(2) by striking the period at the end of paragraph (8) (as redesignated by section 6(3) of this Act) and inserting a semicolon; and

(3) by adding at the end the following:

''(9) the availability of a geographic information system database that such State or local government program shall use to inform the public about coastal recreation waters and that—

''(A) is publicly accessible and searchable on the Internet;

''(B) is organized by beach or similar point of access;

''(C) identifies applicable water quality standards, monitoring protocols, sampling plans and results, and the number and cause of coastal recreation water closures and advisory days; and

''(D) is updated within 24 hours of the availability of revised information;

''(10) measures for the immediate posting of signs at beaches or similar points of access that are sufficient to give public notice following the results of any water quality sample that demonstrates an exceeding of applicable water quality standards for pathogens and pathogen indicators for the coastal recreation waters adjacent to such beaches or similar points of access; and

''(11) measures to ensure that closures or advisories are made or issued within 24 hours after the State government determines that any coastal recreation waters in the State are not meeting or are not expected to meet applicable water quality standards for pathogens and pathogen indicators.''.

SEC. 8. COMPLIANCE REVIEW.

Section 406(h) of the Federal Water Pollution Control Act (33 U.S.C. 1346(h)) is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(2) by moving such subparagraphs 2 ems to the right;

(3) by striking ''In the'' and inserting the following:

''(1) IN GENERAL.—In the''; and

(4) by adding at the end the following:

''(2) COMPLIANCE REVIEW.—On or before July 31 of each calendar year beginning after the date of enactment of this paragraph, the Administrator shall—

''(A) prepare a written assessment of compliance with all statutory and regulatory requirements of this section for each State and local government and of compliance with conditions of each grant made under this section to a State or local government;

''(B) notify the State or local government of such assessment; and

''(C) make each of the assessments available to the public in a searchable database on the Internet on or before December 31 of such calendar year.

''(3) CORRECTIVE ACTION.—If a State or local government that the Administrator notifies under paragraph (2) is not in compliance with any requirement or grant condition described in paragraph (2) fails to take such action as may be necessary to comply with such requirement or condition within one year of the date of notification, any grants made under subsection (b) to the State or local government, after the last day of such one-year period and while the State or local government is not in compliance with all requirements and grant conditions described in paragraph (2), shall have a Federal share of not to exceed 50 percent.

''(4) GAO REVIEW.—Not later than December 31 of the third calendar year beginning after the date of enactment of this paragraph, the Comptroller General shall conduct a review of the activities of the Administrator under paragraphs (2) and (3) during the first and second calendar years beginning after such date of enactment and submit to Congress a report on the results of such review.''.

SEC. 9. STUDY OF GRANT DISTRIBUTION FORMULA.

(a) STUDY.—Not later than 30 days after the date of enactment of this Act, the Administrator of the Environmental Protection Agency shall commence a study of the formula for the distribution of grants under section 406 of the Federal Water Pollution Control Act (33 U.S.C. 1346) for the purpose of identifying potential revisions of such formula.

(b) CONTENTS.—In conducting the study, the Administrator shall consider the base cost to States of developing and maintaining water quality monitoring and notification programs, the States' varied beach monitoring and notification needs, including beach mileage, beach usage, and length of beach season, and other factors that the Administrator determines to be appropriate.

(c) CONSULTATION.—In conducting the study, the Administrator shall consult with appropriate Federal, State, and local agencies.

(d) REPORT.—Not later than 12 months after the date of enactment of this Act, the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the results of the study, including any recommendation for revision of the distribution formula referred to in subsection (a).

SEC. 10. PUBLICATION OF COASTAL RECREATION WATERS PATHOGEN LIST.

Section 304(a)(9) of the Federal Water Pollution Control Act (33 U.S.C. 1314(a)(9)) is amended by adding at the end the following:

''(C) PUBLICATION OF PATHOGEN AND PATHOGEN INDICATOR LIST.—Upon publication of the new or revised water quality criteria under subparagraph (A), the Administrator shall publish in the Federal Register a list of all pathogens and pathogen indicators studied under section 104(v).''.

SEC. 11. ADOPTION OF NEW OR REVISED CRITERIA AND STANDARDS.

Section 303(i)(2)(A) of the Federal Water Pollution Control Act (33 U.S.C. 1313(i)(2)(A)) is amended by striking ''paragraph (1)(A)'' each place it appears and inserting ''paragraph (1)''.

SEC. 12. USE OF MOLECULAR DIAGNOSTICS FOR MONITORING AND ASSESSING COASTAL RECREATION WATERS.

(a) STUDY.—The Administrator of the Environmental Protection Agency shall conduct a study to assess the benefits of using molecular diagnostics for monitoring and assessing the quality of coastal recreation waters adjacent to beaches and similar points of access that are used by the public.

(b) CONTENTS.—In conducting the study, the Administrator shall—

(1) to the extent practicable, evaluate the full range of available rapid testing methods, as defined by section 502 of the Federal Water Pollution Control Act (33 U.S.C. 1362), and methods that meet prescribed performance standards, including—

(A) the amplified nucleic acid assay method; and

(B) the indicator organisms enterococci and E. coli; and

(2) compare the use of molecular diagnostics to culture testing of same source water, including the time for obtaining results, accuracy of results, and future applicability.

(c) PARTNERSHIPS.—Notwithstanding chapter 63 of title 31, United States Code, the Administrator may award a grant or cooperative agreement to a public or private organization to assist the Administrator in carrying out the study.

(d) REPORT TO CONGRESS.—Not later than 2 years after the date of enactment of this Act, the Administrator shall transmit to Congress a report on the results of the study.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 13. MONITORING PROTOCOL FOR MERCURY.

(a) REVIEW AND UPDATE OF EXISTING MONITORING PROTOCOLS.—The Administrator of the Environmental Protection Agency shall review and update existing monitoring protocols as necessary for mercury affecting the coastal recreation waters of the Great Lakes.

(b) RECOMMENDATIONS ON TESTING.—In carrying out subsection (a), the Administrator shall develop updated recommendations on testing for the presence of mercury affecting the coastal recreation waters of the Great Lakes, including the presence of mercury in Great Lakes sediment and fish tissue.

(c) PUBLICATION OF WATER QUALITY CRITERIA.—Nothing in this section shall delay the schedule for publication of new or revised water quality criteria as required by section 304(a)(9) of the Federal Water Pollution Control Act (33 U.S.C. 1314(a)(9)).

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 14. NATIONAL LIST OF BEACHES.

Section 406(g)(3) of the Federal Water Pollution Control Act (33 U.S.C. 1346(g)(3)) is amended by striking ''The Administrator'' and all that follows through the period and inserting ''Within 12 months after the date of the enactment of the Beach Protection Act of 2008, and biennially thereafter, the Administrator shall update the list described in paragraph (1).''.

SEC. 15. IMPACT OF CLIMATE CHANGE ON POLLUTION OF COASTAL RECREATION WATERS.

(a) STUDY.—The Administrator of the Environmental Protection Agency shall conduct a study on the long-term impact of climate change on pollution of coastal recreation waters.

(b) REPORT.—

(1) IN GENERAL.—Not later than one year after the date of enactment of this Act, the Administrator shall submit to Congress a report on the results of the study conducted under subsection (a).

(2) INFORMATION ON POTENTIAL CONTAMINANT IMPACTS.—The report shall include information on potential contaminant impacts on ground and surface water resources as well as ecosystem and public health in coastal communities.

(3) MONITORING.—The report shall address monitoring required to document and assess changing conditions of coastal water resources, recreational waters, and ecosystems and review the current ability to assess and forecast impacts associated with long-term change.

(4) FEDERAL ACTIONS.—The report shall highlight necessary Federal actions to help advance the availability of information and tools to assess and mitigate these effects in order to protect public and ecosystem health.

(5) CONSULTATION.—In developing the report, the Administrator shall work in consultation with agencies active in the development of the National Water Quality Monitoring Network and the implementation of the Ocean Research Priorities Plan and Implementation Strategy.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

The question being put, viva voce,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. ELLSWORTH, announced that the yeas had it.

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶42.30 CLERK TO CORRECT ENGROSSMENT

On motion of Ms. RICHARDSON, by unanimous consent,

Ordered, That in the engrossment of the foregoing bill the Clerk be authorized to correct section numbers, punctuation, cross-references, and to make such other technical and conforming changes as may be necessary to accurately reflect the actions of the House.

¶42.31 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Ms. Corrine BROWN of Florida, for today after 2 p.m.; and

To Mr. MEEK of Florida, for today.

And then,

¶42.32 ADJOURNMENT

On motion of Mr. HALL of New York, pursuant to the special order of the House agreed to on April 10, 2008, at 9 o'clock and 19 minutes p.m., the House adjourned until 8:30 a.m. on Thursday, April 17, 2008.

¶42.33 PUBLIC BILLS AND RESOLUTIONS

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

By Mr. PETERSON of Minnesota:

H.R. 5813. A bill to amend Public Law 110-196 to provide for a temporary extension of programs authorized by the Farm Security and Rural Investment Act of 2002 beyond

April 18, 2008; to the Committee on Agriculture, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KING of New York:

H.R. 5814. A bill to create a Federal cause of action to determine whether defamation exists under United States law in cases in which defamation actions have been brought in foreign courts against United States persons on the basis of publications or speech in the United States; to the Committee on the Judiciary.

By Mr. KING of New York:

H.R. 5815. A bill to amend the Public Health Service Act to establish a comprehensive national system for skilled construction workers to assist first responders in disasters; to the Committee on Energy and Commerce, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KNOLLENBERG (for himself and Mr. BOEHNER):

H.R. 5816. A bill to prohibit assistance for the Carter Center located in Atlanta, Georgia; to the Committee on Foreign Affairs, and in addition to the Committee on Appropriations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FALEOMAVAEGA:

H.R. 5817. A bill to establish a new nonimmigrant category for Korean aliens seeking to enter the United States temporarily to perform services in a specialty occupation, and for other purposes; to the Committee on the Judiciary.

By Ms. WATERS (for herself, Mr. FRANK of Massachusetts, Mrs. MALONEY of New York, Mr. WATT, Mr. MAHONEY of Florida, Ms. VELÁZQUEZ, Mr. AL GREEN of Texas, Mr. GUTIERREZ, Mr. LYNCH, Mr. CARSON, Mr. ELLISON, and Mr. CLAY):

H.R. 5818. A bill to authorize the Secretary of Housing and Urban Development to make loans to States to acquire foreclosed housing and to make grants to States for related costs; to the Committee on Financial Services.

By Ms. VELÁZQUEZ (for herself, Mr. GRAVES, and Mr. SESTAK):

H.R. 5819. A bill to amend the Small Business Act to improve the Small Business Innovation Research (SBIR) program and the Small Business Technology Transfer (STTR) program, and for other purposes; to the Committee on Small Business, and in addition to the Committee on Science and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ALLEN (for himself and Mr. MICHAUD):

H.R. 5820. A bill to authorize the Forest Service to provide financial assistance to States for the acquisition of land to preserve and maintain such land for traditional use by the public, and for other purposes; to the Committee on Natural Resources.

By Mr. BROUN of Georgia (for himself, Mr. AKIN, Mr. CHABOT, Mr. FORBES, Mr. FORTENBERRY, Mr. GOODE, Mrs. MUSGRAVE, Mr. PITTS, Mr. SALI, Mr. SOUDER, Mr. BARTLETT of Maryland, Mr. ROSKAM, Mr. KING of Iowa, Mr. BISHOP of Utah, Mr. PENCE, and Mr. SMITH of New Jersey):

H.R. 5821. A bill to amend title 10, United States Code, to close loopholes in the prohibition on the sale or rental of sexually explicit material on military installations; to the Committee on Armed Services.

By Mr. CARDOZA:

H.R. 5822. A bill to amend the Internal Revenue Code of 1986 to waive the 10 percent penalty on withdrawals from qualified retirement plans upon receipt of notice of foreclosure on a principal residence; to the Committee on Ways and Means.

By Mr. ISRAEL (for himself, Mr. KING of New York, Mr. BISHOP of New York, and Mrs. GILLIBRAND):

H.R. 5823. A bill to amend the Internal Revenue Code of 1986 to allow taxpayers to designate a portion of their income tax payment to provide assistance to homeless veterans, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KAGEN:

H.R. 5824. A bill to require the Secretary of Defense to establish a mortgage foreclosure counseling program for members of the Armed Forces returning from service abroad; to the Committee on Armed Services.

By Mr. NUNES (for himself, Mr. COSTA, Mr. AKIN, Mr. ALEXANDER, Mr. ANDREWS, Mr. ARCURI, Mr. BACA, Mr. BARRETT of South Carolina, Mr. BARROW, Mr. BARTLETT of Maryland, Mr. BARTON of Texas, Ms. BEAN, Ms. BERKLEY, Mr. BERMAN, Mr. BERRY, Mr. BILBRAY, Mr. BILIRAKIS, Mr. BISHOP of Utah, Mr. BISHOP of Georgia, Mrs. BLACKBURN, Mr. BLUNT, Mr. BOEHNER, Mr. BONNER, Mrs. BONO MACK, Mr. BOOZMAN, Mr. BOREN, Mr. BOSWELL, Mr. BOUSTANY, Mr. BOYD of Florida, Mrs. BOYDA of Kansas, Mr. BRADY of Texas, Mr. BROUN of Georgia, Mr. BROWN of South Carolina, Ms. GINNY BROWN-WAITE of Florida, Mr. BUCHANAN, Mr. BURGESS, Mr. BURTON of Indiana, Mr. BUYER, Mr. CALVERT, Mr. CAMP of Michigan, Mr. CAMPBELL of California, Mr. CANNON, Mr. CANTOR, Mrs. CAPITO, Mr. CARDOZA, Mr. CARNEY, Mr. CARTER, Mr. CASTLE, Mr. CHABOT, Mr. CHANDLER, Mr. COBLE, Mr. COLE of Oklahoma, Mr. CONAWAY, Mr. COOPER, Mr. CRAMER, Mr. CRENSHAW, Mrs. CUBIN, Mr. CUMMINGS, Mr. DAVIS of Kentucky, Mr. LINCOLN DAVIS of Tennessee, Mr. TOM DAVIS of Virginia, Mr. DEAL of Georgia, Mr. DENT, Mr. MARIO DIAZ-BALART of Florida, Mr. LINCOLN DIAZ-BALART of Florida, Mr. DONNELLY, Mr. DOOLITTLE, Mr. DOYLE, Mrs. DRAKE, Mr. DREIER, Mr. EDWARDS, Mr. EHLERS, Mr. ENGLISH of Pennsylvania, Mr. EVERETT, Ms. FALLIN, Mr. FEENEY, Mr. FERGUSON, Mr. FILNER, Mr. FLAKE, Mr. FORBES, Mr. FORTENBERRY, Mr. FOSSELLA, Ms. FOXX, Mr. FRANKS of Arizona, Mr. GALLEGLY, Mr. GERLACH, Mr. GINGREY, Mr. GOHMERT, Mr. GONZALEZ, Mr. GOODE, Mr. GORDON, Mr. GRAVES, Mr. GRIJALVA, Mr. GUTIERREZ, Mr. HALL of New York, Mr. HALL of Texas, Mr. HARE, Ms. HARMAN, Mr. HASTINGS of Washington, Mr. HAYES, Mr. HELLER, Mr. HERGER, Ms. HERSETH SANDLIN, Mr. HINOJOSA, Mr. HOEKSTRA, Mr. HOLDEN, Mr. HUNTER, Mr. INSLEE, Mr. ISSA, Mr. SAM JOHNSON of Texas, Mr. JONES of North Carolina, Mr. KELLER, Mr. KENNEDY, Mr. KING of New York, Mr. KINGSTON, Mr. KIRK, Mr. KLINE of Minnesota, Mr. KUCINICH, Mr. KUHL of New York, Mr. LAHOOD, Mr. LAMBORN, Mr. LAMPSON, Mr. LATHAM, Mr. LATOURETTE, Mr. LEWIS of California, Mr. LEWIS of Kentucky, Mr. LINDER, Mr. LOBIONDO, Ms. ZOE LOFGREN of California, Mr. LUCAS, Mr. DANIEL E. LUNGREN of California, Mr. LYNCH, Mr. MAHONEY of Florida, Mr. MARSHALL, Mr. MATHESON, Mr. MCCARTHY of California, Mr. MCCAUL of Texas, Mr. MCCOTTER, Mr. MCCRERY, Mr. MCGOVERN, Mr. MCHENRY, Mr. MCHUGH, Mr. MCKEON, Mrs. MCMORRIS RODGERS, Mr. MCNERNEY, Mr. MEEKS of New York, Mr. MELANCON, Mr. MICA, Mr. MICHAUD, Mrs. MILLER of Michigan, Mr. GARY G. MILLER of California, Mr. MILLER of Florida, Mr. MITCHELL, Mr. MOORE of Kansas, Mr. MORAN of Kansas, Mr. PATRICK MURPHY of Pennsylvania, Mr. TIM MURPHY of Pennsylvania, Mrs. MUSGRAVE, Mrs. MYRICK, Mrs. NAPOLITANO, Mr. NEUGEBAUER, Ms. NORTON, Mr. ORTIZ, Mr. PASTOR, Mr. PEARCE, Mr. PENCE, Mr. PETERSON of Minnesota, Mr. PETERSON of Pennsylvania, Mr. PITTS, Mr. PLATTS, Mr. POMEROY, Mr. PORTER, Mr. PRICE of Georgia, Ms. PRYCE of Ohio, Mr. PUTNAM, Mr. RADANOVICH, Mr. RAMSTAD, Mr. REHBERG, Mr. REYES, Mr. REYNOLDS, Mr. RODRIGUEZ, Mr. ROGERS of Kentucky, Mr. ROGERS of Alabama, Mr. ROHRABACHER, Mr. ROSKAM, Ms. ROS-LEHTINEN, Mr. ROSS, Ms. ROYBAL-ALLARD, Mr. ROYCE, Mr. RYAN of Wisconsin, Mr. SALAZAR, Mr. SALI, Ms. LORETTA SANCHEZ of California, Mr. SAXTON, Mr. SCHIFF, Mrs. SCHMIDT, Mr. SCOTT of Georgia, Mr. SENSENBRENNER, Mr. SESSIONS, Mr. SHAYS, Mr. SHIMKUS, Mr. SHULER, Mr. SHUSTER, Mr. SIMPSON, Mr. SIRES, Mr. SMITH of Nebraska, Mr. SNYDER, Ms. SOLIS, Mr. SOUDER, Mr. SPACE, Mr. SPRATT, Mr. STEARNS, Mr. SULLIVAN, Mr. TANNER, Mrs. TAUSCHER, Mr. TAYLOR, Mr. TERRY, Mr. THOMPSON of California, Mr. THORNBERRY, Mr. TIBERI, Mr. TURNER, Mr. UDALL of Colorado, Mr. UPTON, Mr. VAN HOLLEN, Mr. WALBERG, Mr. WALZ of Minnesota, Mr. WAMP, Ms. WATSON, Mr. WAXMAN, Mr. WELLER, Mr. WESTMORELAND, Mr. WHITFIELD of Kentucky, Mr. WILSON of Ohio, Mrs. WILSON of New Mexico, Mr. WILSON of South Carolina, Mr. WITTMAN of Virginia, Mr. WOLF, Mr. YARMUTH, Mr. YOUNG of Alaska, and Mr. MCNULTY):

H.R. 5825. A bill to amend titles 5, 10, 37, and 38, United States Code, to ensure the fair treatment of a member of the Armed Forces who is discharged from the Armed Forces, at the request of the member, pursuant to the Department of Defense policy permitting the early discharge of a member who is the only surviving child in a family in which the father or mother, or one or more siblings, served in the Armed Forces and, because of hazards incident to such service, was killed, died as a result of wounds, accident, or disease, is in a captured or missing in action status, or is permanently disabled, and for other purposes; to the Committee on Armed Services, and in addition to the Committees on Veterans' Affairs, and Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RODRIGUEZ (for himself, Mr. FILNER, Ms. BERKLEY, and Mr. HALL of New York):

H.R. 5826. A bill to increase, effective as of December 1, 2008, the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of certain service-connected disabled veterans, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. ROSKAM (for himself and Mr. KIRK):

H.R. 5827. A bill to amend the Federal Food, Drug, and Cosmetic Act to improve food safety; to the Committee on Energy and Commerce.

By Ms. MCCOLLUM of Minnesota:

H.J. Res. 80. A joint resolution proposing an amendment to the Constitution of the United States prohibiting the penalty of death; to the Committee on the Judiciary.

By Mr. SHUSTER:

H. Con. Res. 329. Concurrent resolution expressing the sense of Congress that former Presidents and high-ranking political figures should refrain from freelance diplomacy against the wishes of the current Government and stated United States foreign policy; to the Committee on Foreign Affairs.

By Mr. KIRK (for himself, Ms. BERKLEY, Mr. BOEHNER, Mr. BLUNT, Ms. ROS-LEHTINEN, Mr. CANTOR, Mr. MCCOTTER, Mr. ENGEL, Mr. SHUSTER, Mr. BURTON of Indiana, Mr. WEINER, Mr. FRANKS of Arizona, Mr. SOUDER, Mr. KAGEN, Mr. FORTUÑO, Mr. WILSON of South Carolina, Mrs. GILLIBRAND, Mr. FOSSELLA, Mr. LOBIONDO, Mr. MCNULTY, Mr. KUHL of New York, Mrs. MILLER of Michigan, Mr. SHAYS, Mr. BURGESS, Mr. GERLACH, Mr. PORTER, Mr. RAMSTAD, and Mr. POE):

H. Res. 1110. A resolution condemning Hamas as a foreign terrorist organization responsible for the murders of 26 United States citizens; to the Committee on Foreign Affairs.

By Mr. KLEIN of Florida:

H. Res. 1111. A resolution expressing the sense of the House of Representatives that any funding provided by the United States to the Government of Iraq for reconstruction, training for Iraqi security forces, and fuel for United States operations in Iraq should be provided in the form of loans; to the Committee on Foreign Affairs.

By Mr. BAIRD (for himself, Mr. KIRK, Mr. SERRANO, Mr. FALEOMAVAEGA, and Mr. SAXTON):

H. Res. 1112. A resolution recognizing 2008 as the International Year of the Reef; to the Committee on Science and Technology.

By Mr. FORTENBERRY:

H. Res. 1113. A resolution celebrating the role of mothers in the United States and supporting the goals and ideals of Mother's Day; to the Committee on Oversight and Government Reform.

By Mr. FORTENBERRY:

H. Res. 1114. A resolution supporting the goals and ideals of the Arbor Day Foundation and National Arbor Day; to the Committee on Oversight and Government Reform.

By Mr. KLEIN of Florida (for himself, Mr. MICA, Ms. NORTON, Mr. BROWN of South Carolina, Mr. TOWNS, Mr. BISHOP of Georgia, Mr. TANNER, Mr. FARR, Mr. PORTER, Mr. SIRES, Mr. DUNCAN, Mr. WILSON of South Carolina, Mr. COBLE, Mr. WAMP, and Mr. WALSH of New York):

H. Res. 1115. A resolution expressing support for designation of April 16, 2008, as ''National Golf Day''; to the Committee on Oversight and Government Reform.

By Ms. ROS-LEHTINEN (for herself, Mr. HASTINGS of Florida, Mr. BUCHANAN, Mr. MACK, Mr. MARIO DIAZ-BALART of Florida, Mr. WEXLER, Mr. PUTNAM, Mr. MICA, Ms. CORRINE BROWN of Florida, Mr. LINCOLN DIAZ-BALART of Florida, Mr. KELLER, Mr. MILLER of Florida, Ms. WASSERMAN SCHULTZ, Mr. KLEIN of Florida, Mr. MEEK of Florida, Mr. BOYD of Florida, Mr. BILIRAKIS, Mr. CRENSHAW, Ms. GINNY BROWN-WAITE of Florida, Mr. STEARNS, Mr. WELDON of Florida, Mr. YOUNG of Florida, Ms. CASTOR, Mr. MAHONEY of Florida, and Mr. FEENEY):

H. Res. 1116. A resolution honoring the life of Claude Denson Pepper, distinguished former Senator and Representative from Florida; to the Committee on House Administration.

¶42.34 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 19: Mr. KINGSTON.

H.R. 333: Mr. YOUNG of Alaska and Mr. PERLMUTTER.

H.R. 406: Mr. GARRETT of New Jersey, Mr. KELLER, Mr. KLINE of Minnesota, Mr. LATOURETTE, Mr. MORAN of Kansas, Mr. WALDEN of Oregon, Mr. JOHNSON of Illinois, Mr. PLATTS, Mr. RYAN of Wisconsin, Mr. FORTENBERRY, Mr. BILIRAKIS, Mr. BROWN of South Carolina, Mr. CARTER, Mr. CONAWAY, Mr. DUNCAN, Mr. ENGLISH of Pennsylvania, Mr. FEENEY, Mr. GOODE, Mr. HENSARLING, Mr. JONES of North Carolina, Mr. LATTA, Mr. LEWIS of Kentucky, Mr. MCHENRY, Mr. MILLER of Florida, Mr. NEUGEBAUER, Mr. SALI, Mr. STEARNS, Mr. WILSON of South Carolina, and Mr. YOUNG of Florida.

H.R. 579: Mr. WHITFIELD of Kentucky and Mr. GALLEGLY.

H.R. 615: Mr. KENNEDY and Mr. BURTON of Indiana.

H.R. 616: Mr. KENNEDY.

H.R. 618: Mr. ENGLISH of Pennsylvania.

H.R. 620: Mr. CARSON.

H.R. 642: Mr. TOWNS.

H.R. 643: Mr. WITTMAN of Virginia, Mr. ROSKAM, Mr. HOYER, Mr. PAYNE, Mr. KING of Iowa, and Mr. WALDEN of Oregon.

H.R. 1078: Mr. PUTNAM and Mr. HOLT.

H.R. 1110: Mr. HARE.

H.R. 1174: Mr. BURTON of Indiana.

H.R. 1246: Ms. RICHARDSON.

H.R. 1277: Mr. UDALL of Colorado.

H.R. 1343: Mr. SALI.

H.R. 1518: Mr. OLVER.

H.R. 1524: Mr. ALTMIRE.

H.R. 1532: Mr. STARK and Mr. BRADY of Texas.

H.R. 1542: Mr. GENE GREEN of Texas.

H.R. 1553: Mr. CARNEY.

H.R. 1643: Mr. BRALEY of Iowa.

H.R. 1655: Mr. BARTLETT of Maryland and Mr. PAYNE.

H.R. 1774: Mr. WU.

H.R. 1866: Mr. BOREN.

H.R. 1967: Mr. MCHENRY, Mr. KING of Iowa, Mr. CONAWAY, Mr. BROUN of Georgia, and Mr. BARTLETT of Maryland.

H.R. 2054: Mr. MATHESON.

H.R. 2158: Mr. CULBERSON.

H.R. 2188: Ms. SUTTON.

H.R. 2676: Ms. HOOLEY.

H.R. 2686: Mr. PETERSON of Minnesota.

H.R. 2703: Mr. KING of New York.

H.R. 2712: Mr. COHEN.

H.R. 2734: Mr. FRELINGHUYSEN.

H.R. 2851: Mr. BOUCHER, Mr. MATHESON, Mr. ARCURI, and Ms. HOOLEY.

H.R. 2964: Mr. SHAYS, Mr. HONDA, and Mr. BERMAN.

H.R. 2991: Mr. SCHIFF.

H.R. 3016: Mr. MCCOTTER.

H.R. 3036: Mrs. CAPPS.

H.R. 3041: Mr. DOYLE.

H.R. 3089: Mr. DAVID DAVIS of Tennessee.

H.R. 3098: Mr. BISHOP of Georgia.

H.R. 3202: Mr. WEXLER.

H.R. 3257: Mr. HOLT.

H.R. 3282: Mr. MCGOVERN.

H.R. 3334: Ms. CLARKE.

H.R. 3368: Mr. GOODE.

H.R. 3522: Mr. PEARCE.

H.R. 3622: Mr. BISHOP of Georgia.

H.R. 3658: Mr. ACKERMAN.

H.R. 3660: Mr. GONZALEZ and Mr. SESTAK.

H.R. 3689: Mr. FRELINGHUYSEN.

H.R. 3769: Mr. ORTIZ, Mr. REYES, Mr. MILLER of Florida, Mr. ELLSWORTH, Ms. SHEA-PORTER, and Mr. COURTNEY.

H.R. 3819: Mr. ROSS.

H.R. 3870: Ms. LINDA T. SÁNCHEZ of California and Mr. BLUMENAUER.

H.R. 3934: Mr. LATOURETTE.

H.R. 4053: Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 4054: Mr. UDALL of Colorado, Mr. ENGEL, and Mr. YOUNG of Alaska.

H.R. 4061: Mr. ROSKAM.

H.R. 4091: Mr. DAVIS of Illinois.

H.R. 4221: Mr. FILNER.

H.R. 4318: Mrs. SCHMIDT.

H.R. 4335: Mr. CARSON.

H.R. 4344: Mr. BROUN of Georgia.

H.R. 4651: Mr. PAUL and Mr. PAYNE.

H.R. 4652: Ms. CLARKE, Mrs. MALONEY of New York, and Mr. TOWNS.

H.R. 4926: Mr. SHAYS and Mr. CARNEY.

H.R. 4927: Mr. LAMBORN.

H.R. 4930: Mr. ROSS and Ms. SCHWARTZ.

H.R. 5131: Mr. BROWN of South Carolina and Mr. ENGLISH of Pennsylvania.

H.R. 5176: Mr. BRALEY of Iowa.

H.R. 5236: Mr. HERGER.

H.R. 5244: Mr. ORTIZ, Mrs. LOWEY, Mr. JEFFERSON, and Mr. BISHOP of Georgia.

H.R. 5266: Mr. VAN HOLLEN.

H.R. 5425: Mr. BONNER.

H.R. 5426: Mr. ENGLISH of Pennsylvania and Mr. PRICE of North Carolina.

H.R. 5440: Mr. GOHMERT, Mr. GERLACH, and Mr. SHAYS.

H.R. 5443: Mr. MANZULLO and Mr. FLAKE.

H.R. 5446: Mr. PLATTS.

H.R. 5534: Mr. COHEN, Mr. FALEOMAVAEGA, Mr. LEWIS of Georgia, Mr. FORTENBERRY, Ms. FALLIN, Mr. ROYCE, Mrs. BONO MACK, Mr. BURTON of Indiana, and Mr. ROGERS of Kentucky.

H.R. 5536: Mr. FARR, Mr. GEORGE MILLER of California, and Mr. HINCHEY.

H.R. 5540: Mr. CASTLE.

H.R. 5541: Mr. SIMPSON, Mr. BERMAN, Mr. MURPHY of Connecticut, Ms. SOLIS, Mr. KENNEDY, Mr. FILNER, and Mr. SHERMAN.

H.R. 5590: Mrs. CAPPS, Mr. SIRES, Mr. SPRATT, Mr. ANDREWS, Ms. CLARKE, Mr. MILLER of Florida, and Mr. PAYNE.

H.R. 5596: Mr. GALLEGLY, Mr. ROHRABACHER, Mr. HUNTER, Mr. WAMP, Mrs. BLACKBURN, Mr. KINGSTON, and Mr. LEWIS of California.

H.R. 5603: Mr. COURTNEY, Mr. PETERSON of Minnesota, Mr. KAGEN, Mr. COBLE, Mr. BISHOP of Georgia, Mr. SHAYS, Mrs. MYRICK, Mr. BRALEY of Iowa, and Mr. ENGLISH of Pennsylvania.

H.R. 5606: Mr. REGULA and Ms. JACKSON-LEE of Texas.

H.R. 5613: Mr. KUCINICH, Mr. LIPINSKI, Mr. LARSON of Connecticut, Mr. RENZI, Mr. CARNEY, Mrs. BONO MACK, Mr. COSTELLO, Mr. COSTA, Mr. ORTIZ, and Mr. SCHIFF.

H.R. 5627: Mr. CROWLEY, and Mr. WILSON of South Carolina.

H.R. 5633: Mr. MCDERMOTT.

H.R. 5635: Mr. FLAKE.

H.R. 5636: Mr. ENGLISH of Pennsylvania.

H.R. 5637: Mr. FALEOMAVAEGA.

H.R. 5656: Mr. WHITFIELD of Kentucky, Mr. CANNON, Mr. ISSA, Mr. PEARCE, Mr. LAMBORN, and Mr. SALI.

H.R. 5674: Mr. HALL of Texas, Mr. BLUNT, Ms. HERSETH Sandlin, Mr. MURTHA, Mr. HOLDEN, and Mr. BERRY.

H.R. 5684: Mr. BLUMENAUER, Mr. BARTLETT of Maryland, and Mr. MCNERNEY.

H.R. 5695: Mr. HUNTER.
H.R. 5709: Mr. ROSS.
H.R. 5731: Mr. TANCREDO, Mr. KINGSTON, Mr. MILLER of Florida, Mr. ROYCE, and Mr. ROHRABACHER.
H.R. 5737: Mr. ENGLISH of Pennsylvania and Mr. HOEKSTRA.
H.R. 5740: Mrs. EMERSON, Mr. CLYBURN, Mr. BISHOP of New York, Mr. AL GREEN of Texas, Mr. SMITH of Washington, Mr. SIMPSON, Mrs. WILSON of New Mexico, Mrs. GILLIBRAND, Mr. MACK, and Mr. NADLER.
H.R. 5752: Mrs. MYRICK.
H.R. 5757: Mr. KINGSTON.
H.R. 5769: Mr. GARY G. MILLER of California, Mr. ENGLISH of Pennsylvania, Mrs. MYRICK, and Mr. WITTMAN of Virginia.
H.R. 5780: Mr. PRICE of North Carolina.
H.R. 5782: Mr. HERGER and Ms. GRANGER.
H.R. 5793: Ms. ESHOO and Mr. KELLER.
H.R. 5794: Mr. BARTON of Texas, Mr. SIMPSON, Mr. MANZULLO, and Mr. MCHENRY.
H. Con. Res. 163: Mrs. MYRICK.
H. Con. Res. 253: Mr. WEXLER.
H. Con. Res. 314: Mr. MCCOTTER.
H. Con. Res. 315: Mr. REHBERG and Mr. HOBSON.
H. Con. Res. 317: Mr. FRANK of Massachusetts and Mr. WOLF.
H. Con. Res. 318: Mr. FALEOMAVAEGA, Mr. SNYDER, and Mr. BISHOP of Georgia.
H. Con. Res. 320: Mr. DAVIS of Illinois, Mr. RUSH, Mr. JEFFERSON, Mr. CLAY, Mr. GRIJALVA, Ms. CLARKE, Mr. LEWIS of Georgia, Mr. HINCHEY, Mr. HALL of New York, Mr. SAM JOHNSON of Texas, Mr. BRADY of Pennsylvania, Mr. JOHNSON of Georgia, Mrs. BOYDA of Kansas, Mr. LOEBSACK, Mr. SESTAK, Mr. BISHOP of Utah, Ms. SHEA-PORTER, Mr. THORNBERRY, Mr. YOUNG of Alaska, Mr. UDALL of Colorado, Ms. CASTOR, Mr. MILLER of Florida, Mr. BARTON of Texas, Ms. GIFFORDS, Mr. BACA, Ms. CORRINE BROWN of Florida, Mrs. CHRISTENSEN, Mr. BISHOP of Georgia, Ms. KILPATRICK, Mr. BUTTERFIELD, and Mr. MCNULTY.
H. Con. Res. 322: Mr. SHUSTER, Mrs. BLACKBURN, Mr. KIND, Mr. SPACE, Mr. FOSSELLA, Mr. JORDAN, Mr. ROGERS of Michigan, Mr. BOREN, Ms. MOORE of Wisconsin, Mr. LAMPSON, Mr. MITCHELL, Mr. MORAN of Virginia, Mr. HAYES, Mr. ETHERIDGE, Mr. HALL of New York, Mr. CARSON, Mr. INGLIS of South Carolina, Mr. SHADEGG, Mr. GERLACH, Mr. CASTLE, Mr. PLATTS, Mr. DOYLE, Mr. MCGOVERN, Mrs. LOWEY, Mr. CLAY, Mr. DAVIS of Illinois, Mr. KILDEE, Mr. REYES, Mr. TOWNS, Mr. Lincoln Davis of Tennessee, Mrs. Gillibrand, and Mrs. JONES of Ohio.
H. Con. Res. 323: Mr. HALL of Texas, Mrs. MYRICK, Mr. SNYDER, Mr. HAYES, Mr. CONAWAY, Mr. FEENEY, Mr. BARTLETT of Maryland, Mr. COBLE, Mr. MORAN of Kansas, Mrs. BIGGERT, Mr. BACHUS, Mrs. MCMORRIS RODGERS, Mr. SAM JOHNSON of Texas, Ms. SCHAKOWSKY, Mr. WESTMORELAND, Mrs. BLACKBURN, Mr. KINGSTON, Mr. TERRY, Mr. BARTON of Texas, Mr. HOEKSTRA, Mr. ALEXANDER, Mr. REHBERG, Mr. SAXTON, Mr. LEWIS of Kentucky, Mr. DUNCAN, Mr. ROGERS of Kentucky, Mr. ROGERS of Michigan, Mr. BROWN of South Carolina, Mr. JONES of North Carolina, Mr. BOYD of Florida, Mr. TANNER, Mr. WAMP, Mr. TIAHRT, Mr. WU, Mr. DEAL of Georgia, Mr. GORDON, Mr. HENSARLING, Mr. PEARCE, Mr. SESSIONS, Mr. MCCAUL of Texas, Mr. WILSON of South Carolina, Mr. MARCHANT, Mr. GARRETT of New Jersey, Mr. KUHL of New York, Mr. EHLERS, Mr. BARROW, Mrs. DRAKE, Mr. RADANOVICH, Ms. GRANGER, Mr. TOWNS, Ms. GINNY BROWN-WAITE of Florida, Mr. WHITFIELD of Kentucky, Mr. ELLSWORTH, Mr. EVERETT, Mr. WALBERG, Mr. NUNES, Mr. SCOTT of Georgia, Mr. BARRETT of South Carolina, Mr. KLINE of Minnesota, Mr. PORTER, Mr. FERGUSON, Mr. PENCE, Mr. SHADEGG, Mr. MELANCON, Mrs. CUBIN, Mr. BURTON of Indiana, Mr. WALDEN of Oregon, Mr. GALLEGLY, Mr. WITTMAN of Virginia, Mrs. BONO MACK, Mr. SULLIVAN, Mr. BACA, Mr. BAIRD, Mr. BUYER, Mr. MCKEON, Ms. HARMAN, Mr. ROHRABACHER, Mr. PASTOR, Mr. MITCHELL, Mr. ENGEL, Mr. NADLER, Ms. ROS-LEHTINEN, Mr. LIPINSKI, Mr. FOSSELLA, Mr. SKELTON, Mr. CARNAHAN, Mr. CRENSHAW, Mr. MARIO DIAZ-BALART of Florida, Mr. INGLIS of South Carolina, Mr. BISHOP of Georgia, Mr. LINDER, Mr. COHEN, Mr. NEUGEBAUER, Mr. RYAN of Wisconsin, and Mr. ISSA.
H. Res. 106: Ms. SPEIER.
H. Res. 565: Ms. FALLIN.
H. Res. 821: Ms. ROS-LEHTINEN.
H. Res. 896: Mr. CARSON.
H. Res. 925: Mrs. MYRICK and Mr. LIPINSKI.
H. Res. 952: Mr. FORBES.
H. Res. 987: Mr. WILSON of Ohio.
H. Res. 1003: Mr. GOODLATTE.
H. Res. 1011: Mr. COSTA and Ms. WATSON.
H. Res. 1022: Ms. WASSERMAN SCHULTZ.
H. Res. 1026: Mr. HARE.
H. Res. 1048: Mr. FILNER.
H. Res. 1055: Mr. COHEN and Mr. BRADY of Pennsylvania.
H. Res. 1062: Mr. SPRATT and Mr. PAYNE.
H. Res. 1069: Mr. ISRAEL, Mr. SAXTON, Mr. SHUSTER, and Mr. WEXLER.
H. Res. 1079: Mr. WATT, Mr. RAMSTAD, Mr. BERMAN, Mr. Carson, Mr. TOWNS, Mr. MEEK of Florida, and Ms. WATERS.
H. Res. 1080: Mr. BISHOP of Georgia.
H.R. 1085: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. TOWNS, Mr. RUPPERSBERGER, Mr. BLUMENAUER, Mrs. NAPOLITANO, Ms. NORTON, Mr. CUMMINGS, Mr. BACHUS, Mr. SIRES, Ms. LINDA T. SÁNCHEZ of California, Mr. COSTELLO, Mr. RODRIGUEZ, Mrs. JONES of Ohio, Mr. SERRANO, Ms. MCCOLLUM of Minnesota, Mr. MATHESON, Mr. FARR, Mr. COSTA, and Mr. LIPINSKI.
H. Res. 1093: Mr. WALSH of New York, Ms. ZOE LOFGREN of California, and Mr. PAYNE.
H. Res. 1097: Ms. BORDALLO, Mr. KLEIN of Florida, Mr. BARROW, Mr. MURPHY of Connecticut, and Ms. MATSUI.
H. Res. 1109: Ms. JACKSON-LEE of Texas, Mr. PAYNE, Mrs. TAUSCHER, Mr. BERMAN, Mr. ACKERMAN, Mr. WEXLER, Mr. MEEKS of New York, Mr. GENE GREEN of Texas, Ms. WOOLSEY, Mr. HINOJOSA, Mr. CROWLEY, Ms. Linda T. Sánchez of California, Mr. SCOTT of Georgia, Mr. COSTA, Mr. KLEIN of Florida, Mr. BRALEY of Iowa, Mr. ARCURI, Mr. SPACE, Mr. MURPHY of Connecticut, Mr. ROTHMAN, Mr. HOLT, Mr. HINCHEY, Ms. ROYBAL-ALLARD, Mr. BACA, Mr. ROSS, Mr. BECERRA, Mr. WILSON of Ohio, Ms. CASTOR, Mr. GRIJALVA, Mrs. NAPOLITANO, Mr. SALAZAR, Mr. HOYER, Mr. PERLMUTTER, Mr. CUELLAR, Mr. JOHNSON of Georgia, Mr. Lincoln Davis of Tennessee, Mr. SHERMAN, Mr. SERRANO, Mr. MARIO DIAZ-BALART of Florida, Mr. LINCOLN DIAZ-BALART of Florida, Mr. WILSON of South Carolina, Ms. ROS-LEHTINEN, Mr. HASTINGS of Florida, Ms. SOLIS, Mr. REYES, Mr. SESTAK, Mr. HODES, Mr. VAN HOLLEN, Mr. RUPPERSBERGER, Mr. HALL of New York, Mr. LEWIS of Georgia, Mr. COURTNEY, Ms. WASSERMAN SCHULTZ, Mr. MAHONEY of Florida, Mr. RYAN of Ohio, Mr. BARROW, Ms. MCCOLLUM of Minnesota, Mr. YARMUTH, Mr. COHEN, Mr. LAMPSON, Mr. SARBANES, Mr. TOWNS, and Mr. MCDERMOTT.

¶42.35 DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 891: Mr. CONAWAY.
H.R. 2833: Ms. BORDALLO, Mr. KLEIN of Florida, and Mr. BARROW.

THURSDAY, APRIL 17, 2008 (43)

¶43.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Mr. HOYER, who laid before the House the following communication:

WASHINGTON, DC,
April 17, 2008.

I hereby appoint the Honorable STENY H. HOYER to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

¶43.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. HOYER, announced he had examined and approved the Journal of the proceedings of Wednesday, April 16, 2008.

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

¶43.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

6138. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Inert Ingredients: Denial of Pesticide Petitions 2E6491 (N-Acyl Sarcosines and Sodium N-Acyl Sarcosinates), 7E4810 (Crezasin), and 7E4811 (Mival) [EPA-HQ-OPP-2002-0201; FRL-8342-4] received February 4, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6139. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Clothianidin; Pesticide Tolerance [EPA-HQ-OPP-2007-0280; FRL-8346-9] received January 28, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6140. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — North Dakota: Final Authorization of State Hazardous Waste Management Program Revisions and Incorporation by Reference of Approved Hazardous Waste Program [EPA-R08-RCRA-2006-0501; FRL-8524-7] received February 4, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6141. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans and Operating Permits Program; State of Kansas [EPA-R07-OAR-2007-0829; FRL-8526-2] received February 4, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6142. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Maine; Transportation Conformity [EPA-R01-OAR-2007-1054; A-1-FRL-8524-9] received February 4, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6143. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Final Rule; Ohio; Revised Oxides of Nitrogen (NO_X) Regulation, Phase II, and Revised NO_X Trading Rule [EPA-R05-OAR-2007-1085; FRL-8519-1] received January 28, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6144. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Ohio; Clean Air Interstate Rule [EPA-R05-OAR-2007-0390; FRL-8519-6] received January 28,

2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6145. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Adequacy of Nebraska Municipal Solid Waste Landfill Program [EPA-R07-RCRA-2006-0878; FRL-8523-2] received January 28, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6146. A letter from the Executive Director, Office of Compliance, transmitting a copy of the 2007 Annual Report of the Office of Compliance, pursuant to Section 301(h) of the Congressional Accountability Act (CAA); jointly to the Committees on Education and Labor and House Administration.

6147. A letter from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting a report on the proposed fiscal year 2009 budget; jointly to the Committees on Oversight and Government Reform and Agriculture.

6148. A letter from the Chief Counsel for Advocacy, Small Business Administration, transmitting the Administration's Report on the Regulatory Flexibility Act, FY 2007, pursuant to 5 U.S.C. 612(a) Public Law 96-354, section 3(a); jointly to the Committees on the Judiciary and Small Business.

6149. A letter from the Chair, Good Neighbor Environmental Board, transmitting the eleventh annual report of the Good Neighbor Environmental Board; jointly to the Committees on Transportation and Infrastructure and Energy and Commerce.

¶43.4 RECESS FOR RECEPTION OF FORMER MEMBERS—8:35 A.M.

The SPEAKER pro tempore, Mr. HOYER, pursuant to the special order agreed to on April 10, 2008, declared the House in recess at 8 o'clock and 35 minutes a.m., subject to the call of the Chair.

¶43.5 AFTER RECESS—10:32 A.M.

The SPEAKER pro tempore, Mrs. TAUSCHER, called the House to order.

¶43.6 PROCEEDINGS DURING RECESS

On motion of Mr. BRALEY of Iowa, by unanimous consent, the proceedings had during the recess to receive former Members were ordered to be printed in the Record.

¶43.7 FEDERAL STUDENT LOAN PROGRAM

The SPEAKER pro tempore, Ms. SCHAKOWSKY, pursuant to House Resolution 1107 and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 5715) to ensure continued availability of access to the Federal student loan program for students and families.

Mrs. TAUSCHER, Acting Chairman, assumed the chair; and after some time spent therein,

The SPEAKER pro tempore, Ms. CASTOR, assumed the Chair.

When Mrs. TAUSCHER, Acting Chairman, reported that the Committee, having had under consideration said bill, had come to no resolution thereon.

¶43.8 RECESS—11:46 A.M.

The SPEAKER pro tempore, Ms. CASTOR, pursuant to clause 12(a) of rule I, declared the House in recess at 11 o'clock and 45 minutes a.m., subject to the call of the Chair.

¶43.9 AFTER RECESS—1:21 P.M.

The SPEAKER pro tempore, Mr. CROWLEY, called the House to order.

¶43.10 FEDERAL STUDENT LOAN PROGRAM

The SPEAKER pro tempore, Mr. CROWLEY, pursuant to House Resolution 1107 and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 5715) to ensure continued availability of access to the Federal student loan program for students and families.

Mr. BLUMENAUER, Acting Chairman, assumed the chair; and after some time spent therein,

¶43.11 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 1, printed in House Report 110-590, submitted by Mr. George MILLER of California:

In section 2 of the bill—

(1) redesignate subsection (b) as subsection (c); and

(2) after subsection (a) insert the following new subsection:

(b) STUDENT ELIGIBILITY.—Loan limit increases authorized by the amendments made by this section shall be available only to students who meet the requirements of section 484(a) of the Higher Education Act of 1965 (20 U.S.C. 1091(a)).

In section 428H(d) of the Higher Education Act of 1965, as amended by section 2(a) of the bill—

(1) in clause (i) of paragraph (2)(A), strike ''$14,000'' and insert ''$12,000''; and

(2) in subclause (II) of paragraph (4)(A)(i), strike ''clause (i)'' and insert ''subclause (I)''.

In section 3 of the bill—

(1) in subsection (a), insert ''of the Higher Education Act of 1965'' after ''428B(d)''; and

(2) in subsection (b), insert ''of such Act'' after ''428(b)(7)(C)''.

In section 4 of the bill, insert ''of the Higher Education Act of 1965 (20 U.S.C. 1078-2(a)(3))'' after ''428B(a)(3)''.

In section 428B(a)(3) of the Higher Education Act of 1965, as amended by section 4 of the bill, strike subparagraph (B) and insert the following:

''(B)(i) EXTENUATING CIRCUMSTANCES.—For loans made on or after July 1, 2008, and before July 1, 2009, a lender may determine that extenuating circumstances exist under the regulations promulgated pursuant to paragraph (1)(A) if an applicant for a loan under this section is delinquent for 180 days or less on their home mortgage payments and is not more than 89 days delinquent on the repayment of any other debt.

''(ii) MASTER CALENDAR INAPPLICABLE.—Section 482 shall not apply to determinations made under clause (i).''.

In section 5(a) of the bill—

(1) in paragraph (1), strike ''students and parents'' and insert ''eligible students and parents'';

(2) in paragraph (3)(A), strike the comma after ''paragraph (4)''; and

(3) in paragraph (4), strike paragraph (4) of section 428(j) of the Higher Education Act of 1965 added by such paragraph of the bill and insert the following:

''(4) INSTITUTION-WIDE STUDENT QUALIFICATION.—Upon the request of an institution of higher education and pursuant to standards developed by the Secretary, the Secretary shall designate such institution for participation in the lender-of-last-resort program under this paragraph. If the Secretary designates an institution under this paragraph, the guaranty agency designated for the State in which the institution is located shall make loans, in the same manner as such loans are made under paragraph (1), to students and parent borrowers of the designated institution, regardless of whether the students or parent borrowers are otherwise unable to obtain loans under this part (other than a consolidation loan under section 428C).

''(5) STANDARDS DEVELOPED BY THE SECRETARY.—In developing standards with respect to paragraph (4), the Secretary may require—

''(A) an institution of higher education to demonstrate that, despite due diligence on the part of the institution, the institution has been unable to secure the commitment of lenders willing to make loans to a significant number of students attending the institution;

''(B) that, prior to making a request under such paragraph for designation for participation in the lender-of-last-resort program, an institution of higher education shall demonstrate that the institution has met a minimum threshold, as determined by the Secretary, for the number or percentage of students at such institution who have received rejections from eligible lenders for loans under this part; and

''(C) any other standards and guidelines the Secretary determines to be appropriate.''.

In section 459A of the Higher Education Act of 1965, as added by section 7 of the bill—

(1) in subsection (a)(1), insert '', or enter into forward commitments to purchase,'' after ''is authorized to purchase'';

(2) in subsection (b)—

(A) strike ''shall be used'' and all that follows through the period and insert the following: ''shall be used (1) to ensure continued participation of such lender in the Federal student loan programs authorized under part B of this title, and (2) to originate new Federal loans to students, as authorized under part B of this title.'';

(3) redesignate subsection (c) as subsection (d); and

(4) after subsection (b), insert the following new subsection:

''(c) MAINTAINING SERVICING ARRANGEMENTS.—The Secretary may, if agreed upon by an eligible lender selling loans under this section, contract with such lender for the servicing of the loans purchased, provided that—

''(1) the cost of such servicing arrangement does not exceed the cost the Federal Government would otherwise incur for the servicing of loans purchased, as determined under subsection (a); and

''(2) such servicing arrangement is in the best interest of the borrowers whose loans are purchased.

It was decided in the affirmative ..... { Yeas ..... 413 / Nays 0

¶43.12 [Roll No. 203]

AYES—413

Abercrombie	Baca	Bean
Ackerman	Bachmann	Becerra
Aderholt	Bachus	Berman
Akin	Baird	Berry
Alexander	Baldwin	Biggert
Allen	Barrett (SC)	Bilbray
Altmire	Barrow	Bilirakis
Andrews	Bartlett (MD)	Bishop (NY)
Arcuri	Barton (TX)	Bishop (UT)

Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Maloney (NY)
Manzullo
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Norton
Nunes
Oberstar
Obey
Olver
Ortiz
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (FL)

NOT VOTING—23

Berkley
Bishop (GA)
Brown, Corrine
Brown-Waite, Ginny
Butterfield
Cole (OK)
Faleomavaega
Fortuño
Hulshof
Lynch
Mack
Mahoney (FL)
Marchant
Markey
Pallone
Peterson (PA)
Rush
Scott (GA)
Shadegg
Towns
Wilson (NM)
Wynn
Young (AK)

So the amendment was agreed to.

The SPEAKER pro tempore, Mr. WEINER, assumed the Chair.

When Mr. BLUMENAUER, Acting Chairman, pursuant to House Resolution 1107, reported the bill, as amended, back to the House with further sundry amendments adopted by the Committee.

The previous question having been ordered by said resolution.

The following amendments, reported from the Committee of the Whole House on the state of the Union, were agreed to:

In section 2 of the bill—

(1) redesignate subsection (b) as subsection (c); and

(2) after subsection (a) insert the following new subsection:

(b) STUDENT ELIGIBILITY.—Loan limit increases authorized by the amendments made by this section shall be available only to students who meet the requirements of section 484(a) of the Higher Education Act of 1965 (20 U.S.C. 1091(a)).

In section 428H(d) of the Higher Education Act of 1965, as amended by section 2(a) of the bill—

(1) in clause (i) of paragraph (2)(A), strike ''$14,000'' and insert ''$12,000''; and

(2) in subclause (II) of paragraph (4)(A)(i), strike ''clause (i)'' and insert ''subclause (I)''.

In section 3 of the bill—

(1) in subsection (a), insert ''of the Higher Education Act of 1965'' after ''428B(d)''; and

(2) in subsection (b), insert ''of such Act'' after ''428(b)(7)(C)''.

In section 4 of the bill, insert ''of the Higher Education Act of 1965 (20 U.S.C. 1078-2(a)(3))'' after ''428B(a)(3)''.

In section 428B(a)(3) of the Higher Education Act of 1965, as amended by section 4 of the bill, strike subparagraph (B) and insert the following:

''(B)(i) EXTENUATING CIRCUMSTANCES.—For loans made on or after July 1, 2008, and before July 1, 2009, a lender may determine that extenuating circumstances exist under the regulations promulgated pursuant to paragraph (1)(A) if an applicant for a loan under this section is delinquent for 180 days or less on their home mortgage payments and is not more than 89 days delinquent on the repayment of any other debt.

''(ii) MASTER CALENDAR INAPPLICABLE.—Section 482 shall not apply to determinations made under clause (i).''.

In section 5(a) of the bill—

(1) in paragraph (1), strike ''students and parents'' and insert ''eligible students and parents'';

(2) in paragraph (3)(A), strike the comma after ''paragraph (4)''; and

(3) in paragraph (4), strike paragraph (4) of section 428(j) of the Higher Education Act of 1965 added by such paragraph of the bill and insert the following:

''(4) INSTITUTION-WIDE STUDENT QUALIFICATION.—Upon the request of an institution of higher education and pursuant to standards developed by the Secretary, the Secretary shall designate such institution for participation in the lender-of-last-resort program under this paragraph. If the Secretary designates an institution under this paragraph, the guaranty agency designated for the State in which the institution is located shall make loans, in the same manner as such loans are made under paragraph (1), to students and parent borrowers of the designated institution, regardless of whether the students or parent borrowers are otherwise unable to obtain loans under this part (other than a consolidation loan under section 428C).

''(5) STANDARDS DEVELOPED BY THE SECRETARY.—In developing standards with respect to paragraph (4), the Secretary may require—

''(A) an institution of higher education to demonstrate that, despite due diligence on the part of the institution, the institution has been unable to secure the commitment of lenders willing to make loans to a significant number of students attending the institution;

''(B) that, prior to making a request under such paragraph for designation for participation in the lender-of-last-resort program, an institution of higher education shall demonstrate that the institution has met a minimum threshold, as determined by the Secretary, for the number or percentage of students at such institution who have received rejections from eligible lenders for loans under this part; and

''(C) any other standards and guidelines the Secretary determines to be appropriate.''.

In section 459A of the Higher Education Act of 1965, as added by section 7 of the bill—

(1) in subsection (a)(1), insert '', or enter into forward commitments to purchase,'' after ''is authorized to purchase'';

(2) in subsection (b)—

(A) strike ''shall be used'' and all that follows through the period and insert the following: ''shall be used (1) to ensure continued participation of such lender in the Federal student loan programs authorized under part B of this title, and (2) to originate new Federal loans to students, as authorized under part B of this title.'';

(3) redesignate subsection (c) as subsection (d); and

(4) after subsection (b), insert the following new subsection:

''(c) MAINTAINING SERVICING ARRANGEMENTS.—The Secretary may, if agreed upon by an eligible lender selling loans under this section, contract with such lender for the servicing of the loans purchased, provided that—

''(1) the cost of such servicing arrangement does not exceed the cost the Federal Government would otherwise incur for the servicing of loans purchased, as determined under subsection (a); and

''(2) such servicing arrangement is in the best interest of the borrowers whose loans are purchased.

In section 428B(a)(3)(B) of the Higher Education Act of 1965, as amended by section 4 of the bill, insert ''or on medical bill payments'' after ''home mortgage payments''.

At the end of section 5 of the bill, add the following new subsection:

(c) REVIEW OF INDUCEMENTS LIMITATIONS.—Within 90 days after the date of enactment of this Act, the Secretary of Education shall review, and as necessary revise, the Department of Education's regulations concerning prohibited guaranty agency inducements to eligible lenders (34 CFR 682.401(a)) to ensure that such agency's do not engage in improper inducements in the expansion of operations of the lender-of-last-resort program as authorized by the amendments made by this section. The Secretary shall submit a report on the review and revision required by this subsection to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate within 180 days after such date of enactment.

''(a) AUTHORITY TO PURCHASE.—

''(1) AUTHORITY; DETERMINATION REQUIRED.—Upon a determination by the Secretary that there is an inadequate availability of loan capital to meet the demand for loans under sections 428, 428B, or 428H, whether as a result of inadequate liquidity for such loans or for other reasons, the Secretary, in consultation with the Secretary of the Treasury, is authorized to purchase, or enter into forward commitments to purchase, from any eligible lender, as defined by section 435(d)(1), loans originated under sections 428, 428B, or 428H on or after October 1, 2003, on such terms as the Secretary, the Secretary of the Treasury, and the Director of the Office of Management and Budget jointly determine are in the best interest of the United States, except that any purchase under this section shall not result in any net cost to the Federal Government, as determined jointly by the Secretary, the Secretary of the Treasury, and the Director of the Office of Management and Budget.

''(2) REGULATIONS REQUIRED.—The Secretary, the Secretary of the Treasury, and the Director of the Office of Management and Budget shall jointly promulgate emergency regulations and publish such emergency regulations promptly in the Federal Register concerning the purchases authorized by paragraph (1).

''(3) METHODOLOGY AND FACTORS; JUSTIFICATION REQUIRED.—Such regulations shall outline the methodology and factors that the Secretary, the Secretary of the Treasury, and the Director of the Office of Management and Budget shall consider in evaluating the price at which to purchase loans under sections 428, 428B, or 428H, and shall include a justification of how the use of such methodology and consideration of such factors used to determine purchase price will ensure that loan purchases do not result in any net cost to the Federal Government.

At the end of the bill, add the following new section:

SEC. 9. GAO STUDY ON IMPACT OF INCREASED LOAN LIMITS.

(a) STUDY REQUIRED.—The Comptroller General shall conduct a study to evaluate the impact of the increase in Federal loan limits provided for in section 2 of this Act and section 8005 of the Deficit Reduction Act of 2005 with respect to the impact on—

(1) tuition, fees, and room and board at institutions of higher education; and

(2) private loan borrowing by students and parents for attendance at institutions of higher education.

(b) STUDY COMPONENTS.—The study required under subsection (a) shall be conducted for each major sector of institutions of higher education over a 5-year time period. The report shall specifically analyze the following:

(1) Whether, on average, tuition, fees, and room and board increase, decrease, or remain unchanged in each such sector after the increases in Federal loan limits take effect.

(2) Whether the amount of private educational loans taken out by students (and their parents) at institutions in each such sector to pay tuition, fees, and room and board increase, decrease, or remain unchanged.

(c) REPORT.—Not later than one year after the date of enactment of this Act, the Comptroller General shall provide an interim report to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate including the initial results of the study conducted under this section. The Comptroller General shall follow up with such Committees after the third year and the fifth year after such date of enactment.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

The question being put, viva voce,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. WEINER, announced that the yeas had it.

Mr. George MILLER of California, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 383 / Nays 27

¶43.13 [Roll No. 204]

YEAS—383

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown (SC)
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Forbes
Fortenberry
Fossella
Foster
Frank (MA)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Maloney (NY)
Manzullo
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pascrell
Pastor
Payne
Pearce
Perlmutter
Peterson (MN)
Petri
Pickering
Pitts
Platts
Pomeroy
Porter
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Speier
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Wexler
Whitfield (KY)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (FL)

NAYS—27

Akin
Barrett (SC)
Brady (TX)
Campbell (CA)
Cannon
Cubin
Deal (GA)
Duncan
Flake
Foxx
Franks (AZ)
Gingrey
Hensarling
Herger
Johnson, Sam
Jordan
King (IA)
Kingston
Lamborn
McHenry
Miller (FL)
Paul
Pence
Poe
Price (GA)
Tancredo
Westmoreland

NOT VOTING—21

Berkley	Mack	Rush
Bishop (GA)	Mahoney (FL)	Shadegg
Broun (GA)	Marchant	Spratt
Brown, Corrine	Markey	Wilson (NM)
Brown-Waite, Ginny	Marshall	Wynn
Butterfield	McHugh	Young (AK)
Hulshof	Pallone	
	Peterson (PA)	

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶43.14 MOMENT OF SILENCE IN MEMORY OF LOU COSTANTINO

The SPEAKER pro tempore, Mr. WEINER, announced that all Members stand and observe a moment of silence in memory of Lou Costantino, Security Floor Staff.

¶43.15 MESSAGE FROM THE SENATE

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

H.R. 5813. An Act to amend Public Law 110–196 to provide for a temporary extension of programs authorized by the Farm Security and Rural Investment Act of 2002 beyond April 18, 2008.

¶43.16 ADJOURNMENT OVER

On motion of Mr. HOYER, by unanimous consent,

Ordered, That when the House adjourns today, it adjourn to meet on Friday, April 18, 2008, at 9 a.m.

¶43.17 ADJOURNMENT OVER

On motion of Ms. JACKSON-LEE of Texas, by unanimous consent,

Ordered, That when the House adjourns on Friday, April 18, 2008, it adjourn to meet at 12:30 p.m. on Tuesday, April 22, 2008, for morning-hour debate.

¶43.18 CALENDAR WEDNESDAY BUSINESS DISPENSED WITH

On motion of Ms. JACKSON-LEE of Texas, by unanimous consent,

Ordered, That business in order for consideration on Wednesday, April 23, 2008, under clause 6, rule XV, the Calendar Wednesday rule, be dispensed with.

¶43.19 CLERK TO CORRECT ENGROSSMENT—H.R. 5715

On motion of Ms. JACKSON-LEE of Texas, by unanimous consent,

Ordered, That in the engrossment of the bill (H.R. 5715) to ensure continued availability of access to the Federal student loan program for students and families, the Clerk be authorized to make technical corrections, to include corrections in spelling, punctuation, section numbering and cross-referencing, and insertion of appropriate headings.

¶43.20 MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Sherman Williams, one of his secretaries.

¶43.21 MESSAGE FROM THE PRESIDENT—SOLOMON ISLANDS

The SPEAKER pro tempore, Mr. YARMUTH, laid before the House a message from the President, which was read as follows:

To the Congress of the United States:

In accordance with section 502(f)(1)(B) of the Trade Act of 1974, as amended (the ''Act''), I am providing notification of my intent to add the Solomon Islands to the list of least-developed beneficiary developing countries under the Generalized System of Preferences (GSP) program. In Executive Order 12302 of April 1, 1981, the Solomon Islands was designated as a beneficiary developing country for purposes of the GSP program. After considering the criteria set forth in sections 501 and 502 of the Act, I have determined that it is appropriate to extend least-developed beneficiary developing country benefits to the Solomon Islands.

GEORGE W. BUSH.

THE WHITE HOUSE, *April 17, 2008*.

By unanimous consent, the message, together with the accompanying papers, was referred to the Committee on Ways and Means and ordered to be printed (H. Doc. 110–105).

¶43.22 ENROLLED BILL SIGNED

Lorraine C. Miller, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 5813. An Act to amend Public Law 110–196 to provide for a temporary extension of programs authorized by the Farm Security and Rural Investment Act of 2002 beyond April 18, 2008.

¶43.23 SENATE ENROLLED BILL SIGNED

The Speaker announced her signature to an enrolled bill of the Senate of the following title:

S. 793. An Act to provide for the expansion and improvement of traumatic brain injury programs.

¶43.24 BILLS AND JOINT RESOLUTIONS APPROVED

The President notified the Clerk of the House that on the following dates, he had approved and signed bills of the following titles:

January 7, 2008:

H.R. 660. An Act to amend title 18, United States Code, to protect judges, prosecutors, witnesses, victims, and their family members, and for other purposes.

H.R. 3690. An Act to provide for the transfer of the Library of Congress police to the United States Capitol Police, and for other purposes.

January 8, 2008:

H.R. 2640. An Act to improve the National Instant Criminal Background Check System, and for other purposes.

January 28, 2008:

H.R. 4986. An Act to provide for the enactment of the National Defense Authorization Act for Fiscal Year 2008, as previously enrolled, with certain modifications to address the foreign sovereign immunities provisions of title 28, United States Code, with respect to the attachment of property in certain judgements against Iraq, the lapse of statutory authorities for the payment of bonuses, special pays, and similar benefits for members of the uniformed services, and for other purposes.

January 31, 2008:

H.R. 5104. An Act to extend the Protect America Act of 2007 for 15 days.

February 5, 2008:

H.R. 3432. An Act to establish the Commission on the Abolition of the Transatlantic Slave Trade.

February 13, 2008:

H.R. 5140. An Act to provide economic stimulus through recovery rebates to individuals, incentives for business investment, and an increase in conforming and FHA loan limits.

February 14, 2008:

H.R. 4253. An Act to improve and expand small business assistance programs for veterans of the armed forces and military reservists, and for other purposes.

February 15, 2008:

H.R. 3541. An Act to amend the Do-not-call Implementation Act to eliminate the automatic removal of telephone numbers registered on the Federal ''do-not-call'' registry.

February 28, 2008:

H.R. 1216. An Act to direct the Secretary of Transportation to issue regulations to reduce the incidence of child injury and death occurring inside or outside of light motor vehicles, and for other purposes.

H.R. 5270. An Act to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, and for other purposes.

February 29, 2008:

H.R. 5264. An Act to extend the Andean Trade Preference Act, and for other purposes.

H.R. 5478. An Act to provide for the continued minting and issuance of certain $1 coins in 2008.

¶43.25 SENATE BILLS AND JOINT RESOLUTIONS APPROVED

The President notified the Clerk of the House that on the following dates, he had approved and signed bills of the Senate of the following titles:

January 4, 2008:

S. 2436. An Act to amend the Internal Revenue Code of 1986 to clarify the term of the Commissioner of Internal Revenue.

January 7, 2008:

S. 863. An Act to amend title 18, United States Code, with respect to fraud in connection with major disaster or emergency funds.

February 6, 2008:

S. 2110. An Act to designate the facility of the United States Postal Service located at 427 North Street in Taft, California, as the ''Larry S. Pierce Post Office''.

March 6, 2008:

S. 2571. An Act to make technical corrections to the Federal Insecticide, Fungicide, and Rodenticide Act.

S. 781. An Act to extend the authority of the Federal Trade Commission to collect Do-Not-Call Registry fees to fiscal years after fiscal year 2007.

March 11, 2008:

S. 2478. An Act to designate the facility of the United States Postal Service located at 59 Colby Corner in East Hampstead, New Hampshire, as the ''Captain Jonathan D. Grassbaugh Post Office''.

March 12, 2008:

S. 2272. An Act to designate the facility of the United States Postal Service known as the Southpark Station in Alexandria, Louisiana, as the John ''Marty'' Thiels Southpark Station, in honor and memory of Thiels, a Louisiana postal worker who was killed in the line of duty on October 4, 2007.

March 14, 2008:

S. 2745. An Act to extend agricultural programs beyond March 15, 2008, to suspend permanent price support authorities beyond that date, and for other purposes.

S.J. Res. 25. A joint resolution providing for the appointment of John W. McCarter as a citizen regent of the Board of Regents of the Smithsonian Institution.

March 24, 2008:

S. 2733. An Act to temporarily extend the programs under the Higher Education Act of 1965.

¶43.26 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Ms. Ginny BROWN-WAITE of Florida, for today and through April 24; and

To Mr. PALLONE, for today.

And then,

¶43.27 ADJOURNMENT

On motion of Mr. BARTLETT of Maryland, pursuant to the previous order of the House, at 4 o'clock and 54 minutes p.m., the House adjourned until 9 a.m. on Friday, April 18, 2008.

¶43.28 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

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

Mr. RAHALL: Committee on Natural Resources. H.R. 3513. A bill to amend the Oregon Wilderness Act of 1984 to designate the Copper Salmon Wilderness and to amend the Wild and Scenic Rivers Act to designate segments of the North and South Forks of the Elk River in the State of Oregon as wild or scenic rivers, and for other purposes; with an amendment (Rept. 110–591). Referred to the Committee of the Whole House on the state of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 831. A bill to provide for the conveyance of certain Forest Service land to the city of Coffman Cove, Alaska; with an amendment (Rept. 110–592). Referred to the Committee of the Whole House on the state of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 3734. A bill to rename the Snake River Birds of Prey National Conservation Area in the State of Idaho as the Morley Nelson Snake River Birds of Prey National Conservation Area in honor of the late Morley Nelson, an international authority on birds of prey, who was instrumental in the establishment of this National Conservation Area, and for other purposes (Rept. 110–593). Referred to the House Calendar.

Mr. WAXMAN: Committee on Oversight and Government Reform. H.R. 3928. A bill to require certain large government contractors that receive more than 80 percent of their annual gross revenue from Federal contracts to disclose the names and salaries of their most highly compensated officers, and for other purposes; with an amendment (Rept. 110–594). Referred to the Committee of the Whole House on the state of the Union.

¶43.29 PUBLIC BILLS AND RESOLUTIONS

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

By Mr. MANZULLO (for himself and Mr. SMITH of Washington):

H.R. 5828. A bill to enhance the reliability of information in the Automated Export System, and for other purposes; to the Committee on Foreign Affairs.

By Mr. SIRES (for himself, Mr. FRANK of Massachusetts, and Mr. MEEK of Florida):

H.R. 5829. A bill to improve the Operating Fund for public housing of the Department of Housing and Urban Development, and for other purposes; to the Committee on Financial Services.

By Mr. FRANK of Massachusetts (for himself, Ms. WATERS, Mrs. MALONEY of New York, Mr. WATT, Mr. ACKERMAN, Mr. MEEKS of New York, Mr. CLAY, Mr. LYNCH, Mr. AL GREEN of Texas, Ms. MOORE of Wisconsin, Mr. LINCOLN DAVIS of Tennessee, Mr. HODES, Mr. WILSON of Ohio, Mr. PERLMUTTER, Mr. MURPHY of Connecticut, Mr. DONNELLY, Mr. WEXLER, Mr. SHAYS, Ms. GINNY BROWN-WAITE of Florida, Mr. DINGELL, Ms. SCHAKOWSKY, Mr. LEVIN, Mr. HINCHEY, Mr. FATTAH, Mr. JACKSON of Illinois, Mrs. CHRISTENSEN, Ms. LEE, Mr. WU, Ms. MCCOLLUM of Minnesota, Mr. VAN HOLLEN, Mr. BUTTERFIELD, Mr. COURTNEY, Mr. SESTAK, Mr. SIRES, and Ms. TSONGAS):

H.R. 5830. A bill to create a voluntary FHA program that provides mortgage refinancing assistance to allow families to stay in their homes, protect neighborhoods, and help stabilize the housing market; to the Committee on Financial Services.

By Mrs. GILLIBRAND:

H.R. 5831. A bill to amend the National Defense Authorization Act for Fiscal Year 2008 to provide injured members of the Armed Forces information concerning benefits; to the Committee on Armed Services.

By Mrs. GILLIBRAND:

H.R. 5832. A bill to amend title 10, United States Code, to eliminate the requirement for dependents to reside with members of the Armed Forces to be eligible for TRICARE Prime Remote; to the Committee on Armed Services.

By Mr. DEFAZIO:

H.R. 5833. A bill to amend title 28, United States Code, to provide for the direct payment of attorney fees and costs to the attorney representing a prevailing party in certain Social Security Disability Insurance and Supplemental Security Income claims, and for other purposes; to the Committee on the Judiciary.

By Ms. ROS-LEHTINEN (for herself, Mr. BERMAN, Mr. SMITH of New Jersey, Mr. ACKERMAN, Mr. BURTON of Indiana, Mr. CHABOT, Mr. INGLIS of South Carolina, and Mr. FORTUÑO):

H.R. 5834. A bill to amend the North Korean Human Rights Act of 2004 to promote respect for the fundamental human rights of the people of North Korea, and for other purposes; to the Committee on Foreign Affairs.

By Ms. SCHAKOWSKY (for herself, Mr. BURGESS, Ms. DEGETTE, Mr. TOWNS, Mr. GENE GREEN of Texas, Mr. GORDON, Mr. TERRY, Mr. HINOJOSA, Mr. FERGUSON, Ms. BORDALLO, Ms. SOLIS, and Mrs. CAPPS):

H.R. 5835. A bill to provide for increased planning and funding for health promotion programs of the Department of Health and Human Services; to the Committee on Energy and Commerce.

By Mr. CARNAHAN:

H.R. 5836. A bill to amend the Foreign Assistance Act of 1961 to authorize the President to provide assistance to establish partnerships between businesses and postsecondary educational institutions in developing countries in Africa to increase economic freedom and competitiveness, promote civil society, and improve the quality of life in such countries; to the Committee on Foreign Affairs.

By Ms. ZOE LOFGREN of California (for herself, Mr. FORTENBERRY, Mr. CONYERS, Mr. SENSENBRENNER, Mr. SKELTON, Mr. HUNTER, Mr. BERMAN, Ms. ROS-LEHTINEN, Mr. BLUMENAUER, Mr. SMITH of New Jersey, Mr. PERLMUTTER, Mr. PENCE, and Ms. JACKSON-LEE of Texas):

H.R. 5837. A bill to make technical corrections to section 1244 of the National Defense Authorization Act for Fiscal Year 2008, which provides special immigrant status for certain Iraqis, and for other purposes; to the Committee on the Judiciary.

By Mr. GEORGE MILLER of California (for himself, Mr. GRIJALVA, Mr. TIERNEY, and Mr. ANDREWS):

H.R. 5838. A bill to amend the National Labor Relations Act to apply the protections of the Act to teaching and research assistants; to the Committee on Education and Labor.

By Mr. BUYER (for himself, Mr. MATHESON, Mr. ROGERS of Michigan, and Mr. GENE GREEN of Texas):

H.R. 5839. A bill to amend the Federal Food, Drug, and Cosmetic Act to improve the safety of drugs; to the Committee on Energy and Commerce.

By Mr. KANJORSKI (for himself, Ms. BEAN, Mr. ROYCE, Mr. MOORE of Kansas, and Ms. PRYCE of Ohio):

H.R. 5840. A bill to establish an Office of Insurance Information in the Department of the Treasury; to the Committee on Financial Services.

By Mr. MOORE of Kansas (for himself and Mr. ROSKAM):

H.R. 5841. A bill to provide regulatory relief and improve productivity for insured depository institutions, and for other purposes; to the Committee on Financial Services.

By Mr. FRANK of Massachusetts (for himself, Mr. PAUL, Mr. ROHRABACHER, Mr. FARR, and Mr. HINCHEY):

H.R. 5842. A bill to provide for the medical use of marijuana in accordance with the laws of the various States; to the Committee on Energy and Commerce.

By Mr. FRANK of Massachusetts (for himself and Mr. PAUL):

H.R. 5843. A bill to eliminate most Federal penalties for possession of marijuana for personal use, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. WOOLSEY (for herself, Ms. ESHOO, Mr. FARR, Mr. HONDA, Ms. LEE, Ms. ZOE LOFGREN of California, Mr. GEORGE MILLER of California, Mr. STARK, Mr. THOMPSON of California, and Ms. SPEIER):

H.R. 5844. A bill to provide for the transfer of the decommissioned Naval Security Group Activity, Skaggs Island, in Sonoma County, California, from the Department of the Navy to the Department of the Interior for conversion into a wildlife refuge for inclusion in the National Wildlife Refuge System; to the Committee on Armed Services.

By Mr. EMANUEL (for himself, Mr. GEORGE MILLER of California, Ms. WOOLSEY, Mrs. MALONEY of New York, Mr. NADLER, Mr. ACKERMAN, Mr. COSTA, and Mr. POE):

H.R. 5845. A bill to permit leave under the Family and Medical Leave Act of 1993 for victims of violent crime and domestic violence and immediate family members of victims of violent crime and domestic violence to attend court proceedings relating to such crimes; to the Committee on Education and Labor, and in addition to the Committees on

Oversight and Government Reform, and House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. ESHOO (for herself, Mr. CANNON, and Mr. MARKEY):

H.R. 5846. A bill to require the Federal Communications Commission to auction spectrum for a free and open access broadband service; to the Committee on Energy and Commerce.

By Mr. GARRETT of New Jersey (for himself, Mr. POE, Mr. MCCOTTER, Mr. MCHENRY, Mr. KING of Iowa, Mr. BROUN of Georgia, Mr. BARTLETT of Maryland, Mr. PENCE, Mr. FEENEY, Mr. SHADEGG, Mr. WELDON of Florida, Mr. GOHMERT, Mr. DANIEL E. LUNGREN of California, Mr. KUHL of New York, Mr. LAMBORN, Mr. SHIMKUS, Mr. GOODE, and Mr. BISHOP of Utah):

H.R. 5847. A bill to prohibit United States funding for the 2009 United Nations Durban Review Conference (''Durban II Conference'') or any other activity relating to the planning, preparation, or implementation of a follow-up meeting to the 2001 United Nations World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance (''Durban I Conference'') in Durban, South Africa; to the Committee on Foreign Affairs.

By Mr. HOLT (for himself, Mr. GEORGE MILLER of California, and Ms. MCCOLLUM of Minnesota):

H.R. 5848. A bill to amend the Higher Education Act of 1965 to authorize a program to prepare teachers for digital age learners; to the Committee on Education and Labor.

By Mr. MELANCON:

H.R. 5849. A bill to extend the returning worker exemption to the H-2B numerical limitation; to the Committee on the Judiciary.

By Mr. MILLER of Florida (for himself, Mr. BOYD of Florida, and Mr. BONNER):

H.R. 5850. A bill to amend the Act entitled ''An Act authorizing associations of producers of aquatic products'' to include persons engaged in the fishery industry as charter boats or recreational fishermen, and for other purposes; to the Committee on Natural Resources.

By Mr. SALAZAR (for himself and Mr. UDALL of Colorado):

H.R. 5851. A bill to provide for orderly and balanced development of energy resources within the Roan Plateau Planning Area of Colorado, and for other purposes; to the Committee on Natural Resources.

By Mr. TOWNS (for himself, Mr. ALLEN, Mr. BARTLETT of Maryland, Mr. BRALEY of Iowa, Mr. LANGEVIN, Mr. REICHERT, Mr. CAMPBELL of California, and Mrs. BONO MACK):

H.R. 5852. A bill to prohibit the conducting of invasive research on great apes, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, and Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. TSONGAS:

H.R. 5853. A bill to expand the boundary of the Minute Man National Historical Park in the Commonwealth of Massachusetts to include Barrett's Farm, and for other purposes; to the Committee on Natural Resources.

By Mr. VAN HOLLEN:

H.R. 5854. A bill to amend title 36, United States Code, to grant a Federal charter to the Military Officers Association of America, and for other purposes; to the Committee on the Judiciary.

By Ms. VELÁZQUEZ:

H.R. 5855. A bill to establish a program to provide grants to help homeowners who are facing foreclosure to receive professional counseling; to the Committee on Financial Services.

By Ms. BALDWIN (for herself, Mr. POE, Ms. JACKSON-LEE of Texas, Mr. MORAN of Virginia, Mr. HOLDEN, Mr. ALLEN, Mr. WYNN, Mr. MCDERMOTT, Mr. ELLISON, Mr. NADLER, Ms. WASSERMAN SCHULTZ, Mr. MOORE of Kansas, Ms. MCCOLLUM of Minnesota, Mr. BURTON of Indiana, Mrs. MALONEY of New York, Ms. MATSUI, Ms. DELAURO, Ms. SUTTON, Mr. LOEBSACK, Ms. LORETTA SANCHEZ of California, Mrs. NAPOLITANO, Mr. LEWIS of Georgia, and Mr. PETERSON of Minnesota):

H. Con. Res. 330. Concurrent resolution supporting the goals and ideals of National Sexual Assault Awareness and Prevention Month; to the Committee on the Judiciary.

By Mr. HINCHEY (for himself, Ms. BALDWIN, Ms. CORRINE BROWN of Florida, Mrs. CAPPS, Mr. CROWLEY, Mr. DELAHUNT, Mr. FARR, Ms. HOOLEY, Ms. KILPATRICK, Mrs. BONO MACK, Mrs. MALONEY of New York, Ms. MATSUI, Mrs. MCCARTHY of New York, Ms. NORTON, Ms. PRYCE of Ohio, Mr. SERRANO, Mr. SNYDER, and Ms. SUTTON):

H. Con. Res. 331. Concurrent resolution supporting the goals and ideals of National Women's Health Week, and for other purposes; to the Committee on Energy and Commerce.

By Mr. MCNERNEY:

H. Res. 1117. A resolution declaring the support of the House of Representatives for the goals and ideals of Earth Day and for developing the scientific and technological capabilities to achieve those goals; to the Committee on Science and Technology.

By Mr. FOSTER:

H. Res. 1118. A resolution honoring the life and achievements of John Archibald Wheeler and expressing condolences on his passing; to the Committee on Science and Technology.

By Mr. PLATTS (for himself, Mr. SHAYS, Ms. MATSUI, Mr. PRICE of North Carolina, and Mr. MCKEON):

H. Res. 1119. A resolution supporting the goals and ideals highlighted through National Volunteer Week; to the Committee on Education and Labor.

By Mr. ABERCROMBIE (for himself, Mr. WESTMORELAND, and Mr. SIMPSON):

H. Res. 1120. A resolution supports the establishment of an NCAA Division I Football Bowl Subdivision Championship playoff system in the interest of fairness and to bring parity to all NCAA teams; to the Committee on the Judiciary, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BISHOP of Utah:

H. Res. 1121. A resolution commending Miller Motorsports Park, the county of Tooele, and the State of Utah for hosting the Federation Internationale de Motocyclisme (FIM) Superbike World Championship May 29 through June 1, 2008; to the Committee on Foreign Affairs.

By Mrs. MUSGRAVE:

H. Res. 1122. A resolution recognizing Armed Forces Day; to the Committee on Oversight and Government Reform.

By Mr. ROHRABACHER (for himself, Mr. DELAHUNT, Mr. CHABOT, Mr. COBLE, Mr. COHEN, Mr. DUNCAN, Mr. JONES of North Carolina, Ms. KAPTUR, and Mr. ROYCE):

H. Res. 1123. A resolution calling on the President of the United States not to commit the United States to any status of forces agreement or any other bilateral agreement with the Republic of Iraq that involves the continued presence of the United States Armed Forces in Iraq unless the agreement includes a provision under which the Republic of Iraq agrees to reimburse the United States for all costs incurred by the United States related to the presence of United States Armed Forces in Iraq after the effective date of the agreement; to the Committee on Foreign Affairs.

¶43.30 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 406: Mr. ADERHOLT, Mr. BACHUS, Mr. FRELINGHUYSEN, Mr. GOODLATTE, Mr. KING of New York, Mr. KING of Iowa, Mr. LATHAM, Mr. SMITH of New Jersey, and Mr. WELLER.

H.R. 503: Mr. SCOTT of Virginia.

H.R. 510: Mr. BACHUS and Mr. MARCHANT.

H.R. 583: Ms. GIFFORDS.

H.R. 643: Ms. PRYCE of Ohio and Mr. DAVIS of Alabama.

H.R. 715: Ms. KILPATRICK.

H.R. 741: Mr. BOUCHER.

H.R. 821: Mr. LEVIN.

H.R. 826: Mr. WAMP.

H.R. 998: Ms. ZOE LOFGREN of California.

H.R. 1076: Mr. CARNEY.

H.R. 1108: Mr. MURTHA.

H.R. 1110: Mr. INSLEE.

H.R. 1113: Mr. COHEN and Mr. HOLT.

H.R. 1157: Mrs. CHRISTENSEN.

H.R. 1222: Mr. WITTMAN of Virginia.

H.R. 1228: Mr. HONDA.

H.R. 1232: Mr. BRALEY of Iowa.

H.R. 1245: Mr. TOWNS, Mr. ROSS, and Mr. DAVIS of Illinois.

H.R. 1283: Mr. HULSHOF.

H.R. 1295: Mr. MILLER of Florida.

H.R. 1363: Mr. RYAN of Ohio and Mr. SCOTT of Virginia.

H.R. 1395: Mr. LEVIN.

H.R. 1419: Mr. MCHUGH, Mr. MITCHELL, and Mr. HINCHEY.

H.R. 1431: Mrs. SCHMIDT.

H.R. 1552: Mr. WELCH of Vermont.

H.R. 1576: Mr. WITTMAN of Virginia.

H.R. 1609: Mr. LATTA, Mrs. BONO MACK, Mr. SCOTT of Virginia, and Mrs. MUSGRAVE.

H.R. 1610: Ms. WASSERMAN SCHULTZ and Mr. CRAMER.

H.R. 1621: Mr. RAHALL.

H.R. 1646: Mr. ISRAEL.

H.R. 1647: Mr. NEAL of Massachusetts, Mr. COHEN, Mr. HOLT, Mr. LIPINSKI, and Mr. COSTELLO.

H.R. 1655: Mr. COSTELLO and Mr. FILNER.

H.R. 1667: Mr. ISRAEL.

H.R. 1738: Ms. CASTOR and Mr. FOSSELLA.

H.R. 1783: Mr. HONDA.

H.R. 1827: Ms. FOXX and Mr. CAMPBELL of California.

H.R. 1881: Ms. SLAUGHTER.

H.R. 1889: Mr. BOREN.

H.R. 1890: Mr. BOREN.

H.R. 1930: Mrs. BACHMANN.

H.R. 1932: Mr. UDALL of New Mexico and Mr. PAYNE.

H.R. 1940: Mr. WITTMAN of Virginia.

H.R. 1967: Mr. PENCE, Mr. SMITH of Nebraska, Ms. FALLIN, Mr. WITTMAN of Virginia, Mr. MCKEON, Mr. TERRY, and Mr. LAMBORN.

H.R. 2032: Mr. JEFFERSON.

H.R. 2054: Ms. WASSERMAN SCHULTZ.

H.R. 2091: Mr. WU and Mr. LATHAM.

H.R. 2138: Mr. MCHENRY, Mr. LINCOLN DIAZ-BALART of Florida, Mrs. WILSON of New Mexico, and Mr. GARY G. MILLER of California.

H.R. 2188: Ms. BALDWIN, Ms. ZOE LOFGREN of California, and Ms. ROS-LEHTINEN.

H.R. 2230: Mr. PEARCE.

H.R. 2241: Mr. PASTOR.

H.R. 2280: Mr. WALZ of Minnesota.
H.R. 2325: Mr. BOREN.
H.R. 2330: Mrs. DRAKE, Mr. ENGLISH of Pennsylvania, and Mr. POE.
H.R. 2370: Mr. BRALEY of Iowa.
H.R. 2611: Mr. ALTMIRE.
H.R. 2676: Mr. BOUCHER.
H.R. 2744: Ms. SLAUGHTER, Mrs. BONO MACK, Mr. ROSKAM, Mr. MEEKS of New York, Mr. RANGEL, Mr. BECERRA, and Ms. CASTOR.
H.R. 2802: Mr. TOWNS and Mr. KUCINICH.
H.R. 2833: Mr. DONNELLY.
H.R. 2878: Mrs. DAVIS of California.
H.R. 2892: Mr. GRIJALVA.
H.R. 2914: Mr. BOOZMAN.
H.R. 2941: Mr. GERLACH.
H.R. 3036: Mr. RUPPERSBERGER.
H.R. 3089: Ms. GRANGER, Mr. SHIMKUS, and Mr. COLE of Oklahoma.
H.R. 3098: Mr. RODRIGUEZ.
H.R. 3140: Mr. YOUNG of Alaska and Mr. GOODLATTE.
H.R. 3186: Mr. ALTMIRE, Mr. BONNER, Mr. PASTOR, Mr. MCNERNEY, Mr. GENE GREEN of Texas, and Mr. ARCURI.
H.R. 3202: Mr. MEEKS of New York.
H.R. 3229: Mr. BERMAN, Mr. ACKERMAN, Ms. BERKLEY, Mr. BISHOP of New York, Mr. BLUMENAUER, Mr. BOSWELL, Mr. BRALEY of Iowa, Mrs. CAPPS, Mr. CAPUANO, Mr. CARDOZA, Mr. CHANDLER, Ms. DELAURO, Mr. DOYLE, Mr. EDWARDS, Mr. EMANUEL, Ms. ESHOO, Mr. FARR, Mr. FOSTER, Mr. FRANK of Massachusetts, Mr. GENE GREEN of Texas, Ms. HERSETH SANDLIN, Mr. HOLDEN, Mr. HONDA, Ms. JACKSON-LEE of Texas, Mr. JEFFERSON, Mr. KANJORSKI, Ms. KAPTUR, Mr. KENNEDY, Mr. LARSON of Connecticut, Mr. LEVIN, Mr. LOEBSACK, Mr. MCDERMOTT, Mr. MCINTYRE, Mr. MOLLOHAN, Mr. MOORE of Kansas, Ms. MOORE of Wisconsin, Mr. PATRICK MURPHY of Pennsylvania, Mr. MURTHA, Mr. NADLER, Mr. PALLONE, Mr. PASTOR, Mr. PRICE of North Carolina, Mr. RAHALL, Mr. SCHIFF, Ms. SLAUGHTER, Mr. SNYDER, Mr. STARK, Mr. THOMPSON of California, Mr. UDALL of New Mexico, Ms. VELÁZQUEZ, Ms. WASSERMAN SCHULTZ, Mr. WU, Ms. BALDWIN, Ms. CASTOR, Mr. DINGELL, Mr. ENGEL, Mr. ETHERIDGE, Mr. GONZALEZ, Mr. GRIJALVA, Mr. HARE, Mr. INSLEE, Ms. ZOE LOFGREN of California, Mrs. MCCARTHY of New York, Mrs. NAPOLITANO, Mr. OBERSTAR, Mr. ORTIZ, Mr. RODRIGUEZ, Mr. ROTHMAN, Ms. LINDA T. SÁNCHEZ of California, Ms. SHEA-PORTER, Ms. SOLIS, Ms. SUTTON, and Mr. WAXMAN.
H.R. 3232: Mr. BRADY of Pennsylvania and Mr. HIGGINS.
H.R. 3341: Mr. BARTLETT of Maryland.
H.R. 3419: Mr. MCDERMOTT.
H.R. 3457: Mr. GONZALEZ and Mr. MCCOTTER.
H.R. 3544: Mr. WAXMAN and Mrs. MALONEY of New York.
H.R. 3622: Mr. ARCURI and Ms. HIRONO.
H.R. 3700: Mr. ALLEN.
H.R. 3800: Mr. DONNELLY.
H.R. 3865: Mr. COBLE, Mr. FARR, Mr. ELLISON, and Mr. BOUCHER.
H.R. 3976: Mr. BISHOP of New York.
H.R. 4008: Mr. KELLER.
H.R. 4020: Mr. JEFFERSON and Mr. CARSON.
H.R. 4107: Mr. BOUCHER.
H.R. 4114: Mr. DEFAZIO.
H.R. 4202: Mr. COSTELLO.
H.R. 4218: Mrs. CAPPS.
H.R. 4236: Mr. SCOTT of Virginia and Mr. CARNEY.
H.R. 4335: Mr. CAPUANO.
H.R. 4344: Mr. KUHL of New York.
H.R. 4450: Mr. BACA, Mr. CUMMINGS, Mr. BOUCHER, and Mr. MORAN of Virginia.
H.R. 4460: Mr. HUNTER and Mr. CONAWAY.
H.R. 4544: Mrs. DRAKE, Mr. SIMPSON, Mr. OBERSTAR, Mr. MILLER of Florida, and Mr. GALLEGLY.
H.R. 4688: Mr. PORTER and Mr. GRIJALVA.
H.R. 4879: Mr. BRADY of Pennsylvania.
H.R. 4900: Mr. SHUSTER, Mr. MCCRERY, Mr. HALL of Texas, Mr. KINGSTON, Mr. ORTIZ, Mr. BARROW, Mr. THORNBERRY, Mr. TIM MURPHY of Pennsylvania, Mr. BONNER, and Mr. TERRY.
H.R. 4930: Mr. BOUCHER and Ms. BALDWIN.
H.R. 4959: Mr. HARE and Mr. STARK.
H.R. 5131: Ms. EDDIE BERNICE JOHNSON of Texas.
H.R. 5180: Mr. DONNELLY and Ms. EDDIE BERNICE JOHNSON of Texas.
H.R. 5244: Mr. GENE GREEN of Texas and Mr. YARMUTH.
H.R. 5265: Mr. HOLT.
H.R. 5268: Mr. HARE, Mr. DAVIS of Illinois, Ms. ESHOO, and Mr. WEINER.
H.R. 5404: Mr. WITTMAN of Virginia.
H.R. 5448: Mrs. NAPOLITANO.
H.R. 5461: Ms. BALDWIN.
H.R. 5465: Mr. PETERSON of Minnesota and Ms. BALDWIN.
H.R. 5467: Mr. SHULER.
H.R. 5498: Mr. GERLACH.
H.R. 5510: Mr. HILL.
H.R. 5534: Mr. BERMAN, Mr. MORAN of Virginia, Ms. DELAURO, Mr. ROHRABACHER, Mr. BILBRAY, Mr. ALEXANDER, Mr. PALLONE, and Ms. MATSUI.
H.R. 5541: Mr. WALDEN of Oregon.
H.R. 5546: Mr. WAMP.
H.R. 5548: Mr. TOWNS.
H.R. 5552: Mr. GARRETT of New Jersey and Mr. KAGEN.
H.R. 5611: Ms. PRYCE of Ohio.
H.R. 5613: Ms. WATSON, Mrs. EMERSON, and Mr. HOBSON.
H.R. 5626: Mr. CARSON and Mr. MCDERMOTT.
H.R. 5648: Mr. WALDEN of Oregon.
H.R. 5656: Mr. DAVIS of Kentucky, Mr. ROGERS of Kentucky, Mr. THORNBERRY, Mr. NEUGEBAUER, and Mr. BOUSTANY.
H.R. 5669: Ms. ROS-LEHTINEN, Mr. BISHOP of Georgia, and Ms. WASSERMAN SCHULTZ.
H.R. 5673: Mr. ENGLISH of Pennsylvania, Mr. KUHL of New York, Mr. YOUNG of Alaska, and Ms. FALLIN.
H.R. 5674: Mr. BOREN.
H.R. 5676: Mr. MACK, Ms. ROS-LEHTINEN, Mr. BILIRAKIS, Mr. MARIO DIAZ-BALART of Florida, Ms. CORRINE BROWN of Florida, Ms. GINNY BROWN-WAITE of Florida, Mr. KELLER, and Mr. LINCOLN DIAZ-BALART of Florida.
H.R. 5681: Ms. ZOE LOFGREN of California.
H.R. 5700: Mr. CROWLEY.
H.R. 5716: Mr. GONZALEZ.
H.R. 5723: Mr. EDWARDS, Mr. NEUGEBAUER, and Mr. BOUSTANY.
H.R. 5728: Ms. GINNY BROWN-WAITE of Florida.
H.R. 5731: Mr. JORDAN.
H.R. 5740: Mr. MCCAUL of Texas, Mr. WAXMAN, Mr. MCDERMOTT, Mr. KELLER, Mr. GERLACH, Mr. FOSTER, Mr. STEARNS, Ms. KILPATRICK, Mr. GUTIERREZ, Ms. NORTON, and Mr. FERGUSON.
H.R. 5752: Mr. BROUN of Georgia.
H.R. 5776: Mr. PENCE, Mr. WELDON of Florida, Mr. DOOLITTLE, Mr. KUHL of New York, Mr. CHABOT, Mr. SHIMKUS, Mr. WITTMAN of Virginia, and Ms. FALLIN.
H.R. 5782: Mr. BARRETT of South Carolina.
H.R. 5788: Ms. MATSUI and Ms. HIRONO.
H.R. 5794: Mr. BONNER and Mr. POE.
H.R. 5795: Mr. BROUN of Georgia.
H.R. 5818: Ms. CLARKE, Ms. MOORE of Wisconsin, and Mr. WILSON of Ohio.
H.R. 5825: Mrs. EMERSON, Mr. JOHNSON of Illinois, Mr. MACK, Mr. ROGERS of Michigan, Mr. DAVID DAVIS of Tennessee, Mr. RENZI, Mr. POE, Mr. DUNCAN, and Mr. KNOLLENBERG.
H. Con. Res. 249: Mr. MICA.
H. Con. Res. 257: Mr. SAXTON, Mr. BOREN, Mr. MANZULLO, and Mr. HUNTER.
H. Con. Res. 295: Ms. FALLIN, Mr. LAMBORN, and Mr. FORBES.
H. Con. Res. 317: Mr. CHABOT, Mr. WILSON of South Carolina, Ms. DELAURO, and Mr. PAYNE.
H. Con. Res. 318: Mr. INGLIS of South Carolina and Mr. Carson.
H. Con. Res. 320: Mr. FILNER, Ms. KAPTUR, Mr. FATTAH, and Mrs. NAPOLITANO.
H. Con. Res. 323: Mr. FORBES.
H. Con. Res. 328: Ms. DELAURO.
H. Con. Res. 329: Mr. TIM MURPHY of Pennsylvania, Mr. GERLACH, Mr. FEENEY, Mr. PLATTS, Mr. MCCOTTER, Mr. GOODE, Mr. BURTON of Indiana, and Mr. JONES of North Carolina.
H. Res. 37: Mr. COHEN.
H. Res. 373: Mr. TIM MURPHY of Pennsylvania and Ms. SLAUGHTER.
H. Res. 795: Mr. VAN HOLLEN.
H. Res. 821: Mr. MILLER of Florida.
H. Res. 881: Mr. CAMPBELL of California, Mr. FEENEY, Mr. BARTLETT of Maryland, Mr. PENCE, Mr. DAVID DAVIS of Tennessee, Mr. CHABOT, Mr. BURTON of Indiana, Mr. TANCREDO, Mr. ROYCE, Mr. BRADY of Texas, Mr. BROUN of Georgia, Mr. WALBERG, Mr. FLAKE, Mr. REYNOLDS, Mrs. MYRICK, and Mr. STEARNS.
H. Res. 923: Mr. DAVID DAVIS of Tennessee, Mr. WALBERG, Mr. FRANKS of Arizona, Mr. SHADEGG, Mr. CAMPBELL of California, Mr. KUHL of New York, Mr. PRICE of Georgia, Mr. CLAY, Mr. ADERHOLT, Mr. DANIEL E. LUNGREN of California, Mr. DICKS, Mr. CARNEY, Mr. FOSTER, Mr. GARRETT of New Jersey, Mr. SCOTT of Georgia, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. KILPATRICK, Ms. LEE, Mr. CLYBURN, Mr. ALTMIRE, Mr. DAVIS of Illinois, Mr. BISHOP of Georgia, Mr. HOEKSTRA, Mr. GOHMERT, Mr. NEUGEBAUER, Ms. GINNY BROWN-WAITE of Florida, Mr. HASTINGS of Florida, Mr. FLAKE, Mr. WELCH of Vermont, Mr. PUTNAM, Mr. ROSKAM, Mr. HULSHOF, Mr. WILSON of South Carolina, Mr. TIM MURPHY of Pennsylvania, Mr. FRANK of Massachusetts, Mr. COSTELLO, Mr. LATTA, Mr. SHIMKUS, Mr. FEENEY, Mr. CRENSHAW, Ms. PRYCE of Ohio, Mr. HENSARLING, Mr. COLE of Oklahoma, Mr. LEWIS of Kentucky, Mr. JONES of North Carolina, Mr. LOEBSACK, Mr. CAPUANO, Mr. CONYERS, Mr. SKELTON, Mr. SHULER, Mr. MITCHELL, Mr. TAYLOR, Mr. DONNELLY, Mr. ELLSWORTH, Mr. WILSON of Ohio, Mr. BILBRAY, Mrs. CUBIN, Mr. LAHOOD, Mrs. SCHMIDT, Mr. BROUN of Georgia, Ms. FOXX, Mr. WESTMORELAND, Mrs. DRAKE, Mr. BROWN of South Carolina, Mr. BARRETT of South Carolina, Mr. WAMP, Mrs. BLACKBURN, Mr. LAMBORN, Mr. MARCHANT, Mrs. MUSGRAVE, Mr. PITTS, Mr. HOBSON, Mr. BOUSTANY, Mr. AKIN, Mr. GINGREY, Mr. GOODE, Mr. DOOLITTLE, Mr. DUNCAN, Mrs. BONO MACK, Mr. MACK, Mrs. CAPITO, Mr. MCCARTHY of California, Mr. JORDAN, Mr. SALI, Mr. FORTENBERRY, Mr. DEAL of Georgia, Mr. LINDER, Mr. PEARCE, Mr. HALL of New York, Mr. KELLER, Mr. MILLER of Florida, Mr. SNYDER, Mr. BURGESS, Mrs. MCMORRIS RODGERS, Mrs. EMERSON, Mr. LEWIS of California, Mr. MARKEY, Mr. CASTLE, Mr. PENCE, Mr. GILCHREST, Mr. PAUL, Mr. BARTLETT of Maryland, Mr. KUCINICH, Mr. REICHERT, Mr. GERLACH, Mr. DENT, Mr. TOM DAVIS of Virginia, Mr. SAXTON, Mr. HAYES, Mr. MCHENRY, Mr. STEARNS, Ms. ROS-LEHTINEN, and Mr. ROGERS of Kentucky.
H. Res. 937: Ms. FALLIN and Mr. REYES.
H. Res. 981: Mr. MILLER of North Carolina.
H. Res. 984: Mr. PASTOR, Mr. DOOLITTLE, Mrs. DAVIS of California, Mr. BOYD of Florida, Mr. TANNER, Mr. ROSS, Mr. TAYLOR, Mr. SHULER, Mr. SPACE, Mr. CHANDLER, Mr. COOPER, Mr. MCINTYRE, Mr. HILL, Mr. PATRICK MURPHY of Pennsylvania, Mr. COSTA, Mr. BISHOP of Georgia, Mr. CRAMER, Mr. LINCOLN DAVIS of Tennessee, Mr. CARNEY, Mr. BARROW, Mr. KENNEDY, Ms. HERSETH SANDLIN, Mr. ELLSWORTH, Mr. ARCURI, and Mr. MAHONEY of Florida.
H. Res. 992: Mr. PETERSON of Minnesota.
H. Res. 1002: Mr. KLEIN of Florida, Mr. WYNN, Ms. BERKLEY, Ms. LINDA T. SÁNCHEZ of California, Mr. SCOTT of Georgia, Mr. CUMMINGS, Mr. MORAN of Virginia, Mr. CASTLE, Ms. WOOLSEY, Ms. CASTOR, Mr. THOMPSON of Mississippi, Mr. UPTON, and Mr. COSTELLO.
H. Res. 1008: Mr. FILNER and Mr. LATHAM.
H. Res. 1054: Mrs. BIGGERT.

H. Res. 1056: Mr. HARE and Mr. BRALEY of Iowa.
H. Res. 1062: Mr. FILNER.
H. Res. 1067: Mr. LOBIONDO and Mr. SALAZAR.
H. Res. 1070: Mr. CONAWAY.
H. Res. 1076: Mrs. CUBIN, Mr. SOUDER, Mr. PENCE, and Mr. JONES of North Carolina.
H. Res. 1079: Mr. ORTIZ, Ms. GINNY BROWN-WAITE of Florida, Mrs. BACHMANN, Ms. ZOE LOFGREN of California, and Ms. KILPATRICK.
H. Res. 1081: Mr. HINOJOSA.
H. Res. 1099: Mr. HINOJOSA.
H. Res. 1109: Mr. MCGOVERN, Mr. MORAN of Virginia, Ms. LEE, and Mr. ENGEL.
H. Res. 1110: Ms. SCHWARTZ, Mr. TIBERI, Mr. REICHERT, Mrs. EMERSON, Mrs. TAUSCHER, Mr. SAXTON, Ms. GINNY BROWN-WAITE of Florida, Mr. DAVIS of Kentucky, Mr. BONNER, and Mr. FEENEY.
H. Res. 1111: Mr. ENGEL, Mr. RUPPERSBERGER, Mr. TANNER, Mr. WEXLER, Mr. HASTINGS of Florida, Mr. ALTMIRE, Mr. SIRES, Mr. HODES, Mr. BRALEY of Iowa, and Mr. INSLEE.
H. Res. 1115: Mr. RUPPERSBERGER, Mr. ARCURI, and Mr. WITTMAN of Virginia.

¶43.31 PETITIONS

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

236. The SPEAKER presented a petition of the National Legislative Commission of the American Legion, relative to Resolutions with legislative intent for the 110th Congress Second Session; to the Committee on Veterans' Affairs.

FRIDAY, APRIL 18, 2008 (44)

¶44.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Mr. MCGOVERN, who laid before the House the following communication:

WASHINGTON, DC,
April 18, 2008.

I hereby appoint the Honorable JAMES P. MCGOVERN to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

¶44.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. MCGOVERN, announced he had examined and approved the Journal of the proceedings of Thursday, April 17, 2008.

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

¶44.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

6150. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — National Flood Insurance Program (NFIP); Assistance to Private Sector Property Insurers; Write-Your-Own Arrangement [Docket ID FEMA-2008-0001] (RIN: 1660-AA58) received April 14, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6151. A letter from the Associate General Counsel for Legislation and Regulations, Department of Housing and Urban Development, transmitting the Department's final rule — Changes in Maximum Mortgage Limits for Multifamily Housing [Docket No. FR-5197-F-01] (RIN: 2502-A162) received April 14, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6152. A letter from the Deputy Secretary, Securities and Exchange Commission, transmitting the Commission's final rule — REVISIONS TO FORM S-11 TO PERMIT HISTORICAL INCORPORATION BY REFERENCE [RELEASE NO. 33-8909; FILE NO. S7-30-07] (RIN: 3235-AK02) received April 15, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6153. A letter from the Deputy Director, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule — Premium Rates; Payment of Premiums; Variable-Rate Premium; Pension Protection Act of 2006 (RIN: 1212-AB11) received April 14, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

6154. A letter from the Director, Regulations Policy and Mgmt. Staff, Department of Health and Human Services, transmitting the Department's final rule — Toll-Free Number for Reporting Adverse Events on Labeling for Human Drug Products [Docket No. 2003N-0342] (RIN: 0910-AC35) received April 14, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6155. A letter from the District of Columbia Auditor, Office of the District of Columbia Auditor, transmitting a report entitled, ''Letter Report: Comparative Analysis of Actual Cash Collections to the Revised Revenue Estimate Through the 1st Quarter of Fiscal Year 2008,'' pursuant to D.C. Code section 47-117(d); to the Committee on Oversight and Government Reform.

6156. A letter from the District of Columbia Auditor, Office of the District of Columbia Auditor, transmitting a report entitled, ''Compliance with the Government Managers Accountability Amendment Act of 1995 Has Been Incomplete and Inconsistent,'' pursuant to D.C. Code section 47-117(d); to the Committee on Oversight and Government Reform.

6157. A letter from the Federal Co-Chairman, Delta Regional Authority, transmitting the Authority's Annual Report for 2007 entitled, ''Investing in People and Communities,'' pursuant to Public Law 106-554, section 382L. (114 Stat. 2763A-280); to the Committee on Oversight and Government Reform.

6158. A letter from the White House Liaison, Department of Justice, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

6159. A letter from the Assistant Secretary for Management and Chief Financial Officer, Department of the Treasury, transmitting the Department's report on the amount of the acquisitions made from entities that manufacture the articles, materials, or supplies outside of the United States in fiscal years 2006 and 2007; to the Committee on Oversight and Government Reform.

6160. A letter from the Equal Employment Opportunity Direction, Farm Credit System Insurance Corporation, transmitting the Corporation's annual report required by Section 203 of the Notification and Federal Antidiscrimination and Retaliation Act of 2002, Pub. L. 107-174, for Fiscal Year 2007; to the Committee on Oversight and Government Reform.

6161. A letter from the Secretary, Federal Trade Commission, transmitting the Commission's annual report for Fiscal Year 2007 on the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002; to the Committee on Oversight and Government Reform.

6162. A letter from the Executive Director, Interstate Commission on the Potomac River Basin, transmitting the audited Sixty-Seventh Financial Statement for the period October 1, 2006 to September 30, 2007, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Oversight and Government Reform.

6163. A letter from the President and CEO, Overseas Private Investment Corporation, transmitting the Corporation's FY 2007 Annual Report required by Section 203 of the Notification and Federal Antidiscrimination and Retaliation Act of 2002, Pub. L. 107-174; to the Committee on Oversight and Government Reform.

6164. A letter from the Director, Peace Corps, transmitting a copy of the Peace Corp's Fiscal Year 2007 Notification and Federal Employee Anti-Discrimination and Retaliation (No FEAR) Act Annual Report; to the Committee on Oversight and Government Reform.

6165. A letter from the ACTING ASSISTANT ADMINISTRATOR FOR FISHERIES, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Total Allowable Catches for Eastern Georges Bank Cod, Eastern Georges Bank Haddock, and Georges Bank Yellowtail Flounder in the U.S./Canada Management Area for Fishing Year 2008 [Docket No. 071004577-8124-02] (RIN: 0648-AW13) received April 14, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6166. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by American Fisheries Act Catcher Processors Using Trawl Gear in the Bering Sea and Aleutian Islands Management Area [Docket No. 071106673-8011-02] (RIN: 0648-XG65) received April 14, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6167. A letter from the Director of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule — Data Breaches (RIN: 2900-AM63) received April 14, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

6168. A communication from the President of the United States, transmitting notification of his intention to designate the Solomon Islands as a least-developed beneficiary developing country under the Generalized System of Preferences (GSP), pursuant to Public Law 104-188, section 1952(a)(110 Stat. 1917); (H. Doc. No. 110–105); to the Committee on Ways and Means and ordered to be printed.

And then,

¶44.4 ADJOURNMENT

On motion of the SPEAKER pro tempore, Mr. MCGOVERN, by unanimous consent and pursuant to the special order of the House agreed to on April 17, 2008, at 9 o'clock and 2 minutes a.m., declared the House adjourned until 12:30 p.m. on Tuesday, April 22, 2008.

¶44.5 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

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

Ms. VELÁZQUEZ: Committee on Small Business. H.R. 5819. A bill to amend the Small Business Act to improve the Small Business Innovation Research (SBIR) program and the Small Business Technology

Transfer (STTR) program, and for other purposes; with an amendment (Rept. 110–595 Pt. 1). Referred to the Committee of the Whole House on the state of the Union.

Mr. WAXMAN: Committee on Oversight and Government Reform. H.R. 3033. A bill to improve Federal agency awards and oversight of contracts and assistance and to strengthen accountability of the Governmentwide suspension and debarment system; with an amendment (Rept. 110–596). Referred to the Committee of the Whole House on the state of the Union.

¶44.6 COMMITTEE DISCHARGED

Pursuant to clause 2 of rule XII the Committee on Science and Technology discharged from further consideration. H.R. 5819 referred to the Committee of the Whole House on the state of the Union.

¶44.7 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 5816: Mr. JONES of North Carolina, Mr. WILSON of South Carolina, Mr. GOODE, Ms. GINNY BROWN-WAITE of Florida, Ms. FOXX, Mr. CANTOR, Mr. MCCOTTER, Mr. KIRK, and Mr. LINCOLN DIAZ-BALART of Florida.

TUESDAY, APRIL 22, 2008 (45)

¶45.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order at 12:30 p.m. by the SPEAKER pro tempore, Mr. COHEN, who laid before the House the following communication:

WASHINGTON, DC,
April 22, 2008.

I hereby appoint the Honorable STEVE COHEN to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

Whereupon, pursuant to the order of the House of January 4, 2007, Members were recognized for morning-hour debate.

¶45.2 RECESS—12:42 P.M.

The SPEAKER pro tempore, Mr. COHEN, pursuant to clause 12(a) of rule I, declared the House in recess at 12 o'clock and 42 minutes p.m., until 2 p.m.

¶45.3 AFTER RECESS—2 P.M.

The SPEAKER called the House to order.

¶45.4 APPROVAL OF THE JOURNAL

The SPEAKER announced she had examined and approved the Journal of the proceedings of Friday, April 18, 2008.

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

¶45.5 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

6169. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Export-Controlled Information and Technology (DFARS Case 2004-D010) (RIN: 0750–AF13) received March 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

6170. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule—Suspension of Community Eligibility [Docket No. FEMA–8017] received April 15, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6171. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule—Final Flood Elevation Determinations—received April 15, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6172. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule—Final Flood Elevation Determinations—received April 15, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6173. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule—Suspension of Community Eligibility [Docket No. FEMA–8019] received April 15, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6174. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Determination of Nonattainment and Reclassification of the Imperial County, 8-hour Ozone Nonattainment Area [EPA–R09–2007–OAR–1109; FRL–8528–4] received February 11, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6175. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Approval of Louisiana's Petition to Relax the Summer Gasoline Volatility Standard for the Grant Parish Area [EPA–HQ–OAR–2007–0002; FRL–8529–2] received February 11, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6176. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Department's final rule—Approval and Promulgation of Implementation Plans for Air Quality Planning Purposes; Georgia: Early Progress Plan for the Atlanta 8-Hour Ozone Nonattainment Area [EPA–R04–OAR–2007–0150–200711(a); FRL–8528–8] received February 11, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6177. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Massachusetts; Certification of Tunnel Ventilation Systems in the Metropolitan Boston Air Pollution Control District. [EPA-R01-OAR-2006-0641; A-1-FRL-8527-5] received February 11, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6178. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b; to the Committee on Foreign Affairs.

6179. A letter from the Secretary, Department of Energy, transmitting a copy of proposed legislation to authorize the Secretary of Energy to accept funds, contributed pursuant to agreements entered into with foreign governments, international organizations, or others, for use in Russia's plutonium disposition program; to the Committee on Foreign Affairs.

6180. A letter from the U.S. Global AIDS Coordinator, Department of State, transmitting a report on the Oversight Information Pertaining to the Global Fund to Fight AIDS, Tuberculosis, and Malaria, pursuant to Public Law 110-97; to the Committee on Foreign Affairs.

6181. A letter from the Acting Assistant Secretary, Department of State, transmitting the Department's report on Emergency Refugee and Migration Assistance for Fiscal Year 2009; to the Committee on Foreign Affairs.

6182. A letter from the Acting Chairman, Commodity Futures Trading Commission, transmitting the Commission's Federal Employee Antidiscrimination Retaliation Act of 2002 (No FEAR Act) Report for FY 2007; to the Committee on Oversight and Government Reform.

6183. A letter from the Chairman, Federal Housing Finance Board, transmitting the Board's FY 2007 Annual Report required by Section 203 of the Notification and Federal Antidiscrimination and Retaliation Act of 2002, Pub. L. 107-174; to the Committee on Oversight and Government Reform.

6184. A letter from the Administrator, General Services Administration, transmitting the Administration's Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 Report for fiscal year 2007; to the Committee on Oversight and Government Reform.

6185. A letter from the President, Inter-American Foundation, transmitting the Foundation's FY 2007 Annual Report required by Section 203 of the Notification and Federal Antidiscrimination and Retaliation Act of 2002, Pub. L. 107-174; to the Committee on Oversight and Government Reform.

6186. A letter from the Director, Equal Employment Opportunity, National Endowment for the Humanities, transmitting the Endowment's FY 2007 Annual Report required by Section 203 of the Notification and Federal Antidiscrimination and Retaliation Act of 2002, Pub. L. 107-174; to the Committee on Oversight and Government Reform.

6187. A letter from the Director, National Science Foundation, transmitting the Foundation's annual report for FY 2007 prepared in accordance with Title II of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act), Public Law 107-174; to the Committee on Oversight and Government Reform.

6188. A letter from the Chairman, Occupational Safety and Health Review Commission, transmitting the Commission's Fiscal Year 2007 annual report prepared in accordance with Section 203 of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002, Pub. L. 107-174; to the Committee on Oversight and Government Reform.

6189. A letter from the Associate Special Counsel/EEO Director, Office of Special Counsel, transmitting the Office's FY 2007 Annual Report pursuant to Section 203, Title II of the No Fear Act, Pub. L. 107-174; to the Committee on Oversight and Government Reform.

6190. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Vessels Less Than 60 ft (18.3 m) LOA Using Pot or Hook-and-Line Gear in the Bering Sea and Aleutian Islands Management Area [Docket No. 071106673-8011-02] (RIN: 0648-XG58) received April 15, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6191. A letter from the Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule —

Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Vessels in the Amendment 80 Limited Access Fishery in the Bering Sea and Aleutian Islands Management Area [Docket No. 071106673-8011-02] (RIN: 0648-XG70) received April 15, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6192. A letter from the Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackerel in the Bering Sea and Aleutian Islands Management Area [Docket No. 071106673-8011-02] (RIN: 0648-XG52) received April 15, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6193. A letter from the Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Snapper/Grouper Resources of the South Atlantic; Trip Limit Reduction [Docket No. 060525140-6221-02] (RIN: 0648-XG34) received April 15, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6194. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule—Federal Motor Vehicle Safety Standards; Cargo Carrying Capacity [DOT Docket No. NHTSA-2007-0040] (RIN: 2127-AJ57) received February 20, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6195. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule—Information Returns by Donees Relating to Qualified Intellectual Property Contributions [TD 9392] (RIN: 1545-BE11) received April 9, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6196. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule—Section 807.—Rules for Certain Reserves (Rev. Rul. 2008-19) received March 20, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6197. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting notification that the Department intends to use ''no year'' IMET funds to provide Center for Civil Military Relations/Defense Institute for International Legal Studies (CCMR/DIILS) training in Sri Lanka; jointly to the Committees on Foreign Affairs and Appropriations.

6198. A letter from the Deputy Assistant Administrator, Office of Diversion Control, Department of Justice, transmitting the Department's final rule — Authorized Sources of Narcotic Raw Materials [Docket No. DEA-282F] (RIN: 1117-AB03) received February 28, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on the Judiciary and Energy and Commerce.

¶45.6 COMMUNICATION FROM THE CLERK—MESSAGE FROM THE SENATE

The SPEAKER pro tempore, Mr. JACKSON of Illinois, laid before the House a communication, which was read as follows:

HOUSE OF REPRESENTATIVES,
Washington, DC, April 18, 2008.

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

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on April 18, 2008, at 10:00 a.m.:

That the Senate passed with an amendment H.R. 1195.

With best wishes, I am

Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

¶45.7 RESIGNATION AS MEMBER OF HOUSE OF REPRESENTATIVES

The SPEAKER pro tempore, Mr. JACKSON of Illinois, laid before the House the following communication, which was read as follows:

HOUSE OF REPRESENTATIVES,
Washington, DC, April 9, 2008.

Hon. NANCY PELOSI,
Speaker of the House of Representatives, Washington, DC.

DEAR SPEAKER PELOSI, I am hereby resigning my position as the United States Representative for the 4th District of Maryland effective 11:59 p.m. EST, May 31, 2008.

I have chosen that date because it allows me the necessary time to complete several ongoing projects and allows Governor O'Malley sufficient time to call a special election to fill the remainder of my term and maintain the super delegate seat at this year's Democratic Convention.

It has been my honor to serve the constituents of the 4th Congressional District for the past 16 years. I will do everything in my power to assist my successor with the transition.

Sincerely,

ALBERT R. WYNN,
Member of Congress.

¶45.8 COMMUNICATION FROM THE MINORITY LEADER—APPOINTMENT—COMMISSION ON CHILDREN AND DISASTERS

The SPEAKER pro tempore, Mr. JACKSON of Illinois, laid before the House the following communication, which was read as follows:

HOUSE OF REPRESENTATIVES,
Washington, DC, April 17, 2008.

Hon. NANCY PELOSI,
Speaker, U.S. Capitol, Washington, DC.

DEAR SPEAKER PELOSI: Pursuant to Section 605(a) of the Consolidated Appropriations Act, 2008 (P.L. 110–161), I am pleased to appoint Dr. David Schonfeld of Glendale, Ohio and Mr. Lawrence E. Tan of Newark, Delaware to the Commission on Children and Disasters.

Both Dr. Schonfeld and Mr. Lawrence Tan have expressed interest in serving in this capacity and I am pleased to fulfill their requests.

Sincerely,

JOHN A. BOEHNER,
Republican Leader.

Ordered, That the Clerk notify the Senate of the foregoing appointments.

¶45.9 COMMUNICATION REGARDING SUBPOENA

The SPEAKER pro tempore, Mr. JACKSON of Illinois, laid before the House the following communication from Jill Craven, Office of the Honorable Todd Tiahrt:

WASHINGTON, DC,
April 15, 2008.

Hon. NANCY PELOSI,
Speaker, House of Representatives, Washington, DC.

DEAR MADAM SPEAKER: This is to formally notify you, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a preliminary hearing subpoena for testimony issued by the Court of the Eighteenth Judicial District of Kansas.

After consulting with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the privileges and rights of the House.

Sincerely,

JILL CRAVEN.

¶45.10 COPPER SALMON WILDERNESS

Mr. RAHALL moved to suspend the rules and pass the bill (H.R. 3513) to amend the Oregon Wilderness Act of 1984 to designate the Copper Salmon Wilderness and to amend the Wild and Scenic Rivers Act to designate segments of the North and South Forks of the Elk River in the State of Oregon as wild and scenic rivers, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. JACKSON of Illinois, recognized Mr. RAHALL and Mr. DUNCAN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. JACKSON of Illinois, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶45.11 WILD MONONGAHELA—A NATIONAL LEGACY FOR WEST VIRGINIA

Mr. RAHALL moved to suspend the rules and pass the bill (H.R. 5151) to designate as wilderness additional National Forest System lands in the Monogahela National Forest in the State of West Virginia, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. JACKSON of Illinois, recognized Mr. RAHALL and Mr. DUNCAN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. JACKSON of Illinois, announced that two-thirds of the Members present had voted in the affirmative.

Mr. BROUN of Georgia, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. JACKSON of Illinois, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶45.12 COFFMAN COVE ADMINISTRATIVE SITE CONVEYANCE

Mr. RAHALL moved to suspend the rules and pass the bill (H.R. 831) to provide for the conveyance of certain Forest Service land to the city of Coffman Cove, Alaska; as amended.

The SPEAKER pro tempore, Mr. JACKSON of Illinois, recognized Mr. RAHALL and Mr. DUNCAN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. JACKSON of Illinois, announced that two-thirds of the Members present had voted in the affirmative.

Mr. RAHALL demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. JACKSON of Illinois, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶45.13 MORLEY NELSON SNAKE RIVER BIRDS OF PREY

Mr. RAHALL moved to suspend the rules and pass the bill (H.R. 3734) to rename the Snake River Birds of Prey National Conservation Area in the State of Idaho as the Morley Nelson Snake River Birds of Prey National Conservation Area in honor of the late Morley Nelson, an international authority on birds of prey, who was instrumental in the establishment of this National Conservation Area, and for other purposes.

The SPEAKER pro tempore, Mr. JACKSON of Illinois, recognized Mr. RAHALL and Mr. DUNCAN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. JACKSON of Illinois, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶45.14 NATIONAL HEALTH CARE DECISIONS DAY

Mr. DINGELL moved to suspend the rules and agree to the following concurrent resolution (H. Con. Res. 323):

Whereas National Health Care Decisions Day is designed to raise public awareness of the need to plan ahead for health care decisions related to end-of-life care and medical decision-making whenever patients are unable to speak for themselves and to encourage the specific use of advance directives to communicate these important decisions;

Whereas the Patient Self-Determination Act (42 U.S.C. 1395cc(f) et seq.), guarantees patients the right to information about their rights under State law regarding accepting or refusing medical treatment;

Whereas it is estimated that only a minority of Americans have executed advance directives, including those who are terminally ill or living with life-threatening or life-limiting illnesses;

Whereas advance directives offer individuals the opportunity to discuss with loved ones in advance of a health care crisis and decide what measures would be appropriate for them when it comes to end-of-life care;

Whereas the preparation of an advance directive would advise family members, health care providers, and other persons as to how an individual would want to be treated with respect to health care;

Whereas to avoid any legal or medical confusion due to the emotions involved in end-of-life decisions, it is in the best interest of all Americans that each person over the age of 18 communicate his or her wishes by creating an advance directive;

Whereas the Conditions of Participation in Medicare and Medicaid, section 489.102 of title 42, Code of Federal Regulations (as in effect on the date of enactment of this resolution), require all participating facilities to provide information to patients and the public on the topic of advance directives;

Whereas the Centers for Medicare and Medicaid Services has recognized that the use of advance directives is tied to quality health care and has included discussions of advance directives in the criteria of the Physician Quality Reporting Initiative;

Whereas establishing National Health Care Decisions Day will encourage health care facilities and professionals as well as chaplains, attorneys, and others to participate in a collective, nationwide effort to provide clear, concise, and consistent information to the public about health care decision-making, particularly advance directives; and

Whereas as a result of National Health Care Decisions Day, recognized on April 16, 2008, more Americans will have conversations about their health care decision, more Americans will execute advance directives to make their wishes known, and fewer families and health care providers will have to struggle with making difficult health care decisions in the absence of guidance from the patient: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) supports the goals and ideals of National Health Care Decisions Day;

(2) supports the goals and ideals of advance care planning for all adult Americans;

(3) encourages each person in the United States who is over the age of 18 to prepare an advance directive to assist his or her loved ones, health care providers, and others as they honor his or her wishes;

(4) calls upon all members of this body to execute such documents and discussions for themselves; and

(5) encourages health care, civic, educational, religious, and for- and non-profit organizations to encourage individuals to prepare advance directives to ensure that their wishes and rights with respect to health care are protected.

The SPEAKER pro tempore, Mr. JACKSON of Illinois, recognized Mr. DINGELL and Mr. GINGREY, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution?

The SPEAKER pro tempore, Mr. JACKSON of Illinois, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said concurrent resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said concurrent resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶45.15 PROTECTING THE MEDICAID SAFETY NET

Mr. DINGELL moved to suspend the rules and pass the bill (H.R. 5613) to extend certain moratoria and impose additional moratoria on certain Medicaid regulations through April 1, 2009; as amended.

The SPEAKER pro tempore, Mr. JACKSON of Illinois, recognized Mr. DINGELL and Mr. BARTON of Texas, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. JACKSON of Illinois, announced that two-thirds of the Members present had voted in the affirmative.

Mr. BROUN of Georgia, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. JACKSON of Illinois, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Wednesday, April 23, 2008.

¶45.16 WORLD GLAUCOMA DAY

Mr. TOWNS moved to suspend the rules and agree to the following resolution (H. Res. 981); as amended:

Whereas glaucoma is a progressive disease of the optic nerve, robbing individuals of both peripheral and central vision;

Whereas glaucoma affects all age groups, including infants, children, and the elderly;

Whereas glaucoma disproportionately affects underserved minority populations, with African-Americans having a three times greater risk of developing this disease than White Americans, and it is the leading cause of irreversible vision loss in African-Americans and Hispanics;

Whereas glaucoma is the second leading cause of preventable vision loss in the United States, afflicting 2,200,000 Americans, and it is the leading cause of permanent blindness worldwide, afflicting 67,000,000 persons;

Whereas awareness is absolutely crucial, as glaucoma often has no symptoms until vision loss occurs, and it is estimated that, in the United States, more than half of the individuals with glaucoma are unaware that they have it and, in developing countries, 90 percent of individuals with glaucoma are unaware that they have it;

Whereas with early diagnosis and ongoing treatment, 90 percent of the cases where blindness occurs can be avoided and awareness is crucial, so that individuals with known risk factors for glaucoma and those over the age of 40 should have regular, comprehensive eye examinations that include

careful evaluation of the optic nerve and measurement of eye pressure;

Whereas the National Eye Institute (''NEI'') within the National Institutes of Health (''NIH'') has been a worldwide leader in glaucoma research, elucidating the genetic basis of different types of the disease (including risk factors) and the potential for gene therapy approaches, identifying factors that can protect the optic nerve from damage, evaluating the potential for optic nerve cell regeneration, and better understanding how elevated intraocular pressure leads to optic nerve damage and how pressure-reducing drugs ultimately developed from NEI-led research can reduce glaucoma progression;

Whereas it is the role of the NEI to support research to prevent, diagnose, and cure glaucoma-related vision impairment and blindness, which disproportionately affects underserved minority populations; and

Whereas the public needs to know the insidious nature of glaucoma, that there are means for detecting and treating it to save sight, and the importance of compliance associated with those treatments, and the first-ever World Glaucoma Day is an observance planned to increase global awareness in that regard: Now, therefore, be it

Resolved, That the United States House of Representatives—

(1) recognizes the first-ever World Glaucoma Day;

(2) supports the efforts of the National Eye Institute within the National Institutes of Health to continue research on the causes of glaucoma, including genetic and environmental risk factors, glaucoma prevention, the relationships between damage to the optic nerve and loss of vision, societal and individual impacts, diagnostics, and treatment to save and potentially restore sight; and

(3) congratulates the American Glaucoma Society for its efforts to expand awareness of the prevalence and economic burden of glaucoma.

The SPEAKER pro tempore, Mr. JACKSON of Illinois, recognized Mr. TOWNS and Mr. BARTON of Texas, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. JACKSON of Illinois, announced that two-thirds of the Members present had voted in the affirmative.

Mr. TOWNS demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. JACKSON of Illinois, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶45.17 INTERNATIONAL YEAR OF THE REEF

Mr. BAIRD moved to suspend the rules and agree to the following resolution (H. Res. 1112):

Whereas the International Coral Reef Initiative has designated 2008 as the International Year of the Reef;

Whereas the International Year of the Reef is a global effort to raise public awareness of the value of coral reefs and the significance of the threats faced by coral reef systems, and to mobilize action to develop and implement innovative solutions and strategies to protect and conserve these important natural resources;

Whereas over 225 organizations in 50 countries and territories participated during the first International Year of the Reef in 1997;

Whereas coral reef systems provide economic, environmental, and cultural benefits to millions of people around the world and are vital in protecting shorelines and supporting coastal economies;

Whereas coral reef systems are the most diverse ecosystem on earth, supporting at least 1,000,000 known species of plants and animals and 25 percent of all marine life;

Whereas coral reef systems contribute $375,000,000,000 each year to the worldwide economy;

Whereas over 50 percent of all federally managed fisheries species in the U.S. depend upon coral reefs for part of their life cycle;

Whereas coral reef systems provide for one-fourth of the total fish catch in the developing world;

Whereas coral reefs around the world are confronted by many grave threats, including destructive fishing methods, damage by marine vessels and divers, development, pollution, ocean acidification, increasing sea temperatures, bleaching, and invasive species; and

Whereas increased public awareness, as well as public and private investment, can prevent the further degradation of the world's coral reef systems in order to preserve this precious resource for future generations: Now, therefore, be it

Resolved, That the United States House of Representatives—

(1) recognizes the International Year of the Reef;

(2) supports strong programs in environmental and marine research at the National Oceanic and Atmospheric Administration and other Federal agencies to better understand the threats faced by coral reef systems;

(3) supports the efforts of the International Coral Reef Initiative to promote public awareness and encourage public stewardship of the world's coral reefs; and

(4) encourages further research and development efforts to preserve coral reefs around the world.

The SPEAKER pro tempore, Mr. JACKSON of Illinois, recognized Mr. BAIRD and Mr. LUCAS, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. JACKSON of Illinois, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶45.18 LANDSAT SPACECRAFT EARTH OBSERVATIONS

Mr. BAIRD moved to suspend the rules and agree to the following resolution (H. Res. 891); as amended:

Whereas the year 2007 represents 35 years of continuous collection of space-based observations of the Earth's land cover by the United States Landsat satellites, which have enabled increased scientific understanding of the interrelationships of the Earth's land cover, energy balance, and biogeochemical processes as well as the realization of numerous societal benefits from the applied uses of the data;

Whereas on July 23, 1972, the National Aeronautics and Space Administration launched Landsat 1, originally called the Earth Resources Technology Satellite, as the first civilian Earth observation satellite to study the Earth's land cover and monitor natural resources;

Whereas since 1972, the United States Geological Survey has led the data archiving and distribution efforts for the Landsat program, which has continued to collect data without interruption through the successful launches of Landsats 2, 3, 4, 5, and 7, and has established the longest and most comprehensive record of global land surface data ever collected;

Whereas the National Aeronautics and Space Administration, the United States Geological Survey, the Department of Commerce, the Department of Defense, and the private sector have all played a role in Landsat's history;

Whereas Landsat greatly enhanced remote sensing science, helped give rise to a global change research plan and international initiatives to study the Earth system, and led to new types of careers in engineering and natural sciences;

Whereas Landsat data have been used for multiple scientific and applied purposes including cartography, land surveys and land use planning, agricultural forecasting, water resource management, forest management, mapping of sea ice movement, assessment of tropical deforestation, food security, mineral and oil exploration, and global change research;

Whereas Landsat data are being widely used by Federal, local, county, and State governments, and by foreign nations, nongovernmental organizations, private industry, and universities;

Whereas Landsat data are collected at a scale that enables the study of both natural and human-induced changes in land cover over time and their impacts on the Earth's ecosystems;

Whereas Landsat data illuminated for the first time how human decisions, such as the expansion of cities, led to large-scale impacts on the environment;

Whereas the U.S. Climate Change Science Program has recognized Landsat and its long-term data record as instrumental to the study of climate and environmental change, noting that ''Landsat data are invaluable for studying the land surface and how it affects and is affected by climate''; and

Whereas the scientific and societal benefits of the Landsat program and its 35-year data record illustrate the significant return on the public investment in Earth observations and the need for continued support for this critical national asset: Now, therefore, be it

Resolved, That the House of Representatives—

(1) expresses its appreciation to all of the dedicated scientists, engineers, and program personnel who have contributed to the successful development and operation of the Landsat program over the past 35 years;

(2) looks forward to another 35 years of continuous Landsat-like observations of the Earth;

(3) urges the continuation of the Landsat program and data record so as to sustain Landsat's value to scientific research, especially the study of global and climate change, and to the myriad applied uses of the data for societal benefit; and

(4) believes that the Nation should continue to support the research, technological improvements, educational outreach, and development of decision making tools required to expand the use of Landsat data separately and as integrated with other Earth observations data.

The SPEAKER pro tempore, Mr. JACKSON of Illinois, recognized Mr. BAIRD and Mr. LUCAS, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. JACKSON of Illinois, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

¶45.19 THE LATE JOHN ARCHIBALD WHEELER

Mr. BAIRD moved to suspend the rules and agree to the following resolution (H. Res. 1118):

Whereas John Archibald Wheeler was born July 9, 1911, in Jacksonville, Florida;

Whereas John Wheeler graduated from high school at age 15 and earned a Ph.D. in physics from Johns Hopkins University at age 21;

Whereas Dr. Wheeler then moved to Copenhagen to work in the field of nuclear physics with pioneering physicist Niels Bohr;

Whereas, while still in his 20s, Dr. Wheeler, then a Professor of Physics at Princeton, along with Dr. Bohr in 1939 worked out the first explanation of how the newly discovered nuclear fission actually worked;

Whereas Dr. Wheeler spent the war years at Hanford, Washington working on the theoretical understanding of nuclear reactions that led to production of plutonium for the bomb dropped on Nagasaki and later worked on the development of the American hydrogen bomb under Project Matterhorn B;

Whereas Dr. Wheeler then returned to Princeton where, after discussion with Albert Einstein, he switched from the study of nuclear physics to working on extending the theory of general relativity, including in 1957 creating the concept of wormholes to describe tunnels in space-time and in 1967 coining the term black hole as part of the theory of gravitational collapse;

Whereas Dr. Wheeler was a visionary who could see farther on the horizon than most people by way of his physical intuition;

Whereas Dr. Wheeler was a beloved academic who trained some of the best minds in the next generation of physicists, a gifted communicator sometimes called a physics poet, and an active researcher for over 70 years; and

Whereas Dr. Wheeler was, in the words of Dr. Max Texmark, the last Titan, the only physics superhero still standing until the time of his death on April 13, 2008: Now, therefore, be it

Resolved, That the House of Representatives—

(1) honors the life and accomplishments of Professor John Archibald Wheeler and expresses condolences on his passing; and

(2) recognizes the profound importance of Dr. Wheeler's record as a pioneer in nuclear and theoretical physics and a long-time contributor to advancing mankind's understanding of the nature and workings of the universe.

The SPEAKER pro tempore, Mr. JACKSON of Illinois, recognized Mr. BAIRD and Mr. LUCAS, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. JACKSON of Illinois, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶45.20 STATE OF ISRAEL'S 60TH ANNIVERSARY

Mr. BERMAN moved to suspend the rules and agree to the following concurrent resolution (H. Con. Res. 322):

Whereas on November 29, 1947, the United Nations General Assembly voted to partition the British Mandate of Palestine and create a Jewish state;

Whereas on May 14, 1948, the people of Israel proclaimed the establishment of the sovereign and independent State of Israel, and the United States Government established full diplomatic relations with Israel;

Whereas the desire of the Jewish people to establish an independent modern State of Israel is an outgrowth of the existence of the historic kingdom of Israel established in the Land of Israel 3,000 years ago, with the city of Jerusalem as its capital;

Whereas for over 2,000 years, there has been continuous Jewish presence and residence in the land comprising the modern State of Israel;

Whereas the establishment of the modern State of Israel as a homeland for the Jewish people followed the slaughter of more than 6,000,000 European Jews during the Holocaust;

Whereas since its establishment 60 years ago, the modern State of Israel has rebuilt a nation, forged a new and dynamic democratic society, and created a thriving economic, political, cultural, and intellectual life despite the heavy costs of war, terrorism, and unjustified diplomatic and economic boycotts against the people of Israel;

Whereas the people of Israel have established a vibrant, pluralistic, democratic political system, including freedom of speech, association, and religion; a vigorously free press; free, fair and open elections; the rule of law; a fully independent judiciary; and other democratic principles and practices;

Whereas Israel has developed some of the leading universities in the world, and 8 Israeli citizens have been awarded the Nobel Prize;

Whereas Israel has developed an advanced, entrepreneurial economy, is among the world's leaders in the high-tech industry, and is at the forefront of research and development in the field of renewable energy sources;

Whereas Israel regularly sends humanitarian aid, search-and-rescue teams, mobile hospitals, and other emergency supplies, to help victims of disasters around the world, including the 1994 Rwandan civil war, the 1998 bombing of the United States Embassy in Kenya, the 1999 earthquakes in Turkey, the 2004 Indian Ocean tsunami, the 2005 hurricanes along the southern coast of the United States, and the 2007 fires in Greece;

Whereas Israel has absorbed millions of Jews from countries throughout the world and fully integrated them into Israeli society;

Whereas Israel has bravely defended itself from repeated terrorist and military attacks since its independence;

Whereas successive leaders of Israel have sought to achieve peace with Israel's Arab neighbors;

Whereas Israel has established peaceful bilateral relations with neighboring Egypt and Jordan and has made its desire to establish peaceful relations with all Arab states abundantly clear;

Whereas for 6 decades, the United States and Israel have maintained a special relationship based on mutually shared democratic values, common strategic interests, and moral bonds of friendship and mutual respect;

Whereas the American people feel a strong affinity for the Israeli people based on common values and shared cultural heritage; and

Whereas the United States continues to regard Israel as a strong and trusted ally and an important strategic partner: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) recognizes the historic significance of the 60th anniversary of the reestablishment of the sovereign and independent State of Israel as a homeland for the Jewish people;

(2) reaffirms its enduring support for Israel as Israel pursues peace with its neighbors;

(3) reaffirms its support for Israel's right to defend itself against threats to its security and existence;

(4) commends the people of Israel for their remarkable achievements in building a new state and a pluralistic, democratic society in the face of terrorism, as well as hostility, ostracism, and belligerence from many of their neighbors;

(5) reaffirms the bonds of friendship and cooperation which have existed between the United States and Israel for the past 60 years, and commits to strengthening those bonds; and

(6) extends the warmest congratulations and best wishes to the State of Israel and the Israeli people for a peaceful, prosperous, and successful future.

The SPEAKER pro tempore, Mr. JACKSON of Illinois, recognized Mr. BERMAN and Ms. ROS-LEHTINEN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution?

The SPEAKER pro tempore, Mr. CARNAHAN, announced that two-thirds of the Members present had voted in the affirmative.

Mr. BERMAN demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. CARNAHAN, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Wednesday, April 23, 2008.

¶45.21 RECESS—4:54 P.M.

The SPEAKER pro tempore, Mr. CARNAHAN, pursuant to clause 12(a) of rule I, declared the House in recess at 4 o'clock and 54 minutes p.m., subject to the call of the Chair.

¶45.22 AFTER RECESS—5:22 P.M.

The SPEAKER pro tempore, Mr. CARNAHAN, called the House to order.

¶45.23 EARTH DAY

Mr. MCNERNEY moved to suspend the rules and agree to the following resolution (H. Res. 1117):

Whereas the need to educate Americans on the importance of stewardship of the environment led to the first Earth Day in 1970, the passage of a variety of environmental laws, and substantial environmental improvements over the intervening years;

Whereas substantial air quality and other environmental problems persist in many areas of our country;

Whereas today increasing numbers of Americans are concerned with the relatively rapid changes in our environment and decreasing biodiversity;

Whereas the need to improve our interaction with the environment has led to the need for more sophisticated environmental research and development of solutions to environmental problems;

Whereas today the importance of scientific evidence in making correct decisions about environmental problems has never been more important;

Whereas Earth Day activities increase our understanding of the environment and its relationship to our personal decisions regarding energy conservation, use of renewable energy, use of natural resources, and recycling; and

Whereas Earth Day has become the preeminent day of environmental celebrations, clean-ups, and educational events across the country: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals and ideals of Earth Day and thanks the many organizers and participants across the country for their tireless efforts in support of the environment;

(2) encourages the Department of Energy to step up its efforts in research, development, and demonstration of renewable energy technology and energy conservation techniques; and

(3) encourages all segments of American society to work together in ensuring that the research and development necessary to uncover solutions to our major environmental problems occurs in a timely manner.

The SPEAKER pro tempore, Mr. CARNAHAN, recognized Mr. MCNERNEY and Mr. BARTLETT of Maryland, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. CARNAHAN, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶45.24 RECESS—5:35 P.M.

The SPEAKER pro tempore, Mr. CARNAHAN, pursuant to clause 12(a) of rule I, declared the House in recess at 5 o'clock and 35 minutes p.m., until approximately 6:30 p.m.

¶45.25 AFTER RECESS—6:30 P.M.

The SPEAKER pro tempore, Mr. DONNELLY, called the House to order.

¶45.26 H. RES. 981—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. DONNELLY, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 981) recognizing March 6, 2008, as the first-ever World Glaucoma Day, established to increase awareness of glaucoma, which is the second leading cause of preventable blindness in the United States worldwide; as amended.

The question being put,

Will the House suspend the rules and agree to said resolution, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 387 Nays 0

¶45.27 [Roll No. 205]

YEAS—387

Ackerman	Costello	Hare
Aderholt	Courtney	Harman
Akin	Cramer	Hastings (FL)
Allen	Crenshaw	Hastings (WA)
Altmire	Crowley	Hayes
Arcuri	Cubin	Heller
Baca	Cuellar	Hensarling
Bachmann	Culberson	Herger
Bachus	Cummings	Herseth Sandlin
Baird	Davis (AL)	Higgins
Baldwin	Davis (CA)	Hill
Barrett (SC)	Davis (IL)	Hinchey
Barrow	Davis (KY)	Hinojosa
Bartlett (MD)	Davis, David	Hirono
Barton (TX)	Davis, Lincoln	Hobson
Bean	Davis, Tom	Hodes
Becerra	Deal (GA)	Hoekstra
Berkley	DeFazio	Holden
Berman	DeGette	Holt
Berry	Delahunt	Honda
Biggert	DeLauro	Hooley
Bilbray	Dent	Hoyer
Bilirakis	Diaz-Balart, L.	Hunter
Bishop (GA)	Diaz-Balart, M.	Inglis (SC)
Bishop (NY)	Dicks	Inslee
Bishop (UT)	Dingell	Israel
Blackburn	Donnelly	Issa
Blumenauer	Doolittle	Jackson (IL)
Blunt	Doyle	Johnson (GA)
Boehner	Drake	Johnson (IL)
Bonner	Dreier	Johnson, E. B.
Bono Mack	Duncan	Johnson, Sam
Boozman	Edwards	Jones (NC)
Boren	Ehlers	Jordan
Boswell	Ellison	Kagen
Boucher	Ellsworth	Kanjorski
Boustany	Emanuel	Kaptur
Boyd (FL)	Emerson	Keller
Boyda (KS)	Eshoo	Kennedy
Brady (TX)	Etheridge	Kildee
Braley (IA)	Everett	Kilpatrick
Broun (GA)	Fallin	Kind
Brown (SC)	Farr	King (IA)
Buchanan	Ferguson	King (NY)
Burgess	Filner	Kirk
Burton (IN)	Flake	Klein (FL)
Butterfield	Forbes	Kline (MN)
Buyer	Fortenberry	Knollenberg
Calvert	Fossella	Kucinich
Camp (MI)	Foster	Kuhl (NY)
Cannon	Foxx	LaHood
Capito	Frank (MA)	Lamborn
Capps	Franks (AZ)	Lampson
Capuano	Frelinghuysen	Langevin
Cardoza	Gallegly	Larsen (WA)
Carnahan	Garrett (NJ)	Larson (CT)
Carson	Gerlach	Latham
Carter	Giffords	LaTourette
Castle	Gilchrest	Latta
Chabot	Gillibrand	Lee
Chandler	Gingrey	Levin
Clarke	Gohmert	Lewis (CA)
Clay	Gonzalez	Lewis (GA)
Cleaver	Goode	Lewis (KY)
Clyburn	Goodlatte	Linder
Coble	Gordon	Lipinski
Cohen	Granger	LoBiondo
Cole (OK)	Graves	Loebsack
Conaway	Green, Al	Lofgren, Zoe
Conyers	Green, Gene	Lowey
Costa	Hall (NY)	Lucas
Lungren, Daniel E.	Payne	Simpson
Lynch	Pearce	Sires
Mack	Pence	Skelton
Mahoney (FL)	Perlmutter	Slaughter
Manzullo	Peterson (MN)	Smith (NE)
Marchant	Petri	Smith (NJ)
Markey	Pickering	Smith (TX)
Marshall	Pitts	Smith (WA)
Matheson	Platts	Snyder
Matsui	Poe	Solis
McCarthy (CA)	Pomeroy	Souder
McCarthy (NY)	Porter	Space
McCaul (TX)	Price (GA)	Speier
McCollum (MN)	Price (NC)	Spratt
McCotter	Pryce (OH)	Stark
McCrery	Radanovich	Stearns
McDermott	Rahall	Stupak
McGovern	Ramstad	Sullivan
McHenry	Rangel	Sutton
McHugh	Regula	Tancredo
McIntyre	Rehberg	Tanner
McKeon	Reichert	Tauscher
McMorris Rodgers	Reyes	Taylor
McNerney	Reynolds	Terry
McNulty	Richardson	Thompson (CA)
Meek (FL)	Rodriguez	Thompson (MS)
Meeks (NY)	Rogers (AL)	Thornberry
Melancon	Rogers (KY)	Tiahrt
Mica	Rogers (MI)	Tierney
Michaud	Ros-Lehtinen	Towns
Miller (FL)	Roskam	Tsongas
Miller (MI)	Ross	Turner
Miller (NC)	Rothman	Udall (NM)
Miller, Gary	Roybal-Allard	Upton
Miller, George	Royce	Van Hollen
Mitchell	Ruppersberger	Velázquez
Moore (KS)	Ryan (OH)	Visclosky
Moore (WI)	Ryan (WI)	Walberg
Moran (KS)	Salazar	Walden (OR)
Moran (VA)	Sali	Walsh (NY)
Murphy (CT)	Sánchez, Linda T.	Walz (MN)
Murphy, Tim	Sanchez, Loretta	Wamp
Murtha	Sarbanes	Waters
Musgrave	Schakowsky	Watson
Myrick	Schiff	Watt
Napolitano	Schmidt	Waxman
Neal (MA)	Scott (GA)	Welch (VT)
Neugebauer	Scott (VA)	Weldon (FL)
Nunes	Sensenbrenner	Westmoreland
Oberstar	Serrano	Wexler
Obey	Sessions	Wilson (NM)
Olver	Shadegg	Wilson (OH)
Ortiz	Shays	Wilson (SC)
Pallone	Shea-Porter	Wittman (VA)
Pascrell	Sherman	Wolf
Pastor	Shimkus	Woolsey
Paul	Shuler	Wu
	Shuster	Wynn
		Yarmuth

NOT VOTING—44

Abercrombie	Feeney	Renzi
Alexander	Grijalva	Rohrabacher
Andrews	Gutierrez	Rush
Brady (PA)	Hall (TX)	Saxton
Brown, Corrine	Hulshof	Schwartz
Brown-Waite, Ginny	Jackson-Lee (TX)	Sestak
Campbell (CA)	Jefferson	Tiberi
Cantor	Jones (OH)	Udall (CO)
Carney	Kingston	Wasserman Schultz
Castor	Maloney (NY)	Weiner
Cooper	Mollohan	Weller
Doggett	Murphy, Patrick	Whitfield (KY)
Engel	Nadler	Young (AK)
English (PA)	Peterson (PA)	Young (FL)
Fattah	Putnam	

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

¶45.28 H.R. 5151—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. DONNELLY, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 5151) to designate as wilderness additional National Forest System lands in the

Monogahela National Forest in the State of West Virginia, and for other purposes; as amended.

The question being put,

Will the House suspend the rules and pass said bill, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 368 Nays 17

¶45.29 [Roll No. 206]

YEAS—368

Ackerman
Aderholt
Akin
Allen
Altmire
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (TX)
Braley (IA)
Brown (SC)
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Cannon
Capito
Capps
Capuano
Cardoza
Carnahan
Carson
Carter
Castle
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole (OK)
Conaway
Conyers
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Donnelly
Doolittle
Doyle
Drake
Dreier
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Eshoo
Etheridge
Everett
Fallin
Farr
Ferguson
Filner
Forbes
Fortenberry
Fossella
Foster
Foxx
Frank (MA)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Gordon
Graves
Green, Al
Green, Gene
Hall (NY)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Tim
Murtha
Musgrave
Myrick
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schmidt
Scott (GA)
Scott (VA)
Serrano
Sessions
Shays
Shea-Porter
Sherman
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Speier
Spratt
Stark
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tierney
Towns
Tsongas
Turner
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Waters
Watson
Watt
Waxman
Welch (VT)
Weldon (FL)
Westmoreland
Wexler
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Wynn
Yarmuth

NAYS—17

Blackburn
Blunt
Broun (GA)
Coble
Duncan
Flake
Franks (AZ)
Goode
Goodlatte
King (IA)
Miller, Gary
Paul
Sensenbrenner
Shadegg
Shimkus
Stearns
Tancredo

NOT VOTING—46

Abercrombie
Alexander
Andrews
Brady (PA)
Brown, Corrine
Brown-Waite, Ginny
Campbell (CA)
Cantor
Carney
Castor
Cooper
Doggett
Engel
English (PA)
Fattah
Feeney
Granger
Grijalva
Gutierrez
Hall (TX)
Hulshof
Jackson-Lee (TX)
Jefferson
Jones (OH)
Kingston
Maloney (NY)
Mollohan
Murphy, Patrick
Nadler
Peterson (PA)
Putnam
Renzi
Rohrabacher
Rush
Saxton
Schwartz
Sestak
Space
Tiberi
Udall (CO)
Wasserman Schultz
Weiner
Weller
Whitfield (KY)
Young (AK)
Young (FL)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶45.30 H.R. 831—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. DONNELLY, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 831) to provide for the conveyance of certain Forest Service land to the city of Coffman Cove, Alaska; as amended.

The question being put,

Will the House suspend the rules and pass said bill, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 382 Nays 0

¶45.31 [Roll No. 207]

YEAS—382

Ackerman
Aderholt
Akin
Allen
Altmire
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Cannon
Capito
Capps
Capuano
Cardoza
Carnahan
Carson
Carter
Castle
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Conaway
Conyers
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Eshoo
Etheridge
Everett
Fallin
Farr
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Hall (NY)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Tim
Musgrave
Myrick
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter

Peterson (MN)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (NC)
Pryce (OH)
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schmidt
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tierney
Towns
Tsongas
Turner
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Waters
Watson
Watt
Waxman
Welch (VT)
Weldon (FL)
Westmoreland
Wexler
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—49

Abercrombie
Alexander
Andrews
Brady (PA)
Brown, Corrine
Brown-Waite, Ginny
Campbell (CA)
Cantor
Carney
Castor
Cole (OK)
Cooper
Doggett
Engel
English (PA)
Fattah
Feeney
Grijalva
Gutierrez
Hall (TX)
Hulshof
Jackson-Lee (TX)
Jefferson
Jones (OH)
Kingston
Maloney (NY)
Mollohan
Murphy, Patrick
Murtha
Nadler
Napolitano
Peterson (PA)
Price (GA)
Putnam
Renzi
Rohrabacher
Rush
Saxton
Schwartz
Sestak
Sullivan
Tiberi
Udall (CO)
Wasserman Schultz
Weiner
Weller
Whitfield (KY)
Young (AK)
Young (FL)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶45.32 PROVIDING FOR CONSIDERATION OF H.R. 5819

Ms. SLAUGHTER, by direction of the Committee on Rules, reported (Rept. No. 110–603) the resolution (H. Res. 1125) providing for the consideration of the bill (H.R. 5819) to amend the Small Business Act to improve the Small Business Innovation Research (SBIR) program and the Small Business Technology Transfer (STTR) program, and for other purposes.

When said resolution and report were referred to the House Calendar and ordered printed.

¶45.33 PROVIDING FOR CONSIDERATION OF H.R. 2830

Ms. SLAUGHTER, by direction of the Committee on Rules, reported (Rept. No. 110–604) the resolution (H. Res. 1126) providing for the consideration of the bill (H.R. 2830) to authorize appropriations for the Coast Guard for fiscal year 2008, and for other purposes.

When said resolution and report were referred to the House Calendar and ordered printed.

¶45.34 ENROLLED BILL AND JOINT RESOLUTION SIGNED

Lorraine C. Miller, Clerk of the House, reported and found truly enrolled a bill and joint resolution of the House of the following titles, which were thereupon signed by the Speaker.

H.R. 1119. An Act to amend title 36, United States Code, to revise the congressional charter of the Military Order of the Purple Heart of the United States of America, Incorporated, to authorize associate membership in the corporation for the spouse and siblings of a recipient of the Purple Heart medal.

H.J. Res. 70. A joint resolution congratulating the Army Reserve on its centennial, which will be formally celebrated on April 23, 2008, and commemorating the historic contributions of its veterans and continuing contributions of its soldiers to the vital national security interests and homeland defense missions of the United States.

¶45.35 BILL PRESENTED TO THE PRESIDENT

Lorraine C. Miller, Clerk of the House reported that on April 17, 2008 she presented to the President of the United States, for his approval, the following bill.

H.R. 5813. An Act to amend Public Law 110–196 to provide for a temporary extension of programs authorized by the Farm Security and Rural Investment Act of 2002 beyond April 18, 2008.

¶45.36 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. ABERCROMBIE, for today;

To Mr. CAMPBELL of California, for today and balance of the week;

To Mr. CARNEY, for today;

To Mr. CLYBURN, for April 23;

To Mr. DOGGETT, for today and balance of the week;

To Ms. JACKSON-LEE of Texas, for today;

To Mr. WELLER of Illinois, for today; and

To Mr. YOUNG of Florida, for today.

And then,

¶45.37 ADJOURNMENT

On motion of Mrs. BACHMANN, at 9 o'clock and 58 minutes p.m., the House adjourned.

¶45.38 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

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

Mr. RAHALL: Committee on Natural Resources. H.R. 900. A bill to provide for a federally sanctioned self-determination process for the people of Puerto Rico; with an amendment (Rept. 110–597). Referred to the Committee of the Whole House on the state of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 5151. A bill to designate as wilderness additional National Forest System lands in the Monongahela National Forest in the State of West Virginia, and for other purposes; with an amendment (Rept. 110–598, Pt. 1). Ordered to be printed.

Mr. WAXMAN: Committee on Oversight and Government Reform. H.R. 5712. A bill to require disclosure by Federal contractors of certain violations relating to the award or performance of Federal contracts; with an amendment (Rept. 110–599). Referred to the Committee of the Whole House on the state of the Union.

Mr. DINGELL: Committee on Energy and Commerce. H.R. 5613. A bill to extend certain moratoria and impose additional moratoria on certain Medicaid regulations through April 1, 2009; with amendments (Rept. 110–600). Referred to the Committee of the Whole House on the state of the Union.

Mr. GEORGE MILLER of California: Committee on Education and Labor. H.R. 5522. A bill to require the Secretary of Labor to issue interim and final occupational safety and health standards regarding worker exposure to combustible dust, and for other purposes; with an amendment (Rept. 110–601). Referred to the Committee of the Whole House on the state of the Union.

Mr. BRADY of Pennsylvania: Committee on House Administration. H.R. 3032. A bill to amend the Federal Election Campaign Act of 1971 to permit candidates for election for Federal office to designate an individual who will be authorized to disburse funds of the authorized campaign committees of the candidate in the event of the death of the candidate; with an amendment (Rept. 110—602). Referred to the Committee of the Whole House on the state of the Union.

Mr. WELCH: Committee on Rules. House Resolution 1125. Resolution providing for consideration of the bill (H.R. 5819) to amend the Small Business Act to improve the Small Business Innovation Research (SBIR) program and the Small Business Technology Transfer (STTR) program, and for other purposes (Rept. 110–603). Referred to the House Calendar.

Mr. ARCURI: Committee on Rules. House Resolution 1126. Resolution providing for the consideration of the bill (H.R. 2830) to authorize appropriations for the Coast Guard for fiscal year 2008, and for other purposes (Rept. 110–604). Referred to the House Calendar.

¶45.39 COMMITTEE DISCHARGED

Pursuant to clause 2 of rule XIII the Committee on Agriculture discharged from further consideration. H.R. 5151 referred to the Committee of the Whole House on the state of the Union.

¶45.40 PUBLIC BILLS AND RESOLUTIONS

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

By Mr. MICHAUD:

H.R. 5856. A bill to authorize major medical facility projects and major medical facility leases for the Department of Veterans Affairs for fiscal year 2009, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. BACHUS (for himself, Mrs. BIGGERT, Mrs. CAPITO, Mr. BOEHNER, Mr. BLUNT, Mr. PUTNAM, Ms. GRANGER, Mr. MCCOTTER, Ms. PRYCE of Ohio, Mr. ROSKAM, Mr. SHAYS, Mr. NEUGEBAUER, Mr. LATOURETTE, Mr. JONES of North Carolina, Mr. CASTLE, Ms. GINNY BROWN-WAITE of Florida, Mr. HELLER, Mr. SESSIONS, Mr. LUCAS, Mr. DAVIS of Kentucky, Mr.

BONNER, Mr. ROGERS of Alabama, Mr. LATHAM, Mr. TURNER, Mr. CHABOT, Mr. MARIO DIAZ-BALART of Florida, Mr. ROGERS of Michigan, Mr. GALLEGLY, Mr. KIRK, Mr. TERRY, Mr. MANZULLO, Mr. BOOZMAN, and Mr. CARTER):

H.R. 5857. A bill to establish licensing and registration requirements for residential mortgage originators, improve mortgage disclosures, create an Office of Housing Counseling, to provide incentives to facilitate loan modifications, reform the regulation of the Government Sponsored Enterprises, modernize the Federal Housing Administration, improve home ownership for veterans, reform appraisal activities, and combat mortgage fraud, and for other purposes; to the Committee on Financial Services, and in addition to the Committees on Armed Services, Veterans' Affairs, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BOSWELL:

H.R. 5858. A bill to amend the Internal Revenue Code of 1986 to provide incentives for carbon sequestration; to the Committee on Ways and Means.

By Mr. ACKERMAN:

H.R. 5859. A bill to amend the Clean Air Act to provide that State grants under that Act shall be given to States having consumer beverage container deposit laws on a priority basis, and for other purposes; to the Committee on Energy and Commerce.

By Mr. ACKERMAN:

H.R. 5860. A bill to increase the average fuel economy of light-duty vehicles in the Federal fleet; to the Committee on Energy and Commerce, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. CASTOR:

H.R. 5861. A bill to amend the Outer Continental Shelf Lands Act to prohibit oil and gas preleasing, leasing, and related activities in certain areas of the Outer Continental Shelf off the coast of Florida, and for other purposes; to the Committee on Natural Resources.

By Mr. CHABOT:

H.R. 5862. A bill to amend title 18, United States Code, to require the reading of crime victims' rights in open court in criminal cases; to the Committee on the Judiciary.

By Mr. CUELLAR:

H.R. 5863. A bill to authorize additional resources to identify and eliminate illicit sources of firearms smuggled into Mexico for use by violent drug trafficking organizations, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FORTUÑO:

H.R. 5864. A bill to designate Puerto Mosquito Bay National Marine Sanctuary in Puerto Rico, and for other purposes; to the Committee on Natural Resources.

By Mr. GOODE (for himself and Mrs. MUSGRAVE):

H.R. 5865. A bill to amend chapter 44 of title 18, United States Code, to require a court adjudication before certain veterans may be denied the right to possess a firearm, and for other purposes; to the Committee on the Judiciary.

By Mr. GRAVES:

H.R. 5866. A bill to expedite the increased supply and availability of energy to our Nation; to the Committee on Energy and Commerce.

By Ms. MATSUI:

H.R. 5867. A bill to establish a grant program to assist retail power providers with the establishment and operation of energy conservation programs using targeted residential tree-planting, and for other purposes; to the Committee on Energy and Commerce.

By Mr. PEARCE (for himself, Mr. KUHL of New York, Mr. NUNES, and Mr. MILLER of Florida):

H.R. 5868. A bill to amend title 10, United States Code, to provide for the retention of members of the Armed Forces on active service or in an active status who would otherwise be retired or separated for a combat-related disability, but who are still medically able to perform noncombat-related military occupational specialties or duties; to the Committee on Armed Services.

By Mr. RODRIGUEZ (for himself, Mr. ENGEL, and Mr. REYES):

H.R. 5869. A bill to authorize additional resources to identify and eliminate illicit sources of firearms smuggled into Mexico for use by violent drug trafficking organizations, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RYAN of Ohio (for himself and Mr. WILSON of Ohio):

H.R. 5870. A bill to authorize the Secretary of Housing and Urban Development to make grants to assist local governments with vacant housing problems, and for other purposes; to the Committee on Financial Services.

By Mr. SALAZAR:

H.R. 5871. A bill to designate the Ludlow Massacre National Historic Landmark in the State of Colorado, and for other purposes; to the Committee on Natural Resources.

By Mr. SESSIONS (for himself, Mr. ABERCROMBIE, Mr. ACKERMAN, Mr. ADERHOLT, Mr. AKIN, Mr. ALEXANDER, Mr. ALLEN, Mr. ANDREWS, Mr. ARCURI, Mr. BACA, Mrs. BACHMANN, Mr. BACHUS, Mr. BAIRD, Mr. BARRETT of South Carolina, Mr. BARTLETT of Maryland, Mr. BARTON of Texas, Mr. BECERRA, Mrs. BIGGERT, Mr. BILBRAY, Mr. BILIRAKIS, Mr. BISHOP of Utah, Mr. BISHOP of Georgia, Mr. BISHOP of New York, Mrs. BLACKBURN, Mr. BOEHNER, Mr. BONNER, Mrs. BONO MACK, Mr. BOOZMAN, Mr. BOREN, Mr. BOUSTANY, Mr. BOYD of Florida, Mr. BRADY of Texas, Mr. BRADY of Pennsylvania, Mr. BROUN of Georgia, Mr. BROWN of South Carolina, Ms. GINNY BROWN-WAITE of Florida, Mr. BUCHANAN, Mr. BURGESS, Mr. BURTON of Indiana, Mr. BUTTERFIELD, Mr. BUYER, Mr. CALVERT, Mr. CAMP of Michigan, Mr. CAMPBELL of California, Mr. CANNON, Mr. CANTOR, Mrs. CAPITO, Mr. CARDOZA, Mr. CARNAHAN, Mr. CASTLE, Mr. CHABOT, Mr. CHANDLER, Mr. CLAY, Mr. COBLE, Mr. CONAWAY, Mr. COOPER, Mr. COSTA, Mr. COSTELLO, Mr. COURTNEY, Mr. CRENSHAW, Mr. CROWLEY, Mrs. CUBIN, Mr. CULBERSON, Mr. CUMMINGS, Mr. DAVIS of Illinois, Mr. DAVID DAVIS of Tennessee, Mr. DAVIS of Kentucky, Mr. LINCOLN DAVIS of Tennessee, Mr. TOM DAVIS of Virginia, Mr. DEAL of Georgia, Mr. DEFAZIO, Mr. DELAHUNT, Mr. DENT, Mr. LINCOLN DIAZ-BALART of Florida, Mr. MARIO DIAZ-BALART of Florida, Mr. DICKS, Mr. DINGELL, Mr. DONNELLY, Mr. DOOLITTLE, Mr. DOYLE, Mrs. DRAKE, Mr. DREIER, Mr. DUNCAN, Mr. EHLERS, Mr. ELLSWORTH, Mrs. EMERSON, Mr. ENGEL, Mr. ENGLISH of Pennsylvania, Mr. ETHERIDGE, Mr. EVERETT, Ms. FALLIN, Mr. FEENEY, Mr. FERGUSON, Mr. FLAKE, Mr. FORBES, Mr. FORTENBERRY, Mr. FORTUÑO, Mr. FOSSELLA, Mr. FOSTER, Ms. FOXX, Mr. FRANKS of Arizona, Mr. FRELINGHUYSEN, Mr. GALLEGLY, Mr. GARRETT of New Jersey, Mr. GERLACH, Mr. GILCHREST, Mr. GINGREY, Mr. GOHMERT, Mr. GOODE, Mr. GOODLATTE, Ms. GRANGER, Mr. GRAVES, Mr. GENE GREEN of Texas, Mr. HALL of Texas, Mr. HAYES, Mr. HELLER, Mr. HENSARLING, Mr. HERGER, Mr. HILL, Ms. HIRONO, Mr. HOBSON, Mr. HOEKSTRA, Mr. HOLDEN, Mr. HOLT, Mr. HULSHOF, Mr. HUNTER, Mr. INGLIS of South Carolina, Mr. ISRAEL, Mr. ISSA, Mr. JACKSON of Illinois, Mr. JEFFERSON, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. JOHNSON of Georgia, Mr. SAM JOHNSON of Texas, Mr. JOHNSON of Illinois, Mr. JONES of North Carolina, Mr. JORDAN, Mr. KANJORSKI, Mr. KELLER, Mr. KENNEDY, Mr. KILDEE, Mr. KIND, Mr. KING of New York, Mr. KING of Iowa, Mr. KINGSTON, Mr. KIRK, Mr. KLINE of Minnesota, Mr. KNOLLENBERG, Mr. KUHL of New York, Mr. LAHOOD, Mr. LAMBORN, Mr. LAMPSON, Mr. LANGEVIN, Mr. LARSEN of Washington, Mr. LARSON of Connecticut, Mr. LATHAM, Mr. LATOURETTE, Mr. LATTA, Mr. LEWIS of California, Mr. LEWIS of Georgia, Mr. LEWIS of Kentucky, Mr. LINDER, Mr. LIPINSKI, Mr. LOBIONDO, Mr. LUCAS, Mr. DANIEL E. LUNGREN of California, Mr. LYNCH, Mr. MACK, Mr. MAHONEY of Florida, Mrs. MALONEY of New York, Mr. MANZULLO, Mr. MARCHANT, Mr. MARSHALL, Mr. MATHESON, Mr. MCCARTHY of California, Mr. MCCAUL of Texas, Mr. MCCOTTER, Mr. MCCRERY, Mr. MCHENRY, Mr. MCHUGH, Mr. MCINTYRE, Mr. MCKEON, Mrs. MCMORRIS RODGERS, Mr. MCNULTY, Mr. MEEKS of New York, Mr. MICA, Mrs. MILLER of Michigan, Mr. GARY G. MILLER of California, Mr. MILLER of Florida, Mr. MOLLOHAN, Mr. MOORE of Kansas, Mr. MORAN of Kansas, Mr. TIM MURPHY of Pennsylvania, Mr. MURTHA, Mrs. MUSGRAVE, Mrs. MYRICK, Mrs. NAPOLITANO, Mr. NEAL of Massachusetts, Mr. NEUGEBAUER, Mr. NUNES, Mr. OBERSTAR, Mr. OLVER, Mr. ORTIZ, Mr. PASCRELL, Mr. PASTOR, Mr. PAUL, Mr. PEARCE, Mr. PENCE, Mr. PERLMUTTER, Mr. PETERSON of Minnesota, Mr. PETRI, Mr. PICKERING, Mr. PITTS, Mr. PLATTS, Mr. POE, Mr. POMEROY, Mr. PORTER, Mr. PRICE of Georgia, Ms. PRYCE of Ohio, Mr. PUTNAM, Mr. RADANOVICH, Mr. RAMSTAD, Mr. REGULA, Mr. REHBERG, Mr. REICHERT, Mr. RENZI, Mr. REYES, Mr. REYNOLDS, Mr. RODRIGUEZ, Mr. ROGERS of Michigan, Mr. ROGERS of Kentucky, Mr. ROHRABACHER, Mr. ROSKAM, Ms. ROS-LEHTINEN, Mr. ROSS, Mr. ROYCE, Mr. RUPPERSBERGER, Mr. RYAN of Wisconsin, Mr. RYAN of Ohio, Mr. SALI, Ms. LINDA T. SÁNCHEZ of California, Ms. HERSETH SANDLIN, Mr. SAXTON, Mr. SCHIFF, Mrs. SCHMIDT, Mr. SENSENBRENNER, Mr. SERRANO, Mr. SHADEGG, Mr. SHAYS, Mr. SHIMKUS, Mr. SHULER, Mr. SHUSTER, Mr. SIMPSON, Mr. SKELTON, Mr. SMITH of Washington, Mr. SMITH of New Jersey, Mr. SMITH of Texas, Mr. SMITH of Nebraska, Mr. SNYDER, Mr. SOUDER, Mr. SPRATT, Mr. STEARNS, Mr. STUPAK, Mr. SULLIVAN, Ms. SUTTON, Mr. TANCREDO, Mr. TAYLOR, Mr. TERRY, Mr. THOMPSON of Mississippi, Mr.

THOMPSON of California, Mr. THORNBERRY, Mr. TIAHRT, Mr. TIBERI, Mr. TURNER, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Mr. UPTON, Mr. VAN HOLLEN, Mr. WALBERG, Mr. WALDEN of Oregon, Mr. WALSH of New York, Mr. WALZ of Minnesota, Mr. WAMP, Mr. WEINER, Mr. WELCH of Vermont, Mr. WELDON of Florida, Mr. WELLER, Mr. WESTMORELAND, Mr. WHITFIELD of Kentucky, Mrs. WILSON of New Mexico, Mr. WILSON of South Carolina, Mr. WITTMAN of Virginia, Mr. WOLF, Mr. WU, Mr. WYNN, Mr. YOUNG of Florida, and Mr. YOUNG of Alaska):

H.R. 5872. A bill to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the Boy Scouts of America, and for other purposes; to the Committee on Financial Services.

By Mr. STARK (for himself, Mr. GEORGE MILLER of California, Ms. WOOLSEY, and Mrs. MALONEY of New York):

H.R. 5873. A bill to provide for a paid family and medical leave insurance program, and for other purposes; to the Committee on Education and Labor, and in addition to the Committees on Oversight and Government Reform, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BURGESS (for himself and Mr. CARNAHAN):

H.R. 5874. A bill to amend the Public Health Service Act to provide for the establishment of a permanent Multiple Sclerosis National Surveillance System; to the Committee on Energy and Commerce.

By Ms. SCHAKOWSKY (for herself and Mr. ROSKAM):

H. Res. 1124. A resolution expressing the sense of the House of Representatives that there should be established a National Brain Tumor Awareness Month, and for other purposes; to the Committee on Energy and Commerce.

By Mr. ACKERMAN (for himself, Mr. PENCE, Mr. FORTUÑO, Mr. BURTON of Indiana, Mr. WILSON of South Carolina, Mr. ENGEL, and Mr. POE):

H. Res. 1127. A resolution condemning the endemic restrictions on freedom of the press and media and public expression in the Middle East and the concurrent and widespread presence of anti-Semitic material, Holocaust denial, and incitement to violence in the Arab media and press; to the Committee on Foreign Affairs.

By Mr. DAVID DAVIS of Tennessee (for himself, Mr. GORDON, and Mr. SHULER):

H. Res. 1128. A resolution expressing support of the goals and ideals of National Carriage Driving Month; to the Committee on Oversight and Government Reform.

By Mr. FORBES (for himself, Mr. SAXTON, Mr. WILSON of South Carolina, and Mr. HAYES):

H. Res. 1129. A resolution regarding the readiness of the Armed Forces of the United States, and the implications for national security; to the Committee on Armed Services.

By Mr. GRAVES (for himself, Mr. BLUNT, Mr. BRADY of Texas, Mr. THOMPSON of California, Mr. FORTENBERRY, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. SNYDER, Mr. LOBIONDO, Mr. TOWNS, Mr. KIND, Mr. ROSS, Mr. ETHERIDGE, Mr. POE, Mr. ENGEL, Mrs. BOYDA of Kansas, Mr. KIRK, Mr. GORDON, Ms. GINNY BROWN-WAITE of Florida, Mr. MCGOVERN, Mr. PETERSON of Minnesota, Mrs. MYRICK, Mr. ABERCROMBIE, Mrs. MILLER of Michigan, Ms. JACKSON-LEE of Texas, Mr. WOLF, Mr. GUTIERREZ, Mr. MARSHALL, Mr. BURGESS, Mr. HONDA, Mr. SIMPSON, Mr. HAYES, Mr. SAXTON, Mr. DREIER, Mr. MCCAUL of Texas, Mr. EHLERS, Mr. RAMSTAD, Mr. WALSH of New York, Mr. HALL of Texas, Mr. GINGREY, Mr. YOUNG of Alaska, Mr. FERGUSON, Mr. PORTER, Mr. MARKEY, Mr. HOLDEN, Mr. WU, Mr. SHAYS, Mr. MEEKS of New York, Mr. MCDERMOTT, Mr. ARCURI, Mr. BOOZMAN, Mr. BARROW, Mr. WHITFIELD of Kentucky, Mr. CLAY, Mr. CARTER, Ms. SUTTON, Mr. SMITH of Washington, Mr. MORAN of Virginia, Mr. PERLMUTTER, and Mr. KUHL of New York):

H. Res. 1130. A resolution recognizing the roles and contributions of America's teachers to building and enhancing our Nation's civic, cultural, and economic well being; to the Committee on Education and Labor.

By Mrs. JONES of Ohio (for herself, Mr. ACKERMAN, Mr. BAIRD, Ms. BALDWIN, Mr. BERMAN, Mr. BERRY, Mr. BUTTERFIELD, Mrs. CAPPS, Mr. CARSON, Mrs. CHRISTENSEN, Ms. CLARKE, Mr. COHEN, Mr. CONAWAY, Mr. CONYERS, Mr. CUMMINGS, Mr. DAVIS of Illinois, Mr. DELAHUNT, Mr. ELLISON, Mr. ELLSWORTH, Mr. FATTAH, Mr. AL GREEN of Texas, Mr. HARE, Mr. HASTINGS of Florida, Mr. INSLEE, Mr. ISRAEL, Ms. JACKSON-LEE of Texas, Ms. LEE, Mr. LEWIS of Georgia, Mr. LYNCH, Mr. MARKEY, Mr. MARSHALL, Ms. MATSUI, Ms. MCCOLLUM of Minnesota, Mr. MCGOVERN, Mr. MCNULTY, Mr. MICHAUD, Ms. MOORE of Wisconsin, Mr. GEORGE MILLER of California, Mr. MURPHY of Connecticut, Mr. OLVER, Mr. POMEROY, Ms. ZOE LOFGREN of California, Ms. LORETTA SANCHEZ of California, Ms. SCHAKOWSKY, Mr. SCOTT of Georgia, Mr. SCOTT of Virginia, Mrs. TAUSCHER, Mr. THOMPSON of Mississippi, Mr. TOWNS, Mr. VAN HOLLEN, Ms. WASSERMAN SCHULTZ, Ms. WATSON, Mr. WATT, Mr. WAXMAN, Mr. WALZ of Minnesota, Mr. HIGGINS, Mr. BARROW, Mr. COOPER, Ms. KILPATRICK, and Mr. SHERMAN):

H. Res. 1131. A resolution recognizing that the Centers for Disease Control and Prevention observes the month of April as National STD Awareness Month and urging the House of Representatives to focus greater attention on activities related to the prevention of STDs and screening and treatment for STDs; to the Committee on Energy and Commerce.

By Mr. POE:

H. Res. 1132. A resolution supporting the goals and ideals of Peace Officers Memorial Day; to the Committee on Oversight and Government Reform.

By Mr. WALZ of Minnesota (for himself, Mr. ELLISON, Ms. MCCOLLUM of Minnesota, Mr. OBERSTAR, Mr. PETERSON of Minnesota, Mr. RAMSTAD, Mrs. BACHMANN, Mr. KLINE of Minnesota, Mr. KIND, Mr. OBEY, Mr. ALTMIRE, Mr. KENNEDY, and Mr. TOWNS):

H. Res. 1133. A resolution congratulating Winona State University on winning the 2008 Division II men's basketball championships; to the Committee on Education and Labor.

¶45.41 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 82: Mr. TIAHRT.
H.R. 154: Mr. PAUL and Mr. HINCHEY.
H.R. 211: Mr. CLEAVER.
H.R. 241: Mr. CALVERT and Mr. JONES of North Carolina.
H.R. 248: Mr. ROYCE.
H.R. 383: Mr. LAMBORN.
H.R. 579: Mr. MURPHY of Connecticut, Mrs. NAPOLITANO, Mr. PICKERING, Mr. GILCHREST, and Mr. PALLONE.
H.R. 594: Mr. INSLEE and Mr. KAGEN.
H.R. 623: Mr. ELLISON.
H.R. 643: Mr. SIRES, Mr. RENZI, and Mr. NUNES.
H.R. 676: Mr. CLEAVER.
H.R. 685: Mr. BOOZMAN.
H.R. 728: Mr. HIGGINS.
H.R. 758: Mr. WITTMAN of Virginia.
H.R. 818: Mr. ELLISON.
H.R. 840: Ms. HERSETH SANDLIN
H.R. 895: Mr. ROGERS of Michigan.
H.R. 943: Mr. MILLER of North Carolina.
H.R. 971: Mr. KINGSTON.
H.R. 989: Mr. LATTA.
H.R. 1038: Ms. SPEIER.
H.R. 1050: Mr. STARK.
H.R. 1078: Mr. MILLER of North Carolina.
H.R. 1194: Mrs. BLACKBURN.
H.R. 1228: Mr. HINOJOSA.
H.R. 1264: Mr. HERGER and Mr. ALEXANDER.
H.R. 1283: Mrs. EMERSON.
H.R. 1295: Mr. PEARCE.
H.R. 1306: Mr. CRENSHAW and Mr. CONAWAY.
H.R. 1338: Ms. SPEIER.
H.R. 1343: Mr. POE.
H.R. 1353: Mr. JEFFERSON.
H.R. 1392: Mr. SHAYS and Mr. BURTON of Indiana.
H.R. 1409: Mr. BRADY of Pennsylvania.
H.R. 1420: Mr. BOUCHER.
H.R. 1422: Mrs. BACHMANN and Mr. KIRK.
H.R. 1475: Mr. BRALEY of Iowa, and Mr. LEWIS of Georgia.
H.R. 1553: Mr. WILSON of Ohio and Mr. TIM MURPHY of Pennsylvania.
H.R. 1589: Mr. GOHMERT and Mr. PICKERING.
H.R. 1606: Mr. FILNER.
H.R. 1609: Mr. CARNEY and Mr. FEENEY.
H.R. 1616: Mr. HONDA.
H.R. 1621: Mr. ALTMIRE.
H.R. 1665: Mr. WU.
H.R. 1673: Mr. OLVER.
H.R. 1746: Mr. CROWLEY.
H.R. 1776: Mr. LEWIS of Georgia and Ms. SPEIER.
H.R. 1783: Mr. CONYERS and Mr. SCOTT of Virginia.
H.R. 1926: Ms. SCHWARTZ and Ms. LEE.
H.R. 1927: Mr. BERMAN and Mr. GOHMERT.
H.R. 1930: Mr. FRANKS of Arizona.
H.R. 1932: Mr. PLATTS and Mrs. BLACKBURN.
H.R. 1967: Mr. WELLER and Mr. LATTA.
H.R. 1983: Mr. SMITH of Nebraska and Mr. SALAZAR.
H.R. 2021: Ms. SHEA-PORTER, Mr. WEINER, and Mr. UDALL of Colorado.
H.R. 2032: Ms. SUTTON, Mr. FARR, and Mr. DAVIS of Illinois.
H.R. 2049: Mr. BRADY of Pennsylvania.
H.R. 2131: Mr. SCHIFF.
H.R. 2159: Mr. PASTOR.
H.R. 2169: Mr. SMITH of New Jersey, Ms. WASSERMAN SCHULTZ, and Mr. MURPHY of Connecticut.
H.R. 2188: Ms. JACKSON-LEE of Texas and Mr. LEWIS of Georgia.
H.R. 2267: Mr. BOYD of Florida and Mr. MURTHA.
H.R. 2303: Mr. SCOTT of Georgia.
H.R. 2352: Mr. CONYERS.
H.R. 2371: Mr. ARCURI, Mr. BOUCHER, Mrs. BOYDA of Kansas, and Mr. RUSH.
H.R. 2449: Mr. BRALEY of Iowa.
H.R. 2472: Mr. FILNER.
H.R. 2552: Ms. BERKLEY and Mr. ELLISON.
H.R. 2593: Mr. MCGOVERN, Ms. Speier, and Mr. GUTIERREZ.
H.R. 2676: Ms. BALDWIN and Mr. PASTOR.
H.R. 2686: Mr. MARSHALL.
H.R. 2694: Mr. SHULER.
H.R. 2744: Mr. HALL of New York and Mr. COSTA.
H.R. 2914: Mrs. BONO Mack.
H.R. 2933: Mr. BOREN.
H.R. 3010: Mr. MILLER of North Carolina, Mr. PASTOR, Mr. SERRANO, Ms. TSONGAS, and Mr. THOMPSON of Mississippi.

H.R. 3089: Mr. MCCOTTER, Ms. FOXX, Mrs. EMERSON, and Mr. BOUSTANY.
H.R. 3142: Mr. CARTER.
H.R. 3175: Mr. CARNAHAN.
H.R. 3197: Mr. CARNAHAN.
H.R. 3257: Mr. CUMMINGS.
H.R. 3289: Mr. PASTOR, Mr. SARBANES, and Mr. DAVIS of Illinois.
H.R. 3334: Mr. TOWNS.
H.R. 3434: Mrs. BACHMANN.
H.R. 3480: Mr. MAHONEY of Florida, Mrs. MYRICK, and Mr. Latta.
H.R. 3544: Mr. KUCINICH, Mr. ARCURI, Ms. CASTOR, Mr. BARROW, Mr. BRALEY of Iowa, Mr. MELANCON, Mr. ROSS, and Mr. DONNELLY.
H.R. 3652: Mr. MILLER of North Carolina and Mr. CAPUANO.
H.R. 3658: Mr. POE.
H.R. 3660: Mr. DONNELLY.
H.R. 3665: Ms. GINNY BROWN-WAITE of Florida.
H.R. 3750: Mr. COHEN and Mr. RUSH.
H.R. 3769: Mr. ABERCROMBIE.
H.R. 3846: Mr. Carson.
H.R. 3852: Mr. PICKERING.
H.R. 3861: Mr. WALBERG.
H.R. 3865: Mr. ROTHMAN.
H.R. 3870: Mr. MCGOVERN and Mr. STARK.
H.R. 3892: Mr. STARK and Mr. HIGGINS.
H.R. 3926: Mr. ALTMIRE.
H.R. 3934: Ms. CORRINE BROWN of Florida and Mr. TURNER.
H.R. 3955: Mr. SCHIFF.
H.R. 3968: Mr. CAMP of Michigan.
H.R. 3981: Mr. GUTIERREZ.
H.R. 4010: Mr. TAYLOR and Mr. PICKERING.
H.R. 4055: Mr. GUTIERREZ.
H.R. 4061: Mr. DAVIS of Kentucky.
H.R. 4105: Mr. DAVID DAVIS of Tennessee, Mr. BRADY of Pennsylvania, Mr. PASTOR, Mr. MCGOVERN, Ms. RICHARDSON, Mr. LEWIS of California, and Ms. BALDWIN.
H.R. 4122: Mr. COHEN.
H.R. 4123: Mr. COHEN.
H.R. 4133: Mr. MARCHANT, Mr. COLE of Oklahoma, Mr. WITTMAN of Virginia, and Mr. CARTER.
H.R. 4173: Mr. CLAY.
H.R. 4204: Mr. STARK.
H.R. 4265: Mr. HONDA.
H.R. 4279: Ms. WASSERMAN SCHULTZ.
H.R. 4318: Mr. JONES of North Carolina and Mr. SHAYS.
H.R. 4335: Mr. FARR.
H.R. 4344: Mr. ALEXANDER and Mr. WILSON of South Carolina.
H.R. 4449: Mr. PASTOR.
H.R. 4453: Mr. HARE.
H.R. 4461: Mr. PASTOR.
H.R. 4544: Mr. MILLER of North Carolina and Mr. KANJORSKI.
H.R. 4790: Ms. RICHARDSON.
H.R. 4836: Ms. BALDWIN, Mr. ROSS, and Mr. MCINTYRE.
H.R. 4900: Mr. HASTINGS of Washington and Mr. PICKERING.
H.R. 4990: Mr. MCGOVERN, Ms. JACKSON-LEE of Texas, and Mr. BERMAN.
H.R. 5130: Mr. COHEN.
H.R. 5131: Mr. LOBIONDO, Mr. CONAWAY, Mr. ALEXANDER, and Mr. MARIO DIAZ-BALART of Florida.
H.R. 5155: Mr. HALL of New York.
H.R. 5176: Mr. DOGGETT.
H.R. 5223: Ms. ROYBAL-ALLARD and Mr. HINOJOSA.
H.R. 5265: Mr. DONNELLY, Ms. HARMAN, and Mr. SMITH of New Jersey.
H.R. 5404: Ms. ESHOO.
H.R. 5440: Mr. MARIO DIAZ-BALART of Florida.
H.R. 5442: Mr. MCGOVERN, Mr. BRADY of Pennsylvania, and Ms. JACKSON-LEE of Texas.
H.R. 5443: Mr. HONDA, Ms. ROS-LEHTINEN, Mr. MEEKS of New York, and Mr. GENE GREEN of Texas.
H.R. 5444: Ms. SOLIS.
H.R. 5447: Ms. DELAURO, Mr. MCINTYRE, Ms. WATSON, Mr. SCHIFF, Mr. MORAN of Virginia, and Mr. HARE.
H.R. 5466: Mr. MCGOVERN.
H.R. 5481: Mr. GOHMERT and Mr. PICKERING.
H.R. 5509: Mr. BROWN of South Carolina.
H.R. 5522: Mr. LOEBSACK, Mr. TIERNEY, Mr. WU, Mr. ALTMIRE, and Mr. SESTAK.
H.R. 5532: Mr. SESSIONS.
H.R. 5534: Mr. CARNAHAN, Mr. NADLER, Mr. ROTHMAN, and Mr. CASTLE.
H.R. 5545: Ms. JACKSON-LEE of Texas.
H.R. 5546: Mr. TIBERI, Mr. PORTER, Mr. CARNAHAN, and Mr. MARSHALL.
H.R. 5549: Mrs. BOYDA of Kansas.
H.R. 5554: Ms. BERKLEY.
H.R. 5561: Mr. MILLER of North Carolina.
H.R. 5571: Mr. MORAN of Kansas.
H.R. 5590: Mr. FILNER, Mr. GRIJALVA, and Mr. GERLACH.
H.R. 5594: Mr. JONES of North Carolina.
H.R. 5595: Mr. SARBANES, Mr. REGULA, Mr. BISHOP of Georgia, and Mr. BILIRAKIS.
H.R. 5611: Mr. MURPHY of Connecticut.
H.R. 5613: Mr. ROTHMAN, Mr. WELLER, Mr. CARNAHAN, Ms. SHEA-PORTER, Mr. PORTER, Mr. GRAVES, Mr. LARSEN of Washington, Mr. KANJORSKI, Mrs. CHRISTENSEN, Ms. ROS-LEHTINEN, Ms. JACKSON-LEE of Texas, Mr. ANDREWS, Ms. KILPATRICK, Mr. MOORE of Kansas, and Mr. ETHERIDGE.
H.R. 5627: Mr. MARSHALL and Mr. BACA.
H.R. 5637: Mr. BRADY of Pennsylvania and Mr. GUTIERREZ.
H.R. 5638: Ms. JACKSON-LEE of Texas.
H.R. 5640: Mr. WOLF.
H.R. 5646: Mr. GOODLATTE.
H.R. 5668: Ms. SPEIER.
H.R. 5669: Ms. CASTOR, Mr. MCGOVERN, Mr. WAXMAN, Mr. EMANUEL, Mr. WEXLER, Mr. SHAYS, and Mr. MORAN of Virginia.
H.R. 5672: Mr. PICKERING and Mrs. CHRISTENSEN.
H.R. 5673: Mr. ROGERS of Alabama, Mr. POE, Mr. LATTA, Mr. BONNER, Mr. BURTON of Indiana, Mrs. MYRICK, and Mr. BOOZMAN.
H.R. 5676: Mr. YOUNG of Florida.
H.R. 5683: Mr. FATTAH, Mr. WYNN, Mrs. JONES of Ohio, Mr. HASTINGS of Florida, and Mrs. CHRISTENSEN.
H.R. 5684: Mr. BOYD of Florida.
H.R. 5686: Mr. GUTIERREZ and Mr. TURNER.
H.R. 5695: Mr. BURTON of Indiana.
H.R. 5699: Mr. REHBERG.
H.R. 5712: Mr. SHERMAN.
H.R. 5721: Mr. YOUNG of Alaska.
H.R. 5731: Mr. DANIEL E. LUNGREN of California and Mr. ALEXANDER.
H.R. 5734: Mr. PEARCE, Mr. FORTUÑO, Mr. YOUNG of Alaska, Mr. BRADY of Pennsylvania, Mr. LEWIS of Georgia, and Ms. BORDALLO.
H.R. 5737: Mr. ALEXANDER, Mr. LATTA, and Mr. LOBIONDO.
H.R. 5740: Mr. PERLMUTTER, Mr. ROSS, Ms. FOXX, Mr. SMITH of New Jersey, Mr. PEARCE, Mr. ANDREWS, Mr. GONZALEZ, Mr. BARROW, Mr. BILBRAY, Mr. FATTAH, Mr. LANGEVIN, Mr. FARR, and Mr. GENE GREEN of Texas.
H.R. 5746: Mr. CARNAHAN.
H.R. 5749: Mr. LOBIONDO, Mr. CROWLEY, Mr. DAVIS of Alabama, Mr. ROGERS of Michigan, Mr. SHERMAN, Ms. SCHAKOWSKY, Mr. WALBERG, Mr. TIM MURPHY of Pennsylvania, Ms. WATSON, and Mr. AL GREEN of Texas.
H.R. 5753: Mr. TOWNS.
H.R. 5755: Mr. WAXMAN.
H.R. 5759: Mr. MILLER of Florida and Mr. ALEXANDER.
H.R. 5770: Mr. SCHIFF.
H.R. 5771: Mr. DENT.
H.R. 5775: Mr. HENSARLING and Mr. COLE of Oklahoma.
H.R. 5784: Mr. BURTON of Indiana.
H.R. 5787: Mrs. BOYDA of Kansas, Mr. BURTON of Indiana, Mr. SHAYS, Mr. TOWNS, and Mr. WAXMAN.
H.R. 5791: Mr. BRADY of Pennsylvania, Mr. ISRAEL, and Mr. MCGOVERN.
H.R. 5793: Ms. SPEIER and Mr. JORDAN.
H.R. 5796: Mr. TOWNS.
H.R. 5802: Ms. MOORE of Wisconsin, Ms. WOOLSEY, Mr. PAYNE, Mr. JACKSON of Illinois, Ms. CLARKE, Mr. CLAY, Mr. RANGEL, Ms. KILPATRICK, Mrs. CHRISTENSEN, Ms. NORTON, Mr. WATT, Mr. BISHOP of Georgia, Mr. JOHNSON of Georgia, Mr. HASTINGS of Florida, Mr. SERRANO, Ms. VELÁZQUEZ, Mrs. JONES of Ohio, Ms. SOLIS, Ms. ROYBAL-ALLARD, Mr. GRIJALVA, Mr. REYES, Mr. CROWLEY, Mr. WEINER, Ms. WATSON, Mr. CLYBURN, Mr. TOWNS, and Ms. WATERS.
H.R. 5804: Mr. SHERMAN.
H.R. 5806: Mr. MCGOVERN, Mr. TOWNS, Mrs. CHRISTENSEN, and Mr. MORAN of Virginia.
H.R. 5815: Mr. SHERMAN.
H.R. 5825: Mr. TIAHRT, Mr. YOUNG of Florida, Mrs. CAPPS, Mr. SMITH of New Jersey, Mr. REICHERT, Mr. ALTMIRE, Mr. SMITH of Washington, Mr. FRELINGHUYSEN, Mrs. BACHMANN, Mr. FORTUÑO, Mr. KAGEN, Mr. TANCREDO, and Mr. ELLSWORTH.
H.R. 5830: Mr. MAHONEY of Florida, Mr. CARSON, and Mr. CROWLEY.
H.R. 5833: Ms. HOOLEY and Mr. DAVIS of Illinois.
H.R. 5838: Ms. LINDA T. SÁNCHEZ of California.
H.R. 5841: Mr. MARSHALL and Mr. BOREN.
H.R. 5844: Mrs. TAUSCHER.
H.R. 5845: Ms. SPEIER.
H. J. Res. 23: Mr. YOUNG of Alaska.
H. J. Res. 67: Mr. CONAWAY.
H. J. Res. 80: Ms. LEE.
H. Con. Res. 28: Mrs. MCMORRIS RODGERS and Mr. KENNEDY.
H. Con. Res. 81: Mr. DOGGETT.
H. Con. Res. 134: Mrs. JONES of Ohio, Mrs. CHRISTENSEN, Mr. MEEKS of New York, Mr. RANGEL, and Mr. MCGOVERN.
H. Con. Res. 257: Mr. ROGERS of Alabama and Mr. MILLER of Florida.
H. Con. Res. 294: Mr. COHEN.
H. Con. Res. 299: Mr. MARSHALL, Mr. HINOJOSA, Ms. ESHOO, Mr. SHAYS, Mr. BOUCHER, Mr. MCGOVERN, Mr. VAN HOLLEN, and Mr. TIBERI.
H. Con. Res. 305: Mr. LIPINSKI and Ms. SHEA-PORTER.
H. Con. Res. 318: Ms. SPEIER.
H. Con. Res. 320: Mr. MCGOVERN, Ms. BORDALLO, and Mr. TURNER.
H. Con. Res. 322: Mrs. SCHMIDT, Mr. RODRIGUEZ, Mr. RYAN of Ohio, Ms. CLARKE, Mr. FILNER, Mr. ELLSWORTH, Ms. BORDALLO, Mr. WITTMAN of Virginia, Mr. RANGEL, Mr. WU, Mr. LATHAM, Mr. WELCH of Vermont, Ms. ZOE LOFGREN of California, Mr. SARBANES, Mr. PRICE of Georgia, Mr. JACKSON of Illinois, Mr. RYAN of Wisconsin, Mr. MILLER of North Carolina, Mr. FATTAH, Mr. CARNAHAN, Mr. GOHMERT, Mr. ROYCE, Mr. TOM DAVIS of Virginia, Mr. CARNEY, Mrs. CAPPS, Mr. DAVIS of Kentucky, Mr. SMITH of Nebraska, Mr. SERRANO, Mr. RADANOVICH, Mrs. BACHMANN, Mr. HASTINGS of Washington, Ms. SLAUGHTER, Mr. KLINE of Minnesota, Mr. BARTLETT of Maryland, Mr. WOLF, Mr. CAPUANO, Mr. BOYD of Florida, Mr. ROGERS of Kentucky, Mr. WALZ of Minnesota, Mrs. BONO MACK, Mr. CANNON, Mr. WAMP, Mr. BISHOP of Utah, Ms. CASTOR, Mr. FALEOMAVAEGA, Mr. LATTA, Ms. GRANGER, Mrs. MCMORRIS RODGERS, Mr. KENNEDY, Mr. CLEAVER, Ms. SOLIS, Mr. WALDEN of Oregon, Mr. JOHNSON of Illinois, Mr. MARIO DIAZ-BALART of Florida, Mr. KUCINICH, Mr. BRADY of Texas, Mr. FARR, Mr. SCOTT of Virginia, Mr. LEWIS of California, Mr. FLAKE, Mr. MCCOTTER, Mr. FEENEY, Mr. MARCHANT, Mr. DOOLITTLE, Mr. BUCHANAN, Mr. HERGER, Mr. STEARNS, Mr. LYNCH, Mr. TIM MURPHY of Pennsylvania, Mr. KING of Iowa, Ms. LORETTA SANCHEZ of California, Mr. DANIEL E. LUNGREN of California, Mr. GUTIERREZ, Mr. ALLEN, and Mr. THOMPSON of California.
H. Con. Res. 323: Mr. MARKEY.
H. Con. Res. 329: Mr. DENT and Mr. MCHENRY.
H. Res. 68: Mr. ELLISON.
H. Res. 76: Mr. CLEAVER.
H. Res. 102: Mr. MURPHY of Connecticut.
H. Res. 111: Mr. SIMPSON and Mr. LATTA.

H. Res. 127: Ms. BORDALLO.
H. Res. 353: Mr. MITCHELL, Ms. CORRINE BROWN of Florida, and Mr. SCOTT of Virginia.
H. Res. 620: Mrs. MUSGRAVE and Mr. ROYCE.
H. Res. 653: Mr. FALEOMAVAEGA, Mr. MEEKS of New York, Mr. SMITH of Washington, Ms. WATSON, Mr. ACKERMAN, Mr. SCOTT of Georgia, and Ms. LEE.
H. Res. 679: Mr. ARCURI and Ms. SLAUGHTER.
H. Res. 863: Mr. MCCOTTER.
H. Res. 888: Mr. LUCAS.
H. Res. 891: Mr. FORTUNO and Mr. LAMPSON.
H. Res. 925: Mr. TURNER and Ms. SPEIER.
H. Res. 937: Mr. MARSHALL, Ms. KAPTUR, Mr. MCCAUL of Texas, Mr. ROGERS of Michigan, Mr. MILLER of Florida, and Mrs. SCHMIDT.
H. Res. 987: Mr. ACKERMAN.
H. Res. 1019: Mrs. CHRISTENSEN.
H. Res. 1058: Mr. CUELLAR.
H. Res. 1069: Mr. WOLF, Mr. CANTOR, Mrs. NAPOLITANO, Mr. BOSWELL, Mr. MARSHALL, Mr. SHAYS, and Mr. HONDA.
H. Res. 1079: Mr. KUHL of New York, Mrs. DRAKE, Mr. KANJORSKI, Mr. BILBRAY, Mr. MCGOVERN, Mr. JOHNSON of Illinois, Mr. SHAYS, Mr. ROSKAM, Mr. DREIER, and Mr. MCCARTHY of California.
H. Res. 1086: Mr. SNYDER, Mr. SARBANES, Mr. SPRATT, Mr. BOSWELL, Ms. LEE, Mr. HINOJOSA, Ms. SCHAKOWSKY, Mr. WU, Mr. KLEIN of Florida, Mr. SKELTON, Mr. ROSS, Mrs. DAVIS of California, Mr. CARNEY, Mr. ENGLISH of Pennsylvania, Mr. SHAYS, Ms. SUTTON, Mr. BERMAN, Mr. DAVIS of Illinois, Mr. GUTIERREZ, Ms. BORDALLO, Mr. WYNN, Mr. PASTOR, Mr. MARKEY, Mr. GENE GREEN of Texas, Ms. CORRINE BROWN of Florida, Ms. WATSON, Mr. MCGOVERN, Mr. BURTON of Indiana, and Ms. ROYBAL-ALLARD.
H. Res. 1091: Mr. BOUCHER and Mrs. DRAKE.
H. Res. 1109: Ms. SUTTON and Mr. MILLER of North Carolina.
H. Res. 1110: Mr. ANDREWS, Mr. FRELINGHUYSEN, Mr. BOYD of Florida, Mr. SIRES, Mr. KNOLLENBERG, Mr. GOHMERT, Mr. HAYES, Mr. HOEKSTRA, Mr. PRICE of Georgia, Mr. MANZULLO, Mr. WELLER, Ms. GIFFORDS, Mrs. BACHMANN, Mr. MARIO DIAZ-BALART of Florida, Mr. HENSARLING, Mr. BUCHANAN, Mr. MITCHELL, Mr. CULBERSON, Mr. HONDA, and Mr. LINDER.
H. Res. 1111: Mrs. GILLIBRAND, Ms. GIFFORDS, and Ms. JACKSON-LEE of Texas.
H. Res. 1112: Ms. BORDALLO.

¶44.42 DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 5515: Mr. GOODE.

WEDNESDAY, APRIL 23, 2008 (46)

¶46.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Ms. BALDWIN, who laid before the House the following communication:

WASHINGTON, DC,
April 23, 2008.

I hereby appoint the Honorable TAMMY BALDWIN to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

¶46.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Ms. BALDWIN, announced she had examined and approved the Journal of the proceedings of Tuesday, April 22, 2008.

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

¶46.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

6199. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Spiromesifen; Pesticide Tolerance [EPA-HQ-OPP-2007-0331; FRL-8351-7] received March 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6200. A letter from the Assistant Secretary, Department of Defense, transmitting the Department's Annual Report for FY 2007 regarding the training, and its associated expenses, of U.S. Special Operations Forces (SOF) with friendly foreign forces, pursuant to 10 U.S.C. 2011; to the Committee on Armed Services.

6201. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting authorization of Rear Admiral (lower half) Douglas J. McAneny to wear the insignia of the grade of rear admiral in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

6202. A letter from the Under Secretary for Acquisitions, Technology and Logistics, Department of Defense, transmitting the Department's report on the progress toward compliance with destruction of the U.S. stockpile of lethal chemical agents and munitions by the extended Chemical Weapons Convention (CWC) deadline of April 29, 2012 and not later than December 31, 2017, pursuant to Public Law 110-181, section 922; to the Committee on Armed Services.

6203. A letter from the Secretary of the Army, Department of Defense, transmitting the Department's Report on the Recruiter Incentive Pay Pilot Program, pursuant to Section 681 of the National Defense Authorization Act for 2006; to the Committee on Armed Services.

6204. A letter from the Assistant Secretary for Reserve Affairs, Department of Defense, transmitting the Department's STARBASE Program 2007 Annual Report, pursuant to 10 U.S.C. 2193b(g); to the Committee on Armed Services.

6205. A letter from the Secretary, Department of Health and Human Services, transmitting the 2007 report of Health, United States, compiled by the National Center for Health Statistics, and the Centers for Disease Control and Prevention, pursuant to 42 U.S.C. 242m(a)(1)(c); to the Committee on Energy and Commerce.

6206. A letter from the Administrator, Energy Information Administration, Department of Energy, transmitting the Department's report on protecting market sensitive data and needs related to upgrading computer facilities; to the Committee on Energy and Commerce.

6207. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Control of Hazardous Air Pollutants From Mobile Sources: Early Credit Technology Requirement Revision [EPA-HQ-2005-0036; FRL-8542-1] (RIN: 2060-AO89) received March 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6208. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Colorado: Final Authorization of State Hazardous Waste Management Program Revisions [EPA-R08-RCRA-2006-0382 FRL-8541-5] received March 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6209. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Designation of Areas for Air Quality Planning Purposes; State of California; PM-10; Affirmation of Determination of Attainment for the San Joaquin Valley Nonattainment Area [EPA-R09-OAR-2006-0583, FRL-8542-6] received March 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6210. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Indiana [EPA-R05-OAR-2007-0907; FRL-8541-3] received March 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6211. A letter from the President and CEO, National Association of Broadcasters, transmitting the Association's 2007 Annual Report; to the Committee on Energy and Commerce.

6212. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-358, ''Dedication of Land for Street Purposes, the Establishment of a Building Restriction Line, S.O. 06-9108, and the Removal of a Portion of a 50-foot Right-of-Way from the Highway Plan of Lot 822, in Square 1346, S.O. 06-9107, Act of 2008,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

6213. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-357, ''Procurement of Natural Gas and Electricity Exemption Amendment Act of 2008,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

6214. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-356, ''Vending Regulation Temporary Act of 2008,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

6215. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-345, ''Retirement Incentive Temporary Act of 2008,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

6216. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-344, ''Performance Parking Pilot Zone Temporary Act of 2008,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

6217. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-343, ''Ballpark Public Safety Amendment Act of 2008,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

6218. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-342, ''Loretta Carter Hanes Pesticide Consumer Notification Amendment Act of 2008,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

6219. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-341, ''East of the River Hospital Revitalization Amendment Act of 2008,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

6220. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-340, ''Clinical Trials Insurance Coverage Act of 2008,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

6221. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-339, ''Telecommunications Competition Amendment Act of 2008,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

6222. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-338, ''Transit Operator Protection and Enhanced Penalty Amendment Act of 2008,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

6223. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule — Suitability (RIN: 3206-AL08) received April 15, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

6224. A letter from the Chief Administrative Officer, transmitting the quarterly report of receipts and expenditures of appropriations and other funds for the period January 1, 2008 through March 31, 2008 as compiled by the Chief Administrative Officer, pursuant to 2 U.S.C. 104a; (H. Doc. No. —106); to the Committee on House Administration and ordered to be printed.

6225. A letter from the Assistant Secretary of the Army for Civil Works, Department of Defense, transmitting the Department's report on Federal actions from flood control operations at Grand Lake, Oklahoma, pursuant to Public Law 106-541, section 449(a)(2); to the Committee on Transportation and Infrastructure.

6226. A letter from the Assistant Secretary of the Army for Civil Works, Department of Defense, transmitting the Department's report on a navigation improvement project for Port Lions, Alaska; to the Committee on Transportation and Infrastructure.

6227. A letter from the Acting Chief, Trade & Comm'l Regs. Branch, Department of Homeland Security, transmitting the Department's final rule — ENTRY OF SOFTWOOD LUMBER PRODUCTS FROM CANADA [[CBP Dec. 08-10] USCBP-2006-0108] (RIN: 1505-AB73) received April 15, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

¶46.4 CLERK TO CORRECT ENGROSSMENT

On motion of Mr. BACHUS, by unanimous consent,

Ordered, That in the engrossment of (H.R. 2634) to provide for greater responsibility in lending and expanded cancellation of debts owed to the United States and the international financial institutions by low-income countries, and for other purposes, the Clerk be directed to execute the second instruction in the amendment conveyed by the motion to recommit as though it read ''all that follows on that line'' rather than ''all that follows.''

¶46.5 ALONZO WOODRUFF POST OFFICE BUILDING

Mr. DAVIS of Illinois, moved to suspend the rules and pass the bill (H.R. 5479) to designate the facility of the United States Postal Service located at 117 North Kidd Street in Ionia, Michigan, as the ''Alonzo Woodruff Post Office Building''.

The SPEAKER pro tempore, Mr. HOLDEN, recognized Mr. DAVIS of Illinois, and Mr. DAVIS of Virginia, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. HOLDEN, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶46.6 ROCKY MARCIANO POST OFFICE BUILDING

Mr. DAVIS of Illinois, moved to suspend the rules and pass the bill (H.R. 5528) to designate the facility of the United States Postal Service located at 120 Commercial Street in Brockton, Massachusetts, as the ''Rocky Marciano Post Office Building''.

The SPEAKER pro tempore, Mr. HOLDEN, recognized Mr. DAVIS of Illinois, and Mr. DAVIS of Virginia, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. HOLDEN, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶46.7 PRIVATE FIRST CLASS DAVID H. SHARRETT II POST OFFFICE BUILDING

Mr. DAVIS of Illinois, moved to suspend the rules and pass the bill (H.R. 5483) to designate the facility of the United States Postal Service located at 10449 White Granite Drive in Oakton, Virginia, as the ''Private First Class David H. Harrett II Post Office Building''.

The SPEAKER pro tempore, Mr. HOLDEN, recognized Mr. DAVIS of Illinois, and Mr. DAVIS of Virginia, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. HOLDEN, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶46.8 MARISOL HEREDIA POST OFFICE BUILDING

Mr. DAVIS of Illinois, moved to suspend the rules and pass the bill (H.R. 4185) to designate the facility of the United States Postal Service located at 11151 Valley Boulevard in El Monte, California, as the ''Marisol Heredia Post Office Building''.

The SPEAKER pro tempore, Mr. HOLDEN, recognized Mr. DAVIS of Illinois, and Mr. DAVIS of Virginia, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. HOLDEN, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶46.9 THE LATE WILLIAM F. BUCKLEY, JR.

Mr. DAVIS of Illinois, moved to suspend the rules and agree to the following resolution (H. Res. 1016); as amended:

Whereas William F. Buckley, Jr., was born on November 24, 1925, in New York City, the sixth of 10 children in a devoutly Catholic family;

Whereas William Buckley studied at the University of Mexico before serving his country in the Army and then later graduating with a Bachelor of Arts (in political science, economics, and history) with honors from Yale University in 1950;

Whereas William Buckley worked briefly for the Central Intelligence Agency;

Whereas at the young age of 25, William Buckley published his first popular book, entitled ''God and Man at Yale'';

Whereas William Buckley went on to write more than 55 books and edit 5 more, including ''Let Us Talk of Many Things: the Collected Speeches''; the novel, ''Elvis in the Morning''; and his literary autobiography, ''Miles Gone By'';

Whereas William Buckley wrote more than 4,500,000 words in his more than 5,600 biweekly newspaper columns, entitled ''On the Right'';

Whereas William Buckley founded the popular and influential National Review magazine in 1955, a respected journal of conservative thought and opinion;

Whereas William Buckley wrote in the first issue of National Review that, in founding the magazine, it ''stands athwart history, yelling Stop, at a time when no one is inclined to do so, or to have much patience with those who so urge it'';

Whereas William Buckley served as editor of National Review for 35 years, from its founding in 1955 until his announced retirement in 1990, and as editor-at-large until his death;

Whereas in 1965, William Buckley ran for mayor of New York City and received 13.4 percent of the votes on the Conservative Party ticket;

Whereas William Buckley was host of the Emmy Award-winning and long-running ''Firing Line'', a weekly television debate program with such notable guests as Barry Goldwater, Margaret Thatcher, Jimmy Carter, Ronald Reagan, and George H.W. Bush;

Whereas the New York Times noted that ''Mr. Buckley's greatest achievement was making conservatism—not just electoral Republicanism, but conservatism as a system of ideas—respectable in liberal post-World War II America. He mobilized the young enthusiasts who helped nominate Barry Goldwater in 1964, and saw his dreams fulfilled when Reagan and the Bushes captured the Oval Office'';

Whereas as well-known columnist George Will once said, ''before there was Ronald Reagan there was Barry Goldwater, before there was Goldwater there was National Review, and before there was National Review there was William F. Buckley'';

Whereas William Buckley's consistent efforts facilitated the rise of Senator Barry Goldwater and, ultimately, the presidency of Ronald Reagan;

Whereas William Buckley received the Presidential Medal of Freedom in 1991;

Whereas William Buckley received numerous other awards, including Best Columnist of the Year, 1967; Television Emmy for Outstanding Achievement, 1969; the American Book Award for Best Mystery (paperback) for ''Stained Glass'', 1980; the Lowell Thomas Travel Journalism Award, 1989; the Adam Smith Award, Hillsdale College, 1996; and the Heritage Foundation's Clare Booth Luce Award, 1999;

Whereas William Buckley spent over 56 years married to the former Patricia Alden Austin Taylor, a devoted homemaker, mother, wife, and philanthropist, before her passing in April 2007;

Whereas William Buckley passed away on February 27, 2008, and is survived by his son, Christopher, of Washington, DC; his sisters, Priscilla L. Buckley, of Sharon, Connecticut, Patricia Buckley Bozell, of Washington, DC, and Carol Buckley, of Columbia, South Carolina; his brothers, James L. Buckley, of Sharon, Connecticut, and F. Reid Buckley, of Camden, South Carolina; and a granddaughter and a grandson;

Whereas William Buckley, by virtue of his distinct personality, talents, good humor, and goodwill, led in a manner that earned the respect and friendship even of his adversaries; and

Whereas William Buckley was recognized as a towering intellect, a man who, in the words of Ronald Reagan, ''gave the world something different'', and, most of all, a true gentleman who encountered everything he did with grace, dignity, optimism, and good humor: Now, therefore, be it

Resolved, That the House of Representatives—

(1) honors the life of William F. Buckley, Jr., for his lifetime commitment to journalism, his devotion to the free exchange of ideas, and his gentlemanly and well-respected contributions to political discourse; and

(2) mourns the loss of William F. Buckley, Jr., and expresses its condolences to his family, his friends, and his colleagues.

The SPEAKER pro tempore, Mr. HOLDEN, recognized Mr. DAVIS of Illinois, and Mr. DAVIS of Virginia, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. HOLDEN, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

¶46.10 MARINE GUNNERY SGT. JOHN D. FRY POST OFFICE BUILDING

Mr. DAVIS of Illinois, moved to suspend the rules and pass the bill (H.R. 3721) to designate the facility of the United States Postal Service located at 1190 Lorena Road in Lorena, Texas, as the ''Marine Gunnery Sgt. John D. Fry Post Office Building''.

The SPEAKER pro tempore, Mr. HOLDEN, recognized Mr. DAVIS of Illinois, and Mr. DAVIS of Virginia, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. HOLDEN, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶46.11 CONTRACTORS AND FEDERAL SPENDING ACCOUNTABILITY

Mr. TOWNS moved to suspend the rules and pass the bill (H.R. 3033) to improve Federal agency awards and oversight of contracts and assistance and to strengthen accountability of the Government-wide suspension and debarment system; as amended.

The SPEAKER pro tempore, Mr. HOLDEN, recognized Mr. TOWNS and Mr. DAVIS of Virginia, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. SERRANO, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶46.12 CLOSE THE CONTRACTOR FRAUD LOOPHOLE

Mr. TOWNS moved to suspend the rules and pass the bill (H.R. 5712) to require disclosure by Federal contractors of certain violations relating to the award or performance of Federal contracts; as amended.

The SPEAKER pro tempore, Mr. SERRANO, recognized Mr. TOWNS and Mr. DAVIS of Virginia, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. SERRANO, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶46.13 GOVERNMENT CONTRACTOR ACCOUNTABILITY

Mr. TOWNS moved to suspend the rules and pass the bill (H.R. 3928) to require certain large government contractors that receive more than 80 percent of their annual gross revenue from Federal contracts to disclose the names and salaries of their most highly compensated officers, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. SERRANO, recognized Mr. TOWNS and Mr. DAVIS of Virginia, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. SERRANO, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

By unanimous consent, the title was amended so as to read: ''An Act to amend the Federal Funding Accountability and Transparency Act of 2006 to require certain recipients of Federal funds to disclose the names and total compensation of their most highly compensated officers, and for other purposes.''.

A motion to reconsider the votes whereby the rules were suspended and said bill, as amended, was passed and the title was amended was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶46.14 PROVIDING FOR CONSIDERATION OF H.R. 5819

Mr. WELCH of Vermont, by direction of the Committee on Rules, called up the following resolution (H. Res. 1125):

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 5819) to amend the Small Business Act to improve the Small Business Innovation Research (SBIR) program and the Small Business Technology Transfer (STTR) program, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour, with 40 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Small Business and 20 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Science and Technology. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Small Business now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived except those arising under clause 10 of rule XXI. Notwithstanding clause 11 of rule XVIII, no amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived except those arising under clause 9 or 10 of rule XXI. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. During consideration in the House of H.R. 5819 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

When said resolution was considered.

After debate,

Mr. WELCH of Vermont, moved the previous question on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House now order the previous question?

The SPEAKER pro tempore, Mr. SERRANO, announced that the yeas had it.

Mr. HASTINGS of Washington, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. SERRANO, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶46.15 PROVIDING FOR CONSIDERATION OF H.R. 2830

Mr. ARCURI, by direction of the Committee on Rules, called up the following resolution (H. Res. 1126):

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2830) to authorize appropriations for the Coast Guard for fiscal year 2008, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour, with 40 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Transportation and Infrastructure and 20 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Homeland Security. After general debate the bill shall be considered for amendment under the five-minute rule. In lieu of the amendments in the nature of a substitute recommended by the Committees on Transportation and Infrastructure, Homeland Security, and the Judiciary now printed in the bill, it shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute printed in part A of the report of the Committee on Rules accompanying this resolution. That amendment in the nature of a substitute shall be considered as read. All points of order against that amendment in the nature of a substitute are waived except those arising under clause 10 of rule XXI. Notwithstanding clause 11 of rule XVIII, no amendment to that amendment in the nature of a substitute shall be in order except those printed in part B of the report of the Committee on Rules. Each amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived except those arising under clause 9 or 10 of rule XXI. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. In the engrossment of H.R. 2830, the Clerk shall—

(a) add the text of H.R. 2399, as passed by the House, as new matter at the end of H.R. 2830;

(b) conform the title of H.R. 2830 to reflect the addition to the engrossment of H.R. 2399;

(c) assign appropriate designations to provisions within the engrossment; and

(d) conform provisions for short titles within the engrossment.

SEC. 3. During consideration in the House of H.R. 2830 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

SEC. 4. The chairman of the Committee on the Judiciary is authorized, on behalf of the Committee, to file a supplemental report to accompany H.R. 2830.

When said resolution was considered.

After debate,

¶46.16 MOTION TO ADJOURN

Mr. SESSIONS moved that the House do now adjourn.

The question being put, viva voce,

Will the House now adjourn?

The SPEAKER pro tempore, Mr. JACKSON of Illinois, announced that the yeas had it.

Mr. SESSIONS demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the negative { Yeas ..... 57 / Nays 345

¶46.17 [Roll No. 208]

YEAS—57

Akin	Fallin	Murphy, Patrick
Bartlett (MD)	Gingrey	Pearce
Barton (TX)	Goode	Petri
Berry	Hobson	Regula
Bilbray	Hoekstra	Rehberg
Bilirakis	Johnson (IL)	Renzi
Bishop (UT)	Johnson, Sam	Schwartz
Blackburn	Keller	Sensenbrenner
Brady (TX)	King (IA)	Sessions
Broun (GA)	LaHood	Souder
Cardoza	Lamborn	Stearns
Chandler	Linder	Sullivan
Conaway	Lungren, Daniel E.	Tancredo
Cubin	Mack	Tiahrt
Davis, David	Marchant	Walberg
Davis, Lincoln	McCaul (TX)	Weldon (FL)
Deal (GA)	McIntyre	Westmoreland
Doolittle	Mica	Young (AK)
Duncan	Miller, Gary	
Emerson		

NAYS—345

Abercrombie	Bishop (GA)	Butterfield
Ackerman	Bishop (NY)	Buyer
Aderholt	Blumenauer	Calvert
Alexander	Bonner	Camp (MI)
Allen	Bono Mack	Cannon
Altmire	Boozman	Capito
Arcuri	Boren	Capps
Baca	Boswell	Capuano
Bachmann	Boucher	Carnahan
Bachus	Boustany	Carney
Baird	Boyd (FL)	Carson
Baldwin	Boyda (KS)	Castle
Barrett (SC)	Brady (PA)	Castor
Barrow	Braley (IA)	Chabot
Bean	Brown (SC)	Clarke
Becerra	Brown, Corrine	Clay
Berkley	Buchanan	Cleaver
Berman	Burgess	Coble
Biggert	Burton (IN)	Cohen

Conyers
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Donnelly
Doyle
Drake
Dreier
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Engel
English (PA)
Eshoo
Everett
Fattah
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gohmert
Gonzalez
Goodlatte
Gordon
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (NC)
Jordan
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (KY)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lynch
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McHugh
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Tim
Murtha
Musgrave
Myrick
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Radanovich
Rahall
Ramstad
Rangel
Reichert
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Scott (GA)
Scott (VA)
Serrano
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (FL)

NOT VOTING—29

Andrews
Blunt
Boehner
Brown-Waite, Ginny
Campbell (CA)
Cantor
Carter
Clyburn
Cole (OK)
Cooper
Cramer
Doggett
Etheridge
Farr
Feeney
Granger
Hall (TX)
Hulshof
Jones (OH)
Lewis (GA)
McCotter
McCrery
McHenry
Nadler
Putnam
Rush
Shimkus
Walsh (NY)
Weller

So the motion to adjourn was not agreed to.

After further debate,

Mr. ARCURI moved the previous question on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House now order the previous question?

The SPEAKER pro tempore, Mr. JACKSON of Illinois, announced that the yeas had it.

Mr. SESSIONS demanded a recorded vote on agreeing to said motion, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The SPEAKER pro tempore, Mr. JACKSON of Illinois, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶46.18 MESSAGE FROM THE SENATE

A message from the Senate by Ms. Byrd, one of its clerks, announced that the Senate has passed without amendment bills of the House of the following titles:

H.R. 3196. An Act to designate the facility of the United States Postal Service located at 20 Sussex Street in Port Jervis, New York, as the ''E. Arthur Gray Post Office Building''.

H.R. 3468. An Act to designate the facility of the United States Postal Service located at 1704 Weeksville Road in Elizabeth City, North Carolina, as the ''Dr. Clifford Bell Jones, Sr. Post Office''.

H.R. 3532. An Act to designate the facility of the United States Postal Service located at 5815 McLeod Street in Lula, Georgia, as the ''Private Johnathon Millican Lula Post Office''.

H.R. 3720. An Act to designate the facility of the United States Postal Service located at 424 Clay Avenue in Waco, Texas, as the ''Army PFC Juan Alonso Covarrubias Post Office Building''.

H.R. 3803. An Act to designate the facility of the United States Postal Service located at 3100 Cashwell Drive in Goldsboro, North Carolina, as the ''John Henry Wooten, Sr. Post Office Building''.

H.R. 3936. An Act to designate the facility of the United States Postal Service located at 116 Helen Highway in Cleveland, Georgia, as the ''Sgt. Jason Harkins Post Office Building''.

H.R. 3988. An Act to designate the facility of the United States Postal Service located at 3701 Altamesa Boulevard in Fort Worth, Texas, as the ''Master Sergeant Kenneth N. Mack Post Office Building''.

H.R. 4166. An Act to designate the facility of the United States Postal Service located at 701 East Copeland Drive in Lebanon, Missouri, as the ''Steve W. Allee Carrier Annex''.

H.R. 4203. An Act to designate the facility of the United States Postal Service located at 3035 Stone Mountain Street in Lithonia, Georgia, as the ''Specialist Jamaal RaShard Addison Post Office Building''.

H.R. 4211. An Act to designate the facility of the United States Postal Service located at 725 Roanoke Avenue in Roanoke Rapids, North Carolina, as the ''Judge Richard B, Allsbrook Post Office''.

H.R. 4240. An Act to designate the facility of the United States Postal Service located at 10799 West Alameda Avenue in Lakewood, Colorado, as the ''Felix Sparks Post Office Building''.

H.R. 4454. An Act to designate the facility of the United States Postal Service located at 3050 Hunsinger Lane in Louisville, Kentucky, as the ''Iraq and Afghanistan Fallen Military Heroes of Louisville Memorial Post Office Building'', in honor of the servicemen and women from Louisville, Kentucky, who died in service during Operation Enduring Freedom and Operation Iraqi Freedom.

H.R. 5135. An Act to designate the facility of the United States Postal Service located at 201 West Greenway Street in Derby, Kansas, as the ''Sergeant Jamie O. Maugans Post Office Building''.

H.R. 5220. An Act to designate the facility of the United States Postal Service located at 3800 SW. 185th Avenue in Beaverton, Oregon, as the ''Major Arthur Chin Post Office Building''.

H.R. 5400. An Act to designate the facility of the United States Postal Service located at 160 East Washington Street in Chagrin Falls, Ohio, as the ''Sgt. Michael M. Kashkoush Post Office Building''.

H.R. 5472. An Act to designate the facility of the United States Postal Service located at 2650 Dr. Martin Luther King Jr. Street, Indianapolis, Indiana, as the ''Julia M. Carson Post Office Building''.

H.R. 5489. An Act to designate the facility of the United States Postal Service located at 6892 Main Street in Gloucester, Virginia, as the ''Congresswoman Jo Ann S. Davis Post Office''.

¶46.19 H.R. 5613—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. JACKSON of Illinois, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and pass the bill (H.R. 5613) to extend certain moratoria and impose additional moratoria on certain Medicaid regulations through April 1, 2009; as amended.

The question being put,

Will the House suspend the rules and pass said bill, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 349 / Nays 62

¶46.20 [Roll No. 209]

YEAS—349

Abercrombie
Ackerman
Aderholt
Allen
Altmire
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Buchanan
Burgess
Butterfield
Buyer
Calvert
Camp (MI)
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Chandler
Clarke
Clay
Cleaver
Coble
Cohen
Cole (OK)
Conyers
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar

Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Donnelly
Doyle
Drake
Dreier
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Everett
Fallin
Farr
Fattah
Ferguson
Filner
Forbes
Fortenberry
Fossella
Foster
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Giffords
Gilchrest
Gillibrand
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hunter
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (KY)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Napolitano
Neal (MA)
Nunes
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Peterson (PA)
Pickering
Platts
Pomeroy
Porter
Price (NC)
Pryce (OH)
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NAYS—62

Akin
Alexander
Barrett (SC)
Bartlett (MD)
Blackburn
Blunt
Boehner
Broun (GA)
Burton (IN)
Cannon
Carter
Chabot
Conaway
Cubin
Davis, David
Deal (GA)
Doolittle
Duncan
Flake
Foxx
Franks (AZ)
Garrett (NJ)
Gingrey
Hensarling
Herger
Inglis (SC)
Issa
Johnson, Sam
Jordan
King (IA)
Kingston
Lamborn
Latta
Mack
Manzullo
Marchant
McCrery
McKeon
Mica
Miller (FL)
Musgrave
Neugebauer
Paul
Pearce
Pence
Petri
Pitts
Poe
Price (GA)
Putnam
Ryan (WI)
Sali
Sensenbrenner
Sessions
Shadegg
Smith (NE)
Tancredo
Thornberry
Wamp
Weldon (FL)
Westmoreland
Wilson (SC)

NOT VOTING—20

Andrews
Brown-Waite, Ginny
Campbell (CA)
Clyburn
Cooper
Cramer
Doggett
Etheridge
Feeney
Hulshof
Lewis (GA)
Linder
Nadler
Ortiz
Royce
Rush
Souder
Waters
Weller
Wynn

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

By unanimous consent, the title was amended so as to read: ''An Act to extend certain moratoria and impose additional moratoria on certain Medicaid regulations through April 1, 2009, and for other purposes.''.

A motion to reconsider the votes whereby the rules were suspended and said bill, as amended, was passed and the title was amended was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶46.21 H. CON. RES. 322—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. JACKSON of Illinois, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the concurrent resolution (H. Con. Res. 322) recognizing the 60th anniversary of the founding of the modern State of Israel and reaffirming the bonds of close friendship and cooperation between the United States and Israel.

The question being put,

Will the House suspend the rules and agree to said concurrent resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 417 / Nays 0

¶46.22 [Roll No. 210]

YEAS—417

Abercrombie
Ackerman
Aderholt
Akin
Allen
Altmire
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Coble
Cohen
Cole (OK)
Conaway
Conyers
Costa
Costello
Courtney
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Everett
Fallin
Farr
Fattah
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton

Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—15

Alexander
Andrews
Brown-Waite, Ginny
Campbell (CA)
Clyburn
Cooper
Cramer
Doggett
Etheridge
Feeney
Hulshof
Jackson-Lee (TX)
Nadler
Rush
Weller

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said concurrent resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said concurrent resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶46.23 H. RES. 1125—UNFINISHED BUSINESS

The SPEAKER pro tempore, Ms. DEGETTE, pursuant to clause 8, rule XX, announced the further unfinished business to be the question on ordering the previous question on the resolution (H. Res. 1125) providing for consideration of the bill (H.R. 5819) to amend the Small Business Act to improve the Small Business Innovation Research (SBIR) program and the Small Business Technology Transfer (STTR) program, and for other purposes.

The question being put,

Will the House now order the previous question?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 222 Nays 194

¶46.24 [Roll No. 211]

YEAS—222

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

NAYS—194

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

NOT VOTING—15

Andrews
Berman
Brown-Waite, Ginny
Campbell (CA)
Clyburn
Cooper
Cramer
Doggett
Feeney
Hall (NY)
Hulshof
McCaul (TX)
Nadler
Rush
Weller

So the previous question on the resolution was ordered.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Ms. DEGETTE, announced that the yeas had it.

Mr. HASTINGS of Washington, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 221 Nays 190

¶46.25 [Roll No. 212]

YEAS—221

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

McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Napolitano
Neal (MA)
Oberstar
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NAYS—190

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

NOT VOTING—20

Andrews
Braley (IA)
Brown-Waite, Ginny
Campbell (CA)
Cleaver
Clyburn
Cooper
Cramer
Doggett
Feeney
Ferguson
Hulshof
Jones (NC)
Kagen
Nadler
Obey
Rush
Tancredo
Waxman
Weller

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶46.26 ORDER OF BUSINESS—PROCEEDINGS ON VOTES

On motion of Ms. VELAZQUEZ, by unanimous consent,

Ordered, That during consideration of the bill (H.R. 2830) to authorize appropriations for the Coast Guard for fiscal year 2008, and for other purposes, pursuant to House Resolution 1126, the Chair may reduce to two minutes the minimum time for electronic voting under clause 6 of rule XVIII and clauses 8 and 9 of rule XX.

¶46.27 ORDER OF BUSINESS—PROCEEDINGS ON VOTES

On motion of Ms. VELAZQUEZ, by unanimous consent,

Ordered, That during consideration of the bill (H.R. 5819) to amend the Small Business Act to improve the Small Business Innovation Research (SBIR) program and the Small Business Technology Transfer (STTR) program, and for other purposes, pursuant to House Resolution 1125, the Chair may reduce to two minutes the minimum time for electronic voting under clause 6 of rule XVIII and clauses 8 and 9 of rule XX.

¶46.28 SBIR/STTR REAUTHORIZATION

The SPEAKER pro tempore, Mr. JOHNSON of Georgia, pursuant to House Resolution 1125 and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 5819) to amend the Small Business Act to improve the Small Business Innovation Research (SBIR) program and the Small Business Technology Transfer (STTR) program, and for other purposes.

The SPEAKER pro tempore, Mr. JOHNSON of Georgia, by unanimous consent, designated Ms. DEGETTE as Chairman of the Committee of the Whole; and after some time spent therein,

¶46.29 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 4, printed in House Report 110-603, submitted by Mr. MATHESON:

At the end of title V of the bill, add the following (and conform the table of contents accordingly):

SEC. ___. PREFERENCE FOR ORGANIZATIONS THAT ARE MAKING SIGNIFICANT CONTRIBUTIONS TOWARDS ENERGY EFFICIENCY.

Section 9 of the Small Business Act (15 U.S.C. 638) is further amended by adding at the end the following:

''(ff) PREFERENCE FOR ORGANIZATIONS THAT ARE MAKING SIGNIFICANT CONTRIBUTIONS TOWARDS ENERGY EFFICIENCY.—In making awards under this section, Federal agencies shall give priority to applications so as to increase the number of SBIR, STTR, and FAST award recipients from organizations that are making significant contributions towards energy efficiency, including organizations that are making efforts to reduce their carbon footprint or are carbon neutral.''.

It was decided in the affirmative ..... { Yeas ..... 355 / Nays 48

¶46.30 [Roll No. 213]

AYES—355

Abercrombie
Ackerman
Allen
Altmire
Arcuri
Baca
Bachus
Baird
Baldwin
Barrow
Bartlett (MD)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Boehner
Bonner
Bono Mack
Boozman
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brown (SC)
Brown, Corrine
Buchanan
Butterfield
Calvert
Camp (MI)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Chabot
Chandler
Christensen
Clarke
Clay
Cleaver
Coble
Cohen
Cole (OK)
Conyers
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
Deal (GA)
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Donnelly
Doyle
Drake
Dreier
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Faleomavaega
Fallin
Farr
Fattah
Ferguson
Filner
Forbes
Fortenberry
Fossella
Foster
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Giffords
Gilchrest
Gillibrand
Gohmert
Gonzalez
Goode
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce

Perlmutter
Peterson (MN)
Pickering
Pitts
Platts
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Wexler
Wilson (OH)
Wittman (VA)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOES—48

Aderholt
Akin
Bachmann
Barrett (SC)
Barton (TX)
Brady (TX)
Broun (GA)
Burgess
Burton (IN)
Carter
Conaway
Cubin
Davis (KY)
Davis, David
Doolittle
Duncan
Flake
Foxx
Franks (AZ)
Garrett (NJ)
Gingrey
Jordan
King (IA)
Kingston
Lamborn
Linder
Lungren, Daniel E.
Marchant
Miller (FL)
Miller, Gary
Musgrave
Neugebauer
Nunes
Pence
Petri
Poe
Rogers (MI)
Rohrabacher
Ryan (WI)
Sali
Sensenbrenner
Shimkus
Stearns
Sullivan
Tancredo
Thornberry
Wilson (NM)
Wilson (SC)

NOT VOTING—33

Alexander
Andrews
Blumenauer
Blunt
Braley (IA)
Brown-Waite, Ginny
Buyer
Campbell (CA)
Clyburn
Cooper
Cramer
Davis, Tom
DeFazio
Dicks
Doggett
Everett
Feeney
Fortuño
Goodlatte
Higgins
Hulshof
Hunter
LaHood
Moran (VA)
Nadler
Peterson (PA)
Ruppersberger
Rush
Saxton
Walsh (NY)
Weller
Westmoreland
Whitfield (KY)

So the amendment was agreed to.

¶46.31 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 11, printed in House Report 110-603, submitted by Mrs. CAPITO:

Page 8, line 10, after ''minorities,'' insert the following: ''small business concerns owned and controlled by service-disabled veterans,''.

It was decided in the affirmative ..... { Yeas ..... 405 / Nays 0

¶46.32 [Roll No. 214]

AYES—405

Abercrombie
Ackerman
Aderholt
Akin
Allen
Altmire
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Boehner
Bonner
Bono Mack
Boozman
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Broun (GA)
Brown (SC)
Brown, Corrine
Buchanan
Burgess
Burton (IN)
Butterfield
Calvert
Camp (MI)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Christensen
Clarke
Clay
Cleaver
Coble
Cohen
Cole (OK)
Conaway
Conyers
Costa
Costello
Courtney
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Faleomavaega
Fallin
Farr
Fattah
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Napolitano
Neal (MA)
Neugebauer
Norton
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Petri
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—31

Alexander
Andrews
Blumenauer
Blunt
Braley (IA)
Brown-Waite, Ginny
Buyer
Campbell (CA)
Clyburn
Cooper
Cramer
Davis, Tom
Dicks
Doggett
Everett
Feeney
Fortuño
Grijalva
Higgins
Hulshof
LaHood
Moran (VA)
Nadler
Peterson (PA)
Pickering
Regula
Ruppersberger
Rush
Saxton
Weller
Wu

So the amendment was agreed to.

¶46.33 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 15, printed in House Report 110-603, submitted by Mr. FOSTER:

At the end of the bill, add the following (and amend the table of contents accordingly):

SEC. ___. PROHIBITION OF AWARDS TO ALIENS UNLAWFULLY PRESENT IN THE UNITED STATES.

Section 9 of the Small Business Act is amended by adding at the end the following:

''(ee) PROHIBITION OF AWARDS TO ALIENS UNLAWFULLY PRESENT IN THE UNITED STATES.—A concern is not eligible to receive an award under this section if an individual who is an alien unlawfully present in the United States—

''(1) has an ownership interest in that concern; or

''(2) has an ownership interest in another concern that itself has an ownership interest in that concern.''.

SEC. ___. PROHIBITION ON AWARDS TO FIRMS IN VIOLATION OF IMMIGRATION LAWS.

Any applicant found, based on a determination by the Secretary of Homeland Security or the Attorney General to have engaged in a pattern or practice of hiring, recruiting or referring for a fee, for employment in the United States an alien knowing the person is an unauthorized alien shall not be eligible for the receipt of future awards under section 9 of the Small Business Act.

It was decided in the affirmative ..... { Yeas ..... 406 / Nays 0

¶46.34 [Roll No. 215]

AYES—406

Abercrombie
Ackerman
Aderholt
Akin
Allen
Altmire
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin

Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Boehner
Bonner
Bono Mack
Boozman
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Buchanan
Burgess
Burton (IN)
Butterfield
Calvert
Camp (MI)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Christensen
Clarke
Clay
Cleaver
Coble
Cohen
Cole (OK)
Conaway
Conyers
Costa
Costello
Courtney
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Faleomavaega
Fallin
Farr
Fattah
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kuhl (NY)
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Napolitano
Neal (MA)
Neugebauer
Norton
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Speier
Spratt
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wynn
Yarmuth
Young (AK)
Young (FL)

ANSWERED ''PRESENT''—3

Becerra
Kucinich
Stark

NOT VOTING—27

Alexander
Andrews
Blunt
Brown-Waite, Ginny
Buyer
Campbell (CA)
Clyburn
Cooper
Cramer
Davis, Tom
Dicks
Doggett
Everett
Feeney
Fortuño
Higgins
Hulshof
LaHood
Lamborn
Moran (VA)
Nadler
Peterson (PA)
Rush
Saxton
Slaughter
Weller
Wu

So the amendment was agreed to.

The SPEAKER pro tempore, Mr. TIERNEY, assumed the Chair.

When Ms. BERKLEY, Acting Chairman, pursuant to House Resolution 1125, reported the bill back to the House with an amendment adopted by the Committee.

The previous question having been ordered by said resolution.

The following amendment, reported from the Committee of the Whole House on the state of the Union, was agreed to:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''SBIR/STTR Reauthorization Act''.

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

Sec. 1. Short title; table of contents.

TITLE I—MODERNIZING THE SBIR AND STTR PROGRAMS

Sec. 101. Extension of termination dates.
Sec. 102. Increased SBIR and STTR award levels.
Sec. 103. Establishment of SBIR advisory boards.
Sec. 104. Increase in amount of technical assistance funds and option to purchase technical assistance directly.
Sec. 105. Increased number of research topic solicitations annually and shortened period for final decisions on applications.
Sec. 106. Inclusion of energy-related research topics and rare-disease-related research topics as deserving ''special consideration'' as SBIR research topics.
Sec. 107. Agencies should fund vital R&D projects with the potential for commercialization.
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TITLE V—SUPPORTING PROGRAM UTILIZATION

Sec. 501. Agency databases to support program evaluation.
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Sec. 504. Nanotechnology-related research topics.
Sec. 505. Rural preference.
Sec. 506. Priority for areas that have lost a major source of employment.
Sec. 507. Veterans preference.
Sec. 508. Initiative to publicize the SBIR program to veterans.
Sec. 509. Preference for organizations that are making significant contributions towards energy efficiency.

TITLE VI—IMPLEMENTATION

Sec. 601. Conforming amendments to the SBIR and STTR policy directives.
Sec. 602. National Research Council SBIR Study.
Sec. 603. SBIR awardee business operations.
Sec. 604. Prohibition of awards to aliens unlawfully present in the United States.
Sec. 605. Prohibition on awards to firms in violation of immigration laws.

TITLE I—MODERNIZING THE SBIR AND STTR PROGRAMS

SEC. 101. EXTENSION OF TERMINATION DATES.

(a) SBIR.—Section 9(m) of the Small Business Act (15 U.S.C. 638(m)) is amended by striking ''2008'' and inserting ''2010''.

(b) STTR.—Section 9(n)(1)(A) of the Small Business Act (15 U.S.C. 638(n)(1)(A)) is amended by striking ''2009'' and inserting ''2010''.

SEC. 102. INCREASED SBIR AND STTR AWARD LEVELS.

(a) SBIR AWARD LEVEL.—Section 9(j)(2)(D) of the Small Business Act (15 U.S.C. 638(j)(2)(D)) is amended by striking ''$100,000'' and ''$750,000'' and inserting ''$300,000'' and ''$2,200,000'', respectively.

(b) STTR AWARD LEVEL.—Section 9(p)(2)(B)(ix) of the Small Business Act (15 U.S.C. 638(p)(2)(B)(ix)) is amended by striking ''$100,000'' and ''$750,000'' and inserting ''$300,000'' and ''$2,200,000'', respectively.

(c) ANNUAL ADJUSTMENTS.—Section 9 of the Small Business Act (15 U.S.C. 638) is amended—

(1) in subsection (j)(2)(D), by striking ''and an adjustment of such amounts once every 5 years to reflect economic adjustments and programmatic considerations'' and inserting ''and a mandatory annual adjustment of such amounts to reflect economic adjustments and programmatic considerations''; and

(2) in subsection (p)(2)(B)(ix), by striking ''greater or lesser amounts'' and inserting ''with a mandatory annual adjustment of such amounts to reflect economic adjustments and programmatic considerations, and with lesser amounts''.

(d) LIMITATION ON CERTAIN AWARDS.—Section 9 of the Small Business Act (15 U.S.C. 638) is amended by adding at the end the following:

''(z) LIMITATION ON PHASE I AND II AWARDS.—

''(1) IN GENERAL.—No Federal agency shall issue an award under the SBIR program or the STTR program if the size of the award exceeds the amounts established under subsections (j)(2)(D) and (p)(2)(B)(ix), except as provided in paragraph (2).

''(2) EXCEPTION.—The prohibition in paragraph (1) does not apply to an agency for a fiscal year if the head of the agency—

''(A) notifies the Administrator that the agency intends to issue awards in that fiscal year without regard to the prohibition in paragraph (1); and

''(B) reports to the Committee on Small Business and the Committee on Science and Technology of the House of Representatives and the Committee on Small Business and Entrepreneurship of the Senate at least annually the number of instances in which the agency issued an award that exceeds the amounts referred to in paragraph (1) and the justification for each such instance.''.

SEC. 103. ESTABLISHMENT OF SBIR ADVISORY BOARDS.

(a) IN GENERAL.—Section 9 of the Small Business Act (15 U.S.C. 638) is amended by inserting after subsection (z) the following:

''(aa) SBIR ADVISORY BOARDS.—

''(1) ADVISORY BOARDS REQUIRED.—Each Federal agency that is required by this section to conduct an SBIR program and that administers annually $50,000,000 or more in SBIR grants shall have an SBIR advisory board.

''(2) MEMBERS.—For each advisory board required by paragraph (1), the members of the advisory board shall include—

''(A) at least two individuals who are employees of the agency;

''(B) at least two representatives of private sector technology firms;

''(C) at least one individual who is a veteran who owns a small business concern owned and controlled by veterans; and

''(D) such other individuals as the agency considers appropriate.

''(3) SECURITY CLEARANCES.—Where it is appropriate to the work of an advisory board required by paragraph (1) that the members and staff of the advisory board have a security clearance, the appropriate departments and agencies of the executive branch shall cooperate with the advisory board to expeditiously provide members and staff with appropriate security clearances to the extent possible under applicable procedures and requirements.

''(4) MEETINGS.—Each advisory board required by paragraph (1) shall meet at least two times per year.

''(5) DUTIES.—Each advisory board required by paragraph (1) shall—

''(A) review the quarterly reports submitted under subsection (g)(8);

''(B) make recommendations to the agency about potential modifications to the agency's SBIR program that are intended to—

''(i) encourage applications, particularly applications from small business concerns owned and controlled by women, small business concerns owned and controlled by minorities, small business concerns owned and controlled by service-disabled veterans, and small business concerns in States and regions that historically receive few SBIR awards; and

''(ii) support commercialization of Federal research funded by SBIR awards; and

''(C) submit to the Committee on Small Business and the Committee on Science and Technology of the House of Representatives and the Committee on Small Business and Entrepreneurship of the Senate an annual report on the SBIR program conducted by the agency.

''(6) CONTENTS OF ANNUAL REPORT.—The annual report required by paragraph (5)(C) shall include a description of how that agency's SBIR program is functioning and any recommendations of the advisory board for strengthening that agency's SBIR program. The annual report shall also state the number and dollar amount of awards under the agency's SBIR program, and under the agency's STTR program, that were made to small business concerns owned and controlled by women, small business concerns owned and controlled by minorities, small business concerns owned and controlled by veterans, and small business concerns in States and regions that historically receive few SBIR awards.

''(7) NON-APPLICABILITY OF FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to an advisory board required by paragraph (1).''.

(b) AGENCY REPORTS TO SBIR ADVISORY BOARDS.—Section 9(g)(8) of the Small Business Act (15 U.S.C. 638(g)(8)) is amended by inserting before the semicolon at the end the following: ''and, if the agency is required by subsection (aa) to have an SBIR advisory board, submit a quarterly report on the SBIR program to that SBIR advisory board''.

SEC. 104. INCREASE IN AMOUNT OF TECHNICAL ASSISTANCE FUNDS AND OPTION TO PURCHASE TECHNICAL ASSISTANCE DIRECTLY.

Section 9(q) of the Small Business Act (15 U.S.C. 638(q)) is amended—

(1) in paragraph (1)—

(A) by striking ''paragraph (2)'' and inserting ''paragraph (2)(A), or another Federal agency under paragraph (2)(B),'';

(B) by striking ''and'' at the end of subparagraph (C);

(C) by striking the period at the end of subparagraph (D) and inserting ''; and''; and

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

''(E) implementing manufacturing processes and production strategies for utilization.'';

(2) by amending paragraph (2) to read as follows:

''(2) ASSISTANCE PROVIDERS.—

''(A) VENDOR SELECTION.—Each agency may select a vendor to assist small business concerns to meet the goals listed in paragraph (1) for a term not to exceed 3 years. Such selection shall be competitive and shall utilize merit-based criteria.

''(B) INTERAGENCY COLLABORATION.—In addition, each agency may enter into a collaborative agreement with the technical extension or assistance programs of other Federal agencies in order to provide the assistance described in paragraph (1).''; and

(3) in paragraph (3)—

(A) in subparagraph (A) by striking ''$4,000'' and inserting ''$5,000'';

(B) by amending subparagraph (B) to read as follows:

''(B) SECOND PHASE.—Each agency referred to in paragraph (1) may provide directly, or authorize any second phase SBIR award recipient to purchase with funds available from their SBIR awards, services described in paragraph (1), in an amount equal to not more than $8,000 per year, per award.''; and

(C) by adding at the end the following:

''(C) AUTHORITY TO OPT OUT.—The Administrator shall establish guidelines under which an award recipient eligible to receive services under subparagraph (A) may decline those services and receive instead an amount equal to not more than $2,500, which shall be in addition to the amount of the recipient's award and which shall be used to purchase services described in paragraph (1).''.

SEC. 105. INCREASED NUMBER OF RESEARCH TOPIC SOLICITATIONS ANNUALLY AND SHORTENED PERIOD FOR FINAL DECISIONS ON APPLICATIONS.

(a) INCREASED NUMBER OF RESEARCH TOPIC SOLICITATIONS.—Section 9(g)(2) of the Small Business Act (15 U.S.C. 638(g)(2)) is amended by inserting before the semicolon at the end the following: '', but not less often than twice per year''.

(b) SHORTENED PERIOD FOR FINAL DECISIONS ON APPLICATIONS.—Section 9(g)(4) of that Act (15 U.S.C. 638(g)(4)) is amended—

(1) by inserting before the semicolon at the end the following: '': *Provided*, That if the agency is required by subsection (aa) to have an SBIR advisory board—''; and

(2) by adding at the end the following:

''(A) a final decision on each proposal shall be rendered not later than 90 days after the date on which the solicitation closes;

''(B) the SBIR advisory board may, on a case by case basis, extend the 90 days to 180 days; and

''(C) the SBIR advisory board shall include in each annual report to Congress under subsection (aa) a statement identifying how many times a decision was not rendered in 90 days, how many times an extension was granted, and how many times a decision was not rendered in 180 days;''.

SEC. 106. INCLUSION OF ENERGY-RELATED RESEARCH TOPICS AND RARE-DISEASE-RELATED RESEARCH TOPICS AS DESERVING "SPECIAL CONSIDERATION" AS SBIR RESEARCH TOPICS.

Section 9(g)(3) of the Small Business Act (15 U.S.C. 638(g)(3)) is amended—

(1) in the matter preceding subparagraph (A) by inserting after ''critical technologies'' the following: ''or pressing research priorities'';

(2) at the end of subparagraph (A) by striking ''or''; and

(3) by adding at the end the following:

''(C) the National Academy of Sciences, in the final report issued by the 'America's Energy Future: Technology Opportunities, Risks, and Tradeoffs' project, and in subsequent reports issued by the National Academy of Sciences on sustainability, energy, and alternative fuels;

''(D) the National Institutes of Health, in the annual report on the rare diseases research activities of the National Institutes of Health for fiscal year 2005, and in subsequent reports issued by the National Institutes of Health on rare diseases research activities;

''(E) the National Academy of Sciences, in the final report issued by the 'Transit Research and Development: Federal Role in the National Program' project and the 'Transportation Research, Development and Technology Strategic Plan (2006–2010)' issued by the United States Department of Transportation Research and Innovative Technology Administration, and in subsequent reports issued by the National Academy of Sciences and United States Department of Transportation on transportation and infrastructure; or''.

SEC. 107. AGENCIES SHOULD FUND VITAL R&D PROJECTS WITH THE POTENTIAL FOR COMMERCIALIZATION.

Section 9(j)(2) of the Small Business Act (15 U.S.C. 638(j)(2)), as amended by section 103, is further amended—

(1) in subparagraph (H) by striking ''and'' at the end;

(2) in subparagraph (I) by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(J) procedures to ensure that the Administrator, on an annual basis, submits to the Committee on Small Business and the Committee on Science and Technology of the House of Representatives and the Committee on Small Business and Entrepreneurship of the Senate a list identifying each small business concern that, for the period covered by the preceding 5 fiscal years, received 15 or more first phase SBIR awards and no second phase SBIR awards.''.

SEC. 108. FEDERAL AGENCY ENGAGEMENT WITH SBIR AWARDEES THAT HAVE BEEN AWARDED MULTIPLE PHASE ONE AWARDS BUT HAVE NOT BEEN AWARDED PHASE TWO AWARDS.

Section 9(j) of the Small Business Act (15 U.S.C. 638(j)) is amended by adding at the end the following:

''(4) REQUIREMENTS RELATING TO FEDERAL AGENCY ENGAGEMENT WITH CERTAIN FIRST PHASE SBIR AWARDEES.—The Administrator shall modify the policy directives issued pursuant to this subsection to provide for each Federal agency required by this section to conduct an SBIR program to engage with SBIR awardees that have been awarded multiple first phase SBIR awards but have not been awarded any second phase SBIR awards and to develop performance metrics to measure awardee progression in the SBIR program.''.

SEC. 109. LIMITATION ON CERTAIN AWARDS.

Section 9 of the Small Business Act (15 U.S.C. 638) is amended by adding at the end the following:

''(bb) SUBSEQUENT PHASES.—

''(1) IN GENERAL.—A small business concern which received an award from a Federal agency under this section shall be eligible to receive an award for a subsequent phase from another Federal agency, if the head of each relevant Federal agency makes a written determination that the topics of the relevant awards are the same.

''(2) CROSSOVER BETWEEN PROGRAMS.—A small business concern which received an award under this section under the SBIR program or the STTR program may, at the discretion of the granting agency, receive an award under this section for a subsequent phase in either the SBIR program or the STTR program.

''(3) PHASE II SBIR APPLICATIONS.—An agency may permit an applicant to apply directly for a Phase II award, as described in subsection (e)(4)(B), without first completing a Phase I award, as described in subsection (e)(4)(A), if the applicant can demonstrate that project feasibility was achieved without SBIR or other Federal funding.

''(4) PHASE II STTR APPLICATIONS.—An agency may permit an applicant to submit proposals for Phase II awards, as described in subsection (e)(6)(B), without first completing a Phase I award, as described in subsection (e)(6)(A), if the applicant can demonstrate it has accomplished Phase I through cooperative research and development achieved without STTR or other Federal funding.

''(cc) WAIVER OF MINIMUM WORK REQUIREMENT.—A Federal agency making an SBIR or STTR award under this section may waive the minimum small business concern or research institution work requirements under subsection (e)(7) if the agency determines that to provide such waiver would be consistent with the purposes of this section and consistent with achieving the objectives of the award proposal.''.

SEC. 110. COMPTROLLER GENERAL AUDIT OF HOW FEDERAL AGENCIES CALCULATE EXTRAMURAL RESEARCH BUDGETS.

The Comptroller General of the United States shall carry out a detailed audit of how Federal agencies calculate extramural research budgets for purposes of calculating the size of the agencies' Small Business Innovation Research and Small Business Technology Transfer budgets. Not later than 1 year after the date of the enactment of this Act, the Comptroller General shall submit to the Committee on Small Business and the Committee on Science and Technology of the House of Representatives and the Committee on Small Business and Entrepreneurship of the Senate a report on the results of the audit.

SEC. 111. PROVIDING EXPLANATIONS TO UNSUCCESSFUL APPLICANTS.

Section 9 of the Small Business Act (15 U.S.C. 638) is amended by adding at the end the following:

''(dd) PROVIDING EXPLANATIONS TO UNSUCCESSFUL APPLICANTS.—Whenever an entity applies for, but does not receive, an award under an SBIR or STTR program under this section, the Federal agency conducting the program shall—

''(1) in a plain and conspicuous manner, notify that entity that it can request an explanation (which must be of a constructive nature) of the reasons why the entity did not receive the award; and

''(2) provide such an explanation to that entity, if the entity so requests.''.

TITLE II—VENTURE CAPITAL INVESTMENT STANDARDS

SEC. 201. ENSURING THAT INNOVATIVE SMALL BUSINESSES WITH SUBSTANTIAL INVESTMENT FROM VENTURE CAPITAL OPERATING COMPANIES ARE ABLE TO PARTICIPATE IN THE SBIR PROGRAM.

Section 9(e) of the Small Business Act (15 U.S.C. 638(e)) is amended by striking ''and'' at the end of paragraph (8), striking the period at the end of paragraph (9) and inserting ''; and'', and adding at the end the following:

''(10) effective only for the SBIR and STTR programs, notwithstanding any other amendment made by the SBIR/STTR Reauthorization Act, the following shall apply:

''(A) A business concern that has more than 500 employees shall not qualify as a small business concern.

''(B) In determining whether a small business concern is independently owned and operated under section 3(a)(1) or meets the small business size standards instituted under section 3(a)(2), the Administrator shall not consider a business concern to be affiliated with a venture capital operating company (or with any other business that the venture capital operating company has financed) if—

''(i) the venture capital operating company does not own 50 percent or more of the business concern; and

''(ii) employees of the venture capital operating company do not constitute a majority of the board of directors of the business concern.

''(C) A business concern shall be deemed to be 'independently owned and operated' if—

''(i) it is owned in majority part by one or more natural persons or venture capital operating companies;

''(ii) there is no single venture capital operating company that owns 50 percent or more of the business concern; and

''(iii) there is no single venture capital operating company the employees of which constitute a majority of the board of directors of the business concern.

''(D) If a venture capital operating company controlled by a business with more than 500 employees (in this subparagraph referred to as a 'VCOC under large business control') has an ownership interest in a small business concern that is owned in majority part by venture capital operating companies, the small business concern is eligible to receive an award under the SBIR or STTR program only if—

''(i) not more than two VCOCs under large business control have an ownership interest in the small business concern;

''(ii) the VCOCs under large business control do not collectively own more than 20 percent of the small business concern; and

''(iii) the VCOCs under large business control do not collaborate with each other to exercise more control over the small business concern than they could otherwise exercise individually.

''(E) The term 'venture capital operating company' means a business concern—

''(i) that—

''(I) is a Venture Capital Operating Company, as that term is defined in regulations promulgated by the Secretary of Labor; or

''(II) is an entity that—

''(aa) is registered under the Investment Company Act of 1940 (15 U.S.C. 80a-51 et seq.); or

''(bb) is an investment company, as defined in section 3(c)(14) of such Act (15 U.S.C. 80a-3(c)(14)), which is not registered under such Act because it is beneficially owned by less than 100 persons; and

''(ii) that is itself organized or incorporated and domiciled in the United States, or is controlled by a business concern that is incorporated and domiciled in the United States.''.

TITLE III—SBIR AND ECONOMIC DEVELOPMENT

SEC. 301. REAUTHORIZATION AND MODERNIZATION OF FEDERAL AND STATE TECHNOLOGY PARTNERSHIP PROGRAM (FAST).

Section 9 of the Small Business Act (15 U.S.C. 638) is amended by inserting after subsection (r) the following:

''(s) OUTREACH AND SUPPORT ACTIVITIES.—

''(1) IN GENERAL.—Subject to the other provisions of this subsection, the Administrator shall make grants on a competitive basis to organizations, to be used by the organizations to do one or both of the following:

''(A) To conduct outreach efforts to increase participation in the programs under this section.

''(B) To provide application support and entrepreneurial and business skills support to prospective participants in the programs under this section.

''(2) PROGRAM AUTHORITY.—Of the amounts made available to carry out this section for each of fiscal years 2009 through 2010, the Administrator may expend not more than $10,000,000 in each such fiscal year to carry out paragraph (1).

''(3) AMOUNT OF ASSISTANCE.—For each of subparagraphs (A) and (B) of paragraph (1), the amount of assistance provided to an organization under that subparagraph in any fiscal year—

''(A) shall be equal to the total amount of matching funds from non-Federal sources provided by the organization; and

''(B) shall not exceed $250,000.

''(4) DIRECTION.—An organization receiving funds under paragraph (1) shall, in using those funds, direct its activities at one or both of the following:

''(A) Small business concerns located in geographic areas that are underrepresented in the programs under this section.

''(B) Small business concerns owned and controlled by women, small business concerns owned and controlled by service-disabled veterans, and small business concerns owned and controlled by minorities.

''(5) ADVISORY BOARD.—

''(A) ESTABLISHMENT.—Not later than 90 days after the date of the enactment of this subsection, the Administrator shall establish an advisory board for the activities carried out under this subsection.

''(B) NON-APPLICABILITY OF FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the advisory board.

''(C) MEMBERS.—The members of the advisory board shall include the following:

''(i) The Administrator (or the Administrator's designee).

''(ii) For each Federal agency required by this section to conduct an SBIR program, the head of the agency (or the designee of the head of the agency).

''(iii) Representatives of small business concerns that are current or former recipients of SBIR awards, or representatives of organizations of such concerns.

''(iv) Representatives of service providers of SBIR outreach and assistance, or representatives of organizations of such service providers.

''(D) DUTIES.—The advisory board shall have the following duties:

''(i) To develop guidelines for awards under paragraph (1)(A), including guidelines relating to award sizes, proposal requirements, metrics for monitoring awardee performance, and metrics for measuring overall value of the activities carried out by the awardees.

''(ii) To identify opportunities for coordinated outreach, technical assistance, and commercialization activities among Federal agencies, the recipients of the awards under paragraph (1)(A), and applicants and recipients of SBIR awards, including opportunities such as—

''(I) podcasting or webcasting for conferences, training workshops, and other events;

''(II) shared online resources to match prospective applicants with the network of paragraph (1)(A) recipients; and

''(III) venture capital conferences tied to technologies and sectors that cross agencies.

''(iii) To review and recommend revisions to activities under paragraph (1)(A).

''(iv) To submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business and the Committee on Science and Technology of the House of Representatives an annual report on the activities carried out under paragraph (1)(A) and the effectiveness and impact of those activities.

''(6) SELECTION CRITERIA.—In awarding grants under this subsection, the Administrator shall use selection criteria developed by the advisory board established under paragraph (5). The criteria shall include—

''(A) criteria designed to give preference to applicants who propose to carry out activities that will reach either an underperforming geographic area or an underrepresented population group (as measured by the number of SBIR applicants);

''(B) criteria designed to give preference to applicants who propose to carry out activities that complement, and are integrated into, the existing public-private innovation support system for the targeted region or population;

''(C) criteria designed to give preference to applicants who propose to measure the effectiveness of the proposed activities; and

''(D) criteria designed to give preference to applicants who include an SBDC program that is accredited for its technology services.

''(7) PEER REVIEW.—In awarding grants under this subsection, the Administrator shall use a peer review process. Reviewers shall include—

''(A) SBIR program managers for agencies required by this section to conduct SBIR programs; and

''(B) private individuals and organizations that are knowledgeable about SBIR, the innovation process, technology commercialization, and State and regional technology-based economic development programs.

''(8) PER-STATE LIMITATIONS.—

''(A) IN GENERAL.—To be eligible to receive a grant under this subsection, the applicant must have the written endorsement of the Governor of the State where the targeted regions or populations are located (if the regions or populations are located in more than one State, the applicant must have the written endorsement of the Governor of each such State). Such an endorsement must indicate that the Governor will ensure that the activities to be carried out under the grant will be integrated with the balance of the State's portfolio of investments to help small business concerns commercialize technology.

''(B) LIMITATION.—Each fiscal year, a Governor may have in effect not more than one written endorsement for a grant under paragraph (1)(A), and not more than one written endorsement for a grant under paragraph (1)(B).

''(9) SPECIFIC REQUIREMENTS FOR FAST AWARDS.—In making awards under paragraph (1)(A) (to be known as 'FAST' awards) the Administrator shall ensure the following:

''(A) GOALS.—Priority shall be given applications that address one or more of the following goals:

''(i) Increasing the number of SBIR applications from underperforming geographic areas (as measured by the number of SBIR applicants).

''(ii) Increasing the number of SBIR applications from underrepresented population groups (as measured by the number of SBIR applicants).

''(B) DURATION.—Each award shall be for a period of 2 fiscal years. The Administrator shall establish rules and performance goals for the disbursement of funds for the second fiscal year, and funds shall not be disbursed to a recipient for such a fiscal year until after the advisory board established under this subsection has determined that the recipient is in compliance with the rules and performance goals.''.

SEC. 302. OBTAINING SBIR APPLICANT'S CONSENT TO RELEASE CONTACT INFORMATION TO ECONOMIC DEVELOPMENT ORGANIZATIONS.

Section 9 of the Small Business Act (15 U.S.C. 638) is amended in subsection (s) (as added by this title) by adding at the end the following:

''(5) CONSENT TO RELEASE CONTACT INFORMATION TO ORGANIZATIONS.—

''(A) ENABLING CONCERN TO GIVE CONSENT.—Each Federal agency required by this section to conduct an SBIR program shall enable a small business concern that is an SBIR applicant to indicate to the agency whether the agency has its consent to—

''(i) identify the concern to appropriate local and State-level economic development organizations as an SBIR applicant; and

''(ii) release the concern's contact information to such organizations.

''(B) RULES.—The Administrator shall establish rules to implement this paragraph. The rules shall include a requirement that the agency include in its SBIR application forms a provision through which the applicant can indicate consent for purposes of subparagraph (A).''.

TITLE IV—ADVANCING COMMERCIALIZATION OF SBIR–FUNDED RESEARCH

SEC. 401. CLARIFYING THE DEFINITION OF "PHASE THREE".

Section 9(e) of the Small Business Act (15 U.S.C. 638(e)) is amended—

(1) in paragraph (4)(C)—

(A) in the matter preceding clause (i) by inserting after ''a third phase'' the following: '', which shall consist of work that derives from, extends, or logically concludes efforts performed under prior SBIR funding agreements (which may be referred to as 'Phase III')''; and

(B) in clause (i) by inserting after ''non-SBIR Federal funding awards'' the following: '': *Provided*, That for purposes of this clause, such sources of capital and such funding awards include private investment, private research, development, testing, and evaluation (RDT&E) awards, private sales or licenses, government RDT&E contracts and awards, and government sales'';

(2) in paragraph (8) by striking ''and'' at the end;

(3) in paragraph (9) by striking the period at the end and inserting ''; and''; and

(4) by adding at the end the following:

''(10) the term 'commercialization' means the process of developing marketable products or services and producing and delivering products or services for sale (whether by the originating party or by others) to government or commercial markets.''.

SEC. 402. AGENCY RESEARCH GOALS.

Section 9 of the Small Business Act (15 U.S.C. 638) is amended by striking subsection (h) and inserting the following:

''(h) AGENCY RESEARCH GOALS.—

''(1) IN GENERAL.—In addition to the requirements of subsection (f), each Federal agency that is required by this section to have an SBIR program and that awards annually $5,000,000,000 or more in procurement contracts shall, effective for fiscal year 2009 and each fiscal year thereafter, establish annual goals for commercialization of projects funded by SBIR awards.

''(2) SPECIFIC GOALS.—The goals required by paragraph (1) shall include specific goals for each of the following:

''(A) The percentage of SBIR projects that receive funding for the third phase (as defined in subsection (e)(4)(C)).

''(B) The percentage of SBIR projects that are successfully integrated into a program of record.

''(C) The amount of Federal dollars received by SBIR projects through Federal contracts, not including dollars received through the SBIR program.

''(3) SUBMISSION TO ADVISORY BOARD.—For each fiscal year for which goals are required by paragraph (1), the agency shall submit to the agency's SBIR advisory board—

''(A) not later than 60 days after the beginning of the fiscal year, the goals; and

''(B) not later than 90 days after the end of the fiscal year, data on the extent to which the goals were met and a description of the methodology used to collect that data.''.

SEC. 403. EXPRESS AUTHORITY FOR AN AGENCY TO AWARD SEQUENTIAL PHASE TWO AWARDS FOR SBIR-FUNDED PROJECTS.

Section 9(j) of the Small Business Act (15 U.S.C. 638(j)) is amended by adding after

paragraph (4) (as added by section 109) the following:

''(5) REQUIREMENTS RELATING TO ADDITIONAL SECOND PHASE SBIR AWARDS.—The Administrator shall modify the policy directives issued pursuant to this subsection to provide the following:

''(A) A small business concern that receives a second phase SBIR award for a project remains eligible to receive additional second phase SBIR awards.

''(B) Agencies are expressly authorized to provide additional second phase SBIR awards for testing and evaluation assistance for the insertion of SBIR technologies into technical or weapons systems.

''(C) Each agency that is required by subsection (aa) to have an SBIR advisory board shall include in the quarterly reports submitted under subsection (g)(8) the number of projects that have received additional second phase SBIR awards and the total dollar amount of those additional second phase SBIR awards.''.

SEC. 404. INCREASED PARTNERSHIPS BETWEEN SBIR AWARDEES AND PRIME CONTRACTORS, VENTURE CAPITAL INVESTMENT COMPANIES, AND LARGER BUSINESSES.

Section 9(j) of the Small Business Act (15 U.S.C. 638(j)) is amended by adding after paragraph (5) (as added by section 403) the following:

''(6) INCREASED PARTNERSHIPS.—

''(A) IN GENERAL.—Each agency required by this section to conduct an SBIR program shall establish initiatives by which the agency encourages partnerships between SBIR awardees and prime contractors, venture capital investment companies, business incubators, and larger businesses, for the purpose of facilitating the progress of the SBIR awardees to the third phase. If the agency is required by subsection (aa) to have an SBIR advisory board, the advisory board shall include in each report submitted under subsection (aa) a description of the initiatives established and an assessment of the effectiveness of such initiatives.

''(B) DEFINITION.—In this paragraph, the term 'business incubator' means an entity that provides coordinated and specialized services to entrepreneurial businesses which meet selected criteria during the businesses' startup phases, including providing services such as shared office space and office services, access to equipment, access to telecommunications and technology services, flexible leases, specialized management assistance, access to financing, mentoring and training services, or other coordinated business or technical support services designed to provide business development assistance to entrepreneurial businesses during these businesses' startup phases.''.

SEC. 405. EXPRESS AUTHORITY TO "FAST-TRACK" PHASE TWO AWARDS FOR PROMISING PHASE ONE RESEARCH.

Section 9(j)(2)(G) of the Small Business Act (15 U.S.C. 638(j)(2)(G)) is amended by inserting before the semicolon at the end the following: '', and to encourage agencies to develop 'fast-track' programs to eliminate that delay by issuing second phase SBIR awards as soon as practicable, including in appropriate cases simultaneously with the issuance of the first phase SBIR award''.

SEC. 406. COMMERCIALIZATION PROGRAMS.

Section 9(j) of the Small Business Act (15 U.S.C. 638(j)) is amended by adding after paragraph (6) (as added by section 404) the following:

''(7) COMMERCIALIZATION PROGRAMS.—Each agency required by this section to conduct an SBIR program shall establish a commercialization program that supports the progress of SBIR awardees to the third phase. The commercialization program may include activities such as partnership databases, partnership conferences, multiple second phases, mentoring between prime contractors and SBIR awardees, multiple second phases with matching private investment requirements, jumbo awards, SBIR helpdesks, and transition assistance programs. The agency shall include in its annual report an analysis of the various activities considered for inclusion in the commercialization program and a statement of the reasons why each activity considered was included or not included, as the case may be. If the agency is required by subsection (aa) to have an SBIR advisory board, the advisory board shall include in each report under subsection (aa) a statement identifying the number of SBIR awardees that successfully progressed to the third phase.

''(8) FUNDING FOR COMMERCIALIZATION PROGRAMS.—

''(A) IN GENERAL.—From amounts made available to carry out this paragraph, the Administrator may, on petition by agencies required by this section to conduct an SBIR program, transfer funds to such agencies to support the commercialization programs of such agencies.

''(B) PETITIONS.—The Administrator shall establish rules for making transfers under subparagraph (A). The initial set of rules shall be promulgated not later than 90 days after the date of the enactment of this paragraph.

''(C) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Administrator to carry out this paragraph $27,500,000 for fiscal year 2009 and each fiscal year thereafter.

''(D) MINORITY INSTITUTION PILOT PROGRAM.—

''(i) ESTABLISHMENT.—From amounts made available to carry out this subparagraph, the Administrator shall establish and carry out a pilot program to make grants to minority institutions that partner with nonprofit organizations that have experience developing relationships between industry, minority institutions, and other entities, for the purpose of increasing the number of SBIR and STTR program applications by minority-owned small businesses.

''(ii) APPLICATION.—To be eligible to receive a grant under the pilot program established in clause (i), a minority institution shall submit an application to the Administrator at such time, in such manner, and containing such information and assurances as the Administrator may require.

''(iii) MATCHING REQUIREMENT.—As a condition of a grant under the pilot program, the Administrator shall require that a matching amount be provided from a source other than the Federal Government that is equal to the amount of the grant.

''(iv) MINORITY INSTITUTION.—In this subparagraph, the term 'minority institution' has the meaning given that term in section 365(3) of the Higher Education Act of 1965 (20 U.S.C. 1067k(3)).

''(v) FUNDING.—For each of fiscal years 2009 through 2012, of the amounts appropriated pursuant to the authorization of appropriations in subparagraph (C), up to $4,000,000 shall be available to carry out this subparagraph.

''(9) FUNDING LIMITATION.—For payment of expenses incurred to administer the commercialization programs described in paragraphs (7) and (8), the head of the agency may use not more than an amount equal to 1 percent of the funds available to the agency pursuant to the Small Business Innovation Research program. Such funds—

''(A) shall not be subject to the limitations on the use of funds in subsection (f)(2); and

''(B) shall not be used for the purpose of funding costs associated with salaries and expenses of employees of the United States Government.''.

SEC. 407. REPORT ON EFFORTS TO ENHANCE MANUFACTURING ACTIVITIES.

Section 9(j) of the Small Business Act (15 U.S.C. 638(j)) is amended by adding after paragraph (9) (as added by section 406) the following:

''(10) EFFORTS TO ENHANCE MANUFACTURING ACTIVITIES.—If an agency is required by subsection (aa) to have an SBIR advisory board, the advisory board shall include in each report under subsection (aa) a part relating to efforts to enhance manufacturing activities, which shall include—

''(A) a comprehensive description of the actions undertaken each year by the SBIR and STTR programs of that agency in support of Executive Order No. 13329;

''(B) an assessment of the effectiveness of such actions toward enhancing the research and development of manufacturing technologies and processes; and

''(C) any recommendations that the program managers of the SBIR and STTR programs consider appropriate for additional actions to be undertaken in order to increase the effectiveness toward enhancing manufacturing activities within the defense industrial base.''.

TITLE V—SUPPORTING PROGRAM UTILIZATION

SEC. 501. AGENCY DATABASES TO SUPPORT PROGRAM EVALUATION.

Section 9(k) of the Small Business Act (15 U.S.C. 638(k)) is amended—

(1) in paragraph (2)(A)—

(A) by striking ''and'' at the end of clause (ii);

(B) by inserting ''and'' at the end of clause (iii); and

(C) by adding at the end the following new clause:

''(iv) information on the ownership structure of award recipients, both at the time of receipt of the award and upon completion of the award period;'';

(2) by amending paragraph (3) to read as follows:

''(3) UPDATING INFORMATION FOR DATABASE.—

''(A) IN GENERAL.—A Federal agency shall not make a Phase I or Phase II payment to a small business concern under this section unless the small business concern has provided all information required under this subsection with respect to the award under which the payment is made, and with respect to any other award under this section previously received by the small business concern or a predecessor in interest to the small business concern.

''(B) APPORTIONMENT.—In complying with this paragraph, a small business concern may apportion sales or additional investment information relating to more than one second phase award among those awards, if it notes the apportionment for each award.

''(C) ANNUAL UPDATES UPON TERMINATION.—A small business concern receiving an award under this section shall—

''(i) in the case of a second phase award, update information in the databases required under paragraphs (2) and (6) concerning that award at the termination of the award period;

''(ii) in the case of award recipients not described in clause (iii), be requested to voluntarily update such information annually thereafter for a period of 5 years; and

''(iii) in the case of a small business concern applying for a subsequent first phase or second phase award, be required to update such information annually thereafter for a period of 5 years.''; and

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

''(6) AGENCY PROGRAM EVALUATION DATABASES.—Each Federal agency required to establish an SBIR or STTR program under this

section shall develop and maintain, for the purpose of evaluating such programs, a database containing information required to be contained in the database under paragraph (2). Each such database shall be designed to be accessible to other agencies that are required to maintain a database under this paragraph.''.

SEC. 502. AGENCY DATABASES TO SUPPORT TECHNOLOGY UTILIZATION.

Section 9(k) of the Small Business Act (15 U.S.C. 638(k)), as amended by this Act, is further amended by adding at the end the following new paragraph:

''(7) AGENCY DATABASES TO SUPPORT TECHNOLOGY UTILIZATION.—Each Federal agency with an SBIR or STTR program shall create and maintain a technology utilization database, which shall be available to the public and shall contain data supplied by the award recipients specifically to help them attract customers for the products and services generated under the SBIR or STTR project, and to attract additional investors and business partners. Each database created under this paragraph shall include information on the other databases created under this paragraph by other Federal agencies. Participation in a database under this paragraph shall be voluntary, except that such participation is required of all award recipients who received supplemental payments from SBIR and STTR program funds above their initial Phase II award.''.

SEC. 503. INTERAGENCY POLICY COMMITTEE.

(a) ESTABLISHMENT.—The Director of the Office of Science and Technology Policy shall establish an Interagency SBIR/STTR Policy Committee comprised of one representative from each Federal agency with an SBIR program.

(b) COCHAIRS.—The Director of the Office of Science and Technology Policy and the Director of the National Institute of Standards and Technology shall jointly chair the Interagency Policy Committee.

(c) DUTIES.—The Interagency Policy Committee shall review the following issues and make policy recommendations on ways to improve program effectiveness and efficiency:

(1) The public and government databases described in section 9(k)(1) and (2) of the Small Business Act (15 U.S.C. 638(k)(1) and (2)).

(2) Federal agency flexibility in establishing Phase I and II award sizes, and appropriate criteria to exercise such flexibility.

(3) Commercialization assistance best practices in Federal agencies with significant potential to be employed by other agencies, and the appropriate steps to achieve that leverage, as well as proposals for new initiatives to address funding gaps business concerns face after Phase II but before commercialization.

(d) REPORTS.—The Interagency Policy Committee shall transmit to the Committee on Science and Technology and the Committee on Small Business of the House of Representatives, and to the Committee on Small Business and Entrepreneurship of the Senate—

(1) a report on its review and recommendations under subsection (c)(1) not later than 1 year after the date of enactment of this Act;

(2) a report on its review and recommendations under subsection (c)(2) not later than 18 months after the date of enactment of this Act; and

(3) a report on its review and recommendations under subsection (c)(3) not later than 2 years after the date of enactment of this Act.

SEC. 504. NANOTECHNOLOGY-RELATED RESEARCH TOPICS.

(a) SBIR.—Section 9(g)(3) of the Small Business Act (15 U.S.C. 638(g)(3)), as amended by section 107, is further amended by adding at the end the following new subparagraph:

''(F) the national nanotechnology strategic plan required under section 2(c)(4) of the 21st Century Nanotechnology Research and Development Act (15 U.S.C. 7501(c)(4)) and in subsequent reports issued by the National Science and Technology Council Committee on Technology, focusing on areas of nanotechnology identified in such plan;''.

(b) STTR.—Section 9(o)(1) of the Small Business Act (15 U.S.C. 638(o)(1)) is amended by inserting '', giving special consideration to topics that further 1 or more critical technologies, as identified by the national nanotechnology strategic plan required under section 2(c)(4) of the 21st Century Nanotechnology Research and Development Act (15 U.S.C. 7501(c)(4)) and in subsequent reports issued by the National Science and Technology Council Committee on Technology, focusing on areas of nanotechnology identified in such plan'' after ''its STTR program''.

SEC. 505. RURAL PREFERENCE.

Section 9 of the Small Business Act (15 U.S.C. 638) is amended by adding at the end the following new subsection:

''(dd) RURAL PREFERENCE.—In making awards under this section, Federal agencies shall give priority to applications so as to increase the number of SBIR and STTR award recipients from rural areas.''.

SEC. 506. PRIORITY FOR AREAS THAT HAVE LOST A MAJOR SOURCE OF EMPLOYMENT.

Section 9 of the Small Business Act (15 U.S.C. 638) is amended by adding at the end the following:

''(ee) PRIORITY FOR AREAS THAT HAVE LOST A MAJOR SOURCE OF EMPLOYMENT.—In making awards under this section, Federal agencies shall give priority to applications from companies located in geographic areas that, as determined by the Administrator, have lost a major source of employment. Not later than 90 days after the date of the enactment of this subsection, the Administrator shall promulgate rules for making the determination required by this subsection.''.

SEC. 507. VETERANS PREFERENCE.

Section 9 of the Small Business Act (15 U.S.C. 638) is further amended by adding at the end the following:

''(ff) VETERANS PREFERENCE.—In making awards under this section, Federal agencies shall give priority to applications from veterans, as defined in section 101(2) of title 38, United States Code, so as to increase the number of SBIR and STTR award recipients who are veterans.''.

SEC. 508. INITIATIVE TO PUBLICIZE THE SBIR PROGRAM TO VETERANS.

The Administrator of the Small Business Administration, in consultation with the Secretary of Veterans Affairs, shall develop an initiative to publicize the SBIR program to veterans returning from service and encourage those veterans with applicable technical skills to apply for SBIR grants.

SEC. 509. PREFERENCE FOR ORGANIZATIONS THAT ARE MAKING SIGNIFICANT CONTRIBUTIONS TOWARDS ENERGY EFFICIENCY.

Section 9 of the Small Business Act (15 U.S.C. 638) is further amended by adding at the end the following:

''(ff) PREFERENCE FOR ORGANIZATIONS THAT ARE MAKING SIGNIFICANT CONTRIBUTIONS TOWARDS ENERGY EFFICIENCY.—In making awards under this section, Federal agencies shall give priority to applications so as to increase the number of SBIR, STTR, and FAST award recipients from organizations that are making significant contributions towards energy efficiency, including organizations that are making efforts to reduce their carbon footprint or are carbon neutral.''.

TITLE VI—IMPLEMENTATION

SEC. 601. CONFORMING AMENDMENTS TO THE SBIR AND STTR POLICY DIRECTIVES.

Not later than 180 days after the date of enactment of this Act, the Administrator of the Small Business Administration shall promulgate amendments to the SBIR and the STTR Policy Directives to conform such directives to this Act and the amendments made by this Act.

SEC. 602. NATIONAL RESEARCH COUNCIL SBIR STUDY.

Section 108(d) of the Small Business Reauthorization Act of 2000 is amended—

(1) by striking ''of the Senate'' and all that follows through ''not later than 3'' and inserting ''of the Senate, not later than 3''; and

(2) by striking ''; and'' and all that follows through ''update of such report''.

SEC. 603. SBIR AWARDEE BUSINESS OPERATIONS.

Section 9 of the Small Business Act is further amended by adding at the end the following:

''(ee) SBIR AWARDEE BUSINESS OPERATIONS.—

''(1) IN GENERAL.—To be eligible to receive an SBIR award, an awardee must have its primary business operations in the United States.

''(2) DEFINITION.—In this subsection, the term 'United States' includes the District of Columbia, the Commonwealth of Puerto Rico, and any other territory or possession of the United States.''.

SEC. 604. PROHIBITION OF AWARDS TO ALIENS UNLAWFULLY PRESENT IN THE UNITED STATES.

Section 9 of the Small Business Act is amended by adding at the end the following:

''(ee) PROHIBITION OF AWARDS TO ALIENS UNLAWFULLY PRESENT IN THE UNITED STATES.—A concern is not eligible to receive an award under this section if an individual who is an alien unlawfully present in the United States—

''(1) has an ownership interest in that concern; or

''(2) has an ownership interest in another concern that itself has an ownership interest in that concern.''.

SEC. 605. PROHIBITION ON AWARDS TO FIRMS IN VIOLATION OF IMMIGRATION LAWS.

Any applicant found, based on a determination by the Secretary of Homeland Security or the Attorney General to have engaged in a pattern or practice of hiring, recruiting or referring for a fee, for employment in the United States an alien knowing the person is an unauthorized alien shall not be eligible for the receipt of future awards under section 9 of the Small Business Act.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

Mr. HELLER of Nevada, moved to recommit the bill to the Committee on Small Business with instructions to report the bill back to the House promptly with the following amendment:

Page 14, line 3, strike ''and alternative fuels'' and insert ''alternative fuels, and projects that have the potential to lower gasoline and diesel prices''.

After debate,

By unanimous consent, the previous question was ordered on the motion to recommit with instructions.

The question being put, viva voce,

Will the House recommit said bill with instructions?

The SPEAKER pro tempore, Mr. TIERNEY, announced that the nays had it.

Mr. HELLER of Nevada, demanded a recorded vote on agreeing to said motion, which demand was supported by

one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the negative ..... { Yeas ..... 195 Nays 215

¶46.35 [Roll No. 216]

AYES—195

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

NOES—215

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

NOT VOTING—21

Alexander
Andrews
Blunt
Brown-Waite, Ginny
Campbell (CA)
Clyburn
Cramer
Davis, Tom
Dicks
Doggett
Everett
Feeney
Higgins
Hulshof
King (IA)
LaHood
Moran (VA)
Nadler
Peterson (PA)
Rush
Weller

So the motion to recommit with instructions was not agreed to.

The question being put, viva voce,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. TIERNEY, announced that the yeas had it.

Ms. VELAZQUEZ demanded a recorded vote on passage of said bill, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 368 Nays 43

¶46.36 [Roll No. 217]

AYES—368

Abercrombie
Ackerman
Aderholt
Akin
Allen
Altmire
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Buchanan
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, David
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Donnelly
Doolittle
Doyle
Drake
Dreier
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Fallin
Farr
Fattah
Ferguson
Filner
Forbes
Fortenberry
Fossella
Foster
Frank (MA)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Petri
Pickering
Pitts
Platts
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Speier
Spratt
Stark
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Terry

Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOES—43

Barton (TX)
Boehner
Broun (GA)
Burgess
Carter
Cubin
Culberson
Davis (KY)
Deal (GA)
Duncan
Flake
Foxx
Franks (AZ)
Hensarling
Herger
Herseth Sandlin
Hodes
Jordan
Kucinich
Kuhl (NY)
Linder
Manzullo
Marchant
Markey
Miller (FL)
Miller, Gary
Myrick
Neugebauer
Nunes
Paul
Poe
Radanovich
Rohrabacher
Royce
Sali
Sensenbrenner
Sessions
Shadegg
Stearns
Tancredo
Thornberry
Tsongas
Westmoreland

NOT VOTING—20

Alexander
Andrews
Blunt
Brown-Waite, Ginny
Campbell (CA)
Clyburn
Cramer
Davis, Tom
Dicks
Doggett
Everett
Feeney
Higgins
Hulshof
LaHood
Moran (VA)
Nadler
Peterson (PA)
Rush
Weller

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶46.37 H. RES. 1126—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. TIERNEY, pursuant to clause 8, rule XX, announced the further unfinished business to be the question on ordering the previous question on the resolution (H. Res. 1126) providing for consideration of the bill (H.R. 2830) to authorize appropriations for the Coast Guard for fiscal year 2008, and for other purposes.

The question being put,

Will the House now order the previous question?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 220 Nays 187

¶46.38 [Roll No. 218]

AYES—220

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

NOES—187

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

NOT VOTING—24

Alexander
Andrews
Blunt
Brown-Waite, Ginny
Campbell (CA)
Clyburn
Cramer
Davis, Tom
Dicks
Doggett
Edwards
Everett
Feeney
Ferguson
Higgins
Hulshof
LaHood
Moran (VA)
Nadler
Peterson (PA)
Rangel
Rush
Schwartz
Weller

So the previous question on the resolution was ordered.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. TIERNEY, announced that the yeas had it.

Mr. HASTINGS of Florida, demanded a recorded vote on agreeing to said resolution, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 223 Nays 183

¶46.39 [Roll No. 219]

AYES—223

Abercrombie
Ackerman
Allen
Altmire
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Carnahan
Carney
Carson
Castor
Chandler
Clarke
Cleaver
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cubin
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dingell
Donnelly
Doyle
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Kirk
Klein (FL)
Kucinich
Lampson
Langevin
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)

Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Murphy (CT)
Murphy, Patrick
Murtha
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth
Young (AK)

NOES—183

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

NOT VOTING—25

Alexander
Andrews
Blunt
Boren
Brown-Waite, Ginny
Campbell (CA)
Cardoza
Clyburn
Cramer
Davis, Tom
Dicks
Doggett
Edwards
Everett
Feeney
Ferguson
Higgins
Hulshof
LaHood
Marshall
Moran (VA)
Nadler
Peterson (PA)
Rush
Weller

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶46.40 CLERK TO CORRECT ENGROSSMENT—H.R. 5819

On motion of Ms. VELAZQUEZ, by unanimous consent,

Ordered, That in the engrossment of the bill (H.R. 5819) to amend the Small Business Act to improve the Small Business Innovation Research (SBIR) program and the Small Business Technology Transfer (STTR) program, and for other purposes, the Clerk be authorized to make technical corrections to include corrections in spelling, punctuation, section numbering and cross-referencing, the insertion of appropriate headings, and to conform the table of contents.

¶46.41 BILL AND JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Lorraine C. Miller, Clerk of the House reported that on April 22, 2008 she presented to the President of the United States, for his approval, the following bills.

H.R. 1119. An Act to amend title 36, United States Code, to revise the congressional charter of the Military Order of the Purple Heart of the United States of America, Incorporated, to authorize associate membership in the corporation for the spouse and siblings of a recipient of the Purple Heart medal.

H.J. Res. 70. A joint resolution congratulating the Army Reserve on its centennial, which will be formally celebrated on April 23, 2008, and commemorating the historic contributions of its veterans and continuing contributions of its soldiers to the vital national security interests and homeland defense missions of the United States.

¶46.42 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. EVERETT, for today after 4:30 p.m. and balance of the week; and

To Mr. WELLER of Illinois, for today.

And then,

¶46.43 ADJOURNMENT

On motion of Mr. WALZ of Minnesota, at 11 o'clock and 59 minutes p.m., the House adjourned.

¶46.44 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

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

Mr. CONYERS: Committee on the Judiciary. Supplemental report on H.R. 2830. A bill to authorize appropriations for the Coast Guard for fiscal year 2008, and for other purposes (Rept. 110–338, Pt. 4).

¶46.45 PUBLIC BILLS AND RESOLUTIONS

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

By Mr. COURTNEY (for himself, Mr. BRADY of Pennsylvania, Ms. DELAURO, Mr. GONZALEZ, Mr. GRIJALVA, Mr. HILL, Mr. HINCHEY, Mr. KLEIN of Florida, Mr. LARSON of Connecticut, Mr. MCGOVERN, Mrs. TAUSCHER, Ms. SHEA-PORTER, Mr. HOLT, Mr. MURPHY of Connecticut, Mr. SHAYS, and Mr. SPRATT):

H.R. 5875. A bill to amend title 10, United States Code, to ensure that personal protective equipment undergoes survivability testing before full-scale production; to the Committee on Armed Services.

By Mr. GEORGE MILLER of California (for himself, Mrs. MCCARTHY of New York, Mr. PAYNE, Mr. HARE, Mr. HINOJOSA, Mr. SCOTT of Virginia, Mr. GRIJALVA, Mr. DAVIS of Illinois, Mr. KILDEE, Ms. WOOLSEY, and Mr. KUCINICH):

H.R. 5876. A bill to require certain standards and enforcement provisions to prevent child abuse and neglect in residential programs, and for other purposes; to the Committee on Education and Labor.

By Ms. HIRONO (for herself, Mr. WAXMAN, Ms. DEGETTE, Ms. SLAUGHTER, Mrs. CAPPS, Mr. ENGEL, Ms. SOLIS, Ms. HOOLEY, Mr. POMEROY, Mr. ABERCROMBIE, Mr. MCDERMOTT, Mr. FORTUÑO, Mr. MCNULTY, Mr. KILDEE, Mr. KAGEN, Mr. HONDA, Mr. HINOJOSA, Mr. TAYLOR, Mr. COHEN, Mr. KUCINICH, Mr. PASTOR, Mr. PRICE of North Carolina, Ms. VELÁZQUEZ, Mr. OBERSTAR, Mr. BAIRD, Mr. GRIJALVA, Ms. WATSON, Mr. FRANK of Massachusetts, Ms. CORRINE BROWN of Florida, Ms. BALDWIN, Mr. AL GREEN of Texas, Ms. CLARKE, Mr. HARE, Mr. HINCHEY, Mr. WEXLER, and Mrs. BOYDA of Kansas):

H.R. 5877. A bill to amend part B of title XVIII of the Social Security Act to provide coverage for the shingles vaccine under the Medicare Program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. CAPPS (for herself and Mr. LATOURETTE):

H.R. 5878. A bill to authorize programs to increase the number of nurses within the Armed Forces through assistance for service as nurse faculty or education as nurses, and for other purposes; to the Committee on Armed Services.

By Mr. FILNER:

H.R. 5879. A bill to authorize Federal payment to first responders for costs associated with providing emergency services at the international borders of the United States, and for other purposes; to the Committee on Transportation and Infrastructure.

By Ms. EDDIE BERNICE JOHNSON of Texas:

H.R. 5880. A bill to require the Administrator of the Federal Aviation Administration to initiate a rulemaking proceeding to establish procedures to limit for a period of one year flight standards inspectors from accepting certain employment positions or responsibilities with an air carrier; to the Committee on Transportation and Infrastructure.

By Ms. LEE (for herself, Mr. GRIJALVA, and Mr. HONDA):

H.R. 5881. A bill to direct the President to enter into an arrangement with the National Academy of Sciences to evaluate certain

Federal rules and regulations for potentially harmful impacts on public health, air quality, water quality, plant and animal wildlife, global climate, or the environment; and to direct Federal departments and agencies to create plans to reverse those impacts that are determined to be harmful by the National Academy of Sciences; to the Committee on Science and Technology, and in addition to the Committees on Transportation and Infrastructure, Natural Resources, Agriculture, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. ZOE LOFGREN of California (for herself and Mr. SENSENBRENNER):

H.R. 5882. A bill to recapture employment-based immigrant visas lost to bureaucratic delays and to prevent losses of family- and employment-based immigrant visas in the future; to the Committee on the Judiciary.

By Mr. MANZULLO (for himself and Mr. MICA):

H.R. 5883. A bill to amend the Export Enhancement Act of 1988 to establish the Office of Trade Promotion in the Executive Office of the President, and for other purposes; to the Committee on Foreign Affairs.

By Mr. WEXLER (for himself and Mr. NADLER):

H.R. 5884. A bill to amend chapter 111 of title 28, United States Code, relating to protective orders, sealing of cases, disclosures of discovery information in civil actions, and for other purposes; to the Committee on the Judiciary.

By Mrs. NAPOLITANO (for herself, Mr. BACA, Mr. BAIRD, Ms. BALDWIN, Ms. BERKLEY, Ms. BORDALLO, Mr. CARSON, Mr. COSTELLO, Mr. DOYLE, Mr. GONZALEZ, Mr. GRIJALVA, Mr. HINCHEY, Mr. HINOJOSA, Mr. HONDA, Ms. JACKSON-LEE of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. KENNEDY, Ms. LEE, Mr. MARKEY, Mrs. MCCARTHY of New York, Ms. MCCOLLUM of Minnesota, Mr. MCDERMOTT, Mr. MCNULTY, Mr. TIM MURPHY of Pennsylvania, Mrs. MYRICK, Mr. PAYNE, Mr. RODRIGUEZ, Ms. ROYBAL-ALLARD, Mr. RUSH, Ms. LINDA T. SÁNCHEZ of California, Ms. LORETTA SANCHEZ of California, Ms. SCHAKOWSKY, Mr. STARK, Mr. VAN HOLLEN, Mr. WILSON of South Carolina, Ms. WOOLSEY, Mr. BRALEY of Iowa, Mr. CRENSHAW, Ms. DEGETTE, Mr. MURPHY of Connecticut, Mr. RANGEL, Mr. SIRES, Mr. TOWNS, Mr. WAXMAN, Mr. DAVIS of Illinois, Mr. DREIER, Mr. FORTUÑO, Mr. HILL, Mr. MOORE of Kansas, Mr. SHERMAN, and Ms. WATSON):

H. Res. 1134. A resolution supporting the goals and ideals of Mental Health Month; to the Committee on Energy and Commerce.

By Mr. HELLER:

H. Res. 1135. A resolution expressing support for Speaker Nancy Pelosi (D-CA) to reveal her commonsense plan to lower gasoline prices; to the Committee on Energy and Commerce.

By Mr. JOHNSON of Georgia:

H. Res. 1136. A resolution honoring and expressing gratitude to the 555th Parachute Infantry Battalion (''Triple Nickles'') of the United States Army; to the Committee on Armed Services.

By Mr. OBERSTAR (for himself, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. CORRINE BROWN of Florida, Ms. MATSUI, Mrs. NAPOLITANO, Mr. SPACE, Mr. SIRES, Ms. HIRONO, Mrs. TAUSCHER, Mr. CUMMINGS, Mr. BROWN of South Carolina, Mr. YOUNG of Alaska, Mr. FILNER, Mr. ARCURI, Mr. LIPINSKI, Mr. DEFAZIO, Mr. CARNAHAN, Mr. BISHOP of New York, Ms. RICHARDSON, Mr. HALL of New York, Mr. ALTMIRE, Mr. BAIRD, Mr. BOSWELL, Mr. COSTELLO, and Mr. CAPUANO):

H. Res. 1137. A resolution supporting the goals and ideals of National Public Works Week, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mrs. BLACKBURN:

H. Res. 1138. A resolution recognizing Carnival Memphis for its promotion of the commercial interests and economic development of Memphis, Shelby County, and the greater mid-southern region for 77 years; to the Committee on Oversight and Government Reform.

By Mr. ABERCROMBIE (for himself and Ms. HIRONO):

H. Res. 1139. A resolution recognizing the 100th anniversary of the Pearl Harbor Naval Shipyard and congratulating the men and women who provide exceptional service to our military and keep our Pacific Fleet ''fit to fight''; to the Committee on Armed Services.

By Mr. FRANKS of Arizona (for himself, Mr. WOLF, Mr. CLEAVER, Mr. PITTS, Mr. MCINTYRE, Ms. ROS-LEHTINEN, Mr. SMITH of New Jersey, Mr. ROHRABACHER, Mr. BURTON of Indiana, Mr. TOWNS, Mr. WAMP, Mr. DUNCAN, Mr. BARRETT of South Carolina, Mr. KLINE of Minnesota, Mrs. BLACKBURN, Mr. BROUN of Georgia, Mr. PENCE, Mr. KING of Iowa, Mr. HERGER, Mr. AKIN, Mr. BARTLETT of Maryland, and Mr. TIAHRT):

H. Res. 1140. A resolution recognizing the 10th Anniversary of the International Religious Freedom Act of 1998; to the Committee on Foreign Affairs.

By Ms. EDDIE BERNICE JOHNSON of Texas (for herself, Ms. LINDA T. SÁNCHEZ of California, Mr. MICHAUD, Mr. LYNCH, Mr. GUTIERREZ, Ms. MCCOLLUM of Minnesota, Ms. SUTTON, Mr. ELLISON, Mr. ALLEN, Ms. NORTON, Mr. HARE, Mr. LEWIS of Georgia, Mr. AL GREEN of Texas, Mr. DAVIS of Illinois, Mr. DOYLE, Mr. PAYNE, Mr. JEFFERSON, Ms. KILPATRICK, Mr. JOHNSON of Georgia, Ms. WOOLSEY, and Mr. LANGEVIN):

H. Res. 1141. A resolution supporting the mission and goals of Workers Memorial Day in order to honor and remember the workers who have been killed or injured in the workplace; to the Committee on Oversight and Government Reform.

By Mr. LAMPSON (for himself, Mr. DOGGETT, Mr. HARE, Mr. BRALEY of Iowa, Mr. MCNERNEY, Mr. MATHESON, Mr. ROSS, Mr. MICHAUD, Ms. BALDWIN, Mr. HALL of New York, Mr. CHANDLER, Mr. ARCURI, Mr. DONNELLY, Mrs. EMERSON, Mr. GENE GREEN of Texas, Mr. CUELLAR, Mr. HINOJOSA, Mr. EDWARDS, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. SCHWARTZ, Mrs. CAPPS, Mr. LARSON of Connecticut, Ms. LINDA T. SÁNCHEZ of California, Ms. WOOLSEY, Ms. HOOLEY, Mrs. BOYDA of Kansas, Mr. ALTMIRE, Mr. SALAZAR, Mrs. NAPOLITANO, Mr. RODRIGUEZ, Mr. REYES, Mr. FOSTER, Mr. SIRES, Mr. HIGGINS, Mr. HODES, Mr. HONDA, Ms. HIRONO, Ms. CASTOR, Ms. VELÁZQUEZ, Mr. GONZALEZ, Mr. ORTIZ, Mr. AL GREEN of Texas, Ms. JACKSON-LEE of Texas, Mr. CHABOT, and Mrs. BIGGERT):

H. Res. 1142. A resolution recognizing May 25, 2008, as National Missing Children's Day; to the Committee on Education and Labor.

By Mr. PLATTS:

H. Res. 1143. A resolution supporting the goals and ideals of the Apple Crunch and the Nation's domestic apple industry; to the Committee on Oversight and Government Reform.

By Mr. SERRANO:

H. Res. 1144. A resolution expressing support for designation of a ''Frank Sinatra Day'' on May 13, 2008, in honor of the dedication of the Frank Sinatra commemorative stamp; to the Committee on Oversight and Government Reform.

By Ms. SHEA-PORTER (for herself and Mr. HODES):

H. Res. 1145. A resolution recognizing the 100 year anniversary of the establishment of St. Mary's Cooperative Credit Association, the ''Bank of the People'', and the birth of the American credit union; to the Committee on Financial Services.

¶46.46 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 25: Mr. KLINE of Minnesota.
H.R. 241: Mr. TIAHRT.
H.R. 406: Mr. BUCHANAN, Mr. BURGESS, Mr. KUHL of New York, Mr. MCCAUL of Texas, and Mr. TIM MURPHY of Pennsylvania.
H.R. 471: Mr. BOREN and Mr. CARSON.
H.R. 503: Mr. HARE.
H.R. 539: Mr. CARSON.
H.R. 550: Mr. CARSON.
H.R. 579: Mrs. WILSON of New Mexico.
H.R. 741: Mr. TERRY.
H.R. 760: Ms. SPEIER.
H.R. 826: Mr. WESTMORELAND.
H.R. 989: Mrs. BACHMANN.
H.R. 1032: Ms. BALDWIN.
H.R. 1072: Mr. BOUCHER.
H.R. 1194: Mr. CARSON.
H.R. 1359: Mr. SMITH of Texas.
H.R. 1392: Mr. TERRY.
H.R. 1431: Mr. HOEKSTRA.
H.R. 1439: Mr. WITTMAN of Virginia.
H.R. 1471: Ms. BERKLEY.
H.R. 1475: Mr. TOWNS and Mr. NADLER.
H.R. 1491: Mr. CARSON.
H.R. 1537: Mr. AKIN.
H.R. 1540: Mr. WU.
H.R. 1588: Mrs. NAPOLITANO.
H.R. 1621: Mr. FILNER.
H.R. 1653: Mr. CUMMINGS.
H.R. 1655: Mr. TURNER.
H.R. 1742: Mrs. MUSGRAVE, Mr. WALZ of Minnesota, Mr. MCNERNEY, Mr. WALBERG, Mr. TIERNEY, Mr. CARDOZA, and Mr. CARSON.
H.R. 1748: Mr. CAMP of Michigan.
H.R. 1845: Mr. WILSON of Ohio.
H.R. 1937: Mr. OBERSTAR.
H.R. 1967: Mr. FLAKE.
H.R. 1992: Mr. COOPER and Mr. GONZALEZ.
H.R. 2032: Mr. HALL of New York, Ms. SOLIS, and Mr. HINCHEY.
H.R. 2042: Mr. BAIRD.
H.R. 2140: Ms. BALDWIN.
H.R. 2329: Ms. ESHOO.
H.R. 2549: Mr. COHEN.
H.R. 2550: Mr. ALLEN, Mr. SHADEGG, Mr. CARNEY, and Mr. WITTMAN of Virginia.
H.R. 2578: Ms. TSONGAS and Mr. CARSON.
H.R. 2593: Ms. CLARKE.
H.R. 2611: Mr. HINOJOSA and Ms. DELAURO.
H.R. 2648: Mr. FARR.
H.R. 2676: Mr. WOLF.
H.R. 2734: Mrs. BIGGERT, Mr. DEAL of Georgia, and Mr. WITTMAN of Virginia.
H.R. 2894: Mr. COSTA, Mr. ROGERS of Alabama, and Ms. RICHARDSON.
H.R. 2909: Mr. FARR.
H.R. 2944: Mr. BISHOP of Georgia.
H.R. 2953: Mr. WITTMAN of Virginia.
H.R. 2964: Mr. PALLONE.
H.R. 3036: Mr. ALTMIRE and Mr. MARSHALL.
H.R. 3054: Mr. CARSON and Mr. MILLER of North Carolina.
H.R. 3066: Mr. PAUL.
H R 3089: Mr. WALBERG, Mr. DAVIS of Kentucky, and Mrs. BACHMANN.
H.R. 3094: Mr. PASTOR.
H.R. 3132: Mr. YOUNG of Alaska.
H.R. 3202: Ms. JACKSON-LEE of Texas.

H.R. 3229: Mrs. CAPITO.
H.R. 3232: Mr. MCCRERY, Mr. CLYBURN, Ms. HARMAN, and Mr. CARTER.
H.R. 3289: Mr. SCOTT of Virginia, Mr. KUCINICH, Mr. WU, Mrs. MCCARTHY of New York, and Ms. WOOLSEY.
H.R. 3298: Mr. KAGEN.
H.R. 3366: Mr. JACKSON of Illinois, Ms. SCHAKOWSKY, and Ms. LEE.
H.R. 3438: Mr. TOWNS.
H.R. 3439: Ms. ESHOO.
H.R. 3463: Mr. MEEKS of New York.
H.R. 3480: Mr. WITTMAN of Virginia, Mr. HOLDEN, Mr. POE, and Mr. PLATTS.
H.R. 3543: Mr. WAXMAN, Mr. PAYNE, and Mr. SARBANES.
H.R. 3544: Mr. KAGEN, Mr. ELLSWORTH, Mr. JEFFERSON, Mr. LAMPSON, and Mr. GONZALEZ.
H.R. 3622: Ms. VELÁZQUEZ and Mr. FRANKS of Arizona.
H.R. 3642: Mr. CARSON.
H.R. 3663: Mr. OBEY.
H.R. 3670: Mr. BAIRD.
H.R. 3726: Mr. ISRAEL.
H.R. 3750: Mr. SCOTT of Georgia.
H.R. 3819: Mr. WATT.
H.R. 3865: Mr. ROSS.
H.R. 3934: Mr. MAHONEY of Florida and Mr. GRIJALVA.
H.R. 3944: Mr. ABERCROMBIE.
H.R. 4053: Mr. ELLISON and Mr. BERMAN.
H.R. 4061: Mr. EMANUEL.
H.R. 4089: Mr. STARK and Mr. PALLONE.
H.R. 4105: Mr. HIGGINS and Mr. MAHONEY of Florida.
H.R. 4157: Mr. MILLER of Florida.
H.R. 4188: Mr. FARR.
H.R. 4221: Mr. GONZALEZ.
H.R. 4248: Mrs. CUBIN, Mrs. MALONEY of New York, and Ms. ZOE LOFGREN of California.
H.R. 4449: Mr. HARE.
H.R. 4450: Mr. WOLF, Mr. TOWNS, and Mr. HALL of New York.
H.R. 4611: Mr. RAHALL.
H.R. 4836: Ms. BEAN.
H.R. 4883: Ms. HERSETH SANDLIN.
H.R. 4884: Ms. HERSETH SANDLIN.
H.R. 4900: Mr. REYNOLDS, Mr. ELLSWORTH, Ms. FALLIN, Mr. BARTLETT of Maryland, Mr. CUELLAR, and Mrs. MYRICK.
H.R. 4926: Mr. BISHOP of Georgia.
H.R. 4930: Mr. ELLISON.
H.R. 5106: Mr. FALEOMAVAEGA.
H.R. 5131: Mr. SENSENBRENNER and Mr. YOUNG of Alaska.
H.R. 5244: Mr. WAXMAN, Mr. CARNAHAN, Mr. JOHNSON of Georgia, Mr. STUPAK, and Ms. TSONGAS.
H.R. 5263: Mr. WALDEN of Oregon.
H.R. 5312: Mr. SHERMAN.
H.R. 5315: Mr. FILNER.
H.R. 5352: Mr. CONYERS and Mr. SCOTT of Virginia.
H.R. 5405: Mr. DEAL of Georgia.
H.R. 5440: Mr. BOEHNER, Mrs. BACHMANN, and Mr. DAVIS of Kentucky.
H.R. 5443: Mr. AKIN, Mr. MILLER of Florida, and Mr. INGLIS of South Carolina.
H.R. 5446: Mr. TERRY.
H.R. 5449: Mr. JACKSON of Illinois.
H.R. 5469: Mr. CARNAHAN.
H.R. 5473: Mr. FOSTER, Mr. ELLSWORTH, Mr. COURTNEY, Mr. UDALL of Colorado, Ms. TSONGAS, Mr. LEVIN, Mr. KENNEDY, Mr. KAGEN, Mr. OLVER, Mr. LOEBSACK, Mr. SHULER, Mr. ALTMIRE, Mr. HALL of New York, Mr. SARBANES, Mr. ARCURI, Mr. PATRICK MURPHY of Pennsylvania, Mrs. GILLIBRAND, and Mr. ENGEL.
H.R. 5488: Mr. MORAN of Virginia, Mr. CLAY, Mr. CUMMINGS, Mr. OLVER, Mr. STARK, and Mr. LEWIS of Georgia.
H.R. 5510: Mr. SCHIFF.
H.R. 5515: Mr. HALL of Texas, Mr. MCCAUL of Texas, and Mr. KLINE of Minnesota.
H.R. 5519: Ms. CLARKE.
H.R. 5532: Mr. MORAN of Virginia.
H.R. 5534: Mr. MCDERMOTT, Mr. BRALEY of IOWA, Mr. TOWNS, Mr. INSLEE, and Mr. PRICE of North Carolina.
H.R. 5543: Mr. COHEN.
H.R. 5552: Ms. TSONGAS and MR. BRALEY of Iowa.
H.R. 5554: Mr. KENNEDY.
H.R. 5579: Mr. SHERMAN.
H.R. 5595: Mr. HODES.
H.R. 5596: Ms. GINNY BROWN-WAITE of Florida, Mr. BLUNT, Mr. ALEXANDER, and Mr. SHULER.
H.R. 5609: Mr. STARK.
H.R. 5627: Mr. TERRY.
H.R. 5629: Mr. THOMPSON of California and Mr. BILBRAY.
H.R. 5632: Mr. MOORE of Kansas.
H.R. 5635: Mr. MEEKS of New York.
H.R. 5646: Mr. TERRY.
H.R. 5656: Mr. LATTA and Mr. JONES of North Carolina.
H.R. 5669: Mr. HAYES.
H.R. 5672: Mrs. LOWEY.
H.R. 5674: Mr. CARNEY, Mr. POE, Mr. ALEXANDER, Mr. SMITH of Washington, Mr. ROSS, Mr. TIAHRT, and Mr. GENE GREEN of Texas.
H.R. 5684: Mr. KLINE of Minnesota and Mr. MOORE of Kansas.
H.R. 5692: Mr. MCGOVERN and Mr. DAVIS of Illinois.
H.R. 5696: Mr. TERRY.
H.R. 5699: Mrs. BACHMANN, Mr. BURTON of Indiana, Mr. ISSA, Mrs. MYRICK, and Mr. PITTS.
H.R. 5716: Mr. LEWIS of Georgia.
H.R. 5723: Mr. SHAYS and Mr. RAMSTAD.
H.R. 5731: Mr. SHULER, Mrs. BOYDA of Kansas, and Mr. SAM JOHNSON of Texas.
H.R. 5737: Mr. TERRY and Mr. WITTMAN of Virginia.
H.R. 5740: Mr. KLINE of Minnesota, Mr. RENZI, Mr. HODES, and Mr. ARCURI.
H.R. 5747: Mrs. NAPOLITANO.
H.R. 5749: Mr. ANDREWS and Ms. LEE.
H.R. 5761: Mrs. BLACKBURN, Mr. ENGLISH of Pennsylvania, and Mrs. MYRICK.
H.R. 5771: Mr. UPTON.
H.R. 5774: Mr. MICHAUD, Mr. HARE, Mr. WEXLER, Mr. WYNN, Mr. FATTAH, and Mr. HINOJOSA.
H.R. 5780: Mr. BERRY.
H.R. 5782: Mr. GOODE and Mrs. MUSGRAVE.
H.R. 5787: Mr. BOYD of Florida, Ms. HARMAN, and Mr. HILL.
H.R. 5793: Mr. DAVIS of Alabama and Mr. GALLEGLY.
H.R. 5794: Mr. BISHOP of Utah, Mr. KLINE of Minnesota, and Mr. UPTON.
H.R. 5797: Mrs. MYRICK.
H.R. 5805: Mrs. MCMORRIS RODGERS, Mrs. MUSGRAVE, and Mr. HELLER.
H.R. 5816: Mr. PORTER, Mrs. MYRICK, Mr. CULBERSON, Mrs. MUSGRAVE, Mr. LOBIONDO, Mr. BONNER, and Mr. YOUNG of Alaska.
H.R. 5818: Ms. TSONGAS and Mr. SHERMAN.
H.R. 5821: Mr. WITTMAN of Virginia.
H.R. 5825: Mr. GOODLATTE, Mr. FOSTER, Mr. GENE GREEN of Texas, Mr. MARCHANT, Mr. HENSARLING, Mr. HOBSON, Mr. MANZULLO, Mr. REGULA, and Mr. INGLIS of South Carolina.
H.R. 5829: Ms. CLARKE.
H.R. 5833: Mr. HALL of New York.
H.R. 5846: Mr. DOYLE.
H.R. 5857: Mr. KLINE of Minnesota, Mr. HASTINGS of Washington, Mrs. DRAKE, Mr. MCCAUL of Texas, Mr. WITTMAN of Virginia, Mr. DREIER, Mr. YOUNG of Alaska, and Mr. KING of New York.
H.R. 5868: Mr. YOUNG of Alaska and Mr. WHITFIELD of Kentucky.
H.J. Res. 68: Mrs. CHRISTENSEN and Ms. BORDALLO.
H.J. Res. 80: Mr. HONDA and Mr. STARK.
H. Con. Res. 134: Mr. CARSON.
H. Con. Res. 163: Mr. SCHIFF.
H. Con. Res. 195: Mr. HALL of Texas.
H. Con. Res. 216: Mr. HALL of Texas, Mr. YOUNG of Alaska, Mr. WILSON of South Carolina, Mr. SHUSTER, Mrs. BLACKBURN, Mr. BARTON of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. MCCARTHY of California, Mr. SHIMKUS, Mr. GOHMERT, Mr. THORNBERRY, Mr. CALVERT, Mr. FEENEY, Mr. GENE GREEN of Texas, Ms. JACKSON-LEE of Texas, Mr. NUNES, Mr. KUHL of New York, Mr. BROWN of South Carolina, Mr. BOUSTANY, Mr. BARTLETT of Maryland, Mr. GONZALEZ, Mr. ROSKAM, Mr. TERRY, Ms. FOXX, Mr. BILBRAY, Mr. GARY G. MILLER of California, Mr. TIAHRT, Mr. KELLER, Mr. DAVIS of Kentucky, and Mr. POMEROY.
H. Con. Res. 241: Mr. WYNN.
H. Con. Res. 263: Mr. HULSHOF.
H. Con. Res. 317: Mr. MARSHALL and Mr. LANGEVIN.
H. Con. Res. 318: Mr. SPRATT.
H. Con. Res. 320: Mrs. MCMORRIS RODGERS and Mr. SPRATT.
H. Con. Res. 321: Ms. MCCOLLUM of Minnesota and Mr. MCDERMOTT.
H. Con. Res. 322: Mr. PRICE of North Carolina and Mr. MCDERMOTT.
H. Con. Res. 331: Ms. WASSERMAN SCHULTZ, Mr. TOWNS, Ms. MCCOLLUM of Minnesota, Ms. BORDALLO, Mr. MCGOVERN, Mr. BISHOP of Georgia, Ms. JACKSON-LEE of Texas, and Mr. MORAN of Virginia.
H. Res. 258: Mr. STARK and Mr. SHAYS.
H. Res. 282: Mr. SCOTT of Virginia.
H. Res. 792: Mr. OLVER.
H. Res. 881: Mr. FRANKS of Arizona, Mr. SESSIONS, Mr. GINGREY, Mr. HENSARLING, Mr. PITTS, Mr. HERGER, Mr. LINDER, Mr. COBLE, and Mr. MILLER of Florida.
H. Res. 937: Mr. JOHNSON of Georgia.
H. Res. 977: Mr. BARROW, Mr. FORTENBERRY, Mr. CARDOZA, Ms. CLARKE, Mrs. NAPOLITANO, and Mr. OBERSTAR.
H. Res. 985: Mr. LEWIS of Georgia.
H. Res. 1008: Ms. ZOE LOFGREN of California and Mr. PLATTS.
H. Res. 1011: Mr. CLAY.
H. Res. 1019: Ms. CLARKE.
H. Res. 1022: Mr. FARR, Ms. HERSETH SANDLIN, Ms. SCHWARTZ, and Mr. GRIJALVA.
H. Res. 1029: Mr. STARK.
H. Res. 1037: Mrs. BOYDA of Kansas.
H. Res. 1054: Mr. COURTNEY.
H. Res. 1056: Mr. MEEKS of New York.
H. Res. 1062: Mr. GERLACH.
H. Res. 1067: Mr. LARSEN of Washington.
H. Res. 1069: Mr. LARSEN of Washington.
H. Res. 1079: Mr. FRANK of Massachusetts, Mr. LEWIS of Georgia, and Mr. LYNCH.
H. Res. 1093: Mr. STARK.
H. Res. 1104: Mrs. DAVIS of California, Mr. WILSON of Ohio, Mr. HONDA, Ms. MATSUI, Ms. ESHOO, and Mr. GONZALEZ.
H. Res. 1109: Ms. TSONGAS, Ms. NORTON, Ms. BORDALLO, Mr. WALZ of Minnesota, and Mr. FATTAH.
H. Res. 1110: Mr. HERGER, Mr. PLATTS, and Mr. PENCE.
H. Res. 1111: Mr. KAGEN, Mr. HILL, Mr. BOREN, Mr. SERRANO, Ms. CLARKE, Mr. HARE, Mr. SHULER, Mr. COURTNEY, Mr. YARMUTH, Mr. WILSON of Ohio, Ms. KAPTUR, Ms. SUTTON, Mr. JOHNSON of Georgia, and Mr. BARROW.
H. Res. 1115: Mr. MITCHELL.
H. Res. 1124: Mr. ALTMIRE, Ms. BALDWIN, Mr. BOSWELL, Mr. BRADY of Pennsylvania, Ms. CASTOR, Ms. DEGETTE, Mr. ELLISON, Mr. GENE GREEN of Texas, Mr. HARE, Mr. HILL, Mr. HOLDEN, Mr. ISSA, Mr. KILDEE, Mr. LEWIS of Georgia, Mr. MARKEY, Mr. MCGOVERN, Mr. MITCHELL, Mr. MORAN of Virginia, Mrs. MYRICK, Mr. RANGEL, Mr. SESTAK, Ms. SUTTON, Mr. WALZ of Minnesota, Mr. WYNN, Mr. BAIRD, Ms. BORDALLO, Mrs. BOYDA of Kansas, Mr. BRALEY of Iowa, Mr. COHEN, Mr. DAVIS of Illinois, Mr. EDWARDS, Mr. EMANUEL, Mr. GRIJALVA, Mr. HIGGINS, Mr. HINCHEY, Mr. HOLT, Mr. KENNEDY, Ms. LEE, Mrs. MALONEY of New York, Mrs. MCCARTHY of New York, Mr. MCNULTY, Ms. MOORE of Wisconsin, Mr. MURPHY of Connecticut, Mr. PAYNE, Mr. REYES, Mr. RYAN of Ohio, Mr. SPACE, Mr. TOWNS, Mr. WOLF, Mrs. NAPOLITANO, and Mr. BISHOP of Georgia.
H. Res. 1130: Ms. BORDALLO, Mr. BISHOP of Georgia, Mr. FOSSELLA, Mr. TIAHRT, Mrs.

MCCARTHY of New York, Mr. WITTMAN of Virginia, Mr. TERRY, Mr. GERLACH, Mrs. CAPITO, Mr. BARTON of Texas, Mr. CUMMINGS, Mr. REGULA, Mr. RADANOVICH, Mr. WALDEN of Oregon, and Mr. UDALL of Colorado.

H. Res. 1132: Mr. FOSSELLA, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. RAMSTAD, Mr. CHABOT, Mr. DREIER, Mr. TOWNS, Mr. WALDEN of Oregon, Mr. WALSH of New York, Mr. FERGUSON, Mr. KING of New York, Mr. LINCOLN DIAZ-BALART of Florida, Mr. BISHOP of Georgia, and Mr. KUHL of New York.

THURSDAY, APRIL 24, 2008 (47)

The House was called to order by the SPEAKER.

¶47.1 APPROVAL OF THE JOURNAL

The SPEAKER announced she had examined and approved the Journal of the proceedings of Wednesday, April 23, 2008.

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

¶47.2 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

6228. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Prothioconazole; Pesticide Tolerance [EPA-HQ-OPP-2007-0178; FRL-8353-2] received March 18, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6229. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; New Hampshire; Determination of Attainment of the Ozone Standard [EPA-R01-OAR-2008-0069; A-1-FRL-8543-4] received March 18, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6230. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Revisions to the Nevada State Implementation Plan; Stationary Source Permits [EPA-R09-OAR-2007-0165; FRL-8543-6] received March 18, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6231. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Ohio SO2 Air Quality Implementation Plans and Designation of Areas [EPA-R05-OAR-2006-0546; FRL-8534-4] received March 18, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6232. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Determination of Nonattainment and Reclassification of the Baton Rouge 8-Hour Ozone Nonattainment Area; State of Louisiana [EPA-R06-OAR-2007-0967; FRL-8544-6] received March 18, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6233. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Determination of Nonattainment and Reclassification of the Beaumont/Port Arthur 8-hour Ozone Nonattainment Area; State of Texas; Final Rule [EPA-R06-OAR-2007-0969; FRL-8543-5] received March 18, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6234. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — National Ambient Air Quality Standards for Ozone [EPA-HQ-OAR-2005-0172; FRL-8544-3] (RIN: 2060-AN24) received March 18, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6235. A letter from the White House Liaison, Department of Education, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

6236. A letter from the Chief Human Capital Officer, Department of Energy, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

6237. A letter from the White House Liaison, Department of Health and Human Services, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

6238. A letter from the White House Liaison, Department of Justice, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

6239. A letter from the Acting Associate Attorney General, Department of Justice, transmitting the Department's annual report on activities under the Freedom of Information Act for calendar year 2007, pursuant to 5 U.S.C. 552(d); to the Committee on Oversight and Government Reform.

6240. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's Annual No Fear Report to Congress for FY 2007, pursuant to Section 203 of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2003, Pub. L. 107-174; to the Committee on Oversight and Government Reform.

6241. A letter from the Attorney Advisor, Department of Transportation, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

6242. A letter from the Secretary, Department of Veterans Affairs, transmitting the Department's annual report for fiscal year 2007, in accordance with Section 203(a) of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act), Public Law 107-174; to the Committee on Oversight and Government Reform.

6243. A letter from the Chair, Equal Employment Opportunity Commission, transmitting the Commission's annual reports for FY 2007 prepared in accordance with Section 203 of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act), Public Law 107-174; to the Committee on Oversight and Government Reform.

6244. A letter from the United States Trade Representative, Executive Office of the President, transmitting a report on the Strategic Plan FY 2007 — FY 2012; to the Committee on Oversight and Government Reform.

6245. A letter from the Staff Director, Federal Election Commission, transmitting the Commission's annual report for FY 2007 prepared in accordance with the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act), Pub. L. 107-174; to the Committee on Oversight and Government Reform.

6246. A letter from the General Counsel, General Accountability Office, transmitting the information required pursuant to the annual reporting requirement set forth in Section 203 of the ''Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002'' (No Fear), Pub. L. 107-174; to the Committee on Oversight and Government Reform.

6247. A letter from the Chairman, Merit Systems Protection Board, transmitting the Board's report entitled, ''In Search of Highly Skilled Workers: A Study on the Hiring of Upper Level Employees from Outside the Federal Government,'' pursuant to 5 U.S.C. 1204(a)(3); to the Committee on Oversight and Government Reform.

6248. A letter from the Chairman, Merit Sytems Protection Board, transmitting the Board's annual report pursuant to the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002; to the Committee on Oversight and Government Reform.

6249. A letter from the Director, Office of Federal Housing Enterprise Oversight, transmitting the Office's FY 2007 Annual Report required by Section 203 of the Notification and Federal Antidiscrimination and Retaliation Act of 2002, Pub. L. 107-174; to the Committee on Oversight and Government Reform.

6250. A letter from the Director, Office of Personnel Management, transmitting a copy of a legislative proposal entitled, ''Grade Retention Modification Act of 2008''; to the Committee on Oversight and Government Reform.

6251. A letter from the Chairman, President's Council on Integrity and Efficiency, transmitting the Council's annual report entitled, ''A Progress Report to the President, Fiscal Year 2007''; to the Committee on Oversight and Government Reform.

6252. A letter from the President and Chief Executive Officer, Tennessee Valley Authority, transmitting the Authority's Annual Performance Report for FY 2007, in accordance with the requirements of the Government Performance and Results Act of 1993; to the Committee on Oversight and Government Reform.

6253. A letter from the Executive Vice President and Chief Human Resources Officer, U.S. Postal Service, transmitting the Service's annual report for fiscal year 2007, in accordance with Section 203 of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act), Public Law 107-174; to the Committee on Oversight and Government Reform.

6254. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747-100, 747-100B, 747-100B SUD, 747-200B, 747-200C, 747-200F, 747-300, 747-400, 747-400D, 747-400F, 747SR, and 747SP Series Airplanes [Docket No. FAA-2008-0411; Directorate Identifier 2007-NM-291-AD; Amendment 39-15326; AD 2004-07-22 R1] (RIN: 2120-AA64) received April 10, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6255. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 737-300, -400, and -500 Series Airplanes [Docket No. FAA-2007-28921; Directorate Identifier 2007-NM-091-AD; Amendment 39-15371; AD 2008-03-20] (RIN: 2120-AA64) received April 10, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6256. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model CL-600-2B19 (Regional Jet Series 100 & 440) Airplanes [Docket No. FAA-2007-0262; Directorate Identifier 2007-NM-247-AD; Amendment 39-15370; AD 2008-03-19] (RIN: 2120-AA64) received April

10, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6257. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Saab Model SAAB SF340A and Model SAAB 340B Airplanes [Docket No. FAA-2007-0298; Directorate Identifier 2007-NM-238-AD; Amendment 39-15369; AD 2008-03-18] (RIN: 2120-AA64) received April 10, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6258. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Saab Model SAAB SF340A and SAAB 340B Airplanes [Docket No. FAA-2007-0212; Directorate Identifier 2007-NM-237-AD; Amendment 39-15368; AD 2008-03-17] (RIN: 2120-AA64) received April 10, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6259. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Fokker Model F.27 Mark 050 Airplanes [Docket No. FAA-2008-0153; Directorate Identifier 2007-NM-243-AD; Amendment 39-15372; AD 2008-03-21] (RIN: 2120-AA64) received April 10, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6260. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Eurocopter Deutschland GmbH Model EC135 Helicopters [Docket No. FAA-2008-0101; Directorate Identifier 2007-SW-76-AD; Amendment 39-15357; AD 2007-26-51] (RIN: 2120-AA64) received April 10, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6261. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; CFM International, S.A. CFM56-7B Series Turbofan Engines [Docket No. FAA-2007-27229; Directorate Identifier 2007-NE-03-AD; Amendment 39-15359; AD 2008-03-09] (RIN: 2120-AA64) received April 10, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6262. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Cessna Aircraft Company Models 525, 525A, and 525B Airplanes [Docket No. FAA-2007-28956; Directorate Identifier 2007-CE-068-AD; Amendment 39-15360; AD 2008-03-10] (RIN: 2120-AA64) received April 10, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6263. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747-100, 747-100B, 747-100B SUD, 747-200B, 747-200C, 747-200F, 747-300, 747-400, 747-400D, 747-400F, 747SR, and 747SP Series Airplanes; and Model 767-200 and -300 Series Airplanes; Equipped with Certain Goodrich Evacuation Systems [Docket No. FAA-2007-28299; Directorate Identifier 2005-NM-139-AD; Amendment 39-15354; AD 2008-03-05] (RIN: 2120-AA64) received April 10, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6264. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; ATR Model ATR42-500 Airplanes [Docket No. FAA-2008-0121; Directorate Identifier 2007-NM-277-AD; Amendment 39-15363; AD 2008-03-13] (RIN: 2120-AA64) received April 10, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6265. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; EADS SOCATA Model TBM 700 Airplanes [Docket No. FAA-2007-0349 Directorate Identifier 2007-CE-094-AD; Amendment 39-15366; AD 2008-03-15] (RIN: 2120-AA64) received April 10, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6266. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Saab Model SAAB 2000 Airplanes [Docket No. FAA-2007-0299; Directorate Identifier 2007-NM-239-AD; Amendment 39-15358; AD 2008-03-08] (RIN: 2120-AA64) received April 10, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6267. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model DC-8-11, DC-8-12, DC-8-21, DC-8-31, DC-8-32, DC-8-33, DC-8-41, DC-8-42, and DC-8-43 Airplanes; Model DC-8F-54 and DC-8F-55 Airplanes; Model DC-8-50, -60, -60F, -70, and -70F Series Airplanes; Model DC-9-10, -20, -30, -40, and -50 Series Airplanes; Model DC-9-81 (MD-81), DC-9-82 (MD-82), DC-9-83 (MD-83), and DC-9-87 (MD-87) Airplanes; and Model MD-88 Airplanes [Docket No. FAA-2007-29061; Directorate Identifier 2006-NM-243-AD; Amendment 39-15362; AD 2008-03-12] (RIN: 2120-AA64) Received April 10, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6268. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Alpha Aviation Design Limited Model R2160 Airplanes [Docket No. FAA-2007-0249; Directorate Identifier 2007-CE-088-AD; Amendment 39-15361; AD 2008-03-11] (RIN: 2120-AA64) received April 10, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6269. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Rolls Royce plc RB211 Series Turbofan Engines [Docket No. FAA-2007-27824; Directorate Identifier 2003-NE-12-AD; Amendment 39-15364; AD 2006-11-05R2] (RIN: 2120-AA64) received April 10, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6270. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A300, A310, and A300-600 Series Airplanes [Docket No. FAA-2007-29336; Directorate Identifier 2007-NM-143-AD; Amendment 39-15373; AD 2008-04-01] (RIN: 2120-AA64) received April 10, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6271. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Viking Air Limited Model (Caribou) DHC-4 and (Caribou) DHC-4A Airplanes; and Boeing Model 747-100, 747-100B, 747-100B SUD, 747-200B, 747-200C, 747-200F, 747-300, 747-400, 747-400D, 747-400F, 747SR, and 747SP Series Airplanes [Docket Nos. FAA-2007-0410, FAA-2007-0411, and FAA-2007-0412; Directorate Identifiers 2007-NM-338-AD, 2007-NM-291-AD, and 2007-NM-290-AD; Amendments 39-15325, 39-15326, 39-15327; ADs 2008-01-02, 2004-07-22 R1, and 90-25-05 R1] (RIN: 2120-AA64) Received April 10, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6272. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Viking Air Limited Model (Caribou) DHC-4 and (Caribou) DHC-4A Airplanes [Docket No. FAA-2008-0410; Directorate Identifier 2007-NM-338-AD; Amendment 39-15325; AD 2008-01-02] (RIN: 2120-AA64) received April 10, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6273. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB-135ER, -135KE, -135KL, and -135LR Airplanes and Model EMB-145, -145ER, -145MR, -145LR, -145XR, -145MP, and -145EP Airplanes [Docket No. FAA-2007-28987; Directorate Identifier 2007-NM-127-AD; Amendment 39-15269; AD 2007-24-03] (RIN: 2120-AA64) received April 10, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6274. A letter from the Acting Chief, Border Security Regulations Branch, Department of Homeland Security, transmitting the Department's ''Major'' final rule — Documents Required for Travelers Departing From or Arriving in the United States at Sea and Land Ports-of-Entry from Within the Western Hemisphere [USCBP 2007-0061] (RIN: 1651-AA69) received April 3, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Homeland Security.

¶47.3 MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed a bill and agreed to a concurrent resolution of the following titles in which the concurrence of the House is requested:

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

S. Con. Res. 77. A concurrent resolution supporting the goals and ideals of National Sexual Assault Awareness and Prevention Month 2008.

¶47.4 COAST GUARD AUTHORIZATION FY 2008

The SPEAKER pro tempore, Mr. COSTA, pursuant to House Resolution 1126 and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 2830) to authorize appropriations for the Coast Guard for fiscal year 2008, and for other purposes.

The SPEAKER pro tempore, Mr. COSTA, by unanimous consent, designated Mr. MCNULTY as Chairman of the Committee of the Whole; and after some time spent therein,

The Committee rose informally to receive a message from the Senate.

The SPEAKER pro tempore, Mrs. TAUSCHER, assumed the Chair.

¶47.5 FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 2903. An Act to amend Public Law 110–196 to provide for a temporary extension of programs authorized by the Farm Security

and Rural Investment Act of 2002 beyond April 25, 2008.

The Committee resumed its sitting; and after some further time spent therein,

The SPEAKER pro tempore, Ms. LOFGREN of California, assumed the Chair.

When Mrs. JONES of Ohio, Chairman, reported that the Committee, having had under consideration said bill, had come to no resolution thereon.

¶47.6 FARM SECURITY AND RURAL INVESTMENT

On motion of Mr. HOLDEN, by unanimous consent, the bill of the Senate (S. 2903) to amend Public Law 110-196 to provide for a temporary extension of programs authorized by the Farm Security and Rural Investment Act of 2002 beyond April 25, 2008; was taken from the Speaker's table.

When said bill was considered, read twice, ordered to be read a third time, was read a third time by title, and passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶47.7 COAST GUARD AUTHORIZATION FY 2008

The SPEAKER pro tempore, Ms. LOFGREN of California, pursuant to House Resolution 1126 and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 2830) to authorize appropriations for the Coast Guard for fiscal year 2008, and for other purposes.

Mrs. JONES of Ohio, Acting Chairman, assumed the chair; and after some time spent therein,

¶47.8 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 4, printed in House Report 110-604, submitted by Mr. POE:

At the end of the bill add the following new title:

TITLE ___—ADDITIONAL MISCELLANEOUS PROVISIONS

SEC. ___. OPERATION OF SUBMERSIBLE OR SEMI-SUBMERSIBLE VESSEL WITHOUT NATIONALITY.

(a) IN GENERAL.—Chapter 111 of title 18, United States Code, is amended by adding at the end the following new section:

''§ 2285. Operation of submersible or semi-submersible vessel without nationality

''(a) FINDINGS AND DECLARATIONS.—Congress finds and declares that operating or embarking in a submersible or semi-submersible vessel without nationality and on an international voyage is a serious international problem, facilitates transnational crime, including drug trafficking, and terrorism, and presents a specific threat to the safety of maritime navigation and the security of the United States.

''(b) OFFENSES.—

''(1) IN GENERAL.—Whoever knowingly or intentionally operates by any means or embarks in any submersible or semi-submersible vessel that is without nationality and that is navigating or has navigated into, through or from waters beyond the outer limit of the territorial sea of a single country or a lateral limit of that country's territorial sea with an adjacent country, shall be punished as prescribed in subsection (h).

''(2) ATTEMPTS AND CONSPIRACIES.—Whoever attempts or conspires to violate this section shall be punished as prescribed in subsection (h).

''(c) DEFINITIONS.—In this section, the term—

''(1) 'submersible vessel' means a vessel that is capable of operating below the surface of the water, and includes manned and unmanned watercraft.

''(2) 'semi-submersible vessel' means any watercraft constructed or adapted to be capable of putting much of its bulk under the surface of the water.

''(3) 'vessel without nationality' has the same meaning as section 70502(d) of title 46.

''(d) EXTRATERRITORIAL JURISDICTION.—There is extraterritorial Federal jurisdiction over the offenses described in this section, including an attempt or conspiracy to commit such offense.

''(e) CLAIM OF NATIONALITY OR REGISTRY.—

''(1) A claim of nationality or registry under this section includes only—

''(A) possession on board the vessel and production of documents evidencing the vessel's nationality as provided in article 5 of the 1958 Convention on the High Seas;

''(B) flying its nation's ensign or flag; or

''(C) a verbal claim of nationality or registry by the master or individual in charge of the vessel.

''(2) The failure of any submersible or semi-submersible vessel to display registry numbers or a national ensign or flag shall create a rebuttable presumption that the vessel is without nationality, as defined in this section.

''(f) FEDERAL ACTIVITIES.—Nothing in this section applies to lawfully authorized activities carried out by or at the direction of the United States Government.

''(g) APPLICABILITY OF OTHER PROVISIONS.—Sections 70504 and 70505 of title 46 apply to this section.

''(h) PENALTIES.—

''(1) VIOLATIONS.—A person violating this section shall be fined under this title, imprisoned not more than 20 years, or both.

''(2) CONSECUTIVE SENTENCE.—Notwithstanding any other provision of law, a term of imprisonment imposed under this section shall be consecutive to the sentence of imprisonment for any other offense.''.

(b) CONFORMING AMENDMENT.—The table of sections for chapter 111 of title 18, United States Code, is amended by adding at the end the following new item:

''2285. Operation of submersible or semi-submersible vessel without nationality.''.

It was decided in the affirmative ..... { Yeas ..... 408 / Nays 1

¶47.9 [Roll No. 220]

AYES—408

Abercrombie	Bartlett (MD)	Blunt
Ackerman	Barton (TX)	Boehner
Aderholt	Bean	Bonner
Akin	Becerra	Bono Mack
Allen	Berkley	Boozman
Altmire	Berman	Bordallo
Arcuri	Berry	Boren
Baca	Biggert	Boswell
Bachmann	Bilbray	Boucher
Bachus	Bilirakis	Boustany
Baird	Bishop (GA)	Boyd (FL)
Baldwin	Bishop (NY)	Boyda (KS)
Barrett (SC)	Bishop (UT)	Brady (PA)
Barrow	Blumenauer	Brady (TX)
Braley (IA)	Goode	McGovern
Broun (GA)	Goodlatte	McHenry
Brown (SC)	Gordon	McHugh
Brown, Corrine	Granger	McIntyre
Buchanan	Graves	McKeon
Burton (IN)	Green, Al	McMorris Rodgers
Butterfield	Green, Gene	McNerney
Buyer	Grijalva	McNulty
Calvert	Gutierrez	Meek (FL)
Camp (MI)	Hall (NY)	Meeks (NY)
Cannon	Hall (TX)	Melancon
Cantor	Hare	Mica
Capito	Harman	Michaud
Capps	Hastings (FL)	Miller (FL)
Capuano	Hastings (WA)	Miller (MI)
Cardoza	Hayes	Miller (NC)
Carnahan	Heller	Miller, Gary
Carney	Hensarling	Miller, George
Carson	Herger	Mitchell
Carter	Herseth Sandlin	Mollohan
Castle	Hill	Moore (KS)
Castor	Hinchey	Moore (WI)
Chabot	Hinojosa	Moran (KS)
Chandler	Hirono	Moran (VA)
Christensen	Hobson	Murphy (CT)
Clarke	Hodes	Murphy, Patrick
Clay	Hoekstra	Murphy, Tim
Cleaver	Holden	Murtha
Clyburn	Holt	Musgrave
Coble	Honda	Myrick
Cohen	Hooley	Napolitano
Cole (OK)	Hoyer	Neal (MA)
Conaway	Hunter	Neugebauer
Conyers	Inglis (SC)	Norton
Cooper	Inslee	Nunes
Costa	Israel	Oberstar
Costello	Issa	Obey
Courtney	Jackson (IL)	Olver
Crenshaw	Jackson-Lee (TX)	Ortiz
Crowley	Jefferson	Pallone
Cubin	Johnson (GA)	Pastor
Cuellar	Johnson (IL)	Payne
Culberson	Johnson, E. B.	Pearce
Cummings	Johnson, Sam	Pence
Davis (AL)	Jones (NC)	Perlmutter
Davis (CA)	Jones (OH)	Peterson (MN)
Davis (IL)	Jordan	Peterson (PA)
Davis (KY)	Kagen	Petri
Davis, David	Kanjorski	Pickering
Davis, Lincoln	Kaptur	Pitts
Davis, Tom	Keller	Platts
Deal (GA)	Kennedy	Poe
DeFazio	Kildee	Pomeroy
DeGette	Kilpatrick	Price (GA)
Delahunt	King (IA)	Price (NC)
DeLauro	King (NY)	Putnam
Dent	Kingston	Radanovich
Diaz-Balart, M.	Kirk	Rahall
Dicks	Klein (FL)	Ramstad
Dingell	Kline (MN)	Rangel
Donnelly	Knollenberg	Regula
Doolittle	Kucinich	Rehberg
Doyle	Kuhl (NY)	Reichert
Drake	Lamborn	Renzi
Dreier	Lampson	Reyes
Duncan	Langevin	Reynolds
Edwards	Larsen (WA)	Richardson
Ehlers	Larson (CT)	Rodriguez
Ellison	Latham	Rogers (AL)
Ellsworth	LaTourette	Rogers (KY)
Emanuel	Latta	Rogers (MI)
Emerson	Lee	Rohrabacher
Engel	Levin	Ros-Lehtinen
English (PA)	Lewis (CA)	Roskam
Eshoo	Lewis (GA)	Ross
Etheridge	Lewis (KY)	Rothman
Fallin	Linder	Roybal-Allard
Farr	Lipinski	Royce
Fattah	LoBiondo	Ruppersberger
Ferguson	Loebsack	Ryan (OH)
Filner	Lofgren, Zoe	Salazar
Flake	Lowey	Sali
Forbes	Lucas	Sánchez, Linda T.
Fortenberry	Lynch	Sanchez, Loretta
Fortuño	Mack	Sarbanes
Fossella	Mahoney (FL)	Saxton
Foster	Maloney (NY)	Schakowsky
Foxx	Manzullo	Schiff
Frank (MA)	Marchant	Schmidt
Franks (AZ)	Markey	Schwartz
Frelinghuysen	Marshall	Scott (GA)
Gallegly	Matheson	Scott (VA)
Garrett (NJ)	Matsui	Sensenbrenner
Gerlach	McCarthy (CA)	Serrano
Giffords	McCarthy (NY)	Sessions
Gilchrest	McCaul (TX)	Sestak
Gillibrand	McCollum (MN)	Shadegg
Gingrey	McCotter	Shays
Gohmert	McDermott	
Gonzalez		

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

NOES—1

Paul

NOT VOTING—27

Alexander
Andrews
Blackburn
Brown-Waite, Ginny
Burgess
Campbell (CA)
Cramer
Diaz-Balart, L.
Doggett
Everett
Faleomavaega
Feeney
Higgins
Hulshof
Kind
LaHood
Lungren, Daniel E.
McCrery
Nadler
Pascrell
Porter
Pryce (OH)
Rush
Ryan (WI)
Udall (NM)
Waxman
Weller

So the amendment was agreed to.

¶47.10 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 5, printed in House Report 110-604, submitted by Mr. MCNERNEY:

At the end of the bill add the following new title.

TITLE ___—ADDITIONAL MISCELLANEOUS PROVISIONS

SEC. ___. LEGAL AUTHORITY OF THE COAST GUARD TO CARRY OUT ITS HOMELAND SECURITY MISSIONS NOT IMPAIRED.

The provisions of this Act governing the marine safety mission of the Coast Guard shall not impair the legal authority of the Coast Guard to carry out its homeland security missions including—

(1) protecting ports, waterways, coastal security, and the marine transportation system from an act of terrorism;

(2) securing our borders against aliens seeking to unlawfully enter the United States, illegal drugs, firearms, and weapons of mass destruction at ports, waterways, and throughout the marine transportation system;

(3) preventing human smuggling operations at ports, waterways, and throughout the marine transportation system;

(4) maintaining defense readiness to rapidly deploy defensive port operations and security operations and environmental defense operations;

(5) coordinating efforts and intelligence with Federal, State, and local agencies to deter, detect, and respond to the threat of terrorism at ports, on waterways, and throughout the marine transportation system;

(6) preventing Osama Bin Laden, al Qaeda, or any other terrorist or terrorist organization from attacking the United States or any United States person;

(7) protecting the United States or any United States person from threats posed by weapons of mass destruction or other threats to national security.

It was decided in the affirmative ..... { Yeas ..... 408 / Nays 0

¶47.11 [Roll No. 221]

AYES—408

Abercrombie
Ackerman
Aderholt
Akin
Allen
Altmire
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blunt
Boehner
Bonner
Bono Mack
Boozman
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Buchanan
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Fallin
Farr
Fattah
Ferguson
Filner
Flake
Forbes
Fortenberry
Fortuño
Fossella
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Napolitano
Neal (MA)
Neugebauer
Norton
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Price (GA)
Price (NC)
Putnam
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—28

Alexander
Andrews
Blackburn
Blumenauer
Brown-Waite, Ginny
Burgess
Campbell (CA)
Cramer
Doggett
Everett
Faleomavaega
Feeney
Higgins
Hulshof
LaHood
Loebsack
Marshall
Nadler
Pascrell
Porter
Pryce (OH)
Radanovich
Reynolds
Rush
Ryan (WI)
Udall (NM)
Weller
Yarmuth

So the amendment was agreed to.

After some further time,

The SPEAKER pro tempore, Mr. SERRANO, assumed the Chair.

When Mr. JACKSON of Illinois, Acting Chairman, pursuant to House Resolution 1126, reported the bill back to the House with an amendment adopted by the Committee.

The previous question having been ordered by said resolution.

The following amendment, reported from the Committee of the Whole House on the state of the Union, was agreed to:

Strike out all after the enacting clause and insert:

SECTION 1. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF CONTENTS.

(a) DIVISIONS.—This Act is organized into two divisions as follows:

(1) Division A—Coast Guard Authorization Act of 2008.

(2) Division B—Alien Smuggling and Terrorism Prevention Act of 2008.

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

Sec. 1. Organization of Act into divisions; table of contents.

DIVISION A—COAST GUARD AUTHORIZATION ACT OF 2008

TITLE I—AUTHORIZATION

Sec. 100. Short title.
Sec. 101. Authorization of appropriations.
Sec. 102. Authorized levels of military strength and training.

Sec. 103. Transfer of bridge administration program authority and functions.

TITLE II—COAST GUARD

Sec. 201. Appointment of civilian Coast Guard judges.
Sec. 202. Industrial activities.
Sec. 203. Reimbursement for medical-related travel expenses.
Sec. 204. Commissioned officers.
Sec. 205. Coast Guard participation in the Armed Forces Retirement Home (AFRH) system.
Sec. 206. Grants to international maritime organizations.
Sec. 207. Emergency leave retention authority.
Sec. 208. Enforcement authority.
Sec. 209. Repeal.
Sec. 210. Admirals and Vice Admirals.
Sec. 211. Merchant Mariner Medical Advisory Committee.
Sec. 212. Reserve commissioned warrant officer to lieutenant program.
Sec. 213. Enhanced status quo officer promotion system.
Sec. 214. Laser Training System.
Sec. 215. Coast Guard vessels and aircraft.
Sec. 216. Coast Guard District Ombudsmen.
Sec. 217. Ensuring contracting with small business concerns and disadvantaged business concerns.
Sec. 218. Assistant Commandant for Port and Waterway Security.
Sec. 219. Small business procurements.
Sec. 220. Enforcement of coastwise trade laws.
Sec. 221. Nomination and appointment of cadets at the Coast Guard Academy.
Sec. 222. Policy on sexual harassment and sexual violence at the Coast Guard Academy.
Sec. 223. Home port of Coast Guard vessels in Guam.

TITLE III—SHIPPING AND NAVIGATION

Sec. 301. Vessel size limits.
Sec. 302. Goods and services.
Sec. 303. Seaward extension of anchorage grounds jurisdiction.
Sec. 304. Maritime Drug Law Enforcement Act amendment-simple possession.
Sec. 305. Technical amendments to tonnage measurement law.
Sec. 306. Cold weather survival training.
Sec. 307. Fishing vessel safety.
Sec. 308. Mariner records.
Sec. 309. Deletion of exemption of license requirement for operators of certain towing vessels.
Sec. 310. Adjustment of liability limits for natural gas deepwater ports.
Sec. 311. Period of limitations for claims against Oil Spill Liability Trust Fund.
Sec. 312. Log books.
Sec. 313. Unsafe operation.
Sec. 314. Approval of survival craft.
Sec. 315. Safety management.
Sec. 316. Protection against discrimination.
Sec. 317. Dry bulk cargo residue.
Sec. 318. Oil fuel tank protection.
Sec. 319. Registry endorsement for LNG vessels.
Sec. 320. Oaths.
Sec. 321. Duration of credentials.
Sec. 322. Fingerprinting.
Sec. 323. Authorization to extend the duration of licenses, certificates of registry, and merchant mariners' documents.
Sec. 324. Merchant mariner documentation.
Sec. 325. Merchant mariner assistance report.
Sec. 326. Merchant mariner shortage report.
Sec. 327. Merchant mariner document standards.
Sec. 328. Report on Coast Guard determinations.
Sec. 329. Pilot required.
Sec. 330. Offshore supply vessels.
Sec. 331. Recreational vessel operator education and training.
Sec. 332. Ship emission reduction technology demonstration project.
Sec. 333. Delegation of authority to classification societies regarding offshore facilities.
Sec. 334. Requirement for pilots to carry and utilize portable electronic navigational device.

TITLE IV—MISCELLANEOUS PROVISIONS

Sec. 401. Certificate of documentation for GALLANT LADY.
Sec. 402. Waiver.
Sec. 403. Great Lakes Maritime Research Institute.
Sec. 404. Conveyance.
Sec. 405. Crew wages on passenger vessels.
Sec. 406. Technical corrections.
Sec. 407. Conveyance of decommissioned Coast Guard Cutter STORIS.
Sec. 408. Repeal of requirement of license for employment in the business of salvaging on the coast of Florida.
Sec. 409. Right-of-first-refusal for Coast Guard property on Jupiter Island, Florida.
Sec. 410. Conveyance of Coast Guard HU–25 Falcon Jet aircraft.
Sec. 411. Decommissioned Coast Guard vessels for Haiti.
Sec. 412. Extension of period of operation of vessel for setting, relocation, or recovery of anchors or other mooring equipment.
Sec. 413. Vessel traffic risk assessments.
Sec. 414. Vessel MARYLAND INDEPENDENCE.
Sec. 415. Study of relocation of Coast Guard Sector Buffalo facilities.
Sec. 416. Conveyance of Coast Guard vessel to Coahoma County, Mississippi.
Sec. 417. Conveyance of Coast Guard vessel to Warren County, Mississippi.
Sec. 418. Conveyance of Coast Guard vessel to Washington County, Mississippi.
Sec. 419. Coast Guard assets for United States Virgin Islands.
Sec. 420. Conveyance of the Presque Isle Light Station fresnel lens to Presque Isle Township, Michigan.
Sec. 421. Fishing in South Pacific tuna treaty convention area.
Sec. 422. Assessment of needs for additional Coast Guard presence in high latitude regions.
Sec. 423. Study of regional response vessel and salvage capability for Olympic Peninsula coast, Washington.
Sec. 424. Report on projected workload at the Coast Guard Yard in Curtis Bay, Maryland.
Sec. 425. Study of bridges over navigable waters.
Sec. 426. Limitation on jurisdiction of States to tax certain seamen.
Sec. 427. Decommissioned Coast Guard vessels for Bermuda.
Sec. 428. Recreational marine industry.
Sec. 429. Conveyance of Coast Guard vessels to Nassau County, New York.
Sec. 430. Newtown Creek, New York City, New York.
Sec. 431. Land conveyance, Coast Guard property in Marquette County, Michigan, to the City of Marquette, Michigan.

TITLE V—BALLAST WATER TREATMENT

Sec. 501. Short title.
Sec. 502. Declaration of goals and purposes.
Sec. 503. Ballast water management.
Sec. 504. National ballast water management information.
Sec. 505. Ballast water management evaluation and demonstration program.
Sec. 506. Rapid response plan.
Sec. 507. Authorization of appropriations.

TITLE VI—MARITIME POLLUTION PREVENTION

Sec. 601. Short title.
Sec. 602. References.
Sec. 603. Definitions.
Sec. 604. Applicability.
Sec. 605. Administration and enforcement.
Sec. 606. Certificates.
Sec. 607. Reception facilities.
Sec. 608. Inspections.
Sec. 609. Amendments to the protocol.
Sec. 610. Penalties.
Sec. 611. Effect on other laws.

TITLE VII—PORT SECURITY

Sec. 701. Maritime homeland security public awareness program.
Sec. 702. Transportation Worker Identification Credential.
Sec. 703. Study to identify redundant background records checks.
Sec. 704. Review of interagency operational centers.
Sec. 705. Maritime security response teams.
Sec. 706. Coast Guard detection canine team program expansion.
Sec. 707. Coast Guard port assistance program.
Sec. 708. Maritime biometric identification.
Sec. 709. Review of potential threats.
Sec. 710. Port security pilot.
Sec. 711. Advance notice of port arrival of significant or fatal incidents involving U.S. persons.
Sec. 712. Safety and security assistance for foreign ports.
Sec. 713. Seasonal workers.
Sec. 714. Comparative risk assessment of vessel-based and facility-based liquefied natural gas regasification processes.
Sec. 715. Pilot Program for fingerprinting of maritime workers.
Sec. 716. Transportation security cards on vessels.
Sec. 717. International labor study.
Sec. 718. Maritime security advisory committees.
Sec. 719. Seamen's shoreside access.
Sec. 720. Waterside security around liquefied natural gas terminals and liquefied natural gas tankers.
Sec. 721. Review of Liquefied Natural Gas Facilities.
Sec. 722. Use of secondary authentication for transportation security cards.
Sec. 723. Report on State and local law enforcement augmentation of Coast Guard resources with respect to security zones and United States ports.
Sec. 724. Assessment of transportation security card enrollment sites.

TITLE VIII—COAST GUARD INTEGRATED DEEPWATER PROGRAM

Sec. 801. Short title.
Sec. 802. Implementation of Coast Guard Integrated Deepwater Acquisition Program.
Sec. 803. Chief Acquisition Officer.
Sec. 804. Testing and certification.
Sec. 805. National Security Cutters.
Sec. 806. Miscellaneous reports.
Sec. 807. Use of the Naval Sea Systems Command, the Naval Air Systems Command, and the Space and Naval Warfare Systems Command to assist the Coast Guard in exercising technical authority for the Deepwater Program and other Coast Guard acquisition programs.
Sec. 808. Definitions.

TITLE IX—MINORITY SERVING INSTITUTIONS
Sec. 901. MSI Management Internship Program.
Sec. 902. MSI initiatives.
Sec. 903. Coast Guard-MSI Cooperative Technology Program.
Sec. 904. Definition.
TITLE X—APPEALS TO NATIONAL TRANSPORTATION SAFETY BOARD
Sec. 1001. Rights of appeal regarding licenses, certificates of registry, and merchant mariners' documents.
Sec. 1002. Authorities of National Transportation Safety Board.
Sec. 1003. Transfer of pending appeals to the National Transportation Safety Board.
Sec. 1004. Rulemaking requirements.
Sec. 1005. Administrative Law Judge recruiting program.
TITLE XI—MARINE SAFETY
Sec. 1101. Marine safety.
Sec. 1102. Marine safety staff.
Sec. 1103. Marine safety mission priorities and long term goals.
Sec. 1104. Powers and duties.
Sec. 1105. Appeals and waivers.
Sec. 1106. Coast Guard Academy.
Sec. 1107. Geographic stability.
Sec. 1108. Apprentice program.
Sec. 1109. Report regarding civilian marine inspectors.
TITLE XII—ADDITIONAL MISCELLANEOUS PROVISIONS
Sec. 1201. Mission requirement analysis for navigable portions of the Rio Grande River, Texas, international water boundary.
Sec. 1202. Operation of submersible or semi-submersible vessel without nationality.
Sec. 1203. Legal authority of the coast guard to carry out its homeland security missions not impaired.
DIVISION B—ALIEN SMUGGLING AND TERRORISM PREVENTION ACT OF 2008
Sec. 101. Short title.
Sec. 102. Findings.
Sec. 103. Checks against terrorist watchlist.
Sec. 104. Strengthening prosecution and punishment of alien smugglers.
Sec. 105. Maritime law enforcement.
Sec. 106. Amendment to the sentencing guidelines.

DIVISION A—COAST GUARD AUTHORIZATION ACT OF 2008

TITLE I—AUTHORIZATION

SEC. 100. SHORT TITLE.

This division may be cited as the ''Coast Guard Authorization Act of 2008''.

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

Funds are authorized to be appropriated for fiscal year 2008 for necessary expenses of the Coast Guard as follows:

(1) For the operation and maintenance of the Coast Guard, $5,965,742,000, of which—

(A) $24,500,000 is authorized to be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5));

(B) $631,000,000 shall be available only for paying for search and rescue programs;

(C) $527,000,000 shall be available only for paying for marine safety programs;

(D) $80,500,000 shall be available only for paying for operating expenses of the Integrated Deepwater System program; and

(E) $1,523,000,000 shall be available only for paying for ports, waterways, and coastal security.

(2) For the acquisition, construction, rebuilding, and improvement of aids to navigation, shore and offshore facilities, vessels, and aircraft, including equipment related thereto, $1,125,083,000, of which—

(A) $20,000,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990, to remain available until expended;

(B) $990,444,000 is authorized for the Integrated Deepwater System Program; and

(C) $44,597,000 is authorized for shore facilities and aids to navigation.

(3) To the Commandant of the Coast Guard for research, development, test, and evaluation of technologies, materials, and human factors directly relating to improving the performance of the Coast Guard's mission in search and rescue, aids to navigation, marine safety, marine environmental protection, enforcement of laws and treaties, ice operations, oceanographic research, and defense readiness, $25,000,000, to remain available until expended, of which $2,000,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990.

(4) For retired pay (including the payment of obligations otherwise chargeable to lapsed appropriations for this purpose), payments under the Retired Serviceman's Family Protection and Survivor Benefit Plans, and payments for medical care of retired personnel and their dependents under chapter 55 of title 10, United States Code, $1,184,720,000, to remain available until expended.

(5) For alteration or removal of bridges over navigable waters of the United States constituting obstructions to navigation, and for personnel and administrative costs associated with the Bridge Alteration Program, $16,000,000.

(6) For environmental compliance and restoration at Coast Guard facilities (other than parts and equipment associated with operation and maintenance), $13,000,000, to remain available until expended.

(7) For the Coast Guard Reserve program, including personnel and training costs, equipment, and services, $126,883,000.

SEC. 102. AUTHORIZED LEVELS OF MILITARY STRENGTH AND TRAINING.

(a) ACTIVE DUTY STRENGTH.—The Coast Guard is authorized an end-of-year strength for active duty personnel of 47,000 for the fiscal year ending on September 30, 2008.

(b) MILITARY TRAINING STUDENT LOADS.—For fiscal year 2008, the Coast Guard is authorized average military training student loads as follows:

(1) For recruit and special training, 2,500 student years.

(2) For flight training, 165 student years.

(3) For professional training in military and civilian institutions, 350 student years.

(4) For officer acquisition, 1,200 student years.

SEC. 103. TRANSFER OF BRIDGE ADMINISTRATION PROGRAM AUTHORITY AND FUNCTIONS.

(a) TRANSFER.—

(1) AUTHORITY AND FUNCTIONS.—Notwithstanding section 888(b) of the Homeland Security Act of 2002 (6 U.S.C. 468(b)) or any other provision of law, the authorities of the Secretary of Homeland Security to approve the construction, alteration, or operation of a bridge, drawbridge, or causeway across or over the navigable waters of the United States and to require the alteration, repair, or removal of that bridge, drawbridge, or causeway, pursuant to the Bridge Act of 1906 (34 Stat. 84; 33 U.S.C. 491 et seq.), the General Bridge Act of 1946 (60 Stat. 847, 33 U.S.C. 525 note), the Truman-Hobbs Act (54 Stat. 497; 33 U.S.C. 511 et seq.), and the International Bridge Act of 1972 (60 Stat. 847; 33 U.S.C. 525 et seq.), and the functions related thereto, are hereby transferred to the Secretary of Transportation.

(2) TRANSFER AND ADMINISTRATION OF BALANCES.—Any unobligated balances of prior appropriations provided for the alteration of bridges are transferred and shall be available to the Secretary of Transportation to carry out the functions and authorities transferred by subsection (a).

TITLE II—COAST GUARD

SEC. 201. APPOINTMENT OF CIVILIAN COAST GUARD JUDGES.

(a) IN GENERAL.—Chapter 7 of title 14, United States Code, is amended by adding at the end the following:

''§ 153. Appointment of judges

''The Secretary may appoint civilian employees of the Department in which the Coast Guard is operating as appellate military judges, available for assignment to the Coast Guard Court of Criminal Appeals as provided for in section 866(a) of title 10.''.

(b) CLERICAL AMENDMENT.—The analysis for such chapter is amended by adding at the end the following:

''153. Appointment of judges.''.

SEC. 202. INDUSTRIAL ACTIVITIES.

Section 151 of title 14, United States Code, is amended—

(1) by inserting ''(a) IN GENERAL.—'' before ''All orders''; and

(2) by adding at the end the following:

''(b) ORDERS AND AGREEMENTS FOR INDUSTRIAL ACTIVITIES.—Under this section, the Coast Guard industrial activities may accept orders and enter into reimbursable agreements with establishments, agencies, and departments of the Department of Defense.''.

SEC. 203. REIMBURSEMENT FOR MEDICAL-RELATED TRAVEL EXPENSES.

(a) IN GENERAL.—Chapter 13 of title 14, United States Code, is amended by adding at the end the following:

''§ 518. Reimbursement for medical-related travel expenses for certain persons residing on islands in the continental United States

''In any case in which a covered beneficiary (as defined in section 1072(5) of title 10) resides on an island that is located in the 48 contiguous States and the District of Columbia and that lacks public access roads to the mainland and is referred by a primary care physician to a specialty care provider (as defined in section 1074i(b) of title 10) on the mainland who provides services less than 100 miles from the location where the beneficiary resides, the Secretary shall reimburse the reasonable travel expenses of the covered beneficiary and, when accompaniment by an adult is necessary, for a parent or guardian of the covered beneficiary or another member of the covered beneficiary's family who is at least 21 years of age.''.

(b) CLERICAL AMENDMENT.—The analysis for such chapter is amended by adding at the end the following:

''518. Reimbursement for medical-related travel expenses for certain persons residing on islands in the continental United States.''.

SEC. 204. COMMISSIONED OFFICERS.

(a) ACTIVE DUTY PROMOTION LIST.—Section 42 of title 14, United States Code, is amended to read as follows:

''§ 42. Number and distribution of commissioned officers on active duty promotion list

''(a) MAXIMUM TOTAL NUMBER.—The total number of Coast Guard commissioned officers on the active duty promotion list, excluding warrant officers, shall not exceed 6,700; except that the Commandant may temporarily increase that number by up to 2 percent for no more than 60 days following the

date of the commissioning of a Coast Guard Academy class.

''(b) DISTRIBUTION PERCENTAGES BY GRADE.—

''(1) REQUIRED.—The total number of commissioned officers authorized by this section shall be distributed in grade in the following percentages: 0.375 percent for rear admiral; 0.375 percent for rear admiral (lower half); 6.0 percent for captain; 15.0 percent for commander; and 22.0 percent for lieutenant commander.

''(2) DISCRETIONARY.—The Secretary shall prescribe the percentages applicable to the grades of lieutenant, lieutenant (junior grade), and ensign.

''(3) AUTHORITY OF SECRETARY TO REDUCE PERCENTAGE.—The Secretary—

''(A) may reduce, as the needs of the Coast Guard require, any of the percentages set forth in paragraph (1); and

''(B) shall apply that total percentage reduction to any other lower grade or combination of lower grades.

''(c) COMPUTATIONS.—

''(1) IN GENERAL.—The Secretary shall compute, at least once each year, the total number of commissioned officers authorized to serve in each grade by applying the grade distribution percentages established by or under this section to the total number of commissioned officers listed on the current active duty promotion list.

''(2) ROUNDING FRACTIONS.—Subject to subsection (a), in making the computations under paragraph (1), any fraction shall be rounded to the nearest whole number.

''(3) TREATMENT OF OFFICERS SERVING OUTSIDE COAST GUARD.—The number of commissioned officers on the active duty promotion list below the rank of rear admiral (lower half) serving with other Federal departments or agencies on a reimbursable basis or excluded under section 324(d) of title 49 shall not be counted against the total number of commissioned officers authorized to serve in each grade.

''(d) USE OF NUMBERS; TEMPORARY INCREASES.—The numbers resulting from computations under subsection (c) shall be, for all purposes, the authorized number in each grade; except that the authorized number for a grade is temporarily increased during the period between one computation and the next by the number of officers originally appointed in that grade during that period and the number of officers of that grade for whom vacancies exist in the next higher grade but whose promotion has been delayed for any reason.

''(e) OFFICERS SERVING COAST GUARD ACADEMY AND RESERVE.—The number of officers authorized to be serving on active duty in each grade of the permanent commissioned teaching staff of the Coast Guard Academy and of the Reserve serving in connection with organizing, administering, recruiting, instructing, or training the reserve components shall be prescribed by the Secretary.''.

(b) CLERICAL AMENDMENT.—The analysis for chapter 3 of such title is amended by striking the item relating to section 42 and inserting the following:

''42. Number and distribution of commissioned officers on active duty promotion list.''.

SEC. 205. COAST GUARD PARTICIPATION IN THE ARMED FORCES RETIREMENT HOME (AFRH) SYSTEM.

(a) IN GENERAL.—Section 1502 of the Armed Forces Retirement Home Act of 1991 (24 U.S.C. 401) is amended—

(1) by striking paragraph (4);

(2) in paragraph (5)—

(A) by striking ''and'' at the end of subparagraph (C);

(B) by striking the period at the end of subparagraph (D) and inserting ''; and''; and

(C) by inserting at the end the following:

''(E) the Assistant Commandant of the Coast Guard for Human Resources.''; and

(3) by adding at the end of paragraph (6) the following:

''(E) The Master Chief Petty Officer of the Coast Guard.''.

(b) CONFORMING AMENDMENTS.—(1) Section 2772 of title 10, United States Code, is amended—

(A) in subsection (a) by inserting ''or, in the case of the Coast Guard, the Commandant'' after ''concerned''; and

(B) by striking subsection (c).

(2) Section 1007(i) of title 37, United States Code, is amended—

(A) in paragraph (3) by inserting ''or, in the case of the Coast Guard, the Commandant'' after ''Secretary of Defense'';

(B) by striking paragraph (4); and

(C) by redesignating paragraph (5) as paragraph (4).

SEC. 206. GRANTS TO INTERNATIONAL MARITIME ORGANIZATIONS.

Section 149 of title 14, United States Code, is amended by adding at the end the following:

''(c) GRANTS TO INTERNATIONAL MARITIME ORGANIZATIONS.—After consultation with the Secretary of State, the Commandant may make grants to, or enter into cooperative agreements, contracts, or other agreements with, international maritime organizations for the purpose of acquiring information or data about merchant vessel inspections, security, safety, classification, and port state or flag state law enforcement or oversight.''.

SEC. 207. EMERGENCY LEAVE RETENTION AUTHORITY.

(a) IN GENERAL.—Chapter 11 of title 14, United States Code, is amended by inserting after section 425 the following:

''§ 426. Emergency leave retention authority

''With regard to a member of the Coast Guard who serves on active duty, a duty assignment in support of a declaration of a major disaster or emergency by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) shall be treated, for the purpose of section 701(f)(2) of title 10, a duty assignment in support of a contingency operation.''.

(b) CLERICAL AMENDMENT.—The analysis for such chapter is amended by inserting after the item relating to section 425 the following new item:

''426. Emergency leave retention authority.''.

SEC. 208. ENFORCEMENT AUTHORITY.

(a) IN GENERAL.—Chapter 5 of title 14, United States Code, is amended by adding at the end the following:

''§ 99. Enforcement authority

''Subject to guidelines approved by the Secretary, members of the Coast Guard, in the performance of official duties, may—

''(1) carry a firearm; and

''(2) while at a facility (as defined in section 70101 of title 46)—

''(A) make an arrest without warrant for any offense against the United States committed in their presence; and

''(B) seize property as otherwise provided by law.''.

(b) CONFORMING REPEAL.—The first section added to title 46, United States Code, by the amendment made by subsection (a) of section 801 of the Coast Guard and Maritime Transportation Act of 2004 (118 Stat. 1078), and the item relating to such first section enacted by the amendment made by subsection (b) of such section 801, are repealed.

(c) CLERICAL AMENDMENT.—The analysis for such chapter is amended by adding at the end the following:

''99. Enforcement authority.''.

SEC. 209. REPEAL.

Section 216 of title 14, United States Code, and the item relating to such section in the analysis for chapter 11 of such title, are repealed.

SEC. 210. ADMIRALS AND VICE ADMIRALS.

(a) VICE COMMANDANT.—Section 47 of title 14, United States Code, is amended by striking ''vice admiral'' and inserting ''admiral''.

(b) VICE ADMIRALS.—Section 50 of title 14, United States Code, is amended to read as follows:

''§ 50. Vice admirals

''(a)(1) The President may designate 4 positions of importance and responsibility that shall be held by officers who—

''(A) while so serving, shall have the grade of vice admiral, with the pay and allowances of that grade; and

''(B) shall perform any duties as the Commandant may prescribe.

''(2) The 4 vice admiral positions authorized under paragraph (1) are, respectively, the following:

''(A) The Deputy Commandant for Mission Support.

''(B) The Deputy Commandant for National Operations and Policy.

''(C) The Commander, Force Readiness Command.

''(D) The Commander, Operations Command.

''(3) The President may appoint, by and with the advice and consent of the Senate, and reappoint, by and with the advice and consent of the Senate, to each of the positions designated under paragraph (1) an officer of the Coast Guard who is serving on active duty above the grade of captain. The Commandant shall make recommendations for those appointments.

''(b)(1) The appointment and the grade of vice admiral under this section shall be effective on the date the officer assumes that duty and, except as provided in paragraph (2) of this subsection or in section 51(d) of this title, shall terminate on the date the officer is detached from that duty.

''(2) An officer who is appointed to a position designated under subsection (a) shall continue to hold the grade of vice admiral—

''(A) while under orders transferring the officer to another position designated under subsection (a), beginning on the date the officer is detached from duty and terminating on the date before the day the officer assumes the subsequent duty, but not for more than 60 days;

''(B) while hospitalized, beginning on the day of the hospitalization and ending on the day the officer is discharged from the hospital, but not for more than 180 days; and

''(C) while awaiting retirement, beginning on the date the officer is detached from duty and ending on the day before the officer's retirement, but not for more than 60 days.

''(c)(1) An appointment of an officer under subsection (a) does not vacate the permanent grade held by the officer.

''(2) An officer serving in a grade above rear admiral who holds the permanent grade of rear admiral (lower half) shall be considered for promotion to the permanent grade of rear admiral as if the officer was serving in the officer's permanent grade.

''(d) Whenever a vacancy occurs in a position designated under subsection (a), the Commandant shall inform the President of the qualifications needed by an officer serving in that position to carry out effectively the duties and responsibilities of that position.''.

(c) REPEAL.—Section 50a of title 14, United States Code, is repealed.

(d) CONFORMING AMENDMENT.—Section 51 of that title is amended—

(1) by amending subsections (a), (b), and (c) to read as follows:

''(a) An officer, other than the Commandant, who, while serving in the grade of admiral or vice admiral, is retired for physical disability shall be placed on the retired list with the highest grade in which that officer served.

''(b) An officer, other than the Commandant, who is retired while serving in the grade of admiral or vice admiral, or who, after serving at least two and one-half years in the grade of admiral or vice admiral, is retired while serving in a lower grade, may in the discretion of the President, be retired with the highest grade in which that officer served.

''(c) An officer, other than the Commandant, who, after serving less than two and one-half years in the grade of admiral or vice admiral, is retired while serving in a lower grade, shall be retired in his permanent grade.''; and

(2) in subsection (d)(2) by striking ''Area Commander, or Chief of Staff'' and inserting ''or Vice Admirals''.

(e) CLERICAL AMENDMENTS.—

(1) The heading for section 47 of that title is amended by striking ''**assignment**'' and inserting ''**appointment**''.

(2) The table of sections at the beginning of chapter 3 of that title is amended—

(A) by striking the item relating to section 47 and inserting the following:

''47. Vice Commandant; appointment.'';

(B) by striking the item relating to section 50 and inserting the following:

''50. Vice admirals.'';

and

(C) by striking the item relating to section 50a.

(f) TECHNICAL CORRECTION.—Section 47 of that title is further amended in the fifth sentence by striking ''subsection'' and inserting ''section''.

SEC. 211. MERCHANT MARINER MEDICAL ADVISORY COMMITTEE.

(a) IN GENERAL.—Chapter 71 of title 46, United States Code, is amended by adding at the end the following new section:

''§ 7115. Merchant Mariner Medical Advisory Committee

''(a) ESTABLISHMENT.—

''(1) IN GENERAL.—There is established a Merchant Mariner Medical Advisory Committee (in this section referred to as the 'Committee').

''(2) FUNCTIONS.—The Committee shall advise the Secretary on matters relating to—

''(A) medical certification determinations for issuance of merchant mariner credentials;

''(B) medical standards and guidelines for the physical qualifications of operators of commercial vessels;

''(C) medical examiner education; and

''(D) medical research.

''(b) MEMBERSHIP.—

''(1) IN GENERAL.—The Committee shall consist of 14 members, none of whom is a Federal employee, and shall include—

''(A) ten who are health-care professionals with particular expertise, knowledge, or experience regarding the medical examinations of merchant mariners or occupational medicine; and

''(B) four who are professional mariners with knowledge and experience in mariner occupational requirements.

''(2) STATUS OF MEMBERS.—Members of the Committee shall not be considered Federal employees or otherwise in the service or the employment of the Federal Government, except that members shall be considered special Government employees, as defined in section 202(a) of title 18, United States Code, and shall be subject to any administrative standards of conduct applicable to the employees of the department in which the Coast Guard is operating.

''(c) APPOINTMENTS; TERMS; VACANCIES.—

''(1) APPOINTMENTS.—The Secretary shall appoint the members of the Committee, and each member shall serve at the pleasure of the Secretary.

''(2) TERMS.—Each member shall be appointed for a term of three years, except that, of the members first appointed, three members shall be appointed for a term of two years and three members shall be appointed for a term of one year.

''(3) VACANCIES.—Any member appointed to fill the vacancy prior to the expiration of the term for which that member's predecessor was appointed shall be appointed for the remainder of that term.

''(d) CHAIRMAN AND VICE CHAIRMAN.—The Secretary shall designate one member of the Committee as the Chairman and one member as the Vice Chairman. The Vice Chairman shall act as Chairman in the absence or incapacity of, or in the event of a vacancy in the office of, the Chairman.

''(e) COMPENSATION; REIMBURSEMENT.—Members of the Committee shall serve without compensation, except that, while engaged in the performance of duties away from their homes or regular places of business of the member, the member of the Committee may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5.

''(f) STAFF; SERVICES.—The Secretary shall furnish to the Committee the personnel and services as are considered necessary for the conduct of its business.''.

(b) FIRST MEETING.—No later than six months after the date of enactment of this Act, the Merchant Mariner Medical Advisory Committee established by the amendment made by this section shall hold its first meeting.

(c) CLERICAL AMENDMENT.—The analysis for chapter 71 of that title is amended by adding at the end the following:

''7115. Merchant Mariner Medical Advisory Committee.''.

SEC. 212. RESERVE COMMISSIONED WARRANT OFFICER TO LIEUTENANT PROGRAM.

Section 214(a) of title 14, United States Code, is amended to read as follows:

''(a) The president may appoint temporary commissioned officers—

''(1) in the Regular Coast Guard in a grade, not above lieutenant, appropriate to their qualifications, experience, and length of service, as the needs of the Coast Guard may require, from among the commissioned warrant officers, warrant officers, and enlisted members of the Coast Guard, and from holders of licenses issued under chapter 71 of title 46; and

''(2) in the Coast Guard Reserve in a grade, not above lieutenant, appropriate to their qualifications, experience, and length of service, as the needs of the Coast Guard may require, from among the commissioned warrant officers of the Coast Guard Reserve.''.

SEC. 213. ENHANCED STATUS QUO OFFICER PROMOTION SYSTEM.

Chapter 11 of title 14, United States Code, is amended—

(1) in section 253(a)—

(A) by inserting ''and'' after ''considered,''; and

(B) by striking '', and the number of officers the board may recommend for promotion'';

(2) in section 258—

(A) by inserting ''(a) IN GENERAL.—'' before the existing text;

(B) in subsection (a) (as so designated) by striking the colon at the end of the material preceding paragraph (1) and inserting ''—''; and

(C) by adding at the end the following:

''(b) PROVISION OF DIRECTION AND GUIDANCE.—

''(1) In addition to the information provided pursuant to subsection (a), the Secretary may furnish the selection board—

''(A) specific direction relating to the needs of the Coast Guard for officers having particular skills, including direction relating to the need for a minimum number of officers with particular skills within a specialty; and

''(B) any other guidance that the Secretary believes may be necessary to enable the board to properly perform its functions.

''(2) Selections made based on the direction and guidance provided under this subsection shall not exceed the maximum percentage of officers who may be selected from below the announced promotion zone at any given selection board convened under section 251 of this title.'';

(3) in section 259(a), by inserting after ''whom the board'' the following: '', giving due consideration to the needs of the Coast Guard for officers with particular skills so noted in specific direction furnished to the board by the Secretary under section 258 of this title,''; and

(4) in section 260(b), by inserting after ''qualified for promotion'' the following: ''to meet the needs of the service (as noted in specific direction furnished the board by the Secretary under section 258 of this title)''.

SEC. 214. LASER TRAINING SYSTEM.

(a) IN GENERAL.—Within one year after the date of enactment of this Act, the Secretary of the department in which the Coast Guard shall test an integrated laser engagement system for the training of members of the Coast Guard assigned to small vessels in the use of individual weapons and machine guns on those vessels. The test shall be conducted on vessels on the Great Lakes using similar laser equipment used by other Federal agencies. However, that equipment shall be adapted for use in the marine environment.

(b) REPORT.—The Secretary shall submit a report to the Committee on Transportation and Infrastructure and the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate within 6 months after the conclusions of the test required under subsection (a) on the costs and benefits of using the system regionally and nationwide to train members of the Coast Guard in the use of individual weapons and machine guns.

SEC. 215. COAST GUARD VESSELS AND AIRCRAFT.

(a) AUTHORITY TO FIRE AT OR INTO A VESSEL.—Section 637(c) of title 14, United States Code, is amended—

(1) in paragraph (1), by striking ''; or'' and inserting a semicolon;

(2) in paragraph (2), by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following:

''(3) any other vessel or aircraft on government noncommercial service when—

''(A) the vessel or aircraft is under the tactical control of the Coast Guard; and

''(B) at least one member of the Coast Guard is assigned and conducting a Coast Guard mission on the vessel or aircraft.''.

(b) AUTHORITY TO DISPLAY COAST GUARD ENSIGNS AND PENNANTS.—Section 638(a) of title 14, United States Code, is amended by striking ''Coast Guard vessels and aircraft'' and inserting ''Vessels and aircraft authorized by the Secretary''.

SEC. 216. COAST GUARD DISTRICT OMBUDSMEN.

(a) IN GENERAL.—Chapter 3 of title 14, United States Code, is amended by adding at the end the following new section:

"§ 55. District Ombudsmen

''(a) IN GENERAL.—The Commandant shall appoint an employee of the Coast Guard in each Coast Guard District as a District Ombudsman to serve as a liaison between ports, terminal operators, shipowners, and labor representatives and the Coast Guard.

''(b) PURPOSE.—The purpose of the District Ombudsman shall be the following:

''(1) To support the operations of the Coast Guard in each port in the District for which the District Ombudsman is appointed.

''(2) To improve communications between and among port stakeholders including, port and terminal operators, ship owners, labor representatives, and the Coast Guard.

''(3) To seek to resolve disputes between the Coast Guard and all petitioners regarding requirements imposed or services provided by the Coast Guard.

''(c) FUNCTIONS.—

''(1) COMPLAINTS.—The District Ombudsman may examine complaints brought to the attention of the District Ombudsman by a petitioner operating in a port or by Coast Guard personnel.

''(2) GUIDELINES FOR DISPUTES.—

''(A) IN GENERAL.—The District Ombudsman shall develop guidelines regarding the types of disputes with respect to which the District Ombudsman will provide assistance.

''(B) LIMITATION.—The District Ombudsman shall not provide assistance with respect to a dispute unless it involves the impact of Coast Guard requirements on port business and the flow of commerce.

''(C) PRIORITY.—In providing such assistance, the District Ombudsman shall give priority to complaints brought by petitioners who believe they will suffer a significant hardship as the result of implementing a Coast Guard requirement or being denied a Coast Guard service.

''(3) CONSULTATION.—The District Ombudsman may consult with any Coast Guard personnel who can aid in the investigation of a complaint.

''(4) ACCESS TO INFORMATION.—The District Ombudsman shall have access to any Coast Guard document, including any record or report, that will aid the District Ombudsman in obtaining the information needed to conduct an investigation of a compliant.

''(5) REPORTS.—At the conclusion of an investigation, the District Ombudsman shall submit a report on the findings and recommendations of the District Ombudsman, to the Commander of the District in which the petitioner who brought the complaint is located or operating.

''(6) DEADLINE.—The District Ombudsman shall seek to resolve each complaint brought in accordance with the guidelines—

''(A) in a timely fashion; and

''(B) not later than 4 months after the complaint is officially accepted by the District Ombudsman.

''(d) APPOINTMENT.—The Commandant shall appoint as the District Ombudsman a civilian who has experience in port and transportation systems and knowledge of port operations or of maritime commerce (or both).

''(e) ANNUAL REPORTS.—The Secretary shall report annually to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the matters brought before the District Ombudsmen, including—

''(1) the number of matters brought before each District Ombudsman;

''(2) a brief summary of each such matter; and

''(3) the eventual resolution of each such matter.''.

(b) CLERICAL AMENDMENT.—The analysis at the beginning of that chapter is amended by adding at the end the following new item:

''55. District Ombudsmen.''.

SEC. 217. ENSURING CONTRACTING WITH SMALL BUSINESS CONCERNS AND DISADVANTAGED BUSINESS CONCERNS.

(a) REQUIREMENTS FOR PRIME CONTRACTS.—The Secretary shall include in each contract awarded for procurement of goods or services acquired for the Coast Guard—

(1) a requirement that the contractor shall implement a plan for the award, in accordance with other applicable requirements, of subcontracts under the contract to small business concerns, including small business concerns owned and controlled by socially and economically disadvantaged individuals, small business concerns owned and controlled by women, small business concerns owned and controlled by service-disabled veterans, HUBZone small business concerns, small business concerns participating in the program under section 8(a) of the Small Business Act (15 U.S.C. 637(a)), institutions receiving assistance under title III or V of the Higher Education Act of 1965 (20 U.S.C. 1051 et seq., 1101 et seq.), and Alaska Native Corporations created pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), including the terms of such plan; and

(2) a requirement that the contractor shall submit to the Secretary, during performance of the contract, periodic reports describing the extent to which the contractor has complied with such plan, including specification (by total dollar amount and by percentage of the total dollar value of the contract) of the value of subcontracts awarded at all tiers of subcontracting to small business concerns, institutions, and corporations referred to in subsection (a)(1).

(b) UTILIZATION OF ALLIANCES.—The Secretary shall seek to facilitate award of contracts by the United States under the Deepwater Program to alliances of small business concerns, institutions, and corporations referred to in subsection (a)(1).

(c) ANNUAL REPORT.—

(1) IN GENERAL.—The Secretary shall submit to the Committee on Transportation and Infrastructure and the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate by October 31 each year a report on the award of contracts under the Deepwater Program to small business concerns, institutions, and corporations referred to in subsection (a)(1) during the preceding fiscal year.

(2) CONTENTS.—The Secretary shall include in each report—

(A) specification of the value of such contracts, by dollar amount and as a percentage of the total dollar value of all contracts awarded by the United States under the Deepwater Program in such fiscal year;

(B) specification of the total dollar value of such contracts awarded to each of the categories of small business concerns, institutions, and corporations referred to in subsection (a)(1); and

(C) if the percentage specified under subparagraph (A) is less than 25 percent, an explanation of—

(i) why the percentage is less than 25 percent; and

(ii) what will be done to ensure that the percentage for the following fiscal year will not be less than 25 percent.

(d) DEFINITIONS.—In this section:

(1) DEEPWATER PROGRAM.—The term ''Deepwater Program'' means the Integrated Deepwater Systems Program described by the Coast Guard in its report to Congress entitled ''Revised Deepwater Implementation Plan 2005'', dated March 25, 2005. The Deepwater Program primarily involves the procurement of cutter and aviation assets that operate more than 50 miles offshore.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of the department in which the Coast Guard is operating.

SEC. 218. ASSISTANT COMMANDANT FOR PORT AND WATERWAY SECURITY.

(a) IN GENERAL.—Chapter 3 of title 14, United States Code, is further amended by adding at the end the following:

"§ 61. Assistant Commandant for Port and Waterway Security

''(a) There shall be in the Coast Guard an Assistant Commandant for Port and Waterway Security who shall be a Rear Admiral or civilian from the Senior Executive Service (career reserved) selected by the Secretary.

''(b) The Assistant Commandant for Port and Waterway Security shall serve as the principal advisor to the Commandant regarding port and waterway security and shall carry out the duties and powers delegated and imposed by the Secretary.''.

(b) CLERICAL AMENDMENT.—The analysis at the beginning of that chapter is further amended by adding at the end the following:

''61. Assistant Commandant for Port and Waterway Security.''.

SEC. 219. SMALL BUSINESS PROCUREMENTS.

(a) IN GENERAL.—Chapter 17 of title 14, United States Code, is amended by adding at the end the following:

"§ 678. Disadvantaged business enterprise program

''(a) IN GENERAL.—Except to the extent that the Secretary determines otherwise, not less than 10 percent of the amounts obligated by the Coast Guard for contracts in any fiscal year shall be expended with small business concerns owned and controlled by socially and economically disadvantaged individuals.

''(b) DEFINITIONS.—In this subsection, the following definitions apply:

''(1) SMALL BUSINESS CONCERN.—The term 'small business concern' has the meaning given that term under section 3 of the Small Business Act (15 U.S.C. 632).

''(2) SOCIALLY AND ECONOMICALLY DISADVANTAGED INDIVIDUALS.—The term 'socially and economically disadvantaged individuals' has the meaning that term has under section 8(d) of the Small Business Act (15 U.S.C. 637(d)) and relevant subcontracting regulations issued pursuant to that Act, except that women shall be presumed to be socially and economically disadvantaged individuals for purposes of this subsection.

''(c) REGULATIONS.—The Secretary shall issue final regulations governing the administration of the program created by this section by one year after the date of enactment of this section. To the maximum extent feasible, these regulations shall impose requirements similar to those of part 26 of title 49, Code of Federal Regulations, with respect to setting overall and contract goals, good faith efforts, and the contract award process, counting of credit for the participation of businesses owned and controlled by socially and economically disadvantaged individuals, and determining whether businesses are eligible to participate in the program.

''(d) TERMINATION.—This section shall cease to be effective three years after the date of its enactment.''.

(b) CLERICAL AMENDMENT.—The analysis at the beginning of that chapter is further amended by adding at the end the following:

''678. Disadvantaged business enterprise program.''.

SEC. 220. ENFORCEMENT OF COASTWISE TRADE LAWS.

(a) IN GENERAL.—Chapter 5 of title 14, United States Code, is amended by adding at the end the following:

"§ 101. Enforcement of coastwise trade laws

''Officers and members of the Coast Guard are authorized to enforce chapter 551 of title 46. The Secretary shall establish a program for these officers and members to enforce that chapter, including the application of those laws to vessels that support the exploration, development, and production of oil, gas, or mineral resources in the Gulf of Mexico.''.

(b) CLERICAL AMENDMENT.—The analysis for that chapter is amended by adding at the end the following new item:

''101. Enforcement of coastwise trade laws.''.

(c) REPORT.—The Secretary of the department in which the Coast Guard is operating shall submit a report to the Committee on Transportation and Infrastructure of the House of Representatives and the Senate Committee on Commerce, Science, and Transportation within one year after the date of enactment of this Act on the enforcement strategies and enforcement actions taken to enforce the coastwise trade laws.

SEC. 221. NOMINATION AND APPOINTMENT OF CADETS AT THE COAST GUARD ACADEMY.

(a) NOMINATION AND COMPETITIVE APPOINTMENT, GENERALLY.—Section 182(a) of title 14, United States Code, is amended to read as follows:

''(a) NOMINATION AND COMPETITIVE APPOINTMENT OF CADETS.—

''(1) ELIGIBILITY FOR NOMINATION.—An individual may be nominated for a competitive appointment as a cadet at the Coast Guard Academy only if the individual—

''(A) is a citizen or national of the United States; and

''(B) meets the minimum requirements that the Secretary shall establish.

''(2) NOMINATORS.—Nominations for competitive appointments for the positions allocated under this section may be made as follows:

''(A) A Senator may nominate residents of the State represented by that Senator.

''(B) A Member of the House of Representatives may nominate residents of the State in which the congressional district represented by that Member is located.

''(C) A Delegate to the House of Representatives from the District of Columbia, the Virgin Islands, Guam, or American Samoa may nominate residents of the jurisdiction represented by that Delegate.

''(D) The Resident Commissioner to the United States from Puerto Rico may nominate residents of Puerto Rico.

''(E) The Governor of the Northern Mariana Islands may nominate residents of the Northern Mariana Islands.

''(3) ALLOCATION OF POSITIONS.—Positions for competitive appointments shall be allocated each year as follows:

''(A) Positions shall be allocated for residents of each State nominated by the Members of Congress from that State in proportion to the representation in Congress from that State.

''(B) Four positions shall be allocated for residents of the District of Columbia.

''(C) One position each shall be allocated for residents of the Virgin Islands, Guam, and American Samoa, respectively.

''(D) One position shall be allocated for a resident of Puerto Rico.

''(E) One position shall be allocated for a resident of the Northern Mariana Islands.

''(F) Two positions shall be allocated for individuals nominated by the Panama Canal Commission.

''(4) COMPETITIVE SYSTEM FOR APPOINTMENT.—

''(A) ESTABLISHMENT OF SYSTEM.—The Secretary shall establish a competitive system for selecting for appointment individuals nominated under paragraph (1) to fill the positions allocated under paragraph (3). The system must determine the relative merit of each individual based on competitive examinations, an assessment of the individual's academic background, and other effective indicators of motivation and probability of successful completion of training at the Academy.

''(B) APPOINTMENTS BY JURISDICTION.—The Secretary shall appoint individuals to fill the positions allocated under subsection (c) for each jurisdiction in the order of merit of the individuals nominated from that jurisdiction.

''(C) REMAINING UNFILLED POSITIONS.—If positions remain unfilled after the appointments are made under paragraph (2), the Secretary shall appoint individuals to fill the positions in the order of merit of the remaining individuals nominated from all jurisdictions.

''(5) NONCOMPETITIVE APPOINTMENTS.—The Secretary may appoint each year without competition as cadets at the Academy the following:

''(A) Without limit, the children of persons who have been awarded the Medal of Honor for acts performed while in the armed forces.

''(B) Without limit—

''(i) children of individuals who died while on active duty in the armed forces of the United States;

''(ii) children of individuals who are determined by the Secretary of Veterans Affairs to have a service-connected disability rated at not less than 100 percent resulting from wounds or injuries received in, diseases contracted in, or preexisting injury or disease aggravated by, active service;

''(iii) children of members of the armed forces of the United States who are in a missing status as defined in section 551(2) of title 37; and

''(iv) children of civilian employees of the armed forces of the United States who are in missing status as defined in section 5561(5) of title 5.

''(C) Not more than 25 enlisted members of the Coast Guard;

''(D) Not more than 20 qualified individuals with qualities the Secretary considers to be of special value to the Academy and that the Secretary considers will achieve a national demographic balance at the Academy.

''(6) ADDITIONAL APPOINTMENTS FROM PARTICULAR AREAS.—

''(A) OTHER COUNTRIES IN WESTERN HEMISPHERE.—The President may appoint individuals from countries in the Western Hemisphere other than the United States to receive instruction at the Academy. Not more than 12 individuals may receive instruction under this subsection at the same time, and not more than 2 individuals from the same country may receive instruction under this subsection at the same time.

''(B) OTHER COUNTRIES GENERALLY.—

''(i) APPOINTMENT.—The Secretary, with the approval of the Secretary of State, may appoint individuals from countries other than the United States to receive instruction at the Academy. Not more than 20 individuals may receive instruction under this subsection at the same time.

''(ii) REIMBURSEMENT.—The Secretary shall ensure that the country from which an individual comes under this subsection will reimburse the Secretary for the cost (as determined by the Secretary) of the instruction and allowances received by the individual at the Academy.

''(C) COMMITMENT.—Each individual attending the Academy under this paragraph shall sign an agreement stating that the individual, upon graduation, will accept an appointment, if tendered, as an officer in the Coast Guard of the country from which the individual comes for at least five years.

''(7) PROHIBITED BASIS FOR APPOINTMENT.—Preference may not be given to an individual for appointment as a cadet at the Academy because one or more members of the individual's immediate family are alumni of the Academy.''.

(b) MINORITY RECRUITING PROGRAM.—

(1) IN GENERAL.—Chapter 9 of title 14, United States Code, is amended by adding at the end the following new section:

"§ 197. Minority recruiting program

''The Secretary of the department in which the Coast Guard is operating shall establish a minority recruiting program for prospective cadets at the Coast Guard Academy. The program may include—

''(1) use of minority cadets and officers to provide information regarding the Coast Guard and the Academy to students in high schools;

''(2) sponsoring of trips to high school teachers and guidance counselors to the Academy;

''(3) to the extent authorized by the Secretary of the Navy, maximizing the use of the Naval Academy Preparatory School to prepare students to be cadets at the Coast Guard Academy;

''(4) recruiting minority members of the Coast Guard to attend the Academy;

''(5) establishment of a minority affairs office at the Academy; and

''(6) use of minority officers and members of the Coast Guard Reserve and Auxiliary to promote the Academy.''.

(2) CLERICAL AMENDMENT.—The table of sections for that chapter is amended by adding at the end the following new item:

''197. Minority recruiting program.''.

SEC. 222. POLICY ON SEXUAL HARASSMENT AND SEXUAL VIOLENCE AT THE COAST GUARD ACADEMY.

(a) REQUIRED POLICY.—Under guidance prescribed by the Secretary of the department in which the Coast Guard is operating, the Commandant of the Coast Guard shall direct the Superintendent of the Coast Guard Academy to prescribe a policy on sexual harassment and sexual violence applicable to the cadets and other personnel of the Academy.

(b) MATTERS TO BE SPECIFIED IN POLICY.—The policy on sexual harassment and sexual violence prescribed under this section shall include specification of the following:

(1) Programs to promote awareness of the incidence of rape, acquaintance rape, and other sexual offenses of a criminal nature that involve cadets or other Academy personnel.

(2) Procedures that a cadet should follow in the case of an occurrence of sexual harassment or sexual violence, including—

(A) if the cadet chooses to report an occurrence of sexual harassment or sexual violence, a specification of the person or persons to whom the alleged offense should be reported and the options for confidential reporting;

(B) a specification of any other person whom the victim should contact; and

(C) procedures on the preservation of evidence potentially necessary for proof of criminal sexual assault.

(3) Procedures for disciplinary action in cases of alleged criminal sexual assault involving a cadet or other Academy personnel.

(4) Any other sanction authorized to be imposed in a substantiated case of sexual harassment or sexual violence involving a cadet or other Academy personnel in rape, acquaintance rape, or any other criminal sexual offense, whether forcible or nonforcible.

(5) Required training on the policy for all cadets and other Academy personnel, including the specific training required for personnel who process allegations of sexual harassment or sexual violence involving Academy personnel.

(c) ANNUAL ASSESSMENT.—

(1) The Secretary, through the Commandant of the Coast Guard, shall direct the Superintendent of the Coast Guard Academy to conduct an assessment during each Academy program year to determine the effectiveness of the Academy's policies, training, and procedures on sexual harassment and sexual violence involving cadets and other Academy personnel.

(2) For the assessment for each of the 2009, 2010, 2011, 2012, and 2013 Academy program years, the Superintendent shall conduct a survey of all Academy personnel—

(A) to measure—

(i) the incidence, during that program year, of sexual harassment and sexual violence events, on or off the Academy reservation, that have been reported to officials of the Academy; and

(ii) the incidence, in that program year, of sexual harassment and sexual violence events, on or off the Academy reservation, that have not been reported to officials of the Academy; and

(B) to assess the perceptions of Academy personnel on—

(i) the policies, training, and procedures on sexual harassment and sexual violence involving Academy personnel;

(ii) the enforcement of such policies;

(iii) the incidence of sexual harassment and violence involving Academy personnel in such program year; and

(iv) any other issues relating to sexual harassment and violence involving Academy personnel.

(d) ANNUAL REPORT.—

(1) The Commandant of the Coast Guard shall direct the Superintendent of the Coast Guard Academy to submit to the Commandant a report on sexual harassment and sexual violence involving Academy personnel for each of the 2009, 2010, 2011, 2012, and 2013 Academy program years.

(2) The annual report under paragraph (1) shall contain, for the Academy program year covered by the report, the following matters:

(A) The number of sexual assaults, rapes, and other sexual offenses involving Academy personnel that have been reported to Academy officials during the program year, and the number of the reported cases that have been substantiated.

(B) The policies, procedures, and processes implemented by the Commandant of the Coast Guard and the leadership of the Coast Guard Academy in response to sexual harassment and sexual violence involving Academy personnel during the program year.

(C) In the report for the 2009 Academy program year, a discussion of the survey conducted under subsection (b), together with an analysis of the results of the survey and a discussion of any initiatives undertaken on the basis of such results and analysis.

(D) In the report for each of the subsequent Academy program years, the results of the annual survey conducted in such program year under subsection (b).

(E) A plan for the actions that are to be taken in the following Academy program year regarding prevention of and response to sexual harassment and sexual violence involving Academy personnel.

(3) The Commandant of the Coast Guard shall transmit the annual report on the Coast Guard Academy required under this subsection, together with the Commandant's comments on the report, to the Secretary and the Board of Visitors of the Academy.

(4) The Secretary shall transmit the annual report, together with the Secretary's comments on the report, to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

(5) The report for the 2009 Academy program year for the Academy shall be submitted to the Commandant of the Coast Guard not later than one year after the date of the enactment of this Act.

(6) In this subsection, the term ''Academy program year'' with respect to a year, means the Academy program year that ends in that year.

SEC. 223. HOME PORT OF COAST GUARD VESSELS IN GUAM.

Section 96 of title 14, United States Code, is amended—

(1) by striking ''a State of the United States'' and inserting ''the United States or Guam''; and

(2) by inserting ''or Guam'' after ''outside the United States''.

TITLE III—SHIPPING AND NAVIGATION

SEC. 301. VESSEL SIZE LIMITS.

(a) LENGTH, TONNAGE, AND HORSEPOWER.—Section 12113(d)(2) of title 46, United States Code, is amended—

(1) by inserting ''and'' after the semicolon at the end of subparagraph (A)(i);

(2) by striking ''and'' at the end of subparagraph (A)(ii);

(3) by striking subparagraph (A)(iii);

(4) by striking the period at the end of subparagraph (B) and inserting ''; or''; and

(5) by inserting at the end the following:

''(C) the vessel is either a rebuilt vessel or a replacement vessel under section 208(g) of the American Fisheries Act (title II of division C of Public Law 105–277; 112 Stat. 2681–627) and is eligible for a fishery endorsement under this section.''.

(b) CONFORMING AMENDMENTS.—

(1) VESSEL REBUILDING AND REPLACEMENT.—Section 208(g) of the American Fisheries Act (title II of division C of Public Law 105–277; 112 Stat. 2681–627) is amended to read as follows:

''(g) VESSEL REBUILDING AND REPLACEMENT.—

''(1) IN GENERAL.—

''(A) REBUILD OR REPLACE.—Notwithstanding any limitation to the contrary on replacing, rebuilding, or lengthening vessels or transferring permits or licenses to a replacement vessel contained in sections 679.2 and 679.4 of title 50, Code of Federal Regulations, as in effect on the date of enactment of the Coast Guard Authorization Act of 2008 and except as provided in paragraph (4), the owner of a vessel eligible under subsection (a), (b), (c), (d), or (e) (other than paragraph (21)), in order to improve vessel safety and operational efficiencies (including fuel efficiency), may rebuild or replace that vessel (including fuel efficiency) with a vessel documented with a fishery endorsement under section 12113 of title 46, United States Code.

''(B) SAME REQUIREMENTS.—The rebuilt or replacement vessel shall be eligible in the same manner and subject to the same restrictions and limitations under such subsection as the vessel being rebuilt or replaced.

''(C) TRANSFER OF PERMITS AND LICENSES.—Each fishing permit and license held by the owner of a vessel or vessels to be rebuilt or replaced under subparagraph (A) shall be transferred to the rebuilt or replacement vessel.

''(2) RECOMMENDATIONS OF NORTH PACIFIC COUNCIL.—The North Pacific Council may recommend for approval by the Secretary such conservation and management measures, including size limits and measures to control fishing capacity, in accordance with the Magnuson-Stevens Act as it considers necessary to ensure that this subsection does not diminish the effectiveness of fishery management plans of the Bering Sea and Aleutian Islands Management Area or the Gulf of Alaska.

''(3) SPECIAL RULE FOR REPLACEMENT OF CERTAIN VESSELS.—

''(A) IN GENERAL.—Notwithstanding the requirements of subsections (b)(2), (c)(1), and (c)(2) of section 12113 of title 46, United States Code, a vessel that is eligible under subsection (a), (b), (c), (d), or (e) (other than paragraph (21)) and that qualifies to be documented with a fishery endorsement pursuant to section 203(g) or 213(g) may be replaced with a replacement vessel under paragraph (1) if the vessel that is replaced is validly documented with a fishery endorsement pursuant to section 203(g) or 213(g) before the replacement vessel is documented with a fishery endorsement under section 12113 of title 46, United States Code.

''(B) APPLICABILITY.—A replacement vessel under subparagraph (A) and its owner and mortgagee are subject to the same limitations under section 203(g) or 213(g) that are applicable to the vessel that has been replaced and its owner and mortgagee.

''(4) SPECIAL RULES FOR CERTAIN CATCHER VESSELS.—

''(A) IN GENERAL.—A replacement for a covered vessel described in subparagraph (B) is prohibited from harvesting fish in any fishery (except for the Pacific whiting fishery) managed under the authority of any regional fishery management council (other than the North Pacific Council) established under section 302(a) of the Magnuson-Stevens Act.

''(B) COVERED VESSELS.—A covered vessel referred to in subparagraph (A) is—

''(i) a vessel eligible under subsection (a), (b), or (c) that is replaced under paragraph (1); or

''(ii) a vessel eligible under subsection (a), (b), or (c) that is rebuilt to increase its registered length, gross tonnage, or shaft horsepower.

''(5) LIMITATION ON FISHERY ENDORSEMENTS.—Any vessel that is replaced under this subsection shall thereafter not be eligible for a fishery endorsement under section 12113 of title 46, United States Code, unless that vessel is also a replacement vessel described in paragraph (1).

''(6) GULF OF ALASKA LIMITATION.—Notwithstanding paragraph (1), the Secretary shall prohibit from participation in the groundfish fisheries of the Gulf of Alaska any vessel that is rebuilt or replaced under this subsection and that exceeds the maximum length overall specified on the license that authorizes fishing for groundfish pursuant to the license limitation program under part 679 of title 50, Code of Federal Regulations, as in effect on the date of enactment of the Coast Guard Authorization Act of 2008.

''(7) AUTHORITY OF PACIFIC COUNCIL.—Nothing in this section shall be construed to diminish or otherwise affect the authority of the Pacific Council to recommend to the Secretary conservation and management measures to protect fisheries under its jurisdiction (including the Pacific whiting fishery) and participants in such fisheries from adverse impacts caused by this Act.''.

(2) EXEMPTION OF CERTAIN VESSELS.—Section 203(g) of the American Fisheries Act (title II of division C of Public Law 105–277; 112 Stat. 2681–620) is amended—

(A) by inserting ''and'' after ''(United States official number 651041)'';

(B) by striking '', NORTHERN TRAVELER (United States official number 635986), and NORTHERN VOYAGER (United States official number 637398) (or a replacement vessel for the NORTHERN VOYAGER that complies with paragraphs (2), (5), and (6) of section 208(g) of this Act)''; and

(C) by striking '', in the case of the NORTHERN'' and all that follows through ''PHOENIX,''.

(3) FISHERY COOPERATIVE EXIT PROVISIONS.—Section 210(b) of the American Fisheries Act (title II of division C of Public Law 105–277; 112 Stat. 2681–629) is amended—

(A) by moving the matter beginning with ''the Secretary shall'' in paragraph (1) 2 ems to the right; and

(B) by adding at the end the following:

''(7) FISHERY COOPERATIVE EXIT PROVISIONS.—

''(A) FISHING ALLOWANCE DETERMINATION.—For purposes of determining the aggregate percentage of directed fishing allowances under paragraph (1), when a catcher vessel is removed from the directed pollock fishery, the fishery allowance for pollock for the vessel being removed—

''(i) shall be based on the catch history determination for the vessel made pursuant to section 679.62 of title 50, Code of Federal Regulations, as in effect on the date of enactment of the Coast Guard Authorization Act of 2008; and

''(ii) shall be assigned, for all purposes under this title, in the manner specified by the owner of the vessel being removed to any other catcher vessel or among other catcher vessels participating in the fishery cooperative if such vessel or vessels remain in the fishery cooperative for at least one year after the date on which the vessel being removed leaves the directed pollock fishery.

''(B) ELIGIBILITY FOR FISHERY ENDORSEMENT.—Except as provided in subparagraph (C), a vessel that is removed pursuant to this paragraph shall be permanently ineligible for a fishery endorsement, and any claim (including relating to catch history) associated with such vessel that could qualify any owner of such vessel for any permit to participate in any fishery within the exclusive economic zone of the United States shall be extinguished, unless such removed vessel is thereafter designated to replace a vessel to be removed pursuant to this paragraph.

''(C) LIMITATIONS ON STATUTORY CONSTRUCTION.—Nothing in this paragraph shall be construed—

''(i) to make the vessels AJ (United States official number 905625), DONA MARTITA (United States official number 651751), NORDIC EXPLORER (United States official number 678234), and PROVIDIAN (United States official number 1062183) ineligible for a fishery endorsement or any permit necessary to participate in any fishery under the authority of the New England Fishery Management Council or the Mid-Atlantic Fishery Management Council established, respectively, under subparagraphs (A) and (B) of section 302(a)(1) of the Magnuson-Stevens Act; or

''(ii) to allow the vessels referred to in clause (i) to participate in any fishery under the authority of the Councils referred to in clause (i) in any manner that is not consistent with the fishery management plan for the fishery developed by the Councils under section 303 of the Magnuson-Stevens Act.''.

SEC. 302. GOODS AND SERVICES.

Section 4(b) of the Act of July 5, 1884, commonly known as the Rivers and Harbors Appropriation Act of 1884 (33 U.S.C. 5(b)), is amended—

(1) by striking ''or'' at the end of paragraph (2)(C);

(2) by striking the period at the end of paragraph (3) and inserting ''; or''; and

(3) by adding at the end the following:

''(4) sales taxes on goods and services provided to or by vessels or watercraft (other than vessels or watercraft primarily engaged in foreign commerce).''.

SEC. 303. SEAWARD EXTENSION OF ANCHORAGE GROUNDS JURISDICTION.

Section 7 of the Rivers and Harbors Appropriations Act of 1915 (33 U.S.C. 471) is amended—

(1) by striking ''That the'' and inserting the following:

''(a) IN GENERAL.—The''.

(2) in subsection (a) (as designated by paragraph (1)) by striking ''$100; and the'' and inserting ''up to $10,000. Each day during which a violation continues shall constitute a separate violation. The'';

(3) by adding at the end the following:

''(b) DEFINITION.—As used in this section 'navigable waters of the United States' includes all waters of the territorial sea of the United States as described in Presidential Proclamation No. 5928 of December 27, 1988.''.

SEC. 304. MARITIME DRUG LAW ENFORCEMENT ACT AMENDMENT-SIMPLE POSSESSION.

Section 70506 of title 46, United States Code, is amended by adding at the end the following:

''(c) SIMPLE POSSESSION.—

''(1) IN GENERAL.—Any individual on a vessel subject to the jurisdiction of the United States who is found by the Secretary, after notice and an opportunity for a hearing, to have knowingly or intentionally possessed a controlled substance within the meaning of the Controlled Substances Act (21 U.S.C. 812) shall be liable to the United States for a civil penalty of not to exceed $10,000 for each violation. The Secretary shall notify the individual in writing of the amount of the civil penalty.

''(2) DETERMINATION OF AMOUNT.—In determining the amount of the penalty, the Secretary shall consider the nature, circumstances, extent, and gravity of the prohibited acts committed and, with respect to the violator, the degree of culpability, any history of prior offenses, ability to pay, and other matters that justice requires.

''(3) TREATMENT OF CIVIL PENALTY ASSESSMENT.—Assessment of a civil penalty under this subsection shall not be considered a conviction for purposes of State or Federal law but may be considered proof of possession if such a determination is relevant.''.

SEC. 305. TECHNICAL AMENDMENTS TO TONNAGE MEASUREMENT LAW.

(a) DEFINITIONS.—Section 14101(4) of title 46, United States Code, is amended—

(1) by striking ''engaged'' the first place it appears and inserting ''that engages'';

(2) in subparagraph (A), by striking ''arriving'' and inserting ''that arrives'';

(3) in subparagraph (B)—

(A) by striking ''making'' and inserting ''that makes''; and

(B) by striking ''(except a foreign vessel engaged on that voyage)'';

(4) in subparagraph (C), by striking ''departing'' and inserting ''that departs''; and

(5) in subparagraph (D), by striking ''making'' and inserting ''that makes''.

(b) DELEGATION OF AUTHORITY.—Section 14103(c) of that title is amended by striking ''intended to be engaged on'' and inserting ''that engages on''.

(c) APPLICATION.—Section 14301 of that title is amended—

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

''(a) Except as otherwise provided in this section, this chapter applies to any vessel for which the application of an international agreement or other law of the United States to the vessel depends on the vessel's tonnage.'';

(2) in subsection (b)—

(A) in paragraph (1), by striking the period at the end and inserting '', unless the government of the country to which the vessel belongs elects to measure the vessel under this chapter.'';

(B) in paragraph (3), by inserting ''of United States or Canadian registry or nationality, or a vessel operated under the authority of the United States or Canada, and that is'' after ''vessel'';

(C) in paragraph (4), by striking ''a vessel (except a vessel engaged'' and inserting ''a vessel of United States registry or nationality, or one operated under the authority of the United States (except a vessel that engages'';

(D) by striking paragraph (5);

(E) by redesignating paragraph (6) as paragraph (5); and

(F) by amending paragraph (5), as so redesignated, to read as follows:

''(5) a barge of United States registry or nationality, or a barge operated under the authority of the United States (except a barge that engages on a foreign voyage) unless the owner requests.'';

(3) by striking subsection (c);

(4) by redesignating subsections (d) and (e) as subsections (c) and (d), respectively; and

(5) in subsection (c), as redesignated, by striking ''After July 18, 1994, an existing vessel (except an existing vessel referred to in subsection (b)(5)(A) or (B) of this section)'' and inserting ''An existing vessel that has not undergone a change that the Secretary finds substantially affects the vessel's gross tonnage (or a vessel to which IMO Resolutions A.494 (XII) of November 19, 1981, A.540 (XIII) of November 17, 1983, or A.541 (XIII) of November 17, 1983 apply)''.

(d) MEASUREMENT.—Section 14302(b) of that title is amended to read as follows:

''(b) A vessel measured under this chapter may not be required to be measured under another law.''.

(e) TONNAGE CERTIFICATE.—

(1) ISSUANCE.—Section 14303 of title 46, United States Code, is amended—

(A) in subsection (a), by adding at the end the following: ''For a vessel to which the Convention does not apply, the Secretary shall prescribe a certificate to be issued as evidence of a vessel's measurement under this chapter.'';

(B) in subsection (b), by inserting ''issued under this section'' after ''certificate''; and

(C) in the section heading by striking ''**International**'' and ''**(1969)**''.

(2) MAINTENANCE.—Section 14503 of that title is amended—

(A) by designating the existing text as subsection (a); and

(B) by adding at the end the following new subsection:

''(b) The certificate shall be maintained as required by the Secretary.''.

(3) CLERICAL AMENDMENT.—The analysis at the beginning of chapter 143 of that title is amended by striking the item relating to section 14303 and inserting the following:

''14303. Tonnage Certificate.''.

(f) OPTIONAL REGULATORY MEASUREMENT.—Section 14305(a) of that title is amended by striking ''documented vessel measured under this chapter,'' and inserting ''vessel measured under this chapter that is of United States registry or nationality, or a vessel operated under the authority of the United States,''.

(g) APPLICATION.—Section 14501 of that title is amended—

(1) by amending paragraph (1) to read as follows:

''(1) A vessel not measured under chapter 143 of this title if the application of an international agreement or other law of the United States to the vessel depends on the vessel's tonnage.''; and

(2) in paragraph (2), by striking ''a vessel'' and inserting ''A vessel''.

(h) DUAL TONNAGE MEASUREMENT.—Section 14513(c) of that title is amended—

(1) in paragraph (1)—

(A) by striking ''vessel's tonnage mark is below the uppermost part of the load line marks,'' and inserting ''vessel is assigned two sets of gross and net tonnages under this section,''; and

(B) by inserting ''vessel's tonnage'' before ''mark'' the second place such term appears; and

(2) in paragraph (2), by striking the period at the end and inserting ''as assigned under this section.''.

(i) RECIPROCITY FOR FOREIGN VESSELS.—Subchapter II of chapter 145 of that title is amended by adding at the end the following:

''§ 14514. Reciprocity for foreign vessels

''For a foreign vessel not measured under chapter 143, if the Secretary finds that the laws and regulations of a foreign country related to measurement of vessels are substantially similar to those of this chapter and the regulations prescribed under this chapter, the Secretary may accept the measurement and certificate of a vessel of that foreign country as complying with this chapter and the regulations prescribed under this chapter.''.

(j) CLERICAL AMENDMENT.—The analysis for subchapter II of chapter 145 of such title is amended by adding at the end the following:

''14514. Reciprocity for foreign vessels.''.

SEC. 306. COLD WEATHER SURVIVAL TRAINING.

(a) REPORT.—The Commandant of the Coast Guard shall report to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the efficacy of cold weather survival training conducted by the Coast Guard in Coast Guard District 17 over the preceding 5 years. The report shall include plans for conducting such training in fiscal years 2008 through 2011.

(b) AUTHORIZATION OF APPROPRIATIONS FOR TRAINING.—There are authorized to be appropriated to the Secretary of Homeland Security $150,000 to carry out cold weather survival training in Coast Guard District 17.

SEC. 307. FISHING VESSEL SAFETY.

(a) SAFETY STANDARDS.—Section 4502 of title 46, United States Code, is amended—

(1) in subsection (a), by—

(A) striking paragraphs (6) and (7) and inserting the following:

''(6) other equipment required to minimize the risk of injury to the crew during vessel operations, if the Secretary determines that a risk of serious injury exists that can be eliminated or mitigated by that equipment; and''; and

(B) redesignating paragraph (8) as paragraph (7);

(2) in subsection (b)—

(A) in paragraph (1) in the matter preceding subparagraph (A), by striking ''documented'';

(B) in paragraph (1)(A), by striking ''the Boundary Line'' and inserting ''3 nautical miles from the baseline from which the territorial sea of the United States is measured or beyond 3 nautical miles from the coastline of the Great Lakes'';

(C) in paragraph (2)(B), by striking ''lifeboats or liferafts'' and inserting ''a survival craft that ensures that no part of an individual is immersed in water'';

(D) in paragraph (2)(D), by inserting ''marine'' before ''radio'';

(E) in paragraph (2)(E), by striking ''radar reflectors, nautical charts, and anchors'' and inserting ''nautical charts, and publications'';

(F) in paragraph (2)(F), by striking '', including medicine chests'' and inserting ''and medical supplies sufficient for the size and area of operation of the vessel'' and

(G) by amending paragraph (2)(G) to read as follows:

''(G) ground tackle sufficient for the vessel.'';

(3) by amending subsection (f) to read as follows:

''(f) To ensure compliance with the requirements of this chapter, the Secretary—

''(1) shall require the individual in charge of a vessel described in subsection (b) to keep a record of equipment maintenance, and required instruction and drills; and

''(2) shall examine at dockside a vessel described in subsection (b) at least twice every 5 years, and shall issue a certificate of compliance to a vessel meeting the requirements of this chapter.''; and

(4) by adding at the end the following:

''(g)(1) The individual in charge of a vessel described in subsection (b) must pass a training program approved by the Secretary that meets the requirements in paragraph (2) of this subsection and hold a valid certificate issued under that program.

''(2) The training program shall—

''(A) be based on professional knowledge and skill obtained through sea service and hands-on training, including training in seamanship, stability, collision prevention, navigation, fire fighting and prevention, damage control, personal survival, emergency medical care, and weather;

''(B) require an individual to demonstrate ability to communicate in an emergency situation and understand information found in navigation publications;

''(C) recognize and give credit for recent past experience in fishing vessel operation; and

''(D) provide for issuance of a certificate to an individual that has successfully completed the program.

''(3) The Secretary shall prescribe regulations implementing this subsection. The regulations shall require that individuals who are issued a certificate under paragraph (2)(D) must complete refresher training at least once every 5 years as a condition of maintaining the validity of the certificate.

''(4) The Secretary shall establish a publicly accessible electronic database listing the names of individuals who have participated in and received a certificate confirming successful completion of a training program approved by the Secretary under this section.

''(h) A vessel to which this chapter applies shall be constructed in a manner that provides a level of safety equivalent to the minimum safety standards the Secretary may established for recreational vessels under section 4302, if—

''(1) subsection (b) of this section applies to the vessel;

''(2) the vessel is less than 50 feet overall in length; and

''(3) the vessel is built after January 1, 2008.

''(i)(1) The Secretary shall establish a Fishing Safety Training Grants Program to provide funding to municipalities, port authorities, other appropriate public entities, not-for-profit organizations, and other qualified persons that provide commercial fishing safety training—

''(A) to conduct fishing vessel safety training for vessel operators and crewmembers that—

''(i) in the case of vessel operators, meets the requirements of subsection (g); and

''(ii) in the case of crewmembers, meets the requirements of subsection (g)(2)(A), such requirements of subsection (g)(2)(B) as are appropriate for crewmembers, and the requirements of subsections (g)(2)(D), (g)(3), and (g)(4); and

''(B) for purchase of safety equipment and training aids for use in those fishing vessel safety training programs.

''(2) The Secretary shall award grants under this subsection on a competitive basis.

''(3) The Federal share of the cost of any activity carried out with a grant under this subsection shall not exceed 75 percent.

''(4) There is authorized to be appropriated $3,000,000 for each of fiscal years 2008 through 2012 for grants under this subsection.

''(j)(1) The Secretary shall establish a Fishing Safety Research Grant Program to provide funding to individuals in academia, members of non-profit organizations and businesses involved in fishing and maritime matters, and other persons with expertise in fishing safety, to conduct research on methods of improving the safety of the commercial fishing industry, including vessel design, emergency and survival equipment, enhancement of vessel monitoring systems, communications devices, de-icing technology, and severe weather detection.

''(2) The Secretary shall award grants under this subsection on a competitive basis.

''(3) The Federal share of the cost of any activity carried out with a grant under this subsection shall not exceed 75 percent.''.

(b) CONFORMING AMENDMENT.—Section 4506(b) of title 46, United States Code, is repealed.

(c) ADVISORY COMMITTEE.—

(1) CHANGE OF NAME.—Section 4508 of title 46, United States Code, is amended—

(A) by striking the section heading and inserting the following:

''§ 4508. Commercial Fishing Safety Advisory Committee'';

and

(B) in subsection (a) by striking ''Industry Vessel''.

(2) CLERICAL AMENDMENT.—The table of section at the beginning of chapter 45 of title 46, United States Code, is amended by striking the item relating to such section and inserting the following:

''4508. Commercial Fishing Safety Advisory Committee.''.

(d) LOADLINES FOR VESSELS OVER 79 FEET.—Section 5102(b)(3) of title 46, United States Code, is amended by inserting after ''vessel'' the following '', unless the vessel is built or undergoes a major conversion completed after January 1, 2008''.

(e) CLASSING OF VESSELS.—

(1) IN GENERAL.—Section 4503 of title 46, United States Code, is amended—

(A) by striking the section heading and inserting the following:

''§ 4503. Fishing, fish tender, and fish processing vessel certification'';

(B) in subsection (a) by striking ''fish processing''; and

(C) by adding at the end the following:

''(c) This section applies to a vessel to which section 4502(b) of this title applies that—

''(1) is at least 50 feet overall in length;

''(2) is built after January 1, 2008; or

''(3) undergoes a major conversion completed after that date.

''(d)(1) After January 1, 2018, a fishing vessel, fish processing vessel, or fish tender vessel to which section 4502(b) of this title applies shall comply with an alternate safety compliance program that is developed in cooperation with the commercial fishing industry and prescribed by the Secretary, if the vessel—

''(A) is at least 50 feet overall in length;

''(B) is built before January 1, 2008; and

''(C) is 25 years of age or older.

''(2) Alternative safety compliance programs may be developed for purposes of paragraph (1) for specific regions and fisheries.

''(3) A fishing vessel, fish processing vessel, or fish tender vessel to which section 4502(b) of this title applies that was classed before January 1, 2008, shall—

''(A) remain subject to the requirements of a classification society approved by the Secretary; and

''(B) have on board a certificate from that society.''.

(2) CLERICAL AMENDMENT.—The table of section at the beginning of chapter 45 of title 46, United States Code, is amended by striking the item relating to such section and inserting the following:

''4503. Fishing, fish tender, and fish processing vessel certification.''.

(f) ALTERNATIVE SAFETY COMPLIANCE PROGRAM.—No later than January 1, 2015, the Secretary of the department in which the Coast Guard is operating shall prescribe an alternative safety compliance program referred to in section 4503(d) of the title 46, United States Code, as amended by this section.

SEC. 308. MARINER RECORDS.

Section 7502 of title 46, United States Code, is amended—

(1) by inserting ''(a)'' before ''The'';

(2) by striking ''computerized records'' and inserting ''records, including electronic records,''; and

(3) by adding at the end the following:

''(b) The Secretary may prescribe regulations requiring a vessel owner or managing operator of a commercial vessel, or the employer of a seaman on that vessel, to maintain records of each individual engaged on the vessel on matters of engagement, discharge, and service for not less than 5 years after the date of the completion of the service of that individual on the vessel. The regulations may require that a vessel owner, managing operator, or employer shall make these records available to the individual and the Coast Guard on request.

''(c) A person violating this section, or a regulation prescribed under this section, is liable to the United States Government for a civil penalty of not more than $5,000.''.

SEC. 309. DELETION OF EXEMPTION OF LICENSE REQUIREMENT FOR OPERATORS OF CERTAIN TOWING VESSELS.

Section 8905 of title 46, United States Code, is amended—

(1) by striking subsection (b); and

(2) by redesignating subsection (c) as subsection (b).

SEC. 310. ADJUSTMENT OF LIABILITY LIMITS FOR NATURAL GAS DEEPWATER PORTS.

Section 1004(d)(2) of the Oil Pollution Act of 1990 (33 U.S.C. 2704(d)(2)) is amended by adding at the end the following:

''(D) The Secretary may establish, by regulation, a limit of liability of not less than $12,000,000 for a deepwater port used only in connection with transportation of natural gas.''.

SEC. 311. PERIOD OF LIMITATIONS FOR CLAIMS AGAINST OIL SPILL LIABILITY TRUST FUND.

Section 1012(h)(1) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(h)(1)) is amended by striking ''6'' and inserting ''3''.

SEC. 312. LOG BOOKS.

(a) IN GENERAL.—Chapter 113 of title 46, United States Code, is amended by adding at the end the following:

''§ 11304. Additional logbook and entry requirements

''(a) A vessel of the United States that is subject to inspection under section 3301 of this title, except a vessel on a voyage from a port in the United States to a port in Canada, shall have an official logbook, which shall be kept available for review by the Secretary on request.

''(b) The log book required by subsection (a) shall include the following entries:

''(1) The time when each seaman and each officer assumed or relieved the watch.

''(2) The number of hours in service to the vessels of each seaman and each officer.

''(3) An account of each accident, illness, and injury that occurs during each watch.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following:

''11304. Additional logbook and entry requirements.''.

SEC. 313. UNSAFE OPERATION.

(a) IN GENERAL.—Chapter 21 of title 46, United States Code, is amended by adding at the end the following new section:

''§ 2116. Termination for unsafe operation

''An individual authorized to enforce this title—

''(1) may remove a certificate required by this title from a vessel that is operating in a condition that does not comply with the provisions of the certificate;

''(2) may order the individual in charge of a vessel that is operating that does not have on board the certificate required by this title to return the vessel to a mooring and to remain there until the vessel is in compliance with this title; and

''(3) may direct the individual in charge of a vessel to which this title applies to immediately take reasonable steps necessary for the safety of individuals on board the vessel if the official observes the vessel being operated in an unsafe condition that the official believes creates an especially hazardous condition, including ordering the individual in charge to return the vessel to a mooring and to remain there until the situation creating the hazard is corrected or ended.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of that title is amended by adding at the end the following:

''2116. Termination for unsafe operation.''.

SEC. 314. APPROVAL OF SURVIVAL CRAFT.

(a) IN GENERAL.—Chapter 31 of title 46, United States Code, is amended by adding at the end the following new section:

''§ 3104. Survival craft

''(a) Except as provided in subsection (b), the Secretary may not approve a survival craft as a safety device for purposes of this part, unless the craft ensures that no part of an individual is immersed in water.

''(b) The Secretary may authorize a survival craft that does not provide protection described in subsection (a) to remain in service until not later than January 1, 2013, if—

''(1) it was approved by the Secretary before January 1, 2008; and

''(2) it is in serviceable condition.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of that title is amended by adding at the end the following:

''3104. Survival craft.''.

SEC. 315. SAFETY MANAGEMENT.

(a) VESSELS TO WHICH REQUIREMENTS APPLY.—Section 3202 of title 46, United States Code, is amended—

(1) in subsection (a) by striking the heading and inserting ''FOREIGN VOYAGES AND FOREIGN VESSELS.—'';

(2) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively;

(3) by inserting after subsection (a) the following:

''(b) OTHER PASSENGER VESSELS.—This chapter applies to a vessel that is—

''(1) a passenger vessel or small passenger vessel; and

''(2) is transporting more passengers than a number prescribed by the Secretary based on the number of individuals on the vessel that could be killed or injured in a marine casualty.'';

(4) in subsection (d), as so redesignated, by striking ''subsection (b)'' and inserting ''subsection (c)'';

(5) in subsection (d)(4), as so redesignated, by inserting ''that is not described in subsection (b) of this section'' after ''waters''.

(b) SAFETY MANAGEMENT SYSTEM.—Section 3203 of title 46, United States Code, is amended by adding at the end the following new subsection:

''(c) In prescribing regulations for passenger vessels and small passenger vessels, the Secretary shall consider—

''(1) the characteristics, methods of operation, and nature of the service of these vessels; and

''(2) with respect to vessels that are ferries, the sizes of the ferry systems within which the vessels operate.''.

SEC. 316. PROTECTION AGAINST DISCRIMINATION.

(a) IN GENERAL.—Section 2114 of title 46, United States Code, is amended—

(1) in subsection (a)(1)(A), by striking ''or'' after the semicolon;

(2) in subsection (a)(1)(B), by striking the period at the end and inserting a semicolon;

(3) by adding at the end of subsection (a)(1) the following new subparagraphs:

''(C) the seaman testified in a proceeding brought to enforce a maritime safety law or regulation prescribed under that law;

''(D) the seaman notified, or attempted to notify, the vessel owner or the Secretary of a work-related personal injury or work-related illness of a seaman;

''(E) the seaman cooperated with a safety investigation by the Secretary or the National Transportation Safety Board;

''(F) the seaman furnished information to the Secretary, the National Transportation Safety Board, or any other public official as to the facts relating to any marine casualty resulting in injury or death to an individual or damage to property occurring in connection with vessel transportation; or

''(G) the seaman accurately reported hours of duty under this part.''; and

(4) by amending subsection (b) to read as follows:

''(b) A seaman alleging discharge or discrimination in violation of subsection (a) of this section, or another person at the seaman's request, may file a complaint with respect to such allegation in the same manner as a complaint may be filed under subsection (b) of section 31105 of title 49. Such complaint shall be subject to the procedures, requirements, and rights described in that section, including with respect to the right to file an objection, the right of a person to file for a petition for review under subsection (c) of that section, and the requirement to bring a civil action under subsection (d) of that section.''.

(b) EXISTING ACTIONS.—This section shall not affect the application of section 2114(b) of title 46, United States Code, as in effect before the date of enactment of this Act, to an action filed under that section before that date.

SEC. 317. DRY BULK CARGO RESIDUE.

Section 623(a)(2) of the Coast Guard and Maritime Transportation Act of 2004 (33 U.S.C. 1901 note) is amended by striking ''2008'' and inserting ''2011''.

SEC. 318. OIL FUEL TANK PROTECTION.

Section 3306 of title 46, United States Code, is amended by adding at the end the following new subsection:

''(k)(1) Each vessel of the United States that is constructed under a contract entered into after the date of enactment of the Coast Guard Authorization Act of 2008, or that is delivered after August 1, 2010, with an aggregate capacity of 600 cubic meters or more of oil fuel, shall comply with the requirements of Regulation 12A under Annex I to the Protocol of 1978 relating to the International Convention for the Prevention of Pollution from Ships, 1973, entitled 'Oil Fuel Tank Protection.'

''(2) The Secretary may prescribe regulations to apply the requirements described in Regulation 12A to vessels described in paragraph (1) that are not otherwise subject to that convention. Any such regulation shall be considered to be an interpretive rule for the purposes of section 553 of title 5.

''(3) In this subsection the term 'oil fuel' means any oil used as fuel in connection with the propulsion and auxiliary machinery of the vessel in which such oil is carried.''.

SEC. 319. REGISTRY ENDORSEMENT FOR LNG VESSELS.

Section 12111 of title 46, United States Code, is amended by adding at the end the following:

''(d)(1) A vessel for which a registry endorsement is not issued may not engage in regasifying on navigable waters unless the vessel transported the gas from a foreign port.

''(2) Nothing in paragraph (1) or any other provision of this title may be construed as—

''(A) applying to such paragraph a definition of the term 'vessel' that includes any structure on, in, or under the navigable waters of the United States that the Coast Guard regulates as a waterfront facility handling liquified natural gas under part 127 of title 33, Code of Federal Regulations; or

''(B) having any effect on the jurisdiction of the Federal Energy Regulatory Commission under section 3(e)(1) of the Natural Gas Act.

''(3) Paragraph (2)(A) does not affect the authority of the Coast Guard to modify the provisions of part 127 of title 33, Code of Federal Regulations.''.

SEC. 320. OATHS.

Sections 7105 and 7305 of title 46, United States Code, and the items relating to such sections in the analysis for chapters 71 and 73 of such title, are repealed.

SEC. 321. DURATION OF CREDENTIALS.

(a) MERCHANT MARINER'S DOCUMENTS.—Section 7302(f) of title 46, United States Code, is amended to read as follows:

''(f) PERIODS OF VALIDITY AND RENEWAL OF MERCHANT MARINERS' DOCUMENTS.—

''(1) IN GENERAL.—Except as provided in subsection (g), a merchant mariner's document issued under this chapter is valid for a 5-year period and may be renewed for additional 5-year periods.

''(2) ADVANCE RENEWALS.—A renewed merchant mariner's document may be issued under this chapter up to 8 months in advance but is not effective until the date that the previously issued merchant mariner's document expires.''.

(b) DURATION OF LICENSES.—Section 7106 of such title is amended to read as follows:

''§ 7106. Duration of licenses

''(a) IN GENERAL.—A license issued under this part is valid for a 5-year period and may be renewed for additional 5-year periods; except that the validity of a license issued to a radio officer is conditioned on the continuous possession by the holder of a first-class or second-class radiotelegraph operator license issued by the Federal Communications Commission.

''(b) ADVANCE RENEWALS.—A renewed license issued under this part may be issued up to 8 months in advance but is not effective until the date that the previously issued license expires.''.

(c) CERTIFICATES OF REGISTRY.—Section 7107 of such title is amended to read as follows:

''§ 7107. Duration of certificates of registry

''(a) IN GENERAL.—A certificate of registry issued under this part is valid for a 5-year period and may be renewed for additional 5-year periods; except that the validity of a certificate issued to a medical doctor or professional nurse is conditioned on the continuous possession by the holder of a license as a medical doctor or registered nurse, respectively, issued by a State.

''(b) ADVANCE RENEWALS.—A renewed certificate of registry issued under this part may be issued up to 8 months in advance but is not effective until the date that the previously issued certificate of registry expires.''.

SEC. 322. FINGERPRINTING.

(a) MERCHANT MARINER LICENSES AND DOCUMENTS.—Chapter 75 of title 46, United States Code, is amended by adding at the end the following:

''§ 7507. Fingerprinting

''The Secretary of the Department in which the Coast Guard is operating may not require an individual to be fingerprinted for the issuance or renewal of a license, a certificate of registry, or a merchant mariner's document under chapter 71 or 73 if the individual was fingerprinted when the individual applied for a transportation security card under section 70105.''.

(b) CLERICAL AMENDMENT.—The analysis for such chapter is amended by adding at the end the following:

''7507. Fingerprinting.''.

SEC. 323. AUTHORIZATION TO EXTEND THE DURATION OF LICENSES, CERTIFICATES OF REGISTRY, AND MERCHANT MARINERS' DOCUMENTS.

(a) MERCHANT MARINER LICENSES AND DOCUMENTS.—Chapter 75 of title 46, United States Code, as amended by section 322(a) of this Act, is further amended by adding at the end the following:

''§ 7508. Authority to extend the duration of licenses, certificates of registry, and merchant mariner documents

''(a) LICENSES AND CERTIFICATES OF REGISTRY.—Notwithstanding sections 7106 and 7107, the Secretary of the department in which the Coast Guard is operating may extend for one year an expiring license or certificate of registry issued for an individual under chapter 71 if the Secretary determines that extension is required to enable the Coast Guard to eliminate a backlog in processing applications for those licenses or certificates of registry.

''(b) MERCHANT MARINER DOCUMENTS.—Notwithstanding section 7302(g), the Secretary may extend for one year an expiring merchant mariner's document issued for an individual under chapter 71 if the Secretary determines that extension is required to enable the Coast Guard to eliminate a backlog in processing applications for those documents.

''(c) MANNER OF EXTENSION.—Any extensions granted under this section may be granted to individual seamen or a specifically identified group of seamen.

''(d) EXPIRATION OF AUTHORITY.—The authority for providing an extension under this section shall expire on June 30, 2009.''.

(b) CLERICAL AMENDMENT.—The analysis for such chapter, as amended by section 322(b), is further amended by adding at the end the following:

''7508. Authority to extend the duration of licenses, certificates of registry, and merchant mariner documents.''.

SEC. 324. MERCHANT MARINER DOCUMENTATION.

(a) INTERIM CLEARANCE PROCESS.—Not later than 180 days after the date of enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall develop an interim clearance process for issuance of a merchant mariner document to enable a newly hired seaman to begin working on an offshore supply vessel or towing vessel if the Secretary makes an initial determination that the seaman does not pose a safety and security risk.

(b) CONTENTS OF PROCESS.—The process under subsection (a) shall include a check against the consolidated and integrated terrorist watch list maintained by the Federal Government, review of the seaman's criminal record, and review of the results of testing the seaman for use of a dangerous drug (as defined in section 2101 of title 46, United States Code) in violation of law or Federal regulation.

SEC. 325. MERCHANT MARINER ASSISTANCE REPORT.

Not later than 180 days after the date of enactment of this Act, the Commandant of the Coast Guard shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report regarding a plan—

(1) to expand the streamlined evaluation process program that was affiliated with the Houston Regional Examination Center of the Coast Guard to all processing centers of the Coast Guard nationwide;

(2) to include proposals to simplify the application process for a license as an officer, staff officer, or operator and for a merchant mariner's document to help eliminate errors by merchant mariners when completing the application form (CG–719B), including instructions attached to the application form and a modified application form for renewals with questions pertaining only to the period of time since the previous application;

(3) to provide notice to an applicant of the status of the pending application, including a process to allow the applicant to check on the status of the application by electronic means; and

(4) to ensure that all information collected with respect to applications for new or renewed licenses, merchant mariner documents, and certificates of registry is retained in a secure electronic format.

SEC. 326. MERCHANT MARINER SHORTAGE REPORT.

Not later than 180 days after the date of enactment of this Act, the Secretary of Transportation, acting through the Administrator of the Maritime Administration, shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report concerning methods to address the current and future shortage in the number of merchant mariners, particularly entry-level mariners, including an evaluation of whether an educational loan program providing loans for the cost of on-the-job training would provide an incentive for workers and help alleviate the shortage.

SEC. 327. MERCHANT MARINER DOCUMENT STANDARDS.

Not later than 270 days after the date of enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate—

(1) a plan to ensure that the process for an application, by an individual who has, or has applied for, a transportation security card under section 70105 of title 46, United States Code, for a merchant mariner document can be completed entirely by mail; and

(2) a report on the feasibility of, and a timeline to, redesign the merchant mariner document to comply with the requirements of such section, including a biometric identifier, and all relevant international conventions, including the International Labour Organization Convention Number 185 concerning the seafarers identity document, and

include a review on whether or not such redesign will eliminate the need for separate credentials and background screening and streamline the application process for mariners.

SEC. 328. REPORT ON COAST GUARD DETERMINATIONS.

Not later than 180 days after enactment of this Act, the Secretary of Homeland Security shall provide to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the loss of United States shipyard jobs and industrial base expertise as a result of rebuild, conversion, and double-hull work on United States-flag vessels eligible to engage in the coastwise trade being performed in foreign shipyards, enforcement of the Coast Guard's foreign rebuild determination regulations, and recommendations for improving the transparency in the Coast Guard's foreign rebuild determination process.

SEC. 329. PILOT REQUIRED.

Section 8502(g) of title 46, United States Code, is amended—

(1) in paragraph (1), by inserting ''and Buzzards Bay, Massachusetts'' before '', if any,''; and

(2) by adding at the end the following:

''(3) In any area of Buzzards Bay, Massachusetts, where a single-hull tanker or tank vessel carrying 5,000 or more barrels of oil or other hazardous material is required to be under the direction and control of a pilot, the pilot may not be a member of the crew of that vessel, and shall be a pilot licensed—

''(A) by the State of Massachusetts who is operating under a Federal first class pilot's license; or

''(B) under section 7101 of this title who has made at least 20 round trips on a vessel as a quartermaster, wheelsman, able seaman, or apprentice pilot, or in an equivalent capacity, including—

''(i) at least 1 round trip through Buzzards Bay in the preceding 12-month period; and

''(ii) if the vessel will be navigating in periods of darkness in an area of Buzzards Bay where a vessel is required by regulation to have a pilot, at least 5 round trips through Buzzards Bay during periods of darkness.''.

SEC. 330. OFFSHORE SUPPLY VESSELS.

(a) DEFINITION.—Section 2101(19) of title 46, United States Code, is amended by striking ''of more than 15 gross tons but less than 500 gross tons as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title''.

(b) EXEMPTION.—Section 5209(b)(1) of the Oceans Act of 1992 (Public Law 102–587; 46 U.S.C. 2101 note) is amended by inserting before the period at the end the following: ''of less than 500 gross tons as measured under section 14502, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title.''.

(c) WATCHES.—Section 8104 of title 46, United States Code, is amended—

(1) in subsection (g), by inserting after ''offshore supply vessel'' the following: ''of less than 500 gross tons as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title,'';

(2) in subsection (d), by inserting ''(1)'' after ''(d)'', and by adding at the end the following:

''(2) Paragraph (1) does not apply to an offshore supply vessel of more than 6,000 gross tons as measured under section 14302 of this title if the individuals engaged on the vessel are in compliance with hours of service requirements (including recording and record-keeping of that service) prescribed by the Secretary.''; and

(3) in subsection (e), by striking ''subsection (d)'' and inserting ''subsection (d)(1)''.

(d) MINIMUM NUMBER OF LICENSED INDIVIDUALS.—Section 8301(b) of title 46, United States Code, is amended to read as follows:

''(b)(1) An offshore supply vessel shall have at least one mate. Additional mates on an offshore supply vessel of more than 6,000 gross tons as measured under section 14302 of this title shall be prescribe in accordance with hours of service requirements (including recording and record-keeping of that service) prescribed by the Secretary.

''(2) An offshore supply vessel of more than 200 gross tons as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title, may not be operated without a licensed engineer.''.

SEC. 331. RECREATIONAL VESSEL OPERATOR EDUCATION AND TRAINING.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall study and report to the Committee on Transportation and Infrastructure of the House of Representatives and the Committees on Commerce, Science, and Transportation of the Senate regarding recreational vessel operator training. The study and report shall included a review of—

(1) Coast Guard Auxiliary and Power Squadron training programs;

(2) existing State boating education programs, including programs by the National Association of State Boating Law Administrators (in this section referred to as ''NASBLA''); and

(3) other hands-on training programs available to recreational vessel operators.

(b) INCLUDED SUBJECTS.—The study shall specifically examine—

(1) course materials;

(2) course content;

(3) training methodology;

(4) assessment methodology; and

(5) relevancy of course content to risks for recreational boaters.

(c) CONTENTS OF REPORT.—The report under this section shall include—

(1) a section regarding steps the Coast Guard and NASBLA have taken to encourage States to adopt mandatory recreational vessel operator training;

(2) an evaluation of the ability of the States to harmonize their education programs and testing procedures;

(3) an analysis of the extent States have provided reciprocity among the States for their respective mandatory and voluntary education requirements and programs;

(4) a section examining the level of uniformity of education and training between the States that currently have mandatory education and training programs;

(5) a section outlining the minimum standards for education of recreational vessel operators;

(6) a section analyzing how a Federal training and testing program can be harmonized with State training and testing programs;

(7) analysis of course content and delivery methodology for relevancy to risks for recreational boaters;

(8) a description of the current phase-in periods for mandatory boater education in State mandatory education programs and recommendation for the phase-in period for a mandatory boater education program including an evaluation as to whether the phase-in period affects course availability and cost;

(9) a description of the extent States allow for experienced boaters to by-pass mandatory education courses and go directly to testing;

(10) recommendations for a by-pass option for experienced boaters;

(11) a section analyzing how the Coast Guard would administer a Federal boating education, training, and testing program; and

(12) the extent to which a Federal boating education, training, and testing program should be required for all waters of a State, including internal waters.

SEC. 332. SHIP EMISSION REDUCTION TECHNOLOGY DEMONSTRATION PROJECT.

(a) STUDY.—The Commandant of the Coast Guard shall conduct a study—

(1) on the methods and best practices of the use of exhaust emissions reduction technology on cargo or passenger ships that operate in United States waters and ports; and

(2) that identifies the Federal, State, and local laws, regulations, and other requirements that affect the ability of any entity to effectively demonstrate onboard technology for the reduction of contaminated emissions from ships.

(b) REPORT.—Within 180 days after the date of enactment of this Act, the Commandant shall submit a report on the results of the study conducted under subsection (a) to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

SEC. 333. DELEGATION OF AUTHORITY TO CLASSIFICATION SOCIETIES REGARDING OFFSHORE FACILITIES.

Section 3316 of title 46, United States Code, is amended by adding at the end the following new subsection:

''(d)(1) The Secretary may delegate to the American Bureau of Shipping or another classification society recognized by the Secretary as meeting acceptable standards for such a society, for a United States offshore facility, the authority to—

''(A) review and approve plans required for issuing a certificate of inspection or certificate of compliance; and

''(B) conduct inspections and examinations.

''(2) The Secretary may make a delegation under paragraph (1) to a foreign classification society only if the foreign classification society has offices and maintains records in the United States and—

''(A) if the government of the foreign country in which the society is headquartered delegates that authority to the American Bureau of Shipping; or

''(B) to the extent the government of the foreign country accepts plan review, inspections, or examinations conducted by the American Bureau of Shipping and provides equivalent access to inspect, certify, and provide related services to offshore facilities located in that country or operating under the authority of that country.

''(3) When an inspection or examination has been delegated under this subsection, the Secretary's delegate—

''(A) shall maintain in the United States complete files of all information derived from or necessarily connected with the inspection or examination for at least 2 years after the United States offshore facility ceases to be certified; and

''(B) shall permit access to those files at all reasonable times to any officer, employee, or member of the Coast Guard designated—

''(i) as a marine inspector and serving in a position as a marine inspector; or

''(ii) in writing by the Secretary to have access to those files.

''(4) For purposes of this section—

''(A) the term 'offshore facility' means any installation, structure, or other device (including any vessel not documented under

chapter 121 of this title or the laws of another country) that is fixed or floating, dynamically holds position or is temporarily or permanently attached to the seabed or subsoil under the sea, and is used for the purpose of exploring for, developing, producing, or storing the resources from that seabed or subsoil; and

''(B) the term 'United States offshore facility' means any offshore facility, fixed or floating, that dynamically holds position or is temporarily or permanently attached to the seabed or subsoil under the territorial sea of the United States or the outer Continental Shelf (as that term is defined in section 2 of the Outer Continental Shelf Lands Act (43 U.S.C. 1331)).''.

SEC. 334. REQUIREMENT FOR PILOTS TO CARRY AND UTILIZE PORTABLE ELECTRONIC NAVIGATIONAL DEVICE.

The Ports and Waterways Safety Act (33 U.S.C. 1221 et seq.) is amended by inserting after section 4A the following:

''SEC. 4B. PORTABLE ELECTRONIC DEVICE FOR NAVIGATION PURPOSES.

''(a) IN GENERAL.—The Commandant of the Coast Guard may issue regulations that—

''(1) require that any pilot licensed under subtitle II of title 46, United States Code, while serving under the authority of that license as pilot on a covered vessel operating in waters designated in the regulation shall carry and utilize a portable electronic device that is—

''(A) equipped for navigational purposes; and

''(B) capable of being connected to an Automatic Identification System; and

''(2) require such pilots to obtain training in the use of such electronic devices, and prescribe requirements for such training after consultation with State or local pilotage authorities on specific equipment and practices in the waters designated in the regulation.

''(b) DETERMINATION OF NEED.—The Commandant shall consult with State or local pilotage authorities for the waters covered by the regulations to determine if the carriage and use of such portable electronic devices would improve safe navigation under local conditions and whether there is a need for mandatory carriage requirements.

''(c) COVERED VESSEL DEFINED.—In this section the term 'covered vessel' means a self-propelled commercial vessel of 300 gross tons or more that does not have an electronic chart prescribed under section 4A.''.

TITLE IV—MISCELLANEOUS PROVISIONS

SEC. 401. CERTIFICATE OF DOCUMENTATION FOR GALLANT LADY.

Section 1120(c) of the Coast Guard Authorization Act of 1996 (110 Stat. 3977) is amended—

(1) in paragraph (1)—

(A) by striking ''of Transportation'' and inserting ''of the department in which the Coast Guard is operating''; and

(B) by striking subparagraph (A) and inserting the following:

''(A) the vessel GALLANT LADY (Feadship hull number 672, approximately 168 feet in length).'';

(2) by striking paragraphs (3) and (4) and redesignating paragraph (5) as paragraph (3); and

(3) in paragraph (3) (as so redesignated) by striking all after ''shall expire'' and inserting ''on the date of the sale of the vessel by the owner.''.

SEC. 402. WAIVER.

Notwithstanding section 12112 and chapter 551 of title 46, United States Code, the Secretary of the department in which the Coast Guard is operating may issue a certificate of documentation with a coastwise endorsement for the OCEAN VERITAS (IMO Number 7366805).

SEC. 403. GREAT LAKES MARITIME RESEARCH INSTITUTE.

Section 605 of the Coast Guard and Maritime Transportation Act of 2004 (118 Stat. 1052) is amended—

(1) in subsection (b)(1)—

(A) by striking ''The Secretary of Transportation shall conduct a study that'' and inserting ''The Institute shall conduct maritime transportation studies of the Great Lakes region, including studies that'';

(B) in subparagraphs (A), (B), (C), (E), (F), (H), (I), and (J) by striking ''evaluates'' and inserting ''evaluate'';

(C) in subparagraphs (D) and (G) by striking ''analyzes'' and inserting ''analyze'';

(D) by striking ''and'' at the end of subparagraph (I);

(E) by striking the period at the end of subparagraph (J) and inserting a semicolon;

(F) by adding at the end the following:

''(K) identify ways to improve the integration of the Great Lakes marine transportation system into the national transportation system;

''(L) examine the potential of expanded operations on the Great Lakes marine transportation system;

''(M) identify ways to include intelligent transportation applications into the Great Lakes marine transportation system;

''(N) analyze the effects and impacts of aging infrastructure and port corrosion on the Great Lakes marine transportation system;

''(O) establish and maintain a model Great Lakes marine transportation system database; and

''(P) identify market opportunities for, and impediments to, the use of United States-flag vessels in trade with Canada on the Great Lakes.''; and

(2) by striking subsection (b)(4) and inserting the following:

''(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out paragraph (1)—

''(A) $2,200,000 for fiscal year 2008;

''(B) $2,300,000 for fiscal year 2009;

''(C) $2,400,000 for fiscal year 2010; and

''(D) $2,500,000 for fiscal year 2011.''.

SEC. 404. CONVEYANCE.

(a) STATION BRANT POINT BOAT HOUSE.—

(1) REQUIREMENT.—The Secretary of the department in which the Coast Guard is operating shall convey to the town of Nantucket, Massachusetts, all right, title, and interest of the United States in and to the buildings known as the Station Brant Point Boat House located at Coast Guard Station Brant Point, Nantucket, Massachusetts, for use for a public purpose.

(2) TERMS OF CONVEYANCE.—A conveyance of the building under paragraph (1) shall be made—

(A) without the payment of consideration; and

(B) subject to appropriate terms and conditions the Secretary considers necessary.

(3) REVERSIONARY INTEREST.—All right, title, and interest in property conveyed under this subsection shall revert to the United States if any portion of the property is used other than for a public purpose.

(b) LEASE.—

(1) REQUIREMENT.—The Secretary of the department in which the Coast Guard is operating shall enter into a lease with the town of Nantucket that authorizes the town of Nantucket to occupy the land on which the buildings conveyed under subsection (a) are located, subject to appropriate terms and conditions the Secretary considers necessary.

(2) LEASE TERM.—A lease under this subsection shall not expire before January 31, 2033.

(3) TERMINATION OF LEASE.—If the Secretary determines that the property leased under paragraph (1) is necessary for purposes of the Coast Guard, the Secretary—

(A) may terminate the lease without payment of compensation; and

(B) shall provide the town of Nantucket not less than 12 months notice of the requirement to vacate the site and move the buildings conveyed under subsection (a) to another location.

SEC. 405. CREW WAGES ON PASSENGER VESSELS.

(a) FOREIGN AND INTERCOASTAL VOYAGES.—

(1) CAP ON PENALTY WAGES.—Section 10313(g) of title 46, United States Code, is amended—

(A) by striking ''When'' and inserting ''(1) Subject to paragraph (2), when''; and

(B) by adding at the end the following:

''(2) The total amount required to be paid under paragraph (1) with respect to all claims in a class action suit by seamen on a passenger vessel capable of carrying more than 500 passengers for wages under this section against a vessel master, owner, or operator or the employer of the seamen shall not exceed ten times the unpaid wages that are the subject of the claims.

''(3) A class action suit for wages under this subsection must be commenced within three years after the later of—

''(A) the date of the end of the last voyage for which the wages are claimed; or

''(B) the receipt, by a seaman who is a claimant in the suit, of a payment of wages that are the subject of the suit that is made in the ordinary course of employment.''.

(2) DEPOSITS.—Section 10315 of such title is amended by adding at the end the following:

''(f) DEPOSITS IN SEAMAN ACCOUNT.—By written request signed by the seaman, a seaman employed on a passenger vessel capable of carrying more than 500 passengers may authorize the master, owner, or operator of the vessel, or the employer of the seaman, to make deposits of wages of the seaman into a checking, savings, investment, or retirement account, or other account to secure a payroll or debit card for the seaman if—

''(1) the wages designated by the seaman for such deposit are deposited in a United States or international financial institution designated by the seaman;

''(2) such deposits in the financial institution are fully guaranteed under commonly accepted international standards by the government of the country in which the financial institution is licensed;

''(3) a written wage statement or pay stub, including an accounting of any direct deposit, is delivered to the seaman no less often than monthly; and

''(4) while on board the vessel on which the seaman is employed, the seaman is able to arrange for withdrawal of all funds on deposit in the account in which the wages are deposited.''.

(b) COASTWISE VOYAGES.—

(1) CAP ON PENALTY WAGES.—Section 10504(c) of such title is amended—

(A) by striking ''When'' and inserting ''(1) Subject to subsection (d), and except as provided in paragraph (2), when''; and

(B) by inserting at the end the following:

''(2) The total amount required to be paid under paragraph (1) with respect to all claims in a class action suit by seamen on a passenger vessel capable of carrying more than 500 passengers for wages under this section against a vessel master, owner, or operator or the employer of the seamen shall not exceed ten times the unpaid wages that are the subject of the claims.

''(3) A class action suit for wages under this subsection must be commenced within three years after the later of—

''(A) the date of the end of the last voyage for which the wages are claimed; or

''(B) the receipt, by a seaman who is a claimant in the suit, of a payment of wages

that are the subject of the suit that is made in the ordinary course of employment.''.

(2) DEPOSITS.—Section 10504 of such title is amended by adding at the end the following:

''(f) DEPOSITS IN SEAMAN ACCOUNT.—On written request signed by the seaman, a seaman employed on a passenger vessel capable of carrying more than 500 passengers may authorize, the master, owner, or operator of the vessel, or the employer of the seaman, to make deposits of wages of the seaman into a checking, savings, investment, or retirement account, or other account to secure a payroll or debit card for the seaman if—

''(1) the wages designated by the seaman for such deposit are deposited in a United States or international financial institution designated by the seaman;

''(2) such deposits in the financial institution are fully guaranteed under commonly accepted international standards by the government of the country in which the financial institution is licensed;

''(3) a written wage statement or pay stub, including an accounting of any direct deposit, is delivered to the seaman no less often than monthly; and

''(4) while on board the vessel on which the seaman is employed, the seaman is able to arrange for withdrawal of all funds on deposit in the account in which the wages are deposited.''.

SEC. 406. TECHNICAL CORRECTIONS.

(a) COAST GUARD AND MARITIME TRANSPORTATION ACT OF 2006.—Effective with enactment of the Coast Guard and Maritime Transportation Act of 2006 (Public Law 109–241), such Act is amended—

(1) in section 311(b) (120 Stat. 530) by inserting ''paragraphs (1) and (2) of'' before ''section 8104(o)'';

(2) in section 603(a)(2) (120 Stat. 554) by striking ''33 U.S.C. 2794(a)(2)'' and inserting ''33 U.S.C. 2704(a)(2)'';

(3) in section 901(r)(2) (120 Stat. 566) by striking ''the'' the second place it appears;

(4) in section 902(c) (120 Stat. 566) by inserting ''of the United States'' after ''Revised Statutes'';

(5) in section 902(e) (120 Stat. 567) is amended—

(A) by inserting ''and'' after the semicolon at the end of paragraph (1);

(B) by striking ''and'' at the end of paragraph (2)(A); and

(C) by redesignating paragraphs (3) and (4) as subparagraphs (C) and (D) of paragraph (2), respectively, and aligning the left margin of such subparagraphs with the left margin of subparagraph (A) of paragraph (2);

(6) in section 902(e)(2)(C) (as so redesignated) by striking ''this section'' and inserting ''this paragraph'';

(7) in section 902(e)(2)(D) (as so redesignated) by striking ''this section'' and inserting ''this paragraph'';

(8) in section 902(h)(1) (120 Stat. 567)—

(A) by striking ''Bisti/De-Na-Zin'' and all that follows through ''Protection'' and inserting ''Omnibus Parks and Public Lands Management''; and

(B) by inserting a period after ''Commandant of the Coast Guard'';

(9) in section 902(k) (120 Stat. 568) is amended—

(A) by inserting ''the Act of March 23, 1906, commonly known as'' before ''the General Bridge'';

(B) by striking ''491)'' and inserting ''494),''; and

(C) by inserting ''each place it appears'' before ''and inserting''; and

(10) in section 902(o) (120 Stat. 569) by striking the period after ''Homeland Security''.

(b) TITLE 14.—(1) The analysis for chapter 7 of title 14, United States Code, is amended by adding a period at the end of the item relating to section 149.

(2) The analysis for chapter 17 of title 14, United States Code, is amended by adding a period at the end of the item relating to section 677.

(3) The analysis for chapter 9 of title 14, United States Code, is amended by adding a period at the end of the item relating to section 198.

(c) TITLE 46.—(1) The analysis for chapter 81 of title 46, United States Code, is amended by adding a period at the end of the item relating to section 8106.

(2) Section 70105(c)(3)(C) of such title is amended by striking ''National Intelligence Director'' and inserting ''Director of National Intelligence''.

(d) DEEPWATER PORT ACT OF 1974.—Section 5(c)(2) of the Deepwater Port Act of 1974 (33 U.S.C. 1504(c)(2)) is amended by aligning the left margin of subparagraph (K) with the left margin of subparagraph (L).

(e) OIL POLLUTION ACT OF 1990.—(1) Section 1004(a)(2) of the Oil Pollution Act of 1990 (33 U.S.C. 2704(a)(2)) is amended by striking the first comma following ''$800,000''.

(2) The table of sections in section 2 of such Act is amended by inserting a period at the end of the item relating to section 7002.

(f) COAST GUARD AUTHORIZATION ACT OF 1996.—The table of sections in section 2 of the Coast Guard Authorization Act of 1996 is amended in the item relating to section 103 by striking ''reports'' and inserting ''report''.

SEC. 407. CONVEYANCE OF DECOMMISSIONED COAST GUARD CUTTER STORIS.

(a) IN GENERAL.—Upon the scheduled decommissioning of the Coast Guard Cutter STORIS, the Commandant of the Coast Guard shall convey, without consideration, all right, title, and interest of the United States in and to that vessel to the USCG Cutter STORIS Museum and Maritime Education Center, LLC, located in the State of Alaska if the recipient—

(1) agrees—

(A) to use the vessel for purposes of a museum and historical display;

(B) not to use the vessel for commercial transportation purposes;

(C) to make the vessel available to the United States Government if needed for use by the Commandant in time of war or a national emergency; and

(D) to hold the Government harmless for any claims arising from exposure to hazardous materials, including asbestos and polychlorinated biphenyls, after conveyance of the vessel, except for claims arising from the use by the Government under subparagraph (C);

(2) has funds available that will be committed to operate and maintain in good working condition the vessel conveyed, in the form of cash, liquid assets, or a written loan commitment and in an amount of at least $700,000; and

(3) agrees to any other conditions the Commandant considers appropriate.

(b) MAINTENANCE AND DELIVERY OF VESSEL.—

(1) MAINTENANCE.—Before conveyance of the vessel under this section, the Commandant shall make, to the extent practical and subject to other Coast Guard mission requirements, every effort to maintain the integrity of the vessel and its equipment until the time of delivery.

(2) DELIVERY.—If a conveyance is made under this section, the Commandant shall deliver the vessel to a suitable mooring in the local area in its present condition.

(3) TREATMENT OF CONVEYANCE.—The conveyance of the vessel under this section shall not be considered a distribution in commerce for purposes of section 6(e) of Public Law 94–469 (15 U.S.C. 2605(e)).

(c) OTHER EXCESS EQUIPMENT.—The Commandant may convey to the recipient of a conveyance under subsection (a) any excess equipment or parts from other decommissioned Coast Guard vessels for use to enhance the operability and function of the vessel conveyed under subsection (a) for purposes of a museum and historical display.

SEC. 408. REPEAL OF REQUIREMENT OF LICENSE FOR EMPLOYMENT IN THE BUSINESS OF SALVAGING ON THE COAST OF FLORIDA.

Chapter 801 of title 46, United States Code, is amended—

(1) by striking section 80102; and

(2) in the table of sections at the beginning of the chapter by striking the item relating to that section.

SEC. 409. RIGHT-OF-FIRST-REFUSAL FOR COAST GUARD PROPERTY ON JUPITER ISLAND, FLORIDA.

(a) RIGHT-OF-FIRST-REFUSAL.—Notwithstanding any other law (other than this section), the Town of Jupiter Island, Florida, shall have the right-of-first-refusal for an exchange of real property within the jurisdiction of the Town comprising Parcel #35–38–42–004–000–02590–6 (Bon Air Beach lots 259 and 260 located at 83 North Beach Road) and Parcel #35–38–42–004–000–02610–2 (Bon Air Beach lots 261 to 267), including any improvements thereon, for other real property of equal or greater value.

(b) IDENTIFICATION OF PROPERTY.—The Commandant of the Coast Guard may identify, describe, and determine the property referred to in subsection (a) that is subject to the right of the Town under that subsection.

(c) LIMITATION.—The property referred to in subsection (a) may not be conveyed under that subsection until the Commandant of the Coast Guard determines that the property is not needed to carry out Coast Guard missions or functions.

(d) REQUIRED USE.—

(1) IN GENERAL.—Except as provided in paragraph (2), any property conveyed under this section shall be used by the Town of Jupiter Island, Florida, solely for conservation of fish and wildlife habitat and other natural resources, including wetlands, beaches, and dunes, and as protection against damage from wind, tidal, and wave energy.

(2) PUBLIC ACCESS.—The Town of Jupiter Island shall allow the public to have reasonable public access to the property conveyed under this section, for customary recreation use of the beach under a management program established by agreement between the Town of Jupiter Island, Florida, and Martin County, Florida.

(e) REVERSION.—Any conveyance of property under this section shall be subject to the condition that all right, title, and interest in the property, at the option of the Commandant of the Coast Guard, shall revert to the United States Government if the property is used for purposes other than conservation and public access.

(f) IMPLEMENTATION.—The Commandant of the Coast Guard shall upon request by the Town—

(1) promptly take those actions necessary to make property identified under subsection (b) and determined by the Commandant under subsection (c) ready for conveyance to the Town; and

(2) convey the property to the Town subject to subsections (d) and (e).

SEC. 410. CONVEYANCE OF COAST GUARD HU–25 FALCON JET AIRCRAFT.

(a) AUTHORITY TO CONVEY.—Notwithstanding any other law, the Commandant of the Coast Guard may convey to the Elizabeth City State University (in this section referred to as the ''University''), a public university located in the State of North Carolina, without consideration all right, title, and interest of the United States in an HU–25 Falcon Jet aircraft under the administrative jurisdiction of the Coast Guard that the Commandant determines—

(1) is appropriate for use by the University; and

(2) is excess to the needs of the Coast Guard.

(b) CONDITIONS.—

(1) IN GENERAL.—As a condition of conveying an aircraft to the University under subsection (a), the Commandant shall enter into an agreement with the University under which the University agrees—

(A) to utilize the aircraft for educational purposes or other public purposes as jointly agreed upon by the Commandant and the University before conveyance; and

(B) to hold the United States harmless for any claim arising with respect to the aircraft after conveyance of the aircraft.

(2) REVERSIONARY INTEREST.—If the Commandant determines that the recipient violated subparagraph (A) or (B) of paragraph (1), then—

(A) all right, title, and interest in the aircraft shall revert to the United States;

(B) the United States shall have the right to immediate possession of the aircraft; and

(C) the recipient shall pay the United States for its costs incurred in recovering the aircraft for such violation.

(c) LIMITATION ON FUTURE TRANSFERS.—

(1) IN GENERAL.—The Commandant shall include in the instruments for the conveyance a requirement that any further conveyance of an interest in the aircraft may not be made without the approval in advance of the Commandant.

(2) REVERSIONARY INTEREST.—If the Commandant determines that an interest in the aircraft was conveyed without such approval, then—

(A) all right, title, and interest in the aircraft shall revert to the United States;

(B) the United States shall have the right to immediate possession of the aircraft; and

(C) the recipient shall pay the United States for its costs incurred in recovering the aircraft for such a violation.

(d) DELIVERY OF AIRCRAFT.—The Commandant shall deliver the aircraft conveyed under subsection (a)—

(1) at the place where the aircraft is located on the date of the conveyance;

(2) in its condition on the date of conveyance; and

(3) without cost to the United States.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Commandant may require such additional terms and conditions in connection with the conveyance required by subsection (a) as the Commandant considers appropriate to protect the interests of the United States.

SEC. 411. DECOMMISSIONED COAST GUARD VESSELS FOR HAITI.

(a) IN GENERAL.—Notwithstanding any other law, upon the scheduled decommissioning of any Coast Guard 41-foot patrol boat, the Commandant of the Coast Guard shall give the Government of Haiti a right-of-first-refusal for conveyance of that vessel to the Government of Haiti, if that Government of Haiti agrees—

(1) to use the vessel for the Coast Guard of Haiti;

(2) to make the vessel available to the United States Government if needed for use by the Commandant in time of war or national emergency;

(3) to hold the United States Government harmless for any claims arising from exposure to hazardous materials, including asbestos and polychlorinated biphenyls, after conveyance of the vessel, except for claims arising from the use by the United States Government under paragraph (2); and

(4) to any other conditions the Commandant considers appropriate.

(b) LIMITATION.—The Commandant may not convey more than 10 vessels to the Government of Haiti pursuant to this section.

(c) MAINTENANCE AND DELIVERY OF VESSEL.—

(1) MAINTENANCE.—Before conveyance of a vessel under this section, the Commandant shall make, to the extent practical and subject to other Coast Guard mission requirements, every effort to maintain the integrity of the vessel and its equipment until the time of delivery.

(2) DELIVERY.—If a conveyance is made under this section, the Commandant shall deliver a vessel to a suitable mooring in the local area in its present condition.

(3) TREATMENT OF CONVEYANCE.—The conveyance of a vessel under this section shall not be considered a distribution in commerce for purposes of section 6(e) of Public Law 94–469 (15 U.S.C. 2605(e)).

SEC. 412. EXTENSION OF PERIOD OF OPERATION OF VESSEL FOR SETTING, RELOCATION, OR RECOVERY OF ANCHORS OR OTHER MOORING EQUIPMENT.

Section 705(a)(2) of Public Law 109–347 (120 Stat. 1945) is amended by striking ''2'' and inserting ''3''.

SEC. 413. VESSEL TRAFFIC RISK ASSESSMENTS.

(a) REQUIREMENT.—The Commandant of the Coast Guard, acting through the appropriate Area Committee established under section 311(j)(4) of the Federal Water Pollution Control Act, shall prepare a vessel traffic risk assessment—

(1) for Cook Inlet, Alaska, within one year after the date of enactment of this Act; and

(2) for the Aleutian Islands, Alaska, within two years after the date of enactment of this Act.

(b) CONTENTS.—Each of the assessments shall describe, for the region covered by the assessment—

(1) the amount and character of present and estimated future shipping traffic in the region; and

(2) the current and projected use and effectiveness in reducing risk, of—

(A) traffic separation schemes and routing measures;

(B) long-range vessel tracking systems developed under section 70115 of title 46, United States Code;

(C) towing, response, or escort tugs;

(D) vessel traffic services;

(E) emergency towing packages on vessels;

(F) increased spill response equipment including equipment appropriate for severe weather and sea conditions;

(G) the Automatic Identification System developed under section 70114 of title 46, United States Code;

(H) particularly sensitive sea areas, areas to be avoided, and other traffic exclusion zones;

(I) aids to navigation; and

(J) vessel response plans.

(c) RECOMMENDATIONS.—

(1) IN GENERAL.—Each of the assessments shall include any appropriate recommendations to enhance the safety, or lessen potential adverse environmental impacts, of marine shipping.

(2) CONSULTATION.—Before making any recommendations under paragraph (1) for a region, the Area Committee shall consult with affected local, State, and Federal government agencies, representatives of the fishing industry, Alaska Natives from the region, the conservation community, and the merchant shipping and oil transportation industries.

(d) PROVISION TO CONGRESS.—The Commandant shall provide a copy of each assessment to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Commandant $1,800,000 for each of fiscal years 2008 and 2009 to the conduct the assessments.

SEC. 414. VESSEL MARYLAND INDEPENDENCE.

Notwithstanding sections 55101, 55103, and 12112 of title 46, United States Code, the Secretary of the department in which the Coast Guard is operating may issue a certificate of documentation with a coastwise endorsement for the vessel MARYLAND INDEPENDENCE (official number 662573). The coastwise endorsement issued under authority of this section is terminated if—

(1) the vessel, or controlling interest in the person that owns the vessel, is conveyed after the date of enactment of this Act; or

(2) any repairs or alterations are made to the vessel outside of the United States.

SEC. 415. STUDY OF RELOCATION OF COAST GUARD SECTOR BUFFALO FACILITIES.

(a) PURPOSES.—The purposes of this section are—

(1) to authorize a project study to evaluate the feasibility of consolidating and relocating Coast Guard facilities at Coast Guard Sector Buffalo within the study area;

(2) to obtain a preliminary plan for the design, engineering, and construction for the consolidation of Coast Guard facilities at Sector Buffalo; and

(3) to distinguish what Federal lands, if any, shall be identified as excess after the consolidation.

(b) DEFINITIONS.—In this section:

(1) COMMANDANT.—The term ''Commandant'' means the Commandant of the Coast Guard.

(2) SECTOR BUFFALO.—The term ''Sector Buffalo'' means Coast Guard Sector Buffalo of the Ninth Coast Guard District.

(3) STUDY AREA.—The term ''study area'' means the area consisting of approximately 31 acres of real property and any improvements thereon that are commonly identified as Coast Guard Sector Buffalo, located at 1 Fuhrmann Boulevard, Buffalo, New York, and under the administrative control of the Coast Guard.

(c) STUDY.—

(1) IN GENERAL.—Within 12 months after the date on which funds are first made available to carry out this section, the Commandant shall conduct a project proposal report of the study area and shall submit such report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

(2) REQUIREMENTS.—The project proposal report shall—

(A) evaluate the most cost-effective method for providing shore facilities to meet the operational requirements of Sector Buffalo;

(B) determine the feasibility of consolidating and relocating shore facilities on a portion of the existing site, while—

(i) meeting the operational requirements of Sector Buffalo; and

(ii) allowing the expansion of operational requirements of Sector Buffalo; and

(C) contain a preliminary plan for the design, engineering, and construction of the proposed project, including—

(i) the estimated cost of the design, engineering, and construction of the proposed project;

(ii) an anticipated timeline of the proposed project; and

(iii) a description of what Federal lands, if any, shall be considered excess to Coast Guard needs.

(d) LIMITATION.—Nothing in this section shall affect the current administration and management of the study area.

SEC. 416. CONVEYANCE OF COAST GUARD VESSEL TO COAHOMA COUNTY, MISSISSIPPI.

(a) AUTHORITY TO CONVEY.—Notwithstanding the Federal Property and Administrative Services Act of 1949, the Commandant of the Coast Guard may convey to the Sheriff's Department of Coahoma County, Mississippi (in this section referred to as the ''Sheriff's Department''), without consideration all right, title, and interest of the United States in and to a Coast Guard trailerable boat, ranging from 17 feet to 30 feet in size, that the Commandant determines—

(1) is appropriate for use by the Sheriff's Department; and

(2) is excess to the needs of the Coast Guard and the Department of Homeland Security.

(b) CONDITION.—As a condition of conveying a vessel under the authority provided in subsection (a), the Commandant shall enter into an agreement with the Sheriff's Department under which the Sheriff's Department agrees—

(1) to utilize the vessel for homeland security and other appropriate purposes as jointly agreed upon by the Commandant and the Sheriff's Department before conveyance; and

(2) to take the vessel ''as is'' and to hold the United States harmless for any claim arising with respect to that vessel after conveyance of the vessel, including any claims arising from the condition of the vessel and its equipment or exposure to hazardous materials.

(c) DELIVERY OF VESSEL.—The Commandant shall deliver the vessel conveyed under the authority provided in subsection (a)—

(1) at the place where the vessel is located on the date of the conveyance;

(2) in its condition on the date of conveyance; and

(3) without cost to the United States.

(d) OTHER EXCESS EQUIPMENT.—The Commandant may further convey any excess equipment or parts from other Coast Guard vessels, which are excess to the needs of the Coast Guard and the Department of Homeland Security, to the Sheriff's Department for use to enhance the operability of the vessel conveyed under the authority provided in subsection (a).

(e) ADDITIONAL TERMS AND CONDITIONS.—The Commandant may require such additional terms and conditions in connection with the conveyance authorized by subsection (a) as the Commandant considers appropriate to protect the interests of the United States.

SEC. 417. CONVEYANCE OF COAST GUARD VESSEL TO WARREN COUNTY, MISSISSIPPI.

(a) AUTHORITY TO CONVEY.—Notwithstanding the Federal Property and Administrative Services Act of 1949, the Commandant of the Coast Guard may convey to the Sheriff's Office of Warren County, Mississippi (in this section referred to as the ''Sheriff's Office''), without consideration all right, title, and interest of the United States in and to a Coast Guard trailerable boat, ranging from 17 feet to 30 feet in size, that the Commandant determines—

(1) is appropriate for use by the Sheriff's Office; and

(2) is excess to the needs of the Coast Guard and the Department of Homeland Security.

(b) CONDITION.—As a condition of conveying a vessel under the authority provided in subsection (a), the Commandant shall enter into an agreement with the Sheriff's Office under which the Sheriff's Office agrees—

(1) to utilize the vessel for homeland security and other appropriate purposes as jointly agreed upon by the Commandant and the Sheriff's Office before conveyance; and

(2) to take the vessel ''as is'' and to hold the United States harmless for any claim arising with respect to that vessel after conveyance of the vessel, including any claims arising from the condition of the vessel and its equipment or exposure to hazardous materials.

(c) DELIVERY OF VESSEL.—The Commandant shall deliver the vessel conveyed under the authority provided in subsection (a)—

(1) at the place where the vessel is located on the date of the conveyance;

(2) in its condition on the date of conveyance; and

(3) without cost to the United States.

(d) OTHER EXCESS EQUIPMENT.—The Commandant may further convey any excess equipment or parts from other Coast Guard vessels, which are excess to the needs of the Coast Guard and the Department of Homeland Security, to the Sheriff's Office for use to enhance the operability of the vessel conveyed under the authority provided in subsection (a).

(e) ADDITIONAL TERMS AND CONDITIONS.—The Commandant may require such additional terms and conditions in connection with the conveyance authorized by subsection (a) as the Commandant considers appropriate to protect the interests of the United States.

SEC. 418. CONVEYANCE OF COAST GUARD VESSEL TO WASHINGTON COUNTY, MISSISSIPPI.

(a) AUTHORITY TO CONVEY.—Notwithstanding the Federal Property and Administrative Services Act of 1949, the Commandant of the Coast Guard may convey to the Sheriff's Office of Washington County, Mississippi (in this section referred to as the ''Sheriff's Office''), without consideration all right, title, and interest of the United States in and to a Coast Guard trailerable boat, ranging from 17 feet to 30 feet in size, that the Commandant determines—

(1) is appropriate for use by the Sheriff's Office; and

(2) is excess to the needs of the Coast Guard and the Department of Homeland Security.

(b) CONDITION.—As a condition of conveying a vessel under the authority provided in subsection (a), the Commandant shall enter into an agreement with the Sheriff's Office under which the Sheriff's Office agrees—

(1) to utilize the vessel for homeland security and other appropriate purposes as jointly agreed upon by the Commandant and the Sheriff's Office before conveyance; and

(2) to take the vessel ''as is'' and to hold the United States harmless for any claim arising with respect to that vessel after conveyance of the vessel, including any claims arising from the condition of the vessel and its equipment or exposure to hazardous materials.

(c) DELIVERY OF VESSEL.—The Commandant shall deliver the vessel conveyed under the authority provided in subsection (a)—

(1) at the place where the vessel is located on the date of the conveyance;

(2) in its condition on the date of conveyance; and

(3) without cost to the United States.

(d) OTHER EXCESS EQUIPMENT.—The Commandant may further convey any excess equipment or parts from other Coast Guard vessels, which are excess to the needs of the Coast Guard and the Department of Homeland Security, to the Sheriff's Office for use to enhance the operability of the vessel conveyed under the authority provided in subsection (a).

(e) ADDITIONAL TERMS AND CONDITIONS.—The Commandant may require such additional terms and conditions in connection with the conveyance authorized by subsection (a) as the Commandant considers appropriate to protect the interests of the United States.

SEC. 419. COAST GUARD ASSETS FOR UNITED STATES VIRGIN ISLANDS.

(a) IN GENERAL.—The Secretary of Homeland Security may station additional Coast Guard assets in the United States Virgin Islands for port security and other associated purposes.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for fiscal year 2008 such sums as are necessary to carry out this section.

SEC. 420. CONVEYANCE OF THE PRESQUE ISLE LIGHT STATION FRESNEL LENS TO PRESQUE ISLE TOWNSHIP, MICHIGAN.

(a) CONVEYANCE OF LENS AUTHORIZED.—

(1) TRANSFER OF POSSESSION.—Notwithstanding any other provision of law, the Commandant of the Coast Guard may transfer to Presque Isle Township, a township in Presque Isle County in the State of Michigan (in this section referred to as the ''Township''), possession of the Historic Fresnel Lens (in this section referred to as the ''Lens'') from the Presque Isle Light Station Lighthouse, Michigan (in this section referred to as the ''Lighthouse'').

(2) CONDITION.—As a condition of the transfer of possession authorized by paragraph (1), the Township shall, not later than one year after the date of transfer, install the Lens in the Lighthouse for the purpose of operating the Lens and Lighthouse as a Class I private aid to navigation pursuant to section 85 of title 14, United States Code, and the applicable regulations under that section.

(3) CONVEYANCE OF LENS.—Upon the certification of the Commandant that the Township has installed the Lens in the Lighthouse and is able to operate the Lens and Lighthouse as a private aid to navigation as required by paragraph (2), the Commandant shall convey to the Township all right, title, and interest of the United States in and to the Lens.

(4) CESSATION OF UNITED STATES OPERATIONS OF AIDS TO NAVIGATION AT LIGHTHOUSE.—Upon the making of the certification described in paragraph (3), all active Federal aids to navigation located at the Lighthouse shall cease to be operated and maintained by the United States.

(b) REVERSION.—

(1) REVERSION FOR FAILURE OF AID TO NAVIGATION.—If the Township does not comply with the condition set forth in subsection (a)(2) within the time specified in that subsection, the Township shall, except as provided in paragraph (2), return the Lens to the Commandant at no cost to the United States and under such conditions as the Commandant may require.

(2) EXCEPTION FOR HISTORICAL PRESERVATION.—Notwithstanding the lack of compliance of the Township as described in paragraph (1), the Township may retain possession of the Lens for installation as an artifact in, at, or near the Lighthouse upon the approval of the Commandant and under such conditions for the preservation and conservation of the Lens as the Commandant shall specify for purposes of this paragraph. Installation of the Lens under this paragraph shall occur, if at all, not later than two years after the date of the transfer of the Lens to the Township under subsection (a)(1).

(3) REVERSION FOR FAILURE OF HISTORICAL PRESERVATION.—If retention of the Lens by the Township is authorized under paragraph (2) and the Township does not install the Lens in accordance with that paragraph within the time specified in that paragraph, the Township shall return the lens to the Coast Guard at no cost to the United States

and under such conditions as the Commandant may require.

(c) CONVEYANCE OF ADDITIONAL PERSONAL PROPERTY.—

(1) TRANSFER AND CONVEYANCE OF PERSONAL PROPERTY.—Notwithstanding any other provision of law, the Commandant may transfer to the Township any additional personal property of the United States related to the Lens that the Commandant considers appropriate for conveyance under this section. If the Commandant conveys the Lens to the Township under subsection (a)(3), the Commandant may convey to the Township any personal property previously transferred to the Township under this subsection.

(2) REVERSION.—If the Lens is returned to the Coast Guard pursuant to subsection (b), the Township shall return to the Coast Guard all personal property transferred or conveyed to the Township under this subsection except to the extent otherwise approved by the Commandant.

(d) CONVEYANCE WITHOUT CONSIDERATION.—The conveyance of the Lens and any personal property under this section shall be without consideration.

(e) DELIVERY OF PROPERTY.—The Commandant shall deliver property conveyed under this section—

(1) at the place where such property is located on the date of the conveyance;

(2) in its condition on the date of conveyance; and

(3) without cost to the United States.

(f) MAINTENANCE OF PROPERTY.—As a condition of the conveyance of any property to the Township under this section, the Commandant shall enter into an agreement with the Township under which the Township agrees—

(1) to operate the Lens as a Class I private aid to navigation under section 85 of title 14, United States Code, and application regulations under that section; and

(2) to hold the United States harmless for any claim arising with respect to personal property conveyed under this section.

(g) LIMITATION ON FUTURE CONVEYANCE.—The instruments providing for the conveyance of property under this section shall—

(1) require that any further conveyance of an interest in such property may not be made without the advance approval of the Commandant; and

(2) provide that, if the Commandant determines that an interest in such property was conveyed without such approval—

(A) all right, title, and interest in such property shall revert to the United States, and the United States shall have the right to immediate possession of such property; and

(B) the recipient of such property shall pay the United States for costs incurred by the United States in recovering such property.

(h) ADDITIONAL TERMS AND CONDITIONS.—The Commandant may require such additional terms and conditions in connection with the conveyances authorized by this section as the Commandant considers appropriate to protect the interests of the United States.

SEC. 421. FISHING IN SOUTH PACIFIC TUNA TREATY CONVENTION AREA.

Section 12113 of title 46, United States Code, is amended by adding at the end the following new subsection:

''(j) A fishery endorsement is not required for a United States-documented purse seine tuna fishing vessel home ported in American Samoa while fishing exclusively for highly migratory species under a license issued pursuant to the 1987 Treaty on Fisheries Between the Governments of Certain Pacific Island States and the Government of the United States of America in the treaty area or in any portion of the United States exclusive economic zone bordering the treaty area.''.

SEC. 422. ASSESSMENT OF NEEDS FOR ADDITIONAL COAST GUARD PRESENCE IN HIGH LATITUDE REGIONS.

Within 270 days after the date of enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives assessing the need for additional Coast Guard prevention and response capability in the high latitude regions. The assessment shall address needs for all Coast Guard mission areas, including search and rescue, marine pollution response and prevention, fisheries enforcement, and maritime commerce. The Secretary shall include in the report—

(1) an assessment of the high latitude operating capabilities of all current Coast Guard assets, including assets acquired under the Deepwater program;

(2) an assessment of projected needs for Coast Guard forward operating bases in the high latitude regions;

(3) an assessment of shore infrastructure, personnel, logistics, communications, and resources requirements to support Coast Guard forward operating bases in the high latitude regions;

(4) an assessment of the need for high latitude icebreaking capability and the capability of the current high latitude icebreaking assets of the Coast Guard, including—

(A) whether the Coast Guard's high latitude icebreaking fleet is meeting current mission performance goals;

(B) whether the fleet is capable of meeting projected mission performance goals; and

(C) an assessment of the material condition, safety, and working conditions aboard high latitude icebreaking assets, including the effect of those conditions on mission performance;

(5) a detailed estimate of acquisition costs for each of the assets (including shore infrastructure) necessary for additional prevention and response capability in high latitude regions for all Coast Guard mission areas, and an estimate of operations and maintenance costs for such assets for the initial 10-year period of operations; and

(6) detailed cost estimates (including operating and maintenance for a period of 10 years) for high latitude icebreaking capability to ensure current and projected future mission performance goals are met, including estimates of the costs to—

(A) renovate and modernize the Coast Guard's existing high latitude icebreaking fleet; and

(B) replace the Coast Guard's existing high latitude icebreaking fleet.

SEC. 423. STUDY OF REGIONAL RESPONSE VESSEL AND SALVAGE CAPABILITY FOR OLYMPIC PENINSULA COAST, WASHINGTON.

No later than 180 days after the date of enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall study through the National Academy of Sciences the need for regional response vessel and salvage capability for the State of Washington Olympic Peninsula coast. In conducting the study, the National Academy of Sciences shall consult with Federal, State, and tribal officials and other relevant stakeholders. The study shall—

(1) identify the capabilities, equipment, and facilities necessary for a response vessel in the entry to the Strait of Juan de Fuca at Neah Bay in order to optimize oil spill protection on Washington's Olympic Peninsula coast and provide rescue towing services, oil spill response, and salvage and firefighting capabilities;

(2) analyze the multimission capabilities necessary for a rescue vessel and the need for that vessel to utilize cached salvage, oil spill response, and oil storage equipment while responding to a spill or a vessel in distress, and make recommendations as to the placement of such equipment;

(3) address scenarios that consider all vessel types and weather conditions and compare current Neah Bay rescue vessel capabilities, costs, and benefits with other United States industry-funded response vessels, including those currently operating in Alaska's Prince William Sound;

(4) determine whether the current level of protection afforded by the Neah Bay response vessel and associated response equipment is comparable to protection in other locations where response vessels operate, including Prince William Sound, Alaska, and if it is not comparable, make recommendations regarding how capabilities, equipment, and facilities should be modified to achieve optimum protection; and

(5) consider pending firefighting and salvage regulations developed pursuant to the Oil Pollution Act of 1990.

SEC. 424. REPORT ON PROJECTED WORKLOAD AT THE COAST GUARD YARD IN CURTIS BAY, MARYLAND.

Within six months after the date of enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate, a report detailing the projected workload for the current calendar year and each of the subsequent 5 calendar years at the Coast Guard Yard in Curtis Bay, Maryland, and the total full-time equivalents (FTE) to be supported by the account established under section 648 of title 14, United States Code, (popularly known as the Yard Fund) in each such calendar year to meet that workload. The report shall—

(1) detail work projects to be undertaken during the current calendar year and during each of the next five calendar years as part of the Mission Effectiveness Program (MEP) and projects projected to be undertaken that are not associated with the MEP;

(2) identify the number of regular full-time employees, term employees, and employees in any other classification that are projected to be employed in any capacity at the Yard in each such calendar year;

(3) specify how many of the employees in any capacity that are expected to be employed at the Yard in each such year are expected to be uniformed members of the Coast Guard and how many are expected to be civilians;

(4) identify how many employees in any capacity (whether uniformed or civilian) are projected to be assigned in each such calendar year to each of overhead positions, engineering positions, waterfront support positions, and waterfront trade positions to meet projected workloads in that year;

(5) identify the amount of overtime in each of overhead positions, engineering positions, waterfront support positions, and waterfront trade positions position that will be required to meet the projected workload in each such calendar year;

(6) identify the number of trades training students that are projected to be trained at the Yard in each such calendar year; and

(7) address whether the FTE ceiling in place for the Yard is sufficient to allow all work projects scheduled for the current calendar year to be completed on schedule, and what level of FTE is likely to be required in each of the subsequent five calendar years to allow completion on schedule of the projected workload in each of those years.

SEC. 425. STUDY OF BRIDGES OVER NAVIGABLE WATERS.

The Secretary of Transportation shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a comprehensive study on the proposed construction or alteration of any bridge, drawbridge, or causeway over navigable waters with a channel depth of 25 feet or greater of the United States that may impede or obstruct future navigation to or from port facilities.

SEC. 426. LIMITATION ON JURISDICTION OF STATES TO TAX CERTAIN SEAMEN.

Section 11108(b)(2)(B) of title 46, United States Code, is amended to read as follows:

''(B) who performs regularly-assigned duties while engaged as a master, officer, or crewman on a vessel operating on navigable waters in 2 or more States.''.

SEC. 427. DECOMMISSIONED COAST GUARD VESSELS FOR BERMUDA.

(a) IN GENERAL.—Notwithstanding any other law, upon the scheduled decommissioning of any Coast Guard 41-foot patrol boat and after the Government of Haiti has exercised all of their options under section 411, the Commandant of the Coast Guard shall give the Government of Bermuda a right-of-first-refusal for conveyance of that vessel to the Government of Bermuda, if that Government of Bermuda agrees—

(1) to use the vessel for the Coast Guard of Bermuda;

(2) to make the vessel available to the United States Government if needed for use by the Commandant in time of war or national emergency;

(3) to hold the United States Government harmless for any claims arising from exposure to hazardous materials, including asbestos and polychlorinated biphenyls, after conveyance of the vessel, except for claims arising from the use by the United States Government under paragraph (2); and

(4) to any other conditions the Commandant considers appropriate.

(b) LIMITATION.—The Commandant may not convey more than 3 vessels to the Government of Bermuda pursuant to this section.

(c) MAINTENANCE AND DELIVERY OF VESSEL.—

(1) MAINTENANCE.—Before conveyance of a vessel under this section, the Commandant shall make, to the extent practical and subject to other Coast Guard mission requirements, every effort to maintain the integrity of the vessel and its equipment until the time of delivery.

(2) DELIVERY.—If a conveyance is made under this section, the Commandant shall deliver a vessel to a suitable mooring in the local area in its present condition.

(3) TREATMENT OF CONVEYANCE.—The conveyance of a vessel under this section shall not be considered a distribution in commerce for purposes of section 6(e) of Public Law 94–469 (15 U.S.C. 2605(e)).

SEC. 428. RECREATIONAL MARINE INDUSTRY.

(a) EXCEPTION.—Section 2(3)(F) of the Longshore and Harbor Workers' Compensation Act (33 U.S.C. 902(3)) is amended to read as follows:

''(F) individuals who—

''(i) are employed to manufacture any recreational vessel under 165 feet in length; or

''(ii) are employed to repair any recreational vessel, or to dismantle any part of any recreational vessel in connection with repair of the vessel;''.

(b) RECREATIONAL ENDORSEMENT.—Section 12114 of title 46, United States Code, is amended by adding at the end the following:

''(d) VESSELS MANUFACTURED BY CERTAIN INDIVIDUALS.—A vessel manufactured by individuals under the exception provided in section 2(3)(F) of the Longshore and Harbor Workers' Compensation Act may only be issued a recreational vessel endorsement under this chapter, and that restriction shall be noted on the certification of documentation issued under section 12105.''.

SEC. 429. CONVEYANCE OF COAST GUARD VESSELS TO NASSAU COUNTY, NEW YORK.

(a) AUTHORITY TO CONVEY.—Notwithstanding the Federal Property and Administrative Services Act of 1949, the Commandant of the Coast Guard may convey to the Police Department of Nassau County, New York (in this section referred to as the ''Police Department''), without consideration all right, title, and interest of the United States in and to two Coast Guard 41-foot patrol boats that the Commandant determines—

(1) is appropriate for use by the Police Department; and

(2) is excess to the needs of the Coast Guard and the Department of Homeland Security.

(b) CONDITION.—As a condition of conveying a vessel under the authority provided in subsection (a), the Commandant shall enter into an agreement with the Police Department under which the Police Department agrees—

(1) to utilize the vessel for homeland security and other appropriate purposes as jointly agreed upon by the Commandant and the Police Department before conveyance; and

(2) to take the vessel ''as is'' and to hold the United States harmless for any claim arising with respect to that vessel after conveyance of the vessel, including any claims arising from the condition of the vessel and its equipment or exposure to hazardous materials.

(c) DELIVERY OF VESSEL.—The Commandant shall deliver a vessel conveyed under the authority provided in subsection (a)—

(1) at the place where the vessel is located on the date of the conveyance;

(2) in its condition on the date of conveyance; and

(3) without cost to the United States.

(d) OTHER EXCESS EQUIPMENT.—The Commandant may further convey any excess equipment or parts from other Coast Guard vessels, which are excess to the needs of the Coast Guard and the Department of Homeland Security, to the Police Department for use to enhance the operability of a vessel conveyed under the authority provided in subsection (a).

(e) ADDITIONAL TERMS AND CONDITIONS.—The Commandant may require such additional terms and conditions in connection with a conveyance authorized by subsection (a) as the Commandant considers appropriate to protect the interests of the United States.

SEC. 430. NEWTOWN CREEK, NEW YORK CITY, NEW YORK.

(a) STUDY.—The Administrator of the Environmental Protection Agency shall conduct a study on the public health, safety, and environmental concerns related to the underground petroleum spill on the Brooklyn shoreline of Newtown Creek, New York City, New York, in Greenpoint, Brooklyn, New York.

(b) FULL-SITE CHARACTERIZATION AND COLLECTION OF NEW FIELD EVIDENCE.—In carrying out the study under this section, the Administrator shall conduct a full-site characterization of the underground petroleum spill, including the investigation, collection, and analysis of new and updated data and field evidence on the extent of the petroleum spill, including any portion of the spill that has been diluted into surrounding waters, and any surrounding soil contamination or soil vapor contamination.

(c) REPORT.—Not later than one year after the date of enactment of this Act, the Administrator shall submit a report containing the results of the study to the Committee on Environment and Public Works and the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000.

SEC. 431. LAND CONVEYANCE, COAST GUARD PROPERTY IN MARQUETTE COUNTY, MICHIGAN, TO THE CITY OF MARQUETTE, MICHIGAN.

(a) CONVEYANCE AUTHORIZED.—The Commandant of the Coast Guard may convey, without consideration, to the City of Marquette, Michigan (in this section referred to as the ''City''), all right, title, and interest of the United States in and to a parcel of real property, together with any improvements thereon, located in Marquette County, Michigan, that is under the administrative control of the Coast Guard, consists of approximately 5.5 acres, and is commonly identified as Coast Guard Station Marquette and Lighthouse Point.

(b) RETENTION OF CERTAIN EASEMENTS.—In conveying the property under subsection (a), the Commandant of the Coast Guard may retain such easements over the property as the Commandant considers appropriate for access to aids to navigation.

(c) LIMITATIONS.—The property to be conveyed by subsection (a) may not be conveyed under that subsection until—

(1) the Coast Guard has relocated Coast Guard Station Marquette to a newly constructed station;

(2) any environmental remediation required under Federal law with respect to the property has been completed;

(3) the Commandant of the Coast Guard determines that retention of the property by the United States is not required to carry out Coast Guard missions or functions.

(d) CONDITIONS OF TRANSFER.—All conditions placed within the deed of title of the property to be conveyed under subsection (a) shall be construed as covenants running with the land.

(e) INAPPLICABILITY OF SCREENING OR OTHER REQUIREMENTS.—The conveyance of property authorized by subsection (a) shall be made without regard to the following:

(1) Section 2696 of title 10, United States Code.

(2) Chapter 5 of title 40, United States Code.

(3) Any other provision of law relating to the screening, evaluation, or administration of excess or surplus Federal property prior to conveyance by the Administrator of General Services.

(f) EXPIRATION OF AUTHORITY.—The authority in subsection (a) shall expire on the date that is five years after the date of the enactment of this Act.

(g) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Commandant of the Coast Guard. The cost of the survey shall be borne by the United States.

(h) ADDITIONAL TERMS AND CONDITIONS.—The Commandant of the Coast Guard may require such additional terms and conditions in connection with the conveyance authorized by subsection (a) as the Commandant considers appropriate to protect the interests of the United States.

TITLE V—BALLAST WATER TREATMENT

SEC. 501. SHORT TITLE.

This title may be cited as the ''Ballast Water Treatment Act of 2008''.

SEC. 502. DECLARATION OF GOALS AND PURPOSES.

Section 1002 of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4701) is amended—

(1) by redesignating subsection (b) as subsection (c);

(2) by inserting after subsection (a) the following:

''(b) DECLARATION OF GOALS AND PURPOSES.—The objective of this Act is to eliminate the threat and impacts of nonindigenous aquatic nuisance species in the waters of the United States. In order to achieve this objective, it is declared that, consistent with the provisions of this Act—

''(1) it is the national goal that ballast water discharged into the waters of the United States will contain no living (viable) organisms by the year 2015;

''(2) it is the national policy that the introduction of nonindigenous aquatic nuisance species in the waters of the United States be prohibited; and

''(3) it is the national policy that Federal, State, and local governments and the private sector identify the most effective ways to coordinate prevention efforts, and harmonize environmentally sound methods to prevent, detect, monitor, and control nonindigenous aquatic nuisance species, in an expeditious manner.''.

(3) in subsection (c)(1) (as redesignated by paragraph (1) of this section)—

(A) by striking ''prevent'' and inserting ''eliminate''; and

(B) by inserting ''treatment'' after ''ballast water'';

(4) in subsection (c)(2) (as so redesignated)—

(A) by inserting '', detection, monitoring,'' after ''prevention''; and

(B) by striking ''the zebra mussel and other'';

(5) in subsection (c)(3) (as so redesignated)—

(A) by inserting ''detect,'' after ''prevent,''; and

(B) by striking ''from pathways other than ballast water exchange'';

(6) in subsection (c)(4) (as so redesignated) by striking '', including the zebra mussel''; and

(7) in subsection (c)(5) (as so redesignated)—

(A) by inserting ''prevention,'' after ''in the'';

(B) by inserting a comma after ''management''; and

(C) by striking ''zebra mussels'' and inserting ''aquatic nuisance species''.

SEC. 503. BALLAST WATER MANAGEMENT.

(a) IN GENERAL.—Section 1101 of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4711) is amended to read as follows:

''SEC. 1101. BALLAST WATER MANAGEMENT.

''(a) VESSELS TO WHICH THIS SECTION APPLIES.—

''(1) IN GENERAL.—Except as provided in paragraphs (2), (3), (4), and (5), this section applies to a vessel that engages in the discharge of ballast water in waters subject to the jurisdiction of the United States that—

''(A) is designed, constructed, or adapted to carry ballast water; and

''(B)(i) is a vessel of the United States; or

''(ii) is a foreign vessel that—

''(I) is en route to a United States port or place; or

''(II) has departed from a United States port or place and is within waters subject to the jurisdiction of the United States.

''(2) PERMANENT BALLAST WATER VESSELS.—This section does not apply to a vessel that carries all of its permanent ballast water in sealed tanks that are not subject to discharge or a vessel that continuously takes on and discharges ballast water in a flow-through system.

''(3) ARMED FORCES VESSELS.—

''(A) EXEMPTION.—Except as provided in subparagraph (B), this section does not apply to a vessel of the Armed Forces.

''(B) BALLAST WATER MANAGEMENT PROGRAM.—The Secretary and the Secretary of Defense, after consultation with each other and with the Under Secretary and the heads of other appropriate Federal agencies as determined by the Secretary, shall implement a ballast water management program, including the issuance of standards for ballast water exchange and treatment and for sediment management, for vessels of the Armed Forces under their respective jurisdictions designed, constructed, or adapted to carry ballast water that are—

''(i) consistent with the requirements of this section, including the deadlines established by this section; and

''(ii) at least as stringent as the requirements issued for such vessels under section 312 of the Federal Water Pollution Control Act (33 U.S.C. 1322).

''(4) SPECIAL RULE FOR SMALL RECREATIONAL VESSELS.—In applying this section to recreational vessels less than 50 meters in length that have a maximum ballast water capacity of 8 cubic meters, the Secretary may issue alternative measures for managing ballast water in a manner that is consistent with the requirements of this section.

''(5) MARAD VESSELS.—Subsection (f) does not apply to any vessel in the National Defense Reserve Fleet that is scheduled to be disposed of through scrapping or sinking.

''(b) UPTAKE AND DISCHARGE OF BALLAST WATER OR SEDIMENT.—

''(1) PROHIBITION.—The operator of a vessel to which this section applies may not conduct the uptake or discharge of ballast water or sediment in waters subject to the jurisdiction of the United States except as provided in this section.

''(2) EXCEPTIONS.—Paragraph (1) does not apply to the uptake or discharge of ballast water or sediment in the following circumstances:

''(A) The uptake or discharge is solely for the purpose of—

''(i) ensuring the safety of the vessel in an emergency situation; or

''(ii) saving a life at sea.

''(B) The uptake or discharge is accidental and the result of damage to the vessel or its equipment and—

''(i) all reasonable precautions to prevent or minimize ballast water and sediment discharge have been taken before and after the damage occurs, the discovery of the damage, and the discharge; and

''(ii) the owner or officer in charge of the vessel did not willfully or recklessly cause the damage.

''(C) The uptake or discharge is solely for the purpose of avoiding or minimizing the discharge from the vessel of pollution that would otherwise violate applicable Federal or State law.

''(D) The uptake or discharge of ballast water and sediment occurs at the same location where the whole of that ballast water and that sediment originated and there is no mixing with ballast water and sediment from another area that has not been managed in accordance with the requirements of this section.

''(c) VESSEL BALLAST WATER MANAGEMENT PLAN.—

''(1) IN GENERAL.—The operator of a vessel to which this section applies shall conduct all ballast water management operations of that vessel in accordance with a ballast water management plan designed to minimize the discharge of aquatic nuisance species that—

''(A) meets the requirements prescribed by the Secretary by regulation; and

''(B) is approved by the Secretary.

''(2) APPROVAL CRITERIA.—

''(A) IN GENERAL.—The Secretary may not approve a ballast water management plan unless the Secretary determines that the plan—

''(i) describes in detail the actions to be taken to implement the ballast water management requirements established under this section;

''(ii) describes in detail the procedures to be used for disposal of sediment at sea and on shore in accordance with the requirements of this section;

''(iii) describes in detail safety procedures for the vessel and crew associated with ballast water management;

''(iv) designates the officer on board the vessel in charge of ensuring that the plan is properly implemented;

''(v) contains the reporting requirements for vessels established under this section and a copy of each form necessary to meet those requirements; and

''(vi) meets all other requirements prescribed by the Secretary.

''(B) FOREIGN VESSELS.—The Secretary may approve a ballast water management plan for a foreign vessel on the basis of a certificate of compliance issued by the vessel's country of registration if the government of that country requires the ballast water management plan for that vessel to include information comparable to the information required under regulations issued by the Secretary.

''(3) COPY OF PLAN ON BOARD VESSEL.—The owner or operator of a vessel to which this section applies shall—

''(A) maintain a copy of the vessel's ballast water management plan on board at all times; and

''(B) keep the plan readily available for examination by the Secretary and the head of the appropriate agency of the State in which the vessel is located at all reasonable times.

''(d) VESSEL BALLAST WATER RECORD BOOK.—

''(1) IN GENERAL.—The owner or operator of a vessel to which this section applies shall maintain, in English on board the vessel, a ballast water record book in which each operation of the vessel involving ballast water or sediment discharge is recorded in accordance with regulations issued by the Secretary.

''(2) AVAILABILITY.—The ballast water record book—

''(A) shall be kept readily available for examination by the Secretary and the head of the appropriate agency of the State in which the vessel is located at all reasonable times; and

''(B) notwithstanding paragraph (1), may be kept on the towing vessel in the case of an unmanned vessel under tow.

''(3) RETENTION PERIOD.—The ballast water record book shall be retained—

''(A) on board the vessel for a period of 3 years after the date on which the last entry in the book is made; and

''(B) under the control of the vessel's owner for an additional period of 3 years.

''(4) REGULATIONS.—In the regulations issued under this section, the Secretary shall require, at a minimum, that—

''(A) each entry in the ballast water record book be signed and dated by the officer in charge of the ballast water operation recorded;

''(B) each completed page in the ballast water record book be signed and dated by the master of the vessel; and

''(C) at least monthly, the owner or operator of the vessel transmit to the Secretary all the entries entered in the ballast water record book during the preceding month, and

transmit such additional information regarding the ballast operations of the vessel as the Secretary may require.

''(5) ALTERNATIVE MEANS OF RECORDKEEPING.—The Secretary may provide, by regulation, for alternative methods of recordkeeping, including electronic recordkeeping, to comply with the requirements of this subsection. Any electronic recordkeeping method authorized by the Secretary shall support the inspection and enforcement provisions of this Act and shall comply with applicable standards of the National Institute of Standards and Technology and the Office of Management and Budget governing reliability, integrity, identity authentication, and nonrepudiation of stored electronic data.

''(e) BALLAST WATER EXCHANGE REQUIREMENTS.—

''(1) IN GENERAL.—

''(A) REQUIREMENT.—Until a vessel is required to conduct ballast water treatment in accordance with subsection (f), the operator of a vessel to which this section applies may not discharge ballast water in waters subject to the jurisdiction of the United States, except after—

''(i) conducting ballast water exchange as required by this subsection, in accordance with regulations issued by the Secretary;

''(ii) using ballast water treatment technology that meets the performance standards of subsection (f); or

''(iii) using environmentally sound alternative ballast water treatment technology if the Secretary determines that such treatment technology is at least as effective as the ballast water exchange required by clause (i) in preventing and controlling the introduction of aquatic nuisance species.

''(B) BALLAST WATER REGULATIONS.—Ballast water exchange regulations developed under subparagraph (A)(i) shall contain—

''(i) a provision for ballast water exchange that requires—

''(I) at least 1 empty-and-refill cycle, outside the exclusive economic zone or in an alternative exchange area designated by the Secretary, of each ballast tank that contains ballast water to be discharged into waters of the United States; or

''(II) for a case in which the master of a vessel determines that compliance with the requirement under subclause (I) is impracticable, a sufficient number of flow-through exchanges of ballast water, outside the exclusive economic zone or in an alternative exchange area designated by the Secretary, to achieve replacement of at least 95 percent of ballast water in ballast tanks of the vessel, as determined by a certification dye study conducted or model developed by the Secretary and recorded in the ballast water management plan of the vessel pursuant to subsection (c)(2)(A)(i); and

''(ii) if a ballast water exchange is not undertaken pursuant to subsection (h), a contingency procedure that requires the master of a vessel to use the best practicable technology or practice to treat ballast discharge.

''(C) TECHNOLOGY EFFICACY.—For purposes of this paragraph, a ballast water treatment technology shall be considered to be at least as effective as the ballast water exchange required by clause (i) in preventing and controlling the introduction of aquatic nuisance species if preliminary experiments prior to installation of the technology aboard the vessel demonstrate that the technology meets the ballast water discharge standard provided under Regulation D–2 of the International Convention for the Control and Management of Ships' Ballast Water and Sediments as signed on February 13, 2004.

''(2) GUIDANCE; 5-YEAR USAGE.—

''(A) GUIDANCE.—Not later than one year after the date of enactment of the Ballast Water Treatment Act of 2008, the Secretary shall develop and issue guidance on technology that may be used under paragraph (1)(A)(iii).

''(B) 5-YEAR USAGE.—The Secretary shall allow a vessel using environmentally-sound alternative ballast treatment technology under paragraph (1)(A)(iii) to continue to use that technology for 5 years after the date on which the environmentally-sound alternative ballast water treatment technology was first placed in service on the vessel or the date on which treatment requirements under subsection (f) become applicable, whichever is later.

''(3) EXCHANGE AREAS.—

''(A) VESSELS OUTSIDE THE UNITED STATES EEZ.—The operator of a vessel en route to a United States port or place from a port or place outside the waters subject to the jurisdiction of the United States shall conduct ballast water exchange—

''(i) before arriving at a United States port or place;

''(ii) at least 200 nautical miles from the nearest point of land; and

''(iii) in water at least 200 meters in depth.

''(B) COASTAL VOYAGES.—The operator of a vessel originating from a port or place within the United States exclusive economic zone, or from a port within 200 nautical miles of the United States in Canada, Mexico, or other ports designated by the Secretary for purposes of this section, shall conduct ballast water exchange—

''(i) at least 50 nautical miles from the nearest point of land; and

''(ii) in water at least 200 meters in depth.

''(4) SAFETY OR STABILITY EXCEPTION.—

''(A) SECRETARIAL DETERMINATION.—Paragraph (3) does not apply to the discharge of ballast water if the Secretary determines that compliance with that paragraph would threaten the safety or stability of the vessel, its crew, or is passengers.

''(B) MASTER OF THE VESSEL DETERMINATION.—Paragraph (3) does not apply to the discharge of ballast water if the master of a vessel determines that compliance with that paragraph would threaten the safety or stability of the vessel, its crew, or its passengers because of adverse weather, equipment failure, or any other relevant condition.

''(C) NOTIFICATION REQUIRED.—Whenever the master of a vessel is unable to comply with the requirements of paragraph (3) because of a determination made under subparagraph (B), the master of the vessel shall—

''(i) notify the Secretary as soon as practicable thereafter but no later than 24 hours after making that determination and shall ensure that the determination, the reasons for the determination, and the notice are recorded in the vessel's ballast water record book; and

''(ii) undertake ballast water exchange—

''(I) in an alternative area that may be designated by the Secretary, after consultation with the Under Secretary, and other appropriate Federal agencies as determined by the Secretary, and representatives of States the waters of which may be affected by the discharge of ballast water; or

''(II) in accordance with paragraph (6) if safety or stability concerns prevent undertaking ballast water exchange in the alternative area.

''(D) REVIEW OF CIRCUMSTANCES.—If the master of a vessel conducts a ballast water discharge under the provisions of this paragraph, the Secretary shall review the circumstances to determine whether the discharge met the requirements of this paragraph. The review under this clause shall be in addition to any other enforcement authority of the Secretary.

''(5) DISCHARGE UNDER WAIVER.—

''(A) SUBSTANTIAL BUSINESS HARDSHIP WAIVER.—If, because of the short length of a voyage, the operator of a vessel is unable to discharge ballast water in accordance with the requirements of paragraph (3)(B) without substantial business hardship, as determined under regulations issued by the Secretary, the operator may request a waiver from the Secretary and discharge the ballast water in accordance with paragraph (6). A request for a waiver under this subparagraph shall be submitted to the Secretary at such time and in such form and manner as the Secretary may require.

''(B) SUBSTANTIAL BUSINESS HARDSHIP.—For purposes of subparagraph (A), the factors taken into account in determining substantial business hardship shall include whether—

''(i) compliance with the requirements of paragraph (3)(B) would require a sufficiently great change in routing or scheduling of service as to compromise the economic or commercial viability of the trade or business in which the vessel is operated; or

''(ii) it is reasonable to expect that the trade or business or service provided will be continued only if a waiver is granted under subparagraph (A).

''(6) PERMISSIBLE DISCHARGE.—

''(A) IN GENERAL.—The discharge of ballast water shall be considered to be carried out in accordance with this paragraph if it is—

''(i) in an area designated for that purpose by the Secretary, after consultation with the Under Secretary, the heads of other appropriate Federal agencies as determined by the Secretary, and representatives of any State that may be affected by discharge of ballast water in that area; or

''(ii) into a reception facility described in subsection (f)(2).

''(B) LIMITATION ON VOLUME.—The volume of any ballast water discharged under this paragraph may not exceed the volume necessary to ensure the safe operation of the vessel.

''(7) CERTAIN GEOGRAPHICALLY LIMITED ROUTES.—Notwithstanding paragraph (1), the operator of a vessel is not required to comply with the requirements of this subsection and subsection (h)(1)—

''(A) if the vessel operates exclusively—

''(i) within the Great Lakes ecosystem; or

''(ii) between or among the main group of the Hawaiian Islands; or

''(B) if the vessel operates exclusively within any area with respect to which the Secretary has determined, after consultation with the Under Secretary, the Administrator, and representatives of States the waters of which would be affected by the discharge of ballast water from the vessel, that the risk of introducing aquatic nuisance species through ballast water discharge in the areas in which the vessel operates is insignificant.

''(8) NATIONAL MARINE SANCTUARIES AND OTHER PROHIBITED AREAS.—

''(A) IN GENERAL.—A vessel may not conduct ballast water exchange or discharge ballast water under this subsection—

''(i) within a national marine sanctuary designated under the National Marine Sanctuaries Act (16 U.S.C. 1431 et seq.);

''(ii) a marine national monument designated under the Act of June 8, 1906 (chapter 3060; 16 U.S.C. 433 et seq.), popularly known as the Antiquities Act of 1906;

''(iii) a national park;

''(iv) in waters that are approved by the Administrator as a nondischarge zone under section 312(n)(7) of the Federal Water Pollution Control Act (33 U.S.C. 1322(n)(7)); or

''(v) in any other waters designated by the Secretary, in consultation with the Under Secretary and the Administrator.

''(B) ADDITIONAL AREAS.—The Secretary shall, after consultation with the Under Secretary, the Administrator, and other appropriate Federal and State agencies, as determined by the Secretary, and opportunity for public comment, establish criteria for designating additional areas in which, due to their sensitive ecological nature, restrictions on the discharge of vessel ballast water or sediment containing aquatic nuisance species are warranted.

''(C) STATE WATERS.—The Governor of any State may submit a written petition to the Secretary to designate an area of State waters that meets the criteria established under subparagraph (B) of this paragraph. The petition shall include a detailed analysis as to how the area proposed to be designated meets those criteria. An area may not be designated under this paragraph until the Secretary determines, based on evidence provided by the Governor, that adequate alternative areas or reception facilities for discharging ballast water or sediment are available. Within 180 days after receiving such a petition, the Secretary shall—

''(i) make a determination as to whether the proposal meets the requirements of this paragraph for designation; and

''(ii) either—

''(I) publish a written notice of the petition and the proposed restrictions in the Federal Register; or

''(II) notify the Governor in writing that the area proposed for designation does not qualify for designation under this paragraph and include in the notice a detailed explanation of why the area does not qualify for designation under this paragraph.

''(D) PROCEDURE; DEADLINE.—Before designating any area in response to a petition under subparagraph (C), the Secretary, after providing an opportunity for public comment, shall publish notice in the Federal Register of the proposed designation. The Secretary and the Under Secretary shall make such information available through other appropriate mechanisms, including a notice to mariners and inclusion on nautical charts.

''(E) EFFECT ON STATE LAW.—Nothing in this paragraph supersedes any State law in effect as of January 1, 2007, that restricts the discharge of ballast water or sediment in State waters and requires such discharges to be made into reception facilities.

''(9) VESSELS WITHOUT PUMPABLE BALLAST WATER OR WITH NO BALLAST ON BOARD.—Not later than 180 days after the date of enactment of the Ballast Water Treatment Act of 2008, the Secretary shall promulgate regulations to minimize the discharge of invasive species from vessels entering a United States port or place from outside the United States exclusive economic zone that do not exchange their ballast water pursuant to paragraph (1)(A)(iii) of this subsection and claim no ballast on board, or that claim to be carrying only unpumpable quantities of ballast, including, at a minimum, a requirement that—

''(A) such a ship shall conduct saltwater flushing of ballast water tanks—

''(i) outside the exclusive economic zone; or

''(ii) at a designated alternative exchange site; and

''(B) before being allowed entry into the Great Lakes beyond the St. Lawrence Seaway, the master of such a vessel shall certify that the vessel has complied with each applicable requirement under this subsection.

The vessels to which this paragraph applies shall conduct ballast water treatment in accordance with subsection (f) when it applies.

''(f) BALLAST WATER TREATMENT REQUIREMENTS.—

''(1) PERFORMANCE STANDARDS.—A vessel to which this section applies shall conduct ballast water treatment in accordance with the requirements of this subsection before discharging ballast water in waters subject to the jurisdiction of the United States so that the ballast water discharged will contain—

''(A) less than 1 living organism per 10 cubic meters that is 50 or more micrometers in minimum dimension;

''(B) less than 1 living organism per 10 milliliters that is less than 50 micrometers in minimum dimension and more than 10 micrometers in minimum dimension;

''(C) concentrations of indicator microbes that are less than—

''(i) 1 colony-forming unit of toxicogenic Vibrio cholera (serotypes O1 and O139) per 100 milliliters or less than 1 colony-forming unit of that microbe per gram of wet weight of zoological samples;

''(ii) 126 colony-forming units of escherichia coli per 100 milliliters; and

''(iii) 33 colony-forming units of intestinal enterococci per 100 milliliters; and

''(D) concentrations of such additional indicator microbes and of viruses as may be specified in regulations issued by the Secretary and the Administrator, after consultation with other appropriate Federal agencies as determined by the Secretary and the Administrator, that are less than the amount specified in those regulations.

''(2) RECEPTION FACILITY EXCEPTION.—

''(A) IN GENERAL.—Paragraph (1) does not apply to a vessel that discharges ballast water into—

''(i) a land-based facility for the reception of ballast water that meets standards issued by the Administrator; or

''(ii) a water-based facility for the reception of ballast water that meets standards issued by the Secretary.

''(B) ISSUANCE OF STANDARDS.—Not later than one year after the date of enactment of the Ballast Water Treatment Act of 2008, the Secretary, in consultation with the heads of other appropriate Federal agencies as determined by the Secretary, shall issue standards for—

''(i) the reception of ballast water in land-based and water-based reception facilities; and

''(ii) the disposal or treatment of such ballast water in a way that does not impair or damage the environment, human health, property, or resources.

''(3) TREATMENT SYSTEM IMPLEMENTATION.—

''(A) IMO STANDARD IMPLEMENTATION.—A vessel to which this section applies shall have a ballast water treatment system that meets the standards provided under Regulation D–2 of the International Convention for the Control and Management of Ships' Ballast Water and Sediments as signed on February 13, 2004, beginning on the date of the first drydocking of the vessel after December 31, 2008.

''(B) UNITED STATES STANDARD IMPLEMENTATION.—Paragraph (1) applies to a vessel to which this section applies beginning on the date of the first drydocking of the vessel after December 31, 2011, but not later than December 31, 2013.

''(C) PERIOD FOR USE OF EQUIPMENT.—The Secretary shall allow a vessel using a treatment system installed under this subsection to continue to use that system for 10 years after the date on which that system was first placed in service on the vessel.

''(4) TREATMENT SYSTEM APPROVAL REQUIRED.—The operator of a vessel to which this section applies may not use a ballast water treatment system to comply with the requirements of this subsection unless the system is approved by the Secretary. The Secretary, in consultation with the Administrator, shall issue regulations establishing a process for such approval, after consultation with the heads of other appropriate Federal agencies as determined by the Secretary.

''(5) RELIANCE ON CERTAIN REPORTS, DOCUMENTS, AND RECORDS.—In approving a ballast water treatment system under this subsection, the Secretary may rely on reports, documents, and records of persons that meet such requirements as the Secretary may prescribe.

''(6) FEASIBILITY REVIEW.—

''(A) IN GENERAL.—Not less than 2 years before January 1, 2012, the Secretary, in consultation with the Administrator, shall complete a review to determine whether appropriate technologies are available to achieve the performance standards set forth in paragraph (1). In reviewing the technologies the Secretary, the Administrator, and the heads of other appropriate Federal agencies as determined by the Secretary, shall consider—

''(i) the effectiveness of a technology in achieving the standards;

''(ii) feasibility in terms of compatibility with ship design and operations;

''(iii) safety considerations;

''(iv) whether a technology has an adverse impact on the environment; and

''(v) cost effectiveness.

''(B) DELAY IN SCHEDULED APPLICATION.—If the Secretary, in consultation with the Administrator, determines, on the basis of the review conducted under subparagraph (A), and after an opportunity for a public hearing, that technology that complies with the standards set forth in paragraph (1) in accordance with the schedule set forth in paragraph (3) is not available for any class of vessels, the Secretary shall require use of technology that achieves the performance levels of the best performing technology available. If the Secretary finds that no technology is available that will achieve the standards set forth in paragraph (1), then the Secretary shall—

''(i) extend the date on which that paragraph applies to vessels for a period of not more than 24 months; and

''(ii) recommend action to ensure that compliance with the extended date schedule for that subparagraph is achieved.

''(C) MORE PROTECTIVE STANDARDS; EARLIER IMPLEMENTATION.—

''(i) PERFORMANCE STANDARDS.—If the Secretary and the Administrator determine that ballast water treatment technology exists that exceeds the performance standards required under paragraph (1), the Secretary and the Administrator shall, for any class of vessels, revise the performance standards to incorporate the higher performance standards.

''(ii) IMPLEMENTATION.—If the Secretary and the Administrator determine that technology that achieves the applicable performance standards required under paragraph (1) can be implemented earlier than required by this subsection, the Secretary and the Administrator shall, for any class of vessels, accelerate the implementation schedule under paragraph (3). If the Secretary and the Administrator accelerate the implementation schedule pursuant to this clause, the Secretary and the Administrator shall provide at least 24 months notice before such accelerated implementation goes into effect.

''(iii) DETERMINATIONS NOT MUTUALLY EXCLUSIVE.—The Secretary and the Administrator shall take action under both clause (i) and clause (ii) if the Secretary and the Administrator make determinations under both clauses.

''(7) DELAY OF APPLICATION FOR VESSEL PARTICIPATING IN PROMISING TECHNOLOGY EVALUATIONS.—

''(A) IN GENERAL.—If a vessel participates in a program, including the Shipboard Technology Evaluation Program established under section 1104, using a technology approved by the Secretary to test and evaluate

promising ballast water treatment technologies that are likely to result in treatment technologies achieving a standard that is the same as or more stringent than the standard that applies under paragraph (1) before the first date on which paragraph (1) applies to that vessel, the Secretary shall allow the vessel to use that technology for a 10-year period and such vessel shall be deemed to be in compliance with the requirements of paragraph (1) during that 10-year period.

''(B) VESSEL DIVERSITY.—The Secretary—

''(i) shall seek to ensure that a wide variety of vessel types and voyages are included in the program; but

''(ii) may not grant a delay under this paragraph to more than 5 percent of the vessels to which this section applies.

''(C) TERMINATION OF GRACE PERIOD.—The Secretary may terminate the 10-year grace period of a vessel under subparagraph (A) if—

''(i) the participation of the vessel in the program is terminated without the consent of the Secretary;

''(ii) the vessel does not comply with manufacturer's standards for operating the ballast water treatment technology used on such vessel; or

''(iii) the Secretary determines that the approved technology is insufficiently effective or is causing harm to the environment.

''(8) REVIEW OF STANDARDS.—

''(A) IN GENERAL.—In December 2012 and every third year thereafter, the Administrator and the Secretary shall complete review of ballast water treatment standards in effect under this subsection to determine, after consultation with the heads of other appropriate Federal agencies determined by the Administrator and the Secretary, if the standards under this subsection should be revised to reduce the amount of organisms or microbes allowed to be discharged, taking into account improvements in the scientific understanding of biological processes leading to the spread of aquatic nuisance species and improvements in ballast water treatment technology. The Administrator and the Secretary shall revise, by regulation, the requirements of this subsection as necessary.

''(B) APPLICATION OF ADJUSTED STANDARDS.—In the regulations, the Secretary and the Administrator shall provide for the prospective application of the adjusted standards issued under this paragraph to vessels constructed after the date on which the adjusted standards apply and for an orderly phase-in of the adjusted standards to existing vessels.

''(9) HIGH-RISK VOYAGES.—

''(A) VESSEL LIST.—Not later than one year after the date of enactment of the Ballast Water Treatment Act of 2008, the Secretary shall publish and regularly update a list of vessels, not equipped with ballast water equipment under this section, identified by the States that, due to factors such as the origin of their voyages, the frequency of their voyages, the volume of ballast water they carry, the biological makeup of the ballast water, and the fact that they frequently discharge ballast water under an exception to subsection (e), pose a high risk of introducing aquatic nuisance species into the waters of those States.

''(B) INCENTIVE PROGRAMS.—The Secretary shall give priority to vessels on the list for participation in a program described in paragraph (7). Any Federal agency, and any State agency with respect to vessels identified by such State to the Secretary for inclusion on a list under subparagraph (A), may develop and implement technology development programs or other incentives (whether positive or negative) in order to encourage the adoption of ballast water treatment technology by those vessels consistent with the requirements of this section on an expedited basis.

''(10) NONAPPLICABILITY OF VESSELS OPERATING EXCLUSIVELY IN DETERMINED AREA.—

''(A) IN GENERAL.—Except as provided in subparagraph (D), paragraph (1) does not apply to a vessel that operates exclusively within a geographically limited area if the Secretary and the Administrator have determined through a rulemaking proceeding, after consultation with the heads of other appropriate Federal agencies as determined by the Secretary and the Administrator, and representatives of States the waters of which could be affected by the discharge of ballast water from the vessel, that the risk of introducing aquatic nuisance species through ballast water discharge from the vessel is insignificant.

''(B) CERTAIN VESSELS.—A vessel constructed before January 1, 2001, that operates exclusively within the Great Lakes ecosystem shall be presumed not to pose a significant risk of introducing aquatic nuisance species unless the Secretary and the Administrator find otherwise in a rulemaking proceeding under subparagraph (A).

''(C) BEST PRACTICES.—The Secretary and the Administrator shall develop, and require a vessel exempted from complying with the requirements of paragraph (1) under this paragraph to follow, best practices to minimize the spreading of aquatic nuisance species in its operation area. The best practices shall be developed in consultation with the Governors of States that may be affected.

''(D) STOPPING THE SPREAD OF INFECTIOUS DISEASE.—The Secretary, at the request of the Secretary of Agriculture, shall require a vessel to which paragraph (1) does not apply in accordance with subparagraph (A) or (B) to have a ballast water treatment system approved by the Secretary under this subsection to stop the spread of infectious diseases to plants and animals as otherwise authorized by law.

''(11) TESTING PROTOCOLS AND LABORATORIES.—

''(A) IN GENERAL.—The Secretary and the Administrator, shall, no later than 90 days after the date of enactment of the Ballast Water Treatment Act of 2008 and without regard to chapter 5 of title 5, United States Code, issue interim protocols for verifying the performance of ballast water treatment technologies required by this Act, criteria for certifying laboratories to evaluate such technologies, and procedures for approving treatment equipment and systems for shipboard use.

''(B) PROTOCOLS AND PROCEDURES FOR TREATMENT TECHNOLOGIES.—In developing protocols and procedures for verifying and approving treatment technologies, the Secretary and the Administrator, shall consider using existing protocols and procedures including methods used as part of the Ballast Water Management Demonstration Program by the Environmental Protection Agency as a part of its Environmental Testing & Verification Program, or by the Secretary as part of the Coast Guard's Shipboard Technology Evaluation Program.

''(C) LABORATORIES.—The Secretary and the Administrator shall utilize Federal or non-Federal laboratories that meet standards established by the Secretary for the purpose of evaluating and certifying ballast water treatment technologies and equipment under this subsection.

''(D) REQUIREMENTS; UPDATES.—The Secretary and the Administrator shall periodically review and, if necessary, revise the criteria, protocols, and procedures developed under this paragraph.

''(12) PROGRAM TO SUPPORT THE PROMULGATION AND IMPLEMENTATION OF STANDARDS.—

''(A) IN GENERAL.—The Secretary and the Administrator, in coordination with the Under Secretary, the Task Force and other appropriate Federal agencies, shall carry out a coordinated program to support the promulgation and implementation of standards under this subsection to prevent the introduction and spread of aquatic invasive species by vessels. The program established under this section shall, at a minimum—

''(i) characterize physical, chemical, and biological harbor conditions relevant to ballast discharge into United States waters to inform the design and implementation of ship vector control technologies and practices;

''(ii) develop testing protocols for determining the effectiveness of vessel vector monitoring and control technologies and practices;

''(iii) demonstrate methods for mitigating the spread of invasive species by coastal voyages, including exploring the effectiveness of alternative exchange zones in the near coastal areas and other methods proposed to reduce transfers of organisms;

''(iv) verify the practical effectiveness of any process for approving a type of alternative ballast water management as meeting standards established under this subsection, to ensure that the process produces repeatable and accurate assessments of treatment effectiveness; and

''(v) evaluate the effectiveness and residual risk and environmental impacts associated with any standard set with respect to the vessel pathways.

''(B) AUTHORIZATION OF APPROPRIATIONS.—In addition to other amounts authorized by this title, to carry out this paragraph there are authorized to be appropriated $1,500,000 to the Secretary and $1,500,000 to the Under Secretary for each of fiscal years 2008 through 2012.

''(g) WARNINGS CONCERNING BALLAST WATER UPTAKE.—

''(1) IN GENERAL.—The Secretary shall notify vessel owners and operators of any area in waters subject to the jurisdiction of the United States in which vessels may not uptake ballast water due to known conditions.

''(2) CONTENTS.—The notice shall include—

''(A) the coordinates of the area; and

''(B) if possible, the location of alternative areas for the uptake of ballast water.

''(h) SEDIMENT MANAGEMENT.—

''(1) IN GENERAL.—The operator of a vessel to which this section applies may not remove or dispose of sediment from spaces designed to carry ballast water, except—

''(A) in accordance with this subsection and the ballast water management plan approved under subsection (c); and

''(B)(i) more than 200 nautical miles from the nearest point of land; or

''(ii) into a reception facility that meets the requirements of paragraph (3).

''(2) DESIGN REQUIREMENTS.—

''(A) NEW VESSELS.—After December 31, 2008, a vessel to which this section applies may not be operated on waters subject to the jurisdiction of the United States, unless that vessel is designed and constructed in accordance with regulations issued under subparagraph (C) and in a manner that—

''(i) minimizes the uptake and entrapment of sediment;

''(ii) facilitates removal of sediment; and

''(iii) provides for safe access for sediment removal and sampling.

''(B) EXISTING VESSELS.—A vessel to which this section applies that was constructed before January 1, 2009, shall be modified, to the extent practicable, at the first drydocking of the vessel after December 31 2008, but not later than December 31, 2013, to achieve the objectives described in subparagraph (A).

''(C) REGULATIONS.—The Secretary shall issue regulations establishing design and construction standards to achieve the objectives of subparagraph (A) and providing guidance for modifications and practices under

subparagraph (B). The Secretary shall incorporate the standards and guidance in the regulations governing the ballast water management plan approved under subsection (c).

''(3) SEDIMENT RECEPTION FACILITIES.—

''(A) STANDARDS.—The Secretary, in consultation with the heads of other appropriate Federal agencies as determined by the Secretary, shall issue regulations governing facilities for the reception of vessel sediment from spaces designed to carry ballast water that provide for the disposal of such sediment in a way that does not impair or damage the environment, human health, or property or resources of the disposal area.

''(B) DESIGNATION.—The Secretary, in consultation with the heads of other appropriate Federal agencies as determined by the Secretary shall designate facilities for the reception of vessel sediment that meet the requirements of the regulations issued under subparagraph (A) at ports and terminals where ballast tanks are cleaned or repaired.

''(i) EXAMINATIONS AND CERTIFICATIONS.—

''(1) INITIAL EXAMINATION.—

''(A) IN GENERAL.—The Secretary shall examine vessels to which this section applies to determine whether—

''(i) there is a ballast water management plan for the vessel that is approved by the Secretary and a ballast water record book on the vessel that meets the requirements of subsection (d);

''(ii) the equipment used for ballast water and sediment management in accordance with the requirements of this section and the regulations issued under this section is installed and functioning properly.

''(B) NEW VESSELS.—For vessels constructed on or after January 1, 2009, the Secretary shall conduct the examination required by subparagraph (A) before the vessel is placed in service.

''(C) EXISTING VESSELS.—For vessels constructed before January 1, 2009, the Secretary shall—

''(i) conduct the examination required by subparagraph (A) before the date on which subsection (f)(1) applies to the vessel according to the schedule in subsection (f)(3); and

''(ii) inspect the vessel's ballast water record book required by subsection (d).

''(D) FOREIGN VESSEL.—In the case of a foreign vessel, the Secretary shall perform the examination required by this paragraph the first time the vessel enters a United States port.

''(2) SUBSEQUENT EXAMINATIONS.—In addition to the examination required by paragraph (1), the Secretary shall annually examine vessels to which this section applies, to ensure compliance with the requirements of this section and the regulations issued under this section.

''(3) INSPECTION AUTHORITY.—

''(A) IN GENERAL.—The Secretary may carry out inspections of any vessel to which this section applies at any time, including the taking of ballast water samples, to ensure compliance with this section. The Secretary shall use all appropriate and practical measures of detection and environmental monitoring such vessels and shall establish adequate procedures for reporting violations of this section and accumulating evidence regarding such violations.

''(B) INVESTIGATIONS.—

''(i) IN GENERAL.—Upon receipt of evidence that a violation of this section or a regulation issued under this section has occurred, the Secretary shall cause the matter to be investigated.

''(ii) ISSUANCE OF SUBPOENAS.—In an investigation under this subparagraph, the Secretary may issue subpoenas to require the attendance of any witness and the production of documents and other evidence.

''(iii) COMPELLING COMPLIANCE WITH SUBPOENAS.—In case of refusal to obey a subpoena issued under this subparagraph, the Secretary may request the Attorney General to invoke the aid of the appropriate district court of the United States to compel compliance.

''(4) STATE PROGRAMS.—

''(A) SUBMISSION TO SECRETARY.—At any time after the date of issuance of ballast water treatment regulations issued under this section, the Governor of each State desiring to administer its own inspection and enforcement authority for ballast water discharges within its jurisdiction may submit to the Secretary a complete description of the program the Governor proposes to establish and administer under State law. In addition, the Governor shall submit a statement from the attorney general that the laws of such State provide adequate authority to carry out the described program.

''(B) APPROVAL.—The Secretary shall approve a program submitted under subparagraph (A), unless the Secretary determines that adequate resources do not exist or, in the case of ballast water testing, that adequate scientific expertise does not exist—

''(i) to inspect, monitor, and board any vessel to which this section applies at any time, including the taking and testing of ballast water samples, to ensure the vessel's compliance with this section;

''(ii) to ensure that any ballast water discharged within the waters subject to the jurisdiction of the State meet the ballast water requirements of this section and the regulations issued under this section, including any revisions to such requirements and regulations;

''(iii) to establish adequate procedures for reporting violations of this section;

''(iv) to investigate and abate violations of this section, including civil and criminal penalties and other ways and means of enforcement; and

''(v) to ensure that the Secretary receives notice of each violation of the ballast water treatment requirements issued under this section in an expeditious manner.

''(C) COMPLIANCE.—Any State program approved under this paragraph shall at all times be conducted in accordance with this section and regulations issued under this section.

''(D) WITHDRAWAL OF APPROVAL.—Whenever the Secretary determines, after public hearing, that a State is not administering a program approved under this paragraph in accordance with this section and regulations issued under this section, the Secretary shall notify the State and, if appropriate corrective action is not taken within a reasonable period of time not to exceed 90 days, the Secretary shall withdraw approval of the program. The Secretary shall not withdraw approval of any program unless the Secretary shall first have notified the State, and made public, in writing, the reasons for such withdrawal.

''(E) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this paragraph shall limit the authority of the Secretary carry out inspections and investigations of any vessels under paragraph (3).

''(5) REQUIRED CERTIFICATE.—If, on the basis of an initial examination under paragraph (1), the Secretary finds that a vessel complies with the requirements of this section and the regulations issued under this section, the Secretary shall issue a certificate under this paragraph as evidence of such compliance. The certificate shall be valid for a period of not more than 5 years, as specified by the Secretary. The certificate or a true copy shall be maintained on board the vessel.

''(6) NOTIFICATION OF VIOLATIONS.—If the Secretary finds, on the basis of an examination under paragraph (1) or (2), investigation under paragraph (3), or any other information, that a vessel is being operated in violation of any requirement of this section or regulation issued under this section, the Secretary shall—

''(A) notify, in writing—

''(i) the master of the vessel; and

''(ii) the captain of the port at the vessel's next port of call;

''(B) remove from the vessel the certificate issued under paragraph (5);

''(C) take such other action as may be appropriate.

''(7) COMPLIANCE MONITORING.—

''(A) IN GENERAL.—The Secretary shall establish, by regulation, sampling and other procedures to monitor compliance with the requirements of this section and the regulations issued under this section.

''(B) USE OF MARKERS.—The Secretary may verify compliance with the discharge requirements of subsection (f) and the regulations issued under this section with respect to such requirements through identification of markers associated with a treatment technology's effectiveness, such as the presence of indicators associated with a certified treatment technology.

''(8) EDUCATION AND TECHNICAL ASSISTANCE PROGRAMS.—The Secretary may carry out education and technical assistance programs and other measures to promote compliance with the requirements of this section and the regulations issued under this section.

''(9) REPORT.—Beginning 1 year after final regulations have been adopted pursuant to this section after the enactment of the Ballast Water Treatment Act of 2008, and annually thereafter, the Secretary shall prepare a report summarizing the results of ballast water inspection and enforcement activities. The report shall, at a minimum, include information on the number of vessels inspected and the type of inspections, the status of implementation of treatment technologies, the number of exemptions claimed from ballast water exchange requirements, the number of violations, a summary of enforcement and regulatory actions, and overall compliance statistics. The report shall be made available on the National Ballast Information Clearinghouse established under section 1102(f).

''(j) DETENTION OF VESSELS.—The Secretary, by notice to the owner, charterer, managing operator, agent, master, or other individual in charge of a vessel, may detain that vessel if the Secretary has reasonable cause to believe that—

''(1) the vessel is a vessel to which this section applies; and

''(2) the vessel does not comply with any requirement of this section or regulation issued under this section or is being operated in violation of such a requirement or regulation.

''(k) SANCTIONS.—

''(1) CIVIL PENALTIES.—Any person who violates this section (including a regulation issued under this section) shall be liable for a civil penalty in an amount not to exceed $32,500. Each day of a continuing violation constitutes a separate violation. A vessel operated in violation of this section (including a regulation issued under this section) is liable in rem for any civil penalty assessed under this subsection for that violation.

''(2) CRIMINAL PENALTIES.—Whoever knowingly violates this section (including a regulation issued under this section) shall be fined under title 18, United States, or imprisoned not more than 12 years, or both.

''(3) REVOCATION OF CLEARANCE.—Except as provided in subsection (j)(2), upon request of the Secretary, the Secretary of the Treasury shall withhold or revoke the clearance of a vessel required by section 60105 of title 46, United States Code, if the owner or operator of that vessel is in violation of this section or a regulation issued under this section.

''(l) ENFORCEMENT.—

''(1) ADMINISTRATIVE ACTIONS.—If the Secretary finds, after notice and an opportunity for a hearing, that a person has violated this section or a regulation issued under this section, the Secretary may assess a civil penalty for that violation. In determining the amount of the civil penalty, the Secretary shall take into account the nature, circumstances, extent, and gravity of the prohibited acts committed and, with respect to the violator, the degree of culpability, any history of prior violations, and such other matters as justice may require.

''(2) CIVIL ACTIONS.—At the request of the Secretary, the Attorney General may bring a civil action in an appropriate district court of the United States to enforce this section or any regulation issued under this section. Any court before which such an action is brought may award appropriate relief, including temporary or permanent injunctions and civil penalties.

''(m) CONSULTATION WITH CANADA, MEXICO, AND OTHER FOREIGN GOVERNMENTS.—In developing the guidelines and regulations to be issued under this section, the Secretary is encouraged to consult with the Government of Canada, the Government of Mexico and any other government of a foreign country that the Secretary, after consultation with the Task Force, determines to be necessary to develop and implement an effective international program for preventing the unintentional introduction and spread of aquatic nuisance species through ballast water.

''(n) INTERNATIONAL COOPERATION.—The Secretary, in cooperation with the Under Secretary, the Secretary of State, the Administrator, the heads of other relevant Federal agencies, the International Maritime Organization of the United Nations, and the Commission on Environmental Cooperation established pursuant to the North American Free Trade Agreement, is encouraged to enter into negotiations with the governments of foreign countries to develop and implement an effective international program for preventing the unintentional introduction and spread of aquatic invasive species. The Secretary is particularly encouraged to seek bilateral or multilateral agreements with Canada, Mexico, and other nations in the Wider Caribbean Region (as defined in the Convention for the Protection and Development of the Marine Environment of the Wider Caribbean, signed at Cartagena on March 24, 1983 (TIAF 11085), to carry out the objectives of this section.

''(o) NONDISCRIMINATION.—The Secretary shall ensure that foreign vessels do not receive more favorable treatment than vessels of the United States when the Secretary performs studies, reviews compliance, determines effectiveness, establishes requirements, or performs any other responsibilities under this Act.

''(p) CONSULTATION WITH TASK FORCE.—The Secretary shall consult with the Task Force in carrying out this section.

''(q) PREEMPTION.—

''(1) IN GENERAL.—Except as provided in subsection (i)(4) and paragraph (4) of this subsection but notwithstanding any other provision of law, the provisions of subsections (e) and (f) supersede any provision of State or local law that is inconsistent with the requirements of those subsections or that conflicts with the requirements of those subsections.

''(2) GREATER PENALTIES OR FEES.—For purpose of paragraph (1), the imposition by State or local law of greater penalties or fees for acts or omissions that are violations of such law and also violations of this Act or the imposition by a State of incentives under subsection (f)(9)(B) shall not be considered to be inconsistent, or to conflict, with the requirements of subsections (e) and (f).

''(3) RECEPTION FACILITIES.—The standards issued by the Secretary or the heads of other appropriate Federal agencies under subsection (f)(2) do not supersede any more stringent standard under any otherwise applicable Federal, State, or local law.

''(4) LIMITATION ON APPLICATION.—Until January 1, 2012, this subsection does not apply to a State law requiring ballast water treatment and any regulations prescribed under that law as those laws and regulations were in effect on January 1, 2007.

''(r) LEGAL ACTIONS.—

''(1) CIVIL ACTION.—Any person may petition the Secretary to bring a civil action in an appropriate district court of the United States to enforce this section, or any regulation promulgated hereunder. Within 90 days after receiving such a petition, the Secretary shall—

''(A) respond to the person filing the petition with a determination of whether a violation of this section, or any regulation promulgated hereunder, has occurred or is occurring; and

''(B) if the Secretary determines that a violation of this section, or any regulation promulgated hereunder, has occurred or is occurring—

''(i) immediately bring a civil action in an appropriate district court of the United States to enforce this section, or any regulation promulgated hereunder; or

''(ii) demonstrate that the violation has ceased.

''(2) RELIEF.—Any court before which such an action is brought may award appropriate relief, including temporary or permanent injunctive relief and civil penalties.

''(s) COAST GUARD REPORT ON OTHER SOURCES OF VESSEL-BOURNE NUISANCE SPECIES.—

''(1) IN GENERAL.—

''(A) HULL-FOULING AND OTHER VESSEL SOURCES.—Not later than 180 days after the date of enactment of the Ballast Water Treatment Act of 2008, the Secretary shall transmit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives on vessel-related pathways of harmful aquatic organisms and pathogens other than ballast water and sediment, including vessel hulls and equipment, and from vessels equipped with ballast tanks that carry no ballast water on board.

''(B) BEST PRACTICES.—

''(i) IN GENERAL.—As soon as practicable, the Secretary shall develop best practices standards and procedures designed to reduce the introduction and spread of invasive species into and within the United States from vessels and establish a timeframe for implementation of those standards and procedures by vessels. Such standards and procedures shall include designation of geographical locations for uptake and discharge of untreated ballast water, as well as standards and procedure for other vessel pathways of aquatic invasive species.

''(ii) REPORT.—The Secretary shall transmit a report to the committees referred to in subparagraph (A) describing the standards and procedures developed under this subparagraph and the implementation timeframe, together with such recommendations as the Secretary determines appropriate.

''(iii) REGULATIONS.—The Secretary may issue regulations to incorporate and enforce standards and procedures developed under this paragraph.

''(2) TRANSITING VESSELS.—Not later than 180 days after the date of enactment of the Ballast Water Treatment Act of 2008, the Secretary shall transmit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives containing—

''(A) an assessment of the magnitude and potential adverse impacts of ballast water operations from foreign vessels designed, adapted, or constructed to carry ballast water that are transiting waters subject to the jurisdiction of the United States; and

''(B) recommendations, including legislative recommendations if appropriate, of options for addressing ballast water operations of those vessels.''.

(b) DEFINITIONS.—Section 1003 of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4702) is amended—

(1) by redesignating—

(A) paragraphs (1), (2), and (3) as paragraphs (2), (3), and (4), respectively;

(B) paragraphs (4), (5), and (6) as paragraphs (8), (9), and (10), respectively;

(C) paragraphs (7), (8), (9), and (10) as paragraphs (12), (13), (14), and (15), respectively;

(D) paragraphs (11) and (12) as paragraphs (17) and (18), respectively;

(E) paragraphs (13), (14), and (15) as paragraphs (20), (21), and (22), respectively;

(F) paragraph (16) as paragraph (27); and

(G) paragraph (17) as paragraph (23);

(2) by moving paragraph (23), as so redesignated, after paragraph (22), as so redesignated;

(3) by inserting before paragraph (2), as so redesignated, the following:

''(1) 'Administrator' means the Administrator of the Environmental Protection Agency;'';

(4) by striking paragraph (4), as so redesignated, and inserting the following:

''(4) 'ballast water' means—

''(A) water taken on board a vessel to control trim, list, draught, stability, or stresses of the vessel, including matter suspended in such water; or

''(B) any water placed into a ballast tank during cleaning, maintenance, or other operations;'';

(5) by inserting after paragraph (4), as so redesignated and amended, the following:

''(5) 'ballast water capacity' means the total volumetric capacity of any tanks, spaces, or compartments on a vessel that is used for carrying, loading, or discharging ballast water, including any multi-use tank, space, or compartment designed to allow carriage of ballast water;

''(6) 'ballast water management' means mechanical, physical, chemical, and biological processes used, either singularly or in combination, to remove, render harmless, or avoid the uptake or discharge of harmful aquatic organisms and pathogens within ballast water and sediment;

''(7) 'constructed' means a state of construction of a vessel at which—

''(A) the keel is laid;

''(B) construction identifiable with the specific vessel begins;

''(C) assembly of the vessel has begun comprising at least 50 tons or 1 percent of the estimated mass of all structural material of the vessel, whichever is less; or

''(D) the vessel undergoes a major conversion;'';

(6) by inserting after paragraph (10), as so redesignated, the following:

''(11) 'foreign vessel' has the meaning such term has under section 110 of title 46, United States Code;'';

(7) by inserting after paragraph (15), as so redesignated, the following:

''(16) 'major conversion' means a conversion of a vessel, that—

''(A) changes its ballast water carrying capacity by at least 15 percent;

''(B) changes the vessel class;

''(C) is projected to prolong the vessel's life by at least 10 years (as determined by the Secretary); or

''(D) results in modifications to the vessel's ballast water system, except—

''(i) component replacement-in-kind; or

''(ii) conversion of a vessel to meet the requirements of section 1101(e);'';

(8) by inserting after paragraph (18), as so redesignated, the following:

''(19) 'sediment' means matter that has settled out of ballast water within a vessel;'';

(9) in paragraph (12), as so redesignated, by striking the period at the end and inserting a semicolon;

(10) by inserting after paragraph (23), as so redesignated and moved, the following:

''(24) 'United States port' means a port, river, harbor, or offshore terminal under the jurisdiction of the United States, including ports located in Puerto Rico, Guam, and the United States Virgin Islands;

''(25) 'vessel of the Armed Forces' means—

''(A) any vessel owned or operated by the Department of Defense, other than a time or voyage chartered vessel; and

''(B) any vessel owned or operated by the Department of Homeland Security that is designated by the Secretary as a vessel equivalent to a vessel described in subparagraph (A);

''(26) 'vessel of the United States' has the meaning such term has under section 116 of title 46, United States Code;''; and

(11) in paragraph (23), as so redesignated, by striking the period at the end and inserting ''; ''.

(c) REPEAL OF SECTION 1103.—Section 1103 of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4713) is repealed.

(d) INTERIM FINAL RULE.—The Secretary shall issue an interim final rule as a temporary regulation implementing the amendments made by this section as soon as practicable after the date of enactment of this section, without regard to the provisions of chapter 5 of title 5, United States Code. All regulations issued under the authority of this subsection that are not earlier superseded by final regulations shall expire not later than one year after the date of enactment of this Act.

SEC. 504. NATIONAL BALLAST WATER MANAGEMENT INFORMATION.

Section 1102 (16 U.S.C. 4712) is amended—

(1) by adding at the end the following:

''(g) BALLAST WATER SURVEYS.—

''(1) IN GENERAL.—The Secretary shall conduct the following ballast water surveys:

''(A) A survey of the number of living organisms in untreated ballast water of a representative number of vessels, as determined by the Secretary.

''(B) A survey of the number of living organisms in the ballast water of a representative number of vessels, as determined by the Secretary, that has been exchanged on the high seas.

''(C) Surveys of the number of living organisms in the ballast water of vessels that are participating in a program to test and evaluate promising ballast water treatment, as approved by the Secretary.

''(2) REPORTS.—The Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate—

''(A) a report on the results of the surveys under subparagraphs (A) and (B) of paragraph (1) by not later than 18 months after the date of enactment of the Ballast Water Treatment Act of 2008; and

''(B) a report on the results of the surveys required under subparagraph (C) of paragraph (1) upon completion of each demonstration concerned.'';

(2) in subsection (b)(1)(B)(ii), by striking ''guidelines issued and'';

(3) in subsection (b)(2)(B)(ii), by striking ''voluntary guidelines issued, and regulations promulgated,'' and inserting ''regulations promulgated'';

(4) in subsection (c)(1), by striking ''section 1101(b)'' and inserting ''section 1101(a)''; and

(5) in subsection (f)(1)(B), by striking ''guidelines issued pursuant to section 1101(c)'' and inserting ''regulations issued pursuant to section 1101''.

SEC. 505. BALLAST WATER MANAGEMENT EVALUATION AND DEMONSTRATION PROGRAM.

Section 1104 (16 U.S.C. 4714) is amended—

(1) by striking the section heading and inserting the following:

''SEC. 1104. BALLAST WATER TREATMENT TECHNOLOGY EVALUATION AND DEMONSTRATION PROGRAMS.'';

(2) by striking subsection (a);

(3) by redesignating subsection (b) as subsection (a);

(4) by redesignating subsection (c) as subsection (d);

(5) in subsection (a), as so redesignated—

(A) by striking so much as precedes paragraph (2) and inserting the following:

''(a) SHIPBOARD TECHNOLOGY EVALUATION PROGRAM.—

''(1) IN GENERAL.—The Secretary shall establish a Shipboard Technology Evaluation Program to evaluate ballast water treatment technologies aboard vessels to prevent aquatic nuisance species from being introduced into and spread through discharges of ballast water in waters of the United States.''; and

(B) in paragraph (2) by striking ''of the technologies and practices used in the demonstration program'' and inserting ''of ballast water treatment technologies used in the program'';

(6) in subsection (a)(3), as so redesignated, by striking ''technologies and practices'' and all that follows through ''shall—'' and inserting ''ballast water treatment technologies on vessels under this subsection, the Secretary shall—'';

(7) in subsection (a)(3)(A), as so redesignated, by striking clause (i) and redesignating clauses (ii) and (iii) in order as clauses (i) and (ii);

(8) by amending subsection (a)(3)(A)(i), as so redesignated, to read as follows:

''(i) have ballast water systems conducive to testing aboard the vessel; and'';

(9) by amending subsection (a)(3)(C), as so redesignated, to read as follows:

''(C) seek to use a variety of vessel types.'';

(10) by amending subsection (a)(4), as so redesignated, to read as follows:

''(4) SELECTION OF BALLAST WATER TREATMENT TECHNOLOGIES.—In order for a ballast water treatment technology to be eligible to be installed on vessels for evaluation under this section, such technology must be, at a minimum—

''(A) determined by the Secretary to have the demonstrated potential to reduce the number of organisms greater than or equal to 50 microns in minimum dimension in discharged ballast water to fewer than 10 living organisms per cubic meter of water;

''(B) cost-effective;

''(C) environmentally sound;

''(D) operationally practical;

''(E) able to be retrofitted on existing vessels or incorporated in new vessel design (or both);

''(F) safe for a vessel and crew; and

''(G) accessible to monitoring.'';

(11) in subsection (a), as so redesignated, by adding at the end the following:

''(6) AUTHORITY OF SECRETARY TO REVIEW AND REVISE CRITERIA.—The Secretary may review and revise the criteria described in paragraph (4)(A) to require ballast water treatment technologies to meet a more stringent ballast water discharge standard, including standards promulgated under section 1101(f), before being eligible for installation aboard vessels under the program.'';

(12) by inserting after subsection (a), as so redesignated, the following:

''(b) SHIPBOARD TECHNOLOGY DEMONSTRATION PROGRAM.—

''(1) IN GENERAL.—The Under Secretary, with the concurrence of and in cooperation with the Secretary, shall conduct a program to demonstrate ballast water treatment technologies evaluated aboard vessels under subsection (a) to prevent aquatic nuisance species from being introduced into and spread through ballast water in waters of the United States.

''(2) LOCATION.—The installation and construction of ballast water treatment technologies used in the demonstration program under this subsection shall be performed in the United States.

''(3) VESSEL ELIGIBILITY.—Vessels eligible to participate in the demonstration program under this subsection shall consist only of vessels that have been accepted into and are actively participating in the Shipboard Technology Evaluation Program under subsection (a).

''(4) GRANTS.—

''(A) IN GENERAL.—The Under Secretary shall establish a grant program to provide funding for acquiring, installing, and operating ballast water treatment technologies aboard vessels participating in the program under this subsection.

''(B) MATCHING REQUIREMENTS.—The amount of Federal funds used for any demonstration project under this subsection—

''(i) shall not exceed $1,000,000; and

''(ii) shall not exceed 50 percent of the total cost of such project.

''(c) ALTERNATIVE SHIP PATHWAY PROGRAM.—

''(1) IN GENERAL.—The Under Secretary, with the concurrence of and in cooperation with the Secretary, shall conduct a program to demonstrate and verify technologies and practices to monitor and control the introduction of aquatic invasive species by ship pathways other than the release of ballast water.

''(2) SELECTION OF METHODS.—The Under Secretary may not select technologies and practices for demonstration or verification under paragraph (1) unless such technologies and practices, in the determination of the Under Secretary, in consultation with the Secretary, meet the criteria outlined in subparagraphs (B) through (G) of subsection (a)(4).

''(3) LOCATION.—The installation and construction of technologies and practices for demonstration and verification under this subsection shall be performed in the United States.''; and

(13) in subsection (d), as so redesignated, by striking ''Secretary of the Interior'' each place it appears and inserting ''Secretary, in consultation with the Under Secretary,''.

SEC. 506. RAPID RESPONSE PLAN.

Subtitle C of title I of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4721 et seq.) is amended by adding at the end the following:

''SEC. 1210. RAPID RESPONSE PLAN.

''(a) PREPARATION BY PRESIDENT.—The President shall prepare and publish a national rapid response plan for killing, removing, or minimizing the spread of aquatic nuisance species in the waters of the United States in accordance with this section.

''(b) CONTENTS.—The national rapid response plan shall provide for efficient, coordinated, and effective action to minimize damage from aquatic nuisance species in the navigable waters of the United States, including killing, containing, and removal of the aquatic nuisance species, and shall include the following:

''(1) Assignment of duties and responsibilities among Federal departments and agencies in coordination with State and local

agencies and port authorities and private entities.

''(2) Identification, procurement, maintenance, and storage of equipment and supplies needed to facilitate the killing, containment, and removal of aquatic nuisance species under this section.

''(3) Establishment or designation by the President of Federal aquatic nuisance species response teams, consisting of—

''(A) personnel who shall be trained and prepared by the President and shall be available to provide necessary services to carry out the national rapid response plan;

''(B) adequate equipment and material needed to facilitate the killing, containment, and removal of aquatic nuisance species under this section; and

''(C) a detailed plans to kill, contain, and remove aquatic nuisance species, including measures to protect fisheries and wildlife.

''(4) A system of surveillance and notice designed to safeguard against, as well as ensure earliest possible notice of, the introduction of aquatic nuisance species and imminent threats of such introduction to the appropriate State and Federal agencies.

''(5) Establishment by the President of a national center to provide coordination and direction for operations in carrying out the plan.

''(6) Procedures and techniques to be employed in identifying, containing, killing, and removing aquatic nuisance species in the waters of the United States.

''(7) A schedule, prepared by the President in cooperation with the States, identifying—

''(A) mitigating devices and substances, if any, that may be used in carrying out the plan;

''(B) the waters in which such mitigating devices and substances may be used; and

''(C) the quantities of such mitigating device or substance which can be used safely in such waters.

''(8) A system whereby the State or States affected by an aquatic nuisance species may act where necessary to remove such species.

''(9) Establishment by the President of criteria and procedures to ensure immediate and effective Federal identification of, and response to, an introduction of aquatic nuisance species.

''(10) Designation by the President of the Federal official who shall be the Federal onscene coordinator for measures taken to kill, contain, and remove aquatic nuisance species under this section.

''(11) A fish and wildlife response plan for the immediate and effective protection, rescue, and rehabilitation of, and the minimization of risk of damage to, fish and wildlife resources and their habitat that are harmed or that may be jeopardized by an introduction of an aquatic nuisance species.

''(c) FEDERAL REMOVAL AUTHORITY.—

''(1) REMOVAL REQUIREMENT.—

''(A) IN GENERAL.—The President shall ensure, in accordance with the national rapid response plan, effective and immediate killing, containing, and removal of the aquatic nuisance species in the waters of the United States.

''(B) DISCRETIONARY AUTHORITY.—In carrying out this paragraph, the President may—

''(i) kill, contain, and remove an aquatic nuisance species, at any time; and

''(ii) direct or monitor all Federal, State, and private actions to kill, contain, and remove the aquatic nuisance species.

''(2) ACTIONS IN ACCORDANCE WITH NATIONAL RAPID RESPONSE PLAN.—Each Federal agency, State, owner or operator, or other person participating in efforts under this subsection shall act in accordance with the national rapid response plan or as directed by the President to carry out the plan.''.

SEC. 507. AUTHORIZATION OF APPROPRIATIONS.

Section 1301(a) of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4741(a)) is amended—

(1) by striking ''and'' after the semicolon in paragraph (4)(B);

(2) by striking the period at the end of paragraph (5)(B) and inserting a semicolon; and

(3) by adding at the end the following:

''(6) $20,000,000 for each of fiscal years 2008 through 2012 to the Secretary to carry out section 1101;

''(7) $500,000 to the Secretary for each of fiscal years 2008 through 2013 to carry out section 1102(f);

''(8) $6,000,000 to the Under Secretary for each of fiscal years 2008 through 2013 to carry out paragraph (4) of section 1104(b); and

''(9) $1,500,000 to the Under Secretary for each of fiscal years 2008 through 2013 to carry out section 1104(c).''.

TITLE VI—MARITIME POLLUTION PREVENTION

SEC. 601. SHORT TITLE.

This title may be cited as the ''Maritime Pollution Prevention Act of 2008''.

SEC. 602. REFERENCES.

Wherever in this title an amendment or repeal is expressed in terms of an amendment to or a repeal of a section or other provision, the reference shall be considered to be made to a section or other provision of the Act to Prevent Pollution from Ships (33 U.S.C. 1901 et seq.).

SEC. 603. DEFINITIONS.

Section 2(a) (33 U.S.C. 1901(a)) is amended—

(1) by redesignating the paragraphs (1) through (12) as paragraphs (2) through (13), respectively;

(2) by inserting before paragraph (2) (as so redesignated) the following:

''(1) 'Administrator' means the Administrator of the Environmental Protection Agency.'';

(3) in paragraph (5) (as so redesignated) by striking ''and V'' and inserting ''V, and VI'';

(4) in paragraph (6) (as so redesignated) by striking '' 'discharge' and 'garbage' and 'harmful substance' and 'incident' '' and inserting '' 'discharge', 'emission', 'garbage', 'harmful substance', and 'incident' ''; and

(5) by redesignating paragraphs (7) through (13) (as redesignated) as paragraphs (8) through (14), respectively, and inserting after paragraph (6) (as redesignated) the following:

''(7) 'navigable waters' includes the territorial sea of the United States (as defined in Presidential Proclamation 5928 of December 27, 1988) and the internal waters of the United States;''.

SEC. 604. APPLICABILITY.

Section 3 (33 U.S.C. 1902) is amended—

(1) in subsection (a)—

(A) by striking ''and'' at the end of paragraph (3);

(B) by striking the period at the end of paragraph (4) and inserting ''; and''; and

(C) by adding at the end the following:

''(5) with respect to Annex VI to the Convention, and other than with respect to a ship referred to in paragraph (1)—

''(A) to a ship that is in a port, shipyard, offshore terminal, or the internal waters of the United States;

''(B) to a ship that is bound for, or departing from, a port, shipyard, offshore terminal, or the internal waters of the United States, and is in—

''(i) the navigable waters of the United States;

''(ii) an emission control area designated pursuant to section 4; or

''(iii) any other area that the Administrator, in consultation with the Secretary and each State in which any part of the area is located, has designated by order as being an area from which emissions from ships are of concern with respect to protection of public health, welfare, or the environment;

''(C) to a ship that is entitled to fly the flag of, or operating under the authority of, a party to Annex VI, and is in—

''(i) the navigable waters of the United States;

''(ii) an emission control area designated under section 4; or

''(iii) any other area that the Administrator, in consultation with the Secretary and each State in which any part of the area is located, has designated by order as being an area from which emissions from ships are of concern with respect to protection of public health, welfare, or the environment; and

''(D) to the extent consistent with international law, to any other ship that is in—

''(i) the exclusive economic zone of the United States;

''(ii) the navigable waters of the United States;

''(iii) an emission control area designated under section 4; or

''(iv) any other area that the Administrator, in consultation with the Secretary and each State in which any part of the area is located, has designated by order as being an area from which emissions from ships are of concern with respect to protection of public health, welfare, or the environment.'';

(2) in subsection (b)—

(A) in paragraph (1) by striking ''paragraph (2)'' and inserting ''paragraphs (2) and (3)''; and

(B) by adding at the end the following:

''(3) With respect to Annex VI the Administrator, or the Secretary, as relevant to their authorities pursuant to this Act, may determine that some or all of the requirements under this Act shall apply to one or more classes of public vessels, except that such a determination by the Administrator shall have no effect unless the head of the Department or agency under which the vessels operate concurs in the determination. This paragraph does not apply during time of war or during a declared national emergency.'';

(3) by redesignating subsections (c) through (g) as subsections (d) through (h), respectively, and inserting after subsection (b) the following:

''(c) APPLICATION TO OTHER PERSONS.—This Act shall apply to all persons to the extent necessary to ensure compliance with Annex VI to the Convention.''; and

(4) in subsection (e), as redesignated—

(A) by inserting ''or the Administrator, consistent with section 4 of this Act,'' after ''Secretary'';

(B) by striking ''of section (3)'' and inserting ''of this section''; and

(C) by striking ''Protocol, including regulations conforming to and giving effect to the requirements of Annex V'' and inserting ''Protocol (or the applicable Annex), including regulations conforming to and giving effect to the requirements of Annex V and Annex VI''.

SEC. 605. ADMINISTRATION AND ENFORCEMENT.

Section 4 (33 U.S.C. 1903) is amended—

(1) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively, and inserting after subsection (a) the following:

''(b) DUTY OF THE ADMINISTRATOR.—In addition to other duties specified in this Act, the Administrator and the Secretary, respectively, shall have the following duties and authorities:

''(1) The Administrator shall, and no other person may, issue Engine International Air Pollution Prevention certificates in accordance with Annex VI and the International Maritime Organization's Technical Code on Control of Emissions of Nitrogen Oxides from Marine Diesel Engines, on behalf of the

United States for a vessel of the United States as that term is defined in section 116 of title 46, United States Code. The issuance of Engine International Air Pollution Prevention certificates shall be consistent with any applicable requirements of the Clean Air Act or regulations prescribed under that Act.

''(2) The Administrator shall have authority to administer regulations 12, 13, 14, 15, 16, 17, 18, and 19 of Annex VI to the Convention.

''(3) The Administrator shall, only as specified in section 8(f), have authority to enforce Annex VI of the Convention.'';

(2) in subsection (c), as redesignated, by redesignating paragraph (2) as paragraph (4), and inserting after paragraph (1) the following:

''(2) In addition to the authority the Secretary has to prescribe regulations under this Act, the Administrator shall also prescribe any necessary or desired regulations to carry out the provisions of regulations 12, 13, 14, 15, 16, 17, 18, and 19 of Annex VI to the Convention.

''(3) In prescribing any regulations under this section, the Secretary and the Administrator shall consult with each other, and with respect to regulation 19, with the Secretary of the Interior.''; and

(3) by adding at the end of subsection (c), as redesignated, the following:

''(5) No standard issued by any person or Federal authority, with respect to emissions from tank vessels subject to regulation 15 of Annex VI to the Convention, shall be effective until 6 months after the required notification to the International Maritime Organization by the Secretary.''.

SEC. 606. CERTIFICATES.

Section 5 (33 U.S.C. 1904) is amended—

(1) in subsection (a) by striking ''The Secretary'' and inserting ''Except as provided in section 4(b)(1), the Secretary'';

(2) in subsection (b) by striking ''Secretary under the authority of the MARPOL protocol.'' and inserting ''Secretary or the Administrator under the authority of this Act.''; and

(3) in subsection (e) by striking ''environment.'' and inserting ''environment or the public health and welfare.''.

SEC. 607. RECEPTION FACILITIES.

Section 6 (33 U.S.C. 1905) is amended—

(1) in subsection (a) by adding at the end the following:

''(3) The Secretary and the Administrator, after consulting with appropriate Federal agencies, shall jointly prescribe regulations setting criteria for determining the adequacy of reception facilities for receiving ozone depleting substances, equipment containing such substances, and exhaust gas cleaning residues at a port or terminal, and stating any additional measures and requirements as are appropriate to ensure such adequacy. Persons in charge of ports and terminals shall provide reception facilities, or ensure that reception facilities are available, in accordance with those regulations. The Secretary and the Administrator may jointly prescribe regulations to certify, and may issue certificates to the effect, that a port's or terminal's facilities for receiving ozone depleting substances, equipment containing such substances, and exhaust gas cleaning residues from ships are adequate.'';

(2) in subsection (b) by inserting ''or the Administrator'' after ''Secretary'';

(3) in subsection (e) by striking paragraph (2) and inserting the following:

''(2) The Secretary may deny the entry of a ship to a port or terminal required by the MARPOL Protocol, this Act, or regulations prescribed under this section relating to the provision of adequate reception facilities for garbage, ozone depleting substances, equipment containing those substances, or exhaust gas cleaning residues, if the port or terminal is not in compliance with the MARPOL Protocol, this Act, or those regulations.'';

(4) in subsection (f)(1) by striking ''Secretary is'' and inserting ''Secretary and the Administrator are''; and

(5) in subsection (f)(2) by striking ''(A)''.

SEC. 608. INSPECTIONS.

Section 8(f) (33 U.S.C. 1907(f)) is amended to read as follows:

''(f)(1) The Secretary may inspect a ship to which this Act applies as provided under section 3(a)(5), to verify whether the ship is in compliance with Annex VI to the Convention and this Act.

''(2) If an inspection under this subsection or any other information indicates that a violation has occurred, the Secretary, or the Administrator in a matter referred by the Secretary, may undertake enforcement action under this section.

''(3) Notwithstanding subsection (b) and paragraph (2) of this subsection, the Administrator shall have all of the authorities of the Secretary, as specified in subsection (b) of this section, for the purposes of enforcing regulations 17 and 18 of Annex VI to the Convention to the extent that shoreside violations are the subject of the action and in any other matter referred to the Administrator by the Secretary.''.

SEC. 609. AMENDMENTS TO THE PROTOCOL.

Section 10(b) (33 U.S.C. 1909(b)) is amended by inserting ''or the Administrator as provided for in this Act,'' after ''Secretary,''.

SEC. 610. PENALTIES.

Section 9 (33 U.S.C. 1908) is amended—

(1) by striking ''Protocol,,'' each place it appears and inserting ''Protocol,'';

(2) in subsection (b)—

(A) by inserting '', or the Administrator as provided for in this Act'' after ''Secretary'' the first place it appears;

(B) in paragraph (2), by inserting '', or the Administrator as provided for in this Act,'' after ''Secretary''; and

(C) in the matter after paragraph (2)—

(i) by inserting '', or the Administrator as provided for in this Act'' after ''Secretary'' the first place it appears; and

(ii) by inserting '', or the Administrator as provided for in this Act,'' after ''Secretary'' the second and third places it appears;

(3) in subsection (c), by inserting '', or the Administrator as provided for in this Act,'' after ''Secretary'' each place it appears; and

(4) in subsection (f), by inserting '', or the Administrator as provided for in this Act'' after ''Secretary'' the first place appears.

SEC. 611. EFFECT ON OTHER LAWS.

Section 15 (33 U.S.C. 1911) is amended to read as follows:

''SEC. 15. EFFECT ON OTHER LAWS.

''Authorities, requirements, and remedies of this Act supplement and neither amend nor repeal any other authorities, requirements, or remedies conferred by any other provision of law. Nothing in this Act shall limit, deny, amend, modify, or repeal any other authority, requirement, or remedy available to the United States or any other person, except as expressly provided in this Act.''.

TITLE VII—PORT SECURITY

SEC. 701. MARITIME HOMELAND SECURITY PUBLIC AWARENESS PROGRAM.

The Secretary of Homeland Security shall establish a program to help prevent acts of terrorism and other activities that jeopardize maritime homeland security, by seeking the cooperation of the commercial and recreational boating industries and the public to improve awareness of activity in the maritime domain and report suspicious or unusual activity.

SEC. 702. TRANSPORTATION WORKER IDENTIFICATION CREDENTIAL.

(a) ASSESSMENT OF TWIC PROGRAM IMPLEMENTATION.—

(1) IN GENERAL.—Not later than 120 days after implementing the Transportation Worker Identification Credential program (in this section referred to as ''TWIC'') at the ten ports designated top priority by the Secretary of Homeland Security, as required by section 70105(i)(2)(A) of title 46, United States Code, the Secretary shall submit to the Committee on Homeland Security of the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Homeland Security and Governmental Affairs of the Senate and to the Comptroller General of the United States a report containing an assessment of the progress of the program's implementation. The report shall include—

(A) the number of workers enrolled in the program to date and the extent to which key metrics and contract requirements have been met; and

(B) an overview of the challenges encountered during implementation of the enrollment process, and plans for how these challenges will be addressed as the program is implemented at additional ports.

(2) GAO ASSESSMENT.—The Comptroller General shall review the report and submit to the Committee on Homeland Security of the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Homeland Security and Governmental Affairs of the Senate an assessment of the report's findings and recommendations.

(b) ASSESSMENT OF TWIC PILOT.—

(1) IN GENERAL.—Not later than 120 days after completing the pilot program under section 70105(k)(1) of title 46, United States Code, to test TWIC access control technologies at port facilities and vessels nationwide, the Secretary of Homeland Security shall submit to the Committee on Homeland Security of the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Homeland Security and Governmental Affairs of the Senate and to the Comptroller General a report containing an assessment of the results of the pilot. The report shall include—

(A) the findings of the pilot program with respect to key technical and operational aspects of implementing TWIC technologies in the maritime sector;

(B) a comprehensive listing of the extent to which established metrics were achieved during the pilot program; and

(C) an analysis of the viability of those technologies for use in the maritime environment, including any challenges to implementing those technologies and strategies for mitigating identified challenges.

(2) GAO ASSESSMENT.—The Comptroller General shall review the report and submit to the Committee on Homeland Security of the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Homeland Security and Governmental Affairs of the Senate an assessment of the report's findings and recommendations.

SEC. 703. STUDY TO IDENTIFY REDUNDANT BACKGROUND RECORDS CHECKS.

(a) STUDY.—The Comptroller General of the United States shall conduct a study comparing those background records checks required under section 70105 of title 46, United States Code, and those conducted by States for similar homeland security purposes.

(b) REPORT.—Not later than 6 months after the date of enactment of this Act, the Comptroller General of the United States shall submit a report to the Committee on Homeland Security of the House of Representatives, the Committee on Transportation and Infrastructure of the House of Representatives, the Committee on Commerce, Science,

and Transportation of the Senate, and the Committee on Homeland Security and Governmental Affairs of the Senate on the results of the study, including—

(1) an identification of redundancies and inefficiencies in connection with such checks referred to in subsection (a); and

(2) recommendations for eliminating such redundancies and inefficiencies.

SEC. 704. REVIEW OF INTERAGENCY OPERATIONAL CENTERS.

(a) IN GENERAL.—Within 180 days of enactment of this Act, the Department of Homeland Security Inspector General shall provide a report to the Committee on Homeland Security of the House of Representatives and the Committees on Homeland Security and Governmental Affairs and Commerce, Science, and Transportation of the Senate concerning the establishment of Interagency Operational Centers for Port Security required by section 108 of the SAFE Port Act (Public Law 109–347).

(b) REPORT.—The report shall include—

(1) an examination of the Department's efforts to establish the Interagency Operational Centers;

(2) a timeline for construction;

(3) a detailed breakdown, by center, as to the incorporation of those representatives required by section 70107A(b)(3) of title 46, United States Code;

(4) an analysis of the hurdles faced by the Department in developing these centers;

(5) information on the number of security clearances attained by State, local, and tribal officials participating in the program; and

(6) an examination of the relationship between the Interagency Operational Centers and State, local and regional fusion centers participating in the Department of Homeland Security's State, Local, and Regional Fusion Center Initiative under section 511 of the Implementing the Recommendations of the 9/11 Commission Act of 2007 (Public Law 110–53), with a particular emphasis on—

(A) how the centers collaborate and coordinate their efforts; and

(B) the resources allocated by the Coast Guard to both initiatives.

SEC. 705. MARITIME SECURITY RESPONSE TEAMS.

(a) IN GENERAL.—Section 70106 of title 46, United States Code, is amended by striking subsection (c) and inserting the following:

''(c) MARITIME SECURITY RESPONSE TEAMS.—

''(1) IN GENERAL.—In addition to the maritime safety and security teams, the Secretary shall establish no less than two maritime security response teams to act as the Coast Guard's rapidly deployable counterterrorism and law enforcement response units that can apply advanced interdiction skills in response to threats of maritime terrorism.

''(2) MINIMIZATION OF RESPONSE TIME.—The maritime security response teams shall be stationed in such a way to minimize, to the extent practicable, the response time to any reported maritime terrorist threat.

''(d) COORDINATION WITH OTHER AGENCIES.—To the maximum extent feasible, each maritime safety and security team and maritime security response team shall coordinate its activities with other Federal, State, and local law enforcement and emergency response agencies.''.

SEC. 706. COAST GUARD DETECTION CANINE TEAM PROGRAM EXPANSION.

(a) DEFINITIONS.—For purposes of this section:

(1) CANINE DETECTION TEAM.—The term ''detection canine team'' means a canine and a canine handler that are trained to detect narcotics or explosives, or other threats as defined by the Secretary.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of Homeland Security.

(b) DETECTION CANINE TEAMS.—

(1) INCREASED CAPACITY.—Not later than 240 days after the date of enactment of this Act, the Secretary shall—

(A) begin to increase the number of detection canine teams certified by the Coast Guard for the purposes of maritime-related security by no fewer than 10 canine teams annually through fiscal year 2012; and

(B) encourage owners and operators of port facilities, passenger cruise liners, oceangoing cargo vessels, and other vessels identified by the Secretary to strengthen security through the use of highly trained detection canine teams.

(2) CANINE PROCUREMENT.—The Secretary, acting through the Commandant of the Coast Guard, shall—

(A) procure detection canine teams as efficiently as possible, including, to the greatest extent possible, through increased domestic breeding, while meeting the performance needs and criteria established by the Commandant;

(B) support expansion and upgrading of existing canine training facilities operated by the department in which the Coast Guard is operating; and

(C) as appropriate, partner with other Federal, State, or local agencies, nonprofit organizations, universities, or the private sector to increase the breeding and training capacity for Coast Guard canine detection teams.

(c) DEPLOYMENT.—The Secretary shall prioritize deployment of the additional canine teams to ports based on risk, consistent with the Security and Accountability For Every Port Act of 2006 (Public Law 109–347).

(d) AUTHORIZATION.—There are authorized to be appropriated to the Secretary such sums as may be necessary to carry out this section for fiscal years 2008 through 2012.

SEC. 707. COAST GUARD PORT ASSISTANCE PROGRAM.

Section 70110 of title 46, United States Code, is amended by adding at the end the following:

''(f) COAST GUARD ASSISTANCE PROGRAM.—

''(1) IN GENERAL.—The Secretary may lend, lease, donate, or otherwise provide equipment, and provide technical training and support, to the owner or operator of a foreign port or facility—

''(A) to assist in bringing the port or facility into compliance with applicable International Ship and Port Facility Code standards;

''(B) to assist the port or facility in meeting standards established under section 70109A of this chapter; and

''(C) to assist the port or facility in exceeding the standards described in subparagraphs (A) and (B).

''(2) CONDITIONS.—The Secretary—

''(A) shall provide such assistance based upon an assessment of the risks to the security of the United States and the inability of the owner or operator of the port or facility otherwise to bring the port or facility into compliance with those standards and to maintain compliance with them;

''(B) may not provide such assistance unless the port or facility has been subjected to a comprehensive port security assessment by the Coast Guard or a third party entity certified by the Secretary under section 70110A(b) to validate foreign port or facility compliance with International Ship and Port Facility Code standards; and

''(C) may only lend, lease, or otherwise provide equipment that the Secretary has first determined is not required by the Coast Guard for the performance of its missions.''.

SEC. 708. MARITIME BIOMETRIC IDENTIFICATION.

(a) IN GENERAL.—Within one year after the date of the enactment of this Act, the Secretary of Homeland Security, acting through the Commandant of the Coast Guard, shall conduct, in the maritime environment, a program for the mobile biometric identification of suspected individuals, including terrorists, to enhance border security and for other purposes.

(b) REQUIREMENTS.—The Secretary shall ensure the program required in this section is coordinated with other biometric identification programs within the Department of Homeland Security.

(c) COST ANALYSIS.—Within 90 days after the date of the enactment of this Act, the Secretary shall submit to the Committees on Appropriations and Homeland Security of the House of Representatives and the Committees on Appropriations and Homeland Security and Governmental Affairs of the Senate an analysis of the cost of expanding the Coast Guard's biometric identification capabilities for use by the Coast Guards Deployable Operations Group, cutters, stations, and other deployable maritime teams considered appropriate by the Secretary, and any other appropriate Department of Homeland Security maritime vessels and units. The analysis may include a tiered plan for the deployment of this program that gives priority to vessels and units more likely to encounter individuals suspected of making illegal border crossings through the maritime environment.

(d) DEFINITION.—For the purposes of this section, the term ''biometric identification'' means use of fingerprint and digital photography images.

SEC. 709. REVIEW OF POTENTIAL THREATS.

Not later than 1 year after the date of enactment of this Act, the Secretary of Homeland Security shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report analyzing the threat, vulnerability, and consequence of a terrorist attack on gasoline and chemical cargo shipments in port activity areas in the United States.

SEC. 710. PORT SECURITY PILOT.

The Secretary of Homeland Security shall establish a pilot program to test and deploy preventive radiological or nuclear detection equipment on Coast Guard vessels and other locations in select port regions to enhance border security and for other purposes. The pilot program shall leverage existing Federal grant funding to support this program and the procurement of additional equipment.

SEC. 711. ADVANCE NOTICE OF PORT ARRIVAL OF SIGNIFICANT OR FATAL INCIDENTS INVOLVING U.S. PERSONS.

(a) REQUIREMENT.—The Secretary of Homeland Security shall require the owner or operator of a cruise ship that embarks or disembarks passengers in a United States port to notify the Secretary of any covered security incident that occurs on the cruise ship in the course of the voyage (or voyage segment) in which a U.S. person is involved, in conjunction with any advance notice of arrival to a United States port required by part 160 of title 33, Code of Federal Regulations.

(b) DEFINITIONS.—For the purposes of this section:

(1) COVERED SECURITY INCIDENT.—The term ''covered security incident'' means any criminal act or omission that results in death or bodily injury, all sexual assaults and missing persons, or any other incident that poses a significant threat to the cruise ship, any cruise ship passenger, any port facility, or any person in or near the port.

(2) CRUISE SHIP.—The term ''cruise ship'' means a vessel on an international voyage that embarks or disembarks passengers at a port of United States jurisdiction to which subpart C of part 160 of title 33, Code of Federal Regulations, applies and that provides overnight accommodations.

(3) U.S. PERSON.—The term ''U.S. person'' means a citizen of the United States and an alien lawfully admitted for permanent residence (as defined in section 101(a)(20) of the Immigration and Nationality Act (8 U.S.C. 1101 (a)(20)).

(4) UNITED STATES.—The term ''United States'' means the 50 States, the District of Columbia, Puerto Rico, the Northern Mariana Islands, the United States Virgin Islands, Guam, American Samoa, and any other territory or possession of the United States.

(c) SAVINGS CLAUSE.—Nothing in this section shall be interpreted to discourage immediate notification to the Secretary of a covered security incident, nor shall this section prohibit earlier notifications of covered security incidents otherwise required by law or regulation.

(d) AVAILABILITY OF INCIDENT DATA VIA INTERNET.—

(1) WEBSITE.—The Secretary shall maintain, on an Internet site of the department in which the Coast Guard is operating, a numerical accounting of the missing persons and alleged crimes in covered security incidents for which the Secretary receives notification under subsection (a). The data shall be updated no less frequently than quarterly, aggregated by cruise line, and each cruise line shall be identified by name.

(2) ACCESS TO WEBSITE.—Each cruise line taking on or discharging passengers in the United States shall include on its Internet site a link to the Internet site referred to in paragraph (1), that is available to the public.

SEC. 712. SAFETY AND SECURITY ASSISTANCE FOR FOREIGN PORTS.

(a) IN GENERAL.—Section 70110(e)(1) of title 46, United States Code, is amended by striking the second sentence and inserting the following: ''The Secretary shall establish a strategic plan to utilize those assistance programs to assist ports and facilities that are found by the Secretary under subsection (a) not to maintain effective antiterrorism measures in the implementation of port security antiterrorism measures.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 70110 of title 46, United States Code, is amended—

(A) by inserting ''or facilities'' after ''ports'' in the section heading;

(B) by inserting ''or facility'' after ''port'' each place it appears; and

(C) by striking ''PORTS'' in the heading for subsection (e) and inserting ''PORTS, FACILITIES,''.

(2) The chapter analysis for chapter 701 of title 46, United States Code, is amended by striking the item relating to section 70110 and inserting the following:

''70110. Actions and assistance for foreign ports or facilities and United States territories''.

SEC. 713. SEASONAL WORKERS.

(a) STUDY.—The Comptroller General of the United States shall conduct a study on the effects that the Transportation Worker Identification Card (in this section referred to as ''TWIC'') required by section 70105 of title 46, United States Code, has on companies that employ seasonal employees.

(b) REPORT.—Not later than one year after the date of enactment of this Act, the Comptroller General shall submit a report to the Committee on Transportation and Infrastructure and the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the results of the study, including—

(1) costs associated in requiring seasonal employees to obtain TWIC cards on companies

(2) whether the Coast Guard and Transportation Security Administration are processing TWIC applications quickly enough for seasonal workers to obtain TWIC certification;

(3) whether TWIC compliance costs or other factors have led to a reduction in service;

(3) the impact of TWIC on the recruiting and hiring of seasonal and other temporary employees; and

(4) an assessment of possible alternatives to TWIC certification that may be used for seasonal employees including any security vulnerabilities created by those alternatives.

SEC. 714. COMPARATIVE RISK ASSESSMENT OF VESSEL-BASED AND FACILITY-BASED LIQUEFIED NATURAL GAS REGASIFICATION PROCESSES.

(a) IN GENERAL.—Within 90 days after the date of enactment of this Act, the Secretary of Homeland Security, acting through the Commandant of the Coast Guard, shall enter into an arrangement for the performance of an independent study to conduct a comparative risk assessment examining the relative safety and security risk associated with vessel-based and facility-based liquefied natural gas regasification processes conducted within 3 miles from land versus such processes conducted more than 3 miles from land.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary Homeland Security, acting through the Commandant, shall provide a report on the findings and conclusions of the study required by this section to the Committees on Homeland Security, Transportation and Infrastructure, and Energy and Commerce of the House of Representatives, and the Committees on Homeland Security and Governmental Affairs and Commerce, Science, and Transportation of the Senate.

SEC. 715. PILOT PROGRAM FOR FINGERPRINTING OF MARITIME WORKERS.

(a) IN GENERAL.—Within 180 days after the date of enactment of this Act, the Secretary of Homeland Security shall establish procedures providing for an individual who is required to be fingerprinted for purposes of obtaining a transportation security card under section 70105 of title 46, United States Code, to be fingerprinted at any facility operated by or under contract with an agency of the Department of Homeland Security that fingerprints the public for the Department.

(b) EXPIRATION.—This section expires on December 31, 2012.

SEC. 716. TRANSPORTATION SECURITY CARDS ON VESSELS.

Section 70105(b)(2) of title 46, United States Code, is amended—

(1) in subparagraph (B), by inserting after ''title'' the following: ''allowed unescorted access to a secure area designated in a vessel security plan approved under section 70103 of this title''; and

(2) in subparagraph (D), by inserting after ''tank vessel'' the following: ''allowed unescorted access to a secure area designated in a vessel security plan approved under section 70103 of this title''.

SEC. 717. INTERNATIONAL LABOR STUDY.

The Comptroller General of the United States shall conduct a study of methods to conduct a background security investigation of an individual who possesses a biometric identification card that complies with International Labor Convention number 185 that are equivalent to the investigation conducted on individuals applying for a visa to enter the United States. The Comptroller General shall submit a report on the study within 180 days after the date of enactment of this Act to the Committee on Transportation and Infrastructure and the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

SEC. 718. MARITIME SECURITY ADVISORY COMMITTEES.

Section 70112 of title 46, United States Code, is amended—

(1) by amending subsection (b)(5) to read as follows:

''(5)(A) The National Maritime Security Advisory Committee shall be composed of—

''(i) at least 1 individual who represents the interests of the port authorities;

''(ii) at least 1 individual who represents the interests of the facilities owners or operators;

''(iii) at least 1 individual who represents the interests of the terminal owners or operators;

''(iv) at least 1 individual who represents the interests of the vessel owners or operators;

''(v) at least 1 individual who represents the interests of the maritime labor organizations;

''(vi) at least 1 individual who represents the interests of the academic community;

''(vii) at least 1 individual who represents the interests of State or local governments; and

''(viii) at least 1 individual who represents the interests of the maritime industry.

''(B) Each Area Maritime Security Advisory Committee shall be composed of individuals who represents the interests of the port industry, terminal operators, port labor organizations, and other users of the port areas.''; and

(2) in subsection (g)—

(A) in paragraph (1)(A), by striking ''2008;'' and inserting ''2010;'';

(B) by repealing paragraph (2);

(C) by striking ''(1)''; and

(D) by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2).

SEC. 719. SEAMEN'S SHORESIDE ACCESS.

Each facility security plan approved under section 70103(c) of title 46, United States Code, shall provide a system for seamen assigned to a vessel at that facility, pilots, and representatives of seamen's welfare and labor organizations to board and depart the vessel through the facility in a timely manner at no cost to the individual.

SEC. 720. WATERSIDE SECURITY AROUND LIQUEFIED NATURAL GAS TERMINALS AND LIQUEFIED NATURAL GAS TANKERS.

(a) ENFORCEMENT OF SECURITY ZONES.—Consistent with other provisions of law, any security zone established by the Coast Guard around a tanker containing liquified natural gas shall be enforced by the Coast Guard. If the Coast Guard must enforce multiple simultaneous security zones, the Coast Guard shall allocate resources so as to deter to the maximum extent practicable a transportation security incident (as that term is defined in sectin 70101 of title 46, United States Code).

(b) LIMITATION ON RELIANCE ON STATE AND LOCAL GOVERNMENT.—Any security arrangement approved as part of a facility security plan approved after the date of enactment of this Act under section 70103 of title 46, United States Code, for a liquefied natural gas terminal on or adjacent to the navigable waters of the United States, or to assist in the enforcement of any security zone established by the Coast Guard around a tanker containing liquefied natural gas, may not be based upon the provision of security by a State or local government unless the State or local government has entered into a contract, cooperative agreement, or other arrangement with the terminal operator to provide such services and the Secretary of the department in which the Coast Guard is operating, acting through the Commandant of the Coast Guard, ensures that the waterborne patrols operated as part of that security arrangement by a State or local government have the training, resources, personnel,

equipment, and experience necessary to deter to the maximum extent practicable a transportation security incident (as that term is defined in section 70101 of title 46, United States Code).

(c) DETERMINATION REQUIRED FOR NEW LNG TERMINALS.—The Secretary of the department in which the Coast Guard is operating, acting through the Commandant of the Coast Guard, may not approve a facility security plan under section 70103 of title 46, United States Code, for a new liquefied natural gas terminal the construction of which is begun after the date of enactment of this Act unless the Secretary determines that the Coast Guard has available to the sector in which the terminal is located the resources, including State and local government resources available in accordance with subsection (b), it needs to carry out the navigation and maritime security risk management measures identified in the waterway suitability report prepared pursuant to the Ports and Waterways Safety Act.

SEC. 721. REVIEW OF LIQUEFIED NATURAL GAS FACILITIES.

(a) NOTICE OF DETERMINATION.—Consistent with other provisions of law, the Secretary of Homeland Security must notify the Federal Energy Regulatory Commission when a determination is made that the waterway to a proposed waterside liquefied natural gas facility is suitable or unsuitable for the marine traffic associated with such facility.

(b) FEDERAL ENERGY REGULATORY COMMISSION RESPONSE.—The Federal Energy Regulatory Commission shall respond to the Secretary's determination under subsection (a) by informing the Secretary within 90 days of notification or at the conclusion of any available appeal process, whichever is later, of what action the Commission has taken, pursuant to its authorities under the Natural Gas Act, regarding a proposal to construct and operate a waterside liquefied natural gas facility subject to a determination made under subsection (a).

SEC. 722. USE OF SECONDARY AUTHENTICATION FOR TRANSPORTATION SECURITY CARDS.

The Secretary of Homeland Security may use a secondary authentication system for individuals applying for transportation security cards when fingerprints are not able to be taken or read to enhance transportation security.

SEC. 723. REPORT ON STATE AND LOCAL LAW ENFORCEMENT AUGMENTATION OF COAST GUARD RESOURCES WITH RESPECT TO SECURITY ZONES AND UNITED STATES PORTS.

Not later than 180 days after the date of enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall submit to the Committees on Transportation and Infrastructure and Homeland Security of the House of Representatives and the Committees on Commerce, Science, and Transportation and Homeland Security and Governmental Affairs of the Senate a report on the extent to which State and local law enforcement entities are augmenting Coast Guard resources by enforcing Coast Guard-imposed security zones around vessels transiting to, through, or from United States ports and conducting port security patrols. At a minimum, the report shall specify–

(1) the number of ports in which State and local law enforcement entities are providing any services to enforce Coast Guard-imposed security zones around vessels transiting to, through, or from United States ports or to conduct security patrols in United States ports;

(2) the number of formal agreements entered into between the Coast Guard and State and local law enforcement entities to engage State and local law enforcement entities in the enforcement of Coast Guard-imposed security zones around vessels transiting to, through, or from United States ports or the conduct of port security patrols in United States ports, the duration of those agreements, and the aid that State and local entities are engaged to provided through these agreements;

(3) the extent to which the Coast Guard has set national standards for training, equipment, and resources to ensure that State and local law enforcement entities engaged in enforcing Coast Guard-imposed security zones around vessels transiting to, through, or from United States ports or in conducting port security patrols in United States ports (or both) can deter to the maximum extent practicable a transportation security incident (as that term is defined in section 70101 of title 46, United States Code);

(4) the extent to which the Coast Guard has assessed the ability of State and local law enforcement entities to carry out the security assignments which they have been engaged to perform, including their ability to meet any national standards for training, equipment, and resources that have been established by the Coast Guard in order to ensure that these entities can deter to the maximum extent practicable a transportation security incident (as that term is defined in section 70101 of title 46, United States Code);

(5) the extent to which State and local law enforcement entities are able to meet national standards for training, equipment, and resources established by the Coast Guard to ensure that those entities can deter to the maximum extent practicable a transportation security incident (as that term is defined in section 70101 of title 46, United States Code);

(6) the differences in law enforcement authority, and particularly boarding authority, between the Coast Guard and State and local law enforcement entities, and the impact that these differences have on the ability of State and local law enforcement entities to provide the same level of security that the Coast Guard provides during the enforcement of Coast Guard-imposed security zones and the conduct of security patrols in United States ports; and

(7) the extent of resource, training, and equipment differences between State and local law enforcement entities and the Coast Guard units engaged in enforcing Coast Guard-imposed security zones around vessels transiting to, through, or from United States ports or conducting security patrols in United States ports.

SEC. 724. ASSESSMENT OF TRANSPORTATION SECURITY CARD ENROLLMENT SITES.

(a) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Homeland Security shall prepare an assessment of the enrollment sites for transportation security cards issued under section 70105 of title 46, United States Code, including—

(1) the feasibility of keeping those enrollment sites open 24 hours per day, and 7 days per week, in order to better handle the large number of applications for such cards;

(2) the feasibility of keeping those enrollment sites open after September 25, 2008;

(3) the quality of customer service, including the periods of time individuals are kept on hold on the telephone, whether appointments are kept, and processing times for applications.

(b) TIMELINES AND BENCHMARKS.—The Secretary shall develop timelines and benchmarks for implementing the findings of the assessment as the Secretary deems necessary.

TITLE VIII—COAST GUARD INTEGRATED DEEPWATER PROGRAM

SEC. 801. SHORT TITLE.

This title may be cited as the ''Integrated Deepwater Program Reform Act''.

SEC. 802. IMPLEMENTATION OF COAST GUARD INTEGRATED DEEPWATER ACQUISITION PROGRAM.

(a) USE OF PRIVATE SECTOR ENTITY AS A LEAD SYSTEMS INTEGRATOR.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the Secretary may not use a private sector entity as a lead systems integrator for procurements under, or in support of, the Deepwater Program beginning on the earlier of October 1, 2011, or the date on which the Secretary certifies in writing to the Committee on Transportation and Infrastructure and the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate that the Coast Guard has available and can retain sufficient contracting personnel and expertise within the Coast Guard, through an arrangement with other Federal agencies, or through contracts or other arrangements with private sector entities, to perform the functions and responsibilities of the lead system integrator in an efficient and cost-effective manner.

(2) COMPLETION OF EXISTING DELIVERY ORDERS AND TASK ORDERS.—The Secretary may use a private sector entity as a lead systems integrator to complete any delivery order or task order under the Deepwater Program that was issued to the lead systems integrator on or before the date of enactment of this Act.

(3) ASSISTANCE OF OTHER FEDERAL AGENCIES.—In any case in which the Secretary is the systems integrator under the Deepwater Program, the Secretary may obtain any type of assistance the Secretary considers appropriate, with any systems integration functions, from any Federal agency with experience in systems integration involving maritime vessels and aircraft.

(4) ASSISTANCE OF PRIVATE SECTOR ENTITIES.—In any case in which the Secretary is the systems integrator under the Deepwater Program, the Secretary may, subject to the availability of appropriations, obtain by grant, contract, or cooperative agreement any type of assistance the Secretary considers appropriate, with any systems integration functions, from any private sector entity with experience in systems integration involving maritime vessels and aircraft.

(b) COMPETITION.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the Secretary shall use full and open competition for each class of asset acquisitions under the Deepwater Program for which an outside contractor is used, if the asset is procured directly by the Coast Guard or by the Integrated Coast Guard System acting under a contract with the Coast Guard.

(2) EXCEPTION.—The Secretary may use a procurement method that is less than full and open competition to procure an asset under the Deepwater Program, if—

(A) the Secretary determines that such method is in the best interests of the Federal Government; and

(B) by not later than 30 days before the date of the award of a contract for the procurement, the Secretary submits to the Committee on Transportation and Infrastructure and the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report explaining why such procurement is in the best interests of the Federal Government.

(3) LIMITATION ON APPLICATION.—Paragraph (1) shall not apply to a contract, subcontract, or task order that was issued before the date of enactment of this Act, if there is no change in the quantity of assets or the specific type of assets procured.

(c) REQUIRED CONTRACT TERMS.—The Secretary shall include in each contract, subcontract, and task order issued under the Deepwater Program after the date of enactment of this Act the following provisions, as applicable:

(1) TECHNICAL REVIEWS.—A requirement that the Secretary shall conduct a technical review of all proposed designs, design changes, and engineering changes, and a requirement that the contractor must specifically address all engineering concerns identified in the technical reviews, before any funds may be obligated.

(2) RESPONSIBILITY FOR TECHNICAL REQUIREMENTS.—A requirement that the Secretary shall maintain the authority to establish, approve, and maintain technical requirements.

(3) COST ESTIMATE OF MAJOR CHANGES.—A requirement that an independent cost estimate must be prepared and approved by the Secretary before the execution of any change order costing more than 5 percent of the unit cost approved in the Deepwater Program baseline in effect as of May 2007.

(4) PERFORMANCE MEASUREMENT.—A requirement that any measurement of contractor and subcontractor performance must be based on the status of all work performed, including the extent to which the work performed met all cost, schedule, and mission performance requirements outlined in the Deepwater Program contract.

(5) EARLY OPERATIONAL ASSESSMENT.—For the acquisition of any cutter class for which an Early Operational Assessment has not been developed—

(A) a requirement that the Secretary of the Department in which the Coast Guard is operating shall cause an Early Operational Assessment to be conducted by the Department of the Navy after the development of the preliminary design of the cutter and before the conduct of the critical design review of the cutter; and

(B) a requirement that the Coast Guard shall develop a plan to address the findings presented in the Early Operational Assessment.

(6) TRANSIENT ELECTROMAGNETIC PULSE EMANATION.—For the acquisition or upgrade of air, surface, or shore assets for which compliance with transient electromagnetic pulse emanation (TEMPEST) is a requirement, a provision specifying that the standard for determining such compliance shall be the air, surface, or shore asset standard then used by the Department of the Navy.

(7) OFFSHORE PATROL CUTTER UNDERWAY REQUIREMENT.—For any contract issued to acquire an Offshore Patrol Cutter, provisions specifying the service life, fatigue life, days underway in general Atlantic and North Pacific Sea conditions, maximum range, and maximum speed the cutter shall be built to achieve.

(8) INSPECTOR GENERAL ACCESS.—A requirement that the Department of Homeland Security's Office of the Inspector General shall have access to all records maintained by all contractors working on the Deepwater Program, and shall have the right to privately interview any contractor personnel.

(d) LIFE CYCLE COST ESTIMATE.—

(1) IN GENERAL.—The Secretary shall develop an authoritative life cycle cost estimate for the Deepwater Program.

(2) CONTENTS.—The life cycle cost estimate shall include asset acquisition and logistics support decisions and planned operational tempo and locations as of the date of enactment of this Act.

(3) SUBMITTAL.—The Secretary shall—

(A) submit the life cycle cost estimate to the Committee on Transportation and Infrastructure and the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate within 4 months after the date of enactment of this Act; and

(B) submit updates of the life cycle cost estimate to such Committees annually.

(e) CONTRACT OFFICERS.—The Secretary shall assign a separate contract officer for each class of cutter and aircraft acquired or rehabilitated under the Deepwater Program, including the National Security Cutter, the Offshore Patrol Cutter, the Fast Response Cutter A, the Fast Response Cutter B, maritime patrol aircraft, the aircraft HC–130J, the helicopter HH–65, the helicopter HH–60, and the vertical unmanned aerial vehicle.

(f) TECHNOLOGY RISK REPORT.—The Secretary shall submit to the Committee on Transportation and Infrastructure and the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report identifying the technology risks and level of maturity for major technologies used on each class of asset acquisitions under the Deepwater Program, including the Fast Response Cutter A (FRC–A), the Fast Response Cutter B (FRC–B), the Offshore Patrol Cutter (OPC), and the Vertical Unmanned Aerial Vehicle (VUAV), not later than 90 days before the date of award of a contract for such an acquisition.

(g) SUBMISSION OF ASSESSMENT RESULTS AND PLANS TO CONGRESS.—The Commandant of the Coast Guard shall submit to the Committee on Transportation and Infrastructure and the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate—

(1) the results of each Early Operational Assessment conducted pursuant to subsection (c)(5)(A) and the plan approved by the Commandant pursuant to subsection (c)(5)(B) for addressing the findings of such assessment, within 30 days after the Commandant approves the plan; and

(2) a report describing how the recommendations of each Early Operational Assessment conducted pursuant to subsection (c)(5)(A) on the first in class of a new cutter class have been addressed in the design on which construction is to begin, within 30 days before initiation of construction.

SEC. 803. CHIEF ACQUISITION OFFICER.

(a) IN GENERAL.—Chapter 3 of title 14, United States Code, is further amended by adding at the end the following:

"§ 56. Chief Acquisition Officer

''(a) ESTABLISHMENT OF AGENCY CHIEF ACQUISITION OFFICER.—The Commandant shall appoint or designate a career reserved employee as Chief Acquisition Officer for the Coast Guard, who shall—

''(1) have acquisition management as that official's primary duty; and

''(2) report directly to the Commandant to advise and assist the Commandant to ensure that the mission of the Coast Guard is achieved through the management of the Coast Guard's acquisition activities.

''(b) AUTHORITY AND FUNCTIONS OF THE CHIEF ACQUISITION OFFICER.—The functions of the Chief Acquisition Officer shall include—

''(1) monitoring the performance of acquisition activities and acquisition programs of the Coast Guard, evaluating the performance of those programs on the basis of applicable performance measurements, and advising the Commandant regarding the appropriate business strategy to achieve the mission of the Coast Guard;

''(2) increasing the use of full and open competition in the acquisition of property and services by the Coast Guard by establishing policies, procedures, and practices that ensure that the Coast Guard receives a sufficient number of sealed bids or competitive proposals from responsible sources to fulfill the Government's requirements (including performance and delivery schedules) at the lowest cost or best value considering the nature of the property or service procured;

''(3) ensuring the use of detailed performance specifications in instances in which performance-based contracting is used;

''(4) making acquisition decisions consistent with all applicable laws and establishing clear lines of authority, accountability, and responsibility for acquisition decisionmaking within the Coast Guard;

''(5) managing the direction of acquisition policy for the Coast Guard, including implementation of the unique acquisition policies, regulations, and standards of the Coast Guard;

''(6) developing and maintaining an acquisition career management program in the Coast Guard to ensure that there is an adequate professional workforce; and

''(7) as part of the strategic planning and performance evaluation process required under section 306 of title 5 and sections 1105(a)(28), 1115, 1116, and 9703 of title 31—

''(A) assessing the requirements established for Coast Guard personnel regarding knowledge and skill in acquisition resources management and the adequacy of such requirements for facilitating the achievement of the performance goals established for acquisition management;

''(B) in order to rectify any deficiency in meeting such requirements, developing strategies and specific plans for hiring, training, and professional development; and

''(C) reporting to the Commandant on the progress made in improving acquisition management capability.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following:

''56. Chief Acquisition Officer.''.

(c) SPECIAL RATE SUPPLEMENTS.—

(1) REQUIREMENT TO ESTABLISH.—Not later than 1 year after the date of enactment of this Act and in accordance with part 9701.333 of title 5, Code of Federal Regulations, the Commandant of the Coast Guard shall establish special rate supplements that provide higher pay levels for employees necessary to carry out the amendment made by this section.

(2) SUBJECT TO APPROPRIATIONS.—The requirement under paragraph (1) is subject to the availability of appropriations.

SEC. 804. TESTING AND CERTIFICATION.

(a) IN GENERAL.—The Secretary shall—

(1) cause each cutter, other than a National Security Cutter, acquired by the Coast Guard and delivered after the date of enactment of this Act to be classed by the American Bureau of Shipping, before acceptance of delivery;

(2) cause the design and construction of each National Security Cutter, other than National Security Cutter 1 and 2, to be certified by an independent third party with expertise in vessel design and construction certification to be able to meet a 185-underway-day requirement under general Atlantic and North Pacific sea conditions for a period of at least 30 years;

(3) cause all electronics on all aircraft, surface, and shore assets that require TEMPEST certification and that are delivered after the date of enactment of this Act to be tested and certified in accordance with TEMPEST standards and communications security (COMSEC) standards by an independent

third party that is authorized by the Federal Government to perform such testing and certification; and

(4) cause all aircraft and aircraft engines acquired by the Coast Guard and delivered after the date of enactment of this Act to be certified for airworthiness by an independent third party with expertise in aircraft and aircraft engine certification, before acceptance of delivery.

(b) FIRST IN CLASS OF A MAJOR ASSET ACQUISITION.—The Secretary shall cause the first in class of a major asset acquisition of a cutter or an aircraft to be subjected to an assessment of operational capability conducted by the Secretary of the Navy.

(c) FINAL ARBITER.—The Secretary shall be the final arbiter of all technical disputes regarding designs and acquisitions of vessels and aircraft for the Coast Guard.

SEC. 805. NATIONAL SECURITY CUTTERS.

(a) NATIONAL SECURITY CUTTERS 1 AND 2.—

(1) REPORT ON OPTIONS UNDER CONSIDERATION.—The Secretary shall submit to the Committee on Transportation and Infrastructure and the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate—

(A) within 120 days after the date of enactment of this Act, a report describing in detail the cost increases that have been experienced on National Security Cutters 1 and 2 since the date of the issuance of the task orders for construction of those cutters and explaining the causes of these cost increases; and

(B) within 180 days after the date of enactment of this Act, a report on the options that the Coast Guard is considering to strengthen the hulls of National Security Cutter 1 and National Security Cutter 2, including—

(i) the costs of each of the options under consideration;

(ii) a schedule for when the hull strengthening repairs are anticipated to be performed; and

(iii) the impact that the weight likely to be added to each the cutter by each option will have on the cutter's ability to meet both the original performance requirements included in the Deepwater Program contract and the performance requirements created by contract Amendment Modification 00042 dated February 7, 2007.

(2) DESIGN ASSESSMENT.—Not later than 30 days before the Coast Guard signs any contract, delivery order, or task order to strengthen the hull of either of National Security Cutter 1 or 2 to resolve the structural design and performance issues identified in the Department of Homeland Security Inspector General's report OIG–07–23 dated January 2007, the Secretary shall submit to the Committee on Transportation and Infrastructure and the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate all results of an assessment of the proposed hull strengthening design conducted by the Naval Surface Warfare Center, Carderock Division, including a description in detail of the extent to which the hull strengthening measures to be implemented on those cutters will enable the cutters to meet a 185-underway-day requirement under general Atlantic and North Pacific sea conditions for a period of at least 30 years.

(b) NATIONAL SECURITY CUTTERS 3 THROUGH 8.—Not later than 30 days before the Coast Guard signs any contract, delivery order, or task order authorizing construction of National Security Cutters 3 through 8, the Secretary shall submit to the Committee on Transportation and Infrastructure and the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate all results of an assessment of the proposed designs to resolve the structural design, safety, and performance issues identified by the Department of Homeland Security Office of Inspector General report OIG–07–23 for the hulls of those cutters conducted by the Naval Surface Warfare Center, Carderock Division, including a description in detail of the extent to which such designs will enable the cutters to meet a 185-underway-day requirement under general Atlantic and North Pacific sea conditions.

SEC. 806. MISCELLANEOUS REPORTS.

(a) IN GENERAL.—The Secretary shall submit the following reports to the Committee on Transportation and Infrastructure and the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate:

(1) Within 4 months after the date of enactment of this Act, a justification for why 8 National Security Cutters are required to meet the operational needs of the Coast Guard, including—

(A) how many days per year each National Security Cutter will be underway at sea;

(B) where each National Security Cutter will be home ported;

(C) the amount of funding that will be required to establish home port operations for each National Security Cutter;

(D) the extent to which 8 National Security Cutters deployed without vertical unmanned aerial vehicles (VUAV) will meet or exceed the mission capability (including surveillance capacity) of the 12 Hamilton-class high endurance cutters that the National Security Cutters will replace;

(E) the business case in support of constructing National Security Cutters 3 through 8, including a cost-benefit analysis; and

(F) an analysis of how many Offshore Patrol Cutters would be required to provide the patrol coverage provided by a National Security Cutter.

(2) Within 4 months after the date of enactment of this Act, a report on—

(A) the impact that deployment of a National Security Cutter and other cutter assets without the vertical unmanned aerial vehicle (VUAV) will have on the amount of patrol coverage that will be able to be provided during missions conducted by the National Security Cutter and all other cutters planned to be equipped with a VUAV;

(B) how the coverage gap will be made up;

(C) an update on the current status of the development of the VUAV; and

(D) the timeline detailing the major milestones to be achieved during development of the VUAV and identifying the delivery date for the first and last VUAV.

(3) Within 30 days after the elevation to flag-level for resolution of any design or other dispute regarding the Deepwater Program contract or an item to be procured under that contract, including a detailed description of the issue and the rationale underlying the decision taken by the flag officer to resolve the issue.

(4) Within 4 months after the date of enactment of this Act, a report detailing the total number of change orders that have been created by the Coast Guard under the Deepwater Program before the date of enactment of this Act, the total cost of these change orders, and their impact on the Deepwater Program schedule.

(5) Within 180 days after the date of enactment of this Act, a report detailing the technology risks and level of maturity for major technologies used on maritime patrol aircraft, the HC–130J, and the National Security Cutter.

(6) Not less than 60 days before signing a contract to acquire any vessel or aircraft, a report comparing the cost of purchasing that vessel or aircraft directly from the manufacturer or shipyard with the cost of procuring it through the Integrated Coast Guard System.

(7) Within 30 days after the Program Executive Officer of the Deepwater Program becomes aware of a likely cost overrun exceeding 5 percent of the overall asset acquisition contract cost or schedule delay exceeding 5 percent of the estimated asset construction period under the Deepwater Program, a report by the Commandant containing a description of the cost overrun or delay, an explanation of the overrun or delay, a description of Coast Guard's response, and a description of significant delays in the procurement schedule likely to be caused by the overrun or delay.

(8) Within 90 days after the date of enactment of this Act, articulation of a doctrine and description of an anticipated implementation of a plan for management of acquisitions programs, financial management (including earned value management and cost estimating), engineering and logistics management, and contract management, that includes—

(A) a description of how the Coast Guard will cultivate among uniformed personnel expertise in acquisitions management and financial management;

(B) a description of the processes that will be followed to draft and ensure technical review of procurement packages, including statements of work, for any class of assets acquired by the Coast Guard;

(C) a description of how the Coast Guard will conduct an independent cost estimating process, including independently developing cost estimates for major change orders; and

(D) a description of how Coast Guard will strengthen the management of change orders.

(9) Within 4 months after the date of enactment of this Act, a report on the development of a new acquisitions office within the Coast Guard describing the specific staffing structure for that directorate, including—

(A) identification of all managerial positions proposed as part of the office, the functions that each managerial position will fill, and the number of employees each manager will supervise; and

(B) a formal organizational chart and identification of when managerial positions are to be filled.

(10) Ninety days prior to the issuance of a Request for Proposals for construction of an Offshore Patrol Cutter, a report detailing the service life, fatigue life, maximum range, maximum speed, and number of days underway under general Atlantic and North Pacific Sea conditions the cutter shall be built to achieve.

(11) The Secretary shall report annually on the percentage of the total amount of funds expended on procurements under the Deepwater Program that has been paid to each of small businesses and minority-owned businesses.

(12) Within 120 days after the date of enactment of this Act, a report on any Coast Guard mission performance gap due to the removal of Deepwater Program assets from service. The report shall include the following:

(A) A description of the mission performance gap detailing the geographic regions and Coast Guard capabilities affected.

(B) An analysis of factors affecting the mission performance gap that are unrelated to the Deepwater Program, including deployment of Coast Guard assets overseas and continuous vessel shortages.

(C) A description of measures being taken in the near term to fill the mission performance gap, including what those measures are and when they will be implemented.

(D) A description of measures being taken in the long term to fill the mission performance gap, including what those measures are and when they will be implemented.

(E) A description of the potential alternatives to fill the mission performance gap, including any acquisition or lease considered and the reasons they were not pursued.

(b) REPORT REQUIRED ON ACCEPTANCE OF DELIVERY OF INCOMPLETE ASSET.—

(1) IN GENERAL.—If the Secretary accepts delivery of an asset after the date of enactment of this Act for which a contractually required certification cannot be achieved within 30 days after the date of delivery or with any system that is not fully functional for the mission for which it was intended, the Secretary shall submit to the Committee on Transportation and Infrastructure and the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the United States Senate within 30 days after accepting delivery of the asset a report explaining why acceptance of the asset in such a condition is in the best interests of the United States Government.

(2) CONTENTS.—The report shall—

(A) specify the systems that are not able to achieve contractually required certifications within 30 days after the date of delivery and the systems that are not fully functional at the time of delivery for the missions for which they were intended;

(B) identify milestones for the completion of required certifications and to make all systems fully functional; and

(C) identify when the milestones will be completed, who will complete them, and the cost to complete them.

SEC. 807. USE OF THE NAVAL SEA SYSTEMS COMMAND, THE NAVAL AIR SYSTEMS COMMAND, AND THE SPACE AND NAVAL WARFARE SYSTEMS COMMAND TO ASSIST THE COAST GUARD IN EXERCISING TECHNICAL AUTHORITY FOR THE DEEPWATER PROGRAM AND OTHER COAST GUARD ACQUISITION PROGRAMS.

(a) FINDINGS.—Congress finds that the Coast Guard's use of the technical, contractual, and program management oversight expertise of the Department of the Navy in ship and aircraft production complements and augments the Coast Guard's organic expertise as it procures assets for the Deepwater Program.

(b) INTER-SERVICE TECHNICAL ASSISTANCE.—The Secretary may enter into a memorandum of understanding or a memorandum of agreement with the Secretary of the Navy to provide for the use of the Navy Systems Commands to assist the Coast Guard with the oversight of Coast Guard major acquisition programs. Such memorandum of understanding or memorandum of agreement shall, at a minimum provide for—

(1) the exchange of technical assistance and support that the Coast Guard Chief Engineer and the Coast Guard Chief Information Officer, as Coast Guard Technical Authorities, may identify;

(2) the use, as appropriate, of Navy technical expertise; and

(3) the temporary assignment or exchange of personnel between the Coast Guard and the Navy Systems Commands to facilitate the development of organic capabilities in the Coast Guard.

(c) TECHNICAL AUTHORITIES.—The Coast Guard Chief Engineer, Chief Information Officer, and Chief Acquisition Officer shall adopt, to the extent practicable, procedures that are similar to those used by the Navy Senior Acquisition Official to ensure the Coast Guard Technical Authorities, or designated Technical Warrant Holders, approve all technical requirements.

(d) COORDINATION.—The Secretary, acting through the Commandant of the Coast Guard, may coordinate with the Secretary of the Navy, acting through the Chief of Naval Operations, to develop processes by which the assistance will be requested from the Navy Systems Commands and provided to the Coast Guard.

(e) REPORT.—Not later than 120 days after the date of enactment of this Act and every twelve months thereafter, the Commandant of the Coast Guard shall report to the Committee on Transportation and Infrastructure and the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the activities undertaken pursuant to such memorandum of understanding or memorandum of agreement.

SEC. 808. DEFINITIONS.

In this title:

(1) DEEPWATER PROGRAM.—The term ''Deepwater Program'' means the Integrated Deepwater Systems Program described by the Coast Guard in its report to Congress entitled ''Revised Deepwater Implementation Plan 2005'', dated March 25, 2005. The Deepwater Program primarily involves the procurement of cutter and aviation assets that operate more than 50 miles offshore.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of the department in which the Coast Guard is operating.

TITLE IX—MINORITY SERVING INSTITUTIONS

SEC. 901. MSI MANAGEMENT INTERNSHIP PROGRAM.

(a) ESTABLISHMENT AND PURPOSE.—The Commandant of the Coast Guard shall establish a two part management internship program for students at minority serving institutions (MSI) to intern at Coast Guard headquarters or a Coast Guard regional office, to be known as the ''MSI Management Internship Program'', to develop a cadre of civilian, career mid-level and senior managers for the Coast Guard.

(b) OPERATION.—The MSI Management Internship Program shall be managed by the Secretary of Homeland Security, acting through the Commandant of the Coast Guard, in coordination with National Association for Equal Opportunity in Higher Education, the Hispanic Association of Colleges and Universities, and the American Indian Higher Education Consortium.

(c) CRITERIA FOR SELECTION.—Participation in the MSI Management Internship Program shall be open to sophomores, juniors, and seniors at minority serving institutions, with an emphasis on such students who are majoring in management or business administration, international affairs, political science, marine sciences, criminal justice, or any other major related to homeland security.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $2,000,000 to the Commandant to carry out this section.

SEC. 902. MSI INITIATIVES.

(a) ESTABLISHMENT OF MSI STUDENT PRE-COMMISSIONING INITIATIVE.—The Commandant of the Coast Guard shall establish an MSI component of the College Student Pre-Commissioning Initiative (to be known as the ''MSI Student Pre-Commissioning Initiative Program'') to ensure greater participation by students from MSIs in the College Student Pre-Commissioning Initiative.

(b) PARTICIPATION IN OFFICER CANDIDATE SCHOOL.—The Commandant of the Coast Guard shall ensure that graduates of the MSI Student Pre-Commissioning Initiative Program are included in the first enrollment for Officer Candidate School that commences after the date of enactment of this title and each enrollment period thereafter.

(c) REPORTS.—Not later than 90 days after the conclusion of each academic year with respect to which the College Student Pre-Commissioning Initiative and the MSI Student Pre-Commissioning Initiative Program is carried out beginning with the first full academic year after the date of the enactment of this title, the Commandant shall submit to the Committee on Transportation and Infrastructure and the Committee on Homeland Security of the House of Representatives and the Committee on Commerce of the Senate a report on the number of students in the College Student Pre-Commissioning Initiative and the number of students in the MSI Student Pre-Commissioning Initiative Program, outreach efforts, and demographic information of enrollees including, age, gender, race, and disability.

(d) ESTABLISHMENT OF MSI AVIATION OFFICER CORPS INITIATIVE.—The Commandant of the Coast Guard shall establish an MSI Aviation Officer Corps Initiative to increase the diversity of the Coast Guard Aviation Officer Corps through an integrated recruiting, accession, training, and assignment process that offers guaranteed flight school opportunities to students from minority serving institutions.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $3,000,000 to the Commandant to carry out this section.

SEC. 903. COAST GUARD-MSI COOPERATIVE TECHNOLOGY PROGRAM.

(a) ESTABLISHMENT.—The Commandant of the Coast Guard shall establish a Coast Guard Laboratory of Excellence-MSI Cooperative Technology Program at three minority serving institutions to focus on priority security areas for the Coast Guard, such as global maritime surveillance, resilience, and recovery.

(b) COLLABORATION.—The Commandant shall encourage collaboration among the minority serving institutions selected under subsection (a) and institutions of higher education with institutional research and academic program resources and experience.

(c) PARTNERSHIPS.—The heads of the laboratories established at the minority serving institutions pursuant to subsection (a) may seek to establish partnerships with the private sector, especially small, disadvantaged businesses, to—

(1) develop increased research and development capacity;

(2) increase the number of baccalaureate and graduate degree holders in science, technology, engineering, mathematics (STEM), and information technology or other fields critical to the mission of the Coast Guard; and

(3) strengthen instructional ability among faculty.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $2,500,000 to the Commandant to carry out this section, including for instrumentation acquisition and funding undergraduate student scholarships, graduate fellowships, and faculty-post doctoral study.

SEC. 904. DEFINITION.

For purposes of this title, the terms ''minority serving institution'', ''minority serving institutions'', and ''MSI'' mean a historically Black college or university (as defined in section 322 of the Higher Education Act of 1965), a Hispanic-serving institution (as defined in section 502 of such Act), a Tribal College or University (as defined in section 316 of such Act), a Predominantly Black institution (as defined in section 499A(c) of such Act), or a Native American-serving nontribal institution (as defined in section 499A(c) of such Act).

TITLE X—APPEALS TO NATIONAL TRANSPORTATION SAFETY BOARD

SEC. 1001. RIGHTS OF APPEAL REGARDING LICENSES, CERTIFICATES OF REGISTRY, AND MERCHANT MARINERS' DOCUMENTS.

(a) DENIAL OF ISSUANCE OR RENEWAL.—

(1) LICENSES AND CERTIFICATES OF REGISTRY.—Section 7101 of title 46, United States Code, is amended by adding at the end the following new subsection:

''(j) APPEALS TO THE NATIONAL TRANSPORTATION SAFETY BOARD.—

''(1) IN GENERAL.—An individual whose application for the issuance or renewal of a license or certificate of registry has been denied under this chapter by the Secretary may appeal that decision to the National Transportation Safety Board, unless the individual holds a license or certificate that—

''(A) is suspended at the time of the denial; or

''(B) was revoked within the one-year period ending on the date of the denial.

''(2) PROCEDURE.—The Board shall conduct a hearing on the appeal. The Board is not bound by findings of fact of the Secretary but is bound by all validly adopted interpretations of laws and regulations the Secretary carries out unless the Board finds an interpretation is arbitrary, capricious, or otherwise not according to law. At the end of the hearing, the Board shall decide whether the individual meets the requirements for issuance or renewal of the license or certificate of registry under applicable regulations and standards. The Secretary is bound by the Board's decision.''.

(2) MERCHANT MARINERS' DOCUMENTS.—Section 7302 of title 46, United States Code, is amended by adding at the end the following new subsection:

''(h) APPEALS TO THE NATIONAL TRANSPORTATION SAFETY BOARD.—

''(1) IN GENERAL.—An individual whose application for the issuance or renewal of a merchant mariners' document has been denied under this chapter by the Secretary may appeal that decision to the National Transportation Safety Board, unless the individual holds a merchant mariners' document that—

''(A) is suspended at the time of the denial; or

''(B) was revoked within the one-year period ending on the date of denial.

''(2) PROCEDURE.—The Board shall conduct a hearing on the appeal. The Board is not bound by findings of fact of the Secretary but is bound by all validly adopted interpretations of laws and regulations the Secretary carries out unless the Board finds an interpretation is arbitrary, capricious, or otherwise not according to law. At the end of the hearing, the Board shall decide whether the individual meets the requirements for issuance or renewal of the document under applicable regulations and standards. The Secretary is bound by the Board's decision.''.

(b) SUSPENSION AND REVOCATION.—Chapter 77 of title 46, United States Code, is amended—

(1) in section 7702—

(A) by striking subsection (b); and

(B) by redesignating subsections (c) and (d) as subsections (b) and (c), respectively;

(2) by adding at the end the following new sections:

''§ 7707. Appeals to the National Transportation Safety Board

''(a) IN GENERAL.—An individual whose license, certificate of registry, or merchant mariners' document has been suspended or revoked under this chapter by the Secretary may appeal that decision within 30 days to the National Transportation Safety Board. The Board shall affirm or reverse the order after providing notice and an opportunity for a hearing on the record. In conducting the hearing under this section, the Board is not bound by findings of fact of the Secretary but is bound by all validly adopted interpretations of laws and regulations the Secretary carries out and of written agency policy guidance available to the public related to sanctions to be imposed under this section, unless the Board finds an interpretation is arbitrary, capricious, or otherwise not according to law.

''(b) EFFECTIVENESS OF ORDER PENDING APPEAL.—

''(1) IN GENERAL.—Except as provided in paragraph (2), upon the filing by an individual of an appeal with the Board under this subsection, the order of the Secretary suspending or revoking the license, certificate of registry, or merchant mariners' document is stayed.

''(2) EXCEPTION.—If the Secretary notifies the Board that the Secretary has determined there exists an emergency affecting safety in maritime transportation requires the immediate effectiveness of the order—

''(A) the order shall remain in effect pending disposition of the appeal;

''(B) the Board shall make a final disposition of the appeal not later than 60 days after the Secretary so notifies the Board; and

''(C) if the Board does not act within such 60-day period, the order shall continue in effect unless modified by the Secretary.

''(c) REVIEW OF EMERGENCY ORDER.—A person affected by the immediate effectiveness of the Secretary's order under subsection (b)(2) may petition for a review by the Board under procedures promulgated by the Board of the Secretary's determination that an emergency exists. Such petition shall be filed with the Board not later than 48 hours after the order is received by the person. If the Board finds that an emergency does not exist that requires the immediate application of the order in the interest of safety in maritime transportation, the order shall be stayed, notwithstanding subsection (b). The Board shall dispose of a petition under this subsection not later than 5 days after the date on which the petition is filed.

''(d) JUDICIAL REVIEW.—An individual who is substantially affected by an order of the Board under this section, or the Secretary if the Secretary decides that an order of the Board will have a significant adverse effect on carrying out this part, may obtain judicial review of the order. The Secretary shall be made a party to the judicial review proceedings. In those proceedings, findings of fact of the Board are conclusive if supported by substantial evidence.

''§ 7708. Limitations on the Coast Guard's conduct of administrative proceedings

''The Coast Guard shall not conduct any administrative proceeding under section 7101, 7302, 7503, chapter 77, or section 9303 of this title under any contractual relationship or interagency agreement with the National Transportation Safety Board after October 1, 2009.''; and

(3) in the analysis at the beginning of the chapter by adding at the end the following new items:

''Sec. 7707. Appeals to the National Transportation Safety Board.

''Sec. 7708. Limitations on the Coast Guard's conduct of administrative proceedings.''.

(c) EFFECTIVE DATE.—This section shall take effect on October 1, 2008.

SEC. 1002. AUTHORITIES OF NATIONAL TRANSPORTATION SAFETY BOARD.

(a) REVIEW OF OTHER AGENCY ACTION.—Section 1133 of title 49, United States Code, is amended by striking paragraph (3) and inserting the following:

''(3) the denial, amendment, modification, suspension, or revocation of a license, certificate, document, or register in a proceeding under section 7101, 7302, 7503, or 9303, or chapter 77, of title 46; and''.

(b) JUDICIAL REVIEW.—

(1) IN GENERAL.—Section 1153 of title 49, United States Code, is amended—

(A) in the heading for subsection (b) by inserting ''and maritime'' after ''aviation''; and

(B) by adding at the end the following new subsection:

''(d) SECRETARY SEEKING JUDICIAL REVIEW OF MARITIME MATTERS.—If the Secretary of the department in which the Coast Guard is operating decides that an order of the Board under chapter 77 of title 46 will have a significant impact on carrying out this chapter with respect to a maritime matter, the Secretary may obtain judicial review of the order. Findings of fact of the Board are conclusive in those proceedings if supported by substantial evidence.''.

(c) EFFECTIVE DATE.—This section shall take effect on October 1, 2008.

SEC. 1003. TRANSFER OF PENDING APPEALS TO THE NATIONAL TRANSPORTATION SAFETY BOARD.

(a) ADMINISTRATION OF PENDING DOCKET.—

(1) TRANSFER OF PENDING CASES.—On October 1, 2008, any pending cases remaining undecided by the Coast Guard Office of Administrative Law Judges shall be transferred to the National Transportation Safety Board for adjudication. Such cases shall be sequenced into the docket of the National Transportation Safety Board Office of Administrative Law Judges in the same order as the dates of filing with the Coast Guard.

(2) DETAIL OF ADMINISTRATIVE LAW JUDGES.—The Secretary of the department in which the Coast Guard is operating shall, if requested by the Chairman of the National Transportation Safety Board, make available to the Board via temporary detail not to exceed 180 days, and thereafter at the discretion of the Secretary, Administrative Law Judges currently employed by the Coast Guard sufficient to address the docket of maritime enforcement cases transferred by this subsection to the National Transportation Safety Board and those subsequently filed with the National Transportation Safety Board.

(3) ADMINISTRATIVE ASSISTANCE.—The Secretary of the department in which the Coast Guard is operating shall, if requested by the Chairman of the National Transportation Safety Board, make available assistance from the administrative offices of the Coast Guard Office of the Administrative Law Judges sufficient administrative personnel and other resources adequate to effect an orderly transfer of pending cases to the National Transportation Safety Board.

(b) TRANSFER OF FUNDS.—For each of fiscal years 2009 and 2010, 80 percent of all funding appropriated for the Coast Guard's Office of Administrative Law Judges shall be transferred as an interagency transfer to the National Transportation Safety Board and used for the Safety Board Office of Administrative Law Judges.

(c) MARITIME ENFORCEMENT APPEALS ACTIVITY.—

(1) IN GENERAL.—The National Transportation Safety Board may establish within the National Transportation Safety Board Office of Administrative Law Judges a maritime enforcement appeals activity, to operate in concert or parallel with the aviation enforcement appeals activity currently existing, sufficient to handle maritime enforcement appeals under title 46, United States Code, as amended by this title.

(2) FILLING OF ADMINISTRATIVE LAW JUDGE POSITIONS.—Any Administrative Law Judge position established by the National Transportation Safety Board to address the cases

and responsibilities transferred under this section shall be filled through the established Administrative Law Judge hiring process.

(3) LIMITATION ON EFFECT.—This section shall not be construed—

(A) to transfer from the Coast Guard any personnel, offices, or equipment funded under this provision; or

(B) to authorize requiring any person to transfer from the Coast Guard to the National Transportation Safety Board.

(4) EXEMPTION FROM REGULATIONS RELATING TO REDUCTIONS IN FORCE.—Any redesignation of agency responsibilities under this title is exempt from subpart C of part 351 of title 5, Code of Federal Regulations, and does not constitute a transfer of function (as that term is defined in section 351.203 of that title) for purposes of that subpart.

SEC. 1004. RULEMAKING REQUIREMENTS.

(a) INTERIM FINAL RULE.—The National Transportation Safety Board shall issue an interim final rule as a temporary regulation implementing this title (including the amendments made by this title) as soon as practicable after the date of enactment of this Act, without regard to chapter 5 of title 5, United States Code. All regulations prescribed under the authority of this subsection that are not earlier superseded by final regulations shall expire not later than 1 year after the date of enactment of this Act.

(b) INITIATION OF RULEMAKING.—The Board may initiate a rulemaking to implement this title (including the amendments made by this title) as soon as practicable after the date of enactment of this Act. The final rule issued pursuant to that rulemaking may supersede the interim final rule issued under this section.

SEC. 1005. ADMINISTRATIVE LAW JUDGE RECRUITING PROGRAM.

(a) IN GENERAL.—Within 60 days after the date of enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall establish a program to recruit qualified individuals from appropriate sources in an effort to achieve a workforce drawn from all segments of society in the Coast Guard's Administrative Law Judge program. This program shall include—

(1) improved outreach efforts to include organizations outside the Federal Government in order to increase the number of minority candidates in the selection pool for Administrative Law Judges from which the Coast Guard selects their judges; and

(2) recruitment of minority candidates for Coast Guard Administrative Law Judges from other Federal agencies.

(b) REPORT.—The Secretary shall provide a report to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate by October 1 of each year detailing the activities of the Coast Guard to comply with the requirements of this section.

TITLE XI—MARINE SAFETY

SEC. 1101. MARINE SAFETY.

(a) ESTABLISH MARINE SAFETY AS A COAST GUARD FUNCTION.—Chapter 5 of title 14, United States Code, is further amended by adding at the end the following new section:

"§ 100. Marine safety

''To protect life, property, and the environment on, under, and over waters subject to the jurisdiction of the United States and on vessels subject to the jurisdiction of the United States, the Commandant shall promote maritime safety as follows:

''(1) By taking actions necessary and in the public interest to protect such life, property, and the environment.

''(2) Based on the following priorities:

''(A) Preventing marine casualties and threats to the environment.

''(B) Minimizing the impacts of marine casualties and environmental threats.

''(C) Maximizing lives and property saved and environment protected in the event of a marine casualty.''.

(b) CLERICAL AMENDMENT.—The analysis at the beginning of such chapter is amended by adding at the end the following new item:

''100. Marine safety.''.

SEC. 1102. MARINE SAFETY STAFF.

(a) IN GENERAL.—Chapter 3 of title 14, United States Code, is further amended by adding at the end the following new section:

"§ 57. Marine safety staff

''(a) ASSISTANT COMMANDANT FOR MARINE SAFETY.—(1) There shall be in the Coast Guard an Assistant Commandant for Marine Safety who shall be a Rear Admiral or civilian from the Senior Executive Service (career reserved) selected by the Secretary.

''(2) The Assistant Commandant for Marine Safety shall serve as the principal advisor to the Commandant regarding marine safety, and carry out the duties and powers delegated and imposed by the Secretary under section 631(b).

''(b) CHIEF OF MARINE SAFETY.—(1) There shall be in each Coast Guard sector a Chief of Marine Safety who—

''(A) shall be at least a Commander or civilian at level GS–14; and

''(B) shall be colocated with the Coast Guard officer in command of that sector.

''(2) The chief of marine safety for a sector—

''(A) is responsible for all individuals who, on behalf of the Coast Guard, inspect or examine vessels, conduct marine casualty investigations, or perform other marine safety responsibilities defined in section 631(b) in the sector; and

''(B) if not the Coast Guard officer in command of that sector, is the principle advisor to that officers regarding marine safety matters in that sector.

''(c) QUALIFICATIONS.—(1) The Assistant Commandant for Marine Safety and the Chiefs of Marine Safety of sectors, and all marine safety inspectors, investigators, examiners, and other professional staff assigned to the marine safety program of the Coast Guard, shall be appointed on the basis of their—

''(A) knowledge, skill, and practical experience in—

''(i) the construction and operation of commercial vessels; and

''(ii) judging the character, strength, stability, and safety qualities of such vessels and their equipment; and

''(B) knowledge about the qualifications and training of vessel personnel.

''(2) Marine inspectors shall have the training, experience, and qualifications equivalent to that required for a surveyor of a similar position of a classification society recognized by the Secretary under section 3316 of title 46 for the type of vessel, system, or equipment that is inspected.

''(3) Marine casualty investigators shall have the training, experience, and qualifications in investigation, accident reconstruction, human factors, and documentation equivalent to that required for a marine casualty investigator of the National Transportation Safety Board.

''(4) The Chief of Marine Safety of a sector shall be a qualified marine casualty investigator and marine inspector qualified to inspect vessels, vessel systems, and equipment commonly found in the sector.

''(5) Each individual signing a letter of qualification for marine safety personnel must hold a letter of qualification for the type they are signing.

''(6) The Assistant Commandant for Marine Safety shall be a qualified marine casualty investigator and a marine inspector qualified for types of vessels, vessel systems, and equipment.

"§ 58. Limited duty officers

''(a) ESTABLISHMENT.—The Commandant shall establish in the Coast Guard a limited duty officer program for marine safety.

''(b) OFFICER ELIGIBILITY.—(1) Only commissioned officers in the Coast Guard with grade not above commander and chief warrant officers who have more than four years of marine safety experience may serve as limited duty officers under such program.

''(2) The Commandant may establish other limitations on eligibility that the Commandant believes are necessary for the good of the marine safety program.

''(3) Notwithstanding section 41a and chapter 11 of this title, the Commandant shall, by regulation, establish procedures pertaining to—

''(A) the promotion of commissioned officers and chief warrant officers who serve as limited duty officers, including the maintenance of a separate promotion list for commissioned officers who serve as limited duty officers;

''(B) the discharge, retirement, and revocation of commissions of such officers; and

''(C) the separation for cause of such officers.

''(4) The Commandant shall ensure that the procedures promulgated under paragraph (3)(A) encourage a specialization in marine safety and do not, in any way, inhibit or prejudice the orderly promotion or advancement of commissioned officers and chief warrant officers who serve as limited duty officers.

''(5) The Commandant shall, by regulation, prescribe a step increase in the pay system for limited duty officers in the marine safety program.

''(c) RECRUITMENT.—(1) The Commandant shall, by regulation, establish procedures pertaining to the recruitment of graduates from the United States Merchant Marine Academy and the State maritime colleges and individuals holding licenses issued under chapter 71 of title 46 to serve as limited duty officers.

''(2) Not later than the date of the submission of the President's budget request under section 1105 of title 31 for each fiscal year, the Commandant shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the Coast Guard's efforts to recruit graduates from the United States Merchant Marine Academy and the State maritime colleges and individuals holding licenses issued under chapter 71 of title 46 to serve as limited duty officers. The report shall include information on the number of graduates recruited, the lengths of service, the retention rates, and other activities undertaken by the Coast Guard to sustain or increase the numbers of recruits and officers.

"§ 59. Center for Expertise for Marine Safety

''(a) ESTABLISHMENT.—The Commandant of the Coast Guard may establish and operate a one or more Centers for Expertise for Marine Safety (in this section referred to as a 'Center').

''(b) MISSIONS.—The Centers shall—

''(1) be used to provide and facilitate education, training, and research in marine safety including vessel inspection and casuality investigation;

''(2) develop a repository of information on marine safety; and

''(3) perform any other missions as the Commandant may specify.

''(c) JOINT OPERATION WITH EDUCATIONAL INSTITUTION AUTHORIZED.—The Commandant

may enter into an agreement with an appropriate official of an institution of higher education to—

''(1) provide for joint operation of a Center; and

''(2) provide necessary administrative services for a Center, including administration and allocation of funds.

''(d) ACCEPTANCE OF DONATIONS.—(1) Except as provided in paragraph (2), the Commandant may accept, on behalf of a Center, donations to be used to defray the costs of the Center or to enhance the operation of the Center. Those donations may be accepted from any State or local government, any foreign government, any foundation or other charitable organization (including any that is organized or operates under the laws of a foreign country), or any individual.

''(2) The Commandant may not accept a donation under paragraph (1) if the acceptance of the donation would compromise or appear to compromise—

''(A) the ability of the Coast Guard or the department in which the Coast Guard is operating, any employee of the Coast Guard or the department, or any member of the armed forces to carry out any responsibility or duty in a fair and objective manner; or

''(B) the integrity of any program of the Coast Guard, the department in which the Coast Guard is operating, or of any person involved in such a program.

''(3) The Commandant shall prescribe written guidance setting forth the criteria to be used in determining whether or not the acceptance of a donation from a foreign source would have a result described in paragraph (2).

''§ 60. Marine industry training program.

''(a) IN GENERAL.—The Commandant shall, by policy, establish a program under which an officer, member, or employee of the Coast Guard may be assigned to a private entity to further the institutional interests of the Coast Guard with regard to marine safety, including for the purpose of providing training to an officer, member, or employee. Policies to carry out the program—

''(1) with regard to an employee of the Coast Guard, shall include provisions, consistent with sections 3702 through 3704 of title 5, as to matters concerning—

''(A) the duration and termination of assignments;

''(B) reimbursements; and

''(C) status, entitlements, benefits, and obligations of program participants; and

''(2) shall require the Commandant, before approving the assignment of an officer, member, or employee of the Coast Guard to a private entity, to determine that the assignment is an effective use of the Coast Guard's funds, taking into account the best interests of the Coast Guard and the costs and benefits of alternative methods of achieving the same results and objectives.

''(b) ANNUAL REPORT.—Not later than the date of the submission each year of the President's budget request under section 1105 of title 31, the Commandant shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report that describes—

''(1) the number of officers, members, and employees of the Coast Guard assigned to private entities under this section;

''(2) the specific benefit that accrues to the Coast Guard for each assignment.''.

(b) CERTIFICATES OF INSPECTION.—Section 3309 of title 46, United States Code, is amended by adding at the end the following:

''(d) A certificate of inspection issued under this section shall be signed by the individuals that inspected the vessel.''.

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new items:

''57. Marine safety staff.
''58. Limited duty officers.
''59. Center for Expertise for Marine Safety.
''60. Marine industry training program.''.

SEC. 1103. MARINE SAFETY MISSION PRIORITIES AND LONG TERM GOALS.

(a) IN GENERAL.—Chapter 21 of title 46, United States Code, is further amended by adding after section 2116, as added by section 313 of this division, the following new section:

''§ 2117. Marine Safety Strategy, goals, and performance assessments

''(a) LONG-TERM STRATEGY AND GOALS.—In conjunction with existing federally required strategic planning efforts, the Secretary shall develop a long-term strategy for improving vessel safety and the safety of individuals on vessels. The strategy shall include the issuance each year of an annual plan and schedule for achieving the following goals:

''(1) Reducing the number and rates of marine casualties.

''(2) Improving the consistency and effectiveness of vessel and operator enforcement and compliance programs.

''(3) Identifying and targeting enforcement efforts at high-risk vessels and operators.

''(4) Improving research efforts to enhance and promote vessel and operator safety and performance.

''(b) CONTENTS OF STRATEGY AND ANNUAL PLANS.—

''(1) MEASURABLE GOALS.—The strategy and annual plans shall include specific numeric or measurable goals designed to achieve the goals set forth in subsection (a). The purposes of the numeric or measurable goals are the following:

''(A) To increase the number of safety examinations on all high-risk vessels.

''(B) To eliminate the backlog of marine safety-related rulemakings.

''(C) To improve the quality and effectiveness of marine safety information databases by ensuring that all Coast Guard personnel accurately and effectively report all safety, casualty, and injury information.

''(D) To provide for a sufficient number of Coast Guard marine safety personnel, and provide adequate facilities and equipment to carry out the powers and duties delegated and imposed by the Secretary under section 631(b).

''(2) RESOURCE NEEDS.—The strategy and annual plans shall include estimates of—

''(A) the funds and staff resources needed to accomplish each activity included in the strategy and plans; and

''(B) the staff skills and training needed for timely and effective accomplishment of each goal.

''(c) SUBMISSION WITH THE PRESIDENT'S BUDGET.—Beginning with fiscal year 2010 and each fiscal year thereafter, the Secretary shall submit to Congress the strategy and annual plan at the same time as the President's budget submission under section 1105 of title 31.

''(d) ACHIEVEMENT OF GOALS.—

''(1) PROGRESS ASSESSMENT.—No less frequently than semiannually, the Coast Guard Commandant and the Assistant Commandant for Marine Safety shall jointly assess the progress of the Coast Guard toward achieving the goals set forth in subsection (b). The Commandant and the Assistant Commandant shall jointly convey their assessment to the employees of the Assistant Commandant and shall identify any deficiencies that should be remedied before the next progress assessment.

''(2) REPORT TO CONGRESS.—The Secretary shall report annually to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate—

''(A) on the performance of the marine safety program in achieving the goals of the marine safety strategy and annual plan under subsection (a) for the year covered by the report;

''(B) on the program's mission performance in achieving numerical measurable goals established under subsection (b); and

''(C) recommendations on how to improve performance of the program.''.

(b) CLERICAL AMENDMENT.—The analysis for such chapter is amended by adding at the end the following new item:

''2117. Marine Safety Strategy, goals, and performance assessments.''.

SEC. 1104. POWERS AND DUTIES.

Section 631 of title 14, United States Code, is amended—

(1) by inserting ''(a)'' before the first sentence; and

(2) by adding at the end the following new subsection:

''(b) The Assistant Commandant for Marine Safety shall serve as the principle advisor to the Commandant regarding—

''(1) the operation, regulation, inspection, identification, manning, and measurement of vessels, including plan approval and the application of load lines;

''(2) approval of materials, equipment, appliances, and associated equipment;

''(3) the reporting and investigation of marine casualties and accidents;

''(4) the licensing, certification, documentation, protection and relief of merchant seamen;

''(5) suspension and revocation of licenses and certificates;

''(6) enforcement of manning requirements, citizenship requirements, control of log books;

''(7) documentation and numbering of vessels;

''(8) State boating safety programs;

''(9) commercial instruments and maritime liens;

''(10) the administration of bridge safety;

''(11) administration of the navigation rules;

''(12) the prevention of pollution from vessels;

''(13) ports and waterways safety;

''(14) waterways management; including regulation for regattas and marine parades;

''(15) aids to navigation; and

''(16) other duties and powers of the Secretary related to marine safety and stewardship.

''(c) OTHER AUTHORITY NOT AFFECTED.—Nothing in subsection (b) affects—

''(1) the authority of Coast Guard officers and members to enforce marine safety regulations using authority under section 89 of this title; or

''(2) the exercise of authority under section 91 of this title and the provisions of law codified at sections 191 through 195 of title 50 on the date of enactment of this paragraph.''.

SEC. 1105. APPEALS AND WAIVERS.

(a) IN GENERAL.—Chapter 5 of title 14, United States Code, is further amended by inserting at the end the following new section:

''§ 102. Appeals and waivers

''Except for the Commandant of the Coast Guard, any individual adjudicating an appeal of a decision or granting a waiver regarding marine safety, including inspection or manning and threats to the environment, shall be a qualified specialist with the training, experience and qualifications in marine safety to judge the facts and circumstances involved in the appeal or waiver and make a

judgment regarding the merits of the appeal or waiver. In the case of an appeal or waiver involving an inspected vessel, vessel systems or equipment, the individual shall hold a letter of qualification to inspect the type of vessel, vessel systems or equipment involved in the appeal or waiver.''.

(b) CLERICAL AMENDMENT.—The analysis for such chapter is further amended by adding at the end the following new item:

''102. Appeals and waivers.''.

SEC. 1106. COAST GUARD ACADEMY.

(a) IN GENERAL.—Chapter 9 of title 14, United States Code, is amended by adding at the end the following new section:

''§ 199. Marine safety curriculum

''The Commandant of the Coast Guard shall ensure that professional courses of study in marine safety are provided at the Coast Guard Academy, and during other officer accession programs, to give Coast Guard cadets and other officer candidates a background and understanding of the marine safety program. These courses may include such topics as program history, vessel design and construction, vessel inspection, casualty investigation, and administrative law and regulations.''.

(b) CLERICAL AMENDMENT.—The analysis for such chapter is further amended by adding at the end the following new item:

''199. Marine safety curriculum.''.

SEC. 1107. GEOGRAPHIC STABILITY.

(a) IN GENERAL.—Chapter 11 of title 14, United States Code, is further amended by inserting after section 336 the following new section:

''§ 337. Geographic stability

''The Commandant shall establish procedures that provide geographic stability to interested Coast Guard officers, employees, and members assigned to the marine safety program carried out under section 100 who have a minimum of 10 years of service in the marine safety program.''.

(b) CLERICAL AMENDMENT.—The analysis for such chapter is further amended by adding at the end the following new item:

''337. Geographic stability.''.

SEC. 1108. APPRENTICE PROGRAM.

(a) IN GENERAL.—Chapter 11 of title 14, United States Code, is further amended by inserting after section 337, as added by section 1107 of this division, the following new section:

''§ 338. Apprentice program

''Any officer, member, or employee of the Coast Guard in training to become a marine inspector shall serve a minimum of one-year apprenticeship, unless otherwise directed by the Commandant of the Coast Guard, under the guidance of a qualified inspector before conducting unsupervised inspections of vessels under part B of subtitle II of title 46. The Commandant may authorize shorter apprentice periods for certain qualifications, as appropriate.''.

(b) CLERICAL AMENDMENT.—The analysis for such chapter is further amended by adding at the end the following new item:

''338. Apprentice program.''.

SEC. 1109. REPORT REGARDING CIVILIAN MARINE INSPECTORS.

Not later than one year after the date of enactment of this Act, the Commandant of the Coast Guard shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on Coast Guard's efforts to recruit and retain civilian marine inspectors and investigators and the impact of such recruitment and retention efforts on Coast Guard organizational performance.

TITLE XII—ADDITIONAL MISCELLANEOUS PROVISIONS

SEC. 1201. MISSION REQUIREMENT ANALYSIS FOR NAVIGABLE PORTIONS OF THE RIO GRANDE RIVER, TEXAS, INTERNATIONAL WATER BOUNDARY.

Not later than 90 days after the date of the enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall prepare a mission requirement analysis for the navigable portions of the Rio Grande River, Texas, international water boundary. The analysis shall take into account the Coast Guard's involvement on the Rio Grande River by assessing Coast Guard missions, assets, and personnel assigned along the Rio Grande River. The analysis shall also identify what would be needed for the Coast Guard to increase search and rescue operations, migrant interdiction operations, and drug interdiction operations.

SEC. 1202. OPERATION OF SUBMERSIBLE OR SEMI-SUBMERSIBLE VESSEL WITHOUT NATIONALITY.

(a) IN GENERAL.—Chapter 111 of title 18, United States Code, is amended by adding at the end the following new section:

''§ 2285. Operation of submersible or semi-submersible vessel without nationality

''(a) FINDINGS AND DECLARATIONS.—Congress finds and declares that operating or embarking in a submersible or semi-submersible vessel without nationality and on an international voyage is a serious international problem, facilitates transnational crime, including drug trafficking, and terrorism, and presents a specific threat to the safety of maritime navigation and the security of the United States.

''(b) OFFENSES.—

''(1) IN GENERAL.—Whoever knowingly or intentionally operates by any means or embarks in any submersible or semi-submersible vessel that is without nationality and that is navigating or has navigated into, through or from waters beyond the outer limit of the territorial sea of a single country or a lateral limit of that country's territorial sea with an adjacent country, shall be punished as prescribed in subsection (h).

''(2) ATTEMPTS AND CONSPIRACIES.—Whoever attempts or conspires to violate this section shall be punished as prescribed in subsection (h).

''(c) DEFINITIONS.—In this section, the term—

''(1) 'submersible vessel' means a vessel that is capable of operating below the surface of the water, and includes manned and unmanned watercraft.

''(2) 'semi-submersible vessel' means any watercraft constructed or adapted to be capable of putting much of its bulk under the surface of the water.

''(3) 'vessel without nationality' has the same meaning as section 70502(d) of title 46.

''(d) EXTRATERRITORIAL JURISDICTION.—There is extraterritorial Federal jurisdiction over the offenses described in this section, including an attempt or conspiracy to commit such offense.

''(e) CLAIM OF NATIONALITY OR REGISTRY.—

''(1) A claim of nationality or registry under this section includes only—

''(A) possession on board the vessel and production of documents evidencing the vessel's nationality as provided in article 5 of the 1958 Convention on the High Seas;

''(B) flying its nation's ensign or flag; or

''(C) a verbal claim of nationality or registry by the master or individual in charge of the vessel.

''(2) The failure of any submersible or semi-submersible vessel to display registry numbers or a national ensign or flag shall create a rebuttable presumption that the vessel is without nationality, as defined in this section.

''(f) FEDERAL ACTIVITIES.—Nothing in this section applies to lawfully authorized activities carried out by or at the direction of the United States Government.

''(g) APPLICABILITY OF OTHER PROVISIONS.—Sections 70504 and 70505 of title 46 apply to this section.

''(h) PENALTIES.—

''(1) VIOLATIONS.—A person violating this section shall be fined under this title, imprisoned not more than 20 years, or both.

''(2) CONSECUTIVE SENTENCE.—Notwithstanding any other provision of law, a term of imprisonment imposed under this section shall be consecutive to the sentence of imprisonment for any other offense.''.

(b) CONFORMING AMENDMENT.—The table of sections for chapter 111 of title 18, United States Code, is amended by adding at the end the following new item:

''2285. Operation of submersible or semi-submersible vessel without nationality.''.

SEC. 1203. LEGAL AUTHORITY OF THE COAST GUARD TO CARRY OUT ITS HOMELAND SECURITY MISSIONS NOT IMPAIRED.

The provisions of this division governing the marine safety mission of the Coast Guard shall not impair the legal authority of the Coast Guard to carry out its homeland security missions including—

(1) protecting ports, waterways, coastal security, and the marine transportation system from an act of terrorism;

(2) securing our borders against aliens seeking to unlawfully enter the United States, illegal drugs, firearms, and weapons of mass destruction at ports, waterways, and throughout the marine transportation system;

(3) preventing human smuggling operations at ports, waterways, and throughout the marine transportation system;

(4) maintaining defense readiness to rapidly deploy defensive port operations and security operations and environmental defense operations;

(5) coordinating efforts and intelligence with Federal, State, and local agencies to deter, detect, and respond to the threat of terrorism at ports, on waterways, and throughout the marine transportation system;

(6) preventing Osama Bin Laden, al Qaeda, or any other terrorist or terrorist organization from attacking the United States or any United States person;

(7) protecting the United States or any United States person from threats posed by weapons of mass destruction or other threats to national security.

DIVISION B—ALIEN SMUGGLING AND TERRORISM PREVENTION ACT OF 2008

SEC. 101. SHORT TITLE.

This division may be cited as the ''Alien Smuggling and Terrorism Prevention Act of 2008''.

SEC. 102. FINDINGS.

Congress finds that—

(1) Alien smuggling by land, air and sea is a transnational crime that violates the integrity of United States borders, compromises our Nation's sovereignty, places the country at risk of terrorist activity, and contravenes the rule of law.

(2) Aggressive enforcement activity against alien smuggling is needed to protect our borders and ensure the security of our Nation. The border security and anti-smuggling efforts of the men and women on the Nation's front line of defense are to be commended. Special recognition is due the Department of Homeland Security through the

United States Border Patrol, United States Coast Guard, Customs and Border Protection, and Immigration and Customs Enforcement, and the Department of Justice through the Federal Bureau of Investigation.

(3) The law enforcement community must be given the statutory tools necessary to address this security threat. Only through effective alien smuggling statutes can the Justice Department, through the United States Attorneys' Offices and the Domestic Security Section of the Criminal Division, prosecute these cases successfully.

(4) Alien smuggling has a destabilizing effect on border communities. State and local law enforcement, medical personnel, social service providers, and the faith community play important roles in combating smuggling and responding to its effects.

(5) Existing penalties for alien smuggling are insufficient to provide appropriate punishment for alien smugglers.

(6) Existing alien smuggling laws often fail to reach the conduct of alien smugglers, transporters, recruiters, guides, and boat captains.

(7) Existing laws concerning failure to heave to are insufficient to appropriately punish boat operators and crew who engage in the reckless transportation of aliens on the high seas and seek to evade capture.

(8) Much of the conduct in alien smuggling rings occurs outside of the United States. Extraterritorial jurisdiction is needed to ensure that smuggling rings can be brought to justice for recruiting, sending, and facilitating the movement of those who seek to enter the United States without lawful authority.

(9) Alien smuggling can include unsafe or recklessly dangerous conditions that expose individuals to particularly high risk of injury or death.

SEC. 103. CHECKS AGAINST TERRORIST WATCHLIST.

The Department of Homeland Security shall, to the extent practicable, check against all available terrorist watchlists those alien smugglers and smuggled individuals who are interdicted at the land, air, and sea borders of the United States.

SEC. 104. STRENGTHENING PROSECUTION AND PUNISHMENT OF ALIEN SMUGGLERS.

Section 274(a) of the Immigration and Nationality Act (8 U.S.C. 1324(a)) is amended—

(1) by amending the subsection heading to read as follows: ''SMUGGLING OF UNLAWFUL AND TERRORIST ALIENS.—'';

(2) by redesignating clause (iv) of paragraph (1)(B) as clause (vii);

(3) in paragraph (1), by striking ''(1)(A)'' and all that follows through clause (iii) of subparagraph (B) and inserting the following:

''(1)(A) Whoever, knowing or in reckless disregard of the fact that an individual is an alien who lacks lawful authority to come to, enter, or reside in the United States, knowingly—

''(i) brings that individual to the United States in any manner whatsoever regardless of any future official action which may be taken with respect to such alien;

''(ii) recruits, encourages, or induces that individual to come to, enter, or reside in the United States;

''(iii) transports or moves that individual in the United States, in furtherance of their unlawful presence; or

''(iv) harbors, conceals, or shields from detection the individual in any place in the United States, including any building or any means of transportation;

or attempts or conspires to do so, shall be punished as provided in subparagraph (C).

''(B) Whoever, knowing that an individual is an alien, brings that individual to the United States in any manner whatsoever at a place other than a designated port of entry or place other than as designated by the Secretary of Homeland Security, regardless of whether such alien has received prior official authorization to come to, enter, or reside in the United States and regardless of any future official action which may be taken with respect to such alien, or attempts or conspires to do so, shall be punished as provided in subparagraph (C).

''(C) A violator of this paragraph shall, for each alien in respect to whom such a violation occurs—

''(i) unless the offense is otherwise described in another clause of this subparagraph, be fined under title 18, United States Code or imprisoned not more than 5 years, or both;

''(ii) if the offense involved the transit of the defendant's spouse, child, sibling, parent, grandparent, or niece or nephew, and the offense is not described in any of clauses (iii) through (vii), be fined under title 18, United States Code or imprisoned not more than 1 year, or both;

''(iii) if the offense is a violation of paragraphs (1)(A)(ii), (iii), or (iv), or paragraph (1)(B), and was committed for the purpose of profit, commercial advantage, or private financial gain, be fined under title 18, United States Code or imprisoned not more than 10 years, or both;

''(iv) if the offense is a violation of paragraph (1)(A)(i) and was committed for the purpose of profit, commercial advantage, or private financial gain, or if the offense was committed with the intent or reason to believe that the individual unlawfully brought into the United States will commit an offense against the United States or any State that is punishable by imprisonment for more than 1 year, be fined under title 18, United States Code, and imprisoned, in the case of a first or second violation, not less than 3 nor more than 10 years, and for any other violation, not less than 5 nor more than 15 years; and

''(v) if the offense results in serious bodily injury (as defined in section 1365 of title 18, United States Code) or places in jeopardy the life of any person, be fined under title 18, United States Code or imprisoned not more than 20 years, or both;

''(vi) if the offense involved an individual who the defendant knew was engaged in or intended to engage in terrorist activity (as defined in section 212(a)(3)(B)), be fined under title 18, United States Code or imprisoned not more than 30 years, or both; and'';

(4) in the clause (vii) so redesignated by paragraph (2) of this subsection (which now becomes clause (vii) of the new subparagraph (C))—

(A) by striking ''in the case'' and all that follows through ''(v) resulting'' and inserting ''if the offense results''; and

(B) by inserting ''and if the offense involves kidnaping, an attempt to kidnap, the conduct required for aggravated sexual abuse (as defined in section 2241 without regard to where it takes place), or an attempt to commit such abuse, or an attempt to kill, be fined under such title or imprisoned for any term of years or life, or both'' after ''or both''; and

(5) by striking existing subparagraph (C) of paragraph (1) (without affecting the new subparagraph (C) added by the amendments made by this Act) and all that follows through paragraph (2) and inserting the following:

''(2)(A) There is extraterritorial jurisdiction over the offenses described in paragraph (1).

''(B) In a prosecution for a violation of, or an attempt or conspiracy to violate subsection (a)(1)(A)(i), (a)(1)(A)(ii), or (a)(1)(B), that occurs on the high seas, no defense based on necessity can be raised unless the defendant—

''(i) as soon as practicable, reported to the Coast Guard the circumstances of the necessity, and if a rescue is claimed, the name, description, registry number, and location of the vessel engaging in the rescue; and

''(ii) did not bring, attempt to bring, or in any manner intentionally facilitate the entry of any alien into the land territory of the United States without lawful authority, unless exigent circumstances existed that placed the life of that alien in danger, in which case the reporting requirement set forth in clause (i) of this subparagraph is satisfied by notifying the Coast Guard as soon as practicable after delivering the alien to emergency medical or law enforcement personnel ashore.

''(C) It is a defense to a violation of, or an attempt or conspiracy to violate, clause (iii) or (iv) of subsection (a)(1)(A) for a religious denomination having a bona fide nonprofit, religious organization in the United States, or the agents or officer of such denomination or organization, to encourage, invite, call, allow, or enable an alien who is present in the United States to perform the vocation of a minister or missionary for the denomination or organization in the United States as a volunteer who is not compensated as an employee, notwithstanding the provision of room, board, travel, medical assistance, and other basic living expenses, provided the minister or missionary has been a member of the denomination for at least one year.

''(D) For purposes of this paragraph and paragraph (1)—

''(i) the term 'United States' means the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, the Commonwealth of the Northern Mariana Islands, and any other territory or possession of the United States; and

''(ii) the term 'lawful authority' means permission, authorization, or waiver that is expressly provided for in the immigration laws of the United States or the regulations prescribed under those laws and does not include any such authority secured by fraud or otherwise obtained in violation of law or authority that has been sought but not approved.''.

SEC. 105. MARITIME LAW ENFORCEMENT.

(a) PENALTIES.—Subsection (b) of section 2237 of title 18, United States Code, is amended to read as follows:

''(b)(1) Whoever intentionally violates this section shall, unless the offense is described in paragraph (2), be fined under this title or imprisoned for not more than 5 years, or both.

''(2) If the offense—

''(A) is committed in the course of a violation of section 274 of the Immigration and Nationality Act (alien smuggling); chapter 77 (peonage, slavery, and trafficking in persons), section 111 (shipping), 111A (interference with vessels), 113 (stolen property), or 117 (transportation for illegal sexual activity) of this title; chapter 705 (maritime drug law enforcement) of title 46, or title II of the Act of June 15, 1917 (Chapter 30; 40 Stat. 220), the offender shall be fined under this title or imprisoned for not more than 10 years, or both;

''(B) results in serious bodily injury (as defined in section 1365 of this title) or transportation under inhumane conditions, the offender shall be fined under this title, imprisoned not more than 15 years, or both; or

''(C) results in death or involves kidnaping, an attempt to kidnap, the conduct required for aggravated sexual abuse (as defined in section 2241 without regard to where it takes place), or an attempt to commit such abuse, or an attempt to kill, be fined under such

title or imprisoned for any term of years or life, or both.''.

(b) LIMITATION ON NECESSITY DEFENSE.—Section 2237(c) of title 18, United States Code, is amended—

(1) by inserting ''(1)'' after ''(c)'';

(2) by adding at the end the following:

''(2) In a prosecution for a violation of this section, no defense based on necessity can be raised unless the defendant—

''(A) as soon as practicable upon reaching shore, delivered the person with respect to which the necessity arose to emergency medical or law enforcement personnel;

''(B) as soon as practicable, reported to the Coast Guard the circumstances of the necessity resulting giving rise to the defense; and

''(C) did not bring, attempt to bring, or in any manner intentionally facilitate the entry of any alien, as that term is defined in section 101(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1101 (a)(3)), into the land territory of the United States without lawful authority, unless exigent circumstances existed that placed the life of that alien in danger, in which case the reporting requirement of subparagraph (B) is satisfied by notifying the Coast Guard as soon as practicable after delivering that person to emergency medical or law enforcement personnel ashore.''.

(c) DEFINITION.—Section 2237(e) of title 18, United States Code, is amended—

(1) by striking ''and'' at the end of paragraph (3);

(2) by striking the period at the end of paragraph (4) and inserting ''; and''; and

(3) by adding at the end the following:

''(5) the term 'transportation under inhumane conditions' means the transportation of persons in an engine compartment, storage compartment, or other confined space, transportation at an excessive speed, transportation of a number of persons in excess of the rated capacity of the means of transportation, or intentionally grounding a vessel in which persons are being transported.''.

SEC. 106. AMENDMENT TO THE SENTENCING GUIDELINES.

(a) IN GENERAL.—Pursuant to its authority under section 994 of title 28, United States Code, and in accordance with this section, the United States Sentencing Commission shall review and, if appropriate, amend the sentencing guidelines and policy statements applicable to persons convicted of alien smuggling offenses and criminal failure to heave to or obstruction of boarding.

(b) CONSIDERATIONS.—In carrying out this subsection, the Sentencing Commission, shall—

(1) consider providing sentencing enhancements or stiffening existing enhancements for those convicted of offenses described in paragraph (1) of this subsection that—

(A) involve a pattern of continued and flagrant violations;

(B) are part of an ongoing commercial organization or enterprise;

(C) involve aliens who were transported in groups of 10 or more;

(D) involve the transportation or abandonment of aliens in a manner that endangered their lives; or

(E) involve the facilitation of terrorist activity; and

(2) consider cross-references to the guidelines for Criminal Sexual Abuse and Attempted Murder.

(c) EXPEDITED PROCEDURES.—The Commission may promulgate the guidelines or amendments under this subsection in accordance with the procedures set forth in section 21(a) of the Sentencing Act of 1987, as though the authority under that Act had not expired.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

Mr. CHABOT moved to recommit the bill to the Committee on Transportation and Infrastructure with instructions to report the bill back to the House forthwith with the following amendment:

At the end of title IV add the following:

SEC.———. EXTENSION OF EXEMPTION.

Section 3503(a) of title 46, United States Code, is amended by striking ''2008'' and inserting ''2018''.

After debate,

By unanimous consent, the previous question was ordered on the motion to recommit with instructions.

The question being put, viva voce,

Will the House recommit said bill with instructions?

The SPEAKER pro tempore, Mr. SERRANO, announced that the nays had it.

Mr. CHABOT demanded a recorded vote on the motion, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the negative ..... { Yeas ..... 195 / Nays 208

¶47.12 [Roll No. 222]

AYES—195

Aderholt	Forbes	McCaul (TX)
Akin	Fortenberry	McCotter
Altmire	Fossella	McCrery
Bachmann	Foster	McHenry
Bachus	Foxx	McKeon
Baird	Franks (AZ)	McMorris Rodgers
Barrett (SC)	Frelinghuysen	McNerney
Bartlett (MD)	Gallegly	Melancon
Barton (TX)	Garrett (NJ)	Mica
Bilbray	Gerlach	Miller (FL)
Bilirakis	Gilchrest	Miller, Gary
Bishop (UT)	Gingrey	Moran (KS)
Blunt	Gohmert	Musgrave
Boehner	Goode	Myrick
Bonner	Goodlatte	Neugebauer
Bono Mack	Granger	Nunes
Boozman	Graves	Paul
Boustany	Hall (TX)	Pearce
Boyda (KS)	Hare	Pence
Brady (TX)	Hastings (WA)	Peterson (PA)
Braley (IA)	Hayes	Petri
Broun (GA)	Heller	Pickering
Brown (SC)	Hensarling	Pitts
Buchanan	Herger	Platts
Burton (IN)	Hill	Poe
Buyer	Hobson	Price (GA)
Calvert	Hoekstra	Putnam
Camp (MI)	Hunter	Ramstad
Cannon	Inglis (SC)	Regula
Cantor	Issa	Rehberg
Capito	Jefferson	Reichert
Carter	Johnson (IL)	Renzi
Castle	Johnson, Sam	Reynolds
Chabot	Jones (NC)	Rogers (AL)
Chandler	Jordan	Rogers (KY)
Clay	Keller	Rogers (MI)
Coble	Kind	Rohrabacher
Cohen	King (IA)	Ros-Lehtinen
Cole (OK)	King (NY)	Roskam
Conaway	Kingston	Royce
Crenshaw	Kirk	Sali
Cubin	Kline (MN)	Saxton
Culberson	Knollenberg	Schmidt
Davis (AL)	Kuhl (NY)	Sensenbrenner
Davis (KY)	Lamborn	Sessions
Davis, David	Latham	Shadegg
Davis, Tom	Latta	Shays
Deal (GA)	Lewis (CA)	Shimkus
Dent	Lewis (KY)	Shuster
Doolittle	Linder	Simpson
Drake	Loebsack	Smith (NE)
Dreier	Lucas	Smith (TX)
Duncan	Lungren, Daniel E.	Souder
Ehlers	Mack	Stearns
Ellsworth	Manzullo	Sullivan
Emerson	Marchant	Tancredo
Fallin	Marshall	Tanner
Ferguson	McCarthy (CA)	Taylor
Flake	Walden (OR)	Wilson (NM)
Terry	Walsh (NY)	Wilson (OH)
Thornberry	Walz (MN)	Wilson (SC)
Tiahrt	Wamp	Wittman (VA)
Tiberi	Weldon (FL)	Wolf
Turner	Westmoreland	Young (FL)
Upton	Whitfield (KY)	
Walberg		

NOES—208

Abercrombie	Hall (NY)	Obey
Ackerman	Harman	Olver
Allen	Hastings (FL)	Ortiz
Arcuri	Herseth Sandlin	Pallone
Baca	Hinchey	Pastor
Baldwin	Hinojosa	Payne
Barrow	Hirono	Perlmutter
Bean	Hodes	Peterson (MN)
Becerra	Holden	Pomeroy
Berkley	Holt	Price (NC)
Berman	Honda	Rahall
Berry	Hooley	Rangel
Bishop (GA)	Hoyer	Reyes
Bishop (NY)	Inslee	Richardson
Blumenauer	Israel	Rodriguez
Boren	Jackson (IL)	Ross
Boswell	Jackson-Lee (TX)	Rothman
Boucher	Johnson (GA)	Roybal-Allard
Boyd (FL)	Johnson, E. B.	Ruppersberger
Brady (PA)	Jones (OH)	Ryan (OH)
Brown, Corrine	Kagen	Salazar
Butterfield	Kanjorski	Sánchez, Linda T.
Capps	Kaptur	Sanchez, Loretta
Capuano	Kennedy	Sarbanes
Cardoza	Kildee	Schakowsky
Carnahan	Kilpatrick	Schiff
Carney	Klein (FL)	Schwartz
Carson	Kucinich	Scott (GA)
Castor	Lampson	Scott (VA)
Clarke	Langevin	Serrano
Cleaver	Larsen (WA)	Sestak
Clyburn	Larson (CT)	Shea-Porter
Conyers	LaTourette	Sherman
Cooper	Lee	Shuler
Costa	Levin	Sires
Courtney	Lewis (GA)	Skelton
Crowley	Lipinski	Smith (NJ)
Cuellar	LoBiondo	Smith (WA)
Cummings	Lofgren, Zoe	Snyder
Davis (CA)	Lowey	Solis
Davis (IL)	Lynch	Space
Davis, Lincoln	Mahoney (FL)	Speier
DeFazio	Maloney (NY)	Spratt
DeGette	Markey	Stark
Delahunt	Matheson	Stupak
DeLauro	Matsui	Sutton
Diaz-Balart, L.	McCarthy (NY)	Tauscher
Diaz-Balart, M.	McCollum (MN)	Thompson (CA)
Dicks	McDermott	Thompson (MS)
Dingell	McGovern	Tierney
Donnelly	McHugh	Towns
Doyle	McIntyre	Tsongas
Edwards	Meek (FL)	Udall (CO)
Ellison	Meeks (NY)	Van Hollen
Emanuel	Michaud	Velázquez
Engel	Miller (MI)	Visclosky
English (PA)	Miller (NC)	Wasserman Schultz
Eshoo	Miller, George	Waters
Etheridge	Mitchell	Watson
Farr	Mollohan	Watt
Fattah	Moore (KS)	Waxman
Filner	Moore (WI)	Weiner
Frank (MA)	Moran (VA)	Welch (VT)
Giffords	Murphy (CT)	Wexler
Gillibrand	Murphy, Patrick	Woolsey
Gonzalez	Murphy, Tim	Wu
Gordon	Murtha	Young (AK)
Green, Al	Napolitano	
Green, Gene	Neal (MA)	
Grijalva	Oberstar	
Gutierrez		

NOT VOTING—28

Alexander	Doggett	Pryce (OH)
Andrews	Everett	Radanovich
Biggert	Feeney	Rush
Blackburn	Higgins	Ryan (WI)
Brown-Waite, Ginny	Hulshof	Slaughter
Burgess	LaHood	Udall (NM)
Campbell (CA)	McNulty	Weller
Costello	Nadler	Wynn
Cramer	Pascrell	Yarmuth
	Porter	

So the motion to recommit with instructions was not agreed to.

The question being put, viva voce,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. SERRANO, announced that the yeas had it.

Mr. OBERSTAR demanded a recorded vote on passage of said bill, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 395 Nays 7

¶47.13 [Roll No. 223]

AYES—395

Abercrombie	Davis (CA)	Holt
Ackerman	Davis (IL)	Honda
Aderholt	Davis (KY)	Hooley
Akin	Davis, David	Hoyer
Allen	Davis, Lincoln	Hunter
Altmire	Davis, Tom	Inglis (SC)
Arcuri	Deal (GA)	Inslee
Baca	DeFazio	Israel
Bachmann	DeGette	Issa
Bachus	Delahunt	Jackson (IL)
Baird	DeLauro	Jackson-Lee (TX)
Baldwin	Dent	Jefferson
Barrett (SC)	Diaz-Balart, L.	Johnson (GA)
Barrow	Diaz-Balart, M.	Johnson (IL)
Bartlett (MD)	Dicks	Johnson, E. B.
Barton (TX)	Dingell	Johnson, Sam
Bean	Donnelly	Jones (NC)
Becerra	Doolittle	Jones (OH)
Berkley	Doyle	Jordan
Berman	Drake	Kagen
Berry	Dreier	Kanjorski
Biggert	Edwards	Kaptur
Bilbray	Ehlers	Keller
Bilirakis	Ellison	Kennedy
Bishop (GA)	Ellsworth	Kildee
Bishop (NY)	Emanuel	Kilpatrick
Bishop (UT)	Emerson	Kind
Blumenauer	Engel	King (IA)
Blunt	English (PA)	King (NY)
Boehner	Eshoo	Kingston
Bonner	Etheridge	Kirk
Bono Mack	Fallin	Klein (FL)
Boozman	Farr	Kline (MN)
Boren	Fattah	Knollenberg
Boswell	Ferguson	Kucinich
Boucher	Filner	Kuhl (NY)
Boustany	Forbes	Lamborn
Boyda (KS)	Fortenberry	Lampson
Brady (PA)	Fossella	Langevin
Brady (TX)	Foster	Larsen (WA)
Braley (IA)	Foxx	Larson (CT)
Broun (GA)	Frank (MA)	Latham
Brown (SC)	Franks (AZ)	LaTourette
Brown, Corrine	Frelinghuysen	Latta
Buchanan	Gallegly	Lee
Burton (IN)	Garrett (NJ)	Levin
Butterfield	Gerlach	Lewis (CA)
Calvert	Giffords	Lewis (GA)
Camp (MI)	Gilchrest	Lewis (KY)
Cannon	Gillibrand	Linder
Cantor	Gingrey	Lipinski
Capito	Gohmert	LoBiondo
Capps	Gonzalez	Loebsack
Capuano	Goode	Lofgren, Zoe
Cardoza	Goodlatte	Lowey
Carnahan	Gordon	Lucas
Carney	Granger	Lungren, Daniel E.
Carson	Graves	Lynch
Carter	Green, Al	Mack
Castle	Green, Gene	Mahoney (FL)
Castor	Grijalva	Maloney (NY)
Chabot	Gutierrez	Manzullo
Chandler	Hall (NY)	Marchant
Clarke	Hall (TX)	Markey
Clay	Hare	Marshall
Cleaver	Harman	Matheson
Clyburn	Hastings (FL)	Matsui
Cohen	Hastings (WA)	McCarthy (CA)
Cole (OK)	Hayes	McCarthy (NY)
Conaway	Heller	McCaul (TX)
Conyers	Hensarling	McCollum (MN)
Cooper	Herger	McCotter
Costa	Herseth Sandlin	McCrery
Courtney	Hill	McDermott
Crenshaw	Hinchey	McGovern
Crowley	Hinojosa	McHenry
Cubin	Hirono	McHugh
Cuellar	Hobson	McIntyre
Culberson	Hodes	McKeon
Cummings	Hoekstra	McMorris Rodgers
Davis (AL)	Holden	McNerney
Meek (FL)	Reichert	Speier
Meeks (NY)	Renzi	Spratt
Melancon	Reyes	Stark
Mica	Reynolds	Stearns
Michaud	Richardson	Stupak
Miller (FL)	Rodriguez	Sullivan
Miller (MI)	Rogers (AL)	Sutton
Miller (NC)	Rogers (MI)	Tanner
Miller, Gary	Rohrabacher	Tauscher
Mitchell	Ros-Lehtinen	Taylor
Mollohan	Roskam	Terry
Moore (KS)	Ross	Thompson (CA)
Moore (WI)	Rothman	Thompson (MS)
Moran (KS)	Roybal-Allard	Thornberry
Moran (VA)	Royce	Tiahrt
Murphy (CT)	Ruppersberger	Tiberi
Murphy, Patrick	Ryan (OH)	Tierney
Murphy, Tim	Salazar	Towns
Murtha	Sali	Tsongas
Musgrave	Sánchez, Linda T.	Turner
Myrick	Sanchez, Loretta	Udall (CO)
Napolitano	Sarbanes	Upton
Neal (MA)	Saxton	Van Hollen
Neugebauer	Schakowsky	Velázquez
Oberstar	Schiff	Visclosky
Obey	Schmidt	Walberg
Olver	Schwartz	Walden (OR)
Ortiz	Scott (GA)	Walsh (NY)
Pallone	Scott (VA)	Walz (MN)
Pastor	Sensenbrenner	Wamp
Payne	Serrano	Wasserman Schultz
Pearce	Sessions	Waters
Pence	Sestak	Watson
Perlmutter	Shadegg	Watt
Peterson (MN)	Shays	Waxman
Peterson (PA)	Shea-Porter	Weiner
Petri	Sherman	Welch (VT)
Pickering	Shimkus	Westmoreland
Pitts	Shuler	Wexler
Platts	Shuster	Whitfield (KY)
Poe	Simpson	Wilson (NM)
Pomeroy	Sires	Wilson (OH)
Price (GA)	Skelton	Wilson (SC)
Price (NC)	Slaughter	Wittman (VA)
Putnam	Smith (NE)	Wolf
Rahall	Smith (NJ)	Woolsey
Ramstad	Smith (TX)	Wu
Rangel	Smith (WA)	Wynn
Regula	Snyder	Young (AK)
Rehberg	Solis	Young (FL)
	Souder	
	Space	

NOES—7

Coble	Nunes	Tancredo
Duncan	Paul	
Flake	Rogers (KY)	

NOT VOTING—29

Alexander	Cramer	Pascrell
Andrews	Doggett	Porter
Blackburn	Everett	Pryce (OH)
Boyd (FL)	Feeney	Radanovich
Brown-Waite, Ginny	Higgins	Rush
Burgess	Hulshof	Ryan (WI)
Buyer	LaHood	Udall (NM)
Campbell (CA)	McNulty	Weldon (FL)
Costello	Miller, George	Weller
	Nadler	Yarmuth

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

Pursuant to section 2 of House Resolution 1126, the text of H.R. 2399, as passed by the House, was appended to the engrossment of H.R. 2830.

¶47.14 CLERK TO CORRECT ENGROSSMENT

On motion of Mr. OBERSTAR, by unanimous consent,

Ordered, That in the engrossment of the foregoing bill the Clerk be authorized to make technical corrections, including corrections in spelling, punctuation, section and title numbering, cross-referencing, conforming amendments to the table of contents and short titles, and the insertion of appropriate headings.

¶47.15 ORDER OF BUSINESS—JOINT MEETING RECESS

On motion of Mr. HOYER, by unanimous consent,

Ordered, That at any time on Wednesday, April 30, 2008, the Speaker may declare a recess, subject to the call of the Chair, for the purpose of receiving in joint meeting His Excellency Bertie Ahern, Prime Minister of Ireland.

¶47.16 ADJOURNMENT OVER

On motion of Mr. HOYER, by unanimous consent,

Ordered, That when the House adjourns on Friday, April 25, 2008, it adjourn to meet on Tuesday, April 29, 2008, at 12:30 p.m., for morning-hour debate.

¶47.17 CALENDAR WEDNESDAY BUSINESS DISPENSED WITH

On motion of Mr. HOYER, by unanimous consent,

Ordered, That business in order for consideration on Wednesday, April 30, 2008, under clause 6, rule XV, the Calendar Wednesday rule, be dispensed with.

¶47.18 COMMITTEE FUNDING

Mr. DAVIS of Alabama, by unanimous consent, submitted the following resolution (H. Res. 1148):

Resolved,

SECTION 1. EXPENSES OF SELECT COMMITTEE.

(a) PAYMENT OF EXPENSES.—In addition to the amounts authorized under House Resolution 723, as agreed to October 10, 2007, there shall be paid out of the applicable accounts of the House of Representatives not more than $150,000 for the expenses of the select committee established under House Resolution 611, as agreed to August, 3, 2007 (hereafter referred to as the ''select committee'').

(b) VOUCHERS.—Payments under this resolution shall be made on vouchers authorized by the select committee, signed by the chairman of such committee, and approved in the manner directed by the Committee on House Administration.

(c) REGULATIONS.—Amounts made available under this resolution shall be expended in accordance with regulations prescribed by the Committee on House Administration.

When said resolution was considered and agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶47.19 COMMUNICATION REGARDING SUBPOENA

The SPEAKER pro tempore, Mr. ALTMIRE, laid before the House the following communication from Jessica Poole, Deputy District Director, Office of the Honorable Susan A. Davis of California:

HOUSE OF REPRESENTATIVES,
Washington, DC, April 16, 2008.

Hon. NANCY PELOSI,
Speaker, House of Representatives, Washington, DC.

DEAR MADAM SPEAKER: This is to formally notify you, pursuant to rule VIII of the Rules of the House of Representatives, that I have been served with two criminal trial subpoenas for testimony issued by the Superior Court for San Diego County, California.

After consulting with the Office of General Counsel, I have determined that compliance with the subpoenas is consistent with the privileges and rights of the House.

Sincerely,

JESSICA POOLE,
Deputy District Director.

¶47.20 COMMUNICATION REGARDING SUBPOENA

The SPEAKER pro tempore, Mr. ALTMIRE, laid before the House the following communication from Nicholaus Norvell, Staff Assistant, Office of the Honorable Susan A. Davis of California:

HOUSE OF REPRESENTATIVES,
Washington, DC, April 16, 2008.

Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: This is to formally notify you, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with two criminal trial subpoenas for testimony issued by the Superior Court for San Diego County, California.

After consulting with the Office of General Counsel, I have determined that compliance with the subpoenas is consistent with the privileges and rights of the House.

Sincerely,

NICHOLAUS NORVELL,
Staff Assistant.

¶47.21 COMMUNICATION REGARDING SUBPOENA

The SPEAKER pro tempore, Mr. ALTMIRE, laid before the House the following communication from Todd Gloria, District Director, Office of the Honorable Susan A. Davis of California:

HOUSE OF REPRESENTATIVES,
Washington, DC, April 16, 2008.

Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: This is to formally notify you, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with two criminal trial subpoenas for testimony issued by the Superior Court for San Diego County, California.

After consulting with the Office of General Counsel, I have determined that compliance with the subpoenas is consistent with the privileges and rights of the House.

Sincerely,

TODD GLORIA,
District Director.

¶47.22 FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 493. An Act to prohibit discrimination on the basis of genetic information with respect to health insurance and employment.

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

S. 1315. An Act to amend title 38, United States Code, to enhance veterans' insurance and housing benefits, to improve benefits and services for transitioning servicemembers, and for other purposes.

¶47.23 COMMUNICATION FROM THE MINORITY LEADER—APPOINTMENT—COMMISSION ON WARTIME CONTRACTING

The SPEAKER pro tempore, Mr. PERLMUTTER, laid before the House the following communication, which was read as follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, April 7, 2008.

Hon. NANCY PELOSI,
Speaker, U.S. Capitol,
Washington, DC.

DEAR SPEAKER PELOSI: Pursuant to Section 841(b) of the National Defense Authorization Act for Fiscal Year 2008 (P.L. 10–181), I am pleased to appoint Mr. Dean G. Popps of Virginia to the Commission on Wartime Contracting.

Mr. Popps has expressed interest in serving in this capacity and I am pleased to fulfill his request.

Sincerely,

JOHN A. BOEHNER,
Republican Leader.

Ordered, That the Clerk notify the Senate of the foregoing appointment.

¶47.24 SENATE CONCURRENT RESOLUTION REFERRED

A Concurrent Resolution of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. Con. Res. 77. A concurrent resolution supporting the goals and ideals of National Sexual Assault Awareness and Prevention Month 2008; to the Committee on the Judiciary.

¶47.25 SENATE ENROLLED BILL SIGNED

The Speaker announced her signature to an enrolled bill of the Senate of the following title:

S. 2903. An Act to amend Public Law 110–196 to provide for a temporary extension of programs authorized by the Farm Security and Rural Investment Act of 2002 beyond April 25, 2008.

¶47.26 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. MCNULTY, for today after 2:30 p.m.;

To Mr. WELLER, for today; and

To Mr. RYAN of Wisconsin, for today.

And then,

¶47.27 ADJOURNMENT

On motion of Mr. KING of Iowa, at 6 o'clock and 21 minutes p.m., the House adjourned.

¶47.28 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

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

Mr. GORDON: Committee on Science and Technology. H.R. 906. A bill to promote and coordinate global change research, and for other purposes; with an amendment (Rept. 110–605 Pt. 1). Ordered to be printed.

Mr. RANGEL: Committee on Ways and Means. H.R. 5720. A bill to amend the Internal Revenue Code of 1986 to provide assistance for housing; with an amendment (Rept. 110–606). Referred to the Committee of the Whole House on the state of the Union.

Mr. RANGEL: Committee on Ways and Means. H.R. 5749. A bill to provide for a program for emergency unemployment compensation; with an amendment (Rept. 110–607). Referred to the Committee of the Whole House on the state of the Union.

¶47.29 COMMITTEE DISCHARGED

Pursuant to clause 2 of rule XII, the Committee on Foreign Affairs discharged from further consideration. H.R. 906 referred to the Committee of the Whole House on the state of the Union.

¶47.30 PUBLIC BILLS AND RESOLUTIONS

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

By Mr. BURGESS:

H.R. 5885. A bill to promote a better health information system; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BROUN of Georgia (for himself, Mrs. MYRICK, Mr. AKIN, Mr. MANZULLO, Mr. BARTLETT of Maryland, Mr. GOODE, Mr. BURTON of Indiana, Mr. DOOLITTLE, Mr. PITTS, Mr. GINGREY, Mr. GARRETT of New Jersey, Mr. LINCOLN DIAZ-BALART of Florida, Mr. KLINE of Minnesota, Mr. SESSIONS, and Mr. SALI):

H.R. 5886. A bill to restrict the diplomatic travel of officials and representatives of state sponsors of terrorism, and for other purposes; to the Committee on Foreign Affairs.

By Mr. MCKEON:

H.R. 5887. A bill to provide to the Secretary of Interior a mechanism to cancel contracts for the sale of materials CA-20139 and CA-22901, and for other purposes; to the Committee on Natural Resources, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FILNER:

H.R. 5888. A bill to amend title 38, United States Code, to expand veteran eligibility for reimbursement by the Secretary of Veterans Affairs for emergency treatment furnished in a non-Department facility; to the Committee on Veterans' Affairs.

By Mr. BERMAN (for himself, Mr. SMITH of Texas, Mr. CONYERS, and Mr. COBLE):

H.R. 5889. A bill to provide a limitation on judicial remedies in copyright infringement cases involving orphan works; to the Committee on the Judiciary.

By Mr. CUELLAR (for himself, Mr. DENT, Mr. THOMPSON of Mississippi, Ms. JACKSON-LEE of Texas, Mr. ROGERS of Alabama, Mr. PASCRELL, Mrs. CHRISTENSEN, and Mr. ETHERIDGE):

H.R. 5890. A bill to amend the Homeland Security Act of 2002 to establish the Community Preparedness Division of the Department of Homeland Security and the Citizen Corps Program, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BRADY of Texas:

H.R. 5891. A bill to adjust the boundary of Big Thicket National Preserve in Texas and provide for three ecotourism projects within the preserve, and for other purposes; to the Committee on Natural Resources.

By Mr. HALL of New York:

H.R. 5892. A bill to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to modernize the disability benefits claims processing system of the Department of Veterans Affairs to ensure the accurate and timely delivery of compensation to veterans and their families and survivors, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. BRADY of Pennsylvania:

H.R. 5893. A bill to reauthorize the sound recording and film preservation programs of the Library of Congress, and for other purposes; to the Committee on House Administration, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. MOORE of Wisconsin:

H.R. 5894. A bill to provide funding for the Emergency Food and Shelter Program of the Federal Emergency Management Agency for housing-related assistance needed to prevent homelessness of families in connection with foreclosures on their residences; to the Committee on Financial Services.

By Mr. ACKERMAN:

H.R. 5895. A bill to require certain labeling of unsolicited commercial mail; to the Committee on Financial Services.

By Ms. SOLIS (for herself and Mr. HASTINGS of Florida):

H.R. 5896. A bill to restore, reaffirm, and reconcile legal rights and remedies under civil rights statutes; to the Committee on the Judiciary.

By Mr. BARROW (for himself, Mr. THOMPSON of Mississippi, and Mr. TOWNS):

H.R. 5897. A bill to establish a health registry to ensure that certain individuals who may have been exposed to formaldehyde in a travel trailer have an opportunity to register for such registry and receive medical treatment for such exposure, and for other purposes; to the Committee on Energy and Commerce.

By Mr. BILIRAKIS:

H.R. 5898. A bill to authorize a grant program to help establish and improve State-administered notification systems to help locate missing individuals with Alzheimer's disease and other dementia-related illnesses, and for other purposes; to the Committee on the Judiciary.

By Mr. BOYD of Florida:

H.R. 5899. A bill to require funding under the Iraq Security Forces Fund to be provided in the form of loans and to require the Government of Iraq to provide matching funds under the Commanders' Emergency Response Program to be used for agreed-upon purposes which enable military commanders in Iraq to respond to urgent humanitarian relief and reconstruction requirements; to the Committee on Armed Services, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. GINNY BROWN-WAITE of Florida:

H.R. 5900. A bill to amend the Homeland Security Act of 2002 to require, as a condition of receipt of certain State homeland security grants, that a State include a representative of the State department of education in homeland security decisionmaking bodies of the State; to the Committee on Homeland Security.

By Ms. CASTOR (for herself and Mrs. CHRISTENSEN):

H.R. 5901. A bill to amend title XVIII of the Social Security Act to eliminate contributing factors to disparities in breast cancer treatment through the development of a uniform set of consensus-based breast cancer treatment performance measures for a 6-year quality reporting system and value-based purchasing system under the Medicare Program; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. CLARKE:

H.R. 5902. A bill to enhance environmental justice education in middle and high schools that serve disadvantaged students; to the Committee on Education and Labor.

By Mr. CONAWAY (for himself, Mr. BRADY of Texas, Mr. HINOJOSA, Mr. MARCHANT, Mr. SMITH of Texas, Mr. CARTER, Mr. CULBERSON, Mr. HALL of Texas, Ms. GRANGER, Mr. BURGESS, Mr. GOHMERT, Mr. NEUGEBAUER, Mr. HENSARLING, Mr. TOM DAVIS of Virginia, Mr. FORBES, Mr. SAM JOHNSON of Texas, Mr. BONNER, Mr. BARRETT of South Carolina, Mr. THORNBERRY, Mr. HOEKSTRA, Mr. WESTMORELAND, Mr. BARTON of Texas, Mrs. MUSGRAVE, Mr. KLINE of Minnesota, Mr. BOUSTANY, and Mr. MCCAUL of Texas):

H.R. 5903. A bill to redesignate the Federal building and United States Courthouse located at 200 East Wall Street in Midland, Texas, as the ''George H. W. Bush and George W. Bush United States Courthouse and George Mahon Federal Building''; to the Committee on Transportation and Infrastructure.

By Mr. COSTA (for himself, Mr. PUTNAM, Mr. CARDOZA, Mr. NUNES, and Mr. FARR):

H.R. 5904. A bill to amend the Federal Food, Drug, and Cosmetic Act to establish new procedures and requirements to improve the safety of food, whether produced and distributed domestically or imported into the United States, by providing for improved information technology to identify high-risk imports and for enhanced capacity in the United States and in foreign governments to identify and address food safety issues on a scientific basis, and for other purposes; to the Committee on Energy and Commerce.

By Mr. MARIO DIAZ-BALART of Florida (for himself, Mr. KIRK, Mr. LINCOLN DIAZ-BALART of Florida, Ms. ROS-LEHTINEN, Mr. KELLER, Mr. TIM MURPHY of Pennsylvania, Mr. ALEXANDER, and Mr. DOOLITTLE):

H.R. 5905. A bill to amend the Internal Revenue Code of 1986 to provide individuals a deduction for commuting expenses; to the Committee on Ways and Means.

By Mr. FOSSELLA (for himself, Mr. BOREN, and Mr. HERGER):

H.R. 5906. A bill to amend the Internal Revenue Code of 1986 to allow the expensing of certain real property; to the Committee on Ways and Means.

By Mr. GERLACH:

H.R. 5907. A bill to provide a Federal income tax credit for Eagle employers, and for other purposes; to the Committee on Ways and Means.

By Mr. HERGER (for himself, Mr. DREIER, Mr. SAM JOHNSON of Texas, Mr. BRADY of Texas, Mr. CANTOR, Mr. LINDER, Mr. CAMPBELL of California, and Mr. CONAWAY):

H.R. 5908. A bill to amend the Internal Revenue Code of 1986 to provide a permanent zero percent capital gains rate for individuals and corporations; to the Committee on Ways and Means.

By Mrs. LOWEY:

H.R. 5909. A bill to amend the Aviation and Transportation Security Act to prohibit advance notice to certain individuals, including security screeners, of covert testing of security screening procedures for the purpose of enhancing transportation security at airports, and for other purposes; to the Committee on Homeland Security.

By Mr. SMITH of New Jersey (for himself, Mr. LAMBORN, Mr. PITTS, Mr. SOUDER, Ms. FALLIN, Mr. RENZI, and Mr. HUNTER):

H.R. 5910. A bill to amend title 18, United States Code, to prohibit human-animal hybrids; to the Committee on the Judiciary.

By Mr. FORTENBERRY (for himself and Mr. DELAHUNT):

H. Con. Res. 332. Concurrent resolution recognizing the 60th anniversary of the Universal Declaration of Human Rights; to the Committee on Foreign Affairs.

By Mr. HINCHEY (for himself and Mr. ROHRABACHER):

H. Con. Res. 333. Concurrent resolution expressing continued support for employee stock ownership plans; to the Committee on Education and Labor.

By Mr. SHAYS (for himself, Mr. FALEOMAVAEGA, Mr. KUHL of New York, Mr. DAVID DAVIS of Tennessee, Mrs. BLACKBURN, Mr. KELLER, Mr. JONES of North Carolina, Mr. FOSSELLA, Mr. MCCAUL of Texas, Mr. LATHAM, Mr. DAVIS of Kentucky, Mr. POE, Mr. HALL of Texas, Mr. MCKEON, Mr. REICHERT, Mr. HOBSON, Mr. WOLF, Mr. MCCOTTER, and Mr. WESTMORELAND):

H. Con. Res. 334. Concurrent resolution supporting the goals and objectives of a National Military Appreciation Month; to the Committee on Oversight and Government Reform.

By Ms. WATSON (for herself, Ms. EDDIE BERNICE JOHNSON of Texas, and Ms. JACKSON-LEE of Texas):

H. Con. Res. 335. Concurrent resolution authorizing the use of the Capitol Grounds for a celebration of the 100th anniversary of Alpha Kappa Alpha Sorority, Incorporated; to the Committee on Transportation and Infrastructure.

By Mr. MCHUGH (for himself and Ms. SLAUGHTER):

H. Res. 1146. A resolution expressing the sense of the House of Representatives that the International Joint Commission should adopt a water level management plan for Lake Ontario and the St. Lawrence River that strongly takes into account environmental considerations and the concerns of the public and the affected States and maximizes hydropower production at existing facilities, and further urges the Secretary of State not to approve a plan that fails to do so; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DAVIS of Kentucky (for himself, Mr. LEWIS of Kentucky, Mr. WHITFIELD of Kentucky, Mr. ROGERS of Kentucky, Mr. CHANDLER, and Mr. YARMUTH):

H. Res. 1147. A resolution congratulating the Northern Kentucky University Norse women's basketball team, champions of the 2008 National Collegiate Athletic Association Division II tournament; to the Committee on Education and Labor.

By Mr. DAVIS of Alabama:

H. Res. 1148. A resolution providing additional amounts for the expenses of the select

committee established under House Resolution 611; considered and agreed to.

By Mr. DAVIS of Illinois:

H. Res. 1149. A resolution expressing support for the designation of April 2008 as National Sarcoidosis Awareness Month, and supporting efforts to devote new resources to research the causes of the disease, environmental and otherwise, along with treatments and workforce strategies to support individuals with sarcoidosis; to the Committee on Education and Labor.

By Ms. JACKSON-LEE of Texas (for herself and Mr. THOMPSON of Mississippi):

H. Res. 1150. A resolution expressing the sense of the House of Representatives that the Transportation Security Administration should, in accordance with the congressional mandate provided for in the Implementing Recommendations of the 9/11 Commission Act of 2007, enhance security against terrorist attack and other security threats to our Nation's rail and mass transit lines; to the Committee on Homeland Security.

By Mr. DUNCAN (for himself, Mr. DAVID DAVIS of Tennessee, Mr. WAMP, Mr. LINCOLN DAVIS of Tennessee, Mr. COOPER, Mr. GORDON, Mrs. BLACKBURN, Mr. TANNER, and Mr. COHEN):

H. Res. 1151. A resolution congratulating the University of Tennessee women's basketball team for winning the 2008 National Collegiate Athletic Association Division I Women's Basketball Championship; to the Committee on Education and Labor.

By Mr. FERGUSON (for himself and Mr. BACA):

H. Res. 1152. A resolution honoring Arnold Palmer for his distinguished career in the sport of golf and his commitment to excellence and sportsmanship; to the Committee on Oversight and Government Reform.

By Ms. HIRONO (for herself, Mr. HONDA, Mr. WU, Mr. ABERCROMBIE, Mr. AL GREEN of Texas, Mr. SCOTT of Virginia, Ms. BORDALLO, Mr. BECERRA, Mr. FALEOMAVAEGA, Ms. MATSUI, Ms. ZOE LOFGREN of California, Mr. GRIJALVA, Ms. ROYBAL-ALLARD, and Mr. STARK):

H. Res. 1153. A resolution celebrating Asian Pacific American Heritage Month; to the Committee on Oversight and Government Reform.

By Ms. EDDIE BERNICE JOHNSON of Texas (for herself, Ms. LINDA T. SÁNCHEZ of California, Mr. MICHAUD, Ms. WOOLSEY, Mr. GUTIERREZ, Ms. MCCOLLUM of Minnesota, Ms. SUTTON, Mr. ELLISON, Mr. ALLEN, Ms. NORTON, Mr. HARE, Mr. YOUNG of Alaska, Mr. AL GREEN of Texas, Mr. DAVIS of Illinois, Mr. DOYLE, Mr. PAYNE, Mr. SCOTT of Georgia, Ms. KILPATRICK, Mr. JOHNSON of Georgia, Mr. MCGOVERN, Mr. LANGEVIN, and Ms. LEE):

H. Res. 1154. A resolution supporting the mission and goals of Workers Memorial Day in order to honor and remember the workers who have been killed or injured in the workplace; to the Committee on Education and Labor.

¶47.31 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 39: Ms. TSONGAS.
H.R. 45: Mr. CARSON.
H.R. 223: Mr. SOUDER.
H.R. 406: Mr. BARTLETT of Maryland, Mr. BOEHNER, Mr. CANTOR, Mr. CHABOT, Mr. DEAL of Georgia, Mr. FORBES, Mr. JORDAN, Mr. PITTS, Mr. WELDON of Florida, Mr. CAMP of Michigan, Mr. CASTLE, Mr. CULBERSON, Mr. GRAVES, Mr. KNOLLENBERG, Mr. LAMBORN, Mr. PENCE, Mr. ROGERS of Michigan, and Mr. WHITFIELD of Kentucky.
H.R. 436: Mr. MACK and Ms. ZOE LOFGREN of California.
H.R. 549: Mr. WITTMAN of Virginia.
H.R. 643: Mr. GOODLATTE and Mr. COURTNEY.
H.R. 676: Mr. CLYBURN.
H.R. 695: Mr. CARSON and Mr. AL GREEN of Texas.
H.R. 726: Mr. CARSON.
H.R. 861: Mr. ROSS, Mr. SHULER, and Mr. HELLER.
H.R. 1000: Mr. GUTIERREZ, Mr. PETERSON of Minnesota, Mr. BERMAN, Mr. BERRY, Mr. BOREN, Mr. BOYD of Florida, Mr. CARSON, Mr. ETHERIDGE, Mr. INSLEE, Mr. LARSEN of Washington, Mr. LARSON of Connecticut, Ms. ZOE LOFGREN of California, Mr. MATHESON, Ms. WASSERMAN SCHULTZ, and Ms. SCHAKOWSKY.
H.R. 1029: Mr. COURTNEY and Mrs. BACHMANN.
H.R. 1134: Mr. GENE GREEN of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. PASTOR, Mr. MARKEY, Ms. SHEA-PORTER, and Mr. SALAZAR.
H.R. 1232: Mr. OLVER.
H.R. 1282: Mr. ELLISON.
H.R. 1293: Mr. TIAHRT.
H.R. 1295: Mrs. MYRICK.
H.R. 1303: Mr. HODES.
H.R. 1359: Mr. TIAHRT.
H.R. 1419: Mr. KIRK, Mr. CARSON, and Mr. PICKERING.
H.R. 1422: Mr. SHULER.
H.R. 1474: Mr. SESSIONS.
H.R. 1552: Mrs. EMERSON, Mr. SALAZAR, Mr. BROWN of South Carolina, Mr. WILSON of South Carolina, and Mrs. NAPOLITANO.
H.R. 1553: Ms. BEAN.
H.R. 1576: Mrs. BACHMANN and Mr. TIBERI.
H.R. 1584: Mr. CARSON.
H.R. 1610: MR. HELLER, MRS. JONES OF OHIO, MR. CARSON, MS. LORETTA SANCHEZ OF CALIFORNIA, MR. ANDREWS, AND MS. KILPATRICK.
H.R. 1619: Mr. LINDER.
H.R. 1621: Mr. GONZALEZ.
H.R. 1629: Mr. ALEXANDER and Mr. HERGER.
H.R. 1647: Mr. LARSEN of Washington, Mr. MELANCON, and Mr. THOMPSON of California.
H.R. 1655: Mr. WITTMAN of Virginia, Mr. UPTON, Ms. KILPATRICK, and Mr. REGULA.
H.R. 1738: Mr. GRIJALVA.
H.R. 1781: Mr. RUSH.
H.R. 1813: Mr. CARSON.
H.R. 1818: Mr. CARSON.
H.R. 1820: Mr. HIGGINS and Mr. VAN HOLLEN.
H.R. 1843: Mr. WOLF.
H.R. 2050: Mrs. BLACKBURN.
H.R. 2054: Mr. BOREN and Ms. FOXX.
H.R. 2091: Mr. TERRY and Mr. WALBERG.
H.R. 2092: Mr. GRIJALVA, Mr. VISCLOSKY, and Ms. CORRINE BROWN of Florida.
H.R. 2137: Mr. CARSON.
H.R. 2138: Mr. CARSON and Mr. ROTHMAN.
H.R. 2205: Mr. DUNCAN.
H.R. 2210: Mr. CUMMINGS.
H.R. 2231: Mr. ROGERS of Kentucky, Mrs. MCCARTHY of New York, and Ms. SHEA-PORTER.
H.R. 2267: Mr. BILIRAKIS.
H.R. 2332: Mr. SHAYS.
H.R. 2370: Mr. YOUNG of Florida.
H.R. 2380: Mr. DUNCAN.
H.R. 2477: Mr. SARBANES.
H.R. 2593: Mr. BRADY of Pennsylvania, Mr. CONYERS, Ms. LEE, and Ms. ROYBAL-ALLARD.
H.R. 2611: Mr. CLEAVER.
H.R. 2677: Mr. WELDON of Florida.
H.R. 2713: Mr. BISHOP of Georgia.
H.R. 2762: Mr. CAMP of Michigan.
H.R. 2860: Mr. MARSHALL.
H.R. 2914: Mr. PUTNAM and Mr. GRIJALVA.
H.R. 2922: Mr. RAHALL.
H.R. 2965: Ms. RICHARDSON, Mr. WAXMAN, Mr. RODRIGUEZ, and Ms. HIRONO.
H.R. 3001: Mr. CARSON.
H.R. 3024: Mr. RYAN of Ohio.
H.R. 3054: Mr. POMEROY.
H.R. 3212: Mr. HIGGINS.
H.R. 3267: Mrs. EMERSON, Mr. JEFFERSON, Mr. DAVIS of Illinois, Mr. MCGOVERN, and Mr. GRIJALVA.
H.R. 3273: Mr. CROWLEY and Mr. HONDA.
H.R. 3326: Mr. DELAHUNT, Mr. CARSON, and Mr. PAYNE.
H.R. 3334: Mr. ROSS.
H.R. 3362: Mrs. MYRICK.
H.R. 3363: Mr. ALTMIRE.
H.R. 3377: Mr. FERGUSON.
H.R. 3430: Mr. CARSON.
H.R. 3453: Mrs. EMERSON.
H.R. 3457: Mr. GOODLATTE.
H.R. 3533: Mr. CARSON.
H.R. 3543: Ms. LEE, Mr. JEFFERSON, Mr. ANDREWS, and Mr. GENE GREEN of Texas.
H.R. 3618: Mr. CARSON.
H.R. 3689: Mr. CARSON.
H.R. 3769: Mr. BOREN.
H.R. 3817: Mr. JOHNSON of Illinois.
H.R. 3820: Mr. DAVIS of Kentucky.
H.R. 3874: Mr. GOODLATTE.
H.R. 3995: Mr. FILNER.
H.R. 4044: Mr. HINCHEY.
H.R. 4054: Mr. CARSON.
H.R. 4059: Mr. CARNAHAN.
H.R. 4141: Mr. DAVID DAVIS of Tennessee.
H.R. 4218: Mr. MEEKS of New York.
H.R. 4236: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. PETERSON of Minnesota, Ms. SUTTON, and Ms. GIFFORDS.
H.R. 4318: Ms. PRYCE of Ohio.
H.R. 4544: Ms. NORTON, Mr. BARRETT of South Carolina, and Mr. PASCRELL.
H.R. 4651: Mr. COHEN.
H.R. 4900: Mr. MICA and Mr. DAVIS of Alabama.
H.R. 4959: Mr. HODES.
H.R. 5057: Mr. PAYNE and Ms. SPEIER.
H.R. 5058: Mrs. MALONEY of New York and Mr. OLVER.
H.R. 5131: Mr. WITTMAN of Virginia.
H.R. 5155: Mr. WALZ of Minnesota.
H.R. 5173: Mr. CARSON.
H.R. 5180: Mr. CHABOT.
H.R. 5265: Ms. BALDWIN and Mr. TOWNS.
H.R. 5268: Mr. MILLER of North Carolina.
H.R. 5401: Mr. INSLEE.
H.R. 5404: Ms. WOOLSEY.
H.R. 5440: Ms. GRANGER.
H.R. 5443: Mr. BOREN.
H.R. 5445: Mrs. MUSGRAVE and Mr. TERRY.
H.R. 5448: Mr. MCGOVERN, Mr. ELLISON, and Mr. PETERSON of Minnesota.
H.R. 5450: Mr. GOODLATTE.
H.R. 5467: Mr. MAHONEY of Florida, Mr. WELCH of Vermont, Mr. HILL, Mr. ALTMIRE, and Mr. ELLSWORTH.
H.R. 5473: Mr. DONNELLY, Mr. RYAN of Ohio, Mr. TOWNS, Mr. MORAN of Virginia, Mr. DOYLE, Ms. SUTTON, Mr. HONDA, Mr. LANGEVIN, Mr. INSLEE, Mr. FATTAH, Ms. DELAURO, Mr. LARSON of Connecticut, Mr. STUPAK, Ms. LINDA T. SÁNCHEZ of California, Mr. BARTLETT of Maryland, Mr. ALLEN, Mr. LEWIS of Georgia, Mr. KIND, and Mr. REYES.
H.R. 5481: Mr. ALTMIRE and Mr. MILLER of Florida.
H.R. 5524: Mr. CLAY, Mr. LOEBSACK, and Mr. PAYNE.
H.R. 5534: Mr. GEORGE MILLER of California and Ms. CLARKE.
H.R. 5536: Mr. MORAN of Virginia and Mrs. CAPPS.
H.R. 5541: Mr. SCHIFF and Mr. PRICE of North Carolina.
H.R. 5548: Ms. CLARKE.
H.R. 5554: Mr. HINCHEY.
H.R. 5573: Mr. SCOTT of Virginia, Mr. GRIJALVA, and Mr. UPTON.
H.R. 5580: Ms. LEE.
H.R. 5592: Mr. FILNER.
H.R. 5656: Mr. SMITH of Texas.
H.R. 5663: Mr. PASTOR.
H.R. 5664: Mr. PASTOR.
H.R. 5669: Mr. LINCOLN DIAZ-BALART of Florida, Ms. CORRINE BROWN of Florida, Mr.

CUMMINGS, Mr. REGULA, and Mr. FORTENBERRY.

H.R. 5673: Mr. NUNES, Mr. FORTUÑO, Mr. TERRY, Mrs. BLACKBURN, and Mr. PEARCE.

H.R. 5684: Mr. YOUNG of Alaska, Mr. PAYNE, and Mr. MCGOVERN.

H.R. 5731: Mr. MCCARTHY of California.

H.R. 5740: Mr. LIPINSKI, Mr. REHBERG, Mr. CONYERS, Mr. MEEKS of New York, Mr. HASTINGS of Florida, Mr. SHIMKUS, and Ms. SCHWARTZ.

H.R. 5748: Mrs. EMERSON.

H.R. 5766: Mr. CARSON of Indiana, Ms. WASSERMAN SCHULTZ, and Mr. GUTIERREZ.

H.R. 5767: Mr. GUTIERREZ, Mr. KING of New York, Mr. WEXLER, Mr. CLAY, Mr. ACKERMAN, Ms. BERKLEY, Mr. HONDA, Mr. MCGOVERN, Mr. MORAN of Virginia, and Mr. FILNER.

H.R. 5785: Mr. BRALEY of Iowa.

H.R. 5788: Mrs. MYRICK, Mr. BLUMENAUER, Mr. BAIRD, Mr. UDALL of Colorado, Mr. WAMP, and Ms. DEGETTE.

H.R. 5793: Mr. MCCOTTER, Mrs. BONO MACK, and Mr. HONDA.

H.R. 5794: Mr. SALI.

H.R. 5798: Mr. FOSTER and Mr. BRALEY of Iowa.

H.R. 5804: Mr. BLUMENAUER and Mr. CARNAHAN.

H.R. 5806: Ms. LEE.

H.R. 5816: Mr. ROGERS of Kentucky, Mr. ROGERS of Michigan, Mrs. SCHMIDT, Mr. HAYES, Mr. FOSSELLA, Mr. WALSH of New York, Mr. CARTER, Mr. COLE of Oklahoma, Ms. GRANGER, and Mr. WELDON of Florida.

H.R. 5818: Mr. MORAN of Virginia and Mr. HIGGINS.

H.R. 5825: Mr. WALDEN of Oregon, Mr. BACHUS, Mr. JORDAN, Mr. CULBERSON, Mr. GILCHREST, Mr. SHADEGG, Ms. GRANGER, and Mr. KING of Iowa.

H.R. 5826: Mr. JOHNSON of Georgia.

H.R. 5830: Mr. HINOJOSA and Mr. LANGEVIN.

H.R. 5838: Mr. AL GREEN of Texas.

H.R. 5839: Mr. FERGUSON and Mr. BILBRAY.

H.R. 5843: Mr. CLAY.

H.R. 5845: Mr. GRIJALVA.

H.R. 5846: Mr. HONDA.

H.R. 5854: Mr. FORTUÑO.

H.R. 5857: Mr. BARRETT of South Carolina and Mr. CONAWAY.

H.R. 5869: Mr. BRADY of Pennsylvania, Mr. CUELLAR, and Mr. PASTOR.

H.R. 5875: Mr. ALLEN.

H.R. 5882: Mr. TOM DAVIS of Virginia.

H. J. Res. 12: Mr. WAMP.

H. Con. Res. 2: Mr. PAYNE and Ms. JACKSON-LEE of Texas.

H. Con. Res. 70: Ms. MCCOLLUM of Minnesota and Mr. KIRK.

H. Con. Res. 134: Ms. MCCOLLUM of Minnesota, Mr. CUMMINGS, and Mr. BRADY of Pennsylvania.

H. Con. Res. 244: Mr. PITTS, Ms. SHEA-PORTER, and Mr. MCCAUL of Texas.

H. Con. Res. 295: Mr. HUNTER, Mr. SAXTON, Mr. HAYES, Mr. LOBIONDO, Mr. WELDON of Florida, Ms. TSONGAS, Mr. GINGREY, Mr. FRANKS of Arizona, Mr. SHUSTER, Mr. WALBERG, Mrs. BACHMANN, Mr. HELLER, Mr. ROGERS of Michigan, and Mr. ROHRABACHER.

H. Con. Res. 305: Mr. PRICE of North Carolina.

H. Con. Res. 317: Mr. SHERMAN.

H. Con. Res. 324: Mr. HARE.

H. Con. Res. 328: Mr. HARE, Mr. LEWIS of Georgia, Mr. SERRANO, and Mr. HINCHEY.

H. Con. Res. 331: Ms. ZOE LOFGREN of California and Ms. BERKLEY.

H. Res. 111: Mr. BRALEY of Iowa.

H. Res. 232: Mr. WALBERG.

H. Res. 389: Ms. ROS-LEHTINEN, Mr. SCHIFF, Mr. MURPHY of Connecticut, Mr. BOOZMAN, Mr. MCDERMOTT, Mr. BLUMENAUER, Mr. HINOJOSA, Ms. JACKSON-LEE of Texas, Mr. WEXLER, Mr. SNYDER, Mr. BERMAN, and Ms. EDDIE BERNICE JOHNSON of Texas.

H. Res. 610: Mr. SOUDER.

H. Res. 620: Mr. MCNULTY.

H. Res. 679: Mr. MCGOVERN.

H. Res. 834: Mr. TAYLOR.

H. Res. 937: Mr. MEEKS of New York.

H. Res. 985: Mr. MICHAUD.

H. Res. 1011: Mr. SMITH of Washington.

H. Res. 1022: Mr. MCDERMOTT.

H. Res. 1026: Mr. MURTHA and Mr. CONAWAY.

H. Res. 1073: Mr. BERMAN, Ms. CLARKE, and Mr. MILLER of North Carolina.

H. Res. 1078: Mr. KUCINICH.

H. Res. 1079: Mr. CAPUANO, Mr. WALDEN of Oregon, Mr. HARE, and Mr. CAMPBELL of California.

H. Res. 1080: Mr. MCCOTTER.

H. Res. 1087: Mr. GRIJALVA.

H. Res. 1104: Mr. FILNER.

H. Res. 1106: Mr. SHAYS, Mr. WALSH of New York, Mrs. CAPITO, Ms. BERKLEY, Mr. TANNER, Mr. SHUSTER, Mr. DENT, Ms. PRYCE of Ohio, Mrs. BIGGERT, Mr. BURTON of Indiana, Mr. RAMSTAD, Mr. REYNOLDS, Mr. KUHL of New York, Mr. KLINE of Minnesota, Mr. BARTON of Texas, Mr. HUNTER, Mrs. MYRICK, Ms. FOXX, Mr. BOOZMAN, Mr. THORNBERRY, Ms. GRANGER, Mr. DAVID DAVIS of Tennessee, Mr. ROGERS of Michigan, Mr. WAMP, Mr. BERMAN, Mr. HASTINGS of Washington, Mr. WESTMORELAND, Mr. HOEKSTRA, Mr. DAVIS of Kentucky, Mr. PASCRELL, Mr. DICKS, Mr. MILLER of Florida, Mr. WALDEN of Oregon, Mr. BARTLETT of Maryland, Mr. TERRY, Mr. WU, Mr. WILSON of South Carolina, Mr. PEARCE, Mr. BISHOP of Utah, Mr. LEVIN, Mr. HERGER, Mr. MCNULTY, Mr. CONAWAY, Mr. WALZ of Minnesota, Mr. KENNEDY, Mr. REHBERG, Mr. DEFAZIO, Mrs. BLACKBURN, Mr. LOBIONDO, Mr. MCCAUL of Texas, Mr. FORTENBERRY, Mr. LIPINSKI, and Ms. TSONGAS.

H. Res. 1109: Mr. INGLIS of South Carolina.

H. Res. 1110: Ms. GRANGER.

H. Res. 1111: Mr. ALLEN, Mr. PETERSON of Minnesota, Mr. MAHONEY of Florida, Ms. SHEA-PORTER, Mr. FOSTER, Mr. CARSON, Ms. TSONGAS, and Ms. BEAN.

H. Res. 1113: Mr. WALSH of New York, Mr. ROGERS of Kentucky, Mr. MCCARTHY of California, Mr. SMITH of Nebraska, Mr. COBLE, Mr. LINCOLN DIAZ-BALART of Florida, Mr. WALBERG, Mr. DAVID DAVIS of Tennessee, Mrs. DRAKE, Mr. BARRETT of South Carolina, Mr. POE, Mr. THORNBERRY, Mr. MARCHANT, Mr. HALL of Texas, Mr. CARTER, Mr. NEUGEBAUER, Mr. DELAHUNT, Mr. UDALL of Colorado, Ms. ZOE LOFGREN of California, Mr. JONES of North Carolina, Mr. WILSON of South Carolina, Mr. ROHRABACHER, Mr. KINGSTON, Ms. FALLIN, Mr. MANZULLO, Mrs. MUSGRAVE, Mr. ISSA, Mr. PRICE of Georgia, Mr. WHITFIELD of Kentucky, Mr. WALZ of Minnesota, Mr. GILCHREST, Mr. SCHIFF, Mr. SKELTON, and Mr. MELANCON.

H. Res. 1114: Mr. WALSH of New York, Mr. MCCARTHY of California, Mr. ROGERS of Kentucky, Mr. SMITH of Nebraska, Mr. COBLE, Mr. LINCOLN DIAZ-BALART of Florida, Mr. WALBERG, Mrs. DRAKE, Mr. BARRETT of South Carolina, Mr. POE, Mr. MARCHANT, Mr. THORNBERRY, Mr. HALL of Texas, Mr. CARTER, Mr. NEUGEBAUER, Mr. DELAHUNT, Mr. UDALL of Colorado, Ms. ZOE LOFGREN of California, Mr. JONES of North Carolina, Mr. WILSON of South Carolina, Mr. ROHRABACHER, Mr. KINGSTON, Ms. FALLIN, Mr. WAXMAN, Mr. MANZULLO, Mrs. MUSGRAVE, Mr. ISSA, Mr. PRICE of Georgia, Mr. WHITFIELD of Kentucky, Mr. WALZ of Minnesota, Mr. GILCHREST, Mr. SCHIFF, Mr. SKELTON, and Mr. MELANCON.

H. Res. 1122: Mr. YOUNG of Florida, Mr. FEENEY, Mr. TANCREDO, Mr. YOUNG of Alaska, Mr. BROUN of Georgia, Mr. JONES of North Carolina, Mr. BRADY of Texas, Mr. FOSSELLA, Mr. JOHNSON of Illinois, Mr. CARTER, Mr. SAXTON, Mr. DAVIS of Kentucky, Mr. LINCOLN DIAZ-BALART of Florida, Mrs. CUBIN, Mrs. BIGGERT, Mr. GOODLATTE, Mr. LEWIS of California, Mr. WAMP, Mr. GARRETT of New Jersey, Mrs. MILLER of Michigan, Mr. GOODE, Mr. GILCHREST, Mrs. DRAKE, Mr. BARTLETT of Maryland, Mr. ABERCROMBIE, Mr. GUTIERREZ, Mr. BILIRAKIS, Mr. JORDAN, Mr. SMITH of Nebraska, Mr. LATTA, Mr. WITTMAN of Virginia, Mr. SAM JOHNSON of Texas, Mr. GERLACH, Mr. MCKEON, Mr. BARTON of Texas, Mr. PETERSON of Pennsylvania, Mr. MACK, Mr. KELLER, Mr. PUTNAM, Mr. WELDON of Florida, Mr. MCCAUL of Texas, Mr. CALVERT, Mr. THORNBERRY, Mr. NEUGEBAUER, Mr. ROHRABACHER, Mr. BURTON of Indiana, Mr. LOBIONDO, Mr. PITTS, Mr. PENCE, Mr. WESTMORELAND, Mr. MILLER of Florida, Mr. FORBES, Mr. GALLEGLY, Mr. HALL of Texas, Mr. REICHERT, Mr. SMITH of New Jersey, Mr. HOBSON, Mr. MCCOTTER, Mr. MORAN of Kansas, Mr. SULLIVAN, Mr. SOUDER, Mr. BILBRAY, Mr. HOEKSTRA, Mr. HENSARLING, Mr. LUCAS, Mr. BOUSTANY, Mr. FORTENBERRY, Mr. ADERHOLT, Mr. HERGER, Mr. COLE of Oklahoma, Mr. HAYES, Mr. GOHMERT, Mr. KLINE of Minnesota, Mr. MANZULLO, Mr. MARCHANT, Mr. CONAWAY, Mr. ROSKAM, Mr. STEARNS, Mr. RENZI, Mr. DANIEL E. LUNGREN of California, Mr. WOLF, Mr. MCCRERY, Mr. HASTINGS of Washington, Mr. POE, Mr. CRENSHAW, Mr. BACHUS, Mr. CAMP of Michigan, Mr. CARDOZA, Mr. COBLE, Mr. LINCOLN DAVIS of Tennessee, Mr. LAMPSON, and Mr. HUNTER.

H. Res. 1123: Mr. TANCREDO.

H. Res. 1130: Mr. LATHAM and Ms. SCHAKOWSKY.

H. Res. 1131: Mr. HONDA.

H. Res. 1132: Mr. TIAHRT, Ms. BORDALLO, Mr. JOHNSON of Illinois, Mr. MCHUGH, Mr. HOLDEN, Mr. GALLEGLY, Mr. BURTON of Indiana, Mr. SHAYS, Mrs. BLACKBURN, Mr. DELAHUNT, Mr. FRANKS of Arizona, Mr. SESSIONS, Mr. ISSA, Mr. LOBIONDO, Mr. GRAVES, Mr. WYNN, Mr. LATHAM, Mrs. BONO MACK, and Mr. DAVID DAVIS of Tennessee.

H. Res. 1134: Mr. ALTMIRE, Mrs. CAPPS, Mr. CONYERS, Mr. ORTIZ, and Mrs. JONES of Ohio.

H. Res. 1137: Mr. REICHERT, Mr. HAYES, Mr. SHUSTER, Mr. PETRI, and Mrs. DRAKE.

H. Res. 1140: Ms. WATERS and Mr. FOSSELLA.

FRIDAY, APRIL 25, 2008 (48)

¶48.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Mr. MCGOVERN, who laid before the House the following communication:

WASHINGTON, DC,
April 25, 2008.

I hereby appoint the Honorable JAMES P. MCGOVERN to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

¶48.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. MCGOVERN, announced he had examined and approved the Journal of the proceedings of Thursday, April 24, 2008.

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

¶48.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

6275. A letter from the Deputy Under Secretary for Acquisition and Technology, Department of Defense, transmitting the Department's report on the implementation of the Service-Disabled Veteran-Owned Small Business (SDVOSB) Program, in response to Section 849 of the National Defense Authorization Act for Fiscal Year 2006; to the Committee on Armed Services.

6276. A letter from the Assistant Secretary of the Army for Acquisition, Logistics and Technology, Department of Defense, transmitting the annual status report of the U.S. Chemical Demilitarization Program (CDP) as of September 30, 2007, pursuant to 50 U.S.C. 1521(g); to the Committee on Armed Services.

6277. A letter from the Under Secretary for Acquisition, Technology, and Logistics, Department of Defense, transmitting a report identifying, for each of the armed forces (other than the Coast Guard) and each Defense Agency, the percentage of funds that were expended during the preceding fiscal year for performance of depot-level maintenance and repair workloads by the public and private sectors, pursuant to 10 U.S.C. 2466(d)(1); to the Committee on Armed Services.

6278. A letter from the Secretary of the Army, Department of Defense, transmitting notification regarding the cost-benefit analysis of the proposed reduction in Army Research, Development, Test and Evaluation funding for the High Energy Laser Systems Test Facility (HELSTF), pursuant to Public Law 110-181, section 242; to the Committee on Armed Services.

6279. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General Claude V. Christianson, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

6280. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General Michael A. Hamel, United States Air Force, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

6281. A letter from the Assistant Director, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — 26 CFR 1.274-2: Disallowance of deductions for certain expenses for entertainment, amusement, recreation, or travel. (Also 62, 1.62-2.) (Rev. Rul. 2008-23) received April 18, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6282. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Employer Comparable Contributions to Health Savings Accounts under Section 4980G [TD 9393] (RIN: 1545-BF97) received April 18, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6283. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — ANNOUNCEMENT AND REPORT CONCERNING ADVANCE PRICING AGREEMENTS [Announcement 2008-27] received April 1, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6284. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Standards for Recognition of Tax-Exempt Status if Private Benefit Exists or if an Applicable Tax-Exempt Organization Has Engaged in Excess Benefit Transaction(s) [TD 9390] (RIN: 1545-BE37) received April 1, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6285. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Disclosure of Return Information in Connection with Written Contracts Among the IRS, Whistleblowers, and Legal Representatives of Whistleblowers [TD 9389] (RIN: 1545-BG74) received April 1, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

And then,

¶48.4 ADJOURNMENT

On motion of the SPEAKER pro tempore, Mr. MCGOVERN, by unanimous consent and pursuant to the special order of the House agreed to on April 24, 2008, at 10 o'clock and 3 minutes a.m., declared the House adjourned until 12:30 p.m. on April 29, 2008.

¶48.5 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 1475: Mr. MCNERNEY.
H.R. 2991: Mr. DENT.
H.R. 4900: Mr. BROUN of Georgia.
H.R. 5841: Mrs. BOYDA of Kansas.

TUESDAY, APRIL 29, 2008 (49)

¶49.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order at 12:30 p.m. by the SPEAKER pro tempore, Mr. LARSEN of Washington, who laid before the House the following communication:

WASHINGTON, DC,
April 29, 2008.

I hereby appoint the Honorable RICK LARSEN to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

Whereupon, pursuant to the order of the House of January 4, 2007, Members were recognized for morning-hour debate.

¶49.2 MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 2929. An Act to temporarily extend the programs under the Higher Education Act of 1965.

¶49.3 RECESS—12:48 P.M.

The SPEAKER pro tempore, Mr. LARSEN of Washington, pursuant to clause 12(a) of rule I, declared the House in recess at 12 o'clock and 48 minutes p.m., until 2 p.m.

¶49.4 AFTER RECESS—2 P.M.

The SPEAKER pro tempore, Mr. BLUMENAUER, called the House to order.

¶49.5 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. BLUMENAUER, announced he had examined and approved the Journal of the proceedings of Friday, April 25, 2008.

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

¶49.6 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

6286. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Tuberculosis in Cattle and Bison; State and Zone Designations; Minnesota [Docket No. APHIS-2008-0037] received April 10, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6287. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Lead; Renovation, Repair, and Painting Program [EPA-HQ-OPPT-2005-0049; FRL-8355-7] (RIN: 2070-AC83) received April 11, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6288. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; New York [Docket No. EPA-R02-OAR-2008-0011, FRL-8554-8] received April 11, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6289. A letter from the Legal Advisor/Chief, Wireless Telecom. Bureau, Federal Communications Commission, transmitting the Commission's final rule — In the Matter of Biennial Regulatory Review — Amendment of Parts 1, 22, 24, 27 and 90 to Streamline and Harmonize Various Rules Affecting Wireless Radio Services [WT Docket No. 03-264] received April 15, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6290. A letter from the Director, Office of Enforcement, Federal Energy Regulatory Commission, transmitting the Commission's final rule — Revisions to Forms, Statements, and Reporting Requirements for Natural Gas Pipelines [RM07-9-000] received April 10, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6291. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — Conduct of New Reactor Licensing Proceedings; Final Policy Statement — received April 18, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6292. A letter from the Assistant Secretary Legislative Affairs, Department of State, transmitting the Determination and Memorandum of Justification on the provision of financial assistance for Sudan; to the Committee on Foreign Affairs.

6293. A letter from the Deputy Assistant Secretary, OFCCP, Department of Labor, transmitting the Department's final rule — Nondiscrimination and Affirmative Action Obligations of Contractors and Subcontractors Regarding Protected Veterans (RIN: 1215-AB65) received April 9, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

6294. A letter from the Assistant Secretary — Land and Minerals Management, Department of the Interior, transmitting the Department's final rule — Outer Continental Shelf Regulations-Technical Corrections [Docket ID: MMS-2007-0MM-0070] (RIN: 1010-AD49) received April 15, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6295. A letter from the Assistant Secretary — Land and Minerals Management, Department of the Interior, transmitting the Department's final rule — Incorporate American Petroleum Institute Hurricane Bulletins [Docket ID: MMS-2007-OMM-0060] (RIN: 1010-AD48) received April 15, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6296. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final

rule — Fisheries of the Economic Exclusive Zone Off Alaska; Shallow-Water Species Fishery by Vessels Using Trawl Gear in the Gulf of Alaska [Docket No. 071106671-8010-02] (RIN: 0648-XG28) received April 10, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6297. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 610 of the Gulf of Alaska [Docket No. 071106671-8010-02] (RIN: 0648-XG08) received April 10, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6298. A letter from the Deputy Assistant Administrator for Operations, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Prohibited Species Bycatch Management [Docket No. 070816465-8008-02] (RIN: 0648-AV96) received April 10, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6299. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Vessels Using Trawl Gear in the Bering Sea and Aleutian Islands Management Area [Docket No. 071106673-8011-02] (RIN: 0648-XG17) received April 10, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6300. A letter from the Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 630 in the Gulf of Alaska [Docket No. 071106671-8010-02] (RIN: 0648-XG09) received April 10, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6301. A letter from the Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Vessels Catching Pacific Cod for Processing by the Offshore Component in the Western Regulatory Area of the Gulf of Alaska [Docket No. 071106671-8010-02] (RIN: 0648-XG12) received April 10, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6302. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Pacific Cod in the Bering Sea and Aleutian Islands Management Area [Docket No. 070213033-7033-01] (RIN: 0648-XF95) received April 10, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6303. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 610 of the Gulf of Alaska [Docket No. 071106671-8010-02] (RIN: 0648-XG19) received April 10, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6304. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Update for Weighted Average Interest Rates, Yield Curves, and Segment Rates [Notice 2008-45] received April 9, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6305. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's final rule — Medicare and Medicaid Programs; Conditions for Coverage for End-Stage Renal Disease Facilities [CMS-3818-F] (RIN: 0938-AG82) received April 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and Ways and Means.

¶49.7 COMMUNICATION FROM THE CLERK—MESSAGE FROM THE SENATE

The SPEAKER pro tempore, Mr. BLUMENAUER, laid before the House a communication, which was read as follows:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, April 29, 2008.

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

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on April 29, 2008, at 10:36 a.m.:

That the Senate passed S. 2829.

That the Senate agreed to S. Con. Res. 74.

With best wishes, I am

Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

¶49.8 COMMUNICATION FROM THE CLERK—MESSAGE FROM THE SENATE

The SPEAKER pro tempore, Mr. BLUMENAUER, laid before the House a communication, which was read as follows:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, April 28, 2008.

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

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on April 28, 2008, at 3:21 p.m.:

That the Senate passed without amendment H.R. 4286.

That the Senate agreed to without amendment H. Con. Res. 322.

That the Senate requests the return of the papers H.R. 493.

With best wishes, I am

Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

¶49.9 COMMUNICATION REGARDING SUBPOENA

The SPEAKER pro tempore, Mr. BLUMENAUER, laid before the House the following communication from Janet Byington, District Director, office of the Honorable Phil Gingrey:

HOUSE OF REPRESENTATIVES,
Washington, DC, April 21, 2008.

Hon. NANCY PELOSI,
Speaker, House of Representatives, Washington, DC.

DEAR MADAM SPEAKER: This is to formally notify you, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a civil trial subpoena for testimony issued by the Superior Court of Floyd County, Georgia.

After consulting with the Office of General Counsel, I have determined that compliance with the subpoena is inconsistent with the privileges and rights of the House.

Sincerely,

JANET BYINGTON,
District Director, Congressman Phil Gingrey.

¶49.10 MASHANTUCKET PEQUOT TRIBE

Mr. RAHALL moved to suspend the rules and pass the bill of the Senate (S. 2457) a bill to provide for extensions of leases of certain land by Mashantucket Pequot (Western) Tribe.

The SPEAKER pro tempore, Mr. BLUMENAUER, recognized Mr. RAHALL and Mr. BISHOP of Utah, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. BLUMENAUER, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶49.11 JICARILLA APACHE RESERVATION

Mr. RAHALL moved to suspend the rules and pass the bill (H.R. 3522) to ratify a conveyance of a portion of the Jicarilla Apache Reservation to Rio Arriba County, State of New Mexico, pursuant to the settlement of litigation between the Jicarilla Apache Nation and Rio Arriba County, State of New Mexico, to authorize issuance of a patent for said lands, and to change the exterior boundary of the Jicarilla Apache Reservation accordingly, and for other purposes.

The SPEAKER pro tempore, Mr. BLUMENAUER, recognized Mr. RAHALL and Mr. BISHOP of Utah, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. BLUMENAUER, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶49.12 TUOLUMNE RANCHERIA

Mr. RAHALL moved to suspend the rules and pass the bill (H.R. 3490) to transfer administrative jurisdiction of

certain Federal lands from the Bureau of Land Management to the Bureau of Indian Affairs, to take such lands into trust for Tuolumne Band of Me-Wuk Indians of the Tuolumne Rancheria, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. BLUMENAUER, recognized Mr. RAHALL and Mr. BISHOP of Utah, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. BLUMENAUER, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶49.13 CHIEF STANDING BEAR

Mr. RAHALL moved to suspend the rules and agree to the following resolution (H. Res. 1043):

Whereas Chief Standing Bear was born on Ponca land in what is now Nebraska;

Whereas Chief Standing Bear became chief of the Ponca Tribe at a young age because of his leadership abilities;

Whereas, in 1878, Chief Standing Bear and the Ponca Tribe were forced by a Federal treaty to leave their home for Indian Territory in what is now Oklahoma;

Whereas the hardship of travel, illness, and the inhospitable conditions of Indian Territory caused many members of the tribe to perish including Chief Standing Bear's son;

Whereas Chief Standing Bear, determined to bury his son in his homeland, led 30 members of his tribe back to their home in Nebraska;

Whereas Chief Standing Bear and the 30 members of his tribe were arrested by the Department of the Interior upon their return;

Whereas Chief Standing Bear enlisted the help of Thomas Tibbles of the predecessor to the Omaha World-Herald and 2 attorneys to petition the Federal court to rule on the Ponca Tribe's treatment by the Government;

Whereas, in 1879, the case came before Judge Elmer Dundy;

Whereas Chief Standing Bear, at the conclusion of the court proceedings, extended his hand as he took the oath and said, ''That hand is not the color of yours, but if I pierce it, I shall feel pain. If you pierce your hand, you also feel pain. The blood that will flow from mine will be the same color as yours. I am a man. God made us both'';

Whereas as Judge Dundy ultimately ruled that Native Americans were citizens with all of the rights and freedoms guaranteed by the Constitution;

Whereas the Ponca won their freedom and eventually were able to return to their home in Nebraska;

Whereas Chief Standing Bear would spend the next 4 years touring the Eastern United States promoting Native American rights;

Whereas Chief Standing Bear demonstrated the highest level of courage and determination;

Whereas Chief Standing Bear made a vital contribution to civil rights for Native Americans; and

Whereas 2008 is the 100th anniversary of Chief Standing Bear's death: Now, therefore, be it

Resolved, That the House of Representatives honors the life, legacy, and contributions to civil rights of Chief Standing Bear.

The SPEAKER pro tempore, Mr. BLUMENAUER, recognized Mr. RAHALL and Mr. BISHOP of Utah, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. BLUMENAUER, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶49.14 CONSOLIDATED NATURAL RESOURCESMD10

Mr. RAHALL moved to suspend the rules and pass the bill of the Senate (S. 2739) to authorize certain programs and activities in the Department of the Interior, the Forest Service, and the Department of Energy, to implement further the Act approving the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America, to amend the Compact of Free Association Amendments Act of 2003, and for other purposes.

The SPEAKER pro tempore, Mr. BLUMENAUER, recognized Mr. RAHALL and Mr. BISHOP of Utah, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. BLUMENAUER, announced that two-thirds of the Members present had voted in the affirmative.

Mr. RAHALL demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. BLUMENAUER, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶49.15 FINANCIAL LITERACY MONTH

Mr. HINOJOSA moved to suspend the rules and agree to the following resolution (H. Res. 1079):

Whereas personal financial literacy is essential to ensure that individuals are prepared to make informed financial choices, as well as manage money, credit, debt, and risk and become responsible workers, heads of households, investors, entrepreneurs, business leaders, and citizens;

Whereas personal financial management skills and lifelong habits begin to develop during childhood;

Whereas a study completed in 2006 by the Jump$tart Coalition for Personal Financial Literacy found that high school seniors know less about principles of basic personal finance than did high school seniors 7 years earlier, and the average scores in both years were failing grades;

Whereas the 2007 Survey of the States by the National Council on Economic Education found that 49 States include the subject of economics and 40 States include the subject of personal finance in their elementary and secondary education standards, up from 48 and 31 States, respectively, in 2002;

Whereas 55 percent of college students acquire their first credit card during their first year in college, and 92 percent of college students acquire at least 1 credit card by their second year in college, yet only 26 percent of people between the ages of 13 and 21 reported that their parents actively taught them how to manage money;

Whereas the personal savings rate in the United States was zero percent at the end of the fourth quarter of 2007, which puts it among the lowest since the government began collecting the data in 1959;

Whereas although more than 42,000,000 people in the United States participate in qualified cash or deferred arrangements described in section 401(k) of the Internal Revenue Code of 1986 (commonly referred to as ''401(k) plans''), a Retirement Confidence Survey conducted in 2004 found that only 42 percent of workers surveyed have calculated how much money they will need to save for retirement and 37 percent of workers say that they are not currently saving for retirement;

Whereas the average baby boomer has only $50,000 in savings apart from equity in their homes;

Whereas a study by the American Institute of Certified Public Accountants found that 55 percent of people between the ages of 25 and 34 maintain an interest-bearing account or other savings instrument, a decrease of 10 percent since 1985;

Whereas the April 2007 National Foundation for Credit Counseling consumer financial literacy survey found that only 39 percent of American consumers keep close track of their expenses; less than half have ordered their credit report; and one-third do not know where to go for financial advice;

Whereas studies show that as many as 10,000,000 households in the United States are ''unbanked'' or are without access to mainstream financial products and services;

Whereas expanding access to the mainstream financial system provides individuals with lower-cost and safer options for managing finances and building wealth and is likely to lead to increased economic activity and growth;

Whereas public, community-based, and private sector organizations throughout the United States are working to increase financial literacy rates for Americans of all ages and walks of life through a range of outreach efforts, including media campaigns, websites, and one-on-one counseling for individuals;

Whereas at least 6,500 bankers will teach savings skills to young people on April 29, 2008, during Teach Children to Save Day, which was started by the American Bankers Association Education Foundation in April of 1997 and has helped more than 45,000 bankers teach savings skills to nearly 2,300,000 young people;

Whereas staff from America's credit unions will make presentations to young people at local schools on financial topics such as student loans, balancing a checkbook, and auto loans during National Credit Union Youth Week, which will be held April 20–26, 2008;

Whereas Members of the United States House of Representatives established the Financial and Economic Literacy Caucus

(FELC) in February 2005 to (1) provide a forum for interested Members of Congress to review, discuss and recommend financial and economic literacy policies, legislation, and programs, (2) collaborate with the private sector, and nonprofit and community-based organizations, and (3) organize and promote financial literacy legislation, seminars, and events, such as ''Financial Literacy Month'' in April, 2008, and the annual ''Financial Literacy Day'' fair on April 28, 2008; and

Whereas the National Council on Economic Education, its State Councils and Centers for Economic Education, the Jump$tart Coalition for Personal Financial Literacy, its State affiliates, and its partner organizations, and JA Worldwide have designated April as Financial Literacy Month to educate the public about the need for increased financial literacy for youth and adults in the United States: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals and ideals of Financial Literacy Month, including raising public awareness about financial education;

(2) recognizes the importance of managing personal finances, increasing personal savings and reducing indebtedness in the United States; and

(3) requests that the President issue a proclamation calling on the Federal Government, States, localities, schools, nonprofit organizations, businesses, other entities, and the people of the United States to observe the month with appropriate programs and activities with the goal of increasing financial literacy rates for individuals of all ages and walks of life.

The SPEAKER pro tempore, Mr. BLUMENAUER, recognized Mr. HINOJOSA and Mrs. BIGGERT, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. BLUMENAUER, announced that two-thirds of the Members present had voted in the affirmative.

Mr. HINOJOSA demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. BLUMENAUER, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶49.16 FINANCIAL CONSUMER HOTLINE

Mrs. MALONEY of New York, moved to suspend the rules and pass the bill (H.R. 4332) to amend the Federal Financial Institutions Examination Council Act to require the Council to establish a single telephone number that consumers with complaints or inquiries could call and be routed to the appropriate Federal banking agency or State bank supervisor, and for other purposes.

The SPEAKER pro tempore, Mr. BLUMENAUER, recognized Mrs. MALONEY of New York, and Mrs. BIGGERT, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. BLUMENAUER, announced that two-thirds of the Members present had voted in the affirmative.

Mrs. MALONEY of New York, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. BLUMENAUER, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶49.17 NATIONAL WATERMELON MONTH

Mr. KUCINICH moved to suspend the rules and agree to the following resolution (H. Res. 578); as amended:

Whereas watermelon production constitutes an important sector of the agricultural industry of the United States;

Whereas, according to the January 2006 statistics compiled by the National Agricultural Statistics Service of the United States Department of Agriculture, the United States produces 4,200,000,000 pounds of watermelon annually;

Whereas watermelon is grown in 49 States, is purchased and consumed in all 50 States, and is exported to Canada;

Whereas evidence indicates that eating 2.5 to 5 cups of fruits and vegetables daily as part of a healthy diet will improve health and protect against diseases such as cancer, high blood pressure, stroke, and heart disease;

Whereas proper diet and nutrition are important factors in preventing diseases such as childhood obesity and diabetes;

Whereas watermelon has no fat or cholesterol and is an excellent source of the vitamins A, B6, and C, fiber, and potassium, which are vital to good health and disease prevention;

Whereas watermelon is also an excellent source of lycopene;

Whereas lycopene, an antioxidant found only in a few red plant foods, has been shown to reduce the risk of certain cancers;

Whereas watermelon is a heart-healthy food that has qualified for the heart-check mark from the American Heart Association;

Whereas watermelon has been a nutritious summer favorite from generation to generation;

Whereas it is important to educate citizens of the United States regarding the health benefits of watermelon and other fruits and vegetables; and

Whereas July would be an appropriate month to establish as National Watermelon Month: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that there should be established a National Watermelon Month to recognize the health benefits of watermelon and the importance of watermelon to the agriculture industry of the United States.

The SPEAKER pro tempore, Mr. BLUMENAUER, recognized Mr. KUCINICH and Ms. FOXX, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. BLUMENAUER, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

¶49.18 NATIONAL FUNERAL DIRECTOR AND MORTICIAN RECOGNITION DAY

Mr. KUCINICH moved to suspend the rules and agree to the following resolution (H. Res. 892); as amended:

Whereas the death of a family member, friend, or loved one is a devastating emotional event;

Whereas the memorialization and celebration of the decedent's life is the fabric of today's funeral service;

Whereas the family of the decedent has traditionally looked to funeral directors and morticians for consolation, strength, and guidance in the planning and implementation of a funeral ceremony; and

Whereas March 11, 2008, would be an appropriate day to designate as ''National Funeral Director and Mortician Recognition Day'' to pay tribute to these funeral directors and morticians who, day in and day out, assist our Nation's families in their times of sadness and grief and help families mourn a death and celebrate a life: Now, therefore, be it

Resolved, That the House of Representatives supports the designation of a ''National Funeral Director and Mortician Recognition Day''.

The SPEAKER pro tempore, Mr. BLUMENAUER, recognized Mr. KUCINICH and Ms. FOXX, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. BLUMENAUER, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

By unanimous consent, the title was amended so as to read: ''A resolution expressing support for designation of a 'National Funeral Director and Mortician Recognition Day'.''.

A motion to reconsider the votes whereby the rules were suspended and said resolution, as amended, was agreed to and the title was amended was, by unanimous consent, laid on the table.

¶49.19 PUBLIC SERVICE RECOGNITION WEEK

Mr. KUCINICH moved to suspend the rules and agree to the following resolution (H. Res. 1073):

Whereas Public Service Recognition Week provides an opportunity to recognize and promote the important contributions of public servants and honor the diverse men and women who meet the needs of the Nation through work at all levels of government;

Whereas millions of individuals work in government service in every city, county, and State across America and in hundreds of cities abroad;

Whereas public service is a noble calling involving a variety of challenging and rewarding professions;

Whereas Federal, State, and local governments are responsive, innovative, and effective because of the outstanding work of public servants;

Whereas the United States of America is a great and prosperous Nation, and public service employees contribute significantly to that greatness and prosperity;

Whereas the Nation benefits daily from the knowledge and skills of these highly trained individuals;

Whereas public servants—

(1) defend our freedom and advance United States interests around the world;

(2) provide vital strategic support functions to our military and serve in the National Guard and Reserves;

(3) fight crime and fires;

(4) ensure equal access to secure, efficient, and affordable mail service;

(5) deliver Social Security and Medicare benefits;

(6) fight disease and promote better health;

(7) protect the environment and the Nation's parks;

(8) enforce laws guaranteeing equal employment opportunity and healthy working conditions;

(9) defend and secure critical infrastructure;

(10) help the Nation recover from natural disasters and terrorist attacks;

(11) teach and work in our schools and libraries;

(12) develop new technologies and explore the earth, moon, and space to help improve our understanding of how our world changes;

(13) improve and secure our transportation systems;

(14) promote economic growth; and

(15) assist active duty service members and veterans;

Whereas members of the uniformed services and civilian employees at all levels of government make significant contributions to the general welfare of the United States, and are on the front lines in the fight against terrorism and in maintaining homeland security;

Whereas public servants work in a professional manner to build relationships with other countries and cultures in order to better represent America's interests and promote American ideals;

Whereas public servants alert Congress and the public to government waste, fraud, abuse, and dangers to public health;

Whereas the men and women serving in the Armed Forces of the United States, as well as those skilled trade and craft Federal employees who provide support to their efforts, are committed to doing their jobs regardless of the circumstances, and contribute greatly to the security of the Nation and the world;

Whereas public servants have bravely fought in armed conflict in defense of this Nation and its ideals and deserve the care and benefits they have earned through their honorable service;

Whereas government workers have much to offer, as demonstrated by their expertise and innovative ideas, and serve as examples by passing on institutional knowledge to train the next generation of public servants;

Whereas May 5 through 11, 2008, has been designated Public Service Recognition Week to honor America's Federal, State, and local government employees; and

Whereas Public Service Recognition Week is celebrating its 24th anniversary through job fairs, student activities, and agency exhibits: Now, therefore, be it

Resolved, That the House of Representatives—

(1) commends public servants for their outstanding contributions to this great Nation during Public Service Recognition Week and throughout the year;

(2) salutes government employees for their unyielding dedication and spirit for public service;

(3) honors those government employees who have given their lives in service to their country;

(4) calls upon a new generation to consider a career in public service as an honorable profession; and

(5) encourages efforts to promote public service careers at all levels of government.

The SPEAKER pro tempore, Mr. BLUMENAUER, recognized Mr. KUCINICH and Ms. FOXX, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. BLUMENAUER, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶49.20 NATIONAL LETTER CARRIER APPRECIATION DAY

Mr. KUCINICH moved to suspend the rules and agree to the following resolution (H. Res. 49):

Whereas the commercial activity and economic vitality of the Nation is significantly enhanced by the timely and efficient service of letter carriers of the United States Postal Service;

Whereas letter carriers of the United States Postal Service provide mail delivery service to over 144,000,000 households across the Nation;

Whereas letter carriers of the United States Postal Service deliver more than 43 tons of mail per year, averaging approximately 2,300 letters, cards, magazines, and circulars per carrier a day;

Whereas letter carriers of the United States Postal Service delivered approximately 212,000,000,000 pieces of mail in 2005;

Whereas letter carriers of the United States Postal Service handle over 44 percent of the world's mail volume, more than any other national postal service; and

Whereas the United States Postal Service employs over 705,000 career letter carriers and 98,000 noncareer employees, making it the 3rd largest employer in the Nation; Now, therefore be it

Resolved, That the House of Representatives supports the goals and ideals of a National Letter Carriers Appreciation Day to recognize the unique contributions made by letter carriers of the United States Postal Service to the well-being and prosperity of the Nation.

The SPEAKER pro tempore, Mr. BLUMENAUER, recognized Mr. KUCINICH and Ms. FOXX, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. BLUMENAUER, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶49.21 CORPORAL BRADLEY T. ARMS BUILDING

Mr. KUCINICH moved to suspend the rules and pass the bill (H.R. 5631) to designate the facility of the United States Postal Service located at 1155 Seminole Trail in Charlottesville, Virginia, as the ''Corporal Bradley T. Arms Post Office Building''.

The SPEAKER pro tempore, Mr. BLUMENAUER, recognized Mr. KUCINICH and Ms. FOXX, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. BLUMENAUER, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶49.22 REQUEST FOR RETURN OF HOUSE BILL WITH AMENDMENT OF THE SENATE

The SPEAKER pro tempore, Mr. BLUMENAUER, laid before the House a privileged message from the Senate, which was read as follows:

In the Senate of the United States, April 28, 2008.

Ordered, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (H.R. 493) entitled ''An Act to prohibit discrimination on the basis of genetic information with respect to health insurance and employment.'', and that upon the compliance of the request, the Secretary of the Senate be authorized to make corrections in the engrossment of the aforesaid bill.

The SPEAKER pro tempore, Mr. BLUMENAUER, by unanimous consent,

Ordered, That the Clerk return said bill to the Senate.

¶49.23 RECESS— 4:18 P.M.

The SPEAKER pro tempore, Mr. BLUMENAUER, pursuant to clause 12(a) of rule I, declared the House in recess at 4 o'clock and 18 minutes p.m., until approximately 6:30 p.m.

¶49.24 AFTER RECESS— 6:30 P.M.

The SPEAKER pro tempore, Ms. MCCOLLUM of Minnesota, called the House to order.

¶49.25 COMMUNICATION FROM THE CLERK—MESSAGE FROM THE SENATE

The SPEAKER pro tempore, Ms. MCCOLLUM of Minnesota, laid before

the House a communication, which was read as follows:

APRIL 29, 2008.

Hon. NANCY PELOSI
The Speaker, H–232 The Capitol, U.S. House of Representatives, Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on April 29, 2008, at 5:51 p.m.:

That the Senate passed with an amendment H.R. 493.

With best wishes, I am

Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

¶49.26 PROVIDING FOR CONSIDERATION OF THE AMENDMENT OF THE SENATE TO H.R. 493

Ms. SLAUGHTER, by direction of the Committee on Rules, reported (Rept. No. 110–612) the resolution (H. Res. 1156) providing for consideration of the amendment of the Senate to the bill (H.R. 493) to prohibit discrimination on the basis of genetic information with respect to health insurance and employment.

When said resolution and report were referred to the House Calendar and ordered printed.

¶49.27 PROVIDING FOR CONSIDERATION OF H.R. 5522

Ms. SLAUGHTER, by direction of the Committee on Rules, reported (Rept. No. 110–613) the resolution (H. Res. 1157) providing for consideration of the bill (H.R. 5522) to require the Secretary of Labor to issue interim and final occupational safety and health standards regarding worker exposure to combustible dust, and for other purposes.

When said resolution and report were referred to the House Calendar and ordered printed.

¶49.28 NOTICE REQUIREMENT—CONSIDERATION OF MOTION TO INSTRUCT CONFEREES—H.R. 2419

Mr. FLAKE, pursuant to clause 7(c) of rule XXII, announced his intention to submit a motion to instruct the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2419) to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; to agree to the provisions contained in section 1703(b)(2) of the Senate amendment (relating to a $40,000 limitation on direct payments).

¶49.29 H. RES. 1079—UNFINISHED BUSINESS

The SPEAKER pro tempore, Ms. MCCOLLUM of Minnesota, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 1079) supporting the goals and ideals of Financial Literacy Month 2008, and for other purposes.

The question being put,

Will the House suspend the rules and agree to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 402 / Nays 2

¶49.30 [Roll No. 224]

YEAS—402

Abercrombie	Davis (KY)	Jones (NC)
Ackerman	Davis, David	Jones (OH)
Aderholt	Davis, Lincoln	Jordan
Akin	Davis, Tom	Kagen
Alexander	Deal (GA)	Kanjorski
Allen	DeFazio	Keller
Altmire	Delahunt	Kennedy
Arcuri	DeLauro	Kildee
Baca	Dent	Kilpatrick
Bachmann	Diaz-Balart, L.	Kind
Bachus	Diaz-Balart, M.	King (IA)
Baird	Dicks	King (NY)
Baldwin	Dingell	Kingston
Barrett (SC)	Donnelly	Kirk
Barrow	Doolittle	Klein (FL)
Bartlett (MD)	Doyle	Kline (MN)
Barton (TX)	Dreier	Knollenberg
Bean	Duncan	Kucinich
Berkley	Edwards	Kuhl (NY)
Berman	Ehlers	LaHood
Berry	Ellison	Lamborn
Biggert	Ellsworth	Lampson
Bilbray	Emanuel	Langevin
Bilirakis	Emerson	Larsen (WA)
Bishop (GA)	English (PA)	Larson (CT)
Bishop (NY)	Eshoo	Latham
Bishop (UT)	Etheridge	LaTourette
Blackburn	Everett	Latta
Blumenauer	Farr	Lee
Boehner	Fattah	Levin
Bonner	Ferguson	Lewis (CA)
Bono Mack	Filner	Lewis (GA)
Boozman	Fortenberry	Lewis (KY)
Boren	Fossella	Linder
Boswell	Foster	Lipinski
Boucher	Foxx	LoBiondo
Boustany	Frank (MA)	Loebsack
Boyd (FL)	Franks (AZ)	Lofgren, Zoe
Boyda (KS)	Frelinghuysen	Lowey
Brady (PA)	Gallegly	Lucas
Brady (TX)	Garrett (NJ)	Lungren, Daniel E.
Broun (GA)	Gerlach	
Brown (SC)	Giffords	Lynch
Brown, Corrine	Gilchrest	Mack
Brown-Waite, Ginny	Gillibrand	Mahoney (FL)
	Gingrey	Maloney (NY)
Buchanan	Gohmert	Manzullo
Burgess	Gonzalez	Marchant
Burton (IN)	Goode	Markey
Butterfield	Goodlatte	Marshall
Buyer	Gordon	Matheson
Calvert	Graves	Matsui
Camp (MI)	Green, Al	McCarthy (CA)
Campbell (CA)	Green, Gene	McCarthy (NY)
Cannon	Grijalva	McCaul (TX)
Cantor	Hall (NY)	McCollum (MN)
Capito	Hall (TX)	McCotter
Capps	Hare	McDermott
Capuano	Harman	McGovern
Cardoza	Hastings (FL)	McHenry
Carnahan	Hastings (WA)	McHugh
Carney	Hayes	McIntyre
Carson	Heller	McKeon
Carter	Hensarling	McMorris Rodgers
Castle	Herger	
Castor	Herseth Sandlin	McNerney
Chabot	Hill	McNulty
Chandler	Hinchey	Meek (FL)
Clarke	Hinojosa	Meeks (NY)
Clay	Hirono	Melancon
Cleaver	Hobson	Mica
Clyburn	Hodes	Michaud
Coble	Hoekstra	Miller (FL)
Cohen	Holden	Miller (MI)
Cole (OK)	Holt	Miller (NC)
Conaway	Honda	Miller, Gary
Conyers	Hooley	Miller, George
Cooper	Hoyer	Mitchell
Costa	Hunter	Mollohan
Costello	Inglis (SC)	Moore (KS)
Courtney	Inslee	Moore (WI)
Cramer	Israel	Moran (KS)
Crenshaw	Issa	Moran (VA)
Crowley	Jackson (IL)	Murphy (CT)
Cubin	Jackson-Lee (TX)	Murphy, Patrick
Cuellar		Murphy, Tim
Culberson	Jefferson	Murtha
Cummings	Johnson (GA)	Musgrave
Davis (AL)	Johnson (IL)	Myrick
Davis (CA)	Johnson, E. B.	Nadler
Davis (IL)	Johnson, Sam	Napolitano
Neugebauer	Royce	Tancredo
Nunes	Ruppersberger	Tanner
Oberstar	Ryan (OH)	Tauscher
Obey	Ryan (WI)	Terry
Olver	Salazar	Thompson (CA)
Ortiz	Sali	Thompson (MS)
Pallone	Sánchez, Linda T.	Thornberry
Pastor		Tiahrt
Payne	Sanchez, Loretta	Tiberi
Pearce	Sarbanes	Tierney
Pence	Saxton	Towns
Perlmutter	Schakowsky	Tsongas
Peterson (MN)	Schiff	Turner
Peterson (PA)	Schmidt	Udall (CO)
Petri	Schwartz	Udall (NM)
Pickering	Scott (GA)	Upton
Pitts	Scott (VA)	Van Hollen
Platts	Sensenbrenner	Velázquez
Poe	Serrano	Visclosky
Pomeroy	Sessions	Walberg
Porter	Sestak	Walden (OR)
Price (GA)	Shadegg	Walsh (NY)
Price (NC)	Shays	Walz (MN)
Pryce (OH)	Shea-Porter	Wamp
Putnam	Sherman	Wasserman Schultz
Radanovich	Shimkus	
Rahall	Shuster	Waters
Ramstad	Simpson	Watson
Rangel	Sires	Watt
Regula	Skelton	Welch (VT)
Rehberg	Slaughter	Weller
Reichert	Smith (NE)	Westmoreland
Renzi	Smith (NJ)	Wexler
Reyes	Smith (TX)	Whitfield (KY)
Reynolds	Smith (WA)	Wilson (NM)
Richardson	Snyder	Wilson (OH)
Rodriguez	Souder	Wilson (SC)
Rogers (AL)	Space	Wittman (VA)
Rogers (KY)	Speier	Wolf
Rogers (MI)	Spratt	Woolsey
Ros-Lehtinen	Stark	Wu
Roskam	Stearns	Wynn
Ross	Stupak	Yarmuth
Rothman	Sullivan	Young (AK)
Roybal-Allard	Sutton	Young (FL)

NAYS—2

Flake	Paul

NOT VOTING—27

Andrews	Feeney	Pascrell
Becerra	Forbes	Rohrabacher
Blunt	Granger	Rush
Braley (IA)	Gutierrez	Shuler
DeGette	Higgins	Solis
Doggett	Hulshof	Taylor
Drake	Kaptur	Waxman
Engel	McCrery	Weiner
Fallin	Neal (MA)	Weldon (FL)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶49.31 H.R. 4332—UNFINISHED BUSINESS

The SPEAKER pro tempore, Ms. MCCOLLUM of Minnesota, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 4332) to amend the Federal Financial Institutions Examination Council Act to require the Council to establish a single telephone number that consumers with complaints or inquiries could call and be routed to the appropriate Federal banking agency or State bank supervisor, and for other purposes.

The question being put,

Will the House suspend the rules and pass said bill?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 408 Nays 1

¶49.32 [Roll No. 225]

YEAS—408

Abercrombie	Aderholt	Alexander
Ackerman	Akin	Allen

YEAS—408

Abercrombie	Davis (AL)	Jackson (IL)
Ackerman	Davis (CA)	Jackson-Lee (TX)
Aderholt	Davis (IL)	Jefferson
Akin	Davis (KY)	Johnson (GA)
Alexander	Davis, David	Johnson (IL)
Allen	Davis, Lincoln	Johnson, E. B.
Altmire	Deal (GA)	Johnson, Sam
Arcuri	DeFazio	Jones (NC)
Baca	Delahunt	Jones (OH)
Bachmann	DeLauro	Jordan
Bachus	Dent	Kagen
Baird	Diaz-Balart, L.	Kanjorski
Baldwin	Diaz-Balart, M.	Kaptur
Barrett (SC)	Dicks	Keller
Barrow	Dingell	Kennedy
Bartlett (MD)	Donnelly	Kildee
Barton (TX)	Doolittle	Kilpatrick
Bean	Doyle	Kind
Becerra	Dreier	King (IA)
Berkley	Duncan	King (NY)
Berman	Edwards	Kingston
Berry	Ehlers	Kirk
Biggert	Ellison	Klein (FL)
Bilbray	Ellsworth	Kline (MN)
Bishop (GA)	Emanuel	Knollenberg
Bishop (NY)	Emerson	Kucinich
Bishop (UT)	Engel	Kuhl (NY)
Blackburn	English (PA)	LaHood
Blumenauer	Eshoo	Lamborn
Boehner	Etheridge	Lampson
Bonner	Everett	Langevin
Bono Mack	Fallin	Larsen (WA)
Boozman	Farr	Larson (CT)
Boren	Fattah	Latham
Boswell	Feeney	LaTourette
Boucher	Ferguson	Latta
Boustany	Filner	Lee
Boyd (FL)	Flake	Levin
Boyda (KS)	Fortenberry	Lewis (CA)
Brady (PA)	Fossella	Lewis (GA)
Brady (TX)	Foster	Lewis (KY)
Braley (IA)	Foxx	Linder
Broun (GA)	Frank (MA)	Lipinski
Brown (SC)	Franks (AZ)	LoBiondo
Brown, Corrine	Frelinghuysen	Loebsack
Brown-Waite, Ginny	Gallegly	Lofgren, Zoe
Buchanan	Garrett (NJ)	Lowey
Burgess	Gerlach	Lucas
Burton (IN)	Giffords	Lungren, Daniel E.
Butterfield	Gilchrest	Lynch
Buyer	Gillibrand	Mack
Calvert	Gingrey	Mahoney (FL)
Camp (MI)	Gohmert	Maloney (NY)
Campbell (CA)	Gonzalez	Manzullo
Cannon	Goode	Marchant
Cantor	Goodlatte	Markey
Capito	Gordon	Marshall
Capps	Graves	Matheson
Capuano	Green, Al	Matsui
Cardoza	Green, Gene	McCarthy (CA)
Carnahan	Grijalva	McCarthy (NY)
Carney	Hall (NY)	McCaul (TX)
Carson	Hall (TX)	McCollum (MN)
Carter	Hare	McCotter
Castle	Harman	McDermott
Castor	Hastings (FL)	McGovern
Chabot	Hastings (WA)	McHenry
Chandler	Hayes	McHugh
Clarke	Heller	McIntyre
Clay	Hensarling	McKeon
Cleaver	Herger	McMorris Rodgers
Clyburn	Herseth Sandlin	McNerney
Coble	Hill	McNulty
Cohen	Hinchey	Meek (FL)
Cole (OK)	Hinojosa	Meeks (NY)
Conaway	Hirono	Melancon
Conyers	Hobson	Mica
Cooper	Hodes	Michaud
Costa	Hoekstra	Miller (FL)
Costello	Holden	Miller (MI)
Courtney	Holt	Miller (NC)
Cramer	Honda	Miller, Gary
Crenshaw	Hooley	Miller, George
Crowley	Hoyer	Mitchell
Cubin	Hunter	Mollohan
Cuellar	Inglis (SC)	Moore (KS)
Culberson	Inslee	Moore (WI)
Cummings	Israel	Moran (KS)
Davis (AL)	Issa	Moran (VA)
Davis (CA)	Jackson (IL)	Murphy (CT)
Davis (IL)	Jackson-Lee (TX)	Murphy, Patrick
Davis (KY)	Jefferson	Murphy, Tim
Davis, David	Johnson (GA)	Murtha
Davis, Lincoln	Johnson (IL)	Musgrave
Deal (GA)	Johnson, E. B.	Myrick
DeFazio	Johnson, Sam	Nadler
Delahunt	Jones (NC)	Napolitano
DeLauro	Jones (OH)	Neugebauer
Dent	Jordan	Nunes
Diaz-Balart, L.	Kagen	Oberstar
Diaz-Balart, M.	Kanjorski	Obey
Dicks	Kaptur	Olver
Dingell	Keller	Ortiz
Donnelly	Kennedy	Pallone
Doolittle	Kildee	Pastor
Doyle	Kilpatrick	Payne
Dreier	Kind	Pearce
Duncan	King (IA)	Pence
Edwards	King (NY)	Perlmutter
Ehlers	Kingston	Peterson (MN)
Ellison	Kirk	Peterson (PA)
Ellsworth	Klein (FL)	Petri
Emanuel	Kline (MN)	Pickering
Emerson	Knollenberg	Pitts
Engel	Kucinich	Platts
English (PA)	Kuhl (NY)	Poe
Eshoo	LaHood	Pomeroy
Etheridge	Lamborn	Porter
Farr	Lampson	Price (GA)
Fattah	Langevin	Price (NC)
Ferguson	Larsen (WA)	Pryce (OH)
Filner	Larson (CT)	Putnam
Fortenberry	Latham	Radanovich
Foster	LaTourette	Rahall
Frank (MA)	Latta	Ramstad
Frelinghuysen	Lee	Rangel
Gallegly	Levin	Regula
Garrett (NJ)	Lewis (CA)	Rehberg
Gerlach	Lewis (GA)	Reichert
Giffords	Lewis (KY)	Renzi
Gilchrest	Linder	Reyes
Gillibrand	Lipinski	Reynolds
Gingrey	LoBiondo	Richardson
Gohmert	Loebsack	Rodriguez
Gonzalez	Lofgren, Zoe	Rogers (AL)
Goode	Lowey	Rogers (KY)
Goodlatte	Lucas	Rogers (MI)
Gordon	Lungren, Daniel E.	Ros-Lehtinen
Graves	Lynch	Roskam
Green, Al	Mack	Ross
Green, Gene	Mahoney (FL)	Rothman
Grijalva	Maloney (NY)	Roybal-Allard
Hall (NY)	Manzullo	Royce
Hall (TX)	Marchant	Ruppersberger
Hare	Markey	Ryan (OH)
Harman	Marshall	Ryan (WI)
Hastings (FL)	Matheson	Salazar
Hastings (WA)	Matsui	Sali
Hayes	McCarthy (CA)	Sánchez, Linda T.
Heller	McCarthy (NY)	Sanchez, Loretta
Hensarling	McCaul (TX)	Sarbanes
Herger	McCollum (MN)	Saxton
Herseth Sandlin	McCotter	Schakowsky
Hill	McDermott	Schiff
Hinchey	McGovern	Schmidt
Hinojosa	McHenry	Schwartz
Hirono	McHugh	Scott (GA)
Hobson	McIntyre	Scott (VA)
Hodes	McKeon	Sensenbrenner
Hoekstra	McMorris Rodgers	Serrano
Holden	McNerney	Sessions
Holt	McNulty	Sestak
Honda	Meek (FL)	Shadegg
Hooley	Meeks (NY)	Shays
Hoyer	Melancon	Shea-Porter
Hunter	Mica	Sherman
Inglis (SC)	Michaud	Shimkus
Inslee	Miller (FL)	Shuster
Israel	Miller (MI)	Simpson
Issa	Miller (NC)	Sires
Jackson (IL)	Miller, Gary	Skelton
Jackson-Lee (TX)	Miller, George	Slaughter
Jefferson	Mitchell	Smith (NE)
Johnson (GA)	Mollohan	Smith (NJ)
Johnson (IL)	Moore (KS)	Smith (TX)
Johnson, E. B.	Moore (WI)	Smith (WA)
Johnson, Sam	Moran (KS)	Snyder
Jones (NC)	Moran (VA)	Souder
Jones (OH)	Murphy (CT)	Space
Jordan	Murphy, Patrick	Speier
Kagen	Murphy, Tim	Spratt
Kanjorski	Murtha	Stark
Kaptur	Musgrave	Stearns
Keller	Myrick	Stupak
Kennedy	Nadler	Sullivan
Kildee	Napolitano	Sutton
Kilpatrick	Neugebauer	Tancredo
Kind	Nunes	Tanner
King (IA)	Oberstar	Tauscher
King (NY)	Obey	Terry
Kingston	Olver	Thompson (CA)
Kirk	Ortiz	Thompson (MS)
Klein (FL)	Pallone	Thornberry
Kline (MN)	Pastor	Tiahrt
Knollenberg	Payne	Tiberi
Kucinich	Pearce	Tierney
Kuhl (NY)	Pence	Towns
LaHood	Perlmutter	Tsongas
Lamborn	Peterson (MN)	Turner
Lampson	Peterson (PA)	Udall (CO)
Langevin	Petri	Udall (NM)
Larsen (WA)	Pickering	Upton
Larson (CT)	Pitts	Van Hollen
Latham	Platts	Velázquez
LaTourette	Poe	Visclosky
Latta	Pomeroy	Walberg
Lee	Porter	Walden (OR)
Levin	Price (GA)	Walsh (NY)
Lewis (CA)	Price (NC)	Walz (MN)
Lewis (GA)	Pryce (OH)	Wamp
Lewis (KY)	Putnam	Wasserman Schultz
Linder	Radanovich	Waters
Lipinski	Rahall	Watson
LoBiondo	Ramstad	Watt
Loebsack	Rangel	Waxman
Lofgren, Zoe	Regula	Weiner
Lowey	Rehberg	Welch (VT)
Lucas	Reichert	Weller
Lungren, Daniel E.	Renzi	Westmoreland
Lynch	Reyes	Wexler
Mack	Reynolds	Whitfield (KY)
Mahoney (FL)	Richardson	Wilson (NM)
Maloney (NY)	Rodriguez	Wilson (OH)
Manzullo	Rogers (AL)	Wilson (SC)
Marchant	Rogers (KY)	Wittman (VA)
Markey	Rogers (MI)	Wolf
Marshall	Ros-Lehtinen	Woolsey
Matheson	Roskam	Wu
Matsui	Ross	Wynn
McCarthy (CA)	Rothman	Yarmuth
McCarthy (NY)	Roybal-Allard	Young (AK)
McCaul (TX)	Royce	Young (FL)
McCollum (MN)	Ruppersberger	
McCotter	Ryan (OH)	
McDermott	Ryan (WI)	
McGovern	Salazar	
McHenry	Sali	
McHugh	Sánchez, Linda T.	
McIntyre	Sanchez, Loretta	
McKeon	Sarbanes	
McMorris Rodgers	Saxton	
McNerney	Schakowsky	
McNulty	Schiff	
Meek (FL)	Schmidt	
Meeks (NY)	Schwartz	
Melancon	Scott (GA)	
Mica	Scott (VA)	
Michaud	Sensenbrenner	
Miller (FL)	Serrano	
Miller (MI)	Sessions	
Miller (NC)	Sestak	
Miller, Gary	Shadegg	
Miller, George	Shays	
Mitchell	Shea-Porter	
Mollohan	Sherman	
Moore (KS)	Shimkus	
Moore (WI)	Shuster	
Moran (KS)	Simpson	
Moran (VA)	Sires	
Murphy (CT)	Skelton	
Murphy, Patrick	Slaughter	
Murphy, Tim	Smith (NE)	
Murtha	Smith (NJ)	
Musgrave	Smith (TX)	
Myrick	Smith (WA)	
Nadler	Snyder	
Napolitano	Souder	
Neugebauer	Space	
Nunes	Speier	
Oberstar	Spratt	
Obey	Stark	
Olver	Stearns	
Ortiz	Stupak	
Pallone	Sullivan	
Pastor	Sutton	
Payne	Tancredo	
Pearce	Tanner	
Pence	Tauscher	
Perlmutter	Terry	
Peterson (MN)	Thompson (CA)	
Peterson (PA)	Thompson (MS)	
Petri	Thornberry	
Pickering	Tiahrt	
Pitts	Tiberi	
Platts	Tierney	
Poe	Towns	
Pomeroy	Tsongas	
Porter	Turner	
Price (GA)	Udall (CO)	
Price (NC)	Udall (NM)	
Pryce (OH)	Upton	
Putnam	Van Hollen	
Radanovich	Velázquez	
Rahall	Visclosky	
Ramstad	Walberg	
Rangel	Walden (OR)	
Regula	Walsh (NY)	
Rehberg	Walz (MN)	
Reichert	Wamp	
Renzi	Wasserman Schultz	
Reyes	Waters	
Reynolds	Watson	
Richardson	Watt	
Rodriguez	Waxman	
Rogers (AL)	Weiner	
Rogers (KY)	Welch (VT)	
Rogers (MI)	Weller	
Ros-Lehtinen	Westmoreland	
Roskam	Wexler	
Ross	Whitfield (KY)	
Rothman	Wilson (NM)	
Roybal-Allard	Wilson (OH)	
Royce	Wilson (SC)	
Ruppersberger	Wittman (VA)	
Ryan (OH)	Wolf	
Ryan (WI)	Woolsey	
Salazar	Wu	
Sali	Wynn	
Sánchez, Linda T.	Yarmuth	
Sanchez, Loretta	Young (AK)	
Sarbanes	Young (FL)	
Saxton		
Schakowsky		
Schiff		
Schmidt		
Schwartz		
Scott (GA)		
Scott (VA)		
Sensenbrenner		
Serrano		
Sessions		
Sestak		
Shadegg		
Shays		
Shea-Porter		
Sherman		
Shimkus		
Shuster		
Simpson		
Sires		
Skelton		
Slaughter		
Smith (NE)		
Smith (NJ)		
Smith (TX)		
Smith (WA)		
Snyder		
Souder		
Space		
Speier		
Spratt		
Stark		
Stearns		
Stupak		
Sullivan		
Sutton		
Tancredo		
Tanner		
Tauscher		
Terry		
Thompson (CA)		
Thompson (MS)		
Thornberry		
Tiahrt		
Tiberi		
Tierney		
Towns		
Tsongas		
Turner		
Udall (CO)		
Udall (NM)		
Upton		
Van Hollen		
Velázquez		
Visclosky		
Walberg		
Walden (OR)		
Walsh (NY)		
Walz (MN)		
Wamp		
Wasserman Schultz		
Waters		
Watson		
Watt		
Waxman		
Weiner		
Welch (VT)		
Weller		
Westmoreland		
Wexler		
Whitfield (KY)		
Wilson (NM)		
Wilson (OH)		
Wilson (SC)		
Wittman (VA)		
Wolf		
Woolsey		
Wu		
Wynn		
Yarmuth		
Young (AK)		
Young (FL)		

NAYS—1

Paul

NOT VOTING—22

Andrews	Granger	Rohrabacher
Bilirakis	Gutierrez	Rush
Blunt	Higgins	Shuler
Davis, Tom	Hulshof	Solis
DeGette	Linder	Taylor
Doggett	McCrery	Weldon (FL)
Drake	Neal (MA)	
Forbes	Pascrell	

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶49.33 S. 2739—UNFINISHED BUSINESS

The SPEAKER pro tempore, Ms. MCCOLLUM of Minnesota, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill of the Senate (S. 2739) to authorize certain programs and activities in the Department of the Interior, the Forest Service, and the Department of Energy, to implement further the Act approving the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America, to amend the Compact of Free Association Amendments Act of 2003, and for other purposes.

The question being put,

Will the House suspend the rules and pass said bill?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 291 Nays 117

¶49.34 [Roll No. 226]

YEAS—291

Abercrombie	Frank (MA)	Miller (NC)
Ackerman	Frelinghuysen	Miller, George
Allen	Gerlach	Mitchell
Altmire	Giffords	Mollohan
Arcuri	Gilchrest	Moore (WI)
Baca	Gillibrand	Moran (VA)
Baird	Gohmert	Murphy (CT)
Baldwin	Gonzalez	Murphy, Patrick
Barrett (SC)	Gordon	Murphy, Tim
Barrow	Green, Al	Murtha
Bean	Green, Gene	Musgrave
Becerra	Grijalva	Nadler
Berkley	Hall (NY)	Napolitano
Berman	Hare	Neal (MA)
Berry	Harman	Oberstar
Biggert	Hastings (FL)	Obey
Bilirakis	Heller	Olver
Bishop (GA)	Herseth Sandlin	Ortiz
Bishop (NY)	Hill	Pallone
Blumenauer	Hinchey	Pastor
Bono Mack	Hinojosa	Payne
Boren	Hirono	Perlmutter
Boswell	Hobson	Peterson (MN)
Boucher	Hodes	Platts
Boyd (FL)	Holden	Pomeroy
Boyda (KS)	Holt	Porter
Brady (PA)	Honda	Price (NC)
Braley (IA)	Hooley	Pryce (OH)
Brown, Corrine	Hoyer	Radanovich
Brown-Waite, Ginny	Inslee	Rahall
Buchanan	Israel	Ramstad
Butterfield	Jackson (IL)	Rangel
Calvert	Jackson-Lee (TX)	Regula
Capito	Jefferson	Rehberg
Capps	Johnson (GA)	Reichert
Capuano	Johnson (IL)	Renzi
Cardoza	Johnson, E. B.	Reyes
Carnahan	Jones (OH)	Richardson
Carney	Kagen	Rodriguez
Carson	Kanjorski	Ros-Lehtinen
Castle	Kaptur	Ross
Castor	Kennedy	Rothman
Chandler	Kildee	Roybal-Allard
Clarke	Kilpatrick	Ruppersberger
Clay	Kind	Ryan (OH)
Clyburn	King (NY)	Salazar
Cohen	Kirk	Sali
Conyers	Klein (FL)	Sánchez, Linda T.
Cooper	Knollenberg	Sanchez, Loretta
Costa	Kucinich	Sarbanes
Costello	Kuhl (NY)	Saxton
Courtney	LaHood	Schakowsky
Cramer	Lampson	Schiff
Crowley	Langevin	Schwartz
Cuellar	Larsen (WA)	Scott (GA)
Cummings	Larson (CT)	Scott (VA)
Davis (AL)	Latham	Serrano
Davis (CA)	LaTourette	Sestak
Davis (IL)	Lee	Shays
Davis, Lincoln	Levin	Shea-Porter
DeFazio	Lewis (CA)	Sherman
Delahunt	Lewis (GA)	Shuster
DeLauro	Lipinski	Simpson
Dent	LoBiondo	Sires
Diaz-Balart, L.	Loebsack	Skelton
Diaz-Balart, M.	Lofgren, Zoe	Slaughter
Dicks	Lowey	Smith (NE)
Dingell	Lynch	Smith (NJ)
Donnelly	Mahoney (FL)	Smith (WA)
Doolittle	Maloney (NY)	Snyder
Doyle	Manzullo	Space
Edwards	Markey	Speier
Ehlers	Marshall	Spratt
Ellison	Matheson	Stark
Ellsworth	Matsui	Stupak
Emanuel	McCarthy (NY)	Sullivan
Emerson	McCollum (MN)	Sutton
Engel	McDermott	Tanner
English (PA)	McGovern	Tauscher
Eshoo	McHugh	Terry
Etheridge	McIntyre	Thompson (CA)
Farr	McNerney	Thompson (MS)
Fattah	McNulty	Tiahrt
Ferguson	Meek (FL)	Tiberi
Filner	Meeks (NY)	Tierney
Fortenberry	Melancon	Towns
Foster	Michaud	Tsongas

Turner
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wittman (VA)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NAYS—117

Aderholt
Akin
Alexander
Bachmann
Bachus
Bartlett (MD)
Barton (TX)
Bilbray
Bishop (UT)
Boehner
Bonner
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Burgess
Burton (IN)
Buyer
Camp (MI)
Campbell (CA)
Cannon
Cantor
Carter
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Deal (GA)
Dreier
Duncan
Everett
Fallin
Feeney
Flake
Fossella
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gingrey
Goode
Goodlatte
Graves
Hall (TX)
Hastings (WA)
Hayes
Hensarling
Herger
Hoekstra
Hunter
Inglis (SC)
Issa
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
Kingston
Kline (MN)
Lamborn
Latta
Lewis (KY)
Lucas
Lungren, Daniel E.
Mack
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Poe
Price (GA)
Putnam
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Roskam
Royce
Ryan (WI)
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Smith (TX)
Souder
Stearns
Tancredo
Thornberry
Upton
Walberg
Westmoreland
Wilson (SC)

NOT VOTING—23

Andrews
Blackburn
Blunt
Cleaver
Davis, Tom
DeGette
Doggett
Drake
Forbes
Granger
Gutierrez
Higgins
Hulshof
Linder
McCrery
Moore (KS)
Pascrell
Rohrabacher
Rush
Shuler
Solis
Taylor
Weldon (FL)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶49.35 NOTICE REQUIREMENT—CONSIDERATION OF MOTION TO INSTRUCT CONFEREES—H.R. 2419

Mr. RYAN of Wisconsin, pursuant to clause 7(c) of rule XXII, announced his intention to submit a motion to instruct the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2419) to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; within the scope of the conference, to use the most recent baseline estimates supplied by the Congressional Budget Office when evaluating the costs of the provisions of the report.

¶49.36 SENATE BILL AND CONCURRENT RESOLUTION REFERRED

A bill and a concurrent resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 2829. An Act to make technical corrections to section 1244 of the National Defense Authorization Act for Fiscal Year 2008, which provides special immigrant status for certain Iraqis, and for other purposes; the Committee on the Judiciary.

S. Con. Res. 74. A concurrent resolution honoring the Prime Minister of Ireland, Bertie Ahern, for his service to the people of Ireland and to the world and welcoming the Prime Minister to the United States; the Committee on Foreign Affairs.

¶49.37 ENROLLED BILLS SIGNED

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

H.R. 3196. An Act to designate the facility of the United States Postal Service located at 20 Sussex Street in Port Jervis, New York, as the ''E. Arthur Gray Post Office Building''.

H.R. 3468. An Act to designate the facility of the United States Postal Service located at 1704 Weeksville Road in Elizabeth City, North Carolina, as the ''Dr. Clifford Bell Jones, Sr. Post Office''.

H.R. 3532. An Act to designate the facility of the United States Postal Service located at 5815 McLeod Street in Lula, Georgia, as the ''Private Johnathon Millican Lula Post Office''.

H.R. 3720. An Act to designate the facility of the United States Postal Service located at 424 Clay Avenue in Waco, Texas, as the ''Army PFC Juan Alonso Covarrubias Post Office Building''.

H.R. 3803. An Act to designate the facility of the United States Postal Service located at 3100 Cashwell Drive in Goldsboro, North Carolina, as the ''John Henry Wooten, Sr. Post Office Building''.

H.R. 3936. An Act to designate the facility of the United States Postal Service located at 116 Helen Highway in Cleveland, Georgia, as the '' Sgt. Jason Harkins Post Office Building''.

H.R. 3988. An Act to designate the facility of the United States Postal Service located at 3701 Altamesa Boulevard in Fort Worth, Texas, as the ''Master Sergeant Kenneth N. Mack Post Office Building''.

H.R. 4166. An Act to designate the facility of the United States Postal Service located at 701 East Copeland Drive in Lebanon, Missouri, as the ''Steve W. Allee Carrier Annex''.

H.R. 4203. An Act to designate the facility of the United States Postal Service located at 3035 Stone Mountain Street in Lithonia, Georgia, as the ''Specialist Jamaal RaShard Addison Post Office Building''.

H.R. 4211. An Act to designate the facility of the United States Postal Service located at 725 Roanoke Avenue in Roanoke Rapids, North Carolina, as the ''Judge Richard B. Allsbrook Post Office''.

H.R. 4240. An Act to designate the facility of the United States Postal Service located at 10799 West Alameda Avenue in Lakewood, Colorado, as the ''Felix Sparks Post Office Building''.

H.R. 4286. An Act to award a congressional gold medal to Daw Aung San Suu Kyi in recognition of her courageous and unwavering commitment to peace, nonviolence, human rights, and democracy in Burma.

H.R. 4454. An Act to designate the facility of the United States Postal Service located at 3050 Hunsinger Lane in Louisville, Kentucky, as the ''Iraq and Afghanistan Fallen Military Heroes of Louisville Memorial Post Office Building'', in honor of the servicemen and women from Louisville, Kentucky, who died in service during Operation Enduring Freedom and Operation Iraqi Freedom.

H.R. 5135. An Act to designate the facility of the United States Postal Service located at 201 West Greenway Street in Derby, Kansas, as the ''Sergeant Jamie O. Maugans Post Office Building''.

H.R. 5220. An Act to designate the facility of the United States Postal Service located at 3800 SW. 185th Avenue in Beaverton, Oregon, as the ''Major Arthur Chin Post Office Building''.

H.R. 5400. An Act to designate the facility of the United States Postal Service located at 160 East Washington Street in Chagrin Falls, Ohio, as the ''Sgt. Michael M. Kashkoush Post Office Building''.

H.R. 5472. An Act to designate the facility of the United States Postal Service located at 2650 Dr. Martin Luther King Jr. Street, Indianapolis, Indiana, as the ''Julia M. Carson Post Office Building''.

H.R. 5489. An Act to designate the facility of the United States Postal Service located at 6892 Main Street in Gloucester, Virginia, as the ''Congresswoman JoAnn S. Davis Post Office''.

¶49.38 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. DOGGETT, for today and balance of the week;

To Mrs. DRAKE, for today; and

To Mr. HIGGINS, for April 23 through May 1.

And then,

¶49.39 ADJOURNMENT

On motion of Mr. GILCHREST, at 10 o'clock and 24 minutes p.m., the House adjourned.

¶49.40 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

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

Mr. OBERSTAR: Committee on Transportation and Infrastructure. House Resolution 964. Resolution to promote the safe operation of 15-passenger vans; with amendments (Rept. 110–608). Referred to the House Calendar.

Mr. RAHALL: Committee on Natural Resources. H.R. 3490. A bill to transfer administrative jurisdiction of certain Federal lands from the Bureau of Land Management to the Bureau of Indian Affairs, to take such lands into trust for Tuolumne Band of Me-Wuk Indians of the Tuolumne Rancheria, and for other purposes; with an amendment (Rept. 110–609). Referred to the Committee of the Whole House on the state of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 3522. A bill to ratify a conveyance of a portion of the Jicarilla Apache Reservation to Rio Arriba County, State of New Mexico, pursuant to the settlement of litigation between the Jicarilla Apache Nation and Rio Arriba County, State of New Mexico, to authorize issuance of a patent for said lands, and to change the exterior boundary

of the Jicarilla Apache Reservation accordingly, and for other purposes (Rept. 110–610). Referred to the Committee of the Whole House on the state of the Union.

Mr. RAHALL: Committee on Natural Resources. S. 2457. An act to provide for extensions of leases of certain land by Mashantucket Pequot (Western) Tribe (Rept. 110–611). Referred to the Committee of the Whole House on the state of the Union.

Ms. SLAUGHTER: Committee on Rules. House Resolution 1156. Resolution providing for consideration of the Senate amendment to the bill (H.R. 493) to prohibit discrimination on the basis of genetic information with respect to health insurance and employment (Rept. 110–612). Referred to the House Calendar.

Mr. MCGOVERN: Committee on Rules. House Resolution 1157. Resolution providing for consideration of the bill (H.R. 5522) to require the Secretary of Labor to issue interim and final occupational safety and health standards regarding worker exposure to combustible dust, and for other purposes (Rept. 110–613). Referred to the House Calendar.

¶49.41 PUBLIC BILLS AND RESOLUTIONS

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

By Mr. FLAKE (for himself, Mr. DEAL of Georgia, Mr. ROHRABACHER, Mr. BROUN of Georgia, and Mr. STARK):

H.R. 5911. A bill to repeal certain incentives and subsidies for renewable fuels; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCHUGH (for himself, Mr. WAXMAN, Mr. DAVIS of Illinois, Mr. TOM DAVIS of Virginia, Mrs. CAPPS, and Mr. MORAN of Virginia):

H.R. 5912. A bill to amend title 39, United States Code, to make cigarettes and certain other tobacco products nonmailable, and for other purposes; to the Committee on Oversight and Government Reform.

By Ms. LINDA T. SÁNCHEZ of California (for herself, Mr. CONYERS, Ms. ZOE LOFGREN of California, Mr. COHEN, and Mr. GRIJALVA):

H.R. 5913. A bill to amend title 28, United States Code, to provide for service of process over foreign nationals in cases involving defective products causing injury in the United States, and for other purposes; to the Committee on the Judiciary.

By Mr. KANJORSKI:

H.R. 5914. A bill to clarify the authority of the Federal Financing Bank to purchase loans guaranteed under part B of title IV of the Higher Education Act of 1965, and for other purposes; to the Committee on Financial Services.

By Mr. DANIEL E. LUNGREN of California:

H.R. 5915. A bill to amend the Homeland Security Act of 2002 to require motor vehicle operators transporting security sensitive material in commerce to obtain a transportation security card from the Secretary of Homeland Security, and for other purposes; to the Committee on Homeland Security.

By Mr. BERMAN (for himself, Ms. ROS-LEHTINEN, Mr. SHERMAN, and Mr. MANZULLO):

H.R. 5916. A bill to reform the administration of the Arms Export Control Act, and for other purposes; to the Committee on Foreign Affairs.

By Mr. KNOLLENBERG (for himself, Mr. UPTON, Mr. ROGERS of Michigan, and Mr. MCCOTTER):

H.R. 5917. A bill to provide for the coordination of efforts in the development of viable efficient alternative fuel technologies; to the Committee on Science and Technology, and in addition to the Committees on Ways and Means, Oversight and Government Reform, Energy and Commerce, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BARROW:

H.R. 5918. A bill to amend the Public Health Service Act to establish a nationwide health insurance purchasing pool for small businesses and the self-employed that would offer a choice of private health plans and make health coverage more affordable, predictable, and accessible; to the Committee on Energy and Commerce, and in addition to the Committees on Education and Labor, Ways and Means, and Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. ROYBAL-ALLARD:

H.R. 5919. A bill to make technical corrections regarding the Newborn Screening Saves Lives Act of 2007; to the Committee on Energy and Commerce.

By Mr. BROUN of Georgia:

H.R. 5920. A bill to direct the Attorney General to establish a system of background checks for employers and employees of the electronic life safety and security system installation and monitoring industry, and for other purposes; to the Committee on the Judiciary.

By Ms. ZOE LOFGREN of California (for herself and Mr. GOODLATTE):

H.R. 5921. A bill to amend the Immigration and Nationality Act to eliminate the per country level for employment-based immigrants and to end the spill-over of unused immigrant visa numbers between employment-based and family-sponsored categories; to the Committee on the Judiciary.

By Mr. MORAN of Virginia:

H.R. 5922. A bill to amend title 5, United States Code, to provide that a Federal employee may use up to 2 days of sick leave a year in the performance of community service; to the Committee on Oversight and Government Reform.

By Mr. SHADEGG (for himself, Mrs. MUSGRAVE, Mr. WAMP, Mr. AKIN, Mr. CAMPBELL of California, Mr. DAVID DAVIS of Tennessee, Mr. KINGSTON, Mr. GINGREY, Mr. MARCHANT, Mr. ISSA, Mr. PENCE, Mr. FRANKS of Arizona, Mr. FORTUÑO, Mr. PITTS, Mr. WILSON of South Carolina, Mr. BROWN of South Carolina, Mr. BARTLETT of Maryland, Mr. SOUDER, and Mr. FEENEY):

H.R. 5923. A bill to amend the Internal Revenue Code of 1986 to allow individuals a refundable and advanceable credit against income tax for health insurance costs, to allow employees who elect not to participate in employer subsidized health plans an exclusion from gross income for employer payments in lieu of such participations, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, and Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WEXLER (for himself and Mr. SENSENBRENNER):

H.R. 5924. A bill to provide relief for the shortage of nurses in the United States, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. WOOLSEY (for herself and Mr. SHAYS):

H.R. 5925. A bill to establish a fund to support international efforts for political reconciliation in Iraq, and for other purposes; to the Committee on Foreign Affairs.

By Mr. ALTMIRE (for himself, Mr. LYNCH, Mr. BOOZMAN, and Mr. BILIRAKIS):

H. Con. Res. 336. Concurrent resolution honoring the sacrifices and contributions made by disabled American veterans; to the Committee on Veterans' Affairs.

By Mr. ALLEN (for himself, Mr. TOWNS, Mr. CROWLEY, Mr. MICHAUD, Mr. WEXLER, Mr. BLUMENAUER, Mr. MCGOVERN, Ms. SUTTON, Mr. MCDERMOTT, Mr. FARR, Mrs. CAPPS, Mr. ACKERMAN, Mr. WAXMAN, Mrs. TAUSCHER, Mr. LEWIS of Georgia, Mr. MEEKS of New York, Mr. AL GREEN of Texas, Ms. JACKSON-LEE of Texas, Mr. ENGEL, Mr. ISRAEL, Mr. DELAHUNT, Mrs. DAVIS of California, Mr. ROTHMAN, Mr. BERMAN, Mr. UDALL of Colorado, Mr. OLVER, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. LEVIN, Mr. ELLISON, Mr. TANNER, Mr. MILLER of North Carolina, Mr. MARKEY, Mr. COHEN, Mr. HINCHEY, Mr. DINGELL, Mr. HASTINGS of Florida, Ms. ROS-LEHTINEN, Ms. SCHWARTZ, Mr. SCOTT of Georgia, Mr. GRIJALVA, Mr. FRANK of Massachusetts, Mr. FORTENBERRY, Mr. BURTON of Indiana, and Mr. CHABOT):

H. Con. Res. 337. Concurrent resolution honoring Seeds of Peace for its 15th anniversary as an organization promoting understanding, reconciliation, acceptance, coexistence, and peace in the Middle East, South Asia, and other regions of conflict; to the Committee on Foreign Affairs.

By Ms. WATERS (for herself, Mr. BACA, Mr. BECERRA, Mr. BERMAN, Mr. BILBRAY, Mrs. BONO MACK, Mr. CALVERT, Mr. CAMPBELL of California, Mrs. CAPPS, Mr. CARDOZA, Mr. COSTA, Mrs. DAVIS of California, Mr. DREIER, Ms. ESHOO, Mr. FARR, Mr. FILNER, Mr. GALLEGLY, Ms. HARMAN, Mr. HONDA, Ms. LEE, Mr. LEWIS of California, Ms. ZOE LOFGREN of California, Mr. DANIEL E. LUNGREN of California, Ms. MATSUI, Mr. MCCARTHY of California, Mr. MCKEON, Mr. MCNERNEY, Mr. GEORGE MILLER of California, Mrs. NAPOLITANO, Ms. RICHARDSON, Mr. ROHRABACHER, Ms. ROYBAL-ALLARD, Ms. LINDA T. SÁNCHEZ of California, Ms. LORETTA SANCHEZ of California, Mr. SCHIFF, Mr. SHERMAN, Ms. SOLIS, Ms. SPEIER, Mr. STARK, Mrs. TAUSCHER, Mr. THOMPSON of California, Ms. WATSON, Mr. WAXMAN, Ms. WOOLSEY, Mr. GARY G. MILLER of California, Mr. RADANOVICH, Mr. ROYCE, Mr. ISSA, and Mr. HUNTER):

H. Con. Res. 338. Concurrent resolution recognizing the Honorable Yvonne Brathwaite Burke for her distinguished career in public service; to the Committee on House Administration.

By Mr. ROSS:

H. Res. 1155. A resolution honoring the recipients of the El Dorado Promise scholarship; to the Committee on Education and Labor.

By Mr. BOOZMAN (for himself, Mr. ROSS, Mr. SNYDER, and Mr. BERRY):

H. Res. 1158. A resolution recognizing the 100th anniversary of the establishment of the Ozark National Forest in Arkansas; to the Committee on Natural Resources.

By Mr. CUMMINGS (for himself, Mr. MEEKS of New York, Mr. BERMAN, Mr. BISHOP of Georgia, Ms. CORRINE BROWN of Florida, Mr. BURTON of Indiana, Mr. BUTTERFIELD, Mr. CARSON, Mr. DAVIS of Illinois, Mr. FALEOMAVAEGA, Mr. FATTAH, Mr. FILNER, Mr. FORTUÑO, Ms. LEE, Mr. MARKEY, Mr. MCGOVERN, Mr. PAYNE, Mr. ROTHMAN, Mr. RUPPERSBERGER, Mr. RUSH, Mr. SMITH of New Jersey, Mr. SARBANES, Mr. SNYDER, Mr. STARK, Mr. TOWNS, Ms. WATSON, Mr. WYNN, Ms. JACKSON-LEE of Texas, and Mrs. CHRISTENSEN):

H. Res. 1159. A resolution recognizing the historical significance of the United States sloop-of-war Constellation as a surviving witness to the horrors of the Transatlantic Slave Trade and a leading participant in America's effort to end the practice; to the Committee on Foreign Affairs.

By Mr. ENGLISH of Pennsylvania:

H. Res. 1160. A resolution authorizing Members of the House of Representatives to use funds provided for official and representational duties to sponsor and conduct academic and community service competitions among elementary and secondary school students in their Congressional districts and to permit the use of the facilities of their offices in support of the activities of charitable organizations; to the Committee on House Administration.

By Mrs. LOWEY:

H. Res. 1161. A resolution encouraging State and local governments to establish plastic bag recycling programs; to the Committee on Energy and Commerce.

By Mrs. MCCARTHY of New York (for herself, Mr. GEORGE MILLER of California, and Mr. PLATTS):

H. Res. 1162. A resolution supporting the goals and ideas of a National Child Care Worthy Wage Day; to the Committee on Education and Labor.

By Mrs. MUSGRAVE:

H. Res. 1163. A resolution expressing the support and sympathy of the House of Representatives and the people of the United States for the victims of the tragic fire that occurred in Ordway, Colorado, on April 16, 2008; to the Committee on Oversight and Government Reform.

By Mr. NEAL of Massachusetts:

H. Res. 1164. A resolution expressing support for designation of May 2008 as ''National Workforce Development Professionals Month''; to the Committee on Oversight and Government Reform.

By Mr. POE (for himself, Mr. SMITH of New Jersey, Mr. PLATTS, Mr. TIAHRT, Mr. SHUSTER, Mr. SERRANO, Ms. GRANGER, Mr. BILBRAY, Mr. PETERSON of Pennsylvania, Mr. CARTER, Mr. BURTON of Indiana, Mr. MCGOVERN, Mr. PAUL, Mr. SHAYS, Mr. TERRY, Mr. TOWNS, Ms. BORDALLO, and Mr. HALL of Texas):

H. Res. 1165. A resolution honoring the life and accomplishments of the actor Jimmy Stewart and the contributions he made to the Nation on the 100th anniversary of his birth; to the Committee on Oversight and Government Reform.

By Mr. WEXLER (for himself, Mr. BERMAN, Ms. SCHWARTZ, Mr. SHUSTER, Ms. ROS-LEHTINEN, Mr. ENGEL, Mr. CHABOT, Mr. KIND, Mr. ACKERMAN, Mr. CROWLEY, Mr. BRADY of Pennsylvania, Mr. DAVIS of Illinois, Mr. HINCHEY, Mr. SHIMKUS, Mrs. TAUSCHER, Mr. PRICE of North Carolina, Mr. MCCOTTER, Mr. HASTINGS of Florida, Mr. MCNULTY, Mr. ANDREWS, Mr. FORTUÑO, Mr. SESTAK, Mr. SIRES, Mr. ROTHMAN, and Mr. DREIER):

H. Res. 1166. A resolution expressing the sense of the House of Representatives regarding provocative and dangerous statements and actions taken by the Government of the Russian Federation that undermine the territorial integrity of the Republic of Georgia; to the Committee on Foreign Affairs.

¶49.42 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 21: Mr. ANDREWS.
H.R. 96: Ms. DEGETTE.
H.R. 111: Ms. SUTTON and Mr. FOSTER.
H.R. 135: Mr. HINOJOSA and Mr. CALVERT.
H.R. 139: Mr. SHUSTER.
H.R. 154: Mr. HINOJOSA.
H.R. 191: Mr. PITTS.
H.R. 303: Mr. SALI and Mr. CARSON.
H.R. 436: Mrs. MYRICK.
H.R. 549: Mr. CARNEY.
H.R. 552: Ms. MOORE of Wisconsin, Mr. CASTLE, Mr. ISRAEL, Mr. BRADY of Pennsylvania, Mr. RYAN of Ohio, and Mrs. MCMORRIS RODGERS.
H.R. 594: Mr. FATTAH and Mr. WALZ of Minnesota.
H.R. 646: Mr. CARSON.
H.R. 662: Mr. FILNER.
H.R. 688: Mr. FERGUSON and Mr. CARTER.
H.R. 728: Mr. SHAYS.
H.R. 748: Mrs. NAPOLITANO, Ms. SHEA-PORTER, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. SPACE, Ms. DEGETTE, Ms. MATSUI, and Mr. BROWN of South Carolina.
H.R. 821: Mr. BACA.
H.R. 826: Mr. FORTUÑO.
H.R. 882: Mr. BARRETT of South Carolina, Ms. BERKLEY, Mr. FRELINGHUYSEN, Mr. SCHIFF, and Mrs. BACHMANN.
H.R. 991: Mrs. BACHMANN.
H.R. 1022: Mr. PRICE of North Carolina and Mr. MEEK of Florida.
H.R. 1078: Mr. DAVIS of Illinois.
H.R. 1107: Ms. RICHARDSON.
H.R. 1110: Mr. LARSON of Connecticut, Mr. CARSON, Mr. TIAHRT, Ms. SUTTON, Ms. LINDA T. SÁNCHEZ of California and Mrs. BACHMANN.
H.R. 1147: Mr. CARSON.
H.R. 1185: Mr. HASTINGS of Florida, Mr. CROWLEY, Mr. GUTIERREZ, Ms. LINDA T. SÁNCHEZ of California, and Mr. SIRES.
H.R. 1197: Mr. CARSON.
H.R. 1272: Mr. CARSON.
H.R. 1293: Mr. CARSON.
H.R. 1308: Mr. CARSON.
H.R. 1328: Mr. MEEKS of New York.
H.R. 1343: Mr. DEFAZIO.
H.R. 1354: Mr. CARSON.
H.R. 1366: Mr. PITTS.
H.R. 1431: Mr. TOWNS.
H.R. 1435: Mr. CARSON.
H.R. 1440: Mr. BARROW.
H.R. 1518: Mr. CARSON.
H.R. 1542: Mr. FATTAH.
H.R. 1546: Mr. CARSON.
H.R. 1553: Mr. SHERMAN and Mr. KIRK.
H.R. 1594: Mr. CARSON.
H.R. 1606: Mrs. NAPOLITANO.
H.R. 1609: Mr. WALDEN of Oregon, Mr. BOREN, and Mr. SMITH of New Jersey.
H.R. 1619: Mr. MOORE of Kansas.
H.R. 1643: Mr. SESTAK.
H.R. 1645: Mr. ANDREWS and Mr. CARSON.
H.R. 1653: Mr. SARBANES.
H.R. 1738: Mr. CARSON and Mr. SMITH of New Jersey.
H.R. 1742: Mr. ELLISON, Mr. WYNN, and Mr. GARRETT of New Jersey.
H.R. 1755: Mr. LOEBSACK.
H.R. 1763: Mr. GUTIERREZ.
H.R. 1776: Mr. GRIJALVA, Mr. ARCURI, Mr. WYNN, and Mr. REYES.
H.R. 1884: Mr. BRADY of Texas, Mrs. EMERSON, Mr. ROSKAM, Mr. MORAN of Kansas, Ms. BEAN, Mr. BERRY, Mr. UPTON, Mr. FARR, Mr. GRIJALVA, Mr. CARSON, and Mr. SALI.
H.R. 1927: Mr. WAXMAN and Ms. MATSUI.
H.R. 1944: Mr. CARSON.
H.R. 1952: Mr. CARSON.
H.R. 1956: Mr. CARSON.
H.R. 1983: Mr. UPTON.
H.R. 2012: Mr. ROSKAM, Mr. FARR, and Ms. ROS-LEHTINEN.
H.R. 2032: Mrs. CHRISTENSEN, Mr. ARCURI, Mr. MICHAUD, Mr. COHEN, Mr. CARSON, Mr. CUMMINGS, Mr. GRIJALVA, and Mr. WELCH of Vermont.
H.R. 2045: Mr. CARSON.
H.R. 2053: Mrs. BLACKBURN, Mr. EVERETT, and Mr. CARSON.
H.R. 2092: Mr. CARSON and Ms. VELÁZQUEZ.
H.R. 2140: Mr. CARSON.
H.R. 2158: Mr. PITTS.
H.R. 2167: Mr. LEWIS of Georgia.
H.R. 2172: Mr. CARSON.
H.R. 2188: Mr. UPTON, Mr. BRADY of Pennsylvania, and Mr. HINCHEY.
H.R. 2205: Mr. BROWN of South Carolina, Mr. CARSON, and Mr. BACA.
H.R. 2219: Mr. CARSON.
H.R. 2221: Mr. AL GREEN of Texas.
H.R. 2236: Mr. MEEKS of New York.
H.R. 2244: Mr. CARSON.
H.R. 2266: Ms. MOORE of Wisconsin.
H.R. 2268: Mrs. CAPPS, Mr. JONES of North Carolina, Mr. BACA, Mr. HERGER, Mr. WELCH of Vermont, Mr. WESTMORELAND, Mr. KLINE of Minnesota, Mr. BISHOP of Georgia, Mr. DAVID DAVIS of Tennessee, Mr. HENSARLING, Mr. TOWNS, Mr. MARIO DIAZ-BALART of Florida, Mr. MORAN of Kansas, and Ms. WASSERMAN SCHULTZ.
H.R. 2325: Ms. GINNY BROWN-WAITE of Florida.
H.R. 2353: Mr. CARSON.
H.R. 2370: Ms. BERKLEY and Mr. TIM MURPHY of Pennsylvania.
H.R. 2371: Mr. ROTHMAN.
H.R. 2380: Mr. TIM MURPHY of Pennsylvania.
H.R. 2417: Mr. CARSON.
H.R. 2472: Mr. PORTER.
H.R. 2511: Mr. CARSON.
H.R. 2514: Mr. CARSON.
H.R. 2552: Mr. PAYNE, Mr. MEEKS of New York, Mr. MCGOVERN, Mr. MCDERMOTT, Mr. CUMMINGS, Mr. WAXMAN, and Mr. ABERCROMBIE.
H.R. 2676: Mr. CARSON and Mr. REGULA.
H.R. 2677: Mr. CARSON.
H.R. 2702: Mr. ENGLISH of Pennsylvania and Mrs. DAVIS of California.
H.R. 2731: Mr. CARSON.
H.R. 2744: Ms. HARMAN and Ms. KAPTUR.
H.R. 2749: Mr. CARSON.
H.R. 2790: Mr. CARSON.
H.R. 2805: Mr. RAHALL and Mr. CARSON.
H.R. 2851: Mr. SCHIFF, Mr. ELLSWORTH, Mr. CARSON, and Mr. ROTHMAN.
H.R. 2852: Mr. FILNER, Mr. ELLISON, and Mr. DENT.
H.R. 2896: Mr. ROSS.
H.R. 2965: Mr. ETHERIDGE and Mr. PRICE of North Carolina.
H.R. 2991: Mr. CARSON.
H.R. 2994: Mr. CARSON and Mr. WELCH of Vermont.
H.R. 3005: Mr. CARSON and Mr. HASTINGS of Florida.
H.R. 3008: Mr. CARSON.
H.R. 3016: Mr. CARSON.
H.R. 3061: Mr. CARSON.
H.R. 3063: Mr. ACKERMAN, Mr. ARCURI, Mr. COHEN, Mr. CROWLEY, Mr. HALL of New York, Mr. HINCHEY, Mrs. MALONEY of New York, Mr. MCNULTY, Mr. MEEKS of New York, and Mr. TOWNS.
H.R. 3078: Mr. CARSON.
H.R. 3080: Mr. MURPHY of Connecticut.
H.R. 3098: Mr. SULLIVAN.
H.R. 3109: Mrs. CUBIN.
H.R. 3127: Mr. CARSON.
H.R. 3189: Mr. DAVIS of Alabama.
H.R. 3202: Mrs. MALONEY of New York.
H.R. 3249: Mr. CARSON.

H.R. 3251: Mr. CARSON.
H.R. 3257: Mr. COHEN, Mr. PETERSON of Pennsylvania, Mr. ELLISON, and Mr. BOSWELL.
H.R. 3267: Mr. HINOJOSA, Mr. MEEKS of New York, Mr. ELLISON, and Ms. CLARKE.
H.R. 3282: Mr. PASTOR.
H.R. 3287: Ms. LEE.
H.R. 3298: Mr. CARSON.
H.R. 3404: Mr. CARSON.
H.R. 3457: Mr. CARSON.
H.R. 3543: Mr. WEXLER, Mr. PASTOR, and Mr. CARSON.
H.R. 3544: Mr. CARSON, Mr. RODRIGUEZ, Mrs. CAPPS, and Mr. MATHESON.
H.R. 3561: Mr. CARSON.
H.R. 3563: Mr. CARSON.
H.R. 3622: Mr. WATT, Mr. BRADY of Pennsylvania, Ms. LEE, Mr. DAVIS of Illinois, Mr. HASTINGS of Florida, Mr. DELAHUNT, Mr. FATTAH, Mr. RYAN of Ohio, Mr. RAHALL, Mr. LARSON of Connecticut, Mr. CAPUANO, Mr. KLEIN of Florida, Mr. CARSON, Ms. RICHARDSON, Ms. JACKSON-LEE of Texas, Mr. TOWNS, Mr. ELLSWORTH, Ms. CLARKE and Mr. LANGEVIN.
H.R. 3634: Mr. ROTHMAN.
H.R. 3650: Mr. CULBERSON.
H.R. 3652: Ms. DEGETTE.
H.R. 3658: Mr. MARIO DIAZ-BALART of Florida, Mr. LINCOLN DIAZ-BALART of Florida, and Mr. SHERMAN.
H.R. 3700: Mr. DOYLE.
H.R. 3750: Mr. CARSON.
H.R. 3769: Ms. DEGETTE and Mr. RODRIGUEZ.
H.R. 3819: Mr. BUCHANAN.
H.R. 3870: Mr. HARE, Mrs. LOWEY, Mr. RYAN of Ohio, Ms. WOOLSEY, and Mr. FARR.
H.R. 3886: Mr. PAYNE and Mr. BRADY of Pennsylvania.
H.R. 3926: Mr. ARCURI.
H.R. 3934: Mr. CARSON and Mr. LAMPSON.
H.R. 3944: Ms. BERKLEY, Mr. GRIJALVA, and Mr. JACKSON of Illinois.
H.R. 3961: Mr. CARNAHAN.
H.R. 4008: Mr. MITCHELL.
H.R. 4044: Mr. ALLEN.
H.R. 4061: Mr. GONZALEZ, Mr. CARSON, and Mr. DOGGETT.
H.R. 4089: Mr. ELLISON.
H.R. 4105: Ms. EDDIE BERNICE JOHNSON of Texas and Ms. LEE.
H.R. 4107: Mr. ALLEN, Mrs. CAPPS, and Mr. ETHERIDGE.
H.R. 4114: Mr. FILNER.
H.R. 4133: Mr. LINDER, Mr. NEUGEBAUER, Mr. WESTMORELAND, and Mr. SHADEGG.
H.R. 4141: Mr. TERRY and Mr. LOBIONDO.
H.R. 4188: Mrs. MALONEY of New York.
H.R. 4206: Mr. CARSON.
H.R. 4207: Mr. DAVIS of Illinois.
H.R. 4221: Mr. MCGOVERN and Mr. CLAY.
H.R. 4237: Mrs. CHRISTENSEN and Mr. FARR.
H.R. 4296: Mr. CARSON and Mrs. BLACKBURN.
H.R. 4301: Mr. CARSON.
H.R. 4318: Mr. CANTOR and Mr. CARSON.
H.R. 4332: Mrs. CAPITO.
H.R. 4335: Mr. NADLER.
H.R. 4461: Ms. MCCOLLUM of Minnesota.
H.R. 4544: Mr. BOOZMAN and Mr. BLUMENAUER.
H.R. 4651: Mr. CARSON.
H.R. 4652: Mr. CARNAHAN, Mr. MCGOVERN, Mrs. JONES of Ohio, and Mrs. MCCARTHY of New York.
H.R. 4736: Mr. PRICE of Georgia.
H.R. 4807: Mr. CARSON.
H.R. 4836: Mr. ELLSWORTH.
H.R. 4879: Ms. CLARKE.
H.R. 4884: Mrs. MALONEY of New York.
H.R. 4930: Mr. SCOTT of Georgia and Mr. SALI.
H.R. 4935: Ms. GRANGER, Mr. PAYNE, and Mr. RUPPERSBERGER.
H.R. 4990: Mr. PAYNE and Mr. COHEN.
H.R. 5161: Mr. LEWIS of Georgia.
H.R. 5176: Mr. RODRIGUEZ and Mr. CARSON.
H.R. 5180: Mr. MANZULLO.
H.R. 5223: Ms. EDDIE BERNICE JOHNSON of Texas.
H.R. 5229: Mr. BOUCHER.
H.R. 5244: Mr. COURTNEY and Mr. ALLEN.
H.R. 5266: Mr. KENNEDY.
H.R. 5267: Ms. WASSERMAN SCHULTZ.
H.R. 5404: Mr. MICHAUD.
H.R. 5440: Mr. FRELINGHUYSEN.
H.R. 5443: Mr. BARRETT of South Carolina.
H.R. 5446: Mr. ROTHMAN and Mr. FILNER.
H.R. 5447: Mr. CLEAVER, Mrs. CHRISTENSEN, and Mr. KUCINICH.
H.R. 5450: Mrs. CUBIN, Mrs. TAUSCHER, and Mr. SHULER.
H.R. 5461: Mr. WEXLER.
H.R. 5465: Ms. MCCOLLUM of Minnesota and Mr. WELCH of Vermont.
H.R. 5488: Mr. MCGOVERN.
H.R. 5505: Mr. EMANUEL.
H.R. 5507: Mr. BLUMENAUER, Mr. RANGEL, Ms. JACKSON-LEE of Texas, Mr. TOWNS, Ms. SCHAKOWSKY, Mr. FRANK of Massachusetts, Mr. FILNER, Mr. CLAY, Mr. STARK, and Mr. OLVER.
H.R. 5519: Mr. YOUNG of Alaska, Mr. PAUL, Mr. FEENEY, Mr. CARSON, and Mr. HARE.
H.R. 5532: Mr. BLUMENAUER.
H.R. 5544: Mr. MCCOTTER and Mrs. BLACKBURN.
H.R. 5545: Mr. MCCOTTER.
H.R. 5546: Mr. ALLEN and Ms. JACKSON-LEE of Texas.
H.R. 5549: Mr. SIRES and Mr. FARR.
H.R. 5573: Mr. ENGLISH of Pennsylvania and Mr. MICHAUD.
H.R. 5590: Mr. SIMPSON and Ms. JACKSON-LEE of Texas.
H.R. 5603: Mr. RAHALL and Mr. LATTA.
H.R. 5606: Mr. MCDERMOTT, Mr. MCCOTTER, Mr. UDALL of Colorado, Mrs. MCCARTHY of New York, and Mr. WAXMAN.
H.R. 5611: Mr. BOUSTANY and Mr. HENSARLING.
H.R. 5629: Mr. HONDA.
H.R. 5641: Mrs. Bono MACK.
H.R. 5656: Mrs. DRAKE and Mr. BARTON of Texas.
H.R. 5669: Mr. GONZALEZ, Ms. LEE, Mr. LEWIS of Georgia, and Mr. COSTELLO.
H.R. 5672: Mr. COHEN.
H.R. 5673: Mr. BACHUS, Mr. BUCHANAN, Mr. CARTER, Mr. HAYES, Mr. JOHNSON of Illinois, and Mr. SHADEGG.
H.R. 5674: Mr. KINGSTON.
H.R. 5683: Mr. FILNER.
H.R. 5684: Ms. DEGETTE, Mr. JOHNSON of Georgia, Mr. KLEIN of Florida, Mr. FALEOMAVAEGA, Mr. LEWIS of Georgia, Mr. TOWNS, Mr. DOGGETT, Mr. BACA, and Mr. ALLEN.
H.R. 5690: Mr. WELCH of Vermont and Ms. JACKSON-LEE of Texas.
H.R. 5700: Mr. SPACE, Mr. ETHERIDGE, and Mr. CARSON.
H.R. 5703: Mr. RAMSTAD.
H.R. 5704: Mr. LINCOLN DIAZ-BALART of Florida.
H.R. 5709: Mr. WALZ of Minnesota.
H.R. 5713: Mr. JONES of North Carolina.
H.R. 5716: Mr. CONYERS.
H.R. 5734: Mr. PRICE of North Carolina, Mr. GOODE, and Mr. WELCH of Vermont.
H.R. 5737: Mrs. CUBIN.
H.R. 5740: Mr. SHERMAN, Mr. WU, Mr. JOHNSON of Georgia, Mr. JOHNSON of Illinois, Mr. DOGGETT, Mr. BACA, Mr. KUCINICH, Mr. NEAL of Massachusetts, and Mr. DOYLE.
H.R. 5752: Mr. GINGREY.
H.R. 5759: Mr. SALI and Mrs. CUBIN.
H.R. 5761: Mr. MCINTYRE.
H.R. 5769: Mr. ARCURI.
H.R. 5775: Mr. PITTS.
H.R. 5776: Mrs. CUBIN.
H.R. 5784: Mr. TIAHRT.
H.R. 5787: Mr. TANNER.
H.R. 5795: Mr. BARRETT of South Carolina.
H.R. 5797: Mrs. BLACKBURN.
H.R. 5802: Mr. HINCHEY.
H.R. 5805: Mr. SALI and Mr. RENZI.
H.R. 5816: Mr. WALBERG and Mr. MARIO DIAZ-BALART of Florida.
H.R. 5818: Mr. MCGOVERN and Mr. SIRES.
H.R. 5821: Mr. SHAYS.
H.R. 5823: Mrs. MCCARTHY of New York, Ms. CLARKE, and Mr. CROWLEY.
H.R. 5824: Mr. BOSWELL, Ms. MOORE of Wisconsin, Ms. SUTTON, Mr. ALTMIRE, and Mr. RODRIGUEZ.
H.R. 5825: Mr. HILL, Mr. SMITH of Texas, Mr. LATTA, Mr. PICKERING, Mr. BRADY of Pennsylvania, Ms. CORRINE BROWN of Florida, Mr. ISRAEL, Mr. OBERSTAR, Mrs. GILLIBRAND, Ms. BORDALLO, Mr. HINCHEY, Mr. MCDERMOTT, Mr. DAVIS of Illinois, and Mr. CARSON.
H.R. 5828: Ms. ROS-LEHTINEN and Mr. BURTON of Indiana.
H.R. 5829: Mr. CARSON.
H.R. 5830: Mr. CAPUANO and Mr. CUMMINGS.
H.R. 5831: Mr. ABERCROMBIE, Mr. BRADY of Pennsylvania, Mr. HINCHEY, Mr. LEWIS of Georgia, and Mr. TOWNS.
H.R. 5833: Mr. WU.
H.R. 5834: Mr. MANZULLO and Mr. SHERMAN.
H.R. 5835: Mr. CARSON.
H.R. 5838: Ms. WOOLSEY.
H.R. 5841: Mr. FEENEY.
H.R. 5846: Ms. ZOE LOFGREN of California.
H.R. 5847: Mr. CHABOT, Mr. JONES of North Carolina, and Mr. LOBIONDO.
H.R. 5854: Ms. CORRINE BROWN of Florida, Mr. PETERSON of Minnesota, Mr. FARR, and Mr. COHEN.
H.R. 5858: Mr. MCINTYRE.
H.R. 5868: Mr. GINGREY, Mr. KING of Iowa, Mr. WILSON of South Carolina, Mr. BROUN of Georgia, Mr. DEAL of Georgia, Mr. PORTER, Mrs. Bono MACK, Mr. HALL of Texas, Mr. BILIRAKIS, Mrs. DRAKE, Mr. PITTS, Mr. KELLER, Mr. MARIO DIAZ-BALART of Florida, Mr. CARTER, Mr. HELLER, Mr. DAVID DAVIS of Tennessee, Mr. SALI, Mr. WITTMAN of Virginia, Mr. SESSIONS, Mr. HOBSON, Mr. POE, Mrs. MILLER of Michigan, Mr. ROGERS of Alabama, Mr. EHLERS, Mr. LINCOLN DIAZ-BALART of Florida, Mr. WESTMORELAND, Mr. LINDER, Mr. TIBERI, Mr. COBLE, Mr. SAXTON, Mr. DELAHUNT, Mr. REHBERG, Mr. MARCHANT, Mr. NEUGEBAUER, Mr. ROSKAM, Mr. AKIN, Mr. FORBES, Mr. TOWNS, Ms. ZOE LOFGREN of California, Mr. ROGERS of Michigan, Mr. JORDAN, Mr. HASTINGS of Washington, and Mrs. EMERSON.
H.R. 5869: Mr. GONZALEZ and Ms. GIFFORDS.
H.R. 5886: Mr. POE.
H.R. 5901: Ms. JACKSON-LEE of Texas and Ms. NORTON.
H.J. Res. 23: Mr. WALBERG.
H.J. Res. 39: Mr. SARBANES.
H.J. Res. 79: Mr. FILNER.
H. Con. Res. 134: Mr. COHEN.
H. Con. Res. 257: Mr. MCHUGH, Mr. ANDREWS, Mr. MARSHALL, and Mr. HAYES.
H. Con. Res. 294: Mr. WEXLER and Mr. DEFAZIO.
H. Con. Res. 299: Mr. OLVER, Mr. SESSIONS, Mr. COURTNEY, Mr. WOLF, Mr. MCCOTTER, Ms. ZOE LOFGREN of California, Mr. LINCOLN DAVIS of Tennessee, Mr. GONZALEZ, and Mr. NADLER.
H. Con. Res. 317: Mr. MCCOTTER.
H. Con. Res. 318: Mr. SHERMAN, Mr. HONDA, Mrs. CHRISTENSEN, and Mr. WAXMAN.
H. Con. Res. 320: Mr. CUMMINGS.
H. Con. Res. 321: Mr. CASTLE, Mr. OLVER, and Mr. FRANK of Massachusetts.
H. Con. Res. 330: Ms. LEE, Mr. GRIJALVA, Mr. BERMAN, Mr. COHEN, and Ms. ROYBAL-ALLARD.
H. Con. Res. 331: Ms. GRANGER, Mr. MCDERMOTT, and Mr. MCNULTY.
H. Con. Res. 332: Ms. ROS-LEHTINEN, Mr. BURTON of Indiana, Mr. CHABOT, Mr. FORTUÑO, Mr. WILSON of South Carolina, Mr. MILLER of North Carolina, Mr. BOOZMAN, Mr. FALEOMAVAEGA, Mr. WOLF, Mr. INGLIS of South Carolina, Mr. POE, Mr. PITTS, Mr. SMITH of New Jersey, Mr. PENCE, Mr. PAYNE,

Mr. SHERMAN, Mr. ENGEL, Mr. MCGOVERN, Ms. JACKSON-LEE of Texas, Mr. BERMAN, Mr. GRIJALVA, Mr. MELANCON, Mr. CARNAHAN, Mr. MEEKS of New York, Ms. WOOLSEY, Mr. NEAL of Massachusetts, Mr. SHAYS, Mr. HINOJOSA, Mr. SIRES, Mr. FARR, Ms. LEE, Mrs. MUSGRAVE, and Mr. WU.

H. Con. Res. 334: Mr. CASTLE, Mr. PLATTS, Mr. BOUSTANY, Mr. LOBIONDO, Mrs. MILLER of Michigan, Mr. UPTON, Mr. TOM DAVIS of Virginia, Mr. GILCHREST, Ms. PRYCE of Ohio, Mr. DENT, Mr. FORTENBERRY, Mr. BURTON of Indiana, Mr. YOUNG of Florida, Mr. CANNON, Ms. FOXX, Mr. ISSA, Mr. SALI, Ms. GINNY BROWN-WAITE of Florida, Mr. CRENSHAW, Mr. FEENEY, and Mr. KIRK.

H. Res. 49: Ms. MCCOLLUM of Minnesota.

H. Res. 76: Mr. LEWIS of Georgia.

H. Res. 353: Mr. REYES and Mr. CARSON.

H. Res. 356: Mr. TERRY.

H. Res. 389: Mr. ENGEL, Mr. FALEOMAVAEGA, and Mr. SHERMAN.

H. Res. 415: Ms. ROYBAL-ALLARD.

H. Res. 674: Mr. ROTHMAN.

H. Res. 834: Mr. BLUMENAUER.

H. Res. 881: Mr. SPACE, Mr. MAHONEY of Florida, Mr. BOYD of Florida, and Mr. CRAMER.

H. Res. 937: Mr. SALI and Mr. FOSSELLA.

H. Res. 977: Mr. AL GREEN of Texas, Mr. CLYBURN, Mr. BUTTERFIELD, Mr. PRICE of North Carolina, Mr. SCOTT of Georgia, and Mr. CARSON.

H. Res. 1008: Mr. ETHERIDGE.

H. Res. 1009: Mr. SHAYS.

H. Res. 1011: Mr. SHERMAN and Mr. MICHAUD.

H. Res. 1022: Mrs. TAUSCHER and Mr. HINCHEY.

H. Res. 1043: Mr. FALEOMAVAEGA and Mr. TERRY.

H. Res. 1062: Mr. ROTHMAN.

H. Res. 1063: Mr. SHERMAN.

H. Res. 1064: Mr. SMITH of New Jersey and Mr. FEENEY.

H. Res. 1069: Mr. BOREN, Mr. MARIO DIAZ-BALART of Florida, Mrs. BLACKBURN, Mr. ROTHMAN, Mr. LAMBORN, Mr. SMITH of Washington, Ms. GIFFORDS, and Mr. SMITH of New Jersey.

H. Res. 1079: Mr. TIM MURPHY of Pennsylvania.

H. Res. 1080: Mr. ISSA and Mr. RANGEL.

H. Res. 1086: Mr. TOWNS, Mr. EDWARDS, Mrs. CHRISTENSEN, Mr. ORTIZ, Mr. REYES, Mr. BUTTERFIELD, Ms. BERKLEY, Mr. MORAN of Virginia, Mr. LEVIN, Mr. CLEAVER, Ms. KILPATRICK, Mr. MEEKS of New York, Mr. DOGGETT, Mr. ALLEN, Mr. LATHAM, Mr. WAXMAN, Mr. TERRY, Mr. LEWIS of Georgia, Mr. AL GREEN of Texas, Mr. OLVER, Ms. NORTON, Mrs. NAPOLITANO, Mr. SCOTT of Virginia, Mr. CUMMINGS, Mr. OBERSTAR, Ms. MATSUI, Mr. COSTELLO, Mr. BAIRD, Mr. HOLT, Mr. PORTER, Mr. ALTMIRE, Ms. JACKSON-LEE of Texas, Mr. MATHESON, Mr. ISRAEL, Mr. HOLDEN, and Ms. HIRONO.

H. Res. 1091: Mr. BURGESS, Mr. ALTMIRE, and Mr. HASTINGS of Washington.

H. Res. 1093: Ms. SHEA-PORTER, Mr. LOBIONDO, Mr. HINCHEY, and Mr. WELCH of Vermont.

H. Res. 1100: Mr. JORDAN.

H. Res. 1104: Mr. STARK, Mr. COSTA, Mrs. JONES of Ohio, and Mr. WAXMAN.

H. Res. 1109: Mr. MCCOTTER, Mr. ROHRABACHER, and Mr. BURTON of Indiana.

H. Res. 1110: Mr. CROWLEY, Mr. CALVERT, Mr. ROTHMAN, and Mr. LAMBORN.

H. Res. 1113: Mr. DANIEL E. LUNGREN of California, Mr. PITTS, Mr. BOOZMAN, Mr. SESSIONS, Mr. SHULER, Ms. BERKLEY, Mr. ADERHOLT, Mr. BROUN of Georgia, Mr. LOEBSACK, Mr. MORAN of Kansas, Mr. COLE of Oklahoma, Mr. FEENEY, Mr. MILLER of Florida, Mr. LEWIS of Kentucky, Mr. TERRY, Mr. MCCAUL of Texas, Mr. GARRETT of New Jersey, and Mr. KELLER.

H. Res. 1114: Mr. DANIEL E. LUNGREN of California, Mr. PITTS, Mr. BOOZMAN, Mr. SESSIONS, Mr. SHULER, Ms. BERKLEY, Mr. ADERHOLT, Mr. BROUN of Georgia, Mr. LOEBSACK, Mr. MORAN of Kansas, Mr. COLE of Oklahoma, Mr. FEENEY, Mr. MILLER of Florida, Mr. LEWIS of Kentucky, Mr. TERRY, Mr. MCCAUL of Texas, Mr. GARRETT of New Jersey, and Mr. KELLER.

H. Res. 1122: Mr. WILSON of South Carolina, Mrs. WILSON of New Mexico, and Mr. CULBERSON.

H. Res. 1124: Mr. GEORGE MILLER of California, Mr. HASTINGS of Florida, Mr. LOEBSACK, Mr. MOORE of Kansas, Ms. MATSUI, Ms. HOOLEY, Mrs. CHRISTENSEN, Mr. JACKSON of Illinois, Mr. CARSON, Mr. INSLEE, Mr. SHIMKUS, Mr. SCHIFF, Mr. RUSH, Mr. ISRAEL, Mr. COSTELLO, Mr. MCDERMOTT, and Mr. STARK.

H. Res. 1130: Mr. RANGEL, Mr. SALI, Mr. LINCOLN DIAZ-BALART of Florida, Mr. CARSON, Mr. PAYNE, Mr. REICHERT, Ms. GRANGER, Mr. BILIRAKIS, Mr. FATTAH, and Mr. NEUGEBAUER.

H. Res. 1131: Mrs. NAPOLITANO, Mr. GENE GREEN of Texas, Ms. ROYBAL-ALLARD, and Ms. DEGETTE.

H. Res. 1132: Mr. ROGERS of Michigan, Mr. CALVERT, Mr. LATTA, Mr. DAVIS of Kentucky, Mr. UPTON, Mrs. DRAKE, Mr. BRADY of Pennsylvania, Mr. HOLT, Mr. BOOZMAN, Mrs. BOYDA of Kansas, Mrs. MCCARTHY of New York, Ms. SUTTON, Mr. REYNOLDS, Mr. WALBERG, Ms. MCCOLLUM of Minnesota, Mr. CUELLAR, Mrs. SCHMIDT, Mr. REICHERT, Mrs. MALONEY of New York, Mrs. MYRICK, Mr. WOLF, Ms. GRANGER, Mrs. BACHMANN, Mr. PETERSON of Minnesota, Mr. GOODE, Mr. KENNEDY, Mr. MCHENRY, Mr. GENE GREEN of Texas, Mr. COSTA, and Mr. SMITH of New Jersey.

H. Res. 1134: Mr. BERMAN, Mrs. BONO MACK, Mr. BOSWELL, Ms. CORRINE BROWN of Florida, Mrs. CHRISTENSEN, Mr. COHEN, Mr. ENGEL, Mr. HOLT, Ms. MATSUI, Mr. NADLER, Mr. SCOTT of Virginia, Ms. SUTTON, Mrs. BOYDA of Kansas, Mr. DOGGETT, Mr. FALEOMAVAEGA, Mr. FARR, Ms. GIFFORDS, Mr. AL GREEN of Texas, Ms. HIRONO, Ms. KILPATRICK, Mr. LEVIN, Mr. LOEBSACK, Mr. MCGOVERN, Mr. MORAN of Virginia, Ms. NORTON, and Mr. OBERSTAR.

H. Res. 1140: Mr. SALI, Mr. MCCOTTER, Mr. FORTENBERRY, Mr. CHABOT, Mr. BERMAN, and Mr. INGLIS of South Carolina.

H. Res. 1144: Mr. DELAHUNT, Mr. SIRES, Mr. COHEN, and Mr. SMITH of New Jersey.

H. Res. 1146: Mr. HINCHEY.

H. Res. 1149: Ms. LEE, Mrs. CHRISTENSEN, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. LEWIS of Georgia, Mr. RANGEL, Mr. MEEKS of New York, Ms. RICHARDSON, Mr. HARE, Ms. SCHAKOWSKY, Mr. JACKSON of Illinois, Mr. BISHOP of Georgia, Mr. GUTIERREZ, Mr. MCGOVERN, Mr. TOWNS, Ms. NORTON, Ms. CORRINE BROWN of Florida, Mr. HINCHEY, Mr. KUCINICH, Mr. SCOTT of Virginia, Mr. FATTAH, Mrs. MCCARTHY of New York, Ms. WOOLSEY, Ms. JACKSON-LEE of Texas, Mr. AL GREEN of Texas, Ms. KILPATRICK, Mr. MCHUGH, Mr. SARBANES, and Mr. LIPINSKI.

H. Res. 1153: Ms. SOLIS, Mr. MEEKS of New York, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. MCDERMOTT, Mr. BERMAN, Mr. HASTINGS of Florida, Mr. VAN HOLLEN, Ms. LORETTA SANCHEZ of California, Mr. COHEN, Mr. SCHIFF, Mr. SESTAK, Mr. ELLISON, and Mr. SCOTT of Georgia.

H. Res. 1154: Mr. LEWIS of Georgia, Mr. LYNCH, Ms. LORETTA SANCHEZ of California, Ms. DELAURO, Mr. HASTINGS of Florida, Mr. JEFFERSON, and Mr. MEEKS of New York.

WEDNESDAY, APRIL 30, 2008 (50)

¶50.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Mr. MCNULTY, who laid before the House the following communication:

WASHINGTON, DC,
April 30, 2008.

I hereby appoint the Honorable MICHAEL R. MCNULTY to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

¶50.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. MCNULTY, announced he had examined and approved the Journal of the proceedings of Tuesday, April 29, 2008.

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

¶50.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

6306. A letter from the Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of the Navy, Case Number 05-01, pursuant to 31 U.S.C. 1351; to the Committee on Appropriations.

6307. A letter from the Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of the Navy, Case Number 07-05, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

6308. A letter from the Director, International Cooperation, Department of Defense, transmitting Pursuant to Section 27(f) of the Arms Export Control Act and Section 1(f) of Executive Order 11958, Transmittal No. 06-08 informing of an intent to sign the Integrated Soldier Capabilities Memorandum of Understanding between the United States and the United Kingdom, pursuant to 22 U.S.C. 2767(f); to the Committee on Foreign Affairs.

6309. A letter from the Director, International Cooperation, Department of Defense, transmitting Pursuant to Section 27(f) of the Arms Export Control Act and Section 1(f) of Executive Order 11958, Transmittal No. 03-08 informing of an intent to sign the New, More Powerful, and Insensitive Melt-Cast Metallized Explosives Research Collaboration Project Agreement under the Memorandum of Understanding between the United States and the Republic of Singapore, pursuant to 22 U.S.C. 2767(f); to the Committee on Foreign Affairs.

6310. A letter from the Secretary3, Department of the Treasury, transmitting a six month periodic report on the national emergency with respect to the Democratic Republic of the Congo that was declared in Executive Order 13413 of October 27, 2006, pursuant to 50 U.S.C. 1641(c); to the Committee on Foreign Affairs.

6311. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting Copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b; to the Committee on Foreign Affairs.

6312. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of an Accountability Review Board to examine the facts and the circumstances of the loss of life at a U.S. mission abroad and to report and make recommendations, pursuant to 22 U.S.C. 4834(d)(1); to the Committee on Foreign Affairs.

6313. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting consistent with the Authorization for Use of Military Force Against Iraq Resolution of 2002 (Pub. L. 107-243), the Authorization for the Use of Force Against Iraq

Resolution (Pub. L. 102-1), and in order to keep the Congress fully informed, a report prepared by the Department of State for the February 15, 2007 — April 15, 2007 reporting period including matters relating to post-liberation Iraq under Section 7 of the Iraq Liberation Act of 1998 (Pub. L. 105-338); to the Committee on Foreign Affairs.

6314. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification of a proposed agreement for the export of defense articles and services to the Government of Japan (Transmittal No. DDTC 051-08); to the Committee on Foreign Affairs.

6315. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification of a proposed agreement for the export of defense articles and services to the Governments of Russia, Kazakhstan, and Canada (Transmittal No. DDTC 044-08); to the Committee on Foreign Affairs.

6316. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification of a proposed agreement for the export of defense articles and services to the Government of Portugal (Transmittal No. DDTC 048-08); to the Committee on Foreign Affairs.

6317. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification of a proposed agreement for the export of technical data, defense articles and services to the Governments of Belgium, France, Germany, Luxembourg, Spain, Turkey, the United Kingdom, Italy, South Africa, and Malaysia (Transmittal No. DDTC 131-07); to the Committee on Foreign Affairs.

6318. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 3(d) of the Arms Export Control Act, certification regarding the proposed transfer of major defense equipment from the Government of Germany (Transmittal No. RSAT-02-08); to the Committee on Foreign Affairs.

6319. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's report on the status of Data Mining Activities, pursuant to Implementing Recommendations of the 9/11 Commission Act, Section 804; to the Committee on Foreign Affairs.

6320. A letter from the Secretary, Department of Transportation, transmitting the Semiannual Report of the Office of Inspector General for the period ending September 30, 2007, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Oversight and Government Reform.

6321. A letter from the EEO Programs Director, Board of Governors of the Federal Reserve System, transmitting the third annual report pursuant to Section 203(a) of the No Fear Act, Pub. L. 107-174, for fiscal year 2007; to the Committee on Oversight and Government Reform.

6322. A letter from the Associate Deputy Director, Central Intelligence Agency, transmitting the Agency's annual report prepared in accordance with Section 203 of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002, Pub. L. 107-174, for Fiscal Years 2007 and 2006; to the Committee on Oversight and Government Reform.

6323. A letter from the Equal Employment Opportunity Director, Farm Credit Administration, transmitting the Administration's annual report pursuant to the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 for Fiscal Year 2007; to the Committee on Oversight and Government Reform.

6324. A letter from the Chairman, Federal Mine Safety and Health Review Commission, transmitting the Commission's FY 2006 Annual Report pursuant to Section 203, Title II of the No Fear Act, Pub. L. 107-174; to the Committee on Oversight and Government Reform.

6325. A letter from the Assistant Administrator for Legislative and Intergovernmental Affairs, National Aeronautics and Space Administration, transmitting the Administration's Fiscal Year 2007 Notification and Federal Employee Anti-Discrimination and Retaliation (No FEAR) Act Annual Report; to the Committee on Oversight and Government Reform.

6326. A letter from the Director, Office of Government Ethics, transmitting the Office's comments on H.R. 5687, a bill to amend the Federal Advisory Committee Act; to the Committee on Oversight and Government Reform.

6327. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; State Boat Channel, Babylon, NY [USCG-2008-0151] received April 7, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6328. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Sacramento River, Rio Vista, CA, Drawbridge Maintenance [Docket No. USCG-2008-0174] received April 7, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6329. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Harlem River, New York City, NY [USCG-2008-0177] received April 7, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6330. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Intracoastal Waterway (ICW); Atlantic City, NJ, Air Show Event [USCG-2008-0184] (RIN: 1625-AA09) received April 7, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6331. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulation; Bonfouca Bayou, Slidell, LA. [Docket No. USCG-2007-0070] (RIN: 1625-AA09) received April 7, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6332. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulation; Liberty Bayou, Slidell, LA. [Docket No. USCG-2007-0078] (RIN: 1625-AA09) received April 7, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6333. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulation; Tchefuncta River, Madisonville, LA. [Docket No. USCG-2007-0079] (RIN: 1625-AA09) received April 7, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6334. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulation; Gulf Intracoastal Waterway, Mile 113, St. Petersburg Beach, FL [Docket No. USCG-2007-0096] (RIN: 1625-AA09) received April 7, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6335. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Potomac River, between Maryland and Virginia [USCG-2008-0115] (RIN: 1625-AA09) received April 7, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6336. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Atlantic Intracoastal Waterway (AIWW), at Scotts Hill, NC [USCG-2008-0116] received April 7, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6337. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Waters Surrounding U.S. Forces Vessel SBX-1, HI [Docket No. USCG-2007-0195] (RIN: 1625-AA87) received April 7, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6338. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Cape Fear River, Wilmington, North Carolina [USCG-2008-0103] (RIN: 1625-AA87) received April 7, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6339. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Anchorage Regulations; Yarmouth, Maine, Casco Bay [Docket No. USCG-2008-0076] (RIN: 1625-AA01) received April 7, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6340. A letter from the Attorney, Department of Homeland Security, transmitting the Department's final rule — Landowner Defenses to Liability Under the Oil Pollution Act of 1990: Standards and Practices for Conducting All Appropriate Inquiries [Docket No. USCG-2006-25708] (RIN: 1625-AB09) received April 7, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6341. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Regulated Navigation Areas: Cape Fear River, Wilmington, North Carolina [USCG-2008-0061] (RIN: 1625-AA11) received April 7, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6342. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Regulated Navigation Area: Herbert C. Bonner Bridge, Oregon Inlet, NC [USCG-2008-0045] (RIN: 1625-AA11) received April 7, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6343. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Bass Wedding Fireworks Display, San Francisco Bay, CA. [Docket No. USCG-2008-0080] (RIN: 1625-AA00) received April 7, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6344. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Molokini Crater, Maui, HI [Docket No. USCG-2008-0083] (RIN: 1625-AA00) received April 7, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6345. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Fireworks Display, Pasquotank River, Elizabeth City, North Carolina [Docket No. USCG-2008-0147] (RIN: 1625-AA00) received April 7, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6346. A letter from the Chief, Regulations and Adminsitrative Law, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Longwood Events Wedding Fireworks Display, Boston Harbor, Boston, Massachusetts [Docket No. USCG-2008-0173] (RIN: 1625-AA00) received April 7, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6347. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Atlantic Intracoastal Waterway (AIWW), Sunset Beach, NC [CGD05-07-026] (RIN: 1625-AA09) received April 7, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6348. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Manbirtee Key, Port of Manatee, FL [Docket No. USCG-2007-0061, formerly COTP St. Petersburg 07-226] (RIN: 1625-AA87) received April 7, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6349. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Sector Anchorage Western Alaska Marine Inspection and Captain of the Port Zones; Technical Amendment [USCG-2008-0073] (RIN: 1625-ZA15) received April 7, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6350. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — 2008 Rates for Pilotage on the Great Lakes [USCG-2007-0039] (RIN: 1625-AB23) received April 7, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6351. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Sacramento River, Sacramento, CA [Docket No. USCG-2008-0062 formerly CGD11-08-002] received April 7, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6352. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Sacramento River, Sacramento, CA [Docket No. USCG-2008-0063 formerly CGD11-08-003] received April 7, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6353. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Sacramento River, Sacramento, CA [Docket No. USCG-2008-0066 formerly CGD11-08-004] received April 7, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6354. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Atlantic Intracoastal Waterway (AIWW); Wrightsville Beach, NC [USCG-2008-0104] (RIN: 1625-AA-09) received April 7, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6355. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Taunton River, Fall River and Somerset, MA [USCG-2008-0046] received April 7, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6356. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Final Rule: Special Local Regulations Concerning Fireworks Displays in Norwich and Middletown, Connecticut [USCG-2007-0011] (RIN: 1625-AA08) received April 7, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6357. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations for Marine Events; Severn River, College Creek, Weems Creek and Carr Creek, Annapolis, MD [Docket No. USCG-2007-0076] (RIN: 1625-AA08) received April 7, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6358. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of Presidential Determination No. 2008-18, waiving and certifying the statutory provisions regarding the Palestine Liberation Organization (PLO) Office; jointly to the Committees on Foreign Affairs and Appropriations.

6359. A letter from the Director, Office of Government Ethics, transmitting a copy of proposed legislation, ''To amend the Ethics in Government Act of 1978 (5 U.S.C. App.) to modernize the financial disclosure process for Federal personnel, and for other purposes''; jointly to the Committees on Oversight and Government Reform, House Administration, and the Judiciary.

¶50.4 MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 4040. An Act to establish consumer product safety standards and other safety requirements for children's products and to reauthorize and modernize the Consumer Product Safety Commission.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 4040) ''An Act to establish consumer product safety standards and other safety requirements for children's products and to reauthorize and modernize the Consumer Product Safety Commission,'' requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. INOUYE, Mr. PRYOR, Mrs. BOXER, Ms. KLOBUCHAR, Mr. STEVENS, Mrs. HUTCHISON, and Mr. SUNUNU, to be the conferees on the part of the Senate.

¶50.5 RECESS FOR JOINT MEETING TO RECEIVE HIS EXCELLENCY BERTIE AHERN, PRIME MINISTER OF IRELAND—10:07 A.M.

The SPEAKER pro tempore, Mr. MCNULTY, pursuant to the special order of the House agreed to on April 24, 2008, declared the House in recess at 10 o'clock and 7 minutes a.m., subject to the call of the Chair.

¶50.6 AFTER RECESS—12:15 P.M.

The SPEAKER pro tempore, Mr. PASTOR, called the House to order.

¶50.7 PROCEEDINGS DURING RECESS

On motion of Mr. CARNAHAN, by unanimous consent, the proceedings had during the recess were ordered to be printed in the Record.

¶50.8 SAFE, ACCOUNTABLE, FLEXIBLE, EFFICIENT TRANSPORTATION EQUITY

Mr. OBERSTAR moved to suspend the rules and agree to the following amendment of the Senate to the bill (H.R. 1195) to amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users to make technical corrections, and for other purposes:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''SAFETEA–LU Technical Corrections Act of 2008''.

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

Sec. 1. Short title; table of contents.

TITLE I—HIGHWAY PROVISIONS

Sec. 101. Surface transportation technical corrections.
Sec. 102. MAGLEV.
Sec. 103. Projects of national and regional significance and national corridor infrastructure improvement projects.
Sec. 104. Idling reduction facilities.
Sec. 105. Project authorizations.
Sec. 106. Nonmotorized transportation pilot program.
Sec. 107. Correction of Interstate and National Highway System designations.
Sec. 108. Budget justification; buy America.
Sec. 109. Transportation improvements.
Sec. 110. I–95/Contee Road interchange design.
Sec. 111. Highway research funding.
Sec. 112. Rescission.
Sec. 113. TEA–21 technical corrections.
Sec. 114. High priority corridor and innovative project technical corrections.
Sec. 115. Definition of repeat intoxicated driver law.
Sec. 116. Research technical correction.
Sec. 117. Buy America waiver notification and annual reports.
Sec. 118. Efficient use of existing highway capacity.
Sec. 119. Future interstate designation.
Sec. 120. Project flexibility.
Sec. 121. Effective date.

TITLE II—TRANSIT PROVISIONS

Sec. 201. Transit technical corrections.

TITLE III—OTHER SURFACE TRANSPORTATION PROVISIONS

Sec. 301. Technical amendments relating to motor carrier safety.

Sec. 302. Technical amendments relating to hazardous materials transportation.
Sec. 303. Highway safety.
Sec. 304. Correction of study requirement regarding on-scene motor vehicle collision causation.
Sec. 305. Motor carrier transportation registration.
Sec. 306. Applicability of Fair Labor Standards Act requirements and limitation on liability.

TITLE IV—MISCELLANEOUS PROVISIONS

Sec. 401. Conveyance of GSA Fleet Management Center to Alaska Railroad Corporation.
Sec. 402. Conveyance of retained interest in St. Joseph Memorial Hall.

TITLE V—OTHER PROVISIONS

Sec. 501. De Soto County, Mississippi.
Sec. 502. Department of Justice review.

TITLE I—HIGHWAY PROVISIONS

SEC. 101. SURFACE TRANSPORTATION TECHNICAL CORRECTIONS.

(a) CORRECTION OF INTERNAL REFERENCES IN DISADVANTAGED BUSINESS ENTERPRISES.—Paragraphs (3)(A) and (5) of section 1101(b) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1156) are amended by striking ''paragraph (1)'' each place it appears and inserting ''paragraph (2)''.

(b) CORRECTION OF DISTRIBUTION OF OBLIGATION AUTHORITY.—Section 1102(c)(5) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1158) is amended by striking ''among the States''.

(c) CORRECTION OF FEDERAL LANDS HIGHWAYS.—Section 1119 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1190) is amended by striking subsection (m) and inserting the following:

''(m) FOREST HIGHWAYS.—Of the amounts made available for public lands highways under section 1101—

''(1) not more than $20,000,000 for each fiscal year may be used for the maintenance of forest highways;

''(2) not more than $1,000,000 for each fiscal year may be used for signage identifying public hunting and fishing access; and

''(3) not more than $10,000,000 for each fiscal year shall be used by the Secretary of Agriculture to pay the costs of facilitating the passage of aquatic species beneath forest roads (as defined in section 101(a) of title 23, United States Code), including the costs of constructing, maintaining, replacing, and removing culverts and bridges, as appropriate.''.

(d) CORRECTION OF DESCRIPTION OF NATIONAL CORRIDOR INFRASTRUCTURE IMPROVEMENT PROJECT.—Item number 1 of the table contained in section 1302(e) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1205) is amended in the State column by inserting ''LA,'' after ''TX,''.

(e) CORRECTION OF HIGH PRIORITY DESIGNATIONS.—

(1) KENTUCKY HIGH PRIORITY CORRIDOR DESIGNATION.—Section 1105(c)(18)(E) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2032; 112 Stat. 189; 115 Stat. 872) is amended by inserting before the period at the end the following: '', follow Interstate Route 24 to the Wendell H. Ford Western Kentucky Parkway, then utilize the existing Wendell H. Ford Western Kentucky Parkway and Edward T. Breathitt (Pennyrile) Parkway to Henderson''.

(2) INTERSTATE ROUTE 376 HIGH PRIORITY DESIGNATION.—

(A) IN GENERAL.—Section 1105(c)(79) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2032; 119 Stat. 1213) is amended by striking ''and on United States Route 422''.

(B) CONFORMING AMENDMENT.—Section 1105(e)(5)(B)(i)(I) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2033; 119 Stat. 1213) is amended by striking ''and United States Route 422''.

(f) CORRECTION OF INFRASTRUCTURE FINANCE SECTION.—Section 1602(d)(1) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1247) is amended by striking ''through 189 as sections 601 through 609, respectively'' and inserting ''through 190 as sections 601 through 610, respectively''.

(g) CORRECTION OF PROJECT FEDERAL SHARE.—Section 1964(a) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1519) is amended—

(1) by striking ''only for the States of Alaska, Montana, Nevada, North Dakota, Oregon, and South Dakota,''; and

(2) by striking ''section 120(b)'' and inserting ''section 120''.

(h) TRANSPORTATION SYSTEMS MANAGEMENT AND OPERATIONS DEFINED.—Section 101(a) of title 23, United States Code, is amended by adding at the end the following:

''(39) TRANSPORTATION SYSTEMS MANAGEMENT AND OPERATIONS.—

''(A) IN GENERAL.—The term 'transportation systems management and operations' means an integrated program to optimize the performance of existing infrastructure through the implementation of multimodal and intermodal, cross-jurisdictional systems, services, and projects designed to preserve capacity and improve security, safety, and reliability of the transportation system.

''(B) INCLUSIONS.—The term 'transportation systems management and operations' includes—

''(i) regional operations collaboration and coordination activities between transportation and public safety agencies; and

''(ii) improvements to the transportation system, such as traffic detection and surveillance, arterial management, freeway management, demand management, work zone management, emergency management, electronic toll collection, automated enforcement, traffic incident management, roadway weather management, traveler information services, commercial vehicle operations, traffic control, freight management, and coordination of highway, rail, transit, bicycle, and pedestrian operations.''.

(i) CORRECTION OF REFERENCE IN APPORTIONMENT OF HIGHWAY SAFETY IMPROVEMENT PROGRAM FUNDS.—Effective October 1, 2007, section 104(b)(5)(A)(iii) of title 23, United States Code, is amended by striking ''the Federal-aid system'' each place it appears and inserting ''Federal-aid highways''.

(j) CORRECTION OF AMENDMENT TO ADVANCE CONSTRUCTION.—Section 115 of title 23, United States Code, is amended by redesignating subsection (d) as subsection (c).

(k) CORRECTION OF HIGH PRIORITY PROJECTS.—Section 117 of title 23, United States Code, is amended—

(1) by redesignating subsections (d) through (h) as subsections (e) through (i), respectively;

(2) by redesignating the second subsection (c) (relating to Federal share) as subsection (d);

(3) in subsection (a)(2)(A) by inserting ''(112 Stat. 257)'' after ''21st Century''; and

(4) in subsection (a)(2)(B)—

(A) by striking ''subsection (b)'' and inserting ''subsection (c)''; and

(B) by striking ''SAFETEA–LU'' and inserting ''Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1256)''.

(l) CORRECTION OF TRANSFER OF UNUSED PROTECTIVE-DEVICE FUNDS TO OTHER HIGHWAY SAFETY IMPROVEMENT PROGRAM PROJECTS.—Section 130(e)(2) of title 23, United States Code, is amended by striking ''purposes under this subsection'' and inserting ''highway safety improvement program purposes''.

(m) CORRECTION OF HIGHWAY BRIDGE PROGRAM.—

(1) IN GENERAL.—Section 144 of title 23, United States Code, is amended—

*(A) in the section heading by striking ''**REPLACEMENT AND REHABILITATION**'';*

(B) in subsections (b), (c)(1), and (e) by striking ''Federal-aid system'' each place it appears and inserting ''Federal-aid highway'';

(C) in subsections (c)(2) and (o) by striking ''the Federal-aid system'' each place it appears and inserting ''Federal-aid highways'';

(D) in the heading to paragraph (4) of subsection (d) by inserting ''SYSTEMATIC'' before ''PREVENTIVE'';

(E) in subsection (e) by striking ''off-system bridges'' each place it appears and inserting ''bridges not on Federal-aid highways'';

(F) by striking subsection (f);

(G) by redesignating subsections (g) through (s) as subsections (f) through (r), respectively;

(H) in paragraph (1)(A)(vi) of subsection (f) (as redesignated by subparagraph (G) of this paragraph) by inserting ''and the removal of the Missisquoi Bay causeway'' after ''Bridge'';

(I) in paragraph (2) of subsection (f) (as redesignated by subparagraph (G) of this paragraph) by striking the paragraph heading and inserting ''BRIDGES NOT ON FEDERAL-AID HIGHWAYS'';

(J) in subsection (m) (as redesignated by subparagraph (G) of this paragraph) by striking the subsection heading and inserting ''PROGRAM FOR BRIDGES NOT ON FEDERAL-AID HIGHWAYS''; and

(K) in subsection (n)(4)(B) (as redesignated by subparagraph (G) of this paragraph) by striking ''State highway agency'' and inserting ''State transportation department''.

(2) SPECIAL CONDITIONS.—Section 1114 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109–59; 119 Stat. 1172) is amended by adding at the end the following:

''(h) SPECIAL CONDITIONS.—Any unobligated or unexpended funds remaining on completion of the project carried out under section 144(f)(1)(A)(vi) of title 23, United States Code, shall be made available to carry out the project described in section 144(f)(1)(A)(vii) of that title after the date on which the Vermont Agency of Transportation certifies to the Federal Highway Administration the final determination of the agency regarding the removal of the Missisquoi Bay causeway.''.

(3) CONFORMING AMENDMENTS.—

(A) METROPOLITAN PLANNING.—Section 104(f)(1) of title 23, United States Code, is amended by striking ''replacement and rehabilitation''.

(B) EQUITY BONUS PROGRAM.—Subsections (a)(2)(C) and (b)(2)(C) of section 105 of such title are amended by striking ''replacement and rehabilitation'' each place it appears.

(C) ANALYSIS.—The analysis for chapter 1 of such title is amended in the item relating to section 144 by striking ''replacement and rehabilitation''.

(n) METROPOLITAN TRANSPORTATION PLANNING.—Section 134 of title 23, United States Code, is amended—

(1) in subsection (f)(3)(C)(ii) by striking subclause (II) and inserting the following:

''(II) FUNDING.—For fiscal year 2008 and each fiscal year thereafter, in addition to other funds made available to the metropolitan planning organization for the Lake Tahoe region under this title and chapter 53 of title 49, prior to any allocation under section 202 of this title and notwithstanding the allocation provisions of section 202, the Secretary shall set aside ½ of 1 percent of all funds authorized to be appropriated for such fiscal year to carry out section 204 and shall make such funds available to the metropolitan planning organization for the Lake Tahoe region to carry out the transportation planning process, environmental reviews, preliminary engineering, and design to complete environmental documentation for transportation projects for the Lake Tahoe region under the Tahoe Regional Planning Compact as consented to in Public Law 96–551 (94 Stat. 3233) and this paragraph.'';

(2) in subsection (j)(3)(D) by inserting ''or the identified phase'' after ''the project'' each place it appears; and

(3) in subsection (k)(2) by striking ''a metropolitan planning area serving''.

(o) CORRECTION OF NATIONAL SCENIC BYWAYS PROGRAM COVERAGE.—Section 162 of title 23, United States Code, is amended—

(1) in subsection (a)(3)(B) by striking ''a National Scenic Byway under subparagraph (A)'' and inserting ''a National Scenic Byway, an All-American Road, or one of America's Byways under paragraph (1)''; and

(2) in subsection (c)(3) by striking ''or All-American Road'' each place it appears and inserting ''All-American Road, or one of America's Byways''.

(p) CORRECTION OF REFERENCE IN TOLL PROVISION.—Section 166(b)(5)(C) of title 23, United States Code, is amended by striking ''paragraph (3)'' and inserting ''paragraph (4)''.

(q) CORRECTION OF RECREATIONAL TRAILS PROGRAM APPORTIONMENT EXCEPTIONS.—Section 206(d)(3)(A) of title 23, United States Code, is amended by striking ''(B), (C), and (D)'' and inserting ''(B) and (C)''.

(r) CORRECTION OF INFRASTRUCTURE FINANCE.—Section 601(a)(3) of title 23, United States Code, is amended by inserting ''bbb minus, BBB (low),'' after ''Baa3,''.

(s) CORRECTION OF MISCELLANEOUS TYPOGRAPHICAL ERRORS.—

(1) Section 1401 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1226) is amended by redesignating subsections (d) and (e) as subsections (c) and (d), respectively.

(2) Section 1404(e) of such Act (119 Stat. 1229) is amended by inserting ''tribal,'' after ''local,''.

(3) Section 10211(b)(2) of such Act (119 Stat. 1937) is amended by striking ''plan administer'' and inserting ''plan and administer''.

(4) Section 10212(a) of such Act (119 Stat. 1937) is amended—

(A) by inserting ''equity bonus,'' after ''minimum guarantee,'';

(B) by striking ''freight intermodal connectors'' and inserting ''railway-highway crossings'';

(C) by striking ''high risk rural road,''; and

(D) by inserting after ''highway safety improvement programs'' the following: ''(and separately the set aside for the high risk rural road program)''.

SEC. 102. MAGLEV.

(a) FUNDING.—Section 1101(a)(18) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1155) is amended by striking ''Act—'' and all that follows through the end of the paragraph and inserting ''Act, $45,000,000 for each of fiscal years 2008 and 2009.''.

(b) CONTRACT AUTHORITY.—Section 1307 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1217) is amended by adding at the end the following:

''(e) CONTRACT AUTHORITY.—Funds authorized under section 1101(a)(18) shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code; except that the funds shall not be transferable and shall remain available until expended, and the Federal share of the cost of a project to be carried out with such funds shall be 80 percent.''.

(c) ALLOCATION.—Section 1307 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1217) is amended by striking subsection (d) and inserting the following:

''(d) ALLOCATION.—Of the amounts made available to carry out this section for a fiscal year, the Secretary shall allocate—

''(1) 50 percent to the Nevada department of transportation who shall cooperate with the California-Nevada Super Speed Train Commission for the MAGLEV project between Las Vegas and Primm, Nevada, as a segment of the high-speed MAGLEV system between Las Vegas, Nevada, and Anaheim, California; and

''(2) 50 percent for existing MAGLEV projects located east of the Mississippi River using such criteria as the Secretary deems appropriate.''.

(d) EFFECTIVE DATE.—The amendments made by this section take effect on October 1, 2007.

SEC. 103. PROJECTS OF NATIONAL AND REGIONAL SIGNIFICANCE AND NATIONAL CORRIDOR INFRASTRUCTURE IMPROVEMENT PROJECTS.

(a) PROJECT OF NATIONAL AND REGIONAL SIGNIFICANCE.—The table contained in section 1301(m) of the Safe, Accountable, Flexible, Efficient Transportation Equity: A Legacy for Users (119 Stat. 1203) is amended—

(1) in item number 4 by striking the project description and inserting ''$7,400,000 for planning, design, and construction of a new American border plaza at the Blue Water Bridge in or near Port Huron; $12,600,000 for integrated highway realignment and grade separations at Port Huron to eliminate road blockages from NAFTA rail traffic'';

(2) in item number 19 by striking the project description and inserting ''For purposes of construction and other related transportation improvements associated with the rail yard relocation in the vicinity of Santa Teresa''; and

(3) in item number 22 by striking the project description and inserting ''Redesign and reconstruction of interchanges 298 and 299 of I–80 and accompanying improvements to any other public roads in the vicinity, Monroe County''.

(b) NATIONAL CORRIDOR INFRASTRUCTURE IMPROVEMENT PROJECT.—The table contained in section 1302(e) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1205) is amended in item number 23 by striking the project description and inserting ''Improvements to State Road 312, Hammond''.

SEC. 104. IDLING REDUCTION FACILITIES.

Section 111(d) of title 23, United States Code, is repealed.

SEC. 105. PROJECT AUTHORIZATIONS.

(a) PROJECT MODIFICATIONS.—The table contained in section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1256) is amended—

(1) in item number 34 by striking the project description and inserting ''Removal and Reconfiguration of Interstate ramps, I–40, Memphis'';

(2) by striking item number 61;

(3) in item number 87 by striking the project description and inserting ''M–291 highway outer road improvement project'';

(4) in item number 128 by striking ''$2,400,000'' and inserting ''$4,800,000'';

(5) in item number 154 by striking ''Virginia'' and inserting ''Eveleth'';

(6) in item number 193 by striking the project description and inserting ''Improvements to or access to Route 108 to enhance access to the business park near Rumford'';

(7) in item number 240 by striking ''$800,000'' and inserting ''$2,400,000'';

(8) by striking item number 248;

(9) in item number 274 by striking the project description and inserting ''Intersection improvements at Belleville and Ecorse Roads and approach roadways, and widen Belleville Road from Ecorse to Tyler, Van Buren Township, Michigan'';

(10) in item number 277 by striking the project description and inserting ''Construct connector road from Rushing Drive North to Grand Ave., Williamson County'';

(11) in item number 395 by striking the project description and inserting ''Plan and construct interchange at I–65, from existing SR–109 to I–65'';

(12) in item number 463 by striking ''Cookeville'' and inserting ''Putnam County'';

(13) in item number 576 by striking the project description and inserting ''Design, right-of-way acquisition, and construction of Nebraska Highway 35 between Norfolk and South Sioux City, including an interchange at Milepost 1 on I–129'';

(14) in item number 595 by striking ''Street Closure at'' and inserting ''Transportation improvement project near'';

(15) in item number 649 by striking the project description and inserting ''Construction and enhancement of the Fillmore Avenue Corridor, Buffalo'';

(16) in item number 655 by inserting '', safety improvement construction,'' after ''Environmental studies'';

(17) in item number 676 by striking the project description and inserting ''St. Croix River crossing project, Wisconsin State Highway 64, St. Croix County, Wisconsin, to Minnesota State Highway 36, Washington County'';

(18) in item number 770 by striking the project description and inserting ''Improve existing Horns Hill Road in North Newark, Ohio, from Waterworks Road to Licking Springs Road'';

(19) in item number 777 by striking the project description and inserting ''Akutan Airport access'';

(20) in item number 829 by striking the project description and inserting ''$400,000 to conduct New Bedford/Fairhaven Bridge modernization study; $1,000,000 to design and build New Bedford Business Park access road'';

(21) in item number 881 by striking the project description and inserting ''Pedestrian safety improvements near North Atlantic Boulevard, Monterey Park'';

(22) in item number 923 by striking the project description and inserting ''Improve safety of a horizontal curve on Clarksville St. 0.25 miles north of 275th Rd. in Grandview Township, Edgar County'';

(23) in item number 947 by striking the project description and inserting ''Third East/West River Crossing, St. Lucie River'';

(24) in item numbers 959 and 3327 by striking ''Northern Section,'' each place it appears;

(25) in item number 963 by striking the project description and inserting ''For engineering, right-of-way acquisition, and reconstruction of 2 existing lanes on Manhattan Road from Baseline Road to Route 53'';

(26) in item number 983 by striking the project description and inserting ''Land acquisition for highway mitigation in Cecil, Kent, Queen Annes, and Worcester Counties'';

(27) in item number 1039 by striking the project description and inserting ''Widen State Route 98, including storm drain developments, from D. Navarro Avenue to State Route 111'';

(28) in item number 1047 by striking the project description and inserting ''Bridge and road work at Little Susitna River Access road in Matanuska-Susitna Borough'';

(29) in item number 1124 by striking ''bridge over Stillwater River, Orono'' and inserting ''routes'';

(30) in item number 1206 by striking ''Pleasantville'' and inserting ''Briarcliff Manor'';

(31) in item number 1281 by striking the project description and inserting ''Upgrade roads in Attala County District 4 (Roads 4211 and 4204), Kosciusko, Ward 2, and Ethel, Attala County'';

(32) in item number 1487 by striking ''$800,000'' and inserting ''$1,600,000'';

(33) in item number 1575 by striking the project description and inserting ''Highway and road signage, and traffic signal synchronization and upgrades, in Shippensburg Boro, Shippensburg Township, and surrounding municipalities'';

(34) in item number 1661 by striking the project description and inserting ''Sheldon West Extension in Matanuska-Susitna Borough'';

(35) in item number 1810 by striking the project description and inserting ''Design, engineering, ROW acquisition, construction, and construction engineering for the reconstruction of TH 95, from 12th Avenue to CSAH 13, including bridge and approaches, ramps, intersecting roadways, signals, turn lanes, and multiuse trail, North Branch'';

(36) in item number 1852 by striking ''Milepost 9.3'' and inserting ''Milepost 24.3'';

(37) in item numbers 1926 and 2893 by striking the project descriptions and inserting ''Grading, paving roads, and the transfer of rail-to-truck for the intermodal facility at Rickenbacker Airport, Columbus, Ohio'';

(38) in item number 1933 by striking the project description and inserting ''Enhance Byzantine Latino Quarter transit plazas at Normandie and Pico, and Hoover and Pico, Los Angeles, by improving streetscapes, including expanding concrete and paving'';

(39) in item number 1975 by striking the project description and inserting ''Point MacKenzie Access Road improvements in Matanuska-Susitna Borough'';

(40) in item number 2015 by striking the project description and amount and inserting ''Heidelberg Borough/Scott Township/Carnegie Borough for design, engineering, acquisition, and construction of streetscaping enhancements, paving, lighting and safety upgrades, and parking improvements'' and ''$2,000,000'', respectively;

(41) in item number 2087 by striking the project description and inserting ''Railroad crossing improvement on Illinois Route 82 in Geneseo'';

(42) in item number 2211 by striking the project description and inserting ''Construct road projects and transportation enhancements as part of or connected to RiverScape Phase III, Montgomery County, Ohio'';

(43) in item number 2234 by striking the project description and amount and inserting ''North Atherton Signal Coordination Project in Centre County'' and ''$400,000'', respectively;

(44) in item number 2316 by striking the project description and inserting ''Construct a new bridge at Indian Street, Martin County'';

(45) in item number 2420 by striking the project description and inserting ''Preconstruction and construction activities of U.S. 51 between the Assumption Bypass and Vandalia'';

(46) in item number 2482 by striking ''Country'' and inserting ''County'';

(47) in item number 2663 by striking the project description and inserting ''Rosemead Boulevard safety enhancement and beautification, Temple City'';

(48) in item number 2671 by striking ''from 2 to 5 lanes and improve alignment within rights-of-way in St. George'' and inserting '', St. George'';

(49) in item number 2743 by striking the project description and inserting ''Improve safety of culvert replacement on 250th Rd. between 460th St. and Cty Hwy 20 in Grandview Township, Edgar County'';

(50) by striking item number 2800;

(51) in item number 2826 by striking ''State Street and Cajon Boulevard'' and inserting ''Palm Avenue'';

(52) in item number 2931 by striking ''Frazho Road'' and inserting ''Martin Road'';

(53) in item number 3047 by inserting ''and roadway improvements'' after ''safety project'';

(54) in item number 3078 by striking the project description and inserting ''U.S. 2/Sultan Basin Road improvements in Sultan'';

(55) in item number 3174 by striking the project description and inserting ''Improving Outer Harbor access through planning, design, construction, and relocations of Southtowns Connector–NY Route 5, Fuhrmann Boulevard, and a bridge connecting the Outer Harbor to downtown Buffalo at the Inner Harbor'';

(56) in item number 3219 by striking ''Forest'' and inserting ''Warren'';

(57) in item number 3254 by striking the project description and inserting ''Reconstruct PA Route 274/34 Corridor, Perry County'';

(58) in item number 3260 by striking ''Lake Shore Drive'' and inserting ''Lakeshore Drive and parking facility/entrance improvements serving the Museum of Science and Industry'';

(59) in item number 3368 by striking the project description and inserting ''Plan, design, and engineering, Ludlam Trail, Miami'';

(60) in item number 3410 by striking the project description and inserting ''Design, purchase land, and construct sound walls along the west side of I–65 from approximately 950 feet south of the Harding Place interchange south to Hogan Road'';

(61) in item number 3537 by inserting ''and the study of alternatives along the North South Corridor,'' after ''Valley'';

(62) in item number 3582 by striking the project description and inserting ''Improving Outer Harbor access through planning, design, construction, and relocations of Southtowns Connector–NY Route 5, Fuhrmann Boulevard, and a bridge connecting the Outer Harbor to downtown Buffalo at the Inner Harbor'';

(63) in item number 3604 by inserting ''/Kane Creek Boulevard'' after ''500 West'';

(64) in item number 3632 by striking the State, project description, and amount and inserting ''FL'', ''Pine Island Road pedestrian overpass, city of Tamarac'', and ''$610,000'', respectively;

(65) in item number 3634 by striking the matters in the State, project description, and amount columns and inserting ''FL'', ''West Avenue Bridge, city of Miami Beach'', and ''$620,000'', respectively;

(66) in item number 3673 by striking the project description and inserting ''Improve marine dry-dock and facilities in Ketchikan'';

(67) in item number 2942 by striking the project description and inserting ''Redesigning the intersection of Business U.S. 322/High Street and Rosedale Avenue and constructing a new East Campus Drive between High Street (U.S. 322) and Matlock Street at West Chester University, West Chester, Pennsylvania'';

(68) in item number 2781 by striking the project description and inserting ''Highway and road signage, road construction, and other transportation improvement and enhancement projects on or near Highway 26, in Riverton and surrounding areas'';

(69) in item number 2430 by striking ''200 South Interchange'' and inserting ''400 South Interchange'';

(70) by striking item number 20;

(71) in item number 424 by striking ''$264,000'' and inserting ''$644,000'';

(72) in item number 1210 by striking the project description and inserting ''Town of New Windsor—Riley Road, Shore Drive, and area road improvements'';

(73) by striking item numbers 68, 905, and 1742;

(74) in item number 1059 by striking ''$240,000'' and inserting ''$420,000'';

(75) in item number 2974 by striking ''$120,000'' and inserting ''$220,000'';

(76) by striking item numbers 841, 960, and 2030;

(77) in item number 1278 by striking ''$740,000'' and inserting ''$989,600'';

(78) in item number 207 by striking ''$13,600,000'' and inserting ''$13,200,000'';

(79) in item number 2656 by striking ''$12,228,000'' and inserting ''$8,970,000'';

(80) in item number 1983 by striking ''$1,600,000'' and inserting ''$1,000,000'';

(81) in item number 753 by striking ''$2,700,000'' and inserting ''$3,200,000'';

(82) in item number 64 by striking ''$6,560,000'' and inserting ''$8,480,000'';

(83) in item number 2338 by striking ''$1,600,000'' and inserting ''$1,800,000'';

(84) in item number 1533 by striking ''$392,000'' and inserting ''$490,000'';

(85) in item number 1354 by striking ''$40,000'' and inserting ''$50,000'';

(86) in item number 3106 by striking ''$400,000'' and inserting ''$500,000'';

(87) in item number 799 by striking ''$1,600,000'' and inserting ''$2,000,000'';

(88) in item number 159—

(A) by striking ''Construct interchange for 146th St. and I–69'' and inserting ''Upgrade 146th St. to I–69 Access''; and

(B) by striking ''$2,400,000'' and inserting ''$3,200,000'';

(89) by striking item number 2936;

(90) in item number 3138 by striking the project description and inserting ''Elimination of highway-railway crossing along the KO railroad from Salina to Osborne to increase safety and reduce congestion'';

(91) in item number 2274 by striking ''between Farmington and Merriman'' and inserting ''between Hines Drive and Inkster, Flamingo Street between Ann Arbor Trail and Joy Road, and the intersection of Warren Road and Newburgh Road'';

(92) in item number 52 by striking the project description and inserting ''Pontiac Trail between E. Liberty and McHattie Street'';

(93) in item number 1544 by striking ''connector'';

(94) in item number 2573 by striking the project description and inserting ''Rehabilitation of Sugar Hill Road in North Salem, NY'';

(95) in item number 1450 by striking ''III–VI'' and inserting ''III–VII'';

(96) in item number 2637 by striking the project description and inserting ''Construction, road and safety improvements in Geauga County, OH'';

(97) in item number 2342 by striking the project description and inserting ''Streetscaping, bicycle trails, and related improvements to the I–90/SR–615 interchange and adjacent area and Heisley Road in Mentor, including acquisition of necessary right-of-way within the Newell Creek development to build future bicycle trails and bicycle staging areas that will connect into the existing bicycle trail system at I–90/SR–615, widening the Garfield Road Bridge over I–90 to provide connectivity to the existing bicycle trail system between the I–90/SR–615 interchange and Lakeland Community College, and acquisition of additional land needed for the preservation of the Lake Metroparks Greenspace Corridor with the Newell Creek development adjacent to the I–90/SR–615 interchange'';

(98) in item number 161 by striking the project description and inserting ''Construct False Pass causeway and road to the terminus of the south arm breakwater project'';

(99) in item number 2002 by striking the project description and inserting ''Dowling Road extension/reconstruction west from Minnesota Drive to Old Seward Highway, Anchorage'';

(100) in item number 2023 by striking the project description and inserting ''Biking and pedestrian trail construction, Kentland'';

(101) in item number 2035 by striking ''Replace'' and inserting ''Repair'';

(102) in item number 2511 by striking ''Replace'' and inserting ''Rehabilitate'';

(103) in item number 2981 by striking the project description and inserting ''Roadway improvements on Highway 262 on the Navajo Nation in Aneth'';

(104) in item number 2068 by inserting ''and approaches'' after ''capacity'';

(105) in item number 98 by striking the project description and inserting ''Right-of-way acquisition and construction for the 77th Street reconstruction project, including the Lyndale Avenue Bridge over I–494, Richfield'';

(106) in item number 1783 by striking the project description and inserting ''Clark Road access improvements, Jacksonville'';

(107) in item number 2711 by striking the project description and inserting ''Main Street Road Improvements through Springfield, Jacksonville'';

(108) in item number 3485 by striking the project description and inserting ''Improve SR 105 (Hecksher Drive) from Drummond Point to August Road, including bridges across the Broward River and Dunns Creek, Jacksonville'';

(109) in item number 3486 by striking the project description and inserting ''Construct improvements to NE 19th Street/NE 19th Terrace from NE 3rd Avenue to NE 8th Avenue, Gainesville'';

(110) in item number 3487 by striking the project description and inserting ''Construct improvements to NE 25th Street from SR 26 (University Blvd.) to NE 8th Avenue, Gainesville'';

(111) in item number 803 by striking ''St. Clair County'' and inserting ''city of Madison'';

(112) in item number 615 by striking the project description and inserting ''Roadway improvements to Jackson Avenue between Jericho Turnpike and Teibrook Avenue'';

(113) by striking item number 889;

(114) in item number 324 by striking the project description and inserting ''Alger County, to reconstruct, pave, and realign a portion of H–58 from 2,600 feet south of Little Beaver Lake Road to 4,600 feet east of Hurricane River'';

(115) in item number 301 by striking the project description and inserting ''Improvements for St. Georges Avenue between East Baltimore Avenue on the southwest and Chandler Avenue on the northeast'';

(116) in item number 1519 by inserting ''at the intersection of Quincy/West Drinker/Electric Streets near the Dunmore School complex'' after ''roadway redesign'';

(117) in item number 2604 by inserting ''on Coolidge, Bridge (from Main to Monroe), Skytop (from Gedding to Skytop), Atwell (from Bear Creek Rd. to Pittston Township), Wood (to Bear Creek Rd.), Pine, Oak (from Penn Avenue to Lackawanna Avenue), McLean, Second, and Lolli Lane'' after ''roadway redesign'';

(118) in item number 1157 by inserting ''on Mill Street from Prince Street to Roberts Street, John Street from Roberts Street to end, Thomas Street from Roberts Street to end, Williams Street from Roberts Street to end, Charles Street from Roberts Street to end, Fair Street from Roberts Street to end, Newport Avenue from East Kirmar Avenue to end'' after ''roadway redesign'';

(119) in item number 805 by inserting ''on Oak Street from Stark Street to the township line at Mayock Street and on East Mountain Boulevard'' after ''roadway redesign'';

(120) in item number 2704 by inserting ''on West Cemetery Street and Frederick Courts'' after ''roadway redesign'';

(121) in item number 4599 by striking the project description and inserting ''Pedestrian paths, stairs, seating, landscaping, lighting, and other transportation enhancement activities along Riverside Boulevard and at Riverside Park South'';

(122) in item number 1363 by striking the project description and inserting ''Design, engineering, right-of-way acquisition, and construction of streetscaping enhancements, paving, lighting, safety improvements, handicap access ramps, parking, and roadway redesign on Bilbow Street from Church Street to Pugh Street, on Pugh Street from Swallow Street to Main Street, Jones Lane from Main Street to Hoblak Street, Cherry Street from Green Street to Church Street, Main Street from Jackson Street to end, Short Street from Cherry Street to Main Street, and Hillside Avenue in Edwardsville Borough, Luzerne County'';

(123) in item number 883 by striking the project description and inserting ''Design, engineering, right-of-way acquisition, and construction of streetscaping enhancements, paving, lighting, parking, roadway redesign, and safety improvements (including curbing, stop signs, crosswalks, and pedestrian sidewalks) at and around the 3-way intersection involving Susquehanna Avenue, Erie Street, and Second Street in West Pittston, Luzerne County'';

(124) in item number 625 by striking the project description and inserting ''Design, engineering, right-of-way acquisition, and construction of streetscaping enhancements, paving, lighting, safety improvements, parking, and roadway redesign on Sampson Street, Dunn Avenue, Powell Street, Josephine Street, Pittston Avenue, Railroad Street, McClure Avenue, and Baker Street in Old Forge Borough, Lackawanna County'';

(125) in item number 372 by inserting '', replacement of the Nesbitt Street Bridge, and placement of a guard rail adjacent to St. Vladimir's Cemetery on Mountain Road (S.R. 1007)'' after ''roadway redesign'';

(126) in item number 2308 by striking the project description and inserting ''Design, engineering, right-of-way acquisition, and construction of streetscaping enhancements, paving, lighting, safety improvements, parking, and roadway redesign, including a project to establish emergency access to Catherino Drive from South Valley Avenue in Throop Borough, Lackawanna County'';

(127) in item number 967 by striking the project description and inserting ''Design, engineering, right-of-way acquisition, and construction of streetscaping enhancements, paving, lighting, safety improvements, parking, roadway redesign, and catch basin restoration and replacement on Cherry Street, Willow Street, Eno Street, Flat Road, Krispin Street, Parrish Street, Carver Street, Church Street, Franklin Street, Carolina Street, East Main Street, and Rear Shawnee Avenue in Plymouth Borough, Luzerne County'';

(128) in item number 989 by inserting ''on Old Ashley Road, Ashley Street, Phillips Street, First Street, Ferry Road, and Division Street'' after ''roadway redesign'';

(129) in item number 342 by striking the project description and inserting ''Design, engineering, right-of-way acquisition, and construction of streetscaping enhancements, paving, lighting, safety improvements, parking, roadway redesign, and cross pipe and catch basin restoration and replacement on Northgate, Mandy Court, Vine Street, and 36th Street in Milnesville West, and on Hillside Drive (including the widening of the bridge on Hillside Drive), Club 40 Road, Sunburst and Venisa Drives, and Stockton #7 Road in Hazle Township, Luzerne County'';

(130) in item number 2332 by striking ''Monroe County'' and inserting ''Carbon, Monroe, Pike, and Wayne Counties'';

(131) in item number 4914 by striking the project description and inserting ''Roadway improvements on I–90 loop in Mitchell along Haven Street from near Burr Street to near Ohlman Street'';

(132) by striking item number 2723;

(133) in item number 61 by striking the matters in the State, project description, and amount columns and inserting ''AL'', ''Grade crossing improvements along Wiregrass Central RR at Boll Weevil Bypass in Enterprise, AL'', and ''$250,000'', respectively;

(134) in item number 314 by striking the project description and amount and inserting ''Streetscape enhancements to the transit and pedestrian corridor, Fort Lauderdale, Downtown Development Authority'' and ''$610,000'', respectively;

(135) in item number 1639 by striking the project description and inserting ''Operational and highway safety improvements on Hwy 94 between the 20 mile marker post in Jamul and Hwy 188 in Tecate'';

(136) in item number 2860 by striking the project description and inserting ''Roadway improvements from Halchita to Mexican Hat on the Navajo Nation'';

(137) in item number 2549 by striking ''on Navy Pier'';

(138) in item number 2804 by striking ''on Navy Pier'';

(139) in item number 1328 by striking the project description and inserting ''Construct public access roadways and pedestrian safety improvements in and around Montclair State University in Clifton'';

(140) in item number 2559 by striking the project description and inserting ''Construct sound walls on Route 164 at and near the Maersk interchange'';

(141) in item number 1849 by striking the project description and inserting ''Highway, traffic-flow, pedestrian facility, and streetscape improvements, Pittsburgh'';

(142) in item number 697 by striking the project description and inserting ''Highway, traffic-flow, pedestrian facility, and streetscape improvements, Pittsburgh'';

(143) in item number 3597 by striking the project description and inserting ''Road Alignment from IL Route 159 to Sullivan Drive, Swansea'';

(144) in item number 2352 by striking the project description and inserting ''Streetscaping and transportation enhancements on 7th Street in Calexico, traffic signalization on Highway 78, construction of the Renewable Energy and Transportation Learning Center, improve and enlarge parking lot, and create bus stop, Brawley'';

(145) in item number 3482 by striking the project description and inserting ''Conduct a study to examine multi-modal improvements to the I–5 corridor between the Main Street Interchange and State Route 54'';

(146) in item number 1275 by striking the project description and inserting ''Scoping, permitting, engineering, construction management, and construction of Riverbank Park Bike Trail, Kearny'';

(147) in item number 726 by striking the project description and inserting ''Grade Separation at Vanowen and Clybourn, Burbank'';

(148) in item number 1579 by striking the project description and inserting ''San Gabriel Blvd. rehabilitation project, Mission Road to Broadway, San Gabriel'';

(149) in item number 2690 by striking the project description and inserting ''San Gabriel Blvd. rehabilitation project, Mission Road to Broadway, San Gabriel'';

(150) in item number 2811 by striking the project description and inserting ''San Gabriel Blvd. rehabilitation project, Mission Road to Broadway, San Gabriel'';

(151) in item number 259 by striking the project description and inserting ''Design and construction of the Clair Nelson Intermodal Center in Finland, Lake County'';

(152) in item number 3456 by striking the project description and inserting ''Completion of Phase II/Part I of a project on Elizabeth Avenue in Coleraine to west of Itasca County State Aid Highway 15 in Itasca County'';

(153) in item number 2329 by striking the project description and inserting ''Upgrade streets, undertake streetscaping, and implement traffic and pedestrian safety signalization improvements and highway-rail crossing safety improvements, Oak Lawn'';

(154) in item number 766 by striking the project description and inserting ''Design and construction of the walking path at Ellis Pond, Norwood'';

(155) in item number 3474 by striking the project description and inserting ''Yellow River Trail, Newton County'';

(156) in item number 3291 by striking the amount and inserting ''$200,000'';

(157) in item number 3635 by striking the matters in the State, project description, and amount columns and inserting ''GA'', ''Access Road in Montezuma'', and ''$200,000'', respectively;

(158) in item number 716 by striking the project description and inserting ''Conduct a project study report for new Highway 99 Interchange between SR 165 and Bradbury Road, and safety improvements/realignment of SR 165, serving Turlock/Hilmar region'';

(159) in item number 1386 by striking the project description and amount and inserting ''Pedestrian and bicycle facilities, and street lighting in Haddon Heights'' and ''$300,000'', respectively;

(160) in item number 2720 by striking the project description and amount and inserting ''Pedestrian and bicycle facilities and street lighting in Barrington and streetscape improvements to Clements Bridge Road from the circle at the White Horse Pike to NJ Turnpike overpass in Barrington'' and ''$700,000'', respectively;

(161) in item number 2523 by striking the project description and inserting ''Penobscot Riverfront Development for bicycle trails, amenities, traffic circulation improvements, and waterfront access or stabilization, Bangor and Brewer'';

(162) in item number 545 by striking the project description and inserting ''Planning, design, and construction of improvements to the highway systems connecting to Lewistown and Auburn downtowns'';

(163) by striking item number 2168;

(164) by striking item number 170;

(165) in item number 2366 by striking the project description and inserting ''Design, engineering, right-of-way acquisition, and paving of the parking lot at the Casey Plaza in Wilkes-Barre Township'';

(166) in item number 826 by striking ''and Interstate 81'' and inserting ''and exit 168 on Interstate 81 or the intersection of the connector road with Northampton St.'';

(167) in item number 2144 by striking the project description and inserting ''Design, engineering, right-of-way acquisition and construction of streetscaping enhancements, paving, lighting, safety improvements, parking, and roadway redesign on Third Street from Pittston Avenue to Packer Street; Swift Street from Packer Street to Railroad Street; Clark Street from Main Street to South Street; School Street from Main Street to South Street; Plane Street from Grove Street to William Street; John Street from 4 John Street to William Street; Grove Street from Plane Street to Duryea Borough line; Wood Street from Cherry Street to Hawthorne Street in Avoca Borough, Luzerne County'';

(168) in item number 1765 by striking the project description and amount and inserting ''Design, engineering, right-of-way acquisition, and construction of street improvements, streetscaping enhancements, paving, lighting, safety improvements, parking, roadway redesign in Pittston, including right-of-way acquisition, structure demolition, and intersection safety improvements in the vicinity of and including Main, William, and Parsonage Streets in Pittston'' and ''$1,600,000'', respectively;

(169) in item number 2957 by striking the project description and amount and inserting ''Design, engineering, land acquisition, right-of-way acquisition, and construction of a parking garage, streetscaping enhancements, paving, lighting, safety improvements, parking, and roadway redesign in the city of Wilkes-Barre'' and ''$2,800,000'', respectively;

(170) in item number 3283 by striking the project description and amount and inserting ''Pedestrian access improvements, including installation of infrastructure and equipment for security and surveillance purposes at subway stations in Astoria, New York'' and ''$1,300,000'', respectively;

(171) in item number 3556 by striking the project description and amount and inserting ''Design and rehabilitate staircases used as streets due to the steep grade of terrain in Bronx County'' and ''$1,100,000'', respectively;

(172) by striking item number 203;

(173) by striking item number 552;

(174) by striking item number 590;

(175) by striking item number 759;

(176) by striking item number 879;

(177) by striking item number 1071;

(178) by striking item number 1382;

(179) by striking item number 1897;

(180) by striking item number 2553;

(181) in item number 3014 by striking the project description and amount and inserting ''Design and Construct school safety projects in New York City'' and ''$2,500,000'', respectively;

(182) in item number 2375 by striking the project description and amount and inserting ''Subsurface environmental study to measure presence of methane and benzene gasses in vicinity of Greenpoint, Brooklyn, and the Kosciusko Bridge, resulting from the Newtown Creek oil spill'' and ''$100,000'';

(183) in item number 221 by striking the project description and inserting ''Study and Implement transportation improvements on Flatbush Ave. between Avenue U and the Marine Park Bridge in front of Gateway National Park in Kings County, New York'';

(184) in item number 2732 striking the project description and inserting ''Pedestrian safety improvements in the vicinity of LIRR stations'';

(185) by striking item number 99;

(186) in item number 398 by striking the project description and inserting ''Construct a new 2-lane road extending north from University Park Drive and improvements to University Park Drive'';

(187) in item number 446 by striking the project description and inserting ''Transportation improvements for development of the Williamsport-Pile Bay Road corridor'';

(188) in item number 671 by striking ''and Pedestrian Trail Expansion'' and inserting '', including parking facilities and Pedestrian Trail Expansion'';

(189) in item number 674 by striking the matters in the State, project description, and amount columns and inserting ''AL'', ''Grade crossing improvements along Conecuh Valley RR at Henderson Highway (CR–21) in Troy, AL'', and ''$300,000'', respectively;

(190) in item number 739 by striking the matters in the State, project description, and amount columns and inserting ''AL'', ''Grade crossing improvements along Luxapalila Valley RR in Lamar and Fayette Counties, AL (Crossings at CR–6, CR–20, SH–7, James Street, and College Drive)'', and ''$300,000'', respectively;

(191) in item number 746 by striking ''Planning and construction of a bicycle trail adjacent to the I–90 and SR 615 Interchange in'' and inserting ''Planning, construction, and extension of bicycle trails adjacent to the I–90 and SR 615 Interchange, along the Greenway Corridor and throughout'';

(192) in item number 749 by striking the matters in the State, project description, and amount columns and inserting ''PA'', ''UPMC Heliport in Bedford'', and ''$750,000'', respectively;

(193) in item number 813 by striking the project description and inserting ''Preliminary design and study of long-term roadway approach alternatives to TH 36/SH 64 St. Croix River Crossing Project'';

(194) in item number 816 by striking ''$800,000'' and inserting ''$880,000'';

(195) in item number 852 by striking ''Acquire Right-of-Way for Ludlam Trail, Miami, Florida'' and inserting ''Planning, design, and engineering, Ludlam Trail, Miami'';

(196) in item number 994 by striking the matters in the State, project description, and amount columns and inserting ''PA'', ''Construct 2 flyover ramps and S. Linden Street exit for access to industrial sites in the cities of McKeesport and Duquesne'', and ''$500,000'', respectively;

(197) in item number 1015 by striking the project description and inserting ''Mississippi River Crossing connecting I–94 and US 10 between US 160 and TH 101, MN'';

(198) in item number 1101 by striking the project description and inserting ''I–285 underpass/tunnel assessment and engineering and interchange improvements in Sandy Springs'';

(199) in item number 1211 by striking the matters in the State, project description, and amount columns and inserting ''PA'', ''Road improvements and upgrades related to the Pennsylvania State Baseball Stadium'', and ''$500,000'', respectively;

(200) in item number 1345 by striking ''to Stony Creek Park, 25 Mile Road in Shelby Township'' and inserting ''south to the city of Utica'';

(201) in item number 1501 by striking the project description and inserting ''Construction and right-of-way acquisition of TH 241, CSAH 35 and associated streets in the city of St. Michael'';

(202) in item number 1525 by striking ''north of CSX RR Bridge'' and inserting ''US Highway 90'';

(203) in item number 1847 by striking the project description and inserting ''Improve roads, sidewalks, and road drainage, City of Seward'';

(204) in item number 2031 by striking the project description and inserting ''Construct and improve Westside Parkway in Fulton County'';

(205) in item number 2103 by striking ''$2,000,000'' and inserting ''$3,000,000'';

(206) in item number 2219 by striking ''SR 91 in City of Twinsburg, OH'' and inserting ''Center Valley Parkway in Twinsburg, OH'';

(207) in item number 2302 by inserting ''and other road improvements to Safford Street'' after ''crossings'';

(208) in item number 2560 by striking the project description and inserting ''I–285 underpass/tunnel assessment and engineering and interchange improvements in Sandy Springs'';

(209) in item number 2563 by striking the project description and amount and inserting ''Construct hike and bike path as part of Bridgeview Bridge replacement in Macomb County'' and ''$486,400'', respectively;

(210) in item number 2698 by striking the project description and inserting ''Interchanges at I–95/Ellis Road and between Grant Road and Micco Road, Brevard County'';

(211) in item number 3141 by striking ''$2,800,000'' and inserting ''$1,800,000'';

(212) by striking item number 3160;

(213) in item number 3353 by inserting ''and construction'' after ''mitigation'';

(214) in item number 996 by striking ''$2,000,000'' and inserting ''$687,000'';

(215) in item number 2166 by striking the project description and inserting ''Design, right-of-way acquisition, and construction for I–35 and CSAH2 interchange and CSAH2 corridor to TH61 in Forest Lake'';

(216) in item number 3251 by striking the project description and inserting ''I–94 and Radio Drive Interchange and frontage road project, design, right-of-way acquisition, and construction, Woodbury'';

(217) in item number 1488 by striking the project description and inserting ''Construct a 4-lane highway between Maverick Junction and the Nebraska border'';

(218) in item number 3240 by striking the project description and inserting ''Railroad-highway crossings in Pierre'';

(219) in item number 1738 by striking ''Paving'' and inserting ''Planning, design, and construction'';

(220) in item number 3672 by striking the project description and inserting ''Pave remaining stretch of BIA Route 4 from the junction of the BIA Route 4 and N8031 in Pinon, AZ, to the Navajo and Hopi border'';

(221) in item number 2424 by striking ''Construction'' and inserting ''preconstruction (including survey and archeological clearances) and construction'';

(222) in item number 1216 by striking the matters in the State, project description, and amount columns and inserting ''PA'', ''For roadway construction improvements to Route 222 relocation, Lehigh County'', and ''$1,313,000'', respectively;

(223) in item number 2956 by striking ''$1,360,000'' and inserting ''$2,080,000'';

(224) in item number 1256 by striking the matters in the State, project description, and amount columns and inserting ''PA'', ''Construction of a bridge over Brandywine Creek as part of the Boot Road extension project, Downingtown Borough'', and ''$700,000'', respectively;

(225) in item number 1291 by striking the matters in the State, project description, and amount columns and inserting ''PA'', ''Enhance parking facilities in Chester Springs, Historic Yellow Springs'', and ''$20,000'', respectively;

(226) in item number 1304 by striking the matters in the State, project description, and amount columns and inserting ''PA'', ''Improve the intersection at SR 100/SR 4003 (Kernsville Road), Lehigh County'', and ''$250,000'', respectively;

(227) in item number 1357 by striking the matters in the State, project description, and

amount columns and inserting ''PA'', ''Intersection signalization at SR 3020 (Newburg Road)/Country Club Road, Northampton County'', and ''$250,000'', respectively;

(228) in item number 1395 by striking the matters in the State, project description, and amount columns and inserting ''PA'', ''Improve the intersection at SR 100/SR 29, Lehigh County'', and ''$220,000'', respectively;

(229) in item number 80 by striking ''$4,544,000'' and inserting ''$4,731,200'';

(230) in item number 2096 by striking ''$4,800,000'' and inserting ''$5,217,600'';

(231) in item number 1496 by striking the matters in the State, project description, and amount columns and inserting ''PA'', ''Study future needs of East-West road infrastructure in Adams County'', and ''$115,200'', respectively;

(232) in item number 2193 by striking the project description and inserting ''710 Freeway Study to comprehensively evaluate the technical feasibility of a tunnel alternative to close the 710 Freeway gap, considering all practicable routes, in addition to any potential route previously considered, and with no funds to be used for preliminary engineering or environmental review except to the extent necessary to determine feasibility'';

(233) in item number 2445 by striking the project description and inserting ''$600,000 for road and pedestrian safety improvements on Main Street in the Village of Patchogue; $900,000 for road and pedestrian safety improvements on Montauk Highway, between NYS Route 112 and Suffolk County Road 101 in Suffolk County'';

(234) in item number 346 by striking the project description and inserting ''Hansen Dam Recreation Area access improvements, including hillside stabilization and parking lot rehabilitation along Osborne Street between Glenoaks Boulevard and Dronfield Avenue'';

(235) by striking item number 449;

(236) in item number 3688 by striking ''road'' and inserting ''trail'';

(237) in item number 3695 by striking ''in Soldotna'' and inserting ''in the Kenai River corridor'';

(238) in item number 3699 by striking ''to improve fish habitat'';

(239) in item number 3700 by inserting ''and ferry facilities'' after ''a ferry'';

(240) in item number 3703 by inserting ''or other roads'' after ''Cape Blossom Road'';

(241) in item number 3704 by striking ''Fairbanks'' and inserting ''Alaska Highway'';

(242) in item number 3705 by striking ''in Cook Inlet for the Westside development/Williamsport-Pile Bay Road'' and inserting ''for development of the Williamsport-Pile Bay Road corridor'';

(243) in item number 3829 by striking the amount and inserting ''$3,050,000'';

(244) by inserting after item number 3829 the following:

''3829A	CO	U.S. 550, New Mexico State line to Durango.	$950,000'';

(245) in item number 4788 by striking the project description and inserting ''Heidelberg Borough/Scott Township/Carnegie Borough for design, engineering, acquisition, and construction of streetscaping enhancements, paving, lighting and safety upgrades, and parking improvements'';

(246) in item number 3861 by striking the project description and inserting ''Creation of a greenway path along the Naugatuck River in Waterbury'';

(247) in item number 3883 by striking the project description and inserting ''Wilmington Riverfront Access and Street Grid Redesign'';

(248) in item number 3892 by striking ''$5,000,000'' and inserting ''$8,800,000'';

(249) in item number 3894 by striking ''$5,000,000'' and inserting ''$1,200,000'';

(250) in item number 3909 by striking the project description and inserting ''S.R. 281, the Avalon Boulevard Expansion Project from Interstate 10 to U.S. Highway 91'';

(251) in item number 3911 by striking the project description and inserting ''Construct a new bridge at Indian Street, Martin County'';

(252) in item number 3916 by striking the project description and inserting ''City of Hollywood for U.S. 1/Federal Highway, north of Young Circle'';

(253) in item number 3937 by striking the project description and inserting ''Kingsland bypass from CR 61 to I–95, Camden County'';

(254) in item number 3945 by striking ''CR 293 to CS 5231'' and inserting ''SR 371 to SR 400'';

(255) in item number 3965 by striking ''transportation projects'' and inserting ''and air quality projects'';

(256) in item number 3986 by striking the project description and inserting ''Extension of Sugarloaf Parkway, Gwinnett County'';

(257) in item number 3999 by striking ''Bridges'' and inserting ''Bridge and Corridor'';

(258) in item number 4003 by striking the project description and inserting ''City of Council Bluffs and Pottawattamie County East Beltway Roadway and Connectors Project'';

(259) in item number 4043 by striking ''MP 9.3, Segment I, II, and III'' and inserting ''Milepost 24.3'';

(260) in item number 4050 by striking the project description and inserting ''Preconstruction and construction activities of U.S. 51 between the Assumption Bypass and Vandalia'';

(261) in item number 4058 by striking the project description and inserting ''For improvements to the road between Brighton and Bunker Hill in Macoupin County'';

(262) in each of item numbers 4062 and 4084 by striking the project description and inserting ''Preconstruction, construction, and related research and studies of I–290 Cap the Ike project in the village of Oak Park'';

(263) in item number 4089 by inserting ''and parking facility/entrance improvements serving the Museum of Science and Industry'' after ''Lakeshore Drive'';

(264) in item number 4103 by inserting ''and adjacent to the'' before ''Shawnee'';

(265) in item number 4110 by striking the project description and inserting ''For improvements to the road between Brighton and Bunker Hill in Macoupin County'';

(266) in item number 4120 by striking the matters in the project description and amount columns and inserting ''Upgrade 146th Street to Improve I–69 Access'' and ''$800,000'', respectively;

(267) in item number 4125 by striking ''$250,000'' and inserting ''$1,650,000'';

(268) by striking item number 4170;

(269) by striking item number 4179;

(270) in item number 4185 by striking the project description and inserting ''Replace the Clinton Street Bridge spanning St. Mary's River in downtown Fort Wayne'';

(271) in item number 4299 by striking the project description and inserting ''Improve U.S. 40, MD 715 interchange and other roadways in the vicinity of Aberdeen Proving Ground to support BRAC-related growth'';

(272) in item number 4313 by striking ''Maryland Avenue'' and all that follows through ''Rd. corridor'' and inserting ''intermodal access, streetscape, and pedestrian safety improvements'';

(273) in item number 4315 by striking ''stormwater mitigation project'' and inserting ''environmental preservation project'';

(274) in item number 4318 by striking the project description and inserting ''Planning, design, and construction of improvements to the highway systems connecting to Lewiston and Auburn downtowns'';

(275) in item number 4323 by striking the project description and inserting ''MaineDOT Acadia intermodal passenger and maintenance facility'';

(276) in item number 4338 by striking the project description and inserting ''Construct 1 or more grade-separated crossings of I–75, and make associated improvements to improve local and regional east-west mobility between Mileposts 279 and 282'';

(277) in item number 4355 by striking the project description and inserting ''Design, engineering, ROW acquisition, construction, and construction engineering for the reconstruction of TH 95, from 12th Avenue to CSAH 13, including bridge and approaches, ramps, intersecting roadways, signals, turn lanes, and multiuse trail, North Branch'';

(278) in item number 4357 by striking the project description and inserting ''Design, construct, ROW, and expand TH 241 and CSAH 35 and associated streets in the city of St. Michael'';

(279) in item number 4360 by striking the project description and inserting ''Planning, design, and construction for Twin Cities Bioscience Corridor in St. Paul'';

(280) in item number 4362 by striking the project description and inserting ''I–494/U.S. 169 interchange reconstruction including U.S. 169/Valley View Road interchange, Twin Cities Metropolitan Area'';

(281) in item number 4365 by striking the project description and inserting ''34th Street realignment and 34th Street and I–94 interchange, including retention and reconstruction of the SE Main Avenue/CSAH 52 interchange ramps at I–94, and other transportation improvements for the city of Moorhead, including the SE Main Avenue GSI and Moorhead Comprehensive Rail Safety Program'';

(282) in item number 4369 by striking the project description and inserting ''Construction of 8th Street North, Stearns C.R. 120 to TH 15 in St. Cloud'';

(283) in item number 4371 by striking the project description and inserting ''Construction and ROW of TH 241, CSAH 35 and associated streets in the city of St. Michael'';

(284) in item number 4411 by striking ''Southaven'' and inserting ''DeSoto County'';

(285) in item number 4424 by striking the project description and inserting ''U.S. 93 Evaro to Polson transportation improvement projects'';

(286) in item number 4428 by striking the project description and inserting ''US 76 improvements'';

(287) in item number 4457 by striking the project description and inserting ''Construct an interchange at an existing grade separation at SR 1602 (Old Stantonsburg Rd.) and U.S. 264 Bypass in Wilson County'';

(288) in item number 4461 by striking the project description and inserting ''Transportation and related improvements at Queens University of Charlotte, including the Queens Science Center and the Marion Diehl Center, Charlotte'';

(289) in item number 4507 by striking the project description and inserting ''Design, right-of-way acquisition, and construction of Highway 35 between Norfolk and South Sioux City, including an interchange at milepost 1 on U.S. I–129'';

(290) in item number 4555 by inserting ''Canal Street and'' after ''Reconstruction of'';

(291) in item number 4565 by striking the project description and inserting ''Railroad Construction and Acquisition, Ely and White Pine County'';

(292) in item number 4588 by inserting ''Private Parking and'' before ''Transportation'';

(293) in item number 4596 by striking the project description and inserting ''Centerway Bridge and Bike Trail Project, Corning'';

(294) in item number 4610 by striking the project description and inserting ''Preparation, demolition, disposal, and site restoration of Alert Facility on Access Road to Plattsburgh International Airport'';

(295) in item number 4649 by striking the project description and inserting ''Fairfield County, OH U.S. 33 and old U.S. 33 safety improvements and related construction, city of Lancaster and surrounding areas'';

(296) in item number 4651 by striking ''for the transfer of rail to truck for the intermodal'' and

inserting '', and construction of an intermodal freight'';

(297) in item number 4691 by striking the project description and inserting ''Transportation improvements to Idabel Industrial Park Rail Spur, Idabel'';

(298) in item number 4722 by striking the project description and inserting ''Highway, traffic, pedestrian, and riverfront improvements, Pittsburgh'';

(299) in item number 4749 by striking ''study'' and inserting ''improvements'';

(300) in item number 4821 by striking ''highway grade crossing project, Clearfield and Clinton Counties'' and inserting ''Project for highway grade crossings and other purposes relating to the Project in Cambria, Centre, Clearfield, Clinton, Indiana, and Jefferson Counties'';

(301) in item number 4838 by striking ''study'' and inserting ''improvements'';

(302) in item number 4839 by striking ''fuelcelled'' and inserting ''fueled'';

(303) in item number 4866 by striking ''$11,000,000'' and inserting ''$9,400,000'';

(304) by inserting after item number 4866 the following:

''4866A	*RI*	*Repair and restore railroad bridge in Westerly.*	*$1,600,000'';*

(305) in item number 4892 by striking the project description and inserting ''Construct a 4-lane highway between maverick Junction and the Nebraska border'';

(306) in item number 4916 by striking ''$1,000,000'' and inserting ''$328,000'';

(307) in item number 4924 by striking ''$3,450,000'' and inserting ''$4,122,000'';

(308) in item number 4960 by inserting ''of which $50,000 shall be used for a street paving project, Calhoun'' after ''County'';

(309) in item number 4974 by striking '', Sevier County'';

(310) in item number 5008 by inserting ''/Kane Creek Boulevard'' after ''500 West'';

(311) in each of item numbers 5011 and 5033 by striking ''200 South Interchange'' and inserting ''400 South Interchange'';

(312) in item number 5021 by striking ''Pine View Dam,'';

(313) in item number 5026 by striking the project description and inserting ''Roadway improvements on Washington Fields Road/300 East, Washington'';

(314) in item number 5027 by inserting ''and roadway improvements'' after ''safety project'';

(315) in item number 5028 by inserting ''and roadway improvements'' after ''lighting'';

(316) in item number 5029 by inserting ''and roadway improvements'' after ''lights'';

(317) in number 5032 by striking the project description and inserting ''Expand Redhills Parkway, St. George'';

(318) in item number 5132 by striking the project description and inserting ''St. Croix River crossing project, Wisconsin State Highway 64, St. Croix County, Wisconsin, to Minnesota State Highway 36, Washington County'';

(319) in item number 5161 by striking the project description and inserting ''Raleigh Street Extension Project in Martinsburg'';

(320) in item number 1824 by striking the project description and inserting ''U.S. Route 10 expansion in Wadena and Ottertail Counties'';

(321) in item number 1194 by striking the project description and inserting ''Roadway and pedestrian design and improvements for Pennsylvania Avenue, Brooklyn'';

(322) in item number 2286 by striking the project description and inserting ''Road improvements for Church Street between NY State Route 25A and Hilden Street in Kings Park'';

(323) in item number 1724 by striking the project description and amount and inserting ''For road resurfacing and upgrades to Old Nichols Road and road repairs in the Nissequogue River watershed in Smithtown'' and ''$1,500,000'', respectively;

(324) in item number 3636 by striking the matters in the State, project description, and amount columns and inserting ''NY'', ''Road repair and maintenance in the Town of Southampton'', and ''$500,000'', respectively;

(325) in item number 3638 by striking the matters in the State, project description, and amount columns and inserting ''NY'', ''Improve NY State Route 112 from Old Town Road to NY State Route 347'', and ''$6,000,000'', respectively;

(326) in item number 3479 by striking the project description and inserting ''Road improvements and utility relocations within the city of Jackson'';

(327) in item number 141 by striking ''construction of pedestrian and bicycle improvements'' and inserting ''transportation enhancement activities'';

(328) in item number 1204 by striking ''at SR 283'';

(329) in item number 2896 by striking the project description and inserting ''Improve streetscape and signage and pave roads in McMinn County, including $50,000 that may be used for paving local roads in the city of Calhoun'';

(330) in item number 3017 by striking '', Pine View Dam'';

(331) in item number 3188 insert after ''Reconstruction'' the following: ''including U.S. 169/Valley View Road Interchange,'';

(332) in item number 1772 by striking the project description and inserting ''Reconstruction of Historic Eastern Parkway'';

(333) in item number 2610 by striking the project description and inserting ''Reconstruction of Times and Duffy Squares in New York City'';

(334) in item number 2462—

(A) by striking ''of the New Jersey Turnpike, Carteret'' and inserting ''and the Tremley Point Connector Road of the New Jersey Turnpike''; and

(B) by striking ''$1,200,000'' and inserting ''$450,000'';

(335) in item number 2871 by striking the amount and inserting ''$2,430,000'';

(336) in item number 3381 by striking the project description and inserting ''Determine scope, design, engineering, and construction of Western Boulevard Extension from Northern Boulevard to Route 9 in Ocean County, New Jersey'';

(337) in item number 2703 by striking the project description and inserting ''Upgrading existing railroad crossings with installation of active signals and gates and to study the feasibility and necessity of rail grade separation'';

(338) in item number 1004 by inserting ''SR 71 near'' after ''turn lane on'';

(339) in item number 2824 by striking the project description and inserting the following: ''Sevier County, TN, SR 35 near SR 449 intersection'';

(340) in item number 373 by striking the project description and inserting ''Widening existing Highway 226, including a bypass of Cash and a new connection to Highway 49'';

(341) in item number 1486, by striking the project description and inserting ''Bridge reconstruction and road widening on Route 252 and Route 30 in Tredyffrin Township, PA, in conjunction with the Paoli Transportation Center Project'';

(342) in item number 4541 by striking ''of the New Jersey Turnpike, Carteret'' and inserting ''and the Tremley Point Connector Road of the New Jersey Turnpike'';

(343) in item number 4006 by striking the project description and inserting ''Improvement to Alice's Road/105th Street Corridor including bridge, interchange, roadway, right-of-way, and enhancements'';

(344) in item number 2901 by striking the project description and inserting ''Purchase of land and conservation easements within U.S. 24 study area in Lucas, Henry, and Fulton Counties, Ohio'';

(345) in item number 2619 by striking the project description and inserting ''Improve access to I–55 between Bayless Avenue and Loughborough Avenue, including bridge 230.06'';

(346) in item number 1687 by striking the project description and inserting ''Construct an interchange at I–675 and Warren Avenue near downtown Saginaw'';

(347) by striking item number 206;

(348) by striking item number 821;

(349) by striking item number 906;

(350) by striking item number 1144;

(351) in item number 1693 by striking the project description and amount and inserting ''Plan and implement truck route improvements in the Maspeth neighborhood of Queens County'' and ''$500,000'', respectively;

(352) in item number 3039 by striking the project description and inserting ''Pittsfield greenways construction to connect Pittsfield to the Ann Arbor greenway system, Pittsfield Township'';

(353) in item number 2922 by striking the project description and amount and inserting ''Detroit River International Wildlife Refuge for land acquisition adjacent to I–75 in Monroe County for wetland mitigation and habitat restoration, Fish and Wildlife Service'' and ''$1,800,000'', respectively;

(354) in item number 3641 by striking the matters in the State, project description, and amount columns and inserting ''MI'', ''River Raisin Battlefield for acquisition of historic battlefield land in Monroe County, Port of Monroe'', and ''$1,200,000''; respectively;

(355) in item number 3643 by striking the matters in the State, project description, and amount columns and inserting ''MI'', ''Phase 1 of Monroe County greenway system construction, Monroe County'', and ''$940,000'', respectively;

(356) in item number 3645 by striking the matters in the State, project description, and amount columns and inserting ''MI'', ''East County fueling operations consolidation at the Monroe County Road Commission and enhancement of facilities to accommodate biodiesel fuel pumps, Monroe County'', and ''$1,000,000'', respectively;

(357) in item number 3646 by striking the matters in the State, project description, and amount columns and inserting ''MI'', ''Greenway trail construction from City of Monroe to Sterling State Park, City of Monroe'', and ''$100,000''; respectively;

(358) in item number 1883 by striking the project description and inserting ''Planning for the Orangeline High Speed MAGLEV from Los Angeles County to Orange County'';

(359) in item number 3757 by inserting '', including Van Asche Drive'' after ''Corridor'';

(360) in item number 4347 by striking the project description and inserting ''Alger County, to reconstruct, pave, and realign a portion of H–58 from 2,600 feet south of Little Beaver Lake Road to 4,600 feet east of Hurricane River'';

(361) in item number 4335 by striking the project description and inserting ''Construct an interchange at I–675 and Warren Avenue near downtown Saginaw'';

(362) in item number 4891 by striking the project description and inserting ''Widening U.S. 17 in Charleston County from the Isle of Palms Connector to a point at or near Darrell Creek Trail'';

(363) in item number 3647 by striking the matters in the State, project description, and amount columns and inserting ''AL'', ''Drainage and infrastructure improvements on U.S. 11 in front of Springville Middle School in Springville'', and ''$1,000,000'', respectively;

(364) in item number 3648 by striking the matters in the State, project description, and amount columns and inserting ''AL'', ''Transportation enhancement projects for sidewalks and streetscaping along Cahaba Road between the Botanical Gardens and the Birmingham Zoo in the City of Birmingham'', and ''$1,075,000'', respectively;

(365) in item number 3651 by striking the matters in the State, project description, and

amount columns and inserting ''AL'', ''Engineering and right-of-way acquisition for the McWrights Ferry Road extension between Rice Mine Road and New Watermelon Road in Tuscaloosa County'', and ''$1,075,000'', respectively;

(366) in item number 562 by striking ''a designated truck route through'' and inserting ''roadway and sidewalk improvements in'';

(367) in item number 2836 by striking the project description and inserting ''Traffic calming and safety improvements to Lido Boulevard, Town of Hampstead, Nassau County'';

(368) in item number 1353 by striking the project description and inserting ''Improve the flow of truck traffic in Orrville'';

(369) in item number 1975 by striking the project description and inserting ''Hatcher Pass Ski Development Road in Matanuska-Susitna Borough'';

(370) in item number 1661 by striking the project description and inserting ''Hatcher Pass Ski Development Road in Matanuska-Susitna Borough'';

(371) in item number 1574 by striking the project description and inserting ''Construct commuter parking structure in the central business district in the vicinity of La Grange Road, and for projects identified by the Village of La Grange as its highest priorities'';

(372) in item number 3461 by striking the project description and inserting ''Construct Leon Pass overpass, and for projects identified by the Village of Hodgkins as its highest priorities'';

(373) in item numbers 1310 and 2265 by striking the project descriptions and inserting ''To construct up to 2 interchanges on U.S. Alternate Highway 72/Alabama Highway 20 from Interstate 65 to U.S. Highway 31 in Decatur, Alabama, with additional lanes as necessary'';

(374) in item number 4934 by striking ''connection with Hermitage Avenue'' and inserting ''Hermitage Avenue and pedestrian connection'';

(375) in item number 1227 by striking the project description and inserting ''Construct road improvements near industrial park near SR 209 and CR 345 that improve access to the industrial park'';

(376) in item number 2507 by striking the project description and inserting ''Texas Department of Transportation: for those projects the Department has identified as its highest priorities'';

(377) in item number 3903 by striking the project description and inserting ''Planning, design, and engineering study to widen (4 lanes) SR 87 from the intersection of US 90 and SR 87 South to the Alabama State line'';

(378) in item number 56 by striking the project description and inserting ''Bicycle and pedestrian improvements, Oregon'';

(379) in item number 604 by striking the amount and inserting ''$11,800,000'';

(380) in item number 1299 by striking the amount and inserting ''$9,800,000'';

(381) in item number 1506 by striking the amount and inserting ''$5,100,000'';

(382) in item number 1904 by striking the project description and inserting ''Study and construct access to intermodal facility in Azusa'';

(383) in item number 3653 by striking the matters in the State, project description, and amount columns and inserting ''MI'', ''Bicycle and pedestrian trails in Harrison Township'', and ''$2,900,000'', respectively;

(384) in item number 3447 by striking the project description and inserting ''Carlton, 4th Street Railroad Crossing Improvement Project: Construct a safe, at grade crossing of the railroad and necessary bridge, connecting the community's educational and athletic facilities'';

(385) in item number 2321 by striking the project description and inserting ''Design and construct roadway and traffic signal improvements on Stella Street and Front Street, Wormleysburg, PA''; and

(386) in item number 370 by striking the project description and inserting ''Pedestrian paths, stairs, seating, landscaping, lighting, and other transportation enhancement activities along Riverside Boulevard and at Riverside Park South''.

(b) UNUSED OBLIGATION AUTHORITY.—Notwithstanding any other provision of law, unused obligation authority made available for an item in section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1256) that is repealed, or authorized funding for such an item that is reduced, by this section shall be made available—

(1) for an item in section 1702 of that Act that is added or increased by this section and that is in the same State as the item for which obligation authority or funding is repealed or reduced;

(2) in an amount proportional to the amount of obligation authority or funding that is so repealed or reduced; and

(3) individually for projects numbered 1 through 3676 pursuant to section 1102(c)(4)(A) of that Act (119 Stat. 1158).

(c) TRANSFER OF PROJECT FUNDS.—The Secretary of Transportation shall transfer to the Commandant of the Coast Guard amounts made available to carry out the project described in item number 4985 of the table contained in section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1447) to carry out that project, in accordance with the Act of June 21, 1940, commonly known as the ''Truman-Hobbs Act'', (33 U.S.C. 511 et seq.).

(d) ADDITIONAL DISCRETIONARY USE OF SURFACE TRANSPORTATION PROGRAM FUNDS.—Of the funds apportioned to each State under section 104(b)(3) of title 23, United States Code, a State may expend for each of fiscal years 2008 and 2009 not more than $1,000,000 for the following activities:

(1) Participation in the Joint Operation Center for Fuel Compliance established under section 143(b)(4)(H) of title 23, United States Code, within the Department of the Treasury, including the funding of additional positions for motor fuel tax enforcement officers and other staff dedicated on a full-time basis to participation in the activities of the Center.

(2) Development, operation, and maintenance of electronic filing systems to coordinate data exchange with the Internal Revenue Service by States that impose a tax on the removal of taxable fuel from any refinery and on the removal of taxable fuel from any terminal.

(3) Development, operation, and maintenance of electronic single point of filing in conjunction with the Internal Revenue Service by States that impose a tax on the removal of taxable fuel from any refinery and on the removal of taxable fuel from any terminal.

(4) Development, operation, and maintenance of a certification system by a State of any fuel sold to a State or local government (as defined in section 4221(d)(4) of the Internal Revenue Code of 1986) for the exclusive use of the State or local government or sold to a qualified volunteer fire department (as defined in section 150(e)(2) of such Code) for its exclusive use.

(5) Development, operation, and maintenance of a certification system by a State of any fuel sold to a nonprofit educational organization (as defined in section 4221(d)(5) of such Code) that includes verification of the good standing of the organization in the State in which the organization is providing educational services.

(e) PROJECT FEDERAL SHARE.—Section 1964 of the Safe, Accountable, Flexible, Efficient Transportation Equity: A Legacy for Users (119 Stat. 1519) is amended by adding at the end the following:

''(c) SPECIAL RULE.—Notwithstanding any other provision of law, the Federal share of the cost of the projects described in item numbers 1284 and 3093 in the table contained in section 1702 of this Act shall be 100 percent.''.

SEC. 106. NONMOTORIZED TRANSPORTATION PILOT PROGRAM.

Section 1807(a)(3) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1460) is amended by striking ''Minneapolis-St. Paul, Minnesota'' and inserting ''Minneapolis, Minnesota''.

SEC. 107. CORRECTION OF INTERSTATE AND NATIONAL HIGHWAY SYSTEM DESIGNATIONS.

(a) TREATMENT.—Section 1908(a) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1469) is amended by striking paragraph (3).

(b) NATIONAL HIGHWAY SYSTEM.—Section 1908(b) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1470) is amended by striking ''from the Arkansas State line'' and inserting ''from Interstate Route 540''.

SEC. 108. BUDGET JUSTIFICATION; BUY AMERICA.

(a) BUDGET JUSTIFICATION.—Section 1926 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1483) is amended by striking ''The Department'' and inserting ''Notwithstanding any other provision of law, the Department''.

(b) BUY AMERICA.—Section 1928 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1484) is amended—

(1) by redesignating paragraphs (2) through (5) as paragraphs (3) through (6), respectively; and

(2) by inserting after paragraph (1) the following:

''(2) the current application by the Federal Highway Administration of the Buy America test, that is only applied to components or parts of a bridge project and not the entire bridge project, is inconsistent with this sense of Congress;''.

SEC. 109. TRANSPORTATION IMPROVEMENTS.

The table contained in section 1934(c) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1486) is amended—

(1) in item number 436 by inserting '', Saole,'' after ''Sua'';

(2) in item number 448 by inserting ''by removing asphalt and concrete and reinstalling blue cobblestones'' after ''streets'';

(3) by striking item number 451;

(4) in item number 452 by striking ''$2,000,000'' and inserting ''$3,000,000'';

(5) in item number 12 by striking ''Yukon River'' and inserting ''Kuskokwim River'';

(6) in item number 18 by striking ''Engineering and Construction in Merced County'' and inserting ''and safety improvements/realignment of SR 165 project study report and environmental studies in Merced and Stanislaus Counties'';

(7) in item number 38 by striking the project description and inserting ''Relocation of the Newark Train Station'';

(8) in item number 57 by striking the project description and inserting ''Kingsland bypass from CR 61 to I–95, Camden County'';

(9) in item number 114 by striking ''IA–32'' and inserting ''SW'' after ''Construct'';

(10) in item number 122 by striking the project description and inserting ''Design, right-of-way acquisition, and construction of the SW Arterial and connections to U.S. 20, Dubuque County'';

(11) in item number 130 by striking the project description and inserting ''Improvements and rehabilitation to rail and bridges on the Appanoose County Community Railroad'';

(12) in item number 133 by striking ''IA–32'';

(13) in item number 138 by striking the project description and inserting ''West Spencer Beltway Project'';

(14) in item number 142 by striking ''MP 9.3, Segment I, II, and III'' and inserting ''Milepost 24.3'';

(15) in item number 161 by striking ''Bridge replacement on Johnson Drive and Nall Ave.'' and inserting ''Construction improvements'';

(16) in item number 182 by striking the project description and inserting ''Improve U.S. 40, M.D. 715 interchange, and other roadways in the vicinity of Aberdeen Proving Ground to support BRAC-related growth'';

(17) in item number 198 by striking the project description and inserting ''Construct 1 or more grade separated crossings of I–75 and make associated improvements to improve local and regional east-west mobility between Mileposts 279 and 282'';

(18) in item number 201 by striking the project description and inserting ''Alger County, to reconstruct, pave, and realign a portion of H–58 from 2,600 feet south of Little Beaver Lake Road to 4,600 feet east of Hurricane River'';

(19) in item number 238 by striking the project description and inserting ''Develop and construct the St. Mary water project road and bridge infrastructure, including a new bridge and approaches across St. Mary River, stabilization and improvements to United States Route 89, and road/canal from Siphon Bridge to Spider Lake, on the condition that $2,500,000 of the amount made available to carry out this item may be made available to the Bureau of Reclamation for use for the Swift Current Creek and Boulder Creek bank and bed stabilization project in the Lower St. Mary Lake drainage'';

(20) in item number 329 by inserting '', Tulsa'' after ''technology'';

(21) in item number 358 by striking ''fuel-celled'' and inserting ''fueled'';

(22) in item number 374 by striking the project description and inserting ''Construct a 4-lane highway between Maverick Junction and the Nebraska border'';

(23) in item number 402 by striking ''from 2 to 5 lanes and improve alignment within rights-of-way in St. George'' and inserting '', St. George'';

(24) in item number 309 by striking the project description and inserting ''Streetscape, roadway, pedestrian, and parking improvements at the intersection of Meadow Lane, Chestnut Lane, Willow Drive, and Liberty Avenue for the College of New Rochelle campus in New Rochelle''; and

(25) in item number 462 by striking the project description and inserting ''I–75 widening and improvements in Collier and Lee Counties, Florida''.

SEC. 110. I–95/CONTEE ROAD INTERCHANGE DESIGN.

Section 1961 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1518) is amended—

*(1) in the section heading by striking ''**STUDY**'' and inserting ''**DESIGN**'';*

(2) by striking subsections (a), (b), and (c) and inserting the following:

''(a) DESIGN.—The Secretary shall make available the funds authorized to be appropriated by this section for the design of the I–95/Contee Road interchange in Prince George's County, Maryland.''; and

(3) by redesignating subsection (d) as subsection (b).

SEC. 111. HIGHWAY RESEARCH FUNDING.

(a) F–SHRP FUNDING.—Notwithstanding any other provision of law, for each of fiscal years 2008 and 2009, at any time at which an apportionment is made of the sums authorized to be appropriated for the surface transportation program, the congestion mitigation and air quality improvement program, the National Highway System, the Interstate maintenance program, the bridge program, or the highway safety improvement program, the Secretary of Transportation shall—

(1) deduct from each apportionment an amount not to exceed 0.205 percent of the apportionment; and

(2) transfer or otherwise make that amount available to carry out section 510 of title 23, United States Code.

(b) CONFORMING AMENDMENTS.—

(1) FUNDING.—Section 5101 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1779) is amended—

(A) in subsection (a)(1) by striking ''509, and 510'' and inserting ''and 509'';

(B) in subsection (a)(4) by striking ''$69,700,000'' and all that follows through ''2009'' and inserting ''$40,400,000 for fiscal year 2005, $69,700,000 for fiscal year 2006, $76,400,000 for each of fiscal years 2007 and 2008, and $78,900,000 for fiscal year 2009''; and

(C) in subsection (b) by inserting after ''50 percent'' the following ''or, in the case of funds appropriated by subsection (a) to carry out section 5201, 5202, or 5203 of this Act, 80 percent''.

(2) FUTURE STRATEGIC HIGHWAY RESEARCH PROGRAM.—Section 5210 of such Act (119 Stat. 1804) is amended—

(A) by striking subsection (c); and

(B) by redesignating subsection (d) as subsection (c).

(c) CONTRACT AUTHORITY.—Funds made available under this section shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code, except that the Federal share shall be determined under section 510(f) of that title.

(d) APPLICABILITY OF OBLIGATION LIMITATION.—Funds made available under this section shall be subject to any limitation on obligations for Federal-aid highways and highway safety construction programs under section 1102 the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (23 U.S.C. 104 note; 119 Stat. 1157) or any other Act.

(e) EQUITY BONUS FORMULA.—Notwithstanding any other provision of law, in allocating funds for the equity bonus program under section 105 of title 23, United States Code, for each of fiscal years 2008 and 2009, the Secretary of Transportation shall make the required calculations under that section as if this section had not been enacted.

(f) FUNDING FOR RESEARCH ACTIVITIES.—Of the amount made available by section 5101(a)(1) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1779)—

(1) at least $1,000,000 shall be made available for each of fiscal years 2008 and 2009 to carry out section 502(h) of title 23, United States Code; and

(2) at least $4,900,000 shall be made available for each of fiscal years 2008 and 2009 to carry out section 502(i) of that title.

(g) TECHNICAL AMENDMENTS.—

(1) SURFACE TRANSPORTATION RESEARCH.—Section 502 of title 23, United States Code, is amended by striking the first subsection (h), relating to infrastructure investment needs reports beginning with the report for January 31, 1999.

(2) ADVANCED TRAVEL FORECASTING PROCEDURES PROGRAM.—Section 5512(a)(2) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1829) is amended by striking ''PROGRAM APPRECIATION.—'' and inserting ''PROGRAM APPLICATION.—''.

(3) UNIVERSITY TRANSPORTATION RESEARCH.—Section 5506 of title 49, United States Code, is amended—

(A) in subsection (c)(2)(B) by striking ''tier'' and inserting ''Tier'';

(B) in subsection (i)—

(i) by striking ''In order to'' and inserting the following:

''(1) IN GENERAL.—In order to''; and

(ii) by adding at the end the following:

''(2) SPECIAL RULE.—Nothing in paragraph (1) requires a nonprofit institution of higher learning designated as a Tier II university transportation center to maintain total expenditures as described in paragraph (1) in excess of the amount of the grant awarded to the institution.''; and

(C) in subsection (k)(3) by striking ''The Secretary'' and all that follows through ''to carry out this section'' and inserting ''For each of fiscal years 2008 and 2009, the Secretary shall expend not more than 1.5 percent of amounts made available to carry out this section''.

SEC. 112. RESCISSION.

Section 10212 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (as amended by section 1302 of the Pension Protection Act of 2006 (Public Law 109–280)) (119 Stat. 1937; 120 Stat. 780) is amended by striking ''$8,593,000,000'' each place it appears and inserting ''$8,708,000,000''.

SEC. 113. TEA–21 TECHNICAL CORRECTIONS.

(a) SURFACE TRANSPORTATION PROGRAM.—Section 1108(f)(1) of the Transportation Equity Act for the 21st Century (23 U.S.C. 133 note; 112 Stat. 141) is amended by striking ''2003'' and inserting ''2009''.

(b) PROJECT AUTHORIZATIONS.—The table contained in section 1602 of such Act (112 Stat. 257) is amended—

(1) in item number 1096 (as amended by section 1703(a)(11) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1454)) by inserting '', and planning and construction to Heisley Road,'' before ''in Mentor, Ohio'';

(2) in item number 1646 by striking ''and construction'' and inserting ''construction, reconstruction, resurfacing, restoration, rehabilitation, and repaving''; and

(3) in item number 614 by inserting ''and for NJ Carteret, NJ Ferry Service Terminal'' after ''east''.

SEC. 114. HIGH PRIORITY CORRIDOR AND INNOVATIVE PROJECT TECHNICAL CORRECTIONS.

(a) HIGH PRIORITY CORRIDORS.—Section 1105(c) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2032; 119 Stat. 1212) is amended—

(1) in paragraph (63) by striking ''and United States Routes 1, 3, 9, 17, and 46,'' and inserting ''United States Routes 1, 9, and 46, and State Routes 3 and 17,''; and

(2) in paragraph (64)—

(A) by striking ''United States Route 42'' and inserting ''State Route 42''; and

(B) by striking ''Interstate Route 676'' and inserting ''Interstate Routes 76 and 676''.

(b) INNOVATIVE PROJECTS.—Item number 89 of the table contained in section 1107(b) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2052) is amended in the matter under the column with the heading ''INNOVATIVE PROJECTS'' by inserting ''and contiguous counties'' after ''Michigan''.

SEC. 115. DEFINITION OF REPEAT INTOXICATED DRIVER LAW.

Section 164(a)(5) of title 23, United States Code, is amended by striking subparagraphs (A) and (B) and inserting the following:

''(A) receive—

''(i) a driver's license suspension for not less than 1 year; or

''(ii) a combination of suspension of all driving privileges for the first 45 days of the suspension period followed by a reinstatement of limited driving privileges for the purpose of getting to and from work, school, or an alcohol treatment program if an ignition interlock device is installed on each of the motor vehicles owned or operated, or both, by the individual;

''(B) be subject to the impoundment or immobilization of, or the installation of an ignition interlock system on, each motor vehicle owned or operated, or both, by the individual;''.

SEC. 116. RESEARCH TECHNICAL CORRECTION.

Section 5506(e)(5)(C) of title 49, United States Code, is amended by striking ''$2,225,000''and inserting ''$2,250,000''.

SEC. 117. BUY AMERICA WAIVER NOTIFICATION AND ANNUAL REPORTS.

(a) WAIVER NOTIFICATION.—

(1) IN GENERAL.—If the Secretary of Transportation makes a finding under section 313(b) of title 23, United States Code, with respect to a project, the Secretary shall—

(A) publish in the Federal Register, before the date on which such finding takes effect, a detailed written justification as to the reasons that such finding is needed; and

(B) provide notice of such finding and an opportunity for public comment on such finding for a period of not to exceed 60 days.

(2) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in paragraph (1) shall be construed to require the effective date of a finding referred to in paragraph (1) to be delayed until after the close of the public comment period referred to in paragraph (1)(B).

(b) ANNUAL REPORTS.—Not later than February 1 of each year beginning after the date of enactment of this Act, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the projects for which the Secretary made findings under section 313(b) of title 23, United States Code, during the preceding calendar year and the justifications for such findings.

SEC. 118. EFFICIENT USE OF EXISTING HIGHWAY CAPACITY.

(a) STUDY.—The Secretary of Transportation shall conduct a study on the impacts of converting left and right highway safety shoulders to travel lanes.

(b) CONTENTS.—In conducting the study, the Secretary shall—

(1) analyze instances in which safety shoulders are used for general purpose vehicle traffic, high occupancy vehicles, and public transportation vehicles;

(2) analyze instances in which safety shoulders are not part of the roadway design;

(3) evaluate whether or not conversion of safety shoulders or the lack of a safety shoulder in the original roadway design has a significant impact on the number of accidents or has any other impact on highway safety; and

(4) compile relevant statistics.

(c) REPORT.—Not later than one year after the date of enactment of this Act, the Secretary shall transmit to Congress a report on the results of the study.

SEC. 119. FUTURE INTERSTATE DESIGNATION.

(a) IN GENERAL.—Subject to subsection (b), the Secretary of Transportation shall designate, as a future Interstate Route 69 Spur, the Audubon Parkway and, as a future Interstate Route 66 Spur, the Natcher Parkway in Owensboro, Kentucky. Any segment of such routes shall become part of the Interstate System (as defined in section 101 of title 23, United States Code) at such time as the Secretary determines that the segment—

(1) meets the Interstate System design standards approved by the Secretary under section 109(b) of title 23, United States Code; and

(2) connects to an existing Interstate System segment.

(b) SIGNS.—Section 103(c)(4)(B)(iv) of title 23, United States Code, shall apply to the designations under subsection (a); except that a State may install signs on the 2 parkways that are to be designated under subsection (a) indicating the approximate location of each of the future Interstate System highways.

(c) REMOVAL OF DESIGNATION.—The Secretary shall remove designation of a highway referred to in subsection (a) as a future Interstate System route if the Secretary, as of the last day of the 25-year period beginning on the date of enactment of this Act, has not made the determinations under paragraphs (1) and (2) of subsection (a) with respect to such highway.

SEC. 120. PROJECT FLEXIBILITY.

Section 1935(b)(1) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1510) is amended by inserting ''the project numbered 1322 and'' before ''the projects''.

SEC. 121. EFFECTIVE DATE.

(a) IN GENERAL.—Except as otherwise provided in this Act (including subsection (b)), this Act and the amendments made by this Act take effect on the date of enactment of this Act.

(b) EXCEPTION.—

(1) IN GENERAL.—The amendments made by this Act (other than the amendments made by sections 101(g), 101(m)(1)(H), 103, 105, 109, and 201(o)) to the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109–59; 119 Stat. 1144) shall—

(A) take effect as of the date of enactment of that Act; and

(B) be treated as being included in that Act as of that date.

(2) EFFECT OF AMENDMENTS.—Each provision of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109–59; 119 Stat. 1144) (including the amendments made by that Act) (as in effect on the day before the date of enactment of this Act) that is amended by this Act (other than sections 101(g), 101(m)(1)(H), 103, 105, 109, and 201(o)) shall be treated as not being enacted.

(c) CONFORMING AMENDMENT TO HIGHWAY TRUST FUND.—Subsections (c)(1) and (e)(3) of section 9503 of the Internal Revenue Code of 1986 are each amended by striking ''Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users'' and inserting ''SAFETEA–LU Technical Corrections Act of 2008''.

TITLE II—TRANSIT PROVISIONS

SEC. 201. TRANSIT TECHNICAL CORRECTIONS.

(a) SECTION 5302.—Section 5302(a)(10) of title 49, United States Code, is amended by striking ''charter,'' and inserting ''charter, sightseeing,''.

(b) SECTION 5303.—

(1) Section 5303(f)(3)(C)(ii) of such title is amended by striking subclause (II) and inserting the following:

''(II) FUNDING.—For fiscal year 2008 and each fiscal year thereafter, in addition to other funds made available to the metropolitan planning organization for the Lake Tahoe region under this chapter and title 23, prior to any allocation under section 202 of title 23, and notwithstanding the allocation provisions of section 202, the Secretary shall set aside ½ of 1 percent of all funds authorized to be appropriated for such fiscal year to carry out section 204 of title 23, and shall make such funds available to the metropolitan planning organization for the Lake Tahoe region to carry out the transportation planning process, environmental reviews, preliminary engineering, and design to complete environmental documentation for transportation projects for the Lake Tahoe region under the Tahoe Regional Planning Compact as consented to in Public Law 96–551 (94 Stat. 3233) and this paragraph.''.

(2) Section 5303(j)(3)(D) of such title is amended—

(A) by inserting ''or the identified phase'' before ''within the time''; and

(B) by inserting ''or the identified phase'' before the period at the end.

(3) Section 5303(k)(2) of such title is amended by striking ''a metropolitan planning area serving''.

(c) SECTION 5307.—Section 5307(b) of such title is amended—

(1) in the heading for paragraph (2) by striking ''2007'' and inserting ''2009'';

(2) in paragraph (2)(A)—

(A) by striking ''2007'' and inserting ''2009''; and

(B) by striking ''mass'' and inserting ''public'';

(3) by adding at the end of paragraph (2) the following:

''(E) MAXIMUM AMOUNTS IN FISCAL YEARS 2008 AND 2009.—In fiscal years 2008 and 2009—

''(i) amounts made available to any urbanized area under clause (i) or (ii) of subparagraph (A) shall be not more than 50 percent of the amount apportioned in fiscal year 2002 to the urbanized area with a population of less than 200,000, as determined in the 1990 decennial census of population;

''(ii) amounts made available to any urbanized area under subparagraph (A)(iii) shall be not more than 50 percent of the amount apportioned to the urbanized area under this section for fiscal year 2003; and

''(iii) each portion of any area not designated as an urbanized area, as determined by the 1990 decennial census, and eligible to receive funds under subparagraph (A)(iv), shall receive an amount of funds to carry out this section that is not less than 50 percent of the amount the portion of the area received under section 5311 in fiscal year 2002.''; and

(4) in paragraph (3) by striking ''section 5305(a)'' and inserting ''section 5303(k)''.

(d) SECTION 5309.—Section 5309 of such title is amended—

(1) in subsection (d)(5)(B) by striking ''regulation.'' and inserting ''this subsection and shall give comparable, but not necessarily equal, numerical weight to each project justification criteria in calculating the overall project rating.'';

(2) in subsection (e)(6)(B) by striking ''subsection.'' and inserting ''subsection and shall give comparable, but not necessarily equal, numerical weight to each project justification criteria in calculating the overall project rating.'';

(3) in the heading for paragraph (2)(A) of subsection (m) by striking ''MAJOR CAPITAL'' and inserting ''CAPITAL''; and

(4) in subsection (m)(7)(B) by striking ''section 3039'' and inserting ''section 3045''.

(e) SECTION 5311.—Section 5311 of such title is amended—

(1) in subsection (g)(1)(A) by striking ''for any purpose other than operating assistance'' and inserting ''for a capital project or project administrative expenses'';

(2) in subsections (g)(1)(A) and (g)(1)(B) by striking ''capital'' after ''net''; and

(3) in subsection (i)(1) by striking ''Sections 5323(a)(1)(D) and 5333(b) of this title apply'' and inserting ''Section 5333(b) applies''.

(f) SECTION 5312.—The heading for section 5312(c) of such title is amended by striking ''MASS TRANSPORTATION'' and inserting ''PUBLIC TRANSPORTATION''.

(g) SECTION 5314.—Section 5314(a)(3) is amended by striking ''section 5323(a)(1)(D)'' and inserting ''section 5333(b)''.

(h) SECTION 5319.—Section 5319 of such title is amended by striking ''section 5307(k)'' and inserting ''section 5307(d)(1)(K)''.

(i) SECTION 5320.—Section 5320 of such title is amended—

(1) in subsection (a)(1)(A) by striking ''intra—agency'' and inserting ''intraagency'';

(2) in subsection (b)(5)(A) by striking ''5302(a)(1)(A)'' and inserting ''5302(a)(1)'';

(3) in subsection (d)(1) by inserting ''to administer this section and'' after ''5338(b)(2)(J)'';

(4) by adding at the end of subsection (d) the following:

''(4) TRANSFERS TO LAND MANAGEMENT AGENCIES.—The Secretary may transfer amounts available under paragraph (1) to the appropriate Federal land management agency to pay necessary costs of the agency for such activities described in paragraph (1) in connection with activities being carried out under this section.'';

(5) in subsection (k)(3) by striking ''subsection (d)(1)'' and inserting ''subsection (e)(1)'';

(6) by redesignating subsections (a) through (m) as subsections (b) through (n), respectively; and

(7) by inserting before subsection (b) (as so redesignated) the following:

''(a) PROGRAM NAME.—The program authorized by this section shall be known as the Paul S. Sarbanes Transit in Parks Program.''.

(j) SECTION 5323.—Section 5323(n) of such title is amended by striking ''section 5336(e)(2)'' and inserting ''section 5336(d)(2)''.

(k) SECTION 5325.—Section 5325(b) of such title is amended—

(1) in paragraph (1) by inserting before the period at the end ''adopted before August 10, 2005'';

(2) by striking paragraph (2); and

(3) by redesignating paragraph (3) as paragraph (2).

(l) SECTION 5336.—

(1) APPORTIONMENTS OF FORMULA GRANTS.—Section 5336 of such title is amended—

(A) in subsection (a) by striking ''Of the amount'' and all that follows before paragraph

(1) and inserting ''Of the amount apportioned under subsection (i)(2) to carry out section 5307—'';

(B) in subsection (d)(1) by striking ''subsections (a) and (h)(2) of section 5338'' and inserting ''subsections (a)(1)(C)(vi) and (b)(2)(B) of section 5338''; and

(C) by redesignating subsection (c), as added by section 3034(c) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1628), as subsection (k).

(2) TECHNICAL AMENDMENTS.—Section 3034(d)(2) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1629), is amended by striking ''paragraph (2)'' and inserting ''subsection (a)(2)''.

(m) SECTION 5337.—Section 5337(a) of title 49, United States Code, is amended by striking ''for each of fiscal years 1998 through 2003'' and inserting ''for each of fiscal years 2005 through 2009''.

(n) SECTION 5338.—Section 5338(d)(1)(B) of such title is amended by striking ''section 5315(a)(16)'' and inserting ''section 5315(b)(2)(P)''.

(o) SAFETEA–LU.—

(1) SECTION 3011.—Section 3011(f) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1589) is amended by adding to the end the following:

''(5) Central Florida Commuter Rail Transit Project.''.

(2) SECTION 3037.—Section 3037(c) of such Act (119 Stat. 1636) is amended—

(A) in paragraph (3) by striking ''Phase II''; and

(B) by striking paragraph (10).

(3) SECTION 3040.—Section 3040(4) of such Act (119 Stat. 1639) is amended by striking ''$7,871,895,000'' and inserting ''$7,872,893,000''.

(4) SECTION 3043.—

(A) PORTLAND, OREGON.—Section 3043(b)(27) of such Act (119 Stat. 1642) is amended by inserting ''/Milwaukie'' after ''Mall''.

(B) LOS ANGELES.—

(i) PHASE 1.—Section 3043(b)(13) of such Act (119 Stat. 1642) is amended to read as follows:

''(13) Los Angeles—Exposition LRT (Phase 1).''.

(ii) PHASE 2.—Section 3043(c) of such Act (119 Stat. 1645) is amended by inserting after paragraph (104) the following:

''(104A) Los Angeles—Exposition LRT (Phase 2).''.

(C) SAN DIEGO.—Section 3043(c)(105) of such Act (119 Stat. 1645) is amended by striking ''LOSSAN Del Mar-San Diego—Rail Corridor Improvements'' and inserting ''LOSSAN Rail Corridor Improvements''.

(D) SAN DIEGO.—Section 3043(c)(217) of such Act (119 Stat. 1648) is amended by striking ''San Diego'' and inserting ''San Diego Transit''.

(E) SACRAMENTO.—Section 3043(c)(204) of such Act (119 Stat. 647) is amended by striking ''Downtown''.

(F) BOSTON.—Section 3043(d)(6) of such Act (119 Stat. 1649) is amended to read as follows:

''(6) Boston-Silver Line Phase III, $20,000,000.''.

(G) PROJECT CONSTRUCTION GRANTS.—Section 3043(e) of such Act (119 Stat. 1651) is amended by adding at the end the following:

''(4) PROJECT CONSTRUCTION GRANTS.—Projects recommended by the Secretary for a project construction grant agreement under section 5309(e) of title 49, United States Code, or for funding under section 5309(m)(2)(A)(i) of such title during fiscal year 2008 and fiscal year 2009 are authorized for preliminary engineering, final design, and construction for fiscal years 2007 through 2009 upon the completion of the notification process for each such project under section 5309(g)(5).''.

(H) LOS ANGELES AND SAN GABRIEL VALLEY.—Section 3043 of such Act (119 Stat. 1640) is amended by adding at the end the following:

''(k) LOS ANGELES EXTENSION.—In evaluating the local share of the project authorized by subsection (c)(104A) in the new starts rating process, the Secretary shall give consideration to project elements of the project authorized by subsection (b)(13) advanced with 100 percent non-Federal funds.

''(l) SAN GABRIEL VALLEY—GOLD LINE FOOTHILL EXTENSION PHASE II.—In evaluating the local share of the San Gabriel Valley—Gold Line Foothill Extension Phase II project authorized by subsection (b)(33) in the new starts rating process, the Secretary shall give consideration to project elements of the San Gabriel Valley—Gold Line Foothill Extension Phase I project advanced with 100 percent non-Federal funds.''.

(5) SECTION 3044.—

(A) PROJECTS.—The table contained in section 3044(a) of such Act (119 Stat. 1652) is amended—

(i) in item 25—

(I) by striking ''$217,360'' and inserting ''$167,360''; and

(II) by striking ''$225,720'' and inserting ''$175,720'';

(ii) in item number 36 by striking the project description and inserting ''Los Angeles County Metropolitan Transportation Authority (LACMTA) for bus and bus-related facilities in the LACMTA's service area'';

(iii) in item number 71 by inserting ''Metropolitan Bus Authority'' after ''Puerto Rico'';

(iv) in item number 84 by striking the project description and inserting ''Improvements to the existing Sacramento Intermodal Facility (Sacramento Valley Station)'';

(v) in item number 94 by striking the project description and inserting ''Pacific Transit, WA Vehicle Replacement'';

(vi) in item number 120 by striking ''Dayton Airport Intermodal Rail Feasibility Study'' and inserting ''Greater Dayton Regional Transit Authority buses and bus facilities'';

(vii) in item number 152 by inserting ''Metropolitan Bus Authority'' after ''Puerto Rico'';

(viii) in item number 416 by striking ''Improve marine intermodal'' and inserting ''Improve marine dry-dock and'';

(ix) in item number 457—

(I) by striking ''$65,000'' and inserting ''$0''; and

(II) by striking ''$67,500'' and inserting ''$0''; and

(x) in item number 458—

(I) by striking ''$65,000'' and inserting ''$130,000'';

(II) by striking ''$67,500'' and inserting ''$135,000''; and

(xi) in item number 57 by striking the project description and inserting ''Wilmington, NC, maintenance and operations facilities and administration and transfer facilities'';

(xii) in item number 460 by striking the matters in the project description, FY08 column, and FY09 column and inserting ''460. Mid-Region Council of Governments, New Mexico, public transportation buses, bus-related equipment and facilities, and intermodal terminals in Albuquerque and Santa Fe'', ''$500,000'', and ''$500,000'', respectively.

(xiii) in item number 138 by striking ''Design'' and inserting ''Determine scope, engineering, design,'';

(xiv) in item number 23 by striking ''Construct'' and inserting ''Design, engineering, right-of-way acquisition, and construction'';

(xv) in item number 439 by inserting before ''Central'' the following: ''Design, engineering, right-of-way acquisition, and construction'';

(xvi) in item number 453 by inserting before ''Central'' the following: ''Design, engineering, right-of-way acquisition, and construction'';

(xvii) in item number 371 by striking the project description and inserting ''Regional Transportation Commission of Southern Nevada, Sunset Bus Maintenance Facility'';

(xviii) in item number 487 by striking ''Central Arkansas Transit Authority Facility Upgrades'' and inserting ''Central Arkansas Transit Authority Bus Acquisition'';

(xix) in item number 491 by striking the project description and inserting ''Pace, IL, Cermak Road, Bus Rapid Transit, and related bus projects, and alternatives analysis'';

(xx) in item number 512 by striking ''Corning, NY, Phase II Corning Preserve Transportation Enhancement Project'' and inserting ''Transportation Center Enhancements, Corning, NY'';

(xxi) in item number 534 by striking ''Community Buses'' and inserting ''Bus and Bus Facilities'';

(xxii) in item number 570 by striking ''Maine Department of Transportation-Acadia Intermodal Facility'' and inserting ''MaineDOT Acadia Intermodal Passenger and Maintenance Facility'';

(xxiii) in item number 80 by striking the project description and amounts and inserting ''Flagler County, Florida–buses and bus facility'', ''$57,684'', ''$60,192'', ''$65,208'', and ''$67,716'' respectively;

(xxiv) in item number 135 by striking the project description and inserting ''Pace Suburban Bus, IL–Purchase Vehicles'';

(xxv) in item number 276 by striking the project description and amounts and inserting ''Long Beach Transit, Long Beach, California, for the purchase of transit vehicles and enhancement of para-transit and senior transportation services'', ''$128,180'', ''$133,760'', ''$144,906'', and ''$150,480'', respectively; and

(xxvi) by adding at the end—

(I)(aa) in the project description column ''666. New York City, NY, rehabilitation of subway stations to include passenger access improvements including escalators or installation of infrastructure for security and surveillance purposes''; and

(bb) in the FY08 column and the FY09 column ''$50,000'';

(II)(aa) in the project description column ''667. St. Johns County Council on Aging buses and bus facilities, Florida''; and

(bb) in the FY06, FY07, FY08, and FY09 columns ''$57,684'', ''$60,192'', ''$65,208'', and ''$67,716'', respectively;

(III)(aa) in the project description column ''668. The City of Compton, California, for the replacement of buses and paratransit vehicles''; and

(bb) in the FY06, FY07, FY08, and FY09 columns ''$128,180'', ''$133,760'', ''$144,906'', and ''$150,480'', respectively; and

(IV)(aa) in the project description column ''669. City of Los Angeles, California, for the purchase of transit vehicles in Watts and enhancement of paratransit and senior transportation services''; and

(bb) in the FY06, FY07, FY08, and FY09 columns ''$128,200'', ''$133,760'', ''$144,908'', and ''$150,480'', respectively.

(B) SPECIAL RULE.—Section 3044(c) of such Act (119 Stat. 1705) is amended—

(i) by inserting '', or other entity,'' after ''State or local governmental authority''; and

(ii) by striking ''projects numbered 258 and 347'' and inserting ''projects numbered 258, 347, and 411''; and

(iii) by striking the period at the end and inserting: '', and funds made available for fiscal year 2006 for the bus and bus-related facilities projects numbered 176 and 652 under subsection (a) shall remain available until September 30, 2009.''.

(6) SECTION 3046.—Section 3046(a)(7) of such Act (119 Stat. 1708) is amended—

(A) by striking ''hydrogen fuel cell vehicles'' and inserting ''hydrogen fueled vehicles'';

(B) by striking ''hydrogen fuel cell employee shuttle vans'' and inserting ''hydrogen fueled employee shuttle vans''; and

(C) by striking ''in Allentown, Pennsylvania'' and inserting ''to the DaVinci Center in Allentown, Pennsylvania''.

(7) SECTION 3050.—Section 3050(b) of such Act (119 Stat. 1713) is amended by inserting ''by negotiating the extension of the existing agreement between mile post 191.13 and mile post 185.1 to mile post 165.9 in Rhode Island'' before the period at the end.

(p) TRANSIT TUNNELS.—In carrying out section 5309(d)(3)(D) of title 49, United States Code,

the Secretary of Transportation shall specifically analyze, evaluate, and consider—

(1) the congestion relief, improved mobility, and other benefits of transit tunnels in those projects which include a transit tunnel; and

(2) the associated ancillary and mitigation costs necessary to relieve congestion, improve mobility, and decrease air and noise pollution in those projects which do not include a transit tunnel, but where a transit tunnel was one of the alternatives analyzed.

(q) KNOXVILLE, TENNESSEE, PROPERTY ACQUISITION.—The acquisition of property for the city of Knoxville, Tennessee, for the Knoxville, Tennessee, Central Station project shall be deemed to qualify as an acquisition of land for protective purposes pursuant to section 622.101 of title 49, Code of Federal Regulations, as in effect on the date of enactment of this Act. The Secretary of Transportation may allow the costs of such acquisition to be credited toward the non-Federal share for the project.

(r) CALIFORNIA TRANSIT SERVICES.—The Secretary of Transportation shall use not more than $3,000,000 of the funds made available for use at the discretion of the Secretary for fiscal year 2007 for Federal Transit Administration Discretionary Programs, Bus and Bus Facilities to reimburse the California State department of transportation for actual and necessary costs of maintenance and operation, less the amount of fares earned, for additional public transportation services that were provided by the department of transportation as a temporary substitute for highway traffic service following the freeway collapse at the interchange connecting Interstate Routes 80, 580, and 880 near the San Francisco-Oakland Bay Bridge, on April 29, 2007, until the reopening of that facility on June 29, 2007. The Federal share of the cost of activities reimbursed under this subsection shall be 100 percent.

TITLE III—OTHER SURFACE TRANSPORTATION PROVISIONS

SEC. 301. TECHNICAL AMENDMENTS RELATING TO MOTOR CARRIER SAFETY.

(a) CONFORMING AMENDMENT RELATING TO HIGH-PRIORITY ACTIVITIES.—Section 31104(f) of title 49, United States Code, is amended by striking the designation and heading for paragraph (1) and by striking paragraph (2).

(b) NEW ENTRANT AUDITS.—

(1) CORRECTIONS OF REFERENCES.—Section 4107(b) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1720) is amended—

(A) by striking ''Section 31104'' and inserting ''Section 31144''; and

(B) in paragraph (1) by inserting ''(c)'' after ''the second subsection''.

(2) CONFORMING AMENDMENT.—Section 7112 of such Act (119 Stat. 1899) is amended by striking subsection (c).

(c) PROHIBITED TRANSPORTATION.—Section 4114(c)(1) of the such Act (119 Stat. 1726) is amended by striking ''the second subsection (c)'' and inserting ''(f)''.

(d) EFFECTIVE DATE RELATING TO MEDICAL EXAMINERS.—Section 4116(f) of such Act (119 Stat. 1728) is amended by striking ''amendment made by subsection (a)'' and inserting ''amendments made by subsections (a) and (b)''.

(e) ROADABILITY TECHNICAL CORRECTION.—Section 31151(a)(3)(E)(ii) of title 49, United States Code, is amended by striking ''Act'' and inserting ''section''.

(f) CORRECTION OF SUBSECTION REFERENCE.—Section 4121 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1734) is amended by striking ''31139(f)(5)'' and inserting ''31139(g)(5)''.

(g) CDL LEARNER'S PERMIT PROGRAM TECHNICAL CORRECTION.—Section 4122(2)(A) of such Act (119 Stat. 1734) is amended by striking ''license'' and inserting ''licenses''.

(h) CDL INFORMATION SYSTEM FUNDING REFERENCE.—Section 31309(f) of title 49, United States Code, is amended by striking ''31318'' and inserting ''31313''.

(i) CLARIFICATION OF REFERENCE.—Section 229(a)(1) of the Federal Motor Carrier Safety Improvement Act of 1999 (49 U.S.C. 31136 note; 119 Stat. 1743) is amended by inserting ''of title 49, United States Code,'' after ''31502''.

(j) REDESIGNATION OF SECTION.—The second section 39 of chapter 2 of title 18, United States Code, relating to commercial motor vehicles required to stop for inspections, and the item relating to such section in the analysis for such chapter, are redesignated as section 40.

(k) OFFICE OF INTERMODALISM.—Section 5503 of title 49, United States Code, is amended—

(1) in subsection (f)(2) by striking ''Surface Transportation Safety Improvement Act of 2005'', and inserting ''Motor Carrier Safety Reauthorization Act of 2005''; and

(2) by redesignating the first subsection (h), relating to authorization of appropriations, as subsection (i) and moving it after the second subsection (h).

(l) USE OF FEES FOR UNIFIED CARRIER REGISTRATION SYSTEM.—Section 13908 of title 49, United States Code, is amended by redesignating subsection (e) as subsection (f) and inserting after subsection (d) the following:

''(e) USE OF FEES FOR UNIFIED CARRIER REGISTRATION SYSTEM.—Fees collected under this section may be credited to the Department of Transportation appropriations account for purposes for which such fees are collected and shall be available for expenditure for such purposes until expended.''.

(m) COMMERCIAL MOTOR VEHICLE DEFINITION.—Section 14504a(a)(1)(B) of title 49, United States Code, is amended by striking ''a motor carrier required to make any filing or pay any fee to a State with respect to the motor carrier's authority or insurance related to operation within such State, the motor carrier'' and inserting ''determining the size of a motor carrier or motor private carrier's fleet in calculating the fee to be paid by a motor carrier or motor private carrier pursuant to subsection (f)(1), the motor carrier or motor private carrier''.

(n) CLARIFICATION OF UNREASONABLE BURDEN.—Section 14504a(c)(2) of title 49, United States Code, is amended by striking ''interstate'' the last place it appears and inserting ''intrastate''.

(o) CONTENTS OF AGREEMENT TYPO.—Section 14504a(f)(1)(A)(ii) of title 49, United States Code, is amended by striking ''or'' the last place it appears.

(p) OTHER UNIFIED CARRIER REGISTRATION SYSTEM TECHNICAL CORRECTIONS.—Section 14504a of title 49, United States Code, is amended—

(1) in subsection (c)(1)(B) by striking ''the a'' and inserting ''a'';

(2) in subsection (f)(1)(A)(i) by striking ''in connection with the filing of proof of financial responsibility''; and

(3) in subsection (f)(1)(A)(ii) by striking ''in connection with such a filing'' and inserting ''under the UCR agreement''.

(q) IDENTIFICATION OF VEHICLES.—Section 14506(b)(2) of title 49, United States Code, is amended by inserting before the semicolon at the end the following: ''or under an applicable State law if, on October 1, 2006, the State has a form of highway use taxation not subject to collection through the International Fuel Tax Agreement''.

(r) DRIVEAWAY SADDLEMOUNT VEHICLE.—

(1) DEFINITION.—Section 31111(a)(4) of title 49, United States Code, is amended—

(A) in the paragraph heading by striking ''DRIVE-AWAY SADDLEMOUNT WITH FULLMOUNT'' and inserting ''DRIVEAWAY SADDLEMOUNT'';

(B) by striking ''drive-away saddlemount with fullmount'' and inserting ''driveaway saddlemount''; and

(C) by inserting ''Such combination may include one fullmount.'' after the period at the end.

(2) IN GENERAL.—Section 31111(b)(1)(D) of such title is amended by striking ''a driveaway saddlemount with fullmount'' and inserting ''all driveaway saddlemount''.

SEC. 302. TECHNICAL AMENDMENTS RELATING TO HAZARDOUS MATERIALS TRANSPORTATION.

(a) DEFINITION OF HAZMAT EMPLOYEES.—Section 7102(2) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1892) is amended—

(1) by striking ''(3)(A)'' and inserting ''(3)'';

(2) in subparagraph (A) by striking ''clause (i)'' and inserting ''clause (i) of subparagraph (A)''; and

(3) in subparagraph (B) by striking ''clause (ii)'' and inserting ''subparagraph (A)(ii)''.

(b) TECHNICAL CORRECTION.—Section 5103a(g)(1)(B)(ii) of title 49, United States Code, is amended by striking ''Act'' and inserting ''subsection''.

(c) PREEMPTION CORRECTION.—Section 5125 of title 49, United States Code, is amended—

(1) in subsection (d)(1) by striking ''5119(e)'' and inserting ''5119(f)'';

(2) in each of subsections (e) and (g) by striking ''5119(b)'' and inserting ''5119(f)''; and

(3) in subsection (g) by striking ''(b), (c)(1), or (d)'' and inserting ''(a), (b)(1), or (c)''.

(d) RELATIONSHIP TO OTHER LAWS.—Section 7124(3) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1908) is amended by inserting ''the first place it appears'' before ''and inserting''.

(e) REPORT.—Section 5121(h) of title 49, United States Code, is amended—

(1) in paragraph (2) by striking ''exemptions'' and inserting ''special permits''; and

(2) in paragraph (3) by striking ''exemption'' and inserting ''special permit''.

(f) SECTION HEADING.—Section 5128 of title 49, United States Code, is amended by striking the section designation and heading and inserting the following:

''§ 5128. Authorization of appropriations''.

(g) CHAPTER ANALYSIS.—The analysis for chapter 57 of title 49, United States Code, is amended in the item relating to section 5701 by striking ''Transportation'' and inserting ''transportation''.

(h) NORMAN Y. MINETA RESEARCH AND SPECIAL PROGRAMS IMPROVEMENT ACT.—Section 5(b) of the Norman Y. Mineta Research and Special Programs Improvement Act (49 U.S.C. 108 note; 118 Stat. 2427) is amended by inserting ''(including delegations by the Secretary of Transportation)'' after ''All orders''.

(i) SHIPPING PAPERS.—Section 5110(d)(1) of title 49, United States Code, is amended—

(1) in the subsection heading by striking ''SHIPPERS'' and inserting ''OFFERORS''; and

(2) by striking ''shipper's'' and inserting ''offeror's''.

(j) NTSB RECOMMENDATIONS.—Section 19(1) of the Pipeline Inspection, Protection, Enforcement, and Safety Act of 2006 (49 U.S.C. 60102 note; 120 Stat. 3498) is amended by striking ''165'' and inserting ''1165''.

SEC. 303. HIGHWAY SAFETY.

(a) STATE MINIMUM APPORTIONMENTS FOR HIGHWAY SAFETY PROGRAMS.—Effective October 1, 2007, section 402(c) of the title 23, United States Code, is amended by striking ''The annual apportionment to each State shall not be less than one-half of 1 per centum'' and inserting ''The annual apportionment to each State shall not be less than three-quarters of 1 percent''.

(b) CONSOLIDATION OF GRANT APPLICATIONS.—Section 402(m) of title 23, United States Code, is amended in the first sentence—

(1) by striking ''through'' and inserting ''for which''; and

(2) by inserting ''is appropriate'' before the period at the end.

(c) TECHNICAL CORRECTIONS.—

(1) Section 2002(b) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1521) is amended—

(A) by striking paragraph (2); and

(B) by redesignating paragraphs (3) and (4) as (2) and (3), respectively.

(2) Section 2007(b)(1) of such Act (119 Stat. 1529) is amended—

(A) by inserting ''and'' after the semicolon at the end of subparagraph (A);

(B) by striking ''and'' at the end of subparagraph (B); and

(C) by striking subparagraph (C).

(3) Effective August 10, 2005, section 410(c)(7)(B) of title 23, United States Code, is amended by striking ''clause (i)'' and inserting ''clauses (i) and (ii)''.

(4) Section 411 of title 23, United States Code, is amended by redesignating the second subsection (c), relating to administration expenses, and subsection (d) as subsections (d) and (e), respectively.

SEC. 304. CORRECTION OF STUDY REQUIREMENT REGARDING ON-SCENE MOTOR VEHICLE COLLISION CAUSATION.

Section 2003(c)(1) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109–59; 119 Stat. 1522) is amended in the second sentence by striking ''shall'' and inserting ''may''.

SEC. 305. MOTOR CARRIER TRANSPORTATION REGISTRATION.

(a) GENERAL REQUIREMENTS.—Section 31138 of title 49, United States Code, is amended—

(1) by striking subsection (a) and inserting the following:

''(a) GENERAL REQUIREMENT.—

''(1) TRANSPORTATION OF PASSENGERS FOR COMPENSATION.—The Secretary of Transportation shall prescribe regulations to require minimum levels of financial responsibility sufficient to satisfy liability amounts established by the Secretary covering public liability and property damage for the transportation of passengers for compensation by motor vehicle in the United States between a place in a State and—

''(A) a place in another State;

''(B) another place in the same State through a place outside of that State; or

''(C) a place outside the United States.

''(2) TRANSPORTATION OF PASSENGERS NOT FOR COMPENSATION.—The Secretary may prescribe regulations to require minimum levels of financial responsibility sufficient to satisfy liability amounts established by the Secretary covering public liability and property damage for the transportation of passengers for commercial purposes, but not for compensation, by motor vehicle in the United States between a place in a State and—

''(A) a place in another State;

''(B) another place in the same State through a place outside of that State; or

''(C) a place outside the United States.''; and

(2) by striking ''commercial'' each place it appears in subsection (c)(4).

(b) TRANSPORTATION OF PROPERTY.—Section 31139 of such title is amended—

(1) by striking ''commercial motor vehicle'' in subsection (b)(1) and inserting ''motor carrier or motor private carrier (as such terms are defined in section 13102 of this title)''; and

(2) by striking ''commercial'' in subsection (c).

(c) DEFINITIONS RELATING TO MOTOR CARRIERS.—Paragraphs (6)(B), (7)(B), (14), and (15) of section 13102 of such title are each amended by striking ''commercial motor vehicle (as defined in section 31132)'' and inserting ''motor vehicle''.

(d) FREIGHT FORWARDERS.—Section 13903(a) of such title is amended to read as follows:

''(a) IN GENERAL.—The Secretary shall register a person to provide service subject to jurisdiction under subchapter III of chapter 135 as a freight forwarder if the Secretary finds that the person is fit, willing, and able to provide the service and to comply with this part and applicable regulations of the Secretary and the Board.''.

(e) BROKERS.—Section 13904(a) of such title is amended to read as follows:

''(a) IN GENERAL.—The Secretary shall register, subject to section 13906(b), a person to be a broker for transportation of property subject to jurisdiction under subchapter I of chapter 135, if the Secretary finds that the person is fit, willing, and able to be a broker for transportation and to comply with this part and applicable regulations of the Secretary.''.

SEC. 306. APPLICABILITY OF FAIR LABOR STANDARDS ACT REQUIREMENTS AND LIMITATION ON LIABILITY.

(a) APPLICABILITY FOLLOWING THIS ACT.—Beginning on the date of enactment of this Act, section 7 of the Fair Labor Standards Act of 1938 (29 U.S.C. 207) shall apply to a covered employee notwithstanding section 13(b)(1) of that Act (29 U.S.C. 213(b)(1)).

(b) LIABILITY LIMITATION FOLLOWING SAFETEA–LU.—

(1) LIMITATION ON LIABILITY.—An employer shall not be liable for a violation of section 7 of the Fair Labor Standards Act of 1938 (29 U.S.C. 207) with respect to a covered employee if—

(A) the violation occurred in the 1-year period beginning on August 10, 2005; and

(B) as of the date of the violation, the employer did not have actual knowledge that the employer was subject to the requirements of such section with respect to the covered employee.

(2) ACTIONS TO RECOVER AMOUNTS PREVIOUSLY PAID.—Nothing in paragraph (1) shall be construed to establish a cause of action for an employer to recover amounts paid before the date of enactment of this Act in settlement of, in compromise of, or pursuant to a judgment rendered regarding a claim or potential claim based on an alleged or proven violation of section 7 of the Fair Labor Standards Act of 1938 (29 U.S.C. 207) occurring in the 1-year period referred to in paragraph (1)(A) with respect to a covered employee.

(c) COVERED EMPLOYEE DEFINED.—In this section, the term ''covered employee'' means an individual—

(1) who is employed by a motor carrier or motor private carrier (as such terms are defined by section 13102 of title 49, United States Code, as amended by section 305);

(2) whose work, in whole or in part, is defined—

(A) as that of a driver, driver's helper, loader, or mechanic; and

(B) as affecting the safety of operation of motor vehicles weighing 10,000 pounds or less in transportation on public highways in interstate or foreign commerce, except vehicles—

(i) designed or used to transport more than 8 passengers (including the driver) for compensation;

(ii) designed or used to transport more than 15 passengers (including the driver) and not used to transport passengers for compensation; or

(iii) used in transporting material found by the Secretary of Transportation to be hazardous under section 5103 of title 49, United States Code, and transported in a quantity requiring placarding under regulations prescribed by the Secretary under section 5103 of title 49, United States Code; and

(3) who performs duties on motor vehicles weighing 10,000 pounds or less.

TITLE IV—MISCELLANEOUS PROVISIONS

SEC. 401. CONVEYANCE OF GSA FLEET MANAGEMENT CENTER TO ALASKA RAILROAD CORPORATION.

(a) IN GENERAL.—Subject to the requirements of this section, the Administrator of General Services shall convey, not later than 2 years after the date of enactment of this Act, by quitclaim deed, to the Alaska Railroad Corporation, an entity of the State of Alaska (in this section referred to as the ''Corporation''), all right, title, and interest of the United States in and to the parcel of real property described in subsection (b), known as the GSA Fleet Management Center.

(b) GSA FLEET MANAGEMENT CENTER.—The parcel to be conveyed under subsection (a) is the parcel located at the intersection of 2nd Avenue and Christensen Avenue in Anchorage, Alaska, consisting of approximately 78,000 square feet of land and the improvements thereon.

(c) CONSIDERATION.—

(1) IN GENERAL.—As consideration for the parcel to be conveyed under subsection (a), the Administrator shall require the Corporation to—

(A) convey replacement property in accordance with paragraph (2); or

(B) pay the purchase price for the parcel in accordance with paragraph (3).

(2) REPLACEMENT PROPERTY.—If the Administrator requires the Corporation to provide consideration under paragraph (1)(A), the Corporation shall—

(A) convey, and pay the cost of conveying, to the United States, acting by and through the Administrator, fee simple title to real property, including a building, that the Administrator determines to be suitable as a replacement facility for the parcel to be conveyed under subsection (a); and

(B) provide such other consideration as the Administrator and the Corporation may agree, including payment of the costs of relocating the occupants vacating the parcel to be conveyed under subsection (a).

(3) PURCHASE PRICE.—If the Administrator requires the Corporation to provide consideration under paragraph (1)(B), the Corporation shall pay to the Administrator the fair market value of the parcel to be conveyed under subsection (a) based on its highest and best use as determined by an independent appraisal commissioned by the Administrator and paid for by the Corporation.

(d) APPRAISAL.—In the case of an appraisal under subsection (c)(3)—

(1) the appraisal shall be performed by an appraiser mutually acceptable to the Administrator and the Corporation; and

(2) the assumptions, scope of work, and other terms and conditions related to the appraisal assignment shall be mutually acceptable to the Administrator and the Corporation.

(e) PROCEEDS.—

(1) DEPOSIT.—Any proceeds received under subsection (c) shall be paid into the Federal Buildings Fund established under section 592 of title 40, United States Code.

(2) EXPENDITURE.—Funds paid into the Federal Buildings Fund under paragraph (1) shall be available to the Administrator, in amounts specified in appropriations Acts, for expenditure for any lawful purpose consistent with existing authorities granted to the Administrator; except that the Administrator shall provide to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate 30 days advance written notice of any expenditure of the proceeds.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Administrator may require such additional terms and conditions to the conveyance under subsection (a) as the Administrator considers appropriate to protect the interests of the United States.

(g) DESCRIPTION OF PROPERTY AND SURVEY.—The exact acreage and legal description of the parcels to be conveyed under subsections (a) and (c)(2) shall be determined by surveys satisfactory to the Administrator and the Corporation.

SEC. 402. CONVEYANCE OF RETAINED INTEREST IN ST. JOSEPH MEMORIAL HALL.

(a) IN GENERAL.—Subject to the terms and conditions of subsection (c), the Administrator of General Services shall convey to the city of St. Joseph, Michigan, by quitclaim deed, any interest retained by the United States in St. Joseph Memorial Hall.

(b) ST. JOSEPH MEMORIAL HALL DEFINED.—In this section, the term ''St. Joseph Memorial Hall'' means the property subject to a conveyance from the Secretary of Commerce to the city of St. Joseph, Michigan, by quitclaim deed dated May 9, 1936, recorded in Liber 310, at page 404, in the Register of Deeds for Berrien County, Michigan.

(c) TERMS AND CONDITIONS.—The conveyance under subsection (a) shall be subject to the following terms and conditions:

(1) CONSIDERATION.—As consideration for the conveyance under subsection (a), the city of St. Joseph, Michigan, shall pay $10,000 to the United States.

(2) ADDITIONAL TERMS AND CONDITIONS.—The Administrator may require such additional terms and conditions for the conveyance under subsection (a) as the Administrator considers appropriate to protect the interests of the United States.

TITLE V—OTHER PROVISIONS

SEC. 501. DE SOTO COUNTY, MISSISSIPPI.

Section 219(f)(30) of the Water Resources Development Act of 1992 (106 Stat. 4835; 110 Stat. 3757; 113 Stat. 334; 114 Stat. 2763A–220; 119 Stat. 282; 119 Stat. 2257) is amended by striking ''$55,000,000'' and inserting ''$75,000,000''.

SEC. 502. DEPARTMENT OF JUSTICE REVIEW.

Consistent with applicable standards and procedures, the Department of Justice shall review allegations of impropriety regarding item 462 in section 1934(c) of Public Law 109–59 to ascertain if a violation of Federal criminal law has occurred.

The SPEAKER pro tempore, Mr. PASTOR, recognized Mr. OBERSTAR and Mr. MICA, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said amendment?

The SPEAKER pro tempore, Mr. PASTOR, announced that two-thirds of the Members present had voted in the affirmative.

Mr. OBERSTAR demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. PASTOR, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶50.9 NATIONAL PEACE OFFICERS' MEMORIAL SERVICE

Mr. CARNEY moved to suspend the rules and agree to the following concurrent resolution (H. Con. Res. 308):

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. USE OF CAPITOL GROUNDS FOR NATIONAL PEACE OFFICERS' MEMORIAL SERVICE.

(a) IN GENERAL.—The Grand Lodge of the Fraternal Order of Police and its auxiliary (in this resolution referred to as the ''sponsor'') shall be permitted to sponsor a public event, the 27th annual National Peace Officers' Memorial Service (in this resolution referred to as the ''event''), on the Capitol Grounds, in order to honor the law enforcement officers who died in the line of duty during 2007.

(b) DATE OF EVENT.—The event shall be held on May 15, 2008, or on such other date as the Speaker of the House of Representatives and the Committee on Rules and Administration of the Senate jointly designate.

SEC. 2. TERMS AND CONDITIONS.

(a) IN GENERAL.—Under conditions to be prescribed by the Architect of the Capitol and the Capitol Police Board, the event shall be—

(1) free of admission charge and open to the public; and

(2) arranged not to interfere with the needs of Congress.

(b) EXPENSES AND LIABILITIES.—The sponsor shall assume full responsibility for all expenses and liabilities incident to all activities associated with the event.

SEC. 3. EVENT PREPARATIONS.

Subject to the approval of the Architect of the Capitol, the sponsor is authorized to erect upon the Capitol Grounds such stage, sound amplification devices, and other related structures and equipment, as may be required for the event.

SEC. 4. ENFORCEMENT OF RESTRICTIONS.

The Capitol Police Board shall provide for enforcement of the restrictions contained in section 5104(c) of title 40, United States Code, concerning sales, advertisements, displays, and solicitations on the Capitol Grounds, as well as other restrictions applicable to the Capitol Grounds, in connection with the event.

The SPEAKER pro tempore, Mr. PASTOR, recognized Mr. CARNEY and Mr. GRAVES, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution?

The SPEAKER pro tempore, Mr. PASTOR, announced that two-thirds of the Members present had voted in the affirmative.

Mr. CARNEY demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. PASTOR, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Thursday, May 1, 2008.

¶50.10 NATIONAL AVIATION MAINTENANCE TECHNICIAN DAY

Mr. FILNER moved to suspend the rules and agree to the following resolution (H. Res. 444):

Whereas the safety of the flying public is ensured and the integrity of the aircraft airworthiness is personally guaranteed by individuals who comprise the professional aviation maintenance technician workforce;

Whereas the professional aviation maintenance technician is a key member of the United States military in protecting America through a strong armed forces aviation infrastructure;

Whereas the duties of aviation maintenance technicians are critical to United States homeland security and an integral component of the Nation's aerospace industry;

Whereas the professional aviation maintenance technician provides the strong infrastructure on which public confidence in our airborne transportation safety and military aviation strength is ensured;

Whereas the professional philosophy of the certificated aviation maintenance technician is embodied in the Aviation Mechanic's Creed:

UPON MY HONOR I swear that I shall hold in sacred trust the rights and privileges conferred upon me as a certified mechanic. Knowing full well that the safety and lives of others are dependent upon my skill and judgment, I shall never knowingly subject others to risks which I would not be willing to assume for myself, or for those dear to me.

IN DISCHARGING this trust, I pledge myself never to undertake work or approve work which I feel to be beyond the limits of my knowledge nor shall I allow any non-certified superior to persuade me to approve aircraft or equipment as airworthy against my better judgment, nor shall I permit my judgment to be influenced by money or other personal gain, nor shall I pass as airworthy aircraft or equipment about which I am in doubt either as a result of direct inspection or uncertainty regarding the ability of others who have worked on it to accomplish their work satisfactorily.

I REALIZE the grave responsibility which is mine as a certified airman, to exercise my judgment on the airworthiness of aircraft or equipment. I, therefore, pledge my unyielding adherence to these precepts for the advancement of aviation and for the dignity of my vocation.

Whereas in 1902 Charles Edward Taylor began working as a machinist for Orville and Wilbur Wright at the Wright Cycle Company in Dayton, Ohio;

Whereas using only a metal lathe, drill press, and hand tools, Charles Edward Taylor built, in 6 weeks, the 12-horsepower engine that was used to power the Wright brothers' first flying machine;

Whereas Charles Edward Taylor's ingenuity earned him a place in aviation history when the Wright brothers successfully flew their airplane in controlled flight on December 17, 1903;

Whereas Charles Edward Taylor had a successful career in aviation maintenance for more than 60 years;

Whereas Charles Edward Taylor was honored by the Federal Aviation Administration with the establishment of the Charles Edward Taylor Master Mechanic Award, which recognizes individuals with 50 years or more of aviation maintenance experience;

Whereas Charles Edward Taylor has become a hero to aircraft maintenance technicians worldwide; and

Whereas 45 of the States together with the Commonwealths, Territories, Republics, and Federations of the United States have already declared May 24 to be Aviation Maintenance Technician Day within their jurisdictions: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports National Aviation Maintenance Technician Day to honor the professional men and women who ensure the safety and security of our airborne aviation infrastructure; and

(2) recognizes the life and memory of Charles Edward Taylor, the aviation maintenance technician who built and maintained the engine that was used to power the Wright brothers' first controlled flying machine on December 17, 1903.

The SPEAKER pro tempore, Mr. PASTOR, recognized Mr. FILNER and Mr. GRAVES, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. PASTOR, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶50.11 SAFE OPERATION OF 15-PASSENGER VANS

Mr. DEFAZIO moved to suspend the rules and agree to the following resolution (H. Res. 964); as amended:

Whereas an organization that owns or operates a 15-passenger van should not allow an

inexperienced driver of such a van to drive the van because design and handling characteristics of a 15-passenger van make it drive differently than other passenger vehicles;

Whereas the safety records of drivers experienced in driving a 15-passenger van are significantly better than drivers not experienced in driving such a van;

Whereas according to the National Highway Traffic Safety Administration, from 1997 through 2006, there were 1,090 fatalities of van occupants resulting from crashes involving 15-passenger vans of which 534 fatalities resulted from largely preventable single-vehicle rollover crashes of such vans;

Whereas according to the Insurance Institute for Highway Safety, in 2005, 59 percent of the fatalities in 15-passenger van crashes occurred in single-vehicle rollover crashes, which is higher than the rollover fatality rates for any other passenger vehicle type;

Whereas 15-passenger vans require special driving skills because they are larger, with higher centers of gravity, which makes them less stable than vehicles such as cars, especially if the van is heavily loaded;

Whereas adding passengers in a 15-passenger van increases the center of gravity, causing the van to be increasingly difficult to handle and less stable;

Whereas the death rate for all occupants was higher for 15-passenger vans than for other passenger vehicle types combined;

Whereas during the period 2001 through 2005, the death rate for occupants of 15-passenger vans was 250 fatalities per million registered vehicles compared to 151 fatalities per million of all other registered vehicles;

Whereas impressing upon 15-passenger van drivers the inherent dangers of operating these vehicles, particularly when fully loaded, and educating them about proper handling and control, particularly during emergency situations, can reduce the risk of rollover, and such training can also help dispel the expectation that these vans operate like large passenger cars;

Whereas wearing safety belts dramatically increases the chances of survival during a rollover crash;

Whereas nearly 80 percent of those who died in 15-passenger van rollovers nationwide between 1990 and 2003 were not buckled up;

Whereas in fatal, single-vehicle rollover crashes involving 15-passenger vans over the past decade, 91 percent of occupants wearing safety belts survived; and

Whereas driver education and training, and general awareness of the dangers of these vans are effective means of reducing the death rates of occupants of 15-passenger vans: Now, therefore, be it

Resolved, that the House of Representatives recognizes the need for awareness regarding the increased risks of driving 15-passenger vans and encourages any operator of such a vehicle or person who provides transportation in such a vehicle to provide adequate training for drivers and safety information, including the necessity for wearing safety belts, to passengers.

The SPEAKER pro tempore, Mr. PASTOR, recognized Mr. DEFAZIO and Mr. DUNCAN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. PASTOR, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

By unanimous consent, the title was amended so as to read: ''A resolution promoting the safe operation of 15-passenger vans.''.

A motion to reconsider the votes whereby the rules were suspended and said resolution, as amended, was agreed to and the title was amended was, by unanimous consent, laid on the table.

¶50.12 NEWBORN SCREENING

Ms. ROYBAL-ALLARD moved to suspend the rules and pass the bill (H.R. 5919) to make technical corrections regarding the Newborn Screening Saves Lives Act of 2007.

The SPEAKER pro tempore, Mr. PASTOR, recognized Ms. ROYBAL-ALLARD and Mr. TERRY, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. PASTOR, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶50.13 PROVIDING FOR CONSIDERATION OF H.R. 5522

Mr. MCGOVERN, by direction of the Committee on Rules, called up the following resolution (H. Res. 1157):

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 5522) to require the Secretary of Labor to issue interim and final occupational safety and health standards regarding worker exposure to combustible dust, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Education and Labor. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Education and Labor now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived except those arising under clause 10 of rule XXI. Notwithstanding clause 11 of rule XVIII, no amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived except those arising under clause 9 or 10 of rule XXI. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. During consideration in the House of H.R. 5522 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

When said resolution was considered.

After debate,

Mr. MCGOVERN, moved the previous question on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House now order the previous question?

The SPEAKER pro tempore, Mr. ROSS, announced that the yeas had it.

Mr. Lincoln DIAZ-BALART of Florida, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. ROSS, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶50.14 NCAA DIVISION I BASKETBALL CHAMPIONSHIP

Mr. DAVIS of Illinois, moved to suspend the rules and agree to the following resolution (H. Res. 1096):

Whereas on April 7, 2008, the University of Kansas Jayhawks defeated the University of Memphis Tigers 75–68 in the final game of the National Collegiate Athletic Association (NCAA) Division I Men's Basketball Tournament in San Antonio, Texas, on the 20th anniversary of the historic win by the team led by Danny Manning, known as ''Danny and the Miracles'';

Whereas the Jayhawks now hold 5 men's basketball national titles, including 3 NCAA men's basketball championships;

Whereas with this win, the Jayhawks achieved a school record for all-time season wins, posting a 37–3 record during their run for the title, and finished the season with a 13-game winning streak, securing the Big XII Conference Championship title after starting the season with a 20-game undefeated record, in addition to the 2008 NCAA Division I men's basketball crown;

Whereas Kansas head coach Bill Self won his first NCAA title and improved his all-time record at Kansas to 142–32;

Whereas Kansas guard Mario Chalmers was chosen as the Most Outstanding Player of the Final Four, and was named to the NCAA Final Four All-Tournament Team, along with guard Brandon Rush and forward Darrell Arthur;

Whereas Kansas seniors Jeremy Case, Darnell Jackson, Sasha Kaun, Russell Robinson, Rodrick Stewart, and Brad Witherspoon ended their collegiate careers with a national championship;

Whereas the roster of the Kansas Jayhawks also included juniors Brennan Bechard and Matt Kleinmann; sophomores Sherron Collins and Brady Morningstar; and freshmen Cole Aldrich, Chase Buford, Tyrel Reed, and Conner Teahan;

Whereas the Jayhawks' student-athletes, coaches, staff, and others associated with the team continue to represent the University of Kansas and the State of Kansas with exemplary sportsmanship, and deserve praise and credit for their efforts and their dedication to the common goal of winning the NCAA men's basketball championship;

Whereas the students at the University of Kansas, Jayhawk fans, and members of the Lawrence, Kansas, community showed tremendous class in their celebration of the Jayhawks' historic win; and

Whereas the families of the student-athletes, students, alumni, and faculty of the University of Kansas, and all the supporters of the University of Kansas, are to be congratulated for their commitment to, and pride in, the basketball program at the University: Now, therefore, be it

Resolved, That the House of Representatives—

(1) commends the University of Kansas men's basketball team for winning the 2008 National Collegiate Athletic Association (NCAA) Division I basketball championship;

(2) recognizes the achievements of all the student-athletes, coaches, and support staff who were instrumental in helping the University of Kansas men's basketball team win its 3rd NCAA Division I basketball championship and 5th national championship; and

(3) respectfully requests the Clerk of the House of Representatives to transmit a copy of this resolution to—

(A) the University of Kansas for appropriate display;

(B) Robert Hemenway, the Chancellor of the University of Kansas;

(C) Lew Perkins, the Athletic Director of the University of Kansas; and

(D) Bill Self, the Head Coach of the University of Kansas men's basketball team.

The SPEAKER pro tempore, Mr. ROSS, recognized Mr. DAVIS of Illinois, and Mr. PLATTS, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. ROSS, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶50.15 NCAA DIVISION I WRESTLING CHAMPIONSHIP

Mr. DAVIS of Illinois, moved to suspend the rules and agree to the following resolution (H. Res. 1100); as amended:

Whereas the University of Iowa Hawkeyes Wrestling Head Coach Tom Brands was named the Big Ten Coach of the Year, the National Wrestling Coaches Association (NWCA) Coach of the Year, and led the team to its 21st national title and his 1st national title;

Whereas the University of Iowa Hawkeyes Wrestling Team crowned two national champions, Mark Perry, and Brent Metcalf;

Whereas Mark Perry won his 2d national title making him only the 14th University of Iowa wrestler to earn 2 national titles while also overcoming a knee injury during his match, and was awarded his 4th all-American honor making him only the 17th University of Iowa wrestler to earn 4 all-American honors;

Whereas Brent Metcalf won his 1st national title, was awarded his 1st all-American honor, was awarded the Dan Hodge Trophy, was named as the Big Ten Wrestler of the Year, was crowned a Big Ten Champion, finished the season with a 32-match winning streak, was named Outstanding Wrestler at the NCAA and Big Ten Championships, and was named Outstanding Wrestler at the Division I NWCA/Cliff Keen National Duals;

Whereas the University of Iowa Hawkeyes Wrestling Team was represented proudly by three NCAA Division I National Wrestling Championship Finalists by Mark Perry, Brent Metcalf, and Joe Slaton;

Whereas the University of Iowa Hawkeyes Wrestling Team was honored by having seven all-Americans with Mark Perry, Charlie Falck, Joe Slaton, Brent Metcalf, Jay Borschel, Matt Fields, and Phillip Keddy being named;

Whereas the University of Iowa Hawkeyes Wrestling Team was honored by having six Academic All-Big Ten wrestlers with Matt Ballweg, Jay Borschel, Matt Fields, Dan LeClere, T.H. Leet, and Brent Metcalf being named;

Whereas the University of Iowa Hawkeyes Wrestling Team also won their 32d Big Ten title, which is the 1st for Head Coach Tom Brands, with a perfect 8–0 conference record;

Whereas the University of Iowa Hawkeyes Wrestling Team had a final team score of 117.5 to place them 1st in the Division I standings with the 2d place team scoring only 79;

Whereas the University of Iowa Hawkeyes Wrestling Team has a rich tradition and history of producing champions and outstanding collegiate athletes and coaches since the program began in 1911;

Whereas former University of Iowa Hawkeyes Wrestling Head Coach, and Olympic Gold Medalist, Dan Gable helped establish one of the most successful wrestling programs in the nation and is commended for his leadership and guidance provided to the current 2008 championship team;

Whereas the current University of Iowa Hawkeyes Wrestling team has continued the teams winning history which includes Big Ten Conference Championships in 1915, 1916, 1958, 1962, 1974, 1975, 1976, 1977, 1978, 1979, 1980, 1981, 1982, 1983, 1984, 1985, 1986, 1987, 1988, 1989, 1990, 1991, 1992, 1993, 1994, 1995, 1996, 1997, 1998, 2000, 2004, and 2008, and NCAA Division I National Wrestling Championships in 1975, 1976, 1978, 1979, 1980, 1981, 1982, 1983, 1984, 1985, 1986, 1991, 1992, 1993, 1995, 1996, 1997, 1998, 1999, 2000, and 2008;

Whereas the hard work and dedication of the University of Iowa Hawkeyes Wrestling team's Brodie Ambrose, Matt Ballweg, Chad Beatty, Jay Borschel, Derek Coorough, Daniel Dennis, Dan Erekson, Michael Fahrer, Charlie Falck, Matt Fields, Stew Gillmor, Tyler Halverson, Aaron Janssen, Jordan Johnson, Phillip Keddy, Jake Kerr, Nick Kolegraff, Brooks Kopsa, J.J. Krutsinger, Ryan Kurovski, Dan LeClere, Nick LeClere, T.H. Leet, Rick Loera, Luke Lofthouse, Thomas Magnani, Montell Marion, Weston Marling, Jordan McLaughlin, Derrick Mehmen, Brent Metcalf, Ryan Morningstar, Mark Perry, Blake Rasing, Ethan Sebert, Joe Slaton, Alex Tsirtsis, Vinnie Wagner, Head Coach Tom Brands, Assistant Coach Wes Hand, Interim Assistant Coach Doug Schwab, and Strength Training Coach Mike Zadick all contributed to an outstanding season culminating in the 2008 national title; and

Whereas the University of Iowa Hawkeyes Wrestling Team have brought honor to themselves, the University of Iowa, the City of Iowa City, and the State of Iowa: Now, therefore, be it

Resolved, That the House of Representatives—

(1) commends the University of Iowa Hawkeyes Wrestling Team for winning the 2008 NCAA Division I National Wrestling Championship; and

(2) congratulates the team on winning their 21st national title since 1975 and finishing the season with a 21–1 overall dual record and a perfect 8–0 conference record.

The SPEAKER pro tempore, Mr. ROSS, recognized Mr. DAVIS of Illinois, and Mr. PLATTS, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. ROSS, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

¶50.16 NATIONAL SEX ASSAULT AWARENESS AND PREVENTION MONTH

Ms. BALDWIN moved to suspend the rules and agree to the following concurrent resolution (H. Con. Res. 330):

Whereas on average, a person is sexually assaulted in the United States every two-and-a-half minutes;

Whereas the Department of Justice reports that 191,670 people in the United States were sexually assaulted in 2005;

Whereas 1 in 6 women and 1 in 33 men have been victims of rape or attempted rape;

Whereas the Department of Defense received 2,688 reports of sexual assault involving members of the Armed Forces in fiscal year 2007;

Whereas children and young adults are most at risk of sexual assault, as 44 percent of sexual assault victims are under the age of 18, and 80 percent are under the age of 30;

Whereas sexual assault affects women, men, and children of all racial, social, religious, age, ethnic, and economic groups in the United States;

Whereas only 41 percent of sexual assault victims pursue prosecution by reporting their attack to law enforcement agencies;

Whereas two-thirds of sexual crimes are committed by persons who are not strangers to the victims;

Whereas sexual assault survivors suffer emotional scars long after the physical scars have healed;

Whereas prevention education programs carried out by rape crisis and women's health centers have the potential to reduce the prevalence of sexual assault in their communities;

Whereas because of recent advances in DNA technology, law enforcement agencies

have the potential to identify the rapists in tens of thousands of unsolved rape cases;

Whereas aggressive prosecution can incarcerate rapists and therefore prevent them from committing further crimes;

Whereas free, confidential help is available to all survivors of sexual assault through the National Sexual Assault Hotline, more than 1,000 rape crisis centers across the United States, and other organizations that provide services to assist survivors of sexual assault; and

Whereas April is recognized as ''National Sexual Assault Awareness and Prevention Month'': Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That—

(1) it is the sense of Congress that—

(A) National Sexual Assault Awareness and Prevention Month provides a special opportunity to educate the people of the United States about sexual violence and to encourage the prevention of sexual assault, the improved treatment of its survivors, and the prosecution of its perpetrators;

(B) it is appropriate to properly acknowledge the more than 20,000,000 men and women who have survived sexual assault in the United States and salute the efforts of survivors, volunteers, and professionals who combat sexual assault;

(C) national and community organizations and private sector supporters should be recognized and applauded for their work in promoting awareness about sexual assault, providing information and treatment to its survivors, and increasing the number of successful prosecutions of its perpetrators; and

(D) public safety, law enforcement, and health professionals should be recognized and applauded for their hard work and innovative strategies to increase the percentage of sexual assault cases that result in the prosecution and incarceration of the offenders;

(2) Congress strongly recommends national and community organizations, businesses in the private sector, colleges and universities, and the media to promote, through National Sexual Assault Awareness and Prevention Month, awareness of sexual violence and strategies to decrease the incidence of sexual assault; and

(3) Congress supports the goals and ideals of National Sexual Assault Awareness and Prevention Month.

The SPEAKER pro tempore, Mr. ROSS, recognized Ms. BALDWIN and Mr. KELLER of Florida, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution?

The SPEAKER pro tempore, Mr. ROSS, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said concurrent resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said concurrent resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶50.17 TEACHER'S RECOGNITION

Mr. DAVIS of Illinois, moved to suspend the rules and agree to the following resolution (H. Res. 1130):

Whereas education and knowledge are the foundation of America's current and future strength;

Whereas teachers and other education staff have earned and deserve the respect of their students and communities for their selfless dedication to community service and the future of our Nation's children;

Whereas the purpose of National Teacher Appreciation Week, May 4, 2008, through May 10, 2008, is to raise public awareness of the unquantifiable contributions of teachers and to promote greater respect and understanding for the teaching profession; and

Whereas a number of organizations representing educators, such as the National Education Association and the National Parent Teacher Association, are hosting teacher appreciation events in recognition of National Teacher Appreciation Week: Now, therefore, be it

Resolved, That the United States House of Representatives thanks and promotes the profession of teaching to encourage students, parents, school administrators, and public officials to participate in teacher appreciation events during National Teacher Appreciation Week.

The SPEAKER pro tempore, Mr. ROSS, recognized Mr. DAVIS of Illinois, and Mr. PLATTS, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. ROSS, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶50.18 NATIONAL VOLUNTEER WEEK

Mr. DAVIS of Illinois, moved to suspend the rules and agree to the following resolution (H. Res. 1119):

Whereas National Volunteer Week will be observed during the week of April 27, 2008 through May 3, 2008;

Whereas the National Volunteer Week will give Americans the opportunity to thank some of our Nation's most valuable assets, our volunteers, and to recognize the myriad of ways they improve our communities;

Whereas the theme of this year's National Volunteer Week is ''Volunteer to Change the World'', and is about engaging individuals in service, inspiring a Nation to join a movement for change, and recognizing the deserving volunteers, including those that have received the President's Volunteer Service Award, for their work in their local communities;

Whereas National Volunteer Week began in 1974 when President Nixon signed an Executive Order establishing the week as an annual celebration of volunteering, and since then, every United States President, along with many governors, mayors, and other elected officials has signed a proclamation promoting National Volunteer Week;

Whereas about 61,000,000 people volunteered through or for an organization at least once between September 2006 and September 2007, according to a recent survey by the United States Bureau of Labor Statistics, which represents more than a quarter of the total United States population;

Whereas an analysis of data from the Longitudinal Study of Aging found that those individuals who volunteer have lower mortality rates than those who do not volunteer and research shows that communities with high levels of social networks have higher levels of parental engagement in schools, stronger local economies, less crime, and lower incidence of illnesses;

Whereas volunteers have contributed to the enhancement and improvement of communities across the United States, especially with respect to the aftermath of the hurricanes on the Gulf Coast; and

Whereas National Volunteer Week will continue to build awareness of the role that volunteers play in local, national, and international communities, and their commitment and dedication to improving lives, strengthening communities, and fostering civic engagement through service and volunteering: Now, therefore, be it

Resolved, That the United States House of Representatives—

(1) supports the goals and ideals highlighted through National Volunteer Week;

(2) acknowledges the diligent efforts of our major federally funded community service and volunteer programs;

(3) recognizes with gratitude the contributions of the millions of dedicated and caring individuals who have chosen to serve others through volunteerism; and

(4) encourages all American people, of any age and background, to seek out opportunities to serve through volunteerism.

The SPEAKER pro tempore, Mr. ROSS, recognized Mr. DAVIS of Illinois, and Mr. PLATTS, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. ROSS, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶50.19 NATIONAL SARCOIDOSIS AWARENESS WEEK

Mr. DAVIS of Illinois, moved to suspend the rules and agree to the following resolution (H. Res. 1149); as amended:

Whereas sarcoidosis is a noncontagious systemic disease of unknown origin and is commonly diagnosed with the detection of inflamed, microscopic growths called granulomas that grow and often affect the lungs, skin, eyes, and nervous system;

Whereas sarcoidosis can affect any organ of the body and more than one organ at any given time;

Whereas the inflammation of such vital organs may cause seizures, blindness, disfiguring lesions, and heart failure;

Whereas many individuals stricken with sarcoidosis eventually develop a serious disabling or potentially fatal condition;

Whereas sarcoidosis was once thought to be an uncommon condition, but is now known to affect tens of thousands of people throughout the United States;

Whereas sarcoidosis afflicts African-Americans up to 8 times more frequently than other races;

Whereas as many people with sarcoidosis have no symptoms, it is difficult to measure how many people have the condition;

Whereas sarcoidosis is a disease that affects Americans nationwide and people around the world, and yet its causes and potential treatments remain a mystery;

Whereas skin-related symptoms of this chronic, multisystemic disease were first recognized more than 100 years ago, but the effects of the disease on other organs were not observed until the first quarter of this century;

Whereas sarcoidosis was the chief diagnosis of the death of fluorescent light bulb workers in Salem, Massachusetts in the 1940s;

Whereas sarcoidosis was the first diagnosis for an overwhelming majority of rescue workers' health conditions on September 11, 2001;

Whereas sarcoidosis has been documented to be disproportionately found among factory workers and Navy deckgrinders;

Whereas today, researchers are still trying to learn more about the causes, cures, and overall nature of this affliction;

Whereas the American Lung Association has actively advocated for more research to better understand how environmental and occupational exposures may increase the risk of sarcoidosis;

Whereas the National Sarcoidosis Society strives to serve those afflicted by the disease by focusing its efforts on public policy, research funding, patient services, public awareness and education, and finding a cure; and

Whereas April 2008 would be appropriate to designate as National Sarcoidosis Awareness Month to increase public awareness of the need to support individuals with sarcoidosis, to raise awareness of the environmental and occupational issues associated with sarcoidosis, and to educate medical professionals who care for individuals with sarcoidosis: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals and ideals of National Sarcoidosis Awareness Month;

(2) recognizes that sarcoidosis has played a prominent yet hidden role in America's workforce history;

(3) acknowledges the diligent efforts of individuals and organizations who observe National Sarcoidosis Awareness Month with appropriate activities to further promote awareness of the disease; and

(4) supports research efforts to better understand the links between sarcoidosis and specific occupations where sarcoidosis is disproportionately represented.

The SPEAKER pro tempore, Mr. ROSS, recognized Mr. DAVIS of Illinois, and Mr. PLATTS, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. ROSS, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

¶50.20 WORKERS MEMORIAL DAY

Mr. DAVIS of Illinois, moved to suspend the rules and agree to the following resolution (H. Res. 1154):

Whereas each year, more than 5,500 workers are killed due to workplace-related injuries in the United States, and more than 2,000,000 workers across the world die of workplace-related accidents and diseases;

Whereas each day, an average of 16 workers are killed due to workplace injuries in the United States;

Whereas there are more than 4,000,000 occupational injuries and illnesses in the United States annually;

Whereas tens of thousands of Americans with workplace injuries or illness become permanently disabled;

Whereas worldwide, more people are killed each year at work than in wars;

Whereas observing Workers Memorial Day allows us to honor and remember victims of workplace injuries and disease; and

Whereas observing Workers Memorial Day reminds us of the need to strive for better worker safety and health protections: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes Workers Memorial Day to honor and remember workers who have been killed or injured in the workplace;

(2) recognizes the importance of worker health and safety standards;

(3) encourages the Occupational Safety and Health Administration, industries, employers and employees to support activities aimed at increasing awareness of the importance of preventing illness, injury, and death in the workplace; and

(4) calls upon the people of the United States to observe such a day with appropriate ceremonies and respect.

The SPEAKER pro tempore, Mr. ROSS, recognized Mr. DAVIS of Illinois and Mr. PLATTS, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. ROSS, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶50.21 H. RES. 1157—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. ROSS, pursuant to clause 8, rule XX, announced the unfinished business to be the question on ordering the previous question on the resolution (H. Res. 1157) providing for consideration of the bill (H.R. 5522) to require the Secretary of Labor to issue interim and final occupational safety and health standards regarding worker exposure to combustible dust, and for other purposes.

The question being put,

Will the House now order the previous question?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 226 / Nays 194

¶50.22 [Roll No. 227]

YEAS—226

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

NAYS—194

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

Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOT VOTING—11

Andrews
Doggett
Forbes
Granger
Higgins
Hill
Miller (FL)
Payne
Pearce
Pence
Rush

So the previous question on the resolution was ordered.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Ms. JACKSON-LEE of Texas, announced that the yeas had it.

Mr. Lincoln DIAZ-BALART of Florida, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 222 Nays 193

¶50.23 [Roll No. 228]

YEAS—222

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

NAYS—193

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

NOT VOTING—16

Andrews
Berman
Boren
Cummings
Doggett
Forbes
Granger
Higgins
Hill
Lamborn
McKeon
Miller (FL)
Payne
Pence
Rush
Wexler

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶50.24 AMENDMENT OF THE SENATE TO H.R. 1195—UNFINISHED BUSINESS

The SPEAKER pro tempore, Ms. JACKSON-LEE of Texas, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the amendment of the Senate to the bill (H.R. 1195) to amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users to make technical corrections, and for other purposes.

The question being put,

Will the House suspend the rules and agree to said amendment?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 358 Nays ..... 51 Answered present 11

¶50.25 [Roll No. 229]

YEAS—358

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Altmire
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett (MD)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Blunt
Boehner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Butterfield
Buyer
Calvert
Camp (MI)
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway

Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Donnelly
Drake
Dreier
Duncan
Edwards
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Ferguson
Filner
Fortenberry
Fossella
Foster
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gonzalez
Goode
Goodlatte
Graves
Green, Al
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hayes
Heller
Herseth Sandlin
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kingston
Kirk
Klein (FL)
Knollenberg
Kucinich
Kuhl (NY)
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Pearce
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Ross
Rothman
Ruppersberger
Ryan (OH)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Space
Speier
Spratt
Stark
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wittman (VA)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NAYS—51

Akin
Barton (TX)
Blackburn
Brady (TX)
Broun (GA)
Burgess
Burton (IN)
Campbell (CA)
Cannon
Carter
Chabot
Davis (KY)
Doolittle
Ehlers
Feeney
Flake
Foxx
Franks (AZ)
Garrett (NJ)
Gohmert
Hensarling
Herger
Hoekstra
Inglis (SC)
Johnson, Sam
Jordan
King (IA)
LaHood
Lamborn
Linder
Lungren, Daniel E.
Manzullo
Marchant
Miller (FL)
Musgrave
Neugebauer
Nunes
Paul
Putnam
Rohrabacher
Royce
Ryan (WI)
Sensenbrenner
Sessions
Shadegg
Shimkus
Souder
Stearns
Tancredo
Thornberry
Wilson (SC)

ANSWERED ''PRESENT''—11

Barrett (SC)
Bonner
Delahunt
Doyle
Green, Gene
Hastings (WA)
Jones (OH)
Kline (MN)
McCaul (TX)
Roybal-Allard
Weller

NOT VOTING—11

Andrews
Doggett
Forbes
Gordon
Granger
Higgins
Hill
Payne
Pence
Rush
Wexler

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said amendment of the Senate was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said amendment of the Senate was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶50.26 PROVIDING FOR CONSIDERATION OF MOTIONS TO SUSPEND THE RULES

Mr. MCGOVERN, by direction of the Committee on Rules, reported (Rept. No. 110–614) the resolution (H. Res. 1167) providing for consideration of motions to suspend the rules.

When said resolution and report were referred to the House Calendar and ordered printed.

¶50.27 COMBUSTIBLE DUST EXPLOSION AND FIRE PREVENTION

The SPEAKER pro tempore, Ms. JACKSON-LEE of Texas, pursuant to House Resolution 1157 and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 5522) to require the Secretary of Labor to issue interim and final occupational safety and health standards regarding worker exposure to combustible dust, and for other purposes.

The SPEAKER pro tempore, Ms. JACKSON-LEE of Texas, by unanimous consent, designated Mrs. CHRISTENSEN as Chairman of the Committee of the Whole; and after some time spent therein,

¶50.28 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 1, printed in House Report 110-613, submitted by Mr. George MILLER of California:

Page 2, beginning on line 4, strike ''Combustible Dust'' and all that follows through ''Act'' on line 5, and insert ''Worker Protection Against Combustible Dust Explosions and Fires Act''.

Page 5, line 22, insert ''controls (which requirements shall be effective 6 months after the date on which the interim standard is issued)'' after ''engineering''.

Page 7, line 4, strike ''The'' and insert ''Except as specified in paragraph (2)(C) with regards to engineering controls, the''.

Page 8, beginning on line 8, strike '', including'' and all that follows through line 15 and insert a period.

Page 8, after line 15, insert the following:

(3) PROCEDURE.—The final standard required by this subsection shall be promulgated in accordance with the procedural requirements for rulemaking under section 6(b) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 655(b)) and under title 5, United States Code, including the requirements relating to small businesses in chapter 6 of such title.

It was decided in the affirmative ..... { Yeas ..... 412 / Nays 0

¶50.29 [Roll No. 230]

AYES—412

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Bonner
Bono Mack
Boozman
Bordallo
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Donnelly
Doolittle
Doyle
Drake
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Emanuel
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English (PA)
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Frank (MA)
Franks (AZ)
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Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
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Jackson (IL)
Jackson-Lee (TX)
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Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)

Kline (MN)
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Larson (CT)
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Lewis (KY)
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Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
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Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
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Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Norton
Nunes
Oberstar
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Pearce
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—24

Andrews
Barton (TX)
Blunt
Boehner
Boustany
Cole (OK)
Davis, Tom
Doggett
Duncan
Forbes
Fortuño
Goodlatte
Higgins
Hill
Hoyer
Issa
Jones (OH)
Lee
Obey
Payne
Pence
Rush
Sánchez, Linda T.
Wynn

So the amendment was agreed to.

¶50.30 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 2, printed in House Report 110-613, submitted by Mr. WILSON of South Carolina:

Strike all after the enacting clause and insert the following:

SECTION 1. INVESTIGATION ON COMBUSTIBLE DUST AND DETERMINATION OF ADDITIONAL ACTION.

(a) DETERMINATION BY THE SECRETARY.—Upon completion of the Department of Labor's investigation of the accident that occurred at Imperial Sugar in Port Wentworth, Georgia on February 7, 2008, and based on the data gathered from the Combustible Dust National Emphasis Program, the Secretary of Labor shall determine—

(1) if the safety standards that are in effect as of the date of enactment of this Act do not adequately address the issue of combustible dust; and

(2) whether an occupational safety and health standard regarding combustible dust is necessary.

(b) RULEMAKING OR REPORT TO CONGRESS.—If the Secretary determines that an occupational safety and health standard regarding combustible dust is necessary, the Secretary shall promulgate a rule pursuant to section 6(b) of the Occupational Safety and Health Act (29 U.S.C. 655(b)) not later than 36 months after the completion of the investigation described in subsection (a). If the Secretary determines that such a standard is not necessary, the Secretary, not later than 6 months after making such a determination, shall transmit a report to Congress that specifically addresses the Secretary's reasons for determining that a combustible dust standard is unnecessary.

It was decided in the negative ..... { Yeas ..... 178; Nays ..... 237; Answered present 1

¶50.31 [Roll No. 231]

AYES—178

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Bean
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Bonner
Bono Mack
Boozman
Boren
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Conaway
Costa
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Deal (GA)
Dent
Doolittle
Drake
Dreier
Ehlers
Emerson
Everett
Fallin
Feeney
Ferguson
Flake
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey
Gohmert
Goode
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
Latta
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOES—237

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

ANSWERED ''PRESENT''—1

Johnson (IL)

NOT VOTING—20

Andrews
Barton (TX)
Blunt
Boehner
Boustany
Cole (OK)
Davis, Tom
Doggett
Duncan
Forbes
Fortuño
Goodlatte

Higgins	Jones (OH)	Rush
Hill	Payne	Wynn
Issa	Pence	

So the amendment was not agreed to.

The SPEAKER pro tempore, Ms. BALDWIN, assumed the Chair.

When Mrs. CHRISTENSEN, Chairman, pursuant to House Resolution 1157, reported the bill back to the House with an amendment adopted by the Committee.

The previous question having been ordered by said resolution.

The following amendment, reported from the Committee of the Whole House on the state of the Union, was agreed to:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Worker Protection Against Combustible Dust Explosions and Fires Act of 2008''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) An emergency exists concerning worker exposure to combustible dust explosions and fires.

(2) 13 workers were killed and more than 60 seriously injured in a catastrophic combustible dust explosion at Imperial Sugar in Port Wentworth, Georgia on February 7, 2008.

(3) Following 3 catastrophic dust explosions that killed 14 workers in 2003, the Chemical Safety and Hazard Investigation Board (CSB) issued a report in November 2006, which identified 281 combustible dust incidents between 1980 and 2005 that killed 119 workers and injured 718. The CSB concluded that ''combustible dust explosions are a serious hazard in American industry''.

(4) A quarter of the explosions occurred at food industry facilities, including sugar plants. Seventy additional combustible dust explosions have occurred since 2005.

(5) Material Safety Data Sheets (MSDSs) often do not adequately address the hazards of combustible dusts, and the OSHA Hazard Communication Standard (HCS) inadequately addresses dust explosion hazards and fails to ensure that safe work practices and guidance documents are included in MSDSs.

(6) The CSB recommended that OSHA issue a standard designed to prevent combustible dust fires and explosions in general industry, based on current National Fire Protection Association (NFPA) dust explosion standards.

(7) The CSB also recommended that OSHA revise the Hazard Communication Standard (HCS) (1910.1200) to clarify that combustible dusts are covered and that Material Safety Data Sheets contain information about the hazards and physical properties of combustible dusts.

(8) OSHA has not initiated rulemaking in response to the CSB's recommendation.

(9) OSHA issued a grain handling facilities standard (29 C.F.R. 1910.272), in 1987 that has proven highly effective in reducing the risk of combustible grain dust explosions, according to an OSHA evaluation.

(10) No Occupational Safety and Health Administration standard comprehensively addresses combustible dust explosion hazards in general industry.

(11) Voluntary National Fire Protection Association standards exist which, when implemented, effectively reduce the likelihood and impact of combustible dust explosions.

SEC. 3. ISSUANCE OF STANDARD ON COMBUSTIBLE DUST.

(a) INTERIM STANDARD.—

(1) APPLICATION AND RULEMAKING.—Notwithstanding any other provision of law, not later than 90 days after the date of enactment of this Act, the Secretary of Labor shall promulgate an interim final standard regulating combustible dusts. The interim final standard shall, at a minimum, apply to manufacturing, processing, blending, conveying, repackaging, and handling of combustible particulate solids and their dusts, including organic dusts (such as sugar, candy, paper, soap, and dried blood), plastics, sulfur, wood, rubber, furniture, textiles, pesticides, pharmaceuticals, fibers, dyes, coal, metals (such as aluminum, chromium, iron, magnesium, and zinc), fossil fuels, and others determined by the Secretary, but shall not apply to processes already covered by OSHA's standard on grain facilities (29 C.F.R. 1910.272).

(2) REQUIREMENTS.—The interim final standard required under this subsection shall include the following:

(A) Requirements for hazard assessment to identify, evaluate, and control combustible dust hazards.

(B) Requirements for a written program that includes provisions for hazardous dust inspection, testing, hot work, ignition control, and housekeeping, including the frequency and method or methods used to minimize accumulations of combustible dust on ledges, floors, equipment, and other exposed surfaces.

(C) Requirements for engineering controls (which requirements shall be effective 6 months after the date on which the interim standard is issued), administrative controls, and operating procedures, such as means to control fugitive dust emissions and ignition sources, the safe use and maintenance of dust producing and dust collection systems and filters, minimizing horizontal surfaces where dust can accumulate, and sealing of areas inaccessible to housekeeping.

(D) Requirements for housekeeping to prevent accumulation of combustible dust in places of employment in such depths that it can present explosion, deflagration, or other fire hazards, including safe methods of dust removal.

(E) Requirements for employee participation in hazard assessment, development of and compliance with the written program, and other elements of hazard management.

(F) Requirements to provide written safety and health information and annual training to employees, including housekeeping procedures, hot work procedures, preventive maintenance procedures, common ignition sources, and lock-out, tag-out procedures.

(3) PROCEDURE.—The requirements in this subsection shall take effect without regard to the procedural requirements applicable to regulations promulgated under section 6(b) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 655(b)) or the procedural requirements of chapter 5 of title 5, United States Code.

(4) EFFECTIVE DATE OF INTERIM STANDARD.—Except as specified in paragraph (2)(C) with regards to engineering controls, the interim final standard shall take effect 30 days after issuance. The interim final standard shall have the legal effect of an occupational safety and health standard, and shall apply until a final standard becomes effective under section 6 of the Occupational Safety and Health Act (29 U.S.C. 655).

(b) FINAL STANDARD.—

(1) RULEMAKING.—Not later than 18 months after the date of enactment of this Act, the Secretary of Labor shall, pursuant to section 6 of the Occupational Safety and Health Act (29 U.S.C. 655), promulgate a final standard regulating combustible dust explosions.

(2) REQUIREMENTS.—The final standard required under this subsection shall include the following:

(A) The scope described in subsection (a)(1).

(B) The worker protection provisions in subsection (a)(2).

(C) Requirements for managing change of dust producing materials, technology, equipment, staffing, and procedures.

(D) Requirements for building design such as explosion venting, ducting, and sprinklers.

(E) Requirements for explosion protection, including separation and segregation of the hazard.

(F) Relevant and appropriate provisions of National Fire Protection Association combustible dust standards.

(3) PROCEDURE.—The final standard required by this subsection shall be promulgated in accordance with the procedural requirements for rulemaking under section 6(b) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 655(b)) and under title 5, United States Code, including the requirements relating to small businesses in chapter 6 of such title.

SEC. 4. REVISION OF THE HAZARD COMMUNICATION STANDARD.

(a) REVISION REQUIRED.—Notwithstanding any other provision of law, not later than 6 months after the date of enactment of this Act, the Secretary of Labor shall revise the hazard communication standard in section 1910.1200 of title 29, Code of Federal Regulations, by amending the definition of ''physical hazard'' in subsection (c) of such section to include ''a combustible dust'' as an additional example of such a hazard.

(b) EFFECT OF MODIFICATIONS.—The modification under this section shall be in force until superseded in whole or in part by regulations promulgated by the Secretary of Labor under section 6(b) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 655(b)) and shall be enforced in the same manner and to the same extent as any rule or regulation promulgated under section 6(b).

(c) EFFECTIVE DATE.—The modification to the hazard communication standard required shall take effect within 30 days after the publication of the revised rule.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

Mr. WALBERG moved to recommit the bill to the Committee on Education and Labor with instructions to report the bill back to the House forthwith with the following amendment:

At the end of the bill insert the following:

SEC. 5. EXEMPTION FOR GRAIN PENDING DETERMINATION OF IMPACT ON PRICES.

Neither the interim nor final standards required under this Act shall apply to any organic dust which is a food grain until the Secretary makes a determination that the application of such standard or standards will not increase the domestic price of such food grain.

After debate,

By unanimous consent, the previous question was ordered on the motion to recommit with instructions.

The question being put, viva voce,

Will the House recommit said bill with instructions?

The SPEAKER pro tempore, Ms. BALDWIN, announced that the nays had it.

Mr. WALBERG demanded a recorded vote on agreeing to said motion, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the negative ..... { Yeas ..... 187 / Nays 225

¶50.32 [Roll No. 232]

AYES—187

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Bonner
Bono Mack
Boozman
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey
Gohmert
Goode
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Kagen
Keller
King (IA)
King (NY)
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOES—225

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

NOT VOTING—19

Andrews
Barton (TX)
Blunt
Boehner
Boustany
Cole (OK)
Davis, Tom
Doggett
Forbes
Goodlatte
Hill
Issa
Payne
Pence
Rush
Shuster
Slaughter
Tierney
Wynn

So the motion to recommit with instructions was not agreed to.

The question being put, viva voce,

Will the House pass said bill?

The SPEAKER pro tempore, Ms. BALDWIN, announced that the yeas had it.

Mr. George MILLER of California, demanded a recorded vote on passage of said bill, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 247 / Nays 165

¶50.33 [Roll No. 233]

AYES—247

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

NOES—165

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Bonner
Bono Mack
Boozman
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Chabot
Coble
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Deal (GA)
Dent
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
Everett
Fallin
Feeney
Ferguson
Flake
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey
Gohmert
Goode
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Inglis (SC)
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kirk
Kline (MN)

Knollenberg	Nunes	Sensenbrenner
Kuhl (NY)	Paul	Sessions
Lamborn	Pearce	Shadegg
Latham	Peterson (PA)	Shimkus
Latta	Petri	Shuster
Lewis (CA)	Pickering	Simpson
Lewis (KY)	Pitts	Smith (NE)
Linder	Platts	Smith (TX)
Lucas	Poe	Souder
Lungren, Daniel E.	Price (GA)	Stearns
	Pryce (OH)	Sullivan
Mack	Putnam	Tancredo
Manzullo	Radanovich	Terry
Marchant	Ramstad	Thornberry
McCarthy (CA)	Rehberg	Tiahrt
McCaul (TX)	Reichert	Tiberi
McCrery	Renzi	Turner
McHenry	Reynolds	Walberg
McKeon	Rogers (AL)	Walden (OR)
McMorris Rodgers	Rogers (KY)	Wamp
	Rogers (MI)	Weldon (FL)
Mica	Rohrabacher	Westmoreland
Miller (FL)	Roskam	Whitfield (KY)
Miller, Gary	Royce	Wilson (NM)
Moran (KS)	Ryan (WI)	Wilson (SC)
Musgrave	Sali	Wittman (VA)
Myrick	Saxton	Wolf
Neugebauer	Schmidt	Young (FL)

NOT VOTING—19

Andrews	Davis, Tom	Issa
Barton (TX)	Dicks	Payne
Blunt	Doggett	Pence
Boehner	Forbes	Rush
Boustany	Goodlatte	Wynn
Boyd (FL)	Hill	
Cole (OK)	Hunter	

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶50.34 FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 5715. An Act to ensure continued availability of access to the Federal student loan program for students and families.

¶50.35 CLERK TO CORRECT ENGROSSMENT—H.R. 5522

On motion of Mr. George MILLER of California, by unanimous consent,

Ordered, That in the engrossment of the bill (H.R. 5522) to require the Secretary of Labor to issue interim and final occupational safety and health standards regarding worker exposure to combustible dust, and for other purposes, the Clerk be authorized to correct the table of contents, section numbers, punctuation, citations, and cross references, and to make such other technical and conforming changes as may be appropriate to reflect the actions of the House.

¶50.36 NOTICE—MOTION TO INSTRUCT CONFEREES—H.R. 2419

Mr. RYAN of Wisconsin, pursuant to clause 7(c)(1) of rule XXII, announced his intention to instruct the managers on the part of the House at the conference with the Senate on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2419) to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes, be instructed, within the scope of the conference, to use the most recent baseline estimates supplied by the Congressional Budget Office when evaluating the costs of the provisions of the report.

¶50.37 NOTICE—MOTION TO INSTRUCT CONFEREES—H.R. 2419

Mr. KIND, pursuant to clause 7(c)(1) of rule XXII, announced his intention to instruct the managers on the part of the House at the conference with the Senate on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2419) to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes, be instructed to (1) insist on the amendment contained in section 2401(d) of the House bill (relating to funding for the environmental quality incentive program); (2) insist on the amendments contained in section 2104 of the House bill (relating to the grassland reserve program) and reject the amendment contained in section 2401(2) of the amendment of the Senate (relating to funding for the grassland reserve program); (3) insist on the amendments contained in section 2102 of the House bill (relating to the wetland reserve program); and (4) insist on the amendments contained in section 2608 of the Senate bill (relating to crop insurance ineligibility relating to crop production on native sod).

¶50.38 NEED-BASED EDUCATION AID

Mr. DELAHUNT moved to suspend the rules and pass the bill (H.R. 1777) to amend the Improving America's Schools Act of 1994 to make permanent the favorable treatment of need-based educational aid under the antitrust laws; as amended.

The SPEAKER pro tempore, Mr. LOEBSACK, recognized Mr. DELAHUNT and Mr. SMITH of Texas, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. LOEBSACK, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶50.39 MOTION TO INSTRUCT CONFEREES—H.R. 2419

Mr. FLAKE submitted the privileged motion to instruct the managers on the part of the House at the conference with the Senate on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2419) to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; to agree to the provisions contained in section 1703(b)(2) of the amendment of the Senate (relating to a $40,000 limitation on direct payments).

After debate,

By unanimous consent, the previous question was ordered on the motion to instruct the managers on the part of the House.

The question being put, viva voce,

Will the House agree to said motion?

The SPEAKER pro tempore, Mr. BRALEY, announced that the nays had it.

Mr. FLAKE demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. BRALEY, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Thursday, May 1, 2008.

¶50.40 SENATE ENROLLED BILLS SIGNED

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

S. 2457. An Act to provide for extensions of leases of certain land by Mashantucket Pequot (Western) Tribe.

S. 2739. An Act to authorize certain programs and activities in the Department of the Interior, the Forest Service, and the Department of Energy, to implement further the Act approving the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America, to amend the Compact of Free Association Amendments Act of 2003, and for other purposes.

¶50.41 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. PENCE, for today.

And then,

¶50.42 ADJOURNMENT

On motion of Ms. WASSERMAN SCHULTZ, at 10 o'clock and 25 minutes p.m., the House adjourned.

¶50.43 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

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

Ms. SLAUGHTER: Committee on Rules. House Resolution 1167. Resolution providing for consideration of motions to suspend the rules. (Rept. 110–614). Referred to the House Calendar.

¶50.44 TIME LIMITATION OF REFERRED BILL

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

H.R. 135. Referral to the Committee on Transportation and Infrastructure extended for a period ending not later than May 22, 2008.

¶50.45 PUBLIC BILLS AND RESOLUTIONS

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

By Mr. DICKS (for himself, Mr. LARSEN of Washington, Mr. INSLEE, and Mr. MCDERMOTT):

H.R. 5926. A bill to amend the National Trails System Act to designate the Pacific Northwest National Scenic Trail; to the Committee on Natural Resources.

By Mr. BERMAN (for himself, Ms. DELAURO, and Mr. MARSHALL):

H.R. 5927. A bill to combat international violence against women and girls; to the Committee on Foreign Affairs.

By Mr. WU:

H.R. 5928. A bill to establish the Mark O. Hatfield Scholarship and Excellence in Tribal Governance Foundation, and for other purposes; to the Committee on Education and Labor, and in addition to the Committee on Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FOSTER:

H.R. 5929. A bill to improve the Nation's nuclear forensics capability to help deter and respond to nuclear terrorism; to the Committee on Science and Technology, and in addition to the Committees on Armed Services, Foreign Affairs, Homeland Security, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. BONO MACK (for herself and Mr. THOMPSON of California):

H.R. 5930. A bill to amend the Internal Revenue Code of 1986 to allow charitable organizations to collect and disperse deductible contributions for certain individuals who are injured or killed in an effort to protect life or property; to the Committee on Ways and Means.

By Ms. BORDALLO (for herself and Mr. ABERCROMBIE):

H.R. 5931. A bill to ensure appropriate implementation and oversight of the realignment of military installations and the relocation of military personnel on Guam, and for other purposes; to the Committee on Armed Services, and in addition to the Committee on Small Business, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. JEFFERSON:

H.R. 5932. A bill to designate the facility of the United States Postal Service located at 2801 Manhattan Boulevard in Harvey, Louisiana, as the ''Harry Lee Post Office Building''; to the Committee on Oversight and Government Reform.

By Mr. JEFFERSON:

H.R. 5933. A bill to designate the facility of the United States Postal Service located at 5351 Laplaco Boulevard in Marrero, Louisiana, as the ''Lionel R. Collins, Sr. Post Office Building''; to the Committee on Oversight and Government Reform.

By Mr. PETRI:

H.R. 5934. A bill to amend title 49, United States Code, to require that fuel surcharges collected by a motor carrier, broker, or freight forwarder be passed through to the person responsible for bearing the cost of fuel, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. VISCLOSKY (for himself, Mr. ENGLISH of Pennsylvania, Ms. KAPTUR, Ms. SUTTON, Mr. BRADY of Pennsylvania, Mr. OBERSTAR, Mr. WILSON of Ohio, Mr. WILSON of South Carolina, Mr. STUPAK, Mr. SOUDER, and Mr. ALTMIRE):

H.R. 5935. A bill to require certain Federal agencies to use iron and steel produced in the United States in carrying out projects for the construction, alteration, or repair of a public building or public work, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committees on Homeland Security, and Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. WILSON of New Mexico (for herself and Ms. ESHOO):

H.R. 5936. A bill to amend title XIX of the Social Security Act to require States to provide hair prostheses under the Medicaid Program for individuals diagnosed with alopecia areata; to the Committee on Energy and Commerce.

By Mr. CAMPBELL of California (for himself, Mr. HENSARLING, Mrs. MUSGRAVE, Mr. RYAN of Wisconsin, Mr. BRADY of Texas, Mrs. BACHMANN, Mr. GARRETT of New Jersey, Mrs. CUBIN, Mr. FEENEY, Mr. KING of Iowa, Mr. SALI, Mr. LAMBORN, Mr. FLAKE, Mr. WESTMORELAND, Mr. BROUN of Georgia, Mr. PENCE, Mr. GINGREY, Mrs. BLACKBURN, Mr. JORDAN, Mr. HERGER, Mr. FRANKS of Arizona, Mr. MCCAUL of Texas, Mr. GOHMERT, Mr. CONAWAY, Mr. SHADEGG, Mr. BARRETT of South Carolina, Mr. MILLER of Florida, Mr. MARCHANT, Mr. GOODE, Mr. BARTLETT of Maryland, Ms. FOXX, Mr. BISHOP of Utah, Mr. SHIMKUS, Mr. FORBES, and Mrs. MYRICK):

H.J. Res. 81. A joint resolution proposing an amendment to the Constitution of the United States to control spending; to the Committee on the Judiciary.

¶50.46 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 248: Mr. BUCHANAN.
H.R. 269: Mr. JONES of North Carolina.
H.R. 333: Mr. CARSON.
H.R. 406: Mr. KINGSTON, Mr. MICA, Mr. REICHERT, Mr. BLUNT, Mr. MCHUGH, Mr. MANZULLO, and Mr. TIBERI.
H.R. 446: Mr. CARSON.
H.R. 549: Mr. RUPPERSBERGER.
H.R. 552: Mr. CARSON.
H.R. 579: Mr. GOODLATTE, Mr. LYNCH, and Mr. DONNELLY.
H.R. 594: Mr. DONNELLY and Mr. STARK.
H.R. 643: Mr. WEXLER.
H.R. 715: Mr. ROTHMAN and Mr. SCOTT of Virginia.
H.R. 741: Mr. CARSON.
H.R. 758: Mr. CARSON.
H.R. 769: Mrs. EMERSON.
H.R. 826: Mr. DUNCAN.
H.R. 946: Mr. WAXMAN.
H.R. 1032: Mr. DAVIS of Illinois and Mr. CARSON.
H.R. 1043: Ms. TSONGAS.
H.R. 1064: Mr. CARSON.
H.R. 1072: Mr. PAYNE.
H.R. 1102: Mr. KLINE of Minnesota.
H.R. 1120: Mr. PITTS.
H.R. 1193: Mr. CARNEY and Mr. CARSON.
H.R. 1264: Mr. BOUSTANY and Mr. CONAWAY.
H.R. 1354: Mr. JEFFERSON.
H.R. 1363: Mr. PASTOR and Mr. FARR.
H.R. 1386: Mr. HARE.
H.R. 1439: Mr. ALLEN.
H.R. 1440: Mr. CARSON.
H.R. 1507: Mr. MOORE of Kansas.
H.R. 1521: Mr. CARSON.
H.R. 1524: Mr. REYES.
H.R. 1542: Mr. ORTIZ.
H.R. 1609: Mr. TANCREDO.
H.R. 1621: Ms. MCCOLLUM of Minnesota, Mr. ALLEN, and Mr. MEEKS of New York.
H.R. 1641: Mr. CARSON.
H.R. 1644: Mr. CARSON and Mr. DOGGETT.
H.R. 1645: Mr. CONYERS.
H.R. 1667: Mrs. MCCARTHY of New York.
H.R. 1742: Mr. SULLIVAN and Mr. WAXMAN.
H.R. 1781: Mr. CARSON.
H.R. 1783: Mr. CROWLEY and Ms. DELAURO.
H.R. 1820: Mr. CARSON and Mr. WEINER.
H.R. 1843: Mr. HULSHOF.
H.R. 1845: Mr. WEXLER.
H.R. 1924: Mr. BAIRD.
H.R. 1927: Mr. COURTNEY.
H.R. 2034: Mr. CARSON.
H.R. 2092: Mr. CUELLAR, Mr. YARMUTH, and Mr. BACA.
H.R. 2131: Mr. CARSON.
H.R. 2188: Mr. MCCOTTER.
H.R. 2267: Mr. KANJORSKI.
H.R. 2303: Mr. OBERSTAR.
H.R. 2343: Mr. SCOTT of Virginia.
H.R. 2407: Mr. PICKERING.
H.R. 2458: Mr. PORTER.
H.R. 2470: Mr. CARSON.
H.R. 2506: Mr. HONDA.
H.R. 2533: Mr. LEWIS of Georgia.
H.R. 2578: Mr. WELCH of Vermont and Ms. ROYBAL-ALLARD.
H.R. 2712: Mrs. CUBIN.
H.R. 2897: Mr. CARSON.
H.R. 2910: Mr. CARSON.
H.R. 2933: Mr. GOODE and Mr. PETRI.
H.R. 2943: Mr. CARSON.
H.R. 2946: Mr. DAVIS of Kentucky.
H.R. 3028: Mr. CAPUANO.
H.R. 3036: Mr. BLUMENAUER.
H.R. 3063: Mrs. LOWEY and Mr. WALSH of New York.
H.R. 3192: Ms. ZOE LOFGREN of California.
H.R. 3232: Mr. LEWIS of Georgia, Mr. MILLER of North Carolina, Ms. SCHWARTZ, Mr. RODRIGUEZ, Mr. FATTAH, Mr. WAXMAN, and Mr. BRADY of Texas.
H.R. 3257: Mr. MCGOVERN.
H.R. 3334: Mrs. MALONEY of New York, Mr. MEEKS of New York, Mr. HULSHOF, Mr. PRICE of Georgia, and Ms. HOOLEY.
H.R. 3480: Mr. BOREN.
H.R. 3543: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. LOBIONDO, and Ms. WATSON.
H.R. 3652: Mr. STARK.
H.R. 3654: Mr. SMITH of Washington.
H.R. 3663: Mr. AL GREEN of Texas.
H.R. 3682: Ms. LEE.
H.R. 3750: Mr. AL GREEN of Texas, Mr. REYES, Mr. TERRY, Mr. DAVIS of Illinois, and Ms. SOLIS.
H.R. 3769: Mr. WILSON of South Carolina.
H.R. 3819: Ms. MCCOLLUM of Minnesota.
H.R. 3905: Mr. CARSON.
H.R. 3934: Mr. SMITH of Nebraska.
H.R. 4026: Mr. COHEN, Ms. HIRONO, Mr. HINCHEY, Ms. CLARKE, and Mr. HARE.
H.R. 4061: Mr. CRENSHAW and Mr. STUPAK.
H.R. 4188: Mr. MURPHY of Connecticut.
H.R. 4236: Mr. KANJORSKI, Ms. SLAUGHTER, and Mr. HARE.
H.R. 4279: Mr. GALLEGLY and Mr. SHERMAN.
H.R. 4344: Mrs. CUBIN.
H.R. 4497: Mr. CARTER.
H.R. 4544: Mr. ACKERMAN.
H.R. 4611: Mr. CAPUANO.
H.R. 4900: Mr. LATTA, Mr. MCCARTHY of California, Mr. WALSH of New York, Mr. KANJORSKI, Mr. SULLIVAN, Mr. HULSHOF, and Ms. ROS-LEHTINEN.
H.R. 4926: Mr. HOLT.
H.R. 4990: Mr. HINOJOSA and Mr. AL GREEN of Texas.
H.R. 5128: Mr. OLVER.
H.R. 5130: Mr. WATT.
H.R. 5131: Mr. CARNEY.
H.R. 5155: Mr. WELCH of Vermont.
H.R. 5315: Mr. YOUNG of Alaska.

H.R. 5404: Ms. HOOLEY and Mr. FARR.
H.R. 5440: Mr. ROSKAM.
H.R. 5443: Mr. WITTMAN of Virginia.
H.R. 5448: Mr. UDALL of Colorado.
H.R. 5461: Mr. CARSON.
H.R. 5464: Ms. JACKSON-LEE of Texas.
H.R. 5510: Mr. PAUL, Mr. BISHOP of Georgia, and Mr. HOLT.
H.R. 5519: Mr. GENE GREEN of Texas.
H.R. 5524: Mr. CARSON.
H.R. 5534: Mr. ISRAEL.
H.R. 5546: Mr. KAGEN.
H.R. 5554: Ms. MCCOLLUM of Minnesota and Mr. CAPUANO.
H.R. 5573: Mr. LINCOLN DIAZ-BALART of Florida, Mr. MARIO DIAZ-BALART of Florida, Mr. AL GREEN of Texas, and Mr. PRICE of North Carolina.
H.R. 5580: Mr. GRIJALVA.
H.R. 5595: Mr. SESTAK, Mr. CONYERS, Mr. CUMMINGS, Mr. JOHNSON of Georgia, Mr. LOBIONDO, and Mr. GERLACH.
H.R. 5615: Mr. CARSON.
H.R. 5629: Mr. WALSH of New York.
H.R. 5635: Mr. CARSON.
H.R. 5648: Mrs. CUBIN.
H.R. 5656: Mr. GINGREY, Mr. WALBERG, and Mr. WILSON of South Carolina.
H.R. 5678: Mr. ELLISON and Ms. KAPTUR.
H.R. 5684: Mr. DONNELLY, Mr. SHERMAN, Mr. MCHUGH, Mr. COSTA, Ms. ROS-LEHTINEN, Mr. MORAN of Kansas, Ms. MCCOLLUM of Minnesota, and Mr. CAPUANO.
H.R. 5740: Mr. MARKEY, Mr. KANJORSKI, Mr. RAMSTAD, Mr. TIBERI, Mr. VAN HOLLEN, Mr. GEORGE MILLER of California, Mr. MORAN of Kansas, Mr. BISHOP of Utah, Mr. BAIRD, Mr. SNYDER, and Mr. ABERCROMBIE.
H.R. 5741: Mr. WAXMAN.
H.R. 5748: Mr. SESSIONS.
H.R. 5752: Mr. HOEKSTRA.
H.R. 5755: Mr. MOORE of Kansas.
H.R. 5770: Mr. GRIJALVA.
H.R. 5784: Mr. CARTER and Mr. SHAYS.
H.R. 5791: Mr. LEWIS of Georgia, Mr. YOUNG of Florida, Mr. GERLACH, Mr. JOHNSON of Georgia, Mr. GONZALEZ, Mrs. EMERSON, and Mr. JEFFERSON.
H.R. 5801: Mr. HIGGINS, Mr. KAGEN, Mr. BISHOP of Georgia, and Mr. MCNERNEY.
H.R. 5804: Mr. CARSON and Mr. WAXMAN.
H.R. 5818: Ms. BERKLEY, Mr. CAPUANO, and Mr. PASTOR.
H.R. 5824: Mr. JOHNSON of Georgia, Mr. YARMUTH, Ms. HIRONO, Mr. PERLMUTTER, Mr. COURTNEY, and Ms. CASTOR.
H.R. 5825: Mr. COURTNEY.
H.R. 5845: Mr. CARSON.
H.R. 5854: Mrs. BOYDA of Kansas.
H.R. 5869: Mr. GRIJALVA.
H.R. 5873: Mr. LEWIS of Georgia, Mr. GRIJALVA, Mr. HASTINGS of Florida, and Mr. MCGOVERN.
H.R. 5875: Mrs. BOYDA of Kansas.
H.R. 5881: Mr. COHEN.
H.R. 5886: Mr. LINDER.
H.R. 5892: Mr. DONNELLY, Mr. RODRIGUEZ, and Ms. BORDALLO.
H.R. 5894: Mr. FRANK of Massachusetts, Mr. ELLISON, Mr. AL GREEN of Texas, Mr. WYNN, and Mrs. CHRISTENSEN.
H.R. 5899: Mrs. GILLIBRAND, Mr. TANNER, Mr. ROSS, Mr. FARR, Mr. DONNELLY, and Mr. ELLSWORTH.
H.R. 5905: Mr. SALI.
H.R. 5906: Mr. CHABOT.
H.R. 5908: Mr. BARTLETT of Maryland, Mr. PITTS, Mrs. BLACKBURN, Mr. WESTMORELAND, Mr. LAMBORN, Mr. GINGREY, Mr. FRANKS of Arizona, Mr. FEENEY, Mr. WELDON of Florida, Mr. RYAN of Wisconsin, Mr. KINGSTON, and Mr. HENSARLING.
H.R. 5911: Mr. SENSENBRENNER, Mr. POE, Mr. FRANKS of Arizona, Mr. LAMBORN, Mr. PITTS, Mr. GINGREY, and Mr. MARCHANT.
H.R. 5917: Mrs. MILLER of Michigan.
H.J. Res. 39: Mr. VAN HOLLEN.
H. Con. Res. 320: Mrs. TAUSCHER and Mr. MEEK of Florida.
H. Con. Res. 331: Mr. ALLEN, Mr. DAVIS of Illinois, Mr. ROSS, and Ms. ESHOO.
H. Con. Res. 332: Mr. HASTINGS of Florida, Ms. ZOE LOFGREN of California, Mr. LINCOLN DIAZ-BALART of Florida, Mr. BLUMENAUER, Mr. KIRK, and Mr. FRANKS of Arizona.
H. Con. Res. 333: Mr. THOMPSON of California.
H. Con. Res. 334: Mr. ROGERS of Michigan, Mr. CALVERT, Mr. TOWNS, Mr. TURNER, Mr. SOUDER, Mr. MCHUGH, and Mr. MARCHANT.
H. Con. Res. 337: Ms. KAPTUR, Ms. WASSERMAN SCHULTZ, Mr. SHERMAN, and Mrs. MALONEY of New York.
H. Con. Res. 338: Mr. DOOLITTLE, Mr. HASTINGS of Florida, Mr. HERGER, Mr. MCDERMOTT, Mr. MEEKS of New York, Mr. NUNES, Mr. RANGEL, Mr. THOMPSON of Mississippi, Mr. TOWNS, and Mr. WYNN.
H. Res. 111: Mr. HARE.
H. Res. 169: Mr. MCCOTTER.
H. Res. 258: Mr. YOUNG of Florida and Mr. HINOJOSA.
H. Res. 339: Mr. EDWARDS.
H. Res. 598: Mr. GOODE, Mr. HAYES, and Mr. WALBERG.
H. Res. 653: Mr. DELAHUNT.
H. Res. 758: Mr. UPTON.
H. Res. 937: Mr. BILIRAKIS.
H. Res. 959: Mr. HOLDEN.
H. Res. 992: Ms. MCCOLLUM of Minnesota.
H. Res. 1011: Ms. DELAURO.
H. Res. 1012: Mr. LATHAM.
H. Res. 1019: Mr. FARR.
H. Res. 1026: Mr. HINOJOSA and Mr. BISHOP of New York.
H. Res. 1028: Mr. STARK.
H. Res. 1046: Mr. GRIJALVA.
H. Res. 1054: Mr. GONZALEZ.
H. Res. 1056: Ms. BORDALLO and Mr. HINCHEY.
H. Res. 1072: Mr. MCCOTTER.
H. Res. 1078: Mr. GRIJALVA.
H. Res. 1080: Ms. MCCOLLUM of Minnesota.
H. Res. 1086: Mr. MICHAUD, Mr. RAHALL, Mr. KAGEN, Ms. BALDWIN, Mr. PAYNE, Mr. HONDA, Ms. CLARKE, Ms. CASTOR, Mr. KUCINICH, Mr. BACA, Mr. POE, Ms. SOLIS, Mr. CHANDLER, Mr. WILSON of Ohio, Mr. UDALL of New Mexico, Mrs. LOWEY, Mr. WELCH of Vermont, Mr. DICKS, Mrs. TAUSCHER, Ms. BEAN, Mr. HILL, Mr. SCHIFF, Mr. EMANUEL, Mr. MOLLOHAN, Mr. GEORGE MILLER of California, Mr. HASTINGS of Florida, Mr. BARROW, Mr. BRADY of Pennsylvania, and Mr. MARCHANT.
H. Res. 1104: Mrs. CAPPS.
H. Res. 1109: Mr. FARR, Mr. SMITH of New Jersey, Mrs. CAPPS, and Mr. DELAHUNT.
H. Res. 1110: Mr. MCHUGH and Mr. UDALL of Colorado.
H. Res. 1113: Mr. KNOLLENBERG and Mr. GOODE.
H. Res. 1114: Mr. GOODE.
H. Res. 1119: Ms. BORDALLO.
H. Res. 1122: Mr. MCHUGH and Mr. LAMBORN.
H. Res. 1127: Mr. BERMAN, Ms. ROS-LEHTINEN, Mr. INGLIS of South Carolina, Mr. COHEN, Mr. KLEIN of Florida, Mr. SHERMAN, Mr. COSTA, Mr. WAXMAN, Mr. WEXLER, Ms. GIFFORDS, Mr. FRANK of Massachusetts, Mr. ROTHMAN, Mr. MCCOTTER, Mr. SIRES, Mr. CARNAHAN, Ms. WOOLSEY, Mr. SCOTT of Georgia, Mr. WU, Mr. CROWLEY, Mr. MEEKS of New York, and Ms. BERKLEY.
H. Res. 1132: Mr. SOUDER.
H. Res. 1134: Mr. ABERCROMBIE, Mr. BECERRA, Mrs. BLACKBURN, Mr. BISHOP of Georgia, Mr. BROWN of South Carolina, Mr. CALVERT, Mr. LINCOLN DAVIS of Tennessee, Mrs. DAVIS of California, Mr. LINCOLN DIAZ-BALART of Florida, Mr. GENE GREEN of Texas, Mr. GUTIERREZ, Ms. HARMAN, Mr. LIPINSKI, Ms. KAPTUR, Mr. MAHONEY of Florida, Mrs. MALONEY of New York, Mr. MANZULLO, Mr. MEEKS of New York, Mr. MITCHELL, Ms. MOORE of Wisconsin, Mr. MURTHA, Mr. NEUGEBAUER, Mr. OBEY, Mr. RAHALL, Mr. REICHERT, Mr. REYES, Ms. ROS-LEHTINEN, Mr. RYAN of Ohio, Mr. SALAZAR, Mr. SAXTON, Mr. SKELTON, Ms. SOLIS, Mr. THOMPSON of Mississippi, Mr. TAYLOR, Mr. WALZ of Minnesota, Mr. WATT, Mr. WITTMAN of Virginia, and Mr. WU.
H. Res. 1139: Mr. JOHNSON of Georgia, Mr. BARTLETT of Maryland, Mr. BRADY of Pennsylvania, Mr. ORTIZ, Mr. TANNER, Mr. REYES, Mr. TOWNS, Mr. YOUNG of Alaska, Ms. BORDALLO, Mr. HALL of Texas, Mr. FEENEY, Mr. MORAN of Virginia, Mrs. CHRISTENSEN, Ms. SHEA-PORTER, Mr. MCGOVERN, Mr. COHEN, Mr. LOEBSACK, Mr. JONES of North Carolina, Mr. POE, and Mr. TAYLOR.
H. Res. 1140: Mr. CAPUANO and Mr. WILSON of South Carolina.
H. Res. 1146: Mr. ARCURI.
H. Res. 1166: Mr. SMITH of New Jersey, Mr. LINCOLN DIAZ-BALART of Florida, Ms. BERKLEY, Ms. LINDA T. SÁNCHEZ of California, Mr. KLEIN of Florida, Mr. CARNAHAN, Mr. CLEAVER, and Mr. ENGLISH of Pennsylvania.

¶50.47 DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1201: Mr. SOUDER.
H.R. 2448: Mr. SALI.
H.R. 5534: Ms. FALLIN.

THURSDAY, MAY 1, 2008 (51)

The House was called to order by the SPEAKER.

¶51.1 APPROVAL OF THE JOURNAL

The SPEAKER announced she had examined and approved the Journal of the proceedings of Wednesday, April 30, 2008.

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

¶51.2 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

6360. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-359, ''Electronic Mail Public Record Clarification Amendment Act of 2008,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

6361. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-359, ''Electronic Mail Public Record Clarification Amendment Act of 2008,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

6362. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-360, ''Compliance Unit Establishment Act of 2008,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

6363. A letter from the General Counsel, Federal Retirement Thrift Investment Board, transmitting the Board's final rule — Participants' Choices of TSP Funds — received April 25, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

6364. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule — HUMAN RESOURCES MANAGEMENT IN AGENCIES (RIN: 3206-AJ92) received April 25, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

6365. A letter from the Assistant Secretary —— Fish, Wildlife & Parks, Department of

the Interior, transmitting the Department's final rule — Public Access, Use, and Recreation Regulations for the Upper Mississippi River National Wildlife and Fish Refuge (RIN: 1018-AV43) received April 25, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6366. A letter from the Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by American Fisheries Act Catcher Processors Using Trawl Gear in the Bering Sea and Aleutian Islands Management Area [Docket No. 071106673-8011-02] (RIN: 0648-XG86) received April 29, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6367. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackerel by Vessels in the Amendment 80 Limited Access Fishery in the Western Aleutian District of the Bering Sea and Aleutian Islands Management Area [Docket No. 071106673-8011-02] (RIN: 0648-XH07) received April 30, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6368. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Pacific Cod in the Bering Sea and Aleutian Islands Management Area [Docket No. 071106673-8011-02] (RIN: 0648-XH13) received April 29, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6369. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch for Vessels in the Bering Sea and Aleutian Islands Trawl Limited Access Fishery in the Eastern Aleutian District of the Bering Sea and Aleutian Islands Management Area [Docket No. 071106673-8011-02] (RIN: 0648-XG59) received April 7, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6370. A letter from the Acting Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Endangered and Threatened Wildlife; Sea Turtle Conservation [Docket No. 071030628-8482-02] (RIN: 0648-AV84) received April 25, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

¶51.3 MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 1760. An Act to amend the Public Health Service Act with respect to the Healthy Start Initiative.

The message also announced that pursuant to section 276d–276g of title 22, United States Code, as amended, the Chair, on behalf of the Vice President, appoints the following Senators as members of the Senate Delegation to the Canada-United States Interparliamentary Group conference during the Second Session of the 110th Congress: the Senator from Ohio [Mr. VOINOVICH], and the Senator from Alaska [Ms. MURKOWSKI].

¶51.4 PROVIDING FOR CONSIDERATION OF MOTIONS TO SUSPEND THE RULES

Ms. SLAUGHTER, by direction of the Committee on Rules, called up the following resolution (H. Res. 1167):

Resolved, That it shall be in order at any time on the legislative day of Thursday, May 1, 2008, for the Speaker to entertain motions that the House suspend the rules relating to the following measures:

(1) The bill (H.R. 5715) to ensure continued availability of access to the Federal student loan program for students and families.

(2) The bill (H.R. 493) to prohibit discrimination on the basis of genetic information with respect to health insurance and employment.

(3) A bill to provide for a temporary extension of programs authorized by the Farm Security and Rural Investment Act of 2002.

When said resolution was considered.

After debate,

Ms. SLAUGHTER moved the previous question on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House now order the previous question?

The SPEAKER pro tempore, Mrs. TAUSCHER, announced that the nays had it.

Ms. SLAUGHTER demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mrs. TAUSCHER, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶51.5 PROVIDING FOR CONSIDERATION OF H.R. 493

Ms. SLAUGHTER, by direction of the Committee on Rules, called up the following resolution (H. Res. 1156):

Resolved, That upon adoption of this resolution it shall be in order to take from the Speaker's table the bill (H.R. 493) to prohibit discrimination on the basis of genetic information with respect to health insurance and employment, with the Senate amendment thereto, and to consider in the House, without intervention of any point of order except those arising under clause 10 of rule XXI, a motion offered by the chairman of the Committee on Education and Labor or his designee that the House concur in the Senate amendment. The Senate amendment and the motion shall be considered as read. The motion shall be debatable for one hour, with 20 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Education and Labor, 20 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Energy and Commerce, and 20 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means. The previous question shall be considered as ordered on the motion to its adoption without intervening motion.

SEC. 2. During consideration of the motion to concur pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the motion to such time as may be designated by the Speaker.

When said resolution was considered.

After debate,

On motion of Ms. SLAUGHTER, the previous question was ordered on the resolution to its adoption or rejection and, under the operation thereof, the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶51.6 GENETIC INFORMATION NONDISCRIMINATION

On motion of Mr. George MILLER of California, pursuant to House Resolution 1156, the following amendment of the Senate to the bill (H.R. 493) to prohibit discrimination on the basis of genetic information with respect to health insurance and employment, was taken from the Speaker's table:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Genetic Information Nondiscrimination Act of 2008''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Findings.
TITLE I—GENETIC NONDISCRIMINATION IN HEALTH INSURANCE
Sec. 101. Amendments to Employee Retirement Income Security Act of 1974.
Sec. 102. Amendments to the Public Health Service Act.
Sec. 103. Amendments to the Internal Revenue Code of 1986.
Sec. 104. Amendments to title XVIII of the Social Security Act relating to medigap.
Sec. 105. Privacy and confidentiality.
Sec. 106. Assuring coordination.
TITLE II—PROHIBITING EMPLOYMENT DISCRIMINATION ON THE BASIS OF GENETIC INFORMATION
Sec. 201. Definitions.
Sec. 202. Employer practices.
Sec. 203. Employment agency practices.
Sec. 204. Labor organization practices.
Sec. 205. Training programs.
Sec. 206. Confidentiality of genetic information.
Sec. 207. Remedies and enforcement.
Sec. 208. Disparate impact.
Sec. 209. Construction.
Sec. 210. Medical information that is not genetic information.
Sec. 211. Regulations.
Sec. 212. Authorization of appropriations.
Sec. 213. Effective date.
TITLE III—MISCELLANEOUS PROVISIONS
Sec. 301. Severability.
Sec. 302. Child labor protections.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Deciphering the sequence of the human genome and other advances in genetics open major new opportunities for medical progress. New knowledge about the genetic basis of illness will allow for earlier detection of illnesses, often before symptoms have begun. Genetic testing can allow individuals to take steps to reduce the likelihood that they will contract a particular disorder. New knowledge about genetics may allow for the development of better therapies that are more effective against disease or have fewer side effects than current treatments. These advances give rise to the potential misuse of genetic information to discriminate in health insurance and employment.

(2) The early science of genetics became the basis of State laws that provided for the sterilization of persons having presumed genetic

''defects'' such as mental retardation, mental disease, epilepsy, blindness, and hearing loss, among other conditions. The first sterilization law was enacted in the State of Indiana in 1907. By 1981, a majority of States adopted sterilization laws to ''correct'' apparent genetic traits or tendencies. Many of these State laws have since been repealed, and many have been modified to include essential constitutional requirements of due process and equal protection. However, the current explosion in the science of genetics, and the history of sterilization laws by the States based on early genetic science, compels Congressional action in this area.

(3) Although genes are facially neutral markers, many genetic conditions and disorders are associated with particular racial and ethnic groups and gender. Because some genetic traits are most prevalent in particular groups, members of a particular group may be stigmatized or discriminated against as a result of that genetic information. This form of discrimination was evident in the 1970s, which saw the advent of programs to screen and identify carriers of sickle cell anemia, a disease which afflicts African-Americans. Once again, State legislatures began to enact discriminatory laws in the area, and in the early 1970s began mandating genetic screening of all African Americans for sickle cell anemia, leading to discrimination and unnecessary fear. To alleviate some of this stigma, Congress in 1972 passed the National Sickle Cell Anemia Control Act, which withholds Federal funding from States unless sickle cell testing is voluntary.

(4) Congress has been informed of examples of genetic discrimination in the workplace. These include the use of pre-employment genetic screening at Lawrence Berkeley Laboratory, which led to a court decision in favor of the employees in that case Norman-Bloodsaw v. Lawrence Berkeley Laboratory (135 F.3d 1260, 1269 (9th Cir. 1998)). Congress clearly has a compelling public interest in relieving the fear of discrimination and in prohibiting its actual practice in employment and health insurance.

(5) Federal law addressing genetic discrimination in health insurance and employment is incomplete in both the scope and depth of its protections. Moreover, while many States have enacted some type of genetic non-discrimination law, these laws vary widely with respect to their approach, application, and level of protection. Congress has collected substantial evidence that the American public and the medical community find the existing patchwork of State and Federal laws to be confusing and inadequate to protect them from discrimination. Therefore Federal legislation establishing a national and uniform basic standard is necessary to fully protect the public from discrimination and allay their concerns about the potential for discrimination, thereby allowing individuals to take advantage of genetic testing, technologies, research, and new therapies.

TITLE I—GENETIC NONDISCRIMINATION IN HEALTH INSURANCE

SEC. 101. AMENDMENTS TO EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.

(a) NO DISCRIMINATION IN GROUP PREMIUMS BASED ON GENETIC INFORMATION.—Section 702(b) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1182(b)) is amended—

(1) in paragraph (2)(A), by inserting before the semicolon the following: ''except as provided in paragraph (3)''; and

(2) by adding at the end the following:

''(3) NO GROUP-BASED DISCRIMINATION ON BASIS OF GENETIC INFORMATION.—

''(A) IN GENERAL.—For purposes of this section, a group health plan, and a health insurance issuer offering group health insurance coverage in connection with a group health plan, may not adjust premium or contribution amounts for the group covered under such plan on the basis of genetic information.

''(B) RULE OF CONSTRUCTION.—Nothing in subparagraph (A) or in paragraphs (1) and (2) of subsection (d) shall be construed to limit the ability of a health insurance issuer offering health insurance coverage in connection with a group health plan to increase the premium for an employer based on the manifestation of a disease or disorder of an individual who is enrolled in the plan. In such case, the manifestation of a disease or disorder in one individual cannot also be used as genetic information about other group members and to further increase the premium for the employer.''.

(b) LIMITATIONS ON GENETIC TESTING; PROHIBITION ON COLLECTION OF GENETIC INFORMATION; APPLICATION TO ALL PLANS.—Section 702 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1182) is amended by adding at the end the following:

''(c) GENETIC TESTING.—

''(1) LIMITATION ON REQUESTING OR REQUIRING GENETIC TESTING.—A group health plan, and a health insurance issuer offering health insurance coverage in connection with a group health plan, shall not request or require an individual or a family member of such individual to undergo a genetic test.

''(2) RULE OF CONSTRUCTION.—Paragraph (1) shall not be construed to limit the authority of a health care professional who is providing health care services to an individual to request that such individual undergo a genetic test.

''(3) RULE OF CONSTRUCTION REGARDING PAYMENT.—

''(A) IN GENERAL.—Nothing in paragraph (1) shall be construed to preclude a group health plan, or a health insurance issuer offering health insurance coverage in connection with a group health plan, from obtaining and using the results of a genetic test in making a determination regarding payment (as such term is defined for the purposes of applying the regulations promulgated by the Secretary of Health and Human Services under part C of title XI of the Social Security Act and section 264 of the Health Insurance Portability and Accountability Act of 1996, as may be revised from time to time) consistent with subsection (a).

''(B) LIMITATION.—For purposes of subparagraph (A), a group health plan, or a health insurance issuer offering health insurance coverage in connection with a group health plan, may request only the minimum amount of information necessary to accomplish the intended purpose.

''(4) RESEARCH EXCEPTION.—Notwithstanding paragraph (1), a group health plan, or a health insurance issuer offering health insurance coverage in connection with a group health plan, may request, but not require, that a participant or beneficiary undergo a genetic test if each of the following conditions is met:

''(A) The request is made, in writing, pursuant to research that complies with part 46 of title 45, Code of Federal Regulations, or equivalent Federal regulations, and any applicable State or local law or regulations for the protection of human subjects in research.

''(B) The plan or issuer clearly indicates to each participant or beneficiary, or in the case of a minor child, to the legal guardian of such beneficiary, to whom the request is made that—

''(i) compliance with the request is voluntary; and

''(ii) non-compliance will have no effect on enrollment status or premium or contribution amounts.

''(C) No genetic information collected or acquired under this paragraph shall be used for underwriting purposes.

''(D) The plan or issuer notifies the Secretary in writing that the plan or issuer is conducting activities pursuant to the exception provided for under this paragraph, including a description of the activities conducted.

''(E) The plan or issuer complies with such other conditions as the Secretary may by regulation require for activities conducted under this paragraph.

''(d) PROHIBITION ON COLLECTION OF GENETIC INFORMATION.—

''(1) IN GENERAL.—A group health plan, and a health insurance issuer offering health insurance coverage in connection with a group health plan, shall not request, require, or purchase genetic information for underwriting purposes (as defined in section 733).

''(2) PROHIBITION ON COLLECTION OF GENETIC INFORMATION PRIOR TO ENROLLMENT.—A group health plan, and a health insurance issuer offering health insurance coverage in connection with a group health plan, shall not request, require, or purchase genetic information with respect to any individual prior to such individual's enrollment under the plan or coverage in connection with such enrollment.

''(3) INCIDENTAL COLLECTION.—If a group health plan, or a health insurance issuer offering health insurance coverage in connection with a group health plan, obtains genetic information incidental to the requesting, requiring, or purchasing of other information concerning any individual, such request, requirement, or purchase shall not be considered a violation of paragraph (2) if such request, requirement, or purchase is not in violation of paragraph (1).

''(e) APPLICATION TO ALL PLANS.—The provisions of subsections (a)(1)(F), (b)(3), (c), and (d), and subsection (b)(1) and section 701 with respect to genetic information, shall apply to group health plans and health insurance issuers without regard to section 732(a).''.

(c) APPLICATION TO GENETIC INFORMATION OF A FETUS OR EMBRYO.—Such section is further amended by adding at the end the following:

''(f) GENETIC INFORMATION OF A FETUS OR EMBRYO.—Any reference in this part to genetic information concerning an individual or family member of an individual shall—

''(1) with respect to such an individual or family member of an individual who is a pregnant woman, include genetic information of any fetus carried by such pregnant woman; and

''(2) with respect to an individual or family member utilizing an assisted reproductive technology, include genetic information of any embryo legally held by the individual or family member.''.

(d) DEFINITIONS.—Section 733(d) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1191b(d)) is amended by adding at the end the following:

''(5) FAMILY MEMBER.—The term 'family member' means, with respect to an individual—

''(A) a dependent (as such term is used for purposes of section 701(f)(2)) of such individual, and

''(B) any other individual who is a first-degree, second-degree, third-degree, or fourth-degree relative of such individual or of an individual described in subparagraph (A).

''(6) GENETIC INFORMATION.—

''(A) IN GENERAL.—The term 'genetic information' means, with respect to any individual, information about—

''(i) such individual's genetic tests,

''(ii) the genetic tests of family members of such individual, and

''(iii) the manifestation of a disease or disorder in family members of such individual.

''(B) INCLUSION OF GENETIC SERVICES AND PARTICIPATION IN GENETIC RESEARCH.—Such term includes, with respect to any individual, any request for, or receipt of, genetic services, or participation in clinical research which includes genetic services, by such individual or any family member of such individual.

''(C) EXCLUSIONS.—The term 'genetic information' shall not include information about the sex or age of any individual.

''(7) GENETIC TEST.—

''(A) IN GENERAL.—The term 'genetic test' means an analysis of human DNA, RNA, chromosomes, proteins, or metabolites, that detects genotypes, mutations, or chromosomal changes.

''(B) EXCEPTIONS.—The term 'genetic test' does not mean—

''(i) an analysis of proteins or metabolites that does not detect genotypes, mutations, or chromosomal changes; or

''(ii) an analysis of proteins or metabolites that is directly related to a manifested disease, disorder, or pathological condition that could reasonably be detected by a health care professional with appropriate training and expertise in the field of medicine involved.

''(8) GENETIC SERVICES.—The term 'genetic services' means—

''(A) a genetic test;

''(B) genetic counseling (including obtaining, interpreting, or assessing genetic information); or

''(C) genetic education.

''(9) UNDERWRITING PURPOSES.—The term 'underwriting purposes' means, with respect to any group health plan, or health insurance coverage offered in connection with a group health plan—

''(A) rules for, or determination of, eligibility (including enrollment and continued eligibility) for benefits under the plan or coverage;

''(B) the computation of premium or contribution amounts under the plan or coverage;

''(C) the application of any pre-existing condition exclusion under the plan or coverage; and

''(D) other activities related to the creation, renewal, or replacement of a contract of health insurance or health benefits.''.

(e) ERISA ENFORCEMENT.—Section 502 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1132) is amended—

(1) in subsection (a)(6), by striking ''(7), or (8)'' and inserting ''(7), (8), or (9)'';

(2) in subsection (b)(3), by striking ''The Secretary'' and inserting ''Except as provided in subsections (c)(9) and (a)(6) (with respect to collecting civil penalties under subsection (c)(9)), the Secretary''; and

(3) in subsection (c), by redesignating paragraph (9) as paragraph (10), and by inserting after paragraph (8) the following new paragraph:

''(9) SECRETARIAL ENFORCEMENT AUTHORITY RELATING TO USE OF GENETIC INFORMATION.—

''(A) GENERAL RULE.—The Secretary may impose a penalty against any plan sponsor of a group health plan, or any health insurance issuer offering health insurance coverage in connection with the plan, for any failure by such sponsor or issuer to meet the requirements of subsection (a)(1)(F), (b)(3), (c), or (d) of section 702 or section 701 or 702(b)(1) with respect to genetic information, in connection with the plan.

''(B) AMOUNT.—

''(i) IN GENERAL.—The amount of the penalty imposed by subparagraph (A) shall be $100 for each day in the noncompliance period with respect to each participant or beneficiary to whom such failure relates.

''(ii) NONCOMPLIANCE PERIOD.—For purposes of this paragraph, the term 'noncompliance period' means, with respect to any failure, the period—

''(I) beginning on the date such failure first occurs; and

''(II) ending on the date the failure is corrected.

''(C) MINIMUM PENALTIES WHERE FAILURE DISCOVERED.—Notwithstanding clauses (i) and (ii) of subparagraph (D):

''(i) IN GENERAL.—In the case of 1 or more failures with respect to a participant or beneficiary—

''(I) which are not corrected before the date on which the plan receives a notice from the Secretary of such violation; and

''(II) which occurred or continued during the period involved;

the amount of penalty imposed by subparagraph (A) by reason of such failures with respect to such participant or beneficiary shall not be less than $2,500.

''(ii) HIGHER MINIMUM PENALTY WHERE VIOLATIONS ARE MORE THAN DE MINIMIS.—To the extent violations for which any person is liable under this paragraph for any year are more than de minimis, clause (i) shall be applied by substituting '$15,000' for '$2,500' with respect to such person.

''(D) LIMITATIONS.—

''(i) PENALTY NOT TO APPLY WHERE FAILURE NOT DISCOVERED EXERCISING REASONABLE DILIGENCE.—No penalty shall be imposed by subparagraph (A) on any failure during any period for which it is established to the satisfaction of the Secretary that the person otherwise liable for such penalty did not know, and exercising reasonable diligence would not have known, that such failure existed.

''(ii) PENALTY NOT TO APPLY TO FAILURES CORRECTED WITHIN CERTAIN PERIODS.—No penalty shall be imposed by subparagraph (A) on any failure if—

''(I) such failure was due to reasonable cause and not to willful neglect; and

''(II) such failure is corrected during the 30-day period beginning on the first date the person otherwise liable for such penalty knew, or exercising reasonable diligence would have known, that such failure existed.

''(iii) OVERALL LIMITATION FOR UNINTENTIONAL FAILURES.—In the case of failures which are due to reasonable cause and not to willful neglect, the penalty imposed by subparagraph (A) for failures shall not exceed the amount equal to the lesser of—

''(I) 10 percent of the aggregate amount paid or incurred by the plan sponsor (or predecessor plan sponsor) during the preceding taxable year for group health plans; or

''(II) $500,000.

''(E) WAIVER BY SECRETARY.—In the case of a failure which is due to reasonable cause and not to willful neglect, the Secretary may waive part or all of the penalty imposed by subparagraph (A) to the extent that the payment of such penalty would be excessive relative to the failure involved.

''(F) DEFINITIONS.—Terms used in this paragraph which are defined in section 733 shall have the meanings provided such terms in such section.''.

(f) REGULATIONS AND EFFECTIVE DATE.—

(1) REGULATIONS.—The Secretary of Labor shall issue final regulations not later than 12 months after the date of enactment of this Act to carry out the amendments made by this section.

(2) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to group health plans for plan years beginning after the date that is 1 year after the date of enactment of this Act.

SEC. 102. AMENDMENTS TO THE PUBLIC HEALTH SERVICE ACT.

(a) AMENDMENTS RELATING TO THE GROUP MARKET.—

(1) NO DISCRIMINATION IN GROUP PREMIUMS BASED ON GENETIC INFORMATION.—Section 2702(b) of the Public Health Service Act (42 U.S.C. 300gg–1(b)) is amended—

(A) in paragraph (2)(A), by inserting before the semicolon the following: ''except as provided in paragraph (3)''; and

(B) by adding at the end the following:

''(3) NO GROUP-BASED DISCRIMINATION ON BASIS OF GENETIC INFORMATION.—

''(A) IN GENERAL.—For purposes of this section, a group health plan, and health insurance issuer offering group health insurance coverage in connection with a group health plan, may not adjust premium or contribution amounts for the group covered under such plan on the basis of genetic information.

''(B) RULE OF CONSTRUCTION.—Nothing in subparagraph (A) or in paragraphs (1) and (2) of subsection (d) shall be construed to limit the ability of a health insurance issuer offering health insurance coverage in connection with a group health plan to increase the premium for an employer based on the manifestation of a disease or disorder of an individual who is enrolled in the plan. In such case, the manifestation of a disease or disorder in one individual cannot also be used as genetic information about other group members and to further increase the premium for the employer.''.

(2) LIMITATIONS ON GENETIC TESTING; PROHIBITION ON COLLECTION OF GENETIC INFORMATION; APPLICATION TO ALL PLANS.—Section 2702 of the Public Health Service Act (42 U.S.C. 300gg–1) is amended by adding at the end the following:

''(c) GENETIC TESTING.—

''(1) LIMITATION ON REQUESTING OR REQUIRING GENETIC TESTING.—A group health plan, and a health insurance issuer offering health insurance coverage in connection with a group health plan, shall not request or require an individual or a family member of such individual to undergo a genetic test.

''(2) RULE OF CONSTRUCTION.—Paragraph (1) shall not be construed to limit the authority of a health care professional who is providing health care services to an individual to request that such individual undergo a genetic test.

''(3) RULE OF CONSTRUCTION REGARDING PAYMENT.—

''(A) IN GENERAL.—Nothing in paragraph (1) shall be construed to preclude a group health plan, or a health insurance issuer offering health insurance coverage in connection with a group health plan, from obtaining and using the results of a genetic test in making a determination regarding payment (as such term is defined for the purposes of applying the regulations promulgated by the Secretary under part C of title XI of the Social Security Act and section 264 of the Health Insurance Portability and Accountability Act of 1996, as may be revised from time to time) consistent with subsection (a).

''(B) LIMITATION.—For purposes of subparagraph (A), a group health plan, or a health insurance issuer offering health insurance coverage in connection with a group health plan, may request only the minimum amount of information necessary to accomplish the intended purpose.

''(4) RESEARCH EXCEPTION.—Notwithstanding paragraph (1), a group health plan, or a health insurance issuer offering health insurance coverage in connection with a group health plan, may request, but not require, that a participant or beneficiary undergo a genetic test if each of the following conditions is met:

''(A) The request is made pursuant to research that complies with part 46 of title 45, Code of Federal Regulations, or equivalent Federal regulations, and any applicable State or local law or regulations for the protection of human subjects in research.

''(B) The plan or issuer clearly indicates to each participant or beneficiary, or in the case of a minor child, to the legal guardian of such beneficiary, to whom the request is made that—

''(i) compliance with the request is voluntary; and

''(ii) non-compliance will have no effect on enrollment status or premium or contribution amounts.

''(C) No genetic information collected or acquired under this paragraph shall be used for underwriting purposes.

''(D) The plan or issuer notifies the Secretary in writing that the plan or issuer is conducting activities pursuant to the exception provided for under this paragraph, including a description of the activities conducted.

''(E) The plan or issuer complies with such other conditions as the Secretary may by regulation require for activities conducted under this paragraph.

''(d) PROHIBITION ON COLLECTION OF GENETIC INFORMATION.—

''(1) IN GENERAL.—A group health plan, and a health insurance issuer offering health insurance coverage in connection with a group health plan, shall not request, require, or purchase genetic information for underwriting purposes (as defined in section 2791).

''(2) PROHIBITION ON COLLECTION OF GENETIC INFORMATION PRIOR TO ENROLLMENT.—A group health plan, and a health insurance issuer offering health insurance coverage in connection

with a group health plan, shall not request, require, or purchase genetic information with respect to any individual prior to such individual's enrollment under the plan or coverage in connection with such enrollment.

''(3) INCIDENTAL COLLECTION.—If a group health plan, or a health insurance issuer offering health insurance coverage in connection with a group health plan, obtains genetic information incidental to the requesting, requiring, or purchasing of other information concerning any individual, such request, requirement, or purchase shall not be considered a violation of paragraph (2) if such request, requirement, or purchase is not in violation of paragraph (1).

''(e) APPLICATION TO ALL PLANS.—The provisions of subsections (a)(1)(F), (b)(3), (c) , and (d) and subsection (b)(1) and section 2701 with respect to genetic information, shall apply to group health plans and health insurance issuers without regard to section 2721(a).''.

(3) APPLICATION TO GENETIC INFORMATION OF A FETUS OR EMBRYO.—Such section is further amended by adding at the end the following:

''(f) GENETIC INFORMATION OF A FETUS OR EMBRYO.—Any reference in this part to genetic information concerning an individual or family member of an individual shall—

''(1) with respect to such an individual or family member of an individual who is a pregnant woman, include genetic information of any fetus carried by such pregnant woman; and

''(2) with respect to an individual or family member utilizing an assisted reproductive technology, include genetic information of any embryo legally held by the individual or family member.''.

(4) DEFINITIONS.—Section 2791(d) of the Public Health Service Act (42 U.S.C. 300gg–91(d)) is amended by adding at the end the following:

''(15) FAMILY MEMBER.—The term 'family member' means, with respect to any individual—

''(A) a dependent (as such term is used for purposes of section 2701(f)(2)) of such individual; and

''(B) any other individual who is a first-degree, second-degree, third-degree, or fourth-degree relative of such individual or of an individual described in subparagraph (A).

''(16) GENETIC INFORMATION.—

''(A) IN GENERAL.—The term 'genetic information' means, with respect to any individual, information about—

''(i) such individual's genetic tests,

''(ii) the genetic tests of family members of such individual, and

''(iii) the manifestation of a disease or disorder in family members of such individual.

''(B) INCLUSION OF GENETIC SERVICES AND PARTICIPATION IN GENETIC RESEARCH.—Such term includes, with respect to any individual, any request for, or receipt of, genetic services, or participation in clinical research which includes genetic services, by such individual or any family member of such individual.

''(C) EXCLUSIONS.—The term 'genetic information' shall not include information about the sex or age of any individual.

''(17) GENETIC TEST.—

''(A) IN GENERAL.—The term 'genetic test' means an analysis of human DNA, RNA, chromosomes, proteins, or metabolites, that detects genotypes, mutations, or chromosomal changes.

''(B) EXCEPTIONS.—The term 'genetic test' does not mean—

''(i) an analysis of proteins or metabolites that does not detect genotypes, mutations, or chromosomal changes; or

''(ii) an analysis of proteins or metabolites that is directly related to a manifested disease, disorder, or pathological condition that could reasonably be detected by a health care professional with appropriate training and expertise in the field of medicine involved.

''(18) GENETIC SERVICES.—The term 'genetic services' means—

''(A) a genetic test;

''(B) genetic counseling (including obtaining, interpreting, or assessing genetic information); or

''(C) genetic education.

''(19) UNDERWRITING PURPOSES.—The term 'underwriting purposes' means, with respect to any group health plan, or health insurance coverage offered in connection with a group health plan—

''(A) rules for, or determination of, eligibility (including enrollment and continued eligibility) for benefits under the plan or coverage;

''(B) the computation of premium or contribution amounts under the plan or coverage;

''(C) the application of any pre-existing condition exclusion under the plan or coverage; and

''(D) other activities related to the creation, renewal, or replacement of a contract of health insurance or health benefits.''.

(5) REMEDIES AND ENFORCEMENT.—Section 2722(b) of the Public Health Service Act (42 U.S.C. 300gg–22(b)) is amended by adding at the end the following:

''(3) ENFORCEMENT AUTHORITY RELATING TO GENETIC DISCRIMINATION.—

''(A) GENERAL RULE.—In the cases described in paragraph (1), notwithstanding the provisions of paragraph (2)(C), the succeeding subparagraphs of this paragraph shall apply with respect to an action under this subsection by the Secretary with respect to any failure of a health insurance issuer in connection with a group health plan, to meet the requirements of subsection (a)(1)(F), (b)(3), (c), or (d) of section 2702 or section 2701 or 2702(b)(1) with respect to genetic information in connection with the plan.

''(B) AMOUNT.—

''(i) IN GENERAL.—The amount of the penalty imposed under this paragraph shall be $100 for each day in the noncompliance period with respect to each participant or beneficiary to whom such failure relates.

''(ii) NONCOMPLIANCE PERIOD.—For purposes of this paragraph, the term 'noncompliance period' means, with respect to any failure, the period—

''(I) beginning on the date such failure first occurs; and

''(II) ending on the date the failure is corrected.

''(C) MINIMUM PENALTIES WHERE FAILURE DISCOVERED.—Notwithstanding clauses (i) and (ii) of subparagraph (D):

''(i) IN GENERAL.—In the case of 1 or more failures with respect to an individual—

''(I) which are not corrected before the date on which the plan receives a notice from the Secretary of such violation; and

''(II) which occurred or continued during the period involved;

the amount of penalty imposed by subparagraph (A) by reason of such failures with respect to such individual shall not be less than $2,500.

''(ii) HIGHER MINIMUM PENALTY WHERE VIOLATIONS ARE MORE THAN DE MINIMIS.—To the extent violations for which any person is liable under this paragraph for any year are more than de minimis, clause (i) shall be applied by substituting '$15,000' for '$2,500' with respect to such person.

''(D) LIMITATIONS.—

''(i) PENALTY NOT TO APPLY WHERE FAILURE NOT DISCOVERED EXERCISING REASONABLE DILIGENCE.—No penalty shall be imposed by subparagraph (A) on any failure during any period for which it is established to the satisfaction of the Secretary that the person otherwise liable for such penalty did not know, and exercising reasonable diligence would not have known, that such failure existed.

''(ii) PENALTY NOT TO APPLY TO FAILURES CORRECTED WITHIN CERTAIN PERIODS.—No penalty shall be imposed by subparagraph (A) on any failure if—

''(I) such failure was due to reasonable cause and not to willful neglect; and

''(II) such failure is corrected during the 30-day period beginning on the first date the person otherwise liable for such penalty knew, or exercising reasonable diligence would have known, that such failure existed.

''(iii) OVERALL LIMITATION FOR UNINTENTIONAL FAILURES.—In the case of failures which are due to reasonable cause and not to willful neglect, the penalty imposed by subparagraph (A) for failures shall not exceed the amount equal to the lesser of—

''(I) 10 percent of the aggregate amount paid or incurred by the employer (or predecessor employer) during the preceding taxable year for group health plans; or

''(II) $500,000.

''(E) WAIVER BY SECRETARY.—In the case of a failure which is due to reasonable cause and not to willful neglect, the Secretary may waive part or all of the penalty imposed by subparagraph (A) to the extent that the payment of such penalty would be excessive relative to the failure involved.''.

(b) AMENDMENT RELATING TO THE INDIVIDUAL MARKET.—

(1) IN GENERAL.—The first subpart 3 of part B of title XXVII of the Public Health Service Act (42 U.S.C. 300gg–51 et seq.) (relating to other requirements) is amended—

(A) by redesignating such subpart as subpart 2; and

(B) by adding at the end the following:

''SEC. 2753. PROHIBITION OF HEALTH DISCRIMINATION ON THE BASIS OF GENETIC INFORMATION.

''(a) PROHIBITION ON GENETIC INFORMATION AS A CONDITION OF ELIGIBILITY.—

''(1) IN GENERAL.—A health insurance issuer offering health insurance coverage in the individual market may not establish rules for the eligibility (including continued eligibility) of any individual to enroll in individual health insurance coverage based on genetic information.

''(2) RULE OF CONSTRUCTION.—Nothing in paragraph (1) or in paragraphs (1) and (2) of subsection (e) shall be construed to preclude a health insurance issuer from establishing rules for eligibility for an individual to enroll in individual health insurance coverage based on the manifestation of a disease or disorder in that individual, or in a family member of such individual where such family member is covered under the policy that covers such individual.

''(b) PROHIBITION ON GENETIC INFORMATION IN SETTING PREMIUM RATES.—

''(1) IN GENERAL.—A health insurance issuer offering health insurance coverage in the individual market shall not adjust premium or contribution amounts for an individual on the basis of genetic information concerning the individual or a family member of the individual.

''(2) RULE OF CONSTRUCTION.—Nothing in paragraph (1) or in paragraphs (1) and (2) of subsection (e) shall be construed to preclude a health insurance issuer from adjusting premium or contribution amounts for an individual on the basis of a manifestation of a disease or disorder in that individual, or in a family member of such individual where such family member is covered under the policy that covers such individual. In such case, the manifestation of a disease or disorder in one individual cannot also be used as genetic information about other individuals covered under the policy issued to such individual and to further increase premiums or contribution amounts.

''(c) PROHIBITION ON GENETIC INFORMATION AS PREEXISTING CONDITION.—

''(1) IN GENERAL.—A health insurance issuer offering health insurance coverage in the individual market may not, on the basis of genetic information, impose any preexisting condition exclusion (as defined in section 2701(b)(1)(A)) with respect to such coverage.

''(2) RULE OF CONSTRUCTION.—Nothing in paragraph (1) or in paragraphs (1) and (2) of subsection (e) shall be construed to preclude a health insurance issuer from imposing any preexisting condition exclusion for an individual with respect to health insurance coverage on the basis of a manifestation of a disease or disorder in that individual.

''(d) GENETIC TESTING.—

''(1) LIMITATION ON REQUESTING OR REQUIRING GENETIC TESTING.—A health insurance issuer offering health insurance coverage in the individual market shall not request or require an individual or a family member of such individual to undergo a genetic test.

''(2) RULE OF CONSTRUCTION.—Paragraph (1) shall not be construed to limit the authority of a health care professional who is providing health care services to an individual to request that such individual undergo a genetic test.

''(3) RULE OF CONSTRUCTION REGARDING PAYMENT.—

''(A) IN GENERAL.—Nothing in paragraph (1) shall be construed to preclude a health insurance issuer offering health insurance coverage in the individual market from obtaining and using the results of a genetic test in making a determination regarding payment (as such term is defined for the purposes of applying the regulations promulgated by the Secretary under part C of title XI of the Social Security Act and section 264 of the Health Insurance Portability and Accountability Act of 1996, as may be revised from time to time) consistent with subsection (a) and (c).

''(B) LIMITATION.—For purposes of subparagraph (A), a health insurance issuer offering health insurance coverage in the individual market may request only the minimum amount of information necessary to accomplish the intended purpose.

''(4) RESEARCH EXCEPTION.—Notwithstanding paragraph (1), a health insurance issuer offering health insurance coverage in the individual market may request, but not require, that an individual or a family member of such individual undergo a genetic test if each of the following conditions is met:

''(A) The request is made pursuant to research that complies with part 46 of title 45, Code of Federal Regulations, or equivalent Federal regulations, and any applicable State or local law or regulations for the protection of human subjects in research.

''(B) The issuer clearly indicates to each individual, or in the case of a minor child, to the legal guardian of such child, to whom the request is made that—

''(i) compliance with the request is voluntary; and

''(ii) non-compliance will have no effect on enrollment status or premium or contribution amounts.

''(C) No genetic information collected or acquired under this paragraph shall be used for underwriting purposes.

''(D) The issuer notifies the Secretary in writing that the issuer is conducting activities pursuant to the exception provided for under this paragraph, including a description of the activities conducted.

''(E) The issuer complies with such other conditions as the Secretary may by regulation require for activities conducted under this paragraph.

''(e) PROHIBITION ON COLLECTION OF GENETIC INFORMATION.—

''(1) IN GENERAL.—A health insurance issuer offering health insurance coverage in the individual market shall not request, require, or purchase genetic information for underwriting purposes (as defined in section 2791).

''(2) PROHIBITION ON COLLECTION OF GENETIC INFORMATION PRIOR TO ENROLLMENT.—A health insurance issuer offering health insurance coverage in the individual market shall not request, require, or purchase genetic information with respect to any individual prior to such individual's enrollment under the plan in connection with such enrollment.

''(3) INCIDENTAL COLLECTION.—If a health insurance issuer offering health insurance coverage in the individual market obtains genetic information incidental to the requesting, requiring, or purchasing of other information concerning any individual, such request, requirement, or purchase shall not be considered a violation of paragraph (2) if such request, requirement, or purchase is not in violation of paragraph (1).

''(f) GENETIC INFORMATION OF A FETUS OR EMBRYO.—Any reference in this part to genetic information concerning an individual or family member of an individual shall—

''(1) with respect to such an individual or family member of an individual who is a pregnant woman, include genetic information of any fetus carried by such pregnant woman; and

''(2) with respect to an individual or family member utilizing an assisted reproductive technology, include genetic information of any embryo legally held by the individual or family member.''.

(2) REMEDIES AND ENFORCEMENT.—Section 2761(b) of the Public Health Service Act (42 U.S.C. 300gg–61(b)) is amended to read as follows:

''(b) SECRETARIAL ENFORCEMENT AUTHORITY.—The Secretary shall have the same authority in relation to enforcement of the provisions of this part with respect to issuers of health insurance coverage in the individual market in a State as the Secretary has under section 2722(b)(2), and section 2722(b)(3) with respect to violations of genetic nondiscrimination provisions, in relation to the enforcement of the provisions of part A with respect to issuers of health insurance coverage in the small group market in the State.''.

(c) ELIMINATION OF OPTION OF NON-FEDERAL GOVERNMENTAL PLANS TO BE EXCEPTED FROM REQUIREMENTS CONCERNING GENETIC INFORMATION.—Section 2721(b)(2) of the Public Health Service Act (42 U.S.C. 300gg–21(b)(2)) is amended—

(1) in subparagraph (A), by striking ''If the plan sponsor'' and inserting ''Except as provided in subparagraph (D), if the plan sponsor''; and

(2) by adding at the end the following:

''(D) ELECTION NOT APPLICABLE TO REQUIREMENTS CONCERNING GENETIC INFORMATION.—The election described in subparagraph (A) shall not be available with respect to the provisions of subsections (a)(1)(F), (b)(3), (c), and (d) of section 2702 and the provisions of sections 2701 and 2702(b) to the extent that such provisions apply to genetic information.''.

(d) REGULATIONS AND EFFECTIVE DATE.—

(1) REGULATIONS.—Not later than 12 months after the date of enactment of this Act, the Secretary of Health and Human Services shall issue final regulations to carry out the amendments made by this section.

(2) EFFECTIVE DATE.—The amendments made by this section shall apply—

(A) with respect to group health plans, and health insurance coverage offered in connection with group health plans, for plan years beginning after the date that is 1 year after the date of enactment of this Act; and

(B) with respect to health insurance coverage offered, sold, issued, renewed, in effect, or operated in the individual market after the date that is 1 year after the date of enactment of this Act.

SEC. 103. AMENDMENTS TO THE INTERNAL REVENUE CODE OF 1986.

(a) NO DISCRIMINATION IN GROUP PREMIUMS BASED ON GENETIC INFORMATION.—Subsection (b) of section 9802 of the Internal Revenue Code of 1986 is amended—

(1) in paragraph (2)(A), by inserting before the semicolon the following: ''except as provided in paragraph (3)''; and

(2) by adding at the end the following:

''(3) NO GROUP-BASED DISCRIMINATION ON BASIS OF GENETIC INFORMATION.—

''(A) IN GENERAL.—For purposes of this section, a group health plan may not adjust premium or contribution amounts for the group covered under such plan on the basis of genetic information.

''(B) RULE OF CONSTRUCTION.—Nothing in subparagraph (A) or in paragraphs (1) and (2) of subsection (d) shall be construed to limit the ability of a group health plan to increase the premium for an employer based on the manifestation of a disease or disorder of an individual who is enrolled in the plan. In such case, the manifestation of a disease or disorder in one individual cannot also be used as genetic information about other group members and to further increase the premium for the employer.''.

(b) LIMITATIONS ON GENETIC TESTING; PROHIBITION ON COLLECTION OF GENETIC INFORMATION; APPLICATION TO ALL PLANS.—Section 9802 of such Code is amended by redesignating subsection (c) as subsection (f) and by inserting after subsection (b) the following new subsections:

''(c) GENETIC TESTING.—

''(1) LIMITATION ON REQUESTING OR REQUIRING GENETIC TESTING.—A group health plan may not request or require an individual or a family member of such individual to undergo a genetic test.

''(2) RULE OF CONSTRUCTION.—Paragraph (1) shall not be construed to limit the authority of a health care professional who is providing health care services to an individual to request that such individual undergo a genetic test.

''(3) RULE OF CONSTRUCTION REGARDING PAYMENT.—

''(A) IN GENERAL.—Nothing in paragraph (1) shall be construed to preclude a group health plan from obtaining and using the results of a genetic test in making a determination regarding payment (as such term is defined for the purposes of applying the regulations promulgated by the Secretary of Health and Human Services under part C of title XI of the Social Security Act and section 264 of the Health Insurance Portability and Accountability Act of 1996, as may be revised from time to time) consistent with subsection (a).

''(B) LIMITATION.—For purposes of subparagraph (A), a group health plan may request only the minimum amount of information necessary to accomplish the intended purpose.

''(4) RESEARCH EXCEPTION.—Notwithstanding paragraph (1), a group health plan may request, but not require, that a participant or beneficiary undergo a genetic test if each of the following conditions is met:

''(A) The request is made pursuant to research that complies with part 46 of title 45, Code of Federal Regulations, or equivalent Federal regulations, and any applicable State or local law or regulations for the protection of human subjects in research.

''(B) The plan clearly indicates to each participant or beneficiary, or in the case of a minor child, to the legal guardian of such beneficiary, to whom the request is made that—

''(i) compliance with the request is voluntary; and

''(ii) non-compliance will have no effect on enrollment status or premium or contribution amounts.

''(C) No genetic information collected or acquired under this paragraph shall be used for underwriting purposes.

''(D) The plan notifies the Secretary in writing that the plan is conducting activities pursuant to the exception provided for under this paragraph, including a description of the activities conducted.

''(E) The plan complies with such other conditions as the Secretary may by regulation require for activities conducted under this paragraph.

''(d) PROHIBITION ON COLLECTION OF GENETIC INFORMATION.—

''(1) IN GENERAL.—A group health plan shall not request, require, or purchase genetic information for underwriting purposes (as defined in section 9832).

''(2) PROHIBITION ON COLLECTION OF GENETIC INFORMATION PRIOR TO ENROLLMENT.—A group health plan shall not request, require, or purchase genetic information with respect to any individual prior to such individual's enrollment under the plan or in connection with such enrollment.

''(3) INCIDENTAL COLLECTION.—If a group health plan obtains genetic information incidental to the requesting, requiring, or purchasing of other information concerning any individual, such request, requirement, or purchase shall not be considered a violation of paragraph (2) if such request, requirement, or purchase is not in violation of paragraph (1).

''(e) APPLICATION TO ALL PLANS.—The provisions of subsections (a)(1)(F), (b)(3), (c), and (d) and subsection (b)(1) and section 9801 with respect to genetic information, shall apply to group health plans without regard to section 9831(a)(2).''.

(c) APPLICATION TO GENETIC INFORMATION OF A FETUS OR EMBRYO.—Such section is further amended by adding at the end the following:

''(f) GENETIC INFORMATION OF A FETUS OR EMBRYO.—Any reference in this chapter to genetic information concerning an individual or family member of an individual shall—

''(1) with respect to such an individual or family member of an individual who is a pregnant woman, include genetic information of any fetus carried by such pregnant woman; and

''(2) with respect to an individual or family member utilizing an assisted reproductive technology, include genetic information of any embryo legally held by the individual or family member.''.

(d) DEFINITIONS.—Subsection (d) of section 9832 of such Code is amended by adding at the end the following:

''(6) FAMILY MEMBER.—The term 'family member' means, with respect to any individual—

''(A) a dependent (as such term is used for purposes of section 9801(f)(2)) of such individual, and

''(B) any other individual who is a first-degree, second-degree, third-degree, or fourth-degree relative of such individual or of an individual described in subparagraph (A).

''(7) GENETIC INFORMATION.—

''(A) IN GENERAL.—The term 'genetic information' means, with respect to any individual, information about—

''(i) such individual's genetic tests,

''(ii) the genetic tests of family members of such individual, and

''(iii) the manifestation of a disease or disorder in family members of such individual.

''(B) INCLUSION OF GENETIC SERVICES AND PARTICIPATION IN GENETIC RESEARCH.—Such term includes, with respect to any individual, any request for, or receipt of, genetic services, or participation in clinical research which includes genetic services, by such individual or any family member of such individual.

''(C) EXCLUSIONS.—The term 'genetic information' shall not include information about the sex or age of any individual.

''(8) GENETIC TEST.—

''(A) IN GENERAL.—The term 'genetic test' means an analysis of human DNA, RNA, chromosomes, proteins, or metabolites, that detects genotypes, mutations, or chromosomal changes.

''(B) EXCEPTIONS.—The term 'genetic test' does not mean—

''(i) an analysis of proteins or metabolites that does not detect genotypes, mutations, or chromosomal changes, or

''(ii) an analysis of proteins or metabolites that is directly related to a manifested disease, disorder, or pathological condition that could reasonably be detected by a health care professional with appropriate training and expertise in the field of medicine involved.

''(9) GENETIC SERVICES.—The term 'genetic services' means—

''(A) a genetic test;

''(B) genetic counseling (including obtaining, interpreting, or assessing genetic information); or

''(C) genetic education.

''(10) UNDERWRITING PURPOSES.—The term 'underwriting purposes' means, with respect to any group health plan, or health insurance coverage offered in connection with a group health plan—

''(A) rules for, or determination of, eligibility (including enrollment and continued eligibility) for benefits under the plan or coverage;

''(B) the computation of premium or contribution amounts under the plan or coverage;

''(C) the application of any pre-existing condition exclusion under the plan or coverage; and

''(D) other activities related to the creation, renewal, or replacement of a contract of health insurance or health benefits.''.

(e) ENFORCEMENT.—

(1) IN GENERAL.—Subchapter C of chapter 100 of the Internal Revenue Code of 1986 (relating to general provisions) is amended by adding at the end the following new section:

''SEC. 9834. ENFORCEMENT.

''For the imposition of tax on any failure of a group health plan to meet the requirements of this chapter, see section 4980D.''.

(2) CONFORMING AMENDMENT.—The table of sections for subchapter C of chapter 100 of such Code is amended by adding at the end the following new item:

''Sec. 9834. Enforcement.''.

(f) REGULATIONS AND EFFECTIVE DATE.—

(1) REGULATIONS.—The Secretary of the Treasury shall issue final regulations or other guidance not later than 12 months after the date of the enactment of this Act to carry out the amendments made by this section.

(2) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to group health plans for plan years beginning after the date that is 1 year after the date of the enactment of this Act.

SEC. 104. AMENDMENTS TO TITLE XVIII OF THE SOCIAL SECURITY ACT RELATING TO MEDIGAP.

(a) NONDISCRIMINATION.—Section 1882(s)(2) of the Social Security Act (42 U.S.C. 1395ss(s)(2)) is amended by adding at the end the following:

''(E) An issuer of a medicare supplemental policy shall not deny or condition the issuance or effectiveness of the policy (including the imposition of any exclusion of benefits under the policy based on a pre-existing condition) and shall not discriminate in the pricing of the policy (including the adjustment of premium rates) of an individual on the basis of the genetic information with respect to such individual.

''(F) RULE OF CONSTRUCTION.—Nothing in subparagraph (E) or in subparagraphs (A) or (B) of subsection (x)(2) shall be construed to limit the ability of an issuer of a medicare supplemental policy from, to the extent otherwise permitted under this title—

''(i) denying or conditioning the issuance or effectiveness of the policy or increasing the premium for an employer based on the manifestation of a disease or disorder of an individual who is covered under the policy; or

''(ii) increasing the premium for any policy issued to an individual based on the manifestation of a disease or disorder of an individual who is covered under the policy (in such case, the manifestation of a disease or disorder in one individual cannot also be used as genetic information about other group members and to further increase the premium for the employer).''.

(b) LIMITATIONS ON GENETIC TESTING AND GENETIC INFORMATION.—

(1) IN GENERAL.—Section 1882 of the Social Security Act (42 U.S.C. 1395ss) is amended by adding at the end the following:

''(x) LIMITATIONS ON GENETIC TESTING AND INFORMATION.—

''(1) GENETIC TESTING.—

''(A) LIMITATION ON REQUESTING OR REQUIRING GENETIC TESTING.—An issuer of a medicare supplemental policy shall not request or require an individual or a family member of such individual to undergo a genetic test.

''(B) RULE OF CONSTRUCTION.—Subparagraph (A) shall not be construed to limit the authority of a health care professional who is providing health care services to an individual to request that such individual undergo a genetic test.

''(C) RULE OF CONSTRUCTION REGARDING PAYMENT.—

''(i) IN GENERAL.—Nothing in subparagraph (A) shall be construed to preclude an issuer of a medicare supplemental policy from obtaining and using the results of a genetic test in making a determination regarding payment (as such term is defined for the purposes of applying the regulations promulgated by the Secretary under part C of title XI and section 264 of the Health Insurance Portability and Accountability Act of 1996, as may be revised from time to time) consistent with subsection (s)(2)(E).

''(ii) LIMITATION.—For purposes of clause (i), an issuer of a medicare supplemental policy may request only the minimum amount of information necessary to accomplish the intended purpose.

''(D) RESEARCH EXCEPTION.—Notwithstanding subparagraph (A), an issuer of a medicare supplemental policy may request, but not require, that an individual or a family member of such individual undergo a genetic test if each of the following conditions is met:

''(i) The request is made pursuant to research that complies with part 46 of title 45, Code of Federal Regulations, or equivalent Federal regulations, and any applicable State or local law or regulations for the protection of human subjects in research.

''(ii) The issuer clearly indicates to each individual, or in the case of a minor child, to the legal guardian of such child, to whom the request is made that—

''(I) compliance with the request is voluntary; and

''(II) non-compliance will have no effect on enrollment status or premium or contribution amounts.

''(iii) No genetic information collected or acquired under this subparagraph shall be used for underwriting, determination of eligibility to enroll or maintain enrollment status, premium rating, or the creation, renewal, or replacement of a plan, contract, or coverage for health insurance or health benefits.

''(iv) The issuer notifies the Secretary in writing that the issuer is conducting activities pursuant to the exception provided for under this subparagraph, including a description of the activities conducted.

''(v) The issuer complies with such other conditions as the Secretary may by regulation require for activities conducted under this subparagraph.

''(2) PROHIBITION ON COLLECTION OF GENETIC INFORMATION.—

''(A) IN GENERAL.—An issuer of a medicare supplemental policy shall not request, require, or purchase genetic information for underwriting purposes (as defined in paragraph (3)).

''(B) PROHIBITION ON COLLECTION OF GENETIC INFORMATION PRIOR TO ENROLLMENT.—An issuer of a medicare supplemental policy shall not request, require, or purchase genetic information with respect to any individual prior to such individual's enrollment under the policy in connection with such enrollment.

''(C) INCIDENTAL COLLECTION.—If an issuer of a medicare supplemental policy obtains genetic information incidental to the requesting, requiring, or purchasing of other information concerning any individual, such request, requirement, or purchase shall not be considered a violation of subparagraph (B) if such request, requirement, or purchase is not in violation of subparagraph (A).

''(3) DEFINITIONS.—In this subsection:

''(A) FAMILY MEMBER.—The term 'family member' means with respect to an individual, any other individual who is a first-degree, second-degree, third-degree, or fourth-degree relative of such individual.

''(B) GENETIC INFORMATION.—

''(i) IN GENERAL.—The term 'genetic information' means, with respect to any individual, information about—

''(I) such individual's genetic tests,

''(II) the genetic tests of family members of such individual, and

''(III) subject to clause (iv), the manifestation of a disease or disorder in family members of such individual.

''(ii) INCLUSION OF GENETIC SERVICES AND PARTICIPATION IN GENETIC RESEARCH.—Such term includes, with respect to any individual, any request for, or receipt of, genetic services, or participation in clinical research which includes genetic services, by such individual or any family member of such individual.

''(iii) EXCLUSIONS.—The term 'genetic information' shall not include information about the sex or age of any individual.

''(C) GENETIC TEST.—

''(i) IN GENERAL.—The term 'genetic test' means an analysis of human DNA, RNA, chromosomes, proteins, or metabolites, that detects genotypes, mutations, or chromosomal changes.

''(ii) EXCEPTIONS.—The term 'genetic test' does not mean—

''(I) an analysis of proteins or metabolites that does not detect genotypes, mutations, or chromosomal changes; or

''(II) an analysis of proteins or metabolites that is directly related to a manifested disease, disorder, or pathological condition that could reasonably be detected by a health care professional with appropriate training and expertise in the field of medicine involved.

''(D) GENETIC SERVICES.—The term 'genetic services' means—

''(i) a genetic test;

''(ii) genetic counseling (including obtaining, interpreting, or assessing genetic information); or

''(iii) genetic education.

''(E) UNDERWRITING PURPOSES.—The term 'underwriting purposes' means, with respect to a medicare supplemental policy—

''(i) rules for, or determination of, eligibility (including enrollment and continued eligibility) for benefits under the policy;

''(ii) the computation of premium or contribution amounts under the policy;

''(iii) the application of any pre-existing condition exclusion under the policy; and

''(iv) other activities related to the creation, renewal, or replacement of a contract of health insurance or health benefits.

''(F) ISSUER OF A MEDICARE SUPPLEMENTAL POLICY.—The term 'issuer of a medicare supplemental policy' includes a third-party administrator or other person acting for or on behalf of such issuer.''.

(2) APPLICATION TO GENETIC INFORMATION OF A FETUS OR EMBRYO.—Section 1882(x) of such Act, as added by paragraph (1), is further amended by adding at the end the following:

''(4) GENETIC INFORMATION OF A FETUS OR EMBRYO.—Any reference in this section to genetic information concerning an individual or family member of an individual shall—

''(A) with respect to such an individual or family member of an individual who is a pregnant woman, include genetic information of any fetus carried by such pregnant woman; and

''(B) with respect to an individual or family member utilizing an assisted reproductive technology, include genetic information of any embryo legally held by the individual or family member.''.

(3) CONFORMING AMENDMENT.—Section 1882(o) of the Social Security Act (42 U.S.C. 1395ss(o)) is amended by adding at the end the following:

''(4) The issuer of the medicare supplemental policy complies with subsection (s)(2)(E) and subsection (x).''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to an issuer of a medicare supplemental policy for policy years beginning on or after the date that is 1 year after the date of enactment of this Act.

(d) TRANSITION PROVISIONS.—

(1) IN GENERAL.—If the Secretary of Health and Human Services identifies a State as requiring a change to its statutes or regulations to conform its regulatory program to the changes made by this section, the State regulatory program shall not be considered to be out of compliance with the requirements of section 1882 of the Social Security Act due solely to failure to make such change until the date specified in paragraph (4).

(2) NAIC STANDARDS.—If, not later than June 30, 2008, the National Association of Insurance Commissioners (in this subsection referred to as the ''NAIC'') modifies its NAIC Model Regulation relating to section 1882 of the Social Security Act (referred to in such section as the 1991 NAIC Model Regulation, as subsequently modified) to conform to the amendments made by this section, such revised regulation incorporating the modifications shall be considered to be the applicable NAIC model regulation (including the revised NAIC model regulation and the 1991 NAIC Model Regulation) for the purposes of such section.

(3) SECRETARY STANDARDS.—If the NAIC does not make the modifications described in paragraph (2) within the period specified in such paragraph, the Secretary of Health and Human Services shall, not later than October 1, 2008, make the modifications described in such paragraph and such revised regulation incorporating the modifications shall be considered to be the appropriate regulation for the purposes of such section.

(4) DATE SPECIFIED.—

(A) IN GENERAL.—Subject to subparagraph (B), the date specified in this paragraph for a State is the earlier of—

(i) the date the State changes its statutes or regulations to conform its regulatory program to the changes made by this section, or

(ii) October 1, 2008.

(B) ADDITIONAL LEGISLATIVE ACTION REQUIRED.—In the case of a State which the Secretary identifies as—

(i) requiring State legislation (other than legislation appropriating funds) to conform its regulatory program to the changes made in this section, but

(ii) having a legislature which is not scheduled to meet in 2008 in a legislative session in which such legislation may be considered, the date specified in this paragraph is the first day of the first calendar quarter beginning after the close of the first legislative session of the State legislature that begins on or after July 1, 2008. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of such session shall be deemed to be a separate regular session of the State legislature.

SEC. 105. PRIVACY AND CONFIDENTIALITY.

(a) IN GENERAL.—Part C of title XI of the Social Security Act is amended by adding at the end the following new section:

''APPLICATION OF HIPAA REGULATIONS TO GENETIC INFORMATION

''SEC. 1180. (a) IN GENERAL.—The Secretary shall revise the HIPAA privacy regulation (as defined in subsection (b)) so it is consistent with the following:

''(1) Genetic information shall be treated as health information described in section 1171(4)(B).

''(2) The use or disclosure by a covered entity that is a group health plan, health insurance issuer that issues health insurance coverage, or issuer of a medicare supplemental policy of protected health information that is genetic information about an individual for underwriting purposes under the group health plan, health insurance coverage, or medicare supplemental policy shall not be a permitted use or disclosure.

''(b) DEFINITIONS.—For purposes of this section:

''(1) GENETIC INFORMATION; GENETIC TEST; FAMILY MEMBER.—The terms 'genetic information', 'genetic test', and 'family member' have the meanings given such terms in section 2791 of the Public Health Service Act (42 U.S.C. 300gg–91), as amended by the Genetic Information Nondiscrimination Act of 2007.

''(2) GROUP HEALTH PLAN; HEALTH INSURANCE COVERAGE; MEDICARE SUPPLEMENTAL POLICY.—The terms 'group health plan' and 'health insurance coverage' have the meanings given such terms under section 2791 of the Public Health Service Act (42 U.S.C. 300gg–91), and the term 'medicare supplemental policy' has the meaning given such term in section 1882(g).

''(3) HIPAA PRIVACY REGULATION.—The term 'HIPAA privacy regulation' means the regulations promulgated by the Secretary under this part and section 264 of the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. 1320d–2 note).

''(4) UNDERWRITING PURPOSES.—The term 'underwriting purposes' means, with respect to a group health plan, health insurance coverage, or a medicare supplemental policy—

''(A) rules for, or determination of, eligibility (including enrollment and continued eligibility) for, or determination of, benefits under the plan, coverage, or policy;

''(B) the computation of premium or contribution amounts under the plan, coverage, or policy;

''(C) the application of any pre-existing condition exclusion under the plan, coverage, or policy; and

''(D) other activities related to the creation, renewal, or replacement of a contract of health insurance or health benefits.

''(c) PROCEDURE.—The revisions under subsection (a) shall be made by notice in the Federal Register published not later than 60 days after the date of the enactment of this section and shall be effective upon publication, without opportunity for any prior public comment, but may be revised, consistent with this section, after opportunity for public comment.

''(d) ENFORCEMENT.—In addition to any other sanctions or remedies that may be available under law, a covered entity that is a group health plan, health insurance issuer, or issuer of a medicare supplemental policy and that violates the HIPAA privacy regulation (as revised under subsection (a) or otherwise) with respect to the use or disclosure of genetic information shall be subject to the penalties described in sections 1176 and 1177 in the same manner and to the same extent that such penalties apply to violations of this part.''.

(b) REGULATIONS; EFFECTIVE DATE.—

(1) REGULATIONS.—Not later than 12 months after the date of the enactment of this Act, the Secretary of Health and Human Services shall issue final regulations to carry out the revision required by section 1180(a) of the Social Security Act, as added by subsection (a). The Secretary has the sole authority to promulgate such regulations, but shall promulgate such regulations in consultation with the Secretaries of Labor and the Treasury.

(2) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date that is 1 year after the date of the enactment of this Act.

SEC. 106. ASSURING COORDINATION.

Except as provided in section 105(b)(1), the Secretary of Health and Human Services, the Secretary of Labor, and the Secretary of the Treasury shall ensure, through the execution of an interagency memorandum of understanding among such Secretaries, that—

(1) regulations, rulings, and interpretations issued by such Secretaries relating to the same matter over which two or more such Secretaries have responsibility under this title (and the amendments made by this title) are administered so as to have the same effect at all times; and

(2) coordination of policies relating to enforcing the same requirements through such Secretaries in order to have a coordinated enforcement strategy that avoids duplication of enforcement efforts and assigns priorities in enforcement.

TITLE II—PROHIBITING EMPLOYMENT DISCRIMINATION ON THE BASIS OF GENETIC INFORMATION

SEC. 201. DEFINITIONS.

In this title:

(1) COMMISSION.—The term ''Commission'' means the Equal Employment Opportunity Commission as created by section 705 of the Civil Rights Act of 1964 (42 U.S.C. 2000e–4).

(2) EMPLOYEE; EMPLOYER; EMPLOYMENT AGENCY; LABOR ORGANIZATION; MEMBER.—

(A) IN GENERAL.—The term ''employee'' means—

(i) an employee (including an applicant), as defined in section 701(f) of the Civil Rights Act of 1964 (42 U.S.C. 2000e(f));

(ii) a State employee (including an applicant) described in section 304(a) of the Government Employee Rights Act of 1991 (42 U.S.C. 2000e–16c(a));

(iii) a covered employee (including an applicant), as defined in section 101 of the Congressional Accountability Act of 1995 (2 U.S.C. 1301);

(iv) a covered employee (including an applicant), as defined in section 411(c) of title 3, United States Code; or

(v) an employee or applicant to which section 717(a) of the Civil Rights Act of 1964 (42 U.S.C. 2000e–16(a)) applies.

(B) EMPLOYER.—The term ''employer'' means—

(i) an employer (as defined in section 701(b) of the Civil Rights Act of 1964 (42 U.S.C. 2000e(b)));

(ii) an entity employing a State employee described in section 304(a) of the Government Employee Rights Act of 1991;

(iii) an employing office, as defined in section 101 of the Congressional Accountability Act of 1995;

(iv) an employing office, as defined in section 411(c) of title 3, United States Code; or

(v) an entity to which section 717(a) of the Civil Rights Act of 1964 applies.

(C) EMPLOYMENT AGENCY; LABOR ORGANIZATION.—The terms ''employment agency'' and ''labor organization'' have the meanings given the terms in section 701 of the Civil Rights Act of 1964 (42 U.S.C. 2000e).

(D) MEMBER.—The term ''member'', with respect to a labor organization, includes an applicant for membership in a labor organization.

(3) FAMILY MEMBER.—The term ''family member'' means, with respect to an individual—

(A) a dependent (as such term is used for purposes of section 701(f)(2) of the Employee Retirement Income Security Act of 1974) of such individual, and

(B) any other individual who is a first-degree, second-degree, third-degree, or fourth-degree relative of such individual or of an individual described in subparagraph (A).

(4) GENETIC INFORMATION.—

(A) IN GENERAL.—The term ''genetic information'' means, with respect to any individual, information about—

(i) such individual's genetic tests,

(ii) the genetic tests of family members of such individual, and

(iii) the manifestation of a disease or disorder in family members of such individual.

(B) INCLUSION OF GENETIC SERVICES AND PARTICIPATION IN GENETIC RESEARCH.—Such term includes, with respect to any individual, any request for, or receipt of, genetic services, or participation in clinical research which includes genetic services, by such individual or any family member of such individual.

(C) EXCLUSIONS.—The term ''genetic information'' shall not include information about the sex or age of any individual.

(5) GENETIC MONITORING.—The term ''genetic monitoring'' means the periodic examination of employees to evaluate acquired modifications to their genetic material, such as chromosomal damage or evidence of increased occurrence of mutations, that may have developed in the course of employment due to exposure to toxic substances in the workplace, in order to identify, evaluate, and respond to the effects of or control adverse environmental exposures in the workplace.

(6) GENETIC SERVICES.—The term ''genetic services'' means—

(A) a genetic test;

(B) genetic counseling (including obtaining, interpreting, or assessing genetic information); or

(C) genetic education.

(7) GENETIC TEST.—

(A) IN GENERAL.—The term ''genetic test'' means an analysis of human DNA, RNA, chromosomes, proteins, or metabolites, that detects genotypes, mutations, or chromosomal changes.

(B) EXCEPTIONS.—The term ''genetic test'' does not mean an analysis of proteins or metabolites that does not detect genotypes, mutations, or chromosomal changes.

SEC. 202. EMPLOYER PRACTICES.

(a) DISCRIMINATION BASED ON GENETIC INFORMATION.—It shall be an unlawful employment practice for an employer—

(1) to fail or refuse to hire, or to discharge, any employee, or otherwise to discriminate against any employee with respect to the compensation, terms, conditions, or privileges of employment of the employee, because of genetic information with respect to the employee; or

(2) to limit, segregate, or classify the employees of the employer in any way that would deprive or tend to deprive any employee of employment opportunities or otherwise adversely affect the status of the employee as an employee, because of genetic information with respect to the employee.

(b) ACQUISITION OF GENETIC INFORMATION.—It shall be an unlawful employment practice for an employer to request, require, or purchase genetic information with respect to an employee or a family member of the employee except—

(1) where an employer inadvertently requests or requires family medical history of the employee or family member of the employee;

(2) where—

(A) health or genetic services are offered by the employer, including such services offered as part of a wellness program;

(B) the employee provides prior, knowing, voluntary, and written authorization;

(C) only the employee (or family member if the family member is receiving genetic services) and the licensed health care professional or board certified genetic counselor involved in providing such services receive individually identifiable information concerning the results of such services; and

(D) any individually identifiable genetic information provided under subparagraph (C) in connection with the services provided under subparagraph (A) is only available for purposes of such services and shall not be disclosed to the employer except in aggregate terms that do not disclose the identity of specific employees;

(3) where an employer requests or requires family medical history from the employee to comply with the certification provisions of section 103 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2613) or such requirements under State family and medical leave laws;

(4) where an employer purchases documents that are commercially and publicly available (including newspapers, magazines, periodicals, and books, but not including medical databases or court records) that include family medical history;

(5) where the information involved is to be used for genetic monitoring of the biological effects of toxic substances in the workplace, but only if—

(A) the employer provides written notice of the genetic monitoring to the employee;

(B)(i) the employee provides prior, knowing, voluntary, and written authorization; or

(ii) the genetic monitoring is required by Federal or State law;

(C) the employee is informed of individual monitoring results;

(D) the monitoring is in compliance with—

(i) any Federal genetic monitoring regulations, including any such regulations that may be promulgated by the Secretary of Labor pursuant to the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.), the Federal Mine Safety and Health Act of 1977 (30 U.S.C. 801 et seq.), or the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.); or

(ii) State genetic monitoring regulations, in the case of a State that is implementing genetic monitoring regulations under the authority of the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.); and

(E) the employer, excluding any licensed health care professional or board certified genetic counselor that is involved in the genetic monitoring program, receives the results of the monitoring only in aggregate terms that do not disclose the identity of specific employees; or

(6) where the employer conducts DNA analysis for law enforcement purposes as a forensic laboratory, and such analysis is included in the Combined DNA Index System pursuant to section 210304 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14132), and requests or requires genetic information of such employer's employees, but only to the extent that such genetic information is used for analysis of DNA identification markers for quality control to detect sample contamination.

(c) PRESERVATION OF PROTECTIONS.—In the case of information to which any of paragraphs (1) through (6) of subsection (b) applies, such information may not be used in violation of paragraph (1) or (2) of subsection (a) or treated or disclosed in a manner that violates section 206.

SEC. 203. EMPLOYMENT AGENCY PRACTICES.

(a) DISCRIMINATION BASED ON GENETIC INFORMATION.—It shall be an unlawful employment practice for an employment agency—

(1) to fail or refuse to refer for employment, or otherwise to discriminate against, any individual because of genetic information with respect to the individual;

(2) to limit, segregate, or classify individuals or fail or refuse to refer for employment any individual in any way that would deprive or tend to deprive any individual of employment opportunities, or otherwise adversely affect the status of the individual as an employee, because of genetic information with respect to the individual; or

(3) to cause or attempt to cause an employer to discriminate against an individual in violation of this title.

(b) ACQUISITION OF GENETIC INFORMATION.—It shall be an unlawful employment practice for an employment agency to request, require, or purchase genetic information with respect to an individual or a family member of the individual except—

(1) where an employment agency inadvertently requests or requires family medical history of the individual or family member of the individual;

(2) where—

(A) health or genetic services are offered by the employment agency, including such services offered as part of a wellness program;

(B) the individual provides prior, knowing, voluntary, and written authorization;

(C) only the individual (or family member if the family member is receiving genetic services) and the licensed health care professional or board certified genetic counselor involved in providing such services receive individually identifiable information concerning the results of such services; and

(D) any individually identifiable genetic information provided under subparagraph (C) in connection with the services provided under subparagraph (A) is only available for purposes of such services and shall not be disclosed to the employment agency except in aggregate terms that do not disclose the identity of specific individuals;

(3) where an employment agency requests or requires family medical history from the individual to comply with the certification provisions of section 103 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2613) or such requirements under State family and medical leave laws;

(4) where an employment agency purchases documents that are commercially and publicly available (including newspapers, magazines, periodicals, and books, but not including medical databases or court records) that include family medical history; or

(5) where the information involved is to be used for genetic monitoring of the biological effects of toxic substances in the workplace, but only if—

(A) the employment agency provides written notice of the genetic monitoring to the individual;

(B)(i) the individual provides prior, knowing, voluntary, and written authorization; or

(ii) the genetic monitoring is required by Federal or State law;

(C) the individual is informed of individual monitoring results;

(D) the monitoring is in compliance with—

(i) any Federal genetic monitoring regulations, including any such regulations that may be promulgated by the Secretary of Labor pursuant to the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.), the Federal Mine Safety and Health Act of 1977 (30 U.S.C. 801 et seq.), or the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.); or

(ii) State genetic monitoring regulations, in the case of a State that is implementing genetic monitoring regulations under the authority of the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.); and

(E) the employment agency, excluding any licensed health care professional or board certified genetic counselor that is involved in the genetic monitoring program, receives the results of the monitoring only in aggregate terms that do not disclose the identity of specific individuals.

(c) PRESERVATION OF PROTECTIONS.—In the case of information to which any of paragraphs (1) through (5) of subsection (b) applies, such information may not be used in violation of paragraph (1), (2), or (3) of subsection (a) or treated or disclosed in a manner that violates section 206.

SEC. 204. LABOR ORGANIZATION PRACTICES.

(a) DISCRIMINATION BASED ON GENETIC INFORMATION.—It shall be an unlawful employment practice for a labor organization—

(1) to exclude or to expel from the membership of the organization, or otherwise to discriminate against, any member because of genetic information with respect to the member;

(2) to limit, segregate, or classify the members of the organization, or fail or refuse to refer for employment any member, in any way that would deprive or tend to deprive any member of employment opportunities, or otherwise adversely affect the status of the member as an employee, because of genetic information with respect to the member; or

(3) to cause or attempt to cause an employer to discriminate against a member in violation of this title.

(b) ACQUISITION OF GENETIC INFORMATION.—It shall be an unlawful employment practice for a labor organization to request, require, or purchase genetic information with respect to a member or a family member of the member except—

(1) where a labor organization inadvertently requests or requires family medical history of the member or family member of the member;

(2) where—

(A) health or genetic services are offered by the labor organization, including such services offered as part of a wellness program;

(B) the member provides prior, knowing, voluntary, and written authorization;

(C) only the member (or family member if the family member is receiving genetic services) and the licensed health care professional or board certified genetic counselor involved in providing such services receive individually identifiable information concerning the results of such services; and

(D) any individually identifiable genetic information provided under subparagraph (C) in connection with the services provided under subparagraph (A) is only available for purposes of such services and shall not be disclosed to the labor organization except in aggregate terms that do not disclose the identity of specific members;

(3) where a labor organization requests or requires family medical history from the members to comply with the certification provisions of section 103 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2613) or such requirements under State family and medical leave laws;

(4) where a labor organization purchases documents that are commercially and publicly available (including newspapers, magazines, periodicals, and books, but not including medical databases or court records) that include family medical history; or

(5) where the information involved is to be used for genetic monitoring of the biological effects of toxic substances in the workplace, but only if—

(A) the labor organization provides written notice of the genetic monitoring to the member;

(B)(i) the member provides prior, knowing, voluntary, and written authorization; or

(ii) the genetic monitoring is required by Federal or State law;

(C) the member is informed of individual monitoring results;

(D) the monitoring is in compliance with—

(i) any Federal genetic monitoring regulations, including any such regulations that may be promulgated by the Secretary of Labor pursuant to the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.), the Federal Mine Safety and Health Act of 1977 (30 U.S.C. 801 et seq.), or the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.); or

(ii) State genetic monitoring regulations, in the case of a State that is implementing genetic monitoring regulations under the authority of the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.); and

(E) the labor organization, excluding any licensed health care professional or board certified genetic counselor that is involved in the genetic monitoring program, receives the results of the monitoring only in aggregate terms that do not disclose the identity of specific members.

(c) PRESERVATION OF PROTECTIONS.—In the case of information to which any of paragraphs (1) through (5) of subsection (b) applies, such information may not be used in violation of paragraph (1), (2), or (3) of subsection (a) or treated or disclosed in a manner that violates section 206.

SEC. 205. TRAINING PROGRAMS.

(a) DISCRIMINATION BASED ON GENETIC INFORMATION.—It shall be an unlawful employment practice for any employer, labor organization, or joint labor-management committee controlling apprenticeship or other training or retraining, including on-the-job training programs—

(1) to discriminate against any individual because of genetic information with respect to the individual in admission to, or employment in, any program established to provide apprenticeship or other training or retraining;

(2) to limit, segregate, or classify the applicants for or participants in such apprenticeship or other training or retraining, or fail or refuse to refer for employment any individual, in any way that would deprive or tend to deprive any individual of employment opportunities, or otherwise adversely affect the status of the individual as an employee, because of genetic information with respect to the individual; or

(3) to cause or attempt to cause an employer to discriminate against an applicant for or a participant in such apprenticeship or other training or retraining in violation of this title.

(b) ACQUISITION OF GENETIC INFORMATION.—It shall be an unlawful employment practice for an employer, labor organization, or joint labor-management committee described in subsection (a) to request, require, or purchase genetic information with respect to an individual or a family member of the individual except—

(1) where the employer, labor organization, or joint labor-management committee inadvertently requests or requires family medical history of the individual or family member of the individual;

(2) where—

(A) health or genetic services are offered by the employer, labor organization, or joint labor-management committee, including such services offered as part of a wellness program;

(B) the individual provides prior, knowing, voluntary, and written authorization;

(C) only the individual (or family member if the family member is receiving genetic services) and the licensed health care professional or board certified genetic counselor involved in providing such services receive individually identifiable information concerning the results of such services; and

(D) any individually identifiable genetic information provided under subparagraph (C) in connection with the services provided under subparagraph (A) is only available for purposes of such services and shall not be disclosed to the employer, labor organization, or joint labor-management committee except in aggregate terms that do not disclose the identity of specific individuals;

(3) where the employer, labor organization, or joint labor-management committee requests or requires family medical history from the individual to comply with the certification provisions of section 103 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2613) or such requirements under State family and medical leave laws;

(4) where the employer, labor organization, or joint labor-management committee purchases documents that are commercially and publicly available (including newspapers, magazines, periodicals, and books, but not including medical databases or court records) that include family medical history;

(5) where the information involved is to be used for genetic monitoring of the biological effects of toxic substances in the workplace, but only if—

(A) the employer, labor organization, or joint labor-management committee provides written notice of the genetic monitoring to the individual;

(B)(i) the individual provides prior, knowing, voluntary, and written authorization; or

(ii) the genetic monitoring is required by Federal or State law;

(C) the individual is informed of individual monitoring results;

(D) the monitoring is in compliance with—

(i) any Federal genetic monitoring regulations, including any such regulations that may be promulgated by the Secretary of Labor pursuant to the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.), the Federal Mine Safety and Health Act of 1977 (30 U.S.C. 801 et seq.), or the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.); or

(ii) State genetic monitoring regulations, in the case of a State that is implementing genetic monitoring regulations under the authority of the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.); and

(E) the employer, labor organization, or joint labor-management committee, excluding any licensed health care professional or board certified genetic counselor that is involved in the genetic monitoring program, receives the results of the monitoring only in aggregate terms that do not disclose the identity of specific individuals; or

(6) where the employer conducts DNA analysis for law enforcement purposes as a forensic laboratory, and such analysis is included in the Combined DNA Index System pursuant to section 210304 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14132), and requests or requires genetic information of such employer's apprentices or trainees, but only to the extent that such genetic information is used for analysis of DNA identification markers for quality control to detect sample contamination.

(c) PRESERVATION OF PROTECTIONS.—In the case of information to which any of paragraphs

(1) through (6) of subsection (b) applies, such information may not be used in violation of paragraph (1), (2), or (3) of subsection (a) or treated or disclosed in a manner that violates section 206.

SEC. 206. CONFIDENTIALITY OF GENETIC INFORMATION.

(a) TREATMENT OF INFORMATION AS PART OF CONFIDENTIAL MEDICAL RECORD.—If an employer, employment agency, labor organization, or joint labor-management committee possesses genetic information about an employee or member, such information shall be maintained on separate forms and in separate medical files and be treated as a confidential medical record of the employee or member. An employer, employment agency, labor organization, or joint labor-management committee shall be considered to be in compliance with the maintenance of information requirements of this subsection with respect to genetic information subject to this subsection that is maintained with and treated as a confidential medical record under section 102(d)(3)(B) of the Americans With Disabilities Act (42 U.S.C. 12112(d)(3)(B)).

(b) LIMITATION ON DISCLOSURE.—An employer, employment agency, labor organization, or joint labor-management committee shall not disclose genetic information concerning an employee or member except—

(1) to the employee or member of a labor organization (or family member if the family member is receiving the genetic services) at the written request of the employee or member of such organization;

(2) to an occupational or other health researcher if the research is conducted in compliance with the regulations and protections provided for under part 46 of title 45, Code of Federal Regulations;

(3) in response to an order of a court, except that—

(A) the employer, employment agency, labor organization, or joint labor-management committee may disclose only the genetic information expressly authorized by such order; and

(B) if the court order was secured without the knowledge of the employee or member to whom the information refers, the employer, employment agency, labor organization, or joint labor-management committee shall inform the employee or member of the court order and any genetic information that was disclosed pursuant to such order;

(4) to government officials who are investigating compliance with this title if the information is relevant to the investigation;

(5) to the extent that such disclosure is made in connection with the employee's compliance with the certification provisions of section 103 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2613) or such requirements under State family and medical leave laws; or

(6) to a Federal, State, or local public health agency only with regard to information that is described in section 201(4)(A)(iii) and that concerns a contagious disease that presents an imminent hazard of death or life-threatening illness, and that the employee whose family member or family members is or are the subject of a disclosure under this paragraph is notified of such disclosure.

(c) RELATIONSHIP TO HIPAA REGULATIONS.—With respect to the regulations promulgated by the Secretary of Health and Human Services under part C of title XI of the Social Security Act (42 U.S.C. 1320d et seq.) and section 264 of the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. 1320d–2 note), this title does not prohibit a covered entity under such regulations from any use or disclosure of health information that is authorized for the covered entity under such regulations. The previous sentence does not affect the authority of such Secretary to modify such regulations.

SEC. 207. REMEDIES AND ENFORCEMENT.

(a) EMPLOYEES COVERED BY TITLE VII OF THE CIVIL RIGHTS ACT OF 1964.—

(1) IN GENERAL.—The powers, procedures, and remedies provided in sections 705, 706, 707, 709, 710, and 711 of the Civil Rights Act of 1964 (42 U.S.C. 2000e–4 et seq.) to the Commission, the Attorney General, or any person, alleging a violation of title VII of that Act (42 U.S.C. 2000e et seq.) shall be the powers, procedures, and remedies this title provides to the Commission, the Attorney General, or any person, respectively, alleging an unlawful employment practice in violation of this title against an employee described in section 201(2)(A)(i), except as provided in paragraphs (2) and (3).

(2) COSTS AND FEES.—The powers, remedies, and procedures provided in subsections (b) and (c) of section 722 of the Revised Statutes of the United States (42 U.S.C. 1988), shall be powers, remedies, and procedures this title provides to the Commission, the Attorney General, or any person, alleging such a practice.

(3) DAMAGES.—The powers, remedies, and procedures provided in section 1977A of the Revised Statutes of the United States (42 U.S.C. 1981a), including the limitations contained in subsection (b)(3) of such section 1977A, shall be powers, remedies, and procedures this title provides to the Commission, the Attorney General, or any person, alleging such a practice (not an employment practice specifically excluded from coverage under section 1977A(a)(1) of the Revised Statutes of the United States).

(b) EMPLOYEES COVERED BY GOVERNMENT EMPLOYEE RIGHTS ACT OF 1991.—

(1) IN GENERAL.—The powers, remedies, and procedures provided in sections 302 and 304 of the Government Employee Rights Act of 1991 (42 U.S.C. 2000e–16b, 2000e–16c) to the Commission, or any person, alleging a violation of section 302(a)(1) of that Act (42 U.S.C. 2000e–16b(a)(1)) shall be the powers, remedies, and procedures this title provides to the Commission, or any person, respectively, alleging an unlawful employment practice in violation of this title against an employee described in section 201(2)(A)(ii), except as provided in paragraphs (2) and (3).

(2) COSTS AND FEES.—The powers, remedies, and procedures provided in subsections (b) and (c) of section 722 of the Revised Statutes of the United States (42 U.S.C. 1988), shall be powers, remedies, and procedures this title provides to the Commission, or any person, alleging such a practice.

(3) DAMAGES.—The powers, remedies, and procedures provided in section 1977A of the Revised Statutes of the United States (42 U.S.C. 1981a), including the limitations contained in subsection (b)(3) of such section 1977A, shall be powers, remedies, and procedures this title provides to the Commission, or any person, alleging such a practice (not an employment practice specifically excluded from coverage under section 1977A(a)(1) of the Revised Statutes of the United States).

(c) EMPLOYEES COVERED BY CONGRESSIONAL ACCOUNTABILITY ACT OF 1995.—

(1) IN GENERAL.—The powers, remedies, and procedures provided in the Congressional Accountability Act of 1995 (2 U.S.C. 1301 et seq.) to the Board (as defined in section 101 of that Act (2 U.S.C. 1301)), or any person, alleging a violation of section 201(a)(1) of that Act (42 U.S.C. 1311(a)(1)) shall be the powers, remedies, and procedures this title provides to that Board, or any person, alleging an unlawful employment practice in violation of this title against an employee described in section 201(2)(A)(iii), except as provided in paragraphs (2) and (3).

(2) COSTS AND FEES.—The powers, remedies, and procedures provided in subsections (b) and (c) of section 722 of the Revised Statutes of the United States (42 U.S.C. 1988), shall be powers, remedies, and procedures this title provides to that Board, or any person, alleging such a practice.

(3) DAMAGES.—The powers, remedies, and procedures provided in section 1977A of the Revised Statutes of the United States (42 U.S.C. 1981a), including the limitations contained in subsection (b)(3) of such section 1977A, shall be powers, remedies, and procedures this title provides to that Board, or any person, alleging such a practice (not an employment practice specifically excluded from coverage under section 1977A(a)(1) of the Revised Statutes of the United States).

(4) OTHER APPLICABLE PROVISIONS.—With respect to a claim alleging a practice described in paragraph (1), title III of the Congressional Accountability Act of 1995 (2 U.S.C. 1381 et seq.) shall apply in the same manner as such title applies with respect to a claim alleging a violation of section 201(a)(1) of such Act (2 U.S.C. 1311(a)(1)).

(d) EMPLOYEES COVERED BY CHAPTER 5 OF TITLE 3, UNITED STATES CODE.—

(1) IN GENERAL.—The powers, remedies, and procedures provided in chapter 5 of title 3, United States Code, to the President, the Commission, the Merit Systems Protection Board, or any person, alleging a violation of section 411(a)(1) of that title, shall be the powers, remedies, and procedures this title provides to the President, the Commission, such Board, or any person, respectively, alleging an unlawful employment practice in violation of this title against an employee described in section 201(2)(A)(iv), except as provided in paragraphs (2) and (3).

(2) COSTS AND FEES.—The powers, remedies, and procedures provided in subsections (b) and (c) of section 722 of the Revised Statutes of the United States (42 U.S.C. 1988), shall be powers, remedies, and procedures this title provides to the President, the Commission, such Board, or any person, alleging such a practice.

(3) DAMAGES.—The powers, remedies, and procedures provided in section 1977A of the Revised Statutes of the United States (42 U.S.C. 1981a), including the limitations contained in subsection (b)(3) of such section 1977A, shall be powers, remedies, and procedures this title provides to the President, the Commission, such Board, or any person, alleging such a practice (not an employment practice specifically excluded from coverage under section 1977A(a)(1) of the Revised Statutes of the United States).

(e) EMPLOYEES COVERED BY SECTION 717 OF THE CIVIL RIGHTS ACT OF 1964.—

(1) IN GENERAL.—The powers, remedies, and procedures provided in section 717 of the Civil Rights Act of 1964 (42 U.S.C. 2000e–16) to the Commission, the Attorney General, the Librarian of Congress, or any person, alleging a violation of that section shall be the powers, remedies, and procedures this title provides to the Commission, the Attorney General, the Librarian of Congress, or any person, respectively, alleging an unlawful employment practice in violation of this title against an employee or applicant described in section 201(2)(A)(v), except as provided in paragraphs (2) and (3).

(2) COSTS AND FEES.—The powers, remedies, and procedures provided in subsections (b) and (c) of section 722 of the Revised Statutes of the United States (42 U.S.C. 1988), shall be powers, remedies, and procedures this title provides to the Commission, the Attorney General, the Librarian of Congress, or any person, alleging such a practice.

(3) DAMAGES.—The powers, remedies, and procedures provided in section 1977A of the Revised Statutes of the United States (42 U.S.C. 1981a), including the limitations contained in subsection (b)(3) of such section 1977A, shall be powers, remedies, and procedures this title provides to the Commission, the Attorney General, the Librarian of Congress, or any person, alleging such a practice (not an employment practice specifically excluded from coverage under section 1977A(a)(1) of the Revised Statutes of the United States).

(f) PROHIBITION AGAINST RETALIATION.—No person shall discriminate against any individual because such individual has opposed any act or practice made unlawful by this title or because such individual made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this

title. The remedies and procedures otherwise provided for under this section shall be available to aggrieved individuals with respect to violations of this subsection.

(g) DEFINITION.—In this section, the term ''Commission'' means the Equal Employment Opportunity Commission.

SEC. 208. DISPARATE IMPACT.

(a) GENERAL RULE.—Notwithstanding any other provision of this Act, ''disparate impact'', as that term is used in section 703(k) of the Civil Rights Act of 1964 (42 U.S.C. 2000e–2(k)), on the basis of genetic information does not establish a cause of action under this Act.

(b) COMMISSION.—On the date that is 6 years after the date of enactment of this Act, there shall be established a commission, to be known as the Genetic Nondiscrimination Study Commission (referred to in this section as the ''Commission'') to review the developing science of genetics and to make recommendations to Congress regarding whether to provide a disparate impact cause of action under this Act.

(c) MEMBERSHIP.—

(1) IN GENERAL.—The Commission shall be composed of 8 members, of which—

(A) 1 member shall be appointed by the Majority Leader of the Senate;

(B) 1 member shall be appointed by the Minority Leader of the Senate;

(C) 1 member shall be appointed by the Chairman of the Committee on Health, Education, Labor, and Pensions of the Senate;

(D) 1 member shall be appointed by the ranking minority member of the Committee on Health, Education, Labor, and Pensions of the Senate;

(E) 1 member shall be appointed by the Speaker of the House of Representatives;

(F) 1 member shall be appointed by the Minority Leader of the House of Representatives;

(G) 1 member shall be appointed by the Chairman of the Committee on Education and Labor of the House of Representatives; and

(H) 1 member shall be appointed by the ranking minority member of the Committee on Education and Labor of the House of Representatives.

(2) COMPENSATION AND EXPENSES.—The members of the Commission shall not receive compensation for the performance of services for the Commission, but shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(d) ADMINISTRATIVE PROVISIONS.—

(1) LOCATION.—The Commission shall be located in a facility maintained by the Equal Employment Opportunity Commission.

(2) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(3) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out the provisions of this section. Upon request of the Commission, the head of such department or agency shall furnish such information to the Commission.

(4) HEARINGS.—The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out the objectives of this section, except that, to the extent possible, the Commission shall use existing data and research.

(5) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(e) REPORT.—Not later than 1 year after all of the members are appointed to the Commission under subsection (c)(1), the Commission shall submit to Congress a report that summarizes the findings of the Commission and makes such recommendations for legislation as are consistent with this Act.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Equal Employment Opportunity Commission such sums as may be necessary to carry out this section.

SEC. 209. CONSTRUCTION.

(a) IN GENERAL.—Nothing in this title shall be construed to—

(1) limit the rights or protections of an individual under any other Federal or State statute that provides equal or greater protection to an individual than the rights or protections provided for under this title, including the protections of an individual under the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) (including coverage afforded to individuals under section 102 of such Act (42 U.S.C. 12112)), or under the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.);

(2)(A) limit the rights or protections of an individual to bring an action under this title against an employer, employment agency, labor organization, or joint labor-management committee for a violation of this title; or

(B) provide for enforcement of, or penalties for violation of, any requirement or prohibition applicable to any employer, employment agency, labor organization, or joint labor-management committee subject to enforcement for a violation under—

(i) the amendments made by title I of this Act;

(ii)(I) subsection (a) of section 701 of the Employee Retirement Income Security Act of 1974 as such section applies with respect to genetic information pursuant to subsection (b)(1)(B) of such section;

(II) section 702(a)(1)(F) of such Act; or

(III) section 702(b)(1) of such Act as such section applies with respect to genetic information as a health status-related factor;

(iii)(I) subsection (a) of section 2701 of the Public Health Service Act as such section applies with respect to genetic information pursuant to subsection (b)(1)(B) of such section;

(II) section 2702(a)(1)(F) of such Act; or

(III) section 2702(b)(1) of such Act as such section applies with respect to genetic information as a health status-related factor; or

(iv)(I) subsection (a) of section 9801 of the Internal Revenue Code of 1986 as such section applies with respect to genetic information pursuant to subsection (b)(1)(B) of such section;

(II) section 9802(a)(1)(F) of such Act; or

(III) section 9802(b)(1) of such Act as such section applies with respect to genetic information as a health status-related factor;

(3) apply to the Armed Forces Repository of Specimen Samples for the Identification of Remains;

(4) limit or expand the protections, rights, or obligations of employees or employers under applicable workers' compensation laws;

(5) limit the authority of a Federal department or agency to conduct or sponsor occupational or other health research that is conducted in compliance with the regulations contained in part 46 of title 45, Code of Federal Regulations (or any corresponding or similar regulation or rule);

(6) limit the statutory or regulatory authority of the Occupational Safety and Health Administration or the Mine Safety and Health Administration to promulgate or enforce workplace safety and health laws and regulations; or

(7) require any specific benefit for an employee or member or a family member of an employee or member under any group health plan or health insurance issuer offering group health insurance coverage in connection with a group health plan.

(b) GENETIC INFORMATION OF A FETUS OR EMBRYO.—Any reference in this title to genetic information concerning an individual or family member of an individual shall—

(1) with respect to such an individual or family member of an individual who is a pregnant woman, include genetic information of any fetus carried by such pregnant woman; and

(2) with respect to an individual or family member utilizing an assisted reproductive technology, include genetic information of any embryo legally held by the individual or family member.

(c) RELATION TO AUTHORITIES UNDER TITLE I.—With respect to a group health plan, or a health insurance issuer offering group health insurance coverage in connection with a group health plan, this title does not prohibit any activity of such plan or issuer that is authorized for the plan or issuer under any provision of law referred to in clauses (i) through (iv) of subsection (a)(2)(B).

SEC. 210. MEDICAL INFORMATION THAT IS NOT GENETIC INFORMATION.

An employer, employment agency, labor organization, or joint labor-management committee shall not be considered to be in violation of this title based on the use, acquisition, or disclosure of medical information that is not genetic information about a manifested disease, disorder, or pathological condition of an employee or member, including a manifested disease, disorder, or pathological condition that has or may have a genetic basis.

SEC. 211. REGULATIONS.

Not later than 1 year after the date of enactment of this title, the Commission shall issue final regulations to carry out this title.

SEC. 212. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this title (except for section 208).

SEC. 213. EFFECTIVE DATE.

This title takes effect on the date that is 18 months after the date of enactment of this Act.

TITLE III—MISCELLANEOUS PROVISIONS

SEC. 301. SEVERABILITY.

If any provision of this Act, an amendment made by this Act, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this Act, the amendments made by this Act, and the application of such provisions to any person or circumstance shall not be affected thereby.

SEC. 302. CHILD LABOR PROTECTIONS.

(a) IN GENERAL.—Section 16(e) of the Fair Labor Standards Act of 1938 (29 U.S.C. 216(e)) is amended to read as follows:

''(e)(1)(A) Any person who violates the provisions of sections 12 or 13(c), relating to child labor, or any regulation issued pursuant to such sections, shall be subject to a civil penalty not to exceed—

''(i) $11,000 for each employee who was the subject of such a violation; or

''(ii) $50,000 with regard to each such violation that causes the death or serious injury of any employee under the age of 18 years, which penalty may be doubled where the violation is a repeated or willful violation.

''(B) For purposes of subparagraph (A), the term 'serious injury' means—

''(i) permanent loss or substantial impairment of one of the senses (sight, hearing, taste, smell, tactile sensation);

''(ii) permanent loss or substantial impairment of the function of a bodily member, organ, or mental faculty, including the loss of all or part of an arm, leg, foot, hand or other body part; or

''(iii) permanent paralysis or substantial impairment that causes loss of movement or mobility of an arm, leg, foot, hand or other body part.

''(2) Any person who repeatedly or willfully violates section 6 or 7, relating to wages, shall be subject to a civil penalty not to exceed $1,100 for each such violation.

''(3) In determining the amount of any penalty under this subsection, the appropriateness of such penalty to the size of the business of the person charged and the gravity of the violation

shall be considered. The amount of any penalty under this subsection, when finally determined, may be—

''(A) deducted from any sums owing by the United States to the person charged;

''(B) recovered in a civil action brought by the Secretary in any court of competent jurisdiction, in which litigation the Secretary shall be represented by the Solicitor of Labor; or

''(C) ordered by the court, in an action brought for a violation of section 15(a)(4) or a repeated or willful violation of section 15(a)(2), to be paid to the Secretary.

''(4) Any administrative determination by the Secretary of the amount of any penalty under this subsection shall be final, unless within 15 days after receipt of notice thereof by certified mail the person charged with the violation takes exception to the determination that the violations for which the penalty is imposed occurred, in which event final determination of the penalty shall be made in an administrative proceeding after opportunity for hearing in accordance with section 554 of title 5, United States Code, and regulations to be promulgated by the Secretary.

''(5) Except for civil penalties collected for violations of section 12, sums collected as penalties pursuant to this section shall be applied toward reimbursement of the costs of determining the violations and assessing and collecting such penalties, in accordance with the provision of section 2 of the Act entitled 'An Act to authorize the Department of Labor to make special statistical studies upon payment of the cost thereof and for other purposes' (29 U.S.C. 9a). Civil penalties collected for violations of section 12 shall be deposited in the general fund of the Treasury.''.

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

Pending consideration of said amendment of the Senate.

Pursuant to House Resolution 1156, Mr. George MILLER of California, moved that the House agree to the amendment of the Senate.

Pursuant to House Resolution 1156, the SPEAKER pro tempore, Mrs. TAUSCHER, recognized Messrs. George MILLER of California, MCKEON, DINGELL, UPTON, STARK, and CAMP of Michigan, for 10 minutes each.

When said motion was considered.

After debate,

Pursuant to House Resolution 1156, the previous question was ordered.

The question being put, viva voce,

Will the House agree to said motion?

The SPEAKER pro tempore, Mr. PASTOR, announced that the yeas had it.

Mr. George MILLER of California, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 414 / Nays 1

¶51.7 [Roll No. 234]

YEAS—414

Abercrombie	Arcuri	Barton (TX)
Ackerman	Baca	Bean
Aderholt	Bachmann	Becerra
Akin	Bachus	Berkley
Alexander	Baird	Berman
Allen	Baldwin	Berry
Altmire	Barrett (SC)	Biggert
Andrews	Bartlett (MD)	Bilbray
Bilirakis	Feeney	Lowey
Bishop (GA)	Ferguson	Lucas
Bishop (NY)	Filner	Lungren, Daniel E.
Bishop (UT)	Flake	Lynch
Blumenauer	Fortenberry	Mack
Blunt	Foster	Mahoney (FL)
Boehner	Foxx	Maloney (NY)
Bonner	Frank (MA)	Manzullo
Bono Mack	Franks (AZ)	Marchant
Boozman	Frelinghuysen	Markey
Boren	Gallegly	Marshall
Boswell	Garrett (NJ)	Matheson
Boucher	Gerlach	Matsui
Boustany	Giffords	McCarthy (CA)
Boyd (FL)	Gilchrest	McCarthy (NY)
Boyda (KS)	Gillibrand	McCaul (TX)
Brady (PA)	Gingrey	McCollum (MN)
Brady (TX)	Gonzalez	McCotter
Braley (IA)	Goode	McCrery
Broun (GA)	Goodlatte	McDermott
Brown (SC)	Gordon	McGovern
Brown, Corrine	Granger	McHenry
Brown-Waite, Ginny	Graves	McHugh
Buchanan	Green, Al	McIntyre
Burton (IN)	Green, Gene	McKeon
Butterfield	Grijalva	McMorris Rodgers
Buyer	Gutierrez	McNerney
Calvert	Hall (NY)	McNulty
Camp (MI)	Hall (TX)	Meek (FL)
Campbell (CA)	Hare	Meeks (NY)
Cannon	Harman	Melancon
Cantor	Hastings (FL)	Mica
Capito	Hastings (WA)	Michaud
Capps	Hayes	Miller (FL)
Capuano	Heller	Miller (MI)
Cardoza	Hensarling	Miller (NC)
Carnahan	Herger	Miller, Gary
Carney	Herseth Sandlin	Miller, George
Carson	Higgins	Mitchell
Carter	Hill	Mollohan
Castle	Hinchey	Moore (KS)
Castor	Hinojosa	Moore (WI)
Chabot	Hirono	Moran (KS)
Chandler	Hobson	Moran (VA)
Clarke	Hodes	Murphy (CT)
Clay	Hoekstra	Murphy, Patrick
Cleaver	Holden	Murphy, Tim
Clyburn	Holt	Murtha
Coble	Hooley	Musgrave
Cohen	Hoyer	Myrick
Cole (OK)	Hulshof	Nadler
Conaway	Hunter	Napolitano
Conyers	Inglis (SC)	Neal (MA)
Cooper	Inslee	Neugebauer
Costa	Issa	Nunes
Costello	Jackson (IL)	Oberstar
Courtney	Jackson-Lee (TX)	Obey
Cramer	Jefferson	Olver
Crenshaw	Johnson (GA)	Ortiz
Crowley	Johnson (IL)	Pallone
Cuellar	Johnson, E. B.	Pascrell
Culberson	Johnson, Sam	Pastor
Cummings	Jones (NC)	Pearce
Davis (AL)	Jordan	Pence
Davis (CA)	Kagen	Perlmutter
Davis (IL)	Kanjorski	Peterson (MN)
Davis (KY)	Kaptur	Peterson (PA)
Davis, David	Keller	Petri
Davis, Lincoln	Kennedy	Pickering
Davis, Tom	Kildee	Pitts
DeFazio	Kilpatrick	Platts
DeGette	Kind	Poe
Delahunt	King (IA)	Pomeroy
DeLauro	King (NY)	Porter
Dent	Kingston	Price (GA)
Diaz-Balart, L.	Kirk	Price (NC)
Diaz-Balart, M.	Klein (FL)	Pryce (OH)
Dicks	Kline (MN)	Putnam
Dingell	Knollenberg	Radanovich
Donnelly	Kucinich	Rahall
Doolittle	Kuhl (NY)	Ramstad
Doyle	Lamborn	Rangel
Drake	Lampson	Regula
Dreier	Langevin	Rehberg
Duncan	Larsen (WA)	Reichert
Edwards	Larson (CT)	Renzi
Ehlers	Latham	Reyes
Ellison	LaTourette	Reynolds
Ellsworth	Latta	Richardson
Emanuel	Lee	Rodriguez
Emerson	Levin	Rogers (AL)
Engel	Lewis (CA)	Rogers (KY)
English (PA)	Lewis (GA)	Rogers (MI)
Eshoo	Lewis (KY)	Rohrabacher
Etheridge	Linder	Ros-Lehtinen
Everett	Lipinski	Roskam
Fallin	LoBiondo	Ross
Farr	Loebsack	Rothman
Fattah	Lofgren, Zoe	Roybal-Allard
Royce	Slaughter	Upton
Ruppersberger	Smith (NE)	Van Hollen
Ryan (OH)	Smith (NJ)	Velázquez
Ryan (WI)	Smith (TX)	Visclosky
Salazar	Smith (WA)	Walberg
Sali	Snyder	Walden (OR)
Sánchez, Linda T.	Solis	Walsh (NY)
Sanchez, Loretta	Souder	Walz (MN)
Sarbanes	Space	Wamp
Saxton	Speier	Wasserman Schultz
Schakowsky	Spratt	Waters
Schiff	Stark	Watson
Schmidt	Stearns	Watt
Schwartz	Stupak	Waxman
Scott (GA)	Sullivan	Weiner
Scott (VA)	Sutton	Welch (VT)
Sensenbrenner	Tancredo	Weldon (FL)
Serrano	Tanner	Weller
Sessions	Tauscher	Westmoreland
Sestak	Taylor	Wexler
Shadegg	Terry	Whitfield (KY)
Shays	Thompson (CA)	Wilson (OH)
Shea-Porter	Thompson (MS)	Wilson (SC)
Sherman	Thornberry	Wittman (VA)
Shimkus	Tiahrt	Wolf
Shuler	Tiberi	Woolsey
Shuster	Tierney	Wu
Simpson	Towns	Wynn
Sires	Tsongas	Yarmuth
Skelton	Turner	Young (AK)
	Udall (CO)	Young (FL)
	Udall (NM)	

NAYS—1

Paul

NOT VOTING—16

Barrow	Forbes	LaHood
Blackburn	Fossella	Payne
Burgess	Gohmert	Rush
Cubin	Honda	Wilson (NM)
Deal (GA)	Israel	
Doggett	Jones (OH)	

So the motion was agreed to.

A motion to reconsider the vote whereby said motion was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶51.8 MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Wanda Evans, one of his secretaries.

¶51.9 H. RES. 1167—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. PASTOR, pursuant to clause 8, rule XX, announced the unfinished business to be the question on ordering the previous question on the resolution (H. Res. 1167) providing for consideration of motions to suspend the rules.

The question being put,

Will the House now order the previous question?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 226 / Nays 190

¶51.10 [Roll No. 235]

YEAS—226

Abercrombie	Bishop (GA)	Carnahan
Ackerman	Bishop (NY)	Carney
Allen	Blumenauer	Carson
Altmire	Boren	Castor
Andrews	Boswell	Chandler
Arcuri	Boucher	Clarke
Baca	Boyd (FL)	Clay
Baird	Boyda (KS)	Cleaver
Baldwin	Brady (PA)	Clyburn
Barrow	Braley (IA)	Cohen
Bean	Brown, Corrine	Conyers
Becerra	Butterfield	Cooper
Berkley	Capps	Costa
Berman	Capuano	Costello
Berry	Cardoza	Courtney

Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—190

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

NOT VOTING—15

Barton (TX)
Blackburn
Cubin
Deal (GA)
Doggett
Forbes
Fossella
Gohmert
Honda
Israel
LaHood
Payne
Rush
Wilson (NM)
Wynn

So the previous question on the resolution was ordered.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. PASTOR, announced that the yeas had it.

Mr. HASTINGS of Washington, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 228 / Nays 189

¶51.11 [Roll No. 236]

YEAS—228

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

NAYS—189

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilirakis
Bishop (UT)
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mitchell
Moran (KS)
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns

Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOT VOTING—14

Bilbray
Blackburn
Cubin
Deal (GA)
Doggett
Forbes
Fossella
Honda
Israel
LaHood
Payne
Rush
Wilson (NM)
Wynn

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶51.12 H. CON. RES. 308—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. PASTOR, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the concurrent resolution (H. Con. Res. 308) authorizing the use of the Capitol grounds for the National Peace Officers' Memorial Service.

The question being put,

Will the House suspend the rules and agree to said concurrent resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 412 Nays 0

¶51.13 [Roll No. 237]

YEAS—412

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Hooley
Hoyer
Hunter
Inglis (SC)
Inslee
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E.B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pascrell
Pastor
Paul
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—19

Blackburn
Burgess
Cubin
Deal (GA)
Doggett
Ellison
Forbes
Fossella
Herger
Honda
Hulshof
Israel
LaHood
Pallone
Payne
Rush
Slaughter
Wilson (NM)
Wynn

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said concurrent resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said concurrent resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶51.14 TECHNICAL CORRECTIONS TO H.R. 493

Mr. George MILLER of California, moved to suspend the rules and agree to the following concurrent resolution (H. Con. Res. 340):

Resolved by the House of Representatives (the Senate concurring), That in the enrollment of the bill H.R. 493 (to prohibit discrimination on the basis of genetic information with respect to health insurance and employment) the Clerk of the House of Representatives shall make the following technical corrections:

(1) In section 104(d)—

(A) in paragraph (2), strike ''June 30, 2008'' and insert ''October 31, 2008'';

(B) in paragraph (3), strike ''October 1, 2008'' and insert ''July 1, 2009''; and

(C) in paragraph (4)—

(i) in subparagraph (A)(ii), strike ''October 1, 2008'' and insert ''July 1, 2009''; and

(ii) in subparagraph (B)(ii)—

(I) strike ''in 2008'' and insert ''in 2009''; and

(II) strike ''July 1, 2008'' and insert ''July 1, 2009''.

(2) In section 202(b)(6), strike ''law enforcement'' and all that follows through ''and requests'' and insert ''law enforcement purposes as a forensic laboratory or for purposes of human remains identification, and requests''.

(3) In section 205(b)(6), strike ''law enforcement'' and all that follows through ''and requests'' and insert ''law enforcement purposes as a forensic laboratory or for purposes of human remains identification, and requests''.

The SPEAKER pro tempore, Mr. PASTOR, recognized Mr. George MILLER of California, and Mr. MCKEON, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution?

The SPEAKER pro tempore, Mr. PASTOR, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said concurrent resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said concurrent resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶51.15 STUDENT LOANS

Mr. George MILLER of California, moved to suspend the rules and agree to the following amendments of the Senate to the bill (H.R. 5715) to ensure

continued availability of access to the Federal student loan program for students and families:

(1) On page 2, line 5, strike ''**AND GRADUATE**''

(2) On page 7, line 11, strike ''issued'' and insert: ''first disbursed''.

(3) On page 9, line 12, strike ''issued'' and insert: ''first disbursed''.

(4) On page 9, line 24 through page 10 line 11 strike and insert:

''*(B)(i) EXTENUATING CIRCUMSTANCES.—An eligible lender may determine that extenuating circumstances exist under the regulations promulgated pursuant to paragraph (1)(A) if, during the period beginning January 1, 2007, and ending December 31, 2009, an applicant for a loan under this section—*

''*(I) is or has been delinquent for 180 days or fewer on mortgage loan payments or on medical bill payments during such period; and*

''*(II) is not and has not been more than 89 days delinquent on the repayment of any other debt during such period.*

''*(ii) DEFINITION OF MORTGAGE LOAN.—In this subparagraph, the term 'mortgage loan' means an extension of credit to a borrower that is secured by the primary residence of the borrower.*

''*(iii) RULE OF CONSTRUCTION.—Nothing in this subparagraph shall be construed to limit an eligible lender's authority under the regulations promulgated pursuant to paragraph (1)(A) to determine that extenuating circumstances exist.*''.

(5) On page 10, after line 24 insert:

(1) in paragraph (1), by inserting after the second sentence the following: ''No loan under section 428, 428B, or 428H that is made pursuant to this subsection shall be made with interest rates, origination or default fees, or other terms and conditions that are more favorable to the borrower than the maximum interest rates, origination or default fees, or other terms and conditions applicable to that type of loan under this part.'';

(6) On page 12, line 14, strike ''lenders willing to make loans'' and insert: ''eligible lenders willing to make loans under this part''.

(7) On page 13, after line 2 insert:

''*(6) EXPIRATION OF AUTHORITY.—The Secretary's authority under paragraph (4) to designate institutions of higher education for participation in the program under this subsection shall expire on June 30, 2009.*

''*(7) EXPIRATION OF DESIGNATION.—The eligibility of an institution of higher education, or borrowers from such institution, to participate in the program under this subsection pursuant to a designation of the institution by the Secretary under paragraph (4) shall expire on June 30, 2009. After such date, borrowers from an institution designated under paragraph (4) shall be eligible to participate in the program under this subsection as such program existed on the day before the date of enactment of the Ensuring Continued Access to Student Loans Act of 2008.*

''*(8) PROHIBITION ON INDUCEMENTS AND MARKETING.—Each guaranty agency or eligible lender that serves as a lender-of-last-resort under this subsection—*

''*(A) shall be subject to the prohibitions on inducements contained in subsection (b)(3) and the requirements of section 435(d)(5); and*

''*(B) shall not advertise, market, or otherwise promote loans under this subsection, except that nothing in this paragraph shall prohibit a guaranty agency from fulfilling its responsibilities under paragraph (2)(C).*

''*(9) DISSEMINATION AND REPORTING.—*

''*(A) IN GENERAL.—The Secretary shall—*

''*(i) broadly disseminate information regarding the availability of loans made under this subsection;*

''*(ii) during the period beginning July 1, 2008 and ending June 30, 2010, provide to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and Labor of the House of Representatives and make available to the public—*

''*(I) copies of any new or revised plans or agreements made by guaranty agencies or the Department related to the authorities under this subsection;*

''*(II) quarterly reports on—*

''*(aa) the number and amounts of loans originated or approved pursuant to this subsection by each guaranty agency and eligible lender; and*

''*(bb) any related payments by the Department, a guaranty agency, or an eligible lender; and*

''*(III) a budget estimate of the costs to the Federal Government (including subsidy and administrative costs) for each 100 dollars loaned, of loans made pursuant to this subsection between the date of enactment of the Ensuring Continued Access to Student Loans Act of 2008 and June 30, 2009, disaggregated by type of loan, compared to such costs to the Federal Government during such time period of comparable loans under this part and part D, disaggregated by part and by type of loan; and*

''*(iii) beginning July 1, 2010, provide to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and Labor of the House of Representatives and make available to the public—*

''*(I) copies of any new or revised plans or agreements made by guaranty agencies or the Department related to the authorities under this subsection; and*

''*(II) annual reports on—*

''*(aa) the number and amounts of loans originated or approved pursuant to this subsection by each guaranty agency and eligible lender; and*

''*(bb) any related payments by the Department, a guaranty agency, or an eligible lender.*

''*(B) SEPARATE REPORTING.—The information required to be reported under subparagraph (A)(ii)(II) shall be reported separately for loans originated or approved pursuant to paragraph (4), or payments related to such loans, for the time period in which the Secretary is authorized to make designations under paragraph (4).*''.

(8) On page 13, line 12, strike ''agency's'' and insert: ''agencies''.

(9) On page 14, line 3, strike ''adding at the end'' and insert: ''inserting before the matter following paragraph (5)''.

(10) On page 15, line 19, strike ''loans originated'' and insert: ''loans first disbursed''.

(11) On page 15, line 21, after ''October 1, 2003,'' insert: ''and before July 1, 2009,''.

(12) On page 16, line 1, after ''Federal Government'' insert: ''(including the cost of servicing the loans purchased)''.

(13) On page 16, strike lines 5 through 23, and insert the following:

''*(2) FEDERAL REGISTER NOTICE.—The Secretary, the Secretary of the Treasury, and the Director of the Office of Management and Budget, shall jointly publish a notice in the Federal Register prior to any purchase of loans under this section that—*

''*(A) establishes the terms and conditions governing the purchases authorized by paragraph (1);*

''*(B) includes an outline of the methodology and factors that the Secretary, the Secretary of the Treasury, and the Director of the Office of Management and Budget, will jointly consider in evaluating the price at which to purchase loans made under section 428, 428B, or 428H; and*

''*(C) describes how the use of such methodology and consideration of such factors used to determine purchase price will ensure that loan purchases do not result in any net cost to the Federal Government (including the cost of servicing the loans purchased).*''.

(14) On page 20, after line 9 insert the following:

SEC. 10. ACADEMIC COMPETITIVENESS GRANTS.

(a) AMENDMENTS.—Section 401A of the Higher Education Act of 1965 (20 U.S.C. 1070a–1) is amended—

(1) by striking subsection (a) and inserting the following:

''*(a) ACADEMIC COMPETITIVENESS GRANT PROGRAM AUTHORIZED.—The Secretary shall award grants, in the amounts specified in subsection (d)(1), to eligible students to assist the eligible students in paying their college education expenses.*'';

(2) in subsection (b)—

(A) by striking ''academic year'' each place it appears and inserting ''year''; and

(B) in paragraph (2), by striking ''third or fourth'' and inserting ''third, fourth, or fifth'';

(3) in subsection (c)—

(A) in the matter preceding paragraph (1)—

(i) by striking ''full–time'';

(ii) by striking ''academic'' and inserting ''award''; and

(iii) by striking ''is made'' and inserting ''is made for a grant under this section'';

(B) by striking paragraphs (1) and (2) and inserting the following:

''*(1) is eligible for a Federal Pell Grant;*

''*(2) is enrolled or accepted for enrollment in an institution of higher education on not less than a half-time basis; and*''; *and*

(C) in paragraph (3)—

(i) by striking ''academic'' each place the term appears;

(ii) in subparagraph (A)—

(I) by striking the matter preceding clause (i) and inserting the following:

''*(A) the first year of a program of undergraduate education at a two- or four-year degree-granting institution of higher education (including a program of not less than one year for which the institution awards a certificate)—*
'';

(II) by striking clause (i) and inserting the following:

''*(i) has successfully completed, after January 1, 2006, a rigorous secondary school program of study that prepares students for college and is recognized as such by the State official designated for such recognition, or with respect to any private or home school, the school official designated for such recognition for such school, consistent with State law, which recognized program shall be reported to the Secretary; and*''; *and*

(III) in clause (ii), by inserting '', except as part of a secondary school program of study'' before the semicolon;

(iii) in subparagraph (B)—

(I) in the matter preceding clause (i), by striking ''year of'' and all that follows through ''higher education'' and inserting ''year of a program of undergraduate education at a two- or four-year degree-granting institution of higher education (including a program of not less than two years for which the institution awards a certificate)''; and

(II) in clause (ii), by striking ''or'' after the semicolon at the end;

(iv) in subparagraph (C)—

(I) in the matter preceding subclause (I) of clause (i), by inserting ''certified by the institution to be'' after ''is'';

(II) by striking clause (i)(II) and inserting the following:

''*(II) a critical foreign language; and*''; *and*

(III) in clause (ii), by striking the period at the end and inserting a semicolon; and

(v) by adding at the end the following:

''*(D) the third or fourth year of a program of undergraduate education at an institution of higher education (as defined in section 101(a)), is attending an institution that demonstrates, to the satisfaction of the Secretary, that the institution—*

''*(i) offers a single liberal arts curriculum leading to a baccalaureate degree, under which students are not permitted by the institution to declare a major in a particular subject area, and the student—*

''*(I)(aa) studies, in such years, a subject described in subparagraph (C)(i) that is at least equal to the requirements for an academic major at an institution of higher education that offers*

a baccalaureate degree in such subject, as certified by an appropriate official from the institution; and

''(bb) has obtained a cumulative grade point average of at least 3.0 (or the equivalent as determined under regulations prescribed by the Secretary) in the relevant coursework; or

''(II) is required, as part of the student's degree program, to undertake a rigorous course of study in mathematics, biology, chemistry, and physics, which consists of at least—

''(aa) 4 years of study in mathematics; and

''(bb) 3 years of study in the sciences, with a laboratory component in each of those years; and

''(ii) offered such curriculum prior to February 8, 2006; or

''(E) the fifth year of a program of undergraduate education that requires 5 full years of coursework, as certified by the appropriate official of the degree-granting institution of higher education, for which a baccalaureate degree is awarded by a degree-granting institution of higher education—

''(i) is certified by the institution of higher education to be pursuing a major in—

''(I) the physical, life, or computer sciences, mathematics, technology, or engineering (as determined by the Secretary pursuant to regulations); or

''(II) a critical foreign language; and

''(ii) has obtained a cumulative grade point average of at least 3.0 (or the equivalent, as determined under regulations prescribed by the Secretary) in the coursework required for the major described in clause (i).'';

(4) in subsection (d)—

(A) in paragraph (1)—

(i) in subparagraph (A)—

(I) by striking ''The'' and inserting ''IN GENERAL.—The'';

(II) in clause (ii), by striking ''or'' after the semicolon at the end;

(III) in clause (iii), by striking ''subsection (c)(3)(C).'' and inserting ''subparagraph (C) or (D) of subsection (c)(3), for each of the two years described in such subparagraphs; or''; and

(IV) by adding at the end the following:

''(iv) $4,000 for an eligible student under subsection (c)(3)(E).''; and

(ii) in subparagraph (B)—

(I) by striking ''Notwithstanding'' and inserting ''LIMITATION; RATABLE REDUCTION.—Notwithstanding'';

(II) by redesignating clauses (i), (ii), and (iii), as clauses (ii), (iii), and (iv), respectively; and

(III) by inserting before clause (ii), as redesignated under subclause (II), the following:

''(i) in any case in which a student attends an institution of higher education on less than a full-time basis, the amount of the grant that such student may receive shall be reduced in the same manner as a Federal Pell Grant is reduced under section 401(b)(2)(B);'';

(B) by striking paragraph (2) and inserting the following:

''(2) LIMITATIONS.—

''(A) NO GRANTS FOR PREVIOUS CREDIT.—The Secretary may not award a grant under this section to any student for any year of a program of undergraduate education for which the student received credit before the date of enactment of the Higher Education Reconciliation Act of 2005.

''(B) NUMBER OF GRANTS.—The Secretary may not award more than one grant to a student described in subsection (c)(3) for each year of study described in such subsection.''; and

(C) by adding at the end the following: and

''(3) CALCULATION OF GRANT PAYMENTS.—An institution of higher education shall make payments of a grant awarded under this section in the same manner, using the same payment periods, as such institution makes payments for Federal Pell Grants under section 401.'';

(5) by striking subsection (e)(2) and inserting the following:

''(2) AVAILABILITY OF FUNDS.—Funds made available under paragraph (1) for a fiscal year shall remain available for the succeeding fiscal year.'';

(6) in subsection (f)—

(A) by striking ''at least one'' and inserting ''not less than one''; and

(B) by striking ''subsection (c)(3)(A) and (B)'' and inserting ''subparagraphs (A) and (B) of subsection (c)(3)''; and

(7) in subsection (g), by striking ''academic'' and inserting ''award''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on January 1, 2009.

SEC. 11. INAPPLICABILITY OF MASTER CALENDAR AND NEGOTIATED RULEMAKING REQUIREMENTS.

Sections 482 and 492 of the Higher Education Act of 1965 (20 U.S.C. 1089, 1098a) shall not apply to amendments made by sections 2 through 9 of this Act, or to any regulations promulgated under such amendments.

The SPEAKER pro tempore, Mr. PASTOR, recognized Mr. George MILLER of California, and Mr. MCKEON, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said amendments of the Senate?

The SPEAKER pro tempore, Mr. PASTOR, announced that two-thirds of the Members present had voted in the affirmative.

Mr. George MILLER of California, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. PASTOR, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶51.16 FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 2954. An Act to amend Public Law 110–196 to provide for a temporary extension of programs authorized by the Farm Security and Rural Investment Act of 2002 beyond May 2, 2008.

¶51.17 FARM SECURITY AND RURAL INVESTMENT

Mr. HOLDEN moved to suspend the rules and pass the bill of the Senate (S. 2954) to amend Public Law 110-196 to provide for a temporary extension of programs authorized by the Farm Security and Rural Investment Act of 2002 beyond May 2, 2008.

The SPEAKER pro tempore, Mr. PASTOR, recognized Mr. HOLDEN and Mr. LUCAS, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. PASTOR, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶51.18 MOTION TO INSTRUCT CONFEREES TO H.R. 2419—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. PASTOR, pursuant to clause 8 of rule XX, announced the unfinished business to be the question on the motion to instruct, by Mr. FLAKE, to instruct the managers on the part of the House at the conference with the Senate on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2419) to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; to agree to the provisions contained in section 1703(b)(2) of the amendment of the Senate (relating to a $40,000 limitation on direct payments).

The question being put,

Will the House agree to said motion?

The vote was taken by electronic device.

It was decided in the negative ..... { Yeas ..... 157 / Nays 259

¶51.19 [Roll No. 238]

YEAS—157

Allen
Bachus
Baird
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bean
Berkley
Berman
Biggert
Bilbray
Bishop (NY)
Bishop (UT)
Blumenauer
Boehner
Bono Mack
Boucher
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Burgess
Calvert
Campbell (CA)
Cannon
Cantor
Capito
Castle
Castor
Chabot
Chandler
Conyers
Cooper
Crenshaw
Cubin
Culberson
Davis (CA)
Davis, David
Davis, Tom
DeFazio
Dent
Dreier
Duncan
Ehlers
Ellison
English (PA)
Eshoo
Feeney
Ferguson
Filner
Flake
Fortenberry
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gingrey
Goode
Hall (TX)
Harman
Heller
Hensarling
Hobson
Hodes
Hoekstra
Holt
Hunter
Inglis (SC)
Issa
Johnson, Sam
Jordan
Keller
Kind
Kirk
Kline (MN)
Knollenberg
Lamborn
Lampson
Langevin
Latta
Lewis (CA)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lungren, Daniel E.
Mack
Markey
Matheson
McDermott
McGovern
McKeon
Mica
Michaud
Miller (FL)
Miller, Gary
Mitchell
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Pallone
Pascrell
Paul
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Price (GA)
Pryce (OH)
Radanovich
Ramstad
Reichert
Rogers (KY)
Rohrabacher
Roskam
Royce
Ryan (WI)
Sánchez, Linda T.
Saxton
Schiff
Schmidt
Schwartz
Sensenbrenner
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Smith (NE)
Smith (NJ)
Smith (WA)
Speier
Stark
Stearns
Tancredo
Terry
Tiberi
Tierney
Van Hollen
Wamp
Waters
Welch (VT)
Westmoreland
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Young (AK)
Young (FL)

NAYS—259

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Altmire
Andrews
Arcuri
Baca
Bachmann
Baldwin
Barrow
Becerra
Berry
Bilirakis
Bishop (GA)
Blunt
Bonner
Boozman
Boren
Boswell
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown, Corrine
Buchanan
Burton (IN)
Butterfield
Buyer
Camp (MI)
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (IL)
Davis (KY)
Davis, Lincoln
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Donnelly
Doolittle
Doyle
Drake
Edwards
Ellsworth
Emanuel
Emerson
Engel
Etheridge
Everett
Fallin
Farr
Fattah
Foster
Gillibrand
Gohmert
Gonzalez
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Hastings (FL)
Hastings (WA)
Hayes
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Holden
Hooley
Hoyer
Hulshof
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
King (IA)
King (NY)
Kingston
Klein (FL)
Kucinich
Kuhl (NY)
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (GA)
Loebsack
Lowey
Lucas
Lynch
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Marshall
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McHenry
McHugh
McIntyre
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moran (KS)
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pastor
Pearce
Perlmutter
Peterson (MN)
Poe
Pomeroy
Porter
Price (NC)
Putnam
Rahall
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sali
Sarbanes
Schakowsky
Scott (GA)
Scott (VA)
Serrano
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Smith (TX)
Snyder
Solis
Souder
Space
Spratt
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Weller
Wexler
Whitfield (KY)
Wilson (OH)
Wu
Wynn
Yarmuth

NOT VOTING—15

Blackburn
Deal (GA)
Doggett
Forbes
Fossella
Honda
Israel
LaHood
Lewis (KY)
Payne
Rush
Sanchez, Loretta
Slaughter
Weldon (FL)
Wilson (NM)

So the motion to instruct the managers on the part of the House was not agreed to.

A motion to reconsider the vote whereby said motion was not agreed to was, by unanimous consent, laid on the table.

¶51.20 AMENDMENTS OF THE SENATE TO H.R. 5715—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. SERRANO, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the amendments of the Senate to the bill (H.R. 5715) to ensure continued availability of access to the Federal student loan program for students and families.

The question being put,

Will the House suspend the rules and agree to said motion?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 388 Nays 21

¶51.21 [Roll No. 239]

YEAS—388

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Donnelly
Doolittle
Doyle
Drake
Dreier
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Fortenberry
Foster
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Giffords
Gilchrest
Gillibrand
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Herger
Herseth Sandlin
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
Lampson
Langevin
Larson (CT)
LaTourette
Latta
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pomeroy
Porter
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Wexler
Whitfield (KY)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NAYS—21

Brady (TX)
Broun (GA)
Campbell (CA)
Duncan
Flake
Foxx
Franks (AZ)
Garrett (NJ)
Gingrey
Hensarling
Johnson, Sam
Jordan
King (IA)
Kingston
Lamborn
Miller (FL)
Paul
Poe
Price (GA)
Tancredo
Westmoreland

NOT VOTING—22

Blackburn
Boucher
Deal (GA)
Doggett
Forbes
Fossella
Gutierrez
Higgins
Honda
Israel
LaHood
Larsen (WA)
Latham
Lee
Lewis (KY)
Payne
Rush
Sanchez, Loretta
Slaughter
Souder
Weldon (FL)
Wilson (NM)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said motion was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said motion was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶51.22 ADJOURNMENT OVER

On motion of Mr. HOYER, by unanimous consent,

Ordered, That when the House adjourns today, it adjourn to meet on Monday, May 5, 2008, at 12:30 p.m. for morning-hour debate.

¶51.23 MOTION TO INSTRUCT CONFEREES—H.R. 2419

Mr. RYAN of Wisconsin, submitted the privileged motion to instruct the managers on the part of the House at the conference with the Senate on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2419) to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes, be instructed, within the scope of the conference, to use the most recent baseline estimates supplied by the Congressional Budget Office when evaluating the costs of the provisions of the report.

After debate,

By unanimous consent, the previous question was ordered on the motion to instruct the managers on the part of the House.

The question being put, viva voce,

Will the House agree to said motion?

The SPEAKER pro tempore, Mr. SERRANO, announced that the nays had it.

Mr. RYAN of Wisconsin, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. SERRANO, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Monday, May 5, 2008.

¶51.24 MOTION TO INSTRUCT CONFEREES—H.R. 2419

Mr. KIND submitted the privileged motion to instruct the managers on the part of the House at the conference with the Senate on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2419) to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes, be instructed to (1) insist on the amendment contained in section 2401(d) of the House bill (relating to funding for the environmental quality incentive program); (2) insist on the amendments contained in section 2104 of the House bill (relating to the grassland reserve program) and reject the amendment contained in section 2401(2) of the amendment of the Senate (relating to funding for the grassland reserve program); (3) insist on the amendments contained in section 2102 of the House bill (relating to the wetland reserve program); and (4) insist on the amendments contained in section 2608 of the Senate bill (relating to crop insurance ineligibility relating to crop production on native sod).

After debate,

By unanimous consent, the previous question was ordered on the motion to instruct the managers on the part of the House.

The question being put, viva voce,

Will the House agree to said motion?

The SPEAKER pro tempore, Mr. SERRANO, announced that the nays had it.

Mr. KIND demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. SERRANO, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Monday, May 5, 2008.

¶51.25 APPOINTMENT OF SPEAKER PRO TEMPORE TO SIGN ENROLLMENTS

The SPEAKER pro tempore, Mr. SERRANO, laid before the House a communication, which was read as follows:

WASHINGTON, DC,
May 1, 2008.

I hereby appoint the Honorable STENY H. HOYER and the Honorable CHRIS VAN HOLLEN to act as Speaker pro tempore to sign enrolled bills and joint resolutions through May 5, 2008.

NANCY PELOSI,
Speaker of the House of Representatives.

By unanimous consent, the appointments were approved.

¶51.26 MESSAGE FROM THE PRESIDENT—NATIONAL EMERGENCY WITH RESPECT TO BURMA

The SPEAKER pro tempore, Mr. SERRANO, laid before the House a message from the President, which was read as follows:

To the Congress of the United States:

Pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) (IEEPA), I hereby report that I have issued an Executive Order (the ''order'') that takes additional steps with respect to the national emergency declared in Executive Order 13047 of May 20, 1997, and expanded in Executive Order 13448 of October 18, 2007.

In 1997, the United States put in place a prohibition on new investment in Burma in response to the Government of Burma's large scale repression of the democratic opposition in that country. On July 28, 2003, those sanctions were expanded by steps taken in Executive Order 13310, which contained prohibitions implementing sections 3 and 4 of the Burmese Freedom and Democracy Act of 2003 (Public Law 108–61) (the ''Act'') and supplemented that Act with additional restrictions. On October 18, 2007, I determined that the Government of Burma's continued repression of the democratic opposition in Burma, manifested at the time in the violent response to peaceful demonstrations, the commission of human rights abuses related to political repression, and engagement in public corruption, including by diverting or misusing Burmese public assets or by misusing public authority, warranted an expansion of the then-existing sanctions. Executive Order 13448, issued on that date, incorporated existing designation criteria set forth in Executive Order 13310, blocked the property and interests in property of persons listed in the Annex to that Executive Order, and provided additional criteria for designations of certain other persons.

The order supplements the existing designation criteria set forth in Executive Order 13310, as incorporated in and expanded by Executive Order 13448. The order blocks the property and interests in property in the United States of persons listed in the Annex to the order and provides additional criteria for designations of persons determined by the Secretary of the Treasury, after consultation with the Secretary of State, to be owned or controlled by, directly or indirectly, the Government of Burma or an official or officials of the Government of Burma; to have materially assisted, sponsored, or provided financial, material, logistical, or technical support for, or goods or services in support of, the Government of Burma, the State Peace and Development Council of Burma, the Union Solidarity and Development Association of Burma, any successor entity to any of the foregoing, any senior official of any of the foregoing, or any person whose property and interests in property are blocked pursuant to Executive Order 13310, Executive Order 13448, or the order; or to be owned or controlled by, or to have acted or purported to act for or on behalf of, directly or indirectly, any person whose property and interests in property are blocked pursuant to Executive Order 13310, Executive Order 13448, or the order.

The order leaves in place the existing prohibitions on new investment, the exportation or reexportation to Burma of financial services, and the importation of any article that is a product of Burma, which were put into effect in Executive Order 13047 and Executive Order 13310.

The order authorizes the Secretary of the Treasury, after consultation with the Secretary of State, to take such actions, including the promulgation of rules and regulations, and to employ all powers granted to the President by IEEPA and section 4 of the Burmese Freedom and Democracy Act of 2003 as may be necessary to carry out the purposes of the order.

I am enclosing a copy of the Executive Order I have issued.

GEORGE W. BUSH.

THE WHITE HOUSE, *April 30, 2008*.

By unanimous consent, the message, together with the accompanying papers, was referred to the Committee on Foreign Affairs and ordered to be printed (H. Doc. 110–107).

¶51.27 SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1760. An Act to amend the Public Health Service Act with respect to the Healthy Start Initiative; to the Committee on Energy and Commerce.

¶51.28 SENATE ENROLLED BILL SIGNED

The Speaker announced her signature to an enrolled bill of the Senate of the following title:

S. 2954. An Act to amend Public Law 110–196 to provide for a temporary extension of programs authorized by the Farm Security and Rural Investment Act of 2002 beyond May 2, 2008.

And then,

¶51.29 ADJOURNMENT

On motion of Mr. MEEK of Florida, pursuant to the previous order of the House, at 6 o'clock and 46 minutes p.m., the House adjourned until 12:30 p.m. on Monday, May 5, 2008.

¶51.30 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

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

Mr. FRANK of Massachusetts: Committee on Financial Services. H.R. 5579. A bill to remove an impediment to troubled debt restructuring on the part of holders of residential mortgage loans, and for other purposes; with an amendment (Rept. 110–615). Referred to the Committee of the Whole House on the state of the Union.

Mr. FRANK of Massachusetts: Committee on Financial Services. H.R. 5818. A bill to authorize the Secretary of Housing and Urban Development to make loans to States to acquire foreclosed housing and to make grants to States for related costs; with an amendment (Rept. 110–616). Referred to the Committee of the Whole House on the state of the Union.

¶51.31 TIME LIMITATION OF REFERRED BILL

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

H.R. 948. Referral to the Committee on Ways and Means extended for a period ending not later than June 6, 2008.

¶51.32 PUBLIC BILLS AND RESOLUTIONS

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

By Mr. TOWNS (for himself, Mr. KING of New York, Mr. FRANK of Massachusetts, Ms. WATERS, and Ms. VELÁZQUEZ):

H.R. 5937. A bill to facilitate the preservation of certain affordable housing dwelling units; to the Committee on Financial Services.

By Mr. CONYERS (for himself, Mr. SMITH of Texas, Mr. SCOTT of Virginia, and Mr. GOHMERT):

H.R. 5938. A bill to amend title 18, United States Code, to provide secret service protection to former Vice Presidents, and for other purposes; to the Committee on the Judiciary.

By Mr. CARSON:

H.R. 5939. A bill to amend title 38, United States Code, to extend the time limitation for the use of entitlement to educational assistance under the Montgomery GI Bill for certain persons actively pursuing a qualifying educational degree or certificate; to the Committee on Veterans' Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GORDON (for himself, Mr. HALL of Texas, Mr. BAIRD, Mr. EHLERS, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. SENSENBRENNER, Mr. UDALL of Colorado, Mr. SMITH of Texas, Mr. WU, Mr. BARTLETT of Maryland, Mr. MILLER of North Carolina, Mr. LUCAS, Mr. LIPINSKI, Mrs. BIGGERT, Ms. GIFFORDS, Mr. AKIN, Ms. HOOLEY, Mr. NEUGEBAUER, Mr. ROTHMAN, Mr. INGLIS of South Carolina, Mr. WILSON of Ohio, Mr. MCCAUL of Texas, Mr. MARIO DIAZ-BALART of Florida, Mr. GINGREY, and Mr. BILBRAY):

H.R. 5940. A bill to authorize activities for support of nanotechnology research and development, and for other purposes; to the Committee on Science and Technology.

By Mr. FOSTER:

H.R. 5941. A bill to amend title 10, United States Code, to authorize taxpayers to designate a portion of their income tax payments to a National Military Family Relief Fund to be used by the Secretary of Defense to assist the families of members of the Armed Forces who are serving in, or have served in, Iraq or Afghanistan; to the Committee on Ways and Means, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TOWNS (for himself, Mr. BURGESS, Mr. WAXMAN, and Mrs. BLACKBURN):

H.R. 5942. A bill to ensure the continued and future availability of lifesaving trauma health care in the United States and to prevent further trauma center closures and downgrades by assisting trauma centers with uncompensated care costs, core mission services, emergency needs, and information technology; to the Committee on Energy and Commerce.

By Mr. BURGESS:

H.R. 5943. A bill to authorize the Secretary of Energy to establish monetary prizes for achievements in designing and proposing nuclear energy used fuel alternatives; to the Committee on Science and Technology.

By Mr. PUTNAM (for himself, Mr. WILSON of South Carolina, Mrs. DRAKE, Mr. KLINE of Minnesota, and Mr. ENGLISH of Pennsylvania):

H.R. 5944. A bill to amend titles 10 and 38, United States Code, to improve educational assistance for members of the Armed Forces and veterans in order to enhance recruitment and retention for the Armed Forces, and for other purposes; to the Committee on Armed Services, and in addition to the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. CAPITO:

H.R. 5945. A bill to direct the Secretary of the Interior to conduct a special resource study to determine the suitability and feasibility of including the Washington Family Legacy Lands of Jefferson County, West Virginia, as part of Harpers Ferry National Historical Park or designating the lands as a separate unit of the National Park System, and for other purposes; to the Committee on Natural Resources.

By Mr. ELLISON (for himself, Ms. MCCOLLUM of Minnesota, Mr. WALZ of Minnesota, Mr. OBERSTAR, Mr. CUMMINGS, Mr. FILNER, Mr. JEFFERSON, Mr. WATT, Ms. WATSON, Ms. WOOLSEY, Mr. MCDERMOTT, Mr. MEEK of Florida, Mr. PRICE of North Carolina, Ms. BALDWIN, and Mr. KAGEN):

H.R. 5946. A bill to amend the Help America Vote Act of 2002 to require States to provide for election day registration; to the Committee on House Administration.

By Mr. KING of New York (for himself, Mrs. MCCARTHY of New York, Mr. FOSSELLA, Mr. REYNOLDS, and Mr. KUHL of New York):

H.R. 5947. A bill to amend title 38, United States Code, to establish a returning soldiers' bill of rights; to the Committee on Veterans' Affairs.

By Mr. LAMPSON:

H.R. 5948. A bill to amend section 274 of the Immigration and Nationality Act to increase penalties for unlawfully bringing in and harboring aliens with prior felony convictions under Federal law; to the Committee on the Judiciary.

By Mr. LATOURETTE (for himself and Mrs. MILLER of Michigan):

H.R. 5949. A bill to amend the Federal Water Pollution Control Act to address certain discharges incidental to the normal operation of a recreational vessel; to the Committee on Transportation and Infrastructure.

By Ms. ZOE LOFGREN of California:

H.R. 5950. A bill to require the Secretary of Homeland Security to establish procedures for the timely and effective delivery of medical and mental health care to all immigration detainees in custody, and for other purposes; to the Committee on the Judiciary.

By Ms. MATSUI:

H.R. 5951. A bill to implement a safe and complete streets program; to the Committee on Transportation and Infrastructure.

By Ms. SCHWARTZ:

H.R. 5952. A bill to amend the Internal Revenue Code of 1986 to authorize tax credit bonds for capital improvements for police and fire departments; to the Committee on Ways and Means, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SMITH of Washington (for himself, Mr. DICKS, Mr. MCDERMOTT, Mr. INSLEE, Mr. BAIRD, and Mr. LARSEN of Washington):

H.R. 5953. A bill to amend title XVIII of the Social Security Act to improve the provision of items and services provided to Medicare beneficiaries residing in rural areas; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. THOMPSON of California (for himself and Mr. REHBERG):

H.R. 5954. A bill to amend title 38, United States Code, to provide veterans for presumptions of service connection for purposes of benefits under laws administered by Secretary of Veterans Affairs for diseases associated with service in the Armed Forces and exposure to biological, chemical, or other toxic agents as part of Project 112, and for other purposes; to the Committee on Veterans' Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WALBERG (for himself, Mr. FRANKS of Arizona, Mr. FEENEY, Mr. KLINE of Minnesota, Mr. TIAHRT, Mr.

CHABOT, and Mr. BARTLETT of Maryland):

H.R. 5955. A bill to provide for comprehensive health reform; to the Committee on Energy and Commerce, and in addition to the Committees on Education and Labor, the Judiciary, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WEINER:

H.R. 5956. A bill to improve the protections afforded under Federal law to consumers from contaminated seafood by directing the Secretary of Commerce to establish a program, in coordination with other appropriate Federal agencies, to strengthen activities for ensuring that seafood sold or offered for sale to the public in or affecting interstate commerce is fit for human consumption; to the Committee on Energy and Commerce, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BUTTERFIELD:

H. Con. Res. 339. Concurrent resolution expressing the sense of Congress regarding the necessity to improve public awareness in the United States among older individuals and their families and caregivers about the impending Digital Television Transition through the establishment of a Federal interagency taskforce between the Federal Communications Commission, the Administration on Aging, the National Telecommunications and Information Administration, and the outside advice of appropriate members of the aging network and industry groups; to the Committee on Energy and Commerce.

By Mr. GEORGE MILLER of California:

H. Con. Res. 340. Concurrent resolution to make technical corrections in the enrollment of the bill H.R. 493; considered and agreed to.

By Mr. BOUSTANY:

H. Res. 1168. A resolution congratulating charter schools and their students, parents, teachers, and administrators across the United States for their ongoing contributions to education, and for other purposes; to the Committee on Education and Labor.

By Mr. LEWIS of Georgia (for himself, Mr. TOWNS, Mr. MEEK of Florida, Mrs. MALONEY of New York, Mr. HINCHEY, Ms. LEE, Ms. JACKSON-LEE of Texas, Mr. ELLISON, Mr. HONDA, Mrs. CHRISTENSEN, Mr. RANGEL, Ms. SUTTON, Mr. PAYNE, Mr. COHEN, Mr. JACKSON of Illinois, Mr. CONYERS, Ms. BORDALLO, Mr. KUCINICH, Mr. JEFFERSON, Mr. MICHAUD, Ms. KILPATRICK, Mr. BUTTERFIELD, Mr. DAVIS of Alabama, Mr. WYNN, Mr. HASTINGS of Florida, Mr. FATTAH, Ms. WATSON, Mr. GRIJALVA, Mr. DAVIS of Illinois, Mr. MILLER of North Carolina, Mr. MCGOVERN, Mr. FRANK of Massachusetts, Mr. GUTIERREZ, Mr. RUSH, Mr. BACA, Mr. CLYBURN, Ms. ZOE LOFGREN of California, Ms. SCHAKOWSKY, Mr. WATT, and Mr. JOHNSON of Georgia):

H. Res. 1169. A resolution expressing the sense of the House of Representatives that the United States should become an international human rights leader by ratifying and implementing certain core international conventions; to the Committee on Foreign Affairs, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. EHLERS:

H. Res. 1170. A resolution commending Indiana Secretary of State Todd Rokita for his leadership and dedication to protecting the integrity of the election process and increasing voter confidence in all of our elections; to the Committee on House Administration.

By Mr. KING of Iowa (for himself and Ms. HERSETH SANDLIN):

H. Res. 1171. A resolution congratulating the on-premises sign industry for its contributions to the success of small businesses on the occasion of its 62nd Annual International Sign Expo; to the Committee on Energy and Commerce.

By Mrs. MCCARTHY of New York (for herself, Mr. HASTINGS of Florida, Ms. JACKSON-LEE of Texas, Mr. KING of New York, Mr. HINCHEY, Ms. SUTTON, Mr. ISRAEL, Mr. BISHOP of New York, and Mr. MICHAUD):

H. Res. 1172. A resolution recognizing and honoring the Firefighter Cancer Support Network; to the Committee on Energy and Commerce.

¶51.33 MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

260. The SPEAKER presented a memorial of the House of Representatives of the State of Rhode Island, relative to House Resolution No. 8049 urging the Congress of the United States to appoint an independent counsel to investigate the prisoner of warmissing in action issue; to the Committee on Armed Services.

261. Also, a memorial of the Senate of the State of New Jersey, relative to Senate Resolution No. 24 memorializing the Congress of the United States to enact legislation requiring annual publication of a list disclosing companies planning or currently in the practice of outsourcing U.S. jobs to other countries; to the Committee on Education and Labor.

262. Also, a memorial of the Legislature of the State of Idaho, relative to House Joint Memorial No. 7 urging the Congress of the United States to take action to help stop children and employees from accessing Internet pornography and to request that legislation be enacted to facilitate a technology-based solution that allows parents and employers to subscribe to Internet access services that exclude adult content; to the Committee on Energy and Commerce.

263. Also, a memorial of the Legislature of the State of Idaho, relative to House Joint Memorial No. 6 urging the Congress of the United States and the Department of Health and Human Services to allow resident advocate groups in Idaho and industry representatives to negotiate on how to improve the survey process in skilled nursing facilities in Idaho; to the Committee on Energy and Commerce.

264. Also, a memorial of the Legislature of the State of Louisiana, relative to House Concurrent Resolution No. 38 memorializing the Congress of the United States to take such actions as are necessary to call a convention for the purpose of proposing an amendment to the United States Constitution to include the Posse Comitatus Act as a constitutional prohibition; to the Committee on the Judiciary.

265. Also, a memorial of the Senate of the State of Michigan, relative to Senate Resolution No. 165 memorializing the Congress of the United States to reverse cuts to the Edward Byrne Memorial Justice Assistance Grant Program; to the Committee on the Judiciary.

266. Also, a memorial of the Senate of the State of Rhode Island, relative to Senate Resolution No. 2899 urging the Congress of the United States to appoint an independent counsel to investigate the prisoner of warmissing in action issue; to the Committee on the Judiciary.

267. Also, a memorial of the Legislature of the State of Louisiana, relative to House Concurrent Resolution No. 39 memorializing the Congress of the United States and Louisiana's congressional delegation to take such action as are necessary to provide the state of Louisiana with one-hundred-year flood protection; to the Committee on Transportation and Infrastructure.

268. Also, a memorial of the Legislature of the State of Louisiana, relative to House Concurrent Resolution No. 22 memorializing the Congress of the United States and Louisiana's congressional delegation to take such actions as are necessary to ensure that sufficient funds are appropriated to provide a one hundred percent federal share of the costs necessary to construct one-hundred-year flood protection for southeast Louisiana; to the Committee on Transportation and Infrastructure.

269. Also, a memorial of the Senate of the State of New Jersey, relative to Senate Resolution No. 13 requesting the Government of the United States establish a funding program to defray the safety equipment and engineering costs incurred by local communities to establish ''quiet zones'' along light rail lines operating on railroad freight tracks; to the Committee on Transportation and Infrastructure.

270. Also, a memorial of the House of Representatives of the State of Illinois, relative to House Resolution No. 1009 urging the Congress of the United States and the Department of Energy to make any changes necessary to reverse the decision that resulted in the dismantling and abandonment of FutureGen; to the Committee on Science and Technology.

271. Also, a memorial of the Legislature of the State of Louisiana, relative to House Concurrent Resolution No. 23 urging the Congress of the United States ensure adequate funding for veterans' health care and to express gratitude to veterans for sacrifices made while serving in the United States Armed Forces; to the Committee on Veterans' Affairs.

272. Also, a memorial of the Legislature of the State of Louisiana, relative to Senate Concurrent Resolution No. 11 memorializing the Congress of the United States and the Commissioner of the Internal Revenue Service to take action to provide that refundable credits received by Louisiana homeowners to offset Louisiana Citizens Property Insurance Assessments on their homeowner's insurance premiums because of the unprecedented damage and destruction of homes in the recent hurricanes shall not be considered as income for federal tax purposes; to the Committee on Ways and Means.

273. Also, a memorial of the Senate of the State of Hawaii, relative to Senate Resolution No. 25 urging the Congress of the United States to support the Korea-United States Free Trade Agreement; to the Committee on Ways and Means.

274. Also, a memorial of the House of Representatives of the State of Alaska, relative to House Resolution No. 7 urging the Congress of the United States to support, work to pass, and vote for the immediate and permanent repeal of the federal estate tax; to the Committee on Ways and Means.

275. Also, a memorial of the Legislature of the State of Mississippi, relative to Senate Concurrent Resolution No. 556 urging the President of the United States and the Congress of the United States to support passage of the Secure Rural Schools and Community Self-Determination Act; jointly to the Committees on Agriculture and Natural Resources.

276. Also, a memorial of the Legislature of the State of New York, relative to a Legislative Resolution urging the New York State

Congressional delegation oppose S. 40/H.R. 3200; jointly to the Committees on Financial Services and the Judiciary.

277. Also, a memorial of the House of Representatives of the State of Mississippi, relative to House Resolution No. 66 urging the Federal Government to withdraw water from the Gulf of Mexico for the Strategic Petroleum Reserve; jointly to the Committees on Energy and Commerce and Natural Resources.

278. Also, a memorial of the House of Representatives of the Commonwealth of Puerto Rico, relative to a Resolution expressing the most forceful and firmest repudiation of the House of Representatives of Puerto Rico to the highly discriminatory expressions of Congresswoman Virginia ''Ginny'' Brown-Waite from the 5th District of Florida regarding the inclusion of the U.S. Citizens residing in Puerto Rico in the bill for economic stimulus that is presently being considered by the United States Congress; jointly to the Committees on Ways and Means and Financial Services.

279. Also, a memorial of the House of Representatives of the State of Michigan, relative to House Resolution No. 306 memorializing the Congress of the United States to pass and the President of the United States to sign the Foreclosure Prevention Act of 2008; jointly to the Committees on Ways and Means, Financial Services, and the Judiciary.

¶51.34 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 139: Mr. PLATTS.
H.R. 154: Mr. CARSON.
H.R. 405: Mr. CARSON.
H.R. 506: Mr. CARSON.
H.R. 583: Mr. MURTHA.
H.R. 686: Mr. CARSON.
H.R. 724: Mr. BROUN of Georgia.
H.R. 748: Mr. MCGOVERN, Mr. CARSON, Mr. JEFFERSON, Mr. PASCRELL, Mrs. CAPITO, and Mr. BERMAN.
H.R. 895: Mr. KNOLLENBERG.
H.R. 948: Mr. CARSON.
H.R. 971: Mr. SOUDER.
H.R. 1000: Mr. SKELTON, Mr. STUPAK, Mr. CRAMER, Mr. MARSHALL, Mr. MCNULTY, and Mr. HOYER.
H.R. 1014: Mr. CARSON and Mr. LEWIS of Georgia.
H.R. 1023: Mr. SARBANES, Mr. MILLER of North Carolina, Mr. ROSS, Mr. ELLSWORTH, and Mr. JOHNSON of Illinois.
H.R. 1032: Mr. GUTIERREZ.
H.R. 1063: Mr. WHITFIELD of Kentucky and Mr. EVERETT.
H.R. 1072: Mr. CARSON.
H.R. 1076: Mr. ELLSWORTH.
H.R. 1078: Mr. CARSON.
H.R. 1103: Mr. ANDREWS.
H.R. 1108: Mr. CARSON.
H.R. 1172: Mr. WOLF.
H.R. 1185: Ms. WASSERMAN SCHULTZ, Mr. CANTOR, and Mr. LEWIS of Georgia.
H.R. 1192: Mr. CARSON and Mr. KLEIN of Florida.
H.R. 1232: Mr. SHAYS.
H.R. 1238: Mr. CARSON.
H.R. 1282: Mr. CARSON.
H.R. 1343: Mr. CARSON.
H.R. 1346: Mr. CARSON.
H.R. 1419: Mr. ELLSWORTH and Ms. BALDWIN.
H.R. 1422: Ms. GIFFORDS.
H.R. 1428: Mr. ALLEN.
H.R. 1431: Mr. RANGEL, Mr. TERRY, Mr. CARSON, and Mrs. MYRICK.
H.R. 1439: Mr. KAGEN.
H.R. 1440: Mr. CARNEY.
H.R. 1475: Mr. UDALL of Colorado and Mr. BISHOP of New York.
H.R. 1501: Mr. CARSON.
H.R. 1532: Mr. CARSON.
H.R. 1552: Mr. CARSON.
H.R. 1553: Mr. PETRI and Mr. CARSON.
H.R. 1560: Mr. YARMUTH and Mr. CARSON.
H.R. 1576: Ms. BALDWIN and Mr. CARSON.
H.R. 1584: Mrs. MYRICK.
H.R. 1586: Mr. TIM MURPHY of Pennsylvania.
H.R. 1589: Mr. SHAYS, Mr. ALTMIRE, Mr. POE, and Mr. BARTLETT of Maryland.
H.R. 1610: Mr. LAMPSON, Mr. KAGEN, Mr. RODRIGUEZ, and Ms. FALLIN.
H.R. 1621: Mr. CARNEY, Mr. PORTER, Mr. OLVER, Mr. CARSON, Ms. CLARKE, Mr. SESTAK, Mr. TIAHRT, and Ms. VELÁZQUEZ.
H.R. 1629: Mr. BOUSTANY.
H.R. 1643: Mr. MILLER of North Carolina.
H.R. 1647: Mr. CARSON, Mr. JACKSON of Illinois, Mr. LUCAS, Mr. BOUSTANY, and Mrs. MILLER of Michigan.
H.R. 1655: Mr. CARSON and Ms. SUTTON.
H.R. 1671: Mr. CARSON and Mr. ENGLISH of Pennsylvania.
H.R. 1688: Mr. NADLER.
H.R. 1742: Ms. BALDWIN.
H.R. 1783: Mr. KIND and Mr. NADLER.
H.R. 1871: Mr. CARSON.
H.R. 1881: Mr. CARSON, Mr. HINCHEY, and Ms. KAPTUR.
H.R. 1953: Mr. JEFFERSON, Mr. MICHAUD, Mr. BOUCHER, Ms. RICHARDSON, and Mr. GRIJALVA.
H.R. 1968: Mr. CARSON.
H.R. 2012: Mr. SALI.
H.R. 2020: Mr. PUTNAM.
H.R. 2032: Mr. NADLER and Mr. PAYNE.
H.R. 2116: Mr. ROSS Mr. ELLSWORTH, Mr. ALTMIRE, and Mrs. MYRICK.
H.R. 2131: Mr. SHAYS.
H.R. 2138: Mr. DOOLITTLE.
H.R. 2188: Ms. LINDA T. SÁNCHEZ of California, and Mr. WILSON of Ohio.
H.R. 2210: Mr. CARSON and Ms. BERKLEY.
H.R. 2236: Mr. COHEN and Ms. KAPTUR.
H.R. 2268: Mr. KELLER, Ms. BORDALLO, Mr. HALL of Texas, Mr. WALSH of New York, Mr. LAMPSON, Mr. HARE, Ms. SUTTON, Mr. BURTON of Indiana, Mr. AKIN, Ms. BERKLEY, Mr. JOHNSON of Illinois, Mr. WITTMAN of Virginia, Mr. CASTLE, Mr. COHEN, Mr. WILSON of Ohio, Mr. GOODLATTE, Mrs. BONO MACK, Mr. MANZULLO, Mr. PRICE of North Carolina, Mr. JORDAN, Mr. ROSKAM, Mr. RADANOVICH, Mr. BONNER, Mr. EHLERS, Mr. SHAYS, Mr. WILSON of South Carolina, and Mr. HOEKSTRA.
H.R. 2332: Mr. SMITH of Texas, Mr. BROUN of Georgia, Mr. SHUSTER, and Mr. ROGERS of Michigan.
H.R. 2395: Mr. CARSON.
H.R. 2448: Mrs. GILLIBRAND.
H.R. 2495: Mr. CAPUANO.
H.R. 2512: Mr. CARSON.
H.R. 2550: Mr. KELLER, Mr. BOOZMAN, Ms. KAPTUR, Mr. BUTTERFIELD, and Mr. CAMPBELL of California.
H.R. 2552: Mr. MCNULTY.
H.R. 2723: Mr. CARSON.
H.R. 2734: Mr. BUYER.
H.R. 2762: Mr. CARSON and Mr. FALEOMAVAEGA.
H.R. 2802: Mr. CLEAVER and Ms. HARMAN.
H.R. 2818: Mr. CARSON.
H.R. 2821: Mrs. BOYDA of Kansas.
H.R. 2892: Mr. PRICE of North Carolina.
H.R. 2922: Mr. CARNEY.
H.R. 2928: Ms. CLARKE and Mr. EMANUEL.
H.R. 2955: Mr. EMANUEL.
H.R. 3001: Mr. SPACE.
H.R. 3014: Mr. CAPUANO, Ms. WOOLSEY, Mr. CARSON, and Mr. SESTAK.
H.R. 3063: Mr. BISHOP of New York, Mr. KUHL of New York, and Mr. RANGEL.
H.R. 3089: Mr. TIBERI, Mr. PLATTS, Mr. GOODLATTE, Mr. MCHENRY, Mr. SMITH of Nebraska, Mr. CULBERSON, Mr. LAMBORN, Mr. BUYER, Mr. CONAWAY, and Mr. SHUSTER.
H.R. 3094: Ms. ROS-LEHTINEN.
H.R. 3164: Mr. COLE of Oklahoma.
H.R. 3175: Mrs. MCCARTHY of New York and Mr. UDALL of Colorado.
H.R. 3186: Mr. SPACE, Mr. PRICE of North Carolina, Mr. PICKERING, and Mr. BUTTERFIELD.
H.R. 3191: Ms. MCCOLLUM of Minnesota.
H.R. 3202: Mr. JEFFERSON.
H.R. 3232: Mr. DAVID DAVIS of Tennessee, Mr. SKELTON, and Mr. CARSON.
H.R. 3257: Mr. PETERSON of Minnesota and Mr. LAMPSON.
H.R. 3267: Mr. ORTIZ and Mr. CAPUANO.
H.R. 3282: Mr. CARSON.
H.R. 3326: Ms. VELÁZQUEZ.
H.R. 3334: Ms. BALDWIN.
H.R. 3363: Mr. CARSON.
H.R. 3396: Ms. HERSETH SANDLIN.
H.R. 3453: Mr. KING of New York and Ms. ZOE LOFGREN of California.
H.R. 3471: Ms. MCCOLLUM of Minnesota.
H.R. 3544: Ms. EDDIE BERNICE JOHNSON of Texas and Mr. MILLER of North Carolina.
H.R. 3670: Mr. CAMPBELL of California.
H.R. 3700: Mr. CARSON.
H.R. 3817: Mr. KIND.
H.R. 3819: Ms. BERKLEY.
H.R. 3904: Mr. PRICE of North Carolina.
H.R. 4008: Ms. GINNY BROWN-WAITE of Florida.
H.R. 4026: Ms. LINDA T. SÁNCHEZ of California and Mr. CUMMINGS.
H.R. 4044: Ms. MCCOLLUM of Minnesota.
H.R. 4102: Mrs. MALONEY of New York.
H.R. 4109: Mr. PASTOR.
H.R. 4133: Mrs. MYRICK.
H.R. 4138: Mr. CARSON.
H.R. 4141: Mr. FEENEY, Mr. KING of Iowa, and Mr. POE.
H.R. 4204: Mr. UDALL of Colorado, Mr. PERLMUTTER, and Ms. BALDWIN.
H.R. 4218: Mr. CARSON.
H.R. 4237: Mr. AL GREEN of Texas.
H.R. 4464: Mr. BROUN of Georgia, Mr. PICKERING, and Mr. DAVIS of Kentucky.
H.R. 4544: Mr. BUYER.
H.R. 4652: Mr. WATT, Ms. MCCOLLUM of Minnesota, and Ms. SUTTON.
H.R. 4688: Ms. HOOLEY.
H.R. 4775: Mrs. DAVIS of California and Ms. ESHOO.
H.R. 4987: Mr. WITTMAN of Virginia.
H.R. 5032: Mr. INGLIS of South Carolina, Mr. MILLER of Florida, and Mr. DANIEL E. LUNGREN of California.
H.R. 5143: Mr. CARSON.
H.R. 5148: Mr. KLINE of Minnesota.
H.R. 5157: Mr. CARSON.
H.R. 5161: Mr. KAGEN.
H.R. 5174: Mr. SNYDER.
H.R. 5223: Mr. UDALL of Colorado, Ms. MCCOLLUM of Minnesota, and Ms. BALDWIN.
H.R. 5244: Mr. LEVIN.
H.R. 5265: Mr. WALSH of New York, Mr. GONZALEZ, Mr. MCCOTTER, and Mr. HULSHOF.
H.R. 5268: Mrs. DAVIS of California, Mr. FARR, Mrs. NAPOLITANO, Mr. BERMAN, Mr. CARSON, Mr. VAN HOLLEN, and Mr. RYAN of Ohio.
H.R. 5353: Ms. ESHOO, Ms. HARMAN, Mr. WALZ of Minnesota, Mr. GEORGE MILLER of California, Mr. FRANK of Massachusetts, Mr. ELLISON, Mr. SESTAK, Ms. ZOE LOFGREN of California, Mr. INSLEE, and Ms. SCHAKOWSKY.
H.R. 5426: Mr. CARSON and Mr. LATTA.
H.R. 5435: Mr. REYES.
H.R. 5441: Mr. HINCHEY.
H.R. 5515: Mr. MITCHELL.
H.R. 5534: Mr. MOORE OF KANSAS and Mr. LIPINSKI.
H.R. 5541: Mr. HONDA, Mrs. CUBIN, and Mr. RUPPERSBERGER.
H.R. 5573: Ms. BERKLEY and Mr. YOUNG of Florida.
H.R. 5580: Ms. MATSUI.
H.R. 5627: Mr. PATRICK MURPHY of Pennsylvania.
H.R. 5662: Mr. ORTIZ, Mr. ROTHMAN, Mr. GENE GREEN of Texas, Mr. RODRIGUEZ, Mr. ABERCROMBIE, Mr. BACA, Mr. LANGEVIN, Mr.

HINCHEY, Ms. JACKSON-LEE of Texas, Mr. GONZALEZ, Mr. HOLT, Mr. PASTOR, Mr. DOGGETT, Mr. SIRES, Mrs. NAPOLITANO, Mr. HONDA, Mr. MCINTYRE, Mr. RUPPERSBERGER, Mrs. DAVIS of California, Mr. BLUMENAUER, Mr. BILBRAY, and Mr. KLEIN of Florida.

H.R. 5669: Mr. YARMUTH, Mr. FORTENBERRY, Mr. REGULA, Mr. MCCRERY, and Mr. CAPUANO.

H.R. 5673: Mr. YOUNG of Florida, Mr. WITTMAN of Virginia, Mr. ROGERS of Kentucky, and Mr. CALVERT.

H.R. 5674: Ms. JACKSON-LEE of Texas and Mr. HASTINGS of Florida.

H.R. 5684: Mr. BUYER.

H.R. 5686: Mr. GONZALEZ and Mr. PAYNE.

H.R. 5695: Mr. GARY G. MILLER of California.

H.R. 5700: Mr. RYAN of Ohio.

H.R. 5740: Mr. GALLEGLY, Mr. HOEKSTRA, Mr. SCOTT of Georgia, and Mr. UPTON.

H.R. 5748: Mr. RAMSTAD and Mr. RAHALL.

H.R. 5755: Mr. WEINER.

H.R. 5759: Mr. LUCAS.

H.R. 5761: Mr. PITTS.

H.R. 5775: Mrs. MYRICK.

H.R. 5784: Mr. MARCHANT, Mrs. MYRICK, and Mr. KING of New York.

H.R. 5793: Mr. STEARNS, Mr. FERGUSON, and Mrs. BLACKBURN.

H.R. 5794: Mr. CAMP of Michigan.

H.R. 5797: Mr. WALBERG.

H.R. 5802: Mr. CARSON, Mr. STARK, Mr. MCGOVERN, Ms. JACKSON-LEE of Texas, Mr. LEWIS of Georgia, Mr. CONYERS, and Mr. AL GREEN of Texas.

H.R. 5805: Mr. WITTMAN of Virginia.

H.R. 5806: Mr. JEFFERSON, Mr. CARSON, and Mr. ETHERIDGE.

H.R. 5818: Mr. MEEK of Florida, Mr. COHEN, Ms. LEE, and Ms. MCCOLLUM of Minnesota.

H.R. 5824: Mr. LOEBSACK, Mr. BRALEY of Iowa, Mr. ABERCROMBIE, Mr. HINCHEY, Mr. HARE, and Mr. SKELTON.

H.R. 5830: Mr. BACA and Mr. SHERMAN.

H.R. 5833: Mr. BLUMENAUER.

H.R. 5837: Mr. PITTS and Mr. COOPER.

H.R. 5842: Mr. DEFAZIO.

H.R. 5847: Mr. KINGSTON, Mr. GINGREY, Mr. WOLF, and Mr. MARIO DIAZ-BALART of Florida.

H.R. 5854: Mr. MCDERMOTT and Mr. GOODE.

H.R. 5857: Mrs. BONO MACK.

H.R. 5868: Ms. FOXX.

H.R. 5881: Ms. MCCOLLUM of Minnesota and Ms. SCHAKOWSKY.

H.R. 5886: Mr. WITTMAN of Virginia and Mr. MARIO DIAZ-BALART of Florida.

H.R. 5892: Mrs. BOYDA of Kansas.

H.R. 5895: Mrs. MALONEY of New York and Mr. CARSON.

H.R. 5898: Ms. CORRINE BROWN of Florida, Ms. GINNY BROWN-WAITE of Florida, Mr. BUCHANAN, Mr. CARNEY, Ms. CASTOR, Mr. LINCOLN DIAZ-BALART of Florida, Mr. MARIO DIAZ-BALART of Florida, Mr. MICA, Mr. MILLER of Florida, Mr. REICHERT, Mr. WELDON of Florida, Mr. WILSON of South Carolina, and Mr. YOUNG of Florida.

H.R. 5906: Mr. KUHL of New York.

H.R. 5907: Mr. PLATTS, Mr. ALEXANDER, and Mr. ENGLISH of Pennsylvania.

H.R. 5911: Ms. FOXX.

H.R. 5913: Mr. WATT, Ms. SUTTON, and Mr. JOHNSON of Georgia.

H.R. 5914: Mr. ORTIZ, Mr. SESTAK, Mr. HINOJOSA, and Ms. LEE.

H.R. 5925: Ms. JACKSON-LEE of Texas.

H. Con. Res. 284: Mr. TAYLOR, Mr. HAYES, and Mrs. MUSGRAVE.

H. Con. Res. 285: Ms. SCHWARTZ, Mr. DOYLE, Mr. LEWIS of Kentucky, Mr. SKELTON, Mr. WHITFIELD of Kentucky, Mr. MATHESON, and Mr. ENGLISH of Pennsylvania.

H. Con. Res. 303: Mr. FORTENBERRY.

H. Con. Res. 305: Mr. PLATTS.

H. Con. Res. 328: Ms. ROS-LEHTINEN and Mr. ANDREWS.

H. Con. Res. 331: Mr. ABERCROMBIE, Mr. ACKERMAN, Mr. ALTMIRE, Mr. ARCURI, Mr. BACA, Ms. BEAN, Mr. BISHOP of New York, Mr. BOSWELL, Mr. BRALEY of Iowa, Mr. CHANDLER, Ms. CLARKE, Mr. CLYBURN, Mr. COBLE, Mr. COHEN, Mr. CONYERS, Mr. COOPER, Mrs. CUBIN, Mr. DEFAZIO, Ms. DEGETTE, Ms. DELAURO, Mr. DINGELL, Mr. ELLISON, Mr. ELLSWORTH, Mr. ENGEL, Mr. FALEOMAVAEGA, Mrs. GILLIBRAND, Mr. HALL of New York, Mr. HARE, Ms. HARMAN, Mr. HASTINGS of Florida, Ms. HIRONO, Mr. JACKSON of Illinois, Mr. JEFFERSON, Mr. JOHNSON of Georgia, Mr. KAGEN, Ms. KAPTUR, Ms. LEE, Mr. LEWIS of Georgia, Mr. LOEBSACK, Mr. LYNCH, Mr. MCNERNEY, Mr. MAHONEY of Florida, Mr. MOORE of Kansas, Ms. MOORE of Wisconsin, Mr. MURPHY of Connecticut, Mr. NADLER, Mrs. NAPOLITANO, Mr. ORTIZ, Mr. PERLMUTTER, Mr. ROTHMAN, Ms. ROYBAL-ALLARD, Ms. LORETTA SANCHEZ of California, Mrs. SCHMIDT, Mr. SHULER, Ms. SCHWARTZ, Mr. SCOTT of Georgia, Mr. SHERMAN, Mr. SIRES, Mrs. TAUSCHER, Mr. THOMPSON of California, Ms. TSONGAS, Ms. WATSON, Mr. WATT, Mr. WEINER, Mr. WEXLER, and Ms. WOOLSEY.

H. Con. Res. 334: Mrs. MYRICK, Mr. BOOZMAN, Mr. BOYD of Florida, and Mr. BUCHANAN.

H. Con. Res. 336: Mr. SPACE, Mr. TOWNS, Mr. HINCHEY, Mr. MEEK of Florida, Mr. HOLDEN, Ms. SHEA-PORTER, Ms. SUTTON, Mr. HALL of New York, Mr. LEWIS of Georgia, Mr. DOYLE, Mr. COHEN, Mr. WALZ of Minnesota, Ms. MCCOLLUM of Minnesota, Mr. MCDERMOTT, Mr. POE, Ms. KAPTUR, Mr. ALLEN, Ms. BORDALLO, Mr. BRADY of Pennsylvania, Mr. HARE, Ms. BERKLEY, Mr. PAYNE, Mr. HINOJOSA, and Mr. CALVERT.

H. Con. Res. 337: Mr. TIERNEY and Ms. SCHAKOWSKY.

H. Con. Res. 338: Mr. CLEAVER, Mr. BRADY of Pennsylvania, and Mr. COHEN.

H. Res. 339: Mr. WALBERG.

H. Res. 374: Mr. TOWNS and Mr. GRIJALVA.

H. Res. 389: Mr. GENE GREEN of Texas.

H. Res. 620: Mr. GENE GREEN of Texas.

H. Res. 679: Mr. GENE GREEN of Texas.

H. Res. 937: Mr. COURTNEY.

H. Res. 1002: Mrs. CAPPS, Mr. PRICE of North Carolina, and Ms. HERSETH SANDLIN.

H. Res. 1011: Mr. GOODLATTE.

H. Res. 1012: Mr. BRALEY of Iowa.

H. Res. 1017: Mr. TOWNS.

H. Res. 1022: Mr. KENNEDY, Mr. RANGEL, Mr. LEWIS of Georgia, Mr. JEFFERSON, Mr. BISHOP of Georgia, Mr. HASTINGS of Florida, Mrs. JONES of Ohio, Mr. SCOTT of Georgia, Ms. KILPATRICK, Mr. PAYNE, Mr. BRALEY of Iowa, and Mr. JOHNSON of Georgia.

H. Res. 1056: Mr. KIRK.

H. Res. 1067: Mr. CUMMINGS.

H. Res. 1081: Mr. ISRAEL.

H. Res. 1085: Mr. MEEKS of New York, Mr. FATTAH, Mr. DAVIS of Illinois, Ms. Speier, Ms. CLARKE, Ms. LEE, Ms. WATSON, Mr. THOMPSON of Mississippi, Mr. WYNN, Mr. SCOTT of Virginia, Mr. BISHOP of Georgia, Mr. TERRY, Mrs. LOWEY, Mr. HASTINGS of Florida, Mr. NADLER, Ms. JACKSON-LEE of Texas, Ms. RICHARDSON, Mr. MCHUGH, Mr. FILNER, Ms. HIRONO, Mr. JOHNSON of Georgia, Mr. SCOTT of Georgia, Mr. ELLISON, Mr. BUTTERFIELD, and Ms. WATERS.

H. Res. 1106: Mr. MACK, Mrs. BONO MACK, Mr. LATOURETTE, Mr. BLUNT, Mr. TOM DAVIS of Virginia, Mr. TIBERI, Mr. HAYES, Mr. WELDON of Florida, Mr. YOUNG of Florida, Mr. SOUDER, Mr. MORAN of Kansas, Mr. MCHENRY, Mr. TIM MURPHY of Pennsylvania, Mr. MARIO DIAZ-BALART of Florida, Mr. SAXTON, Mr. CALVERT, Mrs. MUSGRAVE, Mr. LEWIS of California, Mr. MCCOTTER, Mr. YOUNG of Alaska, Mr. FORBES, Mr. CANTOR, Ms. CASTOR, Mr. HINOJOSA, Mr. LEWIS of Kentucky, Mr. PORTER, Mr. ROSKAM, Mr. CARTER, Mrs. Wilson of New Mexico, Mr. COBLE, Mr. TURNER, Mrs. MILLER of Michigan, Ms. ROS-LEHTINEN, Mr. WOLF, Mr. ALTMIRE, Mr. PLATTS, Mr. BACHUS, Mr. KING of New York, Mr. BUCHANAN, Ms. GINNY BROWN-WAITE of Florida, and Mr. GILCHREST.

H. Res. 1122: Mrs. MYRICK.

H. Res. 1124: Ms. SOLIS, Mrs. CAPPS, Mr. ENGEL, Mr. ALLEN, Mr. WAXMAN, Ms. WOOLSEY, Mr. BUTTERFIELD, and Mr. DOYLE.

H. Res. 1132: Mr. VISCLOSKY.

H. Res. 1133: Ms. CLARKE and Mr. LOEBSACK.

H. Res. 1143: Mrs. GILLIBRAND.

H. Res. 1146: Mr. KUHL of New York.

H. Res. 1147: Mrs. SCHMIDT, Mr. ROSKAM, Mr. BOUSTANY, Mrs. MYRICK, Mr. COOPER, Mrs. DAVIS of California, Mr. REICHERT, Mr. BACHUS, Mr. LATOURETTE, Mr. JONES of North Carolina, Mr. SAXTON, Mr. FEENEY, Mr. SHAYS, Mr. MCCARTHY of California, Mr. GERLACH, Mr. SHIMKUS, Mr. BUTTERFIELD, Mr. TURNER, Mr. PEARCE, Mr. THORNBERRY, Mr. HALL of Texas, Mr. CULBERSON, Mr. PLATTS, Mr. MCHENRY, Mr. BARRETT of South Carolina, and Mr. COBLE.

H. Res. 1153: Ms. WATSON, Mrs. MALONEY of New York, Mrs. MCCARTHY of New York, Mr. MCNULTY, Mr. HINOJOSA, Mr. CONYERS, Mrs. NAPOLITANO, Mr. YARMUTH, Mr. KAGEN, Mr. HOYER, Mr. DEFAZIO, Mr. CROWLEY, Mr. TOWNS, Ms. Lee, Mr. CARDOZA, Mr. SIRES, Mr. RANGEL, Mr. FRANK of Massachusetts, Mr. BRALEY of Iowa, Ms. KAPTUR, Mr. HOLT, Mr. MURTHA, Mr. MICHAUD, Mr. FARR, Mr. COURTNEY, Mr. HARE, Mr. HINCHEY, Mr. WELCH of Vermont, Mr. THOMPSON of California, Mr. PRICE of North Carolina, Mr. BOSWELL, Mr. PASTOR, Mr. MITCHELL, Ms. CORRINE BROWN of Florida, Mr. SPACE, Ms. BALDWIN, Ms. TSONGAS, Mr. WAXMAN, Mr. RUPPERSBERGER, Mr. RAHALL, Mr. CARNEY, Ms. SUTTON, Mr. SARBANES, and Ms. SCHAKOWSKY.

H. Res. 1155: Mr. BOOZMAN, Mr. SNYDER, and Mr. BERRY.

H. Res. 1166: Mr. MCGOVERN, and Ms. JACKSON-LEE of Texas.

¶51.35 DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H. Res. 992: Ms. FALLIN.

MONDAY, MAY 5, 2008 (52)

¶52.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Mr. SERRANO, who laid before the House the following communication:

WASHINGTON, DC,
May 5, 2008.

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

NANCY PELOSI,
Speaker of the House of Representatives.

Whereupon, pursuant to the order of the House of January 4, 2007, Members were recognized for morning-hour debate.

¶52.2 RECESS—12:36 P.M.

The SPEAKER pro tempore, Mr. SERRANO, pursuant to clause 12(a) of rule I, declared the House in recess at 12 o'clock and 36 minutes p.m., until 2 p.m.

¶52.3 AFTER RECESS—2 P.M.

The SPEAKER pro tempore, Mr. JACKSON of Illinois, called the House to order.

¶52.4 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. JACKSON of Illinois, announced he had

examined and approved the Journal of the proceedings of Thursday, May 1, 2008.

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

¶52.5 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

6371. A letter from the FEMA OCC Attorney Regulations & Policy, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations [Docket No. FEMA-B-7772] received April 25, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6372. A letter from the FEMA OCC Attorney, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations — received April 25, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6373. A letter from the OCC (FEMA) Attorney, Department of Homeland Security, transmitting the Department's final rule — Proposed Flood Elevation Determinations [Docket No. FEMA-B-7773] received April 25, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6374. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations — received April 25, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6375. A letter from the FEMA OCC Attorney Regulations & Policy, Department of Homeland Security, transmitting the Department's final rule — Proposed Flood Elevation Determinations [Docket No. FEMA-B-7771] received April 25, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6376. A letter from the Attorney, FEMA OCC Regulations & Policy, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations — received April 29, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6377. A letter from the General Counsel, Consumer Product Safety Commission, transmitting the Commission's final rule — Standard for the Flammability of Clothing Textiles — received April 29, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6378. A letter from the Director, Office of Management, Department of Energy, transmitting the Department's report on the amount of the acquisitions made from entities that manufacture the articles, materials, or supplies outside of the United States in fiscal year 2007, pursuant to Public Law 109-115, section 837; to the Committee on Energy and Commerce.

6379. A letter from the Inspector General, Department of Health and Human Services, transmitting the Department's report to Congress for Fiscal Year 2007, pursuant to Section 6034 of the Deficit Reduction Act of 2005; to the Committee on Energy and Commerce.

6380. A letter from the Secretaries, Departments of Agriculture and Health and Human Services, transmitting the Departments' report on Thefts, Losses, or Releases of Select Agents or Toxins for the period February 7, 2003 to December 31, 2006, as required by the Public Health Security and Bioterrorism Preparedness and Response Act of 2002, Pub. L. 107-188; to the Committee on Energy and Commerce.

6381. A letter from the Legal Advisor, Federal Communications Commission, transmitting the Commission's final rule — In the Matter of Amendment of Parts 1, 21, 73, 74 and 101 of the Commission's Rules to Facilitate the Provision of Fixed and Mobile Broadband Access, Educational and Other Advanced Services in the 2150-2162 and 2500-2690 MHz Bands [WT Docket No. 03-66 RM-10586] received April 15, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6382. A letter from the Deputy Chief, CGB, Federal Communications Commission, transmitting the Commission's final rule — In the Matter of Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities E911 Requirements for IP-Enabled Service Providers [CG Docket No. 03-123 WC Docket No. 05-196] received April 15, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6383. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — In the Matter of Advanced Television Systems and Their Impact Upon the Existing Television Broadcast Service [MB Docket No. 87-268] received March 26, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6384. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — Interlocutory Review of Rulings on Requests by Potential Parties for Access to Sensitive Unclassified Non-Safeguards Information and Safeguards Information (RIN: 3150-AI08) received April 15, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6385. A letter from the Acting Assistant Secretary For Export Administration, Department of Commerce, transmitting the Department's final rule — Technical Corrections to the Export Administration Regulations based upon a Systematic Review of the CCL [Docket No. 080307395-8515-01] (RIN: 0694-AE32) received April 29, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

6386. A letter from the District of Columbia Auditor, Office of the District of Columbia Auditor, transmitting a report entitled, ''Audit of Child and Family Services Agency's Congregate Care Contract Expenditures,'' pursuant to D.C. Code section 47-117(d); to the Committee on Oversight and Government Reform.

6387. A letter from the District of Columbia Auditor, Office of the District of Columbia Auditor, transmitting a report entitled, ''Audit of Child and Family Services Agency's Contracting and Quality Assurance Procedures,'' pursuant to D.C. Code section 47-117(d); to the Committee on Oversight and Government Reform.

6388. A letter from the Secretary, Department of Transportation, transmitting in accordance with Section 647(b) of Division F of the Consolidated Appropriations Act, FY 2004, Pub. L. 108-199, and the Office of Management and Budget Memorandum M-08-02, the Department's report on competitive sourcing efforts for FY 2007; to the Committee on Oversight and Government Reform.

6389. A letter from the Assistant Secretary for Legislative Affairs, Department of the Treasury, transmitting the Department's annual report for FY 2007 prepared in accordance with the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002, Public Law 107-174; to the Committee on Oversight and Government Reform.

6390. A letter from the Director, Administrative Office of the U.S. Courts, transmitting two reports on the 2007 Activities of the Administrative Office of the United States Courts and the 2007 Judicial Business of the United States Courts, pursuant to 28 U.S.C. 604(a)(4); to the Committee on the Judiciary.

6391. A letter from the Chairman, Commission on Civil Rights, transmitting the Commission's report entitled, ''Reinvigorating the Nation's Civil Rights Debate: The Strategic Plan of the United States Commission on Civil Rights for Fiscal Years 2008-2013''; to the Committee on the Judiciary.

6392. A letter from the Principal Deputy Assistant Attorney General, Department of Justice, transmitting the Department's report on the growth of violent street gangs in suburban areas, in reference to the Commerce, Justice, Science, and related Agencies Appropriations Bill for 2008; to the Committee on the Judiciary.

6393. A letter from the Principal Deputy Assistant Attorney General, Department of Justice, transmitting a letter concerning grants made during FY 2007 under Section 2806(b) of the Paul Coverdell National Forensic Science Improvement Act of 2000 (Pub L. 106-561) to improve forensic science services; to the Committee on the Judiciary.

6394. A letter from the Principal Deputy Assistant Attorney General, Department of Justice, transmitting the Department's report on the STOP Violence Against Women Formula Grant Program, as required by Section 2004(b) of the Violence Against Women Act of 1994; to the Committee on the Judiciary.

6395. A letter from the Secretary, Department of Labor, transmitting a copy of a draft bill to ''authorize the retention by the Secretary of Labor of fees collected to process applications for temporary agricultural employment certification for non-immigrant aliens in the United States, and for other purposes''; to the Committee on the Judiciary.

6396. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a Report on Denial of Visas to Confiscators of American Property for the period of April 1, 2007 through March 31, 2008; to the Committee on the Judiciary.

6397. A letter from the Secretaries, Departments of Defense, State, Energy and Commerce, transmitting a legislative proposal for Presidential authority to waive Section 1083 of the 2008 National Defense Authorization Act for states that have been removed from the list of state sponsors of terrorism; to the Committee on the Judiciary.

6398. A letter from the Acting Chief, Trade & Comm'l Regs. Branch, Department of Homeland Security, transmitting the Department's final rule — Import Restrictions Imposed on Archaeological and Ethnological Material of Iraq [CBP Dec. 08-17] (RIN: 1505-AB91) received April 25, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6399. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Tier 1 Issue — Backdated Stock Options Directive #2 [LMSB Control No. 4-0308-017] received April 23, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6400. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's report entitled, ''National Coverage Determinations for Fiscal Year 2006,'' pursuant to Public Law 106-554 section 522(a); jointly to the Committees on Energy and Commerce and Ways and Means.

6401. A letter from the Program Manager, Department of Health and Human Service, transmitting the Department's final rule — Medicare and Medicaid Programs; Conditions for Coverage for End-Stage Renal Disease

Facilities [CMS-3818-F] (RIN: 0938-AG82) received April 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Energy and Commerce.

¶52.6 COMMUNICATION FROM THE CLERK—MESSAGE FROM THE SENATE

The SPEAKER pro tempore, Mr. JACKSON of Illinois, laid before the House a communication, which was read as follows:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, May 2, 2008.

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

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on May 2, 2008, at 8:54 a.m.:

That the Senate passed without amendment H.R. 3522.

That the Senate agreed to without amendment H. Con. Res. 112.

That the Senate agreed to without amendment H. Con. Res. 340.

With best wishes, I am

Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

¶52.7 COMMUNICATION FROM THE CLERK—MESSAGE FROM THE SENATE

The SPEAKER pro tempore, Mr. JACKSON of Illinois, laid before the House a communication, which was read as follows:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, May 2, 2008.

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

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on May 2, 2008, at 12:54 p.m.:

That the Senate passed without amendment H.R. 5919.

With best wishes, I am

Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

¶52.8 FOREIGN SERVICE TRAVEL

Ms. WATSON moved to suspend the rules and pass the bill (H.R. 3658) to amend the Foreign Service Act of 1980 to permit rest and recuperation travel to United States territories for members of the Foreign Service.

The SPEAKER pro tempore, Mr. JACKSON of Illinois, recognized Ms. WATSON and Mr. POE, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. JACKSON of Illinois, announced that two-thirds of the Members present had voted in the affirmative.

Mr. LEWIS of California, objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mr. JACKSON of Illinois, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Tuesday, May 6, 2008.

The point of no quorum was considered as withdrawn.

¶52.9 CHAD AND DARFUR

Ms. WATSON moved to suspend the rules and agree to the following resolution (H. Res. 1011); as amended:

Whereas since independence in 1960, Chad's political life has been afflicted by a series of internal conflicts and civil wars as well as conflicts with its neighbors;

Whereas Chad has held several legislative and presidential multiparty elections since 1996, although the Department of State reported that the elections were ''orderly, but seriously flawed'';

Whereas human rights groups and the most recent Department of State Country Reports on Human Rights Practices stated that ''the [Chadian] government's poor human rights record deteriorated further'';

Whereas the genocide in Darfur, Sudan, continues to affect neighboring countries, especially Chad;

Whereas the United Nations estimates there are more than 240,000 refugees from Darfur and 52,000 refugees from the Central African Republic in Chad, and more than 180,000 Chadians have been displaced from their homes;

Whereas more than 12,000 new refugees from Darfur arrived in Chad in February 2008 due to increasing attacks against civilians by Sudanese Government forces, even as 30,000 Chadians were forced to flee the N'Djamena area to seek refuge in Cameroon;

Whereas the Government of Chad has provided important support to the many refugees from Darfur and the Central African Republic in Chad, despite serious economic and political difficulties;

Whereas the United States considers the Government of Chad an important ally in the war against terrorism;

Whereas a December 2007 report by the United Nations Secretary General stated that ''the security situation in eastern Chad has remained volatile and unpredictable [and t]he renewed violence has put the civilian population living in the area at increased risk and will further impede the work of the humanitarian community'';

Whereas an armed rebellion in Chad, supported by the Government of Sudan, has led to a serious humanitarian crisis and political instability in Chad;

Whereas on September 25, 2007, the United Nations Security Council passed Security Council Resolution 1778, authorizing a multidimensional presence intended to help create the security conditions conducive to a voluntary, secure, and sustainable return of internally displaced persons and refugees by contributing to their protection, both by facilitating the provision of humanitarian assistance in eastern Chad and the northern region of the Central African Republic and by creating favorable conditions for the reconstruction and economic and social development of those areas;

Whereas on October 15 and 16, 2007, the Council of the European Union agreed to deploy the military component of the multidimensional presence in the Central African Republic and Chad for a period of 1 year from the date that its initial operational capability is declared;

Whereas in late 2007, the Government of Sudan reportedly gathered several Chadian armed groups in Khartoum in order to bring the armed factions under one coalition for the February 2008 offensive;

Whereas in early February 2008, Chadian rebels armed and supported by the Sudanese Government's armed forces launched a major offensive in Chad's capital, N'Djamena, to overthrow the government of President Idriss Deby Itno;

Whereas in late February, the United Nations reported that the European Union Force began deployment to Chad and that an estimated 400 personnel have been deployed as of late February 2008;

Whereas the United States, the European Union, and the African Union condemn the fighting in Chad and the foreign support for the rebellion; and

Whereas the Department of State issued a press release condemning ''the attempt by armed rebels entering from outside the country to seize power extra-constitutionally in Chad'': Now, therefore, be it

Resolved, That the House of Representatives—

(1) expresses concern about the safety and well-being of innocent civilians in Chad, Chadian refugees and Internally Displaced Persons (IDPs), and refugees from Darfur and the Central African Republic that have taken refuge in Chad;

(2) strongly condemns Sudanese President Omar al-Bashir and the National Congress Party for their support of the armed rebellion and aggressive behavior in Chad and throughout the region;

(3) calls on parties to seek a negotiated settlement;

(4) urges the Government of Chad to—

(A) engage in an inclusive national dialogue with all stakeholders of the current conflict to reach a comprehensive agreement that would address the root causes of the Chadian crisis and strengthen democratic institutions;

(B) protect its civilians from violence and respect and enforce the rule of law in accordance with international norms and standards; and

(C) honor its May 9, 2007, agreement with the United Nations Children's Fund, ensuring its commitment to end all recruitment of persons under the age of 18 and demobilize all children under the age of 18 from its security forces;

(5) urges the Government of the Central African Republic to—

(A) fulfill its obligation under international law to protect civilians; and

(B) engage in constructive and inclusive dialogue with opposition and armed groups;

(6) calls on armed opposition groups to—

(A) renounce violence and respect the rule of law;

(B) engage in political dialogue to resolve the current crisis in their respective countries; and

(C) immediately end cooperation with the Government of Sudan and others that encourage and support armed rebellion;

(7) urges the United Nations Security Council to remain focused on the crises in Chad and the Central African Republic, and to ensure the effective and impartial protection of civilians, including internally displaced persons and refugees, particularly local populations, by preempting, preventing, and deterring attacks on civilians; and

(8) calls on the President to—

(A) continue United States humanitarian assistance to the refugees and internally displaced persons in Chad and the Central African Republic;

(B) provide support to strengthen democratic institutions and respect for human rights and rule of law; and

(C) seek punitive measures against the Government of Sudan by the United Nations Security Council for its aggression and destructive activities in Chad and the region.

The SPEAKER pro tempore, Mr. JACKSON of Illinois, recognized Ms.

WATSON and Mr. POE, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. JACKSON of Illinois, announced that two-thirds of the Members present had voted in the affirmative.

Mr. LEWIS of California, objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mr. JACKSON of Illinois, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

The point of no quorum was considered as withdrawn.

¶52.10 RUSSIAN FEDERATION

Ms. WATSON moved to suspend the rules and agree to the following resolution (H. Res. 1166):

Whereas, since 1993, the territorial integrity of the Republic of Georgia has been reaffirmed by the international community, international law, and 32 United Nations Security Council resolutions;

Whereas the Government of the Republic of Georgia has pursued in good faith a peaceful resolution of territorial conflicts in the regions of Abkhazia and South Ossetia since the end of hostilities in 1993;

Whereas, on March 28, 2008, and on April 12, 2008, Georgian President Mikheil Saakashvili introduced new and far-reaching peace proposals to resolve the territorial conflict in Abkhazia, including international guarantees of Abkhaz autonomy, broad political representation for the Abkhaz, the right to veto legislation related to the constitutional status of Abkhazia as well as its language and culture, the establishment of a joint Free Economic Zone in the Gali region, and an offer for more active involvement by the international community and Russian Federation to help forge a peaceful resolution to the conflict;

Whereas, for several years, the Government of the Russian Federation has carried out policies that seek to undermine the sovereignty of the Republic of Georgia in Abkhazia and South Ossetia by awarding individuals in these regions with Russian citizenship, Russian passports, economic subsidies, and the right to vote in Russian elections;

Whereas the Government of the Russian Federation has also detailed Russian officials to take up positions in the separatist governments, provided military equipment and support to separatists in the regions, and encouraged Russian volunteers to serve in militias in Abkhazia and South Ossetia;

Whereas the announcement from the Government of the Russian Federation on April 16, 2008, that it will establish ''official ties'' with the regions of Abkhazia and South Ossetia, recognize their official documents and legal entities, and further involve itself in aspects of their governments appears to be a thinly veiled attempt at annexation;

Whereas, on April 20, 2008, tensions between the Russian Federation and the Republic of Georgia further escalated when an unarmed and unmanned Georgian reconnaissance aircraft was shot down over Georgian territory, reportedly by a Russian MIG–29 fighter jet;

Whereas Russian officials have denied any involvement in the downing of the reconnaissance plane, claiming that Abkhazian rebels were responsible for the incident, although neither Georgia nor Abkhazian defense forces have MIG–29 fighter jets;

Whereas the statements and counter-productive actions of the Government of the Russian Federation in these regions has undermined the peace and security in Abkhazia and South Ossetia, the Republic of Georgia, and the Caucasus region as a whole;

Whereas the consistent effort to undermine the sovereignty of a neighbor is incompatible with the role of the Russian Federation as one of the world's leading powers and with its commitments to international peacekeeping made to the United Nations Security Council and the Organization for Security and Cooperation in Europe; and

Whereas, on April 23, 2008, Secretary of State Condoleezza Rice stated that ''the United States is firmly committed to the territorial integrity and sovereignty of Georgia, that we support Georgia's efforts to make certain that the people of Abkhazia and South Ossetia feel fully a part of Georgia, and that we are very concerned at the recent move by the Russian Federation, the presidential decree that was issued'': Now, therefore, be it

Resolved, That the House of Representatives—

(1) condemns recent decisions made by the Government of the Russian Federation to establish ''official ties'' with the regions of Abkhazia and South Ossetia, a process that further impedes reconciliation between those regions and the Government of the Republic of Georgia and that violates the sovereignty of the Republic of Georgia and the commitments of the Government of the Russian Federation to international peacekeeping;

(2) calls upon the Government of the Russian Federation to immediately revoke its decision to establish ''official ties'' with the regions of Abkhazia and South Ossetia;

(3) strongly supports the restoration of the territorial integrity of the Republic of Georgia and a peaceful resolution of the conflicts within Georgia's internationally recognized borders;

(4) encourages the Government of the Russian Federation to work with the Government of Georgia, the peoples of Abkhazia and South Ossetia, and the international community to find a peaceful solution to the conflict;

(5) welcomes the measured reaction of the Government of the Republic of Georgia to recent developments and commends President Saakashvili's latest initiatives to resolve territorial conflicts through peaceful means;

(6) calls on United Nations Secretary-General Ban Ki-moon to conduct an investigation of the April 20, 2008, incident in which an unarmed Georgian reconnaissance aircraft was shot down by what reports indicate was a missile launched from a Russian MIG–29 fighter jet;

(7) urges all parties to the conflicts in the Republic of Georgia and governments around the world to eschew rhetoric and actions that escalate tensions and undermine efforts to negotiate a peaceful settlement to the conflicts; and

(8) supports the declaration of the North Atlantic Treaty Organization's (NATO) Bucharest Summit in Romania, which stated that the Republic of Georgia will become a member of NATO, reiterates its support for the commitment to further enlargement of NATO to include democratic governments that are able and willing to meet the responsibilities of membership, and urges the foreign ministers of NATO member states at their meeting in December 2008 to consider favorably the application of the Government of the Republic of Georgia's Membership Action Plan.

The SPEAKER pro tempore, Mr. JACKSON of Illinois, recognized Ms. WATSON and Mr. POE, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. JACKSON of Illinois, announced that two-thirds of the Members present had voted in the affirmative.

Mr. LEWIS of California, objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mr. JACKSON of Illinois, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Tuesday, May 6, 2008.

The point of no quorum was considered as withdrawn.

¶52.11 UNDEMOCRATIC CONSTITUTION OF BURMESE

Ms. WATSON moved to suspend the rules and agree to the following concurrent resolution (H. Con. Res. 317); as amended:

Whereas in 1974, then-dictator General Ne Win and his regime redrew the 1947 State Constitution and held a referendum for a military-backed constitution, endorsing a civilian front for military rule, known as the Burmese Socialist Program Party;

Whereas in 1988, the people of Burma came to the streets in a massive popular democracy uprising to call for democracy, human rights, and an end to military rule and a single party system;

Whereas the current military regime violently crushed the mass democracy uprising in 1988, killing more than 3,000 peaceful protesters and taking over power from the previous regime;

Whereas the current military regime, officially known as the State Peace and Development Council (SPDC), known previously as the State Law and Order Restoration Council (SLORC), held multi-party elections in 1990;

Whereas despite the threat and pressure by the military regime to vote for the candidates of the military-backed National Unity Party (NUP), the people of Burma voted 82 percent of Parliament seats for the candidates of the National League for Democracy (NLD) party, led by detained leader Daw Aung San Suu Kyi and allied ethnic political parties;

Whereas the military regime refused to honor the election results and arrested and imprisoned both democracy activists and elected members of parliament;

Whereas the SPDC over a period of 14 years held a National Convention to draft a new constitution in which the process was tightly controlled, repressive and undemocratic;

Whereas the NLD walked out of the convention in 1995 because participants were not allowed to table alternative proposals or voice disagreement with the military regime;

Whereas in 2005, the leaders of the Shan Nationalities League of Democracy (SNLD) were all arrested on false charges and sentenced to more than 90 years in prison each;

Whereas the people of Burma, led by democracy activists and Buddhist monks in August and September 2007, took to the streets in nationwide peaceful protests demanding the military regime participate in a meaningful tri-partite dialogue with Daw Aung San Suu Kyi, the elected political parties from the 1990 elections and representatives of the ethnic nationalities for national reconciliation and a transition to democracy;

Whereas according to the United Nations Special Rapporteur on the Human Rights Situation in Burma, Professor Paulo Sergio Pinheiro, leading human rights groups and foreign diplomats based in Burma estimate the death toll from the August and September 2007 peaceful protests is much higher than reported by the regime;

Whereas the military regime brutally crushed the peaceful protests, killing at least 31 people, leaving nearly 100 missing, and arresting 700 additional political prisoners bringing the number of Burma's political prisoners to approximately 1,800;

Whereas the United Nations Security Council Presidential Statement, issued by unanimous consent of all members of the Council on October 11, 2007, stated that ''the Security Council strongly deplores the use of violence against peaceful demonstrators in Myanmar, emphasizes the importance of the early release of all political prisoners and remaining detainees''.

Whereas the United Nations Security Council Presidential Statement also stressed ''the need for the Government of Myanmar to create the necessary conditions for a genuine dialogue with Daw Aung San Suu Kyi and all concerned parties and ethnic groups, in order to achieve an inclusive national reconciliation with the direct support of the United Nations'';

Whereas the United Nations and governments around the world also repeatedly called for the SPDC to hold a political dialogue with Daw Aung San Suu Kyi, her party, the NLD, and representatives of ethnic nationalities to achieve national reconciliation and democratization and reverse the decades-long misrule by the regime which has resulted in a downward spiral of Burma's economic, educational, social, public health and infrastructure sectors;

Whereas the SPDC has ignored the repeated requests of the United Nations and the international community to release all political prisoners, end attacks against civilians, and engage in a meaningful dialogue with Daw Aung San Suu Kyi, her party, the NLD, and representatives of ethnic nationalities;

Whereas at the same time, the SPDC assigned a commission to draft a constitution on October 18, 2007, with 54 hand-picked participants, in an attempt to ignore past election results, to lock in a process that excludes representatives of ethnic nationalities and the NLD from political participation, and to legitimize continued military rule;

Whereas the latest version of the draft constitution seeks to codify military rule by reserving 25 percent of parliamentary seats for military appointees, permits the head of the military to intervene in national politics, and ensures that key government ministries are held by military officers;

Whereas in October 2007, the SPDC appointed Labor Minister U Aung Kyi as liaison minister to engage with Daw Aung San Suu Kyi for possible talks with Senior General Than Shwe, leader of the SPDC, but there has been no true exchange or tangible result from the few talks that were held;

Whereas recently, Daw Aung San Suu Kyi expressed through her party leaders that she is unhappy with the SPDC's unwillingness to establish political dialogue and she even urged the people of Burma to be prepared for the worst;

Whereas on February 9, 2008, the military regime announced that it will hold a constitutional referendum in May 2008 and a general election in 2010;

Whereas on February 12, 2008, the SPDC extended for another year the house arrest of U Tin Oo, Deputy Chairman of the NLD; and

Whereas early reports concerning the referendum voting indicate that Burmese voters were instructed how to vote under supervision of officials, sometimes under threat of physical violence and without an opportunity to read the ballot they were forced to cast: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) denounces the one-sided, undemocratic, and illegitimate actions of the State Peace and Development Council (SPDC) that seek to legitimize military rule through a flawed referendum process to adopt a new, undemocratic constitution;

(2) strongly urges that Burma's military regime begin a meaningful tri-partite dialogue with Daw Aung San Suu Kyi, the 1990 election-winning parties and representatives of ethnic nationalities toward national reconciliation, democracy, freedom of assembly, freedom of movement, freedom of speech, freedom of the press, and internationally recognized human rights for all Burmese citizens;

(3) demands the immediate and unconditional release of Daw Aung San Suu Kyi, detained Buddhist monks, and all other political prisoners and prisoners of conscience;

(4) denounces the SPDC for its failure to comply with the United Nations' recommendations and engage in a meaningful time-bound tri-partite dialogue with Daw Aung San Suu Kyi, the 1990 election winning parties and representatives of ethnic nationalities;

(5) calls for the SPDC to comply fully and immediately with the recommendations made by the United Nations Security Council Presidential Statement issued on October 11, 2007;

(6) urges the President to call for the United Nations Security Council to condemn the undemocratic referendum process and the SPDC's flawed constitution which will be the outcome of the referendum;

(7) urges the President to call for the United Nations Security Council to pass a binding resolution, which will instruct the regime to fully comply with the recommendations made by United Nations Special Envoy Ibrahim Gambari and the United Nations Security Council Presidential Statement, and strengthen the mandate of Secretary-General Ban Ki-moon to engage in a meaningful and time-bound dialogue with Daw Aung San Suu Kyi, the 1990 election winning parties and ethnic nationality representatives towards an inclusive democratic national reconciliation;

(8) urges the President to push for a comprehensive arms embargo against the Burmese military regime at the United Nations Security Council so that weapons produced by foreign countries, including Ukraine, China, and Russia, that currently sell weapons to Burma's military regime, can no longer be used by Burma's military regime against civilians; and

(9) urges the Association of Southeast Asian Nations to involve itself more deeply in reaching out to the Burmese democracy movement and to work with the United Nations Security Council and the Secretary-General to promote meaningful political dialogue.

The SPEAKER pro tempore, Mr. JACKSON of Illinois, recognized Ms. WATSON and Mr. POE, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution, as amended?

The SPEAKER pro tempore, Mr. JACKSON of Illinois, announced that two-thirds of the Members present had voted in the affirmative.

Mr. LEWIS of California, objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mr. JACKSON of Illinois, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Tuesday, May 6, 2008.

The point of no quorum was considered as withdrawn.

¶52.12 HONORING MEMORY OF DITH PRAN

Ms. WATSON moved to suspend the rules and agree to the following resolution (H. Res. 1109); as amended:

Whereas Dith Pran was born on September 23, 1942, in Siem Reap, Cambodia, a provincial town near the ancient temples at Angkor Wat;

Whereas Mr. Dith, a photojournalist and human rights advocate, became the face of the atrocities in Cambodia carried out by the Khmer Rouge;

Whereas Mr. Dith learned French and English in school and became a translator of Khmer for the United States Armed Forces and visiting film crews while he worked as a receptionist at a hotel near Angkor Wat prior to the escalation of the Vietnam War;

Whereas, during much of the early 1970s, Mr. Dith was a guide, interpreter, and friend of Sydney H. Schanberg of the New York Times;

Whereas the friendship and partnership between Mr. Dith and Mr. Schanberg became the basis for the 1984 film, ''The Killing Fields'', which showed the brutality perpetrated by the Khmer Rouge from 1975 to 1979 under Pol Pot;

Whereas nearly 2,000,000 Cambodians died from 1975 to 1979 at the hands of the Khmer Rouge;

Whereas Mr. Dith saved Mr. Schanberg and other Western journalists from being executed by persuading Khmer Rouge soldiers that they were journalists sympathetic to the Khmer Rouge cause;

Whereas Mr. Dith's wife and children were able to leave Cambodia for the United States through Mr. Schanberg's connections, but Mr. Dith was unable to obtain a passport or visa to leave the country;

Whereas, for four years, Mr. Dith disguised himself as a peasant, worked in rice fields, and endured regular beatings and harsh labor while living on a diet of a tablespoon of rice a day because the Khmer Rouge would often kill anyone who appeared educated or even wore glasses;

Whereas, in November 1978, Mr. Dith returned to his home of Siem Reap, and discovered that 50 members of his family had been killed;

Whereas Mr. Dith fled 60 miles to the border of Thailand and arrived, on October 3, 1979, where Mr. Schanberg flew to greet him;

Whereas Mr. Dith had an emotional reunion with his wife, Ser Moeun Dith, and their four children when he arrived in San Francisco;

Whereas Mr. Dith moved to New York, New York, and was hired in 1980 as a photographer for The New York Times;

Whereas Mr. Dith was a tireless activist speaking out about the Cambodian genocide and once stating, ''I'm a one person crusade'';

Whereas soon after the release of the film ''The Killing Fields'', Mr. Dith became a United States citizen and a goodwill ambassador for the United Nations High Commissioner for Refugees;

Whereas, in 1994, Mr. Dith worked to help pass the Cambodian Genocide Justice Act of 1994, sponsored by former Senator Charles Robb of Virginia, which established an Office

of Cambodian Genocide Investigations at the Department of State;

Whereas, on March 30, 2008, Mr. Dith, a resident of Woodbridge, New Jersey, passed away at the age of 65; and

Whereas the Dith Pran Holocaust Awareness Project was established to create awareness about the Cambodian genocide: Now, therefore, be it

Resolved, That the House of Representatives—

(1) honors the life and legacy of Mr. Dith for his commitment to raising awareness about the atrocities that took place under the Khmer Rouge in Cambodia;

(2) recognizes his courage and his endless pursuit for justice for the victims of the Cambodian genocide and all peoples around the world who have been victims of genocide; and

(3) honors the memory of Mr. Dith by remembering his life's work and continuing to acknowledge and remember the victims of genocides that have taken place around the world.

The SPEAKER pro tempore, Mr. JACKSON of Illinois, recognized Ms. WATSON and Mr. POE, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. JACKSON of Illinois, announced that two-thirds of the Members present had voted in the affirmative.

Mr. BONNER objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mr. JACKSON of Illinois, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Tuesday, May 6, 2008.

The point of no quorum was considered as withdrawn.

¶52.13 HIGHER EDUCATION

Mr. TIERNEY moved to suspend the rules and pass the bill of the Senate (S. 2929) to temporarily extend the programs under the Higher Education Act of 1965; as amended.

The SPEAKER pro tempore, Mr. JACKSON of Illinois, recognized Mr. TIERNEY and Mr. BOUSTANY, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. JACKSON of Illinois, announced that two-thirds of the Members present had voted in the affirmative.

Mr. BONNER objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mr. JACKSON of Illinois, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Tuesday, May 6, 2008.

The point of no quorum was considered as withdrawn.

¶52.14 CHARTER SCHOOLS

Mr. TIERNEY moved to suspend the rules and agree to the following resolution (H. Res. 1168); as amended:

Whereas charter schools deliver high-quality education and challenge our students to reach their potential;

Whereas charter schools provide thousands of families with diverse and innovative educational options for their children;

Whereas charter schools are public schools authorized by a designated public entity that are responding to the needs of our communities, families, and students and promoting the principles of quality, choice, and innovation;

Whereas in exchange for the flexibility and autonomy given to charter schools, they are held accountable by their sponsors for improving student achievement and for their financial and other operations;

Whereas 40 States and the District of Columbia have passed laws authorizing charter schools;

Whereas over 4,300 charter schools are now serving approximately 1,200,000 children;

Whereas over the last 14 years, Congress has provided over $2,262,257,000 in support to the charter school movement through start-up financing assistance and grants for planning, implementation, and dissemination;

Whereas over 365,000 children are on charter school waiting lists nationally;

Whereas charter schools improve their students' achievement and can stimulate improvement in traditional public schools;

Whereas charter schools must meet the student achievement accountability requirements under the Elementary and Secondary Education Act of 1965 in the same manner as traditional public schools, and often set higher and additional individual goals to ensure that they are of high quality and truly accountable to the public;

Whereas charter schools must continually demonstrate their ongoing success to parents, policymakers, and their communities, some charter schools routinely measure parental satisfaction levels, and all give parents new freedom to choose their public school;

Whereas charter schools nationwide serve a higher percentage of low-income and minority students than the traditional public system;

Whereas charter schools have enjoyed broad bipartisan support from the Administration, Congress, State Governors and legislatures, educators, and parents across the United States; and

Whereas the ninth annual National Charter Schools Week, to be held May 5 through May 9, 2008, is an event sponsored by charter schools and grassroots charter school organizations across the United States to recognize the significant impacts, achievements, and innovations of charter schools: Now, therefore, be it

Resolved, That the House of Representatives—

(1) acknowledges and commends charter schools and their students, parents, teachers, and administrators across the United States for their ongoing contributions to education and improving and strengthening our public school system;

(2) supports the ninth annual National Charter Schools Week; and

(3) joins the President in calling on the people of the United States to conduct appropriate programs, ceremonies, and activities to demonstrate support for charter schools during this weeklong celebration in communities throughout the United States.

The SPEAKER pro tempore, Mr. JACKSON of Illinois, recognized Mr. TIERNEY and Mr. BOUSTANY, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. JACKSON of Illinois, announced that two-thirds of the Members present had voted in the affirmative.

Mr. BONNER objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mr. JACKSON of Illinois, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Tuesday, May 6, 2008.

The point of no quorum was considered as withdrawn.

¶52.15 EL DORADO PROMISE SCHOLARSHIP

Mr. TIERNEY moved to suspend the rules and agree to the following resolution (H. Res. 1155); as amended:

Whereas the 2000 United States Census determined that El Dorado, Arkansas, had a significantly lower percentage of residents with degrees from institutions of higher education and significantly higher percentage of families who fell below the poverty line than the national average;

Whereas it is increasingly important for students to obtain a college education in order to keep up with the demands of the modern workforce and global economy;

Whereas the El Dorado Promise scholarship is a tuition scholarship, created and funded by Murphy Oil Corporation, which enables all eligible high school graduates of the El Dorado Public School District in El Dorado, Arkansas, to attend any accredited 2- or 4-year, public or private, college or university;

Whereas school enrollment in the El Dorado Public School District has significantly increased since the El Dorado Promise scholarship program was established, despite a 15-year trend of decreasing enrollment;

Whereas the El Dorado Promise scholarship program increased the number of El Dorado High School students who chose to attend college after graduation by 20 percent; and

Whereas on April 30, 2008, El Dorado High School students who received El Dorado Promise and other academic scholarships sign academic letters of intent for the colleges they will be attending upon graduation: Now, therefore, be it

Resolved, That the House of Representatives—

(1) congratulates the recipients of the El Dorado Promise scholarship for choosing to further their education;

(2) observes that April 30, 2008, is the second academic signing day for graduating El Dorado High School students receiving El Dorado Promise and other academic scholarships;

(3) acknowledges that the El Dorado Promise scholarship program is important for the revitalization of southern Arkansas; and

(4) recognizes the organizations and corporation involved in this program for their efforts to ensure that children from southern Arkansas, who might otherwise struggle in financing a college education, are able to attend college.

The SPEAKER pro tempore, Mr. JACKSON of Illinois, recognized Mr. TIERNEY and Mr. BOUSTANY, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. JACKSON of Illinois, announced that two-thirds of the Members present had voted in the affirmative.

Mr. BONNER objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mr. JACKSON of Illinois, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Tuesday, May 6, 2008.

The point of no quorum was considered as withdrawn.

¶52.16 HONORING LIFE OF CHARLTON HESTON

Mr. CLAY moved to suspend the rules and agree to the following resolution (H. Res. 1091); as amended:

Whereas the United States of America has lost a great patriot with the passing of Charlton Heston;

Whereas Charlton Heston first became beloved by the Nation as a great actor and portrayed many heroic figures, including Moses, Michelangelo, Andrew Jackson, John the Baptist, Mark Antony, and El Cid in epic movies of the 1950s and 1960s, and won the 1959 Best Actor Oscar for the lead character in ''Ben-Hur'';

Whereas Charlton Heston was a leader in many areas of life outside of acting, including serving as President of the Screen Actors Guild, which he helped to integrate with Ronald Reagan and was Chairman of the American Film Institute;

Whereas Charlton Heston was an active supporter of the civil rights movement, including protesting the showing of his film at a segregated movie theater in Oklahoma City and participating in and leading the Arts Group in the 1963 civil rights march on Washington;

Whereas in the last major public role of his life, Charlton Heston was President of the National Rifle Association from June 1998 until April 2003;

Whereas as President of the National Rifle Association, Charlton Heston was a stalwart advocate of the position that the 2nd Amendment gave citizens the right to keep and bear arms;

Whereas Charlton Heston was an active promoter of wildlife management through hunting;

Whereas, in 2003, Charlton Heston was awarded the Presidential Medal of Freedom, the Nation's highest civilian honor;

Whereas Charlton Heston was born in Illinois on October 4, 1923, and his parents moved to St. Helen, Michigan, where he grew up;

Whereas, in 1943, Charlton Heston enlisted in the Army Air Force and served as a radio-gunner in the Aleutian Islands of Alaska, and in 1947, he was discharged from the Army;

Whereas, in 1944, Charlton Heston married the love of his life, Lydia Clarke, to whom he had been married 64 years at his death;

Whereas the Hestons were the parents of two children, Fraser Heston and Holly Heston Rochell; and

Whereas Charlton Heston passed away on April 5, 2008, and the contributions he made to his family and his Nation will not be forgotten: Now, therefore, be it

Resolved, That the House of Representatives—

(1) honors the life, achievements, and contributions of Charlton Heston; and

(2) extends its deepest sympathies to the family of Charlton Heston for the loss of such a great generous man, husband, and father.

The SPEAKER pro tempore, Mr. JACKSON of Illinois, recognized Mr. CLAY and Mr. SHAYS, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. JACKSON of Illinois, announced that two-thirds of the Members present had voted in the affirmative.

Mr. BONNER objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mr. JACKSON of Illinois, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Tuesday, May 6, 2008.

The point of no quorum was considered as withdrawn.

¶52.17 MOTHER'S DAY

Mr. CLAY moved to suspend the rules and agree to the following resolution (H. Res. 1113):

Whereas Mother's Day is celebrated on the second Sunday of each May;

Whereas the first official Mother's Day was observed on May 10, 1908, in Grafton, West Virginia, and Philadelphia, Pennsylvania;

Whereas 2008 is the 100th anniversary of the first official Mother's Day observation;

Whereas in 1908, Elmer Burkett, a U.S. Senator from Nebraska, proposed making Mother's Day a national holiday;

Whereas in 1914, Congress passed a resolution designating the second Sunday of May as Mother's Day;

Whereas it is estimated that there are more than 82,000,000 mothers in the United States;

Whereas mothers have made immeasurable contributions toward building strong families, thriving communities, and ultimately a strong Nation;

Whereas the services rendered to the children of the United States by their mothers have strengthened and inspired the Nation throughout its history;

Whereas we honor ourselves and mothers in the United States when we revere and emphasize the importance of the role of the home and family as the true foundation of the Nation;

Whereas mothers continue to rise to the challenge of raising their families with love, understanding, and compassion, while overcoming the challenges of modern society; and

Whereas May 11, 2008 is recognized as Mother's Day: Now, therefore, be it

Resolved, That the House of Representatives celebrates the role of mothers in the United States and supports the goals and ideals of Mother's Day.

The SPEAKER pro tempore, Mr. JACKSON of Illinois, recognized Mr. CLAY and Mr. SHAYS, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. JACKSON of Illinois, announced that two-thirds of the Members present had voted in the affirmative.

Mr. BONNER objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mr. JACKSON of Illinois, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Tuesday, May 6, 2008.

The point of no quorum was considered as withdrawn.

¶52.18 NATIONAL TEACHER DAY

Mr. CLAY moved to suspend the rules and agree to the following resolution (H. Res. 952):

Whereas the education of children in the United States is the foundation of the future success of the United States;

Whereas education is critical for the creation of an innovative workforce and for increasing the global competitiveness of the United States;

Whereas teachers help students cultivate the knowledge and principles necessary to be successful in life;

Whereas teachers are held to high expectations, while often receiving little compensation;

Whereas teachers help instill civic responsibility among students in the United States;

Whereas teachers deserve annual national recognition for their knowledge, selfless dedication to their profession, compassion, and sacrifice; and

Whereas the Tuesday of the first full week of May of each year is an appropriate day for the establishment of National Teacher Day: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that—

(1) there should be established a National Teacher Day to honor and celebrate teachers; and

(2) the President should issue a proclamation calling on the people of the United States to observe such a day with appropriate ceremonies, programs, and activities.

The SPEAKER pro tempore, Mr. JACKSON of Illinois, recognized Mr. CLAY and Mr. SHAYS, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. JACKSON of Illinois, announced that two-thirds of the Members present had voted in the affirmative.

Mr. KLEIN of Florida, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. JACKSON of Illinois, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶52.19 COMMUNICATION FROM THE MINORITY LEADER—APPOINTMENT—ADVISORY COMMITTEE ON THE RECORDS OF CONGRESS

The SPEAKER pro tempore, Mr. JACKSON of Illinois, laid before the House the following communication, which was read as follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, March 13, 2008.

Hon. NANCY PELOSI,
Speaker, U.S. Capitol,
Washington, DC.

DEAR SPEAKER PELOSI: Pursuant to 44 U.S.C. 2702, I am pleased to appoint Mr. Jeffrey W. Thomas of Ohio to the Advisory Committee on the Records of Congress. Mr. Thomas has expressed interest in serving in

this capacity and I am pleased to fulfill his request.

Sincerely,

JOHN A. BOEHNER,
Republican Leader.

Ordered, That the Clerk notify the Senate of the foregoing appointment.

¶52.20 RECESS—4:22 P.M.

The SPEAKER pro tempore, Mr. JACKSON of Illinois, pursuant to clause 12(a) of rule I, declared the House in recess at 4 o'clock and 22 minutes p.m., until approximately 6:30 p.m.

¶52.21 AFTER RECESS—6:30 P.M.

The SPEAKER pro tempore, Mr. MCINTYRE, called the House to order.

¶52.22 NOTICE REQUIREMENT—CONSIDERATION OF MOTION TO INSTRUCT CONFEREES—H.R. 2419

Mr. FLAKE, pursuant to clause 7(c) of rule XXII, announced his intention to submit a motion to instruct the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2419) to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; not to recede to the provisions contained in subtitle A of title XII of the Senate amendment (relating to a permanent agriculture disaster assistance program).

¶52.23 H. RES. 952—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. MCINTYRE, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 952) expressing the sense of the House of Representatives that there should be established a National Teacher Day to honor and celebrate teachers in the United States.

The question being put,

Will the House suspend the rules and agree to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 368 / Nays 0

¶52.24 [Roll No. 240]

YEAS—368

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Buyer
Calvert
Camp (MI)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Courtney
Crenshaw
Crowley
Cubin
Cummings
Davis (CA)
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doggett
Donnelly
Doyle
Drake
Dreier
Duncan
Edwards
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Giffords
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Hunter
Inglis (SC)
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Johnson, Sam
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kind
King (IA)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Manzullo
Markey
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Moore (KS)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Musgrave
Myrick
Nadler
Napolitano
Neugebauer
Nunes
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Pearce
Pence
Perlmutter
Peterson (MN)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Putnam
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Snyder
Solis
Souder
Space
Spratt
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Thompson (CA)
Thornberry
Tiahrt
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Welch (VT)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—63

Andrews
Bean
Bishop (UT)
Buchanan
Burton (IN)
Butterfield
Campbell (CA)
Carson
Costello
Cramer
Cuellar
Culberson
Davis (AL)
Davis (IL)
Davis, Lincoln
Dicks
Doolittle
Ehlers
Fossella
Gerlach
Gilchrest
Gordon
Heller
Hoekstra
Hulshof
Inslee
Johnson (IL)
Jones (NC)
Jones (OH)
Kilpatrick
King (NY)
Lipinski
Maloney (NY)
Marchant
Marshall
McHenry
Mollohan
Moore (WI)
Murtha
Neal (MA)
Oberstar
Paul
Payne
Peterson (PA)
Pryce (OH)
Radanovich
Rogers (MI)
Rohrabacher
Rush
Saxton
Sessions
Shuler
Smith (WA)
Speier
Stark
Terry
Thompson (MS)
Tiberi
Wamp
Weiner
Weldon (FL)
Wexler
Wolf

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

Mr. LEWIS of California, moved to reconsider the vote whereby the resolution was agreed to.

Mr. HASTINGS of Florida, moved to lay on the table the motion to reconsider the vote.

The question being put, viva voce,

Will the House lay on the table the motion to reconsider said vote?

The SPEAKER pro tempore, Mr. MCINTYRE, announced that the nays had it.

Mr. HASTINGS of Florida, demanded a recorded vote on agreeing to said motion, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 202 / Nays 168

¶52.25 [Roll No. 241]

AYES—202

Abercrombie
Ackerman
Allen
Altmire
Arcuri
Baca
Baird
Baldwin
Barrow
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Capps
Capuano
Cardoza
Carnahan
Carney
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Courtney
Crowley
Cummings
Davis (CA)
DeFazio
DeGette
Delahunt
DeLauro
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Giffords
Gillibrand
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Markey
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty

Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Nadler
Napolitano
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Snyder
Solis
Space
Spratt
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Welch (VT)
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOES—168

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Burgess
Buyer
Calvert
Camp (MI)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Hensarling
Herger
Hobson
Hunter
Inglis (SC)
Issa
Johnson, Sam
Jordan
Keller
King (IA)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Putnam
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Young (AK)
Young (FL)

NOT VOTING—61

Andrews
Bean
Bishop (UT)
Buchanan
Burton (IN)
Butterfield
Campbell (CA)
Carson
Costello
Cramer
Cuellar
Culberson
Davis (AL)
Davis (IL)
Davis, Lincoln
Dicks
Doolittle
Fossella
Gerlach
Gilchrest
Gordon
Heller
Hoekstra
Hulshof
Inslee
Johnson (IL)
Jones (NC)
Jones (OH)
Kilpatrick
King (NY)
Lipinski
Maloney (NY)
Marchant
Marshall
McHenry
Mollohan
Murtha
Neal (MA)
Oberstar
Paul
Payne
Peterson (PA)
Pryce (OH)
Radanovich
Rogers (MI)
Rohrabacher
Rush
Saxton
Sessions
Shuler
Smith (WA)
Souder
Speier
Stark
Thompson (MS)
Tiberi
Wamp
Weiner
Weldon (FL)
Wexler
Wolf

So the motion to lay on the table the motion to reconsider the vote was agreed to.

¶52.26 H. RES. 1011—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. MCINTYRE, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 1011) calling on the United States Government and the international community to promptly develop, fund, and implement a comprehensive regional strategy to protect civilians, facilitate humanitarian operations, contain and reduce violence, and contribute to conditions for sustainable peace and good governance in Chad, as well as in the wider region that includes the northern region of the Central African Republic and the Darfur region of Sudan; as amended.

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. MCINTYRE, announced that two-thirds of those present had voted in the affirmative.

Mr. LEWIS of California, demanded a recorded vote on the motion to suspend the rules and agree to said resolution, as amended, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 371 Nays 0

¶52.27 [Roll No. 242]

AYES—371

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Buyer
Calvert
Camp (MI)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Courtney
Crenshaw
Crowley
Cubin
Cummings
Davis (CA)
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doggett
Donnelly
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Giffords
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Hunter
Inglis (SC)
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Johnson, Sam
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kind
King (IA)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Manzullo
Markey
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Musgrave
Myrick
Nadler
Napolitano
Neugebauer
Nunes
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Pearce
Pence
Perlmutter
Peterson (MN)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Putnam
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Snyder
Solis
Souder
Space
Spratt
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thornberry
Tiahrt
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Welch (VT)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—60

Andrews
Bean
Bishop (UT)
Buchanan
Burton (IN)
Butterfield
Campbell (CA)
Carson
Costello
Cramer
Cuellar
Culberson
Davis (AL)
Davis (IL)
Davis, Lincoln

Dicks
Doolittle
Fossella
Gerlach
Gilchrest
Gordon
Heller
Hoekstra
Hulshof
Inslee
Johnson (IL)
Jones (NC)
Jones (OH)
Kilpatrick
King (NY)
Lipinski
Maloney (NY)
Marchant
Marshall
McHenry
Mollohan
Murtha
Neal (MA)
Oberstar
Paul
Payne
Peterson (PA)
Pryce (OH)
Radanovich
Rogers (MI)
Rohrabacher
Rush
Saxton
Sessions
Shuler
Smith (WA)
Speier
Stark
Thompson (MS)
Tiberi
Wamp
Weiner
Weldon (FL)
Wexler
Wolf

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

Mr. LEWIS of California, moved to reconsider the vote whereby the resolution was agreed to.

Mr. HASTINGS of Florida, moved to lay on the table the motion to reconsider the vote.

The question being put, viva voce,

Will the House lay on the table the motion to reconsider said vote?

The SPEAKER pro tempore, Mr. MCINTYRE, announced that the nays had it.

Mr. HASTINGS of Florida, demanded a recorded vote on agreeing to said motion, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 199 / Nays 168

¶52.28 [Roll No. 243]

AYES—199

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

NOES—168

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Burgess
Buyer
Calvert
Camp (MI)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gingrey
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Hensarling
Herger
Hobson
Hunter
Inglis (SC)
Issa
Johnson, Sam
Jordan
Keller
King (IA)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Putnam
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Young (AK)
Young (FL)

NOT VOTING—64

Andrews
Bean
Bishop (UT)
Buchanan
Burton (IN)
Butterfield
Campbell (CA)
Carson
Costello
Cramer
Cuellar
Culberson
Davis (AL)
Davis (IL)
Davis, Lincoln
Dicks
Dingell
Donnelly
Doolittle
Fossella
Gerlach
Gilchrest
Gohmert
Gordon
Heller
Hoekstra
Hulshof
Inslee
Johnson (IL)
Jones (NC)
Jones (OH)
Kilpatrick
King (NY)
Lipinski
Maloney (NY)
Marchant
Marshall
McHenry
Mollohan
Moran (VA)
Murtha
Neal (MA)
Oberstar
Paul
Payne
Peterson (PA)
Pryce (OH)
Radanovich
Rogers (MI)
Rohrabacher
Rush
Saxton
Sessions
Shuler
Smith (WA)
Speier
Stark
Thompson (MS)
Tiberi
Wamp
Weiner
Weldon (FL)
Wexler
Wolf

So the motion to lay on the table the motion to reconsider the vote was agreed to.

¶52.29 ENROLLED BILLS SIGNED

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

H.R. 493. An Act to prohibit discrimination on the basis of genetic information with respect to health insurance and employment.

H.R. 1195. An Act to amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users to make technical corrections, and for other purposes.

H.R. 5715. An Act to ensure continued availability of access to the Federal student loan program for students and families.

¶52.30 MOTION TO ADJOURN

Mr. SERRANO moved that the House do now adjourn.

The question being put, viva voce,

Will the House now adjourn?

The SPEAKER pro tempore, Mr. MCINTYRE, announced that the yeas had it.

Mr. WALSH of New York, demanded a recorded vote on agreeing to said motion, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 199 / Nays 168

¶52.31 [Roll No. 244]

AYES—199

Abercrombie
Ackerman
Allen
Arcuri
Baca
Baird
Baldwin
Barrow
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Capps
Capuano
Cardoza
Carnahan
Carney
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Courtney
Crowley
Cummings
Davis (CA)
DeFazio
DeGette
Delahunt
DeLauro
Doggett
Doyle
Edwards
Ellison
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Feeney
Filner
Foster
Frank (MA)
Garrett (NJ)
Giffords
Gillibrand
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kind
Kirk
Klein (FL)
Lampson
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Moore (KS)
Moore (WI)

Murphy (CT)
Murphy, Patrick
Nadler
Napolitano
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rangel
Reyes
Richardson
Rodriguez
Rogers (AL)
Ross
Rothman
Roybal-Allard
Ruppersberger
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Snyder
Solis
Space
Spratt
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Welch (VT)
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth
Young (AK)

NOES—168

Aderholt
Akin
Alexander
Altmire
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Buyer
Calvert
Camp (MI)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Drake
Dreier
Duncan
Ehlers
Ellsworth
Emerson
English (PA)
Everett
Fallin
Ferguson
Flake
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Hensarling
Herger
Hobson
Hunter
Inglis (SC)
Issa
Johnson, Sam
Jordan
Keller
King (IA)
Kingston
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Putnam
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (KY)
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Young (FL)

NOT VOTING—64

Andrews
Bean
Bishop (UT)
Burton (IN)
Butterfield
Campbell (CA)
Carson
Costello
Cramer
Cuellar
Culberson
Davis (AL)
Davis (IL)
Davis, Lincoln
Dicks
Dingell
Donnelly
Doolittle
Fossella
Gerlach
Gilchrest
Gordon
Heller
Hoekstra
Hulshof
Inslee
Johnson (IL)
Jones (NC)
Jones (OH)
Kilpatrick
King (NY)
Lipinski
Maloney (NY)
Marchant
Markey
Marshall
McHenry
Mollohan
Moran (VA)
Murtha
Neal (MA)
Oberstar
Paul
Payne
Peterson (PA)
Pryce (OH)
Radanovich
Rogers (MI)
Rohrabacher
Rush
Ryan (OH)
Saxton
Sessions
Shuler
Smith (WA)
Speier
Stark
Thompson (MS)
Tiberi
Wamp
Weiner
Weldon (FL)
Wexler
Wolf

So the motion to adjourn was agreed to.

Accordingly,

At 7 o'clock and 45 minutes p.m., the House adjourned.

¶52.32 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

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

Mr. CONYERS: Committee on the Judiciary. H.R. 4279. A bill to enhance remedies for violations of intellectual property laws, and for other purposes; with an amendment (Rept. 110–617). Referred to the Committee of the Whole House on the state of the Union.

Mr. CONYERS: Committee on the Judiciary. H.R. 1512. A bill to amend the Immigration and Nationality Act to provide for compensation to States incarcerating undocumented aliens charged with a felony or two or more misdemeanors; with an amendment (Rept. 110–618). Referred to the Committee of the Whole House on the state of the Union.

Mr. FRANK of Massachusetts: Committee on Financial Services. H.R. 5830. A bill to create a voluntary FHA program that provides mortgage refinancing assistance to allow families to stay in their homes, protect neighborhoods, and help stabilize the housing market; with an amendment (Rept. 110–619). Referred to the Committee of the Whole House on the state of the Union.

Mr. CONYERS: Committee on the Judiciary. H.R. 5690. A bill to exempt the African National Congress from treatment as a terrorist organization for certain acts or events, provide relief for certain members of the African National Congress regarding admissibility, and for other purposes; with an amendment (Rept. 110–620 Pt. 1). Referred to the Committee of the Whole House on the state of the Union.

¶52.33 COMMITTEE DISCHARGED

Pursuant to clause 2 of rule XII the Committee on Foreign Affairs discharged from further consideration. H.R. 5690 referred to the Committee of the Whole House on the state of the Union.

¶52.34 PUBLIC BILLS AND RESOLUTIONS

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

By Mr. ROYCE:

H.R. 5957. A bill to reduce subsidies for agricultural commodity programs; to the Committee on Agriculture.

By Mr. MCNERNEY (for himself and Mr. GARY G. MILLER of California):

H.R. 5958. A bill to make permanent the increases made by the Economic Stimulus Act of 2008 in the loan limits for the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation, and the FHA; to the Committee on Financial Services.

By Mr. REYES:

H.R. 5959. A bill to authorize appropriations for fiscal year 2009 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes; to the Committee on Intelligence (Permanent Select).

By Mr. ALTMIRE (for himself and Mr. ENGLISH of Pennsylvania):

H.R. 5960. A bill to amend the Trade Act of 1974 to provide for a limitation on presidential discretion with respect to actions to address market disruption; to the Committee on Ways and Means, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GINGREY (for himself, Mr. FEENEY, Mr. WALDEN of Oregon, Mr. HERGER, Mr. BARTLETT of Maryland, Mr. KINGSTON, Mr. BROUN of Georgia, Mr. MILLER of Florida, Mr. WILSON of South Carolina, Mr. PRICE of Georgia, Mr. WESTMORELAND, and Mr. DEAL of Georgia):

H.R. 5961. A bill to amend titles XIX and XXI of the Social Security Act to place a general eligibility ceiling of 250 percent of the poverty level on gross income for eligibility for benefits under Medicaid and SCHIP; to the Committee on Energy and Commerce.

By Mr. MARIO DIAZ-BALART of Florida (for himself, Mr. DAVIS of Illinois, Mr. LINCOLN DIAZ-BALART of Florida, Mr. TIM MURPHY of Pennsylvania, Mr. PAUL, Ms. ROS-LEHTINEN, and Mr. TURNER):

H.R. 5962. A bill to amend the Internal Revenue Code of 1986 to provide temporary housing related tax relief for individuals, and for other purposes; to the Committee on Ways and Means.

By Mr. ELLISON (for himself, Mrs. MCCARTHY of New York, and Mr. CAPUANO):

H.R. 5963. A bill to protect the interests of bona fide tenants in the case of any foreclosure on any dwelling or residential real property, and for other purposes; to the Committee on Financial Services.

By Mr. GONZALEZ (for himself and Mr. UPTON):

H.R. 5964. A bill to amend the Clean Air Act to extend the compliance period for persons subject to the renewable fuel mandate in the years 2008, 2009, and 2010; to the Committee on Energy and Commerce.

By Ms. EDDIE BERNICE JOHNSON of Texas:

H.R. 5965. A bill to encourage small businesses to provide continuing financial education to their employees by providing a credit against income tax to cover a portion of the costs of providing that education and by giving such businesses and corporations providing such financial education preferential status when applying for Federal contracts, loans, and other assistance; to the Committee on Ways and Means, and in addition to the Committee on Small Business, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. KAPTUR (for herself and Mr. LATOURETTE):

H.R. 5966. A bill to target housing counseling funding based upon levels of residential mortgage foreclosures and delinquencies; to the Committee on Financial Services.

By Mr. WEINER:

H.R. 5967. A bill to amend the Internal Revenue Code of 1986 to provide for reallocation of abandoned private activity bond volume cap; to the Committee on Ways and Means.

By Mr. WITTMAN of Virginia:

H.R. 5968. A bill to require assurances that certain family planning service projects and programs will provide pamphlets containing the contact information of adoption centers; to the Committee on Energy and Commerce.

By Mr. WITTMAN of Virginia:
H.R. 5969. A bill to amend the Small Business Act to make service-disabled veterans eligible under the 8(a) business development program; to the Committee on Small Business.

By Mr. STUPAK (for himself and Mr. COBLE):
H. Con. Res. 341. Concurrent resolution celebrating 75 years of effective State-based alcohol regulation and recognizing State lawmakers, regulators, law enforcement officers, the public health community and industry members for creating a workable, legal, and successful system of alcoholic beverage regulation, distribution, and sale; to the Committee on the Judiciary.

By Ms. MATSUI (for herself, Mr. SHAYS, Mr. PLATTS, and Mr. PRICE of North Carolina):
H. Res. 1173. A resolution recognizing AmeriCorps Week; to the Committee on Education and Labor.

¶52.35 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 139: Mr. CULBERSON and Mrs. MYRICK.
H.R. 643: Mr. PRICE of Georgia.
H.R. 661: Mr. SESTAK and Mr. BROWN of South Carolina.
H.R. 914: Mr. PITTS.
H.R. 992: Mr. SHAYS.
H.R. 1032: Mrs. MALONEY of New York, Mr. SPRATT, Mr. CONYERS, and Mr. MILLER of North Carolina.
H.R. 1072: Ms. WASSERMAN SCHULTZ.
H.R. 1078: Ms. BERKLEY.
H.R. 1188: Mr. CARSON.
H.R. 1283: Mr. LARSON of Connecticut, Mr. CARSON, and Mr. DICKS.
H.R. 1392: Mr. GONZALEZ.
H.R. 1536: Mr. CARSON.
H.R. 1542: Mr. SARBANES.
H.R. 1606: Mr. BRALEY of Iowa.
H.R. 1643: Mr. ABERCROMBIE.
H.R. 1772: Mr. SHAYS.
H.R. 1776: Mr. DOYLE, Mr. LIPINSKI, and Mr. ALLEN.
H.R. 1843: Mr. INGLIS of South Carolina.
H.R. 1957: Mr. PRICE of North Carolina.
H.R. 1983: Mr. CONYERS and Mrs. SCHMIDT.
H.R. 2032: Mrs. EMERSON, Mr. SERRANO, and Mr. KILDEE.
H.R. 2049: Mr. CARSON, Mr. SERRANO, Ms. ESHOO, and Ms. LEE.
H.R. 2092: Mr. LATOURETTE and Mr. BRADY of Pennsylvania.
H.R. 2189: Ms. BALDWIN.
H.R. 2361: Mr. CARSON.
H.R. 2392: Mr. CARSON.
H.R. 2477: Mr. FORTUÑO.
H.R. 2552: Mr. WEXLER and Mr. PASTOR.
H.R. 2632: Ms. LEE.
H.R. 2676: Mr. PRICE of North Carolina.
H.R. 2712: Mr. THORNBERRY.
H.R. 2812: Mr. CONAWAY and Mr. HINOJOSA.
H.R. 2859: Mr. ELLISON.
H.R. 2894: Mr. BACHUS.
H.R. 2942: Mr. ANDREWS.
H.R. 2990: Mr. CARSON.
H.R. 2994: Mr. MCGOVERN.
H.R. 3047: Mr. SALI.
H.R. 3063: Mr. SERRANO.
H.R. 3089: Mr. SALI, Mr. ROYCE, and Mr. NEUGEBAUER.
H.R. 3164: Mr. HONDA.
H.R. 3257: Mr. JEFFERSON, Mr. PAYNE, Mr. DAVIS of Illinois, Mr. OLVER, Mr. BISHOP of New York, and Mr. ANDREWS.
H.R. 3267: Mr. BUTTERFIELD.
H.R. 3309: Mr. CONYERS.
H.R. 3480: Mrs. LOWEY and Mr. Carson.
H.R. 3543: Mr. BACA and Ms. WASSERMAN SCHULTZ.
H.R. 3544: Mr. WEXLER and Mr. DICKS.
H.R. 3636: Mr. CONYERS.
H.R. 3870: Mr. ALTMIRE and Mr. WAXMAN.
H.R. 3896: Mr. BRALEY of Iowa.
H.R. 4071: Mr. SHULER.
H.R. 4081: Mr. DOGGETT and Mr. KING of New York.
H.R. 4105: Ms. SOLIS, Mr. SIRES, Mr. WELCH of Vermont, Mr. PLATTS, and Ms. CORRINE BROWN of Florida.
H.R. 4114: Mr. SESTAK and Ms. ESHOO.
H.R. 4141: Mr. SMITH of New Jersey.
H.R. 4206: Mr. KUHL of New York and Mr. YARMUTH.
H.R. 4236: Mr. LARSON of Connecticut, Mr. EDWARDS, Mr. SPACE, Mrs. NAPOLITANO, and Mrs. GILLIBRAND.
H.R. 4296: Mr. PRICE of North Carolina.
H.R. 4318: Mr. CHABOT and Mr. TURNER.
H.R. 4335: Mr. LYNCH.
H.R. 4790: Mr. CONYERS.
H.R. 4900: Mrs. DRAKE, Mr. FORBES, Mr. SENSENBRENNER, Mr. WALZ of Minnesota, Mr. BILIRAKIS, and Mr. BACHUS.
H.R. 4990: Ms. SLAUGHTER.
H.R. 5106: Mr. GRIJALVA.
H.R. 5174: Mr. BRALEY of Iowa.
H.R. 5180: Mr. CONYERS.
H.R. 5265: Ms. SCHAKOWSKY, Mr. ANDREWS, and Mrs. TAUSCHER.
H.R. 5315: Mr. ROGERS of Michigan, Mr. REYES, and Mrs. GILLIBRAND.
H.R. 5401: Ms. LEE.
H.R. 5442: Ms. MATSUI.
H.R. 5447: Mr. CAPUANO and Mr. MCNULTY.
H.R. 5450: Mr. BRALEY of Iowa and Mr. REHBERG.
H.R. 5461: Mr. FORTUÑO.
H.R. 5464: Mr. CARSON.
H.R. 5465: Mr. MILLER of North Carolina and Mrs. BOYDA of Kansas.
H.R. 5496: Mr. CONYERS.
H.R. 5515: Mr. REYNOLDS.
H.R. 5532: Ms. BALDWIN.
H.R. 5534: Mr. SHAYS.
H.R. 5561: Mr. HIGGINS.
H.R. 5568: Mrs. BLACKBURN and Mr. HULSHOF.
H.R. 5586: Mr. ABERCROMBIE.
H.R. 5595: Ms. MCCOLLUM of Minnesota, Mrs. LOWEY, and Mr. MCGOVERN.
H.R. 5604: Mr. SOUDER, Mrs. BOYDA of Kansas, Mrs. MUSGRAVE, and Mr. MICHAUD.
H.R. 5605: Mr. CONYERS.
H.R. 5606: Mr. KING of New York and Mr. ROYCE.
H.R. 5609: Mr. GENE GREEN of Texas.
H.R. 5611: Ms. FOXX.
H.R. 5626: Mr. JOHNSON of Georgia.
H.R. 5635: Mr. ALTMIRE.
H.R. 5664: Mr. WALZ of Minnesota.
H.R. 5672: Mr. BERRY.
H.R. 5696: Mr. FILNER.
H.R. 5716: Ms. SCHAKOWSKY.
H.R. 5717: Mr. FEENEY.
H.R. 5723: Mr. MCKEON.
H.R. 5731: Mr. FEENEY.
H.R. 5734: Mr. BUTTERFIELD, Ms. MCCOLLUM of Minnesota, Mr. RANGEL, Mr. WALZ of Minnesota, Ms. SCHAKOWSKY, Mr. TAYLOR, Mr. GRIJALVA, and Mr. BISHOP of Georgia.
H.R. 5740: Mr. LYNCH, Mr. INSLEE, Mr. WILSON of Ohio, Mrs. BONO MACK, Mr. LARSEN of Washington, Mr. FALEOMAVAEGA, Ms. VELÁZQUEZ, Mrs. JONES of Ohio, Ms. CASTOR, and Ms. BEAN.
H.R. 5752: Mr. SHAYS.
H.R. 5753: Ms. BALDWIN.
H.R. 5762: Mr. SERRANO, Mr. SESTAK, and Mr. KLEIN of Florida.
H.R. 5765: Mr. PORTER and Mr. HERGER.
H.R. 5766: Mr. RUSH and Mr. BRALEY of Iowa.
H.R. 5784: Mr. RENZI.
H.R. 5798: Mr. ALTMIRE.
H.R. 5824: Mr. TAYLOR, Mrs. BOYDA of Kansas, Ms. CLARKE, and Mrs. MCCARTHY of New York.
H.R. 5825: Mr. CARNAHAN.
H.R. 5826: Mr. BILIRAKIS and Mr. WALZ of Minnesota.
H.R. 5831: Ms. SCHAKOWSKY, Ms. BORDALLO, Mr. BOREN, and Mrs. CHRISTENSEN.
H.R. 5837: Mr. ISRAEL.
H.R. 5847: Mr. WILSON of South Carolina.
H.R. 5854: Mr. SMITH of Washington.
H.R. 5857: Mr. CAMP of Michigan, Mr. FORTUÑO, Mr. SOUDER, and Mrs. MUSGRAVE.
H.R. 5869: Mr. UDALL of Colorado.
H.R. 5895: Mr. SESTAK.
H.R. 5898: Mr. JEFFERSON.
H.R. 5904: Mr. TERRY and Mr. REGULA.
H.R. 5911: Mr. RADANOVICH.
H.R. 5912: Mr. SHERMAN.
H.R. 5914: Mr. MCKEON.
H.R. 5916: Mr. CROWLEY.
H.R. 5934: Mr. ELLSWORTH.
H.R. 5954: Mr. FILNER.
H. Con. Res. 267: Mr. ALTMIRE.
H. Con. Res. 276: Ms. JACKSON-LEE of Texas.
H. Con. Res. 295: Mr. SALI.
H. Con. Res. 299: Mr. ENGEL, Mr. ALTMIRE, Mr. LOBIONDO, and Mr. BACHUS.
H. Con. Res. 332: Mr. KUCINICH, Mr. MARIO DIAZ-BALART of Florida, and Mr. DANIEL E. LUNGREN of California.
H. Con. Res. 334: Mr. CARNAHAN, Mr. Latta, and Mr. WALDEN of Oregon.
H. Con. Res. 337: Mr. CONYERS.
H. Con. Res. 338: Mr. BISHOP of Georgia, Mrs. CHRISTENSEN, Ms. CLARKE, Mr. DAVIS of Illinois, Ms. JACKSON-LEE of Texas, Ms. NORTON, and Mr. GRIJALVA.
H. Res. 68: Mr. CONYERS.
H. Res. 227: Mr. CONYERS.
H. Res. 353: Mr. RYAN of Ohio, Mr. FORTUÑO, Mr. KUCINICH, and Ms. SUTTON.
H. Res. 356: Mr. MURPHY of Connecticut and Mr. KNOLLENBERG.
H. Res. 369: Mr. TOWNS.
H. Res. 374: Mr. CONYERS.
H. Res. 757: Ms. SUTTON.
H. Res. 779: Ms. BALDWIN.
H. Res. 937: Mr. BOREN, Ms. JACKSON-LEE of Texas, Mr. LATTA, and Mr. BRADY of Pennsylvania.
H. Res. 977: Mr. JOHNSON of Georgia, Ms. MOORE of Wisconsin, Ms. MCCOLLUM of Minnesota, Mr. BOOZMAN, Mr. DELAHUNT, Mr. FOSTER, Ms. CORRINE BROWN of Florida, Ms. JACKSON-LEE of Texas, Mr. MAHONEY of Florida, Mr. PAYNE, Mr. BOUCHER, Mrs. CHRISTENSEN, Mr. LAMPSON, Mr. HILL, Mr. GRIJALVA, and Mr. JEFFERSON.
H. Res. 1008: Ms. SCHAKOWSKY.
H. Res. 1011: Mr. TIM MURPHY of Pennsylvania.
H. Res. 1022: Mr. WAXMAN, Mr. GENE GREEN of Texas, Ms. SUTTON, and Mr. THOMPSON of Mississippi.
H. Res. 1026: Mr. MOORE of Kansas and Mr. BOREN.
H. Res. 1048: Mr. MCCOTTER.
H. Res. 1069: Mr. LINDER.
H. Res. 1075: Mr. CALVERT.
H. Res. 1086: Mr. HINCHEY, Mr. MCCOTTER, Mr. LIPINSKI, Mr. CONYERS, and Mr. GINGREY.
H. Res. 1090: Ms. MOORE of Wisconsin, Mr. WATT, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. LEWIS of Georgia, Ms. NORTON, Mr. CLYBURN, Ms. CLARKE, Ms. KILPATRICK, Mr. CLEAVER, Mr. BISHOP of Georgia, Mr. DAVIS of Illinois, Mr. TOWNS, Mr. CLAY, Mr. BUTTERFIELD, Mrs. CHRISTENSEN, Mr. JOHNSON of Georgia, Mr. CARSON, Mr. WYNN, Mr. THOMPSON of Mississippi, Mr. SCOTT of Georgia, Ms. WATSON, Mrs. JONES of Ohio, Mr. AL GREEN of Texas, Mr. HASTINGS of Florida, Ms. LEE, Mr. DAVIS of Alabama, Ms. JACKSON-LEE of Texas, Mr. DINGELL, Ms. WATERS, Mr. MEEK of Florida, Mr. CUMMINGS, Ms. RICHARDSON, Ms. CORRINE BROWN of Florida, Mr. SCOTT of Virginia, Mr. MEEKS of New York, Mr. FATTAH, Mr. RANGEL, and Mr. CONYERS.
H. Res. 1109: Mr. DAVIS of Illinois.
H. Res. 1111: Ms. WASSERMAN SCHULTZ and Mrs. BOYDA of Kansas.
H. Res. 1122: Mr. WALDEN of Oregon.
H. Res. 1124: Mr. GONZALEZ, Mr. MCCOTTER, Mr. BOOZMAN, Mr. WEXLER, Ms. WASSERMAN

SCHULTZ, Mr. SAXTON, Ms. GINNY BROWN-WAITE of Florida, Ms. BEAN, Mr. ROTHMAN, Mrs. LOWEY, Mr. CROWLEY, Mr. TAYLOR, Mr. ROSS, Mr. HODES, Mr. CARNAHAN, Mr. DOGGETT, Mr. HALL of New York, Ms. DELAURO, Mrs. WILSON of New Mexico, Mr. SHAYS, Mr. WELCH of Vermont, Ms. JACKSON-LEE of Texas, and Ms. LINDA T. SÁNCHEZ of California.

H. Res. 1132: Mr. STUPAK and Mr. BRALEY of Iowa.

H. Res. 1134: Ms. DELAURO, Mr. MARIO DIAZ-BALART of Florida, Mr. LARSON of Connecticut, Mr. PATRICK MURPHY of Pennsylvania, Mr. PRICE of Georgia, Mr. SERRANO, and Mr. SESTAK.

H. Res. 1146: Ms. SCHAKOWSKY and Mr. EHLERS.

H. Res. 1155: Mr. MATHESON, Mr. BARROW, Mr. NUNES, Mrs. BLACKBURN, Mr. ALEXANDER, Mr. BOUSTANY, Mr. DAVIS of Alabama, Mr. MELANCON, Mr. WEINER, Mr. CUELLAR, Mr. GONZALEZ, Mr. JEFFERSON, Mr. MOORE of Kansas, Mr. BOSWELL, Ms. BALDWIN, Mr. SULLIVAN, Mr. BOYD of Florida, Mr. TANNER, Mr. BOREN, Mr. CARDOZA, Mr. ARCURI, Mr. CHANDLER, Mr. ISRAEL, Mr. PETERSON of Minnesota, Mr. COOPER, Mr. MICHAUD, Mr. SHULER, Ms. HERSETH SANDLIN, Mr. LINCOLN DAVIS of Tennessee, and Mr. ELLSWORTH.

H. Res. 1160: Mr. ETHERIDGE.

H. Res. 1164: Ms. BORDALLO.

H. Res. 1170: Mr. MCCARTHY of California, Mr. DANIEL E. LUNGREN of California, Mr. PENCE, Mr. SOUDER, and Mr. BUYER.

TUESDAY, MAY 6, 2008 (53)

¶53.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order at 10:30 a.m. by the SPEAKER pro tempore, Mr. PASTOR, who laid before the House the following communication:

WASHINGTON, DC,
May 6, 2008.

I hereby appoint the Honorable ED PASTOR to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

Whereupon, pursuant to the order of the House of January 4, 2007, Members were recognized for morning-hour debate.

¶53.2 RECESS—10:58 A.M.

The SPEAKER pro tempore, Mr. PASTOR, pursuant to clause 12(a) of rule I, declared the House in recess at 10 o'clock and 58 minutes a.m., until noon.

¶53.3 AFTER RECESS—NOON

The SPEAKER pro tempore, Mrs. TAUSCHER, called the House to order.

¶53.4 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mrs. TAUSCHER, announced she had examined and approved the Journal of the proceedings of Monday, May 5, 2008.

Mr. LATTA, pursuant to clause 1, rule I, demanded a vote on agreeing to the Chair's approval of the Journal.

The question being put, viva voce,

Will the House agree to the Chair's approval of said Journal?

The SPEAKER pro tempore, Mrs. TAUSCHER, announced that the yeas had it.

Mr. LATTA objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mrs. TAUSCHER, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

The point of no quorum was considered as withdrawn.

¶53.5 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

6402. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Pyraclostrobin; Pesticide Tolerance for Emergency Exemptions [EPA-HQ-OPP-2008-0003; FRL-83590-7] received April 18, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6403. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Cyazofamid; Pesticide Tolerances [EPA-HQ-OPP-2007-0872; FRL-8360-4] received April 18, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6404. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Thiamethoxam; Pesticide Tolerances [EPA-HQ-OPP-2008-0139; FRL-8359-9] received April 18, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6405. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Pyraclostrobin; Pesticide Tolerance [EPA-HQ-OPP-2007-0906; FRL-8355-4] received March 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6406. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Metconazole; Pesticide Tolerance [EPA-HQ-OPP-2006-0855; FRL-8360-5] received April 23, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6407. A letter from the Assistant Secretary for Health Affairs, Department of Defense, transmitting the Department's Evaluation of the TRICARE Program for Fiscal Year 2008, pursuant to 10 U.S.C. 1073 note; to the Committee on Armed Services.

6408. A letter from the Assistant Secretary for Installations and Environment, Department of the Navy, Department of Defense, transmitting notice of the completion of a public-private competition at the Fleet Readiness Center — East (formerly Naval Air Systems Command Naval Air Depot — Cherry Point) in Havelock, NC, pursuant to 10 U.S.C. 2462(a); to the Committee on Armed Services.

6409. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting authorization of Colonel Daniel O. Wyman, United States Air Force, to wear the insignia of the grade of brigadier general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

6410. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting letter on the approved retirement of General Dan K. McNeill, United States Army, and his advancement to the grade of general on the retired list; to the Committee on Armed Services.

6411. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting letter on the approved retirement of General Burwell B. Bell III, United States Army, and his advancement to the grade of general on the retired list; to the Committee on Armed Services.

6412. A letter from the Secretary, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General John G. Castellaw, United States Marine Corps, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

6413. A letter from the Director, Administration and Management, Department of Defense, transmitting Certification that the total cost for the planning, design, construction and installation of equipment for the renovation of wedges 2 through 5 of the Pentagon Reservation, cumulatively, will not exceed four times the total cost for the planning, design, construction, and installation of equipment for the renovation of wedge 1, pursuant to Public Law 108-287, section 8055; to the Committee on Armed Services.

6414. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's report entitled, ''Report to Congress on the Social and Economic Conditions of Native Americans: Fiscal Years 2001 and 2002,'' pursuant to Section 811A of the Native American Programs Act of 1974; to the Committee on Education and Labor.

6415. A letter from the Secretary, Department of Labor, transmitting a copy of proposed legislation to improve enforcement of the Labor-Management Reporting and Disclosure Act of 1959; to the Committee on Education and Labor.

6416. A letter from the Chairperson, National Council on Disabilities, transmitting the Council's report entitled, ''Empowerment for Americans with Disabilities: Breaking Barriers to Careers and Full Employment''; to the Committee on Education and Labor.

6417. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Withdrawal of Federal Implementation Plans for the Clean Air Interstate Rule in 12 States [EPA-HQ-OAR-2007-0510; FRL-8556-1] received April 18, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6418. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Petition for Reconsideration and Withdrawal of Findings of Significant Contribution and Rulemaking for Georgia for Purposes of Reducing Ozone Interstate Transport [EPA-HQ-OAR-2004-0439, FRL-8556-2] (RIN: 2060-AN12) received April 18, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6419. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Virginia; Incorporation of On-board Diagnostic Testing and Other Amendments to the Motor Vehicle Emission Inspection Program for the Northern Virginia Program Area [EPA-R03-OAR-2007-0185; FRL-8555-5] received April 18, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6420. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Delaware; Transportation Conformity Regulations [EPA-R03-OAR-2007-1009; FRL-8555-4] received April 18, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6421. A letter from the Director, Regulatory Management Division, Environmental

Protection Agency, transmitting the Agency's final rule — Revocation of Significant New Use Rules on Certain Chemical Substances [EPA-HQ-OPPT-2006-0213; FRL-8358-4] (RIN: 2070-AB27) received April 18, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6422. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Finding of Failure to Submit State Implementation Plans Required for the 1997 8-hour Ozone NAAQS [FRL-8545-5] received March 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6423. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans Georgia: Enhanced Inspection and Maintenance Plan [EPA-R04-OAR-2008-0116-200807a; FRL-8560-3] received April 25, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6424. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — National Volatile Organic Compound Emission Standards for Aerosol Coatings [EPA-HQ-OAR-2006-0971; FRL-8544-2] (RIN: 2060-AO86) received March 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6425. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Montana; Whitefish PM10 Nonattainment Area Control Plan [EPA-R08-OAR-2007-0367; FRL-8552-4] received April 23, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6426. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Indiana; Revisions to Particulate Matter Rules [EPA-R05-OAR-2007-1177; FRL-8559-7] received April 23, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6427. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — LAND DISPOSAL RESTRICTIONS: Site-Specific Treatment Variance for P and U-listed Hazardous Mixed Wastes Treated by Vacuum Thermal Desorption at the EnergySolutions' Facility in Clive, Utah [EPA-HQ-RCRA-2007-0936; FRL-8560-1] received April 25, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6428. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Extension of Deadline for Action on Section 126 Petition From Warrick County, Indiana, and the Town of Newburgh, Indiana [EPA-HQ-OAR-2008-0314; FRL-8559-9] received April 25, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6429. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Alabama Prevention of Significant Deterioration and Nonattainment New Source Review [EPA-R04-OAR-2007-0532-200810, FRL-8560-2] received April 25, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6430. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Delaware; Control of Stationary Generator Emissions [EPA-R03-OAR-2007-1188 FRL-8559-5] received April 23, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6431. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Wisconsin; Redesignation of the Forest County Potawatomi Community Reservation to a PSD Class 1 Area [EPA-R05-OAR-2004-WI-0002; FRL-8557-6] received April 23, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6432. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Virginia; Section 110(a) 8-Hour Ozone Maintenance Plan for the White Top Mountain, Smyth County, Virginia 1-Hour Ozone Nonattainment Area [EPA-R03-OAR-2007-1068; FRL-8559-6] received April 23, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6433. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — National Emission Standards for Hazardous Air Pollutants: Organic Liquids Distribution (Non-Gasoline) [EPA-HQ-OAR-2003-0138, FRL-8557-1] (RIN: 2060-A099) received April 23, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6434. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans Kentucky: Tennessee Valley Authority Paradise Facility State Implementation Plan Revision [EPA-R04-OAR-2007-1091-200813; FRL-8559-1] received April 23, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6435. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Regulation of Fuels and Fuel Additives: Revised Definition of Substantially Similar Rule for Alaska [EPA-HQ-OAR-2007-0071; FRL-8557-8] (RIN: 2060-AN94) received April 23, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6436. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Outer Continental Shelf Air Regulations Consistency Update for California [OAR-2004-0091; FRL-8542-3] received April 23, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6437. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Control of Emissions of Air Pollution from Locomotive Engines and Marine Compression-Ignition Engines Less than 30 Liters per Cylinder [EPA-HQ-OAR-2003-0190; FRL-8545-3] (RIN: 2060-AM06) received March 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6438. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Completeness Findings for Section 110(a) State Implementation Plans for the 8-hour Ozone NAAQS [FRL-8545-6] (RIN: 2060-AP03) received March 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6439. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Louisiana; Approval of 8-Hour Ozone Section 110(a)(1) Maintenance Plans for the Parishes of Lafayette and Lafourche [EPA-R06-OAR-2006-0871; FRL-8545-2] received March 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6440. A letter from the Attorney-Advisor, Wireline Competition Bureau, Federal Communications Commission, transmitting the Commission's final rule — In the Matter of Rural Health Care Support Mechanism [WC Docket No. 02-60] received April 15, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6441. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — In the Matter of Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Clayton, Oklahoma) [MB Docket No. 07-227 RM-11405] received April 15, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6442. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — In the Matter of Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Ash Fork and Paulden, Arizona) [MB Docket No. 07-220 rm-11403] received April 15, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

¶53.6 MOTION TO ADJOURN

Mr. WALSH of New York, moved that the House do now adjourn.

The question being put, viva voce,

Will the House now adjourn?

The SPEAKER pro tempore, Mrs. TAUSCHER, announced that the nays had it.

Mr. WALSH of New York, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the negative ..... { Yeas ..... 152 / Nays 255

¶53.7 [Roll No. 245]

YEAS—152

Aderholt	Crenshaw	Gilchrest
Akin	Cubin	Gingrey
Alexander	Culberson	Goode
Bachmann	Davis (KY)	Goodlatte
Bachus	Davis, David	Granger
Barrett (SC)	Davis, Tom	Graves
Bartlett (MD)	Deal (GA)	Hall (TX)
Barton (TX)	Dent	Hastings (WA)
Biggert	Diaz-Balart, L.	Hayes
Bilbray	Diaz-Balart, M.	Heller
Bilirakis	Doolittle	Hensarling
Bishop (UT)	Drake	Herger
Blackburn	Duncan	Hobson
Blunt	Emerson	Hoekstra
Boehner	English (PA)	Hunter
Bonner	Fallin	Inglis (SC)
Boozman	Feeney	Issa
Boustany	Flake	Johnson (IL)
Broun (GA)	Forbes	Johnson, Sam
Calvert	Fossella	Keller
Cannon	Foxx	King (IA)
Cantor	Franks (AZ)	King (NY)
Capito	Frelinghuysen	Kline (MN)
Carter	Gallegly	Knollenberg
Castle	Garrett (NJ)	LaHood
Chabot	Gerlach	Lamborn

Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Lucas
Lungren, Daniel E.
Marchant
McCarthy (CA)
McCaul (TX)
McCrery
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Petri
Pickering
Pitts
Porter
Price (GA)
Putnam
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shea-Porter
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Tancredo
Thornberry
Tiahrt
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NAYS—255

Abercrombie
Ackerman
Allen
Altmire
Arcuri
Baca
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Bono Mack
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Buyer
Capps
Capuano
Cardoza
Carnahan
Carney
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Doggett
Donnelly
Doyle
Dreier
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Everett
Farr
Fattah
Filner
Fortenberry
Foster
Frank (MA)
Giffords
Gillibrand
Gohmert
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jordan
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Kingston
Kirk
Klein (FL)
Kucinich
Lampson
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McCotter
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Platts
Poe
Pomeroy
Price (NC)
Radanovich
Rahall
Ramstad
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Sherman
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NOT VOTING—24

Andrews
Baird
Burton (IN)
Butterfield
Camp (MI)
Campbell (CA)
Carson
Cramer
Dingell
Ferguson
Hulshof
Jones (NC)
Jones (OH)
Kuhl (NY)
Marshall
McHenry
Miller, George
Oberstar
Peterson (PA)
Pryce (OH)
Rush
Shuler
Speier
Wynn

So the motion to adjourn was not agreed to.

¶53.8 APPROVAL OF THE JOURNAL—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mrs. TAUSCHER, pursuant to clause 8, rule XX, announced the unfinished business to be the question on agreeing to the Chair's approval of the Journal of Monday, May 5, 2008.

The question being put, viva voce,

Will the House agree to the Chair's approval of said Journal?

The SPEAKER pro tempore, Mrs. TAUSCHER, announced that the yeas had it.

Mr. WAMP demanded a recorded vote on agreeing to the Journal, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative .....

Yeas	220
Nays	182
Answered present	1

¶53.9 [Roll No. 246]

AYES—220

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

NOES—182

Aderholt
Akin
Alexander
Altmire
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Burgess
Buyer
Calvert
Camp (MI)
Cannon
Cantor
Carney
Carter
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly
Drake
Duncan
Ehlers
Ellsworth
Emerson
English (PA)
Everett
Fallin
Feeney
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gingrey
Goode
Goodlatte
Gordon
Granger
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hill
Hobson
Hoekstra
Hunter
Inglis (SC)
Issa
Johnson, Sam
Jordan
Keller
King (IA)
Kline (MN)
Knollenberg
LaHood
Lamborn
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHugh
McKeon
McMorris Rodgers
Mica
Miller (MI)
Miller, Gary
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Peterson (MN)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Stupak
Sullivan
Tancredo
Terry
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Turner
Udall (CO)
Upton
Walden (OR)

Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

ANSWERED ''PRESENT''—1

Gohmert

NOT VOTING—28

Andrews
Burton (IN)
Butterfield
Campbell (CA)
Carson
Cramer
Delahunt
Dicks
Dingell
Doolittle
Ferguson
Hirono
Hulshof
Jones (NC)
Jones (OH)
Kuhl (NY)
Marshall
McHenry
Miller (FL)
Oberstar
Payne
Pence
Peterson (PA)
Pryce (OH)
Rush
Shuler
Speier
Wynn

So the Journal was approved.

¶53.10 COMMUNICATION FROM THE CLERK—CERTIFICATE OF ELECTION

The SPEAKER laid before the House a communication, which was read as follows:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, May 5, 2008.

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

DEAR MADAM SPEAKER: I have the honor to transmit herewith a facsimile copy of a letter received from the Honorable Jay Dardenne, Secretary of State, State of Louisiana, indicating that, according to the unofficial returns of the Special Election held May 3, 2008, the Honorable Don Cazayoux was elected Representative to Congress for the Sixth Congressional District, State of Louisiana.

With best wishes, I am

Sincerely,

LORRAINE C. MILLER,
Clerk.

Enclosure.

¶53.11 ORDER OF BUSINESS—SWEARING IN OF MEMBER-ELECT

On motion of Mr. JEFFERSON, by unanimous consent,

Ordered, That, notwithstanding the fact that the certificate of election of Mr. Donald J. Cazayoux, Jr., 6th District of the State of Louisiana, has not been received by the Clerk of the House of Representatives, Mr. CAZAYOUX be permitted to take the oath of office as prescribed by law, there being no contest and no question with regard to his election.

Mr. CAZAYOUX then presented himself at the bar of the House and took the oath of office prescribed by law.

¶53.12 WHOLE NUMBER OF THE HOUSE OF REPRESENTATIVES ADJUSTED

The SPEAKER announced under clause 5(d) of rule XX, in light of the administration of the oath to Representative CAZAYOUX, the whole number of the House is adjusted to 433.

¶53.13 MOTION TO INSTRUCT CONFEREES TO H.R. 2419—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mrs. TAUSCHER, pursuant to clause 8 of rule XX, announced the unfinished business to be the question on the motion, by Mr. RYAN of Wisconsin, to instruct the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2419) to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes.

The question being put,

Will the House agree to said motion?

The vote was taken by electronic device.

It was decided in the negative ..... { Yeas ..... 172 / Nays 241

¶53.14 [Roll No. 247]

YEAS—172

Aderholt
Akin
Alexander
Bachus
Baird
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bean
Berman
Biggert
Bilbray
Bilirakis
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boucher
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Burgess
Buyer
Calvert
Camp (MI)
Cannon
Cantor
Capito
Castle
Chabot
Coble
Cooper
Crenshaw
Crowley
Culberson
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Ehlers
English (PA)
Everett
Feeney
Ferguson
Flake
Fossella
Foster
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Goode
Granger
Hall (TX)
Harman
Hastings (WA)
Heller
Hensarling
Hinchey
Hobson
Hoekstra
Holt
Hunter
Inglis (SC)
Israel
Issa
Johnson, Sam
Jordan
Keller
Kind
King (NY)
Kingston
Kirk
Knollenberg
Kuhl (NY)
Lamborn
Lampson
Larson (CT)
Latham
LaTourette
Latta
Lewis (CA)
Linder
Lipinski
LoBiondo
Lungren, Daniel E.
Mack
Marchant
Matheson
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHugh
McKeon
Meeks (NY)
Mica
Miller (FL)
Miller, Gary
Mitchell
Murphy, Patrick
Myrick
Nunes
Paul
Pence
Petri
Pickering
Pitts
Platts
Porter
Price (GA)
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Saxton
Schiff
Schmidt
Scott (GA)
Sensenbrenner
Sessions
Sestak
Shadegg
Shays
Sherman
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Stark
Stearns
Sullivan
Tancredo
Terry
Tiberi
Tierney
Turner
Upton
Van Hollen
Walberg
Wamp
Weiner
Weldon (FL)
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Young (AK)
Young (FL)

NAYS—241

Abercrombie
Ackerman
Allen
Altmire
Arcuri
Baca
Bachmann
Baldwin
Barrow
Becerra
Berkley
Berry
Bishop (GA)
Bishop (NY)
Bishop (UT)
Boozman
Boren
Boswell
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Buchanan
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Castor
Cazayoux
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole (OK)
Conaway
Conyers
Costa
Costello
Courtney
Cubin
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Edwards
Ellison
Ellsworth
Emanuel
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Forbes
Fortenberry
Frank (MA)
Giffords
Gillibrand
Gohmert
Gonzalez
Goodlatte
Gordon
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Hastings (FL)
Hayes
Herger
Herseth Sandlin
Higgins
Hill
Hinojosa
Hirono
Hodes
Holden
Honda
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
King (IA)
Klein (FL)
Kline (MN)
Kucinich
LaHood
Langevin
Larsen (WA)
Lee
Levin
Lewis (GA)
Lewis (KY)
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lynch
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Tim
Murtha
Musgrave
Nadler
Napolitano
Neal (MA)
Neugebauer
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Perlmutter
Peterson (MN)
Poe
Pomeroy
Price (NC)
Putnam
Radanovich
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schwartz
Scott (VA)
Serrano
Shea-Porter
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Snyder
Solis
Space
Spratt
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Towns
Tsongas
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Walden (OR)
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Welch (VT)
Weller
Wexler
Wilson (OH)
Wittman (VA)
Yarmuth

NOT VOTING—19

Andrews
Blackburn
Burton (IN)
Butterfield
Campbell (CA)
Carson
Cramer
Dicks
Hulshof
Jones (NC)
Jones (OH)
Marshall
McHenry
Oberstar
Peterson (PA)
Pryce (OH)
Rush
Speier
Wynn

So the motion to instruct the managers on the part of the House was not agreed to.

Mr. WALSH of New York, moved to reconsider the vote on the motion.

Mr. HASTINGS of Florida, moved to lay on the table the motion to reconsider the vote.

The question being put, viva voce,

Will the House lay on the table the motion to reconsider said vote?

The SPEAKER pro tempore, Mrs. TAUSCHER, announced that the yeas had it.

Mr. WALSH of New York, demanded a recorded vote on agreeing to said motion, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 203 Nays 176

¶53.15 [Roll No. 248]

AYES—203

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

NOES—176

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

NOT VOTING—53

Andrews
Arcuri
Berman
Berry
Blackburn
Boren
Boustany
Burton (IN)
Butterfield
Campbell (CA)
Carson
Chandler
Cooper
Cramer
Deal (GA)
Doyle
Feeney
Gallegly
Gonzalez
Heller
Herger
Hinojosa
Hodes
Hulshof
Jones (NC)
Jones (OH)
Kaptur
Kennedy
Larson (CT)
Marshall
McHenry
Meek (FL)
Michaud
Mollohan
Murtha
Oberstar
Peterson (PA)
Pryce (OH)
Radanovich
Reynolds
Richardson
Rogers (AL)
Rush
Ryan (OH)
Sánchez, Linda T.
Sarbanes
Schmidt
Solis
Speier
Tiahrt
Wamp
Wu
Wynn

So the motion to lay on the table the motion to reconsider the vote was agreed to.

¶53.16 NOTICE REQUIREMENT—CONSIDERATION OF MOTION TO INSTRUCT CONFEREES—H.R. 2419

Mr. CANTOR, pursuant to clause 7(c) of rule XXII, announced his intention to submit a motion to instruct the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2419) to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; not to agree to the provisions contained in section 12808 of the Senate amendment (relating to qualified forestry conservation bonds).

¶53.17 NATIONAL NURSES WEEK

Mr. Gene GREEN of Texas, moved to suspend the rules and agree to the following resolution (H. Res. 1086):

Whereas, since 2003, National Nurses Week is celebrated annually from May 6, also known as National Nurses Day, through May 12, the birthday of Florence Nightingale, the founder of modern nursing;

Whereas National Nurses Week is the time each year when nurses are recognized for the critical role they play in providing safe, high-quality, and preventative health care;

Whereas nurses are the cornerstone of the Nation's complex health care system, representing the largest single component of the health care profession, with an estimated over 2,500,000 registered nurses in the United States;

Whereas, according to a study published in the New England Journal of Medicine in May 2002, a higher proportion of nursing care provided by registered nurses and a greater number of hours of care by registered nurses per day are associated with better outcomes for hospitalized patients;

Whereas nurses are experienced researchers and their work encompasses a wide scope of scientific inquiry including clinical research, health systems and outcomes research, and nursing education research;

Whereas nurses are currently serving the Nation admirably in the conflicts in Iraq and Afghanistan;

Whereas nurses help inform and educate the public to improve the practice of all nurses and, more importantly, the health and safety of the patients they care for;

Whereas the Nation continues to face a nursing shortage unprecedented in its depth and duration, with a projection of over 1,000,000 new and replacement nurses needed by 2016;

Whereas the nationwide nursing shortage has caused dedicated nurses to work longer hours and care for more acutely ill patients;

Whereas nurses are strong allies to Congress as they help inform, educate, and work closely with legislators to improve the education, retention, recruitment, and practice of all nurses and, more importantly, the health and safety of the patients they care for; and

Whereas nurses are an integral part of the health care delivery team and provide quality care, support, and education to patients and their families, conduct essential research, and serve as strong patient advocates: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the significant contributions of nurses to the health care system of the United States;

(2) supports the goals and ideals of National Nurses Week, as founded by the American Nurses Association; and

(3) encourages the people of the United States to observe National Nurses Week with appropriate recognition, ceremonies, activities, and programs to demonstrate the importance of nurses to the everyday lives of patients.

The SPEAKER pro tempore, Mrs. TAUSCHER, recognized Mr. Gene GREEN of Texas, and Mr. TERRY, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. SERRANO, announced that two-thirds of the Members present had voted in the affirmative.

Mr. FRELINGHUYSEN objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mr. SERRANO, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

The point of no quorum was considered as withdrawn.

¶53.18 INTELLECTUAL PROPERTY LAWS

Mr. CONYERS moved to suspend the rules and pass the bill (H.R. 4279) to enhance remedies for violations of intellectual property laws, and for other purposes; as amended.

The SPEAKER pro tempore, Mrs. TAUSCHER, recognized Mr. CONYERS and Mr. SMITH of Texas, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. SERRANO, announced that two-thirds of the Members present had voted in the affirmative.

Mr. FRELINGHUYSEN objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mr. SERRANO, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

The point of no quorum was considered as withdrawn.

¶53.19 AFRICAN NATIONAL CONGRESS

Mr. CONYERS moved to suspend the rules and pass the bill (H.R. 5690) to exempt the African National Congress from treatment as a terrorist organization for certain acts or events, provide relief for certain members of the African National Congress regarding admissibility, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. SERRANO, recognized Mr. CONYERS and Mr. SMITH of Texas, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. SERRANO, announced that two-thirds of the Members present had voted in the affirmative.

Mr. FRELINGHUYSEN objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mr. SERRANO, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

The point of no quorum was considered as withdrawn.

¶53.20 INCARCERATED UNDOCUMENTED ALIENS

Ms. Loretta SANCHEZ of California, moved to suspend the rules and pass the bill (H.R. 1512) to amend the Immigration and Nationality Act to provide for compensation to States incarcerating undocumented aliens charged with a felony or two or more misdemeanors.

The SPEAKER pro tempore, Mr. SERRANO, recognized Ms. Loretta SANCHEZ of California, and Mr. KING of Iowa, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. SERRANO, announced that two-thirds of the Members present had voted in the affirmative.

Mr. FRELINGHUYSEN objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mr. SERRANO, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

The point of no quorum was considered as withdrawn.

¶53.21 H.R. 3658—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. SERRANO, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and pass the bill (H.R. 3658) to amend the Foreign Service Act of 1980 to permit rest and recuperation travel to United States territories for members of the Foreign Service.

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. SERRANO, announced that two-thirds of those present had voted in the affirmative.

Mr. FRELINGHUYSEN demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 416 / Nays 0

¶53.22 [Roll No. 249]

YEAS—416

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Buyer
Calvert
Camp (MI)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Cazayoux
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—16

Andrews	Hulshof	Pryce (OH)
Burton (IN)	Jones (NC)	Rush
Butterfield	Jones (OH)	Speier
Campbell (CA)	McHenry	Weiner
Carson	Meek (FL)	
Conaway	Oberstar	

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

Mr. ROGERS of Kentucky, moved to reconsider the vote whereby the bill was passed.

Mr. HASTINGS of Florida, moved to lay on the table the motion to reconsider the vote.

The question being put, viva voce,

Will the House lay on the table the motion to reconsider said vote?

The SPEAKER pro tempore, Mr. SERRANO, announced that the nays had it.

Mr. HASTINGS of Florida, demanded a recorded vote on agreeing to said motion, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 226 Nays 190

¶53.23 [Roll No. 250]

AYES—226

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

NOES—190

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

NOT VOTING—16

Andrews	Hall (TX)	Pryce (OH)
Burton (IN)	Hulshof	Rush
Butterfield	Jones (NC)	Speier
Campbell (CA)	Jones (OH)	Weiner
Carson	McHenry	
Conaway	Oberstar	

So the motion to lay on the table the motion to reconsider the vote was agreed to.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶53.24 H. CON. RES. 317—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. SERRANO, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the concurrent resolution (H. Con. Res. 317) condemning the Burmese regime's undemocratic constitution and scheduled referendum; as amended.

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution, as amended?

The SPEAKER pro tempore, Mr. SERRANO, announced that two-thirds of those present had voted in the affirmative.

Mr. ROGERS of Kentucky, demanded a recorded vote on the motion to suspend the rules and agree to said concurrent resolution, as amended, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 413 Nays 1

¶53.25 [Roll No. 251]

AYES—413

Abercrombie	Cannon	Drake
Ackerman	Cantor	Dreier
Aderholt	Capito	Duncan
Akin	Capps	Edwards
Alexander	Capuano	Ehlers
Allen	Cardoza	Ellison
Altmire	Carnahan	Ellsworth
Arcuri	Carney	Emanuel
Baca	Carter	Emerson
Bachmann	Castle	Engel
Bachus	Castor	English (PA)
Baird	Cazayoux	Eshoo
Baldwin	Chabot	Etheridge
Barrett (SC)	Chandler	Everett
Barrow	Clarke	Fallin
Bartlett (MD)	Clay	Farr
Barton (TX)	Cleaver	Fattah
Bean	Clyburn	Feeney
Becerra	Coble	Ferguson
Berkley	Cohen	Filner
Berman	Cole (OK)	Flake
Berry	Conyers	Forbes
Biggert	Cooper	Fortenberry
Bilbray	Costa	Fossella
Bilirakis	Costello	Foster
Bishop (GA)	Courtney	Foxx
Bishop (NY)	Cramer	Frank (MA)
Bishop (UT)	Crenshaw	Franks (AZ)
Blackburn	Crowley	Frelinghuysen
Blumenauer	Cubin	Gallegly
Blunt	Cuellar	Garrett (NJ)
Boehner	Culberson	Gerlach
Bonner	Cummings	Giffords
Bono Mack	Davis (AL)	Gilchrest
Boozman	Davis (CA)	Gillibrand
Boren	Davis (IL)	Gingrey
Boswell	Davis (KY)	Gohmert
Boucher	Davis, David	Gonzalez
Boustany	Davis, Lincoln	Goode
Boyd (FL)	Davis, Tom	Goodlatte
Boyda (KS)	Deal (GA)	Gordon
Brady (PA)	DeFazio	Granger
Brady (TX)	DeGette	Graves
Braley (IA)	Delahunt	Green, Al
Broun (GA)	DeLauro	Green, Gene
Brown (SC)	Dent	Grijalva
Brown, Corrine	Diaz-Balart, L.	Gutierrez
Brown-Waite, Ginny	Diaz-Balart, M.	Hall (NY)
Buchanan	Dicks	Hall (TX)
Burgess	Dingell	Hare
Buyer	Doggett	Harman
Calvert	Donnelly	Hastings (FL)
Camp (MI)	Doolittle	Hastings (WA)
	Doyle	Hayes

Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Welch (VT)
Weldon (FL)
Weller
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOES—1

Paul

NOT VOTING—18

Andrews
Burton (IN)
Butterfield
Campbell (CA)
Carson
Conaway
Hulshof
Jones (NC)
Jones (OH)
McHenry
Miller, George
Oberstar
Pryce (OH)
Rush
Speier
Thompson (MS)
Weiner
Westmoreland

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said concurrent resolution, as amended, was agreed to.

Mr. ROGERS of Kentucky, moved to reconsider the vote whereby the concurrent resolution, as amended, was agreed to.

Mr. HASTINGS of Florida, moved to lay on the table the motion to reconsider the vote.

The question being put, viva voce,

Will the House lay on the table the motion to reconsider said vote?

The SPEAKER pro tempore, Ms. DEGETTE, announced that the ayes had it.

Mr. ROGERS of Kentucky, demanded a recorded vote on agreeing to said motion, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 225 Nays 190

¶53.26 [Roll No. 252]

AYES—225

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

NOES—190

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

NOT VOTING—17

Andrews
Burton (IN)
Butterfield
Campbell (CA)
Cannon
Carson
Conaway
Hulshof
Jones (NC)
Jones (OH)
McHenry
Oberstar
Pryce (OH)
Rangel
Rush
Speier
Weiner

So the motion to lay on the table the motion to reconsider the vote was agreed to.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶53.27 CLERK TO CORRECT ENGROSSMENT

On motion of Ms. DEGETTE, by unanimous consent,

Ordered, That in the engrossment of the amendment to the title of the foregoing concurrent resolution (H. Con. Res. 317), the Clerk be authorized to correct any error in spelling.

¶53.28 H. RES. 1109—UNFINISHED BUSINESS

The SPEAKER pro tempore, Ms. DEGETTE, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 1109) honoring the memory of Dith Pran by remembering his life's work and continuing to acknowledge and remember the victims of genocides that have taken place around the globe; as amended.

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Ms. DEGETTE, announced that two-thirds of those present had voted in the affirmative.

Mr. ROGERS of Kentucky, demanded a recorded vote on agreeing to said resolution, as amended, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 413 Nays 1

¶53.29 [Roll No. 253]

AYES—413

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Buyer
Calvert
Camp (MI)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Cazayoux
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jordan
Kagen
Kanjorski
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Wu
Wynn
Yarmuth
Young (FL)

NOES—1

Young (AK)

NOT VOTING—18

Andrews
Bilbray
Burton (IN)
Butterfield
Campbell (CA)
Carson
Conaway
Hulshof
Jones (NC)
Jones (OH)
Kaptur
McHenry
Oberstar
Pryce (OH)
Rush
Speier
Weiner
Woolsey

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

Mr. ROGERS of Kentucky, moved to reconsider the vote whereby the resolution, as amended, was agreed to.

Mr. HASTINGS of Florida, moved to lay on the table the motion to reconsider the vote.

The question being put, viva voce,

Will the House lay on the table the motion to reconsider said vote?

The SPEAKER pro tempore, Ms. DEGETTE, announced that the ayes had it.

Mr. ROGERS of Kentucky, demanded a recorded vote on agreeing to said motion, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 225 Nays 186

¶53.30 [Roll No. 254]

AYES—225

Abercrombie
Ackerman
Allen
Altmire
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Capps
Capuano
Cardoza
Carnahan
Carney
Castor
Cazayoux
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reichert

Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Watson
Watt
Waxman
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOES—186

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

NOT VOTING—21

Andrews
Bishop (UT)
Boehner
Boswell
Burton (IN)
Butterfield
Campbell (CA)
Carson
Conaway
Gingrey
Hulshof
Jones (NC)
Jones (OH)
McHenry
Oberstar
Pryce (OH)
Reyes
Rush
Speier
Waters
Weiner

So the motion to lay on the table the motion to reconsider the vote was agreed to.

¶53.31 MOTION TO ADJOURN

Mr. SIMPSON moved that the House do now adjourn.

The question being put, viva voce,

Will the House now adjourn?

The SPEAKER pro tempore, Ms. DEGETTE, announced that the nays had it.

Mr. SIMPSON demanded a recorded vote on agreeing to said motion, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the negative ..... { Yeas ..... 145 Nays 271

¶53.32 [Roll No. 255]

AYES—145

Aderholt
Akin
Alexander
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Broun (GA)
Calvert
Camp (MI)
Cannon
Cantor
Capito
Carter
Chabot
Coble
Cole (OK)
Conyers
Cooper
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Emerson
English (PA)
Everett
Ferguson
Flake
Forbes
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gilchrest
Gingrey
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hayes
Heller
Hensarling
Herger
Hobson
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Keller
King (IA)
King (NY)
Kline (MN)
Knollenberg
LaHood
Lamborn
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Marchant
McCarthy (CA)
McCaul (TX)
McCrery
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Petri
Porter
Price (GA)
Putnam
Regula
Rehberg
Reichert
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Royce
Ryan (WI)
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Thornberry
Turner
Upton
Walden (OR)
Walsh (NY)
Wamp
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—271

Abercrombie
Ackerman
Allen
Altmire
Arcuri
Baca
Bachmann
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Buyer
Capps
Capuano
Cardoza
Carnahan
Carney
Castle
Castor
Cazayoux
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Feeney
Filner
Fortenberry
Fossella
Foster
Frank (MA)
Gerlach
Giffords
Gillibrand
Gohmert
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Hastings (WA)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jordan
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Kingston
Kirk
Klein (FL)
Kucinich
Kuhl (NY)
Lampson
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McCotter
McDermott
McGovern
McHugh
McIntyre
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Peterson (PA)
Pickering
Pitts
Platts
Poe
Pomeroy
Price (NC)
Radanovich
Rahall
Ramstad
Rangel
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Shuster
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walberg
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Welch (VT)
Weldon (FL)
Wexler
Wilson (OH)
Wittman (VA)
Wu
Wynn
Yarmuth

NOT VOTING—16

Andrews
Burton (IN)
Butterfield
Campbell (CA)
Carson
Conaway
Hulshof
Jones (NC)
Jones (OH)
McHenry
Oberstar
Pryce (OH)
Rush
Speier
Weiner
Woolsey

So the motion to adjourn was not agreed to.

¶53.33 S. 2929—UNFINISHED BUSINESS

The SPEAKER pro tempore, Ms. DEGETTE, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill of the Senate (S. 2929) to temporarily extend the programs under the Higher Education Act of 1965; as amended.

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Ms. DEGETTE, announced that two-thirds

of those present had voted in the affirmative.

Mrs. EMERSON demanded a recorded vote on passage of said bill, as amended, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 408 Nays 0

¶53.34 [Roll No. 256]

AYES—408

Abercrombie
Ackerman
Akin
Alexander
Allen
Altmire
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Buyer
Calvert
Camp (MI)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Cazayoux
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jordan
Kagen
Kanjorski
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney (NY)
Manzullo
Markey
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—24

Aderholt
Andrews
Burton (IN)
Butterfield
Campbell (CA)
Carson
Conaway
Davis, Lincoln
Doggett
Feeney
Hulshof
Jones (NC)
Jones (OH)
Kaptur
Mahoney (FL)
Marchant
Marshall
McHenry
Oberstar
Paul
Pryce (OH)
Rush
Speier
Weiner

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

Mrs. EMERSON moved to reconsider the vote whereby the bill, as amended, was passed.

Mr. HASTINGS of Florida, moved to lay on the table the motion to reconsider the vote.

The question being put, viva voce,

Will the House lay on the table the motion to reconsider said vote?

The SPEAKER pro tempore, Ms. DEGETTE, announced that the ayes had it.

Mrs. EMERSON demanded a recorded vote on agreeing to said motion, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 223 Nays 189

¶53.35 [Roll No. 257]

AYES—223

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

NOES—189

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Buyer
Calvert
Camp (MI)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.

Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOT VOTING—20

Andrews
Broun (GA)
Burton (IN)
Butterfield
Campbell (CA)
Carson
Clarke
Conaway
Davis, Lincoln
Hulshof
Hunter
Jones (NC)
Jones (OH)
McDermott
McHenry
Oberstar
Pryce (OH)
Rush
Speier
Weiner

So the motion to lay on the table the motion to reconsider the vote was agreed to.

Ordered, That the Clerk request the concurrence of the Senate in said amendment.

¶53.36 MOTION TO INSTRUCT CONFEREES TO H.R. 2419—UNFINISHED BUSINESS

The SPEAKER pro tempore, Ms. DEGETTE, pursuant to clause 8 of rule XX, announced the further unfinished business to be the question on the motion, by Mr. KIND, to instruct the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2419) to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes.

The question being put,

Will the House agree to said motion?

The vote was taken by electronic device.

It was decided in the negative ..... { Yeas ..... 140 Nays 274

¶53.37 [Roll No. 258]

YEAS—140

Ackerman
Allen
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Biggert
Bilbray
Bishop (NY)
Blumenauer
Braley (IA)
Brown, Corrine
Cantor
Capps
Capuano
Castle
Castor
Chandler
Coble
Cohen
Cooper
Courtney
Crowley
Davis (CA)
Davis (IL)
Davis, Tom
DeFazio
DeGette
Dent
Dingell
Doggett
Ehlers
Ellison
Emanuel
Eshoo
Fattah
Ferguson
Flake
Fortenberry
Fossella
Frank (MA)
Frelinghuysen
Gerlach
Gilchrest
Green, Gene
Hall (NY)
Harman
Hastings (FL)
Heller
Hensarling
Higgins
Hinchey
Hirono
Hodes
Holt
Honda
Inslee
Israel
Issa
Kind
King (NY)
Kirk
Knollenberg
Kucinich
Larson (CT)
Lee
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Markey
Matheson
McCarthy (NY)
McCollum (MN)
McGovern
McNerney
McNulty
Meeks (NY)
Michaud
Mitchell
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Nadler
Neal (MA)
Obey
Olver
Pallone
Pascrell
Payne
Petri
Platts
Porter
Price (GA)
Ramstad
Reichert
Renzi
Rothman
Ryan (WI)
Sánchez, Linda T.
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (VA)
Sensenbrenner
Serrano
Sestak
Shays
Shea-Porter
Sherman
Sires
Slaughter
Smith (NJ)
Smith (WA)
Souder
Stark
Tauscher
Taylor
Tierney
Tsongas
Udall (CO)
Udall (NM)
Upton
Van Hollen
Waters
Waxman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NAYS—274

Abercrombie
Aderholt
Akin
Alexander
Altmire
Arcuri
Baca
Bachmann
Bachus
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Berry
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Buyer
Calvert
Camp (MI)
Cannon
Capito
Cardoza
Carnahan
Carney
Carter
Cazayoux
Chabot
Clarke
Clay
Cleaver
Clyburn
Cole (OK)
Conyers
Costa
Costello
Cramer
Crenshaw
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (KY)
Davis, David
Davis, Lincoln
Deal (GA)
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ellsworth
Emerson
Engel
English (PA)
Etheridge
Everett
Fallin
Farr
Feeney
Filner
Forbes
Foster
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Giffords
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Graves
Green, Al
Grijalva
Gutierrez
Hall (TX)
Hare
Hastings (WA)
Hayes
Herger
Herseth Sandlin
Hill
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Hoyer
Hunter
Inglis (SC)
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
King (IA)
Kingston
Klein (FL)
Kline (MN)
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Latham
LaTourette
Latta
Levin
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Marshall
Matsui
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHugh
McIntyre
McKeon
McMorris Rodgers
Meek (FL)
Melancon
Mica
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moran (KS)
Murphy, Tim
Murtha
Musgrave
Myrick
Napolitano
Neugebauer
Nunes
Ortiz
Pastor
Paul
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Pickering
Pitts
Poe
Pomeroy
Price (NC)
Putnam
Radanovich
Rahall
Rangel
Regula
Rehberg
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Salazar
Sali
Sanchez, Loretta
Schmidt
Scott (GA)
Sessions
Shadegg
Shimkus
Shuler
Shuster
Simpson
Skelton
Smith (NE)
Smith (TX)
Snyder
Solis
Space
Spratt
Stearns
Stupak
Sutton
Tancredo
Tanner
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Towns
Turner
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Watson
Watt
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wynn

NOT VOTING—18

Andrews
Burton (IN)
Butterfield
Campbell (CA)
Carson
Conaway
Granger
Hulshof
Jones (NC)
Jones (OH)
McDermott
McHenry
Oberstar
Pryce (OH)
Rush
Speier
Sullivan
Weiner

So the motion to instruct the managers on the part of the House was not agreed to.

Mr. LATHAM moved to reconsider the vote whereby the motion was agreed to.

Mr. HASTINGS of Florida, moved to lay on the table the motion to reconsider the vote.

The question being put, viva voce,

Will the House lay on the table the motion to reconsider said vote?

The SPEAKER pro tempore, Ms. DEGETTE, announced that the nays had it.

Mr. HASTINGS of Florida, demanded a recorded vote on agreeing to said motion, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 221 Nays 192

¶53.38 [Roll No. 259]

AYES—221

Abercrombie
Ackerman
Allen
Altmire
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Capps
Capuano
Cardoza
Carnahan
Carney
Castor
Cazayoux
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt

DeLauro
Dicks
Dingell
Doggett
Donnelly
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Larsen (WA)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOES—192

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

NOT VOTING—19

Andrews
Burton (IN)
Butterfield
Campbell (CA)
Carson
Conaway
Gutierrez
Hulshof
Jones (NC)
Jones (OH)
Larson (CT)
McDermott
McHenry
Oberstar
Pryce (OH)
Rush
Schakowsky
Speier
Weiner

So the motion to lay on the table the motion to reconsider the vote was agreed to.

¶53.39 MOTION TO ADJOURN

Mr. SIMPSON moved that the House do now adjourn.

The question being put, viva voce,

Will the House now adjourn?

The SPEAKER pro tempore, Ms. DEGETTE, announced that the nays had it.

Mr. SIMPSON demanded a recorded vote on motion, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the negative { Yeas ..... 149 / Nays ..... 251 }

¶53.40 [Roll No. 260]

AYES—149

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Buyer
Calvert
Camp (MI)
Cannon
Cantor
Capito
Carter
Chabot
Cole (OK)
Crenshaw
Cubin
Culberson
Davis, David
Davis, Tom
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gingrey
Goode
Goodlatte
Gordon
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Herger
Hobson
Hoekstra
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Keller
King (IA)
King (NY)
Kline (MN)
Knollenberg
LaHood
Lamborn
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Lucas
Lungren, Daniel E.
Mack
Marchant
McCarthy (CA)
McCaul (TX)
McCrery
McKeon
McMorris Rodgers
Miller (FL)
Miller (MI)
Miller, Gary
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Price (GA)
Putnam
Radanovich
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rohrabacher
Roskam
Royce
Ryan (WI)
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Taylor
Thornberry
Tiberi
Turner
Upton
Walden (OR)
Walsh (NY)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOES—251

Abercrombie
Ackerman
Allen
Altmire
Arcuri
Baca
Baird
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyda (KS)
Brady (PA)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Capps
Capuano
Cardoza
Carnahan
Carney
Castle
Castor
Cazayoux
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Fortenberry
Fossella
Foster
Foxx
Frank (MA)
Gerlach
Giffords
Gilchrest
Gillibrand
Gohmert
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jordan
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Kingston
Kirk
Klein (FL)
Kucinich
Kuhl (NY)
Lampson
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McCotter
McGovern
McHugh
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Platts
Poe
Pomeroy
Porter
Rahall
Ramstad
Rangel
Reyes
Richardson
Rodriguez
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tancredo
Tanner
Tauscher
Terry
Thompson (CA)
Thompson (MS)
Tiahrt
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walberg
Walz (MN)
Wamp
Wasserman Schultz
Watson
Watt
Weldon (FL)

Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—32

Andrews
Baldwin
Boyd (FL)
Burton (IN)
Butterfield
Campbell (CA)
Carson
Conaway
Hall (NY)
Hensarling
Holden
Hulshof
Jones (NC)
Jones (OH)
Kagen
Linder
Lofgren, Zoe
McDermott
McHenry
Oberstar
Price (NC)
Pryce (OH)
Rush
Schakowsky
Sestak
Smith (WA)
Speier
Sullivan
Waters
Waxman
Weiner
Welch (VT)

So the motion to adjourn was not agreed to.

¶53.41 AFFORDABLE HOUSING DWELLING UNITS

Mr. MEEKS of New York, moved to suspend the rules and pass the bill (H.R. 5937) to facilitate the preservation of certain affordable housing dwelling units.

The SPEAKER pro tempore, Ms. DEGETTE, recognized Mr. MEEKS of New York, and Mr. CASTLE, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Ms. DEGETTE, announced that two-thirds of the Members present had voted in the affirmative.

Mr. CULBERSON objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Ms. DEGETTE, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

The point of no quorum was considered as withdrawn.

¶53.42 MOTION TO ADJOURN

Mr. CULBERSON moved that the House do now adjourn.

The question being put, viva voce,

Will the House now adjourn?

The SPEAKER pro tempore, Ms. DEGETTE, announced that the nays had it.

Mr. CULBERSON demanded a recorded vote on motion, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the negative ..... { Yeas ..... 138 Nays 248

¶53.43 [Roll No. 261]

AYES—138

Aderholt
Akin
Alexander
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bishop (UT)
Blackburn
Blunt
Bonner
Bono Mack
Boozman
Boustany
Broun (GA)
Calvert
Camp (MI)
Cannon
Cantor
Carter
Castle
Chabot
Cole (OK)
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Doggett
Drake
Dreier
Duncan
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gingrey
Goode
Goodlatte
Gordon
Granger
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Keller
King (IA)
King (NY)
Kline (MN)
Knollenberg
LaHood
Lamborn
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Lucas
Lungren, Daniel E.
Mack
Marchant
McCarthy (CA)
McCaul (TX)
McCrery
McKeon
McMorris Rodgers
Miller (FL)
Miller, Gary
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Petri
Pickering
Pitts
Price (GA)
Putnam
Radanovich
Regula
Rehberg
Reichert
Reynolds
Rogers (AL)
Rogers (KY)
Rohrabacher
Roskam
Royce
Ryan (WI)
Schmidt
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shays
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Taylor
Thornberry
Tiberi
Turner
Upton
Walden (OR)
Walsh (NY)
Wamp
Weller
Westmoreland
Wilson (NM)
Wittman (VA)
Wolf
Young (FL)

NOES—248

Abercrombie
Ackerman
Allen
Altmire
Arcuri
Bachmann
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Brown (SC)
Brown, Corrine
Buchanan
Burgess
Buyer
Capito
Capps
Cardoza
Carnahan
Carney
Castor
Cazayoux
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Davis (AL)
Davis (CA)
Davis (IL)
DeFazio
DeGette
Dent
Dicks
Dingell
Donnelly
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Fortenberry
Fossella
Foster
Foxx
Frank (MA)
Gerlach
Giffords
Gilchrest
Gillibrand
Gohmert
Gonzalez
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinojosa
Hirono
Hodes
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jordan
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Kingston
Kirk
Klein (FL)
Kucinich
Kuhl (NY)
Lampson
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McCotter
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Platts
Poe
Pomeroy
Porter
Price (NC)
Rahall
Ramstad
Richardson
Rodriguez
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schiff
Schwartz
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Terry
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Van Hollen
Visclosky
Walberg
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Welch (VT)
Wexler
Wilson (OH)
Wilson (SC)
Woolsey
Wu
Yarmuth

NOT VOTING—46

Andrews
Baca
Boehner
Braley (IA)
Brown-Waite, Ginny
Burton (IN)
Butterfield
Campbell (CA)
Capuano
Carson
Conaway
Conyers
Cummings
Davis, Lincoln
Delahunt
DeLauro
Doolittle
Doyle
Hinchey
Holden
Hulshof
Jones (NC)
Jones (OH)
Linder
McHenry
Oberstar
Peterson (PA)
Pryce (OH)
Rangel
Renzi
Reyes
Rush
Sali
Schakowsky
Shimkus
Shuster
Speier
Tiahrt
Udall (CO)
Udall (NM)
Velázquez
Weiner
Weldon (FL)
Whitfield (KY)
Wynn
Young (AK)

So the motion to adjourn was not agreed to.

¶53.44 COIN MODERNIZATION AND TAXPAYER SAVINGS

Mr. GUTIERREZ moved to suspend the rules and pass the bill (H.R. 5512) to authorize the Secretary of the Treasury to prescribe the weights and the compositions of circulating coins, and for other purposes; as amended.

The SPEAKER pro tempore, Ms. JACKSON-LEE of Texas, recognized Mr. GUTIERREZ and Mr. ROSKAM, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Ms. JACKSON-LEE of Texas, announced that two-thirds of the Members present had voted in the affirmative.

Mr. CARTER objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Ms. JACKSON-LEE of Texas, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

The point of no quorum was considered as withdrawn.

¶53.45 MOTION TO ADJOURN

Mr. CARTER moved that the House do now adjourn.

The question being put, viva voce,

Will the House now adjourn?

The SPEAKER pro tempore, Ms. JACKSON-LEE of Texas, announced that the nays had it.

Mr. CARTER demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the negative ..... { Yeas ..... 149 Nays 236

¶53.46 [Roll No. 262]

YEAS—149

Aderholt
Akin
Alexander
Bachmann
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Broun (GA)
Brown-Waite, Ginny
Buchanan
Buyer
Calvert
Camp (MI)
Cannon
Cantor
Carter
Castle
Chabot
Clay
Coble
Cole (OK)
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Drake
Dreier
Duncan
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gingrey
Goode
Goodlatte
Granger
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hunter
Inglis (SC)
Issa
Johnson (IL)
Keller
King (IA)
King (NY)
Kline (MN)
Knollenberg
LaHood
Lamborn
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Marchant
McCarthy (CA)
McCrery
McHugh
McKeon
McMorris Rodgers
Miller (FL)
Miller, Gary
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Petri
Pickering
Pitts
Price (GA)
Putnam
Radanovich
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rohrabacher
Roskam
Royce
Ryan (WI)
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Taylor
Thornberry
Turner
Upton
Walden (OR)
Walsh (NY)
Wamp
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NAYS—236

Abercrombie
Ackerman
Allen
Altmire
Arcuri
Baca
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Brown (SC)
Brown, Corrine
Burgess
Capps
Capuano
Cardoza
Carnahan
Carney
Castor
Cazayoux
Chandler
Clarke
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costello
Courtney
Cramer
Crowley
Cuellar
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dingell
Doggett
Donnelly
Doyle
Ehlers
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Fortenberry
Fossella
Foster
Frank (MA)
Gerlach
Giffords
Gillibrand
Gonzalez
Graves
Green, Al
Green, Gene
Grijalva
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jordan
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Kingston
Kirk
Klein (FL)
Kucinich
Kuhl (NY)
Lampson
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McCotter
McGovern
McIntyre
McNulty
Meek (FL)
Melancon
Mica
Michaud
Miller (MI)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Platts
Poe
Pomeroy
Porter
Price (NC)
Rahall
Ramstad
Rangel
Reyes
Richardson
Rodriguez
Rogers (MI)
Ros-Lehtinen
Rothman
Roybal-Allard
Ryan (OH)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Solis
Space
Stark
Stupak
Sutton
Tanner
Tauscher
Terry
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Udall (CO)
Van Hollen
Velázquez
Visclosky
Walberg
Walz (MN)
Wasserman Schultz
Waters
Watson
Waxman
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—47

Andrews
Bachus
Baird
Berry
Braley (IA)
Burton (IN)
Butterfield
Campbell (CA)
Capito
Carson
Conaway
Costa
Cummings
Dicks
Doolittle
Edwards
Gilchrest
Gohmert
Gordon
Gutierrez
Hooley
Hulshof
Johnson, Sam
Jones (NC)
Jones (OH)
Langevin
McCaul (TX)
McDermott
McHenry
McNerney
Meeks (NY)
Miller (NC)
Murphy, Tim
Oberstar
Peterson (PA)
Pryce (OH)
Ross
Ruppersberger
Rush
Snyder
Speier
Spratt
Udall (NM)
Watt
Weiner
Weldon (FL)
Weller

So the motion to adjourn was not agreed to.

¶53.47 H. RES. 1168—UNFINISHED BUSINESS

The SPEAKER pro tempore, Ms. JACKSON-LEE of Texas, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 1168) congratulating charter schools and their students, parents, teachers, and administrators across the United States for their ongoing contributions to education, and for other purposes; as amended.

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Ms. JACKSON-LEE of Texas, announced that two-thirds of those present had voted in the affirmative.

Mr. CARTER demanded a recorded vote on the motion to suspend the rules and agree to said resolution, as amended, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 391 Nays ..... 2 Answered present 1

¶53.48 [Roll No. 263]

AYES—391

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Arcuri
Baca
Bachmann
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Buyer
Calvert
Camp (MI)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Cazayoux
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doggett
Donnelly
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jordan
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McNerney
McNulty
Meek (FL)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Obey
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence

Perlmutter
Peterson (MN)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Waxman
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOES—2

Hinchey
Kucinich

ANSWERED ''PRESENT''—1

Hall (NY)

NOT VOTING—38

Andrews
Bachus
Baird
Burton (IN)
Butterfield
Campbell (CA)
Carson
Coble
Cole (OK)
Conaway
Cummings
Dicks
Doolittle
Gilchrest
Hooley
Hulshof
Johnson, Sam
Jones (NC)
Jones (OH)
Keller
Lampson
Lofgren, Zoe
McHenry
McMorris Rodgers
Meeks (NY)
Miller (NC)
Oberstar
Olver
Ortiz
Peterson (PA)
Pryce (OH)
Rush
Saxton
Snyder
Speier
Udall (NM)
Watt
Weiner

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

Mr. CARTER moved to reconsider the vote whereby said resolution, as amended, was agreed to.

Mr. HASTINGS of Florida, moved to lay on the table the motion to reconsider the vote.

The question being put, viva voce,

Will the House lay on the table the motion to reconsider said vote?

The SPEAKER pro tempore, Ms. JACKSON-LEE of Texas, announced that the yeas had it.

Mr. ROGERS of Kentucky, demanded a recorded vote on agreeing to said motion, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 215 / Nays 182

¶53.49 [Roll No. 264]

AYES—215

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

NOES—182

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

NOT VOTING—35

Andrews
Bachus
Baird
Burton (IN)
Butterfield
Campbell (CA)
Carson
Coble
Cole (OK)
Conaway
Cummings
Dicks
Doolittle
Gilchrest
Gohmert
Hooley
Hulshof
Johnson, Sam
Jones (NC)
Jones (OH)
Lofgren, Zoe
McHenry
McNerney
Meeks (NY)
Miller (NC)
Oberstar
Peterson (PA)
Pryce (OH)
Rush
Saxton
Snyder
Speier
Udall (NM)
Watt
Weiner

So the motion to lay on the table the motion to reconsider the vote was agreed to.

¶53.50 H. RES. 1155—UNFINISHED BUSINESS

The SPEAKER pro tempore, Ms. JACKSON-LEE of Texas, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 1155) honoring the recipients of the El Dorado Promise scholarship; as amended.

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Ms. JACKSON-LEE of Texas, announced that two-thirds of those present had voted in the affirmative.

Mr. TIAHRT demanded a recorded vote on the motion to suspend the rules and agree to said resolution, as amended, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative { Yeas ..... 390 / Nays 1

¶53.51 [Roll No. 265]

AYES—390

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Arcuri
Baca
Bachmann
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Buyer
Calvert
Camp (MI)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Cazayoux
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doggett
Donnelly
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Obey
Olver
Ortiz
Pallone
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Watson
Waxman
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (FL)

NOES—1

Young (AK)

NOT VOTING—41

Andrews
Bachus
Baird
Bilirakis
Burton (IN)
Butterfield
Campbell (CA)
Carson
Coble
Cole (OK)
Conaway
Dicks
Doolittle
Gilchrest
Hall (NY)
Heller
Hinchey
Hinojosa
Hooley
Hulshof
Hunter
Johnson, Sam
Jones (NC)
Jones (OH)
McCarthy (CA)
McCarthy (NY)
McHenry
Meeks (NY)
Melancon
Miller (NC)
Oberstar
Pascrell
Peterson (PA)
Pryce (OH)
Rush
Speier
Stark
Udall (NM)
Waters
Watt
Weiner

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

Mr. TIAHRT moved to reconsider the vote whereby resolution, as amended was agreed to.

Mr. HASTINGS of Florida, moved to lay on the table the motion to reconsider the vote.

The question being put, viva voce,

Will the House lay on the table the motion to reconsider said vote?

The SPEAKER pro tempore, Ms. JACKSON-LEE of Texas, announced that the yeas had it.

Mr. TIAHRT demanded a recorded vote on agreeing to said motion, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative { Yeas ..... 216 / Nays 180

¶53.52 [Roll No. 266]

AYES—216

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

NOES—180

Aderholt
Akin
Alexander
Bachmann
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Buyer
Calvert
Camp (MI)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gerlach
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Hobson
Hoekstra
Inglis (SC)
Issa
Johnson (IL)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Latta

Lewis (CA)	Pence	Shays
Lewis (KY)	Petri	Shimkus
Linder	Pickering	Shuster
LoBiondo	Pitts	Simpson
Lucas	Platts	Smith (NE)
Lungren, Daniel E.	Poe	Smith (NJ)
	Porter	Smith (TX)
Mack	Price (GA)	Souder
Manzullo	Putnam	Stearns
Marchant	Radanovich	Sullivan
McCarthy (CA)	Ramstad	Tancredo
McCaul (TX)	Regula	Terry
McCotter	Rehberg	Thornberry
McCrery	Reichert	Tiahrt
McHugh	Renzi	Tiberi
McKeon	Reynolds	Turner
McMorris Rodgers	Rogers (AL)	Upton
	Rogers (KY)	Walberg
Mica	Rogers (MI)	Walden (OR)
Miller (FL)	Rohrabacher	Walsh (NY)
Miller (MI)	Ros-Lehtinen	Wamp
Miller, Gary	Roskam	Weller
Moran (KS)	Royce	Westmoreland
Murphy, Tim	Ryan (WI)	Whitfield (KY)
Musgrave	Sali	Wilson (NM)
Myrick	Saxton	Wilson (SC)
Neugebauer	Schmidt	Wittman (VA)
Nunes	Sensenbrenner	Wolf
Paul	Sessions	Young (AK)
Pearce	Shadegg	Young (FL)

NOT VOTING—36

Andrews	Doolittle	Oberstar
Bachus	Garrett (NJ)	Peterson (MN)
Baird	Gilchrest	Peterson (PA)
Burton (IN)	Herger	Pryce (OH)
Butterfield	Hooley	Rangel
Campbell (CA)	Hulshof	Rush
Carson	Hunter	Speier
Coble	Johnson, Sam	Udall (NM)
Cole (OK)	Jones (NC)	Watt
Conaway	Jones (OH)	Weiner
DeFazio	McHenry	Weldon (FL)
Dicks	Miller (NC)	Wu

So the motion to lay on the table the motion to reconsider the vote was agreed to.

¶53.53 PROVIDING FOR CONSIDERATION OF H.R. 5818

Mr. HASTINGS of Florida, by direction of the Committee on Rules, reported (Rept. No. 110–621) the resolution (H. Res. 1174) providing for consideration of the bill (H.R. 5818) to authorize the Secretary of Housing and Urban Development to make loans to States to acquire foreclosed housing and to make grants to States for related costs.

When said resolution and report were referred to the House Calendar and ordered printed.

¶53.54 PROVIDING FOR CONSIDERATION OF THE AMENDMENTS OF THE SENATE TO H.R. 3221

Mr. HASTINGS of Florida, by direction of the Committee on Rules, reported (Rept. No. 110–622) the resolution (H. Res. 1175) providing for consideration of the amendments of the Senate to the bill (H.R. 3221) moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation.

When said resolution and report were referred to the House Calendar and ordered printed.

¶53.55 MOTION TO INSTRUCT CONFEREES—H.R. 2419

Mr. FLAKE submitted the privileged motion to instruct the managers on the part of the House at the conference with the Senate on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2419) to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; not to recede to the provisions contained in subtitle A of title XII of the amendment of the Senate (relating to a permanent agriculture disaster assistance program).

After debate,

By unanimous consent, the previous question was ordered on the motion to instruct the managers on the part of the House.

The question being put, viva voce,

Will the House agree to said motion?

The SPEAKER pro tempore, Ms. DEGETTE, announced that the nays had it.

Mr. FLAKE demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Ms. DEGETTE, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶53.56 MOTION TO ADJOURN

Mr. POMEROY moved that the House do now adjourn.

The question being put, viva voce,

Will the House now adjourn?

The SPEAKER pro tempore, Ms. DEGETTE announced that the yeas had it.

So the motion to adjourn was agreed to.

Accordingly,

At 8 o'clock and 8 minutes p.m., the House adjourned.

¶53.57 OATH OF OFFICE / MEMBERS, RESIDENT COMMISSIONERS & DELEGATES

The oath of office required by the sixth article of the Constitution of the United States, and as provided by section 2 of the act of May 13, 1884 (23 Stat. 22), to be administered to Members, Resident Commissioner, and Delegates of the House of Representatives, the text of which is carried in 5 U.S.C. 3331:

> ''I, AB, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God.''

has been subscribed to in person and filed in duplicate with the Clerk of the House of Representatives by the following Member of the 110th Congress, pursuant to the provisions of 2 U.S.C. 25:

DONALD J. CAZAYOUX, Jr., Louisiana, Sixth.

¶53.58 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

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

Ms. CASTOR: Committee on Rules. House Resolution 1174. Resolution providing for consideration of the bill (H.R. 5818) to authorize the Secretary of Housing and Urban Development to make loans to States to acquire foreclosed housing and to make grants to States for related costs (Rept. 110–621). Referred to the House Calendar.

Mr. WELCH of Vermont: Committee on Rules. House Resolution 1175. Resolution providing for consideration of the Senate amendments to the bill (H.R. 3221) moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation (Rept. 110–622). Referred to the House Calendar.

¶53.59 PUBLIC BILLS AND RESOLUTIONS

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

By Mr. SMITH of New Jersey (for himself, Mr. HASTINGS of Florida, Mr. MCINTYRE, Mr. LINCOLN DIAZ-BALART of Florida, Mr. MCCOTTER, Mr. PALLONE, Mr. HOLT, Mr. SHIMKUS, Mr. MCGOVERN, and Mr. DAVIS of Illinois):

H.R. 5970. A bill to amend the Belarus Democracy Act of 2004 to reauthorize that Act, and for other purposes; to the Committee on Foreign Affairs, and in addition to the Committees on the Judiciary, and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HELLER:

H.R. 5971. A bill to require that ballots used in Federal elections be generally printed only in English and to amend the Voting Rights Act of 1965 to modify the requirement that certain jurisdictions provide ballots and other voting materials in languages other than English, and for other purposes; to the Committee on House Administration, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BRADY of Pennsylvania (for himself, Mr. EHLERS, and Mr. CAPUANO):

H.R. 5972. A bill to make technical corrections to the laws affecting certain administrative authorities of the United States Capitol Police, and for other purposes; to the Committee on House Administration.

By Mr. PRICE of North Carolina (for himself and Ms. SCHAKOWSKY):

H.R. 5973. A bill to enhance transparency and accountability within the intelligence community for activities performed under Federal contracts, and for other purposes; to the Committee on Intelligence (Permanent

Select), and in addition to the Committees on Armed Services, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TERRY (for himself, Mr. SESSIONS, Mr. CANTOR, Mr. FOSSELLA, Mr. WILSON of South Carolina, Mrs. CAPITO, Mr. MARCHANT, and Mr. BLUNT):

H.R. 5974. A bill to amend the Internal Revenue Code of 1986 to provide a Federal income tax credit for certain home purchases; to the Committee on Ways and Means.

By Mr. ARCURI (for himself, Mr. PATRICK MURPHY of Pennsylvania, Ms. CLARKE, Mr. TOWNS, Mr. ISRAEL, Mrs. GILLIBRAND, Mr. ACKERMAN, Mr. HINCHEY, Mr. SERRANO, Mrs. MALONEY of New York, Mrs. LOWEY, Mr. HIGGINS, Mr. BOSWELL, Mr. FOSSELLA, Mr. CROWLEY, Mr. BISHOP of New York, Mr. REYNOLDS, Mr. MCHUGH, Mr. HALL of Texas, Mr. ENGEL, Mrs. MCCARTHY of New York, Mr. MCGOVERN, Mr. NADLER, Mr. WALSH of New York, Mr. KING of New York, Mr. RANGEL, Ms. VELÁZQUEZ, Mr. MEEKS of New York, Mr. WEINER, Mr. MCNULTY, Mr. KUHL of New York, and Ms. SLAUGHTER):

H.R. 5975. A bill to designate the facility of the United States Postal Service located at 101 West Main Street in Waterville, New York, as the ''Cpl. John P. Sigsbee Post Office''; to the Committee on Oversight and Government Reform.

By Mr. BLUMENAUER (for himself, Mrs. TAUSCHER, Mr. GEORGE MILLER of California, Ms. VELÁZQUEZ, Mr. RAHALL, Mr. FARR, Mr. FRANK of Massachusetts, Ms. DELAURO, Mrs. LOWEY, Mr. EMANUEL, Mr. BECERRA, Mr. DEFAZIO, Mr. LATOURETTE, Mr. PETRI, Mr. SHAYS, and Mr. WELCH of Vermont):

H.R. 5976. A bill to establish the United States Commission on Rebuilding America for the 21st Century, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committees on Energy and Commerce, Natural Resources, and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DEFAZIO (for himself, Mr. PETRI, and Mr. ELLSWORTH):

H.R. 5977. A bill to amend title 49, United States Code, to require a motor carrier, broker, or freight forwarder that collects a fuel surcharge to disclose and pay the fuel surcharge to the person responsible for bearing the cost of the fuel, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. HALL of New York (for himself and Mr. KUHL of New York):

H.R. 5978. A bill to designate the facility of the United States Postal Service located at 76 Brookside Avenue in Chester, New York, as the ''1st Lieutenant Louis Allen Post Office''; to the Committee on Oversight and Government Reform.

By Mr. KING of New York:

H.R. 5979. A bill to amend the Public Health Service Act to provide for the national collection of data on stillbirths in a standardized manner, and for other purposes; to the Committee on Energy and Commerce.

By Mr. SCHIFF:

H.R. 5980. A bill to establish the Commission on Securing the United States in the 21st Century; to the Committee on Foreign Affairs.

By Mr. WEINER:

H.R. 5981. A bill to reauthorize certain DNA-related grant programs under the Justice For All Act of 2004, and for other purposes; to the Committee on the Judiciary.

By Mr. ROSS (for himself, Mrs. EMERSON, Ms. BALDWIN, Mr. BURGESS, Mr. FARR, Mr. CARTER, and Ms. GIFFORDS):

H. Con. Res. 342. Concurrent resolution expressing the sense of Congress that the Food and Drug Administration's (FDA) new policy restricting women's access to medications containing estriol does not serve the public interest; to the Committee on Energy and Commerce.

By Ms. CORRINE BROWN of Florida:

H. Res. 1176. A resolution supporting the goals and ideals of National Train Day; to the Committee on Transportation and Infrastructure.

By Ms. SUTTON (for herself, Mr. MCDERMOTT, Mr. COHEN, Ms. MCCOLLUM of Minnesota, Mr. MCGOVERN, Ms. BALDWIN, Mr. GRIJALVA, Mr. STARK, Mr. KUCINICH, and Mr. FILNER):

H. Res. 1177. A resolution expressing the sense of the House of Representatives that the practice of the Department of Defense to continue to use stop-loss orders to retain members of the Armed Forces who have completed their contractual obligations runs contrary to the stated policy of the United States to utilize an all-volunteer force; to the Committee on Armed Services.

¶53.60 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 82: Mr. CARSON and Mr. FOSTER.
H.R. 96: Mr. SMITH of New Jersey.
H.R. 139: Mr. MARCHANT.
H.R. 154: Mr. JEFFERSON and Mr. CONYERS.
H.R. 158: Mr. DINGELL.
H.R. 245: Mr. SALI and Mr. GOODE.
H.R. 248: Mr. PLATTS.
H.R. 351: Ms. BALDWIN.
H.R. 370: Mr. ADERHOLT.
H.R. 503: Mrs. SCHMIDT.
H.R. 542: Mr. CARSON.
H.R. 552: Ms. TSONGAS, Mrs. CAPITO, Mr. ROGERS of Michigan, Mr. ADERHOLT, Mr. ELLSWORTH, and Mr. CAPUANO.
H.R. 688: Mr. BISHOP of Georgia.
H.R. 882: Mr. CARSON and Mr. GRAVES.
H.R. 1043: Mr. ALEXANDER.
H.R. 1050: Mr. CONYERS.
H.R. 1108: Mr. RENZI.
H.R. 1127: Mr. CARTER.
H.R. 1134: Mr. CARSON, Mr. MOORE of Kansas, Mr. COURTNEY, Mr. PASCRELL, Mr. TIM MURPHY of Pennsylvania, Ms. CORRINE BROWN of Florida, and Mr. WALZ of Minnesota.
H.R. 1146: Mr. SALI.
H.R. 1157: Mr. COSTELLO, Mr. BOEHNER, Mr. WALDEN of Oregon, Mrs. EMERSON, Mr. CARSON, Mr. CULBERSON, Mr. ROSKAM, and Mr. ROYCE.
H.R. 1194: Mr. MCGOVERN.
H.R. 1279: Mr. HODES.
H.R. 1295: Mr. DANIEL E. LUNGREN of California.
H.R. 1343: Mr. JEFFERSON.
H.R. 1440: Mr. NEUGEBAUER.
H.R. 1474: Mr. CARSON.
H.R. 1514: Mr. SENSENBRENNER and Mr. RAMSTAD.
H.R. 1524: Mr. SNYDER.
H.R. 1532: Mr. GORDON.
H.R. 1540: Ms. DEGETTE.
H.R. 1553: Mr. MEEKS of New York.
H.R. 1606: Mrs. TAUSCHER.
H.R. 1609: Mr. SESTAK, Ms. BALDWIN, Mr. BISHOP of New York, Ms. CLARKE, Mr. ELLISON, Mr. FARR, Mr. HALL of New York, Mr. HIGGINS, Mr. KLEIN of Florida, Mr. RODRIGUEZ, Mr. MELANCON, Mr. MOORE of Kansas, Ms. MOORE of Wisconsin, Mr. OLVER, Mr. ORTIZ, Mr. EMANUEL, Mr. PRICE of North Carolina, Mr. SMITH of Washington, Ms. VELÁZQUEZ, Ms. WATERS, Mr. WATT, Mr. LINCOLN DAVIS of Tennessee, Mr. FOSTER, Mr. CARSON, Mr. PERLMUTTER, Mr. MARSHALL, Mr. POE, Mr. FORTENBERRY, Mr. EDWARDS, Mr. MANZULLO, Ms. GIFFORDS, Mr. LATOURETTE, Mr. SCOTT of Georgia, Mr. LUCAS, Mr. FORTUÑO, Mr. MARCHANT, Mr. INGLIS of South Carolina, Mrs. BACHMANN, Mr. ROYCE, Mr. ROSKAM, Mr. MCCARTHY of California, Mr. LAHOOD, Mr. HENSARLING, Mrs. DAVIS of California, Mr. MEEK of Florida, Mr. HOYER, Mr. SKELTON, and Mrs. GILLIBRAND.
H.R. 1621: Mr. MCCOTTER, Mr. FOSSELLA, and Mr. ENGEL.
H.R. 1665: Ms. WASSERMAN SCHULTZ.
H.R. 1748: Mr. GOODE.
H.R. 1767: Mr. DAVIS of Illinois, Mrs. BACHMANN, and Mr. JOHNSON of Illinois.
H.R. 1820: Ms. BERKLEY.
H.R. 1840: Mr. LYNCH.
H.R. 1845: Mr. CARSON.
H.R. 1884: Mr. TIM MURPHY of Pennsylvania, Mr. SNYDER, Mrs. SCHMIDT, Mr. RUSH, and Mr. KIND.
H.R. 1968: Mr. CONYERS.
H.R. 2017: Mr. CARSON.
H.R. 2052: Mr. BARROW.
H.R. 2074: Ms. ROS-LEHTINEN.
H.R. 2092: Mr. SMITH of Washington, Mr. MCCOTTER, Ms. SUTTON, and Ms. BORDALLO.
H.R. 2111: Mr. ROTHMAN.
H.R. 2164: Mr. KILDEE.
H.R. 2169: Mr. COURTNEY.
H.R. 2205: Mr. KUHL of New York.
H.R. 2244: Mr. MCCOTTER, Mr. HONDA, and Mr. JEFFERSON.
H.R. 2268: Mr. DREIER, Mr. SKELTON, Mrs. TAUSCHER, Mr. BERMAN, Mr. FEENEY, Mr. MAHONEY of Florida, Mr. BOOZMAN, Mr. CLAY, Ms. SCHWARTZ, Mr. SAXTON, Mr. RYAN of Wisconsin, Mr. TANCREDO, Mr. GALLEGLY, Mr. NUNES, Mr. CALVERT, Mr. TANNER, Ms. WATERS, Mr. WATT, Mr. SALAZAR, Ms. NORTON, Mrs. CHRISTENSEN, Mr. MURTHA, Mr. GUTIERREZ, Ms. CORRINE BROWN of Florida, Mr. REYES, Mr. SMITH of Texas, Mr. ETHERIDGE, Mr. BACHUS, Ms. SPEIER, Ms. SCHAKOWSKY, Mr. NEAL of Massachusetts, Ms. CASTOR, Mrs. MYRICK, Mr. LEWIS of Kentucky, Ms. BEAN, Mr. DAVIS of Kentucky, Mr. DENT, Mr. ISSA, Mr. KING of New York, Mr. LANGEVIN, Mr. LATOURETTE, Mr. MCCARTHY of California, Mr. MARCHANT, Mr. MEEKS of New York, Ms. MOORE of Wisconsin, Mr. PALLONE, Mr. SULLIVAN, Mr. BOUSTANY, Mr. BROUN of Georgia, Mr. CAPUANO, Mr. CHABOT, Mr. COSTELLO, Mrs. CUBIN, Mr. DOOLITTLE, Mr. DUNCAN, Mr. ENGLISH of Pennsylvania, Mr. FRANKS of Arizona, Mr. FRELINGHUYSEN, Mr. GILCHREST, Mr. GRAVES, Mr. HELLER, Mr. INGLIS of South Carolina, Mr. KILDEE, Mr. KING of Iowa, Mr. LUCAS, Mr. DANIEL E. LUNGREN of California, Mr. MICA, Mr. MILLER of Florida, Mr. PITTS, Mr. PORTER, Mr. REGULA, Mr. SERRANO, Mr. SHIMKUS, Mr. WELDON of Florida, Mr. WELLER, and Mr. BLUMENAUER.
H.R. 2343: Mr. KUHL of New York.
H.R. 2357: Mr. CARSON.
H.R. 2370: Mr. KENNEDY and Mr. BOOZMAN.
H.R. 2412: Mr. ELLISON.
H.R. 2502: Mr. MCCOTTER and Mr. JEFFERSON.
H.R. 2523: Mr. INSLEE and Mr. BOSWELL.
H.R. 2549: Mr. TERRY.
H.R. 2593: Ms. MATSUI.
H.R. 2711: Mr. MCDERMOTT.
H.R. 2896: Mr. GRIJALVA.
H.R. 2933: Mr. TERRY and Mr. WOLF.
H.R. 2942: Mr. ELLSWORTH.
H.R. 3021: Mr. LOEBSACK, Mr. ANDREWS, Mr. BISHOP of New York, Mr. COURTNEY, Mr. DAVIS of Illinois, Mr. GRIJALVA, Mr. HINOJOSA, Ms. HIRONO, Mr. KUCINICH, Ms. LINDA T. SÁNCHEZ of California, Mr. SARBANES, Ms. SHEA-PORTER, Mr. HOLT, Mr. ALTMIRE, Mrs. MCCARTHY of New York, Ms. MCCOLLUM of Minnesota, Mr. MCDERMOTT, Mr. KLEIN of

Florida, Mr. CARSON, Mr. PAYNE, Mr. STARK, Ms. WOOLSEY, Mrs. DAVIS of California, Mr. LEWIS of Georgia, Mr. CONYERS, Mr. ROSS, Mr. WELCH of Vermont, Mr. BRALEY of Iowa, Mr. CARNEY, Mr. ELLISON, Mr. JOHNSON of Georgia, Mr. PERLMUTTER, Mr. SIRES, Ms. SUTTON, Mr. JACKSON of Illinois, Mr. PALLONE, Mr. DEFAZIO, Mr. HINCHEY, Mr. KIND, Mrs. CAPPS, Ms. SOLIS, Mr. LINCOLN DAVIS of Tennessee, Mr. CRAMER, Mr. MATHESON, Mr. MELANCON, Mr. SALAZAR, Mrs. NAPOLITANO, Ms. HERSETH SANDLIN, Mr. SCHIFF, Mr. LIPINSKI, Mr. CUELLAR, Mr. BOSWELL, Mr. UDALL of Colorado, Mr. SMITH of Washington, Mr. WEXLER, Mr. BARROW, Mr. BERRY, Mr. MOORE of Kansas, Mr. GORDON, Mr. WU, Mr. TANNER, Mr. ISRAEL, Mr. SNYDER, Mr. HILL, Mr. BLUMENAUER, Ms. RICHARDSON, and Mr. LARSON of Connecticut.

H.R. 3036: Mr. HODES.

H.R. 3041: Mr. CUMMINGS.

H.R. 3054: Mr. MCCAUL of Texas.

H.R. 3063: Ms. SLAUGHTER.

H.R. 3088: Mr. FORTENBERRY.

H.R. 3089: Mr. MANZULLO, Mr. BOOZMAN, and Mr. DUNCAN.

H.R. 3132: Mr. KIRK, Ms. MCCOLLUM of Minnesota, and Mrs. BOYDA of Kansas.

H.R. 3202: Mr. MILLER of North Carolina.

H.R. 3267: Mr. CARSON and Mr. BRADY of Pennsylvania.

H.R. 3282: Ms. BALDWIN.

H.R. 3331: Mr. MCGOVERN.

H.R. 3380: Mr. SHAYS.

H.R. 3404: Mr. MILLER of North Carolina.

H.R. 3406: Ms. MCCOLLUM of Minnesota.

H.R. 3416: Mr. MCGOVERN.

H.R. 3423: Ms. MATSUI.

H.R. 3439: Mr. LYNCH.

H.R. 3440: Mr. PRICE of North Carolina.

H.R. 3609: Mr. TOWNS, Mr. COURTNEY, Mr. KUCINICH and Ms. KAPTUR.

H.R. 3652: Mr. SPACE and Mr. DELAHUNT.

H.R. 3700: Mr. WALZ of Minnesota.

H.R. 3757: Ms. BALDWIN.

H.R. 3842: Mr. PAYNE.

H.R. 3934: Mr. ELLSWORTH.

H.R. 4008: Mr. LINCOLN DIAZ-BALART of Florida.

H.R. 4026: Mrs. CHRISTENSEN.

H.R. 4044: Ms. MATSUI and Ms. HIRONO.

H.R. 4055: Mr. CONYERS.

H.R. 4061: Mr. ELLISON.

H.R. 4109: Mr. JOHNSON of Georgia.

H.R. 4236: Ms. LEE.

H.R. 4248: Mr. SULLIVAN, Mr. LUCAS and Mr. MATHESON.

H.R. 4304: Mr. SHIMKUS.

H.R. 4344: Ms. GINNY BROWN-WAITE of Florida and Ms. FALLIN.

H.R. 4544: Mr. JOHNSON of Georgia.

H.R. 4900: Mr. GARY G. MILLER of California, Mr. BOYD of Florida, Mr. TAYLOR, Mrs. MCMORRIS RODGERS and Mr. WALDEN of Oregon.

H.R. 4926: Mr. FORTUÑO.

H.R. 5110: Mr. CONYERS.

H.R. 5131: Mr. LATTA.

H.R. 5179: Mr. LATOURETTE and Mr. PLATTS.

H.R. 5244: Mr. ANDREWS.

H.R. 5267: Mr. LAHOOD.

H.R. 5312: Mr. BRALEY of Iowa.

H.R. 5442: Ms. SCHAKOWSKY.

H.R. 5473: Mr. HIGGINS, Mr. OBERSTAR, Mr. ABERCROMBIE, Mr. HARE, Ms. SLAUGHTER, Ms. ESHOO, Mr. MICHAUD, Mr. JOHNSON of Georgia, Mr. MCNERNEY, Mr. GRIJALVA, Mrs. BOYDA of Kansas, Mr. SPACE, Mr. RODRIGUEZ, Mr. BISHOP of New York, Ms. HIRONO, Mr. ELLISON, Mr. ROTHMAN, Mr. COHEN, Ms. BALDWIN, Mr. DOGGETT, Ms. HARMAN, Mr. KILDEE, Mrs. TAUSCHER, and Mr. VAN HOLLEN.

H.R. 5536: Mr. ROTHMAN, Mr. MOORE of Kansas and Ms. HIRONO.

H.R. 5559: Ms. GRANGER and Mr. CHABOT.

H.R. 5580: Ms. BALDWIN.

H.R. 5611: Mr. KUHL of New York.

H.R. 5617: Mr. DEFAZIO.

H.R. 5627: Mr. SALI.

H.R. 5656: Mr. BUYER, Mr. YOUNG of Alaska, and Mr. ADERHOLT.

H.R. 5662: Mr. WELCH of Vermont.

H.R. 5673: Mr. BOREN.

H.R. 5674: Mr. WALZ of Minnesota and Mr. LOBIONDO.

H.R. 5677: Mr. BARTLETT of Maryland, Mr. FURTUÑO, Mrs. BACHMANN, Mr. LATTA, Mr. GOODE, Mrs. MUSGRAVE, Mr. GINGREY, Mr. TANCREDO, Mr. SESSIONS, Ms. FALLIN, Mr. FRANKS of Arizona, Mr. DAVID DAVIS of Tennessee, Mr. BURTON of Indiana, Mr. BISHOP of Utah, Mr. KLINE of Minnesota, Mr. BROUN of Georgia, Mr. HOEKSTRA, Mr. NEUGEBAUER, and Mr. KING of Iowa.

H.R. 5681: Mrs. NAPOLITANO and Mr. PAUL.

H.R. 5684: Mr. CARNAHAN.

H.R. 5693: Mr. MCHUGH.

H.R. 5694: Mr. MCHUGH.

H.R. 5700: Mr. BISHOP of Georgia.

H.R. 5716: Ms. HIRONO.

H.R. 5722: Mr. LOBIONDO.

H.R. 5731: Mr. MCCAUL of Texas.

H.R. 5733: Mr. BURGESS.

H.R. 5740: Ms. WATERS and Mr. ACKERMAN.

H.R. 5752: Mr. BOOZMAN.

H.R. 5774: Mr. CLEAVER, Ms. WOOLSEY, Mr. SERRANO, Ms. HIRONO, Mr. MCNERNEY, and Mr. FILNER.

H.R. 5775: Mr. WILSON of South Carolina.

H.R. 5784: Mr. NEUGEBAUER.

H.R. 5793: Mrs. MYRICK, Mr. PETERSON of Minnesota, Mr. SMITH of Nebraska, and Mr. ROGERS of Michigan.

H.R. 5794: Mr. GALLEGLY.

H.R. 5802: Ms. SCHAKOWSKY and Mr. JEFFERSON.

H.R. 5825: Mr. HULSHOF and Mr. FRANK of Massachusetts.

H.R. 5831: Mr. COURTNEY and Mr. HALL of New York.

H.R. 5848: Mr. CARSON.

H.R. 5875: Ms. HIRONO and Ms. BORDALLO.

H.R. 5876: Mr. LEWIS of Georgia, Mr. COHEN, Mr. SESTAK, Mr. MCDERMOTT, and Ms. HIRONO.

H.R. 5878: Mr. WAXMAN.

H.R. 5881: Mr. CONYERS and Mr. FARR.

H.R. 5892: Mrs. GILLIBRAND.

H.R. 5894: Mr. DAVIS of Illinois.

H.R. 5898: Mr. HAYES and Mr. LATOURETTE.

H.R. 5899: Mr. BISHOP of Georgia and Mr. HILL.

H.R. 5908: Mr. LATTA and Mr. MACK.

H.R. 5941: Mr. PATRICK MURPHY of Pennsylvania.

H.R. 5946: Ms. WATERS.

H.R. 5955: Ms. GINNY BROWN-WAITE of Florida, Mr. BURTON of Indiana, Mr. GOODLATTE, Mr. PLATTS, and Mr. NEUGEBAUER.

H.R. 5958: Mr. GALLEGLY, Mr. HALL of New York, Mr. FOSSELLA, Mr. BACA, and Mrs. BONO MACK.

H.R. 5965: Mr. WYNN.

H.J. Res. 39: Mr. SESTAK.

H. Con. Res. 70: Mr. TIBERI and Mr. BOUCHER.

H. Con. Res. 163: Ms. SCHAKOWSKY and Mr. BARROW.

H. Con. Res. 195: Mr. PLATTS.

H. Con. Res. 223: Mr. SPRATT.

H. Con. Res. 296: Mrs. BLACKBURN, Mr. TIM MURPHY of Pennsylvania, Mr. WILSON of South Carolina, Mr. BOUSTANY, Mr. SESSIONS, Mr. BROWN of South Carolina, Mr. CARTER, Mr. SAXTON, Mr. HALL of Texas, Mr. WOLF, Mr. TOWNS, Mr. MILLER of Florida, Mr. MCGOVERN, Mr. MARCHANT, Mr. ROSKAM, Mr. CRENSHAW, Mr. GINGREY, Mr. SHIMKUS, Mr. BRALEY of Iowa, Mr. SHAYS, Ms. SCHAKOWSKY, Mr. LATTA, Mr. FILNER, Mr. BISHOP of Georgia, and Ms. BORDALLO.

H. Con. Res. 305: Mrs. TAUSCHER and Mr. MCCOTTER.

H. Con. Res. 327: Mr. BERMAN and Mr. JEFFERSON.

H. Con. Res. 329: Mr. LAMBORN.

H. Con. Res. 331: Mr. MARKEY, Mr. BOREN, Mr. WAXMAN, Ms. SCHAKOWSKY, Mr. GENE GREEN of Texas, Mr. SCHIFF, Mr. BERRY, Mr. INSLEE, Mr. PASTOR, Ms. HERSETH SANDLIN, and Mr. STUPAK.

H. Res. 258: Mr. SMITH of New Jersey, Mr. KUHL of New York, Mr. GENE GREEN of Texas, and Mrs. DAVIS of California.

Res. 369: Mr. ALTMIRE.

Res. 373: Mr. MARKEY.

H. Res. 389: Mr. ACKERMAN, Mrs. CHRISTENSEN, and Mr. JEFFERSON.

H. Res. 795: Mr. ISRAEL and Mr. MILLER of North Carolina.

H. Res. 881: Mr. PETERSON of Minnesota, Mr. MATHESON, Mr. SALI, and Mr. JORDAN.

H. Res. 896: Ms. MOORE of Wisconsin.

H. Res. 900: Mr. COHEN, Mr. PAYNE, Ms. ESHOO, Mr. EVERETT, and Mr. HINCHEY.

H. Res. 1002: Mr. BOOZMAN and Mr. RUPPERSBERGER.

H. Res. 1009: Mr. BROUN of Georgia.

H. Res. 1019: Mr. CONYERS and Mr. WYNN.

H. Res. 1022: Mrs. BIGGERT, Mrs. BOYDA of Kansas, Mrs. CAPITO, Ms. CASTOR, Mrs. EMERSON, Ms. GIFFORDS, Ms. HOOLEY, Ms. KAPTUR, Mrs. MYRICK, Ms. RICHARDSON, Ms. ROYBAL-ALLARD, Ms. SHEA-PORTER, Ms. VELÁZQUEZ, Ms. WATERS, Mr. OLVER, Mr. ALLEN, Mr. KUCINICH, Mrs. MCCARTHY of New York, and Ms. EDDIE BERNICE JOHNSON of Texas.

H. Res. 1026: Mr. CULBERSON.

H. Res. 1028: Mr. CONYERS.

H. Res. 1042: Mr. MCCOTTER.

H. Res. 1067: Mrs. GILLIBRAND and Mr. ELLSWORTH.

H. Res. 1078: Mr. CONYERS and Ms. LEE.

H. Res. 1106: Mr. LEWIS of California, Mr. FORBES, Mr. CANTOR, Ms. CASTOR, Mr. INGLIS of South Carolina, Mr. BOUCHER, Mr. MURPHY of Connecticut, Mr. SALI, Mr. HALL of Texas, Mr. SHIMKUS, Mr. BUYER, Mr. UPTON, Mr. SHADEGG, Mrs. CUBIN, Mrs. SCHMIDT, Ms. HARMAN, Mr. MARKEY, Mr. GORDON, and Mrs. MCMORRIS RODGERS.

H. Res. 1110: Mr. BROUN of Georgia, Mr. HARE, Mr. MOORE of Kansas, and Mr. GOODLATTE.

H. Res. 1124: Mrs. BIGGERT, Ms. WATERS, and Mr. UPTON.

H. Res. 1140: Mr. BLUNT and Mr. SOUDER.

H. Res. 1143: Mr. KIND and Mr. HINCHEY.

H. Res. 1144: Mrs. CAPITO, Mr. WHITFIELD of Kentucky, Mr. SHUSTER, Mr. ENGLISH of Pennsylvania, Mr. GINGREY, Mrs. WILSON of New Mexico, Mr. GRIJALVA, Mr. PASTOR, Mr. TIAHRT, Mr. MCCOTTER, and Mr. SESSIONS.

H. Res. 1162: Ms. WOOLSEY.

H. Res. 1164: Mr. PETERSON of Pennsylvania and Mr. SKELTON.

H. Res. 1170: Mr. BURTON of Indiana.

H. Res. 1172: Mr. PAYNE.

H. Res. 1173: Mr. ROSS, Mr. YARMUTH, Mr. THOMPSON of California, Mr. LEWIS of Georgia, Mr. ALLEN, Mr. WAXMAN, Mr. SARBANES, Mr. WALSH of New York, Mr. DAVIS of Illinois, Mr. DICKS, Mr. DEFAZIO, Mrs. NAPOLITANO, Mrs. MALONEY of New York, Mrs. MCCARTHY of New York, Mr. BERRY, Mr. LOEBSACK, Mrs. TAUSCHER, Mr. PERLMUTTER, Mr. MCGOVERN, Mr. MARKEY, Mr. HASTINGS of Florida, Mr. RAHALL, Mr. ALTMIRE, Mr. CARDOZA, Ms. SUTTON, Mr. HILL, Mrs. CAPPS, and Mrs. DAVIS of California.

WEDNESDAY, MAY 7, 2008 (54)

The House was called to order by the SPEAKER.

¶54.1 APPROVAL OF THE JOURNAL

The SPEAKER announced she had examined and approved the Journal of the proceedings of Tuesday, May 6, 2008.

Mr. LEWIS of California, pursuant to clause 1, rule I, demanded a vote on

agreeing to the Chair's approval of the Journal.

The question being put, viva voce,

Will the House agree to the Chair's approval of said Journal?

The SPEAKER announced that the yeas had it.

Mr. LEWIS of California, objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

The point of no quorum was considered as withdrawn.

¶54.2 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

6443. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Spirodiclofen; Pesticide Tolerances [EPA-HQ-OPP-2007-0398; FRL-8362-2] received April 31, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6444. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Pyridalyl; Pesticide Tolerances [EPA-HQ-OPP-2004-0306; FRL-8361-4] received April 31, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6445. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Chlorantraniliprole; Pesticide Tolerance [EPA-HQ-OPP-2007-0275; FRL-8357-3] received April 31, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6446. A letter from the Chairman, Commission on the National Guard and Reserves, transmitting the Commission's final report entitled, ''Transforming the National Guard and Reserves into a 21st-Century Operational Force''; to the Committee on Armed Services.

6447. A letter from the Principal Deputy Assistant Attorney General, Department of Justice, transmitting the 2007 Annual Report regarding the Department's enforcement activities under the Equal Credit Opportunity Act, pursuant to 15 U.S.C. 1691f; to the Committee on Financial Services.

6448. A letter from the Chairman, Board of Governors of the Federal Reserve System, transmitting the Board's report pursuant to the Buy American Act, pursuant to 41 U.S.C. 10a(b); to the Committee on Financial Services.

6449. A letter from the General Counsel, Department of the Treasury, transmitting a copy of a draft bill that would eliminate the four-year limitation on contracts for the manufacture of distinctive paper for United States currency and securities; to the Committee on Financial Services.

6450. A letter from the General Counsel, Department of the Treasury, transmitting a copy of a draft bill, ''To authorize United States participation in, and appropriations for, the United States to contribute to an international clean technology fund''; to the Committee on Financial Services.

6451. A letter from the Assistant Secretary for Economic Policy, Department of the Treasury, transmitting two reports entitled, ''Social Security Reform: Benchmarks for Assessing Fairness and Benefit Adequacy'' and ''Social Security Reform: Mechanisms for Achieving True Pre-Funding''; to the Committee on Financial Services.

6452. A letter from the General Counsel, National Credit Union Administration, transmitting the Administration's final rule — Procedures for Debt Collection — received April 18, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6453. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's final rule — Grants to States for Operation of Qualified High Risk Pools [CMS-2260-F] (RIN: 0938-AO46) received April 24, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6454. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Change of Address for Submission of Certain Reports; Technical Correction [FRL-8563-1] received April 31, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6455. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Revised PM2.5 Motor Vehicle Emissions Budget; State of New Jersey [EPA-R02-OAR-2008-0005; FRL-8562-1] received April 31, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6456. A letter from the Assistant Secretary Legislative Affairs, Department of State, transmitting a report on International Atomic Energy Agency (IAEA) technical assistance to Iran during calendar year 2007, pursuant to Public Law 107-228; to the Committee on Foreign Affairs.

6457. A letter from the General Counsel, Office of Management and Budget, transmitting the Office's final rule — Cost Accounting Standards Board; Contract Clauses — received April 9, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

6458. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's study report on the Angel Island Immigration Station and the Pacific Coast Immigration Museum; to the Committee on Natural Resources.

6459. A letter from the Executive Director, Pacific Fishery Management Council, transmitting the Council's recommendations for international actions to address overfishing of Eastern Pacific Yellowfin Tuna in compliance with Section 304(i)(2)(B) the Magnuson-Stevens Fishery Conservation and Management Act; to the Committee on Natural Resources.

6460. A letter from the Assistant Secretary Legislative Affairs, Department of State, transmitting the Department's final rule — Visas: Documentation of Nonimmigrants under the Immigration and Nationality Act, as Amended [Public Notice:] received April 29, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

6461. A letter from the Acting Administrator, FAA, Department of Transportation, transmitting the Department's report on the foreign aviation authorities to which the Federal Aviation Administration provided services for Fiscal Year 2007, pursuant to Public Law 103-305, section 202; to the Committee on Transportation and Infrastructure.

6462. A letter from the Assistant Secretary, Federal Maritime Commission, transmitting the Commission's report on the amount of acquisitions made by the commission from entities that manufacture articles, materials or supplies outside the United States, pursuant to Section 641 of the Consolidated Appropriations Act of 2005; to the Committee on Transportation and Infrastructure.

6463. A letter from the Assistant Secretary, Federal Maritime Commission, transmitting the 46th Annual Report of the activities of the Commission for fiscal year 2007, which ended September 30, 2007, pursuant to 46 U.S.C. app. 1118; to the Committee on Transportation and Infrastructure.

6464. A letter from the Vice President, Government Affairs and Corporate Communications, National Railroad Passenger Corporation, transmitting Amtrak's Grant and Legislative Request for FY09 and other materials, pursuant to 49 U.S.C. 24315(a); to the Committee on Transportation and Infrastructure.

6465. A letter from the President and CEO, Pacific Maritime Association, transmitting the Association's 2007 Annual Report; to the Committee on Transportation and Infrastructure.

6466. A letter from the Secretary, Department of Energy, transmitting the Department's report entitled, ''Department of Energy FY 2006 — FY 2007 Methane Hydrate Report to Congress,'' pursuant to Section 4(e)(5) of the Methane Hydrate Research Act of 2000; to the Committee on Science and Technology.

6467. A letter from the Assistant Secretary for Legislative Affairs, Department of Homeland Security, transmitting the Department's views on H.R. 4847, the United States Fire Administration (USFA) Reauthorization Act of 2007; to the Committee on Science and Technology.

6468. A letter from the Chairman, National Science Board, transmitting the Board's report entitled, ''International Science and Engineering Partnership: A Priority for U.S. Foreign Policy and Our Nation's Innovation Enterprise''; to the Committee on Science and Technology.

6469. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Tier 1 Issue — Section 965 Foreign Earnings Repatriation Directive #2 [LMSB Control No: LMSB-4-0408-021] received April 23, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6470. A letter from the Acting Assistant Director, Directives and Regulations Branch, Office of Regulatory and Management Services, USDA, Department of Agriculture, transmitting the Department's final rule — National Forest System Land Management Planning (RIN: 0596-AB86) received April 18, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Natural Resources and Agriculture.

6471. A letter from the Program Manager, CMM, Department of Health and Human Services, transmitting the Department's ''Major'' final rule — Medicare Program; Inpatient Psychiatric Facilities Prospective Payment System Payment Update for Rate Year Beginning July 1, 2008 (RY 2008) [CMS-1401-N] (RIN: 0938-AO92) received May 2, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Energy and Commerce.

6472. A letter from the Program Manager, CMS, Department of Health and Human Services, transmitting the Department's ''Major'' final rule — Medicare Program; Prospective Payment System for Long-Term Care Hospitals RY 2009: Annual Payment Rate Updates, Policy Changes, and Clarifications; and Electronic Submission of Cost Reports: Revision to Effective Date of Cost Reporting Period [CMS-13930f] (RIN: 0938-AO94) received May 2, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Energy and Commerce.

6473. A letter from the Secretary, Department of Homeland Security, transmitting an annual report of the Department's Office of Civil Rights and Civil Liberties for fiscal year 2007, pursuant to 6 U.S.C. 345(b); jointly

to the Committees on Homeland Security and the Judiciary.

¶54.3 MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed with amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 5493. An Act to provide that the usual day for paying salaries in or under the House of Representatives may be established by regulations of the Committee on House Administration.

¶54.4 CALENDAR WEDNESDAY BUSINESS

The SPEAKER pro tempore, Mr. MCNULTY, directed that business under clause 6, rule XV, the Calendar Wednesday rule, be called.

The committees were called.

¶54.5 MOTION TO ADJOURN

Mr. SESSIONS moved that the House do now adjourn.

The question being put, viva voce,

Will the House now adjourn?

The SPEAKER pro tempore, Mr. MCNULTY, announced that the nays had it.

Mr. SESSIONS demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the negative ..... { Yeas ..... 132 / Nays 269

¶54.6 [Roll No. 267]

YEAS—132

Aderholt	Garrett (NJ)	Myrick
Akin	Gilchrest	Nunes
Alexander	Goode	Petri
Bachus	Goodlatte	Pickering
Barrett (SC)	Gordon	Pitts
Bartlett (MD)	Granger	Porter
Barton (TX)	Hall (TX)	Price (GA)
Biggert	Hastings (WA)	Pryce (OH)
Bilbray	Hayes	Putnam
Bishop (UT)	Heller	Radanovich
Blackburn	Hensarling	Regula
Blunt	Herger	Rehberg
Boehner	Hobson	Reichert
Bonner	Hoekstra	Renzi
Bono Mack	Hunter	Reynolds
Boozman	Inglis (SC)	Rogers (KY)
Broun (GA)	Issa	Rohrabacher
Calvert	Johnson (IL)	Roskam
Camp (MI)	Johnson, Sam	Royce
Cantor	Keller	Ryan (WI)
Capito	King (IA)	Saxton
Carter	King (NY)	Schmidt
Chabot	Kline (MN)	Sensenbrenner
Coble	Knollenberg	Sessions
Cole (OK)	LaHood	Shadegg
Crenshaw	Lamborn	Shays
Culberson	LaTourette	Shimkus
Davis, David	Latta	Shuster
Davis, Tom	Lewis (CA)	Simpson
Deal (GA)	Lewis (KY)	Smith (NE)
Diaz-Balart, L.	Linder	Smith (TX)
Diaz-Balart, M.	Lucas	Souder
Doggett	Lungren, Daniel E.	Stearns
Doolittle	Mack	Sullivan
Drake	Marchant	Tancredo
Dreier	McCarthy (CA)	Thornberry
Duncan	McCaul (TX)	Tiberi
Emerson	McCrery	Turner
Everett	McKeon	Upton
Fallin	McMorris Rodgers	Walsh (NY)
Flake	Miller (FL)	Wamp
Forbes	Miller, Gary	Westmoreland
Foxx	Musgrave	Wilson (SC)
Franks (AZ)	Myrick	Wittman (VA)
Gallegly	Nunes	Wolf

NAYS—269

Abercrombie	Gohmert	Napolitano
Ackerman	Gonzalez	Neal (MA)
Allen	Graves	Neugebauer
Altmire	Green, Al	Obey
Arcuri	Green, Gene	Olver
Baca	Grijalva	Ortiz
Bachmann	Gutierrez	Pallone
Baird	Hall (NY)	Pascrell
Baldwin	Hare	Pastor
Barrow	Harman	Payne
Bean	Hastings (FL)	Pearce
Becerra	Herseth Sandlin	Pence
Berkley	Higgins	Perlmutter
Berman	Hill	Peterson (MN)
Berry	Hinchey	Platts
Bilirakis	Hinojosa	Poe
Bishop (GA)	Hirono	Pomeroy
Blumenauer	Hodes	Price (NC)
Boren	Holden	Rahall
Boswell	Holt	Ramstad
Boucher	Honda	Rangel
Boustany	Hooley	Reyes
Boyd (FL)	Hoyer	Rodriguez
Boyda (KS)	Hulshof	Rogers (MI)
Brady (PA)	Inslee	Ros-Lehtinen
Brady (TX)	Israel	Ross
Braley (IA)	Jackson (IL)	Rothman
Brown (SC)	Jackson-Lee (TX)	Roybal-Allard
Brown, Corrine	Johnson (GA)	Ruppersberger
Brown-Waite, Ginny	Johnson, E. B.	Ryan (OH)
Buchanan	Jordan	Salazar
Burgess	Kagen	Sali
Buyer	Kanjorski	Sánchez, Linda T.
Cannon	Kaptur	Sanchez, Loretta
Capps	Kildee	Sarbanes
Capuano	Kilpatrick	Schakowsky
Carnahan	Kind	Schiff
Carney	Kingston	Schwartz
Castle	Kirk	Scott (GA)
Castor	Klein (FL)	Scott (VA)
Cazayoux	Kucinich	Serrano
Chandler	Kuhl (NY)	Sestak
Clarke	Lampson	Shea-Porter
Clay	Langevin	Sherman
Cleaver	Larsen (WA)	Shuler
Clyburn	Larson (CT)	Sires
Cohen	Latham	Skelton
Cooper	Lee	Slaughter
Costa	Levin	Smith (NJ)
Costello	Lewis (GA)	Smith (WA)
Courtney	Lipinski	Snyder
Cramer	LoBiondo	Solis
Crowley	Loebsack	Space
Cuellar	Lofgren, Zoe	Spratt
Cummings	Lowey	Stark
Davis (AL)	Lynch	Stupak
Davis (CA)	Mahoney (FL)	Sutton
Davis (IL)	Maloney (NY)	Tanner
Davis (KY)	Manzullo	Tauscher
Davis, Lincoln	Markey	Taylor
DeFazio	Marshall	Terry
DeGette	Matheson	Thompson (CA)
Delahunt	Matsui	Thompson (MS)
DeLauro	McCarthy (NY)	Tiahrt
Dent	McCotter	Tierney
Dicks	McDermott	Towns
Dingell	McGovern	Tsongas
Donnelly	McHugh	Udall (NM)
Doyle	McIntyre	Van Hollen
Edwards	McNerney	Velázquez
Ehlers	McNulty	Visclosky
Ellison	Meek (FL)	Walberg
Ellsworth	Meeks (NY)	Walden (OR)
Emanuel	Melancon	Walz (MN)
Engel	Mica	Wasserman Schultz
English (PA)	Michaud	Waters
Eshoo	Miller (MI)	Watson
Etheridge	Miller (NC)	Watt
Farr	Miller, George	Weiner
Fattah	Mitchell	Welch (VT)
Feeney	Mollohan	Weller
Filner	Moore (KS)	Wilson (NM)
Fortenberry	Moore (WI)	Wilson (OH)
Foster	Moran (KS)	Wolf
Frank (MA)	Moran (VA)	Woolsey
Frelinghuysen	Murphy (CT)	Wu
Gerlach	Murphy, Patrick	Wynn
Giffords	Murphy, Tim	Yarmuth
Gillibrand	Murtha	Young (FL)
Gingrey	Nadler	

NOT VOTING—31

Andrews	Carson	Jefferson
Bishop (NY)	Conaway	Jones (NC)
Burton (IN)	Conyers	Jones (OH)
Butterfield	Cubin	Kennedy
Campbell (CA)	Ferguson	McCollum (MN)
Cardoza	Fossella	McHenry
Oberstar	Rush	Wexler
Paul	Speier	Whitfield (KY)
Peterson (PA)	Udall (CO)	Young (AK)
Richardson	Waxman	
Rogers (AL)	Weldon (FL)	

So the motion to adjourn was not agreed to.

¶54.7 COMMUNICATION FROM THE CLERK—CERTIFICATE OF ELECTION

The SPEAKER laid before the House a communication, which was read as follows:

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

DEAR MADAM SPEAKER: I have the honor to transmit herewith a facsimile copy of a letter received from the Honorable Jay Dardenne, Secretary of State, State of Louisiana, indicating that, according to the unofficial returns of the Special Election held May 3, 2008, the Honorable STEVE SCALISE was elected Representative to Congress for the First Congressional District, State of Louisiana.

With best wishes, I am

Sincerely,

LORRAINE C. MILLER,
Clerk.

Enclosure.

¶54.8 ORDER OF BUSINESS—SWEARING IN OF MEMBER-ELECT

On motion of Mr. MCCRERY, by unanimous consent,

Ordered, That, notwithstanding the fact that the certificate of election of Mr. Steve Scalise, 1st District of the State of Louisiana, has not been received by the Clerk of the House of Representatives, Mr. SCALISE be permitted to take the oath of office as prescribed by law, there being no contest and no question with regard to his election.

¶54.9 MEMBER-ELECT SWORN IN

Mr. SCALISE of the 1st District of Louisiana, presented himself at the bar of the House and took the oath of office prescribed by law.

¶54.10 WHOLE NUMBER OF THE HOUSE OF REPRESENTATIVES ADJUSTED

The SPEAKER announced under clause 5(d) of rule XX, that in light of the administration of the oath to Representative SCALISE, the whole number of the House is adjusted to 434.

¶54.11 APPROVAL OF THE JOURNAL—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. MCNULTY, pursuant to clause 8, rule XX, announced the unfinished business to be the question on agreeing to the Chair's approval of the Journal of Tuesday, May 6, 2008.

The question being put, viva voce,

Will the House agree to the Chair's approval of said Journal?

The SPEAKER pro tempore, Mr. MCNULTY, announced that the nays had it.

Ms. CASTOR demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative .....

Yeas	229
Nays	184
Answered present	1

¶54.12 [Roll No. 268]

YEAS—229

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

NAYS—184

Aderholt
Akin
Alexander
Altmire
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Buyer
Calvert
Camp (MI)
Cannon
Cantor
Capito
Carney
Carter
Castle
Chabot
Coble
Cole (OK)
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Donnelly
Doolittle
Drake
Dreier
Duncan
Ehlers
Ellsworth
Emerson
English (PA)
Everett
Fallin
Feeney
Flake
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Giffords
Gilchrest
Gingrey
Goodlatte
Gordon
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson, Sam
Jordan
Keller
King (IA)
King (NY)
Kingston
Kline (MN)
Knollenberg
LaHood
Lamborn
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCotter
McCrery
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mitchell
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (MN)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Saxton
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuler
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Stupak
Sullivan
Tancredo
Terry
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

ANSWERED ''PRESENT''—1

Gohmert

NOT VOTING—19

Andrews
Bishop (NY)
Burton (IN)
Campbell (CA)
Conaway
Cubin
Ferguson
Fossella
Jones (NC)
Jones (OH)
McHenry
Oberstar
Paul
Peterson (PA)
Richardson
Rush
Speier
Udall (CO)
Whitfield (KY)

So the Journal was approved.

¶54.13 H. RES. 1166—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. MCNULTY, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 1166) expressing the sense of the House of Representatives regarding provocative and dangerous statements and actions taken by the Government of the Russian Federation that undermine the territorial integrity of the Republic of Georgia.

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. MCNULTY, announced that two-thirds of those present had voted in the affirmative.

Mr. REHBERG demanded a recorded vote on the motion to suspend the rules and agree to said resolution which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative .....

Yeas	390
Nays	23
Answered present	2

¶54.14 [Roll No. 269]

AYES—390

Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Buchanan
Butterfield
Buyer
Calvert
Camp (MI)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Cazayoux
Chabot
Chandler
Clay
Cleaver
Clyburn
Cohen
Cole (OK)
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Deal (GA)
DeFazio
DeGette
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Filner
Flake
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, Sam
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes

Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Scalise
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Towns
Tsongas
Turner
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Wynn
Yarmuth

NOES—23

Abercrombie
Bartlett (MD)
Broun (GA)
Burgess
Clarke
Coble
Davis, Tom
Delahunt
Duncan
Johnson, E. B.
Jones (NC)
Kucinich
Lee
Lofgren, Zoe
McKeon
Poe
Rohrabacher
Royce
Sherman
Tancredo
Westmoreland
Young (AK)
Young (FL)

ANSWERED ''PRESENT''—2

Bean
Tierney

NOT VOTING—18

Andrews
Barton (TX)
Bishop (NY)
Brown-Waite, Ginny
Burton (IN)
Campbell (CA)
Conaway
Cubin
Ferguson
Fossella
McHenry
Oberstar
Paul
Richardson
Rush
Speier
Sullivan
Udall (CO)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

Mr. REHBERG moved to reconsider the vote whereby the rules were suspended and the resolution was agreed to.

Ms. CASTOR moved to lay on the table the motion to reconsider the vote.

The question being put, viva voce,

Will the House lay on the table the motion to reconsider said vote?

The SPEAKER pro tempore, Mr. MCNULTY, announced that the yeas had it.

Mr. REHBERG demanded a recorded vote on agreeing to said motion, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 218 / Nays 191

¶54.15 [Roll No. 270]

AYES—218

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

NOES—191

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

NOT VOTING—24

Andrews
Barrett (SC)
Barton (TX)
Bishop (NY)
Burton (IN)
Calvert
Campbell (CA)
Conaway
Cubin
DeFazio
Fossella
Gohmert
Linder
McHenry
Oberstar
Paul
Richardson
Rush
Slaughter
Speier
Sullivan
Taylor
Udall (CO)
Weldon (FL)

So the motion to lay on the table the motion to reconsider the vote was agreed to.

¶54.16 MOTION TO ADJOURN

Mr. REHBERG moved that the House do now adjourn.

The question being put, viva voce,

Will the House now adjourn?

The SPEAKER pro tempore, Mr. MCNULTY, announced that the nays had it.

Mr. REHBERG demanded a recorded vote on agreeing to said motion, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the negative ..... { Yeas ..... 140 / Nays 246

¶54.17 [Roll No. 271]

AYES—140

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Broun (GA)
Calvert
Camp (MI)
Cannon
Cantor
Capito
Castle
Chabot
Coble
Cole (OK)
Crenshaw

Davis, David
Davis, Tom
Deal (GA)
Doolittle
Drake
Dreier
Duncan
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Foxx
Franks (AZ)
Garrett (NJ)
Gingrey
Goode
Goodlatte
Gordon
Granger
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Keller
King (IA)
King (NY)
Kline (MN)
Knollenberg
LaHood
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Lucas
Lungren, Daniel E.
Mack
Marchant
McCarthy (CA)
McCaul (TX)
McCrery
McKeon
McMorris Rodgers
Miller (FL)
Miller, Gary
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (PA)
Petri
Price (GA)
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Roskam
Ryan (WI)
Saxton
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Thornberry
Tiberi
Turner
Upton
Walden (OR)
Walsh (NY)
Wamp
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Young (AK)

NOES—246

Abercrombie
Ackerman
Allen
Altmire
Arcuri
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berry
Bishop (GA)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Capps
Capuano
Carney
Carson
Castor
Cazayoux
Chandler
Clarke
Clay
Cleaver
Clyburn
Conyers
Cooper
Costello
Courtney
Cramer
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Donnelly
Doyle
Edwards
Ehlers
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Fortenberry
Foster
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Giffords
Gilchrest
Gillibrand
Gonzalez
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hulshof
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Jordan
Kagen
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Kingston
Kirk
Klein (FL)
Kucinich
Kuhl (NY)
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Maloney (NY)
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McCotter
McDermott
McGovern
McHugh
McIntyre
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Peterson (MN)
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (NC)
Rahall
Ramstad
Rangel
Reyes
Rodriguez
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Salazar
Sali
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tiahrt
Tierney
Towns
Tsongas
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walberg
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (FL)

NOT VOTING—47

Andrews
Baca
Berman
Bishop (NY)
Braley (IA)
Burton (IN)
Butterfield
Buyer
Campbell (CA)
Cardoza
Carnahan
Carter
Cohen
Conaway
Costa
Cubin
Davis (KY)
DeLauro
Doggett
Ellison
Emanuel
Fossella
Gohmert
Hinchey
Hoyer
Lamborn
Linder
Mahoney (FL)
McHenry
McNerney
Miller, George
Murphy, Patrick
Oberstar
Paul
Perlmutter
Richardson
Rohrabacher
Royce
Rush
Ryan (OH)
Sánchez, Linda T.
Scott (GA)
Speier
Terry
Udall (CO)
Walz (MN)
Weldon (FL)

So the motion to adjourn was not agreed to.

¶54.18 FURTHER CALENDAR WEDNESDAY BUSINESS

The SPEAKER pro tempore, Mr. MCNULTY, directed that further business under clause 6, rule XV, the Calendar Wednesday rule, be called.

The committees were called and the call now rests with the Committee on Agriculture.

¶54.19 PROVIDING FOR CONSIDERATION OF H.R. 5818

Ms. CASTOR, by direction of the Committee on Rules, called up the following resolution (H. Res. 1174):

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 5818) to authorize the Secretary of Housing and Urban Development to make loans to States to acquire foreclosed housing and to make grants to States for related costs. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Financial Services. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Financial Services now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived except those arising under clause 10 of rule XXI. Notwithstanding clause 11 of rule XVIII, no amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived except those arising under clause 9 or 10 of rule XXI. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. After a motion that the Committee rise has been rejected on a legislative day, the Chair may entertain another such motion on that day only if offered by the chairman of the Committee on Financial Services or the Majority Leader or a designee. After a motion to strike out the enacting words of the bill (as described in clause 9 of rule XVIII) has been rejected, the Chair may not entertain another such motion during further consideration of the bill.

SEC. 3. During consideration in the House of H.R. 5818 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

When said resolution was considered.

After debate,

¶54.20 MOTION TO ADJOURN

Mr. HASTINGS of Washington, moved that the House do now adjourn.

The question being put, viva voce,

Will the House now adjourn?

The SPEAKER pro tempore, Mr. HOLDEN, announced that the nays had it.

Mr. HASTINGS of Washington, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the negative ..... { Yeas ..... 144 / Nays 250

¶54.21 [Roll No. 272]

YEAS—144

Aderholt
Akin
Alexander
Bachus
Barrett (SC)
Barton (TX)
Bilbray
Bilirakis
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Calvert
Camp (MI)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chandler
Coble
Cole (OK)
Crenshaw
Culberson
Davis, David
Davis, Tom
Deal (GA)
DeGette
Doolittle
Drake
Dreier
Duncan
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake

Forbes
Foxx
Franks (AZ)
Gallegly
Gerlach
Gingrey
Goode
Goodlatte
Granger
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Keller
King (IA)
King (NY)
Kingston
Kline (MN)
Knollenberg
LaHood
Lamborn
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Marchant
McCarthy (CA)
McCaul (TX)
McCrery
McHenry
McKeon
McMorris Rodgers
Miller (FL)
Miller, Gary
Murtha
Musgrave
Myrick
Neugebauer
Paul
Pearce
Pence
Petri
Pickering
Pitts
Price (GA)
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
Reichert
Rogers (AL)
Rogers (KY)
Rohrabacher
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Thornberry
Tiberi
Turner
Upton
Walden (OR)
Walsh (NY)
Wamp
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Young (AK)
Young (FL)

NAYS—250

Abercrombie
Ackerman
Allen
Altmire
Arcuri
Baca
Bachmann
Baird
Baldwin
Barrow
Bartlett (MD)
Becerra
Berkley
Berry
Biggert
Bishop (GA)
Blumenauer
Boren
Boswell
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Butterfield
Buyer
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Cazayoux
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, Lincoln
DeFazio
Delahunt
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Donnelly
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Fortenberry
Foster
Frank (MA)
Frelinghuysen
Garrett (NJ)
Giffords
Gillibrand
Gohmert
Gonzalez
Gordon
Graves
Green, Al
Green, Gene
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Kirk
Klein (FL)
Kucinich
Kuhl (NY)
Lampson
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Marshall
Matheson
Matsui
McCotter
McDermott
McHugh
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Nadler
Napolitano
Neal (MA)
Nunes
Obey
Ortiz
Pallone
Pastor
Payne
Perlmutter
Peterson (MN)
Platts
Poe
Pomeroy
Porter
Price (NC)
Rahall
Ramstad
Rangel
Reyes
Rodriguez
Rogers (MI)
Ros-Lehtinen
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Tiahrt
Tierney
Towns
Tsongas
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walberg
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Wolf
Woolsey
Wu
Yarmuth

NOT VOTING—39

Andrews
Bean
Berman
Bishop (NY)
Bishop (UT)
Boucher
Burton (IN)
Campbell (CA)
Conaway
Cubin
DeLauro
Doggett
Doyle
Fossella
Gilchrest
Grijalva
Hinchey
Hunter
McCarthy (NY)
McCollum (MN)
McGovern
Moran (VA)
Oberstar
Olver
Pascrell
Peterson (PA)
Renzi
Reynolds
Richardson
Ross
Rush
Salazar
Slaughter
Speier
Udall (CO)
Weldon (FL)
Wexler
Wilson (OH)
Wynn

So the motion to adjourn was not agreed to.

After further debate,

Ms. CASTOR moved the previous question on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House now order the previous question?

The SPEAKER pro tempore, Mr. HOLDEN, announced that the yeas had it.

Ms. CASTOR demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. HOLDEN, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶54.22 MOTION TO ADJOURN

Mr. CULBERSON moved that the House do now adjourn.

The question being put, viva voce,

Will the House now adjourn?

The SPEAKER pro tempore, Mr. HOLDEN, announced that the nays had it.

Mr. CULBERSON demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the negative ..... { Yeas ..... 138 / Nays 272

¶54.23 [Roll No. 273]

YEAS—138

Aderholt
Akin
Alexander
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bono Mack
Boozman
Boustany
Broun (GA)
Buyer
Calvert
Camp (MI)
Cannon
Cantor
Carter
Chabot
Coble
Cole (OK)
Crenshaw
Culberson
Davis, David
Davis, Tom
Doolittle
Drake
Dreier
Duncan
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gilchrest
Gingrey
Goode
Goodlatte
Granger
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
King (IA)
King (NY)
Kline (MN)
Knollenberg
LaHood
Lamborn
Latham
Latta
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Marchant
McCarthy (CA)
McCaul (TX)
McCrery
McHenry
McKeon
McMorris Rodgers
Miller (FL)
Miller, Gary
Musgrave
Myrick
Neugebauer
Pearce
Pence
Petri
Pitts
Price (GA)
Pryce (OH)
Putnam
Radanovich
Rehberg
Reichert
Renzi
Rogers (AL)
Rogers (KY)
Rohrabacher
Roskam
Royce
Ryan (WI)
Saxton
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Thornberry
Turner
Upton
Walden (OR)
Walsh (NY)
Wamp
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Young (AK)

NAYS—272

Abercrombie
Ackerman
Allen
Altmire
Arcuri
Baca
Bachmann
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Butterfield
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Cazayoux
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Cooper
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Frelinghuysen
Gerlach
Giffords
Gillibrand
Gohmert
Gonzalez
Gordon
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Kingston
Kirk
Klein (FL)
Kucinich
Kuhl (NY)
Lampson
Langevin
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McCotter
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)

Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pickering
Platts
Poe
Pomeroy
Porter
Price (NC)
Rahall
Ramstad
Rangel
Regula
Reyes
Rodriguez
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walberg
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Wexler
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—23

Andrews
Bishop (NY)
Bonner
Burton (IN)
Campbell (CA)
Conaway
Conyers
Costa
Cubin
Davis (KY)
Deal (GA)
Fortenberry
Fossella
Paul
Peterson (PA)
Reynolds
Richardson
Rush
Skelton
Speier
Udall (CO)
Weldon (FL)
Young (FL)

So the motion to adjourn was not agreed to.

¶54.24 H. RES. 1113—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. ROSS, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 1113) celebrating the role of mothers in the United States and supporting the goals and ideals of Mother's Day.

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. ROSS, announced that two-thirds of those present had voted in the affirmative.

Mr. TIAHRT demanded a recorded vote on agreeing to said resolution, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 412 Nays 0

¶54.25 [Roll No. 274]

AYES—412

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Butterfield
Buyer
Calvert
Camp (MI)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Cazayoux
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Scalise
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—21

Andrews
Bishop (NY)
Bonner
Burton (IN)
Campbell (CA)
Conaway
Cubin
Deal (GA)
Farr
Fortenberry
Fossella
Hinchey
Murphy, Patrick
Paul
Peterson (PA)
Richardson
Rush
Skelton
Speier
Udall (CO)
Watson

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

Mr. TIAHRT moved to reconsider the vote whereby the rules were suspended and said resolution was agreed to.

Ms. CASTOR moved to lay on the table the motion to reconsider the vote.

The question being put, viva voce,

Will the House lay on the table the motion to reconsider said vote?

The SPEAKER pro tempore, Mr. ROSS, announced that the yeas had it.

Mr. TIAHRT demanded a recorded vote on agreeing to said resolution, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 237 Nays 178

¶54.26 [Roll No. 275]

AYES—237

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

Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latta
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McHenry
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Petri
Pomeroy
Price (NC)
Rahall
Ramstad
Rangel
Reyes
Rodriguez
Roskam
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sestak
Shea-Porter
Sherman
Shimkus
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (NM)
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn

NOES—178

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown-Waite, Ginny
Buchanan
Burgess
Buyer
Calvert
Camp (MI)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Crenshaw
Culberson
Davis (KY)
Davis, Tom
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson, Sam
Jones (NC)
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (PA)
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Radanovich
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Sali
Saxton
Scalise
Schmidt
Sessions
Shadegg
Shays
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOT VOTING—18

Abercrombie
Andrews
Bishop (NY)
Burton (IN)
Campbell (CA)
Conaway
Cubin
Deal (GA)
Farr
Fossella
Paul
Putnam
Richardson
Rush
Speier
Udall (CO)
Van Hollen
Yarmuth

So the motion to lay on the table the motion to reconsider the vote was agreed to.

¶54.27 MOTION TO ADJOURN

Mr. TIAHRT moved that the House do now adjourn.

The question being put, viva voce,

Will the House now adjourn?

The SPEAKER pro tempore, Mr. ROSS, announced that the nays had it.

Mr. TIARHT demanded a recorded vote on agreeing to said motion, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the negative ..... { Yeas ..... 146 / Nays 276

¶54.28 [Roll No. 276]

AYES—146

Aderholt
Akin
Alexander
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Boyd (FL)
Broun (GA)
Brown-Waite, Ginny
Burton (IN)
Calvert
Camp (MI)
Cannon
Cantor
Capito
Carter
Chabot
Coble
Cole (OK)
Crenshaw
Cubin
Culberson
Davis, David
Davis, Tom
Deal (GA)
Doolittle
Drake
Dreier
Duncan
Emerson
English (PA)
Everett
Fallin
Ferguson
Flake
Forbes
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gilchrest
Gingrey
Goode
Goodlatte
Gordon
Granger
Hall (TX)
Hastings (WA)
Hayes
Hensarling
Herger
Hobson
Hoekstra
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Keller
King (NY)
Kline (MN)
Knollenberg
LaHood
Lamborn
Latham
Latta
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Marchant
McCarthy (CA)
McCaul (TX)
McCrery
McHenry
McKeon
McMorris Rodgers
Miller (FL)
Miller, Gary
Musgrave
Myrick
Neugebauer
Nunes
Pastor
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Price (GA)
Pryce (OH)
Radanovich
Regula
Rehberg
Reichert
Reynolds
Rogers (AL)
Rogers (KY)
Rohrabacher
Roskam
Royce
Ryan (WI)
Saxton
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Sullivan
Tancredo
Thornberry
Tiahrt
Tiberi
Upton
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Young (AK)
Young (FL)

NOES—276

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Blumenauer
Boren
Boswell
Boucher
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Buchanan
Burgess
Butterfield
Buyer
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Cazayoux
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Feeney
Filner
Fortenberry
Foster
Frank (MA)
Gerlach
Giffords
Gillibrand
Gohmert
Gonzalez
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Heller
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
Kingston
Kirk
Klein (FL)
Kucinich
Kuhl (NY)
Lampson
Langevin
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McCotter
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Payne
Perlmutter
Peterson (MN)
Platts
Poe
Pomeroy
Porter
Price (NC)
Putnam
Rahall
Ramstad
Rangel
Renzi
Reyes
Rodriguez
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stearns
Stupak
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Turner
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walberg
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Wittman (VA)
Wolf
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—11

Bachus
Bishop (NY)
Campbell (CA)
Conaway
Fossella
Paul
Richardson
Rush
Speier
Udall (CO)
Weller

So the motion to adjourn was not agreed to.

¶54.29 H.R. 5937—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. ROSS, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and pass the bill (H.R. 5937) to facilitate the preservation of certain affordable housing dwelling units.

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. ROSS, announced that two-thirds of those present had voted in the affirmative.

Mr. CALVERT demanded a recorded vote on passage of said bill, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 345 Nays 73

¶54.30 [Roll No. 277]

AYES—345

Abercrombie
Ackerman
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Blumenauer
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burton (IN)
Butterfield
Buyer
Camp (MI)
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Cazayoux
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole (OK)
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Fallin
Farr
Fattah
Ferguson
Filner
Fortenberry
Foster
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Giffords
Gilchrest
Gillibrand
Gonzalez
Goodlatte
Gordon
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kagen
Kanjorski
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Marshall
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Perlmutter
Peterson (PA)
Pickering
Pitts
Platts
Pomeroy
Porter
Price (NC)
Pryce (OH)
Putnam
Rahall
Ramstad
Rangel
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wittman (VA)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (FL)

NOES—73

Aderholt
Akin
Bartlett (MD)
Biggert
Blackburn
Blunt
Broun (GA)
Brown (SC)
Burgess
Calvert
Cannon
Cantor
Carter
Chabot
Coble
Davis (KY)
Davis, David
Deal (GA)
Dreier
Duncan
Ehlers
Everett
Feeney
Flake
Forbes
Foxx
Franks (AZ)
Garrett (NJ)
Gingrey
Gohmert
Goode
Granger
Hoekstra
Inglis (SC)
Issa
Jones (NC)
Jordan
King (IA)
Kingston
Kirk
Lewis (KY)
Lungren, Daniel E.
Marchant
McKeon
Miller (FL)
Moran (KS)
Musgrave
Myrick
Neugebauer
Nunes
Petri
Poe
Price (GA)
Radanovich
Regula
Royce
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Stearns
Sullivan
Tancredo
Thornberry
Walberg
Wamp
Weldon (FL)
Westmoreland
Wilson (SC)
Young (AK)

NOT VOTING—15

Bishop (NY)
Campbell (CA)
Conaway
Drake
Fossella
Kaptur
Linder
Matheson
Paul
Peterson (MN)
Richardson
Rush
Speier
Terry
Udall (CO)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

Mr. SIMPSON moved to reconsider the vote whereby the rules were suspended and the bill was passed.

Mr. WELCH of Vermont, moved to lay on the table the motion to reconsider the vote.

The question being put, viva voce,

Will the House lay on the table the motion to reconsider said vote?

The SPEAKER pro tempore, Mr. ROSS, announced that the yeas had it.

Mr. SIMPSON demanded a recorded vote on passage of said bill, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 225 Nays 190

¶54.31 [Roll No. 278]

AYES—225

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

Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOES—190

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

NOT VOTING—18

Bachus
Bishop (NY)
Campbell (CA)
Conaway
Fossella
Granger
Kuhl (NY)
Linder
Paul
Peterson (MN)
Rangel
Richardson
Rush
Speier
Stearns
Tauscher
Terry
Udall (CO)

So the motion to lay on the table the motion to reconsider the vote was agreed to.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶54.32 MOTION TO ADJOURN

Mr. CALVERT moved that the House do now adjourn.

The question being put, viva voce,

Will the House now adjourn?

The SPEAKER pro tempore, Mr. ROSS, announced that the nays had it.

Mr. CALVERT demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the negative { Yeas ..... 137 / Nays 260

¶54.33 [Roll No. 279]

YEAS—137

Aderholt
Akin
Alexander
Barrett (SC)
Bartlett (MD)
Barton (TX)
Berman
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Boyd (FL)
Broun (GA)
Burton (IN)
Calvert
Camp (MI)
Cantor
Capito
Carter
Chabot
Coble
Cole (OK)
Crenshaw
Cubin
Davis, David
Davis, Tom
Deal (GA)
Doolittle
Drake
Dreier
Duncan
Emerson
English (PA)
Everett
Fallin
Ferguson
Flake
Forbes
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gilchrest
Gingrey
Goode
Goodlatte
Hall (TX)
Hastings (WA)
Hayes
Hensarling
Herger
Hobson
Hoekstra
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
King (NY)
Knollenberg
LaHood
Lamborn
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Lucas
Lungren, Daniel E.
Mack
Marchant
McCaul (TX)
McCrery
McHenry
McKeon
Miller (FL)
Miller (NC)
Miller, Gary
Miller, George
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Petri
Pickering
Pitts
Price (GA)
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rohrabacher
Rothman
Royce
Ryan (WI)
Saxton
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Sullivan
Thornberry
Tiberi
Upton
Walden (OR)
Wamp
Weldon (FL)
Westmoreland
Whitfield (KY)
Wilson (NM)
Young (AK)
Young (FL)

NAYS—260

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berry
Bishop (GA)
Blumenauer
Boren
Boswell
Boucher
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Buchanan
Burgess
Butterfield
Buyer
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Cazayoux
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Culberson
Davis (AL)
Davis (CA)
Davis (KY)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Fattah
Filner
Fortenberry
Foster
Foxx
Frank (MA)
Gerlach
Giffords
Gillibrand
Gohmert
Gonzalez
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Heller
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hulshof
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Jordan
Kagen
Kanjorski
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
Kingston
Klein (FL)
Kline (MN)
Kucinich
Kuhl (NY)
Lampson
Langevin
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCollum (MN)
McCotter
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Nadler
Napolitano
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (PA)
Platts
Poe
Pomeroy
Porter
Price (NC)
Rahall
Ramstad
Reyes
Rodriguez
Rogers (MI)
Ros-Lehtinen
Roskam
Ross
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Shea-Porter
Sherman
Shuler
Sires
Skelton
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stearns
Stupak
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Tiahrt
Tierney
Towns
Tsongas
Turner
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walberg
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Weiner
Welch (VT)
Weller
Wexler
Wilson (OH)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth

NOT VOTING—36

Bachus
Bishop (NY)
Brown-Waite, Ginny
Campbell (CA)
Cannon
Conaway
Cooper
Cummings
Davis (IL)
Farr
Feeney
Fossella
Gordon
Granger
Hoyer
Kaptur
Kirk
Larsen (WA)
Linder
McMorris Rodgers
Murtha
Neal (MA)
Paul
Peterson (MN)
Rangel
Richardson
Rush
Sestak
Slaughter
Speier
Tancredo
Udall (CO)
Walsh (NY)
Waxman
Wilson (SC)
Wynn

So the motion to adjourn was not agreed to.

¶54.34 PROVIDING FOR CONSIDERATION OF THE AMENDMENTS OF THE SENATE TO H.R. 3221

Mr. WELCH of Vermont, by direction of the Committee on Rules, called up the following resolution (H. Res. 1175):

Resolved, That upon adoption of this resolution it shall be in order to take from the Speaker's table the bill (H.R. 3221) moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation, with the Senate amendments thereto, and to consider in the House, without intervention of any point of order except those arising under clause 10 of rule XXI, a motion offered by the chairman of the Committee on Financial Services or his designee that the House concur in the Senate amendment to the text with each of the three amendments printed in the report of the Committee on Rules accompanying this resolution. The Senate amendments and the motion shall be considered as read. The motion shall be debatable for three hours,

with two hours equally divided and controlled by the chairman and ranking minority member of the Committee on Financial Services and one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means. The previous question shall be considered as ordered on the motion to its adoption without intervening motion except that the Chair shall divide the question among each of the three House amendments.

SEC. 2. Upon adoption of the motion specified in the first section of this resolution, a motion that the House concur in the Senate amendment to the title shall be considered as adopted.

SEC. 3. During consideration of the motion to concur pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the motion to such time as may be designated by the Speaker.

When said resolution was considered.

After debate,

¶54.35 MOTION TO ADJOURN

Mr. SESSIONS moved that the House do now adjourn.

The question being put, viva voce,

Will the House now adjourn?

The SPEAKER pro tempore, Ms. BALDWIN, announced that the nays had it.

Mr. SESSIONS demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the negative ..... { Yeas ..... 138 Nays 263

¶54.36 [Roll No. 280]

YEAS—138

Aderholt
Akin
Alexander
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Boyd (FL)
Broun (GA)
Burton (IN)
Buyer
Calvert
Camp (MI)
Cannon
Cantor
Capito
Carter
Chabot
Coble
Cole (OK)
Crenshaw
Cubin
Davis, David
Davis, Tom
Deal (GA)
Doolittle
Drake
Dreier
Duncan
Emerson
English (PA)
Everett
Fallin
Flake
Forbes
Franks (AZ)
Gallegly
Garrett (NJ)
Goode
Goodlatte
Granger
Hall (TX)
Hastings (WA)
Hayes
Hensarling
Herger
Hobson
Hoekstra
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Keller
King (IA)
King (NY)
Kline (MN)
Knollenberg
LaHood
Lamborn
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCrery
McHenry
McKeon
McMorris Rodgers
Miller (FL)
Miller, Gary
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Petri
Pickering
Pitts
Price (GA)
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
Reichert
Renzi
Rogers (AL)
Rogers (KY)
Rohrabacher
Royce
Ryan (WI)
Saxton
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Sullivan
Tancredo
Thornberry
Tiberi
Upton
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Young (AK)
Young (FL)

NAYS—263

Abercrombie
Ackerman
Allen
Altmire
Arcuri
Baca
Bachmann
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Blumenauer
Boren
Boswell
Boucher
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Cazayoux
Chandler
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (KY)
Davis, Lincoln
DeFazio
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Feeney
Filner
Fortenberry
Fossella
Foster
Foxx
Frank (MA)
Frelinghuysen
Gerlach
Giffords
Gillibrand
Gingrey
Gonzalez
Gordon
Graves
Green, Al
Green, Gene
Grijalva
Hall (NY)
Hare
Harman
Hastings (FL)
Heller
Herseth Sandlin
Higgins
Hill
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (NC)
Jordan
Kagen
Kanjorski
Kennedy
Kildee
Kilpatrick
Kind
Kingston
Kirk
Klein (FL)
Kucinich
Kuhl (NY)
Lampson
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCotter
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Platts
Poe
Pomeroy
Porter
Price (NC)
Rahall
Ramstad
Rangel
Reyes
Rodriguez
Rogers (MI)
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Stark
Stearns
Stupak
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Tiahrt
Tierney
Towns
Tsongas
Turner
Udall (CO)
Van Hollen
Velázquez
Visclosky
Walberg
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Welch (VT)
Weller
Wexler
Wilson (OH)
Wolf
Woolsey
Wu

NOT VOTING—32

Andrews
Bishop (NY)
Bishop (UT)
Campbell (CA)
Clarke
Conaway
Davis (IL)
DeGette
Doyle
Ferguson
Gilchrest
Gohmert
Gutierrez
Hinchey
Hinojosa
Hunter
Jones (OH)
Kaptur
McCollum (MN)
Miller (NC)
Miller, George
Peterson (PA)
Reynolds
Richardson
Rush
Smith (NJ)
Speier
Spratt
Udall (NM)
Watson
Wynn
Yarmuth

So the motion to adjourn was not agreed to.

After further debate,

Mr. WELCH of Vermont, moved the previous question on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House now order the previous question?

The SPEAKER pro tempore, Ms. BALDWIN, announced that the yeas had it.

Mr. SESSIONS demanded a recorded vote on ordering the previous question, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 226 Nays 198

¶54.37 [Roll No. 281]

AYES—226

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castor
Cazayoux
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Gerlach
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman

Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOES—198

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

NOT VOTING—9

Bishop (NY)
Campbell (CA)
Conaway
Costello
Jones (OH)
Richardson
Rush
Saxton
Speier

So the previous question on the resolution was ordered.

Mr. CARTER moved to reconsider the vote whereby the previous question was ordered.

Mr. WELCH of Vermont, moved to lay on the table the motion to reconsider the vote.

The question being put, viva voce,

Will the House lay on the table the motion to reconsider said vote?

The SPEAKER pro tempore, Ms. BALDWIN, announced that the yeas had it.

Mr. CARTER demanded a recorded vote on agreeing to said motion, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 225 / Nays 192

¶54.38 [Roll No. 282]

AYES—225

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

NOES—192

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

NOT VOTING—16

Berkley
Bishop (NY)
Burgess
Campbell (CA)
Carnahan
Conaway
Edwards
Harman
Jones (OH)
Linder
Melancon
Renzi
Richardson
Ros-Lehtinen
Rush
Speier

So the motion to lay on the table the motion to reconsider the vote was agreed to.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Ms. BALDWIN, announced that the yeas had it.

Mr. HASTINGS of Washington, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 224; Nays ..... 198; Answered present 1

¶54.39 [Roll No. 283]

YEAS—224

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

NAYS—198

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

ANSWERED ''PRESENT''—1

Kaptur

NOT VOTING—10

Bishop (NY)
Campbell (CA)
Conaway
Harman
Jones (OH)
Richardson
Rush
Sánchez, Linda T.
Speier
Stark

So the resolution was agreed to.

Mr. ADERHOLT moved to reconsider the vote whereby the resolution was agreed to.

Mr. WELCH of Vermont, moved to lay on the table the motion to reconsider the vote.

The question being put, viva voce,

Will the House lay on the table the motion to reconsider said vote?

The SPEAKER pro tempore, Ms. BALDWIN, announced that the yeas had it.

Mr. ADERHOLT demanded a recorded vote on agreeing to said motion, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 227; Nays 196

¶54.40 [Roll No. 284]

AYES—227

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

NOES—196

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger

Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOT VOTING—10

Bishop (NY)
Campbell (CA)
Conaway
Jones (OH)
Lewis (GA)
McCaul (TX)
Richardson
Rush
Sires
Speier

So the motion to lay on the table the motion to reconsider the vote was agreed to.

¶54.41 MOTION TO ADJOURN

Mr. PRICE of Georgia, moved that the House do now adjourn.

The question being put, viva voce,

Will the House now adjourn?

The SPEAKER pro tempore, Ms. BALDWIN, announced that the nays had it.

Mr. PRICE of Georgia, demanded a recorded vote on agreeing to said motion, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the negative ..... { Yeas ..... 111 / Nays ..... 311 }

¶54.42 [Roll No. 285]

AYES—111

Akin
Alexander
Bachmann
Bartlett (MD)
Biggert
Bilbray
Bishop (UT)
Blackburn
Blunt
Bonner
Bono Mack
Boozman
Boyd (FL)
Brady (TX)
Broun (GA)
Burton (IN)
Buyer
Camp (MI)
Cannon
Cantor
Carter
Chabot
Coble
Cole (OK)
Crenshaw
Cubin
Culberson
Davis, Tom
Deal (GA)
Doolittle
Dreier
Duncan
Emerson
English (PA)
Everett
Flake
Forbes
Gallegly
Gilchrest
Goode
Goodlatte
Gordon
Granger
Hall (TX)
Hastings (WA)
Herger
Hobson
Hunter
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
King (IA)
King (NY)
Knollenberg
LaHood
Lamborn
LaTourette
Latta
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCrery
McHenry
McHugh
Mica
Miller (FL)
Miller, Gary
Myrick
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Price (GA)
Pryce (OH)
Radanovich
Regula
Reichert
Renzi
Rogers (AL)
Royce
Ryan (WI)
Sali
Saxton
Scalise
Schmidt
Sensenbrenner
Sessions
Shays
Shimkus
Shuster
Smith (TX)
Souder
Sullivan
Taylor
Thornberry
Upton
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Wilson (NM)
Wilson (SC)
Young (AK)

NOES—311

Abercrombie
Ackerman
Aderholt
Allen
Altmire
Andrews
Arcuri
Baca
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Bilirakis
Bishop (GA)
Blumenauer
Boren
Boswell
Boucher
Boustany
Boyda (KS)
Brady (PA)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Butterfield
Calvert
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Cazayoux
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Drake
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Fortenberry
Fossella
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Giffords
Gillibrand
Gingrey
Gohmert
Gonzalez
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Hayes
Heller
Hensarling
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inglis (SC)
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jordan
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Kingston
Kirk
Klein (FL)
Kline (MN)
Kucinich
Kuhl (NY)
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCollum (MN)
McCotter
McDermott
McGovern
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Nadler
Napolitano
Neal (MA)
Neugebauer
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Platts
Poe
Pomeroy
Porter
Price (NC)
Putnam
Rahall
Ramstad
Rangel
Rehberg
Reyes
Reynolds
Rodriguez
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shadegg
Shea-Porter
Sherman
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stearns
Stupak
Sutton
Tancredo
Tanner
Tauscher
Terry
Thompson (CA)
Thompson (MS)
Tiahrt
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walberg
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (OH)
Wittman (VA)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (FL)

NOT VOTING—11

Bishop (NY)
Boehner
Campbell (CA)
Conaway
Jones (OH)
Richardson
Ruppersberger
Rush
Speier
Tiberi
Tierney

So the motion to adjourn was not agreed to.

¶54.43 MOTION TO ADJOURN

Mr. KINGSTON moved that the House do now adjourn.

The question being put, viva voce,

Will the House now adjourn?

The SPEAKER pro tempore, Ms. BALDWIN, announced that the nays had it.

Mr. KINGSTON demanded a recorded vote on agreeing to said motion, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the negative ..... { Yeas ..... 143 / Nays ..... 272 }

¶54.44 [Roll No. 286]

AYES—143

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Boyd (FL)
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Burton (IN)
Buyer
Calvert
Camp (MI)
Cannon
Cantor
Capito
Carter
Chabot
Clay
Coble
Cole (OK)
Crenshaw
Cubin
Davis, David
Davis, Tom
Deal (GA)
Doolittle
Drake
Dreier
Duncan
Emerson
English (PA)
Everett
Fallin
Ferguson
Flake
Forbes
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gilchrest
Gingrey
Goode
Goodlatte
Granger
Hastings (WA)
Hayes
Hensarling
Herger
Hobson
Hoekstra
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
King (IA)
King (NY)
Kingston
Kline (MN)
Knollenberg
LaHood
Lamborn
Latta
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
McCarthy (CA)
McCrery
McHenry
McHugh
McKeon
Miller (FL)
Miller (MI)
Miller, Gary
Musgrave
Myrick
Neugebauer
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Price (GA)
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
Reichert
Rogers (AL)
Rogers (KY)

Rohrabacher
Royce
Ryan (WI)
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Tancredo
Taylor
Thornberry
Tiberi
Upton
Walden (OR)
Walsh (NY)
Wamp
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Young (AK)
Young (FL)

NOES—272

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Bishop (GA)
Blumenauer
Boren
Boswell
Boucher
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Buchanan
Burgess
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Cazayoux
Chandler
Clarke
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Feeney
Filner
Fortenberry
Fossella
Foxx
Frank (MA)
Gerlach
Giffords
Gillibrand
Gohmert
Gonzalez
Gordon
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Heller
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (NC)
Jordan
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Kirk
Klein (FL)
Kucinich
Kuhl (NY)
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Platts
Pomeroy
Porter
Price (NC)
Rahall
Ramstad
Rangel
Renzi
Reyes
Reynolds
Rodriguez
Rogers (MI)
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Ryan (OH)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sullivan
Sutton
Tanner
Tauscher
Terry
Thompson (CA)
Thompson (MS)
Tiahrt
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walberg
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Wittman (VA)
Wolf
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—18

Berry
Bishop (NY)
Campbell (CA)
Conaway
Foster
Hall (TX)
Hunter
Jones (OH)
Keller
LaTourette
McMorris Rodgers
Poe
Richardson
Ruppersberger
Rush
Saxton
Speier
Weldon (FL)

So the motion to adjourn was not agreed to.

¶54.45 H. RES. 1174—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mrs. TAUSCHER, pursuant to clause 8, rule XX, announced the unfinished business to be the question on ordering the previous question on the resolution (H. Res. 1174) providing for consideration of the bill (H.R. 5818) to authorize the Secretary of Housing and Urban Development to make loans to States to acquire foreclosed housing and to make grants to States for related costs.

The question being put,

Will the House now order the previous question?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 220 Nays 187

¶54.46 [Roll No. 287]

YEAS—220

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

NAYS—187

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

NOT VOTING—26

Berry
Bishop (NY)
Campbell (CA)
Coble
Conaway
Gilchrest
Granger
Gutierrez
Hunter
Johnson, E. B.
Jones (OH)
LaTourette
Linder
Maloney (NY)
Moore (KS)
Payne
Peterson (PA)
Pryce (OH)
Rangel
Renzi
Richardson
Ruppersberger
Rush
Saxton
Speier
Velázquez

So the previous question on the resolution was ordered.

Mr. SIMPSON moved to reconsider the vote whereby the previous question was ordered.

Mr. HASTINGS of Florida, moved to lay on the table the motion to reconsider the vote.

The question being put, viva voce,

Will the House lay on the table the motion to reconsider said vote?

The SPEAKER pro tempore, Mrs. TAUSCHER, announced that the yeas had it.

Mr. SIMPSON demanded a recorded vote on agreeing to said motion, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 226 Nays 186

¶54.47 [Roll No. 288]

AYES—226

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

NOES—186

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

NOT VOTING—21

Bachus
Becerra
Berry
Bishop (NY)
Campbell (CA)
Conaway
Hinojosa
Hooley
LaTourette
Linder
Maloney (NY)
Melancon
Peterson (PA)
Renzi
Richardson
Ruppersberger
Rush
Souder
Speier
Spratt
Weldon (FL)

So the motion to lay on the table the motion to reconsider the vote was agreed to.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mrs. TAUSCHER, announced that the yeas had it.

Mr. HASTINGS of Washington, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 223 Nays 192

¶54.48 [Roll No. 289]

YEAS—223

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

NAYS—192

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)

Buyer
Calvert
Camp (MI)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hill
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Latham
Latta
Lewis (CA)
Lewis (KY)
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Ramstad
Regula
Rehberg
Reichert
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOT VOTING—18

Berry
Bishop (NY)
Campbell (CA)
Conaway
Hinojosa
Hooley
Kirk
LaTourette
Linder
Maloney (NY)
Meeks (NY)
Mollohan
Peterson (PA)
Radanovich
Renzi
Richardson
Rush
Speier

So the resolution was agreed to.

Mrs. EMERSON moved to reconsider the vote whereby the resolution was agreed to.

Mr. WELCH of Vermont, moved to lay on the table the motion to reconsider the vote.

The question being put, viva voce,

Will the House lay on the table the motion to reconsider said vote?

The SPEAKER pro tempore, Mrs. TAUSCHER, announced that the yeas had it.

Mrs. EMERSON demanded a recorded vote on agreeing to said motion, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 212 Nays 183

¶54.49 [Roll No. 290]

AYES—212

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

NOES—183

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

NOT VOTING—38

Berkley
Berry
Bishop (NY)
Blunt
Brady (TX)
Buyer
Campbell (CA)
Clay
Cleaver
Conaway
Conyers
Costello
Cubin
DeFazio
Ehlers
Farr
Fattah
Foster
Harman
Hinojosa
Hooley
LaTourette
Linder
Maloney (NY)
McCarthy (CA)
Moran (VA)
Peterson (PA)
Porter
Radanovich
Renzi
Richardson
Rush
Ryan (OH)
Slaughter
Speier
Stearns
Van Hollen
Watson

So the motion to lay on the table the motion to reconsider the vote was agreed to.

¶54.50 MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the House by Mr. Ed Thomas, one of his secretaries.

¶54.51 MOTION TO ADJOURN

Mr. WALSH of New York, moved that the House do now adjourn.

The question being put, viva voce,

Will the House now adjourn?

The SPEAKER pro tempore, Mrs. TAUSCHER, announced that the nays had it.

Mr. WALSH of New York, demanded a recorded vote on agreeing to said motion, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the negative ..... { Yeas ..... 140 Nays 264

¶54.52 [Roll No. 291]

AYES—140

Aderholt
Akin
Alexander
Bachmann
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Burton (IN)
Buyer
Calvert
Camp (MI)
Cantor
Carter
Chabot
Chandler
Clay
Coble
Cole (OK)
Crenshaw
Cubin
Davis, David
Deal (GA)
Doolittle
Drake

Dreier
Duncan
English (PA)
Everett
Fallin
Ferguson
Flake
Forbes
Franks (AZ)
Gallegly
Garrett (NJ)
Gilchrest
Gingrey
Goode
Goodlatte
Granger
Hall (TX)
Hastings (WA)
Hayes
Hensarling
Herger
Hobson
Hoekstra
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
King (IA)
King (NY)
Kline (MN)
Knollenberg
LaHood
Lamborn
Latta
Lewis (CA)
Lewis (KY)
Lucas
Lungren, Daniel E.
Mack
McCarthy (CA)
McCaul (TX)
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Miller (FL)
Miller, Gary
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Petri
Pickering
Pitts
Price (GA)
Putnam
Radanovich
Regula
Rehberg
Reichert
Reynolds
Rogers (AL)
Rogers (KY)
Rohrabacher
Royce
Ryan (WI)
Sanchez, Loretta
Saxton
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Taylor
Thornberry
Tiberi
Upton
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Young (AK)
Young (FL)

NOES—264

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berman
Bishop (GA)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown, Corrine
Buchanan
Burgess
Butterfield
Cannon
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Cazayoux
Clarke
Clyburn
Cohen
Conyers
Cooper
Costa
Courtney
Cramer
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, Lincoln
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doggett
Donnelly
Doyle
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Fortenberry
Fossella
Foster
Foxx
Frank (MA)
Frelinghuysen
Gerlach
Giffords
Gillibrand
Gohmert
Gonzalez
Gordon
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Hastings (FL)
Heller
Herseth Sandlin
Higgins
Hill
Hinchey
Hirono
Holden
Holt
Honda
Hoyer
Hulshof
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
Kingston
Kirk
Klein (FL)
Kucinich
Kuhl (NY)
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McCotter
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Platts
Poe
Pomeroy
Porter
Price (NC)
Rahall
Ramstad
Rangel
Reyes
Rodriguez
Rogers (MI)
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sali
Sánchez, Linda T.
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Terry
Thompson (CA)
Thompson (MS)
Tiahrt
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walberg
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Westmoreland
Wexler
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—29

Bachus
Berkley
Berry
Bishop (NY)
Campbell (CA)
Cleaver
Conaway
Costello
Davis, Tom
DeFazio
Dicks
Emerson
Feeney
Harman
Hinojosa
Hodes
Hooley
LaTourette
Linder
Maloney (NY)
Marchant
Musgrave
Peterson (PA)
Pryce (OH)
Renzi
Richardson
Rush
Slaughter
Speier

So the motion to adjourn was not agreed to.

¶54.53 NOTICE—MOTION TO INSTRUCT CONFEREES—H.R. 2419

Mr. SHIMKUS, pursuant to clause 7(c)(1) of rule XXII, announced his intention to instruct the managers on the part of the House at the conference with the Senate on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2419) to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes, to recede to the provisions contained in section 9021 of the amendment of the Senate (relating to the E85 Fuel Program).

¶54.54 NOTICE—MOTION TO INSTRUCT CONFEREES—H.R. 2419

Mr. TERRY, pursuant to clause 7(c)(1) of rule XXII, announced his intention to instruct the managers on the part of the House at the conference with the Senate on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2419) to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes, to recede to the provisions contained in section 12312 subtitle C of title XII of the amendment of the Senate (relating to a cellulosic biofuel production tax credit).

¶54.55 NOTICE—MOTION TO INSTRUCT CONFEREES—H.R. 2419

Mr. UPTON, pursuant to clause 7(c)(1) of rule XXII, announced his intention to instruct the managers on the part of the House at the conference with the Senate on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2419) to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes, to recede to the provisions proposed to be added to ''Section 9001 of the Farm Security and Rural Investment Act of 2002, in the form of a definition of ''Renewable Biomas''.

¶54.56 COMMISSION ON THE PREVENTION OF WEAPONS OF MASS DESTRUCTION PROLIFERATION AND TERRORISM

The SPEAKER pro tempore, Mr. SERRANO, pursuant to section 1853(a) of the Implementing Recommendations of the 9/11 Commission Act of 2007 (Public Law 110-53), and the order of the House of January 4, 2007, announced that the Speaker appointed the following members on the part of the House, to the Commission on the Prevention of Weapons of Mass Destruction Proliferation and Terrorism: Mr. Timothy J. Roemer, Great Falls, Virginia, and Ms. Wendy R. Sherman, Bethesda, Maryland.

Ordered, That the Clerk notify the Senate of the foregoing appointments.

¶54.57 NEIGHBORHOOD STABILIZATION

The SPEAKER pro tempore, Mr. SERRANO, pursuant to House Resolution 1174 and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 5818) to authorize the Secretary of Housing and Urban Development to make loans to States to acquire foreclosed housing and to make grants to States for related costs.

The SPEAKER pro tempore, Mr. SERRANO, by unanimous consent, designated Mrs. TAUSCHER as Chairman of the Committee of the Whole; and after some time spent therein,

¶54.58 MOTION TO RISE

A recorded vote by electronic device was ordered in the Committee of the Whole on the motion of Mr. SIMPSON that the Committee do now rise.

It was decided in the negative ..... { Yeas ..... 184 / Nays 231

¶54.59 [Roll No. 292]

AYES—184

Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Doolittle
Drake
Dreier
Duncan
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller

King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
Reichert
Renzi
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Ryan (WI)
Sali
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Taylor
Thornberry
Tiahrt
Tiberi
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (FL)

NOES—231

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

NOT VOTING—23

Aderholt
Bean
Berry
Campbell (CA)
Christensen
Conyers
Costa
DeFazio
Dicks
Fortenberry
Fortuño
Marshall
Paul
Rangel
Reynolds
Richardson
Royce
Rush
Saxton
Speier
Tancredo
Wexler
Young (AK)

So the motion was not agreed to.

¶54.60 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 1, printed in House Report 110-621, submitted by Ms. WATERS:

Page 3, line 10, after ''**STATES**'' insert ''**, METROPOLITAN CITIES, AND URBAN COUNTIES**''.

Page 3, line 13, after ''States'' insert ''and under subsections (f) and (g) of section 5 to qualified metropolitan cities and qualified urban counties, respectively,''.

Page 3, line 15, after ''States'' insert '', qualified metropolitan cities, and qualified urban counties''.

Page 3, line 19, after ''State'' insert '', metropolitan city, or urban county''.

Page 3, line 20, after ''State'' insert '', metropolitan city, or urban county''.

Strike ''A State'' in line 23 on page 3 and all that follows through page 4, line 2.

Page 12, line 16, strike '', such State'' and insert ''the Secretary''.

Page 13, line 4, strike ''A State may'' and insert ''The Secretary shall''.

Page 13, line 23, strike ''A State may'' and insert ''The Secretary shall''.

Page 14, line 4, strike ''a State'' and insert ''the Secretary''.

Page 16, lines 18 and 19, strike ''or, upon its election''.

Page 16, line 19, strike ''or'' and insert '', and a''.

Page 19, line 24, strike ''costs of'' and insert ''expenses incurred operating housing assisted under this Act with respect to the administration, maintenance, repair, security, utilities, fuel, furnishings, equipment,''.

Strike line 23 on page 32 and all that follows through page 33, line 2, and insert the following:

(i) in the case of single family housing, that does not exceed the lesser of—

(I) 110 percent of the average purchase price for single family housing in the area in which the housing is located, as determined by the Secretary; or

(II) the current appraised value of the property;

except that in the case of any such housing that has an appraised value that is less than 110 percent of the average purchase price for single family housing in the area in which the housing is located, an allocation recipient may appeal such appraisal to the Secretary and the Secretary may determine that the average purchase price shall operate as the cap on the purchase price; and

It was decided in the affirmative ..... { Yeas ..... 256 / Nays 157

¶54.61 [Roll No. 293]

AYES—256

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Bordallo
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Buchanan
Butterfield
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Cazayoux
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Engel
English (PA)
Eshoo
Etheridge
Faleomavaega
Farr
Ferguson
Filner
Fortenberry
Fortuño
Frank (MA)
Gerlach
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Hayes
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (NC)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
LaHood
Lampson
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Musgrave
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Platts
Pomeroy
Porter
Price (NC)
Rahall
Ramstad
Reichert
Reyes
Rodriguez
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schmidt
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOES—157

Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt

Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Cannon
Cantor
Carter
Castle
Coble
Cole (OK)
Conaway
Davis, David
Davis, Tom
Deal (GA)
Doolittle
Drake
Dreier
Duncan
Emerson
Everett
Fallin
Feeney
Flake
Forbes
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Poe
Price (GA)
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
Renzi
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Ryan (WI)
Sali
Scalise
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Souder
Stearns
Sullivan
Terry
Thornberry
Tiahrt
Tiberi
Upton
Walberg
Walden (OR)
Wamp
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (FL)

NOT VOTING—25

Aderholt
Berry
Campbell (CA)
Christensen
Costa
Cuellar
Culberson
Davis (KY)
Fattah
Foster
Jones (OH)
Paul
Rangel
Reynolds
Richardson
Royce
Rush
Saxton
Schwartz
Speier
Tancredo
Weldon (FL)
Weller
Wexler
Young (AK)

So the amendment was agreed to.

¶54.62 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 2, printed in House Report 110-621, submitted by Mrs. CAPITO:

Page 3, line 16, after the period insert the following: ''The program under this Act shall be administered through the Office of Community Planning and Development of the Department of Housing and Urban Development or any successor office responsible for administering the community development block grant program under title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.).''.

It was decided in the affirmative ..... { Yeas ..... 425 / Nays 0

¶54.63 [Roll No. 294]

AYES—425

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Cazayoux
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Faleomavaega
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fortuño
Fossella
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Norton
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (FL)

NOT VOTING—13

Berry
Campbell (CA)
Christensen
Klein (FL)
Paul
Reynolds
Richardson
Rush
Saxton
Speier
Tancredo
Welch (VT)
Young (AK)

So the amendment was agreed to.

The SPEAKER pro tempore, Mr. ALTMIRE, assumed the Chair.

When Ms. BALDWIN, Acting Chairman, reported that the Committee, having had under consideration said bill, had come to no resolution thereon.

¶54.64 H. RES. 1091—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. ALTMIRE, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 1091) honoring the life, achievements, and contributions of Charlton Heston and extending its deepest sympathies to the family of Charlton Heston for the loss of such a great man, husband, and father; as amended.

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. ALTMIRE, announced that two-thirds of those present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

¶54.65 MOTION TO INSTRUCT CONFEREES—H.R. 2419

Mr. CANTOR, submitted the privileged motion to instruct the managers on the part of the House at the conference with the Senate on the disagreeing votes of the two Houses on the amendment of the Senate to the

bill (H.R. 2419) to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes, be instructed, not to agree to the provisions contained in section 12808 of the amendment of the Senate (relating to qualified forestry conservation bonds).

After debate,

By unanimous consent, the previous question was ordered on the motion to instruct the managers on the part of the House.

The question being put, viva voce,

Will the House agree to said motion?

The SPEAKER pro tempore, Mr. ALTMIRE, announced that the yeas had it.

Mr. CANTOR demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. ALTMIRE, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Thursday, May 8, 2008.

¶54.66 MESSAGE FROM THE PRESIDENT—NATIONAL EMERGENCY WITH RESPECT TO SYRIA

The SPEAKER pro tempore, Mr. ALTMIRE, laid before the House a message from the President, which was read as follows:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent to the *Federal Register* for publication the enclosed notice, stating that the national emergency declared in Executive Order 13338 of May 11, 2004, and expanded in scope in Executive Order 13399 of April 25, 2006, and Executive Order 13460 of February 13, 2008, authorizing the blocking of property of certain persons and prohibiting the exportation and re-exportation of certain goods to Syria, is to continue in effect beyond May 11, 2008.

The actions of the Government of Syria in supporting terrorism, interfering in Lebanon, pursuing weapons of mass destruction and missile programs including the recent revelation of illicit nuclear cooperation with North Korea, and undermining U.S. and international efforts with respect to the stabilization and reconstruction of Iraq pose a continuing unusual and extraordinary threat to the national security, foreign policy, and economy of the United States. For these reasons, I have determined that it is necessary to continue in effect the national emergency declared with respect to this threat and to maintain in force the sanctions I have ordered to address this national emergency.

GEORGE W. BUSH.

THE WHITE HOUSE, *May 7, 2008*.

By unanimous consent, the message, together with the accompanying papers, was referred to the Committee on Foreign Affairs and ordered to be printed (H. Doc. 110–109).

¶54.67 MESSAGE FROM THE PRESIDENT—UNITED STATES-CZECH REPUBLIC AGREEMENT

The SPEAKER pro tempore, Mr. ALTMIRE, laid before the House a message from the President, which was read as follows:

To the Congress of the United States:

Pursuant to section 233(e)(1) of the Social Security Act, as amended by the Social Security Amendments of 1977 (Public Law 95–216, 42 U.S.C. 433(e)(1)), I transmit herewith the Agreement Between the United States of America and the Czech Republic on Social Security, which consists of two separate instruments: a principal agreement and an administrative arrangement. The Agreement was signed in Prague on September 7, 2007.

The United States-Czech Republic Agreement is similar in objective to the social security agreements already in force with Australia, Austria, Belgium, Canada, Chile, Finland, France, Germany, Greece, Ireland, Italy, Japan, Korea, Luxembourg, the Netherlands, Norway, Portugal, Spain, Sweden, Switzerland, and the United Kingdom. Such bilateral agreements provide for limited coordination between the United States and foreign social security systems to eliminate dual social security coverage and taxation, and to help prevent the lost benefit protection that can occur when workers divide their careers between two countries. The United States-Czech Republic Agreement contains all provisions mandated by section 233 and other provisions that I deem appropriate to carry out the purposes of section 233, pursuant to section 233(c)(4).

I also transmit for the information of the Congress a report prepared by the Social Security Administration explaining the key points of the Agreement, along with a paragraph-by-paragraph explanation of the provisions of the principal agreement and the related administrative arrangement. Annexed to this report is the report required by section 233(e)(1) of the Social Security Act, which describes the effect of the Agreement on income and expenditures of the U.S. Social Security program and the number of individuals affected by the Agreement. The Department of State and the Social Security Administration have recommended the Agreement and related documents to me.

I commend to the Congress the United States-Czech Republic Social Security Agreement and related documents.

GEORGE W. BUSH.

THE WHITE HOUSE, *May 7, 2008*.

By unanimous consent, the message, together with the accompanying papers, was referred to the Committee on Ways and Means and ordered to be printed (H. Doc. 110–110).

¶54.68 ENROLLED BILLS SIGNED

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

H.R. 3522. An Act to ratify a conveyance of a portion of the Jicarilla Apache Reservation to Rio Arriba County, State of New Mexico, pursuant to the settlement of litigation between the Jicarilla Apache Nation and Rio Arriba County, State of New Mexico, to authorize issuance of a patent for said lands, and to change the exterior boundary of the Jicarilla Apache Reservation accordingly, and for other purposes.

H.R. 5919. An Act to make technical corrections regarding the Newborn Screening Saves Lives Act of 2007.

¶54.69 BILLS PRESENTED TO THE PRESIDENT

Lorraine C. Miller, Clerk of the House, reported that on May 1, 2008, she presented to the President of the United States, for his approval, the following bills.

H.R. 3196. An Act to designate the facility of the United States Postal Service located at 20 Sussex Street in Port Jervis, New York, as the ''E. Arthur Gray Post Office Building''.

H.R. 3468. An Act to designate the facility of the United States Postal Service located at 1704 Weeksville Road in Elizabeth City, North Carolina, as the ''Dr. Clifford Bell Jones, Sr., Post Office''.

H.R. 3532. An Act to designate the facility of the United States Postal Service located at 5815 McLeod Street in Lula, Georgia, as the ''Private Johnathon Millican Lula Post Office''.

H.R. 3720. An Act to designate the facility of the United States Postal Service located at 424 Clay Avenue in Waco, Texas, as the ''Army PFC Juan Alonso Covarrubias Post Office Building''.

H.R. 3803. An Act to designate the facility of the United States Postal Service located at 3100 Cashwell Drive in Goldsboro, North Carolina, as the ''John Henry Wooten, Sr., Post Office Building''.

H.R. 3936. An Act to designate the facility of the United States Postal Service located at 116 Helen Highway in Cleveland, Georgia, as the ''Sgt. Jason Harkins Post Office Building''.

H.R. 3988. An Act to designate the facility of the United States Postal Service located at 3701 Altamesa Boulevard in Fort Worth, Texas, as the ''Master Sergeant Kenneth N. Mack Post Office Building''.

H.R. 4166. An Act to designate the facility of the United States Postal Service located at 701 East Copeland Drive in Lebanon, Missouri, as the ''Steve W. Allee Carrier Annex''.

H.R. 4203. An Act to designate the facility of the United States Postal Service located at 3035 Stone Mountain Street in Lithonia, Georgia, as the ''Specialist Jamaal RaShard Addison Post Office Building''.

H.R. 4211. An Act to designate the facility of the United States Postal Service located at 725 Roanoke Avenue in Roanoke Rapids, North Carolina, as the ''Judge Richard B. Allsbrook Post Office''.

H.R. 4240. An Act to designate the facility of the United States Postal Service located at 10799 West Alameda Avenue in Lakewood, Colorado, as the ''Felix Sparks Post Office Building''.

H.R. 4286. An Act to award a congressional gold medal to Daw Aung San Suu Kyi in recognition of her courageous and unwavering commitment to peace, nonviolence, human rights, and democracy in Burma.

H.R. 4454. An Act to designate the facility of the United States Postal Service located at 3050 Hunsinger Lane in Louisville, Kentucky, as the ''Iraq and Afghanistan Fallen Military Heroes of Louisville Memorial Post Office Building'', in honor of the servicemen and women from Louisville, Kentucky, who died in service during Operation Enduring Freedom and Operation Iraqi Freedom.

H.R. 5135. An Act to designate the facility of the United States Postal Service located at 201 West Greenway Street in Derby, Kansas, as the ''Sergeant Jamie O. Maugans Post Office Building''.

H.R. 5220. An Act to designate the facility of the United States Postal Service located at 3800 SW. 185th Avenue in Beaverton, Oregon, as the ''Major Arthur Chin Post Office Building''.

H.R. 5400. An Act to designate the facility of the United States Postal Service located at 160 East Washington Street in Chagrin Falls, Ohio, as the ''Sgt. Michael M. Kashkoush Post Office Building''.

H.R. 5472. An Act to designate the facility of the United States Postal Service located at 2650 Dr. Martin Luther King Jr. Street, Indianapolis, Indiana, as the ''Julia M. Carson Post Office Building''.

H.R. 5489. An Act to designate the facility of the United States Postal Service located at 6892 Main Street in Gloucester, Virginia, as the ''Congresswoman Jo Ann S. Davis Post Office''.

¶54.70 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. BURTON of Indiana, for May 5 until 2:30 p.m. on May 7;

To Mr. CARSON of Indiana, for May 5 and May 6;

To Mr. CONAWAY, for May 6 after 3:30 p.m.;

To Mr. CAMPBELL of California, for May 5 thru May 7;

To Mr. CULBERSON for May 5;

To Mr. DAVIS of Illinois, for May 5;

To Mr. JOHNSON of Illinois, for May 5;

To Mr. JONES of North Carolina, for May 5 and May 6;

To Ms. KILPATRICK, for May 5;

To Ms. RICHARDSON, for May 6 after 7:30 p.m. and balance of the week; and

To Mr. WAMP, for May 5.

And then,

¶54.71 ADJOURNMENT

On motion of Ms. JACKSON-LEE of Texas, at 11 o'clock and 24 minutes p.m., the House adjourned.

¶54.72 OATH OF OFFICE/MEMBERS, RESIDENT COMMISSIONERS & DELEGATES

The oath of office required by the sixth article of the Constitution of the United States, and as provided by section 2 of the act of May 13, 1884 (23 Stat. 22), to be administered to Members, Resident Commissioner, and Delegates of the House of Representatives, the text of which is carried in 5 U.S.C. 3331:

> ''I, AB, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God.''

has been subscribed to in person and filed in duplicate with the Clerk of the House of Representatives by the following Member of the 110th Congress, pursuant to the provisions of 2 U.S.C. 25:

STEVE SCALISE, Louisiana, First.

¶54.73 PUBLIC BILLS AND RESOLUTIONS

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

By Mr. THOMPSON of Mississippi (for himself and Ms. JACKSON-LEE of Texas):

H.R. 5982. A bill to direct the Secretary of Homeland Security, for purposes of transportation security, to conduct a study on how airports can transition to uniform, standards-based, and interoperable biometric identifier systems for airport workers with unescorted access to secure or sterile areas of an airport, and for other purposes; to the Committee on Homeland Security.

By Mr. LANGEVIN (for himself and Mr. THOMPSON of Mississippi):

H.R. 5983. A bill to amend the Homeland Security Act of 2002 to enhance the information security of the Department of Homeland Security, and for other purposes; to the Committee on Homeland Security.

By Mr. BARTLETT of Maryland (for himself, Mr. BLUNT, Mr. WAMP, Mr. MARIO DIAZ-BALART of Florida, Mr. KIRK, Mr. MCCOTTER, Mr. HERGER, Mr. GINGREY, Mr. WELDON of Florida, Mr. DAVID DAVIS of Tennessee, Mrs. MYRICK, Mr. DOOLITTLE, Mr. PITTS, Mrs. BLACKBURN, Ms. FALLIN, Mr. JONES of North Carolina, Mr. TIAHRT, Mr. GILCHREST, Mr. PETRI, Mr. DUNCAN, Mr. SHIMKUS, Mr. CALVERT, Mr. BOUSTANY, Mr. EHLERS, Mr. PENCE, Mr. REICHERT, Mr. LATOURETTE, Mr. ROSKAM, Mr. UPTON, Mr. FRELINGHUYSEN, Mr. JOHNSON of Illinois, Mr. COURTNEY, Mr. GERLACH, and Mr. DENT):

H.R. 5984. A bill to amend the Internal Revenue Code of 1986 to provide for the limited continuation of clean energy production incentives and incentives to improve energy efficiency in order to prevent a downturn in these sectors that would result from a lapse in the tax law; to the Committee on Ways and Means.

By Mr. BRALEY of Iowa:

H.R. 5985. A bill to amend title 38, United States Code, to clarify the service treatable as service engaged in combat with the enemy for utilization of non-official evidence for proof of service-connection in a combat-related disease or injury; to the Committee on Veterans' Affairs.

By Mr. BURGESS:

H.R. 5986. A bill to amend the Internal Revenue Code of 1986 to immediately terminate the excise tax on diesel fuel and the tax credits for ethanol and other alcohol fuels; to the Committee on Ways and Means.

By Mrs. DRAKE (for herself and Mr. BILIRAKIS):

H.R. 5987. A bill to amend title 37, United States Code, to guarantee a pay increase for members of the uniformed services for fiscal years 2010 through 2013 of one-half of one percentage point higher than the Employment Cost Index; to the Committee on Armed Services.

By Mr. HINCHEY (for himself, Mr. MCDERMOTT, Mr. GRIJALVA, Ms. LEE, Mr. KUCINICH, and Ms. WOOLSEY):

H.R. 5988. A bill to amend the Truth in Lending Act to impose a cap on the rate of interest that may be charged on consumer credit card accounts, and for other purposes; to the Committee on Financial Services.

By Mr. KENNEDY (for himself and Ms. ROS-LEHTINEN):

H.R. 5989. A bill to direct the Secretary of Health and Human Services to implement a National Neurotechnology Initiative, and for other purposes; to the Committee on Energy and Commerce.

By Mr. MATHESON (for himself and Mr. TERRY):

H.R. 5990. A bill to require ratings label on video games and to prohibit the sales and rentals of adult-rated video games to minors; to the Committee on Energy and Commerce.

By Mr. PAUL:

H.R. 5991. A bill to amend the Internal Revenue Code of 1986 to provide tax relief for obtaining transportation worker identification credentials; to the Committee on Ways and Means.

By Mr. SHULER:

H.R. 5992. A bill to amend the Internal Revenue Code of 1986 to allow a refundable credit against income tax for the purchase of real property by a first-time purchaser; to the Committee on Ways and Means.

By Mr. GARY G. MILLER of California:

H. Con. Res. 343. Concurrent resolution congratulating the Surety and Fidelity Association of America on its 100th anniversary; to the Committee on Financial Services.

By Ms. JACKSON-LEE of Texas (for herself, Ms. DELAURO, Ms. KILPATRICK, Ms. CLARKE, Mr. COHEN, Mr. DOGGETT, Mr. MCGOVERN, Mr. JOHNSON of Georgia, Mr. WYNN, Mr. CLEAVER, Mr. AL GREEN of Texas, Mr. DAVIS of Illinois, Mr. THOMPSON of Mississippi, Mr. HASTINGS of Florida, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. INSLEE, Mr. HARE, Mr. BRALEY of Iowa, Mr. COURTNEY, Ms. SUTTON, Ms. LEE, Mr. KLEIN of Florida, Ms. WASSERMAN SCHULTZ, Mr. ACKERMAN, Mr. CAPUANO, Mr. LARSON of Connecticut, Mr. KIND, Mr. MCNULTY, Mr. SIRES, Mr. ARCURI, Ms. SOLIS, Mr. GRIJALVA, Mr. BACA, Mr. ORTIZ, Mr. GUTIERREZ, Mr. GENE GREEN of Texas, Mr. RODRIGUEZ, Mr. BOSWELL, Mr. ENGEL, Ms. CORRINE BROWN of Florida, Mr. CARSON, Ms. MOORE of Wisconsin, Mr. LEWIS of Georgia, Mr. CROWLEY, Ms. WATSON, Ms. ROYBAL-ALLARD, and Ms. WATERS):

H. Con. Res. 344. Concurrent resolution recognizing that we are facing a global food crisis; to the Committee on Foreign Affairs.

By Mr. TIBERI (for himself, Mr. BAIRD, Mr. EHLERS, and Mr. GORDON):

H. Con. Res. 345. Concurrent resolution recognizing the 50th anniversary of the signing of the Antarctic Treaty; to the Committee on Foreign Affairs.

By Mr. FORBES (for himself, Mr. WITTMAN of Virginia, Mrs. DRAKE, Mr. SCOTT of Virginia, Mr. GOODE, Mr. GOODLATTE, Mr. CANTOR, Mr. MORAN of Virginia, Mr. BOUCHER, Mr. WOLF, and Mr. TOM DAVIS of Virginia):

H. Res. 1178. A resolution expressing the sympathy of the House of Representatives to the citizens of Suffolk, Brunswick, and Colonial Heights, Virginia, over the devastating tornadoes of April 28, 2008; to the Committee on Oversight and Government Reform.

By Mr. GALLEGLY:

H. Res. 1179. A resolution expressing the sense of the House of Representatives that the People's Republic of China and all enterprises owned or controlled by the People's

Republic of China should make proper disclosures with the Securities and Exchange Commission regarding the selective default status of certain bonds; to the Committee on Financial Services.

By Mr. REICHERT (for himself, Mr. EHLERS, Mr. BILBRAY, and Mr. BARTLETT of Maryland):

H. Res. 1180. A resolution recognizing the efforts and contributions of outstanding women scientists, technologists, engineers, and mathematicians in the United States and around the world on Mother's Day, 2008; to the Committee on Science and Technology.

¶54.74 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 88: Mr. MCCOTTER.
H.R. 139: Mr. KUHL of New York.
H.R. 154: Mr. ANDREWS.
H.R. 436: Mr. SESSIONS.
H.R. 510: Mr. BILIRAKIS.
H.R. 579: Mr. FORTUÑO and Mr. FEENEY.
H.R. 618: Mr. BACHUS.
H.R. 661: Mr. KNOLLENBERG.
H.R. 769: Mr. GERLACH.
H.R. 826: Mr. ROGERS of Alabama.
H.R. 872: Mr. CARSON.
H.R. 1014: Mr. RAHALL.
H.R. 1022: Mr. SESTAK, Ms. SCHWARTZ, and Mr. BRADY of Pennsylvania.
H.R. 1046: Mr. KIND.
H.R. 1074: Mr. CARSON.
H.R. 1194: Ms. CLARKE.
H.R. 1283: Ms. VELÁZQUEZ.
H.R. 1524: Mrs. MUSGRAVE.
H.R. 1540: Mr. FILNER.
H.R. 1589: Mr. COURTNEY, Mr. JOHNSON of Illinois, and Mr. GOODLATTE.
H.R. 1606: Mr. LIPINSKI.
H.R. 1643: Ms. HERSETH SANDLIN.
H.R. 1655: Mr. JOHNSON of Georgia and Mr. WALSH of New York.
H.R. 1688: Mr. SIRES.
H.R. 1755: Mr. MICHAUD.
H.R. 1921: Mr. DELAHUNT.
H.R. 2049: Mr. GENE GREEN of Texas.
H.R. 2221: Mr. LEVIN, Mr. PASCRELL, and Ms. SCHWARTZ.
H.R. 2267: Mr. MILLER of Florida.
H.R. 2268: Mr. HALL of New York, Mr. PICKERING, Mr. FORTENBERRY, Mr. BARTLETT of Maryland, Mr. BOUCHER, Mr. EVERETT, Mr. KIRK, Mr. MCCRERY, Mr. MCKEON, Mr. TIM MURPHY of Pennsylvania, Mr. PEARCE, Mr. SHADEGG, Mr. SIMPSON, Mr. SMITH of New Jersey, Mr. UPTON, Ms. HERSETH SANDLIN, Mr. LOEBSACK, Ms. MCCOLLUM of Minnesota, Ms. KAPTUR, Mr. MCHUGH, Mr. DEAL of Georgia, Mr. HULSHOF, Mr. CARNAHAN, Mr. ABERCROMBIE, Mr. SCHIFF, Mr. PENCE, Mr. RAMSTAD, Mr. SCOTT of Virginia, Mr. SENSENBRENNER, Mr. STEARNS, Mr. MCCAUL of Texas, and Mr. PERLMUTTER.
H.R. 2275: Mr. JACKSON of Illinois.
H.R. 2329: Mr. GONZALEZ.
H.R. 2346: Mr. BURGESS.
H.R. 2357: Mr. FATTAH and Ms. NORTON.
H.R. 2458: Mr. FATTAH.
H.R. 2514: Mr. THOMPSON of California.
H.R. 2550: Mr. MARCHANT, Mr. LAHOOD, Ms. GINNY BROWN-WAITE of Florida, Mr. WALBERG, and Ms. VELÁZQUEZ.
H.R. 2580: Mrs. CUBIN.
H.R. 2611: Mr. TIERNEY.
H.R. 2677: Mr. MCCOTTER.
H.R. 2734: Mr. KING of New York.
H.R. 2744: Mr. WILSON of Ohio, Mr. HAYES, and Mr. EDWARDS.
H.R. 2809: Mr. DEFAZIO.
H.R. 2838: Mrs. GILLIBRAND.
H.R. 2965: Mr. WEINER.
H.R. 3021: Mr. SESTAK, Mr. SCOTT of Virginia, Ms. DELAURO, Mr. INSLEE, Mr. JEFFERSON, Mr. KENNEDY, Mr. MCGOVERN, Mr. BACA, Ms. CLARKE, Mr. BOREN, Mrs. MALONEY of New York, Mr. MCINTYRE, Mr. FARR, Mr. RYAN of Ohio, Mr. CARDOZA, Ms. MATSUI, Ms. KILPATRICK, Mr. HALL of New York, Ms. BEAN, Mr. RODRIGUEZ, Mr. MOLLOHAN, Mr. PRICE of North Carolina, Mr. CARNAHAN, Mr. RAHALL, Mr. EMANUEL, Mr. DELAHUNT, Mr. GENE GREEN of Texas, Ms. BORDALLO, Mr. TOWNS, Mrs. CHRISTENSEN, Mr. VAN HOLLEN, Mr. DAVIS of Alabama, Mr. HASTINGS of Florida, Mr. ETHERIDGE, Ms. CORRINE BROWN of Florida, Mr. TIERNEY, Mr. MITCHELL, Mr. NADLER, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. MURPHY of Connecticut, Mr. MORAN of Virginia, Mr. SERRANO, Mr. HONDA, Mr. MARKEY, Mr. FILNER, Mrs. JONES of Ohio, Mr. RUSH, Mr. OLVER, Mr. DOYLE, Mr. DINGELL, Mr. THOMPSON of Mississippi, Ms. SCHAKOWSKY, Mr. ABERCROMBIE, Mr. POMEROY, Mr. THOMPSON of California, and Mr. ENGEL.
H.R. 3089: Mr. TERRY, Mr. WESTMORELAND, and Mr. GOHMERT.
H.R. 3094: Ms. SOLIS.
H.R. 3144: Mr. CARTER, Mr. HASTINGS of Washington, and Mr. BISHOP of Utah.
H.R. 3167: Mr. UDALL of Colorado.
H.R. 3202: Mr. WU.
H.R. 3205: Mr. FATTAH.
H.R. 3257: Ms. BERKLEY.
H.R. 3267: Mr. STARK.
H.R. 3289: Ms. CORRINE BROWN of Florida and Ms. WATERS.
H.R. 3544: Mr. BISHOP of Georgia, Ms. KAPTUR, Mr. LOEBSACK, and Mr. CARNEY.
H.R. 3822: Mr. BISHOP of Georgia.
H.R. 3865: Mr. CARSON, Mr. SALAZAR, Mr. PRICE of North Carolina, and Mr. UDALL of New Mexico.
H.R. 3904: Mr. GORDON.
H.R. 4055: Mr. FATTAH.
H.R. 4061: Mrs. TAUSCHER.
H.R. 4088: Mr. GALLEGLY.
H.R. 4141: Mr. LATTA.
H.R. 4188: Mr. WEXLER, Mr. FRANK of Massachusetts, Mr. GILCHREST, Ms. BORDALLO, Ms. HIRONO, Mr. MCGOVERN, Mr. FATTAH, and Mr. SARBANES.
H.R. 4236: Mr. MARSHALL.
H.R.4237: Mr. RUPPERSBERGER.
H.R. 4344: Mr. MCHUGH.
H.R. 4461: Mr. CAPUANO.
H.R. 4544: Mr. KNOLLENBERG.
H.R. 4690: Mr. SIRES.
H.R. 4807: Mr. CONYERS.
H.R. 4838: Ms. SCHWARTZ.
H.R. 4900: Mr. LINCOLN DAVIS of Tennessee, Mr. MOLLOHAN, Mr. CARDOZA, Mrs. CAPITO, and Mr. WELLER.
H.R. 5231: Mr. LOEBSACK.
H.R. 5236: Mr. UPTON and Mr. DOYLE.
H.R. 5447: Mr. FARR, Mr. STARK, Mr. CARNAHAN, and Ms. CLARKE.
H.R. 5461: Mr. COURTNEY.
H.R. 5516: Mr. FOSTER, Mr. SHULER, Ms. SUTTON, Mr. MURTHA, and Mr. DENT.
H.R. 5534: Ms. HIRONO.
H.R. 5573: Mr. BOUCHER, Mr. MARSHALL, and Ms. BORDALLO.
H.R. 5615: Mr. KING of New York.
H.R. 5629: Mr. HOLDEN.
H.R. 5632: Mr. CARNAHAN and Mrs. MYRICK.
H.R. 5648: Mr. MICHAUD.
H.R. 5669: Mr. HAYES.
H.R. 5678: Ms. LEE.
H.R. 5681: Mr. HONDA.
H.R. 5684: Mr. MCINTYRE.
H.R. 5710: Mr. PEARCE.
H.R. 5716: Ms. EDDIE BERNICE JOHNSON of Texas.
H.R. 5734: Mrs. CUBIN and Mr. BOOZMAN.
H.R. 5740: Mr. WALBERG, Mr. KING of Iowa, Mr. SAM JOHNSON of Texas, Mr. CRENSHAW, Ms. CLARKE, Mr. GRAVES, Mr. HULSHOF, Mr. STUPAK, Mr. LEWIS of Kentucky, Ms. SPEIER, and Ms. LORETTA SANCHEZ of California.
H.R. 5741: Mr. ALLEN.
H.R. 5752: Mr. WALBERG.
H.R. 5759: Ms. GINNY BROWN-WAITE of Florida and Mr. PAUL.
H.R. 5760: Mr. KELLER.
H.R. 5761: Mr. GALLEGLY.
H.R. 5762: Mr. KNOLLENBERG and Mr. FILNER.
H.R. 5784: Mr. GERLACH.
H.R. 5785: Mr. FOSTER.
H.R. 5805: Mr. BISHOP of Utah, Mr. YOUNG of Alaska, and Mr. KING of Iowa.
H.R. 5825: Mr. DELAHUNT.
H.R. 5841: Ms. HERSETH SANDLIN.
H.R. 5845: Ms. SCHAKOWSKY and Mr. BRALEY of Iowa.
H.R. 5846: Ms. SOLIS.
H.R. 5847: Mr. LATTA, Mr. HENSARLING, and Ms. FALLIN.
H.R. 5854: Mr. CARNAHAN, Mr. BILIRAKIS, Mr. BOOZMAN, Mr. BERMAN, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. MARSHALL.
H.R. 5857: Mr.DAVID DAVIS of Tennessee, Mr. KUHL of New York, Mr. WAMP, Mr. DENT, Mr. SIMPSON, and Mr. JOHNSON of Illinois.
H.R. 5886: Mr. HOEKSTRA and Mr. CRAMER.
H.R. 5892: Mr. SALAZAR, Mr. CUELLAR, Mr.GONZALEZ, Mr. ENGEL, Mr. ELLSWORTH, Mr. VAN HOLLEN, Mr. MCDERMOTT, Mr. TIERNEY, Ms. SCHAKOWSKY, Mr. HINCHEY, Mr. ARCURI, Mr. BISHOP of New York, Mr. HARE, Mr. KENNEDY, Mrs. LOWEY, and Mr. FILNER.
H.R. 5898: Ms. BERKLEY, Mr. ENGLISH of Pennsylvania, Mr. KING of New York, Mr. KUCINICH, Mrs. MALONEY of New York, Mr. MEEK of Florida, Mr. PORTER, Ms. ROS-LEHTINEN, Mr. SIRES, Mr. HELLER, Mr. KELLER, and Mr. SPACE.
H.R. 5903: Mr. POE.
H.R. 5908: Mr. SENSENBRENNER.
H.R. 5917: Mr. TERRY.
H.R. 5944: Mr. GERLACH and Mr. FRELINGHUYSEN.
H.R. 5958: Mr. STARK and Mr. PLATTS.
H.R. 5960: Mr. TIM MURPHY of Pennsylvania, Mr. DEFAZIO, and Mr. VISCLOSKY.
H.R. 5961: Mr. HENSARLING.
H.R. 5974: Mr. COLE of Oklahoma, Mr. HASTINGS of Washington, and Mrs. DRAKE.
H.R. 5976: Mr. SIMPSON, Ms. CASTOR, and Ms. MATSUI.
H.J. Res. 79: Mr. DOYLE, Mr. KUCINICH, Ms. SOLIS, and Ms. WATSON.
H. Con. Res. 2: Mrs. JONES of Ohio and Mr. FORTUÑO.
H. Con. Res. 223: Mr. GOODE and Mr. SOUDER.
H. Con. Res. 268: Mr. SHAYS.
H. Con. Res. 296: Mr. JEFFERSON and Mr. GERLACH.
H. Con. Res. 331: Ms. SPEIER.
H. Con. Res. 334: Ms. FALLIN, Mr. HENSARLING, and Mr. LINDER.
H. Con. Res. 336: Mrs. BOYDA of Kansas, Mr. SMITH of Washington, Mr. WILSON of South Carolina, Mr. KIND, Ms. HIRONO, Mr. EDWARDS, Mr. ROTHMAN, Mr. VAN HOLLEN, Mr. KUHL of New York, Mr. SKELTON, Mr. BOSWELL, Mr. GRIJALVA, Mr. SOUDER, and Mrs. MUSGRAVE.
H. Con. Res. 338: Ms. BORDALLO, Ms. CORRINE BROWN of Florida, Mr. FATTAH, Mr. JEFFERSON, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. MOORE of Wisconsin, and Mr. CARSON.
H. Res. 102: Mr. SHERMAN.
H. Res. 353: Mr. CARNEY and Mr. PAYNE.
H. Res. 369: Mrs. BOYDA of Kansas, Mr. FILNER, Mr. BOSWELL, Mr. SARBANES, Mr. VAN HOLLEN, Mr. CARNEY, Mr. TANNER, Mr. KILDEE, Mr. HINCHEY, Mr. COHEN, Mr. SNYDER, Mr. WAXMAN, Ms. CORRINE BROWN of Florida, Mr. CAPUANO, Mr. BROWN of South Carolina, Ms. KILPATRICK, Mr. MAHONEY of Florida, Mr. MOORE of Kansas, Mr. PASCRELL, Mr. RAMSTAD, Ms. HERSETH SANDLIN, Mrs. GILLIBRAND, Mr. ROSS, Mr. BAIRD, Mr. ABERCROMBIE, Mr. ETHERIDGE, Mrs. LOWEY, Ms. SLAUGHTER, Ms. WOOLSEY, Ms. KAPTUR, Mr. CARDOZA, Mr. OLVER, Mr. MCGOVERN, Ms. SCHWARTZ, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. MOORE of Wisconsin, Mr. COSTA, Ms. LORETTA SANCHEZ of California, Mr.

SERRANO, Mr. MURPHY of Connecticut, Ms. WATSON, Ms. SUTTON, Ms. HIRONO, Ms. SHEA-PORTER, Ms. WASSERMAN SCHULTZ, Ms. JACKSON-LEE of Texas, Ms. MCCOLLUM of Minnesota, Mr. LARSON of Connecticut, Mr. SHULER, Mrs. DAVIS of California, Ms. TSONGAS, Mr. BARROW, Ms. MATSUI, Ms. SOLIS, Mr. ROTHMAN, Ms. BALDWIN, Mr. ALLEN, Mr. THOMPSON of California, Mr. DONNELLY, Mr. MATHESON, Mr. WALZ of Minnesota, Mrs. NAPOLITANO, Ms. ROYBAL-ALLARD, Mr. MCNERNEY, Mr. CAZAYOUX, Mr. SCHIFF, Mr. MELANCON, Mr. PERLMUTTER, Ms. HARMAN, Ms. HOOLEY, Ms. DEGETTE, Mr. LANGEVIN, Ms. CLARKE, Ms. ZOE LOFGREN of California, Mrs. MALONEY of New York, Mrs. CAPPS, Mrs. TAUSCHER, Mr. HIGGINS, Mr. FARR, Ms. SCHAKOWSKY, Ms. ESHOO, Mr. CROWLEY, Mr. ELLSWORTH, Mr. DELAHUNT, Mr. TIERNEY, Mr. NEAL of Massachusetts, Mr. HARE, Mr. LYNCH, Mr. MICHAUD, Mr. WU, Mr. BECERRA, Ms. CASTOR, Mr. GUTIERREZ, Ms. VELÁZQUEZ, Mr. HOLT, Mr. KIND, and Mr. ISRAEL.

H. Res. 896: Mr. CHANDLER and Mr. INSLEE.

H. Res. 977: Ms. WASSERMAN SCHULTZ, Mr. BISHOP of Georgia, and Mr. LIPINSKI.

H. Res. 985: Mr. MATHESON, Mr. ALLEN, Mr. TOWNS, and Mr. GRIJALVA.

H. Res. 1012: Mr. BOSWELL and Mr. KING of Iowa.

H. Res. 1017: Mr. LEWIS of Georgia, Ms. BORDALLO, and Mr. MCINTYRE.

H. Res. 1022: Mr. BARROW, Mr. BLUMENAUER, Mr. DELAHUNT, Mr. FRANK of Massachusetts, Mr. HALL of Texas, Mr. HARE, Mr. JACKSON of Illinois, Mr. KILDEE, Mr. LATOURETTE, Mr. MATHESON, Mr. POMEROY, Mr. STEARNS, Mr. THOMPSON of California, Mr. UPTON, Mr. WHITFIELD of Kentucky, and Mrs. WILSON of New Mexico.

H. Res. 1026: Mr. GENE GREEN of Texas and Mr. FILNER.

H. Res. 1069: Mr. MCCOTTER.

H. Res. 1086: Mr. RANGEL and Mr. ETHERIDGE.

H. Res. 1108: Mr. GERLACH.

H. Res. 1111: Mr. ABERCROMBIE.

H. Res. 1128: Mr. WALBERG, Mr. SMITH of Nebraska, Mr. ROSKAM, Mr. CARTER, Ms. GRANGER, Mr. BISHOP of Utah, Mr. LAMBORN, Mr. WAMP, Mr. PRICE of Georgia, Mrs. BLACKBURN, Mr. HELLER, Mr. MCCARTHY of California, Mr. LATTA, Mr. ENGLISH of Pennsylvania, Mr. SALI, Ms. FOXX, Ms. ROS-LEHTINEN, Mr. HOEKSTRA, Mr. WITTMAN of Virginia, Mr. WILSON of South Carolina, Mr. MILLER of Florida, Mr. REICHERT, Mr. JORDAN, Mr. DEAL of Georgia, Mr. BROUN of Georgia, Mr. WALZ of Minnesota, Mrs. BACHMANN, Mr. BILIRAKIS, Mr. DUNCAN, Mr. CHABOT, Mr. KINGSTON, Mr. CANTOR, Mr. LINCOLN DAVIS of Tennessee, Mr. ROGERS of Kentucky, Mr. FRANKS of Arizona, Mr. CARNEY, Mr. SHIMKUS, and Mr. CONAWAY.

H. Res. 1132: Mr. SMITH of Texas.

H. Res. 1135: Mr. BOEHNER, Mr. SESSIONS, Mr. SALI, Mr. SOUDER, Mr. DREIER, Mr. CARTER, Mr. SENSENBRENNER, Mr. WALBERG, Mr. JORDAN, Mr. MCCARTHY of California, Mr. DAVID DAVIS of Tennessee, Mr. LATTA, and Mr. ROSKAM.

H. Res. 1143: Mr. WALBERG, Mr. KUHL of New York, and Mr. MCNULTY.

H. Res. 1144: Mr. ARCURI, Mr. BARROW, Ms. BERKLEY, Mr. BISHOP of Georgia, Mr. BOREN, Ms. CORRINE BROWN of Florida, Mr. CAPUANO, Mr. CASTLE, Mr. COSTA, Mr. LINCOLN DIAZ-BALART of Florida, Mr. MARIO DIAZ-BALART of Florida, Mr. FERGUSON, Mr. FRELINGHUYSEN, Mr. HALL of New York, Mr. LEWIS of Georgia, Mr. PALLONE, Mr. PASCRELL, Mr. PAYNE, Mr. REGULA, Mr. REYNOLDS, Mr. ROGERS of Kentucky, Mr. ROTHMAN, Mr. WILSON of Ohio, Mr. WYNN, Mr. TOWNS, Mr. NADLER, Mr. BACA, Mrs. NAPOLITANO, Mr. CROWLEY, Mr. ENGEL, Mr. ACKERMAN, Mr. WEINER, Ms. WASSERMAN SCHULTZ, Mr. FARR, Mr. BECERRA, Mr. SHULER, Mrs. MYRICK, Mr. BONNER, Mr. ROGERS of Michigan, and Mr. GERLACH.

H. Res. 1152: Mr. YARMUTH, Mr. DOYLE, Mr. SIRES, Mr. ROTHMAN, Mr. PAYNE, Mr. CAPUANO, Mr. PERLMUTTER, Mr. ALTMIRE, Mr. ACKERMAN, Mr. HARE, Mr. LYNCH, Mr. GERLACH, Mr. FEENEY, Mr. SHIMKUS, Mr. MACK, Mrs. BONO MACK, Mr. MARIO DIAZ-BALART of Florida, Mr. KIND, Mr. GINGREY, Mr. SERRANO, Ms. DEGETTE, Mrs. CAPITO, Ms. GINNY BROWN-WAITE of Florida, Mrs. BIGGERT, Mr. STEARNS, Mr. PATRICK MURPHY of Pennsylvania, Mr. HOLDEN, Mr. STUPAK, Mr. BRADY of Pennsylvania, Mr. WILSON of Ohio, Mr. KLEIN of Florida, Mr. SCHIFF, Mr. MCNULTY, Mr. CROWLEY, Mr. DINGELL, Mr. BARROW, Mr. SARBANES, Mr. CUELLAR, Mr. REICHERT, Mr. SHULER, Mr. HASTINGS of Florida, Ms. SLAUGHTER, Mrs. TAUSCHER, Mr. COOPER, Ms. HARMAN, Mr. CHANDLER, Mr. SKELTON, Mr. ABERCROMBIE, Mr. ISSA, Mr. LAHOOD, Mr. EVERETT, Mrs. CUBIN, Mr. SHADEGG, Mrs. SCHMIDT, Mr. ALEXANDER, Mr. REHBERG, Mr. GOHMERT, Mr. BOUSTANY, Mr. MCCRERY, Mr. BONNER, Mr. KUHL of New York, Mr. SMITH of New Jersey, Mr. LUCAS, Mr. MCKEON, Mr. DOOLITTLE, Mr. RYAN of Wisconsin, Mr. LATHAM, Mr. FRELINGHUYSEN, Mr. PETRI, Mrs. EMERSON, Mr. BRADY of Texas, Mr. CRAMER, Mr. MELANCON, Mr. ROSS, Mr. MCGOVERN, Mr. ISRAEL, Mr. GORDON, Mr. TIM MURPHY of Pennsylvania, Mr. HOLT, Mr. LANGEVIN, Mr. HOYER, and Mr. BOEHNER.

H. Res. 1165: Mr. WALBERG, Mr. PENCE, Mr. GOHMERT, Mr. PITTS, Mr. WAMP, Mrs. MUSGRAVE, Mr. NEUGEBAUER, Mr. LUCAS, Mr. DOOLITTLE, Mrs. MYRICK, Mrs. BACHMANN, Mr. JORDAN, Mr. DAVID DAVIS of Tennessee, Mr. ISSA, Mr. FEENEY, Mr. GINGREY, Mr. DANIEL E. LUNGREN of California, Mr. MARCHANT, Mr. BARTLETT of Maryland, Mr. SHADEGG, Mr. KUHL of New York, Mr. BARRETT of South Carolina, Mr. SHIMKUS, Mr. AKIN, Mr. BROUN of Georgia, Mr. MANZULLO, Mr. KING of Iowa, Mr. BROWN of South Carolina, Mr. MCNULTY, and Mr. CULBERSON.

THURSDAY, MAY 8, 2008 (55)

¶55.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Mr. MCNULTY, who laid before the House the following communication:

WASHINGTON, DC,
May 8, 2008.

I hereby appoint the Honorable MICHAEL R. MCNULTY to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

¶55.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. MCNULTY, announced he had examined and approved the Journal of the proceedings of Wednesday, May 7, 2008.

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

¶55.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

6474. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — 1-Methylcyclopropene; Amendment to an Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2007-0433; FRL-8357-5] received April 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6475. A letter from the Secretary of the Army, Department of Defense, transmitting notification that the Average Procurement Unit Cost (APUC) metric for the Javelin Advanced Anti-Tank Missile has exceeded the 15 percent significant cost growth threshold, pursuant to 10 U.S.C. 2433; to the Committee on Armed Services.

6476. A letter from the Acting General Counsel, Department of Defense, transmitting a copy of legislative proposals as part of the National Defense Authorization Bill for Fiscal Year 2009; to the Committee on Armed Services.

6477. A letter from the Comptroller, Department of Defense, transmitting the Department's quarterly report as of March 31, 2008, entitled, ''Acceptance of contributions for defense programs, projects and activities; Defense Cooperation Account,'' pursuant to 10 U.S.C. 2608; to the Committee on Armed Services.

6478. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; State of Iowa [EPA-R07-OAR-2008-0241; FRL-8533-1] received April 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6479. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Standards of Performance for Petroleum Refineries [EPA-HQ-OAR-2007-0011; FRL-8563-2] (RIN: 2060-AN72) received April 31, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6480. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Connecticut; Interstate Transport of Pollution [EPA-R01-OAR-2007-0452; A-1-FRL-8562-9] received April 31, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6481. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; West Virginia: Transportation Conformity Requirement [EPA-R03-OAR-2007-1146; FRL-8561-2] received April 31, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6482. A letter from the District of Columbia Auditor, Office of the District of Columbia Auditor, transmitting a report entitled, ''Performance Measurement System Needs Long-Term Stability and Commitment to Maximize Effectiveness,'' pursuant to D.C. Code section 47-117(d); to the Committee on Oversight and Government Reform.

6483. A letter from the Director, Court Services and Offender Supervision Agency for the District of Columbia, transmitting the Agency's Fiscal Year 2007 annual report prepared in accordance with Section 203 of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002, Pub. L. 107-174; to the Committee on Oversight and Government Reform.

6484. A letter from the Director, Office of Economic Impact and Diversity, Department of Energy, transmitting the Department's annual report for Fiscal Year 2007, prepared in accordance with Section 203 of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act), Public Law 107-174; to the Committee on Oversight and Government Reform.

6485. A letter from the White House Liaison, Department of Health and Human Services, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

6486. A letter from the White House Liaison, Department of Health and Human Services, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

6487. A letter from the White House Liaison, Department of Health and Human Services, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

6488. A letter from the White House Liaison, Department of Justice, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

6489. A letter from the Chairman, U.S. Parole Commission, Department of Justice, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act for the calendar year 2007, pursuant to 5 U.S.C. 552b(j); to the Committee on Oversight and Government Reform.

6490. A letter from the Attorney Advisor, Department of Transportation, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

6491. A letter from the White House Liaison, Department of the Treasury, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

6492. A letter from the White House Liaison, Department of the Treasury, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

6493. A letter from the White House Liaison, Department of the Treasury, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

6494. A letter from the White House Liaison, Department of the Treasury, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

6495. A letter from the White House Liaison, Department of the Treasury, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

6496. A letter from the Chairperson, National Council on Disability, transmitting the Council's Annual Performance Report to the President and Congress Fiscal Year 2007, as required by the Government Performance and Results Act, pursuant to 31 U.S.C. 1116; to the Committee on Oversight and Government Reform.

6497. A letter from the Chairman, National Endowment for the Arts, transmitting the Endowment's report for Fiscal Year 2007, in accordance with Title II of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002; to the Committee on Oversight and Government Reform.

6498. A letter from the Commissioner, Social Security Administration, transmitting notification of the details of a public-private competition to be initiated by the Administration, pursuant to Public Law 110-81, section 327; to the Committee on Oversight and Government Reform.

6499. A letter from the Assistant Administrator, Bureau for Legislative and Public Affairs, U.S. Agency for International Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

6500. A communication from the President of the United States, transmitting an Agreement between the United States of America and the Czech Republic on Social Security, with a principal agreement and an administrative arrangement, both signed in Prague on September 7, 2007, pursuant to 42 U.S.C. 433(e)(1); (H. Doc. No. 110–110); to the Committee on Ways and Means and ordered to be printed.

6501. A letter from the Chair of the Board of Directors, Office of Compliance, transmitting notice of proposed procedural rulemaking regulations under Section 304(b)(1) of the Congressional Accountability Act of 1995 for publication in the Congressional Record, pursuant to 2 U.S.C. 1384(b)(1); jointly to the Committees on Education and Labor and House Administration.

¶55.4 MESSAGE FROM THE SENATE

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

H. Con. Res. 308. A concurrent resolution authorizing the use of the Capitol Grounds for the National Peace Officers' Memorial Service.

The message also announced that the Senate has agreed to concurrent resolutions of the following titles in which the concurrence of the House is requested:

S. Con. Res. 72. A concurrent resolution supporting the goals and ideals of the International Year of Sanitation.

S. Con. Res. 81. A concurrent resolution supporting the goals and ideals of National Women's Health Week.

The message also announced that the Senate agrees to the amendment of the House to the bill (S. 2929) ''An Act to temporarily extend the programs under the Higher Education Act of 1965.''.

The message also announced that pursuant to Public Law 110–53, the Chair, on behalf of the Vice President, appoints the following individuals to serve as members of the commission on the Prevention of Weapons of Mass Destruction Proliferation and Terrorism:

Graham Allison of Massachusetts.

Richard Verma of Maryland.

The message also announced that pursuant to Public Law 110–53, the Chair, on behalf of the Vice President, appoints the following individual to serve as a member and Chairman of the Commission ont he Prevention of Weapons of Mass Destruction Proliferation and Terrorism: the Honorable Bob GRAHAM of Florida.

The message also announced that pursuant to Public Law 110–53, the Chair, on behalf of the Vice President, appoints the following individuals to serve as members of the Commission on the Prevention of Weapons of Mass Destruction Proliferation and Terrorism: Robin Cleveland of Virginia, and James Talent of Missouri.

¶55.5 NEIGHBORHOOD STABILIZATION

The SPEAKER pro tempore, Ms. SOLIS, pursuant to House Resolution 1174 and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 5818) to authorize the Secretary of Housing and Urban Development to make loans to States to acquire foreclosed housing and to make grants to States for related costs.

Mr. MCNULTY, Acting Chairman, assumed the chair; and after some time spent therein,

¶55.6 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 4, printed in House Report 110-621, submitted by Mr. HENSARLING:

Page 2, line 10, strike ''and grant''.

Page 3, line 1, strike ''and grants''.

Page 3, line 10, strike ''AND GRANTS''.

Page 3, line 13, strike ''make grants under section 5(a) to qualified States and''.

Page 3, lines 18 and 19, strike ''make a grant under this Act only to a State, and may''.

Page 4, line 25, strike ''grant and''.

Page 5, line 3, strike ''grant and''.

Page 5, line 7, strike ''grant or''.

Page 6, line 8, strike ''grant and''.

Page 6, lines 21 and 22, strike ''grant amounts, and for''.

Page 7, line 1, strike ''grant or''.

Strike line 22 on page 8 and all that follows through page 9, line 2.

Page 9, line 9, strike ''GRANT AMOUNTS AND''.

Page 9, line 11, strike ''grant amount or''.

Page 9, lines 12 and 13, strike ''foreclosure grant share''.

Page 9, line 13, strike ''or''.

Page 9, lines 13 and 14, strike '', respectively,''.

Page 9, line 20, strike ''grant amount or''.

Page 9, line 22, strike ''foreclosure grant share or''.

Page 9, line 23, strike '', respectively,'' and ''the grant amount or''.

Page 9, line 25, strike ''foreclosure grant share or''.

Page 10, line 1, strike '', respectively,''.

Page 10, line 2, strike ''grant amounts or''.

Page 10, line 6, strike ''grant amounts or''.

Page 10, line 9, strike ''grant amount or''.

Page 10, line 11, strike ''grant amount or''.

Page 10, line 13, strike ''foreclosure grant share or''.

Page 10, line 14, strike '', respectively''.

Page 10, line 16, strike ''grant or''.

Page 10, line 18, strike ''or grants''.

Strike line 23 on page 10 and all that follows through page 11, line 10.

Page 12, line 3, strike ''grant and''.

Page 12, strike lines 5 through 7.

Page 12, line 14, strike ''grant amounts and''.

Page 12, lines 17 and 18, strike ''such grant amounts and''.

Page 12, line 19, strike ''grant amounts and''.

Page 12, line 20, strike '', respectively,''.

Page 13, line 8, strike ''grant amounts and''.

Page 13, lines 11 and 12, strike ''grant amounts and''.

Page 13, line 13, strike ''grant amounts and''.

Page 13, line 14, strike '', respectively,''.

Page 14, lines 1 and 2, strike ''grant and''.

Page 14, line 5, strike ''grant and''.

Page 14, line 8, strike ''grant and''.

Page 14, line 12, strike ''grant amounts and''.

Page 14, line 17, strike ''grant amounts and''.

Page 17, strike lines 21 through 25.

Strike line 18 on page 19 and all that follows through page 21, line 24.

Page 22, line 2, strike ''grant or''.

Strike line 12 on page 22 and all that follows through page 24, line 4.

Page 24, line 6, strike ''grant or''.

Page 24, lines 7 and 8, strike ''grant and''.

Page 24, line 23, strike ''or grant''.

Page 24, line 25, strike ''or grant''.
Page 27, line 13, strike ''grant or''.
Page 27, line 19, strike ''or grant''.
Page 28, lines 12 and 13, strike ''receives a grant under this Act or''.
Page 28, lines 15 and 16, strike ''obligation of such grant amounts and''.
Page 28, line 20, strike ''obligate all such grant amounts and''.
Page 28, lines 24 and 25, strike ''outlay all such grant amounts and''.
Page 30, line 3, strike ''a grant or'' and insert ''an''.
Page 30, line 13, strike ''grant or''.
Page 30, lines 14 and 15, strike ''grant or''.
Page 30, line 19, strike ''grant or''.
Page 35, strike lines 8 through 10.
Page 35, line 21, strike ''$7,500,000,000'' and insert ''$15,000,000,000''.

It was decided in the negative ..... { Yeas ..... 190 Nays 219

¶55.7 [Roll No. 295]

AYES—190

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

NOES—219

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

NOT VOTING—29

Arcuri
Barrow
Bean
Bishop (GA)
Boren
Campbell (CA)
Carney
Chandler
Clay
Cohen
Cooper
Costa
Cramer
Cubin
Giffords
Goode
Hill
Loebsack
Mahoney (FL)
McHenry
McIntyre
Melancon
Moore (KS)
Pomeroy
Richardson
Rush
Schiff
Space
Young (AK)

So the amendment was not agreed to.

After some further time

¶55.8 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the question raised by an appeal in the committee, to wit: ''Shall the decision of the Chair stand as the judgment of the Committee?''.

It was decided in the affirmative ..... { Yeas ..... 235 Nays ..... 182 Answered present 6

¶55.9 [Roll No. 296]

AYES—235

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

NOES—182

Aderholt
Akin
Alexander
Bachmann
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert

Camp (MI)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fortuño
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey
Gohmert
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Inglis (SC)
Issa
Johnson, Sam
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Latham
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Peterson (PA)
Petri
Pitts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)

ANSWERED ''PRESENT''—6

Gilchrest
Hulshof
LaTourette
Lungren, Daniel E.
Pence
Rohrabacher

NOT VOTING—15

Bachus
Boehner
Bordallo
Campbell (CA)
Cohen
Hunter
Loebsack
McCarthy (NY)
Miller, George
Paul
Pickering
Platts
Richardson
Rush
Wu

So the decision of the Chair stood as the judgment of the Committee.

¶55.10 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 7, printed in House Report 110-621, submitted by Mr. ALTMIRE:

Page 36, after line 2, insert the following new section:

SEC. 15. INELIGIBLITY OF ILLEGAL ALIENS FOR ASSISTANCE.

Aliens who are not lawfully present in the United States shall be ineligible for financial assistance under this Act, as provided and defined by section 214 of the Housing and Community Development Act of 1980 (42 U.S.C. 1436a). Nothing in this Act shall be construed to alter the restrictions or definitions in such section 214.

Page 36, line 3, strike ''**15**'' and insert ''**16**''.

It was decided in the affirmative ..... { Yeas ..... 391 / Nays 33

¶55.11 [Roll No. 297]

AYES—391

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Bachmann
Bachus
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Cazayoux
Chabot
Chandler
Christensen
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Cubin
Cuellar
Culberson
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Davis (CA)
Davis (IL)
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Davis, David
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Deal (GA)
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DeGette
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DeLauro
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Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellsworth
Emanuel
Emerson
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English (PA)
Eshoo
Etheridge
Everett
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Gallegly
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Goode
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Granger
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Green, Al
Green, Gene
Hall (NY)
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Hare
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Herseth Sandlin
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Hill
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Inslee
Israel
Issa
Jackson (IL)
Jefferson
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
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Keller
Kennedy
Kildee
Kilpatrick
Kind
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King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
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Lewis (CA)
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Linder
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Lofgren, Zoe
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Lungren, Daniel E.
Lynch
Mack
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McCarthy (CA)
McCaul (TX)
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McIntyre
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McMorris Rodgers
McNerney
McNulty
Meek (FL)
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Melancon
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Miller (FL)
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Miller, Gary
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Murphy, Patrick
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Peterson (MN)
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Petri
Pitts
Platts
Poe
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Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
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Reichert
Renzi
Reyes
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Rogers (AL)
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Rohrabacher
Roskam
Ross
Rothman
Roybal-Allard
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Ruppersberger
Ryan (OH)
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Salazar
Sali
Sarbanes
Saxton
Scalise
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
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Snyder
Souder
Space
Speier
Spratt
Stearns
Stupak
Sullivan
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
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Towns
Tsongas
Turner
Udall (CO)
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Upton
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Visclosky
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Wamp
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Westmoreland
Wexler
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Wynn
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Diaz-Balart, L.
Diaz-Balart, M.
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Farr
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Hirono
Honda
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McGovern
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Moran (VA)
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Cohen
Cummings
Jackson-Lee (TX)
Loebsack
McCarthy (NY)
McCrery
Miller, George
Pickering
Richardson
Rush
Welch (VT)

So the amendment was agreed to.

The SPEAKER pro tempore, Mr. WEINER, assumed the Chair.

When Mr. McNULTY, Acting Chairman, pursuant to House Resolution 1174, reported the bill back to the House with an amendment adopted by the Committee.

The previous question having been ordered by said resolution.

The following amendment, reported from the Committee of the Whole House on the state of the Union, was agreed to:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Neighborhood Stabilization Act of 2008''.

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

Sec. 1. Short title and table of contents.
Sec. 2. Congressional purposes.
Sec. 3. Loans and grants to States, metropolitan cities, and urban counties.
Sec. 4. Qualified plans.
Sec. 5. Allocation of amounts.
Sec. 6. Loans.
Sec. 7. Grants.
Sec. 8. Eligible housing stimulus activities.

Sec. 9. Shared appreciation agreement.
Sec. 10. Spending requirements.
Sec. 11. Servicer contact.
Sec. 12. Accountability.
Sec. 13. Definitions.
Sec. 14. Funding.
Sec. 15. Protection of right to bear arms.
Sec. 16. Ineligiblity of illegal aliens for assistance.
Sec. 17. Regulations and implementation.

SEC. 2. CONGRESSIONAL PURPOSES.

The purposes of this Act are—

(1) to establish a loan and grant program administered by the Department of Housing and Urban Development to help States, metropolitan cities, and urban counties preserve the equity and ensure the safety of the neighbors of homes made vacant by the predatory lending and foreclosure crises, to prevent and reduce the incidence of such vacancies through various means, including purchasing and rehabilitating owner-vacated, foreclosed homes with the goal of stabilizing and occupying them as soon as possible, either through resale or rental to qualified families;

(2) to distribute these loans and grants to areas with the highest levels of foreclosure and delinquent subprime mortgages, and largest increases in the rate of vacant and abandoned single family homes;

(3) to provide incentives for States, metropolitan cities, and urban counties to use the funds to stabilize as many properties as possible; and

(4) to provide housing for low- and moderate-income families, especially those that have lost homes to foreclosure.

SEC. 3. LOANS AND GRANTS TO STATES, METROPOLITAN CITIES, AND URBAN COUNTIES.

The Secretary of Housing and Urban Development shall, subject to the availability of amounts under section 14, make grants under section 5(a) to qualified States and under subsections (f) and (g) of section 5 to qualified metropolitan cities and qualified urban counties, respectively, and make loans under section 6 in accordance with the approved plans of qualified States, qualified metropolitan cities, and qualified urban counties, for use to carry out eligible housing stimulus activities under section 8. The program under this Act shall be administered through the Office of Community Planning and Development of the Department of Housing and Urban Development or any successor office responsible for administering the community development block grant program under title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.).

SEC. 4. QUALIFIED PLANS.

(a) IN GENERAL.—The Secretary may make a grant under this Act only to a State, metropolitan city, or urban county, and may allocate a loan authority amount under this Act only for a State, metropolitan city, or urban county, that has submitted to the Secretary a plan that meets the requirements under this section and has been approved under this section.

(b) CONTENTS.—A plan under this section for an allocation recipient shall—

(1) designate a housing finance agency of the allocation recipient, or other agency, department, or entity of the allocation recipient, or any other designee, as the allocation recipient administrator to act on behalf of the allocation recipient for purposes of this Act;

(2) describe the housing stimulus activities under section 8 to be carried out with assistance under this Act for the allocation recipient by the entity identified pursuant to paragraph (1) of this subsection;

(3) prioritize the allocation of funds to low- and moderate-income neighborhoods with high concentrations of vacancies, according to the number of census tracts, as determined by the Secretary, to have large increases in the rate of vacancy during the past eight quarters and significant levels of loans determined to be at risk of foreclosure, and describe how such activities will help restore or improve the viability of such neighborhoods by providing for purchase or occupancy of qualified foreclosed properties as soon as practicable and in a manner that will facilitate repayment of the loans provided under this Act for carrying out such activities;

(4) set forth the procedures that the allocation recipient will use to allocate grant and loan amounts and monitor for compliance with the requirements of section 8;

(5) provide that grant and loan amounts provided under this Act for the allocation recipient will be used only for eligible housing stimulus activities under section 8 that are eligible under such section for assistance with grant or loan amounts, as applicable;

(6) contain such assurances as the Secretary shall require that the housing stimulus activities to be carried out with assistance under this Act shall not result in a significant net loss in rental housing in an area in which such activities are undertaken;

(7) give priority emphasis and consideration to metropolitan areas, metropolitan cities, urban areas, rural areas, low- and moderate-income areas, census tracts and other areas having the greatest need, including those—

(A) with the greatest percentage of home foreclosures;

(B) with the highest percentage of homes financed by subprime mortgage loans over 90 days delinquent; or

(C) identified by the State, qualified metropolitan city, or unit of general local government as likely to face a significant rise in the rate of home foreclosures;

(8) notwithstanding any other preferences established or authorized under this subsection, provide first priority, in use of amounts from grants or loans under this Act for rehabilitating housing, for providing housing for veterans, members of the Armed Forces on active duty, members of the National Guard or Armed Forces reserves, school teachers, and emergency responders;

(9) provide preference for activities that serve the lowest income families, who otherwise meet the income requirements under section 8, for the longest period and homeowners, who otherwise meet such income requirements, whose mortgages have been foreclosed;

(10) provide preference for use of grant and loan amounts in connection with acquisition of qualified foreclosed properties that are acquired no earlier than 60 days after the owner of the property described in section 13(7)(B) acquired such ownership;

(11) describe any other preferences the allocation recipient may establish, such as housing for first responders, for veterans, for nurses serving underserved areas or homeless persons, or for homeless persons in accordance with the 10-year plan of the State to end homelessness, or providing housing for public school teachers or workforce who are employed by the city or locality in which the housing is located;

(12) provide for obligation and outlay of grant amounts, and for loan commitments and disbursement, in accordance with the requirements under section 10; and

(13) in the case of any grant or loan amounts that will be invested with the possibility of a return on investment, provide for use of any return on such investment only for one or more eligible housing stimulus activities under section 8.

(c) SUBMISSION.—

(1) IN GENERAL.—The Secretary shall provide for allocation recipients to submit plans under this section to the Secretary and shall establish requirements for the contents and form of such plans. Except in the case of plan resubmitted pursuant to subsection (d)(3), the Secretary may not accept or consider a plan unless the plan is submitted to the Secretary before the expiration of the 30-day period beginning upon the date of the enactment of this Act.

(2) PUBLIC APPROVAL.—An allocation recipient may not submit a plan to the Secretary unless the plan is approved by the chief executive officer of the allocation recipient after a public hearing on the plan held pursuant to reasonable public notice.

(d) REVIEW AND APPROVAL.—

(1) TIMING.—The Secretary shall review, and approve or disapprove, each plan submitted or resubmitted pursuant to paragraph (3) in compliance with the requirements established under this section before the expiration of the 30-day period beginning upon the submission of the plan. If the Secretary does not approve or disapprove a plan that is submitted or resubmitted in accordance with the requirements under this section before the expiration of such 30-day period and notify the allocation recipient of such approval or disapproval, the plan shall be considered approved for purposes of this section.

(2) STANDARD FOR DISAPPROVAL.—The Secretary may disapprove a plan only if the plan fails to comply with the requirements of this Act.

(3) RESUBMISSION.—If the Secretary disapproves the plan of an allocation recipient, the Secretary shall submit to the allocation recipient the reasons for the disapproval, and the allocation recipient may, during the 15-day period that begins upon notification of such disapproval and the reasons for such disapproval, submit to the Secretary a revised plan for review and approval in accordance with this subsection.

SEC. 5. ALLOCATION OF AMOUNTS.

(a) GRANTS.—From the total amount made available under section 14(a) for grants under this Act, the Secretary shall make a grant to each qualified State in the grant amount determined under subsection (c) of this section for the qualified State.

(b) LOANS.—From the aggregate amount of authority for the outstanding principal balance of loans made under this Act pursuant to section 14(b)(1), the Secretary shall allocate such authority for loans under this Act for each qualified State in the loan authority amount determined under subsection (c) of this section for the qualified State.

(c) GRANT AMOUNTS AND LOAN AUTHORITY AMOUNTS.—

(1) IN GENERAL.—The grant amount or loan authority amount for a qualified State shall be the foreclosure grant share or foreclosure loan share, respectively, for the State determined under subsection (d), as such share is adjusted in accordance with an index established or selected by the Secretary to account for differences between qualified States in the median price of single family housing in such States.

(2) LIMITATION ON ADJUSTMENT.—If such adjustment would result in a grant amount or loan authority amount for any State that exceeds 125 percent of the foreclosure grant share or foreclosure loan share, respectively, for the State, the grant amount or loan authority amount for the State shall be 125 percent of foreclosure grant share or foreclosure loan share, respectively, for the State and the Secretary shall increase the grant amounts or loan authority amounts for all other States on a pro rata basis, except as provided in paragraph (3), by the amount necessary to account for the aggregate of any such decreases in grant amounts

or loan authority amounts for States to comply with the 125 percent limitation.

(3) LIMITATION ON REALLOCATION.—No increase in the grant amount or loan authority amount for any State from amounts reallocated pursuant to paragraph (2) shall result in the grant amount or loan authority amount for any State exceeding 125 percent of the foreclosure grant share or foreclosure loan share for the State, respectively.

(4) PRIORITY PREFERENCE FOR UNUSED AMOUNTS.—States which have their grant or loan amounts reduced under paragraph (2) shall be granted a priority preference for any loans or grants which may be reallocated under subsection (i) (relating to reallocation of funds).

(d) FORECLOSURE SHARES.—For purposes of this section:

(1) GRANT SHARE.—The foreclosure grant share for a qualified State shall be the amount that bears the same ratio to the total amount made available under section 14(a) as the number of foreclosures on mortgages for single family housing and subprime mortgage loans for single family housing that are over 90 days delinquent, occurring in such State during the most recently completed four calendar quarters for which such information is available, as determined by the Secretary, bears to the aggregate number of such foreclosures and such delinquent subprime mortgage loans occurring in all qualified States during such calendar quarters.

(2) LOAN SHARE.—The foreclosure loan share for a qualified State shall be the amount that bears the same ratio to the aggregate amount of the principal balance of loans that may be outstanding at any time under this Act pursuant to section 14(b)(1) as the number of foreclosures on mortgages for single family housing and subprime mortgage loans for single family housing that are over 90 days delinquent, occurring in such State during the most recently completed four calendar quarters for which such information is available, as determined by the Secretary, bears to the aggregate number of such foreclosures and such delinquent subprime mortgage loans occurring in all qualified States during such calendar quarters.

(e) DISTRIBUTION OF FULL AMOUNT.—The Secretary shall establish the index referred to in subsection (c) and the grant and loan authority amounts for the qualified States in a manner that provides that—

(1) the aggregate of the grant amounts for all qualified States is equal to the total amount made available under section 14(a); and

(2) the aggregate of the loan authority amounts for all qualified States is equal to the aggregate amount of authority for the outstanding principal balance of all loans made under this Act pursuant to section 14(b)(1).

(f) REQUIREMENT TO ALLOCATE TO QUALIFIED METROPOLITAN CITIES.—Of any grant amounts and loan authority amounts allocated pursuant to this section for a State, the Secretary shall allocate for each qualified metropolitan city located in such State a portion of such grant amounts and such loan authority amounts that bears the same ratio to such grant amounts and loan authority amounts, respectively, allocated for the State as the number of foreclosures on mortgages for single family housing and subprime mortgage loans for single family housing that are over 90 days delinquent, occurring in such qualified metropolitan city during the most recently completed four calendar quarters for which such information is available, as determined by the Secretary, bears to the aggregate number of such foreclosures and such delinquent subprime mortgage loans occurring in the State during such calendar quarters. The Secretary shall adjust such allocation to account for differences between median single family housing prices in the State and in qualified metropolitan cities in the State.

(g) REQUIREMENT TO ALLOCATE TO QUALIFIED URBAN COUNTIES.—Of any grant amounts and loan authority amounts allocated pursuant to this section for a State, such State shall allocate for each qualified urban county located in such State a portion of such grant amounts and such loan authority amounts that bears the same ratio to such grant amounts and loan authority amounts, respectively, allocated for the State as the number of foreclosures on mortgages for single family housing and subprime mortgage loans for single family housing that are over 90 days delinquent, occurring in such qualified urban county during the most recently completed four calendar quarters for which such information is available, as determined by the Secretary, bears to the aggregate number of such foreclosures and such delinquent subprime mortgage loans occurring in the State during such calendar quarters. The Secretary shall adjust such allocation to account for differences between median single family housing prices in the State and in qualified urban counties in the State.

(h) ALLOCATION EXCEPTION.—If the aggregate grant and loan authority amount to be allocated pursuant to subsection (f) or (g) to a qualified metropolitan city or qualified urban county is less than $10,000,000, the Secretary may, but is not required to, allocate such grant and loan authority amount to such qualified metropolitan city or qualified urban county, and the allocation for such State shall be increased by the grant and loan authority amount not allocated to such qualified metropolitan city or qualified urban county.

(i) REALLOCATION OF UNUSED AMOUNTS.—The Secretary shall recapture any grant amounts and loan authority amounts allocated to a State that are not used in a timely fashion in accordance with section 10, as the Secretary shall prescribe, and shall reallocate such amounts among all other qualified States in accordance with the provisions of this Act for allocation of grant amounts and loan authority amounts.

SEC. 6. LOANS.

(a) REQUIREMENT OF LOAN AUTHORITY AMOUNT.—The Secretary may make a loan under this Act for use in the area of an allocation recipient only to the extent and in such amounts that loan authority amounts for such allocation recipient are available.

(b) REVOLVING AVAILABILITY OF LOAN AUTHORITY AMOUNT.—The loan authority amount allocated for each allocation recipient shall—

(1) upon the Secretary entering into a binding commitment to make a loan under this Act for use in the area of such allocation recipient, be decreased by the amount of the principal obligation of such loan; and

(2) upon the repayment to the Secretary by any borrower of any principal amounts borrowed under a loan this Act for use in the area of such allocation recipient, be increased by the amount of principal repaid.

(c) ASSISTED ENTITIES.—The loan authority amount of an allocation recipient may be used for activities described in section 8(a) undertaken by—

(1) the allocation recipient;

(2) a unit of local government or a local governmental entity; or

(3) any other entity, as provided in the approved plan of the allocation recipient under section 4.

(d) LOAN TERMS.—Each loan provided under this Act from the loan authority amount of an allocation recipient shall—

(1) bear no interest;

(2) have a term to maturity of—

(A) 3 years, in the case of any loan made to purchase or finance the purchase of qualified foreclosed housing for use under section 8(a)(1) for homeownership; and

(B) 5 years, in the case of any loan made to purchase or finance the purchase of qualified foreclosed housing for use under section 8(a)(2) for rental;

(3) not provide for amortization of the principal obligation of the loan during such term;

(4) be non-recourse;

(5) require payment of the original principal obligation under the loan only upon the expiration of the term of the loan; and

(6) have such other terms and conditions as the Secretary may provide.

(e) PROCEDURE.—A qualified State, a qualified metropolitan city, and a qualified urban county shall—

(1) enter into a loan agreement on behalf of the Secretary on terms established under this Act and any other terms such State, qualified metropolitan city, or qualified urban county determines appropriate;

(2) disburse the loan amount in accordance with such terms, subject only to the absence of sufficient loan authority amount for such State, such qualified metropolitan city, or such qualified urban county;

(3) monitor such loans; and

(4) collect and transmit to the Secretary any loan repayments.

(f) ELIGIBILITY FOR REPEAT LENDING.—A loan under this Act may be made to an entity that has previously borrowed amounts under a loan under this Act only if such entity has repaid 90 percent or more of the amounts due under all previous such loans. The Secretary may waive such requirement upon a request by an allocation recipient if the borrower has demonstrated satisfactory progress in utilizing outstanding loans and sufficient capacity to utilize additional loan amounts effectively.

(g) SUNSET.—The Secretary may not enter into any commitment to make a loan under this Act, or make any such loan, after the expiration of the 48-month period beginning on the date of the enactment of this Act.

SEC. 7. GRANTS.

The grant amount of an allocation recipient may be used under section 8(b) by the allocation recipient, a unit of local government or a local governmental entity, or a nonprofit organization.

SEC. 8. ELIGIBLE HOUSING STIMULUS ACTIVITIES.

(a) LOAN AMOUNTS.—Amounts provided under a loan under this Act for an allocation recipient shall be used, in accordance with the approved plan of such allocation recipient, only for the following activities:

(1) HOMEOWNERSHIP HOUSING PROVISION.—To purchase or finance the purchase of qualified foreclosed housing for resale as housing for homeownership to families having incomes that do not exceed 140 percent of the median income for the area in which the housing is located.

(2) RENTAL HOUSING PROVISION.—To purchase or finance the purchase of qualified foreclosed housing for use as rental, lease-purchase, or rent-to-own housing, subject to the following requirements:

(A) QUALIFIED TENANTS.—All dwelling units in the housing purchased or financed using any loan amounts shall be available for rental only by families whose incomes do not exceed 100 percent of the median income for the area in which the housing is located.

(B) RENTS.—Rents for each dwelling unit in the housing purchased or financed using any loan amounts shall be established at amounts that do not exceed market rents for comparable dwelling units located in the

area in which the housing is located and in accordance with such requirements as the Secretary shall establish to ensure that rents are established in a fair, objective, and arms-length manner.

(3) HOUSING REHABILITATION.—To rehabilitate qualified foreclosed housing acquired with assistance provided pursuant to this subsection, to the extent necessary to comply with applicable laws, codes, and other requirements relating to housing safety, quality, and habitability, or to make improvements to the housing to increase the energy efficiency or conservation of the housing or provide a renewable energy source or sources for the housing, for the purpose of reselling the housing, to the extent possible, during the 3-month period that begins upon completion of rehabilitation and at a price that is as close as possible to the acquisition price of the housing.

(b) GRANT AMOUNTS.—Grant amounts provided under this Act to an allocation recipient shall be used, in accordance with the approved plan of such allocation recipient, only for the following activities:

(1) OPERATING AND HOLDING COSTS.—For costs of holding and operating qualified foreclosed housing acquired pursuant to subsection (a), including expenses incurred operating housing assisted under this Act with respect to the administration, maintenance, repair, security, utilities, fuel, furnishings, equipment, management, taxes, handling, insurance, and other related costs.

(2) COSTS RELATING TO PROPERTY ACQUISITION.—For incidental costs involved in acquiring qualified foreclosed housing pursuant to subsection (a), including reasonable closing costs, except that grant amounts may not be used to pay any portion of the purchase price for the housing under section 13(7)(C).

(3) ADMINISTRATIVE COSTS.—For costs of the allocation recipient in administering loan authority amounts and grant amounts under this Act, except that the amount of grant amounts provided under this Act to an allocation recipient that may be used under this paragraph shall not exceed the amount equal to 8 percent of the sum of the grant amounts provided to the allocation recipient pursuant to subsection (a), (f), or (g) of section 5, as applicable, and the loan authority amount allocated to the allocation recipient pursuant to subsection (b), (f), or (g) of section 5, as applicable.

(4) PLANNING COSTS.—For planning costs of the State in connection with this Act, except that the amount of grant amounts provided under this Act to an allocation recipient that may be used under this paragraph shall not exceed the amount equal to 2 percent of the sum of the grant amounts provided to the allocation recipient pursuant to subsection (a), (f), or (g) of section 5, as applicable, and the loan authority amount allocated to the State pursuant to subsection (b), (f), or (g) of section 5, as applicable.

(5) HOUSING REHABILITATION.—For activities set forth in subsection (a)(3), except that an allocation recipient shall not use more than 20 percent of a grant amount allocation for such activities.

(6) DEMOLITION.—For costs of demolishing qualified foreclosed housing that is deteriorated or unsafe, but amounts may be used under this paragraph only if the Secretary determines that the neighborhood or other area in which the housing is located has a high incidence of vacant and abandoned housing (or other vacant and abandoned structures) and is experiencing a significant decline in population.

Notwithstanding any other provision of this subsection, grant amounts provided under this Act may not be used to provide assistance of any kind (including grants, loans, and closing cost financing) to provide amounts for downpayments for any homebuyers of single family housing.

(c) PROHIBITED USES.—The Secretary shall, by regulation, set forth prohibited uses of grant or loan amounts under this Act, which shall include use for—

(1) political activities;

(2) advocacy;

(3) lobbying, whether directly or through other parties;

(4) counseling services;

(5) travel expenses; and

(6) preparing or providing advice on tax returns.

(d) INCOME TARGETING REQUIREMENT.—

(1) VERY LOW-INCOME FAMILIES.—Not less than 50 percent of the total grant amounts an allocation recipient makes available under this Act shall be used for activities under subsection (b) in connection with providing housing for families whose incomes do not exceed 50 percent of the median income for the area in which the housing is located.

(2) EXTREMELY LOW-INCOME FAMILIES.—Not less than 50 percent of the total grant amounts an allocation recipient makes available under paragraph (1) shall be used for activities under subsection (b) in connection with providing housing for families whose incomes do not exceed 30 percent of the median income for the area in which the housing is located.

(3) WAIVER.—

(A) IN GENERAL.—The Secretary may establish a percentage for purposes of paragraph (2) that is less than 50 percent if an allocation recipient certifies that, in addition to any other requirements the Secretary may establish—

(i) such allocation recipient has attempted to use all other federally related resources available to it in combination with the resources available under this Act to meet the requirements of paragraph (2); and

(ii) the failure to comply with paragraph (2) will not result in an overall loss of housing affordable to families whose incomes do not exceed 30 percent of area median income in the area of such allocation recipient.

(B) CONSIDERATION OF HOUSING NEEDS.—In establishing an alternative percentage for purposes of paragraph (2) for an allocation recipient that meets the certification requirements of subparagraph (A), the Secretary shall take into consideration the housing needs in the area of such allocation recipient of families whose incomes do not exceed 30 percent of area median income.

(e) USE FOR RURAL AREAS.—An allocation recipient receiving any grant or loan amounts under this Act that includes any rural areas shall use a portion of its grant and loan authority amount for eligible activities located in rural areas that is proportionate to the identified need for such activities in such rural areas.

(f) SECURITY.—A qualified State, or at its election, a qualified metropolitan city or qualified urban county, shall record a lien in the name of the Secretary on any qualified foreclosed housing purchased or financed with a loan under this section in the amount of the principal obligation under the loan and interest due under the loan.

(g) QUALIFIED HOMEOWNERS.—This Act may not be construed to prevent the resale of qualified foreclosed housing to a prior owner or occupant of such housing who meets the income requirements of this Act.

(h) VOUCHER NONDISCRIMINATION.—

(1) PROSPECTIVE TENANTS.—A recipient of amounts from a loan or grant under this Act may not refuse to lease a dwelling unit in housing assisted with any such loan or grant amounts to a holder of a voucher or certificate of eligibility under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f) because of the status of the prospective tenant as such a holder.

(2) CURRENT TENANTS.—In the case of any qualified foreclosed housing for which funds made available under the Act are used and in which a recipient of assistance under section 8(o) of the U.S. Housing Act of 1937 resides at the time of acquisition or financing, the owner and any successor in interest shall be subject to the lease and to the housing assistance payments contract for the occupied unit. Vacating the property prior to sale shall not constitute good cause for termination of the tenancy unless the property is unmarketable while occupied or unless the owner or subsequent purchaser desires the unit for personal or family use. This paragraph shall not preempt any State or local law that provides more protection for tenants.

(i) EFFECT OF FORECLOSURE ON PREEXISTING LEASE.—

(1) IN GENERAL.—In the case of any foreclosure on any dwelling or residential real property acquired with any amounts made available under this Act, any successor in interest in such property pursuant to the foreclosure shall assume such interest subject to—

(A) the provision, by the successor in interest, of a notice to vacate to any bona fide tenant at least 90 days before the effective date of the notice to vacate; and

(B) the rights of any bona fide tenant, as of the date of such notice of foreclosure—

(i) under any bona fide lease entered into before the notice of foreclosure to occupy the premises until the end of the remaining term of the lease or the end of the 6-month period beginning on the date of the notice of foreclosure, whichever occurs first, subject to the receipt by the tenant of the 90-day notice under subparagraph (A); or

(ii) without a lease or with a lease terminable at will under State law, subject to the receipt by the tenant of the 90-day notice under subparagraph (A), except that nothing under this subparagraph shall affect the requirements for termination of any federally subsidized tenancy.

(2) BONA FIDE LEASE OR TENANCY.—For purposes of this subsection, a lease or tenancy shall be considered bona fide only if—

(A) the mortgagor under the contract is not the tenant;

(B) the lease or tenancy was the result of an arms-length transaction; or

(C) the lease or tenancy requires the receipt of rent that is not substantially less than fair market rent for the property.

(j) PROHIBITION OF DEMOLITION OF PUBLIC HOUSING.—Notwithstanding any other provision of this Act, amounts from a grant or loan under this Act may not be used to demolish any public housing (as such term is defined in section 3 of the United States Housing Act of 1937 (42 U.S.C. 1437a)).

SEC. 9. SHARED APPRECIATION AGREEMENT.

Notwithstanding any other provision of this Act, no amounts from a loan or grant under this Act may be used under section 8 for any qualified foreclosed housing unless such binding agreements are entered into, in accordance with such requirements as the Secretary shall establish, that ensure that the Federal Government shall, upon any sale or disposition of the qualified foreclosed housing by the owner who acquires the housing pursuant to assistance under this Act, receive an amount equal to 20 percent of the difference between the net proceeds from such sale or disposition and the cost of such acquisition of the housing pursuant to assistance under this Act, after deductions for expenditures paid or incurred after the date of such acquisition that are properly chargeable to capital account (within the meaning of section 1016 of the Internal Revenue Code of 1986) with respect to such housing. In the case of a for-profit owner, this section shall

be applied by substituting ''50 percent'' for ''20 percent''.

SEC. 10. SPENDING REQUIREMENTS.

(a) IN GENERAL.—Each allocation recipient that receives a grant under this Act or is allocated loan authority amounts under this Act pursuant to section 5(b) shall—

(1) commence obligation of such grant amounts and commitment of such loan authority amounts not later than the expiration of the 120-day period that begins upon approval of the approved plan of allocation recipient;

(2) obligate all such grant amounts and enter into commitments for all such loan authority amounts not later than the expiration of the 180-day period beginning upon such approval; and

(3) except as provided in subsection (b) of this section, outlay all such grant amounts and disburse all such loan authority amounts not later than the 24-month period that begins upon such approval.

This subsection shall not apply to loan authority amounts of an allocation recipient attributable, pursuant to section 6(b)(2), to repayment of principal amounts of loans under this Act.

(b) EXCEPTION TO SPENDING REQUIREMENT.—If an allocation recipient in good faith makes a request, in the plan submitted to the Secretary pursuant to section 4 or otherwise after approval of such plan, for extension of the period referred to in paragraph (1), (2), or (3) of subsection (a) of this section, the Secretary may extend the period for not more than 5 months.

SEC. 11. SERVICER CONTACT.

The servicer of a federally related mortgage loan (as such term is defined in section 3 of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2602)) shall notify the unit of general local government in which the property securing the mortgage is located upon becoming responsible for a qualified foreclosed property and provide such unit of general local government with the name and 24-hour contact information of a representative authorized to negotiate purchases.

SEC. 12. ACCOUNTABILITY.

(a) REPORTING.—Each allocation recipient that receives a grant or allocation of loan authority amount under this Act shall submit a report to the Secretary, not later than the expiration of the 12-month period beginning upon the approval of the qualified plan by the Secretary, regarding use of such amounts which shall contain such information, including information about the location and type of assisted properties and the income of families purchasing or renting housing assisted under this Act, as the Secretary shall require.

(b) MISUSE OF AMOUNTS.—If the Secretary determines that any amounts from a grant or loan under this Act for an allocation recipient or other recipient of grant or loans funds has been used in a manner that is in violation of this Act, any regulations issued under this Act, or any requirements or conditions under which such amounts were provided, the Secretary shall require the allocation recipient or other recipient of grant or loans funds to reimburse the Treasury of the United States in the amount of any such misused funds.

(c) HOLD HARMLESS.—Notwithstanding subsection (b), a State shall not be required to reimburse the Treasury of the United States for any misused funds such State is required to allocate to a qualified metropolitan city or qualified urban county under subsection (f) or (g) of section 5, respectively.

SEC. 13. DEFINITIONS.

For purposes of this Act, the following definitions shall apply:

(1) ALLOCATION RECIPIENT.—The term ''allocation recipient'' means—

(A) a qualified State;

(B) a qualified metropolitan city; and

(C) a qualified urban county.

(2) ALLOCATION RECIPIENT ADMINISTRATOR.—The term ''allocation recipient administrator'' means the entity that is designated, pursuant to section 4(b)(1), in the approved plan of the allocation recipient to act for the allocation recipient for purposes of this Act.

(3) APPROVED PLAN.—The term ''approved plan'' means a plan of an allocation recipient that has been approved pursuant to section 4.

(4) COVERED MULTIFAMILY HOUSING.—The term ''covered multifamily housing'' means a residential structure that consists of 64 or fewer dwelling units.

(5) LOAN AUTHORITY AMOUNT.—The term ''loan authority amount'' means, with respect to an allocation recipient, the amount of loan authority available pursuant to section 14(b)(1) that is allocated for the allocation recipient pursuant to subsection (b), (f), or (g) of section 5, as applicable, as such amount may be increased or decreased pursuant to section 6(b).

(6) NONPROFIT ORGANIZATION.—The term ''nonprofit organization'' has the meaning given such term in section 104 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12704).

(7) QUALIFIED FORECLOSED HOUSING.—The term ''qualified foreclosed housing'' means housing that—

(A)(i) is single family housing that is not occupied by an owner, pursuant to foreclosure or assignment of the mortgage on the housing or forfeiture of the housing; or

(ii) is covered multifamily housing;

(B) is owned by a lender, mortgage company, investor, financial institution, or other such entity, or any government entity, pursuant to foreclosure or assignment of the mortgage on the housing or forfeiture of the housing; and

(C) has a purchase price—

(i) in the case of single family housing, that does not exceed the lesser of—

(I) 110 percent of the average purchase price for single family housing in the area in which the housing is located, as determined by the Secretary; or

(II) the current appraised value of the property;

except that in the case of any such housing that has an appraised value that is less than 110 percent of the average purchase price for single family housing in the area in which the housing is located, an allocation recipient may appeal such appraisal to the Secretary and the Secretary may determine that the average purchase price shall operate as the cap on the purchase price; and

(ii) in the case of covered multifamily housing, that does not exceed the dollar amount limitation, for housing of the applicable size located in the area in which the housing is located, on the amount of a principal obligation of a mortgage eligible for insurance under section 207 of the National Housing Act (12 U.S.C. 1713), as in effect on the date of the enactment of this Act pursuant to such section 207(c)(3)(A) and section 206A of such Act (12 U.S.C. 1712a).

(8) QUALIFIED METROPOLITAN CITY.—The term ''qualified metropolitan city'' means an incorporated place, for which there is an improved plan, that—

(A) is among the 100 most populous incorporated places in the United States, as determined according to data from the most recent decennial census that is published before the date of the enactment of this Act; or

(B)(i) has a minimum population of 50,000, as determined according to data from the most recent decennial census that is published before the date of the enactment of this Act; and

(ii) has a foreclosure rate that exceeds 125 percent of the foreclosure rate for the entire State.

(9) QUALIFIED STATE.—The term ''qualified State'' means a State for which there is an approved plan.

(10) QUALIFIED URBAN COUNTY.—The term ''qualified urban county'' means an urban county (as such term is defined in section 102 of the Housing and Community Development Act of 1974 (42 U.S.C. 5302)), for which there is an approved plan, that is among the 50 most populous urban counties in the United States, as determined—

(A) according to data from the most recent decennial census; and

(B) excluding the population of any qualified metropolitan city within such urban county, unless such metropolitan city has agreed to have its population included with the population of the county for the purposes of this Act.

(11) SECRETARY.—The term ''Secretary'' means the Secretary of Housing and Urban Development.

(12) SINGLE FAMILY HOUSING.—The term ''single family housing'' means a residential structure consisting of from one to four dwelling units.

(13) STATE.—The term ''State'' means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, Guam, the Virgin Islands, American Samoa, and other territory or possession of the United States.

SEC. 14. FUNDING.

(a) GRANTS.—There is authorized to be appropriated to the Secretary of the Treasury $7,500,000,000 for grants under this Act.

(b) DIRECT LOANS.—

(1) LOAN COMMITMENT AUTHORITY LIMITATION.—Subject only to the availability of sufficient amounts for the costs (as such term is defined in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a)) of such loans and the absence of qualified requests for loans, the Secretary shall enter into commitments to make loans under this Act, and shall make such loans, in an amount such that the aggregate outstanding principal balance of such loans does not at any time exceed $7,500,000,000.

(2) AUTHORIZATION OF APPROPRIATIONS FOR COSTS.—There is authorized to be appropriated such sums as may be necessary for costs (as such term is defined in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a)) of loans under this Act.

SEC. 15. PROTECTION OF RIGHT TO BEAR ARMS.

Nothing in this Act shall affect the right to bear arms under the Second Amendment to the Constitution of the United States.

SEC. 16. INELIGIBLITY OF ILLEGAL ALIENS FOR ASSISTANCE.

Aliens who are not lawfully present in the United States shall be ineligible for financial assistance under this Act, as provided and defined by section 214 of the Housing and Community Development Act of 1980 (42 U.S.C. 1436a). Nothing in this Act shall be construed to alter the restrictions or definitions in such section 214.

SEC. 17. REGULATIONS AND IMPLEMENTATION.

(a) REGULATIONS.—The Secretary shall issue any regulations necessary to carry out this Act.

(b) IMPLEMENTATION.—Pending the effectiveness of regulations issued pursuant to subsection (a), the Secretary shall take such action as may be necessary to implement this Act by notice, guidance, and interim rules.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

Mr. SHADEGG moved to recommit the bill to the Committee on Financial

Services with instructions to report the bill back to the House promptly with the following amendments:

Page 6, line 3, before ''provide'' insert ''subject to any preferences as may be specifically set forth in this subsection with respect to amounts for housing rehabilitation and to the preferences required under the last two paragraphs of this subsection,''.

Page 6, line 15, strike ''for veterans,''.

Page 6, strike ''or providing'' in line 18 and all that follows through ''located'' in line 20 and insert the following: ''except that preferences established pursuant to this paragraph shall be subordinate to any preferences as may be specifically set forth in this subsection with respect to amounts for housing rehabilitation and to the preferences required under the last two paragraphs of this subsection''.

Page 6, line 24, strike ''and''.

Page 7, line 5, strike the period and insert a semicolon.

Page 7, after line 5, insert the following:

(14) subject only to any preferences as may be specifically set forth in this subsection with respect to amounts for housing rehabilitation and to the last paragraph of this subsection and notwithstanding any other preferences established or authorized by this subsection, provide priority preference, in use of amounts from grants or loans under this Act, for providing housing for veterans and for teachers or workforce (including law enforcement officers, firefighters, and other first responders) who are employed by the city or locality in which the housing is located; and

(15) provide that in carrying out any other provision of this subsection that provides preference, in the use of amounts from grants or loans under this Act (or any portion of such amounts), for providing housing for veterans and other classes, highest preference shall be provided for providing housing for disabled veterans, and then preference shall be given to providing housing for other veterans and such other classes; and

Page 27, after line 16, insert the following:

(k) LIMITATION ON RESIDENCY.—No individual may purchase or lease any qualified foreclosed housing that was acquired using any amounts provided under a grant or loan under this Act, or any dwelling unit in any such qualified foreclosed housing, if such individual has been convicted under Federal or State law of a drug-dealing offense, a sex offense, or mortgage fraud.

After debate,

By unanimous consent, the previous question was ordered on the motion to recommit with instructions.

The question being put, viva voce,

Will the House recommit said bill with instructions?

The SPEAKER pro tempore, Mr. WEINER, announced that the nays had it.

Mr. SHADEGG demanded a recorded vote on agreeing to said motion, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the negative ..... { Yeas ..... 210 Nays 216

¶55.12 [Roll No. 298]

AYES—210

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

NOES—216

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

NOT VOTING—7

Campbell (CA)	Jones (NC)	Rush
Cohen	Loebsack	
Gutierrez	Richardson	

So the motion to recommit with instructions was not agreed to.

The question being put, viva voce,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. WEINER, announced that the yeas had it.

Mr. HENSARLING demanded a recorded vote on agreeing to passage of said bill, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 239 Nays 188

¶55.13 [Roll No. 299]

AYES—239

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

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

NOES—188

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

NOT VOTING—6

Campbell (CA)
Cohen
Gutierrez
Loebsack
Richardson
Rush

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶55.14 H.R. 4279—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. WEINER, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and pass the bill (H.R. 4279) to enhance remedies for violations of intellectual property laws, and for other purposes; as amended.

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. WEINER, announced that two-thirds of those present had voted in the affirmative.

Mr. HINOJOSA demanded a recorded vote on the motion to suspend the rules and pass said bill, as amended, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 410 / Nays 11

¶55.15 [Roll No. 300]

AYES—410

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Cannon
Cantor
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Cazayoux
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Drake
Dreier
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Forbes
Fortenberry
Fossella
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hayes
Heller
Hensarling
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lowey
Lucas
Lungren, Daniel E.
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Scalise
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen

Velázquez	Watson	Wilson (OH)
Visclosky	Watt	Wilson (SC)
Walberg	Waxman	Wittman (VA)
Walden (OR)	Weiner	Wolf
Walsh (NY)	Welch (VT)	Woolsey
Walz (MN)	Weldon (FL)	Wu
Wamp	Weller	Wynn
Wasserman Schultz	Wexler	Yarmuth
Waters	Whitfield (KY)	Young (FL)
	Wilson (NM)	

NOES—11

Boucher	Kucinich	Poe
Doolittle	Lofgren, Zoe	Westmoreland
Duncan	Moore (WI)	Young (AK)
Flake	Paul	

NOT VOTING—12

Bachus	Gilchrest	Loebsack
Campbell (CA)	Gutierrez	Lynch
Capito	Hastings (WA)	Richardson
Cohen	Herger	Rush

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶55.16 H. RES. 1086—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. HOLDEN, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 1086) recognizing National Nurses Week on May 6 through May 12, 2008.

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. HOLDEN, announced that two-thirds of those present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶55.17 H.R. 5690—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. HOLDEN, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 5690) to exempt the African National Congress from treatment as a terrorist organization for certain acts or events, provide relief for certain members of the African National Congress regarding admissibility, and for other purposes; as amended.

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. HOLDEN, announced that two-thirds of those present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

By unanimous consent, the title was amended so as to read: ''An Act to remove the African National Congress from treatment as a terrorist organization for certain acts or events, provide relief for certain members of the African National Congress regarding admissibility, and for other purposes.''.

A motion to reconsider the votes whereby the rules were suspended and said bill, as amended, was passed and the title was amended was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶55.18 H.R. 1512—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. HOLDEN, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 1512) to amend the Immigration and Nationality Act to provide for compensation to States incarcerating undocumented aliens charged with a felony or two or more misdemeanors.

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. HOLDEN, announced that two-thirds of those present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶55.19 H.R. 5512—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. HOLDEN, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 5512) to authorize the Secretary of the Treasury to prescribe the weights and the compositions of circulating coins, and for other purposes; as amended.

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. HOLDEN, announced that two-thirds of those present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

By unanimous consent, the title was amended so as to read: ''An Act to reduce the costs of producing 1-cent and 5-cent coins, provide authority to the Secretary of the Treasury to perform research and development on new metallic content for circulating coins, and to require biennial reports to Congress on circulating coin production costs and possible alternative metallic content.''.

A motion to reconsider the votes whereby the rules were suspended and said bill, as amended, was passed and the title was amended was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶55.20 ENERGY INDEPENDENCE

On motion of Mr. FRANK of Massachusetts, pursuant to House Resolution 1175, the bill (H.R. 3221) moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; together with the following amendments of the Senate thereto, were taken from the Speaker's table:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Foreclosure Prevention Act of 2008''.

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

Sec. 1. Short title; table of contents.

TITLE I—FHA MODERNIZATION ACT OF 2008

Sec. 101. Short title.

Subtitle A—Building American Homeownership

Sec. 111. Short title.
Sec. 112. Maximum principal loan obligation.
Sec. 113. Cash investment requirement and prohibition of seller-funded downpayment assistance.
Sec. 114. Mortgage insurance premiums.
Sec. 115. Rehabilitation loans.
Sec. 116. Discretionary action.
Sec. 117. Insurance of condominiums.
Sec. 118. Mutual Mortgage Insurance Fund.
Sec. 119. Hawaiian home lands and Indian reservations.
Sec. 120. Conforming and technical amendments.
Sec. 121. Insurance of mortgages.
Sec. 122. Home equity conversion mortgages.
Sec. 123. Energy efficient mortgages program.
Sec. 124. Pilot program for automated process for borrowers without sufficient credit history.
Sec. 125. Homeownership preservation.
Sec. 126. Use of FHA savings for improvements in FHA technologies, procedures, processes, program performance, staffing, and salaries.
Sec. 127. Post-purchase housing counseling eligibility improvements.
Sec. 128. Pre-purchase homeownership counseling demonstration.
Sec. 129. Fraud prevention.
Sec. 130. Limitation on mortgage insurance premium increases.
Sec. 131. Savings provision.
Sec. 132. Implementation.
Sec. 133. Moratorium on implementation of risk-based premiums.

Subtitle B—Manufactured Housing Loan Modernization

Sec. 141. Short title.
Sec. 142. Purposes.
Sec. 143. Exception to limitation on financial institution portfolio.
Sec. 144. Insurance benefits.
Sec. 145. Maximum loan limits.
Sec. 146. Insurance premiums.
Sec. 147. Technical corrections.
Sec. 148. Revision of underwriting criteria.

Sec. 149. Prohibition against kickbacks and unearned fees.
Sec. 150. Leasehold requirements.
TITLE II—MORTGAGE FORECLOSURE PROTECTIONS FOR SERVICEMEMBERS
Sec. 201. Temporary increase in maximum loan guaranty amount for certain housing loans guaranteed by the Secretary of Veterans Affairs.
Sec. 202. Counseling on mortgage foreclosures for members of the Armed Forces returning from service abroad.
Sec. 203. Enhancement of protections for servicemembers relating to mortgages and mortgage foreclosures.
TITLE III—EMERGENCY ASSISTANCE FOR THE REDEVELOPMENT OF ABANDONED AND FORECLOSED HOMES
Sec. 301. Emergency assistance for the redevelopment of abandoned and foreclosed homes.
Sec. 302. Nationwide distribution of resources.
Sec. 303. Limitation on use of funds with respect to eminent domain.
Sec. 304. Limitation on distribution of funds.
Sec. 305. Counseling intermediaries.
TITLE IV—HOUSING COUNSELING RESOURCES
Sec. 401. Housing counseling resources.
Sec. 402. Credit counseling.
TITLE V—MORTGAGE DISCLOSURE IMPROVEMENT ACT
Sec. 501. Short title.
Sec. 502. Enhanced mortgage loan disclosures.
Sec. 503. Community Development Investment Authority for depository institutions.
Sec. 504. Federal Home loan bank refinancing authority for certain residential mortgage loans.
TITLE VI—TAX-RELATED PROVISIONS
Sec. 601. Election for 4-year carryback of certain net operating losses and temporary suspension of 90 percent AMT limit.
Sec. 602. Modifications on use of qualified mortgage bonds; temporary increased volume cap for certain housing bonds.
Sec. 603. Credit for certain home purchases.
Sec. 604. Additional standard deduction for real property taxes for nonitemizers.
Sec. 605. Election to accelerate AMT and R and D credits in lieu of bonus depreciation.
Sec. 606. Use of amended income tax returns to take into account receipt of certain hurricane-related casualty loss grants by disallowing previously taken casualty loss deductions.
Sec. 607. Waiver of deadline on construction of GO Zone property eligible for bonus depreciation.
Sec. 608. Temporary tax relief for Kiowa County, Kansas and surrounding area.
TITLE VII—EMERGENCY DESIGNATION
Sec. 701. Emergency designation.
TITLE VIII—REIT INVESTMENT DIVERSIFICATION AND EMPOWERMENT
Sec. 801. Short title; amendment of 1986 Code.
Subtitle A—Taxable REIT Subsidiaries
Sec. 811. Conforming taxable REIT subsidiary asset test.
Subtitle B—Dealer Sales
Sec. 821. Holding period under safe harbor.
Sec. 822. Determining value of sales under safe harbor.
Subtitle C—Health Care REITs
Sec. 831. Conformity for health care facilities.
Subtitle D—Effective Dates and Sunset
Sec. 841. Effective dates and sunset.
TITLE IX—VETERANS HOUSING MATTERS
Sec. 901. Home improvements and structural alterations for totally disabled members of the Armed Forces before discharge or release from the Armed Forces.
Sec. 902. Eligibility for specially adapted housing benefits and assistance for members of the Armed Forces with service-connected disabilities and individuals residing outside the United States.
Sec. 903. Specially adapted housing assistance for individuals with severe burn injuries.
Sec. 904. Extension of assistance for individuals residing temporarily in housing owned by a family member.
Sec. 905. Increase in specially adapted housing benefits for disabled veterans.
Sec. 906. Report on specially adapted housing for disabled individuals.
Sec. 907. Report on specially adapted housing assistance for individuals who reside in housing owned by a family member on permanent basis.
Sec. 908. Definition of annual income for purposes of section 8 and other public housing programs.
Sec. 909. Payment of transportation of baggage and household effects for members of the Armed Forces who relocate due to foreclosure of leased housing.
TITLE X—CLEAN ENERGY TAX STIMULUS
Sec. 1001. Short title; etc.
Subtitle A—Extension of Clean Energy Production Incentives
Sec. 1011. Extension and modification of renewable energy production tax credit.
Sec. 1012. Extension and modification of solar energy and fuel cell investment tax credit.
Sec. 1013. Extension and modification of residential energy efficient property credit.
Sec. 1014. Extension and modification of credit for clean renewable energy bonds.
Sec. 1015. Extension of special rule to implement FERC restructuring policy.
Subtitle B—Extension of Incentives to Improve Energy Efficiency
Sec. 1021. Extension and modification of credit for energy efficiency improvements to existing homes.
Sec. 1022. Extension and modification of tax credit for energy efficient new homes.
Sec. 1023. Extension and modification of energy efficient commercial buildings deduction.
Sec. 1024. Modification and extension of energy efficient appliance credit for appliances produced after 2007.
TITLE XI—SENSE OF THE SENATE
Sec. 1101. Sense of the Senate.

TITLE I—FHA MODERNIZATION ACT OF 2008

SEC. 101. SHORT TITLE.

This title may be cited as the ''FHA Modernization Act of 2008''.

Subtitle A—Building American Homeownership

SEC. 111. SHORT TITLE.

This subtitle may be cited as the ''Building American Homeownership Act of 2008''.

SEC. 112. MAXIMUM PRINCIPAL LOAN OBLIGATION.

(a) IN GENERAL.—Paragraph (2) of section 203(b)(2) of the National Housing Act (12 U.S.C. 1709(b)(2)) is amended—

(1) by amending subparagraphs (A) and (B) to read as follows:

''(A) not to exceed the lesser of—

''(i) in the case of a 1-family residence, 110 percent of the median 1-family house price in the area, as determined by the Secretary; and in the case of a 2-, 3-, or 4-family residence, the percentage of such median price that bears the same ratio to such median price as the dollar amount limitation in effect for 2007 under section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1454(a)(2)) for a 2-, 3-, or 4-family residence, respectively, bears to the dollar amount limitation in effect for 2007 under such section for a 1-family residence; or

''(ii) 132 percent of the dollar amount limitation in effect for 2007 under such section 305(a)(2) for a residence of the applicable size (without regard to any authority to increase such limitations with respect to properties located in Alaska, Guam, Hawaii, or the Virgin Islands), except that each such maximum dollar amount shall be adjusted effective January 1 of each year beginning with 2009, by adding to or subtracting from each such amount (as it may have been previously adjusted) a percentage thereof equal to the percentage increase or decrease, during the most recently completed 12-month or 4-quarter period ending before the time of determining such annual adjustment, in an housing price index developed or selected by the Secretary for purposes of adjustments under this clause;

except that the dollar amount limitation in effect under this subparagraph for any size residence for any area may not be less than the greater of: (I) the dollar amount limitation in effect under this section for the area on October 21, 1998; or (II) 65 percent of the dollar amount limitation in effect for 2007 under such section 305(a)(2) for a residence of the applicable size, as such limitation is adjusted by any subsequent percentage adjustments determined under clause (ii) of this subparagraph; and

''(B) not to exceed 100 percent of the appraised value of the property.''; and

(2) in the matter following subparagraph (B), by striking the second sentence (relating to a definition of ''average closing cost'') and all that follows through ''section 3103A(d) of title 38, United States Code.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect upon the expiration of the date described in section 202(a) of the Economic Stimulus Act of 2008 (Public Law 110–185).

SEC. 113. CASH INVESTMENT REQUIREMENT AND PROHIBITION OF SELLER-FUNDED DOWNPAYMENT ASSISTANCE.

Paragraph 9 of section 203(b) of the National Housing Act (12 U.S.C. 1709(b)(9)) is amended to read as follows:

''(9) CASH INVESTMENT REQUIREMENT.—

''(A) IN GENERAL.—A mortgage insured under this section shall be executed by a mortgagor who shall have paid, in cash, on account of the property an amount equal to not less than 3.5 percent of the appraised value of the property or such larger amount as the Secretary may determine.

''(B) FAMILY MEMBERS.—For purposes of this paragraph, the Secretary shall consider as cash or its equivalent any amounts borrowed from a family member (as such term is defined in section 201), subject only to the requirements that, in any case in which the repayment of such borrowed amounts is secured by a lien against the property, that—

''(i) such lien shall be subordinate to the mortgage; and

''(ii) the sum of the principal obligation of the mortgage and the obligation secured by such lien may not exceed 100 percent of the appraised value of the property.

''(C) PROHIBITED SOURCES.—In no case shall the funds required by subparagraph (A) consist, in whole or in part, of funds provided by any of the following parties before, during, or after closing of the property sale:

''(i) The seller or any other person or entity that financially benefits from the transaction.

''(ii) Any third party or entity that is reimbursed, directly or indirectly, by any of the parties described in clause (i).''.

SEC. 114. MORTGAGE INSURANCE PREMIUMS.

Section 203(c)(2) of the National Housing Act (12 U.S.C. 1709(c)(2)) is amended—

(1) in the matter preceding subparagraph (A), by striking ''or of the General Insurance Fund'' and all that follows through ''section 234(c),,''; and

(2) in subparagraph (A)—

(A) by striking ''2.25 percent'' and inserting ''3 percent''; and

(B) by striking ''2.0 percent'' and inserting ''2.75 percent''.

SEC. 115. REHABILITATION LOANS.

Subsection (k) of section 203 of the National Housing Act (12 U.S.C. 1709(k)) is amended—

(1) in paragraph (1), by striking ''on'' and all that follows through ''1978''; and

(2) in paragraph (5)—

(A) by striking ''General Insurance Fund'' the first place it appears and inserting ''Mutual Mortgage Insurance Fund''; and

(B) in the second sentence, by striking the comma and all that follows through ''General Insurance Fund''.

SEC. 116. DISCRETIONARY ACTION.

The National Housing Act is amended—

(1) in subsection (e) of section 202 (12 U.S.C. 1708(e))—

(A) in paragraph (3)(B), by striking ''section 202(e) of the National Housing Act'' and inserting ''this subsection''; and

(B) by redesignating such subsection as subsection (f);

(2) by striking paragraph (4) of section 203(s) (12 U.S.C. 1709(s)(4)) and inserting the following new paragraph:

''(4) the Secretary of Agriculture;''; and

(3) by transferring subsection (s) of section 203 (as amended by paragraph (2) of this section) to section 202, inserting such subsection after subsection (d) of section 202, and redesignating such subsection as subsection (e).

SEC. 117. INSURANCE OF CONDOMINIUMS.

(a) IN GENERAL.—Section 234 of the National Housing Act (12 U.S.C. 1715y) is amended—

(1) in subsection (c), in the first sentence—

(A) by striking ''and'' before ''(2)''; and

(B) by inserting before the period at the end the following: '', and (3) the project has a blanket mortgage insured by the Secretary under subsection (d)''; and

(2) in subsection (g), by striking '', except that'' and all that follows and inserting a period.

(b) DEFINITION OF MORTGAGE.—Section 201(a) of the National Housing Act (12 U.S.C. 1707(a)) is amended—

(1) before ''a first mortgage'' insert ''(A)'';

(2) by striking ''or on a leasehold (1)'' and inserting ''(B) a first mortgage on a leasehold on real estate (i)'';

(3) by striking ''or (2)'' and inserting '', or (ii)''; and

(4) by inserting before the semicolon the following: '', or (C) a first mortgage given to secure the unpaid purchase price of a fee interest in, or long-term leasehold interest in, real estate consisting of a one-family unit in a multifamily project, including a project in which the dwelling units are attached, or are manufactured housing units, semi-detached, or detached, and an undivided interest in the common areas and facilities which serve the project''.

(c) DEFINITION OF REAL ESTATE.—Section 201 of the National Housing Act (12 U.S.C. 1707) is amended by adding at the end the following new subsection:

''(g) The term 'real estate' means land and all natural resources and structures permanently affixed to the land, including residential buildings and stationary manufactured housing. The Secretary may not require, for treatment of any land or other property as real estate for purposes of this title, that such land or property be treated as real estate for purposes of State taxation.''.

SEC. 118. MUTUAL MORTGAGE INSURANCE FUND.

(a) IN GENERAL.—Subsection (a) of section 202 of the National Housing Act (12 U.S.C. 1708(a)) is amended to read as follows:

''(a) MUTUAL MORTGAGE INSURANCE FUND.—

''(1) ESTABLISHMENT.—Subject to the provisions of the Federal Credit Reform Act of 1990, there is hereby created a Mutual Mortgage Insurance Fund (in this title referred to as the 'Fund'), which shall be used by the Secretary to carry out the provisions of this title with respect to mortgages insured under section 203. The Secretary may enter into commitments to guarantee, and may guarantee, such insured mortgages.

''(2) LIMIT ON LOAN GUARANTEES.—The authority of the Secretary to enter into commitments to guarantee such insured mortgages shall be effective for any fiscal year only to the extent that the aggregate original principal loan amount under such mortgages, any part of which is guaranteed, does not exceed the amount specified in appropriations Acts for such fiscal year.

''(3) FIDUCIARY RESPONSIBILITY.—The Secretary has a responsibility to ensure that the Mutual Mortgage Insurance Fund remains financially sound.

''(4) ANNUAL INDEPENDENT ACTUARIAL STUDY.—The Secretary shall provide for an independent actuarial study of the Fund to be conducted annually, which shall analyze the financial position of the Fund. The Secretary shall submit a report annually to the Congress describing the results of such study and assessing the financial status of the Fund. The report shall recommend adjustments to underwriting standards, program participation, or premiums, if necessary, to ensure that the Fund remains financially sound. The report shall also include an evaluation of the quality control procedures and accuracy of information utilized in the process of underwriting loans guaranteed by the Fund. Such evaluation shall include a review of the risk characteristics of loans based not only on borrower information and performance, but on risks associated with loans originated or funded by various entities or financial institutions.

''(5) QUARTERLY REPORTS.—During each fiscal year, the Secretary shall submit a report to the Congress for each calendar quarter, which shall specify for mortgages that are obligations of the Fund—

''(A) the cumulative volume of loan guarantee commitments that have been made during such fiscal year through the end of the quarter for which the report is submitted;

''(B) the types of loans insured, categorized by risk;

''(C) any significant changes between actual and projected claim and prepayment activity;

''(D) projected versus actual loss rates; and

''(E) updated projections of the annual subsidy rates to ensure that increases in risk to the Fund are identified and mitigated by adjustments to underwriting standards, program participation, or premiums, and the financial soundness of the Fund is maintained.

The first quarterly report under this paragraph shall be submitted on the last day of the first quarter of fiscal year 2008, or on the last day of the first full calendar quarter following the enactment of the Building American Homeownership Act of 2008, whichever is later.

''(6) ADJUSTMENT OF PREMIUMS.—If, pursuant to the independent actuarial study of the Fund required under paragraph (4), the Secretary determines that the Fund is not meeting the operational goals established under paragraph (7) or there is a substantial probability that the Fund will not maintain its established target subsidy rate, the Secretary may either make programmatic adjustments under this title as necessary to reduce the risk to the Fund, or make appropriate premium adjustments.

''(7) OPERATIONAL GOALS.—The operational goals for the Fund are—

''(A) to minimize the default risk to the Fund and to homeowners by among other actions instituting fraud prevention quality control screening not later than 18 months after the date of enactment of the Building American Homeownership Act of 2008; and

''(B) to meet the housing needs of the borrowers that the single family mortgage insurance program under this title is designed to serve.''.

(b) OBLIGATIONS OF FUND.—The National Housing Act is amended as follows:

(1) HOMEOWNERSHIP VOUCHER PROGRAM MORTGAGES.—In section 203(v) (12 U.S.C. 1709(v))—

(A) by striking ''Notwithstanding section 202 of this title, the'' and inserting ''The''; and

(B) by striking ''General Insurance Fund'' the first place such term appears and all that follows through the end of the subsection and inserting ''Mutual Mortgage Insurance Fund.''.

(2) HOME EQUITY CONVERSION MORTGAGES.—Section 255(i)(2)(A) of the National Housing Act (12 U.S.C. 1715z–20(i)(2)(A)) is amended by striking ''General Insurance Fund'' and inserting ''Mutual Mortgage Insurance Fund''.

(c) CONFORMING AMENDMENTS.—The National Housing Act is amended—

(1) in section 205 (12 U.S.C. 1711), by striking subsections (g) and (h); and

(2) in section 519(e) (12 U.S.C. 1735c(e)), by striking ''203(b)'' and all that follows through ''203(i)'' and inserting ''203, except as determined by the Secretary''.

SEC. 119. HAWAIIAN HOME LANDS AND INDIAN RESERVATIONS.

(a) HAWAIIAN HOME LANDS.—Section 247(c) of the National Housing Act (12 U.S.C. 1715z–12(c)) is amended—

(1) by striking ''General Insurance Fund established in section 519'' and inserting ''Mutual Mortgage Insurance Fund''; and

(2) in the second sentence, by striking ''(1) all references'' and all that follows through ''and (2)''.

(b) INDIAN RESERVATIONS.—Section 248(f) of the National Housing Act (12 U.S.C. 1715z–13(f)) is amended—

(1) by striking ''General Insurance Fund'' the first place it appears through ''519'' and inserting ''Mutual Mortgage Insurance Fund''; and

(2) in the second sentence, by striking ''(1) all references'' and all that follows through ''and (2)''.

SEC. 120. CONFORMING AND TECHNICAL AMENDMENTS.

(a) REPEALS.—The following provisions of the National Housing Act are repealed:

(1) Subsection (i) of section 203 (12 U.S.C. 1709(i)).

(2) Subsection (o) of section 203 (12 U.S.C. 1709(o)).

(3) Subsection (p) of section 203 (12 U.S.C. 1709(p)).

(4) Subsection (q) of section 203 (12 U.S.C. 1709(q)).

(5) Section 222 (12 U.S.C. 1715m).

(6) Section 237 (12 U.S.C. 1715z–2).

(7) Section 245 (12 U.S.C. 1715z–10).

(b) DEFINITION OF AREA.—Section 203(u)(2)(A) of the National Housing Act (12 U.S.C. 1709(u)(2)(A)) is amended by striking ''shall'' and all that follows and inserting ''means a metropolitan statistical area as established by the Office of Management and Budget;''.

(c) DEFINITION OF STATE.—Section 201(d) of the National Housing Act (12 U.S.C. 1707(d)) is amended by striking ''the Trust Territory of the Pacific Islands'' and inserting ''the Commonwealth of the Northern Mariana Islands''.

SEC. 121. INSURANCE OF MORTGAGES.

Subsection (n)(2) of section 203 of the National Housing Act (12 U.S.C. 1709(n)(2)) is amended—

(1) in subparagraph (A), by inserting ''or subordinate mortgage or'' before ''lien given''; and

(2) in subparagraph (C), by inserting ''or subordinate mortgage or'' before ''lien''.

SEC. 122. HOME EQUITY CONVERSION MORTGAGES.

(a) IN GENERAL.—Section 255 of the National Housing Act (12 U.S.C. 1715z–20) is amended—

(1) in subsection (b)(2), insert '' 'real estate,' '' after '' 'mortgagor','';

(2) by amending subsection (d)(1) to read as follows:

''(1) have been originated by a mortgagee approved by the Secretary;'';

(3) by amending subsection (d)(2)(B) to read as follows:

''(B) has received adequate counseling, as provided in subsection (f), by an independent third party that is not, either directly or indirectly, associated with or compensated by a party involved in—

''(i) originating or servicing the mortgage;

''(ii) funding the loan underlying the mortgage; or

''(iii) the sale of annuities, investments, long-term care insurance, or any other type of financial or insurance product;'';

(4) in subsection (f)—

(A) by striking ''(f) INFORMATION SERVICES FOR MORTGAGORS.—'' and inserting ''(f) COUNSELING SERVICES AND INFORMATION FOR MORTGAGORS.—''; and

(B) by amending the matter preceding paragraph (1) to read as follows: ''The Secretary shall provide or cause to be provided adequate counseling for the mortgagor, as described in subsection (d)(2)(B). Such counseling shall be provided by counselors that meet qualification standards and follow uniform counseling protocols. The qualification standards and counseling protocols shall be established by the Secretary within 12 months of the date of enactment of the Reverse Mortgage Proceeds Protection Act. The protocols shall require a qualified counselor to discuss with each mortgagor information which shall include—''

(5) in subsection (g), by striking ''established under section 203(b)(2)'' and all that follows through ''located'' and inserting ''limitation established under section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act for a 1-family residence'';

(6) in subsection (i)(1)(C), by striking ''limitations'' and inserting ''limitation'';

(7) by striking subsection (l);

(8) by redesignating subsection (m) as subsection (l);

(9) by amending subsection (l), as so redesignated, to read as follows:

''(l) FUNDING FOR COUNSELING.—The Secretary may use a portion of the mortgage insurance premiums collected under the program under this section to adequately fund the counseling and disclosure activities required under subsection (f), including counseling for those homeowners who elect not to take out a home equity conversion mortgage, provided that the use of such funds is based upon accepted actuarial principles.''; and

(10) by adding at the end the following new subsection:

''(m) AUTHORITY TO INSURE HOME PURCHASE MORTGAGE.—

''(1) IN GENERAL.—Notwithstanding any other provision of this section, the Secretary may insure, upon application by a mortgagee, a home equity conversion mortgage upon such terms and conditions as the Secretary may prescribe, when the home equity conversion mortgage will be used to purchase a 1- to 4-family dwelling unit, one unit of which the mortgagor will occupy as a primary residence, and to provide for any future payments to the mortgagor, based on available equity, as authorized under subsection (d)(9).

''(2) LIMITATION ON PRINCIPAL OBLIGATION.—A home equity conversion mortgage insured pursuant to paragraph (1) shall involve a principal obligation that does not exceed the dollar amount limitation determined under section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act for a 1-family residence.

''(n) REQUIREMENTS ON MORTGAGE ORIGINATORS.—

''(1) IN GENERAL.—The mortgagee and any other party that participates in the origination of a mortgage to be insured under this section shall—

''(A) not participate in, be associated with, or employ any party that participates in or is associated with any other financial or insurance activity; or

''(B) demonstrate to the Secretary that the mortgagee or other party maintains, or will maintain, firewalls and other safeguards designed to ensure that—

''(i) individuals participating in the origination of the mortgage shall have no involvement with, or incentive to provide the mortgagor with, any other financial or insurance product; and

''(ii) the mortgagor shall not be required, directly or indirectly, as a condition of obtaining a mortgage under this section, to purchase any other financial or insurance product.

''(2) APPROVAL OF OTHER PARTIES.—All parties that participate in the origination of a mortgage to be insured under this section shall be approved by the Secretary.

''(o) PROHIBITION AGAINST REQUIREMENTS TO PURCHASE ADDITIONAL PRODUCTS.—The mortgagee or any other party shall not be required by the mortgagor or any other party to purchase an insurance, annuity, or other additional product as a requirement or condition of eligibility for a mortgage authorized under subsection (c).

''(p) STUDY TO DETERMINE CONSUMER PROTECTIONS AND UNDERWRITING STANDARDS.—The Secretary shall conduct a study to examine and determine appropriate consumer protections and underwriting standards to ensure that the purchase of products referred to in subsection (o) is appropriate for the consumer. In conducting such study, the Secretary shall consult with consumer advocates (including recognized experts in consumer protection), industry representatives, representatives of counseling organizations, and other interested parties.''.

(b) MORTGAGES FOR COOPERATIVES.—Subsection (b) of section 255 of the National Housing Act (12 U.S.C. 1715z–20(b)) is amended—

(1) in paragraph (4)—

(A) by inserting ''a first or subordinate mortgage or lien'' before ''on all stock'';

(B) by inserting ''unit'' after ''dwelling''; and

(C) by inserting ''a first mortgage or first lien'' before ''on a leasehold''; and

(2) in paragraph (5), by inserting ''a first or subordinate lien on'' before ''all stock''.

(c) LIMITATION ON ORIGINATION FEES.—Section 255 of the National Housing Act (12 U.S.C. 1715z–20), as amended by the preceding provisions of this section, is further amended by adding at the end the following new subsection:

''(r) LIMITATION ON ORIGINATION FEES.—The Secretary shall establish limits on the origination fee that may be charged to a mortgagor under a mortgage insured under this section, which limitations shall—

''(1) equal 1.5 percent of the maximum claim amount of the mortgage unless adjusted thereafter on the basis of—

''(A) the costs to the mortgagor; and

''(B) the impact of such fees on the reverse mortgage market;

''(2) be subject to a minimum allowable amount;

''(3) provide that the origination fee may be fully financed with the mortgage;

''(4) include any fees paid to correspondent mortgagees approved by the Secretary; and

''(5) have the same effective date as subsection (m)(2) regarding the limitation on principal obligation.''.

(d) STUDY REGARDING PROGRAM COSTS AND CREDIT AVAILABILITY.—

(1) IN GENERAL.—The Comptroller General of the United States shall conduct a study regarding the costs and availability of credit under the home equity conversion mortgages for elderly homeowners program under section 255 of the National Housing Act (12 U.S.C. 1715z–20) (in this subsection referred to as the ''program'').

(2) PURPOSE.—The purpose of the study required under paragraph (1) is to help Congress analyze and determine the effects of limiting the amounts of the costs or fees under the program from the amounts charged under the program as of the date of the enactment of this title.

(3) CONTENT OF REPORT.—The study required under paragraph (1) should focus on—

(A) the cost to mortgagors of participating in the program;

(B) the financial soundness of the program;

(C) the availability of credit under the program; and

(D) the costs to elderly homeowners participating in the program, including—

(i) mortgage insurance premiums charged under the program;

(ii) up-front fees charged under the program; and

(iii) margin rates charged under the program.

(4) TIMING OF REPORT.—Not later than 12 months after the date of the enactment of this title, the Comptroller General shall submit a report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives setting forth the results and conclusions of the study required under paragraph (1).

SEC. 123. ENERGY EFFICIENT MORTGAGES PROGRAM.

Section 106(a)(2) of the Energy Policy Act of 1992 (42 U.S.C. 12712 note) is amended—

(1) by amending subparagraph (C) to read as follows:

''(C) COSTS OF IMPROVEMENTS.—The cost of cost-effective energy efficiency improvements shall not exceed the greater of—

''(i) 5 percent of the property value (not to exceed 5 percent of the limit established under section 203(b)(2)(A)) of the National Housing Act (12 U.S.C. 1709(b)(2)(A); or

''(ii) 2 percent of the limit established under section 203(b)(2)(B) of such Act.''; and

(2) by adding at the end the following:

''(D) LIMITATION.—In any fiscal year, the aggregate number of mortgages insured pursuant to this section may not exceed 5 percent of the aggregate number of mortgages for 1- to 4-family residences insured by the Secretary of Housing and Urban Development under title II of the National Housing Act (12 U.S.C. 1707 et seq.) during the preceding fiscal year.''.

SEC. 124. PILOT PROGRAM FOR AUTOMATED PROCESS FOR BORROWERS WITHOUT SUFFICIENT CREDIT HISTORY.

(a) ESTABLISHMENT.—Title II of the National Housing Act (12 U.S.C. 1707 et seq.) is amended by adding at the end the following new section:

''SEC. 257. PILOT PROGRAM FOR AUTOMATED PROCESS FOR BORROWERS WITHOUT SUFFICIENT CREDIT HISTORY.

''(a) ESTABLISHMENT.—The Secretary shall carry out a pilot program to establish, and make available to mortgagees, an automated process for providing alternative credit rating information for mortgagors and prospective mortgagors under mortgages on 1- to 4-family residences to be insured under this title who have insufficient credit histories for determining their creditworthiness. Such alternative credit rating information may include rent, utilities, and insurance payment histories, and such other information as the Secretary considers appropriate.

''(b) SCOPE.—The Secretary may carry out the pilot program under this section on a limited basis or scope, and may consider limiting the program to first-time homebuyers.

''(c) LIMITATION.—In any fiscal year, the aggregate number of mortgages insured pursuant to the automated process established under this section may not exceed 5 percent of the aggregate number of mortgages for 1- to 4-family residences insured by the Secretary under this title during the preceding fiscal year.

''(d) SUNSET.—After the expiration of the 5-year period beginning on the date of the enactment of the Building American Homeownership Act of 2008, the Secretary may not enter into any new commitment to insure any mortgage, or newly insure any mortgage, pursuant to the automated process established under this section.''.

(b) GAO REPORT.—Not later than the expiration of the two-year period beginning on the

date of the enactment of this subtitle, the Comptroller General of the United States shall submit to the Congress a report identifying the number of additional mortgagors served using the automated process established pursuant to section 257 of the National Housing Act (as added by the amendment made by subsection (a) of this section) and the impact of such process and the insurance of mortgages pursuant to such process on the safety and soundness of the insurance funds under the National Housing Act of which such mortgages are obligations.

SEC. 125. HOMEOWNERSHIP PRESERVATION.

The Secretary of Housing and Urban Development and the Commissioner of the Federal Housing Administration, in consultation with industry, the Neighborhood Reinvestment Corporation, and other entities involved in foreclosure prevention activities, shall—

(1) develop and implement a plan to improve the Federal Housing Administration's loss mitigation process; and

(2) report such plan to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives.

SEC. 126. USE OF FHA SAVINGS FOR IMPROVEMENTS IN FHA TECHNOLOGIES, PROCEDURES, PROCESSES, PROGRAM PERFORMANCE, STAFFING, AND SALARIES.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for each of fiscal years 2009 through 2013, $25,000,000, from negative credit subsidy for the mortgage insurance programs under title II of the National Housing Act, to the Secretary of Housing and Urban Development for increasing funding for the purpose of improving technology, processes, program performance, eliminating fraud, and for providing appropriate staffing in connection with the mortgage insurance programs under title II of the National Housing Act.

(b) CERTIFICATION.—The authorization under subsection (a) shall not be effective for a fiscal year unless the Secretary of Housing and Urban Development has, by rulemaking in accordance with section 553 of title 5, United States Code (notwithstanding subsections (a)(2), (b)(B), and (d)(3) of such section), made a determination that—

(1) premiums being, or to be, charged during such fiscal year for mortgage insurance under title II of the National Housing Act are established at the minimum amount sufficient to—

(A) comply with the requirements of section 205(f) of such Act (relating to required capital ratio for the Mutual Mortgage Insurance Fund); and

(B) ensure the safety and soundness of the other mortgage insurance funds under such Act; and

(2) any negative credit subsidy for such fiscal year resulting from such mortgage insurance programs adequately ensures the efficient delivery and availability of such programs.

(c) STUDY AND REPORT.—The Secretary of Housing and Urban Development shall conduct a study to obtain recommendations from participants in the private residential (both single family and multifamily) mortgage lending business and the secondary market for such mortgages on how best to update and upgrade processes and technologies for the mortgage insurance programs under title II of the National Housing Act so that the procedures for originating, insuring, and servicing of such mortgages conform with those customarily used by secondary market purchasers of residential mortgage loans. Not later than the expiration of the 12-month period beginning on the date of the enactment of this title, the Secretary shall submit a report to the Congress describing the progress made and to be made toward updating and upgrading such processes and technology, and providing appropriate staffing for such mortgage insurance programs.

SEC. 127. POST-PURCHASE HOUSING COUNSELING ELIGIBILITY IMPROVEMENTS.

Section 106(c)(4) of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x(c)(4)) is amended:

(1) in subparagraph (C)—

(A) in clause (i), by striking ''; or'' and inserting a semicolon;

(B) in clause (ii), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

''(iii) a significant reduction in the income of the household due to divorce or death; or

''(iv) a significant increase in basic expenses of the homeowner or an immediate family member of the homeowner (including the spouse, child, or parent for whom the homeowner provides substantial care or financial assistance) due to—

''(I) an unexpected or significant increase in medical expenses;

''(II) a divorce;

''(III) unexpected and significant damage to the property, the repair of which will not be covered by private or public insurance; or

''(IV) a large property-tax increase; or'';

(2) by striking the matter that follows subparagraph (C); and

(3) by adding at the end the following:

''(D) the Secretary of Housing and Urban Development determines that the annual income of the homeowner is no greater than the annual income established by the Secretary as being of low- or moderate-income.''.

SEC. 128. PRE-PURCHASE HOMEOWNERSHIP COUNSELING DEMONSTRATION.

(a) ESTABLISHMENT OF PROGRAM.—For the period beginning on the date of enactment of this title and ending on the date that is 3 years after such date of enactment, the Secretary of Housing and Urban Development shall establish and conduct a demonstration program to test the effectiveness of alternative forms of pre-purchase homeownership counseling for eligible homebuyers.

(b) FORMS OF COUNSELING.—The Secretary of Housing and Urban Development shall provide to eligible homebuyers pre-purchase homeownership counseling under this section in the form of—

(1) telephone counseling;

(2) individualized in-person counseling;

(3) web-based counseling;

(4) counseling classes; or

(5) any other form or type of counseling that the Secretary may, in his discretion, determine appropriate.

(c) SIZE OF PROGRAM.—The Secretary shall make available the pre-purchase homeownership counseling described in subsection (b) to not more than 3,000 eligible homebuyers in any given year.

(d) INCENTIVE TO PARTICIPATE.—The Secretary of Housing and Urban Development may provide incentives to eligible homebuyers to participate in the demonstration program established under subsection (a). Such incentives may include the reduction of any insurance premium charges owed by the eligible homebuyer to the Secretary.

(e) ELIGIBLE HOMEBUYER DEFINED.—For purposes of this section an ''eligible homebuyer'' means a first-time homebuyer who has been approved for a home loan with a loan-to-value ratio between 97 percent and 98.5 percent.

(f) REPORT TO CONGRESS.—The Secretary of Housing and Urban Development shall report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representative—

(1) on an annual basis, on the progress and results of the demonstration program established under subsection (a); and

(2) for the period beginning on the date of enactment of this title and ending on the date that is 5 years after such date of enactment, on the payment history and delinquency rates of eligible homebuyers who participated in the demonstration program.

SEC. 129. FRAUD PREVENTION.

Section 1014 of title 18, United States Code, is amended in the first sentence—

(1) by inserting ''the Federal Housing Administration'' before ''the Farm Credit Administration''; and

(2) by striking ''commitment, or loan'' and inserting ''commitment, loan, or insurance agreement or application for insurance or a guarantee''.

SEC. 130. LIMITATION ON MORTGAGE INSURANCE PREMIUM INCREASES.

(a) IN GENERAL.—Notwithstanding any other provision of law, including any provision of this title and any amendment made by this title—

(1) for the period beginning on the date of the enactment of this title and ending on October 1, 2009, the premiums charged for mortgage insurance under multifamily housing programs under the National Housing Act may not be increased above the premium amounts in effect under such program on October 1, 2006, unless the Secretary of Housing and Urban Development determines that, absent such increase, insurance of additional mortgages under such program would, under the Federal Credit Reform Act of 1990, require the appropriation of new budget authority to cover the costs (as such term is defined in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a) of such insurance; and

(2) a premium increase pursuant to paragraph (1) may be made only if not less than 30 days prior to such increase taking effect, the Secretary of Housing and Urban Development—

(A) notifies the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives of such increase; and

(B) publishes notice of such increase in the Federal Register.

(b) WAIVER.—The Secretary of Housing and Urban Development may waive the 30-day notice requirement under subsection (a)(2), if the Secretary determines that waiting 30-days before increasing premiums would cause substantial damage to the solvency of multifamily housing programs under the National Housing Act.

SEC. 131. SAVINGS PROVISION.

Any mortgage insured under title II of the National Housing Act before the date of enactment of this subtitle shall continue to be governed by the laws, regulations, orders, and terms and conditions to which it was subject on the day before the date of the enactment of this subtitle.

SEC. 132. IMPLEMENTATION.

The Secretary of Housing and Urban Development shall by notice establish any additional requirements that may be necessary to immediately carry out the provisions of this subtitle. The notice shall take effect upon issuance.

SEC. 133. MORATORIUM ON IMPLEMENTATION OF RISK-BASED PREMIUMS.

For the 12-month period beginning on the date of enactment of this title, the Secretary of Housing and Urban Development shall not enact, execute, or take any action to make effective the planned implementation of risk-based premiums, which are designed for mortgage lenders to offer borrowers an FHA-insured product that provides a range of mortgage insurance premium pricing, based on the risk the insurance contract represents, as such planned implementation was set forth in the Notice published in the Federal Register on September 20, 2007 (Vol. 72, No. 182, Page 53872).

Subtitle B—Manufactured Housing Loan Modernization

SEC. 141. SHORT TITLE.

This subtitle may be cited as the ''FHA Manufactured Housing Loan Modernization Act of 2008''.

SEC. 142. PURPOSES.

The purposes of this subtitle are—

(1) to provide adequate funding for FHA-insured manufactured housing loans for low- and

moderate-income homebuyers during all economic cycles in the manufactured housing industry;

(2) to modernize the FHA title I insurance program for manufactured housing loans to enhance participation by Ginnie Mae and the private lending markets; and

(3) to adjust the low loan limits for title I manufactured home loan insurance to reflect the increase in costs since such limits were last increased in 1992 and to index the limits to inflation.

SEC. 143. EXCEPTION TO LIMITATION ON FINANCIAL INSTITUTION PORTFOLIO.

The second sentence of section 2(a) of the National Housing Act (12 U.S.C. 1703(a)) is amended—

(1) by striking ''In no case'' and inserting ''Other than in connection with a manufactured home or a lot on which to place such a home (or both), in no case''; and

(2) by striking '': Provided, That with'' and inserting ''. With''.

SEC. 144. INSURANCE BENEFITS.

(a) IN GENERAL.—Subsection (b) of section 2 of the National Housing Act (12 U.S.C. 1703(b)), is amended by adding at the end the following new paragraph:

''(8) INSURANCE BENEFITS FOR MANUFACTURED HOUSING LOANS.—Any contract of insurance with respect to loans, advances of credit, or purchases in connection with a manufactured home or a lot on which to place a manufactured home (or both) for a financial institution that is executed under this title after the date of the enactment of the FHA Manufactured Housing Loan Modernization Act of 2008 by the Secretary shall be conclusive evidence of the eligibility of such financial institution for insurance, and the validity of any contract of insurance so executed shall be incontestable in the hands of the bearer from the date of the execution of such contract, except for fraud or misrepresentation on the part of such institution.''.

(b) APPLICABILITY.—The amendment made by subsection (a) shall only apply to loans that are registered or endorsed for insurance after the date of the enactment of this title.

SEC. 145. MAXIMUM LOAN LIMITS.

(a) DOLLAR AMOUNTS.—Paragraph (1) of section 2(b) of the National Housing Act (12 U.S.C. 1703(b)(1)) is amended—

(1) in clause (ii) of subparagraph (A), by striking ''$17,500'' and inserting ''$25,090'';

(2) in subparagraph (C) by striking ''$48,600'' and inserting ''$69,678'';

(3) in subparagraph (D) by striking ''$64,800'' and inserting ''$92,904'';

(4) in subparagraph (E) by striking ''$16,200'' and inserting ''$23,226''; and

(5) by realigning subparagraphs (C), (D), and (E) 2 ems to the left so that the left margins of such subparagraphs are aligned with the margins of subparagraphs (A) and (B).

(b) ANNUAL INDEXING.—Subsection (b) of section 2 of the National Housing Act (12 U.S.C. 1703(b)), as amended by the preceding provisions of this title, is further amended by adding at the end the following new paragraph:

''(9) ANNUAL INDEXING OF MANUFACTURED HOUSING LOANS.—The Secretary shall develop a method of indexing in order to annually adjust the loan limits established in subparagraphs (A)(ii), (C), (D), and (E) of this subsection. Such index shall be based on the manufactured housing price data collected by the United States Census Bureau. The Secretary shall establish such index no later than 1 year after the date of the enactment of the FHA Manufactured Housing Loan Modernization Act of 2008.''

(c) TECHNICAL AND CONFORMING CHANGES.—Paragraph (1) of section 2(b) of the National Housing Act (12 U.S.C. 1703(b)(1)) is amended—

(1) by striking ''No'' and inserting ''Except as provided in the last sentence of this paragraph, no''; and

(2) by adding after and below subparagraph (G) the following:

''The Secretary shall, by regulation, annually increase the dollar amount limitations in subparagraphs (A)(ii), (C), (D), and (E) (as such limitations may have been previously adjusted under this sentence) in accordance with the index established pursuant to paragraph (9).''.

SEC. 146. INSURANCE PREMIUMS.

Subsection (f) of section 2 of the National Housing Act (12 U.S.C. 1703(f)) is amended—

(1) by inserting ''(1) PREMIUM CHARGES.—'' after ''(f)''; and

(2) by adding at the end the following new paragraph:

''(2) MANUFACTURED HOME LOANS.—Notwithstanding paragraph (1), in the case of a loan, advance of credit, or purchase in connection with a manufactured home or a lot on which to place such a home (or both), the premium charge for the insurance granted under this section shall be paid by the borrower under the loan or advance of credit, as follows:

''(A) At the time of the making of the loan, advance of credit, or purchase, a single premium payment in an amount not to exceed 2.25 percent of the amount of the original insured principal obligation.

''(B) In addition to the premium under subparagraph (A), annual premium payments during the term of the loan, advance, or obligation purchased in an amount not exceeding 1.0 percent of the remaining insured principal balance (excluding the portion of the remaining balance attributable to the premium collected under subparagraph (A) and without taking into account delinquent payments or prepayments).

''(C) Premium charges under this paragraph shall be established in amounts that are sufficient, but do not exceed the minimum amounts necessary, to maintain a negative credit subsidy for the program under this section for insurance of loans, advances of credit, or purchases in connection with a manufactured home or a lot on which to place such a home (or both), as determined based upon risk to the Federal Government under existing underwriting requirements.

''(D) The Secretary may increase the limitations on premium payments to percentages above those set forth in subparagraphs (A) and (B), but only if necessary, and not in excess of the minimum increase necessary, to maintain a negative credit subsidy as described in subparagraph (C).''.

SEC. 147. TECHNICAL CORRECTIONS.

(a) DATES.—Subsection (a) of section 2 of the National Housing Act (12 U.S.C. 1703(a)) is amended—

(1) by striking ''on and after July 1, 1939,'' each place such term appears; and

(2) by striking ''made after the effective date of the Housing Act of 1954''.

(b) AUTHORITY OF SECRETARY.—Subsection (c) of section 2 of the National Housing Act (12 U.S.C. 1703(c)) is amended to read as follows:

''(c) HANDLING AND DISPOSAL OF PROPERTY.—

''(1) AUTHORITY OF SECRETARY.—Notwithstanding any other provision of law, the Secretary may—

''(A) deal with, complete, rent, renovate, modernize, insure, or assign or sell at public or private sale, or otherwise dispose of, for cash or credit in the Secretary's discretion, and upon such terms and conditions and for such consideration as the Secretary shall determine to be reasonable, any real or personal property conveyed to or otherwise acquired by the Secretary, in connection with the payment of insurance heretofore or hereafter granted under this title, including any evidence of debt, contract, claim, personal property, or security assigned to or held by him in connection with the payment of insurance heretofore or hereafter granted under this section; and

''(B) pursue to final collection, by way of compromise or otherwise, all claims assigned to or held by the Secretary and all legal or equitable rights accruing to the Secretary in connection with the payment of such insurance, including unpaid insurance premiums owed in connection with insurance made available by this title.

''(2) ADVERTISEMENTS FOR PROPOSALS.—Section 3709 of the Revised Statutes shall not be construed to apply to any contract of hazard insurance or to any purchase or contract for services or supplies on account of such property if the amount thereof does not exceed $25,000.

''(3) DELEGATION OF AUTHORITY.—The power to convey and to execute in the name of the Secretary, deeds of conveyance, deeds of release, assignments and satisfactions of mortgages, and any other written instrument relating to real or personal property or any interest therein heretofore or hereafter acquired by the Secretary pursuant to the provisions of this title may be exercised by an officer appointed by the Secretary without the execution of any express delegation of power or power of attorney. Nothing in this subsection shall be construed to prevent the Secretary from delegating such power by order or by power of attorney, in the Secretary's discretion, to any officer or agent the Secretary may appoint.''.

SEC. 148. REVISION OF UNDERWRITING CRITERIA.

(a) IN GENERAL.—Subsection (b) of section 2 of the National Housing Act (12 U.S.C. 1703(b)), as amended by the preceding provisions of this title, is further amended by adding at the end the following new paragraph:

''(10) FINANCIAL SOUNDNESS OF MANUFACTURED HOUSING PROGRAM.—The Secretary shall establish such underwriting criteria for loans and advances of credit in connection with a manufactured home or a lot on which to place a manufactured home (or both), including such loans and advances represented by obligations purchased by financial institutions, as may be necessary to ensure that the program under this title for insurance for financial institutions against losses from such loans, advances of credit, and purchases is financially sound.''.

(b) TIMING.—Not later than the expiration of the 6-month period beginning on the date of the enactment of this title, the Secretary of Housing and Urban Development shall revise the existing underwriting criteria for the program referred to in paragraph (10) of section 2(b) of the National Housing Act (as added by subsection (a) of this section) in accordance with the requirements of such paragraph.

SEC. 149. PROHIBITION AGAINST KICKBACKS AND UNEARNED FEES.

Title I of the National Housing Act is amended by adding at the end of section 9 the following new section:

''SEC. 10. PROHIBITION AGAINST KICKBACKS AND UNEARNED FEES.

''(a) IN GENERAL.—Except as provided in subsection (b), the provisions of sections 3, 8, 16, 17, 18, and 19 of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2601 et seq.) shall apply to each sale of a manufactured home financed with an FHA-insured loan or extension of credit, as well as to services rendered in connection with such transactions.

''(b) AUTHORITY OF THE SECRETARY.—The Secretary is authorized to determine the manner and extent to which the provisions of sections 3, 8, 16, 17, 18, and 19 of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2601 et seq.) may reasonably be applied to the transactions described in subsection (a), and to grant such exemptions as may be necessary to achieve the purposes of this section.

''(c) DEFINITIONS.—For purposes of this section—

''(1) the term 'federally related mortgage loan' as used in sections 3, 8, 16, 17, 18, and 19 of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2601 et seq.) shall include an FHA-insured loan or extension of credit made to a borrower for the purpose of purchasing a manufactured home that the borrower intends to occupy as a personal residence; and

''(2) the term 'real estate settlement service' as used in sections 3, 8, 16, 17, 18, and 19 of the Real Estate Settlement Procedures Act of 1974

(12 U.S.C. 2601 et seq.) shall include any service rendered in connection with a loan or extension of credit insured by the Federal Housing Administration for the purchase of a manufactured home.

''(d) UNFAIR AND DECEPTIVE PRACTICES.—In connection with the purchase of a manufactured home financed with a loan or extension of credit insured by the Federal Housing Administration under this title, the Secretary shall prohibit acts or practices in connection with loans or extensions of credit that the Secretary finds to be unfair, deceptive, or otherwise not in the interests of the borrower.''.

SEC. 150. LEASEHOLD REQUIREMENTS.

Subsection (b) of section 2 of the National Housing Act (12 U.S.C. 1703(b)), as amended by the preceding provisions of this title, is further amended by adding at the end the following new paragraph:

''(11) LEASEHOLD REQUIREMENTS.—No insurance shall be granted under this section to any such financial institution with respect to any obligation representing any such loan, advance of credit, or purchase by it, made for the purposes of financing a manufactured home which is intended to be situated in a manufactured home community pursuant to a lease, unless such lease—

''(A) expires not less than 3 years after the origination date of the obligation;

''(B) is renewable upon the expiration of the original 3 year term by successive 1 year terms; and

''(C) requires the lessor to provide the lessee written notice of termination of the lease not less than 180 days prior to the expiration of the current lease term in the event the lessee is required to move due to the closing of the manufactured home community, and further provides that failure to provide such notice to the mortgagor in a timely manner will cause the lease term, at its expiration, to automatically renew for an additional 1 year term.''.

TITLE II—MORTGAGE FORECLOSURE PROTECTIONS FOR SERVICEMEMBERS

SEC. 201. TEMPORARY INCREASE IN MAXIMUM LOAN GUARANTY AMOUNT FOR CERTAIN HOUSING LOANS GUARANTEED BY THE SECRETARY OF VETERANS AFFAIRS.

Notwithstanding subparagraph (C) of section 3703(a)(1) of title 38, United States Code, for purposes of any loan described in subparagraph (A)(i)(IV) of such section that is originated during the period beginning on the date of the enactment of this Act and ending on December 31, 2008, the term ''maximum guaranty amount'' shall mean an amount equal to 25 percent of the higher of—

(1) the limitation determined under section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1454(a)(2)) for the calendar year in which the loan is originated for a single-family residence; or

(2) 125 percent of the area median price for a single-family residence, but in no case to exceed 175 percent of the limitation determined under such section 305(a)(2) for the calendar year in which the loan is originated for a single-family residence.

SEC. 202. COUNSELING ON MORTGAGE FORECLOSURES FOR MEMBERS OF THE ARMED FORCES RETURNING FROM SERVICE ABROAD.

(a) IN GENERAL.—The Secretary of Defense shall develop and implement a program to advise members of the Armed Forces (including members of the National Guard and Reserve) who are returning from service on active duty abroad (including service in Operation Iraqi Freedom and Operation Enduring Freedom) on actions to be taken by such members to prevent or forestall mortgage foreclosures.

(b) ELEMENTS.—The program required by subsection (a) shall include the following:

(1) Credit counseling.

(2) Home mortgage counseling.

(3) Such other counseling and information as the Secretary considers appropriate for purposes of the program.

(c) TIMING OF PROVISION OF COUNSELING.—Counseling and other information under the program required by subsection (a) shall be provided to a member of the Armed Forces covered by the program as soon as practicable after the return of the member from service as described in subsection (a).

SEC. 203. ENHANCEMENT OF PROTECTIONS FOR SERVICEMEMBERS RELATING TO MORTGAGES AND MORTGAGE FORECLOSURES.

(a) EXTENSION OF PERIOD OF PROTECTIONS AGAINST MORTGAGE FORECLOSURES.—

(1) EXTENSION OF PROTECTION PERIOD.—Subsection (c) of section 303 of the Servicemembers Civil Relief Act (50 U.S.C. App. 533) is amended by striking ''90 days'' and inserting ''9 months''.

(2) EXTENSION OF STAY OF PROCEEDINGS PERIOD.—Subsection (b) of such section is amended by striking ''90 days'' and inserting ''9 months''.

(b) TREATMENT OF MORTGAGES AS OBLIGATIONS SUBJECT TO INTEREST RATE LIMITATION.—Section 207 of the Servicemembers Civil Relief Act (50 U.S.C. App. 527) is amended—

(1) in subsection (a)(1), by striking ''in excess of 6 percent'' the second place it appears and all that follows and inserting ''in excess of 6 percent—

''(A) during the period of military service and one year thereafter, in the case of an obligation or liability consisting of a mortgage, trust deed, or other security in the nature of a mortgage; or

''(B) during the period of military service, in the case of any other obligation or liability.''; and

(2) by striking subsection (d) and inserting the following new subsection:

''(d) DEFINITIONS.—In this section:

''(1) INTEREST.—The term 'interest' includes service charges, renewal charges, fees, or any other charges (except bona fide insurance) with respect to an obligation or liability.

''(2) OBLIGATION OR LIABILITY.—The term 'obligation or liability' includes an obligation or liability consisting of a mortgage, trust deed, or other security in the nature of a mortgage.''.

(c) EFFECTIVE DATE; SUNSET.—

(1) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act.

(2) SUNSET.—The amendments made by subsection (a) shall expire on December 31, 2010. Effective January 1, 2011, the provisions of subsections (b) and (c) of section 303 of the Servicemembers Civil Relief Act, as in effect on the day before the date of the enactment of this Act, are hereby revived.

TITLE III—EMERGENCY ASSISTANCE FOR THE REDEVELOPMENT OF ABANDONED AND FORECLOSED HOMES

SEC. 301. EMERGENCY ASSISTANCE FOR THE REDEVELOPMENT OF ABANDONED AND FORECLOSED HOMES.

(a) DIRECT APPROPRIATIONS.—There are appropriated out of any money in the Treasury not otherwise appropriated for the fiscal year 2008, $4,000,000,000, to remain available until expended, for assistance to States and units of general local government (as such terms are defined in section 102 of the Housing and Community Development Act of 1974 (42 U.S.C. 5302)) for the redevelopment of abandoned and foreclosed upon homes and residential properties.

(b) ALLOCATION OF APPROPRIATED AMOUNTS.—

(1) IN GENERAL.—The amounts appropriated or otherwise made available to States and units of general local government under this section shall be allocated based on a funding formula established by the Secretary of Housing and Urban Development (in this title referred to as the ''Secretary'').

(2) FORMULA TO BE DEVISED SWIFTLY.—The funding formula required under paragraph (1) shall be established not later than 60 days after the date of enactment of this section.

(3) CRITERIA.—The funding formula required under paragraph (1) shall ensure that any amounts appropriated or otherwise made available under this section are allocated to States and units of general local government with the greatest need, as such need is determined in the discretion of the Secretary based on—

(A) the number and percentage of home foreclosures in each State or unit of general local government;

(B) the number and percentage of homes financed by a subprime mortgage related loan in each State or unit of general local government; and

(C) the number and percentage of homes in default or delinquency in each State or unit of general local government.

(4) DISTRIBUTION.—Amounts appropriated or otherwise made available under this section shall be distributed according to the funding formula established by the Secretary under paragraph (1) not later than 30 days after the establishment of such formula.

(c) USE OF FUNDS.—

(1) IN GENERAL.—Any State or unit of general local government that receives amounts pursuant to this section shall, not later than 18 months after the receipt of such amounts, use such amounts to purchase and redevelop abandoned and foreclosed homes and residential properties.

(2) PRIORITY.—Any State or unit of general local government that receives amounts pursuant to this section shall in distributing such amounts give priority emphasis and consideration to those metropolitan areas, metropolitan cities, urban areas, rural areas, low- and moderate-income areas, and other areas with the greatest need, including those—

(A) with the greatest percentage of home foreclosures;

(B) with the highest percentage of homes financed by a subprime mortgage related loan; and

(C) identified by the State or unit of general local government as likely to face a significant rise in the rate of home foreclosures.

(3) ELIGIBLE USES.—Amounts made available under this section may be used to—

(A) establish financing mechanisms for purchase and redevelopment of foreclosed upon homes and residential properties, including such mechanisms as soft-seconds, loan loss reserves, and shared-equity loans for low- and moderate-income homebuyers;

(B) purchase and rehabilitate homes and residential properties that have been abandoned or foreclosed upon, in order to sell, rent, or redevelop such homes and properties;

(C) establish land banks for homes that have been foreclosed upon; and

(D) demolish blighted structures.

(d) LIMITATIONS.—

(1) ON PURCHASES.—Any purchase of a foreclosed upon home or residential property under this section shall be at a discount from the current market appraised value of the home or property, taking into account its current condition, and such discount shall ensure that purchasers are paying below-market value for the home or property.

(2) SALE OF HOMES.—If an abandoned or foreclosed upon home or residential property is purchased, redeveloped, or otherwise sold to an individual as a primary residence, then such sale shall be in an amount equal to or less than the cost to acquire and redevelop or rehabilitate such home or property up to a decent, safe, and habitable condition.

(3) REINVESTMENT OF PROFITS.—

(A) PROFITS FROM SALES, RENTALS, AND REDEVELOPMENT.—

(i) 5-YEAR REINVESTMENT PERIOD.—During the 5-year period following the date of enactment of this Act, any revenue generated from the sale, rental, redevelopment, rehabilitation, or any other eligible use that is in excess of the cost to acquire and redevelop (including reasonable development fees) or rehabilitate an abandoned or

foreclosed upon home or residential property shall be provided to and used by the State or unit of general local government in accordance with, and in furtherance of, the intent and provisions of this section.

(ii) DEPOSITS IN THE TREASURY.—

(I) PROFITS.—Upon the expiration of the 5-year period set forth under clause (i), any revenue generated from the sale, rental, redevelopment, rehabilitation, or any other eligible use that is in excess of the cost to acquire and redevelop (including reasonable development fees) or rehabilitate an abandoned or foreclosed upon home or residential property shall be deposited in the Treasury of the United States as miscellaneous receipts, unless the Secretary approves a request to use the funds for purposes under this Act.

(II) OTHER AMOUNTS.—Upon the expiration of the 5-year period set forth under clause (i), any other revenue not described under subclause (I) generated from the sale, rental, redevelopment, rehabilitation, or any other eligible use of an abandoned or foreclosed upon home or residential property shall be deposited in the Treasury of the United States as miscellaneous receipts.

(B) OTHER REVENUES.—Any revenue generated under subparagraphs (A), (C) or (D) of subsection (c)(3) shall be provided to and used by the State or unit of general local government in accordance with, and in furtherance of, the intent and provisions of this section.

(e) RULES OF CONSTRUCTION.—

(1) IN GENERAL.—Except as otherwise provided by this section, amounts appropriated, revenues generated, or amounts otherwise made available to States and units of general local government under this section shall be treated as though such funds were community development block grant funds under title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.).

(2) NO MATCH.—No matching funds shall be required in order for a State or unit of general local government to receive any amounts under this section.

(f) AUTHORITY TO SPECIFY ALTERNATIVE REQUIREMENTS.—

(1) IN GENERAL.—In administering any amounts appropriated or otherwise made available under this section, the Secretary may specify alternative requirements to any provision under title I of the Housing and Community Development Act of 1974 (except for those related to fair housing, nondiscrimination, labor standards, and the environment) in accordance with the terms of this section and for the sole purpose of expediting the use of such funds.

(2) NOTICE.—The Secretary shall provide written notice of its intent to exercise the authority to specify alternative requirements under paragraph (1) to the Committee on Banking, Housing and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives not later than 10 business days before such exercise of authority is to occur.

(3) LOW AND MODERATE INCOME REQUIREMENT.—

(A) IN GENERAL.—Notwithstanding the authority of the Secretary under paragraph (1)—

(i) all of the funds appropriated or otherwise made available under this section shall be used with respect to individuals and families whose income does not exceed 120 percent of area median income; and

(ii) not less than 25 percent of the funds appropriated or otherwise made available under this section shall be used for the purchase and redevelopment of abandoned or foreclosed upon homes or residential properties that will be used to house individuals or families whose incomes do not exceed 50 percent of area median income.

(B) RECURRENT REQUIREMENT.—The Secretary shall, by rule or order, ensure, to the maximum extent practicable and for the longest feasible term, that the sale, rental, or redevelopment of abandoned and foreclosed upon homes and residential properties under this section remain affordable to individuals or families described in subparagraph (A).

(g) PERIODIC AUDITS.—In consultation with the Secretary of Housing and Urban Development, the Comptroller General of the United States shall conduct periodic audits to ensure that funds appropriated, made available, or otherwise distributed under this section are being used in a manner consistent with the criteria provided in this section.

SEC. 302. NATIONWIDE DISTRIBUTION OF RESOURCES.

Notwithstanding any other provision of this Act or the amendments made by this Act, each State shall receive not less than 0.5 percent of funds made available under section 301 (relating to emergency assistance for the redevelopment of abandoned and foreclosed homes).

SEC. 303. LIMITATION ON USE OF FUNDS WITH RESPECT TO EMINENT DOMAIN.

No State or unit of general local government may use any amounts received pursuant to section 301 to fund any project that seeks to use the power of eminent domain, unless eminent domain is employed only for a public use: Provided, That for purposes of this section, public use shall not be construed to include economic development that primarily benefits private entities.

SEC. 304. LIMITATION ON DISTRIBUTION OF FUNDS.

(a) IN GENERAL.—None of the funds made available under this title or title IV shall be distributed to—

(1) an organization which has been indicted for a violation under Federal law relating to an election for Federal office; or

(2) an organization which employs applicable individuals.

(b) APPLICABLE INDIVIDUALS DEFINED.—In this section, the term ''applicable individual'' means an individual who—

(1) is—

(A) employed by the organization in a permanent or temporary capacity;

(B) contracted or retained by the organization; or

(C) acting on behalf of, or with the express or apparent authority of, the organization; and

(2) has been indicted for a violation under Federal law relating to an election for Federal office.

SEC. 305. COUNSELING INTERMEDIARIES.

Notwithstanding any other provision of this Act, the amount appropriated under section 301(a) of this Act shall be $3,920,000,000 and the amount appropriated under section 401 of this Act shall be $180,000,000: Provided, That of amounts appropriated under such section 401 $30,000,000 shall be used by the Neighborhood Reinvestment Corporation (referred to in this section as the ''NRC'') to make grants to counseling intermediaries approved by the Department of Housing and Urban Development or the NRC to hire attorneys to assist homeowners who have legal issues directly related to the homeowner's foreclosure, delinquency or short sale. Such attorneys shall be capable of assisting homeowners of owner-occupied homes with mortgages in default, in danger of default, or subject to or at risk of foreclosure and who have legal issues that cannot be handled by counselors already employed by such intermediaries: Provided, That of the amounts provided for in the prior provisos the NRC shall give priority consideration to counseling intermediaries and legal organizations that (1) provide legal assistance in the 100 metropolitan statistical areas (as defined by the Director of the Office of Management and Budget) with the highest home foreclosure rates, and (2) have the capacity to begin using the financial assistance within 90 days after receipt of the assistance: Provided further, That no funds provided under this Act shall be used to provide, obtain, or arrange on behalf of a homeowner, legal representation involving or for the purposes of civil litigation.

TITLE IV—HOUSING COUNSELING RESOURCES

SEC. 401. HOUSING COUNSELING RESOURCES.

There are appropriated out of any money in the Treasury not otherwise appropriated for the fiscal year 2008, for an additional amount for the ''Neighborhood Reinvestment Corporation—Payment to the Neighborhood Reinvestment Corporation'' $100,000,000, to remain available until September 30, 2008, for foreclosure mitigation activities under the terms and conditions contained in the second undesignated paragraph (beginning with the phrase ''For an additional amount'') under the heading ''Neighborhood Reinvestment Corporation—Payment to the Neighborhood Reinvestment Corporation'' of Public Law 110–161.

SEC. 402. CREDIT COUNSELING.

(a) IN GENERAL.—Entities approved by the Neighborhood Reinvestment Corporation or the Secretary and State housing finance entities receiving funds under this title shall work to identify and coordinate with non-profit organizations operating national or statewide toll-free foreclosure prevention hotlines, including those that—

(1) serve as a consumer referral source and data repository for borrowers experiencing some form of delinquency or foreclosure;

(2) connect callers with local housing counseling agencies approved by the Neighborhood Reinvestment Corporation or the Secretary to assist with working out a positive resolution to their mortgage delinquency or foreclosure; or

(3) facilitate or offer free assistance to help homeowners to understand their options, negotiate solutions, and find the best resolution for their particular circumstances.

TITLE V—MORTGAGE DISCLOSURE IMPROVEMENT ACT

SEC. 501. SHORT TITLE.

This title may be cited as the ''Mortgage Disclosure Improvement Act of 2008''.

SEC. 502. ENHANCED MORTGAGE LOAN DISCLOSURES.

(a) TRUTH IN LENDING ACT DISCLOSURES.—Section 128(b)(2) of the Truth in Lending Act (15 U.S.C. 1638(b)(2)) is amended—

(1) by inserting ''(A)'' before ''In the'';

(2) by striking ''a residential mortgage transaction, as defined in section 103(w)'' and inserting ''any extension of credit that is secured by the dwelling of a consumer'';

(3) by striking ''before the credit is extended, or'';

(4) by inserting '', which shall be at least 7 business days before consummation of the transaction'' after ''written application'';

(5) by striking '', whichever is earlier''; and

(6) by striking ''If the'' and all that follows through the end of the paragraph and inserting the following:

''(B) In the case of an extension of credit that is secured by the dwelling of a consumer, the disclosures provided under subparagraph (A), shall be in addition to the other disclosures required by subsection (a), and shall—

''(i) state in conspicuous type size and format, the following: 'You are not required to complete this agreement merely because you have received these disclosures or signed a loan application.'; and

''(ii) be provided in the form of final disclosures at the time of consummation of the transaction, in the form and manner prescribed by this section.

''(C) In the case of an extension of credit that is secured by the dwelling of a consumer, under which the annual rate of interest is variable, or with respect to which the regular payments may otherwise be variable, in addition to the other disclosures required by subsection (a), the disclosures provided under this subsection shall do the following:

''(i) Label the payment schedule as follows: 'Payment Schedule: Payments Will Vary Based on Interest Rate Changes'.

''(ii) State in conspicuous type size and format examples of adjustments to the regular required payment on the extension of credit based on the change in the interest rates specified by the contract for such extension of credit. Among the examples required to be provided under this clause is an example that reflects the maximum payment amount of the regular required payments on the extension of credit, based on the maximum interest rate allowed under the contract, in accordance with the rules of the Board. Prior to issuing any rules pursuant to this clause, the Board shall conduct consumer testing to determine the appropriate format for providing the disclosures required under this subparagraph to consumers so that such disclosures can be easily understood.

''(D) In any case in which the disclosure statement under subparagraph (A) contains an annual percentage rate of interest that is no longer accurate, as determined under section 107(c), the creditor shall furnish an additional, corrected statement to the borrower, not later than 3 business days before the date of consummation of the transaction.

''(E) The consumer shall receive the disclosures required under this paragraph before paying any fee to the creditor or other person in connection with the consumer's application for an extension of credit that is secured by the dwelling of a consumer. If the disclosures are mailed to the consumer, the consumer is considered to have received them 3 business days after they are mailed. A creditor or other person may impose a fee for obtaining the consumer's credit report before the consumer has received the disclosures under this paragraph, provided the fee is bona fide and reasonable in amount.

''(F) WAIVER OF TIMELINESS OF DISCLOSURES.—To expedite consummation of a transaction, if the consumer determines that the extension of credit is needed to meet a bona fide personal financial emergency, the consumer may waive or modify the timing requirements for disclosures under subparagraph (A), provided that—

''(i) the term 'bona fide personal emergency' may be further defined in regulations issued by the Board;

''(ii) the consumer provides to the creditor a dated, written statement describing the emergency and specifically waiving or modifying those timing requirements, which statement shall bear the signature of all consumers entitled to receive the disclosures required by this paragraph; and

''(iii) the creditor provides to the consumers at or before the time of such waiver or modification, the final disclosures required by paragraph (1).

''(G) The requirements of subparagraphs (B), (C), (D) and (E) shall not apply to extensions of credit relating to plans described in section 101(53D) of title 11, United States Code.''.

(b) CIVIL LIABILITY.—Section 130(a) of the Truth in Lending Act (15 U.S.C. 1640(a)) is amended—

(1) in paragraph (2)(A)(iii), by striking ''not less than $200 or greater than $2,000'' and inserting ''not less than $400 or greater than $4,000''; and

(2) in the penultimate sentence of the undesignated matter following paragraph (4)—

(A) by inserting ''or section 128(b)(2)(C)(ii),'' after ''128(a),''; and

(B) by inserting ''or section 128(b)(2)(C)(ii)'' before the period.

(c) EFFECTIVE DATES.—

(1) GENERAL DISCLOSURES.—Except as provided in paragraph (2), the amendments made by subsection (a) shall become effective 12 months after the date of enactment of this Act.

(2) VARIABLE INTEREST RATES.—Subparagraph (C) of section 128(b)(2) of the Truth in Lending Act (15 U.S.C. 1638(b)(2)(C)), as added by subsection (a) of this section, shall become effective on the earlier of—

(A) the compliance date established by the Board for such purpose, by regulation; or

(B) 30 months after the date of enactment of this Act.

SEC. 503. COMMUNITY DEVELOPMENT INVESTMENT AUTHORITY FOR DEPOSITORY INSTITUTIONS.

(a) DEPOSITORY INSTITUTION COMMUNITY DEVELOPMENT INVESTMENTS.—

(1) NATIONAL BANKS.—The first sentence of the paragraph designated as the ''Eleventh'' of section 5136 of the Revised Statutes of the United States (12 U.S.C. 24) (as amended by section 305(a) of the Financial Services Regulatory Relief Act of 2006) is amended by striking ''promotes the public welfare by benefitting primarily'' and inserting ''is designed primarily to promote the public welfare, including the welfare of''.

(2) STATE MEMBER BANKS.—The first sentence of the 23rd paragraph of section 9 of the Federal Reserve Act (12 U.S.C. 338a) is amended by striking ''promotes the public welfare by benefitting primarily'' and inserting ''is designed primarily to promote the public welfare, including the welfare of''.

SEC. 504. FEDERAL HOME LOAN BANK REFINANCING AUTHORITY FOR CERTAIN RESIDENTIAL MORTGAGE LOANS.

Section 10(j)(2) of the Federal Home Loan Bank Act (12 U.S.C. 1430(j)(2) is amended—

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

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

(3) by adding at the end the following:

''(C) during the 2-year period beginning on the date of enactment of this subparagraph, refinance loans that are secured by a first mortgage on a primary residence of any family having an income at or below 80 percent of the median income for the area.''.

TITLE VI—TAX-RELATED PROVISIONS

SEC. 601. ELECTION FOR 4-YEAR CARRYBACK OF CERTAIN NET OPERATING LOSSES AND TEMPORARY SUSPENSION OF 90 PERCENT AMT LIMIT.

(a) IN GENERAL.—

(1) 4-YEAR CARRYBACK OF CERTAIN LOSSES.—Subparagraph (H) of section 172(b)(1) of the Internal Revenue Code of 1986 (relating to years to which loss may be carried) is amended to read as follows:

''(H) ADDITIONAL CARRYBACK OF CERTAIN LOSSES.—

''(i) TAXABLE YEARS ENDING DURING 2001 AND 2002.—In the case of a net operating loss for any taxable year ending during 2001 or 2002, subparagraph (A)(i) shall be applied by substituting '5' for '2' and subparagraph (F) shall not apply.

''(ii) TAXABLE YEARS ENDING DURING 2008 AND 2009.—In the case of a net operating loss with respect to any eligible taxpayer (within the meaning of section 168(k)(4)) for any taxable year ending during 2008 or 2009—

''(I) subparagraph (A)(i) shall be applied by substituting '4' for '2',

''(II) subparagraph (E)(ii) shall be applied by substituting '3' for '2', and

''(III) subparagraph (F) shall not apply.''.

(2) TEMPORARY SUSPENSION OF 90 PERCENT LIMIT ON CERTAIN NOL CARRYBACKS AND CARRYOVERS.—

(A) IN GENERAL.—Section 56(d) of the Internal Revenue Code of 1986 (relating to definition of alternative tax net operating loss deduction) is amended by adding at the end the following new paragraph:

''(3) ADDITIONAL ADJUSTMENTS.—For purposes of paragraph (1)(A), in the case of an eligible taxpayer (within the meaning of section 168(k)(4)), the amount described in subclause (I) of paragraph (1)(A)(ii) shall be increased by the amount of the net operating loss deduction allowable for the taxable year under section 172 attributable to the sum of—

''(A) carrybacks of net operating losses from taxable years ending during 2008 and 2009, and

''(B) carryovers of net operating losses to taxable years ending during 2008 or 2009.''.

(B) CONFORMING AMENDMENT.—Subclause (I) of section 56(d)(1)(A)(i) of such Code is amended by inserting ''amount of such'' before ''deduction described in clause (ii)(I)''.

(3) EFFECTIVE DATES.—

(A) NET OPERATING LOSSES.—The amendments made by paragraph (1) shall apply to net operating losses arising in taxable years ending in 2008 or 2009.

(B) SUSPENSION OF AMT LIMITATION.—The amendments made by paragraph (2) shall apply to taxable years ending after December 31, 1997.

(4) ANTI-ABUSE RULES.—The Secretary of Treasury or the Secretary's designee shall prescribe such rules as are necessary to prevent the abuse of the purposes of the amendments made by this subsection, including anti-stuffing rules, anti-churning rules (including rules relating to sale-leasebacks), and rules similar to the rules under section 1091 of the Internal Revenue Code of 1986 relating to losses from wash sales.

(b) ELECTION AMONG STIMULUS INCENTIVES.—

(1) IN GENERAL.—

(A) BONUS DEPRECIATION.—Section 168(k) of the Internal Revenue Code of 1986 (relating to special allowance for certain property acquired after December 31, 2007, and before January 1, 2009), as amended by the Economic Stimulus Act of 2008, is amended—

(i) in paragraph (1), by inserting ''placed in service by an eligible taxpayer'' after ''any qualified property'', and

(ii) by adding at the end the following new paragraph:

''(4) ELIGIBLE TAXPAYER.—

''(A) IN GENERAL.—At such time and in such manner as the Secretary shall prescribe, each taxpayer may elect to be an eligible taxpayer with respect to 1 (and only 1) of the following:

''(i) This subsection and section 179(b)(7).

''(ii) The application of section 56(d)(1)(A)(ii)(I) and section 172(b)(1)(H)(ii) in connection with net operating losses relating to taxable years ending during 2008 and 2009.

''(B) ELIGIBLE TAXPAYER.—For purposes of each of the provisions described in subparagraph (A), a taxpayer shall only be treated as an eligible taxpayer with respect to the provision with respect to which the taxpayer made the election under subparagraph (A).

''(C) ELECTION IRREVOCABLE.—An election under subparagraph (A) may not be revoked except with the consent of the Secretary.''.

(B) EFFECTIVE DATE.—The amendments made by this paragraph shall take effect as if included in section 103 of the Economic Stimulus Act of 2008.

(2) ELECTION FOR INCREASED EXPENSING.—

(A) IN GENERAL.—Paragraph (7) of section 179(b) of the Internal Revenue Code of 1986 (relating to limitations), as added by the Economic Stimulus Act of 2008, is amended to read as follows:

''(7) SPECIAL RULE FOR ELIGIBLE TAXPAYERS IN 2008.—In the case of any taxable year of any eligible taxpayer (within the meaning of section 168(k)(4)) beginning in 2008—

''(A) the dollar limitation under paragraph (1) shall be $250,000,

''(B) the dollar limitation under paragraph (2) shall be $800,000, and

''(C) the amounts described in subparagraphs (A) and (B) shall not be adjusted under paragraph (5).''.

(B) EFFECTIVE DATE.—The amendment made by this paragraph shall take effect as if included in section 102 of the Economic Stimulus Act of 2008.

SEC. 602. MODIFICATIONS ON USE OF QUALIFIED MORTGAGE BONDS; TEMPORARY INCREASED VOLUME CAP FOR CERTAIN HOUSING BONDS.

(a) USE OF QUALIFIED MORTGAGE BONDS PROCEEDS FOR SUBPRIME REFINANCING LOANS.—Section 143(k) of the Internal Revenue Code of 1986 (relating to other definitions and special rules) is amended by adding at the end the following new paragraph:

''(12) SPECIAL RULES FOR SUBPRIME REFINANCINGS.—

''(A) IN GENERAL.—Notwithstanding the requirements of subsection (i)(1), the proceeds of a qualified mortgage issue may be used to refinance a mortgage on a residence which was originally financed by the mortgagor through a qualified subprime loan.

''(B) SPECIAL RULES.—In applying this paragraph to any case in which the proceeds of a qualified mortgage issue are used for any refinancing described in subparagraph (A)—

''(i) subsection (a)(2)(D)(i) (relating to proceeds must be used within 42 months of date of issuance) shall be applied by substituting '12-month period' for '42-month period' each place it appears,

''(ii) subsection (d) (relating to 3-year requirement) shall not apply, and

''(iii) subsection (e) (relating to purchase price requirement) shall be applied by using the market value of the residence at the time of refinancing in lieu of the acquisition cost.

''(C) QUALIFIED SUBPRIME LOAN.—The term 'qualified subprime loan' means an adjustable rate single-family residential mortgage loan originated after December 31, 2001, and before January 1, 2008, that the bond issuer determines would be reasonably likely to cause financial hardship to the borrower if not refinanced.

''(D) TERMINATION.—This paragraph shall not apply to any bonds issued after December 31, 2010.''.

(b) INCREASED VOLUME CAP FOR CERTAIN BONDS.—

(1) IN GENERAL.—Subsection (d) of section 146 of the Internal Revenue Code of 1986 (relating to State ceiling) is amended by adding at the end the following new paragraph:

''(5) INCREASE AND SET ASIDE FOR HOUSING BONDS FOR 2008.—

''(A) INCREASE FOR 2008.—In the case of calendar year 2008, the State ceiling for each State shall be increased by an amount equal to the greater of—

''(i) $10,000,000,000 multiplied by a fraction—

''(I) the numerator of which is the population of such State, and

''(II) the denominator of which is the total population of all States, or

''(ii) the amount determined under subparagraph (B).

''(B) MINIMUM AMOUNT.—The amount determined under this subparagraph is—

''(i) in the case of a State (other than a possession), $90,300,606, and

''(ii) in the case of a possession of the United States with a population less than the least populous State (other than a possession), the product of—

''(I) a fraction the numerator of which is $90,300,606 and the denominator of which is population of the least populous State (other than a possession), and

''(II) the population of such possession.

In the case of any possession of the United States not described in clause (ii), the amount determined under this subparagraph shall be zero.

''(C) SET ASIDE.—

''(i) IN GENERAL.—Any amount of the State ceiling for any State which is attributable to an increase under this paragraph shall be allocated solely for one or more qualified purposes.

''(ii) QUALIFIED PURPOSE.—For purposes of this paragraph, the term 'qualified purpose' means—

''(I) the issuance of exempt facility bonds used solely to provide qualified residential rental projects, or

''(II) a qualified mortgage issue (determined by substituting '12-month period' for '42-month period' each place it appears in section 143(a)(2)(D)(i)).''.

(2) CARRYFORWARD OF UNUSED LIMITATIONS.—Subsection (f) of section 146 of such Code (relating to elective carryforward of unused limitation for specified purpose) is amended by adding at the end the following new paragraph:

''(6) SPECIAL RULES FOR INCREASED VOLUME CAP UNDER SUBSECTION (d)(5).—

''(A) IN GENERAL.—No amount which is attributable to the increase under subsection (d)(5) may be used—

''(i) for a carryforward purpose other than a qualified purpose (as defined in subsection (d)(5)), and

''(ii) to issue any bond after calendar year 2010.

''(B) ORDERING RULES.—For purposes of subparagraph (A), any carryforward of an issuing authority's volume cap for calendar year 2008 shall be treated as attributable to such increase to the extent of such increase.''.

(c) ALTERNATIVE MINIMUM TAX EXEMPTION FOR QUALIFIED MORTGAGE BONDS, QUALIFIED VETERANS' MORTGAGE BONDS, AND BONDS FOR QUALIFIED RESIDENTIAL RENTAL PROJECTS.—

(1) IN GENERAL.—Clause (ii) of section 57(a)(5)(C) of the Internal Revenue Code of 1986 (relating to specified private activity bonds) is amended by striking ''shall not include'' and all that follows and inserting ''shall not include—

''(I) any qualified 501(c)(3) bond (as defined in section 145), or

''(II) any qualified mortgage bond (as defined in section 143(a)), any qualified veterans' mortgage bond (as defined in section 143(b)), or any exempt facility bond (as defined in section 142(a)) issued as part of an issue 95 percent or more of the net proceeds of which are to be used to provide qualified residential rental projects (as defined in section 142(d)), but only if such bond is issued after the date of the enactment of this subclause and before January 1, 2011.

Subclause (II) shall not apply to a refunding bond unless such subclause applied to the refunded bond (or in the case of a series of refundings, the original bond).''.

(2) CONFORMING AMENDMENT.—The heading for section 57(a)(5)(C)(ii) of such Code is amended by striking ''QUALIFIED 501(c)(3) BONDS'' and inserting ''CERTAIN BONDS''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to bonds issued after the date of the enactment of this Act.

SEC. 603. CREDIT FOR CERTAIN HOME PURCHASES.

(a) ALLOWANCE OF CREDIT.—Subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to nonrefundable personal credits) is amended by inserting after section 25D the following new section:

''SEC. 25E. CREDIT FOR CERTAIN HOME PURCHASES.

''(a) ALLOWANCE OF CREDIT.—

''(1) IN GENERAL.—In the case of an individual who is a purchaser of a qualified principal residence during the taxable year, there shall be allowed as a credit against the tax imposed by this chapter an amount equal to so much of the purchase price of the residence as does not exceed $7,000.

''(2) ALLOCATION OF CREDIT AMOUNT.—The amount of the credit allowed under paragraph (1) shall be equally divided among the 2 taxable years beginning with the taxable year in which the purchase of the qualified principal residence is made.

''(b) LIMITATIONS.—

''(1) DATE OF PURCHASE.—The credit allowed under subsection (a) shall be allowed only with respect to purchases made—

''(A) after the date of the enactment of this section, and

''(B) before the date that is 12 months after such date.

''(2) LIMITATION BASED ON AMOUNT OF TAX.—In the case of a taxable year to which section 26(a)(2) does not apply, the credit allowed under subsection (a) for any taxable year shall not exceed the excess of—

''(A) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

''(B) the sum of the credits allowable under this subpart (other than this section and section 23) for the taxable year.

''(3) ONE-TIME ONLY.—

''(A) IN GENERAL.—If a credit is allowed under this section in the case of any individual (and such individual's spouse, if married) with respect to the purchase of any qualified principal residence, no credit shall be allowed under this section in any taxable year with respect to the purchase of any other qualified principal residence by such individual or a spouse of such individual.

''(B) JOINT PURCHASE.—In the case of a purchase of a qualified principal residence by 2 or more unmarried individuals or by 2 married individuals filing separately, no credit shall be allowed under this section if a credit under this section has been allowed to any of such individuals in any taxable year with respect to the purchase of any other qualified principal residence.

''(c) QUALIFIED PRINCIPAL RESIDENCE.—For purposes of this section—

''(1) IN GENERAL.—The term 'qualified principal residence' means an eligible single-family residence that is purchased to be the principal residence of the purchaser.

''(2) ELIGIBLE SINGLE-FAMILY RESIDENCE.—

''(A) IN GENERAL.—The term 'eligible single-family residence' means a single-family structure that is a residence—

''(i) upon which foreclosure has been filed pursuant to the laws of the State in which the residence is located, and

''(ii) which—

''(I) is a new previously unoccupied residence for which a building permit was issued and construction began on or before September 1, 2007, or

''(II) was occupied as a principal residence by the mortgagor for at least 1 year prior to the foreclosure filing.

''(B) CERTIFICATION.—In the case of an eligible single-family residence described in subparagraph (A)(ii)(I), no credit shall be allowed under this section unless the purchaser submits a certification by the seller of such residence that such residence meets the requirements of such subparagraph.

''(3) PRINCIPAL RESIDENCE.—The term 'principal residence' has the same meaning as when used in section 121.

''(d) DENIAL OF DOUBLE BENEFIT.—No credit shall be allowed under this section for any purchase for which a credit is allowed under section 1400C.

''(e) RECAPTURE IN THE CASE OF CERTAIN DISPOSITIONS.—In the event that a taxpayer—

''(1) disposes of the qualified principal residence with respect to which a credit is allowed under subsection (a), or

''(2) fails to occupy such residence as the taxpayer's principal residence,

at any time within 24 months after the date on which the taxpayer purchased such residence, then the remaining portion of the credit allowed under subsection (a) shall be disallowed in the taxable year during which such disposition occurred or in which the taxpayer failed to occupy the residence as a principal residence, and in any subsequent taxable year in which the remaining portion of the credit would, but for this subsection, have been allowed.

''(f) SPECIAL RULES.—

''(1) JOINT PURCHASE.—

''(A) MARRIED INDIVIDUALS FILING SEPARATELY.—In the case of 2 married individuals filing separately, subsection (a) shall be applied to each such individual by substituting '$3,500' for '$7,000' in paragraph (1) thereof.

''(B) UNMARRIED INDIVIDUALS.—If 2 or more individuals who are not married purchase a qualified principal residence, the amount of the credit allowed under subsection (a) shall be allocated among such individuals in such manner as the Secretary may prescribe, except that the total amount of the credits allowed to all such individuals shall not exceed $7,000.

''(2) PURCHASE; PURCHASE PRICE.—Rules similar to the rules of paragraphs (2) and (3) of section 1400C(e) (as in effect on the date of the enactment of this section) shall apply for purposes of this section.

''(3) REPORTING REQUIREMENT.—Rules similar to the rules of section 1400C(f) (as so in effect) shall apply for purposes of this section.

''(g) BASIS ADJUSTMENT.—For purposes of this subtitle, if a credit is allowed under this section with respect to the purchase of any residence, the basis of such residence shall be reduced by the amount of the credit so allowed.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 24(b)(3)(B) of the Internal Revenue Code of 1986 is amended by striking ''and 25B'' and inserting '', 25B, and 25E''.

(2) Section 25(e)(1)(C)(ii) of such Code is amended by inserting ''25E,'' after ''25D,''.

(3) Section 25B(g)(2) of such Code is amended by striking ''section 23'' and inserting ''sections 23 and 25E''.

(4) Section 25D(c)(2) of such Code is amended by striking ''and 25B'' and inserting ''25B, and 25E''.

(5) Section 26(a)(1) of such Code is amended by striking ''and 25B'' and inserting ''25B, and 25E''.

(6) Section 904(i) of such Code is amended by striking ''and 25B'' and inserting ''25B, and 25E''.

(7) Subsection (a) of section 1016 of such Code is amended by striking ''and'' at the end of paragraph (36), by striking the period at the end of paragraph (37) and inserting '', and'', and by adding at the end the following new paragraph:

''(38) to the extent provided in section 25E(g).''.

(8) Section 1400C(d)(2) of such Code is amended by striking ''and 25D'' and inserting ''25D, and 25E''.

(c) CLERICAL AMENDMENT.—The table of sections for subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after the item relating to section 25D the following new item:

''Sec. 25E. Credit for certain home purchases.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to purchases in taxable years ending after the date of the enactment of this Act.

(e) APPLICATION OF EGTRRA SUNSET.—The amendment made by subsection (b)(1) shall be subject to title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 in the same manner as the provisions of such Act to which such amendment relates.

SEC. 604. ADDITIONAL STANDARD DEDUCTION FOR REAL PROPERTY TAXES FOR NONITEMIZERS.

(a) IN GENERAL.—Section 63(c)(1) of the Internal Revenue Code of 1986 (defining standard deduction) is amended by striking ''and'' at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting '', and'', and by adding at the end the following new subparagraph:

''(C) in the case of any taxable year beginning in 2008, the real property tax deduction.''.

(b) DEFINITION.—Section 63(c) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(8) REAL PROPERTY TAX DEDUCTION.—

''(A) IN GENERAL.—For purposes of paragraph (1), the real property tax deduction is so much of the amount of the eligible State and local real property taxes paid or accrued by the taxpayer during the taxable year which do not exceed $500 ($1,000 in the case of a joint return).

''(B) ELIGIBLE STATE AND LOCAL REAL PROPERTY TAXES.—For purposes of subparagraph (A), the term 'eligible State and local real property taxes' means State and local real property taxes (within the meaning of section 164), but only if the rate of tax for all residential real property taxes in the jurisdiction has not been increased at any time after April 2, 2008, and before January 1, 2009.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. 605. ELECTION TO ACCELERATE AMT AND R AND D CREDITS IN LIEU OF BONUS DEPRECIATION.

(a) IN GENERAL.—Section 168(k), as amended by this Act, is amended by adding at the end the following new paragraph:

''(5) ELECTION TO ACCELERATE AMT AND R AND D CREDITS IN LIEU OF BONUS DEPRECIATION.—

''(A) IN GENERAL.—If a corporation which is an eligible taxpayer (within the meaning of paragraph (4)) for purposes of this subsection elects to have this paragraph apply—

''(i) no additional depreciation shall be allowed under paragraph (1) for any qualified property placed in service during any taxable year to which paragraph (1) would otherwise apply, and

''(ii) the limitations described in subparagraph (B) for such taxable year shall be increased by an aggregate amount not in excess of the bonus depreciation amount for such taxable year.

''(B) LIMITATIONS TO BE INCREASED.—The limitations described in this subparagraph are—

''(i) the limitation under section 38(c), and

''(ii) the limitation under section 53(c).

''(C) BONUS DEPRECIATION AMOUNT.—For purposes of this paragraph—

''(i) IN GENERAL.—The bonus depreciation amount for any applicable taxable year is an amount equal to the product of 20 percent and the excess (if any) of—

''(I) the aggregate amount of depreciation which would be determined under this section for property placed in service during the taxable year if no election under this paragraph were made, over

''(II) the aggregate amount of depreciation allowable under this section for property placed in service during the taxable year.

In the case of property which is a passenger aircraft, the amount determined under subclause (I) shall be calculated without regard to the written binding contract limitation under paragraph (2)(A)(iii)(I).

''(ii) ELIGIBLE QUALIFIED PROPERTY.—For purposes of clause (i), the term 'eligible qualified property' means qualified property under paragraph (2), except that in applying paragraph (2) for purposes of this clause—

''(I) 'March 31, 2008' shall be substituted for 'December 31, 2007' each place it appears in subparagraph (A) and clauses (i) and (ii) of subparagraph (E) thereof,

''(II) only adjusted basis attributable to manufacture, construction, or production after March 31, 2008, and before January 1, 2009, shall be taken into account under subparagraph (B)(ii) thereof, and

''(III) in the case of property which is a passenger aircraft, the written binding contract limitation under subparagraph (A)(iii)(I) thereof shall not apply.

''(iii) MAXIMUM AMOUNT.—The bonus depreciation amount for any applicable taxable year shall not exceed the applicable limitation under clause (iv), reduced (but not below zero) by the bonus depreciation amount for any preceding taxable year.

''(iv) APPLICABLE LIMITATION.—For purposes of clause (iii), the term 'applicable limitation' means, with respect to any eligible taxpayer, the lesser of—

''(I) $40,000,000, or

''(II) 10 percent of the sum of the amounts determined with respect to the eligible taxpayer under clauses (ii) and (iii) of subparagraph (D).

''(v) AGGREGATION RULE.—All corporations which are treated as a single employer under section 52(a) shall be treated as 1 taxpayer for purposes of applying the limitation under this subparagraph and determining the applicable limitation under clause (iv).

''(D) ALLOCATION OF BONUS DEPRECIATION AMOUNTS.—

''(i) IN GENERAL.—Subject to clauses (ii) and (iii), the taxpayer shall, at such time and in such manner as the Secretary may prescribe, specify the portion (if any) of the bonus depreciation amount which is to be allocated to each of the limitations described in subparagraph (B).

''(ii) BUSINESS CREDIT LIMITATION.—The portion of the bonus depreciation amount allocated to the limitation described in subparagraph (B)(i) shall not exceed an amount equal to the portion of the credit allowable under section 38 for the taxable year which is allocable to business credit carryforwards to such taxable year which are—

''(I) from taxable years beginning before January 1, 2006, and

''(II) properly allocable (determined under the rules of section 38(d)) to the research credit determined under section 41(a).

''(iii) ALTERNATIVE MINIMUM TAX CREDIT LIMITATION.—The portion of the bonus depreciation amount allocated to the limitation described in subparagraph (B)(ii) shall not exceed an amount equal to the portion of the minimum tax credit allowable under section 53 for the taxable year which is allocable to the adjusted minimum tax imposed for taxable years beginning before January 1, 2006.

''(E) CREDIT REFUNDABLE.—Any aggregate increases in the credits allowed under section 38 or 53 by reason of this paragraph shall, for purposes of this title, be treated as a credit allowed to the taxpayer under subpart C of part IV of subchapter A.

''(F) OTHER RULES.—

''(i) ELECTION.—Any election under this paragraph (including any allocation under subparagraph (D)) may be revoked only with the consent of the Secretary.

''(ii) DEDUCTION ALLOWED IN COMPUTING MINIMUM TAX.—Notwithstanding this paragraph, paragraph (2)(G) shall apply with respect to the deduction computed under this section (after application of this paragraph) with respect to property placed in service during any applicable taxable year.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 2007, in taxable years ending after such date.

SEC. 606. USE OF AMENDED INCOME TAX RETURNS TO TAKE INTO ACCOUNT RECEIPT OF CERTAIN HURRICANE-RELATED CASUALTY LOSS GRANTS BY DISALLOWING PREVIOUSLY TAKEN CASUALTY LOSS DEDUCTIONS.

(a) IN GENERAL.—Notwithstanding any other provision of the Internal Revenue Code of 1986, if a taxpayer claims a deduction for any taxable year with respect to a casualty loss to a personal residence (within the meaning of section 121 of such Code) resulting from Hurricane Katrina, Hurricane Rita, or Hurricane Wilma and in a subsequent taxable year receives a grant under Public Law 109–148, 109–234, or 110–116 as reimbursement for such loss, such taxpayer may elect to file an amended income tax return for the taxable year in which such deduction was allowed and disallow such deduction. If elected, such amended return must be filed not later than the due date for filing the tax return for the taxable year in which the taxpayer receives such reimbursement or the date that is 4 months after the date of the enactment of this Act, whichever is later. Any increase in Federal income tax resulting from such disallowance if such amended return is filed—

(1) shall be subject to interest on the underpaid tax for one year at the underpayment rate determined under section 6621(a)(2) of such Code; and

(2) shall not be subject to any penalty under such Code.

(b) EMERGENCY DESIGNATION.—For purposes of Senate enforcement, all provisions of this section are designated as emergency requirements and necessary to meet emergency needs pursuant to section 204 of S. Con. Res. 21 (110th Congress), the concurrent resolution on the budget for fiscal year 2008.

SEC. 607. WAIVER OF DEADLINE ON CONSTRUCTION OF GO ZONE PROPERTY ELIGIBLE FOR BONUS DEPRECIATION.

(a) IN GENERAL.—Subparagraph (B) of section 1400N(d)(3) of the Internal Revenue Code of 1986 is amended to read as follows:

''(B) without regard to 'and before January 1, 2009' in clause (i) thereof,''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2007.

(c) EMERGENCY DESIGNATION.—For purposes of Senate enforcement, all provisions of this section are designated as emergency requirements and necessary to meet emergency needs pursuant to section 204 of S. Con. Res. 21 (110th Congress), the concurrent resolution on the budget for fiscal year 2008.

SEC. 608. TEMPORARY TAX RELIEF FOR KIOWA COUNTY, KANSAS AND SURROUNDING AREA.

(a) IN GENERAL.—The following provisions of or relating to the Internal Revenue Code of 1986 shall apply, in addition to the areas described in such provisions, to an area with respect to which a major disaster has been declared by the President under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (FEMA–1699–DR, as in effect on the date of the enactment of this Act) by reason of severe storms and tornados beginning on May 4, 2007, and determined by the President to warrant individual or individual and public assistance from the Federal Government under such Act with respect to damages attributed to such storms and tornados:

(1) SUSPENSION OF CERTAIN LIMITATIONS ON PERSONAL CASUALTY LOSSES.—Section 1400S(b)(1) of the Internal Revenue Code of 1986, by substituting ''May 4, 2007'' for ''August 25, 2005''.

(2) EXTENSION OF REPLACEMENT PERIOD FOR NONRECOGNITION OF GAIN.—Section 405 of the Katrina Emergency Tax Relief Act of 2005, by substituting ''on or after May 4, 2007, by reason of the May 4, 2007, storms and tornados'' for ''on or after August 25, 2005, by reason of Hurricane Katrina''.

(3) EMPLOYEE RETENTION CREDIT FOR EMPLOYERS AFFECTED BY MAY 4 STORMS AND TORNADOS.—Section 1400R(a) of the Internal Revenue Code of 1986—

(A) by substituting ''May 4, 2007'' for ''August 28, 2005'' each place it appears,

(B) by substituting ''January 1, 2008'' for ''January 1, 2006'' both places it appears, and

(C) only with respect to eligible employers who employed an average of not more than 200 employees on business days during the taxable year before May 4, 2007.

(4) SPECIAL ALLOWANCE FOR CERTAIN PROPERTY ACQUIRED ON OR AFTER MAY 5, 2007.—Section 1400N(d) of such Code—

(A) by substituting ''qualified Recovery Assistance property'' for ''qualified Gulf Opportunity Zone property'' each place it appears,

(B) by substituting ''May 5, 2007'' for ''August 28, 2005'' each place it appears,

(C) by substituting ''December 31, 2008'' for ''December 31, 2007'' in paragraph (2)(A)(v),

(D) by substituting ''December 31, 2009'' for ''December 31, 2008'' in paragraph (2)(A)(v),

(E) by substituting ''May 4, 2007'' for ''August 27, 2005'' in paragraph (3)(A),

(F) by substituting ''January 1, 2009'' for ''January 1, 2008'' in paragraph (3)(B), and

(G) determined without regard to paragraph (6) thereof.

(5) INCREASE IN EXPENSING UNDER SECTION 179.—Section 1400N(e) of such Code, by substituting ''qualified section 179 Recovery Assistance property'' for ''qualified section 179 Gulf Opportunity Zone property'' each place it appears.

(6) EXPENSING FOR CERTAIN DEMOLITION AND CLEAN-UP COSTS.—Section 1400N(f) of such Code—

(A) by substituting ''qualified Recovery Assistance clean-up cost'' for ''qualified Gulf Opportunity Zone clean-up cost'' each place it appears, and

(B) by substituting ''beginning on May 4, 2007, and ending on December 31, 2009'' for ''beginning on August 28, 2005, and ending on December 31, 2007'' in paragraph (2) thereof.

(7) TREATMENT OF PUBLIC UTILITY PROPERTY DISASTER LOSSES.—Section 1400N(o) of such Code.

(8) TREATMENT OF NET OPERATING LOSSES ATTRIBUTABLE TO STORM LOSSES.—Section 1400N(k) of such Code—

(A) by substituting ''qualified Recovery Assistance loss'' for ''qualified Gulf Opportunity Zone loss'' each place it appears,

(B) by substituting ''after May 3, 2007, and before on January 1, 2010'' for ''after August 27, 2005, and before January 1, 2008'' each place it appears,

(C) by substituting ''May 4, 2007'' for ''August 28, 2005'' in paragraph (2)(B)(ii)(I) thereof,

(D) by substituting ''qualified Recovery Assistance property'' for ''qualified Gulf Opportunity Zone property'' in paragraph (2)(B)(iv) thereof, and

(E) by substituting ''qualified Recovery Assistance casualty loss'' for ''qualified Gulf Opportunity Zone casualty loss'' each place it appears.

(9) TREATMENT OF REPRESENTATIONS REGARDING INCOME ELIGIBILITY FOR PURPOSES OF QUALIFIED RENTAL PROJECT REQUIREMENTS.—Section 1400N(n) of such Code.

(10) SPECIAL RULES FOR USE OF RETIREMENT FUNDS.—Section 1400Q of such Code—

(A) by substituting ''qualified Recovery Assistance distribution'' for ''qualified hurricane distribution'' each place it appears,

(B) by substituting ''on or after May 4, 2007, and before January 1, 2009'' for ''on or after August 25, 2005, and before January 1, 2007'' in subsection (a)(4)(A)(i),

(C) by substituting ''qualified storm distribution'' for ''qualified Katrina distribution'' each place it appears,

(D) by substituting ''after November 4, 2006, and before May 5, 2007'' for ''after February 28, 2005, and before August 29, 2005'' in subsection (b)(2)(B)(ii),

(E) by substituting ''beginning on May 4, 2007, and ending on November 5, 2007'' for ''beginning on August 25, 2005, and ending on February 28, 2006'' in subsection (b)(3)(A),

(F) by substituting ''qualified storm individual'' for ''qualified Hurricane Katrina individual'' each place it appears,

(G) by substituting ''December 31, 2007'' for ''December 31, 2006'' in subsection (c)(2)(A),

(H) by substituting ''beginning on June 4, 2007, and ending on December 31, 2007'' for ''beginning on September 24, 2005, and ending on December 31, 2006'' in subsection (c)(4)(A)(i),

(I) by substituting ''May 4, 2007'' for ''August 25, 2005'' in subsection (c)(4)(A)(ii), and

(J) by substituting ''January 1, 2008'' for ''January 1, 2007'' in subsection (d)(2)(A)(ii).

(b) EMERGENCY DESIGNATION.—For purposes of Senate enforcement, all provisions of this section are designated as emergency requirements and necessary to meet emergency needs pursuant to section 204 of S. Con. Res. 21 (110th Congress), the concurrent resolution on the budget for fiscal year 2008.

TITLE VII—EMERGENCY DESIGNATION

SEC. 701. EMERGENCY DESIGNATION.

For purposes of Senate enforcement, all provisions of this Act are designated as emergency requirements and necessary to meet emergency needs pursuant to section 204 of S. Con. Res. 21 (110th Congress), the concurrent resolution on the budget for fiscal year 2008.

TITLE VIII—REIT INVESTMENT DIVERSIFICATION AND EMPOWERMENT

SEC. 801. SHORT TITLE; AMENDMENT OF 1986 CODE.

(a) SHORT TITLE.—This title may be cited as the ''REIT Investment Diversification and Empowerment Act of 2008''.

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

Subtitle A—Taxable REIT Subsidiaries

SEC. 811. CONFORMING TAXABLE REIT SUBSIDIARY ASSET TEST.

Section 856(c)(4)(B)(ii) is amended by striking ''20 percent'' and inserting ''25 percent''.

Subtitle B—Dealer Sales

SEC. 821. HOLDING PERIOD UNDER SAFE HARBOR.

Section 857(b)(6) (relating to income from prohibited transactions) is amended—

(1) by striking ''4 years'' in subparagraphs (C)(i), (C)(iv), and (D)(i) and inserting ''2 years'',

(2) by striking ''4-year period'' in subparagraphs (C)(ii), (D)(ii), and (D)(iii) and inserting ''2-year period'', and

(3) by striking ''real estate asset''and all that follows through ''if'' in the matter preceding clause (i) of subparagraphs (C) and (D), respectively, and inserting ''real estate asset (as defined in section 856(c)(5)(B)) and which is described in section 1221(a)(1) if''.

SEC. 822. DETERMINING VALUE OF SALES UNDER SAFE HARBOR.

Section 857(b)(6) is amended—

(1) by striking the semicolon at the end of subparagraph (C)(iii) and inserting '', or (III) the fair market value of property (other than sales of foreclosure property or sales to which section 1033 applies) sold during the taxable year does not exceed 10 percent of the fair market value of all of the assets of the trust as of the beginning of the taxable year;'', and

(2) by adding ''or'' at the end of subclause (II) of subparagraph (D)(iv) and by adding at the end of such subparagraph the following new subclause:

''(III) the fair market value of property (other than sales of foreclosure property or sales to which section 1033 applies) sold during the taxable year does not exceed 10 percent of the fair market value of all of the assets of the trust as of the beginning of the taxable year,''.

Subtitle C—Health Care REITs

SEC. 831. CONFORMITY FOR HEALTH CARE FACILITIES.

(a) RELATED PARTY RENTALS.—Subparagraph (B) of section 856(d)(8) (relating to special rule for taxable REIT subsidiaries) is amended to read as follows:

''(B) EXCEPTION FOR CERTAIN LODGING FACILITIES AND HEALTH CARE PROPERTY.—The requirements of this subparagraph are met with respect to an interest in real property which is a qualified lodging facility (as defined in paragraph (9)(D)) or a qualified health care property (as defined in subsection (e)(6)(D)(i)) leased by the trust to a taxable REIT subsidiary of the trust if the property is operated on behalf of such subsidiary by a person who is an eligible independent contractor. For purposes of this section, a taxable REIT subsidiary is not considered to be operating or managing a qualified health care property or qualified lodging facility solely because it—

''(i) directly or indirectly possesses a license, permit, or similar instrument enabling it to do so, or

''(ii) employs individuals working at such property or facility located outside the United States, but only if an eligible independent contractor is responsible for the daily supervision and direction of such individuals on behalf of the taxable REIT subsidiary pursuant to a management agreement or similar service contract.''.

(b) ELIGIBLE INDEPENDENT CONTRACTOR.—Subparagraphs (A) and (B) of section 856(d)(9) (relating to eligible independent contractor) are amended to read as follows:

''(A) IN GENERAL.—The term 'eligible independent contractor' means, with respect to any

qualified lodging facility or qualified health care property (as defined in subsection (e)(6)(D)(i)), any independent contractor if, at the time such contractor enters into a management agreement or other similar service contract with the taxable REIT subsidiary to operate such qualified lodging facility or qualified health care property, such contractor (or any related person) is actively engaged in the trade or business of operating qualified lodging facilities or qualified health care properties, respectively, for any person who is not a related person with respect to the real estate investment trust or the taxable REIT subsidiary.

''(B) SPECIAL RULES.—Solely for purposes of this paragraph and paragraph (8)(B), a person shall not fail to be treated as an independent contractor with respect to any qualified lodging facility or qualified health care property (as so defined) by reason of the following:

''(i) The taxable REIT subsidiary bears the expenses for the operation of such qualified lodging facility or qualified health care property pursuant to the management agreement or other similar service contract.

''(ii) The taxable REIT subsidiary receives the revenues from the operation of such qualified lodging facility or qualified health care property, net of expenses for such operation and fees payable to the operator pursuant to such agreement or contract.

''(iii) The real estate investment trust receives income from such person with respect to another property that is attributable to a lease of such other property to such person that was in effect as of the later of—

''(I) January 1, 1999, or

''(II) the earliest date that any taxable REIT subsidiary of such trust entered into a management agreement or other similar service contract with such person with respect to such qualified lodging facility or qualified health care property.''.

(c) TAXABLE REIT SUBSIDIARIES.—The last sentence of section 856(l)(3) is amended—

(1) by inserting ''or a health care facility'' after ''a lodging facility'', and

(2) by inserting ''or health care facility'' after ''such lodging facility''.

Subtitle D—Effective Dates and Sunset

SEC. 841 EFFECTIVE DATES AND SUNSET.

(a) IN GENERAL.—Except as otherwise provided in this section, the amendments made by this title shall apply to taxable years beginning after the date of the enactment of this Act.

(b) REIT INCOME TESTS.—

(1) The amendment made by section 801(a) and (b) shall apply to gains and items of income recognized after the date of the enactment of this Act.

(2) The amendment made by section 801(c) shall apply to transactions entered into after the date of the enactment of this Act.

(3) The amendment made by section 801(d) shall apply after the date of the enactment of this Act.

(c) CONFORMING FOREIGN CURRENCY REVISIONS.—

(1) The amendment made by section 803(a) shall apply to gains recognized after the date of the enactment of this Act.

(2) The amendment made by section 803(b) shall apply to gains and deductions recognized after the date of the enactment of this Act.

(d) DEALER SALES.—The amendments made by subtitle C shall apply to sales made after the date of the enactment of this Act.

(e) SUNSET.—All amendments made by this title shall not apply to taxable years beginning after the date which is 5 years after the date of the enactment of this Act. The Internal Revenue Code of 1986 shall be applied and administered to taxable years described in the preceding sentence as if the amendments so described had never been enacted.

TITLE IX—VETERANS HOUSING MATTERS

SEC. 901. HOME IMPROVEMENTS AND STRUCTURAL ALTERATIONS FOR TOTALLY DISABLED MEMBERS OF THE ARMED FORCES BEFORE DISCHARGE OR RELEASE FROM THE ARMED FORCES.

Section 1717 of title 38, United States Code, is amended by adding at the end the following new subsection:

''(d)(1) In the case of a member of the Armed Forces who, as determined by the Secretary, has a disability permanent in nature incurred or aggravated in the line of duty in the active military, naval, or air service, the Secretary may furnish improvements and structural alterations for such member for such disability or as otherwise described in subsection (a)(2) while such member is hospitalized or receiving outpatient medical care, services, or treatment for such disability if the Secretary determines that such member is likely to be discharged or released from the Armed Forces for such disability.

''(2) The furnishing of improvements and alterations under paragraph (1) in connection with the furnishing of medical services described in subparagraph (A) or (B) of subsection (a)(2) shall be subject to the limitation specified in the applicable subparagraph.''.

SEC. 902. ELIGIBILITY FOR SPECIALLY ADAPTED HOUSING BENEFITS AND ASSISTANCE FOR MEMBERS OF THE ARMED FORCES WITH SERVICE-CONNECTED DISABILITIES AND INDIVIDUALS RESIDING OUTSIDE THE UNITED STATES.

(a) ELIGIBILITY.—Chapter 21 of title 38, United States Code, is amended by inserting after section 2101 the following new section:

''§2101A. Eligibility for benefits and assistance: members of the Armed Forces with service-connected disabilities; individuals residing outside the United States

''(a) MEMBERS WITH SERVICE-CONNECTED DISABILITIES.—(1) The Secretary may provide assistance under this chapter to a member of the Armed Forces serving on active duty who is suffering from a disability that meets applicable criteria for benefits under this chapter if the disability is incurred or aggravated in line of duty in the active military, naval, or air service. Such assistance shall be provided to the same extent as assistance is provided under this chapter to veterans eligible for assistance under this chapter and subject to the same requirements as veterans under this chapter.

''(2) For purposes of this chapter, any reference to a veteran or eligible individual shall be treated as a reference to a member of the Armed Forces described in subsection (a) who is similarly situated to the veteran or other eligible individual so referred to.

''(b) BENEFITS AND ASSISTANCE FOR INDIVIDUALS RESIDING OUTSIDE THE UNITED STATES.—(1) Subject to paragraph (2), the Secretary may, at the Secretary's discretion, provide benefits and assistance under this chapter (other than benefits under section 2106 of this title) to any individual otherwise eligible for such benefits and assistance who resides outside the United States.

''(2) The Secretary may provide benefits and assistance to an individual under paragraph (1) only if—

''(A) the country or political subdivision in which the housing or residence involved is or will be located permits the individual to have or acquire a beneficial property interest (as determined by the Secretary) in such housing or residence; and

''(B) the individual has or will acquire a beneficial property interest (as so determined) in such housing or residence.

''(c) REGULATIONS.—Benefits and assistance under this chapter by reason of this section shall be provided in accordance with such regulations as the Secretary may prescribe.''.

(b) CONFORMING AMENDMENTS.—

(1) REPEAL OF SUPERSEDED AUTHORITY.—Section 2101 of such title is amended—

(A) by striking subsection (c); and

(B) by redesignating subsection (d) as subsection (c).

(2) LIMITATIONS ON ASSISTANCE.—Section 2102 of such title is amended—

(A) in subsection (a)—

(i) by striking ''veteran'' each place it appears and inserting ''individual''; and

(ii) in paragraph (3), by striking ''veteran's'' and inserting ''individual's'';

(B) in subsection (b)(1), by striking ''a veteran'' and inserting ''an individual'';

(C) in subsection (c)—

(i) by striking ''a veteran'' and inserting ''an individual''; and

(ii) by striking ''the veteran'' each place it appears and inserting ''the individual''; and

(D) in subsection (d), by striking ''a veteran'' each place it appears and inserting ''an individual''.

(3) ASSISTANCE FOR INDIVIDUALS TEMPORARILY RESIDING IN HOUSING OF FAMILY MEMBER.—Section 2102A of such title is amended—

(A) by striking ''veteran'' each place it appears (other than in subsection (b)) and inserting ''individual'';

(B) in subsection (a), by striking ''veteran's'' each place it appears and inserting ''individual's''; and

(C) in subsection (b), by striking ''a veteran'' each place it appears and inserting ''an individual''.

(4) FURNISHING OF PLANS AND SPECIFICATIONS.—Section 2103 of such title is amended by striking ''veterans'' both places it appears and inserting ''individuals''.

(5) CONSTRUCTION OF BENEFITS.—Section 2104 of such title is amended—

(A) in subsection (a), by striking ''veteran'' each place it appears and inserting ''individual''; and

(B) in subsection (b)—

(i) in the first sentence, by striking ''A veteran'' and inserting ''An individual'';

(ii) in the second sentence, by striking ''a veteran'' and inserting ''an individual''; and

(iii) by striking ''such veteran'' each place it appears and inserting ''such individual''.

(6) VETERANS' MORTGAGE LIFE INSURANCE.—Section 2106 of such title is amended—

(A) in subsection (a)—

(i) by striking ''any eligible veteran'' and inserting ''any eligible individual''; and

(ii) by striking ''the veterans'' '' and inserting ''the individual's'';

(B) in subsection (b), by striking ''an eligible veteran'' and inserting ''an eligible individual'';

(C) in subsection (e), by striking ''an eligible veteran'' and inserting ''an individual'';

(D) in subsection (h), by striking ''each veteran'' and inserting ''each individual'';

(E) in subsection (i), by striking ''the veteran's'' each place it appears and inserting ''the individual's'';

(F) by striking ''the veteran'' each place it appears and inserting ''the individual''; and

(G) by striking ''a veteran'' each place it appears and inserting ''an individual''.

(7) HEADING AMENDMENTS.—(A) The heading of section 2101 of such title is amended to read as follows:

''§2101. Acquisition and adaptation of housing: eligible veterans''.

(B) The heading of section 2102A of such title is amended to read as follows:

''§2102A. Assistance for individuals residing temporarily in housing owned by a family member''.

(8) CLERICAL AMENDMENTS.—The table of sections at the beginning of chapter 21 of such title is amended—

(A) by striking the item relating to section 2101 and inserting the following new item:

''2101. Acquisition and adaptation of housing: eligible veterans.'';

(B) by inserting after the item relating to section 2101, as so amended, the following new item:

''2101A. Eligibility for benefits and assistance: members of the Armed Forces with service-connected disabilities; individuals residing outside the United States.'';

and

(C) by striking the item relating to section 2102A and inserting the following new item:

''2102A. Assistance for individuals residing temporarily in housing owned by a family member.''.

SEC. 903. SPECIALLY ADAPTED HOUSING ASSISTANCE FOR INDIVIDUALS WITH SEVERE BURN INJURIES.

Section 2101 of title 38, United States Code, is amended—

(1) in subsection (a)(2), by adding at the end the following new subparagraph:

''(E) The disability is due to a severe burn injury (as determined pursuant to regulations prescribed by the Secretary).''; and

(2) in subsection (b)(2)—

(A) by striking ''either'' and inserting ''any''; and

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

''(C) The disability is due to a severe burn injury (as so determined).''.

SEC. 904. EXTENSION OF ASSISTANCE FOR INDIVIDUALS RESIDING TEMPORARILY IN HOUSING OWNED BY A FAMILY MEMBER.

Section 2102A(e) of title 38, United States Code, is amended by striking ''after the end of the five-year period that begins on the date of the enactment of the Veterans' Housing Opportunity and Benefits Improvement Act of 2006'' and inserting ''after December 31, 2011''.

SEC. 905. INCREASE IN SPECIALLY ADAPTED HOUSING BENEFITS FOR DISABLED VETERANS.

(a) IN GENERAL.—Section 2102 of title 38, United States Code, is amended—

(1) in subsection (b)(2), by striking ''$10,000'' and inserting ''$12,000'';

(2) in subsection (d)—

(A) in paragraph (1), by striking ''$50,000'' and inserting ''$60,000''; and

(B) in paragraph (2), by striking ''$10,000'' and inserting ''$12,000''; and

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

''(e)(1) Effective on October 1 of each year (beginning in 2009), the Secretary shall increase the amounts described in subsection (b)(2) and paragraphs (1) and (2) of subsection (d) in accordance with this subsection.

''(2) The increase in amounts under paragraph (1) to take effect on October 1 of a year shall be by an amount of such amounts equal to the percentage by which—

''(A) the residential home cost-of-construction index for the preceding calendar year, exceeds

''(B) the residential home cost-of-construction index for the year preceding the year described in subparagraph (A).

''(3) The Secretary shall establish a residential home cost-of-construction index for the purposes of this subsection. The index shall reflect a uniform, national average change in the cost of residential home construction, determined on a calendar year basis. The Secretary may use an index developed in the private sector that the Secretary determines is appropriate for purposes of this subsection.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on July 1, 2008, and shall apply with respect to payments made in accordance with section 2102 of title 38, United States Code, on or after that date.

SEC. 906. REPORT ON SPECIALLY ADAPTED HOUSING FOR DISABLED INDIVIDUALS.

(a) IN GENERAL.—Not later than December 31, 2008, the Secretary of Veterans Affairs shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report that contains an assessment of the adequacy of the authorities available to the Secretary under law to assist eligible disabled individuals in acquiring—

(1) suitable housing units with special fixtures or movable facilities required for their disabilities, and necessary land therefor;

(2) such adaptations to their residences as are reasonably necessary because of their disabilities; and

(3) residences already adapted with special features determined by the Secretary to be reasonably necessary as a result of their disabilities.

(b) FOCUS ON PARTICULAR DISABILITIES.—The report required by subsection (a) shall set forth a specific assessment of the needs of—

(1) veterans who have disabilities that are not described in subsections (a)(2) and (b)(2) of section 2101 of title 38, United States Code; and

(2) other disabled individuals eligible for specially adapted housing under chapter 21 of such title by reason of section 2101A of such title (as added by section 902(a) of this Act) who have disabilities that are not described in such subsections.

SEC. 907. REPORT ON SPECIALLY ADAPTED HOUSING ASSISTANCE FOR INDIVIDUALS WHO RESIDE IN HOUSING OWNED BY A FAMILY MEMBER ON PERMANENT BASIS.

Not later than December 31, 2008, the Secretary of Veterans Affairs shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the advisability of providing assistance under section 2102A of title 38, United States Code, to veterans described in subsection (a) of such section, and to members of the Armed Forces covered by such section 2102A by reason of section 2101A of title 38, United States Code (as added by section 902(a) of this Act), who reside with family members on a permanent basis.

SEC. 908. DEFINITION OF ANNUAL INCOME FOR PURPOSES OF SECTION 8 AND OTHER PUBLIC HOUSING PROGRAMS.

Section 3(b)(4) of the United States Housing Act of 1937 (42 U.S.C. 1437a(3)(b)(4)) is amended by inserting ''or any deferred Department of Veterans Affairs disability benefits that are received in a lump sum amount or in prospective monthly amounts'' before ''may not be considered''.

SEC. 909. PAYMENT OF TRANSPORTATION OF BAGGAGE AND HOUSEHOLD EFFECTS FOR MEMBERS OF THE ARMED FORCES WHO RELOCATE DUE TO FORECLOSURE OF LEASED HOUSING.

Section 406 of title 37, United States Code, is amended—

(1) by redesignating subsections (k) and (l) as subsections (l) and (m), respectively; and

(2) by inserting after subsection (j) the following new subsection (k):

''(k) A member of the armed forces who relocates from leased or rental housing by reason of the foreclosure of such housing is entitled to transportation of baggage and household effects under subsection (b)(1) in the same manner, and subject to the same conditions and limitations, as similarly circumstanced members entitled to transportation of baggage and household effects under that subsection.''.

TITLE X—CLEAN ENERGY TAX STIMULUS

SEC. 1001. SHORT TITLE; ETC.

(a) SHORT TITLE.—This title may be cited as the ''Clean Energy Tax Stimulus Act of 2008''.

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

Subtitle A—Extension of Clean Energy Production Incentives

SEC. 1011. EXTENSION AND MODIFICATION OF RENEWABLE ENERGY PRODUCTION TAX CREDIT.

(a) EXTENSION OF CREDIT.—Each of the following provisions of section 45(d) (relating to qualified facilities) is amended by striking ''January 1, 2009'' and inserting ''January 1, 2010'':

(1) Paragraph (1).

(2) Clauses (i) and (ii) of paragraph (2)(A).

(3) Clauses (i)(I) and (ii) of paragraph (3)(A).

(4) Paragraph (4).

(5) Paragraph (5).

(6) Paragraph (6).

(7) Paragraph (7).

(8) Paragraph (8).

(9) Subparagraphs (A) and (B) of paragraph (9).

(b) PRODUCTION CREDIT FOR ELECTRICITY PRODUCED FROM MARINE RENEWABLES.—

(1) IN GENERAL.—Paragraph (1) of section 45(c) (relating to resources) is amended by striking ''and'' at the end of subparagraph (G), by striking the period at the end of subparagraph (H) and inserting '', and'', and by adding at the end the following new subparagraph:

''(I) marine and hydrokinetic renewable energy.''.

(2) MARINE RENEWABLES.—Subsection (c) of section 45 is amended by adding at the end the following new paragraph:

''(10) MARINE AND HYDROKINETIC RENEWABLE ENERGY.—

''(A) IN GENERAL.—The term 'marine and hydrokinetic renewable energy' means energy derived from—

''(i) waves, tides, and currents in oceans, estuaries, and tidal areas,

''(ii) free flowing water in rivers, lakes, and streams,

''(iii) free flowing water in an irrigation system, canal, or other man-made channel, including projects that utilize nonmechanical structures to accelerate the flow of water for electric power production purposes, or

''(iv) differentials in ocean temperature (ocean thermal energy conversion).

''(B) EXCEPTIONS.—Such term shall not include any energy which is derived from any source which utilizes a dam, diversionary structure (except as provided in subparagraph (A)(iii)), or impoundment for electric power production purposes.''.

(3) DEFINITION OF FACILITY.—Subsection (d) of section 45 is amended by adding at the end the following new paragraph:

''(11) MARINE AND HYDROKINETIC RENEWABLE ENERGY FACILITIES.—In the case of a facility producing electricity from marine and hydrokinetic renewable energy, the term 'qualified facility' means any facility owned by the taxpayer—

''(A) which has a nameplate capacity rating of at least 150 kilowatts, and

''(B) which is originally placed in service on or after the date of the enactment of this paragraph and before January 1, 2010.''.

(4) CREDIT RATE.—Subparagraph (A) of section 45(b)(4) is amended by striking ''or (9)'' and inserting ''(9), or (11)''.

(5) COORDINATION WITH SMALL IRRIGATION POWER.—Paragraph (5) of section 45(d), as amended by subsection (a), is amended by striking ''January 1, 2010'' and inserting ''the date of the enactment of paragraph (11)''.

(c) SALES OF ELECTRICITY TO REGULATED PUBLIC UTILITIES TREATED AS SALES TO UNRELATED PERSONS.—Section 45(e)(4) (relating to related persons) is amended by adding at the end the following new sentence: ''A taxpayer shall be treated as selling electricity to an unrelated person if such electricity is sold to a regulated public utility (as defined in section 7701(a)(33).''.

(d) TRASH FACILITY CLARIFICATION.—Paragraph (7) of section 45(d) is amended—

(1) by striking ''facility which burns'' and inserting ''facility (other than a facility described in paragraph (6)) which uses'', and

(2) by striking ''COMBUSTION''.

(e) EFFECTIVE DATES.—

(1) EXTENSION.—The amendments made by subsection (a) shall apply to property originally placed in service after December 31, 2008.

(2) MODIFICATIONS.—The amendments made by subsections (b) and (c) shall apply to electricity produced and sold after the date of the enactment of this Act, in taxable years ending after such date.

(3) TRASH FACILITY CLARIFICATION.—The amendments made by subsection (d) shall apply to electricity produced and sold before, on, or after December 31, 2007.

SEC. 1012. EXTENSION AND MODIFICATION OF SOLAR ENERGY AND FUEL CELL INVESTMENT TAX CREDIT.

(a) EXTENSION OF CREDIT.—

(1) SOLAR ENERGY PROPERTY.—Paragraphs (2)(A)(i)(II) and (3)(A)(ii) of section 48(a) (relating to energy credit) are each amended by striking ''January 1, 2009'' and inserting ''January 1, 2017''.

(2) FUEL CELL PROPERTY.—Subparagraph (E) of section 48(c)(1) (relating to qualified fuel cell property) is amended by striking ''December 31, 2008'' and inserting ''December 31, 2017''.

(3) QUALIFIED MICROTURBINE PROPERTY.—Subparagraph (E) of section 48(c)(2) (relating to qualified microturbine property) is amended by striking ''December 31, 2008'' and inserting ''December 31, 2017''.

(b) ALLOWANCE OF ENERGY CREDIT AGAINST ALTERNATIVE MINIMUM TAX.—Subparagraph (B) of section 38(c)(4) (relating to specified credits) is amended by striking ''and'' at the end of clause (iii), by striking the period at the end of clause (iv) and inserting '', and'', and by adding at the end the following new clause:

''(v) the credit determined under section 46 to the extent that such credit is attributable to the energy credit determined under section 48.''.

(c) REPEAL OF DOLLAR PER KILOWATT LIMITATION FOR FUEL CELL PROPERTY.—

(1) IN GENERAL.—Section 48(c)(1) (relating to qualified fuel cell), as amended by subsection (a)(2), is amended by striking subparagraph (B) and by redesignating subparagraphs (C), (D), and (E) as subparagraphs (B), (C), and (D), respectively.

(2) CONFORMING AMENDMENT.—Section 48(a)(1) is amended by striking ''paragraphs (1)(B) and (2)(B) of subsection (c)'' and inserting ''subsection (c)(2)(B)''.

(d) PUBLIC ELECTRIC UTILITY PROPERTY TAKEN INTO ACCOUNT.—

(1) IN GENERAL.—Paragraph (3) of section 48(a) is amended by striking the second sentence thereof.

(2) CONFORMING AMENDMENTS.—

(A) Paragraph (1) of section 48(c), as amended by this section, is amended by striking subparagraph (C) and redesignating subparagraph (D) as subparagraph (C).

(B) Paragraph (2) of section 48(c), as amended by subsection (a)(3), is amended by striking subparagraph (D) and redesignating subparagraph (E) as subparagraph (D).

(e) EFFECTIVE DATES.—

(1) EXTENSION.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act.

(2) ALLOWANCE AGAINST ALTERNATIVE MINIMUM TAX.—The amendments made by subsection (b) shall apply to credits determined under section 46 of the Internal Revenue Code of 1986 in taxable years beginning after the date of the enactment of this Act and to carrybacks of such credits.

(3) FUEL CELL PROPERTY AND PUBLIC ELECTRIC UTILITY PROPERTY.—The amendments made by subsections (c) and (d) shall apply to periods after the date of the enactment of this Act, in taxable years ending after such date, under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1986 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990).

SEC. 1013. EXTENSION AND MODIFICATION OF RESIDENTIAL ENERGY EFFICIENT PROPERTY CREDIT.

(a) EXTENSION.—Section 25D(g) (relating to termination) is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(b) NO DOLLAR LIMITATION FOR CREDIT FOR SOLAR ELECTRIC PROPERTY.—

(1) IN GENERAL.—Section 25D(b)(1) (relating to maximum credit) is amended by striking subparagraph (A) and by redesignating subparagraphs (B) and (C) as subparagraphs (A) and (B), respectively.

(2) CONFORMING AMENDMENTS.—Section 25D(e)(4) is amended—

(A) by striking clause (i) in subparagraph (A),

(B) by redesignating clauses (ii) and (iii) in subparagraph (A) as clauses (i) and (ii), respectively, and

(C) by striking '', (2),'' in subparagraph (C).

(c) CREDIT ALLOWED AGAINST ALTERNATIVE MINIMUM TAX.—

(1) IN GENERAL.—Subsection (c) of section 25D is amended to read as follows:

''(c) LIMITATION BASED ON AMOUNT OF TAX; CARRYFORWARD OF UNUSED CREDIT.—

''(1) LIMITATION BASED ON AMOUNT OF TAX.—In the case of a taxable year to which section 26(a)(2) does not apply, the credit allowed under subsection (a) for the taxable year shall not exceed the excess of—

''(A) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

''(B) the sum of the credits allowable under this subpart (other than this section) and section 27 for the taxable year.

''(2) CARRYFORWARD OF UNUSED CREDIT.—

''(A) RULE FOR YEARS IN WHICH ALL PERSONAL CREDITS ALLOWED AGAINST REGULAR AND ALTERNATIVE MINIMUM TAX.—In the case of a taxable year to which section 26(a)(2) applies, if the credit allowable under subsection (a) exceeds the limitation imposed by section 26(a)(2) for such taxable year reduced by the sum of the credits allowable under this subpart (other than this section), such excess shall be carried to the succeeding taxable year and added to the credit allowable under subsection (a) for such succeeding taxable year.

''(B) RULE FOR OTHER YEARS.—In the case of a taxable year to which section 26(a)(2) does not apply, if the credit allowable under subsection (a) exceeds the limitation imposed by paragraph (1) for such taxable year, such excess shall be carried to the succeeding taxable year and added to the credit allowable under subsection (a) for such succeeding taxable year.''.

(2) CONFORMING AMENDMENTS.—

(A) Section 23(b)(4)(B) is amended by inserting ''and section 25D'' after ''this section''.

(B) Section 24(b)(3)(B) is amended by striking ''and 25B'' and inserting '', 25B, and 25D''.

(C) Section 25B(g)(2) is amended by striking ''section 23'' and inserting ''sections 23 and 25D''.

(D) Section 26(a)(1) is amended by striking ''and 25B'' and inserting ''25B, and 25D''.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

(2) APPLICATION OF EGTRRA SUNSET.—The amendments made by subparagraphs (A) and (B) of subsection (c)(2) shall be subject to title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 in the same manner as the provisions of such Act to which such amendments relate.

SEC. 1014. EXTENSION AND MODIFICATION OF CREDIT FOR CLEAN RENEWABLE ENERGY BONDS.

(a) EXTENSION.—Section 54(m) (relating to termination) is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(b) INCREASE IN NATIONAL LIMITATION.—Section 54(f) (relating to limitation on amount of bonds designated) is amended—

(1) by inserting '', and for the period beginning after the date of the enactment of the Clean Energy Tax Stimulus Act of 2008 and ending before January 1, 2010, $400,000,000'' after ''$1,200,000,000'' in paragraph (1),

(2) by striking ''$750,000,000 of the'' in paragraph (2) and inserting ''$750,000,000 of the $1,200,000,000'', and

(3) by striking ''bodies'' in paragraph (2) and inserting ''bodies, and except that the Secretary may not allocate more than ⅓ of the $400,000,000 national clean renewable energy bond limitation to finance qualified projects of qualified borrowers which are public power providers nor more than ⅓ of such limitation to finance qualified projects of qualified borrowers which are mutual or cooperative electric companies described in section 501(c)(12) or section 1381(a)(2)(C)''.

(c) PUBLIC POWER PROVIDERS DEFINED.—Section 54(j) is amended—

(1) by adding at the end the following new paragraph:

''(6) PUBLIC POWER PROVIDER.—The term 'public power provider' means a State utility with a service obligation, as such terms are defined in section 217 of the Federal Power Act (as in effect on the date of the enactment of this paragraph).'', and

(2) by inserting ''; PUBLIC POWER PROVIDER'' before the period at the end of the heading.

(d) TECHNICAL AMENDMENT.—The third sentence of section 54(e)(2) is amended by striking ''subsection (l)(6)'' and inserting ''subsection (l)(5)''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to bonds issued after the date of the enactment of this Act.

SEC. 1015. EXTENSION OF SPECIAL RULE TO IMPLEMENT FERC RESTRUCTURING POLICY.

(a) QUALIFYING ELECTRIC TRANSMISSION TRANSACTION.—

(1) IN GENERAL.—Section 451(i)(3) (defining qualifying electric transmission transaction) is amended by striking ''January 1, 2008'' and inserting ''January 1, 2010''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to transactions after December 31, 2007.

(b) INDEPENDENT TRANSMISSION COMPANY.—

(1) IN GENERAL.—Section 451(i)(4)(B)(ii) (defining independent transmission company) is amended by striking ''December 31, 2007'' and inserting ''the date which is 2 years after the date of such transaction''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall take effect as if included in the amendments made by section 909 of the American Jobs Creation Act of 2004.

Subtitle B—Extension of Incentives to Improve Energy Efficiency

SEC. 1021. EXTENSION AND MODIFICATION OF CREDIT FOR ENERGY EFFICIENCY IMPROVEMENTS TO EXISTING HOMES.

(a) EXTENSION OF CREDIT.—Section 25C(g) (relating to termination) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2009''.

(b) QUALIFIED BIOMASS FUEL PROPERTY.—

(1) IN GENERAL.—Section 25C(d)(3) is amended—

(A) by striking ''and'' at the end of subparagraph (D),

(B) by striking the period at the end of subparagraph (E) and inserting '', and'', and

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

''(F) a stove which uses the burning of biomass fuel to heat a dwelling unit located in the United States and used as a residence by the taxpayer, or to heat water for use in such a dwelling unit, and which has a thermal efficiency rating of at least 75 percent.''.

(2) BIOMASS FUEL.—Section 25C(d) (relating to residential energy property expenditures) is amended by adding at the end the following new paragraph:

''(6) BIOMASS FUEL.—The term 'biomass fuel' means any plant-derived fuel available on a renewable or recurring basis, including agricultural crops and trees, wood and wood waste and

residues (including wood pellets), plants (including aquatic plants), grasses, residues, and fibers.''.

(c) MODIFICATIONS OF STANDARDS FOR ENERGY-EFFICIENT BUILDING PROPERTY.—

(1) ELECTRIC HEAT PUMPS.—Subparagraph (B) of section 25C(d)(3) is amended to read as follows:

''(A) an electric heat pump which achieves the highest efficiency tier established by the Consortium for Energy Efficiency, as in effect on January 1, 2008.''.

(2) CENTRAL AIR CONDITIONERS.—Section 25C(d)(3)(D) is amended by striking ''2006'' and inserting ''2008''.

(3) WATER HEATERS.—Subparagraph (E) of section 25C(d) is amended to read as follows:

''(E) a natural gas, propane, or oil water heater which has either an energy factor of at least 0.80 or a thermal efficiency of at least 90 percent.''.

(4) OIL FURNACES AND HOT WATER BOILERS.—Paragraph (4) of section 25C(d) is amended to read as follows:

''(4) QUALIFIED NATURAL GAS, PROPANE, AND OIL FURNACES AND HOT WATER BOILERS.—

''(A) QUALIFIED NATURAL GAS FURNACE.—The term 'qualified natural gas furnace' means any natural gas furnace which achieves an annual fuel utilization efficiency rate of not less than 95.

''(B) QUALIFIED NATURAL GAS HOT WATER BOILER.—The term 'qualified natural gas hot water boiler' means any natural gas hot water boiler which achieves an annual fuel utilization efficiency rate of not less than 90.

''(C) QUALIFIED PROPANE FURNACE.—The term 'qualified propane furnace' means any propane furnace which achieves an annual fuel utilization efficiency rate of not less than 95.

''(D) QUALIFIED PROPANE HOT WATER BOILER.—The term 'qualified propane hot water boiler' means any propane hot water boiler which achieves an annual fuel utilization efficiency rate of not less than 90.

''(E) QUALIFIED OIL FURNACES.—The term 'qualified oil furnace' means any oil furnace which achieves an annual fuel utilization efficiency rate of not less than 90.

''(F) QUALIFIED OIL HOT WATER BOILER.—The term 'qualified oil hot water boiler' means any oil hot water boiler which achieves an annual fuel utilization efficiency rate of not less than 90.''.

(d) EFFECTIVE DATE.—The amendments made this section shall apply to expenditures made after December 31, 2007.

SEC. 1022. EXTENSION AND MODIFICATION OF TAX CREDIT FOR ENERGY EFFICIENT NEW HOMES.

(a) EXTENSION OF CREDIT.—Subsection (g) of section 45L (relating to termination) is amended by striking ''December 31, 2008'' and inserting ''December 31, 2010''.

(b) ALLOWANCE FOR CONTRACTOR'S PERSONAL RESIDENCE.—Subparagraph (B) of section 45L(a)(1) is amended to read as follows:

''(B)(i) acquired by a person from such eligible contractor and used by any person as a residence during the taxable year, or

''(ii) used by such eligible contractor as a residence during the taxable year.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to homes acquired after December 31, 2008.

SEC. 1023. EXTENSION AND MODIFICATION OF ENERGY EFFICIENT COMMERCIAL BUILDINGS DEDUCTION.

(a) EXTENSION.—Section 179D(h) (relating to termination) is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(b) ADJUSTMENT OF MAXIMUM DEDUCTION AMOUNT.—

(1) IN GENERAL.—Subparagraph (A) of section 179D(b)(1) (relating to maximum amount of deduction) is amended by striking ''$1.80'' and inserting ''$2.25''.

(2) PARTIAL ALLOWANCE.—Paragraph (1) of section 179D(d) is amended—

(A) by striking ''$.60'' and inserting ''$0.75'', and

(B) by striking ''$1.80'' and inserting ''$2.25''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act.

SEC. 1024. MODIFICATION AND EXTENSION OF ENERGY EFFICIENT APPLIANCE CREDIT FOR APPLIANCES PRODUCED AFTER 2007.

(a) IN GENERAL.—Subsection (b) of section 45M (relating to applicable amount) is amended to read as follows:

''(b) APPLICABLE AMOUNT.—For purposes of subsection (a)—

''(1) DISHWASHERS.—The applicable amount is—

''(A) $45 in the case of a dishwasher which is manufactured in calendar year 2008 or 2009 and which uses no more than 324 kilowatt hours per year and 5.8 gallons per cycle, and

''(B) $75 in the case of a dishwasher which is manufactured in calendar year 2008, 2009, or 2010 and which uses no more than 307 kilowatt hours per year and 5.0 gallons per cycle (5.5 gallons per cycle for dishwashers designed for greater than 12 place settings).

''(2) CLOTHES WASHERS.—The applicable amount is—

''(A) $75 in the case of a residential top-loading clothes washer manufactured in calendar year 2008 which meets or exceeds a 1.72 modified energy factor and does not exceed a 8.0 water consumption factor,

''(B) $125 in the case of a residential top-loading clothes washer manufactured in calendar year 2008 or 2009 which meets or exceeds a 1.8 modified energy factor and does not exceed a 7.5 water consumption factor,

''(C) $150 in the case of a residential or commercial clothes washer manufactured in calendar year 2008, 2009, or 2010 which meets or exceeds 2.0 modified energy factor and does not exceed a 6.0 water consumption factor, and

''(D) $250 in the case of a residential or commercial clothes washer manufactured in calendar year 2008, 2009, or 2010 which meets or exceeds 2.2 modified energy factor and does not exceed a 4.5 water consumption factor.

''(3) REFRIGERATORS.—The applicable amount is—

''(A) $50 in the case of a refrigerator which is manufactured in calendar year 2008, and consumes at least 20 percent but not more than 22.9 percent less kilowatt hours per year than the 2001 energy conservation standards,

''(B) $75 in the case of a refrigerator which is manufactured in calendar year 2008 or 2009, and consumes at least 23 percent but no more than 24.9 percent less kilowatt hours per year than the 2001 energy conservation standards,

''(C) $100 in the case of a refrigerator which is manufactured in calendar year 2008, 2009, or 2010, and consumes at least 25 percent but not more than 29.9 percent less kilowatt hours per year than the 2001 energy conservation standards, and

''(D) $200 in the case of a refrigerator manufactured in calendar year 2008, 2009, or 2010 and which consumes at least 30 percent less energy than the 2001 energy conservation standards.''.

(b) ELIGIBLE PRODUCTION.—

(1) SIMILAR TREATMENT FOR ALL APPLIANCES.—Subsection (c) of section 45M (relating to eligible production) is amended—

(A) by striking paragraph (2),

(B) by striking ''(1) IN GENERAL'' and all that follows through ''the eligible'' and inserting ''The eligible'', and

(C) by moving the text of such subsection in line with the subsection heading and redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively.

(2) MODIFICATION OF BASE PERIOD.—Paragraph (2) of section 45M(c), as amended by paragraph (1) of this section, is amended by striking ''3-calendar year'' and inserting ''2-calendar year''.

(c) TYPES OF ENERGY EFFICIENT APPLIANCES.—Subsection (d) of section 45M (defining types of energy efficient appliances) is amended to read as follows:

''(d) TYPES OF ENERGY EFFICIENT APPLIANCE.—For purposes of this section, the types of energy efficient appliances are—

''(1) dishwashers described in subsection (b)(1),

''(2) clothes washers described in subsection (b)(2), and

''(3) refrigerators described in subsection (b)(3).''.

(d) AGGREGATE CREDIT AMOUNT ALLOWED.—

(1) INCREASE IN LIMIT.—Paragraph (1) of section 45M(e) (relating to aggregate credit amount allowed) is amended to read as follows:

''(1) AGGREGATE CREDIT AMOUNT ALLOWED.—The aggregate amount of credit allowed under subsection (a) with respect to a taxpayer for any taxable year shall not exceed $75,000,000 reduced by the amount of the credit allowed under subsection (a) to the taxpayer (or any predecessor) for all prior taxable years beginning after December 31, 2007.''.

(2) EXCEPTION FOR CERTAIN REFRIGERATOR AND CLOTHES WASHERS.—Paragraph (2) of section 45M(e) is amended to read as follows:

''(2) AMOUNT ALLOWED FOR CERTAIN REFRIGERATORS AND CLOTHES WASHERS.—Refrigerators described in subsection (b)(3)(D) and clothes washers described in subsection (b)(2)(D) shall not be taken into account under paragraph (1).''.

(e) QUALIFIED ENERGY EFFICIENT APPLIANCES.—

(1) IN GENERAL.—Paragraph (1) of section 45M(f) (defining qualified energy efficient appliance) is amended to read as follows:

''(1) QUALIFIED ENERGY EFFICIENT APPLIANCE.—The term 'qualified energy efficient appliance' means—

''(A) any dishwasher described in subsection (b)(1),

''(B) any clothes washer described in subsection (b)(2), and

''(C) any refrigerator described in subsection (b)(3).''.

(2) CLOTHES WASHER.—Section 45M(f)(3) (defining clothes washer) is amended by inserting ''commercial'' before ''residential'' the second place it appears.

(3) TOP-LOADING CLOTHES WASHER.—Subsection (f) of section 45M (relating to definitions) is amended by redesignating paragraphs (4), (5), (6), and (7) as paragraphs (5), (6), (7), and (8), respectively, and by inserting after paragraph (3) the following new paragraph:

''(4) TOP-LOADING CLOTHES WASHER.—The term 'top-loading clothes washer' means a clothes washer which has the clothes container compartment access located on the top of the machine and which operates on a vertical axis.''.

(4) REPLACEMENT OF ENERGY FACTOR.—Section 45M(f)(6), as redesignated by paragraph (3), is amended to read as follows:

''(6) MODIFIED ENERGY FACTOR.—The term 'modified energy factor' means the modified energy factor established by the Department of Energy for compliance with the Federal energy conservation standard.''.

(5) GALLONS PER CYCLE; WATER CONSUMPTION FACTOR.—Section 45M(f) (relating to definitions), as amended by paragraph (3), is amended by adding at the end the following:

''(9) GALLONS PER CYCLE.—The term 'gallons per cycle' means, with respect to a dishwasher, the amount of water, expressed in gallons, required to complete a normal cycle of a dishwasher.

''(10) WATER CONSUMPTION FACTOR.—The term 'water consumption factor' means, with respect to a clothes washer, the quotient of the total weighted per-cycle water consumption divided by the cubic foot (or liter) capacity of the clothes washer.''.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to appliances produced after December 31, 2007.

TITLE XI—SENSE OF THE SENATE

SEC. 1101. SENSE OF THE SENATE.

It is the sense of the Senate that in implementing or carrying out any provision of this Act, or any amendment made by this Act, the Senate supports a policy of noninterference regarding local government requirements that the holder of a foreclosed property maintain that property.

Amend the title so as to read: ''An Act to provide needed housing reform and for other purposes.''.

Pending consideration of said amendments of the Senate.

Mr. FRANK of Massachusetts, pursuant to House Resolution 1175, moved to agree to the amendment of the Senate to the text, with each of the following House amendments printed in House Report 110-622:

The House amendment numbered 1 to the amendment of the Senate to the text is as follows:

In the matter proposed to be inserted by the amendment of the Senate to the text of the bill, strike section 1 and all that follows through the end of title V and insert the following:

SEC. 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''American Housing Rescue and Foreclosure Prevention Act of 2008''.

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

Sec. 1. Short title and table of contents.

TITLE I—FHA HOUSING STABILIZATION AND HOMEOWNERSHIP RETENTION

Sec. 101. Short title.

Subtitle A—Homeownership Retention

Sec. 111. Purposes.
Sec. 112. Insurance of homeownership retention mortgages.
Sec. 113. Study of Auction or Bulk Refinance Program.
Sec. 114. Temporary increase in maximum loan guaranty amount for certain housing loans guaranteed by Secretary of Veterans Affairs.
Sec. 115. Study of possible accounting revisions relating to property at risk of foreclosure and the availability of credit for refinancing home mortgages at risk of foreclosure.
Sec. 116. GAO study of the effect of tightening credit markets in communities affected by the subprime mortgage foreclosure crises and predatory lending on prospective first-time homebuyers seeking mortgages.

Subtitle B—Office of Housing Counseling

Sec. 131. Short title.
Sec. 132. Establishment of Office of Housing Counseling.
Sec. 133. Counseling procedures.
Sec. 134. Grants for housing counseling assistance.
Sec. 135. Requirements to use HUD-certified counselors under HUD programs.
Sec. 136. Study of defaults and foreclosures.
Sec. 137. Definitions for counseling-related programs.
Sec. 138. Updating and simplification of mortgage information booklet.

Subtitle C—Combating Mortgage Fraud

Sec. 151. Authorization of appropriations to combat mortgage fraud.

TITLE II—FHA REFORM AND MANUFACTURED HOUSING LOAN INSURANCE MODERNIZATION

Subtitle A—FHA Reform

Sec. 201. Short title.
Sec. 202. Findings and purposes.
Sec. 203. Maximum principal loan obligation.
Sec. 204. Extension of mortgage term.
Sec. 205. Downpayment simplification.
Sec. 206. Mortgage insurance premiums for qualified homeownership assistance entities and higher-risk borrowers.
Sec. 207. Risk-based mortgage insurance premiums.
Sec. 208. Payment incentives for higher-risk borrowers.
Sec. 209. Protections for higher-risk borrowers.
Sec. 210. Refinancing mortgages.
Sec. 211. Annual reports on new programs and loss mitigation.
Sec. 212. Insurance for single family homes with licensed child care facilities.
Sec. 213. Rehabilitation loans.
Sec. 214. Discretionary action.
Sec. 215. Insurance of condominiums and manufactured housing.
Sec. 216. Mutual Mortgage Insurance Fund.
Sec. 217. Hawaiian home lands and Indian reservations.
Sec. 218. Conforming and technical amendments.
Sec. 219. Home equity conversion mortgages.
Sec. 220. Study on participation of mortgage brokers and correspondent lenders.
Sec. 221. Conforming loan limit in disaster areas.
Sec. 222. Failure to pay amounts from escrow accounts for single family mortgages.
Sec. 223. Acceptable identification for FHA mortgagors.
Sec. 224. Pilot program for automated process for borrowers without sufficient credit history.
Sec. 225. Sense of Congress regarding technology for financial systems.
Sec. 226. Clarification of disposition of certain properties.
Sec. 227. Valuation of multifamily properties in noncompetitive sales by HUD to states and localities.
Sec. 228. Limitation on mortgage insurance premium increases.
Sec. 229. Civil money penalties for improperly influencing appraisals.
Sec. 230. Mortgage insurance premium refunds.
Sec. 231. Savings provision.
Sec. 232. Implementation.

Subtitle B—FHA Manufactured Housing Loan Insurance Modernization

Sec. 251. Short title.
Sec. 252. Findings and purposes.
Sec. 253. Exception to limitation on financial institution portfolio.
Sec. 254. Insurance benefits.
Sec. 255. Maximum loan limits.
Sec. 256. Insurance premiums.
Sec. 257. Technical corrections.
Sec. 258. Revision of underwriting criteria.
Sec. 259. Requirement of social security account number for assistance.
Sec. 260. GAO study of mitigation of tornado risks to manufactured homes.

TITLE III—REFORM OF GOVERNMENT-SPONSORED ENTITIES FOR HOUSING FINANCE

Sec. 301. Short title.
Sec. 302. Definitions.

Subtitle A—Reform of Regulation of Enterprises and Federal Home Loan Banks

CHAPTER 1—IMPROVEMENT OF SAFETY AND SOUNDNESS

Sec. 311. Establishment of the Federal Housing Finance Agency.
Sec. 312. Duties and authorities of Director.
Sec. 313. Federal Housing Enterprise Board.
Sec. 314. Authority to require reports by regulated entities.
Sec. 315. Disclosure of income and charitable contributions by enterprises.
Sec. 316. Assessments.
Sec. 317. Examiners and accountants.
Sec. 318. Prohibition and withholding of executive compensation.
Sec. 319. Reviews of regulated entities.
Sec. 320. Inclusion of minorities and women; diversity in Agency workforce.
Sec. 321. Regulations and orders.
Sec. 322. Non-waiver of privileges.
Sec. 323. Risk-based capital requirements.
Sec. 324. Minimum and critical capital levels.
Sec. 325. Review of and authority over enterprise assets and liabilities.
Sec. 326. Corporate governance of enterprises.
Sec. 327. Required registration under Securities Exchange Act of 1934.
Sec. 328. Liaison with Financial Institutions Examination Council.
Sec. 329. Guarantee fee study.
Sec. 330. Conforming amendments.

CHAPTER 2—IMPROVEMENT OF MISSION SUPERVISION

Sec. 331. Transfer of product approval and housing goal oversight.
Sec. 332. Review of enterprise products.
Sec. 333. Conforming loan limits.
Sec. 334. Annual housing report regarding regulated entities.
Sec. 335. Annual reports by regulated entities on affordable housing stock.
Sec. 336. Mortgagor identification requirements for mortgages of regulated entities.
Sec. 337. Revision of housing goals.
Sec. 338. Duty to serve underserved markets.
Sec. 339. Monitoring and enforcing compliance with housing goals.
Sec. 340. Affordable Housing Fund.
Sec. 341. Consistency with mission.
Sec. 342. Enforcement.
Sec. 343. Conforming amendments.

CHAPTER 3—PROMPT CORRECTIVE ACTION

Sec. 345. Capital classifications.
Sec. 346. Supervisory actions applicable to undercapitalized regulated entities.
Sec. 347. Supervisory actions applicable to significantly undercapitalized regulated entities.
Sec. 348. Authority over critically undercapitalized regulated entities.
Sec. 349. Conforming amendments.

CHAPTER 4—ENFORCEMENT ACTIONS

Sec. 351. Cease-and-desist proceedings.
Sec. 352. Temporary cease-and-desist proceedings.
Sec. 353. Prejudgment attachment.
Sec. 354. Enforcement and jurisdiction.
Sec. 355. Civil money penalties.
Sec. 356. Removal and prohibition authority.
Sec. 357. Criminal penalty.
Sec. 358. Subpoena authority.
Sec. 359. Conforming amendments.

CHAPTER 5—GENERAL PROVISIONS

Sec. 361. Boards of enterprises.
Sec. 362. Report on portfolio operations, safety and soundness, and mission of enterprises.
Sec. 363. Conforming and technical amendments.
Sec. 364. Study of alternative secondary market systems.
Sec. 365. Effective date.

Subtitle B—Federal Home Loan Banks

Sec. 371. Definitions.
Sec. 372. Directors.
Sec. 373. Federal Housing Finance Agency oversight of Federal Home Loan Banks.

Sec. 374. Joint activities of Banks.
Sec. 375. Sharing of information between Federal Home Loan Banks.
Sec. 376. Reorganization of Banks and voluntary merger.
Sec. 377. Securities and Exchange Commission disclosure.
Sec. 378. Community financial institution members.
Sec. 379. Technical and conforming amendments.
Sec. 380. Study of affordable housing program use for long-term care facilities.
Sec. 381. Effective date.
Subtitle C—Transfer of Functions, Personnel, and Property of Office of Federal Housing Enterprise Oversight, Federal Housing Finance Board, and Department of Housing and Urban Development
CHAPTER 1—OFFICE OF FEDERAL HOUSING ENTERPRISE OVERSIGHT
Sec. 385. Abolishment of OFHEO.
Sec. 386. Continuation and coordination of certain regulations.
Sec. 387. Transfer and rights of employees of OFHEO.
Sec. 388. Transfer of property and facilities.
CHAPTER 2—FEDERAL HOUSING FINANCE BOARD
Sec. 391. Abolishment of the Federal Housing Finance Board.
Sec. 392. Continuation and coordination of certain regulations.
Sec. 393. Transfer and rights of employees of the Federal Housing Finance Board.
Sec. 394. Transfer of property and facilities.
CHAPTER 3—DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
Sec. 395. Termination of enterprise-related functions.
Sec. 396. Continuation and coordination of certain regulations.
Sec. 397. Transfer and rights of employees of Department of Housing and Urban Development.
Sec. 398. Transfer of appropriations, property, and facilities.
TITLE IV—EMERGENCY MORTGAGE LOAN MODIFICATION
Sec. 401. Short title.
Sec. 402. Safe harbor for qualified loan modifications or workout plans for certain residential mortgage loans.
TITLE V—OTHER HOUSING PROVISIONS
Sec. 501. Depository Institution Community Development Investments Enhancement .
Sec. 502. Preservation of certain affordable housing dwelling units.
Sec. 503. Eligibility of certain projects for enhanced voucher assistance.
Sec. 504. Transfer of certain rental assistance contracts.
Sec. 505. Protection against discriminatory treatment.

TITLE I—FHA HOUSING STABILIZATION AND HOMEOWNERSHIP RETENTION

SEC. 101. SHORT TITLE.

This title may be cited as the ''FHA Housing Stabilization and Homeownership Retention Act of 2008''.

Subtitle A—Homeownership Retention

SEC. 111. PURPOSES.

The purposes of this subtitle are—

(1) to create an FHA program, which is voluntary on the part of borrowers and existing mortgage loan holders, including both existing senior mortgage loan holders and existing subordinate mortgage loan holders, to insure refinance loans for substantial numbers of borrowers at risk of foreclosure, at levels which are reasonably likely to be sustainable through enhanced affordability of debt service;

(2) to provide flexible underwriting for FHA-insured loans under such a program to provide refinancing opportunities under fiscally responsible terms, including higher fees commensurate with higher risk levels, a seasoning requirement for higher debt to income loans, and additional program controls to limit and control risk;

(3) to bar speculators and second home owners from participation in such program;

(4) to require existing mortgage loan holders to take substantial loan writedowns in exchange for having the Federal Government and the borrower assume the ongoing risk of the refinanced loan;

(5) to set a loan-to-value limit on such loans that provides the FHA with an equity buffer against potential loan losses, provides protections against the risk of future home price declines, and creates incentives for borrowers to maintain payments on the loan;

(6) to protect the FHA against losses which may exceed normal FHA loss levels by establishing higher fee levels, including an exit fee and profit sharing during the first five years of the loan, with such higher fee levels effectively being funded through the required lender writedown;

(7) to provide a fair level of incentives for junior lien holders to provide the necessary releases of their lien interests, in order to meet program requirements that all outstanding liens must be extinguished, and thereby permit the refinancing to be completed;

(8) to enhance the administrative capacity of the FHA to carry out its expanded role under the program through establishment of an Oversight Board which adds expertise from the Federal Reserve and the Department of the Treasury, through additional funding to contract out for the provision of any needed expertise in designing program requirements and oversight, and through additional funding to increase FHA personnel resources as needed to handle the increased loan volume resulting from the program;

(9) to sunset the program when it is no longer needed; and

(10) to study the need for and efficacy of an auction or bulk refinancing mechanism to facilitate more expeditious refinancing of larger volumes of existing mortgages that are at risk for foreclosure into FHA-insured mortgages.

SEC. 112. INSURANCE OF HOMEOWNERSHIP RETENTION MORTGAGES.

(a) MORTGAGE INSURANCE PROGRAM.—Title II of the National Housing Act (12 U.S.C. 1707 et seq.) is amended by adding at the end the following new section:

''SEC. 257. INSURANCE OF HOMEOWNERSHIP RETENTION MORTGAGES.

''(a) OVERSIGHT BOARD.—

''(1) ESTABLISHMENT.—There is hereby established the Refinance Program Oversight Board (in this section referred to as the 'Oversight Board').

''(2) MEMBERSHIP.—The Oversight Board shall consist of the following members or their designees:

''(A) The Secretary of the Treasury.

''(B) The Secretary of Housing and Urban Development.

''(C) The Chairman of the Board of Governors of the Federal Reserve System.

''(3) NO ADDITIONAL COMPENSATION.—Members of the Oversight Board shall receive no additional pay by reason of service on the Oversight Board.

''(4) RESPONSIBILITIES.—The Oversight Board shall be responsible for establishing program and oversight requirements for the program under this section, which shall include—

''(A) detailed program requirements under subsection (c);

''(B) flexible underwriting criteria under subsection (d);

''(C) a mortgage premium structure under subsection (e);

''(D) a reasonable fee and rate limitation under subsection (f);

''(E) enhancement of FHA capacity under subsection (i), including oversight of such activities and personnel as may be contracted for as provided therein;

''(F) monitoring of underwriting risk under subsection (j); and

''(G) such additional requirements as may be necessary and appropriate to oversee and implement the program.

''(5) USE OF RESOURCES.—In carrying out its functions under this section, the Oversight Board may utilize, with their consent and to the extent practical, the personnel, services, and facilities of the Department of the Treasury, the Department of Housing and Urban Development, the Board of Governors of the Federal Reserve System, the Federal Reserve Banks, and other Federal agencies, with or without reimbursement therefore.

''(b) AUTHORITY.—

''(1) IN GENERAL.—The Secretary shall, subject only to the absence of qualified requests for insurance under this section and to the limitations under subsection (h) of this section and section 531(a), make commitments to insure and insure any mortgage covering a 1- to 4-family residence that is made for the purpose of paying or prepaying outstanding obligations under an existing mortgage or mortgages on the residence if the mortgage being insured under this section meets the requirements of this section, as established by the Oversight Board, and of section 203, except as modified by this section.

''(2) ESTABLISHMENT AND IMPLEMENTATION OF PROGRAM REQUIREMENTS.—The Oversight Board shall establish program requirements and standards under this section and the Secretary shall implement such requirements and standards. The Oversight Board and the Secretary may establish and implement any requirements or standards through interim guidance and mortgagee letters.

''(c) REQUIREMENTS.—To be eligible for insurance under this section, a mortgage shall comply with all of the following requirements:

''(1) OWNER-OCCUPIED PRINCIPAL RESIDENCE REQUIREMENT.—The residence securing the mortgage insured under this section shall be occupied by the mortgagor as the principal residence of the mortgagor and the mortgagor shall provide a certification to the originator of the mortgage that such residence securing the mortgage insured under this section is the only residence in which the mortgagor has any present ownership interest. With regard to such certification, the Oversight Board may create exceptions for mortgagors who have only a partial ownership interest in a residence other than the residence securing the mortgage insured under this section.

''(2) LACK OF CAPACITY TO PAY EXISTING MORTGAGE OR MORTGAGES.—

''(A) BORROWER CERTIFICATION.—

''(i) The mortgagor shall provide a certification to the originator of the mortgage that the mortgagor—

''(I) has not intentionally defaulted on the existing mortgage or mortgages; and

''(II) has not knowingly, or willfully and with actual knowledge furnished material information known to be false for the purpose of obtaining the existing mortgage or mortgages.

''(ii) The mortgagor shall agree in writing that the mortgagor shall be liable to repay the FHA any direct financial benefit achieved from the reduction of indebtedness on the existing mortgage or mortgages on the residence refinanced under this section derived from misrepresentations made in the

certifications and documentation required under this subparagraph, subject to the discretion of the Oversight Board.

''(B) CURRENT BORROWER DEBT-TO-INCOME RATIO.—As of March 1, 2008, the mortgagor shall have had a ratio of mortgage debt to income, taking into consideration all existing mortgages at such time, greater than 35 percent.

''(C) LOSS MITIGATION RESPONSIBILITIES.—This section may not be construed to alter or in any way affect the responsibilities of any party (including the mortgage servicer) to engage in any or all loan modification or other loss mitigation strategies to maximize value to investors as established by any applicable contract.

''(3) ELIGIBILITY OF MORTGAGES BY DATE OF ORIGINATION.—The existing senior mortgage shall have been originated on or before December 31, 2007.

''(4) MAXIMUM LOAN-TO-VALUE RATIO FOR NEW LOANS.—The mortgage being insured under this section shall involve a principal obligation (including such initial service charges, appraisal, inspection, and other fees as the Secretary shall approve and including the mortgage insurance premium paid pursuant to subsection (e)(1)) in an amount not to exceed 90 percent of the current appraised value of the property. Section 203(d) shall not apply to mortgages insured under this section.

''(5) REQUIRED WAIVER OF PREPAYMENT PENALTIES AND FEES.—All penalties for prepayment of the existing mortgage or mortgages, and all fees and penalties related to default or delinquency on all existing mortgages or mortgages, shall be waived or forgiven.

''(6) REQUIRED LOAN REDUCTION.—

''(A) REDUCTION OF INDEBTEDNESS UNDER EXISTING SENIOR MORTGAGE.—The amount of indebtedness on the existing mortgage or mortgages on the residence shall have been substantially reduced by such percentage as the Oversight Board may require, and such reduction shall be at least sufficient to—

''(i) provide for the refinancing of such existing mortgage or mortgages in an amount not greater than 90 percent of the current appraised value of the property involved;

''(ii) pay the full amount of the single premium to be collected pursuant to subsection (e)(1) (which shall be an amount equal to 3.0 percent of the amount of the original insured principal obligation of the mortgage insured under this section and which shall serve as an additional reserve to cover possible loan losses); and

''(iii) pay the full amount of the loan origination fee and any other closing costs, not to exceed 2.0 percent of the amount of the original insured principal obligation of the mortgage insured under this section.

''(B) EXTINGUISHMENT OF DEBT BY REFINANCING.—

''(i) REQUIRED AGREEMENT.—All existing holders of mortgage liens on the property securing the mortgage to be insured under this section shall agree to accept the proceeds of the insured loan as payment in full of all indebtedness under all existing mortgages, and all encumbrances related to such mortgages shall be removed. The Oversight Board may take such actions as the Oversight Board considers necessary or appropriate to facilitate coordination and agreement between the holders of the existing senior mortgage and any existing subordinate mortgages, taking into consideration the subordinate lien status of such subordinate mortgages, to comply with the requirement under this subparagraph.

''(ii) TREATMENT OF MULTIPLE MORTGAGE LIENS.—In addition to clause (i), the Oversight Board shall adopt one of the following approaches for all mortgages or such classes of mortgages as the Oversight Board may determine and may, from time to time, reconsider:

''(I) FIXED PRICE.—As a requirement for participating in this program, all existing lien holders will agree to not provide any payment to subordinate lien holders other than such payment in accordance with a formula established by the Oversight Board as set forth in clause (iii); except that the Oversight Board may establish a short period within which first and subordinate lien holders may negotiate to extinguish all subordinate liens for compensation that may be different from the amount determined under such formula set forth in clause (iii).

''(II) SHARED EQUITY.—The Oversight Board may require the mortgagor under a mortgage insured under this section to agree to share a portion of any future equity in the mortgaged property with holders of existing subordinate mortgages, in accordance with a formula for such shared equity established by the Oversight Board as set forth in clause (iii), except that payments of such shared equity may be made only after the Secretary recovers all amounts owed to the Secretary with respect to such mortgage pursuant to the program under this section (including amounts owed pursuant to paragraph (8)).

''(iii) FORMULA.—In determining a formula for determining any payments to subordinate lien holders pursuant to subclauses (I) and (II) of clause (ii), and in any reconsideration of such formula as the Oversight Board may from time to time undertake, the Oversight Board shall take into consideration the current market value of such liens. In no case may a formula provide for the payment of more than 1 percent of the current appraised value of the mortgaged property to a subordinate lien holder if the outstanding balance owed to more senior lien holders is equal to or exceeds such current appraised value.

''(iv) VOLUNTARY PROGRAM.—This section may not be construed to require any holder of any existing mortgage to participate in the program under this section generally, or with respect to any particular loan.

''(v) SOURCE OF PAYMENTS FOR SUBORDINATE LOANS.—Any amounts paid to holders of any existing subordinate mortgages in connection with the origination and insurance of a mortgage under this section shall derive only from—

''(I) the holder of the existing senior mortgage; or

''(II) in the case only of the shared equity approach under clause (ii)(II), the mortgagor under the mortgage insured under this section

''(7) REQUIRED REDUCTION OF DEBT SERVICE.—The debt service payments due under the mortgage insured under this section shall be in an amount that is substantially reduced from the debt service payments due under the existing mortgage or mortgages, which reduction may be achieved through a reduction of indebtedness, a reduction in the interest rate being paid, or an extension of the term of the mortgage, or any combination thereof.

''(8) FINANCIAL RECOVERY TO FEDERAL GOVERNMENT THROUGH EXIT PREMIUM.—

''(A) SUBORDINATE LIEN.—The mortgage shall provide that the Secretary shall retain a lien on the residence involved, which shall be subordinate to the mortgage insured under this section but senior to all other mortgages on the residence that may exist at any time, and which shall secure the repayment of the amount due under subparagraph (D).

''(B) NO INTEREST OR PAYMENT DURING MORTGAGE.—The amount secured by the lien retained by the Secretary pursuant to subparagraph (A) shall not bear interest and shall not be repayable to the Secretary except as provided in subparagraph (D) of this paragraph.

''(C) NET PROCEEDS AVAILABLE FOR EXIT PREMIUM.—Upon the sale, refinancing, or other disposition of the residence securing a mortgage insured under this section, any proceeds resulting from such disposition that remain after deducting the remaining insured principal balance of the mortgage insured under this section shall be available to meet the obligation under subparagraph (D). In the case of a refinance, non-arms length transaction, or such other transaction as the Oversight Board shall determine, the proceeds shall be based on the current appraised value at the time of the refinance or transaction.

''(D) EXIT PREMIUM.—Upon any refinancing of the mortgage insured under this section or any sale or disposition of the residence securing the mortgage, the Secretary shall, subject to the availability of sufficient net proceeds described in subparagraph (C), receive the greater of—

''(i) 3 percent of the amount of the original insured principal obligation of the mortgage (or the entire amount of the net proceeds described in subparagraph (C) if such net proceeds are less than 3 percent of the amount of the original insured principal obligation of the mortgage); or

''(ii) a percentage of the portion of the net proceeds available for profit-sharing, as described in subparagraph (E), which shall be—

''(I) in the case of any refinancing, sale, or disposition occurring during the first year of the term of the mortgage, 100 percent of such net proceeds;

''(II) in the case of any refinancing, sale, or disposition occurring during the second year of the term of the mortgage, 80 percent;

''(III) in the case of any refinancing, sale, or disposition occurring during the third year of the term of the mortgage, 60 percent; and

''(IV) in the case of any refinancing, sale, or disposition occurring during the fourth year of the term of the mortgage or at any time thereafter, 50 percent;

except that such percentage of proceeds shall be reduced by all fees the Secretary has collected for the mortgage prior to such refinancing, sale, or disposition.

''(E) NET PROCEEDS AVAILABLE FOR PROFIT-SHARING.—With respect to any mortgage insured under this section, the net proceeds available for purposes of subparagraph (D)(ii) shall be any proceeds resulting from the sale, refinancing, or other disposition of the residence securing the mortgage that remain after deducting the original insured principal obligation of the mortgage. In the case of a refinance, non-arms length transaction, or such other transaction as the Oversight Board shall determine, the proceeds shall be based on the current appraised value at the time of the refinance or transaction.

''(F) AUTHORITY TO PROHIBIT NEW SECOND LIENS.—The Oversight Board shall prohibit borrowers from granting a new second lien on the mortgaged property during the first five years of the term of the mortgage insured under this section, except as the Oversight Board determines to be necessary to ensure the appropriate maintenance of the mortgaged property.

''(9) DOCUMENTATION AND VERIFICATION OF INCOME.—In complying with the FHA underwriting requirements under the program under this section, the mortgagee shall document and verify the income of the mortgagor or non-filing status by procuring (A) an income tax return transcript of the income tax returns of the mortgagor, or (B) a copy of the income tax returns for the Internal Revenue Service, for the two most recent years for which the filing deadline for such years

has passed and by any other method, in accordance with procedures and standards that the Oversight Board shall establish.

''(10) FIXED RATE MORTGAGE.—The mortgage insured under this section shall bear interest at a single rate that is fixed for the entire term of the mortgage.

''(11) MAXIMUM LOAN AMOUNT.—Notwithstanding section 203(b)(2), the mortgage being insured under this section shall involve a principal obligation in an amount that does not exceed the limitation (for a property of the applicable size) on the amount of the principal obligation that would be allowable under the terms of section 202(a) of the Economic Stimulus Act of 2008 if the mortgage were insured pursuant to such section. The limitation on the amount of the principal obligation allowable under such Act shall apply for the purposes of this section until the termination under subsection (n) of the program under this section.

''(12) INELIGIBILITY FOR FRAUD CONVICTION.—The mortgagor shall not have been convicted under Federal or State law for mortgage fraud during the 7-year period ending upon the insurance of the mortgage under this section.

''(13) LENDER REVIEW.—The mortgagee under the mortgage shall conduct an electronic database search of the mortgagor's criminal history to determine if the mortgagor has had a conviction described in paragraph (12). The mortgagee may charge the mortgagor a reasonable fee for the actual cost of the search not to exceed a maximum rate established by the Oversight Board. The Oversight Board may provide clarification, if needed, to help mortgagees identify any differences among the States in how they report mortgage fraud convictions. The Oversight Board shall establish procedures sufficient to allow the mortgagor to challenge a mortgagee's determination with respect to paragraph (12) (including to correct inaccuracies resulting from theft of the mortgagor's identity or personally identifiable information).

''(14) APPRAISALS.—Any appraisal conducted in connection with a mortgage insured under this section shall—

''(A) be based on the current value of the property;

''(B) be conducted in accordance with title XI of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 3331 et seq.);

''(C) be completed by an appraiser who meets the competency requirements of the Uniform Standards of Professional Appraisal Practice;

''(D) be wholly consistent with the appraisal standards, practices, and procedures under section 202(e) of this Act that apply to all loans insured under this Act; and

''(E) comply with the requirements of subsection (g) of this section (relating to appraisal independence).

''(15) STATEMENT OF LOAN TERMS.—

''(A) REQUIREMENT.—The mortgagor shall have been provided by the mortgagee, not later than three days before closing for the mortgage, a form described in subparagraph (B) appropriately and accurately completed by the mortgagee.

''(B) FORM.—The form described in this subparagraph shall be a single page, written disclosure regarding the mortgage loan to be insured under this section that, when completed by the mortgagee, sets forth, in accordance with such requirements as the Secretary shall by regulation establish a best possible estimate of—

''(i) the total loan amount under the mortgage;

''(ii) the loan-to-value ratio for the mortgage;

''(iii) the final maturity date for the mortgage;

''(iv) the amount of any prepayment fee to be charged if the mortgage is paid in full before the final maturity date for the mortgage, including the percentages of any net proceeds to be received by the Secretary pursuant to paragraph (8)(D)(ii);

''(v) the amount of the exit premium under the mortgage pursuant to subsection (e)(3);

''(vi) the interest rate under the mortgage expressed as an annual percentage rate, and the amount of the monthly payment due under such rate;

''(vii) the fully indexed rate of interest under the mortgage expressed as an annual percentage rate and the amount of the monthly payment due under such rate;

''(viii) the monthly household income of the borrower upon which the mortgage is based;

''(ix) the amount of the monthly payment due under the mortgage, and the amount of such initial monthly payment plus monthly amounts due for taxes and insurance on the property for which the mortgage is made, both expressed as a percentage of the monthly household income of the borrower; and

''(x) the aggregate amount of settlement charges for all settlement services provided in connection with the mortgage, the amount of such charges that are included in the principal amount and the amount of such charges the borrower must pay at closing, the aggregate amount of mortgagee's fees connection with the mortgage, and the aggregate amount of other fees or required payments in connection with the mortgage.

''(d) FLEXIBLE UNDERWRITING CRITERIA.—

''(1) IN GENERAL.—The Oversight Board shall establish, and the Secretary acting on behalf of the Oversight Board shall implement, underwriting standards for mortgages insured under this section that—

''(A) ensure that each mortgagor under a mortgage insured under this section has a reasonable expectation of repaying the mortgage, taking into consideration the mortgagor's income, assets, liabilities, payment history, and other applicable criteria, but which shall not result in a denial of insurance solely on the basis of the mortgagor's current FICO or other credit scores, or any delinquency or default by the mortgagor under the existing mortgage or mortgages, or any case filed under title 11, United States Code, by the mortgagor; and

''(B) subject to the provisions of subparagraph (A), permit a total debt-to-income ratio of up to 43 percent.

''(2) EXCEPTION.—

''(A) IN GENERAL.—Subject to the underwriting standards established under paragraph (1)(A) and any additional requirements that the Oversight Board considers appropriate, the Oversight Board shall permit a total debt-to-income ratio of more than 43 percent, but not more than 50 percent, if the mortgagor has made, on a timely basis before the endorsement of the mortgage insured under this section, not less than six months of payments in an amount not less than the amount of the monthly payment due under the mortgage to be insured under this section. The holder of the existing senior mortgage shall exercise forbearance with respect to such mortgage during the period in which such payments are made.

''(B) COMPUTATION OF DEBT-TO-INCOME RATIO.— In computing the mortgagor's total debt-to-income ratio for purposes of mortgage qualification under the underwriting standards established pursuant to this section—

''(i) if the mortgagor is a debtor in a case under chapter 13 of title 11, United States Code, payments on recurring debts other than housing expenses shall be based on the amounts being paid on such debts under the mortgagor's confirmed plan under such chapter; and

''(ii) if the mortgagor is a debtor in a case under chapter 7 of title 11, United States Code, recurring debts that are to be discharged in that case shall not be considered.

''(3) AUTHORITY.—The Oversight Board may alter the ratios under this subsection for a particular class of borrowers subject to such requirements as the Board determines is necessary and appropriate to fulfill the purposes of this Act.

''(4) REPRESENTATIONS AND WARRANTIES.—The Oversight Board shall require the underwriter of the insured loan to provide such representations and warranties as the Oversight Board considers necessary or appropriate for the Secretary to enforce compliance with all underwriting and appraisal standards of the program.

''(e) PREMIUMS.—For each mortgage insured under this section, the Oversight Board shall establish and the Secretary shall collect—

''(1) at the time of insurance, a single premium payment in an amount equal to 3.0 percent of the amount of the original insured principal obligation of the mortgage, which shall be paid from the proceeds of the mortgage being insured under this section, through the reduction of the amount of indebtedness on the existing senior mortgage required under subsection (c)(6)(A);

''(2) in addition to the premium under paragraph (1), annual premium payments in an amount equal to 1.50 percent of the remaining insured principal balance of the mortgage; and

''(3) an exit premium in the amount determined under subsection (c)(8), but which shall not be less than 3.0 percent of the original insured principal obligation of the mortgage, subject only to the availability of sufficient net proceeds from sale, refinancing, or other disposition of the property, as determined in subsection (c)(8).

''(f) ORIGINATION FEES AND MORTGAGE RATE.—The Oversight Board shall establish and the Secretary shall implement a reasonable limitation on origination fees for mortgages insured under this section and shall establish procedures to ensure that interest rates on such mortgages shall be commensurate with market rate interest rates on such types of loans.

''(g) APPRAISAL INDEPENDENCE.—

''(1) PROHIBITIONS ON INTERESTED PARTIES IN A REAL ESTATE TRANSACTION.—No mortgage lender, mortgage broker, mortgage banker, real estate broker, appraisal management company, employee of an appraisal management company, nor any other person with an interest in a real estate transaction involving an appraisal in connection with a mortgage insured under this section shall improperly influence, or attempt to improperly influence, through coercion, extortion, collusion, compensation, instruction, inducement, intimidation, non-payment for services rendered, or bribery, the development, reporting, result, or review of a real estate appraisal sought in connection with the mortgage.

''(2) EXCEPTIONS.—The requirements of paragraph (1) shall not be construed as prohibiting a mortgage lender, mortgage broker, mortgage banker, real estate broker, appraisal management company, employee of an appraisal management company, or any other person with an interest in a real estate transaction from asking an appraiser to provide 1 or more of the following services:

''(A) Consider additional, appropriate property information, including the consideration of additional comparable properties to make or support an appraisal.

''(B) Provide further detail, substantiation, or explanation for the appraiser's value conclusion.

''(C) Correct errors in the appraisal report.

''(3) CIVIL MONETARY PENALTIES.—The Secretary may impose a civil money penalty for any knowing and material violation of paragraph (1) under the same terms and conditions as are authorized in section 536(a) of this Act.

''(h) LIMITATION ON AGGREGATE INSURANCE AUTHORITY.—The aggregate original principal obligation of all mortgages insured under this section may not exceed $300,000,000,000.

''(i) ENHANCEMENT OF FHA CAPACITY.—Under the direction of the Oversight Board, the Secretary shall take such actions as may be necessary to—

''(1) contract for the establishment of underwriting criteria, automated underwriting systems, pricing standards, and other factors relating to eligibility for mortgages insured under this section;

''(2) contract for independent quality reviews of underwriting, including appraisal reviews and fraud detection, of mortgages insured under this section or pools of such mortgages; and

''(3) increase personnel of the Department as necessary to process or monitor the processing of mortgages insured under this section.

''(j) MONITORING OF UNDERWRITING RISK.—

''(1) MONITORING OF DESIGNATED UNDERWRITERS.—The Oversight Board and the Secretary shall monitor independent quality reviews as established pursuant to subsection (i)(2) to—

''(A) determine compliance of designated underwriters with underwriting standards;

''(B) determine rates of delinquency, claims rates, and loss rates of designated underwriters; and

''(C) terminate eligibility of designated underwriters that do not meet minimum performance standards as the Oversight Board may establish and the Secretary implements.

''(2) REPORTS BY OVERSIGHT BOARD.—The Oversight Board shall submit monthly reports to the Congress identifying the progress of the program for mortgage insurance under this section, which shall contain the following information for each month:

''(A) The number of new mortgages insured under this section, including the location of the properties subject to such mortgages by census tract.

''(B) The aggregate principal obligation of new mortgages insured under this section.

''(C) The average amount by which the indebtedness on existing mortgages is reduced in accordance with subsection (c)(6).

''(D) The average amount by which the debt service payments on existing mortgages is reduced in accordance with subsection (c)(7).

''(E) The amount of premiums collected for insurance of mortgages under this section.

''(F) The claim and loss rates for mortgages insured under this section.

''(G) The race, ethnicity, gender, and income of the mortgagors, aggregated by geographical areas at least as specific as census tracts, except where necessary to protect privacy of the borrower.

''(H) Any other information that the Oversight Board considers appropriate.

''(3) REPORT BY INSPECTOR GENERAL.—The Inspector General of the Department of Housing and Urban Development shall conduct an annual audit of the program for mortgage insurance under this section to determine compliance with this section and program rules.

''(k) GNMA COMMITMENT AUTHORITY.—

''(1) GUARANTEES.—The Secretary shall take such actions as may be necessary to ensure that securities based on and backed by a trust or pool composed of mortgages insured under this section are available to be guaranteed by the Government National Mortgage Association as to the timely payment of principal and interest.

''(2) GUARANTEE AUTHORITY.—To carry out the purposes of section 306 of the National Housing Act (12 U.S.C. 1721), the Government National Mortgage Association may enter into new commitments to issue guarantees of securities based on or backed by mortgages insured under this section, not exceeding $300,000,000,000. The amount of authority provided under the preceding sentence to enter into new commitments to issue guarantees is in addition to any amount of authority to make new commitments to issue guarantees that is provided to the Association under any other provision of law.

''(l) SPECIAL RISK INSURANCE FUND.—The insurance of each mortgage under this section shall be the obligation of the Special Risk Insurance Fund established by section 238.

''(m) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

''(1) EXISTING MORTGAGE.—The term 'existing mortgage' means, with respect to a mortgage insured under this section, a mortgage that is to be extinguished, and paid or prepaid, from the proceeds of the mortgage insured under this section.

''(2) EXISTING SENIOR MORTGAGE.—The term 'existing senior mortgage' means, with respect to a mortgage insured under this section, the existing mortgage that has superior priority.

''(3) EXISTING SUBORDINATE MORTGAGE.—The term 'existing subordinate mortgage' means, with respect to a mortgage insured under this section, an existing mortgage that has subordinate priority to the existing senior mortgage.

''(n) SUNSET.—

''(1) IN GENERAL.—Except as provided in paragraph (2), the authority of the Secretary to make any new commitment to insure any mortgage under this section shall terminate upon the expiration of the 2-year period beginning on the date of the enactment of the FHA Housing Stabilization and Homeownership Retention Act of 2008.

''(2) EXTENSIONS.—The Oversight Board may, not more than four times, extend the authority to enter into new commitments to insure mortgages under this section beyond the date specified in paragraph (1), except that each such extension shall—

''(A) be effective only if, before the program terminates pursuant to paragraph (1) or any previous extension pursuant to this paragraph, the Oversight Board—

''(i) certifies the need for such extension in writing to the Congress; and

''(ii) causes notice of such extension to be published in the Federal Register no later than the beginning of the 3-month period that ends upon the scheduled termination date of the program; and

''(B) be for a period of not more than 6 months.

''(o) AUTHORIZATIONS OF APPROPRIATIONS.—There is authorized to be appropriated for each of fiscal years 2008 and 2009—

''(1) $230,000,000 for providing counseling regarding loss mitigation for mortgagors with 1- to 4-family residences, including determining eligibility for the program under this section, with grants to be administered through the Neighborhood Reinvestment Corporation, except that—

''(A) funds shall be targeted to States and communities based on their levels of foreclosures and delinquencies in 2007 and 2008;

''(B) not less than 15 percent of the funds made available pursuant to this paragraph shall be provided to counseling organizations that target counseling services regarding loss mitigation to minority and low-income homeowners or provide such services in neighborhoods with high concentrations of minority and low-income homeowners;

''(C) $35,000,000 of the funds made available pursuant to this paragraph shall be used by the Neighborhood Reinvestment Corporation (referred to in this subparagraph as the 'NRC') to make grants to State and local legal organizations or attorneys that have demonstrated legal experience in home foreclosure or eviction law to provide legal assistance related to home ownership preservation, home foreclosure prevention, and tenancy associated with home foreclosure or to counseling intermediaries that have been approved by the Department of Housing and Urban Development for the purpose of making such grants or contracting for such legal assistance; of the amount provided under this subparagraph, at least 60 percent shall be allocated for legal assistance to low-income homeowners or tenants; such attorneys shall be capable of assisting homeowners in owner-occupied homes or tenants who live in homes with mortgages in default, in danger of default, or subject to or at risk of foreclosure or eviction and who have legal issues that cannot be handled by counselors employed by NRC intermediaries; in using the amount made available under this subparagraph, the NRC shall give priority consideration to State and local legal organizations and attorneys that (i) provide legal assistance in the 100 metropolitan statistical areas (as defined by the Director of the Office of Management and Budget) with the highest home foreclosure rates, and (ii) have the capacity to begin using the financial assistance within 90 days after receipt of the assistance; as a condition of the receipt of a grant under this subparagraph, the grantee shall submit to NRC information relating to the demographic characteristics of the assisted homeowners or tenants, the dollar amount and terms of the relevant mortgages and the outcome of legal proceedings related to the foreclosure or eviction proceedings, including the resolutions thereof; except that no funds under this subparagraph shall be used for class action litigation;

''(D) $20,000,000 of the funds made available pursuant to this paragraph shall be used for such counseling for veterans recently returning from active duty in the Armed Forces;

''(E) the NRC shall give priority consideration for funding with amounts made available pursuant to this paragraph, except for funds made available under subparagraphs (B), (C), and (D), to entities that have an effective plan in place for making contact, including personal contact, with defaulted mortgagors, and such a plan may include use of third parties (including both for-profit and not-for-profit entities) to make personal contact with defaulted mortgagors, or visits to such mortgagors, or both;

''(F) except with respect to funds reserved under subparagraphs (B), (C), and (D), the NRC shall give priority consideration for funding with amounts made available pursuant to this paragraph to entities that have a written plan that has been implemented for providing in-person counseling and for making contact, including personal contact, with defaulted mortgagors, for the purpose of providing counseling or providing information about available counseling, both (i) prior to commencement of any foreclosure proceedings, and (ii) in the event effective in person or phone contact has not been made with such defaulted mortgagors prior thereto, then prior to the conclusion of the foreclosure process; and

''(G) not less than 2 percent of the funds made available pursuant to this paragraph shall be used only for identifying and notifying borrowers under existing mortgages

who are eligible under this section for insurance of refinancing mortgages, and in making funds reserved under this subparagraph available for such purpose, the Secretary shall give preference to assistance for programs that have a proven history of outreach within minority communities; and

''(2) $150,000,000 for costs of activities under subsection (i).

''(p) AUDIT AND REPORT BY INSPECTOR GENERAL.—

''(1) AUDIT.—The Inspector General of the Department of Housing and Urban Development shall conduct an audit of the program for loss mitigation counseling funded with amounts made available under subsection (o)(1) to determine compliance with such subsection.

''(2) REPORTS TO CONGRESS.—Not later than March 30, 2009, and every calendar quarter thereafter, the Inspector General shall submit to the appropriate committees of the Congress a report summarizing the activities of the Inspector General and the Neighborhood Reinvestment Corporation during the 120-day period ending on the date of such report. Each report shall include, for the period covered by such report, a detailed statement of all obligations, expenditures, and revenues associated with paragraphs (1) and (2) of subsection (o), including—

''(A) obligations and expenditures of appropriated funds;

''(B) the number of homeowners eligible in such program;

''(C) the number of homeowners participating in such program;

''(D) the status of homeowners within such program;

''(E) the number of homeowners who have rejected assistance from the Neighborhood Reinvestment Corporation; and

''(F) information on participating counseling services.''.

(b) SPECIAL RISK INSURANCE FUND.—Section 238 of the National Housing Act (12 U.S.C. 1715z–3) is amended—

(1) in subsection (a)(1), by striking ''or 243'' each place such term appears and inserting ''243, or 257''; and

(2) in subsection (b), by striking ''and 243'' each place such term appears and inserting ''243, and 257''.

(c) FHA REVERSE MORTGAGE PROGRAM.—Section 255(g) of the National Housing Act (12 U.S.C. 1715z–20(g)) is amended by striking the first sentence.

SEC. 113. STUDY OF AUCTION OR BULK REFINANCE PROGRAM.

(a) STUDY.—The Board of Governors of the Federal Reserve System (in this section referred to as the ''Board of Governors''), in consultation with other members of the Oversight Board established by section 257(a) of the National Housing Act (as added by the amendment made by section 112(a) of this title), shall conduct a study of the need for and efficacy of an auction or bulk refinancing mechanism to facilitate refinancing of existing residential mortgages that are at risk for foreclosure into mortgages insured under the mortgage insurance program under title II of the National Housing Act. The study shall identify and examine various options for mechanisms under which lenders and servicers of such mortgages may make bids for forward commitments for such insurance in an expedited manner.

(b) CONTENT.—

(1) ANALYSIS.—The study required under subsection (a) shall analyze—

(A) the feasibility of establishing a mechanism that would facilitate the more rapid refinancing of borrowers at risk of foreclosure into performing mortgages insured under title II of the National Housing Act;

(B) whether such a mechanism would provide an effective and efficient mechanism to reduce foreclosures on qualified existing mortgages;

(C) whether the use of an auction or bulk refinance program is necessary to stabilize the housing market and reduce the impact of turmoil in that market on the economy of the United States;

(D) whether there are other mechanisms or authority that would be useful to reduce foreclosure; and

(E) and any other factors that the Board of Governors considers relevant.

(2) DETERMINATIONS.—To the extent that the Board of Governors finds that a facility of the type described in paragraph (1) is feasible and useful, the study shall—

(A) determine and identify any additional authority or resources needed to establish and operate such a mechanism;

(B) determine whether there is a need for additional authority with respect to the loan underwriting criteria included in the amendment made by section 112(a) of this title or with respect to eligibility of participating borrowers, lenders, or holders of liens;

(C) determine whether such underwriting criteria should be established on the basis of individual loans, in the aggregate, or otherwise to facilitate the goal of refinancing borrowers at risk of foreclosure into viable loans insured under the National Housing Act.

(c) REPORT.—Not later than the expiration of the 60-day period beginning on the date of the enactment of this Act, the Board of Governors shall submit a report regarding the results of the study conducted under this section to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate. The report shall include a detailed description of the analysis required under subsection (b)(1) and of the determinations made pursuant to subsection (b)(2), and shall include any other findings and recommendations of the Board of Governors pursuant to the study, including identifying various options for mechanisms described in subsection (a).

SEC. 114. TEMPORARY INCREASE IN MAXIMUM LOAN GUARANTY AMOUNT FOR CERTAIN HOUSING LOANS GUARANTEED BY SECRETARY OF VETERANS AFFAIRS.

Notwithstanding subparagraph (C) of section 3703(a)(1) of title 38, United States Code, for purposes of any loan described in subparagraph (A)(i)(IV) of such section that is originated during the period beginning on the date of the enactment of this Act and ending on December 31, 2008, the term ''maximum guaranty amount'' shall mean an amount equal to 25 percent of the higher of—

(1) the limitation determined under section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1454(a)(2)) for the calendar year in which the loan is originated for a single-family residence; or

(2) 125 percent of the area median price for a single-family residence, but in no case to exceed 175 percent of the limitation determined under such section 305(a)(2) for the calendar year in which the loan is originated for a single-family residence.

SEC. 115. STUDY OF POSSIBLE ACCOUNTING REVISIONS RELATING TO PROPERTY AT RISK OF FORECLOSURE AND THE AVAILABILITY OF CREDIT FOR REFINANCING HOME MORTGAGES AT RISK OF FORECLOSURE.

(a) STUDY REQUIRED.—The Securities and Exchange Commission, in consultation with the Board of Governors of the Federal Reserve System, shall conduct a study on fair value accounting standards applicable to financial institutions, including depository institutions, with respect to their residential mortgages that are at risk of foreclosure and mortgage-backed securities involving such mortgages, the effects of such accounting standards on a financial institution's balance sheet and capacity to provide refinancing to residential mortgagors that are at risk of foreclosure and to residential mortgagors during periods of market value declines and increased foreclosures, and the advisability and feasibility of modifications of such standards during periods of market fluctuation in order to maintain the ability of the institution to continue to carry mortgages on residential property at risk of foreclosure and assure the availability of credit to refinance at-risk residential mortgages.

(b) REPORT REQUIRED.—The Securities and Exchange Commission shall submit a report to the Congress before the end of the 90-day period beginning on the date of the enactment of this Act containing the findings and determinations of the Commission with respect to the study conducted under subsection (a) and such administrative and legislative recommendations as the Commission may determine to be appropriate.

SEC. 116. GAO STUDY OF THE EFFECT OF TIGHTENING CREDIT MARKETS IN COMMUNITIES AFFECTED BY THE SUBPRIME MORTGAGE FORECLOSURE CRISES AND PREDATORY LENDING ON PROSPECTIVE FIRST-TIME HOMEBUYERS SEEKING MORTGAGES.

The Comptroller General of the United States shall conduct a study to analyze the effects of tightening credit markets on prospective first-time home buyers who reside in selected communities that have been most detrimentally affected by both the current subprime mortgage foreclosure crisis and predatory mortgage lending. Such study shall also analyze the adequacy of financial literacy outreach efforts by agencies of the Federal Government tasked with implementing financial literacy education in such communities and shall assess whether the current funding levels for such efforts are at sufficient levels to reduce the levels of subprime mortgage delinquencies and foreclosures and to increase the level of financial literacy in the selected communities so as to minimize the incidences of predatory mortgage lending. Not later than the expiration of the 6-month period beginning on the date of the enactment of this Act, the Comptroller General shall submit a report to the Congress setting forth the results of the study and including recommendations regarding such funding levels.

Subtitle B—Office of Housing Counseling

SEC. 131. SHORT TITLE.

This subtitle may be cited as the ''Expand and Preserve Home Ownership Through Counseling Act''.

SEC. 132. ESTABLISHMENT OF OFFICE OF HOUSING COUNSELING.

Section 4 of the Department of Housing and Urban Development Act (42 U.S.C. 3533) is amended by adding at the end the following new subsection:

''(g) OFFICE OF HOUSING COUNSELING.—

''(1) ESTABLISHMENT.—There is established, in the Office of the Secretary, the Office of Housing Counseling.

''(2) DIRECTOR.—There is established the position of Director of Housing Counseling. The Director shall be the head of the Office of Housing Counseling and shall be appointed by the Secretary. Such position shall be a career-reserved position in the Senior Executive Service.

''(3) FUNCTIONS.—

''(A) IN GENERAL.—The Director shall have ultimate responsibility within the Department, except for the Secretary, for all activities and matters relating to homeownership counseling and rental housing counseling, including—

''(i) research, grant administration, public outreach, and policy development relating to such counseling; and

''(ii) establishment, coordination, and administration of all regulations, requirements, standards, and performance measures under programs and laws administered by the Department that relate to housing counseling, homeownership counseling (including maintenance of homes), mortgage-related counseling (including home equity conversion mortgages and credit protection options to avoid foreclosure), and rental housing counseling, including the requirements, standards, and performance measures relating to housing counseling.

''(B) SPECIFIC FUNCTIONS.—The Director shall carry out the functions assigned to the Director and the Office under this section and any other provisions of law. Such functions shall include establishing rules necessary for—

''(i) the counseling procedures under section 106(g)(1) of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x(h)(1));

''(ii) carrying out all other functions of the Secretary under section 106(g) of the Housing and Urban Development Act of 1968, including the establishment, operation, and publication of the availability of the toll-free telephone number under paragraph (2) of such section;

''(iii) carrying out section 5 of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2604) for home buying information booklets prepared pursuant to such section;

''(iv) carrying out the certification program under section 106(e) of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x(e));

''(v) carrying out the assistance program under section 106(a)(4) of the Housing and Urban Development Act of 1968, including criteria for selection of applications to receive assistance;

''(vi) carrying out any functions regarding abusive, deceptive, or unscrupulous lending practices relating to residential mortgage loans that the Secretary considers appropriate, which shall include conducting the study under section 136 of the Expand and Preserve Home Ownership Through Counseling Act;

''(vii) providing for operation of the advisory committee established under paragraph (4) of this subsection;

''(viii) collaborating with community-based organizations with expertise in the field of housing counseling; and

''(ix) providing for the building of capacity to provide housing counseling services in areas that lack sufficient services.

''(4) ADVISORY COMMITTEE.—

''(A) IN GENERAL.—The Secretary shall appoint an advisory committee to provide advice regarding the carrying out of the functions of the Director.

''(B) MEMBERS.—Such advisory committee shall consist of not more than 12 individuals, and the membership of the committee shall equally represent all aspects of the mortgage and real estate industry, including consumers.

''(C) TERMS.—Except as provided in subparagraph (D), each member of the advisory committee shall be appointed for a term of 3 years. Members may be reappointed at the discretion of the Secretary.

''(D) TERMS OF INITIAL APPOINTEES.—As designated by the Secretary at the time of appointment, of the members first appointed to the advisory committee, 4 shall be appointed for a term of 1 year and 4 shall be appointed for a term of 2 years.

''(E) PROHIBITION OF PAY; TRAVEL EXPENSES.—Members of the advisory committee shall serve without pay, but shall receive travel expenses, including per diem in lieu of subsistence, in accordance with applicable provisions under subchapter I of chapter 57 of title 5, United States Code.

''(F) ADVISORY ROLE ONLY.—The advisory committee shall have no role in reviewing or awarding housing counseling grants.

''(5) SCOPE OF HOMEOWNERSHIP COUNSELING.—In carrying out the responsibilities of the Director, the Director shall ensure that homeownership counseling provided by, in connection with, or pursuant to any function, activity, or program of the Department addresses the entire process of homeownership, including the decision to purchase a home, the selection and purchase of a home, issues arising during or affecting the period of ownership of a home (including refinancing, default and foreclosure, and other financial decisions), and the sale or other disposition of a home.''.

SEC. 133. COUNSELING PROCEDURES.

(a) IN GENERAL.—Section 106 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x) is amended by adding at the end the following new subsection:

''(g) PROCEDURES AND ACTIVITIES.—

''(1) COUNSELING PROCEDURES.—

''(A) IN GENERAL.—The Secretary shall establish, coordinate, and monitor the administration by the Department of Housing and Urban Development of the counseling procedures for homeownership counseling and rental housing counseling provided in connection with any program of the Department, including all requirements, standards, and performance measures that relate to homeownership and rental housing counseling.

''(B) HOMEOWNERSHIP COUNSELING.—For purposes of this subsection and as used in the provisions referred to in this subparagraph, the term 'homeownership counseling' means counseling related to homeownership and residential mortgage loans. Such term includes counseling related to homeownership and residential mortgage loans that is provided pursuant to—

''(i) section 105(a)(20) of the Housing and Community Development Act of 1974 (42 U.S.C. 5305(a)(20));

''(ii) in the United States Housing Act of 1937—

''(I) section 9(e) (42 U.S.C. 1437g(e));

''(II) section 8(y)(1)(D) (42 U.S.C. 1437f(y)(1)(D));

''(III) section 18(a)(4)(D) (42 U.S.C. 1437p(a)(4)(D));

''(IV) section 23(c)(4) (42 U.S.C. 1437u(c)(4));

''(V) section 32(e)(4) (42 U.S.C. 1437z–4(e)(4));

''(VI) section 33(d)(2)(B) (42 U.S.C. 1437z–5(d)(2)(B));

''(VII) sections 302(b)(6) and 303(b)(7) (42 U.S.C. 1437aaa–1(b)(6), 1437aaa–2(b)(7)); and

''(VIII) section 304(c)(4) (42 U.S.C. 1437aaa–3(c)(4));

''(iii) section 302(a)(4) of the American Homeownership and Economic Opportunity Act of 2000 (42 U.S.C. 1437f note);

''(iv) sections 233(b)(2) and 258(b) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12773(b)(2), 12808(b));

''(v) this section and section 101(e) of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x, 1701w(e));

''(vi) section 220(d)(2)(G) of the Low-Income Housing Preservation and Resident Homeownership Act of 1990 (12 U.S.C. 4110(d)(2)(G));

''(vii) sections 422(b)(6), 423(b)(7), 424(c)(4), 442(b)(6), and 443(b)(6) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12872(b)(6), 12873(b)(7), 12874(c)(4), 12892(b)(6), and 12893(b)(6));

''(viii) section 491(b)(1)(F)(iii) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11408(b)(1)(F)(iii));

''(ix) sections 202(3) and 810(b)(2)(A) of the Native American Housing and Self-Determination Act of 1996 (25 U.S.C. 4132(3), 4229(b)(2)(A));

''(x) in the National Housing Act—

''(I) in section 203 (12 U.S.C. 1709), the penultimate undesignated paragraph of paragraph (2) of subsection (b), subsection (c)(2)(A), and subsection (r)(4);

''(II) subsections (a) and (c)(3) of section 237 (12 U.S.C. 1715z–2); and

''(III) subsections (d)(2)(B) and (m)(1) of section 255 (12 U.S.C. 1715z–20);

''(xi) section 502(h)(4)(B) of the Housing Act of 1949 (42 U.S.C. 1472(h)(4)(B)); and

''(xii) section 508 of the Housing and Urban Development Act of 1970 (12 U.S.C. 1701z–7).

''(C) RENTAL HOUSING COUNSELING.—For purposes of this subsection, the term 'rental housing counseling' means counseling related to rental of residential property, which may include counseling regarding future homeownership opportunities and providing referrals for renters and prospective renters to entities providing counseling and shall include counseling related to such topics that is provided pursuant to—

''(i) section 105(a)(20) of the Housing and Community Development Act of 1974 (42 U.S.C. 5305(a)(20));

''(ii) in the United States Housing Act of 1937—

''(I) section 9(e) (42 U.S.C. 1437g(e));

''(II) section 18(a)(4)(D) (42 U.S.C. 1437p(a)(4)(D));

''(III) section 23(c)(4) (42 U.S.C. 1437u(c)(4));

''(IV) section 32(e)(4) (42 U.S.C. 1437z–4(e)(4));

''(V) section 33(d)(2)(B) (42 U.S.C. 1437z–5(d)(2)(B)); and

''(VI) section 302(b)(6) (42 U.S.C. 1437aaa–1(b)(6));

''(iii) section 233(b)(2) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12773(b)(2));

''(iv) section 106 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x);

''(v) section 422(b)(6) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12872(b)(6));

''(vi) section 491(b)(1)(F)(iii) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11408(b)(1)(F)(iii));

''(vii) sections 202(3) and 810(b)(2)(A) of the Native American Housing and Self-Determination Act of 1996 (25 U.S.C. 4132(3), 4229(b)(2)(A)); and

''(viii) the rental assistance program under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f).

''(2) STANDARDS FOR MATERIALS.—The Secretary, in conjunction with the advisory committee established under subsection (g)(4) of the Department of Housing and Urban Development Act, shall establish standards for materials and forms to be used, as appropriate, by organizations providing homeownership counseling services, including any recipients of assistance pursuant to subsection (a)(4).

''(3) MORTGAGE SOFTWARE SYSTEMS.—

''(A) CERTIFICATION.—The Secretary shall provide for the certification of various computer software programs for consumers to use in evaluating different residential mortgage loan proposals. The Secretary shall require, for such certification, that the mortgage software systems take into account—

''(i) the consumer's financial situation and the cost of maintaining a home, including insurance, taxes, and utilities;

''(ii) the amount of time the consumer expects to remain in the home or expected time to maturity of the loan;

''(iii) such other factors as the Secretary considers appropriate to assist the consumer in evaluating whether to pay points, to lock in an interest rate, to select an adjustable or fixed rate loan, to select a conventional or government-insured or guaranteed loan and to make other choices during the loan application process.

If the Secretary determines that available existing software is inadequate to assist consumers during the residential mortgage loan

application process, the Secretary shall arrange for the development by private sector software companies of new mortgage software systems that meet the Secretary's specifications.

''(B) USE AND INITIAL AVAILABILITY.—Such certified computer software programs shall be used to supplement, not replace, housing counseling. The Secretary shall provide that such programs are initially used only in connection with the assistance of housing counselors certified pursuant to subsection (e).

''(C) AVAILABILITY.—After a period of initial availability under subparagraph (B) as the Secretary considers appropriate, the Secretary shall take reasonable steps to make mortgage software systems certified pursuant to this paragraph widely available through the Internet and at public locations, including public libraries, senior-citizen centers, public housing sites, offices of public housing agencies that administer rental housing assistance vouchers, and housing counseling centers.

''(4) NATIONAL PUBLIC SERVICE MULTIMEDIA CAMPAIGNS TO PROMOTE HOUSING COUNSELING.—

''(A) IN GENERAL.—The Director of Housing Counseling shall develop, implement, and conduct national public service multimedia campaigns designed to make persons facing mortgage foreclosure, persons considering a subprime mortgage loan to purchase a home, elderly persons, persons who face language barriers, low-income persons, and other potentially vulnerable consumers aware that it is advisable, before seeking or maintaining a residential mortgage loan, to obtain homeownership counseling from an unbiased and reliable sources and that such homeownership counseling is available, including through programs sponsored by the Secretary of Housing and Urban Development.

''(B) CONTACT INFORMATION.—Each segment of the multimedia campaign under subparagraph (A) shall publicize the toll-free telephone number and web site of the Department of Housing and Urban Development through which persons seeking housing counseling can locate a housing counseling agency in their State that is certified by the Secretary of Housing and Urban Development and can provide advice on buying a home, renting, defaults, foreclosures, credit issues, and reverse mortgages.

''(C) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary, not to exceed $3,000,000 for fiscal years 2008, 2009, and 2010, for the develop, implement, and conduct of national public service multimedia campaigns under this paragraph.

''(5) EDUCATION PROGRAMS.—The Secretary shall provide advice and technical assistance to States, units of general local government, and nonprofit organizations regarding the establishment and operation of, including assistance with the development of content and materials for, educational programs to inform and educate consumers, particularly those most vulnerable with respect to residential mortgage loans (such as elderly persons, persons facing language barriers, low-income persons, and other potentially vulnerable consumers), regarding home mortgages, mortgage refinancing, home equity loans, and home repair loans.''.

(b) CONFORMING AMENDMENTS TO GRANT PROGRAM FOR HOMEOWNERSHIP COUNSELING ORGANIZATIONS.—Section 106(c)(5)(A)(ii) of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x(c)(5)(A)(ii)) is amended—

(1) in subclause (III), by striking ''and'' at the end;

(2) in subclause (IV) by striking the period at the end and inserting ''; and''; and

(3) by inserting after subclause (IV) the following new subclause:

''(V) notify the housing or mortgage applicant of the availability of mortgage software systems provided pursuant to subsection (g)(3).''.

SEC. 134. GRANTS FOR HOUSING COUNSELING ASSISTANCE.

Section 106(a) of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x(a)(3)) is amended by adding at the end the following new paragraph:

''(4) HOMEOWNERSHIP AND RENTAL COUNSELING ASSISTANCE.—

''(A) IN GENERAL.—The Secretary shall make financial assistance available under this paragraph to States, units of general local governments, and nonprofit organizations providing homeownership or rental counseling (as such terms are defined in subsection (g)(1)).

''(B) QUALIFIED ENTITIES.—The Secretary shall establish standards and guidelines for eligibility of organizations (including governmental and nonprofit organizations) to receive assistance under this paragraph.

''(C) DISTRIBUTION.—Assistance made available under this paragraph shall be distributed in a manner that encourages efficient and successful counseling programs.

''(D) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $45,000,000 for each of fiscal years 2008 through 2011 for—

''(i) the operations of the Office of Housing Counseling of the Department of Housing and Urban Development;

''(ii) the responsibilities of the Secretary under paragraphs (2) through (5) of subsection (g); and

''(iii) assistance pursuant to this paragraph for entities providing homeownership and rental counseling.''.

SEC. 135. REQUIREMENTS TO USE HUD-CERTIFIED COUNSELORS UNDER HUD PROGRAMS.

Section 106(e) of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x(e)) is amended—

(1) by striking paragraph (1) and inserting the following new paragraph:

''(1) REQUIREMENT FOR ASSISTANCE.—An organization may not receive assistance for counseling activities under subsection (a)(1)(iii), (a)(2), (a)(4), (c), or (d) of this section, or under section 101(e), unless the organization, or the individuals through which the organization provides such counseling, has been certified by the Secretary under this subsection as competent to provide such counseling.'';

(2) in paragraph (2)—

(A) by inserting ''and for certifying organizations'' before the period at the end of the first sentence; and

(B) in the second sentence by striking ''for certification'' and inserting '', for certification of an organization, that each individual through which the organization provides counseling shall demonstrate, and, for certification of an individual,'';

(3) in paragraph (3), by inserting ''organizations and'' before ''individuals'';

(4) by redesignating paragraph (3) as paragraph (5); and

(5) by inserting after paragraph (2) the following new paragraphs:

''(3) REQUIREMENT UNDER HUD PROGRAMS.—Any homeownership counseling or rental housing counseling (as such terms are defined in subsection (g)(1)) required under, or provided in connection with, any program administered by the Department of Housing and Urban Development shall be provided only by organizations or counselors certified by the Secretary under this subsection as competent to provide such counseling.

''(4) OUTREACH.—The Secretary shall take such actions as the Secretary considers appropriate to ensure that individuals and organizations providing homeownership or rental housing counseling are aware of the certification requirements and standards of this subsection and of the training and certification programs under subsection (f).''.

SEC. 136. STUDY OF DEFAULTS AND FORECLOSURES.

The Secretary of Housing and Urban Development shall conduct an extensive study of the root causes of default and foreclosure of home loans, using as much empirical data as are available. The study shall also examine the role of escrow accounts in helping prime and nonprime borrowers to avoid defaults and foreclosures. Not later than 12 months after the date of the enactment of this Act, the Secretary shall submit to the Congress a preliminary report regarding the study. Not later than 24 months after such date of enactment, the Secretary shall submit a final report regarding the results of the study, which shall include any recommended legislation relating to the study, and recommendations for best practices and for a process to identify populations that need counseling the most.

SEC. 137. DEFINITIONS FOR COUNSELING-RELATED PROGRAMS.

Section 106 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x), as amended by the preceding provisions of this subtitle, is further amended by adding at the end the following new subsection:

''(h) DEFINITIONS.—For purposes of this section:

''(1) NONPROFIT ORGANIZATION.—The term 'nonprofit organization' has the meaning given such term in section 104(5) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12704(5)), except that subparagraph (D) of such section shall not apply for purposes of this section.

''(2) STATE.—The term 'State' means each of the several States, the Commonwealth of Puerto Rico, the District of Columbia, the Commonwealth of the Northern Mariana Islands, Guam, the Virgin Islands, American Samoa, the Trust Territories of the Pacific, or any other possession of the United States.

''(3) UNIT OF GENERAL LOCAL GOVERNMENT.—The term 'unit of general local government' means any city, county, parish, town, township, borough, village, or other general purpose political subdivision of a State.''.

SEC. 138. UPDATING AND SIMPLIFICATION OF MORTGAGE INFORMATION BOOKLET.

Section 5 of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2604) is amended—

(1) in the section heading, by striking ''SPECIAL'' and inserting ''HOME BUYING'';

(2) by striking subsections (a) and (b) and inserting the following new subsections:

''(a) PREPARATION AND DISTRIBUTION.—The Secretary shall prepare, at least once every 5 years, a booklet to help consumers applying for federally related mortgage loans to understand the nature and costs of real estate settlement services. The Secretary shall prepare the booklet in various languages and cultural styles, as the Secretary determines to be appropriate, so that the booklet is understandable and accessible to homebuyers of different ethnic and cultural backgrounds. The Secretary shall distribute such booklets to all lenders that make federally related mortgage loans. The Secretary shall also distribute to such lenders lists, organized by location, of homeownership counselors certified under section 106(e) of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x(e)) for use in complying with the requirement under subsection (c) of this section.

''(b) CONTENTS.—Each booklet shall be in such form and detail as the Secretary shall prescribe and, in addition to such other information as the Secretary may provide,

shall include in plain and understandable language the following information:

''(1) A description and explanation of the nature and purpose of the costs incident to a real estate settlement or a federally related mortgage loan. The description and explanation shall provide general information about the mortgage process as well as specific information concerning, at a minimum—

''(A) balloon payments;

''(B) prepayment penalties; and

''(C) the trade-off between closing costs and the interest rate over the life of the loan.

''(2) An explanation and sample of the uniform settlement statement required by section 4.

''(3) A list and explanation of lending practices, including those prohibited by the Truth in Lending Act or other applicable Federal law, and of other unfair practices and unreasonable or unnecessary charges to be avoided by the prospective buyer with respect to a real estate settlement.

''(4) A list and explanation of questions a consumer obtaining a federally related mortgage loan should ask regarding the loan, including whether the consumer will have the ability to repay the loan, whether the consumer sufficiently shopped for the loan, whether the loan terms include prepayment penalties or balloon payments, and whether the loan will benefit the borrower.

''(5) An explanation of the right of rescission as to certain transactions provided by sections 125 and 129 of the Truth in Lending Act.

''(6) A brief explanation of the nature of a variable rate mortgage and a reference to the booklet entitled 'Consumer Handbook on Adjustable Rate Mortgages', published by the Board of Governors of the Federal Reserve System pursuant to section 226.19(b)(1) of title 12, Code of Federal Regulations, or to any suitable substitute of such booklet that such Board of Governors may subsequently adopt pursuant to such section.

''(7) A brief explanation of the nature of a home equity line of credit and a reference to the pamphlet required to be provided under section 127A of the Truth in Lending Act.

''(8) Information about homeownership counseling services made available pursuant to section 106(a)(4) of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x(a)(4)), a recommendation that the consumer use such services, and notification that a list of certified providers of homeownership counseling in the area, and their contact information, is available.

''(9) An explanation of the nature and purpose of escrow accounts when used in connection with loans secured by residential real estate and the requirements under section 10 of this Act regarding such accounts.

''(10) An explanation of the choices available to buyers of residential real estate in selecting persons to provide necessary services incidental to a real estate settlement.

''(11) An explanation of a consumer's responsibilities, liabilities, and obligations in a mortgage transaction.

''(12) An explanation of the nature and purpose of real estate appraisals, including the difference between an appraisal and a home inspection.

''(13) Notice that the Office of Housing of the Department of Housing and Urban Development has made publicly available a brochure regarding loan fraud and a World Wide Web address and toll-free telephone number for obtaining the brochure.

The booklet prepared pursuant to this section shall take into consideration differences in real estate settlement procedures that may exist among the several States and territories of the United States and among separate political subdivisions within the same State and territory.'';

(3) in subsection (c), by inserting at the end the following new sentence: ''Each lender shall also include with the booklet a reasonably complete or updated list of homeownership counselors who are certified pursuant to section 106(e) of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x(e)) and located in the area of the lender.''; and

(4) in subsection (d), by inserting after the period at the end of the first sentence the following: ''The lender shall provide the HUD-issued booklet in the version that is most appropriate for the person receiving it.''.

Subtitle C—Combating Mortgage Fraud

SEC. 151. AUTHORIZATION OF APPROPRIATIONS TO COMBAT MORTGAGE FRAUD.

For fiscal years 2008, 2009, 2010, 2011, and 2012, there are authorized to be appropriated to the Attorney General a total of—

(1) $31,250,000 to support the employment of 30 additional agents of the Federal Bureau of Investigation and 2 additional dedicated prosecutors at the Department of Justice to coordinate prosecution of mortgage fraud efforts with the offices of the United States Attorneys; and

(2) $750,000 to support the operations of interagency task forces of the Federal Bureau of Investigation in the areas with the 15 highest concentrations of mortgage fraud.

TITLE II—FHA REFORM AND MANUFACTURED HOUSING LOAN INSURANCE MODERNIZATION

Subtitle A—FHA Reform

SEC. 201. SHORT TITLE.

This subtitle may be cited as the ''Expanding American Homeownership Act of 2008''.

SEC. 202. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) one of the primary missions of the Federal Housing Administration (FHA) single family mortgage insurance program is to reach borrowers who are underserved, or not served, by the existing conventional mortgage marketplace;

(2) the FHA program has a long history of innovation, which includes pioneering the 30-year self-amortizing mortgage and a safe-to-seniors reverse mortgage product, both of which were once thought too risky to private lenders;

(3) the FHA single family mortgage insurance program traditionally has been a major provider of mortgage insurance for home purchases;

(4) the FHA mortgage insurance premium structure, as well as FHA's product offerings, should be revised to reflect FHA's enhanced ability to determine risk at the loan level and to allow FHA to better respond to changes in the mortgage market;

(5) during past recessions, including the oil-patch downturns in the mid-1980s, FHA remained a viable credit enhancer and was therefore instrumental in preventing a more catastrophic collapse in housing markets and a greater loss of homeowner equity; and

(6) as housing price appreciation slows and interest rates rise, many homeowners and prospective homebuyers will need the less-expensive, safer financing alternative that FHA mortgage insurance provides.

(b) PURPOSES.—The purposes of this subtitle are—

(1) to provide flexibility to FHA to allow for the insurance of housing loans for low- and moderate-income homebuyers during all economic cycles in the mortgage market;

(2) to modernize the FHA single family mortgage insurance program by making it more reflective of enhancements to loan-level risk assessments and changes to the mortgage market; and

(3) to adjust the loan limits for the single family mortgage insurance program to reflect rising house prices and the increased costs associated with new construction.

SEC. 203. MAXIMUM PRINCIPAL LOAN OBLIGATION.

(a) IN GENERAL.—Section 203(b)(2) of the National Housing Act (12 U.S.C. 1709(b)(2)(A)) is amended by striking subparagraph (A) and inserting the following new subparagraph:

''(A) not to exceed the lesser of—

''(i) in the case of a 1-family residence, 125 percent of the median 1-family house price in the area, as determined by the Secretary; and in the case of a 2-, 3-, or 4-family residence, the percentage of such median price that bears the same ratio to such median price as the dollar amount limitation determined under section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1454(a)(2)) for a 2-, 3-, or 4-family residence, respectively, bears to the dollar amount limitation determined under such section for a 1-family residence; or

''(ii) 175 percent of the dollar amount limitation determined under such section 305(a)(2)(A) for a residence of the applicable size (without regard to any authority to increase such limitations with respect to properties located in Alaska, Guam, Hawaii, or the Virgin Islands and without regard to the high-cost area limitation under such section 305(a)(2)(B));

except that the dollar amount limitation in effect under this subparagraph for any size residence for any area may not be less than the greater of: (I) the dollar amount limitation in effect under this section for the area on October 21, 1998; or (II) 65 percent of the dollar amount limitation determined under such section 305(a)(2) for a residence of the applicable size; and except that, if the Secretary determines that market conditions warrant such an increase, the Secretary may, for such period as the Secretary considers appropriate, increase the maximum dollar amount limitation determined pursuant to the preceding provisions of this subparagraph with respect to any particular size or sizes of residences, or with respect to residences located in any particular area or areas, to an amount that does not exceed the maximum dollar amount then otherwise in effect pursuant to the preceding provisions of this subparagraph for such size residence, or for such area (if applicable), by not more than $100,000; and''.

(b) TREATMENT OF TEMPORARY LOAN LIMIT INCREASE.—Subsection (a) and the amendment made by such subsection may not be construed to in any way affect the effectiveness of section 202 of the Economic Stimulus Act of 2008 (Public Law 110-185; 122 Stat. 620).

SEC. 204. EXTENSION OF MORTGAGE TERM.

Paragraph (3) of section 203(b) of the National Housing Act (12 U.S.C. 1709(b)(3)) is amended—

(1) by striking ''thirty-five years'' and inserting ''forty years''; and

(2) by striking ''(or thirty years if such mortgage is not approved for insurance prior to construction)''.

SEC. 205. DOWNPAYMENT SIMPLIFICATION.

Section 203(b) of the National Housing Act (12 U.S.C. 1709(b)) is amended—

(1) in paragraph (2)—

(A) by striking subparagraph (B) and inserting the following new subparagraph:

''(B) not to exceed an amount equal to the sum of—

''(i) the amount of the mortgage premium paid at the time the mortgage is insured; and

''(ii) 97.75 percent of the appraised value of the property.'';

(B) in the matter after and below subparagraph (B), by striking the second sentence (relating to a definition of ''average closing cost'') and all that follows through ''title 38, United States Code.''; and

(C) by striking the last undesignated paragraph (relating to counseling with respect to the responsibilities and financial management involved in homeownership); and

(2) in paragraph (9)—

(A) by striking the paragraph designation and all that follows through ''*Provided further*, That for'' and inserting the following:

''(9) Be executed by a mortgagor who shall have paid on account of the property, in cash or its equivalent, at least 3 percent of the Secretary's estimate of the cost of acquisition (excluding the mortgage insurance premium paid at the time the mortgage is insured). For''; and

(B) by inserting after the period at the end the following: ''For purposes of this paragraph, the Secretary shall consider as cash or its equivalent any amounts gifted by a family member (as such term is defined in section 201), the mortgagor's employer or labor union, or a qualified homeownership assistance entity, but only if there is no obligation on the part of the mortgagor to repay the gift: For purposes of the preceding sentence, the term 'qualified homeownership assistance entity' means any governmental agency or charity that has a program to provide homeownership assistance to low- and moderate-income families or first-time home buyers, or any private nonprofit organization that has such a program and evidences sufficient fiscal soundness to protect the fiscal integrity of the Mutual Mortgage Insurance Fund by maintaining a minimum net worth of $4,000,000 of acceptable assets.''.

SEC. 206. MORTGAGE INSURANCE PREMIUMS FOR QUALIFIED HOMEOWNERSHIP ASSISTANCE ENTITIES AND HIGHER-RISK BORROWERS.

Paragraph (2) of section 203(c) of the National Housing Act (12 U.S.C. 1709(c)(2)) is amended—

(1) in subparagraph (A), in the matter preceding subparagraph (A), by striking the first comma after ''section 234(c)'';

(2) in subparagraph (A), by inserting after the period at the end of the second sentence the following: ''In the case of a mortgage for which any amounts gifted by a qualified homeownership assistance entity (as such term is defined in paragraph (9) of subsection (b)) that is a private nonprofit organization are treated as cash or its equivalent for purposes of meeting the 3 percent requirement under such paragraph, the premium payment under this subparagraph shall not exceed 3.0 percent of the amount of the original insured principal obligation of the mortgage.''; and

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

''(C) HIGHER-RISK BORROWERS.—The Secretary shall establish underwriting standards that provide for insurance under this section of mortgages described in the matter in this paragraph preceding subparagraph (A) for which the mortgagor has a credit score equivalent to a FICO score of less than 560, and may insure, and make commitments to insure, such mortgages. Such underwriting standards shall include establishing and collecting premium payments that comply with the requirements of this paragraph, except that notwithstanding subparagraph (A), the single premium payment collected at the time of insurance may be established in an amount that does not exceed 3.0 percent of the amount of the original insured principal obligation of the mortgage.''.

SEC. 207. RISK-BASED MORTGAGE INSURANCE PREMIUMS.

Section 203(c) of the National Housing Act (12 U.S.C. 1709(c)), as amended by the preceding provisions of this subtitle, is further amended by adding at the end the following new paragraphs:

''(4) FLEXIBLE RISK-BASED PREMIUMS.—In the case of a mortgage referred to in paragraph (2)(C) or a mortgage described in the third sentence of subparagraph (A) of paragraph (2) (relating to mortgages for which amounts are gifted by a nonprofit qualified homeownership assistance entity), for which the loan application is received by the mortgagee on or after the date of the enactment of the Expanding American Homeownership Act of 2008:

''(A) IN GENERAL.—The Secretary may establish a mortgage insurance premium structure involving a single premium payment collected prior to the insurance of the mortgage or annual payments (which may be collected on a periodic basis), or both, subject to the requirements of subparagraph (B) and paragraph (5). Under such structure, the rate of premiums for such a mortgage may vary according to the credit risk associated with the mortgage and the rate of any annual premium for such a mortgage may vary during the mortgage term as long as the basis for determining the variable rate is established before the execution of the mortgage. The Secretary may change a premium structure established under this subclause but only to the extent that such change is not applied to any mortgage already executed.

''(B) ESTABLISHMENT AND ALTERATION OF PREMIUM STRUCTURE.—A premium structure shall be established or changed under subparagraph (A) only by providing notice to mortgagees and to the Congress, at least 30 days before the premium structure is established or changed.

''(C) ANNUAL REPORT REGARDING PREMIUMS.—The Secretary shall submit a report to the Congress annually setting forth the rate structures and rates established and altered pursuant to this paragraph during the preceding 12-month period and describing how such rates were determined.

''(5) CONSIDERATIONS FOR PREMIUM STRUCTURE.—When establishing premiums for mortgages referred to in paragraph (2)(C), establishing premiums pursuant to paragraph (3), establishing a premium structure under paragraph (4), and when changing such a premium structure, the Secretary shall consider the following:

''(A) The effect of the proposed premiums or structure on the Secretary's ability to meet the operational goals of the Mutual Mortgage Insurance Fund as provided in section 202(a).

''(B) Underwriting variables.

''(C) The extent to which new pricing under the proposed premiums or structure has potential for acceptance in the private market.

''(D) The administrative capability of the Secretary to administer the proposed premiums or structure.

''(E) The effect of the proposed premiums or structure on the Secretary's ability to maintain the availability of mortgage credit and provide stability to mortgage markets.

''(6) AUTHORITY TO BASE PREMIUM PRICES ON PRODUCT RISK.—

''(A) AUTHORITY.—In establishing premium rates under paragraphs (2), (3), and (4), the Secretary may provide for variations in such rates according to the credit risk associated with the type of mortgage product that is being insured under this title, which may include providing that premium rates differ between fixed-rate mortgages and adjustable-rate mortgages insured pursuant to section 251, between mortgages insured pursuant to section 203(b) and mortgages for condominiums insured pursuant to section 234, and between such other products as the Secretary considers appropriate.

''(B) LIMITATION.—Subparagraph (A) may not be construed to authorize the Secretary to establish, for any mortgage product, any mortgage insurance premium rate that does not comply with the requirements and limitations under paragraphs (2) through (5).''.

SEC. 208. PAYMENT INCENTIVES FOR HIGHER-RISK BORROWERS.

Section 203(c) of the National Housing Act (12 U.S.C. 1709(c)), as amended by the preceding provisions of this subtitle, is further amended by adding at the end the following new paragraph:

''(7) PAYMENT INCENTIVES.—

''(A) AUTHORITY.—With respect to mortgages referred to in paragraph (2)(C):

''(i) DISCRETIONARY 3-YEAR PAYMENT INCENTIVE.—The Secretary may provide, in the discretion of the Secretary, that the payment incentive under subparagraph (B) shall apply upon the expiration of the 3-year period beginning upon the time of insurance of such a mortgage.

''(ii) MANDATORY 5-YEAR PAYMENT INCENTIVE.—The Secretary shall provide that the payment incentive under subparagraph (B) applies upon the expiration of the 5-year period beginning upon the time of insurance of such a mortgage.

''(B) PAYMENT INCENTIVE.—In the case of any mortgage to which the payment incentive under this subparagraph applies, if, during the period referred to in clause (i) or (ii) of subparagraph (A), as applicable, all mortgage insurance premiums for such mortgage have been paid on a timely basis, upon the expiration of such period the Secretary shall—

''(i) reduce the amount of the annual premium payments otherwise due thereafter under such mortgage to an amount that does not exceed the amount of the annual premium payable at the time of insurance of the mortgage on a mortgage of the same product type having the same terms, but for which the mortgagor has a credit score equivalent to a FICO score of 560 or more; and

''(ii) refund to the mortgagor, upon payment in full of the obligation of the mortgage, any amount by which the single premium payment for such mortgage collected at the time of insurance exceeded the amount of the single premium payment chargeable under paragraph (2)(A) at the time of insurance for a mortgage of the same product type having the same terms, but for which the mortgagor has a credit score equivalent to a FICO score of 560 or more.''.

SEC. 209. PROTECTIONS FOR HIGHER-RISK BORROWERS.

Section 203(b) of the National Housing Act (12 U.S.C. 1709(b)) is amended by adding at the end the following new paragraph:

''(10) PROTECTIONS FOR HIGHER-RISK BORROWERS.—Except as otherwise specifically provided in this paragraph, in the case of any mortgage referred to in paragraph (2)(C) of subsection (c), the following requirements shall apply:

''(A) DISCLOSURES.—

''(i) REQUIRED DISCLOSURES.—In addition to any disclosures that are otherwise required by law or by the Secretary for single family mortgages, the mortgagee shall disclose to the mortgagor the following information:

''(I) AT APPLICATION.—At the time of application for the loan involved in the mortgage, a list of counseling agencies, approved by the Secretary, in the area of the applicant.

''(II) AT EXECUTION.—At the time of entering into the mortgage—

''(aa) the terms of the mandatory 5-year payment incentive required under subsection (c)(7)(A)(ii); and

''(bb) a statement that the mortgagor has a right under contract to loss mitigation.

''(III) OTHER INFORMATION.—Any other additional information that the Secretary determines is appropriate to ensure that the mortgagor has received timely and accurate information about the program under paragraph (2)(C) of subsection (c).

''(ii) PENALTIES FOR FAILURE TO PROVIDE REQUIRED DISCLOSURES.—The Secretary may establish and impose appropriate penalties

for failure of a mortgagee to provide any disclosure required under clause (i).

''(iii) NO PRIVATE RIGHT OF ACTION.—This subparagraph shall not create any private right of action on behalf of the mortgagor.

''(B) COUNSELING.—

''(i) REQUIREMENT.—The Secretary shall require that the mortgagor shall have received counseling that complies with the requirements of this subparagraph.

''(ii) TERMS OF COUNSELING.—Counseling under this subparagraph shall be provided—

''(I) prior to closing for the loan involved in the mortgage;

''(II) by a third party (other than the mortgagee) who is approved by the Secretary, with respect to the responsibilities and financial management involved in homeownership;

''(III) on an individual basis to the mortgagor by a representative of the approved third-party counseling entity; and

''(IV) in person, to the maximum extent possible.

''(iii) 2- AND 3-FAMILY RESIDENCES.—In the case of a mortgage involving a 2- or 3-family residence, counseling under this subparagraph shall include (in addition to the information required under clause (iii)) information regarding real estate property management.

''(C) NOTICE OF FORECLOSURE PREVENTION COUNSELING AVAILABILITY.—

''(i) WRITTEN AGREEMENT.—To be eligible for insurance under this subsection, the mortgagee shall provide the mortgagor, at the time of the execution of the mortgage, a written agreement which shall be signed by the mortgagor and under which the mortgagee shall provide notice described in clause (ii) to a housing counseling entity that has agreed to provide the notice and counseling required under clause (iii) and is approved by the Secretary.

''(ii) NOTICE TO COUNSELING AGENCY.—The notice described in this clause, with respect to a mortgage, is notice, provided at the earliest time practicable after the mortgagor becomes 60 days delinquent with respect to any payment due under the mortgage, that the mortgagor is so delinquent and of how to contact the mortgagor. Such notice may only be provided once with respect to each delinquency period for a mortgage.

''(iii) NOTICE TO MORTGAGOR.—Upon notice from a mortgagee that a mortgagor is 60 days delinquent with respect to payments due under the mortgage, the housing counseling entity shall at the earliest time practicable notify the mortgagor of such delinquency, that the entity makes available foreclosure prevention counseling that may assist the mortgagor in resolving the delinquency, and of how to contact the entity to arrange for such counseling.

''(iv) ABILITY TO CURE.—Failure to provide the written agreement required under clause (i) may be corrected by sending such agreement to the mortgagor not later than the earliest time practicable after the mortgagor first becomes 60 days delinquent with respect to payments due under the mortgage. Insurance provided under this subsection may not be terminated and penalties for such failure may not be prospectively or retroactively imposed if such failure is corrected in accordance with this clause.

''(v) PENALTIES FOR FAILURE TO PROVIDE AGREEMENT.—The Secretary may establish and impose appropriate penalties for failure of a mortgagee to provide the written agreement required under clause (i).

''(vi) LIMITATION ON LIABILITY OF MORTGAGEE.—A mortgagee shall not incur any liability or penalties for any failure of a housing counseling entity to provide notice under clause (iii).

''(vii) NO PRIVATE RIGHT OF ACTION.—This subparagraph shall not create any private right of action on behalf of the mortgagor.

''(viii) DELINQUENCY PERIOD.—For purposes of this subparagraph, the term 'delinquency period' means, with respect to a mortgage, a period that begins upon the mortgagor becoming delinquent with respect to payments due under the mortgage and ends upon the first subsequent occurrence of such payments under the mortgage becoming current or the property subject to the mortgage being foreclosed or otherwise disposed of.''.

SEC. 210. REFINANCING MORTGAGES.

Section 203 of the National Housing Act (12 U.S.C. 1709) is amended by inserting after subsection (k) the following new subsection:

''(l) REFINANCING MORTGAGES.—

''(1) ESTABLISHMENT OF UNDERWRITING STANDARDS.—The Secretary shall establish underwriting standards that provide for insurance under this title of mortgage loans, and take actions to facilitate the availability of mortgage loans insured under this title, for qualified borrowers that are made for the purpose of paying or prepaying outstanding obligations under existing mortgages for borrowers that—

''(A) have existing mortgages with adverse terms or rates, or

''(B) do not have access to mortgages at reasonable rates and terms for such refinancings due to adverse market conditions.

''(2) INSURANCE OF MORTGAGES TO BORROWERS IN DEFAULT OR AT RISK OF DEFAULT.—In facilitating insurance for such mortgages, the Secretary may insure mortgages to borrowers who are, currently in default or at imminent risk of being in default, but only if such loans meet reasonable underwriting standards established by the Secretary.''.

SEC. 211. ANNUAL REPORTS ON NEW PROGRAMS AND LOSS MITIGATION.

Section 540(b)(2) of the National Housing Act (12 U.S.C. 1735f–18(b)(2)) is amended, by adding at the end the following new subparagraphs:

''(C) The rates of default and foreclosure for the applicable collection period for mortgages insured pursuant to the program for mortgage insurance under paragraph (2)(C) of section 203(c).

''(D) Actions taken by the Secretary during the applicable collection period with respect to loss mitigation on mortgages insured pursuant to section 203.''.

SEC. 212. INSURANCE FOR SINGLE FAMILY HOMES WITH LICENSED CHILD CARE FACILITIES.

(a) DEFINITION OF CHILD CARE FACILITY.—Section 201 of the National Housing Act (12 U.S.C. 1707) is amended by adding at the end the following new subsection:

''(g) The term 'child care facility' means a facility that—

''(A) has as its purpose the care of children who are less than 12 years of age; and

''(B) is licensed or regulated by the State in which it is located (or, if there is no State law providing for such licensing and regulation by the State, by the municipality or other political subdivision in which the facility is located).

Such term does not include facilities for school-age children primarily for use during normal school hours.''.

(b) INCREASE IN MAXIMUM MORTGAGE AMOUNT LIMITATION.—Paragraph (2) of section 203(b) of the National Housing Act (12 U.S.C. 1709(b)(2)), as amended by the preceding provisions of this subtitle, is further amended by adding at end the following new undesignated paragraph:

''Notwithstanding any other provision of this paragraph, the amount that may be insured under this section may be increased by up to 25 percent if such increase is necessary to account for the increased cost of the residence due to an increased need of space in the residence for locating and operating a child care facility (as such term is defined in section 201) within the residence, but only if a valid license or certificate of compliance with regulations described in section 201(g)(2) has been issued for such facility as of the date of the execution of the mortgage, and only if such increase in the amount insured is proportional to the amount of space of such residence that will be used for such facility.''.

SEC. 213. REHABILITATION LOANS.

Subsection (k) of section 203 of the National Housing Act (12 U.S.C. 1709(k)) is amended—

(1) in paragraph (1), by striking ''on'' and all that follows through ''1978''; and

(2) in paragraph (5)—

(A) by striking ''General Insurance Fund'' the first place it appears and inserting ''Mutual Mortgage Insurance Fund''; and

(B) in the second sentence, by striking the comma and all that follows through ''General Insurance Fund''.

SEC. 214. DISCRETIONARY ACTION.

The National Housing Act is amended—

(1) in subsection (e) of section 202 (12 U.S.C. 1708(e))—

(A) in paragraph (3)(B), by striking ''section 202(e) of the National Housing Act'' and inserting ''this subsection''; and

(B) by redesignating such subsection as subsection (f);

(2) by striking paragraph (4) of section 203(s) (12 U.S.C. 1709(s)(4)) and inserting the following new paragraph:

''(4) the Secretary of Agriculture;''; and

(3) by transferring subsection (s) of section 203 (as amended by paragraph (2) of this section) to section 202, inserting such subsection after subsection (d) of section 202, and redesignating such subsection as subsection (e).

SEC. 215. INSURANCE OF CONDOMINIUMS AND MANUFACTURED HOUSING.

(a) IN GENERAL.—Section 234 of the National Housing Act (12 U.S.C. 1715y) is amended—

(1) in subsection (c)—

(A) in the first sentence—

(i) by striking ''and'' before ''(2)''; and

(ii) by inserting before the period at the end the following: '', and (3) the project has a blanket mortgage insured by the Secretary under subsection (d)''; and

(B) in clause (B) of the third sentence, by striking ''thirty-five years'' and inserting ''forty years''; and

(2) in subsection (g), by striking '', except that'' and all that follows and inserting a period.

(b) DEFINITION OF MORTGAGE.—Section 201(a) of the National Housing Act (12 U.S.C. 1707(a)) is amended—

(1) before '' a first mortgage'' insert ''(A)'';

(2) by striking ''or on a leasehold (1)'' and inserting ''(B) a first mortgage on a leasehold on real estate (i)'';

(3) by striking ''or (2)'' and inserting '', or (ii)''; and

(4) by inserting before the semicolon the following: '', or (C) a first mortgage given to secure the unpaid purchase price of a fee interest in, or long-term leasehold interest in, real estate consisting of a one-family unit in a multifamily project, including a project in which the dwelling units are attached, or are manufactured housing units, semi-detached, or detached, and an undivided interest in the common areas and facilities which serve the project''.

(c) DEFINITION OF REAL ESTATE.—Section 201 of the National Housing Act (12 U.S.C. 1707), as amended by the preceding provisions of this subtitle, is further amended by adding at the end the following new subsection:

''(h) The term 'real estate' means land and all natural resources and structures permanently affixed to the land, including residential buildings and stationary manufactured housing. The Secretary may not require, for treatment of any land or other property as real estate for purposes of this title, that such land or property be treated as real estate for purposes of State taxation.''.

SEC. 216. MUTUAL MORTGAGE INSURANCE FUND.

(a) IN GENERAL.—Subsection (a) of section 202 of the National Housing Act (12 U.S.C. 1708(a)) is amended to read as follows:

''(a) MUTUAL MORTGAGE INSURANCE FUND.—

''(1) ESTABLISHMENT.—Subject to the provisions of the Federal Credit Reform Act of 1990, there is hereby created a Mutual Mortgage Insurance Fund (in this title referred to as the 'Fund'), which shall be used by the Secretary to carry out the provisions of this title with respect to mortgages insured under section 203. The Secretary may enter into commitments to guarantee, and may guarantee, such insured mortgages.

''(2) LIMIT ON LOAN GUARANTEES.—The authority of the Secretary to enter into commitments to guarantee such insured mortgages shall be effective for any fiscal year only to the extent that the aggregate original principal loan amount under such mortgages, any part of which is guaranteed, does not exceed the amount specified in appropriations Acts for such fiscal year.

''(3) FIDUCIARY RESPONSIBILITY.—The Secretary has a responsibility to ensure that the Mutual Mortgage Insurance Fund remains financially sound.

''(4) ANNUAL INDEPENDENT ACTUARIAL STUDY.—The Secretary shall provide for an independent actuarial study of the Fund to be conducted annually, which shall analyze the financial position of the Fund. The Secretary shall submit a report annually to the Congress describing the results of such study and assessing the financial status of the Fund. The report shall recommend adjustments to underwriting standards, program participation, or premiums, if necessary, to ensure that the Fund remains financially sound.

''(5) QUARTERLY REPORTS.—During each fiscal year, the Secretary shall submit a report to the Congress for each quarter, which shall specify for mortgages that are obligations of the Fund—

''(A) the cumulative volume of loan guarantee commitments that have been made during such fiscal year through the end of the quarter for which the report is submitted;

''(B) the types of loans insured, categorized by risk;

''(C) any significant changes between actual and projected claim and prepayment activity;

''(D) projected versus actual loss rates; and

''(E) updated projections of the annual subsidy rates to ensure that increases in risk to the Fund are identified and mitigated by adjustments to underwriting standards, program participation, or premiums, and the financial soundness of the Fund is maintained.

The first quarterly report under this paragraph shall be submitted on the last day of the first quarter of fiscal year 2008, or upon the expiration of the 90-day period beginning on the date of the enactment of the Expanding American Homeownership Act of 2008, whichever is later.

''(6) ADJUSTMENT OF PREMIUMS.—If, pursuant to the independent actuarial study of the Fund required under paragraph (5), the Secretary determines that the Fund is not meeting the operational goals established under paragraph (8) or there is a substantial probability that the Fund will not maintain its established target subsidy rate, the Secretary may either make programmatic adjustments under section 203 as necessary to reduce the risk to the Fund, or make appropriate premium adjustments.

''(7) OPERATIONAL GOALS.—The operational goals for the Fund are—

''(A) to charge borrowers under loans that are obligations of the Fund an appropriate premium for the risk that such loans pose to the Fund;

''(B) to minimize the default risk to the Fund and to homeowners;

''(C) to curtail the impact of adverse selection on the Fund; and

''(D) to meet the housing needs of the borrowers that the single family mortgage insurance program under this title is designed to serve.''.

(b) OBLIGATIONS OF FUND.—The National Housing Act is amended as follows:

(1) HOMEOWNERSHIP VOUCHER PROGRAM MORTGAGES.—In section 203(v) (12 U.S.C. 1709(v))—

(A) by striking ''Notwithstanding section 202 of this title, the'' and inserting ''The''; and

(B) by striking ''General Insurance Fund'' the first place such term appears and all that follows and inserting ''Mutual Mortgage Insurance Fund.''.

(2) HOME EQUITY CONVERSION MORTGAGES.—Section 255(i)(2)(A) of the National Housing Act (12 U.S.C. 1715z–20(i)(2)(A)) is amended by striking ''General Insurance Fund'' and inserting ''Mutual Mortgage Insurance Fund''.

(c) CONFORMING AMENDMENTS.—The National Housing Act is amended—

(1) in section 205 (12 U.S.C. 1711), by striking subsections (g) and (h); and

(2) in section 519(e) (12 U.S.C. 1735c(e)), by striking ''203(b)'' and all that follows through ''203(i)'' and inserting ''203, except as determined by the Secretary''.

SEC. 217. HAWAIIAN HOME LANDS AND INDIAN RESERVATIONS.

(a) HAWAIIAN HOME LANDS.—Section 247(c) of the National Housing Act (12 U.S.C. 1715z–12) is amended—

(1) by striking ''General Insurance Fund established in section 519'' and inserting ''Mutual Mortgage Insurance Fund''; and

(2) in the second sentence, by striking ''(1) all references'' and all that follows through ''and (2)''.

(b) INDIAN RESERVATIONS.—Section 248(f) of the National Housing Act (12 U.S.C. 1715z–13) is amended—

(1) by striking ''General Insurance Fund'' the first place it appears and all that follows through ''519'' and inserting ''Mutual Mortgage Insurance Fund''; and

(2) in the second sentence, by striking ''(1) all references'' and all that follows through ''and (2)''.

SEC. 218. CONFORMING AND TECHNICAL AMENDMENTS.

(a) REPEALS.—The following provisions of the National Housing Act are repealed:

(1) Subsection (i) of section 203 (12 U.S.C. 1709(i)).

(2) Subsection (o) of section 203 (12 U.S.C. 1709(o)).

(3) Subsection (p) of section 203 (12 U.S.C. 1709(p)).

(4) Subsection (q) of section 203 (12 U.S.C. 1709(q)).

(5) Section 222 (12 U.S.C. 1715m).

(6) Section 237 (12 U.S.C. 1715z–2).

(7) Section 245 (12 U.S.C. 1715z–10).

(b) DEFINITION OF AREA.—Section 203(u)(2)(A) of the National Housing Act (12 U.S.C. 1709(u)(2)(A)) is amended by striking ''shall'' and all that follows and inserting ''means a metropolitan statistical area as established by the Office of Management and Budget;''.

(c) DEFINITION OF STATE.—Section 201(d) of the National Housing Act (12 U.S.C. 1707(d)) is amended by striking ''the Trust Territory of the Pacific Islands'' and inserting ''the Commonwealth of the Northern Mariana Islands''.

SEC. 219. HOME EQUITY CONVERSION MORTGAGES.

(a) IN GENERAL.—Section 255 of the National Housing Act (12 U.S.C. 1715z–20) is amended—

(1) in subsection (b)(2), insert '' 'real estate,' '' after '' 'mortgagor','';

(2) in subsection (b)(4), by striking subparagraph (B) and inserting the following new subparagraph:

''(B) under a lease that has a term that ends no earlier than the minimum number of years, as specified by the Secretary, beyond the actuarial life expectancy of the mortgagor or comortgagor, whichever is the later date.''.

(3) in the second sentence of subsection (g), by striking ''the maximum dollar amount established under section 203(b)(2)'' and all that follows through ''located'' and inserting ''132 percent of the dollar amount limitation determined under section 305(a)(2)(A) of the Federal Home Loan Mortgage Corporation Act for a 1-family residence (without regard to any authority to increase such limitations with respect to properties located in Alaska, Guam, Hawaii, or the Virgin Islands and without regard to the high-cost area limitation under such section 305(a)(2)(B))'';

(4) in subsection (i)(1)(C), by striking ''limitations'' and inserting ''limitation''; and

(5) by adding at the end the following new subsection:

''(o) AUTHORITY TO INSURE HOME PURCHASE MORTGAGES.—

''(1) IN GENERAL.—Notwithstanding any other provision in this section, the Secretary may insure, upon application by a mortgagee, a home equity conversion mortgage upon such terms and conditions as the Secretary may prescribe, when the primary purpose of the home equity conversion mortgage is to enable an elderly mortgagor to purchase a 1- to 4-family dwelling in which the mortgagor will occupy or occupies one of the units.

''(2) LIMITATION ON PRINCIPAL OBLIGATION.—A home equity conversion mortgage insured pursuant to paragraph (1) shall involve a principal obligation that does not exceed the limitation under subsection (g) of this section on the maximum amount of the benefits of insurance under this section.''.

(b) MORTGAGES FOR COOPERATIVES.—Subsection (b) of section 255 of the National Housing Act (12 U.S.C. 1715z–20(b)) is amended—

(1) in paragraph (4)—

(A) by inserting ''a first or subordinate mortgage or lien'' before ''on all stock'';

(B) by inserting ''unit'' after ''dwelling''; and

(C) by inserting ''a first mortgage or first lien'' before ''on a leasehold''; and

(2) in paragraph (5), by inserting ''a first or subordinate lien on'' before ''all stock''.

(c) PROHIBITION ON REQUIRED PURCHASE OF AN ANNUITY.—Section 255 of the National Housing Act of 1937 (12 U.S.C. 1715z–20) is amended—

(1) by striking subparagraph (B) of subsection (d)(2) and inserting the following new subparagraph:

''(B) has received adequate counseling by a third party (other than a reverse mortgage lender, servicer or investor, or an entity engaged in the sale of annuities, investments, long-term care insurance, or any other type of financial or insurance product) as provided in subsection (f);'';

(2) by striking the first sentence of subsection (f) and inserting the following new sentence: ''The Secretary shall provide or cause to be provided and paid for by entities other than a reverse mortgage lender,

servicer or investor, or an entity engaged in the sale of annuities, investments, long-term care insurance, or any other type of financial or insurance product the information required in subsection (d)(2)(B).''; and

(3) by striking subsections (l) and (m) and inserting the following new subsection:

''(l) REGULATIONS TO PROTECT ELDERLY HOMEOWNERS.—

''(1) IN GENERAL.—Not later than 6 months after the date of the enactment of the Expanding American Homeownership Act of 2008, the Secretary shall, in consultation with other relevant Federal departments and agencies, prescribe regulations to help protect elderly homeowners from the marketing of financial and insurance products not in the interest of such homeowners, including the marketing or sale of an annuity as a condition of obtaining any home equity conversion mortgage.

''(2) CONSULTATION.—In developing the regulations required under paragraph (1), the Secretary shall consult with consumer advocates (including recognized experts in consumer protection), industry representatives, representatives of counseling organizations, and other interested parties.''.

(d) LIMITATION ON ORIGINATION FEES.—Section 255 of the National Housing Act (12 U.S.C. 1715z–20), as amended by the preceding provisions of this section, is further amended—

(1) by redesignating subsections (k), (l), and (m) as subsections (l), (m), and (n), respectively; and

(2) by inserting after subsection (j) the following new subsection:

''(k) LIMITATION ON ORIGINATION FEES.—The Secretary shall establish limits on the origination fee that may be charged to a mortgagor under a mortgage insured under this section, which limitations shall—

''(1) be equal to 2.0 percent of the maximum claim amount of the mortgage up to a maximum claim amount of $200,000 plus 1 percent of any portion of the maximum claim amount that is greater than $200,000, unless adjusted thereafter on the basis of an analysis of (A) costs to mortgagors, and (B) the impact on the reverse mortgage market;

''(2) be subject to a minimum allowable amount;

''(3) provide that the origination fee may be fully financed with the mortgage;

''(4) include any fees paid to correspondent mortgagees approved by the Secretary or to mortgage brokers;

''(5) apply beginning upon the date that the maximum dollar amount limitation on the benefits of insurance under this section is first increased pursuant to the amendments made by section 219(a)(3) of the Expanding American Homeownership Act of 2008; and

''(6) be subject to a maximum origination fee of $6,000, except that such maximum limit shall be adjusted in accordance with the annual percentage increase in the Consumer Price Index of the Bureau of Labor Statistics of the Department of Labor in increments of $500 only when the percentage increase in such index, when applied to the maximum origination fee, produce dollar increases that exceed $500.''.

(e) STUDY REGARDING MORTGAGE INSURANCE PREMIUMS.—The Secretary of Housing and Urban Development shall conduct a study regarding mortgage insurance premiums charged under the program under section 255 of the National Housing Act (12 U.S.C. 1715z–20) for insurance of home equity conversion mortgages to analyze and determine the effects of reducing the amounts of such premiums from the amounts charged as of the date of the enactment of this Act on: (1) costs to mortgagors; and (2) the financial soundness of the program. Not later than the expiration of the 12-month period beginning on the date of the enactment of this Act, the Secretary shall submit a report to the Congress setting forth the results and conclusions of the study.

(f) PURCHASE AUTHORITY OF FANNIE MAE AND FREDDIE MAC.—

(1) FANNIE MAE.—Section 302(b) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1717(b)) is amended by adding at the end the following:

''(7) The corporation is authorized to purchase, service, sell, lend on the security of, and otherwise deal in any mortgage insured under section 255 of the National Housing Act (12 U.S.C. 1715z–20), notwithstanding the limitations under paragraph (2) on the maximum original principal obligations of mortgages.''.

(2) FREDDIE MAC.—Section 305(a) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1454(a)) is amended by adding at the end the following:

''(6) The Corporation is authorized to purchase, service, sell, lend on the security of, and otherwise deal in any mortgage insured under section 255 of the National Housing Act (12 U.S.C. 1715z–20), notwithstanding the limitations under paragraph (2) on the maximum original principal obligations of mortgages.''.

SEC. 220. STUDY ON PARTICIPATION OF MORTGAGE BROKERS AND CORRESPONDENT LENDERS.

(a) STUDY.—The Comptroller General of the United States shall conduct a study, which shall be completed not later than the expiration of the 12-month period beginning on the date of the enactment of this Act, which shall analyze and determine—

(1) the extent to which the financial audit and net worth requirements impede participation by mortgage brokers and correspondent lenders in the mortgage insurance programs under the National Housing Act, as measured by the number and value of such insured mortgages, disaggregated by the States in which the properties subject to such mortgages are located;

(2) the extent and effectiveness of the financial audit and net worth requirements in protecting the Mutual Mortgage Insurance Fund;

(3) the extent and effectiveness of the supervision and quality control enforcement, by the Secretary, of mortgagees in the FHA program, separate from the financial audit and net worth requirements for participation, in protecting the Mutual Mortgage Insurance Fund;

(4) the extent to which allowing a mortgage broker to secure a surety bond in lieu of the financial audit and net worth requirements would increase participation by mortgage brokers and correspondent lenders in the mortgage insurance programs under the National Housing Act;

(5) the extent to which allowing a mortgage broker to secure a surety bond in lieu of the financial audit and net worth requirements would protect the Mutual Mortgage Insurance Fund; and

(6) the potential impact of such changes on the costs incurred by the Secretary of Housing and Urban Development in administering the mortgage insurance programs under such Act.

(b) GAO REPORT.—Not later than the expiration of the 12-month period beginning on the date of the enactment of this Act, the Comptroller General shall submit a report to the Congress and the Secretary of Housing and Urban Development setting forth the results and conclusions of the study conducted pursuant to subsection (a).

(c) HUD REPORT.—Not later than the expiration of the 18-month period beginning upon the date of the enactment of this Act, the Secretary of Housing and Urban Development may submit a report to the Congress making recommendations regarding any changes in requirements for participation of mortgage brokers and correspondent lenders in the mortgage insurance programs under the National Housing Act arising from a review of the study conducted pursuant to subsection (a).

SEC. 221. CONFORMING LOAN LIMIT IN DISASTER AREAS.

Section 203(h) of the National Housing Act (12 U.S.C. 1709) is amended—

(1) by inserting after ''property'' the following: ''plus any initial service charges, appraisal, inspection and other fees in connection with the mortgage as approved by the Secretary,'';

(2) by striking the second sentence (as added by chapter 7 of the Emergency Supplemental Appropriations Act of 1994 (Public Law 103–211; 108 Stat. 12)); and

(3) by adding at the end the following new sentence: ''In any case in which the single family residence to be insured under this subsection is within a jurisdiction in which the President has declared a major disaster to have occurred, the Secretary is authorized, for a temporary period not to exceed 36 months from the date of such Presidential declaration, to enter into agreements to insure a mortgage which involves a principal obligation of up to 100 percent of the dollar limitation determined under section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act for a single family residence, and not in excess of 100 percent of the appraised value of the property plus any initial service charges, appraisal, inspection and other fees in connection with the mortgage as approved by the Secretary.''.

SEC. 222. FAILURE TO PAY AMOUNTS FROM ESCROW ACCOUNTS FOR SINGLE FAMILY MORTGAGES.

(a) PENALTIES.—Section 536 of the National Housing Act (12 U.S.C. 1735f–14) is amended—

(1) in subsection (a)(1), by inserting ''servicers (including escrow account servicers),'' after ''appraisers,'';

(2) in subsection (b)(1)—

(A) in the matter preceding subparagraph (A), by inserting ''or other participant referred to in subsection (a),'' after ''lender,''; and

(B) by inserting at the end the following new subparagraphs:

''(K) In the case of a mortgage for a 1- to 4-family residence insured under title II that requires the mortgagor to make payments to the mortgagee or other servicer of the mortgage for deposit into an escrow account for the purpose of assuring payment of taxes, insurance premiums, and other charges with respect to the property, failure on the part of the servicer to make any such payment from the escrow account by the deadline to avoid a penalty with respect to such payment provided for in the mortgage, unless the servicer was not provided notice of such deadline.

''(L) In the case of any failure to make any payment as described in subparagraph (K), submitting any information to a consumer reporting agency (as such term is defined in section 603(f) of the Fair Credit Reporting Act (15 U.S.C. 1681a(f))) regarding such failure that is adverse to the credit rating or interest of the mortgagor.''; and

(3) in subsection (c)(3), by adding at the end the following: ''In the case of any failure to make a payment described in subsection (b)(1)(K) for which the servicer fails to reimburse the mortgagor (A) before the expiration of the 60-day period beginning on the deadline to avoid a penalty with respect to such payment, in the sum of the amount not paid from the escrow account by such deadline and the amount of any penalties accruing to the mortgagor that are attributable to such failure, or (B) in the amount of any attorneys fees incurred by the mortgagor and attributable to such failure, the Secretary

shall increase the amount of the penalty under subsection (a) for any such failure to reimburse, unless the Secretary determines there are mitigating circumstances.''.

(b) PROHIBITION ON SUBMISSION OF INFORMATION BY HUD.—Title II of the National Housing Act (12 U.S.C. 1707 et seq.) is amended by adding at the end the following new section:

''SEC. 257. PROHIBITION REGARDING FAILURE ON PART OF SERVICER TO MAKE ESCROW PAYMENTS.

''In the case of any failure to make any payment as described in section 536(b)(1)(K), the Secretary may not submit any information to a consumer reporting agency (as such term is defined in section 603(f) of the Fair Credit Reporting Act (15 U.S.C. 1681a(f))) regarding such failure that is adverse to the credit rating or interest of the mortgagor.''.

SEC. 223. ACCEPTABLE IDENTIFICATION FOR FHA MORTGAGORS.

(a) IN GENERAL.—Title II of the National Housing Act is amended by inserting after section 209 (12 U.S.C. 1715) the following new section:

''SEC. 210. FORMS OF ACCEPTABLE IDENTIFICATION.

''The Secretary may not insure a mortgage under any provision of this title unless the mortgagor under the mortgage provides personal identification in one of the following forms:

''(1) A valid social security number verified in accordance with paragraph 3-1 C of chapter 3 of HUD Handbook 4155.1 REV-5.

''(2) A driver's license or identification card issued by a State in the case of a State that is in compliance with title II of the REAL ID Act of 2005 (title II of division B of Public Law 109–13; 49 U.S.C. 30301 note).

''(3) A passport issued by the United States or a foreign government.

''(4) A photo identification card issued by the Secretary of Homeland Security (acting through the Director of the United States Citizenship and Immigration Services).''.

(b) EFFECTIVE DATE.—The requirements of section 210 of the National Housing Act (as added by subsection (a) of this section) shall take effect 6 months after the date of the enactment of this Act.

SEC. 224. PILOT PROGRAM FOR AUTOMATED PROCESS FOR BORROWERS WITHOUT SUFFICIENT CREDIT HISTORY.

(a) ESTABLISHMENT.—Title II of the National Housing Act (12 U.S.C. 1707 et seq.), as amended by the preceding provisions of this subtitle, is further amended by adding at the end the following new section:

''SEC. 258. PILOT PROGRAM FOR AUTOMATED PROCESS FOR BORROWERS WITHOUT SUFFICIENT CREDIT HISTORY.

''(a) ESTABLISHMENT.—The Secretary shall carry out a pilot program to establish, and make available to mortgagees, an automated process for providing alternative credit rating information for mortgagors and prospective mortgagors under mortgages on 1- to 4-family residences to be insured under this title who have insufficient credit histories for determining their creditworthiness. Such alternative credit rating information may include rent, utilities, and insurance payment histories, and such other information as the Secretary considers appropriate.

''(b) SCOPE.—The Secretary may carry out the pilot program under this section on a limited basis or scope, and may consider limiting the program—

''(1) to first-time homebuyers; or

''(2) metropolitan statistical areas significantly impacted by subprime lending.

''(c) LIMITATION.—In any fiscal year, the aggregate number of mortgages insured pursuant to the automated process established under this section may not exceed 5 percent of the aggregate number of mortgages for 1- to 4-family residences insured by the Secretary under this title during the preceding fiscal year.

''(d) SUNSET.—After the expiration of the 5-year period beginning on the date of the enactment of the Expanding American Homeownership Act of 2008, the Secretary may not enter into any new commitment to insure any mortgage, or newly insure any mortgage, pursuant to the automated process established under this section.''.

(b) GAO REPORT.—Not later than the expiration of the 4-year period beginning on the date that the Secretary of Housing and Urban Development first insures any mortgage pursuant to the automated process established under pilot program under section 258 of the National Housing Act (as added by the amendment made by subsection (a) of this section), the Comptroller General of the United States shall submit to the Congress a report identifying the number of additional mortgagors served using such automated process and the impact of such process and the insurance of mortgages pursuant to such process on the safety and soundness of the insurance funds under the National Housing Act of which such mortgages are obligations.

SEC. 225. SENSE OF CONGRESS REGARDING TECHNOLOGY FOR FINANCIAL SYSTEMS.

(a) CONGRESSIONAL FINDINGS.—The Congress finds the following:

(1) The Government Accountability Office has cited the FHA single family housing mortgage insurance program as a ''high-risk'' program, with a primary reason being non-integrated and out-dated financial management systems.

(2) The ''Audit of the Federal Housing Administration's Financial Statements for Fiscal Years 2004 and 2003'', conducted by the Inspector General of the Department of Housing and Urban Development reported as a material weakness that ''HUD/FHA's automated data processing [ADP] system environment must be enhanced to more effectively support FHA's business and budget processes''.

(3) Existing technology systems for the FHA program have not been updated to meet the latest standards of the Mortgage Industry Standards Maintenance Organization and have numerous deficiencies that lenders have outlined.

(4) Improvements to technology used in the FHA program will—

(A) allow the FHA program to improve the management of the FHA portfolio, garner greater efficiencies in its operations, and lower costs across the program;

(B) result in efficiencies and lower costs for lenders participating in the program, allowing them to better use the FHA products in extending homeownership opportunities to higher credit risk or lower-income families, in a sound manner.

(5) The Mutual Mortgage Insurance Fund operates without cost to the taxpayers and generates revenues for the Federal Government.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that—

(1) the Secretary of Housing and Urban Development should use a portion of the funds received from premiums paid for FHA single family housing mortgage insurance that are in excess of the amounts paid out in claims to substantially increase the funding for technology used in such FHA program;

(2) the goal of this investment should be to bring the technology used in such FHA program to the level and sophistication of the technology used in the conventional mortgage lending market, or to exceed such level; and

(3) the Secretary of Housing and Urban Development should report to the Congress not later than 180 days after the date of the enactment of this Act regarding the progress the Department is making toward such goal and if progress is not sufficient, the resources needed to make greater progress.

SEC. 226. CLARIFICATION OF DISPOSITION OF CERTAIN PROPERTIES.

Notwithstanding any other provision of law, subtitle A of title II of the Deficit Reduction Act of 2005 (12 U.S.C. 1701z–11 note) and the amendments made by such title shall not apply to any transaction regarding a multifamily real property for which—

(1) the Secretary of Housing and Urban Development has received, before the date of the enactment of such Act, written expressions of interest in purchasing the property from both a city government and the housing commission of such city;

(2) after such receipt, the Secretary acquires title to the property at a foreclosure sale; and

(3) such city government and housing commission have resolved a previous disagreement with respect to the disposition of the property.

SEC. 227. VALUATION OF MULTIFAMILY PROPERTIES IN NONCOMPETITIVE SALES BY HUD TO STATES AND LOCALITIES.

Subtitle A of title II of the Deficit Reduction Act of 2005 (Public Law 109–171; 120 Stat. 7) is amended by adding at the end the following new section:

''SEC. 2004. VALUATION OF MULTIFAMILY PROPERTIES IN NONCOMPETITIVE SALES BY HUD TO STATES AND LOCALITIES.

'' 'Notwithstanding any other provision of law, in determining the market value of any multifamily real property or multifamily loan for any noncompetitive sale to a State or local government entity occurring during fiscal year 2008, the Secretary shall consider, but not be limited to, industry standard appraisal practices, including the cost of repairs needed to bring the property at least to minimum State and local code standards and of maintaining the existing affordability restrictions imposed by the Secretary on the multifamily real property or multifamily loan.'.''.

SEC. 228. LIMITATION ON MORTGAGE INSURANCE PREMIUM INCREASES.

Notwithstanding any other provision of law, including any provision of this subtitle and any amendment made by this subtitle—

(1) the premiums charged for mortgage insurance under any program under the National Housing Act may not be increased above the premium amounts in effect under such program on October 1, 2006, unless the Secretary of Housing and Urban Development determines that, absent such increase, insurance of additional mortgages under such program would, under the Federal Credit Reform Act of 1990, require the appropriation of new budget authority to cover the costs (as such term is defined in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a) of such insurance; and

(2) a premium increase pursuant to paragraph (1) may be made only by rule making in accordance with the procedures under section 553 of title 5, United States Code (notwithstanding subsections (a)(2), (b)(B), and (d)(3) of such section).

SEC. 229. CIVIL MONEY PENALTIES FOR IMPROPERLY INFLUENCING APPRAISALS.

Paragraph (2) of section 536(b) of the National Housing Act (12 U.S.C. 1735f–14(b)(2)) is amended—

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

(2) in subparagraph (C), by striking the period at the end and inserting ''; or''; and

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

''(D) in the case of an insured mortgage under title II for a 1- to 4-family residence,

compensating, instructing, inducing, coercing, or intimidating any person who conducts an appraisal of the property in connection with such mortgage, or attempting to compensate, instruct, induce, coerce, or intimidate such a person, for the purpose of causing the appraised value assigned to the property under the appraisal to be based on any other factor other than the independent judgment of such person exercised in accordance with applicable professional standards.''.

SEC. 230. MORTGAGE INSURANCE PREMIUM REFUNDS.

(a) AUTHORITY.—The Secretary of Housing and Urban Development shall, to the extent that amounts are made available pursuant to subsection (c), provide refunds of unearned premium charges paid, at the time of insurance, for mortgage insurance under title II of the National Housing Act (12 U.S.C. 1707 et seq.) to or on behalf of mortgagors under mortgages described in subsection (b).

(b) ELIGIBLE MORTGAGES.—A mortgage described in this section is a mortgage on a one- to four-family dwelling that—

(1) was insured under title II of the National Housing Act (12 U.S.C. 1707 et seq.);

(2) is otherwise eligible, under the last sentence of subparagraph (A) of section 203(c)(2) of such Act (12 U.S.C. 1709(c)(2)(A)), for a refund of all unearned premium charges paid on the mortgage pursuant to such subparagraph, except that the mortgage—

(A) was closed before December 8, 2004; and

(B) was endorsed on or after such date.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for each fiscal year such sums as may be necessary to provide refunds of unearned mortgage insurance premiums pursuant to this section.

SEC. 231. SAVINGS PROVISION.

Any mortgage insured under title II of the National Housing Act before the date of enactment of this Act shall continue to be governed by the laws, regulations, orders, and terms and conditions to which it was subject on the day before the date of the enactment of this Act.

SEC. 232. IMPLEMENTATION.

Except as provided in section 223(b), the Secretary of Housing and Urban Development shall by notice establish any additional requirements that may be necessary to immediately carry out the provisions of this subtitle. The notice shall take effect upon issuance.

Subtitle B—FHA Manufactured Housing Loan Insurance Modernization

SECTION 251. SHORT TITLE.

This subtitle may be cited as the ''FHA Manufactured Housing Loan Modernization Act of 2008''.

SEC. 252. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) manufactured housing plays a vital role in providing housing for low- and moderate-income families in the United States;

(2) the FHA title I insurance program for manufactured home loans traditionally has been a major provider of mortgage insurance for home-only transactions;

(3) the manufactured housing market is in the midst of a prolonged downturn which has resulted in a severe contraction of traditional sources of private lending for manufactured home purchases;

(4) during past downturns the FHA title I insurance program for manufactured homes has filled the lending void by providing stability until the private markets could recover;

(5) in 1992, during the manufactured housing industry's last major recession, over 30,000 manufactured home loans were insured under title I;

(6) in 2006, fewer than 1,500 manufactured housing loans were insured under title I;

(7) the loan limits for title I manufactured housing loans have not been adjusted for inflation since 1992; and

(8) these problems with the title I program have resulted in an atrophied market for manufactured housing loans, leaving American families who have the most difficulty achieving homeownership without adequate financing options for home-only manufactured home purchases.

(b) PURPOSES.—The purposes of this subtitle are—

(1) to provide adequate funding for FHA-insured manufactured housing loans for low- and moderate-income homebuyers during all economic cycles in the manufactured housing industry;

(2) to modernize the FHA title I insurance program for manufactured housing loans to enhance participation by Ginnie Mae and the private lending markets; and

(3) to adjust the low loan limits for title I manufactured home loan insurance to reflect the increase in costs since such limits were last increased in 1992 and to index the limits to inflation.

SEC. 253. EXCEPTION TO LIMITATION ON FINANCIAL INSTITUTION PORTFOLIO.

The second sentence of section 2(a) of the National Housing Act (12 U.S.C. 1703(a)) is amended—

(1) by striking ''In no case'' and inserting ''Other than in connection with a manufactured home or a lot on which to place such a home (or both), in no case''; and

(2) by striking '': *Provided*, That with'' and inserting ''. With''.

SEC. 254. INSURANCE BENEFITS.

(a) IN GENERAL.—Subsection (b) of section 2 of the National Housing Act (12 U.S.C. 1703(b)), is amended by adding at the end the following new paragraph:

''(8) INSURANCE BENEFITS FOR MANUFACTURED HOUSING LOANS.—Any contract of insurance with respect to loans, advances of credit, or purchases in connection with a manufactured home or a lot on which to place a manufactured home (or both) for a financial institution that is executed under this title after the date of the enactment of the by the Secretary shall be conclusive evidence of the eligibility of such financial institution for insurance, and the validity of any contract of insurance so executed shall be incontestable in the hands of the bearer from the date of the execution of such contract, except for fraud or misrepresentation on the part of such institution.''.

(b) APPLICABILITY.—The amendment made by subsection (a) shall only apply to loans that are registered or endorsed for insurance after the date of the enactment of this Act.

SEC. 255. MAXIMUM LOAN LIMITS.

(a) DOLLAR AMOUNTS.—Paragraph (1) of section 2(b) of the National Housing Act (12 U.S.C. 1703(b)(1)) is amended—

(1) in clause (ii) of subparagraph (A), by striking ''$17,500'' and inserting ''$25,090'';

(2) in subparagraph (C) by striking ''$48,600'' and inserting ''$69,678'';

(3) in subparagraph (D) by striking ''$64,800'' and inserting ''$92,904'';

(4) in subparagraph (E) by striking ''$16,200'' and inserting ''$23,226''; and

(5) by realigning subparagraphs (C), (D), and (E) 2 ems to the left so that the left margins of such subparagraphs are aligned with the margins of subparagraphs (A) and (B).

(b) ANNUAL INDEXING.—Subsection (b) of section 2 of the National Housing Act (12 U.S.C. 1703(b)), as amended by the preceding provisions of this subtitle, is further amended by adding at the end the following new paragraph:

''(9) ANNUAL INDEXING OF MANUFACTURED HOUSING LOANS.—The Secretary shall develop a method of indexing in order to annually adjust the loan limits established in subparagraphs (A)(ii), (C), (D), and (E) of this subsection. Such index shall be based on the manufactured housing price data collected by the United States Census Bureau. The Secretary shall establish such index no later than one year after the date of the enactment of the FHA Manufactured Housing Loan Modernization Act of 2008.''.

(c) TECHNICAL AND CONFORMING CHANGES.—Paragraph (1) of section 2(b) of the National Housing Act (12 U.S.C. 1703(b)(1)) is amended—

(1) by striking ''No'' and inserting ''Except as provided in the last sentence of this paragraph, no''; and

(2) by adding after and below subparagraph (G) the following:

''The Secretary shall, by regulation, annually increase the dollar amount limitations in subparagraphs (A)(ii), (C), (D), and (E) (as such limitations may have been previously adjusted under this sentence) in accordance with the index established pursuant to paragraph (9).''.

SEC. 256. INSURANCE PREMIUMS.

Subsection (f) of section 2 of the National Housing Act (12 U.S.C. 1703(f)) is amended—

(1) by inserting ''(1) PREMIUM CHARGES.—'' after ''(f)''; and

(2) by adding at the end the following new paragraph:

''(2) MANUFACTURED HOME LOANS.—Notwithstanding paragraph (1), in the case of a loan, advance of credit, or purchase in connection with a manufactured home or a lot on which to place such a home (or both), the premium charge for the insurance granted under this section shall be paid by the borrower under the loan or advance of credit, as follows:

''(A) At the time of the making of the loan, advance of credit, or purchase, a single premium payment in an amount not to exceed 2.25 percent of the amount of the original insured principal obligation.

''(B) In addition to the premium under subparagraph (A), annual premium payments during the term of the loan, advance, or obligation purchased in an amount not exceeding 1.0 percent of the remaining insured principal balance (excluding the portion of the remaining balance attributable to the premium collected under subparagraph (A) and without taking into account delinquent payments or prepayments).

''(C) Premium charges under this paragraph shall be established in amounts that are sufficient, but do not exceed the minimum amounts necessary, to maintain a negative credit subsidy for the program under this section for insurance of loans, advances of credit, or purchases in connection with a manufactured home or a lot on which to place such a home (or both), as determined based upon risk to the Federal Government under existing underwriting requirements.

''(D) The Secretary may increase the limitations on premium payments to percentages above those set forth in subparagraphs (A) and (B), but only if necessary, and not in excess of the minimum increase necessary, to maintain a negative credit subsidy as described in subparagraph (C).''.

SEC. 257. TECHNICAL CORRECTIONS.

(a) DATES.—Subsection (a) of section 2 of the National Housing Act (12 U.S.C. 1703(a)) is amended—

(1) by striking ''on and after July 1, 1939,'' each place such term appears; and

(2) by striking ''made after the effective date of the Housing Act of 1954''.

(b) AUTHORITY OF SECRETARY.—Subsection (c) of section 2 of the National Housing Act (12 U.S.C. 1703(c)) is amended to read as follows:

''(c) HANDLING AND DISPOSAL OF PROPERTY.—

''(1) AUTHORITY OF SECRETARY.—Notwithstanding any other provision of law, the Secretary may—

''(A) deal with, complete, rent, renovate, modernize, insure, or assign or sell at public or private sale, or otherwise dispose of, for cash or credit in the Secretary's discretion, and upon such terms and conditions and for such consideration as the Secretary shall determine to be reasonable, any real or personal property conveyed to or otherwise acquired by the Secretary, in connection with the payment of insurance heretofore or hereafter granted under this title, including any evidence of debt, contract, claim, personal property, or security assigned to or held by him in connection with the payment of insurance heretofore or hereafter granted under this section; and

''(B) pursue to final collection, by way of compromise or otherwise, all claims assigned to or held by the Secretary and all legal or equitable rights accruing to the Secretary in connection with the payment of such insurance, including unpaid insurance premiums owed in connection with insurance made available by this title.

''(2) ADVERTISEMENTS FOR PROPOSALS.—Section 3709 of the Revised Statutes shall not be construed to apply to any contract of hazard insurance or to any purchase or contract for services or supplies on account of such property if the amount thereof does not exceed $25,000.

''(3) DELEGATION OF AUTHORITY.—The power to convey and to execute in the name of the Secretary, deeds of conveyance, deeds of release, assignments and satisfactions of mortgages, and any other written instrument relating to real or personal property or any interest therein heretofore or hereafter acquired by the Secretary pursuant to the provisions of this title may be exercised by an officer appointed by the Secretary without the execution of any express delegation of power or power of attorney. Nothing in this subsection shall be construed to prevent the Secretary from delegating such power by order or by power of attorney, in the Secretary's discretion, to any officer or agent the Secretary may appoint.''.

SEC. 258. REVISION OF UNDERWRITING CRITERIA.

(a) IN GENERAL.—Subsection (b) of section 2 of the National Housing Act (12 U.S.C. 1703(b)), as amended by the preceding provisions of this subtitle, is further amended by adding at the end the following new paragraph:

''(10) FINANCIAL SOUNDNESS OF MANUFACTURED HOUSING PROGRAM.—The Secretary shall establish such underwriting criteria for loans and advances of credit in connection with a manufactured home or a lot on which to place a manufactured home (or both), including such loans and advances represented by obligations purchased by financial institutions, as may be necessary to ensure that the program under this title for insurance for financial institutions against losses from such loans, advances of credit, and purchases is financially sound.''.

(b) TIMING.—Not later than the expiration of the 6-month period beginning on the date of the enactment of this Act, the Secretary of Housing and Urban Development shall revise the existing underwriting criteria for the program referred to in paragraph (10) of section 2(b) of the National Housing Act (as added by subsection (a) of this section) in accordance with the requirements of such paragraph.

SEC. 259. REQUIREMENT OF SOCIAL SECURITY ACCOUNT NUMBER FOR ASSISTANCE.

Section 2 of the National Housing Act (12 U.S.C. 1703) is amended by adding at the end the following new subsection:

''(j) REQUIREMENT OF SOCIAL SECURITY ACCOUNT NUMBER FOR FINANCING.—No insurance shall be granted under this section with respect to any obligation representing any loan, advance of credit, or purchase by a financial institution unless the borrower to which the loan or advance of credit was made has a valid social security number.''.

SEC. 260. GAO STUDY OF MITIGATION OF TORNADO RISKS TO MANUFACTURED HOMES.

The Comptroller General of the United States shall assess how the Secretary of Housing and Urban Development utilizes the FHA manufactured housing loan insurance program under title I of the National Housing Act, the community development block grant program under title I of the Housing and Community Development Act of 1974, and other programs and resources available to the Secretary to mitigate the risks to manufactured housing residents and communities resulting from tornados. The Comptroller General shall submit to the Congress a report on the conclusions and recommendations of the assessment conducted pursuant to this section not later than the expiration of the 12-month period beginning on the date of the enactment of this Act.

TITLE III—REFORM OF GOVERNMENT-SPONSORED ENTITIES FOR HOUSING FINANCE

SEC. 301. SHORT TITLE.

This title may be cited as the ''Federal Housing Finance Reform Act of 2008''.

SEC. 302. DEFINITIONS.

Section 1303 of the Housing and Community Development Act of 1992 (12 U.S.C. 4502) is amended—

(1) in paragraph (7), by striking ''an enterprise'' and inserting ''a regulated entity'';

(2) by striking ''the enterprise'' each place such term appears (except in paragraphs (4) and (18)) and inserting ''the regulated entity'';

(3) in paragraph (5), by striking ''Office of Federal Housing Enterprise Oversight of the Department of Housing and Urban Development'' and inserting ''Federal Housing Finance Agency'';

(4) in each of paragraphs (8), (9), (10), and (19), by striking ''Secretary'' each place that term appears and inserting ''Director'';

(5) in paragraph (13), by inserting '', with respect to an enterprise,'' after ''means'';

(6) by redesignating paragraphs (16) through (19) as paragraphs (20) through (23), respectively;

(7) by striking paragraphs (14) and (15) and inserting the following new paragraphs:

''(18) REGULATED ENTITY.—The term 'regulated entity' means—

''(A) the Federal National Mortgage Association and any affiliate thereof;

''(B) the Federal Home Loan Mortgage Corporation and any affiliate thereof; and

''(C) each Federal home loan bank.

''(19) REGULATED ENTITY-AFFILIATED PARTY.—The term 'regulated entity-affiliated party' means—

''(A) any director, officer, employee, or agent for, a regulated entity, or controlling shareholder of an enterprise;

''(B) any shareholder, affiliate, consultant, or joint venture partner of a regulated entity, and any other person, as determined by the Director (by regulation or on a case-by-case basis) that participates in the conduct of the affairs of a regulated entity, except that a shareholder of a regulated entity shall not be considered to have participated in the affairs of that regulated entity solely by reason of being a member or customer of the regulated entity;

''(C) any independent contractor for a regulated entity (including any attorney, appraiser, or accountant), if—

''(i) the independent contractor knowingly or recklessly participates in—

''(I) any violation of any law or regulation;

''(II) any breach of fiduciary duty; or

''(III) any unsafe or unsound practice; and

''(ii) such violation, breach, or practice caused, or is likely to cause, more than a minimal financial loss to, or a significant adverse effect on, the regulated entity; and

''(D) any not-for-profit corporation that receives its principal funding, on an ongoing basis, from any regulated entity.''.

(8) by redesignating paragraphs (8) through (13) as paragraphs (12) through (17), respectively; and

(9) by inserting after paragraph (7) the following new paragraph:

''(11) FEDERAL HOME LOAN BANK.—The term 'Federal home loan bank' means a bank established under the authority of the Federal Home Loan Bank Act.'';

(10) by redesignating paragraphs (2) through (7) as paragraphs (5) through (10), respectively; and

(11) by inserting after paragraph (1) the following new paragraphs:

''(2) AGENCY.—The term 'Agency' means the Federal Housing Finance Agency.

''(3) AUTHORIZING STATUTES.—The term 'authorizing statutes' means—

''(A) the Federal National Mortgage Association Charter Act;

''(B) the Federal Home Loan Mortgage Corporation Act; and

''(C) the Federal Home Loan Bank Act.

''(4) BOARD.—The term 'Board' means the Federal Housing Enterprise Board established under section 1313B.''.

Subtitle A—Reform of Regulation of Enterprises and Federal Home Loan Banks

CHAPTER 1—IMPROVEMENT OF SAFETY AND SOUNDNESS

SEC. 311. ESTABLISHMENT OF THE FEDERAL HOUSING FINANCE AGENCY.

(a) IN GENERAL.—The Housing and Community Development Act of 1992 (12 U.S.C. 4501 et seq.) is amended by striking sections 1311 and 1312 and inserting the following:

''SEC. 1311. ESTABLISHMENT OF THE FEDERAL HOUSING FINANCE AGENCY.

''(a) ESTABLISHMENT.—There is established the Federal Housing Finance Agency, which shall be an independent agency of the Federal Government.

''(b) GENERAL SUPERVISORY AND REGULATORY AUTHORITY.—

''(1) IN GENERAL.—Each regulated entity shall, to the extent provided in this title, be subject to the supervision and regulation of the Agency.

''(2) AUTHORITY OVER FANNIE MAE, FREDDIE MAC, AND FEDERAL HOME LOAN BANKS.—The Director of the Federal Housing Finance Agency shall have general supervisory and regulatory authority over each regulated entity and shall exercise such general regulatory and supervisory authority, including such duties and authorities set forth under section 1313 of this Act, to ensure that the purposes of this Act, the authorizing statutes, and any other applicable law are carried out. The Director shall have the same supervisory and regulatory authority over any joint office of the Federal home loan banks, including the Office of Finance of the Federal Home Loan Banks, as the Director has over the individual Federal home loan banks.

''(c) SAVINGS PROVISION.—The authority of the Director to take actions under subtitles B and C shall not in any way limit the general supervisory and regulatory authority granted to the Director.

''SEC. 1312. DIRECTOR.

''(a) ESTABLISHMENT OF POSITION.—There is established the position of the Director of the Federal Housing Finance Agency, who shall be the head of the Agency.

''(b) APPOINTMENT; TERM.—

''(1) APPOINTMENT.—The Director shall be appointed by the President, by and with the advice and consent of the Senate, from among individuals who are citizens of the United States, have a demonstrated understanding of financial management or oversight, and have a demonstrated understanding of capital markets, including the mortgage securities markets and housing finance.

''(2) TERM AND REMOVAL.—The Director shall be appointed for a term of 5 years and may be removed by the President only for cause.

''(3) VACANCY.—A vacancy in the position of Director that occurs before the expiration of the term for which a Director was appointed shall be filled in the manner established under paragraph (1), and the Director appointed to fill such vacancy shall be appointed only for the remainder of such term.

''(4) SERVICE AFTER END OF TERM.—An individual may serve as the Director after the expiration of the term for which appointed until a successor has been appointed.

''(5) TRANSITIONAL PROVISION.—Notwithstanding paragraphs (1) and (2), the Director of the Office of Federal Housing Enterprise Oversight of the Department of Housing and Urban Development shall serve as the Director until a successor has been appointed under paragraph (1).

''(c) DEPUTY DIRECTOR OF THE DIVISION OF ENTERPRISE REGULATION.—

''(1) IN GENERAL.—The Agency shall have a Deputy Director of the Division of Enterprise Regulation, who shall be appointed by the Director from among individuals who are citizens of the United States, and have a demonstrated understanding of financial management or oversight and of mortgage securities markets and housing finance.

''(2) FUNCTIONS.—The Deputy Director of the Division of Enterprise Regulation shall have such functions, powers, and duties with respect to the oversight of the enterprises as the Director shall prescribe.

''(d) DEPUTY DIRECTOR OF THE DIVISION OF FEDERAL HOME LOAN BANK REGULATION.—

''(1) IN GENERAL.—The Agency shall have a Deputy Director of the Division of Federal Home Loan Bank Regulation, who shall be appointed by the Director from among individuals who are citizens of the United States, have a demonstrated understanding of financial management or oversight and of the Federal Home Loan Bank System and housing finance.

''(2) FUNCTIONS.—The Deputy Director of the Division of Federal Home Loan Bank Regulation shall have such functions, powers, and duties with respect to the oversight of the Federal home loan banks as the Director shall prescribe.

''(e) DEPUTY DIRECTOR FOR HOUSING.—

''(1) IN GENERAL.—The Agency shall have a Deputy Director for Housing, who shall be appointed by the Director from among individuals who are citizens of the United States, and have a demonstrated understanding of the housing markets and housing finance and of community and economic development.

''(2) FUNCTIONS.—The Deputy Director for Housing shall have such functions, powers, and duties with respect to the oversight of the housing mission and goals of the enterprises, and with respect to oversight of the housing finance and community and economic development mission of the Federal home loan banks, as the Director shall prescribe.

''(f) LIMITATIONS.—The Director and each of the Deputy Directors may not—

''(1) have any direct or indirect financial interest in any regulated entity or regulated entity-affiliated party;

''(2) hold any office, position, or employment in any regulated entity or regulated entity-affiliated party; or

''(3) have served as an executive officer or director of any regulated entity, or regulated entity-affiliated party, at any time during the 3-year period ending on the date of appointment of such individual as Director or Deputy Director.

''(g) OMBUDSMAN.—The Director shall establish the position of the Ombudsman in the Agency. The Director shall provide that the Ombudsman will consider complaints and appeals from any regulated entity and any person that has a business relationship with a regulated entity and shall specify the duties and authority of the Ombudsman.''.

(b) APPOINTMENT OF DIRECTOR.—Notwithstanding any other provision of law or of this title, the President may, any time after the date of the enactment of this Act, appoint an individual to serve as the Director of the Federal Housing Finance Agency, as such office is established by the amendment made by subsection (a). This subsection shall take effect on the date of the enactment of this Act.

SEC. 312. DUTIES AND AUTHORITIES OF DIRECTOR.

(a) IN GENERAL.—The Housing and Community Development Act of 1992 (12 U.S.C. 4513) is amended by striking section 1313 and inserting the following new sections:

''SEC. 1313. DUTIES AND AUTHORITIES OF DIRECTOR.

''(a) DUTIES.—

''(1) PRINCIPAL DUTIES.—The principal duties of the Director shall be—

''(A) to oversee the operations of each regulated entity and any joint office of the Federal Home Loan Banks; and

''(B) to ensure that—

''(i) each regulated entity operates in a safe and sound manner, including maintenance of adequate capital and internal controls;

''(ii) the operations and activities of each regulated entity foster liquid, efficient, competitive, and resilient national housing finance markets that minimize the cost of housing finance (including activities relating to mortgages on housing for low- and moderate- income families involving a reasonable economic return that may be less than the return earned on other activities);

''(iii) each regulated entity complies with this title and the rules, regulations, guidelines, and orders issued under this title and the authorizing statutes; and

''(iv) each regulated entity carries out its statutory mission only through activities that are consistent with this title and the authorizing statutes.

''(2) SCOPE OF AUTHORITY.—The authority of the Director shall include the authority—

''(A) to review and, if warranted based on the principal duties described in paragraph (1), reject any acquisition or transfer of a controlling interest in an enterprise; and

''(B) to exercise such incidental powers as may be necessary or appropriate to fulfill the duties and responsibilities of the Director in the supervision and regulation of each regulated entity.

''(b) DELEGATION OF AUTHORITY.—The Director may delegate to officers or employees of the Agency, including each of the Deputy Directors, any of the functions, powers, or duties of the Director, as the Director considers appropriate.

''(c) LITIGATION AUTHORITY.—

''(1) IN GENERAL.—In enforcing any provision of this title, any regulation or order prescribed under this title, or any other provision of law, rule, regulation, or order, or in any other action, suit, or proceeding to which the Director is a party or in which the Director is interested, and in the administration of conservatorships and receiverships, the Director may act in the Director's own name and through the Director's own attorneys, or request that the Attorney General of the United States act on behalf of the Director.

''(2) CONSULTATION WITH ATTORNEY GENERAL.—The Director shall provide notice to, and consult with, the Attorney General of the United States before taking an action under paragraph (1) of this subsection or under section 1344(a), 1345(d), 1348(c), 1372(e), 1375(a), 1376(d), or 1379D(c), except that, if the Director determines that any delay caused by such prior notice and consultation may adversely affect the safety and soundness responsibilities of the Director under this title, the Director shall notify the Attorney General as soon as reasonably possible after taking such action.

''(3) SUBJECT TO SUIT.—Except as otherwise provided by law, the Director shall be subject to suit (other than suits on claims for money damages) by a regulated entity or director or officer thereof with respect to any matter under this title or any other applicable provision of law, rule, order, or regulation under this title, in the United States district court for the judicial district in which the regulated entity has its principal place of business, or in the United States District Court for the District of Columbia, and the Director may be served with process in the manner prescribed by the Federal Rules of Civil Procedure.

''SEC. 1313A. PRUDENTIAL MANAGEMENT AND OPERATIONS STANDARDS.

''(a) STANDARDS.—The Director shall establish standards, by regulation, guideline, or order, for each regulated entity relating to—

''(1) adequacy of internal controls and information systems, including information security and privacy policies and practices, taking into account the nature and scale of business operations;

''(2) independence and adequacy of internal audit systems;

''(3) management of credit and counterparty risk, including systems to identify concentrations of credit risk and prudential limits to restrict exposure of the regulated entity to a single counterparty or groups of related counterparties;

''(4) management of interest rate risk exposure;

''(5) management of market risk, including standards that provide for systems that accurately measure, monitor, and control market risks and, as warranted, that establish limitations on market risk;

''(6) adequacy and maintenance of liquidity and reserves;

''(7) management of any asset and investment portfolio;

''(8) investments and acquisitions by a regulated entity, to ensure that they are consistent with the purposes of this Act and the authorizing statutes;

''(9) maintenance of adequate records, in accordance with consistent accounting policies and practices that enable the Director to evaluate the financial condition of the regulated entity;

''(10) issuance of subordinated debt by that particular regulated entity, as the Director considers necessary;

''(11) overall risk management processes, including adequacy of oversight by senior management and the board of directors and of processes and policies to identify, measure, monitor, and control material risks, including reputational risks, and for adequate, well-tested business resumption plans for all major systems with remote site facilities to protect against disruptive events; and

''(12) such other operational and management standards as the Director determines to be appropriate.

''(b) FAILURE TO MEET STANDARDS.—

''(1) PLAN REQUIREMENT.—

''(A) IN GENERAL.—If the Director determines that a regulated entity fails to meet any standard established under subsection (a)—

''(i) if such standard is established by regulation, the Director shall require the regulated entity to submit an acceptable plan to the Director within the time allowed under subparagraph (C); and

''(ii) if such standard is established by guideline, the Director may require the regulated entity to submit a plan described in clause (i).

''(B) CONTENTS.—Any plan required under subparagraph (A) shall specify the actions that the regulated entity will take to correct the deficiency. If the regulated entity is undercapitalized, the plan may be a part of the capital restoration plan for the regulated entity under section 1369C.

''(C) DEADLINES FOR SUBMISSION AND REVIEW.—The Director shall by regulation establish deadlines that—

''(i) provide the regulated entities with reasonable time to submit plans required under subparagraph (A), and generally require a regulated entity to submit a plan not later than 30 days after the Director determines that the entity fails to meet any standard established under subsection (a); and

''(ii) require the Director to act on plans expeditiously, and generally not later than 30 days after the plan is submitted.

''(2) REQUIRED ORDER UPON FAILURE TO SUBMIT OR IMPLEMENT PLAN.—If a regulated entity fails to submit an acceptable plan within the time allowed under paragraph (1)(C), or fails in any material respect to implement a plan accepted by the Director, the following shall apply:

''(A) REQUIRED CORRECTION OF DEFICIENCY.—The Director shall, by order, require the regulated entity to correct the deficiency.

''(B) OTHER AUTHORITY.—The Director may, by order, take one or more of the following actions until the deficiency is corrected:

''(i) Prohibit the regulated entity from permitting its average total assets (as such term is defined in section 1316(b)) during any calendar quarter to exceed its average total assets during the preceding calendar quarter, or restrict the rate at which the average total assets of the entity may increase from one calendar quarter to another.

''(ii) Require the regulated entity—

''(I) in the case of an enterprise, to increase its ratio of core capital to assets.

''(II) in the case of a Federal home loan bank, to increase its ratio of total capital (as such term is defined in section 6(a)(5) of the Federal Home Loan Bank Act (12 U.S.C. 1426(a)(5)) to assets.

''(iii) Require the regulated entity to take any other action that the Director determines will better carry out the purposes of this section than any of the actions described in this subparagraph.

''(3) MANDATORY RESTRICTIONS.—In complying with paragraph (2), the Director shall take one or more of the actions described in clauses (i) through (iii) of paragraph (2)(B) if—

''(A) the Director determines that the regulated entity fails to meet any standard prescribed under subsection (a);

''(B) the regulated entity has not corrected the deficiency; and

''(C) during the 18-month period before the date on which the regulated entity first failed to meet the standard, the entity underwent extraordinary growth, as defined by the Director.

''(c) OTHER ENFORCEMENT AUTHORITY NOT AFFECTED.—The authority of the Director under this section is in addition to any other authority of the Director.''.

(b) INDEPENDENCE IN CONGRESSIONAL TESTIMONY AND RECOMMENDATIONS.—Section 111 of Public Law 93–495 (12 U.S.C. 250) is amended by striking ''the Federal Housing Finance Board'' and inserting ''the Director of the Federal Housing Finance Agency''.

SEC. 313. FEDERAL HOUSING ENTERPRISE BOARD.

(a) IN GENERAL.—Title XIII of the Housing and Community Development Act of 1992 (12 U.S.C. 4501 et seq.) is amended by inserting after section 1313A, as added by the preceding provisions of this title, the following new section:

''SEC. 1313B. FEDERAL HOUSING ENTERPRISE BOARD.

''(a) IN GENERAL.—There is established the Federal Housing Enterprise Board, which shall advise the Director with respect to overall strategies and policies in carrying out the duties of the Director under this title.

''(b) LIMITATIONS.—The Board may not exercise any executive authority, and the Director may not delegate to the Board any of the functions, powers, or duties of the Director.

''(c) COMPOSITION.—The Board shall be comprised of 3 members, of whom—

''(1) one member shall be the Secretary of the Treasury;

''(2) one member shall be the Secretary of Housing and Urban Development; and

''(3) one member shall be the Director, who shall serve as the Chairperson of the Board.

''(d) MEETINGS.—

''(1) IN GENERAL.—The Board shall meet upon notice by the Director, but in no event shall the Board meet less frequently than once every 3 months.

''(2) SPECIAL MEETINGS.—Either the Secretary of the Treasury or the Secretary of Housing and Urban Development may, upon giving written notice to the Director, require a special meeting of the Board.

''(e) TESTIMONY.—On an annual basis, the Board shall testify before Congress regarding—

''(1) the safety and soundness of the regulated entities;

''(2) any material deficiencies in the conduct of the operations of the regulated entities;

''(3) the overall operational status of the regulated entities;

''(4) an evaluation of the performance of the regulated entities in carrying out their respective missions;

''(5) operations, resources, and performance of the Agency; and

''(6) such other matters relating to the Agency and its fulfillment of its mission, as the Board determines appropriate.''.

(b) ANNUAL REPORT OF THE DIRECTOR.—Section 1319B(a) of the Housing and Community Development Act of 1992 (12 U.S.C. 4521 (a)) is amended—

(1) in paragraph (3), by striking ''and'' at the end; and

(2) by striking paragraph (4) and inserting the following new paragraphs:

''(4) an assessment of the Board or any of its members with respect to—

''(A) the safety and soundness of the regulated entities;

''(B) any material deficiencies in the conduct of the operations of the regulated entities;

''(C) the overall operational status of the regulated entities; and

''(D) an evaluation of the performance of the regulated entities in carrying out their missions;

''(5) operations, resources, and performance of the Agency;

''(6) a description of the demographic makeup of the workforce of the Agency and the actions taken pursuant to section 1319A(b) to provide for diversity in the workforce; and

''(7) such other matters relating to the Agency and its fulfillment of its mission.''.

SEC. 314. AUTHORITY TO REQUIRE REPORTS BY REGULATED ENTITIES.

Section 1314 of the Housing and Community Development Act of 1992 (12 U.S.C. 4514) is amended—

(1) in the section heading, by striking ''**ENTERPRISES**'' and inserting ''**REGULATED ENTITIES**'';

(2) in subsection (a)—

(A) in the subsection heading, by striking ''SPECIAL REPORTS AND REPORTS OF FINANCIAL CONDITION'' and inserting ''REGULAR AND SPECIAL REPORTS'';

(B) in paragraph (1)—

(i) in the paragraph heading, by striking ''FINANCIAL CONDITION'' and inserting ''REGULAR REPORTS''; and

(ii) by striking ''reports of financial condition and operations'' and inserting ''regular reports on the condition (including financial condition), management, activities, or operations of the regulated entity, as the Director considers appropriate''; and

(C) in paragraph (2), after ''submit special reports'' insert ''on any of the topics specified in paragraph (1) or such other topics''; and

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

''(c) REPORTS OF FRAUDULENT FINANCIAL TRANSACTIONS.—

''(1) REQUIREMENT TO REPORT.—The Director shall require a regulated entity to submit to the Director a timely report upon discovery by the regulated entity that it has purchased or sold a fraudulent loan or financial instrument or suspects a possible fraud relating to a purchase or sale of any loan or financial instrument. The Director shall require the regulated entities to establish and maintain procedures designed to discover any such transactions.

''(2) PROTECTION FROM LIABILITY FOR REPORTS.—

''(A) IN GENERAL.—If a regulated entity makes a report pursuant to paragraph (1), or a regulated entity-affiliated party makes, or requires another to make, such a report, and such report is made in a good faith effort to comply with the requirements of paragraph (1), such regulated entity or regulated entity-affiliated party shall not be liable to any person under any law or regulation of the United States, any constitution, law, or regulation of any State or political subdivision of any State, or under any contract or other legally enforceable agreement (including any arbitration agreement), for such report or for any failure to provide notice of such report to the person who is the subject of such report or any other person identified in the report.

''(B) RULE OF CONSTRUCTION.—Subparagraph (A) shall not be construed as creating—

''(i) any inference that the term 'person', as used in such subparagraph, may be construed more broadly than its ordinary usage so as to include any government or agency of government; or

''(ii) any immunity against, or otherwise affecting, any civil or criminal action brought by any government or agency of government to enforce any constitution, law, or regulation of such government or agency.''.

SEC. 315. DISCLOSURE OF INCOME AND CHARITABLE CONTRIBUTIONS BY ENTERPRISES.

Section 1314 of the Housing and Community Development Act of 1992 (12 U.S.C. 4514), as amended by the preceding provisions of this title, is further amended by adding at the end the following new subsections:

''(d) DISCLOSURE OF CHARITABLE CONTRIBUTIONS BY ENTERPRISES.—

''(1) REQUIRED DISCLOSURE.—The Director shall, by regulation, require each enterprise to submit a report annually, in a format designated by the Director, containing the following information:

''(A) TOTAL VALUE.—The total value of contributions made by the enterprise to nonprofit organizations during its previous fiscal year.

''(B) SUBSTANTIAL CONTRIBUTIONS.—If the value of contributions made by the enterprise to any nonprofit organization during its previous fiscal year exceeds the designated amount, the name of that organization and the value of contributions.

''(C) SUBSTANTIAL CONTRIBUTIONS TO INSIDER-AFFILIATED CHARITIES.—Identification of each contribution whose value exceeds the designated amount that were made by the enterprise during the enterprise's previous fiscal year to any nonprofit organization of which a director, officer, or controlling person of the enterprise, or a spouse thereof, was a director or trustee, the name of such nonprofit organization, and the value of the contribution.

''(2) DEFINITIONS.—For purposes of this subsection—

''(A) the term 'designated amount' means such amount as may be designated by the Director by regulation, consistent with the public interest and the protection of investors for purposes of this subsection; and

''(B) the Director may, by such regulations as the Director deems necessary or appropriate in the public interest, define the terms officer and controlling person.

''(3) PUBLIC AVAILABILITY.—The Director shall make the information submitted pursuant to this subsection publicly available.

''(e) DISCLOSURE OF INCOME.—Each enterprise shall include, in each annual report filed under section 13 of the Securities Exchange Act of 1934 (15 U.S.C. 78m), the income reported by the issuer to the Internal Revenue Service for the most recent taxable year. Such income shall—

''(1) be presented in a prominent location in each such report and in a manner that permits a ready comparison of such income to income otherwise required to be included in such reports under regulations issued under such section; and

''(2) be submitted to the Securities and Exchange Commission in a form and manner suitable for entry into the EDGAR system of such Commission for public availability under such system.''.

SEC. 316. ASSESSMENTS.

Section 1316 of the Housing and Community Development Act of 1992 (12 U.S.C. 4516) is amended—

(1) by striking subsection (a) and inserting the following new subsection:

''(a) ANNUAL ASSESSMENTS.—The Director shall establish and collect from the regulated entities annual assessments in an amount not exceeding the amount sufficient to provide for reasonable costs and expenses of the Agency, including—

''(1) the expenses of any examinations under section 1317 of this Act and under section 20 of the Federal Home Loan Bank Act;

''(2) the expenses of obtaining any reviews and credit assessments under section 1319;

''(3) such amounts in excess of actual expenses for any given year as deemed necessary by the Director to maintain a working capital fund in accordance with subsection (e); and

''(4) the wind up of the affairs of the Office of Federal Housing Enterprise Oversight and the Federal Housing Finance Board under subtitle C of the Federal Housing Finance Reform Act of 2008.'';

(2) in subsection (b)—

(A) in the subsection heading, by striking ''ENTERPRISES'' and inserting ''REGULATED ENTITIES'' ;

(B) by realigning paragraph (2) two ems from the left margin, so as to align the left margin of such paragraph with the left margins of paragraph (1);

(C) in paragraph (1)—

(i) by striking ''Each enterprise'' and inserting ''Each regulated entity'';

(ii) by striking ''each enterprise'' and inserting ''each regulated entity''; and

(iii) by striking ''both enterprises'' and inserting ''all of the regulated entities''; and

(D) in paragraph (3)—

(i) in subparagraph (B), by striking ''subparagraph (A)'' and inserting ''clause (i)'';

(ii) by redesignating subparagraphs (A), (B), and (C) as clauses (i), (ii) and (ii), respectively, and realigning such clauses, as so redesignated, so as to be indented 6 ems from the left margin;

(iii) by striking the matter that precedes clause (i), as so redesignated, and inserting the following:

''(3) DEFINITION OF TOTAL ASSETS.—For purposes of this section, the term 'total assets' means as follows:

''(A) ENTERPRISES.—With respect to an enterprise, the sum of—''; and

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

''(B) FEDERAL HOME LOAN BANKS.—With respect to a Federal home loan bank, the total assets of the Bank, as determined by the Director in accordance with generally accepted accounting principles.'';

(3) by striking subsection (c) and inserting the following new subsection:

''(c) INCREASED COSTS OF REGULATION.—

''(1) INCREASE FOR INADEQUATE CAPITALIZATION.—The semiannual payments made pursuant to subsection (b) by any regulated entity that is not classified (for purposes of subtitle B) as adequately capitalized may be increased, as necessary, in the discretion of the Director to pay additional estimated costs of regulation of the regulated entity.

''(2) ADJUSTMENT FOR ENFORCEMENT ACTIVITIES.—The Director may adjust the amounts of any semiannual payments for an assessment under subsection (a) that are to be paid pursuant to subsection (b) by a regulated entity, as necessary in the discretion of the Director, to ensure that the costs of enforcement activities under this Act for a regulated entity are borne only by such regulated entity.

''(3) ADDITIONAL ASSESSMENT FOR DEFICIENCIES.—If at any time, as a result of increased costs of regulation of a regulated entity that is not classified (for purposes of subtitle B) as adequately capitalized or as the result of supervisory or enforcement activities under this Act for a regulated entity, the amount available from any semiannual payment made by such regulated entity pursuant to subsection (b) is insufficient to cover the costs of the Agency with respect to such entity, the Director may make and collect from such regulated entity an immediate assessment to cover the amount of such deficiency for the semiannual period. If, at the end of any semiannual period during which such an assessment is made, any amount remains from such assessment, such remaining amount shall be deducted from the assessment for such regulated entity for the following semiannual period.'';

(4) in subsection (d), by striking ''If'' and inserting ''Except with respect to amounts collected pursuant to subsection (a)(3), if''; and

(5) by striking subsections (e) through (g) and inserting the following new subsections:

''(e) WORKING CAPITAL FUND.—At the end of each year for which an assessment under this section is made, the Director shall remit to each regulated entity any amount of assessment collected from such regulated entity that is attributable to subsection (a)(3) and is in excess of the amount the Director deems necessary to maintain a working capital fund.

''(f) TREATMENT OF ASSESSMENTS.—

''(1) DEPOSIT.—Amounts received by the Director from assessments under this section may be deposited by the Director in the manner provided in section 5234 of the Revised Statutes (12 U.S.C. 192) for monies deposited by the Comptroller of the Currency.

''(2) NOT GOVERNMENT FUNDS.—The amounts received by the Director from any assessment under this section shall not be construed to be Government or public funds or appropriated money.

''(3) NO APPORTIONMENT OF FUNDS.—Notwithstanding any other provision of law, the amounts received by the Director from any assessment under this section shall not be subject to apportionment for the purpose of chapter 15 of title 31, United States Code, or under any other authority.

''(4) USE OF FUNDS.—The Director may use any amounts received by the Director from assessments under this section for compensation of the Director and other employees of the Agency and for all other expenses of the Director and the Agency.

''(5) AVAILABILITY OF OVERSIGHT FUND AMOUNTS.—Notwithstanding any other provision of law, any amounts remaining in the Federal Housing Enterprises Oversight Fund established under this section (as in effect before the effective date under section 365 of the Federal Housing Finance Reform Act of 2008), and any amounts remaining from assessments on the Federal Home Loan banks pursuant to section 18(b) of the Federal Home Loan Bank Act (12 U.S.C. 1438(b)), shall, upon such effective date, be treated for purposes of this subsection as amounts received from assessments under this section.

''(6) TREASURY INVESTMENTS.—

''(A) AUTHORITY.—The Director may request the Secretary of the Treasury to invest such portions of amount received by the Director from assessments paid under this section that, in the Director's discretion, are not required to meet the current working needs of the Agency.

''(B) GOVERNMENT OBLIGATIONS.—Pursuant to a request under subparagraph (A), the Secretary of the Treasury shall invest such amounts in government obligations guaranteed as to principal and interest by the United States with maturities suitable to the needs of Agency and bearing interest at a rate determined by the Secretary of the Treasury taking into consideration current market yields on outstanding marketable obligations of the United States of comparable maturity.

''(g) BUDGET AND FINANCIAL MANAGEMENT.—

''(1) FINANCIAL OPERATING PLANS AND FORECASTS.—The Director shall provide to the Director of the Office of Management and Budget copies of the Director's financial operating plans and forecasts as prepared by the Director in the ordinary course of the Agency's operations, and copies of the quarterly reports of the Agency's financial condition and results of operations as prepared by the Director in the ordinary course of the Agency's operations.

''(2) FINANCIAL STATEMENTS.—The Agency shall prepare annually a statement of assets and liabilities and surplus or deficit; a statement of income and expenses; and a statement of sources and application of funds.

''(3) FINANCIAL MANAGEMENT SYSTEMS.—The Agency shall implement and maintain financial management systems that comply substantially with Federal financial management systems requirements, applicable Federal accounting standards, and that uses a

general ledger system that accounts for activity at the transaction level.

''(4) ASSERTION OF INTERNAL CONTROLS.—The Director shall provide to the Comptroller General an assertion as to the effectiveness of the internal controls that apply to financial reporting by the Agency, using the standards established in section 3512(c) of title 31, United States Code.

''(5) RULE OF CONSTRUCTION.—This subsection may not be construed as implying any obligation on the part of the Director to consult with or obtain the consent or approval of the Director of the Office of Management and Budget with respect to any reports, plans, forecasts, or other information referred to in paragraph (1) or any jurisdiction or oversight over the affairs or operations of the Agency.

''(h) AUDIT OF AGENCY.—

''(1) IN GENERAL.—The Comptroller General shall annually audit the financial transactions of the Agency in accordance with the U.S. generally accepted government auditing standards as may be prescribed by the Comptroller General of the United States. The audit shall be conducted at the place or places where accounts of the Agency are normally kept. The representatives of the Government Accountability Office shall have access to the personnel and to all books, accounts, documents, papers, records (including electronic records), reports, files, and all other papers, automated data, things, or property belonging to or under the control of or used or employed by the Agency pertaining to its financial transactions and necessary to facilitate the audit, and such representatives shall be afforded full facilities for verifying transactions with the balances or securities held by depositories, fiscal agents, and custodians. All such books, accounts, documents, records, reports, files, papers, and property of the Agency shall remain in possession and custody of the Agency. The Comptroller General may obtain and duplicate any such books, accounts, documents, records, working papers, automated data and files, or other information relevant to such audit without cost to the Comptroller General and the Comptroller General's right of access to such information shall be enforceable pursuant to section 716(c) of title 31, United States Code.

''(2) REPORT.—The Comptroller General shall submit to the Congress a report of each annual audit conducted under this subsection. The report to the Congress shall set forth the scope of the audit and shall include the statement of assets and liabilities and surplus or deficit, the statement of income and expenses, the statement of sources and application of funds, and such comments and information as may be deemed necessary to inform Congress of the financial operations and condition of the Agency, together with such recommendations with respect thereto as the Comptroller General may deem advisable. A copy of each report shall be furnished to the President and to the Agency at the time submitted to the Congress.

''(3) ASSISTANCE AND COSTS.—For the purpose of conducting an audit under this subsection, the Comptroller General may, in the discretion of the Comptroller General, employ by contract, without regard to section 5 of title 41, United States Code, professional services of firms and organizations of certified public accountants for temporary periods or for special purposes. Upon the request of the Comptroller General, the Director of the Agency shall transfer to the Government Accountability Office from funds available, the amount requested by the Comptroller General to cover the full costs of any audit and report conducted by the Comptroller General. The Comptroller General shall credit funds transferred to the account established for salaries and expenses of the Government Accountability Office, and such amount shall be available upon receipt and without fiscal year limitation to cover the full costs of the audit and report.''.

SEC. 317. EXAMINERS AND ACCOUNTANTS.

(a) EXAMINATIONS.—Section 1317 of the Housing and Community Development Act of 1992 (12 U.S.C. 4517) is amended—

(1) in subsection (a), by adding after the period at the end the following: ''Each examination under this subsection of a regulated entity shall include a review of the procedures required to be established and maintained by the regulated entity pursuant to section 1314(c) (relating to fraudulent financial transactions) and the report regarding each such examination shall describe any problems with such procedures maintained by the regulated entity.'';

(2) in subsection (b)—

(A) by inserting ''of a regulated entity'' after ''under this section''; and

(B) by striking ''to determine the condition of an enterprise for the purpose of ensuring its financial safety and soundness'' and inserting ''or appropriate''; and

(3) in subsection (c)—

(A) in the second sentence, by inserting ''to conduct examinations under this section'' before the period; and

(B) in the third sentence, by striking ''from amounts available in the Federal Housing Enterprises Oversight Fund''.

(b) ENHANCED AUTHORITY TO HIRE EXAMINERS AND ACCOUNTANTS.—Section 1317 of the Housing and Community Development Act of 1992 (12 U.S.C. 4517) is amended by adding at the end the following new subsection:

''(g) APPOINTMENT OF ACCOUNTANTS, ECONOMISTS, SPECIALISTS, AND EXAMINERS.—

''(1) APPLICABILITY.—This section applies with respect to any position of examiner, accountant, specialist in financial markets, specialist in information technology, and economist at the Agency, with respect to supervision and regulation of the regulated entities, that is in the competitive service.

''(2) APPOINTMENT AUTHORITY.—The Director may appoint candidates to any position described in paragraph (1)—

''(A) in accordance with the statutes, rules, and regulations governing appointments in the excepted service; and

''(B) notwithstanding any statutes, rules, and regulations governing appointments in the competitive service.

''(3) RULE OF CONSTRUCTION.—The appointment of a candidate to a position under the authority of this subsection shall not be considered to cause such position to be converted from the competitive service to the excepted service.''.

(c) REPEAL.—Section 20 of the Federal Home Loan Bank Act (12 U.S.C. 1440) is amended—

(1) by striking the section heading and inserting the following: ''EXAMINATIONS AND GAO AUDITS'';

(2) in the third sentence, by striking ''the Board and'' each place such term appears; and

(3) by striking the first two sentences and inserting the following: ''The Federal home loan banks shall be subject to examinations by the Director to the extent provided in section 1317 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4517).''.

SEC. 318. PROHIBITION AND WITHHOLDING OF EXECUTIVE COMPENSATION.

(a) IN GENERAL.—Section 1318 of the Housing and Community Development Act of 1992 (12 U.S.C. 4518) is amended—

(1) in the section heading, by striking ''**OF EXCESSIVE**'' and inserting ''**AND WITHHOLDING OF EXECUTIVE**'';

(2) by redesignating subsection (b) as subsection (d); and

(3) by inserting after subsection (a) the following new subsections:

''(b) FACTORS.—In making any determination under subsection (a), the Director may take into consideration any factors the Director considers relevant, including any wrongdoing on the part of the executive officer, and such wrongdoing shall include any fraudulent act or omission, breach of trust or fiduciary duty, violation of law, rule, regulation, order, or written agreement, and insider abuse with respect to the regulated entity. The approval of an agreement or contract pursuant to section 309(d)(3)(B) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1723a(d)(3)(B)) or section 303(h)(2) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1452(h)(2)) shall not preclude the Director from making any subsequent determination under subsection (a).

''(c) WITHHOLDING OF COMPENSATION.—In carrying out subsection (a), the Director may require a regulated entity to withhold any payment, transfer, or disbursement of compensation to an executive officer, or to place such compensation in an escrow account, during the review of the reasonableness and comparability of compensation.''.

(b) CONFORMING AMENDMENTS.—

(1) FANNIE MAE.—Section 309(d) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1723a(d)) is amended by adding at the end the following new paragraph:

''(4) Notwithstanding any other provision of this section, the corporation shall not transfer, disburse, or pay compensation to any executive officer, or enter into an agreement with such executive officer, without the approval of the Director, for matters being reviewed under section 1318 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4518).''.

(2) FREDDIE MAC.—Section 303(h) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1452(h)) is amended by adding at the end the following new paragraph:

''(4) Notwithstanding any other provision of this section, the Corporation shall not transfer, disburse, or pay compensation to any executive officer, or enter into an agreement with such executive officer, without the approval of the Director, for matters being reviewed under section 1318 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4518).''.

(3) FEDERAL HOME LOAN BANKS.—Section 7 of the Federal Home Loan Bank Act (12 U.S.C. 1427) is amended by adding at the end the following new subsection:

''(l) WITHHOLDING OF COMPENSATION.—Notwithstanding any other provision of this section, a Federal home loan bank shall not transfer, disburse, or pay compensation to any executive officer, or enter into an agreement with such executive officer, without the approval of the Director, for matters being reviewed under section 1318 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4518).''.

SEC. 319. REVIEWS OF REGULATED ENTITIES.

Section 1319 of the Housing and Community Development Act of 1992 (12 U.S.C. 4519) is amended—

(1) by striking the section designation and heading and inserting the following:

''SEC. 1319. REVIEWS OF REGULATED ENTITIES.''; and

(2) by striking ''is a nationally recognized'' and all that follows through ''1934'' and inserting the following: ''the Director considers appropriate, including an entity that is registered under section 15 of the Securities Exchange Act of 1934 (15 U.S.C. 78a) as a nationally registered statistical rating organization''.

SEC. 320. INCLUSION OF MINORITIES AND WOMEN; DIVERSITY IN AGENCY WORKFORCE.

Section 1319A of the Housing and Community Development Act of 1992 (12 U.S.C. 4520) is amended—

(1) in the section heading, by striking ''**EQUAL OPPORTUNITY IN SOLICITATION OF CONTRACTS**'' and inserting ''**MINORITY AND WOMEN INCLUSION; DIVERSITY REQUIREMENTS**'';

(2) in subsection (a), by striking ''(a) IN GENERAL.—Each enterprise'' and inserting ''(e) OUTREACH.—Each regulated entity''; and

(3) by striking subsection (b);

(4) by inserting before subsection (e), as so redesignated by paragraph (2) of this section, the following new subsections:

''(a) OFFICE OF MINORITY AND WOMEN INCLUSION.—Each regulated entity shall establish an Office of Minority and Women Inclusion, or designate an office of the entity, that shall be responsible for carrying out this section and all matters of the entity relating to diversity in management, employment, and business activities in accordance with such standards and requirements as the Director shall establish.

''(b) INCLUSION IN ALL LEVELS OF BUSINESS ACTIVITIES.—Each regulated entity shall develop and implement standards and procedures to ensure, to the maximum extent possible, the inclusion and utilization of minorities (as such term is defined in section 1204(c) of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 1811 note)) and women, and minority- and women-owned businesses (as such terms are defined in section 21A(r)(4) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(r)(4)) (including financial institutions, investment banking firms, mortgage banking firms, asset management firms, broker-dealers, financial services firms, underwriters, accountants, brokers, investment consultants, and providers of legal services) in all business and activities of the regulated entity at all levels, including in procurement, insurance, and all types of contracts (including contracts for the issuance or guarantee of any debt, equity, or mortgage-related securities, the management of its mortgage and securities portfolios, the making of its equity investments, the purchase, sale and servicing of single- and multi-family mortgage loans, and the implementation of its affordable housing program and initiatives). The processes established by each regulated entity for review and evaluation for contract proposals and to hire service providers shall include a component that gives consideration to the diversity of the applicant.

''(c) APPLICABILITY.—This section shall apply to all contracts of a regulated entity for services of any kind, including services that require the services of investment banking, asset management entities, broker-dealers, financial services entities, underwriters, accountants, investment consultants, and providers of legal services.

''(d) INCLUSION IN ANNUAL REPORTS.—Each regulated entity shall include, in the annual report submitted by the entity to the Director pursuant to section 309(k) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1723a(k)), section 307(c) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1456(c)), and section 20 of the Federal Home Loan Bank Act (12 U.S.C. 1440), as applicable, detailed information describing the actions taken by the entity pursuant to this section, which shall include a statement of the total amounts paid by the entity to third party contractors since the last such report and the percentage of such amounts paid to businesses described in subsection (b) of this section.''; and

(5) by adding at the end the following new subsection:

''(f) DIVERSITY IN AGENCY WORKFORCE.—The Agency shall take affirmative steps to seek diversity in its workforce at all levels of the agency consistent with the demographic diversity of the United States, which shall include—

''(1) heavily recruiting at historically Black colleges and universities, Hispanic-serving institutions, women's colleges, and colleges that typically serve majority minority populations;

''(2) sponsoring and recruiting at job fairs in urban communities, and placing employment advertisements in newspapers and magazines oriented toward women and people of color;

''(3) partnering with organizations that are focused on developing opportunities for minorities and women to place talented young minorities and women in industry internships, summer employment, and full-time positions; and

''(4) where feasible, partnering with inner-city high schools, girls' high schools, and high schools with majority minority populations to establish or enhance financial literacy programs and provide mentoring.''.

SEC. 321. REGULATIONS AND ORDERS.

Section 1319G of the Housing and Community Development Act of 1992 (12 U.S.C. 4526) is amended—

(1) by striking subsection (a) and inserting the following new subsection:

''(a) AUTHORITY.—The Director shall issue any regulations, guidelines, and orders necessary to carry out the duties of the Director under this title and each of the authorizing statutes to ensure that the purposes of this title and such statutes are accomplished.'';

(2) in subsection (b), by inserting '', this title, or any of the authorizing statutes'' after ''under this section''; and

(3) by striking subsection (c).

SEC. 322. NON-WAIVER OF PRIVILEGES.

Part 1 of subtitle A of title XIII of the Housing and Community Development Act of 1992 (12 U.S.C. 4511) is amended by adding at the end the following new section:

''SEC. 1319H. PRIVILEGES NOT AFFECTED BY DISCLOSURE.

''(a) IN GENERAL.—The submission by any person of any information to the Agency for any purpose in the course of any supervisory or regulatory process of the Agency shall not be construed as waiving, destroying, or otherwise affecting any privilege such person may claim with respect to such information under Federal or State law as to any person or entity other than the Agency.

''(b) RULE OF CONSTRUCTION.—No provision of subsection (a) may be construed as implying or establishing that—

''(1) any person waives any privilege applicable to information that is submitted or transferred under any circumstance to which subsection (a) does not apply; or

''(2) any person would waive any privilege applicable to any information by submitting the information to the Agency, but for this subsection.''.

SEC. 323. RISK-BASED CAPITAL REQUIREMENTS.

(a) IN GENERAL.—Section 1361 of the Housing and Community Development Act of 1992 (12 U.S.C. 4611) is amended to read as follows:

''SEC. 1361. RISK-BASED CAPITAL LEVELS FOR REGULATED ENTITIES.

''(a) IN GENERAL.—

''(1) ENTERPRISES.—The Director shall, by regulation, establish risk-based capital requirements for the enterprises to ensure that the enterprises operate in a safe and sound manner, maintaining sufficient capital and reserves to support the risks that arise in the operations and management of the enterprises.

''(2) FEDERAL HOME LOAN BANKS.—The Director shall establish risk-based capital standards under section 6 of the Federal Home Loan Bank Act for the Federal home loan banks.

''(b) CONFIDENTIALITY OF INFORMATION.—Any person that receives any book, record, or information from the Director or a regulated entity to enable the risk-based capital requirements established under this section to be applied shall—

''(1) maintain the confidentiality of the book, record, or information in a manner that is generally consistent with the level of confidentiality established for the material by the Director or the regulated entity; and

''(2) be exempt from section 552 of title 5, United States Code, with respect to the book, record, or information.

''(c) NO LIMITATION.—Nothing in this section shall limit the authority of the Director to require other reports or undertakings, or take other action, in furtherance of the responsibilities of the Director under this Act.''.

(b) FEDERAL HOME LOAN BANKS RISK-BASED CAPITAL.—Section 6(a)(3) of the Federal Home Loan Bank Act (12 U.S.C. 1426(a)(3)) is amended—

(1) by striking subparagraph (A) and inserting the following new subparagraph:

''(A) RISK-BASED CAPITAL STANDARDS.—The Director shall, by regulation, establish risk-based capital standards for the Federal home loan banks to ensure that the Federal home loan banks operate in a safe and sound manner, with sufficient permanent capital and reserves to support the risks that arise in the operations and management of the Federal home loans banks.''; and

(2) in subparagraph (B), by striking ''(A)(ii)'' and inserting ''(A)''.

SEC. 324. MINIMUM AND CRITICAL CAPITAL LEVELS.

(a) MINIMUM CAPITAL LEVEL.—Section 1362 of the Housing and Community Development Act of 1992 (12 U.S.C. 4612) is amended—

(1) in subsection (a), by striking ''IN GENERAL'' and inserting ''ENTERPRISES''; and

(2) by striking subsection (b) and inserting the following new subsections:

''(b) FEDERAL HOME LOAN BANKS.—For purposes of this subtitle, the minimum capital level for each Federal home loan bank shall be the minimum capital required to be maintained to comply with the leverage requirement for the bank established under section 6(a)(2) of the Federal Home Loan Bank Act (12 U.S.C. 1426(a)(2)).

''(c) ESTABLISHMENT OF REVISED MINIMUM CAPITAL LEVELS.—Notwithstanding subsections (a) and (b) and notwithstanding the capital classifications of the regulated entities, the Director may, by regulations issued under section 1319G, establish a minimum capital level for the enterprises, for the Federal home loan banks, or for both the enterprises and the banks, that is higher than the level specified in subsection (a) for the enterprises or the level specified in subsection (b) for the Federal home loan banks, to the extent needed to ensure that the regulated entities operate in a safe and sound manner.

''(d) AUTHORITY TO REQUIRE TEMPORARY INCREASE.—Notwithstanding subsections (a) and (b) and any minimum capital level established pursuant to subsection (c), the Director may, by order, increase the minimum capital level for a regulated entity on a temporary basis for such period as the Director may provide if the Director—

''(1) makes any determination specified in subparagraphs (A) through (C) of section 1364(c)(1);

''(2) determines that the regulated entity has violated any of the prudential standards established pursuant to section 1313A and, as a result of such violation, determines that an unsafe and unsound condition exists; or

''(3) determines that an unsafe and unsound condition exists, except that a temporary increase in minimum capital imposed

on a regulated entity pursuant to this paragraph shall not remain in place for a period of more than 6 months unless the Director makes a renewed determination of the existence of an unsafe and unsound condition.

''(e) AUTHORITY TO ESTABLISH ADDITIONAL CAPITAL AND RESERVE REQUIREMENTS FOR PARTICULAR PROGRAMS.—The Director may, at any time by order or regulation, establish such capital or reserve requirements with respect to any program or activity of a regulated entity as the Director considers appropriate to ensure that the regulated entity operates in a safe and sound manner, with sufficient capital and reserves to support the risks that arise in the operations and management of the regulated entity.

''(f) PERIODIC REVIEW.—The Director shall periodically review the amount of core capital maintained by the enterprises, the amount of capital retained by the Federal home loan banks, and the minimum capital levels established for such regulated entities pursuant to this section. The Director shall rescind any temporary minimum capital level increase if the Director determines that the circumstances or facts justifying the temporary increase are no longer present.''.

(b) CRITICAL CAPITAL LEVELS.—

(1) IN GENERAL.—Section 1363 of the Housing and Community Development Act of 1992 (12 U.S.C. 4613) is amended—

(A) by striking ''For'' and inserting ''(a) ENTERPRISES.—FOR''; and

(B) by adding at the end the following new subsection:

''(b) FEDERAL HOME LOAN BANKS.—

''(1) IN GENERAL.—For purposes of this subtitle, the critical capital level for each Federal home loan bank shall be such amount of capital as the Director shall, by regulation require.

''(2) CONSIDERATION OF OTHER CRITICAL CAPITAL LEVELS.—In establishing the critical capital level under paragraph (1) for the Federal home loan banks, the Director shall take due consideration of the critical capital level established under subsection (a) for the enterprises, with such modifications as the Director determines to be appropriate to reflect the difference in operations between the banks and the enterprises.''.

(2) REGULATIONS.—Not later than the expiration of the 180-day period beginning on the effective date under section 365, the Director of the Federal Housing Finance Agency shall issue regulations pursuant to section 1363(b) of the Housing and Community Development Act of 1992 (as added by paragraph (1) of this subsection) establishing the critical capital level under such section.

SEC. 325. REVIEW OF AND AUTHORITY OVER ENTERPRISE ASSETS AND LIABILITIES.

(a) IN GENERAL.—Subtitle B of title XIII of the Housing and Community Development Act of 1992 (12 U.S.C. 4611 et seq.) is amended—

(1) by striking the subtitle designation and heading and inserting the following:

''Subtitle B—Required Capital Levels for Regulated Entities, Special Enforcement Powers, and Reviews of Assets and Liabilities'';

and

(2) by adding at the end the following new section:

''SEC. 1369E. REVIEWS OF ENTERPRISE ASSETS AND LIABILITIES.

''(a) IN GENERAL.—The Director shall, by regulation, establish standards by which the portfolio holdings, or rate of growth of the portfolio holdings, of the enterprises will be deemed to be consistent with the mission and the safe and sound operations of the enterprises. In developing such standards, the Director shall consider—

''(1) the size or growth of the mortgage market;

''(2) the need for the portfolio in maintaining liquidity or stability of the secondary mortgage market (including the market for the mortgage-backed securities the enterprises issue);

''(3) the need for an inventory of mortgages in connection with securitizations;

''(4) the need for the portfolio to directly support the affordable housing mission of the enterprises;

''(5) the liquidity needs of the enterprises;

''(6) any potential risks posed to the enterprises by the nature of the portfolio holdings; and

''(7) any additional factors that the Director determines to be necessary to carry out the purpose under the first sentence of this subsection to establish standards for assessing whether the portfolio holdings are consistent with the mission and safe and sound operations of the enterprises.

''(b) TEMPORARY ADJUSTMENTS.—The Director may, by order, make temporary adjustments to the established standards for an enterprise or both enterprises, such as during times of economic distress or market disruption.

''(c) AUTHORITY TO REQUIRE DISPOSITION OR ACQUISITION.—The Director shall monitor the portfolio of each enterprise. Pursuant to subsection (a) and notwithstanding the capital classifications of the enterprises, the Director may, by order, require an enterprise, under such terms and conditions as the Director determines to be appropriate, to dispose of or acquire any asset, if the Director determines that such action is consistent with the purposes of this Act or any of the authorizing statutes.''.

(b) REGULATIONS.—Not later than the expiration of the 180-day period beginning on the effective date under section 365, the Director of the Federal Housing Finance Agency shall issue regulations pursuant to section 1369E(a) of the Housing and Community Development Act of 1992 (as added by subsection (a) of this section) establishing the portfolio holdings standards under such section.

SEC. 326. CORPORATE GOVERNANCE OF ENTERPRISES.

The Housing and Community Development Act of 1992 is amended by inserting before section 1323 (12 U.S.C. 4543) the following new section:

''SEC. 1322A. CORPORATE GOVERNANCE OF ENTERPRISES.

''(a) BOARD OF DIRECTORS.—

''(1) INDEPENDENCE.—A majority of seated members of the board of directors of each enterprise shall be independent board members, as defined under rules set forth by the New York Stock Exchange, as such rules may be amended from time to time.

''(2) FREQUENCY OF MEETINGS.—To carry out its obligations and duties under applicable laws, rules, regulations, and guidelines, the board of directors of an enterprise shall meet at least eight times a year and not less than once a calendar quarter.

''(3) NON-MANAGEMENT BOARD MEMBER MEETINGS.—The non-management directors of an enterprise shall meet at regularly scheduled executive sessions without management participation.

''(4) QUORUM; PROHIBITION ON PROXIES.—For the transaction of business, a quorum of the board of directors of an enterprise shall be at least a majority of the seated board of directors and a board member may not vote by proxy.

''(5) INFORMATION.—The management of an enterprise shall provide a board member of the enterprise with such adequate and appropriate information that a reasonable board member would find important to the fulfillment of his or her fiduciary duties and obligations.

''(6) ANNUAL REVIEW.—At least annually, the board of directors of each enterprise shall review, with appropriate professional assistance, the requirements of laws, rules, regulations, and guidelines that are applicable to its activities and duties.

''(b) COMMITTEES OF BOARDS OF DIRECTORS.—

''(1) FREQUENCY OF MEETINGS.—Any committee of the board of directors of an enterprise shall meet with sufficient frequency to carry out its obligations and duties under applicable laws, rules, regulations, and guidelines.

''(2) REQUIRED COMMITTEES.—Each enterprise shall provide for the establishment, however styled, of the following committees of the board of directors:

''(A) Audit committee.

''(B) Compensation committee.

''(C) Nominating/corporate governance committee.

Such committees shall be in compliance with the charter, independence, composition, expertise, duties, responsibilities, and other requirements set forth under section 10A(m) of the Securities Exchange Act of 1934 (15 U.S.C. 78j–1(m)), with respect to the audit committee, and under rules issued by the New York Stock Exchange, as such rules may be amended from time to time.

''(c) COMPENSATION.—

''(1) IN GENERAL.—The compensation of board members, executive officers, and employees of an enterprise—

''(A) shall not be in excess of that which is reasonable and appropriate;

''(B) shall be commensurate with the duties and responsibilities of such persons;

''(C) shall be consistent with the long-term goals of the enterprise;

''(D) shall not focus solely on earnings performance, but shall take into account risk management, operational stability and legal and regulatory compliance as well; and

''(E) shall be undertaken in a manner that complies with applicable laws, rules, and regulations.

''(2) REIMBURSEMENT.—If an enterprise is required to prepare an accounting restatement due to the material noncompliance of the enterprise, as a result of misconduct, with any financial reporting requirement under the securities laws, the chief executive officer and chief financial officer of the enterprise shall reimburse the enterprise as provided under section 304 of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7243). This provision does not otherwise limit the authority of the Agency to employ remedies available to it under its enforcement authorities.

''(d) CODE OF CONDUCT AND ETHICS.—

''(1) IN GENERAL.—An enterprise shall establish and administer a written code of conduct and ethics that is reasonably designed to assure the ability of board members, executive officers, and employees of the enterprise to discharge their duties and responsibilities, on behalf of the enterprise, in an objective and impartial manner, and that includes standards required under section 406 of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7264) and other applicable laws, rules, and regulations.

''(2) REVIEW.—Not less than once every three years, an enterprise shall review the adequacy of its code of conduct and ethics for consistency with practices appropriate to the enterprise and make any appropriate revisions to such code.

''(e) CONDUCT AND RESPONSIBILITIES OF BOARD OF DIRECTORS.—The board of directors of an enterprise shall be responsible for directing the conduct and affairs of the enterprise in furtherance of the safe and sound operation of the enterprise and shall remain reasonably informed of the condition, activities, and operations of the enterprise. The responsibilities of the board of directors shall

include having in place adequate policies and procedures to assure its oversight of, among other matters, the following:

''(1) Corporate strategy, major plans of action, risk policy, programs for legal and regulatory compliance and corporate performance, including prudent plans for growth and allocation of adequate resources to manage operations risk.

''(2) Hiring and retention of qualified executive officers and succession planning for such executive officers.

''(3) Compensation programs of the enterprise.

''(4) Integrity of accounting and financial reporting systems of the enterprise, including independent audits and systems of internal control.

''(5) Process and adequacy of reporting, disclosures, and communications to shareholders, investors, and potential investors.

''(6) Extensions of credit to board members and executive officers.

''(7) Responsiveness of executive officers in providing accurate and timely reports to Federal regulators and in addressing the supervisory concerns of Federal regulators in a timely and appropriate manner.

''(f) PROHIBITION OF EXTENSIONS OF CREDIT.—An enterprise may not directly or indirectly, including through any subsidiary, extend or maintain credit, arrange for the extension of credit, or renew an extension of credit, in the form of a personal loan to or for any board member or executive officer of the enterprise, as provided by section 13(k) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(k)).

''(g) CERTIFICATION OF DISCLOSURES.—The chief executive officer and the chief financial officer of an enterprise shall review each quarterly report and annual report issued by the enterprise and such reports shall include certifications by such officers as required by section 302 of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7241).

''(h) CHANGE OF AUDIT PARTNER.—An enterprise may not accept audit services from an external auditing firm if the lead or coordinating audit partner who has primary responsibility for the external audit of the enterprise, or the external audit partner who has responsibility for reviewing the external audit has performed audit services for the enterprise in each of the five previous fiscal years.

''(i) COMPLIANCE PROGRAM.—

''(1) REQUIREMENT.—Each enterprise shall establish and maintain a compliance program that is reasonably designed to assure that the enterprise complies with applicable laws, rules, regulations, and internal controls.

''(2) COMPLIANCE OFFICER.—The compliance program of an enterprise shall be headed by a compliance officer, however styled, who reports directly to the chief executive officer of the enterprise. The compliance officer shall report regularly to the board of directors or an appropriate committee of the board of directors on compliance with and the adequacy of current compliance policies and procedures of the enterprise, and shall recommend any adjustments to such policies and procedures that the compliance officer considers necessary and appropriate.

''(j) RISK MANAGEMENT PROGRAM.—

''(1) REQUIREMENT.—Each enterprise shall establish and maintain a risk management program that is reasonably designed to manage the risks of the operations of the enterprise.

''(2) RISK MANAGEMENT OFFICER.—The risk management program of an enterprise shall be headed by a risk management officer, however styled, who reports directly to the chief executive officer of the enterprise. The risk management officer shall report regularly to the board of directors or an appropriate committee of the board of directors on compliance with and the adequacy of current risk management policies and procedures of the enterprise, and shall recommend any adjustments to such policies and procedures that the risk management officer considers necessary and appropriate.

''(k) COMPLIANCE WITH OTHER LAWS.—

''(1) DEREGISTERED OR UNREGISTERED COMMON STOCK.—If an enterprise deregisters or has not registered its common stock with the Securities and Exchange Commission under the Securities Exchange Act of 1934, the enterprise shall comply or continue to comply with sections 10A(m) and 13(k) of the Securities Exchange Act of 1934 (15 U.S.C. 78j–1(m), 78m(k)) and sections 302, 304, and 406 of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7241, 7243, 7264), subject to such requirements as provided by subsection (l) of this section.

''(2) REGISTERED COMMON STOCK.—An enterprise that has its common stock registered with the Securities and Exchange Commission shall maintain such registered status, unless it provides 60 days prior written notice to the Director stating its intent to deregister and its understanding that it will remain subject to the requirements of the sections of the Securities Exchange Act of 1934 and the Sarbanes-Oxley Act of 2002, subject to such requirements as provided by subsection (l) of this section.

''(l) OTHER MATTERS.—The Director may from time to time establish standards, by regulation, order, or guideline, regarding such other corporate governance matters of the enterprises as the Director considers appropriate.

''(m) MODIFICATION OF STANDARDS.—In connection with standards of Federal or State law (including the Revised Model Corporation Act) or New York Stock Exchange rules that are made applicable to an enterprise by section 1710.10 of the Director's rules (12 CFR 1710.10) and by subsections (a), (b), (g), (i), (j), and (k) of this section, the Director, in the Director's sole discretion, may modify the standards contained in this section or in part 1710 of the Director's rules (12 CFR Part 1710) in accordance with section 553 of title 5, United States Code, and upon written notice to the enterprise.''.

SEC. 327. REQUIRED REGISTRATION UNDER SECURITIES EXCHANGE ACT OF 1934.

The Housing and Community Development Act of 1992 is amended by adding after section 1322A, as added by the preceding provisions of this title, the following new section:

''SEC. 1322B. REQUIRED REGISTRATION UNDER SECURITIES EXCHANGE ACT OF 1934.

''(a) IN GENERAL.—Each regulated entity shall register at least one class of the capital stock of such regulated entity, and maintain such registration with the Securities and Exchange Commission, under the Securities Exchange Act of 1934.

''(b) ENTERPRISES.—Each enterprise shall comply with sections 14 and 16 of the Securities Exchange Act of 1934.''.

SEC. 328. LIAISON WITH FINANCIAL INSTITUTIONS EXAMINATION COUNCIL.

Section 1007 of the Federal Financial Institutions Examination Council Act of 1978 (12 U.S.C. 3306) is amended—

(1) in the section heading, by inserting after ''STATE'' the following: ''AND FEDERAL HOUSING FINANCE AGENCY''; and

(2) by inserting after ''financial institutions'' the following: '', and one representative of the Federal Housing Finance Agency,''.

SEC. 329. GUARANTEE FEE STUDY.

(a) IN GENERAL.—The Director of the Federal Housing Finance Agency, in consultation with the heads of the federal banking agencies, shall, not later than 18 months after the date of the enactment of this Act, submit to the Congress a study concerning the pricing, transparency and reporting of the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation, and the Federal home loan banks with regard to guarantee fees and concerning analogous practices, transparency and reporting requirements (including advances pricing practices by the Federal Home Loan Banks) of other participants in the business of mortgage purchases and securitization.

(b) FACTORS.—The study required by this section shall examine various factors such as credit risk, counterparty risk considerations, economic value considerations, and volume considerations used by the regulated entities (as such term is defined in section 1303 of the Housing and Community Development Act of 1992) included in the study in setting the amount of fees they charge.

(c) CONTENTS OF REPORT.—The report required under subsection (a) shall identify and analyze—

(1) the factors used by each enterprise (as such term is defined in section 1303 of the Housing and Community Development Act of 1992) in determining the amount of the guarantee fees it charges;

(2) the total revenue the enterprises earn from guarantee fees;

(3) the total costs incurred by the enterprises for providing guarantees;

(4) the average guarantee fee charged by the enterprises;

(5) an analysis of how and why the guarantee fees charged differ from such fees charged during the previous year;

(6) a breakdown of the revenue and costs associated with providing guarantees, based on product type and risk classifications; and

(7) other relevant information on guarantee fees with other participants in the mortgage and securitization business.

(d) PROTECTION OF INFORMATION.—Nothing in this section may be construed to require or authorize the Director of the Federal Housing Finance Agency, in connection with the study mandated by this section, to disclose information of the enterprises or other organization that is confidential or proprietary.

(e) EFFECTIVE DATE.—This section shall take effect on the date of the enactment of this Act.

SEC. 330. CONFORMING AMENDMENTS.

(a) 1992 ACT.—Part 1 of subtitle A of title XIII of the Housing and Community Development Act of 1992 (12 U.S.C. 4511 et seq.), as amended by the preceding provisions of this title, is further amended—

(1) by striking ''an enterprise'' each place such term appears in such part (except in sections 1313(a)(2)(A), 1313A(b)(2)(B)(ii)(I), and 1316(b)(3)) and inserting ''a regulated entity'';

(2) by striking ''the enterprise'' each place such term appears in such part (except in section 1316(b)(3)) and inserting ''the regulated entity'';

(3) by striking ''the enterprises'' each place such term appears in such part (except in sections 1312(c)(2), and 1312(e)(2)) and inserting ''the regulated entities'';

(4) by striking ''each enterprise'' each place such term appears in such part and inserting ''each regulated entity'';

(5) by striking ''Office'' each place such term appears in such part (except in sections 1311(b)(2), 1312(b)(5), 1315(b), and 1316(a)(4), (g), and (h), 1317(c), and 1319A(a)) and inserting ''Agency'';

(6) in section 1315 (12 U.S.C. 4515)—

(A) in subsection (a)—

(i) in the subsection heading, by striking ''OFFICE PERSONNEL'' and inserting ''IN GENERAL''; and

(ii) by striking ''The'' and inserting ''Subject to subtitle C of the Federal Housing Finance Reform Act of 2008, the'';

(B) by striking subsections (d) and (f); and

(C) by redesignating subsection (e) as subsection (d);

(7) in section 1319B (12 U.S.C. 4521), by striking ''Committee on Banking, Finance and Urban Affairs'' each place such term appears and inserting ''Committee on Financial Services''; and

(8) in section 1319F (12 U.S.C. 4525), striking all that follows ''United States Code'' and inserting '', the Agency shall be considered an agency responsible for the regulation or supervision of financial institutions.''.

(b) AMENDMENTS TO FANNIE MAE CHARTER ACT.—The Federal National Mortgage Association Charter Act (12 U.S.C. 1716 et seq.) is amended—

(1) by striking ''Director of the Office of Federal Housing Enterprise Oversight of the Department of Housing and Urban Development'' each place such term appears, and inserting ''Director of the Federal Housing Finance Agency'', in—

(A) section 303(c)(2) (12 U.S.C. 1718(c)(2));

(B) section 309(d)(3)(B) (12 U.S.C. 1723a(d)(3)(B)); and

(C) section 309(k)(1); and

(2) in section 309—

(A) in subsections (d)(3)(A) and (n)(1), by striking ''Banking, Finance and Urban Affairs'' each place such term appears and inserting ''Financial Services''; and

(B) in subsection (m)—

(i) in paragraph (1), by striking ''Secretary'' the second place such term appears and inserting ''Director'';

(ii) in paragraph (2), by striking ''Secretary'' the second place such term appears and inserting ''Director''; and

(iii) by striking ''Secretary'' each other place such term appears and inserting ''Director of the Federal Housing Finance Agency''; and

(C) in subsection (n), by striking ''Secretary'' each place such term appears and inserting ''Director of the Federal Housing Finance Agency''.

(c) AMENDMENTS TO FREDDIE MAC ACT.—The Federal Home Loan Mortgage Corporation Act is amended—

(1) by striking ''Director of the Office of Federal Housing Enterprise Oversight of the Department of Housing and Urban Development'' each place such term appears, and inserting ''Director of the Federal Housing Finance Agency'', in—

(A) section 303(b)(2) (12 U.S.C. 1452(b)(2));

(B) section 303(h)(2) (12 U.S.C. 1452(h)(2)); and

(C) section 307(c)(1) (12 U.S.C. 1456(c)(1));

(2) in sections 303(h)(1) and 307(f)(1) (12 U.S.C. 1452(h)(1), 1456(f)(1)), by striking ''Banking, Finance and Urban Affairs'' each place such term appears and inserting ''Financial Services'';

(3) in section 306(i) (12 U.S.C. 1455(i))—

(A) by striking ''1316(c)'' and inserting ''306(c)''; and

(B) by striking ''section 106'' and inserting ''section 1316''; and

(4) in section 307 (12 U.S.C. 1456))—

(A) in subsection (e)—

(i) in paragraph (1), by striking ''Secretary'' the second place such term appears and inserting ''Director'';

(ii) in paragraph (2), by striking ''Secretary'' the second place such term appears and inserting ''Director''; and

(iii) by striking ''Secretary'' each other place such term appears and inserting ''Director of the Federal Housing Finance Agency''; and

(B) in subsection (f), by striking ''Secretary'' each place such term appears and inserting ''Director of the Federal Housing Finance Agency''.

CHAPTER 2—IMPROVEMENT OF MISSION SUPERVISION

SEC. 331. TRANSFER OF PRODUCT APPROVAL AND HOUSING GOAL OVERSIGHT.

Part 2 of subtitle A of title XIII of the Housing and Community Development Act of 1992 (12 U.S.C. 4541 et seq.) is amended—

(1) by striking the designation and heading for the part and inserting the following:

''PART 2—PRODUCT APPROVAL BY DIRECTOR, CORPORATE GOVERNANCE, AND ESTABLISHMENT OF HOUSING GOALS'';

and

(2) by striking sections 1321 and 1322.

SEC. 332. REVIEW OF ENTERPRISE PRODUCTS.

(a) IN GENERAL.—Part 2 of subtitle A of title XIII of the Housing and Community Development Act of 1992 is amended by inserting before section 1323 (12 U.S.C. 4543) the following new section:

''SEC. 1321. PRIOR APPROVAL AUTHORITY FOR PRODUCTS OF ENTERPRISES.

''(a) IN GENERAL.—The Director shall require each enterprise to obtain the approval of the Director for any product of the enterprise before initially offering the product.

''(b) STANDARD FOR APPROVAL.—In considering any request for approval of a product pursuant to subsection (a), the Director shall make a determination that—

''(1) in the case of a product of the Federal National Mortgage Association, the Director determines that the product is authorized under paragraph (2), (3), (4), or (5) of section 302(b) or section 304 of the Federal National Mortgage Association Charter Act, (12 U.S.C. 1717(b), 1719);

''(2) in the case of a product of the Federal Home Loan Mortgage Corporation, the Director determines that the product is authorized under paragraph (1), (4), or (5) of section 305(a) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1454(a));

''(3) the product is in the public interest;

''(4) the product is consistent with the safety and soundness of the enterprise or the mortgage finance system; and

''(5) the product does not materially impair the efficiency of the mortgage finance system.

''(c) PROCEDURE FOR APPROVAL.—

''(1) SUBMISSION OF REQUEST.—An enterprise shall submit to the Director a written request for approval of a product that describes the product in such form as prescribed by order or regulation of the Director.

''(2) REQUEST FOR PUBLIC COMMENT.—Immediately upon receipt of a request for approval of a product, as required under paragraph (1), the Director shall publish notice of such request and of the period for public comment pursuant to paragraph (3) regarding the product, and a description of the product proposed by the request. The Director shall give interested parties the opportunity to respond in writing to the proposed product.

''(3) PUBLIC COMMENT PERIOD.—During the 30-day period beginning on the date of publication pursuant to paragraph (2) of a request for approval of a product, the Director shall receive public comments regarding the proposed product.

''(4) OFFERING OF PRODUCT.—

''(A) IN GENERAL.—Not later than 30 days after the close of the public comment period described in paragraph (3), the Director shall approve or deny the product, specifying the grounds for such decision in writing.

''(B) FAILURE TO ACT.—If the Director fails to act within the 30-day period described in subparagraph (A), the enterprise may offer the product.

''(d) EXPEDITED REVIEW.—

''(1) DETERMINATION AND NOTICE.—If an enterprise determines that any new activity, service, undertaking, or offering is not a product, as defined in subsection (f), the enterprise shall provide written notice to the Director prior to the commencement of such activity, service, undertaking, or offering.

''(2) DIRECTOR DETERMINATION OF APPLICABLE PROCEDURE.—Immediately upon receipt of any notice pursuant to paragraph (1), the Director shall make a determination under paragraph (3).

''(3) DETERMINATION AND TREATMENT AS PRODUCT.—If the Director determines that any new activity, service, undertaking, or offering consists of, relates to, or involves a product—

''(A) the Director shall notify the enterprise of the determination;

''(B) the new activity, service, undertaking, or offering described in the notice under paragraph (1) shall be considered a product for purposes of this section; and

''(C) the enterprise shall withdraw its request or submit a written request for approval of the product pursuant to subsection (c).

''(e) CONDITIONAL APPROVAL.—The Director may conditionally approve the offering of any product by an enterprise, and may establish terms, conditions, or limitations with respect to such product with which the enterprise must comply in order to offer such product.

''(f) DEFINITION OF PRODUCT.—For purposes of this section, the term 'product' does not include—

''(1) the automated loan underwriting system of an enterprise in existence as of the date of the enactment of the Federal Housing Finance Reform Act of 2008, including any upgrade to the technology, operating system, or software to operate the underwriting system; or

''(2) any modification to the mortgage terms and conditions or mortgage underwriting criteria relating to the mortgages that are purchased or guaranteed by an enterprise: *Provided*, That such modifications do not alter the underlying transaction so as to include services or financing, other than residential mortgage financing, or create significant new exposure to risk for the enterprise or the holder of the mortgage.

''(g) NO LIMITATION.—Nothing in this section shall be deemed to restrict—

''(1) the safety and soundness authority of the Director over all new and existing products or activities; or

''(2) the authority of the Director to review all new and existing products or activities to determine that such products or activities are consistent with the statutory mission of the enterprise.''.

(b) CONFORMING AMENDMENTS.—

(1) FANNIE MAE.—Section 302(b)(6) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1717(b)(6)) is amended—

(A) by striking ''implement any new program'' and inserting ''initially offer any product'';

(B) by striking ''section 1303'' and inserting ''section 1321(f)''; and

(C) by striking ''before obtaining the approval of the Secretary under section 1322'' and inserting ''except in accordance with section 1321''.

(2) FREDDIE MAC.—Section 305(c) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1454(c)) is amended—

(A) by striking ''implement any new program'' and inserting ''initially offer any product'';

(B) by striking ''section 1303'' and inserting ''section 1321(f)''; and

(C) by striking ''before obtaining the approval of the Secretary under section 1322'' and inserting ''except in accordance with section 1321''.

(3) 1992 ACT.—Section 1303 of the Housing and Community Development Act of 1992 (12

U.S.C. 4502), as amended by the preceding provisions of this title, is further amended—

(A) by striking paragraph (17) (relating to the definition of ''new program''); and

(B) by redesignating paragraphs (18) through (23) as paragraphs (17) through (22), respectively.

SEC. 333. CONFORMING LOAN LIMITS.

(a) FANNIE MAE.—Section 302(b)(2) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1717(b)(2)) is amended—

(1) in the second sentence, by redesignating clause (A) through (C) as clauses (i) through (iii), respectively;

(2) in the third sentence, by striking ''clause (A)'' and inserting ''clause (i)'';

(3) in the 4th sentence, by striking ''the Resolution Trust Corporation,'';

(4) by striking the 7th and 8th sentences and inserting the following new sentences: ''For 2008, such limitations shall not exceed $417,000 for a mortgage secured by a single-family residence, $533,850 for a mortgage secured by a 2-family residence, $645,300 for a mortgage secured by a 3-family residence, and $801,950 for a mortgage secured by a 4-family residence, except that such maximum limitations shall be adjusted effective January 1 of each year beginning with 2009, subject to the limitations in this paragraph. Each adjustment shall be made by adding to or subtracting from each such amount (as it may have been previously adjusted) a percentage thereof equal to the percentage increase or decrease, during the most recent 12-month or four-quarter period ending before the time of determining such annual adjustment, in the housing price index maintained by the Director of the Federal Housing Finance Agency (pursuant to section 1322 of the Housing and Community Development Act of 1992 (12 U.S.C. 4541)).''.

(5) by inserting ''(A)'' after ''(2)''; and

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

''(B)(i) Notwithstanding subparagraph (A), for mortgages originated on or after January 1, 2009, the limitation on the maximum original principal obligation of a mortgage that may be purchased by the corporation shall be the higher of—

''(I) the limitation determined under subparagraph (A) for a residence of the applicable size; or

''(II) 125 percent of the area median price for a residence of the applicable size, but in no case to exceed 175 percent of the limitation determined under subparagraph (A) for a residence of the applicable size.

''(ii) The areas and area median prices used for purposes of the determination under this subparagraph shall be the areas and area median prices used by the Secretary of Housing and Urban Development in determining the applicable limits under section 203(b)(2) of the National Housing Act (12 U.S.C. 1709(b)(2)). A mortgage that is eligible for purchase by the corporation at the time the mortgage is originated under this subparagraph shall be eligible for such purchase for the duration of the term of the mortgage.''.

(b) FREDDIE MAC.—Section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1454(a)(2)) is amended—

(1) in the first sentence, by redesignating clause (A) through (C) as clauses (i) through (iii), respectively;

(2) in the second sentence, by striking ''clause (A)'' and inserting ''clause (i)'';

(3) in the third sentence by striking ''the Resolution Trust Corporation'';

(4) by striking the 6th and 7th sentence and inserting the following new sentences: ''For 2008, such limitations shall not exceed $417,000 for a mortgage secured by a single-family residence, $533,850 for a mortgage secured by a 2-family residence, $645,300 for a mortgage secured by a 3-family residence, and $801,950 for a mortgage secured by a 4-family residence, except that such maximum limitations shall be adjusted effective January 1 of each year beginning with 2009, subject to the limitations in this paragraph. Each adjustment shall be made by adding to or subtracting from each such amount (as it may have been previously adjusted) a percentage thereof equal to the percentage increase or decrease, during the most recent 12-month or four-quarter period ending before the time of determining such annual adjustment, in the housing price index maintained by the Director of the Federal Housing Finance Agency (pursuant to section 1322 of the Housing and Community Development Act of 1992 (12 U.S.C. 4541)).'';

(5) by inserting ''(A)'' after ''(2)''; and

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

''(B)(i) Notwithstanding subparagraph (A), for mortgages originated on or after January 1, 2009, the limitation on the maximum original principal obligation of a mortgage that may be purchased by the Corporation shall be the higher of—

''(I) the limitation determined under subparagraph (A) for a residence of the applicable size; or

''(II) 125 percent of the area median price for a residence of the applicable size, but in no case to exceed 175 percent of the limitation determined under subparagraph (A) for a residence of the applicable size.

''(ii) The areas and area median prices used for purposes of the determination under this subparagraph shall be the areas and area median prices used by the Secretary of Housing and Urban Development in determining the applicable limits under section 203(b)(2) of the National Housing Act (12 U.S.C. 1709(b)(2)). A mortgage that is eligible for purchase by the Corporation at the time the mortgage is originated under this subparagraph shall be eligible for such purchase for the duration of the term of the mortgage.''.

(c) HOUSING PRICE INDEX.—Subpart A of part 2 of subtitle A of title XIII of the Housing and Community Development Act of 1992 (as amended by the preceding provisions of this title) is amended by inserting after section 1321 (as added by the preceding provisions of this title) the following new section:

''SEC. 1322. HOUSING PRICE INDEX.

''(a) IN GENERAL.—The Director shall establish and maintain a method of assessing the national average 1-family house price for use for adjusting the conforming loan limitations of the enterprises. In establishing such method, the Director shall take into consideration the monthly survey of all major lenders conducted by the Federal Housing Finance Agency to determine the national average 1-family house price, the House Price Index maintained by the Office of Federal Housing Enterprise Oversight of the Department of Housing and Urban Development before the effective date under section 365 of the Federal Housing Finance Reform Act of 2008, any appropriate house price indexes of the Bureau of the Census of the Department of Commerce, and any other indexes or measures that the Director considers appropriate.

''(b) GAO AUDIT.—

''(1) IN GENERAL.—At such times as are required under paragraph (2), the Comptroller General of the United States shall conduct an audit of the methodology established by the Director under subsection (a) to determine whether the methodology established is an accurate and appropriate means of measuring changes to the national average 1-family house price.

''(2) TIMING.—An audit referred to in paragraph (1) shall be conducted and completed not later than the expiration of the 180-day period that begins upon each of the following dates:

''(A) ESTABLISHMENT.—The date upon which such methodology is initially established under subsection (a) in final form by the Director.

''(B) MODIFICATION OR AMENDMENT.—Each date upon which any modification or amendment to such methodology is adopted in final form by the Director.

''(3) REPORT.—Within 30 days of the completion of any audit conducted under this subsection, the Comptroller General shall submit a report detailing the results and conclusions of the audit to the Director, the Committee on Financial Services of the House of Representatives, and the Committee on Banking, Housing, and Urban Affairs of the Senate.''.

(d) SENSE OF CONGRESS.—It is the sense of the Congress that the securitization of mortgages by the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation plays an important role in providing liquidity to the United States housing markets. Therefore, the Congress encourages the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation to securitize mortgages acquired under the increased conforming loan limits established by the amendments made by this section, to the extent that such securitizations can be effected in a timely and efficient manner that does not impose additional costs for mortgages originated, purchased, or securitized under the existing limits or interfere with the goal of adding liquidity to the market.

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on, and shall apply beginning on, January 1, 2009.

SEC. 334. ANNUAL HOUSING REPORT REGARDING REGULATED ENTITIES.

(a) IN GENERAL.—The Housing and Community Development Act of 1992 is amended by striking section 1324 (12 U.S.C. 4544) and inserting the following new section:

''SEC. 1324. ANNUAL HOUSING REPORT REGARDING REGULATED ENTITIES.

''(a) IN GENERAL.—After reviewing and analyzing the reports submitted under section 309(n) of the Federal National Mortgage Association Charter Act, section 307(f) of the Federal Home Loan Mortgage Corporation Act, and section 10(j)(11) of the Federal Home Loan Bank Act (12 U.S.C. 1430(j)(11)), the Director shall submit a report, not later than October 30 of each year, to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate, on the activities of each regulated entity.

''(b) CONTENTS.—The report shall—

''(1) discuss the extent to which—

''(A) each enterprise is achieving the annual housing goals established under subpart B of this part;

''(B) each enterprise is complying with section 1337;

''(C) each Federal home loan bank is complying with section 10(j) of the Federal Home Loan Bank Act; and

''(D) each regulated entity is achieving the purposes of the regulated entity established by law;

''(2) aggregate and analyze relevant data on income to assess the compliance by each enterprise with the housing goals established under subpart B;

''(3) aggregate and analyze data on income, race, and gender by census tract and other relevant classifications, and compare such data with larger demographic, housing, and economic trends;

''(4) examine actions that—

''(A) each enterprise has undertaken or could undertake to promote and expand the annual goals established under subpart B and the purposes of the enterprise established by law; and

''(B) each Federal home loan bank has taken or could undertake to promote and expand the community investment program and affordable housing program of the bank established under subsections (i) and (j) of section 10 of the Federal Home Loan Bank Act;

''(5) examine the primary and secondary multifamily housing mortgage markets and describe—

''(A) the availability and liquidity of mortgage credit;

''(B) the status of efforts to provide standard credit terms and underwriting guidelines for multifamily housing and to securitize such mortgage products; and

''(C) any factors inhibiting such standardization and securitization;

''(6) examine actions each regulated entity has undertaken and could undertake to promote and expand opportunities for first-time homebuyers, including the use of alternative credit scoring;

''(7) describe any actions taken under section 1325(5) with respect to originators found to violate fair lending procedures;

''(8) discuss and analyze existing conditions and trends, including conditions and trends relating to pricing, in the housing markets and mortgage markets; and

''(9) identify the extent to which each enterprise is involved in mortgage purchases and secondary market activities involving subprime loans (as identified in accordance with the regulations issued pursuant to section 334(b) of the Federal Housing Finance Reform Act of 2008) and compare the characteristics of subprime loans purchased and securitized by the enterprises to other loans purchased and securitized by the enterprises.

''(c) DATA COLLECTION AND REPORTING.—

''(1) IN GENERAL.—To assist the Director in analyzing the matters described in subsection (b) and establishing the methodology described in section 1322, the Director shall conduct, on a monthly basis, a survey of mortgage markets in accordance with this subsection.

''(2) DATA POINTS.—Each monthly survey conducted by the Director under paragraph (1) shall collect data on—

''(A) the characteristics of individual mortgages that are eligible for purchase by the enterprises and the characteristics of individual mortgages that are not eligible for purchase by the enterprises including, in both cases, information concerning—

''(i) the price of the house that secures the mortgage;

''(ii) the loan-to-value ratio of the mortgage, which shall reflect any secondary liens on the relevant property;

''(iii) the terms of the mortgage;

''(iv) the creditworthiness of the borrower or borrowers; and

''(v) whether the mortgage, in the case of a conforming mortgage, was purchased by an enterprise; and

''(B) such other matters as the Director determines to be appropriate.

''(3) PUBLIC AVAILABILITY.—The Director shall make any data collected by the Director in connection with the conduct of a monthly survey available to the public in a timely manner, provided that the Director may modify the data released to the public to ensure that the data is not released in an identifiable form.

''(4) DEFINITION.—For purposes of this subsection, the term 'identifiable form' means any representation of information that permits the identity of a borrower to which the information relates to be reasonably inferred by either direct or indirect means.''.

(b) STANDARDS FOR SUBPRIME LOANS.—The Director shall, not later than one year after the effective date under section 365, by regulations issued under section 1316G of the Housing and Community Development Act of 1992, establish standards by which mortgages purchased and mortgages purchased and securitized shall be characterized as subprime for the purpose of, and only for the purpose of, complying with the reporting requirement under section 1324(b)(9) of such Act.

SEC. 335. ANNUAL REPORTS BY REGULATED ENTITIES ON AFFORDABLE HOUSING STOCK.

The Housing and Community Development Act of 1992 is amended by inserting after section 1328 (12 U.S.C. 4548) the following new section:

''SEC. 1329. ANNUAL REPORTS ON AFFORDABLE HOUSING STOCK.

''(a) IN GENERAL.—To obtain information helpful in applying the formula under section 1337(c)(2) for the affordable housing program under such section and for other appropriate uses, the regulated entities shall conduct, or provide for the conducting of, a study on an annual basis to determine the levels of affordable housing inventory, and the changes in such levels, in communities throughout the United States.

''(b) CONTENTS.—The annual study under this section shall determine, for the United States, each State, and each community within each State—

''(1) the level of affordable housing inventory, including affordable rental dwelling units and affordable homeownership dwelling units;

''(2) any changes to the level of such inventory during the 12-month period of the study under this section, including—

''(A) any additions to such inventory, disaggregated by the category of such additions (including new construction or housing conversion);

''(B) any subtractions from such inventory, disaggregated by the category of such subtractions (including abandonment, demolition, or upgrade to market-rate housing);

''(C) the number of new affordable dwelling units placed in service; and

''(D) the number of affordable housing dwelling units withdrawn from service;

''(3) the types of financing used to build any dwelling units added to such inventory level and the period during which such units are required to remain affordable;

''(4) any excess demand for affordable housing, including the number of households on rental housing waiting lists and the tenure of the wait on such lists; and

''(5) such other information as the Director may require.

''(c) REPORT.—For each annual study conducted pursuant to this section, the regulated entities shall submit to the Congress, and make publicly available, a report setting forth the findings of the study.

''(d) REGULATIONS AND TIMING.—The Director shall, by regulation, establish requirements for the studies and reports under this section, including deadlines for the submission of such annual reports and standards for determining affordable housing.''.

SEC. 336. MORTGAGOR IDENTIFICATION REQUIREMENTS FOR MORTGAGES OF REGULATED ENTITIES.

(a) IN GENERAL.—Subpart A of part 2 of subtitle A of title XIII of the Housing and Community Development Act of 1992 (12 U.S.C. 4541 et seq.), as amended by the preceding provisions of this title, is further amended by adding at the end the following new section:

''SEC. 1330. MORTGAGOR IDENTIFICATION REQUIREMENTS FOR MORTGAGES OF REGULATED ENTITIES.

''(a) LIMITATION.—The Director shall by regulation establish standards, and shall enforce compliance with such standards, that—

''(1) prohibit the enterprises from the purchase, service, holding, selling, lending on the security of, or otherwise dealing with any mortgage on a one- to four-family residence that will be used as the principal residence of the mortgagor that does not meet the requirements under subsection (b); and

''(2) prohibit the Federal home loan banks from providing any advances to a member for use in financing, and from accepting as collateral for any advance to a member, any mortgage on a one- to four-family residence that will be used as the principal residence of the mortgagor that does not meet the requirements under subsection (b).

''(b) IDENTIFICATION REQUIREMENTS.—The requirements under this subsection with respect to a mortgage are that the mortgagor have, at the time of settlement on the mortgage, a Social Security account number.''.

(b) FANNIE MAE.—Section 304 of the Federal National Mortgage Association Charter Act (12 U.S.C. 1719) is amended by adding at the end the following new subsection:

''(g) PROHIBITION REGARDING MORTGAGOR IDENTIFICATION REQUIREMENT.—Nothing in this Act may be construed to authorize the corporation to purchase, service, hold, sell, lend on the security of, or otherwise deal with any mortgage that the corporation is prohibited from so dealing with under the standards issued under section 1330 of the Housing and Community Development Act of 1992 by the Director of the Federal Housing Finance Agency.''.

(c) FREDDIE MAC.—Section 305 of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1454) is amended by adding at the end the following new subsection:

''(d) PROHIBITION REGARDING MORTGAGOR IDENTIFICATION REQUIREMENTS.—Nothing in this Act may be construed to authorize the Corporation to purchase, service, hold, sell, lend on the security of, or otherwise deal with any mortgage that the Corporation is prohibited from so dealing with under the standards issued under section 1330 of the Housing and Community Development Act of 1992 by the Director of the Federal Housing Finance Agency.''.

(d) FEDERAL HOME LOAN BANKS.—Section 10(a) of the Federal Home Loan Bank Act (12 U.S.C. 1430(a)) is amended—

(1) by redesignating paragraph (6) as paragraph (7); and

(2) by inserting after paragraph (5) the following new paragraph:

''(6) PROHIBITION REGARDING MORTGAGOR IDENTIFICATION REQUIREMENTS.—Nothing in this Act may be construed to authorize a Federal Home Loan Bank to provide any advance to a member for use in financing, or accept as collateral for an advance under this section, any mortgage that a Bank is prohibited from so accepting under the standards issued under section 1330 of the Housing and Community Development Act of 1992 by the Director of the Federal Housing Finance Agency.''.

SEC. 337. REVISION OF HOUSING GOALS.

(a) HOUSING GOALS.—The Housing and Community Development Act of 1992 is amended by striking sections 1331 through 1334 (12 U.S.C. 4561–4) and inserting the following new sections:

''SEC. 1331. ESTABLISHMENT OF HOUSING GOALS.

''(a) IN GENERAL.—The Director shall establish, effective for the first year that begins after the effective date under section 365 of the Federal Housing Finance Reform Act of 2008 and each year thereafter, annual housing goals, with respect to the mortgage purchases by the enterprises, as follows:

''(1) SINGLE FAMILY HOUSING GOALS.—Three single-family housing goals under section 1332.

''(2) MULTIFAMILY SPECIAL AFFORDABLE HOUSING GOALS.—A multifamily special affordable housing goal under section 1333.

''(b) ELIMINATING INTEREST RATE DISPARITIES.—

''(1) IN GENERAL.—Upon request by the Director, an enterprise shall provide to the Director, in a form determined by the Director, data the Director may review to determine whether there exist disparities in interest rates charged on mortgages to borrowers who are minorities as compared with comparable mortgages to borrowers of similar creditworthiness who are not minorities.

''(2) REMEDIAL ACTIONS UPON PRELIMINARY FINDING.—Upon a preliminary finding by the Director that a pattern of disparities in interest rates with respect to any lender or lenders exists pursuant to the data provided by an enterprise in paragraph (1), the Director shall—

''(A) refer the preliminary finding to the appropriate regulatory or enforcement agency for further review;

''(B) require the enterprise to submit additional data with respect to any lender or lenders, as appropriate and to the extent practicable, to the Director who shall submit any such additional data to the regulatory or enforcement agency for appropriate action; and

''(C) require the enterprise to undertake remedial actions, as appropriate, pursuant to section 1325(5) (12 U.S.C. 4545(5)).

''(3) ANNUAL REPORT TO CONGRESS.—The Director shall submit to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate a report describing the actions taken, and being taken, by the Director to carry out this subsection. No such report shall identify any lender or lenders who have not been found to have engaged in discriminatory lending practices pursuant to a final adjudication on the record, and after opportunity for an administrative hearing, in accordance with subchapter II of chapter 5 of title 5, United States Code.

''(4) PROTECTION OF IDENTITY OF INDIVIDUALS.—In carrying out this subsection, the Director shall ensure that no property-related or financial information that would enable a borrower to be identified shall be made public.

''(c) TIMING.—The Director shall establish an annual deadline by which the Director shall establish the annual housing goals under this subpart for each year, taking into consideration the need for the enterprises to reasonably and sufficiently plan their operations and activities in advance, including operations and activities necessary to meet such annual goals.

''SEC. 1332. SINGLE-FAMILY HOUSING GOALS.

''(a) IN GENERAL.—The Director shall establish annual goals for the purchase by each enterprise of conventional, conforming, single-family, purchase money mortgages financing owner-occupied and rental housing for each of the following categories of families:

''(1) Low-income families.

''(2) Families that reside in low-income areas.

''(3) Very low-income families.

''(b) REFINANCE SUBGOAL.—

''(1) IN GENERAL.—The Director shall establish a separate subgoal within each goal under subsection (a)(1) for the purchase by each enterprise of mortgages for low-income families on single family housing given to pay off or prepay an existing loan secured by the same property. The Director shall, for each year, determine whether each enterprise has complied with the subgoal under this subsection in the same manner provided under this section for determining compliance with the housing goals.

''(2) ENFORCEMENT.—For purposes of section 1336, the subgoal established under paragraph (1) of this subsection shall be considered to be a housing goal established under this section. Such subgoal shall not be enforceable under any other provision of this title (including subpart C of this part) other than section 1336 or under any provision of the Federal National Mortgage Association Charter Act or the Federal Home Loan Mortgage Corporation Act.

''(c) DETERMINATION OF COMPLIANCE.—The Director shall determine, for each year that the housing goals under this section are in effect pursuant to section 1331(a), whether each enterprise has complied with the single-family housing goals established under this section for such year. An enterprise shall be considered to be in compliance with such a goal for a year only if, for each of the types of families described in subsection (a), the percentage of the number of conventional, conforming, single-family, owner-occupied or rental, as applicable, purchase money mortgages purchased by each enterprise in such year that serve such families, meets or exceeds the target for the year for such type of family that is established under subsection (d).

''(d) ANNUAL TARGETS.—

''(1) IN GENERAL.—Except as provided in paragraph (2), for each of the types of families described in subsection (a), the target under this subsection for a year shall be the average percentage, for the three years that most recently precede such year and for which information under the Home Mortgage Disclosure Act of 1975 is publicly available, of the number of conventional, conforming, single-family, owner-occupied or rental, as applicable, purchase money mortgages originated in such year that serves such type of family, as determined by the Director using the information obtained and determined pursuant to paragraphs (3) and (4).

''(2) AUTHORITY TO INCREASE TARGETS.—

''(A) IN GENERAL.—The Director may, for any year, establish by regulation, for any or all of the types of families described in subsection (a), percentage targets that are higher than the percentages for such year determined pursuant to paragraph (1), to reflect expected changes in market performance related to such information under the Home Mortgage Disclosure Act of 1975.

''(B) FACTORS.—In establishing any targets pursuant to subparagraph (A), the Director shall consider the following factors:

''(i) National housing needs.

''(ii) Economic, housing, and demographic conditions.

''(iii) The performance and effort of the enterprises toward achieving the housing goals under this section in previous years.

''(iv) The size of the conventional mortgage market serving each of the types of families described in subsection (a) relative to the size of the overall conventional mortgage market.

''(v) The ability of the enterprise to lead the industry in making mortgage credit available.

''(vi) The need to maintain the sound financial condition of the enterprises.

''(3) HMDA INFORMATION.—The Director shall annually obtain information submitted in compliance with the Home Mortgage Disclosure Act of 1975 regarding conventional, conforming, single-family, owner-occupied or rental, as applicable, purchase money mortgages originated and purchased for the previous year.

''(4) CONFORMING MORTGAGES.—In determining whether a mortgage is a conforming mortgage for purposes of this paragraph, the Director shall consider the original principal balance of the mortgage loan to be the principal balance as reported in the information referred to in paragraph (3), as rounded to the nearest thousand dollars.

''(e) NOTICE OF DETERMINATION AND ENTERPRISE COMMENT.—

''(1) NOTICE.—Within 30 days of making a determination under subsection (c) regarding a compliance of an enterprise for a year with a housing goal established under this section and before any public disclosure thereof, the Director shall provide notice of the determination to the enterprise, which shall include an analysis and comparison, by the Director, of the performance of the enterprise for the year and the targets for the year under subsection (d).

''(2) COMMENT PERIOD.—The Director shall provide each enterprise an opportunity to comment on the determination during the 30-day period beginning upon receipt by the enterprise of the notice.

''(f) USE OF BORROWER INCOME.—In monitoring the performance of each enterprise pursuant to the housing goals under this section and evaluating such performance (for purposes of section 1336), the Director shall consider a mortgagor's income to be such income at the time of origination of the mortgage.

''(g) CONSIDERATION OF UNITS IN SINGLE-FAMILY RENTAL HOUSING.—In establishing any goal under this subpart, the Director may take into consideration the number of housing units financed by any mortgage on single-family rental housing purchased by an enterprise.

''SEC. 1333. MULTIFAMILY SPECIAL AFFORDABLE HOUSING GOAL.

''(a) ESTABLISHMENT.—

''(1) IN GENERAL.—The Director shall establish, by regulation, an annual goal for the purchase by each enterprise of each of the following types of mortgages on multifamily housing:

''(A) Mortgages that finance dwelling units for low-income families.

''(B) Mortgages that finance dwelling units for very low-income families.

''(C) Mortgages that finance dwelling units assisted by the low-income housing tax credit under section 42 of the Internal Revenue Code of 1986.

''(2) ADDITIONAL REQUIREMENTS FOR SMALLER PROJECTS.—The Director shall establish, within the goal under this section, additional requirements for the purchase by each enterprise of mortgages described in paragraph (1) for multifamily housing projects of a smaller or limited size, which may be based on the number of dwelling units in the project or the amount of the mortgage, or both, and shall include multifamily housing projects of such smaller sizes as are typical among such projects that serve rural areas.

''(3) FACTORS.—In establishing the goal under this section relating to mortgages on multifamily housing for an enterprise for a year, the Director shall consider—

''(A) national multifamily mortgage credit needs;

''(B) the performance and effort of the enterprise in making mortgage credit available for multifamily housing in previous years;

''(C) the size of the multifamily mortgage market;

''(D) the ability of the enterprise to lead the industry in making mortgage credit available, especially for underserved markets, such as for small multifamily projects of 5 to 50 units, multifamily properties in need of rehabilitation, and multifamily properties located in rural areas; and

''(E) the need to maintain the sound financial condition of the enterprise.

''(b) UNITS FINANCED BY HOUSING FINANCE AGENCY BONDS.—The Director shall give credit toward the achievement of the multifamily special affordable housing goal under this section (for purposes of section 1336) to dwelling units in multifamily housing that otherwise qualifies under such goal and that is financed by tax-exempt or taxable bonds issued by a State or local housing finance agency, but only if such bonds—

''(1) are secured by a guarantee of the enterprise; or

''(2) are not investment grade and are purchased by the enterprise.

''(c) USE OF TENANT INCOME OR RENT.—The Director shall monitor the performance of each enterprise in meeting the goals established under this section and shall evaluate such performance (for purposes of section 1336) based on—

''(1) the income of the prospective or actual tenants of the property, where such data are available; or

''(2) where the data referred to in paragraph (1) are not available, rent levels affordable to low-income and very low-income families.

A rent level shall be considered to be affordable for purposes of this subsection for an income category referred to in this subsection if it does not exceed 30 percent of the maximum income level of such income category, with appropriate adjustments for unit size as measured by the number of bedrooms.

''(d) DETERMINATION OF COMPLIANCE.—The Director shall, for each year that the housing goal under this section is in effect pursuant to section 1331(a), determine whether each enterprise has complied with such goal and the additional requirements under subsection (a)(2).

''SEC. 1334. DISCRETIONARY ADJUSTMENT OF HOUSING GOALS.

''(a) AUTHORITY.—An enterprise may petition the Director in writing at any time during a year to reduce the level of any goal for such year established pursuant to this subpart.

''(b) STANDARD FOR REDUCTION.—The Director may reduce the level for a goal pursuant to such a petition only if—

''(1) market and economic conditions or the financial condition of the enterprise require such action; or

''(2) efforts to meet the goal would result in the constraint of liquidity, over-investment in certain market segments, or other consequences contrary to the intent of this subpart, or section 301(3) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1716(3)) or section 301(3) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1451 note), as applicable.

''(c) DETERMINATION.—The Director shall make a determination regarding any proposed reduction within 30 days of receipt of the petition regarding the reduction. The Director may extend such period for a single additional 15-day period, but only if the Director requests additional information from the enterprise. A denial by the Director to reduce the level of any goal under this section may be appealed to the United States District Court for the District of Columbia or the United States district court in the jurisdiction in which the headquarters of an enterprise is located.''.

(b) CONFORMING AMENDMENTS.—The Housing and Community Development Act of 1992 is amended—

(1) in section 1335(a) (12 U.S.C. 4565(a)), in the matter preceding paragraph (1), by striking ''low- and moderate-income housing goal'' and all that follows through ''section 1334'' and inserting ''housing goals established under this subpart''; and

(2) in section 1336(a)(1) (12 U.S.C. 4566(a)(1)), by striking ''sections 1332, 1333, and 1334,'' and inserting ''this subpart''.

(c) DEFINITIONS.—Section 1303 of the Housing and Community Development Act of 1992 (12 U.S.C. 4502), as amended by the preceding provisions of this title, is further amended—

(1) in paragraph (22) (relating to the definition of ''very low-income''), by striking ''60 percent'' each place such term appears and inserting ''50 percent'';

(2) by redesignating paragraphs (19) through (22) as paragraphs (23) through (26), respectively;

(3) by inserting after paragraph (18) the following new paragraph:

''(22) RURAL AREA.—The term 'rural area' has the meaning given such term in section 520 of the Housing Act of 1949 (42 U.S.C. 1490), except that such term includes micropolitan areas and tribal trust lands.''.

(4) by redesignating paragraphs (13) through (18) as paragraphs (16) through (21), respectively;

(5) by inserting after paragraph (12) the following new paragraph:

''(15) LOW-INCOME AREA.—The term 'low income area' means a census tract or block numbering area in which the median income does not exceed 80 percent of the median income for the area in which such census tract or block numbering area is located, and, for the purposes of section 1332(a)(2), shall include families having incomes not greater than 100 percent of the area median income who reside in minority census tracts.'';

(6) by redesignating paragraphs (11) and (12) as paragraphs (13) and (14), respectively;

(7) by inserting after paragraph (10) the following new paragraph:

''(12) EXTREMELY LOW-INCOME.—The term 'extremely low-income' means—

''(A) in the case of owner-occupied units, income not in excess of 30 percent of the area median income; and

''(B) in the case of rental units, income not in excess of 30 percent of the area median income, with adjustments for smaller and larger families, as determined by the Secretary.'';

(8) by redesignating paragraphs (7) through (10) as paragraphs (8) through (11), respectively; and

(9) by inserting after paragraph (6) the following new paragraph:

''(7) CONFORMING MORTGAGE.—The term 'conforming mortgage' means, with respect to an enterprise, a conventional mortgage having an original principal obligation that does not exceed the dollar limitation, in effect at the time of such origination, under, as applicable—

''(A) section 302(b)(2) of the Federal National Mortgage Association Charter Act; or

''(B) section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act.''.

SEC. 338. DUTY TO SERVE UNDERSERVED MARKETS.

(a) ESTABLISHMENT AND EVALUATION OF PERFORMANCE.—Section 1335 of the Housing and Community Development Act of 1992 (12 U.S.C. 4565) is amended—

(1) in the section heading, by inserting ''**DUTY TO SERVE UNDERSERVED MARKETS AND**'' before ''**OTHER**'';

(2) by striking subsection (b);

(3) in subsection (a)—

(A) in the matter preceding paragraph (1), by inserting ''and to carry out the duty under subsection (a) of this section'' before '', each enterprise shall'';

(B) in paragraph (3), by inserting ''and'' after the semicolon at the end;

(C) in paragraph (4), by striking ''; and'' and inserting a period;

(D) by striking paragraph (5); and

(E) by redesignating such subsection as subsection (b);

(4) by inserting before subsection (b) (as so redesignated by paragraph (3)(E) of this subsection) the following new subsection:

''(a) DUTY TO SERVE UNDERSERVED MARKETS.—

''(1) DUTY.—In accordance with the purpose of the enterprises under section 301(3) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1716) and section 301(b)(3) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1451 note) to undertake activities relating to mortgages on housing for very low-, low-, and moderate-income families involving a reasonable economic return that may be less than the return earned on other activities, each enterprise shall have the duty to increase the liquidity of mortgage investments and improve the distribution of investment capital available for mortgage financing for underserved markets.

''(2) UNDERSERVED MARKETS.—To meet its duty under paragraph (1), each enterprise shall comply with the following requirements with respect to the following underserved markets:

''(A) MANUFACTURED HOUSING.—The enterprise shall lead the industry in developing loan products and flexible underwriting guidelines to facilitate a secondary market for mortgages on manufactured homes for very low-, low-, and moderate-income families.

''(B) AFFORDABLE HOUSING PRESERVATION.—The enterprise shall lead the industry in developing loan products and flexible underwriting guidelines to facilitate a secondary market to preserve housing affordable to very low-, low-, and moderate-income families, including housing projects subsidized under—

''(i) the project-based and tenant-based rental assistance programs under section 8 of the United States Housing Act of 1937;

''(ii) the program under section 236 of the National Housing Act;

''(iii) the below-market interest rate mortgage program under section 221(d)(4) of the National Housing Act;

''(iv) the supportive housing for the elderly program under section 202 of the Housing Act of 1959;

''(v) the supportive housing program for persons with disabilities under section 811 of the Cranston-Gonzalez National Affordable Housing Act;

''(vi) the programs under title IV of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11361 et seq.), but only permanent supportive housing projects subsidized under such programs; and

''(vii) the rural rental housing program under section 515 of the Housing Act of 1949.

''(C) RURAL AND OTHER UNDERSERVED MARKETS.—The enterprise shall lead the industry in developing loan products and flexible underwriting guidelines to facilitate a secondary market for mortgages on housing for very low-, low-, and moderate-income families in rural areas, and for mortgages for housing for any other underserved market for very low-, low-, and moderate-income families that the Secretary identifies as lacking adequate credit through conventional lending sources. Such underserved markets may be identified by borrower type, market segment, or geographic area.''; and

(5) by adding at the end the following new subsection:

''(c) EVALUATION AND REPORTING OF COMPLIANCE.—

''(1) IN GENERAL.—Not later than 6 months after the effective date under section 365 of the Federal Housing Finance Reform Act of 2008, the Director shall establish a manner for evaluating whether, and the extent to which, the enterprises have complied with the duty under subsection (a) to serve underserved markets and for rating the extent of such compliance. Using such method, the Director shall, for each year, evaluate such compliance and rate the performance of each enterprise as to extent of compliance. The Director shall include such evaluation and rating for each enterprise for a year in the report for that year submitted pursuant to section 1319B(a).

''(2) SEPARATE EVALUATIONS.—In determining whether an enterprise has complied with the duty referred to in paragraph (1), the Director shall separately evaluate whether the enterprise has complied with

such duty with respect to each of the underserved markets identified in subsection (a), taking into consideration—

''(A) the development of loan products and more flexible underwriting guidelines;

''(B) the extent of outreach to qualified loan sellers in each of such underserved markets; and

''(C) the volume of loans purchased in each of such underserved markets.

''(3) MANUFACTURED HOUSING MARKET.—In determining whether an enterprise has complied with the duty under subparagraph (A) of subsection (a)(2), the Director may consider loans secured by both real and personal property.''.

(b) ENFORCEMENT.—Subsection (a) of section 1336 of the Housing and Community Development Act of 1992 (12 U.S.C. 4566(a)) is amended—

(1) in paragraph (1), by inserting ''and with the duty under section 1335(a) of each enterprise with respect to underserved markets,'' before ''as provided in this section''; and

(2) by adding at the end of such subsection, as amended by the preceding provisions of this subtitle, the following new paragraph:

''(4) ENFORCEMENT OF DUTY TO PROVIDE MORTGAGE CREDIT TO UNDERSERVED MARKETS.—The duty under section 1335(a) of each enterprise to serve underserved markets (as determined in accordance with section 1335(c)) shall be enforceable under this section to the same extent and under the same provisions that the housing goals established under this subpart are enforceable. Such duty shall not be enforceable under any other provision of this title (including subpart C of this part) other than this section or under any provision of the Federal National Mortgage Association Charter Act or the Federal Home Loan Mortgage Corporation Act.''.

SEC. 339. MONITORING AND ENFORCING COMPLIANCE WITH HOUSING GOALS.

(a) ADDITIONAL CREDIT FOR CERTAIN MORTGAGES.—Section 1336(a) of the Housing and Community Development Act of 1992 (12 U.S.C. 4566(a)) is amended—

(1) in paragraph (2), by inserting '', except as provided in paragraph (4),'' after ''which''; and

(2) by adding at the end the following new paragraph:

''(5) ADDITIONAL CREDIT.—The Director shall assign more than 125 percent credit toward achievement, under this section, of the housing goals for mortgage purchase activities of the enterprises that comply with the requirements of such goals and support—

''(A) housing that meets energy efficiency or other environmental standards that are established by a Federal, State, or local governmental authority with respect to the geographic area where the housing is located or are otherwise widely recognized; or

''(B) housing that includes a licensed childcare center.

The availability of additional credit under this paragraph shall not be used to increase any housing goal, subgoal, or target established under this subpart.''.

(b) MONITORING AND ENFORCEMENT.—Section 1336 of the Housing and Community Development Act of 1992 (12 U.S.C. 4566) is amended—

(1) in subsection (b)—

(A) in the subsection heading, by inserting ''PRELIMINARY'' before ''DETERMINATION'';

(B) by striking paragraph (1) and inserting the following new paragraph:

''(1) NOTICE.—If the Director preliminarily determines that an enterprise has failed, or that there is a substantial probability that an enterprise will fail, to meet any housing goal established under this subpart, the Director shall provide written notice to the enterprise of such a preliminary determination, the reasons for such determination, and the information on which the Director based the determination.'';

(C) in paragraph (2)—

(i) in subparagraph (A), by inserting ''finally'' before ''determining'';

(ii) by striking subparagraphs (B) and (C) and inserting the following new subparagraph:

''(B) EXTENSION OR SHORTENING OF PERIOD.—The Director may—

''(i) extend the period under subparagraph (A) for good cause for not more than 30 additional days; and

''(ii) shorten the period under subparagraph (A) for good cause.''; and

(iii) by redesignating subparagraph (D) as subparagraph (C); and

(D) in paragraph (3)—

(i) in subparagraph (A), by striking ''determine'' and inserting ''issue a final determination of'';

(ii) in subparagraph (B), by inserting ''final'' before ''determinations''; and

(iii) in subparagraph (C)—

(I) by striking ''Committee on Banking, Finance and Urban Affairs'' and inserting ''Committee on Financial Services''; and

(II) by inserting ''final'' before ''determination'' each place such term appears; and

(2) in subsection (c)—

(A) by striking the subsection designation and heading and all that follows through the end of paragraph (1) and inserting the following:

''(c) CEASE AND DESIST ORDERS, CIVIL MONEY PENALTIES, AND REMEDIES INCLUDING HOUSING PLANS.—

''(1) REQUIREMENT.—If the Director finds, pursuant to subsection (b), that there is a substantial probability that an enterprise will fail, or has actually failed, to meet any housing goal under this subpart and that the achievement of the housing goal was or is feasible, the Director may require that the enterprise submit a housing plan under this subsection. If the Director makes such a finding and the enterprise refuses to submit such a plan, submits an unacceptable plan, fails to comply with the plan or the Director finds that the enterprise has failed to meet any housing goal under this subpart, in addition to requiring an enterprise to submit a housing plan, the Director may issue a cease and desist order in accordance with section 1341, impose civil money penalties in accordance with section 1345, or order other remedies as set forth in paragraph (7) of this subsection.'';

(B) in paragraph (2)—

(i) by striking ''CONTENTS.—Each housing plan'' and inserting ''HOUSING PLAN.—If the Director requires a housing plan under this section, such a plan''; and

(ii) in subparagraph (B), by inserting ''and changes in its operations'' after ''improvements'';

(C) in paragraph (3)—

(i) by inserting ''comply with any remedial action or'' before ''submit a housing plan''; and

(ii) by striking ''under subsection (b)(3) that a housing plan is required'';

(D) in paragraph (4), by striking the first two sentences and inserting the following: ''The Director shall review each submission by an enterprise, including a housing plan submitted under this subsection, and not later than 30 days after submission, approve or disapprove the plan or other action. The Director may extend the period for approval or disapproval for a single additional 30-day period if the Director determines such extension necessary.''; and

(E) by adding at the end the following new paragraph:

''(7) ADDITIONAL REMEDIES FOR FAILURE TO MEET GOALS.—In addition to ordering a housing plan under this section, issuing cease and desist orders under section 1341, and ordering civil money penalties under section 1345, the Director may seek other actions when an enterprise fails to meet a goal, and exercise appropriate enforcement authority available to the Director under this Act to prohibit the enterprise from initially offering any product (as such term is defined in section 1321(f)) or engaging in any new activities, services, undertakings, and offerings and to order the enterprise to suspend products and activities, services, undertakings, and offerings pending its achievement of the goal.''.

SEC. 340. AFFORDABLE HOUSING FUND.

(a) IN GENERAL.—The Housing and Community Development Act of 1992 is amended by striking sections 1337 and 1338 (12 U.S.C. 4562 note) and inserting the following new section:

''SEC. 1337. AFFORDABLE HOUSING FUND.

''(a) ESTABLISHMENT AND PURPOSE.—The Director, in consultation with the Secretary of Housing and Urban Development, shall establish and manage an affordable housing fund in accordance with this section, which shall be funded with amounts allocated by the enterprises under subsection (b). The purpose of the affordable housing fund shall be to provide formula grants to grantees for use—

''(1) to increase homeownership for extremely low-and very low-income families;

''(2) to increase investment in housing in low-income areas, and areas designated as qualified census tracts or an area of chronic economic distress pursuant to section 143(j) of the Internal Revenue Code of 1986 (26 U.S.C. 143(j));

''(3) to increase and preserve the supply of rental and owner-occupied housing for extremely low- and very low-income families;

''(4) to increase investment in public infrastructure development in connection with housing assisted under this section; and

''(5) to leverage investments from other sources in affordable housing and in public infrastructure development in connection with housing assisted under this section.

''(b) ALLOCATION OF AMOUNTS BY ENTERPRISES.—

''(1) IN GENERAL.—In accordance with regulations issued by the Director under subsection (m) and subject to paragraph (2) of this subsection and subsection (i)(5), each enterprise shall allocate to the affordable housing fund established under subsection (a), in each of the years 2008 through 2012, an amount equal to 1.2 basis points for each dollar of the average total mortgage portfolio of the enterprise during the preceding year.

''(2) SUSPENSION OF CONTRIBUTIONS.—The Director shall temporarily suspend the allocation under paragraph (1) by an enterprise to the affordable housing fund upon a finding by the Director that such allocations—

''(A) are contributing, or would contribute, to the financial instability of the enterprise;

''(B) are causing, or would cause, the enterprise to be classified as undercapitalized; or

''(C) are preventing, or would prevent, the enterprise from successfully completing a capital restoration plan under section 1369C.

''(3) 5-YEAR SUNSET AND REPORT.—

''(A) SUNSET.—The enterprises shall not be required to make allocations to the affordable housing fund in 2012 or in any year thereafter.

''(B) REPORT ON PROGRAM CONTINUANCE.—Not later than June 30, 2011, the Director shall submit to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate a report making recommendations on whether the program under this section, including the requirement for the enterprises to make allocations to the affordable housing fund, should be extended and on any modifications for the program.

''(4) PROHIBITION OF PASS-THROUGH OF COST OF ALLOCATIONS.—The Director shall, by regulation, prohibit each enterprise from redirecting such costs, through increased charges or fees, or decreased premiums, or in any other manner, to the originators of mortgages purchased or securitized by the enterprise.

''(c) AFFORDABLE HOUSING NEEDS FORMULAS.—

''(1) ALLOCATION FOR 2008.—

''(A) ALLOCATION PERCENTAGES FOR LOUISIANA AND MISSISSIPPI.—For purposes of subsection (d)(1)(A), the allocation percentages for 2008 for the grantees under this section for such year shall be as follows:

''(i) The allocation percentage for the Louisiana Housing Finance Agency shall be 75 percent.

''(ii) The allocation percentage for the Mississippi Development Authority shall be 25 percent.

''(B) USE IN DISASTER AREAS.—Affordable housing grant amounts for 2008 shall be used only as provided in subsection (g) only for such eligible activities in areas that were subject to a declaration by the President of a major disaster or emergency under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) in connection with Hurricane Katrina or Rita of 2005.

''(2) ALLOCATION FORMULA FOR OTHER YEARS.—The Secretary of Housing and Urban Development shall, by regulation, establish a formula to allocate, among the States (as such term is defined in section 1303) and federally recognized Indian tribes, the amounts provided by the enterprises in each year referred to subsection (b)(1), other than 2008, to the affordable housing fund established under this section. The formula shall be based on the following factors, with respect to each State and tribe:

''(A) The ratio of the population of the State or federally recognized Indian tribe to the aggregate population of all the States and tribes.

''(B) The percentage of families in the State or federally recognized Indian tribe that pay more than 50 percent of their annual income for housing costs.

''(C) The percentage of persons in the State or federally recognized Indian tribe that are members of extremely low- or very low-income families.

''(D) The cost of developing or carrying out rehabilitation of housing in the State or for the federally recognized Indian tribe.

''(E) The percentage of families in the State or federally recognized Indian tribe that live in substandard housing.

''(F) The percentage of housing stock in the State or for the federally recognized Indian tribe that is extremely old housing.

''(G) Any other factors that the Secretary determines to be appropriate.

''(3) FAILURE TO ESTABLISH.—If, in any year referred to in subsection (b)(1), other than 2008, the regulations establishing the formula required under paragraph (2) of this subsection have not been issued by the date that the Director determines the amounts described in subsection (d)(1) to be available for affordable housing fund grants in such year, for purposes of such year any amounts for a State (as such term is defined in section 1303 of this Act) that would otherwise be determined under subsection (d) by applying the formula established pursuant to paragraph (2) of this subsection shall be determined instead by applying, for such State, the percentage that is equal to the percentage of the total amounts made available for such year for allocation under subtitle A of title II of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12741 et seq.) that are allocated in such year, pursuant to such subtitle, to such State (including any insular area or unit of general local government, as such terms are defined in section 104 of such Act (42 U.S.C. 12704), that is treated as a State under section 1303 of this Act) and to participating jurisdictions and other eligible entities within such State.

''(d) ALLOCATION OF FORMULA AMOUNT; GRANTS.—

''(1) FORMULA AMOUNT.—For each year referred to in subsection (b)(1), the Director shall determine the formula amount under this section for each grantee, which shall be the amount determined for such grantee—

''(A) for 2008, by applying the allocation percentages under subparagraph (A) of subsection (c)(1) to the sum of the total amounts allocated by the enterprises to the affordable housing fund for such year, less any amounts used pursuant to subsection (i)(1); and

''(B) for any other year referred to in subsection (b)(1) (other than 2008), by applying the formula established pursuant to paragraph (2) of subsection (c) to the sum of the total amounts allocated by the enterprises to the affordable housing fund for such year and any recaptured amounts available pursuant to subsection (i)(4), less any amounts used pursuant to subsection (i)(1).

''(2) NOTICE.—In each year referred to in subsection (b)(1), not later than 60 days after the date that the Director determines the amounts described in paragraph (1) to be available for affordable housing fund grants to grantees in such year, the Director shall cause to be published in the Federal Register a notice that such amounts shall be so available.

''(3) GRANT AMOUNT.—

''(A) IN GENERAL.—For each year referred to in subsection (b)(1), the Director shall make a grant from amounts in the affordable housing fund to each grantee in an amount that is, except as provided in subparagraph (B), equal to the formula amount under this section for the grantee. A grantee may designate a State housing finance agency, housing and community development entity, tribally designated housing entity (as such term is defined in section 4 of the Native American Housing Assistance and Self-Determination Act of 1997 (25 U.S.C. 4103)) or other qualified instrumentality of the grantee to receive such grant amounts.

''(B) REDUCTION FOR FAILURE TO OBTAIN RETURN OF MISUSED FUNDS.—If in any year a grantee fails to obtain reimbursement or return of the full amount required under subsection (j)(1)(B) to be reimbursed or returned to the grantee during such year—

''(i) except as provided in clause (ii)—

''(I) the amount of the grant for the grantee for the succeeding year, as determined pursuant to subparagraph (A), shall be reduced by the amount by which such amounts required to be reimbursed or returned exceed the amount actually reimbursed or returned; and

''(II) the amount of the grant for the succeeding year for each other grantee whose grant is not reduced pursuant to subclause (I) shall be increased by the amount determined by applying the formula established pursuant to subsection (c)(2) to the total amount of all reductions for all grantees for such year pursuant to subclause (I); or

''(ii) in any case in which such failure to obtain reimbursement or return occurs during a year immediately preceding a year in which grants under this subsection will not be made, the grantee shall pay to the Director for reallocation among the other grantees an amount equal to the amount of the reduction for the grantee that would otherwise apply under clause (i)(I).

''(e) GRANTEE ALLOCATION PLANS.—

''(1) IN GENERAL.—For each year that a grantee receives affordable housing fund grant amounts, the grantee shall establish an allocation plan in accordance with this subsection, which shall be a plan for the distribution of such grant amounts of the grantee for such year that—

''(A) is based on priority housing needs, as determined by the grantee in accordance with the regulations established under subsection (m)(2)(C);

''(B) complies with subsection (f); and

''(C) includes performance goals, benchmarks, and timetables for the grantee for the production, preservation, and rehabilitation of affordable rental and homeownership housing with such grant amounts that comply with the requirements established by the Director pursuant to subsection (m)(2)(F).

''(2) ESTABLISHMENT.—In establishing an allocation plan, a grantee shall notify the public of the establishment of the plan, provide an opportunity for public comments regarding the plan, consider any public comments received, and make the completed plan available to the public.

''(3) CONTENTS.—An allocation plan of a grantee shall set forth the requirements for eligible recipients under subsection (h) to apply to the grantee to receive assistance from affordable housing fund grant amounts, including a requirement that each such application include—

''(A) a description of the eligible activities to be conducted using such assistance; and

''(B) a certification by the eligible recipient applying for such assistance that any housing units assisted with such assistance will comply with the requirements under this section.

''(f) SELECTION OF ACTIVITIES FUNDED USING AFFORDABLE HOUSING FUND GRANT AMOUNTS.—Affordable housing fund grant amounts of a grantee may be used, or committed for use, only for activities that—

''(1) are eligible under subsection (g) for such use;

''(2) comply with the applicable allocation plan under subsection (e) of the grantee; and

''(3) are selected for funding by the grantee in accordance with the process and criteria for such selection established pursuant to subsection (m)(2)(C).

''(g) ELIGIBLE ACTIVITIES.—Affordable housing fund grant amounts of a grantee shall be eligible for use, or for commitment for use, only for assistance for—

''(1) the production, preservation, and rehabilitation of rental housing, including housing under the programs identified in section 1335(a)(2)(B), except that such grant amounts may be used for the benefit only of extremely low- and very low-income families;

''(2) the production, preservation, and rehabilitation of housing for homeownership, including such forms as downpayment assistance, closing cost assistance, and assistance for interest-rate buy-downs, that—

''(A) is available for purchase only for use as a principal residence by families that qualify both as—

''(i) extremely low- and very-low income families at the times described in subparagraphs (A) through (C) of section 215(b)(2) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12745(b)(2)); and

''(ii) first-time homebuyers, as such term is defined in section 104 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12704), except that any reference in such section to assistance under title II of such Act shall for purposes of this section be considered to refer to assistance from affordable housing fund grant amounts;

''(B) has an initial purchase price that meets the requirements of section 215(b)(1) of the Cranston-Gonzalez National Affordable Housing Act;

''(C) is subject to the same resale restrictions established under section 215(b)(3) of the Cranston-Gonzalez National Affordable

Housing Act and applicable to the participating jurisdiction that is the State in which such housing is located; and

''(D) is made available for purchase only by, or in the case of assistance under this paragraph, is made available only to, homebuyers who have, before purchase—

''(i) completed a program of counseling with respect to the responsibilities and financial management involved in homeownership that is approved by the Director; except that the Director may, at the request of a State, waive the requirements of this subparagraph with respect to a geographic area or areas within the State if: (I) the travel time or distance involved in providing counseling with respect to such area or areas, as otherwise required under this subparagraph, on an in-person basis is excessive or the cost of such travel is prohibitive; and (II) the State provides alternative forms of counseling for such area or areas, which may include interactive telephone counseling, online counseling, interactive video counseling, and interactive home study counseling and a program of financial literacy and education to promote an understanding of consumer, economic, and personal finance issues and concepts, including saving for retirement, managing credit, long-term care, and estate planning and education on predatory lending, identity theft, and financial abuse schemes relating to homeownership that is approved by the Director, except that entities providing such counseling shall not discriminate against any particular form of housing; and

''(ii) demonstrated, in accordance with regulations as the Director shall issue setting forth requirements for sufficient evidence, that they are lawfully present in the United States; and

''(3) public infrastructure development activities in connection with housing activities funded under paragraph (1) or (2).

''(h) ELIGIBLE RECIPIENTS.—Affordable housing fund grant amounts of a grantee may be provided only to a recipient that is an organization, agency, or other entity (including a for-profit entity, a nonprofit entity, and a faith-based organization) that—

''(1) has demonstrated experience and capacity to conduct an eligible activity under (g), as evidenced by its ability to—

''(A) own, construct or rehabilitate, manage, and operate an affordable multifamily rental housing development;

''(B) design, construct or rehabilitate, and market affordable housing for homeownership;

''(C) provide forms of assistance, such as downpayments, closing costs, or interest-rate buy-downs, for purchasers; or

''(D) construct related public infrastructure development activities in connection with such housing activities;

''(2) demonstrates the ability and financial capacity to undertake, comply, and manage the eligible activity;

''(3) demonstrates its familiarly with the requirements of any other Federal, State or local housing program that will be used in conjunction with such grant amounts to ensure compliance with all applicable requirements and regulations of such programs; and

''(4) makes such assurances to the grantee as the Director shall, by regulation, require to ensure that the recipient will comply with the requirements of this section during the entire period that begins upon selection of the recipient to receive such grant amounts and ending upon the conclusion of all activities under subsection (g) that are engaged in by the recipient and funded with such grant amounts.

''(i) LIMITATIONS ON USE.—

''(1) REQUIRED AMOUNT FOR REFCORP.—Of the aggregate amount allocated pursuant to subsection (b) in each year to the affordable housing fund, 25 percent shall be used as provided in section 21B(f)(2)(E) of the Federal Home Loan Bank Act (12 U.S.C. 1441b(f)(2)(E)).

''(2) REQUIRED AMOUNT FOR HOMEOWNERSHIP ACTIVITIES.—Of the aggregate amount of affordable housing fund grant amounts provided in each year to a grantee, not less than 10 percent shall be used for activities under paragraph (2) of subsection (g).

''(3) MAXIMUM AMOUNT FOR PUBLIC INFRASTRUCTURE DEVELOPMENT ACTIVITIES IN CONNECTION WITH AFFORDABLE HOUSING ACTIVITIES.—Of the aggregate amount of affordable housing fund grant amounts provided in each year to a grantee, not more than 12.5 percent may be used for activities under paragraph (3) of subsection (g).

''(4) DEADLINE FOR COMMITMENT OR USE.—Any affordable housing fund grant amounts of a grantee shall be used or committed for use within two years of the date of that such grant amounts are made available to the grantee. The Director shall recapture into the affordable housing fund any such amounts not so used or committed for use and allocate such amounts under subsection (d)(1) in the first year after such recapture.

''(5) USE OF RETURNS.—The Director shall, by regulation provide that any return on a loan or other investment of any affordable housing fund grant amounts of a grantee shall be treated, for purposes of availability to and use by the grantee, as affordable housing fund grant amounts.

''(6) PROHIBITED USES.—The Director shall—

''(A) by regulation, set forth prohibited uses of affordable housing fund grant amounts, which shall include use for—

''(i) political activities;

''(ii) advocacy;

''(iii) lobbying, whether directly or through other parties;

''(iv) counseling services;

''(v) travel expenses; and

''(vi) preparing or providing advice on tax returns;

''(B) by regulation, provide that, except as provided in subparagraph (C), affordable housing fund grant amounts of a grantee may not be used for administrative, outreach, or other costs of—

''(i) the grantee; or

''(ii) any recipient of such grant amounts; and

''(C) by regulation, limit the amount of any affordable housing fund grant amounts of the grantee for a year that may be used for administrative costs of the grantee of carrying out the program required under this section to a percentage of such grant amounts of the grantee for such year, which may not exceed 10 percent.

''(7) PROHIBITION OF CONSIDERATION OF USE FOR MEETING HOUSING GOALS OR DUTY TO SERVE.—In determining compliance with the housing goals under this subpart and the duty to serve underserved markets under section 1335, the Director may not consider any affordable housing fund grant amounts used under this section for eligible activities under subsection (g). The Director shall give credit toward the achievement of such housing goals and such duty to serve underserved markets to purchases by the enterprises of mortgages for housing that receives funding from affordable housing fund grant amounts, but only to the extent that such purchases by the enterprises are funded other than with such grant amounts.

''(8) ACCEPTABLE IDENTIFICATION REQUIREMENT FOR OCCUPANCY OR ASSISTANCE.—

''(A) IN GENERAL.—Any assistance provided with any affordable housing grant amounts may not be made available to, or on behalf of, any individual or household unless the individual provides, or, in the case of a household, all adult members of the household provide, personal identification in one of the following forms:

''(i) SOCIAL SECURITY CARD WITH PHOTO IDENTIFICATION CARD OR REAL ID ACT IDENTIFICATION.—

''(I) A social security card accompanied by a photo identification card issued by the Federal Government or a State Government; or

''(II) A driver's license or identification card issued by a State in the case of a State that is in compliance with title II of the REAL ID Act of 2005 (title II of division B of Public Law 109–13; 49 U.S.C. 30301 note).

''(ii) PASSPORT.—A passport issued by the United States or a foreign government.

''(iii) USCIS PHOTO IDENTIFICATION CARD.—A photo identification card issued by the Secretary of Homeland Security (acting through the Director of the United States Citizenship and Immigration Services).

''(B) REGULATIONS.—The Director shall, by regulation, require that each grantee and recipient take such actions as the Director considers necessary to ensure compliance with the requirements of subparagraph (A).

''(j) ACCOUNTABILITY OF RECIPIENTS AND GRANTEES.—

''(1) RECIPIENTS.—

''(A) TRACKING OF FUNDS.—The Director shall—

''(i) require each grantee to develop and maintain a system to ensure that each recipient of assistance from affordable housing fund grant amounts of the grantee uses such amounts in accordance with this section, the regulations issued under this section, and any requirements or conditions under which such amounts were provided; and

''(ii) establish minimum requirements for agreements, between the grantee and recipients, regarding assistance from the affordable housing fund grant amounts of the grantee, which shall include—

''(I) appropriate continuing financial and project reporting, record retention, and audit requirements for the duration of the grant to the recipient to ensure compliance with the limitations and requirements of this section and the regulations under this section; and

''(II) any other requirements that the Director determines are necessary to ensure appropriate grant administration and compliance.

''(B) MISUSE OF FUNDS.—

''(i) REIMBURSEMENT REQUIREMENT.—If any recipient of assistance from affordable housing fund grant amounts of a grantee is determined, in accordance with clause (ii), to have used any such amounts in a manner that is materially in violation of this section, the regulations issued under this section, or any requirements or conditions under which such amounts were provided, the grantee shall require that, within 12 months after the determination of such misuse, the recipient shall reimburse the grantee for such misused amounts and return to the grantee any amounts from the affordable housing fund grant amounts of the grantee that remain unused or uncommitted for use. The remedies under this clause are in addition to any other remedies that may be available under law.

''(ii) DETERMINATION.—A determination is made in accordance with this clause if the determination is—

''(I) made by the Director; or

''(II)(aa) made by the grantee;

''(bb) the grantee provides notification of the determination to the Director for review, in the discretion of the Director, of the determination; and

''(cc) the Director does not subsequently reverse the determination.

''(2) GRANTEES.—

''(A) REPORT.—

''(i) IN GENERAL.—The Director shall require each grantee receiving affordable housing fund grant amounts for a year to submit a report, for such year, to the Director that—

''(I) describes the activities funded under this section during such year with the affordable housing fund grant amounts of the grantee; and

''(II) the manner in which the grantee complied during such year with the allocation plan established pursuant to subsection (e) for the grantee.

''(ii) PUBLIC AVAILABILITY.—The Director shall make such reports pursuant to this subparagraph publicly available.

''(B) MISUSE OF FUNDS.—If the Director determines, after reasonable notice and opportunity for hearing, that a grantee has failed to comply substantially with any provision of this section and until the Director is satisfied that there is no longer any such failure to comply, the Director shall—

''(i) reduce the amount of assistance under this section to the grantee by an amount equal to the amount affordable housing fund grant amounts which were not used in accordance with this section;

''(ii) require the grantee to repay the Director an amount equal to the amount of the amount affordable housing fund grant amounts which were not used in accordance with this section;

''(iii) limit the availability of assistance under this section to the grantee to activities or recipients not affected by such failure to comply; or

''(iv) terminate any assistance under this section to the grantee.

''(k) CAPITAL REQUIREMENTS.—The utilization or commitment of amounts from the affordable housing fund shall not be subject to the risk-based capital requirements established pursuant to section 1361(a).

''(l) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

''(1) AFFORDABLE HOUSING FUND GRANT AMOUNTS.—The term 'affordable housing fund grant amounts' means amounts from the affordable housing fund established under subsection (a) that are provided to a grantee pursuant to subsection (d)(3).

''(2) GRANTEE.—The term 'grantee' means—

''(A) with respect to 2008, the Louisiana Housing Finance Agency and the Mississippi Development Authority; and

''(B) with respect to the years referred to in subsection (b)(1), other than 2008, each State (as such term is defined in section 1303) and each federally recognized Indian tribe.

''(3) RECIPIENT.—The term 'recipient' means an entity meeting the requirements under subsection (h) that receives assistance from a grantee from affordable housing fund grant amounts of the grantee.

''(4) TOTAL MORTGAGE PORTFOLIO.—The term 'total mortgage portfolio' means, with respect to a year, the sum, for all mortgages outstanding during that year in any form, including whole loans, mortgage-backed securities, participation certificates, or other structured securities backed by mortgages, of the dollar amount of the unpaid outstanding principal balances under such mortgages. Such term includes all such mortgages or securitized obligations, whether retained in portfolio, or sold in any form. The Director is authorized to promulgate rules further defining such term as necessary to implement this section and to address market developments.

''(5) VERY-LOW INCOME FAMILY.—The term 'very low-income family' has the meaning given such term in section 1303, except that such term includes any family that resides in a rural area that has an income that does not exceed the poverty line (as such term is defined in section 673(2) of the Omnibus Budget Reconciliation Act of 1981 (42 U.S.C. 9902(2)), including any revision required by such section) applicable to a family of the size involved.

''(m) REGULATIONS.—

''(1) IN GENERAL.—The Director, in consultation with the Secretary of Housing and Urban Development, shall issue regulations to carry out this section.

''(2) REQUIRED CONTENTS.—The regulations issued under this subsection shall include—

''(A) a requirement that the Director ensure that the program of each grantee for use of affordable housing fund grant amounts of the grantee is audited not less than annually to ensure compliance with this section;

''(B) authority for the Director to audit, provide for an audit, or otherwise verify a grantee's activities, to ensure compliance with this section;

''(C) requirements for a process for application to, and selection by, each grantee for activities meeting the grantee's priority housing needs to be funded with affordable housing fund grant amounts of the grantee, which shall provide for priority in funding to be based upon—

''(i) greatest impact;

''(ii) geographic diversity;

''(iii) ability to obligate amounts and undertake activities so funded in a timely manner;

''(iv) in the case of rental housing projects under subsection (g)(1), the extent to which rents for units in the project funded are affordable, especially for extremely low-income families;

''(v) in the case of rental housing projects under subsection (g)(1), the extent of the duration for which such rents will remain affordable;

''(vi) the extent to which the application makes use of other funding sources; and

''(vii) the merits of an applicant's proposed eligible activity;

''(D) requirements to ensure that amounts provided to a grantee from the affordable housing fund that are used for rental housing under subsection (g)(1) are used only for the benefit of extremely low- and very-low income families;

''(E) limitations on public infrastructure development activities that are eligible pursuant to subsection (g)(3) for funding with affordable housing fund grant amounts and requirements for the connection between such activities and housing activities funded under paragraph (1) or (2) of subsection (g); and

''(F) requirements and standards for establishment, by grantees (including the grantees for 2008 pursuant to subsection (l)(2)(A)), of performance goals, benchmarks, and timetables for the production, preservation, and rehabilitation of affordable rental and homeownership housing with affordable housing fund grant amounts.

''(n) ENFORCEMENT OF REQUIREMENTS ON ENTERPRISE.—Compliance by the enterprises with the requirements under this section shall be enforceable under subpart C. Any reference in such subpart to this part or to an order, rule, or regulation under this part specifically includes this section and any order, rule, or regulation under this section.

''(o) AFFORDABLE HOUSING TRUST FUND.—If, after the enactment of the Federal Housing Finance Reform Act of 2008, in any year, there is enacted any provision of Federal law establishing an affordable housing trust fund other than under this title for use only for grants to provide affordable rental housing and affordable homeownership opportunities, and the subsequent year is a year referred to in subsection (b)(1), the Director shall in such subsequent year and any remaining years referred to in subsection (b)(1) transfer to such affordable housing trust fund the aggregate amount allocated pursuant to subsection (b) in such year to the affordable housing fund under this section, less any amounts used pursuant to subsection (i)(1). For such subsequent and remaining years, the provisions of subsections (c) and (d) shall not apply. Notwithstanding any other provision of law, assistance provided using amounts transferred to such affordable housing trust fund pursuant to this subsection may not be used for any of the activities specified in clauses (i) through (vi) of subsection (i)(6). Nothing in this subsection shall be construed to alter the terms and conditions of the affordable housing fund under this section or to extend the life of such fund.

''(p) FUNDING ACCOUNTABILITY AND TRANSPARENCY.—Any grant under this section to a grantee from the affordable housing fund established under subsection (a), any assistance provided to a recipient by a grantee from affordable housing fund grant amounts, and any grant, award, or other assistance from an affordable housing trust fund referred to in subsection (o) shall be considered a Federal award for purposes of the Federal Funding Accountability and Transparency Act of 2006 (31 U.S.C. 6101 note). Upon the request of the Director of the Office of Management and Budget, the Director of the Federal Housing Finance Agency shall obtain and provide such information regarding any such grants, assistance, and awards as the Director of the Office of Management and Budget considers necessary to comply with the requirements of such Act, as applicable pursuant to the preceding sentence.''.

(b) TIMELY ESTABLISHMENT OF AFFORDABLE HOUSING NEEDS FORMULA.—

(1) IN GENERAL.—The Secretary of Housing and Urban Development shall, not later than the effective date under section 365 of this title, issue the regulations establishing the affordable housing needs formulas in accordance with the provisions of section 1337(c)(2) of the Housing and Community Development Act of 1992, as such section is amended by subsection (a) of this section.

(2) EFFECTIVE DATE.—This subsection shall take effect on the date of the enactment of this Act.

(c) REFCORP PAYMENTS.—Section 21B(f)(2) of the Federal Home Loan Bank Act (12 U.S.C. 1441b(f)(2)) is amended—

(1) in subparagraph (E), by striking ''and (D)'' and inserting ''(D), and (E)'';

(2) by redesignating subparagraph (E) as subparagraph (F); and

(3) by inserting after subparagraph (D) the following new subparagraph:

''(E) PAYMENTS BY FANNIE MAE AND FREDDIE MAC.—To the extent that the amounts available pursuant to subparagraphs (A), (B), (C), and (D) are insufficient to cover the amount of interest payments, each enterprise (as such term is defined in section 1303 of the Housing and Community Development Act of 1992 (42 U.S.C. 4502)) shall transfer to the Funding Corporation in each calendar year the amounts allocated for use under this subparagraph pursuant to section 1337(i)(1) of such Act.''.

(d) GAO REPORT.—The Comptroller General shall conduct a study to determine the effects that the affordable housing fund established under section 1337 of the Housing and Community Development Act of 1992, as added by the amendment made by subsection (a) of this section, will have on the availability and affordability of credit for homebuyers, including the effects on such credit of the requirement under such section 1337(b) that the Federal National Mortgage Association and Federal Home Loan Mortgage Corporation make allocations of amounts to such fund based on the average total mortgage portfolios, and the extent to which the costs of such allocation requirement will be borne by such entities or will be passed on to homebuyers. Not later than the expiration of

the 12-month period beginning on the date of the enactment of this Act, the Comptroller General shall submit a report to the Congress setting forth the results and conclusions of such study. This subsection shall take effect on the date of the enactment of this Act.

SEC. 341. CONSISTENCY WITH MISSION.

Subpart B of part 2 of subtitle A of title XIII of the Housing and Community Development Act of 1992 (12 U.S.C. 4561 et seq.) is amended by adding after section 1337, as added by the preceding provisions of this title, the following new section:

''SEC. 1338. CONSISTENCY WITH MISSION.

''This subpart may not be construed to authorize an enterprise to engage in any program or activity that contravenes or is inconsistent with the Federal National Mortgage Association Charter Act or the Federal Home Loan Mortgage Corporation Act.''.

SEC. 342. ENFORCEMENT.

(a) CEASE-AND-DESIST PROCEEDINGS.—Section 1341 of the Housing and Community Development Act of 1992 (12 U.S.C. 4581) is amended—

(1) by striking subsection (a) and inserting the following new subsection:

''(a) GROUNDS FOR ISSUANCE.—The Director may issue and serve a notice of charges under this section upon an enterprise if the Director determines—

''(1) the enterprise has failed to meet any housing goal established under subpart B, following a written notice and determination of such failure in accordance with section 1336;

''(2) the enterprise has failed to submit a report under section 1314, following a notice of such failure, an opportunity for comment by the enterprise, and a final determination by the Director;

''(3) the enterprise has failed to submit the information required under subsection (m) or (n) of section 309 of the Federal National Mortgage Association Charter Act, or subsection (e) or (f) of section 307 of the Federal Home Loan Mortgage Corporation Act;

''(4) the enterprise has violated any provision of this part or any order, rule or regulation under this part;

''(5) the enterprise has failed to submit a housing plan that complies with section 1336(c) within the applicable period; or

''(6) the enterprise has failed to comply with a housing plan under section 1336(c).'';

(2) in subsection (b)(2), by striking ''requiring the enterprise to'' and all that follows through the end of the paragraph and inserting the following: ''requiring the enterprise to—

''(A) comply with the goal or goals;

''(B) submit a report under section 1314;

''(C) comply with any provision this part or any order, rule or regulation under such part;

''(D) submit a housing plan in compliance with section 1336(c);

''(E) comply with a housing plan submitted under section 1336(c); or

''(F) provide the information required under subsection (m) or (n) of section 309 of the Federal National Mortgage Association Charter Act or subsection (e) or (f) of section 307 of the Federal Home Loan Mortgage Corporation Act, as applicable.'';

(3) in subsection (c), by inserting ''date of the'' before ''service of the order''; and

(4) by striking subsection (d).

(b) AUTHORITY OF DIRECTOR TO ENFORCE NOTICES AND ORDERS.—Section 1344 of the Housing and Community Development Act of 1992 (12 U.S.C. 4584) is amended by striking subsection (a) and inserting the following new subsection:

''(a) ENFORCEMENT.—The Director may, in the discretion of the Director, apply to the United States District Court for the District of Columbia, or the United States district court within the jurisdiction of which the headquarters of the enterprise is located, for the enforcement of any effective and outstanding notice or order issued under section 1341 or 1345, or request that the Attorney General of the United States bring such an action. Such court shall have jurisdiction and power to order and require compliance with such notice or order.''.

(c) CIVIL MONEY PENALTIES.—Section 1345 of the Housing and Community Development Act of 1992 (12 U.S.C. 4585) is amended—

(1) by striking subsections (a) and (b) and inserting the following new subsections:

''(a) AUTHORITY.—The Director may impose a civil money penalty, in accordance with the provisions of this section, on any enterprise that has failed to—

''(1) meet any housing goal established under subpart B, following a written notice and determination of such failure in accordance with section 1336(b);

''(2) submit a report under section 1314, following a notice of such failure, an opportunity for comment by the enterprise, and a final determination by the Director;

''(3) submit the information required under subsection (m) or (n) of section 309 of the Federal National Mortgage Association Charter Act, or subsection (e) or (f) of section 307 of the Federal Home Loan Mortgage Corporation Act;

''(4) comply with any provision of this part or any order, rule or regulation under this part;

''(5) submit a housing plan pursuant to section 1336(c) within the required period; or

''(6) comply with a housing plan for the enterprise under section 1336(c).

''(b) AMOUNT OF PENALTY.—The amount of the penalty, as determined by the Director, may not exceed—

''(1) for any failure described in paragraph (1), (5), or (6) of subsection (a), $50,000 for each day that the failure occurs; and

''(2) for any failure described in paragraph (2), (3), or (4) of subsection (a), $20,000 for each day that the failure occurs.'';

(2) in subsection (c)—

(A) in paragraph (1)—

(i) in subparagraph (A), by inserting ''and'' after the semicolon at the end;

(ii) in subparagraph (B), by striking ''; and'' and inserting a period; and

(iii) by striking subparagraph (C); and

(B) in paragraph (2), by inserting after the period at the end the following: ''In determining the penalty under subsection (a)(1), the Director shall give consideration to the length of time the enterprise should reasonably take to achieve the goal.'';

(3) in the first sentence of subsection (d)—

(A) by striking ''request the Attorney General of the United States to'' and inserting '', in the discretion of the Director,''; and

(B) by inserting '', or request that the Attorney General of the United States bring such an action'' before the period at the end;

(4) by striking subsection (f); and

(5) by redesignating subsection (g) as subsection (f).

(d) ENFORCEMENT OF SUBPOENAS.—Section 1348(c) of the Housing and Community Development Act of 1992 (12 U.S.C. 4588(c)) is amended—

(1) by striking ''request the Attorney General of the United States to'' and inserting '', in the discretion of the Director,''; and

(2) by inserting ''or request that the Attorney General of the United States bring such an action,'' after ''District of Columbia,''.

(e) CONFORMING AMENDMENT.—The heading for subpart C of part 2 of subtitle A of title XIII of the Housing and Community Development Act of 1992 is amended to read as follows:

''Subpart C—Enforcement''.

SEC. 343. CONFORMING AMENDMENTS.

Part 2 of subtitle A of title XIII of the Housing and Community Development Act of 1992 (12 U.S.C. 4541 et seq.) is amended—

(1) by striking ''Secretary'' each place such term appears in such part and inserting ''Director'';

(2) in the section heading for section 1323 (12 U.S.C. 4543), by inserting ''**of enterprises**'' before the period at the end;

(3) by striking section 1327 (12 U.S.C. 4547);

(4) by striking section 1328 (12 U.S.C. 4548);

(5) by redesignating section 1329 (as amended by section 335) as section 1327;

(6) in sections 1345(c)(1)(A), 1346(a), and 1346(b) (12 U.S.C. 4585(c)(1)(A), 4586(a), and 4586(b)), by striking ''Secretary's'' each place such term appears and inserting ''Director's''; and

(7) by striking section 1349 (12 U.S.C. 4589).

CHAPTER 3—PROMPT CORRECTIVE ACTION

SEC. 345. CAPITAL CLASSIFICATIONS.

(a) IN GENERAL.—Section 1364 of the Housing and Community Development Act of 1992 (12 U.S.C. 4614) is amended—

(1) in the heading for subsection (a), by striking ''IN GENERAL'' and inserting ''ENTERPRISES''.

(2) in subsection (c)—

(A) by striking ''subsection (b)'' and inserting ''subsection (c)'';

(B) by striking ''enterprises'' and inserting ''regulated entities''; and

(C) by striking the last sentence;

(3) by redesignating subsections (c) (as so amended by paragraph (2) of this subsection) and (d) as subsections (d) and (f), respectively;

(4) by striking subsection (b) and inserting the following new subsections:

''(b) FEDERAL HOME LOAN BANKS.—

''(1) ESTABLISHMENT AND CRITERIA.—For purposes of this subtitle, the Director shall, by regulation—

''(A) establish the capital classifications specified under paragraph (2) for the Federal home loan banks;

''(B) establish criteria for each such capital classification based on the amount and types of capital held by a bank and the risk-based, minimum, and critical capital levels for the banks and taking due consideration of the capital classifications established under subsection (a) for the enterprises, with such modifications as the Director determines to be appropriate to reflect the difference in operations between the banks and the enterprises; and

''(C) shall classify the Federal home loan banks according to such capital classifications.

''(2) CLASSIFICATIONS.—The capital classifications specified under this paragraph are—

''(A) adequately capitalized;

''(B) undercapitalized;

''(C) significantly undercapitalized; and

''(D) critically undercapitalized.

''(c) DISCRETIONARY CLASSIFICATION.—

''(1) GROUNDS FOR RECLASSIFICATION.—The Director may reclassify a regulated entity under paragraph (2) if—

''(A) at any time, the Director determines in writing that the regulated entity is engaging in conduct that could result in a rapid depletion of core or total capital or, in the case of an enterprise, that the value of the property subject to mortgages held or securitized by the enterprise has decreased significantly;

''(B) after notice and an opportunity for hearing, the Director determines that the regulated entity is in an unsafe or unsound condition; or

''(C) pursuant to section 1371(b), the Director deems the regulated entity to be engaging in an unsafe or unsound practice.

''(2) RECLASSIFICATION.—In addition to any other action authorized under this title, including the reclassification of a regulated entity for any reason not specified in this subsection, if the Director takes any action described in paragraph (1) the Director may classify a regulated entity—

''(A) as undercapitalized, if the regulated entity is otherwise classified as adequately capitalized;

''(B) as significantly undercapitalized, if the regulated entity is otherwise classified as undercapitalized; and

''(C) as critically undercapitalized, if the regulated entity is otherwise classified as significantly undercapitalized.''; and

(5) by inserting after subsection (d) (as so redesignated by paragraph (3) of this subsection), the following new subsection:

''(e) RESTRICTION ON CAPITAL DISTRIBUTIONS.—

''(1) IN GENERAL.—A regulated entity shall make no capital distribution if, after making the distribution, the regulated entity would be undercapitalized.

''(2) EXCEPTION.—Notwithstanding paragraph (1), the Director may permit a regulated entity, to the extent appropriate or applicable, to repurchase, redeem, retire, or otherwise acquire shares or ownership interests if the repurchase, redemption, retirement, or other acquisition—

''(A) is made in connection with the issuance of additional shares or obligations of the regulated entity in at least an equivalent amount; and

''(B) will reduce the financial obligations of the regulated entity or otherwise improve the financial condition of the entity.''.

(b) REGULATIONS.—Not later than the expiration of the 180-day period beginning on the effective date under section 365, the Director of the Federal Housing Finance Agency shall issue regulations to carry out section 1364(b) of the Housing and Community Development Act of 1992 (as added by paragraph (4) of this subsection), relating to capital classifications for the Federal home loan banks.

SEC. 346. SUPERVISORY ACTIONS APPLICABLE TO UNDERCAPITALIZED REGULATED ENTITIES.

Section 1365 of the Housing and Community Development Act of 1992 (12 U.S.C. 4615) is amended—

(1) in the section heading, by striking ''**enterprises**'' and inserting ''**regulated entities**'';

(2) in subsection (a)—

(A) by redesignating paragraphs (1) and (2) as paragraphs (2) and (3), respectively;

(B) by inserting before paragraph (2), as so redesignated by subparagraph (A) of this paragraph, the following paragraph:

''(1) REQUIRED MONITORING.—The Director shall—

''(A) closely monitor the condition of any regulated entity that is classified as undercapitalized;

''(B) closely monitor compliance with the capital restoration plan, restrictions, and requirements imposed under this section; and

''(C) periodically review the plan, restrictions, and requirements applicable to the undercapitalized regulated entity to determine whether the plan, restrictions, and requirements are achieving the purpose of this section.''; and

(C) by inserting at the end the following new paragraphs:

''(4) RESTRICTION OF ASSET GROWTH.—A regulated entity that is classified as undercapitalized shall not permit its average total assets (as such term is defined in section 1316(b) during any calendar quarter to exceed its average total assets during the preceding calendar quarter unless—

''(A) the Director has accepted the capital restoration plan of the regulated entity;

''(B) any increase in total assets is consistent with the plan; and

''(C) the ratio of total capital to assets for the regulated entity increases during the calendar quarter at a rate sufficient to enable the entity to become adequately capitalized within a reasonable time.

''(5) PRIOR APPROVAL OF ACQUISITIONS, NEW PRODUCTS, AND NEW ACTIVITIES.—A regulated entity that is classified as undercapitalized shall not, directly or indirectly, acquire any interest in any entity or initially offer any new product (as such term is defined in section 1321(f)) or engage in any new activity, service, undertaking, or offering unless—

''(A) the Director has accepted the capital restoration plan of the regulated entity, the entity is implementing the plan, and the Director determines that the proposed action is consistent with and will further the achievement of the plan; or

''(B) the Director determines that the proposed action will further the purpose of this section.'';

(3) in the subsection heading for subsection (b), by striking ''FROM UNDERCAPITALIZED TO SIGNIFICANTLY UNDERCAPITALIZED''; and

(4) by striking subsection (c) and inserting the following new subsection:

''(c) OTHER DISCRETIONARY SAFEGUARDS.—The Director may take, with respect to a regulated entity that is classified as undercapitalized, any of the actions authorized to be taken under section 1366 with respect to a regulated entity that is classified as significantly undercapitalized, if the Director determines that such actions are necessary to carry out the purpose of this subtitle.''.

SEC. 347. SUPERVISORY ACTIONS APPLICABLE TO SIGNIFICANTLY UNDERCAPITALIZED REGULATED ENTITIES.

Section 1366 of the Housing and Community Development Act of 1992 (12 U.S.C. 4616) is amended—

(1) in the section heading, by striking ''**enterprises**'' and inserting ''**regulated entities**'';

(2) in subsection (a)(2)(A), by striking ''enterprise'' the last place such term appears;

(3) in subsection (b)—

(A) in the subsection heading, by striking ''DISCRETIONARY SUPERVISORY ACTIONS'' and inserting ''SPECIFIC ACTIONS''.

(B) in the matter preceding paragraph (1), by striking ''may, at any time, take any'' and inserting ''shall carry out this section by taking, at any time, one or more'';

(C) by redesignating paragraphs (5) and (6) as paragraphs (6) and (7), respectively;

(D) by inserting after paragraph (4) the following new paragraph:

''(5) IMPROVEMENT OF MANAGEMENT.—Take one or more of the following actions:

''(A) NEW ELECTION OF BOARD.—Order a new election for the board of directors of the regulated entity.

''(B) DISMISSAL OF DIRECTORS OR EXECUTIVE OFFICERS.—Require the regulated entity to dismiss from office any director or executive officer who had held office for more than 180 days immediately before the entity became undercapitalized. Dismissal under this subparagraph shall not be construed to be a removal pursuant to the Director's enforcement powers provided in section 1377.

''(C) EMPLOY QUALIFIED EXECUTIVE OFFICERS.—Require the regulated entity to employ qualified executive officers (who, if the Director so specifies, shall be subject to approval by the Director).''; and

(E) by inserting at the end the following new paragraph:

''(8) OTHER ACTION.—Require the regulated entity to take any other action that the Director determines will better carry out the purpose of this section than any of the actions specified in this paragraph.'';

(4) by redesignating subsection (c) as subsection (d); and

(5) by inserting after subsection (b) the following new subsection:

''(c) RESTRICTION ON COMPENSATION OF EXECUTIVE OFFICERS.—A regulated entity that is classified as significantly undercapitalized may not, without prior written approval by the Director—

''(1) pay any bonus to any executive officer; or

''(2) provide compensation to any executive officer at a rate exceeding that officer's average rate of compensation (excluding bonuses, stock options, and profit sharing) during the 12 calendar months preceding the calendar month in which the regulated entity became undercapitalized.''.

SEC. 348. AUTHORITY OVER CRITICALLY UNDERCAPITALIZED REGULATED ENTITIES.

(a) IN GENERAL.—Section 1367 of the Housing and Community Development Act of 1992 (12 U.S.C. 4617) is amended to read as follows:

''SEC. 1367. AUTHORITY OVER CRITICALLY UNDERCAPITALIZED REGULATED ENTITIES.

''(a) APPOINTMENT OF AGENCY AS CONSERVATOR OR RECEIVER.—

''(1) IN GENERAL.—Notwithstanding any other provision of Federal or State law, if any of the grounds under paragraph (3) exist, at the discretion of the Director, the Director may establish a conservatorship or receivership, as appropriate, for the purpose of reorganizing, rehabilitating, or winding up the affairs of a regulated entity.

''(2) APPOINTMENT.—In any conservatorship or receivership established under this section, the Director shall appoint the Agency as conservator or receiver.

''(3) GROUNDS FOR APPOINTMENT.—The grounds for appointing a conservator or receiver for a regulated entity are as follows:

''(A) ASSETS INSUFFICIENT FOR OBLIGATIONS.—The assets of the regulated entity are less than the obligations of the regulated entity to its creditors and others.

''(B) SUBSTANTIAL DISSIPATION.—Substantial dissipation of assets or earnings due to—

''(i) any violation of any provision of Federal or State law; or

''(ii) any unsafe or unsound practice.

''(C) UNSAFE OR UNSOUND CONDITION.—An unsafe or unsound condition to transact business.

''(D) CEASE-AND-DESIST ORDERS.—Any willful violation of a cease-and-desist order that has become final.

''(E) CONCEALMENT.—Any concealment of the books, papers, records, or assets of the regulated entity, or any refusal to submit the books, papers, records, or affairs of the regulated entity, for inspection to any examiner or to any lawful agent of the Director.

''(F) INABILITY TO MEET OBLIGATIONS.—The regulated entity is likely to be unable to pay its obligations or meet the demands of its creditors in the normal course of business.

''(G) LOSSES.—The regulated entity has incurred or is likely to incur losses that will deplete all or substantially all of its capital, and there is no reasonable prospect for the regulated entity to become adequately capitalized (as defined in section 1364(a)(1)).

''(H) VIOLATIONS OF LAW.—Any violation of any law or regulation, or any unsafe or unsound practice or condition that is likely to—

''(i) cause insolvency or substantial dissipation of assets or earnings; or

''(ii) weaken the condition of the regulated entity.

''(I) CONSENT.—The regulated entity, by resolution of its board of directors or its shareholders or members, consents to the appointment.

''(J) UNDERCAPITALIZATION.—The regulated entity is undercapitalized or significantly undercapitalized (as defined in section 1364(a)(3) or in regulations issued pursuant to section 1364(b), as applicable), and—

''(i) has no reasonable prospect of becoming adequately capitalized;

''(ii) fails to become adequately capitalized, as required by—

''(I) section 1365(a)(1) with respect to an undercapitalized regulated entity; or

''(II) section 1366(a)(1) with respect to a significantly undercapitalized regulated entity;

''(iii) fails to submit a capital restoration plan acceptable to the Agency within the time prescribed under section 1369C; or

''(iv) materially fails to implement a capital restoration plan submitted and accepted under section 1369C.

''(K) CRITICAL UNDERCAPITALIZATION.—The regulated entity is critically undercapitalized, as defined in section 1364(a)(4) or in regulations issued pursuant to section 1364(b), as applicable.

''(L) MONEY LAUNDERING.—The Attorney General notifies the Director in writing that the regulated entity has been found guilty of a criminal offense under section 1956 or 1957 of title 18, United States Code, or section 5322 or 5324 of title 31, United States Code.

''(4) MANDATORY RECEIVERSHIP.—

''(A) IN GENERAL.—The Director shall appoint the Agency as receiver for a regulated entity if the Director determines, in writing, that—

''(i) the assets of the regulated entity are, and during the preceding 30 calendar days have been, less than the obligations of the regulated entity to its creditors and others; or

''(ii) the regulated entity is not, and during the preceding 30 calendar days has not been, generally paying the debts of the regulated entity (other than debts that are the subject of a bona fide dispute) as such debts become due.

''(B) PERIODIC DETERMINATION REQUIRED FOR CRITICALLY UNDER CAPITALIZED REGULATED ENTITY.—If a regulated entity is critically undercapitalized, the Director shall make a determination, in writing, as to whether the regulated entity meets the criteria specified in clause (i) or (ii) of subparagraph (A)—

''(i) not later than 30 calendar days after the regulated entity initially becomes critically undercapitalized; and

''(ii) at least once during each succeeding 30-calendar day period.

''(C) DETERMINATION NOT REQUIRED IF RECEIVERSHIP ALREADY IN PLACE.—Subparagraph (B) shall not apply with respect to a regulated entity in any period during which the Agency serves as receiver for the regulated entity.

''(D) RECEIVERSHIP TERMINATES CONSERVATORSHIP.—The appointment under this section of the Agency as receiver of a regulated entity shall immediately terminate any conservatorship established under this title for the regulated entity.

''(5) JUDICIAL REVIEW.—

''(A) IN GENERAL.—If the Agency is appointed conservator or receiver under this section, the regulated entity may, within 30 days of such appointment, bring an action in the United States District Court for the judicial district in which the principal place of business of such regulated entity is located, or in the United States District Court for the District of Columbia, for an order requiring the Agency to remove itself as conservator or receiver.

''(B) REVIEW.—Upon the filing of an action under subparagraph (A), the court shall, upon the merits, dismiss such action or direct the Agency to remove itself as such conservator or receiver.

''(6) DIRECTORS NOT LIABLE FOR ACQUIESCING IN APPOINTMENT OF CONSERVATOR OR RECEIVER.—The members of the board of directors of a regulated entity shall not be liable to the shareholders or creditors of the regulated entity for acquiescing in or consenting in good faith to the appointment of the Agency as conservator or receiver for that regulated entity.

''(7) AGENCY NOT SUBJECT TO ANY OTHER FEDERAL AGENCY.—When acting as conservator or receiver, the Agency shall not be subject to the direction or supervision of any other agency of the United States or any State in the exercise of the rights, powers, and privileges of the Agency.

''(b) POWERS AND DUTIES OF THE AGENCY AS CONSERVATOR OR RECEIVER.—

''(1) RULEMAKING AUTHORITY OF THE AGENCY.—The Agency may prescribe such regulations as the Agency determines to be appropriate regarding the conduct of conservatorships or receiverships.

''(2) GENERAL POWERS.—

''(A) SUCCESSOR TO REGULATED ENTITY.—The Agency shall, as conservator or receiver, and by operation of law, immediately succeed to—

''(i) all rights, titles, powers, and privileges of the regulated entity, and of any stockholder, officer, or director of such regulated entity with respect to the regulated entity and the assets of the regulated entity; and

''(ii) title to the books, records, and assets of any other legal custodian of such regulated entity.

''(B) OPERATE THE REGULATED ENTITY.—The Agency may, as conservator or receiver—

''(i) take over the assets of and operate the regulated entity with all the powers of the shareholders, the directors, and the officers of the regulated entity and conduct all business of the regulated entity;

''(ii) collect all obligations and money due the regulated entity;

''(iii) perform all functions of the regulated entity in the name of the regulated entity which are consistent with the appointment as conservator or receiver; and

''(iv) preserve and conserve the assets and property of such regulated entity.

''(C) FUNCTIONS OF OFFICERS, DIRECTORS, AND SHAREHOLDERS OF A REGULATED ENTITY.—The Agency may, by regulation or order, provide for the exercise of any function by any stockholder, director, or officer of any regulated entity for which the Agency has been named conservator or receiver.

''(D) POWERS AS CONSERVATOR.—The Agency may, as conservator, take such action as may be—

''(i) necessary to put the regulated entity in a sound and solvent condition; and

''(ii) appropriate to carry on the business of the regulated entity and preserve and conserve the assets and property of the regulated entity, including, if two or more Federal home loan banks have been placed in conservatorship contemporaneously, merging two or more such banks into a single Federal home loan bank.

''(E) ADDITIONAL POWERS AS RECEIVER.—The Agency may, as receiver, place the regulated entity in liquidation and proceed to realize upon the assets of the regulated entity, having due regard to the conditions of the housing finance market.

''(F) ORGANIZATION OF NEW REGULATED ENTITIES.—The Agency may, as receiver, organize a successor regulated entity that will operate pursuant to subsection (i).

''(G) TRANSFER OF ASSETS AND LIABILITIES.—The Agency may, as conservator or receiver, transfer any asset or liability of the regulated entity in default without any approval, assignment, or consent with respect to such transfer. Any Federal home loan bank may, with the approval of the Agency, acquire the assets of any Bank in conservatorship or receivership, and assume the liabilities of such Bank.

''(H) PAYMENT OF VALID OBLIGATIONS.—The Agency, as conservator or receiver, shall, to the extent of proceeds realized from the performance of contracts or sale of the assets of a regulated entity, pay all valid obligations of the regulated entity in accordance with the prescriptions and limitations of this section.

''(I) SUBPOENA AUTHORITY.—

''(i) IN GENERAL.—

''(I) IN GENERAL.—The Agency may, as conservator or receiver, and for purposes of carrying out any power, authority, or duty with respect to a regulated entity (including determining any claim against the regulated entity and determining and realizing upon any asset of any person in the course of collecting money due the regulated entity), exercise any power established under section 1348.

''(II) APPLICABILITY OF LAW.—The provisions of section 1348 shall apply with respect to the exercise of any power exercised under this subparagraph in the same manner as such provisions apply under that section.

''(ii) AUTHORITY OF DIRECTOR.—A subpoena or subpoena duces tecum may be issued under clause (i) only by, or with the written approval of, the Director, or the designee of the Director.

''(iii) RULE OF CONSTRUCTION.—This subsection shall not be construed to limit any rights that the Agency, in any capacity, might otherwise have under section 1317 or 1379D.

''(J) CONTRACTING FOR SERVICES.—The Agency may, as conservator or receiver, provide by contract for the carrying out of any of its functions, activities, actions, or duties as conservator or receiver.

''(K) INCIDENTAL POWERS.—The Agency may, as conservator or receiver—

''(i) exercise all powers and authorities specifically granted to conservators or receivers, respectively, under this section, and such incidental powers as shall be necessary to carry out such powers; and

''(ii) take any action authorized by this section, which the Agency determines is in the best interests of the regulated entity or the Agency.

''(3) AUTHORITY OF RECEIVER TO DETERMINE CLAIMS.—

''(A) IN GENERAL.—The Agency may, as receiver, determine claims in accordance with the requirements of this subsection and any regulations prescribed under paragraph (4).

''(B) NOTICE REQUIREMENTS.—The receiver, in any case involving the liquidation or winding up of the affairs of a closed regulated entity, shall—

''(i) promptly publish a notice to the creditors of the regulated entity to present their claims, together with proof, to the receiver by a date specified in the notice which shall be not less than 90 days after the publication of such notice; and

''(ii) republish such notice approximately 1 month and 2 months, respectively, after the publication under clause (i).

''(C) MAILING REQUIRED.—The receiver shall mail a notice similar to the notice published under subparagraph (B)(i) at the time of such publication to any creditor shown on the books of the regulated entity—

''(i) at the last address of the creditor appearing in such books; or

''(ii) upon discovery of the name and address of a claimant not appearing on the books of the regulated entity within 30 days after the discovery of such name and address.

''(4) RULEMAKING AUTHORITY RELATING TO DETERMINATION OF CLAIMS.—Subject to subsection (c), the Director may prescribe regulations regarding the allowance or disallowance of claims by the receiver and providing for administrative determination of claims and review of such determination.

''(5) PROCEDURES FOR DETERMINATION OF CLAIMS.—

''(A) DETERMINATION PERIOD.—

''(i) IN GENERAL.—Before the end of the 180-day period beginning on the date on which any claim against a regulated entity is filed

with the Agency as receiver, the Agency shall determine whether to allow or disallow the claim and shall notify the claimant of any determination with respect to such claim.

''(ii) EXTENSION OF TIME.—The period described in clause (i) may be extended by a written agreement between the claimant and the Agency.

''(iii) MAILING OF NOTICE SUFFICIENT.—The notification requirements of clause (i) shall be deemed to be satisfied if the notice of any determination with respect to any claim is mailed to the last address of the claimant which appears—

''(I) on the books of the regulated entity;

''(II) in the claim filed by the claimant; or

''(III) in documents submitted in proof of the claim.

''(iv) CONTENTS OF NOTICE OF DISALLOWANCE.—If any claim filed under clause (i) is disallowed, the notice to the claimant shall contain—

''(I) a statement of each reason for the disallowance; and

''(II) the procedures available for obtaining agency review of the determination to disallow the claim or judicial determination of the claim.

''(B) ALLOWANCE OF PROVEN CLAIM.—The receiver shall allow any claim received on or before the date specified in the notice published under paragraph (3)(B)(i), or the date specified in the notice required under paragraph (3)(C), which is proved to the satisfaction of the receiver.

''(C) DISALLOWANCE OF CLAIMS FILED AFTER END OF FILING PERIOD.—Claims filed after the date specified in the notice published under paragraph (3)(B)(i), or the date specified under paragraph (3)(C), shall be disallowed and such disallowance shall be final.

''(D) AUTHORITY TO DISALLOW CLAIMS.—

''(i) IN GENERAL.—The receiver may disallow any portion of any claim by a creditor or claim of security, preference, or priority which is not proved to the satisfaction of the receiver.

''(ii) PAYMENTS TO LESS THAN FULLY SECURED CREDITORS.—In the case of a claim of a creditor against a regulated entity which is secured by any property or other asset of such regulated entity, the receiver—

''(I) may treat the portion of such claim which exceeds an amount equal to the fair market value of such property or other asset as an unsecured claim against the regulated entity; and

''(II) may not make any payment with respect to such unsecured portion of the claim other than in connection with the disposition of all claims of unsecured creditors of the regulated entity.

''(iii) EXCEPTIONS.—No provision of this paragraph shall apply with respect to any extension of credit from any Federal Reserve Bank, Federal home loan bank, or the Treasury of the United States.

''(E) NO JUDICIAL REVIEW OF DETERMINATION PURSUANT TO SUBPARAGRAPH (d).—No court may review the determination of the Agency under subparagraph (D) to disallow a claim. This subparagraph shall not affect the authority of a claimant to obtain de novo judicial review of a claim pursuant to paragraph (6).

''(F) LEGAL EFFECT OF FILING.—

''(i) STATUTE OF LIMITATION TOLLED.—For purposes of any applicable statute of limitations, the filing of a claim with the receiver shall constitute a commencement of an action.

''(ii) NO PREJUDICE TO OTHER ACTIONS.—Subject to paragraph (10), the filing of a claim with the receiver shall not prejudice any right of the claimant to continue any action which was filed before the date of the appointment of the receiver, subject to the determination of claims by the receiver.

''(6) PROVISION FOR JUDICIAL DETERMINATION OF CLAIMS.—

''(A) IN GENERAL.—The claimant may file suit on a claim (or continue an action commenced before the appointment of the receiver) in the district or territorial court of the United States for the district within which the principal place of business of the regulated entity is located or the United States District Court for the District of Columbia (and such court shall have jurisdiction to hear such claim), before the end of the 60-day period beginning on the earlier of—

''(i) the end of the period described in paragraph (5)(A)(i) with respect to any claim against a regulated entity for which the Agency is receiver; or

''(ii) the date of any notice of disallowance of such claim pursuant to paragraph (5)(A)(i).

''(B) STATUTE OF LIMITATIONS.—A claim shall be deemed to be disallowed (other than any portion of such claim which was allowed by the receiver), and such disallowance shall be final, and the claimant shall have no further rights or remedies with respect to such claim, if the claimant fails, before the end of the 60-day period described under subparagraph (A), to file suit on such claim (or continue an action commenced before the appointment of the receiver).

''(7) REVIEW OF CLAIMS.—

''(A) OTHER REVIEW PROCEDURES.—

''(i) IN GENERAL.—The Agency shall establish such alternative dispute resolution processes as may be appropriate for the resolution of claims filed under paragraph (5)(A)(i).

''(ii) CRITERIA.—In establishing alternative dispute resolution processes, the Agency shall strive for procedures which are expeditious, fair, independent, and low cost.

''(iii) VOLUNTARY BINDING OR NONBINDING PROCEDURES.—The Agency may establish both binding and nonbinding processes, which may be conducted by any government or private party. All parties, including the claimant and the Agency, must agree to the use of the process in a particular case.

''(B) CONSIDERATION OF INCENTIVES.—The Agency shall seek to develop incentives for claimants to participate in the alternative dispute resolution process.

''(8) EXPEDITED DETERMINATION OF CLAIMS.—

''(A) ESTABLISHMENT REQUIRED.—The Agency shall establish a procedure for expedited relief outside of the routine claims process established under paragraph (5) for claimants who—

''(i) allege the existence of legally valid and enforceable or perfected security interests in assets of any regulated entity for which the Agency has been appointed receiver; and

''(ii) allege that irreparable injury will occur if the routine claims procedure is followed.

''(B) DETERMINATION PERIOD.—Before the end of the 90-day period beginning on the date any claim is filed in accordance with the procedures established under subparagraph (A), the Director shall—

''(i) determine—

''(I) whether to allow or disallow such claim; or

''(II) whether such claim should be determined pursuant to the procedures established under paragraph (5); and

''(ii) notify the claimant of the determination, and if the claim is disallowed, provide a statement of each reason for the disallowance and the procedure for obtaining agency review or judicial determination.

''(C) PERIOD FOR FILING OR RENEWING SUIT.—Any claimant who files a request for expedited relief shall be permitted to file a suit, or to continue a suit filed before the appointment of the receiver, seeking a determination of the rights of the claimant with respect to such security interest after the earlier of—

''(i) the end of the 90-day period beginning on the date of the filing of a request for expedited relief; or

''(ii) the date the Agency denies the claim.

''(D) STATUTE OF LIMITATIONS.—If an action described under subparagraph (C) is not filed, or the motion to renew a previously filed suit is not made, before the end of the 30-day period beginning on the date on which such action or motion may be filed under subparagraph (B), the claim shall be deemed to be disallowed as of the end of such period (other than any portion of such claim which was allowed by the receiver), such disallowance shall be final, and the claimant shall have no further rights or remedies with respect to such claim.

''(E) LEGAL EFFECT OF FILING.—

''(i) STATUTE OF LIMITATION TOLLED.—For purposes of any applicable statute of limitations, the filing of a claim with the receiver shall constitute a commencement of an action.

''(ii) NO PREJUDICE TO OTHER ACTIONS.—Subject to paragraph (10), the filing of a claim with the receiver shall not prejudice any right of the claimant to continue any action that was filed before the appointment of the receiver, subject to the determination of claims by the receiver.

''(9) PAYMENT OF CLAIMS.—

''(A) IN GENERAL.—The receiver may, in the discretion of the receiver, and to the extent funds are available from the assets of the regulated entity, pay creditor claims, in such manner and amounts as are authorized under this section, which are—

''(i) allowed by the receiver;

''(ii) approved by the Agency pursuant to a final determination pursuant to paragraph (7) or (8); or

''(iii) determined by the final judgment of any court of competent jurisdiction.

''(B) AGREEMENTS AGAINST THE INTEREST OF THE AGENCY.—No agreement that tends to diminish or defeat the interest of the Agency in any asset acquired by the Agency as receiver under this section shall be valid against the Agency unless such agreement is in writing, and executed by an authorized official of the regulated entity, except that such requirements for qualified financial contracts shall be applied in a manner consistent with reasonable business trading practices in the financial contracts market.

''(C) PAYMENT OF DIVIDENDS ON CLAIMS.—The receiver may, in the sole discretion of the receiver, pay from the assets of the regulated entity dividends on proved claims at any time, and no liability shall attach to the Agency, by reason of any such payment, for failure to pay dividends to a claimant whose claim is not proved at the time of any such payment.

''(D) RULEMAKING AUTHORITY OF THE DIRECTOR.—The Director may prescribe such rules, including definitions of terms, as the Director deems appropriate to establish a single uniform interest rate for, or to make payments of post-insolvency interest to creditors holding proven claims against the receivership estates of regulated entities following satisfaction by the receiver of the principal amount of all creditor claims.

''(10) SUSPENSION OF LEGAL ACTIONS.—

''(A) IN GENERAL.—After the appointment of a conservator or receiver for a regulated entity, the conservator or receiver may, in any judicial action or proceeding to which such regulated entity is or becomes a party, request a stay for a period not to exceed—

''(i) 45 days, in the case of any conservator; and

''(ii) 90 days, in the case of any receiver.

''(B) GRANT OF STAY BY ALL COURTS REQUIRED.—Upon receipt of a request by any conservator or receiver under subparagraph

(A) for a stay of any judicial action or proceeding in any court with jurisdiction of such action or proceeding, the court shall grant such stay as to all parties.

''(11) ADDITIONAL RIGHTS AND DUTIES.—

''(A) PRIOR FINAL ADJUDICATION.—The Agency shall abide by any final unappealable judgment of any court of competent jurisdiction which was rendered before the appointment of the Agency as conservator or receiver.

''(B) RIGHTS AND REMEDIES OF CONSERVATOR OR RECEIVER.—In the event of any appealable judgment, the Agency as conservator or receiver shall—

''(i) have all the rights and remedies available to the regulated entity (before the appointment of such conservator or receiver) and the Agency, including removal to Federal court and all appellate rights; and

''(ii) not be required to post any bond in order to pursue such remedies.

''(C) NO ATTACHMENT OR EXECUTION.—No attachment or execution may issue by any court upon assets in the possession of the receiver.

''(D) LIMITATION ON JUDICIAL REVIEW.—Except as otherwise provided in this subsection, no court shall have jurisdiction over—

''(i) any claim or action for payment from, or any action seeking a determination of rights with respect to, the assets of any regulated entity for which the Agency has been appointed receiver; or

''(ii) any claim relating to any act or omission of such regulated entity or the Agency as receiver.

''(E) DISPOSITION OF ASSETS.—In exercising any right, power, privilege, or authority as conservator or receiver in connection with any sale or disposition of assets of a regulated entity for which the Agency has been appointed conservator or receiver, the Agency shall conduct its operations in a manner which maintains stability in the housing finance markets and, to the extent consistent with that goal—

''(i) maximizes the net present value return from the sale or disposition of such assets;

''(ii) minimizes the amount of any loss realized in the resolution of cases; and

''(iii) ensures adequate competition and fair and consistent treatment of offerors.

''(12) STATUTE OF LIMITATIONS FOR ACTIONS BROUGHT BY CONSERVATOR OR RECEIVER.—

''(A) IN GENERAL.—Notwithstanding any provision of any contract, the applicable statute of limitations with regard to any action brought by the Agency as conservator or receiver shall be—

''(i) in the case of any contract claim, the longer of—

''(I) the 6-year period beginning on the date the claim accrues; or

''(II) the period applicable under State law; and

''(ii) in the case of any tort claim, the longer of—

''(I) the 3-year period beginning on the date the claim accrues; or

''(II) the period applicable under State law.

''(B) DETERMINATION OF THE DATE ON WHICH A CLAIM ACCRUES.—For purposes of subparagraph (A), the date on which the statute of limitations begins to run on any claim described in such subparagraph shall be the later of—

''(i) the date of the appointment of the Agency as conservator or receiver; or

''(ii) the date on which the cause of action accrues.

''(13) REVIVAL OF EXPIRED STATE CAUSES OF ACTION.—

''(A) IN GENERAL.—In the case of any tort claim described under subparagraph (B) for which the statute of limitations applicable under State law with respect to such claim has expired not more than 5 years before the appointment of the Agency as conservator or receiver, the Agency may bring an action as conservator or receiver on such claim without regard to the expiration of the statute of limitation applicable under State law.

''(B) CLAIMS DESCRIBED.—A tort claim referred to under subparagraph (A) is a claim arising from fraud, intentional misconduct resulting in unjust enrichment, or intentional misconduct resulting in substantial loss to the regulated entity.

''(14) ACCOUNTING AND RECORDKEEPING REQUIREMENTS.—

''(A) IN GENERAL.—The Agency as conservator or receiver shall, consistent with the accounting and reporting practices and procedures established by the Agency, maintain a full accounting of each conservatorship and receivership or other disposition of a regulated entity in default.

''(B) ANNUAL ACCOUNTING OR REPORT.—With respect to each conservatorship or receivership, the Agency shall make an annual accounting or report available to the Board, the Comptroller General of the United States, the Committee on Banking, Housing, and Urban Affairs of the Senate, and the Committee on Financial Services of the House of Representatives.

''(C) AVAILABILITY OF REPORTS.—Any report prepared under subparagraph (B) shall be made available by the Agency upon request to any shareholder of a regulated entity or any member of the public.

''(D) RECORDKEEPING REQUIREMENT.—After the end of the 6-year period beginning on the date that the conservatorship or receivership is terminated by the Director, the Agency may destroy any records of such regulated entity which the Agency, in the discretion of the Agency, determines to be unnecessary unless directed not to do so by a court of competent jurisdiction or governmental agency, or prohibited by law.

''(15) FRAUDULENT TRANSFERS.—

''(A) IN GENERAL.—The Agency, as conservator or receiver, may avoid a transfer of any interest of a regulated entity-affiliated party, or any person who the conservator or receiver determines is a debtor of the regulated entity, in property, or any obligation incurred by such party or person, that was made within 5 years of the date on which the Agency was appointed conservator or receiver, if such party or person voluntarily or involuntarily made such transfer or incurred such liability with the intent to hinder, delay, or defraud the regulated entity, the Agency, the conservator, or receiver.

''(B) RIGHT OF RECOVERY.—To the extent a transfer is avoided under subparagraph (A), the conservator or receiver may recover, for the benefit of the regulated entity, the property transferred, or, if a court so orders, the value of such property (at the time of such transfer) from—

''(i) the initial transferee of such transfer or the regulated entity-affiliated party or person for whose benefit such transfer was made; or

''(ii) any immediate or mediate transferee of any such initial transferee.

''(C) RIGHTS OF TRANSFEREE OR OBLIGEE.—The conservator or receiver may not recover under subparagraph (B) from—

''(i) any transferee that takes for value, including satisfaction or securing of a present or antecedent debt, in good faith; or

''(ii) any immediate or mediate good faith transferee of such transferee.

''(D) RIGHTS UNDER THIS PARAGRAPH.—The rights under this paragraph of the conservator or receiver described under subparagraph (A) shall be superior to any rights of a trustee or any other party (other than any party which is a Federal agency) under title 11, United States Code.

''(16) ATTACHMENT OF ASSETS AND OTHER INJUNCTIVE RELIEF.—Subject to paragraph (17), any court of competent jurisdiction may, at the request of the conservator or receiver, issue an order in accordance with Rule 65 of the Federal Rules of Civil Procedure, including an order placing the assets of any person designated by the Agency or such conservator under the control of the court, and appointing a trustee to hold such assets.

''(17) STANDARDS OF PROOF.—Rule 65 of the Federal Rules of Civil Procedure shall apply with respect to any proceeding under paragraph (16) without regard to the requirement of such rule that the applicant show that the injury, loss, or damage is irreparable and immediate.

''(18) TREATMENT OF CLAIMS ARISING FROM BREACH OF CONTRACTS EXECUTED BY THE RECEIVER OR CONSERVATOR.—

''(A) IN GENERAL.—Notwithstanding any other provision of this subsection, any final and unappealable judgment for monetary damages entered against a receiver or conservator for the breach of an agreement executed or approved in writing by such receiver or conservator after the date of its appointment, shall be paid as an administrative expense of the receiver or conservator.

''(B) NO LIMITATION OF POWER.—Nothing in this paragraph shall be construed to limit the power of a receiver or conservator to exercise any rights under contract or law, including to terminate, breach, cancel, or otherwise discontinue such agreement.

''(19) GENERAL EXCEPTIONS.—

''(A) LIMITATIONS.—The rights of a conservator or receiver appointed under this section shall be subject to the limitations on the powers of a receiver under sections 402 through 407 of the Federal Deposit Insurance Corporation Improvement Act of 1991 (12 U.S.C. 4402 through 4407).

''(B) MORTGAGES HELD IN TRUST.—

''(i) IN GENERAL.—Any mortgage, pool of mortgages, or interest in a pool of mortgages, held in trust, custodial, or agency capacity by a regulated entity for the benefit of persons other than the regulated entity shall not be available to satisfy the claims of creditors generally.

''(ii) HOLDING OF MORTGAGES.—Any mortgage, pool of mortgages, or interest in a pool of mortgages, described under clause (i) shall be held by the conservator or receiver appointed under this section for the beneficial owners of such mortgage, pool of mortgages, or interest in a pool of mortgages in accordance with the terms of the agreement creating such trust, custodial, or other agency arrangement.

''(iii) LIABILITY OF RECEIVER.—The liability of a receiver appointed under this section for damages shall, in the case of any contingent or unliquidated claim relating to the mortgages held in trust, be estimated in accordance set forth in the regulations of the Director.

''(c) PRIORITY OF EXPENSES AND UNSECURED CLAIMS.—

''(1) IN GENERAL.—Unsecured claims against a regulated entity, or a receiver, that are proven to the satisfaction of the receiver shall have priority in the following order:

''(A) Administrative expenses of the receiver.

''(B) Any other general or senior liability of the regulated entity and claims of other Federal home loan banks arising from their payment obligations (including joint and several payment obligations).

''(C) Any obligation subordinated to general creditors.

''(D) Any obligation to shareholders or members arising as a result of their status as shareholder or members.

''(2) CREDITORS SIMILARLY SITUATED.—All creditors that are similarly situated under

paragraph (1) shall be treated in a similar manner, except that the Agency may make such other payments to creditors necessary to maximize the present value return from the sale or disposition or such regulated entity's assets or to minimize the amount of any loss realized in the resolution of cases so long as all creditors similarly situated receive not less than the amount provided under subsection (e)(2).

''(3) DEFINITION.—The term 'administrative expenses of the receiver' shall include the actual, necessary costs and expenses incurred by the receiver in preserving the assets of the regulated entity or liquidating or otherwise resolving the affairs of the regulated entity. Such expenses shall include obligations that are incurred by the receiver after appointment as receiver that the Director determines are necessary and appropriate to facilitate the smooth and orderly liquidation or other resolution of the regulated entity.

''(d) PROVISIONS RELATING TO CONTRACTS ENTERED INTO BEFORE APPOINTMENT OF CONSERVATOR OR RECEIVER.—

''(1) AUTHORITY TO REPUDIATE CONTRACTS.—In addition to any other rights a conservator or receiver may have, the conservator or receiver for any regulated entity may disaffirm or repudiate any contract or lease—

''(A) to which such regulated entity is a party;

''(B) the performance of which the conservator or receiver, in its sole discretion, determines to be burdensome; and

''(C) the disaffirmance or repudiation of which the conservator or receiver determines, in its sole discretion, will promote the orderly administration of the affairs of the regulated entity.

''(2) TIMING OF REPUDIATION.—The conservator or receiver shall determine whether or not to exercise the rights of repudiation under this subsection within a reasonable period following such appointment.

''(3) CLAIMS FOR DAMAGES FOR REPUDIATION.—

''(A) IN GENERAL.—Except as otherwise provided under subparagraph (C) and paragraphs (4), (5), and (6), the liability of the conservator or receiver for the disaffirmance or repudiation of any contract pursuant to paragraph (1) shall be—

''(i) limited to actual direct compensatory damages; and

''(ii) determined as of—

''(I) the date of the appointment of the conservator or receiver; or

''(II) in the case of any contract or agreement referred to in paragraph (8), the date of the disaffirmance or repudiation of such contract or agreement.

''(B) NO LIABILITY FOR OTHER DAMAGES.—For purposes of subparagraph (A), the term 'actual direct compensatory damages' shall not include—

''(i) punitive or exemplary damages;

''(ii) damages for lost profits or opportunity; or

''(iii) damages for pain and suffering.

''(C) MEASURE OF DAMAGES FOR REPUDIATION OF FINANCIAL CONTRACTS.—In the case of any qualified financial contract or agreement to which paragraph (8) applies, compensatory damages shall be—

''(i) deemed to include normal and reasonable costs of cover or other reasonable measures of damages utilized in the industries for such contract and agreement claims; and

''(ii) paid in accordance with this subsection and subsection (e), except as otherwise specifically provided in this section.

''(4) LEASES UNDER WHICH THE REGULATED ENTITY IS THE LESSEE.—

''(A) IN GENERAL.—If the conservator or receiver disaffirms or repudiates a lease under which the regulated entity was the lessee, the conservator or receiver shall not be liable for any damages (other than damages determined under subparagraph (B)) for the disaffirmance or repudiation of such lease.

''(B) PAYMENTS OF RENT.—Notwithstanding subparagraph (A), the lessor under a lease to which that subparagraph applies shall—

''(i) be entitled to the contractual rent accruing before the later of the date—

''(I) the notice of disaffirmance or repudiation is mailed; or

''(II) the disaffirmance or repudiation becomes effective, unless the lessor is in default or breach of the terms of the lease;

''(ii) have no claim for damages under any acceleration clause or other penalty provision in the lease; and

''(iii) have a claim for any unpaid rent, subject to all appropriate offsets and defenses, due as of the date of the appointment, which shall be paid in accordance with this subsection and subsection (e).

''(5) LEASES UNDER WHICH THE REGULATED ENTITY IS THE LESSOR.—

''(A) IN GENERAL.—If the conservator or receiver repudiates an unexpired written lease of real property of the regulated entity under which the regulated entity is the lessor and the lessee is not, as of the date of such repudiation, in default, the lessee under such lease may either—

''(i) treat the lease as terminated by such repudiation; or

''(ii) remain in possession of the leasehold interest for the balance of the term of the lease, unless the lessee defaults under the terms of the lease after the date of such repudiation.

''(B) PROVISIONS APPLICABLE TO LESSEE REMAINING IN POSSESSION.—If any lessee under a lease described under subparagraph (A) remains in possession of a leasehold interest under clause (ii) of such subparagraph—

''(i) the lessee—

''(I) shall continue to pay the contractual rent pursuant to the terms of the lease after the date of the repudiation of such lease; and

''(II) may offset against any rent payment which accrues after the date of the repudiation of the lease, and any damages which accrue after such date due to the nonperformance of any obligation of the regulated entity under the lease after such date; and

''(ii) the conservator or receiver shall not be liable to the lessee for any damages arising after such date as a result of the repudiation other than the amount of any offset allowed under clause (i)(II).

''(6) CONTRACTS FOR THE SALE OF REAL PROPERTY.—

''(A) IN GENERAL.—If the conservator or receiver repudiates any contract for the sale of real property and the purchaser of such real property under such contract is in possession, and is not, as of the date of such repudiation, in default, such purchaser may either—

''(i) treat the contract as terminated by such repudiation; or

''(ii) remain in possession of such real property.

''(B) PROVISIONS APPLICABLE TO PURCHASER REMAINING IN POSSESSION.—If any purchaser of real property under any contract described under subparagraph (A) remains in possession of such property under clause (ii) of such subparagraph—

''(i) the purchaser—

''(I) shall continue to make all payments due under the contract after the date of the repudiation of the contract; and

''(II) may offset against any such payments any damages which accrue after such date due to the nonperformance (after such date) of any obligation of the regulated entity under the contract; and

''(ii) the conservator or receiver shall—

''(I) not be liable to the purchaser for any damages arising after such date as a result of the repudiation other than the amount of any offset allowed under clause (i)(II);

''(II) deliver title to the purchaser in accordance with the provisions of the contract; and

''(III) have no obligation under the contract other than the performance required under subclause (II).

''(C) ASSIGNMENT AND SALE ALLOWED.—

''(i) IN GENERAL.—No provision of this paragraph shall be construed as limiting the right of the conservator or receiver to assign the contract described under subparagraph (A), and sell the property subject to the contract and the provisions of this paragraph.

''(ii) NO LIABILITY AFTER ASSIGNMENT AND SALE.—If an assignment and sale described under clause (i) is consummated, the conservator or receiver shall have no further liability under the contract described under subparagraph (A), or with respect to the real property which was the subject of such contract.

''(7) PROVISIONS APPLICABLE TO SERVICE CONTRACTS.—

''(A) SERVICES PERFORMED BEFORE APPOINTMENT.—In the case of any contract for services between any person and any regulated entity for which the Agency has been appointed conservator or receiver, any claim of such person for services performed before the appointment of the conservator or the receiver shall be—

''(i) a claim to be paid in accordance with subsections (b) and (e); and

''(ii) deemed to have arisen as of the date the conservator or receiver was appointed.

''(B) SERVICES PERFORMED AFTER APPOINTMENT AND PRIOR TO REPUDIATION.—If, in the case of any contract for services described under subparagraph (A), the conservator or receiver accepts performance by the other person before the conservator or receiver makes any determination to exercise the right of repudiation of such contract under this section—

''(i) the other party shall be paid under the terms of the contract for the services performed; and

''(ii) the amount of such payment shall be treated as an administrative expense of the conservatorship or receivership.

''(C) ACCEPTANCE OF PERFORMANCE NO BAR TO SUBSEQUENT REPUDIATION.—The acceptance by any conservator or receiver of services referred to under subparagraph (B) in connection with a contract described in such subparagraph shall not affect the right of the conservator or receiver to repudiate such contract under this section at any time after such performance.

''(8) CERTAIN QUALIFIED FINANCIAL CONTRACTS.—

''(A) RIGHTS OF PARTIES TO CONTRACTS.—Subject to paragraphs (9) and (10) and notwithstanding any other provision of this Act, any other Federal law, or the law of any State, no person shall be stayed or prohibited from exercising—

''(i) any right such person has to cause the termination, liquidation, or acceleration of any qualified financial contract with a regulated entity that arises upon the appointment of the Agency as receiver for such regulated entity at any time after such appointment;

''(ii) any right under any security agreement or arrangement or other credit enhancement relating to one or more qualified financial contracts described in clause (i); or

''(iii) any right to offset or net out any termination value, payment amount, or other transfer obligation arising under or in connection with 1 or more contracts and agreements described in clause (i), including any master agreement for such contracts or agreements.

''(B) APPLICABILITY OF OTHER PROVISIONS.—Paragraph (10) of subsection (b) shall apply

in the case of any judicial action or proceeding brought against any receiver referred to under subparagraph (A), or the regulated entity for which such receiver was appointed, by any party to a contract or agreement described under subparagraph (A)(i) with such regulated entity.

''(C) CERTAIN TRANSFERS NOT AVOIDABLE.—

''(i) IN GENERAL.—Notwithstanding paragraph (11) or any other Federal or State laws relating to the avoidance of preferential or fraudulent transfers, the Agency, whether acting as such or as conservator or receiver of a regulated entity, may not avoid any transfer of money or other property in connection with any qualified financial contract with a regulated entity.

''(ii) EXCEPTION FOR CERTAIN TRANSFERS.—Clause (i) shall not apply to any transfer of money or other property in connection with any qualified financial contract with a regulated entity if the Agency determines that the transferee had actual intent to hinder, delay, or defraud such regulated entity, the creditors of such regulated entity, or any conservator or receiver appointed for such regulated entity.

''(D) CERTAIN CONTRACTS AND AGREEMENTS DEFINED.—In this subsection:

''(i) QUALIFIED FINANCIAL CONTRACT.—The term 'qualified financial contract' means any securities contract, commodity contract, forward contract, repurchase agreement, swap agreement, and any similar agreement that the Agency determines by regulation, resolution, or order to be a qualified financial contract for purposes of this paragraph.

''(ii) SECURITIES CONTRACT.—The term 'securities contract'—

''(I) means a contract for the purchase, sale, or loan of a security, a certificate of deposit, a mortgage loan, or any interest in a mortgage loan, a group or index of securities, certificates of deposit, or mortgage loans or interests therein (including any interest therein or based on the value thereof) or any option on any of the foregoing, including any option to purchase or sell any such security, certificate of deposit, mortgage loan, interest, group or index, or option, and including any repurchase or reverse repurchase transaction on any such security, certificate of deposit, mortgage loan, interest, group or index, or option;

''(II) does not include any purchase, sale, or repurchase obligation under a participation in a commercial mortgage loan unless the Agency determines by regulation, resolution, or order to include any such agreement within the meaning of such term;

''(III) means any option entered into on a national securities exchange relating to foreign currencies;

''(IV) means the guarantee by or to any securities clearing agency of any settlement of cash, securities, certificates of deposit, mortgage loans or interests therein, group or index of securities, certificates of deposit, or mortgage loans or interests therein (including any interest therein or based on the value thereof) or option on any of the foregoing, including any option to purchase or sell any such security, certificate of deposit, mortgage loan, interest, group or index, or option;

''(V) means any margin loan;

''(VI) means any other agreement or transaction that is similar to any agreement or transaction referred to in this clause;

''(VII) means any combination of the agreements or transactions referred to in this clause;

''(VIII) means any option to enter into any agreement or transaction referred to in this clause;

''(IX) means a master agreement that provides for an agreement or transaction referred to in subclause (I), (III), (IV), (V), (VI), (VII), or (VIII), together with all supplements to any such master agreement, without regard to whether the master agreement provides for an agreement or transaction that is not a securities contract under this clause, except that the master agreement shall be considered to be a securities contract under this clause only with respect to each agreement or transaction under the master agreement that is referred to in subclause (I), (III), (IV), (V), (VI), (VII), or (VIII); and

''(X) means any security agreement or arrangement or other credit enhancement related to any agreement or transaction referred to in this clause, including any guarantee or reimbursement obligation in connection with any agreement or transaction referred to in this clause.

''(iii) COMMODITY CONTRACT.—The term 'commodity contract' means—

''(I) with respect to a futures commission merchant, a contract for the purchase or sale of a commodity for future delivery on, or subject to the rules of, a contract market or board of trade;

''(II) with respect to a foreign futures commission merchant, a foreign future;

''(III) with respect to a leverage transaction merchant, a leverage transaction;

''(IV) with respect to a clearing organization, a contract for the purchase or sale of a commodity for future delivery on, or subject to the rules of, a contract market or board of trade that is cleared by such clearing organization, or commodity option traded on, or subject to the rules of, a contract market or board of trade that is cleared by such clearing organization;

''(V) with respect to a commodity options dealer, a commodity option;

''(VI) any other agreement or transaction that is similar to any agreement or transaction referred to in this clause;

''(VII) any combination of the agreements or transactions referred to in this clause;

''(VIII) any option to enter into any agreement or transaction referred to in this clause;

''(IX) a master agreement that provides for an agreement or transaction referred to in subclause (I), (II), (III), (IV), (V), (VI), (VII), or (VIII), together with all supplements to any such master agreement, without regard to whether the master agreement provides for an agreement or transaction that is not a commodity contract under this clause, except that the master agreement shall be considered to be a commodity contract under this clause only with respect to each agreement or transaction under the master agreement that is referred to in subclause (I), (II), (III), (IV), (V), (VI), (VII), or (VIII); or

''(X) any security agreement or arrangement or other credit enhancement related to any agreement or transaction referred to in this clause, including any guarantee or reimbursement obligation in connection with any agreement or transaction referred to in this clause.

''(iv) FORWARD CONTRACT.—The term 'forward contract' means—

''(I) a contract (other than a commodity contract) for the purchase, sale, or transfer of a commodity or any similar good, article, service, right, or interest which is presently or in the future becomes the subject of dealing in the forward contract trade, or product or byproduct thereof, with a maturity date more than 2 days after the date the contract is entered into, including, a repurchase transaction, reverse repurchase transaction, consignment, lease, swap, hedge transaction, deposit, loan, option, allocated transaction, unallocated transaction, or any other similar agreement;

''(II) any combination of agreements or transactions referred to in subclauses (I) and (III);

''(III) any option to enter into any agreement or transaction referred to in subclause (I) or (II);

''(IV) a master agreement that provides for an agreement or transaction referred to in subclauses (I), (II), or (III), together with all supplements to any such master agreement, without regard to whether the master agreement provides for an agreement or transaction that is not a forward contract under this clause, except that the master agreement shall be considered to be a forward contract under this clause only with respect to each agreement or transaction under the master agreement that is referred to in subclause (I), (II), or (III); or

''(V) any security agreement or arrangement or other credit enhancement related to any agreement or transaction referred to in subclause (I), (II), (III), or (IV), including any guarantee or reimbursement obligation in connection with any agreement or transaction referred to in any such subclause.

''(v) REPURCHASE AGREEMENT.—The term 'repurchase agreement' (which definition also applies to a reverse repurchase agreement)—

''(I) means an agreement, including related terms, which provides for the transfer of one or more certificates of deposit, mortgage-related securities (as such term is defined in the Securities Exchange Act of 1934), mortgage loans, interests in mortgage-related securities or mortgage loans, eligible bankers' acceptances, qualified foreign government securities or securities that are direct obligations of, or that are fully guaranteed by, the United States or any agency of the United States against the transfer of funds by the transferee of such certificates of deposit, eligible bankers' acceptances, securities, mortgage loans, or interests with a simultaneous agreement by such transferee to transfer to the transferor thereof certificates of deposit, eligible bankers' acceptances, securities, mortgage loans, or interests as described above, at a date certain not later than 1 year after such transfers or on demand, against the transfer of funds, or any other similar agreement;

''(II) does not include any repurchase obligation under a participation in a commercial mortgage loan unless the Agency determines by regulation, resolution, or order to include any such participation within the meaning of such term;

''(III) means any combination of agreements or transactions referred to in subclauses (I) and (IV);

''(IV) means any option to enter into any agreement or transaction referred to in subclause (I) or (III);

''(V) means a master agreement that provides for an agreement or transaction referred to in subclause (I), (III), or (IV), together with all supplements to any such master agreement, without regard to whether the master agreement provides for an agreement or transaction that is not a repurchase agreement under this clause, except that the master agreement shall be considered to be a repurchase agreement under this subclause only with respect to each agreement or transaction under the master agreement that is referred to in subclause (I), (III), or (IV); and

''(VI) means any security agreement or arrangement or other credit enhancement related to any agreement or transaction referred to in subclause (I), (III), (IV), or (V), including any guarantee or reimbursement obligation in connection with any agreement or transaction referred to in any such subclause.

For purposes of this clause, the term 'qualified foreign government security' means a security that is a direct obligation of, or

that is fully guaranteed by, the central government of a member of the Organization for Economic Cooperation and Development (as determined by regulation or order adopted by the appropriate Federal banking authority).

''(vi) SWAP AGREEMENT.—The term 'swap agreement' means—

''(I) any agreement, including the terms and conditions incorporated by reference in any such agreement, which is an interest rate swap, option, future, or forward agreement, including a rate floor, rate cap, rate collar, cross-currency rate swap, and basis swap; a spot, same day-tomorrow, tomorrow-next, forward, or other foreign exchange or precious metals agreement; a currency swap, option, future, or forward agreement; an equity index or equity swap, option, future, or forward agreement; a debt index or debt swap, option, future, or forward agreement; a total return, credit spread or credit swap, option, future, or forward agreement; a commodity index or commodity swap, option, future, or forward agreement; or a weather swap, weather derivative, or weather option;

''(II) any agreement or transaction that is similar to any other agreement or transaction referred to in this clause and that is of a type that has been, is presently, or in the future becomes, the subject of recurrent dealings in the swap markets (including terms and conditions incorporated by reference in such agreement) and that is a forward, swap, future, or option on one or more rates, currencies, commodities, equity securities or other equity instruments, debt securities or other debt instruments, quantitative measures associated with an occurrence, extent of an occurrence, or contingency associated with a financial, commercial, or economic consequence, or economic or financial indices or measures of economic or financial risk or value;

''(III) any combination of agreements or transactions referred to in this clause;

''(IV) any option to enter into any agreement or transaction referred to in this clause;

''(V) a master agreement that provides for an agreement or transaction referred to in subclause (I), (II), (III), or (IV), together with all supplements to any such master agreement, without regard to whether the master agreement contains an agreement or transaction that is not a swap agreement under this clause, except that the master agreement shall be considered to be a swap agreement under this clause only with respect to each agreement or transaction under the master agreement that is referred to in subclause (I), (II), (III), or (IV); and

''(VI) any security agreement or arrangement or other credit enhancement related to any agreements or transactions referred to in subclause (I), (II), (III), (IV), or (V), including any guarantee or reimbursement obligation in connection with any agreement or transaction referred to in any such subclause.

Such term is applicable for purposes of this subsection only and shall not be construed or applied so as to challenge or affect the characterization, definition, or treatment of any swap agreement under any other statute, regulation, or rule, including the Securities Act of 1933, the Securities Exchange Act of 1934, the Public Utility Holding Company Act of 1935, the Trust Indenture Act of 1939, the Investment Company Act of 1940, the Investment Advisers Act of 1940, the Securities Investor Protection Act of 1970, the Commodity Exchange Act, the Gramm-Leach-Bliley Act, and the Legal Certainty for Bank Products Act of 2000.

''(vii) TREATMENT OF MASTER AGREEMENT AS ONE AGREEMENT.—Any master agreement for any contract or agreement described in any preceding clause of this subparagraph (or any master agreement for such master agreement or agreements), together with all supplements to such master agreement, shall be treated as a single agreement and a single qualified financial contract. If a master agreement contains provisions relating to agreements or transactions that are not themselves qualified financial contracts, the master agreement shall be deemed to be a qualified financial contract only with respect to those transactions that are themselves qualified financial contracts.

''(viii) TRANSFER.—The term 'transfer' means every mode, direct or indirect, absolute or conditional, voluntary or involuntary, of disposing of or parting with property or with an interest in property, including retention of title as a security interest and foreclosure of the regulated entity's equity of redemption.

''(E) CERTAIN PROTECTIONS IN EVENT OF APPOINTMENT OF CONSERVATOR.—Notwithstanding any other provision of this Act (other than paragraph (13) of this subsection), any other Federal law, or the law of any State, no person shall be stayed or prohibited from exercising—

''(i) any right such person has to cause the termination, liquidation, or acceleration of any qualified financial contract with a regulated entity in a conservatorship based upon a default under such financial contract which is enforceable under applicable noninsolvency law;

''(ii) any right under any security agreement or arrangement or other credit enhancement relating to one or more such qualified financial contracts; or

''(iii) any right to offset or net out any termination values, payment amounts, or other transfer obligations arising under or in connection with such qualified financial contracts.

''(F) CLARIFICATION.—No provision of law shall be construed as limiting the right or power of the Agency, or authorizing any court or agency to limit or delay, in any manner, the right or power of the Agency to transfer any qualified financial contract in accordance with paragraphs (9) and (10) of this subsection or to disaffirm or repudiate any such contract in accordance with subsection (d)(1) of this section.

''(G) WALKAWAY CLAUSES NOT EFFECTIVE.—

''(i) IN GENERAL.—Notwithstanding the provisions of subparagraphs (A) and (E), and sections 403 and 404 of the Federal Deposit Insurance Corporation Improvement Act of 1991, no walkaway clause shall be enforceable in a qualified financial contract of a regulated entity in default.

''(ii) WALKAWAY CLAUSE DEFINED.—For purposes of this subparagraph, the term 'walkaway clause' means a provision in a qualified financial contract that, after calculation of a value of a party's position or an amount due to or from 1 of the parties in accordance with its terms upon termination, liquidation, or acceleration of the qualified financial contract, either does not create a payment obligation of a party or extinguishes a payment obligation of a party in whole or in part solely because of such party's status as a nondefaulting party.

''(9) TRANSFER OF QUALIFIED FINANCIAL CONTRACTS.—In making any transfer of assets or liabilities of a regulated entity in default which includes any qualified financial contract, the conservator or receiver for such regulated entity shall either—

''(A) transfer to 1 person—

''(i) all qualified financial contracts between any person (or any affiliate of such person) and the regulated entity in default;

''(ii) all claims of such person (or any affiliate of such person) against such regulated entity under any such contract (other than any claim which, under the terms of any such contract, is subordinated to the claims of general unsecured creditors of such regulated entity);

''(iii) all claims of such regulated entity against such person (or any affiliate of such person) under any such contract; and

''(iv) all property securing or any other credit enhancement for any contract described in clause (i) or any claim described in clause (ii) or (iii) under any such contract; or

''(B) transfer none of the financial contracts, claims, or property referred to under subparagraph (A) (with respect to such person and any affiliate of such person).

''(10) NOTIFICATION OF TRANSFER.—

''(A) IN GENERAL.—If—

''(i) the conservator or receiver for a regulated entity in default makes any transfer of the assets and liabilities of such regulated entity, and

''(ii) the transfer includes any qualified financial contract,

the conservator or receiver shall notify any person who is a party to any such contract of such transfer by 5:00 p.m. (eastern time) on the business day following the date of the appointment of the receiver in the case of a receivership, or the business day following such transfer in the case of a conservatorship.

''(B) CERTAIN RIGHTS NOT ENFORCEABLE.—

''(i) RECEIVERSHIP.—A person who is a party to a qualified financial contract with a regulated entity may not exercise any right that such person has to terminate, liquidate, or net such contract under paragraph (8)(A) of this subsection or section 403 or 404 of the Federal Deposit Insurance Corporation Improvement Act of 1991, solely by reason of or incidental to the appointment of a receiver for the regulated entity (or the insolvency or financial condition of the regulated entity for which the receiver has been appointed)—

''(I) until 5:00 p.m. (eastern time) on the business day following the date of the appointment of the receiver; or

''(II) after the person has received notice that the contract has been transferred pursuant to paragraph (9)(A).

''(ii) CONSERVATORSHIP.—A person who is a party to a qualified financial contract with a regulated entity may not exercise any right that such person has to terminate, liquidate, or net such contract under paragraph (8)(E) of this subsection or section 403 or 404 of the Federal Deposit Insurance Corporation Improvement Act of 1991, solely by reason of or incidental to the appointment of a conservator for the regulated entity (or the insolvency or financial condition of the regulated entity for which the conservator has been appointed).

''(iii) NOTICE.—For purposes of this paragraph, the Agency as receiver or conservator of a regulated entity shall be deemed to have notified a person who is a party to a qualified financial contract with such regulated entity if the Agency has taken steps reasonably calculated to provide notice to such person by the time specified in subparagraph (A).

''(C) BUSINESS DAY DEFINED.—For purposes of this paragraph, the term 'business day' means any day other than any Saturday, Sunday, or any day on which either the New York Stock Exchange or the Federal Reserve Bank of New York is closed.

''(11) DISAFFIRMANCE OR REPUDIATION OF QUALIFIED FINANCIAL CONTRACTS.—In exercising the rights of disaffirmance or repudiation of a conservator or receiver with respect to any qualified financial contract to which a regulated entity is a party, the conservator or receiver for such institution shall either—

''(A) disaffirm or repudiate all qualified financial contracts between—

''(i) any person or any affiliate of such person; and

''(ii) the regulated entity in default; or

''(B) disaffirm or repudiate none of the qualified financial contracts referred to in subparagraph (A) (with respect to such person or any affiliate of such person).

''(12) CERTAIN SECURITY INTERESTS NOT AVOIDABLE.—No provision of this subsection shall be construed as permitting the avoidance of any legally enforceable or perfected security interest in any of the assets of any regulated entity, except where such an interest is taken in contemplation of the insolvency of the regulated entity, or with the intent to hinder, delay, or defraud the regulated entity or the creditors of such regulated entity.

''(13) AUTHORITY TO ENFORCE CONTRACTS.—

''(A) IN GENERAL.—Notwithstanding any provision of a contract providing for termination, default, acceleration, or exercise of rights upon, or solely by reason of, insolvency or the appointment of a conservator or receiver, the conservator or receiver may enforce any contract or regulated entity bond entered into by the regulated entity.

''(B) CERTAIN RIGHTS NOT AFFECTED.—No provision of this paragraph may be construed as impairing or affecting any right of the conservator or receiver to enforce or recover under a director's or officer's liability insurance contract or surety bond under other applicable law.

''(C) CONSENT REQUIREMENT.—

''(i) IN GENERAL.—Except as otherwise provided under this section, no person may exercise any right or power to terminate, accelerate, or declare a default under any contract to which a regulated entity is a party, or to obtain possession of or exercise control over any property of the regulated entity, or affect any contractual rights of the regulated entity, without the consent of the conservator or receiver, as appropriate, for a period of—

''(I) 45 days after the date of appointment of a conservator; or

''(II) 90 days after the date of appointment of a receiver.

''(ii) EXCEPTIONS.—This paragraph shall—

''(I) not apply to a director's or officer's liability insurance contract;

''(II) not apply to the rights of parties to any qualified financial contracts under subsection (d)(8); and

''(III) not be construed as permitting the conservator or receiver to fail to comply with otherwise enforceable provisions of such contracts.

''(14) SAVINGS CLAUSE.—The meanings of terms used in this subsection are applicable for purposes of this subsection only, and shall not be construed or applied so as to challenge or affect the characterization, definition, or treatment of any similar terms under any other statute, regulation, or rule, including the Gramm-Leach-Bliley Act, the Legal Certainty for Bank Products Act of 2000, the securities laws (as that term is defined in section 3(a)(47) of the Securities Exchange Act of 1934), and the Commodity Exchange Act.

''(15) EXCEPTION FOR FEDERAL RESERVE AND FEDERAL HOME LOAN BANKS.—No provision of this subsection shall apply with respect to—

''(A) any extension of credit from any Federal home loan bank or Federal Reserve Bank to any regulated entity; or

''(B) any security interest in the assets of the regulated entity securing any such extension of credit.

''(e) VALUATION OF CLAIMS IN DEFAULT.—

''(1) IN GENERAL.—Notwithstanding any other provision of Federal law or the law of any State, and regardless of the method which the Agency determines to utilize with respect to a regulated entity in default or in danger of default, including transactions authorized under subsection (i), this subsection shall govern the rights of the creditors of such regulated entity.

''(2) MAXIMUM LIABILITY.—The maximum liability of the Agency, acting as receiver or in any other capacity, to any person having a claim against the receiver or the regulated entity for which such receiver is appointed shall equal the lesser of—

''(A) the amount such claimant would have received if the Agency had liquidated the assets and liabilities of such regulated entity without exercising the authority of the Agency under subsection (i) of this section; or

''(B) the amount of proceeds realized from the performance of contracts or sale of the assets of the regulated entity.

''(f) LIMITATION ON COURT ACTION.—Except as provided in this section or at the request of the Director, no court may take any action to restrain or affect the exercise of powers or functions of the Agency as a conservator or a receiver.

''(g) LIABILITY OF DIRECTORS AND OFFICERS.—

''(1) IN GENERAL.—A director or officer of a regulated entity may be held personally liable for monetary damages in any civil action by, on behalf of, or at the request or direction of the Agency, which action is prosecuted wholly or partially for the benefit of the Agency—

''(A) acting as conservator or receiver of such regulated entity, or

''(B) acting based upon a suit, claim, or cause of action purchased from, assigned by, or otherwise conveyed by such receiver or conservator,

for gross negligence, including any similar conduct or conduct that demonstrates a greater disregard of a duty of care (than gross negligence) including intentional tortious conduct, as such terms are defined and determined under applicable State law.

''(2) NO LIMITATION.—Nothing in this paragraph shall impair or affect any right of the Agency under other applicable law.

''(h) DAMAGES.—In any proceeding related to any claim against a director, officer, employee, agent, attorney, accountant, appraiser, or any other party employed by or providing services to a regulated entity, recoverable damages determined to result from the improvident or otherwise improper use or investment of any assets of the regulated entity shall include principal losses and appropriate interest.

''(i) LIMITED-LIFE REGULATED ENTITIES.—

''(1) ORGANIZATION.—

''(A) PURPOSE.—If a regulated entity is in default, or if the Agency anticipates that a regulated entity will default, the Agency may organize a limited-life regulated entity with those powers and attributes of the regulated entity in default or in danger of default that the Director determines necessary, subject to the provisions of this subsection. The Director shall grant a temporary charter to the limited-life regulated entity, and the limited-life regulated entity shall operate subject to that charter.

''(B) AUTHORITIES.—Upon the creation of a limited-life regulated entity under subparagraph (A), the limited-life regulated entity may—

''(i) assume such liabilities of the regulated entity that is in default or in danger of default as the Agency may, in its discretion, determine to be appropriate, provided that the liabilities assumed shall not exceed the amount of assets of the limited-life regulated entity;

''(ii) purchase such assets of the regulated entity that is in default, or in danger of default, as the Agency may, in its discretion, determine to be appropriate; and

''(iii) perform any other temporary function which the Agency may, in its discretion, prescribe in accordance with this section.

''(2) CHARTER.—

''(A) CONDITIONS.—The Agency may grant a temporary charter if the Agency determines that the continued operation of the regulated entity in default or in danger of default is in the best interest of the national economy and the housing markets.

''(B) TREATMENT AS BEING IN DEFAULT FOR CERTAIN PURPOSES.—A limited-life regulated entity shall be treated as a regulated entity in default at such times and for such purposes as the Agency may, in its discretion, determine.

''(C) MANAGEMENT.—A limited-life regulated entity, upon the granting of its charter, shall be under the management of a board of directors consisting of not fewer than 5 nor more than 10 members appointed by the Agency.

''(D) BYLAWS.—The board of directors of a limited-life regulated entity shall adopt such bylaws as may be approved by the Agency.

''(3) CAPITAL STOCK.—No capital stock need be paid into a limited-life regulated entity by the Agency.

''(4) INVESTMENTS.—Funds of a limited-life regulated entity shall be kept on hand in cash, invested in obligations of the United States or obligations guaranteed as to principal and interest by the United States, or deposited with the Agency, or any Federal Reserve bank.

''(5) EXEMPT STATUS.—Notwithstanding any other provision of Federal or State law, the limited-life regulated entity, its franchise, property, and income shall be exempt from all taxation now or hereafter imposed by the United States, by any territory, dependency, or possession thereof, or by any State, county, municipality, or local taxing authority.

''(6) WINDING UP.—

''(A) IN GENERAL.—Subject to subparagraph (B), unless Congress authorizes the sale of the capital stock of the limited-life regulated entity, not later than 2 years after the date of its organization, the Agency shall wind up the affairs of the limited-life regulated entity.

''(B) EXTENSION.—The Director may, in the discretion of the Director, extend the status of the limited-life regulated entity for 3 additional 1-year periods.

''(7) TRANSFER OF ASSETS AND LIABILITIES.—

''(A) IN GENERAL.—

''(i) TRANSFER OF ASSETS AND LIABILITIES.—The Agency, as receiver, may transfer any assets and liabilities of a regulated entity in default, or in danger of default, to the limited-life regulated entity in accordance with paragraph (1).

''(ii) SUBSEQUENT TRANSFERS.—At any time after a charter is transferred to a limited-life regulated entity, the Agency, as receiver, may transfer any assets and liabilities of such regulated entity in default, or in danger in default, as the Agency may, in its discretion, determine to be appropriate in accordance with paragraph (1).

''(iii) EFFECTIVE WITHOUT APPROVAL.—The transfer of any assets or liabilities of a regulated entity in default, or in danger of default, transferred to a limited-life regulated entity shall be effective without any further approval under Federal or State law, assignment, or consent with respect thereto.

''(8) PROCEEDS.—To the extent that available proceeds from the limited-life regulated entity exceed amounts required to pay obligations, such proceeds may be paid to the regulated entity in default, or in danger of default.

''(9) POWERS.—

''(A) IN GENERAL.—Each limited-life regulated entity created under this subsection shall have all corporate powers of, and be

subject to the same provisions of law as, the regulated entity in default or in danger of default to which it relates, except that—

''(i) the Agency may—

''(I) remove the directors of a limited-life regulated entity; and

''(II) fix the compensation of members of the board of directors and senior management, as determined by the Agency in its discretion, of a limited-life regulated entity;

''(ii) the Agency may indemnify the representatives for purposes of paragraph (1)(B), and the directors, officers, employees, and agents of a limited-life regulated entity on such terms as the Agency determines to be appropriate; and

''(iii) the board of directors of a limited-life regulated entity—

''(I) shall elect a chairperson who may also serve in the position of chief executive officer, except that such person shall not serve either as chairperson or as chief executive officer without the prior approval of the Agency; and

''(II) may appoint a chief executive officer who is not also the chairperson, except that such person shall not serve as chief executive officer without the prior approval of the Agency.

''(B) STAY OF JUDICIAL ACTION.—Any judicial action to which a limited-life regulated entity becomes a party by virtue of its acquisition of any assets or assumption of any liabilities of a regulated entity in default shall be stayed from further proceedings for a period of up to 45 days at the request of the limited-life regulated entity. Such period may be modified upon the consent of all parties.

''(10) OBTAINING OF CREDIT AND INCURRING OF DEBT.—

''(A) IN GENERAL.—The limited-life regulated entity may obtain unsecured credit and incur unsecured debt in the ordinary course of business.

''(B) INABILITY TO OBTAIN CREDIT.—If the limited-life regulated entity is unable to obtain unsecured credit the Director may authorize the obtaining of credit or the incurring of debt—

''(i) with priority over any or all administrative expenses;

''(ii) secured by a lien on property that is not otherwise subject to a lien; or

''(iii) secured by a junior lien on property that is subject to a lien.

''(C) LIMITATIONS.—

''(i) IN GENERAL.—The Director, after notice and a hearing, may authorize the obtaining of credit or the incurring of debt secured by a senior or equal lien on property that is subject to a lien (other than mortgages that collateralize the mortgage-backed securities issued or guaranteed by the regulated entity) only if—

''(I) the limited-life regulated entity is unable to obtain such credit otherwise; and

''(II) there is adequate protection of the interest of the holder of the lien on the property which such senior or equal lien is proposed to be granted.

''(ii) BURDEN OF PROOF.—In any hearing under this subsection, the Director has the burden of proof on the issue of adequate protection.

''(D) EFFECT ON DEBTS AND LIENS.—The reversal or modification on appeal of an authorization under this paragraph to obtain credit or incur debt, or of a grant under this section of a priority or a lien, does not affect the validity of any debt so incurred, or any priority or lien so granted, to an entity that extended such credit in good faith, whether or not such entity knew of the pendency of the appeal, unless such authorization and the incurring of such debt, or the granting of such priority or lien, were stayed pending appeal.

''(11) ISSUANCE OF PREFERRED DEBT.—A limited-life regulated entity may, subject to the approval of the Director and subject to such terms and conditions as the Director may prescribe, issue notes, bonds, or other debt obligations of a class to which all other debt obligations of the limited-life regulated entity shall be subordinate in right and payment.

''(12) NO FEDERAL STATUS.—

''(A) AGENCY STATUS.—A limited-life regulated entity is not an agency, establishment, or instrumentality of the United States.

''(B) EMPLOYEE STATUS.—Representatives for purposes of paragraph (1)(B), interim directors, directors, officers, employees, or agents of a limited-life regulated entity are not, solely by virtue of service in any such capacity, officers or employees of the United States. Any employee of the Agency or of any Federal instrumentality who serves at the request of the Agency as a representative for purposes of paragraph (1)(B), interim director, director, officer, employee, or agent of a limited-life regulated entity shall not—

''(i) solely by virtue of service in any such capacity lose any existing status as an officer or employee of the United States for purposes of title 5, United States Code, or any other provision of law; or

''(ii) receive any salary or benefits for service in any such capacity with respect to a limited-life regulated entity in addition to such salary or benefits as are obtained through employment with the Agency or such Federal instrumentality.

''(13) ADDITIONAL POWERS.—In addition to any other powers granted under this subsection, a limited-life regulated entity may—

''(A) extend a maturity date or change in an interest rate or other term of outstanding securities;

''(B) issue securities of the limited-life regulated entity, for cash, for property, for existing securities, or in exchange for claims or interests, or for any other appropriate purposes; and

''(C) take any other action not inconsistent with this section.

''(j) OTHER EXEMPTIONS.—When acting as a receiver, the following provisions shall apply with respect to the Agency:

''(1) EXEMPTION FROM TAXATION.—The Agency, including its franchise, its capital, reserves, and surplus, and its income, shall be exempt from all taxation imposed by any State, country, municipality, or local taxing authority, except that any real property of the Agency shall be subject to State, territorial, county, municipal, or local taxation to the same extent according to its value as other real property is taxed, except that, notwithstanding the failure of any person to challenge an assessment under State law of the value of such property, and the tax thereon, shall be determined as of the period for which such tax is imposed.

''(2) EXEMPTION FROM ATTACHMENT AND LIENS.—No property of the Agency shall be subject to levy, attachment, garnishment, foreclosure, or sale without the consent of the Agency, nor shall any involuntary lien attach to the property of the Agency.

''(3) EXEMPTION FROM PENALTIES AND FINES.—The Agency shall not be liable for any amounts in the nature of penalties or fines, including those arising from the failure of any person to pay any real property, personal property, probate, or recording tax or any recording or filing fees when due.

''(k) PROHIBITION OF CHARTER REVOCATION.—In no case may a receiver appointed pursuant to this section revoke, annul, or terminate the charter of a regulated entity.

''(l) PRESERVATION OF BANKRUPTCY LAW .—Nothing in this Act shall be construed to modify, impair, or supersede the operation of any provision of title 11 of the United States Code, or the operation of any provision of title 28 of such Code that relates to cases under such title 11, except as otherwise provided in section 1367(b) of this Act and except that a regulated entity may not be a debtor under such title 11.''.

(b) CONFORMING AMENDMENTS.—

(1) HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1992.—Subtitle B of title XIII of the Housing and Community Development Act of 1992 is amended by striking sections 1369 (12 U.S.C. 4619), 1369A (12 U.S.C. 4620), and 1369B (12 U.S.C. 4621).

(2) FEDERAL HOME LOAN BANKS.—Section 25 of the Federal Home Loan Bank Act (12 U.S.C. 1445) is amended to read as follows:

''SEC. 25. SUCCESSION OF FEDERAL HOME LOAN BANKS.

''Each Federal Home Loan Bank shall have succession until it is voluntarily merged with another Bank under this Act, or until it is merged, reorganized, rehabilitated, liquidated, or otherwise wound up by the Director in accordance with the provisions of section 1367 of the Housing and Community Development Act of 1992, or by further Act of Congress.''.

SEC. 349. CONFORMING AMENDMENTS.

Title XIII of the Housing and Community Development Act of 1992, as amended by the preceding provisions of this title, is further amended—

(1) in sections 1365 (12 U.S.C. 4615) through 1369D (12 U.S.C. 4623), but not including section 1367 (12 U.S.C. 4617) as amended by section 349 of this title—

(A) by striking ''An enterprise'' each place such term appears and inserting ''A regulated entity'';

(B) by striking ''an enterprise'' each place such term appears and inserting ''a regulated entity''; and

(C) by striking ''the enterprise'' each place such term appears and inserting ''the regulated entity'';

(2) in section 1366 (12 U.S.C. 4616)—

(A) in subsection (b)(7), by striking ''section 1369 (excluding subsection (a)(1) and (2))'' and inserting ''section 1367''; and

(B) in subsection (d), by striking ''the enterprises'' and inserting ''the regulated entities'';

(3) in section 1368(d) (12 U.S.C. 4618(d)), by striking ''Committee on Banking, Finance and Urban Affairs'' and inserting ''Committee on Financial Services'';

(4) in section 1369C (12 U.S.C. 4622)—

(A) in subsection (a)(4), by striking ''activities (including existing and new programs)'' and inserting ''activities, services, undertakings, and offerings (including existing and new products (as such term is defined in section 1321(f))''; and

(B) in subsection (c), by striking ''any enterprise'' and inserting ''any regulated entity''; and

(5) in subsections (a) and (d) of section 1369D, by striking ''section 1366 or 1367 or action under section 1369)'' each place such phrase appears and inserting ''section 1367)''.

CHAPTER 4—ENFORCEMENT ACTIONS

SEC. 351. CEASE-AND-DESIST PROCEEDINGS.

Section 1371 of the Housing and Community Development Act of 1992 (12 U.S.C. 4631) is amended—

(1) by striking subsections (a) and (b) and inserting the following new subsections:

''(a) ISSUANCE FOR UNSAFE OR UNSOUND PRACTICES AND VIOLATIONS OF RULES OR LAWS.—If, in the opinion of the Director, a regulated entity or any regulated entity-affiliated party is engaging or has engaged, or the Director has reasonable cause to believe that the regulated entity or any regulated entity-affiliated party is about to engage, in an unsafe or unsound practice in conducting the business of the regulated entity or is violating or has violated, or the Director has

reasonable cause to believe that the regulated entity or any regulated entity-affiliated party is about to violate, a law, rule, or regulation, or any condition imposed in writing by the Director in connection with the granting of any application or other request by the regulated entity or any written agreement entered into with the Director, the Director may issue and serve upon the regulated entity or such party a notice of charges in respect thereof. The Director may not, pursuant to this section, enforce compliance with any housing goal established under subpart B of part 2 of subtitle A of this title, with section 1336 or 1337 of this title, with subsection (m) or (n) of section 309 of the Federal National Mortgage Association Charter Act (12 U.S.C. 1723a(m), (n)), with subsection (e) or (f) of section 307 of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1456(e), (f)), or with paragraph (5) of section 10(j) of the Federal Home Loan Bank Act (12 U.S.C. 1430(j)).

''(b) ISSUANCE FOR UNSATISFACTORY RATING.—If a regulated entity receives, in its most recent report of examination, a less-than-satisfactory rating for asset quality, management, earnings, or liquidity, the Director may (if the deficiency is not corrected) deem the regulated entity to be engaging in an unsafe or unsound practice for purposes of this subsection.'';

(2) in subsection (c)(2), by striking ''enterprise, executive officer, or director'' and inserting ''regulated entity or regulated entity-affiliated party''; and

(3) in subsection (d)—

(A) in the matter preceding paragraph (1), by striking ''enterprise, executive officer, or director'' and inserting ''regulated entity or regulated entity-affiliated party'';

(B) in paragraph (1)—

(i) by striking ''an executive officer or a director'' and inserting ''a regulated entity affiliated party''; and

(ii) by inserting ''(including reimbursement of compensation under section 1318)'' after ''reimbursement'';

(C) in paragraph (6), by striking ''and'' at the end;

(D) by redesignating paragraph (7) as paragraph (8); and

(E) by inserting after paragraph (6) the following new paragraph:

''(7) to effect an attachment on a regulated entity or regulated entity-affiliated party subject to an order under this section or section 1372; and''.

SEC. 352. TEMPORARY CEASE-AND-DESIST PROCEEDINGS.

Section 1372 of the Housing and Community Development Act of 1992 (12 U.S.C. 4632) is amended—

(1) by striking subsection (a) and inserting the following new subsection:

''(a) GROUNDS FOR ISSUANCE.—Whenever the Director determines that the violation or threatened violation or the unsafe or unsound practice or practices specified in the notice of charges served upon the regulated entity or any regulated entity-affiliated party pursuant to section 1371(a), or the continuation thereof, is likely to cause insolvency or significant dissipation of assets or earnings of the regulated entity, or is likely to weaken the condition of the regulated entity prior to the completion of the proceedings conducted pursuant to sections 1371 and 1373, the Director may issue a temporary order requiring the regulated entity or such party to cease and desist from any such violation or practice and to take affirmative action to prevent or remedy such insolvency, dissipation, condition, or prejudice pending completion of such proceedings. Such order may include any requirement authorized under section 1371(d).'';

(2) in subsection (b), by striking ''enterprise, executive officer, or director'' and inserting ''regulated entity or regulated entity-affiliated party'';

(3) in subsection (d)—

(A) by striking ''An enterprise, executive officer, or director'' and inserting ''A regulated entity or regulated entity-affiliated party''; and

(B) by striking ''the enterprise, executive officer, or director'' and inserting ''the regulated entity or regulated entity-affiliated party''; and

(4) by striking subsection (e) and in inserting the following new subsection:

''(e) ENFORCEMENT.—In the case of violation or threatened violation of, or failure to obey, a temporary cease-and-desist order issued pursuant to this section, the Director may apply to the United States District Court for the District of Columbia or the United States district court within the jurisdiction of which the headquarters of the regulated entity is located, for an injunction to enforce such order, and, if the court determines that there has been such violation or threatened violation or failure to obey, it shall be the duty of the court to issue such injunction.''.

SEC. 353. PREJUDGMENT ATTACHMENT.

The Housing and Community Development Act of 1992 is amended by inserting after section 1375 (12 U.S.C. 4635) the following new section:

''SEC. 1375A. PREJUDGMENT ATTACHMENT.

''(a) IN GENERAL.—In any action brought pursuant to this title, or in actions brought in aid of, or to enforce an order in, any administrative or other civil action for money damages, restitution, or civil money penalties brought pursuant to this title, the court may, upon application of the Director or Attorney General, as applicable, issue a restraining order that—

''(1) prohibits any person subject to the proceeding from withdrawing, transferring, removing, dissipating, or disposing of any funds, assets or other property; and

''(2) appoints a person on a temporary basis to administer the restraining order.

''(b) STANDARD.—

''(1) SHOWING.—Rule 65 of the Federal Rules of Civil Procedure shall apply with respect to any proceeding under subsection (a) without regard to the requirement of such rule that the applicant show that the injury, loss, or damage is irreparable and immediate.

''(2) STATE PROCEEDING.—If, in the case of any proceeding in a State court, the court determines that rules of civil procedure available under the laws of such State provide substantially similar protections to a party's right to due process as Rule 65 (as modified with respect to such proceeding by paragraph (1)), the relief sought under subsection (a) may be requested under the laws of such State.''.

SEC. 354. ENFORCEMENT AND JURISDICTION.

Section 1375 of the Housing and Community Development Act of 1992 (12 U.S.C. 4635) is amended—

(1) by striking subsection (a) and inserting the following new subsection:

''(a) ENFORCEMENT.—The Director may, in the discretion of the Director, apply to the United States District Court for the District of Columbia, or the United States district court within the jurisdiction of which the headquarters of the regulated entity is located, for the enforcement of any effective and outstanding notice or order issued under this subtitle or subtitle B, or request that the Attorney General of the United States bring such an action. Such court shall have jurisdiction and power to order and require compliance with such notice or order.''; and

(2) in subsection (b), by striking ''or 1376'' and inserting ''1376, or 1377''.

SEC. 355. CIVIL MONEY PENALTIES.

Section 1376 of the Housing and Community Development Act of 1992 (12 U.S.C. 4636) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking '', or any executive officer or director'' and inserting ''or any regulated-entity affiliated party''; and

(B) in paragraph (1)—

(i) by striking ''the Federal National Mortgage Association Charter Act, the Federal Home Loan Mortgage Corporation Act'' and inserting ''any provision of any of the authorizing statutes'';

(ii) by striking ''or Act'' and inserting ''or statute'';

(iii) by striking ''or subsection'' and inserting '', subsection''; and

(iv) by inserting '', or paragraph (5) or (12) of section 10(j) of the Federal Home Loan Bank Act'' before the semicolon at the end;

(2) by striking subsection (b) and inserting the following new subsection:

''(b) AMOUNT OF PENALTY.—

''(1) FIRST TIER.—Any regulated entity which, or any regulated entity-affiliated party who—

''(A) violates any provision of this title, any provision of any of the authorizing statutes, or any order, condition, rule, or regulation under any such title or statute, except that the Director may not, pursuant to this section, enforce compliance with any housing goal established under subpart B of part 2 of subtitle A of this title, with section 1336 or 1337 of this title, with subsection (m) or (n) of section 309 of the Federal National Mortgage Association Charter Act (12 U.S.C. 1723a(m), (n)), with subsection (e) or (f) of section 307 of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1456(e), (f)), or with paragraph (5) or (12) of section 10(j) of the Federal Home Loan Bank Act;

''(B) violates any final or temporary order or notice issued pursuant to this title;

''(C) violates any condition imposed in writing by the Director in connection with the grant of any application or other request by such regulated entity; or

''(D) violates any written agreement between the regulated entity and the Director, shall forfeit and pay a civil money penalty of not more than $10,000 for each day during which such violation continues.

''(2) SECOND TIER.—Notwithstanding paragraph (1)—

''(A) if a regulated entity, or a regulated entity-affiliated party—

''(i) commits any violation described in any subparagraph of paragraph (1);

''(ii) recklessly engages in an unsafe or unsound practice in conducting the affairs of such regulated entity; or

''(iii) breaches any fiduciary duty; and

''(B) the violation, practice, or breach—

''(i) is part of a pattern of misconduct;

''(ii) causes or is likely to cause more than a minimal loss to such regulated entity; or

''(iii) results in pecuniary gain or other benefit to such party,

the regulated entity or regulated entity-affiliated party shall forfeit and pay a civil penalty of not more than $50,000 for each day during which such violation, practice, or breach continues.

''(3) THIRD TIER.—Notwithstanding paragraphs (1) and (2), any regulated entity which, or any regulated entity-affiliated party who—

''(A) knowingly—

''(i) commits any violation or engages in any conduct described in any subparagraph of paragraph (1);

''(ii) engages in any unsafe or unsound practice in conducting the affairs of such regulated entity; or

''(iii) breaches any fiduciary duty; and

''(B) knowingly or recklessly causes a substantial loss to such regulated entity or a substantial pecuniary gain or other benefit to such party by reason of such violation, practice, or breach,

shall forfeit and pay a civil penalty in an amount not to exceed the applicable maximum amount determined under paragraph (4) for each day during which such violation, practice, or breach continues.

''(4) MAXIMUM AMOUNTS OF PENALTIES FOR ANY VIOLATION DESCRIBED IN PARAGRAPH (3).—The maximum daily amount of any civil penalty which may be assessed pursuant to paragraph (3) for any violation, practice, or breach described in such paragraph is—

''(A) in the case of any person other than a regulated entity, an amount not to exceed $2,000,000; and

''(B) in the case of any regulated entity, $2,000,000.'';

(3) in subsection (c)(1)(B), by striking ''enterprise, executive officer, or director'' and inserting ''regulated entity or regulated entity-affiliated party'';

(4) in subsection (d), by striking the first sentence and inserting the following: ''If a regulated entity or regulated entity-affiliated party fails to comply with an order of the Director imposing a civil money penalty under this section, after the order is no longer subject to review as provided under subsection (c)(1) and section 1374, the Director may, in the discretion of the Director, bring an action in the United States District Court for the District of Columbia, or the United States district court within the jurisdiction of which the headquarters of the regulated entity is located, to obtain a monetary judgment against the regulated entity or regulated entity affiliated party and such other relief as may be available, or request that the Attorney General of the United States bring such an action.''; and

(5) in subsection (g), by striking ''subsection (b)(3)'' and inserting ''this section, unless authorized by the Director by rule, regulation, or order''.

SEC. 356. REMOVAL AND PROHIBITION AUTHORITY.

(a) IN GENERAL.—Subtitle C of title XIII of the Housing and Community Development Act of 1992 is amended—

(1) by redesignating sections 1377, 1378, 1379, 1379A, and 1379B (12 U.S.C. 4637–41) as sections 1379, 1379A, 1379B, 1379C, and 1379D, respectively; and

(2) by inserting after section 1376 (12 U.S.C. 4636) the following new section:

''SEC. 1377. REMOVAL AND PROHIBITION AUTHORITY.

''(a) AUTHORITY TO ISSUE ORDER.—Whenever the Director determines that—

''(1) any regulated entity-affiliated party has, directly or indirectly—

''(A) violated—

''(i) any law or regulation;

''(ii) any cease-and-desist order which has become final;

''(iii) any condition imposed in writing by the Director in connection with the grant of any application or other request by such regulated entity; or

''(iv) any written agreement between such regulated entity and the Director;

''(B) engaged or participated in any unsafe or unsound practice in connection with any regulated entity; or

''(C) committed or engaged in any act, omission, or practice which constitutes a breach of such party's fiduciary duty;

''(2) by reason of the violation, practice, or breach described in any subparagraph of paragraph (1)—

''(A) such regulated entity has suffered or will probably suffer financial loss or other damage; or

''(B) such party has received financial gain or other benefit by reason of such violation, practice, or breach; and

''(3) such violation, practice, or breach—

''(A) involves personal dishonesty on the part of such party; or

''(B) demonstrates willful or continuing disregard by such party for the safety or soundness of such regulated entity, the Director may serve upon such party a written notice of the Director's intention to remove such party from office or to prohibit any further participation by such party, in any manner, in the conduct of the affairs of any regulated entity.

''(b) SUSPENSION ORDER.—

''(1) SUSPENSION OR PROHIBITION AUTHORITY.—If the Director serves written notice under subsection (a) to any regulated entity-affiliated party of the Director's intention to issue an order under such subsection, the Director may—

''(A) suspend such party from office or prohibit such party from further participation in any manner in the conduct of the affairs of the regulated entity, if the Director—

''(i) determines that such action is necessary for the protection of the regulated entity; and

''(ii) serves such party with written notice of the suspension order; and

''(B) prohibit the regulated entity from releasing to or on behalf of the regulated entity-affiliated party any compensation or other payment of money or other thing of current or potential value in connection with any resignation, removal, retirement, or other termination of employment or office of the party.

''(2) EFFECTIVE PERIOD.—Any suspension order issued under this subsection—

''(A) shall become effective upon service; and

''(B) unless a court issues a stay of such order under subsection (g) of this section, shall remain in effect and enforceable until—

''(i) the date the Director dismisses the charges contained in the notice served under subsection (a) with respect to such party; or

''(ii) the effective date of an order issued by the Director to such party under subsection (a).

''(3) COPY OF ORDER.—If the Director issues a suspension order under this subsection to any regulated entity-affiliated party, the Director shall serve a copy of such order on any regulated entity with which such party is affiliated at the time such order is issued.

''(c) NOTICE, HEARING, AND ORDER.—A notice of intention to remove a regulated entity-affiliated party from office or to prohibit such party from participating in the conduct of the affairs of a regulated entity shall contain a statement of the facts constituting grounds for such action, and shall fix a time and place at which a hearing will be held on such action. Such hearing shall be fixed for a date not earlier than 30 days nor later than 60 days after the date of service of such notice, unless an earlier or a later date is set by the Director at the request of (1) such party, and for good cause shown, or (2) the Attorney General of the United States. Unless such party shall appear at the hearing in person or by a duly authorized representative, such party shall be deemed to have consented to the issuance of an order of such removal or prohibition. In the event of such consent, or if upon the record made at any such hearing the Director shall find that any of the grounds specified in such notice have been established, the Director may issue such orders of suspension or removal from office, or prohibition from participation in the conduct of the affairs of the regulated entity, as it may deem appropriate, together with an order prohibiting compensation described in subsection (b)(1)(B). Any such order shall become effective at the expiration of 30 days after service upon such regulated entity and such party (except in the case of an order issued upon consent, which shall become effective at the time specified therein). Such order shall remain effective and enforceable except to such extent as it is stayed, modified, terminated, or set aside by action of the Director or a reviewing court.

''(d) PROHIBITION OF CERTAIN SPECIFIC ACTIVITIES.—Any person subject to an order issued under this section shall not—

''(1) participate in any manner in the conduct of the affairs of any regulated entity;

''(2) solicit, procure, transfer, attempt to transfer, vote, or attempt to vote any proxy, consent, or authorization with respect to any voting rights in any regulated entity;

''(3) violate any voting agreement previously approved by the Director; or

''(4) vote for a director, or serve or act as a regulated entity-affiliated party.

''(e) INDUSTRY-WIDE PROHIBITION.—

''(1) IN GENERAL.—Except as provided in paragraph (2), any person who, pursuant to an order issued under this section, has been removed or suspended from office in a regulated entity or prohibited from participating in the conduct of the affairs of a regulated entity may not, while such order is in effect, continue or commence to hold any office in, or participate in any manner in the conduct of the affairs of, any regulated entity.

''(2) EXCEPTION IF DIRECTOR PROVIDES WRITTEN CONSENT.—If, on or after the date an order is issued under this section which removes or suspends from office any regulated entity-affiliated party or prohibits such party from participating in the conduct of the affairs of a regulated entity, such party receives the written consent of the Director, the order shall, to the extent of such consent, cease to apply to such party with respect to the regulated entity described in the written consent. If the Director grants such a written consent, it shall publicly disclose such consent.

''(3) VIOLATION OF PARAGRAPH (1) TREATED AS VIOLATION OF ORDER.—Any violation of paragraph (1) by any person who is subject to an order described in such subsection shall be treated as a violation of the order.

''(f) APPLICABILITY.—This section shall only apply to a person who is an individual, unless the Director specifically finds that it should apply to a corporation, firm, or other business enterprise.

''(g) STAY OF SUSPENSION AND PROHIBITION OF REGULATED ENTITY-AFFILIATED PARTY.—Within 10 days after any regulated entity-affiliated party has been suspended from office and/or prohibited from participation in the conduct of the affairs of a regulated entity under this section, such party may apply to the United States District Court for the District of Columbia, or the United States district court for the judicial district in which the headquarters of the regulated entity is located, for a stay of such suspension and/or prohibition and any prohibition under subsection (b)(1)(B) pending the completion of the administrative proceedings pursuant to the notice served upon such party under this section, and such court shall have jurisdiction to stay such suspension and/or prohibition.

''(h) SUSPENSION OR REMOVAL OF REGULATED ENTITY-AFFILIATED PARTY CHARGED WITH FELONY.—

''(1) SUSPENSION OR PROHIBITION.—

''(A) IN GENERAL.—Whenever any regulated entity-affiliated party is charged in any information, indictment, or complaint, with the commission of or participation in a crime involving dishonesty or breach of trust which is punishable by imprisonment for a term exceeding one year under State or Federal law, the Director may, if continued service or participation by such party may pose a threat to the regulated entity or impair

public confidence in the regulated entity, by written notice served upon such party—

''(i) suspend such party from office or prohibit such party from further participation in any manner in the conduct of the affairs of any regulated entity; and

''(ii) prohibit the regulated entity from releasing to or on behalf of the regulated entity-affiliated party any compensation or other payment of money or other thing of current or potential value in connection with the period of any such suspension or with any resignation, removal, retirement, or other termination of employment or office of the party.

''(B) PROVISIONS APPLICABLE TO NOTICE.—

''(i) COPY.—A copy of any notice under paragraph (1)(A) shall also be served upon the regulated entity.

''(ii) EFFECTIVE PERIOD.—A suspension or prohibition under subparagraph (A) shall remain in effect until the information, indictment, or complaint referred to in such subparagraph is finally disposed of or until terminated by the Director.

''(2) REMOVAL OR PROHIBITION.—

''(A) IN GENERAL.—If a judgment of conviction or an agreement to enter a pretrial diversion or other similar program is entered against a regulated entity-affiliated party in connection with a crime described in paragraph (1)(A), at such time as such judgment is not subject to further appellate review, the Director may, if continued service or participation by such party may pose a threat to the regulated entity or impair public confidence in the regulated entity, issue and serve upon such party an order that—

''(i) removes such party from office or prohibits such party from further participation in any manner in the conduct of the affairs of the regulated entity without the prior written consent of the Director; and

''(ii) prohibits the regulated entity from releasing to or on behalf of the regulated entity-affiliated party any compensation or other payment of money or other thing of current or potential value in connection with the termination of employment or office of the party.

''(B) PROVISIONS APPLICABLE TO ORDER.—

''(i) COPY.—A copy of any order under paragraph (2)(A) shall also be served upon the regulated entity, whereupon the regulated entity-affiliated party who is subject to the order (if a director or an officer) shall cease to be a director or officer of such regulated entity.

''(ii) EFFECT OF ACQUITTAL.—A finding of not guilty or other disposition of the charge shall not preclude the Director from instituting proceedings after such finding or disposition to remove such party from office or to prohibit further participation in regulated entity affairs, and to prohibit compensation or other payment of money or other thing of current or potential value in connection with any resignation, removal, retirement, or other termination of employment or office of the party, pursuant to subsections (a), (d), or (e) of this section.

''(iii) EFFECTIVE PERIOD.—Any notice of suspension or order of removal issued under this subsection shall remain effective and outstanding until the completion of any hearing or appeal authorized under paragraph (4) unless terminated by the Director.

''(3) AUTHORITY OF REMAINING BOARD MEMBERS.—If at any time, because of the suspension of one or more directors pursuant to this section, there shall be on the board of directors of a regulated entity less than a quorum of directors not so suspended, all powers and functions vested in or exercisable by such board shall vest in and be exercisable by the director or directors on the board not so suspended, until such time as there shall be a quorum of the board of directors. In the event all of the directors of a regulated entity are suspended pursuant to this section, the Director shall appoint persons to serve temporarily as directors in their place and stead pending the termination of such suspensions, or until such time as those who have been suspended cease to be directors of the regulated entity and their respective successors take office.

''(4) HEARING REGARDING CONTINUED PARTICIPATION.—Within 30 days from service of any notice of suspension or order of removal issued pursuant to paragraph (1) or (2) of this subsection, the regulated entity-affiliated party concerned may request in writing an opportunity to appear before the Director to show that the continued service to or participation in the conduct of the affairs of the regulated entity by such party does not, or is not likely to, pose a threat to the interests of the regulated entity or threaten to impair public confidence in the regulated entity. Upon receipt of any such request, the Director shall fix a time (not more than 30 days after receipt of such request, unless extended at the request of such party) and place at which such party may appear, personally or through counsel, before one or more members of the Director or designated employees of the Director to submit written materials (or, at the discretion of the Director, oral testimony) and oral argument. Within 60 days of such hearing, the Director shall notify such party whether the suspension or prohibition from participation in any manner in the conduct of the affairs of the regulated entity will be continued, terminated, or otherwise modified, or whether the order removing such party from office or prohibiting such party from further participation in any manner in the conduct of the affairs of the regulated entity, and prohibiting compensation in connection with termination will be rescinded or otherwise modified. Such notification shall contain a statement of the basis for the Director's decision, if adverse to such party. The Director is authorized to prescribe such rules as may be necessary to effectuate the purposes of this subsection.

''(i) HEARINGS AND JUDICIAL REVIEW.—

''(1) VENUE AND PROCEDURE.—Any hearing provided for in this section shall be held in the District of Columbia or in the Federal judicial district in which the headquarters of the regulated entity is located, unless the party afforded the hearing consents to another place, and shall be conducted in accordance with the provisions of chapter 5 of title 5, United States Code. After such hearing, and within 90 days after the Director has notified the parties that the case has been submitted to it for final decision, it shall render its decision (which shall include findings of fact upon which its decision is predicated) and shall issue and serve upon each party to the proceeding an order or orders consistent with the provisions of this section. Judicial review of any such order shall be exclusively as provided in this subsection. Unless a petition for review is timely filed in a court of appeals of the United States, as provided in paragraph (2), and thereafter until the record in the proceeding has been filed as so provided, the Director may at any time, upon such notice and in such manner as it shall deem proper, modify, terminate, or set aside any such order. Upon such filing of the record, the Director may modify, terminate, or set aside any such order with permission of the court.

''(2) REVIEW OF ORDER.—Any party to any proceeding under paragraph (1) may obtain a review of any order served pursuant to paragraph (1) (other than an order issued with the consent of the regulated entity or the regulated entity-affiliated party concerned, or an order issued under subsection (h) of this section) by the filing in the United States Court of Appeals for the District of Columbia Circuit or court of appeals of the United States for the circuit in which the headquarters of the regulated entity is located, within 30 days after the date of service of such order, a written petition praying that the order of the Director be modified, terminated, or set aside. A copy of such petition shall be forthwith transmitted by the clerk of the court to the Director, and thereupon the Director shall file in the court the record in the proceeding, as provided in section 2112 of title 28, United States Code. Upon the filing of such petition, such court shall have jurisdiction, which upon the filing of the record shall (except as provided in the last sentence of paragraph (1)) be exclusive, to affirm, modify, terminate, or set aside, in whole or in part, the order of the Director. Review of such proceedings shall be had as provided in chapter 7 of title 5, United States Code. The judgment and decree of the court shall be final, except that the same shall be subject to review by the Supreme Court upon certiorari, as provided in section 1254 of title 28, United States Code.

''(3) PROCEEDINGS NOT TREATED AS STAY.—The commencement of proceedings for judicial review under paragraph (2) shall not, unless specifically ordered by the court, operate as a stay of any order issued by the Director.''.

(b) CONFORMING AMENDMENTS.—

(1) 1992 ACT.—Section 1317(f) of the Housing and Community Development Act of 1992 (12 U.S.C. 4517(f)) is amended by striking ''section 1379B'' and inserting ''section 1379D''.

(2) FANNIE MAE CHARTER ACT.—The second sentence of subsection (b) of section 308 of the Federal National Mortgage Association Charter Act (12 U.S.C. 1723(b)) is amended by striking ''The'' and inserting ''Except to the extent that action under section 1377 of the Housing and Community Development Act of 1992 temporarily results in a lesser number, the''.

(3) FREDDIE MAC ACT.—The second sentence of subparagraph (A) of section 303(a)(2) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1452(a)(2)(A)) is amended by striking ''The'' and inserting ''Except to the extent that action under section 1377 of the Housing and Community Development Act of 1992 temporarily results in a lesser number, the''.

SEC. 357. CRIMINAL PENALTY.

Subtitle C of title XIII of the Housing and Community Development Act of 1992 (12 U.S.C. 4631 et seq.) is amended by inserting after section 1377 (as added by the preceding provisions of this title) the following new section:

''SEC. 1378. CRIMINAL PENALTY.

''Whoever, being subject to an order in effect under section 1377, without the prior written approval of the Director, knowingly participates, directly or indirectly, in any manner (including by engaging in an activity specifically prohibited in such an order) in the conduct of the affairs of any regulated entity shall be fined not more than $1,000,000, imprisoned for not more than 5 years, or both.''.

SEC. 358. SUBPOENA AUTHORITY.

Section 1379D(c) of the Housing and Community Development Act of 1992 (12 U.S.C. 4641(c)), as so redesignated by section 356(a)(1) of this title, is further amended—

(1) by striking ''request the Attorney General of the United States to'' and inserting '', in the discretion of the Director,'';

(2) by inserting ''or request that the Attorney General of the United States bring such an action,'' after ''District of Columbia,''; and

(3) by striking ''or may, under the direction and control of the Attorney General, bring such an action''.

SEC. 359. CONFORMING AMENDMENTS.

Subtitle C of title XIII of the Housing and Community Development Act of 1992 (12

U.S.C. 4631 et seq.), as amended by the preceding provisions of this title, is amended—

(1) in section 1372(c)(1) (12 U.S.C. 4632(c)), by striking ''that enterprise'' and inserting ''that regulated entity'';

(2) in section 1379 (12 U.S.C. 4637), as so redesignated by section 356(a)(1) of this title—

(A) by inserting '', or of a regulated entity-affiliated party,'' before ''shall not affect''; and

(B) by striking ''such director or executive officer'' each place such term appears and inserting ''such director, executive officer, or regulated entity-affiliated party'';

(3) in section 1379A (12 U.S.C. 4638), as so redesignated by section 356(a)(1) of this title, by inserting ''or against a regulated entity-affiliated party,'' before ''or impair'';

(4) by striking ''An enterprise'' each place such term appears in such subtitle and inserting ''A regulated entity'';

(5) by striking ''an enterprise'' each place such term appears in such subtitle and inserting ''a regulated entity'';

(6) by striking ''the enterprise'' each place such term appears in such subtitle and inserting ''the regulated entity''; and

(7) by striking ''any enterprise'' each place such term appears in such subtitle and inserting ''any regulated entity''.

CHAPTER 5—GENERAL PROVISIONS

SEC. 361. BOARDS OF ENTERPRISES.

(a) FANNIE MAE.—

(1) IN GENERAL.—Section 308(b) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1723(b)) is amended—

(A) in the first sentence, by striking ''eighteen persons, five of whom shall be appointed annually by the President of the United States, and the remainder of whom'' and inserting ''13 persons, or such other number that the Director determines appropriate, who'';

(B) in the second sentence, by striking ''appointed by the President'';

(C) in the third sentence—

(i) by striking ''appointed or''; and

(ii) by striking '', except that any such appointed member may be removed from office by the President for good cause'';

(D) in the fourth sentence, by striking ''elective''; and

(E) by striking the fifth sentence.

(2) TRANSITIONAL PROVISION.—The amendments made by paragraph (1) shall not apply to any appointed position of the board of directors of the Federal National Mortgage Association until the expiration of the annual term for such position during which the effective date under section 365 occurs.

(b) FREDDIE MAC.—

(1) IN GENERAL.—Section 303(a)(2) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1452(a)(2)) is amended—

(A) in subparagraph (A)—

(i) in the first sentence, by striking ''18 persons, 5 of whom shall be appointed annually by the President of the United States and the remainder of whom'' and inserting ''13 persons, or such other number as the Director determines appropriate, who''; and

(ii) in the second sentence, by striking ''appointed by the President of the United States'';

(B) in subparagraph (B)—

(i) by striking ''such or''; and

(ii) by striking '', except that any appointed member may be removed from office by the President for good cause''; and

(C) in subparagraph (C)—

(i) by striking the first sentence; and

(ii) by striking ''elective''.

(2) TRANSITIONAL PROVISION.—The amendments made by paragraph (1) shall not apply to any appointed position of the board of directors of the Federal Home Loan Mortgage Corporation until the expiration of the annual term for such position during which the effective date under section 365 occurs.

SEC. 362. REPORT ON PORTFOLIO OPERATIONS, SAFETY AND SOUNDNESS, AND MISSION OF ENTERPRISES.

Not later than the expiration of the 12-month period beginning on the effective date under section 365, the Director of the Federal Housing Finance Agency shall submit a report to the Congress which shall include—

(1) a description of the portfolio holdings of the enterprises (as such term is defined in section 1303 of the Housing and Community Development Act of 1992 (12 U.S.C. 4502) in mortgages (including whole loans and mortgage-backed securities), non-mortgages, and other assets;

(2) a description of the risk implications for the enterprises of such holdings and the consequent risk management undertaken by the enterprises (including the use of derivatives for hedging purposes), compared with off-balance sheet liabilities of the enterprises (including mortgage-backed securities guaranteed by the enterprises);

(3) an analysis of portfolio holdings for safety and soundness purposes;

(4) an assessment of whether portfolio holdings fulfill the mission purposes of the enterprises under the Federal National Mortgage Association Charter Act and the Federal Home Loan Mortgage Corporation Act; and

(5) an analysis of the potential systemic risk implications for the enterprises, the housing and capital markets, and the financial system of portfolio holdings, and whether such holdings should be limited or reduced over time.

SEC. 363. CONFORMING AND TECHNICAL AMENDMENTS.

(a) 1992 ACT.—Title XIII of the Housing and Community Development Act of 1992 is amended by striking section 1383 (12 U.S.C. 1451 note).

(b) TITLE 18, UNITED STATES CODE.—Section 1905 of title 18, United States Code, is amended by striking ''Office of Federal Housing Enterprise Oversight'' and inserting ''Federal Housing Finance Agency''.

(c) FLOOD DISASTER PROTECTION ACT OF 1973.—Section 102(f)(3)(A) of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a(f)(3)(A)) is amended by striking ''Director of the Office of Federal Housing Enterprise Oversight of the Department of Housing and Urban Development'' and inserting ''Director of the Federal Housing Finance Agency''.

(d) DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT ACT.—Section 5 of the Department of Housing and Urban Development Act (42 U.S.C. 3534) is amended by striking subsection (d).

(e) TITLE 5, UNITED STATES CODE.—

(1) DIRECTOR'S PAY RATE.—Section 5313 of title 5, United States Code, is amended by striking the item relating to the Director of the Office of Federal Housing Enterprise Oversight, Department of Housing and Urban Development and inserting the following new item:

''Director of the Federal Housing Finance Agency.''.

(2) EXCLUSION FROM SENIOR EXECUTIVE SERVICE.—Section 3132(a)(1)(D) of title 5, United States Code, is amended—

(A) by striking ''the Federal Housing Finance Board,''; and

(B) by striking ''the Office of Federal Housing Enterprise Oversight of the Department of Housing and Urban Development'' and inserting ''the Federal Housing Finance Agency''.

(f) INSPECTOR GENERAL ACT OF 1978.—Section 8G(a)(2) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by striking ''Federal Housing Finance Board'' and inserting ''Federal Housing Finance Agency''.

(g) FEDERAL DEPOSIT INSURANCE ACT.—Section 11(t)(2)(A) of the Federal Deposit Insurance Act (12 U.S.C.1821(t)(2)(A)) is amended by adding at the end the following new clause:

''(vii) The Federal Housing Finance Agency.''.

(h) 1997 EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT.—Section 10001 of the 1997 Emergency Supplemental Appropriations Act for Recovery From Natural Disasters, and for Overseas Peacekeeping Efforts, Including Those In Bosnia (42 U.S.C. 3548) is amended—

(1) by striking ''the Government National Mortgage Association, and the Office of Federal Housing Enterprise Oversight'' and inserting ''and the Government National Mortgage Association''; and

(2) by striking '', the Government National Mortgage Association, or the Office of Federal Housing Enterprise Oversight'' and inserting ''or the Government National Mortgage Association''.

(i) NATIONAL HOMEOWNERSHIP TRUST ACT.—Section 302(b)(4) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12851(b)(4)) is amended by striking ''the chairperson of the Federal Housing Finance Board'' and inserting ''the Director of the Federal Housing Finance Agency''.

SEC. 364. STUDY OF ALTERNATIVE SECONDARY MARKET SYSTEMS.

(a) IN GENERAL.—The Director of the Federal Housing Finance Agency, in consultation with the Board of Governors of the Federal Reserve System, the Secretary of the Treasury, and the Secretary of Housing and Urban Development, shall conduct a comprehensive study of the effects on financial and housing finance markets of alternatives to the current secondary market system for housing finance, taking into consideration changes in the structure of financial and housing finance markets and institutions since the creation of the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation.

(b) CONTENTS.—The study under this section shall—

(1) include, among the alternatives to the current secondary market system analyzed—

(A) repeal of the chartering Acts for the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation;

(B) establishing bank-like mechanisms for granting new charters for limited purposed mortgage securitization entities;

(C) permitting the Director of the Federal Housing Finance Agency to grant new charters for limited purpose mortgage securitization entities, which shall include analyzing the terms on which such charters should be granted, including whether such charters should be sold, or whether such charters and the charters for the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation should be taxed or otherwise assessed a monetary price; and

(D) such other alternatives as the Director considers appropriate;

(2) examine all of the issues involved in making the transition to a completely private secondary mortgage market system;

(3) examine the technological advancements the private sector has made in providing liquidity in the secondary mortgage market and how such advancements have affected liquidity in the secondary mortgage market; and

(4) examine how taxpayers would be impacted by each alternative system, including the complete privatization of the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation.

(c) REPORT.—The Director of the Federal Housing Finance Agency shall submit a report to the Congress on the study not later

than the expiration of the 24-month period beginning on the effective date under section 365.

SEC. 365. EFFECTIVE DATE.

Except as specifically provided otherwise in this subtitle, this subtitle shall take effect on and the amendments made by this subtitle shall take effect on, and shall apply beginning on, the expiration of the 6-month period beginning on the date of the enactment of this Act.

Subtitle B—Federal Home Loan Banks

SEC. 371. DEFINITIONS.

Section 2 of the Federal Home Loan Bank Act (12 U.S.C. 1422) is amended—

(1) by striking paragraphs (1), (10), and (11);

(2) by redesignating paragraphs (2) through (9) as paragraphs (1) through (8), respectively;

(3) by redesignating paragraphs (12) and (13) as paragraphs (9) and (10), respectively; and

(4) by adding at the end the following:

''(11) DIRECTOR.—The term 'Director' means the Director of the Federal Housing Finance Agency.

''(12) AGENCY.—The term 'Agency' means the Federal Housing Finance Agency.''.

SEC. 372. DIRECTORS.

(a) ELECTION.—Section 7 of the Federal Home Loan Bank Act (12 U.S.C. 1427) is amended—

(1) by striking subsection (a) and inserting the following:

''(a) NUMBER; ELECTION; QUALIFICATIONS; CONFLICTS OF INTEREST.—

''(1) IN GENERAL.—The management of each Federal Home Loan Bank shall be vested in a board of 13 directors, or such other number as the Director determines appropriate, each of whom shall be a citizen of the United States. All directors of a Bank who are not independent directors pursuant to paragraph (3) shall be elected by the members.

''(2) MEMBER DIRECTORS.—A majority of the directors of each Bank shall be officers or directors of a member of such Bank that is located in the district in which such Bank is located.

''(3) INDEPENDENT DIRECTORS.—At least two-fifths of the directors of each Bank shall be independent directors, who shall be appointed by the Director of the Federal Housing Finance Agency from a list of individuals recommended by the Federal Housing Enterprise Board. The Federal Housing Enterprise Board may recommend individuals who are identified by the Board's own independent process or included on a list of individuals recommended by the board of directors of the Bank involved, which shall be submitted to the Federal Housing Enterprise Board by such board of directors. The number of individuals on any such list submitted by a Bank's board of directors shall be equal to at least two times the number of independent directorships to be filled. All independent directors appointed shall meet the following criteria:

''(A) IN GENERAL.—Each independent director shall be a bona fide resident of the district in which such Bank is located.

''(B) PUBLIC INTEREST DIRECTORS.—At least 2 of the independent directors under this paragraph of each Bank shall be representatives chosen from organizations with more than a 2-year history of representing consumer or community interests on banking services, credit needs, housing, community development, economic development, or financial consumer protections.

''(C) OTHER DIRECTORS.—

''(i) QUALIFICATIONS.—Each independent director that is not a public interest director under subparagraph (B) shall have demonstrated knowledge of, or experience in, financial management, auditing and accounting, risk management practices, derivatives, project development, or organizational management, or such other knowledge or expertise as the Director may provide by regulation.

''(ii) CONSULTATION WITH BANKS.—In appointing other directors to serve on the board of a Federal home loan bank, the Director of the Federal Housing Finance Agency may consult with each Federal home loan bank about the knowledge, skills, and expertise needed to assist the board in better fulfilling its responsibilities.

''(D) CONFLICTS OF INTEREST.—Notwithstanding subsection (f)(2), an independent director under this paragraph of a Bank may not, during such director's term of office, serve as an officer of any Federal Home Loan Bank or as a director or officer of any member of a Bank.

''(E) COMMUNITY DEMOGRAPHICS.—In appointing independent directors of a Bank pursuant to this paragraph, the Director shall take into consideration the demographic makeup of the community most served by the Affordable Housing Program of the Bank pursuant to section 10(j).'';

(2) in the first sentence of subsection (b), by striking ''elective directorship'' and inserting ''member directorship established pursuant to subsection (a)(2)'';

(3) in subsection (c)—

(A) by striking ''elective'' each place such term appears and inserting ''member'', except—

(i) in the second sentence, the second place such term appears; and

(ii) each place such term appears in the fifth sentence;

(B) in the first sentence, by inserting after ''less than one'' the following: ''or two, as determined by the board of directors of the appropriate Federal home loan bank,''; and

(C) in the second sentence—

(i) by inserting ''(A) except as provided in clause (B) of this sentence,'' before ''if at any time''; and

(ii) by inserting before the period at the end the following: '', and (B) clause (A) of this sentence shall not apply to the directorships of any Federal home loan bank resulting from the merger of any two or more such banks''; and

(4) by striking ''elective'' each place such term appears (except in subsections (c), (e), and (f)).

(b) TERMS.—

(1) IN GENERAL.—Section 7(d) of the Federal Home Loan Bank Act (12 U.S.C. 1427(d)) is amended—

(A) in the first sentence, by striking ''3 years'' and inserting ''4 years''; and

(B) in the second sentence—

(i) by striking ''Federal Home Loan Bank System Modernization Act of 1999'' and inserting ''Federal Housing Finance Reform Act of 2008''; and

(ii) by striking ''1/3'' and inserting ''1/4''.

(2) SAVINGS PROVISION.—The amendments made by paragraph (1) shall not apply to the term of office of any director of a Federal home loan bank who is serving as of the effective date of this subtitle under section 381, including any director elected to fill a vacancy in any such office.

(c) CONTINUED SERVICE OF INDEPENDENT DIRECTORS AFTER EXPIRATION OF TERM.—Section 7(f)(2) of the Federal Home Loan Bank Act (12 U.S.C. 1427(f)(2)) is amended—

(1) in the second sentence, by striking ''or the term of such office expires, whichever occurs first'';

(2) by adding at the end the following new sentence: ''An independent Bank director may continue to serve as a director after the expiration of the term of such director until a successor is appointed.'';

(3) in the paragraph heading, by striking ''APPOINTED'' and inserting ''INDEPENDENT''; and

(4) by striking ''appointive'' each place such term appears and inserting ''independent''.

(d) CONFORMING AMENDMENTS.—Section 7(f)(3) of the Federal Home Loan Bank Act (12 U.S.C. 1427(f)(3)) is amended—

(1) in the paragraph heading, by striking ''ELECTED'' and inserting ''MEMBER''; and

(2) by striking ''elective'' each place such term appears in the first and third sentences and inserting ''member''.

(e) COMPENSATION.—Subsection (i) of section 7 of the Federal Home Loan Bank Act (12 U.S.C. 1427(i)) is amended to read as follows:

''(i) DIRECTORS' COMPENSATION.—

''(1) IN GENERAL.—Each Federal home loan bank may pay the directors on the board of directors for the bank reasonable and appropriate compensation for the time required of such directors, and reasonable and appropriate expenses incurred by such directors, in connection with service on the board of directors, in accordance with resolutions adopted by the board of directors and subject to the approval of the Director.

''(2) ANNUAL REPORT BY THE BOARD.—The Director shall include, in the annual report submitted to the Congress pursuant to section 1319B of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992, information regarding the compensation and expenses paid by the Federal home loan banks to the directors on the boards of directors of the banks.''.

(f) TRANSITION RULE.—Any member of the board of directors of a Federal Home Loan Bank serving as of the effective date under section 381 may continue to serve as a member of such board of directors for the remainder of the term of such office as provided in section 7 of the Federal Home Loan Bank Act, as in effect before such effective date.

SEC. 373. FEDERAL HOUSING FINANCE AGENCY OVERSIGHT OF FEDERAL HOME LOAN BANKS.

The Federal Home Loan Bank Act (12 U.S.C. 1421 et seq.), other than in provisions of that Act added or amended otherwise by this title, is amended—

(1) by striking sections 2A and 2B (12 U.S.C. 1422a, 1422b);

(2) in section 6 (12 U.S.C. 1426(b)(1))—

(A) in subsection (b)(1), in the matter preceding subparagraph (A), by striking ''Finance Board approval'' and inserting ''approval by the Director''; and

(B) in each of subsections (c)(4)(B) and (d)(2), by striking ''Finance Board regulations'' each place that term appears and inserting ''regulations of the Director'';

(3) in section 8 (12 U.S.C. 1428), in the section heading, by striking ''BY THE BOARD'';

(4) in section 10(b) (12 U.S.C. 1430(b)), by striking ''by formal resolution'';

(5) in section 10 (12 U.S.C. 1430), by adding at the end the following new subsection:

''(k) MONITORING AND ENFORCING COMPLIANCE WITH AFFORDABLE HOUSING AND COMMUNITY INVESTMENT PROGRAM REQUIREMENTS.—The requirements under subsection (i) and (j) that the Banks establish Community Investment and Affordable Housing Programs, respectively, and contribute to the Affordable Housing Program, shall be enforceable by the Director with respect to the Banks in the same manner and to the same extent as the housing goals under subpart B of part 2 of subtitle A of title XIII of the Housing and Community Development Act of 1992 (12 U.S.C. 4561 et seq.) are enforceable under section 1336 of such Act with respect to the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation.'';

(6) in section 11 (12 U.S.C. 1431)—

(A) in subsection (b)—

(i) in the first sentence—

(I) by striking ''The Board'' and inserting ''The Office of Finance, as agent for the Banks,''; and

(II) by striking ''the Board'' and inserting ''such Office''; and

(ii) in the second and fourth sentences, by striking ''the Board'' each place such term appears and inserting ''the Office of Finance'';

(B) in subsection (c)—

(i) by striking ''the Board'' the first place such term appears and inserting ''the Office of Finance, as agent for the Banks,''; and

(ii) by striking ''the Board'' the second place such term appears and inserting ''such Office''; and

(C) in subsection (f)—

(i) by striking the two commas after ''permit'' and inserting ''or''; and

(ii) by striking the comma after ''require'';

(7) in section 15 (12 U.S.C. 1435), by inserting ''or the Director'' after ''the Board'';

(8) in section 18 (12 U.S.C. 1438), by striking subsection (b);

(9) in section 21 (12 U.S.C. 1441)—

(A) in subsection (b)—

(i) in paragraph (5), by striking ''Chairperson of the Federal Housing Finance Board'' and inserting ''Director''; and

(ii) in the heading for paragraph (8), by striking ''FEDERAL HOUSING FINANCE BOARD'' and inserting ''DIRECTOR''; and

(B) in subsection (i), in the heading for paragraph (2), by striking ''FEDERAL HOUSING FINANCE BOARD'' and inserting ''DIRECTOR'';

(10) in section 23 (12 U.S.C. 1443), by striking ''Board of Directors of the Federal Housing Finance Board'' and inserting ''Director'';

(11) by striking ''the Board'' each place such term appears in such Act (except in section 15 (12 U.S.C. 1435), section 21(f)(2) (12 U.S.C. 1441(f)(2)), subsections (a), (k)(2)(B)(i), and (n)(6)(C)(ii) of section 21A (12 U.S.C. 1441a), subsections (f)(2)(C), and (k)(7)(B)(ii) of section 21B (12 U.S.C. 1441b), and the first two places such term appears in section 22 (12 U.S.C. 1442)) and inserting ''the Director'';

(12) by striking ''The Board'' each place such term appears in such Act (except in sections 7(e) (12 U.S.C. 1427(e)), and 11(b) (12 U.S.C. 1431(b)) and inserting ''The Director'';

(13) by striking ''the Board's'' each place such term appears in such Act and inserting ''the Director's'';

(14) by striking ''The Board's'' each place such term appears in such Act and inserting ''The Director's'';

(15) by striking ''the Finance Board'' each place such term appears in such Act and inserting ''the Director'';

(16) by striking ''Federal Housing Finance Board'' each place such term appears and inserting ''Director'';

(17) in section 11(i) (12 U.S.C. 1431(i), by striking ''the Chairperson of''; and

(18) in section 21(e)(9) (12 U.S.C. 1441(e)(9)), by striking ''Chairperson of the''.

SEC. 374. JOINT ACTIVITIES OF BANKS.

Section 11 of the Federal Home Loan Bank Act (12 U.S.C. 1431) is amended by adding at the end the following new subsection:

''(l) JOINT ACTIVITIES.—Subject to the regulation of the Director, any two or more Federal Home Loan Banks may establish a joint office for the purpose of performing functions for, or providing services to, the Banks on a common or collective basis, or may require that the Office of Finance perform such functions or services, but only if the Banks are otherwise authorized to perform such functions or services individually.''.

SEC. 375. SHARING OF INFORMATION BETWEEN FEDERAL HOME LOAN BANKS.

(a) IN GENERAL.—The Federal Home Loan Bank Act is amended by inserting after section 20 (12 U.S.C. 1440) the following new section:

''SEC. 20A. SHARING OF INFORMATION BETWEEN FEDERAL HOME LOAN BANKS.

''(a) REGULATORY AUTHORITY.—The Director shall prescribe such regulations as may be necessary to ensure that each Federal Home Loan Bank has access to information that the Bank needs to determine the nature and extent of its joint and several liability.

''(b) NO WAIVER OF PRIVILEGE.—The Director shall not be deemed to have waived any privilege applicable to any information concerning a Federal Home Loan Bank by transferring, or permitting the transfer of, that information to any other Federal Home Loan Bank for the purpose of enabling the recipient to evaluate the nature and extent of its joint and several liability.''.

(b) REGULATIONS.—The regulations required under the amendment made by subsection (a) shall be issued in final form not later than 6 months after the effective date under section 381 of this title.

SEC. 376. REORGANIZATION OF BANKS AND VOLUNTARY MERGER.

Section 26 of the Federal Home Loan Bank Act (12 U.S.C. 1446) is amended—

(1) by inserting ''(a) REORGANIZATION.—'' before ''Whenever''; and

(2) by striking ''liquidated or'' each place such phrase appears;

(3) by striking ''liquidation or''; and

(4) by adding at the end the following new subsection:

''(b) VOLUNTARY MERGERS.—Any two or more Banks may, with the approval of the Director, and the approval of the boards of directors of the Banks involved, merge. The Director shall promulgate regulations establishing the conditions and procedures for the consideration and approval of any such voluntary merger, including the procedures for Bank member approval.''.

SEC. 377. SECURITIES AND EXCHANGE COMMISSION DISCLOSURE.

(a) IN GENERAL.—The Federal Home Loan Banks shall be exempt from compliance with—

(1) sections 13(e), 14(a), 14(c), and 17A of the Securities Exchange Act of 1934 and related Commission regulations; and

(2) section 15 of that Act and related Securities and Exchange Commission regulations with respect to transactions in capital stock of the Banks.

(b) MEMBER EXEMPTION.—The members of the Federal Home Loan Banks shall be exempt from compliance with sections 13(d), 13(f), 13(g), 14(d), and 16 of the Securities Exchange Act of 1934 and related Securities and Exchange Commission regulations with respect to their ownership of, or transactions in, capital stock of the Federal Home Loan Banks.

(c) EXEMPTED AND GOVERNMENT SECURITIES.—

(1) CAPITAL STOCK.—The capital stock issued by each of the Federal Home Loan Banks under section 6 of the Federal Home Loan Bank Act are—

(A) exempted securities within the meaning of section 3(a)(2) of the Securities Act of 1933; and

(B) ''exempted securities'' within the meaning of section 3(a)(12)(A) of the Securities Exchange Act of 1934.

(2) OTHER OBLIGATIONS.—The debentures, bonds, and other obligations issued under section 11 of the Federal Home Loan Bank Act are—

(A) exempted securities within the meaning of section 3(a)(2) of the Securities Act of 1933;

(B) ''government securities'' within the meaning of section 3(a)(42) of the Securities Exchange Act of 1934;

(C) excluded from the definition of ''government securities broker'' within section 3(a)(43) of the Securities Exchange Act of 1934;

(D) excluded from the definition of ''government securities dealer'' within section 3(a)(44) of the Securities Exchange Act of 1934; and

(E) ''government securities'' within the meaning of section 2(a)(16) of the Investment Company Act of 1940.

(d) EXEMPTION FROM REPORTING REQUIREMENTS.—The Federal Home Loan Banks shall be exempt from periodic reporting requirements pertaining to—

(1) the disclosure of related party transactions that occur in the ordinary course of business of the Banks with their members; and

(2) the disclosure of unregistered sales of equity securities.

(e) TENDER OFFERS.—The Securities and Exchange Commission's rules relating to tender offers shall not apply in connection with transactions in capital stock of the Federal Home Loan Banks.

(f) REGULATIONS.—In issuing any final regulations to implement provisions of this section, the Securities and Exchange Commission shall consider the distinctive characteristics of the Federal Home Loan Banks when evaluating the accounting treatment with respect to the payment to Resolution Funding Corporation, the role of the combined financial statements of the twelve Banks, the accounting classification of redeemable capital stock, and the accounting treatment related to the joint and several nature of the obligations of the Banks.

SEC. 378. COMMUNITY FINANCIAL INSTITUTION MEMBERS.

(a) TOTAL ASSET REQUIREMENT.—Paragraph (10) of section 2 of the Federal Home Loan Bank Act (12 U.S.C. 1422(10)), as so redesignated by section 371(3) of this title, is amended by striking ''$500,000,000'' each place such term appears and inserting ''$1,000,000,000''.

(b) USE OF ADVANCES FOR COMMUNITY DEVELOPMENT ACTIVITIES.—Section 10(a) of the Federal Home Loan Bank Act (12 U.S.C. 1430(a)) is amended—

(1) in paragraph (2)(B)—

(A) by striking ''and''; and

(B) by inserting '', and community development activities'' before the period at the end;

(2) in paragraph (3)(E), by inserting ''or community development activities'' after ''agriculture,''; and

(3) in paragraph (6)—

(A) by striking ''and''; and

(B) by inserting '', and 'community development activities' '' before ''shall''.

SEC. 379. TECHNICAL AND CONFORMING AMENDMENTS.

(a) RIGHT TO FINANCIAL PRIVACY ACT OF 1978.—Section 1113(o) of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3413(o)) is amended—

(1) by striking ''Federal Housing Finance Board'' and inserting ''Federal Housing Finance Agency''; and

(2) by striking ''Federal Housing Finance Board's'' and inserting ''Federal Housing Finance Agency's''.

(b) RIEGLE COMMUNITY DEVELOPMENT AND REGULATORY IMPROVEMENT ACT OF 1994.—Section 117(e) of the Riegle Community Development and Regulatory Improvement Act of 1994 (12 U.S.C. 4716(e)) is amended by striking ''Federal Housing Finance Board'' and inserting ''Federal Housing Finance Agency''.

(c) TITLE 18, UNITED STATES CODE.—Title 18, United States Code, is amended by striking ''Federal Housing Finance Board'' each place such term appears in each of sections 212, 657, 1006, 1014, and inserting ''Federal Housing Finance Agency''.

(d) MAHRA ACT OF 1997.—Section 517(b)(4) of the Multifamily Assisted Housing Reform

and Affordability Act of 1997 (42 U.S.C. 1437f note) is amended by striking ''Federal Housing Finance Board'' and inserting ''Federal Housing Finance Agency''.

(e) TITLE 44, UNITED STATES CODE.—Section 3502(5) of title 44, United States Code, is amended by striking ''Federal Housing Finance Board'' and inserting ''Federal Housing Finance Agency''.

(f) ACCESS TO LOCAL TV ACT OF 2000.—Section 1004(d)(2)(D)(iii) of the Launching Our Communities' Access to Local Television Act of 2000 (47 U.S.C. 1103(d)(2)(D)(iii)) is amended by striking ''Office of Federal Housing Enterprise Oversight, the Federal Housing Finance Board'' and inserting ''Federal Housing Finance Agency''.

(g) SARBANES-OXLEY ACT OF 2002.—Section 105(b)(5)(B)(ii)(II) of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7215(B)(5)(b)(ii)(II)) is amended by inserting ''and the Director of the Federal Housing Finance Agency'' after ''Commission,''.

SEC. 380. STUDY OF AFFORDABLE HOUSING PROGRAM USE FOR LONG-TERM CARE FACILITIES.

The Comptroller General shall conduct a study of the use of affordable housing programs of the Federal home loan banks under section 10(j) of the Federal Home Loan Bank Act to determine how and the extent to which such programs are used to assist long-term care facilities for low- and moderate-income individuals, and the effectiveness and adequacy of such assistance in meeting the needs of affected communities. The study shall examine the applicability of such use to the affordable housing fund required to be established by the Director of the Federal Housing Finance Agency pursuant to the amendment made by section 340 of this title. The Comptroller General shall submit a report to the Director of the Federal Housing Finance Agency and the Congress regarding the results of the study not later than the expiration of the 1-year period beginning on the date of the enactment of this Act. This section shall take effect on the date of the enactment of this Act.

SEC. 381. EFFECTIVE DATE.

Except as specifically provided otherwise in this subtitle, this subtitle shall take effect on and the amendments made by this subtitle shall take effect on, and shall apply beginning on, the expiration of the 6-month period beginning on the date of the enactment of this Act.

Subtitle C—Transfer of Functions, Personnel, and Property of Office of Federal Housing Enterprise Oversight, Federal Housing Finance Board, and Department of Housing and Urban Development

CHAPTER 1—OFFICE OF FEDERAL HOUSING ENTERPRISE OVERSIGHT

SEC. 385. ABOLISHMENT OF OFHEO.

(a) IN GENERAL.—Effective at the end of the 6-month period beginning on the date of the enactment of this Act, the Office of Federal Housing Enterprise Oversight of the Department of Housing and Urban Development and the positions of the Director and Deputy Director of such Office are abolished.

(b) DISPOSITION OF AFFAIRS.—During the 6-month period beginning on the date of the enactment of this Act, the Director of the Office of Federal Housing Enterprise Oversight shall, for the purpose of winding up the affairs of the Office of Federal Housing Enterprise Oversight and in addition to carrying out its other responsibilities under law—

(1) manage the employees of such Office and provide for the payment of the compensation and benefits of any such employee which accrue before the effective date of the transfer of such employee pursuant to section 387; and

(2) may take any other action necessary for the purpose of winding up the affairs of the Office.

(c) STATUS OF EMPLOYEES BEFORE TRANSFER.—The amendments made by subtitle A and the abolishment of the Office of Federal Housing Enterprise Oversight under subsection (a) of this section may not be construed to affect the status of any employee of such Office as employees of an agency of the United States for purposes of any other provision of law before the effective date of the transfer of any such employee pursuant to section 387.

(d) USE OF PROPERTY AND SERVICES.—

(1) PROPERTY.—The Director of the Federal Housing Finance Agency may use the property of the Office of Federal Housing Enterprise Oversight to perform functions which have been transferred to the Director of the Federal Housing Finance Agency for such time as is reasonable to facilitate the orderly transfer of functions transferred pursuant to any other provision of this title or any amendment made by this title to any other provision of law.

(2) AGENCY SERVICES.—Any agency, department, or other instrumentality of the United States, and any successor to any such agency, department, or instrumentality, which was providing supporting services to the Office of Federal Housing Enterprise Oversight before the expiration of the period under subsection (a) in connection with functions that are transferred to the Director of the Federal Housing Finance Agency shall—

(A) continue to provide such services, on a reimbursable basis, until the transfer of such functions is complete; and

(B) consult with any such agency to coordinate and facilitate a prompt and reasonable transition.

(e) SAVINGS PROVISIONS.—

(1) EXISTING RIGHTS, DUTIES, AND OBLIGATIONS NOT AFFECTED.—Subsection (a) shall not affect the validity of any right, duty, or obligation of the United States, the Director of the Office of Federal Housing Enterprise Oversight, or any other person, which—

(A) arises under or pursuant to the title XIII of the Housing and Community Development Act of 1992, the Federal National Mortgage Association Charter Act, the Federal Home Loan Mortgage Corporation Act, or any other provision of law applicable with respect to such Office; and

(B) existed on the day before the abolishment under subsection (a) of this section.

(2) CONTINUATION OF SUITS.—No action or other proceeding commenced by or against the Director of the Office of Federal Housing Enterprise Oversight in connection with functions that are transferred to the Director of the Federal Housing Finance Agency shall abate by reason of the enactment of this title, except that the Director of the Federal Housing Finance Agency shall be substituted for the Director of the Office of Federal Housing Enterprise Oversight as a party to any such action or proceeding.

SEC. 386. CONTINUATION AND COORDINATION OF CERTAIN REGULATIONS.

All regulations, orders, determinations, and resolutions that—

(1) were issued, made, prescribed, or allowed to become effective by—

(A) the Office of Federal Housing Enterprise Oversight; or

(B) a court of competent jurisdiction and that relate to functions transferred by this chapter; and

(2) are in effect on the date of the abolishment under section 385(a) of this title, shall remain in effect according to the terms of such regulations, orders, determinations, and resolutions, and shall be enforceable by or against the Director of the Federal Housing Finance Agency until modified, terminated, set aside, or superseded in accordance with applicable law by such Director, as the case may be, any court of competent jurisdiction, or operation of law.

SEC. 387. TRANSFER AND RIGHTS OF EMPLOYEES OF OFHEO.

(a) TRANSFER.—Each employee of the Office of Federal Housing Enterprise Oversight shall be transferred to the Federal Housing Finance Agency for employment no later than the date of the abolishment under section 385(a) of this title and such transfer shall be deemed a transfer of function for purposes of section 3503 of title 5, United States Code.

(b) GUARANTEED POSITIONS.—Each employee transferred under subsection (a) shall be guaranteed a position with the same status, tenure, grade, and pay as that held on the day immediately preceding the transfer. Each such employee holding a permanent position shall not be involuntarily separated or reduced in grade or compensation for 12 months after the date of transfer, except for cause or, if the employee is a temporary employee, separated in accordance with the terms of the appointment.

(c) APPOINTMENT AUTHORITY FOR EXCEPTED SERVICE EMPLOYEES.—

(1) IN GENERAL.—In the case of employees occupying positions in the excepted service, any appointment authority established pursuant to law or regulations of the Office of Personnel Management for filling such positions shall be transferred, subject to paragraph (2).

(2) DECLINE OF TRANSFER.—The Director of the Federal Housing Finance Agency may decline a transfer of authority under paragraph (1) (and the employees appointed pursuant thereto) to the extent that such authority relates to positions excepted from the competitive service because of their confidential, policy-making, policy-determining, or policy-advocating character.

(d) REORGANIZATION.—If the Director of the Federal Housing Finance Agency determines, after the end of the 1-year period beginning on the date of the abolishment under section 385(a), that a reorganization of the combined work force is required, that reorganization shall be deemed a major reorganization for purposes of affording affected employees retirement under section 8336(d)(2) or 8414(b)(1)(B) of title 5, United States Code.

(e) EMPLOYEE BENEFIT PROGRAMS.—Any employee of the Office of Federal Housing Enterprise Oversight accepting employment with the Director of the Federal Housing Finance Agency as a result of a transfer under subsection (a) may retain for 12 months after the date such transfer occurs membership in any employee benefit program of the Federal Housing Finance Agency or the Office of Federal Housing Enterprise Oversight, as applicable, including insurance, to which such employee belongs on the date of the abolishment under section 385(a) if—

(1) the employee does not elect to give up the benefit or membership in the program; and

(2) the benefit or program is continued by the Director of the Federal Housing Finance Agency,

The difference in the costs between the benefits which would have been provided by such agency and those provided by this section shall be paid by the Director of the Federal Housing Finance Agency. If any employee elects to give up membership in a health insurance program or the health insurance program is not continued by such Director, the employee shall be permitted to select an alternate Federal health insurance program within 30 days of such election or notice, without regard to any other regularly scheduled open season.

SEC. 388. TRANSFER OF PROPERTY AND FACILITIES.

Upon the abolishment under section 385(a), all property of the Office of Federal Housing Enterprise Oversight shall transfer to the Director of the Federal Housing Finance Agency.

CHAPTER 2—FEDERAL HOUSING FINANCE BOARD

SEC. 391. ABOLISHMENT OF THE FEDERAL HOUSING FINANCE BOARD.

(a) IN GENERAL.—Effective at the end of the 6-month period beginning on the date of enactment of this Act, the Federal Housing Finance Board (in this subtitle referred to as the ''Board'') is abolished.

(b) DISPOSITION OF AFFAIRS.—During the 6-month period beginning on the date of enactment of this Act, the Board, for the purpose of winding up the affairs of the Board and in addition to carrying out its other responsibilities under law—

(1) shall manage the employees of such Board and provide for the payment of the compensation and benefits of any such employee which accrue before the effective date of the transfer of such employee under section 393; and

(2) may take any other action necessary for the purpose of winding up the affairs of the Board.

(c) STATUS OF EMPLOYEES BEFORE TRANSFER.—The amendments made by subtitles A and B and the abolishment of the Board under subsection (a) may not be construed to affect the status of any employee of such Board as employees of an agency of the United States for purposes of any other provision of law before the effective date of the transfer of any such employee under section 393.

(d) USE OF PROPERTY AND SERVICES.—

(1) PROPERTY.—The Director of the Federal Housing Finance Agency may use the property of the Board to perform functions which have been transferred to the Director of the Federal Housing Finance Agency for such time as is reasonable to facilitate the orderly transfer of functions transferred under any other provision of this title or any amendment made by this title to any other provision of law.

(2) AGENCY SERVICES.—Any agency, department, or other instrumentality of the United States, and any successor to any such agency, department, or instrumentality, which was providing supporting services to the Board before the expiration of the period under subsection (a) in connection with functions that are transferred to the Director of the Federal Housing Finance Agency shall—

(A) continue to provide such services, on a reimbursable basis, until the transfer of such functions is complete; and

(B) consult with any such agency to coordinate and facilitate a prompt and reasonable transition.

(e) SAVINGS PROVISIONS.—

(1) EXISTING RIGHTS, DUTIES, AND OBLIGATIONS NOT AFFECTED.—Subsection (a) shall not affect the validity of any right, duty, or obligation of the United States, a member of the Board, or any other person, which—

(A) arises under the Federal Home Loan Bank Act or any other provision of law applicable with respect to such Board; and

(B) existed on the day before the effective date of the abolishment under subsection (a).

(2) CONTINUATION OF SUITS.—No action or other proceeding commenced by or against the Board in connection with functions that are transferred to the Director of the Federal Housing Finance Agency shall abate by reason of the enactment of this title, except that the Director of the Federal Housing Finance Agency shall be substituted for the Board or any member thereof as a party to any such action or proceeding.

SEC. 392. CONTINUATION AND COORDINATION OF CERTAIN REGULATIONS.

(a) IN GENERAL.—All regulations, orders, determinations, and resolutions described under subsection (b) shall remain in effect according to the terms of such regulations, orders, determinations, and resolutions, and shall be enforceable by or against the Director of the Federal Housing Finance Agency until modified, terminated, set aside, or superseded in accordance with applicable law by such Director, any court of competent jurisdiction, or operation of law.

(b) APPLICABILITY.—A regulation, order, determination, or resolution is described under this subsection if it—

(1) was issued, made, prescribed, or allowed to become effective by—

(A) the Board; or

(B) a court of competent jurisdiction and relates to functions transferred by this chapter; and

(2) is in effect on the effective date of the abolishment under section 391(a).

SEC. 393. TRANSFER AND RIGHTS OF EMPLOYEES OF THE FEDERAL HOUSING FINANCE BOARD.

(a) TRANSFER.—Each employee of the Board shall be transferred to the Federal Housing Finance Agency for employment not later than the effective date of the abolishment under section 391(a), and such transfer shall be deemed a transfer of function for purposes of section 3503 of title 5, United States Code.

(b) GUARANTEED POSITIONS.—Each employee transferred under subsection (a) shall be guaranteed a position with the same status, tenure, grade, and pay as that held on the day immediately preceding the transfer. Each such employee holding a permanent position shall not be involuntarily separated or reduced in grade or compensation for 12 months after the date of transfer, except for cause or, if the employee is a temporary employee, separated in accordance with the terms of the appointment.

(c) APPOINTMENT AUTHORITY FOR EXCEPTED AND SENIOR EXECUTIVE SERVICE EMPLOYEES.—

(1) IN GENERAL.—In the case of employees occupying positions in the excepted service or the Senior Executive Service, any appointment authority established under law or by regulations of the Office of Personnel Management for filling such positions shall be transferred, subject to paragraph (2).

(2) DECLINE OF TRANSFER.—The Director of the Federal Housing Finance Agency may decline a transfer of authority under paragraph (1) to the extent that such authority relates to positions excepted from the competitive service because of their confidential, policymaking, policy-determining, or policy-advocating character, and noncareer positions in the Senior Executive Service (within the meaning of section 3132(a)(7) of title 5, United States Code).

(d) REORGANIZATION.—If the Director of the Federal Housing Finance Agency determines, after the end of the 1-year period beginning on the effective date of the abolishment under section 391(a), that a reorganization of the combined workforce is required, that reorganization shall be deemed a major reorganization for purposes of affording affected employees retirement under section 8336(d)(2) or 8414(b)(1)(B) of title 5, United States Code.

(e) EMPLOYEE BENEFIT PROGRAMS.—

(1) IN GENERAL.—Any employee of the Board accepting employment with the Federal Housing Finance Agency as a result of a transfer under subsection (a) may retain for 12 months after the date on which such transfer occurs membership in any employee benefit program of the Federal Housing Finance Agency or the Board, as applicable, including insurance, to which such employee belongs on the effective date of the abolishment under section 391(a) if—

(A) the employee does not elect to give up the benefit or membership in the program; and

(B) the benefit or program is continued by the Director of the Federal Housing Finance Agency.

(2) COST DIFFERENTIAL.—The difference in the costs between the benefits which would have been provided by the Board and those provided by this section shall be paid by the Director of the Federal Housing Finance Agency. If any employee elects to give up membership in a health insurance program or the health insurance program is not continued by such Director, the employee shall be permitted to select an alternate Federal health insurance program within 30 days after such election or notice, without regard to any other regularly scheduled open season.

SEC. 394. TRANSFER OF PROPERTY AND FACILITIES.

Upon the effective date of the abolishment under section 391(a), all property of the Board shall transfer to the Director of the Federal Housing Finance Agency.

CHAPTER 3—DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SEC. 395. TERMINATION OF ENTERPRISE-RELATED FUNCTIONS.

(a) TERMINATION DATE.—For purposes of this chapter, the term ''termination date'' means the date that occurs 6 months after the date of the enactment of this Act.

(b) DETERMINATION OF TRANSFERRED FUNCTIONS AND EMPLOYEES.—

(1) IN GENERAL.—Not later than the expiration of the 3-month period beginning on the date of the enactment of this Act, the Secretary, in consultation with the Director of the Office of Federal Housing Enterprise Oversight, shall determine—

(A) the functions, duties, and activities of the Secretary of Housing and Urban Development regarding oversight or regulation of the enterprises under or pursuant to the authorizing statutes, title XIII of the Housing and Community Development Act of 1992, and any other provisions of law, as in effect before the date of the enactment of this Act, but not including any such functions, duties, and activities of the Director of the Office of Federal Housing Enterprise Oversight of the Department of Housing and Urban Development and such Office; and

(B) the employees of the Department of Housing and Urban Development necessary to perform such functions, duties, and activities.

(2) ENTERPRISE-RELATED FUNCTIONS.—For purposes of this chapter, the term ''enterprise-related functions of the Department'' means the functions, duties, and activities of the Department of Housing and Urban Development determined under paragraph (1)(A).

(3) ENTERPRISE-RELATED EMPLOYEES.—For purposes of this chapter, the term ''enterprise-related employees of the Department'' means the employees of the Department of Housing and Urban Development determined under paragraph (1)(B).

(c) DISPOSITION OF AFFAIRS.—During the 6-month period beginning on the date of enactment of this Act, the Secretary of Housing and Urban Development (in this subtitle referred to as the ''Secretary''), for the purpose of winding up the affairs of the Secretary regarding the enterprise-related functions of the Department of Housing and Urban Development (in this subtitle referred to as the ''Department'') and in addition to carrying out the Secretary's other responsibilities under law regarding such functions—

(1) shall manage the enterprise-related employees of the Department and provide for

the payment of the compensation and benefits of any such employee which accrue before the effective date of the transfer of any such employee under section 397; and

(2) may take any other action necessary for the purpose of winding up the enterprise-related functions of the Department.

(d) STATUS OF EMPLOYEES BEFORE TRANSFER.—The amendments made by subtitles A and B and the termination of the enterprise-related functions of the Department under subsection (b) may not be construed to affect the status of any employee of the Department as employees of an agency of the United States for purposes of any other provision of law before the effective date of the transfer of any such employee under section 397.

(e) USE OF PROPERTY AND SERVICES.—

(1) PROPERTY.—The Director of the Federal Housing Finance Agency may use the property of the Secretary to perform functions which have been transferred to the Director of the Federal Housing Finance Agency for such time as is reasonable to facilitate the orderly transfer of functions transferred under any other provision of this title or any amendment made by this title to any other provision of law.

(2) AGENCY SERVICES.—Any agency, department, or other instrumentality of the United States, and any successor to any such agency, department, or instrumentality, which was providing supporting services to the Secretary regarding enterprise-related functions of the Department before the termination date under subsection (a) in connection with such functions that are transferred to the Director of the Federal Housing Finance Agency shall—

(A) continue to provide such services, on a reimbursable basis, until the transfer of such functions is complete; and

(B) consult with any such agency to coordinate and facilitate a prompt and reasonable transition.

(f) SAVINGS PROVISIONS.—

(1) EXISTING RIGHTS, DUTIES, AND OBLIGATIONS NOT AFFECTED.—Subsection (a) shall not affect the validity of any right, duty, or obligation of the United States, the Secretary, or any other person, which—

(A) arises under the authorizing statutes, title XIII of the Housing and Community Development Act of 1992, or any other provision of law applicable with respect to the Secretary, in connection with the enterprise-related functions of the Department; and

(B) existed on the day before the termination date under subsection (a).

(2) CONTINUATION OF SUITS.—No action or other proceeding commenced by or against the Secretary in connection with the enterprise-related functions of the Department shall abate by reason of the enactment of this title, except that the Director of the Federal Housing Finance Agency shall be substituted for the Secretary or any member thereof as a party to any such action or proceeding.

SEC. 396. CONTINUATION AND COORDINATION OF CERTAIN REGULATIONS.

(a) IN GENERAL.—All regulations, orders, and determinations described in subsection (b) shall remain in effect according to the terms of such regulations, orders, determinations, and resolutions, and shall be enforceable by or against the Director of the Federal Housing Finance Agency until modified, terminated, set aside, or superseded in accordance with applicable law by such Director, any court of competent jurisdiction, or operation of law.

(b) APPLICABILITY.—A regulation, order, or determination is described under this subsection if it—

(1) was issued, made, prescribed, or allowed to become effective by—

(A) the Secretary; or

(B) a court of competent jurisdiction and that relate to the enterprise-related functions of the Department; and

(2) is in effect on the termination date under section 395(a).

SEC. 397. TRANSFER AND RIGHTS OF EMPLOYEES OF DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.

(a) TRANSFER.—

(1) IN GENERAL.—Except as provided in paragraph (2), each enterprise-related employee of the Department shall be transferred to the Federal Housing Finance Agency for employment not later than the termination date under section 395(a) and such transfer shall be deemed a transfer of function for purposes of section 3503 of title 5, United States Code.

(2) AUTHORITY TO DECLINE.—An enterprise-related employee of the Department may, in the discretion of the employee, decline transfer under paragraph (1) to a position in the Federal Housing Finance Agency and shall be guaranteed a position in the Department with the same status, tenure, grade, and pay as that held on the day immediately preceding the date that such declination was made. Each such employee holding a permanent position shall not be involuntarily separated or reduced in grade or compensation for 12 months after the date that the transfer would otherwise have occurred, except for cause or, if the employee is a temporary employee, separated in accordance with the terms of the appointment.

(b) GUARANTEED POSITIONS.—Each enterprise-related employee of the Department transferred under subsection (a) shall be guaranteed a position with the same status, tenure, grade, and pay as that held on the day immediately preceding the transfer. Each such employee holding a permanent position shall not be involuntarily separated or reduced in grade or compensation for 12 months after the date of transfer, except for cause or, if the employee is a temporary employee, separated in accordance with the terms of the appointment.

(c) APPOINTMENT AUTHORITY FOR EXCEPTED AND SENIOR EXECUTIVE SERVICE EMPLOYEES.—

(1) IN GENERAL.—In the case of employees occupying positions in the excepted service or the Senior Executive Service, any appointment authority established under law or by regulations of the Office of Personnel Management for filling such positions shall be transferred, subject to paragraph (2).

(2) DECLINE OF TRANSFER.—The Director of the Federal Housing Finance Agency may decline a transfer of authority under paragraph (1) (and the employees appointed pursuant thereto) to the extent that such authority relates to positions excepted from the competitive service because of their confidential, policymaking, policy-determining, or policy-advocating character, and noncareer positions in the Senior Executive Service (within the meaning of section 3132(a)(7) of title 5, United States Code).

(d) REORGANIZATION.—If the Director of the Federal Housing Finance Agency determines, after the end of the 1-year period beginning on the termination date under section 395(a), that a reorganization of the combined workforce is required, that reorganization shall be deemed a major reorganization for purposes of affording affected employees retirement under section 8336(d)(2) or 8414(b)(1)(B) of title 5, United States Code.

(e) EMPLOYEE BENEFIT PROGRAMS.—

(1) IN GENERAL.—Any enterprise-related employee of the Department accepting employment with the Federal Housing Finance Agency as a result of a transfer under subsection (a) may retain for 12 months after the date on which such transfer occurs membership in any employee benefit program of the Federal Housing Finance Agency or the Department, as applicable, including insurance, to which such employee belongs on the termination date under section 395(a) if—

(A) the employee does not elect to give up the benefit or membership in the program; and

(B) the benefit or program is continued by the Director of the Federal Housing Finance Agency.

(2) COST DIFFERENTIAL.—The difference in the costs between the benefits which would have been provided by the Department and those provided by this section shall be paid by the Director of the Federal Housing Finance Agency. If any employee elects to give up membership in a health insurance program or the health insurance program is not continued by such Director, the employee shall be permitted to select an alternate Federal health insurance program within 30 days after such election or notice, without regard to any other regularly scheduled open season.

SEC. 398. TRANSFER OF APPROPRIATIONS, PROPERTY, AND FACILITIES.

Upon the termination date under section 395(a), all assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed, held, used, arising from, available to, or to be made available to the Department in connection with enterprise-related functions of the Department shall transfer to the Director of the Federal Housing Finance Agency. Unexpended funds transferred by this section shall be used only for the purposes for which the funds were originally authorized and appropriated.

TITLE IV—EMERGENCY MORTGAGE LOAN MODIFICATION

SEC. 401. SHORT TITLE.

This title may be cited as the ''Emergency Mortgage Loan Modification Act of 2008''.

SEC. 402. SAFE HARBOR FOR QUALIFIED LOAN MODIFICATIONS OR WORKOUT PLANS FOR CERTAIN RESIDENTIAL MORTGAGE LOANS.

(a) STANDARD FOR LOAN MODIFICATIONS OR WORKOUT PLANS.—Absent contractual provisions to the contrary—

(1) the duty to maximize, or to not adversely affect, the recovery of total proceeds from pooled residential mortgage loans is owed by a servicer of such pooled loans to the securitization vehicle for the benefit of all investors and holders of beneficial interests in the pooled loans, in the aggregate, and not to any individual party or group of parties; and

(2) a servicer of pooled residential mortgage loans shall be deemed to be acting on behalf of the securitization vehicle in the best interest of all investors and holders of beneficial interests in the pooled loans, in the aggregate, if for a loan that is in payment default under the loan agreement or for which payment default is imminent or reasonably foreseeable, the loan servicer makes or causes to be made reasonable and documented efforts to implement a modification or workout plan or, if such efforts are unsuccessful or such plan would be infeasible, engages or causes to engage in other loss mitigation, including accepting a short payment or partial discharge of principal, or agreeing to a short sale of the property, to the extent that the servicer reasonably believes the modification or workout plan or other mitigation actions will maximize the net present value to be realized on the loan over that which would be realized through foreclosure.

(b) SAFE HARBOR.—Absent contractual provisions to the contrary, a servicer of a residential mortgage loan that acts or causes to act in a manner consistent with the duty set forth in subsection (a), shall not be liable for

entering into a qualified loan modification or workout plan, to—

(1) any person, based on that person's ownership of a residential mortgage loan or any interest in a pool of residential mortgage loans or in securities that distribute payments out of the principal, interest and other payments in loans on the pool;

(2) any person who is obligated to make payments pursuant to a derivatives instrument determined in reference to any interest referred to in paragraph (1); or

(3) any person that insures any loan or any interest referred to in paragraph (1) under any law or regulation of the United States or any law or regulation of any State or political subdivision of any State.

(c) RULE OF CONSTRUCTION.—No provision of this section shall be construed as limiting the ability of a servicer to enter into loan modifications or workout plans other than qualified loan modification or workout plans.

(d) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

(1) QUALIFIED LOAN MODIFICATION OR WORKOUT PLAN.—The term ''qualified loan modification or workout plan'' means a modification or plan that—

(A) is scheduled to remain in place until the borrower sells or refinances the property, or for at least 5 years from the date of adoption of the plan, whichever is sooner;

(B) does not provide for a repayment schedule that results in an increase in the outstanding principal balance of the loan, including by deferred or unpaid interest, fees, or other charges; and

(C) does not require the borrower to pay additional points and fees.

(2) RESIDENTIAL MORTGAGE LOAN DEFINED.—The term ''residential mortgage loan'' means a loan that is secured by a lien on an owner-occupied residential dwelling.

(3) SECURITIZATION VEHICLE.—The term ''securitization vehicle'' means a trust, corporation, partnership, limited liability entity, special purpose entity, or other structure that—

(A) is the issuer, or is created by the issuer, of mortgage pass-through certificates, participation certificates, mortgage-backed securities, or other similar securities backed by a pool of assets that includes residential mortgage loans; and

(B) holds such loans.

(e) EFFECTIVE PERIOD.—This section shall apply only with respect to qualified loan modification or workout plans initiated prior to January 1, 2011.

TITLE V—OTHER HOUSING PROVISIONS

SEC. 501. DEPOSITORY INSTITUTION COMMUNITY DEVELOPMENT INVESTMENTS ENHANCEMENT .

(a) TECHNICAL CORRECTIONS.—

(1) NATIONAL BANKS.—The first sentence of the paragraph designated as the ''Eleventh'' of section 5136 of the Revised Statutes of the United States (12 U.S.C. 24) (as amended by section 305(a) of the Financial Services Regulatory Relief Act of 2006) is amended by striking ''promotes the public welfare by benefitting primarily'' and inserting ''is designed primarily to promote the public welfare, including the welfare of''.

(2) STATE MEMBER BANKS.—The first sentence of the 23rd undesignated paragraph of section 9 of the Federal Reserve Act (12 U.S.C. 338a) (as amended by section 305(b) of the Financial Services Regulatory Relief Act of 2006) is amended by striking ''promotes the public welfare by benefitting primarily'' and inserting ''is designed primarily to promote the public welfare, including the welfare of''.

(b) INVESTMENTS BY FEDERAL SAVINGS ASSOCIATIONS AUTHORIZED TO PROMOTE THE PUBLIC WELFARE.—

(1) IN GENERAL.—Section 5(c)(3) of the Home Owners' Loan Act (12 U.S.C. 1464(c)) is amended by adding at the end the following new subparagraph:

''(D) DIRECT INVESTMENTS TO PROMOTE THE PUBLIC WELFARE.—

''(i) IN GENERAL.—A Federal savings association may make investments, directly or indirectly, each of which is designed primarily to promote the public welfare, including the welfare of low- and moderate-income communities or families through the provision of housing, services, and jobs.

''(ii) DIRECT INVESTMENTS OR ACQUISITION OF INTEREST IN OTHER COMPANIES.—Investments under clause (i) may be made directly or by purchasing interests in an entity primarily engaged in making such investments.

''(iii) PROHIBITION ON UNLIMITED LIABILITY.—No investment may be made under this subparagraph which would subject a Federal savings association to unlimited liability to any person.

''(iv) SINGLE INVESTMENT LIMITATION TO BE ESTABLISHED BY DIRECTOR.—Subject to clauses (v) and (vi), the Director shall establish, by order or regulation, limits on—

''(I) the amount any savings association may invest in any 1 project; and

''(II) the aggregate amount of investment of any savings association under this subparagraph.

''(v) FLEXIBLE AGGREGATE INVESTMENT LIMITATION.—The aggregate amount of investments of any savings association under this subparagraph may not exceed an amount equal to the sum of 5 percent of the savings association's capital stock actually paid in and unimpaired and 5 percent of the savings association's unimpaired surplus, unless—

''(I) the Director determines that the savings association is adequately capitalized; and

''(II) the Director determines, by order, that the aggregate amount of investments in a higher amount than the limit under this clause will pose no significant risk to the affected deposit insurance fund.

''(vi) MAXIMUM AGGREGATE INVESTMENT LIMITATION.—Notwithstanding clause (v), the aggregate amount of investments of any savings association under this subparagraph may not exceed an amount equal to the sum of 15 percent of the savings association's capital stock actually paid in and unimpaired and 15 percent of the savings association's unimpaired surplus.

''(vii) INVESTMENTS NOT SUBJECT TO OTHER LIMITATION ON QUALITY OF INVESTMENTS.—No obligation a Federal savings association acquires or retains under this subparagraph shall be taken into account for purposes of the limitation contained in section 28(d) of the Federal Deposit Insurance Act on the acquisition and retention of any corporate debt security not of investment grade.

''(viii) APPLICABILITY OF STANDARDS TO EACH INVESTMENT.—The standards and limitations of this subparagraph shall apply to each investment under this subparagraph made by a savings association directly and by its subsidiaries.''.

(2) TECHNICAL AND CONFORMING AMENDMENTS.—Section 5(c)(3)(A) of the Home Owners' Loan Act (12 U.S.C. 1464(c)(3)(A)) is amended to read as follows:

''(A) [Repealed]''.

SEC. 502. PRESERVATION OF CERTAIN AFFORDABLE HOUSING DWELLING UNITS.

(a) CONVERSION OF HUD CONTRACTS.—Notwithstanding any other provision of law, the Secretary of Housing and Urban Development may, at the request of the owner of the multifamily housing project to which Section 8 Project Number NY 913 VO 0018 and RAP Contract Number 012035NIRAP are subject, convert such contracts to a contract for project-based rental assistance under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f).

(b) INITIAL RENEWAL.—

(1) ELIGIBILITY.—At the request of the owner made no later than 90 days prior to a conversion, the Secretary may, to the extent sufficient amounts are made available in appropriation Acts and notwithstanding any other law, treat the contemplated resulting contract as if such contract were eligible for initial renewal under section 524(a) of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note).

(2) REQUEST.—A request by the owner pursuant to paragraph (1) shall be upon such terms and conditions as the Secretary may require.

(c) RESULTING CONTRACT.—The resulting contract shall—

(1) be subject to section 524(a) of MAHRA (42 U.S.C. 1437f note);

(2) be considered for all purposes a contract that has been renewed under section 524(a) of MAHRA (42 U.S.C. 1437f note) for a term not to exceed 20 years;

(3) be subsequently renewable at the request of the owner, under any renewal option for which the project is eligible under MAHRA (42 U.S.C. 1437f note);

(4) contain provisions limiting distributions, as the Secretary determines appropriate, not to exceed 10 percent of the initial investment of the owner;

(5) be subject to the availability of sufficient amounts in appropriation Acts; and

(6) be subject to such other terms and conditions as the Secretary considers appropriate.

(d) INCOME TARGETING.—The owner shall be deemed to be in compliance with all income-targeting requirements under the United States Housing Act of 1937 by serving low-income families, as such term is defined in the section 3(b)(2) of such Act (42 U.S.C. 1437a(b)(2)).

(e) TENANT ELIGIBILITY.—Notwithstanding any other provision of law, each family residing in an assisted dwelling unit on the date of the conversion under this section, subject to the resulting contract under subsection (a), shall be considered to meet the applicable requirements for income eligibility and occupancy.

(f) DEFINITIONS.—As used in this section—

(1) the term ''assisted dwelling unit'' means the dwelling units that, on the date of the conversion under this section, were subject to Section 8 Project Number NY 913 VO 0018 or RAP Contract Number 012035NIRAP;

(2) the term ''conversion'' means the action under which Section 8 Project Number NY 913 VO 0018 and RAP Contract Number 012035NIRAP become a contract for project-based rental assistance under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f) pursuant to subsection (a);

(3) the term ''MAHRA'' means the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note);

(4) the term ''owner'' means Starrett City Associates or any successor owner of the multifamily housing project to which Section 8 Project Number NY 913 VO 0018 and RAP Contract Number 012035NIRAP are subject;

(5) the term ''resulting contract'' means the new contract after a conversion of Section 8 Project Number NY 913 VO 0018 and RAP Contract Number 012035NIRAP to a contract for project-based rental assistance under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f) pursuant to subsection (a); and

(6) the term ''Secretary'' means the Secretary of Housing and Urban Development.

SEC. 503. ELIGIBILITY OF CERTAIN PROJECTS FOR ENHANCED VOUCHER ASSISTANCE.

Notwithstanding any other provision of law—

(1) the property known as The Heritage Apartments (FHA No. 023-44804), in Malden, Massachusetts, shall be considered eligible low-income housing for purposes of the eligibility of residents of the property for enhanced voucher assistance under section 8(t) of the United States Housing Act of 1937 (42 U.S.C. 1437f(t)), pursuant to paragraph (2)(A) of section 223(f) of the Low-Income Housing Preservation and Resident Homeownership Act of 1990 (12 U.S.C. 4113(f)(2)(A));

(2) such residents shall receive enhanced rental housing vouchers upon the prepayment of the mortgage loan for the property under section 236 of the National Housing Act (12 U.S.C. 1715z–1); and

(3) the Secretary shall approve such prepayment and subsequent transfer of the property without any further condition, except that the property shall be restricted for occupancy, until the original maturity date of the prepaid mortgage loan, only by families with incomes not exceeding 80 percent of the adjusted median income for the area in which the property is located, as published by the Secretary.

Amounts for the enhanced vouchers pursuant to this section shall be provided under amounts appropriated for tenant-based rental assistance otherwise authorized under section 8(t) of the United States Housing Act of 1937.

SEC. 504. TRANSFER OF CERTAIN RENTAL ASSISTANCE CONTRACTS.

(a) TRANSFER.—Subject to subsection (c) and notwithstanding any other provision of law, the Secretary of Housing and Urban Development shall, at the request of the owner, transfer or authorize the transfer, of the contracts, restrictions, and debt described in subsection (b)—

(1) on the housing that is owned or managed by Community Properties of Ohio Management Services LLC or an affiliate of Ohio Capital Corporation for Housing and located in Franklin County, Ohio, to other properties located in Franklin County, Ohio; and

(2) on the housing that is owned or managed by The Model Group, Inc., and located in Hamilton County, Ohio, to other properties located in Hamilton County, Ohio.

(b) CONTRACTS, RESTRICTIONS, AND DEBT COVERED.—The contracts, restrictions, and debt described in this subsection are as follows:

(1) All or a portion of a project-based rental assistance housing assistance payments contract under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f).

(2) Existing Federal use restrictions, including without limitation use agreements, regulatory agreements, and accommodation agreements.

(3) Any subordinate debt held by the Secretary or assigned and any mortgages securing such debt, all related loan and security documentation and obligations, and reserve and escrow balances.

(c) RETENTION OF SAME NUMBER OF UNITS AND AMOUNT OF ASSISTANCE.—Any transfer pursuant to subsection (a) shall result in—

(1) a total number of dwelling units (including units retained by the owners and units transferred) covered by assistance described in subsection (b)(1) after the transfer remaining the same as such number assisted before the transfer, with such increases or decreases in unit sizes as may be contained in a plan approved by a local planning or development commission or department; and

(2) no reduction in the total amount of the housing assistance payments under contracts described in subsection (b)(1).

SEC. 505. PROTECTION AGAINST DISCRIMINATORY TREATMENT.

Section 525 of title 11, the United States Code, is amended by adding at the end the following:

''(d) A governmental unit that operates a mortgage loan program, including a loan guarantee or subsidy program, may not deny the benefits of such program to a disabled veteran (as defined in section 3741(1) of title 38) because he or she is or has been a debtor under this title, has been insolvent before the commencement of a case under this title or during the pendency of the case but before being granted or denied a discharge, or has not paid a debt that is dischargeable in the case under this title.''.

In the matter proposed to be inserted by the amendment of the Senate to the text of the bill, strike titles VII, IX, and XI.

The House amendment numbered 2 to the amendment of the Senate to the text is as follows:

In the matter proposed to be inserted by the Senate amendment to H.R. 3221, strike titles VI (relating to tax-related provisions), VIII (relating to REIT investment diversification and empowerment), and X (relating to clean energy tax stimulus) and add at the end the following new title (and conform the table of contents accordingly):

TITLE VII—REVENUE AND OTHER PROVISIONS

SEC. 700. AMENDMENT OF 1986 CODE.

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

Subtitle A—Housing Tax Incentives

PART 1—MULTI-FAMILY HOUSING

Subpart A—Low-Income Housing Tax Credit

SEC. 701. TEMPORARY INCREASE IN VOLUME CAP FOR LOW-INCOME HOUSING TAX CREDIT.

Paragraph (3) of section 42(h) is amended by adding at the end the following new subparagraph:

''(I) INCREASE IN STATE HOUSING CREDIT CEILING FOR 2008 AND 2009.—In the case of calendar years 2008 and 2009, the dollar amount in effect under subparagraph (C)(ii)(I) for such calendar year (after any increase under subparagraph (H)) shall be increased by $0.20.''.

SEC. 702. DETERMINATION OF CREDIT RATE.

(a) ELIMINATION OF DISTINCTION BETWEEN NEW AND EXISTING BUILDINGS; MINIMUM CREDIT RATE FOR NON-FEDERALLY SUBSIDIZED BUILDINGS.—

(1) IN GENERAL.—Subsection (b) section 42 is amended to read as follows:

''(b) APPLICABLE PERCENTAGE.—For purposes of this section—

''(1) IN GENERAL.—The term 'applicable percentage' means, with respect to any building, the appropriate percentage prescribed by the Secretary for the earlier of—

''(A) the month in which such building is placed in service, or

''(B) at the election of the taxpayer—

''(i) the month in which the taxpayer and the housing credit agency enter into an agreement with respect to such building (which is binding on such agency, the taxpayer, and all successors in interest) as to the housing credit dollar amount to be allocated to such building, or

''(ii) in the case of any building to which subsection (h)(4)(B) applies, the month in which the tax-exempt obligations are issued.

A month may be elected under clause (ii) only if the election is made not later than the 5th day after the close of such month. Such an election, once made, shall be irrevocable.

''(2) METHOD OF PRESCRIBING PERCENTAGES.—

''(A) IN GENERAL.—For purposes of paragraph (1), the percentages prescribed by the Secretary for any month shall be—

''(i) in the case of any building which is not federally subsidized for the taxable year, the greater of—

''(I) the average percentage determined under subclause (II) for months in the preceding calendar year, or

''(II) the percentage which will yield over a 10-year period amounts of credit under subsection (a) which have a present value equal to 70 percent of the qualified basis of such building, and

''(ii) in the case of any other building, the percentage which will yield over a 10-year period amounts of credit under subsection (a) which have a present value equal to 30 percent of the qualified basis of such building.

''(B) METHOD OF DISCOUNTING.—The present value under subparagraph (A) shall be determined—

''(i) as of the last day of the 1st year of the 10-year period referred to in subparagraph (A),

''(ii) by using a discount rate equal to 72 percent of the average of the annual Federal mid-term rate and the annual Federal long-term rate applicable under section 1274(d)(1) to the month applicable under subparagraph (A) and compounded annually, and

''(iii) by assuming that the credit allowable under this section for any year is received on the last day of such year.

''(3) CROSS REFERENCES.—

''(A) For treatment of certain rehabilitation expenditures as separate buildings, see subsection (e).

''(B) For determination of applicable percentage for increases in qualified basis after the 1st year of the credit period, see subsection (f)(3).

''(C) For authority of housing credit agency to limit applicable percentage and qualified basis which may be taken into account under this section with respect to any building, see subsection (h)(7).''.

(2) CONFORMING AMENDMENTS.—

(A) Subparagraph (B) of section 42(e)(3) is amended by striking ''subsection (b)(2)(B)(ii)'' and inserting ''subsection (b)(2)(A)(ii)''.

(B) Subparagraph (A) of section 42(i)(2) is amended by striking ''new building'' and inserting ''building''.

(b) MODIFICATIONS TO DEFINITION OF FEDERALLY SUBSIDIZED BUILDING.—

(1) IN GENERAL.—Subparagraph (A) of section 42(i)(2) is amended by striking '', or any below market Federal loan,''.

(2) CONFORMING AMENDMENTS.—

(A) Subparagraph (B) of section 42(i)(2) is amended—

(i) by striking ''BALANCE OF LOAN OR'' in the heading thereof,

(ii) by striking ''loan or'' in the matter preceding clause (i), and

(iii) by striking ''subsection (d)—'' and all that follows and inserting ''subsection (d) the proceeds of such obligation.''.

(B) Subparagraph (C) of section 42(i)(2) is amended—

(i) by striking ''or below market Federal loan'' in the matter preceding clause (i),

(ii) in clause (i)—

(I) by striking ''or loan (when issued or made)'' and inserting ''(when issued)'', and

(II) by striking ''the proceeds of such obligation or loan'' and inserting ''the proceeds of such obligation'', and

(iii) by striking '', and such loan is repaid,'' in clause (ii).

(C) Paragraph (2) of section 42(i) is amended by striking subparagraphs (D) and (E).

(c) EFFECTIVE DATE.—The amendments made by this subsection shall apply to buildings placed in service after the date of the enactment of this Act.

SEC. 703. MODIFICATIONS TO DEFINITION OF ELIGIBLE BASIS.

(a) INCREASE IN CREDIT FOR CERTAIN STATE DESIGNATED BUILDINGS.—Subparagraph (C) of section 42(d)(5) (relating to increase in credit for buildings in high cost areas), before redesignation under subsection (f), is amended by adding at the end the following new clause:

''(v) BUILDINGS DESIGNATED BY STATE HOUSING CREDIT AGENCY.—Any building which is designated by the State housing credit agency as requiring the increase in credit under this subparagraph in order for such building to be financially feasible as part of a qualified low-income housing project shall be treated for purposes of this subparagraph as located in a difficult development area which is designated for purposes of this subparagraph. The preceding sentence shall not apply to any building if paragraph (1) of subsection (h) does not apply to any portion of the eligible basis of such building by reason of paragraph (4) of such subsection.''.

(b) MODIFICATION TO REHABILITATION REQUIREMENTS.—

(1) IN GENERAL.—Clause (ii) of section 42(e)(3)(A) is amended—

(A) by striking ''10 percent'' in subclause (I) and inserting ''20 percent'', and

(B) by striking ''$3,000'' in subclause (II) and inserting ''$6,000''.

(2) INFLATION ADJUSTMENT.—Paragraph (3) of section 42(e) is amended by adding at the end the following new subparagraph:

''(D) INFLATION ADJUSTMENT.—In the case of any expenditures which are treated under paragraph (4) as placed in service during any calendar year after 2009, the $6,000 amount in subparagraph (A)(ii)(II) shall be increased by an amount equal to—

''(i) such dollar amount, multiplied by

''(ii) the cost-of-living adjustment determined under section 1(f)(3) for such calendar year by substituting 'calendar year 2008' for 'calendar year 1992' in subparagraph (B) thereof.

Any increase under the preceding sentence which is not a multiple of $100 shall be rounded to the nearest multiple of $100.''.

(3) CONFORMING AMENDMENT.—Subclause (II) of section 42(f)(5)(B)(ii) is amended by striking ''if subsection (e)(3)(A)(ii)(II)'' and all that follows and inserting ''if the dollar amount in effect under subsection (e)(3)(A)(ii)(II) were two-thirds of such amount.''.

(c) INCREASE IN ALLOWABLE COMMUNITY SERVICE FACILITY SPACE FOR SMALL PROJECTS.—Clause (ii) of section 42(d)(4)(C) (relating to limitation) is amended by striking ''10 percent of the eligible basis of the qualified low-income housing project of which it is a part. For purposes of'' and inserting ''the sum of—

''(I) 15 percent of so much of the eligible basis of the qualified low-income housing project of which it is a part as does not exceed $5,000,000, plus

''(II) 10 percent of so much of the eligible basis of such project as is not taken into account under subclause (I).

For purposes of''.

(d) CLARIFICATION OF TREATMENT OF FEDERAL GRANTS.—Subparagraph (A) of section 42(d)(5) is amended to read as follows:

''(A) FEDERAL GRANTS NOT TAKEN INTO ACCOUNT IN DETERMINING ELIGIBLE BASIS.—The eligible basis of a building shall not include any costs financed with the proceeds of a Federally funded grant.''.

(e) SIMPLIFICATION OF RELATED PARTY RULES.—Clause (iii) of section 42(d)(2)(D), before redesignation under subsection (f)(2), is amended—

(1) by striking all that precedes subclause (II),

(2) by redesignating subclause (II) as clause (iii) and moving such clause two ems to the left, and

(3) by striking the last sentence thereof.

(f) REPEAL OF DEADWOOD.—

(1) Clause (ii) of section 42(d)(2)(B) is amended by striking ''the later of—'' and all that follows and inserting ''the date the building was last placed in service,''.

(2) Subparagraph (D) of section 42(d)(2) is amended by striking clause (i) and by redesignating clauses (ii) and (iii) as clauses (i) and (ii), respectively.

(3) Paragraph (5) of section 42(d) is amended by striking subparagraph (B) and by redesignating subparagraph (C) as subparagraph (B).

(g) EFFECTIVE DATE.—The amendments made by this subsection shall apply to buildings placed in service after the date of the enactment of this Act.

SEC. 704. OTHER SIMPLIFICATION AND REFORM OF LOW-INCOME HOUSING TAX INCENTIVES.

(a) REPEAL PROHIBITION ON MODERATE REHABILITATION ASSISTANCE.—Paragraph (2) of section 42(c) (defining qualified low-income building) is amended by striking the flush sentence at the end.

(b) MODIFICATION OF TIME LIMIT FOR INCURRING 10 PERCENT OF PROJECT'S COST.—Clause (ii) of section 42(h)(1)(E) is amended by striking ''(as of the later of the date which is 6 months after the date that the allocation was made or the close of the calendar year in which the allocation is made)'' and inserting ''(as of the date which is 1 year after the date that the allocation was made)''.

(c) REPEAL OF BONDING REQUIREMENT ON DISPOSITION OF BUILDING.—Paragraph (6) of section 42(j) (relating to no recapture on disposition of building (or interest therein) where bond posted) is amended to read as follows:

''(6) NO RECAPTURE ON DISPOSITION OF BUILDING WHICH CONTINUES IN QUALIFIED USE.—

''(A) IN GENERAL.—The increase in tax under this subsection shall not apply solely by reason of the disposition of a building (or an interest therein) if it is reasonably expected that such building will continue to be operated as a qualified low-income building for the remaining compliance period with respect to such building.

''(B) STATUTE OF LIMITATIONS.—If a building (or an interest therein) is disposed of during any taxable year and there is any reduction in the qualified basis of such building which results in an increase in tax under this subsection for such taxable or any subsequent taxable year, then—

''(i) the statutory period for the assessment of any deficiency with respect to such increase in tax shall not expire before the expiration of 3 years from the date the Secretary is notified by the taxpayer (in such manner as the Secretary may prescribe) of such reduction in qualified basis, and

''(ii) such deficiency may be assessed before the expiration of such 3-year period notwithstanding the provisions of any other law or rule of law which would otherwise prevent such assessment.''.

(d) ENERGY EFFICIENCY AND HISTORIC NATURE TAKEN INTO ACCOUNT IN MAKING ALLOCATIONS.—Subparagraph (C) of section 42(m)(1) (relating to plans for allocation of credit among projects) is amended by striking ''and'' at the end of clause (vii), by striking the period at the end of clause (viii) and inserting a comma, and by adding at the end the following new clauses:

''(ix) the energy efficiency of the project, and

''(x) the historic nature of the project.''.

(e) CONTINUED ELIGIBILITY FOR STUDENTS WHO RECEIVED FOSTER CARE ASSISTANCE.—Clause (i) of section 42(i)(3)(D) is amended by striking ''or'' at the end of subclause (I), by redesignating subclause (II) as subclause (III), and by inserting after subclause (I) the following new subclause:

''(II) a student who was previously under the care and placement responsibility of the State agency responsible for administering a plan under part B or part E of title IV of the Social Security Act, or''.

(f) TREATMENT OF RURAL PROJECTS.—Section 42(i) (relating to definitions and special rules) is amended by adding at the end the following new paragraph:

''(8) TREATMENT OF RURAL PROJECTS.—For purposes of this section, in the case of any project for residential rental property located in a rural area (as defined in section 520 of the Housing Act of 1949), any income limitation measured by reference to area median gross income shall be measured by reference to the greater of area median gross income or national non-metropolitan median income. The preceding sentence shall not apply with respect to any building if paragraph (1) of section 42(h) does not apply by reason of paragraph (4) thereof to any portion of the credit determined under this section with respect to such building.''.

(g) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to buildings placed in service after the date of the enactment of this Act.

(2) REPEAL OF BONDING REQUIREMENT ON DISPOSITION OF BUILDING.—The amendment made by subsection (c) shall apply to—

(A) interests in buildings disposed after the date of the enactment of this Act, and

(B) interests in buildings disposed of on or before such date if—

(i) it is reasonably expected that such building will continue to be operated as a qualified low-income building (within the meaning of section 42 of the Internal Revenue Code of 1986) for the remaining compliance period (within the meaning of such section) with respect to such building, and

(ii) the taxpayer elects the application of this subparagraph with respect to such disposition.

Notwithstanding the preceding sentence, the amendments made by subsection (c) shall not apply to any disposition after the date 5 years after the date of the enactment of this Act.

(3) ENERGY EFFICIENCY AND HISTORIC NATURE TAKEN INTO ACCOUNT IN MAKING ALLOCATIONS.—The amendments made by subsection (d) shall apply to allocations made after December 31, 2008.

(4) CONTINUED ELIGIBILITY FOR STUDENTS WHO RECEIVED FOSTER CARE ASSISTANCE.—The amendments made by subsection (e) shall apply to determinations made after the date of the enactment of this Act.

(5) TREATMENT OF RURAL PROJECTS.—The amendment made by subsection (f) shall apply to determinations made after the date of the enactment of this Act.

Subpart B—Modifications to Tax-Exempt Housing Bond Rules

SEC. 706. RECYCLING OF TAX-EXEMPT DEBT FOR FINANCING RESIDENTIAL RENTAL PROJECTS.

(a) IN GENERAL.—Subsection (i) of section 146 (relating to treatment of refunding issues) is amended by adding at the end the following new paragraph:

''(6) TREATMENT OF CERTAIN RESIDENTIAL RENTAL PROJECT BONDS AS REFUNDING BONDS IRRESPECTIVE OF OBLIGOR.—

''(A) IN GENERAL.—If, during the 6-month period beginning on the date of a repayment of a loan financed by an issue 95 percent or more of the net proceeds of which are used to provide projects described in section 142(d),

such repayment is used to provide a new loan for any project so described, any bond which is issued to refinance such issue shall be treated as a refunding issue to the extent the principal amount of such refunding issue does not exceed the principal amount of the bonds refunded.

''(B) LIMITATIONS.—Subparagraph (A) shall apply to only one refunding of the original issue and only if—

''(i) the refunding issue is issued not later than 4 years after the date on which the original issue was issued,

''(ii) the latest maturity date of any bond of the refunding issue is not later than 34 years after the date on which the refunded bond was issued, and

''(iii) the refunding issue is approved in accordance with section 147(f) before the issuance of the refunding issue.''.

(b) LOW-INCOME HOUSING CREDIT.—Clause (ii) of section 42(h)(4)(A) is amended by inserting ''or such financing is refunded as described in section 146(i)(6)'' before the period at the end.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to repayments of loans received after the date of the enactment of this Act.

SEC. 707. COORDINATION OF CERTAIN RULES APPLICABLE TO LOW-INCOME HOUSING CREDIT AND QUALIFIED RESIDENTIAL RENTAL PROJECT EXEMPT FACILITY BONDS.

(a) DETERMINATION OF NEXT AVAILABLE UNIT.—Paragraph (3) of section 142(d) (relating to current income determinations) is amended by adding at the end the following new subparagraph:

''(C) EXCEPTION FOR PROJECTS WITH RESPECT TO WHICH AFFORDABLE HOUSING CREDIT IS ALLOWED.—In the case of a project with respect to which credit is allowed under section 42, the second sentence of subparagraph (B) shall be applied by substituting 'building (within the meaning of section 42)' for 'project'.''.

(b) STUDENTS.—Paragraph (2) of section 142(d) (relating to definitions and special rules) is amended by adding at the end the following new subparagraph:

''(C) STUDENTS.—Rules similar to the rules of 42(i)(3)(D) shall apply for purposes of this subsection.''.

(c) SINGLE-ROOM OCCUPANCY UNITS.—Paragraph (2) of section 142(d) (relating to definitions and special rules), as amended by subsection (b), is further amended by adding at the end the following new subparagraph:

''(D) SINGLE-ROOM OCCUPANCY UNITS.—A unit shall not fail to be treated as a residential unit merely because such unit is a single-room occupancy unit (within the meaning of section 42).''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to determinations of the status of qualified residential rental projects for periods beginning after the date of the enactment of this Act, with respect to bonds issued before, on, or after such date.

Subpart C—Reforms Related to the Low-Income Housing Credit and Tax-Exempt Housing Bonds

SEC. 709. HOLD HARMLESS FOR REDUCTIONS IN AREA MEDIAN GROSS INCOME.

(a) IN GENERAL.—Paragraph (2) of section 142(d), as amended by section 707, is further amended by adding at the end the following new subparagraph:

''(E) HOLD HARMLESS FOR REDUCTIONS IN AREA MEDIAN GROSS INCOME.—

''(i) IN GENERAL.—Any determination of area median gross income under subparagraph (B) with respect to any project for any calendar year after 2008 shall not be less than the area median gross income determined under such subparagraph with respect to such project for the calendar year preceding the calendar year for which such determination is made.

''(ii) SPECIAL RULE FOR CERTAIN CENSUS CHANGES.—In the case of a HUD hold harmless impacted project, the area median gross income with respect to such project for any calendar year after 2008 (hereafter in this clause referred to as the current calendar year) shall be the greater of the amount determined without regard to this clause or the sum of—

''(I) the area median gross income determined under the HUD hold harmless policy with respect to such project for calendar year 2008, plus

''(II) any increase in the area median gross income determined under subparagraph (B) (determined without regard to the HUD hold harmless policy and this subparagraph) with respect to such project for the current calendar year over the area median gross income (as so determined) with respect to such project for calendar year 2008.

''(iii) HUD HOLD HARMLESS POLICY.—The term 'HUD hold harmless policy' means the regulations under which a policy similar to the rules of clause (i) applied to prevent a change in the method of determining area median gross income from resulting in a reduction in the area median gross income determined with respect to certain projects in calendar years 2007 and 2008.

''(iv) HUD HOLD HARMLESS IMPACTED PROJECT.—The term 'HUD hold harmless impacted project' means any project with respect to which area median gross income was determined under subparagraph (B) for calendar year 2007 or 2008 if such determination would have been less but for the HUD hold harmless policy.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to determinations of area median gross income for calendar years after 2008.

SEC. 710. EXCEPTION TO ANNUAL CURRENT INCOME DETERMINATION REQUIREMENT WHERE DETERMINATION NOT RELEVANT.

(a) IN GENERAL.—Subparagraph (A) of section 142(d)(3) is amended by adding at the end the following new sentence: ''The preceding sentence shall not apply with respect to any project for any year if during such year no residential unit in the project is occupied by a new resident whose income exceeds the applicable income limit.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to years ending after the date of the enactment of this Act.

PART 2—SINGLE FAMILY HOUSING

SEC. 712. FIRST-TIME HOMEBUYER CREDIT.

(a) IN GENERAL.—Subpart C of part IV of subchapter A of chapter 1 is amended by redesignating section 36 as section 37 and by inserting after section 35 the following new section:

''SEC. 36. FIRST-TIME HOMEBUYER CREDIT.

''(a) ALLOWANCE OF CREDIT.—In the case of an individual who is a first-time homebuyer of a principal residence in the United States during a taxable year, there shall be allowed as a credit against the tax imposed by this subtitle for such taxable year an amount equal to 10 percent of the purchase price of the residence.

''(b) LIMITATIONS.—

''(1) DOLLAR LIMITATION.—

''(A) IN GENERAL.—Except as otherwise provided in this paragraph, the credit allowed under subsection (a) shall not exceed $7,500.

''(B) MARRIED INDIVIDUALS FILING SEPARATELY.—In the case of a married individual filing a separate return, subparagraph (A) shall be applied by substituting '$3,750' for '$7,500'.

''(C) OTHER INDIVIDUALS.—If two or more individuals who are not married purchase a principal residence, the amount of the credit allowed under subsection (a) shall be allocated among such individuals in such manner as the Secretary may prescribe, except that the total amount of the credits allowed to all such individuals shall not exceed $7,500.

''(2) LIMITATION BASED ON MODIFIED ADJUSTED GROSS INCOME.—

''(A) IN GENERAL.—The amount allowable as a credit under subsection (a) (determined without regard to this paragraph) for the taxable year shall be reduced (but not below zero) by the amount which bears the same ratio to the amount which is so allowable as—

''(i) the excess (if any) of—

''(I) the taxpayer's modified adjusted gross income for such taxable year, over

''(II) $70,000 ($140,000 in the case of a joint return), bears to

''(ii) $20,000.

''(B) MODIFIED ADJUSTED GROSS INCOME.—For purposes of subparagraph (A), the term 'modified adjusted gross income' means the adjusted gross income of the taxpayer for the taxable year increased by any amount excluded from gross income under section 911, 931, or 933.

''(c) DEFINITIONS.—For purposes of this section—

''(1) FIRST-TIME HOMEBUYER.—The term 'first-time homebuyer' means any individual if such individual (and if married, such individual's spouse) had no present ownership interest in a principal residence during the 3-year period ending on the date of the purchase of the principal residence to which this section applies.

''(2) PRINCIPAL RESIDENCE.—The term 'principal residence' has the same meaning as when used in section 121.

''(3) PURCHASE.—

''(A) IN GENERAL.—The term 'purchase' means any acquisition, but only if—

''(i) the property is not acquired from a person related to the person acquiring it, and

''(ii) the basis of the property in the hands of the person acquiring it is not determined—

''(I) in whole or in part by reference to the adjusted basis of such property in the hands of the person from whom acquired, or

''(II) under section 1014(a) (relating to property acquired from a decedent).

''(B) CONSTRUCTION.—A residence which is constructed by the taxpayer shall be treated as purchased by the taxpayer on the date the taxpayer first occupies such residence.

''(4) PURCHASE PRICE.—The term 'purchase price' means the adjusted basis of the principal residence on the date such residence is purchased.

''(5) RELATED PERSONS.—A person shall be treated as related to another person if the relationship between such persons would result in the disallowance of losses under section 267 or 707(b) (but, in applying section 267(b) and (c) for purposes of this section, paragraph (4) of section 267(c) shall be treated as providing that the family of an individual shall include only his spouse, ancestors, and lineal descendants).

''(d) EXCEPTIONS.—No credit under subsection (a) shall be allowed to any taxpayer for any taxable year with respect to the purchase of a residence if—

''(1) a credit under section 1400C (relating to first-time homebuyer in the District of Columbia) is allowable to the taxpayer (or the taxpayer's spouse) for such taxable year or any prior taxable year,

''(2) the residence is financed by the proceeds of a qualified mortgage issue the interest on which is exempt from tax under section 103,

''(3) the taxpayer is a nonresident alien, or

''(4) the taxpayer disposes of such residence (or such residence ceases to be the principal

residence of the taxpayer (and, if married, the taxpayer's spouse)) before the close of such taxable year.

''(e) REPORTING.—If the Secretary requires information reporting under section 6045 by a person described in subsection (e)(2) thereof to verify the eligibility of taxpayers for the credit allowable by this section, the exception provided by section 6045(e) shall not apply.

''(f) RECAPTURE OF CREDIT.—

''(1) IN GENERAL.—Except as otherwise provided in this subsection, if a credit under subsection (a) is allowed to a taxpayer, the tax imposed by this chapter shall be increased by 6⅔ percent of the amount of such credit for each taxable year in the recapture period.

''(2) ACCELERATION OF RECAPTURE.—If a taxpayer disposes of the principal residence with respect to which a credit was allowed under subsection (a) (or such residence ceases to be the principal residence of the taxpayer (and, if married, the taxpayer's spouse)) before the end of the recapture period—

''(A) the tax imposed by this chapter for the taxable year of such disposition or cessation, shall be increased by the excess of the amount of the credit allowed over the amounts of tax imposed by paragraph (1) for preceding taxable years, and

''(B) paragraph (1) shall not apply with respect to such credit for such taxable year or any subsequent taxable year.

''(3) LIMITATION BASED ON GAIN.—In the case of the sale of the principal residence to a person who is not related to the taxpayer, the increase in tax determined under paragraph (2) shall not exceed the amount of gain (if any) on such sale. Solely for purposes of the preceding sentence, the adjusted basis of such residence shall be reduced by the amount of the credit allowed under subsection (a) to the extent not previously recaptured under paragraph (1).

''(4) EXCEPTIONS.—

''(A) DEATH OF TAXPAYER.—Paragraphs (1) and (2) shall not apply to any taxable year ending after the date of the taxpayer's death.

''(B) INVOLUNTARY CONVERSION.—Paragraph (2) shall not apply in the case of a residence which is compulsorily or involuntarily converted (within the meaning of section 1033(a)) if the taxpayer acquires a new principal residence during the 2-year period beginning on the date of the disposition or cessation referred to in paragraph (2). Paragraph (2) shall apply to such new principal residence during the recapture period in the same manner as if such new principal residence were the converted residence.

''(C) TRANSFERS BETWEEN SPOUSES OR INCIDENT TO DIVORCE.—In the case of a transfer of a residence to which section 1041(a) applies—

''(i) paragraph (2) shall not apply to such transfer, and

''(ii) in the case of taxable years ending after such transfer, paragraphs (1) and (2) shall apply to the transferee in the same manner as if such transferee were the transferor (and shall not apply to the transferor).

''(5) JOINT RETURNS.—In the case of a credit allowed under subsection (a) with respect to a joint return, half of such credit shall be treated as having been allowed to each individual filing such return for purposes of this subsection.

''(6) RECAPTURE PERIOD.—For purposes of this subsection, the term 'recapture period' means the 15 taxable years beginning with the second taxable year following the taxable year in which the purchase of the principal residence for which a credit is allowed under subsection (a) was made.

''(g) APPLICATION OF SECTION.—This section shall only apply to a principal residence purchased by the taxpayer on or after April 9, 2008, and before April 1, 2009.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 26(b)(2) is amended by striking ''and'' at the end of subparagraph (U), by striking the period and inserting '', and'' and the end of subparagraph (V), and by inserting after subparagraph (V) the following new subparagraph:

''(W) section 36(f) (relating to recapture of homebuyer credit).''.

(2) Section 6211(b)(4)(A) is amended by striking ''34,'' and all that follows through ''6428'' and inserting ''34, 35, 36, 53(e), and 6428''.

(3) Section 1324(b)(2) of title 31, United States Code, is amended by inserting '', 36,'' after ''section 35''.

(4) The table of sections for subpart C of part IV of subchapter A of chapter 1 is amended by redesignating the item relating to section 36 as an item relating to section 37 and by inserting before such item the following new item:

''Sec. 36. First-time homebuyer credit.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to residences purchased on or after April 9, 2008, in taxable years ending on or after such date.

SEC. 713. ADDITIONAL STANDARD DEDUCTION FOR REAL PROPERTY TAXES FOR NONITEMIZERS.

(a) IN GENERAL.—Section 63(c)(1) (defining standard deduction) is amended by striking ''and'' at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting '', and'', and by adding at the end the following new subparagraph:

''(C) in the case of any taxable year beginning in 2008, the real property tax deduction.''.

(b) DEFINITION.—Section 63(c) is amended by adding at the end the following new paragraph:

''(7) REAL PROPERTY TAX DEDUCTION.—For purposes of paragraph (1), the real property tax deduction is the lesser of—

''(A) the amount allowable as a deduction under this chapter for State and local taxes described in section 164(a)(1), or

''(B) $350 ($700 in the case of a joint return).

Any taxes taken into account under section 62(a) shall not be taken into account under this paragraph.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

PART 3—GENERAL PROVISIONS

SEC. 715. TEMPORARY LIBERALIZATION OF TAX-EXEMPT HOUSING BOND RULES.

(a) TEMPORARY INCREASE IN VOLUME CAP.—

(1) IN GENERAL.—Subsection (d) of section 146 is amended by adding at the end the following new paragraph:

''(5) INCREASE AND SET ASIDE FOR HOUSING BONDS FOR 2008.—

''(A) INCREASE FOR 2008.—In the case of calendar year 2008, the State ceiling for each State shall be increased by an amount equal to $10,000,000,000 multiplied by a fraction—

''(i) the numerator of which is the population of such State, and

''(ii) the denominator of which is the total population of all States.

''(B) SET ASIDE.—

''(i) IN GENERAL.—Any amount of the State ceiling for any State which is attributable to an increase under this paragraph shall be allocated solely for one or more qualified housing issues.

''(ii) QUALIFIED HOUSING ISSUE.—For purposes of this paragraph, the term 'qualified housing issue' means—

''(I) an issue described in section 142(a)(7) (relating to qualified residential rental projects), or

''(II) a qualified mortgage issue (determined by substituting '12-month period' for '42-month period' each place it appears in section 143(a)(2)(D)(i)).''.

(2) CARRYFORWARD OF UNUSED LIMITATIONS.—Subsection (f) of section 146 is amended by adding at the end the following new paragraph:

''(6) SPECIAL RULES FOR INCREASED VOLUME CAP UNDER SUBSECTION (d)(5).—No amount which is attributable to the increase under subsection (d)(5) may be used—

''(A) for any issue other than a qualified housing issue (as defined in subsection (d)(5)), or

''(B) to issue any bond after calendar year 2010.''.

(b) TEMPORARY RULE FOR USE OF QUALIFIED MORTGAGE BONDS PROCEEDS FOR SUBPRIME REFINANCING LOANS.—

(1) IN GENERAL.—Section 143(k) (relating to other definitions and special rules) is amended by adding at the end the following new paragraph:

''(12) SPECIAL RULES FOR SUBPRIME REFINANCINGS.—

''(A) IN GENERAL.—Notwithstanding the requirements of subsection (i)(1), the proceeds of a qualified mortgage issue may be used to refinance a mortgage on a residence which was originally financed by the mortgagor through a qualified subprime loan.

''(B) SPECIAL RULES.—In applying subparagraph (A) to any refinancing—

''(i) subsection (a)(2)(D)(i) shall be applied by substituting '12-month period' for '42-month period' each place it appears,

''(ii) subsection (d) (relating to 3-year requirement) shall not apply, and

''(iii) subsection (e) (relating to purchase price requirement) shall be applied by using the market value of the residence at the time of refinancing in lieu of the acquisition cost.

''(C) QUALIFIED SUBPRIME LOAN.—The term 'qualified subprime loan' means an adjustable rate single-family residential mortgage loan made after December 31, 2001, and before January 1, 2008, that the bond issuer determines would be reasonably likely to cause financial hardship to the borrower if not refinanced.

''(D) TERMINATION.—This paragraph shall not apply to any bonds issued after December 31, 2010.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to bonds issued after the date of the enactment of this Act.

SEC. 716. REPEAL OF ALTERNATIVE MINIMUM TAX LIMITATIONS ON TAX-EXEMPT HOUSING BONDS, LOW-INCOME HOUSING TAX CREDIT, AND REHABILITATION CREDIT.

(a) TAX-EXEMPT INTEREST ON CERTAIN HOUSING BONDS EXEMPTED FROM ALTERNATIVE MINIMUM TAX.—

(1) IN GENERAL.—Subparagraph (C) of section 57(a)(5) (relating to specified private activity bonds) is amended by redesignating clauses (iii) and (iv) as clauses (iv) and (v), respectively, and by inserting after clause (ii) the following new clause:

''(iii) EXCEPTION FOR CERTAIN HOUSING BONDS.—For purposes of clause (i), the term 'private activity bond' shall not include any bond issued after the date of the enactment of this clause if such bond is—

''(I) an exempt facility bond issued as part of an issue 95 percent or more of the net proceeds of which are to be used to provide qualified residential rental projects (as defined in section 142(d)),

''(II) a qualified mortgage bond (as defined in section 143(a)), or

''(III) a qualified veterans' mortgage bond (as defined in section 143(b)).

The preceding sentence shall not apply to any refunding bond unless such preceding sentence applied to the refunded bond (or in the case of a series of refundings, the original bond).''.

(2) NO ADJUSTMENT TO ADJUSTED CURRENT EARNINGS.—Subparagraph (B) of section 56(g)(4) is amended by adding at the end the following new clause:

''(iii) TAX EXEMPT INTEREST ON CERTAIN HOUSING BONDS.—Clause (i) shall not apply in the case of any interest on a bond to which section 57(a)(5)(C)(iii) applies.''.

(b) ALLOWANCE OF LOW-INCOME HOUSING CREDIT AGAINST ALTERNATIVE MINIMUM TAX.—Subparagraph (B) of section 38(c)(4) (relating to specified credits) is amended by redesignating clauses (ii) through (iv) as clauses (iii) through (v) and inserting after clause (i) the following new clause:

''(ii) the credit determined under section 42 to the extent attributable to buildings placed in service after December 31, 2007,''.

(c) ALLOWANCE OF REHABILITATION CREDIT AGAINST ALTERNATIVE MINIMUM TAX.—Subparagraph (B) of section 38(c)(4), as amended by subsection (b), is amended by striking ''and'' at the end of clause (iv), by redesignating clause (v) as clause (vi), and by inserting after clause (iv) the following new clause:

''(v) the credit determined under section 47 to the extent attributable to qualified rehabilitation expenditures properly taken into account for periods after December 31, 2007, and''.

(d) EFFECTIVE DATE.—

(1) HOUSING BONDS.—The amendments made by subsection (a) shall apply to bonds issued after the date of the enactment of this Act.

(2) LOW INCOME HOUSING CREDIT.—The amendments made by subsection (b) shall apply to credits determined under section 42 of the Internal Revenue Code of 1986 to the extent attributable to buildings placed in service after December 31, 2007.

(3) REHABILITATION CREDIT.—The amendments made by subsection (c) shall apply to credits determined under section 47 of the Internal Revenue Code of 1986 to the extent attributable to qualified rehabilitation expenditures properly taken into account for periods after December 31, 2007.

SEC. 717. BONDS GUARANTEED BY FEDERAL HOME LOAN BANKS ELIGIBLE FOR TREATMENT AS TAX-EXEMPT BONDS.

(a) IN GENERAL.—Subparagraph (A) of section 149(b)(3) (relating to exceptions for certain insurance programs) is amended by striking ''or'' at the end of clause (ii), by striking the period at the end of clause (iii) and inserting '', or'' and by adding at the end the following new clause:

''(iv) any guarantee by a Federal home loan bank made in connection with the original issuance of a bond during the period beginning on the date of the enactment of this Act and ending on December 31, 2010 (or a renewal or extension of a guarantee so made).''.

(b) SAFETY AND SOUNDNESS REQUIREMENTS.—Paragraph (3) of section 149(b) is amended by adding at the end the following new subparagraph:

''(E) SAFETY AND SOUNDNESS REQUIREMENTS FOR FEDERAL HOME LOAN BANKS.—Clause (iv) of subparagraph (A) shall not apply to any guarantee by a Federal home loan bank unless such bank meets safety and soundness collateral requirements for such guarantees which are at least as stringent as such requirements which apply under regulations applicable to such guarantees by Federal home loan banks as in effect on April 9, 2008.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to guarantees made after the date of the enactment of this Act.

SEC. 718. MODIFICATION OF RULES PERTAINING TO FIRPTA NONFOREIGN AFFIDAVITS.

(a) IN GENERAL.—Subsection (b) of section 1445 (relating to exemptions) is amended by adding at the end the following:

''(9) ALTERNATIVE PROCEDURE FOR FURNISHING NONFOREIGN AFFIDAVIT.—For purposes of paragraphs (2) and (7)—

''(A) IN GENERAL.—Paragraph (2) shall be treated as applying to a transaction if, in connection with a disposition of a United States real property interest—

''(i) the affidavit specified in paragraph (2) is furnished to a qualified substitute, and

''(ii) the qualified substitute furnishes a statement to the transferee stating, under penalty of perjury, that the qualified substitute has such affidavit in his possession.

''(B) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out this paragraph.''.

(b) QUALIFIED SUBSTITUTE.—Subsection (f) of section 1445 (relating to definitions) is amended by adding at the end the following new paragraph:

''(6) QUALIFIED SUBSTITUTE.—The term 'qualified substitute' means, with respect to a disposition of a United States real property interest—

''(A) the person (including any attorney or title company) responsible for closing the transaction, other than the transferor's agent, and

''(B) the transferee's agent.''.

(c) EXEMPTION NOT TO APPLY IF KNOWLEDGE OR NOTICE THAT AFFIDAVIT OR STATEMENT IS FALSE.—

(1) IN GENERAL.—Paragraph (7) of section 1445(b) (relating to special rules for paragraphs (2) and (3)) is amended to read as follows:

''(7) SPECIAL RULES FOR PARAGRAPHS (2), (3), AND (9).—Paragraph (2), (3), or (9) (as the case may be) shall not apply to any disposition—

''(A) if—

''(i) the transferee or qualified substitute has actual knowledge that the affidavit referred to in such paragraph, or the statement referred to in paragraph (9)(A)(ii), is false, or

''(ii) the transferee or qualified substitute receives a notice (as described in subsection (d)) from a transferor's agent, transferee's agent, or qualified substitute that such affidavit or statement is false, or

''(B) if the Secretary by regulations requires the transferee or qualified substitute to furnish a copy of such affidavit or statement to the Secretary and the transferee or qualified substitute fails to furnish a copy of such affidavit or statement to the Secretary at such time and in such manner as required by such regulations.''.

(2) LIABILITY.—

(A) NOTICE.—Paragraph (1) of section 1445(d) (relating to notice of false affidavit; foreign corporations) is amended to read as follows:

''(1) NOTICE OF FALSE AFFIDAVIT; FOREIGN CORPORATIONS.—If—

''(A) the transferor furnishes the transferee or qualified substitute an affidavit described in paragraph (2) of subsection (b) or a domestic corporation furnishes the transferee an affidavit described in paragraph (3) of subsection (b), and

''(B) in the case of—

''(i) any transferor's agent—

''(I) such agent has actual knowledge that such affidavit is false, or

''(II) in the case of an affidavit described in subsection (b)(2) furnished by a corporation, such corporation is a foreign corporation, or

''(ii) any transferee's agent or qualified substitute, such agent or substitute has actual knowledge that such affidavit is false,

such agent or qualified substitute shall so notify the transferee at such time and in such manner as the Secretary shall require by regulations.''.

(B) FAILURE TO FURNISH NOTICE.—Paragraph (2) of section 1445(d) (relating to failure to furnish notice) is amended to read as follows:

''(2) FAILURE TO FURNISH NOTICE.—

''(A) IN GENERAL.—If any transferor's agent, transferee's agent, or qualified substitute is required by paragraph (1) to furnish notice, but fails to furnish such notice at such time or times and in such manner as may be required by regulations, such agent or substitute shall have the same duty to deduct and withhold that the transferee would have had if such agent or substitute had complied with paragraph (1).

''(B) LIABILITY LIMITED TO AMOUNT OF COMPENSATION.—An agent's or substitute's liability under subparagraph (A) shall be limited to the amount of compensation the agent or substitute derives from the transaction.''.

(C) CONFORMING AMENDMENT.—The heading for section 1445(d) is amended by striking ''OR TRANSFEREE'S AGENTS'' and inserting '', TRANSFEREE'S AGENTS, OR QUALIFIED SUBSTITUTES''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to dispositions of United States real property interests after the date of the enactment of this Act.

SEC. 719. MODIFICATION OF DEFINITION OF TAX-EXEMPT USE PROPERTY FOR PURPOSES OF THE REHABILITATION CREDIT.

(a) IN GENERAL.—Subclause (I) of section 47(c)(2)(B)(v) is amended by striking ''section 168(h)'' and inserting ''section 168(h), except that '50 percent' shall be substituted for '35 percent' in paragraph (1)(B)(iii) thereof''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to expenditures properly taken into account for periods after December 31, 2007.

Subtitle B—Reforms Related to Real Estate Investment Trusts

PART 1—FOREIGN CURRENCY AND OTHER QUALIFIED ACTIVITIES

SEC. 721. REVISIONS TO REIT INCOME TESTS.

(a) ADDITION OF PERMISSIBLE INCOME CATEGORIES.—Section 856(c) (relating to limitations) is amended—

(1) by striking ''and'' at the end of paragraph (2)(G) and by inserting after paragraph (2)(H) the following new subparagraphs:

''(I) passive foreign exchange gains; and

''(J) any other item of income or gain as determined by the Secretary;'', and

(2) by striking ''and'' at the end of paragraphs (3)(H) and (3)(I) and by inserting after paragraph (3)(I) the following new subparagraphs:

''(J) real estate foreign exchange gains; and

''(K) any other item of income or gain as determined by the Secretary; and''.

(b) RULES REGARDING FOREIGN CURRENCY TRANSACTIONS.—Section 856 (defining real estate investment trust) is amended by adding at the end the following new subsection:

''(n) RULES REGARDING FOREIGN CURRENCY TRANSACTIONS.—With respect to any taxable year—

''(1) REAL ESTATE FOREIGN EXCHANGE GAINS.—For purposes of subsection (c)(3)(J), the term 'real estate foreign exchange gains' means—

''(A) foreign currency gains (as defined in section 988(b)(1)) which are attributable to—

''(i) any item described in subsection (c)(3) (other than in subparagraph (J) thereof),

''(ii) the acquisition or ownership of obligations secured by mortgages on real property or on interests in real property (other than foreign currency gains attributable to any item described in clause (i)), or

''(iii) becoming or being the obligor under obligations secured by mortgages on real

property or on interests in real property (other than foreign currency gains attributable to any item described in clause (i)),

''(B) gains described in section 987 attributable to a qualified business unit (as defined by section 989) of the real estate investment trust, but only if such qualified business unit meets the requirements under—

''(i) subsection (c)(3) (without regard to subparagraph (J) thereof) for the taxable year, and

''(ii) subsection (c)(4)(A) at the close of each quarter that the real estate investment trust has directly or indirectly held the qualified business unit, and

''(C) any other foreign currency gains as determined by the Secretary.

''(2) PASSIVE FOREIGN EXCHANGE GAINS.—For purposes of subsection (c)(2)(I), the term 'passive foreign exchange gains' means—

''(A) real estate foreign exchange gains,

''(B) foreign currency gains (as defined in section 988(b)(1)) which are not described in subparagraph (A) and which are attributable to any item described in subsection (c)(2) (other than in subparagraph (I) thereof), and

''(C) any other foreign currency gains as determined by the Secretary.''.

(c) ADDITION TO REIT HEDGING RULE.—Subparagraph (G) of section 856(c)(5) is amended to read as follows:

''(G) TREATMENT OF CERTAIN HEDGING INSTRUMENTS.—Except to the extent as determined by the Secretary—

''(i) any income of a real estate investment trust from a hedging transaction (as defined in clause (ii) or (iii) of section 1221(b)(2)(A)) which is clearly identified pursuant to section 1221(a)(7), including gain from the sale or disposition of such a transaction, shall not constitute gross income under paragraphs (2) and (3) to the extent that the transaction hedges any indebtedness incurred or to be incurred by the trust to acquire or carry real estate assets, and

''(ii) any income of a real estate investment trust from a transaction entered into by the trust primarily to manage risk of currency fluctuations with respect to any item described in paragraph (2) or (3), including gain from the termination of such a transaction, shall not constitute gross income under paragraphs (2) and (3), but only if such transaction is clearly identified as such before the close of the day on which it was acquired, originated, or entered into (or such other time as the Secretary may prescribe).''.

(d) AUTHORITY TO EXCLUDE ITEMS OF INCOME FROM REIT INCOME TESTS.—Section 856(c)(5) is amended by adding at the end the following new subparagraph:

''(H) SECRETARIAL AUTHORITY TO EXCLUDE OTHER ITEMS OF INCOME.—The Secretary is authorized to determine whether any item of income or gain which does not otherwise qualify under paragraph (2) or (3) may be considered as not constituting gross income solely for purposes of this part.''.

SEC. 722. REVISIONS TO REIT ASSET TESTS.

(a) CLARIFICATION OF VALUATION TEST.—The first sentence in the matter following section 856(c)(4)(B)(iii)(III) is amended by inserting ''(including a discrepancy caused solely by the change in the foreign currency exchange rate used to value a foreign asset)'' after ''such requirements''.

(b) CLARIFICATION OF PERMISSIBLE ASSET CATEGORY.—Section 856(c)(5), as amended by section 721(d), is amended by adding at the end the following new subparagraph:

''(I) CASH.—The term 'cash' includes foreign currency if the real estate investment trust or its qualified business unit (as defined in section 989) uses such foreign currency as its functional currency (as defined in section 985(b)).''.

SEC. 723. CONFORMING FOREIGN CURRENCY REVISIONS.

(a) NET INCOME FROM FORECLOSURE PROPERTY.—Clause (i) of section 857(b)(4)(B) is amended to read as follows:

''(i) gain (including any foreign currency gain, as defined in section 988(b)(1)) from the sale or other disposition of foreclosure property described in section 1221(a)(1) and the gross income for the taxable year derived from foreclosure property (as defined in section 856(e)), but only to the extent such gross income is not described in (or, in the case of foreign currency gain, not attributable to gross income described in) section 856(c)(3) other than subparagraph (F) thereof, over''.

(b) NET INCOME FROM PROHIBITED TRANSACTIONS.—Clause (i) of section 857(b)(6)(B) is amended to read as follows:

''(i) the term 'net income derived from prohibited transactions' means the excess of the gain (including any foreign currency gain, as defined in section 988(b)(1)) from prohibited transactions over the deductions (including any foreign currency loss, as defined in section 988(b)(2)) allowed by this chapter which are directly connected with prohibited transactions;''.

PART 2—TAXABLE REIT SUBSIDIARIES

SEC. 725. CONFORMING TAXABLE REIT SUBSIDIARY ASSET TEST.

Section 856(c)(4)(B)(ii) is amended by striking ''20 percent'' and inserting ''25 percent''.

PART 3—DEALER SALES

SEC. 727. HOLDING PERIOD UNDER SAFE HARBOR.

Section 857(b)(6) (relating to income from prohibited transactions) is amended—

(1) by striking ''4 years'' in subparagraphs (C)(i), (C)(iv), and (D)(i) and inserting ''2 years'',

(2) by striking ''4-year period'' in subparagraphs (C)(ii), (D)(ii), and (D)(iii) and inserting ''2-year period'', and

(3) by striking ''real estate asset''and all that follows through ''if'' in the matter preceding clause (i) of subparagraphs (C) and (D), respectively, and inserting ''real estate asset (as defined in section 856(c)(5)(B)) and which is described in section 1221(a)(1) if''.

SEC. 728. DETERMINING VALUE OF SALES UNDER SAFE HARBOR.

Section 857(b)(6) is amended—

(1) by striking the semicolon at the end of subparagraph (C)(iii) and inserting '', or (III) the fair market value of property (other than sales of foreclosure property or sales to which section 1033 applies) sold during the taxable year does not exceed 10 percent of the fair market value of all of the assets of the trust as of the beginning of the taxable year;'', and

(2) by adding ''or'' at the end of subclause (II) of subparagraph (D)(iv) and by adding at the end of such subparagraph the following new subclause:

''(III) the fair market value of property (other than sales of foreclosure property or sales to which section 1033 applies) sold during the taxable year does not exceed 10 percent of the fair market value of all of the assets of the trust as of the beginning of the taxable year,''.

PART 4—HEALTH CARE REITS

SEC. 730. CONFORMITY FOR HEALTH CARE FACILITIES.

(a) RELATED PARTY RENTALS.—Subparagraph (B) of section 856(d)(8) (relating to special rule for taxable REIT subsidiaries) is amended to read as follows:

''(B) EXCEPTION FOR CERTAIN LODGING FACILITIES AND HEALTH CARE PROPERTY.—The requirements of this subparagraph are met with respect to an interest in real property which is a qualified lodging facility or a qualified health care property (as defined in subsection (e)(6)(D)(i)) leased by the trust to a taxable REIT subsidiary of the trust if the property is operated on behalf of such subsidiary by a person who is an eligible independent contractor. For purposes of this section, a taxable REIT subsidiary is not considered to be operating or managing a qualified health care property or qualified lodging facility solely because it directly or indirectly possesses a license, permit or similar instrument enabling it to do so.''.

(b) ELIGIBLE INDEPENDENT CONTRACTOR.—Subparagraphs (A) and (B) of section 856(d)(9) (relating to eligible independent contractor) are amended to read as follows:

''(A) IN GENERAL.—The term 'eligible independent contractor' means, with respect to any qualified lodging facility or qualified health care property (as defined in subsection (e)(6)(D)(i)), any independent contractor if, at the time such contractor enters into a management agreement or other similar service contract with the taxable REIT subsidiary to operate such qualified lodging facility or qualified health care property, such contractor (or any related person) is actively engaged in the trade or business of operating qualified lodging facilities or qualified health care properties, respectively, for any person who is not a related person with respect to the real estate investment trust or the taxable REIT subsidiary.

''(B) SPECIAL RULES.—Solely for purposes of this paragraph and paragraph (8)(B), a person shall not fail to be treated as an independent contractor with respect to any qualified lodging facility or qualified health care property (as so defined) by reason of the following:

''(i) The taxable REIT subsidiary bears the expenses for the operation of such qualified lodging facility or qualified health care property pursuant to the management agreement or other similar service contract.

''(ii) The taxable REIT subsidiary receives the revenues from the operation of such qualified lodging facility or qualified health care property, net of expenses for such operation and fees payable to the operator pursuant to such agreement or contract.

''(iii) The real estate investment trust receives income from such person with respect to another property that is attributable to a lease of such other property to such person that was in effect as of the later of—

''(I) January 1, 1999, or

''(II) the earliest date that any taxable REIT subsidiary of such trust entered into a management agreement or other similar service contract with such person with respect to such qualified lodging facility or qualified health care property.''.

(c) TAXABLE REIT SUBSIDIARIES.—The last sentence of section 856(l)(3) is amended—

(1) by inserting ''or a health care facility'' after ''a lodging facility'', and

(2) by inserting ''or health care facility'' after ''such lodging facility''.

PART 5—EFFECTIVE DATES

SEC. 732. EFFECTIVE DATES.

(a) IN GENERAL.—Except as otherwise provided in this section, the amendments made by this subtitle shall apply to taxable years beginning after the date of the enactment of this Act.

(b) REIT INCOME TESTS.—

(1) The amendment made by section 721(a) and (b) shall apply to gains and items of income recognized after the date of the enactment of this Act.

(2) The amendment made by section 721(c) shall apply to transactions entered into after the date of the enactment of this Act.

(3) The amendment made by section 721(d) shall apply after the date of the enactment of this Act.

(c) CONFORMING FOREIGN CURRENCY REVISIONS.—

(1) The amendment made by section 723(a) shall apply to gains recognized after the date of the enactment of this Act.

(2) The amendment made by section 723(b) shall apply to gains and deductions recognized after the date of the enactment of this Act.

(d) DEALER SALES.—The amendments made by part 3 shall apply to sales made after the date of the enactment of this Act.

Subtitle C—Revenue Provisions

SEC. 741. BROKER REPORTING OF CUSTOMER'S BASIS IN SECURITIES TRANSACTIONS.

(a) IN GENERAL.—

(1) BROKER REPORTING FOR SECURITIES TRANSACTIONS.—Section 6045 (relating to returns of brokers) is amended by adding at the end the following new subsection:

''(g) ADDITIONAL INFORMATION REQUIRED IN THE CASE OF SECURITIES TRANSACTIONS, ETC.—

''(1) IN GENERAL.—If a broker is otherwise required to make a return under subsection (a) with respect to the gross proceeds of the sale of a covered security, the broker shall include in such return the information described in paragraph (2).

''(2) ADDITIONAL INFORMATION REQUIRED.—

''(A) IN GENERAL.—The information required under paragraph (1) to be shown on a return with respect to a covered security of a customer shall include the customer's adjusted basis in such security and whether any gain or loss with respect to such security is long-term or short-term (within the meaning of section 1222).

''(B) DETERMINATION OF ADJUSTED BASIS.—For purposes of subparagraph (A)—

''(i) IN GENERAL.—The customer's adjusted basis shall be determined—

''(I) in the case of any security (other than any stock for which an average basis method is permissible under section 1012), in accordance with the first-in first-out method unless the customer notifies the broker by means of making an adequate identification of the stock sold or transferred, and

''(II) in the case of any stock for which an average basis method is permissible under section 1012, in accordance with the broker's default method unless the customer notifies the broker that he elects another acceptable method under section 1012 with respect to the account in which such stock is held.

''(ii) EXCEPTION FOR WASH SALES.—Except as otherwise provided by the Secretary, the customer's adjusted basis shall be determined without regard to section 1091 (relating to loss from wash sales of stock or securities) unless the transactions occur in the same account with respect to identical securities.

''(3) COVERED SECURITY.—For purposes of this subsection—

''(A) IN GENERAL.—The term 'covered security' means any specified security acquired on or after the applicable date if such security—

''(i) was acquired through a transaction in the account in which such security is held, or

''(ii) was transferred to such account from an account in which such security was a covered security, but only if the broker received a statement under section 6045A with respect to the transfer.

''(B) SPECIFIED SECURITY.—The term 'specified security' means—

''(i) any share of stock in a corporation,

''(ii) any note, bond, debenture, or other evidence of indebtedness,

''(iii) any commodity, or contract or derivative with respect to such commodity, if the Secretary determines that adjusted basis reporting is appropriate for purposes of this subsection, and

''(iv) any other financial instrument with respect to which the Secretary determines that adjusted basis reporting is appropriate for purposes of this subsection.

''(C) APPLICABLE DATE.—The term 'applicable date' means—

''(i) January 1, 2010, in the case of any specified security which is stock in a corporation (other than any stock described in clause (ii)),

''(ii) January 1, 2011, in the case of any stock for which an average basis method is permissible under section 1012, and

''(iii) January 1, 2012, or such later date determined by the Secretary in the case of any other specified security.

''(4) TREATMENT OF S CORPORATIONS.—In the case of the sale of a covered security acquired by an S corporation (other than a financial institution) after December 31, 2011, such S corporation shall be treated in the same manner as a partnership for purposes of this section.

''(5) SPECIAL RULES FOR SHORT SALES.—In the case of a short sale, reporting under this section shall be made for the year in which such sale is closed.''.

(2) BROKER INFORMATION REQUIRED WITH RESPECT TO OPTIONS.—Section 6045, as amended by subsection (a), is amended by adding at the end the following new subsection:

''(h) APPLICATION TO OPTIONS ON SECURITIES.—

''(1) EXERCISE OF OPTION.—For purposes of this section, if a covered security is acquired or disposed of pursuant to the exercise of an option that was granted or acquired in the same account as the covered security, the amount received with respect to the grant or paid with respect to the acquisition of such option shall be treated as an adjustment to gross proceeds or as an adjustment to basis, as the case may be.

''(2) LAPSE OR CLOSING TRANSACTION.—In the case of the lapse (or closing transaction (as defined in section 1234(b)(2)(A))) of an option on a specified security or the exercise of a cash-settled option on a specified security, reporting under subsections (a) and (g) with respect to such option shall be made for the calendar year which includes the date of such lapse, closing transaction, or exercise.

''(3) PROSPECTIVE APPLICATION.—Paragraphs (1) and (2) shall not apply to any option which is granted or acquired before January 1, 2012.

''(4) DEFINITIONS.—For purposes of this subsection, the terms 'covered security' and 'specified security' shall have the meanings given such terms in subsection (g)(3).''.

(3) EXTENSION OF PERIOD FOR STATEMENTS SENT TO CUSTOMERS.—

(A) IN GENERAL.—Subsection (b) of section 6045 is amended by striking ''January 31'' and inserting ''February 15''.

(B) STATEMENTS RELATED TO SUBSTITUTE PAYMENTS.—Subsection (d) of section 6045 is amended—

(i) by striking ''at such time and'', and

(ii) by inserting after ''other item.'' the following new sentence: ''The written statement required under the preceding sentence shall be furnished on or before February 15 of the year following the calendar year in which the payment was made.''.

(C) OTHER STATEMENTS.—Subsection (b) of section 6045 is amended by adding at the end the following: ''In the case of a consolidated reporting statement (as defined in regulations) with respect to any account, any statement which would otherwise be required to be furnished on or before January 31 of a calendar year with respect to any item reportable to the taxpayer shall instead be required to be furnished on or before February 15 of such calendar year if furnished with such consolidated reporting statement.''.

(b) DETERMINATION OF BASIS OF CERTAIN SECURITIES ON ACCOUNT BY ACCOUNT OR AVERAGE BASIS METHOD.—Section 1012 (relating to basis of property–cost) is amended—

(1) by striking ''The basis of property'' and inserting the following:

''(a) IN GENERAL.—The basis of property'',

(2) by striking ''The cost of real property'' and inserting the following:

''(b) SPECIAL RULE FOR APPORTIONED REAL ESTATE TAXES.—The cost of real property'', and

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

''(c) DETERMINATIONS BY ACCOUNT.—

''(1) IN GENERAL.—In the case of the sale, exchange, or other disposition of a specified security on or after the applicable date, the conventions prescribed by regulations under this section shall be applied on an account by account basis.

''(2) APPLICATION TO OPEN-END FUNDS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), any stock in an open-end fund acquired before January 1, 2011, shall be treated as a separate account from any such stock acquired on or after such date.

''(B) ELECTION BY OPEN-END FUND FOR TREATMENT AS SINGLE ACCOUNT.—If an open-end fund elects to have this subparagraph apply with respect to one or more of its stockholders—

''(i) subparagraph (A) shall not apply with respect to any stock in such fund held by such stockholders, and

''(ii) all stock in such fund which is held by such stockholders shall be treated as covered securities described in section 6045(g)(3) without regard to the date of the acquisition of such stock.

A rule similar to the rule of the preceding sentence shall apply with respect to a broker holding stock in an open-end fund as a nominee.

''(3) DEFINITIONS.—For purposes of this section—

''(A) OPEN-END FUND.—The term 'open-end fund' means a regulated investment company (as defined in section 851) which is offering for sale or has outstanding any redeemable security of which it is the issuer. Any stock which is traded on an established securities exchange shall not be treated as stock in an open-end fund.

''(B) SPECIFIED SECURITY; APPLICABLE DATE.—The terms 'specified security' and 'applicable date' shall have the meaning given such terms in section 6045(g).

''(d) AVERAGE BASIS FOR STOCK ACQUIRED PURSUANT TO A DIVIDEND REINVESTMENT PLAN.—

''(1) IN GENERAL.—In the case of any stock acquired after December 31, 2010, in connection with a dividend reinvestment plan, the basis of such stock while held as part of such plan shall be determined using one of the methods which may be used for determining the basis of stock in an open-end fund.

''(2) TREATMENT AFTER TRANSFER.—In the case of the transfer to another account of stock to which paragraph (1) applies, such stock shall have a cost basis in such other account equal to its basis in the dividend reinvestment plan immediately before such transfer (properly adjusted for any fees or other charges taken into account in connection with such transfer).

''(3) SEPARATE ACCOUNTS; ELECTION FOR TREATMENT AS SINGLE ACCOUNT.—Rules similar to the rules of subsection (c)(2) shall apply for purposes of this subsection.

''(4) DIVIDEND REINVESTMENT PLAN.—For purposes of this subsection—

''(A) IN GENERAL.—The term 'dividend reinvestment plan' means any arrangement under which dividends on any stock are reinvested in stock identical to the stock with respect to which the dividends are paid.

''(B) INITIAL STOCK ACQUISITION TREATED AS ACQUIRED IN CONNECTION WITH PLAN.—Stock

shall be treated as acquired in connection with a dividend reinvestment plan if such stock is acquired pursuant to such plan or if the dividends paid on such stock are subject to such plan.''.

(c) INFORMATION BY TRANSFERORS TO AID BROKERS.—

(1) IN GENERAL.—Subpart B of part III of subchapter A of chapter 61 is amended by inserting after section 6045 the following new section:

''SEC. 6045A. INFORMATION REQUIRED IN CONNECTION WITH TRANSFERS OF COVERED SECURITIES TO BROKERS.

''(a) FURNISHING OF INFORMATION.—Every applicable person which transfers to a broker (as defined in section 6045(c)(1)) a security which is a covered security (as defined in section 6045(g)(3)) in the hands of such applicable person shall furnish to such broker a written statement in such manner and setting forth such information as the Secretary may by regulations prescribe for purposes of enabling such broker to meet the requirements of section 6045(g).

''(b) APPLICABLE PERSON.—For purposes of subsection (a), the term 'applicable person' means—

''(1) any broker (as defined in section 6045(c)(1)), and

''(2) any other person as provided by the Secretary in regulations.

''(c) TIME FOR FURNISHING STATEMENT.—Except as otherwise provided by the Secretary, any statement required by subsection (a) shall be furnished not later than 15 days after the date of the transfer described in such subsection.''.

(2) ASSESSABLE PENALTIES.—Paragraph (2) of section 6724(d) (defining payee statement) is amended by redesignating subparagraphs (I) through (CC) as subparagraphs (J) through (DD), respectively, and by inserting after subparagraph (H) the following new subparagraph:

''(I) section 6045A (relating to information required in connection with transfers of covered securities to brokers),''.

(3) CLERICAL AMENDMENT.—The table of sections for subpart B of part III of subchapter A of chapter 61 is amended by inserting after the item relating to section 6045 the following new item:

''Sec. 6045A. Information required in connection with transfers of covered securities to brokers.''.

(d) ADDITIONAL ISSUER INFORMATION TO AID BROKERS.—

(1) IN GENERAL.—Subpart B of part III of subchapter A of chapter 61, as amended by subsection (b), is amended by inserting after section 6045A the following new section:

''SEC. 6045B. RETURNS RELATING TO ACTIONS AFFECTING BASIS OF SPECIFIED SECURITIES.

''(a) IN GENERAL.—According to the forms or regulations prescribed by the Secretary, any issuer of a specified security shall make a return setting forth—

''(1) a description of any organizational action which affects the basis of such specified security of such issuer,

''(2) the quantitative effect on the basis of such specified security resulting from such action, and

''(3) such other information as the Secretary may prescribe.

''(b) TIME FOR FILING RETURN.—Any return required by subsection (a) shall be filed not later than the earlier of—

''(1) 45 days after the date of the action described in subsection (a), or

''(2) January 15 of the year following the calendar year during which such action occurred.

''(c) STATEMENTS TO BE FURNISHED TO HOLDERS OF SPECIFIED SECURITIES OR THEIR NOMINEES.—According to the forms or regulations prescribed by the Secretary, every person required to make a return under subsection (a) with respect to a specified security shall furnish to the nominee with respect to the specified security (or certificate holder if there is no nominee) a written statement showing—

''(1) the name, address, and phone number of the information contact of the person required to make such return,

''(2) the information required to be shown on such return with respect to such security, and

''(3) such other information as the Secretary may prescribe.

The written statement required under the preceding sentence shall be furnished to the holder on or before January 15 of the year following the calendar year during which the action described in subsection (a) occurred.

''(d) SPECIFIED SECURITY.—For purposes of this section, the term 'specified security' has the meaning given such term by section 6045(g)(3)(B). No return shall be required under this section with respect to actions described in subsection (a) with respect to a specified security which occur before the applicable date (as defined in section 6045(g)(3)(C)) with respect to such security.

''(e) PUBLIC REPORTING IN LIEU OF RETURN.—The Secretary may waive the requirements under subsections (a) and (c) with respect to a specified security, if the person required to make the return under subsection (a) makes publicly available, in such form and manner as the Secretary determines necessary to carry out the purposes of this section—

''(1) the name, address, phone number, and email address of the information contact of such person, and

''(2) the information described in paragraphs (1), (2), and (3) of subsection (a).''.

(2) ASSESSABLE PENALTIES.—

(A) Subparagraph (B) of section 6724(d)(1) of such Code (defining information return) is amended by redesignating clause (iv) and each of the clauses which follow as clauses (v) through (xxii), respectively, and by inserting after clause (iii) the following new clause:

''(iv) section 6045B(a) (relating to returns relating to actions affecting basis of specified securities),''.

(B) Paragraph (2) of section 6724(d) of such Code (defining payee statement), as amended by subsection (c)(2), is amended by redesignating subparagraphs (J) through (DD) as subparagraphs (K) through (EE), respectively, and by inserting after subparagraph (I) the following new subparagraph:

''(J) subsections (c) and (e) of section 6045B (relating to returns relating to actions affecting basis of specified securities),''.

(3) CLERICAL AMENDMENT.—The table of sections for subpart B of part III of subchapter A of chapter 61 of such Code, as amended by subsection (b)(3), is amended by inserting after the item relating to section 6045A the following new item:

''Sec. 6045B. Returns relating to actions affecting basis of specified securities.''.

(e) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall take effect on January 1, 2010.

(2) EXTENSION OF PERIOD FOR STATEMENTS SENT TO CUSTOMERS.—The amendments made by subsection (a)(3) shall apply to statements required to be furnished after December 31, 2008.

SEC. 742. DELAY IN APPLICATION OF WORLDWIDE ALLOCATION OF INTEREST.

(a) IN GENERAL.—Paragraphs (5)(D) and (6) of section 864(f) are each amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(b) TRANSITIONAL RULE.—Subsection (f) of section 864 is amended by adding at the end the following new paragraph:

''(7) TRANSITION.—In the case of the first taxable year to which this subsection applies, the increase (if any) in the amount of the interest expense allocable to sources within the United States by reason of the application of this subsection shall be 78 percent of the amount of such increase determined without regard to this paragraph.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2008.

SEC. 743. TIME FOR PAYMENT OF CORPORATE ESTIMATED TAXES.

(a) REPEAL OF ADJUSTMENT FOR 2012.—Subparagraph (B) of section 401(1) of the Tax Increase Prevention and Reconciliation Act of 2005 is amended by striking the percentage contained therein and inserting ''100 percent''.

(b) MODIFICATION OF ADJUSTMENT FOR 2013.—The percentage under subparagraph (C) of section 401(1) of the Tax Increase Prevention and Reconciliation Act of 2005 in effect on the date of the enactment of this Act is increased by 13 percentage points.

Subtitle D—Coordination of Federal Housing Programs and Tax Incentives for Housing

SEC. 751. SHORT TITLE.

This subtitle may be cited as the ''Housing Tax Credit Coordination Act of 2008''.

SEC. 752. APPROVALS BY DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.

(a) ADMINISTRATIVE AND PROCEDURAL CHANGES.—

(1) IN GENERAL.—The Secretary of Housing and Urban Development (in this section referred to as the ''Secretary'') shall, not later than the expiration of the 6-month period beginning upon after the date of the enactment of this Act, implement administrative and procedural changes to expedite approval of multifamily housing projects under the jurisdiction of the Department of Housing and Urban Development that meet the requirements of the Secretary for such approvals.

(2) PROJECTS.—The multifamily housing projects referred to in paragraph (1) shall include—

(A) projects for which assistance is provided by such Department in conjunction with any low-income housing tax credits under section 42 of the Internal Revenue Code of 1986 or tax-exempt housing bonds; and

(B) existing public housing projects and assisted housing projects, for which approval of the Secretary is necessary for transactions, in conjunction with any such low-income housing tax credits or tax-exempt housing bonds, involving the preservation or rehabilitation of the project.

(3) CHANGES.—The administrative and procedural changes referred to in paragraph (1) shall include all actions necessary to carry out paragraph (1), which may include—

(A) improving the efficiency of approval procedures;

(B) simplifying approval requirements,

(C) establishing time deadlines or target deadlines for required approvals;

(D) modifying division of approval authority between field and national offices;

(E) improving outreach to project sponsors regarding information that is required to be submitted for such approvals;

(F) requesting additional funding for increasing staff, if necessary; and

(G) any other actions which would expedite approvals.

Any such changes shall be made in a manner that provides for full compliance with any existing requirements under law or regulation that are designed to protect families receiving public and assisted housing assistance, including income targeting, rent, and

fair housing provisions, and shall also comply with requirements regarding environmental review and protection and wages paid to laborers.

(b) CONSULTATION.—The Secretary shall consult with the Commissioner of the Internal Revenue Service and take such actions as are appropriate in conjunction with such consultation to simplify the coordination of rules, regulations, forms, and approval requirements for multifamily housing projects projects for which assistance is provided by such Department in conjunction with any low-income housing tax credits under section 42 of the Internal Revenue Code of 1986 or tax-exempt housing bonds.

(c) RECOMMENDATIONS.—In implementing the changes required under this section, the Secretary shall solicit recommendations regarding such changes from project owners and sponsors, investors and stakeholders in housing tax credits, State and local housing finance agencies, public housing agencies, tenant advocates, and other stakeholders in such projects.

(d) REPORT.—Not later than the expiration of the 9-month period beginning on the date of the enactment of this Act, the Secretary shall submit a report to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate that—

(1) identifies the actions taken by the Secretary to comply with this section;

(2) includes information regarding any resulting improvements in the expedited approval for multifamily housing projects;

(3) identifies recommendations made pursuant to subsection (c);

(4) identifies actions taken by the Secretary to implement the provisions in the amendments made by sections 4 and 5 of this Act; and

(5) makes recommendations for any legislative changes that are needed to facilitate prompt approval of assistance for such projects.

SEC. 753. PROJECT APPROVALS BY RURAL HOUSING SERVICE.

Section 515(h) of the Housing Act of 1949 (42 U.S.C. 1485) is amended—

(1) by inserting ''(1) CONDITION.—'' after ''(h)''; and

(2) by adding at the end the following new paragraphs:

''(2) ACTIONS TO EXPEDITE PROJECT APPROVALS.—

''(A) IN GENERAL.—The Secretary shall take actions to facilitate timely approval of requests to transfer ownership or control, for the purpose of rehabilitation or preservation, of multifamily housing projects for which assistance is provided by the Secretary of Agriculture in conjunction with any low-income housing tax credits under section 42 of the Internal Revenue Code of 1986 or tax-exempt housing bonds.

''(B) CONSULTATION.—The Secretary of Agriculture shall consult with the Commissioner of the Internal Revenue Service and take such actions as are appropriate in conjunction with such consultation to simplify the coordination of rules, regulations, forms (including applications forms for project transfers), and approval requirements multifamily housing projects for which assistance is provided by the Secretary of Agriculture in conjunction with any low-income housing tax credits under section 42 of the Internal Revenue Code of 1986 or tax-exempt housing bonds.

''(C) EXISTING REQUIREMENTS.—Any actions taken pursuant to this paragraph shall be taken in a manner that provides for full compliance with any existing requirements under law or regulation that are designed to protect families receiving Federal housing assistance, including income targeting, rent, and fair housing provisions, and shall also comply with requirements regarding environmental review and protection and wages paid to laborers.

''(D) RECOMMENDATIONS.—In implementing the changes required under this paragraph, the Secretary shall solicit recommendations regarding such changes from project owners and sponsors, investors and stakeholders in housing tax credits, State and local housing finance agencies, tenant advocates, and other stakeholders in such projects.''.

SEC. 754. USE OF FHA LOANS WITH HOUSING TAX CREDITS.

(a) SUBSIDY LAYERING REQUIREMENTS.—Subsection (d) of section 102 of the Department of Housing and Urban Development Reform Act of 1989 (42 U.S.C. 3545(d)) is amended—

(1) in the first sentence, by inserting after ''assistance within the jurisdiction of the Department'' the following: '', as such term is defined in subsection (m), except that for purposes of this subsection such term shall not include any mortgage insurance provided pursuant to title II of the National Housing Act (12 U.S.C. 1707 et seq.)''; and

(2) in the second sentence, by inserting ''such'' before ''assistance''.

(b) COST CERTIFICATION.—Section 227 of National Housing Act (12 U.S.C. 1715r) is amended—

(1) in the matter preceding paragraph (a) (relating to a definition of ''new or rehabilitated multifamily housing'')—

(A) in the first sentence—

(i) by striking ''Notwithstanding'' and inserting ''Except as provided in subsection (b) and notwithstanding''; and

(ii) by redesignating clauses (a) and (b) as clauses (A) and (B), respectively; and

(B) by striking ''As used in this section—'';

(2) in paragraph (c) (relating to a definition of ''actual cost'')—

(A) in clause (i), by redesignating clauses (1) and (2) as clauses (I) and (II), respectively; and

(B) in clause (ii), by redesignating clauses (1) and (2) as clauses (I) and (II), respectively;

(3) by redesignating paragraphs (a), (b), and (c) as paragraphs (1), (2), and (3), respectively;

(4) by inserting before paragraph (1) (as so redesignated by paragraph (3) of this subsection) the following:

''(b) EXEMPTION FOR CERTAIN PROJECTS ASSISTED WITH LOW-INCOME HOUSING TAX CREDIT.—In the case of any mortgage insured under any provision of this title that is executed in connection with the construction, rehabilitation, purchase, or refinancing of a multifamily housing project for which equity provided through any low-income housing tax credit pursuant to Section 42 of the Internal Revenue Code of 1986 (26 U.S.C. 42), if the Secretary determines at the time of issuance of the firm commitment for insurance that the ratio of the loan proceeds to the actual cost of the project is less than 80 percent, subsection (a) of this section shall not apply.

''(c) DEFINITIONS.—For purposes of this section, the following definitions shall apply:''; and

(5) by inserting ''(a) REQUIREMENT.—'' after ''227.''.

(c) OTHER PROVISIONS REGARDING TREATMENT OF MORTGAGES COVERING TAX CREDIT PROJECTS.—Title II of the National Housing Act is amended by inserting after section 227 (12 U.S.C. 1715r) the following new section:

''SEC. 228. TREATMENT OF MORTGAGES COVERING TAX CREDIT PROJECTS.

''(a) DEFINITION.—For purposes of this section, the term 'insured mortgage covering a tax credit project' means a mortgage insured under any provision of this title that is executed in connection with the construction, rehabilitation, purchase, or refinancing of a multifamily housing project for which equity provided through any low-income housing tax credit pursuant to section 42 of the Internal Revenue Code of 1986 (26 U.S.C. 42).

''(b) ACCEPTANCE OF LETTERS OF CREDIT.—In the case of an insured mortgage covering a tax credit project, the Secretary may not require the escrowing of equity provided by the sale of any low-income housing tax credits for the project pursuant to Section 42 of the Internal Revenue Code of 1986, or any other form of security, such as a letter of credit.

''(c) ASSET MANAGEMENT REQUIREMENTS.—In the case of an insured mortgage covering a tax credit project for which project the applicable tax credit allocating agency is causing to be performed periodic inspections in compliance with the requirements of section 42 of the Internal Revenue Code of 1986, such project shall be exempt from requirements imposed by the Secretary regarding periodic inspections of the property by the mortgagee. To the extent that other compliance monitoring is being performed with respect to such a project by such an allocating agency pursuant to such section 42, the Secretary shall, to the extent that the Secretary determines such monitoring is sufficient to ensure compliance with any requirements established by the Secretary, accept such agency's evidence of compliance for purposes of determining compliance with the Secretary's requirements.

''(d) STREAMLINED PROCESSING PILOT PROGRAM.—

''(1) IN GENERAL.—The Secretary shall establish a pilot program to demonstrate the effectiveness of streamlining the review process, which shall include all applications for mortgage insurance under any provision of this title for mortgages executed in connection with the construction, rehabilitation, purchase, or refinancing of a multifamily housing project for which equity provided through any low-income housing tax credit pursuant to section 42 of the Internal Revenue Code of 1986. The Secretary shall issue instructions for implementing the pilot program under this subsection not later than the expiration of the 180-day period beginning upon the date of the enactment of the Housing Tax Credit Coordination Act of 2008.

''(2) REQUIREMENTS.—Such pilot program shall provide for—

''(A) the Secretary to appoint designated underwriters, who shall be responsible for reviewing such mortgage insurance applications and making determinations regarding the eligibility of such applications for such mortgage insurance in lieu of the processing functions regarding such applications that are otherwise performed by other employees of the Department of Housing and Urban Development;

''(B) submission of applications for such mortgage insurance by mortgagees who have previously been expressly approved by the Secretary; and

''(C) determinations regarding the eligibility of such applications for such mortgage insurance to be made by the chief underwriter pursuant to requirements prescribed by the Secretary, which shall include requiring submission of reports regarding applications of proposed mortgagees by third-party entities expressly approved by the chief underwriter.''.

SEC. 755. OTHER HUD PROGRAMS.

(a) SECTION 8 ASSISTANCE.—

(1) PHA PROJECT-BASED ASSISTANCE.—Section 8(o)(13) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(13)) is amended—

(A) in subparagraph (D)(i)—

(i) by striking ''building'' and inserting ''project''; and

(ii) by adding at the end the following: ''For purposes of this subparagraph, the term 'project' means a single building, multiple contiguous buildings, or multiple buildings on contiguous parcels of land.'';

(B) in the first sentence of subparagraph (F), by striking ''10 years'' and inserting ''15 years'';

(C) In subparagraph (G)—

(i) by inserting after the period at the end of the first sentence the following: ''Such contract may, at the election of the public housing agency and the owner of the structure, specify that such contract shall be extended for renewal terms of up to 15 years each, if the agency makes the determination required by this subparagraph and the owner is in compliance with the terms of the contract.''; and

(ii) by adding at the end the following: ''A public housing agency may agree to enter into such a contract at the time it enters into the initial agreement for a housing assistance payment contract or at any time thereafter that is before the expiration of the housing assistance payment contract.'';

(D) in subparagraph (H), by inserting before the period at the end of the first sentence the following: '', except that in the case of a contract unit that has been allocated low-income housing tax credits and for which the rent limitation pursuant to such section 42 is less than the amount that would otherwise be permitted under this subparagraph, the rent for such unit may, in the sole discretion of a public housing agency, be established at the higher section 8 rent, subject only to paragraph (10)(A)'';

(E) in subparagraph (I)(i), by inserting before the semicolon the following: '', except that the contract may provide that the maximum rent permitted for a dwelling unit shall not be less than the initial rent for the dwelling unit under the initial housing assistance payments contract covering the unit''; and

(F) by adding at the end the following new subparagraphs:

''(L) USE IN COOPERATIVE HOUSING AND ELEVATOR BUILDINGS.—A public housing agency may enter into a housing assistance payments contract under this paragraph with respect to—

''(i) dwelling units in cooperative housing; and

''(ii) notwithstanding subsection (c), dwelling units in a high-rise elevator project, including such a project that is occupied by families with children, without review and approval of the contract by the Secretary.

''(M) REVIEWS.—

''(i) SUBSIDY LAYERING.—A subsidy layering review in accordance with section 102(d) of the Department of Housing and Urban Development Reform Act of 1989 (42 U.S.C. 3545(d)) shall not be required for assistance under this paragraph in the case of a housing assistance payments contract for an existing structure, or if a subsidy layering review has been conducted by the applicable State or local agency.

''(ii) ENVIRONMENTAL REVIEW.—A public housing agency shall not be required to undertake any environmental review before entering into a housing assistance payments contract under this paragraph for an existing structure, except to the extent such a review is otherwise required by law or regulation.''.

(2) VOUCHER PROGRAM RENT REASONABLENESS.—Section 8(o)(10) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(10)) is amended by adding at the end the following new subparagraph;

''(F) TAX CREDIT PROJECTS.—In the case of a dwelling unit receiving tax credits pursuant to section 42 of the Internal Revenue Code of 1986 or for which assistance is provided under subtitle A of title II of the Cranston Gonzalez National Affordable Housing Act of 1990, for which a housing assistance contract not subject to paragraph (13) of this subsection is established, rent reasonableness shall be determined as otherwise provided by this paragraph, except that—

''(i) comparison with rent for units in the private, unassisted local market shall not be required if the rent is equal to or less than the rent for other comparable units receiving such tax credits or assistance in the project that are not occupied by families assisted with tenant-based assistance under this subsection; and

''(ii) the rent shall not be considered reasonable for purposes of this paragraph if it exceeds the greater of—

''(I) the rents charged for other comparable units receiving such tax credits or assistance in the project that are not occupied by families assisted with tenant-based assistance under this subsection; and

''(II) the payment standard established by the public housing agency for a unit of the size involved.''.

(b) SECTION 202 HOUSING FOR ELDERLY PERSONS.—Subsection (f) of section 202 of the Housing Act of 1959 (12 U.S.C. 1701q(f)) is amended—

(1) by striking ''SELECTION CRITERIA.—'' and inserting ''INITIAL SELECTION CRITERIA AND PROCESSING.—(1) SELECTION CRITERIA.—'';

(2) by redesignating paragraphs (1) through (7) as subparagraphs (A) through (G), respectively; and

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

''(2) DELEGATED PROCESSING.—

''(A) In issuing a capital advance under this subsection for any project for which financing for the purposes described in the last two sentences of subsection (b) is provided by a combination of a capital advance under subsection (c)(1) and sources other than this section, within 30 days of award of the capital advance, the Secretary shall delegate review and processing of such projects to a State or local housing agency that—

''(i) is in geographic proximity to the property;

''(ii) has demonstrated experience in and capacity for underwriting multifamily housing loans that provide housing and supportive services;

''(iii) may or may not be providing low-income housing tax credits in combination with the capital advance under this section, and

''(iv) agrees to issue a firm commitment within 12 months of delegation.

''(B) The Secretary shall retain the authority to process capital advances in cases in which no State or local housing agency has applied to provide delegated processing pursuant to this paragraph or no such agency has entered into an agreement with the Secretary to serve as a delegated processing agency.

''(C) An agency to which review and processing is delegated pursuant to subparagraph (A) may assess a reasonable fee which shall be included in the capital advance amounts and may recommend project rental assistance amounts in excess of those initially awarded by the Secretary. The Secretary shall develop a schedule for reasonable fees under this subparagraph to be paid to delegated processing agencies, which shall take into consideration any other fees to be paid to the agency for other funding provided to the project by the agency, including bonds, tax credits, and other gap funding.

''(D) Under such delegated system, the Secretary shall retain the authority to approve rents and development costs and to execute a capital advance within 60 days of receipt of the commitment from the State or local agency. The Secretary shall provide to such agency and the project sponsor, in writing, the reasons for any reduction in capital advance amounts or project rental assistance and such reductions shall be subject to appeal.''.

(c) MCKINNEY-VENTO ACT HOMELESS ASSISTANCE UNDER SHELTER PLUS CARE PROGRAM.—

(1) TERM OF CONTRACTS WITH OWNER OR LESSOR.—Part I of subtitle F of the McKinney-Vento Homeless Assistance Act is amended—

(A) by redesignating sections 462 and 463 (42 U.S.C. 11403g, 11403h) as sections 463 and 464, respectively;

(B) by striking ''section 463'' each place such term appears in sections 471, 476, 481, 486, and 488 (42 U.S.C. 11404, 11405, 11406, 11407, and 11407b) and inserting ''section 464''; and

(C) by inserting after section 461 (42 U.S.C. 11403f) the following new section:

''SEC. 462. TERM OF CONTRACT WITH OWNER OR LESSOR.

''An applicant under this subtitle may enter into a contract with the owner or lessor of a property that receives rental assistance under this subtitle having a term of not more than 15 years, subject to the availability of sufficient funds provided in appropriation Acts for the purpose of renewing expiring contracts for assistance payments. Such contract may, at the election of the applicant and owner or lessor, specify that such contract shall be extended for renewal terms of not more than 15 years each, subject to the availability of sufficient such appropriated funds.''.

(2) PROJECT-BASED RENTAL ASSISTANCE CONTRACTS.—Section 478(a) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11405a(a)) is amended by inserting before the period at the end the following: ''; except that, in the case of any project for which equity is provided through any low-income housing tax credit pursuant to section 42 of the Internal Revenue Code of 1986 (26 U.S.C. 42), if an expenditure of such amount for each unit (including the prorated share of such work) is required to make the structure decent, safe, and sanitary, and the owner agrees to reach initial closing on permanent financing from such other sources within two years and agrees to carry out the rehabilitation with resources other than assistance under this subtitle within 60 months of notification of grant approval, the contract shall be for a term of 10 years (except that such period may be extended by up to 1 year by the Secretary, which extension shall be granted unless the Secretary determines that the sponsor is primarily responsible for the failure to meet such deadline)''.

(d) DATA COLLECTION ON TENANTS OF HOUSING TAX CREDIT PROJECTS.—Title I of the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.) is amended by adding at the end the following new section:

''SEC. 36. COLLECTION OF INFORMATION ON TENANTS IN TAX CREDIT PROJECTS.

''(a) IN GENERAL.—Each State agency administering tax credits under section 42 of the Internal Revenue Code of 1986 (26 U.S.C. 42) shall furnish to the Secretary of Housing and Urban Development, not less than annually, information concerning the race, ethnicity, family composition, age, income, use of rental assistance under section 8(o) of the United States Housing Act of 1937 or other similar assistance, disability status, and monthly rental payments of households residing in each property receiving such credits through such agency. Such State agencies shall, to the extent feasible, collect such information through existing reporting processes and in a manner that minimizes burdens on property owners. In the case of any household that continues to reside in the same dwelling unit, information provided by the household in a previous year may be used if the information is of a category that is not

subject to change or if information for the current year is not readily available to the owner of the property.

''(b) STANDARDS.—The Secretary shall establish standards and definitions for the information collected under subsection (a), provide States with technical assistance in establishing systems to compile and submit such information, and, in coordination with other Federal agencies administering housing programs, establish procedures to minimize duplicative reporting requirements for properties assisted under multiple housing programs.

''(c) PUBLIC AVAILABILITY.—The Secretary shall, not less than annually, compile and make publicly available the information submitted to the Secretary pursuant to subsection (a).

''(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the cost of activities required under subsections (b) and (c) $2,500,000 for fiscal year 2009 and $900,000 for each of fiscal years 2010 through 2013.''.

Subtitle E—Limitation on Sale, Foreclosure, or Seizure of Property Owned by Servicemembers

SEC. 761. LIMITATION ON SALE, FORECLOSURE, OR SEIZURE OF PROPERTY OWNED BY SERVICEMEMBERS DURING ONE-YEAR PERIOD FOLLOWING PERIOD OF MILITARY SERVICE.

(a) LIMITATION.—Section 303(c) of the Servicemembers Civil Relief Act is amended by striking ''90 days'' and inserting ''one year''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to any sale, foreclosure, or seizure of property on or after the date of the enactment of this Act.

SEC. 762. PROVISION OF FINANCIAL DISCLOSURE TO SERVICEMEMBERS WHO DEFAULT ON CERTAIN OBLIGATIONS.

(a) PROVISION OF DISCLOSURE REQUIRED.—Section 303 of the Servicemembers Civil Relief Act (50 U.S.C. App. 533) is amended by adding at the end the following new subsection:

''(e) PROVISION OF FINANCIAL DISCLOSURE.—In the case of a servicemember who defaults on an obligation described in subsection (a) for two consecutive months, the mortgagor or loan servicer of the obligation shall provide to the servicemember a written financial disclosure describing the servicemember's liability with respect to the obligation for the period during which a sale, foreclosure, or seizure of the property is not valid under subsection (c).''.

(b) EFFECTIVE DATE.—Subsection (e) of section 303 of the Servicemembers Civil Relief Act (50 U.S.C. App. 533), as added by subsection (a), shall apply with respect to a servicemember who defaults on an obligation on or after the date of the enactment of this Act.

The House amendment numbered 3 to the amendment of the Senate to the text is as follows:

At the end of the matter proposed to be inserted by the amendment of the Senate to the text of the bill, add the following new section:

SEC. ___. RULE OF CONSTRUCTION.

(a) IN GENERAL.—No provision of this Act, the Home Owners' Loan Act, or title LXII of the Revised Statutes of the United States (commonly referred to as the ''National Bank Act'') may be construed as preempting the application, to any entity, of any State law regulating the foreclosure of residential real property in that State or the treatment of foreclosed property.

(b) NO NEGATIVE IMPLICATION.—This section shall not be construed as affecting in any way the applicability of any other type of State law to any Federal depository institution (as defined in section 3(c)(4) of the Federal Deposit Insurance Act) or to any agent or subsidiary of any such depository institution.

Pursuant to House Resolution 1175, the SPEAKER pro tempore, Mr. HOLDEN, recognized Messrs. FRANK of Massachusetts, and BACHUS for one hour each; and Messrs. NEAL of Massachusetts, and MCCRERY for 30 minutes each.

When said amendment of the Senate to the text with House amendments were considered.

After debate,

Pursuant to House Resolution 1175, the previous question was ordered the on motion.

The SPEAKER pro tempore, Mr. JACKSON of Illinois, pursuant to House Resolution 1175 divided the question among the three House amendments.

The question being put, viva voce,

Will the House agree to the amendment of the Senate to the text with the following amendment numbered 1, printed in House Report 110-622:

In the matter proposed to be inserted by the amendment of the Senate to the text of the bill, strike section 1 and all that follows through the end of title V and insert the following:

SEC. 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''American Housing Rescue and Foreclosure Prevention Act of 2008''.

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

Sec. 1. Short title and table of contents.

TITLE I—FHA HOUSING STABILIZATION AND HOMEOWNERSHIP RETENTION

Sec. 101. Short title.

Subtitle A—Homeownership Retention

Sec. 111. Purposes.
Sec. 112. Insurance of homeownership retention mortgages.
Sec. 113. Study of Auction or Bulk Refinance Program.
Sec. 114. Temporary increase in maximum loan guaranty amount for certain housing loans guaranteed by Secretary of Veterans Affairs.
Sec. 115. Study of possible accounting revisions relating to property at risk of foreclosure and the availability of credit for refinancing home mortgages at risk of foreclosure.
Sec. 116. GAO study of the effect of tightening credit markets in communities affected by the subprime mortgage foreclosure crises and predatory lending on prospective first-time homebuyers seeking mortgages.

Subtitle B—Office of Housing Counseling

Sec. 131. Short title.
Sec. 132. Establishment of Office of Housing Counseling.
Sec. 133. Counseling procedures.
Sec. 134. Grants for housing counseling assistance.
Sec. 135. Requirements to use HUD-certified counselors under HUD programs.
Sec. 136. Study of defaults and foreclosures.
Sec. 137. Definitions for counseling-related programs.
Sec. 138. Updating and simplification of mortgage information booklet.

Subtitle C—Combating Mortgage Fraud

Sec. 151. Authorization of appropriations to combat mortgage fraud.

TITLE II—FHA REFORM AND MANUFACTURED HOUSING LOAN INSURANCE MODERNIZATION

Subtitle A—FHA Reform

Sec. 201. Short title.
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Sec. 203. Maximum principal loan obligation.
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TITLE I—FHA HOUSING STABILIZATION AND HOMEOWNERSHIP RETENTION

SEC. 101. SHORT TITLE.

This title may be cited as the ''FHA Housing Stabilization and Homeownership Retention Act of 2008''.

Subtitle A—Homeownership Retention

SEC. 111. PURPOSES.

The purposes of this subtitle are—

(1) to create an FHA program, which is voluntary on the part of borrowers and existing mortgage loan holders, including both existing senior mortgage loan holders and existing subordinate mortgage loan holders, to insure refinance loans for substantial numbers of borrowers at risk of foreclosure, at levels which are reasonably likely to be sustainable through enhanced affordability of debt service;

(2) to provide flexible underwriting for FHA-insured loans under such a program to provide refinancing opportunities under fiscally responsible terms, including higher fees commensurate with higher risk levels, a seasoning requirement for higher debt to income loans, and additional program controls to limit and control risk;

(3) to bar speculators and second home owners from participation in such program;

(4) to require existing mortgage loan holders to take substantial loan writedowns in exchange for having the Federal Government and the borrower assume the ongoing risk of the refinanced loan;

(5) to set a loan-to-value limit on such loans that provides the FHA with an equity buffer against potential loan losses, provides protections against the risk of future home price declines, and creates incentives for borrowers to maintain payments on the loan;

(6) to protect the FHA against losses which may exceed normal FHA loss levels by establishing higher fee levels, including an exit fee and profit sharing during the first five years of the loan, with such higher fee levels effectively being funded through the required lender writedown;

(7) to provide a fair level of incentives for junior lien holders to provide the necessary releases of their lien interests, in order to meet program requirements that all outstanding liens must be extinguished, and thereby permit the refinancing to be completed;

(8) to enhance the administrative capacity of the FHA to carry out its expanded role under the program through establishment of an Oversight Board which adds expertise from the Federal Reserve and the Department of the Treasury, through additional funding to contract out for the provision of any needed expertise in designing program requirements and oversight, and through additional funding to increase FHA personnel resources as needed to handle the increased loan volume resulting from the program;

(9) to sunset the program when it is no longer needed; and

(10) to study the need for and efficacy of an auction or bulk refinancing mechanism to facilitate more expeditious refinancing of larger volumes of existing mortgages that are at risk for foreclosure into FHA-insured mortgages.

SEC. 112. INSURANCE OF HOMEOWNERSHIP RETENTION MORTGAGES.

(a) MORTGAGE INSURANCE PROGRAM.—Title II of the National Housing Act (12 U.S.C. 1707 et seq.) is amended by adding at the end the following new section:

''SEC. 257. INSURANCE OF HOMEOWNERSHIP RETENTION MORTGAGES.

''(a) OVERSIGHT BOARD.—

''(1) ESTABLISHMENT.—There is hereby established the Refinance Program Oversight Board (in this section referred to as the 'Oversight Board').

''(2) MEMBERSHIP.—The Oversight Board shall consist of the following members or their designees:

''(A) The Secretary of the Treasury.

''(B) The Secretary of Housing and Urban Development.

''(C) The Chairman of the Board of Governors of the Federal Reserve System.

''(3) NO ADDITIONAL COMPENSATION.—Members of the Oversight Board shall receive no

additional pay by reason of service on the Oversight Board.

''(4) RESPONSIBILITIES.—The Oversight Board shall be responsible for establishing program and oversight requirements for the program under this section, which shall include—

''(A) detailed program requirements under subsection (c);

''(B) flexible underwriting criteria under subsection (d);

''(C) a mortgage premium structure under subsection (e);

''(D) a reasonable fee and rate limitation under subsection (f);

''(E) enhancement of FHA capacity under subsection (i), including oversight of such activities and personnel as may be contracted for as provided therein;

''(F) monitoring of underwriting risk under subsection (j); and

''(G) such additional requirements as may be necessary and appropriate to oversee and implement the program.

''(5) USE OF RESOURCES.—In carrying out its functions under this section, the Oversight Board may utilize, with their consent and to the extent practical, the personnel, services, and facilities of the Department of the Treasury, the Department of Housing and Urban Development, the Board of Governors of the Federal Reserve System, the Federal Reserve Banks, and other Federal agencies, with or without reimbursement therefore.

''(b) AUTHORITY.—

''(1) IN GENERAL.—The Secretary shall, subject only to the absence of qualified requests for insurance under this section and to the limitations under subsection (h) of this section and section 531(a), make commitments to insure and insure any mortgage covering a 1- to 4-family residence that is made for the purpose of paying or prepaying outstanding obligations under an existing mortgage or mortgages on the residence if the mortgage being insured under this section meets the requirements of this section, as established by the Oversight Board, and of section 203, except as modified by this section.

''(2) ESTABLISHMENT AND IMPLEMENTATION OF PROGRAM REQUIREMENTS.—The Oversight Board shall establish program requirements and standards under this section and the Secretary shall implement such requirements and standards. The Oversight Board and the Secretary may establish and implement any requirements or standards through interim guidance and mortgagee letters.

''(c) REQUIREMENTS.—To be eligible for insurance under this section, a mortgage shall comply with all of the following requirements:

''(1) OWNER-OCCUPIED PRINCIPAL RESIDENCE REQUIREMENT.—The residence securing the mortgage insured under this section shall be occupied by the mortgagor as the principal residence of the mortgagor and the mortgagor shall provide a certification to the originator of the mortgage that such residence securing the mortgage insured under this section is the only residence in which the mortgagor has any present ownership interest. With regard to such certification, the Oversight Board may create exceptions for mortgagors who have only a partial ownership interest in a residence other than the residence securing the mortgage insured under this section.

''(2) LACK OF CAPACITY TO PAY EXISTING MORTGAGE OR MORTGAGES.—

''(A) BORROWER CERTIFICATION.—

''(i) The mortgagor shall provide a certification to the originator of the mortgage that the mortgagor—

''(I) has not intentionally defaulted on the existing mortgage or mortgages; and

''(II) has not knowingly, or willfully and with actual knowledge furnished material information known to be false for the purpose of obtaining the existing mortgage or mortgages.

''(ii) The mortgagor shall agree in writing that the mortgagor shall be liable to repay the FHA any direct financial benefit achieved from the reduction of indebtedness on the existing mortgage or mortgages on the residence refinanced under this section derived from misrepresentations made in the certifications and documentation required under this subparagraph, subject to the discretion of the Oversight Board.

''(B) CURRENT BORROWER DEBT-TO-INCOME RATIO.—As of March 1, 2008, the mortgagor shall have had a ratio of mortgage debt to income, taking into consideration all existing mortgages at such time, greater than 35 percent.

''(C) LOSS MITIGATION RESPONSIBILITIES.—This section may not be construed to alter or in any way affect the responsibilities of any party (including the mortgage servicer) to engage in any or all loan modification or other loss mitigation strategies to maximize value to investors as established by any applicable contract.

''(3) ELIGIBILITY OF MORTGAGES BY DATE OF ORIGINATION.—The existing senior mortgage shall have been originated on or before December 31, 2007.

''(4) MAXIMUM LOAN-TO-VALUE RATIO FOR NEW LOANS.—The mortgage being insured under this section shall involve a principal obligation (including such initial service charges, appraisal, inspection, and other fees as the Secretary shall approve and including the mortgage insurance premium paid pursuant to subsection (e)(1)) in an amount not to exceed 90 percent of the current appraised value of the property. Section 203(d) shall not apply to mortgages insured under this section.

''(5) REQUIRED WAIVER OF PREPAYMENT PENALTIES AND FEES.—All penalties for prepayment of the existing mortgage or mortgages, and all fees and penalties related to default or delinquency on all existing mortgages or mortgages, shall be waived or forgiven.

''(6) REQUIRED LOAN REDUCTION.—

''(A) REDUCTION OF INDEBTEDNESS UNDER EXISTING SENIOR MORTGAGE.—The amount of indebtedness on the existing mortgage or mortgages on the residence shall have been substantially reduced by such percentage as the Oversight Board may require, and such reduction shall be at least sufficient to—

''(i) provide for the refinancing of such existing mortgage or mortgages in an amount not greater than 90 percent of the current appraised value of the property involved;

''(ii) pay the full amount of the single premium to be collected pursuant to subsection (e)(1) (which shall be an amount equal to 3.0 percent of the amount of the original insured principal obligation of the mortgage insured under this section and which shall serve as an additional reserve to cover possible loan losses); and

''(iii) pay the full amount of the loan origination fee and any other closing costs, not to exceed 2.0 percent of the amount of the original insured principal obligation of the mortgage insured under this section.

''(B) EXTINGUISHMENT OF DEBT BY REFINANCING.—

''(i) REQUIRED AGREEMENT.—All existing holders of mortgage liens on the property securing the mortgage to be insured under this section shall agree to accept the proceeds of the insured loan as payment in full of all indebtedness under all existing mortgages, and all encumbrances related to such mortgages shall be removed. The Oversight Board may take such actions as the Oversight Board considers necessary or appropriate to facilitate coordination and agreement between the holders of the existing senior mortgage and any existing subordinate mortgages, taking into consideration the subordinate lien status of such subordinate mortgages, to comply with the requirement under this subparagraph.

''(ii) TREATMENT OF MULTIPLE MORTGAGE LIENS.—In addition to clause (i), the Oversight Board shall adopt one of the following approaches for all mortgages or such classes of mortgages as the Oversight Board may determine and may, from time to time, reconsider:

''(I) FIXED PRICE.—As a requirement for participating in this program, all existing lien holders will agree to not provide any payment to subordinate lien holders other than such payment in accordance with a formula established by the Oversight Board as set forth in clause (iii); except that the Oversight Board may establish a short period within which first and subordinate lien holders may negotiate to extinguish all subordinate liens for compensation that may be different from the amount determined under such formula set forth in clause (iii).

''(II) SHARED EQUITY.—The Oversight Board may require the mortgagor under a mortgage insured under this section to agree to share a portion of any future equity in the mortgaged property with holders of existing subordinate mortgages, in accordance with a formula for such shared equity established by the Oversight Board as set forth in clause (iii), except that payments of such shared equity may be made only after the Secretary recovers all amounts owed to the Secretary with respect to such mortgage pursuant to the program under this section (including amounts owed pursuant to paragraph (8)).

''(iii) FORMULA.—In determining a formula for determining any payments to subordinate lien holders pursuant to subclauses (I) and (II) of clause (ii), and in any reconsideration of such formula as the Oversight Board may from time to time undertake, the Oversight Board shall take into consideration the current market value of such liens. In no case may a formula provide for the payment of more than 1 percent of the current appraised value of the mortgaged property to a subordinate lien holder if the outstanding balance owed to more senior lien holders is equal to or exceeds such current appraised value.

''(iv) VOLUNTARY PROGRAM.—This section may not be construed to require any holder of any existing mortgage to participate in the program under this section generally, or with respect to any particular loan.

''(v) SOURCE OF PAYMENTS FOR SUBORDINATE LOANS.—Any amounts paid to holders of any existing subordinate mortgages in connection with the origination and insurance of a mortgage under this section shall derive only from—

''(I) the holder of the existing senior mortgage; or

''(II) in the case only of the shared equity approach under clause (ii)(II), the mortgagor under the mortgage insured under this section

''(7) REQUIRED REDUCTION OF DEBT SERVICE.—The debt service payments due under the mortgage insured under this section shall be in an amount that is substantially reduced from the debt service payments due under the existing mortgage or mortgages, which reduction may be achieved through a reduction of indebtedness, a reduction in the interest rate being paid, or an extension of the term of the mortgage, or any combination thereof.

''(8) FINANCIAL RECOVERY TO FEDERAL GOVERNMENT THROUGH EXIT PREMIUM.—

''(A) SUBORDINATE LIEN.—The mortgage shall provide that the Secretary shall retain a lien on the residence involved, which shall be subordinate to the mortgage insured under this section but senior to all other mortgages on the residence that may exist

at any time, and which shall secure the repayment of the amount due under subparagraph (D).

''(B) NO INTEREST OR PAYMENT DURING MORTGAGE.—The amount secured by the lien retained by the Secretary pursuant to subparagraph (A) shall not bear interest and shall not be repayable to the Secretary except as provided in subparagraph (D) of this paragraph.

''(C) NET PROCEEDS AVAILABLE FOR EXIT PREMIUM.—Upon the sale, refinancing, or other disposition of the residence securing a mortgage insured under this section, any proceeds resulting from such disposition that remain after deducting the remaining insured principal balance of the mortgage insured under this section shall be available to meet the obligation under subparagraph (D). In the case of a refinance, non-arms length transaction, or such other transaction as the Oversight Board shall determine, the proceeds shall be based on the current appraised value at the time of the refinance or transaction.

''(D) EXIT PREMIUM.—Upon any refinancing of the mortgage insured under this section or any sale or disposition of the residence securing the mortgage, the Secretary shall, subject to the availability of sufficient net proceeds described in subparagraph (C), receive the greater of—

''(i) 3 percent of the amount of the original insured principal obligation of the mortgage (or the entire amount of the net proceeds described in subparagraph (C) if such net proceeds are less than 3 percent of the amount of the original insured principal obligation of the mortgage); or

''(ii) a percentage of the portion of the net proceeds available for profit-sharing, as described in subparagraph (E), which shall be—

''(I) in the case of any refinancing, sale, or disposition occurring during the first year of the term of the mortgage, 100 percent of such net proceeds;

''(II) in the case of any refinancing, sale, or disposition occurring during the second year of the term of the mortgage, 80 percent;

''(III) in the case of any refinancing, sale, or disposition occurring during the third year of the term of the mortgage, 60 percent; and

''(IV) in the case of any refinancing, sale, or disposition occurring during the fourth year of the term of the mortgage or at any time thereafter, 50 percent;

except that such percentage of proceeds shall be reduced by all fees the Secretary has collected for the mortgage prior to such refinancing, sale, or disposition.

''(E) NET PROCEEDS AVAILABLE FOR PROFIT-SHARING.—With respect to any mortgage insured under this section, the net proceeds available for purposes of subparagraph (D)(ii) shall be any proceeds resulting from the sale, refinancing, or other disposition of the residence securing the mortgage that remain after deducting the original insured principal obligation of the mortgage. In the case of a refinance, non-arms length transaction, or such other transaction as the Oversight Board shall determine, the proceeds shall be based on the current appraised value at the time of the refinance or transaction.

''(F) AUTHORITY TO PROHIBIT NEW SECOND LIENS.—The Oversight Board shall prohibit borrowers from granting a new second lien on the mortgaged property during the first five years of the term of the mortgage insured under this section, except as the Oversight Board determines to be necessary to ensure the appropriate maintenance of the mortgaged property.

''(9) DOCUMENTATION AND VERIFICATION OF INCOME.—In complying with the FHA underwriting requirements under the program under this section, the mortgagee shall document and verify the income of the mortgagor or non-filing status by procuring (A) an income tax return transcript of the income tax returns of the mortgagor, or (B) a copy of the income tax returns for the Internal Revenue Service, for the two most recent years for which the filing deadline for such years has passed and by any other method, in accordance with procedures and standards that the Oversight Board shall establish.

''(10) FIXED RATE MORTGAGE.—The mortgage insured under this section shall bear interest at a single rate that is fixed for the entire term of the mortgage.

''(11) MAXIMUM LOAN AMOUNT.—Notwithstanding section 203(b)(2), the mortgage being insured under this section shall involve a principal obligation in an amount that does not exceed the limitation (for a property of the applicable size) on the amount of the principal obligation that would be allowable under the terms of section 202(a) of the Economic Stimulus Act of 2008 if the mortgage were insured pursuant to such section. The limitation on the amount of the principal obligation allowable under such Act shall apply for the purposes of this section until the termination under subsection (n) of the program under this section.

''(12) INELIGIBILITY FOR FRAUD CONVICTION.—The mortgagor shall not have been convicted under Federal or State law for mortgage fraud during the 7-year period ending upon the insurance of the mortgage under this section.

''(13) LENDER REVIEW.—The mortgagee under the mortgage shall conduct an electronic database search of the mortgagor's criminal history to determine if the mortgagor has had a conviction described in paragraph (12). The mortgagee may charge the mortgagor a reasonable fee for the actual cost of the search not to exceed a maximum rate established by the Oversight Board. The Oversight Board may provide clarification, if needed, to help mortgagees identify any differences among the States in how they report mortgage fraud convictions. The Oversight Board shall establish procedures sufficient to allow the mortgagor to challenge a mortgagee's determination with respect to paragraph (12) (including to correct inaccuracies resulting from theft of the mortgagor's identity or personally identifiable information).

''(14) APPRAISALS.—Any appraisal conducted in connection with a mortgage insured under this section shall—

''(A) be based on the current value of the property;

''(B) be conducted in accordance with title XI of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 3331 et seq.);

''(C) be completed by an appraiser who meets the competency requirements of the Uniform Standards of Professional Appraisal Practice;

''(D) be wholly consistent with the appraisal standards, practices, and procedures under section 202(e) of this Act that apply to all loans insured under this Act; and

''(E) comply with the requirements of subsection (g) of this section (relating to appraisal independence).

''(15) STATEMENT OF LOAN TERMS.—

''(A) REQUIREMENT.—The mortgagor shall have been provided by the mortgagee, not later than three days before closing for the mortgage, a form described in subparagraph (B) appropriately and accurately completed by the mortgagee.

''(B) FORM.—The form described in this subparagraph shall be a single page, written disclosure regarding the mortgage loan to be insured under this section that, when completed by the mortgagee, sets forth, in accordance with such requirements as the Secretary shall by regulation establish a best possible estimate of—

''(i) the total loan amount under the mortgage;

''(ii) the loan-to-value ratio for the mortgage;

''(iii) the final maturity date for the mortgage;

''(iv) the amount of any prepayment fee to be charged if the mortgage is paid in full before the final maturity date for the mortgage, including the percentages of any net proceeds to be received by the Secretary pursuant to paragraph (8)(D)(ii);

''(v) the amount of the exit premium under the mortgage pursuant to subsection (e)(3);

''(vi) the interest rate under the mortgage expressed as an annual percentage rate, and the amount of the monthly payment due under such rate;

''(vii) the fully indexed rate of interest under the mortgage expressed as an annual percentage rate and the amount of the monthly payment due under such rate;

''(viii) the monthly household income of the borrower upon which the mortgage is based;

''(ix) the amount of the monthly payment due under the mortgage, and the amount of such initial monthly payment plus monthly amounts due for taxes and insurance on the property for which the mortgage is made, both expressed as a percentage of the monthly household income of the borrower; and

''(x) the aggregate amount of settlement charges for all settlement services provided in connection with the mortgage, the amount of such charges that are included in the principal amount and the amount of such charges the borrower must pay at closing, the aggregate amount of mortgagee's fees connection with the mortgage, and the aggregate amount of other fees or required payments in connection with the mortgage.

''(d) FLEXIBLE UNDERWRITING CRITERIA.—

''(1) IN GENERAL.—The Oversight Board shall establish, and the Secretary acting on behalf of the Oversight Board shall implement, underwriting standards for mortgages insured under this section that—

''(A) ensure that each mortgagor under a mortgage insured under this section has a reasonable expectation of repaying the mortgage, taking into consideration the mortgagor's income, assets, liabilities, payment history, and other applicable criteria, but which shall not result in a denial of insurance solely on the basis of the mortgagor's current FICO or other credit scores, or any delinquency or default by the mortgagor under the existing mortgage or mortgages, or any case filed under title 11, United States Code, by the mortgagor; and

''(B) subject to the provisions of subparagraph (A), permit a total debt-to-income ratio of up to 43 percent.

''(2) EXCEPTION.—

''(A) IN GENERAL.—Subject to the underwriting standards established under paragraph (1)(A) and any additional requirements that the Oversight Board considers appropriate, the Oversight Board shall permit a total debt-to-income ratio of more than 43 percent, but not more than 50 percent, if the mortgagor has made, on a timely basis before the endorsement of the mortgage insured under this section, not less than six months of payments in an amount not less than the amount of the monthly payment due under the mortgage to be insured under this section. The holder of the existing senior mortgage shall exercise forbearance with respect to such mortgage during the period in which such payments are made.

''(B) COMPUTATION OF DEBT-TO-INCOME RATIO.— In computing the mortgagor's total debt-to-income ratio for purposes of mortgage qualification under the underwriting

standards established pursuant to this section—

''(i) if the mortgagor is a debtor in a case under chapter 13 of title 11, United States Code, payments on recurring debts other than housing expenses shall be based on the amounts being paid on such debts under the mortgagor's confirmed plan under such chapter; and

''(ii) if the mortgagor is a debtor in a case under chapter 7 of title 11, United States Code, recurring debts that are to be discharged in that case shall not be considered.

''(3) AUTHORITY.—The Oversight Board may alter the ratios under this subsection for a particular class of borrowers subject to such requirements as the Board determines is necessary and appropriate to fulfill the purposes of this Act.

''(4) REPRESENTATIONS AND WARRANTIES.—The Oversight Board shall require the underwriter of the insured loan to provide such representations and warranties as the Oversight Board considers necessary or appropriate for the Secretary to enforce compliance with all underwriting and appraisal standards of the program.

''(e) PREMIUMS.—For each mortgage insured under this section, the Oversight Board shall establish and the Secretary shall collect—

''(1) at the time of insurance, a single premium payment in an amount equal to 3.0 percent of the amount of the original insured principal obligation of the mortgage, which shall be paid from the proceeds of the mortgage being insured under this section, through the reduction of the amount of indebtedness on the existing senior mortgage required under subsection (c)(6)(A);

''(2) in addition to the premium under paragraph (1), annual premium payments in an amount equal to 1.50 percent of the remaining insured principal balance of the mortgage; and

''(3) an exit premium in the amount determined under subsection (c)(8), but which shall not be less than 3.0 percent of the original insured principal obligation of the mortgage, subject only to the availability of sufficient net proceeds from sale, refinancing, or other disposition of the property, as determined in subsection (c)(8).

''(f) ORIGINATION FEES AND MORTGAGE RATE.—The Oversight Board shall establish and the Secretary shall implement a reasonable limitation on origination fees for mortgages insured under this section and shall establish procedures to ensure that interest rates on such mortgages shall be commensurate with market rate interest rates on such types of loans.

''(g) APPRAISAL INDEPENDENCE.—

''(1) PROHIBITIONS ON INTERESTED PARTIES IN A REAL ESTATE TRANSACTION.—No mortgage lender, mortgage broker, mortgage banker, real estate broker, appraisal management company, employee of an appraisal management company, nor any other person with an interest in a real estate transaction involving an appraisal in connection with a mortgage insured under this section shall improperly influence, or attempt to improperly influence, through coercion, extortion, collusion, compensation, instruction, inducement, intimidation, non-payment for services rendered, or bribery, the development, reporting, result, or review of a real estate appraisal sought in connection with the mortgage.

''(2) EXCEPTIONS.—The requirements of paragraph (1) shall not be construed as prohibiting a mortgage lender, mortgage broker, mortgage banker, real estate broker, appraisal management company, employee of an appraisal management company, or any other person with an interest in a real estate transaction from asking an appraiser to provide 1 or more of the following services:

''(A) Consider additional, appropriate property information, including the consideration of additional comparable properties to make or support an appraisal.

''(B) Provide further detail, substantiation, or explanation for the appraiser's value conclusion.

''(C) Correct errors in the appraisal report.

''(3) CIVIL MONETARY PENALTIES.—The Secretary may impose a civil money penalty for any knowing and material violation of paragraph (1) under the same terms and conditions as are authorized in section 536(a) of this Act.

''(h) LIMITATION ON AGGREGATE INSURANCE AUTHORITY.—The aggregate original principal obligation of all mortgages insured under this section may not exceed $300,000,000,000.

''(i) ENHANCEMENT OF FHA CAPACITY.—Under the direction of the Oversight Board, the Secretary shall take such actions as may be necessary to—

''(1) contract for the establishment of underwriting criteria, automated underwriting systems, pricing standards, and other factors relating to eligibility for mortgages insured under this section;

''(2) contract for independent quality reviews of underwriting, including appraisal reviews and fraud detection, of mortgages insured under this section or pools of such mortgages; and

''(3) increase personnel of the Department as necessary to process or monitor the processing of mortgages insured under this section.

''(j) MONITORING OF UNDERWRITING RISK.—

''(1) MONITORING OF DESIGNATED UNDERWRITERS.—The Oversight Board and the Secretary shall monitor independent quality reviews as established pursuant to subsection (i)(2) to—

''(A) determine compliance of designated underwriters with underwriting standards;

''(B) determine rates of delinquency, claims rates, and loss rates of designated underwriters; and

''(C) terminate eligibility of designated underwriters that do not meet minimum performance standards as the Oversight Board may establish and the Secretary implements.

''(2) REPORTS BY OVERSIGHT BOARD.—The Oversight Board shall submit monthly reports to the Congress identifying the progress of the program for mortgage insurance under this section, which shall contain the following information for each month:

''(A) The number of new mortgages insured under this section, including the location of the properties subject to such mortgages by census tract.

''(B) The aggregate principal obligation of new mortgages insured under this section.

''(C) The average amount by which the indebtedness on existing mortgages is reduced in accordance with subsection (c)(6).

''(D) The average amount by which the debt service payments on existing mortgages is reduced in accordance with subsection (c)(7).

''(E) The amount of premiums collected for insurance of mortgages under this section.

''(F) The claim and loss rates for mortgages insured under this section.

''(G) The race, ethnicity, gender, and income of the mortgagors, aggregated by geographical areas at least as specific as census tracts, except where necessary to protect privacy of the borrower.

''(H) Any other information that the Oversight Board considers appropriate.

''(3) REPORT BY INSPECTOR GENERAL.—The Inspector General of the Department of Housing and Urban Development shall conduct an annual audit of the program for mortgage insurance under this section to determine compliance with this section and program rules.

''(k) GNMA COMMITMENT AUTHORITY.—

''(1) GUARANTEES.—The Secretary shall take such actions as may be necessary to ensure that securities based on and backed by a trust or pool composed of mortgages insured under this section are available to be guaranteed by the Government National Mortgage Association as to the timely payment of principal and interest.

''(2) GUARANTEE AUTHORITY.—To carry out the purposes of section 306 of the National Housing Act (12 U.S.C. 1721), the Government National Mortgage Association may enter into new commitments to issue guarantees of securities based on or backed by mortgages insured under this section, not exceeding $300,000,000,000. The amount of authority provided under the preceding sentence to enter into new commitments to issue guarantees is in addition to any amount of authority to make new commitments to issue guarantees that is provided to the Association under any other provision of law.

''(l) SPECIAL RISK INSURANCE FUND.—The insurance of each mortgage under this section shall be the obligation of the Special Risk Insurance Fund established by section 238.

''(m) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

''(1) EXISTING MORTGAGE.—The term 'existing mortgage' means, with respect to a mortgage insured under this section, a mortgage that is to be extinguished, and paid or prepaid, from the proceeds of the mortgage insured under this section.

''(2) EXISTING SENIOR MORTGAGE.—The term 'existing senior mortgage' means, with respect to a mortgage insured under this section, the existing mortgage that has superior priority.

''(3) EXISTING SUBORDINATE MORTGAGE.—The term 'existing subordinate mortgage' means, with respect to a mortgage insured under this section, an existing mortgage that has subordinate priority to the existing senior mortgage.

''(n) SUNSET.—

''(1) IN GENERAL.—Except as provided in paragraph (2), the authority of the Secretary to make any new commitment to insure any mortgage under this section shall terminate upon the expiration of the 2-year period beginning on the date of the enactment of the FHA Housing Stabilization and Homeownership Retention Act of 2008.

''(2) EXTENSIONS.—The Oversight Board may, not more than four times, extend the authority to enter into new commitments to insure mortgages under this section beyond the date specified in paragraph (1), except that each such extension shall—

''(A) be effective only if, before the program terminates pursuant to paragraph (1) or any previous extension pursuant to this paragraph, the Oversight Board—

''(i) certifies the need for such extension in writing to the Congress; and

''(ii) causes notice of such extension to be published in the Federal Register no later than the beginning of the 3-month period that ends upon the scheduled termination date of the program; and

''(B) be for a period of not more than 6 months.

''(o) AUTHORIZATIONS OF APPROPRIATIONS.—There is authorized to be appropriated for each of fiscal years 2008 and 2009—

''(1) $230,000,000 for providing counseling regarding loss mitigation for mortgagors with 1- to 4-family residences, including determining eligibility for the program under this section, with grants to be administered through the Neighborhood Reinvestment Corporation, except that—

''(A) funds shall be targeted to States and communities based on their levels of foreclosures and delinquencies in 2007 and 2008;

''(B) not less than 15 percent of the funds made available pursuant to this paragraph shall be provided to counseling organizations that target counseling services regarding loss mitigation to minority and low-income homeowners or provide such services in neighborhoods with high concentrations of minority and low-income homeowners;

''(C) $35,000,000 of the funds made available pursuant to this paragraph shall be used by the Neighborhood Reinvestment Corporation (referred to in this subparagraph as the 'NRC') to make grants to State and local legal organizations or attorneys that have demonstrated legal experience in home foreclosure or eviction law to provide legal assistance related to home ownership preservation, home foreclosure prevention, and tenancy associated with home foreclosure or to counseling intermediaries that have been approved by the Department of Housing and Urban Development for the purpose of making such grants or contracting for such legal assistance; of the amount provided under this subparagraph, at least 60 percent shall be allocated for legal assistance to low-income homeowners or tenants; such attorneys shall be capable of assisting homeowners in owner-occupied homes or tenants who live in homes with mortgages in default, in danger of default, or subject to or at risk of foreclosure or eviction and who have legal issues that cannot be handled by counselors employed by NRC intermediaries; in using the amount made available under this subparagraph, the NRC shall give priority consideration to State and local legal organizations and attorneys that (i) provide legal assistance in the 100 metropolitan statistical areas (as defined by the Director of the Office of Management and Budget) with the highest home foreclosure rates, and (ii) have the capacity to begin using the financial assistance within 90 days after receipt of the assistance; as a condition of the receipt of a grant under this subparagraph, the grantee shall submit to NRC information relating to the demographic characteristics of the assisted homeowners or tenants, the dollar amount and terms of the relevant mortgages and the outcome of legal proceedings related to the foreclosure or eviction proceedings, including the resolutions thereof; except that no funds under this subparagraph shall be used for class action litigation;

''(D) $20,000,000 of the funds made available pursuant to this paragraph shall be used for such counseling for veterans recently returning from active duty in the Armed Forces;

''(E) the NRC shall give priority consideration for funding with amounts made available pursuant to this paragraph, except for funds made available under subparagraphs (B), (C), and (D), to entities that have an effective plan in place for making contact, including personal contact, with defaulted mortgagors, and such a plan may include use of third parties (including both for-profit and not-for-profit entities) to make personal contact with defaulted mortgagors, or visits to such mortgagors, or both;

''(F) except with respect to funds reserved under subparagraphs (B), (C), and (D), the NRC shall give priority consideration for funding with amounts made available pursuant to this paragraph to entities that have a written plan that has been implemented for providing in-person counseling and for making contact, including personal contact, with defaulted mortgagors, for the purpose of providing counseling or providing information about available counseling, both (i) prior to commencement of any foreclosure proceedings, and (ii) in the event effective in person or phone contact has not been made with such defaulted mortgagors prior thereto, then prior to the conclusion of the foreclosure process; and

''(G) not less than 2 percent of the funds made available pursuant to this paragraph shall be used only for identifying and notifying borrowers under existing mortgages who are eligible under this section for insurance of refinancing mortgages, and in making funds reserved under this subparagraph available for such purpose, the Secretary shall give preference to assistance for programs that have a proven history of outreach within minority communities; and

''(2) $150,000,000 for costs of activities under subsection (i).

''(p) AUDIT AND REPORT BY INSPECTOR GENERAL.—

''(1) AUDIT.—The Inspector General of the Department of Housing and Urban Development shall conduct an audit of the program for loss mitigation counseling funded with amounts made available under subsection (o)(1) to determine compliance with such subsection.

''(2) REPORTS TO CONGRESS.—Not later than March 30, 2009, and every calendar quarter thereafter, the Inspector General shall submit to the appropriate committees of the Congress a report summarizing the activities of the Inspector General and the Neighborhood Reinvestment Corporation during the 120-day period ending on the date of such report. Each report shall include, for the period covered by such report, a detailed statement of all obligations, expenditures, and revenues associated with paragraphs (1) and (2) of subsection (o), including—

''(A) obligations and expenditures of appropriated funds;

''(B) the number of homeowners eligible in such program;

''(C) the number of homeowners participating in such program;

''(D) the status of homeowners within such program;

''(E) the number of homeowners who have rejected assistance from the Neighborhood Reinvestment Corporation; and

''(F) information on participating counseling services.''.

(b) SPECIAL RISK INSURANCE FUND.—Section 238 of the National Housing Act (12 U.S.C. 1715z–3) is amended—

(1) in subsection (a)(1), by striking ''or 243'' each place such term appears and inserting ''243, or 257''; and

(2) in subsection (b), by striking ''and 243'' each place such term appears and inserting ''243, and 257''.

(c) FHA REVERSE MORTGAGE PROGRAM.—Section 255(g) of the National Housing Act (12 U.S.C. 1715z–20(g)) is amended by striking the first sentence.

SEC. 113. STUDY OF AUCTION OR BULK REFINANCE PROGRAM.

(a) STUDY.—The Board of Governors of the Federal Reserve System (in this section referred to as the ''Board of Governors''), in consultation with other members of the Oversight Board established by section 257(a) of the National Housing Act (as added by the amendment made by section 112(a) of this title), shall conduct a study of the need for and efficacy of an auction or bulk refinancing mechanism to facilitate refinancing of existing residential mortgages that are at risk for foreclosure into mortgages insured under the mortgage insurance program under title II of the National Housing Act. The study shall identify and examine various options for mechanisms under which lenders and servicers of such mortgages may make bids for forward commitments for such insurance in an expedited manner.

(b) CONTENT.—

(1) ANALYSIS.—The study required under subsection (a) shall analyze—

(A) the feasibility of establishing a mechanism that would facilitate the more rapid refinancing of borrowers at risk of foreclosure into performing mortgages insured under title II of the National Housing Act;

(B) whether such a mechanism would provide an effective and efficient mechanism to reduce foreclosures on qualified existing mortgages;

(C) whether the use of an auction or bulk refinance program is necessary to stabilize the housing market and reduce the impact of turmoil in that market on the economy of the United States;

(D) whether there are other mechanisms or authority that would be useful to reduce foreclosure; and

(E) and any other factors that the Board of Governors considers relevant.

(2) DETERMINATIONS.—To the extent that the Board of Governors finds that a facility of the type described in paragraph (1) is feasible and useful, the study shall—

(A) determine and identify any additional authority or resources needed to establish and operate such a mechanism;

(B) determine whether there is a need for additional authority with respect to the loan underwriting criteria included in the amendment made by section 112(a) of this title or with respect to eligibility of participating borrowers, lenders, or holders of liens;

(C) determine whether such underwriting criteria should be established on the basis of individual loans, in the aggregate, or otherwise to facilitate the goal of refinancing borrowers at risk of foreclosure into viable loans insured under the National Housing Act.

(c) REPORT.—Not later than the expiration of the 60-day period beginning on the date of the enactment of this Act, the Board of Governors shall submit a report regarding the results of the study conducted under this section to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate. The report shall include a detailed description of the analysis required under subsection (b)(1) and of the determinations made pursuant to subsection (b)(2), and shall include any other findings and recommendations of the Board of Governors pursuant to the study, including identifying various options for mechanisms described in subsection (a).

SEC. 114. TEMPORARY INCREASE IN MAXIMUM LOAN GUARANTY AMOUNT FOR CERTAIN HOUSING LOANS GUARANTEED BY SECRETARY OF VETERANS AFFAIRS.

Notwithstanding subparagraph (C) of section 3703(a)(1) of title 38, United States Code, for purposes of any loan described in subparagraph (A)(i)(IV) of such section that is originated during the period beginning on the date of the enactment of this Act and ending on December 31, 2008, the term ''maximum guaranty amount'' shall mean an amount equal to 25 percent of the higher of—

(1) the limitation determined under section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1454(a)(2)) for the calendar year in which the loan is originated for a single-family residence; or

(2) 125 percent of the area median price for a single-family residence, but in no case to exceed 175 percent of the limitation determined under such section 305(a)(2) for the calendar year in which the loan is originated for a single-family residence.

SEC. 115. STUDY OF POSSIBLE ACCOUNTING REVISIONS RELATING TO PROPERTY AT RISK OF FORECLOSURE AND THE AVAILABILITY OF CREDIT FOR REFINANCING HOME MORTGAGES AT RISK OF FORECLOSURE.

(a) STUDY REQUIRED.—The Securities and Exchange Commission, in consultation with the Board of Governors of the Federal Reserve System, shall conduct a study on fair

value accounting standards applicable to financial institutions, including depository institutions, with respect to their residential mortgages that are at risk of foreclosure and mortgage-backed securities involving such mortgages, the effects of such accounting standards on a financial institution's balance sheet and capacity to provide refinancing to residential mortgagors that are at risk of foreclosure and to residential mortgagors during periods of market value declines and increased foreclosures, and the advisability and feasibility of modifications of such standards during periods of market fluctuation in order to maintain the ability of the institution to continue to carry mortgages on residential property at risk of foreclosure and assure the availability of credit to refinance at-risk residential mortgages.

(b) REPORT REQUIRED.—The Securities and Exchange Commission shall submit a report to the Congress before the end of the 90-day period beginning on the date of the enactment of this Act containing the findings and determinations of the Commission with respect to the study conducted under subsection (a) and such administrative and legislative recommendations as the Commission may determine to be appropriate.

SEC. 116. GAO STUDY OF THE EFFECT OF TIGHTENING CREDIT MARKETS IN COMMUNITIES AFFECTED BY THE SUBPRIME MORTGAGE FORECLOSURE CRISES AND PREDATORY LENDING ON PROSPECTIVE FIRST-TIME HOMEBUYERS SEEKING MORTGAGES.

The Comptroller General of the United States shall conduct a study to analyze the effects of tightening credit markets on prospective first-time home buyers who reside in selected communities that have been most detrimentally affected by both the current subprime mortgage foreclosure crisis and predatory mortgage lending. Such study shall also analyze the adequacy of financial literacy outreach efforts by agencies of the Federal Government tasked with implementing financial literacy education in such communities and shall assess whether the current funding levels for such efforts are at sufficient levels to reduce the levels of subprime mortgage delinquencies and foreclosures and to increase the level of financial literacy in the selected communities so as to minimize the incidences of predatory mortgage lending. Not later than the expiration of the 6-month period beginning on the date of the enactment of this Act, the Comptroller General shall submit a report to the Congress setting forth the results of the study and including recommendations regarding such funding levels.

Subtitle B—Office of Housing Counseling

SEC. 131. SHORT TITLE.

This subtitle may be cited as the ''Expand and Preserve Home Ownership Through Counseling Act''.

SEC. 132. ESTABLISHMENT OF OFFICE OF HOUSING COUNSELING.

Section 4 of the Department of Housing and Urban Development Act (42 U.S.C. 3533) is amended by adding at the end the following new subsection:

''(g) OFFICE OF HOUSING COUNSELING.—

''(1) ESTABLISHMENT.—There is established, in the Office of the Secretary, the Office of Housing Counseling.

''(2) DIRECTOR.—There is established the position of Director of Housing Counseling. The Director shall be the head of the Office of Housing Counseling and shall be appointed by the Secretary. Such position shall be a career-reserved position in the Senior Executive Service.

''(3) FUNCTIONS.—

''(A) IN GENERAL.—The Director shall have ultimate responsibility within the Department, except for the Secretary, for all activities and matters relating to homeownership counseling and rental housing counseling, including—

''(i) research, grant administration, public outreach, and policy development relating to such counseling; and

''(ii) establishment, coordination, and administration of all regulations, requirements, standards, and performance measures under programs and laws administered by the Department that relate to housing counseling, homeownership counseling (including maintenance of homes), mortgage-related counseling (including home equity conversion mortgages and credit protection options to avoid foreclosure), and rental housing counseling, including the requirements, standards, and performance measures relating to housing counseling.

''(B) SPECIFIC FUNCTIONS.—The Director shall carry out the functions assigned to the Director and the Office under this section and any other provisions of law. Such functions shall include establishing rules necessary for—

''(i) the counseling procedures under section 106(g)(1) of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x(h)(1));

''(ii) carrying out all other functions of the Secretary under section 106(g) of the Housing and Urban Development Act of 1968, including the establishment, operation, and publication of the availability of the toll-free telephone number under paragraph (2) of such section;

''(iii) carrying out section 5 of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2604) for home buying information booklets prepared pursuant to such section;

''(iv) carrying out the certification program under section 106(e) of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x(e));

''(v) carrying out the assistance program under section 106(a)(4) of the Housing and Urban Development Act of 1968, including criteria for selection of applications to receive assistance;

''(vi) carrying out any functions regarding abusive, deceptive, or unscrupulous lending practices relating to residential mortgage loans that the Secretary considers appropriate, which shall include conducting the study under section 136 of the Expand and Preserve Home Ownership Through Counseling Act;

''(vii) providing for operation of the advisory committee established under paragraph (4) of this subsection;

''(viii) collaborating with community-based organizations with expertise in the field of housing counseling; and

''(ix) providing for the building of capacity to provide housing counseling services in areas that lack sufficient services.

''(4) ADVISORY COMMITTEE.—

''(A) IN GENERAL.—The Secretary shall appoint an advisory committee to provide advice regarding the carrying out of the functions of the Director.

''(B) MEMBERS.—Such advisory committee shall consist of not more than 12 individuals, and the membership of the committee shall equally represent all aspects of the mortgage and real estate industry, including consumers.

''(C) TERMS.—Except as provided in subparagraph (D), each member of the advisory committee shall be appointed for a term of 3 years. Members may be reappointed at the discretion of the Secretary.

''(D) TERMS OF INITIAL APPOINTEES.—As designated by the Secretary at the time of appointment, of the members first appointed to the advisory committee, 4 shall be appointed for a term of 1 year and 4 shall be appointed for a term of 2 years.

''(E) PROHIBITION OF PAY; TRAVEL EXPENSES.—Members of the advisory committee shall serve without pay, but shall receive travel expenses, including per diem in lieu of subsistence, in accordance with applicable provisions under subchapter I of chapter 57 of title 5, United States Code.

''(F) ADVISORY ROLE ONLY.—The advisory committee shall have no role in reviewing or awarding housing counseling grants.

''(5) SCOPE OF HOMEOWNERSHIP COUNSELING.—In carrying out the responsibilities of the Director, the Director shall ensure that homeownership counseling provided by, in connection with, or pursuant to any function, activity, or program of the Department addresses the entire process of homeownership, including the decision to purchase a home, the selection and purchase of a home, issues arising during or affecting the period of ownership of a home (including refinancing, default and foreclosure, and other financial decisions), and the sale or other disposition of a home.''.

SEC. 133. COUNSELING PROCEDURES.

(a) IN GENERAL.—Section 106 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x) is amended by adding at the end the following new subsection:

''(g) PROCEDURES AND ACTIVITIES.—

''(1) COUNSELING PROCEDURES.—

''(A) IN GENERAL.—The Secretary shall establish, coordinate, and monitor the administration by the Department of Housing and Urban Development of the counseling procedures for homeownership counseling and rental housing counseling provided in connection with any program of the Department, including all requirements, standards, and performance measures that relate to homeownership and rental housing counseling.

''(B) HOMEOWNERSHIP COUNSELING.—For purposes of this subsection and as used in the provisions referred to in this subparagraph, the term 'homeownership counseling' means counseling related to homeownership and residential mortgage loans. Such term includes counseling related to homeownership and residential mortgage loans that is provided pursuant to—

''(i) section 105(a)(20) of the Housing and Community Development Act of 1974 (42 U.S.C. 5305(a)(20));

''(ii) in the United States Housing Act of 1937—

''(I) section 9(e) (42 U.S.C. 1437g(e));

''(II) section 8(y)(1)(D) (42 U.S.C. 1437f(y)(1)(D));

''(III) section 18(a)(4)(D) (42 U.S.C. 1437p(a)(4)(D));

''(IV) section 23(c)(4) (42 U.S.C. 1437u(c)(4));

''(V) section 32(e)(4) (42 U.S.C. 1437z–4(e)(4));

''(VI) section 33(d)(2)(B) (42 U.S.C. 1437z–5(d)(2)(B));

''(VII) sections 302(b)(6) and 303(b)(7) (42 U.S.C. 1437aaa–1(b)(6), 1437aaa–2(b)(7)); and

''(VIII) section 304(c)(4) (42 U.S.C. 1437aaa–3(c)(4));

''(iii) section 302(a)(4) of the American Homeownership and Economic Opportunity Act of 2000 (42 U.S.C. 1437f note);

''(iv) sections 233(b)(2) and 258(b) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12773(b)(2), 12808(b));

''(v) this section and section 101(e) of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x, 1701w(e));

''(vi) section 220(d)(2)(G) of the Low-Income Housing Preservation and Resident Homeownership Act of 1990 (12 U.S.C. 4110(d)(2)(G));

''(vii) sections 422(b)(6), 423(b)(7), 424(c)(4), 442(b)(6), and 443(b)(6) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12872(b)(6), 12873(b)(7), 12874(c)(4), 12892(b)(6), and 12893(b)(6));

''(viii) section 491(b)(1)(F)(iii) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11408(b)(1)(F)(iii));

''(ix) sections 202(3) and 810(b)(2)(A) of the Native American Housing and Self-Determination Act of 1996 (25 U.S.C. 4132(3), 4229(b)(2)(A));

''(x) in the National Housing Act—

''(I) in section 203 (12 U.S.C. 1709), the penultimate undesignated paragraph of paragraph (2) of subsection (b), subsection (c)(2)(A), and subsection (r)(4);

''(II) subsections (a) and (c)(3) of section 237 (12 U.S.C. 1715z–2); and

''(III) subsections (d)(2)(B) and (m)(1) of section 255 (12 U.S.C. 1715z–20);

''(xi) section 502(h)(4)(B) of the Housing Act of 1949 (42 U.S.C. 1472(h)(4)(B)); and

''(xii) section 508 of the Housing and Urban Development Act of 1970 (12 U.S.C. 1701z–7).

''(C) RENTAL HOUSING COUNSELING.—For purposes of this subsection, the term 'rental housing counseling' means counseling related to rental of residential property, which may include counseling regarding future homeownership opportunities and providing referrals for renters and prospective renters to entities providing counseling and shall include counseling related to such topics that is provided pursuant to—

''(i) section 105(a)(20) of the Housing and Community Development Act of 1974 (42 U.S.C. 5305(a)(20));

''(ii) in the United States Housing Act of 1937—

''(I) section 9(e) (42 U.S.C. 1437g(e));

''(II) section 18(a)(4)(D) (42 U.S.C. 1437p(a)(4)(D));

''(III) section 23(c)(4) (42 U.S.C. 1437u(c)(4));

''(IV) section 32(e)(4) (42 U.S.C. 1437z–4(e)(4));

''(V) section 33(d)(2)(B) (42 U.S.C. 1437z–5(d)(2)(B)); and

''(VI) section 302(b)(6) (42 U.S.C. 1437aaa–1(b)(6));

''(iii) section 233(b)(2) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12773(b)(2));

''(iv) section 106 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x);

''(v) section 422(b)(6) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12872(b)(6));

''(vi) section 491(b)(1)(F)(iii) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11408(b)(1)(F)(iii));

''(vii) sections 202(3) and 810(b)(2)(A) of the Native American Housing and Self-Determination Act of 1996 (25 U.S.C. 4132(3), 4229(b)(2)(A)); and

''(viii) the rental assistance program under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f).

''(2) STANDARDS FOR MATERIALS.—The Secretary, in conjunction with the advisory committee established under subsection (g)(4) of the Department of Housing and Urban Development Act, shall establish standards for materials and forms to be used, as appropriate, by organizations providing homeownership counseling services, including any recipients of assistance pursuant to subsection (a)(4).

''(3) MORTGAGE SOFTWARE SYSTEMS.—

''(A) CERTIFICATION.—The Secretary shall provide for the certification of various computer software programs for consumers to use in evaluating different residential mortgage loan proposals. The Secretary shall require, for such certification, that the mortgage software systems take into account—

''(i) the consumer's financial situation and the cost of maintaining a home, including insurance, taxes, and utilities;

''(ii) the amount of time the consumer expects to remain in the home or expected time to maturity of the loan;

''(iii) such other factors as the Secretary considers appropriate to assist the consumer in evaluating whether to pay points, to lock in an interest rate, to select an adjustable or fixed rate loan, to select a conventional or government-insured or guaranteed loan and to make other choices during the loan application process.

If the Secretary determines that available existing software is inadequate to assist consumers during the residential mortgage loan application process, the Secretary shall arrange for the development by private sector software companies of new mortgage software systems that meet the Secretary's specifications.

''(B) USE AND INITIAL AVAILABILITY.—Such certified computer software programs shall be used to supplement, not replace, housing counseling. The Secretary shall provide that such programs are initially used only in connection with the assistance of housing counselors certified pursuant to subsection (e).

''(C) AVAILABILITY.—After a period of initial availability under subparagraph (B) as the Secretary considers appropriate, the Secretary shall take reasonable steps to make mortgage software systems certified pursuant to this paragraph widely available through the Internet and at public locations, including public libraries, senior-citizen centers, public housing sites, offices of public housing agencies that administer rental housing assistance vouchers, and housing counseling centers.

''(4) NATIONAL PUBLIC SERVICE MULTIMEDIA CAMPAIGNS TO PROMOTE HOUSING COUNSELING.—

''(A) IN GENERAL.—The Director of Housing Counseling shall develop, implement, and conduct national public service multimedia campaigns designed to make persons facing mortgage foreclosure, persons considering a subprime mortgage loan to purchase a home, elderly persons, persons who face language barriers, low-income persons, and other potentially vulnerable consumers aware that it is advisable, before seeking or maintaining a residential mortgage loan, to obtain homeownership counseling from an unbiased and reliable sources and that such homeownership counseling is available, including through programs sponsored by the Secretary of Housing and Urban Development.

''(B) CONTACT INFORMATION.—Each segment of the multimedia campaign under subparagraph (A) shall publicize the toll-free telephone number and web site of the Department of Housing and Urban Development through which persons seeking housing counseling can locate a housing counseling agency in their State that is certified by the Secretary of Housing and Urban Development and can provide advice on buying a home, renting, defaults, foreclosures, credit issues, and reverse mortgages.

''(C) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary, not to exceed $3,000,000 for fiscal years 2008, 2009, and 2010, for the develop, implement, and conduct of national public service multimedia campaigns under this paragraph.

''(5) EDUCATION PROGRAMS.—The Secretary shall provide advice and technical assistance to States, units of general local government, and nonprofit organizations regarding the establishment and operation of, including assistance with the development of content and materials for, educational programs to inform and educate consumers, particularly those most vulnerable with respect to residential mortgage loans (such as elderly persons, persons facing language barriers, low-income persons, and other potentially vulnerable consumers), regarding home mortgages, mortgage refinancing, home equity loans, and home repair loans.''.

(b) CONFORMING AMENDMENTS TO GRANT PROGRAM FOR HOMEOWNERSHIP COUNSELING ORGANIZATIONS.—Section 106(c)(5)(A)(ii) of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x(c)(5)(A)(ii)) is amended—

(1) in subclause (III), by striking ''and'' at the end;

(2) in subclause (IV) by striking the period at the end and inserting ''; and''; and

(3) by inserting after subclause (IV) the following new subclause:

''(V) notify the housing or mortgage applicant of the availability of mortgage software systems provided pursuant to subsection (g)(3).''.

SEC. 134. GRANTS FOR HOUSING COUNSELING ASSISTANCE.

Section 106(a) of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x(a)(3)) is amended by adding at the end the following new paragraph:

''(4) HOMEOWNERSHIP AND RENTAL COUNSELING ASSISTANCE.—

''(A) IN GENERAL.—The Secretary shall make financial assistance available under this paragraph to States, units of general local governments, and nonprofit organizations providing homeownership or rental counseling (as such terms are defined in subsection (g)(1)).

''(B) QUALIFIED ENTITIES.—The Secretary shall establish standards and guidelines for eligibility of organizations (including governmental and nonprofit organizations) to receive assistance under this paragraph.

''(C) DISTRIBUTION.—Assistance made available under this paragraph shall be distributed in a manner that encourages efficient and successful counseling programs.

''(D) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $45,000,000 for each of fiscal years 2008 through 2011 for—

''(i) the operations of the Office of Housing Counseling of the Department of Housing and Urban Development;

''(ii) the responsibilities of the Secretary under paragraphs (2) through (5) of subsection (g); and

''(iii) assistance pursuant to this paragraph for entities providing homeownership and rental counseling.''.

SEC. 135. REQUIREMENTS TO USE HUD-CERTIFIED COUNSELORS UNDER HUD PROGRAMS.

Section 106(e) of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x(e)) is amended—

(1) by striking paragraph (1) and inserting the following new paragraph:

''(1) REQUIREMENT FOR ASSISTANCE.—An organization may not receive assistance for counseling activities under subsection (a)(1)(iii), (a)(2), (a)(4), (c), or (d) of this section, or under section 101(e), unless the organization, or the individuals through which the organization provides such counseling, has been certified by the Secretary under this subsection as competent to provide such counseling.'';

(2) in paragraph (2)—

(A) by inserting ''and for certifying organizations'' before the period at the end of the first sentence; and

(B) in the second sentence by striking ''for certification'' and inserting '', for certification of an organization, that each individual through which the organization provides counseling shall demonstrate, and, for certification of an individual,'';

(3) in paragraph (3), by inserting ''organizations and'' before ''individuals'';

(4) by redesignating paragraph (3) as paragraph (5); and

(5) by inserting after paragraph (2) the following new paragraphs:

''(3) REQUIREMENT UNDER HUD PROGRAMS.—Any homeownership counseling or rental housing counseling (as such terms are defined in subsection (g)(1)) required under, or provided in connection with, any program administered by the Department of Housing and Urban Development shall be provided

only by organizations or counselors certified by the Secretary under this subsection as competent to provide such counseling.

''(4) OUTREACH.—The Secretary shall take such actions as the Secretary considers appropriate to ensure that individuals and organizations providing homeownership or rental housing counseling are aware of the certification requirements and standards of this subsection and of the training and certification programs under subsection (f).''.

SEC. 136. STUDY OF DEFAULTS AND FORECLOSURES.

The Secretary of Housing and Urban Development shall conduct an extensive study of the root causes of default and foreclosure of home loans, using as much empirical data as are available. The study shall also examine the role of escrow accounts in helping prime and nonprime borrowers to avoid defaults and foreclosures. Not later than 12 months after the date of the enactment of this Act, the Secretary shall submit to the Congress a preliminary report regarding the study. Not later than 24 months after such date of enactment, the Secretary shall submit a final report regarding the results of the study, which shall include any recommended legislation relating to the study, and recommendations for best practices and for a process to identify populations that need counseling the most.

SEC. 137. DEFINITIONS FOR COUNSELING-RELATED PROGRAMS.

Section 106 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x), as amended by the preceding provisions of this subtitle, is further amended by adding at the end the following new subsection:

''(h) DEFINITIONS.—For purposes of this section:

''(1) NONPROFIT ORGANIZATION.—The term 'nonprofit organization' has the meaning given such term in section 104(5) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12704(5)), except that subparagraph (D) of such section shall not apply for purposes of this section.

''(2) STATE.—The term 'State' means each of the several States, the Commonwealth of Puerto Rico, the District of Columbia, the Commonwealth of the Northern Mariana Islands, Guam, the Virgin Islands, American Samoa, the Trust Territories of the Pacific, or any other possession of the United States.

''(3) UNIT OF GENERAL LOCAL GOVERNMENT.—The term 'unit of general local government' means any city, county, parish, town, township, borough, village, or other general purpose political subdivision of a State.''.

SEC. 138. UPDATING AND SIMPLIFICATION OF MORTGAGE INFORMATION BOOKLET.

Section 5 of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2604) is amended—

(1) in the section heading, by striking ''SPECIAL'' and inserting ''HOME BUYING'';

(2) by striking subsections (a) and (b) and inserting the following new subsections:

''(a) PREPARATION AND DISTRIBUTION.—The Secretary shall prepare, at least once every 5 years, a booklet to help consumers applying for federally related mortgage loans to understand the nature and costs of real estate settlement services. The Secretary shall prepare the booklet in various languages and cultural styles, as the Secretary determines to be appropriate, so that the booklet is understandable and accessible to homebuyers of different ethnic and cultural backgrounds. The Secretary shall distribute such booklets to all lenders that make federally related mortgage loans. The Secretary shall also distribute to such lenders lists, organized by location, of homeownership counselors certified under section 106(e) of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x(e)) for use in complying with the requirement under subsection (c) of this section.

''(b) CONTENTS.—Each booklet shall be in such form and detail as the Secretary shall prescribe and, in addition to such other information as the Secretary may provide, shall include in plain and understandable language the following information:

''(1) A description and explanation of the nature and purpose of the costs incident to a real estate settlement or a federally related mortgage loan. The description and explanation shall provide general information about the mortgage process as well as specific information concerning, at a minimum—

''(A) balloon payments;

''(B) prepayment penalties; and

''(C) the trade-off between closing costs and the interest rate over the life of the loan.

''(2) An explanation and sample of the uniform settlement statement required by section 4.

''(3) A list and explanation of lending practices, including those prohibited by the Truth in Lending Act or other applicable Federal law, and of other unfair practices and unreasonable or unnecessary charges to be avoided by the prospective buyer with respect to a real estate settlement.

''(4) A list and explanation of questions a consumer obtaining a federally related mortgage loan should ask regarding the loan, including whether the consumer will have the ability to repay the loan, whether the consumer sufficiently shopped for the loan, whether the loan terms include prepayment penalties or balloon payments, and whether the loan will benefit the borrower.

''(5) An explanation of the right of rescission as to certain transactions provided by sections 125 and 129 of the Truth in Lending Act.

''(6) A brief explanation of the nature of a variable rate mortgage and a reference to the booklet entitled 'Consumer Handbook on Adjustable Rate Mortgages', published by the Board of Governors of the Federal Reserve System pursuant to section 226.19(b)(1) of title 12, Code of Federal Regulations, or to any suitable substitute of such booklet that such Board of Governors may subsequently adopt pursuant to such section.

''(7) A brief explanation of the nature of a home equity line of credit and a reference to the pamphlet required to be provided under section 127A of the Truth in Lending Act.

''(8) Information about homeownership counseling services made available pursuant to section 106(a)(4) of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x(a)(4)), a recommendation that the consumer use such services, and notification that a list of certified providers of homeownership counseling in the area, and their contact information, is available.

''(9) An explanation of the nature and purpose of escrow accounts when used in connection with loans secured by residential real estate and the requirements under section 10 of this Act regarding such accounts.

''(10) An explanation of the choices available to buyers of residential real estate in selecting persons to provide necessary services incidental to a real estate settlement.

''(11) An explanation of a consumer's responsibilities, liabilities, and obligations in a mortgage transaction.

''(12) An explanation of the nature and purpose of real estate appraisals, including the difference between an appraisal and a home inspection.

''(13) Notice that the Office of Housing of the Department of Housing and Urban Development has made publicly available a brochure regarding loan fraud and a World Wide Web address and toll-free telephone number for obtaining the brochure.

The booklet prepared pursuant to this section shall take into consideration differences in real estate settlement procedures that may exist among the several States and territories of the United States and among separate political subdivisions within the same State and territory.'';

(3) in subsection (c), by inserting at the end the following new sentence: ''Each lender shall also include with the booklet a reasonably complete or updated list of homeownership counselors who are certified pursuant to section 106(e) of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x(e)) and located in the area of the lender.''; and

(4) in subsection (d), by inserting after the period at the end of the first sentence the following: ''The lender shall provide the HUD-issued booklet in the version that is most appropriate for the person receiving it.''.

Subtitle C—Combating Mortgage Fraud

SEC. 151. AUTHORIZATION OF APPROPRIATIONS TO COMBAT MORTGAGE FRAUD.

For fiscal years 2008, 2009, 2010, 2011, and 2012, there are authorized to be appropriated to the Attorney General a total of—

(1) $31,250,000 to support the employment of 30 additional agents of the Federal Bureau of Investigation and 2 additional dedicated prosecutors at the Department of Justice to coordinate prosecution of mortgage fraud efforts with the offices of the United States Attorneys; and

(2) $750,000 to support the operations of interagency task forces of the Federal Bureau of Investigation in the areas with the 15 highest concentrations of mortgage fraud.

TITLE II—FHA REFORM AND MANUFACTURED HOUSING LOAN INSURANCE MODERNIZATION

Subtitle A—FHA Reform

SEC. 201. SHORT TITLE.

This subtitle may be cited as the ''Expanding American Homeownership Act of 2008''.

SEC. 202. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) one of the primary missions of the Federal Housing Administration (FHA) single family mortgage insurance program is to reach borrowers who are underserved, or not served, by the existing conventional mortgage marketplace;

(2) the FHA program has a long history of innovation, which includes pioneering the 30-year self-amortizing mortgage and a safe-to-seniors reverse mortgage product, both of which were once thought too risky to private lenders;

(3) the FHA single family mortgage insurance program traditionally has been a major provider of mortgage insurance for home purchases;

(4) the FHA mortgage insurance premium structure, as well as FHA's product offerings, should be revised to reflect FHA's enhanced ability to determine risk at the loan level and to allow FHA to better respond to changes in the mortgage market;

(5) during past recessions, including the oil-patch downturns in the mid-1980s, FHA remained a viable credit enhancer and was therefore instrumental in preventing a more catastrophic collapse in housing markets and a greater loss of homeowner equity; and

(6) as housing price appreciation slows and interest rates rise, many homeowners and prospective homebuyers will need the less-expensive, safer financing alternative that FHA mortgage insurance provides.

(b) PURPOSES.—The purposes of this subtitle are—

(1) to provide flexibility to FHA to allow for the insurance of housing loans for low-

and moderate-income homebuyers during all economic cycles in the mortgage market;

(2) to modernize the FHA single family mortgage insurance program by making it more reflective of enhancements to loan-level risk assessments and changes to the mortgage market; and

(3) to adjust the loan limits for the single family mortgage insurance program to reflect rising house prices and the increased costs associated with new construction.

SEC. 203. MAXIMUM PRINCIPAL LOAN OBLIGATION.

(a) IN GENERAL.—Section 203(b)(2) of the National Housing Act (12 U.S.C. 1709(b)(2)(A)) is amended by striking subparagraph (A) and inserting the following new subparagraph:

''(A) not to exceed the lesser of—

''(i) in the case of a 1-family residence, 125 percent of the median 1-family house price in the area, as determined by the Secretary; and in the case of a 2-, 3-, or 4-family residence, the percentage of such median price that bears the same ratio to such median price as the dollar amount limitation determined under section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1454(a)(2)) for a 2-, 3-, or 4-family residence, respectively, bears to the dollar amount limitation determined under such section for a 1-family residence; or

''(ii) 175 percent of the dollar amount limitation determined under such section 305(a)(2)(A) for a residence of the applicable size (without regard to any authority to increase such limitations with respect to properties located in Alaska, Guam, Hawaii, or the Virgin Islands and without regard to the high-cost area limitation under such section 305(a)(2)(B));

except that the dollar amount limitation in effect under this subparagraph for any size residence for any area may not be less than the greater of: (I) the dollar amount limitation in effect under this section for the area on October 21, 1998; or (II) 65 percent of the dollar amount limitation determined under such section 305(a)(2) for a residence of the applicable size; and except that, if the Secretary determines that market conditions warrant such an increase, the Secretary may, for such period as the Secretary considers appropriate, increase the maximum dollar amount limitation determined pursuant to the preceding provisions of this subparagraph with respect to any particular size or sizes of residences, or with respect to residences located in any particular area or areas, to an amount that does not exceed the maximum dollar amount then otherwise in effect pursuant to the preceding provisions of this subparagraph for such size residence, or for such area (if applicable), by not more than $100,000; and''.

(b) TREATMENT OF TEMPORARY LOAN LIMIT INCREASE.—Subsection (a) and the amendment made by such subsection may not be construed to in any way affect the effectiveness of section 202 of the Economic Stimulus Act of 2008 (Public Law 110-185; 122 Stat. 620).

SEC. 204. EXTENSION OF MORTGAGE TERM.

Paragraph (3) of section 203(b) of the National Housing Act (12 U.S.C. 1709(b)(3)) is amended—

(1) by striking ''thirty-five years'' and inserting ''forty years''; and

(2) by striking ''(or thirty years if such mortgage is not approved for insurance prior to construction)''.

SEC. 205. DOWNPAYMENT SIMPLIFICATION.

Section 203(b) of the National Housing Act (12 U.S.C. 1709(b)) is amended—

(1) in paragraph (2)—

(A) by striking subparagraph (B) and inserting the following new subparagraph:

''(B) not to exceed an amount equal to the sum of—

''(i) the amount of the mortgage premium paid at the time the mortgage is insured; and

''(ii) 97.75 percent of the appraised value of the property.'';

(B) in the matter after and below subparagraph (B), by striking the second sentence (relating to a definition of ''average closing cost'') and all that follows through ''title 38, United States Code.''; and

(C) by striking the last undesignated paragraph (relating to counseling with respect to the responsibilities and financial management involved in homeownership); and

(2) in paragraph (9)—

(A) by striking the paragraph designation and all that follows through ''*Provided further*, That for'' and inserting the following:

''(9) Be executed by a mortgagor who shall have paid on account of the property, in cash or its equivalent, at least 3 percent of the Secretary's estimate of the cost of acquisition (excluding the mortgage insurance premium paid at the time the mortgage is insured). For''; and

(B) by inserting after the period at the end the following: ''For purposes of this paragraph, the Secretary shall consider as cash or its equivalent any amounts gifted by a family member (as such term is defined in section 201), the mortgagor's employer or labor union, or a qualified homeownership assistance entity, but only if there is no obligation on the part of the mortgagor to repay the gift: For purposes of the preceding sentence, the term 'qualified homeownership assistance entity' means any governmental agency or charity that has a program to provide homeownership assistance to low- and moderate-income families or first-time home buyers, or any private nonprofit organization that has such a program and evidences sufficient fiscal soundness to protect the fiscal integrity of the Mutual Mortgage Insurance Fund by maintaining a minimum net worth of $4,000,000 of acceptable assets.''.

SEC. 206. MORTGAGE INSURANCE PREMIUMS FOR QUALIFIED HOMEOWNERSHIP ASSISTANCE ENTITIES AND HIGHER-RISK BORROWERS.

Paragraph (2) of section 203(c) of the National Housing Act (12 U.S.C. 1709(c)(2)) is amended—

(1) in subparagraph (A), in the matter preceding subparagraph (A), by striking the first comma after ''section 234(c)'';

(2) in subparagraph (A), by inserting after the period at the end of the second sentence the following: ''In the case of a mortgage for which any amounts gifted by a qualified homeownership assistance entity (as such term is defined in paragraph (9) of subsection (b)) that is a private nonprofit organization are treated as cash or its equivalent for purposes of meeting the 3 percent requirement under such paragraph, the premium payment under this subparagraph shall not exceed 3.0 percent of the amount of the original insured principal obligation of the mortgage.''; and

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

''(C) HIGHER-RISK BORROWERS.—The Secretary shall establish underwriting standards that provide for insurance under this section of mortgages described in the matter in this paragraph preceding subparagraph (A) for which the mortgagor has a credit score equivalent to a FICO score of less than 560, and may insure, and make commitments to insure, such mortgages. Such underwriting standards shall include establishing and collecting premium payments that comply with the requirements of this paragraph, except that notwithstanding subparagraph (A), the single premium payment collected at the time of insurance may be established in an amount that does not exceed 3.0 percent of the amount of the original insured principal obligation of the mortgage.''.

SEC. 207. RISK-BASED MORTGAGE INSURANCE PREMIUMS.

Section 203(c) of the National Housing Act (12 U.S.C. 1709(c)), as amended by the preceding provisions of this subtitle, is further amended by adding at the end the following new paragraphs:

''(4) FLEXIBLE RISK-BASED PREMIUMS.—In the case of a mortgage referred to in paragraph (2)(C) or a mortgage described in the third sentence of subparagraph (A) of paragraph (2) (relating to mortgages for which amounts are gifted by a nonprofit qualified homeownership assistance entity), for which the loan application is received by the mortgagee on or after the date of the enactment of the Expanding American Homeownership Act of 2008:

''(A) IN GENERAL.—The Secretary may establish a mortgage insurance premium structure involving a single premium payment collected prior to the insurance of the mortgage or annual payments (which may be collected on a periodic basis), or both, subject to the requirements of subparagraph (B) and paragraph (5). Under such structure, the rate of premiums for such a mortgage may vary according to the credit risk associated with the mortgage and the rate of any annual premium for such a mortgage may vary during the mortgage term as long as the basis for determining the variable rate is established before the execution of the mortgage. The Secretary may change a premium structure established under this subclause but only to the extent that such change is not applied to any mortgage already executed.

''(B) ESTABLISHMENT AND ALTERATION OF PREMIUM STRUCTURE.—A premium structure shall be established or changed under subparagraph (A) only by providing notice to mortgagees and to the Congress, at least 30 days before the premium structure is established or changed.

''(C) ANNUAL REPORT REGARDING PREMIUMS.—The Secretary shall submit a report to the Congress annually setting forth the rate structures and rates established and altered pursuant to this paragraph during the preceding 12-month period and describing how such rates were determined.

''(5) CONSIDERATIONS FOR PREMIUM STRUCTURE.—When establishing premiums for mortgages referred to in paragraph (2)(C), establishing premiums pursuant to paragraph (3), establishing a premium structure under paragraph (4), and when changing such a premium structure, the Secretary shall consider the following:

''(A) The effect of the proposed premiums or structure on the Secretary's ability to meet the operational goals of the Mutual Mortgage Insurance Fund as provided in section 202(a).

''(B) Underwriting variables.

''(C) The extent to which new pricing under the proposed premiums or structure has potential for acceptance in the private market.

''(D) The administrative capability of the Secretary to administer the proposed premiums or structure.

''(E) The effect of the proposed premiums or structure on the Secretary's ability to maintain the availability of mortgage credit and provide stability to mortgage markets.

''(6) AUTHORITY TO BASE PREMIUM PRICES ON PRODUCT RISK.—

''(A) AUTHORITY.—In establishing premium rates under paragraphs (2), (3), and (4), the Secretary may provide for variations in such rates according to the credit risk associated with the type of mortgage product that is being insured under this title, which may include providing that premium rates differ between fixed-rate mortgages and adjustable-rate mortgages insured pursuant to section 251, between mortgages insured pursuant to

section 203(b) and mortgages for condominiums insured pursuant to section 234, and between such other products as the Secretary considers appropriate.

''(B) LIMITATION.—Subparagraph (A) may not be construed to authorize the Secretary to establish, for any mortgage product, any mortgage insurance premium rate that does not comply with the requirements and limitations under paragraphs (2) through (5).''.

SEC. 208. PAYMENT INCENTIVES FOR HIGHER-RISK BORROWERS.

Section 203(c) of the National Housing Act (12 U.S.C. 1709(c)), as amended by the preceding provisions of this subtitle, is further amended by adding at the end the following new paragraph:

''(7) PAYMENT INCENTIVES.—

''(A) AUTHORITY.—With respect to mortgages referred to in paragraph (2)(C):

''(i) DISCRETIONARY 3-YEAR PAYMENT INCENTIVE.—The Secretary may provide, in the discretion of the Secretary, that the payment incentive under subparagraph (B) shall apply upon the expiration of the 3-year period beginning upon the time of insurance of such a mortgage.

''(ii) MANDATORY 5-YEAR PAYMENT INCENTIVE.—The Secretary shall provide that the payment incentive under subparagraph (B) applies upon the expiration of the 5-year period beginning upon the time of insurance of such a mortgage.

''(B) PAYMENT INCENTIVE.—In the case of any mortgage to which the payment incentive under this subparagraph applies, if, during the period referred to in clause (i) or (ii) of subparagraph (A), as applicable, all mortgage insurance premiums for such mortgage have been paid on a timely basis, upon the expiration of such period the Secretary shall—

''(i) reduce the amount of the annual premium payments otherwise due thereafter under such mortgage to an amount that does not exceed the amount of the annual premium payable at the time of insurance of the mortgage on a mortgage of the same product type having the same terms, but for which the mortgagor has a credit score equivalent to a FICO score of 560 or more; and

''(ii) refund to the mortgagor, upon payment in full of the obligation of the mortgage, any amount by which the single premium payment for such mortgage collected at the time of insurance exceeded the amount of the single premium payment chargeable under paragraph (2)(A) at the time of insurance for a mortgage of the same product type having the same terms, but for which the mortgagor has a credit score equivalent to a FICO score of 560 or more.''.

SEC. 209. PROTECTIONS FOR HIGHER-RISK BORROWERS.

Section 203(b) of the National Housing Act (12 U.S.C. 1709(b)) is amended by adding at the end the following new paragraph:

''(10) PROTECTIONS FOR HIGHER-RISK BORROWERS.—Except as otherwise specifically provided in this paragraph, in the case of any mortgage referred to in paragraph (2)(C) of subsection (c), the following requirements shall apply:

''(A) DISCLOSURES.—

''(i) REQUIRED DISCLOSURES.—In addition to any disclosures that are otherwise required by law or by the Secretary for single family mortgages, the mortgagee shall disclose to the mortgagor the following information:

''(I) AT APPLICATION.—At the time of application for the loan involved in the mortgage, a list of counseling agencies, approved by the Secretary, in the area of the applicant.

''(II) AT EXECUTION.—At the time of entering into the mortgage—

''(aa) the terms of the mandatory 5-year payment incentive required under subsection (c)(7)(A)(ii); and

''(bb) a statement that the mortgagor has a right under contract to loss mitigation.

''(III) OTHER INFORMATION.—Any other additional information that the Secretary determines is appropriate to ensure that the mortgagor has received timely and accurate information about the program under paragraph (2)(C) of subsection (c).

''(ii) PENALTIES FOR FAILURE TO PROVIDE REQUIRED DISCLOSURES.—The Secretary may establish and impose appropriate penalties for failure of a mortgagee to provide any disclosure required under clause (i).

''(iii) NO PRIVATE RIGHT OF ACTION.—This subparagraph shall not create any private right of action on behalf of the mortgagor.

''(B) COUNSELING.—

''(i) REQUIREMENT.—The Secretary shall require that the mortgagor shall have received counseling that complies with the requirements of this subparagraph.

''(ii) TERMS OF COUNSELING.—Counseling under this subparagraph shall be provided—

''(I) prior to closing for the loan involved in the mortgage;

''(II) by a third party (other than the mortgagee) who is approved by the Secretary, with respect to the responsibilities and financial management involved in homeownership;

''(III) on an individual basis to the mortgagor by a representative of the approved third-party counseling entity; and

''(IV) in person, to the maximum extent possible.

''(iii) 2- AND 3-FAMILY RESIDENCES.—In the case of a mortgage involving a 2- or 3-family residence, counseling under this subparagraph shall include (in addition to the information required under clause (iii)) information regarding real estate property management.

''(C) NOTICE OF FORECLOSURE PREVENTION COUNSELING AVAILABILITY.—

''(i) WRITTEN AGREEMENT.—To be eligible for insurance under this subsection, the mortgagee shall provide the mortgagor, at the time of the execution of the mortgage, a written agreement which shall be signed by the mortgagor and under which the mortgagee shall provide notice described in clause (ii) to a housing counseling entity that has agreed to provide the notice and counseling required under clause (iii) and is approved by the Secretary.

''(ii) NOTICE TO COUNSELING AGENCY.—The notice described in this clause, with respect to a mortgage, is notice, provided at the earliest time practicable after the mortgagor becomes 60 days delinquent with respect to any payment due under the mortgage, that the mortgagor is so delinquent and of how to contact the mortgagor. Such notice may only be provided once with respect to each delinquency period for a mortgage.

''(iii) NOTICE TO MORTGAGOR.—Upon notice from a mortgagee that a mortgagor is 60 days delinquent with respect to payments due under the mortgage, the housing counseling entity shall at the earliest time practicable notify the mortgagor of such delinquency, that the entity makes available foreclosure prevention counseling that may assist the mortgagor in resolving the delinquency, and of how to contact the entity to arrange for such counseling.

''(iv) ABILITY TO CURE.—Failure to provide the written agreement required under clause (i) may be corrected by sending such agreement to the mortgagor not later than the earliest time practicable after the mortgagor first becomes 60 days delinquent with respect to payments due under the mortgage. Insurance provided under this subsection may not be terminated and penalties for such failure may not be prospectively or retroactively imposed if such failure is corrected in accordance with this clause.

''(v) PENALTIES FOR FAILURE TO PROVIDE AGREEMENT.—The Secretary may establish and impose appropriate penalties for failure of a mortgagee to provide the written agreement required under clause (i).

''(vi) LIMITATION ON LIABILITY OF MORTGAGEE.—A mortgagee shall not incur any liability or penalties for any failure of a housing counseling entity to provide notice under clause (iii).

''(vii) NO PRIVATE RIGHT OF ACTION.—This subparagraph shall not create any private right of action on behalf of the mortgagor.

''(viii) DELINQUENCY PERIOD.—For purposes of this subparagraph, the term 'delinquency period' means, with respect to a mortgage, a period that begins upon the mortgagor becoming delinquent with respect to payments due under the mortgage and ends upon the first subsequent occurrence of such payments under the mortgage becoming current or the property subject to the mortgage being foreclosed or otherwise disposed of.''.

SEC. 210. REFINANCING MORTGAGES.

Section 203 of the National Housing Act (12 U.S.C. 1709) is amended by inserting after subsection (k) the following new subsection:

''(l) REFINANCING MORTGAGES.—

''(1) ESTABLISHMENT OF UNDERWRITING STANDARDS.—The Secretary shall establish underwriting standards that provide for insurance under this title of mortgage loans, and take actions to facilitate the availability of mortgage loans insured under this title, for qualified borrowers that are made for the purpose of paying or prepaying outstanding obligations under existing mortgages for borrowers that—

''(A) have existing mortgages with adverse terms or rates, or

''(B) do not have access to mortgages at reasonable rates and terms for such refinancings due to adverse market conditions.

''(2) INSURANCE OF MORTGAGES TO BORROWERS IN DEFAULT OR AT RISK OF DEFAULT.—In facilitating insurance for such mortgages, the Secretary may insure mortgages to borrowers who are, currently in default or at imminent risk of being in default, but only if such loans meet reasonable underwriting standards established by the Secretary.''.

SEC. 211. ANNUAL REPORTS ON NEW PROGRAMS AND LOSS MITIGATION.

Section 540(b)(2) of the National Housing Act (12 U.S.C. 1735f–18(b)(2)) is amended, by adding at the end the following new subparagraphs:

''(C) The rates of default and foreclosure for the applicable collection period for mortgages insured pursuant to the program for mortgage insurance under paragraph (2)(C) of section 203(c).

''(D) Actions taken by the Secretary during the applicable collection period with respect to loss mitigation on mortgages insured pursuant to section 203.''.

SEC. 212. INSURANCE FOR SINGLE FAMILY HOMES WITH LICENSED CHILD CARE FACILITIES.

(a) DEFINITION OF CHILD CARE FACILITY.—Section 201 of the National Housing Act (12 U.S.C. 1707) is amended by adding at the end the following new subsection:

''(g) The term 'child care facility' means a facility that—

''(A) has as its purpose the care of children who are less than 12 years of age; and

''(B) is licensed or regulated by the State in which it is located (or, if there is no State law providing for such licensing and regulation by the State, by the municipality or other political subdivision in which the facility is located).

Such term does not include facilities for school-age children primarily for use during normal school hours.''.

(b) INCREASE IN MAXIMUM MORTGAGE AMOUNT LIMITATION.—Paragraph (2) of section 203(b) of the National Housing Act (12 U.S.C. 1709(b)(2)), as amended by the preceding provisions of this subtitle, is further amended by adding at end the following new undesignated paragraph:

''Notwithstanding any other provision of this paragraph, the amount that may be insured under this section may be increased by up to 25 percent if such increase is necessary to account for the increased cost of the residence due to an increased need of space in the residence for locating and operating a child care facility (as such term is defined in section 201) within the residence, but only if a valid license or certificate of compliance with regulations described in section 201(g)(2) has been issued for such facility as of the date of the execution of the mortgage, and only if such increase in the amount insured is proportional to the amount of space of such residence that will be used for such facility.''.

SEC. 213. REHABILITATION LOANS.

Subsection (k) of section 203 of the National Housing Act (12 U.S.C. 1709(k)) is amended—

(1) in paragraph (1), by striking ''on'' and all that follows through ''1978''; and

(2) in paragraph (5)—

(A) by striking ''General Insurance Fund'' the first place it appears and inserting ''Mutual Mortgage Insurance Fund''; and

(B) in the second sentence, by striking the comma and all that follows through ''General Insurance Fund''.

SEC. 214. DISCRETIONARY ACTION.

The National Housing Act is amended—

(1) in subsection (e) of section 202 (12 U.S.C. 1708(e))—

(A) in paragraph (3)(B), by striking ''section 202(e) of the National Housing Act'' and inserting ''this subsection''; and

(B) by redesignating such subsection as subsection (f);

(2) by striking paragraph (4) of section 203(s) (12 U.S.C. 1709(s)(4)) and inserting the following new paragraph:

''(4) the Secretary of Agriculture;''; and

(3) by transferring subsection (s) of section 203 (as amended by paragraph (2) of this section) to section 202, inserting such subsection after subsection (d) of section 202, and redesignating such subsection as subsection (e).

SEC. 215. INSURANCE OF CONDOMINIUMS AND MANUFACTURED HOUSING.

(a) IN GENERAL.—Section 234 of the National Housing Act (12 U.S.C. 1715y) is amended—

(1) in subsection (c)—

(A) in the first sentence—

(i) by striking ''and'' before ''(2)''; and

(ii) by inserting before the period at the end the following: '', and (3) the project has a blanket mortgage insured by the Secretary under subsection (d)''; and

(B) in clause (B) of the third sentence, by striking ''thirty-five years'' and inserting ''forty years''; and

(2) in subsection (g), by striking '', except that'' and all that follows and inserting a period.

(b) DEFINITION OF MORTGAGE.—Section 201(a) of the National Housing Act (12 U.S.C. 1707(a)) is amended—

(1) before '' a first mortgage'' insert ''(A)'';

(2) by striking ''or on a leasehold (1)'' and inserting ''(B) a first mortgage on a leasehold on real estate (i)'';

(3) by striking ''or (2)'' and inserting '', or (ii)''; and

(4) by inserting before the semicolon the following: '', or (C) a first mortgage given to secure the unpaid purchase price of a fee interest in, or long-term leasehold interest in, real estate consisting of a one-family unit in a multifamily project, including a project in which the dwelling units are attached, or are manufactured housing units, semi-detached, or detached, and an undivided interest in the common areas and facilities which serve the project''.

(c) DEFINITION OF REAL ESTATE.—Section 201 of the National Housing Act (12 U.S.C. 1707), as amended by the preceding provisions of this subtitle, is further amended by adding at the end the following new subsection:

''(h) The term 'real estate' means land and all natural resources and structures permanently affixed to the land, including residential buildings and stationary manufactured housing. The Secretary may not require, for treatment of any land or other property as real estate for purposes of this title, that such land or property be treated as real estate for purposes of State taxation.''.

SEC. 216. MUTUAL MORTGAGE INSURANCE FUND.

(a) IN GENERAL.—Subsection (a) of section 202 of the National Housing Act (12 U.S.C. 1708(a)) is amended to read as follows:

''(a) MUTUAL MORTGAGE INSURANCE FUND.—

''(1) ESTABLISHMENT.—Subject to the provisions of the Federal Credit Reform Act of 1990, there is hereby created a Mutual Mortgage Insurance Fund (in this title referred to as the 'Fund'), which shall be used by the Secretary to carry out the provisions of this title with respect to mortgages insured under section 203. The Secretary may enter into commitments to guarantee, and may guarantee, such insured mortgages.

''(2) LIMIT ON LOAN GUARANTEES.—The authority of the Secretary to enter into commitments to guarantee such insured mortgages shall be effective for any fiscal year only to the extent that the aggregate original principal loan amount under such mortgages, any part of which is guaranteed, does not exceed the amount specified in appropriations Acts for such fiscal year.

''(3) FIDUCIARY RESPONSIBILITY.—The Secretary has a responsibility to ensure that the Mutual Mortgage Insurance Fund remains financially sound.

''(4) ANNUAL INDEPENDENT ACTUARIAL STUDY.—The Secretary shall provide for an independent actuarial study of the Fund to be conducted annually, which shall analyze the financial position of the Fund. The Secretary shall submit a report annually to the Congress describing the results of such study and assessing the financial status of the Fund. The report shall recommend adjustments to underwriting standards, program participation, or premiums, if necessary, to ensure that the Fund remains financially sound.

''(5) QUARTERLY REPORTS.—During each fiscal year, the Secretary shall submit a report to the Congress for each quarter, which shall specify for mortgages that are obligations of the Fund—

''(A) the cumulative volume of loan guarantee commitments that have been made during such fiscal year through the end of the quarter for which the report is submitted;

''(B) the types of loans insured, categorized by risk;

''(C) any significant changes between actual and projected claim and prepayment activity;

''(D) projected versus actual loss rates; and

''(E) updated projections of the annual subsidy rates to ensure that increases in risk to the Fund are identified and mitigated by adjustments to underwriting standards, program participation, or premiums, and the financial soundness of the Fund is maintained.

The first quarterly report under this paragraph shall be submitted on the last day of the first quarter of fiscal year 2008, or upon the expiration of the 90-day period beginning on the date of the enactment of the Expanding American Homeownership Act of 2008, whichever is later.

''(6) ADJUSTMENT OF PREMIUMS.—If, pursuant to the independent actuarial study of the Fund required under paragraph (5), the Secretary determines that the Fund is not meeting the operational goals established under paragraph (8) or there is a substantial probability that the Fund will not maintain its established target subsidy rate, the Secretary may either make programmatic adjustments under section 203 as necessary to reduce the risk to the Fund, or make appropriate premium adjustments.

''(7) OPERATIONAL GOALS.—The operational goals for the Fund are—

''(A) to charge borrowers under loans that are obligations of the Fund an appropriate premium for the risk that such loans pose to the Fund;

''(B) to minimize the default risk to the Fund and to homeowners;

''(C) to curtail the impact of adverse selection on the Fund; and

''(D) to meet the housing needs of the borrowers that the single family mortgage insurance program under this title is designed to serve.''.

(b) OBLIGATIONS OF FUND.—The National Housing Act is amended as follows:

(1) HOMEOWNERSHIP VOUCHER PROGRAM MORTGAGES.—In section 203(v) (12 U.S.C. 1709(v))—

(A) by striking ''Notwithstanding section 202 of this title, the'' and inserting ''The''; and

(B) by striking ''General Insurance Fund'' the first place such term appears and all that follows and inserting ''Mutual Mortgage Insurance Fund.''.

(2) HOME EQUITY CONVERSION MORTGAGES.—Section 255(i)(2)(A) of the National Housing Act (12 U.S.C. 1715z–20(i)(2)(A)) is amended by striking ''General Insurance Fund'' and inserting ''Mutual Mortgage Insurance Fund''.

(c) CONFORMING AMENDMENTS.—The National Housing Act is amended—

(1) in section 205 (12 U.S.C. 1711), by striking subsections (g) and (h); and

(2) in section 519(e) (12 U.S.C. 1735c(e)), by striking ''203(b)'' and all that follows through ''203(i)'' and inserting ''203, except as determined by the Secretary''.

SEC. 217. HAWAIIAN HOME LANDS AND INDIAN RESERVATIONS.

(a) HAWAIIAN HOME LANDS.—Section 247(c) of the National Housing Act (12 U.S.C. 1715z–12) is amended—

(1) by striking ''General Insurance Fund established in section 519'' and inserting ''Mutual Mortgage Insurance Fund''; and

(2) in the second sentence, by striking ''(1) all references'' and all that follows through ''and (2)''.

(b) INDIAN RESERVATIONS.—Section 248(f) of the National Housing Act (12 U.S.C. 1715z–13) is amended—

(1) by striking ''General Insurance Fund'' the first place it appears and all that follows through ''519'' and inserting ''Mutual Mortgage Insurance Fund''; and

(2) in the second sentence, by striking ''(1) all references'' and all that follows through ''and (2)''.

SEC. 218. CONFORMING AND TECHNICAL AMENDMENTS.

(a) REPEALS.—The following provisions of the National Housing Act are repealed:

(1) Subsection (i) of section 203 (12 U.S.C. 1709(i)).

(2) Subsection (o) of section 203 (12 U.S.C. 1709(o)).

(3) Subsection (p) of section 203 (12 U.S.C. 1709(p)).

(4) Subsection (q) of section 203 (12 U.S.C. 1709(q)).

(5) Section 222 (12 U.S.C. 1715m).

(6) Section 237 (12 U.S.C. 1715z–2).

(7) Section 245 (12 U.S.C. 1715z–10).

(b) DEFINITION OF AREA.—Section 203(u)(2)(A) of the National Housing Act (12 U.S.C. 1709(u)(2)(A)) is amended by striking ''shall'' and all that follows and inserting ''means a metropolitan statistical area as established by the Office of Management and Budget;''.

(c) DEFINITION OF STATE.—Section 201(d) of the National Housing Act (12 U.S.C. 1707(d)) is amended by striking ''the Trust Territory of the Pacific Islands'' and inserting ''the Commonwealth of the Northern Mariana Islands''.

SEC. 219. HOME EQUITY CONVERSION MORTGAGES.

(a) IN GENERAL.—Section 255 of the National Housing Act (12 U.S.C. 1715z–20) is amended—

(1) in subsection (b)(2), insert '' 'real estate,' '' after '' 'mortgagor','';

(2) in subsection (b)(4), by striking subparagraph (B) and inserting the following new subparagraph:

''(B) under a lease that has a term that ends no earlier than the minimum number of years, as specified by the Secretary, beyond the actuarial life expectancy of the mortgagor or comortgagor, whichever is the later date.'';

(3) in the second sentence of subsection (g), by striking ''the maximum dollar amount established under section 203(b)(2)'' and all that follows through ''located'' and inserting ''132 percent of the dollar amount limitation determined under section 305(a)(2)(A) of the Federal Home Loan Mortgage Corporation Act for a 1-family residence (without regard to any authority to increase such limitations with respect to properties located in Alaska, Guam, Hawaii, or the Virgin Islands and without regard to the high-cost area limitation under such section 305(a)(2)(B))'';

(4) in subsection (i)(1)(C), by striking ''limitations'' and inserting ''limitation''; and

(5) by adding at the end the following new subsection:

''(o) AUTHORITY TO INSURE HOME PURCHASE MORTGAGES.—

''(1) IN GENERAL.—Notwithstanding any other provision in this section, the Secretary may insure, upon application by a mortgagee, a home equity conversion mortgage upon such terms and conditions as the Secretary may prescribe, when the primary purpose of the home equity conversion mortgage is to enable an elderly mortgagor to purchase a 1- to 4-family dwelling in which the mortgagor will occupy or occupies one of the units.

''(2) LIMITATION ON PRINCIPAL OBLIGATION.—A home equity conversion mortgage insured pursuant to paragraph (1) shall involve a principal obligation that does not exceed the limitation under subsection (g) of this section on the maximum amount of the benefits of insurance under this section.''.

(b) MORTGAGES FOR COOPERATIVES.—Subsection (b) of section 255 of the National Housing Act (12 U.S.C. 1715z–20(b)) is amended—

(1) in paragraph (4)—

(A) by inserting ''a first or subordinate mortgage or lien'' before ''on all stock'';

(B) by inserting ''unit'' after ''dwelling''; and

(C) by inserting ''a first mortgage or first lien'' before ''on a leasehold''; and

(2) in paragraph (5), by inserting ''a first or subordinate lien on'' before ''all stock''.

(c) PROHIBITION ON REQUIRED PURCHASE OF AN ANNUITY.—Section 255 of the National Housing Act of 1937 (12 U.S.C. 1715z–20) is amended—

(1) by striking subparagraph (B) of subsection (d)(2) and inserting the following new subparagraph:

''(B) has received adequate counseling by a third party (other than a reverse mortgage lender, servicer or investor, or an entity engaged in the sale of annuities, investments, long-term care insurance, or any other type of financial or insurance product) as provided in subsection (f);'';

(2) by striking the first sentence of subsection (f) and inserting the following new sentence: ''The Secretary shall provide or cause to be provided and paid for by entities other than a reverse mortgage lender, servicer or investor, or an entity engaged in the sale of annuities, investments, long-term care insurance, or any other type of financial or insurance product the information required in subsection (d)(2)(B).''; and

(3) by striking subsections (l) and (m) and inserting the following new subsection:

''(l) REGULATIONS TO PROTECT ELDERLY HOMEOWNERS.—

''(1) IN GENERAL.—Not later than 6 months after the date of the enactment of the Expanding American Homeownership Act of 2008, the Secretary shall, in consultation with other relevant Federal departments and agencies, prescribe regulations to help protect elderly homeowners from the marketing of financial and insurance products not in the interest of such homeowners, including the marketing or sale of an annuity as a condition of obtaining any home equity conversion mortgage.

''(2) CONSULTATION.—In developing the regulations required under paragraph (1), the Secretary shall consult with consumer advocates (including recognized experts in consumer protection), industry representatives, representatives of counseling organizations, and other interested parties.''.

(d) LIMITATION ON ORIGINATION FEES.—Section 255 of the National Housing Act (12 U.S.C. 1715z–20), as amended by the preceding provisions of this section, is further amended—

(1) by redesignating subsections (k), (l), and (m) as subsections (l), (m), and (n), respectively; and

(2) by inserting after subsection (j) the following new subsection:

''(k) LIMITATION ON ORIGINATION FEES.—The Secretary shall establish limits on the origination fee that may be charged to a mortgagor under a mortgage insured under this section, which limitations shall—

''(1) be equal to 2.0 percent of the maximum claim amount of the mortgage up to a maximum claim amount of $200,000 plus 1 percent of any portion of the maximum claim amount that is greater than $200,000, unless adjusted thereafter on the basis of an analysis of (A) costs to mortgagors, and (B) the impact on the reverse mortgage market;

''(2) be subject to a minimum allowable amount;

''(3) provide that the origination fee may be fully financed with the mortgage;

''(4) include any fees paid to correspondent mortgagees approved by the Secretary or to mortgage brokers;

''(5) apply beginning upon the date that the maximum dollar amount limitation on the benefits of insurance under this section is first increased pursuant to the amendments made by section 219(a)(3) of the Expanding American Homeownership Act of 2008; and

''(6) be subject to a maximum origination fee of $6,000, except that such maximum limit shall be adjusted in accordance with the annual percentage increase in the Consumer Price Index of the Bureau of Labor Statistics of the Department of Labor in increments of $500 only when the percentage increase in such index, when applied to the maximum origination fee, produce dollar increases that exceed $500.''.

(e) STUDY REGARDING MORTGAGE INSURANCE PREMIUMS.—The Secretary of Housing and Urban Development shall conduct a study regarding mortgage insurance premiums charged under the program under section 255 of the National Housing Act (12 U.S.C. 1715z–20) for insurance of home equity conversion mortgages to analyze and determine the effects of reducing the amounts of such premiums from the amounts charged as of the date of the enactment of this Act on: (1) costs to mortgagors; and (2) the financial soundness of the program. Not later than the expiration of the 12-month period beginning on the date of the enactment of this Act, the Secretary shall submit a report to the Congress setting forth the results and conclusions of the study.

(f) PURCHASE AUTHORITY OF FANNIE MAE AND FREDDIE MAC.—

(1) FANNIE MAE.—Section 302(b) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1717(b)) is amended by adding at the end the following:

''(7) The corporation is authorized to purchase, service, sell, lend on the security of, and otherwise deal in any mortgage insured under section 255 of the National Housing Act (12 U.S.C. 1715z–20), notwithstanding the limitations under paragraph (2) on the maximum original principal obligations of mortgages.''.

(2) FREDDIE MAC.—Section 305(a) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1454(a)) is amended by adding at the end the following:

''(6) The Corporation is authorized to purchase, service, sell, lend on the security of, and otherwise deal in any mortgage insured under section 255 of the National Housing Act (12 U.S.C. 1715z–20), notwithstanding the limitations under paragraph (2) on the maximum original principal obligations of mortgages.''.

SEC. 220. STUDY ON PARTICIPATION OF MORTGAGE BROKERS AND CORRESPONDENT LENDERS.

(a) STUDY.—The Comptroller General of the United States shall conduct a study, which shall be completed not later than the expiration of the 12-month period beginning on the date of the enactment of this Act, which shall analyze and determine—

(1) the extent to which the financial audit and net worth requirements impede participation by mortgage brokers and correspondent lenders in the mortgage insurance programs under the National Housing Act, as measured by the number and value of such insured mortgages, disaggregated by the States in which the properties subject to such mortgages are located;

(2) the extent and effectiveness of the financial audit and net worth requirements in protecting the Mutual Mortgage Insurance Fund;

(3) the extent and effectiveness of the supervision and quality control enforcement, by the Secretary, of mortgagees in the FHA program, separate from the financial audit and net worth requirements for participation, in protecting the Mutual Mortgage Insurance Fund;

(4) the extent to which allowing a mortgage broker to secure a surety bond in lieu of the financial audit and net worth requirements would increase participation by mortgage brokers and correspondent lenders in the mortgage insurance programs under the National Housing Act;

(5) the extent to which allowing a mortgage broker to secure a surety bond in lieu of the financial audit and net worth requirements would protect the Mutual Mortgage Insurance Fund; and

(6) the potential impact of such changes on the costs incurred by the Secretary of Housing and Urban Development in administering the mortgage insurance programs under such Act.

(b) GAO REPORT.—Not later than the expiration of the 12-month period beginning on the date of the enactment of this Act, the Comptroller General shall submit a report to

the Congress and the Secretary of Housing and Urban Development setting forth the results and conclusions of the study conducted pursuant to subsection (a).

(c) HUD REPORT.—Not later than the expiration of the 18-month period beginning upon the date of the enactment of this Act, the Secretary of Housing and Urban Development may submit a report to the Congress making recommendations regarding any changes in requirements for participation of mortgage brokers and correspondent lenders in the mortgage insurance programs under the National Housing Act arising from a review of the study conducted pursuant to subsection (a).

SEC. 221. CONFORMING LOAN LIMIT IN DISASTER AREAS.

Section 203(h) of the National Housing Act (12 U.S.C. 1709) is amended—

(1) by inserting after ''property'' the following: ''plus any initial service charges, appraisal, inspection and other fees in connection with the mortgage as approved by the Secretary,'';

(2) by striking the second sentence (as added by chapter 7 of the Emergency Supplemental Appropriations Act of 1994 (Public Law 103–211; 108 Stat. 12)); and

(3) by adding at the end the following new sentence: ''In any case in which the single family residence to be insured under this subsection is within a jurisdiction in which the President has declared a major disaster to have occurred, the Secretary is authorized, for a temporary period not to exceed 36 months from the date of such Presidential declaration, to enter into agreements to insure a mortgage which involves a principal obligation of up to 100 percent of the dollar limitation determined under section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act for a single family residence, and not in excess of 100 percent of the appraised value of the property plus any initial service charges, appraisal, inspection and other fees in connection with the mortgage as approved by the Secretary.''.

SEC. 222. FAILURE TO PAY AMOUNTS FROM ESCROW ACCOUNTS FOR SINGLE FAMILY MORTGAGES.

(a) PENALTIES.—Section 536 of the National Housing Act (12 U.S.C. 1735f–14) is amended—

(1) in subsection (a)(1), by inserting ''servicers (including escrow account servicers),'' after ''appraisers,'';

(2) in subsection (b)(1)—

(A) in the matter preceding subparagraph (A), by inserting ''or other participant referred to in subsection (a),'' after ''lender,''; and

(B) by inserting at the end the following new subparagraphs:

''(K) In the case of a mortgage for a 1- to 4-family residence insured under title II that requires the mortgagor to make payments to the mortgagee or other servicer of the mortgage for deposit into an escrow account for the purpose of assuring payment of taxes, insurance premiums, and other charges with respect to the property, failure on the part of the servicer to make any such payment from the escrow account by the deadline to avoid a penalty with respect to such payment provided for in the mortgage, unless the servicer was not provided notice of such deadline.

''(L) In the case of any failure to make any payment as described in subparagraph (K), submitting any information to a consumer reporting agency (as such term is defined in section 603(f) of the Fair Credit Reporting Act (15 U.S.C. 1681a(f))) regarding such failure that is adverse to the credit rating or interest of the mortgagor.''; and

(3) in subsection (c)(3), by adding at the end the following: ''In the case of any failure to make a payment described in subsection (b)(1)(K) for which the servicer fails to reimburse the mortgagor (A) before the expiration of the 60-day period beginning on the deadline to avoid a penalty with respect to such payment, in the sum of the amount not paid from the escrow account by such deadline and the amount of any penalties accruing to the mortgagor that are attributable to such failure, or (B) in the amount of any attorneys fees incurred by the mortgagor and attributable to such failure, the Secretary shall increase the amount of the penalty under subsection (a) for any such failure to reimburse, unless the Secretary determines there are mitigating circumstances.''.

(b) PROHIBITION ON SUBMISSION OF INFORMATION BY HUD.—Title II of the National Housing Act (12 U.S.C. 1707 et seq.) is amended by adding at the end the following new section:

''SEC. 257. PROHIBITION REGARDING FAILURE ON PART OF SERVICER TO MAKE ESCROW PAYMENTS.

''In the case of any failure to make any payment as described in section 536(b)(1)(K), the Secretary may not submit any information to a consumer reporting agency (as such term is defined in section 603(f) of the Fair Credit Reporting Act (15 U.S.C. 1681a(f))) regarding such failure that is adverse to the credit rating or interest of the mortgagor.''.

SEC. 223. ACCEPTABLE IDENTIFICATION FOR FHA MORTGAGORS.

(a) IN GENERAL.—Title II of the National Housing Act is amended by inserting after section 209 (12 U.S.C. 1715) the following new section:

''SEC. 210. FORMS OF ACCEPTABLE IDENTIFICATION.

''The Secretary may not insure a mortgage under any provision of this title unless the mortgagor under the mortgage provides personal identification in one of the following forms:

''(1) A valid social security number verified in accordance with paragraph 3-1 C of chapter 3 of HUD Handbook 4155.1 REV-5.

''(2) A driver's license or identification card issued by a State in the case of a State that is in compliance with title II of the REAL ID Act of 2005 (title II of division B of Public Law 109–13; 49 U.S.C. 30301 note).

''(3) A passport issued by the United States or a foreign government.

''(4) A photo identification card issued by the Secretary of Homeland Security (acting through the Director of the United States Citizenship and Immigration Services).''.

(b) EFFECTIVE DATE.—The requirements of section 210 of the National Housing Act (as added by subsection (a) of this section) shall take effect 6 months after the date of the enactment of this Act.

SEC. 224. PILOT PROGRAM FOR AUTOMATED PROCESS FOR BORROWERS WITHOUT SUFFICIENT CREDIT HISTORY.

(a) ESTABLISHMENT.—Title II of the National Housing Act (12 U.S.C. 1707 et seq.), as amended by the preceding provisions of this subtitle, is further amended by adding at the end the following new section:

''SEC. 258. PILOT PROGRAM FOR AUTOMATED PROCESS FOR BORROWERS WITHOUT SUFFICIENT CREDIT HISTORY.

''(a) ESTABLISHMENT.—The Secretary shall carry out a pilot program to establish, and make available to mortgagees, an automated process for providing alternative credit rating information for mortgagors and prospective mortgagors under mortgages on 1- to 4-family residences to be insured under this title who have insufficient credit histories for determining their creditworthiness. Such alternative credit rating information may include rent, utilities, and insurance payment histories, and such other information as the Secretary considers appropriate.

''(b) SCOPE.—The Secretary may carry out the pilot program under this section on a limited basis or scope, and may consider limiting the program—

''(1) to first-time homebuyers; or

''(2) metropolitan statistical areas significantly impacted by subprime lending.

''(c) LIMITATION.—In any fiscal year, the aggregate number of mortgages insured pursuant to the automated process established under this section may not exceed 5 percent of the aggregate number of mortgages for 1- to 4-family residences insured by the Secretary under this title during the preceding fiscal year.

''(d) SUNSET.—After the expiration of the 5-year period beginning on the date of the enactment of the Expanding American Homeownership Act of 2008, the Secretary may not enter into any new commitment to insure any mortgage, or newly insure any mortgage, pursuant to the automated process established under this section.''.

(b) GAO REPORT.—Not later than the expiration of the 4-year period beginning on the date that the Secretary of Housing and Urban Development first insures any mortgage pursuant to the automated process established under pilot program under section 258 of the National Housing Act (as added by the amendment made by subsection (a) of this section), the Comptroller General of the United States shall submit to the Congress a report identifying the number of additional mortgagors served using such automated process and the impact of such process and the insurance of mortgages pursuant to such process on the safety and soundness of the insurance funds under the National Housing Act of which such mortgages are obligations.

SEC. 225. SENSE OF CONGRESS REGARDING TECHNOLOGY FOR FINANCIAL SYSTEMS.

(a) CONGRESSIONAL FINDINGS.—The Congress finds the following:

(1) The Government Accountability Office has cited the FHA single family housing mortgage insurance program as a ''high-risk'' program, with a primary reason being non-integrated and out-dated financial management systems.

(2) The ''Audit of the Federal Housing Administration's Financial Statements for Fiscal Years 2004 and 2003'', conducted by the Inspector General of the Department of Housing and Urban Development reported as a material weakness that ''HUD/FHA's automated data processing [ADP] system environment must be enhanced to more effectively support FHA's business and budget processes''.

(3) Existing technology systems for the FHA program have not been updated to meet the latest standards of the Mortgage Industry Standards Maintenance Organization and have numerous deficiencies that lenders have outlined.

(4) Improvements to technology used in the FHA program will—

(A) allow the FHA program to improve the management of the FHA portfolio, garner greater efficiencies in its operations, and lower costs across the program;

(B) result in efficiencies and lower costs for lenders participating in the program, allowing them to better use the FHA products in extending homeownership opportunities to higher credit risk or lower-income families, in a sound manner.

(5) The Mutual Mortgage Insurance Fund operates without cost to the taxpayers and generates revenues for the Federal Government.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that—

(1) the Secretary of Housing and Urban Development should use a portion of the funds received from premiums paid for FHA single family housing mortgage insurance that are in excess of the amounts paid out in claims to substantially increase the funding for technology used in such FHA program;

(2) the goal of this investment should be to bring the technology used in such FHA program to the level and sophistication of the technology used in the conventional mortgage lending market, or to exceed such level; and

(3) the Secretary of Housing and Urban Development should report to the Congress not later than 180 days after the date of the enactment of this Act regarding the progress the Department is making toward such goal and if progress is not sufficient, the resources needed to make greater progress.

SEC. 226. CLARIFICATION OF DISPOSITION OF CERTAIN PROPERTIES.

Notwithstanding any other provision of law, subtitle A of title II of the Deficit Reduction Act of 2005 (12 U.S.C. 1701z–11 note) and the amendments made by such title shall not apply to any transaction regarding a multifamily real property for which—

(1) the Secretary of Housing and Urban Development has received, before the date of the enactment of such Act, written expressions of interest in purchasing the property from both a city government and the housing commission of such city;

(2) after such receipt, the Secretary acquires title to the property at a foreclosure sale; and

(3) such city government and housing commission have resolved a previous disagreement with respect to the disposition of the property.

SEC. 227. VALUATION OF MULTIFAMILY PROPERTIES IN NONCOMPETITIVE SALES BY HUD TO STATES AND LOCALITIES.

Subtitle A of title II of the Deficit Reduction Act of 2005 (Public Law 109–171; 120 Stat. 7) is amended by adding at the end the following new section:

''SEC. 2004. VALUATION OF MULTIFAMILY PROPERTIES IN NONCOMPETITIVE SALES BY HUD TO STATES AND LOCALITIES.

'' 'Notwithstanding any other provision of law, in determining the market value of any multifamily real property or multifamily loan for any noncompetitive sale to a State or local government entity occurring during fiscal year 2008, the Secretary shall consider, but not be limited to, industry standard appraisal practices, including the cost of repairs needed to bring the property at least to minimum State and local code standards and of maintaining the existing affordability restrictions imposed by the Secretary on the multifamily real property or multifamily loan.'.''.

SEC. 228. LIMITATION ON MORTGAGE INSURANCE PREMIUM INCREASES.

Notwithstanding any other provision of law, including any provision of this subtitle and any amendment made by this subtitle—

(1) the premiums charged for mortgage insurance under any program under the National Housing Act may not be increased above the premium amounts in effect under such program on October 1, 2006, unless the Secretary of Housing and Urban Development determines that, absent such increase, insurance of additional mortgages under such program would, under the Federal Credit Reform Act of 1990, require the appropriation of new budget authority to cover the costs (as such term is defined in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a) of such insurance; and

(2) a premium increase pursuant to paragraph (1) may be made only by rule making in accordance with the procedures under section 553 of title 5, United States Code (notwithstanding subsections (a)(2), (b)(B), and (d)(3) of such section).

SEC. 229. CIVIL MONEY PENALTIES FOR IMPROPERLY INFLUENCING APPRAISALS.

Paragraph (2) of section 536(b) of the National Housing Act (12 U.S.C. 1735f–14(b)(2)) is amended—

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

(2) in subparagraph (C), by striking the period at the end and inserting ''; or''; and

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

''(D) in the case of an insured mortgage under title II for a 1- to 4-family residence, compensating, instructing, inducing, coercing, or intimidating any person who conducts an appraisal of the property in connection with such mortgage, or attempting to compensate, instruct, induce, coerce, or intimidate such a person, for the purpose of causing the appraised value assigned to the property under the appraisal to be based on any other factor other than the independent judgment of such person exercised in accordance with applicable professional standards.''.

SEC. 230. MORTGAGE INSURANCE PREMIUM REFUNDS.

(a) AUTHORITY.—The Secretary of Housing and Urban Development shall, to the extent that amounts are made available pursuant to subsection (c), provide refunds of unearned premium charges paid, at the time of insurance, for mortgage insurance under title II of the National Housing Act (12 U.S.C. 1707 et seq.) to or on behalf of mortgagors under mortgages described in subsection (b).

(b) ELIGIBLE MORTGAGES.—A mortgage described in this section is a mortgage on a one- to four-family dwelling that—

(1) was insured under title II of the National Housing Act (12 U.S.C. 1707 et seq.);

(2) is otherwise eligible, under the last sentence of subparagraph (A) of section 203(c)(2) of such Act (12 U.S.C. 1709(c)(2)(A)), for a refund of all unearned premium charges paid on the mortgage pursuant to such subparagraph, except that the mortgage—

(A) was closed before December 8, 2004; and

(B) was endorsed on or after such date.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for each fiscal year such sums as may be necessary to provide refunds of unearned mortgage insurance premiums pursuant to this section.

SEC. 231. SAVINGS PROVISION.

Any mortgage insured under title II of the National Housing Act before the date of enactment of this Act shall continue to be governed by the laws, regulations, orders, and terms and conditions to which it was subject on the day before the date of the enactment of this Act.

SEC. 232. IMPLEMENTATION.

Except as provided in section 223(b), the Secretary of Housing and Urban Development shall by notice establish any additional requirements that may be necessary to immediately carry out the provisions of this subtitle. The notice shall take effect upon issuance.

Subtitle B—FHA Manufactured Housing Loan Insurance Modernization

SECTION 251. SHORT TITLE.

This subtitle may be cited as the ''FHA Manufactured Housing Loan Modernization Act of 2008''.

SEC. 252. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) manufactured housing plays a vital role in providing housing for low- and moderate-income families in the United States;

(2) the FHA title I insurance program for manufactured home loans traditionally has been a major provider of mortgage insurance for home-only transactions;

(3) the manufactured housing market is in the midst of a prolonged downturn which has resulted in a severe contraction of traditional sources of private lending for manufactured home purchases;

(4) during past downturns the FHA title I insurance program for manufactured homes has filled the lending void by providing stability until the private markets could recover;

(5) in 1992, during the manufactured housing industry's last major recession, over 30,000 manufactured home loans were insured under title I;

(6) in 2006, fewer than 1,500 manufactured housing loans were insured under title I;

(7) the loan limits for title I manufactured housing loans have not been adjusted for inflation since 1992; and

(8) these problems with the title I program have resulted in an atrophied market for manufactured housing loans, leaving American families who have the most difficulty achieving homeownership without adequate financing options for home-only manufactured home purchases.

(b) PURPOSES.—The purposes of this subtitle are—

(1) to provide adequate funding for FHA-insured manufactured housing loans for low- and moderate-income homebuyers during all economic cycles in the manufactured housing industry;

(2) to modernize the FHA title I insurance program for manufactured housing loans to enhance participation by Ginnie Mae and the private lending markets; and

(3) to adjust the low loan limits for title I manufactured home loan insurance to reflect the increase in costs since such limits were last increased in 1992 and to index the limits to inflation.

SEC. 253. EXCEPTION TO LIMITATION ON FINANCIAL INSTITUTION PORTFOLIO.

The second sentence of section 2(a) of the National Housing Act (12 U.S.C. 1703(a)) is amended—

(1) by striking ''In no case'' and inserting ''Other than in connection with a manufactured home or a lot on which to place such a home (or both), in no case''; and

(2) by striking '': *Provided*, That with'' and inserting ''. With''.

SEC. 254. INSURANCE BENEFITS.

(a) IN GENERAL.—Subsection (b) of section 2 of the National Housing Act (12 U.S.C. 1703(b)), is amended by adding at the end the following new paragraph:

''(8) INSURANCE BENEFITS FOR MANUFACTURED HOUSING LOANS.—Any contract of insurance with respect to loans, advances of credit, or purchases in connection with a manufactured home or a lot on which to place a manufactured home (or both) for a financial institution that is executed under this title after the date of the enactment of the by the Secretary shall be conclusive evidence of the eligibility of such financial institution for insurance, and the validity of any contract of insurance so executed shall be incontestable in the hands of the bearer from the date of the execution of such contract, except for fraud or misrepresentation on the part of such institution.''.

(b) APPLICABILITY.—The amendment made by subsection (a) shall only apply to loans that are registered or endorsed for insurance after the date of the enactment of this Act.

SEC. 255. MAXIMUM LOAN LIMITS.

(a) DOLLAR AMOUNTS.—Paragraph (1) of section 2(b) of the National Housing Act (12 U.S.C. 1703(b)(1)) is amended—

(1) in clause (ii) of subparagraph (A), by striking ''$17,500'' and inserting ''$25,090'';

(2) in subparagraph (C) by striking ''$48,600'' and inserting ''$69,678'';

(3) in subparagraph (D) by striking ''$64,800'' and inserting ''$92,904'';

(4) in subparagraph (E) by striking ''$16,200'' and inserting ''$23,226''; and

(5) by realigning subparagraphs (C), (D), and (E) 2 ems to the left so that the left margins of such subparagraphs are aligned with the margins of subparagraphs (A) and (B).

(b) ANNUAL INDEXING.—Subsection (b) of section 2 of the National Housing Act (12

U.S.C. 1703(b)), as amended by the preceding provisions of this subtitle, is further amended by adding at the end the following new paragraph:

''(9) ANNUAL INDEXING OF MANUFACTURED HOUSING LOANS.—The Secretary shall develop a method of indexing in order to annually adjust the loan limits established in subparagraphs (A)(ii), (C), (D), and (E) of this subsection. Such index shall be based on the manufactured housing price data collected by the United States Census Bureau. The Secretary shall establish such index no later than one year after the date of the enactment of the FHA Manufactured Housing Loan Modernization Act of 2008.''.

(c) TECHNICAL AND CONFORMING CHANGES.—Paragraph (1) of section 2(b) of the National Housing Act (12 U.S.C. 1703(b)(1)) is amended—

(1) by striking ''No'' and inserting ''Except as provided in the last sentence of this paragraph, no''; and

(2) by adding after and below subparagraph (G) the following:

''The Secretary shall, by regulation, annually increase the dollar amount limitations in subparagraphs (A)(ii), (C), (D), and (E) (as such limitations may have been previously adjusted under this sentence) in accordance with the index established pursuant to paragraph (9).''.

SEC. 256. INSURANCE PREMIUMS.

Subsection (f) of section 2 of the National Housing Act (12 U.S.C. 1703(f)) is amended—

(1) by inserting ''(1) PREMIUM CHARGES.—'' after ''(f)''; and

(2) by adding at the end the following new paragraph:

''(2) MANUFACTURED HOME LOANS.—Notwithstanding paragraph (1), in the case of a loan, advance of credit, or purchase in connection with a manufactured home or a lot on which to place such a home (or both), the premium charge for the insurance granted under this section shall be paid by the borrower under the loan or advance of credit, as follows:

''(A) At the time of the making of the loan, advance of credit, or purchase, a single premium payment in an amount not to exceed 2.25 percent of the amount of the original insured principal obligation.

''(B) In addition to the premium under subparagraph (A), annual premium payments during the term of the loan, advance, or obligation purchased in an amount not exceeding 1.0 percent of the remaining insured principal balance (excluding the portion of the remaining balance attributable to the premium collected under subparagraph (A) and without taking into account delinquent payments or prepayments).

''(C) Premium charges under this paragraph shall be established in amounts that are sufficient, but do not exceed the minimum amounts necessary, to maintain a negative credit subsidy for the program under this section for insurance of loans, advances of credit, or purchases in connection with a manufactured home or a lot on which to place such a home (or both), as determined based upon risk to the Federal Government under existing underwriting requirements.

''(D) The Secretary may increase the limitations on premium payments to percentages above those set forth in subparagraphs (A) and (B), but only if necessary, and not in excess of the minimum increase necessary, to maintain a negative credit subsidy as described in subparagraph (C).''.

SEC. 257. TECHNICAL CORRECTIONS.

(a) DATES.—Subsection (a) of section 2 of the National Housing Act (12 U.S.C. 1703(a)) is amended—

(1) by striking ''on and after July 1, 1939,'' each place such term appears; and

(2) by striking ''made after the effective date of the Housing Act of 1954''.

(b) AUTHORITY OF SECRETARY.—Subsection (c) of section 2 of the National Housing Act (12 U.S.C. 1703(c)) is amended to read as follows:

''(c) HANDLING AND DISPOSAL OF PROPERTY.—

''(1) AUTHORITY OF SECRETARY.—Notwithstanding any other provision of law, the Secretary may—

''(A) deal with, complete, rent, renovate, modernize, insure, or assign or sell at public or private sale, or otherwise dispose of, for cash or credit in the Secretary's discretion, and upon such terms and conditions and for such consideration as the Secretary shall determine to be reasonable, any real or personal property conveyed to or otherwise acquired by the Secretary, in connection with the payment of insurance heretofore or hereafter granted under this title, including any evidence of debt, contract, claim, personal property, or security assigned to or held by him in connection with the payment of insurance heretofore or hereafter granted under this section; and

''(B) pursue to final collection, by way of compromise or otherwise, all claims assigned to or held by the Secretary and all legal or equitable rights accruing to the Secretary in connection with the payment of such insurance, including unpaid insurance premiums owed in connection with insurance made available by this title.

''(2) ADVERTISEMENTS FOR PROPOSALS.—Section 3709 of the Revised Statutes shall not be construed to apply to any contract of hazard insurance or to any purchase or contract for services or supplies on account of such property if the amount thereof does not exceed $25,000.

''(3) DELEGATION OF AUTHORITY.—The power to convey and to execute in the name of the Secretary, deeds of conveyance, deeds of release, assignments and satisfactions of mortgages, and any other written instrument relating to real or personal property or any interest therein heretofore or hereafter acquired by the Secretary pursuant to the provisions of this title may be exercised by an officer appointed by the Secretary without the execution of any express delegation of power or power of attorney. Nothing in this subsection shall be construed to prevent the Secretary from delegating such power by order or by power of attorney, in the Secretary's discretion, to any officer or agent the Secretary may appoint.''.

SEC. 258. REVISION OF UNDERWRITING CRITERIA.

(a) IN GENERAL.—Subsection (b) of section 2 of the National Housing Act (12 U.S.C. 1703(b)), as amended by the preceding provisions of this subtitle, is further amended by adding at the end the following new paragraph:

''(10) FINANCIAL SOUNDNESS OF MANUFACTURED HOUSING PROGRAM.—The Secretary shall establish such underwriting criteria for loans and advances of credit in connection with a manufactured home or a lot on which to place a manufactured home (or both), including such loans and advances represented by obligations purchased by financial institutions, as may be necessary to ensure that the program under this title for insurance for financial institutions against losses from such loans, advances of credit, and purchases is financially sound.''.

(b) TIMING.—Not later than the expiration of the 6-month period beginning on the date of the enactment of this Act, the Secretary of Housing and Urban Development shall revise the existing underwriting criteria for the program referred to in paragraph (10) of section 2(b) of the National Housing Act (as added by subsection (a) of this section) in accordance with the requirements of such paragraph.

SEC. 259. REQUIREMENT OF SOCIAL SECURITY ACCOUNT NUMBER FOR ASSISTANCE.

Section 2 of the National Housing Act (12 U.S.C. 1703) is amended by adding at the end the following new subsection:

''(j) REQUIREMENT OF SOCIAL SECURITY ACCOUNT NUMBER FOR FINANCING.—No insurance shall be granted under this section with respect to any obligation representing any loan, advance of credit, or purchase by a financial institution unless the borrower to which the loan or advance of credit was made has a valid social security number.''.

SEC. 260. GAO STUDY OF MITIGATION OF TORNADO RISKS TO MANUFACTURED HOMES.

The Comptroller General of the United States shall assess how the Secretary of Housing and Urban Development utilizes the FHA manufactured housing loan insurance program under title I of the National Housing Act, the community development block grant program under title I of the Housing and Community Development Act of 1974, and other programs and resources available to the Secretary to mitigate the risks to manufactured housing residents and communities resulting from tornados. The Comptroller General shall submit to the Congress a report on the conclusions and recommendations of the assessment conducted pursuant to this section not later than the expiration of the 12-month period beginning on the date of the enactment of this Act.

TITLE III—REFORM OF GOVERNMENT-SPONSORED ENTITIES FOR HOUSING FINANCE

SEC. 301. SHORT TITLE.

This title may be cited as the ''Federal Housing Finance Reform Act of 2008''.

SEC. 302. DEFINITIONS.

Section 1303 of the Housing and Community Development Act of 1992 (12 U.S.C. 4502) is amended—

(1) in paragraph (7), by striking ''an enterprise'' and inserting ''a regulated entity'';

(2) by striking ''the enterprise'' each place such term appears (except in paragraphs (4) and (18)) and inserting ''the regulated entity'';

(3) in paragraph (5), by striking ''Office of Federal Housing Enterprise Oversight of the Department of Housing and Urban Development'' and inserting ''Federal Housing Finance Agency'';

(4) in each of paragraphs (8), (9), (10), and (19), by striking ''Secretary'' each place that term appears and inserting ''Director'';

(5) in paragraph (13), by inserting '', with respect to an enterprise,'' after ''means'';

(6) by redesignating paragraphs (16) through (19) as paragraphs (20) through (23), respectively;

(7) by striking paragraphs (14) and (15) and inserting the following new paragraphs:

''(18) REGULATED ENTITY.—The term 'regulated entity' means—

''(A) the Federal National Mortgage Association and any affiliate thereof;

''(B) the Federal Home Loan Mortgage Corporation and any affiliate thereof; and

''(C) each Federal home loan bank.

''(19) REGULATED ENTITY-AFFILIATED PARTY.—The term 'regulated entity-affiliated party' means—

''(A) any director, officer, employee, or agent for, a regulated entity, or controlling shareholder of an enterprise;

''(B) any shareholder, affiliate, consultant, or joint venture partner of a regulated entity, and any other person, as determined by the Director (by regulation or on a case-by-case basis) that participates in the conduct of the affairs of a regulated entity, except that a shareholder of a regulated entity shall not be considered to have participated in the

affairs of that regulated entity solely by reason of being a member or customer of the regulated entity;

''(C) any independent contractor for a regulated entity (including any attorney, appraiser, or accountant), if—

''(i) the independent contractor knowingly or recklessly participates in—

''(I) any violation of any law or regulation;

''(II) any breach of fiduciary duty; or

''(III) any unsafe or unsound practice; and

''(ii) such violation, breach, or practice caused, or is likely to cause, more than a minimal financial loss to, or a significant adverse effect on, the regulated entity; and

''(D) any not-for-profit corporation that receives its principal funding, on an ongoing basis, from any regulated entity.''.

(8) by redesignating paragraphs (8) through (13) as paragraphs (12) through (17), respectively; and

(9) by inserting after paragraph (7) the following new paragraph:

''(11) FEDERAL HOME LOAN BANK.—The term 'Federal home loan bank' means a bank established under the authority of the Federal Home Loan Bank Act.'';

(10) by redesignating paragraphs (2) through (7) as paragraphs (5) through (10), respectively; and

(11) by inserting after paragraph (1) the following new paragraphs:

''(2) AGENCY.—The term 'Agency' means the Federal Housing Finance Agency.

''(3) AUTHORIZING STATUTES.—The term 'authorizing statutes' means—

''(A) the Federal National Mortgage Association Charter Act;

''(B) the Federal Home Loan Mortgage Corporation Act; and

''(C) the Federal Home Loan Bank Act.

''(4) BOARD.—The term 'Board' means the Federal Housing Enterprise Board established under section 1313B.''.

Subtitle A—Reform of Regulation of Enterprises and Federal Home Loan Banks

CHAPTER 1—IMPROVEMENT OF SAFETY AND SOUNDNESS

SEC. 311. ESTABLISHMENT OF THE FEDERAL HOUSING FINANCE AGENCY.

(a) IN GENERAL.—The Housing and Community Development Act of 1992 (12 U.S.C. 4501 et seq.) is amended by striking sections 1311 and 1312 and inserting the following:

''SEC. 1311. ESTABLISHMENT OF THE FEDERAL HOUSING FINANCE AGENCY.

''(a) ESTABLISHMENT.—There is established the Federal Housing Finance Agency, which shall be an independent agency of the Federal Government.

''(b) GENERAL SUPERVISORY AND REGULATORY AUTHORITY.—

''(1) IN GENERAL.—Each regulated entity shall, to the extent provided in this title, be subject to the supervision and regulation of the Agency.

''(2) AUTHORITY OVER FANNIE MAE, FREDDIE MAC, AND FEDERAL HOME LOAN BANKS.—The Director of the Federal Housing Finance Agency shall have general supervisory and regulatory authority over each regulated entity and shall exercise such general regulatory and supervisory authority, including such duties and authorities set forth under section 1313 of this Act, to ensure that the purposes of this Act, the authorizing statutes, and any other applicable law are carried out. The Director shall have the same supervisory and regulatory authority over any joint office of the Federal home loan banks, including the Office of Finance of the Federal Home Loan Banks, as the Director has over the individual Federal home loan banks.

''(c) SAVINGS PROVISION.—The authority of the Director to take actions under subtitles B and C shall not in any way limit the general supervisory and regulatory authority granted to the Director.

''SEC. 1312. DIRECTOR.

''(a) ESTABLISHMENT OF POSITION.—There is established the position of the Director of the Federal Housing Finance Agency, who shall be the head of the Agency.

''(b) APPOINTMENT; TERM.—

''(1) APPOINTMENT.—The Director shall be appointed by the President, by and with the advice and consent of the Senate, from among individuals who are citizens of the United States, have a demonstrated understanding of financial management or oversight, and have a demonstrated understanding of capital markets, including the mortgage securities markets and housing finance.

''(2) TERM AND REMOVAL.—The Director shall be appointed for a term of 5 years and may be removed by the President only for cause.

''(3) VACANCY.—A vacancy in the position of Director that occurs before the expiration of the term for which a Director was appointed shall be filled in the manner established under paragraph (1), and the Director appointed to fill such vacancy shall be appointed only for the remainder of such term.

''(4) SERVICE AFTER END OF TERM.—An individual may serve as the Director after the expiration of the term for which appointed until a successor has been appointed.

''(5) TRANSITIONAL PROVISION.—Notwithstanding paragraphs (1) and (2), the Director of the Office of Federal Housing Enterprise Oversight of the Department of Housing and Urban Development shall serve as the Director until a successor has been appointed under paragraph (1).

''(c) DEPUTY DIRECTOR OF THE DIVISION OF ENTERPRISE REGULATION.—

''(1) IN GENERAL.—The Agency shall have a Deputy Director of the Division of Enterprise Regulation, who shall be appointed by the Director from among individuals who are citizens of the United States, and have a demonstrated understanding of financial management or oversight and of mortgage securities markets and housing finance.

''(2) FUNCTIONS.—The Deputy Director of the Division of Enterprise Regulation shall have such functions, powers, and duties with respect to the oversight of the enterprises as the Director shall prescribe.

''(d) DEPUTY DIRECTOR OF THE DIVISION OF FEDERAL HOME LOAN BANK REGULATION.—

''(1) IN GENERAL.—The Agency shall have a Deputy Director of the Division of Federal Home Loan Bank Regulation, who shall be appointed by the Director from among individuals who are citizens of the United States, have a demonstrated understanding of financial management or oversight and of the Federal Home Loan Bank System and housing finance.

''(2) FUNCTIONS.—The Deputy Director of the Division of Federal Home Loan Bank Regulation shall have such functions, powers, and duties with respect to the oversight of the Federal home loan banks as the Director shall prescribe.

''(e) DEPUTY DIRECTOR FOR HOUSING.—

''(1) IN GENERAL.—The Agency shall have a Deputy Director for Housing, who shall be appointed by the Director from among individuals who are citizens of the United States, and have a demonstrated understanding of the housing markets and housing finance and of community and economic development.

''(2) FUNCTIONS.—The Deputy Director for Housing shall have such functions, powers, and duties with respect to the oversight of the housing mission and goals of the enterprises, and with respect to oversight of the housing finance and community and economic development mission of the Federal home loan banks, as the Director shall prescribe.

''(f) LIMITATIONS.—The Director and each of the Deputy Directors may not—

''(1) have any direct or indirect financial interest in any regulated entity or regulated entity-affiliated party;

''(2) hold any office, position, or employment in any regulated entity or regulated entity-affiliated party; or

''(3) have served as an executive officer or director of any regulated entity, or regulated entity-affiliated party, at any time during the 3-year period ending on the date of appointment of such individual as Director or Deputy Director.

''(g) OMBUDSMAN.—The Director shall establish the position of the Ombudsman in the Agency. The Director shall provide that the Ombudsman will consider complaints and appeals from any regulated entity and any person that has a business relationship with a regulated entity and shall specify the duties and authority of the Ombudsman.''.

(b) APPOINTMENT OF DIRECTOR.—Notwithstanding any other provision of law or of this title, the President may, any time after the date of the enactment of this Act, appoint an individual to serve as the Director of the Federal Housing Finance Agency, as such office is established by the amendment made by subsection (a). This subsection shall take effect on the date of the enactment of this Act.

SEC. 312. DUTIES AND AUTHORITIES OF DIRECTOR.

(a) IN GENERAL.—The Housing and Community Development Act of 1992 (12 U.S.C. 4513) is amended by striking section 1313 and inserting the following new sections:

''SEC. 1313. DUTIES AND AUTHORITIES OF DIRECTOR.

''(a) DUTIES.—

''(1) PRINCIPAL DUTIES.—The principal duties of the Director shall be—

''(A) to oversee the operations of each regulated entity and any joint office of the Federal Home Loan Banks; and

''(B) to ensure that—

''(i) each regulated entity operates in a safe and sound manner, including maintenance of adequate capital and internal controls;

''(ii) the operations and activities of each regulated entity foster liquid, efficient, competitive, and resilient national housing finance markets that minimize the cost of housing finance (including activities relating to mortgages on housing for low- and moderate- income families involving a reasonable economic return that may be less than the return earned on other activities);

''(iii) each regulated entity complies with this title and the rules, regulations, guidelines, and orders issued under this title and the authorizing statutes; and

''(iv) each regulated entity carries out its statutory mission only through activities that are consistent with this title and the authorizing statutes.

''(2) SCOPE OF AUTHORITY.—The authority of the Director shall include the authority—

''(A) to review and, if warranted based on the principal duties described in paragraph (1), reject any acquisition or transfer of a controlling interest in an enterprise; and

''(B) to exercise such incidental powers as may be necessary or appropriate to fulfill the duties and responsibilities of the Director in the supervision and regulation of each regulated entity.

''(b) DELEGATION OF AUTHORITY.—The Director may delegate to officers or employees of the Agency, including each of the Deputy Directors, any of the functions, powers, or duties of the Director, as the Director considers appropriate.

''(c) LITIGATION AUTHORITY.—

''(1) IN GENERAL.—In enforcing any provision of this title, any regulation or order

prescribed under this title, or any other provision of law, rule, regulation, or order, or in any other action, suit, or proceeding to which the Director is a party or in which the Director is interested, and in the administration of conservatorships and receiverships, the Director may act in the Director's own name and through the Director's own attorneys, or request that the Attorney General of the United States act on behalf of the Director.

''(2) CONSULTATION WITH ATTORNEY GENERAL.—The Director shall provide notice to, and consult with, the Attorney General of the United States before taking an action under paragraph (1) of this subsection or under section 1344(a), 1345(d), 1348(c), 1372(e), 1375(a), 1376(d), or 1379D(c), except that, if the Director determines that any delay caused by such prior notice and consultation may adversely affect the safety and soundness responsibilities of the Director under this title, the Director shall notify the Attorney General as soon as reasonably possible after taking such action.

''(3) SUBJECT TO SUIT.—Except as otherwise provided by law, the Director shall be subject to suit (other than suits on claims for money damages) by a regulated entity or director or officer thereof with respect to any matter under this title or any other applicable provision of law, rule, order, or regulation under this title, in the United States district court for the judicial district in which the regulated entity has its principal place of business, or in the United States District Court for the District of Columbia, and the Director may be served with process in the manner prescribed by the Federal Rules of Civil Procedure.

''SEC. 1313A. PRUDENTIAL MANAGEMENT AND OPERATIONS STANDARDS.

''(a) STANDARDS.—The Director shall establish standards, by regulation, guideline, or order, for each regulated entity relating to—

''(1) adequacy of internal controls and information systems, including information security and privacy policies and practices, taking into account the nature and scale of business operations;

''(2) independence and adequacy of internal audit systems;

''(3) management of credit and counterparty risk, including systems to identify concentrations of credit risk and prudential limits to restrict exposure of the regulated entity to a single counterparty or groups of related counterparties;

''(4) management of interest rate risk exposure;

''(5) management of market risk, including standards that provide for systems that accurately measure, monitor, and control market risks and, as warranted, that establish limitations on market risk;

''(6) adequacy and maintenance of liquidity and reserves;

''(7) management of any asset and investment portfolio;

''(8) investments and acquisitions by a regulated entity, to ensure that they are consistent with the purposes of this Act and the authorizing statutes;

''(9) maintenance of adequate records, in accordance with consistent accounting policies and practices that enable the Director to evaluate the financial condition of the regulated entity;

''(10) issuance of subordinated debt by that particular regulated entity, as the Director considers necessary;

''(11) overall risk management processes, including adequacy of oversight by senior management and the board of directors and of processes and policies to identify, measure, monitor, and control material risks, including reputational risks, and for adequate, well-tested business resumption plans for all major systems with remote site facilities to protect against disruptive events; and

''(12) such other operational and management standards as the Director determines to be appropriate.

''(b) FAILURE TO MEET STANDARDS.—

''(1) PLAN REQUIREMENT.—

''(A) IN GENERAL.—If the Director determines that a regulated entity fails to meet any standard established under subsection (a)—

''(i) if such standard is established by regulation, the Director shall require the regulated entity to submit an acceptable plan to the Director within the time allowed under subparagraph (C); and

''(ii) if such standard is established by guideline, the Director may require the regulated entity to submit a plan described in clause (i).

''(B) CONTENTS.—Any plan required under subparagraph (A) shall specify the actions that the regulated entity will take to correct the deficiency. If the regulated entity is undercapitalized, the plan may be a part of the capital restoration plan for the regulated entity under section 1369C.

''(C) DEADLINES FOR SUBMISSION AND REVIEW.—The Director shall by regulation establish deadlines that—

''(i) provide the regulated entities with reasonable time to submit plans required under subparagraph (A), and generally require a regulated entity to submit a plan not later than 30 days after the Director determines that the entity fails to meet any standard established under subsection (a); and

''(ii) require the Director to act on plans expeditiously, and generally not later than 30 days after the plan is submitted.

''(2) REQUIRED ORDER UPON FAILURE TO SUBMIT OR IMPLEMENT PLAN.—If a regulated entity fails to submit an acceptable plan within the time allowed under paragraph (1)(C), or fails in any material respect to implement a plan accepted by the Director, the following shall apply:

''(A) REQUIRED CORRECTION OF DEFICIENCY.—The Director shall, by order, require the regulated entity to correct the deficiency.

''(B) OTHER AUTHORITY.—The Director may, by order, take one or more of the following actions until the deficiency is corrected:

''(i) Prohibit the regulated entity from permitting its average total assets (as such term is defined in section 1316(b)) during any calendar quarter to exceed its average total assets during the preceding calendar quarter, or restrict the rate at which the average total assets of the entity may increase from one calendar quarter to another.

''(ii) Require the regulated entity—

''(I) in the case of an enterprise, to increase its ratio of core capital to assets.

''(II) in the case of a Federal home loan bank, to increase its ratio of total capital (as such term is defined in section 6(a)(5) of the Federal Home Loan Bank Act (12 U.S.C. 1426(a)(5)) to assets.

''(iii) Require the regulated entity to take any other action that the Director determines will better carry out the purposes of this section than any of the actions described in this subparagraph.

''(3) MANDATORY RESTRICTIONS.—In complying with paragraph (2), the Director shall take one or more of the actions described in clauses (i) through (iii) of paragraph (2)(B) if—

''(A) the Director determines that the regulated entity fails to meet any standard prescribed under subsection (a);

''(B) the regulated entity has not corrected the deficiency; and

''(C) during the 18-month period before the date on which the regulated entity first failed to meet the standard, the entity underwent extraordinary growth, as defined by the Director.

''(c) OTHER ENFORCEMENT AUTHORITY NOT AFFECTED.—The authority of the Director under this section is in addition to any other authority of the Director.''.

(b) INDEPENDENCE IN CONGRESSIONAL TESTIMONY AND RECOMMENDATIONS.—Section 111 of Public Law 93–495 (12 U.S.C. 250) is amended by striking ''the Federal Housing Finance Board'' and inserting ''the Director of the Federal Housing Finance Agency''.

SEC. 313. FEDERAL HOUSING ENTERPRISE BOARD.

(a) IN GENERAL.—Title XIII of the Housing and Community Development Act of 1992 (12 U.S.C. 4501 et seq.) is amended by inserting after section 1313A, as added by the preceding provisions of this title, the following new section:

''SEC. 1313B. FEDERAL HOUSING ENTERPRISE BOARD.

''(a) IN GENERAL.—There is established the Federal Housing Enterprise Board, which shall advise the Director with respect to overall strategies and policies in carrying out the duties of the Director under this title.

''(b) LIMITATIONS.—The Board may not exercise any executive authority, and the Director may not delegate to the Board any of the functions, powers, or duties of the Director.

''(c) COMPOSITION.—The Board shall be comprised of 3 members, of whom—

''(1) one member shall be the Secretary of the Treasury;

''(2) one member shall be the Secretary of Housing and Urban Development; and

''(3) one member shall be the Director, who shall serve as the Chairperson of the Board.

''(d) MEETINGS.—

''(1) IN GENERAL.—The Board shall meet upon notice by the Director, but in no event shall the Board meet less frequently than once every 3 months.

''(2) SPECIAL MEETINGS.—Either the Secretary of the Treasury or the Secretary of Housing and Urban Development may, upon giving written notice to the Director, require a special meeting of the Board.

''(e) TESTIMONY.—On an annual basis, the Board shall testify before Congress regarding—

''(1) the safety and soundness of the regulated entities;

''(2) any material deficiencies in the conduct of the operations of the regulated entities;

''(3) the overall operational status of the regulated entities;

''(4) an evaluation of the performance of the regulated entities in carrying out their respective missions;

''(5) operations, resources, and performance of the Agency; and

''(6) such other matters relating to the Agency and its fulfillment of its mission, as the Board determines appropriate.''.

(b) ANNUAL REPORT OF THE DIRECTOR.—Section 1319B(a) of the Housing and Community Development Act of 1992 (12 U.S.C. 4521 (a)) is amended—

(1) in paragraph (3), by striking ''and'' at the end; and

(2) by striking paragraph (4) and inserting the following new paragraphs:

''(4) an assessment of the Board or any of its members with respect to—

''(A) the safety and soundness of the regulated entities;

''(B) any material deficiencies in the conduct of the operations of the regulated entities;

''(C) the overall operational status of the regulated entities; and

''(D) an evaluation of the performance of the regulated entities in carrying out their missions;

''(5) operations, resources, and performance of the Agency;

''(6) a description of the demographic makeup of the workforce of the Agency and the actions taken pursuant to section 1319A(b) to provide for diversity in the workforce; and

''(7) such other matters relating to the Agency and its fulfillment of its mission.''.

SEC. 314. AUTHORITY TO REQUIRE REPORTS BY REGULATED ENTITIES.

Section 1314 of the Housing and Community Development Act of 1992 (12 U.S.C. 4514) is amended—

(1) in the section heading, by striking ''**ENTERPRISES**'' and inserting ''**REGULATED ENTITIES**'';

(2) in subsection (a)—

(A) in the subsection heading, by striking ''SPECIAL REPORTS AND REPORTS OF FINANCIAL CONDITION'' and inserting ''REGULAR AND SPECIAL REPORTS'';

(B) in paragraph (1)—

(i) in the paragraph heading, by striking ''FINANCIAL CONDITION'' and inserting ''REGULAR REPORTS''; and

(ii) by striking ''reports of financial condition and operations'' and inserting ''regular reports on the condition (including financial condition), management, activities, or operations of the regulated entity, as the Director considers appropriate''; and

(C) in paragraph (2), after ''submit special reports'' insert ''on any of the topics specified in paragraph (1) or such other topics''; and

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

''(c) REPORTS OF FRAUDULENT FINANCIAL TRANSACTIONS.—

''(1) REQUIREMENT TO REPORT.—The Director shall require a regulated entity to submit to the Director a timely report upon discovery by the regulated entity that it has purchased or sold a fraudulent loan or financial instrument or suspects a possible fraud relating to a purchase or sale of any loan or financial instrument. The Director shall require the regulated entities to establish and maintain procedures designed to discover any such transactions.

''(2) PROTECTION FROM LIABILITY FOR REPORTS.—

''(A) IN GENERAL.—If a regulated entity makes a report pursuant to paragraph (1), or a regulated entity-affiliated party makes, or requires another to make, such a report, and such report is made in a good faith effort to comply with the requirements of paragraph (1), such regulated entity or regulated entity-affiliated party shall not be liable to any person under any law or regulation of the United States, any constitution, law, or regulation of any State or political subdivision of any State, or under any contract or other legally enforceable agreement (including any arbitration agreement), for such report or for any failure to provide notice of such report to the person who is the subject of such report or any other person identified in the report.

''(B) RULE OF CONSTRUCTION.—Subparagraph (A) shall not be construed as creating—

''(i) any inference that the term 'person', as used in such subparagraph, may be construed more broadly than its ordinary usage so as to include any government or agency of government; or

''(ii) any immunity against, or otherwise affecting, any civil or criminal action brought by any government or agency of government to enforce any constitution, law, or regulation of such government or agency.''.

SEC. 315. DISCLOSURE OF INCOME AND CHARITABLE CONTRIBUTIONS BY ENTERPRISES.

Section 1314 of the Housing and Community Development Act of 1992 (12 U.S.C. 4514), as amended by the preceding provisions of this title, is further amended by adding at the end the following new subsections:

''(d) DISCLOSURE OF CHARITABLE CONTRIBUTIONS BY ENTERPRISES.—

''(1) REQUIRED DISCLOSURE.—The Director shall, by regulation, require each enterprise to submit a report annually, in a format designated by the Director, containing the following information:

''(A) TOTAL VALUE.—The total value of contributions made by the enterprise to nonprofit organizations during its previous fiscal year.

''(B) SUBSTANTIAL CONTRIBUTIONS.—If the value of contributions made by the enterprise to any nonprofit organization during its previous fiscal year exceeds the designated amount, the name of that organization and the value of contributions.

''(C) SUBSTANTIAL CONTRIBUTIONS TO INSIDER-AFFILIATED CHARITIES.—Identification of each contribution whose value exceeds the designated amount that were made by the enterprise during the enterprise's previous fiscal year to any nonprofit organization of which a director, officer, or controlling person of the enterprise, or a spouse thereof, was a director or trustee, the name of such nonprofit organization, and the value of the contribution.

''(2) DEFINITIONS.—For purposes of this subsection—

''(A) the term 'designated amount' means such amount as may be designated by the Director by regulation, consistent with the public interest and the protection of investors for purposes of this subsection; and

''(B) the Director may, by such regulations as the Director deems necessary or appropriate in the public interest, define the terms officer and controlling person.

''(3) PUBLIC AVAILABILITY.—The Director shall make the information submitted pursuant to this subsection publicly available.

''(e) DISCLOSURE OF INCOME.—Each enterprise shall include, in each annual report filed under section 13 of the Securities Exchange Act of 1934 (15 U.S.C. 78m), the income reported by the issuer to the Internal Revenue Service for the most recent taxable year. Such income shall—

''(1) be presented in a prominent location in each such report and in a manner that permits a ready comparison of such income to income otherwise required to be included in such reports under regulations issued under such section; and

''(2) be submitted to the Securities and Exchange Commission in a form and manner suitable for entry into the EDGAR system of such Commission for public availability under such system.''.

SEC. 316. ASSESSMENTS.

Section 1316 of the Housing and Community Development Act of 1992 (12 U.S.C. 4516) is amended—

(1) by striking subsection (a) and inserting the following new subsection:

''(a) ANNUAL ASSESSMENTS.—The Director shall establish and collect from the regulated entities annual assessments in an amount not exceeding the amount sufficient to provide for reasonable costs and expenses of the Agency, including—

''(1) the expenses of any examinations under section 1317 of this Act and under section 20 of the Federal Home Loan Bank Act;

''(2) the expenses of obtaining any reviews and credit assessments under section 1319;

''(3) such amounts in excess of actual expenses for any given year as deemed necessary by the Director to maintain a working capital fund in accordance with subsection (e); and

''(4) the wind up of the affairs of the Office of Federal Housing Enterprise Oversight and the Federal Housing Finance Board under subtitle C of the Federal Housing Finance Reform Act of 2008.'';

(2) in subsection (b)—

(A) in the subsection heading, by striking ''ENTERPRISES'' and inserting ''REGULATED ENTITIES'' ;

(B) by realigning paragraph (2) two ems from the left margin, so as to align the left margin of such paragraph with the left margins of paragraph (1);

(C) in paragraph (1)—

(i) by striking ''Each enterprise'' and inserting ''Each regulated entity'';

(ii) by striking ''each enterprise'' and inserting ''each regulated entity''; and

(iii) by striking ''both enterprises'' and inserting ''all of the regulated entities''; and

(D) in paragraph (3)—

(i) in subparagraph (B), by striking ''subparagraph (A)'' and inserting ''clause (i)'';

(ii) by redesignating subparagraphs (A), (B), and (C) as clauses (i), (ii) and (ii), respectively, and realigning such clauses, as so redesignated, so as to be indented 6 ems from the left margin;

(iii) by striking the matter that precedes clause (i), as so redesignated, and inserting the following:

''(3) DEFINITION OF TOTAL ASSETS.—For purposes of this section, the term 'total assets' means as follows:

''(A) ENTERPRISES.—With respect to an enterprise, the sum of—''; and

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

''(B) FEDERAL HOME LOAN BANKS.—With respect to a Federal home loan bank, the total assets of the Bank, as determined by the Director in accordance with generally accepted accounting principles.'';

(3) by striking subsection (c) and inserting the following new subsection:

''(c) INCREASED COSTS OF REGULATION.—

''(1) INCREASE FOR INADEQUATE CAPITALIZATION.—The semiannual payments made pursuant to subsection (b) by any regulated entity that is not classified (for purposes of subtitle B) as adequately capitalized may be increased, as necessary, in the discretion of the Director to pay additional estimated costs of regulation of the regulated entity.

''(2) ADJUSTMENT FOR ENFORCEMENT ACTIVITIES.—The Director may adjust the amounts of any semiannual payments for an assessment under subsection (a) that are to be paid pursuant to subsection (b) by a regulated entity, as necessary in the discretion of the Director, to ensure that the costs of enforcement activities under this Act for a regulated entity are borne only by such regulated entity.

''(3) ADDITIONAL ASSESSMENT FOR DEFICIENCIES.—If at any time, as a result of increased costs of regulation of a regulated entity that is not classified (for purposes of subtitle B) as adequately capitalized or as the result of supervisory or enforcement activities under this Act for a regulated entity, the amount available from any semiannual payment made by such regulated entity pursuant to subsection (b) is insufficient to cover the costs of the Agency with respect to such entity, the Director may make and collect from such regulated entity an immediate assessment to cover the amount of such deficiency for the semiannual period. If, at the end of any semiannual period during which such an assessment is made, any amount remains from such assessment, such remaining amount shall be deducted from the assessment for such regulated entity for the following semiannual period.'';

(4) in subsection (d), by striking ''If'' and inserting ''Except with respect to amounts

collected pursuant to subsection (a)(3), if''; and

(5) by striking subsections (e) through (g) and inserting the following new subsections:

''(e) WORKING CAPITAL FUND.—At the end of each year for which an assessment under this section is made, the Director shall remit to each regulated entity any amount of assessment collected from such regulated entity that is attributable to subsection (a)(3) and is in excess of the amount the Director deems necessary to maintain a working capital fund.

''(f) TREATMENT OF ASSESSMENTS.—

''(1) DEPOSIT.—Amounts received by the Director from assessments under this section may be deposited by the Director in the manner provided in section 5234 of the Revised Statutes (12 U.S.C. 192) for monies deposited by the Comptroller of the Currency.

''(2) NOT GOVERNMENT FUNDS.—The amounts received by the Director from any assessment under this section shall not be construed to be Government or public funds or appropriated money.

''(3) NO APPORTIONMENT OF FUNDS.—Notwithstanding any other provision of law, the amounts received by the Director from any assessment under this section shall not be subject to apportionment for the purpose of chapter 15 of title 31, United States Code, or under any other authority.

''(4) USE OF FUNDS.—The Director may use any amounts received by the Director from assessments under this section for compensation of the Director and other employees of the Agency and for all other expenses of the Director and the Agency.

''(5) AVAILABILITY OF OVERSIGHT FUND AMOUNTS.—Notwithstanding any other provision of law, any amounts remaining in the Federal Housing Enterprises Oversight Fund established under this section (as in effect before the effective date under section 365 of the Federal Housing Finance Reform Act of 2008), and any amounts remaining from assessments on the Federal Home Loan banks pursuant to section 18(b) of the Federal Home Loan Bank Act (12 U.S.C. 1438(b)), shall, upon such effective date, be treated for purposes of this subsection as amounts received from assessments under this section.

''(6) TREASURY INVESTMENTS.—

''(A) AUTHORITY.—The Director may request the Secretary of the Treasury to invest such portions of amount received by the Director from assessments paid under this section that, in the Director's discretion, are not required to meet the current working needs of the Agency.

''(B) GOVERNMENT OBLIGATIONS.—Pursuant to a request under subparagraph (A), the Secretary of the Treasury shall invest such amounts in government obligations guaranteed as to principal and interest by the United States with maturities suitable to the needs of Agency and bearing interest at a rate determined by the Secretary of the Treasury taking into consideration current market yields on outstanding marketable obligations of the United States of comparable maturity.

''(g) BUDGET AND FINANCIAL MANAGEMENT.—

''(1) FINANCIAL OPERATING PLANS AND FORECASTS.—The Director shall provide to the Director of the Office of Management and Budget copies of the Director's financial operating plans and forecasts as prepared by the Director in the ordinary course of the Agency's operations, and copies of the quarterly reports of the Agency's financial condition and results of operations as prepared by the Director in the ordinary course of the Agency's operations.

''(2) FINANCIAL STATEMENTS.—The Agency shall prepare annually a statement of assets and liabilities and surplus or deficit; a statement of income and expenses; and a statement of sources and application of funds.

''(3) FINANCIAL MANAGEMENT SYSTEMS.—The Agency shall implement and maintain financial management systems that comply substantially with Federal financial management systems requirements, applicable Federal accounting standards, and that uses a general ledger system that accounts for activity at the transaction level.

''(4) ASSERTION OF INTERNAL CONTROLS.—The Director shall provide to the Comptroller General an assertion as to the effectiveness of the internal controls that apply to financial reporting by the Agency, using the standards established in section 3512(c) of title 31, United States Code.

''(5) RULE OF CONSTRUCTION.—This subsection may not be construed as implying any obligation on the part of the Director to consult with or obtain the consent or approval of the Director of the Office of Management and Budget with respect to any reports, plans, forecasts, or other information referred to in paragraph (1) or any jurisdiction or oversight over the affairs or operations of the Agency.

''(h) AUDIT OF AGENCY.—

''(1) IN GENERAL.—The Comptroller General shall annually audit the financial transactions of the Agency in accordance with the U.S. generally accepted government auditing standards as may be prescribed by the Comptroller General of the United States. The audit shall be conducted at the place or places where accounts of the Agency are normally kept. The representatives of the Government Accountability Office shall have access to the personnel and to all books, accounts, documents, papers, records (including electronic records), reports, files, and all other papers, automated data, things, or property belonging to or under the control of or used or employed by the Agency pertaining to its financial transactions and necessary to facilitate the audit, and such representatives shall be afforded full facilities for verifying transactions with the balances or securities held by depositories, fiscal agents, and custodians. All such books, accounts, documents, records, reports, files, papers, and property of the Agency shall remain in possession and custody of the Agency. The Comptroller General may obtain and duplicate any such books, accounts, documents, records, working papers, automated data and files, or other information relevant to such audit without cost to the Comptroller General and the Comptroller General's right of access to such information shall be enforceable pursuant to section 716(c) of title 31, United States Code.

''(2) REPORT.—The Comptroller General shall submit to the Congress a report of each annual audit conducted under this subsection. The report to the Congress shall set forth the scope of the audit and shall include the statement of assets and liabilities and surplus or deficit, the statement of income and expenses, the statement of sources and application of funds, and such comments and information as may be deemed necessary to inform Congress of the financial operations and condition of the Agency, together with such recommendations with respect thereto as the Comptroller General may deem advisable. A copy of each report shall be furnished to the President and to the Agency at the time submitted to the Congress.

''(3) ASSISTANCE AND COSTS.—For the purpose of conducting an audit under this subsection, the Comptroller General may, in the discretion of the Comptroller General, employ by contract, without regard to section 5 of title 41, United States Code, professional services of firms and organizations of certified public accountants for temporary periods or for special purposes. Upon the request of the Comptroller General, the Director of the Agency shall transfer to the Government Accountability Office from funds available, the amount requested by the Comptroller General to cover the full costs of any audit and report conducted by the Comptroller General. The Comptroller General shall credit funds transferred to the account established for salaries and expenses of the Government Accountability Office, and such amount shall be available upon receipt and without fiscal year limitation to cover the full costs of the audit and report.''.

SEC. 317. EXAMINERS AND ACCOUNTANTS.

(a) EXAMINATIONS.—Section 1317 of the Housing and Community Development Act of 1992 (12 U.S.C. 4517) is amended—

(1) in subsection (a), by adding after the period at the end the following: ''Each examination under this subsection of a regulated entity shall include a review of the procedures required to be established and maintained by the regulated entity pursuant to section 1314(c) (relating to fraudulent financial transactions) and the report regarding each such examination shall describe any problems with such procedures maintained by the regulated entity.'';

(2) in subsection (b)—

(A) by inserting ''of a regulated entity'' after ''under this section''; and

(B) by striking ''to determine the condition of an enterprise for the purpose of ensuring its financial safety and soundness'' and inserting ''or appropriate''; and

(3) in subsection (c)—

(A) in the second sentence, by inserting ''to conduct examinations under this section'' before the period; and

(B) in the third sentence, by striking ''from amounts available in the Federal Housing Enterprises Oversight Fund''.

(b) ENHANCED AUTHORITY TO HIRE EXAMINERS AND ACCOUNTANTS.—Section 1317 of the Housing and Community Development Act of 1992 (12 U.S.C. 4517) is amended by adding at the end the following new subsection:

''(g) APPOINTMENT OF ACCOUNTANTS, ECONOMISTS, SPECIALISTS, AND EXAMINERS.—

''(1) APPLICABILITY.—This section applies with respect to any position of examiner, accountant, specialist in financial markets, specialist in information technology, and economist at the Agency, with respect to supervision and regulation of the regulated entities, that is in the competitive service.

''(2) APPOINTMENT AUTHORITY.—The Director may appoint candidates to any position described in paragraph (1)—

''(A) in accordance with the statutes, rules, and regulations governing appointments in the excepted service; and

''(B) notwithstanding any statutes, rules, and regulations governing appointments in the competitive service.

''(3) RULE OF CONSTRUCTION.—The appointment of a candidate to a position under the authority of this subsection shall not be considered to cause such position to be converted from the competitive service to the excepted service.''.

(c) REPEAL.—Section 20 of the Federal Home Loan Bank Act (12 U.S.C. 1440) is amended—

(1) by striking the section heading and inserting the following: ''EXAMINATIONS AND GAO AUDITS'';

(2) in the third sentence, by striking ''the Board and'' each place such term appears; and

(3) by striking the first two sentences and inserting the following: ''The Federal home loan banks shall be subject to examinations by the Director to the extent provided in section 1317 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4517).''.

SEC. 318. PROHIBITION AND WITHHOLDING OF EXECUTIVE COMPENSATION.

(a) IN GENERAL.—Section 1318 of the Housing and Community Development Act of 1992 (12 U.S.C. 4518) is amended—

(1) in the section heading, by striking ''**OF EXCESSIVE**'' and inserting ''**AND WITHHOLDING OF EXECUTIVE**'';

(2) by redesignating subsection (b) as subsection (d); and

(3) by inserting after subsection (a) the following new subsections:

''(b) FACTORS.—In making any determination under subsection (a), the Director may take into consideration any factors the Director considers relevant, including any wrongdoing on the part of the executive officer, and such wrongdoing shall include any fraudulent act or omission, breach of trust or fiduciary duty, violation of law, rule, regulation, order, or written agreement, and insider abuse with respect to the regulated entity. The approval of an agreement or contract pursuant to section 309(d)(3)(B) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1723a(d)(3)(B)) or section 303(h)(2) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1452(h)(2)) shall not preclude the Director from making any subsequent determination under subsection (a).

''(c) WITHHOLDING OF COMPENSATION.—In carrying out subsection (a), the Director may require a regulated entity to withhold any payment, transfer, or disbursement of compensation to an executive officer, or to place such compensation in an escrow account, during the review of the reasonableness and comparability of compensation.''.

(b) CONFORMING AMENDMENTS.—

(1) FANNIE MAE.—Section 309(d) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1723a(d)) is amended by adding at the end the following new paragraph:

''(4) Notwithstanding any other provision of this section, the corporation shall not transfer, disburse, or pay compensation to any executive officer, or enter into an agreement with such executive officer, without the approval of the Director, for matters being reviewed under section 1318 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4518).''.

(2) FREDDIE MAC.—Section 303(h) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1452(h)) is amended by adding at the end the following new paragraph:

''(4) Notwithstanding any other provision of this section, the Corporation shall not transfer, disburse, or pay compensation to any executive officer, or enter into an agreement with such executive officer, without the approval of the Director, for matters being reviewed under section 1318 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4518).''.

(3) FEDERAL HOME LOAN BANKS.—Section 7 of the Federal Home Loan Bank Act (12 U.S.C. 1427) is amended by adding at the end the following new subsection:

''(l) WITHHOLDING OF COMPENSATION.—Notwithstanding any other provision of this section, a Federal home loan bank shall not transfer, disburse, or pay compensation to any executive officer, or enter into an agreement with such executive officer, without the approval of the Director, for matters being reviewed under section 1318 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4518).''.

SEC. 319. REVIEWS OF REGULATED ENTITIES.

Section 1319 of the Housing and Community Development Act of 1992 (12 U.S.C. 4519) is amended—

(1) by striking the section designation and heading and inserting the following:

''SEC. 1319. REVIEWS OF REGULATED ENTITIES.''; and

(2) by striking ''is a nationally recognized'' and all that follows through ''1934'' and inserting the following: ''the Director considers appropriate, including an entity that is registered under section 15 of the Securities Exchange Act of 1934 (15 U.S.C. 78a) as a nationally registered statistical rating organization''.

SEC. 320. INCLUSION OF MINORITIES AND WOMEN; DIVERSITY IN AGENCY WORKFORCE.

Section 1319A of the Housing and Community Development Act of 1992 (12 U.S.C. 4520) is amended—

(1) in the section heading, by striking ''**EQUAL OPPORTUNITY IN SOLICITATION OF CONTRACTS**'' and inserting ''**MINORITY AND WOMEN INCLUSION; DIVERSITY REQUIREMENTS**'';

(2) in subsection (a), by striking ''(a) IN GENERAL.—Each enterprise'' and inserting ''(e) OUTREACH.—Each regulated entity''; and

(3) by striking subsection (b);

(4) by inserting before subsection (e), as so redesignated by paragraph (2) of this section, the following new subsections:

''(a) OFFICE OF MINORITY AND WOMEN INCLUSION.—Each regulated entity shall establish an Office of Minority and Women Inclusion, or designate an office of the entity, that shall be responsible for carrying out this section and all matters of the entity relating to diversity in management, employment, and business activities in accordance with such standards and requirements as the Director shall establish.

''(b) INCLUSION IN ALL LEVELS OF BUSINESS ACTIVITIES.—Each regulated entity shall develop and implement standards and procedures to ensure, to the maximum extent possible, the inclusion and utilization of minorities (as such term is defined in section 1204(c) of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 1811 note)) and women, and minority- and women-owned businesses (as such terms are defined in section 21A(r)(4) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(r)(4)) (including financial institutions, investment banking firms, mortgage banking firms, asset management firms, broker-dealers, financial services firms, underwriters, accountants, brokers, investment consultants, and providers of legal services) in all business and activities of the regulated entity at all levels, including in procurement, insurance, and all types of contracts (including contracts for the issuance or guarantee of any debt, equity, or mortgage-related securities, the management of its mortgage and securities portfolios, the making of its equity investments, the purchase, sale and servicing of single- and multi-family mortgage loans, and the implementation of its affordable housing program and initiatives). The processes established by each regulated entity for review and evaluation for contract proposals and to hire service providers shall include a component that gives consideration to the diversity of the applicant.

''(c) APPLICABILITY.—This section shall apply to all contracts of a regulated entity for services of any kind, including services that require the services of investment banking, asset management entities, broker-dealers, financial services entities, underwriters, accountants, investment consultants, and providers of legal services.

''(d) INCLUSION IN ANNUAL REPORTS.—Each regulated entity shall include, in the annual report submitted by the entity to the Director pursuant to section 309(k) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1723a(k)), section 307(c) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1456(c)), and section 20 of the Federal Home Loan Bank Act (12 U.S.C. 1440), as applicable, detailed information describing the actions taken by the entity pursuant to this section, which shall include a statement of the total amounts paid by the entity to third party contractors since the last such report and the percentage of such amounts paid to businesses described in subsection (b) of this section.''; and

(5) by adding at the end the following new subsection:

''(f) DIVERSITY IN AGENCY WORKFORCE.—The Agency shall take affirmative steps to seek diversity in its workforce at all levels of the agency consistent with the demographic diversity of the United States, which shall include—

''(1) heavily recruiting at historically Black colleges and universities, Hispanic-serving institutions, women's colleges, and colleges that typically serve majority minority populations;

''(2) sponsoring and recruiting at job fairs in urban communities, and placing employment advertisements in newspapers and magazines oriented toward women and people of color;

''(3) partnering with organizations that are focused on developing opportunities for minorities and women to place talented young minorities and women in industry internships, summer employment, and full-time positions; and

''(4) where feasible, partnering with inner-city high schools, girls' high schools, and high schools with majority minority populations to establish or enhance financial literacy programs and provide mentoring.''.

SEC. 321. REGULATIONS AND ORDERS.

Section 1319G of the Housing and Community Development Act of 1992 (12 U.S.C. 4526) is amended—

(1) by striking subsection (a) and inserting the following new subsection:

''(a) AUTHORITY.—The Director shall issue any regulations, guidelines, and orders necessary to carry out the duties of the Director under this title and each of the authorizing statutes to ensure that the purposes of this title and such statutes are accomplished.'';

(2) in subsection (b), by inserting '', this title, or any of the authorizing statutes'' after ''under this section''; and

(3) by striking subsection (c).

SEC. 322. NON-WAIVER OF PRIVILEGES.

Part 1 of subtitle A of title XIII of the Housing and Community Development Act of 1992 (12 U.S.C. 4511) is amended by adding at the end the following new section:

''SEC. 1319H. PRIVILEGES NOT AFFECTED BY DISCLOSURE.

''(a) IN GENERAL.—The submission by any person of any information to the Agency for any purpose in the course of any supervisory or regulatory process of the Agency shall not be construed as waiving, destroying, or otherwise affecting any privilege such person may claim with respect to such information under Federal or State law as to any person or entity other than the Agency.

''(b) RULE OF CONSTRUCTION.—No provision of subsection (a) may be construed as implying or establishing that—

''(1) any person waives any privilege applicable to information that is submitted or transferred under any circumstance to which subsection (a) does not apply; or

''(2) any person would waive any privilege applicable to any information by submitting the information to the Agency, but for this subsection.''.

SEC. 323. RISK-BASED CAPITAL REQUIREMENTS.

(a) IN GENERAL.—Section 1361 of the Housing and Community Development Act of 1992 (12 U.S.C. 4611) is amended to read as follows:

''SEC. 1361. RISK-BASED CAPITAL LEVELS FOR REGULATED ENTITIES.

''(a) IN GENERAL.—

''(1) ENTERPRISES.—The Director shall, by regulation, establish risk-based capital requirements for the enterprises to ensure that

the enterprises operate in a safe and sound manner, maintaining sufficient capital and reserves to support the risks that arise in the operations and management of the enterprises.

''(2) FEDERAL HOME LOAN BANKS.—The Director shall establish risk-based capital standards under section 6 of the Federal Home Loan Bank Act for the Federal home loan banks.

''(b) CONFIDENTIALITY OF INFORMATION.—Any person that receives any book, record, or information from the Director or a regulated entity to enable the risk-based capital requirements established under this section to be applied shall—

''(1) maintain the confidentiality of the book, record, or information in a manner that is generally consistent with the level of confidentiality established for the material by the Director or the regulated entity; and

''(2) be exempt from section 552 of title 5, United States Code, with respect to the book, record, or information.

''(c) NO LIMITATION.—Nothing in this section shall limit the authority of the Director to require other reports or undertakings, or take other action, in furtherance of the responsibilities of the Director under this Act.''.

(b) FEDERAL HOME LOAN BANKS RISK-BASED CAPITAL.—Section 6(a)(3) of the Federal Home Loan Bank Act (12 U.S.C. 1426(a)(3)) is amended—

(1) by striking subparagraph (A) and inserting the following new subparagraph:

''(A) RISK-BASED CAPITAL STANDARDS.—The Director shall, by regulation, establish risk-based capital standards for the Federal home loan banks to ensure that the Federal home loan banks operate in a safe and sound manner, with sufficient permanent capital and reserves to support the risks that arise in the operations and management of the Federal home loans banks.''; and

(2) in subparagraph (B), by striking ''(A)(ii)'' and inserting ''(A)''.

SEC. 324. MINIMUM AND CRITICAL CAPITAL LEVELS.

(a) MINIMUM CAPITAL LEVEL.—Section 1362 of the Housing and Community Development Act of 1992 (12 U.S.C. 4612) is amended—

(1) in subsection (a), by striking ''IN GENERAL'' and inserting ''ENTERPRISES''; and

(2) by striking subsection (b) and inserting the following new subsections:

''(b) FEDERAL HOME LOAN BANKS.—For purposes of this subtitle, the minimum capital level for each Federal home loan bank shall be the minimum capital required to be maintained to comply with the leverage requirement for the bank established under section 6(a)(2) of the Federal Home Loan Bank Act (12 U.S.C. 1426(a)(2)).

''(c) ESTABLISHMENT OF REVISED MINIMUM CAPITAL LEVELS.—Notwithstanding subsections (a) and (b) and notwithstanding the capital classifications of the regulated entities, the Director may, by regulations issued under section 1319G, establish a minimum capital level for the enterprises, for the Federal home loan banks, or for both the enterprises and the banks, that is higher than the level specified in subsection (a) for the enterprises or the level specified in subsection (b) for the Federal home loan banks, to the extent needed to ensure that the regulated entities operate in a safe and sound manner.

''(d) AUTHORITY TO REQUIRE TEMPORARY INCREASE.—Notwithstanding subsections (a) and (b) and any minimum capital level established pursuant to subsection (c), the Director may, by order, increase the minimum capital level for a regulated entity on a temporary basis for such period as the Director may provide if the Director—

''(1) makes any determination specified in subparagraphs (A) through (C) of section 1364(c)(1);

''(2) determines that the regulated entity has violated any of the prudential standards established pursuant to section 1313A and, as a result of such violation, determines that an unsafe and unsound condition exists; or

''(3) determines that an unsafe and unsound condition exists, except that a temporary increase in minimum capital imposed on a regulated entity pursuant to this paragraph shall not remain in place for a period of more than 6 months unless the Director makes a renewed determination of the existence of an unsafe and unsound condition.

''(e) AUTHORITY TO ESTABLISH ADDITIONAL CAPITAL AND RESERVE REQUIREMENTS FOR PARTICULAR PROGRAMS.—The Director may, at any time by order or regulation, establish such capital or reserve requirements with respect to any program or activity of a regulated entity as the Director considers appropriate to ensure that the regulated entity operates in a safe and sound manner, with sufficient capital and reserves to support the risks that arise in the operations and management of the regulated entity.

''(f) PERIODIC REVIEW.—The Director shall periodically review the amount of core capital maintained by the enterprises, the amount of capital retained by the Federal home loan banks, and the minimum capital levels established for such regulated entities pursuant to this section. The Director shall rescind any temporary minimum capital level increase if the Director determines that the circumstances or facts justifying the temporary increase are no longer present.''.

(b) CRITICAL CAPITAL LEVELS.—

(1) IN GENERAL.—Section 1363 of the Housing and Community Development Act of 1992 (12 U.S.C. 4613) is amended—

(A) by striking ''For'' and inserting ''(a) ENTERPRISES.—FOR''; and

(B) by adding at the end the following new subsection:

''(b) FEDERAL HOME LOAN BANKS.—

''(1) IN GENERAL.—For purposes of this subtitle, the critical capital level for each Federal home loan bank shall be such amount of capital as the Director shall, by regulation require.

''(2) CONSIDERATION OF OTHER CRITICAL CAPITAL LEVELS.—In establishing the critical capital level under paragraph (1) for the Federal home loan banks, the Director shall take due consideration of the critical capital level established under subsection (a) for the enterprises, with such modifications as the Director determines to be appropriate to reflect the difference in operations between the banks and the enterprises.''.

(2) REGULATIONS.—Not later than the expiration of the 180-day period beginning on the effective date under section 365, the Director of the Federal Housing Finance Agency shall issue regulations pursuant to section 1363(b) of the Housing and Community Development Act of 1992 (as added by paragraph (1) of this subsection) establishing the critical capital level under such section.

SEC. 325. REVIEW OF AND AUTHORITY OVER ENTERPRISE ASSETS AND LIABILITIES.

(a) IN GENERAL.—Subtitle B of title XIII of the Housing and Community Development Act of 1992 (12 U.S.C. 4611 et seq.) is amended—

(1) by striking the subtitle designation and heading and inserting the following:

''Subtitle B—Required Capital Levels for Regulated Entities, Special Enforcement Powers, and Reviews of Assets and Liabilities'';

and

(2) by adding at the end the following new section:

''SEC. 1369E. REVIEWS OF ENTERPRISE ASSETS AND LIABILITIES.

''(a) IN GENERAL.—The Director shall, by regulation, establish standards by which the portfolio holdings, or rate of growth of the portfolio holdings, of the enterprises will be deemed to be consistent with the mission and the safe and sound operations of the enterprises. In developing such standards, the Director shall consider—

''(1) the size or growth of the mortgage market;

''(2) the need for the portfolio in maintaining liquidity or stability of the secondary mortgage market (including the market for the mortgage-backed securities the enterprises issue);

''(3) the need for an inventory of mortgages in connection with securitizations;

''(4) the need for the portfolio to directly support the affordable housing mission of the enterprises;

''(5) the liquidity needs of the enterprises;

''(6) any potential risks posed to the enterprises by the nature of the portfolio holdings; and

''(7) any additional factors that the Director determines to be necessary to carry out the purpose under the first sentence of this subsection to establish standards for assessing whether the portfolio holdings are consistent with the mission and safe and sound operations of the enterprises.

''(b) TEMPORARY ADJUSTMENTS.—The Director may, by order, make temporary adjustments to the established standards for an enterprise or both enterprises, such as during times of economic distress or market disruption.

''(c) AUTHORITY TO REQUIRE DISPOSITION OR ACQUISITION.—The Director shall monitor the portfolio of each enterprise. Pursuant to subsection (a) and notwithstanding the capital classifications of the enterprises, the Director may, by order, require an enterprise, under such terms and conditions as the Director determines to be appropriate, to dispose of or acquire any asset, if the Director determines that such action is consistent with the purposes of this Act or any of the authorizing statutes.''.

(b) REGULATIONS.—Not later than the expiration of the 180-day period beginning on the effective date under section 365, the Director of the Federal Housing Finance Agency shall issue regulations pursuant to section 1369E(a) of the Housing and Community Development Act of 1992 (as added by subsection (a) of this section) establishing the portfolio holdings standards under such section.

SEC. 326. CORPORATE GOVERNANCE OF ENTERPRISES.

The Housing and Community Development Act of 1992 is amended by inserting before section 1323 (12 U.S.C. 4543) the following new section:

''SEC. 1322A. CORPORATE GOVERNANCE OF ENTERPRISES.

''(a) BOARD OF DIRECTORS.—

''(1) INDEPENDENCE.—A majority of seated members of the board of directors of each enterprise shall be independent board members, as defined under rules set forth by the New York Stock Exchange, as such rules may be amended from time to time.

''(2) FREQUENCY OF MEETINGS.—To carry out its obligations and duties under applicable laws, rules, regulations, and guidelines, the board of directors of an enterprise shall meet at least eight times a year and not less than once a calendar quarter.

''(3) NON-MANAGEMENT BOARD MEMBER MEETINGS.—The non-management directors of an enterprise shall meet at regularly scheduled executive sessions without management participation.

''(4) QUORUM; PROHIBITION ON PROXIES.—For the transaction of business, a quorum of the board of directors of an enterprise shall be at least a majority of the seated board of directors and a board member may not vote by proxy.

''(5) INFORMATION.—The management of an enterprise shall provide a board member of the enterprise with such adequate and appropriate information that a reasonable board member would find important to the fulfillment of his or her fiduciary duties and obligations.

''(6) ANNUAL REVIEW.—At least annually, the board of directors of each enterprise shall review, with appropriate professional assistance, the requirements of laws, rules, regulations, and guidelines that are applicable to its activities and duties.

''(b) COMMITTEES OF BOARDS OF DIRECTORS.—

''(1) FREQUENCY OF MEETINGS.—Any committee of the board of directors of an enterprise shall meet with sufficient frequency to carry out its obligations and duties under applicable laws, rules, regulations, and guidelines.

''(2) REQUIRED COMMITTEES.—Each enterprise shall provide for the establishment, however styled, of the following committees of the board of directors:

''(A) Audit committee.

''(B) Compensation committee.

''(C) Nominating/corporate governance committee.

Such committees shall be in compliance with the charter, independence, composition, expertise, duties, responsibilities, and other requirements set forth under section 10A(m) of the Securities Exchange Act of 1934 (15 U.S.C. 78j–1(m)), with respect to the audit committee, and under rules issued by the New York Stock Exchange, as such rules may be amended from time to time.

''(c) COMPENSATION.—

''(1) IN GENERAL.—The compensation of board members, executive officers, and employees of an enterprise—

''(A) shall not be in excess of that which is reasonable and appropriate;

''(B) shall be commensurate with the duties and responsibilities of such persons;

''(C) shall be consistent with the long-term goals of the enterprise;

''(D) shall not focus solely on earnings performance, but shall take into account risk management, operational stability and legal and regulatory compliance as well; and

''(E) shall be undertaken in a manner that complies with applicable laws, rules, and regulations.

''(2) REIMBURSEMENT.—If an enterprise is required to prepare an accounting restatement due to the material noncompliance of the enterprise, as a result of misconduct, with any financial reporting requirement under the securities laws, the chief executive officer and chief financial officer of the enterprise shall reimburse the enterprise as provided under section 304 of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7243). This provision does not otherwise limit the authority of the Agency to employ remedies available to it under its enforcement authorities.

''(d) CODE OF CONDUCT AND ETHICS.—

''(1) IN GENERAL.—An enterprise shall establish and administer a written code of conduct and ethics that is reasonably designed to assure the ability of board members, executive officers, and employees of the enterprise to discharge their duties and responsibilities, on behalf of the enterprise, in an objective and impartial manner, and that includes standards required under section 406 of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7264) and other applicable laws, rules, and regulations.

''(2) REVIEW.—Not less than once every three years, an enterprise shall review the adequacy of its code of conduct and ethics for consistency with practices appropriate to the enterprise and make any appropriate revisions to such code.

''(e) CONDUCT AND RESPONSIBILITIES OF BOARD OF DIRECTORS.—The board of directors of an enterprise shall be responsible for directing the conduct and affairs of the enterprise in furtherance of the safe and sound operation of the enterprise and shall remain reasonably informed of the condition, activities, and operations of the enterprise. The responsibilities of the board of directors shall include having in place adequate policies and procedures to assure its oversight of, among other matters, the following:

''(1) Corporate strategy, major plans of action, risk policy, programs for legal and regulatory compliance and corporate performance, including prudent plans for growth and allocation of adequate resources to manage operations risk.

''(2) Hiring and retention of qualified executive officers and succession planning for such executive officers.

''(3) Compensation programs of the enterprise.

''(4) Integrity of accounting and financial reporting systems of the enterprise, including independent audits and systems of internal control.

''(5) Process and adequacy of reporting, disclosures, and communications to shareholders, investors, and potential investors.

''(6) Extensions of credit to board members and executive officers.

''(7) Responsiveness of executive officers in providing accurate and timely reports to Federal regulators and in addressing the supervisory concerns of Federal regulators in a timely and appropriate manner.

''(f) PROHIBITION OF EXTENSIONS OF CREDIT.—An enterprise may not directly or indirectly, including through any subsidiary, extend or maintain credit, arrange for the extension of credit, or renew an extension of credit, in the form of a personal loan to or for any board member or executive officer of the enterprise, as provided by section 13(k) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(k)).

''(g) CERTIFICATION OF DISCLOSURES.—The chief executive officer and the chief financial officer of an enterprise shall review each quarterly report and annual report issued by the enterprise and such reports shall include certifications by such officers as required by section 302 of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7241).

''(h) CHANGE OF AUDIT PARTNER.—An enterprise may not accept audit services from an external auditing firm if the lead or coordinating audit partner who has primary responsibility for the external audit of the enterprise, or the external audit partner who has responsibility for reviewing the external audit has performed audit services for the enterprise in each of the five previous fiscal years.

''(i) COMPLIANCE PROGRAM.—

''(1) REQUIREMENT.—Each enterprise shall establish and maintain a compliance program that is reasonably designed to assure that the enterprise complies with applicable laws, rules, regulations, and internal controls.

''(2) COMPLIANCE OFFICER.—The compliance program of an enterprise shall be headed by a compliance officer, however styled, who reports directly to the chief executive officer of the enterprise. The compliance officer shall report regularly to the board of directors or an appropriate committee of the board of directors on compliance with and the adequacy of current compliance policies and procedures of the enterprise, and shall recommend any adjustments to such policies and procedures that the compliance officer considers necessary and appropriate.

''(j) RISK MANAGEMENT PROGRAM.—

''(1) REQUIREMENT.—Each enterprise shall establish and maintain a risk management program that is reasonably designed to manage the risks of the operations of the enterprise.

''(2) RISK MANAGEMENT OFFICER.—The risk management program of an enterprise shall be headed by a risk management officer, however styled, who reports directly to the chief executive officer of the enterprise. The risk management officer shall report regularly to the board of directors or an appropriate committee of the board of directors on compliance with and the adequacy of current risk management policies and procedures of the enterprise, and shall recommend any adjustments to such policies and procedures that the risk management officer considers necessary and appropriate.

''(k) COMPLIANCE WITH OTHER LAWS.—

''(1) DEREGISTERED OR UNREGISTERED COMMON STOCK.—If an enterprise deregisters or has not registered its common stock with the Securities and Exchange Commission under the Securities Exchange Act of 1934, the enterprise shall comply or continue to comply with sections 10A(m) and 13(k) of the Securities Exchange Act of 1934 (15 U.S.C. 78j–1(m), 78m(k)) and sections 302, 304, and 406 of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7241, 7243, 7264), subject to such requirements as provided by subsection (l) of this section.

''(2) REGISTERED COMMON STOCK.—An enterprise that has its common stock registered with the Securities and Exchange Commission shall maintain such registered status, unless it provides 60 days prior written notice to the Director stating its intent to deregister and its understanding that it will remain subject to the requirements of the sections of the Securities Exchange Act of 1934 and the Sarbanes-Oxley Act of 2002, subject to such requirements as provided by subsection (l) of this section.

''(l) OTHER MATTERS.—The Director may from time to time establish standards, by regulation, order, or guideline, regarding such other corporate governance matters of the enterprises as the Director considers appropriate.

''(m) MODIFICATION OF STANDARDS.—In connection with standards of Federal or State law (including the Revised Model Corporation Act) or New York Stock Exchange rules that are made applicable to an enterprise by section 1710.10 of the Director's rules (12 CFR 1710.10) and by subsections (a), (b), (g), (i), (j), and (k) of this section, the Director, in the Director's sole discretion, may modify the standards contained in this section or in part 1710 of the Director's rules (12 CFR Part 1710) in accordance with section 553 of title 5, United States Code, and upon written notice to the enterprise.''.

SEC. 327. REQUIRED REGISTRATION UNDER SECURITIES EXCHANGE ACT OF 1934.

The Housing and Community Development Act of 1992 is amended by adding after section 1322A, as added by the preceding provisions of this title, the following new section:

''SEC. 1322B. REQUIRED REGISTRATION UNDER SECURITIES EXCHANGE ACT OF 1934.

''(a) IN GENERAL.—Each regulated entity shall register at least one class of the capital stock of such regulated entity, and maintain such registration with the Securities and Exchange Commission, under the Securities Exchange Act of 1934.

''(b) ENTERPRISES.—Each enterprise shall comply with sections 14 and 16 of the Securities Exchange Act of 1934.''.

SEC. 328. LIAISON WITH FINANCIAL INSTITUTIONS EXAMINATION COUNCIL.

Section 1007 of the Federal Financial Institutions Examination Council Act of 1978 (12 U.S.C. 3306) is amended—

(1) in the section heading, by inserting after ''STATE'' the following: ''AND FEDERAL HOUSING FINANCE AGENCY''; and

(2) by inserting after ''financial institutions'' the following: '', and one representative of the Federal Housing Finance Agency,''.

SEC. 329. GUARANTEE FEE STUDY.

(a) IN GENERAL.—The Director of the Federal Housing Finance Agency, in consultation with the heads of the federal banking agencies, shall, not later than 18 months after the date of the enactment of this Act, submit to the Congress a study concerning the pricing, transparency and reporting of the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation, and the Federal home loan banks with regard to guarantee fees and concerning analogous practices, transparency and reporting requirements (including advances pricing practices by the Federal Home Loan Banks) of other participants in the business of mortgage purchases and securitization.

(b) FACTORS.—The study required by this section shall examine various factors such as credit risk, counterparty risk considerations, economic value considerations, and volume considerations used by the regulated entities (as such term is defined in section 1303 of the Housing and Community Development Act of 1992) included in the study in setting the amount of fees they charge.

(c) CONTENTS OF REPORT.—The report required under subsection (a) shall identify and analyze—

(1) the factors used by each enterprise (as such term is defined in section 1303 of the Housing and Community Development Act of 1992) in determining the amount of the guarantee fees it charges;

(2) the total revenue the enterprises earn from guarantee fees;

(3) the total costs incurred by the enterprises for providing guarantees;

(4) the average guarantee fee charged by the enterprises;

(5) an analysis of how and why the guarantee fees charged differ from such fees charged during the previous year;

(6) a breakdown of the revenue and costs associated with providing guarantees, based on product type and risk classifications; and

(7) other relevant information on guarantee fees with other participants in the mortgage and securitization business.

(d) PROTECTION OF INFORMATION.—Nothing in this section may be construed to require or authorize the Director of the Federal Housing Finance Agency, in connection with the study mandated by this section, to disclose information of the enterprises or other organization that is confidential or proprietary.

(e) EFFECTIVE DATE.—This section shall take effect on the date of the enactment of this Act.

SEC. 330. CONFORMING AMENDMENTS.

(a) 1992 ACT.—Part 1 of subtitle A of title XIII of the Housing and Community Development Act of 1992 (12 U.S.C. 4511 et seq.), as amended by the preceding provisions of this title, is further amended—

(1) by striking ''an enterprise'' each place such term appears in such part (except in sections 1313(a)(2)(A), 1313A(b)(2)(B)(ii)(I), and 1316(b)(3)) and inserting ''a regulated entity'';

(2) by striking ''the enterprise'' each place such term appears in such part (except in section 1316(b)(3)) and inserting ''the regulated entity'';

(3) by striking ''the enterprises'' each place such term appears in such part (except in sections 1312(c)(2), and 1312(e)(2)) and inserting ''the regulated entities'';

(4) by striking ''each enterprise'' each place such term appears in such part and inserting ''each regulated entity'';

(5) by striking ''Office'' each place such term appears in such part (except in sections 1311(b)(2), 1312(b)(5), 1315(b), and 1316(a)(4), (g), and (h), 1317(c), and 1319A(a)) and inserting ''Agency'';

(6) in section 1315 (12 U.S.C. 4515)—

(A) in subsection (a)—

(i) in the subsection heading, by striking ''OFFICE PERSONNEL'' and inserting ''IN GENERAL''; and

(ii) by striking ''The'' and inserting ''Subject to subtitle C of the Federal Housing Finance Reform Act of 2008, the'';

(B) by striking subsections (d) and (f); and

(C) by redesignating subsection (e) as subsection (d);

(7) in section 1319B (12 U.S.C. 4521), by striking ''Committee on Banking, Finance and Urban Affairs'' each place such term appears and inserting ''Committee on Financial Services''; and

(8) in section 1319F (12 U.S.C. 4525), striking all that follows ''United States Code'' and inserting '', the Agency shall be considered an agency responsible for the regulation or supervision of financial institutions.''.

(b) AMENDMENTS TO FANNIE MAE CHARTER ACT.—The Federal National Mortgage Association Charter Act (12 U.S.C. 1716 et seq.) is amended—

(1) by striking ''Director of the Office of Federal Housing Enterprise Oversight of the Department of Housing and Urban Development'' each place such term appears, and inserting ''Director of the Federal Housing Finance Agency'', in—

(A) section 303(c)(2) (12 U.S.C. 1718(c)(2));

(B) section 309(d)(3)(B) (12 U.S.C. 1723a(d)(3)(B)); and

(C) section 309(k)(1); and

(2) in section 309—

(A) in subsections (d)(3)(A) and (n)(1), by striking ''Banking, Finance and Urban Affairs'' each place such term appears and inserting ''Financial Services''; and

(B) in subsection (m)—

(i) in paragraph (1), by striking ''Secretary'' the second place such term appears and inserting ''Director'';

(ii) in paragraph (2), by striking ''Secretary'' the second place such term appears and inserting ''Director''; and

(iii) by striking ''Secretary'' each other place such term appears and inserting ''Director of the Federal Housing Finance Agency''; and

(C) in subsection (n), by striking ''Secretary'' each place such term appears and inserting ''Director of the Federal Housing Finance Agency''.

(c) AMENDMENTS TO FREDDIE MAC ACT.—The Federal Home Loan Mortgage Corporation Act is amended—

(1) by striking ''Director of the Office of Federal Housing Enterprise Oversight of the Department of Housing and Urban Development'' each place such term appears, and inserting ''Director of the Federal Housing Finance Agency'', in—

(A) section 303(b)(2) (12 U.S.C. 1452(b)(2));

(B) section 303(h)(2) (12 U.S.C. 1452(h)(2)); and

(C) section 307(c)(1) (12 U.S.C. 1456(c)(1));

(2) in sections 303(h)(1) and 307(f)(1) (12 U.S.C. 1452(h)(1), 1456(f)(1)), by striking ''Banking, Finance and Urban Affairs'' each place such term appears and inserting ''Financial Services'';

(3) in section 306(i) (12 U.S.C. 1455(i))—

(A) by striking ''1316(c)'' and inserting ''306(c)''; and

(B) by striking ''section 106'' and inserting ''section 1316''; and

(4) in section 307 (12 U.S.C. 1456))—

(A) in subsection (e)—

(i) in paragraph (1), by striking ''Secretary'' the second place such term appears and inserting ''Director'';

(ii) in paragraph (2), by striking ''Secretary'' the second place such term appears and inserting ''Director''; and

(iii) by striking ''Secretary'' each other place such term appears and inserting ''Director of the Federal Housing Finance Agency''; and

(B) in subsection (f), by striking ''Secretary'' each place such term appears and inserting ''Director of the Federal Housing Finance Agency''.

CHAPTER 2—IMPROVEMENT OF MISSION SUPERVISION

SEC. 331. TRANSFER OF PRODUCT APPROVAL AND HOUSING GOAL OVERSIGHT.

Part 2 of subtitle A of title XIII of the Housing and Community Development Act of 1992 (12 U.S.C. 4541 et seq.) is amended—

(1) by striking the designation and heading for the part and inserting the following:

''PART 2—PRODUCT APPROVAL BY DIRECTOR, CORPORATE GOVERNANCE, AND ESTABLISHMENT OF HOUSING GOALS'';

and

(2) by striking sections 1321 and 1322.

SEC. 332. REVIEW OF ENTERPRISE PRODUCTS.

(a) IN GENERAL.—Part 2 of subtitle A of title XIII of the Housing and Community Development Act of 1992 is amended by inserting before section 1323 (12 U.S.C. 4543) the following new section:

''SEC. 1321. PRIOR APPROVAL AUTHORITY FOR PRODUCTS OF ENTERPRISES.

''(a) IN GENERAL.—The Director shall require each enterprise to obtain the approval of the Director for any product of the enterprise before initially offering the product.

''(b) STANDARD FOR APPROVAL.—In considering any request for approval of a product pursuant to subsection (a), the Director shall make a determination that—

''(1) in the case of a product of the Federal National Mortgage Association, the Director determines that the product is authorized under paragraph (2), (3), (4), or (5) of section 302(b) or section 304 of the Federal National Mortgage Association Charter Act, (12 U.S.C. 1717(b), 1719);

''(2) in the case of a product of the Federal Home Loan Mortgage Corporation, the Director determines that the product is authorized under paragraph (1), (4), or (5) of section 305(a) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1454(a));

''(3) the product is in the public interest;

''(4) the product is consistent with the safety and soundness of the enterprise or the mortgage finance system; and

''(5) the product does not materially impair the efficiency of the mortgage finance system.

''(c) PROCEDURE FOR APPROVAL.—

''(1) SUBMISSION OF REQUEST.—An enterprise shall submit to the Director a written request for approval of a product that describes the product in such form as prescribed by order or regulation of the Director.

''(2) REQUEST FOR PUBLIC COMMENT.—Immediately upon receipt of a request for approval of a product, as required under paragraph (1), the Director shall publish notice of such request and of the period for public comment pursuant to paragraph (3) regarding the product, and a description of the product proposed by the request. The Director shall give interested parties the opportunity to respond in writing to the proposed product.

''(3) PUBLIC COMMENT PERIOD.—During the 30-day period beginning on the date of publication pursuant to paragraph (2) of a request for approval of a product, the Director shall receive public comments regarding the proposed product.

''(4) OFFERING OF PRODUCT.—

''(A) IN GENERAL.—Not later than 30 days after the close of the public comment period described in paragraph (3), the Director shall approve or deny the product, specifying the grounds for such decision in writing.

''(B) FAILURE TO ACT.—If the Director fails to act within the 30-day period described in subparagraph (A), the enterprise may offer the product.

''(d) EXPEDITED REVIEW.—

''(1) DETERMINATION AND NOTICE.—If an enterprise determines that any new activity, service, undertaking, or offering is not a product, as defined in subsection (f), the enterprise shall provide written notice to the Director prior to the commencement of such activity, service, undertaking, or offering.

''(2) DIRECTOR DETERMINATION OF APPLICABLE PROCEDURE.—Immediately upon receipt of any notice pursuant to paragraph (1), the Director shall make a determination under paragraph (3).

''(3) DETERMINATION AND TREATMENT AS PRODUCT.—If the Director determines that any new activity, service, undertaking, or offering consists of, relates to, or involves a product—

''(A) the Director shall notify the enterprise of the determination;

''(B) the new activity, service, undertaking, or offering described in the notice under paragraph (1) shall be considered a product for purposes of this section; and

''(C) the enterprise shall withdraw its request or submit a written request for approval of the product pursuant to subsection (c).

''(e) CONDITIONAL APPROVAL.—The Director may conditionally approve the offering of any product by an enterprise, and may establish terms, conditions, or limitations with respect to such product with which the enterprise must comply in order to offer such product.

''(f) DEFINITION OF PRODUCT.—For purposes of this section, the term 'product' does not include—

''(1) the automated loan underwriting system of an enterprise in existence as of the date of the enactment of the Federal Housing Finance Reform Act of 2008, including any upgrade to the technology, operating system, or software to operate the underwriting system; or

''(2) any modification to the mortgage terms and conditions or mortgage underwriting criteria relating to the mortgages that are purchased or guaranteed by an enterprise: *Provided*, That such modifications do not alter the underlying transaction so as to include services or financing, other than residential mortgage financing, or create significant new exposure to risk for the enterprise or the holder of the mortgage.

''(g) NO LIMITATION.—Nothing in this section shall be deemed to restrict—

''(1) the safety and soundness authority of the Director over all new and existing products or activities; or

''(2) the authority of the Director to review all new and existing products or activities to determine that such products or activities are consistent with the statutory mission of the enterprise.''.

(b) CONFORMING AMENDMENTS.—

(1) FANNIE MAE.—Section 302(b)(6) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1717(b)(6)) is amended—

(A) by striking ''implement any new program'' and inserting ''initially offer any product'';

(B) by striking ''section 1303'' and inserting ''section 1321(f)''; and

(C) by striking ''before obtaining the approval of the Secretary under section 1322'' and inserting ''except in accordance with section 1321''.

(2) FREDDIE MAC.—Section 305(c) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1454(c)) is amended—

(A) by striking ''implement any new program'' and inserting ''initially offer any product'';

(B) by striking ''section 1303'' and inserting ''section 1321(f)''; and

(C) by striking ''before obtaining the approval of the Secretary under section 1322'' and inserting ''except in accordance with section 1321''.

(3) 1992 ACT.—Section 1303 of the Housing and Community Development Act of 1992 (12 U.S.C. 4502), as amended by the preceding provisions of this title, is further amended—

(A) by striking paragraph (17) (relating to the definition of ''new program''); and

(B) by redesignating paragraphs (18) through (23) as paragraphs (17) through (22), respectively.

SEC. 333. CONFORMING LOAN LIMITS.

(a) FANNIE MAE.—Section 302(b)(2) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1717(b)(2)) is amended—

(1) in the second sentence, by redesignating clause (A) through (C) as clauses (i) through (iii), respectively;

(2) in the third sentence, by striking ''clause (A)'' and inserting ''clause (i)'';

(3) in the 4th sentence, by striking ''the Resolution Trust Corporation,'';

(4) by striking the 7th and 8th sentences and inserting the following new sentences: ''For 2008, such limitations shall not exceed $417,000 for a mortgage secured by a single-family residence, $533,850 for a mortgage secured by a 2-family residence, $645,300 for a mortgage secured by a 3-family residence, and $801,950 for a mortgage secured by a 4-family residence, except that such maximum limitations shall be adjusted effective January 1 of each year beginning with 2009, subject to the limitations in this paragraph. Each adjustment shall be made by adding to or subtracting from each such amount (as it may have been previously adjusted) a percentage thereof equal to the percentage increase or decrease, during the most recent 12-month or four-quarter period ending before the time of determining such annual adjustment, in the housing price index maintained by the Director of the Federal Housing Finance Agency (pursuant to section 1322 of the Housing and Community Development Act of 1992 (12 U.S.C. 4541)).''.

(5) by inserting ''(A)'' after ''(2)''; and

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

''(B)(i) Notwithstanding subparagraph (A), for mortgages originated on or after January 1, 2009, the limitation on the maximum original principal obligation of a mortgage that may be purchased by the corporation shall be the higher of—

''(I) the limitation determined under subparagraph (A) for a residence of the applicable size; or

''(II) 125 percent of the area median price for a residence of the applicable size, but in no case to exceed 175 percent of the limitation determined under subparagraph (A) for a residence of the applicable size.

''(ii) The areas and area median prices used for purposes of the determination under this subparagraph shall be the areas and area median prices used by the Secretary of Housing and Urban Development in determining the applicable limits under section 203(b)(2) of the National Housing Act (12 U.S.C. 1709(b)(2)). A mortgage that is eligible for purchase by the corporation at the time the mortgage is originated under this subparagraph shall be eligible for such purchase for the duration of the term of the mortgage.''.

(b) FREDDIE MAC.—Section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1454(a)(2)) is amended—

(1) in the first sentence, by redesignating clause (A) through (C) as clauses (i) through (iii), respectively;

(2) in the second sentence, by striking ''clause (A)'' and inserting ''clause (i)'';

(3) in the third sentence by striking ''the Resolution Trust Corporation'';

(4) by striking the 6th and 7th sentence and inserting the following new sentences: ''For 2008, such limitations shall not exceed $417,000 for a mortgage secured by a single-family residence, $533,850 for a mortgage secured by a 2-family residence, $645,300 for a mortgage secured by a 3-family residence, and $801,950 for a mortgage secured by a 4-family residence, except that such maximum limitations shall be adjusted effective January 1 of each year beginning with 2009, subject to the limitations in this paragraph. Each adjustment shall be made by adding to or subtracting from each such amount (as it may have been previously adjusted) a percentage thereof equal to the percentage increase or decrease, during the most recent 12-month or four-quarter period ending before the time of determining such annual adjustment, in the housing price index maintained by the Director of the Federal Housing Finance Agency (pursuant to section 1322 of the Housing and Community Development Act of 1992 (12 U.S.C. 4541)).'';

(5) by inserting ''(A)'' after ''(2)''; and

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

''(B)(i) Notwithstanding subparagraph (A), for mortgages originated on or after January 1, 2009, the limitation on the maximum original principal obligation of a mortgage that may be purchased by the Corporation shall be the higher of—

''(I) the limitation determined under subparagraph (A) for a residence of the applicable size; or

''(II) 125 percent of the area median price for a residence of the applicable size, but in no case to exceed 175 percent of the limitation determined under subparagraph (A) for a residence of the applicable size.

''(ii) The areas and area median prices used for purposes of the determination under this subparagraph shall be the areas and area median prices used by the Secretary of Housing and Urban Development in determining the applicable limits under section 203(b)(2) of the National Housing Act (12 U.S.C. 1709(b)(2)). A mortgage that is eligible for purchase by the Corporation at the time the mortgage is originated under this subparagraph shall be eligible for such purchase for the duration of the term of the mortgage.''.

(c) HOUSING PRICE INDEX.—Subpart A of part 2 of subtitle A of title XIII of the Housing and Community Development Act of 1992 (as amended by the preceding provisions of this title) is amended by inserting after section 1321 (as added by the preceding provisions of this title) the following new section:

''SEC. 1322. HOUSING PRICE INDEX.

''(a) IN GENERAL.—The Director shall establish and maintain a method of assessing the national average 1-family house price for use for adjusting the conforming loan limitations of the enterprises. In establishing such method, the Director shall take into consideration the monthly survey of all major lenders conducted by the Federal Housing Finance Agency to determine the national average 1-family house price, the House Price Index maintained by the Office of Federal Housing Enterprise Oversight of the Department of Housing and Urban Development before the effective date under section 365 of the Federal Housing Finance Reform Act of 2008, any appropriate house price indexes of the Bureau of the Census of the Department of Commerce, and any other indexes or measures that the Director considers appropriate.

''(b) GAO AUDIT.—

''(1) IN GENERAL.—At such times as are required under paragraph (2), the Comptroller General of the United States shall conduct an audit of the methodology established by the Director under subsection (a) to determine whether the methodology established is an accurate and appropriate means of measuring changes to the national average 1-family house price.

''(2) TIMING.—An audit referred to in paragraph (1) shall be conducted and completed not later than the expiration of the 180-day period that begins upon each of the following dates:

''(A) ESTABLISHMENT.—The date upon which such methodology is initially established under subsection (a) in final form by the Director.

''(B) MODIFICATION OR AMENDMENT.—Each date upon which any modification or amendment to such methodology is adopted in final form by the Director.

''(3) REPORT.—Within 30 days of the completion of any audit conducted under this subsection, the Comptroller General shall submit a report detailing the results and conclusions of the audit to the Director, the Committee on Financial Services of the House of Representatives, and the Committee on Banking, Housing, and Urban Affairs of the Senate.''.

(d) SENSE OF CONGRESS.—It is the sense of the Congress that the securitization of mortgages by the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation plays an important role in providing liquidity to the United States housing markets. Therefore, the Congress encourages the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation to securitize mortgages acquired under the increased conforming loan limits established by the amendments made by this section, to the extent that such securitizations can be effected in a timely and efficient manner that does not impose additional costs for mortgages originated, purchased, or securitized under the existing limits or interfere with the goal of adding liquidity to the market.

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on, and shall apply beginning on, January 1, 2009.

SEC. 334. ANNUAL HOUSING REPORT REGARDING REGULATED ENTITIES.

(a) IN GENERAL.—The Housing and Community Development Act of 1992 is amended by striking section 1324 (12 U.S.C. 4544) and inserting the following new section:

''SEC. 1324. ANNUAL HOUSING REPORT REGARDING REGULATED ENTITIES.

''(a) IN GENERAL.—After reviewing and analyzing the reports submitted under section 309(n) of the Federal National Mortgage Association Charter Act, section 307(f) of the Federal Home Loan Mortgage Corporation Act, and section 10(j)(11) of the Federal Home Loan Bank Act (12 U.S.C. 1430(j)(11)), the Director shall submit a report, not later than October 30 of each year, to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate, on the activities of each regulated entity.

''(b) CONTENTS.—The report shall—

''(1) discuss the extent to which—

''(A) each enterprise is achieving the annual housing goals established under subpart B of this part;

''(B) each enterprise is complying with section 1337;

''(C) each Federal home loan bank is complying with section 10(j) of the Federal Home Loan Bank Act; and

''(D) each regulated entity is achieving the purposes of the regulated entity established by law;

''(2) aggregate and analyze relevant data on income to assess the compliance by each enterprise with the housing goals established under subpart B;

''(3) aggregate and analyze data on income, race, and gender by census tract and other relevant classifications, and compare such data with larger demographic, housing, and economic trends;

''(4) examine actions that—

''(A) each enterprise has undertaken or could undertake to promote and expand the annual goals established under subpart B and the purposes of the enterprise established by law; and

''(B) each Federal home loan bank has taken or could undertake to promote and expand the community investment program and affordable housing program of the bank established under subsections (i) and (j) of section 10 of the Federal Home Loan Bank Act;

''(5) examine the primary and secondary multifamily housing mortgage markets and describe—

''(A) the availability and liquidity of mortgage credit;

''(B) the status of efforts to provide standard credit terms and underwriting guidelines for multifamily housing and to securitize such mortgage products; and

''(C) any factors inhibiting such standardization and securitization;

''(6) examine actions each regulated entity has undertaken and could undertake to promote and expand opportunities for first-time homebuyers, including the use of alternative credit scoring;

''(7) describe any actions taken under section 1325(5) with respect to originators found to violate fair lending procedures;

''(8) discuss and analyze existing conditions and trends, including conditions and trends relating to pricing, in the housing markets and mortgage markets; and

''(9) identify the extent to which each enterprise is involved in mortgage purchases and secondary market activities involving subprime loans (as identified in accordance with the regulations issued pursuant to section 334(b) of the Federal Housing Finance Reform Act of 2008) and compare the characteristics of subprime loans purchased and securitized by the enterprises to other loans purchased and securitized by the enterprises.

''(c) DATA COLLECTION AND REPORTING.—

''(1) IN GENERAL.—To assist the Director in analyzing the matters described in subsection (b) and establishing the methodology described in section 1322, the Director shall conduct, on a monthly basis, a survey of mortgage markets in accordance with this subsection.

''(2) DATA POINTS.—Each monthly survey conducted by the Director under paragraph (1) shall collect data on—

''(A) the characteristics of individual mortgages that are eligible for purchase by the enterprises and the characteristics of individual mortgages that are not eligible for purchase by the enterprises including, in both cases, information concerning—

''(i) the price of the house that secures the mortgage;

''(ii) the loan-to-value ratio of the mortgage, which shall reflect any secondary liens on the relevant property;

''(iii) the terms of the mortgage;

''(iv) the creditworthiness of the borrower or borrowers; and

''(v) whether the mortgage, in the case of a conforming mortgage, was purchased by an enterprise; and

''(B) such other matters as the Director determines to be appropriate.

''(3) PUBLIC AVAILABILITY.—The Director shall make any data collected by the Director in connection with the conduct of a monthly survey available to the public in a timely manner, provided that the Director may modify the data released to the public to ensure that the data is not released in an identifiable form.

''(4) DEFINITION.—For purposes of this subsection, the term 'identifiable form' means any representation of information that permits the identity of a borrower to which the information relates to be reasonably inferred by either direct or indirect means.''.

(b) STANDARDS FOR SUBPRIME LOANS.—The Director shall, not later than one year after the effective date under section 365, by regulations issued under section 1316G of the Housing and Community Development Act of 1992, establish standards by which mortgages purchased and mortgages purchased and securitized shall be characterized as subprime for the purpose of, and only for the purpose of, complying with the reporting requirement under section 1324(b)(9) of such Act.

SEC. 335. ANNUAL REPORTS BY REGULATED ENTITIES ON AFFORDABLE HOUSING STOCK.

The Housing and Community Development Act of 1992 is amended by inserting after section 1328 (12 U.S.C. 4548) the following new section:

''SEC. 1329. ANNUAL REPORTS ON AFFORDABLE HOUSING STOCK.

''(a) IN GENERAL.—To obtain information helpful in applying the formula under section 1337(c)(2) for the affordable housing program under such section and for other appropriate uses, the regulated entities shall conduct, or provide for the conducting of, a study on an annual basis to determine the levels of affordable housing inventory, and the changes in such levels, in communities throughout the United States.

''(b) CONTENTS.—The annual study under this section shall determine, for the United States, each State, and each community within each State—

''(1) the level of affordable housing inventory, including affordable rental dwelling units and affordable homeownership dwelling units;

''(2) any changes to the level of such inventory during the 12-month period of the study under this section, including—

''(A) any additions to such inventory, disaggregated by the category of such additions (including new construction or housing conversion);

''(B) any subtractions from such inventory, disaggregated by the category of such subtractions (including abandonment, demolition, or upgrade to market-rate housing);

''(C) the number of new affordable dwelling units placed in service; and

''(D) the number of affordable housing dwelling units withdrawn from service;

''(3) the types of financing used to build any dwelling units added to such inventory level and the period during which such units are required to remain affordable;

''(4) any excess demand for affordable housing, including the number of households on rental housing waiting lists and the tenure of the wait on such lists; and

''(5) such other information as the Director may require.

''(c) REPORT.—For each annual study conducted pursuant to this section, the regulated entities shall submit to the Congress, and make publicly available, a report setting forth the findings of the study.

''(d) REGULATIONS AND TIMING.—The Director shall, by regulation, establish requirements for the studies and reports under this section, including deadlines for the submission of such annual reports and standards for determining affordable housing.''.

SEC. 336. MORTGAGOR IDENTIFICATION REQUIREMENTS FOR MORTGAGES OF REGULATED ENTITIES.

(a) IN GENERAL.—Subpart A of part 2 of subtitle A of title XIII of the Housing and Community Development Act of 1992 (12 U.S.C. 4541 et seq.), as amended by the preceding provisions of this title, is further amended by adding at the end the following new section:

"SEC. 1330. MORTGAGOR IDENTIFICATION REQUIREMENTS FOR MORTGAGES OF REGULATED ENTITIES.

''(a) LIMITATION.—The Director shall by regulation establish standards, and shall enforce compliance with such standards, that—

''(1) prohibit the enterprises from the purchase, service, holding, selling, lending on the security of, or otherwise dealing with any mortgage on a one- to four-family residence that will be used as the principal residence of the mortgagor that does not meet the requirements under subsection (b); and

''(2) prohibit the Federal home loan banks from providing any advances to a member for use in financing, and from accepting as collateral for any advance to a member, any mortgage on a one- to four-family residence that will be used as the principal residence of the mortgagor that does not meet the requirements under subsection (b).

''(b) IDENTIFICATION REQUIREMENTS.—The requirements under this subsection with respect to a mortgage are that the mortgagor have, at the time of settlement on the mortgage, a Social Security account number.''.

(b) FANNIE MAE.—Section 304 of the Federal National Mortgage Association Charter Act (12 U.S.C. 1719) is amended by adding at the end the following new subsection:

''(g) PROHIBITION REGARDING MORTGAGOR IDENTIFICATION REQUIREMENT.—Nothing in this Act may be construed to authorize the corporation to purchase, service, hold, sell, lend on the security of, or otherwise deal with any mortgage that the corporation is prohibited from so dealing with under the standards issued under section 1330 of the Housing and Community Development Act of 1992 by the Director of the Federal Housing Finance Agency.''.

(c) FREDDIE MAC.—Section 305 of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1454) is amended by adding at the end the following new subsection:

''(d) PROHIBITION REGARDING MORTGAGOR IDENTIFICATION REQUIREMENTS.—Nothing in this Act may be construed to authorize the Corporation to purchase, service, hold, sell, lend on the security of, or otherwise deal with any mortgage that the Corporation is prohibited from so dealing with under the standards issued under section 1330 of the Housing and Community Development Act of 1992 by the Director of the Federal Housing Finance Agency.''.

(d) FEDERAL HOME LOAN BANKS.—Section 10(a) of the Federal Home Loan Bank Act (12 U.S.C. 1430(a)) is amended—

(1) by redesignating paragraph (6) as paragraph (7); and

(2) by inserting after paragraph (5) the following new paragraph:

''(6) PROHIBITION REGARDING MORTGAGOR IDENTIFICATION REQUIREMENTS.—Nothing in this Act may be construed to authorize a Federal Home Loan Bank to provide any advance to a member for use in financing, or accept as collateral for an advance under this section, any mortgage that a Bank is prohibited from so accepting under the standards issued under section 1330 of the Housing and Community Development Act of 1992 by the Director of the Federal Housing Finance Agency.''.

SEC. 337. REVISION OF HOUSING GOALS.

(a) HOUSING GOALS.—The Housing and Community Development Act of 1992 is amended by striking sections 1331 through 1334 (12 U.S.C. 4561–4) and inserting the following new sections:

"SEC. 1331. ESTABLISHMENT OF HOUSING GOALS.

''(a) IN GENERAL.—The Director shall establish, effective for the first year that begins after the effective date under section 365 of the Federal Housing Finance Reform Act of 2008 and each year thereafter, annual housing goals, with respect to the mortgage purchases by the enterprises, as follows:

''(1) SINGLE FAMILY HOUSING GOALS.—Three single-family housing goals under section 1332.

''(2) MULTIFAMILY SPECIAL AFFORDABLE HOUSING GOALS.—A multifamily special affordable housing goal under section 1333.

''(b) ELIMINATING INTEREST RATE DISPARITIES.—

''(1) IN GENERAL.—Upon request by the Director, an enterprise shall provide to the Director, in a form determined by the Director, data the Director may review to determine whether there exist disparities in interest rates charged on mortgages to borrowers who are minorities as compared with comparable mortgages to borrowers of similar creditworthiness who are not minorities.

''(2) REMEDIAL ACTIONS UPON PRELIMINARY FINDING.—Upon a preliminary finding by the Director that a pattern of disparities in interest rates with respect to any lender or lenders exists pursuant to the data provided by an enterprise in paragraph (1), the Director shall—

''(A) refer the preliminary finding to the appropriate regulatory or enforcement agency for further review;

''(B) require the enterprise to submit additional data with respect to any lender or lenders, as appropriate and to the extent practicable, to the Director who shall submit any such additional data to the regulatory or enforcement agency for appropriate action; and

''(C) require the enterprise to undertake remedial actions, as appropriate, pursuant to section 1325(5) (12 U.S.C. 4545(5)).

''(3) ANNUAL REPORT TO CONGRESS.—The Director shall submit to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate a report describing the actions taken, and being taken, by the Director to carry out this subsection. No such report shall identify any lender or lenders who have not been found to have engaged in discriminatory lending practices pursuant to a final adjudication on the record, and after opportunity for an administrative hearing, in accordance with subchapter II of chapter 5 of title 5, United States Code.

''(4) PROTECTION OF IDENTITY OF INDIVIDUALS.—In carrying out this subsection, the Director shall ensure that no property-related or financial information that would enable a borrower to be identified shall be made public.

''(c) TIMING.—The Director shall establish an annual deadline by which the Director shall establish the annual housing goals under this subpart for each year, taking into consideration the need for the enterprises to reasonably and sufficiently plan their operations and activities in advance, including operations and activities necessary to meet such annual goals.

"SEC. 1332. SINGLE-FAMILY HOUSING GOALS.

''(a) IN GENERAL.—The Director shall establish annual goals for the purchase by each enterprise of conventional, conforming, single-family, purchase money mortgages financing owner-occupied and rental housing for each of the following categories of families:

''(1) Low-income families.

''(2) Families that reside in low-income areas.

''(3) Very low-income families.

''(b) REFINANCE SUBGOAL.—

''(1) IN GENERAL.—The Director shall establish a separate subgoal within each goal under subsection (a)(1) for the purchase by each enterprise of mortgages for low-income families on single family housing given to pay off or prepay an existing loan secured by the same property. The Director shall, for each year, determine whether each enterprise has complied with the subgoal under this subsection in the same manner provided under this section for determining compliance with the housing goals.

''(2) ENFORCEMENT.—For purposes of section 1336, the subgoal established under paragraph (1) of this subsection shall be considered to be a housing goal established under this section. Such subgoal shall not be enforceable under any other provision of this title (including subpart C of this part) other than section 1336 or under any provision of the Federal National Mortgage Association Charter Act or the Federal Home Loan Mortgage Corporation Act.

''(c) DETERMINATION OF COMPLIANCE.—The Director shall determine, for each year that the housing goals under this section are in effect pursuant to section 1331(a), whether each enterprise has complied with the single-family housing goals established under this section for such year. An enterprise shall be considered to be in compliance with such a goal for a year only if, for each of the types of families described in subsection (a), the percentage of the number of conventional, conforming, single-family, owner-occupied or rental, as applicable, purchase money mortgages purchased by each enterprise in such year that serve such families, meets or exceeds the target for the year for such type of family that is established under subsection (d).

''(d) ANNUAL TARGETS.—

''(1) IN GENERAL.—Except as provided in paragraph (2), for each of the types of families described in subsection (a), the target under this subsection for a year shall be the average percentage, for the three years that most recently precede such year and for which information under the Home Mortgage Disclosure Act of 1975 is publicly available, of the number of conventional, conforming, single-family, owner-occupied or rental, as applicable, purchase money mortgages originated in such year that serves such type of family, as determined by the Director using the information obtained and determined pursuant to paragraphs (3) and (4).

''(2) AUTHORITY TO INCREASE TARGETS.—

''(A) IN GENERAL.—The Director may, for any year, establish by regulation, for any or all of the types of families described in subsection (a), percentage targets that are higher than the percentages for such year determined pursuant to paragraph (1), to reflect expected changes in market performance related to such information under the Home Mortgage Disclosure Act of 1975.

''(B) FACTORS.—In establishing any targets pursuant to subparagraph (A), the Director shall consider the following factors:

''(i) National housing needs.

''(ii) Economic, housing, and demographic conditions.

''(iii) The performance and effort of the enterprises toward achieving the housing goals under this section in previous years.

''(iv) The size of the conventional mortgage market serving each of the types of families described in subsection (a) relative to the size of the overall conventional mortgage market.

''(v) The ability of the enterprise to lead the industry in making mortgage credit available.

''(vi) The need to maintain the sound financial condition of the enterprises.

''(3) HMDA INFORMATION.—The Director shall annually obtain information submitted in compliance with the Home Mortgage Disclosure Act of 1975 regarding conventional, conforming, single-family, owner-occupied or rental, as applicable, purchase money mortgages originated and purchased for the previous year.

''(4) CONFORMING MORTGAGES.—In determining whether a mortgage is a conforming mortgage for purposes of this paragraph, the

Director shall consider the original principal balance of the mortgage loan to be the principal balance as reported in the information referred to in paragraph (3), as rounded to the nearest thousand dollars.

''(e) NOTICE OF DETERMINATION AND ENTERPRISE COMMENT.—

''(1) NOTICE.—Within 30 days of making a determination under subsection (c) regarding a compliance of an enterprise for a year with a housing goal established under this section and before any public disclosure thereof, the Director shall provide notice of the determination to the enterprise, which shall include an analysis and comparison, by the Director, of the performance of the enterprise for the year and the targets for the year under subsection (d).

''(2) COMMENT PERIOD.—The Director shall provide each enterprise an opportunity to comment on the determination during the 30-day period beginning upon receipt by the enterprise of the notice.

''(f) USE OF BORROWER INCOME.—In monitoring the performance of each enterprise pursuant to the housing goals under this section and evaluating such performance (for purposes of section 1336), the Director shall consider a mortgagor's income to be such income at the time of origination of the mortgage.

''(g) CONSIDERATION OF UNITS IN SINGLE-FAMILY RENTAL HOUSING.—In establishing any goal under this subpart, the Director may take into consideration the number of housing units financed by any mortgage on single-family rental housing purchased by an enterprise.

''SEC. 1333. MULTIFAMILY SPECIAL AFFORDABLE HOUSING GOAL.

''(a) ESTABLISHMENT.—

''(1) IN GENERAL.—The Director shall establish, by regulation, an annual goal for the purchase by each enterprise of each of the following types of mortgages on multifamily housing:

''(A) Mortgages that finance dwelling units for low-income families.

''(B) Mortgages that finance dwelling units for very low-income families.

''(C) Mortgages that finance dwelling units assisted by the low-income housing tax credit under section 42 of the Internal Revenue Code of 1986.

''(2) ADDITIONAL REQUIREMENTS FOR SMALLER PROJECTS.—The Director shall establish, within the goal under this section, additional requirements for the purchase by each enterprise of mortgages described in paragraph (1) for multifamily housing projects of a smaller or limited size, which may be based on the number of dwelling units in the project or the amount of the mortgage, or both, and shall include multifamily housing projects of such smaller sizes as are typical among such projects that serve rural areas.

''(3) FACTORS.—In establishing the goal under this section relating to mortgages on multifamily housing for an enterprise for a year, the Director shall consider—

''(A) national multifamily mortgage credit needs;

''(B) the performance and effort of the enterprise in making mortgage credit available for multifamily housing in previous years;

''(C) the size of the multifamily mortgage market;

''(D) the ability of the enterprise to lead the industry in making mortgage credit available, especially for underserved markets, such as for small multifamily projects of 5 to 50 units, multifamily properties in need of rehabilitation, and multifamily properties located in rural areas; and

''(E) the need to maintain the sound financial condition of the enterprise.

''(b) UNITS FINANCED BY HOUSING FINANCE AGENCY BONDS.—The Director shall give credit toward the achievement of the multifamily special affordable housing goal under this section (for purposes of section 1336) to dwelling units in multifamily housing that otherwise qualifies under such goal and that is financed by tax-exempt or taxable bonds issued by a State or local housing finance agency, but only if such bonds—

''(1) are secured by a guarantee of the enterprise; or

''(2) are not investment grade and are purchased by the enterprise.

''(c) USE OF TENANT INCOME OR RENT.—The Director shall monitor the performance of each enterprise in meeting the goals established under this section and shall evaluate such performance (for purposes of section 1336) based on—

''(1) the income of the prospective or actual tenants of the property, where such data are available; or

''(2) where the data referred to in paragraph (1) are not available, rent levels affordable to low-income and very low-income families.

A rent level shall be considered to be affordable for purposes of this subsection for an income category referred to in this subsection if it does not exceed 30 percent of the maximum income level of such income category, with appropriate adjustments for unit size as measured by the number of bedrooms.

''(d) DETERMINATION OF COMPLIANCE.—The Director shall, for each year that the housing goal under this section is in effect pursuant to section 1331(a), determine whether each enterprise has complied with such goal and the additional requirements under subsection (a)(2).

''SEC. 1334. DISCRETIONARY ADJUSTMENT OF HOUSING GOALS.

''(a) AUTHORITY.—An enterprise may petition the Director in writing at any time during a year to reduce the level of any goal for such year established pursuant to this subpart.

''(b) STANDARD FOR REDUCTION.—The Director may reduce the level for a goal pursuant to such a petition only if—

''(1) market and economic conditions or the financial condition of the enterprise require such action; or

''(2) efforts to meet the goal would result in the constraint of liquidity, over-investment in certain market segments, or other consequences contrary to the intent of this subpart, or section 301(3) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1716(3)) or section 301(3) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1451 note), as applicable.

''(c) DETERMINATION.—The Director shall make a determination regarding any proposed reduction within 30 days of receipt of the petition regarding the reduction. The Director may extend such period for a single additional 15-day period, but only if the Director requests additional information from the enterprise. A denial by the Director to reduce the level of any goal under this section may be appealed to the United States District Court for the District of Columbia or the United States district court in the jurisdiction in which the headquarters of an enterprise is located.''.

(b) CONFORMING AMENDMENTS.—The Housing and Community Development Act of 1992 is amended—

(1) in section 1335(a) (12 U.S.C. 4565(a)), in the matter preceding paragraph (1), by striking ''low- and moderate-income housing goal'' and all that follows through ''section 1334'' and inserting ''housing goals established under this subpart''; and

(2) in section 1336(a)(1) (12 U.S.C. 4566(a)(1)), by striking ''sections 1332, 1333, and 1334,'' and inserting ''this subpart''.

(c) DEFINITIONS.—Section 1303 of the Housing and Community Development Act of 1992 (12 U.S.C. 4502), as amended by the preceding provisions of this title, is further amended—

(1) in paragraph (22) (relating to the definition of ''very low-income''), by striking ''60 percent'' each place such term appears and inserting ''50 percent'';

(2) by redesignating paragraphs (19) through (22) as paragraphs (23) through (26), respectively;

(3) by inserting after paragraph (18) the following new paragraph:

''(22) RURAL AREA.—The term 'rural area' has the meaning given such term in section 520 of the Housing Act of 1949 (42 U.S.C. 1490), except that such term includes micropolitan areas and tribal trust lands.''.

(4) by redesignating paragraphs (13) through (18) as paragraphs (16) through (21), respectively;

(5) by inserting after paragraph (12) the following new paragraph:

''(15) LOW-INCOME AREA.—The term 'low income area' means a census tract or block numbering area in which the median income does not exceed 80 percent of the median income for the area in which such census tract or block numbering area is located, and, for the purposes of section 1332(a)(2), shall include families having incomes not greater than 100 percent of the area median income who reside in minority census tracts.'';

(6) by redesignating paragraphs (11) and (12) as paragraphs (13) and (14), respectively;

(7) by inserting after paragraph (10) the following new paragraph:

''(12) EXTREMELY LOW-INCOME.—The term 'extremely low-income' means—

''(A) in the case of owner-occupied units, income not in excess of 30 percent of the area median income; and

''(B) in the case of rental units, income not in excess of 30 percent of the area median income, with adjustments for smaller and larger families, as determined by the Secretary.'';

(8) by redesignating paragraphs (7) through (10) as paragraphs (8) through (11), respectively; and

(9) by inserting after paragraph (6) the following new paragraph:

''(7) CONFORMING MORTGAGE.—The term 'conforming mortgage' means, with respect to an enterprise, a conventional mortgage having an original principal obligation that does not exceed the dollar limitation, in effect at the time of such origination, under, as applicable—

''(A) section 302(b)(2) of the Federal National Mortgage Association Charter Act; or

''(B) section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act.''.

SEC. 338. DUTY TO SERVE UNDERSERVED MARKETS.

(a) ESTABLISHMENT AND EVALUATION OF PERFORMANCE.—Section 1335 of the Housing and Community Development Act of 1992 (12 U.S.C. 4565) is amended—

(1) in the section heading, by inserting ''**DUTY TO SERVE UNDERSERVED MARKETS AND**'' before ''**OTHER**'';

(2) by striking subsection (b);

(3) in subsection (a)—

(A) in the matter preceding paragraph (1), by inserting ''and to carry out the duty under subsection (a) of this section'' before '', each enterprise shall'';

(B) in paragraph (3), by inserting ''and'' after the semicolon at the end;

(C) in paragraph (4), by striking ''; and'' and inserting a period;

(D) by striking paragraph (5); and

(E) by redesignating such subsection as subsection (b);

(4) by inserting before subsection (b) (as so redesignated by paragraph (3)(E) of this subsection) the following new subsection:

''(a) DUTY TO SERVE UNDERSERVED MARKETS.—

''(1) DUTY.—In accordance with the purpose of the enterprises under section 301(3) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1716) and section 301(b)(3) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1451 note) to undertake activities relating to mortgages on housing for very low-, low-, and moderate-income families involving a reasonable economic return that may be less than the return earned on other activities, each enterprise shall have the duty to increase the liquidity of mortgage investments and improve the distribution of investment capital available for mortgage financing for underserved markets.

''(2) UNDERSERVED MARKETS.—To meet its duty under paragraph (1), each enterprise shall comply with the following requirements with respect to the following underserved markets:

''(A) MANUFACTURED HOUSING.—The enterprise shall lead the industry in developing loan products and flexible underwriting guidelines to facilitate a secondary market for mortgages on manufactured homes for very low-, low-, and moderate-income families.

''(B) AFFORDABLE HOUSING PRESERVATION.—The enterprise shall lead the industry in developing loan products and flexible underwriting guidelines to facilitate a secondary market to preserve housing affordable to very low-, low-, and moderate-income families, including housing projects subsidized under—

''(i) the project-based and tenant-based rental assistance programs under section 8 of the United States Housing Act of 1937;

''(ii) the program under section 236 of the National Housing Act;

''(iii) the below-market interest rate mortgage program under section 221(d)(4) of the National Housing Act;

''(iv) the supportive housing for the elderly program under section 202 of the Housing Act of 1959;

''(v) the supportive housing program for persons with disabilities under section 811 of the Cranston-Gonzalez National Affordable Housing Act;

''(vi) the programs under title IV of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11361 et seq.), but only permanent supportive housing projects subsidized under such programs; and

''(vii) the rural rental housing program under section 515 of the Housing Act of 1949.

''(C) RURAL AND OTHER UNDERSERVED MARKETS.—The enterprise shall lead the industry in developing loan products and flexible underwriting guidelines to facilitate a secondary market for mortgages on housing for very low-, low-, and moderate-income families in rural areas, and for mortgages for housing for any other underserved market for very low-, low-, and moderate-income families that the Secretary identifies as lacking adequate credit through conventional lending sources. Such underserved markets may be identified by borrower type, market segment, or geographic area.''; and

(5) by adding at the end the following new subsection:

''(c) EVALUATION AND REPORTING OF COMPLIANCE.—

''(1) IN GENERAL.—Not later than 6 months after the effective date under section 365 of the Federal Housing Finance Reform Act of 2008, the Director shall establish a manner for evaluating whether, and the extent to which, the enterprises have complied with the duty under subsection (a) to serve underserved markets and for rating the extent of such compliance. Using such method, the Director shall, for each year, evaluate such compliance and rate the performance of each enterprise as to extent of compliance. The Director shall include such evaluation and rating for each enterprise for a year in the report for that year submitted pursuant to section 1319B(a).

''(2) SEPARATE EVALUATIONS.—In determining whether an enterprise has complied with the duty referred to in paragraph (1), the Director shall separately evaluate whether the enterprise has complied with such duty with respect to each of the underserved markets identified in subsection (a), taking into consideration—

''(A) the development of loan products and more flexible underwriting guidelines;

''(B) the extent of outreach to qualified loan sellers in each of such underserved markets; and

''(C) the volume of loans purchased in each of such underserved markets.

''(3) MANUFACTURED HOUSING MARKET.—In determining whether an enterprise has complied with the duty under subparagraph (A) of subsection (a)(2), the Director may consider loans secured by both real and personal property.''.

(b) ENFORCEMENT.—Subsection (a) of section 1336 of the Housing and Community Development Act of 1992 (12 U.S.C. 4566(a)) is amended—

(1) in paragraph (1), by inserting ''and with the duty under section 1335(a) of each enterprise with respect to underserved markets,'' before ''as provided in this section''; and

(2) by adding at the end of such subsection, as amended by the preceding provisions of this subtitle, the following new paragraph:

''(4) ENFORCEMENT OF DUTY TO PROVIDE MORTGAGE CREDIT TO UNDERSERVED MARKETS.—The duty under section 1335(a) of each enterprise to serve underserved markets (as determined in accordance with section 1335(c)) shall be enforceable under this section to the same extent and under the same provisions that the housing goals established under this subpart are enforceable. Such duty shall not be enforceable under any other provision of this title (including subpart C of this part) other than this section or under any provision of the Federal National Mortgage Association Charter Act or the Federal Home Loan Mortgage Corporation Act.''.

SEC. 339. MONITORING AND ENFORCING COMPLIANCE WITH HOUSING GOALS.

(a) ADDITIONAL CREDIT FOR CERTAIN MORTGAGES.—Section 1336(a) of the Housing and Community Development Act of 1992 (12 U.S.C. 4566(a)) is amended—

(1) in paragraph (2), by inserting '', except as provided in paragraph (4),'' after ''which''; and

(2) by adding at the end the following new paragraph:

''(5) ADDITIONAL CREDIT.—The Director shall assign more than 125 percent credit toward achievement, under this section, of the housing goals for mortgage purchase activities of the enterprises that comply with the requirements of such goals and support—

''(A) housing that meets energy efficiency or other environmental standards that are established by a Federal, State, or local governmental authority with respect to the geographic area where the housing is located or are otherwise widely recognized; or

''(B) housing that includes a licensed childcare center.

The availability of additional credit under this paragraph shall not be used to increase any housing goal, subgoal, or target established under this subpart.''.

(b) MONITORING AND ENFORCEMENT.—Section 1336 of the Housing and Community Development Act of 1992 (12 U.S.C. 4566) is amended—

(1) in subsection (b)—

(A) in the subsection heading, by inserting ''PRELIMINARY'' before ''DETERMINATION'';

(B) by striking paragraph (1) and inserting the following new paragraph:

''(1) NOTICE.—If the Director preliminarily determines that an enterprise has failed, or that there is a substantial probability that an enterprise will fail, to meet any housing goal established under this subpart, the Director shall provide written notice to the enterprise of such a preliminary determination, the reasons for such determination, and the information on which the Director based the determination.'';

(C) in paragraph (2)—

(i) in subparagraph (A), by inserting ''finally'' before ''determining'';

(ii) by striking subparagraphs (B) and (C) and inserting the following new subparagraph:

''(B) EXTENSION OR SHORTENING OF PERIOD.—The Director may—

''(i) extend the period under subparagraph (A) for good cause for not more than 30 additional days; and

''(ii) shorten the period under subparagraph (A) for good cause.''; and

(iii) by redesignating subparagraph (D) as subparagraph (C); and

(D) in paragraph (3)—

(i) in subparagraph (A), by striking ''determine'' and inserting ''issue a final determination of'';

(ii) in subparagraph (B), by inserting ''final'' before ''determinations''; and

(iii) in subparagraph (C)—

(I) by striking ''Committee on Banking, Finance and Urban Affairs'' and inserting ''Committee on Financial Services''; and

(II) by inserting ''final'' before ''determination'' each place such term appears; and

(2) in subsection (c)—

(A) by striking the subsection designation and heading and all that follows through the end of paragraph (1) and inserting the following:

''(c) CEASE AND DESIST ORDERS, CIVIL MONEY PENALTIES, AND REMEDIES INCLUDING HOUSING PLANS.—

''(1) REQUIREMENT.—If the Director finds, pursuant to subsection (b), that there is a substantial probability that an enterprise will fail, or has actually failed, to meet any housing goal under this subpart and that the achievement of the housing goal was or is feasible, the Director may require that the enterprise submit a housing plan under this subsection. If the Director makes such a finding and the enterprise refuses to submit such a plan, submits an unacceptable plan, fails to comply with the plan or the Director finds that the enterprise has failed to meet any housing goal under this subpart, in addition to requiring an enterprise to submit a housing plan, the Director may issue a cease and desist order in accordance with section 1341, impose civil money penalties in accordance with section 1345, or order other remedies as set forth in paragraph (7) of this subsection.'';

(B) in paragraph (2)—

(i) by striking ''CONTENTS.—Each housing plan'' and inserting ''HOUSING PLAN.—If the Director requires a housing plan under this section, such a plan''; and

(ii) in subparagraph (B), by inserting ''and changes in its operations'' after ''improvements'';

(C) in paragraph (3)—

(i) by inserting ''comply with any remedial action or'' before ''submit a housing plan''; and

(ii) by striking ''under subsection (b)(3) that a housing plan is required'';

(D) in paragraph (4), by striking the first two sentences and inserting the following: ''The Director shall review each submission by an enterprise, including a housing plan submitted under this subsection, and not later than 30 days after submission, approve or disapprove the plan or other action. The Director may extend the period for approval or disapproval for a single additional 30-day

period if the Director determines such extension necessary.''; and

(E) by adding at the end the following new paragraph:

''(7) ADDITIONAL REMEDIES FOR FAILURE TO MEET GOALS.—In addition to ordering a housing plan under this section, issuing cease and desist orders under section 1341, and ordering civil money penalties under section 1345, the Director may seek other actions when an enterprise fails to meet a goal, and exercise appropriate enforcement authority available to the Director under this Act to prohibit the enterprise from initially offering any product (as such term is defined in section 1321(f)) or engaging in any new activities, services, undertakings, and offerings and to order the enterprise to suspend products and activities, services, undertakings, and offerings pending its achievement of the goal.''.

SEC. 340. AFFORDABLE HOUSING FUND.

(a) IN GENERAL.—The Housing and Community Development Act of 1992 is amended by striking sections 1337 and 1338 (12 U.S.C. 4562 note) and inserting the following new section:

''SEC. 1337. AFFORDABLE HOUSING FUND.

''(a) ESTABLISHMENT AND PURPOSE.—The Director, in consultation with the Secretary of Housing and Urban Development, shall establish and manage an affordable housing fund in accordance with this section, which shall be funded with amounts allocated by the enterprises under subsection (b). The purpose of the affordable housing fund shall be to provide formula grants to grantees for use—

''(1) to increase homeownership for extremely low-and very low-income families;

''(2) to increase investment in housing in low-income areas, and areas designated as qualified census tracts or an area of chronic economic distress pursuant to section 143(j) of the Internal Revenue Code of 1986 (26 U.S.C. 143(j));

''(3) to increase and preserve the supply of rental and owner-occupied housing for extremely low- and very low-income families;

''(4) to increase investment in public infrastructure development in connection with housing assisted under this section; and

''(5) to leverage investments from other sources in affordable housing and in public infrastructure development in connection with housing assisted under this section.

''(b) ALLOCATION OF AMOUNTS BY ENTERPRISES.—

''(1) IN GENERAL.—In accordance with regulations issued by the Director under subsection (m) and subject to paragraph (2) of this subsection and subsection (i)(5), each enterprise shall allocate to the affordable housing fund established under subsection (a), in each of the years 2008 through 2012, an amount equal to 1.2 basis points for each dollar of the average total mortgage portfolio of the enterprise during the preceding year.

''(2) SUSPENSION OF CONTRIBUTIONS.—The Director shall temporarily suspend the allocation under paragraph (1) by an enterprise to the affordable housing fund upon a finding by the Director that such allocations—

''(A) are contributing, or would contribute, to the financial instability of the enterprise;

''(B) are causing, or would cause, the enterprise to be classified as undercapitalized; or

''(C) are preventing, or would prevent, the enterprise from successfully completing a capital restoration plan under section 1369C.

''(3) 5-YEAR SUNSET AND REPORT.—

''(A) SUNSET.—The enterprises shall not be required to make allocations to the affordable housing fund in 2012 or in any year thereafter.

''(B) REPORT ON PROGRAM CONTINUANCE.—Not later than June 30, 2011, the Director shall submit to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate a report making recommendations on whether the program under this section, including the requirement for the enterprises to make allocations to the affordable housing fund, should be extended and on any modifications for the program.

''(4) PROHIBITION OF PASS-THROUGH OF COST OF ALLOCATIONS.—The Director shall, by regulation, prohibit each enterprise from redirecting such costs, through increased charges or fees, or decreased premiums, or in any other manner, to the originators of mortgages purchased or securitized by the enterprise.

''(c) AFFORDABLE HOUSING NEEDS FORMULAS.—

''(1) ALLOCATION FOR 2008.—

''(A) ALLOCATION PERCENTAGES FOR LOUISIANA AND MISSISSIPPI.—For purposes of subsection (d)(1)(A), the allocation percentages for 2008 for the grantees under this section for such year shall be as follows:

''(i) The allocation percentage for the Louisiana Housing Finance Agency shall be 75 percent.

''(ii) The allocation percentage for the Mississippi Development Authority shall be 25 percent.

''(B) USE IN DISASTER AREAS.—Affordable housing grant amounts for 2008 shall be used only as provided in subsection (g) only for such eligible activities in areas that were subject to a declaration by the President of a major disaster or emergency under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) in connection with Hurricane Katrina or Rita of 2005.

''(2) ALLOCATION FORMULA FOR OTHER YEARS.—The Secretary of Housing and Urban Development shall, by regulation, establish a formula to allocate, among the States (as such term is defined in section 1303) and federally recognized Indian tribes, the amounts provided by the enterprises in each year referred to subsection (b)(1), other than 2008, to the affordable housing fund established under this section. The formula shall be based on the following factors, with respect to each State and tribe:

''(A) The ratio of the population of the State or federally recognized Indian tribe to the aggregate population of all the States and tribes.

''(B) The percentage of families in the State or federally recognized Indian tribe that pay more than 50 percent of their annual income for housing costs.

''(C) The percentage of persons in the State or federally recognized Indian tribe that are members of extremely low- or very low-income families.

''(D) The cost of developing or carrying out rehabilitation of housing in the State or for the federally recognized Indian tribe.

''(E) The percentage of families in the State or federally recognized Indian tribe that live in substandard housing.

''(F) The percentage of housing stock in the State or for the federally recognized Indian tribe that is extremely old housing.

''(G) Any other factors that the Secretary determines to be appropriate.

''(3) FAILURE TO ESTABLISH.—If, in any year referred to in subsection (b)(1), other than 2008, the regulations establishing the formula required under paragraph (2) of this subsection have not been issued by the date that the Director determines the amounts described in subsection (d)(1) to be available for affordable housing fund grants in such year, for purposes of such year any amounts for a State (as such term is defined in section 1303 of this Act) that would otherwise be determined under subsection (d) by applying the formula established pursuant to paragraph (2) of this subsection shall be determined instead by applying, for such State, the percentage that is equal to the percentage of the total amounts made available for such year for allocation under subtitle A of title II of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12741 et seq.) that are allocated in such year, pursuant to such subtitle, to such State (including any insular area or unit of general local government, as such terms are defined in section 104 of such Act (42 U.S.C. 12704), that is treated as a State under section 1303 of this Act) and to participating jurisdictions and other eligible entities within such State.

''(d) ALLOCATION OF FORMULA AMOUNT; GRANTS.—

''(1) FORMULA AMOUNT.—For each year referred to in subsection (b)(1), the Director shall determine the formula amount under this section for each grantee, which shall be the amount determined for such grantee—

''(A) for 2008, by applying the allocation percentages under subparagraph (A) of subsection (c)(1) to the sum of the total amounts allocated by the enterprises to the affordable housing fund for such year, less any amounts used pursuant to subsection (i)(1); and

''(B) for any other year referred to in subsection (b)(1) (other than 2008), by applying the formula established pursuant to paragraph (2) of subsection (c) to the sum of the total amounts allocated by the enterprises to the affordable housing fund for such year and any recaptured amounts available pursuant to subsection (i)(4), less any amounts used pursuant to subsection (i)(1).

''(2) NOTICE.—In each year referred to in subsection (b)(1), not later than 60 days after the date that the Director determines the amounts described in paragraph (1) to be available for affordable housing fund grants to grantees in such year, the Director shall cause to be published in the Federal Register a notice that such amounts shall be so available.

''(3) GRANT AMOUNT.—

''(A) IN GENERAL.—For each year referred to in subsection (b)(1), the Director shall make a grant from amounts in the affordable housing fund to each grantee in an amount that is, except as provided in subparagraph (B), equal to the formula amount under this section for the grantee. A grantee may designate a State housing finance agency, housing and community development entity, tribally designated housing entity (as such term is defined in section 4 of the Native American Housing Assistance and Self-Determination Act of 1997 (25 U.S.C. 4103)) or other qualified instrumentality of the grantee to receive such grant amounts.

''(B) REDUCTION FOR FAILURE TO OBTAIN RETURN OF MISUSED FUNDS.—If in any year a grantee fails to obtain reimbursement or return of the full amount required under subsection (j)(1)(B) to be reimbursed or returned to the grantee during such year—

''(i) except as provided in clause (ii)—

''(I) the amount of the grant for the grantee for the succeeding year, as determined pursuant to subparagraph (A), shall be reduced by the amount by which such amounts required to be reimbursed or returned exceed the amount actually reimbursed or returned; and

''(II) the amount of the grant for the succeeding year for each other grantee whose grant is not reduced pursuant to subclause (I) shall be increased by the amount determined by applying the formula established pursuant to subsection (c)(2) to the total amount of all reductions for all grantees for such year pursuant to subclause (I); or

''(ii) in any case in which such failure to obtain reimbursement or return occurs during a year immediately preceding a year in which grants under this subsection will not

be made, the grantee shall pay to the Director for reallocation among the other grantees an amount equal to the amount of the reduction for the grantee that would otherwise apply under clause (i)(I).

''(e) GRANTEE ALLOCATION PLANS.—

''(1) IN GENERAL.—For each year that a grantee receives affordable housing fund grant amounts, the grantee shall establish an allocation plan in accordance with this subsection, which shall be a plan for the distribution of such grant amounts of the grantee for such year that—

''(A) is based on priority housing needs, as determined by the grantee in accordance with the regulations established under subsection (m)(2)(C);

''(B) complies with subsection (f); and

''(C) includes performance goals, benchmarks, and timetables for the grantee for the production, preservation, and rehabilitation of affordable rental and homeownership housing with such grant amounts that comply with the requirements established by the Director pursuant to subsection (m)(2)(F).

''(2) ESTABLISHMENT.—In establishing an allocation plan, a grantee shall notify the public of the establishment of the plan, provide an opportunity for public comments regarding the plan, consider any public comments received, and make the completed plan available to the public.

''(3) CONTENTS.—An allocation plan of a grantee shall set forth the requirements for eligible recipients under subsection (h) to apply to the grantee to receive assistance from affordable housing fund grant amounts, including a requirement that each such application include—

''(A) a description of the eligible activities to be conducted using such assistance; and

''(B) a certification by the eligible recipient applying for such assistance that any housing units assisted with such assistance will comply with the requirements under this section.

''(f) SELECTION OF ACTIVITIES FUNDED USING AFFORDABLE HOUSING FUND GRANT AMOUNTS.—Affordable housing fund grant amounts of a grantee may be used, or committed for use, only for activities that—

''(1) are eligible under subsection (g) for such use;

''(2) comply with the applicable allocation plan under subsection (e) of the grantee; and

''(3) are selected for funding by the grantee in accordance with the process and criteria for such selection established pursuant to subsection (m)(2)(C).

''(g) ELIGIBLE ACTIVITIES.—Affordable housing fund grant amounts of a grantee shall be eligible for use, or for commitment for use, only for assistance for—

''(1) the production, preservation, and rehabilitation of rental housing, including housing under the programs identified in section 1335(a)(2)(B), except that such grant amounts may be used for the benefit only of extremely low- and very low-income families;

''(2) the production, preservation, and rehabilitation of housing for homeownership, including such forms as downpayment assistance, closing cost assistance, and assistance for interest-rate buy-downs, that—

''(A) is available for purchase only for use as a principal residence by families that qualify both as—

''(i) extremely low- and very-low income families at the times described in subparagraphs (A) through (C) of section 215(b)(2) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12745(b)(2)); and

''(ii) first-time homebuyers, as such term is defined in section 104 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12704), except that any reference in such section to assistance under title II of such Act shall for purposes of this section be considered to refer to assistance from affordable housing fund grant amounts;

''(B) has an initial purchase price that meets the requirements of section 215(b)(1) of the Cranston-Gonzalez National Affordable Housing Act;

''(C) is subject to the same resale restrictions established under section 215(b)(3) of the Cranston-Gonzalez National Affordable Housing Act and applicable to the participating jurisdiction that is the State in which such housing is located; and

''(D) is made available for purchase only by, or in the case of assistance under this paragraph, is made available only to, homebuyers who have, before purchase—

''(i) completed a program of counseling with respect to the responsibilities and financial management involved in homeownership that is approved by the Director; except that the Director may, at the request of a State, waive the requirements of this subparagraph with respect to a geographic area or areas within the State if: (I) the travel time or distance involved in providing counseling with respect to such area or areas, as otherwise required under this subparagraph, on an in-person basis is excessive or the cost of such travel is prohibitive; and (II) the State provides alternative forms of counseling for such area or areas, which may include interactive telephone counseling, online counseling, interactive video counseling, and interactive home study counseling and a program of financial literacy and education to promote an understanding of consumer, economic, and personal finance issues and concepts, including saving for retirement, managing credit, long-term care, and estate planning and education on predatory lending, identity theft, and financial abuse schemes relating to homeownership that is approved by the Director, except that entities providing such counseling shall not discriminate against any particular form of housing; and

''(ii) demonstrated, in accordance with regulations as the Director shall issue setting forth requirements for sufficient evidence, that they are lawfully present in the United States; and

''(3) public infrastructure development activities in connection with housing activities funded under paragraph (1) or (2).

''(h) ELIGIBLE RECIPIENTS.—Affordable housing fund grant amounts of a grantee may be provided only to a recipient that is an organization, agency, or other entity (including a for-profit entity, a nonprofit entity, and a faith-based organization) that—

''(1) has demonstrated experience and capacity to conduct an eligible activity under (g), as evidenced by its ability to—

''(A) own, construct or rehabilitate, manage, and operate an affordable multifamily rental housing development;

''(B) design, construct or rehabilitate, and market affordable housing for homeownership;

''(C) provide forms of assistance, such as downpayments, closing costs, or interest-rate buy-downs, for purchasers; or

''(D) construct related public infrastructure development activities in connection with such housing activities;

''(2) demonstrates the ability and financial capacity to undertake, comply, and manage the eligible activity;

''(3) demonstrates its familiarly with the requirements of any other Federal, State or local housing program that will be used in conjunction with such grant amounts to ensure compliance with all applicable requirements and regulations of such programs; and

''(4) makes such assurances to the grantee as the Director shall, by regulation, require to ensure that the recipient will comply with the requirements of this section during the entire period that begins upon selection of the recipient to receive such grant amounts and ending upon the conclusion of all activities under subsection (g) that are engaged in by the recipient and funded with such grant amounts.

''(i) LIMITATIONS ON USE.—

''(1) REQUIRED AMOUNT FOR REFCORP.—Of the aggregate amount allocated pursuant to subsection (b) in each year to the affordable housing fund, 25 percent shall be used as provided in section 21B(f)(2)(E) of the Federal Home Loan Bank Act (12 U.S.C. 1441b(f)(2)(E)).

''(2) REQUIRED AMOUNT FOR HOMEOWNERSHIP ACTIVITIES.—Of the aggregate amount of affordable housing fund grant amounts provided in each year to a grantee, not less than 10 percent shall be used for activities under paragraph (2) of subsection (g).

''(3) MAXIMUM AMOUNT FOR PUBLIC INFRASTRUCTURE DEVELOPMENT ACTIVITIES IN CONNECTION WITH AFFORDABLE HOUSING ACTIVITIES.—Of the aggregate amount of affordable housing fund grant amounts provided in each year to a grantee, not more than 12.5 percent may be used for activities under paragraph (3) of subsection (g).

''(4) DEADLINE FOR COMMITMENT OR USE.—Any affordable housing fund grant amounts of a grantee shall be used or committed for use within two years of the date of that such grant amounts are made available to the grantee. The Director shall recapture into the affordable housing fund any such amounts not so used or committed for use and allocate such amounts under subsection (d)(1) in the first year after such recapture.

''(5) USE OF RETURNS.—The Director shall, by regulation provide that any return on a loan or other investment of any affordable housing fund grant amounts of a grantee shall be treated, for purposes of availability to and use by the grantee, as affordable housing fund grant amounts.

''(6) PROHIBITED USES.—The Director shall—

''(A) by regulation, set forth prohibited uses of affordable housing fund grant amounts, which shall include use for—

''(i) political activities;

''(ii) advocacy;

''(iii) lobbying, whether directly or through other parties;

''(iv) counseling services;

''(v) travel expenses; and

''(vi) preparing or providing advice on tax returns;

''(B) by regulation, provide that, except as provided in subparagraph (C), affordable housing fund grant amounts of a grantee may not be used for administrative, outreach, or other costs of—

''(i) the grantee; or

''(ii) any recipient of such grant amounts; and

''(C) by regulation, limit the amount of any affordable housing fund grant amounts of the grantee for a year that may be used for administrative costs of the grantee of carrying out the program required under this section to a percentage of such grant amounts of the grantee for such year, which may not exceed 10 percent.

''(7) PROHIBITION OF CONSIDERATION OF USE FOR MEETING HOUSING GOALS OR DUTY TO SERVE.—In determining compliance with the housing goals under this subpart and the duty to serve underserved markets under section 1335, the Director may not consider any affordable housing fund grant amounts used under this section for eligible activities under subsection (g). The Director shall give credit toward the achievement of such housing goals and such duty to serve underserved markets to purchases by the enterprises of mortgages for housing that receives funding from affordable housing fund grant amounts, but only to the extent that such purchases

by the enterprises are funded other than with such grant amounts.

''(8) ACCEPTABLE IDENTIFICATION REQUIREMENT FOR OCCUPANCY OR ASSISTANCE.—

''(A) IN GENERAL.—Any assistance provided with any affordable housing grant amounts may not be made available to, or on behalf of, any individual or household unless the individual provides, or, in the case of a household, all adult members of the household provide, personal identification in one of the following forms:

''(i) SOCIAL SECURITY CARD WITH PHOTO IDENTIFICATION CARD OR REAL ID ACT IDENTIFICATION.—

''(I) A social security card accompanied by a photo identification card issued by the Federal Government or a State Government; or

''(II) A driver's license or identification card issued by a State in the case of a State that is in compliance with title II of the REAL ID Act of 2005 (title II of division B of Public Law 109–13; 49 U.S.C. 30301 note).

''(ii) PASSPORT.—A passport issued by the United States or a foreign government.

''(iii) USCIS PHOTO IDENTIFICATION CARD.—A photo identification card issued by the Secretary of Homeland Security (acting through the Director of the United States Citizenship and Immigration Services).

''(B) REGULATIONS.—The Director shall, by regulation, require that each grantee and recipient take such actions as the Director considers necessary to ensure compliance with the requirements of subparagraph (A).

''(j) ACCOUNTABILITY OF RECIPIENTS AND GRANTEES.—

''(1) RECIPIENTS.—

''(A) TRACKING OF FUNDS.—The Director shall—

''(i) require each grantee to develop and maintain a system to ensure that each recipient of assistance from affordable housing fund grant amounts of the grantee uses such amounts in accordance with this section, the regulations issued under this section, and any requirements or conditions under which such amounts were provided; and

''(ii) establish minimum requirements for agreements, between the grantee and recipients, regarding assistance from the affordable housing fund grant amounts of the grantee, which shall include—

''(I) appropriate continuing financial and project reporting, record retention, and audit requirements for the duration of the grant to the recipient to ensure compliance with the limitations and requirements of this section and the regulations under this section; and

''(II) any other requirements that the Director determines are necessary to ensure appropriate grant administration and compliance.

''(B) MISUSE OF FUNDS.—

''(i) REIMBURSEMENT REQUIREMENT.—If any recipient of assistance from affordable housing fund grant amounts of a grantee is determined, in accordance with clause (ii), to have used any such amounts in a manner that is materially in violation of this section, the regulations issued under this section, or any requirements or conditions under which such amounts were provided, the grantee shall require that, within 12 months after the determination of such misuse, the recipient shall reimburse the grantee for such misused amounts and return to the grantee any amounts from the affordable housing fund grant amounts of the grantee that remain unused or uncommitted for use. The remedies under this clause are in addition to any other remedies that may be available under law.

''(ii) DETERMINATION.—A determination is made in accordance with this clause if the determination is—

''(I) made by the Director; or

''(II)(aa) made by the grantee;

''(bb) the grantee provides notification of the determination to the Director for review, in the discretion of the Director, of the determination; and

''(cc) the Director does not subsequently reverse the determination.

''(2) GRANTEES.—

''(A) REPORT.—

''(i) IN GENERAL.—The Director shall require each grantee receiving affordable housing fund grant amounts for a year to submit a report, for such year, to the Director that—

''(I) describes the activities funded under this section during such year with the affordable housing fund grant amounts of the grantee; and

''(II) the manner in which the grantee complied during such year with the allocation plan established pursuant to subsection (e) for the grantee.

''(ii) PUBLIC AVAILABILITY.—The Director shall make such reports pursuant to this subparagraph publicly available.

''(B) MISUSE OF FUNDS.—If the Director determines, after reasonable notice and opportunity for hearing, that a grantee has failed to comply substantially with any provision of this section and until the Director is satisfied that there is no longer any such failure to comply, the Director shall—

''(i) reduce the amount of assistance under this section to the grantee by an amount equal to the amount affordable housing fund grant amounts which were not used in accordance with this section;

''(ii) require the grantee to repay the Director an amount equal to the amount of the amount affordable housing fund grant amounts which were not used in accordance with this section;

''(iii) limit the availability of assistance under this section to the grantee to activities or recipients not affected by such failure to comply; or

''(iv) terminate any assistance under this section to the grantee.

''(k) CAPITAL REQUIREMENTS.—The utilization or commitment of amounts from the affordable housing fund shall not be subject to the risk-based capital requirements established pursuant to section 1361(a).

''(l) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

''(1) AFFORDABLE HOUSING FUND GRANT AMOUNTS.—The term 'affordable housing fund grant amounts' means amounts from the affordable housing fund established under subsection (a) that are provided to a grantee pursuant to subsection (d)(3).

''(2) GRANTEE.—The term 'grantee' means—

''(A) with respect to 2008, the Louisiana Housing Finance Agency and the Mississippi Development Authority; and

''(B) with respect to the years referred to in subsection (b)(1), other than 2008, each State (as such term is defined in section 1303) and each federally recognized Indian tribe.

''(3) RECIPIENT.—The term 'recipient' means an entity meeting the requirements under subsection (h) that receives assistance from a grantee from affordable housing fund grant amounts of the grantee.

''(4) TOTAL MORTGAGE PORTFOLIO.—The term 'total mortgage portfolio' means, with respect to a year, the sum, for all mortgages outstanding during that year in any form, including whole loans, mortgage-backed securities, participation certificates, or other structured securities backed by mortgages, of the dollar amount of the unpaid outstanding principal balances under such mortgages. Such term includes all such mortgages or securitized obligations, whether retained in portfolio, or sold in any form. The Director is authorized to promulgate rules further defining such term as necessary to implement this section and to address market developments.

''(5) VERY-LOW INCOME FAMILY.—The term 'very low-income family' has the meaning given such term in section 1303, except that such term includes any family that resides in a rural area that has an income that does not exceed the poverty line (as such term is defined in section 673(2) of the Omnibus Budget Reconciliation Act of 1981 (42 U.S.C. 9902(2)), including any revision required by such section) applicable to a family of the size involved.

''(m) REGULATIONS.—

''(1) IN GENERAL.—The Director, in consultation with the Secretary of Housing and Urban Development, shall issue regulations to carry out this section.

''(2) REQUIRED CONTENTS.—The regulations issued under this subsection shall include—

''(A) a requirement that the Director ensure that the program of each grantee for use of affordable housing fund grant amounts of the grantee is audited not less than annually to ensure compliance with this section;

''(B) authority for the Director to audit, provide for an audit, or otherwise verify a grantee's activities, to ensure compliance with this section;

''(C) requirements for a process for application to, and selection by, each grantee for activities meeting the grantee's priority housing needs to be funded with affordable housing fund grant amounts of the grantee, which shall provide for priority in funding to be based upon—

''(i) greatest impact;

''(ii) geographic diversity;

''(iii) ability to obligate amounts and undertake activities so funded in a timely manner;

''(iv) in the case of rental housing projects under subsection (g)(1), the extent to which rents for units in the project funded are affordable, especially for extremely low-income families;

''(v) in the case of rental housing projects under subsection (g)(1), the extent of the duration for which such rents will remain affordable;

''(vi) the extent to which the application makes use of other funding sources; and

''(vii) the merits of an applicant's proposed eligible activity;

''(D) requirements to ensure that amounts provided to a grantee from the affordable housing fund that are used for rental housing under subsection (g)(1) are used only for the benefit of extremely low- and very-low income families;

''(E) limitations on public infrastructure development activities that are eligible pursuant to subsection (g)(3) for funding with affordable housing fund grant amounts and requirements for the connection between such activities and housing activities funded under paragraph (1) or (2) of subsection (g); and

''(F) requirements and standards for establishment, by grantees (including the grantees for 2008 pursuant to subsection (l)(2)(A)), of performance goals, benchmarks, and timetables for the production, preservation, and rehabilitation of affordable rental and homeownership housing with affordable housing fund grant amounts.

''(n) ENFORCEMENT OF REQUIREMENTS ON ENTERPRISE.—Compliance by the enterprises with the requirements under this section shall be enforceable under subpart C. Any reference in such subpart to this part or to an order, rule, or regulation under this part specifically includes this section and any order, rule, or regulation under this section.

''(o) AFFORDABLE HOUSING TRUST FUND.—If, after the enactment of the Federal Housing Finance Reform Act of 2008, in any year, there is enacted any provision of Federal law establishing an affordable housing trust fund

other than under this title for use only for grants to provide affordable rental housing and affordable homeownership opportunities, and the subsequent year is a year referred to in subsection (b)(1), the Director shall in such subsequent year and any remaining years referred to in subsection (b)(1) transfer to such affordable housing trust fund the aggregate amount allocated pursuant to subsection (b) in such year to the affordable housing fund under this section, less any amounts used pursuant to subsection (i)(1). For such subsequent and remaining years, the provisions of subsections (c) and (d) shall not apply. Notwithstanding any other provision of law, assistance provided using amounts transferred to such affordable housing trust fund pursuant to this subsection may not be used for any of the activities specified in clauses (i) through (vi) of subsection (i)(6). Nothing in this subsection shall be construed to alter the terms and conditions of the affordable housing fund under this section or to extend the life of such fund.

''(p) FUNDING ACCOUNTABILITY AND TRANSPARENCY.—Any grant under this section to a grantee from the affordable housing fund established under subsection (a), any assistance provided to a recipient by a grantee from affordable housing fund grant amounts, and any grant, award, or other assistance from an affordable housing trust fund referred to in subsection (o) shall be considered a Federal award for purposes of the Federal Funding Accountability and Transparency Act of 2006 (31 U.S.C. 6101 note). Upon the request of the Director of the Office of Management and Budget, the Director of the Federal Housing Finance Agency shall obtain and provide such information regarding any such grants, assistance, and awards as the Director of the Office of Management and Budget considers necessary to comply with the requirements of such Act, as applicable pursuant to the preceding sentence.''.

(b) TIMELY ESTABLISHMENT OF AFFORDABLE HOUSING NEEDS FORMULA.—

(1) IN GENERAL.—The Secretary of Housing and Urban Development shall, not later than the effective date under section 365 of this title, issue the regulations establishing the affordable housing needs formulas in accordance with the provisions of section 1337(c)(2) of the Housing and Community Development Act of 1992, as such section is amended by subsection (a) of this section.

(2) EFFECTIVE DATE.—This subsection shall take effect on the date of the enactment of this Act.

(c) REFCORP PAYMENTS.—Section 21B(f)(2) of the Federal Home Loan Bank Act (12 U.S.C. 1441b(f)(2)) is amended—

(1) in subparagraph (E), by striking ''and (D)'' and inserting ''(D), and (E)'';

(2) by redesignating subparagraph (E) as subparagraph (F); and

(3) by inserting after subparagraph (D) the following new subparagraph:

''(E) PAYMENTS BY FANNIE MAE AND FREDDIE MAC.—To the extent that the amounts available pursuant to subparagraphs (A), (B), (C), and (D) are insufficient to cover the amount of interest payments, each enterprise (as such term is defined in section 1303 of the Housing and Community Development Act of 1992 (42 U.S.C. 4502)) shall transfer to the Funding Corporation in each calendar year the amounts allocated for use under this subparagraph pursuant to section 1337(i)(1) of such Act.''.

(d) GAO REPORT.—The Comptroller General shall conduct a study to determine the effects that the affordable housing fund established under section 1337 of the Housing and Community Development Act of 1992, as added by the amendment made by subsection (a) of this section, will have on the availability and affordability of credit for homebuyers, including the effects on such credit of the requirement under such section 1337(b) that the Federal National Mortgage Association and Federal Home Loan Mortgage Corporation make allocations of amounts to such fund based on the average total mortgage portfolios, and the extent to which the costs of such allocation requirement will be borne by such entities or will be passed on to homebuyers. Not later than the expiration of the 12-month period beginning on the date of the enactment of this Act, the Comptroller General shall submit a report to the Congress setting forth the results and conclusions of such study. This subsection shall take effect on the date of the enactment of this Act.

SEC. 341. CONSISTENCY WITH MISSION.

Subpart B of part 2 of subtitle A of title XIII of the Housing and Community Development Act of 1992 (12 U.S.C. 4561 et seq.) is amended by adding after section 1337, as added by the preceding provisions of this title, the following new section:

''SEC. 1338. CONSISTENCY WITH MISSION.

''This subpart may not be construed to authorize an enterprise to engage in any program or activity that contravenes or is inconsistent with the Federal National Mortgage Association Charter Act or the Federal Home Loan Mortgage Corporation Act.''.

SEC. 342. ENFORCEMENT.

(a) CEASE-AND-DESIST PROCEEDINGS.—Section 1341 of the Housing and Community Development Act of 1992 (12 U.S.C. 4581) is amended—

(1) by striking subsection (a) and inserting the following new subsection:

''(a) GROUNDS FOR ISSUANCE.—The Director may issue and serve a notice of charges under this section upon an enterprise if the Director determines—

''(1) the enterprise has failed to meet any housing goal established under subpart B, following a written notice and determination of such failure in accordance with section 1336;

''(2) the enterprise has failed to submit a report under section 1314, following a notice of such failure, an opportunity for comment by the enterprise, and a final determination by the Director;

''(3) the enterprise has failed to submit the information required under subsection (m) or (n) of section 309 of the Federal National Mortgage Association Charter Act, or subsection (e) or (f) of section 307 of the Federal Home Loan Mortgage Corporation Act;

''(4) the enterprise has violated any provision of this part or any order, rule or regulation under this part;

''(5) the enterprise has failed to submit a housing plan that complies with section 1336(c) within the applicable period; or

''(6) the enterprise has failed to comply with a housing plan under section 1336(c).'';

(2) in subsection (b)(2), by striking ''requiring the enterprise to'' and all that follows through the end of the paragraph and inserting the following: ''requiring the enterprise to—

''(A) comply with the goal or goals;

''(B) submit a report under section 1314;

''(C) comply with any provision this part or any order, rule or regulation under such part;

''(D) submit a housing plan in compliance with section 1336(c);

''(E) comply with a housing plan submitted under section 1336(c); or

''(F) provide the information required under subsection (m) or (n) of section 309 of the Federal National Mortgage Association Charter Act or subsection (e) or (f) of section 307 of the Federal Home Loan Mortgage Corporation Act, as applicable.'';

(3) in subsection (c), by inserting ''date of the'' before ''service of the order''; and

(4) by striking subsection (d).

(b) AUTHORITY OF DIRECTOR TO ENFORCE NOTICES AND ORDERS.—Section 1344 of the Housing and Community Development Act of 1992 (12 U.S.C. 4584) is amended by striking subsection (a) and inserting the following new subsection:

''(a) ENFORCEMENT.—The Director may, in the discretion of the Director, apply to the United States District Court for the District of Columbia, or the United States district court within the jurisdiction of which the headquarters of the enterprise is located, for the enforcement of any effective and outstanding notice or order issued under section 1341 or 1345, or request that the Attorney General of the United States bring such an action. Such court shall have jurisdiction and power to order and require compliance with such notice or order.''.

(c) CIVIL MONEY PENALTIES.—Section 1345 of the Housing and Community Development Act of 1992 (12 U.S.C. 4585) is amended—

(1) by striking subsections (a) and (b) and inserting the following new subsections:

''(a) AUTHORITY.—The Director may impose a civil money penalty, in accordance with the provisions of this section, on any enterprise that has failed to—

''(1) meet any housing goal established under subpart B, following a written notice and determination of such failure in accordance with section 1336(b);

''(2) submit a report under section 1314, following a notice of such failure, an opportunity for comment by the enterprise, and a final determination by the Director;

''(3) submit the information required under subsection (m) or (n) of section 309 of the Federal National Mortgage Association Charter Act, or subsection (e) or (f) of section 307 of the Federal Home Loan Mortgage Corporation Act;

''(4) comply with any provision of this part or any order, rule or regulation under this part;

''(5) submit a housing plan pursuant to section 1336(c) within the required period; or

''(6) comply with a housing plan for the enterprise under section 1336(c).

''(b) AMOUNT OF PENALTY.—The amount of the penalty, as determined by the Director, may not exceed—

''(1) for any failure described in paragraph (1), (5), or (6) of subsection (a), $50,000 for each day that the failure occurs; and

''(2) for any failure described in paragraph (2), (3), or (4) of subsection (a), $20,000 for each day that the failure occurs.'';

(2) in subsection (c)—

(A) in paragraph (1)—

(i) in subparagraph (A), by inserting ''and'' after the semicolon at the end;

(ii) in subparagraph (B), by striking ''; and'' and inserting a period; and

(iii) by striking subparagraph (C); and

(B) in paragraph (2), by inserting after the period at the end the following: ''In determining the penalty under subsection (a)(1), the Director shall give consideration to the length of time the enterprise should reasonably take to achieve the goal.'';

(3) in the first sentence of subsection (d)—

(A) by striking ''request the Attorney General of the United States to'' and inserting '', in the discretion of the Director,''; and

(B) by inserting '', or request that the Attorney General of the United States bring such an action'' before the period at the end;

(4) by striking subsection (f); and

(5) by redesignating subsection (g) as subsection (f).

(d) ENFORCEMENT OF SUBPOENAS.—Section 1348(c) of the Housing and Community Development Act of 1992 (12 U.S.C. 4588(c)) is amended—

(1) by striking ''request the Attorney General of the United States to'' and inserting '', in the discretion of the Director,''; and

(2) by inserting ''or request that the Attorney General of the United States bring such an action,'' after ''District of Columbia,''.

(e) CONFORMING AMENDMENT.—The heading for subpart C of part 2 of subtitle A of title XIII of the Housing and Community Development Act of 1992 is amended to read as follows:

''Subpart C—Enforcement''.

SEC. 343. CONFORMING AMENDMENTS.

Part 2 of subtitle A of title XIII of the Housing and Community Development Act of 1992 (12 U.S.C. 4541 et seq.) is amended—

(1) by striking ''Secretary'' each place such term appears in such part and inserting ''Director'';

(2) in the section heading for section 1323 (12 U.S.C. 4543), by inserting ''**of enterprises**'' before the period at the end;

(3) by striking section 1327 (12 U.S.C. 4547);

(4) by striking section 1328 (12 U.S.C. 4548);

(5) by redesignating section 1329 (as amended by section 335) as section 1327;

(6) in sections 1345(c)(1)(A), 1346(a), and 1346(b) (12 U.S.C. 4585(c)(1)(A), 4586(a), and 4586(b)), by striking ''Secretary's'' each place such term appears and inserting ''Director's''; and

(7) by striking section 1349 (12 U.S.C. 4589).

CHAPTER 3—PROMPT CORRECTIVE ACTION

SEC. 345. CAPITAL CLASSIFICATIONS.

(a) IN GENERAL.—Section 1364 of the Housing and Community Development Act of 1992 (12 U.S.C. 4614) is amended—

(1) in the heading for subsection (a), by striking ''IN GENERAL'' and inserting ''ENTERPRISES''.

(2) in subsection (c)—

(A) by striking ''subsection (b)'' and inserting ''subsection (c)'';

(B) by striking ''enterprises'' and inserting ''regulated entities''; and

(C) by striking the last sentence;

(3) by redesignating subsections (c) (as so amended by paragraph (2) of this subsection) and (d) as subsections (d) and (f), respectively;

(4) by striking subsection (b) and inserting the following new subsections:

''(b) FEDERAL HOME LOAN BANKS.—

''(1) ESTABLISHMENT AND CRITERIA.—For purposes of this subtitle, the Director shall, by regulation—

''(A) establish the capital classifications specified under paragraph (2) for the Federal home loan banks;

''(B) establish criteria for each such capital classification based on the amount and types of capital held by a bank and the risk-based, minimum, and critical capital levels for the banks and taking due consideration of the capital classifications established under subsection (a) for the enterprises, with such modifications as the Director determines to be appropriate to reflect the difference in operations between the banks and the enterprises; and

''(C) shall classify the Federal home loan banks according to such capital classifications.

''(2) CLASSIFICATIONS.—The capital classifications specified under this paragraph are—

''(A) adequately capitalized;

''(B) undercapitalized;

''(C) significantly undercapitalized; and

''(D) critically undercapitalized.

''(c) DISCRETIONARY CLASSIFICATION.—

''(1) GROUNDS FOR RECLASSIFICATION.—The Director may reclassify a regulated entity under paragraph (2) if—

''(A) at any time, the Director determines in writing that the regulated entity is engaging in conduct that could result in a rapid depletion of core or total capital or, in the case of an enterprise, that the value of the property subject to mortgages held or securitized by the enterprise has decreased significantly;

''(B) after notice and an opportunity for hearing, the Director determines that the regulated entity is in an unsafe or unsound condition; or

''(C) pursuant to section 1371(b), the Director deems the regulated entity to be engaging in an unsafe or unsound practice.

''(2) RECLASSIFICATION.—In addition to any other action authorized under this title, including the reclassification of a regulated entity for any reason not specified in this subsection, if the Director takes any action described in paragraph (1) the Director may classify a regulated entity—

''(A) as undercapitalized, if the regulated entity is otherwise classified as adequately capitalized;

''(B) as significantly undercapitalized, if the regulated entity is otherwise classified as undercapitalized; and

''(C) as critically undercapitalized, if the regulated entity is otherwise classified as significantly undercapitalized.''; and

(5) by inserting after subsection (d) (as so redesignated by paragraph (3) of this subsection), the following new subsection:

''(e) RESTRICTION ON CAPITAL DISTRIBUTIONS.—

''(1) IN GENERAL.—A regulated entity shall make no capital distribution if, after making the distribution, the regulated entity would be undercapitalized.

''(2) EXCEPTION.—Notwithstanding paragraph (1), the Director may permit a regulated entity, to the extent appropriate or applicable, to repurchase, redeem, retire, or otherwise acquire shares or ownership interests if the repurchase, redemption, retirement, or other acquisition—

''(A) is made in connection with the issuance of additional shares or obligations of the regulated entity in at least an equivalent amount; and

''(B) will reduce the financial obligations of the regulated entity or otherwise improve the financial condition of the entity.''.

(b) REGULATIONS.—Not later than the expiration of the 180-day period beginning on the effective date under section 365, the Director of the Federal Housing Finance Agency shall issue regulations to carry out section 1364(b) of the Housing and Community Development Act of 1992 (as added by paragraph (4) of this subsection), relating to capital classifications for the Federal home loan banks.

SEC. 346. SUPERVISORY ACTIONS APPLICABLE TO UNDERCAPITALIZED REGULATED ENTITIES.

Section 1365 of the Housing and Community Development Act of 1992 (12 U.S.C. 4615) is amended—

(1) in the section heading, by striking ''enterprises'' and inserting ''**regulated entities**'';

(2) in subsection (a)—

(A) by redesignating paragraphs (1) and (2) as paragraphs (2) and (3), respectively;

(B) by inserting before paragraph (2), as so redesignated by subparagraph (A) of this paragraph, the following paragraph:

''(1) REQUIRED MONITORING.—The Director shall—

''(A) closely monitor the condition of any regulated entity that is classified as undercapitalized;

''(B) closely monitor compliance with the capital restoration plan, restrictions, and requirements imposed under this section; and

''(C) periodically review the plan, restrictions, and requirements applicable to the undercapitalized regulated entity to determine whether the plan, restrictions, and requirements are achieving the purpose of this section.''; and

(C) by inserting at the end the following new paragraphs:

''(4) RESTRICTION OF ASSET GROWTH.—A regulated entity that is classified as undercapitalized shall not permit its average total assets (as such term is defined in section 1316(b) during any calendar quarter to exceed its average total assets during the preceding calendar quarter unless—

''(A) the Director has accepted the capital restoration plan of the regulated entity;

''(B) any increase in total assets is consistent with the plan; and

''(C) the ratio of total capital to assets for the regulated entity increases during the calendar quarter at a rate sufficient to enable the entity to become adequately capitalized within a reasonable time.

''(5) PRIOR APPROVAL OF ACQUISITIONS, NEW PRODUCTS, AND NEW ACTIVITIES.—A regulated entity that is classified as undercapitalized shall not, directly or indirectly, acquire any interest in any entity or initially offer any new product (as such term is defined in section 1321(f)) or engage in any new activity, service, undertaking, or offering unless—

''(A) the Director has accepted the capital restoration plan of the regulated entity, the entity is implementing the plan, and the Director determines that the proposed action is consistent with and will further the achievement of the plan; or

''(B) the Director determines that the proposed action will further the purpose of this section.'';

(3) in the subsection heading for subsection (b), by striking ''FROM UNDERCAPITALIZED TO SIGNIFICANTLY UNDERCAPITALIZED''; and

(4) by striking subsection (c) and inserting the following new subsection:

''(c) OTHER DISCRETIONARY SAFEGUARDS.—The Director may take, with respect to a regulated entity that is classified as undercapitalized, any of the actions authorized to be taken under section 1366 with respect to a regulated entity that is classified as significantly undercapitalized, if the Director determines that such actions are necessary to carry out the purpose of this subtitle.''.

SEC. 347. SUPERVISORY ACTIONS APPLICABLE TO SIGNIFICANTLY UNDERCAPITALIZED REGULATED ENTITIES.

Section 1366 of the Housing and Community Development Act of 1992 (12 U.S.C. 4616) is amended—

(1) in the section heading, by striking ''**enterprises**'' and inserting ''**regulated entities**'';

(2) in subsection (a)(2)(A), by striking ''enterprise'' the last place such term appears;

(3) in subsection (b)—

(A) in the subsection heading, by striking ''DISCRETIONARY SUPERVISORY ACTIONS'' and inserting ''SPECIFIC ACTIONS''.

(B) in the matter preceding paragraph (1), by striking ''may, at any time, take any'' and inserting ''shall carry out this section by taking, at any time, one or more'';

(C) by redesignating paragraphs (5) and (6) as paragraphs (6) and (7), respectively;

(D) by inserting after paragraph (4) the following new paragraph:

''(5) IMPROVEMENT OF MANAGEMENT.—Take one or more of the following actions:

''(A) NEW ELECTION OF BOARD.—Order a new election for the board of directors of the regulated entity.

''(B) DISMISSAL OF DIRECTORS OR EXECUTIVE OFFICERS.—Require the regulated entity to dismiss from office any director or executive officer who had held office for more than 180 days immediately before the entity became undercapitalized. Dismissal under this subparagraph shall not be construed to be a removal pursuant to the Director's enforcement powers provided in section 1377.

''(C) EMPLOY QUALIFIED EXECUTIVE OFFICERS.—Require the regulated entity to employ qualified executive officers (who, if the Director so specifies, shall be subject to approval by the Director).''; and

(E) by inserting at the end the following new paragraph:

''(8) OTHER ACTION.—Require the regulated entity to take any other action that the Director determines will better carry out the purpose of this section than any of the actions specified in this paragraph.'';

(4) by redesignating subsection (c) as subsection (d); and

(5) by inserting after subsection (b) the following new subsection:

''(c) RESTRICTION ON COMPENSATION OF EXECUTIVE OFFICERS.—A regulated entity that is classified as significantly undercapitalized may not, without prior written approval by the Director—

''(1) pay any bonus to any executive officer; or

''(2) provide compensation to any executive officer at a rate exceeding that officer's average rate of compensation (excluding bonuses, stock options, and profit sharing) during the 12 calendar months preceding the calendar month in which the regulated entity became undercapitalized.''.

SEC. 348. AUTHORITY OVER CRITICALLY UNDERCAPITALIZED REGULATED ENTITIES.

(a) IN GENERAL.—Section 1367 of the Housing and Community Development Act of 1992 (12 U.S.C. 4617) is amended to read as follows:

''SEC. 1367. AUTHORITY OVER CRITICALLY UNDERCAPITALIZED REGULATED ENTITIES.

''(a) APPOINTMENT OF AGENCY AS CONSERVATOR OR RECEIVER.—

''(1) IN GENERAL.—Notwithstanding any other provision of Federal or State law, if any of the grounds under paragraph (3) exist, at the discretion of the Director, the Director may establish a conservatorship or receivership, as appropriate, for the purpose of reorganizing, rehabilitating, or winding up the affairs of a regulated entity.

''(2) APPOINTMENT.—In any conservatorship or receivership established under this section, the Director shall appoint the Agency as conservator or receiver.

''(3) GROUNDS FOR APPOINTMENT.—The grounds for appointing a conservator or receiver for a regulated entity are as follows:

''(A) ASSETS INSUFFICIENT FOR OBLIGATIONS.—The assets of the regulated entity are less than the obligations of the regulated entity to its creditors and others.

''(B) SUBSTANTIAL DISSIPATION.—Substantial dissipation of assets or earnings due to—

''(i) any violation of any provision of Federal or State law; or

''(ii) any unsafe or unsound practice.

''(C) UNSAFE OR UNSOUND CONDITION.—An unsafe or unsound condition to transact business.

''(D) CEASE-AND-DESIST ORDERS.—Any willful violation of a cease-and-desist order that has become final.

''(E) CONCEALMENT.—Any concealment of the books, papers, records, or assets of the regulated entity, or any refusal to submit the books, papers, records, or affairs of the regulated entity, for inspection to any examiner or to any lawful agent of the Director.

''(F) INABILITY TO MEET OBLIGATIONS.—The regulated entity is likely to be unable to pay its obligations or meet the demands of its creditors in the normal course of business.

''(G) LOSSES.—The regulated entity has incurred or is likely to incur losses that will deplete all or substantially all of its capital, and there is no reasonable prospect for the regulated entity to become adequately capitalized (as defined in section 1364(a)(1)).

''(H) VIOLATIONS OF LAW.—Any violation of any law or regulation, or any unsafe or unsound practice or condition that is likely to—

''(i) cause insolvency or substantial dissipation of assets or earnings; or

''(ii) weaken the condition of the regulated entity.

''(I) CONSENT.—The regulated entity, by resolution of its board of directors or its shareholders or members, consents to the appointment.

''(J) UNDERCAPITALIZATION.—The regulated entity is undercapitalized or significantly undercapitalized (as defined in section 1364(a)(3) or in regulations issued pursuant to section 1364(b), as applicable), and—

''(i) has no reasonable prospect of becoming adequately capitalized;

''(ii) fails to become adequately capitalized, as required by—

''(I) section 1365(a)(1) with respect to an undercapitalized regulated entity; or

''(II) section 1366(a)(1) with respect to a significantly undercapitalized regulated entity;

''(iii) fails to submit a capital restoration plan acceptable to the Agency within the time prescribed under section 1369C; or

''(iv) materially fails to implement a capital restoration plan submitted and accepted under section 1369C.

''(K) CRITICAL UNDERCAPITALIZATION.—The regulated entity is critically undercapitalized, as defined in section 1364(a)(4) or in regulations issued pursuant to section 1364(b), as applicable.

''(L) MONEY LAUNDERING.—The Attorney General notifies the Director in writing that the regulated entity has been found guilty of a criminal offense under section 1956 or 1957 of title 18, United States Code, or section 5322 or 5324 of title 31, United States Code.

''(4) MANDATORY RECEIVERSHIP.—

''(A) IN GENERAL.—The Director shall appoint the Agency as receiver for a regulated entity if the Director determines, in writing, that—

''(i) the assets of the regulated entity are, and during the preceding 30 calendar days have been, less than the obligations of the regulated entity to its creditors and others; or

''(ii) the regulated entity is not, and during the preceding 30 calendar days has not been, generally paying the debts of the regulated entity (other than debts that are the subject of a bona fide dispute) as such debts become due.

''(B) PERIODIC DETERMINATION REQUIRED FOR CRITICALLY UNDER CAPITALIZED REGULATED ENTITY.—If a regulated entity is critically undercapitalized, the Director shall make a determination, in writing, as to whether the regulated entity meets the criteria specified in clause (i) or (ii) of subparagraph (A)—

''(i) not later than 30 calendar days after the regulated entity initially becomes critically undercapitalized; and

''(ii) at least once during each succeeding 30-calendar day period.

''(C) DETERMINATION NOT REQUIRED IF RECEIVERSHIP ALREADY IN PLACE.—Subparagraph (B) shall not apply with respect to a regulated entity in any period during which the Agency serves as receiver for the regulated entity.

''(D) RECEIVERSHIP TERMINATES CONSERVATORSHIP.—The appointment under this section of the Agency as receiver of a regulated entity shall immediately terminate any conservatorship established under this title for the regulated entity.

''(5) JUDICIAL REVIEW.—

''(A) IN GENERAL.—If the Agency is appointed conservator or receiver under this section, the regulated entity may, within 30 days of such appointment, bring an action in the United States District Court for the judicial district in which the principal place of business of such regulated entity is located, or in the United States District Court for the District of Columbia, for an order requiring the Agency to remove itself as conservator or receiver.

''(B) REVIEW.—Upon the filing of an action under subparagraph (A), the court shall, upon the merits, dismiss such action or direct the Agency to remove itself as such conservator or receiver.

''(6) DIRECTORS NOT LIABLE FOR ACQUIESCING IN APPOINTMENT OF CONSERVATOR OR RECEIVER.—The members of the board of directors of a regulated entity shall not be liable to the shareholders or creditors of the regulated entity for acquiescing in or consenting in good faith to the appointment of the Agency as conservator or receiver for that regulated entity.

''(7) AGENCY NOT SUBJECT TO ANY OTHER FEDERAL AGENCY.—When acting as conservator or receiver, the Agency shall not be subject to the direction or supervision of any other agency of the United States or any State in the exercise of the rights, powers, and privileges of the Agency.

''(b) POWERS AND DUTIES OF THE AGENCY AS CONSERVATOR OR RECEIVER.—

''(1) RULEMAKING AUTHORITY OF THE AGENCY.—The Agency may prescribe such regulations as the Agency determines to be appropriate regarding the conduct of conservatorships or receiverships.

''(2) GENERAL POWERS.—

''(A) SUCCESSOR TO REGULATED ENTITY.—The Agency shall, as conservator or receiver, and by operation of law, immediately succeed to—

''(i) all rights, titles, powers, and privileges of the regulated entity, and of any stockholder, officer, or director of such regulated entity with respect to the regulated entity and the assets of the regulated entity; and

''(ii) title to the books, records, and assets of any other legal custodian of such regulated entity.

''(B) OPERATE THE REGULATED ENTITY.—The Agency may, as conservator or receiver—

''(i) take over the assets of and operate the regulated entity with all the powers of the shareholders, the directors, and the officers of the regulated entity and conduct all business of the regulated entity;

''(ii) collect all obligations and money due the regulated entity;

''(iii) perform all functions of the regulated entity in the name of the regulated entity which are consistent with the appointment as conservator or receiver; and

''(iv) preserve and conserve the assets and property of such regulated entity.

''(C) FUNCTIONS OF OFFICERS, DIRECTORS, AND SHAREHOLDERS OF A REGULATED ENTITY.—The Agency may, by regulation or order, provide for the exercise of any function by any stockholder, director, or officer of any regulated entity for which the Agency has been named conservator or receiver.

''(D) POWERS AS CONSERVATOR.—The Agency may, as conservator, take such action as may be—

''(i) necessary to put the regulated entity in a sound and solvent condition; and

''(ii) appropriate to carry on the business of the regulated entity and preserve and conserve the assets and property of the regulated entity, including, if two or more Federal home loan banks have been placed in conservatorship contemporaneously, merging two or more such banks into a single Federal home loan bank.

''(E) ADDITIONAL POWERS AS RECEIVER.—The Agency may, as receiver, place the regulated entity in liquidation and proceed to realize upon the assets of the regulated entity, having due regard to the conditions of the housing finance market.

''(F) ORGANIZATION OF NEW REGULATED ENTITIES.—The Agency may, as receiver, organize a successor regulated entity that will operate pursuant to subsection (i).

''(G) TRANSFER OF ASSETS AND LIABILITIES.—The Agency may, as conservator or receiver, transfer any asset or liability of the regulated entity in default without any approval, assignment, or consent with respect to such transfer. Any Federal home loan bank may, with the approval of the Agency,

acquire the assets of any Bank in conservatorship or receivership, and assume the liabilities of such Bank.

''(H) PAYMENT OF VALID OBLIGATIONS.—The Agency, as conservator or receiver, shall, to the extent of proceeds realized from the performance of contracts or sale of the assets of a regulated entity, pay all valid obligations of the regulated entity in accordance with the prescriptions and limitations of this section.

''(I) SUBPOENA AUTHORITY.—

''(i) IN GENERAL.—

''(I) IN GENERAL.—The Agency may, as conservator or receiver, and for purposes of carrying out any power, authority, or duty with respect to a regulated entity (including determining any claim against the regulated entity and determining and realizing upon any asset of any person in the course of collecting money due the regulated entity), exercise any power established under section 1348.

''(II) APPLICABILITY OF LAW.—The provisions of section 1348 shall apply with respect to the exercise of any power exercised under this subparagraph in the same manner as such provisions apply under that section.

''(ii) AUTHORITY OF DIRECTOR.—A subpoena or subpoena duces tecum may be issued under clause (i) only by, or with the written approval of, the Director, or the designee of the Director.

''(iii) RULE OF CONSTRUCTION.—This subsection shall not be construed to limit any rights that the Agency, in any capacity, might otherwise have under section 1317 or 1379D.

''(J) CONTRACTING FOR SERVICES.—The Agency may, as conservator or receiver, provide by contract for the carrying out of any of its functions, activities, actions, or duties as conservator or receiver.

''(K) INCIDENTAL POWERS.—The Agency may, as conservator or receiver—

''(i) exercise all powers and authorities specifically granted to conservators or receivers, respectively, under this section, and such incidental powers as shall be necessary to carry out such powers; and

''(ii) take any action authorized by this section, which the Agency determines is in the best interests of the regulated entity or the Agency.

''(3) AUTHORITY OF RECEIVER TO DETERMINE CLAIMS.—

''(A) IN GENERAL.—The Agency may, as receiver, determine claims in accordance with the requirements of this subsection and any regulations prescribed under paragraph (4).

''(B) NOTICE REQUIREMENTS.—The receiver, in any case involving the liquidation or winding up of the affairs of a closed regulated entity, shall—

''(i) promptly publish a notice to the creditors of the regulated entity to present their claims, together with proof, to the receiver by a date specified in the notice which shall be not less than 90 days after the publication of such notice; and

''(ii) republish such notice approximately 1 month and 2 months, respectively, after the publication under clause (i).

''(C) MAILING REQUIRED.—The receiver shall mail a notice similar to the notice published under subparagraph (B)(i) at the time of such publication to any creditor shown on the books of the regulated entity—

''(i) at the last address of the creditor appearing in such books; or

''(ii) upon discovery of the name and address of a claimant not appearing on the books of the regulated entity within 30 days after the discovery of such name and address.

''(4) RULEMAKING AUTHORITY RELATING TO DETERMINATION OF CLAIMS.—Subject to subsection (c), the Director may prescribe regulations regarding the allowance or disallowance of claims by the receiver and providing for administrative determination of claims and review of such determination.

''(5) PROCEDURES FOR DETERMINATION OF CLAIMS.—

''(A) DETERMINATION PERIOD.—

''(i) IN GENERAL.—Before the end of the 180-day period beginning on the date on which any claim against a regulated entity is filed with the Agency as receiver, the Agency shall determine whether to allow or disallow the claim and shall notify the claimant of any determination with respect to such claim.

''(ii) EXTENSION OF TIME.—The period described in clause (i) may be extended by a written agreement between the claimant and the Agency.

''(iii) MAILING OF NOTICE SUFFICIENT.—The notification requirements of clause (i) shall be deemed to be satisfied if the notice of any determination with respect to any claim is mailed to the last address of the claimant which appears—

''(I) on the books of the regulated entity;

''(II) in the claim filed by the claimant; or

''(III) in documents submitted in proof of the claim.

''(iv) CONTENTS OF NOTICE OF DISALLOWANCE.—If any claim filed under clause (i) is disallowed, the notice to the claimant shall contain—

''(I) a statement of each reason for the disallowance; and

''(II) the procedures available for obtaining agency review of the determination to disallow the claim or judicial determination of the claim.

''(B) ALLOWANCE OF PROVEN CLAIM.—The receiver shall allow any claim received on or before the date specified in the notice published under paragraph (3)(B)(i), or the date specified in the notice required under paragraph (3)(C), which is proved to the satisfaction of the receiver.

''(C) DISALLOWANCE OF CLAIMS FILED AFTER END OF FILING PERIOD.—Claims filed after the date specified in the notice published under paragraph (3)(B)(i), or the date specified under paragraph (3)(C), shall be disallowed and such disallowance shall be final.

''(D) AUTHORITY TO DISALLOW CLAIMS.—

''(i) IN GENERAL.—The receiver may disallow any portion of any claim by a creditor or claim of security, preference, or priority which is not proved to the satisfaction of the receiver.

''(ii) PAYMENTS TO LESS THAN FULLY SECURED CREDITORS.—In the case of a claim of a creditor against a regulated entity which is secured by any property or other asset of such regulated entity, the receiver—

''(I) may treat the portion of such claim which exceeds an amount equal to the fair market value of such property or other asset as an unsecured claim against the regulated entity; and

''(II) may not make any payment with respect to such unsecured portion of the claim other than in connection with the disposition of all claims of unsecured creditors of the regulated entity.

''(iii) EXCEPTIONS.—No provision of this paragraph shall apply with respect to any extension of credit from any Federal Reserve Bank, Federal home loan bank, or the Treasury of the United States.

''(E) NO JUDICIAL REVIEW OF DETERMINATION PURSUANT TO SUBPARAGRAPH (d).—No court may review the determination of the Agency under subparagraph (D) to disallow a claim. This subparagraph shall not affect the authority of a claimant to obtain de novo judicial review of a claim pursuant to paragraph (6).

''(F) LEGAL EFFECT OF FILING.—

''(i) STATUTE OF LIMITATION TOLLED.—For purposes of any applicable statute of limitations, the filing of a claim with the receiver shall constitute a commencement of an action.

''(ii) NO PREJUDICE TO OTHER ACTIONS.—Subject to paragraph (10), the filing of a claim with the receiver shall not prejudice any right of the claimant to continue any action which was filed before the date of the appointment of the receiver, subject to the determination of claims by the receiver.

''(6) PROVISION FOR JUDICIAL DETERMINATION OF CLAIMS.—

''(A) IN GENERAL.—The claimant may file suit on a claim (or continue an action commenced before the appointment of the receiver) in the district or territorial court of the United States for the district within which the principal place of business of the regulated entity is located or the United States District Court for the District of Columbia (and such court shall have jurisdiction to hear such claim), before the end of the 60-day period beginning on the earlier of—

''(i) the end of the period described in paragraph (5)(A)(i) with respect to any claim against a regulated entity for which the Agency is receiver; or

''(ii) the date of any notice of disallowance of such claim pursuant to paragraph (5)(A)(i).

''(B) STATUTE OF LIMITATIONS.—A claim shall be deemed to be disallowed (other than any portion of such claim which was allowed by the receiver), and such disallowance shall be final, and the claimant shall have no further rights or remedies with respect to such claim, if the claimant fails, before the end of the 60-day period described under subparagraph (A), to file suit on such claim (or continue an action commenced before the appointment of the receiver).

''(7) REVIEW OF CLAIMS.—

''(A) OTHER REVIEW PROCEDURES.—

''(i) IN GENERAL.—The Agency shall establish such alternative dispute resolution processes as may be appropriate for the resolution of claims filed under paragraph (5)(A)(i).

''(ii) CRITERIA.—In establishing alternative dispute resolution processes, the Agency shall strive for procedures which are expeditious, fair, independent, and low cost.

''(iii) VOLUNTARY BINDING OR NONBINDING PROCEDURES.—The Agency may establish both binding and nonbinding processes, which may be conducted by any government or private party. All parties, including the claimant and the Agency, must agree to the use of the process in a particular case.

''(B) CONSIDERATION OF INCENTIVES.—The Agency shall seek to develop incentives for claimants to participate in the alternative dispute resolution process.

''(8) EXPEDITED DETERMINATION OF CLAIMS.—

''(A) ESTABLISHMENT REQUIRED.—The Agency shall establish a procedure for expedited relief outside of the routine claims process established under paragraph (5) for claimants who—

''(i) allege the existence of legally valid and enforceable or perfected security interests in assets of any regulated entity for which the Agency has been appointed receiver; and

''(ii) allege that irreparable injury will occur if the routine claims procedure is followed.

''(B) DETERMINATION PERIOD.—Before the end of the 90-day period beginning on the date any claim is filed in accordance with the procedures established under subparagraph (A), the Director shall—

''(i) determine—

''(I) whether to allow or disallow such claim; or

''(II) whether such claim should be determined pursuant to the procedures established under paragraph (5); and

''(ii) notify the claimant of the determination, and if the claim is disallowed, provide

a statement of each reason for the disallowance and the procedure for obtaining agency review or judicial determination.

''(C) PERIOD FOR FILING OR RENEWING SUIT.—Any claimant who files a request for expedited relief shall be permitted to file a suit, or to continue a suit filed before the appointment of the receiver, seeking a determination of the rights of the claimant with respect to such security interest after the earlier of—

''(i) the end of the 90-day period beginning on the date of the filing of a request for expedited relief; or

''(ii) the date the Agency denies the claim.

''(D) STATUTE OF LIMITATIONS.—If an action described under subparagraph (C) is not filed, or the motion to renew a previously filed suit is not made, before the end of the 30-day period beginning on the date on which such action or motion may be filed under subparagraph (B), the claim shall be deemed to be disallowed as of the end of such period (other than any portion of such claim which was allowed by the receiver), such disallowance shall be final, and the claimant shall have no further rights or remedies with respect to such claim.

''(E) LEGAL EFFECT OF FILING.—

''(i) STATUTE OF LIMITATION TOLLED.—For purposes of any applicable statute of limitations, the filing of a claim with the receiver shall constitute a commencement of an action.

''(ii) NO PREJUDICE TO OTHER ACTIONS.—Subject to paragraph (10), the filing of a claim with the receiver shall not prejudice any right of the claimant to continue any action that was filed before the appointment of the receiver, subject to the determination of claims by the receiver.

''(9) PAYMENT OF CLAIMS.—

''(A) IN GENERAL.—The receiver may, in the discretion of the receiver, and to the extent funds are available from the assets of the regulated entity, pay creditor claims, in such manner and amounts as are authorized under this section, which are—

''(i) allowed by the receiver;

''(ii) approved by the Agency pursuant to a final determination pursuant to paragraph (7) or (8); or

''(iii) determined by the final judgment of any court of competent jurisdiction.

''(B) AGREEMENTS AGAINST THE INTEREST OF THE AGENCY.—No agreement that tends to diminish or defeat the interest of the Agency in any asset acquired by the Agency as receiver under this section shall be valid against the Agency unless such agreement is in writing, and executed by an authorized official of the regulated entity, except that such requirements for qualified financial contracts shall be applied in a manner consistent with reasonable business trading practices in the financial contracts market.

''(C) PAYMENT OF DIVIDENDS ON CLAIMS.—The receiver may, in the sole discretion of the receiver, pay from the assets of the regulated entity dividends on proved claims at any time, and no liability shall attach to the Agency, by reason of any such payment, for failure to pay dividends to a claimant whose claim is not proved at the time of any such payment.

''(D) RULEMAKING AUTHORITY OF THE DIRECTOR.—The Director may prescribe such rules, including definitions of terms, as the Director deems appropriate to establish a single uniform interest rate for, or to make payments of post-insolvency interest to creditors holding proven claims against the receivership estates of regulated entities following satisfaction by the receiver of the principal amount of all creditor claims.

''(10) SUSPENSION OF LEGAL ACTIONS.—

''(A) IN GENERAL.—After the appointment of a conservator or receiver for a regulated entity, the conservator or receiver may, in any judicial action or proceeding to which such regulated entity is or becomes a party, request a stay for a period not to exceed—

''(i) 45 days, in the case of any conservator; and

''(ii) 90 days, in the case of any receiver.

''(B) GRANT OF STAY BY ALL COURTS REQUIRED.—Upon receipt of a request by any conservator or receiver under subparagraph (A) for a stay of any judicial action or proceeding in any court with jurisdiction of such action or proceeding, the court shall grant such stay as to all parties.

''(11) ADDITIONAL RIGHTS AND DUTIES.—

''(A) PRIOR FINAL ADJUDICATION.—The Agency shall abide by any final unappealable judgment of any court of competent jurisdiction which was rendered before the appointment of the Agency as conservator or receiver.

''(B) RIGHTS AND REMEDIES OF CONSERVATOR OR RECEIVER.—In the event of any appealable judgment, the Agency as conservator or receiver shall—

''(i) have all the rights and remedies available to the regulated entity (before the appointment of such conservator or receiver) and the Agency, including removal to Federal court and all appellate rights; and

''(ii) not be required to post any bond in order to pursue such remedies.

''(C) NO ATTACHMENT OR EXECUTION.—No attachment or execution may issue by any court upon assets in the possession of the receiver.

''(D) LIMITATION ON JUDICIAL REVIEW.—Except as otherwise provided in this subsection, no court shall have jurisdiction over—

''(i) any claim or action for payment from, or any action seeking a determination of rights with respect to, the assets of any regulated entity for which the Agency has been appointed receiver; or

''(ii) any claim relating to any act or omission of such regulated entity or the Agency as receiver.

''(E) DISPOSITION OF ASSETS.—In exercising any right, power, privilege, or authority as conservator or receiver in connection with any sale or disposition of assets of a regulated entity for which the Agency has been appointed conservator or receiver, the Agency shall conduct its operations in a manner which maintains stability in the housing finance markets and, to the extent consistent with that goal—

''(i) maximizes the net present value return from the sale or disposition of such assets;

''(ii) minimizes the amount of any loss realized in the resolution of cases; and

''(iii) ensures adequate competition and fair and consistent treatment of offerors.

''(12) STATUTE OF LIMITATIONS FOR ACTIONS BROUGHT BY CONSERVATOR OR RECEIVER.—

''(A) IN GENERAL.—Notwithstanding any provision of any contract, the applicable statute of limitations with regard to any action brought by the Agency as conservator or receiver shall be—

''(i) in the case of any contract claim, the longer of—

''(I) the 6-year period beginning on the date the claim accrues; or

''(II) the period applicable under State law; and

''(ii) in the case of any tort claim, the longer of—

''(I) the 3-year period beginning on the date the claim accrues; or

''(II) the period applicable under State law.

''(B) DETERMINATION OF THE DATE ON WHICH A CLAIM ACCRUES.—For purposes of subparagraph (A), the date on which the statute of limitations begins to run on any claim described in such subparagraph shall be the later of—

''(i) the date of the appointment of the Agency as conservator or receiver; or

''(ii) the date on which the cause of action accrues.

''(13) REVIVAL OF EXPIRED STATE CAUSES OF ACTION.—

''(A) IN GENERAL.—In the case of any tort claim described under subparagraph (B) for which the statute of limitations applicable under State law with respect to such claim has expired not more than 5 years before the appointment of the Agency as conservator or receiver, the Agency may bring an action as conservator or receiver on such claim without regard to the expiration of the statute of limitation applicable under State law.

''(B) CLAIMS DESCRIBED.—A tort claim referred to under subparagraph (A) is a claim arising from fraud, intentional misconduct resulting in unjust enrichment, or intentional misconduct resulting in substantial loss to the regulated entity.

''(14) ACCOUNTING AND RECORDKEEPING REQUIREMENTS.—

''(A) IN GENERAL.—The Agency as conservator or receiver shall, consistent with the accounting and reporting practices and procedures established by the Agency, maintain a full accounting of each conservatorship and receivership or other disposition of a regulated entity in default.

''(B) ANNUAL ACCOUNTING OR REPORT.—With respect to each conservatorship or receivership, the Agency shall make an annual accounting or report available to the Board, the Comptroller General of the United States, the Committee on Banking, Housing, and Urban Affairs of the Senate, and the Committee on Financial Services of the House of Representatives.

''(C) AVAILABILITY OF REPORTS.—Any report prepared under subparagraph (B) shall be made available by the Agency upon request to any shareholder of a regulated entity or any member of the public.

''(D) RECORDKEEPING REQUIREMENT.—After the end of the 6-year period beginning on the date that the conservatorship or receivership is terminated by the Director, the Agency may destroy any records of such regulated entity which the Agency, in the discretion of the Agency, determines to be unnecessary unless directed not to do so by a court of competent jurisdiction or governmental agency, or prohibited by law.

''(15) FRAUDULENT TRANSFERS.—

''(A) IN GENERAL.—The Agency, as conservator or receiver, may avoid a transfer of any interest of a regulated entity-affiliated party, or any person who the conservator or receiver determines is a debtor of the regulated entity, in property, or any obligation incurred by such party or person, that was made within 5 years of the date on which the Agency was appointed conservator or receiver, if such party or person voluntarily or involuntarily made such transfer or incurred such liability with the intent to hinder, delay, or defraud the regulated entity, the Agency, the conservator, or receiver.

''(B) RIGHT OF RECOVERY.—To the extent a transfer is avoided under subparagraph (A), the conservator or receiver may recover, for the benefit of the regulated entity, the property transferred, or, if a court so orders, the value of such property (at the time of such transfer) from—

''(i) the initial transferee of such transfer or the regulated entity-affiliated party or person for whose benefit such transfer was made; or

''(ii) any immediate or mediate transferee of any such initial transferee.

''(C) RIGHTS OF TRANSFEREE OR OBLIGEE.—The conservator or receiver may not recover under subparagraph (B) from—

''(i) any transferee that takes for value, including satisfaction or securing of a present or antecedent debt, in good faith; or

''(ii) any immediate or mediate good faith transferee of such transferee.

''(D) RIGHTS UNDER THIS PARAGRAPH.—The rights under this paragraph of the conservator or receiver described under subparagraph (A) shall be superior to any rights of a trustee or any other party (other than any party which is a Federal agency) under title 11, United States Code.

''(16) ATTACHMENT OF ASSETS AND OTHER INJUNCTIVE RELIEF.—Subject to paragraph (17), any court of competent jurisdiction may, at the request of the conservator or receiver, issue an order in accordance with Rule 65 of the Federal Rules of Civil Procedure, including an order placing the assets of any person designated by the Agency or such conservator under the control of the court, and appointing a trustee to hold such assets.

''(17) STANDARDS OF PROOF.—Rule 65 of the Federal Rules of Civil Procedure shall apply with respect to any proceeding under paragraph (16) without regard to the requirement of such rule that the applicant show that the injury, loss, or damage is irreparable and immediate.

''(18) TREATMENT OF CLAIMS ARISING FROM BREACH OF CONTRACTS EXECUTED BY THE RECEIVER OR CONSERVATOR.—

''(A) IN GENERAL.—Notwithstanding any other provision of this subsection, any final and unappealable judgment for monetary damages entered against a receiver or conservator for the breach of an agreement executed or approved in writing by such receiver or conservator after the date of its appointment, shall be paid as an administrative expense of the receiver or conservator.

''(B) NO LIMITATION OF POWER.—Nothing in this paragraph shall be construed to limit the power of a receiver or conservator to exercise any rights under contract or law, including to terminate, breach, cancel, or otherwise discontinue such agreement.

''(19) GENERAL EXCEPTIONS.—

''(A) LIMITATIONS.—The rights of a conservator or receiver appointed under this section shall be subject to the limitations on the powers of a receiver under sections 402 through 407 of the Federal Deposit Insurance Corporation Improvement Act of 1991 (12 U.S.C. 4402 through 4407).

''(B) MORTGAGES HELD IN TRUST.—

''(i) IN GENERAL.—Any mortgage, pool of mortgages, or interest in a pool of mortgages, held in trust, custodial, or agency capacity by a regulated entity for the benefit of persons other than the regulated entity shall not be available to satisfy the claims of creditors generally.

''(ii) HOLDING OF MORTGAGES.—Any mortgage, pool of mortgages, or interest in a pool of mortgages, described under clause (i) shall be held by the conservator or receiver appointed under this section for the beneficial owners of such mortgage, pool of mortgages, or interest in a pool of mortgages in accordance with the terms of the agreement creating such trust, custodial, or other agency arrangement.

''(iii) LIABILITY OF RECEIVER.—The liability of a receiver appointed under this section for damages shall, in the case of any contingent or unliquidated claim relating to the mortgages held in trust, be estimated in accordance set forth in the regulations of the Director.

''(c) PRIORITY OF EXPENSES AND UNSECURED CLAIMS.—

''(1) IN GENERAL.—Unsecured claims against a regulated entity, or a receiver, that are proven to the satisfaction of the receiver shall have priority in the following order:

''(A) Administrative expenses of the receiver.

''(B) Any other general or senior liability of the regulated entity and claims of other Federal home loan banks arising from their payment obligations (including joint and several payment obligations).

''(C) Any obligation subordinated to general creditors.

''(D) Any obligation to shareholders or members arising as a result of their status as shareholder or members.

''(2) CREDITORS SIMILARLY SITUATED.—All creditors that are similarly situated under paragraph (1) shall be treated in a similar manner, except that the Agency may make such other payments to creditors necessary to maximize the present value return from the sale or disposition or such regulated entity's assets or to minimize the amount of any loss realized in the resolution of cases so long as all creditors similarly situated receive not less than the amount provided under subsection (e)(2).

''(3) DEFINITION.—The term 'administrative expenses of the receiver' shall include the actual, necessary costs and expenses incurred by the receiver in preserving the assets of the regulated entity or liquidating or otherwise resolving the affairs of the regulated entity. Such expenses shall include obligations that are incurred by the receiver after appointment as receiver that the Director determines are necessary and appropriate to facilitate the smooth and orderly liquidation or other resolution of the regulated entity.

''(d) PROVISIONS RELATING TO CONTRACTS ENTERED INTO BEFORE APPOINTMENT OF CONSERVATOR OR RECEIVER.—

''(1) AUTHORITY TO REPUDIATE CONTRACTS.—In addition to any other rights a conservator or receiver may have, the conservator or receiver for any regulated entity may disaffirm or repudiate any contract or lease—

''(A) to which such regulated entity is a party;

''(B) the performance of which the conservator or receiver, in its sole discretion, determines to be burdensome; and

''(C) the disaffirmance or repudiation of which the conservator or receiver determines, in its sole discretion, will promote the orderly administration of the affairs of the regulated entity.

''(2) TIMING OF REPUDIATION.—The conservator or receiver shall determine whether or not to exercise the rights of repudiation under this subsection within a reasonable period following such appointment.

''(3) CLAIMS FOR DAMAGES FOR REPUDIATION.—

''(A) IN GENERAL.—Except as otherwise provided under subparagraph (C) and paragraphs (4), (5), and (6), the liability of the conservator or receiver for the disaffirmance or repudiation of any contract pursuant to paragraph (1) shall be—

''(i) limited to actual direct compensatory damages; and

''(ii) determined as of—

''(I) the date of the appointment of the conservator or receiver; or

''(II) in the case of any contract or agreement referred to in paragraph (8), the date of the disaffirmance or repudiation of such contract or agreement.

''(B) NO LIABILITY FOR OTHER DAMAGES.—For purposes of subparagraph (A), the term 'actual direct compensatory damages' shall not include—

''(i) punitive or exemplary damages;

''(ii) damages for lost profits or opportunity; or

''(iii) damages for pain and suffering.

''(C) MEASURE OF DAMAGES FOR REPUDIATION OF FINANCIAL CONTRACTS.—In the case of any qualified financial contract or agreement to which paragraph (8) applies, compensatory damages shall be—

''(i) deemed to include normal and reasonable costs of cover or other reasonable measures of damages utilized in the industries for such contract and agreement claims; and

''(ii) paid in accordance with this subsection and subsection (e), except as otherwise specifically provided in this section.

''(4) LEASES UNDER WHICH THE REGULATED ENTITY IS THE LESSEE.—

''(A) IN GENERAL.—If the conservator or receiver disaffirms or repudiates a lease under which the regulated entity was the lessee, the conservator or receiver shall not be liable for any damages (other than damages determined under subparagraph (B)) for the disaffirmance or repudiation of such lease.

''(B) PAYMENTS OF RENT.—Notwithstanding subparagraph (A), the lessor under a lease to which that subparagraph applies shall—

''(i) be entitled to the contractual rent accruing before the later of the date—

''(I) the notice of disaffirmance or repudiation is mailed; or

''(II) the disaffirmance or repudiation becomes effective, unless the lessor is in default or breach of the terms of the lease;

''(ii) have no claim for damages under any acceleration clause or other penalty provision in the lease; and

''(iii) have a claim for any unpaid rent, subject to all appropriate offsets and defenses, due as of the date of the appointment, which shall be paid in accordance with this subsection and subsection (e).

''(5) LEASES UNDER WHICH THE REGULATED ENTITY IS THE LESSOR.—

''(A) IN GENERAL.—If the conservator or receiver repudiates an unexpired written lease of real property of the regulated entity under which the regulated entity is the lessor and the lessee is not, as of the date of such repudiation, in default, the lessee under such lease may either—

''(i) treat the lease as terminated by such repudiation; or

''(ii) remain in possession of the leasehold interest for the balance of the term of the lease, unless the lessee defaults under the terms of the lease after the date of such repudiation.

''(B) PROVISIONS APPLICABLE TO LESSEE REMAINING IN POSSESSION.—If any lessee under a lease described under subparagraph (A) remains in possession of a leasehold interest under clause (ii) of such subparagraph—

''(i) the lessee—

''(I) shall continue to pay the contractual rent pursuant to the terms of the lease after the date of the repudiation of such lease; and

''(II) may offset against any rent payment which accrues after the date of the repudiation of the lease, and any damages which accrue after such date due to the nonperformance of any obligation of the regulated entity under the lease after such date; and

''(ii) the conservator or receiver shall not be liable to the lessee for any damages arising after such date as a result of the repudiation other than the amount of any offset allowed under clause (i)(II).

''(6) CONTRACTS FOR THE SALE OF REAL PROPERTY.—

''(A) IN GENERAL.—If the conservator or receiver repudiates any contract for the sale of real property and the purchaser of such real property under such contract is in possession, and is not, as of the date of such repudiation, in default, such purchaser may either—

''(i) treat the contract as terminated by such repudiation; or

''(ii) remain in possession of such real property.

''(B) PROVISIONS APPLICABLE TO PURCHASER REMAINING IN POSSESSION.—If any purchaser of real property under any contract described under subparagraph (A) remains in possession of such property under clause (ii) of such subparagraph—

''(i) the purchaser—

''(I) shall continue to make all payments due under the contract after the date of the repudiation of the contract; and

''(II) may offset against any such payments any damages which accrue after such date due to the nonperformance (after such date) of any obligation of the regulated entity under the contract; and

''(ii) the conservator or receiver shall—

''(I) not be liable to the purchaser for any damages arising after such date as a result of the repudiation other than the amount of any offset allowed under clause (i)(II);

''(II) deliver title to the purchaser in accordance with the provisions of the contract; and

''(III) have no obligation under the contract other than the performance required under subclause (II).

''(C) ASSIGNMENT AND SALE ALLOWED.—

''(i) IN GENERAL.—No provision of this paragraph shall be construed as limiting the right of the conservator or receiver to assign the contract described under subparagraph (A), and sell the property subject to the contract and the provisions of this paragraph.

''(ii) NO LIABILITY AFTER ASSIGNMENT AND SALE.—If an assignment and sale described under clause (i) is consummated, the conservator or receiver shall have no further liability under the contract described under subparagraph (A), or with respect to the real property which was the subject of such contract.

''(7) PROVISIONS APPLICABLE TO SERVICE CONTRACTS.—

''(A) SERVICES PERFORMED BEFORE APPOINTMENT.—In the case of any contract for services between any person and any regulated entity for which the Agency has been appointed conservator or receiver, any claim of such person for services performed before the appointment of the conservator or the receiver shall be—

''(i) a claim to be paid in accordance with subsections (b) and (e); and

''(ii) deemed to have arisen as of the date the conservator or receiver was appointed.

''(B) SERVICES PERFORMED AFTER APPOINTMENT AND PRIOR TO REPUDIATION.—If, in the case of any contract for services described under subparagraph (A), the conservator or receiver accepts performance by the other person before the conservator or receiver makes any determination to exercise the right of repudiation of such contract under this section—

''(i) the other party shall be paid under the terms of the contract for the services performed; and

''(ii) the amount of such payment shall be treated as an administrative expense of the conservatorship or receivership.

''(C) ACCEPTANCE OF PERFORMANCE NO BAR TO SUBSEQUENT REPUDIATION.—The acceptance by any conservator or receiver of services referred to under subparagraph (B) in connection with a contract described in such subparagraph shall not affect the right of the conservator or receiver to repudiate such contract under this section at any time after such performance.

''(8) CERTAIN QUALIFIED FINANCIAL CONTRACTS.—

''(A) RIGHTS OF PARTIES TO CONTRACTS.—Subject to paragraphs (9) and (10) and notwithstanding any other provision of this Act, any other Federal law, or the law of any State, no person shall be stayed or prohibited from exercising—

''(i) any right such person has to cause the termination, liquidation, or acceleration of any qualified financial contract with a regulated entity that arises upon the appointment of the Agency as receiver for such regulated entity at any time after such appointment;

''(ii) any right under any security agreement or arrangement or other credit enhancement relating to one or more qualified financial contracts described in clause (i); or

''(iii) any right to offset or net out any termination value, payment amount, or other transfer obligation arising under or in connection with 1 or more contracts and agreements described in clause (i), including any master agreement for such contracts or agreements.

''(B) APPLICABILITY OF OTHER PROVISIONS.—Paragraph (10) of subsection (b) shall apply in the case of any judicial action or proceeding brought against any receiver referred to under subparagraph (A), or the regulated entity for which such receiver was appointed, by any party to a contract or agreement described under subparagraph (A)(i) with such regulated entity.

''(C) CERTAIN TRANSFERS NOT AVOIDABLE.—

''(i) IN GENERAL.—Notwithstanding paragraph (11) or any other Federal or State laws relating to the avoidance of preferential or fraudulent transfers, the Agency, whether acting as such or as conservator or receiver of a regulated entity, may not avoid any transfer of money or other property in connection with any qualified financial contract with a regulated entity.

''(ii) EXCEPTION FOR CERTAIN TRANSFERS.—Clause (i) shall not apply to any transfer of money or other property in connection with any qualified financial contract with a regulated entity if the Agency determines that the transferee had actual intent to hinder, delay, or defraud such regulated entity, the creditors of such regulated entity, or any conservator or receiver appointed for such regulated entity.

''(D) CERTAIN CONTRACTS AND AGREEMENTS DEFINED.—In this subsection:

''(i) QUALIFIED FINANCIAL CONTRACT.—The term 'qualified financial contract' means any securities contract, commodity contract, forward contract, repurchase agreement, swap agreement, and any similar agreement that the Agency determines by regulation, resolution, or order to be a qualified financial contract for purposes of this paragraph.

''(ii) SECURITIES CONTRACT.—The term 'securities contract'—

''(I) means a contract for the purchase, sale, or loan of a security, a certificate of deposit, a mortgage loan, or any interest in a mortgage loan, a group or index of securities, certificates of deposit, or mortgage loans or interests therein (including any interest therein or based on the value thereof) or any option on any of the foregoing, including any option to purchase or sell any such security, certificate of deposit, mortgage loan, interest, group or index, or option, and including any repurchase or reverse repurchase transaction on any such security, certificate of deposit, mortgage loan, interest, group or index, or option;

''(II) does not include any purchase, sale, or repurchase obligation under a participation in a commercial mortgage loan unless the Agency determines by regulation, resolution, or order to include any such agreement within the meaning of such term;

''(III) means any option entered into on a national securities exchange relating to foreign currencies;

''(IV) means the guarantee by or to any securities clearing agency of any settlement of cash, securities, certificates of deposit, mortgage loans or interests therein, group or index of securities, certificates of deposit, or mortgage loans or interests therein (including any interest therein or based on the value thereof) or option on any of the foregoing, including any option to purchase or sell any such security, certificate of deposit, mortgage loan, interest, group or index, or option;

''(V) means any margin loan;

''(VI) means any other agreement or transaction that is similar to any agreement or transaction referred to in this clause;

''(VII) means any combination of the agreements or transactions referred to in this clause;

''(VIII) means any option to enter into any agreement or transaction referred to in this clause;

''(IX) means a master agreement that provides for an agreement or transaction referred to in subclause (I), (III), (IV), (V), (VI), (VII), or (VIII), together with all supplements to any such master agreement, without regard to whether the master agreement provides for an agreement or transaction that is not a securities contract under this clause, except that the master agreement shall be considered to be a securities contract under this clause only with respect to each agreement or transaction under the master agreement that is referred to in subclause (I), (III), (IV), (V), (VI), (VII), or (VIII); and

''(X) means any security agreement or arrangement or other credit enhancement related to any agreement or transaction referred to in this clause, including any guarantee or reimbursement obligation in connection with any agreement or transaction referred to in this clause.

''(iii) COMMODITY CONTRACT.—The term 'commodity contract' means—

''(I) with respect to a futures commission merchant, a contract for the purchase or sale of a commodity for future delivery on, or subject to the rules of, a contract market or board of trade;

''(II) with respect to a foreign futures commission merchant, a foreign future;

''(III) with respect to a leverage transaction merchant, a leverage transaction;

''(IV) with respect to a clearing organization, a contract for the purchase or sale of a commodity for future delivery on, or subject to the rules of, a contract market or board of trade that is cleared by such clearing organization, or commodity option traded on, or subject to the rules of, a contract market or board of trade that is cleared by such clearing organization;

''(V) with respect to a commodity options dealer, a commodity option;

''(VI) any other agreement or transaction that is similar to any agreement or transaction referred to in this clause;

''(VII) any combination of the agreements or transactions referred to in this clause;

''(VIII) any option to enter into any agreement or transaction referred to in this clause;

''(IX) a master agreement that provides for an agreement or transaction referred to in subclause (I), (II), (III), (IV), (V), (VI), (VII), or (VIII), together with all supplements to any such master agreement, without regard to whether the master agreement provides for an agreement or transaction that is not a commodity contract under this clause, except that the master agreement shall be considered to be a commodity contract under this clause only with respect to each agreement or transaction under the master agreement that is referred to in subclause (I), (II), (III), (IV), (V), (VI), (VII), or (VIII); or

''(X) any security agreement or arrangement or other credit enhancement related to any agreement or transaction referred to in this clause, including any guarantee or reimbursement obligation in connection with any agreement or transaction referred to in this clause.

''(iv) FORWARD CONTRACT.—The term 'forward contract' means—

''(I) a contract (other than a commodity contract) for the purchase, sale, or transfer of a commodity or any similar good, article, service, right, or interest which is presently

or in the future becomes the subject of dealing in the forward contract trade, or product or byproduct thereof, with a maturity date more than 2 days after the date the contract is entered into, including, a repurchase transaction, reverse repurchase transaction, consignment, lease, swap, hedge transaction, deposit, loan, option, allocated transaction, unallocated transaction, or any other similar agreement;

''(II) any combination of agreements or transactions referred to in subclauses (I) and (III);

''(III) any option to enter into any agreement or transaction referred to in subclause (I) or (II);

''(IV) a master agreement that provides for an agreement or transaction referred to in subclauses (I), (II), or (III), together with all supplements to any such master agreement, without regard to whether the master agreement provides for an agreement or transaction that is not a forward contract under this clause, except that the master agreement shall be considered to be a forward contract under this clause only with respect to each agreement or transaction under the master agreement that is referred to in subclause (I), (II), or (III); or

''(V) any security agreement or arrangement or other credit enhancement related to any agreement or transaction referred to in subclause (I), (II), (III), or (IV), including any guarantee or reimbursement obligation in connection with any agreement or transaction referred to in any such subclause.

''(v) REPURCHASE AGREEMENT.—The term 'repurchase agreement' (which definition also applies to a reverse repurchase agreement)—

''(I) means an agreement, including related terms, which provides for the transfer of one or more certificates of deposit, mortgage-related securities (as such term is defined in the Securities Exchange Act of 1934), mortgage loans, interests in mortgage-related securities or mortgage loans, eligible bankers' acceptances, qualified foreign government securities or securities that are direct obligations of, or that are fully guaranteed by, the United States or any agency of the United States against the transfer of funds by the transferee of such certificates of deposit, eligible bankers' acceptances, securities, mortgage loans, or interests with a simultaneous agreement by such transferee to transfer to the transferor thereof certificates of deposit, eligible bankers' acceptances, securities, mortgage loans, or interests as described above, at a date certain not later than 1 year after such transfers or on demand, against the transfer of funds, or any other similar agreement;

''(II) does not include any repurchase obligation under a participation in a commercial mortgage loan unless the Agency determines by regulation, resolution, or order to include any such participation within the meaning of such term;

''(III) means any combination of agreements or transactions referred to in subclauses (I) and (IV);

''(IV) means any option to enter into any agreement or transaction referred to in subclause (I) or (III);

''(V) means a master agreement that provides for an agreement or transaction referred to in subclause (I), (III), or (IV), together with all supplements to any such master agreement, without regard to whether the master agreement provides for an agreement or transaction that is not a repurchase agreement under this clause, except that the master agreement shall be considered to be a repurchase agreement under this subclause only with respect to each agreement or transaction under the master agreement that is referred to in subclause (I), (III), or (IV); and

''(VI) means any security agreement or arrangement or other credit enhancement related to any agreement or transaction referred to in subclause (I), (III), (IV), or (V), including any guarantee or reimbursement obligation in connection with any agreement or transaction referred to in any such subclause.

For purposes of this clause, the term 'qualified foreign government security' means a security that is a direct obligation of, or that is fully guaranteed by, the central government of a member of the Organization for Economic Cooperation and Development (as determined by regulation or order adopted by the appropriate Federal banking authority).

''(vi) SWAP AGREEMENT.—The term 'swap agreement' means—

''(I) any agreement, including the terms and conditions incorporated by reference in any such agreement, which is an interest rate swap, option, future, or forward agreement, including a rate floor, rate cap, rate collar, cross-currency rate swap, and basis swap; a spot, same day-tomorrow, tomorrow-next, forward, or other foreign exchange or precious metals agreement; a currency swap, option, future, or forward agreement; an equity index or equity swap, option, future, or forward agreement; a debt index or debt swap, option, future, or forward agreement; a total return, credit spread or credit swap, option, future, or forward agreement; a commodity index or commodity swap, option, future, or forward agreement; or a weather swap, weather derivative, or weather option;

''(II) any agreement or transaction that is similar to any other agreement or transaction referred to in this clause and that is of a type that has been, is presently, or in the future becomes, the subject of recurrent dealings in the swap markets (including terms and conditions incorporated by reference in such agreement) and that is a forward, swap, future, or option on one or more rates, currencies, commodities, equity securities or other equity instruments, debt securities or other debt instruments, quantitative measures associated with an occurrence, extent of an occurrence, or contingency associated with a financial, commercial, or economic consequence, or economic or financial indices or measures of economic or financial risk or value;

''(III) any combination of agreements or transactions referred to in this clause;

''(IV) any option to enter into any agreement or transaction referred to in this clause;

''(V) a master agreement that provides for an agreement or transaction referred to in subclause (I), (II), (III), or (IV), together with all supplements to any such master agreement, without regard to whether the master agreement contains an agreement or transaction that is not a swap agreement under this clause, except that the master agreement shall be considered to be a swap agreement under this clause only with respect to each agreement or transaction under the master agreement that is referred to in subclause (I), (II), (III), or (IV); and

''(VI) any security agreement or arrangement or other credit enhancement related to any agreements or transactions referred to in subclause (I), (II), (III), (IV), or (V), including any guarantee or reimbursement obligation in connection with any agreement or transaction referred to in any such subclause.

Such term is applicable for purposes of this subsection only and shall not be construed or applied so as to challenge or affect the characterization, definition, or treatment of any swap agreement under any other statute, regulation, or rule, including the Securities Act of 1933, the Securities Exchange Act of 1934, the Public Utility Holding Company Act of 1935, the Trust Indenture Act of 1939, the Investment Company Act of 1940, the Investment Advisers Act of 1940, the Securities Investor Protection Act of 1970, the Commodity Exchange Act, the Gramm-Leach-Bliley Act, and the Legal Certainty for Bank Products Act of 2000.

''(vii) TREATMENT OF MASTER AGREEMENT AS ONE AGREEMENT.—Any master agreement for any contract or agreement described in any preceding clause of this subparagraph (or any master agreement for such master agreement or agreements), together with all supplements to such master agreement, shall be treated as a single agreement and a single qualified financial contract. If a master agreement contains provisions relating to agreements or transactions that are not themselves qualified financial contracts, the master agreement shall be deemed to be a qualified financial contract only with respect to those transactions that are themselves qualified financial contracts.

''(viii) TRANSFER.—The term 'transfer' means every mode, direct or indirect, absolute or conditional, voluntary or involuntary, of disposing of or parting with property or with an interest in property, including retention of title as a security interest and foreclosure of the regulated entity's equity of redemption.

''(E) CERTAIN PROTECTIONS IN EVENT OF APPOINTMENT OF CONSERVATOR.—Notwithstanding any other provision of this Act (other than paragraph (13) of this subsection), any other Federal law, or the law of any State, no person shall be stayed or prohibited from exercising—

''(i) any right such person has to cause the termination, liquidation, or acceleration of any qualified financial contract with a regulated entity in a conservatorship based upon a default under such financial contract which is enforceable under applicable noninsolvency law;

''(ii) any right under any security agreement or arrangement or other credit enhancement relating to one or more such qualified financial contracts; or

''(iii) any right to offset or net out any termination values, payment amounts, or other transfer obligations arising under or in connection with such qualified financial contracts.

''(F) CLARIFICATION.—No provision of law shall be construed as limiting the right or power of the Agency, or authorizing any court or agency to limit or delay, in any manner, the right or power of the Agency to transfer any qualified financial contract in accordance with paragraphs (9) and (10) of this subsection or to disaffirm or repudiate any such contract in accordance with subsection (d)(1) of this section.

''(G) WALKAWAY CLAUSES NOT EFFECTIVE.—

''(i) IN GENERAL.—Notwithstanding the provisions of subparagraphs (A) and (E), and sections 403 and 404 of the Federal Deposit Insurance Corporation Improvement Act of 1991, no walkaway clause shall be enforceable in a qualified financial contract of a regulated entity in default.

''(ii) WALKAWAY CLAUSE DEFINED.—For purposes of this subparagraph, the term 'walkaway clause' means a provision in a qualified financial contract that, after calculation of a value of a party's position or an amount due to or from 1 of the parties in accordance with its terms upon termination, liquidation, or acceleration of the qualified financial contract, either does not create a payment obligation of a party or extinguishes a payment obligation of a party in whole or in part solely because of such party's status as a nondefaulting party.

''(9) TRANSFER OF QUALIFIED FINANCIAL CONTRACTS.—In making any transfer of assets or liabilities of a regulated entity in default

which includes any qualified financial contract, the conservator or receiver for such regulated entity shall either—

''(A) transfer to 1 person—

''(i) all qualified financial contracts between any person (or any affiliate of such person) and the regulated entity in default;

''(ii) all claims of such person (or any affiliate of such person) against such regulated entity under any such contract (other than any claim which, under the terms of any such contract, is subordinated to the claims of general unsecured creditors of such regulated entity);

''(iii) all claims of such regulated entity against such person (or any affiliate of such person) under any such contract; and

''(iv) all property securing or any other credit enhancement for any contract described in clause (i) or any claim described in clause (ii) or (iii) under any such contract; or

''(B) transfer none of the financial contracts, claims, or property referred to under subparagraph (A) (with respect to such person and any affiliate of such person).

''(10) NOTIFICATION OF TRANSFER.—

''(A) IN GENERAL.—If—

''(i) the conservator or receiver for a regulated entity in default makes any transfer of the assets and liabilities of such regulated entity, and

''(ii) the transfer includes any qualified financial contract,

the conservator or receiver shall notify any person who is a party to any such contract of such transfer by 5:00 p.m. (eastern time) on the business day following the date of the appointment of the receiver in the case of a receivership, or the business day following such transfer in the case of a conservatorship.

''(B) CERTAIN RIGHTS NOT ENFORCEABLE.—

''(i) RECEIVERSHIP.—A person who is a party to a qualified financial contract with a regulated entity may not exercise any right that such person has to terminate, liquidate, or net such contract under paragraph (8)(A) of this subsection or section 403 or 404 of the Federal Deposit Insurance Corporation Improvement Act of 1991, solely by reason of or incidental to the appointment of a receiver for the regulated entity (or the insolvency or financial condition of the regulated entity for which the receiver has been appointed)—

''(I) until 5:00 p.m. (eastern time) on the business day following the date of the appointment of the receiver; or

''(II) after the person has received notice that the contract has been transferred pursuant to paragraph (9)(A).

''(ii) CONSERVATORSHIP.—A person who is a party to a qualified financial contract with a regulated entity may not exercise any right that such person has to terminate, liquidate, or net such contract under paragraph (8)(E) of this subsection or section 403 or 404 of the Federal Deposit Insurance Corporation Improvement Act of 1991, solely by reason of or incidental to the appointment of a conservator for the regulated entity (or the insolvency or financial condition of the regulated entity for which the conservator has been appointed).

''(iii) NOTICE.—For purposes of this paragraph, the Agency as receiver or conservator of a regulated entity shall be deemed to have notified a person who is a party to a qualified financial contract with such regulated entity if the Agency has taken steps reasonably calculated to provide notice to such person by the time specified in subparagraph (A).

''(C) BUSINESS DAY DEFINED.—For purposes of this paragraph, the term 'business day' means any day other than any Saturday, Sunday, or any day on which either the New York Stock Exchange or the Federal Reserve Bank of New York is closed.

''(11) DISAFFIRMANCE OR REPUDIATION OF QUALIFIED FINANCIAL CONTRACTS.—In exercising the rights of disaffirmance or repudiation of a conservator or receiver with respect to any qualified financial contract to which a regulated entity is a party, the conservator or receiver for such institution shall either—

''(A) disaffirm or repudiate all qualified financial contracts between—

''(i) any person or any affiliate of such person; and

''(ii) the regulated entity in default; or

''(B) disaffirm or repudiate none of the qualified financial contracts referred to in subparagraph (A) (with respect to such person or any affiliate of such person).

''(12) CERTAIN SECURITY INTERESTS NOT AVOIDABLE.—No provision of this subsection shall be construed as permitting the avoidance of any legally enforceable or perfected security interest in any of the assets of any regulated entity, except where such an interest is taken in contemplation of the insolvency of the regulated entity, or with the intent to hinder, delay, or defraud the regulated entity or the creditors of such regulated entity.

''(13) AUTHORITY TO ENFORCE CONTRACTS.—

''(A) IN GENERAL.—Notwithstanding any provision of a contract providing for termination, default, acceleration, or exercise of rights upon, or solely by reason of, insolvency or the appointment of a conservator or receiver, the conservator or receiver may enforce any contract or regulated entity bond entered into by the regulated entity.

''(B) CERTAIN RIGHTS NOT AFFECTED.—No provision of this paragraph may be construed as impairing or affecting any right of the conservator or receiver to enforce or recover under a director's or officer's liability insurance contract or surety bond under other applicable law.

''(C) CONSENT REQUIREMENT.—

''(i) IN GENERAL.—Except as otherwise provided under this section, no person may exercise any right or power to terminate, accelerate, or declare a default under any contract to which a regulated entity is a party, or to obtain possession of or exercise control over any property of the regulated entity, or affect any contractual rights of the regulated entity, without the consent of the conservator or receiver, as appropriate, for a period of—

''(I) 45 days after the date of appointment of a conservator; or

''(II) 90 days after the date of appointment of a receiver.

''(ii) EXCEPTIONS.—This paragraph shall—

''(I) not apply to a director's or officer's liability insurance contract;

''(II) not apply to the rights of parties to any qualified financial contracts under subsection (d)(8); and

''(III) not be construed as permitting the conservator or receiver to fail to comply with otherwise enforceable provisions of such contracts.

''(14) SAVINGS CLAUSE.—The meanings of terms used in this subsection are applicable for purposes of this subsection only, and shall not be construed or applied so as to challenge or affect the characterization, definition, or treatment of any similar terms under any other statute, regulation, or rule, including the Gramm-Leach-Bliley Act, the Legal Certainty for Bank Products Act of 2000, the securities laws (as that term is defined in section 3(a)(47) of the Securities Exchange Act of 1934), and the Commodity Exchange Act.

''(15) EXCEPTION FOR FEDERAL RESERVE AND FEDERAL HOME LOAN BANKS.—No provision of this subsection shall apply with respect to—

''(A) any extension of credit from any Federal home loan bank or Federal Reserve Bank to any regulated entity; or

''(B) any security interest in the assets of the regulated entity securing any such extension of credit.

''(e) VALUATION OF CLAIMS IN DEFAULT.—

''(1) IN GENERAL.—Notwithstanding any other provision of Federal law or the law of any State, and regardless of the method which the Agency determines to utilize with respect to a regulated entity in default or in danger of default, including transactions authorized under subsection (i), this subsection shall govern the rights of the creditors of such regulated entity.

''(2) MAXIMUM LIABILITY.—The maximum liability of the Agency, acting as receiver or in any other capacity, to any person having a claim against the receiver or the regulated entity for which such receiver is appointed shall equal the lesser of—

''(A) the amount such claimant would have received if the Agency had liquidated the assets and liabilities of such regulated entity without exercising the authority of the Agency under subsection (i) of this section; or

''(B) the amount of proceeds realized from the performance of contracts or sale of the assets of the regulated entity.

''(f) LIMITATION ON COURT ACTION.—Except as provided in this section or at the request of the Director, no court may take any action to restrain or affect the exercise of powers or functions of the Agency as a conservator or a receiver.

''(g) LIABILITY OF DIRECTORS AND OFFICERS.—

''(1) IN GENERAL.—A director or officer of a regulated entity may be held personally liable for monetary damages in any civil action by, on behalf of, or at the request or direction of the Agency, which action is prosecuted wholly or partially for the benefit of the Agency—

''(A) acting as conservator or receiver of such regulated entity, or

''(B) acting based upon a suit, claim, or cause of action purchased from, assigned by, or otherwise conveyed by such receiver or conservator,

for gross negligence, including any similar conduct or conduct that demonstrates a greater disregard of a duty of care (than gross negligence) including intentional tortious conduct, as such terms are defined and determined under applicable State law.

''(2) NO LIMITATION.—Nothing in this paragraph shall impair or affect any right of the Agency under other applicable law.

''(h) DAMAGES.—In any proceeding related to any claim against a director, officer, employee, agent, attorney, accountant, appraiser, or any other party employed by or providing services to a regulated entity, recoverable damages determined to result from the improvident or otherwise improper use or investment of any assets of the regulated entity shall include principal losses and appropriate interest.

''(i) LIMITED-LIFE REGULATED ENTITIES.—

''(1) ORGANIZATION.—

''(A) PURPOSE.—If a regulated entity is in default, or if the Agency anticipates that a regulated entity will default, the Agency may organize a limited-life regulated entity with those powers and attributes of the regulated entity in default or in danger of default that the Director determines necessary, subject to the provisions of this subsection. The Director shall grant a temporary charter to the limited-life regulated entity, and the limited-life regulated entity shall operate subject to that charter.

''(B) AUTHORITIES.—Upon the creation of a limited-life regulated entity under subparagraph (A), the limited-life regulated entity may—

''(i) assume such liabilities of the regulated entity that is in default or in danger of

default as the Agency may, in its discretion, determine to be appropriate, provided that the liabilities assumed shall not exceed the amount of assets of the limited-life regulated entity;

''(ii) purchase such assets of the regulated entity that is in default, or in danger of default, as the Agency may, in its discretion, determine to be appropriate; and

''(iii) perform any other temporary function which the Agency may, in its discretion, prescribe in accordance with this section.

''(2) CHARTER.—

''(A) CONDITIONS.—The Agency may grant a temporary charter if the Agency determines that the continued operation of the regulated entity in default or in danger of default is in the best interest of the national economy and the housing markets.

''(B) TREATMENT AS BEING IN DEFAULT FOR CERTAIN PURPOSES.—A limited-life regulated entity shall be treated as a regulated entity in default at such times and for such purposes as the Agency may, in its discretion, determine.

''(C) MANAGEMENT.—A limited-life regulated entity, upon the granting of its charter, shall be under the management of a board of directors consisting of not fewer than 5 nor more than 10 members appointed by the Agency.

''(D) BYLAWS.—The board of directors of a limited-life regulated entity shall adopt such bylaws as may be approved by the Agency.

''(3) CAPITAL STOCK.—No capital stock need be paid into a limited-life regulated entity by the Agency.

''(4) INVESTMENTS.—Funds of a limited-life regulated entity shall be kept on hand in cash, invested in obligations of the United States or obligations guaranteed as to principal and interest by the United States, or deposited with the Agency, or any Federal Reserve bank.

''(5) EXEMPT STATUS.—Notwithstanding any other provision of Federal or State law, the limited-life regulated entity, its franchise, property, and income shall be exempt from all taxation now or hereafter imposed by the United States, by any territory, dependency, or possession thereof, or by any State, county, municipality, or local taxing authority.

''(6) WINDING UP.—

''(A) IN GENERAL.—Subject to subparagraph (B), unless Congress authorizes the sale of the capital stock of the limited-life regulated entity, not later than 2 years after the date of its organization, the Agency shall wind up the affairs of the limited-life regulated entity.

''(B) EXTENSION.—The Director may, in the discretion of the Director, extend the status of the limited-life regulated entity for 3 additional 1-year periods.

''(7) TRANSFER OF ASSETS AND LIABILITIES.—

''(A) IN GENERAL.—

''(i) TRANSFER OF ASSETS AND LIABILITIES.—The Agency, as receiver, may transfer any assets and liabilities of a regulated entity in default, or in danger of default, to the limited-life regulated entity in accordance with paragraph (1).

''(ii) SUBSEQUENT TRANSFERS.—At any time after a charter is transferred to a limited-life regulated entity, the Agency, as receiver, may transfer any assets and liabilities of such regulated entity in default, or in danger in default, as the Agency may, in its discretion, determine to be appropriate in accordance with paragraph (1).

''(iii) EFFECTIVE WITHOUT APPROVAL.—The transfer of any assets or liabilities of a regulated entity in default, or in danger of default, transferred to a limited-life regulated entity shall be effective without any further approval under Federal or State law, assignment, or consent with respect thereto.

''(8) PROCEEDS.—To the extent that available proceeds from the limited-life regulated entity exceed amounts required to pay obligations, such proceeds may be paid to the regulated entity in default, or in danger of default.

''(9) POWERS.—

''(A) IN GENERAL.—Each limited-life regulated entity created under this subsection shall have all corporate powers of, and be subject to the same provisions of law as, the regulated entity in default or in danger of default to which it relates, except that—

''(i) the Agency may—

''(I) remove the directors of a limited-life regulated entity; and

''(II) fix the compensation of members of the board of directors and senior management, as determined by the Agency in its discretion, of a limited-life regulated entity;

''(ii) the Agency may indemnify the representatives for purposes of paragraph (1)(B), and the directors, officers, employees, and agents of a limited-life regulated entity on such terms as the Agency determines to be appropriate; and

''(iii) the board of directors of a limited-life regulated entity—

''(I) shall elect a chairperson who may also serve in the position of chief executive officer, except that such person shall not serve either as chairperson or as chief executive officer without the prior approval of the Agency; and

''(II) may appoint a chief executive officer who is not also the chairperson, except that such person shall not serve as chief executive officer without the prior approval of the Agency.

''(B) STAY OF JUDICIAL ACTION.—Any judicial action to which a limited-life regulated entity becomes a party by virtue of its acquisition of any assets or assumption of any liabilities of a regulated entity in default shall be stayed from further proceedings for a period of up to 45 days at the request of the limited-life regulated entity. Such period may be modified upon the consent of all parties.

''(10) OBTAINING OF CREDIT AND INCURRING OF DEBT.—

''(A) IN GENERAL.—The limited-life regulated entity may obtain unsecured credit and incur unsecured debt in the ordinary course of business.

''(B) INABILITY TO OBTAIN CREDIT.—If the limited-life regulated entity is unable to obtain unsecured credit the Director may authorize the obtaining of credit or the incurring of debt—

''(i) with priority over any or all administrative expenses;

''(ii) secured by a lien on property that is not otherwise subject to a lien; or

''(iii) secured by a junior lien on property that is subject to a lien.

''(C) LIMITATIONS.—

''(i) IN GENERAL.—The Director, after notice and a hearing, may authorize the obtaining of credit or the incurring of debt secured by a senior or equal lien on property that is subject to a lien (other than mortgages that collateralize the mortgage-backed securities issued or guaranteed by the regulated entity) only if—

''(I) the limited-life regulated entity is unable to obtain such credit otherwise; and

''(II) there is adequate protection of the interest of the holder of the lien on the property which such senior or equal lien is proposed to be granted.

''(ii) BURDEN OF PROOF.—In any hearing under this subsection, the Director has the burden of proof on the issue of adequate protection.

''(D) EFFECT ON DEBTS AND LIENS.—The reversal or modification on appeal of an authorization under this paragraph to obtain credit or incur debt, or of a grant under this section of a priority or a lien, does not affect the validity of any debt so incurred, or any priority or lien so granted, to an entity that extended such credit in good faith, whether or not such entity knew of the pendency of the appeal, unless such authorization and the incurring of such debt, or the granting of such priority or lien, were stayed pending appeal.

''(11) ISSUANCE OF PREFERRED DEBT.—A limited-life regulated entity may, subject to the approval of the Director and subject to such terms and conditions as the Director may prescribe, issue notes, bonds, or other debt obligations of a class to which all other debt obligations of the limited-life regulated entity shall be subordinate in right and payment.

''(12) NO FEDERAL STATUS.—

''(A) AGENCY STATUS.—A limited-life regulated entity is not an agency, establishment, or instrumentality of the United States.

''(B) EMPLOYEE STATUS.—Representatives for purposes of paragraph (1)(B), interim directors, directors, officers, employees, or agents of a limited-life regulated entity are not, solely by virtue of service in any such capacity, officers or employees of the United States. Any employee of the Agency or of any Federal instrumentality who serves at the request of the Agency as a representative for purposes of paragraph (1)(B), interim director, director, officer, employee, or agent of a limited-life regulated entity shall not—

''(i) solely by virtue of service in any such capacity lose any existing status as an officer or employee of the United States for purposes of title 5, United States Code, or any other provision of law; or

''(ii) receive any salary or benefits for service in any such capacity with respect to a limited-life regulated entity in addition to such salary or benefits as are obtained through employment with the Agency or such Federal instrumentality.

''(13) ADDITIONAL POWERS.—In addition to any other powers granted under this subsection, a limited-life regulated entity may—

''(A) extend a maturity date or change in an interest rate or other term of outstanding securities;

''(B) issue securities of the limited-life regulated entity, for cash, for property, for existing securities, or in exchange for claims or interests, or for any other appropriate purposes; and

''(C) take any other action not inconsistent with this section.

''(j) OTHER EXEMPTIONS.—When acting as a receiver, the following provisions shall apply with respect to the Agency:

''(1) EXEMPTION FROM TAXATION.—The Agency, including its franchise, its capital, reserves, and surplus, and its income, shall be exempt from all taxation imposed by any State, country, municipality, or local taxing authority, except that any real property of the Agency shall be subject to State, territorial, county, municipal, or local taxation to the same extent according to its value as other real property is taxed, except that, notwithstanding the failure of any person to challenge an assessment under State law of the value of such property, and the tax thereon, shall be determined as of the period for which such tax is imposed.

''(2) EXEMPTION FROM ATTACHMENT AND LIENS.—No property of the Agency shall be subject to levy, attachment, garnishment, foreclosure, or sale without the consent of the Agency, nor shall any involuntary lien attach to the property of the Agency.

''(3) EXEMPTION FROM PENALTIES AND FINES.—The Agency shall not be liable for any amounts in the nature of penalties or fines, including those arising from the failure of any person to pay any real property,

personal property, probate, or recording tax or any recording or filing fees when due.

''(k) PROHIBITION OF CHARTER REVOCATION.—In no case may a receiver appointed pursuant to this section revoke, annul, or terminate the charter of a regulated entity.

''(l) PRESERVATION OF BANKRUPTCY LAW .—Nothing in this Act shall be construed to modify, impair, or supersede the operation of any provision of title 11 of the United States Code, or the operation of any provision of title 28 of such Code that relates to cases under such title 11, except as otherwise provided in section 1367(b) of this Act and except that a regulated entity may not be a debtor under such title 11.''.

(b) CONFORMING AMENDMENTS.—

(1) HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1992.—Subtitle B of title XIII of the Housing and Community Development Act of 1992 is amended by striking sections 1369 (12 U.S.C. 4619), 1369A (12 U.S.C. 4620), and 1369B (12 U.S.C. 4621).

(2) FEDERAL HOME LOAN BANKS.—Section 25 of the Federal Home Loan Bank Act (12 U.S.C. 1445) is amended to read as follows:

''SEC. 25. SUCCESSION OF FEDERAL HOME LOAN BANKS.

''Each Federal Home Loan Bank shall have succession until it is voluntarily merged with another Bank under this Act, or until it is merged, reorganized, rehabilitated, liquidated, or otherwise wound up by the Director in accordance with the provisions of section 1367 of the Housing and Community Development Act of 1992, or by further Act of Congress.''.

SEC. 349. CONFORMING AMENDMENTS.

Title XIII of the Housing and Community Development Act of 1992, as amended by the preceding provisions of this title, is further amended—

(1) in sections 1365 (12 U.S.C. 4615) through 1369D (12 U.S.C. 4623), but not including section 1367 (12 U.S.C. 4617) as amended by section 349 of this title—

(A) by striking ''An enterprise'' each place such term appears and inserting ''A regulated entity'';

(B) by striking ''an enterprise'' each place such term appears and inserting ''a regulated entity''; and

(C) by striking ''the enterprise'' each place such term appears and inserting ''the regulated entity'';

(2) in section 1366 (12 U.S.C. 4616)—

(A) in subsection (b)(7), by striking ''section 1369 (excluding subsection (a)(1) and (2))'' and inserting ''section 1367''; and

(B) in subsection (d), by striking ''the enterprises'' and inserting ''the regulated entities'';

(3) in section 1368(d) (12 U.S.C. 4618(d)), by striking ''Committee on Banking, Finance and Urban Affairs'' and inserting ''Committee on Financial Services'';

(4) in section 1369C (12 U.S.C. 4622)—

(A) in subsection (a)(4), by striking ''activities (including existing and new programs)'' and inserting ''activities, services, undertakings, and offerings (including existing and new products (as such term is defined in section 1321(f))''; and

(B) in subsection (c), by striking ''any enterprise'' and inserting ''any regulated entity''; and

(5) in subsections (a) and (d) of section 1369D, by striking ''section 1366 or 1367 or action under section 1369)'' each place such phrase appears and inserting ''section 1367)''.

CHAPTER 4—ENFORCEMENT ACTIONS

SEC. 351. CEASE-AND-DESIST PROCEEDINGS.

Section 1371 of the Housing and Community Development Act of 1992 (12 U.S.C. 4631) is amended—

(1) by striking subsections (a) and (b) and inserting the following new subsections:

''(a) ISSUANCE FOR UNSAFE OR UNSOUND PRACTICES AND VIOLATIONS OF RULES OR LAWS.—If, in the opinion of the Director, a regulated entity or any regulated entity-affiliated party is engaging or has engaged, or the Director has reasonable cause to believe that the regulated entity or any regulated entity-affiliated party is about to engage, in an unsafe or unsound practice in conducting the business of the regulated entity or is violating or has violated, or the Director has reasonable cause to believe that the regulated entity or any regulated entity-affiliated party is about to violate, a law, rule, or regulation, or any condition imposed in writing by the Director in connection with the granting of any application or other request by the regulated entity or any written agreement entered into with the Director, the Director may issue and serve upon the regulated entity or such party a notice of charges in respect thereof. The Director may not, pursuant to this section, enforce compliance with any housing goal established under subpart B of part 2 of subtitle A of this title, with section 1336 or 1337 of this title, with subsection (m) or (n) of section 309 of the Federal National Mortgage Association Charter Act (12 U.S.C. 1723a(m), (n)), with subsection (e) or (f) of section 307 of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1456(e), (f)), or with paragraph (5) of section 10(j) of the Federal Home Loan Bank Act (12 U.S.C. 1430(j)).

''(b) ISSUANCE FOR UNSATISFACTORY RATING.—If a regulated entity receives, in its most recent report of examination, a less-than-satisfactory rating for asset quality, management, earnings, or liquidity, the Director may (if the deficiency is not corrected) deem the regulated entity to be engaging in an unsafe or unsound practice for purposes of this subsection.'';

(2) in subsection (c)(2), by striking ''enterprise, executive officer, or director'' and inserting ''regulated entity or regulated entity-affiliated party''; and

(3) in subsection (d)—

(A) in the matter preceding paragraph (1), by striking ''enterprise, executive officer, or director'' and inserting ''regulated entity or regulated entity-affiliated party'';

(B) in paragraph (1)—

(i) by striking ''an executive officer or a director'' and inserting ''a regulated entity affiliated party''; and

(ii) by inserting ''(including reimbursement of compensation under section 1318)'' after ''reimbursement'';

(C) in paragraph (6), by striking ''and'' at the end;

(D) by redesignating paragraph (7) as paragraph (8); and

(E) by inserting after paragraph (6) the following new paragraph:

''(7) to effect an attachment on a regulated entity or regulated entity-affiliated party subject to an order under this section or section 1372; and''.

SEC. 352. TEMPORARY CEASE-AND-DESIST PROCEEDINGS.

Section 1372 of the Housing and Community Development Act of 1992 (12 U.S.C. 4632) is amended—

(1) by striking subsection (a) and inserting the following new subsection:

''(a) GROUNDS FOR ISSUANCE.—Whenever the Director determines that the violation or threatened violation or the unsafe or unsound practice or practices specified in the notice of charges served upon the regulated entity or any regulated entity-affiliated party pursuant to section 1371(a), or the continuation thereof, is likely to cause insolvency or significant dissipation of assets or earnings of the regulated entity, or is likely to weaken the condition of the regulated entity prior to the completion of the proceedings conducted pursuant to sections 1371 and 1373, the Director may issue a temporary order requiring the regulated entity or such party to cease and desist from any such violation or practice and to take affirmative action to prevent or remedy such insolvency, dissipation, condition, or prejudice pending completion of such proceedings. Such order may include any requirement authorized under section 1371(d).'';

(2) in subsection (b), by striking ''enterprise, executive officer, or director'' and inserting ''regulated entity or regulated entity-affiliated party'';

(3) in subsection (d)—

(A) by striking ''An enterprise, executive officer, or director'' and inserting ''A regulated entity or regulated entity-affiliated party''; and

(B) by striking ''the enterprise, executive officer, or director'' and inserting ''the regulated entity or regulated entity-affiliated party''; and

(4) by striking subsection (e) and in inserting the following new subsection:

''(e) ENFORCEMENT.—In the case of violation or threatened violation of, or failure to obey, a temporary cease-and-desist order issued pursuant to this section, the Director may apply to the United States District Court for the District of Columbia or the United States district court within the jurisdiction of which the headquarters of the regulated entity is located, for an injunction to enforce such order, and, if the court determines that there has been such violation or threatened violation or failure to obey, it shall be the duty of the court to issue such injunction.''.

SEC. 353. PREJUDGMENT ATTACHMENT.

The Housing and Community Development Act of 1992 is amended by inserting after section 1375 (12 U.S.C. 4635) the following new section:

''SEC. 1375A. PREJUDGMENT ATTACHMENT.

''(a) IN GENERAL.—In any action brought pursuant to this title, or in actions brought in aid of, or to enforce an order in, any administrative or other civil action for money damages, restitution, or civil money penalties brought pursuant to this title, the court may, upon application of the Director or Attorney General, as applicable, issue a restraining order that—

''(1) prohibits any person subject to the proceeding from withdrawing, transferring, removing, dissipating, or disposing of any funds, assets or other property; and

''(2) appoints a person on a temporary basis to administer the restraining order.

''(b) STANDARD.—

''(1) SHOWING.—Rule 65 of the Federal Rules of Civil Procedure shall apply with respect to any proceeding under subsection (a) without regard to the requirement of such rule that the applicant show that the injury, loss, or damage is irreparable and immediate.

''(2) STATE PROCEEDING.—If, in the case of any proceeding in a State court, the court determines that rules of civil procedure available under the laws of such State provide substantially similar protections to a party's right to due process as Rule 65 (as modified with respect to such proceeding by paragraph (1)), the relief sought under subsection (a) may be requested under the laws of such State.''.

SEC. 354. ENFORCEMENT AND JURISDICTION.

Section 1375 of the Housing and Community Development Act of 1992 (12 U.S.C. 4635) is amended—

(1) by striking subsection (a) and inserting the following new subsection:

''(a) ENFORCEMENT.—The Director may, in the discretion of the Director, apply to the United States District Court for the District of Columbia, or the United States district court within the jurisdiction of which the headquarters of the regulated entity is located, for the enforcement of any effective

and outstanding notice or order issued under this subtitle or subtitle B, or request that the Attorney General of the United States bring such an action. Such court shall have jurisdiction and power to order and require compliance with such notice or order.''; and

(2) in subsection (b), by striking ''or 1376'' and inserting ''1376, or 1377''.

SEC. 355. CIVIL MONEY PENALTIES.

Section 1376 of the Housing and Community Development Act of 1992 (12 U.S.C. 4636) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking '', or any executive officer or director'' and inserting ''or any regulated-entity affiliated party''; and

(B) in paragraph (1)—

(i) by striking ''the Federal National Mortgage Association Charter Act, the Federal Home Loan Mortgage Corporation Act'' and inserting ''any provision of any of the authorizing statutes'';

(ii) by striking ''or Act'' and inserting ''or statute'';

(iii) by striking ''or subsection'' and inserting '', subsection''; and

(iv) by inserting '', or paragraph (5) or (12) of section 10(j) of the Federal Home Loan Bank Act'' before the semicolon at the end;

(2) by striking subsection (b) and inserting the following new subsection:

''(b) AMOUNT OF PENALTY.—

''(1) FIRST TIER.—Any regulated entity which, or any regulated entity-affiliated party who—

''(A) violates any provision of this title, any provision of any of the authorizing statutes, or any order, condition, rule, or regulation under any such title or statute, except that the Director may not, pursuant to this section, enforce compliance with any housing goal established under subpart B of part 2 of subtitle A of this title, with section 1336 or 1337 of this title, with subsection (m) or (n) of section 309 of the Federal National Mortgage Association Charter Act (12 U.S.C. 1723a(m), (n)), with subsection (e) or (f) of section 307 of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1456(e), (f)), or with paragraph (5) or (12) of section 10(j) of the Federal Home Loan Bank Act;

''(B) violates any final or temporary order or notice issued pursuant to this title;

''(C) violates any condition imposed in writing by the Director in connection with the grant of any application or other request by such regulated entity; or

''(D) violates any written agreement between the regulated entity and the Director,

shall forfeit and pay a civil money penalty of not more than $10,000 for each day during which such violation continues.

''(2) SECOND TIER.—Notwithstanding paragraph (1)—

''(A) if a regulated entity, or a regulated entity-affiliated party—

''(i) commits any violation described in any subparagraph of paragraph (1);

''(ii) recklessly engages in an unsafe or unsound practice in conducting the affairs of such regulated entity; or

''(iii) breaches any fiduciary duty; and

''(B) the violation, practice, or breach—

''(i) is part of a pattern of misconduct;

''(ii) causes or is likely to cause more than a minimal loss to such regulated entity; or

''(iii) results in pecuniary gain or other benefit to such party,

the regulated entity or regulated entity-affiliated party shall forfeit and pay a civil penalty of not more than $50,000 for each day during which such violation, practice, or breach continues.

''(3) THIRD TIER.—Notwithstanding paragraphs (1) and (2), any regulated entity which, or any regulated entity-affiliated party who—

''(A) knowingly—

''(i) commits any violation or engages in any conduct described in any subparagraph of paragraph (1);

''(ii) engages in any unsafe or unsound practice in conducting the affairs of such regulated entity; or

''(iii) breaches any fiduciary duty; and

''(B) knowingly or recklessly causes a substantial loss to such regulated entity or a substantial pecuniary gain or other benefit to such party by reason of such violation, practice, or breach,

shall forfeit and pay a civil penalty in an amount not to exceed the applicable maximum amount determined under paragraph (4) for each day during which such violation, practice, or breach continues.

''(4) MAXIMUM AMOUNTS OF PENALTIES FOR ANY VIOLATION DESCRIBED IN PARAGRAPH (3).—The maximum daily amount of any civil penalty which may be assessed pursuant to paragraph (3) for any violation, practice, or breach described in such paragraph is—

''(A) in the case of any person other than a regulated entity, an amount not to exceed $2,000,000; and

''(B) in the case of any regulated entity, $2,000,000.'';

(3) in subsection (c)(1)(B), by striking ''enterprise, executive officer, or director'' and inserting ''regulated entity or regulated entity-affiliated party'';

(4) in subsection (d), by striking the first sentence and inserting the following: ''If a regulated entity or regulated entity-affiliated party fails to comply with an order of the Director imposing a civil money penalty under this section, after the order is no longer subject to review as provided under subsection (c)(1) and section 1374, the Director may, in the discretion of the Director, bring an action in the United States District Court for the District of Columbia, or the United States district court within the jurisdiction of which the headquarters of the regulated entity is located, to obtain a monetary judgment against the regulated entity or regulated entity affiliated party and such other relief as may be available, or request that the Attorney General of the United States bring such an action.''; and

(5) in subsection (g), by striking ''subsection (b)(3)'' and inserting ''this section, unless authorized by the Director by rule, regulation, or order''.

SEC. 356. REMOVAL AND PROHIBITION AUTHORITY.

(a) IN GENERAL.—Subtitle C of title XIII of the Housing and Community Development Act of 1992 is amended—

(1) by redesignating sections 1377, 1378, 1379, 1379A, and 1379B (12 U.S.C. 4637–41) as sections 1379, 1379A, 1379B, 1379C, and 1379D, respectively; and

(2) by inserting after section 1376 (12 U.S.C. 4636) the following new section:

''SEC. 1377. REMOVAL AND PROHIBITION AUTHORITY.

''(a) AUTHORITY TO ISSUE ORDER.—Whenever the Director determines that—

''(1) any regulated entity-affiliated party has, directly or indirectly—

''(A) violated—

''(i) any law or regulation;

''(ii) any cease-and-desist order which has become final;

''(iii) any condition imposed in writing by the Director in connection with the grant of any application or other request by such regulated entity; or

''(iv) any written agreement between such regulated entity and the Director;

''(B) engaged or participated in any unsafe or unsound practice in connection with any regulated entity; or

''(C) committed or engaged in any act, omission, or practice which constitutes a breach of such party's fiduciary duty;

''(2) by reason of the violation, practice, or breach described in any subparagraph of paragraph (1)—

''(A) such regulated entity has suffered or will probably suffer financial loss or other damage; or

''(B) such party has received financial gain or other benefit by reason of such violation, practice, or breach; and

''(3) such violation, practice, or breach—

''(A) involves personal dishonesty on the part of such party; or

''(B) demonstrates willful or continuing disregard by such party for the safety or soundness of such regulated entity,

the Director may serve upon such party a written notice of the Director's intention to remove such party from office or to prohibit any further participation by such party, in any manner, in the conduct of the affairs of any regulated entity.

''(b) SUSPENSION ORDER.—

''(1) SUSPENSION OR PROHIBITION AUTHORITY.—If the Director serves written notice under subsection (a) to any regulated entity-affiliated party of the Director's intention to issue an order under such subsection, the Director may—

''(A) suspend such party from office or prohibit such party from further participation in any manner in the conduct of the affairs of the regulated entity, if the Director—

''(i) determines that such action is necessary for the protection of the regulated entity; and

''(ii) serves such party with written notice of the suspension order; and

''(B) prohibit the regulated entity from releasing to or on behalf of the regulated entity-affiliated party any compensation or other payment of money or other thing of current or potential value in connection with any resignation, removal, retirement, or other termination of employment or office of the party.

''(2) EFFECTIVE PERIOD.—Any suspension order issued under this subsection—

''(A) shall become effective upon service; and

''(B) unless a court issues a stay of such order under subsection (g) of this section, shall remain in effect and enforceable until—

''(i) the date the Director dismisses the charges contained in the notice served under subsection (a) with respect to such party; or

''(ii) the effective date of an order issued by the Director to such party under subsection (a).

''(3) COPY OF ORDER.—If the Director issues a suspension order under this subsection to any regulated entity-affiliated party, the Director shall serve a copy of such order on any regulated entity with which such party is affiliated at the time such order is issued.

''(c) NOTICE, HEARING, AND ORDER.—A notice of intention to remove a regulated entity-affiliated party from office or to prohibit such party from participating in the conduct of the affairs of a regulated entity shall contain a statement of the facts constituting grounds for such action, and shall fix a time and place at which a hearing will be held on such action. Such hearing shall be fixed for a date not earlier than 30 days nor later than 60 days after the date of service of such notice, unless an earlier or a later date is set by the Director at the request of (1) such party, and for good cause shown, or (2) the Attorney General of the United States. Unless such party shall appear at the hearing in person or by a duly authorized representative, such party shall be deemed to have consented to the issuance of an order of such removal or prohibition. In the event of such consent, or if upon the record made at any such hearing the Director shall find that any of the grounds specified in such notice have been established, the Director may issue such orders of suspension or removal from

office, or prohibition from participation in the conduct of the affairs of the regulated entity, as it may deem appropriate, together with an order prohibiting compensation described in subsection (b)(1)(B). Any such order shall become effective at the expiration of 30 days after service upon such regulated entity and such party (except in the case of an order issued upon consent, which shall become effective at the time specified therein). Such order shall remain effective and enforceable except to such extent as it is stayed, modified, terminated, or set aside by action of the Director or a reviewing court.

''(d) PROHIBITION OF CERTAIN SPECIFIC ACTIVITIES.—Any person subject to an order issued under this section shall not—

''(1) participate in any manner in the conduct of the affairs of any regulated entity;

''(2) solicit, procure, transfer, attempt to transfer, vote, or attempt to vote any proxy, consent, or authorization with respect to any voting rights in any regulated entity;

''(3) violate any voting agreement previously approved by the Director; or

''(4) vote for a director, or serve or act as a regulated entity-affiliated party.

''(e) INDUSTRY-WIDE PROHIBITION.—

''(1) IN GENERAL.—Except as provided in paragraph (2), any person who, pursuant to an order issued under this section, has been removed or suspended from office in a regulated entity or prohibited from participating in the conduct of the affairs of a regulated entity may not, while such order is in effect, continue or commence to hold any office in, or participate in any manner in the conduct of the affairs of, any regulated entity.

''(2) EXCEPTION IF DIRECTOR PROVIDES WRITTEN CONSENT.—If, on or after the date an order is issued under this section which removes or suspends from office any regulated entity-affiliated party or prohibits such party from participating in the conduct of the affairs of a regulated entity, such party receives the written consent of the Director, the order shall, to the extent of such consent, cease to apply to such party with respect to the regulated entity described in the written consent. If the Director grants such a written consent, it shall publicly disclose such consent.

''(3) VIOLATION OF PARAGRAPH (1) TREATED AS VIOLATION OF ORDER.—Any violation of paragraph (1) by any person who is subject to an order described in such subsection shall be treated as a violation of the order.

''(f) APPLICABILITY.—This section shall only apply to a person who is an individual, unless the Director specifically finds that it should apply to a corporation, firm, or other business enterprise.

''(g) STAY OF SUSPENSION AND PROHIBITION OF REGULATED ENTITY-AFFILIATED PARTY.—Within 10 days after any regulated entity-affiliated party has been suspended from office and/or prohibited from participation in the conduct of the affairs of a regulated entity under this section, such party may apply to the United States District Court for the District of Columbia, or the United States district court for the judicial district in which the headquarters of the regulated entity is located, for a stay of such suspension and/or prohibition and any prohibition under subsection (b)(1)(B) pending the completion of the administrative proceedings pursuant to the notice served upon such party under this section, and such court shall have jurisdiction to stay such suspension and/or prohibition.

''(h) SUSPENSION OR REMOVAL OF REGULATED ENTITY-AFFILIATED PARTY CHARGED WITH FELONY.—

''(1) SUSPENSION OR PROHIBITION.—

''(A) IN GENERAL.—Whenever any regulated entity-affiliated party is charged in any information, indictment, or complaint, with the commission of or participation in a crime involving dishonesty or breach of trust which is punishable by imprisonment for a term exceeding one year under State or Federal law, the Director may, if continued service or participation by such party may pose a threat to the regulated entity or impair public confidence in the regulated entity, by written notice served upon such party—

''(i) suspend such party from office or prohibit such party from further participation in any manner in the conduct of the affairs of any regulated entity; and

''(ii) prohibit the regulated entity from releasing to or on behalf of the regulated entity-affiliated party any compensation or other payment of money or other thing of current or potential value in connection with the period of any such suspension or with any resignation, removal, retirement, or other termination of employment or office of the party.

''(B) PROVISIONS APPLICABLE TO NOTICE.—

''(i) COPY.—A copy of any notice under paragraph (1)(A) shall also be served upon the regulated entity.

''(ii) EFFECTIVE PERIOD.—A suspension or prohibition under subparagraph (A) shall remain in effect until the information, indictment, or complaint referred to in such subparagraph is finally disposed of or until terminated by the Director.

''(2) REMOVAL OR PROHIBITION.—

''(A) IN GENERAL.—If a judgment of conviction or an agreement to enter a pretrial diversion or other similar program is entered against a regulated entity-affiliated party in connection with a crime described in paragraph (1)(A), at such time as such judgment is not subject to further appellate review, the Director may, if continued service or participation by such party may pose a threat to the regulated entity or impair public confidence in the regulated entity, issue and serve upon such party an order that—

''(i) removes such party from office or prohibits such party from further participation in any manner in the conduct of the affairs of the regulated entity without the prior written consent of the Director; and

''(ii) prohibits the regulated entity from releasing to or on behalf of the regulated entity-affiliated party any compensation or other payment of money or other thing of current or potential value in connection with the termination of employment or office of the party.

''(B) PROVISIONS APPLICABLE TO ORDER.—

''(i) COPY.—A copy of any order under paragraph (2)(A) shall also be served upon the regulated entity, whereupon the regulated entity-affiliated party who is subject to the order (if a director or an officer) shall cease to be a director or officer of such regulated entity.

''(ii) EFFECT OF ACQUITTAL.—A finding of not guilty or other disposition of the charge shall not preclude the Director from instituting proceedings after such finding or disposition to remove such party from office or to prohibit further participation in regulated entity affairs, and to prohibit compensation or other payment of money or other thing of current or potential value in connection with any resignation, removal, retirement, or other termination of employment or office of the party, pursuant to subsections (a), (d), or (e) of this section.

''(iii) EFFECTIVE PERIOD.—Any notice of suspension or order of removal issued under this subsection shall remain effective and outstanding until the completion of any hearing or appeal authorized under paragraph (4) unless terminated by the Director.

''(3) AUTHORITY OF REMAINING BOARD MEMBERS.—If at any time, because of the suspension of one or more directors pursuant to this section, there shall be on the board of directors of a regulated entity less than a quorum of directors not so suspended, all powers and functions vested in or exercisable by such board shall vest in and be exercisable by the director or directors on the board not so suspended, until such time as there shall be a quorum of the board of directors. In the event all of the directors of a regulated entity are suspended pursuant to this section, the Director shall appoint persons to serve temporarily as directors in their place and stead pending the termination of such suspensions, or until such time as those who have been suspended cease to be directors of the regulated entity and their respective successors take office.

''(4) HEARING REGARDING CONTINUED PARTICIPATION.—Within 30 days from service of any notice of suspension or order of removal issued pursuant to paragraph (1) or (2) of this subsection, the regulated entity-affiliated party concerned may request in writing an opportunity to appear before the Director to show that the continued service to or participation in the conduct of the affairs of the regulated entity by such party does not, or is not likely to, pose a threat to the interests of the regulated entity or threaten to impair public confidence in the regulated entity. Upon receipt of any such request, the Director shall fix a time (not more than 30 days after receipt of such request, unless extended at the request of such party) and place at which such party may appear, personally or through counsel, before one or more members of the Director or designated employees of the Director to submit written materials (or, at the discretion of the Director, oral testimony) and oral argument. Within 60 days of such hearing, the Director shall notify such party whether the suspension or prohibition from participation in any manner in the conduct of the affairs of the regulated entity will be continued, terminated, or otherwise modified, or whether the order removing such party from office or prohibiting such party from further participation in any manner in the conduct of the affairs of the regulated entity, and prohibiting compensation in connection with termination will be rescinded or otherwise modified. Such notification shall contain a statement of the basis for the Director's decision, if adverse to such party. The Director is authorized to prescribe such rules as may be necessary to effectuate the purposes of this subsection.

''(i) HEARINGS AND JUDICIAL REVIEW.—

''(1) VENUE AND PROCEDURE.—Any hearing provided for in this section shall be held in the District of Columbia or in the Federal judicial district in which the headquarters of the regulated entity is located, unless the party afforded the hearing consents to another place, and shall be conducted in accordance with the provisions of chapter 5 of title 5, United States Code. After such hearing, and within 90 days after the Director has notified the parties that the case has been submitted to it for final decision, it shall render its decision (which shall include findings of fact upon which its decision is predicated) and shall issue and serve upon each party to the proceeding an order or orders consistent with the provisions of this section. Judicial review of any such order shall be exclusively as provided in this subsection. Unless a petition for review is timely filed in a court of appeals of the United States, as provided in paragraph (2), and thereafter until the record in the proceeding has been filed as so provided, the Director may at any time, upon such notice and in such manner as it shall deem proper, modify, terminate, or set aside any such order. Upon such filing of the record, the Director may modify, terminate, or set aside any such order with permission of the court.

''(2) REVIEW OF ORDER.—Any party to any proceeding under paragraph (1) may obtain a review of any order served pursuant to paragraph (1) (other than an order issued with

the consent of the regulated entity or the regulated entity-affiliated party concerned, or an order issued under subsection (h) of this section) by the filing in the United States Court of Appeals for the District of Columbia Circuit or court of appeals of the United States for the circuit in which the headquarters of the regulated entity is located, within 30 days after the date of service of such order, a written petition praying that the order of the Director be modified, terminated, or set aside. A copy of such petition shall be forthwith transmitted by the clerk of the court to the Director, and thereupon the Director shall file in the court the record in the proceeding, as provided in section 2112 of title 28, United States Code. Upon the filing of such petition, such court shall have jurisdiction, which upon the filing of the record shall (except as provided in the last sentence of paragraph (1)) be exclusive, to affirm, modify, terminate, or set aside, in whole or in part, the order of the Director. Review of such proceedings shall be had as provided in chapter 7 of title 5, United States Code. The judgment and decree of the court shall be final, except that the same shall be subject to review by the Supreme Court upon certiorari, as provided in section 1254 of title 28, United States Code.

''(3) PROCEEDINGS NOT TREATED AS STAY.—The commencement of proceedings for judicial review under paragraph (2) shall not, unless specifically ordered by the court, operate as a stay of any order issued by the Director.''.

(b) CONFORMING AMENDMENTS.—

(1) 1992 ACT.—Section 1317(f) of the Housing and Community Development Act of 1992 (12 U.S.C. 4517(f)) is amended by striking ''section 1379B'' and inserting ''section 1379D''.

(2) FANNIE MAE CHARTER ACT.—The second sentence of subsection (b) of section 308 of the Federal National Mortgage Association Charter Act (12 U.S.C. 1723(b)) is amended by striking ''The'' and inserting ''Except to the extent that action under section 1377 of the Housing and Community Development Act of 1992 temporarily results in a lesser number, the''.

(3) FREDDIE MAC ACT.—The second sentence of subparagraph (A) of section 303(a)(2) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1452(a)(2)(A)) is amended by striking ''The'' and inserting ''Except to the extent that action under section 1377 of the Housing and Community Development Act of 1992 temporarily results in a lesser number, the''.

SEC. 357. CRIMINAL PENALTY.

Subtitle C of title XIII of the Housing and Community Development Act of 1992 (12 U.S.C. 4631 et seq.) is amended by inserting after section 1377 (as added by the preceding provisions of this title) the following new section:

''SEC. 1378. CRIMINAL PENALTY.

''Whoever, being subject to an order in effect under section 1377, without the prior written approval of the Director, knowingly participates, directly or indirectly, in any manner (including by engaging in an activity specifically prohibited in such an order) in the conduct of the affairs of any regulated entity shall be fined not more than $1,000,000, imprisoned for not more than 5 years, or both.''.

SEC. 358. SUBPOENA AUTHORITY.

Section 1379D(c) of the Housing and Community Development Act of 1992 (12 U.S.C. 4641(c)), as so redesignated by section 356(a)(1) of this title, is further amended—

(1) by striking ''request the Attorney General of the United States to'' and inserting '', in the discretion of the Director,'';

(2) by inserting ''or request that the Attorney General of the United States bring such an action,'' after ''District of Columbia,''; and

(3) by striking ''or may, under the direction and control of the Attorney General, bring such an action''.

SEC. 359. CONFORMING AMENDMENTS.

Subtitle C of title XIII of the Housing and Community Development Act of 1992 (12 U.S.C. 4631 et seq.), as amended by the preceding provisions of this title, is amended—

(1) in section 1372(c)(1) (12 U.S.C. 4632(c)), by striking ''that enterprise'' and inserting ''that regulated entity'';

(2) in section 1379 (12 U.S.C. 4637), as so redesignated by section 356(a)(1) of this title—

(A) by inserting '', or of a regulated entity-affiliated party,'' before ''shall not affect''; and

(B) by striking ''such director or executive officer'' each place such term appears and inserting ''such director, executive officer, or regulated entity-affiliated party'';

(3) in section 1379A (12 U.S.C. 4638), as so redesignated by section 356(a)(1) of this title, by inserting ''or against a regulated entity-affiliated party,'' before ''or impair'';

(4) by striking ''An enterprise'' each place such term appears in such subtitle and inserting ''A regulated entity'';

(5) by striking ''an enterprise'' each place such term appears in such subtitle and inserting ''a regulated entity'';

(6) by striking ''the enterprise'' each place such term appears in such subtitle and inserting ''the regulated entity''; and

(7) by striking ''any enterprise'' each place such term appears in such subtitle and inserting ''any regulated entity''.

CHAPTER 5—GENERAL PROVISIONS

SEC. 361. BOARDS OF ENTERPRISES.

(a) FANNIE MAE.—

(1) IN GENERAL.—Section 308(b) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1723(b)) is amended—

(A) in the first sentence, by striking ''eighteen persons, five of whom shall be appointed annually by the President of the United States, and the remainder of whom'' and inserting ''13 persons, or such other number that the Director determines appropriate, who'';

(B) in the second sentence, by striking ''appointed by the President'';

(C) in the third sentence—

(i) by striking ''appointed or''; and

(ii) by striking '', except that any such appointed member may be removed from office by the President for good cause'';

(D) in the fourth sentence, by striking ''elective''; and

(E) by striking the fifth sentence.

(2) TRANSITIONAL PROVISION.—The amendments made by paragraph (1) shall not apply to any appointed position of the board of directors of the Federal National Mortgage Association until the expiration of the annual term for such position during which the effective date under section 365 occurs.

(b) FREDDIE MAC.—

(1) IN GENERAL.—Section 303(a)(2) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1452(a)(2)) is amended—

(A) in subparagraph (A)—

(i) in the first sentence, by striking ''18 persons, 5 of whom shall be appointed annually by the President of the United States and the remainder of whom'' and inserting ''13 persons, or such other number as the Director determines appropriate, who''; and

(ii) in the second sentence, by striking ''appointed by the President of the United States'';

(B) in subparagraph (B)—

(i) by striking ''such or''; and

(ii) by striking '', except that any appointed member may be removed from office by the President for good cause''; and

(C) in subparagraph (C)—

(i) by striking the first sentence; and

(ii) by striking ''elective''.

(2) TRANSITIONAL PROVISION.—The amendments made by paragraph (1) shall not apply to any appointed position of the board of directors of the Federal Home Loan Mortgage Corporation until the expiration of the annual term for such position during which the effective date under section 365 occurs.

SEC. 362. REPORT ON PORTFOLIO OPERATIONS, SAFETY AND SOUNDNESS, AND MISSION OF ENTERPRISES.

Not later than the expiration of the 12-month period beginning on the effective date under section 365, the Director of the Federal Housing Finance Agency shall submit a report to the Congress which shall include—

(1) a description of the portfolio holdings of the enterprises (as such term is defined in section 1303 of the Housing and Community Development Act of 1992 (12 U.S.C. 4502) in mortgages (including whole loans and mortgage-backed securities), non-mortgages, and other assets;

(2) a description of the risk implications for the enterprises of such holdings and the consequent risk management undertaken by the enterprises (including the use of derivatives for hedging purposes), compared with off-balance sheet liabilities of the enterprises (including mortgage-backed securities guaranteed by the enterprises);

(3) an analysis of portfolio holdings for safety and soundness purposes;

(4) an assessment of whether portfolio holdings fulfill the mission purposes of the enterprises under the Federal National Mortgage Association Charter Act and the Federal Home Loan Mortgage Corporation Act; and

(5) an analysis of the potential systemic risk implications for the enterprises, the housing and capital markets, and the financial system of portfolio holdings, and whether such holdings should be limited or reduced over time.

SEC. 363. CONFORMING AND TECHNICAL AMENDMENTS.

(a) 1992 ACT.—Title XIII of the Housing and Community Development Act of 1992 is amended by striking section 1383 (12 U.S.C. 1451 note).

(b) TITLE 18, UNITED STATES CODE.—Section 1905 of title 18, United States Code, is amended by striking ''Office of Federal Housing Enterprise Oversight'' and inserting ''Federal Housing Finance Agency''.

(c) FLOOD DISASTER PROTECTION ACT OF 1973.—Section 102(f)(3)(A) of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a(f)(3)(A)) is amended by striking ''Director of the Office of Federal Housing Enterprise Oversight of the Department of Housing and Urban Development'' and inserting ''Director of the Federal Housing Finance Agency''.

(d) DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT ACT.—Section 5 of the Department of Housing and Urban Development Act (42 U.S.C. 3534) is amended by striking subsection (d).

(e) TITLE 5, UNITED STATES CODE.—

(1) DIRECTOR'S PAY RATE.—Section 5313 of title 5, United States Code, is amended by striking the item relating to the Director of the Office of Federal Housing Enterprise Oversight, Department of Housing and Urban Development and inserting the following new item:

''Director of the Federal Housing Finance Agency.''.

(2) EXCLUSION FROM SENIOR EXECUTIVE SERVICE.—Section 3132(a)(1)(D) of title 5, United States Code, is amended—

(A) by striking ''the Federal Housing Finance Board,''; and

(B) by striking ''the Office of Federal Housing Enterprise Oversight of the Department of Housing and Urban Development'' and inserting ''the Federal Housing Finance Agency''.

(f) INSPECTOR GENERAL ACT OF 1978.—Section 8G(a)(2) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by striking ''Federal Housing Finance Board'' and inserting ''Federal Housing Finance Agency''.

(g) FEDERAL DEPOSIT INSURANCE ACT.—Section 11(t)(2)(A) of the Federal Deposit Insurance Act (12 U.S.C.1821(t)(2)(A)) is amended by adding at the end the following new clause:

''(vii) The Federal Housing Finance Agency.''.

(h) 1997 EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT.—Section 10001 of the 1997 Emergency Supplemental Appropriations Act for Recovery From Natural Disasters, and for Overseas Peacekeeping Efforts, Including Those In Bosnia (42 U.S.C. 3548) is amended—

(1) by striking ''the Government National Mortgage Association, and the Office of Federal Housing Enterprise Oversight'' and inserting ''and the Government National Mortgage Association''; and

(2) by striking '', the Government National Mortgage Association, or the Office of Federal Housing Enterprise Oversight'' and inserting ''or the Government National Mortgage Association''.

(i) NATIONAL HOMEOWNERSHIP TRUST ACT.—Section 302(b)(4) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12851(b)(4)) is amended by striking ''the chairperson of the Federal Housing Finance Board'' and inserting ''the Director of the Federal Housing Finance Agency''.

SEC. 364. STUDY OF ALTERNATIVE SECONDARY MARKET SYSTEMS.

(a) IN GENERAL.—The Director of the Federal Housing Finance Agency, in consultation with the Board of Governors of the Federal Reserve System, the Secretary of the Treasury, and the Secretary of Housing and Urban Development, shall conduct a comprehensive study of the effects on financial and housing finance markets of alternatives to the current secondary market system for housing finance, taking into consideration changes in the structure of financial and housing finance markets and institutions since the creation of the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation.

(b) CONTENTS.—The study under this section shall—

(1) include, among the alternatives to the current secondary market system analyzed—

(A) repeal of the chartering Acts for the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation;

(B) establishing bank-like mechanisms for granting new charters for limited purposed mortgage securitization entities;

(C) permitting the Director of the Federal Housing Finance Agency to grant new charters for limited purpose mortgage securitization entities, which shall include analyzing the terms on which such charters should be granted, including whether such charters should be sold, or whether such charters and the charters for the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation should be taxed or otherwise assessed a monetary price; and

(D) such other alternatives as the Director considers appropriate;

(2) examine all of the issues involved in making the transition to a completely private secondary mortgage market system;

(3) examine the technological advancements the private sector has made in providing liquidity in the secondary mortgage market and how such advancements have affected liquidity in the secondary mortgage market; and

(4) examine how taxpayers would be impacted by each alternative system, including the complete privatization of the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation.

(c) REPORT.—The Director of the Federal Housing Finance Agency shall submit a report to the Congress on the study not later than the expiration of the 24-month period beginning on the effective date under section 365.

SEC. 365. EFFECTIVE DATE.

Except as specifically provided otherwise in this subtitle, this subtitle shall take effect on and the amendments made by this subtitle shall take effect on, and shall apply beginning on, the expiration of the 6-month period beginning on the date of the enactment of this Act.

Subtitle B—Federal Home Loan Banks

SEC. 371. DEFINITIONS.

Section 2 of the Federal Home Loan Bank Act (12 U.S.C. 1422) is amended—

(1) by striking paragraphs (1), (10), and (11);

(2) by redesignating paragraphs (2) through (9) as paragraphs (1) through (8), respectively;

(3) by redesignating paragraphs (12) and (13) as paragraphs (9) and (10), respectively; and

(4) by adding at the end the following:

''(11) DIRECTOR.—The term 'Director' means the Director of the Federal Housing Finance Agency.

''(12) AGENCY.—The term 'Agency' means the Federal Housing Finance Agency.''.

SEC. 372. DIRECTORS.

(a) ELECTION.—Section 7 of the Federal Home Loan Bank Act (12 U.S.C. 1427) is amended—

(1) by striking subsection (a) and inserting the following:

''(a) NUMBER; ELECTION; QUALIFICATIONS; CONFLICTS OF INTEREST.—

''(1) IN GENERAL.—The management of each Federal Home Loan Bank shall be vested in a board of 13 directors, or such other number as the Director determines appropriate, each of whom shall be a citizen of the United States. All directors of a Bank who are not independent directors pursuant to paragraph (3) shall be elected by the members.

''(2) MEMBER DIRECTORS.—A majority of the directors of each Bank shall be officers or directors of a member of such Bank that is located in the district in which such Bank is located.

''(3) INDEPENDENT DIRECTORS.—At least two-fifths of the directors of each Bank shall be independent directors, who shall be appointed by the Director of the Federal Housing Finance Agency from a list of individuals recommended by the Federal Housing Enterprise Board. The Federal Housing Enterprise Board may recommend individuals who are identified by the Board's own independent process or included on a list of individuals recommended by the board of directors of the Bank involved, which shall be submitted to the Federal Housing Enterprise Board by such board of directors. The number of individuals on any such list submitted by a Bank's board of directors shall be equal to at least two times the number of independent directorships to be filled. All independent directors appointed shall meet the following criteria:

''(A) IN GENERAL.—Each independent director shall be a bona fide resident of the district in which such Bank is located.

''(B) PUBLIC INTEREST DIRECTORS.—At least 2 of the independent directors under this paragraph of each Bank shall be representatives chosen from organizations with more than a 2-year history of representing consumer or community interests on banking services, credit needs, housing, community development, economic development, or financial consumer protections.

''(C) OTHER DIRECTORS.—

''(i) QUALIFICATIONS.—Each independent director that is not a public interest director under subparagraph (B) shall have demonstrated knowledge of, or experience in, financial management, auditing and accounting, risk management practices, derivatives, project development, or organizational management, or such other knowledge or expertise as the Director may provide by regulation.

''(ii) CONSULTATION WITH BANKS.—In appointing other directors to serve on the board of a Federal home loan bank, the Director of the Federal Housing Finance Agency may consult with each Federal home loan bank about the knowledge, skills, and expertise needed to assist the board in better fulfilling its responsibilities.

''(D) CONFLICTS OF INTEREST.—Notwithstanding subsection (f)(2), an independent director under this paragraph of a Bank may not, during such director's term of office, serve as an officer of any Federal Home Loan Bank or as a director or officer of any member of a Bank.

''(E) COMMUNITY DEMOGRAPHICS.—In appointing independent directors of a Bank pursuant to this paragraph, the Director shall take into consideration the demographic makeup of the community most served by the Affordable Housing Program of the Bank pursuant to section 10(j).'';

(2) in the first sentence of subsection (b), by striking ''elective directorship'' and inserting ''member directorship established pursuant to subsection (a)(2)'';

(3) in subsection (c)—

(A) by striking ''elective'' each place such term appears and inserting ''member'', except—

(i) in the second sentence, the second place such term appears; and

(ii) each place such term appears in the fifth sentence;

(B) in the first sentence, by inserting after ''less than one'' the following: ''or two, as determined by the board of directors of the appropriate Federal home loan bank,''; and

(C) in the second sentence—

(i) by inserting ''(A) except as provided in clause (B) of this sentence,'' before ''if at any time''; and

(ii) by inserting before the period at the end the following: '', and (B) clause (A) of this sentence shall not apply to the directorships of any Federal home loan bank resulting from the merger of any two or more such banks''; and

(4) by striking ''elective'' each place such term appears (except in subsections (c), (e), and (f)).

(b) TERMS.—

(1) IN GENERAL.—Section 7(d) of the Federal Home Loan Bank Act (12 U.S.C. 1427(d)) is amended—

(A) in the first sentence, by striking ''3 years'' and inserting ''4 years''; and

(B) in the second sentence—

(i) by striking ''Federal Home Loan Bank System Modernization Act of 1999'' and inserting ''Federal Housing Finance Reform Act of 2008''; and

(ii) by striking ''1/3'' and inserting ''1/4''.

(2) SAVINGS PROVISION.—The amendments made by paragraph (1) shall not apply to the term of office of any director of a Federal home loan bank who is serving as of the effective date of this subtitle under section 381, including any director elected to fill a vacancy in any such office.

(c) CONTINUED SERVICE OF INDEPENDENT DIRECTORS AFTER EXPIRATION OF TERM.—Section 7(f)(2) of the Federal Home Loan Bank Act (12 U.S.C. 1427(f)(2)) is amended—

(1) in the second sentence, by striking ''or the term of such office expires, whichever occurs first'';

(2) by adding at the end the following new sentence: ''An independent Bank director may continue to serve as a director after the expiration of the term of such director until a successor is appointed.'';

(3) in the paragraph heading, by striking ''APPOINTED'' and inserting ''INDEPENDENT''; and

(4) by striking ''appointive'' each place such term appears and inserting ''independent''.

(d) CONFORMING AMENDMENTS.—Section 7(f)(3) of the Federal Home Loan Bank Act (12 U.S.C. 1427(f)(3)) is amended—

(1) in the paragraph heading, by striking ''ELECTED'' and inserting ''MEMBER''; and

(2) by striking ''elective'' each place such term appears in the first and third sentences and inserting ''member''.

(e) COMPENSATION.—Subsection (i) of section 7 of the Federal Home Loan Bank Act (12 U.S.C. 1427(i)) is amended to read as follows:

''(i) DIRECTORS' COMPENSATION.—

''(1) IN GENERAL.—Each Federal home loan bank may pay the directors on the board of directors for the bank reasonable and appropriate compensation for the time required of such directors, and reasonable and appropriate expenses incurred by such directors, in connection with service on the board of directors, in accordance with resolutions adopted by the board of directors and subject to the approval of the Director.

''(2) ANNUAL REPORT BY THE BOARD.—The Director shall include, in the annual report submitted to the Congress pursuant to section 1319B of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992, information regarding the compensation and expenses paid by the Federal home loan banks to the directors on the boards of directors of the banks.''.

(f) TRANSITION RULE.—Any member of the board of directors of a Federal Home Loan Bank serving as of the effective date under section 381 may continue to serve as a member of such board of directors for the remainder of the term of such office as provided in section 7 of the Federal Home Loan Bank Act, as in effect before such effective date.

SEC. 373. FEDERAL HOUSING FINANCE AGENCY OVERSIGHT OF FEDERAL HOME LOAN BANKS.

The Federal Home Loan Bank Act (12 U.S.C. 1421 et seq.), other than in provisions of that Act added or amended otherwise by this title, is amended—

(1) by striking sections 2A and 2B (12 U.S.C. 1422a, 1422b);

(2) in section 6 (12 U.S.C. 1426(b)(1))—

(A) in subsection (b)(1), in the matter preceding subparagraph (A), by striking ''Finance Board approval'' and inserting ''approval by the Director''; and

(B) in each of subsections (c)(4)(B) and (d)(2), by striking ''Finance Board regulations'' each place that term appears and inserting ''regulations of the Director'';

(3) in section 8 (12 U.S.C. 1428), in the section heading, by striking ''BY THE BOARD'';

(4) in section 10(b) (12 U.S.C. 1430(b)), by striking ''by formal resolution'';

(5) in section 10 (12 U.S.C. 1430), by adding at the end the following new subsection:

''(k) MONITORING AND ENFORCING COMPLIANCE WITH AFFORDABLE HOUSING AND COMMUNITY INVESTMENT PROGRAM REQUIREMENTS.—The requirements under subsection (i) and (j) that the Banks establish Community Investment and Affordable Housing Programs, respectively, and contribute to the Affordable Housing Program, shall be enforceable by the Director with respect to the Banks in the same manner and to the same extent as the housing goals under subpart B of part 2 of subtitle A of title XIII of the Housing and Community Development Act of 1992 (12 U.S.C. 4561 et seq.) are enforceable under section 1336 of such Act with respect to the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation.'';

(6) in section 11 (12 U.S.C. 1431)—

(A) in subsection (b)—

(i) in the first sentence—

(I) by striking ''The Board'' and inserting ''The Office of Finance, as agent for the Banks,''; and

(II) by striking ''the Board'' and inserting ''such Office''; and

(ii) in the second and fourth sentences, by striking ''the Board'' each place such term appears and inserting ''the Office of Finance'';

(B) in subsection (c)—

(i) by striking ''the Board'' the first place such term appears and inserting ''the Office of Finance, as agent for the Banks,''; and

(ii) by striking ''the Board'' the second place such term appears and inserting ''such Office''; and

(C) in subsection (f)—

(i) by striking the two commas after ''permit'' and inserting ''or''; and

(ii) by striking the comma after ''require'';

(7) in section 15 (12 U.S.C. 1435), by inserting ''or the Director'' after ''the Board'';

(8) in section 18 (12 U.S.C. 1438), by striking subsection (b);

(9) in section 21 (12 U.S.C. 1441)—

(A) in subsection (b)—

(i) in paragraph (5), by striking ''Chairperson of the Federal Housing Finance Board'' and inserting ''Director''; and

(ii) in the heading for paragraph (8), by striking ''FEDERAL HOUSING FINANCE BOARD'' and inserting ''DIRECTOR''; and

(B) in subsection (i), in the heading for paragraph (2), by striking ''FEDERAL HOUSING FINANCE BOARD'' and inserting ''DIRECTOR'';

(10) in section 23 (12 U.S.C. 1443), by striking ''Board of Directors of the Federal Housing Finance Board'' and inserting ''Director'';

(11) by striking ''the Board'' each place such term appears in such Act (except in section 15 (12 U.S.C. 1435), section 21(f)(2) (12 U.S.C. 1441(f)(2)), subsections (a), (k)(2)(B)(i), and (n)(6)(C)(ii) of section 21A (12 U.S.C. 1441a), subsections (f)(2)(C), and (k)(7)(B)(ii) of section 21B (12 U.S.C. 1441b), and the first two places such term appears in section 22 (12 U.S.C. 1442)) and inserting ''the Director'';

(12) by striking ''The Board'' each place such term appears in such Act (except in sections 7(e) (12 U.S.C. 1427(e)), and 11(b) (12 U.S.C. 1431(b)) and inserting ''The Director'';

(13) by striking ''the Board's'' each place such term appears in such Act and inserting ''the Director's'';

(14) by striking ''The Board's'' each place such term appears in such Act and inserting ''The Director's'';

(15) by striking ''the Finance Board'' each place such term appears in such Act and inserting ''the Director'';

(16) by striking ''Federal Housing Finance Board'' each place such term appears and inserting ''Director'';

(17) in section 11(i) (12 U.S.C. 1431(i), by striking ''the Chairperson of''; and

(18) in section 21(e)(9) (12 U.S.C. 1441(e)(9)), by striking ''Chairperson of the''.

SEC. 374. JOINT ACTIVITIES OF BANKS.

Section 11 of the Federal Home Loan Bank Act (12 U.S.C. 1431) is amended by adding at the end the following new subsection:

''(l) JOINT ACTIVITIES.—Subject to the regulation of the Director, any two or more Federal Home Loan Banks may establish a joint office for the purpose of performing functions for, or providing services to, the Banks on a common or collective basis, or may require that the Office of Finance perform such functions or services, but only if the Banks are otherwise authorized to perform such functions or services individually.''.

SEC. 375. SHARING OF INFORMATION BETWEEN FEDERAL HOME LOAN BANKS.

(a) IN GENERAL.—The Federal Home Loan Bank Act is amended by inserting after section 20 (12 U.S.C. 1440) the following new section:

''SEC. 20A. SHARING OF INFORMATION BETWEEN FEDERAL HOME LOAN BANKS.

''(a) REGULATORY AUTHORITY.—The Director shall prescribe such regulations as may be necessary to ensure that each Federal Home Loan Bank has access to information that the Bank needs to determine the nature and extent of its joint and several liability.

''(b) NO WAIVER OF PRIVILEGE.—The Director shall not be deemed to have waived any privilege applicable to any information concerning a Federal Home Loan Bank by transferring, or permitting the transfer of, that information to any other Federal Home Loan Bank for the purpose of enabling the recipient to evaluate the nature and extent of its joint and several liability.''.

(b) REGULATIONS.—The regulations required under the amendment made by subsection (a) shall be issued in final form not later than 6 months after the effective date under section 381 of this title.

SEC. 376. REORGANIZATION OF BANKS AND VOLUNTARY MERGER.

Section 26 of the Federal Home Loan Bank Act (12 U.S.C. 1446) is amended—

(1) by inserting ''(a) REORGANIZATION.—'' before ''Whenever''; and

(2) by striking ''liquidated or'' each place such phrase appears;

(3) by striking ''liquidation or''; and

(4) by adding at the end the following new subsection:

''(b) VOLUNTARY MERGERS.—Any two or more Banks may, with the approval of the Director, and the approval of the boards of directors of the Banks involved, merge. The Director shall promulgate regulations establishing the conditions and procedures for the consideration and approval of any such voluntary merger, including the procedures for Bank member approval.''.

SEC. 377. SECURITIES AND EXCHANGE COMMISSION DISCLOSURE.

(a) IN GENERAL.—The Federal Home Loan Banks shall be exempt from compliance with—

(1) sections 13(e), 14(a), 14(c), and 17A of the Securities Exchange Act of 1934 and related Commission regulations; and

(2) section 15 of that Act and related Securities and Exchange Commission regulations with respect to transactions in capital stock of the Banks.

(b) MEMBER EXEMPTION.—The members of the Federal Home Loan Banks shall be exempt from compliance with sections 13(d), 13(f), 13(g), 14(d), and 16 of the Securities Exchange Act of 1934 and related Securities and Exchange Commission regulations with respect to their ownership of, or transactions in, capital stock of the Federal Home Loan Banks.

(c) EXEMPTED AND GOVERNMENT SECURITIES.—

(1) CAPITAL STOCK.—The capital stock issued by each of the Federal Home Loan Banks under section 6 of the Federal Home Loan Bank Act are—

(A) exempted securities within the meaning of section 3(a)(2) of the Securities Act of 1933; and

(B) ''exempted securities'' within the meaning of section 3(a)(12)(A) of the Securities Exchange Act of 1934.

(2) OTHER OBLIGATIONS.—The debentures, bonds, and other obligations issued under section 11 of the Federal Home Loan Bank Act are—

(A) exempted securities within the meaning of section 3(a)(2) of the Securities Act of 1933;

(B) ''government securities'' within the meaning of section 3(a)(42) of the Securities Exchange Act of 1934;

(C) excluded from the definition of ''government securities broker'' within section 3(a)(43) of the Securities Exchange Act of 1934;

(D) excluded from the definition of ''government securities dealer'' within section 3(a)(44) of the Securities Exchange Act of 1934; and

(E) ''government securities'' within the meaning of section 2(a)(16) of the Investment Company Act of 1940.

(d) EXEMPTION FROM REPORTING REQUIREMENTS.—The Federal Home Loan Banks shall be exempt from periodic reporting requirements pertaining to—

(1) the disclosure of related party transactions that occur in the ordinary course of business of the Banks with their members; and

(2) the disclosure of unregistered sales of equity securities.

(e) TENDER OFFERS.—The Securities and Exchange Commission's rules relating to tender offers shall not apply in connection with transactions in capital stock of the Federal Home Loan Banks.

(f) REGULATIONS.—In issuing any final regulations to implement provisions of this section, the Securities and Exchange Commission shall consider the distinctive characteristics of the Federal Home Loan Banks when evaluating the accounting treatment with respect to the payment to Resolution Funding Corporation, the role of the combined financial statements of the twelve Banks, the accounting classification of redeemable capital stock, and the accounting treatment related to the joint and several nature of the obligations of the Banks.

SEC. 378. COMMUNITY FINANCIAL INSTITUTION MEMBERS.

(a) TOTAL ASSET REQUIREMENT.—Paragraph (10) of section 2 of the Federal Home Loan Bank Act (12 U.S.C. 1422(10)), as so redesignated by section 371(3) of this title, is amended by striking ''$500,000,000'' each place such term appears and inserting ''$1,000,000,000''.

(b) USE OF ADVANCES FOR COMMUNITY DEVELOPMENT ACTIVITIES.—Section 10(a) of the Federal Home Loan Bank Act (12 U.S.C. 1430(a)) is amended—

(1) in paragraph (2)(B)—

(A) by striking ''and''; and

(B) by inserting '', and community development activities'' before the period at the end;

(2) in paragraph (3)(E), by inserting ''or community development activities'' after ''agriculture,''; and

(3) in paragraph (6)—

(A) by striking ''and''; and

(B) by inserting '', and 'community development activities'' before ''shall''.

SEC. 379. TECHNICAL AND CONFORMING AMENDMENTS.

(a) RIGHT TO FINANCIAL PRIVACY ACT OF 1978.—Section 1113(o) of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3413(o)) is amended—

(1) by striking ''Federal Housing Finance Board'' and inserting ''Federal Housing Finance Agency''; and

(2) by striking ''Federal Housing Finance Board's'' and inserting ''Federal Housing Finance Agency's''.

(b) RIEGLE COMMUNITY DEVELOPMENT AND REGULATORY IMPROVEMENT ACT OF 1994.—Section 117(e) of the Riegle Community Development and Regulatory Improvement Act of 1994 (12 U.S.C. 4716(e)) is amended by striking ''Federal Housing Finance Board'' and inserting ''Federal Housing Finance Agency''.

(c) TITLE 18, UNITED STATES CODE.—Title 18, United States Code, is amended by striking ''Federal Housing Finance Board'' each place such term appears in each of sections 212, 657, 1006, 1014, and inserting ''Federal Housing Finance Agency''.

(d) MAHRA ACT OF 1997.—Section 517(b)(4) of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) is amended by striking ''Federal Housing Finance Board'' and inserting ''Federal Housing Finance Agency''.

(e) TITLE 44, UNITED STATES CODE.—Section 3502(5) of title 44, United States Code, is amended by striking ''Federal Housing Finance Board'' and inserting ''Federal Housing Finance Agency''.

(f) ACCESS TO LOCAL TV ACT OF 2000.—Section 1004(d)(2)(D)(iii) of the Launching Our Communities' Access to Local Television Act of 2000 (47 U.S.C. 1103(d)(2)(D)(iii)) is amended by striking ''Office of Federal Housing Enterprise Oversight, the Federal Housing Finance Board'' and inserting ''Federal Housing Finance Agency''.

(g) SARBANES-OXLEY ACT OF 2002.—Section 105(b)(5)(B)(ii)(II) of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7215(B)(5)(b)(ii)(II)) is amended by inserting ''and the Director of the Federal Housing Finance Agency'' after ''Commission,''.

SEC. 380. STUDY OF AFFORDABLE HOUSING PROGRAM USE FOR LONG-TERM CARE FACILITIES.

The Comptroller General shall conduct a study of the use of affordable housing programs of the Federal home loan banks under section 10(j) of the Federal Home Loan Bank Act to determine how and the extent to which such programs are used to assist long-term care facilities for low- and moderate-income individuals, and the effectiveness and adequacy of such assistance in meeting the needs of affected communities. The study shall examine the applicability of such use to the affordable housing fund required to be established by the Director of the Federal Housing Finance Agency pursuant to the amendment made by section 340 of this title. The Comptroller General shall submit a report to the Director of the Federal Housing Finance Agency and the Congress regarding the results of the study not later than the expiration of the 1-year period beginning on the date of the enactment of this Act. This section shall take effect on the date of the enactment of this Act.

SEC. 381. EFFECTIVE DATE.

Except as specifically provided otherwise in this subtitle, this subtitle shall take effect on and the amendments made by this subtitle shall take effect on, and shall apply beginning on, the expiration of the 6-month period beginning on the date of the enactment of this Act.

Subtitle C—Transfer of Functions, Personnel, and Property of Office of Federal Housing Enterprise Oversight, Federal Housing Finance Board, and Department of Housing and Urban Development

CHAPTER 1—OFFICE OF FEDERAL HOUSING ENTERPRISE OVERSIGHT

SEC. 385. ABOLISHMENT OF OFHEO.

(a) IN GENERAL.—Effective at the end of the 6-month period beginning on the date of the enactment of this Act, the Office of Federal Housing Enterprise Oversight of the Department of Housing and Urban Development and the positions of the Director and Deputy Director of such Office are abolished.

(b) DISPOSITION OF AFFAIRS.—During the 6-month period beginning on the date of the enactment of this Act, the Director of the Office of Federal Housing Enterprise Oversight shall, for the purpose of winding up the affairs of the Office of Federal Housing Enterprise Oversight and in addition to carrying out its other responsibilities under law—

(1) manage the employees of such Office and provide for the payment of the compensation and benefits of any such employee which accrue before the effective date of the transfer of such employee pursuant to section 387; and

(2) may take any other action necessary for the purpose of winding up the affairs of the Office.

(c) STATUS OF EMPLOYEES BEFORE TRANSFER.—The amendments made by subtitle A and the abolishment of the Office of Federal Housing Enterprise Oversight under subsection (a) of this section may not be construed to affect the status of any employee of such Office as employees of an agency of the United States for purposes of any other provision of law before the effective date of the transfer of any such employee pursuant to section 387.

(d) USE OF PROPERTY AND SERVICES.—

(1) PROPERTY.—The Director of the Federal Housing Finance Agency may use the property of the Office of Federal Housing Enterprise Oversight to perform functions which have been transferred to the Director of the Federal Housing Finance Agency for such time as is reasonable to facilitate the orderly transfer of functions transferred pursuant to any other provision of this title or any amendment made by this title to any other provision of law.

(2) AGENCY SERVICES.—Any agency, department, or other instrumentality of the United States, and any successor to any such agency, department, or instrumentality, which was providing supporting services to the Office of Federal Housing Enterprise Oversight before the expiration of the period under subsection (a) in connection with functions that are transferred to the Director of the Federal Housing Finance Agency shall—

(A) continue to provide such services, on a reimbursable basis, until the transfer of such functions is complete; and

(B) consult with any such agency to coordinate and facilitate a prompt and reasonable transition.

(e) SAVINGS PROVISIONS.—

(1) EXISTING RIGHTS, DUTIES, AND OBLIGATIONS NOT AFFECTED.—Subsection (a) shall not affect the validity of any right, duty, or obligation of the United States, the Director of the Office of Federal Housing Enterprise Oversight, or any other person, which—

(A) arises under or pursuant to the title XIII of the Housing and Community Development Act of 1992, the Federal National Mortgage Association Charter Act, the Federal Home Loan Mortgage Corporation Act, or any other provision of law applicable with respect to such Office; and

(B) existed on the day before the abolishment under subsection (a) of this section.

(2) CONTINUATION OF SUITS.—No action or other proceeding commenced by or against the Director of the Office of Federal Housing Enterprise Oversight in connection with functions that are transferred to the Director of the Federal Housing Finance Agency shall abate by reason of the enactment of this title, except that the Director of the Federal Housing Finance Agency shall be substituted for the Director of the Office of Federal Housing Enterprise Oversight as a party to any such action or proceeding.

SEC. 386. CONTINUATION AND COORDINATION OF CERTAIN REGULATIONS.

All regulations, orders, determinations, and resolutions that—

(1) were issued, made, prescribed, or allowed to become effective by—

(A) the Office of Federal Housing Enterprise Oversight; or

(B) a court of competent jurisdiction and that relate to functions transferred by this chapter; and

(2) are in effect on the date of the abolishment under section 385(a) of this title, shall

remain in effect according to the terms of such regulations, orders, determinations, and resolutions, and shall be enforceable by or against the Director of the Federal Housing Finance Agency until modified, terminated, set aside, or superseded in accordance with applicable law by such Director, as the case may be, any court of competent jurisdiction, or operation of law.

SEC. 387. TRANSFER AND RIGHTS OF EMPLOYEES OF OFHEO.

(a) TRANSFER.—Each employee of the Office of Federal Housing Enterprise Oversight shall be transferred to the Federal Housing Finance Agency for employment no later than the date of the abolishment under section 385(a) of this title and such transfer shall be deemed a transfer of function for purposes of section 3503 of title 5, United States Code.

(b) GUARANTEED POSITIONS.—Each employee transferred under subsection (a) shall be guaranteed a position with the same status, tenure, grade, and pay as that held on the day immediately preceding the transfer. Each such employee holding a permanent position shall not be involuntarily separated or reduced in grade or compensation for 12 months after the date of transfer, except for cause or, if the employee is a temporary employee, separated in accordance with the terms of the appointment.

(c) APPOINTMENT AUTHORITY FOR EXCEPTED SERVICE EMPLOYEES.—

(1) IN GENERAL.—In the case of employees occupying positions in the excepted service, any appointment authority established pursuant to law or regulations of the Office of Personnel Management for filling such positions shall be transferred, subject to paragraph (2).

(2) DECLINE OF TRANSFER.—The Director of the Federal Housing Finance Agency may decline a transfer of authority under paragraph (1) (and the employees appointed pursuant thereto) to the extent that such authority relates to positions excepted from the competitive service because of their confidential, policy-making, policy-determining, or policy-advocating character.

(d) REORGANIZATION.—If the Director of the Federal Housing Finance Agency determines, after the end of the 1-year period beginning on the date of the abolishment under section 385(a), that a reorganization of the combined work force is required, that reorganization shall be deemed a major reorganization for purposes of affording affected employees retirement under section 8336(d)(2) or 8414(b)(1)(B) of title 5, United States Code.

(e) EMPLOYEE BENEFIT PROGRAMS.—Any employee of the Office of Federal Housing Enterprise Oversight accepting employment with the Director of the Federal Housing Finance Agency as a result of a transfer under subsection (a) may retain for 12 months after the date such transfer occurs membership in any employee benefit program of the Federal Housing Finance Agency or the Office of Federal Housing Enterprise Oversight, as applicable, including insurance, to which such employee belongs on the date of the abolishment under section 385(a) if—

(1) the employee does not elect to give up the benefit or membership in the program; and

(2) the benefit or program is continued by the Director of the Federal Housing Finance Agency,

The difference in the costs between the benefits which would have been provided by such agency and those provided by this section shall be paid by the Director of the Federal Housing Finance Agency. If any employee elects to give up membership in a health insurance program or the health insurance program is not continued by such Director, the employee shall be permitted to select an alternate Federal health insurance program within 30 days of such election or notice, without regard to any other regularly scheduled open season.

SEC. 388. TRANSFER OF PROPERTY AND FACILITIES.

Upon the abolishment under section 385(a), all property of the Office of Federal Housing Enterprise Oversight shall transfer to the Director of the Federal Housing Finance Agency.

CHAPTER 2—FEDERAL HOUSING FINANCE BOARD

SEC. 391. ABOLISHMENT OF THE FEDERAL HOUSING FINANCE BOARD.

(a) IN GENERAL.—Effective at the end of the 6-month period beginning on the date of enactment of this Act, the Federal Housing Finance Board (in this subtitle referred to as the ''Board'') is abolished.

(b) DISPOSITION OF AFFAIRS.—During the 6-month period beginning on the date of enactment of this Act, the Board, for the purpose of winding up the affairs of the Board and in addition to carrying out its other responsibilities under law—

(1) shall manage the employees of such Board and provide for the payment of the compensation and benefits of any such employee which accrue before the effective date of the transfer of such employee under section 393; and

(2) may take any other action necessary for the purpose of winding up the affairs of the Board.

(c) STATUS OF EMPLOYEES BEFORE TRANSFER.—The amendments made by subtitles A and B and the abolishment of the Board under subsection (a) may not be construed to affect the status of any employee of such Board as employees of an agency of the United States for purposes of any other provision of law before the effective date of the transfer of any such employee under section 393.

(d) USE OF PROPERTY AND SERVICES.—

(1) PROPERTY.—The Director of the Federal Housing Finance Agency may use the property of the Board to perform functions which have been transferred to the Director of the Federal Housing Finance Agency for such time as is reasonable to facilitate the orderly transfer of functions transferred under any other provision of this title or any amendment made by this title to any other provision of law.

(2) AGENCY SERVICES.—Any agency, department, or other instrumentality of the United States, and any successor to any such agency, department, or instrumentality, which was providing supporting services to the Board before the expiration of the period under subsection (a) in connection with functions that are transferred to the Director of the Federal Housing Finance Agency shall—

(A) continue to provide such services, on a reimbursable basis, until the transfer of such functions is complete; and

(B) consult with any such agency to coordinate and facilitate a prompt and reasonable transition.

(e) SAVINGS PROVISIONS.—

(1) EXISTING RIGHTS, DUTIES, AND OBLIGATIONS NOT AFFECTED.—Subsection (a) shall not affect the validity of any right, duty, or obligation of the United States, a member of the Board, or any other person, which—

(A) arises under the Federal Home Loan Bank Act or any other provision of law applicable with respect to such Board; and

(B) existed on the day before the effective date of the abolishment under subsection (a).

(2) CONTINUATION OF SUITS.—No action or other proceeding commenced by or against the Board in connection with functions that are transferred to the Director of the Federal Housing Finance Agency shall abate by reason of the enactment of this title, except that the Director of the Federal Housing Finance Agency shall be substituted for the Board or any member thereof as a party to any such action or proceeding.

SEC. 392. CONTINUATION AND COORDINATION OF CERTAIN REGULATIONS.

(a) IN GENERAL.—All regulations, orders, determinations, and resolutions described under subsection (b) shall remain in effect according to the terms of such regulations, orders, determinations, and resolutions, and shall be enforceable by or against the Director of the Federal Housing Finance Agency until modified, terminated, set aside, or superseded in accordance with applicable law by such Director, any court of competent jurisdiction, or operation of law.

(b) APPLICABILITY.—A regulation, order, determination, or resolution is described under this subsection if it—

(1) was issued, made, prescribed, or allowed to become effective by—

(A) the Board; or

(B) a court of competent jurisdiction and relates to functions transferred by this chapter; and

(2) is in effect on the effective date of the abolishment under section 391(a).

SEC. 393. TRANSFER AND RIGHTS OF EMPLOYEES OF THE FEDERAL HOUSING FINANCE BOARD.

(a) TRANSFER.—Each employee of the Board shall be transferred to the Federal Housing Finance Agency for employment not later than the effective date of the abolishment under section 391(a), and such transfer shall be deemed a transfer of function for purposes of section 3503 of title 5, United States Code.

(b) GUARANTEED POSITIONS.—Each employee transferred under subsection (a) shall be guaranteed a position with the same status, tenure, grade, and pay as that held on the day immediately preceding the transfer. Each such employee holding a permanent position shall not be involuntarily separated or reduced in grade or compensation for 12 months after the date of transfer, except for cause or, if the employee is a temporary employee, separated in accordance with the terms of the appointment.

(c) APPOINTMENT AUTHORITY FOR EXCEPTED AND SENIOR EXECUTIVE SERVICE EMPLOYEES.—

(1) IN GENERAL.—In the case of employees occupying positions in the excepted service or the Senior Executive Service, any appointment authority established under law or by regulations of the Office of Personnel Management for filling such positions shall be transferred, subject to paragraph (2).

(2) DECLINE OF TRANSFER.—The Director of the Federal Housing Finance Agency may decline a transfer of authority under paragraph (1) to the extent that such authority relates to positions excepted from the competitive service because of their confidential, policymaking, policy-determining, or policy-advocating character, and noncareer positions in the Senior Executive Service (within the meaning of section 3132(a)(7) of title 5, United States Code).

(d) REORGANIZATION.—If the Director of the Federal Housing Finance Agency determines, after the end of the 1-year period beginning on the effective date of the abolishment under section 391(a), that a reorganization of the combined workforce is required, that reorganization shall be deemed a major reorganization for purposes of affording affected employees retirement under section 8336(d)(2) or 8414(b)(1)(B) of title 5, United States Code.

(e) EMPLOYEE BENEFIT PROGRAMS.—

(1) IN GENERAL.—Any employee of the Board accepting employment with the Federal Housing Finance Agency as a result of a

transfer under subsection (a) may retain for 12 months after the date on which such transfer occurs membership in any employee benefit program of the Federal Housing Finance Agency or the Board, as applicable, including insurance, to which such employee belongs on the effective date of the abolishment under section 391(a) if—

(A) the employee does not elect to give up the benefit or membership in the program; and

(B) the benefit or program is continued by the Director of the Federal Housing Finance Agency.

(2) COST DIFFERENTIAL.—The difference in the costs between the benefits which would have been provided by the Board and those provided by this section shall be paid by the Director of the Federal Housing Finance Agency. If any employee elects to give up membership in a health insurance program or the health insurance program is not continued by such Director, the employee shall be permitted to select an alternate Federal health insurance program within 30 days after such election or notice, without regard to any other regularly scheduled open season.

SEC. 394. TRANSFER OF PROPERTY AND FACILITIES.

Upon the effective date of the abolishment under section 391(a), all property of the Board shall transfer to the Director of the Federal Housing Finance Agency.

CHAPTER 3—DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SEC. 395. TERMINATION OF ENTERPRISE-RELATED FUNCTIONS.

(a) TERMINATION DATE.—For purposes of this chapter, the term ''termination date'' means the date that occurs 6 months after the date of the enactment of this Act.

(b) DETERMINATION OF TRANSFERRED FUNCTIONS AND EMPLOYEES.—

(1) IN GENERAL.—Not later than the expiration of the 3-month period beginning on the date of the enactment of this Act, the Secretary, in consultation with the Director of the Office of Federal Housing Enterprise Oversight, shall determine—

(A) the functions, duties, and activities of the Secretary of Housing and Urban Development regarding oversight or regulation of the enterprises under or pursuant to the authorizing statutes, title XIII of the Housing and Community Development Act of 1992, and any other provisions of law, as in effect before the date of the enactment of this Act, but not including any such functions, duties, and activities of the Director of the Office of Federal Housing Enterprise Oversight of the Department of Housing and Urban Development and such Office; and

(B) the employees of the Department of Housing and Urban Development necessary to perform such functions, duties, and activities.

(2) ENTERPRISE-RELATED FUNCTIONS.—For purposes of this chapter, the term ''enterprise-related functions of the Department'' means the functions, duties, and activities of the Department of Housing and Urban Development determined under paragraph (1)(A).

(3) ENTERPRISE-RELATED EMPLOYEES.—For purposes of this chapter, the term ''enterprise-related employees of the Department'' means the employees of the Department of Housing and Urban Development determined under paragraph (1)(B).

(c) DISPOSITION OF AFFAIRS.—During the 6-month period beginning on the date of enactment of this Act, the Secretary of Housing and Urban Development (in this subtitle referred to as the ''Secretary''), for the purpose of winding up the affairs of the Secretary regarding the enterprise-related functions of the Department of Housing and Urban Development (in this subtitle referred to as the ''Department'') and in addition to carrying out the Secretary's other responsibilities under law regarding such functions—

(1) shall manage the enterprise-related employees of the Department and provide for the payment of the compensation and benefits of any such employee which accrue before the effective date of the transfer of any such employee under section 397; and

(2) may take any other action necessary for the purpose of winding up the enterprise-related functions of the Department.

(d) STATUS OF EMPLOYEES BEFORE TRANSFER.—The amendments made by subtitles A and B and the termination of the enterprise-related functions of the Department under subsection (b) may not be construed to affect the status of any employee of the Department as employees of an agency of the United States for purposes of any other provision of law before the effective date of the transfer of any such employee under section 397.

(e) USE OF PROPERTY AND SERVICES.—

(1) PROPERTY.—The Director of the Federal Housing Finance Agency may use the property of the Secretary to perform functions which have been transferred to the Director of the Federal Housing Finance Agency for such time as is reasonable to facilitate the orderly transfer of functions transferred under any other provision of this title or any amendment made by this title to any other provision of law.

(2) AGENCY SERVICES.—Any agency, department, or other instrumentality of the United States, and any successor to any such agency, department, or instrumentality, which was providing supporting services to the Secretary regarding enterprise-related functions of the Department before the termination date under subsection (a) in connection with such functions that are transferred to the Director of the Federal Housing Finance Agency shall—

(A) continue to provide such services, on a reimbursable basis, until the transfer of such functions is complete; and

(B) consult with any such agency to coordinate and facilitate a prompt and reasonable transition.

(f) SAVINGS PROVISIONS.—

(1) EXISTING RIGHTS, DUTIES, AND OBLIGATIONS NOT AFFECTED.—Subsection (a) shall not affect the validity of any right, duty, or obligation of the United States, the Secretary, or any other person, which—

(A) arises under the authorizing statutes, title XIII of the Housing and Community Development Act of 1992, or any other provision of law applicable with respect to the Secretary, in connection with the enterprise-related functions of the Department; and

(B) existed on the day before the termination date under subsection (a).

(2) CONTINUATION OF SUITS.—No action or other proceeding commenced by or against the Secretary in connection with the enterprise-related functions of the Department shall abate by reason of the enactment of this title, except that the Director of the Federal Housing Finance Agency shall be substituted for the Secretary or any member thereof as a party to any such action or proceeding.

SEC. 396. CONTINUATION AND COORDINATION OF CERTAIN REGULATIONS.

(a) IN GENERAL.—All regulations, orders, and determinations described in subsection (b) shall remain in effect according to the terms of such regulations, orders, determinations, and resolutions, and shall be enforceable by or against the Director of the Federal Housing Finance Agency until modified, terminated, set aside, or superseded in accordance with applicable law by such Director, any court of competent jurisdiction, or operation of law.

(b) APPLICABILITY.—A regulation, order, or determination is described under this subsection if it—

(1) was issued, made, prescribed, or allowed to become effective by—

(A) the Secretary; or

(B) a court of competent jurisdiction and that relate to the enterprise-related functions of the Department; and

(2) is in effect on the termination date under section 395(a).

SEC. 397. TRANSFER AND RIGHTS OF EMPLOYEES OF DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.

(a) TRANSFER.—

(1) IN GENERAL.—Except as provided in paragraph (2), each enterprise-related employee of the Department shall be transferred to the Federal Housing Finance Agency for employment not later than the termination date under section 395(a) and such transfer shall be deemed a transfer of function for purposes of section 3503 of title 5, United States Code.

(2) AUTHORITY TO DECLINE.—An enterprise-related employee of the Department may, in the discretion of the employee, decline transfer under paragraph (1) to a position in the Federal Housing Finance Agency and shall be guaranteed a position in the Department with the same status, tenure, grade, and pay as that held on the day immediately preceding the date that such declination was made. Each such employee holding a permanent position shall not be involuntarily separated or reduced in grade or compensation for 12 months after the date that the transfer would otherwise have occurred, except for cause or, if the employee is a temporary employee, separated in accordance with the terms of the appointment.

(b) GUARANTEED POSITIONS.—Each enterprise-related employee of the Department transferred under subsection (a) shall be guaranteed a position with the same status, tenure, grade, and pay as that held on the day immediately preceding the transfer. Each such employee holding a permanent position shall not be involuntarily separated or reduced in grade or compensation for 12 months after the date of transfer, except for cause or, if the employee is a temporary employee, separated in accordance with the terms of the appointment.

(c) APPOINTMENT AUTHORITY FOR EXCEPTED AND SENIOR EXECUTIVE SERVICE EMPLOYEES.—

(1) IN GENERAL.—In the case of employees occupying positions in the excepted service or the Senior Executive Service, any appointment authority established under law or by regulations of the Office of Personnel Management for filling such positions shall be transferred, subject to paragraph (2).

(2) DECLINE OF TRANSFER.—The Director of the Federal Housing Finance Agency may decline a transfer of authority under paragraph (1) (and the employees appointed pursuant thereto) to the extent that such authority relates to positions excepted from the competitive service because of their confidential, policymaking, policy-determining, or policy-advocating character, and noncareer positions in the Senior Executive Service (within the meaning of section 3132(a)(7) of title 5, United States Code).

(d) REORGANIZATION.—If the Director of the Federal Housing Finance Agency determines, after the end of the 1-year period beginning on the termination date under section 395(a), that a reorganization of the combined workforce is required, that reorganization shall be deemed a major reorganization for purposes of affording affected employees retirement under section 8336(d)(2) or 8414(b)(1)(B) of title 5, United States Code.

(e) EMPLOYEE BENEFIT PROGRAMS.—

(1) IN GENERAL.—Any enterprise-related employee of the Department accepting employment with the Federal Housing Finance

Agency as a result of a transfer under subsection (a) may retain for 12 months after the date on which such transfer occurs membership in any employee benefit program of the Federal Housing Finance Agency or the Department, as applicable, including insurance, to which such employee belongs on the termination date under section 395(a) if—

(A) the employee does not elect to give up the benefit or membership in the program; and

(B) the benefit or program is continued by the Director of the Federal Housing Finance Agency.

(2) COST DIFFERENTIAL.—The difference in the costs between the benefits which would have been provided by the Department and those provided by this section shall be paid by the Director of the Federal Housing Finance Agency. If any employee elects to give up membership in a health insurance program or the health insurance program is not continued by such Director, the employee shall be permitted to select an alternate Federal health insurance program within 30 days after such election or notice, without regard to any other regularly scheduled open season.

SEC. 398. TRANSFER OF APPROPRIATIONS, PROPERTY, AND FACILITIES.

Upon the termination date under section 395(a), all assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed, held, used, arising from, available to, or to be made available to the Department in connection with enterprise-related functions of the Department shall transfer to the Director of the Federal Housing Finance Agency. Unexpended funds transferred by this section shall be used only for the purposes for which the funds were originally authorized and appropriated.

TITLE IV—EMERGENCY MORTGAGE LOAN MODIFICATION

SEC. 401. SHORT TITLE.

This title may be cited as the ''Emergency Mortgage Loan Modification Act of 2008''.

SEC. 402. SAFE HARBOR FOR QUALIFIED LOAN MODIFICATIONS OR WORKOUT PLANS FOR CERTAIN RESIDENTIAL MORTGAGE LOANS.

(a) STANDARD FOR LOAN MODIFICATIONS OR WORKOUT PLANS.—Absent contractual provisions to the contrary—

(1) the duty to maximize, or to not adversely affect, the recovery of total proceeds from pooled residential mortgage loans is owed by a servicer of such pooled loans to the securitization vehicle for the benefit of all investors and holders of beneficial interests in the pooled loans, in the aggregate, and not to any individual party or group of parties; and

(2) a servicer of pooled residential mortgage loans shall be deemed to be acting on behalf of the securitization vehicle in the best interest of all investors and holders of beneficial interests in the pooled loans, in the aggregate, if for a loan that is in payment default under the loan agreement or for which payment default is imminent or reasonably foreseeable, the loan servicer makes or causes to be made reasonable and documented efforts to implement a modification or workout plan or, if such efforts are unsuccessful or such plan would be infeasible, engages or causes to engage in other loss mitigation, including accepting a short payment or partial discharge of principal, or agreeing to a short sale of the property, to the extent that the servicer reasonably believes the modification or workout plan or other mitigation actions will maximize the net present value to be realized on the loan over that which would be realized through foreclosure.

(b) SAFE HARBOR.—Absent contractual provisions to the contrary, a servicer of a residential mortgage loan that acts or causes to act in a manner consistent with the duty set forth in subsection (a), shall not be liable for entering into a qualified loan modification or workout plan, to—

(1) any person, based on that person's ownership of a residential mortgage loan or any interest in a pool of residential mortgage loans or in securities that distribute payments out of the principal, interest and other payments in loans on the pool;

(2) any person who is obligated to make payments pursuant to a derivatives instrument determined in reference to any interest referred to in paragraph (1); or

(3) any person that insures any loan or any interest referred to in paragraph (1) under any law or regulation of the United States or any law or regulation of any State or political subdivision of any State.

(c) RULE OF CONSTRUCTION.—No provision of this section shall be construed as limiting the ability of a servicer to enter into loan modifications or workout plans other than qualified loan modification or workout plans.

(d) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

(1) QUALIFIED LOAN MODIFICATION OR WORKOUT PLAN.—The term ''qualified loan modification or workout plan'' means a modification or plan that—

(A) is scheduled to remain in place until the borrower sells or refinances the property, or for at least 5 years from the date of adoption of the plan, whichever is sooner;

(B) does not provide for a repayment schedule that results in an increase in the outstanding principal balance of the loan, including by deferred or unpaid interest, fees, or other charges; and

(C) does not require the borrower to pay additional points and fees.

(2) RESIDENTIAL MORTGAGE LOAN DEFINED.—The term ''residential mortgage loan'' means a loan that is secured by a lien on an owner-occupied residential dwelling.

(3) SECURITIZATION VEHICLE.—The term ''securitization vehicle'' means a trust, corporation, partnership, limited liability entity, special purpose entity, or other structure that—

(A) is the issuer, or is created by the issuer, of mortgage pass-through certificates, participation certificates, mortgage-backed securities, or other similar securities backed by a pool of assets that includes residential mortgage loans; and

(B) holds such loans.

(e) EFFECTIVE PERIOD.—This section shall apply only with respect to qualified loan modification or workout plans initiated prior to January 1, 2011.

TITLE V—OTHER HOUSING PROVISIONS

SEC. 501. DEPOSITORY INSTITUTION COMMUNITY DEVELOPMENT INVESTMENTS ENHANCEMENT .

(a) TECHNICAL CORRECTIONS.—

(1) NATIONAL BANKS.—The first sentence of the paragraph designated as the ''Eleventh'' of section 5136 of the Revised Statutes of the United States (12 U.S.C. 24) (as amended by section 305(a) of the Financial Services Regulatory Relief Act of 2006) is amended by striking ''promotes the public welfare by benefitting primarily'' and inserting ''is designed primarily to promote the public welfare, including the welfare of''.

(2) STATE MEMBER BANKS.—The first sentence of the 23rd undesignated paragraph of section 9 of the Federal Reserve Act (12 U.S.C. 338a) (as amended by section 305(b) of the Financial Services Regulatory Relief Act of 2006) is amended by striking ''promotes the public welfare by benefitting primarily'' and inserting ''is designed primarily to promote the public welfare, including the welfare of''.

(b) INVESTMENTS BY FEDERAL SAVINGS ASSOCIATIONS AUTHORIZED TO PROMOTE THE PUBLIC WELFARE.—

(1) IN GENERAL.—Section 5(c)(3) of the Home Owners' Loan Act (12 U.S.C. 1464(c)) is amended by adding at the end the following new subparagraph:

''(D) DIRECT INVESTMENTS TO PROMOTE THE PUBLIC WELFARE.—

''(i) IN GENERAL.—A Federal savings association may make investments, directly or indirectly, each of which is designed primarily to promote the public welfare, including the welfare of low- and moderate-income communities or families through the provision of housing, services, and jobs.

''(ii) DIRECT INVESTMENTS OR ACQUISITION OF INTEREST IN OTHER COMPANIES.—Investments under clause (i) may be made directly or by purchasing interests in an entity primarily engaged in making such investments.

''(iii) PROHIBITION ON UNLIMITED LIABILITY.—No investment may be made under this subparagraph which would subject a Federal savings association to unlimited liability to any person.

''(iv) SINGLE INVESTMENT LIMITATION TO BE ESTABLISHED BY DIRECTOR.—Subject to clauses (v) and (vi), the Director shall establish, by order or regulation, limits on—

''(I) the amount any savings association may invest in any 1 project; and

''(II) the aggregate amount of investment of any savings association under this subparagraph.

''(v) FLEXIBLE AGGREGATE INVESTMENT LIMITATION.—The aggregate amount of investments of any savings association under this subparagraph may not exceed an amount equal to the sum of 5 percent of the savings association's capital stock actually paid in and unimpaired and 5 percent of the savings association's unimpaired surplus, unless—

''(I) the Director determines that the savings association is adequately capitalized; and

''(II) the Director determines, by order, that the aggregate amount of investments in a higher amount than the limit under this clause will pose no significant risk to the affected deposit insurance fund.

''(vi) MAXIMUM AGGREGATE INVESTMENT LIMITATION.—Notwithstanding clause (v), the aggregate amount of investments of any savings association under this subparagraph may not exceed an amount equal to the sum of 15 percent of the savings association's capital stock actually paid in and unimpaired and 15 percent of the savings association's unimpaired surplus.

''(vii) INVESTMENTS NOT SUBJECT TO OTHER LIMITATION ON QUALITY OF INVESTMENTS.—No obligation a Federal savings association acquires or retains under this subparagraph shall be taken into account for purposes of the limitation contained in section 28(d) of the Federal Deposit Insurance Act on the acquisition and retention of any corporate debt security not of investment grade.

''(viii) APPLICABILITY OF STANDARDS TO EACH INVESTMENT.—The standards and limitations of this subparagraph shall apply to each investment under this subparagraph made by a savings association directly and by its subsidiaries.''.

(2) TECHNICAL AND CONFORMING AMENDMENTS.—Section 5(c)(3)(A) of the Home Owners' Loan Act (12 U.S.C. 1464(c)(3)(A)) is amended to read as follows:

''(A) [Repealed]''.

SEC. 502. PRESERVATION OF CERTAIN AFFORDABLE HOUSING DWELLING UNITS.

(a) CONVERSION OF HUD CONTRACTS.—Notwithstanding any other provision of law, the Secretary of Housing and Urban Development may, at the request of the owner of the multifamily housing project to which Section 8 Project Number NY 913 VO 0018 and

RAP Contract Number 012035NIRAP are subject, convert such contracts to a contract for project-based rental assistance under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f).

(b) INITIAL RENEWAL.—

(1) ELIGIBILITY.—At the request of the owner made no later than 90 days prior to a conversion, the Secretary may, to the extent sufficient amounts are made available in appropriation Acts and notwithstanding any other law, treat the contemplated resulting contract as if such contract were eligible for initial renewal under section 524(a) of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note).

(2) REQUEST.—A request by the owner pursuant to paragraph (1) shall be upon such terms and conditions as the Secretary may require.

(c) RESULTING CONTRACT.—The resulting contract shall—

(1) be subject to section 524(a) of MAHRA (42 U.S.C. 1437f note);

(2) be considered for all purposes a contract that has been renewed under section 524(a) of MAHRA (42 U.S.C. 1437f note) for a term not to exceed 20 years;

(3) be subsequently renewable at the request of the owner, under any renewal option for which the project is eligible under MAHRA (42 U.S.C. 1437f note);

(4) contain provisions limiting distributions, as the Secretary determines appropriate, not to exceed 10 percent of the initial investment of the owner;

(5) be subject to the availability of sufficient amounts in appropriation Acts; and

(6) be subject to such other terms and conditions as the Secretary considers appropriate.

(d) INCOME TARGETING.—The owner shall be deemed to be in compliance with all income-targeting requirements under the United States Housing Act of 1937 by serving low-income families, as such term is defined in the section 3(b)(2) of such Act (42 U.S.C. 1437a(b)(2)).

(e) TENANT ELIGIBILITY.—Notwithstanding any other provision of law, each family residing in an assisted dwelling unit on the date of the conversion under this section, subject to the resulting contract under subsection (a), shall be considered to meet the applicable requirements for income eligibility and occupancy.

(f) DEFINITIONS.—As used in this section—

(1) the term ''assisted dwelling unit'' means the dwelling units that, on the date of the conversion under this section, were subject to Section 8 Project Number NY 913 VO 0018 or RAP Contract Number 012035NIRAP;

(2) the term ''conversion'' means the action under which Section 8 Project Number NY 913 VO 0018 and RAP Contract Number 012035NIRAP become a contract for project-based rental assistance under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f) pursuant to subsection (a);

(3) the term ''MAHRA'' means the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note);

(4) the term ''owner'' means Starrett City Associates or any successor owner of the multifamily housing project to which Section 8 Project Number NY 913 VO 0018 and RAP Contract Number 012035NIRAP are subject;

(5) the term ''resulting contract'' means the new contract after a conversion of Section 8 Project Number NY 913 VO 0018 and RAP Contract Number 012035NIRAP to a contract for project-based rental assistance under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f) pursuant to subsection (a); and

(6) the term ''Secretary'' means the Secretary of Housing and Urban Development.

SEC. 503. ELIGIBILITY OF CERTAIN PROJECTS FOR ENHANCED VOUCHER ASSISTANCE.

Notwithstanding any other provision of law—

(1) the property known as The Heritage Apartments (FHA No. 023-44804), in Malden, Massachusetts, shall be considered eligible low-income housing for purposes of the eligibility of residents of the property for enhanced voucher assistance under section 8(t) of the United States Housing Act of 1937 (42 U.S.C. 1437f(t)), pursuant to paragraph (2)(A) of section 223(f) of the Low-Income Housing Preservation and Resident Homeownership Act of 1990 (12 U.S.C. 4113(f)(2)(A));

(2) such residents shall receive enhanced rental housing vouchers upon the prepayment of the mortgage loan for the property under section 236 of the National Housing Act (12 U.S.C. 1715z–1); and

(3) the Secretary shall approve such prepayment and subsequent transfer of the property without any further condition, except that the property shall be restricted for occupancy, until the original maturity date of the prepaid mortgage loan, only by families with incomes not exceeding 80 percent of the adjusted median income for the area in which the property is located, as published by the Secretary.

Amounts for the enhanced vouchers pursuant to this section shall be provided under amounts appropriated for tenant-based rental assistance otherwise authorized under section 8(t) of the United States Housing Act of 1937.

SEC. 504. TRANSFER OF CERTAIN RENTAL ASSISTANCE CONTRACTS.

(a) TRANSFER.—Subject to subsection (c) and notwithstanding any other provision of law, the Secretary of Housing and Urban Development shall, at the request of the owner, transfer or authorize the transfer, of the contracts, restrictions, and debt described in subsection (b)—

(1) on the housing that is owned or managed by Community Properties of Ohio Management Services LLC or an affiliate of Ohio Capital Corporation for Housing and located in Franklin County, Ohio, to other properties located in Franklin County, Ohio; and

(2) on the housing that is owned or managed by The Model Group, Inc., and located in Hamilton County, Ohio, to other properties located in Hamilton County, Ohio.

(b) CONTRACTS, RESTRICTIONS, AND DEBT COVERED.—The contracts, restrictions, and debt described in this subsection are as follows:

(1) All or a portion of a project-based rental assistance housing assistance payments contract under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f).

(2) Existing Federal use restrictions, including without limitation use agreements, regulatory agreements, and accommodation agreements.

(3) Any subordinate debt held by the Secretary or assigned and any mortgages securing such debt, all related loan and security documentation and obligations, and reserve and escrow balances.

(c) RETENTION OF SAME NUMBER OF UNITS AND AMOUNT OF ASSISTANCE.—Any transfer pursuant to subsection (a) shall result in—

(1) a total number of dwelling units (including units retained by the owners and units transferred) covered by assistance described in subsection (b)(1) after the transfer remaining the same as such number assisted before the transfer, with such increases or decreases in unit sizes as may be contained in a plan approved by a local planning or development commission or department; and

(2) no reduction in the total amount of the housing assistance payments under contracts described in subsection (b)(1).

SEC. 505. PROTECTION AGAINST DISCRIMINATORY TREATMENT.

Section 525 of title 11, the United States Code, is amended by adding at the end the following:

''(d) A governmental unit that operates a mortgage loan program, including a loan guarantee or subsidy program, may not deny the benefits of such program to a disabled veteran (as defined in section 3741(1) of title 38) because he or she is or has been a debtor under this title, has been insolvent before the commencement of a case under this title or during the pendency of the case but before being granted or denied a discharge, or has not paid a debt that is dischargeable in the case under this title.''.

In the matter proposed to be inserted by the amendment of the Senate to the text of the bill, strike titles VII, IX, and XI.

The SPEAKER pro tempore, Mr. JACKSON of Illinois, announced that the ayes had it.

Mr. NEUGEBAUER demanded a recorded vote on agreeing to said amendment, which demand was supported by one-fifth of the Members present, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 266 / Nays 154

¶55.21 [Roll No. 301]

YEAS—266

Abercrombie	DeFazio	Jackson-Lee (TX)
Ackerman	DeGette	Jefferson
Allen	Delahunt	Johnson (GA)
Altmire	DeLauro	Johnson, E. B.
Andrews	Dent	Jones (NC)
Arcuri	Diaz-Balart, L.	Jones (OH)
Baca	Diaz-Balart, M.	Kagen
Baird	Dicks	Kanjorski
Baldwin	Dingell	Kaptur
Barrow	Doggett	Keller
Bean	Donnelly	Kennedy
Becerra	Doyle	Kildee
Berkley	Edwards	Kilpatrick
Berman	Ehlers	Kind
Berry	Ellison	King (NY)
Bishop (GA)	Ellsworth	Kirk
Bishop (NY)	Emanuel	Klein (FL)
Blumenauer	Engel	Knollenberg
Boren	English (PA)	Kucinich
Boswell	Eshoo	LaHood
Boucher	Etheridge	Lampson
Boyd (FL)	Farr	Langevin
Boyda (KS)	Fattah	Larson (CT)
Brady (PA)	Filner	LaTourette
Braley (IA)	Foster	Lee
Brown, Corrine	Frank (MA)	Levin
Brown-Waite, Ginny	Gerlach	Lewis (GA)
Buchanan	Giffords	Lipinski
Butterfield	Gilchrest	Loebsack
Capito	Gillibrand	Lofgren, Zoe
Capps	Gonzalez	Lowey
Capuano	Gordon	Lynch
Cardoza	Graves	Mahoney (FL)
Carnahan	Green, Al	Maloney (NY)
Carney	Green, Gene	Markey
Carson	Grijalva	Marshall
Castle	Hall (NY)	Matheson
Castor	Hall (TX)	Matsui
Cazayoux	Hare	McCarthy (NY)
Chandler	Harman	McCollum (MN)
Clarke	Hastings (FL)	McCotter
Clay	Hayes	McDermott
Cleaver	Heller	McGovern
Clyburn	Herseth Sandlin	McHugh
Conyers	Higgins	McIntyre
Cooper	Hill	McNerney
Costa	Hinchey	McNulty
Costello	Hinojosa	Meek (FL)
Courtney	Hirono	Meeks (NY)
Cramer	Hodes	Melancon
Crowley	Holden	Michaud
Cuellar	Holt	Miller (NC)
Cummings	Honda	Miller, Gary
Davis (AL)	Hooley	Miller, George
Davis (CA)	Hoyer	Mitchell
Davis (IL)	Inslee	Mollohan
Davis, Lincoln	Israel	Moore (KS)
	Jackson (IL)	

Moore (WI)	Roybal-Allard	Sutton
Moran (VA)	Ruppersberger	Tauscher
Murphy (CT)	Ryan (OH)	Taylor
Murphy, Patrick	Salazar	Thompson (CA)
Murphy, Tim	Sánchez, Linda T.	Thompson (MS)
Murtha	Sanchez, Loretta	Tierney
Nadler	Sarbanes	Towns
Napolitano	Schakowsky	Tsongas
Neal (MA)	Schiff	Turner
Oberstar	Schwartz	Udall (CO)
Obey	Scott (GA)	Udall (NM)
Olver	Scott (VA)	Upton
Ortiz	Serrano	Van Hollen
Pallone	Sestak	Velázquez
Pascrell	Shays	Visclosky
Pastor	Shea-Porter	Walsh (NY)
Payne	Sherman	Walz (MN)
Perlmutter	Shuler	Wasserman Schultz
Peterson (MN)	Sires	Waters
Pomeroy	Skelton	Watson
Porter	Slaughter	Watt
Price (NC)	Smith (NJ)	Waxman
Pryce (OH)	Smith (WA)	Weiner
Rahall	Snyder	Welch (VT)
Ramstad	Solis	Wexler
Rangel	Souder	Wilson (OH)
Reichert	Space	Woolsey
Rodriguez	Speier	Wu
Rogers (MI)	Spratt	Wynn
Ros-Lehtinen	Stark	Yarmuth
Ross	Stupak	Young (FL)
Rothman		

NAYS—154

Akin	Fossella	Neugebauer
Alexander	Foxx	Nunes
Bachmann	Franks (AZ)	Paul
Bachus	Frelinghuysen	Pearce
Barrett (SC)	Gallegly	Pence
Bartlett (MD)	Garrett (NJ)	Peterson (PA)
Barton (TX)	Gingrey	Petri
Biggert	Gohmert	Pickering
Bilbray	Goode	Pitts
Bilirakis	Goodlatte	Platts
Bishop (UT)	Granger	Poe
Blackburn	Hastings (WA)	Price (GA)
Blunt	Hensarling	Putnam
Boehner	Herger	Radanovich
Bonner	Hobson	Regula
Bono Mack	Hoekstra	Rehberg
Boozman	Hulshof	Rogers (AL)
Boustany	Hunter	Rogers (KY)
Brady (TX)	Inglis (SC)	Rohrabacher
Broun (GA)	Issa	Roskam
Brown (SC)	Johnson (IL)	Royce
Burgess	Johnson, Sam	Ryan (WI)
Burton (IN)	Jordan	Sali
Buyer	King (IA)	Saxton
Calvert	Kingston	Scalise
Camp (MI)	Kline (MN)	Schmidt
Cannon	Kuhl (NY)	Sensenbrenner
Cantor	Lamborn	Sessions
Carter	Latham	Shadegg
Chabot	Latta	Shimkus
Coble	Lewis (CA)	Shuster
Cole (OK)	Lewis (KY)	Simpson
Conaway	Linder	Smith (NE)
Crenshaw	LoBiondo	Smith (TX)
Cubin	Lucas	Stearns
Culberson	Lungren, Daniel E.	Sullivan
Davis (KY)	Mack	Terry
Davis, David	Manzullo	Thornberry
Davis, Tom	Marchant	Tiahrt
Deal (GA)	McCarthy (CA)	Tiberi
Doolittle	McCaul (TX)	Walberg
Drake	McCrery	Walden (OR)
Dreier	McHenry	Wamp
Duncan	McKeon	Weldon (FL)
Emerson	McMorris Rodgers	Weller
Everett	Mica	Westmoreland
Fallin	Miller (FL)	Whitfield (KY)
Feeney	Miller (MI)	Wilson (NM)
Ferguson	Moran (KS)	Wilson (SC)
Flake	Myrick	Wittman (VA)
Forbes		Wolf
Fortenberry		Young (AK)

NOT VOTING—13

Aderholt	Musgrave	Rush
Campbell (CA)	Renzi	Tancredo
Cohen	Reyes	Tanner
Gutierrez	Reynolds	
Larsen (WA)	Richardson	

So the amendment numbered 1 to the amendment of the Senate to the text was agreed to.

A motion to reconsider the vote whereby said amendment numbered 1 to the amendment of the Senate was agreed to was, by unanimous consent, laid on the table.

The question being put, viva voce,

Will the House agree to the amendment of the Senate to the text with the following amendment numbered 2, printed in House Report 110-622:

In the matter proposed to be inserted by the Senate amendment to H.R. 3221, strike titles VI (relating to tax-related provisions), VIII (relating to REIT investment diversification and empowerment), and X (relating to clean energy tax stimulus) and add at the end the following new title (and conform the table of contents accordingly):

TITLE VII—REVENUE AND OTHER PROVISIONS

SEC. 700. AMENDMENT OF 1986 CODE.

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

Subtitle A—Housing Tax Incentives

PART 1—MULTI-FAMILY HOUSING

Subpart A—Low-Income Housing Tax Credit

SEC. 701. TEMPORARY INCREASE IN VOLUME CAP FOR LOW-INCOME HOUSING TAX CREDIT.

Paragraph (3) of section 42(h) is amended by adding at the end the following new subparagraph:

''(I) INCREASE IN STATE HOUSING CREDIT CEILING FOR 2008 AND 2009.—In the case of calendar years 2008 and 2009, the dollar amount in effect under subparagraph (C)(ii)(I) for such calendar year (after any increase under subparagraph (H)) shall be increased by $0.20.''.

SEC. 702. DETERMINATION OF CREDIT RATE.

(a) ELIMINATION OF DISTINCTION BETWEEN NEW AND EXISTING BUILDINGS; MINIMUM CREDIT RATE FOR NON-FEDERALLY SUBSIDIZED BUILDINGS.—

(1) IN GENERAL.—Subsection (b) section 42 is amended to read as follows:

''(b) APPLICABLE PERCENTAGE.—For purposes of this section—

''(1) IN GENERAL.—The term 'applicable percentage' means, with respect to any building, the appropriate percentage prescribed by the Secretary for the earlier of—

''(A) the month in which such building is placed in service, or

''(B) at the election of the taxpayer—

''(i) the month in which the taxpayer and the housing credit agency enter into an agreement with respect to such building (which is binding on such agency, the taxpayer, and all successors in interest) as to the housing credit dollar amount to be allocated to such building, or

''(ii) in the case of any building to which subsection (h)(4)(B) applies, the month in which the tax-exempt obligations are issued.

A month may be elected under clause (ii) only if the election is made not later than the 5th day after the close of such month. Such an election, once made, shall be irrevocable.

''(2) METHOD OF PRESCRIBING PERCENTAGES.—

''(A) IN GENERAL.—For purposes of paragraph (1), the percentages prescribed by the Secretary for any month shall be—

''(i) in the case of any building which is not federally subsidized for the taxable year, the greater of—

''(I) the average percentage determined under subclause (II) for months in the preceding calendar year, or

''(II) the percentage which will yield over a 10-year period amounts of credit under subsection (a) which have a present value equal to 70 percent of the qualified basis of such building, and

''(ii) in the case of any other building, the percentage which will yield over a 10-year period amounts of credit under subsection (a) which have a present value equal to 30 percent of the qualified basis of such building.

''(B) METHOD OF DISCOUNTING.—The present value under subparagraph (A) shall be determined—

''(i) as of the last day of the 1st year of the 10-year period referred to in subparagraph (A),

''(ii) by using a discount rate equal to 72 percent of the average of the annual Federal mid-term rate and the annual Federal long-term rate applicable under section 1274(d)(1) to the month applicable under subparagraph (A) and compounded annually, and

''(iii) by assuming that the credit allowable under this section for any year is received on the last day of such year.

''(3) CROSS REFERENCES.—

''(A) For treatment of certain rehabilitation expenditures as separate buildings, see subsection (e).

''(B) For determination of applicable percentage for increases in qualified basis after the 1st year of the credit period, see subsection (f)(3).

''(C) For authority of housing credit agency to limit applicable percentage and qualified basis which may be taken into account under this section with respect to any building, see subsection (h)(7).''.

(2) CONFORMING AMENDMENTS.—

(A) Subparagraph (B) of section 42(e)(3) is amended by striking ''subsection (b)(2)(B)(ii)'' and inserting ''subsection (b)(2)(A)(ii)''.

(B) Subparagraph (A) of section 42(i)(2) is amended by striking ''new building'' and inserting ''building''.

(b) MODIFICATIONS TO DEFINITION OF FEDERALLY SUBSIDIZED BUILDING.—

(1) IN GENERAL.—Subparagraph (A) of section 42(i)(2) is amended by striking '', or any below market Federal loan,''.

(2) CONFORMING AMENDMENTS.—

(A) Subparagraph (B) of section 42(i)(2) is amended—

(i) by striking ''BALANCE OF LOAN OR'' in the heading thereof,

(ii) by striking ''loan or'' in the matter preceding clause (i), and

(iii) by striking ''subsection (d)—'' and all that follows and inserting ''subsection (d) the proceeds of such obligation.''.

(B) Subparagraph (C) of section 42(i)(2) is amended—

(i) by striking ''or below market Federal loan'' in the matter preceding clause (i),

(ii) in clause (i)—

(I) by striking ''or loan (when issued or made)'' and inserting ''(when issued)'', and

(II) by striking ''the proceeds of such obligation or loan'' and inserting ''the proceeds of such obligation'', and

(iii) by striking '', and such loan is repaid,'' in clause (ii).

(C) Paragraph (2) of section 42(i) is amended by striking subparagraphs (D) and (E).

(c) EFFECTIVE DATE.—The amendments made by this subsection shall apply to buildings placed in service after the date of the enactment of this Act.

SEC. 703. MODIFICATIONS TO DEFINITION OF ELIGIBLE BASIS.

(a) INCREASE IN CREDIT FOR CERTAIN STATE DESIGNATED BUILDINGS.—Subparagraph (C) of section 42(d)(5) (relating to increase in credit for buildings in high cost areas), before redesignation under subsection (f), is amended by adding at the end the following new clause:

''(v) BUILDINGS DESIGNATED BY STATE HOUSING CREDIT AGENCY.—Any building which is

designated by the State housing credit agency as requiring the increase in credit under this subparagraph in order for such building to be financially feasible as part of a qualified low-income housing project shall be treated for purposes of this subparagraph as located in a difficult development area which is designated for purposes of this subparagraph. The preceding sentence shall not apply to any building if paragraph (1) of subsection (h) does not apply to any portion of the eligible basis of such building by reason of paragraph (4) of such subsection.''.

(b) MODIFICATION TO REHABILITATION REQUIREMENTS.—

(1) IN GENERAL.—Clause (ii) of section 42(e)(3)(A) is amended—

(A) by striking ''10 percent'' in subclause (I) and inserting ''20 percent'', and

(B) by striking ''$3,000'' in subclause (II) and inserting ''$6,000''.

(2) INFLATION ADJUSTMENT.—Paragraph (3) of section 42(e) is amended by adding at the end the following new subparagraph:

''(D) INFLATION ADJUSTMENT.—In the case of any expenditures which are treated under paragraph (4) as placed in service during any calendar year after 2009, the $6,000 amount in subparagraph (A)(ii)(II) shall be increased by an amount equal to—

''(i) such dollar amount, multiplied by

''(ii) the cost-of-living adjustment determined under section 1(f)(3) for such calendar year by substituting 'calendar year 2008' for 'calendar year 1992' in subparagraph (B) thereof.

Any increase under the preceding sentence which is not a multiple of $100 shall be rounded to the nearest multiple of $100.''.

(3) CONFORMING AMENDMENT.—Subclause (II) of section 42(f)(5)(B)(ii) is amended by striking ''if subsection (e)(3)(A)(ii)(II)'' and all that follows and inserting ''if the dollar amount in effect under subsection (e)(3)(A)(ii)(II) were two-thirds of such amount.''.

(c) INCREASE IN ALLOWABLE COMMUNITY SERVICE FACILITY SPACE FOR SMALL PROJECTS.—Clause (ii) of section 42(d)(4)(C) (relating to limitation) is amended by striking ''10 percent of the eligible basis of the qualified low-income housing project of which it is a part. For purposes of'' and inserting ''the sum of—

''(I) 15 percent of so much of the eligible basis of the qualified low-income housing project of which it is a part as does not exceed $5,000,000, plus

''(II) 10 percent of so much of the eligible basis of such project as is not taken into account under subclause (I).

For purposes of''.

(d) CLARIFICATION OF TREATMENT OF FEDERAL GRANTS.—Subparagraph (A) of section 42(d)(5) is amended to read as follows:

''(A) FEDERAL GRANTS NOT TAKEN INTO ACCOUNT IN DETERMINING ELIGIBLE BASIS.—The eligible basis of a building shall not include any costs financed with the proceeds of a Federally funded grant.''.

(e) SIMPLIFICATION OF RELATED PARTY RULES.—Clause (iii) of section 42(d)(2)(D), before redesignation under subsection (f)(2), is amended—

(1) by striking all that precedes subclause (II),

(2) by redesignating subclause (II) as clause (iii) and moving such clause two ems to the left, and

(3) by striking the last sentence thereof.

(f) REPEAL OF DEADWOOD.—

(1) Clause (ii) of section 42(d)(2)(B) is amended by striking ''the later of—'' and all that follows and inserting ''the date the building was last placed in service,''.

(2) Subparagraph (D) of section 42(d)(2) is amended by striking clause (i) and by redesignating clauses (ii) and (iii) as clauses (i) and (ii), respectively.

(3) Paragraph (5) of section 42(d) is amended by striking subparagraph (B) and by redesignating subparagraph (C) as subparagraph (B).

(g) EFFECTIVE DATE.—The amendments made by this subsection shall apply to buildings placed in service after the date of the enactment of this Act.

SEC. 704. OTHER SIMPLIFICATION AND REFORM OF LOW-INCOME HOUSING TAX INCENTIVES.

(a) REPEAL PROHIBITION ON MODERATE REHABILITATION ASSISTANCE.—Paragraph (2) of section 42(c) (defining qualified low-income building) is amended by striking the flush sentence at the end.

(b) MODIFICATION OF TIME LIMIT FOR INCURRING 10 PERCENT OF PROJECT'S COST.—Clause (ii) of section 42(h)(1)(E) is amended by striking ''(as of the later of the date which is 6 months after the date that the allocation was made or the close of the calendar year in which the allocation is made)'' and inserting ''(as of the date which is 1 year after the date that the allocation was made)''.

(c) REPEAL OF BONDING REQUIREMENT ON DISPOSITION OF BUILDING.—Paragraph (6) of section 42(j) (relating to no recapture on disposition of building (or interest therein) where bond posted) is amended to read as follows:

''(6) NO RECAPTURE ON DISPOSITION OF BUILDING WHICH CONTINUES IN QUALIFIED USE.—

''(A) IN GENERAL.—The increase in tax under this subsection shall not apply solely by reason of the disposition of a building (or an interest therein) if it is reasonably expected that such building will continue to be operated as a qualified low-income building for the remaining compliance period with respect to such building.

''(B) STATUTE OF LIMITATIONS.—If a building (or an interest therein) is disposed of during any taxable year and there is any reduction in the qualified basis of such building which results in an increase in tax under this subsection for such taxable or any subsequent taxable year, then—

''(i) the statutory period for the assessment of any deficiency with respect to such increase in tax shall not expire before the expiration of 3 years from the date the Secretary is notified by the taxpayer (in such manner as the Secretary may prescribe) of such reduction in qualified basis, and

''(ii) such deficiency may be assessed before the expiration of such 3-year period notwithstanding the provisions of any other law or rule of law which would otherwise prevent such assessment.''.

(d) ENERGY EFFICIENCY AND HISTORIC NATURE TAKEN INTO ACCOUNT IN MAKING ALLOCATIONS.—Subparagraph (C) of section 42(m)(1) (relating to plans for allocation of credit among projects) is amended by striking ''and'' at the end of clause (vii), by striking the period at the end of clause (viii) and inserting a comma, and by adding at the end the following new clauses:

''(ix) the energy efficiency of the project, and

''(x) the historic nature of the project.''.

(e) CONTINUED ELIGIBILITY FOR STUDENTS WHO RECEIVED FOSTER CARE ASSISTANCE.—Clause (i) of section 42(i)(3)(D) is amended by striking ''or'' at the end of subclause (I), by redesignating subclause (II) as subclause (III), and by inserting after subclause (I) the following new subclause:

''(II) a student who was previously under the care and placement responsibility of the State agency responsible for administering a plan under part B or part E of title IV of the Social Security Act, or''.

(f) TREATMENT OF RURAL PROJECTS.—Section 42(i) (relating to definitions and special rules) is amended by adding at the end the following new paragraph:

''(8) TREATMENT OF RURAL PROJECTS.—For purposes of this section, in the case of any project for residential rental property located in a rural area (as defined in section 520 of the Housing Act of 1949), any income limitation measured by reference to area median gross income shall be measured by reference to the greater of area median gross income or national non-metropolitan median income. The preceding sentence shall not apply with respect to any building if paragraph (1) of section 42(h) does not apply by reason of paragraph (4) thereof to any portion of the credit determined under this section with respect to such building.''.

(g) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to buildings placed in service after the date of the enactment of this Act.

(2) REPEAL OF BONDING REQUIREMENT ON DISPOSITION OF BUILDING.—The amendment made by subsection (c) shall apply to—

(A) interests in buildings disposed after the date of the enactment of this Act, and

(B) interests in buildings disposed of on or before such date if—

(i) it is reasonably expected that such building will continue to be operated as a qualified low-income building (within the meaning of section 42 of the Internal Revenue Code of 1986) for the remaining compliance period (within the meaning of such section) with respect to such building, and

(ii) the taxpayer elects the application of this subparagraph with respect to such disposition.

Notwithstanding the preceding sentence, the amendments made by subsection (c) shall not apply to any disposition after the date 5 years after the date of the enactment of this Act.

(3) ENERGY EFFICIENCY AND HISTORIC NATURE TAKEN INTO ACCOUNT IN MAKING ALLOCATIONS.—The amendments made by subsection (d) shall apply to allocations made after December 31, 2008.

(4) CONTINUED ELIGIBILITY FOR STUDENTS WHO RECEIVED FOSTER CARE ASSISTANCE.—The amendments made by subsection (e) shall apply to determinations made after the date of the enactment of this Act.

(5) TREATMENT OF RURAL PROJECTS.—The amendment made by subsection (f) shall apply to determinations made after the date of the enactment of this Act.

Subpart B—Modifications to Tax-Exempt Housing Bond Rules

SEC. 706. RECYCLING OF TAX-EXEMPT DEBT FOR FINANCING RESIDENTIAL RENTAL PROJECTS.

(a) IN GENERAL.—Subsection (i) of section 146 (relating to treatment of refunding issues) is amended by adding at the end the following new paragraph:

''(6) TREATMENT OF CERTAIN RESIDENTIAL RENTAL PROJECT BONDS AS REFUNDING BONDS IRRESPECTIVE OF OBLIGOR.—

''(A) IN GENERAL.—If, during the 6-month period beginning on the date of a repayment of a loan financed by an issue 95 percent or more of the net proceeds of which are used to provide projects described in section 142(d), such repayment is used to provide a new loan for any project so described, any bond which is issued to refinance such issue shall be treated as a refunding issue to the extent the principal amount of such refunding issue does not exceed the principal amount of the bonds refunded.

''(B) LIMITATIONS.—Subparagraph (A) shall apply to only one refunding of the original issue and only if—

''(i) the refunding issue is issued not later than 4 years after the date on which the original issue was issued,

''(ii) the latest maturity date of any bond of the refunding issue is not later than 34

years after the date on which the refunded bond was issued, and

''(iii) the refunding issue is approved in accordance with section 147(f) before the issuance of the refunding issue.''.

(b) LOW-INCOME HOUSING CREDIT.—Clause (ii) of section 42(h)(4)(A) is amended by inserting ''or such financing is refunded as described in section 146(i)(6)'' before the period at the end.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to repayments of loans received after the date of the enactment of this Act.

SEC. 707. COORDINATION OF CERTAIN RULES APPLICABLE TO LOW-INCOME HOUSING CREDIT AND QUALIFIED RESIDENTIAL RENTAL PROJECT EXEMPT FACILITY BONDS.

(a) DETERMINATION OF NEXT AVAILABLE UNIT.—Paragraph (3) of section 142(d) (relating to current income determinations) is amended by adding at the end the following new subparagraph:

''(C) EXCEPTION FOR PROJECTS WITH RESPECT TO WHICH AFFORDABLE HOUSING CREDIT IS ALLOWED.—In the case of a project with respect to which credit is allowed under section 42, the second sentence of subparagraph (B) shall be applied by substituting 'building (within the meaning of section 42)' for 'project'.''.

(b) STUDENTS.—Paragraph (2) of section 142(d) (relating to definitions and special rules) is amended by adding at the end the following new subparagraph:

''(C) STUDENTS.—Rules similar to the rules of 42(i)(3)(D) shall apply for purposes of this subsection.''.

(c) SINGLE-ROOM OCCUPANCY UNITS.—Paragraph (2) of section 142(d) (relating to definitions and special rules), as amended by subsection (b), is further amended by adding at the end the following new subparagraph:

''(D) SINGLE-ROOM OCCUPANCY UNITS.—A unit shall not fail to be treated as a residential unit merely because such unit is a single-room occupancy unit (within the meaning of section 42).''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to determinations of the status of qualified residential rental projects for periods beginning after the date of the enactment of this Act, with respect to bonds issued before, on, or after such date.

Subpart C—Reforms Related to the Low-Income Housing Credit and Tax-Exempt Housing Bonds

SEC. 709. HOLD HARMLESS FOR REDUCTIONS IN AREA MEDIAN GROSS INCOME.

(a) IN GENERAL.—Paragraph (2) of section 142(d), as amended by section 707, is further amended by adding at the end the following new subparagraph:

''(E) HOLD HARMLESS FOR REDUCTIONS IN AREA MEDIAN GROSS INCOME.—

''(i) IN GENERAL.—Any determination of area median gross income under subparagraph (B) with respect to any project for any calendar year after 2008 shall not be less than the area median gross income determined under such subparagraph with respect to such project for the calendar year preceding the calendar year for which such determination is made.

''(ii) SPECIAL RULE FOR CERTAIN CENSUS CHANGES.—In the case of a HUD hold harmless impacted project, the area median gross income with respect to such project for any calendar year after 2008 (hereafter in this clause referred to as the current calendar year) shall be the greater of the amount determined without regard to this clause or the sum of—

''(I) the area median gross income determined under the HUD hold harmless policy with respect to such project for calendar year 2008, plus

''(II) any increase in the area median gross income determined under subparagraph (B) (determined without regard to the HUD hold harmless policy and this subparagraph) with respect to such project for the current calendar year over the area median gross income (as so determined) with respect to such project for calendar year 2008.

''(iii) HUD HOLD HARMLESS POLICY.—The term 'HUD hold harmless policy' means the regulations under which a policy similar to the rules of clause (i) applied to prevent a change in the method of determining area median gross income from resulting in a reduction in the area median gross income determined with respect to certain projects in calendar years 2007 and 2008.

''(iv) HUD HOLD HARMLESS IMPACTED PROJECT.—The term 'HUD hold harmless impacted project' means any project with respect to which area median gross income was determined under subparagraph (B) for calendar year 2007 or 2008 if such determination would have been less but for the HUD hold harmless policy.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to determinations of area median gross income for calendar years after 2008.

SEC. 710. EXCEPTION TO ANNUAL CURRENT INCOME DETERMINATION REQUIREMENT WHERE DETERMINATION NOT RELEVANT.

(a) IN GENERAL.—Subparagraph (A) of section 142(d)(3) is amended by adding at the end the following new sentence: ''The preceding sentence shall not apply with respect to any project for any year if during such year no residential unit in the project is occupied by a new resident whose income exceeds the applicable income limit.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to years ending after the date of the enactment of this Act.

PART 2—SINGLE FAMILY HOUSING

SEC. 712. FIRST-TIME HOMEBUYER CREDIT.

(a) IN GENERAL.—Subpart C of part IV of subchapter A of chapter 1 is amended by redesignating section 36 as section 37 and by inserting after section 35 the following new section:

''SEC. 36. FIRST-TIME HOMEBUYER CREDIT.

''(a) ALLOWANCE OF CREDIT.—In the case of an individual who is a first-time homebuyer of a principal residence in the United States during a taxable year, there shall be allowed as a credit against the tax imposed by this subtitle for such taxable year an amount equal to 10 percent of the purchase price of the residence.

''(b) LIMITATIONS.—

''(1) DOLLAR LIMITATION.—

''(A) IN GENERAL.—Except as otherwise provided in this paragraph, the credit allowed under subsection (a) shall not exceed $7,500.

''(B) MARRIED INDIVIDUALS FILING SEPARATELY.—In the case of a married individual filing a separate return, subparagraph (A) shall be applied by substituting '$3,750' for '$7,500'.

''(C) OTHER INDIVIDUALS.—If two or more individuals who are not married purchase a principal residence, the amount of the credit allowed under subsection (a) shall be allocated among such individuals in such manner as the Secretary may prescribe, except that the total amount of the credits allowed to all such individuals shall not exceed $7,500.

''(2) LIMITATION BASED ON MODIFIED ADJUSTED GROSS INCOME.—

''(A) IN GENERAL.—The amount allowable as a credit under subsection (a) (determined without regard to this paragraph) for the taxable year shall be reduced (but not below zero) by the amount which bears the same ratio to the amount which is so allowable as—

''(i) the excess (if any) of—

''(I) the taxpayer's modified adjusted gross income for such taxable year, over

''(II) $70,000 ($140,000 in the case of a joint return), bears to

''(ii) $20,000.

''(B) MODIFIED ADJUSTED GROSS INCOME.—For purposes of subparagraph (A), the term 'modified adjusted gross income' means the adjusted gross income of the taxpayer for the taxable year increased by any amount excluded from gross income under section 911, 931, or 933.

''(c) DEFINITIONS.—For purposes of this section—

''(1) FIRST-TIME HOMEBUYER.—The term 'first-time homebuyer' means any individual if such individual (and if married, such individual's spouse) had no present ownership interest in a principal residence during the 3-year period ending on the date of the purchase of the principal residence to which this section applies.

''(2) PRINCIPAL RESIDENCE.—The term 'principal residence' has the same meaning as when used in section 121.

''(3) PURCHASE.—

''(A) IN GENERAL.—The term 'purchase' means any acquisition, but only if—

''(i) the property is not acquired from a person related to the person acquiring it, and

''(ii) the basis of the property in the hands of the person acquiring it is not determined—

''(I) in whole or in part by reference to the adjusted basis of such property in the hands of the person from whom acquired, or

''(II) under section 1014(a) (relating to property acquired from a decedent).

''(B) CONSTRUCTION.—A residence which is constructed by the taxpayer shall be treated as purchased by the taxpayer on the date the taxpayer first occupies such residence.

''(4) PURCHASE PRICE.—The term 'purchase price' means the adjusted basis of the principal residence on the date such residence is purchased.

''(5) RELATED PERSONS.—A person shall be treated as related to another person if the relationship between such persons would result in the disallowance of losses under section 267 or 707(b) (but, in applying section 267(b) and (c) for purposes of this section, paragraph (4) of section 267(c) shall be treated as providing that the family of an individual shall include only his spouse, ancestors, and lineal descendants).

''(d) EXCEPTIONS.—No credit under subsection (a) shall be allowed to any taxpayer for any taxable year with respect to the purchase of a residence if—

''(1) a credit under section 1400C (relating to first-time homebuyer in the District of Columbia) is allowable to the taxpayer (or the taxpayer's spouse) for such taxable year or any prior taxable year,

''(2) the residence is financed by the proceeds of a qualified mortgage issue the interest on which is exempt from tax under section 103,

''(3) the taxpayer is a nonresident alien, or

''(4) the taxpayer disposes of such residence (or such residence ceases to be the principal residence of the taxpayer (and, if married, the taxpayer's spouse)) before the close of such taxable year.

''(e) REPORTING.—If the Secretary requires information reporting under section 6045 by a person described in subsection (e)(2) thereof to verify the eligibility of taxpayers for the credit allowable by this section, the exception provided by section 6045(e) shall not apply.

''(f) RECAPTURE OF CREDIT.—

''(1) IN GENERAL.—Except as otherwise provided in this subsection, if a credit under subsection (a) is allowed to a taxpayer, the tax imposed by this chapter shall be increased by 6⅔ percent of the amount of such

credit for each taxable year in the recapture period.

''(2) ACCELERATION OF RECAPTURE.—If a taxpayer disposes of the principal residence with respect to which a credit was allowed under subsection (a) (or such residence ceases to be the principal residence of the taxpayer (and, if married, the taxpayer's spouse)) before the end of the recapture period—

''(A) the tax imposed by this chapter for the taxable year of such disposition or cessation, shall be increased by the excess of the amount of the credit allowed over the amounts of tax imposed by paragraph (1) for preceding taxable years, and

''(B) paragraph (1) shall not apply with respect to such credit for such taxable year or any subsequent taxable year.

''(3) LIMITATION BASED ON GAIN.—In the case of the sale of the principal residence to a person who is not related to the taxpayer, the increase in tax determined under paragraph (2) shall not exceed the amount of gain (if any) on such sale. Solely for purposes of the preceding sentence, the adjusted basis of such residence shall be reduced by the amount of the credit allowed under subsection (a) to the extent not previously recaptured under paragraph (1).

''(4) EXCEPTIONS.—

''(A) DEATH OF TAXPAYER.—Paragraphs (1) and (2) shall not apply to any taxable year ending after the date of the taxpayer's death.

''(B) INVOLUNTARY CONVERSION.—Paragraph (2) shall not apply in the case of a residence which is compulsorily or involuntarily converted (within the meaning of section 1033(a)) if the taxpayer acquires a new principal residence during the 2-year period beginning on the date of the disposition or cessation referred to in paragraph (2). Paragraph (2) shall apply to such new principal residence during the recapture period in the same manner as if such new principal residence were the converted residence.

''(C) TRANSFERS BETWEEN SPOUSES OR INCIDENT TO DIVORCE.—In the case of a transfer of a residence to which section 1041(a) applies—

''(i) paragraph (2) shall not apply to such transfer, and

''(ii) in the case of taxable years ending after such transfer, paragraphs (1) and (2) shall apply to the transferee in the same manner as if such transferee were the transferor (and shall not apply to the transferor).

''(5) JOINT RETURNS.—In the case of a credit allowed under subsection (a) with respect to a joint return, half of such credit shall be treated as having been allowed to each individual filing such return for purposes of this subsection.

''(6) RECAPTURE PERIOD.—For purposes of this subsection, the term 'recapture period' means the 15 taxable years beginning with the second taxable year following the taxable year in which the purchase of the principal residence for which a credit is allowed under subsection (a) was made.

''(g) APPLICATION OF SECTION.—This section shall only apply to a principal residence purchased by the taxpayer on or after April 9, 2008, and before April 1, 2009.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 26(b)(2) is amended by striking ''and'' at the end of subparagraph (U), by striking the period and inserting '', and'' and the end of subparagraph (V), and by inserting after subparagraph (V) the following new subparagraph:

''(W) section 36(f) (relating to recapture of homebuyer credit).''.

(2) Section 6211(b)(4)(A) is amended by striking ''34,'' and all that follows through ''6428'' and inserting ''34, 35, 36, 53(e), and 6428''.

(3) Section 1324(b)(2) of title 31, United States Code, is amended by inserting '', 36,'' after ''section 35''.

(4) The table of sections for subpart C of part IV of subchapter A of chapter 1 is amended by redesignating the item relating to section 36 as an item relating to section 37 and by inserting before such item the following new item:

''Sec. 36. First-time homebuyer credit.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to residences purchased on or after April 9, 2008, in taxable years ending on or after such date.

SEC. 713. ADDITIONAL STANDARD DEDUCTION FOR REAL PROPERTY TAXES FOR NONITEMIZERS.

(a) IN GENERAL.—Section 63(c)(1) (defining standard deduction) is amended by striking ''and'' at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting '', and'', and by adding at the end the following new subparagraph:

''(C) in the case of any taxable year beginning in 2008, the real property tax deduction.''.

(b) DEFINITION.—Section 63(c) is amended by adding at the end the following new paragraph:

''(7) REAL PROPERTY TAX DEDUCTION.—For purposes of paragraph (1), the real property tax deduction is the lesser of—

''(A) the amount allowable as a deduction under this chapter for State and local taxes described in section 164(a)(1), or

''(B) $350 ($700 in the case of a joint return).

Any taxes taken into account under section 62(a) shall not be taken into account under this paragraph.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

PART 3—GENERAL PROVISIONS

SEC. 715. TEMPORARY LIBERALIZATION OF TAX-EXEMPT HOUSING BOND RULES.

(a) TEMPORARY INCREASE IN VOLUME CAP.—

(1) IN GENERAL.—Subsection (d) of section 146 is amended by adding at the end the following new paragraph:

''(5) INCREASE AND SET ASIDE FOR HOUSING BONDS FOR 2008.—

''(A) INCREASE FOR 2008.—In the case of calendar year 2008, the State ceiling for each State shall be increased by an amount equal to $10,000,000,000 multiplied by a fraction—

''(i) the numerator of which is the population of such State, and

''(ii) the denominator of which is the total population of all States.

''(B) SET ASIDE.—

''(i) IN GENERAL.—Any amount of the State ceiling for any State which is attributable to an increase under this paragraph shall be allocated solely for one or more qualified housing issues.

''(ii) QUALIFIED HOUSING ISSUE.—For purposes of this paragraph, the term 'qualified housing issue' means—

''(I) an issue described in section 142(a)(7) (relating to qualified residential rental projects), or

''(II) a qualified mortgage issue (determined by substituting '12-month period' for '42-month period' each place it appears in section 143(a)(2)(D)(i)).''.

(2) CARRYFORWARD OF UNUSED LIMITATIONS.—Subsection (f) of section 146 is amended by adding at the end the following new paragraph:

''(6) SPECIAL RULES FOR INCREASED VOLUME CAP UNDER SUBSECTION (d)(5).—No amount which is attributable to the increase under subsection (d)(5) may be used—

''(A) for any issue other than a qualified housing issue (as defined in subsection (d)(5)), or

''(B) to issue any bond after calendar year 2010.''.

(b) TEMPORARY RULE FOR USE OF QUALIFIED MORTGAGE BONDS PROCEEDS FOR SUBPRIME REFINANCING LOANS.—

(1) IN GENERAL.—Section 143(k) (relating to other definitions and special rules) is amended by adding at the end the following new paragraph:

''(12) SPECIAL RULES FOR SUBPRIME REFINANCINGS.—

''(A) IN GENERAL.—Notwithstanding the requirements of subsection (i)(1), the proceeds of a qualified mortgage issue may be used to refinance a mortgage on a residence which was originally financed by the mortgagor through a qualified subprime loan.

''(B) SPECIAL RULES.—In applying subparagraph (A) to any refinancing—

''(i) subsection (a)(2)(D)(i) shall be applied by substituting '12-month period' for '42-month period' each place it appears,

''(ii) subsection (d) (relating to 3-year requirement) shall not apply, and

''(iii) subsection (e) (relating to purchase price requirement) shall be applied by using the market value of the residence at the time of refinancing in lieu of the acquisition cost.

''(C) QUALIFIED SUBPRIME LOAN.—The term 'qualified subprime loan' means an adjustable rate single-family residential mortgage loan made after December 31, 2001, and before January 1, 2008, that the bond issuer determines would be reasonably likely to cause financial hardship to the borrower if not refinanced.

''(D) TERMINATION.—This paragraph shall not apply to any bonds issued after December 31, 2010.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to bonds issued after the date of the enactment of this Act.

SEC. 716. REPEAL OF ALTERNATIVE MINIMUM TAX LIMITATIONS ON TAX-EXEMPT HOUSING BONDS, LOW-INCOME HOUSING TAX CREDIT, AND REHABILITATION CREDIT.

(a) TAX-EXEMPT INTEREST ON CERTAIN HOUSING BONDS EXEMPTED FROM ALTERNATIVE MINIMUM TAX.—

(1) IN GENERAL.—Subparagraph (C) of section 57(a)(5) (relating to specified private activity bonds) is amended by redesignating clauses (iii) and (iv) as clauses (iv) and (v), respectively, and by inserting after clause (ii) the following new clause:

''(iii) EXCEPTION FOR CERTAIN HOUSING BONDS.—For purposes of clause (i), the term 'private activity bond' shall not include any bond issued after the date of the enactment of this clause if such bond is—

''(I) an exempt facility bond issued as part of an issue 95 percent or more of the net proceeds of which are to be used to provide qualified residential rental projects (as defined in section 142(d)),

''(II) a qualified mortgage bond (as defined in section 143(a)), or

''(III) a qualified veterans' mortgage bond (as defined in section 143(b)).

The preceding sentence shall not apply to any refunding bond unless such preceding sentence applied to the refunded bond (or in the case of a series of refundings, the original bond).''.

(2) NO ADJUSTMENT TO ADJUSTED CURRENT EARNINGS.—Subparagraph (B) of section 56(g)(4) is amended by adding at the end the following new clause:

''(iii) TAX EXEMPT INTEREST ON CERTAIN HOUSING BONDS.—Clause (i) shall not apply in the case of any interest on a bond to which section 57(a)(5)(C)(iii) applies.''.

(b) ALLOWANCE OF LOW-INCOME HOUSING CREDIT AGAINST ALTERNATIVE MINIMUM TAX.—Subparagraph (B) of section 38(c)(4) (relating to specified credits) is amended by redesignating clauses (ii) through (iv) as clauses (iii) through (v) and inserting after clause (i) the following new clause:

''(ii) the credit determined under section 42 to the extent attributable to buildings placed in service after December 31, 2007,''.

(c) ALLOWANCE OF REHABILITATION CREDIT AGAINST ALTERNATIVE MINIMUM TAX.—Subparagraph (B) of section 38(c)(4), as amended by subsection (b), is amended by striking ''and'' at the end of clause (iv), by redesignating clause (v) as clause (vi), and by inserting after clause (iv) the following new clause:

''(v) the credit determined under section 47 to the extent attributable to qualified rehabilitation expenditures properly taken into account for periods after December 31, 2007, and''.

(d) EFFECTIVE DATE.—

(1) HOUSING BONDS.—The amendments made by subsection (a) shall apply to bonds issued after the date of the enactment of this Act.

(2) LOW INCOME HOUSING CREDIT.—The amendments made by subsection (b) shall apply to credits determined under section 42 of the Internal Revenue Code of 1986 to the extent attributable to buildings placed in service after December 31, 2007.

(3) REHABILITATION CREDIT.—The amendments made by subsection (c) shall apply to credits determined under section 47 of the Internal Revenue Code of 1986 to the extent attributable to qualified rehabilitation expenditures properly taken into account for periods after December 31, 2007.

SEC. 717. BONDS GUARANTEED BY FEDERAL HOME LOAN BANKS ELIGIBLE FOR TREATMENT AS TAX-EXEMPT BONDS.

(a) IN GENERAL.—Subparagraph (A) of section 149(b)(3) (relating to exceptions for certain insurance programs) is amended by striking ''or'' at the end of clause (ii), by striking the period at the end of clause (iii) and inserting '', or'' and by adding at the end the following new clause:

''(iv) any guarantee by a Federal home loan bank made in connection with the original issuance of a bond during the period beginning on the date of the enactment of this Act and ending on December 31, 2010 (or a renewal or extension of a guarantee so made).''.

(b) SAFETY AND SOUNDNESS REQUIREMENTS.—Paragraph (3) of section 149(b) is amended by adding at the end the following new subparagraph:

''(E) SAFETY AND SOUNDNESS REQUIREMENTS FOR FEDERAL HOME LOAN BANKS.—Clause (iv) of subparagraph (A) shall not apply to any guarantee by a Federal home loan bank unless such bank meets safety and soundness collateral requirements for such guarantees which are at least as stringent as such requirements which apply under regulations applicable to such guarantees by Federal home loan banks as in effect on April 9, 2008.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to guarantees made after the date of the enactment of this Act.

SEC. 718. MODIFICATION OF RULES PERTAINING TO FIRPTA NONFOREIGN AFFIDAVITS.

(a) IN GENERAL.—Subsection (b) of section 1445 (relating to exemptions) is amended by adding at the end the following:

''(9) ALTERNATIVE PROCEDURE FOR FURNISHING NONFOREIGN AFFIDAVIT.—For purposes of paragraphs (2) and (7)—

''(A) IN GENERAL.—Paragraph (2) shall be treated as applying to a transaction if, in connection with a disposition of a United States real property interest—

''(i) the affidavit specified in paragraph (2) is furnished to a qualified substitute, and

''(ii) the qualified substitute furnishes a statement to the transferee stating, under penalty of perjury, that the qualified substitute has such affidavit in his possession.

''(B) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out this paragraph.''.

(b) QUALIFIED SUBSTITUTE.—Subsection (f) of section 1445 (relating to definitions) is amended by adding at the end the following new paragraph:

''(6) QUALIFIED SUBSTITUTE.—The term 'qualified substitute' means, with respect to a disposition of a United States real property interest—

''(A) the person (including any attorney or title company) responsible for closing the transaction, other than the transferor's agent, and

''(B) the transferee's agent.''.

(c) EXEMPTION NOT TO APPLY IF KNOWLEDGE OR NOTICE THAT AFFIDAVIT OR STATEMENT IS FALSE.—

(1) IN GENERAL.—Paragraph (7) of section 1445(b) (relating to special rules for paragraphs (2) and (3)) is amended to read as follows:

''(7) SPECIAL RULES FOR PARAGRAPHS (2), (3), AND (9).—Paragraph (2), (3), or (9) (as the case may be) shall not apply to any disposition—

''(A) if—

''(i) the transferee or qualified substitute has actual knowledge that the affidavit referred to in such paragraph, or the statement referred to in paragraph (9)(A)(ii), is false, or

''(ii) the transferee or qualified substitute receives a notice (as described in subsection (d)) from a transferor's agent, transferee's agent, or qualified substitute that such affidavit or statement is false, or

''(B) if the Secretary by regulations requires the transferee or qualified substitute to furnish a copy of such affidavit or statement to the Secretary and the transferee or qualified substitute fails to furnish a copy of such affidavit or statement to the Secretary at such time and in such manner as required by such regulations.''.

(2) LIABILITY.—

(A) NOTICE.—Paragraph (1) of section 1445(d) (relating to notice of false affidavit; foreign corporations) is amended to read as follows:

''(1) NOTICE OF FALSE AFFIDAVIT; FOREIGN CORPORATIONS.—If—

''(A) the transferor furnishes the transferee or qualified substitute an affidavit described in paragraph (2) of subsection (b) or a domestic corporation furnishes the transferee an affidavit described in paragraph (3) of subsection (b), and

''(B) in the case of—

''(i) any transferor's agent—

''(I) such agent has actual knowledge that such affidavit is false, or

''(II) in the case of an affidavit described in subsection (b)(2) furnished by a corporation, such corporation is a foreign corporation, or

''(ii) any transferee's agent or qualified substitute, such agent or substitute has actual knowledge that such affidavit is false,

such agent or qualified substitute shall so notify the transferee at such time and in such manner as the Secretary shall require by regulations.''.

(B) FAILURE TO FURNISH NOTICE.—Paragraph (2) of section 1445(d) (relating to failure to furnish notice) is amended to read as follows:

''(2) FAILURE TO FURNISH NOTICE.—

''(A) IN GENERAL.—If any transferor's agent, transferee's agent, or qualified substitute is required by paragraph (1) to furnish notice, but fails to furnish such notice at such time or times and in such manner as may be required by regulations, such agent or substitute shall have the same duty to deduct and withhold that the transferee would have had if such agent or substitute had complied with paragraph (1).

''(B) LIABILITY LIMITED TO AMOUNT OF COMPENSATION.—An agent's or substitute's liability under subparagraph (A) shall be limited to the amount of compensation the agent or substitute derives from the transaction.''.

(C) CONFORMING AMENDMENT.—The heading for section 1445(d) is amended by striking ''OR TRANSFEREE'S AGENTS'' and inserting '', TRANSFEREE'S AGENTS, OR QUALIFIED SUBSTITUTES''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to dispositions of United States real property interests after the date of the enactment of this Act.

SEC. 719. MODIFICATION OF DEFINITION OF TAX-EXEMPT USE PROPERTY FOR PURPOSES OF THE REHABILITATION CREDIT.

(a) IN GENERAL.—Subclause (I) of section 47(c)(2)(B)(v) is amended by striking ''section 168(h)'' and inserting ''section 168(h), except that '50 percent' shall be substituted for '35 percent' in paragraph (1)(B)(iii) thereof''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to expenditures properly taken into account for periods after December 31, 2007.

Subtitle B—Reforms Related to Real Estate Investment Trusts

PART 1—FOREIGN CURRENCY AND OTHER QUALIFIED ACTIVITIES

SEC. 721. REVISIONS TO REIT INCOME TESTS.

(a) ADDITION OF PERMISSIBLE INCOME CATEGORIES.—Section 856(c) (relating to limitations) is amended—

(1) by striking ''and'' at the end of paragraph (2)(G) and by inserting after paragraph (2)(H) the following new subparagraphs:

''(I) passive foreign exchange gains; and

''(J) any other item of income or gain as determined by the Secretary;'', and

(2) by striking ''and'' at the end of paragraphs (3)(H) and (3)(I) and by inserting after paragraph (3)(I) the following new subparagraphs:

''(J) real estate foreign exchange gains; and

''(K) any other item of income or gain as determined by the Secretary; and''.

(b) RULES REGARDING FOREIGN CURRENCY TRANSACTIONS.—Section 856 (defining real estate investment trust) is amended by adding at the end the following new subsection:

''(n) RULES REGARDING FOREIGN CURRENCY TRANSACTIONS.—With respect to any taxable year—

''(1) REAL ESTATE FOREIGN EXCHANGE GAINS.—For purposes of subsection (c)(3)(J), the term 'real estate foreign exchange gains' means—

''(A) foreign currency gains (as defined in section 988(b)(1)) which are attributable to—

''(i) any item described in subsection (c)(3) (other than in subparagraph (J) thereof),

''(ii) the acquisition or ownership of obligations secured by mortgages on real property or on interests in real property (other than foreign currency gains attributable to any item described in clause (i)), or

''(iii) becoming or being the obligor under obligations secured by mortgages on real property or on interests in real property (other than foreign currency gains attributable to any item described in clause (i)),

''(B) gains described in section 987 attributable to a qualified business unit (as defined by section 989) of the real estate investment trust, but only if such qualified business unit meets the requirements under—

''(i) subsection (c)(3) (without regard to subparagraph (J) thereof) for the taxable year, and

''(ii) subsection (c)(4)(A) at the close of each quarter that the real estate investment trust has directly or indirectly held the qualified business unit, and

''(C) any other foreign currency gains as determined by the Secretary.

''(2) PASSIVE FOREIGN EXCHANGE GAINS.—For purposes of subsection (c)(2)(I), the term 'passive foreign exchange gains' means—

''(A) real estate foreign exchange gains,

''(B) foreign currency gains (as defined in section 988(b)(1)) which are not described in subparagraph (A) and which are attributable to any item described in subsection (c)(2) (other than in subparagraph (I) thereof), and

''(C) any other foreign currency gains as determined by the Secretary.''.

(c) ADDITION TO REIT HEDGING RULE.—Subparagraph (G) of section 856(c)(5) is amended to read as follows:

''(G) TREATMENT OF CERTAIN HEDGING INSTRUMENTS.—Except to the extent as determined by the Secretary—

''(i) any income of a real estate investment trust from a hedging transaction (as defined in clause (ii) or (iii) of section 1221(b)(2)(A)) which is clearly identified pursuant to section 1221(a)(7), including gain from the sale or disposition of such a transaction, shall not constitute gross income under paragraphs (2) and (3) to the extent that the transaction hedges any indebtedness incurred or to be incurred by the trust to acquire or carry real estate assets, and

''(ii) any income of a real estate investment trust from a transaction entered into by the trust primarily to manage risk of currency fluctuations with respect to any item described in paragraph (2) or (3), including gain from the termination of such a transaction, shall not constitute gross income under paragraphs (2) and (3), but only if such transaction is clearly identified as such before the close of the day on which it was acquired, originated, or entered into (or such other time as the Secretary may prescribe).''.

(d) AUTHORITY TO EXCLUDE ITEMS OF INCOME FROM REIT INCOME TESTS.—Section 856(c)(5) is amended by adding at the end the following new subparagraph:

''(H) SECRETARIAL AUTHORITY TO EXCLUDE OTHER ITEMS OF INCOME.—The Secretary is authorized to determine whether any item of income or gain which does not otherwise qualify under paragraph (2) or (3) may be considered as not constituting gross income solely for purposes of this part.''.

SEC. 722. REVISIONS TO REIT ASSET TESTS.

(a) CLARIFICATION OF VALUATION TEST.—The first sentence in the matter following section 856(c)(4)(B)(iii)(III) is amended by inserting ''(including a discrepancy caused solely by the change in the foreign currency exchange rate used to value a foreign asset)'' after ''such requirements''.

(b) CLARIFICATION OF PERMISSIBLE ASSET CATEGORY.—Section 856(c)(5), as amended by section 721(d), is amended by adding at the end the following new subparagraph:

''(I) CASH.—The term 'cash' includes foreign currency if the real estate investment trust or its qualified business unit (as defined in section 989) uses such foreign currency as its functional currency (as defined in section 985(b)).''.

SEC. 723. CONFORMING FOREIGN CURRENCY REVISIONS.

(a) NET INCOME FROM FORECLOSURE PROPERTY.—Clause (i) of section 857(b)(4)(B) is amended to read as follows:

''(i) gain (including any foreign currency gain, as defined in section 988(b)(1)) from the sale or other disposition of foreclosure property described in section 1221(a)(1) and the gross income for the taxable year derived from foreclosure property (as defined in section 856(e)), but only to the extent such gross income is not described in (or, in the case of foreign currency gain, not attributable to gross income described in) section 856(c)(3) other than subparagraph (F) thereof, over''.

(b) NET INCOME FROM PROHIBITED TRANSACTIONS.—Clause (i) of section 857(b)(6)(B) is amended to read as follows:

''(i) the term 'net income derived from prohibited transactions' means the excess of the gain (including any foreign currency gain, as defined in section 988(b)(1)) from prohibited transactions over the deductions (including any foreign currency loss, as defined in section 988(b)(2)) allowed by this chapter which are directly connected with prohibited transactions;''.

PART 2—TAXABLE REIT SUBSIDIARIES

SEC. 725. CONFORMING TAXABLE REIT SUBSIDIARY ASSET TEST.

Section 856(c)(4)(B)(ii) is amended by striking ''20 percent'' and inserting ''25 percent''.

PART 3—DEALER SALES

SEC. 727. HOLDING PERIOD UNDER SAFE HARBOR.

Section 857(b)(6) (relating to income from prohibited transactions) is amended—

(1) by striking ''4 years'' in subparagraphs (C)(i), (C)(iv), and (D)(i) and inserting ''2 years'',

(2) by striking ''4-year period'' in subparagraphs (C)(ii), (D)(ii), and (D)(iii) and inserting ''2-year period'', and

(3) by striking ''real estate asset''and all that follows through ''if'' in the matter preceding clause (i) of subparagraphs (C) and (D), respectively, and inserting ''real estate asset (as defined in section 856(c)(5)(B)) and which is described in section 1221(a)(1) if''.

SEC. 728. DETERMINING VALUE OF SALES UNDER SAFE HARBOR.

Section 857(b)(6) is amended—

(1) by striking the semicolon at the end of subparagraph (C)(iii) and inserting '', or (III) the fair market value of property (other than sales of foreclosure property or sales to which section 1033 applies) sold during the taxable year does not exceed 10 percent of the fair market value of all of the assets of the trust as of the beginning of the taxable year;'', and

(2) by adding ''or'' at the end of subclause (II) of subparagraph (D)(iv) and by adding at the end of such subparagraph the following new subclause:

''(III) the fair market value of property (other than sales of foreclosure property or sales to which section 1033 applies) sold during the taxable year does not exceed 10 percent of the fair market value of all of the assets of the trust as of the beginning of the taxable year,''.

PART 4—HEALTH CARE REITS

SEC. 730. CONFORMITY FOR HEALTH CARE FACILITIES.

(a) RELATED PARTY RENTALS.—Subparagraph (B) of section 856(d)(8) (relating to special rule for taxable REIT subsidiaries) is amended to read as follows:

''(B) EXCEPTION FOR CERTAIN LODGING FACILITIES AND HEALTH CARE PROPERTY.—The requirements of this subparagraph are met with respect to an interest in real property which is a qualified lodging facility or a qualified health care property (as defined in subsection (e)(6)(D)(i)) leased by the trust to a taxable REIT subsidiary of the trust if the property is operated on behalf of such subsidiary by a person who is an eligible independent contractor. For purposes of this section, a taxable REIT subsidiary is not considered to be operating or managing a qualified health care property or qualified lodging facility solely because it directly or indirectly possesses a license, permit or similar instrument enabling it to do so.''.

(b) ELIGIBLE INDEPENDENT CONTRACTOR.—Subparagraphs (A) and (B) of section 856(d)(9) (relating to eligible independent contractor) are amended to read as follows:

''(A) IN GENERAL.—The term 'eligible independent contractor' means, with respect to any qualified lodging facility or qualified health care property (as defined in subsection (e)(6)(D)(i)), any independent contractor if, at the time such contractor enters into a management agreement or other similar service contract with the taxable REIT subsidiary to operate such qualified lodging facility or qualified health care property, such contractor (or any related person) is actively engaged in the trade or business of operating qualified lodging facilities or qualified health care properties, respectively, for any person who is not a related person with respect to the real estate investment trust or the taxable REIT subsidiary.

''(B) SPECIAL RULES.—Solely for purposes of this paragraph and paragraph (8)(B), a person shall not fail to be treated as an independent contractor with respect to any qualified lodging facility or qualified health care property (as so defined) by reason of the following:

''(i) The taxable REIT subsidiary bears the expenses for the operation of such qualified lodging facility or qualified health care property pursuant to the management agreement or other similar service contract.

''(ii) The taxable REIT subsidiary receives the revenues from the operation of such qualified lodging facility or qualified health care property, net of expenses for such operation and fees payable to the operator pursuant to such agreement or contract.

''(iii) The real estate investment trust receives income from such person with respect to another property that is attributable to a lease of such other property to such person that was in effect as of the later of—

''(I) January 1, 1999, or

''(II) the earliest date that any taxable REIT subsidiary of such trust entered into a management agreement or other similar service contract with such person with respect to such qualified lodging facility or qualified health care property.''.

(c) TAXABLE REIT SUBSIDIARIES.—The last sentence of section 856(l)(3) is amended—

(1) by inserting ''or a health care facility'' after ''a lodging facility'', and

(2) by inserting ''or health care facility'' after ''such lodging facility''.

PART 5—EFFECTIVE DATES

SEC. 732. EFFECTIVE DATES.

(a) IN GENERAL.—Except as otherwise provided in this section, the amendments made by this subtitle shall apply to taxable years beginning after the date of the enactment of this Act.

(b) REIT INCOME TESTS.—

(1) The amendment made by section 721(a) and (b) shall apply to gains and items of income recognized after the date of the enactment of this Act.

(2) The amendment made by section 721(c) shall apply to transactions entered into after the date of the enactment of this Act.

(3) The amendment made by section 721(d) shall apply after the date of the enactment of this Act.

(c) CONFORMING FOREIGN CURRENCY REVISIONS.—

(1) The amendment made by section 723(a) shall apply to gains recognized after the date of the enactment of this Act.

(2) The amendment made by section 723(b) shall apply to gains and deductions recognized after the date of the enactment of this Act.

(d) DEALER SALES.—The amendments made by part 3 shall apply to sales made after the date of the enactment of this Act.

Subtitle C—Revenue Provisions

SEC. 741. BROKER REPORTING OF CUSTOMER'S BASIS IN SECURITIES TRANSACTIONS.

(a) IN GENERAL.—

(1) BROKER REPORTING FOR SECURITIES TRANSACTIONS.—Section 6045 (relating to returns of brokers) is amended by adding at the end the following new subsection:

''(g) ADDITIONAL INFORMATION REQUIRED IN THE CASE OF SECURITIES TRANSACTIONS, ETC.—

''(1) IN GENERAL.—If a broker is otherwise required to make a return under subsection (a) with respect to the gross proceeds of the sale of a covered security, the broker shall include in such return the information described in paragraph (2).

''(2) ADDITIONAL INFORMATION REQUIRED.—

''(A) IN GENERAL.—The information required under paragraph (1) to be shown on a return with respect to a covered security of a customer shall include the customer's adjusted basis in such security and whether any gain or loss with respect to such security is long-term or short-term (within the meaning of section 1222).

''(B) DETERMINATION OF ADJUSTED BASIS.—For purposes of subparagraph (A)—

''(i) IN GENERAL.—The customer's adjusted basis shall be determined—

''(I) in the case of any security (other than any stock for which an average basis method is permissible under section 1012), in accordance with the first-in first-out method unless the customer notifies the broker by means of making an adequate identification of the stock sold or transferred, and

''(II) in the case of any stock for which an average basis method is permissible under section 1012, in accordance with the broker's default method unless the customer notifies the broker that he elects another acceptable method under section 1012 with respect to the account in which such stock is held.

''(ii) EXCEPTION FOR WASH SALES.—Except as otherwise provided by the Secretary, the customer's adjusted basis shall be determined without regard to section 1091 (relating to loss from wash sales of stock or securities) unless the transactions occur in the same account with respect to identical securities.

''(3) COVERED SECURITY.—For purposes of this subsection—

''(A) IN GENERAL.—The term 'covered security' means any specified security acquired on or after the applicable date if such security—

''(i) was acquired through a transaction in the account in which such security is held, or

''(ii) was transferred to such account from an account in which such security was a covered security, but only if the broker received a statement under section 6045A with respect to the transfer.

''(B) SPECIFIED SECURITY.—The term 'specified security' means—

''(i) any share of stock in a corporation,

''(ii) any note, bond, debenture, or other evidence of indebtedness,

''(iii) any commodity, or contract or derivative with respect to such commodity, if the Secretary determines that adjusted basis reporting is appropriate for purposes of this subsection, and

''(iv) any other financial instrument with respect to which the Secretary determines that adjusted basis reporting is appropriate for purposes of this subsection.

''(C) APPLICABLE DATE.—The term 'applicable date' means—

''(i) January 1, 2010, in the case of any specified security which is stock in a corporation (other than any stock described in clause (ii)),

''(ii) January 1, 2011, in the case of any stock for which an average basis method is permissible under section 1012, and

''(iii) January 1, 2012, or such later date determined by the Secretary in the case of any other specified security.

''(4) TREATMENT OF S CORPORATIONS.—In the case of the sale of a covered security acquired by an S corporation (other than a financial institution) after December 31, 2011, such S corporation shall be treated in the same manner as a partnership for purposes of this section.

''(5) SPECIAL RULES FOR SHORT SALES.—In the case of a short sale, reporting under this section shall be made for the year in which such sale is closed.''.

(2) BROKER INFORMATION REQUIRED WITH RESPECT TO OPTIONS.—Section 6045, as amended by subsection (a), is amended by adding at the end the following new subsection:

''(h) APPLICATION TO OPTIONS ON SECURITIES.—

''(1) EXERCISE OF OPTION.—For purposes of this section, if a covered security is acquired or disposed of pursuant to the exercise of an option that was granted or acquired in the same account as the covered security, the amount received with respect to the grant or paid with respect to the acquisition of such option shall be treated as an adjustment to gross proceeds or as an adjustment to basis, as the case may be.

''(2) LAPSE OR CLOSING TRANSACTION.—In the case of the lapse (or closing transaction (as defined in section 1234(b)(2)(A))) of an option on a specified security or the exercise of a cash-settled option on a specified security, reporting under subsections (a) and (g) with respect to such option shall be made for the calendar year which includes the date of such lapse, closing transaction, or exercise.

''(3) PROSPECTIVE APPLICATION.—Paragraphs (1) and (2) shall not apply to any option which is granted or acquired before January 1, 2012.

''(4) DEFINITIONS.—For purposes of this subsection, the terms 'covered security' and 'specified security' shall have the meanings given such terms in subsection (g)(3).''.

(3) EXTENSION OF PERIOD FOR STATEMENTS SENT TO CUSTOMERS.—

(A) IN GENERAL.—Subsection (b) of section 6045 is amended by striking ''January 31'' and inserting ''February 15''.

(B) STATEMENTS RELATED TO SUBSTITUTE PAYMENTS.—Subsection (d) of section 6045 is amended—

(i) by striking ''at such time and'', and

(ii) by inserting after ''other item.'' the following new sentence: ''The written statement required under the preceding sentence shall be furnished on or before February 15 of the year following the calendar year in which the payment was made.''.

(C) OTHER STATEMENTS.—Subsection (b) of section 6045 is amended by adding at the end the following: ''In the case of a consolidated reporting statement (as defined in regulations) with respect to any account, any statement which would otherwise be required to be furnished on or before January 31 of a calendar year with respect to any item reportable to the taxpayer shall instead be required to be furnished on or before February 15 of such calendar year if furnished with such consolidated reporting statement.''.

(b) DETERMINATION OF BASIS OF CERTAIN SECURITIES ON ACCOUNT BY ACCOUNT OR AVERAGE BASIS METHOD.—Section 1012 (relating to basis of property–cost) is amended—

(1) by striking ''The basis of property'' and inserting the following:

''(a) IN GENERAL.—The basis of property'',

(2) by striking ''The cost of real property'' and inserting the following:

''(b) SPECIAL RULE FOR APPORTIONED REAL ESTATE TAXES.—The cost of real property'', and

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

''(c) DETERMINATIONS BY ACCOUNT.—

''(1) IN GENERAL.—In the case of the sale, exchange, or other disposition of a specified security on or after the applicable date, the conventions prescribed by regulations under this section shall be applied on an account by account basis.

''(2) APPLICATION TO OPEN-END FUNDS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), any stock in an open-end fund acquired before January 1, 2011, shall be treated as a separate account from any such stock acquired on or after such date.

''(B) ELECTION BY OPEN-END FUND FOR TREATMENT AS SINGLE ACCOUNT.—If an open-end fund elects to have this subparagraph apply with respect to one or more of its stockholders—

''(i) subparagraph (A) shall not apply with respect to any stock in such fund held by such stockholders, and

''(ii) all stock in such fund which is held by such stockholders shall be treated as covered securities described in section 6045(g)(3) without regard to the date of the acquisition of such stock.

A rule similar to the rule of the preceding sentence shall apply with respect to a broker holding stock in an open-end fund as a nominee.

''(3) DEFINITIONS.—For purposes of this section—

''(A) OPEN-END FUND.—The term 'open-end fund' means a regulated investment company (as defined in section 851) which is offering for sale or has outstanding any redeemable security of which it is the issuer. Any stock which is traded on an established securities exchange shall not be treated as stock in an open-end fund.

''(B) SPECIFIED SECURITY; APPLICABLE DATE.—The terms 'specified security' and 'applicable date' shall have the meaning given such terms in section 6045(g).

''(d) AVERAGE BASIS FOR STOCK ACQUIRED PURSUANT TO A DIVIDEND REINVESTMENT PLAN.—

''(1) IN GENERAL.—In the case of any stock acquired after December 31, 2010, in connection with a dividend reinvestment plan, the basis of such stock while held as part of such plan shall be determined using one of the methods which may be used for determining the basis of stock in an open-end fund.

''(2) TREATMENT AFTER TRANSFER.—In the case of the transfer to another account of stock to which paragraph (1) applies, such stock shall have a cost basis in such other account equal to its basis in the dividend reinvestment plan immediately before such transfer (properly adjusted for any fees or other charges taken into account in connection with such transfer).

''(3) SEPARATE ACCOUNTS; ELECTION FOR TREATMENT AS SINGLE ACCOUNT.—Rules similar to the rules of subsection (c)(2) shall apply for purposes of this subsection.

''(4) DIVIDEND REINVESTMENT PLAN.—For purposes of this subsection—

''(A) IN GENERAL.—The term 'dividend reinvestment plan' means any arrangement under which dividends on any stock are reinvested in stock identical to the stock with respect to which the dividends are paid.

''(B) INITIAL STOCK ACQUISITION TREATED AS ACQUIRED IN CONNECTION WITH PLAN.—Stock shall be treated as acquired in connection with a dividend reinvestment plan if such stock is acquired pursuant to such plan or if the dividends paid on such stock are subject to such plan.''.

(c) INFORMATION BY TRANSFERORS TO AID BROKERS.—

(1) IN GENERAL.—Subpart B of part III of subchapter A of chapter 61 is amended by inserting after section 6045 the following new section:

''SEC. 6045A. INFORMATION REQUIRED IN CONNECTION WITH TRANSFERS OF COVERED SECURITIES TO BROKERS.

''(a) FURNISHING OF INFORMATION.—Every applicable person which transfers to a broker (as defined in section 6045(c)(1)) a security which is a covered security (as defined in section 6045(g)(3)) in the hands of such applicable person shall furnish to such broker a written statement in such manner and setting forth such information as the Secretary

may by regulations prescribe for purposes of enabling such broker to meet the requirements of section 6045(g).

''(b) APPLICABLE PERSON.—For purposes of subsection (a), the term 'applicable person' means—

''(1) any broker (as defined in section 6045(c)(1)), and

''(2) any other person as provided by the Secretary in regulations.

''(c) TIME FOR FURNISHING STATEMENT.—Except as otherwise provided by the Secretary, any statement required by subsection (a) shall be furnished not later than 15 days after the date of the transfer described in such subsection.''.

(2) ASSESSABLE PENALTIES.—Paragraph (2) of section 6724(d) (defining payee statement) is amended by redesignating subparagraphs (I) through (CC) as subparagraphs (J) through (DD), respectively, and by inserting after subparagraph (H) the following new subparagraph:

''(I) section 6045A (relating to information required in connection with transfers of covered securities to brokers),''.

(3) CLERICAL AMENDMENT.—The table of sections for subpart B of part III of subchapter A of chapter 61 is amended by inserting after the item relating to section 6045 the following new item:

''Sec. 6045A. Information required in connection with transfers of covered securities to brokers.''.

(d) ADDITIONAL ISSUER INFORMATION TO AID BROKERS.—

(1) IN GENERAL.—Subpart B of part III of subchapter A of chapter 61, as amended by subsection (b), is amended by inserting after section 6045A the following new section:

''SEC. 6045B. RETURNS RELATING TO ACTIONS AFFECTING BASIS OF SPECIFIED SECURITIES.

''(a) IN GENERAL.—According to the forms or regulations prescribed by the Secretary, any issuer of a specified security shall make a return setting forth—

''(1) a description of any organizational action which affects the basis of such specified security of such issuer,

''(2) the quantitative effect on the basis of such specified security resulting from such action, and

''(3) such other information as the Secretary may prescribe.

''(b) TIME FOR FILING RETURN.—Any return required by subsection (a) shall be filed not later than the earlier of—

''(1) 45 days after the date of the action described in subsection (a), or

''(2) January 15 of the year following the calendar year during which such action occurred.

''(c) STATEMENTS TO BE FURNISHED TO HOLDERS OF SPECIFIED SECURITIES OR THEIR NOMINEES.—According to the forms or regulations prescribed by the Secretary, every person required to make a return under subsection (a) with respect to a specified security shall furnish to the nominee with respect to the specified security (or certificate holder if there is no nominee) a written statement showing—

''(1) the name, address, and phone number of the information contact of the person required to make such return,

''(2) the information required to be shown on such return with respect to such security, and

''(3) such other information as the Secretary may prescribe.

The written statement required under the preceding sentence shall be furnished to the holder on or before January 15 of the year following the calendar year during which the action described in subsection (a) occurred.

''(d) SPECIFIED SECURITY.—For purposes of this section, the term 'specified security' has the meaning given such term by section 6045(g)(3)(B). No return shall be required under this section with respect to actions described in subsection (a) with respect to a specified security which occur before the applicable date (as defined in section 6045(g)(3)(C)) with respect to such security.

''(e) PUBLIC REPORTING IN LIEU OF RETURN.—The Secretary may waive the requirements under subsections (a) and (c) with respect to a specified security, if the person required to make the return under subsection (a) makes publicly available, in such form and manner as the Secretary determines necessary to carry out the purposes of this section—

''(1) the name, address, phone number, and email address of the information contact of such person, and

''(2) the information described in paragraphs (1), (2), and (3) of subsection (a).''.

(2) ASSESSABLE PENALTIES.—

(A) Subparagraph (B) of section 6724(d)(1) of such Code (defining information return) is amended by redesignating clause (iv) and each of the clauses which follow as clauses (v) through (xxii), respectively, and by inserting after clause (iii) the following new clause:

''(iv) section 6045B(a) (relating to returns relating to actions affecting basis of specified securities),''.

(B) Paragraph (2) of section 6724(d) of such Code (defining payee statement), as amended by subsection (c)(2), is amended by redesignating subparagraphs (J) through (DD) as subparagraphs (K) through (EE), respectively, and by inserting after subparagraph (I) the following new subparagraph:

''(J) subsections (c) and (e) of section 6045B (relating to returns relating to actions affecting basis of specified securities),''.

(3) CLERICAL AMENDMENT.—The table of sections for subpart B of part III of subchapter A of chapter 61 of such Code, as amended by subsection (b)(3), is amended by inserting after the item relating to section 6045A the following new item:

''Sec. 6045B. Returns relating to actions affecting basis of specified securities.''.

(e) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall take effect on January 1, 2010.

(2) EXTENSION OF PERIOD FOR STATEMENTS SENT TO CUSTOMERS.—The amendments made by subsection (a)(3) shall apply to statements required to be furnished after December 31, 2008.

SEC. 742. DELAY IN APPLICATION OF WORLDWIDE ALLOCATION OF INTEREST.

(a) IN GENERAL.—Paragraphs (5)(D) and (6) of section 864(f) are each amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(b) TRANSITIONAL RULE.—Subsection (f) of section 864 is amended by adding at the end the following new paragraph:

''(7) TRANSITION.—In the case of the first taxable year to which this subsection applies, the increase (if any) in the amount of the interest expense allocable to sources within the United States by reason of the application of this subsection shall be 78 percent of the amount of such increase determined without regard to this paragraph.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2008.

SEC. 743. TIME FOR PAYMENT OF CORPORATE ESTIMATED TAXES.

(a) REPEAL OF ADJUSTMENT FOR 2012.—Subparagraph (B) of section 401(1) of the Tax Increase Prevention and Reconciliation Act of 2005 is amended by striking the percentage contained therein and inserting ''100 percent''.

(b) MODIFICATION OF ADJUSTMENT FOR 2013.—The percentage under subparagraph (C) of section 401(1) of the Tax Increase Prevention and Reconciliation Act of 2005 in effect on the date of the enactment of this Act is increased by 13 percentage points.

Subtitle D—Coordination of Federal Housing Programs and Tax Incentives for Housing

SEC. 751. SHORT TITLE.

This subtitle may be cited as the ''Housing Tax Credit Coordination Act of 2008''.

SEC. 752. APPROVALS BY DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.

(a) ADMINISTRATIVE AND PROCEDURAL CHANGES.—

(1) IN GENERAL.—The Secretary of Housing and Urban Development (in this section referred to as the ''Secretary'') shall, not later than the expiration of the 6-month period beginning upon after the date of the enactment of this Act, implement administrative and procedural changes to expedite approval of multifamily housing projects under the jurisdiction of the Department of Housing and Urban Development that meet the requirements of the Secretary for such approvals.

(2) PROJECTS.—The multifamily housing projects referred to in paragraph (1) shall include—

(A) projects for which assistance is provided by such Department in conjunction with any low-income housing tax credits under section 42 of the Internal Revenue Code of 1986 or tax-exempt housing bonds; and

(B) existing public housing projects and assisted housing projects, for which approval of the Secretary is necessary for transactions, in conjunction with any such low-income housing tax credits or tax-exempt housing bonds, involving the preservation or rehabilitation of the project.

(3) CHANGES.—The administrative and procedural changes referred to in paragraph (1) shall include all actions necessary to carry out paragraph (1), which may include—

(A) improving the efficiency of approval procedures;

(B) simplifying approval requirements,

(C) establishing time deadlines or target deadlines for required approvals;

(D) modifying division of approval authority between field and national offices;

(E) improving outreach to project sponsors regarding information that is required to be submitted for such approvals;

(F) requesting additional funding for increasing staff, if necessary; and

(G) any other actions which would expedite approvals.

Any such changes shall be made in a manner that provides for full compliance with any existing requirements under law or regulation that are designed to protect families receiving public and assisted housing assistance, including income targeting, rent, and fair housing provisions, and shall also comply with requirements regarding environmental review and protection and wages paid to laborers.

(b) CONSULTATION.—The Secretary shall consult with the Commissioner of the Internal Revenue Service and take such actions as are appropriate in conjunction with such consultation to simplify the coordination of rules, regulations, forms, and approval requirements for multifamily housing projects projects for which assistance is provided by such Department in conjunction with any low-income housing tax credits under section 42 of the Internal Revenue Code of 1986 or tax-exempt housing bonds.

(c) RECOMMENDATIONS.—In implementing the changes required under this section, the Secretary shall solicit recommendations regarding such changes from project owners and sponsors, investors and stakeholders in housing tax credits, State and local housing

finance agencies, public housing agencies, tenant advocates, and other stakeholders in such projects.

(d) REPORT.—Not later than the expiration of the 9-month period beginning on the date of the enactment of this Act, the Secretary shall submit a report to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate that—

(1) identifies the actions taken by the Secretary to comply with this section;

(2) includes information regarding any resulting improvements in the expedited approval for multifamily housing projects;

(3) identifies recommendations made pursuant to subsection (c);

(4) identifies actions taken by the Secretary to implement the provisions in the amendments made by sections 4 and 5 of this Act; and

(5) makes recommendations for any legislative changes that are needed to facilitate prompt approval of assistance for such projects.

SEC. 753. PROJECT APPROVALS BY RURAL HOUSING SERVICE.

Section 515(h) of the Housing Act of 1949 (42 U.S.C. 1485) is amended—

(1) by inserting ''(1) CONDITION.—'' after ''(h)''; and

(2) by adding at the end the following new paragraphs:

''(2) ACTIONS TO EXPEDITE PROJECT APPROVALS.—

''(A) IN GENERAL.—The Secretary shall take actions to facilitate timely approval of requests to transfer ownership or control, for the purpose of rehabilitation or preservation, of multifamily housing projects for which assistance is provided by the Secretary of Agriculture in conjunction with any low-income housing tax credits under section 42 of the Internal Revenue Code of 1986 or tax-exempt housing bonds.

''(B) CONSULTATION.—The Secretary of Agriculture shall consult with the Commissioner of the Internal Revenue Service and take such actions as are appropriate in conjunction with such consultation to simplify the coordination of rules, regulations, forms (including applications forms for project transfers), and approval requirements multifamily housing projects for which assistance is provided by the Secretary of Agriculture in conjunction with any low-income housing tax credits under section 42 of the Internal Revenue Code of 1986 or tax-exempt housing bonds.

''(C) EXISTING REQUIREMENTS.—Any actions taken pursuant to this paragraph shall be taken in a manner that provides for full compliance with any existing requirements under law or regulation that are designed to protect families receiving Federal housing assistance, including income targeting, rent, and fair housing provisions, and shall also comply with requirements regarding environmental review and protection and wages paid to laborers.

''(D) RECOMMENDATIONS.—In implementing the changes required under this paragraph, the Secretary shall solicit recommendations regarding such changes from project owners and sponsors, investors and stakeholders in housing tax credits, State and local housing finance agencies, tenant advocates, and other stakeholders in such projects.''.

SEC. 754. USE OF FHA LOANS WITH HOUSING TAX CREDITS.

(a) SUBSIDY LAYERING REQUIREMENTS.—Subsection (d) of section 102 of the Department of Housing and Urban Development Reform Act of 1989 (42 U.S.C. 3545(d)) is amended—

(1) in the first sentence, by inserting after ''assistance within the jurisdiction of the Department'' the following: '', as such term is defined in subsection (m), except that for purposes of this subsection such term shall not include any mortgage insurance provided pursuant to title II of the National Housing Act (12 U.S.C. 1707 et seq.)''; and

(2) in the second sentence, by inserting ''such'' before ''assistance''.

(b) COST CERTIFICATION.—Section 227 of National Housing Act (12 U.S.C. 1715r) is amended—

(1) in the matter preceding paragraph (a) (relating to a definition of ''new or rehabilitated multifamily housing'')—

(A) in the first sentence—

(i) by striking ''Notwithstanding'' and inserting ''Except as provided in subsection (b) and notwithstanding''; and

(ii) by redesignating clauses (a) and (b) as clauses (A) and (B), respectively; and

(B) by striking ''As used in this section—'';

(2) in paragraph (c) (relating to a definition of ''actual cost'')—

(A) in clause (i), by redesignating clauses (1) and (2) as clauses (I) and (II), respectively; and

(B) in clause (ii), by redesignating clauses (1) and (2) as clauses (I) and (II), respectively;

(3) by redesignating paragraphs (a), (b), and (c) as paragraphs (1), (2), and (3), respectively;

(4) by inserting before paragraph (1) (as so redesignated by paragraph (3) of this subsection) the following:

''(b) EXEMPTION FOR CERTAIN PROJECTS ASSISTED WITH LOW-INCOME HOUSING TAX CREDIT.—In the case of any mortgage insured under any provision of this title that is executed in connection with the construction, rehabilitation, purchase, or refinancing of a multifamily housing project for which equity provided through any low-income housing tax credit pursuant to Section 42 of the Internal Revenue Code of 1986 (26 U.S.C. 42), if the Secretary determines at the time of issuance of the firm commitment for insurance that the ratio of the loan proceeds to the actual cost of the project is less than 80 percent, subsection (a) of this section shall not apply.

''(c) DEFINITIONS.—For purposes of this section, the following definitions shall apply:''; and

(5) by inserting ''(a) REQUIREMENT.—'' after ''227.''.

(c) OTHER PROVISIONS REGARDING TREATMENT OF MORTGAGES COVERING TAX CREDIT PROJECTS.—Title II of the National Housing Act is amended by inserting after section 227 (12 U.S.C. 1715r) the following new section:

''SEC. 228. TREATMENT OF MORTGAGES COVERING TAX CREDIT PROJECTS.

''(a) DEFINITION.—For purposes of this section, the term 'insured mortgage covering a tax credit project' means a mortgage insured under any provision of this title that is executed in connection with the construction, rehabilitation, purchase, or refinancing of a multifamily housing project for which equity provided through any low-income housing tax credit pursuant to section 42 of the Internal Revenue Code of 1986 (26 U.S.C. 42).

''(b) ACCEPTANCE OF LETTERS OF CREDIT.—In the case of an insured mortgage covering a tax credit project, the Secretary may not require the escrowing of equity provided by the sale of any low-income housing tax credits for the project pursuant to Section 42 of the Internal Revenue Code of 1986, or any other form of security, such as a letter of credit.

''(c) ASSET MANAGEMENT REQUIREMENTS.—In the case of an insured mortgage covering a tax credit project for which project the applicable tax credit allocating agency is causing to be performed periodic inspections in compliance with the requirements of section 42 of the Internal Revenue Code of 1986, such project shall be exempt from requirements imposed by the Secretary regarding periodic inspections of the property by the mortgagee. To the extent that other compliance monitoring is being performed with respect to such a project by such an allocating agency pursuant to such section 42, the Secretary shall, to the extent that the Secretary determines such monitoring is sufficient to ensure compliance with any requirements established by the Secretary, accept such agency's evidence of compliance for purposes of determining compliance with the Secretary's requirements.

''(d) STREAMLINED PROCESSING PILOT PROGRAM.—

''(1) IN GENERAL.—The Secretary shall establish a pilot program to demonstrate the effectiveness of streamlining the review process, which shall include all applications for mortgage insurance under any provision of this title for mortgages executed in connection with the construction, rehabilitation, purchase, or refinancing of a multifamily housing project for which equity provided through any low-income housing tax credit pursuant to section 42 of the Internal Revenue Code of 1986. The Secretary shall issue instructions for implementing the pilot program under this subsection not later than the expiration of the 180-day period beginning upon the date of the enactment of the Housing Tax Credit Coordination Act of 2008.

''(2) REQUIREMENTS.—Such pilot program shall provide for—

''(A) the Secretary to appoint designated underwriters, who shall be responsible for reviewing such mortgage insurance applications and making determinations regarding the eligibility of such applications for such mortgage insurance in lieu of the processing functions regarding such applications that are otherwise performed by other employees of the Department of Housing and Urban Development;

''(B) submission of applications for such mortgage insurance by mortgagees who have previously been expressly approved by the Secretary; and

''(C) determinations regarding the eligibility of such applications for such mortgage insurance to be made by the chief underwriter pursuant to requirements prescribed by the Secretary, which shall include requiring submission of reports regarding applications of proposed mortgagees by third-party entities expressly approved by the chief underwriter.''.

SEC. 755. OTHER HUD PROGRAMS.

(a) SECTION 8 ASSISTANCE.—

(1) PHA PROJECT-BASED ASSISTANCE.—Section 8(o)(13) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(13)) is amended—

(A) in subparagraph (D)(i)—

(i) by striking ''building'' and inserting ''project''; and

(ii) by adding at the end the following: ''For purposes of this subparagraph, the term 'project' means a single building, multiple contiguous buildings, or multiple buildings on contiguous parcels of land.'';

(B) in the first sentence of subparagraph (F), by striking ''10 years'' and inserting ''15 years'';

(C) In subparagraph (G)—

(i) by inserting after the period at the end of the first sentence the following: ''Such contract may, at the election of the public housing agency and the owner of the structure, specify that such contract shall be extended for renewal terms of up to 15 years each, if the agency makes the determination required by this subparagraph and the owner is in compliance with the terms of the contract.''; and

(ii) by adding at the end the following: ''A public housing agency may agree to enter

into such a contract at the time it enters into the initial agreement for a housing assistance payment contract or at any time thereafter that is before the expiration of the housing assistance payment contract.'';

(D) in subparagraph (H), by inserting before the period at the end of the first sentence the following: '', except that in the case of a contract unit that has been allocated low-income housing tax credits and for which the rent limitation pursuant to such section 42 is less than the amount that would otherwise be permitted under this subparagraph, the rent for such unit may, in the sole discretion of a public housing agency, be established at the higher section 8 rent, subject only to paragraph (10)(A)'';

(E) in subparagraph (I)(i), by inserting before the semicolon the following: '', except that the contract may provide that the maximum rent permitted for a dwelling unit shall not be less than the initial rent for the dwelling unit under the initial housing assistance payments contract covering the unit''; and

(F) by adding at the end the following new subparagraphs:

''(L) USE IN COOPERATIVE HOUSING AND ELEVATOR BUILDINGS.—A public housing agency may enter into a housing assistance payments contract under this paragraph with respect to—

''(i) dwelling units in cooperative housing; and

''(ii) notwithstanding subsection (c), dwelling units in a high-rise elevator project, including such a project that is occupied by families with children, without review and approval of the contract by the Secretary.

''(M) REVIEWS.—

''(i) SUBSIDY LAYERING.—A subsidy layering review in accordance with section 102(d) of the Department of Housing and Urban Development Reform Act of 1989 (42 U.S.C. 3545(d)) shall not be required for assistance under this paragraph in the case of a housing assistance payments contract for an existing structure, or if a subsidy layering review has been conducted by the applicable State or local agency.

''(ii) ENVIRONMENTAL REVIEW.—A public housing agency shall not be required to undertake any environmental review before entering into a housing assistance payments contract under this paragraph for an existing structure, except to the extent such a review is otherwise required by law or regulation.''.

(2) VOUCHER PROGRAM RENT REASONABLENESS.—Section 8(o)(10) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(10)) is amended by adding at the end the following new subparagraph;

''(F) TAX CREDIT PROJECTS.—In the case of a dwelling unit receiving tax credits pursuant to section 42 of the Internal Revenue Code of 1986 or for which assistance is provided under subtitle A of title II of the Cranston Gonzalez National Affordable Housing Act of 1990, for which a housing assistance contract not subject to paragraph (13) of this subsection is established, rent reasonableness shall be determined as otherwise provided by this paragraph, except that—

''(i) comparison with rent for units in the private, unassisted local market shall not be required if the rent is equal to or less than the rent for other comparable units receiving such tax credits or assistance in the project that are not occupied by families assisted with tenant-based assistance under this subsection; and

''(ii) the rent shall not be considered reasonable for purposes of this paragraph if it exceeds the greater of—

''(I) the rents charged for other comparable units receiving such tax credits or assistance in the project that are not occupied by families assisted with tenant-based assistance under this subsection; and

''(II) the payment standard established by the public housing agency for a unit of the size involved.''.

(b) SECTION 202 HOUSING FOR ELDERLY PERSONS.—Subsection (f) of section 202 of the Housing Act of 1959 (12 U.S.C. 1701q(f)) is amended—

(1) by striking ''SELECTION CRITERIA.—'' and inserting ''INITIAL SELECTION CRITERIA AND PROCESSING.—(1) SELECTION CRITERIA.—'';

(2) by redesignating paragraphs (1) through (7) as subparagraphs (A) through (G), respectively; and

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

''(2) DELEGATED PROCESSING.—

''(A) In issuing a capital advance under this subsection for any project for which financing for the purposes described in the last two sentences of subsection (b) is provided by a combination of a capital advance under subsection (c)(1) and sources other than this section, within 30 days of award of the capital advance, the Secretary shall delegate review and processing of such projects to a State or local housing agency that—

''(i) is in geographic proximity to the property;

''(ii) has demonstrated experience in and capacity for underwriting multifamily housing loans that provide housing and supportive services;

''(iii) may or may not be providing low-income housing tax credits in combination with the capital advance under this section, and

''(iv) agrees to issue a firm commitment within 12 months of delegation.

''(B) The Secretary shall retain the authority to process capital advances in cases in which no State or local housing agency has applied to provide delegated processing pursuant to this paragraph or no such agency has entered into an agreement with the Secretary to serve as a delegated processing agency.

''(C) An agency to which review and processing is delegated pursuant to subparagraph (A) may assess a reasonable fee which shall be included in the capital advance amounts and may recommend project rental assistance amounts in excess of those initially awarded by the Secretary. The Secretary shall develop a schedule for reasonable fees under this subparagraph to be paid to delegated processing agencies, which shall take into consideration any other fees to be paid to the agency for other funding provided to the project by the agency, including bonds, tax credits, and other gap funding.

''(D) Under such delegated system, the Secretary shall retain the authority to approve rents and development costs and to execute a capital advance within 60 days of receipt of the commitment from the State or local agency. The Secretary shall provide to such agency and the project sponsor, in writing, the reasons for any reduction in capital advance amounts or project rental assistance and such reductions shall be subject to appeal.''.

(c) MCKINNEY-VENTO ACT HOMELESS ASSISTANCE UNDER SHELTER PLUS CARE PROGRAM.—

(1) TERM OF CONTRACTS WITH OWNER OR LESSOR.—Part I of subtitle F of the McKinney-Vento Homeless Assistance Act is amended—

(A) by redesignating sections 462 and 463 (42 U.S.C. 11403g, 11403h) as sections 463 and 464, respectively;

(B) by striking ''section 463'' each place such term appears in sections 471, 476, 481, 486, and 488 (42 U.S.C. 11404, 11405, 11406, 11407, and 11407b) and inserting ''section 464''; and

(C) by inserting after section 461 (42 U.S.C. 11403f) the following new section:

''SEC. 462. TERM OF CONTRACT WITH OWNER OR LESSOR.

''An applicant under this subtitle may enter into a contract with the owner or lessor of a property that receives rental assistance under this subtitle having a term of not more than 15 years, subject to the availability of sufficient funds provided in appropriation Acts for the purpose of renewing expiring contracts for assistance payments. Such contract may, at the election of the applicant and owner or lessor, specify that such contract shall be extended for renewal terms of not more than 15 years each, subject to the availability of sufficient such appropriated funds.''.

(2) PROJECT-BASED RENTAL ASSISTANCE CONTRACTS.—Section 478(a) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11405a(a)) is amended by inserting before the period at the end the following: ''; except that, in the case of any project for which equity is provided through any low-income housing tax credit pursuant to section 42 of the Internal Revenue Code of 1986 (26 U.S.C. 42), if an expenditure of such amount for each unit (including the prorated share of such work) is required to make the structure decent, safe, and sanitary, and the owner agrees to reach initial closing on permanent financing from such other sources within two years and agrees to carry out the rehabilitation with resources other than assistance under this subtitle within 60 months of notification of grant approval, the contract shall be for a term of 10 years (except that such period may be extended by up to 1 year by the Secretary, which extension shall be granted unless the Secretary determines that the sponsor is primarily responsible for the failure to meet such deadline)''.

(d) DATA COLLECTION ON TENANTS OF HOUSING TAX CREDIT PROJECTS.—Title I of the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.) is amended by adding at the end the following new section:

''SEC. 36. COLLECTION OF INFORMATION ON TENANTS IN TAX CREDIT PROJECTS.

''(a) IN GENERAL.—Each State agency administering tax credits under section 42 of the Internal Revenue Code of 1986 (26 U.S.C. 42) shall furnish to the Secretary of Housing and Urban Development, not less than annually, information concerning the race, ethnicity, family composition, age, income, use of rental assistance under section 8(o) of the United States Housing Act of 1937 or other similar assistance, disability status, and monthly rental payments of households residing in each property receiving such credits through such agency. Such State agencies shall, to the extent feasible, collect such information through existing reporting processes and in a manner that minimizes burdens on property owners. In the case of any household that continues to reside in the same dwelling unit, information provided by the household in a previous year may be used if the information is of a category that is not subject to change or if information for the current year is not readily available to the owner of the property.

''(b) STANDARDS.—The Secretary shall establish standards and definitions for the information collected under subsection (a), provide States with technical assistance in establishing systems to compile and submit such information, and, in coordination with other Federal agencies administering housing programs, establish procedures to minimize duplicative reporting requirements for properties assisted under multiple housing programs.

''(c) PUBLIC AVAILABILITY.—The Secretary shall, not less than annually, compile and make publicly available the information submitted to the Secretary pursuant to subsection (a).

''(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for

the cost of activities required under subsections (b) and (c) $2,500,000 for fiscal year 2009 and $900,000 for each of fiscal years 2010 through 2013.''.

Subtitle E—Limitation on Sale, Foreclosure, or Seizure of Property Owned by Servicemembers

SEC. 761. LIMITATION ON SALE, FORECLOSURE, OR SEIZURE OF PROPERTY OWNED BY SERVICEMEMBERS DURING ONE-YEAR PERIOD FOLLOWING PERIOD OF MILITARY SERVICE.

(a) LIMITATION.—Section 303(c) of the Servicemembers Civil Relief Act is amended by striking ''90 days'' and inserting ''one year''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to any sale, foreclosure, or seizure of property on or after the date of the enactment of this Act.

SEC. 762. PROVISION OF FINANCIAL DISCLOSURE TO SERVICEMEMBERS WHO DEFAULT ON CERTAIN OBLIGATIONS.

(a) PROVISION OF DISCLOSURE REQUIRED.—Section 303 of the Servicemembers Civil Relief Act (50 U.S.C. App. 533) is amended by adding at the end the following new subsection:

''(e) PROVISION OF FINANCIAL DISCLOSURE.—In the case of a servicemember who defaults on an obligation described in subsection (a) for two consecutive months, the mortgagor or loan servicer of the obligation shall provide to the servicemember a written financial disclosure describing the servicemember's liability with respect to the obligation for the period during which a sale, foreclosure, or seizure of the property is not valid under subsection (c).''.

(b) EFFECTIVE DATE.—Subsection (e) of section 303 of the Servicemembers Civil Relief Act (50 U.S.C. App. 533), as added by subsection (a), shall apply with respect to a servicemember who defaults on an obligation on or after the date of the enactment of this Act.

The SPEAKER pro tempore, Mr. JACKSON of Illinois, announced that the ayes had it.

Mr. RANGEL demanded that a recorded vote on agreeing to said amendment, which demand was supported by one-fifth of the Members present, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 322 / Nays 94

¶55.22 [Roll No. 302]

AYES—322

Abercrombie	Boyda (KS)	Conyers
Ackerman	Brady (PA)	Cooper
Allen	Braley (IA)	Costa
Altmire	Brown, Corrine	Costello
Andrews	Brown-Waite, Ginny	Courtney
Arcuri	Buchanan	Cramer
Baca	Burgess	Crowley
Baird	Burton (IN)	Cuellar
Baldwin	Butterfield	Cummings
Barrow	Camp (MI)	Davis (AL)
Barton (TX)	Capito	Davis (CA)
Bean	Capps	Davis (IL)
Becerra	Capuano	Davis, David
Berkley	Cardoza	Davis, Lincoln
Berman	Carnahan	Davis, Tom
Berry	Carney	Deal (GA)
Bilbray	Carson	DeFazio
Bilirakis	Castle	DeGette
Bishop (GA)	Castor	Delahunt
Bishop (NY)	Cazayoux	DeLauro
Blumenauer	Chabot	Dent
Bono Mack	Chandler	Diaz-Balart, L.
Boozman	Clarke	Diaz-Balart, M.
Boren	Clay	Dicks
Boswell	Cleaver	Dingell
Boucher	Clyburn	Doggett
Boyd (FL)	Conyers	Donnelly
Doyle	Langevin	Rothman
Drake	Larson (CT)	Roybal-Allard
Dreier	Latham	Ruppersberger
Duncan	LaTourette	Ryan (OH)
Edwards	Lee	Salazar
Ehlers	Levin	Sánchez, Linda T.
Ellison	Lewis (CA)	Sanchez, Loretta
Ellsworth	Lewis (GA)	Sarbanes
Emanuel	Lewis (KY)	Schakowsky
Emerson	Linder	Schiff
Engel	Lipinski	Schwartz
English (PA)	LoBiondo	Scott (GA)
Eshoo	Loebsack	Scott (VA)
Etheridge	Lofgren, Zoe	Serrano
Farr	Lowey	Sestak
Fattah	Lynch	Shays
Filner	Mahoney (FL)	Shea-Porter
Forbes	Maloney (NY)	Sherman
Fortenberry	Markey	Shimkus
Fossella	Marshall	Shuler
Foster	Matheson	Shuster
Frank (MA)	Matsui	Simpson
Gerlach	McCarthy (CA)	Sires
Giffords	McCarthy (NY)	Skelton
Gilchrest	McCollum (MN)	Slaughter
Gillibrand	McCotter	Smith (NJ)
Gonzalez	McDermott	Smith (WA)
Goode	McGovern	Snyder
Goodlatte	McHugh	Solis
Gordon	McIntyre	Souder
Graves	McKeon	Space
Green, Al	McNerney	Speier
Green, Gene	McNulty	Spratt
Grijalva	Meek (FL)	Stark
Hall (NY)	Meeks (NY)	Stupak
Hall (TX)	Melancon	Sutton
Hare	Michaud	Tauscher
Harman	Miller (MI)	Taylor
Hastings (FL)	Miller (NC)	Terry
Hayes	Miller, Gary	Thompson (CA)
Heller	Miller, George	Thompson (MS)
Herseth Sandlin	Mitchell	Tiahrt
Higgins	Mollohan	Tierney
Hill	Moore (KS)	Towns
Hinchey	Moran (KS)	Tsongas
Hinojosa	Moran (VA)	Turner
Hirono	Murphy (CT)	Udall (CO)
Hodes	Murphy, Patrick	Udall (NM)
Hoekstra	Murphy, Tim	Upton
Holden	Murtha	Van Hollen
Holt	Nadler	Velázquez
Honda	Napolitano	Visclosky
Hooley	Neal (MA)	Walberg
Hoyer	Oberstar	Walsh (NY)
Hulshof	Obey	Walz (MN)
Hunter	Olver	Wamp
Inslee	Ortiz	Wasserman Schultz
Israel	Pallone	Waters
Jackson (IL)	Pascrell	Watson
Jackson-Lee (TX)	Pastor	Watt
Jefferson	Payne	Waxman
Johnson (GA)	Perlmutter	Weiner
Johnson, E. B.	Peterson (MN)	Welch (VT)
Johnson, Sam	Peterson (PA)	Weldon (FL)
Jones (NC)	Petri	Weller
Jones (OH)	Pickering	Westmoreland
Kagen	Platts	Wexler
Kanjorski	Pomeroy	Whitfield (KY)
Kaptur	Porter	Wilson (NM)
Keller	Price (NC)	Wilson (OH)
Kennedy	Rahall	Wilson (SC)
Kildee	Ramstad	Wittman (VA)
Kilpatrick	Rangel	Wolf
Kind	Regula	Woolsey
King (NY)	Rehberg	Wu
Kingston	Reichert	Wynn
Klein (FL)	Reyes	Yarmuth
Knollenberg	Rodriguez	Young (AK)
Kucinich	Rogers (MI)	Young (FL)
LaHood	Ros-Lehtinen	
Lampson	Roskam	
	Ross	

NOES—94

Akin	Buyer	Flake
Alexander	Calvert	Foxx
Bachmann	Cantor	Franks (AZ)
Bachus	Carter	Frelinghuysen
Barrett (SC)	Coble	Gallegly
Bartlett (MD)	Cole (OK)	Garrett (NJ)
Biggert	Conaway	Gingrey
Bishop (UT)	Crenshaw	Gohmert
Blackburn	Cubin	Granger
Blunt	Culberson	Hastings (WA)
Boehner	Davis (KY)	Hensarling
Bonner	Doolittle	Herger
Boustany	Everett	Hobson
Brady (TX)	Fallin	Inglis (SC)
Broun (GA)	Feeney	Issa
Brown (SC)	Ferguson	Johnson (IL)
Jordan	Mica	Royce
King (IA)	Miller (FL)	Ryan (WI)
Kirk	Myrick	Sali
Kline (MN)	Neugebauer	Saxton
Kuhl (NY)	Paul	Scalise
Lamborn	Pearce	Schmidt
Latta	Pence	Sensenbrenner
Lucas	Pitts	Sessions
Lungren, Daniel E.	Poe	Shadegg
Mack	Price (GA)	Smith (NE)
Manzullo	Pryce (OH)	Smith (TX)
Marchant	Putnam	Stearns
McCaul (TX)	Radanovich	Sullivan
McCrery	Rogers (AL)	Thornberry
McHenry	Rogers (KY)	Tiberi
	Rohrabacher	

NOT VOTING—17

Aderholt	McMorris Rodgers	Reynolds
Campbell (CA)	Moore (WI)	Richardson
Cannon	Musgrave	Rush
Cohen	Nunes	Tancredo
Gutierrez	Renzi	Tanner
Larsen (WA)		Walden (OR)

So the amendment numbered 2 to the amendment of the Senate to the text was agreed to.

A motion to reconsider the vote whereby said amendment numbered 2 to the amendment of the Senate was agreed to was, by unanimous consent, laid on the table.

The question being put, viva voce,

Will the House agree to the amendment of the Senate to the text with the following amendment numbered 3, printed in House Report 110-622:

At the end of the matter proposed to be inserted by the amendment of the Senate to the text of the bill, add the following new section:

SEC. ___. RULE OF CONSTRUCTION.

(a) IN GENERAL.—No provision of this Act, the Home Owners' Loan Act, or title LXII of the Revised Statutes of the United States (commonly referred to as the ''National Bank Act'') may be construed as preempting the application, to any entity, of any State law regulating the foreclosure of residential real property in that State or the treatment of foreclosed property.

(b) NO NEGATIVE IMPLICATION.—This section shall not be construed as affecting in any way the applicability of any other type of State law to any Federal depository institution (as defined in section 3(c)(4) of the Federal Deposit Insurance Act) or to any agent or subsidiary of any such depository institution.

The SPEAKER pro tempore, Mr. JACKSON of Illinois, announced that the nays had it.

Mr. PRICE of Georgia, demanded that a recorded vote on agreeing to said amendment, which demand was supported by one-fifth of the Members present, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 256 / Nays 160

¶55.23 [Roll No. 303]

AYES—256

Abercrombie	Berkley	Brady (PA)
Ackerman	Berman	Braley (IA)
Allen	Berry	Brown, Corrine
Andrews	Bishop (GA)	Brown-Waite, Ginny
Arcuri	Bishop (NY)	Butterfield
Baca	Bishop (UT)	Capps
Baird	Blumenauer	Capuano
Baldwin	Boren	Cardoza
Barrow	Boswell	Carnahan
Bartlett (MD)	Boucher	Carney
Bean	Boyd (FL)	Carson
Becerra	Boyda (KS)	

Castle
Castor
Cazayoux
Chandler
Clarke
Clay
Cleaver
Cole (OK)
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Fortenberry
Foster
Frank (MA)
Gerlach
Giffords
Gilchrest
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Hall (NY)
Hare
Harman
Hastings (FL)
Hayes
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Klein (FL)
Kucinich
Lampson
Langevin
Larson (CT)
LaTourette
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Perlmutter
Peterson (MN)
Peterson (PA)
Platts
Pomeroy
Porter
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Speier
Spratt
Stark
Stupak
Sutton
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walsh (NY)
Walz (MN)
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOES—160

Akin
Alexander
Altmire
Bachmann
Bachus
Barrett (SC)
Barton (TX)
Biggert
Bilbray
Bilirakis
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Cantor
Capito
Carter
Chabot
Coble
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Drake
Dreier
Duncan
Emerson
English (PA)
Everett
Feeney
Ferguson
Flake
Forbes
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
Latta
Lewis (CA)
Lewis (KY)
Linder
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Myrick
Neugebauer
Pearce
Pence
Petri
Pickering
Pitts
Poe
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Saxton
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thornberry
Tiahrt
Tiberi
Walberg
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOT VOTING—17

Aderholt
Campbell (CA)
Cannon
Clyburn
Cohen
Gutierrez
Larsen (WA)
Musgrave
Nunes
Renzi
Reynolds
Richardson
Rush
Tancredo
Tanner
Walden (OR)
Waters

So the amendment numbered 3 to the amendment of the Senate to the text was agreed to.

A motion to reconsider the vote whereby said amendment numbered 3 to the amendment of the Senate was agreed to was, by unanimous consent, laid on the table.

Pursuant to section 2 of House Resolution 1175, the amendment of the Senate to the title was agreed to.

Ordered, That the Clerk request the concurrence of the Senate in said amendments.

¶55.24 MOTION TO INSTRUCT CONFEREES TO H.R. 2419—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. JACKSON of Illinois, pursuant to clause 8, rule XX, announced the unfinished business to be the question on the motion, by Mr.FLAKE, to instruct the managers on the part of the House at the conference with the Senate on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2419) to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; not to recede to the provisions contained in subtitle A of title XII of the amendment of the Senate (relating to a permanent agriculture disaster assistance program).

The question being put,

Will the House agree to said motion?

The vote was taken by electronic device.

It was decided in the negative ..... { Yeas ..... 128 / Nays 274

¶55.25 [Roll No. 304]

YEAS—128

Akin
Alexander
Bachmann
Bartlett (MD)
Bean
Biggert
Bilbray
Blackburn
Blumenauer
Blunt
Boehner
Boustany
Brady (TX)
Broun (GA)
Burgess
Camp (MI)
Cantor
Capuano
Chabot
Chandler
Coble
Cooper
Crenshaw
Culberson
Davis, David
Davis, Tom
Deal (GA)
Dent
Doggett
Doolittle
Drake
Dreier
Duncan
English (PA)
Feeney
Ferguson
Flake
Forbes
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gingrey
Harman
Hastings (WA)
Hensarling
Herger
Hobson
Hoekstra
Holt
Hunter
Inglis (SC)
Issa
Johnson, Sam
Jordan
Keller
Kind
Kingston
Kirk
Kline (MN)
Knollenberg
Lamborn
Latham
Latta
Linder
Mack
Manzullo
McCotter
McCrery
McDermott
McGovern
McHenry
McMorris Rodgers
Mica
Michaud
Miller (FL)
Moore (WI)
Moran (KS)
Murphy (CT)
Myrick
Obey
Paul
Payne
Pence
Petri
Pitts
Price (GA)
Pryce (OH)
Radanovich
Ramstad
Reichert
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Rothman
Royce
Ruppersberger
Ryan (WI)
Sali
Scalise
Schmidt
Sensenbrenner
Sestak
Shadegg
Shays
Smith (NJ)
Smith (WA)
Souder
Stark
Stearns
Tiahrt
Tiberi
Tierney
Upton
Walberg
Wamp
Waxman
Weller
Westmoreland
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Wynn
Young (AK)
Young (FL)

NAYS—274

Abercrombie
Allen
Altmire
Andrews
Arcuri
Baca
Baldwin
Barrett (SC)
Barrow
Becerra
Berkley
Berman
Berry
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burton (IN)
Butterfield
Buyer
Capito
Capps
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Cazayoux
Clarke
Clay
Cleaver
Clyburn
Cole (OK)
Conaway
Costa
Costello
Courtney
Cramer
Crowley
Cubin
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, Lincoln
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Donnelly
Doyle
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Fortenberry
Foster
Frank (MA)
Gallegly
Gerlach
Giffords
Gilchrest
Gillibrand
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Hall (NY)
Hall (TX)
Hare
Hastings (FL)
Hayes
Heller
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Honda
Hooley
Hoyer
Hulshof
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
King (IA)
King (NY)
Klein (FL)
Kucinich
Kuhl (NY)
LaHood
Lampson
Langevin
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mahoney (FL)
Maloney (NY)
Marchant
Markey
Marshall
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McHugh
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Miller (MI)
Miller (NC)

Miller, George
Mitchell
Mollohan
Moore (KS)
Moran (VA)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Neugebauer
Oberstar
Olver
Ortiz
Pallone
Pascrell
Pastor
Pearce
Perlmutter
Peterson (MN)
Peterson (PA)
Pickering
Platts
Poe
Pomeroy
Porter
Price (NC)
Putnam
Rahall
Rangel
Regula
Rehberg
Reyes
Rodriguez
Rogers (AL)
Ros-Lehtinen
Ross
Roybal-Allard
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sessions
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (TX)
Snyder
Solis
Space
Speier
Spratt
Stupak
Sutton
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walsh (NY)
Walz (MN)
Wasserman Schultz
Watson
Watt
Weiner
Welch (VT)
Weldon (FL)
Wexler
Whitfield (KY)
Wilson (OH)
Woolsey
Yarmuth

NOT VOTING—31

Ackerman
Aderholt
Bachus
Baird
Barton (TX)
Braley (IA)
Brown (SC)
Calvert
Campbell (CA)
Cannon
Cohen
Conyers
DeFazio
Filner
Gutierrez
Jefferson
Matheson
McKeon
Miller, Gary
Musgrave
Nunes
Renzi
Reynolds
Richardson
Rush
Sullivan
Tancredo
Tanner
Walden (OR)
Waters
Wu

So the motion to instruct the managers on the part of the House was not agreed to.

A motion to reconsider the vote whereby said motion was not agreed to was, by unanimous consent, laid on the table.

¶55.26 MOTION TO INSTRUCT CONFEREES TO H.R. 2419—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. JACKSON of Illinois, pursuant to clause 8, rule XX, announced the further unfinished business to be the question on the motion, by Mr. CANTOR, to instruct the managers on the part of the House at the conference with the Senate on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2419) to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes, not to agree to the provisions contained in section 12808 of the amendment of the Senate (relating to qualified forestry conservation bonds).

The question being put,

Will the House agree to said motion?

The vote was taken by electronic device.

It was decided in the negative ..... { Yeas ..... 169 Nays 222

¶55.27 [Roll No. 305]

YEAS—169

Akin
Alexander
Bachmann
Baldwin
Barrett (SC)
Bartlett (MD)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doggett
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gerlach
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson, Sam
Jones (NC)
Jordan
Keller
Kind
King (IA)
King (NY)
Kingston
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Larson (CT)
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McMorris Rodgers
Mica
Miller (FL)
Moore (WI)
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Obey
Pearce
Pence
Peterson (PA)
Petri
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Scalise
Schmidt
Sensenbrenner
Sessions
Sherman
Shimkus
Shuster
Smith (NE)
Smith (TX)
Souder
Stark
Stearns
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Wamp
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NAYS—222

Abercrombie
Allen
Altmire
Andrews
Arcuri
Baca
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Brown, Corrine
Butterfield
Camp (MI)
Capps
Cardoza
Carnahan
Carney
Carson
Castor
Cazayoux
Chandler
Clarke
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
DeGette
Delahunt
DeLauro
Dicks
Dingell
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Foster
Frank (MA)
Frelinghuysen
Giffords
Gilchrest
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kennedy
Kildee
Kilpatrick
Kirk
Klein (FL)
Kucinich
LaHood
Lampson
Langevin
Larsen (WA)
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Napolitano
Neal (MA)
Oberstar
Olver
Ortiz
Pallone
Pastor
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Rehberg
Reichert
Reyes
Rodriguez
Rogers (AL)
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Speier
Spratt
Stupak
Sutton
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walsh (NY)
Walz (MN)
Wasserman Schultz
Watson
Watt
Weiner
Welch (VT)
Weldon (FL)
Weller
Wexler
Wilson (OH)
Woolsey
Wynn
Yarmuth

NOT VOTING—42

Ackerman
Aderholt
Bachus
Baird
Barton (TX)
Braley (IA)
Brown (SC)
Calvert
Campbell (CA)
Cannon
Capuano
Cohen
Davis, Lincoln
DeFazio
Filner
Gutierrez
Jefferson
Kaptur
Manzullo
Matheson
McKeon
Miller, Gary
Musgrave
Nadler
Nunes
Pascrell
Paul
Payne
Pickering
Renzi
Reynolds
Richardson
Rush
Shadegg
Shuler
Sullivan
Tancredo
Tanner
Walden (OR)
Waters
Waxman
Wu

So the motion to instruct the managers on the part of the House was not agreed to.

A motion to reconsider the vote whereby said motion was not agreed to was, by unanimous consent, laid on the table.

¶55.28 COMMUNICATION FROM THE MINORITY LEADER—APPOINTMENT—COMMISSION ON THE PREVENTION OF WEAPONS OF MASS DESTRUCTION PROLIFERATION AND TERRORISM

The SPEAKER pro tempore, Mr. KLEIN of Florida, laid before the House the following communication, which was read as follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, May 8, 2008.

Hon. NANCY PELOSI
Speaker, U.S. Capitol,
Washington, DC.

DEAR SPEAKER PELOSI: Pursuant to Section 1853(a) of the Implementing Recommendations of the 9–11 Commission Act of 2007 (P.L. 110–53), I am pleased to appoint Mr. Henry Sokolski of Arlington, Virginia and Mr. Stephen Rademaker of McLean, Virginia to the Commission on the Prevention of Weapons of Mass Destruction Proliferation and Terrorism.

Both Mr. Sokolski and Mr. Rademaker have expressed interest in serving in this capacity and I am pleased to fulfill their requests.

Sincerely,

JOHN A. BOEHNER,
Republican Leader.

Ordered, That the Clerk notify the Senate of the foregoing appointments.

¶55.29 ADJOURNMENT OVER

On motion of Mr. HOYER, by unanimous consent,

Ordered, That when the House adjourns today, it adjourn to meet on

Monday, May 12, 2008, at 2 p.m.; and further, when the House adjourns on Monday, May 12, 2008, it adjourn to meet at 12:30 p.m. on Tuesday, May 13, 2008, for morning-hour debate.

¶55.30 CLERK TO CORRECT ENGROSSMENT—H.R. 5818

On motion of Mr. FRANK of Massachusetts, by unanimous consent,

Ordered, That in the engrossment of the bill (H.R. 5818) to authorize the Secretary of housing and Urban Development to make loans to States to acquire foreclosed housing and to make grants to States for related costs, the Clerk be authorized to make technical corrections in the engrossment to include corrections in spelling, punctuation, section numbering, and cross-referencing, and the insertion of appropriate headings.

¶55.31 MOTION TO INSTRUCT CONFEREES—H.R. 2419

Mr. UPTON submitted the privileged motion to instruct the managers on the part of the House at the conference with the Senate on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2419) to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes, to recede to the provisions proposed to be added to ''section 9001 of the Farm Security and Rural Investment Act of 2002, in the form of a definition of ''Renewable Biomass''.

After debate,

By unanimous consent, the previous question was ordered on the motion to instruct the managers on the part of the House.

The question being put, viva voce,

Will the House agree to said motion?

The SPEAKER pro tempore, Ms. CLARKE, announced that the nays had it.

Mr. UPTON demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Ms. CLARKE, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Tuesday, May 13, 2008.

¶55.32 MOTION TO INSTRUCT CONFEREES—H.R. 2419

Mr. SHIMKUS submitted the privileged motion to instruct the managers on the part of the House at the conference with the Senate on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2419) to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes, to recede to the provisions contained in section 9021 of the amendment of the Senate (relating to the E85 Fuel Program).

After debate,

By unanimous consent, the previous question was ordered on the motion to instruct the managers on the part of the House.

The question being put, viva voce,

Will the House agree to said motion?

The SPEAKER pro tempore, Ms. CLARKE, announced that the nays had it.

Mr. SHIMKUS demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Ms. CLARKE, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Tuesday, May 13, 2008.

¶55.33 MOTION TO INSTRUCT CONFEREES—H.R. 2419

Mr. TERRY submitted the privileged motion to instruct the managers on the part of the House at the conference with the Senate on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2419) to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes, to recede to the provisions contained in section 12312 subtitle C of title XII of the Senate amendment (relating to a cellulosic biofuel production tax credit).

After debate,

Mr. TERRY moved to withdraw the motion to instruct.

The SPEAKER pro tempore, Ms. CLARKE, by unanimous consent, announced that the motion had been withdrawn.

¶55.34 SENATE CONCURRENT RESOLUTION REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. Con. Res. 72. A concurrent resolution supporting the goals and ideals of the International Year of Sanitation, the Committee on Foreign Affairs.

¶55.35 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. CAMPBELL of California, for today;

To Mr. COHEN, for today; and

To Ms. MCCOLLUM, for today from 12:15 p.m. until 2:30 p.m.

And then,

¶55.36 ADJOURNMENT

On motion of Mr. SCHIFF, pursuant to the previous order of the House, at 9 o'clock and 28 minutes p.m., the House adjourned until 2 p.m. on Monday, May 12, 2008.

¶55.37 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

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

Mr. GEORGE MILLER of California: Committee on Education and Labor. H.R. 3021. A bill to direct the Secretary of Education to make grants and low-interest loans to local educational agencies for the construction, modernization, or repair of public kindergarten, elementary, and secondary educational facilities, and for other purposes; with an amendment (Rept. 110–623). Referred to the Committee of the Whole House on the state of the Union.

Mr. WAXMAN: Committee on Oversight and Government Reform. H.R. 5781. A bill to provide that 8 of the 12 weeks of parental leave made available to a Federal employee shall be paid leave, and for other purposes; with an amendment (Rept. 110–624 Pt. 1). Ordered to be printed.

Mr. WAXMAN: Committee on Oversight and Government Reform. H.R. 752. A bill to direct Federal agencies to donate excess and surplus Federal electronic equipment, including computers, computer components, printers, and fax machines, to qualifying small towns, counties, schools, nonprofit organizations, and libraries; with an amendment (Rept. 110–625). Referred to the Committee of the Whole House on the state of the Union.

¶55.38 COMMITTEE DISCHARGED

Pursuant to clause 2 or rule XII the Committee on House Administration discharged from further consideration. H.R. 5781 referred to the Committee of the Whole on the state of the Union.

¶55.39 PUBLIC BILLS AND RESOLUTIONS

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

By Mr. JONES of North Carolina:

H.R. 5993. A bill to promote congressional and public awareness, understanding, and political accountability of presidential signing statements; to the Committee on the Judiciary.

By Mr. CONYERS (for himself and Ms. ZOE LOFGREN of California):

H.R. 5994. A bill to amend the Clayton Act with respect to competitive and nondiscriminatory access to the Internet; to the Committee on the Judiciary.

By Mr. RYAN of Wisconsin (for himself, Mr. BOEHNER, Mr. BLUNT, Mr. CANTOR, Mr. PUTNAM, Mr. HENSARLING, Mr. SENSENBRENNER, Mr. FLAKE, Mr. PENCE, Mrs. BLACKBURN, Mr. CAMPBELL of California, Mr. JORDAN, Mr. BROUN of Georgia, and Mr. MCCOTTER):

H.R. 5995. A bill to amend the Internal Revenue Code of 1986 to suspend the highway fuels taxes, to provide for a Joint Committee on Earmark Reform, and to prohibit earmarking for the remainder of the 110th Congress; to the Committee on Ways and Means, and in addition to the Committees on Rules, and the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCCOTTER:

H.R. 5996. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for tutoring expenses for elementary and secondary school students; to the Committee on Ways and Means.

By Mr. BARROW:

H.R. 5997. A bill to amend title 49, United States Code, to require a motor carrier, broker, or freight forwarder that collects a fuel surcharge to pay an amount equal to the surcharge to the person that bears the cost of the fuel, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. PALLONE (for himself, Ms. SHEA-PORTER, Mr. ALTMIRE, Ms. BALDWIN, Mr. BRALEY of Iowa, Mrs.

CAPPS, Mr. COURTNEY, Ms. DEGETTE, Ms. DELAURO, Mr. DINGELL, Mr. DOYLE, Mr. ELLISON, Mr. ENGEL, Ms. ESHOO, Mr. GENE GREEN of Texas, Ms. HARMAN, Mr. HODES, Ms. HOOLEY, Mr. INSLEE, Mr. LARSON of Connecticut, Mr. MARKEY, Mr. MURPHY of Connecticut, Mr. PATRICK MURPHY of Pennsylvania, Mr. RANGEL, Mr. RUSH, Ms. SCHAKOWSKY, Ms. SOLIS, Mr. STARK, Mr. STUPAK, Mr. TOWNS, Mr. WALZ of Minnesota, Mr. WAXMAN, and Mr. WELCH of Vermont):

H.R. 5998. A bill to nullify any effectiveness of the August 17, 2007, State health official letter issued by the Centers for Medicare & Medicaid Services; to the Committee on Energy and Commerce.

By Ms. HIRONO (for herself, Mr. ABERCROMBIE, and Ms. ROS-LEHTINEN):

H.R. 5999. A bill to authorize appropriations for the National Tropical Botanical Garden, and for other purposes; to the Committee on the Judiciary.

By Mr. KUCINICH (for himself, Mr. ABERCROMBIE, Mr. BERMAN, Mr. BRADY of Pennsylvania, Mrs. CAPPS, Mr. CLAY, Mr. CLEAVER, Mr. COHEN, Mr. CONYERS, Mr. CUMMINGS, Mr. DAVIS of Illinois, Mr. DEFAZIO, Mr. DELAHUNT, Mr. DOYLE, Mr. ELLISON, Mr. FARR, Mr. FATTAH, Mr. FILNER, Mr. FRANK of Massachusetts, Mr. GRIJALVA, Mr. GUTIERREZ, Mr. HARE, Mr. HASTINGS of Florida, Mr. HINCHEY, Ms. HIRONO, Mr. HONDA, Mr. JACKSON of Illinois, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. KANJORSKI, Ms. KAPTUR, Mr. KENNEDY, Mr. KILDEE, Ms. KILPATRICK, Mr. LARSON of Connecticut, Ms. LEE, Mr. LEWIS of Georgia, Mr. LIPINSKI, Mrs. LOWEY, Mr. MCDERMOTT, Mr. MCGOVERN, Mr. MCNULTY, Mr. GEORGE MILLER of California, Ms. MOORE of Wisconsin, Mr. NADLER, Mrs. NAPOLITANO, Mr. OLVER, Mr. PAYNE, Mr. RAHALL, Mr. ROTHMAN, Mr. RYAN of Ohio, Ms. LINDA T. SÁNCHEZ of California, Ms. SCHAKOWSKY, Mr. SCOTT of Virginia, Mr. SERRANO, Mr. SHERMAN, Ms. SLAUGHTER, Mr. STARK, Mr. STUPAK, Ms. SUTTON, Mr. TIERNEY, Mr. TOWNS, Ms. WATSON, Mr. WAXMAN, Mr. WEXLER, Ms. WOOLSEY, Mr. YARMUTH, and Ms. ROYBAL-ALLARD):

H.R. 6000. A bill to amend the Internal Revenue Code of 1986 to impose a windfall profit tax on oil and natural gas (and products thereof) and to allow an income tax credit for purchases of fuel-efficient passenger vehicles, and to allow grants for mass transit; to the Committee on Ways and Means, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BUYER (for himself, Mr. COLE of Oklahoma, Mr. GRAVES, Mr. PICKERING, Mr. HAYES, Mr. SHIMKUS, Mr. PENCE, Mr. BURTON of Indiana, Mr. KLINE of Minnesota, Mrs. BLACKBURN, Mr. WAMP, Mr. YOUNG of Alaska, Mr. HOEKSTRA, Mr. SHUSTER, Mr. MCHENRY, Mr. BARRETT of South Carolina, Mr. SOUDER, and Mr. SHADEGG):

H.R. 6001. A bill to rebalance the United States energy portfolio, to increase and utilize the Nation's domestic energy resources and supply, to strengthen energy security and independence, and for other purposes; to the Committee on Natural Resources, and in addition to the Committees on Energy and Commerce, Ways and Means, Armed Services, and Science and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GARY G. MILLER of California (for himself, Mr. DREIER, Mr. MCKEON, Mrs. NAPOLITANO, and Ms. SOLIS):

H.R. 6002. A bill to amend title 23, United States Code, to prohibit the collection of certain tolls on existing high occupancy vehicles; to the Committee on Transportation and Infrastructure.

By Mr. OBERSTAR (for himself, Mr. MICA, Ms. CORRINE BROWN of Florida, Mr. SHUSTER, Mr. NADLER, Mr. COSTELLO, Mr. LIPINSKI, Mr. SIRES, Mr. DEFAZIO, Mr. CUMMINGS, Mrs. NAPOLITANO, Ms. NORTON, Mrs. TAUSCHER, Mr. ARCURI, Mr. SPACE, Mr. SALAZAR, Mr. BRALEY of Iowa, Mr. FILNER, Mr. RAHALL, Mr. BOSWELL, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. TAYLOR, Mr. WALZ of Minnesota, Mr. CARNEY, Ms. HIRONO, Mr. HIGGINS, Mr. BISHOP of New York, Mr. CARNAHAN, Mr. LARSEN of Washington, Mr. MICHAUD, Ms. MATSUI, Mr. HALL of New York, Mr. COHEN, Mr. MCNERNEY, Mr. ALTMIRE, Mr. CAPUANO, Mr. HOLDEN, and Mr. KAGEN):

H.R. 6003. A bill to reauthorize Amtrak, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. OBERSTAR (for himself, Mr. MICA, Ms. CORRINE BROWN of Florida, and Mr. SHUSTER):

H.R. 6004. A bill to provide for the financing of high-speed rail infrastructure, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BECERRA (for himself, Mr. NUNES, Mr. RANGEL, Mr. BLUMENAUER, Mr. HONDA, and Mr. COLE of Oklahoma):

H.R. 6005. A bill to amend the Internal Revenue Code to provide for the treatment of Indian tribal governments as State governments for the purposes of the Public Charity-Private Foundation Classification; to the Committee on Ways and Means.

By Ms. BORDALLO (for herself, Mr. ABERCROMBIE, and Mr. HAYES):

H.R. 6006. A bill to amend title 10, United States Code, to authorize the Secretary of a military department, and the Secretary of Defense with respect to the Defense Agencies, to participate in conservation banking programs and in-lieu-fee mitigation programs; to the Committee on Armed Services.

By Ms. BORDALLO:

H.R. 6007. A bill to authorize the Secretary of Transportation to establish a Port of Guam Improvement Enterprise Program, and for other purposes; to the Committee on Armed Services, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BROUN of Georgia (for himself, Mr. AKIN, Mr. BARTLETT of Maryland, Mrs. MYRICK, and Mr. ISSA):

H.R. 6008. A bill to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to make permanent the E-Verify program, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ENGLISH of Pennsylvania (for himself and Mr. ALEXANDER):

H.R. 6009. A bill to leverage market forces to bring greater efficiency and capacity to domestic refineries, to bring new sources of domestic energy to market, and for other purposes; to the Committee on Natural Resources, and in addition to the Committees on Energy and Commerce, the Judiciary, Ways and Means, and Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GONZALEZ (for himself and Mr. RODRIGUEZ):

H.R. 6010. A bill to require the Secretary of Defense to establish a National Trauma Institute Research Program; to the Committee on Armed Services.

By Ms. HERSETH SANDLIN (for herself and Mr. MORAN of Kansas):

H.R. 6011. A bill to amend the Public Health Service Act to facilitate emergency medical services personnel training and certification curriculums for military veterans; to the Committee on Energy and Commerce.

By Mr. ISRAEL:

H.R. 6012. A bill to require the Comptroller General to conduct a study of the consolidation of the refiners, importers, producers, and wholesalers of gasoline with the sellers of such gasoline at retail; to the Committee on Energy and Commerce.

By Mr. MELANCON (for himself, Mr. MCCRERY, Mr. ALEXANDER, Mr. BOUSTANY, and Mr. JEFFERSON):

H.R. 6013. A bill to provide for disaster assistance for power transmission and distribution facilities, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mrs. SCHMIDT:

H.R. 6014. A bill to amend the Internal Revenue Code of 1986 to allow a credit against tax for birthmothers whose children are adopted; to the Committee on Ways and Means.

By Mr. SESSIONS (for himself, Mr. FEENEY, and Mrs. BLACKBURN):

H.R. 6015. A bill to require hospitals and ambulatory surgical centers to disclose charge-related information and to provide price protection for treatments not covered by insurance as conditions for receiving protection from charge-related legal actions; to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STUPAK:

H.R. 6016. A bill to amend title 39, United States Code, to require post offices to have running water and sanitation facilities and prohibiting the closure of post offices based on a lack of running water and sanitation facilities; to the Committee on Oversight and Government Reform.

By Mr. STUPAK (for himself and Mrs. MILLER of Michigan):

H.R. 6017. A bill to ameliorate the effects of harmful algal blooms in the Great Lakes by reducing phosphorus inputs, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committees on Energy and Commerce, and Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. TSONGAS (for herself, Mr. HAYES, Mr. BOOZMAN, Ms. HERSETH SANDLIN, Mr. MILLER of Florida, Ms. BORDALLO, Mr. BRADY of Pennsylvania, and Mr. MCGOVERN):

H.R. 6018. A bill to amend title 10, United States Code, to increase loan repayment limits for health professionals serving in the Armed Forces; to the Committee on Armed Services.

By Mr. UDALL of New Mexico:

H.R. 6019. A bill to amend the Energy Employees Occupational Illness Compensation Program Act of 2000 to grant Special Exposure Cohort designation to a specific group of individuals from a Department of Energy facility in Los Alamos, New Mexico; to the Committee on the Judiciary, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. ZOE LOFGREN of California (for herself, Mr. THORNBERRY, Mr. CONYERS, Mr. PENCE, Ms. LORETTA SANCHEZ of California, Mr. TURNER, and Mr. REYES):

H.R. 6020. A bill to amend the Immigration and Nationality Act to protect the well-being of soldiers and their families, and for other purposes; to the Committee on the Judiciary.

By Mr. BROUN of Georgia:

H.J. Res. 82. A joint resolution proposing an amendment to the Constitution of the United States allowing castration after conviction for the rape of a child under 16 years of age; to the Committee on the Judiciary.

By Mr. BROUN of Georgia:

H.J. Res. 83. A joint resolution proposing an amendment to the Constitution of the United States providing that the Constitution does not preclude a penalty of death, including when it is imposed for the rape of a child under 16 years of age; to the Committee on the Judiciary.

By Mr. ALEXANDER:

H. Con. Res. 346. Concurrent resolution expressing the sense of Congress that American oil companies should build additional refining capacity on existing refinery campuses; to the Committee on Energy and Commerce.

By Mr. BACA:

H. Con. Res. 347. Concurrent resolution expressing the sense of Congress that the Secretary of the Department of Health and Human Services, through the Centers for Disease Control and Prevention and the Food and Drug Administration, should take action to educate the public on the importance of adequate iodine intake; to the Committee on Energy and Commerce.

By Mr. CROWLEY (for himself, Mr. FALEOMAVAEGA, Mr. SCHIFF, Mr. TOWNS, Mr. HOLT, Mr. DAVIS of Illinois, Mr. GRIJALVA, Mr. OLVER, Mr. KING of New York, Mr. PITTS, Mr. MCGOVERN, Mr. SMITH of New Jersey, Mr. MANZULLO, Mr. MCDERMOTT, Mrs. MCCARTHY of New York, Mr. HINCHEY, Mr. SESTAK, Mr. HONDA, Ms. ROS-LEHTINEN, Mr. BERMAN, Mr. BLUMENAUER, Ms. MCCOLLUM of Minnesota, and Mr. SOUDER):

H. Res. 1181. A resolution expressing condolences and sympathy to the people of Burma for the grave loss of life and vast destruction caused by Cyclone Nargis; to the Committee on Foreign Affairs.

By Mr. FILNER:

H. Res. 1182. A resolution expressing the sense of the House of Representatives that American flags flown on Federal Government buildings and on Federal property be made in the United States; to the Committee on the Judiciary.

By Mr. JONES of North Carolina (for himself and Mr. ROHRABACHER):

H. Res. 1183. A resolution amending the Rules of the House of Representatives to observe a moment of silence in the House on the first legislative day of each month for those killed or wounded in United States engagements in Iraq or Afghanistan; to the Committee on Rules.

By Mr. KING of New York:

H. Res. 1184. A resolution supporting the goals and ideals of the Knights of Pythias; to the Committee on Oversight and Government Reform.

By Mr. MCDERMOTT (for himself and Mr. PORTER):

H. Res. 1185. A resolution expressing the sense of the House of Representatives that Congress should recognize the important contributions of Americans who serve as foster parents and, in doing so, unselfishly open their homes and family lives to children in need; to the Committee on Ways and Means.

By Mr. SENSENBRENNER:

H. Res. 1186. A resolution prohibiting the use of funds in a Members' Representational Allowance for the long-term lease of a vehicle; to the Committee on House Administration.

¶55.40 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 154: Mr. SMITH of New Jersey.
H.R. 241: Mr. INGLIS of South Carolina.
H.R. 552: Mr. BLUMENAUER, Mr. KILDEE, and Mr. BACHUS.
H.R. 594: Mr. PLATTS.
H.R. 741: Mrs. CAPPS.
H.R. 752: Mr. BLUMENAUER.
H.R. 768: Mr. GARRETT of New Jersey.
H.R. 784: Mr. KUHL of New York.
H.R. 864: Mr. COHEN.
H.R. 1022: Mr. PATRICK MURPHY of Pennsylvania.
H.R. 1023: Ms. MCCOLLUM of Minnesota and Mr. JEFFERSON.
H.R. 1032: Ms. BORDALLO, Ms. HIRONO, Mr. NADLER, and Mr. TOWNS.
H.R. 1093: Mr. GINGREY.
H.R. 1142: Ms. HIRONO and Mr. NADLER.
H.R. 1190: Mr. PAYNE.
H.R. 1194: Mr. ENGLISH of Pennsylvania and Mr. CARNAHAN.
H.R. 1222: Mr. SHULER.
H.R. 1223: Mr. SHULER.
H.R. 1343: Mr. HULSHOF.
H.R. 1353: Mr. BAIRD.
H.R. 1363: Mr. ANDREWS.
H.R. 1379: Mr. STARK.
H.R. 1386: Mr. RUSH.
H.R. 1540: Mr. LOEBSACK.
H.R. 1552: Mr. INSLEE, Mr. KENNEDY, Mr. DAVIS of Illinois, Mr. LOEBSACK, and Ms. NORTON.
H.R. 1576: Mr. KNOLLENBERG.
H.R. 1610: Ms. CASTOR, Mr. ARCURI, Mr. MCCARTHY of California, and Mr. OBERSTAR.
H.R. 1738: Mr. PLATTS.
H.R. 1869: Mr. POE.
H.R. 1919: Mr. RYAN of Ohio and Mr. WATT.
H.R. 2050: Mr. CARSON.
H.R. 2073: Mr. FATTAH.
H.R. 2125: Ms. MOORE of Wisconsin.
H.R. 2164: Ms. EDDIE BERNICE JOHNSON of Texas.
H.R. 2165: Mr. ROTHMAN.
H.R. 2188: Mr. MEEKS of New York, Ms. NORTON, Ms. CLARKE, and Mr. GORDON.
H.R. 2221: Mr. ISRAEL and Mr. BISHOP of New York.
H.R. 2231: Mr. BONNER.
H.R. 2244: Mr. VAN HOLLEN.
H.R. 2268: Mr. KUCINICH, Mr. AL GREEN of Texas, Mrs. LOWEY, Mrs. DAVIS of California, Ms. ROYBAL-ALLARD Mr. FILNER, Mr. YOUNG of Alaska, Mr. LEWIS of California, Mr. COOPER, Mr. CONAWAY, Mr. FALEOMAVAEGA, Mr. BISHOP of New York, Mr. COLE of Oklahoma, Mr. HOLT, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. KENNEDY, Mr. LAMBORN, Mr. POE, Mr. SHULER, Mr. SPACE, Mr. ROHRABACHER, Mr. MCINTYRE, and Mr. HINOJOSA.
H.R. 2303: Mr. HALL of Texas, Mr. REYNOLDS, and Mrs. MILLER of Michigan.
H.R. 2332: Mr. TIAHRT, Mr. KLEIN of Florida, Mrs. MUSGRAVE, Mrs. MILLER of Michigan, Mr. HELLER, Mr. SAM JOHNSON of Texas, and Mr. RAMSTAD.
H.R. 2370: Mr. HINCHEY and Mr. WALBERG.
H.R. 2371: Mr. SIMPSON, Mr. GENE GREEN of Texas, and Mr. INSLEE.
H.R. 2380: Mr. SALI.
H.R. 2481: Mr. PLATTS.
H. R. 2485: Ms. SPEIER.
H. R. 2507: Mr. GERLACH.
H. R. 2572: Mr. CUMMINGS.
H.R. 2659: Mr. KAGEN.
H.R. 2784: Mr. DREIER.
H.R. 2827: Mr. POE.
H.R. 2851: Mr. MURTHA, Mr. GINGREY, and Mr. CONYERS.
H.R. 2897: Mr. BLUMENAUER.
H.R. 2914: Mr. WALBERG, Ms. BERKLEY, and Mr. BRALEY of Iowa.
H.R. 2933: Mr. ARCURI.
H.R. 2991: Mr. CONYERS, Mr. WILSON of Ohio, Mr. SHULER, Mr. RAMSTAD, and Mr. PENCE.
H.R. 3021: Ms. LORETTA SANCHEZ of California, Ms. LEE, Mr. MCNERNEY, Mr. CUMMINGS, Mr. WALZ of Minnesota, Mr. SCOTT of Georgia, Ms. TSONGAS, Mr. FORTUÑO, Mr. WYNN, Ms. WASSERMAN SCHULTZ, Mr. LANGEVIN, Mr. BOYD of Florida, and Mr. WILSON of Ohio.
H.R. 3022: Ms. LEE and Mr. TOWNS.
H.R. 3089: Mr. GINGREY and Mr. WOLF.
H.R. 3151: Mr. YOUNG of Alaska and Mr. BILBRAY.
H.R. 3202: Mr. FALEOMAVAEGA.
H.R. 3232: Mr. PAYNE, Mr. Foster, and Mr. KUHL of New York.
H.R. 3326: Mr. BLUMENAUER and Mr. FATTAH.
H.R. 3334: Mr. ALEXANDER, Mr. DICKS, Mr. SCOTT of Virginia, and Mr. WALBERG.
H.R. 3374: Mr. BOUCHER.
H. R. 3397: Ms. WATERS, Ms. WATSON, Ms. SLAUGHTER, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. WATT, Mr. BUTTERFIELD, Mr. JACKSON of Illinois, Mr. CLAY, Mr. MEEKS of New York, Mr. DAVIS of Illinois, Mr. THOMPSON of Mississippi, Mr. CARSON, Mr. BRALEY of Iowa, Ms. LINDA T. SÁNCHEZ of California, Mr. CRAMER, Mr. HALL of New York, Mr. ANDREWS, Mr. BAIRD, Mr. PRICE of North Carolina, and Ms. WOOLSEY.
H.R. 3404: Mr. SARBANES.
H.R. 3430: Mr. SHAYS.
H.R. 3533: Mr. FATTAH.
H.R. 3544: Ms. ESHOO.
H.R. 3622: Mr. REHBERG.
H.R. 3642: Mr. WU
H.R. 3652: Ms. SCHAKOWSKY.
H.R. 3750: Mr. FATTAH.
H.R. 3765: Mr. ABERCROMBIE.
H.R. 3817: Mr. SPACE.
H.R. 3818: Mr. CAMP of Michigan.
H.R. 3822: Ms. EDDIE BERNICE JOHNSON of Texas.
H.R. 4008: Mr. MCNERNEY.
H.R. 4026: Mr. THOMPSON of Mississippi and Mr. GRIJALVA.
H.R. 4061: Mr. CARNAHAN.
H.R. 4102: Mr. CONYERS.
H.R. 4109: Mr. MCDERMOTT.
H.R. 4138: Mr. FILNER.
H.R. 4173: Mr. ELLISON, Mr. RUPPERSBERGER, and Mr. BLUMENAUER.
H.R. 4188: Mr. GRIJALVA.
H.R. 4204: Mr. MITCHELL, Mr. CONYERS, and Mr. BLUMENAUER.
H.R. 4206: Mr. OLVER.
H.R. 4236: Mr. MCNERNEY, and Mr. UDALL of Colorado.
H.R. 4321: Mr. BOSWELL, Mr. MARKEY, Mr. SHAYS, and Mr. FEENEY.
H.R. 4344: Mr. SHAYS.
H.R. 4449: Ms. ROS-LEHTINEN.
H.R. 4453: Mr. DAVIS of Illinois.
H.R. 4900: Mr. MARIO DIAZ-BALART of Florida, Mr. BARTON of Texas, Mr. GORDON, Mr. RYAN of Wisconsin, and Mr. CHANDLER.

H.R. 4926: Mr. MARSHALL, Ms. SCHAKOWSKY, Mr. PERLMUTTER, Ms. SHEA-PORTER, Ms. LEE, Mr. REGULA, and Mr. ELLISON.
H.R. 5129: Mr. LOEBSACK.
H.R. 5136: Mrs. MALONEY of New York.
H.R. 5174: Mr. MARKEY.
H.R. 5180: Mrs. CAPPS.
H.R. 5223: Ms. HIRONO and Mr. BLUMENAUER.
H.R. 5244: Ms. GIFFORDS and Mr. WATT.
H.R. 5315: Mr. MICHAUD.
H.R. 5352: Mr. EMANUEL.
H.R. 5442: Mr. BLUMENAUER.
H.R. 5446: Mr. YARMUTH.
H.R. 5448: Ms. HIRONO and Mr. STARK.
H.R. 5465: Mr. WU and Mr. WALZ of Minnesota.
H.R. 5466: Mrs. JONES of Ohio.
H.R. 5496: Mr. LINCOLN DIAZ-BALART of Florida.
H.R. 5506: Mr. FERGUSON, Mr. GARRETT of New Jersey, Mr. SAXTON, Mr. ANDREWS, Mr. SMITH of New Jersey, Mr. PALLONE, Mr. ROTHMAN, Mr. PAYNE, Mr. FRELINGHUYSEN, and Mr. HOLT.
H.R. 5515: Mr. ALEXANDER.
H.R. 5534: Mr. PLATTS and Ms. BALDWIN.
H.R. 5535: Mr. BOSWELL, Mr. MCDERMOTT, Mr. LEWIS of Georgia, Mr. CAPUANO, Mr. MORAN of Virginia, and Mr. KENNEDY.
H.R. 5547: Mr. COURTNEY and Mr. WELCH of Vermont.
H.R. 5549: Mr. TOWNS.
H.R. 5568: Mr. BILBRAY.
H.R. 5603: Mr. SIMPSON.
H. R. 5604: Mr. SNYDER.
H.R. 5629: Ms. LORETTA SANCHEZ of California.
H.R. 5632: Mr. TERRY and Mr. MARKEY.
H.R. 5636: Mr. GRIJALVA.
H.R. 5646: Mr. HELLER and Mr. WHITFIELD of Kentucky.
H.R. 5647: Mr. ALEXANDER.
H.R. 5656: Mrs. MCMORRIS RODGERS.
H.R. 5669: Mr. CHANDLER, Mr. NADLER, and Mr. RUSH.
H.R. 5673: Mrs. BONO MACK.
H.R. 5684: Mr. BROWN of South Carolina, and Ms. EDDIE BERNICE JOHNSON of Texas.
H.R. 5695: Mr. YOUNG of Alaska.
H.R. 5699: Mr. CULBERSON.
H.R. 5702: Mr. LEWIS of Georgia and Mr. KIND.
H.R. 5714: Mr. HENSARLING, Mr. FARR, Mr. CARNAHAN, Mrs. MCCARTHY of New York, Ms. MCCOLLUM of Minnesota, Mr. MITCHELL, Mr. WESTMORELAND, Mr. SCOTT of Georgia, Mr. DOGGETT, Mr. DELAHUNT, and Mr. BISHOP of Utah, and Mr. FORTUNO.
H.R. 5716: Ms. CORRINE BROWN of Florida and Mr. ABERCROMBIE.
H.R. 5721: Mr. SNYDER.
H.R. 5731: Mr. BILBRAY and Mr. CALVERT.
H.R. 5737: Mr. KUHL of New York and Ms. FALLIN.
H.R. 5740: Mr. WHITFIELD of Kentucky, Mr. BROWN of South Carolina, Mr. CUMMINGS, and Mr. RAHALL.
H.R. 5774: Mr. BERMAN, Ms. ZOE LOFGREN of California, and Mr. HONDA.
H.R. 5788: Mrs. TAUSCHER and Mr. FARR.
H.R. 5793: Mr. ISSA, Mr. GERLACH, Mr. GENE GREEN of Texas, Mr. PLATTS, and Mr. SESSIONS.
H.R. 5802: Mr. FATTAH, Mr. MEEK of Florida, and Mr. BRADY of Pennsylvania.
H.R. 5825: Mr. GARRETT of New Jersey.
H.R. 5831: Mr. TAYLOR.
H.R. 5833: Mr. FARR.
H.R. 5841: Mr. GONZALEZ and Mr. CARNAHAN.
H.R. 5846: Mr. CARTER.
H.R. 5854: Ms. GINNY BROWN-WAITE of Florida.
H.R. 5857: Mr. FRELINGHUYSEN.
H.R. 5878: Mr. GRIJALVA.
H.R. 5881: Mr. STARK.
H.R. 5886: Mr. KING of New York.
H.R. 5898: Mr. ALTMIRE, Mrs. BONO MACK, Mr. SHAYS, and Mr. WHITFIELD of Kentucky.
H.R. 5907: Mr. DENT.
H.R. 5944: Ms. GRANGER, Mr. LEWIS of California, and Mr. SOUDER.
H.R. 5958: Mr. AL GREEN of Texas.
H.R. 5960: Mr. WOLF.
H.R. 5971: Mr. GINGREY, Mr. SOUDER, Mr. PLATTS, Mr. LATTA, Mr. HERGER, and Mr. BILBRAY.
H.R. 5974: Mr. BONNER, Mr. FRELINGHUYSEN, and Mr. DANIEL E. LUNGREN of California.
H.R. 5976: Mr. WALSH of New York, Mr. HINCHEY, and Ms. SUTTON.
H.R. 5977: Mr. HOLDEN.
H.R. 5983: Ms. JACKSON-LEE of Texas.
H.R. 5984: Mr. SOUDER, Mr. FORBES, and Mr. SHADEGG.
H.J. Res. 1: Mr. BROUN of Georgia.
H.J. Res. 7: Mr. BROUN of Georgia.
H.J. Res. 39: Mr. FOSTER.
H. Con. Res. 2: Mr. MCGOVERN, Mr. CROWLEY, Mr. NADLER, Mr. MEEK of Florida, Ms. HARMAN, Mr. INSLEE, Mrs. MCCARTHY of New York, Mr. CLAY, Ms. CLARKE, Mr. TOWNS, Mr. THOMPSON of Mississippi, Mr. JOHNSON of Georgia, Mr. CLYBURN, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. JACKSON of Illinois, Mr. WATT, Mr. SCOTT of Virginia, Mr. HOLT, Ms. KILPATRICK, Mr. CARSON, Ms. MOORE of Wisconsin, Ms. WATSON, Mr. ELLISON, Mr. CUMMINGS, Mr. CLEAVER, Mr. BISHOP of Georgia, Ms. NORTON, Mrs. NAPOLITANO, Mr. GRIJALVA, Mr. KIND, Mr. KILDEE, Mr. MARKEY, Mr. BISHOP of Utah, and Mr. RAHALL.
H. Con. Res. 40: Mr. PETERSON of Pennsylvania and Mr. SALI.
H. Con. Res. 46: Mr. FILNER.
H. Con. Res. 244: Mr. MARIO DIAZ-BALART of Florida, Mr. REYNOLDS, and Mr. OLVER.
H. Con. Res. 296: Mr. SMITH of New Jersey, Mr. FORBES, Mr. HAYES, Mr. BILIRAKIS, Mr. MORAN of Kansas, Mr. AKIN, and Mr. PEARCE.
H. Con. Res. 299: Mr. TANNER and Mr. PORTER.
H. Con. Res. 305: Ms. MCCOLLUM of Minnesota, Mr. FRANK of Massachusetts, and Mr. PASTOR.
H. CON. RES. 331: MS. EDDIE BERNICE JOHNSON OF TEXAS AND MS. GINNY BROWN-WAITE OF FLORIDA.
H. Con. Res. 336: Mr. LIPINSKI, Mr. DONNELLY, Ms. MATSUI, Mr. LOBIONDO, Mr. ENGEL, Mr. PETERSON of Minnesota, Mr. ROSS, Ms. SCHWARTZ, Mr. MICHAUD, Mr. PATRICK MURPHY of Pennsylvania, Mr. BRALEY of Iowa, and Mr. UDALL of Colorado.
H. Con. Res. 337: Mrs. LOWEY.
H. Con. Res. 338: Mrs. JONES of Ohio.
H. Res. 111: Ms. TSONGAS.
H. Res. 282: Mr. MARSHALL.
H. Res. 353: Mr. ALTMIRE.
H. Res. 373: Mr. HONDA.
H. Res. 415: Mrs. TAUSCHER and Mr. ORTIZ.
H. Res. 653: Mr. CONYERS.
H. Res. 795: Mr. WOLF.
H. Res. 896: Mr. ALLEN, Mr. ANDREWS, Mr. ARCURI, Mr. BAIRD, Ms. BEAN, Mr. BERMAN, Mr. BERRY, Mr. BISHOP of Georgia, Mr. BOREN, Mr. BOSWELL, Ms. CORRINE BROWN of Florida, Ms. CLARKE, Mr. CLEAVER, Mr. CLYBURN, Mr. CONYERS, Mr. COOPER, Mr. COSTA, Mr. CRAMER, Mr. CROWLEY, Mr. CUELLAR, Mr. DAVIS of Alabama, Ms. DEGETTE, Ms. DELAURO, Mr. DICKS, Mr. DONNELLY, Mr. DOYLE, Mr. EMANUEL, Mr. FRANK of Massachusetts, Mr. LARSON of Connecticut, Mr. MEEKS of New York, Mr. RODRIGUEZ, Mr. ROTHMAN, Mr. SALAZAR, Mr. THOMPSON of Mississippi, Mr. THOMPSON of California, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Mr. BOYD of Florida, Mrs. BOYDA of Kansas, Mr. CUMMINGS, Mr. ELLSWORTH, Mr. FILNER, Mr. HALL of New York, Ms. HERSETH SANDLIN, Mr. KAGEN, Mr. MURTHA, Mr. OBEY, Mr. PERLMUTTER, Mr. SHERMAN, Mr. SHULER, Mr. SNYDER, Mr. TIERNEY, Ms. VELÁZQUEZ, Mr. WALZ of Minnesota, and Mr. SHIMKUS.
H. Res. 937: Mr. INGLIS of South Carolina, Mr. SMITH of New Jersey, Mr. DELAHUNT, Mr. TANCREDO, Mr. WILSON of South Carolina, Mr. BARRETT of South Carolina, and Mr. LOBIONDO.
H. Res. 970: Mr. DUNCAN, Mr. MCCOTTER, and Mr. HINOJOSA.
H. Res. 977: Mr. RAHALL, Mr. CARNEY, Mrs. DAVIS of California, Mr. DONNELLY, Ms. KILPATRICK, and Mr. MCNERNEY.
H. Res. 1012: Mr. LOEBSACK.
H. Res. 1022: Mrs. CUBIN, Mrs. SCHMIDT, Mrs. DRAKE, Mr. LAHOOD, Ms. SPEIER, Mrs. BLACKBURN, Mrs. MILLER of Michigan, Mrs. MUSGRAVE, Mr. SENSENBRENNER, Mr. DREIER, Ms. FOXX, Ms. BEAN, and Mr. MEEKS of New York.
H. Res. 1037: Mr. WOLF.
H. Res. 1089: Mr. LAMPSON.
H. Res. 1105: Mr. GRIJALVA.
H. Res. 1110: Mrs. WILSON of New Mexico.
H. Res. 1120: Mr. MATHESON.
H. Res. 1122: Mr. BARRETT of South Carolina and Mr. SIMPSON.
H. Res. 1124: Mr. FERGUSON.
H. Res. 1132: Mr. DONNELLY.
H. Res. 1134: Ms. SLAUGHTER, Mr. GERLACH, Ms. HERSETH SANDLIN, Mr. MCNERNEY, Mr. BISHOP of New York, Mr. LUCAS, Mr. DOOLITTLE, Mr. MCKEON, Mrs. MUSGRAVE, Ms. GRANGER, Mr. FRELINGHUYSEN, Mr. PETRI, Mr. FEENEY, Mr. WALBERG, Mrs. MCMORRIS RODGERS, Mr. FORBES, Mr. LAMBORN, Mr. COBLE, Mr. GARY G. MILLER of California, Mr. DENT, and Mr. ENGLISH of Pennsylvania.
H. Res. 1135: Mr. WESTMORELAND and Mr. GINGREY.
H. Res. 1142: Mr. CRAMER.
H. Res. 1143: Mr. SHUSTER, Mr. WALSH of New York, and Mr. ARCURI.
H. Res. 1144: Mr. TIBERI, Mr. LEWIS of California, and Mr. SIMPSON.
H. Res. 1160: Mr. GERLACH.
H. Res. 1165: Mr. SENSENBRENNER, Mr. ALTMIRE, Mr. MARKEY, and Mr. JONES of North Carolina.
H. Res. 1179: Mr. TERRY, Mr. WELDON of Florida, Mr. SHULER, and Mr. LEWIS of Kentucky.

MONDAY, MAY 12, 2008 (56)

¶56.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Ms. HIRONO, who laid before the House the following communication:

WASHINGTON, DC,
May 12, 2008.

I hereby appoint the Honorable MAZIE K. HIRONO to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

¶56.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Ms. HIRONO, announced she had examined and approved the Journal of the proceedings of Thursday, May 8, 2008.

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

¶56.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

6502. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of the Department's ''Country Reports on Terrorism: 2007,'' pursuant to 22 U.S.C. 2656f; to the Committee on Foreign Affairs.

6503. A letter from the Chair, Commission on International Religious Freedom, transmitting the Commission's 2008 Annual Report, pursuant to 22 U.S.C. 6401 Public Law

105-292 section 102; to the Committee on Foreign Affairs.

6504. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 08-51 concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance to Australia for defense articles and services; to the Committee on Foreign Affairs.

6505. A letter from the Director, Defense Security Cooperation Agency, transmitting pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 08-49 concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance to Canada for defense articles and services; to the Committee on Foreign Affairs.

6506. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 08-33 concerning the Department of the Navy's proposed Letter(s) of Offer and Acceptance to the United Kingdom for defense articles and services; to the Committee on Foreign Affairs.

6507. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 08-38 concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance to the United Kingdom for defense articles and services; to the Committee on Foreign Affairs.

6508. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting pursuant to Section 62(a) of the Arms Export Control Act (AECA), notification concerning the Department of the Army's proposed extension of a lease of defense articles to the Government of the United Kingdom (Transmittal No. 08-07); to the Committee on Foreign Affairs.

6509. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to Section 620C(c) of the Foreign Assistance Act of 1961, as amended, and in accordance with section 1(a)(6) of Executive Order 13313, a report prepared by the Department of State on the progress toward a negotiated solution of the Cyprus question covering the period February 1, 2008 through March 31, 2008; to the Committee on Foreign Affairs.

6510. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's report to Congress on the Millennium Challenge Corporation's activities for fiscal year 2007, pursuant to Public Law 108-199, section 613; to the Committee on Foreign Affairs.

6511. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report for 2007 on the International Atomic Energy Agency (IAEA) Activities in countries described in Section 307(a) of the Foreign Assistance Act, pursuant to Public Law 105-277, section 2809(c)(2); to the Committee on Foreign Affairs.

6512. A letter from the Secretary, Department of Transportation, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), and pursuant to Executive Order 13313 of July 31, 2003, a six-month periodic report on the national emergency with respect to significant narcotics traffickers centered in Colombia that was declared in Executive Order 12978 of October 21, 1995; to the Committee on Foreign Affairs.

6513. A letter from the Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), a six-month periodic report on the national emergency with respect to Syria that was declared in Executive Order 13338 of May 11, 2004; to the Committee on Foreign Affairs.

6514. A letter from the Summit Co-Host, International Women Leaders Global Security Initiative, transmitting the report of the International Women Leaders Global Security Summit, held November 15–17, 2007; to the Committee on Foreign Affairs.

6515. A letter from the Acting Staff Director, Commission on Civil Rights, transmitting notification that the Commission recently appointed members to the Missouri Advisory Committee; to the Committee on the Judiciary.

6516. A letter from the Acting Staff Director, Commission on Civil Rights, transmitting notification that the Commission recently appointed members to the South Carolina Advisory Committee; to the Committee on the Judiciary.

6517. A letter from the Acting Staff Director, Commission on Civil Rights, transmitting notification that the Commission recently appointed members to the Kansas Advisory Committee; to the Committee on the Judiciary.

And then,

¶56.4 ADJOURNMENT

On motion of the SPEAKER pro tempore, Ms. HIRONO, by unanimous consent and pursuant to the special order of the House agreed to on May 8, 2008, at 2 o'clock and 5 minutes p.m., declared the House adjourned until 12:30 p.m. on Tuesday, May 13, 2008.

¶56.5 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

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

Mr. BERMAN: Committee on Foreign Affairs. H.R. 5916. A bill to reform the administration of the Arms Export Control Act, and for other purposes; with an amendment (Rept. 110–626). Referred to the Committee of the Whole House on the state of the Union.

¶56.6 PUBLIC BILLS AND RESOLUTIONS

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

By Mr. FOSTER:

H.R. 6021. A bill to prohibit the purchase or lease of housing acquired using Federal loan or grant funds appropriated for the purchase and rehabilitation of foreclosed housing under the Neighborhood Stabilization Act of 2008 by any individual convicted under Federal or State law of a drug-dealing offense, a sex offense, or mortgage fraud; to the Committee on Financial Services.

By Mr. WELCH of Vermont (for himself, Mr. LAMPSON, and Mr. MARKEY):

H.R. 6022. A bill to suspend the acquisition of petroleum for the Strategic Petroleum Reserve, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. AKIN (for himself, Mr. BOEHNER, Mr. CANTOR, Mr. BROWN of South Carolina, Mr. PITTS, Mr. WAMP, Mr. DOOLITTLE, Mrs. MYRICK, Mrs. BACHMANN, Mr. DAVID DAVIS of Tennessee, Mr. FEENEY, Mr. GINGREY, Mr. MARCHANT, Mr. BARTLETT of Maryland, Mr. BARRETT of South Carolina, Mr. MILLER of Florida, Mr. FRANKS of Arizona, Mr. KLINE of Minnesota, Mr. WILSON of South Carolina, Mr. POE, Mr. CONAWAY, Mr. CHABOT, Mr. COBLE, Mr. SAM JOHNSON of Texas, Mr. HELLER, Mr. BROUN of Georgia, and Mr. BISHOP of Utah):

H.R. 6023. A bill to amend title 18, United States Code, to prohibit certain forms of interference with military recruiting; to the Committee on the Judiciary.

By Mr. UDALL of New Mexico:

H.R. 6024. A bill to direct the Secretary of the Interior, acting through the Commissioner of Reclamation, to assess the irrigation infrastructure of the Rio Grande Pueblos in the State of New Mexico and provide grants to, and enter into cooperative agreements with, the Rio Grande Pueblos to repair, rehabilitate, or reconstruct existing infrastructure, and for other purposes; to the Committee on Natural Resources.

¶56.7 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 2169: Mr. CARNAHAN.
H.R. 2506: Mr. INSLEE.
H.R. 2552: Mr. BISHOP of New York and Mr. GORDON.
H.R. 3397: Mr. JEFFERSON, Mr. DAVIS of Alabama, Ms. KAPTUR, Mr. LYNCH, Mr. LANGEVIN, Mr. PERLMUTTER, Ms. CORRINE BROWN of Florida, Mr. VAN HOLLEN, Mr. HONDA, and Mr. REYES.
H.R. 3480: Mr. HILL, Mr. KLEIN of Florida, and Mr. LOBIONDO.
H.R. 4030: Mr. WU.
H.R. 4897: Mr. ELLSWORTH.
H.R. 5447: Mr. TIERNEY and Mr. GRIJALVA.
H.R. 5534: Mr. CLAY and Mr. CARSON.
H.R. 5595: Mr. EDWARDS and Mr. BLUMENAUER.
H.R. 5626: Ms. HIRONO.
H.R. 5669: Mr. YOUNG of Florida.
H.R. 5734: Mr. BLUMENAUER and Mr. WYNN.
H.R. 5740: Mr. TERRY and Mr. GOODE.
H.R. 5904: Mr. RADANOVICH.
H.R. 5911: Mrs. CUBIN.
H. Con. Res. 321: Ms. CLARKE and Mr. GONZALEZ.
H. Res. 415: Mrs. BOYDA of Kansas and Mr. UDALL of Colorado.
H. Res. 1056: Mr. MORAN of Virginia.
H. Res. 1164: Mrs. EMERSON and Mr. LEWIS of Georgia.
H. Res. 1181: Ms. SCHAKOWSKY and Mr. FRANK of Massachusetts.

TUESDAY, MAY 13, 2008 (57)

¶57.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order at 12:30 p.m. by the SPEAKER pro tempore, Mr. LARSEN of Washington, who laid before the House the following communication:

WASHINGTON, DC,
May 13, 2008.

I hereby appoint the Honorable RICK LARSEN to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

¶57.2 MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Williams, one of his secretaries.

¶57.3 MORNING-HOUR DEBATE

The SPEAKER pro tempore, Mr. LARSEN of Washington, pursuant to the order of the House of January 4, 2007, recognized Members for morning-hour debate.

¶57.4 RECESS—12:32 P.M.

The SPEAKER pro tempore, Mr. LARSEN of Washington, pursuant to clause 12(a) of rule I, declared the House in recess at 12 o'clock and 32 minutes p.m., until 2 p.m.

¶57.5 AFTER RECESS—2 P.M.

The SPEAKER pro tempore, Mr. POMEROY, called the House to order.

¶57.6 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. POMEROY, announced he had examined and approved the Journal of the proceedings of Monday, May 12, 2008.

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

¶57.7 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

6518. A letter from the Director, U.S. Census Bureau, Department of Commerce, transmitting a copy of two Bureau publications entitled, ''Consolidated Federal Funds for Fiscal Year 2006 (State and County Areas)'' and ''Federal Aid to States for Fiscal Year 2006''; to the Committee on Oversight and Government Reform.

6519. A letter from the Under Secretary for Acquisition, Technology and Logistics, Department of Defense, transmitting in accordance with Section 647(b) of Division F of the Consolidated Appropriations Act, FY 2004, Pub. L. 108-199, the Department's report on competitive sourcing efforts for FY 2007; to the Committee on Oversight and Government Reform.

6520. A letter from the Presidential Appointments Officer, Department of State, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

6521. A letter from the Presidential Apppointments Officer, Department of State, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

6522. A letter from the Presidential Appointments Officer, Department of State, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

6523. A letter from the Presidential Appointments Officer, Department of State, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

6524. A letter from the Presidential Appointments Officer, Department of State, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

6525. A letter from the Presidential Appointments Officer, Department of State, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

6526. A letter from the Presidential Appointments Officer, Department of State, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

6527. A letter from the Presidential Appointments Officer, Department of State, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

6528. A letter from the Presidential Appointments Officer, Department of State, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

6529. A letter from the Presidential Appointments Officer, Department of State, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

6530. A letter from the Presidential Appointments Officer, Department of State, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

6531. A letter from the Presidential Appointments Officer, Department of State, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

6532. A letter from the Human Resources Management Office, Federal Trade Commission, transmitting the Commission's report on the use of the Category Rating System for calendar year 2007, pursuant to 5 U.S.C. 3319(d); to the Committee on Oversight and Government Reform.

6533. A letter from the Administrator, Office of Management and Budget, transmitting the Office's report on competitive sourcing activities for FY 2007, in accordance with Section 647(b) of Division F of the Consolidated Appropriations Act, Fiscal Year 2004, Pub. L. 108-199; to the Committee on Oversight and Government Reform.

6534. A letter from the Senior Vice President and Chief Financial Officer, Potomac Electric Power Company, transmitting a copy of the Balance Sheet of Potomac Electric Power Company as of December 31, 2007, pursuant to D.C. Code section 43-513; to the Committee on Oversight and Government Reform.

6535. A letter from the Inspector General, Railroad Retirement Board, transmitting statement of concern regarding the effectiveness of oversight for the National Railroad Retirement Investment Trust; to the Committee on Oversight and Government Reform.

6536. A letter from the Director, U.S. Trade and Development Agency, transmitting the Agency's Federal Entity Annual Report for FY 2007, pursuant to 5 U.S.C. app. (Insp. Gen. Act), section 5(b); to the Committee on Oversight and Government Reform.

6537. A letter from the Chief of Police, United States Capitol Police, transmitting the semiannual report of receipts and expenditures of appropriations and other funds for the period October 1, 2007 through March 31, 2008, pursuant to Public Law 109-55, section 1005; (H. Doc. No. 110–111); to the Committee on House Administration and ordered to be printed.

6538. A letter from the Assistant Secretary Legislative Affairs, Department of State, transmitting a designation pursuant to Section 219 of the Immigration and Nationality Act, pursuant to 8 U.S.C. 1189; to the Committee on the Judiciary.

6539. A letter from the Chief Counsel, Office of the Chief Counsel, Department of Transportation, transmitting the Department's final rule — Determination of Availability of Coastwise-Qualified Launch Barges [Docket No. MARAD-2005-XXXXX] (RIN: 2133-AB67) received May 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6540. A letter from the Assistant Chief Counsel for Hazardous Materials Safety, Department of Transportation, transmitting the Department's final rule — Hazardous Materials: Enhancing Rail Transportation Safety and Security for Hazardous Materials Shipments [Docket No. PHMSA-RSPA-2004-18730] (RIN: 2137-AE02) received May 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6541. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No. 30597; Amdt. No. 3260] received May 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6542. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30596; Amdt. No. 3259] received May 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6543. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30594; Amdt. No. 3257] received May 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6544. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No. 30591; Amdt. No. 3254] received May 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6545. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No. 30593; Amdt. No. 3256] received May 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6546. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No. 30587; Amdt. No. 3251] received May 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6547. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No. 30605; Amdt. 3267] received May 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6548. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Using Agencies for Restricted Areas R-5303A, B, C; R-5304A, B, C; and R-5306A, C, D, E; NC [Docket No. FAA-2008-0050; Airspace Docket No. 07-ASO-28] (RIN: 2120-AA66) received May

12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6549. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Lexington, OK [Docket No. FAA-2008-0003; Airspace Docket No. 08-ASW-1] received May 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6550. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Rumford, ME. [Docket No. FAA-2008-0063; Airspace Docket No. 08-ANE-94] received May 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6551. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Tucson, AZ [Docket No. FAA-2007-28529; Airspace Docket No. 07-ANM-12] received May 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6552. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Farmington, ME [Docket No. FAA-2007-0243] Airspace Docket No. 07-ANE-93] received May 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6553. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Przedsiebiorstwo Doswiadczalno-Produkcyjne Szybownictwa ''PZL-Bielsko'' Model SZD-50-3 ''Puchacz'' Gliders [Docket No. FAA-2008-0045; Directorate Identifier 2007-CE-100-AD; Amendment 39-15339; AD 2008-02-09] (RIN: 2120-AA64) received May 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6554. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Eurocopter Model AS 332 L2 Helicopters [Docket No. FAA-2008-0100; Directorate Identifier 2007-SW-41-AD; Amendment 39-15356; AD 2008-03-07] (RIN: 2120-AA64) received May 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6555. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — IFR Altitudes; Miscellaneous Amendments [Docket No. 30590; Amdt. No. 472] received May 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6556. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No. 30588; Amdt. No. 3252] received May 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6557. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30589; Amdt. No. 3253] received May 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6558. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No. 30595; Amdt. No. 3258] received May 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6559. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No. 30598; Amdt. No. 3261] received May 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6560. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — IFR Altitudes; Miscellaneous Amendments [Docket No. 30599; Amdt. No. 473] received May 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6561. A letter from the Director of Legislative Affairs, Railroad Retirement Board, transmitting the Board's Congressional Justification of Budget Estimates for Fiscal Year 2009, pursuant to 45 U.S.C. 231f(f); jointly to the Committees on Appropriations, Transportation and Infrastructure, and Ways and Means.

6562. A letter from the Director of Legislative Affairs, Railroad Retirement Board, transmitting the budget justification for the Office of Inspector General, Railroad Retirement Board, for fiscal year 2009, prepared in compliance with OMB Circular No. A-11; jointly to the Committees on Appropriations, Transportation and Infrastructure, and Ways and Means.

¶57.8 SUBMISSION OF CONFERENCE REPORT—H.R. 2419

Mr. PETERSON of Minneapolis, submitted a conference report (Rept. No. 110–627) on the bill (H.R. 2419) to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; together with a statement thereon, for printing in the CONGRESSIONAL RECORD under the rule.

¶57.9 MOTIONS TO INSTRUCT CONFEREES VITIATED—H.R. 2419

The SPEAKER pro tempore, Mr. POMEROY, under clause 7(c) of rule XXII, announced the filing of the conference report on H.R. 2419 has vitiated the following two motions to instruct conferees on that measure: (1) the motion to instruct offered by Mr. UPTON, which was debated on May 8, 2008, and on which further proceedings were postponed under clause 8 of rule XX; and (2) the motion to instruct by Mr. SHIMKUS, which was debated on May 8, 2008, and on which further proceedings were postponed under clause 8 of rule XX.

¶57.10 MESSAGE FROM THE PRESIDENT—RUSSIAN NUCLEAR ENERGY AGREEMENT

The SPEAKER pro tempore, Mr. POMEROY, laid before the House a message from the President, which was read as follows:

To the Congress of the United States:

I am pleased to transmit to the Congress, pursuant to sections 123b. and 123d. of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2153(b), (d)) (the ''Act''), the text of a proposed Agreement Between the Government of the United States of America and the Government of the Russian Federation for Cooperation in the Field of Peaceful Uses of Nuclear Energy. I am also pleased to transmit my written approval, authorization, and determination concerning the Agreement, and a Nuclear Proliferation Assessment Statement (NPAS) concerning the Agreement (in accordance with section 123 of the Act, as amended by title XII of the Foreign Affairs Reform and Restructuring Act of 1998 (Public Law 105–277), a classified annex to the NPAS, prepared by the Secretary of State in consultation with the Director of National Intelligence, summarizing relevant classified information, will be submitted to the Congress separately). The joint memorandum submitted to me by the Secretary of State and the Secretary of Energy and a letter from the Chairman of the Nuclear Regulatory Commission stating the views of the Commission are also enclosed.

The proposed Agreement has been negotiated in accordance with the Act and other applicable law. In my judgment, it meets all applicable statutory requirements and will advance the nonproliferation and other foreign policy interests of the United States.

The proposed Agreement provides a comprehensive framework for peaceful nuclear cooperation with Russia based on a mutual commitment to nuclear non-proliferation. It has a term of 30 years, and permits the transfer of technology, material, equipment (including reactors), and components for nuclear research and nuclear power production. It does not permit transfers of Restricted Data, and permits transfers of sensitive nuclear technology, sensitive nuclear facilities, and major critical components of such facilities by amendment to the Agreement. In the event of termination, key non-proliferation conditions and controls continue with respect to material and equipment subject to the Agreement.

The Russian Federation is a nuclear weapon state party to the Treaty on the Non-Proliferation of Nuclear Weapons. Like the United States, it has a ''voluntary offer'' safeguards agreement with the International Atomic Energy Agency (IAEA). That agreement gives the IAEA the right to apply safeguards on all source or special fissionable material at peaceful nuclear facilities on a Russia-provided list. The Russian Federation is also a party to the Convention on the Physical Protection of Nuclear Material, which establishes international standards of physical protection for the use, storage, and transport of nuclear material. It is also a member of the Nuclear Suppliers Group, whose non-legally binding Guidelines set forth standards for the responsible export of nuclear commodities for peaceful use. A more detailed discussion of Russia's domestic civil nuclear program and its nuclear nonproliferation policies and practices, including its nuclear export policies and practices, is provided in the NPAS and

in the classified annex to the NPAS submitted to the Congress separately.

I have considered the views and recommendations of the interested agencies in reviewing the proposed Agreement and have determined that its performance will promote, and will not constitute an unreasonable risk to, the common defense and security. Accordingly, I have approved the Agreement and authorized its execution and urge that the Congress give it favorable consideration.

This transmission shall constitute a submittal for purposes of both sections 123b. and 123d. of the Atomic Energy Act. My Administration is prepared to begin immediately the consultations with the Senate Foreign Relations Committee and House Foreign Affairs Committee as provided in section 123b. Upon completion of the 30-day continuous session period provided for in section 123b., the 60-day continuous session period provided for in section 123d. shall commence.

GEORGE W. BUSH.

THE WHITE HOUSE, *May 12, 2008*.

By unanimous consent, the message, together with the accompanying papers, was referred to the Committee on Foreign Affairs and ordered to be printed (H. Doc. 110–112).

¶57.11 STRATEGIC PETROLEUM RESERVE

Mr. DINGELL moved to suspend the rules and pass the bill (H.R. 6022) to suspend the acquisition of petroleum for the Strategic Petroleum Reserve, and for other purposes.

The SPEAKER pro tempore, Mr. POMEROY, recognized Mr. DINGELL and Mr. BARTON of Texas, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. POMEROY, announced that two-thirds of the Members present had voted in the affirmative.

Mr. WELCH of Vermont, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. POMEROY, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶57.12 MENTAL HEALTH MONTH

Mrs. NAPOLITANO moved to suspend the rules and agree to the resolution (H. Res. 1134):

Whereas the mental health and well-being of Americans is a critical issue that affects not only the quality of life, but also the health of our communities and our economic stability;

Whereas the stigma associated with mental health persists;

Whereas more than 57,000,000 Americans suffer from a mental illness;

Whereas approximately 1 in 5 children has a diagnosable mental disorder;

Whereas more than 1 in 5 of our troops suffer from major depression (3)/or post traumatic stress disorder;

Whereas more than half of all prison and jail inmates suffer from mental illness;

Whereas mental illness is the most common disability in our Nation;

Whereas untreated mental illness costs businesses and the American economy over $150,000,000,000 annually;

Whereas untreated mental illness is a leading cause of absenteeism and lost productivity in the workplace;

Whereas in 2004, over 32,000 individuals committed suicide in the United States, at twice the rate of homicides;

Whereas suicide is the third leading cause of death among people between the ages of 10 and 24;

Whereas in 2004, individuals aged 65 and older made up only 12.4 percent of the population, but accounted for 16 percent of all suicides, and the rate of suicide among older Americans is higher than for any other age group;

Whereas 1 in 4 Latina adolescents report seriously contemplating suicide, a rate higher than any other demographic;

Whereas studies report that persons with serious mental illness die, on average, 25 years earlier than the general population; and

Whereas it would be appropriate to designate May 2008 as Mental Health Month: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals and ideals of Mental Health Month in order to emphasize scientific facts and findings regarding mental health and to remove the stigma associated therewith;

(2) recognizes that mental well-being is equally as important as physical well-being for our citizens, our communities, our businesses, our economy, and our Nation;

(3) applauds the coalescing of national and community organizations in working to promote public awareness of mental health, and providing critical information and support to the people and families affected by mental illness;

(4) supports the findings of the President's Commission on Mental Health that the Nation's failure to prioritize mental health is a national tragedy; and

(5) encourages all organizations and health practitioners to use Mental Health Month as an opportunity to promote mental well-being and awareness, ensure access to appropriate services, and support overall quality of life for those with mental illness.

The SPEAKER pro tempore, Mr. POMEROY, recognized Mrs. NAPOLITANO and Mr. BARTON of Texas, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. POMEROY, announced that two-thirds of the Members present had voted in the affirmative.

Mr. SIMPSON objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mr. POMEROY, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Wednesday, May 14, 2008.

The point of no quorum was considered as withdrawn.

¶57.13 NATIONAL TRAIN DAY

Ms. Corrine BROWN of Florida, moved to suspend the rules and agree to the resolution (H. Res. 1176):

Whereas, on May 10, 1869, the ''golden spike'' was driven into the final tie at Promontory Summit, Utah, to join the Central Pacific and the Union Pacific Railroads, ceremonially completing the first transcontinental railroad and therefore connecting both coasts of the United States;

Whereas, in highly populated regions, Amtrak trains and infrastructure carry commuters to and from work in congested metropolitan areas providing a reliable rail option, reducing congestion on roads and in the skies;

Whereas, for many rural Americans, Amtrak represents the only major intercity transportation link to the rest of the country;

Whereas passenger rail provides a more fuel-efficient transportation system thereby providing cleaner transportation alternatives and energy security;

Whereas passenger railroads emit only 0.2 percent of the travel industry's total greenhouse gases;

Whereas Amtrak annually provides intercity passenger rail travel to over 25,000,000 Americans residing in 46 States;

Whereas an increasing number of people are using trains for travel purposes beyond commuting to and from work;

Whereas our railroad stations are a source of civic pride, a gateway to our communities, and a tool for economic growth; and

Whereas Amtrak has designated May 10, 2008, as National Train Day to celebrate the way trains connect people and places: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the contribution trains make to the national transportation system;

(2) urges the people of the United States to recognize such a day as an opportunity to learn more about trains; and

(3) supports the goals and ideals of National Train Day as designated by Amtrak.

The SPEAKER pro tempore, Mr. POMEROY, recognized Ms. Corrine BROWN of Florida, and Mr. BOOZMAN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. POMEROY, announced that two-thirds of the Members present had voted in the affirmative.

Mr. SIMPSON objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mr. POMEROY, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Wednesday, May 14, 2008.

The point of no quorum was considered as withdrawn.

¶57.14 WINONA STATE UNIVERSITY

Mr. WALZ of Minnesota, moved to suspend the rules and agree to the resolution (H. Res. 1133); as amended:

Whereas on March 29, 2008, the Winona State University Warriors of Winona, Minnesota, won the 2008 National Collegiate Athletic Association (NCAA) Division II National Basketball Championship with a victory over Georgia's Augusta State University, with a score of 87–76 in Springfield, Massachusetts;

Whereas Jonte Flowers was named the 2008 NCAA Division II Elite Eight Tournament's Most Outstanding Player for his performance throughout the tournament;

Whereas Jonte Flowers also holds the NCAA Division II record for player career steals, with 414;

Whereas the Warriors finished the 2008 season with a record of 38–1, an NCAA Division II record for most victories in a season by an NCAA men's basketball team;

Whereas over the past 3 years, the team's overall record is an impressive 105–6;

Whereas the senior class, which includes John Smith, Jonte Flowers, Quincy Henderson, Shane Neiss, and Brent Riese, accrued a record of 129–17 in their 4 years of play together at Winona State University;

Whereas John Smith was named the NCAA Division II Player of the Year by four separate organizations, which include 2 consecutive years of recognition from Basketball Times and DII Bulletin, as well as the National Association of Basketball Coaches, for his outstanding performance throughout the year;

Whereas John Smith also holds the NCAA Division II record for consecutive starts, with 146;

Whereas the Winona State University Warriors men's basketball team boasts two national titles from 2006 and 2008, three straight North Central Region titles from 2006, 2007, and 2008, four straight regular season championships, and three straight conference tournament championships;

Whereas head coach Mike Leaf has been named the Northern Sun Intercollegiate Conference Coach of the Year four times and National Coach of the Year two times; and

Whereas in 2006 and 2007, the team broke the NCAA Division II consecutive win record by winning 57 straight games: Now, therefore, be it

Resolved, That the House of Representatives—

(1) congratulates the Winona State University Warriors for winning the 2008 National Collegiate Athletic Association Division II Basketball National Championship; and

(2) recognizes Bryce Welch, Brad Meyer, Travis Whipple, Quincy Henderson, Curtrel Robinson, Ben Fischer, Brent Riese, Jonte Flowers, David Johnson, Jon Walburg, Luke Doedens, Max Hintz, Josh Korth, Matt Smith, Shane Neiss, Ryan Gargaro, John Smith, Mike Muller, head coach Mike Leaf, and all other coaches and support staff who were instrumental in this achievement.

The SPEAKER pro tempore, Mr. POMEROY, recognized Mr. WALZ of Minnesota, and Mr. CASTLE, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. POMEROY, announced that two-thirds of the Members present had voted in the affirmative.

Mr. SIMPSON objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mr. POMEROY, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Wednesday, May 14, 2008.

The point of no quorum was considered as withdrawn.

¶57.15 AMERICORPS WEEK

Mr. DAVIS of Illinois, moved to suspend the rules and agree to the resolution (H. Res. 1173):

Whereas the AmeriCorps national service program, since its inception in 1994, has proven to be a highly effective way to engage Americans in meeting a wide range of local needs, national response directives, and promote the ethic of service and volunteering;

Whereas over $5,000,000,000 in AmeriCorps funds invested in nonprofit, community, educational, and faith-based community groups since 1994 have leveraged hundreds of millions of dollars in additional funds and in-kind donations from other sources;

Whereas each year, AmeriCorps provides opportunities for 75,000 citizens across the Nation to give back in an intensive way to our districts, our States, and our Nation;

Whereas a total of 542,000 citizens since 1994 across the Nation haven taken the AmeriCorps pledge to ''get things done for America'' by becoming AmeriCorps members;

Whereas those same individuals have served a total of more than 705,000,000 hours nationwide, helping to improve the lives of our Nation's most vulnerable citizens, protect our environment, contribute to our public safety, respond to disasters, and strengthen our educational system;

Whereas AmeriCorps members last year recruited and supervised more than 1,700,000 community volunteers, demonstrating AmeriCorps value as a powerful volunteer catalyst and force multiplier;

Whereas AmeriCorps members nationwide, in return for their service, have earned nearly $1,430,000,000 to use to further their own educational advancement at our Nation's colleges and universities;

Whereas AmeriCorps members, after their terms of service end, remain engaged in our communities as volunteers, teachers, and nonprofit professional in disproportionately high levels;

Whereas AmeriCorps members served 4,100 nonprofit organizations, schools, and faith-based and community organizations last year; and

Whereas 2008's AmeriCorps Week, observed May 11 through May 18, is an opportune time for the people of the United States to salute current and former AmeriCorps members for their powerful impact, thank all of AmeriCorps' community partners in our Nation who make the program possible and bring more Americans into service: Now, therefore, be it

Resolved, That the House of Representatives—

(1) encourages all citizens to join in a national effort to salute AmeriCorps members and alumni, and raise awareness about the importance of national and community service;

(2) acknowledges the significant accomplishments of the AmeriCorps members, alumni, and community partners;

(3) recognizes the important contributions to the lives of our citizens by AmeriCorps members; and

(4) encourages citizens of all ages to consider serving in AmeriCorps.

The SPEAKER pro tempore, Mr. POMEROY, recognized Mr. DAVIS of Illinois, and Mr. CASTLE, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. POMEROY, announced that two-thirds of the Members present had voted in the affirmative.

Mr. SIMPSON objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mr. POMEROY, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Wednesday, May 14, 2008.

The point of no quorum was considered as withdrawn.

¶57.16 SERVICES FOR FOSTER CHILDREN

Mr. DAVIS of Illinois, moved to suspend the rules and agree to the resolution (H. Res. 789); as amended:

Whereas over 500,000 children in the United States are currently in foster care which is twice as many as 15 years ago;

Whereas the majority of these children and youth have been removed from their homes because of abuse or neglect;

Whereas foster children experience a number of unique challenges based on instability in their home and school environments;

Whereas just over half of all foster children complete high school, 30 percent continue to rely on public assistance into adulthood and 25 percent will experience homelessness at one point in their lives;

Whereas numerous public child welfare agencies, nonprofit organizations and private entities work tirelessly to recruit loving foster families and improve the lives of foster children;

Whereas these groups strive to consider the best interest of each child and focus on keeping families together when possible;

Whereas they provide invaluable resources to foster families as well as teachers, counselors, physicians, clergy, and others who work closely with children in the foster care system;

Whereas these groups are dedicated to changing public policy and raising awareness related to the special needs of foster children; and

Whereas they continue to sponsor research, develop best practices, and offer assistance to youth transitioning out of the system to ensure they receive adequate support as they reach adulthood: Now, therefore, be it

Resolved, That the House of Representatives honors the contributions of public child welfare agencies, nonprofit organizations and private entities dedicated to finding homes for foster children and assisting foster families in securing the future success of their foster children.

The SPEAKER pro tempore, Mr. POMEROY, recognized Mr. DAVIS of Illinois, and Mr. CASTLE, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. POMEROY, announced that two-thirds of the Members present had voted in the affirmative.

Mr. SIMPSON objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mr. POMEROY, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Wednesday, May 14, 2008.

The point of no quorum was considered as withdrawn.

¶57.17 SAINT-GAUDENS DOUBLE EAGLE COINS

Mr. GUTIERREZ moved to suspend the rules and pass the bill (H.R. 5614) to authorize the production of Saint-Gaudens Double Eagle ultra-high relief bullion coins in palladium to provide

affordable opportunities for investments in precious metals, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. POMEROY, recognized Mr. GUTIERREZ and Mr. CASTLE, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. POMEROY, announced that two-thirds of the Members present had voted in the affirmative.

Mr. SIMPSON objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mr. POMEROY, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Wednesday, May 14, 2008.

The point of no quorum was considered as withdrawn.

¶57.18 STAR-SPANGLED BANNER AND WAR OF 1812 COIN

Mr. GUTIERREZ moved to suspend the rules and pass the bill (H.R. 2894) to require the Secretary of the Treasury to mint coins in commemoration of the bicentennial of the writing of the ''Star Spangled Banner'' and the War of 1812, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. POMEROY, recognized Mr. GUTIERREZ and Mrs. BIGGERT, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. POMEROY, announced that two-thirds of the Members present had voted in the affirmative.

Mr. SIMPSON objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mr. POMEROY, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Wednesday, May 14, 2008.

The point of no quorum was considered as withdrawn.

¶57.19 BOY SCOUTS OF AMERICA CENTENNIAL COIN

Mr. GUTIERREZ moved to suspend the rules and pass the bill (H.R. 5872) to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the Boy Scouts of America, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. POMEROY, recognized Mr. GUTIERREZ and Mrs. BIGGERT, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. POMEROY, announced that two-thirds of the Members present had voted in the affirmative.

Mr. SIMPSON objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mr. POMEROY, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Wednesday, May 14, 2008.

The point of no quorum was considered as withdrawn.

¶57.20 ALICE PAUL CONGRESSIONAL GOLD MEDAL

Mr. BACA moved to suspend the rules and pass the bill (H.R. 406) to posthumously award a Congressional Gold Medal to Alice Paul in recognition of her role in the women's suffrage movement and in advancing equal rights for women; as amended.

The SPEAKER pro tempore, Mr. POMEROY, recognized Mr. BACA and Mrs. BIGGERT, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. POMEROY, announced that two-thirds of the Members present had voted in the affirmative.

Mr. SIMPSON objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mr. POMEROY, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Wednesday, May 14, 2008.

The point of no quorum was considered as withdrawn.

¶57.21 CREDIT CARD AND DEBIT CARD RECEIPT CLARIFICATION

Mr. MAHONEY of Florida, moved to suspend the rules and pass the bill (H.R. 4008) to amend the Fair Credit Reporting Act to make technical corrections to the definition of willful noncompliance with respect to violations involving the printing of an expiration date on certain credit and debit card receipts before the date of the enactment of this Act.

The SPEAKER pro tempore, Mr. POMEROY, recognized Mr. MAHONEY of Florida, and Mrs. BIGGERT, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. SERRANO, announced that two-thirds of the Members present had voted in the affirmative.

Mr. MAHONEY of Florida, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. SERRANO, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶57.22 CYCLONE NARGIS

Mr. FALEOMAVAEGA moved to suspend the rules and agree to the resolution (H. Res. 1181):

Whereas on the night of May 2, 2008, through the morning of May 3, 2008, Cyclone Nargis, the first tropical cyclone to make landfall on Burma since Cyclone Mala in 2006, struck the coast of Burma;

Whereas Cyclone Nargis caused more destruction in Burma than the Indian Ocean tsunami of December 2004;

Whereas Cyclone Nargis has caused the death of tens of thousands of people, displaced hundreds of thousands, and is anticipated to affect over a million people;

Whereas Cyclone Nargis has caused significant damage to Burma's rice crop, likely worsening the global food crisis and affecting the supply of rice in Burma and worldwide;

Whereas on May 7, 2008, news media reported that the death toll, as accounted by a United States envoy, could reach over 100,000;

Whereas tens of thousands of people remain missing in the storm's wake;

Whereas Cyclone Nargis has devastated major parts of Burma, including extensive damage to Burma's largest city of Rangoon and throughout the Irrawaddy Delta region, Bago (Pegu) division, Karen State, and Mon State;

Whereas initially 5 regions in Burma were declared disaster zones;

Whereas 2 Irrawaddy Division townships, Kyait Lat and Latputda, were almost completely destroyed, leaving several hundred thousand people without homes or shelters;

Whereas fallen trees, demolished homes, downed power and telephone lines, and debris have blocked roads and blanketed the affected area;

Whereas hundreds of thousands of people are in dire need of emergency shelter and clean drinking water;

Whereas Burma's military regime did little to warn the people and is not providing adequate humanitarian assistance to address basic needs and prevent further loss of life;

Whereas despite the devastation, the military regime has announced plans to go ahead with its May 10, 2008, referendum on a sham constitution, delaying voting only in portions of the affected Irrawaddy region and Rangoon;

Whereas the military regime has failed to provide life-protecting and life-sustaining services to its people;

Whereas more than 30 disaster assessment teams from 18 different Nations and the United Nations have been denied permission to enter Burma by the junta;

Whereas the United States, through its Government, the Burma-American community, and its people as a whole, has already extended significant support to the people of Burma during this difficult time, including a $250,000 emergency contribution authorized by the United States Embassy in Burma to be released immediately, and $3,000,000 in additional aid relief announced on May 6, 2008, by the White House; and

Whereas a United States Agency for International Development disaster response team is positioned in neighboring Thailand: Now, therefore, be it

Resolved, That the House of Representatives—

(1) extends its condolences and sympathy to the people of Burma for the grave loss of life and vast destruction caused by Cyclone Nargis;

(2) vows its full support of and solidarity with the people of Burma;

(3) calls on Americans to provide immediate emergency assistance to cyclone victims in Burma through humanitarian agencies;

(4) expresses confidence that the people of Burma will succeed in overcoming the hardships incurred because of this tragedy;

(5) calls for the Burmese military junta to consider the well-being of its people and accept broad international assistance; and

(6) demands that the referendum to entrench military rule be called off, allowing all resources to be focused on disaster relief to ease the pain and suffering of the Burmese people.

The SPEAKER pro tempore, Mr. SERRANO, recognized Mr. FALEOMAVAEGA and Ms. ROS-LEHTINEN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. SERRANO, announced that two-thirds of the Members present had voted in the affirmative.

Mr. SIMPSON objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mr. SERRANO, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

The point of no quorum was considered as withdrawn.

¶57.23 ARMS EXPORT CONTROL

Mr. BERMAN moved to suspend the rules and pass the bill (H.R. 5916) to reform the administration of the Arms Export Control Act, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. SERRANO, recognized Mr. BERMAN and Ms. ROS-LEHTINEN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. SERRANO, announced that two-thirds of the Members present had voted in the affirmative.

Mr. SIMPSON objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mr. SERRANO, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Wednesday, May 14, 2008.

The point of no quorum was considered as withdrawn.

¶57.24 NORTH KOREAN HUMAN RIGHTS

Mr. BERMAN moved to suspend the rules and pass the bill (H.R. 5834) to amend the North Korean Human Rights Act of 2004 to promote respect for the fundamental human rights of the people of North Korea, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. SERRANO, recognized Mr. BERMAN and Ms. ROS-LEHTINEN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. SERRANO, announced that two-thirds of the Members present had voted in the affirmative.

Mr. SIMPSON objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mr. SERRANO, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Wednesday, May 14, 2008.

The point of no quorum was considered as withdrawn.

¶57.25 RECESS—6:25 P.M.

The SPEAKER pro tempore, Mr. SERRANO, pursuant to clause 12(a) of rule I, declared the House in recess at 6 o'clock and 25 minutes p.m., until approximately 6:30 p.m.

¶57.26 AFTER RECESS—6:35 P.M.

The SPEAKER pro tempore, Ms. ROYBAL-ALLARD, called the House to order.

¶57.27 H. RES. 1181—UNFINISHED BUSINESS

The SPEAKER pro tempore, Ms. ROYBAL-ALLARD, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 1181) expressing condolences and sympathy to the people of Burma for the grave loss of life and vast destruction caused by Cyclone Nargis.

The question being put, viva voce,

Will the House suspend the rules and agree to the said resolution?

The SPEAKER pro tempore, Ms. ROYBAL-ALLARD, announced that two-thirds of those present had voted in the affirmative.

Mr. CROWLEY demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 410 Nays 1

¶57.28 [Roll No. 306]

YEAS—410

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carson
Carter
Castle
Castor
Cazayoux
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Filner
Flake
Forbes
Fortenberry
Fossella
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Scalise
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Speier
Spratt
Stark
Stearns

Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NAYS—1

Paul

NOT VOTING—22

Andrews
Bonner
Bono Mack
Carney
Crenshaw
Ferguson
Gerlach
Hinojosa
Hulshof
Mack
Mollohan
Myrick
Peterson (PA)
Richardson
Rohrabacher
Roskam
Rush
Sires
Udall (NM)
Watson
Weller
Wynn

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶57.29 MOMENT OF SILENCE IN MEMORY OF PEOPLE IN BURMA

The SPEAKER pro tempore, Ms. ROYBAL-ALLARD, announced that all Members stand and observe a moment of silence in memory of those affected by the disaster in Burma.

¶57.30 H.R. 6022—UNFINISHED BUSINESS

The SPEAKER pro tempore, Ms. ROYBAL-ALLARD, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and pass the bill (H.R. 6022) to suspend the acquisition of petroleum for the Strategic Petroleum Reserve, and for other purposes.

The question being put,

Will the House suspend the rules and pass said bill?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 385 / Nays 25

¶57.31 [Roll No. 307]

YEAS—385

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Altmire
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carson
Carter
Castle
Castor
Cazayoux
Chabot
Chandler
Clarke
Cleaver
Clyburn
Coble
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Drake
Dreier
Duncan
Edwards
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Filner
Flake
Forbes
Fortenberry
Fossella
Foster
Frank (MA)
Frelinghuysen
Gallegly
Garrett (NJ)
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Herseth Sandlin
Higgins
Hill
Hinchey
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hunter
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lampson
Langevin
Larsen (WA)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lungren, Daniel E.
Lynch
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Nadler
Napolitano
Neal (MA)
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Petri
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Welch (VT)
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NAYS—25

Akin
Barton (TX)
Campbell (CA)
Cole (OK)
Conaway
Cubin
Doolittle
Ehlers
Foxx
Franks (AZ)
Hensarling
Herger
Inglis (SC)
King (IA)
Lamborn
Linder
Lucas
Mica
Neugebauer
Pickering
Radanovich
Scalise
Weldon (FL)
Westmoreland
Wilson (SC)

NOT VOTING—23

Andrews
Bonner
Bono Mack
Carney
Clay
Crenshaw
Ferguson
Gerlach
Hinojosa
Hulshof
Larson (CT)
Mack
Mollohan
Myrick
Peterson (PA)
Richardson
Rohrabacher
Roskam
Rush
Udall (NM)
Watson
Weller
Wynn

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶57.32 MOMENT OF SILENCE IN MEMORY OF PEOPLE IN CHINA

The SPEAKER pro tempore, Ms. ROYBAL-ALLARD, announced that all Members stand and observe a moment of silence in memory of those affected by the disaster in China.

¶57.33 H.R. 4008—UNFINISHED BUSINESS

The SPEAKER pro tempore, Ms. ROYBAL-ALLARD, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and pass the bill (H.R. 4008) to amend the Fair Credit Reporting Act to make technical corrections to the definition of willful noncompliance with respect to violations involving the printing of an expiration date on certain credit and debit card receipts before the date of the enactment of this Act.

The question being put,

Will the House suspend the rules and pass said bill?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 407 / Nays 0

¶57.34 [Roll No. 308]

YEAS—407

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess

Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carson
Carter
Castle
Castor
Cazayoux
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Filner
Flake
Forbes
Fortenberry
Fossella
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Hill
Hinchey
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mitchell
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Scalise
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Speier
Spratt
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—26

Andrews
Bilbray
Bonner
Bono Mack
Carney
Crenshaw
Diaz-Balart, L.
Ferguson
Gerlach
Higgins
Hinojosa
Hulshof
Mack
Miller, George
Mollohan
Myrick
Peterson (PA)
Richardson
Rohrabacher
Roskam
Rush
Stark
Udall (NM)
Watson
Weller
Wynn

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶57.35 PROVIDING FOR CONSIDERATION OF THE CONFERENCE REPORT TO H.R. 2419

Mr. MCGOVERN, by direction of the Committee on Rules, reported (Rept. No. 110–629) the resolution (H. Res. 1189) providing for consideration of the conference report to accompany the bill (H.R. 2419) to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes.

When said resolution and report were referred to the House Calendar and ordered printed.

¶57.36 PROVIDING FOR CONSIDERATION OF S. CON. RES. 70

Mr. MCGOVERN, by direction of the Committee on Rules, reported (Rept. No. 110–630) the resolution (H. Res. 1190) providing for the consideration of the concurrent resolution of the Senate (S. Con. Res. 70) setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013.

When said resolution and report were referred to the House Calendar and ordered printed.

¶57.37 SENATE ENROLLED BILL SIGNED

The Speaker announced her signature to an enrolled bill of the Senate of the following title:

S. 2929. An Act to temporarily extend the programs under the Higher Education Act of 1965.

¶57.38 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mrs. BONO MACK, for today and balance of the week;

To Mr. GERLACH, for today and balance of the week; and

To Mr. WELLER of Illinois, for today.

And then,

¶57.39 ADJOURNMENT

On motion of Mr. GILCHREST, at 10 o'clock and 51 minutes p.m., the House adjourned.

¶57.40 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

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

Mr. PETERSON of Minnesota; Committee of Conference. Conference report on H.R. 2419. A bill to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes (Rept. 110–627). Ordered to be printed.

Mr. BERMAN. Committee on Foreign Affairs. H.R. 5834. A bill to amend the North Korean Human Rights Act of 2004 to promote respect for the fundamental human rights of the people of North Korea, and for other purposes; with an amendment (Rept. 110–628). Referred to the Committee of the Whole House on the state of the Union.

Mr. CARDOZA: Committee on Rules. House Resolution 1189. Resolution providing for consideration of the conference report to accompany the bill (H.R. 2419) to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes (Rept. 110–629). Referred to the House Calendar.

Mr. MCGOVERN: Committee on Rules. House Resolution 1190. Resolution providing for the adoption of the concurrent resolution (S. Con. Res. 70) setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013 (Rept. 110–630). Referred to the House Calendar.

Mr. RAHALL: Committee on Natural Resources. H.R. 3323. A bill to authorize the Secretary of the Interior to convey a water distribution system to the Goleta Water District, and for other purposes; with an amendment (Rept. 110–631). Referred to the Committee of the Whole House on the state of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 3930. A bill to provide for a land exchange involving State land and Bureau of Land Management land in Chavez and Dona Ana Counties, New Mexico, and to establish the Lesser Prairie Chicken National Habitat Preservation Area, and for other purposes; with an amendment (Rept. 110–632). Referred to the Committee of the Whole House on the state of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 4074. A bill to authorize the implementation of the San Joaquin River Restoration Settlement, and for other purposes (Rept. 110–633). Referred to the Committee of the Whole House on the state of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 2649. A bill to make amendments to the Reclamation Projects Authorization and Adjustment Act of 1992; with an amendment (Rept. 110–634). Referred to the Committee of the Whole House on the state of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 1771. A bill to assist in the conservation of cranes by supporting and providing, through projects of persons and organizations with expertise in crane conservation, financial resources for the conservation programs of countries and activities of which directly or indirectly affect cranes and the ecosystems of cranes; with an amendment (Rept. 110–635). Referred to the Committee of the Whole House on the state of the Union.

¶57.41 PUBLIC BILLS AND RESOLUTIONS

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

By Mrs. MCMORRIS RODGERS (for herself, Mr. CANTOR, Ms. GRANGER, Mr. MCKEON, Mr. FRANKS of Arizona, Mr. PAUL, Mrs. BONO MACK, Mr. KLINE of Minnesota, Mr. WILSON of South Carolina, Ms. PRYCE of Ohio, Mr. MCHENRY, and Mrs. BLACKBURN):

H.R. 6025. A bill to amend the Fair Labor Standards Act of 1938 to provide compensatory time for employees in the private sector; to the Committee on Education and Labor.

By Mr. LEWIS of California (for himself, Mr. BOEHNER, Mr. BLUNT, Mr. SIMPSON, Mr. CULBERSON, Mr. WALSH of New York, Mr. CARTER, Ms. GRANGER, Mr. TIAHRT, Mr. LAHOOD, Mr. ROGERS of Kentucky, Mr. WAMP, Mr. BONNER, Mr. WOLF, Mrs. EMERSON, Mr. CRENSHAW, Mr. KINGSTON, Mr. YOUNG of Florida, Mr. ALEXANDER, Mr. KIRK, Mr. ADERHOLT, Mr. KNOLLENBERG, Mr. REGULA, Mr. LATHAM, Mr. GOODE, Mr. CALVERT, Mr. FRELINGHUYSEN, Mr. REHBERG, and Mr. WELDON of Florida):

H.R. 6026. A bill making emergency supplemental appropriations for the fiscal year ending September 30, 2008, and for other purposes; to the Committee on Appropriations, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SHADEGG:

H.R. 6027. A bill to provide highest preference in the use of foreclosed housing acquired using Federal loan or grant funds made available under the Neighborhood Stabilization Act of 2008 for providing housing for disabled veterans and to prohibit the purchase or lease of such housing by any individual convicted under Federal or State law of a drug-dealing offense, a sex offense, or mortgage fraud; to the Committee on Financial Services.

By Mr. BERMAN (for himself, Mr. ENGEL, Mr. REYES, and Mr. CUELLAR):

H.R. 6028. A bill to authorize law enforcement and security assistance, and assistance to enhance the rule of law and strengthen civilian institutions, for Mexico and the countries of Central America, and for other purposes; to the Committee on Foreign Affairs, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. BALDWIN (for herself, Mr. ELLISON, Mr. KILDEE, Mr. HASTINGS of Florida, Mrs. CAPPS, Ms. SCHAKOWSKY, Mr. LEWIS of Georgia, Mr. COHEN, Ms. MOORE of Wisconsin, Mr. GRIJALVA, Mrs. MALONEY of New York, Mr. FRANK of Massachusetts, Mr. WYNN, Mr. KUCINICH, and Mr. MCGOVERN):

H.R. 6029. A bill to amend the Family and Medical Leave Act of 1993 to eliminate an hours of service requirement for benefits under that Act; to the Committee on Education and Labor, and in addition to the Committees on Oversight and Government Reform, and House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KIRK (for himself, Mrs. BIGGERT, Mr. ROSKAM, and Mr. SHAYS):

H.R. 6030. A bill to amend the Internal Revenue Code of 1986 to allow employers a refundable credit against income tax for 50 percent of the employer's cost of providing tax-free transit passes to employees; to the Committee on Ways and Means.

By Mr. KIRK:

H.R. 6031. A bill to direct the Director of the United States Fish and Wildlife Service to conduct a study of the feasibility of a variety of approaches to eradicating Asian carp from the Great Lakes and their tributary and connecting waters; to the Committee on Natural Resources.

By Mr. FILNER:

H.R. 6032. A bill to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to provide wartime disability compensation for certain veterans with Parkinson's Disease; to the Committee on Veterans' Affairs.

By Ms. VELÁZQUEZ:

H.R. 6033. A bill to promote training and employment for public housing residents in home-based health services so such residents can provide Medicaid covered home-based health services to elderly and disabled persons receiving public housing assistance from the Department of Housing and Urban Development; to the Committee on Financial Services, and in addition to the Committees on Ways and Means, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCGOVERN (for himself, Mr. MARKEY, Ms. BORDALLO, Mr. LEWIS of Georgia, Mr. DANIEL E. LUNGREN of California, Mr. MORAN of Virginia, Mr. SIRES, Mr. GRIJALVA, Mrs. NAPOLITANO, Mr. FATTAH, Mr. REYES, Mr. GENE GREEN of Texas, Mr. NADLER, Ms. SCHAKOWSKY, Mr. GONZALEZ, Mr. ABERCROMBIE, Mr. SERRANO, and Mr. UDALL of Colorado):

H.R. 6034. A bill to amend the Immigration and Nationality Act to provide for relief to surviving spouses and children; to the Committee on the Judiciary.

By Mr. COURTNEY:

H.R. 6035. A bill to authorize the Secretary of Energy to exchange light crude oil in the Strategic Petroleum Reserve for heavy crude oil, and for other purposes; to the Committee on Energy and Commerce.

By Mr. EMANUEL (for himself and Mr. RAMSTAD):

H.R. 6036. A bill to amend the Internal Revenue Code of 1986 to establish lifelong learning accounts to provide an incentive to save for education; to the Committee on Ways and Means, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. GIFFORDS (for herself, Ms. SHEA-PORTER, and Mr. JOHNSON of Georgia):

H.R. 6037. A bill to amend titles 10 and 37, United States Code, to create the position of Assistant Secretary of Defense for Irregular Warfare, Cultural Training, and Social Science Initiatives and to authorize a new skill incentive pay and proficiency bonus to encourage members of the Armed Forces to train in critical foreign languages and foreign cultural studies; to the Committee on Armed Services.

By Mr. GRAVES (for himself and Ms. NORTON):

H.R. 6038. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to direct the President to modernize the integrated public alert and warning system of the United States, and for other purposes; to the Committee on Transportation and Infrastructure.

By Ms. ZOE LOFGREN of California (for herself, Mr. CANNON, Mr. CONYERS, Mr. CARTER, Mr. GEORGE MILLER of California, Mr. SHADEGG, Mr. HONDA, Mr. TOM DAVIS of Virginia, Ms. ESHOO, Mr. GILCHREST, Mr. KENNEDY, Mr. REICHERT, Mr. CAPUANO, Mrs. MALONEY of New York, Mr. CROWLEY, Mrs. TAUSCHER, Mr. SMITH of Washington, Mr. MCDERMOTT, Ms. LORETTA SANCHEZ of California, and Ms. LINDA T. SÁNCHEZ of California):

H.R. 6039. A bill to amend the Immigration and Nationality Act to authorize certain aliens who have earned a master's or higher degree from a United States institution of higher education in a field of science, technology, engineering, or mathematics to be admitted for permanent residence; to the Committee on the Judiciary.

By Mr. MICA (for himself and Mr. BOOZMAN):

H.R. 6040. A bill to amend the Water Resources Development Act of 2007 to clarify the authority of the Secretary of the Army to provide reimbursement for travel expenses incurred by members of the Committee on Levee Safety; to the Committee on Transportation and Infrastructure.

By Mr. REYES (for himself, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. HINOJOSA, Mr. CUELLAR, Mr. HALL of Texas, Mr. EDWARDS, Ms. JACKSON-LEE of Texas, Mr. SMITH of Texas, Mr. GONZALEZ, Mr. GENE GREEN of Texas, Mr. DOGGETT, Mr. ORTIZ, Mr. CARTER, Mr. BRADY of Texas, Mr. SESSIONS, Mr. MARCHANT, Ms. GRANGER, Mr. AL GREEN of Texas, Mr. POE, Mr. CONAWAY, and Mr. SAM JOHNSON of Texas):

H.R. 6041. A bill to redesignate the Rio Grande American Canal in El Paso, Texas, as the ''Travis C. Johnson Canal''; to the Committee on Natural Resources.

By Mr. SAXTON:

H.R. 6042. A bill to mandate price stability as the primary goal of the monetary policy of the Board of Governors of the Federal Reserve System and the Federal Open Market Committee; to the Committee on Financial Services.

By Mr. SKELTON:

H.R. 6043. A bill to provide for an evaluation factor for defense contractors employing or subcontracting with recipients of certain special immigrant visas; to the Committee on Armed Services, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TOWNS (for himself and Mr. WHITFIELD of Kentucky):

H.R. 6044. A bill to authorize appropriations for the Federal Trade Commission for certain international technical assistance activities; to the Committee on Energy and Commerce.

By Mr. VISCLOSKY (for himself, Mr. LOBIONDO, Mr. STUPAK, Mr. RAMSTAD,

Mr. CRENSHAW, Mr. BACA, Mr. BISHOP of Georgia, Mr. UDALL of Colorado, Ms. JACKSON-LEE of Texas, Mr. BRADY of Pennsylvania, Mr. NEAL of Massachusetts, Mr. GONZALEZ, Ms. SUTTON, Mr. MORAN of Virginia, Ms. CORRINE BROWN of Florida, Mr. HOLDEN, Mr. HOLT, Mr. KILDEE, Mr. ACKERMAN, Mr. GERLACH, Mr. KING of New York, Mr. MCHUGH, Ms. SCHWARTZ, Mr. ROTHMAN, Mr. MICHAUD, Mr. GRIJALVA, Mr. COSTELLO, Mrs. NAPOLITANO, Mr. ETHERIDGE, Mr. YOUNG of Alaska, Mr. SHAYS, Mr. HINOJOSA, Mr. FARR, Mr. ENGEL, Mr. HALL of Texas, Mr. NADLER, Mr. PASCRELL, Mr. ABERCROMBIE, Mr. ELLSWORTH, Mr. HILL, Mr. PAYNE, Mr. PETERSON of Minnesota, Mr. ALLEN, Mr. PRICE of North Carolina, Mr. MCINTYRE, Mr. DONNELLY, Mr. MCNULTY, Mr. GENE GREEN of Texas, Mr. UDALL of New Mexico, Mr. CARNEY, Mrs. LOWEY, Mr. LIPINSKI, Mr. SAXTON, Mr. PATRICK MURPHY of Pennsylvania, Mr. CARSON, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. OBERSTAR, Mrs. CHRISTENSEN, Mr. MCGOVERN, Mr. LARSEN of Washington, Mr. TURNER, Mr. HAYES, Ms. DELAURO, Mr. FILNER, Mr. DICKS, Mr. LANGEVIN, Mr. KUHL of New York, Mr. MICA, Mr. EDWARDS, Mr. CUELLAR, Mr. KUCINICH, Mr. RAHALL, Mr. JACKSON of Illinois, Mr. BUTTERFIELD, Mr. BILIRAKIS, Mr. LEWIS of Georgia, Mr. SIRES, Mrs. BOYDA of Kansas, Mr. BOSWELL, Ms. GIFFORDS, Mr. ORTIZ, Mr. EMANUEL, Mr. ALTMIRE, Mr. SNYDER, Ms. SHEA-PORTER, Ms. SCHAKOWSKY, Mr. HIGGINS, Mr. SESTAK, Mrs. CAPPS, Mr. OLVER, Mr. HINCHEY, Mr. TIAHRT, Mr. COBLE, Mr. DINGELL, Ms. MATSUI, Mr. WALZ of Minnesota, Mr. COURTNEY, Ms. ZOE LOFGREN of California, Mr. BERRY, Mr. LINCOLN DAVIS of Tennessee, Mr. MOORE of Kansas, Ms. MCCOLLUM of Minnesota, Mr. PALLONE, Mr. RYAN of Ohio, Mr. SCOTT of Virginia, Mr. FATTAH, and Mr. MITCHELL):

H.R. 6045. A bill to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to extend the authorization of the Bulletproof Vest Partnership Grant Program through fiscal year 2012; to the Committee on the Judiciary.

By Mrs. WILSON of New Mexico (for herself, Mr. SCHIFF, and Mrs. BOYDA of Kansas):

H.R. 6046. A bill to extend the authorization provided in the Act titled ''An Act to preserve the cultural resources of the Route 66 corridor and to authorize the Secretary of the Interior to provide assistance''; to the Committee on Natural Resources.

By Mr. DAVIS of Kentucky (for himself and Mr. HUNTER):

H. Con. Res. 348. Concurrent resolution urging the President to designate a National Airborne Day in recognition of persons who are serving or have served in the airborne forces of the Armed Services; to the Committee on Oversight and Government Reform.

By Mr. SHUSTER (for himself and Mr. ORTIZ):

H. Res. 1187. A resolution promoting global energy supply security through increased cooperation among the United States, Turkey, Azerbaijan, and Georgia, by diversifying sources of energy, and implementing certain oil and natural gas pipeline projects for the safe and secure transportation of Eurasian hydrocarbon resources to world markets; to the Committee on Foreign Affairs.

By Mr. MARKEY:

H. Res. 1188. A resolution encouraging recognition, and supporting the goals and ideals, of National Aphasia Awareness Month; to the Committee on Energy and Commerce.

By Ms. CASTOR (for herself and Mr. REICHERT):

H. Res. 1191. A resolution expressing support for designation of May as ''National Asthma and Allergy Awareness Month''; to the Committee on Energy and Commerce.

By Mr. HONDA (for himself, Ms. LEE, Mr. TOWNS, Mr. PAYNE, Mr. MCNULTY, and Mr. DENT):

H. Res. 1192. A resolution supporting the goals and ideals of World Hepatitis Awareness Month; to the Committee on Energy and Commerce.

By Mr. UDALL of New Mexico:

H. Res. 1193. A resolution expressing the sense of the House of Representatives that there is a critical need to increase research, awareness, and education about cerebral cavernous malformations; to the Committee on Energy and Commerce.

¶57.42 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 139: Mr. BURTON of Indiana and Mr. JONES of North Carolina.
H.R. 154: Ms. BERKLEY, Mr. DAVIS of Alabama, and Mr. BISHOP of New York.
H.R. 303: Mr. MCNERNEY.
H.R. 333: Mr. MCNERNEY.
H.R. 402: Mr. VAN HOLLEN.
H.R. 642: Mr. SHAYS.
H.R. 643: Mr. ROGERS of Alabama.
H.R. 697: Mr. HASTINGS of Washington.
H.R. 741: Mr. MICHAUD.
H.R. 826: Mrs. BLACKBURN.
H.R. 971: Mr. DONNELLY.
H.R. 992: Mr. GUTIERREZ.
H.R. 1014: Ms. RICHARDSON.
H.R. 1032: Mr. JACKSON of Illinois, Mr. JOHNSON of Georgia, Mr. ANDREWS, and Ms. CASTOR.
H.R. 1092: Mr. CLEAVER.
H.R. 1194: Mr. CANTOR.
H.R. 1228: Mr. WU.
H.R. 1279: Mr. SIRES.
H.R. 1395: Mr. BOOZMAN.
H.R. 1509: Ms. FOXX.
H.R. 1524: Mr. WALZ of Minnesota.
H.R. 1532: Mr. WELCH of Vermont.
H.R. 1540: Ms. BERKLEY.
H.R. 1553: Ms. DELAURO.
H.R. 1554: Mr. ADERHOLT and Mr. LAHOOD.
H.R. 1606: Mr. MCNERNEY.
H.R. 1619: Mr. CLEAVER and Mr. MCHUGH.
H.R. 1621: Ms. LEE.
H.R. 1665: Ms. SUTTON.
H.R. 1746: Mr. CONYERS.
H.R. 2049: Ms. BERKLEY.
H.R. 2131: Mr. ORTIZ.
H.R. 2188: Mr. MELANCON, Mr. SIRES, Mr. TAYLOR, Mr. JEFFERSON, Mr. SCOTT of Georgia, Mr. KANJORSKI, Mr. TIBERI, Ms. DEGETTE, and Mr. HILL.
H.R. 2236: Mr. STARK.
H.R. 2268: Mr. SPRATT, Mr. KANJORSKI, Mr. CARNEY, Mr. SMITH of Washington, Mr. SESTAK, Mr. OBERSTAR, Mr. ALLEN, Mr. DELAHUNT, and Mr. LINDER.
H.R. 2526: Mr. WEINER.
H.R. 2552: Mr. JEFFERSON.
H.R. 2580: Mr. ROYCE.
H.R. 2702: Ms. KAPTUR.
H.R. 2744: Mr. HILL.
H.R. 2832: Mr. TURNER.
H.R. 2914: Mr. KENNEDY.
H.R. 2915: Mr. GUTIERREZ.
H.R. 2933: Mr. DAVIS of Illinois.
H.R. 3014: Mr. LARSON of Connecticut.
H.R. 3098: Mr. FRANKS of Arizona.
H.R. 3167: Ms. BALDWIN.
H.R. 3186: Ms. WATERS, Mr. BOSWELL, Mr. LINCOLN DIAZ-BALART of Florida, and Mr. SCOTT of Georgia.
H.R. 3234: Mr. FEENEY, Mr. BOUSTANY, Mr. RAMSTAD, Mr. LEWIS of Kentucky, and Mr. NUNES.
H.R. 3245: Mr. CARTER, Mr. HONDA, and Mr. DOYLE.
H.R. 3257: Mr. PASTOR and Mr. HINOJOSA.
H.R. 3314: Mr. THOMPSON of California.
H.R. 3329: Ms. WATERS, Mr. HODES, and Mr. CLAY.
H.R. 3402: Ms. TSONGAS.
H.R. 3457: Mr. ABERCROMBIE, Mr. BOYD of Florida, Mrs. MYRICK, and Mr. CARNEY.
H.R. 3544: Ms. SCHAKOWSKY, Mr. HARE, and Mr. MCNERNEY.
H.R. 3652: Mr. BOUCHER.
H.R. 3769: Mr. WITTMAN of Virginia.
H.R. 3770: Mr. PASCRELL and Mr. SAM JOHNSON of Texas.
H.R. 3819: Mr. VAN HOLLEN.
H.R. 3874: Mr. BUTTERFIELD.
H.R. 3944: Ms. SOLIS, Ms. LEE, and Mr. BACA.
H.R. 3980: Mr. STARK.
H.R. 4026: Ms. SOLIS and Ms. KILPATRICK.
H.R. 4044: Mr. GUTIERREZ.
H.R. 4048: Mr. SCOTT of Virginia.
H.R. 4061: Mr. ADERHOLT.
H.R. 4063: Mr. SERRANO.
H.R. 4105: Mr. SNYDER, Mr. DAVIS of Alabama, and Mr. FERGUSON.
H.R. 4173: Mr. AL GREEN of Texas.
H.R. 4206: Mr. MCGOVERN.
H.R. 4273: Mr. DINGELL and Mr. EHLERS.
H.R. 4318: Mr. ALTMIRE.
H.R. 4344: Ms. GRANGER.
H.R. 4449: Mrs. CHRISTENSEN.
H.R. 4450: Ms. NORTON, Mr. GENE GREEN of Texas, Mr. SESTAK, and Ms. SUTTON.
H.R. 4458: Mr. SHAYS.
H.R. 4544: Mr. HINCHEY and Mr. CONYERS.
H.R. 4611: Mr. STARK.
H.R. 4651: Mr. FATTAH.
H.R. 4884: Mr. LOBIONDO.
H.R. 4900: Mr. CALVERT and Mr. TURNER.
H.R. 4990: Ms. HERSETH SANDLIN.
H.R. 5056: Mr. DEFAZIO.
H.R. 5057: Mr. GRIJALVA.
H.R. 5109: Mr. CAMP of Michigan.
H.R. 5155: Mr. TIERNEY, Mr. HINCHEY, Mr. SESTAK, Mr. GRIJALVA, and Mr. KUCINICH.
H.R. 5180: Mr. ARCURI.
H.R. 5244: Mr. BACA, Mr. KANJORSKI, Mr. HINOJOSA, Mr. CLEAVER, and Mr. MCNERNEY.
H.R. 5401: Mr. CLEAVER.
H.R. 5437: Mr. SALI.
H.R. 5447: Ms. HIRONO.
H.R. 5467: Mr. PLATTS.
H.R. 5473: Mrs. MCCARTHY of New York, Mr. CHANDLER, Mr. BLUMENAUER, Mr. DEFAZIO, Mr. CLEAVER, Mrs. MALONEY of New York, Ms. CASTOR, Mr. CAPUANO, Mr. KUCINICH, Mr. UDALL of New Mexico, Mr. FARR, Mr. PLATTS, Mr. GEORGE MILLER of California, Mr. JONES of North Carolina, and Ms. SPEIER.
H.R. 5481: Mr. MCNERNEY.
H.R. 5488: Mr. COHEN, Mr. GRIJALVA, and Mr. CONYERS.
H.R. 5519: Mr. CARNAHAN.
H.R. 5534: Mr. CLEAVER.
H.R. 5546: Mr. GONZALEZ and Mr. MCNERNEY.
H.R. 5573: Ms. WASSERMAN SCHULTZ and Mr. WALZ of Minnesota.
H.R. 5591: Mr. SMITH of Nebraska.
H.R. 5596: Mr. MILLER of Florida.
H.R. 5602: Mr. DELAHUNT, Mr. ALLEN, and Mr. MCNERNEY.
H.R. 5615: Mr. BRALEY of Iowa.
H.R. 5635: Mr. SMITH of Washington.
H.R. 5642: Mr. ISSA.
H.R. 5669: Ms. BEAN and Mr. RAHALL.
H.R. 5684: Mr. GOODLATTE.
H.R. 5689: Ms. SCHWARTZ.
H.R. 5696: Mr. BLUMENAUER.
H.R. 5722: Mr. FALEOMAVAEGA and Mr. BURTON of Indiana.

H.R. 5734: Mr. JEFFERSON, Ms. WASSERMAN SCHULTZ, Mrs. MALONEY of New York, and Mr. FILNER.
H.R. 5740: Mr. HALL of Texas.
H.R. 5761: Mr. WOLF.
H.R. 5785: Mr. WALZ of Minnesota and Mr. KAGEN.
H.R. 5791: Mr. KUHL of New York.
H.R. 5794: Mrs. MCMORRIS RODGERS.
H.R. 5798: Mr. WALZ of Minnesota and Mr. KAGEN.
H.R. 5823: Mr. HINCHEY, Mr. MEEKS of New York, and Mr. ARCURI.
H.R. 5825: Ms. MCCOLLUM of Minnesota and Mr. LEVIN.
H.R. 5833: Mr. POMEROY.
H.R. 5838: Mr. ENGEL and Mr. NADLER.
H.R. 5852: Mrs. MALONEY of New York.
H.R. 5854: Mr. EDWARDS and Mr. REYES.
H.R. 5869: Mr. DAVIS of Illinois and Mr. HONDA.
H.R. 5874: Mr. TERRY, Mr. PUTNAM, Mr. BOOZMAN, Mr. RAMSTAD, Mrs. EMERSON, and Mr. YOUNG of Florida.
H.R. 5875: Mr. SNYDER.
H.R. 5881: Ms. CLARKE.
H.R. 5882: Mr. CARTER, Mr. SHADEGG, Mr. GILCHREST, Mr. ABERCROMBIE, Mr. CAPUANO, Mr. HONDA, and Ms. JACKSON-LEE of Texas.
H.R. 5892: Mr. CROWLEY, Mr. SERRANO, Mr. MURTHA, Ms. SUTTON, Mr. GRIJALVA, Ms. HERSETH SANDLIN, and Mr. ALTMIRE.
H.R. 5894: Mr. MCDERMOTT.
H.R. 5898: Mr. BOOZMAN, Ms. WATSON, and Mr. MCCOTTER.
H.R. 5902: Mr. GRIJALVA.
H.R. 5917: Mr. SOUDER and Mrs. MYRICK.
H.R. 5921: Mr. CARTER, Mr. TOM DAVIS of Virginia, Mr. SHADEGG, Mr. GILCHREST, Mr. CAPUANO, Mr. HONDA, and Ms. JACKSON-LEE of Texas.
H.R. 5925: Mr. FARR and Ms. WATERS.
H.R. 5944: Mr. LINCOLN DIAZ-BALART of Florida.
H.R. 5958: Mr. CAMPBELL of California.
H.R. 5960: Mr. FORTENBERRY, Mr. PLATTS, Mr. DOYLE, Mr. JONES of North Carolina, and Mr. BILIRAKIS.
H.R. 5961: Mr. FRANKS of Arizona.
H.R. 5971: Mr. JONES of North Carolina, Mrs. MYRICK, Mr. COBLE, Ms. GINNY BROWN-WAITE of Florida, and Mr. BOOZMAN.
H.R. 5974: Mrs. MUSGRAVE, Mr. DENT, Mr. CULBERSON, and Mr. GERLACH.
H.R. 5976: Mr. DUNCAN.
H.R. 5984: Mr. TERRY, Mrs. MUSGRAVE, and Mr. PAUL.
H.R. 5995: Mr. SHADEGG, Mr. MCCAUL of Texas, Mr. KLINE of Minnesota, Mr. JONES of North Carolina, and Mr. WILSON of South Carolina.
H.R. 6018: Mr. MCCOTTER and Mr. SESTAK.
H.R. 6022: Ms. ESHOO, Mr. HILL, Mr. STUPAK, Ms. SUTTON, Mr. FOSTER, Mr. ELLSWORTH, Mr. SHERMAN, Mr. HIGGINS, Ms. SHEA-PORTER, Mrs. MALONEY of New York, Mrs. MCCARTHY of New York, Mr. MURPHY of Connecticut, Mr. VAN HOLLEN, Mr. KILDEE, Mr. WU, Mr. KUCINICH, Mrs. TAUSCHER, Ms. GIFFORDS, Mr. GEORGE MILLER of California, Mr. SHULER, Ms. SPEIER, Mr. LANGEVIN, Mr. ALTMIRE, Mr. MORAN of Virginia, Mr. COURTNEY, Mr. DONNELLY, Mr. HALL of New York, Mr. LARSON of Connecticut, Mr. LEWIS of Georgia, Mr. OLVER, Mr. YARMUTH, Mr. DOGGETT, Mrs. CAPPS, Ms. SLAUGHTER, Mr. UDALL of Colorado, Mr. HINCHEY, Mr. ARCURI, Mr. MICHAUD, Mr. DOYLE, Mrs. BOYDA of Kansas, Mr. KENNEDY, Mr. HODES, Mr. EMANUEL, Mr. KIND, Ms. DELAURO, Mr. BARTLETT of Maryland, Mr. HOLT, Ms. SCHAKOWSKY, Mr. REYES, Mr. KAGEN, Ms. BALDWIN, Mr. BISHOP of New York, Mr. RYAN of Ohio, Mr. WALZ of Minnesota, Mr. ALLEN, Mr. JONES of North Carolina, Mr. SPACE, Mr. PERLMUTTER, Mr. RODRIGUEZ, Mr. JOHNSON of Georgia, and Mr. PLATTS.
H.J. Res. 39: Mr. KANJORSKI and Mr. SHAYS.
H.J. Res. 40: Ms. TSONGAS.
H.J. Res. 64: Mr. CONYERS.
H.J. Res. 80: Mr. GRIJALVA.
H. Con. Res. 134: Mr. SESTAK.
H. Con. Res. 223: Mrs. CUBIN.
H. Con. Res. 257: Ms. GIFFORDS and Mr. KLEIN of Florida.
H. Con. Res. 294: Mr. HARE.
H. Con. Res. 297: Mr. BRADY of Pennsylvania, Mr. HAYES, and Mr. JOHNSON of Georgia.
H. Con. Res. 299: Mr. BOREN.
H. Con. Res. 332: Mrs. LOWEY.
H. Con. Res. 334: Mr. GERLACH and Mr. WITTMAN of Virginia.
H. Con. Res. 336: Mr. REYES, Mr. DELAHUNT, Mr. TANNER, Mr. DAVID DAVIS of Tennessee, Mr. LEVIN, Mr. ROGERS of Alabama, and Mr. OBERSTAR.
H. Con. Res. 338: Mr. CLAY.
H. Res. 258: Ms. MCCOLLUM of Minnesota and Mr. LARSON of Connecticut.
H. Res. 373: Mr. DAVIS of Illinois and Mr. SCHIFF.
H. Res. 389: Mr. MCCOTTER and Mr. LEWIS of Georgia.
H. Res. 672: Mr. BISHOP of Georgia and Mr. ORTIZ.
H. Res. 757: Mr. DAVIS of Illinois, Mr. GRIJALVA, and Mr. GEORGE MILLER of California.
H. Res. 896: Mr. RUSH and Ms. HARMAN.
H. Res. 977: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. WATT, Mr. BOREN, Mr. LYNCH, Mr. PETERSON of Minnesota, and Mr. GENE GREEN of Texas.
H. Res. 985: Mr. RAMSTAD.
H. Res. 1008: Mr. HINCHEY.
H. Res. 1017: Mr. BOYD of Florida, Ms. CLARKE, Ms. CORRINE BROWN of Florida, Mr. BRADY of Pennsylvania, and Mr. CHANDLER.
H. Res. 1019: Mr. CLAY and Mr. DEFAZIO.
H. Res. 1026: Mr. MANZULLO, Mr. FORTENBERRY, and Mr. LATTA.
H. Res. 1042: Mr. HILL and Mr. FORTENBERRY.
H. Res. 1076: Mrs. MCMORRIS RODGERS, Mr. ISSA, Mr. NUNES, Mr. RADANOVICH, and Mr. GALLEGLY.
H. Res. 1104: Ms. SPEIER.
H. Res. 1110: Mr. ROGERS of Michigan.
H. Res. 1131: Mr. MEEKS of New York.
H. Res. 1132: Mr. TERRY.
H. Res. 1133: Mrs. BOYDA of Kansas, Mr. COURTNEY, Ms. TSONGAS, Ms. SUTTON, Mr. RODRIGUEZ, Mr. MCCARTHY of California, Mr. HILL, Mr. BRALEY of Iowa, Ms. HIRONO, Mr. HARE, Mr. MICHAUD, Mr. KILDEE, Mr. ROSKAM, and Mr. ABERCROMBIE.
H. Res. 1134: Mr. PASTOR.
H. Res. 1135: Mr. YOUNG of Alaska and Mr. BURTON of Indiana.
H. Res. 1139: Mr. HAYES, Mr. SMITH of Washington, Mrs. BOYDA of Kansas, Ms. TSONGAS, and Mr. SMITH of New Jersey.
H. Res. 1140: Mr. BRADY of Pennsylvania.
H. Res. 1173: Mr. HONDA, Mr. ETHERIDGE, Mr. BISHOP of New York, Mr. INSLEE, Mr. MCINTYRE, Mr. BRALEY of Iowa, Mr. SERRANO, Mr. VAN HOLLEN, and Mrs. LOWEY.
H. Res. 1180: Mr. NEUGEBAUER, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. HALL of Texas, and Mr. MCNERNEY.
H. Res. 1181: Mr. SHERMAN, Ms. ESHOO, Ms. LEE, Ms. DELAURO, Mr. WOLF, Mr. SHAYS, Mr. ENGEL, Mr. AL GREEN of Texas, and Mr. WU.
H. Res. 1182: Mr. JONES of North Carolina.

¶57.43 DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 2054: Ms. WASSERMAN SCHULTZ.

WEDNESDAY, MAY 14, 2008 (58)

The House was called to order by the SPEAKER.

¶58.1 APPROVAL OF THE JOURNAL

The SPEAKER announced she had examined and approved the Journal of the proceedings of Tuesday, May 13, 2008.

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

¶58.2 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

6563. A letter from the Secretary, Department of Defense, transmitting a letter on the approved retirement Vice Admiral Mark J. Edwards, United States Navy, and his advancement to the grade of vice admiral on the retired list; to the Committee on Armed Services.

6564. A letter from the Deputy Secretary, Department of Defense, transmitting the Department's notification of payment-in-kind compensation negotiated with Germany for the return of U.S.-funded improvements at 30 small sites, pursuant to Public Law 101-510, section 2921(g); to the Committee on Armed Services.

6565. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting a report to Congress on the use of Aviation Continuation Pay (ACP) for Fiscal Year 2007, pursuant to 37 U.S.C. 301b(i); to the Committee on Armed Services.

6566. A letter from the Director, International Cooperation, Department of Defense, transmitting Pursuant to Section 27(f) of the Arms Export Control Act and Section 1(f) of Executive Order 11958, Transmittal No. 04-08 informing of an intent to sign the Memorandum of Understanding Between the Secretary of Defense on Behalf of the Department of Defense of the United States of America and the Department of National Defence of Canada Concerning Operation and Support of Advanced Extremely High Frequency Military Communications, pursuant to 22 U.S.C. 2767(f); to the Committee on Foreign Affairs.

6567. A letter from the Secretary, Department of the Treasury, transmitting as required by Executive Order 13313 of July 31, 2003 a six-month periodic report on the national emergency with respect to Burma declared by Executive Order 13047 of May 20, 1997, pursuant to 50 U.S.C. 1641(c); to the Committee on Foreign Affairs.

6568. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b; to the Committee on Foreign Affairs.

6569. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 08–31 concerning the Department of the Navy's proposed Letter(s) of Offer and Acceptance to Australia for defense articles and services; to the Committee on Foreign Affairs.

6570. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting determination and memorandum of justification for suspending prohibitions on certain sales and leases, pursuant to Public Law 103-236, section 564; to the Committee on Foreign Affairs.

6571. A letter from the Secretary, Department of the Treasury, transmitting a six-month periodic report on the national emergency with respect to Sudan that was declared in Executive Order 13067 of November 3, 1997, as required by section 401(c) of the

National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), and pursuant to Executive Order 13313 of July 31, 2003; to the Committee on Foreign Affairs.

6572. A letter from the Associate General Counsel for General Law, Department of Homeland Security, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

6573. A letter from the General Counsel, Department of Housing and Urban Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

6574. A letter from the General Counsel, Department of Housing and Urban Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

6575. A letter from the White House Liaison, Department of Justice, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

6576. A letter from the White House Liaison, Department of Justice, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

6577. A letter from the Chairman, Federal Labor Relations Authority, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

6578. A letter from the Deputy General Counsel, Office of National Drug Control Policy, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

6579. A letter from the Deputy General Counsel, Office of National Drug Control Policy, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

6580. A letter from the Attorney General, Department of Justice, transmitting the report on the administration of the Foreign Agents Registration Act covering the six months ended June 30, 2007, pursuant to 22 U.S.C. 621; to the Committee on the Judiciary.

6581. A letter from the Principal Deputy Assistant Attorney General, Department of Justice, transmitting the annual report of the Office of Justice Programs' Bureau of Justice Assistance for Fiscal Year 2006, pursuant to 42 U.S.C. 3712(b); to the Committee on the Judiciary.

6582. A letter from the Chairman, United States Sentencing Commission, transmitting a report of amendments to the sentencing guidelines, policy statements, and official commentary, together with the reasons for these amendments, pursuant to 28 U.S.C. 994(o); to the Committee on the Judiciary.

6583. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model DC-8-55, DC-8F-54, and DC-8F-55 Airplanes; and Model DC-8-60, DC-8-70, DC-8-60F, and DC-8-70F Series Airplanes [Docket No. FAA-2007-0216; Directorate Identifier 2007-NM-122-AD; Amendment 39-15435; AD 2008-06-23] (RIN: 2120-AA64) received May 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6584. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 737-300, -400, and -500 Series Airplanes [Docket No. FAA-2007-0346; Directorate Identifier 2007-NM-202-AD; Amendment 39-15436; AD 2008-06-24] (RIN: 2120-AA64) received May 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6585. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A330-200, A330-300, A340-200, and A340-200 Series Airplanes [Docket No. FAA-2007-0396; Directorate Identifier 2007-NM-282-AD; Amendment 39-15438; AD 2008-06-26] (RIN: 2120-AA64) received May 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6586. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A300 Series Airplanes and Airbus Model A300-600 Series Airplanes [Docket No. FAA-2007-28944; Directorate Identifier 2006-NM-239-AD; Amendment 39-15430; AD 2008-06-18] (RIN: 2120-AA64) received May 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6587. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model DC-10-10 and DC-10-10F Airplanes, Model DC-10-15 Airplanes, Model DC-10-30 and DC-10-30F (KC-10A and KDC-10) Airplanes, Model DC-10-40 and DC-10-40F Airplanes, Model MD-10-10F and MD-10-30F Airplanes, and Model MD-11 and MD-11F Airplanes [Docket No. FAA-2007-0201; Directorate Identifier 2007-NM-163-AD; Amendment 39-15433; AD 2008-06-21] (RIN: 2120-AA64) received May 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6588. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Fokker Model F.28 Mark 0070, 0100, 1000, 2000, 3000 and 4000 Airplanes [Docket No. FAA-2007-29030; Directorate Identifier 2006-NM-284-AD; Amendment 39-15432; AD 2008-06-20] (RIN: 2120-AA64) received May 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6589. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Pacific Aerospace Corporation, Ltd Model 750XL Airplanes [Docket No. FAA-2008-0034 Directorate Identifier 2007-CE-097-AD; Amendment 39-15428; AD 2008-06-16] (RIN: 2120-AA64) received May 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6590. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Goodrich Evacuation Systems Approved Under Technical Standard Orders (TSOs) TSO-C69, TSO-C69a, TS0-C69b, and TSO-C69c, Installed on Various Boeing, McDonnell Douglas, and Airbus Transport Category Airplanes [Docket No. FAA-2007-28370; Directorate Identifier 2003-NM-239-AD; Amendment 39-15349; AD 2008-06-27] (RIN: 2120-AA64) received May 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6591. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Eurocopter France Model EC130 B4 Helicopters [Docket No. FAA-2007-28229; Directorate Identifier 2006-SW-23-AD; Amendment 39-15434; AD 2008-06-22] (RIN: 2120-AA64) received May 2, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6592. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 737-300, -400, and -500 Series Airplanes [Docket No. FAA-2008-0303; Directorate Identifier 2008-NM-047-AD; Amendment 39-15441; AD 2008-06-29] (RIN: 2120-AA64) received May 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6593. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; APEX Aircraft Model CAP 10 B Airplanes [Docket No. FAA-2008-0057 Directorate Identifier 2007-CE-102-AD; Amendment 39-15445; AD 2008-07-04] (RIN: 2120-AA64) received May 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6594. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 767-200, -300, -300F, and -400ER Series Airplanes [Docket No. FAA-2007-0203; Directorate Identifier 2007-NM-105-AD; Amendment 39-15384; AD 2008-04-12] (RIN: 2120-AA64) received May 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6595. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Wheatland, WY [Docket No. FAA-2007-28649; Airspace Docket No. 07-ANM-10] received May 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6596. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Viking Air Limited Model DHC-6 Series Airplanes [Docket No. FAA-2007-27192; Directorate Identifier 2007-CE-008-AD; Amendment 39-15350; AD 2008-03-01] (RIN: 2120-AA64) received May 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6597. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Honeywell International Inc. TFE731-2C, -3B, -3BR, -3C, -3CR, -3D, -3DR, -4R, -5AR, -5BR, -5R, -20R, -20AR, -20BR, -40, -40AR, -40R, and -60 Series Turbofan Engines [Docket No. FAA-2007-27891; Directorate Identifier 2007-NE-14-AD; Amendment 39-15349; AD 2008-02-19] (RIN: 2120-AA64) received May 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6598. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB-135 Airplanes; and Model EMB-145, -145ER, -145MR, -145LR, -145XR, -145MP, and -145EP Airplanes [Docket No. FAA-2008-0051; Directorate Identifier 2008-NM-001-AD; Amendment 39-15352; AD 2008-03-03] (RIN: 2120-AA64) received May 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6599. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Eurocopter France Model AS 355 F2 and AS 355 N Helicopters [Docket No. FAA-2008-0043; Directorate Identifier 2007-SW-31-AD; Amendment 39-15340; AD 2008-02-10] (RIN: 2120-AA64) received May 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6600. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Learjet Model 45 Airplanes [Docket No. FAA-2006-25174; Directorate

Identifier 2005-NM-007-AD; Amendment 39-15328; AD 2008-01-03] (RIN: 2120-AA64) received May 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6601. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model DHC-8-400 Series Airplanes [Docket No. FAA-2007-0183; Directorate Identifier 2007-NM-146-AD; Amendment 39-15376; AD 2008-04-04] (RIN: 2120-AA64) received May 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6602. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 757-200, -200PF, and -200CB Series Airplanes [Docket No. FAA-2008-0226; Directorate Identifier 2008-NM-016-AD; Amendment 39-15404; AD 2008-05-10] (RIN: 2120-AA64) received May 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6603. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 727 Airplanes [Docket No. FAA-2007-28382; Directorate Identifier 2006-NM-179-AD; Amendment 39-15382; AD 2008-04-10] (RIN: 2120-AA64) received May 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6604. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Saab Model SAAB SF340A and SAAB 340B Airplanes [Docket No. FAA-2007-0333; Directorate Identifier 2007-NM-236-AD; Amendment 39-15379; AD 2008-04-07] (RIN: 2120-AA64) received May 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6605. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 707 Airplanes and Model 720 and 720B Series Airplanes [Docket No. FAA-2007-0264; Directorate Identifier 2007-NM-212-AD; Amendment 39-15378; AD 2008-04-06] (RIN: 2120-AA64) received May 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6606. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model CL-600-2B19 (Regional Jet Series 100 & 440) Airplanes [Docket No. FAA-2007-0335; Directorate Identifier 2007-NM-292-AD; Amendment 39-15380; AD 2008-04-08] (RIN: 2120-AA64) received May 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6607. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Taylorcraft A, B, and F Series Airplanes [Docket No. FAA-2007-0286; Directorate Identifier 2007-CE-086-AD; Amendment 39-15381; AD 2008-04-09] (RIN: 2120-AA64) received May 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6608. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 707 Airplanes, and Model 720 and 720B Series Airplanes [Docket No. FAA-2007-28381; Directorate Identifier 2006-NM-164-AD; Amendment 39-15383; AD 2008-04-11] (RIN: 2120-AA64) received May 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6609. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A300 B4-600, A300 B4-600R, A300 C4-600R, and A300 F4-600R Series Airplanes [Docket No. FAA-2007-0172; Directorate Identifier 2007-NM-225-AD; Amendment 39-15353; AD 2008-03-04] (RIN: 2120-AA64) received May 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6610. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; ATR Model ATR42 and ATR72 Airplanes [Docket No. FAA-2007-0334; Directorate Identifier 2007-NM-206-AD; Amendment 39-15385; AD 2008-04-13] (RIN: 2120-AA64) received May 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6611. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Dassault Model Falcon 2000, Falcon 2000EX, Mystere-Falcon 900, Falcon 900EX, Fan Jet Falcon, Mystere-Falcon 50, Mystere-Falcon 20, Mystere-Falcon 200, and Falcon 10 Airplanes [Docket No. FAA-2007-28941; Directorate Identifier 2006-NM-276-AD; Amendment 39-15386; AD 2008-04-14] (RIN: 2120-AA64) received May 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6612. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E5 Airspace; Eagle Pass, TX [Docket No. FAA-2008-027; Airspace Docket No. 08-ASW-3] received May 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6613. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Skowhegan, ME [Docket No. FAA-2007-0244; Airspace Docket No. 07-ANE-94] received May 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6614. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; State College, PA [Docket No. FAA-2007-29375; Airspace Docket No. 07-AEA-06] received May 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6615. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Tappahannock, VA. [Docket No. FAA-2007-29264; Airspace Docket No. 07-AEA-04] received May 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6616. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment to Class E Airspace; Du Bois, PA [Docket No. FAA-2005-22489; Airspace Docket No. 05-AEA-017] received May 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6617. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Muncy, PA [Docket No. FAA 2007-0023, Airspace Docket No. 07-AEA-08] received May 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6618. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Montrose, PA. [Docket No. FAA-2007-0165; Airspace Docket No. 07-AEA-11] received May 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6619. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Lewiston, ME [Docket No. FAA-2007-0245; Airspace Docket No. 07-ANE-95] received May 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6620. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Pottsville, PA. [Docket No. FAA-2005-22490; Airspace Docket No. 05-AEA-018] received May 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6621. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; St. Marys, PA. [Docket No. FAA-2005-22492; Airspace Docket No. 05-AEA-020] received May 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6622. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E5 Airspace; Black River Falls, WI [Docket No. FAA-2008-0024; Airspace Docket No. 08-AGL-4] received May 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6623. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Springfield, CO [Docket FAA No. FAA-2007-27430; Airspace Docket No. 07-ANM-4] received May 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

¶58.3 CALENDAR WEDNESDAY BUSINESS

The SPEAKER directed that business under clause 6, rule XV, the Calendar Wednesday rule, be called.

The committees were called and the call now rests with the Committee on Agriculture.

¶58.4 MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 3121. An Act to restore the financial solvency of the national flood insurance program and to provide for such program to make available multiperil coverage for damage resulting from windstorms and floods, and for other purposes.

¶58.5 PROVIDING FOR CONSIDERATION OF THE CONFERENCE REPORT TO H.R. 2419

Mr. CARDOZA, by direction of the Committee on Rules, called up the following resolution (H. Res. 1189):

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 2419) to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read. The previous question shall be considered as ordered on the conference report without intervening motion except (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Agriculture and (2) one motion to recommit.

Pending consideration of said resolution.

¶58.6 POINT OF ORDER

Mr. FLAKE made a point of order against consideration of the resolution, and said:

''Mr. Speaker, I raise a point of order against House Resolution 1189 because the resolution violates section 426(a) of the Congressional Budget Act. The resolution contains a waiver of all points of order against consideration of the conference report which includes a waiver of section 425 of the Congressional Budget Act which causes a violation of section 426(a).''

The SPEAKER pro tempore, Mr. PASTOR, responded to the point of order, and said:

''The gentleman from Arizona [MR. FLAKE] makes a point of order that the resolution violates section 426(a) of the Congressional Budget Act of 1974.

''In accordance with section 426(b)(2) of that Act, the gentleman has met the threshold burden to identify specific language in the resolution on which the point of order is predicated.

''Pursuant to section 426(b)(3) of the Act, after debate the Chair will put the question of consideration, to wit: 'Will the House now consider the resolution?'.''.

Mr. FLAKE was further recognized and said:

''I raise this point of order realizing that it is a bit of a stretch. The reason that we have this point of order in law is to guard against unfunded mandates being levied on the States. In this case, there are a lot of unfunded mandates being heaped upon taxpayers. I realize, as I said, this is a stretch. But I have to do this today because the rule that is before us does not allow anybody opposed to the bill to claim time in opposition to the bill.

''Now how is it that a bill of this import, a bill that will spend over the next 10 years about $300 billion, is not important enough to allow those who are opposed to the bill to claim time in opposition to it? Instead, the structured rule before us today allows time to be split between the majority and the minority. Now those who will be controlling that time are people who are in support of the bill. How is it that we can discuss a bill this large, this important, that spends this much money, and that heaps this kind of burden on the taxpayer, yet again, without having a real discussion?

''When we have a bill before the House, we have time called 'general debate.' In this case, general debate is between those in the majority who support the bill and those in the minority who support the bill. Now how is that debate? Why is it that the Rules Committee can't see fit to actually allow people who are opposed to the bill to claim time in opposition to it?

''With that, I would love to hear an explanation from the Rules Committee why we have a structured rule that does this.''.

Mr. CARDOZA was recognized to speak to the point of order and said:

''This point of order is about whether or not to consider the rule and ultimately the underlying conference report. In my opinion, it is simply an effort to try to kill this bill without any debate, without an up-or-down vote on the conference report itself. It is nothing more than procedural roadblocks, something the other side has been using a fair amount recently. I don't believe it will work.

''The gentleman has talked about the fact that he is not able to speak in opposition. The gentleman had an hour's worth of debate the other day on a motion to recommit. It is also my understanding that the chairman is working with the opposition to allow them time to discuss the bill within the rules that were set up.

''This conference report is far too important, Mr. Speaker, to be blocked by a parliamentary tactic. We have worked on this bill for nearly 2 years and have accomplished what many of us thought was an impossible feat by bringing it to the floor.

''Make no mistake about it. The Republican obstruction will ensure that a farm bill will not pass during this Congress. So despite whatever roadblocks the other side tries to use to stop this bill, we will stand up for America's hardworking farmers, for the hungry and for the millions of other Americans who will benefit from this farm bill.

''We must consider this rule, and we must pass this important conference report without further delay.

''Mr. Speaker, it is my understanding I have the right to close. But in the end, I will urge my colleagues to vote 'yes' to consider this rule.''.

Mr. FLAKE was further recognized and said:

''Again, I realize this bill has been in discussion for a couple of years. And I will come to that a little later as we talk about why earmarks had to be airdropped into the bill at the last minute. If we have been discussing this bill for 2 years, then couldn't we actually discuss these earmarks that were to be added to the bill instead of airdropping them into the conference report when nobody in the House or nobody in the Senate had even seen them? So it is hardly a defense to say that we have been discussing this for 2 years, nor is it a reason to deny those who are opposed to the bill an opportunity to actually claim time in opposition.

''Let me read from the House rules. If the floor manager for the majority and the floor manager for the minority both support the conference report or a motion, one-third of the time for debate thereon shall be allotted to a Member, Delegate or Resident Commissioner who opposes the conference report or motion on demand of that Member, Delegate or Resident Commissioner.

''We waived that. And we are not doing it. And let me tell you why I think that is the case. Now if I were supporting this bill, and I had been touting this bill as some big reform to our farm programs, I would flat be plumb embarrassed to bring this bill to the floor in its current form. I would be embarrassed.

''What has got most of the attention, the problem that we all note, that everybody across the country realizes, is how in the world can we have a situation where multimillionaire farmers are collecting subsidies courtesy of the taxpayer?

''And the real effort in here, what the President wanted, what others wanted, and what many of us here in the House argued for, was to put a cap on how much income you can have and still receive subsidies. The President suggested $200,000 adjusted gross income. Remember, adjusted gross income is your income minus expenses. All of us here collect a salary of about $169,000. By the time we deduct things for mortgage interest, medical expenses and charitable contribution, it brings that down by at least one-third, maybe even one-half. Under this legislation, a farm couple can have farm income and nonfarm income totaling $2.5 million and still receive direct payments under this legislation.

''Now, if I were bringing a bill to the floor and had touted this bill as reforming, man, I would want to hide that as well. I would not want somebody to be able to stand up and say, how is it that a multimillionaire farm couple can still collect subsidies from the taxpayers? So I commend the Rules Committee and those who are in support of the bill for actually putting a rule together that minimizes opposition that can be raised and that the only way people can stand up and oppose and be guaranteed time in opposition is to use a maneuver like raising a point of order against the bill.

''I should mention there are other problems with this and other reasons why this rule should not go forward. We are waiving PAYGO rules. Now one thing the majority said when they came into power is we will not waive PAYGO. We are going to live by PAYGO. When we give money out, we have to make sure that that many money is in the Treasury or we won't do it.

''This waives PAYGO because there is simply no way you can be in compliance with PAYGO and pass a $300 billion farm bill. And in this case, the writers of the legislation did something very creative. They actually went baseline shopping. What PAYGO says is that you have to take the current baseline, the most current baseline of spending, and total up your spending in the bill based on that current baseline.

''Instead, what the authors of this legislation did was said, oh, let's go to last year's baseline because we spent less money then and it means we can spend more money in this legislation. Baseline shopping. It is as if I were to say, I don't want to pay so much in taxes this year. So I am going to use last year's wages that I was paid, and I am going to report that instead. Now if I did that, I would be thrown in jail. But we are allowed to do this here. We

are allowed to say, we will take whatever baseline we want as long as it allows us to spend more money in the legislation. And then when the bill comes to the floor, we will just waive the rule that required us to be honest in terms of bringing legislation that complies with PAYGO.

''I would love an explanation from the Rules Committee as to why PAYGO was waived in this regard.''.

Mr. CARDOZA was further recognized and said:

''Mr. Speaker, I am happy to respond to my friend from Arizona with regard to the PAYGO issue, even though that is going to be addressed in the rule and not in this motion that he has brought forward now.

''I didn't raise a point of order in your motion so you can have plenty of time to speak.

''Let me tell you also that the chairman and the ranking member have, in my understanding, provided 10 minutes to both the Republic and Democratic opposition to this bill out of their time today. So we will be complying with the rules of the House. It is my understanding there will be 20 minutes in opposition.

''With regard to PAYGO, the Senate and the House have adopted different rules. In the 1990s when the House and Senate had statutory PAYGO, both Chambers had the same rules with regard to PAYGO. The House rules talk about one issue with PAYGO. The Senate rules with another.

''In this rule, we have tried to reconcile, we started this bill and actually passed it in a conference report, or we passed it out in chief from the Agriculture Committee to this floor and to a conference committee in 2007. That work was not completed in 2007, and thus we have this bill on the floor today.

''There are many reasons why this bill didn't get finished in 2007. But because we have different rules in the House and Senate, we have decided that in order to make this bill work and achieve a conference report that we can bring to this floor that we will be discussing this further as we discussed the rule. But we have dealt with that in the rule.''.

Mr. FLAKE was further recognized and said:

''I will gladly yield to my colleague from California on the Rules Committee for a question.

''Did we waive the PAYGO rules in this rule?''.

Mr. CARDOZA was further recognized and said:

''We have accommodated the Senate PAYGO rules as we have moved forward. And it is my opinion that this is a technical situation because we started this bill and passed this bill off the floor in 2007.''.

Mr. FLAKE was further recognized and said:

''Reading from the House rules after the beginning of a new calendar year——''.

Mr. CARDOZA was further recognized and said:

''Mr. Speaker, I raise a point of order.

''I believe we are supposed to be talking about the unfunded mandates in this bill. If the gentleman would like to talk about the PAYGO rules, we should talk about this when we bring up the rule which that is germane to.''.

The SPEAKER pro tempore, Mr. PASTOR, spoke and said:

''The gentleman should confine his remarks to the question of order.''.

Mr. FLAKE was further recognized and said:

''I can well understand why the other side does not want to talk about PAYGO and why I should confine this debate to unfunded mandates because PAYGO was, in fact, waived here. PAYGO was waived. And were it not waived, it would be subject to a point of order, the same point of order that the gentleman is lodging against this debate right now. So I can understand that. And I guess we will have to go with the flow.

''There is another point of order that will be raised shortly with regard to the waiver of the earmark rules that we have in place as well.

''So let me get back. This is an unfunded mandate on the taxpayers, of course. According to the Environmental Working Group, the Federal Government handed out $13.4 billion in farm subsidies to 1.4 million recipients, $11.2 billion of which related to various commodity support programs, programs that the underlying bill simply does not change.

''The taxpayers have a huge unfunded mandate here that we are going to be paying off for a very, very long time.''.

Mr. KIND was recognized to speak to the point of order and said:

''There is one, I think, serious concern that many of us who have been advocating reform under the commodity title, the so-called commodity subsidy programs, and that is what was done with the two subsidy programs now where funding currently isn't going out. And the reason it is not going out under the loan deficiency program and the counter cyclical program is because market prices are high.

''That's a good thing, because farm income is good, debt to asset ratio has never been better in farm country.

''But what this bill proposes to do, instead of holding those programs constant, they are actually increasing the loan rate under the loan deficiency program and the target price under the countercyclical program, which means that if things do turn south in farm country, if prices do drop—and we know how cyclical agriculture can be, and these are safety net programs—those programs will trigger much sooner and at a much greater expense than what I fear is being accounted for right now in this bill.

''That, I think, speaks to the unfunded mandate concern that the gentleman from Arizona and myself, and others included, have in regards to the so-called reforms that we are just not seeing under the commodity title, not when they go in the opposite direction with the LDP and the countercyclical programs by dialing up the loan rate and the target prices of those two programs and triggering them at a much earlier time and at a much greater expense for the taxpayers of this country. There is a whole lot of other reform that we felt were justifiable and reasonable under the commodity title.

''Quite frankly, we don't get there. In fact, if you look at the payment limitation caps that exist under the direct payments, it would only affect two-tenths of 1 percent of farmers in this country, hardly the type of reform we would like to see.''.

Mr. CARDOZA was further recognized and said:

''Mr. Speaker, I would like to say that we will deal in the debate on the bill chiefly with regard to what the level of reforms is.

''I would just like to tell my colleagues and my friends from both Arizona and Wisconsin that there are, in fact, significant reforms. In fact, if you take the ratio when this bill was first brought up in 2002, you have a situation where the nutrition part of this bill, versus commodities, was by a ratio of 2–1, $2 for nutrition for every dollar of commodity payments.

''In this particular act that we are going to be bringing to the floor later today, it is my understanding, and my work with regard to the reforms, that there have been so many reforms put into this bill that the nutrition title versus the commodity payments is actually a 5–1 ratio at this point. I would say that indicates, as just one of many indicators, that you will see as we conduct this debate the significant reform that has happened in this bill.

''I believe this is good work. I am very proud to be a part of bringing this bill to the floor. I believe it complies with the House Rules, and, I, again, want to urge my colleagues to vote 'yes' on this motion to consider, so that we can pass this important piece of legislation today.

''Mr. Speaker, I yield back the balance of my time and ask for an 'aye' vote.''.

After debate,

The question being put, viva voce,

Will the House now consider said resolution?

The SPEAKER pro tempore, Mr. PASTOR, announced that the yeas had it.

So the House decided to consider said resolution.

Pending consideration of said resolution.

¶58.7 POINT OF ORDER

Mr. FLAKE made a point of order against consideration of the resolution, and said:

''Mr. Speaker, I raise a point of order against House Resolution 1189 under clause 9 of rule XXI, because the resolution contains a waiver of all points of order against the conference report and its consideration.''.

The SPEAKER pro tempore, Mr. PASTOR, responded to the point of order, and said:

''Under clause 9(b) of rule XXI, the gentleman from Arizona [MR. FLAKE] makes a point of order that the resolution violates clause 9(b) of rule XXI.

''Such a point of order made under that resolution shall be disposed of by the question of consideration under the same terms as specified in clause 9(b) of rule XXI.

''After debate, the Chair will put the question of consideration, to wit: 'Will the House now consider the resolution?'.''.

Mr. FLAKE was further recognized and said:

''Mr. Speaker, this second point of order, and I will be calling for a vote on this one, is raised because of earmarks that have been airdropped into the legislation.

''As the gentleman mentioned, this is not a new bill. This is not something that just popped up last week and that there was a need to add $1 million for the National Sheep and Goat Industry Improvement Center, but that was something that had to come up at midnight and be dropped in when nobody had seen it in either the House or the Senate.

''This bill has been under consideration for a long, long time, and yet, still, we have earmarks that have been airdropped into the legislation, a number of them. Now, the gentleman may say in defense, we have listed the earmarks that have been airdropped in.

''It is true that some have been listed. If all of them were listed, why would we waive all points of order against the bill? If the majority was confident enough that all earmarks have been listed, then we wouldn't have waived the points of order against it. I will speak specifically about a few of these earmarks.

''But let me just mention some of them that are in the bill. There is authorization language for a National Products Research Laboratory. Again, this was airdropped in at the last minute when it hadn't been in the House version of the bill, hadn't been in the Senate, it was airdropped into the conference report. There is authorization language for a Policy Research Center, authorization language for Housing Assistance Council.

''Now, what that has to do with the farm bill, I am not sure, and the problem is, we will never know until the bill was passed because it was airdropped in at the last minute.

''That's the problem that the majority party correctly identified when they took control of this body, that we have a problem with earmarks, and they are being dropped in at the last minute without notice.

''That's why decent rules were actually put in place to try to curb this abuse. The problem is, in this rule, we are waiving those rules. We are waiving those rules so the old practice can continue on just like it always has.''.

Mr. CARDOZA was recognized to speak to the point of order and said:

''As my colleague knows, this point of order is about whether or not to consider this rule and the underlying conference report for the farm bill. This point of order today is just another effort, in my opinion, by the other side of the aisle to block this critical legislation that we have worked on for nearly 2 years.

''They don't want to debate, and they don't want to vote on this conference report. They simply want to obstruct through a parliamentary tactic.

''I want to make it very clear that the farm bill fully complies with the earmark disclosure rules contained in clause 9 of rule XXI. I would suggest to those raising the point of order that they look in the statement of managers, and they will see a list of the earmarks. If they can't find that list, we will be happy to provide it for them.

''Mr. Speaker, I urge my colleagues to vote 'yes' and to consider this important rule.''.

Mr. FLAKE was further recognized and said:

''Mr. Speaker, I find it ironic that we are being accused on this side of trying to stifle debate on the bill, that we don't want debate on the bill when I am here to argue against a rule that waives these points of order and a rule that also does not allow opposition to claim time.

''Now, the majority will say, well, we will yield you time now. Now that we have been caught on this, we will yield you some time. That's not the same as controlling time.

''When I control time, I can yield time to my colleagues. If I am yielded time, I can't do that. I don't control time in opposition.

''Our House Rules say that if both the majority and the minority are in favor of the bill for the leadership, that somebody opposed to the bill has a right to claim time in opposition.

''That was not done here. With a bill this important, you wonder why that has happened.

''Back to the earmarks, the gentleman mentioned that there is a list of earmarks that was listed, it's right here, a number of them. Now why in the world we had to have more than a dozen earmarks airdropped into a bill that has been under consideration for the past 2 years, I simply don't know.

''But when you read some of them, you kind of wonder why, like I said, Housing Assistance Council, Sun Grant Insular Pacific Sub-Center, Desert Terminal Lakes, Nevada. This is all we know about them.

''If you dig into them, you might find something untoward, you might not, but the fact is we don't have time to do that. That's why we have earmark rules that give us time to actually vet them. Those rules are being waived here, and we should not be doing that.

''Let me mention also, the gentleman said they are all listed. They aren't. There is quite a controversial earmark in this legislation that does not show up on the list. It's a $250 million tax refund to the Plum Tree Timber Company. Now, this is an earmark that allows the Nature Conservancy to purchase that from the Plum Tree Timber Company.

''Now, the Plum Tree Timber Company, as I understand, is not mentioned in the legislation, it is simply described. It would be like saying I am going to give a subsidy to the gentleman who stands 6-feet tall, weighs 175 pounds, has blue eyes and his middle name is John, but we won't say the rest of it.

''That's exactly what we are doing here. In an effort to get around the scrutiny that might come if somebody actually said now why is a subsidy actually going to the Plum Tree Timber Company.

''It is no wonder that the rules have been waived here. If I had something like this in this bill, I would waive the rules too, because I wouldn't want anybody to talk about it. I would also not want anybody who is opposed to the bill to claim time in opposition to it.

''If I were sponsoring this legislation that I said reformed the farm subsidy program to make sure that multimillionaire farmers don't continue to get subsidies on behalf of the taxpayer, I would hide it as well. I would do exactly what the Rules Committee has done here and the supporters of the legislation have done.

''Because under this legislation, a farm couple earning as much as $2.5 million in adjusted gross income, that's your income after expenses are taken out, can still receive direct payments under this legislation.

''Also, the other subsidy programs, rather than reform or to get rid of the loopholes that were allowing people to get extra subsidies, we simply waive the limits there. This is called reform?

''I mean, is it any wonder that the rules have been waived and debate has been stifled here on this critical legislation?''.

Mr. PETERSON of Minnesota, was recognized to speak to the point of order and said:

''Mr. Speaker, I haven't seen the entire list that's being talked about here, but a couple of the things that have been mentioned are not earmarks, and I don't know why the gentleman continues to characterize them as such.

''First of all, this is not an earmark, it does not define Plum Creek. What it says is that these bonds can be used for any habitat conservation plans that protect native fish or any forest land covered by these habitat conservation plans.

''We know of at least seven habitat conservation plans that would qualify under this provision. So, therefore, it's not an earmark. The Cedar River Watershed Habitat Conservation Plan in King County, Washington, the Plum Creek Timber plan, which is also in Washington, the Washington Department of Natural Resources Forest Practices Habitat Conservation Plan in Washington, the West Fork Timber plan in Washington, the Plum Creek Native Fish Habitat Conservation Plan

in Montana and Idaho, Green Diamond and Pacific Lumber, both in California.

''So this is not an earmark, because any of these would qualify. There are probably more that we don't know about. Now, this was in the Senate bill, so I don't know what you are talking about airdropped.

''A couple of the others that I heard you mention were also in the Senate bill, and there is another one that you characterize as an earmark, which is not an earmark, and that's the salmon recovery disaster plan which was a plan that was actually first passed in the 2006 Congress by the Republican majority, was implemented in 2006. Fifty million dollars at that time was put out to the people that were in the commercial fishing industry, primarily off the coast of California.

''At that time there was a partial shutdown of the salmon season. Now, this year, we have a complete shutdown of the salmon season all along the coast from California to Oregon to Washington State. So it's much broader, and it not only shut down the commercial fishing, it shut down the recreational fishing in those areas.

''What we are doing is replenishing this disaster fund with money that is exactly similar to what was done, what was in the statute and it was actually disbursed in 2006, because the disaster is much bigger this year than it was in 2006 because we had a partial shutdown. Now we have an entire shutdown of three States.

''So this is clearly not an earmark, this is in the disaster title of the farm bill that goes along with the other disaster provisions that are in the farm bill. You know, I don't know, I guess because apparently some people think that being against earmarks is popular and, whatever, they try to make this into an issue.

''But a number of the provisions that were raised by the gentleman are clearly not earmarks. The House bill that passed out of here had no earmarks.

''We had to deal with the other body, and we took some provisions from the other body, because that's how a conference works. You know, there is a lot worse stuff that was in that bill that we took out. I just want to clear the record that a number of things being talked about here are not earmarks, and I would encourage my colleagues not to support this point of order.''.

Mr. FLAKE was further recognized and said:

''The gentleman mentioned the National Marine Fishery Service earmark. It was added at the last minute. It may have been in a 2006 bill, but it wasn't in this bill until it was air dropped into the conference report. Now $170 million, that may well be a disaster there, but why in the world, if it is a disaster, why isn't it covered?''.

Mr. PETERSON of Minnesota, was further recognized and said:

''The House bill didn't have a paid-for disaster provision in it, the Senate bill did. And so when we molded these together, we put these disaster provisions in, and we paid for them, the first time that we actually paid for a disaster with pay-as-you-go money, and we included the California disaster in the process and paid for it.

''This is not a new program. As I said, it is not an earmark, and it was brought in because we were dealing with a disaster. This is clearly a disaster. Any place that you have a complete shutdown of a commercial fishery, they are going to be in asking for help from the Federal Government. That is appropriate. This was brought in, the permanent disaster program from the Senate, and funded when we molded them together.''.

Mr. FLAKE was further recognized and said:

''I thank the gentleman for the clarification. I still would point out we have a $3.8 billion permanent disaster title added to the bill; and still, in addition to that, we are funding these kinds of programs directly and specifically.

''The gentleman can argue that it is not an earmark. I think that a casual or a tortured reading of this would both say this is an earmark when you are naming a specific entity to receive a specific amount of money and when it wasn't in the House bill, that is an earmark. So there is a good reason for this point of order.

''The gentleman said, and let me go back to the PAYGO issue. The gentleman mentioned that this rule he thinks is in compliance with PAYGO. Let me read what this conference report says and see if anybody can decipher this.''.

Mr. CARDOZA was further recognized and said:

''Mr. Speaker, the gentleman raised a point of order with regard to earmarks, not with regard to the issue of PAYGO. That will be discussed in the rule itself. It will be germane to that later discussion.''.

The SPEAKER pro tempore, Mr. PASTOR, spoke and said:

''If the gentleman may confine his remarks to the question of order.''.

Mr. FLAKE was further recognized and said:

''If I might respond, the gentleman, after he raised his last point of order went on to talk about the reforms in the bill which clearly didn't have anything to do with the unfunded mandates language that I had raised or that I had talked about or that he had raised a point of order for. Clearly, I understand that they don't want to talk about this. I understand that. That's why the rules are waived. But to stand now and to raise a point of order against my point of order because I am not addressing specifically the question that they want to address or that they would rather dispose of is, I think, a little spurious.''.

Mr. CARDOZA was further recognized and said:

''Mr. Speaker, when the gentleman says we talked about other issues in the last point of order, I was trying to be gracious with regard to the time and the discussion and allow the gentleman to speak. I raised an issue on the point of order on PAYGO because we are going to discuss that in the rules discussion, in the discussion of the rule.

''I would just remind the gentleman that in the time he has taken on these two points of order, he will probably have discussed this bill more than any other Member on the floor, even after we agreed to give him 20 minutes of debate on this topic. So I think that the gentleman thus protests too greatly, and I reserve the balance of my time.''.

Mr. FLAKE was further recognized and said:

''I thank the other side. You notice the words used, that we have graciously agreed to give them. Under the rules, the House rules, those who are opposed to the bill are required to be given the chance to claim time in opposition, not to be at the whims and graciousness of those who support the legislation. That's why we have rules, and that's why in this case the rules have been waived.

''I understand completely if I had waived the PAYGO rules, when so many on that side of the aisle, bless their hearts, have been diligent sometimes on raising the issue of PAYGO and saying we shouldn't violate it, if I had violated PAYGO and waived it like this, I would want to waive every rule as well and stifle all the debate I could because it is embarrassing, frankly.

''I would just say in my remaining 15 seconds, we have a bill that deserves a lot more debate than it is getting. This is important legislation. We are waiving PAYGO rules, and let me just say what this rule says: Therefore, while there is a technical violation of clause 10 of rule XXI, the conference report complies with the rule. It says there is a technical violation, but we have complied. It simply doesn't make sense.''.

Mr. CARDOZA was further recognized and said:

''Mr. Speaker, I want to emphasize that this conference report fully complies with the earmark rule. In my opinion, it fully complies with the spirit of PAYGO.''.

Mr. PETERSON of Minnesota, was further recognized and said:

''I wasn't going to prolong this, but just like I had to take issue with saying earmarks were there that aren't there, I take very much issue with your saying we are waiving PAYGO. We are not waiving PAYGO. We are not waiving PAYGO in this bill. We are meeting PAYGO requirements based on the 2007 baseline which is what we started the bill under. This is what the rules are in the Senate.

''Let me explain my point first, and then I will be happy to yield.

''So the Senate has a rule that says under whatever baseline you start off with, that you continue under that baseline with the bill until a new budget resolution is passed by both the House and the Senate. For whatever reason, the House has a different rule when we adopted that, and it says once you file the Budget Committee report

in the House, not when it is passed, if a new baseline comes along, you are supposed to use that. But clearly, we cannot write a bill of this magnitude and this scope having two different baselines. We can't have one baseline in the Senate and another baseline in the House. That is number one.

''Number two, the common practice around this place has always been to follow this rule, that we always use the baseline that we started off with. That is what we have done for years. So all we are doing is complying with what the Senate rule is because we have to do that and it makes sense. We are not trying to waive anything. We are not trying to get around anything. This bill, it meets PAYGO requirements and it meets it under the 2007 baseline which is what we started the bill under. And we are not waiving PAYGO.''.

Mr. HASTINGS of Washington, was recognized to speak to the point of order and said:

''I would just like to make this point. This rule provides for waivers of other rules. Last night when we were up in the Rules Committee——.''.

Mr. CARDOZA was further recognized and said:

''Mr. Speaker, I control the time under the remainder of my motion, and I believe the gentleman is discussing the rule.

''I don't yield, and if the gentleman from Washington would just suspend for a moment, I just would like to say that I do not yield because we are talking about a whole different topic here. I would like to make sure that we consider the point of order that has been raised directly by the gentleman from Arizona and not make this a wide-ranging debate with regard to the rule.''.

After debate,

The question being put, viva voce,

Will the House now consider said resolution?

The SPEAKER pro tempore, Mr. PASTOR, announced that the yeas had it.

Mr. FLAKE demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 228 / Nays 189

¶58.8 [Roll No. 309]

YEAS—228

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

NAYS—189

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

NOT VOTING—16

Bonner	Cummings	Rush
Bono Mack	Gerlach	Sali
Carney	Hinojosa	Sullivan
Cramer	Lewis (KY)	Weller
Crenshaw	Mack	
Cubin	Myrick	

So, the House decided to consider said resolution.

A motion to reconsider the vote whereby the House decided to consider the resolution was laid on the table.

Accordingly,

When said resolution was considered.

After debate,

Mr. CARDOZA moved the previous question on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House now order the previous question?

The SPEAKER pro tempore, Mr. SERRANO, announced that the yeas had it.

Mr. HASTINGS of Washington, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 232 / Nays 188

¶58.9 [Roll No. 310]

YEAS—232

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

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

NAYS—188

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

NOT VOTING—13

Bono Mack
Cramer
Crenshaw
Cubin
Gerlach
Lewis (KY)
Mack
McDermott
Myrick
Rush
Schmidt
Stark
Weller

So the previous question on the resolution was ordered.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. SERRANO, announced that the yeas had it.

Mr. HASTINGS of Washington, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 228 Nays 193

¶58.10 [Roll No. 311]

YEAS—228

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

NAYS—193

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

NOT VOTING—12

Bono Mack	Gerlach	Paul
Cramer	Lewis (KY)	Rush
Crenshaw	Mack	Schmidt
Cubin	Myrick	Weller

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶58.11 H. RES. 1134—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. SERRANO, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 1134) supporting the goals and ideals of Mental Health Month.

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. SERRANO, announced that two-thirds of those present had voted in the affirmative.

Mr. HASTINGS of Washington, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 421 / Nays 0

¶58.12 [Roll No. 312]

YEAS—421

Abercrombie	Buchanan	DeGette
Ackerman	Burgess	Delahunt
Aderholt	Burton (IN)	DeLauro
Akin	Butterfield	Dent
Alexander	Buyer	Diaz-Balart, L.
Allen	Calvert	Diaz-Balart, M.
Altmire	Camp (MI)	Dicks
Andrews	Campbell (CA)	Dingell
Arcuri	Cannon	Doggett
Baca	Cantor	Donnelly
Bachmann	Capito	Doolittle
Bachus	Capps	Doyle
Baird	Capuano	Drake
Baldwin	Cardoza	Dreier
Barrett (SC)	Carnahan	Duncan
Barrow	Carney	Edwards
Bartlett (MD)	Carson	Ehlers
Barton (TX)	Carter	Ellison
Bean	Castle	Ellsworth
Becerra	Castor	Emanuel
Berkley	Cazayoux	Emerson
Berman	Chabot	Engel
Berry	Chandler	English (PA)
Biggert	Clarke	Eshoo
Bilbray	Clay	Etheridge
Bilirakis	Cleaver	Everett
Bishop (GA)	Clyburn	Fallin
Bishop (NY)	Coble	Farr
Bishop (UT)	Cohen	Fattah
Blackburn	Cole (OK)	Feeney
Blumenauer	Conaway	Ferguson
Blunt	Conyers	Filner
Boehner	Cooper	Flake
Bonner	Costa	Forbes
Boozman	Costello	Fortenberry
Boren	Courtney	Fossella
Boswell	Crowley	Foster
Boucher	Cuellar	Foxx
Boustany	Culberson	Frank (MA)
Boyd (FL)	Cummings	Franks (AZ)
Boyda (KS)	Davis (AL)	Frelinghuysen
Brady (PA)	Davis (CA)	Gallegly
Brady (TX)	Davis (IL)	Garrett (NJ)
Braley (IA)	Davis (KY)	Giffords
Broun (GA)	Davis, David	Gilchrest
Brown (SC)	Davis, Lincoln	Gillibrand
Brown, Corrine	Davis, Tom	Gingrey
Brown-Waite, Ginny	Deal (GA)	Gohmert
	DeFazio	Gonzalez
Goode	Markey	Ryan (WI)
Goodlatte	Marshall	Salazar
Gordon	Matheson	Sali
Granger	Matsui	Sánchez, Linda T.
Graves	McCarthy (CA)	
Green, Al	McCarthy (NY)	Sanchez, Loretta
Green, Gene	McCaul (TX)	Sarbanes
Grijalva	McCollum (MN)	Saxton
Gutierrez	McCotter	Scalise
Hall (NY)	McCrery	Schakowsky
Hall (TX)	McDermott	Schiff
Hare	McGovern	Schwartz
Harman	McHenry	Scott (GA)
Hastings (FL)	McHugh	Scott (VA)
Hastings (WA)	McIntyre	Sensenbrenner
Hayes	McKeon	Serrano
Heller	McMorris Rodgers	Sessions
Hensarling		Sestak
Herger	McNerney	Shadegg
Herseth Sandlin	McNulty	Shays
Higgins	Meek (FL)	Shea-Porter
Hill	Meeks (NY)	Sherman
Hinchey	Melancon	Shimkus
Hinojosa	Mica	Shuler
Hirono	Michaud	Shuster
Hobson	Miller (FL)	Simpson
Hodes	Miller (MI)	Sires
Hoekstra	Miller (NC)	Skelton
Holden	Miller, Gary	Slaughter
Holt	Miller, George	Smith (NE)
Honda	Mitchell	Smith (NJ)
Hooley	Mollohan	Smith (TX)
Hoyer	Moore (KS)	Smith (WA)
Hulshof	Moore (WI)	Snyder
Hunter	Moran (KS)	Solis
Inglis (SC)	Moran (VA)	Souder
Inslee	Murphy (CT)	Space
Israel	Murphy, Patrick	Speier
Issa	Murphy, Tim	Spratt
Jackson (IL)	Murtha	Stark
Jackson-Lee (TX)	Musgrave	Stearns
	Nadler	Stupak
Jefferson	Napolitano	Sullivan
Johnson (GA)	Neal (MA)	Sutton
Johnson (IL)	Neugebauer	Tancredo
Johnson, E. B.	Nunes	Tanner
Johnson, Sam	Oberstar	Tauscher
Jones (NC)	Obey	Taylor
Jones (OH)	Olver	Terry
Jordan	Ortiz	Thompson (CA)
Kagen	Pallone	Thompson (MS)
Kanjorski	Pascrell	Thornberry
Kaptur	Pastor	Tiahrt
Keller	Payne	Tiberi
Kennedy	Pearce	Tierney
Kildee	Pence	Towns
Kilpatrick	Perlmutter	Tsongas
Kind	Peterson (MN)	Turner
King (IA)	Peterson (PA)	Udall (CO)
King (NY)	Petri	Udall (NM)
Kingston	Pickering	Upton
Kirk	Pitts	Van Hollen
Klein (FL)	Platts	Velázquez
Kline (MN)	Poe	Visclosky
Knollenberg	Pomeroy	Walberg
Kucinich	Porter	Walden (OR)
Kuhl (NY)	Price (GA)	Walsh (NY)
LaHood	Price (NC)	Walz (MN)
Lamborn	Pryce (OH)	Wamp
Lampson	Putnam	Wasserman Schultz
Langevin	Radanovich	
Larsen (WA)	Rahall	Waters
Larson (CT)	Ramstad	Watson
Latham	Rangel	Watt
LaTourette	Regula	Waxman
Latta	Rehberg	Weiner
Lee	Reichert	Welch (VT)
Levin	Renzi	Weldon (FL)
Lewis (CA)	Reyes	Westmoreland
Lewis (GA)	Reynolds	Wexler
Linder	Richardson	Whitfield (KY)
Lipinski	Rodriguez	Wilson (NM)
LoBiondo	Rogers (AL)	Wilson (OH)
Loebsack	Rogers (KY)	Wilson (SC)
Lofgren, Zoe	Rogers (MI)	Wittman (VA)
Lowey	Rohrabacher	Wolf
Lucas	Ros-Lehtinen	Woolsey
Lungren, Daniel E.	Roskam	Wu
	Ross	Wynn
Lynch	Rothman	Yarmuth
Mahoney (FL)	Roybal-Allard	Young (AK)
Maloney (NY)	Royce	Young (FL)
Manzullo	Ruppersberger	
Marchant	Ryan (OH)	

NOT VOTING—12

Bono Mack	Gerlach	Paul
Cramer	Lewis (KY)	Rush
Crenshaw	Mack	Schmidt
Cubin	Myrick	Weller

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶58.13 H. RES. 1176—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. SERRANO, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 1176) supporting the goals and ideals of National Train Day.

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. SERRANO, announced that two-thirds of those present had voted in the affirmative.

Mr. HASTINGS of Washington, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 415 / Nays 0

¶58.14 [Roll No. 313]

YEAS—415

Abercrombie	Calvert	Dingell
Ackerman	Camp (MI)	Doggett
Aderholt	Campbell (CA)	Donnelly
Akin	Cannon	Doolittle
Alexander	Cantor	Doyle
Allen	Capito	Drake
Altmire	Capps	Dreier
Arcuri	Capuano	Duncan
Baca	Cardoza	Edwards
Bachmann	Carnahan	Ehlers
Bachus	Carney	Ellison
Baird	Carson	Ellsworth
Baldwin	Carter	Emanuel
Barrett (SC)	Castle	Emerson
Barrow	Castor	Engel
Bartlett (MD)	Cazayoux	English (PA)
Barton (TX)	Chabot	Eshoo
Bean	Chandler	Etheridge
Becerra	Clarke	Everett
Berkley	Clay	Fallin
Berman	Cleaver	Farr
Berry	Clyburn	Fattah
Biggert	Coble	Feeney
Bilirakis	Cohen	Ferguson
Bishop (GA)	Cole (OK)	Filner
Bishop (NY)	Conaway	Flake
Bishop (UT)	Conyers	Forbes
Blackburn	Cooper	Fortenberry
Blumenauer	Costa	Fossella
Blunt	Costello	Foster
Boehner	Courtney	Foxx
Bonner	Crowley	Frank (MA)
Boozman	Cuellar	Franks (AZ)
Boren	Culberson	Frelinghuysen
Boswell	Cummings	Gallegly
Boucher	Davis (AL)	Garrett (NJ)
Boustany	Davis (CA)	Giffords
Boyd (FL)	Davis (IL)	Gillibrand
Boyda (KS)	Davis (KY)	Gingrey
Brady (PA)	Davis, David	Gohmert
Brady (TX)	Davis, Lincoln	Gonzalez
Broun (GA)	Davis, Tom	Goode
Brown (SC)	Deal (GA)	Goodlatte
Brown, Corrine	DeFazio	Gordon
Brown-Waite, Ginny	DeGette	Granger
	Delahunt	Graves
Buchanan	DeLauro	Green, Al
Burgess	Dent	Green, Gene
Burton (IN)	Diaz-Balart, L.	Grijalva
Butterfield	Diaz-Balart, M.	Gutierrez
Buyer	Dicks	Hall (NY)

Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Scalise
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—18

Andrews
Bilbray
Bono Mack
Braley (IA)
Cramer
Crenshaw
Cubin
Gerlach
Gilchrest
Hooley
Kagen
Lewis (KY)
Mack
Myrick
Paul
Rush
Schmidt
Weller

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶58.15 COMMITTEE ELECTION—MINORITY

Mr. PUTNAM, by direction of the Republican Conference, submitted the following privileged resolution (H. Res. 1196):

Resolved, That the following Member is, and is hereby, elected to the following standing committees:

(1) COMMITTEE ON NATURAL RESOURCES.—Mr. Scalise; and,

(2) COMMITTEE ON VETERANS' AFFAIRS.—Mr. Scalise.

When said resolution was considered and agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶58.16 CONFERENCE REPORT—H.R. 2419

Mr. PETERSON of Minnesota, pursuant to House Resolution 1189, called up the following conference report (Rept. No. 110–627):

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 2419), to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Food, Conservation, and Energy Act of 2008''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Definition of Secretary.

TITLE I—COMMODITY PROGRAMS

Sec. 1001. Definitions.

Subtitle A—Direct Payments and Counter-Cyclical Payments

Sec. 1101. Base acres.
Sec. 1102. Payment yields.
Sec. 1103. Availability of direct payments.
Sec. 1104. Availability of counter-cyclical payments.
Sec. 1105. Average crop revenue election program.
Sec. 1106. Producer agreement required as condition of provision of payments.
Sec. 1107. Planting flexibility.
Sec. 1108. Special rule for long grain and medium grain rice.
Sec. 1109. Period of effectiveness.

Subtitle B—Marketing Assistance Loans and Loan Deficiency Payments

Sec. 1201. Availability of nonrecourse marketing assistance loans for loan commodities.
Sec. 1202. Loan rates for nonrecourse marketing assistance loans.
Sec. 1203. Term of loans.
Sec. 1204. Repayment of loans.
Sec. 1205. Loan deficiency payments.
Sec. 1206. Payments in lieu of loan deficiency payments for grazed acreage.
Sec. 1207. Special marketing loan provisions for upland cotton.
Sec. 1208. Special competitive provisions for extra long staple cotton.
Sec. 1209. Availability of recourse loans for high moisture feed grains and seed cotton.
Sec. 1210. Adjustments of loans.

Subtitle C—Peanuts

Sec. 1301. Definitions.
Sec. 1302. Base acres for peanuts for a farm.
Sec. 1303. Availability of direct payments for peanuts.
Sec. 1304. Availability of counter-cyclical payments for peanuts.
Sec. 1305. Producer agreement required as condition on provision of payments.
Sec. 1306. Planting flexibility.
Sec. 1307. Marketing assistance loans and loan deficiency payments for peanuts.
Sec. 1308. Adjustments of loans.

Subtitle D—Sugar

Sec. 1401. Sugar program.
Sec. 1402. United States membership in the International Sugar Organization.
Sec. 1403. Flexible marketing allotments for sugar.
Sec. 1404. Storage facility loans.
Sec. 1405. Commodity Credit Corporation storage payments.

Subtitle E—Dairy

Sec. 1501. Dairy product price support program.
Sec. 1502. Dairy forward pricing program.
Sec. 1503. Dairy export incentive program.
Sec. 1504. Revision of Federal marketing order amendment procedures.
Sec. 1505. Dairy indemnity program.
Sec. 1506. Milk income loss contract program.
Sec. 1507. Dairy promotion and research program.
Sec. 1508. Report on Department of Agriculture reporting procedures for nonfat dry milk.
Sec. 1509. Federal Milk Marketing Order Review Commission.
Sec. 1510. Mandatory reporting of dairy commodities.

Subtitle F—Administration

Sec. 1601. Administration generally.
Sec. 1602. Suspension of permanent price support authority.
Sec. 1603. Payment limitations.
Sec. 1604. Adjusted gross income limitation.
Sec. 1605. Availability of quality incentive payments for covered oilseed producers.
Sec. 1606. Personal liability of producers for deficiencies.
Sec. 1607. Extension of existing administrative authority regarding loans.
Sec. 1608. Assignment of payments.
Sec. 1609. Tracking of benefits.
Sec. 1610. Government publication of cotton price forecasts.
Sec. 1611. Prevention of deceased individuals receiving payments under farm commodity programs.
Sec. 1612. Hard white wheat development program.
Sec. 1613. Durum wheat quality program.
Sec. 1614. Storage facility loans.
Sec. 1615. State, county, and area committees.
Sec. 1616. Prohibition on charging certain fees.
Sec. 1617. Signature authority.
Sec. 1618. Modernization of Farm Service Agency.
Sec. 1619. Information gathering.
Sec. 1620. Leasing of office space.
Sec. 1621. Geographically disadvantaged farmers and ranchers.
Sec. 1622. Implementation.
Sec. 1623. Repeals.

TITLE II—CONSERVATION

Subtitle A—Definitions and Highly Erodible Land and Wetland Conservation

Sec. 2001. Definitions relating to conservation title of Food Security Act of 1985.

Sec. 2002. Review of good faith determinations related to highly erodible land conservation.
Sec. 2003. Review of good faith determinations related to wetland conservation.
Subtitle B—Conservation Reserve Program
Sec. 2101. Extension of conservation reserve program.
Sec. 2102. Land eligible for enrollment in conservation reserve.
Sec. 2103. Maximum enrollment of acreage in conservation reserve.
Sec. 2104. Designation of conservation priority areas.
Sec. 2105. Treatment of multi-year grasses and legumes.
Sec. 2106. Revised pilot program for enrollment of wetland and buffer acreage in conservation reserve.
Sec. 2107. Additional duty of participants under conservation reserve contracts.
Sec. 2108. Managed haying, grazing, or other commercial use of forage on enrolled land and installation of wind turbines.
Sec. 2109. Cost sharing payments relating to trees, windbreaks, shelterbelts, and wildlife corridors.
Sec. 2110. Evaluation and acceptance of contract offers, annual rental payments, and payment limitations.
Sec. 2111. Conservation reserve program transition incentives for beginning farmers or ranchers and socially disadvantaged farmers or ranchers.
Subtitle C—Wetlands Reserve Program
Sec. 2201. Establishment and purpose of wetlands reserve program.
Sec. 2202. Maximum enrollment and enrollment methods.
Sec. 2203. Duration of wetlands reserve program and lands eligible for enrollment.
Sec. 2204. Terms of wetlands reserve program easements.
Sec. 2205. Compensation for easements under wetlands reserve program.
Sec. 2206. Wetlands reserve enhancement program and reserved rights pilot program.
Sec. 2207. Duties of Secretary of Agriculture under wetlands reserve program.
Sec. 2208. Payment limitations under wetlands reserve contracts and agreements.
Sec. 2209. Repeal of payment limitations exception for State agreements for wetlands reserve enhancement.
Sec. 2210. Report on implications of long-term nature of conservation easements.
Subtitle D—Conservation Stewardship Program
Sec. 2301. Conservation stewardship program.
Subtitle E—Farmland Protection and Grassland Reserve
Sec. 2401. Farmland protection program.
Sec. 2402. Farm viability program.
Sec. 2403. Grassland reserve program.
Subtitle F—Environmental Quality Incentives Program
Sec. 2501. Purposes of environmental quality incentives program.
Sec. 2502. Definitions.
Sec. 2503. Establishment and administration of environmental quality incentives program.
Sec. 2504. Evaluation of applications.
Sec. 2505. Duties of producers under environmental quality incentives program.
Sec. 2506. Environmental quality incentives program plan.
Sec. 2507. Duties of the Secretary.
Sec. 2508. Limitation on environmental quality incentives program payments.
Sec. 2509. Conservation innovation grants and payments.
Sec. 2510. Agricultural water enhancement program.
Subtitle G—Other Conservation Programs of the Food Security Act of 1985
Sec. 2601. Conservation of private grazing land.
Sec. 2602. Wildlife habitat incentive program.
Sec. 2603. Grassroots source water protection program.
Sec. 2604. Great Lakes Basin Program for soil erosion and sediment control.
Sec. 2605. Chesapeake Bay watershed program.
Sec. 2606. Voluntary public access and habitat incentive program.
Subtitle H—Funding and Administration of Conservation Programs
Sec. 2701. Funding of conservation programs under Food Security Act of 1985.
Sec. 2702. Authority to accept contributions to support conservation programs.
Sec. 2703. Regional equity and flexibility.
Sec. 2704. Assistance to certain farmers and ranchers to improve their access to conservation programs.
Sec. 2705. Report regarding enrollments and assistance under conservation programs.
Sec. 2706. Delivery of conservation technical assistance.
Sec. 2707. Cooperative conservation partnership initiative.
Sec. 2708. Administrative requirements for conservation programs.
Sec. 2709. Environmental services markets.
Sec. 2710. Agriculture conservation experienced services program.
Sec. 2711. Establishment of State technical committees and their responsibilities.
Subtitle I—Conservation Programs Under Other Laws
Sec. 2801. Agricultural management assistance program.
Sec. 2802. Technical assistance under Soil Conservation and Domestic Allotment Act.
Sec. 2803. Small watershed rehabilitation program.
Sec. 2804. Amendments to Soil and Water Resources Conservation Act of 1977.
Sec. 2805. Resource Conservation and Development Program.
Sec. 2806. Use of funds in Basin Funds for salinity control activities upstream of Imperial Dam.
Sec. 2807. Desert terminal lakes.
Subtitle J—Miscellaneous Conservation Provisions
Sec. 2901. High Plains water study.
Sec. 2902. Naming of National Plant Materials Center at Beltsville, Maryland, in honor of Norman A. Berg.
Sec. 2903. Transition.
Sec. 2904. Regulations.
TITLE III—TRADE
Subtitle A—Food for Peace Act
Sec. 3001. Short title.
Sec. 3002. United States policy.
Sec. 3003. Food aid to developing countries.
Sec. 3004. Trade and development assistance.
Sec. 3005. Agreements regarding eligible countries and private entities.
Sec. 3006. Use of local currency payments.
Sec. 3007. General authority.
Sec. 3008. Provision of agricultural commodities.
Sec. 3009. Generation and use of currencies by private voluntary organizations and cooperatives.
Sec. 3010. Levels of assistance.
Sec. 3011. Food Aid Consultative Group.
Sec. 3012. Administration.
Sec. 3013. Assistance for stockpiling and rapid transportation, delivery, and distribution of shelf-stable prepackaged foods.
Sec. 3014. General authorities and requirements.
Sec. 3015. Definitions.
Sec. 3016. Use of Commodity Credit Corporation.
Sec. 3017. Administrative provisions.
Sec. 3018. Consolidation and modification of annual reports regarding agricultural trade issues.
Sec. 3019. Expiration of assistance.
Sec. 3020. Authorization of appropriations.
Sec. 3021. Minimum level of nonemergency food assistance.
Sec. 3022. Coordination of foreign assistance programs.
Sec. 3023. Micronutrient fortification programs.
Sec. 3024. John Ogonowski and Doug Bereuter Farmer-to-Farmer Program.
Subtitle B—Agricultural Trade Act of 1978 and Related Statutes
Sec. 3101. Export credit guarantee program.
Sec. 3102. Market access program.
Sec. 3103. Export enhancement program.
Sec. 3104. Foreign market development cooperator program.
Sec. 3105. Food for Progress Act of 1985.
Sec. 3106. McGovern-Dole International Food for Education and Child Nutrition Program.
Subtitle C—Miscellaneous
Sec. 3201. Bill Emerson Humanitarian Trust.
Sec. 3202. Global Crop Diversity Trust.
Sec. 3203. Technical assistance for specialty crops.
Sec. 3204. Emerging markets and facility guarantee loan program.
Sec. 3205. Consultative Group to Eliminate the Use of Child Labor and Forced Labor in Imported Agricultural Products.
Sec. 3206. Local and regional food aid procurement projects.
Subtitle D—Softwood Lumber
Sec. 3301. Softwood lumber.
TITLE IV—NUTRITION
Subtitle A—Food Stamp Program
PART I—RENAMING OF FOOD STAMP ACT AND PROGRAM
Sec. 4001. Renaming of Food Stamp Act and program.
Sec. 4002. Conforming amendments.
PART II—BENEFIT IMPROVEMENTS
Sec. 4101. Exclusion of certain military payments from income.
Sec. 4102. Strengthening the food purchasing power of low-income Americans.
Sec. 4103. Supporting working families with child care expenses.
Sec. 4104. Asset indexation, education, and retirement accounts.
Sec. 4105. Facilitating simplified reporting.
Sec. 4106. Transitional benefits option.
Sec. 4107. Increasing the minimum benefit.
Sec. 4108. Employment, training, and job retention.
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SEC. 2. DEFINITION OF SECRETARY.

In this Act, the term ''Secretary'' means the Secretary of Agriculture.

TITLE I—COMMODITY PROGRAMS

SEC. 1001. DEFINITIONS.

In this title (other than subtitle C):

(1) AVERAGE CROP REVENUE ELECTION PAYMENT.—The term ''average crop revenue election payment'' means a payment made to producers on a farm under section 1105.

(2) BASE ACRES.—

(A) IN GENERAL.—The term ''base acres'', with respect to a covered commodity on a farm, means the number of acres established under section 1101 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7911) as in effect on September 30, 2007, subject to any adjustment under section 1101 of this Act.

(B) PEANUTS.—The term ''base acres for peanuts'' has the meaning given the term in section 1301.

(3) COUNTER-CYCLICAL PAYMENT.—The term ''counter-cyclical payment'' means a payment made to producers on a farm under section 1104.

(4) COVERED COMMODITY.—The term ''covered commodity'' means wheat, corn, grain sorghum, barley, oats, upland cotton, long grain rice, medium grain rice, pulse crops, soybeans, and other oilseeds.

(5) DIRECT PAYMENT.—The term ''direct payment'' means a payment made to producers on a farm under section 1103.

(6) EFFECTIVE PRICE.—The term ''effective price'', with respect to a covered commodity for a crop year, means the price calculated by the Secretary under section 1104 to determine whether counter-cyclical payments are required to be made for that crop year.

(7) EXTRA LONG STAPLE COTTON.—The term ''extra long staple cotton'' means cotton that—

(A) is produced from pure strain varieties of the Barbadense species or any hybrid of the species, or other similar types of extra long staple cotton, designated by the Secretary, having characteristics needed for various end uses for which United States upland cotton is not suitable and grown in irrigated cotton-growing regions of the United States designated by the Secretary or other areas designated by the Secretary as suitable for the production of the varieties or types; and

(B) is ginned on a roller-type gin or, if authorized by the Secretary, ginned on another type gin for experimental purposes.

(8) LOAN COMMODITY.—The term ''loan commodity'' means wheat, corn, grain sorghum, barley, oats, upland cotton, extra long staple cotton, long grain rice, medium grain rice, soybeans, other oilseeds, graded wool, nongraded wool, mohair, honey, dry peas, lentils, small chickpeas, and large chickpeas.

(9) MEDIUM GRAIN RICE.—The term ''medium grain rice'' includes short grain rice.

(10) OTHER OILSEED.—The term ''other oilseed'' means a crop of sunflower seed, rapeseed, canola, safflower, flaxseed, mustard seed, crambe, sesame seed, or any oilseed designated by the Secretary.

(11) PAYMENT ACRES.—The term ''payment acres'' means, in the case of direct payments and counter-cyclical payments—

(A) except as provided in subparagraph (B), 85 percent of the base acres of a covered commodity on a farm on which direct payments or counter-cyclical payments are made; and

(B) in the case of direct payments for each of the 2009 through 2011 crop years, 83.3 percent of the base acres for the covered commodity on a farm on which direct payments are made.

(12) PAYMENT YIELD.—The term ''payment yield'' means the yield established for direct payments and the yield established for counter-cyclical payments under section 1102 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7912) as in effect on September 30, 2007, or under section 1102 of this Act, for a farm for a covered commodity.

(13) PRODUCER.—

(A) IN GENERAL.—The term ''producer'' means an owner, operator, landlord, tenant, or sharecropper that shares in the risk of producing a crop and is entitled to share in the crop available for marketing from the farm, or would have shared had the crop been produced.

(B) HYBRID SEED.—In determining whether a grower of hybrid seed is a producer, the Secretary shall—

(i) not take into consideration the existence of a hybrid seed contract; and

(ii) ensure that program requirements do not adversely affect the ability of the grower to receive a payment under this title.

(14) PULSE CROP.—The term ''pulse crop'' means dry peas, lentils, small chickpeas, and large chickpeas.

(15) STATE.—The term ''State'' means—

(A) a State;

(B) the District of Columbia;

(C) the Commonwealth of Puerto Rico; and

(D) any other territory or possession of the United States.

(16) TARGET PRICE.—The term ''target price'' means the price per bushel, pound, or hundredweight (or other appropriate unit) of a covered commodity used to determine the payment rate for counter-cyclical payments.

(17) UNITED STATES.—The term ''United States'', when used in a geographical sense, means all of the States.

(18) UNITED STATES PREMIUM FACTOR.—The term ''United States Premium Factor'' means the percentage by which the difference in the United States loan schedule premiums for Strict Middling (SM) 1⅛-inch upland cotton and for Middling (M) 1$^{3}/_{32}$-inch upland cotton exceeds the difference in the applicable premiums for comparable international qualities.

Subtitle A—Direct Payments and Counter-Cyclical Payments

SEC. 1101. BASE ACRES.

(a) ADJUSTMENT OF BASE ACRES.—

(1) IN GENERAL.—The Secretary shall provide for an adjustment, as appropriate, in the base acres for covered commodities for a farm whenever any of the following circumstances occurs:

(A) A conservation reserve contract entered into under section 1231 of the Food Security Act of 1985 (16 U.S.C. 3831) with respect to the farm expires or is voluntarily terminated, or was terminated or expired during the period beginning on October 1, 2007, and ending on the date of enactment of this Act.

(B) Cropland is released from coverage under a conservation reserve contract by the Secretary, or was released during the period beginning on October 1, 2007, and ending on the date of enactment of this Act.

(C) The producer has eligible pulse crop acreage, which shall be determined in the same manner as eligible oilseed acreage under section 1101(a)(2) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7911(a)(2)).

(D) The producer has eligible oilseed acreage as the result of the Secretary designating additional oilseeds, which shall be determined in the same manner as eligible oilseed acreage under section 1101(a)(2) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7911(a)(2)).

(2) SPECIAL CONSERVATION RESERVE ACREAGE PAYMENT RULES.—For the crop year in which a base acres adjustment under subparagraph (A) or (B) of paragraph (1) is first made, the owner of the farm shall elect to receive either direct payments and counter-cyclical payments with respect to the acreage added to the farm under this subsection or a prorated payment under the conservation reserve contract, but not both.

(b) PREVENTION OF EXCESS BASE ACRES.—

(1) REQUIRED REDUCTION.—If the sum of the base acres for a farm, together with the acreage described in paragraph (2) exceeds the actual cropland acreage of the farm, the Secretary shall reduce the base acres for 1 or more covered commodities for the farm or the base acres for peanuts for the farm so that the sum of the base acres and acreage described in paragraph (2) does not exceed the actual cropland acreage of the farm.

(2) OTHER ACREAGE.—For purposes of paragraph (1), the Secretary shall include the following:

(A) Any base acres for peanuts for the farm.

(B) Any acreage on the farm enrolled in the conservation reserve program or wetlands reserve program under chapter 1 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3830 et seq.).

(C) Any other acreage on the farm enrolled in a Federal conservation program for which payments are made in exchange for not producing an agricultural commodity on the acreage.

(D) Any eligible pulse crop acreage, which shall be determined in the same manner as eligible oilseed acreage under section 1101(a)(2) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7911(a)(2)).

(E) If the Secretary designates additional oilseeds, any eligible oilseed acreage, which shall be determined in the same manner as eligible oilseed acreage under section 1101(a)(2) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7911(a)(2)).

(3) SELECTION OF ACRES.—The Secretary shall give the owner of the farm the opportunity to select the base acres for a covered commodity or the base acres for peanuts for the farm against which the reduction required by paragraph (1) will be made.

(4) EXCEPTION FOR DOUBLE-CROPPED ACREAGE.—In applying paragraph (1), the Secretary shall make an exception in the case of double cropping, as determined by the Secretary.

(5) COORDINATED APPLICATION OF REQUIREMENTS.—The Secretary shall take into account section 1302(b) when applying the requirements of this subsection.

(c) REDUCTION IN BASE ACRES.—

(1) REDUCTION AT OPTION OF OWNER.—

(A) IN GENERAL.—The owner of a farm may reduce, at any time, the base acres for any covered commodity for the farm.

(B) EFFECT OF REDUCTION.—A reduction under subparagraph (A) shall be permanent and made in a manner prescribed by the Secretary.

(2) REQUIRED ACTION BY SECRETARY.—

(A) IN GENERAL.—The Secretary shall proportionately reduce base acres on a farm for covered commodities for land that has been subdivided and developed for multiple residential units or other nonfarming uses if the size of the tracts and the density of the subdivision is such that the land is unlikely to return to the previous agricultural use, unless the producers on the farm demonstrate that the land—

(i) remains devoted to commercial agricultural production; or

(ii) is likely to be returned to the previous agricultural use.

(B) REQUIREMENT.—The Secretary shall establish procedures to identify land described in subparagraph (A).

(3) REVIEW AND REPORT.—Each year, to ensure, to the maximum extent practicable, that payments are received only by producers, the Secretary shall submit to Congress a report that describes the results of the actions taken under paragraph (2).

(d) TREATMENT OF FARMS WITH LIMITED BASE ACRES.—

(1) PROHIBITION ON PAYMENTS.—Except as provided in paragraph (2) and notwithstanding any other provision of this title, a producer on a farm may not receive direct payments, counter-cyclical payments, or average crop revenue election payments if the sum of the base acres of the farm is 10 acres or less, as determined by the Secretary.

(2) EXCEPTIONS.—Paragraph (1) shall not apply to a farm owned by—

(A) a socially disadvantaged farmer or rancher (as defined in section 355(e) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2003(e)); or

(B) a limited resource farmer or rancher, as defined by the Secretary.

(3) DATA COLLECTION AND PUBLICATION.—The Secretary shall—

(A) collect and publish segregated data and survey information about the farm profiles, utilization of land, and crop production; and

(B) perform an evaluation on the supply and price of fruits and vegetables based on the effects of suspension of base acres under this section.

SEC. 1102. PAYMENT YIELDS.

(a) ESTABLISHMENT AND PURPOSE.—For the purpose of making direct payments and counter-cyclical payments under this subtitle, the Secretary shall provide for the establishment of a yield for each farm for any designated oilseed or eligible pulse crop for which a payment yield was not established under section 1102 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7912) in accordance with this section.

(b) PAYMENT YIELDS FOR DESIGNATED OILSEEDS AND ELIGIBLE PULSE CROPS.—

(1) DETERMINATION OF AVERAGE YIELD.—In the case of designated oilseeds and eligible pulse crops, the Secretary shall determine the average yield per planted acre for the designated oilseed or pulse crop on a farm for the 1998 through 2001 crop years, excluding any crop year in which the acreage planted to the designated oilseed or pulse crop was zero.

(2) ADJUSTMENT FOR PAYMENT YIELD.—

(A) IN GENERAL.—The payment yield for a farm for a designated oilseed or eligible pulse crop shall be equal to the product of the following:

(i) The average yield for the designated oilseed or pulse crop determined under paragraph (1).

(ii) The ratio resulting from dividing the national average yield for the designated oilseed or pulse crop for the 1981 through 1985 crops by the national average yield for the designated oilseed or pulse crop for the 1998 through 2001 crops.

(B) NO NATIONAL AVERAGE YIELD INFORMATION AVAILABLE.—To the extent that national average yield information for a designated oilseed or pulse crop is not available, the Secretary shall use such information as the Secretary determines to be fair and equitable to establish a national average yield under this section.

(3) USE OF PARTIAL COUNTY AVERAGE YIELD.—If the yield per planted acre for a crop of a designated oilseed or pulse crop for a farm for any of the 1998 through 2001 crop years was less than 75 percent of the county yield for that designated oilseed or pulse crop, the Secretary shall assign a yield for that crop year equal to 75 percent of the county yield for the purpose of determining the average under paragraph (1).

(4) NO HISTORIC YIELD DATA AVAILABLE.—In the case of establishing yields for designated oilseeds and eligible pulse crops, if historic yield data is not available, the Secretary shall use the ratio for dry peas calculated under paragraph (2)(A)(ii) in determining the yields for designated oilseeds and eligible pulse crops, as determined to be fair and equitable by the Secretary.

SEC. 1103. AVAILABILITY OF DIRECT PAYMENTS.

(a) PAYMENT REQUIRED.—For each of the 2008 through 2012 crop years of each covered commodity (other than pulse crops), the Secretary shall make direct payments to producers on farms for which base acres and payment yields are established.

(b) PAYMENT RATE.—Except as provided in section 1105, the payment rates used to make direct payments with respect to covered commodities for a crop year shall be as follows:

(1) Wheat, $0.52 per bushel.

(2) Corn, $0.28 per bushel.

(3) Grain sorghum, $0.35 per bushel.

(4) Barley, $0.24 per bushel.

(5) Oats, $0.024 per bushel.

(6) Upland cotton, $0.0667 per pound.

(7) Long grain rice, $2.35 per hundredweight.

(8) Medium grain rice, $2.35 per hundredweight.

(9) Soybeans, $0.44 per bushel.

(10) Other oilseeds, $0.80 per hundredweight.

(c) PAYMENT AMOUNT.—The amount of the direct payment to be paid to the producers on a farm for a covered commodity for a crop year shall be equal to the product of the following:

(1) The payment rate specified in subsection (b).

(2) The payment acres of the covered commodity on the farm.

(3) The payment yield for the covered commodity for the farm.

(d) TIME FOR PAYMENT.—

(1) IN GENERAL.—Except as provided in paragraph (2), in the case of each of the 2008 through 2012 crop years, the Secretary may not make direct payments before October 1 of the calendar year in which the crop of the covered commodity is harvested.

(2) ADVANCE PAYMENTS.—

(A) OPTION.—

(i) IN GENERAL.—At the option of the producers on a farm, the Secretary shall pay in advance up to 22 percent of the direct payment for a covered commodity for any of the 2008 through 2011 crop years to the producers on a farm.

(ii) 2008 CROP YEAR.—If the producers on a farm elect to receive advance direct payments under clause (i) for a covered commodity for the 2008 crop year, as soon as practicable after the election, the Secretary shall make the advance direct payment to the producers on the farm.

(B) MONTH.—

(i) SELECTION.—Subject to clauses (ii) and (iii), the producers on a farm shall select the month during which the advance payment for a crop year will be made.

(ii) OPTIONS.—The month selected may be any month during the period—

(I) beginning on December 1 of the calendar year before the calendar year in which the crop of the covered commodity is harvested; and

(II) ending during the month within which the direct payment would otherwise be made.

(iii) CHANGE.—The producers on a farm may change the selected month for a subsequent advance payment by providing advance notice to the Secretary.

(3) REPAYMENT OF ADVANCE PAYMENTS.—If a producer on a farm that receives an advance direct payment for a crop year ceases to be a producer on that farm, or the extent to which the producer shares in the risk of producing a crop changes, before the date the remainder of the direct payment is made, the producer shall be responsible for repaying the Secretary the applicable amount of the advance payment, as determined by the Secretary.

SEC. 1104. AVAILABILITY OF COUNTER-CYCLICAL PAYMENTS.

(a) PAYMENT REQUIRED.—Except as provided in section 1105, for each of the 2008 through 2012 crop years for each covered commodity, the Secretary shall make counter-cyclical payments to producers on farms for which payment yields and base acres are established with respect to the covered commodity if the Secretary determines that the effective price for the covered commodity is less than the target price for the covered commodity.

(b) EFFECTIVE PRICE.—

(1) COVERED COMMODITIES OTHER THAN RICE.—Except as provided in paragraph (2), for purposes of subsection (a), the effective price for a covered commodity is equal to the sum of the following:

(A) The higher of the following:

(i) The national average market price received by producers during the 12-month marketing year for the covered commodity, as determined by the Secretary.

(ii) The national average loan rate for a marketing assistance loan for the covered commodity in effect for the applicable period under subtitle B.

(B) The payment rate in effect for the covered commodity under section 1103 for the purpose of making direct payments with respect to the covered commodity.

(2) RICE.—In the case of long grain rice and medium grain rice, for purposes of subsection (a), the effective price for each type or class of rice is equal to the sum of the following:

(A) The higher of the following:

(i) The national average market price received by producers during the 12-month marketing year for the type or class of rice, as determined by the Secretary.

(ii) The national average loan rate for a marketing assistance loan for the type or class of rice in effect for the applicable period under subtitle B.

(B) The payment rate in effect for the type or class of rice under section 1103 for the purpose of making direct payments with respect to the type or class of rice.

(c) TARGET PRICE.—

(1) 2008 CROP YEAR.—For purposes of the 2008 crop year, the target prices for covered commodities shall be as follows:

(A) Wheat, $3.92 per bushel.

(B) Corn, $2.63 per bushel.

(C) Grain sorghum, $2.57 per bushel.

(D) Barley, $2.24 per bushel.

(E) Oats, $1.44 per bushel.

(F) Upland cotton, $0.7125 per pound.

(G) Long grain rice, $10.50 per hundredweight.

(H) Medium grain rice, $10.50 per hundredweight.

(I) Soybeans, $5.80 per bushel.

(J) Other oilseeds, $10.10 per hundredweight.

(2) 2009 CROP YEAR.—For purposes of the 2009 crop year, the target prices for covered commodities shall be as follows:

(A) Wheat, $3.92 per bushel.

(B) Corn, $2.63 per bushel.

(C) Grain sorghum, $2.57 per bushel.

(D) Barley, $2.24 per bushel.

(E) Oats, $1.44 per bushel.

(F) Upland cotton, $0.7125 per pound.

(G) Long grain rice, $10.50 per hundredweight.

(H) Medium grain rice, $10.50 per hundredweight.

(I) Soybeans, $5.80 per bushel.

(J) Other oilseeds, $10.10 per hundredweight.

(K) Dry peas, $8.32 per hundredweight.

(L) Lentils, $12.81 per hundredweight.

(M) Small chickpeas, $10.36 per hundredweight.

(N) Large chickpeas, $12.81 per hundredweight.

(3) SUBSEQUENT CROP YEARS.—For purposes of each of the 2010 through 2012 crop years, the target prices for covered commodities shall be as follows:

(A) Wheat, $4.17 per bushel.

(B) Corn, $2.63 per bushel.

(C) Grain sorghum, $2.63 per bushel.

(D) Barley, $2.63 per bushel.

(E) Oats, $1.79 per bushel.

(F) Upland cotton, $0.7125 per pound.

(G) Long grain rice, $10.50 per hundredweight.

(H) Medium grain rice, $10.50 per hundredweight.

(I) Soybeans, $6.00 per bushel.

(J) Other oilseeds, $12.68 per hundredweight.

(K) Dry peas, $8.32 per hundredweight.

(L) Lentils, $12.81 per hundredweight.

(M) Small chickpeas, $10.36 per hundredweight.

(N) Large chickpeas, $12.81 per hundredweight.

(d) PAYMENT RATE.—The payment rate used to make counter-cyclical payments with respect to a covered commodity for a crop year shall be equal to the difference between—

(1) the target price for the covered commodity; and

(2) the effective price determined under subsection (b) for the covered commodity.

(e) PAYMENT AMOUNT.—If counter-cyclical payments are required to be paid under this section for any of the 2008 through 2012 crop years of a covered commodity, the amount of the counter-cyclical payment to be paid to the producers on a farm for that crop year shall be equal to the product of the following:

(1) The payment rate specified in subsection (d).

(2) The payment acres of the covered commodity on the farm.

(3) The payment yield for the covered commodity for the farm.

(f) TIME FOR PAYMENTS.—

(1) GENERAL RULE.—Except as provided in paragraph (2), if the Secretary determines under subsection (a) that counter-cyclical payments are required to be made under this section for the crop of a covered commodity, beginning October 1, or as soon as practicable thereafter, after the end of the marketing year for the covered commodity, the Secretary shall make the counter-cyclical payments for the crop.

(2) AVAILABILITY OF PARTIAL PAYMENTS.—

(A) IN GENERAL.—If, before the end of the 12-month marketing year for a covered commodity, the Secretary estimates that counter-cyclical payments will be required for the crop of the covered commodity, the Secretary shall give producers on a farm the option to receive partial payments of the counter-cyclical payment projected to be made for that crop of the covered commodity.

(B) ELECTION.—

(i) IN GENERAL.—The Secretary shall allow producers on a farm to make an election to receive partial payments for a covered commodity under subparagraph (A) at any time but not later than 60 days prior to the end of the marketing year for that covered commodity.

(ii) DATE OF ISSUANCE.—The Secretary shall issue the partial payment after the date of an announcement by the Secretary but not later than 30 days prior to the end of the marketing year.

(3) TIME FOR PARTIAL PAYMENTS.—When the Secretary makes partial payments for a covered commodity for any of the 2008 through 2010 crop years—

(A) the first partial payment shall be made after completion of the first 180 days of the marketing year for the covered commodity; and

(B) the final partial payment shall be made beginning October 1, or as soon as practicable thereafter, after the end of the applicable marketing year for the covered commodity.

(4) AMOUNT OF PARTIAL PAYMENT.—

(A) FIRST PARTIAL PAYMENT.—For each of the 2008 through 2010 crops of a covered commodity, the first partial payment under paragraph (3) to the producers on a farm may not exceed 40 percent of the projected counter-cyclical payment for the covered commodity for the crop year, as determined by the Secretary.

(B) FINAL PAYMENT.—The final payment for a covered commodity for a crop year shall be equal to the difference between—

(i) the actual counter-cyclical payment to be made to the producers for the covered commodity for that crop year; and

(ii) the amount of the partial payment made to the producers under subparagraph (A).

(5) REPAYMENT.—The producers on a farm that receive a partial payment under this subsection for a crop year shall repay to the Secretary the amount, if any, by which the total of the partial payments exceed the actual counter-cyclical payment to be made for the covered commodity for that crop year.

SEC. 1105. AVERAGE CROP REVENUE ELECTION PROGRAM.

(a) AVAILABILITY AND ELECTION OF ALTERNATIVE APPROACH.—

(1) AVAILABILITY OF AVERAGE CROP REVENUE ELECTION PAYMENTS.—As an alternative to receiving counter-cyclical payments under section 1104 or 1304 and in exchange for a 20-percent reduction in direct payments under section 1103 or 1303 and a 30-percent reduction in marketing assistance loan rates under section 1202 or 1307, with respect to all covered commodities and peanuts on a farm, during each of the 2009, 2010, 2011, and 2012 crop years, the Secretary shall give the producers on the farm an opportunity to make an irrevocable election to instead receive average crop revenue election (referred to in this section as ''ACRE'') payments under this section for the initial crop year for which the election is made through the 2012 crop year.

(2) LIMITATION.—

(A) IN GENERAL.—The total number of planted acres for which the producers on a farm may receive ACRE payments under this section may not exceed the total base acreage for all covered commodities and peanuts on the farm.

(B) ELECTION.—If the total number of planted acres to all covered commodities and peanuts of the producers on a farm exceeds the total base acreage of the farm, the producers on the farm may choose which planted acres to enroll in the program under this section.

(3) ELECTION; TIME FOR ELECTION.—

(A) IN GENERAL.—The Secretary shall provide notice to producers regarding the opportunity to make each of the elections described in paragraph (1).

(B) NOTICE REQUIREMENTS.—The notice shall include—

(i) notice of the opportunity of the producers on a farm to make the election; and

(ii) information regarding the manner in which the election must be made and the time periods and manner in which notice of the election must be submitted to the Secretary.

(4) ELECTION DEADLINE.—Within the time period and in the manner prescribed pursuant to paragraph (3), all of the producers on a farm shall submit to the Secretary notice of an election made under paragraph (1).

(5) EFFECT OF FAILURE TO MAKE ELECTION.—If all of the producers on a farm fail to make an election under paragraph (1), make different elections under paragraph (1), or fail to timely notify the Secretary of the election made, as required by paragraph (4), all of the producers on the farm shall be deemed to have made the election to receive counter-cyclical payments under section 1104 or 1304 for all covered commodities and peanuts on the farm, and to otherwise not have made the election described in paragraph (1), for the applicable crop years.

(b) PAYMENTS REQUIRED.—

(1) IN GENERAL.—In the case of producers on a farm who make an election under subsection (a) to receive ACRE payments for any of the 2009 through 2012 crop years for all covered commodities and peanuts, the Secretary shall make ACRE payments available to the producers on a farm in accordance with this subsection.

(2) ACRE PAYMENT.—

(A) IN GENERAL.—Subject to paragraph (3), in the case of producers on a farm described in paragraph (1), the Secretary shall make ACRE payments available to the producers on a farm for each crop year if—

(i) the actual State revenue for the crop year for the covered commodity or peanuts in the State determined under subsection (c); is less than

(ii) the ACRE program guarantee for the crop year for the covered commodity or peanuts in the State determined under subsection (d).

(B) INDIVIDUAL LOSS.—The Secretary shall make ACRE payments available to the producers on a farm in a State for a crop year only if (as determined by the Secretary)—

(i) the actual farm revenue for the crop year for the covered commodity or peanuts, as determined under subsection (e); is less than

(ii) the farm ACRE benchmark revenue for the crop year for the covered commodity or peanuts, as determined under subsection (f).

(3) TIME FOR PAYMENTS.—In the case of each of the 2009 through 2012 crop years, the Secretary shall make ACRE payments beginning October 1, or as soon as practicable thereafter,

after the end of the applicable marketing year for the covered commodity or peanuts.

(c) ACTUAL STATE REVENUE.—

(1) IN GENERAL.—For purposes of subsection (b)(2)(A), the amount of the actual State revenue for a crop year of a covered commodity or peanuts shall equal the product obtained by multiplying—

(A) the actual State yield for each planted acre for the crop year for the covered commodity or peanuts determined under paragraph (2); and

(B) the national average market price for the crop year for the covered commodity or peanuts determined under paragraph (3).

(2) ACTUAL STATE YIELD.—For purposes of paragraph (1)(A), the actual State yield for each planted acre for a crop year for a covered commodity or peanuts in a State shall equal (as determined by the Secretary)—

(A) the quantity of the covered commodity or peanuts that is produced in the State during the crop year; divided by

(B) the number of acres that are planted to the covered commodity or peanuts in the State during the crop year.

(3) NATIONAL AVERAGE MARKET PRICE.—For purposes of paragraph (1)(B), the national average market price for a crop year for a covered commodity or peanuts in a State shall equal the greater of—

(A) the national average market price received by producers during the 12-month marketing year for the covered commodity or peanuts, as determined by the Secretary; or

(B) the marketing assistance loan rate for the covered commodity or peanuts under section 1202 or 1307, as reduced under subsection (a)(1).

(d) ACRE PROGRAM GUARANTEE.—

(1) AMOUNT.—

(A) IN GENERAL.—For purposes of subsection (b)(2)(A) and subject to subparagraph (B), the ACRE program guarantee for a crop year for a covered commodity or peanuts in a State shall equal 90 percent of the product obtained by multiplying—

(i) the benchmark State yield for each planted acre for the crop year for the covered commodity or peanuts in a State determined under paragraph (2); and

(ii) the ACRE program guarantee price for the crop year for the covered commodity or peanuts determined under paragraph (3).

(B) MINIMUM AND MAXIMUM GUARANTEE.—In the case of each of the 2010 through 2012 crop years, the ACRE program guarantee for a crop year for a covered commodity or peanuts under subparagraph (A) shall not decrease or increase more than 10 percent from the guarantee for the preceding crop year.

(2) BENCHMARK STATE YIELD.—

(A) IN GENERAL.—For purposes of paragraph (1)(A)(i), subject to subparagraph (B), the benchmark State yield for each planted acre for a crop year for a covered commodity or peanuts in a State shall equal the average yield per planted acre for the covered commodity or peanuts in the State for the most recent 5 crop year yields, excluding each of the crop years with the highest and lowest yields, using National Agricultural Statistics Service data.

(B) ASSIGNED YIELD.—If the Secretary cannot establish the benchmark State yield for each planted acre for a crop year for a covered commodity or peanuts in a State in accordance with subparagraph (A) or if the yield determined under subparagraph (A) is an unrepresentative average yield for the State (as determined by the Secretary), the Secretary shall assign a benchmark State yield for each planted acre for the crop year for the covered commodity or peanuts in the State on the basis of—

(i) previous average yields for a period of 5 crop years, excluding each of the crop years with the highest and lowest yields; or

(ii) benchmark State yields for planted acres for the crop year for the covered commodity or peanuts in similar States.

(3) ACRE PROGRAM GUARANTEE PRICE.—For purposes of paragraph (1)(A)(ii), the ACRE program guarantee price for a crop year for a covered commodity or peanuts in a State shall be the simple average of the national average market price received by producers of the covered commodity or peanuts for the most recent 2 crop years, as determined by the Secretary.

(4) STATES WITH IRRIGATED AND NONIRRIGATED LAND.—In the case of a State in which at least 25 percent of the acreage planted to a covered commodity or peanuts in the State is irrigated and at least 25 percent of the acreage planted to the covered commodity or peanuts in the State is not irrigated, the Secretary shall calculate a separate ACRE program guarantee for the irrigated and nonirrigated areas of the State for the covered commodity or peanuts.

(e) ACTUAL FARM REVENUE.—For purposes of subsection (b)(2)(B)(i), the amount of the actual farm revenue for a crop year for a covered commodity or peanuts shall equal the amount determined by multiplying—

(1) the actual yield for the covered commodity or peanuts of the producers on the farm; and

(2) the national average market price for the crop year for the covered commodity or peanuts determined under subsection (c)(3).

(f) FARM ACRE BENCHMARK REVENUE.—For purposes of subsection (b)(2)(B)(ii), the farm ACRE benchmark revenue for the crop year for a covered commodity or peanuts shall equal the sum obtained by adding—

(1) the amount determined by multiplying—

(A) the average yield per planted acre for the covered commodity or peanuts of the producers on the farm for the most recent 5 crop years, excluding each of the crop years with the highest and lowest yields; and

(B) the ACRE program guarantee price for the applicable crop year for the covered commodity or peanuts in a State determined under subsection (d)(3); and

(2) the amount of the per acre crop insurance premium required to be paid by the producers on the farm for the applicable crop year for the covered commodity or peanuts on the farm.

(g) PAYMENT AMOUNT.—If ACRE payments are required to be paid for any of the 2009 through 2012 crop years of a covered commodity or peanuts under this section, the amount of the ACRE payment to be paid to the producers on the farm for the crop year under this section shall be equal to the product obtained by multiplying—

(1) the lesser of—

(A) the difference between—

(i) the ACRE program guarantee for the crop year for the covered commodity or peanuts in the State determined under subsection (d); and

(ii) the actual State revenue from the crop year for the covered commodity or peanuts in the State determined under subsection (c); and

(B) 25 percent of the ACRE program guarantee for the crop year for the covered commodity or peanuts in the State determined under subsection (d);

(2)(A) for each of the 2009 through 2011 crop years, 83.3 percent of the acreage planted or considered planted to the covered commodity or peanuts for harvest on the farm in the crop year; and

(B) for the 2012 crop year, 85 percent of the acreage planted or considered planted to the covered commodity or peanuts for harvest on the farm in the crop year; and

(3) the quotient obtained by dividing—

(A) the average yield per planted acre for the covered commodity or peanuts of the producers on the farm for the most recent 5 crop years, excluding each of the crop years with the highest and lowest yields; by

(B) the benchmark State yield for the crop year, as determined under subsection (d)(2).

SEC. 1106. PRODUCER AGREEMENT REQUIRED AS CONDITION OF PROVISION OF PAYMENTS.

(a) COMPLIANCE WITH CERTAIN REQUIREMENTS.—

(1) REQUIREMENTS.—Before the producers on a farm may receive direct payments, counter-cyclical payments, or average crop revenue election payments with respect to the farm, the producers shall agree, during the crop year for which the payments are made and in exchange for the payments—

(A) to comply with applicable conservation requirements under subtitle B of title XII of the Food Security Act of 1985 (16 U.S.C. 3811 et seq.);

(B) to comply with applicable wetland protection requirements under subtitle C of title XII of that Act (16 U.S.C. 3821 et seq.);

(C) to comply with the planting flexibility requirements of section 1107;

(D) to use the land on the farm, in a quantity equal to the attributable base acres for the farm and any base acres for peanuts for the farm under subtitle C, for an agricultural or conserving use, and not for a nonagricultural commercial, industrial, or residential use, as determined by the Secretary; and

(E) to effectively control noxious weeds and otherwise maintain the land in accordance with sound agricultural practices, as determined by the Secretary, if the agricultural or conserving use involves the noncultivation of any portion of the land referred to in subparagraph (D).

(2) COMPLIANCE.—The Secretary may issue such rules as the Secretary considers necessary to ensure producer compliance with the requirements of paragraph (1).

(3) MODIFICATION.—At the request of the transferee or owner, the Secretary may modify the requirements of this subsection if the modifications are consistent with the objectives of this subsection, as determined by the Secretary.

(b) TRANSFER OR CHANGE OF INTEREST IN FARM.—

(1) TERMINATION.—

(A) IN GENERAL.—Except as provided in paragraph (2), a transfer of (or change in) the interest of the producers on a farm in base acres for which direct payments or counter-cyclical payments are made, or on which average crop revenue election payments are based, shall result in the termination of the direct payments, counter-cyclical payments, or average crop revenue election payments to the extent the payments are made or based on the base acres, unless the transferee or owner of the acreage agrees to assume all obligations under subsection (a).

(B) EFFECTIVE DATE.—The termination shall take effect on the date determined by the Secretary.

(2) EXCEPTION.—If a producer entitled to a direct payment, counter-cyclical payment, or average crop revenue election payment dies, becomes incompetent, or is otherwise unable to receive the payment, the Secretary shall make the payment, in accordance with rules issued by the Secretary.

(c) REPORTS.—

(1) ACREAGE REPORTS.—As a condition on the receipt of any benefits under this subtitle or subtitle B, the Secretary shall require producers on a farm to submit to the Secretary annual acreage reports with respect to all cropland on the farm.

(2) PRODUCTION REPORTS.—As a condition on the receipt of any benefits under this subtitle or subtitle B, the Secretary shall require producers on a farm that receive payments under section 1105 to submit to the Secretary annual production reports with respect to all covered commodities and peanuts produced on the farm.

(3) PENALTIES.—No penalty with respect to benefits under this subtitle or subtitle B shall be assessed against the producers on a farm for an inaccurate acreage or production report unless the producers on the farm knowingly and willfully falsified the acreage or production report.

(d) TENANTS AND SHARECROPPERS.—In carrying out this subtitle, the Secretary shall provide adequate safeguards to protect the interests of tenants and sharecroppers.

(e) SHARING OF PAYMENTS.—The Secretary shall provide for the sharing of direct payments, counter-cyclical payments, or average crop revenue election payments among the producers on a farm on a fair and equitable basis.

SEC. 1107. PLANTING FLEXIBILITY.

(a) PERMITTED CROPS.—Subject to subsection (b), any commodity or crop may be planted on base acres on a farm.

(b) LIMITATIONS REGARDING CERTAIN COMMODITIES.—

(1) GENERAL LIMITATION.—The planting of an agricultural commodity specified in paragraph (3) shall be prohibited on base acres unless the commodity, if planted, is destroyed before harvest.

(2) TREATMENT OF TREES AND OTHER PERENNIALS.—The planting of an agricultural commodity specified in paragraph (3) that is produced on a tree or other perennial plant shall be prohibited on base acres.

(3) COVERED AGRICULTURAL COMMODITIES.—Paragraphs (1) and (2) apply to the following agricultural commodities:

(A) Fruits.

(B) Vegetables (other than mung beans and pulse crops).

(C) Wild rice.

(c) EXCEPTIONS.—Paragraphs (1) and (2) of subsection (b) shall not limit the planting of an agricultural commodity specified in paragraph (3) of that subsection—

(1) in any region in which there is a history of double-cropping of covered commodities with agricultural commodities specified in subsection (b)(3), as determined by the Secretary, in which case the double-cropping shall be permitted;

(2) on a farm that the Secretary determines has a history of planting agricultural commodities specified in subsection (b)(3) on base acres, except that direct payments and counter-cyclical payments shall be reduced by an acre for each acre planted to such an agricultural commodity; or

(3) by the producers on a farm that the Secretary determines has an established planting history of a specific agricultural commodity specified in subsection (b)(3), except that—

(A) the quantity planted may not exceed the average annual planting history of such agricultural commodity by the producers on the farm in the 1991 through 1995 or 1998 through 2001 crop years (excluding any crop year in which no plantings were made), as determined by the Secretary; and

(B) direct payments and counter-cyclical payments shall be reduced by an acre for each acre planted to such agricultural commodity.

(d) PLANTING TRANSFERABILITY PILOT PROJECT.—

(1) PILOT PROJECT AUTHORIZED.—Notwithstanding paragraphs (1) and (2) of subsection (b) and in addition to the exceptions provided in subsection (c), the Secretary shall carry out a pilot project to permit the planting of cucumbers, green peas, lima beans, pumpkins, snap beans, sweet corn, and tomatoes grown for processing on base acres during each of the 2009 through 2012 crop years.

(2) PILOT PROJECT STATES AND ACRES.—The number of base acres eligible during each crop year for the pilot project under paragraph (1) shall be—

(A) 9,000 acres in the State of Illinois;

(B) 9,000 acres in the State of Indiana;

(C) 1,000 acres in the State of Iowa;

(D) 9,000 acres in the State of Michigan;

(E) 34,000 acres in the State of Minnesota;

(F) 4,000 acres in the State of Ohio; and

(G) 9,000 acres in the State of Wisconsin.

(3) CONTRACT AND MANAGEMENT REQUIREMENTS.—To be eligible for selection to participate in the pilot project, the producers on a farm shall—

(A) demonstrate to the Secretary that the producers on the farm have entered into a contract to produce a crop of a commodity specified in paragraph (1) for processing;

(B) agree to produce the crop as part of a program of crop rotation on the farm to achieve agronomic and pest and disease management benefits; and

(C) provide evidence of the disposition of the crop.

(4) TEMPORARY REDUCTION IN BASE ACRES.—The base acres on a farm for a crop year shall be reduced by an acre for each acre planted under the pilot program.

(5) DURATION OF REDUCTIONS.—The reduction in the base acres of a farm for a crop year under paragraph (4) shall expire at the end of the crop year.

(6) RECALCULATION OF BASE ACRES.—

(A) IN GENERAL.—If the Secretary recalculates base acres for a farm while the farm is included in the pilot project, the planting and production of a crop of a commodity specified in paragraph (1) on base acres for which a temporary reduction was made under this section shall be considered to be the same as the planting and production of a covered commodity.

(B) PROHIBITION.—Nothing in this paragraph provides authority for the Secretary to recalculate base acres for a farm.

(7) PILOT IMPACT EVALUATION.—

(A) IN GENERAL.—The Secretary shall periodically evaluate the pilot project conducted under this subsection to determine the effects of the pilot project on the supply and price of—

(i) fresh fruits and vegetables; and

(ii) fruits and vegetables for processing.

(B) DETERMINATION.—An evaluation under subparagraph (A) shall include a determination as to whether—

(i) producers of fresh fruits and vegetables are being negatively impacted; and

(ii) existing production capacities are being supplanted.

(C) REPORT.—As soon as practicable after conducting an evaluation under subparagraph (A), the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that describes the results of the evaluation.

SEC. 1108. SPECIAL RULE FOR LONG GRAIN AND MEDIUM GRAIN RICE.

(a) CALCULATION METHOD.—Subject to subsections (b) and (c), for the purposes of determining the amount of the counter-cyclical payments to be paid to the producers on a farm for long grain rice and medium grain rice under section 1104, the base acres of rice on the farm shall be apportioned using the 4-year average of the percentages of acreage planted in the applicable State to long grain rice and medium grain rice during the 2003 through 2006 crop years, as determined by the Secretary.

(b) PRODUCER ELECTION.—As an alternative to the calculation method described in subsection (a), the Secretary shall provide producers on a farm the opportunity to elect to apportion rice base acres on the farm using the 4-year average of—

(1) the percentages of acreage planted on the farm to long grain rice and medium grain rice during the 2003 through 2006 crop years;

(2) the percentages of any acreage on the farm that the producers were prevented from planting to long grain rice and medium grain rice during the 2003 through 2006 crop years because of drought, flood, other natural disaster, or other condition beyond the control of the producers, as determined by the Secretary; and

(3) in the case of a crop year for which a producer on a farm elected not to plant to long grain and medium grain rice during the 2003 through 2006 crop years, the percentages of acreage planted in the applicable State to long grain rice and medium grain rice, as determined by the Secretary.

(c) LIMITATION.—In carrying out this section, the Secretary shall use the same total base acres, payment acres, and payment yields established with respect to rice under sections 1101 and 1102 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7911, 7912), as in effect on September 30, 2007, subject to any adjustment under section 1101 of this Act.

SEC. 1109. PERIOD OF EFFECTIVENESS.

This subtitle shall be effective beginning with the 2008 crop year of each covered commodity through the 2012 crop year.

Subtitle B—Marketing Assistance Loans and Loan Deficiency Payments

SEC. 1201. AVAILABILITY OF NONRECOURSE MARKETING ASSISTANCE LOANS FOR LOAN COMMODITIES.

(a) NONRECOURSE LOANS AVAILABLE.—

(1) AVAILABILITY.—For each of the 2008 through 2012 crops of each loan commodity, the Secretary shall make available to producers on a farm nonrecourse marketing assistance loans for loan commodities produced on the farm.

(2) TERMS AND CONDITIONS.—The marketing assistance loans shall be made under terms and conditions that are prescribed by the Secretary and at the loan rate established under section 1202 for the loan commodity.

(b) ELIGIBLE PRODUCTION.—The producers on a farm shall be eligible for a marketing assistance loan under subsection (a) for any quantity of a loan commodity produced on the farm.

(c) COMPLIANCE WITH CONSERVATION AND WETLANDS REQUIREMENTS.—As a condition of the receipt of a marketing assistance loan under subsection (a), the producer shall comply with applicable conservation requirements under subtitle B of title XII of the Food Security Act of 1985 (16 U.S.C. 3811 et seq.) and applicable wetland protection requirements under subtitle C of title XII of that Act (16 U.S.C. 3821 et seq.) during the term of the loan.

SEC. 1202. LOAN RATES FOR NONRECOURSE MARKETING ASSISTANCE LOANS.

(a) 2008 CROP YEAR.—For purposes of the 2008 crop year, the loan rate for a marketing assistance loan under section 1201 for a loan commodity shall be equal to the following:

(1) In the case of wheat, $2.75 per bushel.

(2) In the case of corn, $1.95 per bushel.

(3) In the case of grain sorghum, $1.95 per bushel.

(4) In the case of barley, $1.85 per bushel.

(5) In the case of oats, $1.33 per bushel.

(6) In the case of base quality of upland cotton, $0.52 per pound.

(7) In the case of extra long staple cotton, $0.7977 per pound.

(8) In the case of long grain rice, $6.50 per hundredweight.

(9) In the case of medium grain rice, $6.50 per hundredweight.

(10) In the case of soybeans, $5.00 per bushel.

(11) In the case of other oilseeds, $9.30 per hundredweight for each of the following kinds of oilseeds:

(A) Sunflower seed.

(B) Rapeseed.

(C) Canola.

(D) Safflower.

(E) Flaxseed.

(F) Mustard seed.

(G) Crambe.

(H) Sesame seed.

(I) Other oilseeds designated by the Secretary.

(12) In the case of dry peas, $6.22 per hundredweight.

(13) In the case of lentils, $11.72 per hundredweight.

(14) In the case of small chickpeas, $7.43 per hundredweight.

(15) In the case of graded wool, $1.00 per pound.

(16) In the case of nongraded wool, $0.40 per pound.

(17) In the case of mohair, $4.20 per pound.

(18) In the case of honey, $0.60 per pound.

(b) 2009 CROP YEAR.—Except as provided in section 1105, for purposes of the 2009 crop year, the loan rate for a marketing assistance loan under section 1201 for a loan commodity shall be equal to the following:

(1) In the case of wheat, $2.75 per bushel.

(2) In the case of corn, $1.95 per bushel.

(3) In the case of grain sorghum, $1.95 per bushel.

(4) In the case of barley, $1.85 per bushel.

(5) In the case of oats, $1.33 per bushel.

(6) In the case of base quality of upland cotton, $0.52 per pound.

(7) In the case of extra long staple cotton, $0.7977 per pound.

(8) In the case of long grain rice, $6.50 per hundredweight.

(9) In the case of medium grain rice, $6.50 per hundredweight.

(10) In the case of soybeans, $5.00 per bushel.

(11) In the case of other oilseeds, $9.30 per hundredweight for each of the following kinds of oilseeds:

(A) Sunflower seed.

(B) Rapeseed.

(C) Canola.

(D) Safflower.

(E) Flaxseed.

(F) Mustard seed.

(G) Crambe.

(H) Sesame seed.

(I) Other oilseeds designated by the Secretary.

(12) In the case of dry peas, $5.40 per hundredweight.

(13) In the case of lentils, $11.28 per hundredweight.

(14) In the case of small chickpeas, $7.43 per hundredweight.

(15) In the case of large chickpeas, $11.28 per hundredweight.

(16) In the case of graded wool, $1.00 per pound.

(17) In the case of nongraded wool, $0.40 per pound.

(18) In the case of mohair, $4.20 per pound.

(19) In the case of honey, $0.60 per pound.

(c) 2010 THROUGH 2012 CROP YEARS.—Except as provided in section 1105, for purposes of each of the 2010 through 2012 crop years, the loan rate for a marketing assistance loan under section 1201 for a loan commodity shall be equal to the following:

(1) In the case of wheat, $2.94 per bushel.

(2) In the case of corn, $1.95 per bushel.

(3) In the case of grain sorghum, $1.95 per bushel.

(4) In the case of barley, $1.95 per bushel.

(5) In the case of oats, $1.39 per bushel.

(6) In the case of base quality of upland cotton, $0.52 per pound.

(7) In the case of extra long staple cotton, $0.7977 per pound.

(8) In the case of long grain rice, $6.50 per hundredweight.

(9) In the case of medium grain rice, $6.50 per hundredweight.

(10) In the case of soybeans, $5.00 per bushel.

(11) In the case of other oilseeds, $10.09 per hundredweight for each of the following kinds of oilseeds:

(A) Sunflower seed.

(B) Rapeseed.

(C) Canola.

(D) Safflower.

(E) Flaxseed.

(F) Mustard seed.

(G) Crambe.

(H) Sesame seed.

(I) Other oilseeds designated by the Secretary.

(12) In the case of dry peas, $5.40 per hundredweight.

(13) In the case of lentils, $11.28 per hundredweight.

(14) In the case of small chickpeas, $7.43 per hundredweight.

(15) In the case of large chickpeas, $11.28 per hundredweight.

(16) In the case of graded wool, $1.15 per pound.

(17) In the case of nongraded wool, $0.40 per pound.

(18) In the case of mohair, $4.20 per pound.

(19) In the case of honey, $0.69 per pound.

(d) SINGLE COUNTY LOAN RATE FOR OTHER OILSEEDS.—The Secretary shall establish a single loan rate in each county for each kind of other oilseeds described in subsections (a)(11), (b)(11), and (c)(11).

SEC. 1203. TERM OF LOANS.

(a) TERM OF LOAN.—In the case of each loan commodity, a marketing assistance loan under section 1201 shall have a term of 9 months beginning on the first day of the first month after the month in which the loan is made.

(b) EXTENSIONS PROHIBITED.—The Secretary may not extend the term of a marketing assistance loan for any loan commodity.

SEC. 1204. REPAYMENT OF LOANS.

(a) GENERAL RULE.—The Secretary shall permit the producers on a farm to repay a marketing assistance loan under section 1201 for a loan commodity (other than upland cotton, long grain rice, medium grain rice, extra long staple cotton, and confectionery and each other kind of sunflower seed (other than oil sunflower seed)) at a rate that is the lesser of—

(1) the loan rate established for the commodity under section 1202, plus interest (determined in accordance with section 163 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7283));

(2) a rate (as determined by the Secretary) that—

(A) is calculated based on average market prices for the loan commodity during the preceding 30-day period; and

(B) will minimize discrepancies in marketing loan benefits across State boundaries and across county boundaries; or

(3) a rate that the Secretary may develop using alternative methods for calculating a repayment rate for a loan commodity that the Secretary determines will—

(A) minimize potential loan forfeitures;

(B) minimize the accumulation of stocks of the commodity by the Federal Government;

(C) minimize the cost incurred by the Federal Government in storing the commodity;

(D) allow the commodity produced in the United States to be marketed freely and competitively, both domestically and internationally; and

(E) minimize discrepancies in marketing loan benefits across State boundaries and across county boundaries.

(b) REPAYMENT RATES FOR UPLAND COTTON, LONG GRAIN RICE, AND MEDIUM GRAIN RICE.—The Secretary shall permit producers to repay a marketing assistance loan under section 1201 for upland cotton, long grain rice, and medium grain rice at a rate that is the lesser of—

(1) the loan rate established for the commodity under section 1202, plus interest (determined in accordance with section 163 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7283)); or

(2) the prevailing world market price for the commodity, as determined and adjusted by the Secretary in accordance with this section.

(c) REPAYMENT RATES FOR EXTRA LONG STAPLE COTTON.—Repayment of a marketing assistance loan for extra long staple cotton shall be at the loan rate established for the commodity under section 1202, plus interest (determined in accordance with section 163 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7283)).

(d) PREVAILING WORLD MARKET PRICE.—For purposes of this section and section 1207, the Secretary shall prescribe by regulation—

(1) a formula to determine the prevailing world market price for each of upland cotton, long grain rice, and medium grain rice; and

(2) a mechanism by which the Secretary shall announce periodically those prevailing world market prices.

(e) ADJUSTMENT OF PREVAILING WORLD MARKET PRICE FOR UPLAND COTTON, LONG GRAIN RICE, AND MEDIUM GRAIN RICE.—

(1) RICE.—The prevailing world market price for long grain rice and medium grain rice determined under subsection (d) shall be adjusted to United States quality and location.

(2) COTTON.—The prevailing world market price for upland cotton determined under subsection (d)—

(A) shall be adjusted to United States quality and location, with the adjustment to include—

(i) a reduction equal to any United States Premium Factor for upland cotton of a quality higher than Middling (M) 1 3/32-inch; and

(ii) the average costs to market the commodity, including average transportation costs, as determined by the Secretary; and

(B) may be further adjusted, during the period beginning on the date of enactment of this Act and ending on July 31, 2013, if the Secretary determines the adjustment is necessary to—

(i) minimize potential loan forfeitures;

(ii) minimize the accumulation of stocks of upland cotton by the Federal Government;

(iii) ensure that upland cotton produced in the United States can be marketed freely and competitively, both domestically and internationally; and

(iv) ensure an appropriate transition between current-crop and forward-crop price quotations, except that the Secretary may use forward-crop price quotations prior to July 31 of a marketing year only if—

(I) there are insufficient current-crop price quotations; and

(II) the forward-crop price quotation is the lowest such quotation available.

(3) GUIDELINES FOR ADDITIONAL ADJUSTMENTS.—In making adjustments under this subsection, the Secretary shall establish a mechanism for determining and announcing the adjustments in order to avoid undue disruption in the United States market.

(f) REPAYMENT RATES FOR CONFECTIONERY AND OTHER KINDS OF SUNFLOWER SEEDS.—The Secretary shall permit the producers on a farm to repay a marketing assistance loan under section 1201 for confectionery and each other kind of sunflower seed (other than oil sunflower seed) at a rate that is the lesser of—

(1) the loan rate established for the commodity under section 1202, plus interest (determined in accordance with section 163 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7283)); or

(2) the repayment rate established for oil sunflower seed.

(g) PAYMENT OF COTTON STORAGE COSTS.—

(1) 2008 THROUGH 2011 CROP YEARS.—Effective for each of the 2008 through 2011 crop years, the Secretary shall provide cotton storage payments in the same manner, and at the same rates as the Secretary provided storage payments for the 2006 crop of cotton, except that the rates shall be reduced by 10 percent.

(2) SUBSEQUENT CROP YEARS.—Beginning with the 2012 crop year, the Secretary shall provide cotton storage payments in the same manner, and at the same rates as the Secretary provided storage payments for the 2006 crop of cotton, except that the rates shall be reduced by 20 percent.

(h) AUTHORITY TO TEMPORARILY ADJUST REPAYMENT RATES.—

(1) ADJUSTMENT AUTHORITY.—In the event of a severe disruption to marketing, transportation, or related infrastructure, the Secretary may modify the repayment rate otherwise applicable under this section for marketing assistance loans under section 1201 for a loan commodity.

(2) DURATION.—Any adjustment made under paragraph (1) in the repayment rate for marketing assistance loans for a loan commodity shall be in effect on a short-term and temporary basis, as determined by the Secretary.

SEC. 1205. LOAN DEFICIENCY PAYMENTS.

(a) AVAILABILITY OF LOAN DEFICIENCY PAYMENTS.—

(1) IN GENERAL.—Except as provided in subsection (d), the Secretary may make loan deficiency payments available to producers on a farm that, although eligible to obtain a marketing assistance loan under section 1201 with respect to a loan commodity, agree to forgo obtaining the loan for the commodity in return for loan deficiency payments under this section.

(2) UNSHORN PELTS, HAY, AND SILAGE.—

(A) MARKETING ASSISTANCE LOANS.—Subject to subparagraph (B), nongraded wool in the form of unshorn pelts and hay and silage derived from a loan commodity are not eligible for a marketing assistance loan under section 1201.

(B) LOAN DEFICIENCY PAYMENT.—Effective for the 2008 through 2012 crop years, the Secretary may make loan deficiency payments available under this section to producers on a farm that produce unshorn pelts or hay and silage derived from a loan commodity.

(b) COMPUTATION.—A loan deficiency payment for a loan commodity or commodity referred to in subsection (a)(2) shall be computed by multiplying—

(1) the payment rate determined under subsection (c) for the commodity; by

(2) the quantity of the commodity produced by the eligible producers, excluding any quantity for which the producers obtain a marketing assistance loan under section 1201.

(c) PAYMENT RATE.—

(1) IN GENERAL.—In the case of a loan commodity, the payment rate shall be the amount by which—

(A) the loan rate established under section 1202 for the loan commodity; exceeds

(B) the rate at which a marketing assistance loan for the loan commodity may be repaid under section 1204.

(2) UNSHORN PELTS.—In the case of unshorn pelts, the payment rate shall be the amount by which—

(A) the loan rate established under section 1202 for ungraded wool; exceeds

(B) the rate at which a marketing assistance loan for ungraded wool may be repaid under section 1204.

(3) HAY AND SILAGE.—In the case of hay or silage derived from a loan commodity, the payment rate shall be the amount by which—

(A) the loan rate established under section 1202 for the loan commodity from which the hay or silage is derived; exceeds

(B) the rate at which a marketing assistance loan for the loan commodity may be repaid under section 1204.

(d) EXCEPTION FOR EXTRA LONG STAPLE COTTON.—This section shall not apply with respect to extra long staple cotton.

(e) EFFECTIVE DATE FOR PAYMENT RATE DETERMINATION.—The Secretary shall determine the amount of the loan deficiency payment to be made under this section to the producers on a farm with respect to a quantity of a loan commodity or commodity referred to in subsection (a)(2) using the payment rate in effect under subsection (c) as of the date the producers request the payment.

SEC. 1206. PAYMENTS IN LIEU OF LOAN DEFICIENCY PAYMENTS FOR GRAZED ACREAGE.

(a) ELIGIBLE PRODUCERS.—

(1) IN GENERAL.—Effective for the 2008 through 2012 crop years, in the case of a producer that would be eligible for a loan deficiency payment under section 1205 for wheat, barley, or oats, but that elects to use acreage planted to the wheat, barley, or oats for the grazing of livestock, the Secretary shall make a payment to the producer under this section if the producer enters into an agreement with the Secretary to forgo any other harvesting of the wheat, barley, or oats on that acreage.

(2) GRAZING OF TRITICALE ACREAGE.—Effective for the 2008 through 2012 crop years, with respect to a producer on a farm that uses acreage planted to triticale for the grazing of livestock, the Secretary shall make a payment to the producer under this section if the producer enters into an agreement with the Secretary to forgo any other harvesting of triticale on that acreage.

(b) PAYMENT AMOUNT.—

(1) IN GENERAL.—The amount of a payment made under this section to a producer on a farm described in subsection (a)(1) shall be equal to the amount determined by multiplying—

(A) the loan deficiency payment rate determined under section 1205(c) in effect, as of the date of the agreement, for the county in which the farm is located; by

(B) the payment quantity determined by multiplying—

(i) the quantity of the grazed acreage on the farm with respect to which the producer elects to forgo harvesting of wheat, barley, or oats; and

(ii) the payment yield in effect for the calculation of direct payments under subtitle A with respect to that loan commodity on the farm or, in the case of a farm without a payment yield for that loan commodity, an appropriate yield established by the Secretary in a manner consistent with section 1102 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7912).

(2) GRAZING OF TRITICALE ACREAGE.—The amount of a payment made under this section to a producer on a farm described in subsection (a)(2) shall be equal to the amount determined by multiplying—

(A) the loan deficiency payment rate determined under section 1205(c) in effect for wheat, as of the date of the agreement, for the county in which the farm is located; by

(B) the payment quantity determined by multiplying—

(i) the quantity of the grazed acreage on the farm with respect to which the producer elects to forgo harvesting of triticale; and

(ii) the payment yield in effect for the calculation of direct payments under subtitle A with respect to wheat on the farm or, in the case of a farm without a payment yield for wheat, an appropriate yield established by the Secretary in a manner consistent with section 1102 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7912).

(c) TIME, MANNER, AND AVAILABILITY OF PAYMENT.—

(1) TIME AND MANNER.—A payment under this section shall be made at the same time and in the same manner as loan deficiency payments are made under section 1205.

(2) AVAILABILITY.—

(A) IN GENERAL.—The Secretary shall establish an availability period for the payments authorized by this section.

(B) CERTAIN COMMODITIES.—In the case of wheat, barley, and oats, the availability period shall be consistent with the availability period for the commodity established by the Secretary for marketing assistance loans authorized by this subtitle.

(d) PROHIBITION ON CROP INSURANCE INDEMNITY OR NONINSURED CROP ASSISTANCE.—A 2008 through 2012 crop of wheat, barley, oats, or triticale planted on acreage that a producer elects, in the agreement required by subsection (a), to use for the grazing of livestock in lieu of any other harvesting of the crop shall not be eligible for an indemnity under a policy or plan of insurance authorized under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) or noninsured crop assistance under section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333).

SEC. 1207. SPECIAL MARKETING LOAN PROVISIONS FOR UPLAND COTTON.

(a) SPECIAL IMPORT QUOTA.—

(1) DEFINITION OF SPECIAL IMPORT QUOTA.—In this subsection, the term ''special import quota'' means a quantity of imports that is not subject to the over-quota tariff rate of a tariff-rate quota.

(2) ESTABLISHMENT.—

(A) IN GENERAL.—The President shall carry out an import quota program during the period beginning on the date of enactment of this Act through July 31, 2013, as provided in this subsection.

(B) PROGRAM REQUIREMENTS.—Whenever the Secretary determines and announces that for any consecutive 4-week period, the Friday through Thursday average price quotation for the lowest-priced United States growth, as quoted for Middling (M) 1 3/32-inch cotton, delivered to a definable and significant international market, as determined by the Secretary, exceeds the prevailing world market price, there shall immediately be in effect a special import quota.

(3) QUANTITY.—The quota shall be equal to 1 week's consumption of cotton by domestic mills at the seasonally adjusted average rate of the most recent 3 months for which data are available.

(4) APPLICATION.—The quota shall apply to upland cotton purchased not later than 90 days after the date of the Secretary's announcement under paragraph (2) and entered into the United States not later than 180 days after that date.

(5) OVERLAP.—A special quota period may be established that overlaps any existing quota period if required by paragraph (2), except that a special quota period may not be established under this subsection if a quota period has been established under subsection (b).

(6) PREFERENTIAL TARIFF TREATMENT.—The quantity under a special import quota shall be considered to be an in-quota quantity for purposes of—

(A) section 213(d) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2703(d));

(B) section 204 of the Andean Trade Preference Act (19 U.S.C. 3203);

(C) section 503(d) of the Trade Act of 1974 (19 U.S.C. 2463(d)); and

(D) General Note 3(a)(iv) to the Harmonized Tariff Schedule.

(7) LIMITATION.—The quantity of cotton entered into the United States during any marketing year under the special import quota established under this subsection may not exceed the equivalent of 10 week's consumption of upland cotton by domestic mills at the seasonally adjusted average rate of the 3 months immediately preceding the first special import quota established in any marketing year.

(b) LIMITED GLOBAL IMPORT QUOTA FOR UPLAND COTTON.—

(1) DEFINITIONS.—In this subsection:

(A) SUPPLY.—The term ''supply'' means, using the latest official data of the Bureau of the Census, the Department of Agriculture, and the Department of the Treasury—

(i) the carry-over of upland cotton at the beginning of the marketing year (adjusted to 480-pound bales) in which the quota is established;

(ii) production of the current crop; and

(iii) imports to the latest date available during the marketing year.

(B) DEMAND.—The term ''demand'' means—

(i) the average seasonally adjusted annual rate of domestic mill consumption of cotton during the most recent 3 months for which data are available; and

(ii) the larger of—

(I) average exports of upland cotton during the preceding 6 marketing years; or

(II) cumulative exports of upland cotton plus outstanding export sales for the marketing year in which the quota is established.

(C) LIMITED GLOBAL IMPORT QUOTA.—The term ''limited global import quota'' means a quantity of imports that is not subject to the over-quota tariff rate of a tariff-rate quota.

(2) PROGRAM.—The President shall carry out an import quota program that provides that whenever the Secretary determines and announces that the average price of the base quality of upland cotton, as determined by the Secretary, in the designated spot markets for a month exceeded 130 percent of the average price of the quality of cotton in the markets for the preceding 36 months, notwithstanding any other provision of law, there shall immediately be in effect a limited global import quota subject to the following conditions:

(A) QUANTITY.—The quantity of the quota shall be equal to 21 days of domestic mill consumption of upland cotton at the seasonally adjusted average rate of the most recent 3 months for which data are available or as estimated by the Secretary.

(B) QUANTITY IF PRIOR QUOTA.—If a quota has been established under this subsection during the preceding 12 months, the quantity of the quota next established under this subsection shall be the smaller of 21 days of domestic mill

consumption calculated under subparagraph (A) or the quantity required to increase the supply to 130 percent of the demand.

(C) PREFERENTIAL TARIFF TREATMENT.—The quantity under a limited global import quota shall be considered to be an in-quota quantity for purposes of—

(i) section 213(d) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2703(d));

(ii) section 204 of the Andean Trade Preference Act (19 U.S.C. 3203);

(iii) section 503(d) of the Trade Act of 1974 (19 U.S.C. 2463(d)); and

(iv) General Note 3(a)(iv) to the Harmonized Tariff Schedule.

(D) QUOTA ENTRY PERIOD.—When a quota is established under this subsection, cotton may be entered under the quota during the 90-day period beginning on the date the quota is established by the Secretary.

(3) NO OVERLAP.—Notwithstanding paragraph (2), a quota period may not be established that overlaps an existing quota period or a special quota period established under subsection (a).

(c) ECONOMIC ADJUSTMENT ASSISTANCE TO USERS OF UPLAND COTTON.—

(1) IN GENERAL.—Subject to paragraph (2), the Secretary shall, on a monthly basis, provide economic adjustment assistance to domestic users of upland cotton in the form of payments for all documented use of that upland cotton during the previous monthly period regardless of the origin of the upland cotton.

(2) VALUE OF ASSISTANCE.—

(A) BEGINNING PERIOD.—During the period beginning on August 1, 2008, and ending on July 31, 2012, the value of the assistance provided under paragraph (1) shall be 4 cents per pound.

(B) SUBSEQUENT PERIOD.—Effective beginning on August 1, 2012, the value of the assistance provided under paragraph (1) shall be 3 cents per pound.

(3) ALLOWABLE PURPOSES.—Economic adjustment assistance under this subsection shall be made available only to domestic users of upland cotton that certify that the assistance shall be used only to acquire, construct, install, modernize, develop, convert, or expand land, plant, buildings, equipment, facilities, or machinery.

(4) REVIEW OR AUDIT.—The Secretary may conduct such review or audit of the records of a domestic user under this subsection as the Secretary determines necessary to carry out this subsection.

(5) IMPROPER USE OF ASSISTANCE.—If the Secretary determines, after a review or audit of the records of the domestic user, that economic adjustment assistance under this subsection was not used for the purposes specified in paragraph (3), the domestic user shall be—

(A) liable to repay the assistance to the Secretary, plus interest, as determined by the Secretary; and

(B) ineligible to receive assistance under this subsection for a period of 1 year following the determination of the Secretary.

SEC. 1208. SPECIAL COMPETITIVE PROVISIONS FOR EXTRA LONG STAPLE COTTON.

(a) COMPETITIVENESS PROGRAM.—Notwithstanding any other provision of law, during the period beginning on the date of enactment of this Act through July 31, 2013, the Secretary shall carry out a program—

(1) to maintain and expand the domestic use of extra long staple cotton produced in the United States;

(2) to increase exports of extra long staple cotton produced in the United States; and

(3) to ensure that extra long staple cotton produced in the United States remains competitive in world markets.

(b) PAYMENTS UNDER PROGRAM; TRIGGER.—Under the program, the Secretary shall make payments available under this section whenever—

(1) for a consecutive 4-week period, the world market price for the lowest priced competing growth of extra long staple cotton (adjusted to United States quality and location and for other factors affecting the competitiveness of such cotton), as determined by the Secretary, is below the prevailing United States price for a competing growth of extra long staple cotton; and

(2) the lowest priced competing growth of extra long staple cotton (adjusted to United States quality and location and for other factors affecting the competitiveness of such cotton), as determined by the Secretary, is less than 134 percent of the loan rate for extra long staple cotton.

(c) ELIGIBLE RECIPIENTS.—The Secretary shall make payments available under this section to domestic users of extra long staple cotton produced in the United States and exporters of extra long staple cotton produced in the United States that enter into an agreement with the Commodity Credit Corporation to participate in the program under this section.

(d) PAYMENT AMOUNT.—Payments under this section shall be based on the amount of the difference in the prices referred to in subsection (b)(1) during the fourth week of the consecutive 4-week period multiplied by the amount of documented purchases by domestic users and sales for export by exporters made in the week following such a consecutive 4-week period.

SEC. 1209. AVAILABILITY OF RECOURSE LOANS FOR HIGH MOISTURE FEED GRAINS AND SEED COTTON.

(a) HIGH MOISTURE FEED GRAINS.—

(1) DEFINITION OF HIGH MOISTURE STATE.—In this subsection, the term ''high moisture state'' means corn or grain sorghum having a moisture content in excess of Commodity Credit Corporation standards for marketing assistance loans made by the Secretary under section 1201.

(2) RECOURSE LOANS AVAILABLE.—For each of the 2008 through 2012 crops of corn and grain sorghum, the Secretary shall make available recourse loans, as determined by the Secretary, to producers on a farm that—

(A) normally harvest all or a portion of their crop of corn or grain sorghum in a high moisture state;

(B) present—

(i) certified scale tickets from an inspected, certified commercial scale, including a licensed warehouse, feedlot, feed mill, distillery, or other similar entity approved by the Secretary, pursuant to regulations issued by the Secretary; or

(ii) field or other physical measurements of the standing or stored crop in regions of the United States, as determined by the Secretary, that do not have certified commercial scales from which certified scale tickets may be obtained within reasonable proximity of harvest operation;

(C) certify that they were the owners of the feed grain at the time of delivery to, and that the quantity to be placed under loan under this subsection was in fact harvested on the farm and delivered to, a feedlot, feed mill, or commercial or on-farm high-moisture storage facility, or to a facility maintained by the users of corn and grain sorghum in a high moisture state; and

(D) comply with deadlines established by the Secretary for harvesting the corn or grain sorghum and submit applications for loans under this subsection within deadlines established by the Secretary.

(3) ELIGIBILITY OF ACQUIRED FEED GRAINS.—A loan under this subsection shall be made on a quantity of corn or grain sorghum of the same crop acquired by the producer equivalent to a quantity determined by multiplying—

(A) the acreage of the corn or grain sorghum in a high moisture state harvested on the producer's farm; by

(B) the lower of the farm program payment yield used to make counter-cyclical payments under subtitle A or the actual yield on a field, as determined by the Secretary, that is similar to the field from which the corn or grain sorghum was obtained.

(b) RECOURSE LOANS AVAILABLE FOR SEED COTTON.—For each of the 2008 through 2012 crops of upland cotton and extra long staple cotton, the Secretary shall make available recourse seed cotton loans, as determined by the Secretary, on any production.

(c) REPAYMENT RATES.—Repayment of a recourse loan made under this section shall be at the loan rate established for the commodity by the Secretary, plus interest (determined in accordance with section 163 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7283)).

SEC. 1210. ADJUSTMENTS OF LOANS.

(a) ADJUSTMENT AUTHORITY.—Subject to subsection (e), the Secretary may make appropriate adjustments in the loan rates for any loan commodity (other than cotton) for differences in grade, type, quality, location, and other factors.

(b) MANNER OF ADJUSTMENT.—The adjustments under subsection (a) shall, to the maximum extent practicable, be made in such a manner that the average loan level for the commodity will, on the basis of the anticipated incidence of the factors, be equal to the level of support determined in accordance with this subtitle and subtitles B through E.

(c) ADJUSTMENT ON COUNTY BASIS.—

(1) IN GENERAL.—The Secretary may establish loan rates for a crop for producers in individual counties in a manner that results in the lowest loan rate being 95 percent of the national average loan rate, if those loan rates do not result in an increase in outlays.

(2) PROHIBITION.—Adjustments under this subsection shall not result in an increase in the national average loan rate for any year.

(d) ADJUSTMENT IN LOAN RATE FOR COTTON.—

(1) IN GENERAL.—The Secretary may make appropriate adjustments in the loan rate for cotton for differences in quality factors.

(2) REVISIONS TO QUALITY ADJUSTMENTS FOR UPLAND COTTON.—

(A) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall implement revisions in the administration of the marketing assistance loan program for upland cotton to more accurately and efficiently reflect market values for upland cotton.

(B) MANDATORY REVISIONS.—Revisions under subparagraph (A) shall include—

(i) the elimination of warehouse location differentials;

(ii) the establishment of differentials for the various quality factors and staple lengths of cotton based on a 3-year, weighted moving average of the weighted designated spot market regions, as determined by regional production;

(iii) the elimination of any artificial split in the premium or discount between upland cotton with a 32 or 33 staple length due to micronaire; and

(iv) a mechanism to ensure that no premium or discount is established that exceeds the premium or discount associated with a leaf grade that is 1 better than the applicable color grade.

(C) DISCRETIONARY REVISIONS.—Revisions under subparagraph (A) may include—

(i) the use of non-spot market price data, in addition to spot market price data, that would enhance the accuracy of the price information used in determining quality adjustments under this subsection;

(ii) adjustments in the premiums or discounts associated with upland cotton with a staple length of 33 or above due to micronaire with the goal of eliminating any unnecessary artificial splits in the calculations of the premiums or discounts; and

(iii) such other adjustments as the Secretary determines appropriate, after consultations conducted in accordance with paragraph (3).

(3) CONSULTATION WITH PRIVATE SECTOR.—

(A) PRIOR TO REVISION.—In making adjustments to the loan rate for cotton (including any review of the adjustments) as provided in this subsection, the Secretary shall consult with representatives of the United States cotton industry.

(B) INAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to consultations under this subsection.

(4) REVIEW OF ADJUSTMENTS.—The Secretary may review the operation of the upland cotton quality adjustments implemented pursuant to this subsection and may make further revisions to the administration of the loan program for upland cotton, by—

(A) revoking or revising any actions taken under paragraph (2)(B); or

(B) revoking or revising any actions taken or authorized to be taken under paragraph (2)(C).

(e) RICE.—The Secretary shall not make adjustments in the loan rates for long grain rice and medium grain rice, except for differences in grade and quality (including milling yields).

Subtitle C—Peanuts

SEC. 1301. DEFINITIONS.

In this subtitle:

(1) BASE ACRES FOR PEANUTS.—

(A) IN GENERAL.—The term ''base acres for peanuts'' means the number of acres assigned to a farm pursuant to section 1302 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7952), as in effect on September 30, 2007, subject to any adjustment under section 1302 of this Act.

(B) COVERED COMMODITIES.—The term ''base acres'', with respect to a covered commodity, has the meaning given the term in section 1101.

(2) COUNTER-CYCLICAL PAYMENT.—The term ''counter-cyclical payment'' means a payment made to producers on a farm under section 1304.

(3) DIRECT PAYMENT.—The term ''direct payment'' means a direct payment made to producers on a farm under section 1303.

(4) EFFECTIVE PRICE.—The term ''effective price'' means the price calculated by the Secretary under section 1304 for peanuts to determine whether counter-cyclical payments are required to be made under that section for a crop year.

(5) PAYMENT ACRES.—The term ''payment acres'' means, in the case of direct payments and counter-cyclical payments—

(A) except as provided in subparagraph (B), 85 percent of the base acres of peanuts on a farm on which direct payments or counter-cyclical payments are made; and

(B) in the case of direct payments for each of the 2009 through 2011 crop years, 83.3 percent of the base acres for peanuts on a farm on which direct payments are made.

(6) PAYMENT YIELD.—The term ''payment yield'' means the yield established for direct payments and the yield established for counter-cyclical payments under section 1302 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7952), as in effect on September 30, 2007, for a farm for peanuts.

(7) PRODUCER.—

(A) IN GENERAL.—The term ''producer'' means an owner, operator, landlord, tenant, or sharecropper that shares in the risk of producing a crop on a farm and is entitled to share in the crop available for marketing from the farm, or would have shared had the crop been produced.

(B) HYBRID SEED.—In determining whether a grower of hybrid seed is a producer, the Secretary shall—

(i) not take into consideration the existence of a hybrid seed contract; and

(ii) ensure that program requirements do not adversely affect the ability of the grower to receive a payment under this subtitle.

(8) STATE.—The term ''State'' means—

(A) a State;

(B) the District of Columbia;

(C) the Commonwealth of Puerto Rico; and

(D) any other territory or possession of the United States.

(9) TARGET PRICE.—The term ''target price'' means the price per ton of peanuts used to determine the payment rate for counter-cyclical payments.

(10) UNITED STATES.—The term ''United States'', when used in a geographical sense, means all of the States.

SEC. 1302. BASE ACRES FOR PEANUTS FOR A FARM.

(a) ADJUSTMENT OF BASE ACREAGE FOR PEANUTS.—

(1) IN GENERAL.—The Secretary shall provide for an adjustment, as appropriate, in the base acres for peanuts for a farm whenever any of the following circumstances occur:

(A) A conservation reserve contract entered into under section 1231 of the Food Security Act of 1985 (16 U.S.C. 3831) with respect to the farm expires or is voluntarily terminated, or was terminated or expired during the period beginning on October 1, 2007, and ending on the date of enactment of this Act.

(B) Cropland is released from coverage under a conservation reserve contract by the Secretary, or was released during the period beginning on October 1, 2007, and ending on the date of enactment of this Act.

(C) The producer has eligible pulse crop acreage, which shall be determined in the same manner as eligible oilseed acreage under section 1101(a)(2) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7911(a)(2)).

(D) The producer has eligible oilseed acreage as the result of the Secretary designating additional oilseeds, which shall be determined in the same manner as eligible oilseed acreage under section 1101(a)(2) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7911(a)(2)).

(2) SPECIAL CONSERVATION RESERVE ACREAGE PAYMENT RULES.—For the crop year in which a base acres for peanuts adjustment under subparagraph (A) or (B) of paragraph (1) is first made, the owner of the farm shall elect to receive either direct payments and counter-cyclical payments with respect to the acreage added to the farm under this subsection or a prorated payment under the conservation reserve contract, but not both.

(b) PREVENTION OF EXCESS BASE ACRES FOR PEANUTS.—

(1) REQUIRED REDUCTION.—If the sum of the base acres for peanuts for a farm, together with the acreage described in paragraph (2), exceeds the actual cropland acreage of the farm, the Secretary shall reduce the base acres for peanuts for the farm or the base acres for 1 or more covered commodities for the farm so that the sum of the base acres for peanuts and acreage described in paragraph (2) does not exceed the actual cropland acreage of the farm.

(2) OTHER ACREAGE.—For purposes of paragraph (1), the Secretary shall include the following:

(A) Any base acres for the farm for a covered commodity.

(B) Any acreage on the farm enrolled in the conservation reserve program or wetlands reserve program under chapter 1 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3830 et seq.).

(C) Any other acreage on the farm enrolled in a Federal conservation program for which payments are made in exchange for not producing an agricultural commodity on the acreage.

(D) Any eligible pulse crop acreage, which shall be determined in the same manner as eligible oilseed acreage under section 1101(a)(2) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7911(a)(2)).

(E) If the Secretary designates additional oilseeds, any eligible oilseed acreage, which shall be determined in the same manner as eligible oilseed acreage under section 1101(a)(2) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7911(a)(2)).

(3) SELECTION OF ACRES.—The Secretary shall give the owner of the farm the opportunity to select the base acres for peanuts or the base acres for covered commodities against which the reduction required by paragraph (1) will be made.

(4) EXCEPTION FOR DOUBLE-CROPPED ACREAGE.—In applying paragraph (1), the Secretary shall make an exception in the case of double cropping, as determined by the Secretary.

(5) COORDINATED APPLICATION OF REQUIREMENTS.—The Secretary shall take into account section 1101(b) when applying the requirements of this subsection.

(c) REDUCTION IN BASE ACRES.—

(1) REDUCTION AT OPTION OF OWNER.—

(A) IN GENERAL.—The owner of a farm may reduce, at any time, the base acres for peanuts for the farm.

(B) EFFECT OF REDUCTION.—A reduction under subparagraph (A) shall be permanent and made in a manner prescribed by the Secretary.

(2) REQUIRED ACTION BY SECRETARY.—

(A) IN GENERAL.—The Secretary shall proportionately reduce base acres on a farm for peanuts for land that has been subdivided and developed for multiple residential units or other nonfarming uses if the size of the tracts and the density of the subdivision is such that the land is unlikely to return to the previous agricultural use, unless the producers on the farm demonstrate that the land—

(i) remains devoted to commercial agricultural production; or

(ii) is likely to be returned to the previous agricultural use.

(B) REQUIREMENT.—The Secretary shall establish procedures to identify land described in subparagraph (A).

(3) REVIEW AND REPORT.—Each year, to ensure, to the maximum extent practicable, that payments are received only by producers, the Secretary shall submit to Congress a report that describes the results of the actions taken under paragraph (2).

(d) TREATMENT OF FARMS WITH LIMITED BASE ACRES.—

(1) PROHIBITION ON PAYMENTS.—Except as provided in paragraph (2) and notwithstanding any other provision of this title, a producer on a farm may not receive direct payments, counter-cyclical payments, or average crop revenue election payments if the sum of the base acres of the farm is 10 acres or less, as determined by the Secretary.

(2) EXCEPTIONS.—Paragraph (1) shall not apply to a farm owned by—

(A) a socially disadvantaged farmer or rancher (as defined in section 355(e) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2003(e)); or

(B) a limited resource farmer or rancher, as defined by the Secretary.

(3) DATA COLLECTION AND PUBLICATION.—The Secretary shall—

(A) collect and publish segregated data and survey information about the farm profiles, utilization of land, and crop production; and

(B) perform an evaluation on the supply and price of fruits and vegetables based on the effects of suspension of base acres under this section.

SEC. 1303. AVAILABILITY OF DIRECT PAYMENTS FOR PEANUTS.

(a) PAYMENT REQUIRED.—For each of the 2008 through 2012 crop years for peanuts, the Secretary shall make direct payments to the producers on a farm for which a payment yield and base acres for peanuts are established.

(b) PAYMENT RATE.—Except as provided in section 1105, the payment rate used to make direct payments with respect to peanuts for a crop year shall be equal to $36 per ton.

(c) PAYMENT AMOUNT.—The amount of the direct payment to be paid to the producers on a farm for peanuts for a crop year shall be equal to the product of the following:

(1) The payment rate specified in subsection (b).

(2) The payment acres on the farm.

(3) The payment yield for the farm.

(d) TIME FOR PAYMENT.—

(1) IN GENERAL.—Except as provided in paragraph (2), in the case of each of the 2008 through 2012 crop years, the Secretary may not make direct payments under this section before October 1 of the calendar year in which the crop is harvested.

(2) ADVANCE PAYMENTS.—

(A) OPTION.—

(i) IN GENERAL.—At the option of the producers on a farm, the Secretary shall pay in advance up to 22 percent of the direct payment for

peanuts for any of the 2008 through 2011 crop years to the producers on a farm.

(ii) 2008 CROP YEAR.—If the producers on a farm elect to receive advance direct payments under clause (i) for peanuts for the 2008 crop year, as soon as practicable after the election, the Secretary shall make the advance direct payment to the producers on the farm.

(B) MONTH.—

(i) SELECTION.—Subject to clauses (ii) and (iii), the producers on a farm shall select the month during which the advance payment for a crop year will be made.

(ii) OPTIONS.—The month selected may be any month during the period—

(I) beginning on December 1 of the calendar year before the calendar year in which the crop of peanuts is harvested; and

(II) ending during the month within which the direct payment would otherwise be made.

(iii) CHANGE.—The producers on a farm may change the selected month for a subsequent advance payment by providing advance notice to the Secretary.

(3) REPAYMENT OF ADVANCE PAYMENTS.—If a producer on a farm that receives an advance direct payment for a crop year ceases to be a producer on that farm, or the extent to which the producer shares in the risk of producing a crop changes, before the date the remainder of the direct payment is made, the producer shall be responsible for repaying the Secretary the applicable amount of the advance payment, as determined by the Secretary.

SEC. 1304. AVAILABILITY OF COUNTER-CYCLICAL PAYMENTS FOR PEANUTS.

(a) PAYMENT REQUIRED.—Except as provided in section 1105, for each of the 2008 through 2012 crop years for peanuts, the Secretary shall make counter-cyclical payments to producers on farms for which payment yields and base acres for peanuts are established if the Secretary determines that the effective price for peanuts is less than the target price for peanuts.

(b) EFFECTIVE PRICE.—For purposes of subsection (a), the effective price for peanuts is equal to the sum of the following:

(1) The higher of the following:

(A) The national average market price for peanuts received by producers during the 12-month marketing year for peanuts, as determined by the Secretary.

(B) The national average loan rate for a marketing assistance loan for peanuts in effect for the applicable period under this subtitle.

(2) The payment rate in effect for peanuts under section 1303 for the purpose of making direct payments.

(c) TARGET PRICE.—For purposes of subsection (a), the target price for peanuts shall be equal to $495 per ton.

(d) PAYMENT RATE.—The payment rate used to make counter-cyclical payments for a crop year shall be equal to the difference between—

(1) the target price for peanuts; and

(2) the effective price determined under subsection (b) for peanuts.

(e) PAYMENT AMOUNT.—If counter-cyclical payments are required to be paid for any of the 2008 through 2012 crops of peanuts, the amount of the counter-cyclical payment to be paid to the producers on a farm for that crop year shall be equal to the product of the following:

(1) The payment rate specified in subsection (d).

(2) The payment acres on the farm.

(3) The payment yield for the farm.

(f) TIME FOR PAYMENTS.—

(1) GENERAL RULE.—Except as provided in paragraph (2), if the Secretary determines under subsection (a) that counter-cyclical payments are required to be made under this section for a crop of peanuts, beginning October 1, or as soon as practicable after the end of the marketing year, the Secretary shall make the counter-cyclical payments for the crop.

(2) AVAILABILITY OF PARTIAL PAYMENTS.—

(A) IN GENERAL.—If, before the end of the 12-month marketing year, the Secretary estimates that counter-cyclical payments will be required under this section for a crop year, the Secretary shall give producers on a farm the option to receive partial payments of the counter-cyclical payment projected to be made for the crop.

(B) ELECTION.—

(i) IN GENERAL.—The Secretary shall allow producers on a farm to make an election to receive partial payments under subparagraph (A) at any time but not later than 60 days prior to the end of the marketing year for the crop.

(ii) DATE OF ISSUANCE.—The Secretary shall issue the partial payment after the date of an announcement by the Secretary but not later than 30 days prior to the end of the marketing year.

(3) TIME FOR PARTIAL PAYMENTS.—When the Secretary makes partial payments for any of the 2008 through 2010 crop years—

(A) the first partial payment shall be made after completion of the first 180 days of the marketing year for that crop; and

(B) the final partial payment shall be made beginning October 1, or as soon as practicable thereafter, after the end of the applicable marketing year for that crop.

(4) AMOUNT OF PARTIAL PAYMENTS.—

(A) FIRST PARTIAL PAYMENT.—For each of the 2008 through 2010 crop years, the first partial payment under paragraph (3) to the producers on a farm may not exceed 40 percent of the projected counter-cyclical payment for the crop year, as determined by the Secretary.

(B) FINAL PAYMENT.—The final payment for a crop year shall be equal to the difference between—

(i) the actual counter-cyclical payment to be made to the producers for that crop year; and

(ii) the amount of the partial payment made to the producers under subparagraph (A).

(5) REPAYMENT.—The producers on a farm that receive a partial payment under this subsection for a crop year shall repay to the Secretary the amount, if any, by which the total of the partial payments exceed the actual counter-cyclical payment to be made for that crop year.

SEC. 1305. PRODUCER AGREEMENT REQUIRED AS CONDITION ON PROVISION OF PAYMENTS.

(a) COMPLIANCE WITH CERTAIN REQUIREMENTS.—

(1) REQUIREMENTS.—Before the producers on a farm may receive direct payments or counter-cyclical payments under this subtitle, or average crop revenue election payments under section 1105, with respect to the farm, the producers shall agree, during the crop year for which the payments are made and in exchange for the payments—

(A) to comply with applicable conservation requirements under subtitle B of title XII of the Food Security Act of 1985 (16 U.S.C. 3811 et seq.);

(B) to comply with applicable wetland protection requirements under subtitle C of title XII of that Act (16 U.S.C. 3821 et seq.);

(C) to comply with the planting flexibility requirements of section 1306;

(D) to use the land on the farm, in a quantity equal to the attributable base acres for peanuts and any base acres for the farm under subtitle A, for an agricultural or conserving use, and not for a nonagricultural commercial, industrial, or residential use, as determined by the Secretary; and

(E) to effectively control noxious weeds and otherwise maintain the land in accordance with sound agricultural practices, as determined by the Secretary, if the agricultural or conserving use involves the noncultivation of any portion of the land referred to in subparagraph (D).

(2) COMPLIANCE.—The Secretary may issue such rules as the Secretary considers necessary to ensure producer compliance with the requirements of paragraph (1).

(3) MODIFICATION.—At the request of the transferee or owner, the Secretary may modify the requirements of this subsection if the modifications are consistent with the objectives of this subsection, as determined by the Secretary.

(b) TRANSFER OR CHANGE OF INTEREST IN FARM.—

(1) TERMINATION.—

(A) IN GENERAL.—Except as provided in paragraph (2), a transfer of (or change in) the interest of the producers on a farm in the base acres for peanuts for which direct payments or counter-cyclical payments are made, or on which average crop revenue election payments are based, shall result in the termination of the direct payments, counter-cyclical payments, or average crop revenue election payments to the extent the payments are made or based on the base acres, unless the transferee or owner of the acreage agrees to assume all obligations under subsection (a).

(B) EFFECTIVE DATE.—The termination shall take effect on the date determined by the Secretary.

(2) EXCEPTION.—If a producer entitled to a direct payment, counter-cyclical payment, or average crop revenue election payment dies, becomes incompetent, or is otherwise unable to receive the payment, the Secretary shall make the payment, in accordance with rules issued by the Secretary.

(c) ACREAGE REPORTS.—

(1) IN GENERAL.—As a condition on the receipt of any benefits under this subtitle, the Secretary shall require producers on a farm to submit to the Secretary annual acreage reports with respect to all cropland on the farm.

(2) PENALTIES.—No penalty with respect to benefits under this subtitle shall be assessed against the producers on a farm for an inaccurate acreage report unless the producers on the farm knowingly and willfully falsified the acreage report.

(d) TENANTS AND SHARECROPPERS.—In carrying out this subtitle, the Secretary shall provide adequate safeguards to protect the interests of tenants and sharecroppers.

(e) SHARING OF PAYMENTS.—The Secretary shall provide for the sharing of direct payments, counter-cyclical payments, or average crop revenue election payments under section 1105 among the producers on a farm on a fair and equitable basis.

SEC. 1306. PLANTING FLEXIBILITY.

(a) PERMITTED CROPS.—Subject to subsection (b), any commodity or crop may be planted on the base acres for peanuts on a farm.

(b) LIMITATIONS REGARDING CERTAIN COMMODITIES.—

(1) GENERAL LIMITATION.—The planting of an agricultural commodity specified in paragraph (3) shall be prohibited on base acres for peanuts unless the commodity, if planted, is destroyed before harvest.

(2) TREATMENT OF TREES AND OTHER PERENNIALS.—The planting of an agricultural commodity specified in paragraph (3) that is produced on a tree or other perennial plant shall be prohibited on base acres for peanuts.

(3) COVERED AGRICULTURAL COMMODITIES.—Paragraphs (1) and (2) apply to the following agricultural commodities:

(A) Fruits.

(B) Vegetables (other than mung beans and pulse crops).

(C) Wild rice.

(c) EXCEPTIONS.—Paragraphs (1) and (2) of subsection (b) shall not limit the planting of an agricultural commodity specified in paragraph (3) of that subsection—

(1) in any region in which there is a history of double-cropping of peanuts with agricultural commodities specified in subsection (b)(3), as determined by the Secretary, in which case the double-cropping shall be permitted;

(2) on a farm that the Secretary determines has a history of planting agricultural commodities specified in subsection (b)(3) on the base acres for peanuts, except that direct payments and counter-cyclical payments shall be reduced by an acre for each acre planted to such an agricultural commodity; or

(3) by the producers on a farm that the Secretary determines has an established planting

history of a specific agricultural commodity specified in subsection (b)(3), except that—

(A) the quantity planted may not exceed the average annual planting history of such agricultural commodity by the producers on the farm in the 1991 through 1995 or 1998 through 2001 crop years (excluding any crop year in which no plantings were made), as determined by the Secretary; and

(B) direct payments and counter-cyclical payments shall be reduced by an acre for each acre planted to such agricultural commodity.

SEC. 1307. MARKETING ASSISTANCE LOANS AND LOAN DEFICIENCY PAYMENTS FOR PEANUTS.

(a) NONRECOURSE LOANS AVAILABLE.—

(1) AVAILABILITY.—For each of the 2008 through 2012 crops of peanuts, the Secretary shall make available to producers on a farm nonrecourse marketing assistance loans for peanuts produced on the farm.

(2) TERMS AND CONDITIONS.—The loans shall be made under terms and conditions that are prescribed by the Secretary and at the loan rate established under subsection (b).

(3) ELIGIBLE PRODUCTION.—The producers on a farm shall be eligible for a marketing assistance loan under this subsection for any quantity of peanuts produced on the farm.

(4) OPTIONS FOR OBTAINING LOAN.—A marketing assistance loan under this subsection, and loan deficiency payments under subsection (e), may be obtained at the option of the producers on a farm through—

(A) a designated marketing association or marketing cooperative of producers that is approved by the Secretary; or

(B) the Farm Service Agency.

(5) STORAGE OF LOAN PEANUTS.—As a condition on the Secretary's approval of an individual or entity to provide storage for peanuts for which a marketing assistance loan is made under this section, the individual or entity shall agree—

(A) to provide such storage on a nondiscriminatory basis; and

(B) to comply with such additional requirements as the Secretary considers appropriate to accomplish the purposes of this section and promote fairness in the administration of the benefits of this section.

(6) STORAGE, HANDLING, AND ASSOCIATED COSTS.—

(A) IN GENERAL.—Beginning with the 2008 crop of peanuts, to ensure proper storage of peanuts for which a loan is made under this section, the Secretary shall pay handling and other associated costs (other than storage costs) incurred at the time at which the peanuts are placed under loan, as determined by the Secretary.

(B) REDEMPTION AND FORFEITURE.—The Secretary shall—

(i) require the repayment of handling and other associated costs paid under subparagraph (A) for all peanuts pledged as collateral for a loan that is redeemed under this section; and

(ii) pay storage, handling, and other associated costs for all peanuts pledged as collateral that are forfeited under this section.

(7) MARKETING.—A marketing association or cooperative may market peanuts for which a loan is made under this section in any manner that conforms to consumer needs, including the separation of peanuts by type and quality.

(b) LOAN RATE.—Except as provided in section 1105, the loan rate for a marketing assistance loan for peanuts under subsection (a) shall be equal to $355 per ton.

(c) TERM OF LOAN.—

(1) IN GENERAL.—A marketing assistance loan for peanuts under subsection (a) shall have a term of 9 months beginning on the first day of the first month after the month in which the loan is made.

(2) EXTENSIONS PROHIBITED.—The Secretary may not extend the term of a marketing assistance loan for peanuts under subsection (a).

(d) REPAYMENT RATE.—

(1) IN GENERAL.—The Secretary shall permit producers on a farm to repay a marketing assistance loan for peanuts under subsection (a) at a rate that is the lesser of—

(A) the loan rate established for peanuts under subsection (b), plus interest (determined in accordance with section 163 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7283)); or

(B) a rate that the Secretary determines will—

(i) minimize potential loan forfeitures;

(ii) minimize the accumulation of stocks of peanuts by the Federal Government;

(iii) minimize the cost incurred by the Federal Government in storing peanuts; and

(iv) allow peanuts produced in the United States to be marketed freely and competitively, both domestically and internationally.

(2) AUTHORITY TO TEMPORARILY ADJUST REPAYMENT RATES.—

(A) ADJUSTMENT AUTHORITY.—In the event of a severe disruption to marketing, transportation, or related infrastructure, the Secretary may modify the repayment rate otherwise applicable under this subsection for marketing assistance loans for peanuts under subsection (a).

(B) DURATION.—An adjustment made under subparagraph (A) in the repayment rate for marketing assistance loans for peanuts shall be in effect on a short-term and temporary basis, as determined by the Secretary.

(e) LOAN DEFICIENCY PAYMENTS.—

(1) AVAILABILITY.—The Secretary may make loan deficiency payments available to producers on a farm that, although eligible to obtain a marketing assistance loan for peanuts under subsection (a), agree to forgo obtaining the loan for the peanuts in return for loan deficiency payments under this subsection.

(2) COMPUTATION.—A loan deficiency payment under this subsection shall be computed by multiplying—

(A) the payment rate determined under paragraph (3) for peanuts; by

(B) the quantity of the peanuts produced by the producers, excluding any quantity for which the producers obtain a marketing assistance loan under subsection (a).

(3) PAYMENT RATE.—For purposes of this subsection, the payment rate shall be the amount by which—

(A) the loan rate established under subsection (b); exceeds

(B) the rate at which a loan may be repaid under subsection (d).

(4) EFFECTIVE DATE FOR PAYMENT RATE DETERMINATION.—The Secretary shall determine the amount of the loan deficiency payment to be made under this subsection to the producers on a farm with respect to a quantity of peanuts using the payment rate in effect under paragraph (3) as of the date the producers request the payment.

(f) COMPLIANCE WITH CONSERVATION AND WETLANDS REQUIREMENTS.—As a condition of the receipt of a marketing assistance loan under subsection (a), the producer shall comply with applicable conservation requirements under subtitle B of title XII of the Food Security Act of 1985 (16 U.S.C. 3811 et seq.) and applicable wetland protection requirements under subtitle C of title XII of that Act (16 U.S.C. 3821 et seq.) during the term of the loan.

(g) REIMBURSABLE AGREEMENTS AND PAYMENT OF ADMINISTRATIVE EXPENSES.—The Secretary may implement any reimbursable agreements or provide for the payment of administrative expenses under this subtitle only in a manner that is consistent with such activities in regard to other commodities.

SEC. 1308. ADJUSTMENTS OF LOANS.

(a) ADJUSTMENT AUTHORITY.—The Secretary may make appropriate adjustments in the loan rates for peanuts for differences in grade, type, quality, location, and other factors.

(b) MANNER OF ADJUSTMENT.—The adjustments under subsection (a) shall, to the maximum extent practicable, be made in such a manner that the average loan level for peanuts will, on the basis of the anticipated incidence of the factors, be equal to the level of support determined in accordance with this subtitle and subtitles B, D, and E.

(c) ADJUSTMENT ON COUNTY BASIS.—

(1) IN GENERAL.—Subject to paragraph (2), the Secretary may establish loan rates for a crop of peanuts for producers in individual counties in a manner that results in the lowest loan rate being 95 percent of the national average loan rate, if those loan rates do not result in an increase in outlays.

(2) PROHIBITION.—Adjustments under this subsection shall not result in an increase in the national average loan rate for any year.

Subtitle D—Sugar

SEC. 1401. SUGAR PROGRAM.

(a) IN GENERAL.—Section 156 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7272) is amended to read as follows:

"SEC. 156. SUGAR PROGRAM.

''(a) SUGARCANE.—The Secretary shall make loans available to processors of domestically grown sugarcane at a rate equal to—

''(1) 18.00 cents per pound for raw cane sugar for the 2008 crop year;

''(2) 18.25 cents per pound for raw cane sugar for the 2009 crop year;

''(3) 18.50 cents per pound for raw cane sugar for the 2010 crop year;

''(4) 18.75 cents per pound for raw cane sugar for the 2011 crop year; and

''(5) 18.75 cents per pound for raw cane sugar for the 2012 crop year.

''(b) SUGAR BEETS.—The Secretary shall make loans available to processors of domestically grown sugar beets at a rate equal to—

''(1) 22.9 cents per pound for refined beet sugar for the 2008 crop year; and

''(2) a rate that is equal to 128.5 percent of the loan rate per pound of raw cane sugar for the applicable crop year under subsection (a) for each of the 2009 through 2012 crop years.

''(c) TERM OF LOANS.—

''(1) IN GENERAL.—A loan under this section during any fiscal year shall be made available not earlier than the beginning of the fiscal year and shall mature at the earlier of—

''(A) the end of the 9-month period beginning on the first day of the first month after the month in which the loan is made; or

''(B) the end of the fiscal year in which the loan is made.

''(2) SUPPLEMENTAL LOANS.—In the case of a loan made under this section in the last 3 months of a fiscal year, the processor may repledge the sugar as collateral for a second loan in the subsequent fiscal year, except that the second loan shall—

''(A) be made at the loan rate in effect at the time the first loan was made; and

''(B) mature in 9 months less the quantity of time that the first loan was in effect.

''(d) LOAN TYPE; PROCESSOR ASSURANCES.—

''(1) NONRECOURSE LOANS.—The Secretary shall carry out this section through the use of nonrecourse loans.

''(2) PROCESSOR ASSURANCES.—

''(A) IN GENERAL.—The Secretary shall obtain from each processor that receives a loan under this section such assurances as the Secretary considers adequate to ensure that the processor will provide payments to producers that are proportional to the value of the loan received by the processor for the sugar beets and sugarcane delivered by producers to the processor.

''(B) MINIMUM PAYMENTS.—

''(i) IN GENERAL.—Subject to clause (ii), the Secretary may establish appropriate minimum payments for purposes of this paragraph.

''(ii) LIMITATION.—In the case of sugar beets, the minimum payment established under clause (i) shall not exceed the rate of payment provided for under the applicable contract between a sugar beet producer and a sugar beet processor.

''(3) ADMINISTRATION.—The Secretary may not impose or enforce any prenotification requirement, or similar administrative requirement not

otherwise in effect on May 13, 2002, that has the effect of preventing a processor from electing to forfeit the loan collateral (of an acceptable grade and quality) on the maturity of the loan.

''(e) LOANS FOR IN-PROCESS SUGAR.—

''(1) DEFINITION OF IN-PROCESS SUGARS AND SYRUPS.—In this subsection, the term 'in-process sugars and syrups' does not include raw sugar, liquid sugar, invert sugar, invert syrup, or other finished product that is otherwise eligible for a loan under subsection (a) or (b).

''(2) AVAILABILITY.—The Secretary shall make nonrecourse loans available to processors of a crop of domestically grown sugarcane and sugar beets for in-process sugars and syrups derived from the crop.

''(3) LOAN RATE.—The loan rate shall be equal to 80 percent of the loan rate applicable to raw cane sugar or refined beet sugar, as determined by the Secretary on the basis of the source material for the in-process sugars and syrups.

''(4) FURTHER PROCESSING ON FORFEITURE.—

''(A) IN GENERAL.—As a condition of the forfeiture of in-process sugars and syrups serving as collateral for a loan under paragraph (2), the processor shall, within such reasonable time period as the Secretary may prescribe and at no cost to the Commodity Credit Corporation, convert the in-process sugars and syrups into raw cane sugar or refined beet sugar of acceptable grade and quality for sugars eligible for loans under subsection (a) or (b).

''(B) TRANSFER TO CORPORATION.—Once the in-process sugars and syrups are fully processed into raw cane sugar or refined beet sugar, the processor shall transfer the sugar to the Commodity Credit Corporation.

''(C) PAYMENT TO PROCESSOR.—On transfer of the sugar, the Secretary shall make a payment to the processor in an amount equal to the amount obtained by multiplying—

''(i) the difference between—

''(I) the loan rate for raw cane sugar or refined beet sugar, as appropriate; and

''(II) the loan rate the processor received under paragraph (3); by

''(ii) the quantity of sugar transferred to the Secretary.

''(5) LOAN CONVERSION.—If the processor does not forfeit the collateral as described in paragraph (4), but instead further processes the in-process sugars and syrups into raw cane sugar or refined beet sugar and repays the loan on the in-process sugars and syrups, the processor may obtain a loan under subsection (a) or (b) for the raw cane sugar or refined beet sugar, as appropriate.

''(6) TERM OF LOAN.—The term of a loan made under this subsection for a quantity of in-process sugars and syrups, when combined with the term of a loan made with respect to the raw cane sugar or refined beet sugar derived from the in-process sugars and syrups, may not exceed 9 months, consistent with subsection (c).

''(f) AVOIDING FORFEITURES; CORPORATION INVENTORY DISPOSITION.—

''(1) IN GENERAL.—Subject to subsection (d)(3), to the maximum extent practicable, the Secretary shall operate the program established under this section at no cost to the Federal Government by avoiding the forfeiture of sugar to the Commodity Credit Corporation.

''(2) INVENTORY DISPOSITION.—

''(A) IN GENERAL.—To carry out paragraph (1), the Commodity Credit Corporation may accept bids to obtain raw cane sugar or refined beet sugar in the inventory of the Commodity Credit Corporation from (or otherwise make available such commodities, on appropriate terms and conditions, to) processors of sugarcane and processors of sugar beets (acting in conjunction with the producers of the sugarcane or sugar beets processed by the processors) in return for the reduction of production of raw cane sugar or refined beet sugar, as appropriate.

''(B) BIOENERGY FEEDSTOCK.—If a reduction in the quantity of production accepted under subparagraph (A) involves sugar beets or sugarcane that has already been planted, the sugar beets or sugarcane so planted may not be used for any commercial purpose other than as a bioenergy feedstock.

''(C) ADDITIONAL AUTHORITY.—The authority provided under this paragraph is in addition to any authority of the Commodity Credit Corporation under any other law.

''(g) INFORMATION REPORTING.—

''(1) DUTY OF PROCESSORS AND REFINERS TO REPORT.—A sugarcane processor, cane sugar refiner, and sugar beet processor shall furnish the Secretary, on a monthly basis, such information as the Secretary may require to administer sugar programs, including the quantity of purchases of sugarcane, sugar beets, and sugar, and production, importation, distribution, and stock levels of sugar.

''(2) DUTY OF PRODUCERS TO REPORT.—

''(A) PROPORTIONATE SHARE STATES.—As a condition of a loan made to a processor for the benefit of a producer, the Secretary shall require each producer of sugarcane located in a State (other than the Commonwealth of Puerto Rico) in which there are in excess of 250 producers of sugarcane to report, in the manner prescribed by the Secretary, the sugarcane yields and acres planted to sugarcane of the producer.

''(B) OTHER STATES.—The Secretary may require each producer of sugarcane or sugar beets not covered by subparagraph (A) to report, in a manner prescribed by the Secretary, the yields of, and acres planted to, sugarcane or sugar beets, respectively, of the producer.

''(3) DUTY OF IMPORTERS TO REPORT.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the Secretary shall require an importer of sugars, syrups, or molasses to be used for human consumption or to be used for the extraction of sugar for human consumption to report, in the manner prescribed by the Secretary, the quantities of the products imported by the importer and the sugar content or equivalent of the products.

''(B) TARIFF-RATE QUOTAS.—Subparagraph (A) shall not apply to sugars, syrups, or molasses that are within the quantities of tariff-rate quotas that are subject to the lower rate of duties.

''(4) COLLECTION OF INFORMATION ON MEXICO.—

''(A) COLLECTION.—The Secretary shall collect—

''(i) information on the production, consumption, stocks, and trade of sugar in Mexico, including United States exports of sugar to Mexico; and

''(ii) publicly available information on Mexican production, consumption, and trade of high fructose corn syrups.

''(B) PUBLICATION.—The data collected under subparagraph (A) shall be published in each edition of the World Agricultural Supply and Demand Estimates.

''(5) PENALTY.—Any person willfully failing or refusing to furnish the information required to be reported by paragraph (1), (2), or (3), or furnishing willfully false information, shall be subject to a civil penalty of not more than $10,000 for each such violation.

''(6) MONTHLY REPORTS.—Taking into consideration the information received under this subsection, the Secretary shall publish on a monthly basis composite data on production, imports, distribution, and stock levels of sugar.

''(h) SUBSTITUTION OF REFINED SUGAR.—For purposes of Additional U.S. Note 6 to chapter 17 of the Harmonized Tariff Schedule of the United States and the reexport programs and polyhydric alcohol program administered by the Secretary, all refined sugars (whether derived from sugar beets or sugarcane) produced by cane sugar refineries and beet sugar processors shall be fully substitutable for the export of sugar and sugar-containing products under those programs.

''(i) EFFECTIVE PERIOD.—This section shall be effective only for the 2008 through 2012 crops of sugar beets and sugarcane.''.

(b) TRANSITION.—The Secretary shall make loans for raw cane sugar and refined beet sugar available for the 2007 crop year on the terms and conditions provided in section 156 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7272), as in effect on the day before the date of enactment of this Act.

SEC. 1402. UNITED STATES MEMBERSHIP IN THE INTERNATIONAL SUGAR ORGANIZATION.

The Secretary shall work with the Secretary of State to restore United States membership in the International Sugar Organization not later than 1 year after the date of enactment of this Act.

SEC. 1403. FLEXIBLE MARKETING ALLOTMENTS FOR SUGAR.

(a) DEFINITIONS.—Section 359a of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359aa) is amended—

(1) by redesignating paragraphs (1), (2), (3), and (4) as paragraphs (2), (4), (5), and (6), respectively;

(2) by inserting before paragraph (2) (as so redesignated) the following:

''(1) HUMAN CONSUMPTION.—The term 'human consumption', when used in the context of a reference to sugar (whether in the form of sugar, in-process sugar, syrup, molasses, or in some other form) for human consumption, includes sugar for use in human food, beverages, or similar products.''; and

(3) by inserting after paragraph (2) (as so redesignated) the following:

''(3) MARKET.—

''(A) IN GENERAL.—The term 'market' means to sell or otherwise dispose of in commerce in the United States.

''(B) INCLUSIONS.—The term 'market' includes—

''(i) the forfeiture of sugar under the loan program for sugar established under section 156 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7272);

''(ii) with respect to any integrated processor and refiner, the movement of raw cane sugar into the refining process; and

''(iii) the sale of sugar for the production of ethanol or other bioenergy product, if the disposition of the sugar is administered by the Secretary under section 9010 of the Farm Security and Rural Investment Act of 2002.

''(C) MARKETING YEAR.—Forfeited sugar described in subparagraph (B)(i) shall be considered to have been marketed during the crop year for which a loan is made under the loan program described in that subparagraph.''.

(b) FLEXIBLE MARKETING ALLOTMENTS FOR SUGAR.—Section 359b of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359bb) is amended to read as follows:

''SEC. 359b. FLEXIBLE MARKETING ALLOTMENTS FOR SUGAR.

''(a) SUGAR ESTIMATES.—

''(1) IN GENERAL.—Not later than August 1 before the beginning of each of the 2008 through 2012 crop years for sugarcane and sugar beets, the Secretary shall estimate—

''(A) the quantity of sugar that will be subject to human consumption in the United States during the crop year;

''(B) the quantity of sugar that would provide for reasonable carryover stocks;

''(C) the quantity of sugar that will be available from carry-in stocks for human consumption in the United States during the crop year;

''(D) the quantity of sugar that will be available from the domestic processing of sugarcane, sugar beets, and in-process beet sugar; and

''(E) the quantity of sugars, syrups, and molasses that will be imported for human consumption or to be used for the extraction of sugar for human consumption in the United States during the crop year, whether the articles are under a tariff-rate quota or are in excess or outside of a tariff-rate quota.

''(2) EXCLUSION.—The estimates under this subsection shall not apply to sugar imported for the production of polyhydric alcohol or to any sugar refined and reexported in refined form or in products containing sugar.

''(3) REESTIMATES.—The Secretary shall make reestimates of sugar consumption, stocks, production, and imports for a crop year as necessary, but not later than the beginning of each of the second through fourth quarters of the crop year.

''(b) SUGAR ALLOTMENTS.—

''(1) ESTABLISHMENT.—By the beginning of each crop year, the Secretary shall establish for that crop year appropriate allotments under section 359c for the marketing by processors of sugar processed from sugar cane or sugar beets or in-process beet sugar (whether the sugar beets or in-process beet sugar was produced domestically or imported) at a level that is—

''(A) sufficient to maintain raw and refined sugar prices above forfeiture levels so that there will be no forfeitures of sugar to the Commodity Credit Corporation under the loan program for sugar established under section 156 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7272); but

''(B) not less than 85 percent of the estimated quantity of sugar for domestic human consumption for the crop year.

''(2) PRODUCTS.—The Secretary may include sugar products, the majority content of which is sucrose for human consumption, derived from sugar cane, sugar beets, molasses, or sugar in the allotments established under paragraph (1) if the Secretary determines it to be appropriate for purposes of this part.

''(c) COVERAGE OF ALLOTMENTS.—

''(1) IN GENERAL.—The marketing allotments under this part shall apply to the marketing by processors of sugar intended for domestic human consumption that has been processed from sugar cane, sugar beets, or in-process beet sugar, whether such sugar beets or in-process beet sugar was produced domestically or imported.

''(2) EXCEPTIONS.—Consistent with the administration of marketing allotments for each of the 2002 through 2007 crop years, the marketing allotments shall not apply to sugar sold—

''(A) to facilitate the exportation of the sugar to a foreign country, except that the exports of sugar shall not be eligible to receive credits under reexport programs for refined sugar or sugar containing products administered by the Secretary;

''(B) to enable another processor to fulfill an allocation established for that processor; or

''(C) for uses other than domestic human consumption, except for the sale of sugar for the production of ethanol or other bioenergy if the disposition of the sugar is administered by the Secretary under section 9010 of the Farm Security and Rural Investment Act of 2002.

''(3) REQUIREMENT.—The sale of sugar described in paragraph (2)(B) shall be—

''(A) made prior to May 1; and

''(B) reported to the Secretary.

''(d) PROHIBITIONS.—

''(1) IN GENERAL.—During all or part of any crop year for which marketing allotments have been established, no processor of sugar beets or sugarcane shall market for domestic human consumption a quantity of sugar in excess of the allocation established for the processor, except—

''(A) to enable another processor to fulfill an allocation established for that other processor; or

''(B) to facilitate the exportation of the sugar.

''(2) CIVIL PENALTY.—Any processor who knowingly violates paragraph (1) shall be liable to the Commodity Credit Corporation for a civil penalty in an amount equal to 3 times the United States market value, at the time of the commission of the violation, of that quantity of sugar involved in the violation.''.

(c) ESTABLISHMENT OF FLEXIBLE MARKETING ALLOTMENTS.—Section 359c of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359cc) is amended—

(1) by striking subsection (b) and inserting the following:

''(b) OVERALL ALLOTMENT QUANTITY.—

''(1) IN GENERAL.—The Secretary shall establish the overall quantity of sugar to be allotted for the crop year (referred to in this part as the 'overall allotment quantity') at a level that is—

''(A) sufficient to maintain raw and refined sugar prices above forfeiture levels to avoid forfeiture of sugar to the Commodity Credit Corporation; but

''(B) not less than a quantity equal to 85 percent of the estimated quantity of sugar for domestic human consumption for the crop year.

''(2) ADJUSTMENT.—Subject to paragraph (1), the Secretary shall adjust the overall allotment quantity to maintain—

''(A) raw and refined sugar prices above forfeiture levels to avoid the forfeiture of sugar to the Commodity Credit Corporation; and

''(B) adequate supplies of raw and refined sugar in the domestic market.'';

(2) in subsection (d)(2), by inserting ''or in-process beet sugar'' before the period at the end;

(3) in subsection (g)(1)—

(A) by striking ''(1) IN GENERAL.—The Secretary'' and inserting the following:

''(1) ADJUSTMENTS.—

''(A) IN GENERAL.—Subject to subparagraph (B), the Secretary''; and

(B) by adding at the end the following:

''(B) LIMITATION.—In carrying out subparagraph (A), the Secretary may not reduce the overall allotment quantity to a quantity of less than 85 percent of the estimated quantity of sugar for domestic human consumption for the crop year.''; and

(4) by striking subsection (h).

(d) ALLOCATION OF MARKETING ALLOTMENTS.—Section 359d(b) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359dd(b)) is amended—

(1) in paragraph (1)(F), by striking ''Except as otherwise provided in section 359f(c)(8), if'' and inserting ''If''; and

(2) in paragraph (2), by striking subparagraphs (G), (H), and (I) and inserting the following:

''(G) SALE OF FACTORIES OF A PROCESSOR TO ANOTHER PROCESSOR.—

''(i) EFFECT OF SALE.—Subject to subparagraphs (E) and (F), if 1 or more factories of a processor of beet sugar (but not all of the assets of the processor) are sold to another processor of beet sugar during a crop year, the Secretary shall assign a pro rata portion of the allocation of the seller to the allocation of the buyer to reflect the historical contribution of the production of the sold 1 or more factories to the total allocation of the seller, unless the buyer and the seller have agreed upon the transfer of a different portion of the allocation of the seller, in which case, the Secretary shall transfer that portion agreed upon by the buyer and seller.

''(ii) APPLICATION OF ALLOCATION.—The assignment of the allocation under clause (i) shall apply—

''(I) during the remainder of the crop year for which the sale described in clause (i) occurs; and

''(II) during each subsequent crop year.

''(iii) USE OF OTHER FACTORIES TO FILL ALLOCATION.—If the assignment of the allocation under clause (i) to the buyer for the 1 or more purchased factories cannot be filled by the production of the 1 or more purchased factories, the remainder of the allocation may be filled by beet sugar produced by the buyer from other factories of the buyer.

''(H) NEW ENTRANTS STARTING PRODUCTION, REOPENING, OR ACQUIRING AN EXISTING FACTORY WITH PRODUCTION HISTORY.—

''(i) DEFINITION OF NEW ENTRANT.—

''(I) IN GENERAL.—In this subparagraph, the term 'new entrant' means an individual, corporation, or other entity that—

''(aa) does not have an allocation of the beet sugar allotment under this part;

''(bb) is not affiliated with any other individual, corporation, or entity that has an allocation of beet sugar under this part (referred to in this clause as a 'third party'); and

''(cc) will process sugar beets produced by sugar beet growers under contract with the new entrant for the production of sugar at the new or re-opened factory that is the basis for the new entrant allocation.

''(II) AFFILIATION.—For purposes of subclause (I)(bb), a new entrant and a third party shall be considered to be affiliated if—

''(aa) the third party has an ownership interest in the new entrant;

''(bb) the new entrant and the third party have owners in common;

''(cc) the third party has the ability to exercise control over the new entrant by organizational rights, contractual rights, or any other means;

''(dd) the third party has a contractual relationship with the new entrant by which the new entrant will make use of the facilities or assets of the third party; or

''(ee) there are any other similar circumstances by which the Secretary determines that the new entrant and the third party are affiliated.

''(ii) ALLOCATION FOR A NEW ENTRANT THAT HAS CONSTRUCTED A NEW FACTORY OR REOPENED A FACTORY THAT WAS NOT OPERATED SINCE BEFORE 1998.—If a new entrant constructs a new sugar beet processing factory, or acquires and reopens a sugar beet processing factory that last processed sugar beets prior to the 1998 crop year and there is no allocation currently associated with the factory, the Secretary shall—

''(I) assign an allocation for beet sugar to the new entrant that provides a fair and equitable distribution of the allocations for beet sugar so as to enable the new entrant to achieve a factory utilization rate comparable to the factory utilization rates of other similarly-situated processors; and

''(II) reduce the allocations for beet sugar of all other processors on a pro rata basis to reflect the allocation to the new entrant.

''(iii) ALLOCATION FOR A NEW ENTRANT THAT HAS ACQUIRED AN EXISTING FACTORY WITH A PRODUCTION HISTORY.—

''(I) IN GENERAL.—If a new entrant acquires an existing factory that has processed sugar beets from the 1998 or subsequent crop year and has a production history, on the mutual agreement of the new entrant and the company currently holding the allocation associated with the factory, the Secretary shall transfer to the new entrant a portion of the allocation of the current allocation holder to reflect the historical contribution of the production of the 1 or more sold factories to the total allocation of the current allocation holder, unless the new entrant and current allocation holder have agreed upon the transfer of a different portion of the allocation of the current allocation holder, in which case, the Secretary shall transfer that portion agreed upon by the new entrant and the current allocation holder.

''(II) PROHIBITION.—In the absence of a mutual agreement described in subclause (I), the new entrant shall be ineligible for a beet sugar allocation.

''(iv) APPEALS.—Any decision made under this subsection may be appealed to the Secretary in accordance with section 359i.''.

(e) REASSIGNMENT OF DEFICITS.—Section 359e(b) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359ee(b)) is amended in paragraphs (1)(D) and (2)(C), by inserting ''of raw cane sugar'' after ''imports'' each place it appears.

(f) PROVISIONS APPLICABLE TO PRODUCERS.—Section 359f(c) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359ff(c)) is amended—

(1) by striking paragraph (8);

(2) by redesignating paragraphs (1) through (7) as paragraphs (2) through (8), respectively;

(3) by inserting before paragraph (2) (as so redesignated) the following:

''(1) DEFINITION OF SEED.—

''(A) IN GENERAL.—In this subsection, the term 'seed' means only those varieties of seed that are dedicated to the production of sugarcane from which is produced sugar for human consumption.

''(B) EXCLUSION.—The term 'seed' does not include seed of a high-fiber cane variety dedicated to other uses, as determined by the Secretary'';

(4) in paragraph (3) (as so redesignated)—

(A) in the first sentence—

(i) by striking ''paragraph (1)'' and inserting ''paragraph (2)''; and

(ii) by inserting ''sugar produced from'' after ''quantity of''; and

(B) in the second sentence, by striking ''paragraph (7)'' and inserting ''paragraph (8)'';

(5) in the first sentence of paragraph (6)(C) (as so redesignated), by inserting ''for sugar'' before ''in excess of the farm's proportionate share''; and

(6) in paragraph (8) (as so redesignated), by inserting ''sugar from'' after ''the amount of''.

(g) SPECIAL RULES.—Section 359g of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359gg) is amended—

(1) by striking subsection (a) and inserting the following:

''(a) TRANSFER OF ACREAGE BASE HISTORY.—

''(1) TRANSFER AUTHORIZED.—For the purpose of establishing proportionate shares for sugarcane farms under section 359f(c), the Secretary, on application of any producer, with the written consent of all owners of a farm, may transfer the acreage base history of the farm to any other parcels of land of the applicant.

''(2) CONVERTED ACREAGE BASE.—

''(A) IN GENERAL.—Sugarcane acreage base established under section 359f(c) that has been or is converted to nonagricultural use on or after May 13, 2002, may be transferred to other land suitable for the production of sugarcane that can be delivered to a processor in a proportionate share State in accordance with this paragraph.

''(B) NOTIFICATION.—Not later than 90 days after the Secretary becomes aware of a conversion of any sugarcane acreage base to a nonagricultural use, the Secretary shall notify the 1 or more affected landowners of the transferability of the applicable sugarcane acreage base.

''(C) INITIAL TRANSFER PERIOD.—The owner of the base attributable to the acreage at the time of the conversion shall be afforded 90 days from the date of the receipt of the notification under subparagraph (B) to transfer the base to 1 or more farms owned by the owner.

''(D) GROWER OF RECORD.—If a transfer under subparagraph (C) cannot be accomplished during the period specified in that subparagraph, the grower of record with regard to the acreage base on the date on which the acreage was converted to nonagricultural use shall—

''(i) be notified; and

''(ii) have 90 days from the date of the receipt of the notification to transfer the base to 1 or more farms operated by the grower.

''(E) POOL DISTRIBUTION.—

''(i) IN GENERAL.—If transfers under subparagraphs (B) and (C) cannot be accomplished during the periods specified in those subparagraphs, the county committee of the Farm Service Agency for the applicable county shall place the acreage base in a pool for possible assignment to other farms.

''(ii) ACCEPTANCE OF REQUESTS.—After providing reasonable notice to farm owners, operators, and growers of record in the county, the county committee shall accept requests from owners, operators, and growers of record in the county.

''(iii) ASSIGNMENT.—The county committee shall assign the acreage base to other farms in the county that are eligible and capable of accepting the acreage base, based on a random drawing from among the requests received under clause (ii).

''(F) STATEWIDE REALLOCATION.—

''(i) IN GENERAL.—Any acreage base remaining unassigned after the transfers and processes described in subparagraphs (A) through (E) shall be made available to the State committee of the Farm Service Agency for allocation among the remaining county committees in the State representing counties with farms eligible for assignment of the base, based on a random drawing.

''(ii) ALLOCATION.—Any county committee receiving acreage base under this subparagraph shall allocate the acreage base to eligible farms using the process described in subparagraph (E).

''(G) STATUS OF REASSIGNED BASE.—After acreage base has been reassigned in accordance with this subparagraph, the acreage base shall—

''(i) remain on the farm; and

''(ii) be subject to the transfer provisions of paragraph (1).''; and

(2) in subsection (d)—

(A) in paragraph (1)—

(i) by inserting ''affected'' before ''crop-share owners'' each place it appears; and

(ii) by striking '', and from the processing company holding the applicable allocation for such shares,''; and

(B) in paragraph (2), by striking ''based on'' and all that follows through the end of subparagraph (B) and inserting ''based on—

''(A) the number of acres of sugarcane base being transferred; and

''(B) the pro rata amount of allocation at the processing company holding the applicable allocation that equals the contribution of the grower to allocation of the processing company for the sugarcane acreage base being transferred.''.

(h) APPEALS.—Section 359i of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359ii) is amended—

(1) in subsection (a), by inserting ''or 359g(d)'' after ''359f''; and

(2) by striking subsection (c).

(i) REALLOCATING SUGAR QUOTA IMPORT SHORTFALLS.—Section 359k of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359kk) is repealed.

(j) ADMINISTRATION OF TARIFF RATE QUOTAS.—Part VII of subtitle B of title III of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359aa) (as amended by subsection (i)) is amended by adding at the end the following:

''SEC. 359k. ADMINISTRATION OF TARIFF RATE QUOTAS.

''(a) ESTABLISHMENT.—

''(1) IN GENERAL.—Except as provided in paragraph (2) and notwithstanding any other provision of law, at the beginning of the quota year, the Secretary shall establish the tariff-rate quotas for raw cane sugar and refined sugars at the minimum level necessary to comply with obligations under international trade agreements that have been approved by Congress.

''(2) EXCEPTION.—Paragraph (1) shall not apply to specialty sugar.

''(b) ADJUSTMENT.—

''(1) BEFORE APRIL 1.—Before April 1 of each fiscal year, if there is an emergency shortage of sugar in the United States market that is caused by a war, flood, hurricane, or other natural disaster, or other similar event as determined by the Secretary—

''(A) the Secretary shall take action to increase the supply of sugar in accordance with sections 359c(b)(2) and 359e(b), including an increase in the tariff-rate quota for raw cane sugar to accommodate the reassignment to imports; and

''(B) if there is still a shortage of sugar in the United States market, and marketing of domestic sugar has been maximized, and domestic raw cane sugar refining capacity has been maximized, the Secretary may increase the tariff-rate quota for refined sugars sufficient to accommodate the supply increase, if the further increase will not threaten to result in the forfeiture of sugar pledged as collateral for a loan under section 156 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7272).

''(2) ON OR AFTER APRIL 1.—On or after April 1 of each fiscal year—

''(A) the Secretary may take action to increase the supply of sugar in accordance with sections 359c(b)(2) and 359e(b), including an increase in the tariff-rate quota for raw cane sugar to accommodate the reassignment to imports; and

''(B) if there is still a shortage of sugar in the United States market, and marketing of domestic sugar has been maximized, the Secretary may increase the tariff-rate quota for raw cane sugar if the further increase will not threaten to result in the forfeiture of sugar pledged as collateral for a loan under section 156 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7272).''.

(k) PERIOD OF EFFECTIVENESS.—Part VII of subtitle B of title III of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359aa) (as amended by subsection (j)) is amended by adding at the end the following:

''SEC. 359l. PERIOD OF EFFECTIVENESS.

''(a) IN GENERAL.—This part shall be effective only for the 2008 through 2012 crop years for sugar.

''(b) TRANSITION.—The Secretary shall administer flexible marketing allotments for sugar for the 2007 crop year for sugar on the terms and conditions provided in this part as in effect on the day before the date of enactment of this section.''.

SEC. 1404. STORAGE FACILITY LOANS.

Section 1402(c) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7971(c)) is amended—

(1) in paragraph (1), by striking ''and'' at the end;

(2) by redesignating paragraph (2) as paragraph (3);

(3) by inserting after paragraph (1) the following:

''(2) not include any penalty for prepayment; and''; and

(4) in paragraph (3) (as redesignated by paragraph (2)), by inserting ''other'' after ''on such''.

SEC. 1405. COMMODITY CREDIT CORPORATION STORAGE PAYMENTS.

Subtitle E of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7281 et seq.) is amended by adding at the end the following:

''SEC. 167. COMMODITY CREDIT CORPORATION STORAGE PAYMENTS.

''(a) INITIAL CROP YEARS.—Notwithstanding any other provision of law, for each of the 2008 through 2011 crop years, the Commodity Credit Corporation shall establish rates for the storage of forfeited sugar in an amount that is not less than—

''(1) in the case of refined sugar, 15 cents per hundredweight of refined sugar per month; and

''(2) in the case of raw cane sugar, 10 cents per hundredweight of raw cane sugar per month.

''(b) SUBSEQUENT CROP YEARS.—For each of the 2012 and subsequent crop years, the Commodity Credit Corporation shall establish rates for the storage of forfeited sugar in the same manner as was used on the day before the date of enactment of this section.''.

Subtitle E—Dairy

SEC. 1501. DAIRY PRODUCT PRICE SUPPORT PROGRAM.

(a) DEFINITION OF NET REMOVALS.—In this section, the term ''net removals'' means—

(1) the sum of—

(A) the quantity of a product described in subsection (b) purchased by the Commodity Credit Corporation under this section; and

(B) the quantity of the product exported under section 153 of the Food Security Act of 1985 (15 U.S.C. 713a–14); less

(2) the quantity of the product sold for unrestricted use by the Commodity Credit Corporation.

(b) SUPPORT ACTIVITIES.—During the period beginning on January 1, 2008, and ending December 31, 2012, the Secretary shall support the price of cheddar cheese, butter, and nonfat dry milk through the purchase of such products made from milk produced in the United States.

(c) PURCHASE PRICE.—To carry out subsection (b) during the period specified in that subsection, the Secretary shall purchase—

(1) cheddar cheese in blocks at not less than $1.13 per pound;

(2) cheddar cheese in barrels at not less than $1.10 per pound;

(3) butter at not less than $1.05 per pound; and

(4) nonfat dry milk at not less than $0.80 per pound.

(d) TEMPORARY PRICE ADJUSTMENT TO AVOID EXCESS INVENTORIES.—

(1) ADJUSTMENTS AUTHORIZED.—The Secretary may adjust the minimum purchase prices established under subsection (c) only as permitted under this subsection.

(2) CHEESE INVENTORIES IN EXCESS OF 200,000,000 POUNDS.—If net removals for a period of 12 consecutive months exceed 200,000,000 pounds of cheese, but do not exceed 400,000,000 pounds, the Secretary may reduce the purchase prices under paragraphs (1) and (2) of subsection (c) during the immediately following month by not more than 10 cents per pound.

(3) CHEESE INVENTORIES IN EXCESS OF 400,000,000 POUNDS.—If net removals for a period of 12 consecutive months exceed 400,000,000 pounds of cheese, the Secretary may reduce the purchase prices under paragraphs (1) and (2) of subsection (c) during the immediately following month by not more than 20 cents per pound.

(4) BUTTER INVENTORIES IN EXCESS OF 450,000,000 POUNDS.—If net removals for a period of 12 consecutive months exceed 450,000,000 pounds of butter, but do not exceed 650,000,000 pounds, the Secretary may reduce the purchase price under subsection (c)(3) during the immediately following month by not more than 10 cents per pound.

(5) BUTTER INVENTORIES IN EXCESS OF 650,000,000 POUNDS.—If net removals for a period of 12 consecutive months exceed 650,000,000 pounds of butter, the Secretary may reduce the purchase price under subsection (c)(3) during the immediately following month by not more than 20 cents per pound.

(6) NONFAT DRY MILK INVENTORIES IN EXCESS OF 600,000,000 POUNDS.—If net removals for a period of 12 consecutive months exceed 600,000,000 pounds of nonfat dry milk, but do not exceed 800,000,000 pounds, the Secretary may reduce the purchase price under subsection (c)(4) during the immediately following month by not more than 5 cents per pound.

(7) NONFAT DRY MILK INVENTORIES IN EXCESS OF 800,000,000 POUNDS.—If net removals for a period of 12 consecutive months exceed 800,000,000 pounds of nonfat dry milk, the Secretary may reduce the purchase price under subsection (c)(4) during the immediately following month by not more than 10 cents per pound.

(e) UNIFORM PURCHASE PRICE.—The prices that the Secretary pays for cheese, butter, or nonfat dry milk, respectively, under subsection (b) shall be uniform for all regions of the United States.

(f) SALES FROM INVENTORIES.—In the case of each commodity specified in subsection (c) that is available for unrestricted use in the inventory of the Commodity Credit Corporation, the Secretary may sell the commodity at the market prices prevailing for that commodity at the time of sale, except that the sale price may not be less than 110 percent of the minimum purchase price specified in subsection (c) for that commodity.

SEC. 1502. DAIRY FORWARD PRICING PROGRAM.

(a) PROGRAM REQUIRED.—The Secretary shall establish a program under which milk producers and cooperative associations of producers are authorized to voluntarily enter into forward price contracts with milk handlers.

(b) MINIMUM MILK PRICE REQUIREMENTS.—Payments made by milk handlers to milk producers and cooperative associations of producers, and prices received by milk producers and cooperative associations, in accordance with the terms of a forward price contract authorized by subsection (a), shall be treated as satisfying—

(1) all uniform and minimum milk price requirements of subparagraphs (B) and (F) of paragraph (5) of section 8c of the Agricultural Adjustment Act (7 U.S.C. 608c), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937; and

(2) the total payment requirement of subparagraph (C) of that paragraph.

(c) MILK COVERED BY PROGRAM.—

(1) COVERED MILK.—The program shall apply only with respect to the marketing of federally regulated milk that—

(A) is not classified as Class I milk or otherwise intended for fluid use; and

(B) is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects interstate or foreign commerce in federally regulated milk.

(2) RELATION TO CLASS I MILK.—To assist milk handlers in complying with paragraph (1)(A) without having to segregate or otherwise individually track the source and disposition of milk, a milk handler may allocate milk receipts from producers, cooperatives, and other sources that are not subject to a forward contract to satisfy the obligations of the handler with regard to Class I milk usage.

(d) VOLUNTARY PROGRAM.—

(1) IN GENERAL.—A milk handler may not require participation in a forward pricing contract as a condition of the handler receiving milk from a producer or cooperative association of producers.

(2) PRICING.—A producer or cooperative association described in paragraph (1) may continue to have their milk priced in accordance with the minimum payment provisions of the Federal milk marketing order.

(3) COMPLAINTS.—

(A) IN GENERAL.—The Secretary shall investigate complaints made by producers or cooperative associations of coercion by handlers to enter into forward contracts.

(B) ACTION.—If the Secretary finds evidence of coercion, the Secretary shall take appropriate action.

(e) DURATION.—

(1) NEW CONTRACTS.—No forward price contract may be entered into under the program established under this section after September 30, 2012.

(2) APPLICATION.—No forward contract entered into under the program may extend beyond September 30, 2015.

SEC. 1503. DAIRY EXPORT INCENTIVE PROGRAM.

(a) EXTENSION.—Section 153(a) of the Food Security Act of 1985 (15 U.S.C. 713a–14(a)) is amended by striking ''2007'' and inserting ''2012''.

(b) COMPLIANCE WITH TRADE AGREEMENTS.—Section 153 of the Food Security Act of 1985 (15 U.S.C. 713a–14) is amended—

(1) in subsection (c), by striking paragraph (3) and inserting the following:

''(3) the maximum volume of dairy product exports allowable consistent with the obligations of the United States under the Uruguay Round Agreements approved under section 101 of the Uruguay Round Agreements Act (19 U.S.C. 3511) is exported under the program each year (minus the volume sold under section 1163 of this Act during that year), except to the extent that the export of such a volume under the program would, in the judgment of the Secretary, exceed the limitations on the value permitted under subsection (f); and''; and.

(2) in subsection (f), by striking paragraph (1) and inserting the following:

''(1) FUNDS AND COMMODITIES.—Except as provided in paragraph (2), the Commodity Credit Corporation shall in each year use money and commodities for the program under this section in the maximum amount consistent with the obligations of the United States under the Uruguay Round Agreements approved under section 101 of the Uruguay Round Agreements Act (19 U.S.C. 3511), minus the amount expended under section 1163 of this Act during that year.''.

SEC. 1504. REVISION OF FEDERAL MARKETING ORDER AMENDMENT PROCEDURES.

Section 8c of the Agricultural Adjustment Act (7 U.S.C. 608c), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, is amended by striking subsection (17) and inserting the following:

''(17) PROVISIONS APPLICABLE TO AMENDMENTS.—

''(A) APPLICABILITY TO AMENDMENTS.—The provisions of this section and section 8d applicable to orders shall be applicable to amendments to orders.

''(B) SUPPLEMENTAL RULES OF PRACTICE.—

''(i) IN GENERAL.—Not later than 60 days after the date of enactment of this subparagraph, the Secretary shall issue, using informal rulemaking, supplemental rules of practice to define guidelines and timeframes for the rulemaking process relating to amendments to orders.

''(ii) ISSUES.—At a minimum, the supplemental rules of practice shall establish—

''(I) proposal submission requirements;

''(II) pre-hearing information session specifications;

''(III) written testimony and data request requirements;

''(IV) public participation timeframes; and

''(V) electronic document submission standards.

''(iii) EFFECTIVE DATE.—The supplemental rules of practice shall take effect not later than 120 days after the date of enactment of this subparagraph, as determined by the Secretary.

''(C) HEARING TIMEFRAMES.—

''(i) IN GENERAL.—Not more than 30 days after the receipt of a proposal for an amendment hearing regarding a milk marketing order, the Secretary shall—

''(I) issue a notice providing an action plan and expected timeframes for completion of the hearing not more than 120 days after the date of the issuance of the notice;

''(II)(aa) issue a request for additional information to be used by the Secretary in making a determination regarding the proposal; and

''(bb) if the additional information is not provided to the Secretary within the timeframe requested by the Secretary, issue a denial of the request; or

''(III) issue a denial of the request.

''(ii) REQUIREMENT.—A post-hearing brief may be filed under this paragraph not later than 60 days after the date of an amendment hearing regarding a milk marketing order.

''(iii) RECOMMENDED DECISIONS.—A recommended decision on a proposed amendment to an order shall be issued not later than 90 days after the deadline for the submission of post-hearing briefs.

''(iv) FINAL DECISIONS.—A final decision on a proposed amendment to an order shall be issued not later than 60 days after the deadline for submission of comments and exceptions to the recommended decision issued under clause (iii).

''(D) INDUSTRY ASSESSMENTS.—If the Secretary determines it is necessary to improve or expedite rulemaking under this subsection, the Secretary may impose an assessment on the affected industry to supplement appropriated funds for the procurement of service providers, such as court reporters.

''(E) USE OF INFORMAL RULEMAKING.—The Secretary may use rulemaking under section 553 of title 5, United States Code, to amend orders, other than provisions of orders that directly affect milk prices.

''(F) AVOIDING DUPLICATION.—The Secretary shall not be required to hold a hearing on any amendment proposed to be made to a milk marketing order in response to an application for a hearing on the proposed amendment if—

''(i) the application requesting the hearing is received by the Secretary not later than 90 days after the date on which the Secretary has announced the decision on a previously proposed amendment to that order; and

''(ii) the 2 proposed amendments are essentially the same, as determined by the Secretary.

''(G) MONTHLY FEED AND FUEL COSTS FOR MAKE ALLOWANCES.—As part of any hearing to adjust make allowances under marketing orders commencing prior to September 30, 2012, the Secretary shall—

''(i) determine the average monthly prices of feed and fuel incurred by dairy producers in the relevant marketing area;

''(ii) consider the most recent monthly feed and fuel price data available; and

''(iii) consider those prices in determining whether or not to adjust make allowances.''.

SEC. 1505. DAIRY INDEMNITY PROGRAM.

Section 3 of Public Law 90–484 (7 U.S.C. 450l) is amended by striking ''2007'' and inserting ''2012''.

SEC. 1506. MILK INCOME LOSS CONTRACT PROGRAM.

(a) DEFINITIONS.—In this section:

(1) CLASS I MILK.—The term ''Class I milk'' means milk (including milk components) classified as Class I milk under a Federal milk marketing order.

(2) ELIGIBLE PRODUCTION.—The term ''eligible production'' means milk produced by a producer in a participating State.

(3) FEDERAL MILK MARKETING ORDER.—The term ''Federal milk marketing order'' means an order issued under section 8c of the Agricultural Adjustment Act (7 U.S.C. 608c), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937.

(4) PARTICIPATING STATE.—The term ''participating State'' means each State.

(5) PRODUCER.—The term ''producer'' means an individual or entity that directly or indirectly (as determined by the Secretary)—

(A) shares in the risk of producing milk; and

(B) makes contributions (including land, labor, management, equipment, or capital) to the dairy farming operation of the individual or entity that are at least commensurate with the share of the individual or entity of the proceeds of the operation.

(b) PAYMENTS.—The Secretary shall offer to enter into contracts with producers on a dairy farm located in a participating State under which the producers receive payments on eligible production.

(c) AMOUNT.—Payments to a producer under this section shall be calculated by multiplying (as determined by the Secretary)—

(1) the payment quantity for the producer during the applicable month established under subsection (e);

(2) the amount equal to—

(A) $16.94 per hundredweight, as adjusted under subsection (d); less

(B) the Class I milk price per hundredweight in Boston under the applicable Federal milk marketing order; by

(3)(A) for the period beginning October 1, 2007, and ending September 30, 2008, 34 percent;

(B) for the period beginning October 1, 2008, and ending August 31, 2012, 45 percent; and

(C) for the period beginning September 1, 2012, and thereafter, 34 percent.

(d) PAYMENT RATE ADJUSTMENT FOR FEED PRICES.—

(1) INITIAL ADJUSTMENT AUTHORITY.—During the period beginning on January 1, 2008, and ending on August 31, 2012, if the National Average Dairy Feed Ration Cost for a month during that period is greater than $7.35 per hundredweight, the amount specified in subsection (c)(2)(A) used to determine the payment rate for that month shall be increased by 45 percent of the percentage by which the National Average Dairy Feed Ration Cost exceeds $7.35 per hundredweight.

(2) SUBSEQUENT ADJUSTMENT AUTHORITY.—For any month beginning on or after September 1, 2012, if the National Average Dairy Feed Ration Cost for the month is greater than $9.50 per hundredweight, the amount specified in subsection (c)(2)(A) used to determine the payment rate for that month shall be increased by 45 percent of the percentage by which the National Average Dairy Feed Ration Cost exceeds $9.50 per hundredweight.

(3) NATIONAL AVERAGE DAIRY FEED RATION COST.—For each month, the Secretary shall calculate a National Average Dairy Feed Ration Cost per hundredweight using the same procedures (adjusted to a hundredweight basis) used to calculate the feed components of the estimated price of 16% Mixed Dairy Feed per pound noted on page 33 of the USDA March 2008 Agricultural Prices publication (including the data and factors noted in footnote 4).

(e) PAYMENT QUANTITY.—

(1) IN GENERAL.—Subject to paragraph (2), the payment quantity for a producer during the applicable month under this section shall be equal to the quantity of eligible production marketed by the producer during the month.

(2) LIMITATION.—

(A) IN GENERAL.—The payment quantity for all producers on a single dairy operation for which the producers receive payments under subsection (b) shall not exceed—

(i) for the period beginning October 1, 2007, and ending September 30, 2008, 2,400,000 pounds;

(ii) for the period beginning October 1, 2008, and ending August 31, 2012, 2,985,000 pounds for each fiscal year; and

(iii) effective beginning September 1, 2012, 2,400,000 pounds per fiscal year.

(B) STANDARDS.—For purposes of determining whether producers are producers on separate dairy operations or a single dairy operation, the Secretary shall apply the same standards as were applied in implementing the dairy program under section 805 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (as enacted into law by Public Law 106–387; 114 Stat. 1549A–50).

(3) RECONSTITUTION.—The Secretary shall ensure that a producer does not reconstitute a dairy operation for the sole purpose of receiving additional payments under this section.

(f) PAYMENTS.—A payment under a contract under this section shall be made on a monthly basis not later than 60 days after the last day of the month for which the payment is made.

(g) SIGNUP.—The Secretary shall offer to enter into contracts under this section during the period beginning on the date that is 90 days after the date of enactment of this Act and ending on September 30, 2012.

(h) DURATION OF CONTRACT.—

(1) IN GENERAL.—Except as provided in paragraph (2), any contract entered into by producers on a dairy farm under this section shall cover eligible production marketed by the producers on the dairy farm during the period starting with the first day of month the producers on the dairy farm enter into the contract and ending on September 30, 2012.

(2) VIOLATIONS.—If a producer violates the contract, the Secretary may—

(A) terminate the contract and allow the producer to retain any payments received under the contract; or

(B) allow the contract to remain in effect and require the producer to repay a portion of the payments received under the contract based on the severity of the violation.

SEC. 1507. DAIRY PROMOTION AND RESEARCH PROGRAM.

(a) EXTENSION OF DAIRY PROMOTION AND RESEARCH AUTHORITY.—Section 113(e)(2) of the Dairy Production Stabilization Act of 1983 (7 U.S.C. 4504(e)(2)) is amended by striking ''2007'' and inserting ''2012''.

(b) DEFINITION OF UNITED STATES FOR PROMOTION PROGRAM.—Section 111 of the Dairy Production Stabilization Act of 1983 (7 U.S.C. 4502) is amended—

(1) by striking subsection (l) and inserting the following:

''(l) the term 'United States', when used in a geographical sense, means all of the States, the District of Columbia, and the Commonwealth of Puerto Rico;''; and

(2) in subsection (m), by striking ''(as defined in subsection (l))''.

(c) DEFINITION OF UNITED STATES FOR RESEARCH PROGRAM.—Section 130 of the Dairy Production Stabilization Act of 1983 (7 U.S.C. 4531)) is amended by striking paragraph (12) and inserting the following:

''(12) the term 'United States', when used in a geographical sense, means all of the States, the District of Columbia, and the Commonwealth of Puerto Rico.''.

(d) ASSESSMENT RATE FOR IMPORTED DAIRY PRODUCTS.—Section 113(g) of the Dairy Production Stabilization Act of 1983 (7 U.S.C. 4504(g)) is amended by striking paragraph (3) and inserting the following:

''(3) RATE.—

''(A) IN GENERAL.—The rate of assessment for milk produced in the United States prescribed by the order shall be 15 cents per hundredweight of milk for commercial use or the equivalent thereof, as determined by the Secretary.

''(B) IMPORTED DAIRY PRODUCTS.—The rate of assessment for imported dairy products prescribed by the order shall be 7.5 cents per hundredweight of milk for commercial use or the equivalent thereof, as determined by the Secretary.''.

(e) TIME AND METHOD OF IMPORTER PAYMENTS.—Section 113(g)(6) of the Dairy Production Stabilization Act of 1983 (7 U.S.C. 4504(g)(6)) is amended—

(1) by striking subparagraph (B); and

(2) by redesignating subparagraph (C) as subparagraph (B).

(f) REFUND OF ASSESSMENTS ON CERTAIN IMPORTED DAIRY PRODUCTS.—Section 113(g) of the Dairy Production Stabilization Act of 1983 (7 U.S.C. 4504(g)) is amended by adding at the end the following:

''(7) REFUND OF ASSESSMENTS ON CERTAIN IMPORTED PRODUCTS.—

''(A) IN GENERAL.—An importer shall be entitled to a refund of any assessment paid under this subsection on imported dairy products imported under a contract entered into prior to the date of enactment of the Food, Conservation, and Energy Act of 2008.

''(B) EXPIRATION.—Refunds under subparagraph (A) shall expire 1 year after the date of enactment of the Food, Conservation, and Energy Act of 2008.''.

SEC. 1508. REPORT ON DEPARTMENT OF AGRICULTURE REPORTING PROCEDURES FOR NONFAT DRY MILK.

Not later than 90 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report regarding Department of Agriculture reporting procedures for nonfat dry milk and the impact of the procedures on Federal milk marketing order minimum prices during the period beginning on July 1, 2006, and ending on the date of enactment of this Act.

SEC. 1509. FEDERAL MILK MARKETING ORDER REVIEW COMMISSION.

(a) ESTABLISHMENT.—Subject to the availability of appropriations to carry out this section, the Secretary shall establish a commission to be known as the ''Federal Milk Marketing Order Review Commission'' (referred to in this section as the ''commission''), which shall conduct a comprehensive review and evaluation of—

(1) the Federal milk marketing order system in effect on the date of establishment of the commission; and

(2) non-Federal milk marketing order systems.

(b) ELEMENTS OF REVIEW AND EVALUATION.—As part of the review and evaluation under subsection (a), the commission shall consider legislative and regulatory options for—

(1) ensuring that the competitiveness of dairy products with other competing products in the marketplace is preserved and enhanced;

(2) enhancing the competitiveness of American dairy producers in world markets;

(3) ensuring the competitiveness and transparency in dairy pricing;

(4) streamlining and expediting the process by which amendments to Federal milk market orders are adopted;

(5) simplifying the Federal milk marketing order system;

(6) evaluating whether the Federal milk marketing order system serves the interests of dairy producers, consumers, and dairy processors; and

(7) evaluating the nutritional composition of milk, including the potential benefits and costs of adjusting the milk content standards.

(c) MEMBERSHIP.—

(1) COMPOSITION.—The commission shall consist of 14 members.

(2) MEMBERS.—As soon as practicable after the date on which funds are first made available to carry out this section, the Secretary shall appoint members to the commission according to the following requirements:

(A) At least 1 member shall represent a national consumer organization.

(B) At least 4 members shall represent landgrant universities or NLGCA Institutions (as defined in section 1404 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103)) with accredited dairy economic programs, with at least 2 of those members being experts in the field of economics.

(C) At least 1 member shall represent the food and beverage retail sector.

(D) 4 dairy producers and 4 dairy processors, appointed so as to balance geographical distribution of milk production and dairy processing, reflect all segments of dairy processing, and represent all regions of the United States equitably, including States that operate outside of a Federal milk marketing order.

(3) CHAIR.—The commission shall elect 1 of the appointed members of the commission to serve as chairperson for the duration of the proceedings of the commission.

(4) VACANCY.—Any vacancy occurring before the termination of the commission shall be filled in the same manner as the original appointment.

(5) COMPENSATION.—Members of the commission shall serve without compensation, but shall be reimbursed by the Secretary from existing budget authority for necessary and reasonable expenses incurred in the performance of the duties of the commission.

(d) REPORT.—

(1) IN GENERAL.—Not later than 2 years after the date of the first meeting of the commission, the commission shall submit to Congress and the Secretary a report describing the results of the review and evaluation conducted under this section, including such recommendations regarding the legislative and regulatory options considered under subsection (b) as the commission considers to be appropriate.

(2) OPINIONS.—The report findings shall reflect, to the maximum extent practicable, a consensus opinion of the commission members, but the report may include majority and minority findings regarding those matters for which consensus was not reached.

(e) ADVISORY NATURE.—The commission is wholly advisory in nature, and the recommendations of the commission are nonbinding.

(f) NO EFFECT ON EXISTING PROGRAMS.—The Secretary shall not allow the existence of the commission to impede, delay, or otherwise affect any decisionmaking process of the Department of Agriculture, including any rulemaking procedures planned, proposed, or near completion.

(g) ADMINISTRATIVE ASSISTANCE.—The Secretary shall provide administrative support to the commission, and expend to carry out this section such funds as necessary from budget authority available to the Secretary.

(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

(i) TERMINATION.—The commission shall terminate effective on the date of the submission of the report under subsection (d).

SEC. 1510. MANDATORY REPORTING OF DAIRY COMMODITIES.

(a) ELECTRONIC REPORTING.—Section 273 of the Agricultural Marketing Act of 1946 (7 U.S.C. 1637b) is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following:

''(d) ELECTRONIC REPORTING.—

''(1) IN GENERAL.—Subject to the availability of funds under paragraph (3), the Secretary shall establish an electronic reporting system to carry out this section.

''(2) FREQUENCY OF REPORTS.—After the establishment of the electronic reporting system in accordance with paragraph (1), the Secretary shall increase the frequency of the reports required under this section.

''(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this subsection.''.

(b) QUARTERLY AUDITS.—Section 273(c) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1637b(c)) is amended by striking paragraph (3) and inserting the following:

''(3) VERIFICATION.—

''(A) IN GENERAL.—The Secretary shall take such actions as the Secretary considers necessary to verify the accuracy of the information submitted or reported under this subtitle.

''(B) QUARTERLY AUDITS.—The Secretary shall quarterly conduct an audit of information submitted or reported under this subtitle and compare such information with other related dairy market statistics.''.

Subtitle F—Administration

SEC. 1601. ADMINISTRATION GENERALLY.

(a) USE OF COMMODITY CREDIT CORPORATION.—Except as otherwise provided in this title, the Secretary shall use the funds, facilities, and authorities of the Commodity Credit Corporation to carry out this title.

(b) DETERMINATIONS BY SECRETARY.—A determination made by the Secretary under this title shall be final and conclusive.

(c) REGULATIONS.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, not later than 90 days after the date of enactment of this Act, the Secretary and the Commodity Credit Corporation, as appropriate, shall promulgate such regulations as are necessary to implement this title and the amendments made by this title.

(2) PROCEDURE.—The promulgation of the regulations and administration of this title and the amendments made by this title shall be made without regard to—

(A) chapter 35 of title 44, United States Code (commonly known as the ''Paperwork Reduction Act'');

(B) the Statement of Policy of the Secretary of Agriculture effective July 24, 1971 (36 Fed. Reg. 13804), relating to notices of proposed rulemaking and public participation in rulemaking; and

(C) the notice and comment provisions of section 553 of title 5, United States Code.

(3) CONGRESSIONAL REVIEW OF AGENCY RULEMAKING.—In carrying out this subsection, the Secretary shall use the authority provided under section 808 of title 5, United States Code.

(4) INTERIM REGULATIONS.—Notwithstanding paragraphs (1) and (2), the Secretary shall implement the amendments made by sections 1603 and 1604 for the 2009 crop, fiscal, or program year, as appropriate, through the promulgation of an interim rule.

(d) ADJUSTMENT AUTHORITY RELATED TO TRADE AGREEMENTS COMPLIANCE.—

(1) REQUIRED DETERMINATION; ADJUSTMENT.—If the Secretary determines that expenditures under this title that are subject to the total allowable domestic support levels under the Uruguay Round Agreements (as defined in section 2 of the Uruguay Round Agreements Act (19 U.S.C. 3501)) will exceed such allowable levels for any applicable reporting period, the Secretary shall, to the maximum extent practicable, make adjustments in the amount of such expenditures during that period to ensure that such expenditures do not exceed such allowable levels.

(2) CONGRESSIONAL NOTIFICATION.—Before making any adjustment under paragraph (1), the Secretary shall submit to the Committee on Agriculture of the House of Representatives or the Committee on Agriculture, Nutrition, and Forestry of the Senate a report describing the determination made under that paragraph and the extent of the adjustment to be made.

(e) TREATMENT OF ADVANCE PAYMENT OPTION.—Section 1601(d) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7991(d)) is amended—

(1) in paragraph (1), by striking ''and'' at the end;

(2) in paragraph (2), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(3) the advance payment of direct payments and counter-cyclical payments under title I of the Food, Conservation, and Energy Act of 2008.''.

SEC. 1602. SUSPENSION OF PERMANENT PRICE SUPPORT AUTHORITY.

(a) AGRICULTURAL ADJUSTMENT ACT OF 1938.—The following provisions of the Agricultural Adjustment Act of 1938 shall not be applicable to the 2008 through 2012 crops of covered commodities, peanuts, and sugar and shall not be applicable to milk during the period beginning on the date of enactment of this Act through December 31, 2012:

(1) Parts II through V of subtitle B of title III (7 U.S.C. 1326 et seq.).

(2) In the case of upland cotton, section 377 (7 U.S.C. 1377).

(3) Subtitle D of title III (7 U.S.C. 1379a et seq.).

(4) Title IV (7 U.S.C. 1401 et seq.).

(b) AGRICULTURAL ACT OF 1949.—The following provisions of the Agricultural Act of 1949 shall not be applicable to the 2008 through 2012 crops of covered commodities, peanuts, and sugar and shall not be applicable to milk during the period beginning on the date of enactment of this Act and through December 31, 2012:

(1) Section 101 (7 U.S.C. 1441).

(2) Section 103(a) (7 U.S.C. 1444(a)).

(3) Section 105 (7 U.S.C. 1444b).

(4) Section 107 (7 U.S.C. 1445a).

(5) Section 110 (7 U.S.C. 1445e).

(6) Section 112 (7 U.S.C. 1445g).

(7) Section 115 (7 U.S.C. 1445k).

(8) Section 201 (7 U.S.C. 1446).

(9) Title III (7 U.S.C. 1447 et seq.).

(10) Title IV (7 U.S.C. 1421 et seq.), other than sections 404, 412, and 416 (7 U.S.C. 1424, 1429, and 1431).

(11) Title V (7 U.S.C. 1461 et seq.).

(12) Title VI (7 U.S.C. 1471 et seq.).

(c) SUSPENSION OF CERTAIN QUOTA PROVISIONS.—The joint resolution entitled ''A joint resolution relating to corn and wheat marketing quotas under the Agricultural Adjustment Act of 1938, as amended'', approved May 26, 1941 (7 U.S.C. 1330 and 1340), shall not be applicable to the crops of wheat planted for harvest in the calendar years 2008 through 2012.

SEC. 1603. PAYMENT LIMITATIONS.

(a) EXTENSION OF LIMITATIONS.—Sections 1001 and 1001C(a) of the Food Security Act of 1985 (7 U.S.C. 1308, 1308–3(a)) are amended by striking ''Farm Security and Rural Investment Act of 2002'' each place it appears and inserting ''Food, Conservation, and Energy Act of 2008''.

(b) REVISION OF LIMITATIONS.—

(1) DEFINITIONS.—Section 1001(a) of the Food Security Act of 1985 (7 U.S.C. 1308(a)) is amended—

(A) in the matter preceding paragraph (1), by inserting ''through section 1001F''after ''section'';

(B) by striking paragraph (2) and redesignating paragraph (3) as paragraph (5); and

(C) by inserting after paragraph (1) the following:

''(2) FAMILY MEMBER.—The term 'family member' means a person to whom a member in the farming operation is related as lineal ancestor,

lineal descendant, sibling, spouse, or otherwise by marriage.

''(3) LEGAL ENTITY.—The term 'legal entity' means an entity that is created under Federal or State law and that—

''(A) owns land or an agricultural commodity; or

''(B) produces an agricultural commodity.

''(4) PERSON.—The term 'person' means a natural person, and does not include a legal entity.''.

(2) LIMITATION ON DIRECT PAYMENTS AND COUNTER-CYCLICAL PAYMENTS.—Section 1001 of the Food Security Act of 1985 (7 U.S.C. 1308) is amended by striking subsections (b), (c), and (d) and inserting the following:

''(b) LIMITATION ON DIRECT PAYMENTS, COUNTER-CYCLICAL PAYMENTS, AND ACRE PAYMENTS FOR COVERED COMMODITIES (OTHER THAN PEANUTS).—

''(1) DIRECT PAYMENTS.—The total amount of direct payments received, directly or indirectly, by a person or legal entity (except a joint venture or a general partnership) for any crop year under subtitle A of title I of the Food, Conservation, and Energy Act of 2008 for 1 or more covered commodities (except for peanuts) may not exceed—

''(A) in the case of a person or legal entity that does not participate in the average crop revenue election program under section 1105 of that Act, $40,000; or

''(B) in the case of a person or legal entity that participates in the average crop revenue election program under section 1105 of that Act, an amount equal to—

''(i) the payment limit specified in subparagraph (A); less

''(ii) the amount of the reduction in direct payments under section 1105(a)(1) of that Act.

''(2) COUNTER-CYCLICAL PAYMENTS.—In the case of a person or legal entity (except a joint venture or a general partnership) that does not participate in the average crop revenue election program under section 1105 of the Food, Conservation, and Energy Act of 2008, the total amount of counter-cyclical payments received, directly or indirectly, by the person or legal entity for any crop year under subtitle A of title I of that Act for 1 or more covered commodities (except for peanuts) may not exceed $65,000.

''(3) ACRE AND COUNTER-CYCLICAL PAYMENTS.—In the case of a person or legal entity (except a joint venture or a general partnership) that participates in the average crop revenue election program under section 1105 of the Food, Conservation, and Energy Act of 2008, the total amount of average crop revenue election payments and counter-cyclical payments received, directly or indirectly, by the person or legal entity for any crop year for 1 or more covered commodities (except for peanuts) may not exceed the sum of—

''(A) $65,000; and

''(B) the amount by which the direct payment limitation is reduced under paragraph (1)(B).

''(c) LIMITATION ON DIRECT PAYMENTS, COUNTER-CYCLICAL PAYMENTS, AND ACRE PAYMENTS FOR PEANUTS.—

''(1) DIRECT PAYMENTS.—The total amount of direct payments received, directly or indirectly, by a person or legal entity (except a joint venture or a general partnership) for any crop year under subtitle C of title I of the Food, Conservation, and Energy Act of 2008 for peanuts may not exceed—

''(A) in the case of a person or legal entity that does not participate in the average crop revenue election program under section 1105 of that Act, $40,000; or

''(B) in the case of a person or legal entity that participates in the average crop revenue election program under section 1105 of that Act, an amount equal to—

''(i) the payment limit specified in subparagraph (A); less

''(ii) the amount of the reduction in direct payments under section 1105(a)(1) of that Act.

''(2) COUNTER-CYCLICAL PAYMENTS.—In the case of a person or legal entity (except a joint venture or a general partnership) that does not participate in the average crop revenue election program under section 1105 of the Food, Conservation, and Energy Act of 2008, the total amount of counter-cyclical payments received, directly or indirectly, by the person or legal entity for any crop year under subtitle C of title I of that Act for peanuts may not exceed $65,000.

''(3) ACRE AND COUNTER-CYCLICAL PAYMENTS.—In the case of a person or legal entity (except a joint venture or a general partnership) that participates in the average crop revenue election program under section 1105 of the Food, Conservation, and Energy Act of 2008, the total amount of average crop revenue election payments received, directly or indirectly, by the person or legal entity for any crop year for peanuts may not exceed the sum of—

''(A) $65,000; and

''(B) the amount by which the direct payment limitation is reduced under paragraph (1)(B).

''(d) LIMITATION ON APPLICABILITY.—Nothing in this section authorizes any limitation on any benefit associated with the marketing assistance loan program or the loan deficiency payment program under title I of the Food, Conservation, and Energy Act of 2008.''.

(3) DIRECT ATTRIBUTION.—Section 1001 of the Food Security Act of 1985 (7 U.S.C. 1308) is amended—

(A) by striking subsections (e) and (f) and redesignating subsection (g) as subsection (h); and

(B) by inserting after subsection (d) the following:

''(e) ATTRIBUTION OF PAYMENTS.—

''(1) IN GENERAL.—In implementing subsections (b) and (c) and a program described in paragraphs (1)(C) and (2)(B) of section 1001D(b), the Secretary shall issue such regulations as are necessary to ensure that the total amount of payments are attributed to a person by taking into account the direct and indirect ownership interests of the person in a legal entity that is eligible to receive the payments.

''(2) PAYMENTS TO A PERSON.—Each payment made directly to a person shall be combined with the pro rata interest of the person in payments received by a legal entity in which the person has a direct or indirect ownership interest unless the payments of the legal entity have been reduced by the pro rata share of the person.

''(3) PAYMENTS TO A LEGAL ENTITY.—

''(A) IN GENERAL.—Each payment made to a legal entity shall be attributed to those persons who have a direct or indirect ownership interest in the legal entity unless the payment to the legal entity has been reduced by the pro rata share of the person.

''(B) ATTRIBUTION OF PAYMENTS.—

''(i) PAYMENT LIMITS.—Except as provided in clause (ii), payments made to a legal entity shall not exceed the amounts specified in subsections (b) and (c).

''(ii) EXCEPTION FOR JOINT VENTURES AND GENERAL PARTNERSHIPS.—Payments made to a joint venture or a general partnership shall not exceed, for each payment specified in subsections (b) and (c), the amount determined by multiplying the maximum payment amount specified in subsections (b) and (c) by the number of persons and legal entities (other than joint ventures and general partnerships) that comprise the ownership of the joint venture or general partnership.

''(iii) REDUCTION.—Payments made to a legal entity shall be reduced proportionately by an amount that represents the direct or indirect ownership in the legal entity by any person or legal entity that has otherwise exceeded the applicable maximum payment limitation.

''(4) 4 LEVELS OF ATTRIBUTION FOR EMBEDDED LEGAL ENTITIES.—

''(A) IN GENERAL.—Attribution of payments made to legal entities shall be traced through 4 levels of ownership in legal entities.

''(B) FIRST LEVEL.—Any payments made to a legal entity (a first-tier legal entity) that is owned in whole or in part by a person shall be attributed to the person in an amount that represents the direct ownership in the first-tier legal entity by the person.

''(C) SECOND LEVEL.—

''(i) IN GENERAL.—Any payments made to a first-tier legal entity that is owned (in whole or in part) by another legal entity (a second-tier legal entity) shall be attributed to the second-tier legal entity in proportion to the ownership of the second-tier legal entity in the first-tier legal entity.

''(ii) OWNERSHIP BY A PERSON.—If the second-tier legal entity is owned (in whole or in part) by a person, the amount of the payment made to the first-tier legal entity shall be attributed to the person in the amount that represents the indirect ownership in the first-tier legal entity by the person.

''(D) THIRD AND FOURTH LEVELS.—

''(i) IN GENERAL.—Except as provided in clause (ii), the Secretary shall attribute payments at the third and fourth tiers of ownership in the same manner as specified in subparagraph (C).

''(ii) FOURTH-TIER OWNERSHIP.—If the fourth-tier of ownership is that of a fourth-tier legal entity and not that of a person, the Secretary shall reduce the amount of the payment to be made to the first-tier legal entity in the amount that represents the indirect ownership in the first-tier legal entity by the fourth-tier legal entity.

''(f) SPECIAL RULES.—

''(1) MINOR CHILDREN.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), payments received by a child under the age of 18 shall be attributed to the parents of the child.

''(B) REGULATIONS.—The Secretary shall issue regulations specifying the conditions under which payments received by a child under the age of 18 will not be attributed to the parents of the child.

''(2) MARKETING COOPERATIVES.—Subsections (b) and (c) shall not apply to a cooperative association of producers with respect to commodities produced by the members of the association that are marketed by the association on behalf of the members of the association but shall apply to the producers as persons.

''(3) TRUSTS AND ESTATES.—

''(A) IN GENERAL.—With respect to irrevocable trusts and estates, the Secretary shall administer this section through section 1001F in such manner as the Secretary determines will ensure the fair and equitable treatment of the beneficiaries of the trusts and estates.

''(B) IRREVOCABLE TRUST.—

''(i) IN GENERAL.—In order for a trust to be considered an irrevocable trust, the terms of the trust agreement shall not—

''(I) allow for modification or termination of the trust by the grantor;

''(II) allow for the grantor to have any future, contingent, or remainder interest in the corpus of the trust; or

''(III) except as provided in clause (ii), provide for the transfer of the corpus of the trust to the remainder beneficiary in less than 20 years beginning on the date the trust is established.

''(ii) EXCEPTION.—Clause (i)(III) shall not apply in a case in which the transfer is—

''(I) contingent on the remainder beneficiary achieving at least the age of majority; or

''(II) contingent on the death of the grantor or income beneficiary.

''(C) REVOCABLE TRUST.—For the purposes of this section through section 1001F, a revocable trust shall be considered to be the same person as the grantor of the trust.

''(4) CASH RENT TENANTS.—

''(A) DEFINITION.—In this paragraph, the term 'cash rent tenant' means a person or legal entity that rents land—

''(i) for cash; or

''(ii) for a crop share guaranteed as to the amount of the commodity to be paid in rent.

''(B) RESTRICTION.—A cash rent tenant who makes a significant contribution of active personal management, but not of personal labor,

with respect to a farming operation shall be eligible to receive a payment described in subsection (b) or (c) only if the tenant makes a significant contribution of equipment to the farming operation.

''(5) FEDERAL AGENCIES.—

''(A) IN GENERAL.—Notwithstanding subsection (d), a Federal agency shall not be eligible to receive any payment, benefit, or loan under title I of the Food, Conservation, and Energy Act of 2008 or title XII of this Act.

''(B) LAND RENTAL.—A lessee of land owned by a Federal agency may receive a payment described in subsection (b), (c), or (d) if the lessee otherwise meets all applicable criteria.

''(6) STATE AND LOCAL GOVERNMENTS.—

''(A) IN GENERAL.—Notwithstanding subsection (d), except as provided in subsection (g), a State or local government, or political subdivision or agency of the government, shall not be eligible to receive any payment, benefit, or loan under title I of the Food, Conservation, and Energy Act of 2008 or title XII of this Act.

''(B) TENANTS.—A lessee of land owned by a State or local government, or political subdivision or agency of the government, may receive payments described in subsections (b), (c), and (d) if the lessee otherwise meets all applicable criteria.

''(7) CHANGES IN FARMING OPERATIONS.—

''(A) IN GENERAL.—In the administration of this section through section 1001F, the Secretary may not approve any change in a farming operation that otherwise will increase the number of persons to which the limitations under this section are applied unless the Secretary determines that the change is bona fide and substantive.

''(B) FAMILY MEMBERS.—The addition of a family member to a farming operation under the criteria set out in section 1001A shall be considered a bona fide and substantive change in the farming operation.

''(8) DEATH OF OWNER.—

''(A) IN GENERAL.—If any ownership interest in land or a commodity is transferred as the result of the death of a program participant, the new owner of the land or commodity may, if the person is otherwise eligible to participate in the applicable program, succeed to the contract of the prior owner and receive payments subject to this section without regard to the amount of payments received by the new owner.

''(B) LIMITATIONS ON PRIOR OWNER.—Payments made under this paragraph shall not exceed the amount to which the previous owner was entitled to receive under the terms of the contract at the time of the death of the prior owner.

''(g) PUBLIC SCHOOLS.—

''(1) IN GENERAL.—Notwithstanding subsection (f)(6)(A), a State or local government, or political subdivision or agency of the government, shall be eligible, subject to the limitation in paragraph (2), to receive a payment described in subsection (b) or (c) for land owned by the State or local government, or political subdivision or agency of the government, that is used to maintain a public school.

''(2) LIMITATION.—

''(A) IN GENERAL.—For each State, the total amount of payments described in subsections (b) and (c) that are received collectively by the State and local government and all political subdivisions or agencies of those governments shall not exceed $500,000.

''(B) EXCEPTION.—The limitation in subparagraph (A) shall not apply to States with a population of less than 1,500,000.''.

(c) REPEAL OF 3-ENTITY RULE.—Section 1001A of the Food Security Act of 1985 (7 U.S.C. 1308–1) is amended—

*(1) in the section heading, by striking ''**PREVENTION OF CREATION OF ENTITIES TO QUALIFY AS SEPARATE PERSONS**'' and inserting ''**NOTIFICATION OF INTERESTS**''; and*

(2) by striking subsection (a) and inserting the following:

''(a) NOTIFICATION OF INTERESTS.—To facilitate administration of section 1001 and this section, each person or legal entity receiving payments described in subsections (b) and (c) of section 1001 as a separate person or legal entity shall separately provide to the Secretary, at such times and in such manner as prescribed by the Secretary—

''(1) the name and social security number of each person, or the name and taxpayer identification number of each legal entity, that holds or acquires an ownership interest in the separate person or legal entity; and

''(2) the name and taxpayer identification number of each legal entity in which the person or legal entity holds an ownership interest.''.

(d) AMENDMENT FOR CONSISTENCY.—Section 1001A of the Food Security Act of 1985 (7 U.S.C. 1308–1) is amended by striking subsection (b) and inserting the following:

''(b) ACTIVELY ENGAGED.—

''(1) IN GENERAL.—To be eligible to receive a payment described in subsection (b) or (c) of section 1001, a person or legal entity shall be actively engaged in farming with respect to a farming operation as provided in this subsection or subsection (c).

''(2) CLASSES ACTIVELY ENGAGED.—Except as provided in subsections (c) and (d)—

''(A) a person (including a person participating in a farming operation as a partner in a general partnership, a participant in a joint venture, a grantor of a revocable trust, or a participant in a similar entity, as determined by the Secretary) shall be considered to be actively engaged in farming with respect to a farming operation if—

''(i) the person makes a significant contribution (based on the total value of the farming operation) to the farming operation of—

''(I) capital, equipment, or land; and

''(II) personal labor or active personal management;

''(ii) the person's share of the profits or losses from the farming operation is commensurate with the contributions of the person to the farming operation; and

''(iii) the contributions of the person are at risk;

''(B) a legal entity that is a corporation, joint stock company, association, limited partnership, charitable organization, or other similar entity determined by the Secretary (including any such legal entity participating in the farming operation as a partner in a general partnership, a participant in a joint venture, a grantor of a revocable trust, or as a participant in a similar legal entity as determined by the Secretary) shall be considered as actively engaged in farming with respect to a farming operation if—

''(i) the legal entity separately makes a significant contribution (based on the total value of the farming operation) of capital, equipment, or land;

''(ii) the stockholders or members collectively make a significant contribution of personal labor or active personal management to the operation; and

''(iii) the standards provided in clauses (ii) and (iii) of subparagraph (A), as applied to the legal entity, are met by the legal entity;

''(C) if a legal entity that is a general partnership, joint venture, or similar entity, as determined by the Secretary, separately makes a significant contribution (based on the total value of the farming operation involved) of capital, equipment, or land, and the standards provided in clauses (ii) and (iii) of subparagraph (A), as applied to the legal entity, are met by the legal entity, the partners or members making a significant contribution of personal labor or active personal management shall be considered to be actively engaged in farming with respect to the farming operation involved; and

''(D) in making determinations under this subsection regarding equipment and personal labor, the Secretary shall take into consideration the equipment and personal labor normally and customarily provided by farm operators in the area involved to produce program crops.

''(c) SPECIAL CLASSES ACTIVELY ENGAGED.—

''(1) LANDOWNER.—A person or legal entity that is a landowner contributing the owned land to a farming operation shall be considered to be actively engaged in farming with respect to the farming operation if—

''(A) the landowner receives rent or income for the use of the land based on the production on the land or the operating results of the operation; and

''(B) the person or legal entity meets the standards provided in clauses (ii) and (iii) of subsection (b)(2)(A).

''(2) ADULT FAMILY MEMBER.—If a majority of the participants in a farming operation are family members, an adult family member shall be considered to be actively engaged in farming with respect to the farming operation if the person—

''(A) makes a significant contribution, based on the total value of the farming operation, of active personal management or personal labor; and

''(B) with respect to such contribution, meets the standards provided in clauses (ii) and (iii) of subsection (b)(2)(A).

''(3) SHARECROPPER.—A sharecropper who makes a significant contribution of personal labor to a farming operation shall be considered to be actively engaged in farming with respect to the farming operation if the contribution meets the standards provided in clauses (ii) and (iii) of subsection (b)(2)(A).

''(4) GROWERS OF HYBRID SEED.—In determining whether a person or legal entity growing hybrid seed under contract shall be considered to be actively engaged in farming, the Secretary shall not take into consideration the existence of a hybrid seed contract.

''(5) CUSTOM FARMING SERVICES.—

''(A) IN GENERAL.—A person or legal entity receiving custom farming services shall be considered separately eligible for payment limitation purposes if the person or legal entity is actively engaged in farming based on subsection (b)(2) or paragraphs (1) through (4) of this subsection.

''(B) PROHIBITION.—No other rules with respect to custom farming shall apply.

''(6) SPOUSE.—If 1 spouse (or estate of a deceased spouse) is determined to be actively engaged, the other spouse shall be determined to have met the requirements of subsection (b)(2)(A)(i)(II).

''(d) CLASSES NOT ACTIVELY ENGAGED.—

''(1) CASH RENT LANDLORD.—A landlord contributing land to a farming operation shall not be considered to be actively engaged in farming with respect to the farming operation if the landlord receives cash rent, or a crop share guaranteed as to the amount of the commodity to be paid in rent, for the use of the land.

''(2) OTHER PERSONS AND LEGAL ENTITIES.—Any other person or legal entity that the Secretary determines does not meet the standards described in subsections (b)(2) and (c) shall not be considered to be actively engaged in farming with respect to a farming operation.''.

(e) DENIAL OF PROGRAM BENEFITS.—Section 1001B of the Food Security Act of 1985 (7 U.S.C. 1308–2) is amended to read as follows:

''SEC. 1001B. DENIAL OF PROGRAM BENEFITS.

''(a) 2-YEAR DENIAL OF PROGRAM BENEFITS.—A person or legal entity shall be ineligible to receive payments specified in subsections (b) and (c) of section 1001 for the crop year, and the succeeding crop year, in which the Secretary determines that the person or legal entity—

''(1) failed to comply with section 1001A(b) and adopted or participated in adopting a scheme or device to evade the application of section 1001, 1001A, or 1001C; or

''(2) intentionally concealed the interest of the person or legal entity in any farm or legal entity engaged in farming.

''(b) EXTENDED INELIGIBILITY.—If the Secretary determines that a person or legal entity, for the benefit of the person or legal entity or the benefit of any other person or legal entity,

has knowingly engaged in, or aided in the creation of a fraudulent document, failed to disclose material information relevant to the administration of sections 1001 through 1001F, or committed other equally serious actions (as identified in regulations issued by the Secretary), the Secretary may for a period not to exceed 5 crop years deny the issuance of payments to the person or legal entity.

''(c) PRO RATA DENIAL.—

''(1) IN GENERAL.—Payments otherwise owed to a person or legal entity described in subsections (a) or (b) shall be denied in a pro rata manner based on the ownership interest of the person or legal entity in a farm.

''(2) CASH RENT TENANT.—Payments otherwise payable to a person or legal entity shall be denied in a pro rata manner if the person or legal entity is a cash rent tenant on a farm owned or under the control of a person or legal entity with respect to which a determination has been made under subsection (a) or (b).

''(d) JOINT AND SEVERAL LIABILITY.—Any legal entity (including partnerships and joint ventures) and any member of any legal entity determined to have knowingly participated in a scheme or device to evade, or that has the purpose of evading, sections 1001, 1001A, or 1001C shall be jointly and severally liable for any amounts that are payable to the Secretary as the result of the scheme or device (including amounts necessary to recover those amounts).

''(e) RELEASE.—The Secretary may partially or fully release from liability any person or legal entity who cooperates with the Secretary in enforcing sections 1001, 1001A, and 1001C, and this section.''.

(f) CONFORMING AMENDMENT TO APPLY DIRECT ATTRIBUTION TO NAP.—

(1) IN GENERAL.—Section 196(i) of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333(i)) is amended—

(A) by striking paragraphs (1) and (2) and inserting the following:

''(1) DEFINITIONS.—In this subsection, the terms 'legal entity' and 'person' have the meanings given those terms in section 1001(a) of the Food Security Act of 1985 (7 U.S.C. 1308(a)).

''(2) PAYMENT LIMITATION.—The total amount of payments received, directly or indirectly, by a person or legal entity (excluding a joint venture or general partnership) for any crop year may not exceed $100,000.'';

(B) by striking paragraph (4) and inserting the following:

''(4) ADJUSTED GROSS INCOME LIMITATION.—A person or legal entity that has an average adjusted gross income in excess of the average adjusted gross income limitation applicable under section 1001D(b)(1)(A) of the Food Security Act of 1985 (7 U.S.C. 1308–3a(b)(1)(A)), or a successor provision, shall not be eligible to receive noninsured crop disaster assistance under this section.''; and

(C) in paragraph (5)—

(i) by striking ''necessary to ensure'' and inserting ''necessary—

''(A) to ensure''; and

(ii) by striking ''this subsection.'' and inserting the following: ''this subsection; and

''(B) to ensure that payments under this section are attributed to a person or legal entity (excluding a joint venture or general partnership) in accordance with the terms and conditions of sections 1001 through 1001D of the Food Security Act of 1985 (7 U.S.C. 1308 et seq.), as determined by the Secretary.''.

(2) TRANSITION.—Section 196(i) of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333(i)), as in effect on September 30, 2007, shall apply with respect to the 2007 and 2008 crops of any eligible crop.

(g) CONFORMING AMENDMENTS.—

(1) Section 1009(e) of the Food Security Act of 1985 (7 U.S.C. 1308a(e)) is amended in the second sentence by striking ''of $50,000''.

(2) Section 609(b)(1) of the Emergency Livestock Feed Assistance Act of 1988 (7 U.S.C. 1471g(b)(1)) is amended by inserting ''(before the amendment made by section 1703(a) of the Food, Conservation, and Energy Act of 2008)'' after ''1985''.

(3) Section 524(b)(3) of the Federal Crop Insurance Act (7 U.S.C. 1524(b)(3)) is amended by inserting ''(before the amendment made by section 1703(a) of the Food, Conservation, and Energy Act of 2008)'' after ''1308(5)))''.

(4) Section 10204(c)(1) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8204(c)(1)) is amended by inserting ''(before the amendment made by section 1703(a) of the Food, Conservation, and Energy Act of 2008)'' after ''1308)''.

(5) Section 1271(c)(3)(A) of the Food, Agriculture, Conservation, and Trade Act of 1990 (16 U.S.C. 2106a(c)(3)(A)) is amended by inserting ''(before the amendment made by section 1703(a) of the Food, Conservation, and Energy Act of 2008)'' after ''1308)''.

(6) Section 291(2) of the Trade Act of 1974 (19 U.S.C. 2401(2)) is amended by inserting ''(before the amendment made by section 1703(a) of the Food, Conservation, and Energy Act of 2008)'' before the period at the end.

(h) TRANSITION.—Section 1001, 1001A, and 1001B of the Food Security Act of 1985 (7 U.S.C. 1308, 1308–1, 1308–2), as in effect on September 30, 2007, shall continue to apply with respect to the 2007 and 2008 crops of any covered commodity or peanuts.

SEC. 1604. ADJUSTED GROSS INCOME LIMITATION.

(a) IN GENERAL.—Section 1001D of the Food Security Act of 1985 (7 U.S.C. 1308–3a(e)) is amended to read as follows:

''SEC. 1001D. ADJUSTED GROSS INCOME LIMITATION.

''(a) DEFINITIONS.—

''(1) IN GENERAL.—In this section:

''(A) AVERAGE ADJUSTED GROSS INCOME.—The term 'average adjusted gross income', with respect to a person or legal entity, means the average of the adjusted gross income or comparable measure of the person or legal entity over the 3 taxable years preceding the most immediately preceding complete taxable year, as determined by the Secretary.

''(B) AVERAGE ADJUSTED GROSS FARM INCOME.—The term 'average adjusted gross farm income', with respect to a person or legal entity, means the average of the portion of adjusted gross income of the person or legal entity that is attributable to activities related to farming, ranching, or forestry for the 3 taxable years described in subparagraph (A), as determined by the Secretary in accordance with subsection (c).

''(C) AVERAGE ADJUSTED GROSS NONFARM INCOME.—The term 'average adjusted gross nonfarm income', with respect to a person or legal entity, means the difference between—

''(i) the average adjusted gross income of the person or legal entity; and

''(ii) the average adjusted gross farm income of the person or legal entity.

''(2) SPECIAL RULES FOR CERTAIN PERSONS AND LEGAL ENTITIES.—In the case of a legal entity that is not required to file a Federal income tax return or a person or legal entity that did not have taxable income in 1 or more of the taxable years used to determine the average under subparagraph (A) or (B) of paragraph (1), the Secretary shall provide, by regulation, a method for determining the average adjusted gross income, the average adjusted gross farm income, and the average adjusted gross nonfarm income of the person or legal entity for purposes of this section.

''(3) ALLOCATION OF INCOME.—On the request of any person filing a joint tax return, the Secretary shall provide for the allocation of average adjusted gross income, average adjusted gross farm income, and average adjusted gross nonfarm income among the persons filing the return if—

''(A) the person provides a certified statement by a certified public accountant or attorney that specifies the method by which the average adjusted gross income, average adjusted gross farm income, and average adjusted gross nonfarm income would have been declared and reported had the persons filed 2 separate returns; and

''(B) the Secretary determines that the method described in the statement is consistent with the information supporting the filed joint tax return.

''(b) LIMITATIONS.—

''(1) COMMODITY PROGRAMS.—

''(A) NONFARM LIMITATION.—Notwithstanding any other provision of law, a person or legal entity shall not be eligible to receive any benefit described in subparagraph (C) during a crop, fiscal, or program year, as appropriate, if the average adjusted gross nonfarm income of the person or legal entity exceeds $500,000.

''(B) FARM LIMITATION.—Notwithstanding any other provision of law, a person or legal entity shall not be eligible to receive a direct payment under subtitle A or C of title I of the Food, Conservation, and Energy Act of 2008 during a crop year, if the average adjusted gross farm income of the person or legal entity exceeds $750,000.

''(C) COVERED BENEFITS.—Subparagraph (A) applies with respect to the following:

''(i) A direct payment or counter-cyclical payment under subtitle A or C of title I of the Food, Conservation, and Energy Act of 2008 or an average crop revenue election payment under subtitle A of title I of that Act.

''(ii) A marketing loan gain or loan deficiency payment under subtitle B or C of title I of the Food, Conservation, and Energy Act of 2008.

''(iii) A payment or benefit under section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333).

''(iv) A payment or benefit under section 1506 of the Food, Conservation, and Energy Act of 2008.

''(v) A payment or benefit under title IX of the Trade Act of 1974 or subtitle B of the Federal Crop Insurance Act.

''(2) CONSERVATION PROGRAMS.—

''(A) LIMITS.—

''(i) IN GENERAL.—Notwithstanding any other provision of law, except as provided in clause (ii), a person or legal entity shall not be eligible to receive any benefit described in subparagraph (B) during a crop, fiscal, or program year, as appropriate, if the average adjusted gross nonfarm income of the person or legal entity exceeds $1,000,000, unless not less than 66.66 percent of the average adjusted gross income of the person or legal entity is average adjusted gross farm income.

''(ii) EXCEPTION.—The Secretary may waive the limitation established under clause (i) on a case-by-case basis if the Secretary determines that environmentally sensitive land of special significance would be protected.

''(B) COVERED BENEFITS.—Subparagraph (A) applies with respect to the following:

''(i) A payment or benefit under title XII of this Act.

''(ii) A payment or benefit under title II of the Farm Security and Rural Investment Act of 2002 (Public Law 107–171; 116 Stat. 223) or title II of the Food, Conservation, and Energy Act of 2008.

''(iii) A payment or benefit under section 524(b) of the Federal Crop Insurance Act (7 U.S.C. 1524(b)).

''(c) INCOME DETERMINATION.—

''(1) IN GENERAL.—In determining the average adjusted gross farm income of a person or legal entity, the Secretary shall include income or benefits derived from or related to—

''(A) the production of crops, including specialty crops (as defined in section 3 of the Specialty Crops Competitiveness Act of 2004 (7 U.S.C. 1621 note; Public Law 108–465)) and unfinished raw forestry products;

''(B) the production of livestock (including cattle, elk, reindeer, bison, horses, deer, sheep, goats, swine, poultry, fish, and other aquacultural products used for food, honeybees, and other animals designated by the Secretary) and products produced by, or derived from, livestock;

''(C) the production of farm-based renewable energy (as defined in section 9001 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8101));

''(D) the sale, including the sale of easements and development rights, of farm, ranch, or forestry land, water or hunting rights, or environmental benefits;

''(E) the rental or lease of land or equipment used for farming, ranching, or forestry operations, including water or hunting rights;

''(F) the processing (including packing), storing (including shedding), and transporting of farm, ranch, and forestry commodities, including renewable energy;

''(G) the feeding, rearing, or finishing of livestock;

''(H) the sale of land that has been used for agriculture;

''(I) payments or other benefits received under any program authorized under title I of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7901 et seq.) or title I of the Food, Conservation, and Energy Act of 2008;

''(J) payments or other benefits received under any program authorized under title XII of this Act, title II of the Farm Security and Rural Investment Act of 2002 (Public Law 107–171; 116 Stat. 223), or title II of the Food, Conservation, and Energy Act of 2008;

''(K) payments or other benefits received under section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333);

''(L) payments or other benefits received under title IX of the Trade Act of 1974 or subtitle B of the Federal Crop Insurance Act;

''(M) risk management practices, including benefits received under a program authorized under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) (including a catastrophic risk protection plan offered under section 508(b) of that Act (7 U.S.C. 1508(b))); and

''(N) any other activity related to farming, ranching, or forestry, as determined by the Secretary.

''(2) INCOME DERIVED FROM FARMING, RANCHING, OR FORESTRY.—In determining the average adjusted gross farm income of a person or legal entity, in addition to the inclusions described in paragraph (1), the Secretary shall include any income reported on the Schedule F or other schedule used by the person or legal entity to report income from farming, ranching, or forestry operations to the Internal Revenue Service, to the extent such income is not already included under paragraph (1).

''(3) SPECIAL RULE.—If not less than 66.66 percent of the average adjusted gross income of a person or legal entity is derived from farming, ranching, or forestry operations described in paragraphs (1) and (2), in determining the average adjusted gross farm income of the person or legal entity, the Secretary shall also include—

''(A) the sale of equipment to conduct farm, ranch, or forestry operations; and

''(B) the provision of production inputs and services to farmers, ranchers, foresters, and farm operations.

''(d) ENFORCEMENT.—

''(1) IN GENERAL.—To comply with subsection (b), at least once every 3 years a person or legal entity shall provide to the Secretary—

''(A) a certification by a certified public accountant or another third party that is acceptable to the Secretary that the average adjusted gross income, average adjusted gross farm income, and average adjusted gross nonfarm income of the person or legal entity does not exceed the applicable limitation specified in that subsection; or

''(B) information and documentation regarding the average adjusted gross income, average adjusted gross farm income, and average adjusted gross nonfarm income of the person or legal entity through other procedures established by the Secretary.

''(2) DENIAL OF PROGRAM BENEFITS.—If the Secretary determines that a person or legal entity has failed to comply with this section, the Secretary shall deny the issuance of applicable payments and benefits specified in paragraphs (1)(C) and (2)(B) of subsection (b) to the person or legal entity, under similar terms and conditions as described in section 1001B.

''(3) AUDIT.—The Secretary shall establish statistically valid procedures under which the Secretary shall conduct targeted audits of such persons or legal entities as the Secretary determines are most likely to exceed the limitations under subsection (b).

''(e) COMMENSURATE REDUCTION.—In the case of a payment or benefit described in paragraphs (1)(C) and (2)(B) of subsection (b) made in a crop, program, or fiscal year, as appropriate, to an entity, general partnership, or joint venture, the amount of the payment or benefit shall be reduced by an amount that is commensurate with the direct and indirect ownership interest in the entity, general partnership, or joint venture of each person who has an average adjusted gross income, average adjusted gross farm income, or average adjusted gross nonfarm income in excess of the applicable limitation specified in subsection (b).

''(f) EFFECTIVE PERIOD.—This section shall apply only during the 2009 through 2012 crop, program, or fiscal years, as appropriate.''.

(b) TRANSITION.—Section 1001D of the Food Security Act of 1985 (7 U.S.C. 1308–3a), as in effect on September 30, 2007, shall apply with respect to the 2007 and 2008 crop, fiscal, or program year, as appropriate, for each program described in paragraphs (1)(C) and (2)(B) of subsection (b) of that section (as amended by subsection (a)).

SEC. 1605. AVAILABILITY OF QUALITY INCENTIVE PAYMENTS FOR COVERED OILSEED PRODUCERS.

(a) INCENTIVE PAYMENTS REQUIRED.—Subject to subsection (b) and the availability of appropriations under subsection (h), the Secretary shall use funds made available under subsection (h) to provide quality incentive payments for the production of oilseeds with specialized traits that enhance human health, as determined by the Secretary.

(b) COVERED OILSEEDS.—The Secretary shall make payments under this section only for the production of an oilseed variety that has, as determined by the Secretary—

(1) been demonstrated to improve the health profile of the oilseed for use in human consumption by—

(A) reducing or eliminating the need to partially hydrogenate the oil derived from the oilseed for use in human consumption; or

(B) adopting new technology traits; and

(2) 1 or more impediments to commercialization.

(c) REQUEST FOR PROPOSALS.—

(1) ISSUANCE.—If funds are made available to carry out this section for a crop year, the Secretary shall issue a request for proposals for payments under this section.

(2) MULTIYEAR PROPOSALS.—A proponent may submit a multiyear proposal for payments under this section.

(3) CONTENT OF PROPOSALS.—A proposal for payments under this section shall include a description of—

(A) how use of the oilseed enhances human health;

(B) the impediments to commercial use of the oilseed;

(C) each oilseed variety described in subsection (b) and the value of the oilseed variety as a matter of public policy;

(D) a range for the base price and premiums per bushel or hundredweight to be paid to producers;

(E) a per bushel or hundredweight amount of incentive payments requested for each year under this section that does not exceed ⅓ of the total premium offered for any year;

(F) the period of time, not to exceed 4 years, during which incentive payments are to be provided to producers; and

(G) the targeted total quantity of production and estimated acres needed to produce the targeted quantity for each year under this section.

(d) CONTRACTS FOR PRODUCTION.—

(1) IN GENERAL.—The Secretary shall approve successful proposals submitted under subsection (c) on a timely basis.

(2) TIMING OF PAYMENTS.—The Secretary shall make payments to producers under this section after the Secretary receives documentation that the premium required under a contract has been paid to covered producers.

(e) ADMINISTRATION.—

(1) IN GENERAL.—If funding provided for a crop year is not fully allocated under the initial request for proposals under subsection (c), the Secretary shall issue additional requests for proposals for subsequent crop years under this section.

(2) PRORATED PAYMENTS.—If funding provided for a crop year is less than the amount otherwise approved by the Secretary or for which approval is sought, the Secretary shall prorate the payments or approvals in a manner determined by the Secretary so that the total payments do not exceed the funding level.

(f) PROPRIETARY INFORMATION.—The Secretary shall protect proprietary information provided to the Secretary for the purpose of administering this section.

(g) PROGRAM COMPLIANCE AND PENALTIES.—

(1) GUARANTEE.—The proponent, if approved, shall be required to guarantee that the oilseed on which a payment is made by the Secretary under this section is used for human consumption as described in the proposal, as approved by the Secretary.

(2) NONCOMPLIANCE.—If oilseeds on which a payment is made by the Secretary under this section are not actually used for the purpose the payment is made, the proponent shall be required to pay to the Secretary an amount equal to, as determined by the Secretary—

(A) in the case of an inadvertent failure, twice the amount of the payment made by the Secretary under this section to the producer of the oilseeds; and

(B) in any other case, up to twice the full value of the oilseeds involved.

(3) DOCUMENTATION.—The Secretary may require such assurances and documentation as may be needed to enforce the guarantee.

(4) ADDITIONAL PENALTIES.—

(A) IN GENERAL.—In addition to payments required under paragraph (2), the Secretary may impose penalties on additional persons that use oilseeds the use of which is restricted under this section for a purpose other than the intended use.

(B) AMOUNT.—The amount of a penalty under this paragraph shall—

(i) be in an amount determined appropriated by the Secretary; but

(ii) not to exceed twice the full value of the oilseeds.

(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 2009 through 2012.

SEC. 1606. PERSONAL LIABILITY OF PRODUCERS FOR DEFICIENCIES.

Section 164 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7284) is amended by striking ''and title I of the Farm Security and Rural Investment Act of 2002'' each place it appears and inserting ''title I of the Farm Security and Rural Investment Act of 2002, and title I of the Food, Conservation, and Energy Act of 2008''.

SEC. 1607. EXTENSION OF EXISTING ADMINISTRATIVE AUTHORITY REGARDING LOANS.

Section 166 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7286) is amended—

(1) by striking ''and subtitle B and C of title I of the Farm Security and Rural Investment Act of 2002'' each place it appears and inserting

''*, title I of the Farm Security and Rural Investment Act of 2002, and title I of the Food, Conservation, and Energy Act of 2008*''*; and*

(2) in subsection (c), by adding at the end the following:

''*(3) TERMINATION OF AUTHORITY.—The authority to carry out paragraph (1) terminates effective ending with the 2009 crop year.*''.

SEC. 1608. ASSIGNMENT OF PAYMENTS.

(a) IN GENERAL.—The provisions of section 8(g) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(g)), relating to assignment of payments, shall apply to payments made under this title.

(b) NOTICE.—The producer making the assignment, or the assignee, shall provide the Secretary with notice, in such manner as the Secretary may require, of any assignment made under this section.

SEC. 1609. TRACKING OF BENEFITS.

As soon as practicable after the date of enactment of this Act, the Secretary may track the benefits provided, directly or indirectly, to individuals and entities under titles I and II and the amendments made by those titles.

SEC. 1610. GOVERNMENT PUBLICATION OF COTTON PRICE FORECASTS.

Section 15 of the Agricultural Marketing Act (12 U.S.C. 1141j) is amended—

(1) by striking subsection (d); and

(2) by redesignating subsections (e) through (g) as subsections (d) through (f), respectively.

SEC. 1611. PREVENTION OF DECEASED INDIVIDUALS RECEIVING PAYMENTS UNDER FARM COMMODITY PROGRAMS.

(a) REGULATIONS.—Not later than 180 days after the date of enactment of this Act, the Secretary shall promulgate regulations that—

(1) describe the circumstances under which, in order to allow for the settlement of estates and for related purposes, payments may be issued in the name of a deceased individual; and

(2) preclude the issuance of payments to, and on behalf of, deceased individuals that were not eligible for the payments.

(b) COORDINATION.—At least twice each year, the Secretary shall reconcile the social security numbers of all individuals who receive payments under this title, whether directly or indirectly, with the Social Security Administration to determine if the individuals are alive.

SEC. 1612. HARD WHITE WHEAT DEVELOPMENT PROGRAM.

(a) DEFINITIONS.—In this section:

(1) ELIGIBLE HARD WHITE WHEAT SEED.—The term ''*eligible hard white wheat seed*'' *means hard white wheat seed that, as determined by the Secretary, is—*

(A) certified;

(B) of a variety that is suitable for the State in which the seed will be planted;

(C) rated at least superior with respect to quality; and

(D) specifically approved under a seed establishment program established by the State Department of Agriculture and the State Wheat Commission of the 1 or more States in which the seed will be planted.

(2) PROGRAM.—The term ''*program*'' *means the hard white wheat development program established under subsection (b)(1).*

(3) SECRETARY.—The term ''*Secretary*'' *means the Secretary of Agriculture, in consultation with the State Departments of Agriculture and the State Wheat Commissions of the States in regions in which hard white wheat is produced, as determined by the Secretary.*

(b) ESTABLISHMENT.—

(1) IN GENERAL.—Subject to the availability of appropriations, the Secretary shall establish a hard white wheat development program in accordance with paragraph (2) to promote the establishment of hard white wheat as a viable market class of wheat in the United States by encouraging production of at least 240,000,000 bushels of hard white wheat by 2012.

(2) PAYMENTS.—

(A) IN GENERAL.—Subject to subparagraphs (B) and (C) and subsection (c), if funds are made available for any of the 2009 through 2012 crops of hard white wheat, the Secretary shall make available incentive payments to producers of those crops.

(B) ACREAGE LIMITATION.—The Secretary shall carry out subparagraph (A) subject to a regional limitation determined by the Secretary on the number of acres for which payments may be received that takes into account planting history and potential planting, but does not exceed a total of 2,900,000 acres or the equivalent volume of production based on a yield of 50 bushels per acre.

(C) PAYMENT LIMITATIONS.—Payments to producers on a farm described in subparagraph (A) shall be—

(i) in an amount that is not less than $0.20 per bushel; and

(ii) in an amount that is not less than $2.00 per acre for planting eligible hard white wheat seed.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $35,000,000 for the period of fiscal years 2009 through 2012.

SEC. 1613. DURUM WHEAT QUALITY PROGRAM.

(a) IN GENERAL.—Subject to the availability of funds under subsection (c), the Secretary shall provide compensation to producers of durum wheat in an amount not to exceed 50 percent of the actual cost of fungicides applied to a crop of durum wheat of the producers to control Fusarium head blight (wheat scab) on acres certified to have been planted to Durum wheat in a crop year.

(b) INSUFFICIENT FUNDS.—If the total amount of funds appropriated for a fiscal year under subsection (c) are insufficient to fulfill all eligible requests for compensation under this section, the Secretary shall prorate the compensation payments in a manner determined by the Secretary to be equitable.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $10,000,000 for each of fiscal years 2009 through 2012.

SEC. 1614. STORAGE FACILITY LOANS.

(a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall establish a storage facility loan program to provide funds for producers of grains, oilseeds, pulse crops, hay, renewable biomass, and other storable commodities (other than sugar), as determined by the Secretary, to construct or upgrade storage and handling facilities for the commodities.

(b) ELIGIBLE PRODUCERS.—A storage facility loan under this section shall be made available to any producer described in subsection (a) that, as determined by the Secretary—

(1) has a satisfactory credit history;

(2) has a need for increased storage capacity; and

(3) demonstrates an ability to repay the loan.

(c) TERM OF LOANS.—A storage facility loan under this section shall have a maximum term of 12 years.

(d) LOAN AMOUNT.—The maximum principal amount of a storage facility loan under this section shall be $500,000.

(e) LOAN DISBURSEMENTS.—The Secretary shall provide for 1 partial disbursement of loan principal and 1 final disbursement of loan principal, as determined to be appropriate and subject to acceptable documentation, to facilitate the purchase and construction of eligible facilities.

(f) LOAN SECURITY.—Approval of a storage facility loan under this section shall—

(1) require the borrower to provide loan security to the Secretary, in the form of—

(A) a lien on the real estate parcel on which the storage facility is located; or

(B) such other security as is acceptable to the Secretary;

(2) under such rules and regulations as the Secretary may prescribe, not require a severance agreement from the holder of any prior lien on the real estate parcel on which the storage facility is located, if the borrower—

(A) agrees to increase the down payment on the storage facility by an amount determined appropriate by the Secretary; or

(B) provides other security acceptable to the Secretary; and

(3) allow a borrower, upon the approval of the Secretary, to define a subparcel of real estate as security for the storage facility loan if the subparcel is—

(A) of adequate size and value to adequately secure the loan; and

(B) not subject to any other liens or mortgages that are superior to the lien interest of the Commodity Credit Corporation.

SEC. 1615. STATE, COUNTY, AND AREA COMMITTEES.

Section 8(b)(5)(B)(ii) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)(5)(B)(ii)) is amended—

(1) by redesignating subclauses (I) and (II) as items (aa) and (bb), respectively, and indenting appropriately;

(2) in the matter preceding item (aa) (as redesignated by paragraph (1)), by striking ''*A committee established*'' *and inserting the following:*

''*(I) IN GENERAL.—Except as provided in subclause (II), a committee established*''*; and*

(3) by adding at the end the following:

''*(II) COMBINATION OR CONSOLIDATION OF AREAS.—A committee established by combining or consolidating 2 or more county or area committees shall consist of not fewer than 3 nor more than 11 members that—*

''*(aa) are fairly representative of the agricultural producers within the area covered by the county, area, or local committee; and*

''*(bb) are elected by the agricultural producers that participate or cooperate in programs administered within the area under the jurisdiction of the county, area, or local committee.*

''*(III) REPRESENTATION OF SOCIALLY DISADVANTAGED FARMERS AND RANCHERS.—The Secretary shall develop procedures to maintain representation of socially disadvantaged farmers and ranchers on combined or consolidated committees.*

''*(IV) ELIGIBILITY FOR MEMBERSHIP.—Notwithstanding any other producer eligibility requirements for service on county or area committees, if a county or area is consolidated or combined, a producer shall be eligible to serve only as a member of the county or area committee that the producer elects to administer the farm records of the producer.*''.

SEC. 1616. PROHIBITION ON CHARGING CERTAIN FEES.

Public Law 108–470 (7 U.S.C. 7416a) is amended—

(1) in subsection (a), by striking ''*may*'' *and inserting* ''*shall*''*; and*

(2) by adding at the end the following:

''*(c) PROHIBITION ON CHARGING CERTAIN FEES.—The Secretary may not charge any fees or related costs for the collection of commodity assessments pursuant to this Act.*''.

SEC. 1617. SIGNATURE AUTHORITY.

(a) IN GENERAL.—In carrying out this title and title II and amendments made by those titles, if the Secretary approves a document, the Secretary shall not subsequently determine the document is inadequate or invalid because of the lack of authority of any person signing the document on behalf of the applicant or any other individual, entity, general partnership, or joint venture, or the documents relied upon were determined inadequate or invalid, unless the person signing the program document knowingly and willfully falsified the evidence of signature authority or a signature.

(b) AFFIRMATION.—

(1) IN GENERAL.—Nothing in this section prohibits the Secretary from asking a proper party to affirm any document that otherwise would be considered approved under subsection (a).

(2) NO RETROACTIVE EFFECT.—A denial of benefits based on a lack of affirmation under paragraph (1) shall not be retroactive with respect to

third-party producers who were not the subject of the erroneous representation of authority, if the third-party producers—

(A) relied on the prior approval by the Secretary of the documents in good faith; and

(B) substantively complied with all program requirements.

SEC. 1618. MODERNIZATION OF FARM SERVICE AGENCY.

Not later than 180 days after the date of enactment of this Act, the Secretary shall transmit to the Committee on Agriculture and the Committee on Appropriations of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry and the Committee on Appropriations of the Senate a report prepared by a third party that describes—

(1) the data processing and information technology challenges experienced in local offices of the Farm Service Agency;

(2) the impact of those challenges on service to producers, on efficiency of personnel, and on implementation of this Act;

(3) the need for information technology system upgrades of the Farm Service Agency relative to other agencies of the Department of Agriculture;

(4) the detailed plan needed to fulfill the needs of the Department that are identified in paragraph (3), including hardware, software, and infrastructure requirements;

(5) the estimated cost and timeframe for long-term modernization and stabilization of Farm Service Agency information technology systems;

(6) the benefits associated with such modernization and stabilization; and

(7) an evaluation of the existence of appropriate oversight within the Department to ensure that funds needed for systems upgrades can be appropriately managed.

SEC. 1619. INFORMATION GATHERING.

(a) GEOSPATIAL SYSTEMS.—The Secretary shall ensure that all the geospatial data of the agencies of the Department of Agriculture are portable and standardized.

(b) LIMITATION ON DISCLOSURES.—

(1) DEFINITION OF AGRICULTURAL OPERATION.—In this subsection, the term ''agricultural operation'' includes the production and marketing of agricultural commodities and livestock.

(2) PROHIBITION.—Except as provided in paragraphs (3) and (4), the Secretary, any officer or employee of the Department of Agriculture, or any contractor or cooperator of the Department, shall not disclose—

(A) information provided by an agricultural producer or owner of agricultural land concerning the agricultural operation, farming or conservation practices, or the land itself, in order to participate in programs of the Department; or

(B) geospatial information otherwise maintained by the Secretary about agricultural land or operations for which information described in subparagraph (A) is provided.

(3) AUTHORIZED DISCLOSURES.—

(A) LIMITED RELEASE OF INFORMATION.—If the Secretary determines that the information described in paragraph (2) will not be subsequently disclosed except in accordance with paragraph (4), the Secretary may release or disclose the information to a person or Federal, State, local, or tribal agency working in cooperation with the Secretary in any Department program—

(i) when providing technical or financial assistance with respect to the agricultural operation, agricultural land, or farming or conservation practices; or

(ii) when responding to a disease or pest threat to agricultural operations, if the Secretary determines that a threat to agricultural operations exists and the disclosure of information to a person or cooperating government entity is necessary to assist the Secretary in responding to the disease or pest threat as authorized by law.

(4) EXCEPTIONS.—Nothing in this subsection affects—

(A) the disclosure of payment information (including payment information and the names and addresses of recipients of payments) under any Department program that is otherwise authorized by law;

(B) the disclosure of information described in paragraph (2) if the information has been transformed into a statistical or aggregate form without naming any—

(i) individual owner, operator, or producer; or

(ii) specific data gathering site; or

(C) the disclosure of information described in paragraph (2) pursuant to the consent of the agricultural producer or owner of agricultural land.

(5) CONDITION OF OTHER PROGRAMS.—The participation of the agricultural producer or owner of agricultural land in, or receipt of any benefit under, any program administered by the Secretary may not be conditioned on the consent of the agricultural producer or owner of agricultural land under paragraph (4)(C).

(6) WAIVER OF PRIVILEGE OR PROTECTION.—The disclosure of information under paragraph (2) shall not constitute a waiver of any applicable privilege or protection under Federal law, including trade secret protection.

SEC. 1620. LEASING OF OFFICE SPACE.

Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to the Committee on Agriculture and the Committee on Appropriations of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry and the Committee on Appropriations of the Senate a report that describes—

(1) the costs and time associated with complying with leasing procedures of the General Services Administration relative to the previous independent leasing procedures of the Department of Agriculture;

(2) the additional staffing needs associated with complying with those procedures; and

(3) the value added to the leasing process and the ability of the Department to secure best-value leases by complying with the General Services Administration leasing procedures.

SEC. 1621. GEOGRAPHICALLY DISADVANTAGED FARMERS AND RANCHERS.

(a) DEFINITIONS.—In this section:

(1) AGRICULTURAL COMMODITY.—The term ''agricultural commodity'' has the meaning given the term in section 102 of the Agricultural Trade Act of 1978 (7 U.S.C. 5602).

(2) GEOGRAPHICALLY DISADVANTAGED FARMER OR RANCHER.—The term ''geographically disadvantaged farmer or rancher'' has the meaning given the term in section 10906(a) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 2204 note; Public Law 107–171).

(b) AUTHORIZATION.—Subject to the availability of funds under subsection (d), the Secretary may provide geographically disadvantaged farmers or ranchers direct reimbursement payments for activities described in subsection (c).

(c) TRANSPORTATION.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), the Secretary may provide direct reimbursement payments to a geographically disadvantaged farmer or rancher to transport an agricultural commodity, or inputs used to produce an agricultural commodity, during a fiscal year.

(2) PROOF OF ELIGIBILITY.—To be eligible to receive assistance under paragraph (1), a geographically disadvantaged farmer or rancher shall demonstrate to the Secretary that transportation of the agricultural commodity or inputs occurred over a distance of more than 30 miles, as determined by the Secretary.

(3) AMOUNT.—

(A) IN GENERAL.—Subject to paragraph (2), the amount of direct reimbursement payments made to a geographically disadvantaged farmer or rancher under this section for a fiscal year shall equal the product obtained by multiplying—

(i) the amount of costs incurred by the geographically disadvantaged farmer or rancher for transportation of the agricultural commodity or inputs during the fiscal year; and

(ii)(I) the percentage of the allowance for that fiscal year under section 5941 of title 5, United States Code, for Federal employees stationed in Alaska and Hawaii; or

(II) in the case of an insular area (as defined in section 1404 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103)), a comparable percentage of the allowance for the fiscal year, as determined by the Secretary.

(B) LIMITATION.—The total amount of direct reimbursement payments provided by the Secretary under this section shall not exceed $15,000,000 for a fiscal year.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 2009 through 2012.

SEC. 1622. IMPLEMENTATION.

The Secretary shall make available to the Farm Service Agency to carry out this title $50,000,000.

SEC. 1623. REPEALS.

(a) COMMISSION ON APPLICATION OF PAYMENT LIMITATIONS.—Section 1605 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7993) is repealed.

(b) RENEWED AVAILABILITY OF MARKET LOSS ASSISTANCE AND CERTAIN EMERGENCY ASSISTANCE TO PERSONS THAT FAILED TO RECEIVE ASSISTANCE UNDER EARLIER AUTHORITIES.—Section 1617 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8000) is repealed.

TITLE II—CONSERVATION

Subtitle A—Definitions and Highly Erodible Land and Wetland Conservation

SEC. 2001. DEFINITIONS RELATING TO CONSERVATION TITLE OF FOOD SECURITY ACT OF 1985.

(a) BEGINNING FARMER OR RANCHER.—Section 1201(a) of the Food Security Act of 1985 (16 U.S.C. 3801(a)) is amended—

(1) by redesignating paragraphs (2) through (6), (7) through (11), (12), (13) through (15), (16), (17), and (18) as paragraphs (3) through (7), (9) through (13), (15), (20) through (22), (24), (26), and (27), respectively; and

(2) by inserting after paragraph (1) the following new paragraph:

''(2) BEGINNING FARMER OR RANCHER.—The term 'beginning farmer or rancher' has the meaning given the term in section 343(a)(8) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1991(a)(8)).''.

(b) FARM.—Section 1201(a) of the Food Security Act of 1985 (16 U.S.C. 3801(a)) is amended by inserting after paragraph (7), as redesignated by subsection (a)(1), the following new paragraph:

''(8) FARM.—The term 'farm' means a farm that—

''(A) is under the general control of one operator;

''(B) has one or more owners;

''(C) consists of one or more tracts of land, whether or not contiguous;

''(D) is located within a county or region, as determined by the Secretary; and

''(E) may contain lands that are incidental to the production of perennial crops, including conserving uses, forestry, and livestock, as determined by the Secretary.''.

(c) INDIAN TRIBE.—Section 1201(a) of the Food Security Act of 1985 (16 U.S.C. 3801(a)) is amended by inserting after paragraph (13), as redesignated by subsection (a)(1), the following new paragraph:

''(14) INDIAN TRIBE.—The term 'Indian tribe' has the meaning given the term in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)).''.

(d) INTEGRATED PEST MANAGEMENT; LIVESTOCK; NONINDUSTRIAL PRIVATE FOREST LAND;

PERSON AND LEGAL ENTITY.—Section 1201(a) of the Food Security Act of 1985 (16 U.S.C. 3801(a)) is amended by inserting after paragraph (15), as redesignated by subsection (a)(1), the following new paragraphs:

''(16) INTEGRATED PEST MANAGEMENT.—The term 'integrated pest management' means a sustainable approach to managing pests by combining biological, cultural, physical, and chemical tools in a way that minimizes economic, health, and environmental risks.

''(17) LIVESTOCK.—The term 'livestock' means all animals raised on farms, as determined by the Secretary.

''(18) NONINDUSTRIAL PRIVATE FOREST LAND.—The term 'nonindustrial private forest land' means rural land, as determined by the Secretary, that—

''(A) has existing tree cover or is suitable for growing trees; and

''(B) is owned by any nonindustrial private individual, group, association, corporation, Indian tribe, or other private legal entity that has definitive decisionmaking authority over the land.

''(19) PERSON AND LEGAL ENTITY.—For purposes of applying payment limitations under subtitle D, the terms 'person' and 'legal entity' have the meanings given those terms in section 1001(a) of this Act (7 U.S.C. 1308(a)).''.

(e) SOCIALLY DISADVANTAGED FARMER OR RANCHER.—Section 1201(a) of the Food Security Act of 1985 (16 U.S.C. 3801(a)) is amended by inserting after paragraph (22), as redesignated by subsection (a)(1), the following new paragraph:

''(23) SOCIALLY DISADVANTAGED FARMER OR RANCHER.—The term 'socially disadvantaged farmer or rancher' has the meaning given the term in section 2501(e)(2) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279(e)(2)).''.

(f) TECHNICAL ASSISTANCE.—Section 1201(a) of the Food Security Act of 1985 (16 U.S.C. 3801(a)) is amended by inserting after paragraph (24), as redesignated by subsection (a)(1), the following new paragraph:

''(25) TECHNICAL ASSISTANCE.—The term 'technical assistance' means technical expertise, information, and tools necessary for the conservation of natural resources on land active in agricultural, forestry, or related uses. The term includes the following:

''(A) Technical services provided directly to farmers, ranchers, and other eligible entities, such as conservation planning, technical consultation, and assistance with design and implementation of conservation practices.

''(B) Technical infrastructure, including activities, processes, tools, and agency functions needed to support delivery of technical services, such as technical standards, resource inventories, training, data, technology, monitoring, and effects analyses.''.

SEC. 2002. REVIEW OF GOOD FAITH DETERMINATIONS RELATED TO HIGHLY ERODIBLE LAND CONSERVATION.

Section 1212 of the Food Security Act of 1985 (16 U.S.C. 3812) is amended by striking subsection (f) and inserting the following new subsection:

''(f) GRADUATED PENALTIES.—

''(1) INELIGIBILITY.—No person shall become ineligible under section 1211 for program loans, payments, and benefits as a result of the failure of the person to actively apply a conservation plan, if the Secretary determines that the person has acted in good faith and without an intent to violate this subtitle.

''(2) ELIGIBLE REVIEWERS.—A determination of the Secretary, or a designee of the Secretary, under paragraph (1) shall be reviewed by the applicable—

''(A) State Executive Director, with the technical concurrence of the State Conservationist; or

''(B) district director, with the technical concurrence of the area conservationist.

''(3) PERIOD FOR IMPLEMENTATION.—A person who meets the requirements of paragraph (1) shall be allowed a reasonable period of time, as determined by the Secretary, but not to exceed 1 year, during which to implement the measures and practices necessary to be considered to be actively applying the conservation plan of the person.

''(4) PENALTIES.—

''(A) APPLICATION.—This paragraph applies if the Secretary determines that—

''(i) a person has failed to comply with section 1211 with respect to highly erodible cropland, and has acted in good faith and without an intent to violate section 1211; or

''(ii) the violation—

''(I) is technical and minor in nature; and

''(II) has a minimal effect on the erosion control purposes of the conservation plan applicable to the land on which the violation has occurred.

''(B) REDUCTION.—If this paragraph applies under subparagraph (A), the Secretary shall, in lieu of applying the ineligibility provisions of section 1211, reduce program benefits described in section 1211 that the producer would otherwise be eligible to receive in a crop year by an amount commensurate with the seriousness of the violation, as determined by the Secretary.

''(5) SUBSEQUENT CROP YEARS.—Any person whose benefits are reduced for any crop year under this subsection shall continue to be eligible for all of the benefits described in section 1211 for any subsequent crop year if, prior to the beginning of the subsequent crop year, the Secretary determines that the person is actively applying a conservation plan according to the schedule specified in the plan.''.

SEC. 2003. REVIEW OF GOOD FAITH DETERMINATIONS RELATED TO WETLAND CONSERVATION.

Section 1222(h) of the Food Security Act of 1985 (16 U.S.C. 3822(h)) is amended—

(1) by redesignating paragraph (2) as paragraph (3);

(2) by inserting after paragraph (1) the following new paragraph:

''(2) ELIGIBLE REVIEWERS.—A determination of the Secretary, or a designee of the Secretary, under paragraph (1) shall be reviewed by the applicable—

''(A) State Executive Director, with the technical concurrence of the State Conservationist; or

''(B) district director, with the technical concurrence of the area conservationist.''; and

(3) in paragraph (3) (as redesignated by paragraph (1)), by inserting ''be'' before ''actively''.

Subtitle B—Conservation Reserve Program

SEC. 2101. EXTENSION OF CONSERVATION RESERVE PROGRAM.

Section 1231(a) of the Food Security Act of 1985 (16 U.S.C. 3831(a)) is amended—

(1) by striking ''2007 calendar year'' and inserting ''2012 fiscal year''; and

(2) by inserting before the period the following: ''and to address issues raised by State, regional, and national conservation initiatives''; and

SEC. 2102. LAND ELIGIBLE FOR ENROLLMENT IN CONSERVATION RESERVE.

Section 1231(b) of the Food Security Act of 1985 (16 U.S.C. 3831(b)) is amended—

(1) in paragraph (1)(B)—

(A) by striking ''Farm Security and Rural Investment Act of 2002'' and inserting ''Food, Conservation, and Energy Act of 2008''; and

(B) by striking the period at the end and inserting a semicolon; and

(2) in paragraph (4)—

(A) in subparagraph (C), by striking ''; or'' and inserting a semicolon;

(B) in subparagraph (D), by striking ''and'' at the end and inserting ''or''; and

(C) in subparagraph (E), by inserting ''or'' after the semicolon at the end.

SEC. 2103. MAXIMUM ENROLLMENT OF ACREAGE IN CONSERVATION RESERVE.

Section 1231(d) of the Food Security Act of 1985 (16 U.S.C. 3831(d)) is amended—

(1) by striking ''2007 calendar years'' and inserting ''2009 fiscal years'';

(2) by striking ''(16 U.S.C.'' and inserting ''(16 U.S.C.''; and

(3) by adding at the end the following new sentence: ''During fiscal years 2010, 2011, and 2012, the Secretary may maintain up to 32,000,000 acres in the conservation reserve at any 1 time.''.

SEC. 2104. DESIGNATION OF CONSERVATION PRIORITY AREAS.

Section 1231(f) of the Food Security Act of 1985 (16 U.S.C. 3831(f)) is amended by striking ''the Chesapeake Bay Region (Pennsylvania, Maryland, and Virginia)'' and inserting ''the Chesapeake Bay Region''.

SEC. 2105. TREATMENT OF MULTI-YEAR GRASSES AND LEGUMES.

Subsection (g) of section 1231 of the Food Security Act of 1985 (16 U.S.C. 3831) is amended to read as follows:

''(g) MULTI-YEAR GRASSES AND LEGUMES.—

''(1) IN GENERAL.—For purposes of this subchapter, alfalfa and other multi-year grasses and legumes in a rotation practice, approved by the Secretary, shall be considered agricultural commodities.

''(2) CROPPING HISTORY.—Alfalfa, when grown as part of a rotation practice, as determined by the Secretary, is an agricultural commodity subject to the cropping history criteria under subsection (b)(1)(B) for the purpose of determining whether highly erodible cropland has been planted or considered planted for 4 of the 6 years referred to in such subsection.''.

SEC. 2106. REVISED PILOT PROGRAM FOR ENROLLMENT OF WETLAND AND BUFFER ACREAGE IN CONSERVATION RESERVE.

(a) REVISED PROGRAM.—

(1) IN GENERAL.—Title XII of the Food Security Act of 1985 is amended by inserting after section 1231 (16 U.S.C. 3831) the following new section:

''SEC. 1231B. PILOT PROGRAM FOR ENROLLMENT OF WETLAND AND BUFFER ACREAGE IN CONSERVATION RESERVE.

''(a) PROGRAM REQUIRED.—

''(1) IN GENERAL.—During the 2008 through 2012 fiscal years, the Secretary shall carry out a program in each State under which the Secretary shall enroll eligible acreage described in subsection (b).

''(2) PARTICIPATION AMONG STATES.—The Secretary shall ensure, to the maximum extent practicable, that owners and operators in each State have an equitable opportunity to participate in the program established under this section.

''(b) ELIGIBLE ACREAGE.—

''(1) WETLAND AND RELATED LAND.—Subject to subsections (c) and (d), an owner or operator may enroll in the conservation reserve, pursuant to the program established under this section, land—

''(A) that is wetland (including a converted wetland described in section 1222(b)(1)(A)) that had a cropping history during at least 3 of the immediately preceding 10 crop years;

''(B) on which a constructed wetland is to be developed that will receive flow from a row crop agriculture drainage system and is designed to provide nitrogen removal in addition to other wetland functions;

''(C) that was devoted to commercial pond-raised aquaculture in any year during the period of calendar years 2002 through 2007; or

''(D) that, after January 1, 1990, and before December 31, 2002, was—

''(i) cropped during at least 3 of 10 crop years; and

''(ii) subject to the natural overflow of a prairie wetland.

''(2) BUFFER ACREAGE.—Subject to subsections (c) and (d), an owner or operator may enroll in the conservation reserve, pursuant to the program established under this section, buffer acreage that—

''(A) with respect to land described in subparagraph (A), (B), or (C) of paragraph (1)—

''(i) is contiguous to such land

''(ii) is used to protect such land; and

''(iii) is of such width as the Secretary determines is necessary to protect such land, taking into consideration and accommodating the farming practices (including the straightening of boundaries to accommodate machinery) used with respect to the cropland that surrounds such land; and

''(B) with respect to land described in subparagraph (D) of paragraph (1), enhances a wildlife benefit to the extent practicable in terms of upland to wetland ratios, as determined by the Secretary.

''(c) PROGRAM LIMITATIONS.—

''(1) ACREAGE LIMITATION.—The Secretary may enroll in the conservation reserve, pursuant to the program established under this section, not more than—

''(A) 100,000 acres in any State; and

''(B) a total of 1,000,000 acres.

''(2) RELATIONSHIP TO MAXIMUM ENROLLMENT.—Subject to paragraph (3), any acreage enrolled in the conservation reserve under this section shall be considered acres maintained in the conservation reserve.

''(3) RELATIONSHIP TO OTHER ENROLLED ACREAGE.—Acreage enrolled in the conservation reserve under this section shall not affect for any fiscal year the quantity of—

''(A) acreage enrolled to establish conservation buffers as part of the program announced on March 24, 1998 (63 Fed. Reg. 14109); or

''(B) acreage enrolled into the conservation reserve enhancement program announced on May 27, 1998 (63 Fed. Reg. 28965).

''(4) REVIEW; POTENTIAL INCREASE IN ENROLLMENT ACREAGE.—The Secretary shall conduct a review of the program established under this section with respect to each State that has enrolled land in the conservation reserve pursuant to the program. As a result of the review, the Secretary may increase the number of acres that may be enrolled in a State under the program to not more than 200,000 acres, notwithstanding paragraph (1)(A).

''(d) OWNER OR OPERATOR ENROLLMENT LIMITATIONS.—

''(1) WETLAND AND RELATED LAND.—

''(A) WETLANDS AND CONSTRUCTED WETLANDS.—The maximum size of any land described in subparagraph (A) or (B) of subsection (b)(1) that an owner or operator may enroll in the conservation reserve, pursuant to the program established under this section, shall be 40 contiguous acres.

''(B) FLOODED FARMLAND.—The maximum size of any land described in subparagraph (D) of subsection (b)(1) that an owner or operator may enroll in the conservation reserve, pursuant to the program established under this section, shall be 20 contiguous acres.

''(C) COVERAGE.—All acres described in subparagraph (A) or (B), including acres that are ineligible for payment, shall be covered by the conservation contract.

''(2) BUFFER ACREAGE.—The maximum size of any buffer acreage described in subsection (b)(2) that an owner or operator may enroll in the conservation reserve under this section shall be determined by the Secretary in consultation with the State Technical Committee.

''(3) TRACTS.—Except for land described in subsection (b)(1)(C) and buffer acreage related to such land, the maximum size of any eligible acreage described in subsection (b)(1) in a tract of an owner or operator enrolled in the conservation reserve under this section shall be 40 acres.

''(e) DUTIES OF OWNERS AND OPERATORS.—During the term of a contract entered into under the program established under this section, an owner or operator shall agree—

''(1) to restore the hydrology of the wetland within the eligible acreage to the maximum extent practicable, as determined by the Secretary;

''(2) to establish vegetative cover (which may include emerging vegetation in water and bottomland hardwoods, cypress, and other appropriate tree species) on the eligible acreage, as determined by the Secretary;

''(3) to a general prohibition of commercial use of the enrolled land; and

''(4) to carry out other duties described in section 1232.

''(f) DUTIES OF THE SECRETARY.—

''(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), in return for a contract entered into under this section, the Secretary shall—

''(A) make payments to the owner or operator based on rental rates for cropland; and

''(B) provide assistance to the owner or operator in accordance with sections 1233 and 1234.

''(2) CONTRACT OFFERS AND PAYMENTS.—The Secretary shall use the method of determination described in section 1234(c)(2)(B) to determine the acceptability of contract offers and the amount of rental payments under this section.

''(3) INCENTIVES.—The amounts payable to owners and operators in the form of rental payments under contracts entered into under this section shall reflect incentives that are provided to owners and operators to enroll filterstrips in the conservation reserve under section 1234.''.

(2) REPEAL OF SUPERSEDED PROGRAM.—Section 1231 of the Food Security Act of 1985 (16 U.S.C. 3831) is amended—

(A) by striking subsection (h); and

(B) by redesignating subsections (i) and (j) as subsections (h) and (i), respectively.

(b) CONFORMING CHANGES TO EMERGENCY FORESTRY CONSERVATION RESERVE PROGRAM.—Subsection (k) of section 1231 of the Food Security Act of 1985 (16 U.S.C. 3831) is amended—

(1) by striking ''(k) EMERGENCY FORESTRY CONSERVATION RESERVE PROGRAM.—'' and inserting the following:

''SEC. 1231A. EMERGENCY FORESTRY CONSERVATION RESERVE PROGRAM.'';

(2) by striking ''subsection'' each place it appears (other than paragraph (3)(C)(ii)) and inserting ''section'';

(3) by redesignating paragraphs (1), (2), and (3) as subsections (a), (b), and (c), respectively;

(4) in subsection (a), as so redesignated, by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively; and

(5) in subsection (c), as so redesignated—

(A) by redesignating subparagraphs (A) through (I) as paragraphs (1) through (9), respectively;

(B) in paragraph (1), as so redesignated, by striking ''subparagraph (B)'' and ''subparagraph (G)'' and inserting ''paragraph (2)'' and ''paragraph (7)'', respectively;

(C) in paragraph (3), as so redesignated—

(i) by redesignating clauses (i) and (ii) as subparagraphs (A) and (B), respectively; and

(ii) by striking ''subsection (d)'' and inserting ''section 1231(d)'';

(D) in paragraph (4), as so redesignated, by redesignating clauses (i) and (ii) as subparagraphs (A) and (B), respectively;

(E) in paragraph (5), as so redesignated—

(i) by redesignating clauses (i) through (v) as subparagraphs (A) through (E), respectively, and subclauses (I) and (II) as clauses (i) and (ii), respectively;

(ii) in subparagraph (B), as so redesignated, by striking ''clause (i)(I)'' and inserting ''subparagraph (A)(i)''; and

(iii) in subparagraph (C), as so redesignated, by striking ''clause (i)(II)'' and inserting ''subparagraph (A)(ii)''; and

(F) in paragraph (9), as so redesignated, by redesignating clauses (i) through (iii) as subparagraphs (A) through (C), respectively, and subclauses (I) through (III) as clauses (i) through (iii), respectively.

SEC. 2107. ADDITIONAL DUTY OF PARTICIPANTS UNDER CONSERVATION RESERVE CONTRACTS.

Section 1232(a) of the Food Security Act of 1985 (16 U.S.C. 3832(a)) is amended—

(1) by redesignating paragraphs (5) through (10) as paragraphs (6) through (11), respectively; and

(2) by inserting after paragraph (4) the following new paragraph:

''(5) to undertake management on the land as needed throughout the term of the contract to implement the conservation plan;''.

SEC. 2108. MANAGED HAYING, GRAZING, OR OTHER COMMERCIAL USE OF FORAGE ON ENROLLED LAND AND INSTALLATION OF WIND TURBINES.

(a) GENERAL PROHIBITION; EXCEPTIONS.—Section 1232(a) of the Food Security Act of 1985 (16 U.S.C. 3832(a)) is amended by striking paragraph (8), as redesignated by section 2107, and inserting the following new paragraph:

''(8) not to conduct any harvesting or grazing, nor otherwise make commercial use of the forage, on land that is subject to the contract, nor adopt any similar practice specified in the contract by the Secretary as a practice that would tend to defeat the purposes of the contract, except that the Secretary may permit, consistent with the conservation of soil, water quality, and wildlife habitat (including habitat during nesting seasons for birds in the area)—

''(A) managed harvesting (including the managed harvesting of biomass), except that in permitting managed harvesting, the Secretary, in coordination with the State technical committee—

''(i) shall develop appropriate vegetation management requirements; and

''(ii) shall identify periods during which managed harvesting may be conducted;

''(B) harvesting and grazing or other commercial use of the forage on the land that is subject to the contract in response to a drought or other emergency;

''(C) routine grazing or prescribed grazing for the control of invasive species, except that in permitting such routine grazing or prescribed grazing, the Secretary, in coordination with the State technical committee—

''(i) shall develop appropriate vegetation management requirements and stocking rates for the land that are suitable for continued routine grazing; and

''(ii) shall establish the frequency during which routine grazing may be conducted, taking into consideration regional differences such as—

''(I) climate, soil type, and natural resources;

''(II) the number of years that should be required between routine grazing activities; and

''(III) how often during a year in which routine grazing is permitted that routine grazing should be allowed to occur; and

''(D) the installation of wind turbines, except that in permitting the installation of wind turbines, the Secretary shall determine the number and location of wind turbines that may be installed, taking into account—

''(i) the location, size, and other physical characteristics of the land;

''(ii) the extent to which the land contains wildlife and wildlife habitat; and

''(iii) the purposes of the conservation reserve program under this subchapter;''.

(b) RENTAL PAYMENT REDUCTION.—Section 1232 of the Food Security Act of 1985 (16 U.S.C. 3832) is amended by adding at the end the following new subsection:

''(d) RENTAL PAYMENT REDUCTION FOR CERTAIN AUTHORIZED USES OF ENROLLED LAND.—In the case of an authorized activity under subsection (a)(8) on land that is subject to a contract under this subchapter, the Secretary shall reduce the rental payment otherwise payable under the contract by an amount commensurate with the economic value of the authorized activity.''.

SEC. 2109. COST SHARING PAYMENTS RELATING TO TREES, WINDBREAKS, SHELTERBELTS, AND WILDLIFE CORRIDORS.

Section 1234(b) of the Food Security Act of 1985 (16 U.S.C. 3834(b)) is amended by striking paragraph (3) and inserting the following new paragraph:

''(3) TREES, WINDBREAKS, SHELTERBELTS, AND WILDLIFE CORRIDORS.—

''(A) APPLICABILITY.—This paragraph applies to—

''(i) land devoted to the production of hardwood trees, windbreaks, shelterbelts, or wildlife corridors under a contract entered into under this subchapter after November 28, 1990;

''(ii) land converted to such production under section 1235A; and

''(iii) land on which an owner or operator agrees to conduct thinning authorized by section 1232(a)(9), if the thinning is necessary to improve the condition of resources on the land.

''(B) PAYMENTS.—

''(i) PERCENTAGE.—In making cost share payments to an owner or operator of land described in subparagraph (A), the Secretary shall pay 50 percent of the reasonable and necessary costs incurred by the owner or operator for maintaining trees or shrubs, including the cost of replanting (if the trees or shrubs were lost due to conditions beyond the control of the owner or operator) or thinning.

''(ii) DURATION.—The Secretary shall make payments as described in clause (i) for a period of not less than 2 years, but not more than 4 years, beginning on the date of—

''(I) the planting of the trees or shrubs; or

''(II) the thinning of existing stands to improve the condition of resources on the land.''.

SEC. 2110. EVALUATION AND ACCEPTANCE OF CONTRACT OFFERS, ANNUAL RENTAL PAYMENTS, AND PAYMENT LIMITATIONS.

(a) EVALUATION AND ACCEPTANCE OF CONTRACT OFFERS.—Section 1234(c) of the Food Security Act of 1985 (16 U.S.C. 3834(c)) is amended by striking paragraph (3) and inserting the following new paragraph:

''(3) ACCEPTANCE OF CONTRACT OFFERS.—

''(A) EVALUATION OF OFFERS.—In determining the acceptability of contract offers, the Secretary may take into consideration the extent to which enrollment of the land that is the subject of the contract offer would improve soil resources, water quality, or wildlife habitat or provide other environmental benefits.

''(B) ESTABLISHMENT OF DIFFERENT CRITERIA IN VARIOUS STATES AND REGIONS.—The Secretary may establish different criteria for determining the acceptability of contract offers in various States and regions of the United States based on the extent to which water quality or wildlife habitat may be improved or erosion may be abated.

''(C) LOCAL PREFERENCE.—In determining the acceptability of contract offers for new enrollments, the Secretary shall accept, to the maximum extent practicable, an offer from an owner or operator that is a resident of the county in which the land is located or of a contiguous county if, as determined by the Secretary, the land would provide at least equivalent conservation benefits to land under competing offers.''.

(b) ANNUAL SURVEY OF DRYLAND AND IRRIGATED CASH RENTAL RATES.—

(1) ANNUAL ESTIMATES REQUIRED.—Section 1234(c) of the Food Security Act of 1985 (16 U.S.C. 3834(c)) is amended by adding at the end the following new paragraph:

''(5) RENTAL RATES.—

''(A) ANNUAL ESTIMATES.—The Secretary (acting through the National Agricultural Statistics Service) shall conduct an annual survey of per acre estimates of county average market dryland and irrigated cash rental rates for cropland and pastureland in all counties or equivalent subdivisions within each State that have 20,000 acres or more of cropland and pastureland.

''(B) PUBLIC AVAILABILITY OF ESTIMATES.—The estimates derived from the annual survey conducted under subparagraph (A) shall be maintained on a website of the Department of Agriculture for use by the general public.''.

(2) FIRST SURVEY.—The first survey required by paragraph (5) of section 1234(c) of the Food Security Act of 1985 (16 U.S.C. 3834(c)), as added by subsection (a), shall be conducted not later than 1 year after the date of enactment of this Act.

(c) PAYMENT LIMITATIONS.—Section 1234(f) of the Food Security Act of 1985 (16 U.S.C. 3834(f)) is amended—

(1) in paragraph (1), by striking ''made to a person'' and inserting ''received by a person or legal entity, directly or indirectly,'';

(2) by striking paragraph (2); and

(3) in paragraph (4), by striking ''any person'' and inserting ''any person or legal entity''.

SEC. 2111. CONSERVATION RESERVE PROGRAM TRANSITION INCENTIVES FOR BEGINNING FARMERS OR RANCHERS AND SOCIALLY DISADVANTAGED FARMERS OR RANCHERS.

(a) CONTRACT MODIFICATION AUTHORITY.—Section 1235(c)(1)(B) of the Food Security Act of 1985 (16 U.S.C. 3835(c)(1)(B)) is amended—

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

(2) by redesignating clause (iii) as clause (iv); and

(3) by inserting after clause (ii) the following new clause:

''(iii) to facilitate a transition of land subject to the contract from a retired or retiring owner or operator to a beginning farmer or rancher or socially disadvantaged farmer or rancher for the purpose of returning some or all of the land into production using sustainable grazing or crop production methods; or''.

(b) TRANSITION OPTION.—Section 1235 of the Food Security Act of 1985 (16 U.S.C. 3835) is amended by adding at the end the following new subsection:

''(f) TRANSITION OPTION FOR CERTAIN FARMERS OR RANCHERS.—

''(1) DUTIES OF THE SECRETARY.—In the case of a contract modification approved in order to facilitate the transfer, as described in subsection (c)(1)(B)(iii), of land to a beginning farmer or rancher or socially disadvantaged farmer or rancher (in this subsection referred to as a 'covered farmer or rancher'), the Secretary shall—

''(A) beginning on the date that is 1 year before the date of termination of the contract—

''(i) allow the covered farmer or rancher, in conjunction with the retired or retiring owner or operator, to make conservation and land improvements; and

''(ii) allow the covered farmer or rancher to begin the certification process under the Organic Foods Production Act of 1990 (7 U.S.C. 6501 et seq.);

''(B) beginning on the date of termination of the contract, require the retired or retiring owner or operator to sell or lease (under a long-term lease or a lease with an option to purchase) to the covered farmer or rancher the land subject to the contract for production purposes;

''(C) require the covered farmer or rancher to develop and implement a conservation plan;

''(D) provide to the covered farmer or rancher an opportunity to enroll in the conservation stewardship program or the environmental quality incentives program by not later than the date on which the farmer or rancher takes possession of the land through ownership or lease; and

''(E) continue to make annual payments to the retired or retiring owner or operator for not more than an additional 2 years after the date of termination of the contract, if the retired or retiring owner or operator is not a family member (as defined in section 1001A(b)(3)(B) of this Act) of the covered farmer or rancher.

''(2) REENROLLMENT.—The Secretary shall provide a covered farmer or rancher with the option to reenroll any applicable partial field conservation practice that—

''(A) is eligible for enrollment under the continuous signup requirement of section 1231(h)(4)(B); and

''(B) is part of an approved conservation plan.''.

Subtitle C—Wetlands Reserve Program

SEC. 2201. ESTABLISHMENT AND PURPOSE OF WETLANDS RESERVE PROGRAM.

Subsection (a) of section 1237 of the Food Security Act of 1985 (16 U.S.C. 3837) is amended to read as follows:

''(a) ESTABLISHMENT AND PURPOSES.—

''(1) ESTABLISHMENT.—The Secretary shall establish a wetlands reserve program to assist owners of eligible lands in restoring and protecting wetlands.

''(2) PURPOSES.—The purposes of the wetlands reserve program are to restore, protect, or enhance wetlands on private or tribal lands that are eligible under subsections (c) and (d).''.

SEC. 2202. MAXIMUM ENROLLMENT AND ENROLLMENT METHODS.

Section 1237(b) of the Food Security Act of 1985 (16 U.S.C. 3837(b)) is amended—

(1) by striking paragraph (1) and inserting the following new paragraph:

''(1) MAXIMUM ENROLLMENT.—The total number of acres enrolled in the wetlands reserve program shall not exceed 3,041,200 acres.'';

(2) in paragraph (2), by striking ''The Secretary'' and inserting ''Subject to paragraph (3), the Secretary''; and

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

''(3) ACREAGE OWNED BY INDIAN TRIBES.—In the case of acreage owned by an Indian tribe, the Secretary shall enroll acreage into the wetlands reserve program through the use of—

''(A) a 30-year contract (the value of which shall be equivalent to the value of a 30-year easement);

''(B) restoration cost-share agreements; or

''(C) any combination of the options described in subparagraphs (A) and (B).''.

SEC. 2203. DURATION OF WETLANDS RESERVE PROGRAM AND LANDS ELIGIBLE FOR ENROLLMENT.

(a) IN GENERAL.—Section 1237(c) of the Food Security Act of 1985 (16 U.S.C. 3837(c)) is amended—

(1) in the matter preceding paragraph (1)—

(A) by striking ''2007 calendar'' and inserting ''2012 fiscal''; and

(B) by inserting ''private or tribal'' before ''land'' the second place it appears;

(2) by striking paragraph (2) and inserting the following new paragraph:

''(2) such land is—

''(A) farmed wetland or converted wetland, together with the adjacent land that is functionally dependent on the wetlands, except that converted wetland with respect to which the conversion was not commenced prior to December 23, 1985, shall not be eligible to be enrolled in the program under this section; or

''(B) cropland or grassland that was used for agricultural production prior to flooding from the natural overflow of a closed basin lake or pothole, as determined by the Secretary, together (where practicable) with the adjacent land that is functionally dependent on the cropland or grassland; and''.

(b) CHANGE OF OWNERSHIP.—Section 1237E(a) of the Food Security Act of 1985 (16 U.S.C. 3837e(a)) is amended by striking ''in the preceding 12 months'' and inserting ''during the preceding 7-year period''.

(c) ANNUAL SURVEY AND REALLOCATION.—Section 1237F of the Food Security Act of 1985 (16 U.S.C. 3837f) is amended by adding at the end the following new subsection:

''(c) PRAIRIE POTHOLE REGION SURVEY AND REALLOCATION.—

''(1) SURVEY.—The Secretary shall conduct a survey during fiscal year 2008 and each subsequent fiscal year for the purpose of determining interest and allocations for the Prairie Pothole Region to enroll eligible land described in section 1237(c)(2)(B).

''(2) ANNUAL ADJUSTMENT.—The Secretary shall make an adjustment to the allocation for an interested State for a fiscal year, based on the results of the survey conducted under paragraph (1) for the State during the previous fiscal year.''.

SEC. 2204. TERMS OF WETLANDS RESERVE PROGRAM EASEMENTS.

Section 1237A(b)(2)(B) of the Food Security Act of 1985 (16 U.S.C. 3837a(b)(2)(B)) is amended—

(1) in clause (i), by striking ''or'' at the end;

(2) in clause (ii), by striking ''; and'' and inserting ''; or''; and

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

''(iii) to meet habitat needs of specific wildlife species; and''.

SEC. 2205. COMPENSATION FOR EASEMENTS UNDER WETLANDS RESERVE PROGRAM.

Subsection (f) of section 1237A of the Food Security Act of 1985 (16 U.S.C. 3837a) is amended to read as follows:

''(f) COMPENSATION.—

''(1) DETERMINATION.—Effective on the date of the enactment of the Food, Conservation, and Energy Act of 2008, the Secretary shall pay as compensation for a conservation easement acquired under this subchapter the lowest of—

''(A) the fair market value of the land, as determined by the Secretary, using the Uniform Standards of Professional Appraisal Practices or an area-wide market analysis or survey;

''(B) the amount corresponding to a geographical cap, as determined by the Secretary in regulations; or

''(C) the offer made by the landowner.

''(2) FORM OF PAYMENT.—Compensation for an easement shall be provided by the Secretary in the form of a cash payment, in an amount determined under paragraph (1) and specified in the easement agreement.

''(3) PAYMENT SCHEDULE FOR EASEMENTS.—

''(A) EASEMENTS VALUED AT $500,000 OR LESS.—For easements valued at $500,000 or less, the Secretary may provide easement payments in not more than 30 annual payments.

''(B) EASEMENTS IN EXCESS OF $500,000.—For easements valued at more than $500,000, the Secretary may provide easement payments in at least 5, but not more than 30 annual payments, except that, if the Secretary determines it would further the purposes of the program, the Secretary may make a lump sum payment for such an easement.

''(4) RESTORATION AGREEMENT PAYMENT LIMITATION.—Payments made to a person or legal entity, directly or indirectly, pursuant to a restoration cost-share agreement under this subchapter may not exceed, in the aggregate, $50,000 per year.

''(5) ENROLLMENT PROCEDURE.—Lands may be enrolled under this subchapter through the submission of bids under a procedure established by the Secretary.''.

SEC. 2206. WETLANDS RESERVE ENHANCEMENT PROGRAM AND RESERVED RIGHTS PILOT PROGRAM.

Section 1237A of the Food Security Act of 1985 (16 U.S.C. 3837a) is amended by adding at the end the following new subsection:

''(h) WETLANDS RESERVE ENHANCEMENT PROGRAM.—

''(1) PROGRAM AUTHORIZED.—The Secretary may enter into 1 or more agreements with a State (including a political subdivision or agency of a State), nongovernmental organization, or Indian tribe to carry out a special wetlands reserve enhancement program that the Secretary determines would advance the purposes of this subchapter.

''(2) RESERVED RIGHTS PILOT PROGRAM.—

''(A) RESERVATION OF GRAZING RIGHTS.—As part of the wetlands reserve enhancement program, the Secretary shall carry out a pilot program for land in which a landowner may reserve grazing rights in the warranty easement deed restriction if the Secretary determines that the reservation and use of the grazing rights—

''(i) is compatible with the land subject to the easement;

''(ii) is consistent with the long-term wetland protection and enhancement goals for which the easement was established; and

''(iii) complies with a conservation plan.

''(B) DURATION.—The pilot program established under this paragraph shall terminate on September 30, 2012.''.

SEC. 2207. DUTIES OF SECRETARY OF AGRICULTURE UNDER WETLANDS RESERVE PROGRAM.

Section 1237C of the Food Security Act of 1985 (16 U.S.C. 3837c) is amended—

(1) in subsection (a)(1), by inserting ''including necessary maintenance activities,'' after ''values,''; and

(2) by striking subsection (c) and inserting the following new subsection:

''(c) RANKING OF OFFERS.—

''(1) CONSERVATION BENEFITS AND FUNDING CONSIDERATIONS.—When evaluating offers from landowners, the Secretary may consider—

''(A) the conservation benefits of obtaining an easement or other interest in the land;

''(B) the cost-effectiveness of each easement or other interest in eligible land, so as to maximize the environmental benefits per dollar expended; and

''(C) whether the landowner or another person is offering to contribute financially to the cost of the easement or other interest in the land to leverage Federal funds.

''(2) ADDITIONAL CONSIDERATIONS.—In determining the acceptability of easement offers, the Secretary may take into consideration—

''(A) the extent to which the purposes of the easement program would be achieved on the land;

''(B) the productivity of the land; and

''(C) the on-farm and off-farm environmental threats if the land is used for the production of agricultural commodities.''.

SEC. 2208. PAYMENT LIMITATIONS UNDER WETLANDS RESERVE CONTRACTS AND AGREEMENTS.

Section 1237D(c)(1) of the Food Security Act of 1985 (16 U.S.C. 3837d(c)(1)) is amended—

(1) by striking ''The total amount of easement payments made to a person'' and inserting ''The total amount of payments that a person or legal entity may receive, directly or indirectly,''; and

(2) by inserting ''or under 30-year contracts'' before the period at the end.

SEC. 2209. REPEAL OF PAYMENT LIMITATIONS EXCEPTION FOR STATE AGREEMENTS FOR WETLANDS RESERVE ENHANCEMENT.

Section 1237D(c) of the Food Security Act of 1985 (16 U.S.C. 3837d(c)) is amended by striking paragraph (4).

SEC. 2210. REPORT ON IMPLICATIONS OF LONG-TERM NATURE OF CONSERVATION EASEMENTS.

(a) REPORT REQUIRED.—Not later than January 1, 2010, the Secretary of Agriculture shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that evaluates the implications of the long-term nature of conservation easements granted under section 1237A of the Food Security Act of 1985 (16 U.S.C. 3837a) on resources of the Department of Agriculture.

(b) INCLUSIONS.—The report required by subsection (a) shall include the following:

(1) Data relating to the number and location of conservation easements granted under that section that the Secretary holds or has a significant role in monitoring or managing.

(2) An assessment of the extent to which the oversight of the conservation easement agreements impacts the availability of resources, including technical assistance.

(3) An assessment of the uses and value of agreements with partner organizations.

(4) Any other relevant information relating to costs or other effects that would be helpful to the Committees referred to in subsection (a).

Subtitle D—Conservation Stewardship Program

SEC. 2301. CONSERVATION STEWARDSHIP PROGRAM.

(a) ESTABLISHMENT OF PROGRAM.—Chapter 2 of subtitle D of title XII of the Food Security Act of 1985 is amended—

(1) by redesignating subchapters B (farmland protection program) and C (grassland reserve program) as subchapters C and D, respectively; and

(2) by inserting after subchapter A the following new subchapter:

''Subchapter B—Conservation Stewardship Program

''SEC. 1238D. DEFINITIONS.

''In this subchapter:

''(1) CONSERVATION ACTIVITIES.—

''(A) IN GENERAL.—The term 'conservation activities' means conservation systems, practices, or management measures that are designed to address a resource concern.

''(B) INCLUSIONS.—The term 'conservation activities' includes—

''(i) structural measures, vegetative measures, and land management measures, including agriculture drainage management systems, as determined by the Secretary; and

''(ii) planning needed to address a resource concern.

''(2) CONSERVATION MEASUREMENT TOOLS.—The term 'conservation measurement tools' means procedures to estimate the level of environmental benefit to be achieved by a producer in implementing conservation activities, including indices or other measures developed by the Secretary.

''(3) CONSERVATION STEWARDSHIP PLAN.—The term 'conservation stewardship plan' means a plan that—

''(A) identifies and inventories resource concerns;

''(B) establishes benchmark data and conservation objectives;

''(C) describes conservation activities to be implemented, managed, or improved; and

''(D) includes a schedule and evaluation plan for the planning, installation, and management of the new and existing conservation activities.

''(4) PRIORITY RESOURCE CONCERN.—The term 'priority resource concern' means a resource concern that is identified at the State level, in consultation with the State Technical Committee, as a priority for a particular watershed or area of the State.

''(5) PROGRAM.—The term 'program' means the conservation stewardship program established by this subchapter.

''(6) RESOURCE CONCERN.—The term 'resource concern' means a specific natural resource impairment or problem, as determined by the Secretary, that—

''(A) represents a significant concern in a State or region; and

''(B) is likely to be addressed successfully through the implementation of conservation activities by producers on land eligible for enrollment in the program.

''(7) STEWARDSHIP THRESHOLD.—The term 'stewardship threshold' means the level of natural resource conservation and environmental management required, as determined by the Secretary using conservation measurement tools, to improve and conserve the quality and condition of a resource concern.

''SEC. 1238E. CONSERVATION STEWARDSHIP PROGRAM.

''(a) ESTABLISHMENT AND PURPOSE.—During each of fiscal years 2009 through 2012, the Secretary shall carry out a conservation stewardship program to encourage producers to address resource concerns in a comprehensive manner—

''(1) by undertaking additional conservation activities; and

''(2) by improving, maintaining and managing existing conservation activities.

''(b) ELIGIBLE LAND.—

''(1) IN GENERAL.—Except as provided in subsection (c), the following land is eligible for enrollment in the program:

''(A) Private agricultural land (including cropland, grassland, prairie land, improved pastureland, rangeland, and land used for agroforestry).

''(B) Agricultural land under the jurisdiction of an Indian tribe.

''(C) Forested land that is an incidental part of an agricultural operation.

''(D) Other private agricultural land (including cropped woodland, marshes, and agricultural land used for the production of livestock) on which resource concerns related to agricultural production could be addressed by enrolling the land in the program, as determined by the Secretary.

''(2) SPECIAL RULE FOR NONINDUSTRIAL PRIVATE FOREST LAND.—Nonindustrial private forest land is eligible for enrollment in the program, except that not more than 10 percent of the annual acres enrolled nationally in any fiscal year may be nonindustrial private forest land.

''(3) AGRICULTURAL OPERATION.—Eligible land shall include all acres of an agricultural operation of a producer, whether or not contiguous, that are under the effective control of the producer at the time the producer enters into a stewardship contract, and is operated by the producer with equipment, labor, management, and production or cultivation practices that are substantially separate from other agricultural operations, as determined by the Secretary.

''(c) EXCLUSIONS.—

''(1) LAND ENROLLED IN OTHER CONSERVATION PROGRAMS.—Subject to paragraph (2), the following land is not be eligible for enrollment in the program:

''(A) Land enrolled in the conservation reserve program.

''(B) Land enrolled in the wetlands reserve program.

''(C) Land enrolled in the grassland reserve program.

''(2) CONVERSION TO CROPLAND.—Land used for crop production after the date of enactment of the Food, Conservation, and Energy Act of 2008 that had not been planted, considered to be planted, or devoted to crop production for at least 4 of the 6 years preceding that date shall not be the basis for any payment under the program, unless the land does not meet the requirement because—

''(A) the land had previously been enrolled in the conservation reserve program;

''(B) the land has been maintained using long-term crop rotation practices, as determined by the Secretary; or

''(C) the land is incidental land needed for efficient operation of the farm or ranch, as determined by the Secretary.

''SEC. 1238F. STEWARDSHIP CONTRACTS.

''(a) SUBMISSION OF CONTRACT OFFERS.—To be eligible to participate in the conservation stewardship program, a producer shall submit to the Secretary for approval a contract offer that—

''(1) demonstrates to the satisfaction of the Secretary that the producer, at the time of the contract offer, is meeting the stewardship threshold for at least one resource concern; and

''(2) would, at a minimum, meet or exceed the stewardship threshold for at least 1 priority resource concern by the end of the stewardship contract by—

''(A) installing and adopting additional conservation activities; and

''(B) improving, maintaining, and managing conservation activities in place at the operation of the producer at the time the contract offer is accepted by the Secretary.

''(b) EVALUATION OF CONTRACT OFFERS.—

''(1) RANKING OF APPLICATIONS.—In evaluating contract offers made by producers to enter into contracts under the program, the Secretary shall rank applications based on—

''(A) the level of conservation treatment on all applicable priority resource concerns at the time of application, based to the maximum extent practicable on conservation measurement tools;

''(B) the degree to which the proposed conservation treatment on applicable priority resource concerns effectively increases conservation performance, based to the maximum extent possible on conservation measurement tools;

''(C) the number of applicable priority resource concerns proposed to be treated to meet or exceed the stewardship threshold by the end of the contract;

''(D) the extent to which other resource concerns, in addition to priority resource concerns, will be addressed to meet or exceed the stewardship threshold by the end of the contract period; and

''(E) the extent to which the actual and anticipated environmental benefits from the contract are provided at the least cost relative to other similarly beneficial contract offers.

''(2) PROHIBITION.—The Secretary may not assign a higher priority to any application because the applicant is willing to accept a lower payment than the applicant would otherwise be eligible to receive.

''(3) ADDITIONAL CRITERIA.—The Secretary may develop and use such additional criteria for evaluating applications to enroll in the program that the Secretary determines are necessary to ensure that national, State, and local conservation priorities are effectively addressed.

''(c) ENTERING INTO CONTRACTS.—After a determination that a producer is eligible for the program under subsection (a), and a determination that the contract offer ranks sufficiently high under the evaluation criteria under subsection (b), the Secretary shall enter into a conservation stewardship contract with the producer to enroll the land to be covered by the contract.

''(d) CONTRACT PROVISIONS.—

''(1) TERM.—A conservation stewardship contract shall be for a term of 5 years.

''(2) PROVISIONS.—The conservation stewardship contract of a producer shall—

''(A) state the amount of the payment the Secretary agrees to make to the producer for each year of the conservation stewardship contract under section 1238G(e);

''(B) require the producer—

''(i) to implement during the term of the conservation stewardship contract the conservation stewardship plan approved by the Secretary;

''(ii) to maintain, and make available to the Secretary at such times as the Secretary may request, appropriate records showing the effective and timely implementation of the conservation stewardship contract; and

''(iii) not to engage in any activity during the term of the conservation stewardship contract on the eligible land covered by the contract that would interfere with the purposes of the conservation stewardship contract;

''(C) permit all economic uses of the land that—

''(i) maintain the agricultural nature of the land; and

''(ii) are consistent with the conservation purposes of the conservation stewardship contract;

''(D) include a provision to ensure that a producer shall not be considered in violation of the contract for failure to comply with the contract due to circumstances beyond the control of the producer, including a disaster or related condition, as determined by the Secretary; and

''(E) include such other provisions as the Secretary determines necessary to ensure the purposes of the program are achieved.

''(e) CONTRACT RENEWAL.—At the end of an initial conservation stewardship contract of a producer, the Secretary may allow the producer to renew the contract for one additional five-year period if the producer—

''(1) demonstrates compliance with the terms of the existing contract; and

''(2) agrees to adopt new conservation activities, as determined by the Secretary.

''(f) MODIFICATION.—The Secretary may allow a producer to modify a stewardship contract if the Secretary determines that the modification is consistent with achieving the purposes of the program.

''(g) CONTRACT TERMINATION.—

''(1) VOLUNTARY TERMINATION.—A producer may terminate a conservation stewardship contract if the Secretary determines that termination would not defeat the purposes of the program.

''(2) INVOLUNTARY TERMINATION.—The Secretary may terminate a contract under this subchapter if the Secretary determines that the producer violated the contract.

''(3) REPAYMENT.—If a contract is terminated, the Secretary may, consistent with the purposes of the program—

''(A) allow the producer to retain payments already received under the contract; or

''(B) require repayment, in whole or in part, of payments already received and assess liquidated damages.

''(4) CHANGE OF INTEREST IN LAND SUBJECT TO A CONTRACT.—

''(A) IN GENERAL.—Except as provided in paragraph (B), a change in the interest of a producer in land covered by a contract under this chapter shall result in the termination of the contract with regard to that land.

''(B) TRANSFER OF DUTIES AND RIGHTS.—Subparagraph (A) shall not apply if—

''(i) within a reasonable period of time (as determined by the Secretary) after the date of the change in the interest in land covered by a contract under the program, the transferee of the land provides written notice to the Secretary that all duties and rights under the contract have been transferred to, and assumed by, the transferee; and

''(ii) the transferee meets the eligibility requirements of the program.

''(h) COORDINATION WITH ORGANIC CERTIFICATION.—The Secretary shall establish a transparent means by which producers may initiate organic certification under the Organic Foods Production Act of 1990 (7 U.S.C. 6501 et. seq.) while participating in a contract under this subchapter.

''(i) ON-FARM RESEARCH AND DEMONSTRATION OR PILOT TESTING.—The Secretary may approve a contract offer under this subchapter that includes—

''(1) on-farm conservation research and demonstration activities; and

''(2) pilot testing of new technologies or innovative conservation practices.

''SEC. 1238G. DUTIES OF THE SECRETARY.

''(a) IN GENERAL.—To achieve the conservation goals of a contract under the conservation stewardship program, the Secretary shall—

''(1) make the program available to eligible producers on a continuous enrollment basis with 1 or more ranking periods, one of which shall occur in the first quarter of each fiscal year;

''(2) identify not less than 3 nor more than 5 priority resource concerns in a particular watershed or other appropriate region or area within a State; and

''(3) develop reliable conservation measurement tools for purposes of carrying out the program.

''(b) ALLOCATION TO STATES.—The Secretary shall allocate acres to States for enrollment, based—

''(1) primarily on each State's proportion of eligible acres under section 1238E(b)(1) to the total number of eligible acres in all States; and

''(2) also on consideration of—

''(A) the extent and magnitude of the conservation needs associated with agricultural production in each State;

''(B) the degree to which implementation of the program in the State is, or will be, effective in helping producers address those needs; and

''(C) other considerations to achieve equitable geographic distribution of funds, as determined by the Secretary.

''(c) SPECIALTY CROP AND ORGANIC PRODUCERS.—The Secretary shall ensure that outreach and technical assistance are available, and program specifications are appropriate to enable specialty crop and organic producers to participate in the program.

''(d) ACREAGE ENROLLMENT LIMITATION.—During the period beginning on October 1, 2008, and ending on September 30, 2017, the Secretary shall, to the maximum extent practicable—

''(1) enroll in the program an additional 12,769,000 acres for each fiscal year; and

''(2) manage the program to achieve a national average rate of $18 per acre, which shall include the costs of all financial assistance, technical assistance, and any other expenses associated with enrollment or participation in the program.

''(e) CONSERVATION STEWARDSHIP PAYMENTS.—

''(1) AVAILABILITY OF PAYMENTS.—The Secretary shall provide a payment under the program to compensate the producer for—

''(A) installing and adopting additional conservation activities; and

''(B) improving, maintaining, and managing conservation activities in place at the operation of the producer at the time the contract offer is accepted by the Secretary.

''(2) PAYMENT AMOUNT.—The amount of the conservation stewardship payment shall be determined by the Secretary and based, to the maximum extent practicable, on the following factors:

''(A) Costs incurred by the producer associated with planning, design, materials, installation, labor, management, maintenance, or training.

''(B) Income forgone by the producer.

''(C) Expected environmental benefits as determined by conservation measurement tools.

''(3) EXCLUSIONS.—A payment to a producer under this subsection shall not be provided for—

''(A) the design, construction, or maintenance of animal waste storage or treatment facilities or associated waste transport or transfer devices for animal feeding operations; or

''(B) conservation activities for which there is no cost incurred or income forgone to the producer.

''(4) TIMING OF PAYMENTS.—

''(A) IN GENERAL.—The Secretary shall make payments as soon as practicable after October 1 of each fiscal year for activities carried out in the previous fiscal year.

''(B) ADDITIONAL ACTIVITIES.—The Secretary shall make payments to compensate producers for installation of additional practices at the time at which the practices are installed and adopted.

''(f) SUPPLEMENTAL PAYMENTS FOR RESOURCE-CONSERVING CROP ROTATIONS.—

''(1) AVAILABILITY OF PAYMENTS.—The Secretary shall provide additional payments to producers that, in participating in the program, agree to adopt resource-conserving crop rotations to achieve beneficial crop rotations as appropriate for the land of the producers.

''(2) BENEFICIAL CROP ROTATIONS.—The Secretary shall determine whether a resource-conserving crop rotation is a beneficial crop rotation eligible for additional payments under paragraph (1), based on whether the resource-conserving crop rotation is designed to provide natural resource conservation and production benefits.

''(3) ELIGIBILITY.—To be eligible to receive a payment described in paragraph (1), a producer shall agree to adopt and maintain beneficial resource-conserving crop rotations for the term of the contract.

''(4) RESOURCE-CONSERVING CROP ROTATION.—In this subsection, the term 'resource-conserving crop rotation' means a crop rotation that—

''(A) includes at least 1 resource conserving crop (as defined by the Secretary);

''(B) reduces erosion;

''(C) improves soil fertility and tilth;

''(D) interrupts pest cycles; and

''(E) in applicable areas, reduces depletion of soil moisture or otherwise reduces the need for irrigation.

''(g) PAYMENT LIMITATIONS.—A person or legal entity may not receive, directly or indirectly, payments under this subchapter that, in the aggregate, exceed $200,000 for all contracts entered into during any 5-year period, excluding funding arrangements with federally recognized Indian tribes or Alaska Native corporations, regardless of the number of contracts entered into under the program by the person or entity.

''(h) REGULATIONS.—The Secretary shall promulgate regulations that—

''(1) prescribe such other rules as the Secretary determines to be necessary to ensure a fair and reasonable application of the limitations established under subsection (g); and

''(2) otherwise enable the Secretary to carry out the program.

''(i) DATA.—The Secretary shall maintain detailed and segmented data on contracts and payments under the program to allow for quantification of the amount of payments made for—

''(1) the installation and adoption of additional conservation activities and improvements to conservation activities in place on the operation of a producer at the time the conservation stewardship offer is accepted by the Secretary;

''(2) participation in research, demonstration, and pilot projects; and

''(3) the development and periodic assessment and evaluation of conservation plans developed under this subchapter.''.

(b) TERMINATION OF CONSERVATION SECURITY PROGRAM AUTHORITY; EFFECT ON EXISTING CONTRACTS.—Section 1238A of the Food Security Act of 1985 (16 U.S.C. 3838a) is amended by adding at the end the following new subsection:

''(g) PROHIBITION ON CONSERVATION SECURITY PROGRAM CONTRACTS; EFFECT ON EXISTING CONTRACTS.—

''(1) PROHIBITION.—A conservation security contract may not be entered into or renewed under this subchapter after September 30, 2008.

''(2) EXCEPTION.—This subchapter, and the terms and conditions of the conservation security program, shall continue to apply to—

''(A) conservation security contracts entered into on or before September 30, 2008; and

''(B) any conservation security contract entered into after that date, but for which the application for the contract was received during the 2008 sign-up period.

''(3) EFFECT ON PAYMENTS.—The Secretary shall make payments under this subchapter with respect to conservation security contracts described in paragraph (2) during the remaining term of the contracts.

''(4) REGULATIONS.—A contract described in paragraph (2) may not be administered under the regulations issued to carry out the conservation stewardship program.''.

(c) REFERENCE TO REDESIGNATED SUBCHAPTER.—Section 1238A(b)(3)(C) of title XII of the Food Security Act of 1985 (16 U.S.C. 3838a(b)(3)(C)) is amended by striking ''subchapter C'' and inserting ''subchapter D''.

Subtitle E—Farmland Protection and Grassland Reserve

SEC. 2401. FARMLAND PROTECTION PROGRAM.

(a) DEFINITIONS.—Section 1238H of the Food Security Act of 1985 (16 U.S.C. 3838h) is amended—

(1) by striking paragraph (1) and inserting the following new paragraph:

''(1) ELIGIBLE ENTITY.—The term 'eligible entity' means—

''(A) any agency of any State or local government or an Indian tribe (including a farmland protection board or land resource council established under State law); or

''(B) any organization that—

''(i) is organized for, and at all times since the formation of the organization has been operated principally for, 1 or more of the conservation purposes specified in clause (i), (ii), (iii), or (iv) of section 170(h)(4)(A) of the Internal Revenue Code of 1986;

''(ii) is an organization described in section 501(c)(3) of that Code that is exempt from taxation under section 501(a) of that Code; and

''(iii) is—

''(I) described in paragraph (1) or (2) of section 509(a) of that Code; or

''(II) described in section 509(a)(3), and is controlled by an organization described in section 509(a)(2), of that Code.''; and

(2) in paragraph (2)—

(A) in subparagraph (A)—

(i) by striking ''that—'' and inserting ''that is subject to a pending offer for purchase from an eligible entity and—''; and

(ii) by striking clauses (i) and (ii) and inserting the following new clauses:

''(i) has prime, unique, or other productive soil;

''(ii) contains historical or archaeological resources; or

''(iii) the protection of which will further a State or local policy consistent with the purposes of the program.''; and

(B) in subparagraph (B)—

(i) in clause (iv), by striking ''and'' at the end; and

(ii) by striking clause (v) and inserting the following new clauses:

''(v) forest land that—

''(I) contributes to the economic viability of an agricultural operation; or

''(II) serves as a buffer to protect an agricultural operation from development; and

''(vi) land that is incidental to land described in clauses (i) through (v), if such land is necessary for the efficient administration of a conservation easement, as determined by the Secretary.''.

(b) FARMLAND PROTECTION.—Section 1238I of the Food Security Act of 1985 (16 U.S.C. 3838i) is amended to read as follows:

''SEC. 1238I. FARMLAND PROTECTION PROGRAM.

''(a) ESTABLISHMENT.—The Secretary shall establish and carry out a farmland protection program under which the Secretary shall facilitate and provide funding for the purchase of conservation easements or other interests in eligible land.

''(b) PURPOSE.—The purpose of the program is to protect the agricultural use and related conservation values of eligible land by limiting nonagricultural uses of that land.

''(c) COST-SHARE ASSISTANCE.—

''(1) PROVISION OF ASSISTANCE.—The Secretary shall provide cost-share assistance to eligible entities for purchasing a conservation easement or other interest in eligible land.

''(2) FEDERAL SHARE.—The share of the cost provided by the Secretary for purchasing a conservation easement or other interest in eligible land shall not exceed 50 percent of the appraised fair market value of the conservation easement or other interest in eligible land.

''(3) NON-FEDERAL SHARE.—

''(A) SHARE PROVIDED BY ELIGIBLE ENTITY.—The eligible entity shall provide a share of the cost of purchasing a conservation easement or other interest in eligible land in an amount that is not less than 25 percent of the acquisition purchase price.

''(B) LANDOWNER CONTRIBUTION.—As part of the non-Federal share of the cost of purchasing a conservation easement or other interest in eligible land, an eligible entity may include a charitable donation or qualified conservation contribution (as defined by section 170(h) of the Internal Revenue Code of 1986) from the private landowner from which the conservation easement or other interest in land will be purchased.

''(d) DETERMINATION OF FAIR MARKET VALUE.—Effective on the date of enactment of the Food, Conservation, and Energy Act of 2008, the fair market value of the conservation easement or other interest in eligible land shall be determined on the basis of an appraisal using an industry approved method, selected by the eligible entity and approved by the Secretary.

''(e) BIDDING DOWN PROHIBITED.—If the Secretary determines that 2 or more applications for cost-share assistance are comparable in achieving the purpose of the program, the Secretary shall not assign a higher priority to any 1 of those applications solely on the basis of lesser cost to the program.

''(f) CONDITION ON ASSISTANCE.—

''(1) CONSERVATION PLAN.—Any highly erodible cropland for which a conservation easement or other interest is purchased using cost-share assistance provided under the program shall be

subject to a conservation plan that requires, at the option of the Secretary, the conversion of the cropland to less intensive uses.

''(2) CONTINGENT RIGHT OF ENFORCEMENT.—The Secretary shall require the inclusion of a contingent right of enforcement for the Secretary in the terms of a conservation easement or other interest in eligible land that is purchased using cost-share assistance provided under the program.

''(g) AGREEMENTS WITH ELIGIBLE ENTITIES.—

''(1) IN GENERAL.—The Secretary shall enter into agreements with eligible entities to stipulate the terms and conditions under which the eligible entity is permitted to use cost-share assistance provided under subsection (c).

''(2) LENGTH OF AGREEMENTS.—An agreement under this subsection shall be for a term that is—

''(A) in the case of an eligible entity certified under the process described in subsection (h), a minimum of five years; and

''(B) for all other eligible entities, at least three, but not more than five years.

''(3) SUBSTITUTION OF QUALIFIED PROJECTS.—An agreement shall allow, upon mutual agreement of the parties, substitution of qualified projects that are identified at the time of the proposed substitution.

''(4) MINIMUM REQUIREMENTS.—An eligible entity shall be authorized to use its own terms and conditions, as approved by the Secretary, for conservation easements and other purchases of interests in land, so long as such terms and conditions—

''(A) are consistent with the purposes of the program;

''(B) permit effective enforcement of the conservation purposes of such easements or other interests; and

''(C) include a limit on the impervious surfaces to be allowed that is consistent with the agricultural activities to be conducted.

''(5) EFFECT OF VIOLATION.—If a violation occurs of a term or condition of an agreement entered into under this subsection—

''(A) the agreement shall remain in force; and

''(B) the Secretary may require the eligible entity to refund all or part of any payments received by the entity under the program, with interest on the payments as determined appropriate by the Secretary.

''(h) CERTIFICATION OF ELIGIBLE ENTITIES.—

''(1) CERTIFICATION PROCESS.—The Secretary shall establish a process under which the Secretary may—

''(A) directly certify eligible entities that meet established criteria;

''(B) enter into long-term agreements with certified entities, as authorized by subsection (g)(2)(A); and

''(C) accept proposals for cost-share assistance to certified entities for the purchase of conservation easements or other interests in eligible land throughout the duration of such agreements.

''(2) CERTIFICATION CRITERIA.—In order to be certified, an eligible entity shall demonstrate to the Secretary that the entity will maintain, at a minimum, for the duration of the agreement—

''(A) a plan for administering easements that is consistent with the purpose of this subchapter;

''(B) the capacity and resources to monitor and enforce conservation easements or other interests in land; and

''(C) policies and procedures to ensure—

''(i) the long-term integrity of conservation easements or other interests in eligible land;

''(ii) timely completion of acquisitions of easements or other interests in eligible land; and

''(iii) timely and complete evaluation and reporting to the Secretary on the use of funds provided by the Secretary under the program.

''(3) REVIEW AND REVISION.—

''(A) REVIEW.—The Secretary shall conduct a review of eligible entities certified under paragraph (1) every three years to ensure that such entities are meeting the criteria established under paragraph (2).

''(B) REVOCATION.—If the Secretary finds that the certified entity no longer meets the criteria established under paragraph (2), the Secretary may—

''(i) allow the certified entity a specified period of time, at a minimum 180 days, in which to take such actions as may be necessary to meet the criteria; and

''(ii) revoke the certification of the entity, if after the specified period of time, the certified entity does not meet the criteria established in paragraph (2).''.

SEC. 2402. FARM VIABILITY PROGRAM.

Section 1238J(b) of the Food Security Act of 1985 (16 U.S.C. 3838j(b)) is amended by striking ''2007'' and inserting ''2012''.

SEC. 2403. GRASSLAND RESERVE PROGRAM.

Subchapter D of chapter 2 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3838n et seq.), as redesignated by section 2301(a)(1), is amended to read as follows:

''Subchapter D—Grassland Reserve Program

''SEC. 1238N. GRASSLAND RESERVE PROGRAM.

''(a) ESTABLISHMENT AND PURPOSE.—The Secretary shall establish a grassland reserve program (referred to in this subchapter as the 'program') for the purpose of assisting owners and operators in protecting grazing uses and related conservation values by restoring and conserving eligible land through rental contracts, easements, and restoration agreements.

''(b) ENROLLMENT OF ACREAGE.—

''(1) ACREAGE ENROLLED.—The Secretary shall enroll an additional 1,220,000 acres of eligible land in the program during fiscal years 2009 through 2012.

''(2) METHODS OF ENROLLMENT.—The Secretary shall enroll eligible land in the program through the use of;

''(A) a 10-year, 15-year, or 20-year rental contract;

''(B) a permanent easement; or

''(C) in a State that imposes a maximum duration for easements, an easement for the maximum duration allowed under the law of that State.

''(3) LIMITATION.—Of the total amount of funds expended under the program to acquire rental contracts and easements described in paragraph (2), the Secretary shall use, to the extent practicable—

''(A) 40 percent for rental contacts; and

''(B) 60 percent for easements.

''(4) ENROLLMENT OF CONSERVATION RESERVE LAND.—

''(A) PRIORITY.—Upon expiration of a contract under subchapter B of chapter 1 of this subtitle, the Secretary shall give priority for enrollment in the program to land previously enrolled in the conservation reserve program if—

''(i) the land is eligible land, as defined in subsection (c); and

''(ii) the Secretary determines that the land is of high ecological value and under significant threat of conversion to uses other than grazing.

''(B) MAXIMUM ENROLLMENT.—The number of acres of land enrolled under the priority described in subparagraph (A) in a calendar year shall not exceed 10 percent of the total number of acres enrolled in the program in that calendar year.

''(c) ELIGIBLE LAND DEFINED.—For purposes of the program, the term 'eligible land' means private or tribal land that—

''(1) is grassland, land that contains forbs, or shrubland (including improved rangeland and pastureland) for which grazing is the predominant use;

''(2) is located in an area that has been historically dominated by grassland, forbs, or shrubland, and the land—

''(A) could provide habitat for animal or plant populations of significant ecological value if the land—

''(i) is retained in its current use; or

''(ii) is restored to a natural condition;

''(B) contains historical or archaeological resources; or

''(C) would address issues raised by State, regional, and national conservation priorities; or

''(3) is incidental to land described in paragraph (1) or (2), if the incidental land is determined by the Secretary to be necessary for the efficient administration of a rental contract or easement under the program.

''SEC. 1238O. DUTIES OF OWNERS AND OPERATORS.

''(a) RENTAL CONTRACTS.—To be eligible to enroll eligible land in the program under a rental contract, the owner or operator of the land shall agree—

''(1) to comply with the terms of the contract and, when applicable, a restoration agreement;

''(2) to suspend any existing cropland base and allotment history for the land under another program administered by the Secretary; and

''(3) to implement a grazing management plan, as approved by the Secretary, which may be modified upon mutual agreement of the parties.

''(b) EASEMENTS.—To be eligible to enroll eligible land in the program through an easement, the owner of the land shall agree—

''(1) to grant an easement to the Secretary or to an eligible entity described in section 1238Q;

''(2) to create and record an appropriate deed restriction in accordance with applicable State law to reflect the easement;

''(3) to provide a written statement of consent to the easement signed by persons holding a security interest or any vested interest in the land;

''(4) to provide proof of unencumbered title to the underlying fee interest in the land that is the subject of the easement;

''(5) to comply with the terms of the easement and, when applicable, a restoration agreement;

''(6) to implement a grazing management plan, as approved by the Secretary, which may be modified upon mutual agreement of the parties; and

''(7) to eliminate any existing cropland base and allotment history for the land under another program administered by the Secretary.

''(c) RESTORATION AGREEMENTS.—

''(1) WHEN APPLICABLE.—To be eligible for cost-share assistance to restore eligible land subject to a rental contract or an easement under the program, the owner or operator of the land shall agree to comply with the terms of a restoration agreement.

''(2) TERMS AND CONDITIONS.—The Secretary shall prescribe the terms and conditions of a restoration agreement by which eligible land that is subject to a rental contract or easement under the program shall be restored.

''(3) DUTIES.—The restoration agreement shall describe the respective duties of the owner or operator and the Secretary, including the Federal share of restoration payments and technical assistance.

''(d) TERMS AND CONDITIONS APPLICABLE TO RENTAL CONTRACTS AND EASEMENTS.—

''(1) PERMISSIBLE ACTIVITIES.—The terms and conditions of a rental contract or easement under the program shall permit—

''(A) common grazing practices, including maintenance and necessary cultural practices, on the land in a manner that is consistent with maintaining the viability of grassland, forb, and shrub species appropriate to that locality;

''(B) haying, mowing, or harvesting for seed production, subject to appropriate restrictions during the nesting season for birds in the local area that are in significant decline or are conserved in accordance with Federal or State law, as determined by the State Conservationist;

''(C) fire presuppression, rehabilitation, and construction of fire breaks; and

''(D) grazing related activities, such as fencing and livestock watering.

''(2) PROHIBITIONS.—The terms and conditions of a rental contract or easement under the program shall prohibit—

''(A) the production of crops (other than hay), fruit trees, vineyards, or any other agricultural

commodity that is inconsistent with maintaining grazing land; and

''(B) except as permitted under a restoration plan, the conduct of any other activity that would be inconsistent with maintaining grazing land enrolled in the program.

''(3) ADDITIONAL TERMS AND CONDITIONS.—A rental contract or easement under the program shall include such additional provisions as the Secretary determines are appropriate to carry out or facilitate the purposes and administration of the program.

''(e) VIOLATIONS.—On a violation of the terms or conditions of a rental contract, easement, or restoration agreement entered into under this section—

''(1) the contract or easement shall remain in force; and

''(2) the Secretary may require the owner or operator to refund all or part of any payments received under the program, with interest on the payments as determined appropriate by the Secretary.

''SEC. 1238P. DUTIES OF SECRETARY.

''(a) EVALUATION AND RANKING OF APPLICATIONS.—

''(1) CRITERIA.—The Secretary shall establish criteria to evaluate and rank applications for rental contracts and easements under the program.

''(2) CONSIDERATIONS.—In establishing the criteria, the Secretary shall emphasize support for—

''(A) grazing operations;

''(B) plant and animal biodiversity; and

''(C) grassland, land that contains forbs, and shrubland under the greatest threat of conversion to uses other than grazing.

''(b) PAYMENTS.—

''(1) IN GENERAL.—In return for the execution of a rental contract or the granting of an easement by an owner or operator under the program, the Secretary shall—

''(A) make rental contract or easement payments to the owner or operator in accordance with paragraphs (2) and (3); and

''(B) make payments to the owner or operator under a restoration agreement for the Federal share of the cost of restoration in accordance with paragraph (4).

''(2) RENTAL CONTRACT PAYMENTS.—

''(A) PERCENTAGE OF GRAZING VALUE OF LAND.—In return for the execution of a rental contract by an owner or operator under the program, the Secretary shall make annual payments during the term of the contract in an amount, subject to subparagraph (B), that is not more than 75 percent of the grazing value of the land covered by the contract.

''(B) PAYMENT LIMITATION.—Payments made under 1 or more rental contracts to a person or legal entity, directly or indirectly, may not exceed, in the aggregate, $50,000 per year.

''(3) EASEMENT PAYMENTS.—

''(A) IN GENERAL.—Subject to subparagraph (B), in return for the granting of an easement by an owner under the program, the Secretary shall make easement payments in an amount not to exceed the fair market value of the land less the grazing value of the land encumbered by the easement.

''(B) METHOD FOR DETERMINATION OF COMPENSATION.—In making a determination under subparagraph (A), the Secretary shall pay as compensation for an easement acquired under the program the lowest of—

''(i) the fair market value of the land encumbered by the easement, as determined by the Secretary, using—

''(I) the Uniform Standards of Professional Appraisal Practices; or

''(II) an area-wide market analysis or survey;

''(ii) the amount corresponding to a geographical cap, as determined by the Secretary in regulations; or

''(iii) the offer made by the landowner.

''(C) SCHEDULE.—Easement payments may be provided in up to 10 annual payments of equal or unequal amount, as agreed to by the Secretary and the owner.

''(4) RESTORATION AGREEMENT PAYMENTS.—

''(A) FEDERAL SHARE OF RESTORATION.—The Secretary shall make payments to an owner or operator under a restoration agreement of not more than 50 percent of the costs of carrying out measures and practices necessary to restore functions and values of that land.

''(B) PAYMENT LIMITATION.—Payments made under 1 or more restoration agreements to a person or legal entity, directly or indirectly, may not exceed, in the aggregate, $50,000 per year.

''(5) PAYMENTS TO OTHERS.—If an owner or operator who is entitled to a payment under the program dies, becomes incompetent, is otherwise unable to receive the payment, or is succeeded by another person who renders or completes the required performance, the Secretary shall make the payment, in accordance with regulations promulgated by the Secretary and without regard to any other provision of law, in such manner as the Secretary determines is fair and reasonable in light of all the circumstances.

''SEC. 1238Q. DELEGATION OF DUTY.

''(a) AUTHORITY TO DELEGATE.—The Secretary may delegate a duty under the program—

''(1) by transferring title of ownership to an easement to an eligible entity to hold and enforce; or

''(2) by entering into a cooperative agreement with an eligible entity for the eligible entity to own, write, and enforce an easement.

''(b) ELIGIBLE ENTITY DEFINED.—In this section, the term 'eligible entity' means—

''(1) an agency of State or local government or an Indian tribe; or

''(2) an organization that—

''(A) is organized for, and at all times since the formation of the organization has been operated principally for, one or more of the conservation purposes specified in clause (i), (ii), (iii), or (iv) of section 170(h)(4)(A) of the Internal Revenue Code of 1986;

''(B) is an organization described in section 501(c)(3) of that Code that is exempt from taxation under section 501(a) of that Code; and

''(C) is described in—

''(i) paragraph (1) or (2) of section 509(a) of that Code; or

''(ii) in section 509(a)(3) of that Code, and is controlled by an organization described in section 509(a)(2) of that Code.

''(c) TRANSFER OF TITLE OF OWNERSHIP.—

''(1) TRANSFER.—The Secretary may transfer title of ownership to an easement to an eligible entity to hold and enforce, in lieu of the Secretary, subject to the right of the Secretary to conduct periodic inspections and enforce the easement, if—

''(A) the Secretary determines that the transfer will promote protection of grassland, land that contains forbs, or shrubland;

''(B) the owner authorizes the eligible entity to hold or enforce the easement; and

''(C) the eligible entity agrees to assume the costs incurred in administering and enforcing the easement, including the costs of restoration or rehabilitation of the land as specified by the owner and the eligible entity.

''(2) APPLICATION.—An eligible entity that seeks to hold and enforce an easement shall apply to the Secretary for approval.

''(3) APPROVAL BY SECRETARY.—The Secretary may approve an application described in paragraph (2) if the eligible entity—

''(A) has the relevant experience necessary, as appropriate for the application, to administer an easement on grassland, land that contains forbs, or shrubland;

''(B) has a charter that describes a commitment to conserving ranchland, agricultural land, or grassland for grazing and conservation purposes; and

''(C) has the resources necessary to effectuate the purposes of the charter.

''(d) COOPERATIVE AGREEMENTS.—

''(1) AUTHORIZED; TERMS AND CONDITIONS.—The Secretary shall establish the terms and conditions of a cooperative agreement under which an eligible entity shall use funds provided by the Secretary to own, write, and enforce an easement, in lieu of the Secretary.

''(2) MINIMUM REQUIREMENTS.—At a minimum, the cooperative agreement shall—

''(A) specify the qualification of the eligible entity to carry out the entity's responsibilities under the program, including acquisition, monitoring, enforcement, and implementation of management policies and procedures that ensure the long-term integrity of the easement protections;

''(B) require the eligible entity to assume the costs incurred in administering and enforcing the easement, including the costs of restoration or rehabilitation of the land as specified by the owner and the eligible entity;

''(C) specify the right of the Secretary to conduct periodic inspections to verify the eligible entity's enforcement of the easement;

''(D) subject to subparagraph (E), identify a specific project or a range of projects to be funded under the agreement;

''(E) allow, upon mutual agreement of the parties, substitution of qualified projects that are identified at the time of substitution;

''(F) specify the manner in which the eligible entity will evaluate and report the use of funds to the Secretary;

''(G) allow the eligible entity flexibility to develop and use terms and conditions for easements, if the Secretary finds the terms and conditions consistent with the purposes of the program and adequate to enable effective enforcement of the easements;

''(H) if applicable, allow an eligible entity to include a charitable donation or qualified conservation contribution (as defined by section 170(h) of the Internal Revenue Code of 1986) from the landowner from which the easement will be purchased as part of the entity's share of the cost to purchase an easement; and

''(I) provide for a schedule of payments to an eligible entity, as agreed to by the Secretary and the eligible entity.

''(3) COST SHARING.—

''(A) IN GENERAL.—As part of a cooperative agreement with an eligible entity under this subsection, the Secretary may provide a share of the purchase price of an easement under the program.

''(B) MINIMUM SHARE BY ELIGIBLE ENTITY.—The eligible entity shall be required to provide a share of the purchase price at least equivalent to that provided by the Secretary.

''(C) PRIORITY.—The Secretary may accord a higher priority to proposals from eligible entities that leverage a greater share of the purchase price of the easement.

''(4) VIOLATION.—If an eligible entity violates the terms or conditions of a cooperative agreement entered into under this subsection—

''(A) the cooperative agreement shall remain in force; and

''(B) the Secretary may require the eligible entity to refund all or part of any payments received by the eligible entity under the program, with interest on the payments as determined appropriate by the Secretary.

''(e) PROTECTION OF FEDERAL INVESTMENT.—When delegating a duty under this section, the Secretary shall ensure that the terms of an easement include a contingent right of enforcement for the Department.''.

Subtitle F—Environmental Quality Incentives Program

SEC. 2501. PURPOSES OF ENVIRONMENTAL QUALITY INCENTIVES PROGRAM.

(a) REVISED PURPOSES.—Section 1240 of the Food Security Act of 1985 (16 U.S.C. 3839aa) is amended—

(1) in the matter preceding paragraph (1), by inserting '', forest management,'' after ''agricultural production''; and

(2) by striking paragraphs (3) and (4) and inserting the following new paragraphs:

''(3) providing flexible assistance to producers to install and maintain conservation practices that sustain food and fiber production while—

''(A) enhancing soil, water, and related natural resources, including grazing land, forestland, wetland, and wildlife; and

''(B) conserving energy;

''(4) assisting producers to make beneficial, cost effective changes to production systems (including conservation practices related to organic production), grazing management, fuels management, forest management, nutrient management associated with livestock, pest or irrigation management, or other practices on agricultural and forested land; and''.

(b) TECHNICAL CORRECTION.—The Food Security Act of 1985 is amended by inserting immediately before section 1240 (16 U.S.C. 3839aa) the following:

''CHAPTER 4—ENVIRONMENTAL QUALITY INCENTIVES PROGRAM''.

SEC. 2502. DEFINITIONS.

Section 1240A of the Food Security Act of 1985 (16 U.S.C. 3839aa–1) is amended to read as follows:

''SEC. 1240A. DEFINITIONS.

''In this chapter:

''(1) ELIGIBLE LAND.—

''(A) IN GENERAL.—The term 'eligible land' means land on which agricultural commodities, livestock, or forest-related products are produced.

''(B) INCLUSIONS.—The term 'eligible land' includes the following:

''(i) Cropland.

''(ii) Grassland.

''(iii) Rangeland.

''(iv) Pasture land.

''(v) Nonindustrial private forest land.

''(vi) Other agricultural land (including cropped woodland, marshes, and agricultural land used for the production of livestock) on which resource concerns related to agricultural production could be addressed through a contract under the program, as determined by the Secretary.

''(2) NATIONAL ORGANIC PROGRAM.—The term 'national organic program' means the national organic program established under the Organic Foods Production Act of 1990 (7 U.S.C. 6501 et seq.).

''(3) ORGANIC SYSTEM PLAN.—The term 'organic system plan' means an organic plan approved under the national organic program.

''(4) PAYMENT.—The term 'payment' means financial assistance provided to a producer for performing practices under this chapter, including compensation for—

''(A) incurred costs associated with planning, design, materials, equipment, installation, labor, management, maintenance, or training; and

''(B) income forgone by the producer.

''(5) PRACTICE.—The term 'practice' means 1 or more improvements and conservation activities that are consistent with the purposes of the program under this chapter, as determined by the Secretary, including—

''(A) improvements to eligible land of the producer, including—

''(i) structural practices;

''(ii) land management practices;

''(iii) vegetative practices;

''(iv) forest management; and

''(v) other practices that the Secretary determines would further the purposes of the program; and

''(B) conservation activities involving the development of plans appropriate for the eligible land of the producer, including—

''(i) comprehensive nutrient management planning; and

''(ii) other plans that the Secretary determines would further the purposes of the program under this chapter.

''(6) PROGRAM.—The term 'program' means the environmental quality incentives program established by this chapter.''.

SEC. 2503. ESTABLISHMENT AND ADMINISTRATION OF ENVIRONMENTAL QUALITY INCENTIVES PROGRAM.

Section 1240B of the Food Security Act of 1985 (16 U.S.C. 3839aa–2) is amended to read as follows:

''SEC. 1240B. ESTABLISHMENT AND ADMINISTRATION.

''(a) ESTABLISHMENT.—During each of the 2002 through 2012 fiscal years, the Secretary shall provide payments to producers that enter into contracts with the Secretary under the program.

''(b) PRACTICES AND TERM.—

''(1) PRACTICES.—A contract under the program may apply to the performance of one or more practices.

''(2) TERM.—A contract under the program shall have a term that—

''(A) at a minimum, is equal to the period beginning on the date on which the contract is entered into and ending on the date that is one year after the date on which all practices under the contract have been implemented; but

''(B) not to exceed 10 years.

''(c) BIDDING DOWN.—If the Secretary determines that the environmental values of two or more applications for payments are comparable, the Secretary shall not assign a higher priority to the application only because it would present the least cost to the program.

''(d) PAYMENTS.—

''(1) AVAILABILITY OF PAYMENTS.—Payments are provided to a producer to implement one or more practices under the program.

''(2) LIMITATION ON PAYMENT AMOUNTS.—A payment to a producer for performing a practice may not exceed, as determined by the Secretary—

''(A) 75 percent of the costs associated with planning, design, materials, equipment, installation, labor, management, maintenance, or training;

''(B) 100 percent of income foregone by the producer; or

''(C) in the case of a practice consisting of elements covered under subparagraphs (A) and (B)—

''(i) 75 percent of the costs incurred for those elements covered under subparagraph (A); and

''(ii) 100 percent of income foregone for those elements covered under subparagraph (B).

''(3) SPECIAL RULE INVOLVING PAYMENTS FOR FOREGONE INCOME.—In determining the amount and rate of payments under paragraph (2)(B), the Secretary may accord great significance to a practice that, as determined by the Secretary, promotes—

''(A) residue management;

''(B) nutrient management;

''(C) air quality management;

''(D) invasive species management;

''(E) pollinator habitat;

''(F) animal carcass management technology; or

''(G) pest management.

''(4) INCREASED PAYMENTS FOR CERTAIN PRODUCERS.—

''(A) IN GENERAL.—Notwithstanding paragraph (2), in the case of a producer that is a limited resource, socially disadvantaged farmer or rancher or a beginning farmer or rancher, the Secretary shall increase the amount that would otherwise be provided to a producer under this subsection—

''(i) to not more than 90 percent of the costs associated with planning, design, materials, equipment, installation, labor, management, maintenance, or training; and

''(ii) to not less than 25 percent above the otherwise applicable rate.

''(B) ADVANCE PAYMENTS.—Not more than 30 percent of the amount determined under subparagraph (A) may be provided in advance for the purpose of purchasing materials or contracting.

''(5) FINANCIAL ASSISTANCE FROM OTHER SOURCES.—Except as provided in paragraph (6), any payments received by a producer from a State or private organization or person for the implementation of one or more practices on eligible land of the producer shall be in addition to the payments provided to the producer under this subsection.

''(6) OTHER PAYMENTS.—A producer shall not be eligible for payments for practices on eligible land under the program if the producer receives payments or other benefits for the same practice on the same land under another program under this subtitle.

''(e) MODIFICATION OR TERMINATION OF CONTRACTS.—

''(1) VOLUNTARY MODIFICATION OR TERMINATION.—The Secretary may modify or terminate a contract entered into with a producer under the program if—

''(A) the producer agrees to the modification or termination; and

''(B) the Secretary determines that the modification or termination is in the public interest.

''(2) INVOLUNTARY TERMINATION.—The Secretary may terminate a contract under the program if the Secretary determines that the producer violated the contract.

''(f) ALLOCATION OF FUNDING.—For each of fiscal years 2002 through 2012, 60 percent of the funds made available for payments under the program shall be targeted at practices relating to livestock production.

''(g) FUNDING FOR FEDERALLY RECOGNIZED NATIVE AMERICAN INDIAN TRIBES AND ALASKA NATIVE CORPORATIONS.—The Secretary may enter into alternative funding arrangements with federally recognized Native American Indian Tribes and Alaska Native Corporations (including their affiliated membership organizations) if the Secretary determines that the goals and objectives of the program will be met by such arrangements, and that statutory limitations regarding contracts with individual producers will not be exceeded by any Tribal or Native Corporation member.

''(h) WATER CONSERVATION OR IRRIGATION EFFICIENCY PRACTICE.—

''(1) AVAILABILITY OF PAYMENTS.—The Secretary may provide payments under this subsection to a producer for a water conservation or irrigation practice.

''(2) PRIORITY.—In providing payments to a producer for a water conservation or irrigation practice, the Secretary shall give priority to applications in which—

''(A) consistent with the law of the State in which the eligible land of the producer is located, there is a reduction in water use in the operation of the producer; or

''(B) the producer agrees not to use any associated water savings to bring new land, other than incidental land needed for efficient operations, under irrigated production, unless the producer is participating in a watershed-wide project that will effectively conserve water, as determined by the Secretary.

''(i) PAYMENTS FOR CONSERVATION PRACTICES RELATED TO ORGANIC PRODUCTION.—

''(1) PAYMENTS AUTHORIZED.—The Secretary shall provide payments under this subsection for conservation practices, on some or all of the operations of a producer, related—

''(A) to organic production; and

''(B) to the transition to organic production.

''(2) ELIGIBILITY REQUIREMENTS.—As a condition for receiving payments under this subsection, a producer shall agree—

''(A) to develop and carry out an organic system plan; or

''(B) to develop and implement conservation practices for certified organic production that are consistent with an organic system plan and the purposes of this chapter.

''(3) PAYMENT LIMITATIONS.—Payments under this subsection to a person or legal entity, directly or indirectly, may not exceed, in the aggregate, $20,000 per year or $80,000 during any 6-year period. In applying these limitations, the Secretary shall not take into account payments received for technical assistance.

''(4) EXCLUSION OF CERTAIN ORGANIC CERTIFICATION COSTS.—Payments may not be made under this subsection to cover the costs associated with organic certification that are eligible for cost-share payments under section 10606 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 6523).

''(5) TERMINATION OF CONTRACTS.—The Secretary may cancel or otherwise nullify a contract to provide payments under this subsection if the Secretary determines that the producer—

''(A) is not pursuing organic certification; or

''(B) is not in compliance with the Organic Foods Production Act of 1990 (7 U.S.C. 6501 et seq.).''.

SEC. 2504. EVALUATION OF APPLICATIONS.

Section 1240C of the Food Security Act of 1985 (16 U.S.C. 3839aa–3) is amended to read as follows:

''SEC. 1240C. EVALUATION OF APPLICATIONS.

''(a) EVALUATION CRITERIA.—The Secretary shall develop criteria for evaluating applications that will ensure that national, State, and local conservation priorities are effectively addressed.

''(b) PRIORITIZATION OF APPLICATIONS.—In evaluating applications under this chapter, the Secretary shall prioritize applications—

''(1) based on their overall level of cost-effectiveness to ensure that the conservation practices and approaches proposed are the most efficient means of achieving the anticipated environmental benefits of the project;

''(2) based on how effectively and comprehensively the project addresses the designated resource concern or resource concerns;

''(3) that best fulfill the purpose of the environmental quality incentives program specified in section 1240(1); and

''(4) that improve conservation practices or systems in place on the operation at the time the contract offer is accepted or that will complete a conservation system.

''(c) GROUPING OF APPLICATIONS.—To the greatest extent practicable, the Secretary shall group applications of similar crop or livestock operations for evaluation purposes or otherwise evaluate applications relative to other applications for similar farming operations.''.

SEC. 2505. DUTIES OF PRODUCERS UNDER ENVIRONMENTAL QUALITY INCENTIVES PROGRAM.

Section 1240D of the Food Security Act of 1985 (16 U.S.C. 3839aa–4) is amended—

(1) in the matter preceding paragraph (1), by striking ''technical assistance, cost-share payments, or incentive'';

(2) in paragraph (2), by striking ''farm or ranch'' and inserting ''farm, ranch, or forest land''; and

(3) in paragraph (4), by striking ''cost-share payments and incentive''.

SEC. 2506. ENVIRONMENTAL QUALITY INCENTIVES PROGRAM PLAN.

(a) PLAN OF OPERATIONS.—Section 1240E(a) of the Food Security Act of 1985 (16 U.S.C. 3839aa–5(a)) is amended—

(1) in the subsection heading, by striking ''IN GENERAL'' and inserting ''PLAN OF OPERATIONS'';

(2) in matter preceding paragraph (1), by striking ''cost-share payments or incentive'';

(3) in paragraph (2), by striking ''and'' after the semicolon at the end;

(4) in paragraph (3), by striking the period at the end and inserting ''; and''; and

(5) by adding at the end the following new paragraph:

''(4) in the case of forest land, is consistent with the provisions of a forest management plan that is approved by the Secretary, which may include—

''(A) a forest stewardship plan described in section 5 of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2103a);

''(B) another practice plan approved by the State forester; or

''(C) another plan determined appropriate by the Secretary.''.

(b) AVOIDANCE OF DUPLICATION.—Subsection (b) of section 1240E of the Food Security Act of 1985 (16 U.S.C. 3839aa–5) is amended to read as follows:

''(b) AVOIDANCE OF DUPLICATION.—The Secretary shall—

''(1) consider a plan developed in order to acquire a permit under a water or air quality regulatory program as the equivalent of a plan of operations under subsection (a), if the plan contains elements equivalent to those elements required by a plan of operations; and

''(2) to the maximum extent practicable, eliminate duplication of planning activities under the program under this chapter and comparable conservation programs.''.

SEC. 2507. DUTIES OF THE SECRETARY.

Section 1240F(1) of the Food Security Act of 1985 (16 U.S.C. 3839aa–6(1)) is amended by striking ''cost-share payments or incentive''.

SEC. 2508. LIMITATION ON ENVIRONMENTAL QUALITY INCENTIVES PROGRAM PAYMENTS.

Section 1240G of the Food Security Act of 1985 (16 U.S.C. 3839aa–7) is amended—

(1) by striking ''An individual or entity'' and inserting ''(a) **LIMITATION**.—Subject to subsection (b), a person or legal entity'';

(2) by striking ''$450,000'' and inserting ''$300,000'';

(3) by striking ''the individual'' both places it appears and inserting ''the person''; and

(4) by adding at the end the following new subsection:

''(b) WAIVER AUTHORITY.—In the case of contracts under this chapter for projects of special environmental significance (including projects involving methane digesters), as determined by the Secretary, the Secretary may—

''(1) waive the limitation otherwise applicable under subsection (a); and

''(2) raise the limitation to not more than $450,000 during any six-year period.''.

SEC. 2509. CONSERVATION INNOVATION GRANTS AND PAYMENTS.

Section 1240H of the Food Security Act of 1985 (16 U.S.C. 3839aa–8) is amended to read as follows:

''SEC. 1240H. CONSERVATION INNOVATION GRANTS AND PAYMENTS.

''(a) COMPETITIVE GRANTS FOR INNOVATIVE CONSERVATION APPROACHES.—

''(1) GRANTS.—Out of the funds made available to carry out this chapter, the Secretary may pay the cost of competitive grants that are intended to stimulate innovative approaches to leveraging the Federal investment in environmental enhancement and protection, in conjunction with agricultural production or forest resource management, through the program.

''(2) USE.—The Secretary may provide grants under this subsection to governmental and nongovernmental organizations and persons, on a competitive basis, to carry out projects that—

''(A) involve producers who are eligible for payments or technical assistance under the program;

''(B) leverage Federal funds made available to carry out the program under this chapter with matching funds provided by State and local governments and private organizations to promote environmental enhancement and protection in conjunction with agricultural production;

''(C) ensure efficient and effective transfer of innovative technologies and approaches demonstrated through projects that receive funding under this section, such as market systems for pollution reduction and practices for the storage of carbon in soil; and

''(D) provide environmental and resource conservation benefits through increased participation by producers of specialty crops.

''(b) AIR QUALITY CONCERNS FROM AGRICULTURAL OPERATIONS.—

''(1) IMPLEMENTATION ASSISTANCE.—The Secretary shall provide payments under this subsection to producers to implement practices to address air quality concerns from agricultural operations and to meet Federal, State, and local regulatory requirements. The funds shall be made available on the basis of air quality concerns in a State and shall be used to provide payments to producers that are cost effective and reflect innovative technologies.

''(2) FUNDING.—Of the funds made available to carry out this chapter, the Secretary shall carry out this subsection using $37,500,000 for each of fiscal years 2009 through 2012.''.

SEC. 2510. AGRICULTURAL WATER ENHANCEMENT PROGRAM.

Section 1240I of the Food Security Act of 1985 (16 U.S.C. 3839aa–9) is amended to read as follows:

''SEC. 1240I. AGRICULTURAL WATER ENHANCEMENT PROGRAM.

''(a) DEFINITIONS.—In this section:

''(1) AGRICULTURAL WATER ENHANCEMENT ACTIVITY.—The term 'agricultural water enhancement activity' includes the following activities carried out with respect to agricultural land:

''(A) Water quality or water conservation plan development, including resource condition assessment and modeling.

''(B) Water conservation restoration or enhancement projects, including conversion to the production of less water-intensive agricultural commodities or dryland farming.

''(C) Water quality or quantity restoration or enhancement projects.

''(D) Irrigation system improvement and irrigation efficiency enhancement.

''(E) Activities designed to mitigate the effects of drought.

''(F) Related activities that the Secretary determines will help achieve water quality or water conservation benefits on agricultural land.

''(2) PARTNER.—The term 'partner' means an entity that enters into a partnership agreement with the Secretary to carry out agricultural water enhancement activities on a regional basis, including—

''(A) an agricultural or silvicultural producer association or other group of such producers;

''(B) a State or unit of local government; or

''(C) a federally recognized Indian tribe.

''(3) PARTNERSHIP AGREEMENT.—The term 'partnership agreement' means an agreement between the Secretary and a partner.

''(4) PROGRAM.—The term 'program' means the agricultural water enhancement program established under subsection (b).

''(b) ESTABLISHMENT OF PROGRAM.—Beginning in fiscal year 2009, the Secretary shall carry out, in accordance with this section and using such procedures as the Secretary determines to be appropriate, an agricultural water enhancement program as part of the environmental quality incentives program to promote ground and surface water conservation and improve water quality on agricultural lands—

''(1) by entering into contracts with, and making payments to, producers to carry out agricultural water enhancement activities; or

''(2) by entering into partnership agreements with partners, in accordance with subsection (c), on a regional level to benefit working agricultural land.

''(c) PARTNERSHIP AGREEMENTS.—

''(1) AGREEMENTS AUTHORIZED.—The Secretary may enter into partnership agreements to meet the objectives of the program described in subsection (b).

''(2) APPLICATIONS.—An application to the Secretary to enter into a partnership agreement under paragraph (1) shall include the following:

''(A) A description of the geographical area to be covered by the partnership agreement.

''(B) A description of the agricultural water quality or water conservation issues to be addressed by the partnership agreement.

''(C) A description of the agricultural water enhancement objectives to be achieved through the partnership.

''(D) A description of the partners collaborating to achieve the project objectives and the roles, responsibilities, and capabilities of each partner.

''(E) A description of the program resources, including payments the Secretary is requested to make.

''(F) Such other such elements as the Secretary considers necessary to adequately evaluate and competitively select applications for partnership agreements.

''(3) DUTIES OF PARTNERS.—A partner under a partnership agreement shall—

''(A) identify producers participating in the project and act on their behalf in applying for the program;

''(B) leverage funds provided by the Secretary with additional funds to help achieve project objectives;

''(C) conduct monitoring and evaluation of project effects; and

''(D) at the conclusion of the project, report to the Secretary on project results.

''(d) AGRICULTURAL WATER ENHANCEMENT ACTIVITIES BY PRODUCERS.—The Secretary shall select agricultural water enhancement activities proposed by producers according to applicable requirements under the environmental quality incentives program.

''(e) AGRICULTURAL WATER ENHANCEMENT ACTIVITIES BY PARTNERS.—

''(1) COMPETITIVE PROCESS.—The Secretary shall conduct a competitive process to select partners. In carrying out the process, the Secretary shall make public the criteria used in evaluating applications.

''(2) AUTHORITY TO GIVE PRIORITY TO CERTAIN PROPOSALS.—The Secretary may give a higher priority to proposals from partners that—

''(A) include high percentages of agricultural land and producers in a region or other appropriate area;

''(B) result in high levels of applied agricultural water quality and water conservation activities;

''(C) significantly enhance agricultural activity;

''(D) allow for monitoring and evaluation; and

''(E) assist producers in meeting a regulatory requirement that reduces the economic scope of the producer's operation.

''(3) PRIORITY TO PROPOSALS FROM STATES WITH WATER QUANTITY CONCERNS.—The Secretary shall give a higher priority to proposals from partners that—

''(A) include the conversion of agricultural land from irrigated farming to dryland farming;

''(B) leverage Federal funds provided under the program with funds provided by partners; and

''(C) assist producers in States with water quantity concerns, as determined by the Secretary.

''(4) ADMINISTRATION.—In carrying out this subsection, the Secretary shall—

''(A) accept qualified applications—

''(i) directly from partners applying on behalf of producers; or

''(ii) from producers applying through a partner as part of a regional agricultural water enhancement project; and

''(B) ensure that resources made available for regional agricultural water enhancement activities are delivered in accordance with applicable program rules.

''(f) AREAS EXPERIENCING EXCEPTIONAL DROUGHT.—Notwithstanding the purposes described in section 1240, the Secretary shall consider as an eligible agricultural water enhancement activity the use of a water impoundment to capture surface water runoff on agricultural land if the agricultural water enhancement activity—

''(1) is located in an area that is experiencing or has experienced exceptional drought conditions during the previous two calendar years; and

''(2) will capture surface water runoff through the construction, improvement, or maintenance of irrigation ponds or small, on-farm reservoirs.

''(g) WAIVER AUTHORITY.—To assist in the implementation of agricultural water enhancement activities under the program, the Secretary shall waive the applicability of the limitation in section 1001D(b)(2)(B) of this Act for participating producers if the Secretary determines that the waiver is necessary to fulfill the objectives of the program.

''(h) PAYMENTS UNDER PROGRAM.—

''(1) IN GENERAL.—The Secretary shall provide appropriate payments to producers participating in agricultural water enhancement activities in an amount determined by the secretary to be necessary to achieve the purposes of the program described in subsection (b).

''(2) PAYMENTS TO PRODUCERS IN STATES WITH WATER QUANTITY CONCERNS.—The Secretary shall provide payments for a period of five years to producers participating in agricultural water enhancement activities under proposals described in subsection (e)(3) in an amount sufficient to encourage producers to convert from irrigated farming to dryland farming.

''(i) CONSISTENCY WITH STATE LAW.—Any agricultural water enhancement activity conducted under the program shall be conducted in a manner consistent with State water law.

''(j) FUNDING.—

''(1) AVAILABILITY OF FUNDS.—In addition to funds made available to carry out this chapter under section 1241(a), the Secretary shall carry out the program using, of the funds of the Commodity Credit Corporation—

''(A) $73,000,000 for each of fiscal years 2009 and 2010;

''(B) $74,000,000 for fiscal year 2011; and

''(C) $60,000,000 for fiscal year 2012 and each fiscal year thereafter.

''(2) LIMITATION ON ADMINISTRATIVE EXPENSES.—None of the funds made available for regional agricultural water conservation activities under the program may be used to pay for the administrative expenses of partners.''.

Subtitle G—Other Conservation Programs of the Food Security Act of 1985

SEC. 2601. CONSERVATION OF PRIVATE GRAZING LAND.

Section 1240M(e) of the Food Security Act of 1985 (16 U.S.C. 3839bb(e)) is amended by striking ''2007'' and inserting ''2012''.

SEC. 2602. WILDLIFE HABITAT INCENTIVE PROGRAM.

(a) ELIGIBILITY.—Section 1240N of the Food Security Act of 1985 (16 U.S.C. 3839bb–1) is amended—

(1) in subsection (a), by inserting before the period at the end the following: ''for the development of wildlife habitat on private agricultural land, nonindustrial private forest land, and tribal lands''.

(2) in subsection (b)(1), by striking ''landowners'' and inserting ''owners of lands referred to in subsection (a)''.

(b) INCLUSION OF PIVOT CORNERS AND IRREGULAR AREAS.—Section 1240N(b)(1)(E) of the Food Security Act of 1985 (16 U.S.C. 3839bb–1(b)(1)(E)) is amended by inserting before the period at the end the following: '', including habitat developed on pivot corners and irregular areas''.

(c) COST SHARE FOR LONG-TERM AGREEMENTS.—Section 1240N(b)(2)(B) of the Food Security Act of 1985 (16 U.S.C. 3839bb–1(b)(2)(B)) is amended by striking ''15 percent'' and inserting ''25 percent''.

(d) PRIORITY FOR CERTAIN CONSERVATION INITIATIVES; PAYMENT LIMITATION.—Section 1240N of the Food Security Act of 1985 (16 U.S.C. 3839bb–1) is amended by adding at the end the following new subsections:

''(d) PRIORITY FOR CERTAIN CONSERVATION INITIATIVES.—In carrying out this section, the Secretary may give priority to projects that would address issues raised by State, regional, and national conservation initiatives.

''(e) PAYMENT LIMITATION.—Payments made to a person or legal entity, directly or indirectly, under the program may not exceed, in the aggregate, $50,000 per year.''.

SEC. 2603. GRASSROOTS SOURCE WATER PROTECTION PROGRAM.

Section 1240O(b) of the Food Security Act of 1985 (16 U.S.C. 3839bb–2(b)) is amended by striking ''$5,000,000 for each of fiscal years 2002 through 2007'' and inserting ''$20,000,000 for each of fiscal years 2008 through 2012''.

SEC. 2604. GREAT LAKES BASIN PROGRAM FOR SOIL EROSION AND SEDIMENT CONTROL.

Section 1240P of the Food Security Act of 1985 (16 U.S.C. 3839bb–3) is amended to read as follows:

''SEC. 1240P. GREAT LAKES BASIN PROGRAM FOR SOIL EROSION AND SEDIMENT CONTROL.

''(a) PROGRAM AUTHORIZED.—The Secretary may carry out the Great Lakes basin program for soil erosion and sediment control (referred to in this section as the 'program'), including providing assistance to implement the recommendations of the Great Lakes Regional Collaboration Strategy to Restore and Protect the Great Lakes.

''(b) CONSULTATION AND COOPERATION.—The Secretary shall carry out the program in consultation with the Great Lakes Commission created by Article IV of the Great Lakes Basin Compact (82 Stat. 415) and in cooperation with the Administrator of the Environmental Protection Agency and the Secretary of the Army.

''(c) ASSISTANCE.—In carrying out the program, the Secretary may—

''(1) provide project demonstration grants, provide technical assistance, and carry out information and educational programs to improve water quality in the Great Lakes basin by reducing soil erosion and improving sediment control; and

''(2) establish a priority for projects and activities that—

''(A) directly reduce soil erosion or improve sediment control;

''(B) reduce soil loss in degraded rural watersheds; or

''(C) improve water quality for downstream watersheds.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out the program $5,000,000 for each of fiscal years 2008 through 2012.''.

SEC. 2605. CHESAPEAKE BAY WATERSHED PROGRAM.

Chapter 5 of subtitle D of title XII of the Food Security Act of 1985 is amended by inserting after section 1240P (16 U.S.C. 3839bb–3) the following new section:

''SEC. 1240Q. CHESAPEAKE BAY WATERSHED.

''(a) CHESAPEAKE BAY WATERSHED DEFINED.—In this section, the term 'Chesapeake Bay watershed' means all tributaries, backwaters, and side channels, including their watersheds, draining into the Chesapeake Bay.

''(b) ESTABLISHMENT AND PURPOSE.—The Secretary shall assist producers in implementing conservation activities on agricultural lands in the Chesapeake Bay watershed for the purposes of—

''(1) improving water quality and quantity in the Chesapeake Bay watershed; and

''(2) restoring, enhancing, and preserving soil, air, and related resources in the Chesapeake Bay watershed.

''(c) CONSERVATION ACTIVITIES.—The Secretary shall deliver the funds made available to carry out this section through applicable programs under this subtitle to assist producers in enhancing land and water resources—

''(1) by controlling erosion and reducing sediment and nutrient levels in ground and surface water; and

''(2) by planning, designing, implementing, and evaluating habitat conservation, restoration, and enhancement measures where there is significant ecological value if the lands are—

''(A) retained in their current use; or

''(B) restored to their natural condition.

''(d) AGREEMENTS.—

''(1) IN GENERAL.—The Secretary shall—

''(A) enter into agreements with producers to carry out the purposes of this section; and

''(B) use the funds made available to carry out this section to cover the costs of the program involved with each agreement.

''(2) SPECIAL CONSIDERATIONS.—In entering into agreements under this subsection, the Secretary shall give special consideration to, and

begin evaluating, applications with producers in the following river basins:

''(A) The Susquehanna River.

''(B) The Shenandoah River.

''(C) The Potomac River (including North and South Potomac).

''(D) The Patuxent River.

''(e) DUTIES OF THE SECRETARY.—In carrying out the purposes in this section, the Secretary shall—

''(1) where available, use existing plans, models, and assessments to assist producers in implementing conservation activities; and

''(2) proceed expeditiously with the implementation of any agreement with a producer that is consistent with State strategies for the restoration of the Chesapeake Bay watershed.

''(f) CONSULTATION.—The Secretary, in consultation with appropriate Federal agencies, shall ensure conservation activities carried out under this section complement Federal and State programs, including programs that address water quality, in the Chesapeake Bay watershed.

''(g) SENSE OF CONGRESS REGARDING CHESAPEAKE BAY EXECUTIVE COUNCIL.—It is the sense of Congress that the Secretary should be a member of the Chesapeake Bay Executive Council, and is authorized to do so under section 1(3) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590a(3)).

''(h) FUNDING.—

''(1) AVAILABILITY.—Of the funds of the Commodity Credit Corporation, the Secretary shall use, to the maximum extent practicable—

''(A) $23,000,000 for fiscal year 2009;

''(B) $43,000,000 for fiscal year 2010;

''(C) $72,000,000 for fiscal year 2011; and

''(D) $50,000,000 for fiscal year 2012.

''(2) DURATION OF AVAILABILITY.—Funds made available under paragraph (1) shall remain available until expended.''

SEC. 2606. VOLUNTARY PUBLIC ACCESS AND HABITAT INCENTIVE PROGRAM.

Chapter 5 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3839bb et seq.) is amended by inserting after section 1240Q, as added by section 2605, the following new section:

''SEC. 1240R. VOLUNTARY PUBLIC ACCESS AND HABITAT INCENTIVE PROGRAM.

''(a) ESTABLISHMENT.—The Secretary shall establish a voluntary public access program under which States and tribal governments may apply for grants to encourage owners and operators of privately-held farm, ranch, and forest land to voluntarily make that land available for access by the public for wildlife-dependent recreation, including hunting or fishing under programs administered by the States and tribal governments.

''(b) APPLICATIONS.—In submitting applications for a grant under the program, a State or tribal government shall describe—

''(1) the benefits that the State or tribal government intends to achieve by encouraging public access to private farm and ranch land for—

''(A) hunting and fishing; and

''(B) to the maximum extent practicable, other recreational purposes; and

''(2) the methods that will be used to achieve those benefits.

''(c) PRIORITY.—In approving applications and awarding grants under the program, the Secretary shall give priority to States and tribal governments that propose—

''(1) to maximize participation by offering a program the terms of which are likely to meet with widespread acceptance among landowners;

''(2) to ensure that land enrolled under the State or tribal government program has appropriate wildlife habitat;

''(3) to strengthen wildlife habitat improvement efforts on land enrolled in a special conservation reserve enhancement program described in section 1234(f)(4) by providing incentives to increase public hunting and other recreational access on that land;

''(4) to use additional Federal, State, tribal government, or private resources in carrying out the program; and

''(5) to make available to the public the location of land enrolled.

''(d) RELATIONSHIP TO OTHER LAWS.—

''(1) NO PREEMPTION.—Nothing in this section preempts a State or tribal government law, including any State or tribal government liability law.

''(2) EFFECT OF INCONSISTENT OPENING DATES FOR MIGRATORY BIRD HUNTING.—The Secretary shall reduce by 25 percent the amount of a grant otherwise determined for a State under the program if the opening dates for migratory bird hunting in the State are not consistent for residents and non-residents.

''(e) REGULATIONS.—The Secretary shall promulgate such regulations as are necessary to carry out this section.

''(f) FUNDING.—Of the funds of the Commodity Credit Corporation, the Secretary shall use, to the maximum extent practicable, $50,000,000 for the period of fiscal years 2009 through 2012.''.

Subtitle H—Funding and Administration of Conservation Programs

SEC. 2701. FUNDING OF CONSERVATION PROGRAMS UNDER FOOD SECURITY ACT OF 1985.

(a) IN GENERAL.—Section 1241(a) of the Food Security Act of 1985 (16 U.S.C. 3841(a)) is amended in the matter preceding paragraph (1), by striking ''2007'' and inserting ''2012''.

(b) CONSERVATION RESERVE PROGRAM.—Paragraph (1) of section 1241(a) of the Food Security Act of 1985 (16 U.S.C. 3841(a)) is amended by striking the period at the end and inserting the following: '', including to the maximum extent practicable—

''(A) $100,000,000 for the period of fiscal years 2009 through 2012 to provide cost share payments under paragraph (3) of section 1234(b) in connection with thinning activities conducted on land described in subparagraph (A)(iii) of such paragraph; and

''(B) $25,000,000 for the period of fiscal years 2009 through 2012 to carry out section 1235(f) to facilitate the transfer of land subject to contracts from retired or retiring owners and operators to beginning farmers or ranchers and socially disadvantaged farmers or ranchers.''.

(c) CONSERVATION SECURITY AND CONSERVATION STEWARDSHIP PROGRAMS.—Paragraph (3) of section 1241(a) of the Food Security Act of 1985 (16 U.S.C. 3841(a)) is amended to read as follows:

''(3)(A) CONSERVATION SECURITY PROGRAM.—The conservation security program under subchapter A of chapter 2, using such sums as are necessary to administer contracts entered into before September 30, 2008.

''(B) CONSERVATION STEWARDSHIP PROGRAM.—The conservation stewardship program under subchapter B of chapter 2.''.

(d) FARMLAND PROTECTION PROGRAM.—Paragraph (4) of section 1241(a) of the Food Security Act of 1985 (16 U.S.C. 3841(a)) is amended to read as follows:

''(4) The farmland protection program under subchapter C of chapter 2, using, to the maximum extent practicable—

''(A) $97,000,000 in fiscal year 2008;

''(B) $121,000,000 in fiscal year 2009;

''(C) $150,000,000 in fiscal year 2010;

''(D) $175,000,000 in fiscal year 2011; and

''(E) $200,000,000 in fiscal year 2012.''.

(e) GRASSLAND RESERVE PROGRAM.—Paragraph (5) of section 1241(a) of the Food Security Act of 1985 (16 U.S.C. 3841(a)) is amended to read as follows:

''(5) The grassland reserve program under subchapter D of chapter 2.''.

(f) ENVIRONMENTAL QUALITY INCENTIVES PROGRAM.—Paragraph (6) of section 1241(a) of the Food Security Act of 1985 (16 U.S.C. 3841(a)) is amended to read as follows:

''(6) The environmental quality incentives program under chapter 4, using, to the maximum extent practicable—

''(A) $1,200,000,000 in fiscal year 2008;

''(B) $1,337,000,000 in fiscal year 2009;

''(C) $1,450,000,000 in fiscal year 2010;

''(D) $1,588,000,000 in fiscal year 2011; and

''(E) $1,750,000,000 in fiscal year 2012.''.

(g) WILDLIFE HABITAT INCENTIVES PROGRAM.—Paragraph (7)(D) of section 1241(a) of the Food Security Act of 1985 (16 U.S.C. 3841(a)) is amended by striking ''2007'' and inserting ''2012''.

SEC. 2702. AUTHORITY TO ACCEPT CONTRIBUTIONS TO SUPPORT CONSERVATION PROGRAMS.

Section 1241 of the Food Security Act of 1985 (16 U.S.C. 3841) is amended by adding at the end the following new subsection:

''(e) ACCEPTANCE AND USE OF CONTRIBUTIONS.—

''(1) AUTHORITY TO ESTABLISH CONTRIBUTION ACCOUNTS.—Subject to paragraph (2), the Secretary may establish a sub-account for each conservation program administered by the Secretary under subtitle D to accept contributions of non-Federal funds to support the purposes of the program.

''(2) DEPOSIT AND USE OF CONTRIBUTIONS.—Contributions of non-Federal funds received for a conservation program administered by the Secretary under subtitle D shall be deposited into the sub-account established under this subsection for the program and shall be available to the Secretary, without further appropriation and until expended, to carry out the program.''.

SEC. 2703. REGIONAL EQUITY AND FLEXIBILITY.

(a) REGIONAL EQUITY AND FLEXIBILITY.—Section 1241(d) of the Food Security Act of 1985 (16 U.S.C. 3841(d)) is amended—

(1) by striking ''Before April 1'' and inserting the following:

''(1) PRIORITY FUNDING TO PROMOTE EQUITY.—Before April 1'';

(2) by striking ''$12,000,000'' and inserting ''$15,000,000''; and

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

''(2) SPECIFIC FUNDING ALLOCATIONS.—In determining the specific funding allocations for States under paragraph (1), the Secretary shall consider the respective demand in each State for each program covered by such paragraph.''.

(b) ALLOCATIONS REVIEW AND UPDATE.—Section 1241 of the Food Security Act of 1985 (16 U.S.C. 3841) is amended by inserting after subsection (e), as added by section 2702, the following new subsection:

''(f) ALLOCATIONS REVIEW AND UPDATE.—

''(1) REVIEW.—Not later than January 1, 2012, the Secretary shall conduct a review of conservation programs and authorities under this title that utilize allocation formulas to determine the sufficiency of the formulas in accounting for State-level economic factors, level of agricultural infrastructure, or related factors that affect conservation program costs.

''(2) UPDATE.—The Secretary shall improve conservation program allocation formulas as necessary to ensure that the formulas adequately reflect the costs of carrying out the conservation programs.''.

SEC. 2704. ASSISTANCE TO CERTAIN FARMERS AND RANCHERS TO IMPROVE THEIR ACCESS TO CONSERVATION PROGRAMS.

Section 1241 of the Food Security Act of 1985 (16 U.S.C. 3841) is amended by inserting after subsection (f), as added by section 2703(b), the following new subsection:

''(g) ASSISTANCE TO CERTAIN FARMERS OR RANCHERS FOR CONSERVATION ACCESS.—

''(1) ASSISTANCE.—Of the funds made available for each of fiscal years 2009 through 2012 to carry out the environmental quality incentives program and the acres made available for each of such fiscal years to carry out the conservation stewardship program, the Secretary shall use, to the maximum extent practicable—

''(A) 5 percent to assist beginning farmers or ranchers; and

''(B) 5 percent to assist socially disadvantaged farmers or ranchers.

''(2) REPOOLING OF FUNDS.—In any fiscal year, amounts not obligated under paragraph (1) by a date determined by the Secretary shall be available for payments and technical assistance to all persons eligible for payments or technical assistance in that fiscal year under the environmental quality incentives program.

''(3) REPOOLING OF ACRES.—In any fiscal year, acres not obligated under paragraph (1) by a date determined by the Secretary shall be available for use in that fiscal year under the conservation stewardship program.''.

SEC. 2705. REPORT REGARDING ENROLLMENTS AND ASSISTANCE UNDER CONSERVATION PROGRAMS.

Section 1241 of the Food Security Act of 1985 (16 U.S.C. 3841) is amended by inserting after subsection (g), as added by section 2704, the following new subsection:

''(h) REPORT ON PROGRAM ENROLLMENTS AND ASSISTANCE.—Beginning in calendar year 2009, and each year thereafter, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a semiannual report containing statistics by State related to enrollments in conservation programs under this subtitle, as follows:

''(1) Payments made under the wetlands reserve program for easements valued at $250,000 or greater.

''(2) Payments made under the farmland protection program for easements in which the Federal share is $250,000 or greater.

''(3) Payments made under the grassland reserve program valued at $250,000 or greater.

''(4) Payments made under the environmental quality incentives program for land determined to have special environmental significance pursuant to section 1240G(b).

''(5) Payments made under the agricultural water enhancement program subject to the waiver of adjusted gross income limitations pursuant to section 1240I(g).

''(6) Waivers granted by the Secretary under section 1001D(b)(2) of this Act in order to protect environmentally sensitive land of special significance.''.

SEC. 2706. DELIVERY OF CONSERVATION TECHNICAL ASSISTANCE.

Section 1242 of the Food Security Act of 1985 (16 U.S.C. 3842) is amended to read as follows:

''SEC. 1242. DELIVERY OF TECHNICAL ASSISTANCE.

''(a) DEFINITION OF ELIGIBLE PARTICIPANT.—In this section, the term 'eligible participant' means a producer, landowner, or entity that is participating in, or seeking to participate in, programs for which the producer, landowner, or entity is otherwise eligible to participate in under this title or the agricultural management assistance program under section 524 of the Federal Crop Insurance Act (7 U.S.C. 1524).

''(b) PURPOSE OF TECHNICAL ASSISTANCE.—The purpose of technical assistance authorized by this section is to provide eligible participants with consistent, science-based, site-specific practices designed to achieve conservation objectives on land active in agricultural, forestry, or related uses.

''(c) PROVISION OF TECHNICAL ASSISTANCE.—The Secretary shall provide technical assistance under this title to an eligible participant—

''(1) directly;

''(2) through an agreement with a third-party provider; or

''(3) at the option of the eligible participant, through a payment, as determined by the Secretary, to the eligible participant for an approved third-party provider, if available.

''(d) NON-FEDERAL ASSISTANCE.—The Secretary may request the services of, and enter into cooperative agreements or contracts with, other agencies within the Department or non-Federal entities to assist the Secretary in providing technical assistance necessary to assist in implementing conservation programs under this title.

''(e) CERTIFICATION OF THIRD-PARTY PROVIDERS.—

''(1) PURPOSE.—The purpose of the third-party provider program is to increase the availability and range of technical expertise available to eligible participants to plan and implement conservation measures.

''(2) REGULATIONS.—Not later than 180 days after the date of the enactment of the Food, Conservation, and Energy Act of 2008, the Secretary shall promulgate such regulations as are necessary to carry out this section.

''(3) EXPERTISE.—In promulgating such regulations, the Secretary, to the maximum extent practicable, shall—

''(A) ensure that persons with expertise in the technical aspects of conservation planning, watershed planning, and environmental engineering, including commercial entities, nonprofit entities, State or local governments or agencies, and other Federal agencies, are eligible to become approved providers of the technical assistance;

''(B) provide national criteria for the certification of third party providers; and

''(C) approve any unique certification standards established at the State level.

''(f) ADMINISTRATION.—

''(1) FUNDING.—Effective for fiscal year 2008 and each subsequent fiscal year, funds of the Commodity Credit Corporation made available to carry out technical assistance for each of the programs specified in section 1241 shall be available for the provision of technical assistance from third-party providers under this section.

''(2) TERM OF AGREEMENT.—An agreement with a third-party provider under this section shall have a term that—

''(A) at a minimum, is equal to the period beginning on the date on which the agreement is entered into and ending on the date that is 1 year after the date on which all activities performed pursuant to the agreement have been completed;

''(B) does not exceed 3 years; and

''(C) can be renewed, as determined by the Secretary.

''(3) REVIEW OF CERTIFICATION REQUIREMENTS.—Not later than 1 year after the date of enactment of the Food, Conservation, and Energy Act of 2008, the Secretary shall—

''(A) review certification requirements for third-party providers; and

''(B) make any adjustments considered necessary by the Secretary to improve participation.

''(4) ELIGIBLE ACTIVITIES.—

''(A) INCLUSION OF ACTIVITIES.—The Secretary may include as activities eligible for payments to a third party provider—

''(i) technical services provided directly to eligible participants, such as conservation planning, education and outreach, and assistance with design and implementation of conservation practices; and

''(ii) related technical assistance services that accelerate conservation program delivery.

''(B) EXCLUSIONS.—The Secretary shall not designate as an activity eligible for payments to a third party provider any service that is provided by a business, or equivalent, in connection with conducting business and that is customarily provided at no cost.

''(5) PAYMENT AMOUNTS.—The Secretary shall establish fair and reasonable amounts of payments for technical services provided by third-party providers.

''(g) AVAILABILITY OF TECHNICAL SERVICES.—

''(1) IN GENERAL.—In carrying out the programs under this title and the agricultural management assistance program under section 524 of the Federal Crop Insurance Act (7 U.S.C. 1524), the Secretary shall make technical services available to all eligible participants who are installing an eligible practice.

''(2) TECHNICAL SERVICE CONTRACTS.—In any case in which financial assistance is not provided under a program referred to in paragraph (1), the Secretary may enter into a technical service contract with the eligible participant for the purposes of assisting in the planning, design, or installation of an eligible practice.

''(h) REVIEW OF CONSERVATION PRACTICE STANDARDS.—

''(1) REVIEW REQUIRED.—The Secretary shall—

''(A) review conservation practice standards, including engineering design specifications, in effect on the date of the enactment of the Food, Conservation, and Energy Act of 2008;

''(B) ensure, to the maximum extent practicable, the completeness and relevance of the standards to local agricultural, forestry, and natural resource needs, including specialty crops, native and managed pollinators, bioenergy crop production, forestry, and such other needs as are determined by the Secretary; and

''(C) ensure that the standards provide for the optimal balance between meeting site-specific conservation needs and minimizing risks of design failure and associated costs of construction and installation.

''(2) CONSULTATION.—In conducting the review under paragraph (1), the Secretary shall consult with eligible participants, crop consultants, cooperative extension and land grant universities, nongovernmental organizations, and other qualified entities.

''(3) EXPEDITED REVISION OF STANDARDS.—If the Secretary determines under paragraph (1) that revisions to the conservation practice standards, including engineering design specifications, are necessary, the Secretary shall establish an administrative process for expediting the revisions.

''(i) ADDRESSING CONCERNS OF SPECIALITY CROP, ORGANIC, AND PRECISION AGRICULTURE PRODUCERS.—

''(1) IN GENERAL.—The Secretary shall—

''(A) to the maximum extent practicable, fully incorporate specialty crop production, organic crop production, and precision agriculture into the conservation practice standards; and

''(B) provide for the appropriate range of conservation practices and resource mitigation measures available to producers involved with organic or specialty crop production or precision agriculture.

''(2) AVAILABILITY OF ADEQUATE TECHNICAL ASSISTANCE.—

''(A) IN GENERAL.—The Secretary shall ensure that adequate technical assistance is available for the implementation of conservation practices by producers involved with organic, specialty crop production, or precision agriculture through Federal conservation programs.

''(B) REQUIREMENTS.—In carrying out subparagraph (A), the Secretary shall develop—

''(i) programs that meet specific needs of producers involved with organic, specialty crop production or precision agriculture through cooperative agreements with other agencies and nongovernmental organizations; and

''(ii) program specifications that allow for innovative approaches to engage local resources in providing technical assistance for planning and implementation of conservation practices.''.

SEC. 2707. COOPERATIVE CONSERVATION PARTNERSHIP INITIATIVE.

(a) TRANSFER OF EXISTING PROVISIONS.—Subsections (a), (c), and (d) of section 1243 of the Food Security Act of 1985 (16 U.S.C. 3843) are—

(1) redesignated as subsections (c), (d), and (e), respectively; and

(2) transferred to appear at the end of section 1244 of such Act (16 U.S.C. 3844).

(b) ESTABLISHMENT OF PARTNERSHIP INITIATIVE.—Section 1243 of the Food Security Act of 1985 (16 U.S.C. 3843), as amended by subsection (a), is amended to read as follows:

''SEC. 1243. COOPERATIVE CONSERVATION PARTNERSHIP INITIATIVE.

''(a) ESTABLISHMENT OF INITIATIVE.—The Secretary shall establish a cooperative conservation partnership initiative (in this section referred to as the 'Initiative') to work with eligible partners

to provide assistance to producers enrolled in a program described in subsection (c)(1) that will enhance conservation outcomes on agricultural and nonindustrial private forest land.

''(b) PURPOSES.—The purposes of a partnership entered into under the Initiative shall be—

''(1) to address conservation priorities involving agriculture and nonindustrial private forest land on a local, State, multi-State, or regional level;

''(2) to encourage producers to cooperate in meeting applicable Federal, State, and local regulatory requirements related to production involving agriculture and nonindustrial private forest land;

''(3) to encourage producers to cooperate in the installation and maintenance of conservation practices that affect multiple agricultural or nonindustrial private forest operations; or

''(4) to promote the development and demonstration of innovative conservation practices and delivery methods, including those for specialty crop and organic production and precision agriculture producers.

''(c) INITIATIVE PROGRAMS.—

''(1) COVERED PROGRAMS.—Except as provided in paragraph (2), the Initiative applies to all conservation programs under subtitle D.

''(2) EXCLUDED PROGRAMS.—The Initiative shall not include the following programs:

''(A) Conservation reserve program.

''(B) Wetlands reserve program.

''(C) Farmland protection program

''(D) Grassland reserve program.

''(d) ELIGIBLE PARTNERS.—The Secretary may enter into a partnership under the Initiative with one or more of the following:

''(1) States and local governments.

''(2) Indian tribes.

''(3) Producer associations.

''(4) Farmer cooperatives.

''(5) Institutions of higher education.

''(6) Nongovernmental organizations with a history of working cooperatively with producers to effectively address conservation priorities related to agricultural production and nonindustrial private forest land.

''(e) IMPLEMENTATION AGREEMENTS.—The Secretary shall carry out the Initiative—

''(1) by selecting, through a competitive process, eligible partners from among applications submitted under subsection (f); and

''(2) by entering into multi-year agreements with eligible partners so selected for a period not to exceed 5 years.

''(f) APPLICATIONS.—

''(1) REQUIRED INFORMATION.—An application to enter into a partnership agreement under the Initiative shall include the following:

''(A) A description of the area covered by the agreement, conservation priorities in the area, conservation objectives to be achieved, and the expected level of participation by agricultural producers and nonindustrial private forest landowners.

''(B) A description of the partner, or partners, collaborating to achieve the objectives of the agreement, and the roles, responsibilities, and capabilities of the partner.

''(C) A description of the resources that are requested from the Secretary, and the non-Federal resources that will be leveraged by the Federal contribution.

''(D) A description of the plan for monitoring, evaluating, and reporting on progress made towards achieving the objectives of the agreement.

''(E) Such other information that may be required by the Secretary.

''(2) PRIORITIES.—The Secretary shall give priority to applications for agreements that—

''(A) have a high percentage of producers involved and working agricultural or nonindustrial private forest land included in the area covered by the agreement;

''(B) significantly leverage non-Federal financial and technical resources and coordinate with other local, State, or Federal efforts;

''(C) deliver high percentages of applied conservation to address water quality, water conservation, or State, regional, or national conservation initiatives;

''(D) provide innovation in conservation methods and delivery, including outcome-based performance measures and methods; or

''(E) meet other factors, as determined by the Secretary.

''(g) RELATIONSHIP TO COVERED PROGRAMS.—

''(1) COMPLIANCE WITH PROGRAM RULES.—Except as provided in paragraph (2), the Secretary shall ensure that resources made available under the Initiative are delivered in accordance with the applicable rules of programs specified in subsection (c)(1) through normal program mechanisms relating to program functions, including rules governing appeals, payment limitations, and conservation compliance.

''(2) ADJUSTMENT.—The Secretary may adjust the elements of any program specified in subsection (c)(1)—

''(A) to better reflect unique local circumstances and purposes if the Secretary determines such adjustments are necessary to achieve the purposes of the Initiative; and

''(B) to provide preferential enrollment to producers who are eligible for the applicable program and to participate in the Initiative.

''(h) TECHNICAL AND FINANCIAL ASSISTANCE.—The Secretary shall provide appropriate technical and financial assistance to producers participating in the Initiative in an amount determined to be necessary to achieve the purposes of the Initiative.

''(i) FUNDING.—

''(1) RESERVATION.—Of the funds and acres made available for each of fiscal years 2009 through 2012 to implement the programs described in subsection (c)(1), the Secretary shall reserve 6 percent of the funds and acres to ensure an adequate source of funds and acres for the Initiative.

''(2) ALLOCATION REQUIREMENTS.—Of the funds and acres reserved for the Initiative for a fiscal year, the Secretary shall allocate—

''(A) 90 percent of the funds and acres to projects based on the direction of State conservationists, with the advice of State technical committees; and

''(B) 10 percent of the funds and acres to projects based on a national competitive process established by the Secretary.

''(3) UNUSED FUNDING.—Any funds and acres reserved for a fiscal year under paragraph (1) that are not obligated by April 1 of that fiscal year may be used to carry out other activities under the program that is the source of the funds or acres during the remainder of that fiscal year.

''(4) ADMINISTRATIVE COSTS OF PARTNERS.—Overhead or administrative costs of partners may not be covered by funds provided through the Initiative.''.

SEC. 2708. ADMINISTRATIVE REQUIREMENTS FOR CONSERVATION PROGRAMS.

Section 1244 of the Food Security Act of 1985 (16 U.S.C. 3844), as amended by section 2707, is further amended—

(1) by striking subsection (a) and inserting the following new subsection:

''(a) INCENTIVES FOR CERTAIN FARMERS AND RANCHERS AND INDIAN TRIBES.—

''(1) INCENTIVES AUTHORIZED.—In carrying out any conservation program administered by the Secretary, the Secretary may provide to a person or entity specified in paragraph (2) incentives to participate in the conservation program—

''(A) to foster new farming and ranching opportunities; and

''(B) to enhance long-term environmental goals.

''(2) COVERED PERSONS.—Incentives authorized by paragraph (1) may be provided to the following:

''(A) Beginning farmers or ranchers.

''(B) Socially disadvantaged farmers or ranchers.

''(C) Limited resource farmers or ranchers.

''(D) Indian tribes.''; and

(2) by adding at the end the following new subsections:

''(f) ACREAGE LIMITATIONS.—

''(1) LIMITATIONS.—

''(A) ENROLLMENTS.—The Secretary shall not enroll more than 25 percent of the cropland in any county in the programs administered under subchapters B and C of chapter 1 of subtitle D.

''(B) EASEMENTS.—Not more than 10 percent of the cropland in a country may be subject to an easement acquired under subchapter C of chapter 1 of subtitle D.

''(2) EXCEPTIONS.—The Secretary may exceed the limitation in paragraph (1)(A), if the Secretary determines that—

''(A) the action would not adversely affect the local economy of a county; and

''(B) operators in the county are having difficulties complying with conservation plans implemented under section 1212.

''(3) WAIVER TO EXCLUDE CERTAIN ACREAGE.—The Secretary may grant a waiver to exclude acreage enrolled under subsection (c)(2)(B) or (f)(4) of section 1234 from the limitations in paragraph (1)(A) with the concurrence of the county government of the county involved.

''(4) SHELTERBELTS AND WINDBREAKS.—The limitations established under paragraph (1) shall not apply to cropland that is subject to an easement under subchapter C of chapter 1 that is used for the establishment of shelterbelts and windbreaks.

''(g) COMPLIANCE AND PERFORMANCE.—For each conservation program under subtitle D, the Secretary shall develop procedures—

''(1) to monitor compliance with program requirements;

''(2) to measure program performance;

''(3) to demonstrate whether the long-term conservation benefits of the program are being achieved;

''(4) to track participation by crop and livestock types; and

''(5) to coordinate activities described in this subsection with the national conservation program authorized under section 5 of the Soil and Water Resources Conservation Act of 1977 (16 U.S.C. 2004).

''(h) ENCOURAGEMENT OF POLLINATOR HABITAT DEVELOPMENT AND PROTECTION.—In carrying out any conservation program administered by the Secretary, the Secretary may, as appropriate, encourage—

''(1) the development of habitat for native and managed pollinators; and

''(2) the use of conservation practices that benefit native and managed pollinators.

''(i) STREAMLINED APPLICATION PROCESS.—

''(1) IN GENERAL.—In carrying out each conservation program under this title, the Secretary shall ensure that the application process used by producers and landowners is streamlined to minimize complexity and eliminate redundancy.

''(2) REVIEW AND STREAMLINING.—

''(A) REVIEW.—The Secretary shall carry out a review of the application forms and processes for each conservation program covered by this subsection.

''(B) STREAMLINING.—On completion of the review the Secretary shall revise application forms and processes, as necessary, to ensure that—

''(i) all required application information is essential for the efficient, effective, and accountable implementation of conservation programs;

''(ii) conservation program applicants are not required to provide information that is readily available to the Secretary through existing information systems of the Department of Agriculture;

''(iii) information provided by the applicant is managed and delivered efficiently for use in all stages of the application process, or for multiple applications; and

''(iv) information technology is used effectively to minimize data and information input requirements.

''(3) IMPLEMENTATION AND NOTIFICATION.—Not later than 1 year after the date of enactment of the Food, Conservation, and Energy Act

of 2008, the Secretary shall submit to Congress a written notification of completion of the requirements of this subsection.''.

SEC. 2709. ENVIRONMENTAL SERVICES MARKETS.

Subtitle E of title XII of the Food Security Act of 1985 is amended by inserting after section 1244 (16 U.S.C. 3844) the following new section:

''SEC. 1245. ENVIRONMENTAL SERVICES MARKETS.

''(a) TECHNICAL GUIDELINES REQUIRED.—The Secretary shall establish technical guidelines that outline science-based methods to measure the environmental services benefits from conservation and land management activities in order to facilitate the participation of farmers, ranchers, and forest landowners in emerging environmental services markets. The Secretary shall give priority to the establishment of guidelines related to farmer, rancher, and forest landowner participation in carbon markets.

''(b) ESTABLISHMENT.—The Secretary shall establish guidelines under subsection (a) for use in developing the following:

''(1) A procedure to measure environmental services benefits.

''(2) A protocol to report environmental services benefits.

''(3) A registry to collect, record and maintain the benefits measured.

''(c) VERIFICATION REQUIREMENTS.—

''(1) VERIFICATION OF REPORTS.—The Secretary shall establish guidelines for a process to verify that a farmer, rancher, or forest landowner who reports an environmental services benefit pursuant to the protocol required by paragraph (2) of subsection (b) for inclusion in the registry required by paragraph (3) of such subsection has implemented the conservation or land management activity covered by the report.

''(2) ROLE OF THIRD PARTIES.—In establishing the verification guidelines required by paragraph (1), the Secretary shall consider the role of third-parties in conducting independent verification of benefits produced for environmental services markets and other functions, as determined by the Secretary.

''(d) USE OF EXISTING INFORMATION.—In carrying out subsection (b), the Secretary shall build on activities or information in existence on the date of the enactment of the Food, Conservation, and Energy Act of 2008 regarding environmental services markets.

''(e) CONSULTATION.—In carrying out this section, the Secretary shall consult with the following:

''(1) Federal and State government agencies.

''(2) Nongovernmental interests including—

''(A) farm, ranch, and forestry producers;

''(B) financial institutions involved in environmental services trading;

''(C) institutions of higher education with relevant expertise or experience;

''(D) nongovernmental organizations with relevant expertise or experience; and

''(E) private sector representatives with relevant expertise or experience.

''(3) Other interested persons, as determined by the Secretary.''.

SEC. 2710. AGRICULTURE CONSERVATION EXPERIENCED SERVICES PROGRAM.

Subtitle F of title XII of the Food Security Act of 1985 is amended by inserting after section 1251 (16 U.S.C. 2005a) the following new section:

''SEC. 1252. AGRICULTURE CONSERVATION EXPERIENCED SERVICES PROGRAM.

''(a) ESTABLISHMENT AND PURPOSE.—The Secretary shall establish a conservation experienced services program (in this section referred to as the 'ACES Program') for the purpose of utilizing the talents of individuals who are age 55 or older, but who are not employees of the Department of Agriculture or a State agriculture department, to provide technical services in support of the conservation-related programs and authorities carried out by the Secretary. Such technical services may include conservation planning assistance, technical consultation, and assistance with design and implementation of conservation practices.

''(b) PROGRAM AGREEMENTS.—

''(1) RELATION TO OLDER AMERICAN COMMUNITY SERVICE EMPLOYMENT PROGRAM.—Notwithstanding any other provision of law relating to Federal grants, cooperative agreements, or contracts, to carry out the ACES program during a fiscal year, the Secretary may enter into agreements with nonprofit private agencies and organizations eligible to receive grants for that fiscal year under the Community Service Senior Opportunities Act (42 U.S.C. 3056 et seq.) to secure participants for the ACES program who will provide technical services under the ACES program.

''(2) REQUIRED DETERMINATION.—Before entering into an agreement under paragraph (1), the Secretary shall ensure that the agreement would not—

''(A) result in the displacement of individuals employed by the Department, including partial displacement through reduction of non-overtime hours, wages, or employment benefits;

''(B) result in the use of an individual under the ACES program for a job or function in a case in which a Federal employee is in a layoff status from the same or a substantially-equivalent job or function with the Department; or

''(C) affect existing contracts for services.

''(c) FUNDING SOURCE.—

''(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary may carry out the ACES program using funds made available to carry out each program under this title.

''(2) EXCLUSIONS.—Funds made available to carry out the following programs may not be used to carry out the ACES program:

''(A) The conservation reserve program.

''(B) The wetlands reserve program.

''(C) The grassland reserve program.

''(D) The conservation stewardship program.

''(d) LIABILITY.—An individual providing technical services under the ACES program is deemed to be an employee of the United States Government for purposes of chapter 171 of title 28, United States Code, if the individual—

''(1) is providing technical services pursuant to an agreement entered into under subsection (b); and

''(2) is acting within the scope of the agreement.''.

SEC. 2711. ESTABLISHMENT OF STATE TECHNICAL COMMITTEES AND THEIR RESPONSIBILITIES.

Subtitle G of title XII of the Farm Security Act of 1985 (16 U.S.C. 3861, 3862) is amended to read as follows:

''Subtitle G—State Technical Committees

''SEC. 1261. ESTABLISHMENT OF STATE TECHNICAL COMMITTEES.

''(a) ESTABLISHMENT.—The Secretary shall establish a technical committee in each State to assist the Secretary in the considerations relating to implementation and technical aspects of the conservation programs under this title.

''(b) STANDARDS.—Not later than 180 days after the date of enactment of the Food, Conservation, and Energy Act of 2008, the Secretary shall develop—

''(1) standard operating procedures to standardize the operations of State technical committees; and

''(2) standards to be used by State technical committees in the development of technical guidelines under section 1262(b) for the implementation of the conservation provisions of this title.

''(c) COMPOSITION.—Each State technical committee shall be composed of agricultural producers and other professionals that represent a variety of disciplines in the soil, water, wetland, and wildlife sciences. The technical committee for a State shall include representatives from among the following:

''(1) The Natural Resources Conservation Service.

''(2) The Farm Service Agency.

''(3) The Forest Service.

''(4) The National Institute of Food and Agriculture.

''(5) The State fish and wildlife agency.

''(6) The State forester or equivalent State official.

''(7) The State water resources agency.

''(8) The State department of agriculture.

''(9) The State association of soil and water conservation districts.

''(10) Agricultural producers representing the variety of crops and livestock or poultry raised within the State.

''(11) Owners of nonindustrial private forest land.

''(12) Nonprofit organizations within the meaning of section 501(c)(3) of the Internal Revenue Code of 1986 with demonstrable conservation expertise and experience working with agriculture producers in the State.

''(13) Agribusiness.

''SEC. 1262. RESPONSIBILITIES.

''(a) IN GENERAL.—Each State technical committee established under section 1261 shall meet regularly to provide information, analysis, and recommendations to appropriate officials of the Department of Agriculture who are charged with implementing the conservation provisions of this title.

''(b) PUBLIC NOTICE AND ATTENDANCE.—Each State technical committee shall provide public notice of, and permit public attendance at, meetings considering issues of concern related to carrying out this title.

''(c) ROLE.—

''(1) IN GENERAL.—The role of State technical committees is advisory in nature, and such committees shall have no implementation or enforcement authority. However, the Secretary shall give strong consideration to the recommendations of such committees in administering the programs under this title.

''(2) ADVISORY ROLE IN ESTABLISHING PROGRAM PRIORITIES AND CRITERIA.—Each State technical committee shall advise the Secretary in establishing priorities and criteria for the programs in this title, including the review of whether local working groups are addressing those priorities.

''(d) FACA REQUIREMENTS.—

''(1) EXEMPTION.—Each State technical committee shall be exempt from the Federal Advisory Committee Act (5 U.S.C. App.).

''(2) LOCAL WORKING GROUPS.—For purposes of the Federal Advisory Committee Act (5 U.S.C. App.), any local working group established under this subtitle shall be considered to be a subcommittee of the applicable State technical committee.''.

Subtitle I—Conservation Programs Under Other Laws

SEC. 2801. AGRICULTURAL MANAGEMENT ASSISTANCE PROGRAM.

(a) ELIGIBLE STATES.—Section 524(b)(1) of the Federal Crop Insurance Act (7 U.S.C. 1524(b)(1)) is amended by inserting ''Hawaii,'' after ''Delaware,''.

(b) FUNDING.—Section 524(b)(4)(B) of the Federal Crop Insurance Act (7 U.S.C. 1524(b)(4)(B)) is amended—

(1) in clause (i), by striking ''Except as provided in clauses (ii) and (iii)'' and inserting ''Except as provided in clause (ii)''; and

(2) by striking clauses (ii) and (iii) and inserting the following new clause:

''(ii) EXCEPTION FOR FISCAL YEARS 2008 THROUGH 2012.—For each of fiscal years 2008 through 2012, the Commodity Credit Corporation shall make available to carry out this subsection $15,000,000.''.

(c) CERTAIN USES.—Section 524(b)(4) of the Federal Crop Insurance Act (7 U.S.C. 1524(b)(4)) is amended by adding at the end the following new subparagraph:

''(C) CERTAIN USES.—Of the amounts made available to carry out this subsection for a fiscal year, the Commodity Credit Corporation shall use not less than—

''(i) 50 percent to carry out subparagraphs (A), (B), and (C) of paragraph (2) through the Natural Resources Conservation Service;

''(ii) 10 percent to provide organic certification cost share assistance through the Agricultural Marketing Service; and

''(iii) 40 percent to conduct activities to carry out subparagraph (F) of paragraph (2) through the Risk Management Agency.''.

SEC. 2802. TECHNICAL ASSISTANCE UNDER SOIL CONSERVATION AND DOMESTIC ALLOTMENT ACT.

(a) PREVENTION OF SOIL EROSION.—

(1) IN GENERAL.—The first section of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590a) is amended—

(A) by striking ''That it'' and inserting the following:

''SECTION 1. PURPOSE.

''It''; and

(B) in the matter preceding paragraph (1), by striking ''and thereby to preserve natural resources,'' and inserting ''to preserve soil, water, and related resources, promote soil and water quality,''.

(2) POLICIES AND PURPOSES.—Section 7(a)(1) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590g(a)(1)) is amended by striking ''fertility'' and inserting ''and water quality and related resources''.

(b) DEFINITIONS.—Section 10 of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590j) is amended to read as follows:

''SEC. 10. DEFINITIONS.

''In this Act:

''(1) AGRICULTURAL COMMODITY.—The term 'agricultural commodity' means—

''(A) an agricultural commodity; and

''(B) any regional or market classification, type, or grade of an agricultural commodity.

''(2) TECHNICAL ASSISTANCE.—

''(A) IN GENERAL.—The term 'technical assistance' means technical expertise, information, and tools necessary for the conservation of natural resources on land active in agricultural, forestry, or related uses.

''(B) INCLUSIONS.—The term 'technical assistance' includes—

''(i) technical services provided directly to farmers, ranchers, and other eligible entities, such as conservation planning, technical consultation, and assistance with design and implementation of conservation practices; and

''(ii) technical infrastructure, including activities, processes, tools, and agency functions needed to support delivery of technical services, such as technical standards, resource inventories, training, data, technology, monitoring, and effects analyses.''.

SEC. 2803. SMALL WATERSHED REHABILITATION PROGRAM.

(a) AVAILABILITY OF FUNDS.—Section 14(h)(1) of the Watershed Protection and Flood Prevention Act (16 U.S.C. 1012(h)(1)) is amended by adding at the end the following new subparagraph:

''(G) $100,000,000 for fiscal year 2009, to be available until expended.''.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 14(h)(2)(E) of the Watershed Protection and Flood Prevention Act (16 U.S.C. 1012(h)(2)(E)) is amended by striking ''fiscal year 2007'' and inserting ''each of fiscal years 2008 through 2012''.

SEC. 2804. AMENDMENTS TO SOIL AND WATER RESOURCES CONSERVATION ACT OF 1977.

(a) CONGRESSIONAL FINDINGS.—Section 2 of the Soil and Water Resources Conservation Act of 1977 (16 U.S.C. 2001) is amended—

(1) in paragraph (2), by striking ''base, of the'' and inserting ''base of the''; and

(2) in paragraph (3), by striking ''(3)'' and all that follows through ''Since individual'' and inserting the following:

''(3) Appraisal and inventory of resources, assessment and inventory of conservation needs, evaluation of the effects of conservation practices, and analyses of alternative approaches to existing conservation programs are basic to effective soil, water, and related natural resource conservation.

''(4) Since individual''.

(b) CONTINUING APPRAISAL OF SOIL, WATER, AND RELATED RESOURCES.—Section 5 of the Soil and Water Resources Conservation Act of 1977 (16 U.S.C. 2004) is amended—

(1) in subsection (a)—

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

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

(C) by adding at the end the following new paragraph:

''(7) data on conservation plans, conservation practices planned or implemented, environmental outcomes, economic costs, and related matters under conservation programs administered by the Secretary.'';

(2) by redesignating subsection (d) as subsection (e);

(3) by inserting after subsection (c) the following new subsection:

''(d) EVALUATION OF APPRAISAL.—In conducting the appraisal described in subsection (a), the Secretary shall concurrently solicit and evaluate recommendations for improving the appraisal, including the content, scope, process, participation in, and other elements of the appraisal, as determined by the Secretary.''; and

(4) in subsection (e), as redesignated by paragraph (2), by striking the first sentence and inserting the following: ''The Secretary shall conduct comprehensive appraisals under this section, to be completed by December 31, 2010, and December 31, 2015.''.

(c) SOIL AND WATER CONSERVATION PROGRAM.—Section 6 of the Soil and Water Resources Conservation Act of 1977 (16 U.S.C. 2005) is amended—

(1) by redesignating subsection (b) as subsection (d);

(2) by inserting after subsection (a) the following new subsections:

''(b) EVALUATION OF EXISTING CONSERVATION PROGRAMS.—In evaluating existing conservation programs, the Secretary shall emphasize demonstration, innovation, and monitoring of specific program components in order to encourage further development and adoption of practices and performance-based standards.

''(c) IMPROVEMENT TO PROGRAM.—In developing a national soil and water conservation program under subsection (a), the Secretary shall solicit and evaluate recommendations for improving the program, including the content, scope, process, participation in, and other elements of the program, as determined by the Secretary.''; and

(3) in subsection (d), as redesignated by paragraph (1), by striking ''December 31, 1979'' and all that follows through ''December 31, 2007'' and inserting ''December 31, 2011, and December 31, 2016''.

(d) REPORTS TO CONGRESS.—Section 7 of the Soil and Water Resources Conservation Act of 1977 (16 U.S.C. 2006) is amended to read as follows:

''SEC. 7. REPORTS TO CONGRESS.

''(a) APPRAISAL.—Not later than the date on which Congress convenes in 2011 and 2016, the President shall transmit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate the appraisal developed under section 5 and completed before the end of the previous year.

''(b) PROGRAM AND STATEMENT OF POLICY.—Not later than the date on which Congress convenes in 2012 and 2017, the President shall transmit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate—

''(1) the initial program or updated program developed under section 6 and completed before the end of the previous year;

''(2) a detailed statement of policy regarding soil and water conservation activities of the Department of Agriculture; and

''(3) a special evaluation of the status, conditions, and trends of soil quality on cropland in the United States that addresses the challenges and opportunities for reducing soil erosion to tolerance levels.

''(c) IMPROVEMENTS TO APPRAISAL AND PROGRAM.—Not later than the date on which Congress convenes in 2012, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report describing the plans of the Department of Agriculture for improving the resource appraisal and national conservation program required under this Act, based on the recommendations received under sections 5(d) and 6(c).''.

(e) TERMINATION OF PROGRAM.—Section 10 of the Soil and Water Resources Conservation Act of 1977 (16 U.S.C. 2009) is amended by striking ''2008'' and inserting ''2018''.

SEC. 2805. RESOURCE CONSERVATION AND DEVELOPMENT PROGRAM.

(a) LOCALLY LED PLANNING PROCESS.—Section 1528 of the Agriculture and Food Act of 1981 (16 U.S.C. 3451) is amended—

(1) in paragraph (1), in the matter preceding subparagraph (A), by striking ''***PLANNING PROCESS***'' and inserting ''locally led planning process'';

(2) by redesignating paragraphs (8) and (9) as paragraphs (9) and (8), respectively, and moving those paragraphs so as to appear in numerical order;

(3) in paragraph (8) (as so redesignated)—

(A) by striking ''***PLANNING PROCESS***'' and inserting ''LOCALLY LED PLANNING PROCESS''; and

(B) by striking ''council'' and inserting ''locally led council''.

(b) AUTHORIZED TECHNICAL ASSISTANCE.—Section 1528(13) of the Agriculture and Food Act of 1981 (16 U.S.C. 3451(13)) is amended by striking subparagraphs (C) and (D) and inserting the following new subparagraphs:

''(C) providing assistance for the implementation of area plans and projects; and

''(D) providing services that involve the resources of Department of Agriculture programs in a local community, as defined in the locally led planning process.''.

(c) IMPROVED PROVISION OF TECHNICAL ASSISTANCE.—Section 1531 of the Agriculture and Food Act of 1981 (16 U.S.C. 3454) is amended—

(1) by inserting ''(a) IN GENERAL.—'' before ''In carrying''; and

(2) by adding at the end the following new subsection:

''(b) COORDINATOR.—

''(1) IN GENERAL.—To improve the provision of technical assistance to councils under this subtitle, the Secretary shall designate for each council an individual to be the coordinator for the council.

''(2) RESPONSIBILITY.—A coordinator for a council shall be directly responsible for the provision of technical assistance to the council.''.

(d) PROGRAM EVALUATION.—Section 1534 of the Agriculture and Food Act of 1981 (16 U.S.C. 3457) is repealed.

SEC. 2806. USE OF FUNDS IN BASIN FUNDS FOR SALINITY CONTROL ACTIVITIES UPSTREAM OF IMPERIAL DAM.

(a) IN GENERAL.—Section 202(a) of the Colorado River Basin Salinity Control Act (43 U.S.C. 1592(a)) is amended by adding at the end the following new paragraph:

''(7) BASIN STATES PROGRAM.—

''(A) IN GENERAL.—A Basin States Program that the Secretary, acting through the Bureau of Reclamation, shall implement to carry out salinity control activities in the Colorado River Basin using funds made available under section 205(f).

''(B) ASSISTANCE.—The Secretary, in consultation with the Colorado River Basin Salinity Control Advisory Council, shall carry out this paragraph using funds described in subparagraph (A) directly or by providing grants, grant

commitments, or advance funds to Federal or non-Federal entities under such terms and conditions as the Secretary may require.

''(C) ACTIVITIES.—Funds described in subparagraph (A) shall be used to carry out, as determined by the Secretary—

''(i) cost-effective measures and associated works to reduce salinity from saline springs, leaking wells, irrigation sources, industrial sources, erosion of public and private land, or other sources;

''(ii) operation and maintenance of salinity control features constructed under the Colorado River Basin salinity control program; and

''(iii) studies, planning, and administration of salinity control activities.

''(D) REPORT.—

''(i) IN GENERAL.—Not later than 30 days before implementing the program established under this paragraph, the Secretary shall submit to the appropriate committees of Congress a planning report that describes the proposed implementation of the program.

''(ii) IMPLEMENTATION.—The Secretary may not expend funds to implement the program established under this paragraph before the expiration of the 30-day period beginning on the date on which the Secretary submits the report, or any revision to the report, under clause (i).''.

(b) CONFORMING AMENDMENTS.—

(1) Section 202 of the Colorado River Basin Salinity Control Act (43 U.S.C. 1592) is amended—

(A) in subsection (a), in the matter preceding paragraph (1), by striking ''program'' and inserting ''programs''; and

(B) in subsection (b)(4)—

(i) by striking ''program'' and inserting ''programs''; and

(ii) by striking ''and (6)'' and inserting ''(6), and (7)''.

(2) Section 205 of the Colorado River Basin Salinity Control Act (43 U.S.C. 1595) is amended by striking subsection (f) and inserting the following new subsection:

''(f) UP-FRONT COST SHARE.—

''(1) IN GENERAL.—Effective beginning on the date of enactment of this paragraph, subject to paragraph (3), the cost share obligations required by this section shall be met through an up-front cost share from the Basin Funds, in the same proportions as the cost allocations required under subsection (a), as provided in paragraph (2).

''(2) BASIN STATES PROGRAM.—The Secretary shall expend the required cost share funds described in paragraph (1) through the Basin States Program for salinity control activities established under section 202(a)(7).

''(3) EXISTING SALINITY CONTROL ACTIVITIES.—The cost share contribution required by this section shall continue to be met through repayment in a manner consistent with this section for all salinity control activities for which repayment was commenced prior to the date of enactment of this paragraph.''.

SEC. 2807. DESERT TERMINAL LAKES.

Section 2507 of the Farm Security and Rural Investment Act of 2002 (43 U.S.C. 2211 note; Public Law 107–171) is amended—

(1) in subsection (a)—

(A) by striking ''(a)'' and all that follows through ''$200,000,000'' and inserting ''(a) TRANSFER.—Subject to subsection (b) and paragraph (1) of section 207(a) of Public Law 108–7 (117 Stat. 146), notwithstanding paragraph (3) of that section, on the date of enactment of the Food, Conservation, and Energy Act of 2008, the Secretary of Agriculture shall transfer $175,000,000''; and

(B) by striking the quotation marks at the beginning of paragraphs (1) and (2); and

(2) by striking subsection (b) and inserting the following new subsection:

''(b) PERMITTED USES.—In any case in which there are willing sellers, the funds described in subsection (a) may be used—

''(1) to lease water; or

''(2) to purchase land, water appurtenant to the land, and related interests in the Walker River Basin in accordance with section 208(a)(1)(A) of the Energy and Water Development Appropriations Act, 2006 (Public Law 109–103; 119 Stat. 2268).''.

Subtitle J—Miscellaneous Conservation Provisions

SEC. 2901. HIGH PLAINS WATER STUDY.

Notwithstanding any other provision of this Act, no person shall become ineligible for any program benefits under this Act or an amendment made by this Act solely as a result of participating in a 1-time study of recharge potential for the Ogallala Aquifer in the High Plains of the State of Texas.

SEC. 2902. NAMING OF NATIONAL PLANT MATERIALS CENTER AT BELTSVILLE, MARYLAND, IN HONOR OF NORMAN A. BERG.

The National Plant Materials Center at Beltsville, Maryland, referenced in section 613.5(a) of title 7, Code of Federal Regulations, shall be known and designated as the ''Norman A. Berg National Plant Materials Center''. Any reference in a law, map, regulation, document, paper, or other record of the United States to such National Plant Materials Center shall be deemed to be a reference to the Norman A. Berg National Plant Materials Center.

SEC. 2903. TRANSITION.

(a) CONTINUATION OF PROGRAMS IN FISCAL YEAR 2008.—Except as otherwise provided by an amendment made by this title, the Secretary of Agriculture shall continue to carry out any program or activity covered by title XII of the Food Security Act (16 U.S.C. 3801 et seq.) until September 30, 2008, using the provisions of law applicable to the program or activity as they existed on the day before the date of the enactment of this Act and using funds made available under such title for fiscal year 2008 for the program or activity.

(b) GROUND AND SURFACE WATER CONSERVATION PROGRAM.—During the period beginning on the date of the enactment of this Act and ending on September 30, 2008, the Secretary of Agriculture shall continue to carry out the ground and surface water conservation program under section 1240I of the Food Security Act of 1985 (16 U.S.C. 3839aa–9), as in effect before the amendment made by section 2510, using the terms, conditions, and funds available to the Secretary to carry out such program on the day before the date of the enactment of this Act.

SEC. 2904. REGULATIONS.

(a) ISSUANCE.—Except as otherwise provided in this title or an amendment made by this title, not later than 90 days after the date of enactment of this Act, the Secretary of Agriculture, in consultation with the Commodity Credit Corporation, shall promulgate such regulations as are necessary to implement this title.

(b) APPLICABLE AUTHORITY.—The promulgation of regulations under subsection (a) and administration of this title—

(1) shall be carried out without regard to—

(A) chapter 35 of title 44, United States Code (commonly known as the Paperwork Reduction Act); and

(B) the Statement of Policy of the Secretary of Agriculture effective July 24, 1971 (36 Fed. Reg. 13804) relating to notices of proposed rulemaking and public participation in rulemaking; and

(2) may—

(A) be promulgated with an opportunity for notice and comment; or

(B) if determined to be appropriate by the Secretary of Agriculture or the Commodity Credit Corporation, as an interim rule effective on publication with an opportunity for notice and comment.

(c) CONGRESSIONAL REVIEW OF AGENCY RULEMAKING.—In carrying out this section, the Secretary shall use the authority provided under section 808(2) of title 5, United States Code.

TITLE III—TRADE

Subtitle A—Food for Peace Act

SEC. 3001. SHORT TITLE.

*(a) IN GENERAL.—Section 1 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1691 note; 104 Stat. 3633) is amended by striking ''**AGRICULTURAL TRADE DEVELOPMENT AND ASSISTANCE ACT OF 1954**'' and inserting ''Food for Peace Act''.*

(b) CONFORMING AMENDMENTS.—

(1) IN GENERAL.—Each provision of law described in paragraph (2) is amended—

(A) by striking ''Agricultural Trade Development and Assistance Act of 1954'' each place it appears and inserting ''Food for Peace Act''; and

*(B) in each section heading, by striking ''**AGRICULTURAL TRADE DEVELOPMENT AND ASSISTANCE ACT OF 1954**'' each place it appears and inserting ''**FOOD FOR PEACE ACT**''.*

(2) PROVISIONS OF LAW.—The provisions of law referred to in paragraph (1) are the following:

(A) The Agriculture and Food Act of 1981 (Public Law 97–98; 95 Stat. 1213).

(B) The Agricultural Act of 1949 (7 U.S.C. 1421 et seq.).

(C) Section 9(a) of the Military Construction Codification Act (7 U.S.C. 1704c).

(D) Section 201 of the Africa: Seeds of Hope Act of 1998 (7 U.S.C. 1721 note; Public Law 105–385).

(E) The Bill Emerson Humanitarian Trust Act (7 U.S.C. 1736f–1 et seq.).

(F) The Food for Progress Act of 1985 (7 U.S.C. 1736o).

(G) Section 3107 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 1736o–1).

(H) Sections 605B and 606C of the Act of August 28, 1954 (commonly known as the ''Agricultural Act of 1954'') (7 U.S.C. 1765b, 1766b).

(I) Section 206 of the Agricultural Act of 1956 (7 U.S.C. 1856).

(J) The Agricultural Competitiveness and Trade Act of 1988 (7 U.S.C. 5201 et seq.).

(K) The Agricultural Trade Act of 1978 (7 U.S.C. 5601 et seq.).

(L) The Export-Import Bank Act of 1945 (12 U.S.C. 635 et seq.).

(M) Section 301 of title 13, United States Code.

(N) Section 8 of the Endangered Species Act of 1973 (16 U.S.C. 1537).

(O) Section 604 of the Enterprise for the Americas Act of 1992 (22 U.S.C. 2077).

(P) Section 5 of the International Health Research Act of 1960 (22 U.S.C. 2103).

(Q) The Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.).

(R) The Horn of Africa Recovery and Food Security Act (22 U.S.C. 2151 note; Public Law 102–274).

(S) Section 105 of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455).

(T) Section 35 of the Foreign Military Sales Act (22 U.S.C. 2775).

(U) The Support for East European Democracy (SEED) Act of 1989 (22 U.S.C. 5401 et seq.).

(V) Section 1707 of the Cuban Democracy Act of 1992 (22 U.S.C. 6006).

(W) The Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 (22 U.S.C. 6021 et seq.).

(X) Section 902 of the Trade Sanctions Reform and Export Enhancement Act of 2000 (22 U.S.C. 7201).

(Y) Chapter 553 of title 46, United State Code.

(Z) Section 4 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98c).

(AA) The Food, Agriculture, Conservation, and Trade Act of 1990 (Public Law 101–624; 104 Stat. 3359).

(BB) Section 738 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 106–387; 114 Stat 1549A–34).

(c) REFERENCES.—Any reference in any Federal, State, tribal, or local law (including regulations) to the ''Agricultural Trade Development

and Assistance Act of 1954'' shall be considered to be a reference to the ''Food for Peace Act''.

SEC. 3002. UNITED STATES POLICY.

Section 2 of the Food for Peace Act (7 U.S.C. 1691) is amended—

(1) by striking paragraph (4); and

(2) by redesignating paragraphs (5) and (6) as paragraphs (4) and (5), respectively.

SEC. 3003. FOOD AID TO DEVELOPING COUNTRIES.

Section 3(b) of the Food for Peace Act (7 U.S.C. 1691a(b)) is amended by striking ''(b)'' and all that follows through paragraph (1) and inserting the following:

''(b) SENSE OF CONGRESS.—It is the sense of Congress that—

''(1) in negotiations at the Food Aid Convention, the World Trade Organization, the United Nations Food and Agriculture Organization, and other appropriate venues, the President shall—

''(A) seek commitments of higher levels of food aid by donors in order to meet the legitimate needs of developing countries;

''(B) ensure, to the maximum extent practicable, that humanitarian nongovernmental organizations, recipient country governments, charitable bodies, and international organizations shall continue—

''(i) to be eligible to receive resources based on assessments of need conducted by those organizations and entities; and

''(ii) to implement food aid programs in agreements with donor countries; and

''(C) ensure, to the maximum extent practicable, that options for providing food aid for emergency and nonemergency needs shall not be subject to limitation, including in-kind commodities, provision of funds for agricultural commodity procurement, and monetization of commodities, on the condition that the provision of those commodities or funds—

''(i) is based on assessments of need and intended to benefit the food security of, or otherwise assist, recipients, and

''(ii) is provided in a manner that avoids disincentives to local agricultural production and marketing and with minimal potential for disruption of commercial markets; and''.

SEC. 3004. TRADE AND DEVELOPMENT ASSISTANCE.

*(a) Title I of the Food for Peace Act (7 U.S.C. 1701 et seq.) is amended in the title heading, by striking ''**TRADE AND DEVELOPMENT ASSISTANCE**'' and inserting ''**ECONOMIC ASSISTANCE AND FOOD SECURITY**''.*

*(b) Section 101 of the Food for Peace Act (7 U.S.C. 1701) is amended in the section heading, by striking ''**TRADE AND DEVELOPMENT ASSISTANCE**'' and inserting ''**ECONOMIC ASSISTANCE AND FOOD SECURITY**''.*

SEC. 3005. AGREEMENTS REGARDING ELIGIBLE COUNTRIES AND PRIVATE ENTITIES.

Section 102 of the Food for Peace Act (7 U.S.C. 1702) is amended—

(1) in subsection (a)—

(A) by striking paragraph (1); and

(B) by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively; and

(2) by striking subsection (c).

SEC. 3006. USE OF LOCAL CURRENCY PAYMENTS.

Section 104(c) of the Food for Peace Act (7 U.S.C. 1704(c)) is amended—

(1) in the matter preceding paragraph (1), by inserting '', through agreements with recipient governments, private voluntary organizations, and cooperatives,'' after ''developing country'';

(2) by striking paragraph (1);

(3) in paragraph (2)—

(A) in subparagraph (C), by striking ''and'' at the end;

(B) in subparagraph (D), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(E) the improvement of the trade capacity of the recipient country.'';

(4) in paragraph (3), by striking ''agricultural business development and agricultural trade expansion'' and inserting ''development of agricultural businesses and agricultural trade capacity'';

(5) in paragraph (4), by striking '', or otherwise'' and all that follows through ''United States'';

(6) in paragraph (5), by inserting ''to promote agricultural products produced in appropriate developing countries'' after ''trade fairs''; and

(7) by redesignating paragraphs (2) through (9) as paragraphs (1) through (8), respectively.

SEC. 3007. GENERAL AUTHORITY.

Section 201 of the Food for Peace Act (7 U.S.C. 1721) is amended—

(1) by striking paragraph (1) and inserting the following:

''(1) address famine and food crises, and respond to emergency food needs, arising from man-made and natural disasters;'';

(2) in paragraph (5)—

(A) by inserting ''food security and support'' after ''promote''; and

(B) by striking ''; and'' and inserting a semicolon;

(3) in paragraph (6), by striking the period at the end and inserting ''; and''; and

(4) by adding at the end the following:

''(7) promote economic and nutritional security by increasing educational, training, and other productive activities.''.

SEC. 3008. PROVISION OF AGRICULTURAL COMMODITIES.

Section 202 of the Food for Peace Act (7 U.S.C. 1722) is amended—

(1) in subsection (b)(2), by striking ''may not deny a request for funds'' and inserting ''may not use as a sole rationale for denying a request for funds'';

(2) in subsection (e)(1)—

(A) in the matter preceding subparagraph (A), by striking ''not less than 5 percent nor more than 10 percent'' and inserting ''not less than 7.5 percent nor more than 13 percent'';

(B) in subparagraph (A), by striking ''; and'' and inserting a semicolon;

(C) in subparagraph (B), by striking the period at the end and inserting ''; and''; and

(D) by adding at the end the following:

''(C) improving and implementing methodologies for food aid programs, including needs assessments (upon the request of the Administrator), monitoring, and evaluation.''; and

(3) by striking subsection (h) and inserting the following:

''(h) FOOD AID QUALITY.—

''(1) IN GENERAL.—The Administrator shall use funds made available for fiscal year 2009 and subsequent fiscal years to carry out this title—

''(A) to assess the types and quality of agricultural commodities and products donated for food aid;

''(B) to adjust products and formulations (including the potential introduction of new fortificants and products) as necessary to cost-effectively meet nutrient needs of target populations; and

''(C) to test prototypes.

''(2) ADMINISTRATION.—The Administrator—

''(A) shall carry out this subsection in consultation with and through independent entities with proven expertise in food aid commodity quality enhancements;

''(B) may enter into contracts to obtain the services of such entities; and

''(C) shall consult with the Food Aid Consultative Group on how to carry out this subsection.

''(3) FUNDING LIMITATION.—Of the funds made available under section 207(f), for fiscal years 2009 through 2011, not more than $4,500,000 may be used to carry out this subsection.''.

SEC. 3009. GENERATION AND USE OF CURRENCIES BY PRIVATE VOLUNTARY ORGANIZATIONS AND COOPERATIVES.

Section 203(b) of the Food for Peace Act (7 U.S.C. 1723(b)) is amended by striking ''1 or more recipient countries'' and inserting ''in 1 or more recipient countries''.

SEC. 3010. LEVELS OF ASSISTANCE.

Section 204(a) of the Food for Peace Act (7 U.S.C. 1724(a)) is amended—

(1) in paragraph (1), by striking ''2002 through 2007'' and inserting ''2008 through 2012''; and

(2) in paragraph (2), by striking ''2002 through 2007'' and inserting ''2008 through 2012''.

SEC. 3011. FOOD AID CONSULTATIVE GROUP.

Section 205 of the Food for Peace Act (7 U.S.C. 1725) is amended—

(1) in subsection (b)—

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

(B) in paragraph (6), by striking the period and inserting ''; and''; and

(C) by inserting at the end the following:

''(7) representatives from the maritime transportation sector involved in transporting agricultural commodities overseas for programs under this Act.''; and

(2) in subsection (f), by striking ''2007'' and inserting ''2012''.

SEC. 3012. ADMINISTRATION.

Section 207 of the Food for Peace Act (7 U.S.C. 1726a) is amended—

(1) in subsection (a)(3), by striking ''and the conditions that must be met for the approval of such proposal'';

(2) in subsection (c), by striking paragraph (3);

(3) by striking subsection (d) and inserting the following:

''(d) TIMELY PROVISION OF COMMODITIES.—The Administrator, in consultation with the Secretary, shall develop procedures that ensure expedited processing of commodity call forwards in order to provide commodities overseas in a timely manner and to the extent feasible, according to planned delivery schedules.''; and

(4) by adding at the end the following:

''(f) PROGRAM OVERSIGHT, MONITORING, AND EVALUATION.—

''(1) DUTIES OF ADMINISTRATOR.—The Administrator, in consultation with the Secretary, shall establish systems and carry out activities—

''(A) to determine the need for assistance provided under this title; and

''(B) to improve, monitor, and evaluate the effectiveness and efficiency of the assistance provided under this title to maximize the impact of the assistance.

''(2) REQUIREMENTS OF SYSTEMS AND ACTIVITIES.—The systems and activities described in paragraph (1) shall include—

''(A) program monitors in countries that receive assistance under this title;

''(B) country and regional food aid impact evaluations;

''(C) the identification and implementation of best practices for food aid programs;

''(D) the evaluation of monetization programs;

''(E) early warning assessments and systems to help prevent famines; and

''(F) upgraded information technology systems.

''(3) IMPLEMENTATION REPORT.—Not later than 180 days after the date of enactment of the Food, Conservation, and Energy Act of 2008, the Administrator shall submit to the appropriate committees of Congress a report on efforts undertaken by the Administrator to conduct oversight of nonemergency programs under this title.

''(4) GOVERNMENT ACCOUNTABILITY OFFICE REPORT.—Not later than 270 days after the date of submission of the report under paragraph (3), the Comptroller General of the United States shall submit to the appropriate committees of Congress a report that contains—

''(A) a review of, and comments addressing, the report described in paragraph (3); and

''(B) recommendations relating to any additional actions that the Comptroller General of the United States determines to be necessary to improve the monitoring and evaluation of assistance provided under this title.

''(5) CONTRACT AUTHORITY.—

''(A) IN GENERAL.—Subject to subparagraphs (B) and (C), in carrying out administrative and management activities relating to each activity carried out by the Administrator under paragraph (1), the Administrator may enter into contracts with 1 or more individuals for personal service to be performed in recipient countries or neighboring countries.

''(B) PROHIBITION.—An individual who enters into a contract with the Administrator under subparagraph (A) shall not be considered to be an employee of the Federal Government for the purpose of any law (including regulations) administered by the Office of Personnel Management.

''(C) PERSONAL SERVICE.—Subparagraph (A) does not limit the ability of the Administrator to enter into a contract with any individual for personal service under section 202(a).

''(6) FUNDING.—

''(A) IN GENERAL.—Subject to section 202(h)(3), in addition to other funds made available to the Administrator to carry out the monitoring of emergency food assistance, the Administrator may implement this subsection using up to $22,000,000 of the funds made available under this title for each of fiscal years 2009 through 2012, except for paragraph (2)(F), for which only $2,500,000 shall be made available during fiscal year 2009.

''(B) LIMITATIONS.—

''(i) IN GENERAL.—Subject to clause (ii), of the funds made available under subparagraph (A), for each of fiscal years 2009 through 2012, not more than $8,000,000 may be used by the Administrator to carry out paragraph (2)(E).

''(ii) CONDITION.—No funds shall be made available under subparagraph (A), in accordance with clause (i), unless not less than $8,000,000 is made available under chapter 1 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) for such purposes for such fiscal year.

''(g) PROJECT REPORTING.—

''(1) IN GENERAL.—In submitting project reports to the Administrator, a private voluntary organization or cooperative shall provide a copy of the report in such form as is necessary for the report to be displayed for public use on the website of the United States Agency for International Development.

''(2) CONFIDENTIAL INFORMATION.—An organization or cooperative described in paragraph (1) may omit any confidential information from the copy of the report submitted for public display under that paragraph.''.

SEC. 3013. ASSISTANCE FOR STOCKPILING AND RAPID TRANSPORTATION, DELIVERY, AND DISTRIBUTION OF SHELF-STABLE PREPACKAGED FOODS.

Section 208(f) of the Food for Peace Act (7 U.S.C. 1726b(f)) is amended—

(1) by striking ''$3,000,000'' and inserting ''$8,000,000''; and

(2) by striking ''2007'' and inserting ''2012''.

SEC. 3014. GENERAL AUTHORITIES AND REQUIREMENTS.

(a) IN GENERAL.—Section 401 of the Food for Peace Act (7 U.S.C. 1731) is amended—

(1) by striking subsection (a);

(2) by redesignating subsections (b) and (c) as subsections (a) and (b), respectively; and

(3) in subsection (b) (as so redesignated), by striking ''(b)(1)'' and inserting ''(a)(1)''.

(b) CONFORMING AMENDMENTS.—

(1) Section 406(a) of the Food for Peace Act (7 U.S.C. 1736(a)) is amended by striking ''(that have been determined to be available under section 401(a))''.

(2) Subsection (e)(1) of the Food for Progress Act of 1985 (7 U.S.C. 1736o(e)(1)) is amended by striking ''determined to be available under section 401 of the Food for Peace Act''.

SEC. 3015. DEFINITIONS.

Section 402 of the Food for Peace Act (7 U.S.C. 1732) is amended—

(1) by redesignating paragraphs (3) through (8) as paragraphs (4) through (9), respectively; and

(2) by inserting after paragraph (2) the following:

''(3) APPROPRIATE COMMITTEE OF CONGRESS.—The term 'appropriate committee of Congress' means—

''(A) the Committee on Agriculture, Nutrition, and Forestry of the Senate;

''(B) the Committee on Agriculture of the House of Representatives; and

''(C) the Committee on Foreign Affairs of the House of Representatives.''.

SEC. 3016. USE OF COMMODITY CREDIT CORPORATION.

Section 406(b)(2) of the Food for Peace Act (7 U.S.C. 1736(b)(2)) is amended by inserting '', including the costs of carrying out section 415'' before the semicolon.

SEC. 3017. ADMINISTRATIVE PROVISIONS.

Section 407(c) of the Food for Peace Act (7 U.S.C. 1736a(c)) is amended—

(1) in paragraph (4)—

(A) by striking ''Funds made'' and inserting the following:

''(A) IN GENERAL.—Funds made'';

(B) in subparagraph (A) (as so designated)—

(i) by striking ''2007'' and inserting ''2012''; and

(ii) by striking ''$2,000,000'' and inserting ''$10,000,000''; and

(C) by adding at the end the following:

''(B) ADDITIONAL PREPOSITIONING SITES.—

''(i) FEASIBILITY ASSESSMENTS.—The Administrator may carry out assessments for the establishment of not less than 2 sites to determine the feasibility of, and costs associated with, using the sites to store and handle agricultural commodities for prepositioning in foreign countries.

''(ii) ESTABLISHMENT OF SITES.—Based on the results of each assessment carried out under clause (i), the Administrator may establish additional sites for prepositioning in foreign countries.''; and

(2) by adding at the end the following:

''(5) NONEMERGENCY OR MULTIYEAR AGREEMENTS.—Annual resource requests for ongoing nonemergency or ongoing multiyear agreements under title II shall be finalized not later than October 1 of the fiscal year in which the agricultural commodities will be shipped under the agreement.''.

SEC. 3018. CONSOLIDATION AND MODIFICATION OF ANNUAL REPORTS REGARDING AGRICULTURAL TRADE ISSUES.

(a) ANNUAL REPORTS.—Section 407 of the Food for Peace Act (7 U.S.C. 1736a) is amended by striking subsection (f) and inserting the following:

''(f) ANNUAL REPORTS.—

''(1) ANNUAL REPORT REGARDING AGRICULTURAL TRADE PROGRAMS AND ACTIVITIES.—

''(A) ANNUAL REPORT.—Not later than April 1 of each fiscal year, the Administrator and the Secretary shall jointly prepare and submit to the appropriate committees of Congress a report regarding each program and activity carried out under this Act during the prior fiscal year.

''(B) CONTENTS.—An annual report described in subparagraph (A) shall include, with respect to the prior fiscal year—

''(i) a list that contains a description of each country and organization that receives food and other assistance under this Act (including the quantity of food and assistance provided to each country and organization);

''(ii) a general description of each project and activity implemented under this Act (including each activity funded through the use of local currencies);

''(iii) a statement describing the quantity of agricultural commodities made available to each country pursuant to—

''(I) section 416(b) of the Agricultural Act of 1949 (7 U.S.C. 1431(b)); and

''(II) the Food for Progress Act of 1985 (7 U.S.C. 1736o);

''(iv) an assessment of the progress made through programs under this Act towards reducing food insecurity in the populations receiving food assistance from the United States;

''(v) a description of efforts undertaken by the Food Aid Consultative Group under section 205 to achieve an integrated and effective food assistance program;

''(vi) an assessment of—

''(I) each program oversight, monitoring, and evaluation system implemented under section 207(f); and

''(II) the impact of each program oversight, monitoring, and evaluation system on the effectiveness and efficiency of assistance provided under this title; and

''(vii) an assessment of the progress made by the Administrator in addressing issues relating to quality with respect to the provision of food assistance.

''(2) ANNUAL REPORT REGARDING THE PROVISION OF AGRICULTURAL COMMODITIES TO FOREIGN COUNTRIES.—

''(A) ANNUAL REPORT.—Not later than February 1 of each fiscal year, the Administrator shall prepare and submit to the appropriate committees of Congress a report regarding the administration of food assistance programs under title II to benefit foreign countries during the prior fiscal year.

''(B) CONTENTS.—An annual report described in subparagraph (A) shall include, with respect to the prior fiscal year—

''(i) a list that contains a description of each program, country, and commodity approved for assistance under section 207; and

''(ii) a statement that contains a description of the total amount of funds approved for transportation and administrative costs under section 207.''.

(b) CONFORMING AMENDMENT.—Section 207(e) of the Food for Peace Act (7 U.S.C. 1726a(e)) is amended—

(1) by striking ''TIMELY APPROVAL.'' and all that follows through ''The Administrator'' and inserting ''TIMELY APPROVAL.—The Administrator''; and

(2) by striking paragraph (2).

SEC. 3019. EXPIRATION OF ASSISTANCE.

Section 408 of the Food for Peace Act (7 U.S.C. 1736b) is amended by striking ''2007'' and inserting ''2012''.

SEC. 3020. AUTHORIZATION OF APPROPRIATIONS.

Section 412 of the Food for Peace Act (7 U.S.C. 1736f) is amended by striking subsection (a) and inserting the following:

''(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated—

''(1) for fiscal year 2008 and each fiscal year thereafter, $2,500,000,000 to carry out the emergency and nonemergency food assistance programs under title II; and

''(2) such sums as are necessary—

''(A) to carry out the concessional credit sales program established under title I;

''(B) to carry out the grant program established under title III; and

''(C) to make payments to the Commodity Credit Corporation to the extent the Commodity Credit Corporation is not reimbursed under the programs under this Act for the actual costs incurred or to be incurred by the Commodity Credit Corporation in carrying out such programs.''.

SEC. 3021. MINIMUM LEVEL OF NONEMERGENCY FOOD ASSISTANCE.

Section 412 of the Food for Peace Act (7 U.S.C. 1736f) is amended by adding at the end the following:

''(e) MINIMUM LEVEL OF NONEMERGENCY FOOD ASSISTANCE.—

''(1) FUNDS AND COMMODITIES.—Of the amounts made available to carry out emergency and nonemergency food assistance programs under title II, not less than $375,000,000 for fiscal year 2009, $400,000,000 for fiscal year 2010, $425,000,000 for fiscal year 2011, and $450,000,000 for fiscal year 2012 shall be expended for nonemergency food assistance programs under title II.

''(2) EXCEPTION.—The President may use less than the amount specified in paragraph (1) in a fiscal year for nonemergency food assistance programs under title II only if—

''(A) the President has made a determination that there is an urgent need for additional emergency food assistance;

''(B) the funds and commodities held in the Bill Emerson Humanitarian Trust have been exhausted; and

''(C) the President has submitted to Congress a supplemental appropriations request for a sum equal to the amount needed to reach the required spending level for nonemergency food assistance under paragraph (1) and the amount exhausted under paragraph (2)(B).

''(3) NOTIFICATION TO CONGRESS.—If the President makes the determination described in paragraph (2)(A), the President shall submit to Congress written notification that the determination has been made.''.

SEC. 3022. COORDINATION OF FOREIGN ASSISTANCE PROGRAMS.

Section 413 of the Food for Peace Act (7 U.S.C. 1736g) is amended—

(1) by striking ''To the maximum'' and inserting the following:

''(a) IN GENERAL.—To the maximum''; and

(2) by adding at the end the following:

''(b) REPORT REGARDING EFFORTS TO IMPROVE PROCUREMENT PLANNING.—

''(1) REPORT REQUIRED.—Not later than 90 days after the date of enactment of the Food, Conservation, and Energy Act of 2008, the Administrator and the Secretary shall submit to each appropriate committee of Congress a report that contains a description of each effort taken by the Administrator and the Secretary to improve planning for food and transportation procurement (including efforts to eliminate bunching of food purchases).

''(2) CONTENTS.—A report required under paragraph (1) should include a description of each effort taken by the Administrator and the Secretary—

''(A) to improve the coordination of food purchases made by—

''(i) the United States Agency for International Development; and

''(ii) the Department of Agriculture;

''(B) to increase flexibility with respect to procurement schedules;

''(C) to increase the use of historical analyses and forecasting; and

''(D) to improve and streamline legal claims processes for resolving transportation disputes.''.

SEC. 3023. MICRONUTRIENT FORTIFICATION PROGRAMS.

Section 415 of the Food for Peace Act (7 U.S.C. 1736g–2) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking ''Not later than September 30, 2003, the Administrator, in consultation with the Secretary'' and inserting ''Not later than September 30, 2008, the Administrator, in consultation with the Secretary''; and

(B) in paragraph (2)—

(i) in subparagraph (A), by adding ''and'' after the semicolon at the end; and

(ii) by striking subparagraphs (B) and (C) and inserting the following:

''(B) assess and apply technologies and systems to improve and ensure the quality, shelf life, bioavailability, and safety of fortified food aid agricultural commodities, and products of those agricultural commodities, using recommendations included in the report entitled 'Micronutrient Compliance Review of Fortified Public Law 480 Commodities', published in October 2001, with implementation by independent entities with proven experience and expertise in food aid commodity quality enhancements.'';

(2) by striking subsection (b) and redesignating subsections (c) and (d) as subsections (b) and (c), respectively; and

(3) in subsection (c) (as redesignated by paragraph (2)), by striking ''2007'' and inserting ''2012''.

SEC. 3024. JOHN OGONOWSKI AND DOUG BEREUTER FARMER-TO-FARMER PROGRAM.

(a) MINIMUM FUNDING.—Section 501(d) of the Food for Peace Act (7 U.S.C. 1737(d)) is amended in the matter preceding paragraph (1)—

(1) by striking ''not less than'' and inserting ''not less than the greater of $10,000,000 or''; and

(2) by striking ''2002 through 2007'' and inserting ''2008 through 2012''.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 501(e) of the Food for Peace Act (7 U.S.C. 1737(e)) is amended by striking paragraph (1) and inserting the following:

''(1) IN GENERAL.—There are authorized to be appropriated for each of fiscal years 2008 through 2012 to carry out the programs under this section—

''(A) $10,000,000 for sub-Saharan African and Caribbean Basin countries; and

''(B) $5,000,000 for other developing or middle-income countries or emerging markets not described in subparagraph (A).''.

Subtitle B—Agricultural Trade Act of 1978 and Related Statutes

SEC. 3101. EXPORT CREDIT GUARANTEE PROGRAM.

(a) REPEAL OF SUPPLIER CREDIT GUARANTEE PROGRAM AND INTERMEDIATE EXPORT CREDIT GUARANTEE PROGRAM.—Section 202 of the Agricultural Trade Act of 1978 (7 U.S.C. 5622) is amended—

(1) in subsection (a)—

(A) by striking ''GUARANTEES.—'' and all that follows through ''The Commodity'' in paragraph (1) and inserting ''GUARANTEES.—The Commodity''; and

(B) by striking paragraphs (2) and (3);

(2) by striking subsections (b) and (c);

(3) by redesignating subsections (d) through (l) as subsections (b) through (j), respectively; and

(4) by adding at the end the following:

''(k) ADMINISTRATION.—

''(1) DEFINITION OF LONG TERM.—In this subsection, the term 'long term' means a period of 10 or more years.

''(2) GUARANTEES.—In administering the export credit guarantees authorized under this section, the Secretary shall—

''(A) maximize the export sales of agricultural commodities;

''(B) maximize the export credit guarantees that are made available and used during the course of a fiscal year;

''(C) develop an approach to risk evaluation that facilitates accurate country risk designations and timely adjustments to the designations (on an ongoing basis) in response to material changes in country risk conditions, with ongoing opportunity for input and evaluation from the private sector;

''(D) adjust risk-based guarantees as necessary to ensure program effectiveness and United States competitiveness; and

''(E) work with industry to ensure, to the maximum extent practicable, that risk-based fees associated with the guarantees cover, but do not exceed, the operating costs and losses over the long term.''.

(b) FUNDING LEVELS.—Section 211 of the Agricultural Trade Act of 1978 (7 U.S.C. 5641) is amended by striking subsection (b) and inserting the following:

''(b) EXPORT CREDIT GUARANTEE PROGRAMS.—The Commodity Credit Corporation shall make available for each of fiscal years 1996 through 2012 credit guarantees under section 202(a) in an amount equal to but not more than the lesser of—

''(1) $5,500,000,000 in credit guarantees; or

''(2) the sum of—

''(A) the amount of credit guarantees that the Commodity Credit Corporation can make available using budget authority of $40,000,000 for each fiscal year for the costs of the credit guarantees; and

''(B) the amount of credit guarantees that the Commodity Credit Corporation can make available using unobligated budget authority for prior fiscal years.''.

(c) CONFORMING AMENDMENTS.—Section 202 of the Agricultural Trade Act of 1978 (7 U.S.C. 5622) is amended—

(1) in subsection (b)(4) (as redesignated by subsection (a)(3)), by striking '', consistent with the provisions of subsection (c)'';

(2) in subsection (d) (as redesignated by subsection (a)(3))—

(A) by striking ''(1)'' and all that follows through ''The Commodity'' and inserting ''The Commodity''; and

(B) by striking paragraph (2); and

(3) in subsection (g)(2) (as redesignated by subsection (a)(3)), by striking ''subsections (a) and (b)'' and inserting ''subsection (a)''.

SEC. 3102. MARKET ACCESS PROGRAM.

(a) ORGANIC COMMODITIES.—Section 203(a) of the Agricultural Trade Act of 1978 (7 U.S.C. 5623(a)) is amended by inserting after ''agricultural commodities'' the following: ''(including commodities that are organically produced (as defined in section 2103 of the Organic Foods Production Act of 1990 (7 U.S.C. 6502)))''.

(b) FUNDING.—Section 211(c)(1)(A) of the Agricultural Trade Act of 1978 (7 U.S.C. 5641(c)(1)(A)) is amended by striking ''$200,000,000 for each of fiscal years 2006 and 2007'' and inserting ''$200,000,000 for each of fiscal years 2008 through 2012''.

SEC. 3103. EXPORT ENHANCEMENT PROGRAM.

(a) IN GENERAL.—Section 301 of the Agricultural Trade Act of 1978 (7 U.S.C. 5651) is repealed.

(b) CONFORMING AMENDMENTS.—The Agricultural Trade Act of 1978 is amended—

(1) in title III, by striking the title heading and inserting the following:

''TITLE III—BARRIERS TO EXPORTS'';

(2) by redesignating sections 302 and 303 (7 U.S.C. 5652 and 5653) as sections 301 and 302, respectively;

(3) in section 302 (as redesignated by paragraph (2)), by striking '', such as that established under section 301,'';

(4) in section 401 (7 U.S.C. 5661)—

(A) in subsection (a), by striking ''section 201, 202, or 301'' and inserting ''section 201 or 202''; and

(B) in subsection (b), by striking ''sections 201, 202, and 301'' and inserting ''sections 201 and 202''; and

(5) in section 402(a)(1) (7 U.S.C. 5662(a)(1)), by striking ''sections 201, 202, 203, and 301'' and inserting ''sections 201, 202, and 203''.

SEC. 3104. FOREIGN MARKET DEVELOPMENT CO-OPERATOR PROGRAM.

(a) REPORT TO CONGRESS.—Section 702(c) of the Agricultural Trade Act of 1978 (7 U.S.C. 5722(c)) is amended by striking ''Committee on International Relations'' and inserting ''Committee on Foreign Affairs''.

(b) FUNDING.—Section 703(a) of the Agricultural Trade Act of 1978 (7 U.S.C. 5723(a)) is amended by striking ''2002 through 2007'' and inserting ''2008 through 2012''.

SEC. 3105. FOOD FOR PROGRESS ACT OF 1985.

(a) IN GENERAL.—The Food for Progress Act of 1985 (7 U.S.C. 1736o) is amended by striking ''2007'' each place it appears and inserting ''2012''.

(b) DESIGNATION OF PROJECT IN SUB-SAHARAN AFRICA.—The Food for Progress Act of 1985 (7 U.S.C. 1736o) is amended in subsection (f) by adding at the end the following:

''(6) PROJECT IN MALAWI.—

''(A) IN GENERAL.—In carrying out this section during fiscal year 2009, the President shall approve not less than 1 multiyear project for Malawi—

''(i) to promote sustainable agriculture; and

''(ii) to increase the number of women in leadership positions.

''(B) USE OF ELIGIBLE COMMODITIES.—Of the eligible commodities used to carry out this section during the period in which the project described in subparagraph (A) is carried out, the President shall carry out the project using eligible commodities with a total value of not less than $3,000,000 during the course of the project.''.

SEC. 3106. MCGOVERN-DOLE INTERNATIONAL FOOD FOR EDUCATION AND CHILD NUTRITION PROGRAM.

Section 3107 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 1736o–1) is amended—

(1) in subsections (b), (c)(2)(B), (f)(1), (h), (i), and (l)(1), by striking ''President'' each place it appears and inserting ''Secretary'';

(2) in subsection (d), by striking ''The President shall designate 1 or more Federal agencies'' and inserting ''The Secretary shall'';

(3) in paragraph (f)(2), by striking ''implementing agency'' and inserting ''Secretary''; and

(4) in subsection (l)—

(A) by striking paragraph (1) and inserting the following:

''(1) USE OF COMMODITY CREDIT CORPORATION FUNDS.—Of the funds of the Commodity Credit Corporation, the Secretary shall use to carry out this section $84,000,000 for fiscal year 2009, to remain available until expended.'';

(B) in paragraph (2), by striking ''2004 through 2007'' and inserting ''2008 through 2012''; and

(C) in paragraph (3), by striking ''any Federal agency implementing or assisting'' and inserting ''the Department of Agriculture or any other Federal agency assisting''.

Subtitle C—Miscellaneous

SEC. 3201. BILL EMERSON HUMANITARIAN TRUST.

Section 302 of the Bill Emerson Humanitarian Trust Act (7 U.S.C. 1736f–1) is amended—

(1) in subsection (a)—

(A) by striking ''establish a trust stock'' and inserting ''establish and maintain a trust''; and

(B) by striking ''or any combination of the commodities, totaling not more than 4,000,000 metric tons'' and inserting ''any combination of the commodities, or funds'';

(2) in subsection (b)—

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

''(D) funds made available—

''(i) under paragraph (2)(B);

''(ii) as a result of an exchange of any commodity held in the trust for an equivalent amount of funds from the market, if the Secretary determines that such a sale of the commodity on the market will not unduly disrupt domestic markets; or

''(iii) to maximize the value of the trust, in accordance with subsection (d)(3).''; and

(B) in paragraph (2)(B)—

(i) in clause (i)—

(I) by striking ''2007'' each place it appears and inserting ''2012'';

(II) by striking ''(c)(2)'' and inserting ''(c)(1)''; and

(III) by striking ''and'' at the end;

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

(iii) by adding at the end the following:

''(iii) from funds accrued through the management of the trust under subsection (d).'';

(3) in subsection (c)—

(A) by striking paragraphs (1) and (2) and inserting the following:

''(1) RELEASES FOR EMERGENCY ASSISTANCE.—

''(A) DEFINITION OF EMERGENCY.—

''(i) IN GENERAL.—In this paragraph, the term 'emergency' means an urgent situation—

''(I) in which there is clear evidence that an event or series of events described in clause (ii) has occurred—

''(aa) that causes human suffering; and

''(bb) for which a government concerned has not chosen, or has not the means, to remedy; or

''(II) created by a demonstrably abnormal event or series of events that produces dislocation in the lives of residents of a country or region of a country on an exceptional scale.

''(ii) EVENT OR SERIES OF EVENTS.—An event or series of events referred to in clause (i) includes 1 or more of—

''(I) a sudden calamity, such as an earthquake, flood, locust infestation, or similar unforeseen disaster;

''(II) a human-made emergency resulting in—

''(aa) a significant influx of refugees;

''(bb) the internal displacement of populations; or

''(cc) the suffering of otherwise affected populations;

''(III) food scarcity conditions caused by slow-onset events, such as drought, crop failure, pest infestation, and disease, that result in an erosion of the ability of communities and vulnerable populations to meet food needs; and

''(IV) severe food access or availability conditions resulting from sudden economic shocks, market failure, or economic collapse, that result in an erosion of the ability of communities and vulnerable populations to meet food needs.

''(B) RELEASES.—

''(i) IN GENERAL.—Any funds or commodities held in the trust may be released to provide food, and cover any associated costs, under title II of the Food for Peace Act (7 U.S.C. 1721 et seq.)—

''(I) to assist in averting an emergency, including during the period immediately preceding the emergency;

''(II) to respond to an emergency; or

''(III) for recovery and rehabilitation after an emergency.

''(ii) PROCEDURE.—A release under clause (i) shall be carried out in the same manner, and pursuant to the same authority as provided in title II of that Act.

''(C) INSUFFICIENCY OF OTHER FUNDS.—The funds and commodities held in the trust shall be made immediately available on a determination by the Administrator that funds available for emergency needs under title II of that Act (7 U.S.C. 1721 et seq.) for a fiscal year are insufficient to meet emergency needs during the fiscal year.

''(D) WAIVER RELATING TO MINIMUM TONNAGE REQUIREMENTS.—Nothing in this paragraph requires a waiver by the Administrator of the Agency for International Development under section 204(a)(3) of the Food for Peace Act (7 U.S.C. 1724(a)(3)) as a condition for a release of funds or commodities under subparagraph (B).''; and

(B) by redesignating paragraphs (3) through (5) as paragraphs (2) through (4), respectively;

(4) in subsection (d)—

(A) by redesignating paragraphs (1) through (3) as subparagraphs (A) through (C), respectively, and indenting the subparagraphs appropriately;

(B) by striking the subsection designation and heading and all that follows through ''provide—'' and inserting the following:

''(d) MANAGEMENT OF TRUST.—

''(1) IN GENERAL.—The Secretary shall provide for the management of eligible commodities and funds held in the trust in a manner that is consistent with maximizing the value of the trust, as determined by the Secretary.

''(2) ELIGIBLE COMMODITIES.—The Secretary shall provide—'';

(C) in paragraph (2) (as redesignated by subparagraph (B))—

(i) in subparagraph (B) (as redesignated by subparagraph (A)), by striking ''and'' at the end; and

(ii) in subparagraph (C) (as redesignated by subparagraph (A)), by striking the period at the end and inserting ''; and''; and

(D) by adding at the end the following:

''(3) FUNDS.—

''(A) EXCHANGES.—If any commodity held in the trust is exchanged for funds under subsection (b)(1)(D)(ii), the funds shall be held in the trust until the date on which the funds are released in the case of an emergency under subsection (c).

''(B) INVESTMENT.—The Secretary may invest funds held in the trust in any short-term obligation of the United States or any other low-risk short-term instrument or security insured by the Federal Government in which a regulated insurance company may invest under the laws of the District of Columbia.''; and

(5) in subsection (h), in each of paragraphs (1) and (2), by striking ''2007'' each place it appears and inserting ''2012''.

SEC. 3202. GLOBAL CROP DIVERSITY TRUST.

(a) CONTRIBUTION.—The Administrator of the United States Agency for International Development shall contribute funds to endow the Global Crop Diversity Trust (referred to in this section as the ''Trust'') to assist in the conservation of genetic diversity in food crops through the collection and storage of the germplasm of food crops in a manner that provides for—

(1) the maintenance and storage of seed collections;

(2) the documentation and cataloguing of the genetics and characteristics of conserved seeds to ensure efficient reference for researchers, plant breeders, and the public;

(3) building the capacity of seed collection in developing countries;

(4) making information regarding crop genetic data publicly available for researchers, plant breeders, and the public (including through the provision of an accessible Internet website);

(5) the operation and maintenance of a back-up facility in which are stored duplicate samples of seeds, in the case of natural or man-made disasters; and

(6) oversight designed to ensure international coordination of those actions and efficient, public accessibility to that diversity through a cost-effective system.

(b) UNITED STATES CONTRIBUTION LIMIT.—The aggregate contributions of funds of the Federal Government provided to the Trust shall not exceed 25 percent of the total amount of funds contributed to the Trust from all sources.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $60,000,000 for the period of fiscal years 2008 through 2012.

SEC. 3203. TECHNICAL ASSISTANCE FOR SPECIALTY CROPS.

Section 3205 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 5680) is amended by striking subsection (d) and inserting the following:

''(d) ANNUAL REPORT.—Not later than 180 days after the date of enactment of the Food, Conservation, and Energy Act of 2008 and annually thereafter, the Secretary shall submit to the appropriate committees of Congress a report that contains, for the period covered by the report, a description of each factor that affects the export of specialty crops, including each factor relating to any—

''(1) significant sanitary or phytosanitary issue; or

''(2) trade barrier.

''(e) FUNDING.—

''(1) COMMODITY CREDIT CORPORATION.—The Secretary shall use the funds, facilities, and authorities of the Commodity Credit Corporation to carry out this section.

''(2) FUNDING AMOUNTS.—Of the funds of the Commodity Credit Corporation, the Secretary shall use to carry out this section—

''(A) $4,000,000 for fiscal year 2008;

''(B) $7,000,000 for fiscal year 2009;

''(C) $8,000,000 for fiscal year 2010;

''(D) $9,000,000 for fiscal year 2011; and

''(E) $9,000,000 for fiscal year 2012.''.

SEC. 3204. EMERGING MARKETS AND FACILITY GUARANTEE LOAN PROGRAM.

Section 1542 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5622 note; Public Law 101–624) is amended—

(1) in subsection (a), by striking ''2007'' and inserting ''2012'';

(2) in subsection (b)—

(A) in the first sentence, by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively, and indenting appropriately;

(B) by striking ''A portion'' and inserting the following:

''(1) IN GENERAL.—A portion'';

(C) in the second sentence, by striking ''The Commodity Credit Corporation'' and inserting the following:

''(2) PRIORITY.—The Commodity Credit Corporation''; and

(D) by adding at the end the following:

''(3) CONSTRUCTION WAIVER.—The Secretary may waive any applicable requirements relating to the use of United States goods in the construction of a proposed facility, if the Secretary determines that—

''(A) goods from the United States are not available; or

''(B) the use of goods from the United States is not practicable.

''(4) TERM OF GUARANTEE.—A facility payment guarantee under this subsection shall be for a term that is not more than the lesser of—

''(A) the term of the depreciation schedule of the facility assisted; or

''(B) 20 years.''; and

(3) in subsection (d)(1)(A)(i) by striking ''2007'' and inserting ''2012''.

SEC. 3205. CONSULTATIVE GROUP TO ELIMINATE THE USE OF CHILD LABOR AND FORCED LABOR IN IMPORTED AGRICULTURAL PRODUCTS.

(a) DEFINITIONS.—In this section:

(1) CHILD LABOR.—The term ''child labor'' means the worst forms of child labor as defined in International Labor Convention 182, the Convention Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labor, done at Geneva on June 17, 1999.

(2) CONSULTATIVE GROUP.—The term ''Consultative Group'' means the Consultative Group to Eliminate the Use of Child Labor and Forced Labor in Imported Agricultural Products established under subsection (b).

(3) FORCED LABOR.—The term ''forced labor'' means all work or service—

(A) that is exacted from any individual under menace of any penalty for nonperformance of the work or service, and for which—

(i) the work or service is not offered voluntarily; or

(ii) the work or service is performed as a result of coercion, debt bondage, or involuntary servitude (as those terms are defined in section 103 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102)); and

(B) by 1 or more individuals who, at the time of performing the work or service, were being subjected to a severe form of trafficking in persons (as that term is defined in that section).

(b) ESTABLISHMENT.—There is established a group to be known as the ''Consultative Group to Eliminate the Use of Child Labor and Forced Labor in Imported Agricultural Products'' to develop recommendations relating to guidelines to reduce the likelihood that agricultural products or commodities imported into the United States are produced with the use of forced labor and child labor.

(c) DUTIES.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act and in accordance with section 105(d) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7103(d)), as applicable to the importation of agricultural products made with the use of child labor or forced labor, the Consultative Group shall develop, and submit to the Secretary, recommendations relating to a standard set of practices for independent, third-party monitoring and verification for the production, processing, and distribution of agricultural products or commodities to reduce the likelihood that agricultural products or commodities imported into the United States are produced with the use of forced labor or child labor.

(2) GUIDELINES.—

(A) IN GENERAL.—Not later than 1 year after the date on which the Secretary receives recommendations under paragraph (1), the Secretary shall release guidelines for a voluntary initiative to enable entities to address issues raised by the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7101 et seq.).

(B) REQUIREMENTS.—Guidelines released under subparagraph (A) shall be published in the Federal Register and made available for public comment for a period of 90 days.

(d) MEMBERSHIP.—The Consultative Group shall be composed of not more than 13 individuals, of whom—

(1) 2 members shall represent the Department of Agriculture, as determined by the Secretary;

(2) 1 member shall be the Deputy Under Secretary for International Affairs of the Department of Labor;

(3) 1 member shall represent the Department of State, as determined by the Secretary of State;

(4) 3 members shall represent private agriculture-related enterprises, which may include retailers, food processors, importers, and producers, of whom at least 1 member shall be an importer, food processor, or retailer who utilizes independent, third-party supply chain monitoring for forced labor or child labor;

(5) 2 members shall represent institutions of higher education and research institutions, as determined appropriate by the Bureau of International Labor Affairs of the Department of Labor;

(6) 1 member shall represent an organization that provides independent, third-party certification services for labor standards for producers or importers of agricultural commodities or products; and

(7) 3 members shall represent organizations described in section 501(c)(3) of the Internal Revenue Code of 1986 that have expertise on the issues of international child labor and do not possess a conflict of interest associated with establishment of the guidelines issued under subsection (c)(2), as determined by the Bureau of International Labor Affairs of the Department of Labor, including representatives from consumer organizations and trade unions, if appropriate.

(e) CHAIRPERSON.—A representative of the Department of Agriculture appointed under subsection (d)(1), as determined by the Secretary, shall serve as the chairperson of the Consultative Group.

(f) REQUIREMENTS.—Not less than 4 times per year, the Consultative Group shall meet at the call of the Chairperson, after reasonable notice to all members, to develop recommendations described in subsection (c)(1).

(g) NONAPPLICABILITY OF FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Consultative Group.

(h) ANNUAL REPORTS.—Not later than 1 year after the date of enactment of this Act, and annually thereafter through December 31, 2012, the Secretary shall submit to the Committees on Agriculture and Foreign Affairs of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report describing the activities and recommendations of the Consultative Group.

(i) TERMINATION OF AUTHORITY.—The Consultative Group shall terminate on December 31, 2012.

SEC. 3206. LOCAL AND REGIONAL FOOD AID PROCUREMENT PROJECTS.

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Agency for International Development.

(2) APPROPRIATE COMMITTEE OF CONGRESS.—The term ''appropriate committee of Congress'' means—

(A) the Committee on Agriculture, Nutrition, and Forestry of the Senate;

(B) the Committee on Agriculture of the House of Representatives; and

(C) the Committee on Foreign Affairs of the House of Representatives.

(3) ELIGIBLE COMMODITY.—The term ''eligible commodity'' means an agricultural commodity (or the product of an agricultural commodity) that—

(A) is produced in, and procured from, a developing country; and

(B) at a minimum, meets each nutritional, quality, and labeling standard of the country that receives the agricultural commodity, as determined by the Secretary.

(4) ELIGIBLE ORGANIZATION.—The term ''eligible organization'' means an organization that is—

(A) described in section 202(d) of the Food for Peace Act (7 U.S.C. 1722(d)); and

(B) with respect to nongovernmental organizations, subject to regulations promulgated or guidelines issued to carry out this section, including United States audit requirements that are applicable to nongovernmental organizations.

(b) STUDY; FIELD-BASED PROJECTS.—

(1) STUDY.—

(A) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, the Secretary shall initiate a study of prior local and regional procurements for food aid programs conducted by—

(i) other donor countries;

(ii) private voluntary organizations; and

(iii) the World Food Program of the United Nations.

(B) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to the appropriate committees of Congress a report containing the results of the study conducted under subparagraph (A).

(2) FIELD-BASED PROJECTS.—

(A) IN GENERAL.—In accordance with subparagraph (B), the Secretary shall provide grants to, or enter into cooperative agreements with, eligible organizations to carry out field-based projects that consist of local or regional procurements of eligible commodities to respond to food crises and disasters in accordance with this section.

(B) CONSULTATION WITH ADMINISTRATOR.—In carrying out the development and implementation of field-based projects under subparagraph (A), the Secretary shall consult with the Administrator.

(c) PROCUREMENT.—

(1) IN GENERAL.—Any eligible commodity that is procured for a field-based project carried out under subsection (b)(2) shall be procured through any approach or methodology that the Secretary considers to be an effective approach or methodology to provide adequate information regarding the manner by which to expedite, to the maximum extent practicable, the provision of food aid to affected populations without significantly increasing commodity costs for low-income consumers who procure commodities sourced from the same markets at which the eligible commodity is procured.

(2) REQUIREMENTS.—

(A) IMPACT ON LOCAL FARMERS AND COUNTRIES.—The Secretary shall ensure that the local or regional procurement of any eligible commodity under this section will not have a disruptive impact on farmers located in, or the economy of—

(i) the recipient country of the eligible commodity; or

(ii) any country in the region in which the eligible commodity may be procured.

(B) TRANSSHIPMENT.—The Secretary shall, in accordance with such terms and conditions as the Secretary considers to be appropriate, require from each eligible organization commitments designed to prevent or restrict—

(i) the resale or transshipment of any eligible commodity procured under this section to any country other than the recipient country; and

(ii) the use of the eligible commodity for any purpose other than food aid.

(C) WORLD PRICES.—

(i) IN GENERAL.—In carrying out this section, the Secretary shall take any precaution that the Secretary considers to be reasonable to ensure that the procurement of eligible commodities will not unduly disrupt—

(I) world prices for agricultural commodities; or

(II) normal patterns of commercial trade with foreign countries.

(ii) PROCUREMENT PRICE.—The procurement of any eligible commodity shall be made at a reasonable market price with respect to the economy of the country in which the eligible commodity is procured, as determined by the Secretary.

(d) REGULATIONS; GUIDELINES.—

(1) IN GENERAL.—In accordance with paragraph (2), not later than 180 days after the date of completion of the study under subsection (b)(1), the Secretary shall promulgate regulations or issue guidelines to carry out field-based projects under this section.

(2) REQUIREMENTS.—

(A) USE OF STUDY.—In promulgating regulations or issuing guidelines under paragraph (1), the Secretary shall take into consideration the results of the study described in subsection (b)(1).

(B) PUBLIC REVIEW AND COMMENT.—In promulgating regulations or issuing guidelines under paragraph (1), the Secretary shall provide an opportunity for public review and comment.

(3) AVAILABILITY.—The Secretary shall not approve the procurement of any eligible commodity under this section until the date on which the Secretary promulgates regulations or issues guidelines under paragraph (1).

(e) FIELD-BASED PROJECT GRANTS OR COOPERATIVE AGREEMENTS.—

(1) IN GENERAL.—The Secretary shall award grants to, or enter into cooperative agreements with, eligible organizations to carry out field-based projects.

(2) REQUIREMENTS OF ELIGIBLE ORGANIZATIONS.—

(A) APPLICATION.—

(i) IN GENERAL.—To be eligible to receive a grant from, or enter into a cooperative agreement with, the Secretary under this subsection, an eligible organization shall submit to the Secretary an application by such date, in such manner, and containing such information as the Secretary may require.

(ii) OTHER APPLICABLE REQUIREMENTS.—Any other applicable requirement relating to the submission of proposals for consideration shall apply to the submission of an application required under clause (i), as determined by the Secretary.

(B) COMPLETION REQUIREMENT.—To be eligible to receive a grant from, or enter into a cooperative agreement with, the Secretary under this subsection, an eligible organization shall agree—

(i) to collect by September 30, 2011, data containing the information required under subsection (f)(1)(B) relating to the field-based project funded through the grant; and

(ii) to provide to the Secretary the data collected under clause (i).

(3) REQUIREMENTS OF SECRETARY.—

(A) PROJECT DIVERSITY.—

(i) IN GENERAL.—Subject to clause (ii) and subparagraph (B), in selecting proposals for field-based projects to fund under this section, the Secretary shall select a diversity of projects, including projects located in—

(I) food surplus regions;

(II) food deficit regions (that are carried out using regional procurement methods); and

(III) multiple geographical regions.

(ii) PRIORITY.—In selecting proposals for field-based projects under clause (i), the Secretary shall ensure that the majority of selected proposals are for field-based projects that—

(I) are located in Africa; and

(II) procure eligible commodities that are produced in Africa.

(B) DEVELOPMENT ASSISTANCE.—A portion of the funds provided under this subsection shall be made available for field-based projects that provide development assistance for a period of not less than 1 year.

(4) AVAILABILITY.—The Secretary shall not award a grant to any eligible organization under paragraph (1) until the date on which the Secretary promulgates regulations or issues guidelines under subsection (d)(1).

(f) INDEPENDENT EVALUATIONS; REPORT.—

(1) INDEPENDENT EVALUATIONS.—

(A) IN GENERAL.—Not later than November 1, 2011, the Secretary shall ensure that an independent third party conducts an independent evaluation of all field-based projects that—

(i) addresses each factor described in subparagraph (B); and

(ii) is conducted in accordance with this section.

(B) REQUIRED FACTORS.—The Secretary shall require the independent third party to develop—

(i) with respect to each relevant market in which an eligible commodity was procured under this section, a description of—

(I) the prevailing and historic supply, demand, and price movements of the market (including the extent of competition for procurement bids);

(II) the impact of the procurement of the eligible commodity on producer and consumer prices in the market;

(III) each government market interference or other activity of the donor country that might have significantly affected the supply or demand of the eligible commodity in the area at which the local or regional procurement occurred;

(IV) the quantities and types of eligible commodities procured in the market;

(V) the time frame for procurement of each eligible commodity; and

(VI) the total cost of the procurement of each eligible commodity (including storage, handling, transportation, and administrative costs);

(ii) an assessment regarding—

(I) whether the requirements of this section have been met;

(II) the impact of different methodologies and approaches on—

(aa) local and regional agricultural producers (including large and small agricultural producers);

(bb) markets;

(cc) low-income consumers; and

(dd) program recipients; and

(III) the length of the period beginning on the date on which the Secretary initiated the procurement process and ending on the date of delivery of eligible commodities;

(iii) a comparison of different methodologies used to carry out this section, with respect to—

(I) the benefits to local agriculture;

(II) the impact on markets and consumers;

(III) the period of time required for procurement and delivery;

(IV) quality and safety assurances; and

(V) implementation costs; and

(iv) to the extent adequate information is available (including the results of the report required under subsection (b)(1)(B)), a comparison of the different methodologies used by other donor countries to make local and regional procurements.

(C) INDEPENDENT THIRD PARTY ACCESS TO RECORDS AND REPORTS.—The Secretary shall provide to the independent third party access to each record and report that the independent third party determines to be necessary to complete the independent evaluation.

(D) PUBLIC ACCESS TO RECORDS AND REPORTS.—Not later than 180 days after the date described in paragraph (2), the Secretary shall provide public access to each record and report described in subparagraph (C).

(2) REPORT.—Not later than 4 years after the date of enactment of this Act, the Secretary shall submit to the appropriate committees of Congress a report that contains the analysis and findings of the independent evaluation conducted under paragraph (1)(A).

(g) FUNDING.—

(1) COMMODITY CREDIT CORPORATION.—The Secretary shall use the funds, facilities, and authorities of the Commodity Credit Corporation to carry out this section.

(2) FUNDING AMOUNTS.—Of the funds of the Commodity Credit Corporation, the Secretary shall use to carry out this section—

(A) $5,000,000 for fiscal year 2009;

(B) $25,000,000 for fiscal year 2010;

(C) $25,000,000 for fiscal year 2011; and

(D) $5,000,000 for fiscal year 2012.

Subtitle D—Softwood Lumber

SEC. 3301. SOFTWOOD LUMBER.

(a) IN GENERAL.—The Tariff Act of 1930 (19 U.S.C. 1202 et seq.) is amended by adding at the end the following new title:

"TITLE VIII—SOFTWOOD LUMBER

"SEC. 801. SHORT TITLE; TABLE OF CONTENTS.

''(a) SHORT TITLE.—This title may be cited as the 'Softwood Lumber Act of 2008'.

''(b) TABLE OF CONTENTS.—The table of contents for this title is as follows:

''TITLE VIII—SOFTWOOD LUMBER

''Sec. 801. Short title; table of contents.
''Sec. 802. Definitions.
''Sec. 803. Establishment of softwood lumber importer declaration program.
''Sec. 804. Scope of softwood lumber importer declaration program.
''Sec. 805. Export charge determination and publication.
''Sec. 806. Reconciliation.
''Sec. 807. Verification.
''Sec. 808. Penalties.
''Sec. 809. Reports.

"SEC. 802. DEFINITIONS.

''In this title:

''(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term 'appropriate congressional committees' means the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives.

''(2) COUNTRY OF EXPORT.—The term 'country of export' means the country (including any political subdivision of the country) from which softwood lumber or a softwood lumber product is exported before entering the United States.

''(3) CUSTOMS LAWS OF THE UNITED STATES.—The term 'customs laws of the United States' means any law or regulation enforced or administered by U.S. Customs and Border Protection.

''(4) EXPORT CHARGES.—The term 'export charges' means any tax, charge, or other fee collected by the country from which softwood lumber or a softwood lumber product, described in section 804(a), is exported pursuant to an international agreement entered into by that country and the United States.

''(5) EXPORT PRICE.—

''(A) IN GENERAL.—The term 'export price' means one of the following:

''(i) In the case of softwood lumber or a softwood lumber product that has undergone only primary processing, the value that would be determined F.O.B. at the facility where the product underwent the last primary processing before export.

''(ii)(I) In the case of softwood lumber or a softwood lumber product described in subclause (II), the value that would be determined F.O.B. at the facility where the lumber or product underwent the last primary processing.

''(II) Softwood lumber or a softwood lumber product described in this subclause is lumber or a product that underwent the last remanufacturing before export by a manufacturer who—

''(aa) does not hold tenure rights provided by the country of export;

''(bb) did not acquire standing timber directly from the country of export; and

''(cc) is not related to the person who holds tenure rights or acquired standing timber directly from the country of export.

''(iii)(I) In the case of softwood lumber or a softwood lumber product described in subclause (II), the value that would be determined F.O.B. at the facility where the product underwent the last processing before export.

''(II) Softwood lumber or a softwood lumber product described in this subclause is lumber or a product that undergoes the last remanufacturing before export by a manufacturer who—

''(aa) holds tenure rights provided by the country of export;

''(bb) acquired standing timber directly from the country of export; or

''(cc) is related to a person who holds tenure rights or acquired standing timber directly from the country of export.

''(B) RELATED PERSONS.—For purposes of this paragraph, a person is related to another person if—

''(i) the person bears a relationship to such other person described in section 152(a) of the Internal Revenue Code of 1986;

''(ii) the person bears a relationship to such other person described in section 267(b) of such Code, except that '5 percent' shall be substituted for '50 percent' each place it appears;

''(iii) the person and such other person are part of a controlled group of corporations, as that term is defined in section 1563(a) of such Code, except that '5 percent' shall be substituted for '80 percent' each place it appears;

''(iv) the person is an officer or director of such other person; or

''(v) the person is the employer of such other person.

''(C) TENURE RIGHTS.—For purposes of this paragraph, the term 'tenure rights' means rights to harvest timber from public land granted by the country of export.

''(D) EXPORT PRICE WHERE F.O.B. VALUE CANNOT BE DETERMINED.—

''(i) IN GENERAL.—In the case of softwood lumber or a softwood lumber product described in clause (i), (ii), or (iii) of subparagraph (A) for which an F.O.B. value cannot be determined, the export price shall be the market price for the identical lumber or product sold in an arm's-length transaction in the country of export at approximately the same time as the exported lumber or product. The market price shall be determined in the following order of preference:

''(I) The market price for the lumber or a product sold at substantially the same level of trade as the exported lumber or product but in different quantities.

''(II) The market price for the lumber or a product sold at a different level of trade than the exported lumber or product but in similar quantities.

''(III) The market price for the lumber or a product sold at a different level of trade than the exported lumber or product and in different quantities.

''(ii) LEVEL OF TRADE.—For purposes of clause (i), 'level of trade' shall be determined in the same manner as provided under section 351.412(c) of title 19, Code of Federal Regulations (as in effect on January 1, 2008).

''(6) F.O.B.—The term 'F.O.B.' means a value consisting of all charges payable by a purchaser, including those charges incurred in the placement of merchandise on board of a conveyance for shipment, but does not include the actual shipping charges or any applicable export charges.

''(7) HTS.—The term 'HTS' means the Harmonized Tariff Schedule of the United States (19 U.S.C. 1202) (as in effect on January 1, 2008).

''(8) PERSON.—The term 'person' includes any individual, partnership, corporation, association, organization, business trust, government entity, or other entity subject to the jurisdiction of the United States.

''(9) UNITED STATES.—The term 'United States' means the customs territory of the United States, as defined in General Note 2 of the HTS.

''SEC. 803. ESTABLISHMENT OF SOFTWOOD LUMBER IMPORTER DECLARATION PROGRAM.

''(a) ESTABLISHMENT OF PROGRAM.—

''(1) IN GENERAL.—The President shall establish and maintain an importer declaration program with respect to the importation of softwood lumber and softwood lumber products described in section 804(a). The importer declaration program shall require importers of softwood lumber and softwood lumber products described in section 804(a) to provide the information required under subsection (b) and declare the information required by subsection (c), and require that such information accompany the entry summary documentation.

''(2) ELECTRONIC RECORD.—The President shall establish an electronic record that includes the importer information required under subsection (b) and the declarations required under subsection (c).

''(b) REQUIRED INFORMATION.—The President shall require the following information to be submitted by any person seeking to import softwood lumber or softwood lumber products described in section 804(a):

''(1) The export price for each shipment of softwood lumber or softwood lumber products.

''(2) The estimated export charge, if any, applicable to each shipment of softwood lumber or softwood lumber products as calculated by applying the percentage determined and published by the Under Secretary for International Trade of the Department of Commerce pursuant to section 805 to the export price provided in subsection (b)(1).

''(c) IMPORTER DECLARATIONS.—Pursuant to procedures prescribed by the President, any person seeking to import softwood lumber or softwood lumber products described in section 804(a) shall declare that—

''(1) the person has made appropriate inquiry, including seeking appropriate documentation from the exporter and consulting the determinations published by the Under Secretary for International Trade of the Department of Commerce pursuant to section 805(b); and

''(2) to the best of the person's knowledge and belief—

''(A) the export price provided pursuant to subsection (b)(1) is determined in accordance with the definition provided in section 802(5);

''(B) the export price provided pursuant to subsection (b)(1) is consistent with the export price provided on the export permit, if any, granted by the country of export; and

''(C) the exporter has paid, or committed to pay, all export charges due—

''(i) in accordance with the volume, export price, and export charge rate or rates, if any, as calculated under an international agreement entered into by the country of export and the United States; and

''(ii) consistent with the export charge determinations published by the Under Secretary for International Trade pursuant to section 805(b).

''SEC. 804. SCOPE OF SOFTWOOD LUMBER IMPORTER DECLARATION PROGRAM.

''(a) PRODUCTS INCLUDED IN PROGRAM.—The following products shall be subject to the importer declaration program established under section 803:

''(1) IN GENERAL.—All softwood lumber and softwood lumber products classified under subheading 4407.10.00, 4409.10.10, 4409.10.20, or 4409.10.90 of the HTS, including the following softwood lumber, flooring, and siding:

''(A) Coniferous wood, sawn or chipped lengthwise, sliced or peeled, whether or not planed, sanded, or finger-jointed, of a thickness exceeding 6 millimeters.

''(B) Coniferous wood siding (including strips and friezes for parquet flooring, not assembled) continuously shaped (tongued, grooved, rabbeted, chamfered, v-jointed, beaded, molded, rounded, or the like) along any of its edges or faces, whether or not planed, sanded, or finger-jointed.

''(C) Other coniferous wood (including strips and friezes for parquet flooring, not assembled) continuously shaped (tongued, grooved, rabbeted, chamfered, v-jointed, beaded, molded, rounded, or the like) along any of its edges or faces (other than wood moldings and wood dowel rods) whether or not planed, sanded, or finger-jointed.

''(D) Coniferous wood flooring (including strips and friezes for parquet flooring, not assembled) continuously shaped (tongued, grooved, rabbeted, chamfered, v-jointed, beaded, molded, rounded, or the like) along any of its edges or faces, whether or not planed, sanded, or finger-jointed.

''(E) Coniferous drilled and notched lumber and angle cut lumber.

''(2) PRODUCTS CONTINUALLY SHAPED.—Any product classified under subheading 4409.10.05 of the HTS that is continually shaped along its end or side edges.

''(3) OTHER LUMBER PRODUCTS.—Except as otherwise provided in subsection (b) or (c), softwood lumber products that are stringers, radius-cut box-spring frame components, fence pickets, truss components, pallet components, and door and window frame parts classified under subheading 4418.90.46.95, 4421.90.70.40, or 4421.90.97.40 of the HTS.

''(b) PRODUCTS EXCLUDED FROM PROGRAM.—The following products shall be excluded from the importer declaration program established under section 803:

''(1) Trusses and truss kits, properly classified under subheading 4418.90 of the HTS.

''(2) I-joist beams.

''(3) Assembled box-spring frames.

''(4) Pallets and pallet kits, properly classified under subheading 4415.20 of HTS.

''(5) Garage doors.

''(6) Edge-glued wood, properly classified under subheading 4421.90.97.40 of the HTS.

''(7) Complete door frames.

''(8) Complete window frames.

''(9) Furniture.

''(10) Articles brought into the United States temporarily and for which an exemption from duty is claimed under subchapter XIII of chapter 98 of the HTS.

''(11) Household and personal effects.

''(c) EXCEPTIONS FOR CERTAIN PRODUCTS.—The following softwood lumber products shall not be subject to the importer declaration program established under section 803:

''(1) STRINGERS.—Stringers (pallet components used for runners), if the stringers—

''(A) have at least 2 notches on the side, positioned at equal distance from the center, to properly accommodate forklift blades; and

''(B) are properly classified under subheading 4421.90.97.40 of the HTS.

''(2) BOX-SPRING FRAME KITS.—

''(A) IN GENERAL.—Box-spring frame kits, if—

''(i) the kits contain—

''(I) 2 wooden side rails;

''(II) 2 wooden end (or top) rails; and

''(III) varying numbers of wooden slats; and

''(ii) the side rails and the end rails are radius-cut at both ends.

''(B) PACKAGING.—Any kit described in subparagraph (A) shall be individually packaged, and contain the exact number of wooden components needed to make the box-spring frame described on the entry documents, with no further processing required. None of the components contained in the package may exceed 1 inch in actual thickness or 83 inches in length.

''(3) RADIUS-CUT BOX-SPRING FRAME COMPONENTS.—Radius-cut box-spring frame components, not exceeding 1 inch in actual thickness or 83 inches in length, ready for assembly without further processing, if radius cuts are present on both ends of the boards and are substantial cuts so as to completely round 1 corner.

''(4) FENCE PICKETS.—Fence pickets requiring no further processing and properly classified under subheading 4421.90.70 of the HTS, 1 inch or less in actual thickness, up to 8 inches wide, and 6 feet or less in length, and having finials or decorative cuttings that clearly identify them as fence pickets. In the case of dog-eared fence pickets, the corners of the boards shall be cut off so as to remove pieces of wood in the shape of isosceles right angle triangles with sides measuring ¾ of an inch or more.

''(5) UNITED STATES-ORIGIN LUMBER.—Lumber originating in the United States that is exported to another country for minor processing and imported into the United States if—

''(A) the processing occurring in another country is limited to kiln drying, planing to create smooth-to-size board, and sanding; and

''(B) the importer establishes to the satisfaction of U.S. Customs and Border Protection

upon entry that the lumber originated in the United States.

''(6) SOFTWOOD LUMBER.—Any softwood lumber or softwood lumber product that originated in the United States, if the importer, exporter, foreign processor, or original United States producer establishes to the satisfaction of U.S. Customs and Border Protection upon entry that the softwood lumber entered and documented as originating in the United States was first produced in the United States.

''(7) HOME PACKAGES OR KITS.—

''(A) IN GENERAL.—Softwood lumber or softwood lumber products contained in a single family home package or kit, regardless of the classification under the HTS, if the importer declares that the following requirements have been met:

''(i) The package or kit constitutes a full package of the number of wooden pieces specified in the plan, design, or blueprint necessary to produce a home of at least 700 square feet produced to a specified plan, design, or blueprint.

''(ii) The package or kit contains—

''(I) all necessary internal and external doors and windows, nails, screws, glue, subfloor, sheathing, beams, posts, and connectors; and

''(II) if included in the purchase contract, the decking, trim, drywall, and roof shingles specified in the plan, design, or blueprint.

''(iii) Prior to importation, the package or kit is sold to a United States retailer that sells complete home packages or kits pursuant to a valid purchase contract referencing the particular home design, plan, or blueprint, and the contract is signed by a customer not affiliated with the importer.

''(iv) Softwood lumber products entered as part of the package or kit, whether in a single entry or multiple entries on multiple days, are to be used solely for the construction of the single family home specified by the home design, plan, or blueprint matching the U.S. Customs and Border Protection import entry.

''(B) ADDITIONAL DOCUMENTATION REQUIRED FOR HOME PACKAGES AND KITS.—In the case of each entry of products described in clauses (i) through (iv) of subparagraph (A) the following documentation shall be retained by the importer and made available to U.S. Customs and Border Protection upon request:

''(i) A copy of the appropriate home design, plan, or blueprint matching the customs entry in the United States.

''(ii) A purchase contract from a retailer of home kits or packages signed by a customer not affiliated with the importer.

''(iii) A listing of all parts in the package or kit being entered into the United States that conforms to the home design, plan, or blueprint for which such parts are being imported.

''(iv) If a single contract involves multiple entries, an identification of all the items required to be listed under clause (iii) that are included in each individual shipment.

''(d) PRODUCTS COVERED.—For purposes of determining if a product is covered by the importer declaration program, the President shall be guided by the article descriptions provided in this section.

''SEC. 805. EXPORT CHARGE DETERMINATION AND PUBLICATION.

''(a) DETERMINATION.—The Under Secretary for International Trade of the Department of Commerce shall determine, on a monthly basis, any export charges (expressed as a percentage of export price) to be collected by a country of export from exporters of softwood lumber or softwood lumber products described in section 804(a) in order to ensure compliance with any international agreement entered into by that country and the United States.

''(b) PUBLICATION.—The Under Secretary for International Trade shall immediately publish any determination made under subsection (a) on the website of the International Trade Administration of the Department of Commerce, and in any other manner the Under Secretary considers appropriate.

''SEC. 806. RECONCILIATION.

''The Secretary of the Treasury shall conduct reconciliations to ensure the proper implementation and operation of international agreements entered into between a country of export of softwood lumber or softwood lumber products described in section 804(a) and the United States. The Secretary of Treasury shall reconcile the following:

''(1) The export price declared by a United States importer pursuant to section 803(b)(1) with the export price reported to the United States by the country of export, if any.

''(2) The export price declared by a United States importer pursuant to section 803(b)(1) with the revised export price reported to the United States by the country of export, if any.

''SEC. 807. VERIFICATION.

''(a) IN GENERAL.—The Secretary of Treasury shall periodically verify the declarations made by a United States importer pursuant to section 803(c), including by determining whether—

''(1) the export price declared by a United States importer pursuant to section 803(b)(1) is the same as the export price provided on the export permit, if any, issued by the country of export; and

''(2) the estimated export charge declared by a United States importer pursuant to section 803(b)(2) is consistent with the determination published by the Under Secretary for International Trade pursuant to section 805(b).

''(b) EXAMINATION OF BOOKS AND RECORDS.—

''(1) IN GENERAL.—Any record relating to the importer declaration program required under section 803 shall be treated as a record required to be maintained and produced under title V of this Act.

''(2) EXAMINATION OF RECORDS.—The Secretary of the Treasury is authorized to take such action, and examine such records, under section 509 of this Act, as the Secretary determines necessary to verify the declarations made pursuant to section 803(c) are true and accurate.

''SEC. 808. PENALTIES.

''(a) IN GENERAL.—It shall be unlawful for any person to import into the United States softwood lumber or softwood lumber products in knowing violation of this title.

''(b) CIVIL PENALTIES.—Any person who commits an unlawful act as set forth in subsection (a) shall be liable for a civil penalty not to exceed $10,000 for each knowing violation.

''(c) OTHER PENALTIES.—In addition to the penalties provided for in subsection (b), any violation of this title that violates any other customs law of the United States shall be subject to any applicable civil and criminal penalty, including seizure and forfeiture, that may be imposed under such custom law or title 18, United States Code, with respect to the importation of softwood lumber and softwood lumber products described in section 804(a).

''(d) FACTORS TO CONSIDER IN ASSESSING PENALTIES.—In determining the amount of civil penalties to be assessed under this section, consideration shall be given to any history of prior violations of this title by the person, the ability of the person to pay the penalty, the seriousness of the violation, and such other matters as fairness may require.

''(e) NOTICE.—No penalty may be assessed under this section against a person for violating a provision of this title unless the person is given notice and opportunity to make statements, both oral and written, with respect to such violation.

''(f) EXCEPTION.—Notwithstanding any other provision of this title, and without limitation, an importer shall not be found to have violated subsection 803(c) if—

''(1) the importer made an appropriate inquiry in accordance with section 803(c)(1) with respect to the declaration;

''(2) the importer produces records maintained pursuant to section 807(b) that substantiate the declaration; and

''(3) there is not substantial evidence indicating that the importer knew that the fact to which the importer made the declaration was false.

''SEC. 809. REPORTS.

''(a) SEMIANNUAL REPORTS.—Not later than 180 days after the effective date of this title, and every 180 days thereafter, the President shall submit to the appropriate congressional committees a report—

''(1) describing the reconciliations conducted under section 806, and the verifications conducted under section 807;

''(2) identifying the manner in which the United States importers subject to reconciliations conducted under section 806 and verifications conducted under section 807 were chosen;

''(3) identifying any penalties imposed under section 808;

''(4) identifying any patterns of noncompliance with this title; and

''(5) identifying any problems or obstacles encountered in the implementation and enforcement of this title.

''(b) SUBSIDIES REPORTS.—Not later than 180 days after the date of the enactment of this title, and every 180 days thereafter, the Secretary of Commerce shall provide to the appropriate congressional committees a report on any subsidies on softwood lumber or softwood lumber products, including stumpage subsidies, provided by countries of export.

''(c) GAO REPORTS.—The Comptroller General of the United States shall submit the following reports to the appropriate congressional committees:

''(1) Not later than 18 months after the date of the enactment of this title, a report on the effectiveness of the reconciliations conducted under section 806, and verifications conducted under section 807.

''(2) Not later than 12 months after the date of the enactment of this title, a report on whether countries that export softwood lumber or softwood lumber products to the United States are complying with any international agreements entered into by those countries and the United States.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date that is 60 days after the date of the enactment of this Act.

TITLE IV—NUTRITION

Subtitle A—Food Stamp Program

PART I—RENAMING OF FOOD STAMP ACT AND PROGRAM

SEC. 4001. RENAMING OF FOOD STAMP ACT AND PROGRAM.

(a) SHORT TITLE.—The first section of the Food Stamp Act of 1977 (7 U.S.C. 2011 note; Public Law 88–525) is amended by striking ''Food Stamp Act of 1977'' and inserting ''Food and Nutrition Act of 2008''.

(b) PROGRAM.—The Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.) (as amended by subsection (a)) is amended by striking ''food stamp program'' each place it appears and inserting ''supplemental nutrition assistance program''.

SEC. 4002. CONFORMING AMENDMENTS.

(a) IN GENERAL.—

(1) Section 4 of the Food and Nutrition Act of 2008 (7 U.S.C. 2013) is amended in the section heading by striking ''**FOOD STAMP PROGRAM**'' and inserting ''**SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM**''.

(2) Section 5(h)(2)(A) of the Food and Nutrition Act of 2008 (7 U.S.C. 2014(h)(2)(A)) is amended by striking ''Food Stamp Disaster Task Force'' and inserting ''Disaster Task Force''.

(3) Section 6 of the Food and Nutrition Act of 2008 (7 U.S.C. 2015) is amended—

(A) in subsection (d)(3), by striking ''for food stamps'';

(B) in subsection (j), in the subsection heading, by striking ''FOOD STAMP''; and

(C) in subsection (o)—

(i) in paragraph (2), by striking ''food stamp benefits'' and inserting ''supplemental nutrition assistance program benefits''; and

(ii) in paragraph (6)—

(I) in subparagraph (A)—

(aa) in clause (i), by striking ''food stamps'' and inserting ''supplemental nutrition assistance program benefits''; and

(bb) in clause (ii)—

(AA) in the matter preceding subclause (I), by striking ''a food stamp recipient'' and inserting ''a member of a household that receives supplemental nutrition assistance program benefits''; and

(BB) by striking ''food stamp benefits'' each place it appears and inserting ''supplemental nutrition assistance program benefits''; and

(II) in subparagraphs (D) and (E), by striking ''food stamp recipients'' each place it appears and inserting ''members of households that receive supplemental nutrition assistance program benefits''.

(4) Section 7 of the Food and Nutrition Act of 2008 (7 U.S.C. 2016) is amended—

(A) in subsection (i)—

(i) in paragraph (3)(B)(ii), by striking ''food stamp households'' and inserting ''households receiving supplemental nutrition assistance program benefits''; and

(ii) in paragraph (7), by striking ''food stamp issuance'' and inserting ''supplemental nutrition assistance issuance''; and

(B) in subsection (k)—

(i) in paragraph (2), by striking ''food stamp benefits'' and inserting ''supplemental nutrition assistance program benefits''; and

(ii) in paragraph (3), by striking ''food stamp retail'' and inserting ''retail''.

(5) Section 9(b)(1) of that Food and Nutrition Act of 2008 (7 U.S.C. 2018(b)(1)) is amended by striking ''food stamp households'' and inserting ''households that receive supplemental nutrition assistance program benefits''.

(6) Section 11 of the Food and Nutrition Act of 2008 (7 U.S.C. 2020) is amended—

(A) in subsection (e)—

(i) by striking ''food stamps'' each place it appears and inserting ''supplemental nutrition assistance program benefits'';

(ii) by striking ''food stamp offices'' each place it appears and inserting ''supplemental nutrition assistance program offices'';

(iii) by striking ''food stamp office'' each place it appears and inserting ''supplemental nutrition assistance program office''; and

(iv) in paragraph (25)—

(I) in the matter preceding subparagraph (A), by striking ''Simplified Food Stamp Program'' and inserting ''Simplified Supplemental Nutrition Assistance Program''; and

(II) in subparagraph (A), by striking ''food stamp benefits'' and inserting ''supplemental nutrition assistance program benefits'';

(B) in subsection (k), by striking ''may issue, upon request by the State agency, food stamps'' and inserting ''may provide, on request by the State agency, supplemental nutrition assistance program benefits'';

(C) in subsection (l), by striking ''food stamp participation'' and inserting ''supplemental nutrition assistance program participation'';

(D) in subsections (q) and (r), in the subsection headings, by striking ''FOOD STAMPS'' each place it appears and inserting ''BENEFITS'';

(E) in subsection (s), by striking ''food stamp benefits'' each place it appears and inserting ''supplemental nutrition assistance program benefits''; and

(F) in subsection (t)(1)—

(i) in subparagraph (A), by striking ''food stamp application'' and inserting ''supplemental nutrition assistance program application''; and

(ii) in subparagraph (B), by striking ''food stamp benefits'' and inserting ''supplemental nutrition assistance program benefits''.

(7) Section 14(b) of the Food and Nutrition Act of 2008 (7 U.S.C. 2023(b)) is amended by striking ''food stamp''.

(8) Section 16 of the Food and Nutrition Act of 2008 (7 U.S.C. 2025) is amended—

(A) in subsection (a)(4), by striking ''food stamp informational activities'' and inserting ''informational activities relating to the supplemental nutrition assistance program'';

(B) in subsection (c)(9)(C), by striking ''food stamp caseload'' and inserting ''the caseload under the supplemental nutrition assistance program''; and

(C) in subsection (h)(1)(E)(i), by striking ''food stamp recipients'' and inserting ''members of households receiving supplemental nutrition assistance program benefits''.

(9) Section 17 of the Food and Nutrition Act of 2008 (7 U.S.C. 2026) is amended—

(A) in subsection (a)(2), by striking ''food stamp benefits'' each place it appears and inserting ''supplemental nutrition assistance program benefits'';

(B) in subsection (b)—

(i) in paragraph (1)—

(I) in subparagraph (A), by striking ''food stamp benefits'' and inserting ''supplemental nutrition assistance program benefits''; and

(II) in subparagraph (B)—

(aa) in clause (ii)(II), by striking ''food stamp recipients'' and inserting ''supplemental nutrition assistance program recipients'';

(bb) in clause (iii)(I), by striking ''the State's food stamp households'' and inserting ''the number of households in the State receiving supplemental nutrition assistance program benefits''; and

(cc) in clause (iv)(IV)(bb), by striking ''food stamp deductions'' and inserting ''supplemental nutrition assistance program deductions'';

(ii) in paragraph (2), by striking ''food stamp benefits'' and inserting ''supplemental nutrition assistance program benefits''; and

(iii) in paragraph (3)—

(I) in subparagraph (A), by striking ''food stamp employment'' and inserting ''supplemental nutrition assistance program employment'';

(II) in subparagraph (B), by striking ''food stamp recipients'' and inserting ''supplemental nutrition assistance program recipients'';

(III) in subparagraph (C), by striking ''food stamps'' and inserting ''supplemental nutrition assistance program benefits''; and

(IV) in subparagraph (D), by striking ''food stamp benefits'' and inserting ''supplemental nutrition assistance program benefits'';

(C) in subsection (c), by striking ''food stamps'' and inserting ''supplemental nutrition assistance'';

(D) in subsection (d)—

(i) in paragraph (1)(B), by striking ''food stamp benefits'' and inserting ''supplemental nutrition assistance program benefits'';

(ii) in paragraph (2)—

(I) in subparagraph (A), by striking ''food stamp allotments'' each place it appears and inserting ''allotments''; and

(II) in subparagraph (C)(ii), by striking ''food stamp benefit'' and inserting ''supplemental nutrition assistance program benefits''; and

(iii) in paragraph (3)(E), by striking ''food stamp benefits'' and inserting ''supplemental nutrition assistance program benefits'';

(E) in subsections (e) and (f), by striking ''food stamp benefits'' each place it appears and inserting ''supplemental nutrition assistance program benefits'';

(F) in subsection (g), in the first sentence, by striking ''receipt of food stamp'' and inserting ''receipt of supplemental nutrition assistance program''; and

(G) in subsection (j), by striking ''food stamp agencies'' and inserting ''supplemental nutrition assistance program agencies''.

(10) Section 18(a)(3)(A)(ii) of the Food and Nutrition Act of 2008 (7 U.S.C. 2027(a)(3)(A)(ii)) is amended by striking ''food stamps'' and inserting ''supplemental nutrition assistance program benefits''.

(11) Section 22 of the Food and Nutrition Act of 2008 (7 U.S.C. 2031) is amended—

*(A) in the section heading, by striking ''**FOOD STAMP PORTION OF MINNESOTA FAMILY INVESTMENT PLAN**'' and inserting ''**MINNESOTA FAMILY INVESTMENT PROJECT**'';*

(B) in subsections (b)(12) and (d)(3), by striking ''the Food Stamp Act, as amended,'' each place it appears and inserting ''this Act''; and

(C) in subsection (g)(1), by striking ''the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.)'' and inserting ''this Act''.

(12) Section 26 of the Food and Nutrition Act of 2008 (7 U.S.C. 2035) is amended—

*(A) in the section heading, by striking ''**SIMPLIFIED FOOD STAMP PROGRAM**'' and inserting ''**SIMPLIFIED SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM**''; and*

(B) in subsection (b), by striking ''simplified food stamp program'' and inserting ''simplified supplemental nutrition assistance program''.

(b) CONFORMING CROSS-REFERENCES.—

(1) IN GENERAL.—Each provision of law described in paragraph (2) is amended (as applicable)—

(A) by striking ''food stamp program'' each place it appears and inserting ''supplemental nutrition assistance program'';

(B) by striking ''Food Stamp Act of 1977'' each place it appears and inserting ''Food and Nutrition Act of 2008'';

(C) by striking ''Food Stamp Act'' each place it appears and inserting ''Food and Nutrition Act of 2008'';

(D) by striking ''food stamp'' each place it appears and inserting ''supplemental nutrition assistance program benefits'';

(E) by striking ''food stamps'' each place it appears and inserting ''supplemental nutrition assistance program benefits'';

*(F) in each applicable title, subtitle, chapter, subchapter, and section heading, by striking ''**FOOD STAMP ACT**'' each place it appears and inserting ''**FOOD AND NUTRITION ACT OF 2008**'';*

(G) in each applicable subsection and appropriations heading, by striking ''FOOD STAMP ACT'' each place it appears and inserting ''FOOD AND NUTRITION ACT OF 2008'';

*(H) in each applicable heading other than a title, subtitle, chapter, subchapter, section, subsection, or appropriations heading, by striking ''**FOOD STAMP ACT**'' each place it appears and inserting ''**FOOD AND NUTRITION ACT OF 2008**'';*

*(I) in each applicable title, subtitle, chapter, subchapter, and section heading, by striking ''**FOOD STAMP PROGRAM**'' each place it appears and inserting ''**SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM**'';*

(J) in each applicable subsection and appropriations heading, by striking ''FOOD STAMP PROGRAM'' each place it appears and inserting ''SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM'';

*(K) in each applicable heading other than a title, subtitle, chapter, subchapter, section, subsection, or appropriations heading, by striking ''**FOOD STAMP PROGRAM**'' each place it appears and inserting ''**SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM**'';*

*(L) in each applicable title, subtitle, chapter, subchapter, and section heading, by striking ''**FOOD STAMPS**'' each place it appears and inserting ''**SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM BENEFITS**'';*

(M) in each applicable subsection and appropriations heading, by striking ''FOOD STAMPS'' each place it appears and inserting ''SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM BENEFITS''; and

*(N) in each applicable heading other than a title, subtitle, chapter, subchapter, section, subsection, or appropriations heading, by striking ''**FOOD STAMPS**'' each place it appears and inserting ''**SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM BENEFITS**''.*

(2) PROVISIONS OF LAW.—The provisions of law referred to in paragraph (1) are the following:

(A) The Hunger Prevention Act of 1988 (Public Law 100–435; 102 Stat. 1645).

(B) The Food Stamp Program Improvements Act of 1994 (Public Law 103–225; 108 Stat. 106).

(C) Title IV of the Farm Security and Rural Investment Act of 2002 (Public Law 107–171; 116 Stat. 305).

(D) Section 2 of Public Law 103–205 (7 U.S.C. 2012 note).

(E) Section 807(b) of the Stewart B. McKinney Homeless Assistance Act (7 U.S.C. 2014 note; Public Law 100–77).

(F) The Electronic Benefit Transfer Interoperability and Portability Act of 2000 (Public Law 106–171; 114 Stat. 3).

(G) Section 502(b) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 2025 note; Public Law 105–185).

(H) The National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3101 et seq.).

(I) The Emergency Food Assistance Act of 1983 (7 U.S.C. 7501 et seq.).

(J) The Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

(K) Section 8119 of the Department of Defense Appropriations Act, 1999 (10 U.S.C. 113 note; Public Law 105–262).

(L) The Armored Car Industry Reciprocity Act of 1993 (15 U.S.C. 5901 et seq.).

(M) Title 18, United States Code.

(N) The Higher Education Act of 1965 (20 U.S.C. 1001 et seq.).

(O) The Internal Revenue Code of 1986.

(P) Section 650 of the Treasury and General Government Appropriations Act, 2000 (26 U.S.C. 7801 note; Public Law 106–58).

(Q) The Wagner-Peysner Act (29 U.S.C. 49 et seq.).

(R) The Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.).

(S) Title 31, United States Code.

(T) Title 37, United States Code.

(U) The Public Health Service Act (42 U.S.C. 201 et seq.).

(V) Titles II through XIX of the Social Security Act (42 U.S.C. 401 et seq.).

(W) Section 406 of the Family Support Act of 1988 (Public Law 100–485; 102 Stat. 2400).

(X) Section 232 of the Social Security Act Amendments of 1994 (42 U.S.C. 1314a).

(Y) The United States Housing Act of 1937 (42 U.S.C. 1437 et seq.).

(Z) The Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.).

(AA) The Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.).

(BB) The Older Americans Act of 1965 (42 U.S.C. 3001 et seq.).

(CC) Section 208 of the Intergovernmental Personnel Act of 1970 (42 U.S.C. 4728).

(DD) The Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

(EE) The Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8621 et seq.).

(FF) Section 658K of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858i).

(GG) The Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.).

(HH) Public Law 95–348 (92 Stat. 487).

(II) The Agriculture and Food Act of 1981 (Public Law 97–98; 95 Stat. 1213).

(JJ) The Disaster Assistance Act of 1988 (Public Law 100–387; 102 Stat. 924).

(KK) The Food, Agriculture, Conservation, and Trade Act of 1990 (Public Law 101–624; 104 Stat. 3359).

(LL) The Cranston-Gonzalez National Affordable Housing Act (Public Law 101–625; 104 Stat. 4079).

(MM) Section 388 of the Persian Gulf Conflict Supplemental Authorization and Personnel Benefits Act of 1991 (Public Law 102–25; 105 Stat. 98).

(NN) The Food, Agriculture, Conservation, and Trade Act Amendments of 1991 (Public Law 102–237; 105 Stat. 1818).

(OO) The Act of March 26, 1992 (Public Law 102–265; 106 Stat. 90).

(PP) Public Law 105–379 (112 Stat. 3399).

(QQ) Section 101(c) of the Emergency Supplemental Act, 2000 (Public Law 106–246; 114 Stat. 528).

(c) REFERENCES.—Any reference in any Federal, State, tribal, or local law (including regulations) to the ''food stamp program'' established under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.) shall be considered to be a reference to the ''supplemental nutrition assistance program'' established under that Act.

PART II—BENEFIT IMPROVEMENTS

SEC. 4101. EXCLUSION OF CERTAIN MILITARY PAYMENTS FROM INCOME.

Section 5(d) of the Food and Nutrition Act of 2008 (7 U.S.C. 2014(d)) is amended—

(1) by striking ''(d) Household'' and inserting ''(d) EXCLUSIONS FROM INCOME.—Household'';

(2) by striking ''only (1) any'' and inserting ''only—

''(1) any'';

(3) by indenting each of paragraphs (2) through (18) so as to align with the margin of paragraph (1) (as amended by paragraph (2));

(4) by striking the comma at the end of each of paragraphs (1) through (16) and inserting a semicolon;

(5) in paragraph (3)—

(A) by striking ''like (A) awarded'' and inserting ''like—

''(A) awarded'';

(B) by striking ''thereof, (B) to'' and inserting ''thereof;

''(B) to''; and

(C) by striking ''program, and (C) to'' and inserting ''program; and

''(C) to'';

(6) in paragraph (11), by striking '')), or (B) a'' and inserting '')); or

''(B) a'';

(7) in paragraph (17), by striking '', and'' at the end and inserting a semicolon;

(8) in paragraph (18), by striking the period at the end and inserting ''; and''; and

(9) by adding at the end the following:

''(19) any additional payment under chapter 5 of title 37, United States Code, or otherwise designated by the Secretary to be appropriate for exclusion under this paragraph, that is received by or from a member of the United States Armed Forces deployed to a designated combat zone, if the additional pay—

''(A) is the result of deployment to or service in a combat zone; and

''(B) was not received immediately prior to serving in a combat zone.''.

SEC. 4102. STRENGTHENING THE FOOD PURCHASING POWER OF LOW-INCOME AMERICANS.

Section 5(e)(1) of the Food and Nutrition Act of 2008 (7 U.S.C. 2014(e)(1)) is amended—

(1) in subparagraph (A)(ii), by striking ''not less than $134'' and all that follows through the end of the clause and inserting the following: ''not less than—

''(I) for fiscal year 2009, $144, $246, $203, and $127, respectively; and

''(II) for fiscal year 2010 and each fiscal year thereafter, an amount that is equal to the amount from the previous fiscal year adjusted to the nearest lower dollar increment to reflect changes for the 12-month period ending on the preceding June 30 in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor, for items other than food.'';

(2) in subparagraph (B)(ii), by striking ''not less than $269'' and all that follows through the end of the clause and inserting the following: ''not less than—

''(I) for fiscal year 2009, $289; and

''(II) for fiscal year 2010 and each fiscal year thereafter, an amount that is equal to the amount from the previous fiscal year adjusted to the nearest lower dollar increment to reflect changes for the 12-month period ending on the preceding June 30 in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor, for items other than food.''; and

(3) by adding at the end the following:

''(C) REQUIREMENT.—Each adjustment under subparagraphs (A)(ii)(II) and (B)(ii)(II) shall be based on the unrounded amount for the prior 12-month period.''.

SEC. 4103. SUPPORTING WORKING FAMILIES WITH CHILD CARE EXPENSES.

Section 5(e)(3)(A) of the Food and Nutrition Act of 2008 (7 U.S.C. 2014(e)(3)(A)) is amended by striking '', the maximum allowable level of which shall be $200 per month for each dependent child under 2 years of age and $175 per month for each other dependent,''.

SEC. 4104. ASSET INDEXATION, EDUCATION, AND RETIREMENT ACCOUNTS.

(a) ADJUSTING COUNTABLE RESOURCES FOR INFLATION.—Section (5)(g) of the Food and Nutrition Act of 2008 (7 U.S.C. 2014(g)) is amended—

(1) by striking ''(g)(1) The Secretary'' and inserting the following:

''(g) ALLOWABLE FINANCIAL RESOURCES.—

''(1) TOTAL AMOUNT.—

''(A) IN GENERAL.—The Secretary''.

(2) in subparagraph (A) (as so designated by paragraph (1))—

(A) by inserting ''(as adjusted in accordance with subparagraph (B))'' after ''$2,000''; and

(B) by inserting ''(as adjusted in accordance with subparagraph (B))'' after ''$3,000''; and

(3) by adding at the end the following:

''(B) ADJUSTMENT FOR INFLATION.—

''(i) IN GENERAL.—Beginning on October 1, 2008, and each October 1 thereafter, the amounts specified in subparagraph (A) shall be adjusted and rounded down to the nearest $250 increment to reflect changes for the 12-month period ending the preceding June in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor.

''(ii) REQUIREMENT.—Each adjustment under clause (i) shall be based on the unrounded amount for the prior 12-month period.''.

(b) EXCLUSION OF RETIREMENT ACCOUNTS FROM ALLOWABLE FINANCIAL RESOURCES.—

(1) IN GENERAL.—Section 5(g)(2)(B)(v) of the Food and Nutrition Act of 2008 (7 U.S.C. 2014(g)(2)(B)(v)) is amended by striking ''or retirement account (including an individual account)'' and inserting ''account''.

(2) MANDATORY AND DISCRETIONARY EXCLUSIONS.—Section 5(g) of the Food and Nutrition Act of 2008 (7 U.S.C. 2014(g)) is amended by adding at the end the following:

''(7) EXCLUSION OF RETIREMENT ACCOUNTS FROM ALLOWABLE FINANCIAL RESOURCES.—

''(A) MANDATORY EXCLUSIONS.—The Secretary shall exclude from financial resources under this subsection the value of—

''(i) any funds in a plan, contract, or account, described in sections 401(a), 403(a), 403(b), 408, 408A, 457(b), and 501(c)(18) of the Internal Revenue Code of 1986 and the value of funds in a Federal Thrift Savings Plan account as provided in section 8439 of title 5, United States Code; and

''(ii) any retirement program or account included in any successor or similar provision that may be enacted and determined to be exempt from tax under the Internal Revenue Code of 1986.

''(B) DISCRETIONARY EXCLUSIONS.—The Secretary may exclude from financial resources under this subsection the value of any other retirement plans, contracts, or accounts (as determined by the Secretary).''.

(c) EXCLUSION OF EDUCATION ACCOUNTS FROM ALLOWABLE FINANCIAL RESOURCES.—Section 5(g) of the Food and Nutrition Act of 2008 (7 U.S.C. 2014(g)) (as amended by subsection (b)) is amended by adding at the end the following:

''(8) EXCLUSION OF EDUCATION ACCOUNTS FROM ALLOWABLE FINANCIAL RESOURCES.—

''(A) MANDATORY EXCLUSIONS.—The Secretary shall exclude from financial resources under this subsection the value of any funds in a qualified tuition program described in section 529 of the Internal Revenue Code of 1986 or in a Coverdell education savings account under section 530 of that Code.

''(B) DISCRETIONARY EXCLUSIONS.—The Secretary may exclude from financial resources

under this subsection the value of any other education programs, contracts, or accounts (as determined by the Secretary).''.

SEC. 4105. FACILITATING SIMPLIFIED REPORTING.

Section 6(c)(1)(A) of the Food and Nutrition Act of 2008 (7 U.S.C. 2015(c)(1)(A)) is amended—

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

(2) in clause (i), by inserting ''for periods shorter than 4 months by'' before ''migrant'';

(3) in clause (ii), by inserting ''for periods shorter than 4 months by'' before ''households''; and

(4) in clause (iii), by inserting ''for periods shorter than 1 year by'' before ''households''.

SEC. 4106. TRANSITIONAL BENEFITS OPTION.

Section 11(s)(1) of the Food and Nutrition Act of 2008 (7 U.S.C. 2020(s)(1)) is amended—

(1) by striking ''benefits to a household''; and inserting ''benefits—

''(A) to a household'';

(2) by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following:

''(B) at the option of the State, to a household with children that ceases to receive cash assistance under a State-funded public assistance program.''.

SEC. 4107. INCREASING THE MINIMUM BENEFIT.

Section 8(a) of the Food and Nutrition Act of 2008 (7 U.S.C. 2017(a)) is amended by striking ''$10 per month'' and inserting ''8 percent of the cost of the thrifty food plan for a household containing 1 member, as determined by the Secretary under section 3, rounded to the nearest whole dollar increment''.

SEC. 4108. EMPLOYMENT, TRAINING, AND JOB RETENTION.

Section 6(d)(4) of the Food and Nutrition Act of 2008 (7 U.S.C. 2015(d)(4)) is amended—

(1) in subparagraph (B)—

(A) by redesignating clause (vii) as clause (viii); and

(B) by inserting after clause (vi) the following:

''(vii) Programs intended to ensure job retention by providing job retention services, if the job retention services are provided for a period of not more than 90 days after an individual who received employment and training services under this paragraph gains employment.''; and

(2) in subparagraph (F), by adding at the end the following:

''(iii) Any individual voluntarily electing to participate in a program under this paragraph shall not be subject to the limitations described in clauses (i) and (ii).''.

PART III—PROGRAM OPERATIONS

SEC. 4111. NUTRITION EDUCATION.

(a) AUTHORITY TO PROVIDE NUTRITION EDUCATION.—Section 4(a) of the Food and Nutrition Act of 2008 (7 U.S.C. 2013(a)) is amended in the first sentence by inserting ''and, through an approved State plan, nutrition education'' after ''an allotment''.

(b) IMPLEMENTATION.—Section 11 of the Food and Nutrition Act of 2008 (7 U.S.C. 2020) is amended by striking subsection (f) and inserting the following:

''(f) NUTRITION EDUCATION.—

''(1) IN GENERAL.—State agencies may implement a nutrition education program for individuals eligible for program benefits that promotes healthy food choices consistent with the most recent Dietary Guidelines for Americans published under section 301 of the National Nutrition Monitoring and Related Research Act of 1990 (7 U.S.C. 5341).

''(2) DELIVERY OF NUTRITION EDUCATION.—State agencies may deliver nutrition education directly to eligible persons or through agreements with the National Institute of Food and Agriculture, including through the expanded food and nutrition education program under section 3(d) of the Act of May 8, 1914 (7 U.S.C. 343(d)), and other State and community health and nutrition providers and organizations.

''(3) NUTRITION EDUCATION STATE PLANS.—

''(A) IN GENERAL.—A State agency that elects to provide nutrition education under this subsection shall submit a nutrition education State plan to the Secretary for approval.

''(B) REQUIREMENTS.—The plan shall—

''(i) identify the uses of the funding for local projects; and

''(ii) conform to standards established by the Secretary through regulations or guidance.

''(C) REIMBURSEMENT.—State costs for providing nutrition education under this subsection shall be reimbursed pursuant to section 16(a).

''(4) NOTIFICATION.—To the maximum extent practicable, State agencies shall notify applicants, participants, and eligible program participants of the availability of nutrition education under this subsection.''.

SEC. 4112. TECHNICAL CLARIFICATION REGARDING ELIGIBILITY.

Section 6(k) of the Food and Nutrition Act of 2008 (7 U.S.C. 2015(k)) is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively, and indenting appropriately;

(2) by striking ''No member'' and inserting the following:

''(1) IN GENERAL.—No member''; and

(3) by adding at the end the following:

''(2) PROCEDURES.—The Secretary shall—

''(A) define the terms 'fleeing' and 'actively seeking' for purposes of this subsection; and

''(B) ensure that State agencies use consistent procedures established by the Secretary that disqualify individuals whom law enforcement authorities are actively seeking for the purpose of holding criminal proceedings against the individual.''.

SEC. 4113. CLARIFICATION OF SPLIT ISSUANCE.

Section 7(h) of the Food and Nutrition Act of 2008 (7 U.S.C. 2016(h)) is amended by striking paragraph (2) and inserting the following:

''(2) REQUIREMENTS.—

''(A) IN GENERAL.—Any procedure established under paragraph (1) shall—

''(i) not reduce the allotment of any household for any period; and

''(ii) ensure that no household experiences an interval between issuances of more than 40 days.

''(B) MULTIPLE ISSUANCES.—The procedure may include issuing benefits to a household in more than 1 issuance during a month only when a benefit correction is necessary.''.

SEC. 4114. ACCRUAL OF BENEFITS.

Section 7(i) of the Food and Nutrition Act of 2008 (7 U.S.C. 2016(i)) is amended by adding at the end the following:

''(12) RECOVERING ELECTRONIC BENEFITS.—

''(A) IN GENERAL.—A State agency shall establish a procedure for recovering electronic benefits from the account of a household due to inactivity.

''(B) BENEFIT STORAGE.—A State agency may store recovered electronic benefits off-line in accordance with subparagraph (D), if the household has not accessed the account after 6 months.

''(C) BENEFIT EXPUNGING.—A State agency shall expunge benefits that have not been accessed by a household after a period of 12 months.

''(D) NOTICE.—A State agency shall—

''(i) send notice to a household the benefits of which are stored under subparagraph (B); and

''(ii) not later than 48 hours after request by the household, make the stored benefits available to the household.''.

SEC. 4115. ISSUANCE AND USE OF PROGRAM BENEFITS.

(a) IN GENERAL.—Section 7 of the Food and Nutrition Act of 2008 (7 U.S.C. 2016) is amended—

(1) by striking the section designation and heading and all that follows through ''subsection (j)) shall be'' and inserting the following:

''SEC. 7. ISSUANCE AND USE OF PROGRAM BENEFITS.

''(a) IN GENERAL.—Except as provided in subsection (i), EBT cards shall be'';

(2) in subsection (b)—

(A) by striking ''(b) Coupons'' and inserting the following:

''(b) USE.—Benefits''; and

(B) by striking the second proviso;

(3) in subsection (c)—

(A) by striking ''(c) Coupons'' and inserting the following:

''(c) DESIGN.—

''(1) IN GENERAL.—EBT cards'';

(B) in the first sentence, by striking ''and define their denomination''; and

(C) by striking the second sentence and inserting the following:

''(2) PROHIBITION.—The name of any public official shall not appear on any EBT card.'';

(4) by striking subsection (d);

(5) in subsection (e)—

(A) by striking ''coupons'' each place it appears and inserting ''benefits''; and

(B) by striking ''coupon issuers'' each place it appears and inserting ''benefit issuers'';

(6) in subsection (f)—

(A) by striking ''coupons'' each place it appears and inserting ''benefits'';

(B) by striking ''coupon issuer'' and inserting ''benefit issuers'';

(C) by striking ''including any losses'' and all that follows through ''section 11(e)(20),''; and

(D) by striking ''and allotments'';

(7) by striking subsection (g) and inserting the following:

''(g) ALTERNATIVE BENEFIT DELIVERY.—

''(1) IN GENERAL.—If the Secretary determines, in consultation with the Inspector General of the Department of Agriculture, that it would improve the integrity of the supplemental nutrition assistance program, the Secretary shall require a State agency to issue or deliver benefits using alternative methods.

''(2) NO IMPOSITION OF COSTS.—The cost of documents or systems that may be required by this subsection may not be imposed upon a retail food store participating in the supplemental nutrition assistance program.

''(3) DEVALUATION AND TERMINATION OF ISSUANCE OF PAPER COUPONS.—

''(A) COUPON ISSUANCE.—Effective on the date of enactment of the Food, Conservation, and Energy Act of 2008, no State shall issue any coupon, stamp, certificate, or authorization card to a household that receives supplemental nutrition assistance under this Act.

''(B) EBT CARDS.—Effective beginning on the date that is 1 year after the date of enactment of the Food, Conservation, and Energy Act of 2008, only an EBT card issued under subsection (i) shall be eligible for exchange at any retail food store.

''(C) DE-OBLIGATION OF COUPONS.—Coupons not redeemed during the 1-year period beginning on the date of enactment of the Food, Conservation, and Energy Act of 2008 shall—

''(i) no longer be an obligation of the Federal Government; and

''(ii) not be redeemable.'';

(8) in subsection (h)(1), by striking ''coupons'' and inserting ''benefits'';

(9) in subsection (i), by adding at the end the following:

''(12) INTERCHANGE FEES.—No interchange fees shall apply to electronic benefit transfer transactions under this subsection.'';

(10) in subsection (j)—

(A) in paragraph (2)(A)(ii), by striking ''printing, shipping, and redeeming coupons'' and inserting ''issuing and redeeming benefits''; and

(B) in paragraph (5), by striking ''coupon'' and inserting ''benefit'';

(11) in subsection (k)—

(A) by striking ''coupons in the form of'' each place it appears and inserting ''program benefits in the form of'';

(B) by striking ''a coupon issued in the form of'' each place it appears and inserting ''program benefits in the form of''; and

(C) in subparagraph (A), by striking ''subsection (i)(11)(A)'' and inserting ''subsection (h)(11)(A)''; and

(12) by redesignating subsections (e) through (k) as subsections (d) through (j), respectively.

(b) CONFORMING AMENDMENTS.—

(1) Section 3 of the Food and Nutrition Act of 2008 (7 U.S.C. 2012) is amended—

(A) in subsection (a), by striking ''coupons'' and inserting ''benefits'';

(B) by striking subsection (b) and inserting the following:

''(b) BENEFIT.—The term 'benefit' means the value of supplemental nutrition assistance provided to a household by means of—

''(1) an electronic benefit transfer under section 7(i); or

''(2) other means of providing assistance, as determined by the Secretary.'';

(C) in subsection (c), in the first sentence, by striking ''authorization cards'' and inserting ''benefits'';

(D) in subsection (d), by striking ''or access device'' and all that follows through the end of the subsection and inserting a period;

(E) in subsection (e)—

(i) by striking ''(e) 'Coupon issuer' means'' and inserting the following:

''(e) BENEFIT ISSUER.—The term 'benefit issuer' means''; and

(ii) by striking ''coupons'' and inserting ''benefits'';

(F) in subsection (g)(7), by striking ''subsection (r)'' and inserting ''subsection (j)'';

(G) in subsection (i)(5)—

(i) in subparagraph (B), by striking ''subsection (r)'' and inserting ''subsection (j)''; and

(ii) in subparagraph (D), by striking ''coupons'' and inserting ''benefits'';

(H) in subsection (j), by striking ''(as that term is defined in subsection (p))'';

(I) in subsection (k)—

(i) in paragraph (1)(A), by striking ''subsection (u)(1)'' and inserting ''subsection (r)(1)'';

(ii) in paragraph (2), by striking ''subsections (g)(3), (4), (5), (7), (8), and (9) of this section'' and inserting ''paragraphs (3), (4), (5), (7), (8), and (9) of subsection (k)''; and

(iii) in paragraph (3), by striking ''subsection (g)(6) of this section'' and inserting ''subsection (k)(6)'';

(J) in subsection (t), by inserting '', including point of sale devices,'' after ''other means of access'';

(K) in subsection (u), by striking ''(as defined in subsection (g))'';

(L) by adding at the end the following:

''(v) EBT CARD.—The term 'EBT card' means an electronic benefit transfer card issued under section 7(i).''; and

(M) by redesignating subsections (a) through (v) as subsections (b), (d), (f), (g), (e), (h), (k), (l), (n), (o), (p), (q), (s), (t), (u), (v), (c), (j), (m), (a), (r), and (i), respectively, and moving the subsections so as to appear in alphabetical order.

(2) Section 4(a) of the Food and Nutrition Act of 2008 (7 U.S.C. 2013(a)) is amended—

(A) by striking ''coupons'' each place it appears and inserting ''benefits''; and

(B) by striking ''Coupons issued'' and inserting ''benefits issued''.

(3) Section 5 of the Food and Nutrition Act of 2008 (7 U.S.C. 2014) is amended—

(A) in subsection (a), by striking ''section 3(i)(4)'' and inserting ''section 3(n)(4)'';

(B) in subsection (h)(3)(B), in the second sentence, by striking ''section 7(i)'' and inserting ''section 7(h)''; and

(C) in subsection (i)(2)(E), by striking '', as defined in section 3(i) of this Act,''.

(4) Section 6 of the Food and Nutrition Act of 2008 (7 U.S.C. 2015) is amended—

(A) in subsection (b)(1)—

(i) in subparagraph (B), by striking ''coupons or authorization cards'' and inserting ''program benefits''; and

(ii) by striking ''coupons'' each place it appears and inserting ''benefits''; and

(B) in subsection (d)(4)(L), by striking ''section 11(e)(22)'' and inserting ''section 11(e)(19)''.

(5) Section 8 of the Food and Nutrition Act of 2008 (7 U.S.C. 2017) is amended—

(A) in subsection (b), by striking '', whether through coupons, access devices, or otherwise''; and

(B) in subsections (e)(1) and (f), by striking ''section 3(i)(5)'' each place it appears and inserting ''section 3(n)(5)''.

(6) Section 9 of the Food and Nutrition Act of 2008 (7 U.S.C. 2018) is amended—

(A) by striking ''coupons'' each place it appears and inserting ''benefits'';

(B) in subsection (a)—

(i) in paragraph (1), by striking ''coupon business'' and inserting ''benefit transactions''; and

(ii) by striking paragraph (3) and inserting the following:

''(3) AUTHORIZATION PERIODS.—The Secretary shall establish specific time periods during which authorization to accept and redeem benefits shall be valid under the supplemental nutrition assistance program.''; and

(C) in subsection (g), by striking ''section 3(g)(9)'' and inserting ''section 3(k)(9)''.

(7) Section 10 of the Food and Nutrition Act of 2008 (7 U.S.C. 2019) is amended—

(A) by striking the section designation and heading and all that follows through ''Regulations'' and inserting the following:

''SEC. 10. REDEMPTION OF PROGRAM BENEFITS.

''Regulations'';

(B) by striking ''section 3(k)(4) of this Act'' and inserting ''section 3(p)(4)'';

(C) by striking ''section 7(i)'' and inserting ''section 7(h)''; and

(D) by striking ''coupons'' each place it appears and inserting ''benefits''.

(8) Section 11 of the Food and Nutrition Act of 2008 (7 U.S.C. 2020) is amended—

(A) in subsection (d)—

(i) by striking ''section 3(n)(1) of this Act'' each place it appears and inserting ''section 3(t)(1)''; and

(ii) by striking ''section 3(n)(2) of this Act'' each place it appears and inserting ''section 3(t)(2)'';

(B) in subsection (e)—

(i) in paragraph (8)(E), by striking ''paragraph (16) or (20)(B)'' and inserting ''paragraph (15) or (18)(B)'';

(ii) by striking paragraphs (15) and (19);

(iii) by redesignating paragraphs (16) through (18) and (20) through (25) as paragraphs (15) through (17) and (18) through (23), respectively; and

(iv) in paragraph (17) (as so redesignated), by striking ''(described in section 3(n)(1) of this Act)'' and inserting ''described in section 3(t)(1)'';

(C) in subsection (h), by striking ''coupon or coupons'' and inserting ''benefits'';

(D) by striking ''coupon'' each place it appears and inserting ''benefit'';

(E) by striking ''coupons'' each place it appears and inserting ''benefits''; and

(F) in subsection (q), by striking ''section 11(e)(20)(B)'' and inserting ''subsection (e)(18)(B)''.

(9) Section 13 of the Food and Nutrition Act of 2008 (7 U.S.C. 2022) is amended by striking ''coupons'' each place it appears and inserting ''benefits''.

(10) Section 15 of the Food and Nutrition Act of 2008 (7 U.S.C. 2024) is amended—

(A) in subsection (a), by striking ''coupons'' and inserting ''benefits'';

(B) in subsection (b)(1)—

(i) by striking ''coupons, authorization cards, or access devices'' each place it appears and inserting ''benefits'';

(ii) by striking ''coupons or authorization cards'' and inserting ''benefits''; and

(iii) by striking ''access device'' each place it appears and inserting ''benefit'';

(C) in subsection (c), by striking ''coupons'' each place it appears and inserting ''benefits'';

(D) in subsection (d), by striking ''Coupons'' and inserting ''Benefits'';

(E) by striking subsections (e) and (f);

(F) by redesignating subsections (g) and (h) as subsections (e) and (f), respectively; and

(G) in subsection (e) (as so redesignated), by striking ''coupon, authorization cards or access devices'' and inserting ''benefits''.

(11) Section 16(a) of the Food and Nutrition Act of 2008 (7 U.S.C. 2025(a)) is amended by striking ''coupons'' each place it appears and inserting ''benefits''.

(12) Section 17 of the Food and Nutrition Act of 2008 (7 U.S.C. 2026) is amended—

(A) in subsection (a)(2), by striking ''coupon'' and inserting ''benefit'';

(B) in subsection (b)(1)—

(i) in subparagraph (B)—

(I) in clause (iv)—

(aa) in subclause (I), inserting ''or otherwise providing benefits in a form not restricted to the purchase of food'' after ''of cash'';

(bb) in subclause (III)(aa), by striking ''section 3(i)'' and inserting ''section 3(n)''; and

(cc) in subclause (VII), by striking ''section 7(j)'' and inserting ''section 7(i)''; and

(II) in clause (v)—

(aa) by striking ''countersigned food coupons or similar''; and

(bb) by striking ''food coupons'' and inserting ''EBT cards''; and

(ii) in subparagraph (C)(i)(I), by striking ''coupons'' and inserting ''EBT cards'';

(C) in subsection (f), by striking ''section 7(g)(2)'' and inserting ''section 7(f)(2)''; and

(D) in subsection (j), by striking ''coupon'' and inserting ''benefit''.

(13) Section 19(a)(2)(A)(ii) of the Food and Nutrition Act of 2008 (7 U.S.C. 2028(a)(2)(A)(ii)) is amended by striking ''section 3(o)(4)'' and inserting ''section 3(u)(4)''.

(14) Section 21 of the Food and Nutrition Act of 2008 (7 U.S.C. 2030) is repealed.

(15) Section 22 of the Food and Nutrition Act of 2008 (7 U.S.C. 2031) is amended—

(A) by striking ''food coupons'' each place it appears and inserting ''benefits'';

(B) by striking ''coupons'' each place it appears and inserting ''benefits''; and

(C) in subsection (g)(1)(A), by striking ''coupon'' and inserting ''benefits''.

(16) Section 26(f)(3) of the Food and Nutrition Act of 2008 (7 U.S.C. 2035(f)(3)) is amended—

(A) in subparagraph (A), by striking ''subsections (a) through (g)'' and inserting ''subsections (a) through (f)''; and

(B) in subparagraph (E), by striking ''(16), (18), (20), (24), and (25)'' and inserting ''(15), (17), (18), (22), and (23)''.

(c) CONFORMING CROSS-REFERENCES.—

(1) IN GENERAL.—

(A) USE OF TERMS.—Each provision of law described in subparagraph (B) is amended (as applicable)—

(i) by striking ''coupons'' each place it appears and inserting ''benefits'';

(ii) by striking ''coupon'' each place it appears and inserting ''benefit'';

(iii) by striking ''food coupons'' each place it appears and inserting ''benefits'';

*(iv) in each section heading, by striking ''**FOOD COUPONS**'' each place it appears and inserting ''**BENEFITS**'';*

(v) by striking ''food stamp coupon'' each place it appears and inserting ''benefit''; and

(vi) by striking ''food stamps'' each place it appears and inserting ''benefits''.

(B) PROVISIONS OF LAW.—The provisions of law referred to in subparagraph (A) are the following:

(i) Section 2 of Public Law 103–205 (7 U.S.C. 2012 note; 107 Stat. 2418).

(ii) Section 1956(c)(7)(D) of title 18, United States Code.

(iii) Titles II through XIX of the Social Security Act (42 U.S.C. 401 et seq.).

(iv) Section 401(b)(3) of the Social Security Amendments of 1972 (42 U.S.C. 1382e note; Public Law 92–603).

(v) The Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

(vi) Section 802(d)(2)(A)(i)(II) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8011(d)(2)(A)(i)(II)).

(2) DEFINITION REFERENCES.—

(A) Section 2 of Public Law 103–205 (7 U.S.C. 2012 note; 107 Stat. 2418) is amended by striking ''section 3(k)(1)'' and inserting ''section 3(p)(1)''.

(B) Section 205 of the Food Stamp Program Improvements Act of 1994 (7 U.S.C. 2012 note; Public Law 103–225) is amended by striking ''section 3(k) of such Act (as amended by section 201)'' and inserting ''section 3(p) of that Act''.

(C) Section 115 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (21 U.S.C. 862a) is amended—

(i) by striking ''section 3(h)'' each place it appears and inserting ''section 3(l)''; and

(ii) in subsection (e)(2), by striking ''section 3(m)'' and inserting ''section 3(s)''.

(D) Section 402(a) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1612(a)) is amended—

(i) in paragraph (2)(F)(ii), by striking ''section 3(r)'' and inserting ''section 3(j)''; and

(ii) in paragraph (3)(B), by striking ''section 3(h)'' and inserting ''section 3(l)''.

(E) Section 3803(c)(2)(C)(vii) of title 31, United States Code, is amended by striking ''section 3(h)'' and inserting ''section 3(l)''.

(F) Section 303(d)(4) of the Social Security Act (42 U.S.C. 503(d)(4)) is amended by striking ''section 3(n)(1)'' and inserting ''section 3(t)(1)''.

(G) Section 404 of the Social Security Act (42 U.S.C. 604) is amended by striking ''section 3(h)'' each place it appears and inserting ''section 3(l)''.

(H) Section 531 of the Social Security Act (42 U.S.C. 654) is amended by striking ''section 3(h)'' each place it appears and inserting ''section 3(l)''.

(I) Section 802(d)(2)(A)(i)(II) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8011(d)(2)(A)(i)(II)) is amended by striking ''(as defined in section 3(e) of such Act)''.

(d) REFERENCES.—Any reference in any Federal, State, tribal, or local law (including regulations) to a ''coupon'', ''authorization card'', or other access device provided under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.) shall be considered to be a reference to a ''benefit'' provided under that Act.

SEC. 4116. REVIEW OF MAJOR CHANGES IN PROGRAM DESIGN.

Section 11 of the Food and Nutrition Act of 2008 (7 U.S.C. 2020) is amended by striking the section enumerator and heading and subsection (a) and inserting the following:

''SEC. 11. ADMINISTRATION.

''(a) STATE RESPONSIBILITY.—

''(1) IN GENERAL.—The State agency of each participating State shall have responsibility for certifying applicant households and issuing EBT cards.

''(2) LOCAL ADMINISTRATION.—The responsibility of the agency of the State government shall not be affected by whether the program is operated on a State-administered or county-administered basis, as provided under section 3(t)(1).

''(3) RECORDS.—

''(A) IN GENERAL.—Each State agency shall keep such records as may be necessary to determine whether the program is being conducted in compliance with this Act (including regulations issued under this Act).

''(B) INSPECTION AND AUDIT.—Records described in subparagraph (A) shall—

''(i) be available for inspection and audit at any reasonable time;

''(ii) subject to subsection (e)(8), be available for review in any action filed by a household to enforce any provision of this Act (including regulations issued under this Act); and

''(iii) be preserved for such period of not less than 3 years as may be specified in regulations.

''(4) REVIEW OF MAJOR CHANGES IN PROGRAM DESIGN.—

''(A) IN GENERAL.—The Secretary shall develop standards for identifying major changes in the operations of a State agency, including—

''(i) large or substantially-increased numbers of low-income households that do not live in reasonable proximity to an office performing the major functions described in subsection (e);

''(ii) substantial increases in reliance on automated systems for the performance of responsibilities previously performed by personnel described in subsection (e)(6)(B);

''(iii) changes that potentially increase the difficulty of reporting information under subsection (e) or section 6(c); and

''(iv) changes that may disproportionately increase the burdens on any of the types of households described in subsection (e)(2)(A).

''(B) NOTIFICATION.—If a State agency implements a major change in operations, the State agency shall—

''(i) notify the Secretary; and

''(ii) collect such information as the Secretary shall require to identify and correct any adverse effects on program integrity or access, including access by any of the types of households described in subsection (e)(2)(A).''.

SEC. 4117. CIVIL RIGHTS COMPLIANCE.

Section 11 of the Food and Nutrition Act of 2008 (7 U.S.C. 2020) is amended by striking subsection (c) and inserting the following:

''(c) CIVIL RIGHTS COMPLIANCE.—

''(1) IN GENERAL.—In the certification of applicant households for the supplemental nutrition assistance program, there shall be no discrimination by reason of race, sex, religious creed, national origin, or political affiliation.

''(2) RELATION TO OTHER LAWS.—The administration of the program by a State agency shall be consistent with the rights of households under the following laws (including implementing regulations):

''(A) The Age Discrimination Act of 1975 (42 U.S.C. 6101 et seq.).

''(B) Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794).

''(C) The Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.).

''(D) Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.).''.

SEC. 4118. CODIFICATION OF ACCESS RULES.

Section 11(e)(1) of the Food and Nutrition Act of 2008 (7 U.S.C. 2020(e)(1)) is amended—

(1) by striking ''shall (A) at'' and inserting ''shall—

''(A) at''; and

(2) by striking ''and (B) use'' and inserting ''and

''(B) comply with regulations of the Secretary requiring the use of''.

SEC. 4119. STATE OPTION FOR TELEPHONIC SIGNATURE.

Section 11(e)(2)(C) of the Food and Nutrition Act of 2008 (7 U.S.C. 2020(e)(2)(C)) is amended—

(1) by striking ''(C) Nothing in this Act'' and inserting the following:

''(C) ELECTRONIC AND AUTOMATED SYSTEMS.—

''(i) IN GENERAL.—Nothing in this Act''; and

(2) by adding at the end the following:

''(ii) STATE OPTION FOR TELEPHONIC SIGNATURE.—A State agency may establish a system by which an applicant household may sign an application through a recorded verbal assent over the telephone.

''(iii) REQUIREMENTS.—A system established under clause (ii) shall—

''(I) record for future reference the verbal assent of the household member and the information to which assent was given;

''(II) include effective safeguards against impersonation, identity theft, and invasions of privacy;

''(III) not deny or interfere with the right of the household to apply in writing;

''(IV) promptly provide to the household member a written copy of the completed application, with instructions for a simple procedure for correcting any errors or omissions;

''(V) comply with paragraph (1)(B);

''(VI) satisfy all requirements for a signature on an application under this Act and other laws applicable to the supplemental nutrition assistance program, with the date on which the household member provides verbal assent considered as the date of application for all purposes; and

''(VII) comply with such other standards as the Secretary may establish.''.

SEC. 4120. PRIVACY PROTECTIONS.

Section 11(e)(8) of the Food and Nutrition Act of 2008 (7 U.S.C. 2020(e)(8)) is amended—

(1) in the matter preceding subparagraph (A)—

(A) by striking ''limit'' and inserting ''prohibit''; and

(B) by striking ''to persons'' and all that follows through ''State programs'';

(2) by redesignating subparagraphs (A) through (E) as subparagraphs (B) through (F), respectively;

(3) by inserting before subparagraph (B) (as so redesignated) the following:

''(A) the safeguards shall permit—

''(i) the disclosure of such information to persons directly connected with the administration or enforcement of the provisions of this Act, regulations issued pursuant to this Act, Federal assistance programs, or federally-assisted State programs; and

''(ii) the subsequent use of the information by persons described in clause (i) only for such administration or enforcement;''; and

(4) in subparagraph (F) (as so redesignated) by inserting ''or subsection (u)'' before the semicolon at the end.

SEC. 4121. PRESERVATION OF ACCESS AND PAYMENT ACCURACY.

Section 16 of the Food and Nutrition Act of 2008 (7 U.S.C. 2025) is amended by striking subsection (g) and inserting the following:

''(g) COST SHARING FOR COMPUTERIZATION.—

''(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), the Secretary is authorized to pay to each State agency the amount provided under subsection (a)(6) for the costs incurred by the State agency in the planning, design, development, or installation of 1 or more automatic data processing and information retrieval systems that the Secretary determines—

''(A) would assist in meeting the requirements of this Act;

''(B) meet such conditions as the Secretary prescribes;

''(C) are likely to provide more efficient and effective administration of the supplemental nutrition assistance program;

''(D) would be compatible with other systems used in the administration of State programs, including the program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.);

''(E) would be tested adequately before and after implementation, including through pilot projects in limited areas for major systems changes as determined under rules promulgated by the Secretary, data from which shall be thoroughly evaluated before the Secretary approves the system to be implemented more broadly; and

''(F) would be operated in accordance with an adequate plan for—

''(i) continuous updating to reflect changed policy and circumstances; and

''(ii) testing the effect of the system on access for eligible households and on payment accuracy.

''(2) LIMITATION.—The Secretary shall not make payments to a State agency under paragraph (1) to the extent that the State agency—

''(A) is reimbursed for the costs under any other Federal program; or

''(B) uses the systems for purposes not connected with the supplemental nutrition assistance program.''.

SEC. 4122. FUNDING OF EMPLOYMENT AND TRAINING PROGRAMS.

Section 16(h)(1)(A) of the Food and Nutrition Act of 2008 (7 U.S.C. 2025(h)(1)(A)) is amended in subparagraph (A), by striking ''to remain available until expended'' and inserting ''to remain available for 15 months''.

PART IV—PROGRAM INTEGRITY

SEC. 4131. ELIGIBILITY DISQUALIFICATION.

Section 6 of the Food and Nutrition Act of 2008 (7 U.S.C. 2015) is amended by adding at the end the following:

''(p) DISQUALIFICATION FOR OBTAINING CASH BY DESTROYING FOOD AND COLLECTING DEPOSITS.—Subject to any requirements established by the Secretary, any person who has been found by a State or Federal court or administrative agency in a hearing under subsection (b) to have intentionally obtained cash by purchasing products with supplemental nutrition assistance program benefits that have containers that require return deposits, discarding the product, and returning the container for the deposit amount shall be ineligible for benefits under this Act for such period of time as the Secretary shall prescribe by regulation.

''(q) DISQUALIFICATION FOR SALE OF FOOD PURCHASED WITH SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM BENEFITS.—Subject to any requirements established by the Secretary, any person who has been found by a State or Federal court or administrative agency in a hearing under subsection (b) to have intentionally sold any food that was purchased using supplemental nutrition assistance program benefits shall be ineligible for benefits under this Act for such period of time as the Secretary shall prescribe by regulation.''.

SEC. 4132. CIVIL PENALTIES AND DISQUALIFICATION OF RETAIL FOOD STORES AND WHOLESALE FOOD CONCERNS.

Section 12 of the Food and Nutrition Act of 2008 (7 U.S.C. 2021) is amended—

(1) by striking the section designation and heading and all that follows through the end of subsection (a) and inserting the following:

''SEC. 12. CIVIL PENALTIES AND DISQUALIFICATION OF RETAIL FOOD STORES AND WHOLESALE FOOD CONCERNS.

''(a) DISQUALIFICATION.—

''(1) IN GENERAL.—An approved retail food store or wholesale food concern that violates a provision of this Act or a regulation under this Act may be—

''(A) disqualified for a specified period of time from further participation in the supplemental nutrition assistance program;

''(B) assessed a civil penalty of up to $100,000 for each violation; or

''(C) both.

''(2) REGULATIONS.—Regulations promulgated under this Act shall provide criteria for the finding of a violation of, the suspension or disqualification of and the assessment of a civil penalty against a retail food store or wholesale food concern on the basis of evidence that may include facts established through on-site investigations, inconsistent redemption data, or evidence obtained through a transaction report under an electronic benefit transfer system.'';

(2) in subsection (b)—

(A) by striking ''(b) Disqualification'' and inserting the following:

''(b) PERIOD OF DISQUALIFICATION.—Subject to subsection (c), a disqualification'';

(B) in paragraph (1), by striking ''of no less than six months nor more than five years'' and inserting ''not to exceed 5 years'';

(C) in paragraph (2), by striking ''of no less than twelve months nor more than ten years'' and inserting ''not to exceed 10 years'';

(D) in paragraph (3)(B)—

(i) by inserting ''or a finding of the unauthorized redemption, use, transfer, acquisition, alteration, or possession of EBT cards'' after ''concern'' the first place it appears; and

(ii) by striking ''civil money penalties'' and inserting ''civil penalties''; and

(E) by striking ''civil money penalty'' each place it appears and inserting ''civil penalty'';

(3) in subsection (c)—

(A) by striking ''(c) The action'' and inserting the following:

''(c) CIVIL PENALTY AND REVIEW OF DISQUALIFICATION AND PENALTY DETERMINATIONS.—

''(1) CIVIL PENALTY.—In addition to a disqualification under this section, the Secretary may assess a civil penalty in an amount not to exceed $100,000 for each violation.

''(2) REVIEW.—The action''; and

(B) in paragraph (2) (as designated by subparagraph (A)), by striking ''civil money penalty'' and inserting ''civil penalty'';

(4) in subsection (d)—

(A) by striking ''(d)'' and all that follows through ''. The Secretary shall'' and inserting the following:

''(d) CONDITIONS OF AUTHORIZATION.—

''(1) IN GENERAL.—As a condition of authorization to accept and redeem benefits, the Secretary may require a retail food store or wholesale food concern that, pursuant to subsection (a), has been disqualified for more than 180 days, or has been subjected to a civil penalty in lieu of a disqualification period of more than 180 days, to furnish a collateral bond or irrevocable letter of credit for a period of not more than 5 years to cover the value of benefits that the store or concern may in the future accept and redeem in violation of this Act.

''(2) COLLATERAL.—The Secretary also may require a retail food store or wholesale food concern that has been sanctioned for a violation and incurs a subsequent sanction regardless of the length of the disqualification period to submit a collateral bond or irrevocable letter of credit.

''(3) BOND REQUIREMENTS.—The Secretary shall'';

(B) by striking ''If the Secretary finds'' and inserting the following

''(4) FORFEITURE.—If the Secretary finds''; and

(C) by striking ''Such store or concern'' and inserting the following:

''(5) HEARING.—A store or concern described in paragraph (4)'';

(5) in subsection (e), by striking ''civil money penalty'' each place it appears and inserting ''civil penalty''; and

(6) by adding at the end the following:

''(h) FLAGRANT VIOLATIONS.—

''(1) IN GENERAL.—The Secretary, in consultation with the Inspector General of the Department of Agriculture, shall establish procedures under which the processing of program benefit redemptions for a retail food store or wholesale food concern may be immediately suspended pending administrative action to disqualify the retail food store or wholesale food concern.

''(2) REQUIREMENTS.—Under the procedures described in paragraph (1), if the Secretary, in consultation with the Inspector General, determines that a retail food store or wholesale food concern is engaged in flagrant violations of this Act (including regulations promulgated under this Act), unsettled program benefits that have been redeemed by the retail food store or wholesale food concern—

''(A) may be suspended; and

''(B)(i) if the program disqualification is upheld, may be subject to forfeiture pursuant to section 15(g); or

''(ii) if the program disqualification is not upheld, shall be released to the retail food store or wholesale food concern.

''(3) NO LIABILITY FOR INTEREST.—The Secretary shall not be liable for the value of any interest on funds suspended under this subsection.''.

SEC. 4133. MAJOR SYSTEMS FAILURES.

Section 13(b) of the Food and Nutrition Act of 2008 (7 U.S.C. 2022(b)) is amended by adding at the end the following:

''(5) OVERISSUANCES CAUSED BY SYSTEMIC STATE ERRORS.—

''(A) IN GENERAL.—If the Secretary determines that a State agency overissued benefits to a substantial number of households in a fiscal year as a result of a major systemic error by the State agency, as defined by the Secretary, the Secretary may prohibit the State agency from collecting these overissuances from some or all households.

''(B) PROCEDURES.—

''(i) INFORMATION REPORTING BY STATES.—Every State agency shall provide to the Secretary all information requested by the Secretary concerning the issuance of benefits to households by the State agency in the applicable fiscal year.

''(ii) FINAL DETERMINATION.—After reviewing relevant information provided by a State agency, the Secretary shall make a final determination—

''(I) whether the State agency overissued benefits to a substantial number of households as a result of a systemic error in the applicable fiscal year; and

''(II) as to the amount of the overissuance in the applicable fiscal year for which the State agency is liable.

''(iii) ESTABLISHING A CLAIM.—Upon determining under clause (ii) that a State agency has overissued benefits to households due to a major systemic error determined under subparagraph (A), the Secretary shall establish a claim against the State agency equal to the value of the overissuance caused by the systemic error.

''(iv) ADMINISTRATIVE AND JUDICIAL REVIEW.—Administrative and judicial review, as provided in section 14, shall apply to the final determinations by the Secretary under clause (ii).

''(v) REMISSION TO THE SECRETARY.—

''(I) DETERMINATION NOT APPEALED.—If the determination of the Secretary under clause (ii) is not appealed, the State agency shall, as soon as practicable, remit to the Secretary the dollar amount specified in the claim under clause (iii).

''(II) DETERMINATION APPEALED.—If the determination of the Secretary under clause (ii) is appealed, upon completion of administrative and judicial review under clause (iv), and a finding of liability on the part of the State, the appealing State agency shall, as soon as practicable, remit to the Secretary a dollar amount subject to the finding made in the administrative and judicial review.

''(vi) ALTERNATIVE METHOD OF COLLECTION.—

''(I) IN GENERAL.—If a State agency fails to make a payment under clause (v) within a reasonable period of time, as determined by the Secretary, the Secretary may reduce any amount due to the State agency under any other provision of this Act by the amount due.

''(II) ACCRUAL OF INTEREST.—During the period of time determined by the Secretary to be reasonable under subclause (I), interest in the amount owed shall not accrue.

''(vii) LIMITATION.—Any liability amount established under section 16(c)(1)(C) shall be reduced by the amount of the claim established under this subparagraph.''.

PART V—MISCELLANEOUS

SEC. 4141. PILOT PROJECTS TO EVALUATE HEALTH AND NUTRITION PROMOTION IN THE SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM.

Section 17 of the Food and Nutrition Act of 2008 (7 U.S.C. 2026) is amended by adding at the end the following:

''(k) PILOT PROJECTS TO EVALUATE HEALTH AND NUTRITION PROMOTION IN THE SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM.—

''(1) IN GENERAL.—The Secretary shall carry out, under such terms and conditions as the Secretary considers to be appropriate, pilot projects to develop and test methods—

''(A) of using the supplemental nutrition assistance program to improve the dietary and health status of households eligible for or participating in the supplemental nutrition assistance program; and

''(B) to reduce overweight, obesity (including childhood obesity), and associated comorbidities in the United States.

''(2) GRANTS.—

''(A) IN GENERAL.—In carrying out this subsection, the Secretary may enter into competitively awarded contracts or cooperative agreements with, or provide grants to, public or private organizations or agencies (as defined by

the Secretary), for use in accordance with projects that meet the strategy goals of this subsection.

''(B) APPLICATION.—To be eligible to receive a contract, cooperative agreement, or grant under this paragraph, an organization shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

''(C) SELECTION CRITERIA.—Pilot projects shall be evaluated against publicly disseminated criteria that may include—

''(i) identification of a low-income target audience that corresponds to individuals living in households with incomes at or below 185 percent of the poverty level;

''(ii) incorporation of a scientifically based strategy that is designed to improve diet quality through more healthful food purchases, preparation, or consumption;

''(iii) a commitment to a pilot project that allows for a rigorous outcome evaluation, including data collection;

''(iv) strategies to improve the nutritional value of food served during school hours and during after-school hours;

''(v) innovative ways to provide significant improvement to the health and wellness of children;

''(vi) other criteria, as determined by the Secretary.

''(D) USE OF FUNDS.—Funds provided under this paragraph shall not be used for any project that limits the use of benefits under this Act.

''(3) PROJECTS.—Pilot projects carried out under paragraph (1) may include projects to determine whether healthier food purchases by and healthier diets among households participating in the supplemental nutrition assistance program result from projects that—

''(A) increase the supplemental nutrition assistance purchasing power of the participating households by providing increased supplemental nutrition assistance program benefit allotments to the participating households;

''(B) increase access to farmers markets by participating households through the electronic redemption of supplemental nutrition assistance program benefits at farmers' markets;

''(C) provide incentives to authorized supplemental nutrition assistance program retailers to increase the availability of healthy foods to participating households;

''(D) subject authorized supplemental nutrition assistance program retailers to stricter retailer requirements with respect to carrying and stocking healthful foods;

''(E) provide incentives at the point of purchase to encourage households participating in the supplemental nutrition assistance program to purchase fruits, vegetables, or other healthful foods; or

''(F) provide to participating households integrated communication and education programs, including the provision of funding for a portion of a school-based nutrition coordinator to implement a broad nutrition action plan and parent nutrition education programs in elementary schools, separately or in combination with pilot projects carried out under subparagraphs (A) through (E).

''(4) EVALUATION AND REPORTING.—

''(A) EVALUATION.—

''(i) INDEPENDENT EVALUATION.—

''(I) IN GENERAL.—The Secretary shall provide for an independent evaluation of projects selected under this subsection that measures the impact of the pilot program on health and nutrition as described in paragraph (1).

''(II) REQUIREMENT.—The independent evaluation under subclause (I) shall use rigorous methodologies, particularly random assignment or other methods that are capable of producing scientifically valid information regarding which activities are effective.

''(ii) COSTS.—The Secretary may use funds provided to carry out this section to pay costs associated with monitoring and evaluating each pilot project.

''(B) REPORTING.—Not later than 90 days after the last day of fiscal year 2009 and each fiscal year thereafter until the completion of the last evaluation under subparagraph (A), the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that includes a description of—

''(i) the status of each pilot project;

''(ii) the results of the evaluation completed during the previous fiscal year; and

''(iii) to the maximum extent practicable—

''(I) the impact of the pilot project on appropriate health, nutrition, and associated behavioral outcomes among households participating in the pilot project;

''(II) baseline information relevant to the stated goals and desired outcomes of the pilot project; and

''(III) equivalent information about similar or identical measures among control or comparison groups that did not participate in the pilot project.

''(C) PUBLIC DISSEMINATION.—In addition to the reporting requirements under subparagraph (B), evaluation results shall be shared broadly to inform policy makers, service providers, other partners, and the public in order to promote wide use of successful strategies.

''(5) FUNDING.—

''(A) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 2008 through 2012.

''(B) MANDATORY FUNDING.—Out of any funds made available under section 18, on October 1, 2008, the Secretary shall make available $20,000,000 to carry out a project described in paragraph (3)(E), to remain available until expended.''.

SEC. 4142. STUDY ON COMPARABLE ACCESS TO SUPPLEMENTAL NUTRITION ASSISTANCE FOR PUERTO RICO.

(a) IN GENERAL.—The Secretary shall carry out a study of the feasibility and effects of including the Commonwealth of Puerto Rico in the definition of the term ''State'' under section 3 of the Food and Nutrition Act of 2008 (7 U.S.C. 2012), in lieu of providing block grants under section 19 of that Act (7 U.S.C. 2028).

(b) INCLUSIONS.—The study shall include—

(1) an assessment of the administrative, financial management, and other changes that would be necessary for the Commonwealth to establish a comparable supplemental nutrition assistance program, including compliance with appropriate program rules under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.), such as—

(A) benefit levels under section 3(u) of that Act (7 U.S.C. 2012(u));

(B) income eligibility standards under sections 5(c) and 6 of that Act (7 U.S.C. 2014(c), 2015); and

(C) deduction levels under section 5(e) of that Act (7 U.S.C. 2014(e));

(2) an estimate of the impact on Federal and Commonwealth benefit and administrative costs;

(3) an assessment of the impact of the program on low-income Puerto Ricans, as compared to the program under section 19 of that Act (7 U.S.C. 2028); and

(4) such other matters as the Secretary considers to be appropriate.

(c) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that describes the results of the study conducted under this section.

(d) FUNDING.—

(1) IN GENERAL.—On October 1, 2008, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary to carry out this section $1,000,000, to remain available until expended.

(2) RECEIPT AND ACCEPTANCE.—The Secretary shall be entitled to receive, shall accept, and shall use to carry out this section the funds transferred under paragraph (1), without further appropriation.

Subtitle B—Food Distribution Programs

PART I—EMERGENCY FOOD ASSISTANCE PROGRAM

SEC. 4201. EMERGENCY FOOD ASSISTANCE.

(a) PURCHASE OF COMMODITIES.—Section 27(a) of the Food and Nutrition Act of 2008 (7 U.S.C. 2036(a)) is amended by –

(1) by striking ''(A) PURCHASE OF COMMODITIES'' and all that follows through ''$140,000,000 of'' and inserting the following:

''(a) PURCHASE OF COMMODITIES.—

''(1) IN GENERAL.—From amounts made available to carry out this Act, for each of the fiscal years 2008 through 2012, the Secretary shall purchase a dollar amount described in paragraph (2) of''; and

(2) by adding at the end the following:

''(2) AMOUNTS.—The Secretary shall use to carry out paragraph (1)—

''(A) for fiscal year 2008, $190,000,000;

''(B) for fiscal year 2009, $250,000,000; and

''(C) for each of fiscal years 2010 through 2012, the dollar amount of commodities specified in subparagraph (B) adjusted by the percentage by which the thrifty food plan has been adjusted under section 3(u)(4) between June 30, 2008, and June 30 of the immediately preceding fiscal year.''.

(b) STATE PLANS.—Section 202A of the Emergency Food Assistance Act of 1983 (7 U.S.C. 7503) is amended by striking subsection (a) and inserting the following:

''(a) PLANS.—

''(1) IN GENERAL.—To receive commodities under this Act, a State shall submit to the Secretary an operation and administration plan for the provision of benefits under this Act.

''(2) UPDATES.—A State shall submit to the Secretary for approval any amendment to a plan submitted under paragraph (1) in any case in which the State proposes to make a change to the operation or administration of a program described in the plan.''.

(c) AUTHORIZATION AND APPROPRIATIONS.—Section 204(a)(1) of the Emergency Food Assistance Act of 1983 (7 U.S.C. 7508(a)(1)) is amended in the first sentence—

(1) by striking ''$60,000,000'' and inserting ''$100,000,000''; and

(2) by inserting ''and donated wild game'' before the period at the end.

SEC. 4202. EMERGENCY FOOD PROGRAM INFRASTRUCTURE GRANTS.

The Emergency Food Assistance Act of 1983 is amended by inserting after section 208 (7 U.S.C. 7511) the following:

''SEC. 209. EMERGENCY FOOD PROGRAM INFRASTRUCTURE GRANTS.

''(a) DEFINITION OF ELIGIBLE ENTITY.—In this section, the term 'eligible entity' means an emergency feeding organization.

''(b) PROGRAM AUTHORIZED.—

''(1) IN GENERAL.—The Secretary shall use funds made available under subsection (d) to make grants to eligible entities to pay the costs of an activity described in subsection (c).

''(2) RURAL PREFERENCE.—The Secretary shall use not less than 50 percent of the funds described in paragraph (1) for a fiscal year to make grants to eligible entities that serve predominantly rural communities for the purposes of—

''(A) expanding the capacity and infrastructure of food banks, State-wide food bank associations, and food bank collaboratives that operate in rural areas; and

''(B) improving the capacity of the food banks to procure, receive, store, distribute, track, and deliver time-sensitive or perishable food products.

''(c) USE OF FUNDS.—An eligible entity shall use a grant received under this section for any fiscal year to carry out activities of the eligible entity, including—

''(1) the development and maintenance of a computerized system for the tracking of time-sensitive food products;

''(2) capital, infrastructure, and operating costs associated with the collection, storage, distribution, and transportation of time-sensitive and perishable food products;

''(3) improving the security and diversity of the emergency food distribution and recovery systems of the United States through the support of small or mid-size farms and ranches, fisheries, and aquaculture, and donations from local food producers and manufacturers to persons in need;

''(4) providing recovered foods to food banks and similar nonprofit emergency food providers to reduce hunger in the United States;

''(5) improving the identification of—

''(A) potential providers of donated foods;

''(B) potential nonprofit emergency food providers; and

''(C) persons in need of emergency food assistance in rural areas; and

''(6) constructing, expanding, or repairing a facility or equipment to support hunger relief agencies in the community.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $15,000,000 for each of fiscal years 2008 through 2012.''.

PART II—FOOD DISTRIBUTION PROGRAM ON INDIAN RESERVATIONS

SEC. 4211. ASSESSING THE NUTRITIONAL VALUE OF THE FDPIR FOOD PACKAGE.

(a) IN GENERAL.—Section 4 of the Food and Nutrition Act of 2008 (7 U.S.C. 2013) is amended by striking subsection (b) and inserting the following:

''(b) FOOD DISTRIBUTION PROGRAM ON INDIAN RESERVATIONS.—

''(1) IN GENERAL.—Distribution of commodities, with or without the supplemental nutrition assistance program, shall be made whenever a request for concurrent or separate food program operations, respectively, is made by a tribal organization.

''(2) ADMINISTRATION.—

''(A) IN GENERAL.—Subject to subparagraphs (B) and (C), in the event of distribution on all or part of an Indian reservation, the appropriate agency of the State government in the area involved shall be responsible for the distribution.

''(B) ADMINISTRATION BY TRIBAL ORGANIZATION.—If the Secretary determines that a tribal organization is capable of effectively and efficiently administering a distribution described in paragraph (1), then the tribal organization shall administer the distribution.

''(C) PROHIBITION.—The Secretary shall not approve any plan for a distribution described in paragraph (1) that permits any household on any Indian reservation to participate simultaneously in the supplemental nutrition assistance program and the program established under this subsection.

''(3) DISQUALIFIED PARTICIPANTS.—An individual who is disqualified from participation in the food distribution program on Indian reservations under this subsection is not eligible to participate in the supplemental nutrition assistance program under this Act for a period of time to be determined by the Secretary.

''(4) ADMINISTRATIVE COSTS.—The Secretary is authorized to pay such amounts for administrative costs and distribution costs on Indian reservations as the Secretary finds necessary for effective administration of such distribution by a State agency or tribal organization.

''(5) BISON MEAT.—Subject to the availability of appropriations to carry out this paragraph, the Secretary may purchase bison meat for recipients of food distributed under this subsection, including bison meat from—

''(A) Native American bison producers; and

''(B) producer–owned cooperatives of bison ranchers.

''(6) TRADITIONAL AND LOCALLY-GROWN FOOD FUND.—

''(A) IN GENERAL.—Subject to the availability of appropriations, the Secretary shall establish a fund for use in purchasing traditional and locally-grown foods for recipients of food distributed under this subsection.

''(B) NATIVE AMERICAN PRODUCERS.—Where practicable, of the food provided under subparagraph (A), at least 50 percent shall be produced by Native American farmers, ranchers, and producers.

''(C) DEFINITION OF TRADITIONAL AND LOCALLY GROWN.—The Secretary shall determine the definition of the term 'traditional and locally-grown' with respect to food distributed under this paragraph.

''(D) SURVEY.—In carrying out this paragraph, the Secretary shall—

''(i) survey participants of the food distribution program on Indian reservations established under this subsection to determine which traditional foods are most desired by those participants; and

''(ii) purchase or offer to purchase those traditional foods that may be procured cost-effectively.

''(E) REPORT.—Not later than 1 year after the date of enactment of this paragraph, and annually thereafter, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report describing the activities carried out under this paragraph during the preceding calendar year.

''(F) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this paragraph $5,000,000 for each of fiscal years 2008 through 2012.''.

(b) FDPIR FOOD PACKAGE.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that describes—

(1) how the Secretary derives the process for determining the food package under the food distribution program on Indian reservations established under section 4(b) of the Food and Nutrition Act of 2008 (7 U.S.C. 2013(b)) (referred to in this subsection as the ''food package'');

(2) the extent to which the food package—

(A) addresses the nutritional needs of low-income Native Americans compared to the supplemental nutrition assistance program, particularly for very low-income households;

(B) conforms (or fails to conform) to the 2005 Dietary Guidelines for Americans published under section 301 of the National Nutrition Monitoring and Related Research Act of 1990 (7 U.S.C. 5341);

(C) addresses (or fails to address) the nutritional and health challenges that are specific to Native Americans; and

(D) is limited by distribution costs or challenges in infrastructure; and

(3)(A) any plans of the Secretary to revise and update the food package to conform with the most recent Dietary Guidelines for Americans, including any costs associated with the planned changes; or

(B) if the Secretary does not plan changes to the food package, the rationale of the Secretary for retaining the food package.

PART III—COMMODITY SUPPLEMENTAL FOOD PROGRAM

SEC. 4221. COMMODITY SUPPLEMENTAL FOOD PROGRAM.

Section 5 of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c note; Public Law 93–86) is amended by striking subsection (g) and inserting the following:

''(g) PROHIBITION.—Notwithstanding any other provision of law (including regulations), the Secretary may not require a State or local agency to prioritize assistance to a particular group of individuals that are—

''(1) low-income persons aged 60 and older; or

''(2) women, infants, and children.''.

PART IV—SENIOR FARMERS' MARKET NUTRITION PROGRAM

SEC. 4231. SENIORS FARMERS' MARKET NUTRITION PROGRAM.

Section 4402 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 3007) is amended—

(1) in subsection (b)(1), by inserting ''honey,'' after ''vegetables,'';

(2) by striking subsection (c) and inserting the following:

''(c) EXCLUSION OF BENEFITS IN DETERMINING ELIGIBILITY FOR OTHER PROGRAMS.—The value of any benefit provided to any eligible seniors farmers' market nutrition program recipient under this section shall not be considered to be income or resources for any purposes under any Federal, State, or local law.''; and

(3) by adding at the end the following:

''(d) PROHIBITION ON COLLECTION OF SALES TAX.—Each State shall ensure that no State or local tax is collected within the State on a purchase of food with a benefit distributed under the seniors farmers' market nutrition program.

''(e) REGULATIONS.—The Secretary may promulgate such regulations as the Secretary considers to be necessary to carry out the seniors farmers' market nutrition program.''.

Subtitle C—Child Nutrition and Related Programs

SEC. 4301. STATE PERFORMANCE ON ENROLLING CHILDREN RECEIVING PROGRAM BENEFITS FOR FREE SCHOOL MEALS.

(a) IN GENERAL.—Not later than December 31, 2008 and June 30 of each year thereafter, the Secretary shall submit to the Committees on Agriculture and Education and Labor of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that assesses the effectiveness of each State in enrolling school-aged children in households receiving program benefits under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.) (referred to in this section as ''program benefits'') for free school meals using direct certification.

(b) SPECIFIC MEASURES.—The assessment of the Secretary of the performance of each State shall include—

(1) an estimate of the number of school-aged children, by State, who were members of a household receiving program benefits at any time in July, August, or September of the prior year;

(2) an estimate of the number of school-aged children, by State, who were directly certified as eligible for free lunches under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.), based on receipt of program benefits, as of October 1 of the prior year; and

(3) an estimate of the number of school-aged children, by State, who were members of a household receiving program benefits at any time in July, August, or September of the prior year who were not candidates for direct certification because on October 1 of the prior year the children attended a school operating under the special assistance provisions of section 11(a)(1) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1759a(a)(1)) that is not operating in a base year.

(c) PERFORMANCE INNOVATIONS.—The report of the Secretary shall describe best practices from States with the best performance or the most improved performance from the previous year.

SEC. 4302. PURCHASES OF LOCALLY PRODUCED FOODS.

Section 9(j) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(j)) is amended to read as follows:

''(j) PURCHASES OF LOCALLY PRODUCED FOODS.—The Secretary shall—

''(1) encourage institutions receiving funds under this Act and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.) to purchase unprocessed agricultural products, both locally grown

and locally raised, to the maximum extent practicable and appropriate;

''(2) advise institutions participating in a program described in paragraph (1) of the policy described in that paragraph and paragraph (3) and post information concerning the policy on the website maintained by the Secretary; and

''(3) allow institutions receiving funds under this Act and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.), including the Department of Defense Fresh Fruit and Vegetable Program, to use a geographic preference for the procurement of unprocessed agricultural products, both locally grown and locally raised.''.

SEC. 4303. HEALTHY FOOD EDUCATION AND PROGRAM REPLICABILITY.

Section 18(h) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769(h)) is amended—

(1) in paragraph (1)(C), by inserting ''promotes healthy food education in the school curriculum and'' before ''incorporates'';

(2) by redesignating paragraph (2) as paragraph (4); and

(3) by inserting after paragraph (1) the following:

''(2) ADMINISTRATION.—In providing grants under paragraph (1), the Secretary shall give priority to projects that can be replicated in schools.

''(3) PILOT PROGRAM FOR HIGH-POVERTY SCHOOLS.—

''(A) DEFINITIONS.—In this paragraph:

''(i) ELIGIBLE PROGRAM.—The term 'eligible program' means—

''(I) a school-based program with hands-on vegetable gardening and nutrition education that is incorporated into the curriculum for 1 or more grades at 2 or more eligible schools; or

''(II) a community-based summer program with hands-on vegetable gardening and nutrition education that is part of, or coordinated with, a summer enrichment program at 2 or more eligible schools.

''(ii) ELIGIBLE SCHOOL.—The term 'eligible school' means a public school, at least 50 percent of the students of which are eligible for free or reduced price meals under this Act.

''(B) ESTABLISHMENT.—The Secretary shall carry out a pilot program under which the Secretary shall provide to nonprofit organizations or public entities in not more than 5 States grants to develop and run, through eligible programs, community gardens at eligible schools in the States that would—

''(i) be planted, cared for, and harvested by students at the eligible schools; and

''(ii) teach the students participating in the community gardens about agriculture production practices and diet.

''(C) PRIORITY STATES.—Of the States in which grantees under this paragraph are located—

''(i) at least 1 State shall be among the 15 largest States, as determined by the Secretary;

''(ii) at least 1 State shall be among the 16th to 30th largest States, as determined by the Secretary; and

''(iii) at least 1 State shall be a State that is not described in clause (i) or (ii).

''(D) USE OF PRODUCE.—Produce from a community garden provided a grant under this paragraph may be—

''(i) used to supplement food provided at the eligible school;

''(ii) distributed to students to bring home to the families of the students; or

''(iii) donated to a local food bank or senior center nutrition program.

''(E) NO COST-SHARING REQUIREMENT.—A nonprofit organization or public entity that receives a grant under this paragraph shall not be required to share the cost of carrying out the activities assisted under this paragraph.

''(F) EVALUATION.—A nonprofit organization or public entity that receives a grant under this paragraph shall be required to cooperate in an evaluation in accordance with paragraph (1)(H).''.

SEC. 4304. FRESH FRUIT AND VEGETABLE PROGRAM.

(a) PROGRAM.—

(1) IN GENERAL.—The Richard B. Russell National School Lunch Act is amended by inserting after section 18 (42 U.S.C. 1769) the following:

''SEC. 19. FRESH FRUIT AND VEGETABLE PROGRAM.

''(a) IN GENERAL.—For the school year beginning July 2008 and each subsequent school year, the Secretary shall provide grants to States to carry out a program to make free fresh fruits and vegetables available in elementary schools (referred to in this section as the 'program').

''(b) PROGRAM.—A school participating in the program shall make free fresh fruits and vegetables available to students throughout the school day (or at such other times as are considered appropriate by the Secretary) in 1 or more areas designated by the school.

''(c) FUNDING TO STATES.—

''(1) MINIMUM GRANT.—Except as provided in subsection (i)(2), the Secretary shall provide to each of the 50 States and the District of Columbia an annual grant in an amount equal to 1 percent of the funds made available for a year to carry out the program.

''(2) ADDITIONAL FUNDING.—Of the funds remaining after grants are made under paragraph (1), the Secretary shall allocate additional funds to each State that is operating a school lunch program under section 4 based on the proportion that—

''(A) the population of the State; bears to

''(B) the population of the United States.

''(d) SELECTION OF SCHOOLS.—

''(1) IN GENERAL.—Except as provided in paragraph (2) of this subsection and section 4304(a)(2) of the Food, Conservation, and Energy Act of 2008, each year, in selecting schools to participate in the program, each State shall—

''(A) ensure that each school chosen to participate in the program is a school—

''(i) in which not less than 50 percent of the students are eligible for free or reduced price meals under this Act; and

''(ii) that submits an application in accordance with subparagraph (D);

''(B) to the maximum extent practicable, give the highest priority to schools with the highest proportion of children who are eligible for free or reduced price meals under this Act;

''(C) ensure that each school selected is an elementary school (as defined in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801));

''(D) solicit applications from interested schools that include—

''(i) information pertaining to the percentage of students enrolled in the school submitting the application who are eligible for free or reduced price school lunches under this Act;

''(ii) a certification of support for participation in the program signed by the school food manager, the school principal, and the district superintendent (or equivalent positions, as determined by the school);

''(iii) a plan for implementation of the program, including efforts to integrate activities carried out under this section with other efforts to promote sound health and nutrition, reduce overweight and obesity, or promote physical activity; and

''(iv) such other information as may be requested by the Secretary; and

''(E) encourage applicants to submit a plan for implementation of the program that includes a partnership with 1 or more entities that will provide non-Federal resources (including entities representing the fruit and vegetable industry).

''(2) EXCEPTION.—Clause (i) of paragraph (1)(A) shall not apply to a State if all schools that meet the requirements of that clause have been selected and the State does not have a sufficient number of additional schools that meet the requirement of that clause.

''(3) OUTREACH TO LOW-INCOME SCHOOLS.—

''(A) IN GENERAL.—Prior to making decisions regarding school participation in the program, a State agency shall inform the schools within the State with the highest proportion of free and reduced price meal eligibility, including Native American schools, of the eligibility of the schools for the program with respect to priority granted to schools with the highest proportion of free and reduced price eligibility under paragraph (1)(B).

''(B) REQUIREMENT.—In providing information to schools in accordance with subparagraph (A), a State agency shall inform the schools that would likely be chosen to participate in the program under paragraph (1)(B).

''(e) NOTICE OF AVAILABILITY.—If selected to participate in the program, a school shall widely publicize within the school the availability of free fresh fruits and vegetables under the program.

''(f) PER-STUDENT GRANT.—The per-student grant provided to a school under this section shall be—

''(1) determined by a State agency; and

''(2) not less than $50, nor more than $75.

''(g) LIMITATION.—To the maximum extent practicable, each State agency shall ensure that in making the fruits and vegetables provided under this section available to students, schools offer the fruits and vegetables separately from meals otherwise provided at the school under this Act or the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.).

''(h) EVALUATION AND REPORTS.—

''(1) IN GENERAL.—The Secretary shall conduct an evaluation of the program, including a determination as to whether children experienced, as a result of participating in the program—

''(A) increased consumption of fruits and vegetables;

''(B) other dietary changes, such as decreased consumption of less nutritious foods; and

''(C) such other outcomes as are considered appropriate by the Secretary.

''(2) REPORT.—Not later than September 30, 2011, the Secretary shall submit to the Committee on Education and Labor of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that describes the results of the evaluation under paragraph (1).

''(i) FUNDING.—

''(1) IN GENERAL.—Out of the funds made available under subsection (b)(2)(A) of section 14222 of the Food, Conservation, and Energy Act of 2008, the Secretary shall use the following amounts to carry out this section:

''(A) On October 1, 2008, $40,000,000.

''(B) On July 1, 2009, $65,000,000.

''(C) On July 1, 2010, $101,000,000.

''(D) On July 1, 2011, $150,000,000.

''(E) On July 1, 2012, and each July 1 thereafter, the amount made available for the preceding fiscal year, as adjusted to reflect changes for the 12-month period ending the preceding April 30 in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor, for items other than food.

''(2) MAINTENANCE OF EXISTING FUNDING.—In allocating funding made available under paragraph (1) among the States in accordance with subsection (c), the Secretary shall ensure that each State that received funding under section 18(f) on the day before the date of enactment of the Food, Conservation, and Energy Act of 2008 shall continue to receive sufficient funding under this section to maintain the caseload level of the State under that section as in effect on that date.

''(3) EVALUATION FUNDING.—On October 1, 2008, out of any funds made available under subsection (b)(2)(A) of section 14222 of the Food, Conservation, and Energy Act of 2008, the Secretary shall use to carry out the evaluation required under subsection (h), $3,000,000, to remain available for obligation until September 30, 2010.

''(4) RECEIPT AND ACCEPTANCE.—The Secretary shall be entitled to receive, shall accept, and shall use to carry out this section any funds transferred for that purpose, without further appropriation.

''(5) AUTHORIZATION OF APPROPRIATIONS.—In addition to any other amounts made available to carry out this section, there are authorized to be appropriated such sums as are necessary to expand the program established under this section.

''(6) ADMINISTRATIVE COSTS.—

''(A) IN GENERAL.—Of funds made available to carry out this section for a fiscal year, the Secretary may use not more than $500,000 for the administrative costs of carrying out the program.

''(B) RESERVATION OF FUNDS.—The Secretary shall allow each State to reserve such funding as the Secretary determines to be necessary to administer the program in the State (with adjustments for the size of the State and the grant amount), but not to exceed the amount required to pay the costs of 1 full-time coordinator for the program in the State.

''(7) REALLOCATION.—

''(A) AMONG STATES.—The Secretary may reallocate any amounts made available to carry out this section that are not obligated or expended by a date determined by the Secretary.

''(B) WITHIN STATES.—A State that receives a grant under this section may reallocate any amounts made available under the grant that are not obligated or expended by a date determined by the Secretary.''.

(2) TRANSITION OF EXISTING SCHOOLS.—

(A) EXISTING SECONDARY SCHOOLS.—Section 19(d)(1)(C) of the Richard B. Russell National School Lunch Act (as amended by paragraph (1)) may be waived by a State until July 1, 2010, for each secondary school in the State that has been awarded funding under section 18(f) of that Act (42 U.S.C. 1769(f)) for the school year beginning July 1, 2008.

(B) SCHOOL YEAR BEGINNING JULY 1, 2008.—To facilitate transition from the program authorized under section 18(f) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769(f)) (as in effect on the day before the date of enactment of this Act) to the program established under section 19 of that Act (as amended by paragraph (1))—

(i) for the school year beginning July 1, 2008, the Secretary may permit any school selected for participation under section 18(f) of that Act (42 U.S.C. 1769(f)) for that school year to continue to participate under section 19 of that Act until the end of that school year; and

(ii) funds made available under that Act for fiscal year 2009 may be used to support the participation of any schools selected to participate in the program authorized under section 18(f) of that Act (42 U.S.C. 1769(f)) (as in effect on the day before the date of enactment of this Act).

(b) CONFORMING AMENDMENTS.—Section 18 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769) is amended—

(1) by striking subsection (f); and

(2) by redesignating subsections (g) through (j) as subsections (f) through (i), respectively.

SEC. 4305. WHOLE GRAIN PRODUCTS.

(a) PURPOSE.—The purpose of this section is to encourage greater awareness and interest in the number and variety of whole grain products available to schoolchildren, as recommended by the 2005 Dietary Guidelines for Americans.

(b) DEFINITION OF ELIGIBLE WHOLE GRAINS AND WHOLE GRAIN PRODUCTS.—In this section, the terms ''whole grains'' and ''whole grain products'' have the meaning given the terms by the Food and Nutrition Service in the HealthierUS School Challenge.

(c) PURCHASE OF WHOLE GRAINS AND WHOLE GRAIN PRODUCTS.—In addition to the commodities delivered under section 6 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1755), the Secretary shall purchase whole grains and whole grain products for use in—

(1) the school lunch program established under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.); and

(2) the school breakfast program established by section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773).

(d) EVALUATION.—Not later than September 30, 2011, the Secretary shall conduct an evaluation of the activities conducted under subsection (c) that includes—

(1) an evaluation of whether children participating in the school lunch and breakfast programs increased their consumption of whole grains;

(2) an evaluation of which whole grains and whole grain products are most acceptable for use in the school lunch and breakfast programs;

(3) any recommendations of the Secretary regarding the integration of whole grain products in the school lunch and breakfast programs; and

(4) an evaluation of any other outcomes determined to be appropriate by the Secretary.

(e) REPORT.—As soon as practicable after the completion of the evaluation under subsection (d), the Secretary shall submit to the Committee on Agriculture, Nutrition, and Forestry of the Senate and the Committee on Education and Labor of the House of Representative a report describing the results of the evaluation.

SEC. 4306. BUY AMERICAN REQUIREMENTS.

(a) FINDINGS.—The Congress finds the following:

(1) Federal law requires that commodities and products purchased with Federal funds be, to the extent practicable, of domestic origin.

(2) Federal Buy American statutory requirements seek to ensure that purchases made with Federal funds benefit domestic producers.

(3) The Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.) requires the use of domestic food products for all meals served under the program, including food products purchased with local funds.

(b) BUY AMERICAN STATUTORY REQUIREMENTS.—The Department of Agriculture should undertake training, guidance, and enforcement of the various current Buy American statutory requirements and regulations, including those of the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.).

SEC. 4307. SURVEY OF FOODS PURCHASED BY SCHOOL FOOD AUTHORITIES.

(a) IN GENERAL.—For fiscal year 2009, the Secretary shall carry out a nationally representative survey of the foods purchased during the most recent school year for which data is available by school authorities participating in the school lunch program established under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.).

(b) REPORT.—

(1) IN GENERAL.—On completion of the survey, the Secretary shall submit to the Committees on Agriculture and Education and Labor of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that describes the results of the survey.

(2) INTERIM REQUIREMENT.—If the initial report required under paragraph (1) is not submitted to the Committees referred to in that paragraph by June 30, 2009, the Secretary shall submit to the Committees an interim report that describes the relevant survey data, or a sample of such data, available to the Secretary as of that date.

(c) FUNDING.—Of the funds of the Commodity Credit Corporation, the Secretary shall use to carry out this section not more than $3,000,000.

Subtitle D—Miscellaneous

SEC. 4401. BILL EMERSON NATIONAL HUNGER FELLOWS AND MICKEY LELAND INTERNATIONAL HUNGER FELLOWS.

Section 4404 of the Farm Security and Rural Investment Act of 2002 (2 U.S.C. 1161) is amended to read as follows:

''SEC. 4404. BILL EMERSON NATIONAL HUNGER FELLOWS AND MICKEY LELAND INTERNATIONAL HUNGER FELLOWS.

''(a) SHORT TITLE.—This section may be cited as the 'Bill Emerson National Hunger Fellows and Mickey Leland International Hunger Fellows Program Act of 2008'.

''(b) DEFINITIONS.—In this subsection:

''(1) DIRECTOR.—The term 'Director' means the head of the Congressional Hunger Center.

''(2) FELLOW.—The term 'fellow' means—

''(A) a Bill Emerson Hunger Fellow; or

''(B) Mickey Leland Hunger Fellow.

''(3) FELLOWSHIP PROGRAMS.—The term 'Fellowship Programs' means the Bill Emerson National Hunger Fellowship Program and the Mickey Leland International Hunger Fellowship Program established under subsection (c)(1).

''(c) FELLOWSHIP PROGRAMS.—

''(1) IN GENERAL.—There is established the Bill Emerson National Hunger Fellowship Program and the Mickey Leland International Hunger Fellowship Program.

''(2) PURPOSES.—

''(A) IN GENERAL.—The purposes of the Fellowship Programs are—

''(i) to encourage future leaders of the United States—

''(I) to pursue careers in humanitarian and public service;

''(II) to recognize the needs of low-income people and hungry people;

''(III) to provide assistance to people in need; and

''(IV) to seek public policy solutions to the challenges of hunger and poverty;

''(ii) to provide training and development opportunities for such leaders through placement in programs operated by appropriate organizations or entities; and

''(iii) to increase awareness of the importance of public service.

''(B) BILL EMERSON HUNGER FELLOWSHIP PROGRAM.—The purpose of the Bill Emerson Hunger Fellowship Program is to address hunger and poverty in the United States.

''(C) MICKEY LELAND HUNGER FELLOWSHIP PROGRAM.—The purpose of the Mickey Leland Hunger Fellowship Program is to address international hunger and other humanitarian needs.

''(3) ADMINISTRATION.—

''(A) IN GENERAL.—Subject to subparagraph (B), the Secretary shall offer to provide a grant to the Congressional Hunger Center to administer the Fellowship Programs.

''(B) TERMS OF GRANT.—The terms of the grant provided under subparagraph (A), including the length of the grant and provisions for the alteration or termination of the grant, shall be determined by the Secretary in accordance with this section.

''(d) FELLOWSHIPS.—

''(1) IN GENERAL.—The Director shall make available Bill Emerson Hunger Fellowships and Mickey Leland Hunger Fellowships in accordance with this subsection.

''(2) CURRICULUM.—

''(A) IN GENERAL.—The Fellowship Programs shall provide experience and training to develop the skills necessary to train fellows to carry out the purposes described in subsection (c)(2), including—

''(i) training in direct service programs for the hungry and other anti-hunger programs in conjunction with community-based organizations through a program of field placement; and

''(ii) providing experience in policy development through placement in a governmental entity or nongovernmental, nonprofit, or private sector organization.

''(B) WORK PLAN.—To carry out subparagraph (A) and assist in the evaluation of the fellowships under paragraph (6), the Director shall, for each fellow, approve a work plan that identifies the target objectives for the fellow in the fellowship, including specific duties and responsibilities relating to those objectives.

''(3) PERIOD OF FELLOWSHIP.—

''(A) BILL EMERSON HUNGER FELLOW.—A Bill Emerson Hunger Fellowship awarded under this section shall be for not more than 15 months.

''(B) MICKEY LELAND HUNGER FELLOW.—A Mickey Leland Hunger Fellowship awarded under this section shall be for not more than 2 years.

''(4) SELECTION OF FELLOWS.—

''(A) IN GENERAL.—Fellowships shall be awarded pursuant to a nationwide competition established by the Director.

''(B) QUALIFICATIONS.—A successful program applicant shall be an individual who has demonstrated—

''(i) an intent to pursue a career in humanitarian services and outstanding potential for such a career;

''(ii) leadership potential or actual leadership experience;

''(iii) diverse life experience;

''(iv) proficient writing and speaking skills;

''(v) an ability to live in poor or diverse communities; and

''(vi) such other attributes as are considered to be appropriate by the Director.

''(5) AMOUNT OF AWARD.—

''(A) IN GENERAL.—A fellow shall receive—

''(i) a living allowance during the term of the Fellowship; and

''(ii) subject to subparagraph (B), an end-of-service award.

''(B) REQUIREMENT FOR SUCCESSFUL COMPLETION OF FELLOWSHIP.—Each fellow shall be entitled to receive an end-of-service award at an appropriate rate for each month of satisfactory service completed, as determined by the Director.

''(C) TERMS OF FELLOWSHIP.—A fellow shall not be considered an employee of—

''(i) the Department of Agriculture;

''(ii) the Congressional Hunger Center; or

''(iii) a host agency in the field or policy placement of the fellow.

''(D) RECOGNITION OF FELLOWSHIP AWARD.—

''(i) EMERSON FELLOW.—An individual awarded a fellowship from the Bill Emerson Hunger Fellowship shall be known as an 'Emerson Fellow'.

''(ii) LELAND FELLOW.—An individual awarded a fellowship from the Mickey Leland Hunger Fellowship shall be known as a 'Leland Fellow'.

''(6) EVALUATIONS AND AUDITS.—Under terms stipulated in the contract entered into under subsection (c)(3), the Director shall—

''(A) conduct periodic evaluations of the Fellowship Programs; and

''(B) arrange for annual independent financial audits of expenditures under the Fellowship Programs.

''(e) AUTHORITY.—

''(1) IN GENERAL.—Subject to paragraph (2), in carrying out this section, the Director may solicit, accept, use, and dispose of gifts, bequests, or devises of services or property, both real and personal, for the purpose of facilitating the work of the Fellowship Programs.

''(2) LIMITATION.—Gifts, bequests, or devises of money and proceeds from sales of other property received as gifts, bequests, or devises shall be used exclusively for the purposes of the Fellowship Programs.

''(f) REPORT.—The Director shall annually submit to the Secretary of Agriculture, the Committee on Agriculture of the House of Representatives, and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that—

''(1) describes the activities and expenditures of the Fellowship Programs during the preceding fiscal year, including expenditures made from funds made available under subsection (g); and

''(2) includes the results of evaluations and audits required by subsection (d).

''(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as are necessary to carry out this section, to remain available until expended.''.

SEC. 4402. ASSISTANCE FOR COMMUNITY FOOD PROJECTS.

Section 25 of the Food and Nutrition Act of 2008 (7 U.S.C. 2034) is amended—

(1) by striking subsection (a) and inserting the following:

''(a) DEFINITIONS.—In this section:

''(1) COMMUNITY FOOD PROJECT.—In this section, the term 'community food project' means a community-based project that—

''(A) requires a 1-time contribution of Federal assistance to become self-sustaining; and

''(B) is designed—

''(i)(I) to meet the food needs of low-income individuals;

''(II) to increase the self-reliance of communities in providing for the food needs of the communities; and

''(III) to promote comprehensive responses to local food, farm, and nutrition issues; or

''(ii) to meet specific State, local, or neighborhood food and agricultural needs, including needs relating to—

''(I) infrastructure improvement and development;

''(II) planning for long-term solutions; or

''(III) the creation of innovative marketing activities that mutually benefit agricultural producers and low-income consumers.

''(2) CENTER.—The term 'Center' means the healthy urban food enterprise development center established under subsection (h).

''(3) UNDERSERVED COMMUNITY.—The term 'underserved community' means a community (including an urban or rural community or an Indian tribe) that, as determined by the Secretary, has—

''(A) limited access to affordable, healthy foods, including fresh fruits and vegetables;

''(B) a high incidence of a diet-related disease (including obesity) as compared to the national average;

''(C) a high rate of hunger or food insecurity; or

''(D) severe or persistent poverty.'';

(2) by redesignating subsection (h) as subsection (i); and

(3) by inserting after subsection (g) the following:

''(h) HEALTHY URBAN FOOD ENTERPRISE DEVELOPMENT CENTER.—

''(1) DEFINITION OF ELIGIBLE ENTITY.—In this subsection, the term 'eligible entity' means—

''(A) a nonprofit organization;

''(B) a cooperative;

''(C) a commercial entity;

''(D) an agricultural producer;

''(E) an academic institution;

''(F) an individual; and

''(G) such other entities as the Secretary may designate.

''(2) ESTABLISHMENT.—The Secretary shall offer to provide a grant to a nonprofit organization to establish and support a healthy urban food enterprise development center to carry out the purpose described in paragraph (3).

''(3) PURPOSE.—The purpose of the Center is to increase access to healthy affordable foods, including locally produced agricultural products, to underserved communities.

''(4) ACTIVITIES.—

''(A) TECHNICAL ASSISTANCE AND INFORMATION.—The Center shall collect, develop, and provide technical assistance and information to small and medium-sized agricultural producers, food wholesalers and retailers, schools, and other individuals and entities regarding best practices and the availability of assistance for aggregating, storing, processing, and marketing locally produced agricultural products and increasing the availability of such products in underserved communities.

''(B) AUTHORITY TO SUBGRANT.—The Center may provide subgrants to eligible entities—

''(i) to carry out feasibility studies to establish businesses for the purpose described in paragraph (3); and

''(ii) to establish and otherwise assist enterprises that process, distribute, aggregate, store, and market healthy affordable foods.

''(5) PRIORITY.—In providing technical assistance and grants under paragraph (4), the Center shall give priority to applications that include projects—

''(A) to benefit underserved communities; and

''(B) to develop market opportunities for small and mid-sized farm and ranch operations.

''(6) REPORT.—For each fiscal year for which the nonprofit organization described in paragraph (2) receives funds, the organization shall submit to the Secretary a report describing the activities carried out in the preceding fiscal year, including—

''(A) a description of technical assistance provided by the Center;

''(B) the total number and a description of the subgrants provided under paragraph (4)(B);

''(C) a complete listing of cases in which the activities of the Center have resulted in increased access to healthy, affordable foods, such as fresh fruit and vegetables, particularly for school-aged children and individuals in low-income communities; and

''(D) a determination of whether the activities identified in subparagraph (C) are sustained during the years following the initial provision of technical assistance and subgrants under this section.

''(7) COMPETITIVE AWARD PROCESS.—The Secretary shall use a competitive process to award funds to establish the Center.

''(8) LIMITATION ON ADMINISTRATIVE EXPENSES.—Not more than 10 percent of the total amount allocated for this subsection in a given fiscal year may be used for administrative expenses.

''(9) FUNDING.—

''(A) IN GENERAL.—Out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary to carry out this subsection $1,000,000 for each of fiscal years 2009 through 2011.

''(B) ADDITIONAL FUNDING.—There is authorized to be appropriated $2,000,000 to carry out this subsection for fiscal year 2012.''.

SEC. 4403. JOINT NUTRITION MONITORING AND RELATED RESEARCH ACTIVITIES.

The Secretary and the Secretary of Health and Human Services shall continue to provide jointly for national nutrition monitoring and related research activities carried out as of the date of enactment of this Act—

(1) to collect continuous dietary, health, physical activity, and diet and health knowledge data on a nationally representative sample;

(2) to periodically collect data on special at-risk populations, as identified by the Secretaries;

(3) to distribute information on health, nutrition, the environment, and physical activity to the public in a timely fashion;

(4) to analyze new data that becomes available;

(5) to continuously update food composition tables; and

(6) to research and develop data collection methods and standards.

SEC. 4404. SECTION 32 FUNDS FOR PURCHASE OF FRUITS, VEGETABLES, AND NUTS TO SUPPORT DOMESTIC NUTRITION ASSISTANCE PROGRAMS.

(a) FUNDING FOR ADDITIONAL PURCHASES OF FRUITS, VEGETABLES, AND NUTS.—In addition to the purchases of fruits, vegetables, and nuts required by section 10603 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 612c–4), the Secretary of Agriculture shall purchase fruits, vegetables, and nuts for the purpose of providing nutritious foods for use in domestic nutrition assistance programs, using, of the funds made available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), the following amounts:

(1) $190,000,000 for fiscal year 2008.

(2) $193,000,000 for fiscal year 2009.

(3) $199,000,000 for fiscal year 2010.

(4) $203,000,000 for fiscal year 2011.

(5) $206,000,000 for fiscal year 2012 and each fiscal year thereafter.

(b) FORM OF PURCHASES.—Fruits, vegetables, and nuts may be purchased under this section in the form of frozen, canned, dried, or fresh fruits, vegetables, and nuts.

(c) PURCHASE OF FRESH FRUITS AND VEGETABLES FOR DISTRIBUTION TO SCHOOLS AND SERVICE INSTITUTIONS.—Section 10603 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 612c–4) is amended by striking subsection (b) and inserting the following:

''(b) PURCHASE OF FRESH FRUITS AND VEGETABLES FOR DISTRIBUTION TO SCHOOLS AND SERVICE INSTITUTIONS.—The Secretary of Agriculture shall purchase fresh fruits and vegetables for distribution to schools and service institutions in accordance with section 6(a) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1755(a)) using, of the amount specified in subsection (a), not less than $50,000,000 for each of fiscal years 2008 through 2012.''.

SEC. 4405. HUNGER-FREE COMMUNITIES.

(a) DEFINITIONS.—In this section:

(1) ELIGIBLE ENTITY.—The term ''eligible entity'' means a public food program service provider or nonprofit organization, including an emergency feeding organization, that has collaborated, or will collaborate, with 1 or more local partner organizations to achieve at least 1 hunger-free communities goal.

(2) EMERGENCY FEEDING ORGANIZATION.—The term ''emergency feeding organization'' has the meaning given the term in section 201A of the Emergency Food Assistance Act of 1983 (7 U.S.C. 7501).

(3) HUNGER-FREE COMMUNITIES GOAL.—The term ''hunger-free communities goal'' means any of the 14 goals described in the H. Con. Res. 302 (102nd Congress).

(b) HUNGER-FREE COMMUNITIES COLLABORATIVE GRANTS.—

(1) PROGRAM.—

(A) IN GENERAL.—The Secretary shall use not more than 50 percent of any funds made available under subsection (e) to make grants to eligible entities to pay the Federal share of the costs of an activity described in paragraph (2).

(B) FEDERAL SHARE.—The Federal share of the cost of carrying out an activity under this subsection shall not exceed 80 percent.

(C) NON-FEDERAL SHARE.—

(i) CALCULATION.—The non-Federal share of the cost of an activity under this subsection may be provided in cash or fairly evaluated in-kind contributions, including facilities, equipment, or services.

(ii) SOURCES.—Any entity may provide the non-Federal share of the cost of an activity under this subsection through a State government, a local government, or a private source.

(2) USE OF FUNDS.—An eligible entity in a community shall use a grant received under this subsection for any fiscal year for hunger relief activities, including—

(A) meeting the immediate needs of people who experience hunger in the community served by the eligible entity by—

(i) distributing food;

(ii) providing community outreach to assist in participation in federally assisted nutrition programs, including—

(I) the school breakfast program established by section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773);

(II) the school lunch program established under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.);

(III) the summer food service program for children established under section 13 of that Act; and

(IV) other Federal programs that provide food for children in child care facilities and homeless and older individuals; or

(iii) improving access to food as part of a comprehensive service; and

(B) developing new resources and strategies to help reduce hunger in the community and prevent hunger in the future by—

(i) developing creative food resources, such as community gardens, buying clubs, food cooperatives, community-owned and operated grocery stores, and farmers' markets;

(ii) coordinating food services with park and recreation programs and other community-based outlets to reduce barriers to access; or

(iii) creating nutrition education programs for at-risk populations to enhance food-purchasing and food-preparation skills and to heighten awareness of the connection between diet and health.

(c) HUNGER-FREE COMMUNITIES INFRASTRUCTURE GRANTS.—

(1) PROGRAM AUTHORIZED.—

(A) IN GENERAL.—The Secretary shall use not more than 50 percent of any funds made available for a fiscal year under subsection (e) to make grants to eligible entities to pay the Federal share of the costs of an activity described in paragraph (2).

(B) FEDERAL SHARE.—The Federal share of the cost of carrying out an activity under this subsection shall not exceed 80 percent.

(2) APPLICATION.—

(A) IN GENERAL.—To receive a grant under this subsection, an eligible entity shall submit an application at such time, in such form, and containing such information as the Secretary may prescribe.

(B) CONTENTS.—Each application submitted under subparagraph (A) shall—

(i) identify any activity described in paragraph (3) that the grant will be used to fund; and

(ii) describe the means by which an activity identified under clause (i) will reduce hunger in the community of the eligible entity.

(C) PRIORITY.—In making grants under this subsection, the Secretary shall give priority to eligible entities that demonstrate 2 or more of the following:

(i) The eligible entity serves a community in which the rates of food insecurity, hunger, poverty, or unemployment are demonstrably higher than national average rates.

(ii) The eligible entity serves a community that has successfully carried out long-term efforts to reduce hunger in the community.

(iii) The eligible entity serves a community that provides public support for the efforts of the eligible entity.

(iv) The eligible entity is committed to achieving more than 1 hunger-free communities goal.

(3) USE OF FUNDS.—An eligible entity shall use a grant received under this subsection to construct, expand, or repair a facility or equipment to support hunger relief efforts in the community.

(d) REPORT.—If funds are made available under subsection (e) to carry out this section, not later than September 30, 2012, the Secretary shall submit to Congress a report that describes—

(1) each grant made under this section, including—

(A) a description of any activity funded; and

(B) the degree of success of each activity funded in achieving hunger free-communities goals; and

(2) the degree of success of all activities funded under this section in achieving domestic hunger goals.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 2008 through 2012.

SEC. 4406. REAUTHORIZATION OF FEDERAL FOOD ASSISTANCE PROGRAMS.

(a) SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM.—

(1) AUTHORIZATION OF APPROPRIATIONS.—Section 18(a)(1) of the Food and Nutrition Act of 2008 (7 U.S.C. 2027(a)(1)) is amended in the first sentence by striking ''for each of the fiscal years 2003 through 2007'' and inserting ''for each of fiscal years 2008 through 2012''.

(2) GRANTS FOR SIMPLE APPLICATION AND ELIGIBILITY DETERMINATION SYSTEMS AND IMPROVED ACCESS TO BENEFITS.—Section 11(t)(1) of the Food and Nutrition Act of 2008 (7 U.S.C. 2020(t)(1)) is amended by striking ''For each of fiscal years 2003 through 2007'' and inserting ''Subject to the availability of appropriations under section 18(a), for each fiscal year''.

(3) FUNDING OF EMPLOYMENT AND TRAINING PROGRAMS.—Section 16(h)(1) of the Food and Nutrition Act of 2008 (7 U.S.C. 2025(h)(1)) is amended—

(A) in subparagraph (A), by striking ''the amount of—'' and all that follows through the end of the subparagraph and inserting '', $90,000,000 for each fiscal year.''; and

(B) in subparagraph (E)(i), by striking ''for each of fiscal years 2002 through 2007'' and inserting ''for each fiscal year''.

(4) REDUCTIONS IN PAYMENTS FOR ADMINISTRATIVE COSTS.—Section 16(k)(3) of the Food and Nutrition Act of 2008 (7 U.S.C. 2025(k)(3)) is amended—

(A) in the first sentence of subparagraph (A), by striking ''effective for each of fiscal years 1999 through 2007,''; and

(B) in subparagraph (B)(ii), by striking ''through fiscal year 2007''.

(5) CASH PAYMENT PILOT PROJECTS.—Section 17(b)(1)(B)(vi) of the Food and Nutrition Act of 2008 (7 U.S.C. 2026(b)(1)(B)(vi)) is amended—

(A) by striking ''Any pilot'' and inserting ''Subject to the availability of appropriations under section 18(a), any pilot''; and

(B) by striking ''through October 1, 2007,''.

(6) CONSOLIDATED BLOCK GRANTS FOR PUERTO RICO AND AMERICAN SAMOA.—Section 19(a)(2)(A)(ii) of the Food and Nutrition Act of 2008 (7 U.S.C. 2028(a)(2)(A)(ii)) is amended by striking ''for each of fiscal years 2004 through 2007'' and inserting ''subject to the availability of appropriations under section 18(a), for each fiscal year thereafter''.

(7) ASSISTANCE FOR COMMUNITY FOOD PROJECTS.—Section 25 of the Food and Nutrition Act of 2008 (7 U.S.C. 2034) is amended—

(A) in subsection (b)(2)(B), by striking ''for each of fiscal years 1997 through 2007'' and inserting ''for fiscal year 2008 and each fiscal year thereafter''; and

(B) in subsection (i)(4) (as redesignated by section 4402), by striking ''of fiscal years 2003 through 2007'' and inserting ''fiscal year thereafter''.

(b) COMMODITY DISTRIBUTION.—

(1) EMERGENCY FOOD ASSISTANCE.—Section 204(a)(1) of the Emergency Food Assistance Act of 1983 (7 U.S.C. 7508(a)(1)) is amended in the first sentence by striking ''for each of the fiscal years 2003 through 2007'' and inserting ''for fiscal year 2008 and each fiscal year thereafter''.

(2) COMMODITY DISTRIBUTION PROGRAM.—Section 4(a) of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c note; Public Law 93–86) is amended in the first sentence by striking ''years 1991 through 2007'' and inserting ''years 2008 through 2012''.

(3) COMMODITY SUPPLEMENTAL FOOD PROGRAM.—Section 5 of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c note; Public Law 93–86) is amended—

(A) in subsection (a)—

(i) in paragraph (1), by striking ''each of fiscal years 2003 through 2007'' and inserting ''each of fiscal years 2008 through 2012''; and

(ii) in paragraph (2)(B), by striking the subparagraph designation and heading and all that follows through ''2007'' and inserting the following:

''(B) SUBSEQUENT FISCAL YEARS.—For each of fiscal years 2004 through 2012''; and

(B) in subsection (d)(2), by striking ''each of the fiscal years 1991 through 2007'' and inserting ''each of fiscal years 2008 through 2012''.

(4) DISTRIBUTION OF SURPLUS COMMODITIES TO SPECIAL NUTRITION PROJECTS.—Section 1114(a)(2)(A) of the Agriculture and Food Act of 1981 (7 U.S.C. 1431e(2)(A)) is amended in the first sentence by striking ''Effective through September 30, 2007'' and inserting ''For each of fiscal years 2008 through 2012''.

(c) FARM SECURITY AND RURAL INVESTMENT.—

(1) SENIORS FARMERS' MARKET NUTRITION PROGRAM.—Section 4402 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 3007) is amended by striking by striking subsection (a) and inserting the following:

''(a) FUNDING.—Of the funds of the Commodity Credit Corporation, the Secretary of Agriculture shall use to carry out and expand the seniors farmers' market nutrition program $20,600,000 for each of fiscal years 2008 through 2012.''.

(2) NUTRITION INFORMATION AND AWARENESS PILOT PROGRAM.—Section 4403(f) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 3171 note; Public Law 107–171) is amended by striking ''2007'' and inserting ''2012''.

SEC. 4407. EFFECTIVE AND IMPLEMENTATION DATES.

Except as otherwise provided in this title, this title and the amendments made by this title take effect on October 1, 2008.

TITLE V—CREDIT

Subtitle A—Farm Ownership Loans

SEC. 5001. DIRECT LOANS.

Section 302 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1922) is amended—

(1) by striking the section designation and heading and all that follows through ''(a) The Secretary is authorized to'' and inserting the following:

''SEC. 302. PERSONS ELIGIBLE FOR REAL ESTATE LOANS.

''(a) IN GENERAL.—The Secretary may''; and

(2) in subsection (a)(2), by inserting '', taking into consideration all farming experience of the applicant, without regard to any lapse between farming experiences'' after ''farming operations''.

SEC. 5002. CONSERVATION LOAN AND LOAN GUARANTEE PROGRAM.

Section 304 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1924) is amended to read as follows:

''SEC. 304. CONSERVATION LOAN AND LOAN GUARANTEE PROGRAM.

''(a) IN GENERAL.—The Secretary may make or guarantee qualified conservation loans to eligible borrowers under this section.

''(b) DEFINITIONS.—In this section:

''(1) QUALIFIED CONSERVATION LOAN.—The term 'qualified conservation loan' means a loan, the proceeds of which are used to cover the costs to the borrower of carrying out a qualified conservation project.

''(2) QUALIFIED CONSERVATION PROJECT.—The term 'qualified conservation project' means conservation measures that address provisions of a conservation plan of the eligible borrower.

''(3) CONSERVATION PLAN.—The term 'conservation plan' means a plan, approved by the Secretary, that, for a farming or ranching operation, identifies the conservation activities that will be addressed with loan funds provided under this section, including—

''(A) the installation of conservation structures to address soil, water, and related resources;

''(B) the establishment of forest cover for sustained yield timber management, erosion control, or shelter belt purposes;

''(C) the installation of water conservation measures;

''(D) the installation of waste management systems;

''(E) the establishment or improvement of permanent pasture;

''(F) compliance with section 1212 of the Food Security Act of 1985; and

''(G) other purposes consistent with the plan, including the adoption of any other emerging or existing conservation practices, techniques, or technologies approved by the Secretary.

''(c) ELIGIBILITY.—

''(1) IN GENERAL.—The Secretary may make or guarantee loans to farmers or ranchers in the United States, farm cooperatives, private domestic corporations, partnerships, joint operations, trusts, or limited liability companies that are controlled by farmers or ranchers and engaged primarily and directly in agricultural production in the United States.

''(2) REQUIREMENTS.—To be eligible for a loan under this section, applicants shall meet the requirements in paragraphs (1) and (2) of section 302(a).

''(d) PRIORITY.—In making or guaranteeing loans under this section, the Secretary shall give priority to—

''(1) qualified beginning farmers or ranchers and socially disadvantaged farmers or ranchers;

''(2) owners or tenants who use the loans to convert to sustainable or organic agricultural production systems; and

''(3) producers who use the loans to build conservation structures or establish conservation practices to comply with section 1212 of the Food Security Act of 1985.

''(e) LIMITATIONS APPLICABLE TO LOAN GUARANTEES.—The portion of a loan that the Secretary may guarantee under this section shall be 75 percent of the principal amount of the loan.

''(f) ADMINISTRATIVE PROVISIONS.—The Secretary shall ensure, to the maximum extent practicable, that loans made or guaranteed under this section are distributed across diverse geographic regions.

''(g) CREDIT ELIGIBILITY.—The provisions of paragraphs (1) and (3) of section 333 shall not apply to loans made or guaranteed under this section.

''(h) AUTHORIZATION OF APPROPRIATIONS.—For each of fiscal years 2008 through 2012, there are authorized to be appropriated to the Secretary such funds as are necessary to carry out this section.''.

SEC. 5003. LIMITATIONS ON AMOUNT OF FARM OWNERSHIP LOANS.

Section 305(a)(2) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1925(a)(2)) is amended by striking ''$200,000'' and inserting ''$300,000''.

SEC. 5004. DOWN PAYMENT LOAN PROGRAM.

Section 310E of the Consolidated Farm and Rural Development Act (7 U.S.C. 1935) is amended—

(1) in subsection (a)(1), by striking ''and ranchers'' and inserting ''or ranchers and socially disadvantaged farmers or ranchers'';

(2) in subsection (b)—

(A) by striking paragraph (1) and inserting the following;

''(1) PRINCIPAL.—Each loan made under this section shall be in an amount that does not exceed 45 percent of the least of—

''(A) the purchase price of the farm or ranch to be acquired;

''(B) the appraised value of the farm or ranch to be acquired; or

''(C) $500,000.

''(2) INTEREST RATE.—The interest rate on any loan made by the Secretary under this section shall be a rate equal to the greater of—

''(A) the difference obtained by subtracting 4 percent from the interest rate for farm ownership loans under this subtitle; or

''(B) 1.5 percent.''; and

(B) in paragraph (3), by striking ''15'' and inserting ''20'';

(3) in subsection (c)—

(A) in paragraph (1), by striking ''10'' and inserting ''5'';

(B) by striking paragraph (2) and redesignating paragraph (3) as paragraph (2); and

(C) in paragraph (2)(B) (as so redesignated), by striking ''15-year'' and inserting ''20-year'';

(4) in subsection (d)—

(A) in paragraph (3)—

(i) by inserting ''and socially disadvantaged farmers or ranchers'' after ''ranchers''; and

(ii) by striking ''and'' at the end;

(B) in paragraph (4), by striking ''and ranchers.'' and inserting '' or ranchers or socially disadvantaged farmers or ranchers; and''; and

(C) by adding at the end the following:

''(5) establish annual performance goals to promote the use of the down payment loan program and other joint financing arrangements as the preferred choice for direct real estate loans made by any lender to a qualified beginning farmer or rancher or socially disadvantaged farmer or rancher.''; and

(5) by adding at the end the following:

''(e) SOCIALLY DISADVANTAGED FARMER OR RANCHER DEFINED.—In this section, the term 'socially disadvantaged farmer or rancher' has the meaning given that term in section 355(e)(2).''.

SEC. 5005. BEGINNING FARMER OR RANCHER AND SOCIALLY DISADVANTAGED FARMER OR RANCHER CONTRACT LAND SALES PROGRAM.

Section 310F of the Consolidated Farm and Rural Development Act (7 U.S.C. 1936) is amended to read as follows:

''SEC. 310F. BEGINNING FARMER OR RANCHER AND SOCIALLY DISADVANTAGED FARMER OR RANCHER CONTRACT LAND SALES PROGRAM.

''(a) IN GENERAL.—The Secretary shall, in accordance with this section, guarantee a loan made by a private seller of a farm or ranch to a qualified beginning farmer or rancher or socially disadvantaged farmer or rancher (as defined in section 355(e)(2)) on a contract land sales basis.

''(b) ELIGIBILITY.—In order to be eligible for a loan guarantee under subsection (a)—

''(1) the qualified beginning farmer or rancher or socially disadvantaged farmer or rancher shall—

''(A) on the date the contract land sale that is subject of the loan is complete, own and operate the farm or ranch that is the subject of the contract land sale;

''(B) have a credit history that—

''(i) includes a record of satisfactory debt repayment, as determined by the Secretary; and

''(ii) is acceptable to the Secretary; and

''(C) demonstrate to the Secretary that the farmer or rancher, as the case may be, is unable to obtain sufficient credit without a guarantee to finance any actual need of the farmer or rancher, as the case may be, at a reasonable rate or term; and

''(2) the loan shall meet applicable underwriting criteria, as determined by the Secretary.

''(c) LIMITATIONS.—

''(1) DOWN PAYMENT.—The Secretary shall not provide a loan guarantee under subsection (a) if the contribution of the qualified beginning farmer or rancher or socially disadvantaged farmer or rancher to the down payment for the farm or ranch that is the subject of the contract land sale would be less than 5 percent of the purchase price of the farm or ranch.

''(2) MAXIMUM PURCHASE PRICE.—The Secretary shall not provide a loan guarantee under subsection (a) if the purchase price or the appraisal value of the farm or ranch that is the subject of the contract land sale is greater than $500,000.

''(d) PERIOD OF GUARANTEE.—The period during which a loan guarantee under this section is in effect shall be the 10-year period beginning with the date the guarantee is provided.

''(e) GUARANTEE PLAN.—

''(1) SELECTION OF PLAN.—A private seller of a farm or ranch who makes a loan that is guaranteed by the Secretary under subsection (a) may select—

''(A) a prompt payment guarantee plan, which shall cover—

''(i) 3 amortized annual installments; or

''(ii) an amount equal to 3 annual installments (including an amount equal to the total cost of any tax and insurance incurred during the period covered by the annual installments); or

''(B) a standard guarantee plan, which shall cover an amount equal to 90 percent of the outstanding principal of the loan.

''(2) ELIGIBLITY FOR STANDARD GUARANTEE PLAN.—In order for a private seller to be eligible for a standard guarantee plan referred to in paragraph (1)(B), the private seller shall—

''(A) secure a commercial lending institution or similar entity, as determined by the Secretary, to serve as an escrow agent; or

''(B) in cooperation with the farmer or rancher, use an appropriate alternate arrangement, as determined by the Secretary.

''(f) TRANSITION FROM PILOT PROGRAM.—

''(1) IN GENERAL.—The Secretary may phase-in the implementation of the changes to the Beginning Farmer and Rancher and Socially Disadvantaged Farmer or Rancher Contract Land Sales Program provided for in this section.

''(2) LIMITATION.—All changes to the Beginning Farmer and Rancher and Socially Disadvantaged Farmer or Rancher Contract Land Sales Program must be implemented for the 2011 Fiscal Year.''.

Subtitle B—Operating Loans

SEC. 5101. FARMING EXPERIENCE AS ELIGIBILITY REQUIREMENT.

Section 311 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1941) is amended—

(1) by striking the section designation and all that follows through ''(a) The Secretary is authorized to'' and inserting the following:

''SEC. 311. PERSONS ELIGIBLE FOR LOANS.

''(a) IN GENERAL.—The Secretary may'';

(2) in subsection (a)(2), by inserting '', taking into consideration all farming experience of the applicant, without regard to any lapse between farming experiences'' after ''farming operations''.

SEC. 5102. LIMITATIONS ON AMOUNT OF OPERATING LOANS.

Section 313(a)(1) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1943(a)(1)) is amended by striking ''$200,000'' and inserting ''$300,000''.

SEC. 5103. SUSPENSION OF LIMITATION ON PERIOD FOR WHICH BORROWERS ARE ELIGIBLE FOR GUARANTEED ASSISTANCE.

Section 5102 of the Farm Security And Rural Investment Act of 2002 (7 U.S.C. 1949 note; Public Law 107–171) is amended by striking ''September 30, 2007'' and inserting ''December 31, 2010''.

Subtitle C—Emergency Loans

SEC. 5201. ELIGIBILITY OF EQUINE FARMERS AND RANCHERS FOR EMERGENCY LOANS.

Section 321(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(a)) is amended—

(1) in paragraph (1), by striking ''farmers, ranchers'' and inserting ''farmers or ranchers (including equine farmers or ranchers)''; and

(2) in paragraph (2)(A), by striking ''farming, ranching,'' and inserting ''farming or ranching (including equine farming or ranching)''.

Subtitle D—Administrative Provisions

SEC. 5301. BEGINNING FARMER AND RANCHER INDIVIDUAL DEVELOPMENT ACCOUNTS PILOT PROGRAM.

Subtitle D of the Consolidated Farm and Rural Development Act (7 U.S.C. 1981–2008r) is amended by inserting after section 333A the following:

''SEC. 333B. BEGINNING FARMER AND RANCHER INDIVIDUAL DEVELOPMENT ACCOUNTS PILOT PROGRAM.

''(a) DEFINITIONS.—In this section:

''(1) DEMONSTRATION PROGRAM.—The term 'demonstration program' means a demonstration program carried out by a qualified entity under the pilot program established in subsection (b)(1).

''(2) ELIGIBLE PARTICIPANT.—The term 'eligible participant' means a qualified beginning farmer or rancher that—

''(A) lacks significant financial resources or assets; and

''(B) has an income that is less than—

''(i) 80 percent of the median income of the State in which the farmer or rancher resides; or

''(ii) 200 percent of the most recent annual Federal Poverty Income Guidelines published by the Department of Health and Human Services for the State.

''(3) INDIVIDUAL DEVELOPMENT ACCOUNT.—The term 'individual development account' means a savings account described in subsection (b)(4)(A).

''(4) QUALIFIED ENTITY.—

''(A) IN GENERAL.—The term 'qualified entity' means—

''(i) 1 or more organizations—

''(I) described in section 501(c)(3) of the Internal Revenue Code of 1986; and

''(II) exempt from taxation under section 501(a) of such Code; or

''(ii) a State, local, or tribal government submitting an application jointly with an organization described in clause (i).

''(B) NO PROHIBITION ON COLLABORATION.—An organization described in subparagraph (A)(i) may collaborate with a financial institution or for-profit community development corporation to carry out the purposes of this section.

''(b) PILOT PROGRAM.—

''(1) IN GENERAL.—The Secretary shall establish a pilot program to be known as the 'New Farmer Individual Development Accounts Pilot Program' under which the Secretary shall work through qualified entities to establish demonstration programs—

''(A) of at least 5 years in duration; and

''(B) in at least 15 States.

''(2) COORDINATION.—The Secretary shall operate the pilot program through, and in coordination with the farm loan programs of, the Farm Service Agency.

''(3) RESERVE FUNDS.—

''(A) IN GENERAL.—A qualified entity carrying out a demonstration program under this section shall establish a reserve fund consisting of a non-Federal match of 50 percent of the total amount of the grant awarded to the demonstration program under this section.

''(B) FEDERAL FUNDS.—After the qualified entity has deposited the non-Federal matching funds described in subparagraph (A) in the reserve fund, the Secretary shall provide the total amount of the grant awarded under this section to the demonstration program for deposit in the reserve fund.

''(C) USE OF FUNDS.—Of the funds deposited under subparagraph (B) in the reserve fund established for a demonstration program, the qualified entity carrying out the demonstration program—

''(i) may use up to 10 percent for administrative expenses; and

''(ii) shall use the remainder in making matching awards described in paragraph (4)(B)(ii)(I).

''(D) INTEREST.—Any interest earned on amounts in a reserve fund established under subparagraph (A) may be used by the qualified entity as additional matching funds for, or to administer, the demonstration program.

''(E) GUIDANCE.—The Secretary shall issue guidance regarding the investment requirements of reserve funds established under this paragraph.

''(F) REVERSION.—On the date on which all funds remaining in any individual development account established by a qualified entity have reverted under paragraph (5)(B)(ii) to the reserve fund established by the qualified entity, there shall revert to the Treasury of the United States a percentage of the amount (if any) in the reserve fund equal to—

''(i) the amount of Federal funds deposited in the reserve fund under subparagraph (B) that were not used for administrative expenses; divided by

''(ii) the total amount of funds deposited in the reserve fund.

''(4) INDIVIDUAL DEVELOPMENT ACCOUNTS.—

''(A) IN GENERAL.—A qualified entity receiving a grant under this section shall establish and administer individual development accounts for eligible participants.

''(B) CONTRACT REQUIREMENTS.—To be eligible to receive funds under this section from a qualified entity, an eligible participant shall enter into a contract with only 1 qualified entity under which—

''(i) the eligible participant agrees—

''(I) to deposit a certain amount of funds of the eligible participant in a personal savings account, as prescribed by the contractual agreement between the eligible participant and the qualified entity;

''(II) to use the funds described in subclause (I) only for 1 or more eligible expenditures described in paragraph (5)(A); and

''(III) to complete financial training; and

''(ii) the qualified entity agrees—

''(I) to deposit, not later than 1 month after an amount is deposited pursuant to clause (i)(I), at least a 100-percent, and up to a 200-percent, match of that amount into the individual development account established for the eligible participant; and

''(II) with uses of funds proposed by the eligible participant.

''(C) LIMITATION.—

''(i) IN GENERAL.—A qualified entity administering a demonstration program under this section may provide not more than $6,000 for each fiscal year in matching funds to the individual development account established by the qualified entity for an eligible participant.

''(ii) TREATMENT OF AMOUNT.—An amount provided under clause (i) shall not be considered to be a gift or loan for mortgage purposes.

''(5) ELIGIBLE EXPENDITURES.—

''(A) IN GENERAL.—An eligible expenditure described in this subparagraph is an expenditure—

''(i) to purchase farmland or make a down payment on an accepted purchase offer for farmland;

''(ii) to make mortgage payments on farmland purchased pursuant to clause (i), for up to 180 days after the date of the purchase;

''(iii) to purchase breeding stock, fruit or nut trees, or trees to harvest for timber; and

''(iv) for other similar expenditures, as determined by the Secretary.

''(B) TIMING.—

''(i) IN GENERAL.—An eligible participant may make an eligible expenditure at any time during the 2-year period beginning on the date on which the last matching funds are provided under paragraph (4)(B)(ii)(I) to the individual development account established for the eligible participant.

''(ii) UNEXPENDED FUNDS.—At the end of the period described in clause (i), any funds remaining in an individual development account established for an eligible participant shall revert to the reserve fund of the demonstration program under which the account was established.

''(c) APPLICATIONS.—

''(1) IN GENERAL.—A qualified entity that seeks to carry out a demonstration program under this section may submit to the Secretary an application at such time, in such form, and containing such information as the Secretary may prescribe.

''(2) CRITERIA.—In considering whether to approve an application to carry out a demonstration program under this section, the Secretary shall assess—

''(A) the degree to which the demonstration program described in the application is likely to aid eligible participants in successfully pursuing new farming opportunities;

''(B) the experience and ability of the qualified entity to responsibly administer the demonstration program;

''(C) the experience and ability of the qualified entity in recruiting, educating, and assisting eligible participants to increase economic independence and pursue or advance farming opportunities;

''(D) the aggregate amount of direct funds from non-Federal public sector and private sources that are formally committed to the demonstration program as matching contributions;

''(E) the adequacy of the plan of the qualified entity to provide information relevant to an evaluation of the demonstration program; and

''(F) such other factors as the Secretary considers to be appropriate.

''(3) PREFERENCES.—In considering an application to conduct a demonstration program under this section, the Secretary shall give preference to an application from a qualified entity that demonstrates—

''(A) a track record of serving clients targeted by the program, including, as appropriate, socially disadvantaged farmers or ranchers (as defined in section 355(e)(2)); and

''(B) expertise in dealing with financial management aspects of farming.

''(4) APPROVAL.—Not later than 1 year after the date of enactment of this section, in accordance with this section, the Secretary shall, on a competitive basis, approve such applications to conduct demonstration programs as the Secretary considers appropriate.

''(5) TERM OF AUTHORITY.—If the Secretary approves an application to carry out a demonstration program, the Secretary shall authorize the applicant to carry out the project for a period of 5 years, plus an additional 2 years to make eligible expenditures in accordance with subsection (b)(5)(B).

''(d) GRANT AUTHORITY.—

''(1) IN GENERAL.—The Secretary shall make a grant to a qualified entity authorized to carry out a demonstration program under this section.

''(2) MAXIMUM AMOUNT OF GRANTS.—The aggregate amount of grant funds provided to a demonstration program carried out under this section shall not exceed $250,000.

''(3) TIMING OF GRANT PAYMENTS.—The Secretary shall pay the amounts awarded under a grant made under this section—

''(A) on the awarding of the grant; or

''(B) pursuant to such payment plan as the qualified entity may specify.

''(e) REPORTS.—

''(1) ANNUAL PROGRESS REPORTS.—

''(A) IN GENERAL.—Not later than 60 days after the end of the calendar year in which the Secretary authorizes a qualified entity to carry out a demonstration program under this section, and annually thereafter until the conclusion of the demonstration program, the qualified entity shall prepare an annual report that includes, for the period covered by the report—

''(i) an evaluation of the progress of the demonstration program;

''(ii) information about the demonstration program, including the eligible participants and the individual development accounts that have been established; and

''(iii) such other information as the Secretary may require.

''(B) SUBMISSION OF REPORTS.—A qualified entity shall submit each report required under subparagraph (A) to the Secretary.

''(2) REPORTS BY THE SECRETARY.—Not later than 1 year after the date on which all demonstration programs under this section are concluded, the Secretary shall submit to Congress a final report that describes the results and findings of all reports and evaluations carried out under this section.

''(f) ANNUAL REVIEW.—The Secretary may conduct an annual review of the financial records of a qualified entity—

''(1) to assess the financial soundness of the qualified entity; and

''(2) to determine the use of grant funds made available to the qualified entity under this section.

''(g) REGULATIONS.—In carrying out this section, the Secretary may promulgate regulations to ensure that the program includes provisions for—

''(1) the termination of demonstration programs;

''(2) control of the reserve funds in the case of such a termination;

''(3) transfer of demonstration programs to other qualified entities; and

''(4) remissions from a reserve fund to the Secretary in a case in which a demonstration program is terminated without transfer to a new qualified entity.

''(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2008 through 2012.''.

SEC. 5302. INVENTORY SALES PREFERENCES; LOAN FUND SET-ASIDES.

(a) INVENTORY SALES PREFERENCES.—Section 335(c) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1985(c)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (B)—

(i) in the subparagraph heading, by inserting ''; SOCIALLY DISADVANTAGED FARMER OR RANCHER'' after ''OR RANCHER'';

(ii) in clause (i), by inserting '' or a socially disadvantaged farmer or rancher'' after ''or rancher'';

(iii) in clause (ii), by inserting ''or socially disadvantaged farmer or rancher'' after ''or rancher'';

(iv) in clause (iii), by inserting ''or a socially disadvantaged farmer or rancher'' after ''or rancher''; and

(v) in clause (iv), by striking ''and ranchers'' and inserting ''or ranchers and socially disadvantaged farmers or ranchers''; and

(B) in subparagraph (C), by inserting ''or a socially disadvantaged farmer or rancher'' after ''or rancher'';

(2) in paragraph (5)(B)—

(A) in clause (i)—

(i) in the clause heading, by inserting ''; SOCIALLY DISADVANTAGED FARMER OR RANCHER'' after ''OR RANCHER'';

(ii) by inserting ''or a socially disadvantaged farmer or rancher'' after ''a beginning farmer or rancher''; and

(iii) by inserting ''or the socially disadvantaged farmer or rancher'' after ''the beginning farmer or rancher''; and

(B) in clause (ii)—

(i) in the matter preceding subclause (I), by inserting ''or a socially disadvantaged farmer or rancher'' after ''or rancher''; and

(ii) in subclause (II), by inserting ''or the socially disadvantaged farmer or rancher'' after ''or rancher''; and

(3) in paragraph (6)—

(A) in subparagraph (A), by inserting ''or a socially disadvantaged farmer or rancher'' after ''or rancher''; and

(B) in subparagraph (C)—

(i) in clause (i)(I), by striking ''and ranchers'' and inserting ''or ranchers and socially disadvantaged farmers or ranchers''; and

(ii) in clause (ii), by inserting ''or socially disadvantaged farmers or ranchers'' after ''or ranchers''.

(b) LOAN FUND SET-ASIDES.—Section 346(b)(2) of such Act (7 U.S.C. 1994(b)(2)) is amended—

(1) in subparagraph (A)—

(A) in clause (i)—

(i) in subclause (I), by striking ''70 percent'' and inserting ''an amount that is not less than 75 percent of the total amount''; and

(ii) in subclause (II)—

(I) in the subclause heading, by inserting ''; JOINT FINANCING ARRANGEMENTS'' after ''PAYMENT LOANS'';

(II) by striking ''60 percent'' and inserting ''an amount not less than ⅔ of the amount''; and

(III) by inserting ''and joint financing arrangements under section 307(a)(3)(D)'' after ''section 310E''; and

(B) in clause (ii)(III), by striking ''2003 through 2007, 35 percent'' and inserting ''2008 through 2012, an amount that is not less than 50 percent of the total amount''; and

(2) in subparagraph (B)(i), by striking ''25 percent'' and inserting ''an amount that is not less than 40 percent of the total amount''.

SEC. 5303. LOAN AUTHORIZATION LEVELS.

Section 346(b)(1) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1994(b)(1)) is amended—

(1) in the matter preceding subparagraph (A), by striking ''$3,796,000,000 for each of fiscal years 2003 through 2007'' and inserting ''$4,226,000,000 for each of fiscal years 2008 through 2012''; and

(2) in subparagraph (A)—

(A) in the matter preceding clause (i), by striking ''$770,000,000'' and inserting ''$1,200,000,000'';

(B) in clause (i), by striking ''$205,000,000'' and inserting ''$350,000,000''; and

(C) in clause (ii), by striking ''$565,000,000'' and inserting ''$850,000,000''.

SEC. 5304. TRANSITION TO PRIVATE COMMERCIAL OR OTHER SOURCES OF CREDIT.

Subtitle D of the Consolidated Farm and Rural Development Act (7 U.S.C. 1981–2008r) is amended by inserting after section 344 the following:

''SEC. 345. TRANSITION TO PRIVATE COMMERCIAL OR OTHER SOURCES OF CREDIT.

''(a) IN GENERAL.—In making or insuring a farm loan under subtitle A or B, the Secretary shall establish a plan and promulgate regulations (including performance criteria) that promote the goal of transitioning borrowers to private commercial credit and other sources of credit in the shortest period of time practicable.

''(b) COORDINATION.—In carrying out this section, the Secretary shall integrate and coordinate the transition policy described in subsection (a) with—

''(1) the borrower training program established by section 359;

''(2) the loan assessment process established by section 360;

''(3) the supervised credit requirement established by section 361;

''(4) the market placement program established by section 362; and

''(5) other appropriate programs and authorities, as determined by the Secretary.''.

SEC. 5305. EXTENSION OF THE RIGHT OF FIRST REFUSAL TO REACQUIRE HOMESTEAD PROPERTY TO IMMEDIATE FAMILY MEMBERS OF BORROWER-OWNER.

Section 352(c)(4)(B) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2000(c)(4)(B)) is amended—

(1) in the 1st sentence, by striking '', the borrower-owner'' inserting ''of a borrower-owner who is a socially disadvantaged farmer or rancher (as defined in section 355(e)(2)), the borrower-owner or a member of the immediate family of the borrower-owner''; and

(2) in the 2nd sentence, by inserting ''or immediate family member, as the case may be,'' before ''from''.

SEC. 5306. RURAL DEVELOPMENT AND FARM LOAN PROGRAM ACTIVITIES.

Subtitle D of the Consolidated Farm and Rural Development Act (7 U.S.C. 1981–2008r) is amended by inserting after section 364 the following:

''SEC. 365. RURAL DEVELOPMENT AND FARM LOAN PROGRAM ACTIVITIES.

''The Secretary may not complete a study of, or enter into a contract with a private party to carry out, without specific authorization in a subsequent Act of Congress, a competitive sourcing activity of the Secretary, including support personnel of the Department of Agriculture, relating to rural development or farm loan programs.''.

Subtitle E—Farm Credit

SEC. 5401. FARM CREDIT SYSTEM INSURANCE CORPORATION.

(a) IN GENERAL.—Section 1.12(b) of the Farm Credit Act of 1971 (12 U.S.C. 2020(b)) is amended—

(1) in the first sentence, by striking ''Each Farm'' and inserting the following;

''(1) IN GENERAL.—Each Farm''; and

(2) by striking the second sentence and inserting the following:

''(2) COMPUTATION.—The assessment on any association or other financing institution described in paragraph (1) for any period shall be computed in an equitable manner, as determined by the Corporation.''.

(b) RULES AND REGULATIONS.—Section 5.58(10) of such Act (12 U.S.C. 2277a-7(10)) is amended by inserting ''and section 1.12(b)'' after ''part''.

SEC. 5402. TECHNICAL CORRECTION.

Section 3.3(b) of the Farm Credit Act of 1971 (12 U.S.C. 2124(b)) is amended in the first sentence by striking ''per'' and inserting ''par''.

SEC. 5403. BANK FOR COOPERATIVES VOTING STOCK.

(a) IN GENERAL.—Section 3.3(c) of the Farm Credit Act of 1971 (12 U.S.C. 2124(c)) is amended by striking ''and (ii)'' and inserting ''(ii) other categories of persons and entities described in sections 3.7 and 3.8 eligible to borrow from the bank, as determined by the bank's board of directors; and (iii)''.

(b) CONFORMING AMENDMENTS.—Section 4.3A(c)(1)(D) of such Act (12 U.S.C. 2154a(c)(1)(D)) is amended by redesignating clauses (ii) and (iii) as clauses (iii) and (iv), respectively, and inserting after clause (i) the following:

''(ii) persons and entities eligible to borrow from the banks for cooperatives, as described in section 3.3(c)(ii);''.

SEC. 5404. PREMIUMS.

(a) AMOUNT IN FUND NOT EXCEEDING SECURE BASE AMOUNT.—Section 5.55(a) of the Farm Credit Act of 1971 (12 U.S.C. 2277a-4(a)) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A)—

(i) by striking ''paragraph (2)'' and inserting ''paragraph (3)''; and

(ii) by striking ''annual'' ; and

(B) by striking subparagraphs (A) through (D) and inserting the following:

''(A) the average outstanding insured obligations issued by the bank for the calendar year, after deducting from the obligations the percentages of the guaranteed portions of loans and investments described in paragraph (2), multiplied by 0.0020; and

''(B) the product obtained by multiplying—

''(i) the sum of—

''(I) the average principal outstanding for the calendar year on loans made by the bank that are in nonaccrual status; and

''(II) the average amount outstanding for the calendar year of other-than-temporarily impaired investments made by the bank; by

''(ii) 0.0010.'';

(2) by striking paragraph (4);

(3) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively;

(4) by inserting after paragraph (1) the following:

''(2) DEDUCTIONS FROM AVERAGE OUTSTANDING INSURED OBLIGATIONS.—The average outstanding insured obligations issued by the bank for the calendar year referred to in paragraph (1)(A) shall be reduced by deducting from the obligations the sum of (as determined by the Corporation)—

''(A) 90 percent of each of—

''(i) the average principal outstanding for the calendar year on the guaranteed portions of Federal government-guaranteed loans made by the bank that are in accrual status; and

''(ii) the average amount outstanding for the calendar year of the guaranteed portions of Federal government-guaranteed investments made by the bank that are not permanently impaired; and

''(B) 80 percent of each of—

''(i) the average principal outstanding for the calendar year on the guaranteed portions of State government-guaranteed loans made by the bank that are in accrual status; and

''(ii) the average amount outstanding for the calendar year of the guaranteed portions of State government-guaranteed investments made by the bank that are not permanently impaired.'';

(5) in paragraph (3) (as so redesignated by paragraph (3) of this subsection), by striking ''annual''; and

(6) in paragraph (4) (as so redesignated by paragraph (3) of this subsection)—

(A) in the paragraph heading, by inserting ''OR INVESTMENTS'' after ''LOANS'' ; and

(B) in the matter preceding subparagraph (A), by striking ''As used'' and all that follows through ''guaranteed—'' and inserting ''In this section, the term 'government-guaranteed', when applied to a loan or an investment, means a loan, credit, or investment, or portion of a loan, credit, or investment, that is guaranteed—''.

(b) AMOUNT IN FUND EXCEEDING SECURE BASE AMOUNT.—Section 5.55(b) of such Act (12 U.S.C. 2277a-4(b)) is amended by striking ''annual''.

(c) SECURE BASE AMOUNT.—Section 5.55(c) of such Act (12 U.S.C. 2277a-4(c)) is amended—

(1) by striking ''For purposes'' and inserting the following:

''(1) IN GENERAL.—For purposes'';

(2) by striking ''(adjusted downward'' and all that follows through ''by the Corporation)'' and inserting ''(as adjusted under paragraph (2))''; and

(3) by adding at the end the following:

''(2) ADJUSTMENT.—The aggregate outstanding insured obligations of all insured System banks under paragraph (1) shall be adjusted downward to exclude an amount equal to the sum of (as determined by the corporation)—

''(A) 90 percent of each of—

''(i) the guaranteed portions of principal outstanding on Federal government-guaranteed loans in accrual status made by the banks; and

''(ii) the guaranteed portions of the amount of Federal government-guaranteed investments made by the banks that are not permanently impaired; and

''(B) 80 percent of each of—

''(i) the guaranteed portions of principal outstanding on State government-guaranteed loans in accrual status made by the banks; and

''(ii) the guaranteed portions of the amount of State government-guaranteed investments made by the banks that are not permanently impaired.''.

(d) DETERMINATION OF LOAN AND INVESTMENT AMOUNTS.—Section 5.55(d) of such Act (12 U.S.C. 2277a-4(d)) is amended—

(1) in the subsection heading, by striking ''PRINCIPAL OUTSTANDING'' and inserting ''LOAN AND INVESTMENT AMOUNTS'';

(2) in the matter preceding paragraph (1), by striking ''For the purpose'' and all that follows through ''made—'' and inserting ''For the purpose of subsections (a) and (c), the principal outstanding on all loans made by an insured System bank, and the amount outstanding on all investments made by an insured System bank, shall be determined based on—'';

(3) in each of paragraphs (1), (2), and (3), by inserting ''all loans or investments made'' before ''by'' the first place it appears; and

(4) in each of paragraphs (1) and (2), by inserting ''or investments'' after ''that is able to make such loans'' each place it appears.

(e) ALLOCATION TO SYSTEM INSTITUTIONS OF EXCESS RESERVES.—Section 5.55(e) of such Act (12 U.S.C. 2277a-4(e)) is amended—

(1) in paragraph (3), by striking ''the average secure base amount for the calendar year (as calculated on an average daily balance basis)'' and inserting ''the secure base amount'';

(2) in paragraph (4), by striking subparagraph (B) and inserting the following:

''(B) there shall be credited to the allocated insurance reserves account of each insured system bank an amount that bears the same ratio to the total amount (less any amount credited under subparagraph (A)) as—

''(i) the average principal outstanding for the calendar year on insured obligations issued by the bank (after deducting from the principal the percentages of the guaranteed portions of loans and investments described in subsection (a)(2)); bears to

''(ii) the average principal outstanding for the calendar year on insured obligations issued by all insured System banks (after deducting from the principal the percentages of the guaranteed portions of loans and investments described in subsection (a)(2)).''; and

(3) in paragraph (6)—

(A) in subparagraph (A)—

(i) in the matter preceding clause (i), by striking ''beginning more'' and all that follows through ''January 1, 2005'';

(ii) by striking clause (i) and inserting the following:

''(i) subject to subparagraph (D), pay to each insured System bank, in a manner determined by the Corporation, an amount equal to the balance in the Allocated Insurance Reserves Account of the System bank; and''; and

(iii) in clause (ii)—

(I) by striking ''subparagraphs (C), (E), and (F)'' and inserting ''subparagraphs (C) and (E)''; and

(II) by striking '', of the lesser of—'' and all that follows through the end of subclause (II) and inserting ''at the time of the termination of the Financial Assistance Corporation, of the balance in the Allocated Insurance Reserves Account established under paragraph (1)(B).'';

(B) in subparagraph (C)—

(i) in clause (i), by striking ''(in addition to the amounts described in subparagraph (F)(ii))''; and

(ii) by striking clause (ii) and inserting the following:

''(ii) TERMINATION OF ACCOUNT.—On disbursement of an amount equal to $56,000,000, the Corporation shall—

''(I) close the account established under paragraph (1)(B); and

''(II) transfer any remaining funds in the Account to the remaining Allocated Insurance Reserves Accounts in accordance with paragraph (4)(B) for the calendar year in which the transfer occurs.''; and

(C) by striking subparagraph (F).

SEC. 5405. CERTIFICATION OF PREMIUMS.

(a) FILING CERTIFIED STATEMENT.—Section 5.56 of the Farm Credit Act of 1971 (12 U.S.C. 2277a–5) is amended by striking subsection (a) and inserting the following:

''(a) FILING CERTIFIED STATEMENT.—On a date to be determined in the sole discretion of the Board of Directors of the Corporation, each insured System bank that became insured before the beginning of the period for which premiums are being assessed (referred to in this section as the 'period') shall file with the Corporation a certified statement showing—

''(1) the average outstanding insured obligations for the period issued by the bank;

''(2)(A) the average principal outstanding for the period on the guaranteed portion of Federal government-guaranteed loans that are in accrual status; and

''(B) the average amount outstanding for the period of Federal government-guaranteed investments that are not permanently impaired (as defined in section 5.55(a)(4));

''(3)(A) the average principal outstanding for the period on State government-guaranteed loans that are in accrual status; and

''(B) the average amount outstanding for the period of State government-guaranteed investments that are not permanently impaired (as defined in section 5.55(a)(4));

''(4)(A) the average principal outstanding for the period on loans that are in nonaccrual status; and

''(B) the average amount outstanding for the period of other-than-temporarily impaired investments; and

''(5) the amount of the premium due the Corporation from the bank for the period.''.

(b) PREMIUM PAYMENTS.—Section 5.56 of such Act (12 U.S.C. 2277a–5) is amended by striking subsection (c) and inserting the following:

''(c) PREMIUM PAYMENTS.—

''(1) IN GENERAL.—Except as provided in paragraph (2), each insured System bank shall pay to the Corporation the premium payments required under subsection (a), not more frequently than once in each calendar quarter, in such manner and at such 1 or more times as the Board of Directors shall prescribe.

''(2) PREMIUM AMOUNT.—The amount of the premium shall be established not later than 60

days after filing the certified statement specifying the amount of the premium.''.

(c) SUBSEQUENT PREMIUM PAYMENTS.—Section 5.56 of such Act (12 U.S.C. 2277a–5) is amended—

(1) by striking subsection (d); and

(2) by redesignating subsection (e) as subsection (d).

SEC. 5406. RURAL UTILITY LOANS.

(a) DEFINITION OF QUALIFIED LOAN.—Section 8.0(9) of the Farm Credit Act of 1971 (12 U.S.C. 2279aa(9)) is amended—

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

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

(3) by adding at the end the following:

''(C) that is a loan, or an interest in a loan, for an electric or telephone facility by a cooperative lender to a borrower that has received, or is eligible to receive, a loan under the Rural Electrification Act of 1936 (7 U.S.C. 901 et seq.).''.

(b) GUARANTEE OF QUALIFIED LOANS.—Section 8.6(a)(1) of such Act (12 U.S.C. 2279aa–6(a)(1)) is amended by inserting ''applicable'' before ''standards'' each place it appears in subparagraphs (A) and (B)(i).

(c) STANDARDS FOR QUALIFIED LOANS.—Section 8.8 of such Act (12 U.S.C. 2279aa–8) is amended—

(1) in subsection (a)—

(A) by striking the first sentence and inserting the following:

''(1) IN GENERAL.—The Corporation shall establish underwriting, security appraisal, and repayment standards for qualified loans taking into account the nature, risk profile, and other differences between different categories of qualified loans.

''(2) SUPERVISION, EXAMINATION, AND REPORT OF CONDITION.—The standards shall be subject to the authorities of the Farm Credit Administration under section 8.11.''; and

(B) in the last sentence, by striking ''In establishing'' and inserting the following:

''(3) MORTGAGE LOANS.—In establishing'';

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by inserting ''with respect to loans secured by agricultural real estate'' after ''subsection (a)''; and

(B) in paragraph (5)—

(i) by striking ''borrower'' the first place it appears and inserting ''farmer or rancher''; and

(ii) by striking ''site'' and inserting ''farm or ranch'';

(3) in subsection (c)(1), by inserting ''secured by agricultural real estate'' after ''A loan'';

(4) by striking subsection (d); and

(5) by redesignating subsection (e) as subsection (d).

(d) RISK-BASED CAPITAL LEVELS.—Section 8.32(a)(1) of such Act (12 U.S.C. 2279bb–1(a)(1)) is amended—

(1) by striking ''With respect'' and inserting the following:

''(A) IN GENERAL.—With respect''; and

(2) by adding at the end the following:

''(B) RURAL UTILITY LOANS.—With respect to securities representing an interest in, or obligation backed by, a pool of qualified loans described in section 8.0(9)(C) owned or guaranteed by the Corporation, losses occur at a rate of default and severity reasonably related to risks in electric and telephone facility loans (as applicable), as determined by the Director.''.

SEC. 5407. EQUALIZATION OF LOAN-MAKING POWERS OF CERTAIN DISTRICT ASSOCIATIONS.

(a) IN GENERAL.—The Farm Credit Act of 1971 is amended by inserting after section 7.6 (12 U.S.C. 2279b) the following:

''SEC. 7.7. EQUALIZATION OF LOAN-MAKING POWERS OF CERTAIN DISTRICT ASSOCIATIONS.

''(a) EQUALIZATION OF LOAN-MAKING POWERS.—

''(1) IN GENERAL.—

''(A) FEDERAL LAND BANK ASSOCIATIONS.—Subject to paragraph (2), any association that owns a Federal land bank association authorized as of January 1, 2007, to make long-term loans under title I in its chartered territory within the geographic area described in subsection (b) may make short- and intermediate-term loans and otherwise operate as a production credit association under title II within that same chartered territory.

''(B) PRODUCTION CREDIT ASSOCIATIONS.—Subject to paragraph (2), any association that under its charter has title I lending authority and that owns a production credit association authorized as of January 1, 2007, to make short- and intermediate-term loans under title II in the geographic area described in subsection (b) may make long-term loans and otherwise operate, directly or through a subsidiary association, as a Federal land bank association or Federal land credit association under title I in the geographic area.

''(C) FARM CREDIT BANK.—Notwithstanding section 5.17(a), the Farm Credit Bank with which any association had a written financing agreement as of January 1, 2007, may make loans and extend other comparable financial assistance with respect to, and may purchase, any loans made under the new authority provided under subparagraph (A) or (B) by an association exercising such authority.

''(2) REQUIRED APPROVALS.—An association may exercise the additional authority provided for in paragraph (1) only after the exercise of the authority is approved by—

''(A) the board of directors of the association; and

''(B) a majority of the voting stockholders of the association (or, if the association is a subsidiary of another association, the voting stockholders of the parent association) voting, in person or by proxy, at a duly authorized meeting of stockholders in accordance with the process described in section 7.11.

''(b) APPLICABILITY.—This section applies only to associations the chartered territory of which was within the geographic area served by the Federal intermediate credit bank immediately prior to its merger with a Farm Credit Bank under section 410(e)(1) of the Agricultural Credit Act of 1987 (12 U.S.C. 2011 note; Public Law 100–233).''.

(b) CHARTER AMENDMENTS.—Section 5.17(a) of the Farm Credit Act of 1971 (12 U.S.C. 2252(a)) is amended by adding at the end the following:

''(15)(A) Approve amendments to the charters of institutions of the Farm Credit System to implement the equalization of loan-making powers of a Farm Credit System association under section 7.7.

''(B) Amendments described in subparagraph (A) to the charters of an association and the related Farm Credit Bank shall be approved by the Farm Credit Administration, subject to any conditions of approval imposed, by not later than 30 days after the date on which the Farm Credit Administration receives all approvals required by section 7.7(a)(2).''.

(c) CONFORMING AMENDMENTS.—

(1) Section 5.17(a)(2) of the Farm Credit Act of 1971 (12 U.S.C. 2252(a)(2)) is amended—

(A) by striking ''(2)(A)'' and inserting ''(2)''; and

(B) by striking subparagraphs (B) and (C).

(2) SECTION 410 OF THE 1987 ACT.—Section 410(e)(1)(A)(iii) of the Agricultural Credit Act of 1987 (12 U.S.C. 2011 note; Public Law 100–233) is amended by inserting ''(except section 7.7 of that Act)'' after ''(12 U.S.C. 2001 et seq.)''.

(3) SECTION 401 OF THE 1992 ACT.—Section 401(b) of the Farm Credit Banks and Associations Safety and Soundness Act of 1992 (12 U.S.C. 2011 note; Public Law 102–552) is amended—

(A) by inserting ''(except section 7.7 of the Farm Credit Act of 1971)'' after ''provision of law''; and

(B) by striking '', subject to such limitations'' and all that follows through the end of the paragraph and inserting a period.

(d) EFFECTIVE DATE.—The amendments made by this section take effect on January 1, 2010.

Subtitle F—Miscellaneous

SEC. 5501. LOANS TO PURCHASERS OF HIGHLY FRACTIONED LAND.

The first section of Public Law 91–229 (25 U.S.C. 488) is amended—

(1) by striking ''That the Secretary'' and inserting the following:

''SECTION 1. LOANS TO PURCHASERS OF HIGHLY FRACTIONED LAND.

''(a) IN GENERAL.—The Secretary''; and

(2) by adding at the end the following:

''(b) HIGHLY FRACTIONATED LAND.—

''(1) IN GENERAL.—Subject to paragraph (2), the Secretary of Agriculture may make and insure loans in accordance with section 309 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1929) to eligible purchasers of highly fractionated land pursuant to section 205(c) of the Indian Land Consolidation Act (25 U.S.C. 2204(c)).

''(2) EXCLUSION.—Section 4 shall not apply to trust land, restricted tribal land, or tribal corporation land that is mortgaged in accordance with paragraph (1).''.

TITLE VI—RURAL DEVELOPMENT

Subtitle A—Consolidated Farm and Rural Development Act

SEC. 6001. WATER, WASTE DISPOSAL, AND WASTEWATER FACILITY GRANTS.

Section 306(a)(2)(B)(vii) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)(2)(B)(vii)) is amended by striking ''2002 through 2007'' and inserting ''2008 through 2012''.

SEC. 6002. SEARCH GRANTS.

(a) IN GENERAL.—Section 306(a)(2) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)(2)) is amended by adding at the end the following:

''(C) SPECIAL EVALUATION ASSISTANCE FOR RURAL COMMUNITIES AND HOUSEHOLDS PROGRAM.—

''(i) IN GENERAL.—The Secretary may establish the Special Evaluation Assistance for Rural Communities and Households (SEARCH) program, to make predevelopment planning grants for feasibility studies, design assistance, and technical assistance, to financially distressed communities in rural areas with populations of 2,500 or fewer inhabitants for water and waste disposal projects described in paragraph (1), this paragraph, and paragraph (24).

''(ii) TERMS.—

''(I) DOCUMENTATION.—With respect to grants made under this subparagraph, the Secretary shall require the lowest amount of documentation practicable.

''(II) MATCHING.—Notwithstanding any other provisions in this subsection, the Secretary may fund up to 100 percent of the eligible costs of grants provided under this subparagraph, as determined by the Secretary.

''(iii) FUNDING.—The Secretary may use not more than 4 percent of the total amount of funds made available for a fiscal year for water, waste disposal, and essential community facility activities under this title to carry out this subparagraph.

''(iv) RELATIONSHIP TO OTHER AUTHORITY.—The funds and authorities provided under this subparagraph are in addition to any other funds or authorities the Secretary may have to carry out activities described in clause (i).''.

(b) CONFORMING AMENDMENT.—Subtitle D of title VI of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 2009ee et seq.) is repealed.

SEC. 6003. RURAL BUSINESS OPPORTUNITY GRANTS.

Section 306(a)(11)(D) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)(11)(D)) is amended by striking ''1996 through 2007'' and inserting ''2008 through 2012''.

SEC. 6004. CHILD DAY CARE FACILITY GRANTS, LOANS, AND LOAN GUARANTEES.

Section 306(a)(19)(C)(ii) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)(19)(C)(ii)) is amended by striking ''April'' and inserting ''June''.

SEC. 6005. COMMUNITY FACILITY GRANTS TO ADVANCE BROADBAND.

Section 306(a)(20)(E) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)(20)(E)) is amended—

(1) by striking ''state'' and inserting ''State''; and

(2) by striking ''dial-up Internet access or''.

SEC. 6006. RURAL WATER AND WASTEWATER CIRCUIT RIDER PROGRAM.

Section 306(a)(22)(C) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)(22)(C)) is amended by striking ''$15,000,000 for fiscal year 2003'' and inserting ''$25,000,000 for fiscal year 2008''.

SEC. 6007. TRIBAL COLLEGE AND UNIVERSITY ESSENTIAL COMMUNITY FACILITIES.

Section 306(a)(25) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)(25)) is amended—

(1) in subparagraph (A)—

(A) by striking ''tribal colleges and universities'' and inserting ''an entity that is a Tribal College or University''; and

(B) by striking ''tribal college or university'' and inserting ''Tribal College or University'';

(2) by striking subparagraph (B) and inserting the following:

''(B) FEDERAL SHARE.—The Secretary shall establish the maximum percentage of the cost of the facility that may be covered by a grant under this paragraph, except that the Secretary may not require non-Federal financial support in an amount that is greater than 5 percent of the total cost of the facility.''; and

(3) in subparagraph (C), by striking ''2003 through 2007'' and inserting ''2008 through 2012''.

SEC. 6008. EMERGENCY AND IMMINENT COMMUNITY WATER ASSISTANCE GRANT PROGRAM.

Section 306A(i)(2) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926a(i)(2)) is amended by striking ''2003 through 2007'' and inserting ''2008 through 2012''.

SEC. 6009. WATER SYSTEMS FOR RURAL AND NATIVE VILLAGES IN ALASKA.

(a) IN GENERAL.—Section 306D(d)(1) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926d(d)(1)) is amended by striking ''2001 through 2007'' and inserting ''2008 through 2012''.

(b) RURAL COMMUNITIES ASSISTANCE.—Section 4009 of the Solid Waste Disposal Act (42 U.S.C. 6949) is amended by adding at the end the following:

''(e) ADDITIONAL APPROPRIATIONS.—

''(1) IN GENERAL.—There are authorized to be appropriated to carry out this section for the Denali Commission to provide assistance to municipalities in the State of Alaska $1,500,000 for each of fiscal years 2008 through 2012.

''(2) ADMINISTRATION.—For the purpose of carrying out this subsection, the Denali Commission shall—

''(A) be considered a State; and

''(B) comply with all other requirements and limitations of this section.''.

SEC. 6010. GRANTS TO NONPROFIT ORGANIZATIONS TO FINANCE THE CONSTRUCTION, REFURBISHING, AND SERVICING OF INDIVIDUALLY-OWNED HOUSEHOLD WATER WELL SYSTEMS IN RURAL AREAS FOR INDIVIDUALS WITH LOW OR MODERATE INCOMES.

Section 306E of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926e) is amended—

(1) in subsection (b)(2)(C), by striking ''$8,000'' and inserting ''$11,000''; and

(2) in subsection (d), by striking ''2003 through 2007'' and inserting ''2008 through 2012''.

SEC. 6011. INTEREST RATES FOR WATER AND WASTE DISPOSAL FACILITIES LOANS.

Section 307(a)(3) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1927(a)(3)) is amended by adding at the end the following:

''(E) INTEREST RATES FOR WATER AND WASTE DISPOSAL FACILITIES LOANS.—

''(i) IN GENERAL.—Except as provided in clause (ii) and notwithstanding subparagraph (A), in the case of a direct loan for a water or waste disposal facility—

''(I) in the case of a loan that would be subject to the 5 percent interest rate limitation under subparagraph (A), the Secretary shall establish the interest rate at a rate that is equal to 60 percent of the current market yield for outstanding municipal obligations with remaining periods to maturity comparable to the average maturity of the loan, adjusted to the nearest ⅛ of 1 percent; and

''(II) in the case of a loan that would be subject to the 7 percent limitation under subparagraph (A), the Secretary shall establish the interest rate at a rate that is equal to 80 percent of the current market yield for outstanding municipal obligations with remaining periods to maturity comparable to the average maturity of the loan, adjusted to the nearest ⅛ of 1 percent.

''(ii) EXCEPTION.—Clause (i) does not apply to a loan for a specific project that is the subject of a loan that has been approved, but not closed, as of the date of enactment of this subparagraph.''.

SEC. 6012. COOPERATIVE EQUITY SECURITY GUARANTEE.

(a) IN GENERAL.—Section 310B of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932) is amended—

(1) by striking ''SEC. 310B. (a)'' and inserting the following:

''SEC. 310B. ASSISTANCE FOR RURAL ENTITIES.

''(a) LOANS TO PRIVATE BUSINESS ENTERPRISES.—

''(1) DEFINITIONS.—In this subsection:'';

(2) in subsection (a)—

(A) by moving the second and fourth sentences so as to appear as the second and first sentences, respectively;

(B) in the sentence beginning ''As used in this subsection, the'' (as moved by subparagraph (A)), by striking ''As used in this subsection, the'' and inserting the following:

''(A) AQUACULTURE.—The'';

(C) in the sentence beginning ''For the purposes of this subsection, the'', by striking ''For the purposes of this subsection, the'' and inserting the following:

''(B) SOLAR ENERGY.—The'';

(D) in the sentence beginning ''The Secretary may also''—

(i) by striking ''The Secretary may also'' and inserting the following:

''(2) LOAN PURPOSES.—The Secretary may'';

(ii) by inserting ''and private investment funds that invest primarily in cooperative organizations'' after ''or nonprofit'';

(iii) by striking ''of (1) improving'' and inserting ''of—

''(A) improving'';

(iv) by striking ''control, (2) the'' and inserting ''control;

''(B) the'';

(v) by striking ''areas, (3) reducing'' and inserting ''areas;

''(C) reducing'';

(vi) by striking ''areas, and (4) to'' and inserting ''areas; and

''(D) to'';

(E) in the sentence beginning ''Such loans,'', by striking ''Such loans,'' and inserting the following:

''(3) LOAN GUARANTEES.—Loans described in paragraph (2),''; and

(F) in the last sentence, by striking ''No loan'' and inserting the following:

''(4) MAXIMUM AMOUNT OF PRINCIPAL.—No loan''; and

(3) in subsection (g)—

(A) in paragraph (1), by inserting '', including guarantees described in paragraph (3)(A)(ii)'' before the period at the end;

(B) in paragraph (3)(A)—

(i) by striking ''(A) IN GENERAL.—The Secretary'' and inserting the following:

''(A) ELIGIBILITY.—

''(i) IN GENERAL.—The Secretary''; and

(ii) by adding at the end the following:

''(ii) EQUITY.—The Secretary may guarantee a loan made for the purchase of preferred stock or similar equity issued by a cooperative organization or a fund that invests primarily in cooperative organizations, if the guarantee significantly benefits 1 or more entities eligible for assistance for the purposes described in subsection (a)(1), as determined by the Secretary.''; and

(C) in paragraph (8)(A)(ii), by striking ''a project—'' and all that follows through the end of subclause (II) and inserting ''a project that—

''(I)(aa) is in a rural area; and

''(bb) provides for the value-added processing of agricultural commodities; or

''(II) significantly benefits 1 or more entities eligible for assistance for the purposes described in subsection (a)(1), as determined by the Secretary.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 307(a)(6)(B) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1927(a)(6)(B)) is amended by striking clause (ii) and inserting the following:

''(ii) section 310B(a)(2)(A); and''.

(2) Section 310B(g) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932(g)) is amended by striking ''subsection (a)(1)'' each place it appears in paragraphs (1), (6)(A)(iii), and (8)(C) and inserting ''subsection (a)(2)(A)''.

(3) Section 333A(g)(1)(B) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1983a(g)(1)(B)) is amended by striking ''section 310B(a)(1)'' and inserting ''section 310B(a)(2)(A)''.

(4) Section 381E(d)(3)(B) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009d(d)(3)(B)) is amended by striking ''section 310B(a)(1)'' and inserting ''section 310B(a)(2)(A)''.

SEC. 6013. RURAL COOPERATIVE DEVELOPMENT GRANTS.

(a) ELIGIBILITY.—Section 310B(e)(5) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932(e)(5)) is amended—

(1) in subparagraph (A), by striking ''administering a nationally coordinated, regionally or State-wide operated project'' and inserting ''carrying out activities to promote and assist the development of cooperatively and mutually owned businesses'';

(2) in subparagraph (B), by inserting ''to promote and assist the development of cooperatively and mutually owned businesses'' before the semicolon;

(3) by striking subparagraph (D);

(4) by redesignating subparagraph (E) as subparagraph (D);

(5) in subparagraph (D) (as so redesignated), by striking ''and'' at the end;

(6) by inserting after subparagraph (D) (as so redesignated) the following:

''(E) demonstrate a commitment to—

''(i) networking with and sharing the results of the efforts of the center with other cooperative development centers and other organizations involved in rural economic development efforts; and

''(ii) developing multiorganization and multistate approaches to addressing the economic development and cooperative needs of rural areas; and''; and

(7) in subparagraph (F), by striking ''providing greater than'' and inserting ''providing''.

(b) AUTHORITY TO AWARD MULTIYEAR GRANTS.—Section 310B(e) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932(e)) is amended by striking paragraph (6) and inserting the following:

''(6) GRANT PERIOD.—

''(A) IN GENERAL.—A grant awarded to a center that has received no prior funding under this subsection shall be made for a period of 1 year.

''(B) MULTIYEAR GRANTS.—If the Secretary determines it to be in the best interest of the program, the Secretary shall award grants for a period of more than 1 year, but not more than 3 years, to a center that has successfully met the parameters described in paragraph (5), as determined by the Secretary.''.

(c) AUTHORITY TO EXTEND GRANT PERIOD.—Section 310B(e) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932(e)) is amended—

(1) by redesignating paragraphs (7), (8), and (9) as paragraphs (8), (9), and (12), respectively; and

(2) by inserting after paragraph (6) the following:

''(7) AUTHORITY TO EXTEND GRANT PERIOD.—The Secretary may extend for 1 additional 12-month period the period in which a grantee may use a grant made under this subsection.''.

(d) COOPERATIVE RESEARCH PROGRAM.—Section 310B(e) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932(e)) is amended by inserting after paragraph (9) (as redesignated by subsection (c)(1)) the following:

''(10) COOPERATIVE RESEARCH PROGRAM.—The Secretary shall enter into a cooperative research agreement with 1 or more qualified academic institutions in each fiscal year to conduct research on the effects of all types of cooperatives on the national economy.''.

(e) ADDRESSING NEEDS OF MINORITY COMMUNITIES.—Section 310B(e) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932(e)) is amended by inserting after paragraph (10) (as added by subsection (d)) the following:

''(11) ADDRESSING NEEDS OF MINORITY COMMUNITIES.—

''(A) DEFINITION OF SOCIALLY DISADVANTAGED GROUP.—In this paragraph, the term 'socially disadvantaged group' has the meaning given the term in section 355(e).

''(B) RESERVATION OF FUNDS.—

''(i) IN GENERAL.—If the total amount appropriated under paragraph (12) for a fiscal year exceeds $7,500,000, the Secretary shall reserve an amount equal to 20 percent of the total amount appropriated for grants for cooperative development centers, individual cooperatives, or groups of cooperatives—

''(I) that serve socially disadvantaged groups; and

''(II) a majority of the boards of directors or governing boards of which are comprised of individuals who are members of socially disadvantaged groups.

''(ii) INSUFFICIENT APPLICATIONS.—To the extent there are insufficient applications to carry out clause (i), the Secretary shall use the funds as otherwise authorized by this subsection.''.

(f) AUTHORIZATION OF APPROPRIATIONS.—Paragraph (12) of section 310B(e) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932(e)) (as redesignated by subsection (c)(1)) is amended by striking ''1996 through 2007'' and inserting ''2008 through 2012''.

SEC. 6014. GRANTS TO BROADCASTING SYSTEMS.

Section 310B(f)(3) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932(f)(3)) is amended by striking ''2002 through 2007'' and inserting ''2008 through 2012''.

SEC. 6015. LOCALLY OR REGIONALLY PRODUCED AGRICULTURAL FOOD PRODUCTS.

Section 310B(g) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932(g)) is amended by adding at the end the following:

''(9) LOCALLY OR REGIONALLY PRODUCED AGRICULTURAL FOOD PRODUCTS.—

''(A) DEFINITIONS.—In this paragraph:

''(i) LOCALLY OR REGIONALLY PRODUCED AGRICULTURAL FOOD PRODUCT.—The term 'locally or regionally produced agricultural food product' means any agricultural food product that is raised, produced, and distributed in—

''(I) the locality or region in which the final product is marketed, so that the total distance that the product is transported is less than 400 miles from the origin of the product; or

''(II) the State in which the product is produced.

''(ii) UNDERSERVED COMMUNITY.—The term 'underserved community' means a community (including an urban or rural community and an Indian tribal community) that has, as determined by the Secretary—

''(I) limited access to affordable, healthy foods, including fresh fruits and vegetables, in grocery retail stores or farmer-to-consumer direct markets; and

''(II) a high rate of hunger or food insecurity or a high poverty rate.

''(B) LOAN AND LOAN GUARANTEE PROGRAM.—

''(i) IN GENERAL.—The Secretary shall make or guarantee loans to individuals, cooperatives, cooperative organizations, businesses, and other entities to establish and facilitate enterprises that process, distribute, aggregate, store, and market locally or regionally produced agricultural food products to support community development and farm and ranch income.

''(ii) REQUIREMENT.—The recipient of a loan or loan guarantee under clause (i) shall include in an appropriate agreement with retail and institutional facilities to which the recipient sells locally or regionally produced agricultural food products a requirement to inform consumers of the retail or institutional facilities that the consumers are purchasing or consuming locally or regionally produced agricultural food products.

''(iii) PRIORITY.—In making or guaranteeing a loan under clause (i), the Secretary shall give priority to projects that have components benefitting underserved communities.

''(iv) REPORTS.—Not later than 2 years after the date of enactment of this paragraph and annually thereafter, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that describes projects carried out using loans or loan guarantees made under clause (i), including—

''(I) the characteristics of the communities served; and

''(II) resulting benefits.

''(v) RESERVATION OF FUNDS.—

''(I) IN GENERAL.—For each of fiscal years 2008 through 2012, the Secretary shall reserve not less than 5 percent of the funds made available to carry out this subsection to carry out this subparagraph.

''(II) AVAILABILITY OF FUNDS.—Funds reserved under subclause (I) for a fiscal year shall be reserved until April 1 of the fiscal year.''.

SEC. 6016. APPROPRIATE TECHNOLOGY TRANSFER FOR RURAL AREAS.

Section 310B of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932) is amended by adding at the end the following:

''(i) APPROPRIATE TECHNOLOGY TRANSFER FOR RURAL AREAS PROGRAM.—

''(1) DEFINITION OF NATIONAL NONPROFIT AGRICULTURAL ASSISTANCE INSTITUTION.—In this subsection, the term 'national nonprofit agricultural assistance institution' means an organization that—

''(A) is described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from taxation under 501(a) of that Code;

''(B) has staff and offices in multiple regions of the United States;

''(C) has experience and expertise in operating national agriculture technical assistance programs;

''(D) expands markets for the agricultural commodities produced by producers through the use of practices that enhance the environment, natural resource base, and quality of life; and

''(E) improves the economic viability of agricultural operations.

''(2) ESTABLISHMENT.—The Secretary shall establish a national appropriate technology transfer for rural areas program to assist agricultural producers that are seeking information to—

''(A) reduce input costs;

''(B) conserve energy resources;

''(C) diversify operations through new energy crops and energy generation facilities; and

''(D) expand markets for agricultural commodities produced by the producers by using practices that enhance the environment, natural resource base, and quality of life.

''(3) IMPLEMENTATION.—

''(A) IN GENERAL.—The Secretary shall carry out the program under this subsection by making a grant to, or offering to enter into a cooperative agreement with, a national nonprofit agricultural assistance institution.

''(B) GRANT AMOUNT.—A grant made, or cooperative agreement entered into, under subparagraph (A) shall provide 100 percent of the cost of providing information described in paragraph (2).

''(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection $5,000,000 for each of fiscal years 2008 through 2012.''.

SEC. 6017. RURAL ECONOMIC AREA PARTNERSHIP ZONES.

Section 310B of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932) (as amended by section 6016) is amended by adding at the end the following:

''(j) RURAL ECONOMIC AREA PARTNERSHIP ZONES.—Effective beginning on the date of enactment of this subsection through September 30, 2012, the Secretary shall carry out those rural economic area partnership zones administratively in effect on the date of enactment of this subsection in accordance with the terms and conditions contained in the memorandums of agreement entered into by the Secretary for the rural economic area partnership zones, except as otherwise provided in this subsection.''.

SEC. 6018. DEFINITIONS.

(a) RURAL AREA.—Section 343(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1991(a)) is amended by striking paragraph (13) and inserting the following:

''(13) RURAL AND RURAL AREA.—

''(A) IN GENERAL.—Subject to subparagraphs (B) through (G), the terms 'rural' and 'rural area' mean any area other than—

''(i) a city or town that has a population of greater than 50,000 inhabitants; and

''(ii) any urbanized area contiguous and adjacent to a city or town described in clause (i).

''(B) WATER AND WASTE DISPOSAL GRANTS AND DIRECT AND GUARANTEED LOANS.—For the purpose of water and waste disposal grants and direct and guaranteed loans provided under paragraphs (1), (2), and (24) of section 306(a), the terms 'rural' and 'rural area' mean a city, town, or unincorporated area that has a population of no more than 10,000 inhabitants.

''(C) COMMUNITY FACILITY LOANS AND GRANTS.—For the purpose of community facility direct and guaranteed loans and grants under paragraphs (1), (19), (20), (21), and (24) of section 306(a), the terms 'rural' and 'rural area' mean any area other than a city, town, or unincorporated area that has a population of greater than 20,000 inhabitants.

''(D) AREAS RURAL IN CHARACTER.—

''(i) APPLICATION.—This subparagraph applies to—

''(I) an urbanized area described in subparagraphs (A)(ii) and (F) that—

''(aa) has 2 points on its boundary that are at least 40 miles apart; and

''(bb) is not contiguous or adjacent to a city or town that has a population of greater than 150,000 inhabitants or an urbanized area of such city or town; and

''(II) an area within an urbanized area described in subparagraphs (A)(ii) and (F) that is within ¼-mile of a rural area described in subparagraph (A).

''(ii) DETERMINATION.—Notwithstanding any other provision of this paragraph, on the petition of a unit of local government in an area described in clause (i) or on the initiative of the

Under Secretary for Rural Development, the Under Secretary may determine that a part of an area described in clause (i) is a rural area for the purposes of this paragraph, if the Under Secretary finds that the part is rural in character, as determined by the Under Secretary.

''(iii) ADMINISTRATION.—In carrying out this subparagraph, the Under Secretary for Rural Development shall—

''(I) not delegate the authority to carry out this subparagraph;

''(II) consult with the applicable rural development State or regional director of the Department of Agriculture and the governor of the respective State;

''(III) provide to the petitioner an opportunity to appeal to the Under Secretary a determination made under this subparagraph;

''(IV) release to the public notice of a petition filed or initiative of the Under Secretary under this subparagraph not later than 30 days after receipt of the petition or the commencement of the initiative, as appropriate;

''(V) make a determination under this subparagraph not less than 15 days, and not more than 60 days, after the release of the notice under subclause (IV);

''(VI) submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate an annual report on actions taken to carry out this subparagraph; and

''(VII) terminate a determination under this subparagraph that part of an area is a rural area on the date that data is available for the next decennial census conducted under section 141(a) of title 13, United States Code.

''(E) EXCLUSIONS.—Notwithstanding any other provision of this paragraph, in determining which census blocks in an urbanized area are not in a rural area (as defined in this paragraph), the Secretary shall exclude any cluster of census blocks that would otherwise be considered not in a rural area only because the cluster is adjacent to not more than 2 census blocks that are otherwise considered not in a rural area under this paragraph.

''(F) URBAN AREA GROWTH.—

''(i) APPLICATION.—This subparagraph applies to—

''(I) any area that—

''(aa) is a collection of census blocks that are contiguous to each other;

''(bb) has a housing density that the Secretary estimates is greater than 200 housing units per square mile; and

''(cc) is contiguous or adjacent to an existing boundary of a rural area; and

''(II) any urbanized area contiguous and adjacent to a city or town described in subparagraph (A)(i).

''(ii) ADJUSTMENTS.—The Secretary may, by regulation only, consider—

''(I) an area described in clause (i)(I) not to be a rural area for purposes of subparagraphs (A) and (C); and

''(II) an area described in clause (i)(II) not to be a rural area for purposes of subparagraph (C).

''(iii) APPEALS.—A program applicant may appeal an estimate made under clause (i)(I) based on appropriate data for an area, as determined by the Secretary.

''(G) HAWAII AND PUERTO RICO.—Notwithstanding any other provision of this paragraph, within the areas of the County of Honolulu, Hawaii, and the Commonwealth of Puerto Rico, the Secretary may designate any part of the areas as a rural area if the Secretary determines that the part is not urban in character, other than any area included in the Honolulu Census Designated Place or the San Juan Census Designated Place.''.

(b) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall prepare and submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that—

(1) assesses the various definitions of the term ''rural'' and ''rural area'' that are used with respect to programs administered by the Secretary;

(2) describes the effects that the variations in those definitions have on those programs;

(3) make recommendations for ways to better target funds provided through rural development programs; and

(4) determines the effect of the amendment made by subsection (a) on the level of rural development funding and participation in those programs in each State.

SEC. 6019. NATIONAL RURAL DEVELOPMENT PARTNERSHIP.

Section 378 of the Consolidated Farm and Rural Development Act (7 U.S.C. 2008m) is amended—

(1) in subsection (g)(1), by striking ''2003 through 2007'' and inserting ''2008 through 2012''; and

(2) in subsection (h), by striking ''the date that is 5 years after the date of enactment of this section'' and inserting ''September 30, 2012''.

SEC. 6020. HISTORIC BARN PRESERVATION.

(a) GRANT PRIORITY.—Section 379A(c) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2008o(c)) is amended—

(1) in paragraph (2)—

(A) in subparagraphs (A) and (B), by striking ''a historic barn'' each place it appears and inserting ''historic barns''; and

(B) in subparagraph (C), by striking ''on a historic barn'' and inserting ''on historic barns (including surveys)'';

(2) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and

(3) by inserting after paragraph (2) the following:

''(3) PRIORITY.—In making grants under this subsection, the Secretary shall give the highest priority to funding projects described in paragraph (2)(C).''.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 379A(c)(5) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2008o(c)(5)) (as redesignated by subsection (a)(2)) is amended by striking ''2002 through 2007'' and inserting ''2008 through 2012''.

SEC. 6021. GRANTS FOR NOAA WEATHER RADIO TRANSMITTERS.

Section 379B(d) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2008p(d)) is amended by striking ''2002 through 2007'' and inserting ''2008 through 2012''.

SEC. 6022. RURAL MICROENTREPRENEUR ASSISTANCE PROGRAM.

Subtitle D of the Consolidated Farm and Rural Development Act (7 U.S.C. 1981 et seq.) is amended by adding at the end the following:

''SEC. 379E. RURAL MICROENTREPRENEUR ASSISTANCE PROGRAM.

''(a) DEFINITIONS.—In this section:

''(1) INDIAN TRIBE.—The term 'Indian tribe' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

''(2) MICROENTREPRENEUR.—The term 'microentrepreneur' means an owner and operator, or prospective owner and operator, of a rural microenterprise who is unable to obtain sufficient training, technical assistance, or credit other than under this section, as determined by the Secretary.

''(3) MICROENTERPRISE DEVELOPMENT ORGANIZATION.—The term 'microenterprise development organization' means an organization that—

''(A) is—

''(i) a nonprofit entity;

''(ii) an Indian tribe, the tribal government of which certifies to the Secretary that—

''(I) no microenterprise development organization serves the Indian tribe; and

''(II) no rural microentrepreneur assistance program exists under the jurisdiction of the Indian tribe; or

''(iii) a public institution of higher education;

''(B) provides training and technical assistance to rural microentrepreneurs;

''(C) facilitates access to capital or another service described in subsection (b) for rural microenterprises; and

''(D) has a demonstrated record of delivering services to rural microentrepreneurs, or an effective plan to develop a program to deliver services to rural microentrepreneurs, as determined by the Secretary.

''(4) MICROLOAN.—The term 'microloan' means a business loan of not more than $50,000 that is provided to a rural microenterprise.

''(5) PROGRAM.—The term 'program' means the rural microentrepreneur assistance program established under subsection (b).

''(6) RURAL MICROENTERPRISE.—The term 'rural microenterprise' means—

''(A) a sole proprietorship located in a rural area; or

''(B) a business entity with not more than 10 full-time-equivalent employees located in a rural area.

''(b) RURAL MICROENTREPRENEUR ASSISTANCE PROGRAM.—

''(1) ESTABLISHMENT.—The Secretary shall establish a rural microentrepreneur assistance program to provide loans and grants to support microentrepreneurs in the development and ongoing success of rural microenterprises.

''(2) PURPOSE.—The purpose of the program is to provide microentrepreneurs with—

''(A) the skills necessary to establish new rural microenterprises; and

''(B) continuing technical and financial assistance related to the successful operation of rural microenterprises.

''(3) LOANS.—

''(A) IN GENERAL.—The Secretary shall make loans to microenterprise development organizations for the purpose of providing fixed interest rate microloans to microentrepreneurs for start-up and growing rural microenterprises.

''(B) LOAN TERMS.—A loan made by the Secretary to a microenterprise development organization under this paragraph shall—

''(i) be for a term not to exceed 20 years; and

''(ii) bear an annual interest rate of at least 1 percent.

''(C) LOAN LOSS RESERVE FUND.—The Secretary shall require each microenterprise development organization that receives a loan under this paragraph to—

''(i) establish a loan loss reserve fund; and

''(ii) maintain the reserve fund in an amount equal to at least 5 percent of the outstanding balance of such loans owed by the microenterprise development organization, until all obligations owed to the Secretary under this paragraph are repaid.

''(D) DEFERRAL OF INTEREST AND PRINCIPAL.—The Secretary may permit the deferral of payments on principal and interest due on a loan to a microenterprise development organization made under this paragraph for a 2-year period beginning on the date the loan is made.

''(4) GRANTS.—

''(A) GRANTS TO SUPPORT RURAL MICROENTERPRISE DEVELOPMENT.—

''(i) IN GENERAL.—The Secretary shall make grants to microenterprise development organizations to—

''(I) provide training, operational support, business planning, and market development assistance, and other related services to rural microentrepreneurs; and

''(II) carry out such other projects and activities as the Secretary determines appropriate to further the purposes of the program.

''(ii) SELECTION.—In making grants under clause (i), the Secretary shall—

''(I) place an emphasis on microenterprise development organizations that serve microentrepreneurs that are located in rural areas that have suffered significant outward migration, as determined by the Secretary; and

''(II) ensure, to the maximum extent practicable, that grant recipients include microenterprise development organizations—

''(aa) of varying sizes; and

''(bb) that serve racially and ethnically diverse populations.

''(B) GRANTS TO ASSIST MICROENTREPRENEURS.—

''(i) IN GENERAL.—The Secretary shall make grants to microenterprise development organizations to provide marketing, management, and other technical assistance to microentrepreneurs that—

''(I) received a loan from the microenterprise development organization under paragraph (3); or

''(II) are seeking a loan from the microenterprise development organization under paragraph (3).

''(ii) MAXIMUM AMOUNT OF GRANT.—A microenterprise development organization shall be eligible to receive an annual grant under this subparagraph in an amount equal to not more than 25 percent of the total outstanding balance of microloans made by the microenterprise development organization under paragraph (3), as of the date the grant is awarded.

''(C) ADMINISTRATIVE EXPENSES.—Not more than 10 percent of a grant received by a microenterprise development organization for a fiscal year under this paragraph may be used to pay administrative expenses.

''(c) ADMINISTRATION.—

''(1) COST SHARE.—

''(A) FEDERAL SHARE.—Subject to subparagraph (B), the Federal share of the cost of a project funded under this section shall not exceed 75 percent.

''(B) MATCHING REQUIREMENT.—As a condition of any grant made under this subparagraph, the Secretary shall require the microenterprise development organization to match not less than 15 percent of the total amount of the grant in the form of matching funds, indirect costs, or in-kind goods or services.

''(C) FORM OF NON-FEDERAL SHARE.—The non-Federal share of the cost of a project funded under this section may be provided—

''(i) in cash (including through fees, grants (including community development block grants), and gifts); or

''(ii) in the form of in-kind contributions.

''(2) OVERSIGHT.—At a minimum, not later than December 1 of each fiscal year, a microenterprise development organization that receives a loan or grant under this section shall provide to the Secretary such information as the Secretary may require to ensure that assistance provided under this section is used for the purposes for which the loan or grant was made.

''(d) FUNDING.—

''(1) MANDATORY FUNDING.—Of the funds of the Commodity Credit Corporation, the Secretary shall use to carry out this section, to remain available until expended—

''(A) $4,000,000 for each of fiscal years 2009 through 2011; and

''(B) $3,000,000 for fiscal year 2012.

''(2) DISCRETIONARY FUNDING.—In addition to amounts made available under paragraph (1), there are authorized to be appropriated to carry out this section $40,000,000 for each of fiscal years 2009 through 2012.''.

SEC. 6023. GRANTS FOR EXPANSION OF EMPLOYMENT OPPORTUNITIES FOR INDIVIDUALS WITH DISABILITIES IN RURAL AREAS.

Subtitle D of the Consolidated Farm and Rural Development Act (7 U.S.C. 1981 et seq.) (as amended by section 6022) is amended by adding at the end the following:

''SEC. 379F. GRANTS FOR EXPANSION OF EMPLOYMENT OPPORTUNITIES FOR INDIVIDUALS WITH DISABILITIES IN RURAL AREAS.

''(a) DEFINITIONS.—In this section:

''(1) INDIVIDUAL WITH A DISABILITY.—The term 'individual with a disability' means an individual with a disability (as defined in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102)).

''(2) INDIVIDUALS WITH DISABILITIES.—The term 'individuals with disabilities' means more than 1 individual with a disability.

''(b) GRANTS.—The Secretary shall make grants to nonprofit organizations, or to a consortium of nonprofit organizations, to expand and enhance employment opportunities for individuals with disabilities in rural areas.

''(c) ELIGIBILITY.—To be eligible to receive a grant under this section, a nonprofit organization or consortium of nonprofit organizations shall have—

''(1) a significant focus on serving the needs of individuals with disabilities;

''(2) demonstrated knowledge and expertise in—

''(A) employment of individuals with disabilities; and

''(B) advising private entities on accessibility issues involving individuals with disabilities;

''(3) expertise in removing barriers to employment for individuals with disabilities, including access to transportation, assistive technology, and other accommodations; and

''(4) existing relationships with national organizations focused primarily on the needs of rural areas.

''(d) USES.—A grant received under this section may be used only to expand or enhance—

''(1) employment opportunities for individuals with disabilities in rural areas by developing national technical assistance and education resources to assist small businesses in a rural area to recruit, hire, accommodate, and employ individuals with disabilities; and

''(2) self-employment and entrepreneurship opportunities for individuals with disabilities in a rural area.

''(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $2,000,000 for each of fiscal years 2008 through 2012.''.

SEC. 6024. HEALTH CARE SERVICES.

Subtitle D of the Consolidated Farm and Rural Development Act (7 U.S.C. 1981 et seq.) (as amended by section 6023) is amended by adding at the end the following:

''SEC. 379G. HEALTH CARE SERVICES.

''(a) PURPOSE.—The purpose of this section is to address the continued unmet health needs in the Delta region through cooperation among health care professionals, institutions of higher education, research institutions, and other individuals and entities in the region.

''(b) DEFINITION OF ELIGIBLE ENTITY.—In this section, the term 'eligible entity' means a consortium of regional institutions of higher education, academic health and research institutes, and economic development entities located in the Delta region that have experience in addressing the health care issues in the region.

''(c) GRANTS.—To carry out the purpose described in subsection (a), the Secretary may award a grant to an eligible entity for –

''(1) the development of –

''(A) health care services;

''(B) health education programs; and

''(C) health care job training programs; and

''(2) the development and expansion of public health-related facilities in the Delta region to address longstanding and unmet health needs of the region.

''(d) USE.—As a condition of the receipt of the grant, the eligible entity shall use the grant to fund projects and activities described in subsection (c), based on input solicited from local governments, public health care providers, and other entities in the Delta region.

''(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section, $3,000,000 for each of fiscal years 2008 through 2012.''.

SEC. 6025. DELTA REGIONAL AUTHORITY.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 382M(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009aa–12(a)) is amended by striking ''2001 through 2007'' and inserting ''2008 through 2012''.

(b) TERMINATION OF AUTHORITY.—Section 382N of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009aa–13) is amended by striking ''2007'' and inserting ''2012''.

(c) EXPANSION.—Section 4(2) of the Delta Development Act (42 U.S.C. 3121 note; Public Law 100–460) is amended—

(1) in subparagraph (D), by inserting ''Beauregard, Bienville, Cameron, Claiborne, DeSoto, Jefferson Davis, Red River, St. Mary, Vermillion, Webster,'' after ''St. James,''; and

(2) in subparagraph (E)—

(A) by inserting ''Jasper,'' after ''Copiah,''; and

(B) by inserting ''Smith,'' after ''Simpson,''.

SEC. 6026. NORTHERN GREAT PLAINS REGIONAL AUTHORITY.

(a) DEFINITION OF REGION.—Section 383A(4) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009bb(4)) is amended by inserting ''Missouri (other than counties included in the Delta Regional Authority),'' after ''Minnesota,''.

(b) ESTABLISHMENT.—Section 383B of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009bb–1) is amended—

(1) in subsection (a), by adding at the end the following:

''(4) FAILURE TO CONFIRM.—

''(A) FEDERAL MEMBER.—Notwithstanding any other provision of this section, if a Federal member described in paragraph (2)(A) has not been confirmed by the Senate by not later than 180 days after the date of enactment of this paragraph, the Authority may organize and operate without the Federal member.

''(B) INDIAN CHAIRPERSON.—In the case of the Indian Chairperson, if no Indian Chairperson is confirmed by the Senate, the regional authority shall consult and coordinate with the leaders of Indian tribes in the region concerning the activities of the Authority, as appropriate.'';

(2) in subsection (d)—

(A) in paragraph (1), by striking ''to establish priorities and'' and inserting ''for multistate cooperation to advance the economic and social well-being of the region and to'';

(B) in paragraph (3), by striking ''local development districts,'' and inserting ''regional and local development districts or organizations, regional boards established under subtitle I,'';

(C) in paragraph (4), by striking ''cooperation;'' and inserting ''cooperation for—

''(i) renewable energy development and transmission;

''(ii) transportation planning and economic development;

''(iii) information technology;

''(iv) movement of freight and individuals within the region;

''(v) federally-funded research at institutions of higher education; and

''(vi) conservation land management;'';

(D) by striking paragraph (6) and inserting the following:

''(6) enhance the capacity of, and provide support for, multistate development and research organizations, local development organizations and districts, and resource conservation districts in the region;''; and

(E) in paragraph (7), by inserting ''renewable energy,'' after ''commercial,'';

(3) in subsection (f)(2), by striking ''the Federal cochairperson'' and inserting ''a cochairperson'';

(4) in subsection (g)(1), by striking subparagraphs (A) through (C) and inserting the following:

''(A) for each of fiscal years 2008 and 2009, 100 percent;

''(B) for fiscal year 2010, 75 percent; and

''(C) for fiscal year 2011 and each fiscal year thereafter, 50 percent.''.

(c) INTERSTATE COOPERATION FOR ECONOMIC OPPORTUNITY AND EFFICIENCY.—

(1) IN GENERAL.—Subtitle G of the Consolidated Farm and Rural Development Act is amended—

(A) by redesignating sections 383C through 383N (7 U.S.C. 2009bb–2 through 2009bb–13) as sections 383D through 383O, respectively; and

(B) by inserting after section 383B (7 U.S.C. 2009bb–1) the following:

''SEC. 383C. INTERSTATE COOPERATION FOR ECONOMIC OPPORTUNITY AND EFFICIENCY.

''(a) IN GENERAL.—The Authority shall provide assistance to States in developing regional

plans to address multistate economic issues, including plans—

''(1) to develop a regional transmission system for movement of renewable energy to markets outside the region;

''(2) to address regional transportation concerns, including the establishment of a Northern Great Plains Regional Transportation Working Group;

''(3) to encourage and support interstate collaboration on federally-funded research that is in the national interest; and

''(4) to establish a Regional Working Group on Agriculture Development and Transportation.

''(b) ECONOMIC ISSUES.—The multistate economic issues referred to in subsection (a) shall include—

''(1) renewable energy development and transmission;

''(2) transportation planning and economic development;

''(3) information technology;

''(4) movement of freight and individuals within the region;

''(5) federally-funded research at institutions of higher education; and

''(6) conservation land management.''.

(2) CONFORMING AMENDMENTS.—

(A) Section 383B(c)(3)(B) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009bb–1(c)(3)(B)) is amended by striking ''383I'' and inserting ''383J''.

(B) Section 383D(a) of the Consolidated Farm and Rural Development Act (as redesignated by paragraph (1)(A)) is amended by striking ''383I'' and inserting ''383J''.

(C) Section 383E of the Consolidated Farm and Rural Development Act (as so redesignated) is amended—

(i) in subsection (b)(1), by striking ''383F(b)'' and inserting ''383G(b)''; and

(ii) in subsection (c)(2)(A), by striking ''383I'' and inserting ''383J''.

(D) Section 383G of the Consolidated Farm and Rural Development Act (as so redesignated) is amended—

(i) in subsection (b)—

(I) in paragraph (1), by striking ''383M'' and inserting ''383N''; and

(II) in paragraph (2), by striking ''383D(b)'' and inserting ''383E(b)'';

(ii) in subsection (c)(2)(A), by striking ''383E(b)'' and inserting ''383F(b)''; and

(iii) in subsection (d)—

(I) by striking ''383M'' and inserting ''383N''; and

(II) by striking ''383C(a)'' and inserting ''383D(a)''.

(E) Section 383J(c)(2) of the Consolidated Farm and Rural Development Act (as so redesignated) is amended by striking ''383H'' and inserting ''383I''.

(d) ECONOMIC AND COMMUNITY DEVELOPMENT GRANTS.—Section 383D of the Consolidated Farm and Rural Development Act (as redesignated by subsection (c)(1)(A)) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking ''transportation and telecommunication'' and inserting ''transportation, renewable energy transmission, and telecommunication''; and

(B) by redesignating paragraphs (1) and (2) as paragraphs (2) and (1), respectively, and moving those paragraphs so as to appear in numerical order; and

(2) in subsection (b)(2), by striking ''the activities in the following order or priority'' and inserting ''the following activities''.

(e) SUPPLEMENTS TO FEDERAL GRANT PROGRAMS.—Section 383E(a) of the Consolidated Farm and Rural Development Act (as redesignated by subsection (c)(1)(A)) is amended by striking '', including local development districts,''.

(f) MULTISTATE AND LOCAL DEVELOPMENT DISTRICTS AND ORGANIZATIONS AND NORTHERN GREAT PLAINS INC.—Section 383F of the Consolidated Farm and Rural Development Act (as redesignated by subsection (c)(1)(A)) is amended—

*(1) by striking the section heading and inserting ''**MULTISTATE AND LOCAL DEVELOPMENT DISTRICTS AND ORGANIZATIONS AND NORTHERN GREAT PLAINS INC.**''; and*

(2) by striking subsections (a) through (c) and inserting the following:

''(a) DEFINITION OF MULTISTATE AND LOCAL DEVELOPMENT DISTRICT OR ORGANIZATION.—In this section, the term 'multistate and local development district or organization' means an entity—

''(1) that—

''(A) is a planning district in existence on the date of enactment of this subtitle that is recognized by the Economic Development Administration of the Department of Commerce; or

''(B) is—

''(i) organized and operated in a manner that ensures broad-based community participation and an effective opportunity for other nonprofit groups to contribute to the development and implementation of programs in the region;

''(ii) a nonprofit incorporated body organized or chartered under the law of the State in which the entity is located;

''(iii) a nonprofit agency or instrumentality of a State or local government;

''(iv) a public organization established before the date of enactment of this subtitle under State law for creation of multijurisdictional, area-wide planning organizations;

''(v) a nonprofit agency or instrumentality of a State that was established for the purpose of assisting with multistate cooperation; or

''(vi) a nonprofit association or combination of bodies, agencies, and instrumentalities described in clauses (ii) through (v); and

''(2) that has not, as certified by the Authority (in consultation with the Federal cochairperson or Secretary, as appropriate)—

''(A) inappropriately used Federal grant funds from any Federal source; or

''(B) appointed an officer who, during the period in which another entity inappropriately used Federal grant funds from any Federal source, was an officer of the other entity.

''(b) GRANTS TO MULTISTATE, LOCAL, OR REGIONAL DEVELOPMENT DISTRICTS AND ORGANIZATIONS.—

''(1) IN GENERAL.—The Authority may make grants for administrative expenses under this section to multistate, local, and regional development districts and organizations.

''(2) CONDITIONS FOR GRANTS.—

''(A) MAXIMUM AMOUNT.—The amount of any grant awarded under paragraph (1) shall not exceed 80 percent of the administrative expenses of the multistate, local, or regional development district or organization receiving the grant.

''(B) MAXIMUM PERIOD.—No grant described in paragraph (1) shall be awarded for a period greater than 3 years.

''(3) LOCAL SHARE.—The contributions of a multistate, local, or regional development district or organization for administrative expenses may be in cash or in kind, fairly evaluated, including space, equipment, and services.

''(c) DUTIES.—

''(1) IN GENERAL.—Except as provided in paragraph (2), a local development district shall operate as a lead organization serving multicounty areas in the region at the local level.

''(2) DESIGNATION.—The Federal cochairperson may designate an Indian tribe or multijurisdictional organization to serve as a lead organization in such cases as the Federal cochairperson or Secretary, as appropriate, determines appropriate.''.

(g) DISTRESSED COUNTIES AND AREAS AND NONDISTRESSED COUNTIES.—Section 383G of the Consolidated Farm and Rural Development Act (as redesignated by subsection (c)(1)(A)) is amended—

(1) in subsection (b)(1), by striking ''75'' and inserting ''50'';

(2) by striking subsection (c);

(3) by redesignating subsection (d) as subsection (c); and

(4) in subsection (c) (as so redesignated)—

(A) in the subsection heading, by inserting ''RENEWABLE ENERGY,'' after ''TELECOMMUNICATION''; and

(B) by inserting '', renewable energy,'' after ''telecommunication,''.

(h) DEVELOPMENT PLANNING PROCESS.—Section 383H of the Consolidated Farm and Rural Development Act (as redesignated by subsection (c)(1)(A)) is amended—

(1) in subsection (c)(1), by striking subparagraph (A) and inserting the following:

''(A) multistate, regional, and local development districts and organizations; and''; and

(2) in subsection (d)(1), by striking ''State and local development districts'' and inserting ''multistate, regional, and local development districts and organizations''.

(i) PROGRAM DEVELOPMENT CRITERIA.—Section 383I(a)(1) of the Consolidated Farm and Rural Development Act (as redesignated by subsection (c)(1)(A)) is amended by inserting ''multistate or'' before ''regional''.

(j) AUTHORIZATION OF APPROPRIATIONS.—Section 383N(a) of the Consolidated Farm and Rural Development Act (as redesignated by subsection (c)(1)(A)) is amended by striking ''2002 through 2007'' and inserting ''2008 through 2012''.

(k) TERMINATION OF AUTHORITY.—Section 383O of the Consolidated Farm and Rural Development Act (as redesignated by subsection (c)(1)(A)) is amended by striking ''2007'' and inserting ''2012''.

SEC. 6027. RURAL BUSINESS INVESTMENT PROGRAM.

(a) ISSUANCE AND GUARANTEE OF TRUST CERTIFICATES.—Section 384F(b)(3)(A) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009cc–5(b)(3)(A)) is amended by striking ''In the event'' and inserting the following:

''(i) AUTHORITY TO PREPAY.—A debenture may be prepaid at any time without penalty.

''(ii) REDUCTION OF GUARANTEE.—Subject to clause (i), if''.

(b) FEES.—Section 384G of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009cc–6) is amended—

(1) in subsection (a), by striking ''such fees as the Secretary considers appropriate'' and inserting ''a fee that does not exceed $500'';

(2) in subsection (b), by striking ''approved by the Secretary'' and inserting ''that does not exceed $500''; and

(3) in subsection (c)—

(A) in paragraph (1), by striking ''The'' and inserting ''Except as provided in paragraph (3), the'';

(B) in paragraph (2)—

(i) in subparagraph (A), by striking ''and'' at the end;

(ii) in subparagraph (B), by striking the period at the end and inserting ''; and''; and

(iii) by adding at the end the following:

''(C) shall not exceed $500 for any fee collected under this subsection.''; and

(C) by adding at the end the following:

''(3) PROHIBITION ON COLLECTION OF CERTAIN FEES.—In the case of a license described in paragraph (1) that was approved before July 1, 2007, the Secretary shall not collect any fees due on or after the date of enactment of this paragraph.''.

(c) RURAL BUSINESS INVESTMENT COMPANIES.—Section 384I(c) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009cc–8(c)) is amended—

(1) by redesignating paragraph (3) as paragraph (4); and

(2) by inserting after paragraph (2) the following:

''(3) TIME FRAME.—Each rural business investment company shall have a period of 2 years to meet the capital requirements of this subsection.''.

(d) FINANCIAL INSTITUTION INVESTMENTS.—Section 384J of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009cc–9) is amended—

(1) in subsection (a)(1), by inserting '', *including an investment pool created entirely by such bank or savings association''* *before the period at the end; and*

(2) in subsection (c), by striking ''15'' and inserting ''25''.

(e) CONTRACTING OF FUNCTIONS.—Section 384Q of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009cc–16) is repealed.

(f) FUNDING.—The Consolidated Farm and Rural Development Act is amended by striking section 384S (7 U.S.C. 2009cc–18) and inserting the following:

''SEC. 384S. AUTHORIZATION OF APPROPRIATIONS.

''There is authorized to be appropriated to carry out this subtitle $50,000,000 for the period of fiscal years 2008 through 2012.''.

SEC. 6028. RURAL COLLABORATIVE INVESTMENT PROGRAM.

Subtitle I of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009dd et seq.) is amended to read as follows:

''Subtitle I—Rural Collaborative Investment Program

''SEC. 385A. PURPOSE.

''The purpose of this subtitle is to establish a regional rural collaborative investment program—

''(1) to provide rural regions with a flexible investment vehicle, allowing for local control with Federal oversight, assistance, and accountability;

''(2) to provide rural regions with incentives and resources to develop and implement comprehensive strategies for achieving regional competitiveness, innovation, and prosperity;

''(3) to foster multisector community and economic development collaborations that will optimize the asset-based competitive advantages of rural regions with particular emphasis on innovation, entrepreneurship, and the creation of quality jobs;

''(4) to foster collaborations necessary to provide the professional technical expertise, institutional capacity, and economies of scale that are essential for the long-term competitiveness of rural regions; and

''(5) to better use Department of Agriculture and other Federal, State, and local governmental resources, and to leverage those resources with private, nonprofit, and philanthropic investments, in order to achieve measurable community and economic prosperity, growth, and sustainability.

''SEC. 385B. DEFINITIONS.

''In this subtitle:

''(1) BENCHMARK.—The term 'benchmark' means an annual set of goals and performance measures established for the purpose of assessing performance in meeting a regional investment strategy of a Regional Board.

''(2) INDIAN TRIBE.—The term 'Indian tribe' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

''(3) NATIONAL BOARD.—The term 'National Board' means the National Rural Investment Board established under section 385C(c).

''(4) NATIONAL INSTITUTE.—The term 'National Institute' means the National Institute on Regional Rural Competitiveness and Entrepreneurship established under section 385C(b)(2).

''(5) REGIONAL BOARD.—The term 'Regional Board' means a Regional Rural Investment Board described in section 385D(a).

''(6) REGIONAL INNOVATION GRANT.—The term 'regional innovation grant' means a grant made by the Secretary to a certified Regional Board under section 385F.

''(7) REGIONAL INVESTMENT STRATEGY GRANT.—The term 'regional investment strategy grant' means a grant made by the Secretary to a certified Regional Board under section 385E.

''(8) RURAL HERITAGE.—

''(A) IN GENERAL.—The term 'rural heritage' means historic sites, structures, and districts.

''(B) INCLUSIONS.—The term 'rural heritage' includes historic rural downtown areas and main streets, neighborhoods, farmsteads, scenic and historic trails, heritage areas, and historic landscapes.

''SEC. 385C. ESTABLISHMENT AND ADMINISTRATION OF RURAL COLLABORATIVE INVESTMENT PROGRAM.

''(a) ESTABLISHMENT.—The Secretary shall establish a Rural Collaborative Investment Program to support comprehensive regional investment strategies for achieving rural competitiveness.

''(b) DUTIES OF SECRETARY.—In carrying out this subtitle, the Secretary shall—

''(1) appoint and provide administrative and program support to the National Board;

''(2) establish a national institute, to be known as the 'National Institute on Regional Rural Competitiveness and Entrepreneurship', to provide technical assistance to the Secretary and the National Board regarding regional competitiveness and rural entrepreneurship, including technical assistance for—

''(A) the development of rigorous analytic programs to assist Regional Boards in determining the challenges and opportunities that need to be addressed to receive the greatest regional competitive advantage;

''(B) the provision of support for best practices developed by the Regional Boards;

''(C) the establishment of programs to support the development of appropriate governance and leadership skills in the applicable regions; and

''(D) the evaluation of the progress and performance of the Regional Boards in achieving benchmarks established in a regional investment strategy;

''(3) work with the National Board to develop a national rural investment plan that shall—

''(A) create a framework to encourage and support a more collaborative and targeted rural investment portfolio in the United States;

''(B) establish a Rural Philanthropic Initiative, to work with rural communities to create and enhance the pool of permanent philanthropic resources committed to rural community and economic development;

''(C) cooperate with the Regional Boards and State and local governments, organizations, and entities to ensure investment strategies are developed that take into consideration existing rural assets; and

''(D) encourage the organization of Regional Boards;

''(4) certify the eligibility of Regional Boards to receive regional investment strategy grants and regional innovation grants;

''(5) provide grants for Regional Boards to develop and implement regional investment strategies;

''(6) provide technical assistance to Regional Boards on issues, best practices, and emerging trends relating to rural development, in cooperation with the National Rural Investment Board; and

''(7) provide analytic and programmatic support for regional rural competitiveness through the National Institute, including—

''(A) programs to assist Regional Boards in determining the challenges and opportunities that must be addressed to receive the greatest regional competitive advantage;

''(B) support for best practices development by the regional investment boards;

''(C) programs to support the development of appropriate governance and leadership skills in the region; and

''(D) a review and evaluation of the performance of the Regional Boards (including progress in achieving benchmarks established in a regional investment strategy) in an annual report submitted to—

''(i) the Committee on Agriculture of the House of Representatives; and

''(ii) the Committee on Agriculture, Nutrition, and Forestry of the Senate.

''(c) NATIONAL RURAL INVESTMENT BOARD.—The Secretary shall establish within the Department of Agriculture a board to be known as the 'National Rural Investment Board'.

''(d) DUTIES OF NATIONAL BOARD.—The National Board shall—

''(1) not later than 180 days after the date of establishment of the National Board, develop rules relating to the operation of the National Board; and

''(2) provide advice to—

''(A) the Secretary and subsequently review the design, development, and execution of the National Rural Investment Plan;

''(B) Regional Boards on issues, best practices, and emerging trends relating to rural development; and

''(C) the Secretary and the National Institute on the development and execution of the program under this subtitle.

''(e) MEMBERSHIP.—

''(1) IN GENERAL.—The National Board shall consist of 14 members appointed by the Secretary not later than 180 days after the date of enactment of the Food, Conservation, and Energy Act of 2008.

''(2) SUPERVISION.—The National Board shall be subject to the general supervision and direction of the Secretary.

''(3) SECTORS REPRESENTED.—The National Board shall consist of representatives from each of—

''(A) nationally recognized entrepreneurship organizations;

''(B) regional strategy and development organizations;

''(C) community-based organizations;

''(D) elected members of local governments;

''(E) members of State legislatures;

''(F) primary, secondary, and higher education, job skills training, and workforce development institutions;

''(G) the rural philanthropic community;

''(H) financial, lending, venture capital, entrepreneurship, and other related institutions;

''(I) private sector business organizations, including chambers of commerce and other for-profit business interests;

''(J) Indian tribes; and

''(K) cooperative organizations.

''(4) SELECTION OF MEMBERS.—

''(A) IN GENERAL.—In selecting members of the National Board, the Secretary shall consider recommendations made by—

''(i) the chairman and ranking member of each of the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate;

''(ii) the Majority Leader and Minority Leader of the Senate; and

''(iii) the Speaker and Minority Leader of the House of Representatives.

''(B) EX-OFFICIO MEMBERS.—In consultation with the chairman and ranking member of each of the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate, the Secretary may appoint not more than 3 other officers or employees of the Executive Branch to serve as ex-officio, nonvoting members of the National Board.

''(5) TERM OF OFFICE.—

''(A) IN GENERAL.—Subject to subparagraph (B), the term of office of a member of the National Board appointed under paragraph (1)(A) shall be for a period of not more than 4 years.

''(B) STAGGERED TERMS.—The members of the National Board shall be appointed to serve staggered terms.

''(6) INITIAL APPOINTMENTS.—Not later than 1 year after the date of enactment of the Food, Conservation, and Energy Act of 2008, the Secretary shall appoint the initial members of the National Board.

''(7) VACANCIES.—A vacancy on the National Board shall be filled in the same manner as the original appointment.

''(8) COMPENSATION.—A member of the National Board shall receive no compensation for service on the National Board, but shall be reimbursed for related travel and other expenses incurred in carrying out the duties of the member

of the National Board in accordance with section 5702 and 5703 of title 5, United States Code.

''(9) CHAIRPERSON.—The National Board shall select a chairperson from among the members of the National Board.

''(10) FEDERAL STATUS.—For purposes of Federal law, a member of the National Board shall be considered a special Government employee (as defined in section 202(a) of title 18, United States Code).

''(f) ADMINISTRATIVE SUPPORT.—The Secretary, on a reimbursable basis from funds made available under section 385H, may provide such administrative support to the National Board as the Secretary determines is necessary.

''SEC. 385D. REGIONAL RURAL INVESTMENT BOARDS.

''(a) IN GENERAL.—A Regional Rural Investment Board shall be a multijurisdictional and multisectoral group that—

''(1) represents the long-term economic, community, and cultural interests of a region;

''(2) is certified by the Secretary to establish a rural investment strategy and compete for regional innovation grants;

''(3) is composed of residents of a region that are broadly representative of diverse public, nonprofit, and private sector interests in investment in the region, including (to the maximum extent practicable) representatives of—

''(A) units of local, multijurisdictional, or State government, including not more than 1 representative from each State in the region;

''(B) nonprofit community-based development organizations, including community development financial institutions and community development corporations;

''(C) agricultural, natural resource, and other asset-based related industries;

''(D) in the case of regions with federally recognized Indian tribes, Indian tribes;

''(E) regional development organizations;

''(F) private business organizations, including chambers of commerce;

''(G)(i) institutions of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)));

''(ii) tribally controlled colleges or universities (as defined in section 2(a) of Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1801(a))); and

''(iii) tribal technical institutions;

''(H) workforce and job training organizations;

''(I) other entities and organizations, as determined by the Regional Board;

''(J) cooperatives; and

''(K) consortia of entities and organizations described in subparagraphs (A) through (J);

''(4) represents a region inhabited by—

''(A) more than 25,000 individuals, as determined in the latest available decennial census conducted under section 141(a) of title 13, United States Code; or

''(B) in the case of a region with a population density of less than 2 individuals per square mile, at least 10,000 individuals, as determined in that latest available decennial census;

''(5) has a membership of which not less than 25 percent, nor more than 40 percent, represents—

''(A) units of local government and Indian tribes described in subparagraphs (A) and (D) of paragraph (3);

''(B) nonprofit community and economic development organizations and institutions of higher education described in subparagraphs (B) and (G) of paragraph (3); or

''(C) private business (including chambers of commerce and cooperatives) and agricultural, natural resource, and other asset-based related industries described in subparagraphs (C) and (F) of paragraph (3);

''(6) has a membership that may include an officer or employee of a Federal agency, serving as an ex-officio, nonvoting member of the Regional Board to represent the agency; and

''(7) has organizational documents that demonstrate that the Regional Board will—

''(A) create a collaborative public-private strategy process;

''(B) develop, and submit to the Secretary for approval, a regional investment strategy that meets the requirements of section 385E, with benchmarks—

''(i) to promote investment in rural areas through the use of grants made available under this subtitle; and

''(ii) to provide financial and technical assistance to promote a broad-based regional development program aimed at increasing and diversifying economic growth, improved community facilities, and improved quality of life;

''(C) implement the approved regional investment strategy;

''(D) provide annual reports to the Secretary and the National Board on progress made in achieving the benchmarks of the regional investment strategy, including an annual financial statement; and

''(E) select a non-Federal organization (such as a regional development organization) in the local area served by the Regional Board that has previous experience in the management of Federal funds to serve as fiscal manager of any funds of the Regional Board.

''(b) URBAN AREAS.—A resident of an urban area may serve as an ex-officio member of a Regional Board.

''(c) DUTIES.—A Regional Board shall—

''(1) create a collaborative planning process for public-private investment within a region;

''(2) develop, and submit to the Secretary for approval, a regional investment strategy;

''(3) develop approaches that will create permanent resources for philanthropic giving in the region, to the maximum extent practicable;

''(4) implement an approved strategy; and

''(5) provide annual reports to the Secretary and the National Board on progress made in achieving the strategy, including an annual financial statement.

''SEC. 385E. REGIONAL INVESTMENT STRATEGY GRANTS.

''(a) IN GENERAL.—The Secretary shall make regional investment strategy grants available to Regional Boards for use in developing, implementing, and maintaining regional investment strategies.

''(b) REGIONAL INVESTMENT STRATEGY.—A regional investment strategy shall provide—

''(1) an assessment of the competitive advantage of a region, including—

''(A) an analysis of the economic conditions of the region;

''(B) an assessment of the current economic performance of the region;

''(C) an overview of the population, geography, workforce, transportation system, resources, environment, and infrastructure needs of the region; and

''(D) such other pertinent information as the Secretary may request;

''(2) an analysis of regional economic and community development challenges and opportunities, including—

''(A) incorporation of relevant material from other government-sponsored or supported plans and consistency with applicable State, regional, and local workforce investment strategies or comprehensive economic development plans; and

''(B) an identification of past, present, and projected Federal and State economic and community development investments in the region;

''(3) a section describing goals and objectives necessary to solve regional competitiveness challenges and meet the potential of the region;

''(4) an overview of resources available in the region for use in—

''(A) establishing regional goals and objectives;

''(B) developing and implementing a regional action strategy;

''(C) identifying investment priorities and funding sources; and

''(D) identifying lead organizations to execute portions of the strategy;

''(5) an analysis of the current state of collaborative public, private, and nonprofit participation and investment, and of the strategic roles of public, private, and nonprofit entities in the development and implementation of the regional investment strategy;

''(6) a section identifying and prioritizing vital projects, programs, and activities for consideration by the Secretary, including—

''(A) other potential funding sources; and

''(B) recommendations for leveraging past and potential investments;

''(7) a plan of action to implement the goals and objectives of the regional investment strategy;

''(8) a list of performance measures to be used to evaluate implementation of the regional investment strategy, including—

''(A) the number and quality of jobs, including self-employment, created during implementation of the regional rural investment strategy;

''(B) the number and types of investments made in the region;

''(C) the growth in public, private, and nonprofit investment in the human, community, and economic assets of the region;

''(D) changes in per capita income and the rate of unemployment; and

''(E) other changes in the economic environment of the region;

''(9) a section outlining the methodology for use in integrating the regional investment strategy with the economic priorities of the State; and

''(10) such other information as the Secretary determines to be appropriate.

''(c) MAXIMUM AMOUNT OF GRANT.—A regional investment strategy grant shall not exceed $150,000.

''(d) COST SHARING.—

''(1) IN GENERAL.—Subject to paragraph (2), of the share of the costs of developing, maintaining, evaluating, implementing, and reporting with respect to a regional investment strategy funded by a grant under this section—

''(A) not more than 40 percent may be paid using funds from the grant; and

''(B) the remaining share shall be provided by the applicable Regional Board or other eligible grantee.

''(2) FORM.—A Regional Board or other eligible grantee shall pay the share described in paragraph (1)(B) in the form of cash, services, materials, or other in-kind contributions, on the condition that not more than 50 percent of that share is provided in the form of services, materials, and other in-kind contributions.

''SEC. 385F. REGIONAL INNOVATION GRANTS PROGRAM.

''(a) GRANTS.—

''(1) IN GENERAL.—The Secretary shall provide, on a competitive basis, regional innovation grants to Regional Boards for use in implementing projects and initiatives that are identified in a regional rural investment strategy approved under section 385E.

''(2) TIMING.—After October 1, 2008, the Secretary shall provide awards under this section on a quarterly funding cycle.

''(b) ELIGIBILITY.—To be eligible to receive a regional innovation grant, a Regional Board shall demonstrate to the Secretary that—

''(1) the regional rural investment strategy of a Regional Board has been reviewed by the National Board prior to approval by the Secretary;

''(2) the management and organizational structure of the Regional Board is sufficient to oversee grant projects, including management of Federal funds; and

''(3) the Regional Board has a plan to achieve, to the maximum extent practicable, the performance-based benchmarks of the project in the regional rural investment strategy.

''(c) LIMITATIONS.—

''(1) AMOUNT RECEIVED.—A Regional Board may not receive more than $6,000,000 in regional innovation grants under this section during any 5-year period.

''(2) DETERMINATION OF AMOUNT.—The Secretary shall determine the amount of a regional innovation grant based on—

''(A) the needs of the region being addressed by the applicable regional rural investment strategy consistent with the purposes described in subsection (f)(2); and

''(B) the size of the geographical area of the region.

''(3) GEOGRAPHIC DIVERSITY.—The Secretary shall ensure that not more than 10 percent of funding made available under this section is provided to Regional Boards in any State.

''(d) COST-SHARING.—

''(1) LIMITATION.—Subject to paragraph (2), the amount of a grant made under this section shall not exceed 50 percent of the cost of the project.

''(2) WAIVER OF GRANTEE SHARE.—The Secretary may waive the limitation in paragraph (1) under special circumstances, as determined by the Secretary, including—

''(A) a sudden or severe economic dislocation;

''(B) significant chronic unemployment or poverty;

''(C) a natural disaster; or

''(D) other severe economic, social, or cultural duress.

''(3) OTHER FEDERAL ASSISTANCE.—For the purpose of determining cost-share limitations for any other Federal program, funds provided under this section shall be considered to be non-Federal funds.

''(e) PREFERENCES.—In providing regional innovation grants under this section, the Secretary shall give—

''(1) a high priority to strategies that demonstrate significant leverage of capital and quality job creation; and

''(2) a preference to an application proposing projects and initiatives that would—

''(A) advance the overall regional competitiveness of a region;

''(B) address the priorities of a regional rural investment strategy, including priorities that—

''(i) promote cross-sector collaboration, public-private partnerships, or the provision of interim financing or seed capital for program implementation;

''(ii) exhibit collaborative innovation and entrepreneurship, particularly within a public-private partnership; and

''(iii) represent a broad coalition of interests described in section 385D(a);

''(C) include a strategy to leverage public non-Federal and private funds and existing assets, including agricultural, natural resource, and public infrastructure assets, with substantial emphasis placed on the existence of real financial commitments to leverage available funds;

''(D) create quality jobs;

''(E) enhance the role, relevance, and leveraging potential of community and regional foundations in support of regional investment strategies;

''(F) demonstrate a history, or involve organizations with a history, of successful leveraging of capital for economic development and public purposes;

''(G) address gaps in existing basic services, including technology, within a region;

''(H) address economic diversification, including agricultural and non-agriculturally based economies, within a regional framework;

''(I) improve the overall quality of life in the region;

''(J) enhance the potential to expand economic development successes across diverse stakeholder groups within the region;

''(K) include an effective working relationship with 1 or more institutions of higher education, tribally controlled colleges or universities, or tribal technical institutions;

''(L) help to meet the other regional competitiveness needs identified by a Regional Board; or

''(M) protect and promote rural heritage.

''(f) USES.—

''(1) LEVERAGE.—A Regional Board shall prioritize projects and initiatives carried out using funds from a regional innovation grant provided under this section, based in part on the degree to which members of the Regional Board are able to leverage additional funds for the implementation of the projects.

''(2) PURPOSES.—A Regional Board may use a regional innovation grant—

''(A) to support the development of critical infrastructure (including technology deployment and services) necessary to facilitate the competitiveness of a region;

''(B) to provide assistance to entities within the region that provide essential public and community services;

''(C) to enhance the value-added production, marketing, and use of agricultural and natural resources within the region, including activities relating to renewable and alternative energy production and usage;

''(D) to assist with entrepreneurship, job training, workforce development, housing, educational, or other quality of life services or needs, relating to the development and maintenance of strong local and regional economies;

''(E) to assist in the development of unique new collaborations that link public, private, and philanthropic resources, including community foundations;

''(F) to provide support for business and entrepreneurial investment, strategy, expansion, and development, including feasibility strategies, technical assistance, peer networks, business development funds, and other activities to strengthen the economic competitiveness of the region;

''(G) to provide matching funds to enable community foundations located within the region to build endowments which provide permanent philanthropic resources to implement a regional investment strategy; and

''(H) to preserve and promote rural heritage.

''(3) AVAILABILITY OF FUNDS.—The funds made available to a Regional Board or any other eligible grantee through a regional innovation grant shall remain available for the 7-year period beginning on the date on which the award is provided, on the condition that the Regional Board or other grantee continues to be certified by the Secretary as making adequate progress toward achieving established benchmarks.

''(g) COST SHARING.—

''(1) WAIVER OF GRANTEE SHARE.—The Secretary may waive the share of a grantee of the costs of a project funded by a regional innovation grant under this section if the Secretary determines that such a waiver is appropriate, including with respect to special circumstances within tribal regions, in the event an area experiences—

''(A) a sudden or severe economic dislocation;

''(B) significant chronic unemployment or poverty;

''(C) a natural disaster; or

''(D) other severe economic, social, or cultural duress.

''(2) OTHER FEDERAL PROGRAMS.—For the purpose of determining cost-sharing requirements for any other Federal program, funds provided as a regional innovation grant under this section shall be considered to be non-Federal funds.

''(h) NONCOMPLIANCE.—If a Regional Board or other eligible grantee fails to comply with any requirement relating to the use of funds provided under this section, the Secretary may—

''(1) take such actions as are necessary to obtain reimbursement of unused grant funds; and

''(2) reprogram the recaptured funds for purposes relating to implementation of this subtitle.

''(i) PRIORITY TO AREAS WITH AWARDS AND APPROVED STRATEGIES.—

''(1) IN GENERAL.—Subject to paragraph (3), in providing rural development assistance under other programs, the Secretary shall give a high priority to areas that receive innovation grants under this section.

''(2) CONSULTATION.—The Secretary shall consult with the heads of other Federal agencies to promote the development of priorities similar to those described in paragraph (1).

''(3) EXCLUSION OF CERTAIN PROGRAMS.—Paragraph (1) shall not apply to the provision of rural development assistance under any program relating to basic health, safety, or infrastructure, including broadband deployment or minimum environmental needs.

''SEC. 385G. RURAL ENDOWMENT LOANS PROGRAM.

''(a) IN GENERAL.—The Secretary may provide long-term loans to eligible community foundations to assist in the implementation of regional investment strategies.

''(b) ELIGIBLE COMMUNITY FOUNDATIONS.—To be eligible to receive a loan under this section, a community foundation shall—

''(1) be located in an area that is covered by a regional investment strategy;

''(2) match the amount of the loan with an amount that is at least 250 percent of the amount of the loan; and

''(3) use the loan and the matching amount to carry out the regional investment strategy in a manner that is targeted to community and economic development, including through the development of community foundation endowments.

''(c) TERMS.—A loan made under this section shall—

''(1) have a term of not less than 10, nor more than 20, years;

''(2) bear an interest rate of 1 percent per annum; and

''(3) be subject to such other terms and conditions as are determined appropriate by the Secretary.

''SEC. 385H. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out this subtitle $135,000,000 for the period of fiscal years 2009 through 2012.''.

SEC. 6029. FUNDING OF PENDING RURAL DEVELOPMENT LOAN AND GRANT APPLICATIONS.

(a) DEFINITION OF APPLICATION.—In this section, the term ''application'' does not include an application for a loan or grant that, as of the date of enactment of this Act, is in the preapplication phase of consideration under regulations of the Secretary in effect on the date of enactment of this Act.

(b) USE OF FUNDS.—Subject to subsection (c), the Secretary shall use funds made available under subsection (d) to provide funds for applications that are pending on the date of enactment of this Act for—

(1) water or waste disposal grants or direct loans under paragraph (1) or (2) of section 306(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)); and

(2) emergency community water assistance grants under section 306A of that Act (7 U.S.C. 1926a).

(c) LIMITATIONS.—

(1) APPROPRIATED AMOUNTS.—Funds made available under this section shall be available to the Secretary to provide funds for applications for loans and grants described in subsection (b) that are pending on the date of enactment of this Act only to the extent that funds for the loans and grants appropriated in the annual appropriations Act for fiscal year 2007 have been exhausted.

(2) PROGRAM REQUIREMENTS.—The Secretary may use funds made available under this section to provide funds for a pending application for a loan or grant described in subsection (b) only if the Secretary processes, reviews, and approves the application in accordance with regulations in effect on the date of enactment of this Act.

(3) PRIORITY.—In providing funding under this section for pending applications for loans or grants described in subsection (b), the Secretary shall provide funding in the following order of priority (until funds made available under this section are exhausted):

(A) Pending applications for water systems.

(B) Pending applications for waste disposal systems.

(d) FUNDING.—Notwithstanding any other provision of law, of the funds of the Commodity Credit Corporation, the Secretary shall use to carry out this section $120,000,000, to remain available until expended.

Subtitle B—Rural Electrification Act of 1936

SEC. 6101. ENERGY EFFICIENCY PROGRAMS.

Sections 2(a) and 4 of the Rural Electrification Act of 1936 (7 U.S.C. 902(a), 904) are amended by inserting ''efficiency and'' before ''conservation'' each place it appears.

SEC. 6102. REINSTATEMENT OF RURAL UTILITY SERVICES DIRECT LENDING.

(a) IN GENERAL.—Section 4 of the Rural Electrification Act of 1936 (7 U.S.C. 904) is amended—

(1) by designating the first, second, and third sentences as subsections (a), (b), and (d), respectively; and

(2) by inserting after subsection (b) (as so designated) the following:

''(c) DIRECT LOANS.—

''(1) DIRECT HARDSHIP LOANS.—Direct hardship loans under this section shall be for the same purposes and on the same terms and conditions as hardship loans made under section 305(c)(1).

''(2) OTHER DIRECT LOANS.—All other direct loans under this section shall bear interest at a rate equal to the then current cost of money to the Government of the United States for loans of similar maturity, plus ⅛ of 1 percent.''.

(b) ELIMINATION OF FEDERAL FINANCING BANK GUARANTEED LOANS.—Section 306 of the Rural Electrification Act of 1936 (7 U.S.C. 936) is amended—

(1) in the third sentence, by striking ''guarantee, accommodation, or subordination'' and inserting ''accommodation or subordination''; and

(2) by striking the fourth sentence.

SEC. 6103. DEFERMENT OF PAYMENTS TO ALLOWS LOANS FOR IMPROVED ENERGY EFFICIENCY AND DEMAND REDUCTION AND FOR ENERGY EFFICIENCY AND USE AUDITS.

Section 12 of the Rural Electrification Act of 1936 (7 U.S.C. 912) is amended by adding at the end the following:

''(c) DEFERMENT OF PAYMENTS ON LOANS.—

''(1) IN GENERAL.—The Secretary shall allow borrowers to defer payment of principal and interest on any direct loan made under this Act to enable the borrower to make loans to residential, commercial, and industrial consumers—

''(A) to conduct energy efficiency and use audits; and

''(B) to install energy efficient measures or devices that reduce the demand on electric systems.

''(2) AMOUNT.—The total amount of a deferment under this subsection shall not exceed the sum of the principal and interest on the loans made to a customer of the borrower, as determined by the Secretary.

''(3) TERM.—The term of a deferment under this subsection shall not exceed 60 months.''.

SEC. 6104. RURAL ELECTRIFICATION ASSISTANCE.

Section 13 of the Rural Electrification Act of 1936 (7 U.S.C. 913) is amended to read as follows:

''SEC. 13. DEFINITIONS.

''In this Act:

''(1) FARM.—The term 'farm' means a farm, as defined by the Bureau of the Census.

''(2) INDIAN TRIBE.—The term 'Indian tribe' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

''(3) RURAL AREA.—Except as provided otherwise in this Act, the term 'rural area' means the farm and nonfarm population of—

''(A) any area described in section 343(a)(13)(C) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1991(a)(13)(C)); and

''(B) any area within a service area of a borrower for which a borrower has an outstanding loan made under titles I through V as of the date of enactment of this paragraph.

''(4) TERRITORY.—The term 'territory' includes any insular possession of the United States.

''(5) SECRETARY.—The term 'Secretary' means the Secretary of Agriculture.''.

SEC. 6105. SUBSTANTIALLY UNDERSERVED TRUST AREAS.

The Rural Electrification Act of 1936 is amended by inserting after section 306E (7 U.S.C. 936e) the following:

''SEC. 306F. SUBSTANTIALLY UNDERSERVED TRUST AREAS.

''(a) DEFINITIONS.—In this section:

''(1) ELIGIBLE PROGRAM.—The term 'eligible program' means a program administered by the Rural Utilities Service and authorized in—

''(A) this Act; or

''(B) paragraph (1), (2), (14), (22), or (24) of section 306(a) or section 306A, 306C, 306D, or 306E of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a), 1926a, 1926c, 1926d, 1926e).

''(2) SUBSTANTIALLY UNDERSERVED TRUST AREA.—The term 'substantially underserved trust area' means a community in 'trust land' (as defined in section 3765 of title 38, United States Code) with respect to which the Secretary determines has a high need for the benefits of an eligible program.

''(b) INITIATIVE.—The Secretary, in consultation with local governments and Federal agencies, may implement an initiative to identify and improve the availability of eligible programs in communities in substantially underserved trust areas.

''(c) AUTHORITY OF SECRETARY.—In carrying out subsection (b), the Secretary—

''(1) may make available from loan or loan guarantee programs administered by the Rural Utilities Service to qualified utilities or applicants financing with an interest rate as low as 2 percent, and with extended repayment terms;

''(2) may waive nonduplication restrictions, matching fund requirements, or credit support requirements from any loan or grant program administered by the Rural Utilities Service to facilitate the construction, acquisition, or improvement of infrastructure;

''(3) may give the highest funding priority to designated projects in substantially underserved trust areas; and

''(4) shall only make loans or loan guarantees that are found to be financially feasible and that provide eligible program benefits to substantially underserved trust areas.

''(d) REPORT.—Not later than 1 year after the date of enactment of this section and annually thereafter, the Secretary shall submit to Congress a report that describes—

''(1) the progress of the initiative implemented under subsection (b); and

''(2) recommendations for any regulatory or legislative changes that would be appropriate to improve services to substantially underserved trust areas.''.

SEC. 6106. GUARANTEES FOR BONDS AND NOTES ISSUED FOR ELECTRIFICATION OR TELEPHONE PURPOSES.

(a) IN GENERAL.—Section 313A of the Rural Electrification Act of 1936 (7 U.S.C. 940c–1) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking ''for electrification'' and all that follows through the end and inserting ''for eligible electrification or telephone purposes consistent with this Act.''; and

(B) by striking paragraph (4) and inserting the following:

''(4) ANNUAL AMOUNT.—The total amount of guarantees provided by the Secretary under this section during a fiscal year shall not exceed $1,000,000,000, subject to the availability of funds under subsection (e).'';

(2) in subsection (c), by striking paragraphs (2) and (3) and inserting the following:

''(2) AMOUNT.—

''(A) IN GENERAL.—The amount of the annual fee paid for the guarantee of a bond or note under this section shall be equal to 30 basis points of the amount of the unpaid principal of the bond or note guaranteed under this section.

''(B) PROHIBITION.—Except as otherwise provided in this subsection and subsection (e)(2), no other fees shall be assessed.

''(3) PAYMENT.—

''(A) IN GENERAL.—A lender shall pay the fees required under this subsection on a semiannual basis.

''(B) STRUCTURED SCHEDULE.—The Secretary shall, with the consent of the lender, structure the schedule for payment of the fee to ensure that sufficient funds are available to pay the subsidy costs for note or bond guarantees as provided for in subsection (e)(2).''; and

(3) in subsection (f), by striking ''2007'' and inserting ''2012''.

(b) ADMINISTRATION.—The Secretary shall continue to carry out section 313A of the Rural Electrification Act of 1936 (7 U.S.C. 940c–1) in the same manner as on the day before the date of enactment of this Act, except without regard to the limitations prescribed in subsection (b)(1) of that section, until such time as any regulations necessary to carry out the amendments made by this section are fully implemented.

SEC. 6107. EXPANSION OF 911 ACCESS.

Section 315 of the Rural Electrification Act of 1936 (7 U.S.C. 940e) is amended to read as follows:

''SEC. 315. EXPANSION OF 911 ACCESS.

''(a) IN GENERAL.—Subject to subsection (c) and such terms and conditions as the Secretary may prescribe, the Secretary may make loans under this title to entities eligible to borrow from the Rural Utilities Service, State or local governments, Indian tribes (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b)), or other public entities for facilities and equipment to expand or improve in rural areas—

''(1) 911 access;

''(2) integrated interoperable emergency communications, including multiuse networks that provide commercial or transportation information services in addition to emergency communications services;

''(3) homeland security communications;

''(4) transportation safety communications; or

''(5) location technologies used outside an urbanized area.

''(b) LOAN SECURITY.—Government-imposed fees related to emergency communications (including State or local 911 fees) may be considered to be security for a loan under this section.

''(c) EMERGENCY COMMUNICATIONS EQUIPMENT PROVIDERS.—The Secretary may make a loan under this section to an emergency communication equipment provider to expand or improve 911 access or other communications or technologies described in subsection (a) if the local government that has jurisdiction over the project is not allowed to acquire the debt resulting from the loan.

''(d) AUTHORIZATION OF APPROPRIATIONS.—The Secretary shall use to make loans under this section any funds otherwise made available for telephone loans for each of fiscal years 2008 through 2012.''.

SEC. 6108. ELECTRIC LOANS FOR RENEWABLE ENERGY.

Title III of the Rural Electrification Act of 1936 is amended by inserting after section 316 (7 U.S.C. 940f) the following:

''SEC. 317. ELECTRIC LOANS FOR RENEWABLE ENERGY.

''(a) DEFINITION OF RENEWABLE ENERGY SOURCE.—In this section, the term 'renewable energy source' means an energy conversion system fueled from a solar, wind, hydropower, biomass, or geothermal source of energy.

''(b) LOANS.—In addition to any other funds or authorities otherwise made available under this Act, the Secretary may make electric loans

under this title for electric generation from renewable energy resources for resale to rural and nonrural residents.

''(c) RATE.—The rate of a loan under this section shall be equal to the average tax-exempt municipal bond rate of similar maturities.''.

SEC. 6109. BONDING REQUIREMENTS.

Title III of the Rural Electrification Act of 1936 is amended by inserting after section 317 (as added by section 6108) the following:

''SEC. 318. BONDING REQUIREMENTS.

''The Secretary shall review the bonding requirements for all programs administered by the Rural Utilities Service under this Act to ensure that bonds are not required if—

''(1) the interests of the Secretary are adequately protected by product warranties; or

''(2) the costs or conditions associated with a bond exceed the benefit of the bond.''.

SEC. 6110. ACCESS TO BROADBAND TELECOMMUNICATIONS SERVICES IN RURAL AREAS.

(a) IN GENERAL.—Section 601 of the Rural Electrification Act of 1936 (7 U.S.C. 950bb) is amended to read as follows:

''SEC. 601. ACCESS TO BROADBAND TELECOMMUNICATIONS SERVICES IN RURAL AREAS.

''(a) PURPOSE.—The purpose of this section is to provide loans and loan guarantees to provide funds for the costs of the construction, improvement, and acquisition of facilities and equipment for broadband service in rural areas.

''(b) DEFINITIONS.—In this section:

''(1) BROADBAND SERVICE.—The term 'broadband service' means any technology identified by the Secretary as having the capacity to transmit data to enable a subscriber to the service to originate and receive high-quality voice, data, graphics, and video.

''(2) INCUMBENT SERVICE PROVIDER.—The term 'incumbent service provider', with respect to an application submitted under this section, means an entity that, as of the date of submission of the application, is providing broadband service to not less than 5 percent of the households in the service territory proposed in the application.

''(3) RURAL AREA.—

''(A) IN GENERAL.—The term 'rural area' means any area other than—

''(i) an area described in clause (i) or (ii) of section 343(a)(13)(A) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1991(a)(13)(A)); and

''(ii) a city, town, or incorporated area that has a population of greater than 20,000 inhabitants.

''(B) URBAN AREA GROWTH.—The Secretary may, by regulation only, consider an area described in section 343(a)(13)(F)(i)(I) of that Act to not be a rural area for purposes of this section.

''(c) LOANS AND LOAN GUARANTEES.—

''(1) IN GENERAL.—The Secretary shall make or guarantee loans to eligible entities described in subsection (d) to provide funds for the construction, improvement, or acquisition of facilities and equipment for the provision of broadband service in rural areas.

''(2) PRIORITY.—In making or guaranteeing loans under paragraph (1), the Secretary shall give the highest priority to applicants that offer to provide broadband service to the greatest proportion of households that, prior to the provision of the broadband service, had no incumbent service provider.

''(d) ELIGIBILITY.—

''(1) ELIGIBLE ENTITIES.—

''(A) IN GENERAL.—To be eligible to obtain a loan or loan guarantee under this section, an entity shall—

''(i) demonstrate the ability to furnish, improve, or extend a broadband service to a rural area;

''(ii) submit to the Secretary a loan application at such time, in such manner, and containing such information as the Secretary may require; and

''(iii) agree to complete buildout of the broadband service described in the loan application by not later than 3 years after the initial date on which proceeds from the loan made or guaranteed under this section are made available.

''(B) LIMITATION.—An eligible entity that provides telecommunications or broadband service to at least 20 percent of the households in the United States may not receive an amount of funds under this section for a fiscal year in excess of 15 percent of the funds authorized and appropriated under subsection (k) for the fiscal year.

''(2) ELIGIBLE PROJECTS.—

''(A) IN GENERAL.—Except as provided in subparagraphs (B) and (C), the proceeds of a loan made or guaranteed under this section may be used to carry out a project in a proposed service territory only if, as of the date on which the application for the loan or loan guarantee is submitted—

''(i) not less than 25 percent of the households in the proposed service territory is offered broadband service by not more than 1 incumbent service provider; and

''(ii) broadband service is not provided in any part of the proposed service territory by 3 or more incumbent service providers.

''(B) EXCEPTION TO 25 PERCENT REQUIREMENT.—Subparagraph (A)(i) shall not apply to the proposed service territory of a project if a loan or loan guarantee has been made under this section to the applicant to provide broadband service in the proposed service territory.

''(C) EXCEPTION TO 3 OR MORE INCUMBENT SERVICE PROVIDER REQUIREMENT.—

''(i) IN GENERAL.—Except as provided in clause (ii), subparagraph (A)(ii) shall not apply to an incumbent service provider that is upgrading broadband service to the existing territory of the incumbent service provider.

''(ii) EXCEPTION.—Clause (i) shall not apply if the applicant is eligible for funding under another title of this Act.

''(3) EQUITY AND MARKET SURVEY REQUIREMENTS.—

''(A) IN GENERAL.—The Secretary may require an entity to provide a cost share in an amount not to exceed 10 percent of the amount of the loan or loan guarantee requested in the application of the entity, unless the Secretary determines that a higher percentage is required for financial feasibility.

''(B) MARKET SURVEY.—

''(i) IN GENERAL.—The Secretary may require an entity that proposes to have a subscriber projection of more than 20 percent of the broadband service market in a rural area to submit to the Secretary a market survey.

''(ii) LESS THAN 20 PERCENT.—The Secretary may not require an entity that proposes to have a subscriber projection of less than 20 percent of the broadband service market in a rural area to submit to the Secretary a market survey.

''(4) STATE AND LOCAL GOVERNMENTS AND INDIAN TRIBES.—Subject to paragraph (1), a State or local government (including any agency, subdivision, or instrumentality thereof (including consortia thereof)) and an Indian tribe shall be eligible for a loan or loan guarantee under this section to provide broadband services to a rural area.

''(5) NOTICE REQUIREMENT.—The Secretary shall publish a notice of each application for a loan or loan guarantee under this section describing the application, including—

''(A) the identity of the applicant;

''(B) each area proposed to be served by the applicant; and

''(C) the estimated number of households without terrestrial-based broadband service in those areas.

''(6) PAPERWORK REDUCTION.—The Secretary shall take steps to reduce, to the maximum extent practicable, the cost and paperwork associated with applying for a loan or loan guarantee under this section by first-time applicants (particularly first-time applicants who are small and start-up broadband service providers), including by providing for a new application that maintains the ability of the Secretary to make an analysis of the risk associated with the loan involved.

''(7) PREAPPLICATION PROCESS.—The Secretary shall establish a process under which a prospective applicant may seek a determination of area eligibility prior to preparing a loan application under this section.

''(e) BROADBAND SERVICE.—

''(1) IN GENERAL.—The Secretary shall, from time to time as advances in technology warrant, review and recommend modifications of rate-of-data transmission criteria for purposes of the identification of broadband service technologies under subsection (b)(1).

''(2) PROHIBITION.—The Secretary shall not establish requirements for bandwidth or speed that have the effect of precluding the use of evolving technologies appropriate for rural areas.

''(f) TECHNOLOGICAL NEUTRALITY.—For purposes of determining whether to make a loan or loan guarantee for a project under this section, the Secretary shall use criteria that are technologically neutral.

''(g) TERMS AND CONDITIONS FOR LOANS AND LOAN GUARANTEES.—

''(1) IN GENERAL.—Notwithstanding any other provision of law, a loan or loan guarantee under this section shall—

''(A) bear interest at an annual rate of, as determined by the Secretary—

''(i) in the case of a direct loan, a rate equivalent to—

''(I) the cost of borrowing to the Department of the Treasury for obligations of comparable maturity; or

''(II) 4 percent; and

''(ii) in the case of a guaranteed loan, the current applicable market rate for a loan of comparable maturity; and

''(B) have a term of such length, not exceeding 35 years, as the borrower may request, if the Secretary determines that the loan is adequately secured.

''(2) TERM.—In determining the term of a loan or loan guarantee, the Secretary shall consider whether the recipient is or would be serving an area that is not receiving broadband services.

''(3) RECURRING REVENUE.—The Secretary shall consider the existing recurring revenues of the entity at the time of application in determining an adequate level of credit support.

''(h) ADEQUACY OF SECURITY.—

''(1) IN GENERAL.—The Secretary shall ensure that the type and amount of, and method of security used to secure, any loan or loan guarantee under this section is commensurate to the risk involved with the loan or loan guarantee, particularly in any case in which the loan or loan guarantee is issued to a financially strong and stable entity, as determined by the Secretary.

''(2) DETERMINATION OF AMOUNT AND METHOD OF SECURITY.—In determining the amount of, and method of security used to secure, a loan or loan guarantee under this section, the Secretary shall consider reducing the security in a rural area that does not have broadband service.

''(i) USE OF LOAN PROCEEDS TO REFINANCE LOANS FOR DEPLOYMENT OF BROADBAND SERVICE.—Notwithstanding any other provision of this Act, the proceeds of any loan made or guaranteed by the Secretary under this Act may be used by the recipient of the loan for the purpose of refinancing an outstanding obligation of the recipient on another telecommunications loan made under this Act if the use of the proceeds for that purpose will support the construction, improvement, or acquisition of facilities and equipment for the provision of broadband service in rural areas.

''(j) REPORTS.—Not later than 1 year after the date of enactment of the Food, Conservation,

and Energy Act of 2008, and annually thereafter, the Administrator shall submit to Congress a report that describes the extent of participation in the loan and loan guarantee program under this section for the preceding fiscal year, including a description of —

''(1) the number of loans applied for and provided under this section;

''(2)(A) the communities proposed to be served in each loan application submitted for the fiscal year; and

''(B) the communities served by projects funded by loans and loan guarantees provided under this section;

''(3) the period of time required to approve each loan application under this section;

''(4) any outreach activities carried out by the Secretary to encourage entities in rural areas without broadband service to submit applications under this section;

''(5) the method by which the Secretary determines that a service enables a subscriber to originate and receive high-quality voice, data, graphics, and video for purposes of subsection (b)(1); and

''(6) each broadband service, including the type and speed of broadband service, for which assistance was sought, and each broadband service for which assistance was provided, under this section.

''(k) FUNDING.—

''(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $25,000,000 for each of fiscal years 2008 through 2012, to remain available until expended.

''(2) ALLOCATION OF FUNDS.—

''(A) IN GENERAL.—From amounts made available for each fiscal year under this subsection, the Secretary shall—

''(i) establish a national reserve for loans and loan guarantees to eligible entities in States under this section; and

''(ii) allocate amounts in the reserve to each State for each fiscal year for loans and loan guarantees to eligible entities in the State.

''(B) AMOUNT.—The amount of an allocation made to a State for a fiscal year under subparagraph (A) shall bear the same ratio to the amount of allocations made for all States for the fiscal year as—

''(i) the number of communities with a population of 2,500 inhabitants or less in the State; bears to

''(ii) the number of communities with a population of 2,500 inhabitants or less in all States.

''(C) UNOBLIGATED AMOUNTS.—Any amounts in the reserve established for a State for a fiscal year under subparagraph (B) that are not obligated by April 1 of the fiscal year shall be available to the Secretary to make loans and loan guarantees under this section to eligible entities in any State, as determined by the Secretary.

''(l) TERMINATION OF AUTHORITY.—No loan or loan guarantee may be made under this section after September 30, 2012.''.

(b) REGULATIONS.—The Secretary may implement the amendment made by subsection (a) through the promulgation of an interim regulation.

(c) APPLICATION.—The amendment made by subsection (a) shall not apply to—

(1) an application submitted under section 601 of the Rural Electrification Act of 1936 (7 U.S.C. 950bb) (as it existed before the amendment made by subsection (a)) that—

(A) was pending on the date that is 45 days prior to the date of enactment of this Act; and

(B) is pending on the date of enactment of this Act; or

(2) a petition for reconsideration of a decision on an application described in paragraph (1).

SEC. 6111. NATIONAL CENTER FOR RURAL TELECOMMUNICATIONS ASSESSMENT.

Title VI of the Rural Electrification Act of 1936 (7 U.S.C. 950bb et seq.) is amended by adding at the end the following:

''SEC. 602. NATIONAL CENTER FOR RURAL TELECOMMUNICATIONS ASSESSMENT.

''(a) DESIGNATION OF CENTER.—The Secretary shall designate an entity to serve as the National Center for Rural Telecommunications Assessment (referred to in this section as the 'Center').

''(b) CRITERIA.—In designating the Center under subsection (a), the Secretary shall take into consideration the following criteria:

''(1) The Center shall be an entity that demonstrates to the Secretary—

''(A) a focus on rural policy research; and

''(B) a minimum of 5 years of experience relating to rural telecommunications research and assessment.

''(2) The Center shall be capable of assessing broadband services in rural areas.

''(3) The Center shall have significant experience involving other rural economic development centers and organizations with respect to the assessment of rural policies and the formulation of policy solutions at the Federal, State, and local levels.

''(c) BOARD OF DIRECTORS.—The Center shall be managed by a board of directors, which shall be responsible for the duties of the Center described in subsection (d).

''(d) DUTIES.—The Center shall—

''(1) assess the effectiveness of programs carried out under this title in increasing broadband penetration and purchase in rural areas, especially in rural communities identified by the Secretary as having no broadband service before the provision of a loan or loan guarantee under this title;

''(2) work with existing rural development centers selected by the Center to identify policies and initiatives at the Federal, State, and local levels that have increased broadband penetration and purchase in rural areas and provide recommendations to Federal, State, and local policymakers on effective strategies to bring affordable broadband services to residents of rural areas, particularly residents located outside of the municipal boundaries of a rural city or town; and

''(3) develop and publish reports describing the activities carried out by the Center under this section.

''(e) REPORTING REQUIREMENTS.—Not later than December 1 of each applicable fiscal year, the board of directors of the Center shall submit to Congress and the Secretary a report describing the activities carried out by the Center during the preceding fiscal year and the results of any research conducted by the Center during that fiscal year, including—

''(1) an assessment of each program carried out under this title; and

''(2) an assessment of the effects of the policy initiatives identified under subsection (d)(2).

''(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $1,000,000 for each of fiscal years 2008 through 2012.''.

SEC. 6112. COMPREHENSIVE RURAL BROADBAND STRATEGY.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Chairman of the Federal Communications Commission, in coordination with the Secretary, shall submit to Congress a report describing a comprehensive rural broadband strategy that includes—

(1) recommendations—

(A) to promote interagency coordination of Federal agencies in regards to policies, procedures, and targeted resources, and to streamline or otherwise improve and streamline the policies, programs, and services;

(B) to coordinate existing Federal rural broadband or rural initiatives;

(C) to address both short- and long-term needs assessments and solutions for a rapid build-out of rural broadband solutions and application of the recommendations for Federal, State, regional, and local government policymakers; and

(D) to identify how specific Federal agency programs and resources can best respond to rural broadband requirements and overcome obstacles that currently impede rural broadband deployment; and

(2) a description of goals and timeframes to achieve the purposes of the report.

(b) UPDATES.—The Chairman of the Federal Communications Commission, in coordination with the Secretary, shall update and evaluate the report described in subsection (a) during the third year after the date of enactment of this Act.

SEC. 6113. STUDY ON RURAL ELECTRIC POWER GENERATION.

(a) IN GENERAL.—The Secretary shall conduct a study on the electric power generation needs in rural areas of the United States.

(b) COMPONENTS.—The study shall include an examination of—

(1) generation in various areas in rural areas of the United States, particularly by rural electric cooperatives;;

(2) financing available for capacity, including financing available through programs authorized under the Rural Electrification Act of 1936 (7 U.S.C. 901 et seq.);

(3) the impact of electricity costs on consumers and local economic development;

(4) the ability of fuel feedstock technology to meet regulatory requirements, such as carbon capture and sequestration; and

(5) any other factors that the Secretary considers appropriate.

(c) REPORT.—Not later than 60 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report containing the findings of the study under this section.

Subtitle C—Miscellaneous

SEC. 6201. DISTANCE LEARNING AND TELEMEDICINE.

(a) IN GENERAL.—Section 2333(c)(1) of the Food, Agriculture, Conservation and Trade Act of 1990 (7 U.S.C. Sec. 950aaa–2(a)(1)) is amended—

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

(2) in subparagraph (B), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

''(C) libraries.''.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 2335A of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 950aaa–5) is amended by striking ''2007'' and inserting ''2012''.

(c) CONFORMING AMENDMENT.—Section 1(b) of Public Law 102–551 (7 U.S.C. 950aaa note; Public Law 102–551) is amended by striking ''2007'' and inserting ''2012''.

SEC. 6202. VALUE-ADDED AGRICULTURAL MARKET DEVELOPMENT PROGRAM GRANTS.

(a) DEFINITIONS.—Section 231 of the Agricultural Risk Protection Act of 2000 (7 U.S.C. 1621 note; Public Law 106–224) is amended by striking subsection (a) and inserting the following:

''(a) DEFINITIONS.—In this section:

''(1) BEGINNING FARMER OR RANCHER.—The term 'beginning farmer or rancher' has the meaning given the term in section 343(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1991(a)).

''(2) FAMILY FARM.—The term 'family farm' has the meaning given the term in section 761.2 of title 7, Code of Federal Regulations (as in effect on December 30, 2007).

''(3) MID-TIER VALUE CHAIN.—The term 'mid-tier value chain' means local and regional supply networks that link independent producers with businesses and cooperatives that market value-added agricultural products in a manner that—

''(A) targets and strengthens the profitability and competitiveness of small and medium-sized farms and ranches that are structured as a family farm; and

''(B) obtains agreement from an eligible agricultural producer group, farmer or rancher cooperative, or majority-controlled producer-based

business venture that is engaged in the value chain on a marketing strategy.

''(4) SOCIALLY DISADVANTAGED FARMER OR RANCHER.—The term 'socially disadvantaged farmer or rancher' has the meaning given the term in section 355(e) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2003(e)).

''(5) VALUE-ADDED AGRICULTURAL PRODUCT.—The term 'value-added agricultural product' means any agricultural commodity or product that—

''(A)(i) has undergone a change in physical state;

''(ii) was produced in a manner that enhances the value of the agricultural commodity or product, as demonstrated through a business plan that shows the enhanced value, as determined by the Secretary;

''(iii) is physically segregated in a manner that results in the enhancement of the value of the agricultural commodity or product;

''(iv) is a source of farm- or ranch-based renewable energy, including E–85 fuel; or

''(v) is aggregated and marketed as a locally-produced agricultural food product; and

''(B) as a result of the change in physical state or the manner in which the agricultural commodity or product was produced, marketed, or segregated—

''(i) the customer base for the agricultural commodity or product is expanded; and

''(ii) a greater portion of the revenue derived from the marketing, processing, or physical segregation of the agricultural commodity or product is available to the producer of the commodity or product.''.

(b) GRANT PROGRAM.—Section 231(b) of the Agricultural Risk Protection Act of 2000 (7 U.S.C. 1621 note; Public Law 106–224) is amended—

(1) in paragraph (1), by striking ''paragraph (4)'' and inserting ''paragraph (7)''; and

(2) by striking paragraph (4) and inserting the following:

''(4) TERM.—A grant under this subsection shall have a term that does not exceed 3 years.

''(5) SIMPLIFIED APPLICATION.—The Secretary shall offer a simplified application form and process for project proposals requesting less than $50,000.

''(6) PRIORITY.—In awarding grants under this subsection, the Secretary shall give priority to projects that contribute to increasing opportunities for—

''(A) beginning farmers or ranchers;

''(B) socially disadvantaged farmers or ranchers; and

''(C) operators of small- and medium-sized farms and ranches that are structured as a family farm.

''(7) FUNDING.—

''(A) MANDATORY FUNDING.—On October 1, 2008, of the funds of the Commodity Credit Corporation, the Secretary shall make available to carry out this subsection $15,000,000, to remain available until expended.

''(B) DISCRETIONARY FUNDING.—There is authorized to be appropriated to carry out this subsection $40,000,000 for each of fiscal years 2008 through 2012.

''(C) RESERVATION OF FUNDS FOR PROJECTS TO BENEFIT BEGINNING FARMERS OR RANCHERS, SOCIALLY DISADVANTAGED FARMERS OR RANCHERS, AND MID-TIER VALUE CHAINS.—

''(i) IN GENERAL.—The Secretary shall reserve 10 percent of the amounts made available for each fiscal year under this paragraph to fund projects that benefit beginning farmers or ranchers or socially disadvantaged farmers or ranchers.

''(ii) MID-TIER VALUE CHAINS.—The Secretary shall reserve 10 percent of the amounts made available for each fiscal year under this paragraph to fund applications of eligible entities described in paragraph (1) that propose to develop mid-tier value chains.

''(iii) UNOBLIGATED AMOUNTS.—Any amounts in the reserves for a fiscal year established under clauses (i) and (ii) that are not obligated by June 30 of the fiscal year shall be available to the Secretary to make grants under this subsection to eligible entities in any State, as determined by the Secretary.''.

SEC. 6203. AGRICULTURE INNOVATION CENTER DEMONSTRATION PROGRAM.

Section 6402 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 1621 note; Public Law 107–171) is amended by striking subsection (i) and inserting the following:

''(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $6,000,000 for each of fiscal years 2008 through 2012.''.

SEC. 6204. RURAL FIREFIGHTERS AND EMERGENCY MEDICAL SERVICE ASSISTANCE PROGRAM.

Section 6405 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 2655) is amended to read as follows:

''SEC. 6405. RURAL FIREFIGHTERS AND EMERGENCY MEDICAL SERVICE ASSISTANCE PROGRAM.

''(a) DEFINITION OF EMERGENCY MEDICAL SERVICES.—In this section:

''(1) IN GENERAL.—The term 'emergency medical services' means resources used by a public or nonprofit entity to deliver medical care outside of a medical facility under emergency conditions that occur as a result of—

''(A) the condition of a patient; or

''(B) a natural disaster or related condition.

''(2) INCLUSION.—The term 'emergency medical services' includes services (whether compensated or volunteer) delivered by an emergency medical services provider or other provider recognized by the State involved that is licensed or certified by the State as—

''(A) an emergency medical technician or the equivalent (as determined by the State);

''(B) a registered nurse;

''(C) a physician assistant; or

''(D) a physician that provides services similar to services provided by such an emergency medical services provider.

''(b) GRANTS.—The Secretary shall award grants to eligible entities—

''(1) to enable the entities to provide for improved emergency medical services in rural areas; and

''(2) to pay the cost of training firefighters and emergency medical personnel in firefighting, emergency medical practices, and responding to hazardous materials and bioagents in rural areas.

''(c) ELIGIBILITY.—To be eligible to receive a grant under this section, an entity shall—

''(1) be—

''(A) a State emergency medical services office;

''(B) a State emergency medical services association;

''(C) a State office of rural health or an equivalent agency;

''(D) a local government entity;

''(E) an Indian tribe (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b));

''(F) a State or local ambulance provider; or

''(G) any other public or nonprofit entity determined appropriate by the Secretary; and

''(2) prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, that includes—

''(A) a description of the activities to be carried out under the grant; and

''(B) an assurance that the applicant will comply with the matching requirement of subsection (f).

''(d) USE OF FUNDS.—An entity shall use amounts received under a grant made under subsection (b) only in a rural area—

''(1) to hire or recruit emergency medical service personnel;

''(2) to recruit or retain volunteer emergency medical service personnel;

''(3) to train emergency medical service personnel in emergency response, injury prevention, safety awareness, or other topics relevant to the delivery of emergency medical services;

''(4) to fund training to meet State or Federal certification requirements;

''(5) to provide training for firefighters or emergency medical personnel for improvements to the training facility, equipment, curricula, or personnel;

''(6) to develop new ways to educate emergency health care providers through the use of technology-enhanced educational methods (such as distance learning);

''(7) to acquire emergency medical services vehicles, including ambulances;

''(8) to acquire emergency medical services equipment, including cardiac defibrillators;

''(9) to acquire personal protective equipment for emergency medical services personnel as required by the Occupational Safety and Health Administration; or

''(10) to educate the public concerning cardiopulmonary resuscitation (CPR), first aid, injury prevention, safety awareness, illness prevention, or other related emergency preparedness topics.

''(e) PREFERENCE.—In awarding grants under this section, the Secretary shall give preference to—

''(1) applications that reflect a collaborative effort by 2 or more of the entities described in subparagraphs (A) through (G) of subsection (c)(1); and

''(2) applications submitted by entities that intend to use amounts provided under the grant to fund activities described in any of paragraphs (1) through (5) of subsection (d).

''(f) MATCHING REQUIREMENT.—The Secretary may not make a grant under this section to an entity unless the entity makes available (directly or through contributions from other public or private entities) non-Federal contributions toward the activities to be carried out under the grant in an amount equal to at least 5 percent of the amount received under the grant.

''(g) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—There is authorized to be appropriated to the Secretary to carry out this section not more than $30,000,000 for each of fiscal years 2008 through 2012.

''(2) ADMINISTRATIVE COSTS.—Not more than 5 percent of the amount appropriated under paragraph (1) for a fiscal year may be used for administrative expenses incurred in carrying out this section.''.

SEC. 6205. INSURANCE OF LOANS FOR HOUSING AND RELATED FACILITIES FOR DOMESTIC FARM LABOR.

Section 514(f)(3) of the Housing Act of 1949 (42 U.S.C. 1484(f)(3)) is amended by striking ''or the handling of such commodities in the unprocessed stage'' and inserting '', the handling of agricultural or aquacultural commodities in the unprocessed stage, or the processing of agricultural or aquacultural commodities''.

SEC. 6206. STUDY OF RURAL TRANSPORTATION ISSUES.

(a) IN GENERAL.—The Secretary of Agriculture and the Secretary of Transportation shall jointly conduct a study of transportation issues regarding the movement of agricultural products, domestically produced renewable fuels, and domestically produced resources for the production of electricity for rural areas of the United States, and economic development in those areas.

(b) INCLUSIONS.—The study shall include an examination of—

(1) the importance of freight transportation, including rail, truck, and barge, to—

(A) the delivery of equipment, seed, fertilizer, and other such products important to the development of agricultural commodities and products;

(B) the movement of agricultural commodities and products to market;

(C) the delivery of ethanol and other renewable fuels;

(D) the delivery of domestically produced resources for use in the generation of electricity for rural areas;

(E) the location of grain elevators, ethanol plants, and other facilities;

(F) the development of manufacturing facilities in rural areas; and

(G) the vitality and economic development of rural communities;

(2) the sufficiency in rural areas of transportation capacity, the sufficiency of competition in the transportation system, the reliability of transportation services, and the reasonableness of transportation rates;

(3) the sufficiency of facility investment in rural areas necessary for efficient and cost-effective transportation; and

(4) the accessibility to shippers in rural areas of Federal processes for the resolution of grievances arising within various transportation modes.

(c) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of this Act, the Secretary and the Secretary of Transportation shall submit to Congress a report that contains the results of the study required by subsection (a).

Subtitle D—Housing Assistance Council

SEC. 6301. SHORT TITLE.

This subtitle may be cited as the ''Housing Assistance Council Authorization Act of 2008''.

SEC. 6302. ASSISTANCE TO HOUSING ASSISTANCE COUNCIL.

(a) USE.—The Secretary of Housing and Urban Development may provide financial assistance to the Housing Assistance Council for use by the Council to develop the ability and capacity of community-based housing development organizations to undertake community development and affordable housing projects and programs in rural areas. Assistance provided by the Secretary under this section may be used by the Housing Assistance Council for—

(1) technical assistance, training, support, research, and advice to develop the business and administrative capabilities of rural community-based housing development organizations;

(2) loans, grants, or other financial assistance to rural community-based housing development organizations to carry out community development and affordable housing activities for low- and moderate-income families; and

(3) such other activities as may be determined by the Secretary of Housing and Urban Development and the Housing Assistance Council.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for financial assistance under this section for the Housing Assistance Council $10,000,000 for each of fiscal years 2009 through 2011.

SEC. 6303. AUDITS AND REPORTS.

(a) AUDIT.—

(1) IN GENERAL.—The financial transactions and activities of the Housing Assistance Council shall be audited annually by an independent certified public accountant or an independent licensed public accountant certified or licensed by a regulatory authority of a State or other political subdivision of the United States.

(2) REQUIREMENTS OF AUDITS.—The Comptroller General of the United States may rely on any audit completed under paragraph (1), if the audit complies with—

(A) the annual programmatic and financial examination requirements established in OMB Circular A-133; and

(B) generally accepted government auditing standards.

(3) REPORT TO CONGRESS.—The Comptroller General shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representative a report detailing each audit completed under paragraph (1).

(b) GAO REPORT.—The Comptroller General of the United States shall conduct a study and submit a report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representative on the use of any funds appropriated to the Housing Assistance Council over the past 7 years.

SEC. 6304. PERSONS NOT LAWFULLY PRESENT IN THE UNITED STATES.

Aliens who are not lawfully present in the United States shall be ineligible for financial assistance under this subtitle, as provided and defined by section 214 of the Housing and Community Development Act of 1980 (42 U.S.C. 1436a). Nothing in this subtitle shall be construed to alter the restrictions or definitions in such section 214.

SEC. 6305. LIMITATION ON USE OF AUTHORIZED AMOUNTS.

None of the amounts authorized by this subtitle may be used to lobby or retain a lobbyist for the purpose of influencing a Federal, State, or local governmental entity or officer.

TITLE VII—RESEARCH AND RELATED MATTERS

Subtitle A—National Agricultural Research, Extension, and Teaching Policy Act of 1977

SEC. 7101. DEFINITIONS.

(a) IN GENERAL.—Section 1404 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103) is amended—

(1) in paragraph (4)—

(A) by redesignating subparagraphs (A) through (E) as clauses (i) through (v), respectively;

(B) by striking ''(4) The terms'' and inserting the following:

''(4) COLLEGE AND UNIVERSITY.—

''(A) IN GENERAL.—The terms''; and

(C) by adding at the end the following:

''(B) INCLUSIONS.—The terms 'college' and 'university' include a research foundation maintained by a college or university described in subparagraph (A).'';

(2) by redesignating paragraphs (5) through (8), (9) through (11), (12) through (14), (15), (16), (17), and (18) as paragraphs (6) through (9), (11) through (13), (15) through (17), (20), (5), (18), and (19), respectively, and moving the paragraphs so as to appear in alphabetical and numerical order;

(3) in paragraph (9) (as redesignated by paragraph (2))—

(A) by striking ''renewable natural resources'' and inserting ''renewable energy and natural resources''; and

(B) by striking subparagraph (F) and inserting the following:

''(F) Soil, water, and related resource conservation and improvement.'';

(4) by inserting after paragraph (9) (as so redesignated) the following:

''(10) HISPANIC-SERVING AGRICULTURAL COLLEGES AND UNIVERSITIES.—

''(A) IN GENERAL.—The term 'Hispanic-serving agricultural colleges and universities' means colleges or universities that—

''(i) qualify as Hispanic-serving institutions; and

''(ii) offer associate, bachelors, or other accredited degree programs in agriculture-related fields.

''(B) EXCEPTION.—The term 'Hispanic-serving agricultural colleges and universities' does not include 1862 institutions (as defined in section 2 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7601)).'';

(5) by striking paragraph (11) (as so redesignated) and inserting the following:

''(11) HISPANIC-SERVING INSTITUTION.—The term 'Hispanic-serving institution' has the meaning given the term in section 502 of the Higher Education Act of 1965 (20 U.S.C. 1101a).''; and

(6) by inserting after paragraph (13) (as so redesignated) the following:

''(14) NLGCA INSTITUTION; NON-LAND-GRANT COLLEGE OF AGRICULTURE.—

''(A) IN GENERAL.—The terms 'NLGCA Institution' and 'non-land-grant college of agriculture' mean a public college or university offering a baccalaureate or higher degree in the study of agriculture or forestry.

''(B) EXCLUSIONS.—The terms 'NLGCA Institution' and 'non-land-grant college of agriculture' do not include—

''(i) Hispanic-serving agricultural colleges and universities; or

''(ii) any institution designated under—

''(I) the Act of July 2, 1862 (commonly known as the 'First Morrill Act'; 7 U.S.C. 301 et seq.);

''(II) the Act of August 30, 1890 (commonly known as the 'Second Morrill Act') (7 U.S.C. 321 et seq.);

''(III) the Equity in Educational Land-Grant Status Act of 1994 (Public Law 103–382; 7 U.S.C. 301 note); or

''(IV) Public Law 87–788 (commonly known as the 'McIntire-Stennis Cooperative Forestry Act') (16 U.S.C. 582a et seq.).''.

(b) CONFORMING AMENDMENTS.—

(1) Section 2(3) of the Research Facilities Act (7 U.S.C. 390(3)) is amended by striking ''section 1404(8) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103(8))'' and inserting ''section 1404 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103)''.

(2) Section 2(k) of the Competitive, Special, and Facilities Research Grant Act (7 U.S.C. 450i(k)) is amended in the second sentence by striking ''section 1404(17) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103(17))'' and inserting ''section 1404 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103)''.

(3) Section 18(a)(3)(B) of the Food and Nutrition Act of 2008 (7 U.S.C. 2027(a)(3)(B)) is amended by striking ''section 1404(5) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103(5)))'' and inserting ''section 1404 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103))''.

(4) Section 1473 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3319) is amended in the first sentence by striking ''section 1404(16) of this title'' and inserting ''section 1404(18)''.

(5) Section 1619(b) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5801(b)) is amended—

(A) in paragraph (1), by striking ''section 1404(17) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103(17))'' and inserting ''section 1404 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103)'';

(B) in paragraph (5), by striking ''section 1404(7) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103(7))'' and inserting ''section 1404 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103)''; and

(C) in paragraph (8), by striking ''section 1404(13) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103(13))'' and inserting ''section 1404 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103)''.

(6) Section 125(c)(1)(C) of Public Law 100–238 (5 U.S.C. 8432 note) is amended by striking ''section 1404(5) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103(5))'' and inserting ''section 1404 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103)''.

SEC. 7102. NATIONAL AGRICULTURAL RESEARCH, EXTENSION, EDUCATION, AND ECONOMICS ADVISORY BOARD.

(a) IN GENERAL.—Section 1408 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3123) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking ''31'' and inserting ''25''; and

(B) by striking paragraph (3) and inserting the following:

''(3) MEMBERSHIP CATEGORIES.—The Advisory Board shall consist of members from each of the following categories:

''(A) 1 member representing a national farm organization.

''(B) 1 member representing farm cooperatives.

''(C) 1 member actively engaged in the production of a food animal commodity, recommended by a coalition of national livestock organizations.

''(D) 1 member actively engaged in the production of a plant commodity, recommended by a coalition of national crop organizations.

''(E) 1 member actively engaged in aquaculture, recommended by a coalition of national aquacultural organizations.

''(F) 1 member representing a national food animal science society.

''(G) 1 member representing a national crop, soil, agronomy, horticulture, plant pathology, or weed science society.

''(H) 1 member representing a national food science organization.

''(I) 1 member representing a national human health association.

''(J) 1 member representing a national nutritional science society.

''(K) 1 member representing the land-grant colleges and universities eligible to receive funds under the Act of July 2, 1862 (7 U.S.C. 301 et seq.).

''(L) 1 member representing the land-grant colleges and universities eligible to receive funds under the Act of August 30, 1890 (7 U.S.C. 321 et seq.), including Tuskegee University.

''(M) 1 member representing the 1994 Institutions (as defined in section 532 of the Equity in Educational Land-Grant Status Act of 1994 (7 U.S.C. 301 note; Public Law 103–382)).

''(N) 1 member representing NLGCA Institutions.

''(O) 1 member representing Hispanic-serving institutions.

''(P) 1 member representing the American Colleges of Veterinary Medicine.

''(Q) 1 member engaged in the transportation of food and agricultural products to domestic and foreign markets.

''(R) 1 member representing food retailing and marketing interests.

''(S) 1 member representing food and fiber processors.

''(T) 1 member actively engaged in rural economic development.

''(U) 1 member representing a national consumer interest group.

''(V) 1 member representing a national forestry group.

''(W) 1 member representing a national conservation or natural resource group.

''(X) 1 member representing private sector organizations involved in international development.

''(Y) 1 member representing a national social science association.'';

(2) in subsection (g)(1), by striking ''$350,000'' and inserting ''$500,000''; and

(3) in subsection (h), by striking ''2007'' and inserting ''2012''.

(b) NO EFFECT ON TERMS.—Nothing in this section or any amendment made by this section affects the term of any member of the National Agricultural Research, Extension, Education, and Economics Advisory Board serving as of the date of enactment of this Act.

SEC. 7103. SPECIALTY CROP COMMITTEE REPORT.

Section 1408A(c) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3123a(c)) is amended by adding at the end the following:

''(4) Analyses of changes in macroeconomic conditions, technologies, and policies on specialty crop production and consumption, with particular focus on the effect of those changes on the financial stability of producers.

''(5) Development of data that provide applied information useful to specialty crop growers, their associations, and other interested beneficiaries in evaluating that industry from a regional and national perspective.''.

SEC. 7104. RENEWABLE ENERGY COMMITTEE.

The National Agricultural Research, Extension, and Teaching Policy Act of 1977 is amended by inserting after section 1408A (7 U.S.C. 3123a) the following:

''SEC. 1408B. RENEWABLE ENERGY COMMITTEE.

''(a) INITIAL MEMBERS.—Not later than 90 days after the date of enactment of this section, the executive committee of the Advisory Board shall establish and appoint the initial members of a permanent renewable energy committee.

''(b) DUTIES.—The permanent renewable energy committee shall study the scope and effectiveness of research, extension, and economics programs affecting the renewable energy industry.

''(c) NONADVISORY BOARD MEMBERS.—

''(1) IN GENERAL.—An individual who is not a member of the Advisory Board may be appointed as a member of the renewable energy committee.

''(2) SERVICE.—A member of the renewable energy committee shall serve at the discretion of the executive committee.

''(d) REPORT BY RENEWABLE ENERGY COMMITTEE.—Not later than 180 days after the date of establishment of the renewable energy committee, and annually thereafter, the renewable energy committee shall submit to the Advisory Board a report that contains the findings and any recommendations of the renewable energy committee with respect to the study conducted under subsection (b).

''(e) CONSULTATION.—In carrying out the duties described in subsection (b), the renewable energy committee shall consult with the Biomass Research and Development Technical Advisory Committee established under section 9008(d) of the Biomass Research and Development Act of 2000 (7 U.S.C. 8605).

''(f) MATTERS TO BE CONSIDERED IN BUDGET RECOMMENDATION.—In preparing the annual budget recommendations for the Department, the Secretary shall take into consideration those findings and recommendations contained in the most recent report of the renewable energy committee under subsection (d) that are developed by the Advisory Committee.

''(g) REPORT BY THE SECRETARY.—In the budget material submitted to Congress by the Secretary in connection with the budget submitted pursuant to section 1105 of title 31, United States Code, for a fiscal year, the Secretary shall include a report that describes the ways in which the Secretary addressed each recommendation of the renewable energy committee described in subsection (f).''.

SEC. 7105. VETERINARY MEDICINE LOAN REPAYMENT.

(a) IN GENERAL.—Section 1415A of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3151a) is amended—

(1) by striking subsection (b) and inserting the following:

''(b) DETERMINATION OF VETERINARIAN SHORTAGE SITUATIONS.—In determining 'veterinarian shortage situations', the Secretary may consider—

''(1) geographical areas that the Secretary determines have a shortage of veterinarians; and

''(2) areas of veterinary practice that the Secretary determines have a shortage of veterinarians, such as food animal medicine, public health, epidemiology, and food safety.'';

(2) in subsection (c), by adding at the end the following:

''(8) PRIORITY.—In administering the program, the Secretary shall give priority to agreements with veterinarians for the practice of food animal medicine in veterinarian shortage situations.'';

(3) by redesignating subsection (d) as subsection (f); and

(4) by inserting after subsection (c) the following:

''(d) USE OF FUNDS.—None of the funds appropriated to the Secretary under subsection (f) may be used to carry out section 5379 of title 5, United States Code.

''(e) REGULATIONS.—Notwithstanding subchapter II of chapter 5 of title 5, United States Code, not later than 270 days after the date of enactment of this subsection, the Secretary shall promulgate regulations to carry out this section.''.

(b) DISAPPROVAL OF TRANSFER OF FUNDS.—Congress disapproves the transfer of funds from the Cooperative State Research, Education, and Extension Service to the Food Safety and Inspection Service described in the notice of use of funds for implementation of the veterinary medicine loan repayment program authorized by the National Veterinary Medical Service Act (72 Fed. Reg. 48609 (August 24, 2007)), and such funds shall be rescinded on the date of enactment of this Act and made available to the Secretary, without further appropriation or fiscal year limitation, for use only in accordance with section 1415A of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3151a) (as amended by subsection (a)).

SEC. 7106. ELIGIBILITY OF UNIVERSITY OF THE DISTRICT OF COLUMBIA FOR GRANTS AND FELLOWSHIPS FOR FOOD AND AGRICULTURAL SCIENCES EDUCATION.

Section 1417 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3152) is amended—

(1) in the matter preceding paragraph (1) of subsection (b), by inserting ''(including the University of the District of Columbia)'' after ''land-grant colleges and universities''; and

(2) in subsection (d)(2), by inserting ''(including the University of the District of Columbia)'' after ''universities''.

SEC. 7107. GRANTS TO 1890 SCHOOLS TO EXPAND EXTENSION CAPACITY.

Section 1417(b)(4) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3152(b)(4)) is amended by striking ''teaching and research'' and inserting ''teaching, research, and extension''.

SEC. 7108. EXPANSION OF FOOD AND AGRICULTURAL SCIENCES AWARDS.

Section 1417(i) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3152(i)) is amended—

(1) in the subsection heading, by striking ''Teaching Awards'' and inserting ''Teaching, Extension, and Research Awards''; and

(2) by striking paragraph (1) and inserting the following:

''(1) ESTABLISHMENT.—

''(A) IN GENERAL.—The Secretary shall establish a National Food and Agricultural Sciences Teaching, Extension, and Research Awards program to recognize and promote excellence in teaching, extension, and research in the food and agricultural sciences at a college or university.

''(B) MINIMUM REQUIREMENT.—The Secretary shall make at least 1 cash award in each fiscal year to a nominee selected by the Secretary for excellence in each of the areas of teaching, extension, and research of food and agricultural science at a college or university.''.

SEC. 7109. GRANTS AND FELLOWSHIPS FOR FOOD AND AGRICULTURAL SCIENCES EDUCATION.

(a) EDUCATION TEACHING PROGRAMS.—Section 1417(j) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3152(j)) is amended—

(1) in the subsection heading, by striking ''SECONDARY EDUCATION AND 2-YEAR POSTSECONDARY EDUCATION TEACHING PROGRAMS'' and inserting ''SECONDARY EDUCATION, 2-YEAR POSTSECONDARY EDUCATION, AND AGRICULTURE IN THE K–12 CLASSROOM''; and

(2) in paragraph (3)—

(A) by striking ''secondary schools, and institutions of higher education that award an associate's degree'' and inserting ''secondary schools, institutions of higher education that award an associate's degree, other institutions of higher education, and nonprofit organizations'';

(B) in subparagraph (E), by striking ''and'' at the end;

(C) in subparagraph (F), by striking the period at the end and inserting ''; and''; and

(D) by adding at the end the following:

''(G) to support current agriculture in the classroom programs for grades K–12.''.

(b) REPORT.—Section 1417 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3152) is amended—

(1) by redesignating subsection (l) as subsection (m); and

(2) by inserting after subsection (k) the following:

''(l) REPORT.—The Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a biennial report detailing the distribution of funds used to implement the teaching programs under subsection (j).''.

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 1417(m) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (as redesignated by subsection (b)(1)) is amended by striking ''2007'' and inserting ''2012''.

(d) EFFECTIVE DATE.—The amendments made by subsection (a) take effect on October 1, 2008.

SEC. 7110. GRANTS FOR RESEARCH ON PRODUCTION AND MARKETING OF ALCOHOLS AND INDUSTRIAL HYDROCARBONS FROM AGRICULTURAL COMMODITIES AND FOREST PRODUCTS.

(a) IN GENERAL.—Section 1419 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3154) is repealed.

(b) CONFORMING AMENDMENT.—Section 1463(a) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3311(a)) is amended by striking ''1419,''.

SEC. 7111. POLICY RESEARCH CENTERS.

Section 1419A of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3155) is amended—

(1) in subsection (a)(1), by inserting ''(including commodities, livestock, dairy, and specialty crops)'' after ''agricultural sectors'';

(2) in subsection (b), by inserting ''(including the Food Agricultural Policy Research Institute, the Agricultural and Food Policy Center, the Rural Policy Research Institute, and the National Drought Mitigation Center)'' after ''research institutions and organizations''; and

(3) in subsection (d), by striking ''2007'' and inserting ''2012''.

SEC. 7112. EDUCATION GRANTS TO ALASKA NATIVE-SERVING INSTITUTIONS AND NATIVE HAWAIIAN-SERVING INSTITUTIONS.

Section 759 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2000 (7 U.S.C. 3242)—

(1) is amended—

(A) in subsection (a)(3), by striking ''2006'' and inserting ''2012''; and

(B) in subsection (b)—

(i) in paragraph (2)(A), by inserting before the semicolon at the end the following: '', including permitting consortia to designate fiscal agents for the members of the consortia and to allocate among the members funds made available under this section''; and

(ii) in paragraph (3), by striking ''2006'' and inserting ''2012'';

(2) is redesignated as section 1419B of the National Agricultural Research, Extension, and Teaching Policy Act of 1977; and

(3) is moved so as to appear after section 1419A of that Act (7 U.S.C. 3155).

SEC. 7113. EMPHASIS OF HUMAN NUTRITION INITIATIVE.

Section 1424(b) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3174(b)) is amended—

(1) in paragraph (1), by striking ''and,'';

(2) in paragraph (2), by striking the comma at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(3) proposals that examine the efficacy of current agriculture policies in promoting the health and welfare of economically disadvantaged populations;''.

SEC. 7114. HUMAN NUTRITION INTERVENTION AND HEALTH PROMOTION RESEARCH PROGRAM.

Section 1424(d) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3174(d)) is amended by striking ''2007'' and inserting ''2012''.

SEC. 7115. PILOT RESEARCH PROGRAM TO COMBINE MEDICAL AND AGRICULTURAL RESEARCH.

Section 1424A(d) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3174a(d)) is amended by striking ''2007'' and inserting ''2012''.

SEC. 7116. NUTRITION EDUCATION PROGRAM.

(a) IN GENERAL.—Section 1425 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3175) is amended—

(1) by redesignating subsections (a) through (c) as subsections (b) through (d), respectively;

(2) by striking the section heading and designation and inserting the following:

''SEC. 1425. NUTRITION EDUCATION PROGRAM.

''(a) DEFINITION OF 1862 INSTITUTION AND 1890 INSTITUTION.—In this section, the terms '1862 Institution' and '1890 Institution' have the meaning given those terms in section 2 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7601).'';

(3) in subsection (b) (as redesignated by paragraph (1)), by striking ''(b) The Secretary'' and inserting the following:

''(b) ESTABLISHMENT.—The Secretary'';

(4) in subsection (c) (as so redesignated), by striking ''(c) In order to enable'' and inserting the following:

''(c) EMPLOYMENT AND TRAINING.—To enable'';

(5) in subsection (d) (as redesignated by paragraph (1))—

(A) by striking ''(d) Beginning'' and inserting the following:

''(d) ALLOCATION OF FUNDING.—Beginning'';

(B) in paragraph (2), by striking subparagraph (B) and inserting the following:

''(B) Notwithstanding section 3(d) of the Act of May 8, 1914 (7 U.S.C. 343(d)), the remainder shall be allocated among the States as follows:

''(i) $100,000 shall be distributed to each 1862 Institution and 1890 Institution.

''(ii) Subject to clause (iii), the remainder shall be allocated to each State in an amount that bears the same ratio to the total amount to be allocated under this clause as—

''(I) the population living at or below 125 percent of the income poverty guidelines (as prescribed by the Office of Management and Budget and as adjusted pursuant to section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))) in the State; bears to

''(II) the total population living at or below 125 percent of those income poverty guidelines in all States;

as determined by the most recent decennial census at the time at which each such additional amount is first appropriated.

''(iii)(I) Before any allocation of funds under clause (ii), for any fiscal year for which the amount of funds appropriated for the conduct of the expanded food and nutrition education program exceeds the amount of funds appropriated for the program for fiscal year 2007, the following percentage of such excess funds for the fiscal year shall be allocated to the 1890 Institutions in accordance with subclause (II):

''(aa) 10 percent for fiscal year 2009.

''(bb) 11 percent for fiscal year 2010.

''(cc) 12 percent for fiscal year 2011.

''(dd) 13 percent for fiscal year 2012.

''(ee) 14 percent for fiscal year 2013.

''(ff) 15 percent for fiscal year 2014 and for each fiscal year thereafter.

''(II) Funds made available under subclause (I) shall be allocated to each 1890 Institution in an amount that bears the same ratio to the total amount to be allocated under this clause as—

''(aa) the population living at or below 125 percent of the income poverty guidelines (as prescribed by the Office of Management and Budget and as adjusted pursuant to section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))) in the State in which the 1890 Institution is located; bears to

''(bb) the total population living at or below 125 percent of those income poverty guidelines in all States in which 1890 Institutions are located;

as determined by the most recent decennial census at the time at which each such additional amount is first appropriated.

''(iv) Nothing in this subparagraph precludes the Secretary from developing educational materials and programs for persons in income ranges above the level designated in this subparagraph.''; and

(C) by striking paragraph (3); and

(6) by adding at the end the following:

''(e) COMPLEMENTARY ADMINISTRATION.—The Secretary shall ensure the complementary administration of the expanded food and nutrition education program by 1862 Institutions and 1890 Institutions in a State.

''(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out the expanded food and nutrition education program established under section 3(d) of the Act of May 8, 1914 (7 U.S.C. 343(d)), and this section $90,000,000 for each of fiscal years 2009 through 2012.''.

(b) CONFORMING AMENDMENT.—Section 1588(b) of the Food Security Act of 1985 (7 U.S.C. 3175e(b)) is amended by striking ''section 1425(c)(2)'' and inserting ''section 1425(d)(2)''.

(c) EFFECTIVE DATE.—The amendments made by this section take effect on October 1, 2008.

SEC. 7117. CONTINUING ANIMAL HEALTH AND DISEASE RESEARCH PROGRAMS.

Section 1433(a) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3195(a)) is amended in the first sentence by striking ''2007'' and inserting ''2012''.

SEC. 7118. COOPERATION AMONG ELIGIBLE INSTITUTIONS.

Section 1433 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3195) is amended by adding at the end the following:

''(g) COOPERATION AMONG ELIGIBLE INSTITUTIONS.—The Secretary, to the maximum extent practicable, shall encourage eligible institutions to cooperate in setting research priorities under this section through the conduct of regular regional and national meetings.''.

SEC. 7119. APPROPRIATIONS FOR RESEARCH ON NATIONAL OR REGIONAL PROBLEMS.

Section 1434(a) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3196(a)) is amended by striking ''2007'' and inserting ''2012''.

SEC. 7120. ANIMAL HEALTH AND DISEASE RESEARCH PROGRAM.

Section 1434(b) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3196(b)) is amended by inserting after ''universities'' the following: ''(including 1890 Institutions (as defined in section 2 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7601)))''.

SEC. 7121. AUTHORIZATION LEVEL FOR EXTENSION AT 1890 LAND-GRANT COLLEGES.

Section 1444(a)(2) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3221(a)(2)) is amended by striking ''15 percent'' and inserting ''20 percent''.

SEC. 7122. AUTHORIZATION LEVEL FOR AGRICULTURAL RESEARCH AT 1890 LAND-GRANT COLLEGES.

Section 1445(a)(2) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3222(a)(2)) is amended by striking ''25 percent'' and inserting ''30 percent''.

SEC. 7123. GRANTS TO UPGRADE AGRICULTURAL AND FOOD SCIENCES FACILITIES AT 1890 LAND-GRANT COLLEGES, INCLUDING TUSKEGEE UNIVERSITY.

Section 1447(b) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3222b(b)) is amended by striking ''2007'' and inserting ''2012''.

SEC. 7124. GRANTS TO UPGRADE AGRICULTURE AND FOOD SCIENCES FACILITIES AT THE DISTRICT OF COLUMBIA LAND-GRANT UNIVERSITY.

The National Agricultural Research, Extension, and Teaching Policy Act of 1977 is amended by inserting after section 1447 (7 U.S.C. 3222b) the following:

''SEC. 1447A. GRANTS TO UPGRADE AGRICULTURE AND FOOD SCIENCES FACILITIES AT THE DISTRICT OF COLUMBIA LAND-GRANT UNIVERSITY.

''(a) PURPOSE.—It is the intent of Congress to assist the land-grant university in the District of Columbia established under section 208 of the District of Columbia Public Postsecondary Education Reorganization Act (Public Law 93–471; 88 Stat. 1428) in efforts to acquire, alter, or repair facilities or relevant equipment necessary for conducting agricultural research.

''(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $750,000 for each of fiscal years 2008 through 2012.''.

SEC. 7125. GRANTS TO UPGRADE AGRICULTURE AND FOOD SCIENCES FACILITIES AND EQUIPMENT AT INSULAR AREA LAND-GRANT INSTITUTIONS.

The National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3101 et seq.) is amended by inserting after section 1447A (as added by section 7124) the following:

''SEC. 1447B. GRANTS TO UPGRADE AGRICULTURE AND FOOD SCIENCES FACILITIES AND EQUIPMENT AT INSULAR AREA LAND-GRANT INSTITUTIONS.

''(a) PURPOSE.—It is the intent of Congress to assist the land-grant institutions in the insular areas in efforts to acquire, alter, or repair facilities or relevant equipment necessary for conducting agricultural research.

''(b) METHOD OF AWARDING GRANTS.—Grants awarded pursuant to this section shall be made in such amounts and under such terms and conditions as the Secretary determines necessary to carry out the purposes of this section.

''(c) REGULATIONS.—The Secretary may promulgate such rules and regulations as the Secretary considers to be necessary to carry out this section.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $8,000,000 for each of fiscal years 2008 through 2012.''.

SEC. 7126. NATIONAL RESEARCH AND TRAINING VIRTUAL CENTERS.

Section 1448 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3222c) is amended by striking ''2007'' each place it appears in subsections (a)(1) and (f) and inserting ''2012''.

SEC. 7127. MATCHING FUNDS REQUIREMENT FOR RESEARCH AND EXTENSION ACTIVITIES OF 1890 INSTITUTIONS.

Section 1449(c) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3222d(c)) is amended—

(1) in the first sentence—

(A) by striking ''for each of fiscal years 2003 through 2007,''; and

(B) by inserting ''equal'' before ''matching''; and

(2) by striking the second sentence and all that follows through paragraph (5).

SEC. 7128. HISPANIC-SERVING INSTITUTIONS.

Section 1455 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3241) is amended—

(1) in subsection (a) by striking ''(or grants without regard to any requirement for competition)'';

(2) in subsection (b)(1), by striking ''of consortia''; and

(3) in subsection (c)—

(A) by striking ''$20,000,000'' and inserting ''$40,000,000''; and

(B) by striking ''2007'' and inserting ''2012''.

SEC. 7129. HISPANIC-SERVING AGRICULTURAL COLLEGES AND UNIVERSITIES.

(a) IN GENERAL.—The National Agricultural Research, Extension, and Teaching Policy Act of 1977 is amended by inserting after section 1455 (7 U.S.C. 3241) the following:

''SEC. 1456. HISPANIC-SERVING AGRICULTURAL COLLEGES AND UNIVERSITIES.

''(a) DEFINITION OF ENDOWMENT FUND.—In this section, the term 'endowment fund' means the Hispanic-Serving Agricultural Colleges and Universities Fund established under subsection (b).

''(b) ENDOWMENT.—

''(1) IN GENERAL.—The Secretary of the Treasury shall establish in accordance with this subsection a Hispanic-Serving Agricultural Colleges and Universities Fund.

''(2) AGREEMENTS.—The Secretary of the Treasury may enter into such agreements as are necessary to carry out this subsection.

''(3) DEPOSIT TO THE ENDOWMENT FUND.—The Secretary of the Treasury shall deposit in the endowment fund any—

''(A) amounts made available through Acts of appropriations, which shall be the endowment fund corpus; and

''(B) interest earned on the endowment fund corpus.

''(4) INVESTMENTS.—The Secretary of the Treasury shall invest the endowment fund corpus and income in interest-bearing obligations of the United States.

''(5) WITHDRAWALS AND EXPENDITURES.—

''(A) CORPUS.—The Secretary of the Treasury may not make a withdrawal or expenditure from the endowment fund corpus.

''(B) WITHDRAWALS.—On September 30, 2008, and each September 30 thereafter, the Secretary of the Treasury shall withdraw the amount of the income from the endowment fund for the fiscal year and warrant the funds to the Secretary of Agriculture who, after making adjustments for the cost of administering the endowment fund, shall distribute the adjusted income as follows:

''(i) 60 percent shall be distributed among the Hispanic-serving agricultural colleges and universities on a pro rata basis based on the Hispanic enrollment count of each institution.

''(ii) 40 percent shall be distributed in equal shares to the Hispanic-serving agricultural colleges and universities.

''(6) ENDOWMENTS.—Amounts made available under this subsection shall be held and considered to be granted to Hispanic-serving agricultural colleges and universities to establish an endowment in accordance with this subsection.

''(7) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as are necessary to carry out this subsection for fiscal year 2008 and each fiscal year thereafter.

''(c) AUTHORIZATION FOR ANNUAL PAYMENTS.—

''(1) IN GENERAL.—For fiscal year 2008 and each fiscal year thereafter, there are authorized to be appropriated to the Department of Agriculture to carry out this subsection an amount equal to the product obtained by multiplying—

''(A) $80,000; by

''(B) the number of Hispanic-serving agricultural colleges and universities.

''(2) PAYMENTS.—For fiscal year 2008 and each fiscal year thereafter, the Secretary of the Treasury shall pay to the treasurer of each Hispanic-serving agricultural college and university an amount equal to—

''(A) the total amount made available by appropriations under paragraph (1); divided by

''(B) the number of Hispanic-serving agricultural colleges and universities.

''(3) USE OF FUNDS.—

''(A) IN GENERAL.—Amounts authorized to be appropriated under this subsection shall be used in the same manner as is prescribed for colleges under the Act of August 30, 1890 (commonly known as the 'Second Morrill Act') (7 U.S.C. 321 et seq.).

''(B) RELATIONSHIP TO OTHER LAW.—Except as otherwise provided in this subsection, the requirements of that Act shall apply to Hispanic-serving agricultural colleges and universities under this section.

''(d) INSTITUTIONAL CAPACITY-BUILDING GRANTS.—

''(1) IN GENERAL.—For fiscal year 2008 and each fiscal year thereafter, the Secretary shall make grants to assist Hispanic-serving agricultural colleges and universities in institutional capacity building (not including alteration, repair, renovation, or construction of buildings).

''(2) CRITERIA FOR INSTITUTIONAL CAPACITY-BUILDING GRANTS.—

''(A) REQUIREMENTS FOR GRANTS.—The Secretary shall make grants under this subsection on the basis of a competitive application process under which Hispanic-serving agricultural colleges and universities may submit applications to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

''(B) DEMONSTRATION OF NEED.—

''(i) IN GENERAL.—As part of an application for a grant under this subsection, the Secretary shall require the applicant to demonstrate need for the grant, as determined by the Secretary.

''(ii) OTHER SOURCES OF FUNDING.—The Secretary may award a grant under this subsection only to an applicant that demonstrates a failure to obtain funding for a project after making a reasonable effort to otherwise obtain the funding.

''(C) PAYMENT OF NON-FEDERAL SHARE.—A grant awarded under this subsection shall be made only if the recipient of the grant pays a non-Federal share in an amount that is specified by the Secretary and based on assessed institutional needs.

''(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as are necessary to carry out this subsection for fiscal year 2008 and each fiscal year thereafter.

''(e) COMPETITIVE GRANTS PROGRAM.—

''(1) IN GENERAL.—The Secretary shall establish a competitive grants program to fund fundamental and applied research at Hispanic-serving agricultural colleges and universities in agriculture, human nutrition, food science, bioenergy, and environmental science.

''(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as are necessary to carry out this subsection for fiscal year 2008 and each fiscal year thereafter.''.

(b) EXTENSION.—Section 3 of the Smith-Lever Act (7 U.S.C. 343) is amended—

(1) in subsection (b), by adding at the end the following:

''(4) ANNUAL APPROPRIATION FOR HISPANIC-SERVING AGRICULTURAL COLLEGES AND UNIVERSITIES.—

''(A) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for payments to Hispanic-serving agricultural colleges and universities (as defined in section 1404 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103)) such sums as are necessary to carry out this paragraph for fiscal year 2008 and each fiscal year thereafter, to remain available until expended.

''(B) ADDITIONAL AMOUNT.—Amounts made available under this paragraph shall be in addition to any other amounts made available under this section to States, the Commonwealth of Puerto Rico, Guam, or the United States Virgin Islands.

''(C) ADMINISTRATION.—Amounts made available under this paragraph shall be—

''(i) distributed on the basis of a competitive application process to be developed and implemented by the Secretary;

''(ii) paid by the Secretary to the State institutions established in accordance with the Act of July 2, 1862 (commonly known as the 'First Morrill Act') (7 U.S.C. 301 et seq.); and

''(iii) administered by State institutions through cooperative agreements with the Hispanic-serving agricultural colleges and universities in the State in accordance with regulations promulgated by the Secretary.''; and

(2) in subsection (f)—

(A) in the subsection heading, by inserting ''AND HISPANIC-SERVING AGRICULTURAL COLLEGES AND UNIVERSITIES'' after ''1994 INSTITUTIONS''; and

(B) by striking ''pursuant to subsection (b)(3)'' and inserting ''or Hispanic-serving agricultural colleges and universities in accordance with paragraphs (3) and (4) of subsection (b)''.

(c) CONFORMING AMENDMENTS.—

(1) Section 2 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7601) is amended—

(A) by redesignating paragraph (6) as paragraph (7); and

(B) by inserting after paragraph (5) the following:

''(6) HISPANIC-SERVING AGRICULTURAL COLLEGES AND UNIVERSITIES.—The term 'Hispanic-serving agricultural colleges and universities' has the meaning given the term in section 1404 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103).''.

(2) Section 102(c) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7612(c)) is amended—

(A) in the subsection heading, by inserting ''AND HISPANIC-SERVING AGRICULTURAL COLLEGES AND UNIVERSITIES'' after ''INSTITUTIONS''; and

(B) in paragraph (1), by striking '' and 1994 Institution'' and inserting ''1994 Institution, and Hispanic-serving agricultural college and university''.

(3) Section 103(e) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7613(e)) is amended by adding at the end the following:

''(3) HISPANIC-SERVING AGRICULTURAL COLLEGES AND UNIVERSITIES.—To be eligible to obtain agricultural extension funds from the Secretary for an activity, each Hispanic-serving agricultural college and university shall—

''(A) establish a process for merit review of the activity; and

''(B) review the activity in accordance with such process.''.

(4) Section 406(b) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7626(b)) is amended by striking ''and 1994 Institutions'' and inserting '', 1994 Institutions, and Hispanic-serving agricultural colleges and universities''.

SEC. 7130. INTERNATIONAL AGRICULTURAL RESEARCH, EXTENSION, AND EDUCATION.

Section 1458(a) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3291(a)) is amended—

(1) in paragraph (1)—

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

(B) in subparagraph (B), by adding ''and'' at the end; and

(C) by adding at the end the following:

''(C) giving priority to those institutions with existing memoranda of understanding, agreements, or other formal ties to United States institutions, or Federal or State agencies;'';

(2) by striking paragraph (3) and inserting the following:

''(3) enter into agreements with land-grant colleges and universities, Hispanic-serving agricultural colleges and universities, the Agency for International Development, and international organizations (such as the United Nations, the World Bank, regional development banks, international agricultural research centers), or other organizations, institutions, or individuals with comparable goals, to promote and support—

''(A) the development of a viable and sustainable global agricultural system;

''(B) antihunger and improved international nutrition efforts; and

''(C) increased quantity, quality, and availability of food;'';

(3) in paragraph (7)(A), by striking ''and land-grant colleges and universities'' and inserting '', land-grant colleges and universities, and Hispanic-serving agricultural colleges and universities'';

(4) in paragraph (9)—

(A) in subparagraph (A), by striking ''or other colleges and universities'' and inserting '', Hispanic-serving agricultural colleges and universities, or other colleges and universities''; and

(B) in subparagraph (D), by striking ''and'' at the end;

(5) in paragraph (10), by striking the period at the end and inserting ''; and''; and

(6) by adding at the end the following:

''(11) establish a program for the purpose of providing fellowships to United States or foreign students to study at foreign agricultural colleges and universities working under agreements provided for under paragraph (3).''.

SEC. 7131. COMPETITIVE GRANTS FOR INTERNATIONAL AGRICULTURAL SCIENCE AND EDUCATION PROGRAMS.

Section 1459A(c) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3292b(c)) is amended by striking ''2007'' and inserting ''2012''.

SEC. 7132. ADMINISTRATION.

(a) LIMITATION ON INDIRECT COSTS FOR AGRICULTURAL RESEARCH, EDUCATION, AND EXTENSION PROGRAMS.—Section 1462(a) of the National Agriculture Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3310(a)) is amended—

(1) by striking ''a competitive'' and inserting ''any''; and

(2) by striking ''19 percent'' and inserting ''22 percent''.

(b) AUDITING, REPORTING, BOOKKEEPING, AND ADMINISTRATIVE REQUIREMENTS.—Section 1469(a)(3) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3315(a)(3)) is amended by striking ''appropriated'' and inserting ''made available''.

SEC. 7133. RESEARCH EQUIPMENT GRANTS.

Section 1462A(e) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3310a(e)) is amended by striking ''2007'' and inserting ''2012''.

SEC. 7134. UNIVERSITY RESEARCH.

Section 1463 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3311) is amended by striking ''2007'' each place it appears in subsections (a) and (b) and inserting ''2012''.

SEC. 7135. EXTENSION SERVICE.

Section 1464 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3312) is amended by striking ''2007'' and inserting ''2012''.

SEC. 7136. SUPPLEMENTAL AND ALTERNATIVE CROPS.

Section 1473D(a) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3319d(a)) is amended by striking ''2007'' and inserting ''2012''.

SEC. 7137. NEW ERA RURAL TECHNOLOGY PROGRAM.

Subtitle K of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3310 et seq.) is amended by adding at the end the following:

''SEC. 1473E. NEW ERA RURAL TECHNOLOGY PROGRAM.

''(a) DEFINITION OF COMMUNITY COLLEGE.—In this section, the term 'community college' means an institution of higher education (as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001))—

''(1) that admits as regular students individuals who—

''(A) are beyond the age of compulsory school attendance in the State in which the institution is located; and

''(B) have the ability to benefit from the training offered by the institution;

''(2) that does not provide an educational program for which the institution awards a bachelor's degree or an equivalent degree; and

''(3) that—

''(A) provides an educational program of not less than 2 years that is acceptable for full credit toward such a degree; or

''(B) offers a 2-year program in engineering, technology, mathematics, or the physical, chemical, or biological sciences, designed to prepare a student to work as a technician or at the semiprofessional level in engineering, scientific, or other technological fields requiring the understanding and application of basic engineering, scientific, or mathematical principles of knowledge.

''(b) FUNCTIONS.—

''(1) ESTABLISHMENT.—

''(A) IN GENERAL.—The Secretary shall establish a program to be known as the 'New Era Rural Technology Program', to make grants available for technology development, applied research, and training to aid in the development of an agriculture-based renewable energy workforce.

''(B) SUPPORT.—The initiative under this section shall support the fields of—

''(i) bioenergy;

''(ii) pulp and paper manufacturing; and

''(iii) agriculture-based renewable energy resources.

''(2) REQUIREMENTS FOR FUNDING.—To receive funding under this section, an entity shall—

''(A) be a community college or advanced technological center, located in a rural area and in existence on the date of the enactment of this section, that participates in agricultural or bioenergy research and applied research;

''(B) have a proven record of development and implementation of programs to meet the needs of students, educators, and business and industry to supply the agriculture-based, renewable energy or pulp and paper manufacturing fields with certified technicians, as determined by the Secretary; and

''(C) have the ability to leverage existing partnerships and occupational outreach and training programs for secondary schools, 4-year institutions, and relevant nonprofit organizations.

''(c) GRANT PRIORITY.—In providing grants under this section, the Secretary shall give preference to eligible entities working in partnership—

''(1) to improve information-sharing capacity; and

''(2) to maximize the ability to meet the requirements of this section.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as are necessary for each of fiscal years 2008 through 2012.''.

SEC. 7138. CAPACITY BUILDING GRANTS FOR NLGCA INSTITUTIONS.

Subtitle K of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3310 et seq.) (as amended by section 7137) is amended by adding at the end the following:

''SEC. 1473F. CAPACITY BUILDING GRANTS FOR NLGCA INSTITUTIONS.

''(a) GRANT PROGRAM.—

''(1) IN GENERAL.—The Secretary shall make competitive grants to NLGCA Institutions to assist the NLGCA Institutions in maintaining and expanding the capacity of the NLGCA Institutions to conduct education, research, and outreach activities relating to—

''(A) agriculture;

''(B) renewable resources; and

''(C) other similar disciplines.

''(2) USE OF FUNDS.—An NLGCA Institution that receives a grant under paragraph (1) may use the funds made available through the grant to maintain and expand the capacity of the NLGCA Institution—

''(A) to successfully compete for funds from Federal grants and other sources to carry out educational, research, and outreach activities that address priority concerns of national, regional, State, and local interest;

''(B) to disseminate information relating to priority concerns to—

''(i) interested members of the agriculture, renewable resources, and other relevant communities;

''(ii) the public; and

''(iii) any other interested entity;

''(C) to encourage members of the agriculture, renewable resources, and other relevant communities to participate in priority education, research, and outreach activities by providing matching funding to leverage grant funds; and

''(D) through—

''(i) the purchase or other acquisition of equipment and other infrastructure (not including alteration, repair, renovation, or construction of buildings);

''(ii) the professional growth and development of the faculty of the NLGCA Institution; and

''(iii) the development of graduate assistantships.

''(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as are necessary for each of fiscal years 2008 through 2012.''.

SEC. 7139. BORLAUG INTERNATIONAL AGRICULTURAL SCIENCE AND TECHNOLOGY FELLOWSHIP PROGRAM.

Subtitle K of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3310 et seq.) (as amended by section 7138) is amended by adding at the end the following:

''SEC. 1473G. BORLAUG INTERNATIONAL AGRICULTURAL SCIENCE AND TECHNOLOGY FELLOWSHIP PROGRAM.

''(a) FELLOWSHIP PROGRAM.—

''(1) IN GENERAL.—The Secretary shall establish a fellowship program, to be known as the 'Borlaug International Agricultural Science and Technology Fellowship Program,' to provide fellowships for scientific training and study in the United States to individuals from eligible countries (as described in subsection (b)) who specialize in agricultural education, research, and extension.

''(2) PROGRAMS.—The Secretary shall carry out the fellowship program by implementing 3 programs designed to assist individual fellowship recipients, including—

''(A) a graduate studies program in agriculture to assist individuals who participate in graduate agricultural degree training at a United States institution;

''(B) an individual career improvement program to assist agricultural scientists from developing countries in upgrading skills and understanding in agricultural science and technology; and

''(C) a Borlaug agricultural policy executive leadership course to assist senior agricultural policy makers from eligible countries, with an initial focus on individuals from sub-Saharan Africa and the independent states of the former Soviet Union.

''(b) ELIGIBLE COUNTRIES.—An eligible country is a developing country, as determined by the Secretary using a gross national income per capita test selected by the Secretary.

''(c) PURPOSE OF FELLOWSHIPS.—A fellowship provided under this section shall—

''(1) promote food security and economic growth in eligible countries by—

''(A) educating a new generation of agricultural scientists;

''(B) increasing scientific knowledge and collaborative research to improve agricultural productivity; and

''(C) extending that knowledge to users and intermediaries in the marketplace; and

''(2) shall support—

''(A) training and collaborative research opportunities through exchanges for entry level international agricultural research scientists, faculty, and policymakers from eligible countries;

''(B) collaborative research to improve agricultural productivity;

''(C) the transfer of new science and agricultural technologies to strengthen agricultural practice; and

''(D) the reduction of barriers to technology adoption.

''(d) FELLOWSHIP RECIPIENTS.—

''(1) ELIGIBLE CANDIDATES.—The Secretary may provide fellowships under this section to individuals from eligible countries who specialize or have experience in agricultural education, research, extension, or related fields, including—

''(A) individuals from the public and private sectors; and

''(B) private agricultural producers.

''(2) CANDIDATE IDENTIFICATION.—The Secretary shall use the expertise of United States land-grant colleges and universities and similar universities, international organizations working in agricultural research and outreach, and national agricultural research organizations to help identify program candidates for fellowships under this section from the public and private sectors of eligible countries.

''(e) USE OF FELLOWSHIPS.—A fellowship provided under this section shall be used—

''(1) to promote collaborative programs among agricultural professionals of eligible countries, agricultural professionals of the United States, the international agricultural research system, and, as appropriate, United States entities conducting research; and

''(2) to support fellowship recipients through programs described in subsection (a)(2).

''(f) PROGRAM IMPLEMENTATION.—The Secretary shall provide for the management, coordination, evaluation, and monitoring of the Borlaug International Agricultural Science and Technology Fellowship Program and for the individual programs described in subsection (a)(2), except that the Secretary may contract out to 1 or more collaborating universities the management of 1 or more of the fellowship programs.

''(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section, to remain available until expended.''.

SEC. 7140. AQUACULTURE ASSISTANCE PROGRAMS.

Section 1477 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3324) is amended by striking ''2007'' and inserting ''2012''.

SEC. 7141. RANGELAND RESEARCH GRANTS.

Section 1483(a) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3336(a)) is amended by striking ''2007'' and inserting ''2012''.

SEC. 7142. SPECIAL AUTHORIZATION FOR BIOSECURITY PLANNING AND RESPONSE.

Section 1484(a) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3351(a)) is amended by striking ''2007'' and inserting ''2012''.

SEC. 7143. RESIDENT INSTRUCTION AND DISTANCE EDUCATION GRANTS PROGRAM FOR INSULAR AREA INSTITUTIONS OF HIGHER EDUCATION.

(a) DISTANCE EDUCATION GRANTS FOR INSULAR AREAS.—Section 1490(f) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3362(f)) is amended by striking ''2007'' and inserting ''2012''.

(b) RESIDENT INSTRUCTION GRANTS FOR INSULAR AREAS.—Section 1491 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3363) is amended—

(1) by redesignating subsection (e) as subsection (c); and

(2) in subsection (c) (as so redesignated), by striking ''2007'' and inserting ''2012''.

Subtitle B—Food, Agriculture, Conservation, and Trade Act of 1990

SEC. 7201. NATIONAL GENETICS RESOURCES PROGRAM.

Section 1635(b) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5844(b)) is amended by striking ''2007'' and inserting ''2012''.

SEC. 7202. NATIONAL AGRICULTURAL WEATHER INFORMATION SYSTEM.

Section 1641(c) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5855(c)) is amended by striking ''1991 through 1997'' and inserting ''2008 through 2012''.

SEC. 7203. PARTNERSHIPS.

Section 1672(d) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5925(d)) is amended by striking ''may'' and inserting ''shall''.

SEC. 7204. HIGH-PRIORITY RESEARCH AND EXTENSION AREAS.

(a) IN GENERAL.—Section 1672 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5925) is amended—

(1) in subsection (e)—

(A) in paragraph (3), by striking ''and controlling aflatoxin in the food and feed chains.'' and inserting '', improving, and eventually commercializing, alfatoxin controls in corn and other affected agricultural products and crops.'';

(B) by striking paragraphs (1), (4), (7), (8), (15), (17), (21), (23), (26), (27), (32), (34), (41), (42), (43), and (45);

(C) by redesignating paragraphs (2), (3), (5), (6), (9) through (14), (16), (18) through (20), (22), (24), (25), (28) through (31), (33), (35) through (40), and (44) as paragraphs (1) through (29), respectively; and

(D) by adding at the end the following:

''(30) AIR EMISSIONS FROM LIVESTOCK OPERATIONS.—Research and extension grants may be made under this section for the purpose of conducting field verification tests and developing mitigation options for air emissions from animal feeding operations.

''(31) SWINE GENOME PROJECT.—Research grants may be made under this section to conduct swine genome research, including the mapping of the swine genome.

''(32) CATTLE FEVER TICK PROGRAM.—Research and extension grants may be made under this section to study cattle fever ticks to facilitate understanding of the role of wildlife in the persistence and spread of cattle fever ticks, to develop advanced methods for eradication of cattle fever ticks, and to improve management of diseases relating to cattle fever ticks that are associated with wildlife, livestock, and human health.

''(33) SYNTHETIC GYPSUM.—Research and extension grants may be made under this section to study the uses of synthetic gypsum from electric power plants to remediate soil and nutrient losses.

''(34) CRANBERRY RESEARCH PROGRAM.—Research and extension grants may be made under this section to study new technologies to assist cranberry growers in complying with Federal and State environmental regulations, increase production, develop new growing techniques, establish more efficient growing methodologies, and educate cranberry producers about sustainable growth practices.

''(35) SORGHUM RESEARCH INITIATIVE.—Research and extension grants may be made under this section to study the use of sorghum as a bioenergy feedstock, promote diversification in, and the environmental benefits of sorghum production, and promote water conservation through the use of sorghum.

''(36) MARINE SHRIMP FARMING PROGRAM.—Research and extension grants may be made under this section to establish a research program to advance and maintain a domestic shrimp farming industry in the United States.

''(37) TURFGRASS RESEARCH INITIATIVE.—Research and extension grants may be made under this section to study the production of turfgrass (including the use of water, fertilizer, pesticides, fossil fuels, and machinery for turf establishment and maintenance) and environmental protection and enhancement relating to turfgrass production.

''(38) AGRICULTURAL WORKER SAFETY RESEARCH INITIATIVE.—Research and extension grants may be made under this section—

''(A) to study and demonstrate methods to minimize exposure of farm and ranch owners and operators, pesticide handlers, and agricultural workers to pesticides, including research addressing the unique concerns of farm workers resulting from long-term exposure to pesticides; and

''(B) to develop rapid tests for on-farm use to better inform and educate farmers, ranchers, and farm and ranch workers regarding safe field re-entry intervals.

''(39) HIGH PLAINS AQUIFER REGION.—Research and extension grants may be made under this section to carry out interdisciplinary research relating to diminishing water levels and increased demand for water in the High Plains aquifer region.

''(40) DEER INITIATIVE.—Research and extension grants may be made under this section to support collaborative research focusing on the development of viable strategies for the prevention, diagnosis, and treatment of infectious, parasitic, and toxic diseases of farmed deer and the mapping of the deer genome.

''(41) PASTURE-BASED BEEF SYSTEMS RESEARCH INITIATIVE.—Research and extension grants may be made under this section to study the development of forage sequences and combinations for cow-calf, heifer development, stocker, and finishing systems, to deliver optimal nutritive value for efficient production of cattle for pasture finishing, to optimize forage systems to improve marketability of pasture-finished beef, and to assess the effect of forage quality on reproductive fitness.

''(42) AGRICULTURAL PRACTICES RELATING TO CLIMATE CHANGE.—Research and extension grants may be made under this section for field and laboratory studies that examine the ecosystem from gross to minute scales and for projects that explore the relationship of agricultural practices to climate change.

''(43) BRUCELLOSIS CONTROL AND ERADICATION.—Research and extension grants may be made under this section to conduct research relating to the development of vaccines and vaccine delivery systems to effectively control and eliminate brucellosis in wildlife, and to assist with the controlling of the spread of brucellosis from wildlife to domestic animals.

''(44) BIGHORN AND DOMESTIC SHEEP DISEASE MECHANISMS.—Research and extension grants may be made under this section to conduct research relating to the health status of (including the presence of infectious diseases in) bighorn and domestic sheep under range conditions.

''(45) AGRICULTURAL DEVELOPMENT IN THE AMERICAN-PACIFIC REGION.—Research and extension grants may be made under this section to support food and agricultural science at a consortium of land-grant institutions in the American-Pacific region.

''(46) TROPICAL AND SUBTROPICAL AGRICULTURAL RESEARCH.—Research grants may be made under this section, in equal dollar amounts to the Caribbean and Pacific Basins, to support tropical and subtropical agricultural research, including pest and disease research, at the land-grant institutions in the Caribbean and Pacific regions.

''(47) VIRAL HEMORRHAGIC SEPTICEMIA.—Research and extension grants may be made under this section to study—

''(A) the effects of viral hemorrhagic septicemia (referred to in this paragraph as 'VHS') on freshwater fish throughout the natural and expanding range of VHS; and

''(B) methods for transmission and human-mediated transport of VHS among waterbodies.

''(48) FARM AND RANCH SAFETY.—Research and extension grants may be made under this section to carry out projects to decrease the incidence of injury and death on farms and ranches, including—

''(A) on-site farm or ranch safety reviews;

''(B) outreach and dissemination of farm safety research and interventions to agricultural employers, employees, youth, farm and ranch families, seasonal workers, or other individuals; and

''(C) agricultural safety education and training.

''(49) WOMEN AND MINORITIES IN STEM FIELDS.—Research and extension grants may be made under this section to increase participation by women and underrepresented minorities from rural areas in the fields of science, technology, engineering, and mathematics, with priority given to eligible institutions that carry out continuing programs funded by the Secretary.

''(50) ALFALFA AND FORAGE RESEARCH PROGRAM.—Research and extension grants may be made under this section for the purpose of studying improvements in alfalfa and forage yields, biomass and persistence, pest pressures, the bioenergy potential of alfalfa and other forages, and systems to reduce losses during harvest and storage.

''(51) FOOD SYSTEMS VETERINARY MEDICINE.—Research grants may be made under this section to address health issues that affect food-producing animals, food safety, and the environment, and to improve information resources, curriculum, and clinical education of students with respect to food animal veterinary medicine and food safety.

''(52) BIOCHAR RESEARCH.—Grants may be made under this section for research, extension, and integrated activities relating to the study of biochar production and use, including considerations of agronomic and economic impacts, synergies of coproduction with bioenergy, and the value of soil enhancements and soil carbon sequestration.'';

(2) by redesignating subsection (h) as subsection (j);

(3) by inserting after subsection (g) the following:

''(h) POLLINATOR PROTECTION.—

''(1) RESEARCH AND EXTENSION.—

''(A) GRANTS.—Research and extension grants may be made under this section—

''(i) to survey and collect data on bee colony production and health;

''(ii) to investigate pollinator biology, immunology, ecology, genomics, and bioinformatics;

''(iii) to conduct research on various factors that may be contributing to or associated with colony collapse disorder, and other serious threats to the health of honey bees and other pollinators, including—

''(I) parasites and pathogens of pollinators; and

''(II) the sublethal effects of insecticides, herbicides, and fungicides on honey bees and native and managed pollinators;

''(iv) to develop mitigative and preventative measures to improve native and managed pollinator health; and

''(v) to promote the health of honey bees and native pollinators through habitat conservation and best management practices.

''(B) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this paragraph $10,000,000 for each of fiscal years 2008 through 2012.

''(2) DEPARTMENT OF AGRICULTURE CAPACITY AND INFRASTRUCTURE.—

''(A) IN GENERAL.—The Secretary shall, to the maximum extent practicable, increase the capacity and infrastructure of the Department—

''(i) to address colony collapse disorder and other long-term threats to pollinator health, including the hiring of additional personnel; and

''(ii) to conduct research on colony collapse disorder and other pollinator issues at the facilities of the Department.

''(B) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this paragraph $7,250,000 for each of fiscal years 2008 through 2012.

''(3) HONEY BEE PEST AND PATHOGEN SURVEILLANCE.—There is authorized to be appropriated to conduct a nationwide honey bee pest and pathogen surveillance program $2,750,000 for each of fiscal years 2008 through 2012.

''(4) ANNUAL REPORT ON RESPONSE TO HONEY BEE COLONY COLLAPSE DISORDER.—The Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate an annual report describing the progress made by the Department of Agriculture in—

''(A) investigating the cause or causes of honey bee colony collapse; and

''(B) finding appropriate strategies to reduce colony loss.

''(i) REGIONAL CENTERS OF EXCELLENCE.—

''(1) ESTABLISHMENT.—The Secretary shall prioritize regional centers of excellence established for specific agricultural commodities for the receipt of funding under this section.

''(2) COMPOSITION.—A regional center of excellence shall be composed of 1 or more colleges and universities (including land-grant institutions, schools of forestry, schools of veterinary medicine, or NLGCA Institutions (as defined in section 1404 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103))) that provide financial support to the regional center of excellence.

''(3) CRITERIA FOR REGIONAL CENTERS OF EXCELLENCE.—The criteria for consideration to be a regional center of excellence shall include efforts—

''(A) to ensure coordination and cost-effectiveness by reducing unnecessarily duplicative efforts regarding research, teaching, and extension;

''(B) to leverage available resources by using public/private partnerships among agricultural industry groups, institutions of higher education, and the Federal Government;

''(C) to implement teaching initiatives to increase awareness and effectively disseminate solutions to target audiences through extension activities;

''(D) to increase the economic returns to rural communities by identifying, attracting, and directing funds to high-priority agricultural issues; and

''(E) to improve teaching capacity and infrastructure at colleges and universities (including land-grant institutions, schools of forestry, and schools of veterinary medicine).''; and

(4) in subsection (j) (as redesignated by paragraph (2)), by striking ''2007'' and inserting ''2012''.

(b) CONFORMING AMENDMENTS.—Section 1672 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5925) is amended—

(1) in the first sentence of subsection (a), by striking ''(e), (f), and (g)'' and inserting ''(e) through (i)''; and

(2) in subsection (b)—

(A) in paragraph (1), by striking ''paragraphs (1), (6), (7), and (11)'' and inserting ''paragraphs (4), (7), (8), and (11)(B)''; and

(B) in paragraph (2), by striking ''subsection (e)'' and inserting ''subsections (e) through (i)''.

SEC. 7205. NUTRIENT MANAGEMENT RESEARCH AND EXTENSION INITIATIVE.

Section 1672A of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5925a) is amended—

(1) in subsection (b), by striking paragraph (1) and inserting the following:

''(1) IN GENERAL.—Paragraphs (4), (7), (8), and (11)(B) of subsection (b) of the Competitive, Special, and Facilities Research Grant Act (7 U.S.C. 450i) shall apply with respect to the making of grants under this section.'';

(2) by striking subsection (d) and inserting the following:

''(d) PRIORITY.—Following the completion of a peer review process for grant proposals received under this section, the Secretary shall give priority to those grant proposals that involve—

''(1) the cooperation of multiple entities; and

''(2) States or regions with a high concentration of livestock, dairy, or poultry operations.'';

(3) in subsection (e)—

(A) in paragraph (1)(B), by inserting ''and dairy and beef cattle waste'' after ''swine waste''; and

(B) by striking paragraph (5) and inserting the following:

''(5) ALTERNATIVE USES AND RENEWABLE ENERGY.—Research and extension grants may be made under this section for the purpose of finding innovative methods and technologies to allow agricultural operators to make use of animal waste, such as use as fertilizer, methane digestion, composting, and other useful byproducts.'';

(4) by redesignating subsection (g) as subsection (f); and

(5) in subsection (f) (as so redesignated), by striking ''2007'' and inserting ''2012''.

SEC. 7206. ORGANIC AGRICULTURE RESEARCH AND EXTENSION INITIATIVE.

(a) IN GENERAL.—Section 1672B of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5925b) (commonly known as the ''Organic Agriculture Research and Extension Initiative'') is amended—

(1) in subsection (a)—

(A) in paragraph (5), by striking ''and'' after the semicolon;

(B) in paragraph (6), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

''(7) examining optimal conservation and environmental outcomes relating to organically produced agricultural products; and

''(8) developing new and improved seed varieties that are particularly suited for organic agriculture.''; and

(2) by adding at the end the following:

''(f) FUNDING.—

''(1) IN GENERAL.—Of the funds of the Commodity Credit Corporation, the Secretary shall make available to carry out this section—

''(A) $18,000,000 for fiscal year 2009; and

''(B) $20,000,000 for each of fiscal years 2010 through 2012.

''(2) ADDITIONAL FUNDING.—In addition to amounts made available under paragraph (1), there is authorized to be appropriated to carry out this section $25,000,000 for each of fiscal years 2009 through 2012.''.

(b) COORDINATION.—In carrying out the amendment made by this section, the Secretary shall ensure that the Division Chief of the applicable Research, Education, and Extension Office established under section 251 of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6971) coordinates projects and activities under this section to ensure, to the maximum extent practicable, that unnecessary duplication of effort is eliminated or minimized.

SEC. 7207. AGRICULTURAL BIOENERGY FEEDSTOCK AND ENERGY EFFICIENCY RESEARCH AND EXTENSION INITIATIVE.

Title XVI of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5801 et seq.) is amended by inserting after section 1672B (7 U.S.C. 5925b) the following:

''SEC. 1672C. AGRICULTURAL BIOENERGY FEEDSTOCK AND ENERGY EFFICIENCY RESEARCH AND EXTENSION INITIATIVE.

''(a) ESTABLISHMENT AND PURPOSE.—There is established within the Department of Agriculture an agricultural bioenergy feedstock and energy efficiency research and extension initiative (referred to in this section as the 'Initiative') for the purpose of enhancing the production of biomass energy crops and the energy efficiency of agricultural operations.

''(b) COMPETITIVE RESEARCH AND EXTENSION GRANTS AUTHORIZED.—In carrying out this section, the Secretary shall make competitive grants to support research and extension activities specified in subsections (c) and (d).

''(c) AGRICULTURAL BIOENERGY FEEDSTOCK RESEARCH AND EXTENSION AREAS.—

''(1) IN GENERAL.—Agricultural bioenergy feedstock research and extension activities funded under the Initiative shall focus on improving agricultural biomass production, biomass conversion in biorefineries, and biomass use by—

''(A) supporting on-farm research on crop species, nutrient requirements, management practices, environmental impacts, and economics;

''(B) supporting the development and operation of on-farm, integrated biomass feedstock production systems;

''(C) leveraging the broad scientific capabilities of the Department of Agriculture and other entities in—

''(i) plant genetics and breeding;

''(ii) crop production;

''(iii) soil and water science;

''(iv) use of agricultural waste; and

''(v) carbohydrate, lipid, protein, and lignin chemistry, enzyme development, and biochemistry; and

''(D) supporting the dissemination of any of the research conducted under this subsection that will assist in achieving the goals of this section.

''(2) SELECTION CRITERIA.—In selecting grant recipients for projects under paragraph (1), the Secretary shall consider—

''(A) the capabilities and experiences of the applicant, including—

''(i) research in actual field conditions; and

''(ii) engineering and research knowledge relating to biofuels or the production of inputs for biofuel production;

''(B) the range of species types and cropping practices proposed for study (including species types and practices studied using side-by-side comparisons of those types and practices);

''(C) the need for regional diversity among feedstocks;

''(D) the importance of developing multiyear data relevant to the production of biomass feedstock crops;

''(E) the extent to which the project involves direct participation of agricultural producers;

''(F) the extent to which the project proposal includes a plan or commitment to use the biomass produced as part of the project in commercial channels; and

''(G) such other factors as the Secretary may determine.

''(d) ENERGY-EFFICIENCY RESEARCH AND EXTENSION AREAS.—On-farm energy-efficiency research and extension activities funded under the Initiative shall focus on developing and demonstrating technologies and production practices relating to—

''(1) improving on-farm renewable energy production;

''(2) encouraging efficient on-farm energy use;

''(3) promoting on-farm energy conservation;

''(4) making a farm or ranch energy-neutral; and

''(5) enhancing on-farm usage of advanced technologies to promote energy efficiency.

''(e) BEST PRACTICES DATABASE.—The Secretary shall develop a best-practices database that includes information, to be available to the public, on—

''(1) the production potential of a variety of biomass crops; and

''(2) best practices for production, collection, harvesting, storage, and transportation of biomass crops to be used as a source of bioenergy.

''(f) ADMINISTRATION.—

''(1) IN GENERAL.—Paragraphs (4), (7), (8), and (11)(B) of subsection (b) of the Competitive, Special, and Facilities Research Grant Act (7 U.S.C. 450i(b)) shall apply with respect to making grants under this section.

''(2) CONSULTATION AND COORDINATION.—The Secretary shall—

''(A) make the grants in consultation with the National Agricultural Research, Extension, Education, and Economics Advisory Board; and

''(B) coordinate projects and activities carried out under the Initiative with projects and activities under section 9008 of the Farm Security and Rural Investment Act of 2002 to ensure, to the maximum extent practicable, that—

''(i) unnecessary duplication of effort is eliminated or minimized; and

''(ii) the respective strengths of the Department of Agriculture and the Department of Energy are appropriately used.

''(3) GRANT PRIORITY.—The Secretary shall give priority to grant applications that integrate research and extension activities established under subsections (c) and (d), respectively.

''(4) MATCHING FUNDS REQUIRED.—As a condition of receiving a grant under this section, the Secretary shall require the recipient of the grant to provide funds or in-kind support from non-Federal sources in an amount that is at least equal to the amount provided by the Federal Government.

''(5) PARTNERSHIPS ENCOURAGED.—Following the completion of a peer review process for grant proposals received under this section, the Secretary may provide a priority to those grant proposals found as a result of the peer review process—

''(A) to be scientifically meritorious; and

''(B) that involve cooperation—

''(i) among multiple entities; and

''(ii) with agricultural producers.

''(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $50,000,000 for each of fiscal years 2008 through 2012.''.

SEC. 7208. FARM BUSINESS MANAGEMENT AND BENCHMARKING.

The Food, Agriculture, Conservation and Trade Act of 1990 is amended by inserting after section 1672C (as added by section 7207) the following:

''SEC. 1672D. FARM BUSINESS MANAGEMENT.

''(a) IN GENERAL.—The Secretary may make competitive research and extension grants for the purpose of—

''(1) improving the farm management knowledge and skills of agricultural producers; and

''(2) establishing and maintaining a national, publicly available farm financial management database to support improved farm management.

''(b) SELECTION CRITERIA.—In allocating funds made available to carry out this section, the Secretary may give priority to grants that—

''(1) demonstrate an ability to work directly with agricultural producers;

''(2) collaborate with farm management and producer associations;

''(3) address the farm management needs of a variety of crops and regions of the United States; and

''(4) use and support the national farm financial management database.

''(c) ADMINISTRATION.—Paragraphs (4), (7), (8), and (11)(B) of subsection (b) of the Competitive, Special, and Facilities Research Grant Act (7 U.S.C. 450i(b)) shall apply with respect to the making of grants under this section.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.''.

SEC. 7209. AGRICULTURAL TELECOMMUNICATIONS PROGRAM.

Section 1673 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5926) is repealed.

SEC. 7210. ASSISTIVE TECHNOLOGY PROGRAM FOR FARMERS WITH DISABILITIES.

Section 1680(c)(1) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5933(c)(1)) is amended by striking ''2007'' and inserting ''2012''.

SEC. 7211. RESEARCH ON HONEY BEE DISEASES.

Section 1681 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5934) is repealed.

SEC. 7212. NATIONAL RURAL INFORMATION CENTER CLEARINGHOUSE.

Section 2381(e) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C.

3125b(e)) is amended by striking ''2007'' and inserting ''2012''.

Subtitle C—Agricultural Research, Extension, and Education Reform Act of 1998

SEC. 7301. PEER AND MERIT REVIEW.

Section 103(a) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7613(a)) is amended by adding at the end the following:

''(3) CONSIDERATION.—Peer and merit review procedures established under paragraphs (1) and (2) shall not take the offer or availability of matching funds into consideration.''.

SEC. 7302. PARTNERSHIPS FOR HIGH-VALUE AGRICULTURAL PRODUCT QUALITY RESEARCH.

Section 402 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7622) is repealed.

SEC. 7303. PRECISION AGRICULTURE.

Section 403 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7623) is repealed.

SEC. 7304. BIOBASED PRODUCTS.

(a) PILOT PROJECT.—Section 404(e)(2) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7624(e)(2)) is amended by striking ''2007'' and inserting ''2012''.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 404(h) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7624(h)) is amended by striking ''2007'' and inserting ''2012''.

SEC. 7305. THOMAS JEFFERSON INITIATIVE FOR CROP DIVERSIFICATION.

Section 405 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7625) is repealed.

SEC. 7306. INTEGRATED RESEARCH, EDUCATION, AND EXTENSION COMPETITIVE GRANTS PROGRAM.

Section 406(f) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7626(f)) is amended by striking ''2007'' and inserting ''2012''.

SEC. 7307. FUSARIUM GRAMINEARUM GRANTS.

Section 408 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7628) is amended—

(1) in subsection (a), in the subsection heading, by striking ''GRANT'' and inserting ''GRANTS''; and

(2) in subsection (e), by striking ''2007'' and inserting ''2012''.

SEC. 7308. BOVINE JOHNE'S DISEASE CONTROL PROGRAM.

Section 409(b) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7629(b)) is amended by striking ''2007'' and inserting ''2012''.

SEC. 7309. GRANTS FOR YOUTH ORGANIZATIONS.

Section 410 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7630) is amended by striking subsections (b) and (c) and inserting the following:

''(b) FLEXIBILITY.—The Secretary shall provide maximum flexibility in content delivery to each organization receiving funds under this section so as to ensure that the unique goals of each organization, as well as the local community needs, are fully met.

''(c) REDISTRIBUTION OF FUNDING WITHIN ORGANIZATIONS AUTHORIZED.—Recipients of funds under this section may redistribute all or part of the funds received to individual councils or local chapters within the councils without further need of approval from the Secretary.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as are necessary for each of fiscal years 2008 through 2012.''.

SEC. 7310. AGRICULTURAL BIOTECHNOLOGY RESEARCH AND DEVELOPMENT FOR DEVELOPING COUNTRIES.

Section 411(c) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7631(c)) is amended by striking ''2007'' and inserting ''2012''.

SEC. 7311. SPECIALTY CROP RESEARCH INITIATIVE.

(a) IN GENERAL.—Title IV of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7621 et seq.) is amended by adding at the end the following:

''SEC. 412. SPECIALTY CROP RESEARCH INITIATIVE.

''(a) DEFINITIONS.—In this section:

''(1) INITIATIVE.—The term 'Initiative' means the specialty crop research and extension initiative established by subsection (b).

''(2) SPECIALTY CROP.—The term 'specialty crop' has the meaning given that term in section 3 of the Specialty Crops Competitiveness Act of 2004 (7 U.S.C. 1621 note; Public Law 108–465).

''(b) ESTABLISHMENT.—There is established within the Department a specialty crop research and extension initiative to address the critical needs of the specialty crop industry by developing and disseminating science-based tools to address needs of specific crops and their regions, including—

''(1) research in plant breeding, genetics, and genomics to improve crop characteristics, such as—

''(A) product, taste, quality, and appearance;

''(B) environmental responses and tolerances;

''(C) nutrient management, including plant nutrient uptake efficiency;

''(D) pest and disease management, including resistance to pests and diseases resulting in reduced application management strategies; and

''(E) enhanced phytonutrient content;

''(2) efforts to identify and address threats from pests and diseases, including threats to specialty crop pollinators;

''(3) efforts to improve production efficiency, productivity, and profitability over the long term (including specialty crop policy and marketing);

''(4) new innovations and technology, including improved mechanization and technologies that delay or inhibit ripening; and

''(5) methods to prevent, detect, monitor, control, and respond to potential food safety hazards in the production and processing of specialty crops, including fresh produce.

''(c) ELIGIBLE ENTITIES.—The Secretary may carry out the Initiative through—

''(1) Federal agencies;

''(2) national laboratories;

''(3) colleges and universities;

''(4) research institutions and organizations;

''(5) private organizations or corporations;

''(6) State agricultural experiment stations;

''(7) individuals; or

''(8) groups consisting of 2 or more entities described in paragraphs (1) through (7).

''(d) RESEARCH PROJECTS.—In carrying out this section, the Secretary shall award grants on a competitive basis.

''(e) ADMINISTRATION.—

''(1) IN GENERAL.—With respect to grants awarded under subsection (d), the Secretary shall—

''(A) seek and accept proposals for grants;

''(B) determine the relevance and merit of proposals through a system of peer and merit review in accordance with section 103; and

''(C) award grants on the basis of merit, quality, and relevance.

''(2) TERM.—The term of a grant under this section may not exceed 10 years.

''(3) MATCHING FUNDS REQUIRED.—The Secretary shall require the recipient of a grant under this section to provide funds or in-kind support from non-Federal sources in an amount that is at least equal to the amount provided by the Federal Government.

''(4) OTHER CONDITIONS.—The Secretary may set such other conditions on the award of a grant under this section as the Secretary determines to be appropriate.

''(f) PRIORITIES.—In making grants under this section, the Secretary shall provide a higher priority to projects that—

''(1) are multistate, multi-institutional, or multidisciplinary; and

''(2) include explicit mechanisms to communicate results to producers and the public.

''(g) BUILDINGS AND FACILITIES.—Funds made available under this section shall not be used for the construction of a new building or facility or the acquisition, expansion, remodeling, or alteration of an existing building or facility (including site grading and improvement, and architect fees).

''(h) FUNDING.—

''(1) IN GENERAL.—Of the funds of the Commodity Credit Corporation, the Secretary shall make available to carry out this section $30,000,000 for fiscal year 2008 and $50,000,000 for each of fiscal years 2009 through 2012, from which activities under each of paragraphs (1) through (5) of subsection (b) shall be allocated not less than 10 percent.

''(2) AUTHORIZATION OF APPROPRIATIONS.—In addition to funds made available under paragraph (1), there is authorized to be appropriated to carry out this section $100,000,000 for each of fiscal years 2008 through 2012.

''(3) TRANSFER.—Of the funds made available to the Secretary under paragraph (1) for fiscal year 2008 and authorized for use for payment of administrative expenses under section 1469(a)(3) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3315(a)(3)), the Secretary shall transfer, upon the date of enactment of this section, $200,000 to the Office of Prevention, Pesticides, and Toxic Substances of the Environmental Protection Agency for use in conducting a meta-analysis relating to methyl bromide.

''(4) AVAILABILITY.—Funds made available pursuant to this subsection for a fiscal year shall remain available until expended to pay for obligations incurred in that fiscal year.''.

(b) COORDINATION.—In carrying out the amendment made by this section, the Secretary shall ensure that the Division Chief of the applicable Research, Education, and Extension Office established under section 251 of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6971) coordinates projects and activities under this section to ensure, to the maximum extent practicable, that unnecessary duplication of effort is eliminated or minimized.

SEC. 7312. FOOD ANIMAL RESIDUE AVOIDANCE DATABASE PROGRAM.

Section 604 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7642) is amended by adding at the end the following:

''(e) AUTHORIZATION OF APPROPRIATIONS.—In addition to any other funds available to carry out subsection (c), there is authorized to be appropriated to carry out this section $2,500,000 for each of fiscal years 2008 through 2012.''.

SEC. 7313. OFFICE OF PEST MANAGEMENT POLICY.

Section 614(f) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7653(f)) is amended by striking ''2007'' and inserting ''2012''.

Subtitle D—Other Laws

SEC. 7401. CRITICAL AGRICULTURAL MATERIALS ACT.

Section 16(a) of the Critical Agricultural Materials Act (7 U.S.C. 178n(a)) is amended by striking ''2007'' and inserting ''2012''.

SEC. 7402. EQUITY IN EDUCATIONAL LAND-GRANT STATUS ACT OF 1994.

(a) DEFINITION OF 1994 INSTITUTIONS.—Section 532 of the Equity in Educational Land-Grant Status Act of 1994 (7 U.S.C. 301 note; Public Law 103–382) is amended by adding at the end the following:

''(34) Ilisagvik College.''.

(b) ENDOWMENT FOR 1994 INSTITUTIONS.—Section 533 of the Equity in Educational Land-Grant Status Act of 1994 (7 U.S.C. 301 note; Public Law 103–382) is amended—

(1) in subsection (a)(3), in the matter preceding subparagraph (A), by inserting ''this section and'' before ''sections 534,''; and

(2) in the first sentence of subsection (b), by striking ''2007'' and inserting ''2012''.

(c) REDISTRIBUTION.—Section 534(a)(3) of the Equity in Educational Land-Grant Status Act of 1994 (7 U.S.C. 301 note; Public Law 103–382) is amended—

(1) by striking ''The amounts'' and inserting the following:

''(A) IN GENERAL.—Except as provided in subparagraph (B), the amounts''; and

(2) by adding at the end the following:

''(B) REDISTRIBUTION.—Funds that would be paid to a 1994 Institution under paragraph (2) shall be withheld from that 1994 Institution and redistributed among the other 1994 Institutions if that 1994 Institution—

''(i) declines to accept funds under paragraph (2); or

''(ii) fails to meet the accreditation requirements under section 533(a)(3).''.

(d) INSTITUTIONAL CAPACITY BUILDING GRANTS.—Section 535 of the Equity in Educational Land-Grant Status Act of 1994 (7 U.S.C. 301 note; Public Law 103–382) is amended by striking ''2007'' each place it appears and inserting ''2012''.

(e) RESEARCH GRANTS.—Section 536(c) of the Equity in Educational Land-Grant Status Act of 1994 (7 U.S.C. 301 note; Public Law 103–382) is amended in the first sentence by striking ''2007'' and inserting ''2012''.

(f) EFFECTIVE DATE.—The amendment made by subsection (a) takes effect on October 1, 2008.

SEC. 7403. SMITH-LEVER ACT.

(a) PROGRAM.—Section 3(d) of the Smith-Lever Act (7 U.S.C. 343(d)) is amended in the second sentence by striking ''apply for and receive'' and all that follows through paragraph (2) and inserting ''compete for and receive funds directly from the Secretary of Agriculture.''.

(b) ELIMINATION OF THE GOVERNOR'S REPORT REQUIREMENT FOR EXTENSION ACTIVITIES.—Section 5 of the Smith-Lever Act (7 U.S.C. 345) is amended by striking the third sentence.

(c) CONFORMING AMENDMENT.—Section 1444(a)(2) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3221(a)(2)) is amended by striking ''after September 30, 1995, under section 3(d) of that Act (7 U.S.C. 343(d))'' and all that follows through the end of the sentence and inserting ''under section 3(d) of that Act (7 U.S.C. 343(d)).''.

SEC. 7404. HATCH ACT OF 1887.

(a) DISTRICT OF COLUMBIA.—Section 3(d)(4) of the Hatch Act of 1887 (7 U.S.C. 361c(d)(4)) is amended—

(1) in the paragraph heading, by inserting ''AND THE DISTRICT OF COLUMBIA'' after ''AREAS'';

(2) in subparagraph (A)—

(A) by inserting ''and the District of Columbia'' after ''United States''; and

(B) by inserting ''and the District of Columbia'' after ''respectively,''; and

(3) in subparagraph (B), by inserting ''or the District of Columbia'' after ''area''.

(b) ELIMINATION OF PENALTY MAIL AUTHORITIES.—

(1) IN GENERAL.—Section 6 of the Hatch Act of 1887 (7 U.S.C. 361f) is amended in the first sentence by striking ''under penalty indicia:'' and all that follows through the end of the sentence and inserting a period.

(2) CONFORMING AMENDMENTS IN OTHER LAWS.—

(A) NATIONAL AGRICULTURAL RESEARCH, EXTENSION, AND TEACHING POLICY ACT OF 1977.—

(i) Section 1444(f) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3221(f)) is amended by striking ''under penalty indicia:'' and all that follows through the end of the sentence and inserting a period.

(ii) Section 1445(e) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3222(e)) is amended by striking ''under penalty indicia:'' and all that follows through the end of the sentence and inserting a period.

(B) OTHER PROVISIONS.—Section 3202(a) of title 39, United States Code, is amended—

(i) in paragraph (1)—

(I) in subparagraph (D), by adding ''and'' at the end;

(II) in subparagraph (E), by striking ''sections; and'' and inserting ''sections.''; and

(III) by striking subparagraph (F);

(ii) in paragraph (2), by adding ''and'' at the end;

(iii) in paragraph (3) by striking ''thereof; and'' and inserting ''thereof.''; and

(iv) by striking paragraph (4).

SEC. 7405. AGRICULTURAL EXPERIMENT STATION RESEARCH FACILITIES ACT.

Section 6(a) of the Research Facilities Act (7 U.S.C. 390d(a)) is amended by striking ''2007'' and inserting ''2012''.

SEC. 7406. AGRICULTURE AND FOOD RESEARCH INITIATIVE.

(a) IN GENERAL.—Subsection (b) of the Competitive, Special, and Facilities Research Grant Act (7 U.S.C. 450i(b)) is amended to read as follows:

''(b) AGRICULTURE AND FOOD RESEARCH INITIATIVE.—

''(1) ESTABLISHMENT.—There is established in the Department of Agriculture an Agriculture and Food Research Initiative under which the Secretary of Agriculture (referred to in this subsection as 'the Secretary') may make competitive grants for fundamental and applied research, extension, and education to address food and agricultural sciences (as defined under section 1404 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103)).

''(2) PRIORITY AREAS.—The competitive grants program established under this subsection shall address the following areas:

''(A) PLANT HEALTH AND PRODUCTION AND PLANT PRODUCTS.—Plant systems, including—

''(i) plant genome structure and function;

''(ii) molecular and cellular genetics and plant biotechnology;

''(iii) conventional breeding, including cultivar and breed development, selection theory, applied quantitative genetics, breeding for improved food quality, breeding for improved local adaptation to biotic stress and abiotic stress, and participatory breeding;

''(iv) plant-pest interactions and biocontrol systems;

''(v) crop plant response to environmental stresses;

''(vi) unproved nutrient qualities of plant products; and

''(vii) new food and industrial uses of plant products.

''(B) ANIMAL HEALTH AND PRODUCTION AND ANIMAL PRODUCTS.—Animal systems, including—

''(i) aquaculture;

''(ii) cellular and molecular basis of animal reproduction, growth, disease, and health;

''(iii) animal biotechnology;

''(iv) conventional breeding, including breed development, selection theory, applied quantitative genetics, breeding for improved food quality, breeding for improved local adaptation to biotic stress and abiotic stress, and participatory breeding;

''(v) identification of genes responsible for improved production traits and resistance to disease;

''(vi) improved nutritional performance of animals;

''(vii) improved nutrient qualities of animal products and uses; and

''(viii) the development of new and improved animal husbandry and production systems that take into account production efficiency, animal well-being, and animal systems applicable to aquaculture.

''(C) FOOD SAFETY, NUTRITION, AND HEALTH.—Nutrition, food safety and quality, and health, including—

''(i) microbial contaminants and pesticides residue relating to human health;

''(ii) links between diet and health;

''(iii) bioavailability of nutrients;

''(iv) postharvest physiology and practices; and

''(v) improved processing technologies.

''(D) RENEWABLE ENERGY, NATURAL RESOURCES, AND ENVIRONMENT.—Natural resources and the environment, including—

''(i) fundamental structures and functions of ecosystems;

''(ii) biological and physical bases of sustainable production systems;

''(iii) minimizing soil and water losses and sustaining surface water and ground water quality;

''(iv) global climate effects on agriculture;

''(v) forestry; and

''(vi) biological diversity.

''(E) AGRICULTURE SYSTEMS AND TECHNOLOGY.—Engineering, products, and processes, including—

''(i) new uses and new products from traditional and nontraditional crops, animals, byproducts, and natural resources;

''(ii) robotics, energy efficiency, computing, and expert systems;

''(iii) new hazard and risk assessment and mitigation measures; and

''(iv) water quality and management.

''(F) AGRICULTURE ECONOMICS AND RURAL COMMUNITIES.—Markets, trade, and policy, including—

''(i) strategies for entering into and being competitive in domestic and overseas markets;

''(ii) farm efficiency and profitability, including the viability and competitiveness of small and medium-sized dairy, livestock, crop and other commodity operations;

''(iii) new decision tools for farm and market systems;

''(iv) choices and applications of technology;

''(v) technology assessment; and

''(vi) new approaches to rural development, including rural entrepreneurship.

''(3) TERM.—The term of a competitive grant made under this subsection may not exceed 10 years.

''(4) GENERAL ADMINISTRATION.—In making grants under this subsection, the Secretary shall—

''(A) seek and accept proposals for grants;

''(B) determine the relevance and merit of proposals through a system of peer and merit review in accordance with section 103 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7613);

''(C) award grants on the basis of merit, quality, and relevance;

''(D) solicit and consider input from persons who conduct or use agricultural research, extension, or education in accordance with section 102(b) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7612(b)); and

''(E) in seeking proposals for grants under this subsection and in performing peer review evaluations of such proposals, seek the widest participation of qualified individuals in the Federal Government, colleges and universities, State agricultural experiment stations, and the private sector.

''(5) ALLOCATION OF FUNDS.—In making grants under this subsection, the Secretary shall allocate funds to the Agriculture and Food Research Initiative to ensure that, of funds allocated for research activities—

''(A) not less than 60 percent is made available to make grants for fundamental research (as defined in subsection (f)(1) of section 251 of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6971)), of which—

''(i) not less than 30 percent is made available to make grants for research to be conducted by multidisciplinary teams; and

''(ii) not more than 2 percent is used for equipment grants under paragraph (6)(A); and

''(B) not less than 40 percent is made available to make grants for applied research (as defined

in subsection (f)(1) of section 251 of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6971)).

''(6) SPECIAL CONSIDERATIONS.—In making grants under this subsection, the Secretary may assist in the development of capabilities in the agricultural, food, and environmental sciences by providing grants—

''(A) to an institution to allow for the improvement of the research, development, technology transfer, and education capacity of the institution through the acquisition of special research equipment and the improvement of agricultural education and teaching, except that the Secretary shall use not less than 25 percent of the funds made available for grants under this subparagraph to provide fellowships to outstanding pre- and post-doctoral students for research in the agricultural sciences;

''(B) to a single investigator or coinvestigators who are beginning research careers and do not have an extensive research publication record, except that, to be eligible for a grant under this subparagraph, an individual shall be within 5 years of the beginning of the initial career track position of the individual;

''(C) to ensure that the faculty of small, mid-sized, and minority-serving institutions who have not previously been successful in obtaining competitive grants under this subsection receive a portion of the grants; and

''(D) to improve research, extension, and education capabilities in States (as defined in section 1404 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103)) in which institutions have been less successful in receiving funding under this subsection, based on a 3-year rolling average of funding levels.

''(7) ELIGIBLE ENTITIES.—The Secretary may make grants to carry out research, extension, and education under this subsection to—

''(A) State agricultural experiment stations;

''(B) colleges and universities;

''(C) university research foundations;

''(D) other research institutions and organizations;

''(E) Federal agencies;

''(F) national laboratories;

''(G) private organizations or corporations;

''(H) individuals; or

''(I) any group consisting of 2 or more of the entities described in subparagraphs (A) through (H).

''(8) CONSTRUCTION PROHIBITED.—Funds made available for grants under this subsection shall not be used for the construction of a new building or facility or the acquisition, expansion, remodeling, or alteration of an existing building or facility (including site grading and improvement, and architect fees).

''(9) MATCHING FUNDS.—

''(A) EQUIPMENT GRANTS.—

''(i) IN GENERAL.—Except as provided in clause (ii), in the case of a grant made under paragraph (6)(A), the amount provided under this subsection may not exceed 50 percent of the cost of the special research equipment or other equipment acquired using funds from the grant.

''(ii) WAIVER.—The Secretary may waive all or part of the matching requirement under clause (i) in the case of a college, university, or research foundation maintained by a college or university that ranks in the lowest ⅓ of such colleges, universities, and research foundations on the basis of Federal research funds received, if the equipment to be acquired using funds from the grant costs not more than $25,000 and has multiple uses within a single research project or is usable in more than 1 research project.

''(B) APPLIED RESEARCH.—As a condition of making a grant under paragraph (5)(B), the Secretary shall require the funding of the grant to be matched with equal matching funds from a non-Federal source if the grant is for applied research that is—

''(i) commodity-specific; and

''(ii) not of national scope.

''(10) PROGRAM ADMINISTRATION.—To the maximum extent practicable, the Director of the National Institute of Food and Agriculture, in coordination with the Under Secretary for Research, Education, and Economics, shall allocate grants under this subsection to high-priority research, taking into consideration, when available, the determinations made by the National Agricultural Research, Extension, Education, and Economics Advisory Board (as established under section 1408 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3123)).

''(11) AUTHORIZATION OF APPROPRIATIONS.—

''(A) IN GENERAL.—There is authorized to be appropriated to carry out this subsection $700,000,000 for each of fiscal years 2008 through 2012, of which—

''(i) not less than 30 percent shall be made available for integrated research pursuant to section 406 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7626); and

''(ii) not more than 4 percent may be retained by the Secretary to pay administrative costs incurred by the Secretary in carrying out this subsection.

''(B) AVAILABILITY.—Funds made available under this paragraph shall—

''(i) be available for obligation for a 2-year period beginning on October 1 of the fiscal year for which the funds are first made available; and

''(ii) remain available until expended to pay for obligations incurred during that 2-year period.''.

(b) REPEALS.—

(1) Section 401 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7621) is repealed.

(2) Subsection (d) of the Competitive, Special, and Facilities Research Grant Act (7 U.S.C. 450i(d)) is repealed.

(c) EFFECT ON CURRENT SOLICITATIONS.—The amendments made by this section shall not apply to any solicitation for grant applications issued by the Cooperative State Research, Education, and Extension Service before the date of enactment of this Act.

(d) CONFORMING AMENDMENTS.—

(1) Section 1473 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3319) is amended in the first sentence by striking ''and subsection (d)''.

(2) Section 1671(d) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5924(d) is amended by striking ''Paragraphs (1), (6), (7), and (11)'' and inserting ''Paragraphs (4), (7), (8), and (11)(B)''.

(3) Section 1672B(b) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5925b(b)) is amended by striking ''Paragraphs (1), (6), (7), and (11)'' and inserting ''Paragraphs (4), (7), (8), and (11)(B)''.

SEC. 7407. AGRICULTURAL RISK PROTECTION ACT OF 2000.

Section 221 of the Agricultural Risk Protection Act of 2000 (7 U.S.C. 6711(g)) is amended by striking subsection (g) and inserting the following:

''(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $15,000,000 for each of fiscal years 2007 through 2012.''.

SEC. 7408. EXCHANGE OR SALE AUTHORITY.

Title III of the Department of Agriculture Reorganization Act of 1994 (Public Law 103–354; 108 Stat. 3238) is amended by adding at the end the following:

''SEC. 307. EXCHANGE OR SALE AUTHORITY.

''(a) DEFINITION OF QUALIFIED ITEM OF PERSONAL PROPERTY.—In this section, the term 'qualified item of personal property' means—

''(1) an animal;

''(2) an animal product;

''(3) a plant; or

''(4) a plant product.

''(b) GENERAL AUTHORITY.—Except as provided in subsection (c), notwithstanding chapter 5 of subtitle I of title 40, United States Code, the Secretary, acting through the Under Secretary for Research, Education, and Economics, in managing personal property for the purpose of carrying out the research functions of the Department, may exchange, sell, or otherwise dispose of any qualified item of personal property, including by way of public auction, and may retain and apply the sale or other proceeds, without further appropriation and without fiscal year limitation, in whole or in partial payment—

''(1) to acquire any qualified item of personal property; or

''(2) to offset costs related to the maintenance, care, or feeding of any qualified item of personal property.

''(c) EXCEPTION.—Subsection (b) does not apply to the free dissemination of new varieties of seeds and germplasm in accordance with section 520 of the Revised Statutes (commonly known as the 'Department of Agriculture Organic Act') (7 U.S.C. 2201).''.

SEC. 7409. ENHANCED USE LEASE AUTHORITY PILOT PROGRAM.

Title III of the Department of Agriculture Reorganization Act of 1994 (Public Law 103–354; 108 Stat. 3238) (as amended by section 7408) is amended by adding at the end the following:

''SEC. 308. ENHANCED USE LEASE AUTHORITY PILOT PROGRAM.

''(a) ESTABLISHMENT.—To enhance the use of real property administered by agencies of the Department, the Secretary may establish a pilot program, in accordance with this section, at the Beltsville Agricultural Research Center of the Agricultural Research Service and the National Agricultural Library to lease nonexcess property of the Center or the Library to any individual or entity, including agencies or instrumentalities of State or local governments.

''(b) REQUIREMENTS.—

''(1) IN GENERAL.—Notwithstanding chapter 5 of subtitle I of title 40, United States Code, the Secretary may lease real property at the Beltsville Agricultural Research Center or the National Agricultural Library in accordance with such terms and conditions as the Secretary may prescribe, if the Secretary determines that the lease—

''(A) is consistent with, and will not adversely affect, the mission of the Department agency administering the property;

''(B) will enhance the use of the property;

''(C) will not permit any portion of Department agency property or any facility of the Department to be used for the public retail or wholesale sale of merchandise or residential development;

''(D) will not permit the construction or modification of facilities financed by non-Federal sources to be used by an agency, except for incidental use; and

''(E) will not include any property or facility required for any Department agency purpose without prior consideration of the needs of the agency.

''(2) TERM.—The term of a lease under this section shall not exceed 30 years.

''(3) CONSIDERATION.—

''(A) IN GENERAL.—Consideration provided for a lease under this section shall be—

''(i) in an amount equal to fair market value, as determined by the Secretary; and

''(ii) in the form of cash.

''(B) USE OF FUNDS.—

''(i) IN GENERAL.—Consideration provided for a lease under this section shall be—

''(I) deposited in a capital asset account to be established by the Secretary; and

''(II) available until expended, without further appropriation, for maintenance, capital revitalization, and improvements of the Department properties and facilities at the Beltsville Agricultural Research Center and National Agricultural Library.

''(ii) BUDGETARY TREATMENT.—For purposes of the budget, the amounts described in clause (i) shall not be treated as a receipt of any Department agency or any other agency leasing property under this section.

''(4) COSTS.—The lessee shall cover all costs associated with a lease under this section, including the cost of—

''(A) the project to be carried out on property or at a facility covered by the lease;

''(B) provision and administration of the lease;

''(C) construction of any needed facilities;

''(D) provision of applicable utilities; and

''(E) any other facility cost normally associated with the operation of a leased facility.

''(5) PROHIBITION OF USE OF APPROPRIATIONS.—The Secretary shall not use any funds made available to the Secretary in an appropriations Act for the construction or operating costs of any space covered by a lease under this section.

''(6) TERMINATION OF AUTHORITY.—This section and the authority provided by this section terminate—

''(A) on the date that is 5 years after the date of enactment of this section; or

''(B) with respect to any particular leased property, on the date of termination of the lease.

''(c) EFFECT OF OTHER LAWS.—

''(1) UTILIZATION.—Property that is leased pursuant to this section shall not be considered to be unutilized or underutilized for purposes of section 501 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411).

''(2) DISPOSAL.—Property at the Beltsville Agricultural Research Center or the National Agricultural Library that is leased pursuant to this section shall not be considered to be disposed of by sale, lease, rental, excessing, or surplusing for purposes of section 523 of Public Law 100–202 (101 Stat. 1329-417).

''(d) ADMINISTRATION.—

''(1) IN GENERAL.—Not later than 90 days after the date of enactment of this section, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that describes detailed management objectives and performance measurements by which the Secretary intends to evaluate the success of the program under this section.

''(2) REPORTS.—Not later than 1, 3, and 5 years after the date of enactment of this section, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report describing the implementation of the program under this section, including—

''(A) a copy of each lease entered into pursuant to this section; and

''(B) an assessment by the Secretary of the success of the program using the management objectives and performance measurements developed by the Secretary.''.

SEC. 7410. BEGINNING FARMER AND RANCHER DEVELOPMENT PROGRAM.

(a) GRANTS.—Section 7405(c) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 3319f(c)) is amended—

(1) by striking paragraph (3) and inserting the following:

''(3) MAXIMUM TERM AND SIZE OF GRANT.—

''(A) IN GENERAL.—A grant under this subsection shall—

''(i) have a term that is not more than 3 years; and

''(ii) be in an amount that is not more than $250,000 for each year.

''(B) CONSECUTIVE GRANTS.—An eligible recipient may receive consecutive grants under this subsection.'';

(2) by redesignating paragraphs (5) through (7) as paragraphs (8) through (10), respectively;

(3) by inserting after paragraph (4) the following:

''(5) EVALUATION CRITERIA.—In making grants under this subsection, the Secretary shall evaluate—

''(A) relevancy;

''(B) technical merit;

''(C) achievability;

''(D) the expertise and track record of 1 or more applicants;

''(E) the adequacy of plans for the participatory evaluation process, outcome-based reporting, and the communication of findings and results beyond the immediate target audience; and

''(F) other appropriate factors, as determined by the Secretary.

''(6) REGIONAL BALANCE.—In making grants under this subsection, the Secretary shall, to the maximum extent practicable, ensure geographical diversity.

''(7) PRIORITY.—In making grants under this subsection, the Secretary shall give priority to partnerships and collaborations that are led by or include nongovernmental and community-based organizations with expertise in new agricultural producer training and outreach.''.

(b) FUNDING.—Section 7405 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 3319f) is amended by striking subsection (h) and inserting the following:

''(h) FUNDING.—

''(1) IN GENERAL.—Of the funds of the Commodity Credit Corporation, the Secretary shall make available to carry out this section—

''(A) $18,000,000 for fiscal year 2009; and

''(B) $19,000,000 for each of fiscal years 2010 through 2012.

''(2) AUTHORIZATION OF APPROPRIATIONS.—In addition to funds provided under paragraph (1), there is authorized to be appropriated to carry out this section $30,000,000 for each of fiscal years 2008 through 2012.''.

SEC. 7411. PUBLIC EDUCATION REGARDING USE OF BIOTECHNOLOGY IN PRODUCING FOOD FOR HUMAN CONSUMPTION.

Section 10802 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 5921a) is repealed.

SEC. 7412. MCINTIRE-STENNIS COOPERATIVE FORESTRY ACT.

(a) IN GENERAL.—Section 2 of Public Law 87–788 (commonly known as the ''McIntire-Stennis Cooperative Forestry Act'') (16 U.S.C. 582a–1) is amended by inserting ''and 1890 Institutions (as defined in section 2 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7601)),'' before ''and (b)''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) takes effect on October 1, 2008.

SEC. 7413. RENEWABLE RESOURCES EXTENSION ACT OF 1978.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 6 of the Renewable Resources Extension Act of 1978 (16 U.S.C. 1675) is amended in the first sentence by striking ''2007'' and inserting ''2012''.

(b) TERMINATION DATE.—Section 8 of the Renewable Resources Extension Act of 1978 (16 U.S.C. 1671 note; Public Law 95–306) is amended by striking ''2007'' and inserting ''2012''.

SEC. 7414. NATIONAL AQUACULTURE ACT OF 1980.

Section 10 of the National Aquaculture Act of 1980 (16 U.S.C. 2809) is amended by striking ''2007'' each place it appears and inserting ''2012''.

SEC. 7415. CONSTRUCTION OF CHINESE GARDEN AT THE NATIONAL ARBORETUM.

The Act of March 4, 1927 (20 U.S.C. 191 et seq.), is amended by adding at the end the following:

''SEC. 7. CONSTRUCTION OF CHINESE GARDEN AT THE NATIONAL ARBORETUM.

''A Chinese Garden may be constructed at the National Arboretum established under this Act with—

''(1) funds accepted under section 5;

''(2) authorities provided to the Secretary of Agriculture under section 6; and

''(3) appropriations provided for this purpose.''.

SEC. 7416. NATIONAL AGRICULTURAL RESEARCH, EXTENSION, AND TEACHING POLICY ACT AMENDMENTS OF 1985.

Section 1431 of the National Agricultural Research, Extension, and Teaching Policy Act Amendments of 1985 (Public Law 99–198; 99 Stat. 1556) is amended by striking ''2007'' and inserting ''2012''.

SEC. 7417. ELIGIBILITY OF UNIVERSITY OF THE DISTRICT OF COLUMBIA FOR CERTAIN LAND-GRANT UNIVERSITY ASSISTANCE.

(a) IN GENERAL.—Section 208 of the District of Columbia Public Postsecondary Education Reorganization Act (Public Law 93–471; 88 Stat. 1428) is amended—

(1) in subsection (b)(2), by striking '', except'' and all that follows through the period and inserting a period; and

(2) in subsection (c)—

(A) by striking ''section 3'' each place it appears and inserting ''section 3(c)''; and

(B) by striking ''Such sums may be used to pay'' and all that follows through ''work.''.

(b) EFFECTIVE DATE.—The amendments made by this section take effect on October 1, 2008.

Subtitle E—Miscellaneous

PART I—GENERAL PROVISIONS

SEC. 7501. DEFINITIONS.

Except as otherwise provided in this subtitle, in this subtitle:

(1) CAPACITY AND INFRASTRUCTURE PROGRAM.—The term ''capacity and infrastructure program'' has the meaning given the term in subsection (f)(1) of section 251 of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6971) (as added by section 7511(a)(4)).

(2) CAPACITY AND INFRASTRUCTURE PROGRAM CRITICAL BASE FUNDING.—The term ''capacity and infrastructure program critical base funding'' means the aggregate amount of Federal funds made available for capacity and infrastructure programs for fiscal year 2006, as appropriate.

(3) COMPETITIVE PROGRAM.—The term ''competitive program'' has the meaning given the term in subsection (f)(1) of section 251 of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6971) (as added by section 7511(a)(4)).

(4) COMPETITIVE PROGRAM CRITICAL BASE FUNDING.—The term ''competitive program critical base funding'' means the aggregate amount of Federal funds made available for competitive programs for fiscal year 2006, as appropriate.

(5) HISPANIC-SERVING AGRICULTURAL COLLEGES AND UNIVERSITIES.—The term ''Hispanic-serving agricultural colleges and universities'' has the meaning given the term in section 1404 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103).

(6) NLGCA INSTITUTION.—The term ''NLGCA Institution'' has the meaning given the term in section 1404 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103).

(7) 1862 INSTITUTION; 1890 INSTITUTION; 1994 INSTITUTION.—The terms ''1862 Institution'', ''1890 Institution'', and ''1994 Institution'' have the meanings given the terms in section 2 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7601).

SEC. 7502. GRAZINGLANDS RESEARCH LABORATORY.

Except as otherwise specifically authorized by law and notwithstanding any other provision of law, the Federal land and facilities at El Reno, Oklahoma, administered by the Secretary (as of the date of enactment of this Act) as the Grazinglands Research Laboratory, shall not at any time, in whole or in part, be declared to be excess or surplus Federal property under chapter 5 of subtitle I of title 40, United States Code, or otherwise be conveyed or transferred in whole or in part, for the 5-year period beginning on the date of enactment of this Act.

SEC. 7503. FORT RENO SCIENCE PARK RESEARCH FACILITY.

The Secretary may lease land to the University of Oklahoma at the Grazinglands Research Laboratory at El Reno, Oklahoma, on such terms and conditions as the University and the Secretary may agree in furtherance of cooperative research and existing easement arrangements.

SEC. 7504. ROADMAP.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary, acting through the Under Secretary of Research, Education, and Economics (referred to in this section as the ''Under Secretary''), shall commence preparation of a roadmap for agricultural research, education, and extension that—

(1) identifies current trends and constraints;

(2) identifies major opportunities and gaps that no single entity within the Department of Agriculture would be able to address individually;

(3) involves—

(A) interested parties from the Federal Government and nongovernmental entities; and

(B) the National Agricultural Research, Extension, Education, and Economics Advisory Board established under section 1408 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3123);

(4) incorporates roadmaps for agricultural research, education, and extension made publicly available by other Federal entities, agencies, or offices; and

(5) describes recommended funding levels for areas of agricultural research, education, and extension, including—

(A) competitive programs;

(B) capacity and infrastructure programs, with attention to the future growth needs of—

(i) small 1862 Institutions, 1890 Institutions, and 1994 Institutions;

(ii) Hispanic-serving agricultural colleges and universities;

(iii) NLGCA Institutions; and

(iv) colleges of veterinary medicine; and

(C) intramural programs at agencies within the research, education, and economics mission area; and

(6) describes how organizational changes enacted by this Act have impacted agricultural research, extension, and education across the Department of Agriculture, including minimization of unnecessary programmatic and administrative duplication.

(b) REVIEWABILITY.—The roadmap described in this section shall not be subject to review by any officer or employee of the Federal Government other than the Secretary (or a designee of the Secretary).

(c) ROADMAP IMPLEMENTATION AND REPORT.—Not later than 1 year after the date on which the Secretary commences preparation of the roadmap under this section, the Secretary shall—

(1) implement and use the roadmap to set the research, education, and extension agenda of the Department of Agriculture; and

(2) make the roadmap available to the public.

SEC. 7505. REVIEW OF PLAN OF WORK REQUIREMENTS.

(a) REVIEW.—The Secretary shall work with university partners in extension and research to review and identify measures to streamline the submission, reporting under, and implementation of plan of work requirements, including those requirements under—

(1) sections 1444(d) and 1445(c) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3221(d) and 3222(c), respectively);

(2) section 7 of the Hatch Act of 1887 (7 U.S.C. 361g); and

(3) section 4 of the Smith-Lever Act (7 U.S.C. 344).

(b) CONSULTATION.—In carrying out the review and formulating and compiling the recommendations, the Secretary shall consult with the land-grant institutions.

SEC. 7506. BUDGET SUBMISSION AND FUNDING.

(a) DEFINITION OF COMPETITIVE PROGRAMS.—In this section, the term ''competitive programs'' includes only competitive programs for which annual appropriations are requested in the annual budget submission of the President.

(b) BUDGET REQUEST.—The President shall submit to Congress, together with the annual budget submission of the President, a single budget line item reflecting the total amount requested by the President for funding for research, education, and extension activities of the Research, Education, and Economics mission area of the Department for that fiscal year and for the preceding 5 fiscal years.

(c) CAPACITY AND INFRASTRUCTURE PROGRAM REQUEST.—Of the funds requested for capacity and infrastructure programs in excess of the capacity and infrastructure program critical base funding level, budgetary emphasis should be placed on enhancing funding for—

(1) 1890 Institutions;

(2) 1994 Institutions;

(3) NLGCA Institutions;

(4) Hispanic-serving agricultural colleges and universities; and

(5) small 1862 Institutions.

(d) COMPETITIVE PROGRAM REQUEST.—Of the funds requested for competitive programs in excess of the competitive program critical base funding level, budgetary emphasis should be placed on—

(1) enhancing funding for emerging problems; and

(2) finding solutions for those problems.

PART II—RESEARCH, EDUCATION, AND ECONOMICS

SEC. 7511. RESEARCH, EDUCATION, AND ECONOMICS.

(a) IN GENERAL.—Section 251 of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6971) is amended—

(1) in subsection (a), by inserting ''(referred to in this section as the 'Under Secretary')'' before the period at the end;

(2) by striking subsections (b) through (d);

(3) by redesignating subsection (e) as subsection (g); and

(4) by inserting after subsection (a) the following:

''(b) CONFIRMATION REQUIRED.—The Under Secretary shall be appointed by the President, by and with the advice and consent of the Senate, from among distinguished scientists with specialized training or significant experience in agricultural research, education, and economics.

''(c) CHIEF SCIENTIST.—The Under Secretary shall—

''(1) hold the title of Chief Scientist of the Department; and

''(2) be responsible for the coordination of the research, education, and extension activities of the Department.

''(d) FUNCTIONS OF UNDER SECRETARY.—

''(1) PRINCIPAL FUNCTION.—The Secretary shall delegate to the Under Secretary those functions and duties under the jurisdiction of the Department that relate to research, education, and economics.

''(2) SPECIFIC FUNCTIONS AND DUTIES.—The Under Secretary shall—

''(A) identify, address, and prioritize current and emerging agricultural research, education, and extension needs (including funding);

''(B) ensure that agricultural research, education, and extension programs are effectively coordinated and integrated—

''(i) across disciplines, agencies, and institutions; and

''(ii) among applicable participants, grantees, and beneficiaries;

''(C) promote the collaborative use of all agricultural research, education, and extension resources from the local, State, tribal, regional, national, and international levels to address priority needs; and

''(D) foster communication among agricultural research, education, and extension beneficiaries, including the public, to ensure the delivery of agricultural research, education, and extension knowledge.

''(3) ADDITIONAL FUNCTIONS.—The Under Secretary shall perform such other functions and duties as may be required by law or prescribed by the Secretary.

''(e) RESEARCH, EDUCATION, AND EXTENSION OFFICE.—

''(1) ESTABLISHMENT.—The Under Secretary shall organize within the office of the Under Secretary 6 Divisions, to be known collectively as the 'Research, Education, and Extension Office', which shall coordinate the research programs and activities of the Department.

''(2) DIVISION DESIGNATIONS.—The Divisions within the Research, Education, and Extension Office shall be as follows:

''(A) Renewable energy, natural resources, and environment.

''(B) Food safety, nutrition, and health.

''(C) Plant health and production and plant products.

''(D) Animal health and production and animal products.

''(E) Agricultural systems and technology.

''(F) Agricultural economics and rural communities.

''(3) DIVISION CHIEFS.—

''(A) SELECTION.—The Under Secretary shall select a Division Chief for each Division using available personnel authority under title 5, United States Code, including—

''(i) by term, temporary, or other appointment, without regard to—

''(I) the provisions of title 5, United States Code, governing appointments in the competitive service;

''(II) the provisions of subchapter I of chapter 35 of title 5, United States Code, relating to retention preference; and

''(III) the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification and General Schedule pay rates;

''(ii) by detail, notwithstanding any Act making appropriations for the Department of Agriculture, whether enacted before, on, or after the date of enactment of this paragraph, requiring reimbursement for those details unless the appropriation Act specifically refers to this subsection and specifically includes these details;

''(iii) by reassignment or transfer from any other civil service position; and

''(iv) by an assignment under subchapter VI of chapter 33 of title 5, United States Code.

''(B) SELECTION GUIDELINES.—To the maximum extent practicable, the Under Secretary shall select Division Chiefs under subparagraph (A) in a manner that—

''(i) promotes leadership and professional development;

''(ii) enables personnel to interact with other agencies of the Department; and

''(iii) maximizes the ability of the Under Secretary to allow for rotations of Department personnel into the position of Division Chief.

''(C) TERM OF SERVICE.—Notwithstanding title 5, United States Code, the maximum length of service for an individual selected as a Division Chief under subparagraph (A) shall not exceed 4 years.

''(D) QUALIFICATIONS.—To be eligible for selection as a Division Chief, an individual shall have—

''(i) conducted exemplary research, education, or extension in the field of agriculture or forestry; and

''(ii) earned an advanced degree at an institution of higher education (as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)).

''(E) DUTIES OF DIVISION CHIEFS.—Except as otherwise provided in this Act, each Division Chief shall—

''(i) assist the Under Secretary in identifying and addressing emerging agricultural research, education, and extension needs;

''(ii) assist the Under Secretary in identifying and prioritizing Department-wide agricultural research, education, and extension needs, including funding;

''(iii) assess the strategic workforce needs of the research, education, and extension functions of the Department, and develop strategic workforce plans to ensure that existing and future workforce needs are met;

''(iv) communicate with research, education, and extension beneficiaries, including the public, and representatives of the research, education, and extension system, including the National Agricultural Research, Extension, Education, and Economics Advisory Board, to promote the benefits of agricultural research, education, and extension;

''(v) assist the Under Secretary in preparing and implementing the roadmap for agricultural research, education, and extension, as described in section 7504 of the Food, Conservation, and Energy Act of 2008; and

''(vi) perform such other duties as the Under Secretary may determine.

''(4) GENERAL ADMINISTRATION.—

''(A) FUNDING.—Notwithstanding any Act making appropriations for the Department of Agriculture, whether enacted before, on, or after the date of enactment of this paragraph unless the appropriation Act specifically refers to this subsection and specifically includes the administration of funds under this section, the Secretary may transfer funds made available to an agency in the research, education, and economics mission area to fund the costs of Division personnel.

''(B) LIMITATION.—To the maximum extent practicable—

''(i) the Under Secretary shall minimize the number of full-time equivalent positions in the Divisions; and

''(ii) at no time shall the aggregate number of staff for all Divisions exceed 30 full-time equivalent positions.

''(C) ROTATION OF PERSONNEL.—To the maximum extent practicable, and using the authority described in paragraph (3)(A), the Under Secretary shall rotate personnel among the Divisions, and between the Divisions and agencies of the Department, in a manner that—

''(i) promotes leadership and professional development; and

''(ii) enables personnel to interact with other agencies of the Department.

''(5) ORGANIZATION.—The Under Secretary shall integrate leadership functions of the national program staff of the research agencies into the Research, Education and Extension Office in such form as is required to ensure that administrative duplication does not occur.

''(f) NATIONAL INSTITUTE OF FOOD AND AGRICULTURE.—

''(1) DEFINITIONS.—In this subsection:

''(A) ADVISORY BOARD.—The term 'Advisory Board' means the National Agricultural Research, Extension, Education, and Economics Advisory Board established under section 1408 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3123).

''(B) APPLIED RESEARCH.—The term 'applied research' means research that includes expansion of the findings of fundamental research to uncover practical ways in which new knowledge can be advanced to benefit individuals and society.

''(C) CAPACITY AND INFRASTRUCTURE PROGRAM.—The term 'capacity and infrastructure program' means each of the following agricultural research, extension, education, and related programs for which the Secretary has administrative or other authority as of the day before the date of enactment of the Food, Conservation, and Energy Act of 2008:

''(i) Each program providing funding to any of the 1994 Institutions under sections 533, 534(a), and 535 of the Equity in Educational Land-Grant Status Act of 1994 (7 U.S.C. 301 note; Public Law 103–382).

''(ii) The program established under section 536 of the Equity in Educational Land-Grant Status Act of 1994 (7 U.S.C. 301 note; Public Law 103–382) providing research grants for 1994 Institutions.

''(iii) Each program established under subsections (b) and (c) of section 3 of the Smith-Lever Act (7 U.S.C. 343).

''(iv) Each program established under the Hatch Act of 1887 (7 U.S.C. 361a et seq.).

''(v) Each program established under section 1417(b) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3152(b)).

''(vi) The animal health and disease research program established under subtitle E of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3191 et seq.).

''(vii) Each extension program available to 1890 Institutions established under section 1444 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3221).

''(viii) The program established under section 1445 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3222).

''(ix) The program providing grants to upgrade agricultural and food sciences facilities at 1890 Institutions established under section 1447 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3222b).

''(x) The program providing distance education grants for insular areas established under section 1490 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3362).

''(xi) The program providing resident instruction grants for insular areas established under section 1491 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3363).

''(xii) Each research and development and related program established under Public Law 87–788 (commonly known as the 'McIntire-Stennis Cooperative Forestry Act') (16 U.S.C. 582a et seq.).

''(xiii) Each program established under the Renewable Resources Extension Act of 1978 (16 U.S.C. 1671 et seq.).

''(xiv) Each program providing funding to Hispanic-serving agricultural colleges and universities under section 1456 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977.

''(xv) The program providing capacity grants to NLGCA Institutions under section 1473F of the National Agricultural Research, Extension, and Teaching Policy Act of 1977.

''(xvi) Other programs that are capacity and infrastructure programs, as determined by the Secretary.

''(D) COMPETITIVE PROGRAM.—The term 'competitive program' means each of the following agricultural research, extension, education, and related programs for which the Secretary has administrative or other authority as of the day before the date of enactment of the Food, Conservation, and Energy Act of 2008:

''(i) The Agriculture and Food Research Initiative established under section 2(b) of the Competitive, Special, and Facilities Research Grant Act (7 U.S.C. 450i(b)).

''(ii) The program providing competitive grants for risk management education established under section 524(a)(3) of the Federal Crop Insurance Act (7 U.S.C. 1524(a)(3)).

''(iii) The program providing community food project competitive grants established under section 25 of the Food and Nutrition Act of 2008 (7 U.S.C. 2034).

''(iv) The program providing grants for beginning farmer and rancher development established under section 7405 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 3319f).

''(v) The program providing grants under section 1417(j) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3152(j)).

''(vi) The program providing grants for Hispanic-serving institutions established under section 1455 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3241).

''(vii) The program providing competitive grants for international agricultural science and education programs under section 1459A of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3292b).

''(viii) The research and extension projects carried out under section 1621 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5811).

''(ix) The organic agriculture research and extension initiative established under section 1672B of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5925b).

''(x) The specialty crop research initiative under section 412 of the Agricultural Research, Extension, and Education Reform Act of 1998.

''(xi) The administration and management of the Agricultural Bioenergy Feedstock and Energy Efficiency Research and Extension Initiative carried out under section 1672C of the Food, Agriculture, Conservation, and Trade Act of 1990.

''(xii) The research, extension, and education programs authorized by section 407 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7627) relating to the competitiveness, viability and sustainability of small- and medium-sized dairy, livestock, and poultry operations.

''(xiii) Other programs that are competitive programs, as determined by the Secretary.

''(E) DIRECTOR.—The term 'Director' means the Director of the Institute.

''(F) FUNDAMENTAL RESEARCH.—The term 'fundamental research' means research that—

''(i) increases knowledge or understanding of the fundamental aspects of phenomena and has the potential for broad application; and

''(ii) has an effect on agriculture, food, nutrition, or the environment.

''(G) INSTITUTE.—The term 'Institute' means the National Institute of Food and Agriculture established by paragraph (2)(A).

''(2) ESTABLISHMENT OF NATIONAL INSTITUTE OF FOOD AND AGRICULTURE.—

''(A) ESTABLISHMENT.—The Secretary shall establish within the Department an agency to be known as the 'National Institute of Food and Agriculture'.

''(B) TRANSFER OF AUTHORITIES.—The Secretary shall transfer to the Institute, effective not later than October 1, 2009, the authorities (including all budget authorities, available appropriations, and personnel), duties, obligations, and related legal and administrative functions prescribed by law or otherwise granted to the Secretary, the Department, or any other agency or official of the Department under—

''(i) the capacity and infrastructure programs;

''(ii) the competitive programs;

''(iii) the research, education, economic, cooperative State research programs, cooperative extension and education programs, international programs, and other functions and authorities delegated by the Under Secretary to the Administrator of the Cooperative State Research, Education, and Extension Service pursuant to section 2.66 of title 7, Code of Federal Regulations (or successor regulations); and

''(iv) any and all other authorities administered by the Administrator of the Cooperative State Research, Education, and Extension Service.

''(3) DIRECTOR.—

''(A) IN GENERAL.—The Institute shall be headed by a Director, who shall be an individual who is—

''(i) a distinguished scientist; and

''(ii) appointed by the President.

''(B) SUPERVISION.—The Director shall report directly to the Secretary, or the designee of the Secretary.

''(C) FUNCTIONS OF THE DIRECTOR.—The Director shall—

''(i) serve for a 6-year term, subject to reappointment for an additional 6-year term;

''(ii) periodically report to the Secretary, or the designee of the Secretary, with respect to activities carried out by the Institute; and

''(iii) consult regularly with the Secretary, or the designee of the Secretary, to ensure, to the maximum extent practicable, that—

''(I) research of the Institute is relevant to agriculture in the United States and otherwise serves the national interest; and

''(II) the research of the Institute supplements and enhances, and does not supplant, research conducted or funded by other Federal agencies.

''(D) COMPENSATION.—The Director shall receive basic pay at a rate not to exceed the maximum amount of compensation payable to a member of the Senior Executive Service under subsection (b) of section 5382 of title 5, United States Code, except that the certification requirement in that subsection shall not apply to the compensation of the Director.

''(E) AUTHORITY AND RESPONSIBILITIES OF DIRECTOR.—Except as otherwise specifically provided in this subsection, the Director shall—

''(i) exercise all of the authority provided to the Institute by this subsection;

''(ii) formulate and administer programs in accordance with policies adopted by the Institute, in coordination with the Under Secretary;

''(iii) establish offices within the Institute;

''(iv) establish procedures for the provision and administration of grants by the Institute; and

''(v) consult regularly with the Advisory Board.

''(4) REGULATIONS.—The Institute shall have such authority as is necessary to carry out this subsection, including the authority to promulgate such regulations as the Institute considers to be necessary for governance of operations, organization, and personnel.

''(5) ADMINISTRATION.—

''(A) IN GENERAL.—The Director shall organize offices and functions within the Institute to administer fundamental and applied research and extension and education programs.

''(B) RESEARCH PRIORITIES.—The Director shall ensure the research priorities established by the Under Secretary through the Research, Education and Extension Office are carried out by the offices and functions of the Institute, where applicable.

''(C) FUNDAMENTAL AND APPLIED RESEARCH.—The Director shall—

''(i) determine an appropriate balance between fundamental and applied research programs and functions to ensure future research needs are met; and

''(ii) designate staff, as appropriate, to assist in carrying out this subparagraph.

''(D) COMPETITIVELY FUNDED AWARDS.—The Director shall—

''(i) promote the use and growth of grants awarded through a competitive process; and

''(ii) designate staff, as appropriate, to assist in carrying out this subparagraph.

''(E) COORDINATION.—The Director shall ensure that the offices and functions established under subparagraph (A) are effectively coordinated for maximum efficiency.

''(6) FUNDING.—

''(A) IN GENERAL.—In addition to funds otherwise appropriated to carry out each program administered by the Institute, there are authorized to be appropriated such sums as are necessary to carry out this subsection for each fiscal year.

''(B) ALLOCATION.—Funding made available under subparagraph (A) shall be allocated according to recommendations contained in the roadmap described in section 7504 of the Food, Conservation, and Energy Act of 2008.''.

(b) FUNCTIONS.—Section 296(b) of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 7014(b)) is amended—

(1) in paragraph (4), by striking ''or'' at the end;

(2) in paragraph (5), by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following:

''(6) the authority of the Secretary to establish in the Department, under section 251—

''(A) the position of Under Secretary of Agriculture for Research, Education, and Economics;

''(B) the Research, Education, and Extension Office; and

''(C) the National Institute of Food and Agriculture.''.

(c) CONFORMING AMENDMENTS.—The following conforming amendments shall take effect on October 1, 2009:

(1) Section 522(d)(2) of the Federal Crop Insurance Act (7 U.S.C. 1522(d)(2)) is amended by striking ''the Cooperative State Research, Education, and Extension Service'' and inserting ''the National Institute of Food and Agriculture''.

(2) Section 524(a) of the Federal Crop Insurance Act (7 U.S.C. 1524(a)) is amended in each of paragraphs (1)(B) and (3)(A) by striking ''the Cooperative State Research, Education, and Extension Service'' each place it appears and inserting ''the National Institute of Food and Agriculture''.

(3) Section 306(a)(11)(C) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)(11)(C)) is amended by striking ''the Cooperative State Research, Education, and Extension Service'' and inserting ''the National Institute of Food and Agriculture''.

(4) Section 5(b)(2)(E) of the Agricultural Credit Improvement Act of 1992 (7 U.S.C. 1929 note; Public Law 102–554) is amended by striking ''Cooperative Extension Service'' and inserting ''National Institute of Food and Agriculture''.

(5) Section 11(f)(1) of the Food and Nutrition Act of 2008 (7 U.S.C. 2020(f)(1)) is amended by striking ''Cooperative Extension Service'' and inserting ''National Institute of Food and Agriculture''.

(6) Section 502(h) of the Rural Development Act of 1972 (7 U.S.C. 2662(h)) is amended—

(A) in paragraph (1), by striking ''Extension Service'' and inserting ''National Institute of Food and Agriculture''; and

(B) in paragraph (4), by striking ''Extension Service staff'' and inserting ''National Institute of Food and Agriculture staff''.

(7) Section 7404(b)(1)(B) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 3101 note; Public Law 107–171) is amended by striking clause (vi) and inserting the following:

''(vi) the National Institute of Food and Agriculture.''.

(8) Section 1408(b)(4) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3123(b)(4)) is amended by striking ''the Administrator of the Cooperative State Research, Education, and Extension Service'' and inserting ''the Director of the National Institute of Food and Agriculture''.

(9) Section 2381(a) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 3125b(a)) is amended by striking ''Extension Service'' and inserting ''National Institute of Food and Agriculture''.

(10) The National Agricultural Research, Extension, and Teaching Policy Act of 1977 is amended—

(A) in section 1424A(b) (7 U.S.C. 3174a(b)), by striking ''the Cooperative State Research, Education, and Extension Service'' and inserting ''the National Institute of Food and Agriculture''; and

(B) in section 1458(a)(10) (7 U.S.C. 3291(a)(10)), by striking ''the Cooperative State Research, Education, and Extension Service'' and inserting ''the National Institute of Food and Agriculture''.

(11) Section 1587(a) of the Food Security Act of 1985 (7 U.S.C. 3175d(a)) is amended by striking ''Extension Service'' each place it appears and inserting ''National Institute of Food and Agriculture''.

(12) Section 1444(b)(2)(A) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3221(b)(2)(A)) is amended by striking ''Extension Service'' and inserting ''National Institute of Food and Agriculture''.

(13) Section 1473D(d) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3319d(d)) is amended by striking ''the Cooperative State Research Service, the Extension Service'' and inserting ''the National Institute of Food and Agriculture''.

(14) Section 1499(c) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5506(c)) is amended by striking ''the Cooperative State Research Service'' and all that follows through ''extension services;'' and inserting ''the National Institute of Food and Agriculture, in conjunction with the system of State agricultural experiment stations and State and county cooperative extension services; the Economic Research Service;''.

(15) Section 1622 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5812) is amended—

(A) in subsection (a)(1), by striking ''the Cooperative State Research Service in close cooperation with the Extension Service'' and inserting ''the National Institute of Food and Agriculture'';

(B) in subsection (b)(1)—

(i) by striking subparagraphs (B) and (C) and inserting the following:

''(B) the National Institute of Food and Agriculture;''; and

(ii) by redesignating subparagraphs (D) through (L) as subparagraphs (C) through (K), respectively.

(16) Section 1627(d) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5821(d)) is amended by striking ''Extension Service'' and inserting ''National Institute of Food and Agriculture''.

(17) Section 1629 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5832) is amended—

(A) in subsection (b), in the first sentence, by striking ''the Extension Service'' and inserting ''the National Institute of Food and Agriculture''; and

(B) in subsection (h), by striking ''Extension Service'' and inserting ''National Institute of Food and Agriculture''.

(18) Section 1638(b) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5852(b)) is amended—

(A) in paragraph (3), by striking ''Cooperative State Research Service'' and inserting ''National Institute of Food and Agriculture''; and

(B) in paragraph (5), by striking ''Cooperative State Research Service'' and inserting ''National Institute of Food and Agriculture''.

(19) Section 1640(a)(2) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5854(a)(2)) is amended by striking ''the Administrator of the Extension Service, the Administrator of the Cooperative State Research Service'' and inserting ''the Director of the National Institute of Food and Agriculture''.

(20) Section 1641(a) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5855(a)) is amended—

(A) in paragraph (2), by striking ''Cooperative State Research Service'' and inserting ''National Institute of Food and Agriculture''; and

(B) in paragraph (4,) by striking ''Extension Service'' and inserting ''National Institute of Food and Agriculture''.

(21) Section 1668(b) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5921(b)) is amended by striking ''Cooperative State Research, Education, and Extension Service'' and inserting ''National Institute of Food and Agriculture''.

(22) Section 1670(a)(4) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5923(a)(4)) is amended by striking ''the Administrator of the Cooperative State Research, Education, and Extension Service'' and inserting ''the Director of the National Institute of Food and Agriculture''.

(23) Section 1677(a) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5930(a)) is amended by striking ''Extension Service'' and inserting ''National Institute of Food and Agriculture''.

(24) Section 2122(b)(1) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 6521(b)(1)) is amended by striking ''Extension Service'' and inserting ''National Institute of Food and Agriculture''.

(25) Section 2371 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 6601) is amended—

(A) in subsection (a), by striking ''Extension Service'' and inserting ''National Institute of Food and Agriculture''; and

(B) in subsection (c)(3), by striking ''Service'' and inserting ''System''.

(26) Section 2377(a) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 6615(a)) is amended by striking ''Extension Service'' and inserting ''National Institute of Food and Agriculture''.

(27) Section 212(a)(2)(A) of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6912(a)(2)(A)) is amended by striking ''251(d),'' and inserting ''251(f),''.

(28) Section 537 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7446) is amended in each of subsections (a)(2) and (b)(3)(B)(i) by striking ''Cooperative State Research, Education, and Extension Service'' and inserting ''cooperative extension''.

(29) Section 101(b)(2) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7611(b)(2)) is amended by striking ''Cooperative State Research, Education, and Extension Service'' and inserting ''National Institute of Food and Agriculture''.

(30) Section 103(a) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7613(a)) is amended—

(A) in the subsection heading, by striking ''Cooperative State Research, Education, and Extension Service'' and inserting ''National Institute of Food and Agriculture''; and

(B) in each of paragraphs (1) and (2)(A), by striking ''the Cooperative State Research, Education, and Extension Service'' and inserting ''the National Institute of Food and Agriculture''.

(31) Section 407(c) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7627(c)) is amended by striking ''the Cooperative State Research, Education, and Extension Service'' and inserting ''the National Institute of Food and Agriculture''.

(32) Section 410(a) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7630(a)) is amended by striking ''the Administrator of the Cooperative State Research, Education, and Extension Service'' and inserting ''the Director of the National Institute of Food and Agriculture''.

(33) Section 307(g)(5) of the Agricultural Risk Protection Act of 2000 (7 U.S.C. 8606(g)(5)) is amended by striking ''Administrator of the Cooperative State Research, Education, and Extension Service'' and inserting ''Director of the National Institute of Food and Agriculture''.

(34) Section 5(a) of the Renewable Resources Extension Act of 1978 (16 U.S.C. 1674a(a)) is amended by striking ''Extension Service'' and inserting ''National Institute of Food and Agriculture''.

(35) Section 6(b) of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2103b(b)) is amended by striking ''the Cooperative State Research, Education, and Extension Service, may provide technical, financial, and related assistance to State foresters, equivalent State officials, or Cooperative Extension officials'' and inserting ''the National Institute of Food and Agriculture, may provide technical, financial, and related assistance to State foresters, equivalent State officials, or cooperative extension officials''.

(36) Section 9(g)(2)(A)(viii) of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2105(g)(2)(A)(viii)) is amended by striking ''Extension Service'' and inserting ''National Institute of Food and Agriculture''.

(37) Section 19(b)(1)(B)(i) of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2113(b)(1)(B)(i)) is amended by striking ''Extension Service'' and inserting ''National Institute of Food and Agriculture''.

(38) Section 1261(c)(4) of the Food Security Act of 1985 (16 U.S.C. 3861(c)(4)) is amended by striking ''Extension Service'' and inserting ''National Institute of Food and Agriculture''.

(39) Section 105(a) of the Africa: Seeds of Hope Act of 1998 (22 U.S.C. 2293 note; Public Law 105–385) is amended by striking ''the Cooperative State, Research, Education, and Extension Service (CSREES)'' and inserting ''the National Institute of Food and Agriculture''.

(40) Section 307(a)(4) of the National Aeronautic and Space Administration Authorization Act of 2005 (42 U.S.C. 16657(a)(4)) is amended by striking subparagraph (B) and inserting the following:

''(B) the program and structure of, peer review process of, management of conflicts of interest by, compensation of reviewers of, and the effects of compensation on reviewer efficiency and quality within, the National Institute of Food and Agriculture of the Department of Agriculture;''.

PART III—NEW GRANT AND RESEARCH PROGRAMS

SEC. 7521. RESEARCH AND EDUCATION GRANTS FOR THE STUDY OF ANTIBIOTIC-RESISTANT BACTERIA.

(a) IN GENERAL.—The Secretary shall provide research and education grants, on a competitive basis—

(1) to study the development of antibiotic-resistant bacteria, including—

(A) movement of antibiotic-resistant bacteria into groundwater and surface water; and

(B) the effect on antibiotic resistance from various drug use regimens; and

(2) to study and ensure the judicious use of antibiotics in veterinary and human medicine, including—

(A) methods and practices of animal husbandry;

(B) safe and effective alternatives to antibiotics;

(C) the development of better veterinary diagnostics to improve decisionmaking; and

(D) the identification of conditions or factors that affect antibiotic use on farms.

(b) ADMINISTRATION.—Paragraphs (4), (7), (8), and (11)(B) of subsection (b) of the Competitive, Special, and Facilities Research Grant Act (7 U.S.C. 450i) shall apply with respect to the making of grants under this section.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 2008 through 2012.

SEC. 7522. FARM AND RANCH STRESS ASSISTANCE NETWORK.

(a) IN GENERAL.—The Secretary, in coordination with the Secretary of Health and Human Services, shall make competitive grants to support cooperative programs between State cooperative extension services and nonprofit organizations to establish a Farm and Ranch Stress Assistance Network that provides stress assistance programs to individuals who are engaged in farming, ranching, and other agriculture-related occupations.

(b) ELIGIBLE PROGRAMS.—Grants awarded under subsection (a) may be used to initiate, expand, or sustain programs that provide professional agricultural behavioral health counseling and referral for other forms of assistance as necessary through—

(1) farm telephone helplines and websites;

(2) community education;

(3) support groups;

(4) outreach services and activities; and

(5) home delivery of assistance, in a case in which a farm resident is homebound.

(c) EXTENSION SERVICES.—Grants shall be awarded under this subsection directly to State cooperative extension services to enable the State cooperative extension services to enter into contracts, on a multiyear basis, with nonprofit, community-based, direct-service organizations to initiate, expand, or sustain cooperative programs described in subsections (a) and (b).

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 2008 through 2012.

SEC. 7523. SEED DISTRIBUTION.

(a) IN GENERAL.—The Secretary shall make competitive grants to eligible entities to carry out a seed distribution program to administer and maintain the distribution of vegetable seeds donated by commercial seed companies.

(b) PURPOSES.—The purposes of this program include—

(1) the distribution of seeds donated by commercial seed companies free-of-charge to appropriate—

(A) individuals;

(B) groups;

(C) institutions;

(D) governmental and nongovernmental organizations; and

(E) such other entities as the Secretary may designate;

(2) distribution of seeds to underserved communities, such as communities that experience—

(A) limited access to affordable fresh vegetables;

(B) a high rate of hunger or food insecurity; or

(C) severe or persistent poverty.

(c) ADMINISTRATION.—Paragraphs (4), (7), (8), and (11)(B) of subsection (b) of the Competitive, Special, and Facilities Research Grant Act (7 U.S.C. 450i) shall apply with respect to the making of grants under this section.

(d) SELECTION.—An eligible entity selected to receive a grant under subsection (a) shall have—

(1) expertise regarding the distribution of vegetable seeds donated by commercial seed companies; and

(2) the ability to achieve the purpose of the seed distribution program.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 2008 through 2012.

SEC. 7524. LIVE VIRUS FOOT AND MOUTH DISEASE RESEARCH.

(a) IN GENERAL.—The Secretary shall issue a permit required under section 12 of the Act of May 29, 1884 (21 U.S.C. 113a) to the Secretary of Homeland Security for work on the live virus of foot and mouth disease at any facility that is a successor to the Plum Island Animal Disease Center and charged with researching high-consequence biological threats involving zoonotic and foreign animal diseases (referred to in this section as the ''successor facility'').

(b) LIMITATION TO SINGLE FACILITY.—Not more than 1 facility shall be issued a permit under subsection (a).

(c) LIMITATION ON VALIDITY.—The permit issued under this section shall be valid unless the Secretary determines that the study of live foot and mouth disease virus at the successor facility is not being carried out in accordance with the regulations promulgated by the Secretary pursuant to the Agricultural Bioterrorism Protection Act of 2002 (7 U.S.C. 8401 et seq.).

(d) AUTHORITY.—The suspension, revocation, or other impairment of the permit issued under this section—

(1) shall be made by the Secretary; and

(2) is a nondelegable function.

SEC. 7525. NATURAL PRODUCTS RESEARCH PROGRAM.

(a) IN GENERAL.—The Secretary shall establish within the Department a natural products research program.

(b) DUTIES.—In carrying out the program established under subsection (a), the Secretary shall coordinate research relating to natural products, including—

(1) research to improve human health and agricultural productivity through the discovery, development, and commercialization of products and agrichemicals from bioactive natural products, including products from plant, marine, and microbial sources;

(2) research to characterize the botanical sources, production, chemistry, and biological

properties of plant-derived natural products; and

(3) other research priorities identified by the Secretary.

(c) PEER AND MERIT REVIEW.—The Secretary shall—

(1) determine the relevance and merit of research under this section through a system of peer review established by the Secretary pursuant to section 103 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7613); and

(2) approve funding for research on the basis of merit, quality, and relevance to advancing the purposes of this section.

(d) BUILDINGS AND FACILITIES.—Funds made available under this section shall not be used for the construction of a new building or facility or the acquisition, expansion, remodeling, or alteration of an existing building or facility (including site grading and improvement and architect fees).

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as are necessary for each of fiscal years 2008 through 2012.

SEC. 7526. SUN GRANT PROGRAM.

(a) ESTABLISHMENT.—The Secretary shall establish and carry out a program to provide grants to the sun grant centers and subcenter specified in subsection (b)—

(1) to enhance national energy security through the development, distribution, and implementation of biobased energy technologies;

(2) to promote diversification in, and the environmental sustainability of, agricultural production in the United States through biobased energy and product technologies;

(3) to promote economic diversification in rural areas of the United States through biobased energy and product technologies; and

(4) to enhance the efficiency of bioenergy and biomass research and development programs through improved coordination and collaboration among—

(A) the Department of Agriculture;

(B) the Department of Energy; and

(C) land-grant colleges and universities.

(b) GRANTS.—

(1) IN GENERAL.—The Secretary shall use amounts made available under subsection (g) to provide grants to each of the following:

(A) NORTH-CENTRAL CENTER.—A north-central sun grant center at South Dakota State University for the region composed of the States of Illinois, Indiana, Iowa, Minnesota, Montana, Nebraska, North Dakota, South Dakota, Wisconsin, and Wyoming.

(B) SOUTHEASTERN CENTER.—A southeastern sun grant center at the University of Tennessee at Knoxville for the region composed of—

(i) the States of Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia;

(ii) the Commonwealth of Puerto Rico; and

(iii) the United States Virgin Islands.

(C) SOUTH-CENTRAL CENTER.—A south-central sun grant center at Oklahoma State University for the region composed of the States of Arkansas, Colorado, Kansas, Louisiana, Missouri, New Mexico, Oklahoma, and Texas.

(D) WESTERN CENTER.—A western sun grant center at Oregon State University for the region composed of—

(i) the States of Alaska, Arizona, California, Hawaii, Idaho, Nevada, Oregon, Utah, and Washington; and

(ii) insular areas (as defined in section 1404 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103 (other than the insular areas referred to in clauses (ii) and (iii) of subparagraph (B))).

(E) NORTHEASTERN CENTER.—A northeastern sun grant center at Cornell University for the region composed of the States of Connecticut, Delaware, Massachusetts, Maryland, Maine, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, and West Virginia.

(F) WESTERN INSULAR PACIFIC SUBCENTER.—A western insular Pacific sun grant subcenter at the University of Hawaii for the region of Alaska, Hawaii, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau.

(2) MANNER OF DISTRIBUTION.—

(A) CENTERS.—In providing any funds made available under subsection (g), the Secretary shall distribute the grants in equal amounts to the sun grant centers described in subparagraphs (A) through (E) of paragraph (1).

(B) SUBCENTER.—The sun grant center described in paragraph (1)(D) shall allocate a portion of the funds received under paragraph (1) to the subcenter described in paragraph (1)(F) pursuant to guidance issued by the Secretary.

(3) FAILURE TO COMPLY WITH REQUIREMENTS.—If the Secretary finds on the basis of a review of the annual report required under subsection (f) or on the basis of an audit of a sun grant center or subcenter conducted by the Secretary that the center or subcenter has not complied with the requirements of this section, the sun grant center or subcenter shall be ineligible to receive further grants under this section for such period of time as may be prescribed by the Secretary.

(c) USE OF FUNDS.—

(1) COMPETITIVE GRANTS.—

(A) IN GENERAL.—A sun grant center or subcenter shall use 75 percent of the funds described in subsection (b) to provide competitive grants to entities that are—

(i) eligible to receive grants under subsection (b)(7) of the Competitive, Special, and Facilities Research Grant Act (7 U.S.C. 450i(b)(7)); and

(ii) located in the region covered by the sun grant center or subcenter.

(B) ACTIVITIES.—Grants described in subparagraph (A) shall be used by the grant recipient to conduct, in a manner consistent with the purposes described in subsection (a), multi-institutional and multistate—

(i) research, extension, and education programs on technology development; and

(ii) integrated research, extension, and education programs on technology implementation.

(C) FUNDING ALLOCATION.—Of the amount of funds that is used to provide grants under subparagraph (A), the sun grant center or subcenter shall use—

(i) not less than 30 percent of the funds to carry out the programs described in subparagraph (B)(i); and

(ii) not less than 30 percent of the funds to carry out the programs described in subparagraph (B)(ii).

(D) ADMINISTRATION.—

(i) PEER AND MERIT REVIEW.—In making grants under this paragraph, a sun grant center or subcenter shall—

(I) seek and accept proposals for grants;

(II) determine the relevance and merit of proposals through a system of peer review similar to that established by the Secretary pursuant to section 103 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7613); and

(III) award grants on the basis of merit, quality, and relevance to advancing the purposes of this section.

(ii) PRIORITY.—A sun grant center or subcenter shall give a higher priority to programs that are consistent with the plan approved by the Secretary under subsection (d).

(iii) TERM.—A grant awarded by a sun grant center or subcenter shall have a term that does not exceed 5 years.

(iv) MATCHING FUNDS REQUIRED.—

(I) IN GENERAL.—Except as provided in subclauses (II) and (III), as a condition of receiving a grant under this paragraph, the sun grant center or subcenter shall require that not less than 20 percent of the cost of an activity described in subparagraph (B) be matched with funds, including in-kind contributions, from a non-Federal source.

(II) EXCLUSION.—Subclause (I) shall not apply to fundamental research (as defined in subsection (f)(1) of section 251 of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6971) (as added by section 7511(a)(4)).

(III) REDUCTION.—The sun grant center or subcenter may reduce or eliminate the requirement for non-Federal funds under subclause (I) for applied research (as defined in subsection (f)(1) of section 251 of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6971) (as added by section 7511(a)(4)) if the sun grant center or subcenter determines that the reduction is necessary and appropriate pursuant to guidance issued by the Secretary.

(v) BUILDINGS AND FACILITIES.—Funds made available for grants shall not be used for the construction of a new building or facility or the acquisition, expansion, remodeling, or alteration of an existing building or facility (including site grading and improvement and architect fees).

(vi) LIMITATION ON INDIRECT COSTS.—A sun grant center or subcenter may not recover the indirect costs of making grants under subparagraph (A).

(2) ADMINISTRATIVE EXPENSES.—A sun grant center or subcenter may use up to 4 percent of the funds described in subsection (b) to pay administrative expenses incurred in carrying out paragraph (1).

(3) RESEARCH, EXTENSION AND EDUCATIONAL ACTIVITIES.—The sun grant centers and subcenter shall use the remainder of the funds described in subsection (b) to conduct, in a manner consistent with the purposes described in subsection (a), multi-institutional and multistate—

(A) research, extension, and educational programs on technology development; and

(B) integrated research, extension, and educational programs on technology implementation.

(d) PLAN FOR RESEARCH ACTIVITIES TO BE FUNDED.—

(1) IN GENERAL.—Subject to the availability of funds under subsection (g), and in cooperation with land-grant colleges and universities and private industry in accordance with paragraph (2), the sun grant centers and subcenter shall jointly develop and submit to the Secretary for approval a plan for addressing the bioenergy, biomass, and gasification research priorities of the Department of Agriculture and the Department of Energy at the State and regional levels.

(2) GASIFICATION COORDINATION.—With respect to gasification research activity, the sun grant centers and subcenter shall coordinate planning with land-grant colleges and universities in their respective regions that have ongoing research activities in that area.

(3) FUNDING.—Funds described in subsection (c)(2) shall be available to carry out planning coordination under paragraph (1).

(4) USE OF PLAN.—The sun grant centers and subcenter shall use the plan described in paragraph (1) in making grants under subsection (c)(1).

(e) GRANT INFORMATION ANALYSIS CENTER.—The sun grant centers and subcenter shall maintain a Sun Grant Information Analysis Center at the sun grant center specified in subsection (b)(1)(A) to provide the sun grant centers and subcenter with analysis and data management support.

(f) ANNUAL REPORTS.—Not later than 90 days after the end of each fiscal year, a sun grant center or subcenter receiving a grant under this section shall submit to the Secretary a report that describes the policies, priorities, and operations of the program carried out by the center or subcenter during the fiscal year, including—

(1) the results of all peer and merit review procedures conducted pursuant to subsection (c)(1)(D)(i); and

(2) a description of progress made in facilitating the priorities described in subsection (d)(1).

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry

out this section $75,000,000 for each of fiscal years 2008 through 2012, of which not more than $4,000,000 for each fiscal year shall be made available to carry out subsection (e).

SEC. 7527. STUDY AND REPORT ON FOOD DESERTS.

(a) DEFINITION OF FOOD DESERT.—In this section, the term ''food desert'' means an area in the United States with limited access to affordable and nutritious food, particularly such an area composed of predominantly lower-income neighborhoods and communities.

(b) STUDY AND REPORT.—The Secretary shall carry out a study of, and prepare a report on, food deserts.

(c) CONTENTS.—The study and report shall—

(1) assess the incidence and prevalence of food deserts;

(2) identify—

(A) characteristics and factors causing and influencing food deserts; and

(B) the effect on local populations of limited access to affordable and nutritious food; and

(3) provide recommendations for addressing the causes and effects of food deserts through measures that include—

(A) community and economic development initiatives;

(B) incentives for retail food market development, including supermarkets, small grocery stores, and farmers' markets; and

(C) improvements to Federal food assistance and nutrition education programs.

(d) COORDINATION WITH OTHER AGENCIES AND ORGANIZATIONS.—The Secretary shall conduct the study under this section in coordination and consultation with—

(1) the Secretary of Health and Human Services;

(2) the Administrator of the Small Business Administration;

(3) the Institute of Medicine; and

(4) representatives of appropriate businesses, academic institutions, and nonprofit and faith-based organizations.

(e) SUBMISSION TO CONGRESS.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate the report prepared under this section, including the findings and recommendations described in subsection (c).

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $500,000.

SEC. 7528. DEMONSTRATION PROJECT AUTHORITY FOR TEMPORARY POSITIONS.

Notwithstanding section 4703(d)(1) of title 5, United States Code, the amendment to the personnel management demonstration project established in the Department of Agriculture (67 Fed. Reg. 70776 (2002)), shall become effective upon the date of enactment of this Act and shall remain in effect unless modified by law.

SEC. 7529. AGRICULTURAL AND RURAL TRANSPORTATION RESEARCH AND EDUCATION.

(a) IN GENERAL.—The Secretary, in consultation with the Secretary of Transportation, shall make competitive grants to institutions of higher education to carry out agricultural and rural transportation research and education activities.

(b) ACTIVITIES.—Research and education grants made under this section shall be used to address rural transportation and logistics needs of agricultural producers and related rural businesses, including—

(1) the transportation of biofuels; and

(2) the export of agricultural products.

(c) SELECTION CRITERIA.—

(1) IN GENERAL.—The Secretary shall award grants under this section on the basis of the transportation research, education, and outreach expertise of the applicant, as determined by the Secretary.

(2) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to institutions of higher education for use in coordinating research and education activities with other institutions of higher education with similar agricultural and rural transportation research and education programs.

(d) DIVERSIFICATION OF RESEARCH.—The Secretary shall award grants under this section in areas that are regionally diverse and broadly representative of the diversity of agricultural production and related transportation needs in the rural areas of the United States.

(e) MATCHING FUNDS REQUIREMENT.—The Secretary shall require each recipient of a grant under this section to provide, from non-Federal sources, in cash or in kind, 50 percent of the cost of carrying out activities under the grant.

(f) GRANT REVIEW.—A grant shall be awarded under this section on a competitive, peer- and merit-reviewed basis in accordance with section 103(a) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7613(a)).

(g) NO DUPLICATION.—In awarding grants under this section, the Secretary shall ensure that activities funded under this section do not duplicate the efforts of the University Transportation Centers described in sections 5505 and 5506 of title 49, United States Code.

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2008 through 2012.

TITLE VIII—FORESTRY

Subtitle A—Amendments to Cooperative Forestry Assistance Act of 1978

SEC. 8001. NATIONAL PRIORITIES FOR PRIVATE FOREST CONSERVATION.

Section 2 of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2101) is amended—

(1) by redesignating subsections (c) and (d) as subsections (e) and (f), respectively; and

(2) by inserting after subsection (b) the following new subsections:

''(c) PRIORITIES.—In allocating funds appropriated or otherwise made available under this Act, the Secretary shall focus on the following national private forest conservation priorities, notwithstanding other priorities specified elsewhere in this Act:

''(1) Conserving and managing working forest landscapes for multiple values and uses.

''(2) Protecting forests from threats, including catastrophic wildfires, hurricanes, tornados, windstorms, snow or ice storms, flooding, drought, invasive species, insect or disease outbreak, or development, and restoring appropriate forest types in response to such threats.

''(3) Enhancing public benefits from private forests, including air and water quality, soil conservation, biological diversity, carbon storage, forest products, forestry-related jobs, production of renewable energy, wildlife, wildlife corridors and wildlife habitat, and recreation.

''(d) REPORTING REQUIREMENT.—Not later than September 30, 2011, the Secretary shall submit to Congress a report describing how funds were used under this Act, and through other programs administered by the Secretary, to address the national priorities specified in subsection (c) and the outcomes achieved in meeting the national priorities.''.

SEC. 8002. LONG-TERM STATE-WIDE ASSESSMENTS AND STRATEGIES FOR FOREST RESOURCES.

The Cooperative Forestry Assistance Act of 1978 is amended by inserting after section 2 (16 U.S.C. 2101) the following new section:

''SEC. 2A. STATE-WIDE ASSESSMENT AND STRATEGIES FOR FOREST RESOURCES.

''(a) ASSESSMENT AND STRATEGIES FOR FOREST RESOURCES.—For a State to be eligible to receive funds under the authorities of this Act, the State forester of that State or equivalent State official shall develop and submit to the Secretary, not later than two years after the date of enactment of the Food, Conservation, and Energy Act of 2008, the following:

''(1) A State-wide assessment of forest resource conditions, including—

''(A) the conditions and trends of forest resources in that State;

''(B) the threats to forest lands and resources in that State consistent with the national priorities specified in section 2(c);

''(C) any areas or regions of that State that are a priority; and

''(D) any multi-State areas that are a regional priority.

''(2) A long-term State-wide forest resource strategy, including—

''(A) strategies for addressing threats to forest resources in the State outlined in the assessment required by paragraph (1); and

''(B) a description of the resources necessary for the State forester or equivalent State official from all sources to address the State-wide strategy.

''(b) UPDATING.—At such times as the Secretary determines to be necessary, the State forester or equivalent State official shall update and resubmit to the Secretary the State-wide assessment and State-wide strategy required by subsection (a).

''(c) COORDINATION.—In developing or updating the State-wide assessment and State-wide strategy required by subsection (a), the State Forester or equivalent State official shall coordinate with—

''(1) the State Forest Stewardship Coordinating Committee established for the State under section 19(b);

''(2) the State wildlife agency, with respect to strategies contained in the State wildlife action plans;

''(3) the State Technical Committee;

''(4) applicable Federal land management agencies; and

''(5) for purposes of the Forest Legacy Program under section 7, the State lead agency designated by the Governor.

''(d) INCORPORATION OF OTHER PLANS.—In developing or updating the State-wide assessment and State-wide strategy required by subsection (a), the State forester or equivalent State official shall incorporate any forest management plan of the State, including community wildfire protection plans and State wildlife action plans.

''(e) SUFFICIENCY.—Once approved by the Secretary, a State-wide assessment and State-wide strategy developed under subsection (a) shall be deemed to be sufficient to satisfy all relevant State planning and assessment requirements under this Act.

''(f) FUNDING.—

''(1) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section up to $10,000,000 for each of fiscal years 2008 through 2012.

''(2) ADDITIONAL FUNDING SOURCES.—In addition to the funds appropriated for a fiscal year pursuant to the authorization of appropriations in paragraph (1) to carry out this section, the Secretary may use any other funds made available for planning under this Act to carry out this section, except that the total amount of combined funding used to carry out this section may not exceed $10,000,000 in any fiscal year.

''(g) ANNUAL REPORT ON USE OF FUNDS.—The State forester or equivalent State official shall submit to the Secretary an annual report detailing how funds made available to the State under this Act are being used.''.

SEC. 8003. COMMUNITY FOREST AND OPEN SPACE CONSERVATION PROGRAM.

(a) FINDINGS.—Congress finds that—

(1) the Forest Service projects that, by calendar year 2030, approximately 44,000,000 acres of privately-owned forest land will be developed throughout the United States;

(2) public access to parcels of privately-owned forest land for outdoor recreational activities, including hunting, fishing, and trapping, has declined and, as a result, participation in those activities has also declined in cases in which public access is not secured;

(3) rising rates of obesity and other public health problems relating to the inactivity of the

citizens of the United States have been shown to be ameliorated by improving public access to safe and attractive areas for outdoor recreation;

(4) in rapidly-growing communities of all sizes throughout the United States, remaining parcels of forest land play an essential role in protecting public water supplies;

(5) forest parcels owned by local governmental entities and nonprofit organizations are providing important demonstration sites for private landowners to learn forest management techniques;

(6) throughout the United States, communities of diverse types and sizes are deriving significant financial and community benefits from managing forest land owned by local governmental entities for timber and other forest products; and

(7) there is an urgent need for local governmental entities to be able to leverage financial resources in order to purchase important parcels of privately-owned forest land as the parcels are offered for sale.

(b) COMMUNITY FOREST AND OPEN SPACE CONSERVATION PROGRAM.—The Cooperative Forestry Assistance Act of 1978 is amended by inserting after section 7 (16 U.S.C. 2103c) the following new section:

''SEC. 7A. COMMUNITY FOREST AND OPEN SPACE CONSERVATION PROGRAM.

''(a) DEFINITIONS.—In this section:

''(1) ELIGIBLE ENTITY.—The term 'eligible entity' means a local governmental entity, Indian tribe, or nonprofit organization that owns or acquires a parcel under the program.

''(2) INDIAN TRIBE.—The term 'Indian tribe' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

''(3) LOCAL GOVERNMENTAL ENTITY.—The term 'local governmental entity' includes any municipal government, county government, or other local government body with jurisdiction over local land use decisions.

''(4) NONPROFIT ORGANIZATION.—The term 'nonprofit organization' means any organization that—

''(A) is described in section 170(h)(3) of the Internal Revenue Code of 1986; and

''(B) operates in accordance with 1 or more of the purposes specified in section 170(h)(4)(A) of that Code.

''(5) PROGRAM.—The term 'Program' means the community forest and open space conservation program established under subsection (b).

''(6) SECRETARY.—The term 'Secretary' means the Secretary of Agriculture, acting through the Chief of the Forest Service.

''(b) ESTABLISHMENT.—The Secretary shall establish a program, to be known as the 'community forest and open space conservation program'.

''(c) GRANT PROGRAM.—

''(1) IN GENERAL.—The Secretary may award grants to eligible entities to acquire private forest land, to be owned in fee simple, that—

''(A) are threatened by conversion to nonforest uses; and

''(B) provide public benefits to communities, including—

''(i) economic benefits through sustainable forest management;

''(ii) environmental benefits, including clean water and wildlife habitat;

''(iii) benefits from forest-based educational programs, including vocational education programs in forestry;

''(iv) benefits from serving as models of effective forest stewardship for private landowners; and

''(v) recreational benefits, including hunting and fishing.

''(2) FEDERAL COST SHARE.—An eligible entity may receive a grant under the Program in an amount equal to not more than 50 percent of the cost of acquiring 1 or more parcels, as determined by the Secretary.

''(3) NON-FEDERAL SHARE.—As a condition of receipt of the grant, an eligible entity that receives a grant under the Program shall provide, in cash, donation, or in kind, a non-Federal matching share in an amount that is at least equal to the amount of the grant received.

''(4) APPRAISAL OF PARCELS.—To determine the non-Federal share of the cost of a parcel of privately-owned forest land under paragraph (2), an eligible entity shall require appraisals of the land that comply with the Uniform Appraisal Standards for Federal Land Acquisitions developed by the Interagency Land Acquisition Conference.

''(5) APPLICATION.—An eligible entity that seeks to receive a grant under the Program shall submit to the State forester or equivalent official (or in the case of an Indian tribe, an equivalent official of the Indian tribe) an application that includes—

''(A) a description of the land to be acquired;

''(B) a forest plan that provides—

''(i) a description of community benefits to be achieved from the acquisition of the private forest land; and

''(ii) an explanation of the manner in which any private forest land to be acquired using funds from the grant will be managed; and

''(C) such other relevant information as the Secretary may require.

''(6) EFFECT ON TRUST LAND.—

''(A) INELIGIBILITY.—The Secretary shall not provide a grant under the Program for any project on land held in trust by the United States (including Indian reservations and allotment land).

''(B) ACQUIRED LAND.—No land acquired using a grant provided under the Program shall be converted to land held in trust by the United States on behalf of any Indian tribe.

''(7) APPLICATIONS TO SECRETARY.—The State forester or equivalent official (or in the case of an Indian tribe, an equivalent official of the Indian tribe) shall submit to the Secretary a list that includes a description of each project submitted by an eligible entity at such times and in such form as the Secretary shall prescribe.

''(d) DUTIES OF ELIGIBLE ENTITY.—An eligible entity shall provide public access to, and manage, forest land acquired with a grant under this section in a manner that is consistent with the purposes for which the land was acquired under the Program.

''(e) PROHIBITED USES.—

''(1) IN GENERAL.—Subject to paragraphs (2) and (3), an eligible entity that acquires a parcel under the Program shall not sell the parcel or convert the parcel to nonforest use.

''(2) REIMBURSEMENT OF FUNDS.—An eligible entity that sells or converts to nonforest use a parcel acquired under the Program shall pay to the Federal Government an amount equal to the greater of the current sale price, or current appraised value, of the parcel.

''(3) LOSS OF ELIGIBILITY.—An eligible entity that sells or converts a parcel acquired under the Program shall not be eligible for additional grants under the Program.

''(f) STATE ADMINISTRATION AND TECHNICAL ASSISTANCE.—The Secretary may allocate not more than 10 percent of all funds made available to carry out the Program for each fiscal year to State foresters or equivalent officials (including equivalent officials of Indian tribes) for Program administration and technical assistance.

''(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.''.

SEC. 8004. ASSISTANCE TO THE FEDERATED STATES OF MICRONESIA, THE REPUBLIC OF THE MARSHALL ISLANDS, AND THE REPUBLIC OF PALAU.

Section 13(d)(1) of the Cooperative Forestry Act of 1978 (16 U.S.C. 2109(d)(1)) is amended by striking ''the Trust Territory of the Pacific Islands,'' and inserting ''the Federated States of Micronesia, the Republic of the Marshall Islands, the Republic of Palau,''.

SEC. 8005. CHANGES TO FOREST RESOURCE COORDINATING COMMITTEE.

Section 19 of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2113) is amended by striking subsection (a) and inserting the following new subsection:

''(a) FOREST RESOURCE COORDINATING COMMITTEE.—

''(1) ESTABLISHMENT.—The Secretary shall establish a committee, to be known as the 'Forest Resource Coordinating Committee' (in this section referred to as the 'Coordinating Committee'), to coordinate nonindustrial private forestry activities within the Department of Agriculture and with the private sector.

''(2) COMPOSITION.—The Coordinating Committee shall be composed of the following:

''(A) The Chief of the Forest Service.

''(B) The Chief of the Natural Resources Conservation Service.

''(C) The Director of the Farm Service Agency.

''(D) The Director of the National Institute of Food and Agriculture.

''(E) Non-Federal representatives appointed by the Secretary to 3 year terms, although initial appointees shall have staggered terms, including the following persons:

''(i) At least three State foresters or equivalent State officials from geographically diverse regions of the United States.

''(ii) A representative of a State fish and wildlife agency.

''(iii) An owner of nonindustrial private forest land.

''(iv) A forest industry representative.

''(v) A conservation organization representative.

''(vi) A land-grant university or college representative.

''(vii) A private forestry consultant.

''(viii) A representative from a State Technical Committee established under section 1261 of the Food Security Act of 1985 (16 U.S.C. 3861).

''(F) Such other persons as determined by the Secretary to be appropriate.

''(3) CHAIRPERSON.—The Chief of the Forest Service shall serve as chairperson of the Coordinating Committee.

''(4) DUTIES.—The Coordinating Committee shall—

''(A) provide direction and coordination of actions within the Department of Agriculture, and coordination with State agencies and the private sector, to effectively address the national priorities specified in section 2(c), with specific focus owners of nonindustrial private forest land;

''(B) clarify individual agency responsibilities of each agency represented on the Coordinating Committee concerning the national priorities specified in section 2(c), with specific focus on nonindustrial private forest land;

''(C) provide advice on the allocation of funds, including the competitive funds set-aside by sections 13A and 13B; and

''(D) assist the Secretary in developing and reviewing the report required by section 2(d).

''(5) MEETING.—The Coordinating Committee shall meet annually to discuss progress in addressing the national priorities specified in section 2(c) and issues regarding nonindustrial private forest land.

''(6) COMPENSATION.—

''(A) FEDERAL MEMBERS.—Members of the Coordinating Committee who are full-time officers or employees of the United States shall receive no additional pay, allowances, or benefits by reason of their service on the Coordinating Committee.

''(B) NON-FEDERAL MEMBERS.—Non-federal members of the Coordinating Committee shall serve without pay, but may be reimbursed for reasonable costs incurred while performing their duties on behalf of the Coordinating Committee.''.

SEC. 8006. CHANGES TO STATE FOREST STEWARDSHIP COORDINATING COMMITTEES.

Section 19(b) of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2113(b)) is amended—

(1) in paragraph (1)(B)(ii)—

(A) by striking ''and'' at the end of subclause (VII); and

(B) by adding at the end the following new subclause:

''(IX) the State Technical Committee.''.

(2) in paragraph (2)(C), by striking ''a Forest Stewardship Plan under paragraph (3)'' and inserting ''the State-wide assessment and strategy regarding forest resource conditions under section 2A'';

(3) by striking paragraphs (3) and (4); and

(4) by redesignating paragraphs (5) and (6) as paragraphs (3) and (4), respectively.

SEC. 8007. COMPETITION IN PROGRAMS UNDER COOPERATIVE FORESTRY ASSISTANCE ACT OF 1978.

The Cooperative Forestry Assistance Act of 1978 is amended by inserting after section 13 (16 U.S.C. 2109) the following new section:

''SEC. 13A. COMPETITIVE ALLOCATION OF FUNDS TO STATE FORESTERS OR EQUIVALENT STATE OFFICIALS.

''(a) COMPETITION.—Beginning not later than 3 years after the date of the enactment of the Food, Conservation, and Energy Act of 2008, the Secretary shall competitively allocate a portion, to be determined by the Secretary, of the funds available under this Act to State foresters or equivalent State officials.

''(b) DETERMINATION.—In determining the competitive allocation of funds under subsection (a), the Secretary shall consult with the Forest Resource Coordinating Committee established by section 19(a).

''(c) PRIORITY.—The Secretary shall give priority for funding to States for which the long-term State-wide forest resource strategies submitted under section 2A(a)(2) will best promote the national priorities specified in section 2(c).''.

SEC. 8008. COMPETITIVE ALLOCATION OF FUNDS FOR COOPERATIVE FOREST INNOVATION PARTNERSHIP PROJECTS.

The Cooperative Forestry Assistance Act of 1978 is amended by inserting after section 13A, as added by section 8006, the following new section:

''SEC. 13B. COMPETITIVE ALLOCATION OF FUNDS FOR COOPERATIVE FOREST INNOVATION PARTNERSHIP PROJECTS.

''(a) COOPERATIVE FOREST INNOVATION PARTNERSHIP PROJECTS.—The Secretary may competitively allocate not more than 5 percent of the funds made available under this Act to support innovative national, regional, or local education, outreach, or technology transfer projects that the Secretary determines would substantially increase the ability of the Department of Agriculture to address the national priorities specified in section 2(c).

''(b) ELIGIBILITY.—Notwithstanding the eligibility limitations contained in this Act, any State or local government, Indian tribe, land-grant college or university, or private entity shall be eligible to compete for funds to be competitively allocated under subsection (a).

''(c) COST-SHARE REQUIREMENT.—In carrying out subsection (a), the Secretary shall not cover more than 50 percent of the total cost of a project under such subsection. In calculating the total cost of a project and contributions made with regard to the project, the Secretary shall include in-kind contributions.''.

Subtitle B—Cultural and Heritage Cooperation Authority

SEC. 8101. PURPOSES.

The purposes of this subtitle are—

(1) to authorize the reburial of human remains and cultural items on National Forest System land, including human remains and cultural items repatriated under the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq.);

(2) to prevent the unauthorized disclosure of information regarding reburial sites, including the quantity and identity of human remains and cultural items on sites and the location of sites;

(3) to authorize the Secretary of Agriculture to ensure access to National Forest System land, to the maximum extent practicable, by Indians and Indian tribes for traditional and cultural purposes;

(4) to authorize the Secretary to provide forest products, without consideration, to Indian tribes for traditional and cultural purposes;

(5) to authorize the Secretary to protect the confidentiality of certain information, including information that is culturally sensitive to Indian tribes;

(6) to increase the availability of Forest Service programs and resources to Indian tribes in support of the policy of the United States to promote tribal sovereignty and self-determination; and

(7) to strengthen support for the policy of the United States of protecting and preserving the traditional, cultural, and ceremonial rites and practices of Indian tribes, in accordance with Public Law 95–341 (commonly known as the American Indian Religious Freedom Act; 42 U.S.C. 1996).

SEC. 8102. DEFINITIONS.

In this subtitle:

(1) ADJACENT SITE.—The term ''adjacent site'' means a site that borders a boundary line of National Forest System land.

(2) CULTURAL ITEMS.—The term ''cultural items'' has the meaning given the term in section 2 of the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001), except that the term does not include human remains.

(3) HUMAN REMAINS.—The term ''human remains'' means the physical remains of the body of a person of Indian ancestry.

(4) INDIAN.—The term ''Indian'' means an individual who is a member of an Indian tribe.

(5) INDIAN TRIBE.—The term ''Indian tribe'' means any Indian or Alaska Native tribe, band, nation, pueblo, village, or other community the name of which is included on a list published by the Secretary of the Interior pursuant to section 104 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 479a–1).

(6) LINEAL DESCENDANT.—The term ''lineal descendant'' means an individual that can trace, directly and without interruption, the ancestry of the individual through the traditional kinship system of an Indian tribe, or through the common law system of descent, to a known Indian, the human remains, funerary objects, or other sacred objects of whom are claimed by the individual.

(7) NATIONAL FOREST SYSTEM.—The term ''National Forest System'' has the meaning given the term in section 11(a) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1609(a)).

(8) REBURIAL SITE.—The term ''reburial site'' means a specific physical location at which cultural items or human remains are reburied.

(9) TRADITIONAL AND CULTURAL PURPOSE.—The term ''traditional and cultural purpose'', with respect to a definable use, area, or practice, means that the use, area, or practice is identified by an Indian tribe as traditional or cultural because of the long-established significance or ceremonial nature of the use, area, or practice to the Indian tribe.

SEC. 8103. REBURIAL OF HUMAN REMAINS AND CULTURAL ITEMS.

(a) REBURIAL SITES.—In consultation with an affected Indian tribe or lineal descendant, the Secretary may authorize the use of National Forest System land by the Indian tribe or lineal descendant for the reburial of human remains or cultural items in the possession of the Indian tribe or lineal descendant that have been disinterred from National Forest System land or an adjacent site.

(b) REBURIAL.—With the consent of the affected Indian tribe or lineal descendent, the Secretary may recover and rebury, at Federal expense or using other available funds, human remains and cultural items described in subsection (a) at the National Forest System land identified under that subsection.

(c) AUTHORIZATION OF USE.—

(1) IN GENERAL.—Subject to paragraph (2), the Secretary may authorize such uses of reburial sites on National Forest System land, or on the National Forest System land immediately surrounding a reburial site, as the Secretary determines to be necessary for management of the National Forest System.

(2) AVOIDANCE OF ADVERSE IMPACTS.—In carrying out paragraph (1), the Secretary shall avoid adverse impacts to cultural items and human remains, to the maximum extent practicable.

SEC. 8104. TEMPORARY CLOSURE FOR TRADITIONAL AND CULTURAL PURPOSES.

(a) RECOGNITION OF HISTORIC USE.—To the maximum extent practicable, the Secretary shall ensure access to National Forest System land by Indians for traditional and cultural purposes, in accordance with subsection (b), in recognition of the historic use by Indians of National Forest System land.

(b) CLOSING LAND FROM PUBLIC ACCESS.—

(1) AUTHORITY TO CLOSE.—Upon the approval by the Secretary of a request from an Indian tribe, the Secretary may temporarily close from public access specifically identified National Forest System land to protect the privacy of tribal activities for traditional and cultural purposes.

(2) LIMITATION.—A closure of National Forest System land under paragraph (1) shall affect the smallest practicable area for the minimum period necessary for activities of the applicable Indian tribe.

(3) CONSISTENCY.—Access by Indian tribes to National Forest System land under this subsection shall be consistent with the purposes of Public Law 95–341 (commonly known as the American Indian Religious Freedom Act; 42 U.S.C. 1996).

SEC. 8105. FOREST PRODUCTS FOR TRADITIONAL AND CULTURAL PURPOSES.

(a) IN GENERAL.—Notwithstanding section 14 of the National Forest Management Act of 1976 (16 U.S.C. 472a), the Secretary may provide free of charge to Indian tribes any trees, portions of trees, or forest products from National Forest System land for traditional and cultural purposes.

(b) PROHIBITION.—Trees, portions of trees, or forest products provided under subsection (a) may not be used for commercial purposes.

SEC. 8106. PROHIBITION ON DISCLOSURE.

(a) NONDISCLOSURE OF INFORMATION.—

(1) IN GENERAL.—The Secretary shall not disclose under section 552 of title 5, United States Code (commonly known as the ''Freedom of Information Act''), information relating to—

(A) subject to subsection (b)(l), human remains or cultural items reburied on National Forest System land under section 8103; or

(B) subject to subsection (b)(2), resources, cultural items, uses, or activities that—

(i) have a traditional and cultural purpose; and

(ii) are provided to the Secretary by an Indian or Indian tribe under an express expectation of confidentiality in the context of forest and rangeland research activities carried out under the authority of the Forest Service.

(2) LIMITATIONS ON DISCLOSURE.—Subject to subsection (b)(2), the Secretary shall not be required to disclose information under section 552 of title 5, United States Code (commonly known as the ''Freedom of Information Act''), concerning the identity, use, or specific location in the National Forest System of—

(A) a site or resource used for traditional and cultural purposes by an Indian tribe; or

(B) any cultural items not covered under section 8103.

(b) LIMITED RELEASE OF INFORMATION.—

(1) REBURIAL.—The Secretary may disclose information described in subsection (a)(l)(A) if, before the disclosure, the Secretary—

(A) consults with an affected Indian tribe or lineal descendent;

(B) determines that disclosure of the information—

(i) would advance the purposes of this subtitle; and

(ii) is necessary to protect the human remains or cultural items from harm, theft, or destruction; and

(C) attempts to mitigate any adverse impacts identified by an Indian tribe or lineal descendant that reasonably could be expected to result from disclosure of the information.

(2) OTHER INFORMATION.—The Secretary, in consultation with appropriate Indian tribes, may disclose information described under paragraph (1)(B) or (2) of subsection (a) if the Secretary determines that disclosure of the information to the public—

(A) would advance the purposes of this subtitle;

(B) would not create an unreasonable risk of harm, theft, or destruction of the resource, site, or object, including individual organic or inorganic specimens; and

(C) would be consistent with other applicable laws.

SEC. 8107. SEVERABILITY AND SAVINGS PROVISIONS.

(a) SEVERABILITY.—If any provision of this subtitle, or the application of any provision of this subtitle to any person or circumstance is held invalid, the application of such provision or circumstance and the remainder of this subtitle shall not be affected thereby.

(b) SAVINGS.—Nothing in this subtitle—

(1) diminishes or expands the trust responsibility of the United States to Indian tribes, or any legal obligation or remedy resulting from that responsibility;

(2) alters, abridges, repeals, or affects any valid agreement between the Forest Service and an Indian tribe;

(3) alters, abridges, diminishes, repeals, or affects any reserved or other right of an Indian tribe; or

(4) alters, abridges, diminishes, repeals, or affects any other valid existing right relating to National Forest System land or other public land.

Subtitle C—Amendments to Other Forestry-Related Laws

SEC. 8201. RURAL REVITALIZATION TECHNOLOGIES.

Section 2371(d)(2) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 6601(d)(2)) is amended by striking ''2004 through 2008'' and inserting ''2008 through 2012''.

SEC. 8202. OFFICE OF INTERNATIONAL FORESTRY.

Section 2405(d) of the Global Climate Change Prevention Act of 1990 (7 U.S.C. 6704(d)) is amended by striking ''2007'' and inserting ''2012''.

SEC. 8203. EMERGENCY FOREST RESTORATION PROGRAM.

(a) ESTABLISHMENT.—Title IV of the Agricultural Credit Act of 1978 (16 U.S.C. 2201 et seq.) is amended by adding at the end the following new section:

''SEC. 407. EMERGENCY FOREST RESTORATION PROGRAM.

''(a) DEFINITIONS.—In this section:

''(1) EMERGENCY MEASURES.—The term 'emergency measures' means those measures that—

''(A) are necessary to address damage caused by a natural disaster to natural resources on nonindustrial private forest land, and the damage, if not treated—

''(i) would impair or endanger the natural resources on the land; and

''(ii) would materially affect future use of the land; and

''(B) would restore forest health and forest-related resources on the land.

''(2) NATURAL DISASTER.—The term 'natural disaster' includes wildfires, hurricanes or excessive winds, drought, ice storms or blizzards, floods, or other resource-impacting events, as determined by the Secretary.

''(3) NONINDUSTRIAL PRIVATE FOREST LAND.—The term 'nonindustrial private forest land' means rural land, as determined by the Secretary, that—

''(A) has existing tree cover (or had tree cover immediately before the natural disaster and is suitable for growing trees); and

''(B) is owned by any nonindustrial private individual, group, association, corporation, or other private legal entity, that has definitive decision-making authority over the land.

''(4) SECRETARY.—The term 'Secretary' means the Secretary of Agriculture.

''(b) AVAILABILITY OF ASSISTANCE.—The Secretary may make payments to an owner of nonindustrial private forest land who carries out emergency measures to restore the land after the land is damaged by a natural disaster.

''(c) ELIGIBILITY.—To be eligible to receive a payment under subsection (b), an owner must demonstrate to the satisfaction of the Secretary that the nonindustrial private forest land on which the emergency measures are carried out had tree cover immediately before the natural disaster.

''(d) COST SHARE REQUIREMENT.—Payments made under subsection (b) shall not exceed 75 percent of the total cost of the emergency measures carried out by an owner of nonindustrial private forest land.

''(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such funds as may be necessary to carry out this section. Amounts so appropriated shall remain available until expended.''.

(b) REGULATIONS.—Not later than one year after the date of the enactment of this Act, the Secretary of Agriculture shall issue regulations to carry out section 407 of the Agricultural Credit Act of 1978, as added by subsection (a).

SEC. 8204. PREVENTION OF ILLEGAL LOGGING PRACTICES.

(a) DEFINITIONS.—

(1) PLANT.—Subsection (f) of section 2 of the Lacey Act Amendments of 1981 (16 U.S.C. 3371) is amended to read as follows:

''(f) PLANT.—

''(1) IN GENERAL.—The terms 'plant' and 'plants' mean any wild member of the plant kingdom, including roots, seeds, parts, or products thereof, and including trees from either natural or planted forest stands.

''(2) EXCLUSIONS.—The terms 'plant' and 'plants' exclude—

''(A) common cultivars, except trees, and common food crops (including roots, seeds, parts, or products thereof);

''(B) a scientific specimen of plant genetic material (including roots, seeds, germplasm, parts, or products thereof) that is to be used only for laboratory or field research; and

''(C) any plant that is to remain planted or to be planted or replanted.

''(3) EXCEPTIONS TO APPLICATION OF EXCLUSIONS.—The exclusions made by subparagraphs (B) and (C) of paragraph (2) do not apply if the plant is listed—

''(A) in an appendix to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (27 UST 1087; TIAS 8249);

''(B) as an endangered or threatened species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.); or

''(C) pursuant to any State law that provides for the conservation of species that are indigenous to the State and are threatened with extinction.''.

(2) INCLUSION OF SECRETARY OF AGRICULTURE.—Section 2(h) of the Lacey Act Amendments of 1981 (16 U.S.C. 3371(h)) is amended by striking ''plants the term means'' and inserting ''plants, the term also means''.

(3) TAKEN AND TAKING.—Subsection (j) of section 2 of the Lacey Act Amendments of 1981 (16 U.S.C. 3371) is amended to read as follows:

''(j) TAKEN AND TAKING.—

''(1) TAKEN.—The term 'taken' means captured, killed, or collected and, with respect to a plant, also means harvested, cut, logged, or removed.

''(2) TAKING.—The term 'taking' means the act by which fish, wildlife, or plants are taken.''.

(b) PROHIBITED ACTS.—

(1) OFFENSES OTHER THAN MARKING.—Section 3(a) of the Lacey Act Amendments of 1981 (16 U.S.C. 3372(a)) is amended—

(A) in paragraph (2), by striking subparagraph (B) and inserting the following new subparagraph:

''(B) any plant—

''(i) taken, possessed, transported, or sold in violation of any law or regulation of any State, or any foreign law, that protects plants or that regulates—

''(I) the theft of plants;

''(II) the taking of plants from a park, forest reserve, or other officially protected area;

''(III) the taking of plants from an officially designated area; or

''(IV) the taking of plants without, or contrary to, required authorization;

''(ii) taken, possessed, transported, or sold without the payment of appropriate royalties, taxes, or stumpage fees required for the plant by any law or regulation of any State or any foreign law; or

''(iii) taken, possessed, transported, or sold in violation of any limitation under any law or regulation of any State, or under any foreign law, governing the export or transshipment of plants; or''; and

(B) in paragraph (3), by striking subparagraph (B) and inserting the following subparagraph:

''(B) to possess any plant—

''(i) taken, possessed, transported, or sold in violation of any law or regulation of any State, or any foreign law, that protects plants or that regulates—

''(I) the theft of plants;

''(II) the taking of plants from a park, forest reserve, or other officially protected area;

''(III) the taking of plants from an officially designated area; or

''(IV) the taking of plants without, or contrary to, required authorization;

''(ii) taken, possessed, transported, or sold without the payment of appropriate royalties, taxes, or stumpage fees required for the plant by any law or regulation of any State or any foreign law; or

''(iii) taken, possessed, transported, or sold in violation of any limitation under any law or regulation of any State, or under any foreign law, governing the export or transshipment of plants; or''.

(2) PLANT DECLARATIONS.—Section 3 of the Lacey Act Amendments of 1981 (16 U.S.C. 3372) is amended by adding at the end the following new subsection:

''(f) PLANT DECLARATIONS.—

''(1) IMPORT DECLARATION.—Effective 180 days from the date of enactment of this subsection, and except as provided in paragraph (3), it shall be unlawful for any person to import any plant unless the person files upon importation a declaration that contains—

''(A) the scientific name of any plant (including the genus and species of the plant) contained in the importation;

''(B) a description of—

''(i) the value of the importation; and

''(ii) the quantity, including the unit of measure, of the plant; and

''(C) the name of the country from which the plant was taken.

''(2) DECLARATION RELATING TO PLANT PRODUCTS.—Until the date on which the Secretary promulgates a regulation under paragraph (6), a declaration relating to a plant product shall—

''(A) in the case in which the species of plant used to produce the plant product that is the subject of the importation varies, and the species used to produce the plant product is unknown, contain the name of each species of plant that may have been used to produce the plant product;

''(B) in the case in which the species of plant used to produce the plant product that is the subject of the importation is commonly taken from more than one country, and the country

from which the plant was taken and used to produce the plant product is unknown, contain the name of each country from which the plant may have been taken; and

''(C) in the case in which a paper or paperboard plant product includes recycled plant product, contain the average percent recycled content without regard for the species or country of origin of the recycled plant product, in addition to the information for the non-recycled plant content otherwise required by this subsection.

''(3) EXCLUSIONS.—Paragraphs (1) and (2) shall not apply to plants used exclusively as packaging material to support, protect, or carry another item, unless the packaging material itself is the item being imported.

''(4) REVIEW.—Not later than two years after the date of enactment of this subsection, the Secretary shall review the implementation of each requirement imposed by paragraphs (1) and (2) and the effect of the exclusion provided by paragraph (3). In conducting the review, the Secretary shall provide public notice and an opportunity for comment.

''(5) REPORT.—Not later than 180 days after the date on which the Secretary completes the review under paragraph (4), the Secretary shall submit to the appropriate committees of Congress a report containing—

''(A) an evaluation of—

''(i) the effectiveness of each type of information required under paragraphs (1) and (2) in assisting enforcement of this section; and

''(ii) the potential to harmonize each requirement imposed by paragraphs (1) and (2) with other applicable import regulations in existence as of the date of the report;

''(B) recommendations for such legislation as the Secretary determines to be appropriate to assist in the identification of plants that are imported into the United States in violation of this section; and

''(C) an analysis of the effect of subsection (a) and this subsection on—

''(i) the cost of legal plant imports; and

''(ii) the extent and methodology of illegal logging practices and trafficking.

''(6) PROMULGATION OF REGULATIONS.—Not later than 180 days after the date on which the Secretary completes the review under paragraph (4), the Secretary may promulgate regulations—

''(A) to limit the applicability of any requirement imposed by paragraph (2) to specific plant products;

''(B) to make any other necessary modification to any requirement imposed by paragraph (2), as determined by the Secretary based on the review; and

''(C) to limit the scope of the exclusion provided by paragraph (3), if the limitations in scope are warranted as a result of the review.''.

(c) CROSS-REFERENCES TO NEW REQUIREMENT.—Section 4 of the Lacey Act Amendments of 1981 (16 U.S.C. 3373) is amended—

(1) by striking ''subsections (b) and (d)'' each place it appears and inserting ''subsections (b), (d), and (f)'';

(2) by striking ''section 3(d)'' each place it appears and inserting ''subsection (d) or (f) of section 3''; and

(3) in subsection (a)(2), by striking ''subsection 3(b)'' and inserting ''subsection (b) or (f) of section 3, except as provided in paragraph (1),''.

(d) CIVIL FORFEITURES.—Section 5 of the Lacey Act Amendments of 1981 (16 U.S.C. 3374) is amended by adding at the end the following new subsection:

''(d) CIVIL FORFEITURES.—Civil forfeitures under this section shall be governed by the provisions of chapter 46 of title 18, United States Code.''.

(e) ADMINISTRATION.—Section 7 of the Lacey Act Amendments of 1981 (16 U.S.C. 3376) is amended—

(1) in subsection (a)(1), by striking ''section 4 and section'' and inserting ''sections 3(f), 4, and''; and

(2) by adding at the end the following new subsection:

''(c) CLARIFICATION OF EXCLUSIONS FROM DEFINITION OF PLANT.—The Secretary of Agriculture and the Secretary of the Interior, after consultation with the appropriate agencies, shall jointly promulgate regulations to define the terms used in section 2(f)(2)(A) for the purposes of enforcement under this Act.''.

(f) TECHNICAL CORRECTION.—Effective as of November 14, 1988, and as if included therein as enacted, section 102(c) of Public Law 100–653 (102 Stat. 3825) is amended—

(1) by inserting ''of the Lacey Act Amendments of 1981'' after ''Section 4''; and

(2) by striking ''(other than section 3(b))'' and inserting ''(other than subsection 3(b))''.

SEC. 8205. HEALTHY FORESTS RESERVE PROGRAM.

(a) ENROLLMENT.—Section 502 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6572(f)(1)) is amended—

(1) by striking subsections (e) and (f);

(2) by redesignating subsection (g) as subsection (f); and

(3) by inserting after subsection (d) the following new subsection:

''(e) METHODS OF ENROLLMENT.—

''(1) AUTHORIZED METHODS.—Land may be enrolled in the healthy forests reserve program in accordance with—

''(A) a 10-year cost-share agreement;

''(B) a 30-year easement; or

''(C)(i) a permanent easement; or

''(ii) in a State that imposes a maximum duration for easements, an easement for the maximum duration allowed under State law.

''(2) LIMITATION ON USE OF COST-SHARE AGREEMENTS AND EASEMENTS.—

''(A) IN GENERAL.—Of the total amount of funds expended under the program for a fiscal year to acquire easements and enter into cost-share agreements described in paragraph (1)—

''(i) not more than 40 percent shall be used for cost-share agreements described in paragraph (1)(A); and

''(ii) not more than 60 percent shall be used for easements described in subparagraphs (B) and (C) of paragraph (1).

''(B) REPOOLING.—The Secretary may use any funds allocated under clause (i) or (ii) of subparagraph (A) that are not obligated by April 1 of the fiscal year for which the funds are made available to carry out a different method of enrollment during that fiscal year.

''(3) ACREAGE OWNED BY INDIAN TRIBES.—In the case of acreage owned by an Indian tribe, the Secretary may enroll acreage into the healthy forests reserve program through the use of—

''(A) a 30-year contract (the value of which shall be equivalent to the value of a 30-year easement);

''(B) a 10-year cost-share agreement; or

''(C) any combination of the options described in subparagraphs (A) and (B).''.

(b) FINANCIAL ASSISTANCE.—Section 504(a) of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6574(a)) is amended by striking ''(a) EASEMENTS OF NOT MORE THAN 99 YEARS'' and all that follows through ''502(f)(1)(C)'' and inserting the following:

''(a) PERMANENT EASEMENTS.—In the case of land enrolled in the healthy forests reserve program using a permanent easement (or an easement described in section 502(f)(1)(C)(ii))''.

(c) FUNDING.—Section 508 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6578) is amended to read as follows:

''SEC. 508. FUNDING.

''(a) IN GENERAL.—Of the funds of the Commodity Credit Corporation, the Secretary of Agriculture shall make available $9,750,000 for each of fiscal years 2009 through 2012 to carry out this title.

''(b) DURATION OF AVAILABILITY.—The funds made available under subsection (a) shall remain available until expended.''.

Subtitle D—Boundary Adjustments and Land Conveyance Provisions

SEC. 8301. GREEN MOUNTAIN NATIONAL FOREST BOUNDARY ADJUSTMENT.

(a) IN GENERAL.—The boundary of the Green Mountain National Forest is modified to include the 13 designated expansion units as generally depicted on the forest maps entitled ''Green Mountain Expansion Area Map I'' and ''Green Mountain Expansion Area Map II'' and dated February 20, 2002 (copies of which shall be on file and available for public inspection in the Office of the Chief of the Forest Service, Washington, District of Columbia), and more particularly described according to the site specific maps and legal descriptions on file in the office of the Forest Supervisor, Green Mountain National Forest.

(b) MANAGEMENT.—Federally owned land delineated on the maps acquired for National Forest purposes shall continue to be managed in accordance with the laws (including regulations) applicable to the National Forest System.

(c) LAND AND WATER CONSERVATION FUND.—For the purposes of section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460 l–9), the boundaries of the Green Mountain National Forest, as adjusted by this section, shall be considered to be the boundaries of the national forest as of January 1, 1965.

SEC. 8302. LAND CONVEYANCES, CHIHUAHUAN DESERT NATURE PARK, NEW MEXICO, AND GEORGE WASHINGTON NATIONAL FOREST, VIRGINIA.

(a) CHIHUAHUAN DESERT NATURE PARK CONVEYANCE.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, subject to valid existing rights and subsection (b), the Secretary of Agriculture shall convey to the Chihuahuan Desert Nature Park, Inc., a nonprofit corporation in the State of New Mexico (in this section referred to as the ''Nature Park''), by quitclaim deed and for no consideration, all right, title, and interest of the United States in and to the land described in paragraph (2)

(2) DESCRIPTION OF LAND.—

(A) IN GENERAL.—The parcel of land referred to in paragraph (1) consists of the approximately 935.62 acres of land in Dona Ana County, New Mexico, which is more particularly described—

(i) as sections 17, 20, and 21 of T. 21 S., R. 2 E., N.M.P.M.; and

(ii) in an easement deed dated May 14, 1998, from the Department of Agriculture to the Nature Park.

(B) MODIFICATIONS.—The Secretary may modify the description of the land under subparagraph (A) to—

(i) correct errors in the description; or

(ii) facilitate management of the land.

(b) CONDITIONS.—The conveyance of land under subsection (a) shall be subject to—

(1) the reservation by the United States of all mineral and subsurface rights to the land, including any geothermal resources;

(2) the condition that the Chihuahuan Desert Nature Park Board pay any costs relating to the conveyance;

(3) any rights-of-way reserved by the Secretary;

(4) a covenant or restriction in the deed to the land requiring that—

(A) the land may be used only for educational or scientific purposes; and

(B) if the land is no longer used for the purposes described in subparagraph (A), the land may, at the discretion of the Secretary, revert to the United States in accordance with subsection (c); and

(5) any other terms and conditions that the Secretary determines to be appropriate.

(c) REVERSION.—If the land conveyed under subsection (a) is no longer used for the purposes described in subsection (b)(4)(A), the land may, at the discretion of the Secretary, revert to the

United States. If the Secretary chooses to have the land revert to the United States, the Secretary shall—

(1) determine whether the land is environmentally contaminated, including contamination from hazardous wastes, hazardous substances, pollutants, contaminants, petroleum, or petroleum by-products; and

(2) if the Secretary determines that the land is environmentally contaminated, the Nature Park, the successor to the Nature Park, or any other person responsible for the contamination shall be required to remediate the contamination.

(d) WITHDRAWAL.—All federally owned mineral and subsurface rights to the land to be conveyed under subsection (a) are withdrawn from—

(1) location, entry, and patent under the mining laws; and

(2) the operation of the mineral leasing laws, including the geothermal leasing laws.

(e) WATER RIGHTS.—Nothing in subsection (a) authorizes the conveyance of water rights to the Nature Park.

(f) GEORGE WASHINGTON NATIONAL FOREST CONVEYANCE, VIRGINIA.—

(1) CONVEYANCE REQUIRED.—The Secretary of Agriculture shall convey, without consideration, to the Central Advent Christian Church of Alleghany County, Virginia (in this subsection referred to as the ''recipient''), all right, title, and interest of the United States in and to a parcel of real property in the George Washington National Forest, Alleghany County, Virginia, consisting of not more than 8 acres, including a cemetery encompassing approximately 6 acres designated as an area of special use for the recipient, and depicted on the Forest Service map showing tract G–2032c and dated August 20, 2002, and the Forest Service map showing the area of special use and dated March 14, 2001.

(2) CONDITION OF CONVEYANCE.—The conveyance under this subsection shall be subject to the condition that the recipient accept the real property described in paragraph (1) in its condition at the time of the conveyance, commonly known as conveyance ''as is''.

(3) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under this subsection shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the recipient.

(4) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under this subsection as the Secretary considers appropriate to protect the interests of the United States.

SEC. 8303. SALE AND EXCHANGE OF NATIONAL FOREST SYSTEM LAND, VERMONT.

(a) DEFINITIONS.—In this section:

(1) BROMLEY.—The term ''Bromley'' means Bromley Mountain Ski Resort, Inc.

(2) MAP.—The term ''map'' means the map entitled ''Proposed Bromley Land Sale or Exchange'' and dated April 7, 2004.

(3) STATE.—The term ''State'' means the State of Vermont.

(b) SALE OR EXCHANGE OF GREEN MOUNTAIN NATIONAL FOREST LAND.—

(1) IN GENERAL.—The Secretary of Agriculture may, under any terms and conditions that the Secretary may prescribe, sell or exchange any right, title, and interest of the United States in and to the parcels of National Forest System land described in paragraph (2).

(2) DESCRIPTION OF LAND.—The parcels of National Forest System land referred to in paragraph (1) are the 5 parcels of land in Bennington County in the State, as generally depicted on the map.

(3) MAP AND LEGAL DESCRIPTIONS.—

(A) IN GENERAL.—The map shall be on file and available for public inspection in—

(i) the office of the Chief of the Forest Service; and

(ii) the office of the Supervisor of the Green Mountain National Forest.

(B) MODIFICATIONS.—The Secretary may modify the map and legal descriptions to—

(i) correct technical errors; or

(ii) facilitate the conveyance under paragraph (1).

(4) CONSIDERATION.—Consideration for the sale or exchange of land described in paragraph (2)—

(A) shall be equal to an amount that is not less than the fair market value of the land sold or exchanged; and

(B) may be in the form of cash, land, or a combination of cash and land.

(5) APPRAISALS.—Any appraisal carried out to facilitate the sale or exchange of land under paragraph (1) shall conform with the Uniform Appraisal Standards for Federal Land Acquisitions.

(6) METHODS OF SALE.—

(A) CONVEYANCE TO BROMLEY.—

(i) IN GENERAL.—Before soliciting offers under subparagraph (B), the Secretary shall offer to convey to Bromley the land described in paragraph (2).

(ii) CONTRACT DEADLINE.—If Bromley accepts the offer under clause (i), the Secretary and Bromley shall have not more than 180 days after the date on which any environmental analyses with respect to the land are completed to enter into a contract for the sale or exchange of the land.

(B) PUBLIC OR PRIVATE SALE.—If the Secretary and Bromley do not enter into a contract for the sale or exchange of the land by the date specified in subparagraph (A)(ii), the Secretary may sell or exchange the land at public or private sale (including auction), in accordance with such terms, conditions, and procedures as the Secretary determines to be in the public interest.

(C) REJECTION OF OFFERS.—The Secretary may reject any offer received under this paragraph if the Secretary determines that the offer is not adequate or is not in the public interest.

(D) BROKERS.—In any sale or exchange of land under this subsection, the Secretary may—

(i) use a real estate broker or other third party; and

(ii) pay the real estate broker or third party a commission in an amount comparable to the amounts of commission generally paid for real estate transactions in the area.

(7) CASH EQUALIZATION.—Notwithstanding section 206(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(b)), the Secretary may accept a cash equalization payment in excess of 25 percent of the value of any Federal land exchanged under this section.

(c) DISPOSITION OF PROCEEDS.—

(1) IN GENERAL.—The Secretary shall deposit the net proceeds from a sale or exchange under this section in the fund established under Public Law 90–171 (16 U.S.C. 484a) (commonly known as the ''Sisk Act'').

(2) USE.—Amounts deposited under paragraph (1) shall be available to the Secretary until expended, without further appropriation, for—

(A) the location and relocation of the Appalachian National Scenic Trail and the Long National Recreation Trail in the State;

(B) the acquisition of land and interests in land by the Secretary for National Forest System purposes within the boundary of the Green Mountain National Forest, including land for and adjacent to the Appalachian National Scenic Trail and the Long National Recreation Trail;

(C) the acquisition of wetland or an interest in wetland within the boundary of the Green Mountain National Forest to offset the loss of wetland from the parcels sold or exchanged; and

(D) the payment of direct administrative costs incurred in carrying out this section.

(3) LIMITATION.—Amounts deposited under paragraph (1) shall not—

(A) be paid or distributed to the State or counties or towns in the State under any provision of law; or

(B) be considered to be money received from units of the National Forest System for purposes of—

(i) the Act of May 23, 1908 (16 U.S.C. 500); or

(ii) the Act of March 4, 1913 (16 U.S.C. 501).

(4) PROHIBITION OF TRANSFER OR REPROGRAMMING.—Amounts deposited under paragraph (1) shall not be subject to transfer or reprogramming for wildfire management or any other emergency purposes.

(d) ACQUISITION OF LAND.—The Secretary may acquire, using funds made available under subsection (c) or otherwise made available for acquisition, land or an interest in land for National Forest System purposes within the boundary of the Green Mountain National Forest.

(e) EXEMPTION FROM CERTAIN LAWS.—Subtitle I of title 40, United States Code, shall not apply to any sale or exchange of National Forest System land under this section.

Subtitle E—Miscellaneous Provisions

SEC. 8401. QUALIFYING TIMBER CONTRACT OPTIONS.

(a) DEFINITIONS.—In this section:

(1) AUTHORIZED PRODUCER PRICE INDEX.—The term ''authorized Producer Price Index'' includes—

(A) the softwood commodity index (code number WPU 0811);

(B) the hardwood commodity index (code number WPU 0812);

(C) the wood chip index (code number PCU 3211133211135); and

(D) any other subsequent comparable index, as established by the Bureau of Labor Statistics of the Department of Labor and utilized by the Secretary of Agriculture.

(2) QUALIFYING CONTRACT.—The term ''qualifying contract'' means a contract for the sale of timber on National Forest System land—

(A) that was awarded during the period beginning on July 1, 2004, and ending on December 31, 2006;

(B) for which there is unharvested volume remaining;

(C) for which, not later than 90 days after the date of enactment of this Act, the timber purchaser makes a written request to the Secretary for one or more of the options described in subsection (b);

(D) that is not a salvage sale;

(E) for which the Secretary determines there is not an urgent need to harvest due to deteriorating timber conditions that developed after the award of the contract; and

(F) that is not in breach or in default.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture, acting through the Chief of the Forest Service.

(b) OPTIONS FOR QUALIFYING CONTRACTS.—

(1) CANCELLATION OR RATE REDETERMINATION.—Notwithstanding any other provision of law, if the rate at which a qualifying contract would be advertised as of the date of enactment of this Act is at least 50 percent less than the sum of the original bid rates for all of the species of timber that are the subject of the qualifying contract, the Secretary may, at the sole discretion of the Secretary—

(A) cancel the qualifying contract if the timber purchaser—

(i) pays 30 percent of the total value of the timber remaining in the qualifying contract based on bid rates;

(ii) completes each contractual obligation (including the removal of downed timber, the completion of road work, and the completion of erosion control work) of the timber purchaser with respect to each unit on which harvest has begun to a logical stopping point, as determined by the Secretary after consultation with the timber purchaser; and

(iii) terminates its rights under the qualifying contract; or

(B) modify the qualifying contract to redetermine the current contract rate of the qualifying contract to equal the sum obtained by adding—

(i) 25 percent of the bid premium on the qualifying contract; and

(ii) the rate at which the qualifying contract would be advertised as of the date of enactment of this Act.

(2) SUBSTITUTION OF INDEX.—

(A) SUBSTITUTION.—Notwithstanding any other provision of law, the Secretary may, at the sole discretion of the Secretary, substitute the Producer Price Index specified in the qualifying contract of a timber purchaser if the timber purchaser identifies—

(i) the products the timber purchaser intends to produce from the timber harvested under the qualifying contract; and

(ii) a substitute index from an authorized Producer Price Index that more accurately represents the predominant product identified in clause (i) for which there is an index.

(B) RATE REDETERMINATION FOLLOWING SUBSTITUTION OF INDEX.—If the Secretary substitutes the Producer Price Index of a qualifying contract under subparagraph (A), the Secretary may, at the sole discretion of the Secretary, modify the qualifying contract to provide for—

(i) an emergency rate redetermination under the terms of the contract; or

(ii) a rate redetermination under paragraph (1)(B).

(C) LIMITATION ON MARKET-RELATED CONTRACT TERM ADDITION; PERIODIC PAYMENTS.—Notwithstanding any other provision of law, if the Secretary substitutes the Producer Price Index of a qualifying contract under subparagraph (A), the Secretary may, at the sole discretion of the Secretary, modify the qualifying contract—

(i) to adjust the term in accordance with the market-related contract term addition provision in the qualifying contract and section 223.52 of title 36, Code of Federal Regulations, as in effect on the date of the adjustment, but only if the drastic reduction criteria in such section are met for 2 or more consecutive calendar year quarters beginning with the calendar quarter in which the Secretary substitutes the Producer Price Index under subparagraph (A); and

(ii) to adjust the periodic payments required under the contract in accordance with applicable law and policies.

(3) CONTRACTS USING HARDWOOD LUMBER INDEX.—With respect to a qualifying contract using the hardwood commodity index referred to in subsection (a)(1)(B) for which the Secretary does not substitute the Producer Price Index under paragraph (2), the Secretary may, at the sole discretion of the Secretary—

(A) extend the contract term for a 1-year period beginning on the current contract termination date; and

(B) adjust the periodic payments required under the contract in accordance with applicable law and policies.

(c) EXTENSION OF MARKET-RELATED CONTRACT TERM ADDITION TIME LIMIT FOR CERTAIN CONTRACTS.—Notwithstanding any other provision of law, upon the written request of a timber purchaser, the Secretary may, at the sole discretion of the Secretary, modify a timber sale contract (including a qualifying contract) awarded to the purchaser before January 1, 2007, to adjust the term of the contract in accordance with the market-related contract term addition provision in the contract and section 223.52 of title 36, Code of Federal Regulations, as in effect on the date of the modification, except that the Secretary may add no more than 4 years to the original contract length.

(d) EFFECT OF OPTIONS.—

(1) NO SURRENDER OF CLAIMS.—Operation of this section shall not have the effect of surrendering any claim by the United States against any timber purchaser that arose—

(A) under a qualifying contract before the date on which the Secretary cancels the contract or redetermines the rate under subsection (b)(1), substitutes a Producer Price Index under subsection (b)(2), or modifies the contract under subsection (b)(3); or

(B) under a timber sale contract, including a qualifying contract, before the date on which the Secretary adjusts the contract term under subsection (c).

(2) RELEASE OF LIABILITY.—In the written request for any option provided under subsections (b) and (c), a timber purchaser shall release the United States from all liability, including further consideration or compensation, resulting from—

(A) the cancellation of a qualifying contract of the purchaser or rate redetermination under subsection (b)(1), the substitution of a Producer Price Index under subsection (b)(2), the modification of the contract under subsection (b)(3) or a determination by the Secretary not to provide the cancellation, redetermination, substitution, or modification; or

(B) the modification of the term of a timber sale contract (including a qualifying contract) of the purchaser under subsection (c) or a determination by the Secretary not to provide the modification.

(3) LIMITATION.—Subject to subsection (b)(1)(A), the cancellation of a qualifying contract by the Secretary under subsection (b)(1) shall release the timber purchaser from further obligation under the canceled contract.

SEC. 8402. HISPANIC-SERVING INSTITUTION AGRICULTURAL LAND NATIONAL RESOURCES LEADERSHIP PROGRAM.

(a) DEFINITION OF HISPANIC-SERVING INSTITUTION.—In this section, the term ''Hispanic-serving institution'' has the meaning given that term in section 502(a)(5) of the Higher Education Act of 1965 (20 U.S.C. 1101a(a)(5)).

(b) GRANT AUTHORITY.—The Secretary of Agriculture may make grants, on a competitive basis, to Hispanic-serving institutions for the purpose of establishing an undergraduate scholarship program to assist in the recruitment, retention, and training of Hispanics and other under-represented groups in forestry and related fields.

(c) USE OF GRANT FUNDS.—Grants made under this section shall be used to recruit, retain, train, and develop professionals to work in forestry and related fields with Federal agencies, such as the Forest Service, State agencies, and private-sector entities.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for each of fiscal years 2008 through 2012 such sums as may be necessary to carry out this section.

TITLE IX—ENERGY

SEC. 9001. ENERGY.

(a) IN GENERAL.—Title IX of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8101 et seq.) is amended to read as follows:

''TITLE IX—ENERGY

''SEC. 9001. DEFINITIONS.

''Except as otherwise provided, in this title:

''(1) ADMINISTRATOR.—The term 'Administrator' means the Administrator of the Environmental Protection Agency.

''(2) ADVISORY COMMITTEE.—The term 'Advisory Committee' means the Biomass Research and Development Technical Advisory Committee established by section 9008(d)(1).

''(3) ADVANCED BIOFUEL.—

''(A) IN GENERAL.—The term 'advanced biofuel' means fuel derived from renewable biomass other than corn kernel starch.

''(B) INCLUSIONS.—Subject to subparagraph (A), the term 'advanced biofuel' includes—

''(i) biofuel derived from cellulose, hemicellulose, or lignin;

''(ii) biofuel derived from sugar and starch (other than ethanol derived from corn kernel starch);

''(iii) biofuel derived from waste material, including crop residue, other vegetative waste material, animal waste, food waste, and yard waste;

''(iv) diesel-equivalent fuel derived from renewable biomass, including vegetable oil and animal fat;

''(v) biogas (including landfill gas and sewage waste treatment gas) produced through the conversion of organic matter from renewable biomass;

''(vi) butanol or other alcohols produced through the conversion of organic matter from renewable biomass; and

''(vii) other fuel derived from cellulosic biomass.

''(4) BIOBASED PRODUCT.—The term 'biobased product' means a product determined by the Secretary to be a commercial or industrial product (other than food or feed) that is—

''(A) composed, in whole or in significant part, of biological products, including renewable domestic agricultural materials and forestry materials; or

''(B) an intermediate ingredient or feedstock.

''(5) BIOFUEL.—The term 'biofuel' means a fuel derived from renewable biomass.

''(6) BIOMASS CONVERSION FACILITY.—The term 'biomass conversion facility' means a facility that converts or proposes to convert renewable biomass into—

''(A) heat;

''(B) power;

''(C) biobased products; or

''(D) advanced biofuels.

''(7) BIOREFINERY.—The term 'biorefinery' means a facility (including equipment and processes) that—

''(A) converts renewable biomass into biofuels and biobased products; and

''(B) may produce electricity.

''(8) BOARD.—The term 'Board' means the Biomass Research and Development Board established by section 9008(c).

''(9) INDIAN TRIBE.—The term 'Indian tribe' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

''(10) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' has the meaning given the term in section 102(a) of the Higher Education Act of 1965 (20 U.S.C. 1002(a)).

''(11) INTERMEDIATE INGREDIENT OR FEEDSTOCK.—The term 'intermediate ingredient or feedstock' means a material or compound made in whole or in significant part from biological products, including renewable agricultural materials (including plant, animal, and marine materials) or forestry materials, that are subsequently used to make a more complex compound or product.

''(12) RENEWABLE BIOMASS.—The term 'renewable biomass' means—

''(A) materials, pre-commercial thinnings, or invasive species from National Forest System land and public lands (as defined in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702)) that—

''(i) are byproducts of preventive treatments that are removed—

''(I) to reduce hazardous fuels;

''(II) to reduce or contain disease or insect infestation; or

''(III) to restore ecosystem health;

''(ii) would not otherwise be used for higher-value products; and

''(iii) are harvested in accordance with—

''(I) applicable law and land management plans; and

''(II) the requirements for—

''(aa) old-growth maintenance, restoration, and management direction of paragraphs (2), (3), and (4) of subsection (e) of section 102 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6512); and

''(bb) large-tree retention of subsection (f) of that section; or

''(B) any organic matter that is available on a renewable or recurring basis from non-Federal land or land belonging to an Indian or Indian tribe that is held in trust by the United States or subject to a restriction against alienation imposed by the United States, including—

''(i) renewable plant material, including—

''(I) feed grains;

''(II) other agricultural commodities;

''(III) other plants and trees; and

''(IV) algae; and

''(ii) waste material, including—

''(I) crop residue;

''(II) other vegetative waste material (including wood waste and wood residues);

''(III) animal waste and byproducts (including fats, oils, greases, and manure); and

''(IV) food waste and yard waste.

''(13) RENEWABLE ENERGY.—The term 'renewable energy' means energy derived from—

''(A) a wind, solar, renewable biomass, ocean (including tidal, wave, current, and thermal), geothermal, or hydroelectric source; or

''(B) hydrogen derived from renewable biomass or water using an energy source described in subparagraph (A).

''(14) SECRETARY.—The term 'Secretary' means the Secretary of Agriculture.

"SEC. 9002. BIOBASED MARKETS PROGRAM.

''(a) FEDERAL PROCUREMENT OF BIOBASED PRODUCTS.—

''(1) DEFINITION OF PROCURING AGENCY.—In this subsection, the term 'procuring agency' means—

''(A) any Federal agency that is using Federal funds for procurement; or

''(B) a person that is a party to a contract with any Federal agency, with respect to work performed under such a contract.

''(2) PROCUREMENT PREFERENCE.—

''(A) IN GENERAL.—

''(i) PROCURING AGENCY DUTIES.—Except as provided in clause (ii) and subparagraph (B), after the date specified in applicable guidelines prepared pursuant to paragraph (3), each procuring agency shall—

''(I) establish a procurement program, develop procurement specifications, and procure biobased products identified under the guidelines described in paragraph (3) in accordance with this section; and

''(II) with respect to items described in the guidelines, give a procurement preference to those items that—

''(aa) are composed of the highest percentage of biobased products practicable; or

''(bb) comply with the regulations issued under section 103 of Public Law 100–556 (42 U.S.C. 6914b–1).

''(ii) EXCEPTION.—The requirements of clause (i)(I) to establish a procurement program and develop procurement specifications shall not apply to a person described in paragraph (1)(B).

''(B) FLEXIBILITY.—Notwithstanding subparagraph (A), a procuring agency may decide not to procure items described in that subparagraph if the procuring agency determines that the items—

''(i) are not reasonably available within a reasonable period of time;

''(ii) fail to meet—

''(I) the performance standards set forth in the applicable specifications; or

''(II) the reasonable performance standards of the procuring agencies; or

''(iii) are available only at an unreasonable price.

''(C) MINIMUM REQUIREMENTS.—Each procurement program required under this subsection shall, at a minimum—

''(i) be consistent with applicable provisions of Federal procurement law;

''(ii) ensure that items composed of biobased products will be purchased to the maximum extent practicable;

''(iii) include a component to promote the procurement program;

''(iv) provide for an annual review and monitoring of the effectiveness of the procurement program; and

''(v) adopt 1 of the 2 polices described in subparagraph (D) or (E), or a policy substantially equivalent to either of those policies.

''(D) CASE-BY-CASE POLICY.—

''(i) IN GENERAL.—Subject to subparagraph (B) and except as provided in clause (ii), a procuring agency adopting the case-by-case policy shall award a contract to the vendor offering an item composed of the highest percentage of biobased products practicable.

''(ii) EXCEPTION.—Subject to subparagraph (B), an agency adopting the policy described in clause (i) may make an award to a vendor offering items with less than the maximum biobased products content.

''(E) MINIMUM CONTENT STANDARDS.—Subject to subparagraph (B), a procuring agency adopting the minimum content standards policy shall establish minimum biobased products content specifications for awarding contracts in a manner that ensures that the biobased products content required is consistent with this subsection.

''(F) CERTIFICATION.—After the date specified in any applicable guidelines prepared pursuant to paragraph (3), contracting offices shall require that vendors certify that the biobased products to be used in the performance of the contract will comply with the applicable specifications or other contractual requirements.

''(3) GUIDELINES.—

''(A) IN GENERAL.—The Secretary, after consultation with the Administrator, the Administrator of General Services, and the Secretary of Commerce (acting through the Director of the National Institute of Standards and Technology), shall prepare, and from time to time revise, guidelines for the use of procuring agencies in complying with the requirements of this subsection.

''(B) REQUIREMENTS.—The guidelines under this paragraph shall—

''(i) designate those items (including finished products) that are or can be produced with biobased products (including biobased products for which there is only a single product or manufacturer in the category) that will be subject to the preference described in paragraph (2);

''(ii) designate those intermediate ingredients and feedstocks that are or can be used to produce items that will be subject to the preference described in paragraph (2);

''(iii) automatically designate items composed of intermediate ingredients and feedstocks designated under clause (ii), if the content of the designated intermediate ingredients and feedstocks exceeds 50 percent of the item (unless the Secretary determines a different composition percentage is appropriate);

''(iv) set forth recommended practices with respect to the procurement of biobased products and items containing such materials;

''(v) provide information as to the availability, relative price, performance, and environmental and public health benefits of such materials and items; and

''(vi) take effect on the date established in the guidelines, which may not exceed 1 year after publication.

''(C) INFORMATION PROVIDED.—Information provided pursuant to subparagraph (B)(v) with respect to a material or item shall be considered to be provided for another item made with the same material or item.

''(D) PROHIBITION.—Guidelines issued under this paragraph may not require a manufacturer or vendor of biobased products, as a condition of the purchase of biobased products from the manufacturer or vendor, to provide to procuring agencies more data than would be required to be provided by other manufacturers or vendors offering products for sale to a procuring agency, other than data confirming the biobased content of a product.

''(E) QUALIFYING PURCHASES.—The guidelines shall apply with respect to any purchase or acquisition of a procurement item for which—

''(i) the purchase price of the item exceeds $10,000; or

''(ii) the quantity of the items or of functionally-equivalent items purchased or acquired during the preceding fiscal year was at least $10,000.

''(4) ADMINISTRATION.—

''(A) OFFICE OF FEDERAL PROCUREMENT POLICY.—The Office of Federal Procurement Policy, in cooperation with the Secretary, shall—

''(i) coordinate the implementation of this subsection with other policies for Federal procurement;

''(ii) annually collect the information required to be reported under subparagraph (B) and make the information publicly available;

''(iii) take a leading role in informing Federal agencies concerning, and promoting the adoption of and compliance with, procurement requirements for biobased products by Federal agencies; and

''(iv) not less than once every 2 years, submit to Congress a report that—

''(I) describes the progress made in carrying out this subsection; and

''(II) contains a summary of the information reported pursuant to subparagraph (B).

''(B) OTHER AGENCIES.—To assist the Office of Federal Procurement Policy in carrying out subparagraph (A)—

''(i) each procuring agency shall submit each year to the Office of Federal Procurement Policy, to the maximum extent practicable, information concerning—

''(I) actions taken to implement paragraph (2);

''(II) the results of the annual review and monitoring program established under paragraph (2)(C)(iv);

''(III) the number and dollar value of contracts entered into during the year that include the direct procurement of biobased products;

''(IV) the number of service and construction (including renovations) contracts entered into during the year that include language on the use of biobased products; and

''(V) the types and dollar value of biobased products actually used by contractors in carrying out service and construction (including renovations) contracts during the previous year; and

''(ii) the General Services Administration and the Defense Logistics Agency shall submit each year to the Office of Federal Procurement Policy information concerning, to the maximum extent practicable, the types and dollar value of biobased products purchased by procuring agencies.

''(C) PROCUREMENT SUBJECT TO OTHER LAW.—Any procurement by any Federal agency that is subject to regulations of the Administrator under section 6002 of the Solid Waste Disposal Act (42 U.S.C. 6962) shall not be subject to the requirements of this section to the extent that the requirements are inconsistent with the regulations.

''(b) LABELING.—

''(1) IN GENERAL.—The Secretary, in consultation with the Administrator, shall establish a voluntary program under which the Secretary authorizes producers of biobased products to use the label 'USDA Certified Biobased Product'.

''(2) ELIGIBILITY CRITERIA.—

''(A) CRITERIA.—

''(i) IN GENERAL.—Not later than 90 days after the date of the enactment of the Food, Conservation, and Energy Act of 2008 and except as provided in clause (ii), the Secretary, in consultation with the Administrator and representatives from small and large businesses, academia, other Federal agencies, and such other persons as the Secretary considers appropriate, shall issue criteria (as of the date of enactment of that Act) for determining which products may qualify to receive the label under paragraph (1).

''(ii) EXCEPTION.—Clause (i) shall not apply to final criteria that have been issued (as of the date of enactment of that Act) by the Secretary.

''(B) REQUIREMENTS.—Criteria issued under subparagraph (A) shall—

''(i) encourage the purchase of products with the maximum biobased content;

''(ii) provide that the Secretary may designate as biobased for the purposes of the voluntary program established under this subsection finished products that contain significant portions of biobased materials or components; and

''(iii) to the maximum extent practicable, be consistent with the guidelines issued under subsection (a)(3).

''(3) USE OF LABEL.—The Secretary shall ensure that the label referred to in paragraph (1) is used only on products that meet the criteria issued pursuant to paragraph (2).

''(c) RECOGNITION.—The Secretary shall—

''(1) establish a program to recognize Federal agencies and private entities that use a substantial amount of biobased products; and

''(2) encourage Federal agencies to establish incentives programs to recognize Federal employees or contractors that make exceptional contributions to the expanded use of biobased products.

''(d) LIMITATION.—Nothing in this section shall apply to the procurement of motor vehicle fuels, heating oil, or electricity.

''(e) INCLUSION.—Effective beginning on the date that is 90 days after the date of enactment of the Food, Conservation, and Energy Act of 2008, the Architect of the Capitol, the Sergeant at Arms of the Senate, and the Chief Administrative Officer of the House of Representatives shall consider the biobased product designations made under this section in making procurement decisions for the Capitol Complex.

''(f) NATIONAL TESTING CENTER REGISTRY.—The Secretary shall establish a national registry of testing centers for biobased products that will serve biobased product manufacturers.

''(g) REPORTS.—

''(1) IN GENERAL.—Not later than 180 days after the date of enactment of the Food, Conservation, and Energy Act of 2008 and each year thereafter, the Secretary shall submit to Congress a report on the implementation of this section.

''(2) CONTENTS.—The report shall include—

''(A) a comprehensive management plan that establishes tasks, milestones, and timelines, organizational roles and responsibilities, and funding allocations for fully implementing this section; and

''(B) information on the status of implementation of—

''(i) item designations (including designation of intermediate ingredients and feedstocks); and

''(ii) the voluntary labeling program established under subsection (b).

''(h) FUNDING.—

''(1) MANDATORY FUNDING.—Of the funds of the Commodity Credit Corporation, the Secretary shall use to provide mandatory funding for biobased products testing and labeling as required to carry out this section—

''(A) $1,000,000 for fiscal year 2008; and

''(B) $2,000,000 for each of fiscal years 2009 through 2012.

''(2) DISCRETIONARY FUNDING.—In addition to any other funds made available to carry out this section, there is authorized to be appropriated to carry out this section $2,000,000 for each of fiscal years 2009 through 2012.

"SEC. 9003. BIOREFINERY ASSISTANCE.

''(a) PURPOSE.—The purpose of this section is to assist in the development of new and emerging technologies for the development of advanced biofuels, so as to—

''(1) increase the energy independence of the United States;

''(2) promote resource conservation, public health, and the environment;

''(3) diversify markets for agricultural and forestry products and agriculture waste material; and

''(4) create jobs and enhance the economic development of the rural economy.

''(b) DEFINITIONS.—In this section:

''(1) ELIGIBLE ENTITY.—The term 'eligible entity' means an individual, entity, Indian tribe, or unit of State or local government, including a corporation, farm cooperative, farmer cooperative organization, association of agricultural producers, National Laboratory, institution of higher education, rural electric cooperative, public power entity, or consortium of any of those entities.

''(2) ELIGIBLE TECHNOLOGY.—The term 'eligible technology' means, as determined by the Secretary—

''(A) a technology that is being adopted in a viable commercial-scale operation of a biorefinery that produces an advanced biofuel; and

''(B) a technology not described in subparagraph (A) that has been demonstrated to have technical and economic potential for commercial application in a biorefinery that produces an advanced biofuel.

''(c) ASSISTANCE.—The Secretary shall make available to eligible entities—

''(1) grants to assist in paying the costs of the development and construction of demonstration-scale biorefineries to demonstrate the commercial viability of 1 or more processes for converting renewable biomass to advanced biofuels; and

''(2) guarantees for loans made to fund the development, construction, and retrofitting of commercial-scale biorefineries using eligible technology.

''(d) GRANTS.—

''(1) COMPETITIVE BASIS.—The Secretary shall award grants under subsection (c)(1) on a competitive basis.

''(2) SELECTION CRITERIA.—

''(A) IN GENERAL.—In approving grant applications, the Secretary shall establish a priority scoring system that assigns priority scores to each application and only approve applications that exceed a specified minimum, as determined by the Secretary.

''(B) FEASIBILITY.—In approving a grant application, the Secretary shall determine the technical and economic feasibility of the project based on a feasibility study of the project described in the application conducted by an independent third party.

''(C) SCORING SYSTEM.—In determining the priority scoring system, the Secretary shall consider—

''(i) the potential market for the advanced biofuel and the byproducts produced;

''(ii) the level of financial participation by the applicant, including support from non-Federal and private sources;

''(iii) whether the applicant is proposing to use a feedstock not previously used in the production of advanced biofuels;

''(iv) whether the applicant is proposing to work with producer associations or cooperatives;

''(v) whether the applicant has established that the adoption of the process proposed in the application will have a positive impact on resource conservation, public health, and the environment;

''(vi) the potential for rural economic development;

''(vii) whether the area in which the applicant proposes to locate the biorefinery has other similar facilities;

''(viii) whether the project can be replicated; and

''(ix) scalability for commercial use.

''(3) COST SHARING.—

''(A) LIMITS.—The amount of a grant awarded for development and construction of a biorefinery under subsection (c)(1) shall not exceed an amount equal to 30 percent of the cost of the project.

''(B) FORM OF GRANTEE SHARE.—

''(i) IN GENERAL.—The grantee share of the cost of a project may be made in the form of cash or material.

''(ii) LIMITATION.—The amount of the grantee share that is made in the form of material shall not exceed 15 percent of the amount of the grantee share determined under subparagraph (A).

''(e) LOAN GUARANTEES.—

''(1) SELECTION CRITERIA.—

''(A) IN GENERAL.—In approving loan guarantee applications, the Secretary shall establish a priority scoring system that assigns priority scores to each application and only approve applications that exceed a specified minimum, as determined by the Secretary.

''(B) FEASIBILITY.—In approving a loan guarantee application, the Secretary shall determine the technical and economic feasibility of the project based on a feasibility study of the project described in the application conducted by an independent third party.

''(C) SCORING SYSTEM.—In determining the priority scoring system for loan guarantees under subsection (c)(2), the Secretary shall consider—

''(i) whether the applicant has established a market for the advanced biofuel and the byproducts produced;

''(ii) whether the area in which the applicant proposes to place the biorefinery has other similar facilities;

''(iii) whether the applicant is proposing to use a feedstock not previously used in the production of advanced biofuels;

''(iv) whether the applicant is proposing to work with producer associations or cooperatives;

''(v) the level of financial participation by the applicant, including support from non-Federal and private sources;

''(vi) whether the applicant has established that the adoption of the process proposed in the application will have a positive impact on resource conservation, public health, and the environment;

''(vii) whether the applicant can establish that if adopted, the biofuels production technology proposed in the application will not have any significant negative impacts on existing manufacturing plants or other facilities that use similar feedstocks;

''(viii) the potential for rural economic development;

''(ix) the level of local ownership proposed in the application; and

''(x) whether the project can be replicated.

''(2) LIMITATIONS.—

''(A) MAXIMUM AMOUNT OF LOAN GUARANTEED.—The principal amount of a loan guaranteed under subsection (c)(2) may not exceed $250,000,000.

''(B) MAXIMUM PERCENTAGE OF LOAN GUARANTEED.—

''(i) IN GENERAL.—Except as otherwise provided in this subparagraph, a loan guaranteed under subsection (c)(2) shall be in an amount not to exceed 80 percent of the project costs, as determined by the Secretary.

''(ii) OTHER DIRECT FEDERAL FUNDING.—The amount of a loan guaranteed for a project under subsection (c)(2) shall be reduced by the amount of other direct Federal funding that the eligible entity receives for the same project.

''(iii) AUTHORITY TO GUARANTEE THE LOAN.—The Secretary may guarantee up to 90 percent of the principal and interest due on a loan guaranteed under subsection (c)(2).

''(C) LOAN GUARANTEE FUND DISTRIBUTION.—Of the funds made available for loan guarantees for a fiscal year under subsection (h), 50 percent of the funds shall be reserved for obligation during the second half of the fiscal year.

''(f) CONSULTATION.—In carrying out this section, the Secretary shall consult with the Secretary of Energy.

''(g) CONDITION ON PROVISION OF ASSISTANCE.—

''(1) IN GENERAL.—As a condition of receiving a grant or loan guarantee under this section, an eligible entity shall ensure that all laborers and mechanics employed by contractors or subcontractors in the performance of construction work financed, in whole or in part, with the grant or loan guarantee, as the case may be, shall be paid wages at rates not less than those prevailing on similar construction in the locality, as determined by the Secretary of Labor in accordance with sections 3141 through 3144, 3146, and 3147 of title 40, United States Code.

''(2) AUTHORITY AND FUNCTIONS.—The Secretary of Labor shall have, with respect to the labor standards described in paragraph (1), the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (5 U.S.C. App) and section 3145 of title 40, United States Code.

''(h) FUNDING.—

''(1) MANDATORY FUNDING.—Of the funds of the Commodity Credit Corporation, the Secretary shall use for the cost of loan guarantees under this section, to remain available until expended—

''(A) $75,000,000 for fiscal year 2009; and

''(B) $245,000,000 for fiscal year 2010.

''(2) DISCRETIONARY FUNDING.—In addition to any other funds made available to carry out this section, there is authorized to be appropriated to carry out this section $150,000,000 for each of fiscal years 2009 through 2012.

"SEC. 9004. REPOWERING ASSISTANCE.

''(a) IN GENERAL.—The Secretary shall carry out a program to encourage biorefineries in existence on the date of enactment of the Food, Conservation, and Energy Act of 2008 to replace fossil fuels used to produce heat or power to operate the biorefineries by making payments for—

''(1) the installation of new systems that use renewable biomass; or

''(2) the new production of energy from renewable biomass.

''(b) PAYMENTS.—

''(1) IN GENERAL.—The Secretary may make payments under this section to any biorefinery that meets the requirements of this section for a period determined by the Secretary.

''(2) AMOUNT.—The Secretary shall determine the amount of payments to be made under this section to a biorefinery after considering—

''(A) the quantity of fossil fuels a renewable biomass system is replacing;

''(B) the percentage reduction in fossil fuel used by the biorefinery that will result from the installation of the renewable biomass system; and

''(C) the cost and cost effectiveness of the renewable biomass system.

''(c) ELIGIBILITY.—To be eligible to receive a payment under this section, a biorefinery shall demonstrate to the Secretary that the renewable biomass system of the biorefinery is feasible based on an independent feasibility study that takes into account the economic, technical and environmental aspects of the system.

''(d) FUNDING.—

''(1) MANDATORY FUNDING.—Of the funds of the Commodity Credit Corporation, the Secretary shall use to make payments under this section $35,000,000 for fiscal year 2009, to remain available until expended.

''(2) DISCRETIONARY FUNDING.—In addition to any other funds made available to carry out this section, there is authorized to be appropriated to carry out this section $15,000,000 for each of fiscal years 2009 through 2012.

"SEC. 9005. BIOENERGY PROGRAM FOR ADVANCED BIOFUELS.

''(a) DEFINITION OF ELIGIBLE PRODUCER.—In this section, the term 'eligible producer' means a producer of advanced biofuels.

''(b) PAYMENTS.—The Secretary shall make payments to eligible producers to support and ensure an expanding production of advanced biofuels.

''(c) CONTRACTS.—To receive a payment, an eligible producer shall—

''(1) enter into a contract with the Secretary for production of advanced biofuels; and

''(2) submit to the Secretary such records as the Secretary may require as evidence of the production of advanced biofuels.

''(d) BASIS FOR PAYMENTS.—The Secretary shall make payments under this section to eligible producers based on—

''(1) the quantity and duration of production by the eligible producer of an advanced biofuel;

''(2) the net nonrenewable energy content of the advanced biofuel, if sufficient data is available, as determined by the Secretary; and

''(3) other appropriate factors, as determined by the Secretary.

''(e) EQUITABLE DISTRIBUTION.—The Secretary may limit the amount of payments that may be received by a single eligible producer under this section in order to distribute the total amount of funding available in an equitable manner.

''(f) OTHER REQUIREMENTS.—To receive a payment under this section, an eligible producer shall meet any other requirements of Federal and State law (including regulations) applicable to the production of advanced biofuels.

''(g) FUNDING.—

''(1) MANDATORY FUNDING.—Of the funds of the Commodity Credit Corporation, the Secretary shall use to carry out this section, to remain available until expended—

''(A) $55,000,000 for fiscal year 2009;

''(B) $55,000,000 for fiscal year 2010;

''(C) $85,000,000 for fiscal year 2011; and

''(D) $105,000,000 for fiscal year 2012.

''(2) DISCRETIONARY FUNDING.—In addition to any other funds made available to carry out this section, there is authorized to be appropriated to carry out this section $25,000,000 for each of fiscal years 2009 through 2012.

''(3) LIMITATION.—Of the funds provided for each fiscal year, not more than 5 percent of the funds shall be made available to eligible producers for production at facilities with a total refining capacity exceeding 150,000,000 gallons per year.

"SEC. 9006. BIODIESEL FUEL EDUCATION PROGRAM.

''(a) ESTABLISHMENT.—The Secretary shall, under such terms and conditions as the Secretary determines to be appropriate, make competitive grants to eligible entities to educate governmental and private entities that operate vehicle fleets, other interested entities (as determined by the Secretary), and the public about the benefits of biodiesel fuel use.

''(b) ELIGIBLE ENTITIES.—To receive a grant under subsection (b), an entity shall—

''(1) be a nonprofit organization or institution of higher education;

''(2) have demonstrated knowledge of biodiesel fuel production, use, or distribution; and

''(3) have demonstrated the ability to conduct educational and technical support programs.

''(c) CONSULTATION.—In carrying out this section, the Secretary shall consult with the Secretary of Energy.

''(d) FUNDING.—Of the funds of the Commodity Credit Corporation, the Secretary shall use to carry out this section $1,000,000 for each of fiscal years 2008 through 2012.

"SEC. 9007. RURAL ENERGY FOR AMERICA PROGRAM.

''(a) ESTABLISHMENT.—The Secretary, in consultation with the Secretary of Energy, shall establish a Rural Energy for America Program to promote energy efficiency and renewable energy development for agricultural producers and rural small businesses through—

''(1) grants for energy audits and renewable energy development assistance; and

''(2) financial assistance for energy efficiency improvements and renewable energy systems.

''(b) ENERGY AUDITS AND RENEWABLE ENERGY DEVELOPMENT ASSISTANCE.—

''(1) IN GENERAL.—The Secretary shall make competitive grants to eligible entities to provide assistance to agricultural producers and rural small businesses—

''(A) to become more energy efficient; and

''(B) to use renewable energy technologies and resources.

''(2) ELIGIBLE ENTITIES.—An eligible entity under this subsection is—

''(A) a unit of State, tribal, or local government;

''(B) a land-grant college or university or other institution of higher education;

''(C) a rural electric cooperative or public power entity; and

''(D) any other similar entity, as determined by the Secretary.

''(3) SELECTION CRITERIA.—In reviewing applications of eligible entities to receive grants under paragraph (1), the Secretary shall consider—

''(A) the ability and expertise of the eligible entity in providing professional energy audits and renewable energy assessments;

''(B) the geographic scope of the program proposed by the eligible entity in relation to the identified need;

''(C) the number of agricultural producers and rural small businesses to be assisted by the program;

''(D) the potential of the proposed program to produce energy savings and environmental benefits;

''(E) the plan of the eligible entity for performing outreach and providing information and assistance to agricultural producers and rural small businesses on the benefits of energy efficiency and renewable energy development; and

''(F) the ability of the eligible entity to leverage other sources of funding.

''(4) USE OF GRANT FUNDS.—A recipient of a grant under paragraph (1) shall use the grant funds to assist agricultural producers and rural small businesses by—

''(A) conducting and promoting energy audits; and

''(B) providing recommendations and information on how—

''(i) to improve the energy efficiency of the operations of the agricultural producers and rural small businesses; and

''(ii) to use renewable energy technologies and resources in the operations.

''(5) LIMITATION.—Grant recipients may not use more than 5 percent of a grant for administrative expenses.

''(6) COST SHARING.—A recipient of a grant under paragraph (1) that conducts an energy audit for an agricultural producer or rural small business under paragraph (4) shall require that, as a condition of the energy audit, the agricultural producer or rural small business pay at least 25 percent of the cost of the energy audit, which shall be retained by the eligible entity for the cost of the energy audit.

''(c) FINANCIAL ASSISTANCE FOR ENERGY EFFICIENCY IMPROVEMENTS AND RENEWABLE ENERGY SYSTEMS.—

''(1) IN GENERAL.—In addition to any similar authority, the Secretary shall provide loan guarantees and grants to agricultural producers and rural small businesses—

''(A) to purchase renewable energy systems, including systems that may be used to produce and sell electricity; and

''(B) to make energy efficiency improvements.

''(2) AWARD CONSIDERATIONS.—In determining the amount of a loan guarantee or grant provided under this section, the Secretary shall take into consideration, as applicable—

''(A) the type of renewable energy system to be purchased;

''(B) the estimated quantity of energy to be generated by the renewable energy system;

''(C) the expected environmental benefits of the renewable energy system;

''(D) the quantity of energy savings expected to be derived from the activity, as demonstrated by an energy audit;

''(E) the estimated period of time for the energy savings generated by the activity to equal the cost of the activity;

''(F) the expected energy efficiency of the renewable energy system; and

''(G) other appropriate factors.

''(3) FEASIBILITY STUDIES.—

''(A) IN GENERAL.—The Secretary may provide assistance in the form of grants to an agricultural producer or rural small business to conduct a feasibility study for a project for which assistance may be provided under this subsection.

''(B) LIMITATION.—The Secretary shall use not more than 10 percent of the funds made available to carry out this subsection to provide assistance described in subparagraph (A).

''(C) AVOIDANCE OF DUPLICATIVE ASSISTANCE.—An entity shall be ineligible to receive assistance to carry out a feasibility study for a project under this paragraph if the entity has received other Federal or State assistance for a feasibility study for the project.

''(4) LIMITS.—

''(A) GRANTS.—The amount of a grant under this subsection shall not exceed 25 percent of the cost of the activity carried out using funds from the grant.

''(B) MAXIMUM AMOUNT OF LOAN GUARANTEES.—The amount of a loan guaranteed under this subsection shall not exceed $25,000,000.

''(C) MAXIMUM AMOUNT OF COMBINED GRANT AND LOAN GUARANTEE.—The combined amount of a grant and loan guaranteed under this subsection shall not exceed 75 percent of the cost of the activity funded under this subsection.

''(d) OUTREACH.—The Secretary shall ensure, to the maximum extent practicable, that adequate outreach relating to this section is being conducted at the State and local levels.

''(e) LOWER-COST ACTIVITIES.—

''(1) LIMITATION ON USE OF FUNDS.—Except as provided in paragraph (2), the Secretary shall use not less than 20 percent of the funds made available under subsection (g) to provide grants of $20,000 or less.

''(2) EXCEPTION.—Effective beginning on June 30 of each fiscal year, paragraph (1) shall not apply to funds made available under subsection (g) for the fiscal year.

''(f) REPORT.—Not later than 4 years after the date of enactment of the Food, Conservation, and Energy Act of 2008, the Secretary shall submit to Congress a report on the implementation of this section, including the outcomes achieved by projects funded under this section.

''(g) FUNDING.—

''(1) MANDATORY FUNDING.—Of the funds of the Commodity Credit Corporation, the Secretary shall use to carry out this section, to remain available until expended—

''(A) $55,000,000 for fiscal year 2009;

''(B) $60,000,000 for fiscal year 2010;

''(C) $70,000,000 for fiscal year 2011; and

''(D) $70,000,000 for fiscal year 2012.

''(2) AUDIT AND TECHNICAL ASSISTANCE FUNDING.—

''(A) IN GENERAL.—Subject to subparagraph (B), of the funds made available for each fiscal year under paragraph (1), 4 percent shall be available to carry out subsection (b).

''(B) OTHER USE.—Funds not obligated under subparagraph (A) by April 1 of each fiscal year to carry out subsection (b) shall become available to carry out subsection (c).

''(3) DISCRETIONARY FUNDING.—In addition to any other funds made available to carry out this section, there is authorized to be appropriated to carry out this section $25,000,000 for each of fiscal years 2009 through 2012.

"SEC. 9008. BIOMASS RESEARCH AND DEVELOPMENT.

''(a) DEFINITIONS.—In this section:

''(1) BIOBASED PRODUCT.—The term 'biobased product' means—

''(A) an industrial product (including chemicals, materials, and polymers) produced from biomass; or

''(B) a commercial or industrial product (including animal feed and electric power) derived in connection with the conversion of biomass to fuel.

''(2) DEMONSTRATION.—The term 'demonstration' means demonstration of technology in a pilot plant or semi-works scale facility, including a plant or facility located on a farm.

''(3) INITIATIVE.—The term 'Initiative' means the Biomass Research and Development Initiative established under subsection (e).

''(b) COOPERATION AND COORDINATION IN BIOMASS RESEARCH AND DEVELOPMENT.—

''(1) IN GENERAL.—The Secretary of Agriculture and the Secretary of Energy shall coordinate policies and procedures that promote research and development regarding the production of biofuels and biobased products.

''(2) POINTS OF CONTACT.—To coordinate research and development programs and activities relating to biofuels and biobased products that are carried out by their respective departments—

''(A) the Secretary of Agriculture shall designate, as the point of contact for the Department of Agriculture, an officer of the Department of Agriculture appointed by the President to a position in the Department before the date of the designation, by and with the advice and consent of the Senate; and

''(B) the Secretary of Energy shall designate, as the point of contact for the Department of Energy, an officer of the Department of Energy appointed by the President to a position in the Department before the date of the designation, by and with the advice and consent of the Senate.

''(c) BIOMASS RESEARCH AND DEVELOPMENT BOARD.—

''(1) ESTABLISHMENT.—There is established the Biomass Research and Development Board to carry out the duties described in paragraph (3).

''(2) MEMBERSHIP.—The Board shall consist of—

''(A) the point of contacts of the Department of Energy and the Department of Agriculture, who shall serve as cochairpersons of the Board;

''(B) a senior officer of each of the Department of the Interior, the Environmental Protection Agency, the National Science Foundation, and the Office of Science and Technology Policy, each of whom shall have a rank that is equivalent to the rank of the points of contact; and

''(C) at the option of the Secretary of Agriculture and the Secretary of Energy, other members appointed by the Secretaries (after consultation with the Board).

''(3) DUTIES.—The Board shall—

''(A) coordinate research and development activities relating to biofuels and biobased products—

''(i) between the Department of Agriculture and the Department of Energy; and

''(ii) with other departments and agencies of the Federal Government;

''(B) provide recommendations to the points of contact concerning administration of this title;

''(C) ensure that—

''(i) solicitations are open and competitive with awards made annually; and

''(ii) objectives and evaluation criteria of the solicitations are clearly stated and minimally prescriptive, with no areas of special interest; and

''(D) ensure that the panel of scientific and technical peers assembled under subsection (e) to review proposals is composed predominantly of independent experts selected from outside the Departments of Agriculture and Energy.

''(4) FUNDING.—Each agency represented on the Board is encouraged to provide funds for any purpose under this section.

''(5) MEETINGS.—The Board shall meet at least quarterly.

''(d) BIOMASS RESEARCH AND DEVELOPMENT TECHNICAL ADVISORY COMMITTEE.—

''(1) ESTABLISHMENT.—There is established the Biomass Research and Development Technical Advisory Committee to carry out the duties described in paragraph (3).

''(2) MEMBERSHIP.—

''(A) IN GENERAL.—The Advisory Committee shall consist of—

''(i) an individual affiliated with the biofuels industry;

''(ii) an individual affiliated with the biobased industrial and commercial products industry;

''(iii) an individual affiliated with an institution of higher education who has expertise in biofuels and biobased products;

''(iv) 2 prominent engineers or scientists from government or academia who have expertise in biofuels and biobased products;

''(v) an individual affiliated with a commodity trade association;

''(vi) 2 individuals affiliated with environmental or conservation organizations;

''(vii) an individual associated with State government who has expertise in biofuels and biobased products;

''(viii) an individual with expertise in energy and environmental analysis;

''(ix) an individual with expertise in the economics of biofuels and biobased products;

''(x) an individual with expertise in agricultural economics;

''(xi) an individual with expertise in plant biology and biomass feedstock development;

''(xii) an individual with expertise in agronomy, crop science, or soil science; and

''(xiii) at the option of the points of contact, other members.

''(B) APPOINTMENT.—The members of the Advisory Committee shall be appointed by the points of contact.

''(3) DUTIES.—The Advisory Committee shall—

''(A) advise the points of contact with respect to the Initiative; and

''(B) evaluate and make recommendations in writing to the Board regarding whether—

''(i) funds authorized for the Initiative are distributed and used in a manner that is consistent with the objectives, purposes, and considerations of the Initiative;

''(ii) solicitations are open and competitive with awards made annually;

''(iii) objectives and evaluation criteria of the solicitations are clearly stated and minimally prescriptive, with no areas of special interest;

''(iv) the points of contact are funding proposals under this title that are selected on the basis of merit, as determined by an independent panel of scientific and technical peers predominantly from outside the Departments of Agriculture and Energy; and

''(v) activities under this title are carried out in accordance with this title.

''(4) COORDINATION.—To avoid duplication of effort, the Advisory Committee shall coordinate its activities with those of other Federal advisory committees working in related areas.

''(5) MEETINGS.—The Advisory Committee shall meet at least quarterly.

''(6) TERMS.—Members of the Advisory Committee shall be appointed for a term of 3 years.

''(e) BIOMASS RESEARCH AND DEVELOPMENT INITIATIVE.—

''(1) IN GENERAL.—The Secretary of Agriculture and the Secretary of Energy, acting through their respective points of contact and in consultation with the Board, shall establish and carry out a Biomass Research and Development Initiative under which competitively awarded grants, contracts, and financial assistance are provided to, or entered into with, eligible entities to carry out research on and development and demonstration of—

''(A) biofuels and biobased products; and

''(B) the methods, practices, and technologies, for the production of biofuels and biobased products.

''(2) OBJECTIVES.—The objectives of the Initiative are to develop—

''(A) technologies and processes necessary for abundant commercial production of biofuels at prices competitive with fossil fuels;

''(B) high-value biobased products—

''(i) to enhance the economic viability of biofuels and power;

''(ii) to serve as substitutes for petroleum-based feedstocks and products; and

''(iii) to enhance the value of coproducts produced using the technologies and processes; and

''(C) a diversity of economically and environmentally sustainable domestic sources of renewable biomass for conversion to biofuels, bioenergy, and biobased products.

''(3) TECHNICAL AREAS.—The Secretary of Agriculture and the Secretary of Energy, in consultation with the Administrator of the Environmental Protection Agency and heads of other appropriate departments and agencies (referred to in this subsection as the 'Secretaries'), shall direct the Initiative in the 3 following areas:

''(A) FEEDSTOCKS DEVELOPMENT.—Research, development, and demonstration activities regarding feedstocks and feedstock logistics (including the harvest, handling, transport, preprocessing, and storage) relevant to production of raw materials for conversion to biofuels and biobased products.

''(B) BIOFUELS AND BIOBASED PRODUCTS DEVELOPMENT.—Research, development, and demonstration activities to support—

''(i) the development of diverse cost-effective technologies for the use of cellulosic biomass in the production of biofuels and biobased products; and

''(ii) product diversification through technologies relevant to production of a range of

biobased products (including chemicals, animal feeds, and cogenerated power) that potentially can increase the feasibility of fuel production in a biorefinery.

''(C) BIOFUELS DEVELOPMENT ANALYSIS.—

''(i) STRATEGIC GUIDANCE.—The development of analysis that provides strategic guidance for the application of renewable biomass technologies to improve sustainability and environmental quality, cost effectiveness, security, and rural economic development.

''(ii) ENERGY AND ENVIRONMENTAL IMPACT.—Development of systematic evaluations of the impact of expanded biofuel production on the environment (including forest land) and on the food supply for humans and animals, including the improvement and development of tools for life cycle analysis of current and potential biofuels.

''(iii) ASSESSMENT OF FEDERAL LAND.—Assessments of the potential of Federal land resources to increase the production of feedstocks for biofuels and biobased products, consistent with the integrity of soil and water resources and with other environmental considerations.

''(4) ADDITIONAL CONSIDERATIONS.—Within the technical areas described in paragraph (3), the Secretaries shall support research and development—

''(A) to create continuously expanding opportunities for participants in existing biofuels production by seeking synergies and continuity with current technologies and practices;

''(B) to maximize the environmental, economic, and social benefits of production of biofuels and derived biobased products on a large scale; and

''(C) to facilitate small-scale production and local and on-farm use of biofuels, including the development of small-scale gasification technologies for production of biofuel from cellulosic feedstocks.

''(5) ELIGIBILITY.—To be eligible for a grant, contract, or assistance under this section, an applicant shall be—

''(A) an institution of higher education;

''(B) a National Laboratory;

''(C) a Federal research agency;

''(D) a State research agency;

''(E) a private sector entity;

''(F) a nonprofit organization; or

''(G) a consortium of 2 or more entities described in subparagraphs (A) through (F).

''(6) ADMINISTRATION.—

''(A) IN GENERAL.—After consultation with the Board, the points of contact shall—

''(i) publish annually 1 or more joint requests for proposals for grants, contracts, and assistance under this subsection;

''(ii) require that grants, contracts, and assistance under this section be awarded based on a scientific peer review by an independent panel of scientific and technical peers;

''(iii) give special consideration to applications that—

''(I) involve a consortia of experts from multiple institutions;

''(II) encourage the integration of disciplines and application of the best technical resources; and

''(III) increase the geographic diversity of demonstration projects; and

''(iv) require that the technical areas described in each of subparagraphs (A), (B), and (C) of paragraph (3) receive not less than 15 percent of funds made available to carry out this section.

''(B) COST SHARE.—

''(i) RESEARCH AND DEVELOPMENT PROJECTS.—

''(I) IN GENERAL.—Except as provided in subclause (II), the non-Federal share of the cost of a research or development project under this section shall be not less than 20 percent.

''(II) REDUCTION.—The Secretary of Agriculture or the Secretary of Energy, as appropriate, may reduce the non-Federal share required under subclause (I) if the appropriate Secretary determines the reduction to be necessary and appropriate.

''(ii) DEMONSTRATION AND COMMERCIAL PROJECTS.—The non-Federal share of the cost of a demonstration or commercial project under this section shall be not less than 50 percent.

''(C) TECHNOLOGY AND INFORMATION TRANSFER.—The Secretary of Agriculture and the Secretary of Energy shall ensure that applicable research results and technologies from the Initiative are—

''(i) adapted, made available, and disseminated, as appropriate; and

''(ii) included in the best practices database established under section 1672C(e) of the Food, Agriculture, Conservation, and Trade Act of 1990.

''(f) ADMINISTRATIVE SUPPORT AND FUNDS.—

''(1) IN GENERAL.—The Secretary of Energy and the Secretary of Agriculture may provide such administrative support and funds of the Department of Energy and the Department of Agriculture to the Board and the Advisory Committee as are necessary to enable the Board and the Advisory Committee to carry out their duties under this section.

''(2) OTHER AGENCIES.—The heads of the agencies referred to in subsection (c)(2)(B), and the other members of the Board appointed under subsection (c)(2)(C), are encouraged to provide administrative support and funds of their respective agencies to the Board and the Advisory Committee.

''(3) LIMITATION.—Not more than 4 percent of the amount made available for each fiscal year under subsection (h) may be used to pay the administrative costs of carrying out this section.

''(g) REPORTS.—For each fiscal year for which funds are made available to carry out this section, the Secretary of Energy and the Secretary of Agriculture shall jointly submit to Congress a detailed report on—

''(1) the status and progress of the Initiative, including a report from the Advisory Committee on whether funds appropriated for the Initiative have been distributed and used in a manner that is consistent with the objectives and requirements of this section;

''(2) the general status of cooperation and research and development efforts carried out at each agency with respect to biofuels and biobased products; and

''(3) the plans of the Secretary of Energy and the Secretary of Agriculture for addressing concerns raised in the report, including concerns raised by the Advisory Committee.

''(h) FUNDING.—

''(1) MANDATORY FUNDING.—Of the funds of the Commodity Credit Corporation, the Secretary of Agriculture shall use to carry out this section, to remain available until expended—

''(A) $20,000,000 for fiscal year 2009;

''(B) $28,000,000 for fiscal year 2010;

''(C) $30,000,000 for fiscal year 2011; and

''(D) $40,000,000 for fiscal year 2012.

''(2) DISCRETIONARY FUNDING.—In addition to any other funds made available to carry out this section, there is authorized to be appropriated to carry out this section $35,000,000 for each of fiscal years 2009 through 2012.

"SEC. 9009. RURAL ENERGY SELF-SUFFICIENCY INITIATIVE.

''(a) DEFINITIONS.—In this section:

''(1) ELIGIBLE RURAL COMMUNITY.—The term 'eligible rural community' means a community located in a rural area (as defined in section 343(a)(13)(A) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1991(a)(13)(A))).

''(2) INITIATIVE.—The term 'Initiative' means the Rural Energy Self-Sufficiency Initiative established under this section.

''(3) INTEGRATED RENEWABLE ENERGY SYSTEM.—The term 'integrated renewable energy system' means a community-wide energy system that—

''(A) reduces conventional energy use; and

''(B) increases the use of energy from renewable sources.

''(b) ESTABLISHMENT.—The Secretary shall establish a Rural Energy Self-Sufficiency Initiative to provide financial assistance for the purpose of enabling eligible rural communities to substantially increase the energy self-sufficiency of the eligible rural communities.

''(c) GRANT ASSISTANCE.—

''(1) IN GENERAL.—The Secretary shall make grants available under the Initiative to eligible rural communities to carry out an activity described in paragraph (2).

''(2) USE OF GRANT FUNDS.—An eligible rural community may use a grant—

''(A) to conduct an energy assessment that assesses the total energy use of all energy users in the eligible rural community;

''(B) to formulate and analyze ideas for reducing energy usage by the eligible rural community from conventional sources; and

''(C) to develop and install an integrated renewable energy system.

''(3) GRANT SELECTION.—

''(A) APPLICATION.—To be considered for a grant, an eligible rural community shall submit an application to the Secretary that describes the ways in which the community would use the grant to carry out an activity described in paragraph (2).

''(B) PREFERENCE.—The Secretary shall give preference to those applications that propose to carry out an activity in coordination with—

''(i) institutions of higher education or nonprofit foundations of institutions of higher education;

''(ii) Federal, State, or local government agencies;

''(iii) public or private power generation entities; or

''(iv) government entities with responsibility for water or natural resources.

''(4) REPORT.—An eligible rural community receiving a grant under the Initiative shall submit to the Secretary a report on the project of the eligible rural community.

''(5) COST-SHARING.—The amount of a grant under the Initiative shall not exceed 50 percent of the cost of the activities described in the application.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2009 through 2012.

"SEC. 9010. FEEDSTOCK FLEXIBILITY PROGRAM FOR BIOENERGY PRODUCERS.

''(a) DEFINITIONS.—In this section:

''(1) BIOENERGY.—The term 'bioenergy' means fuel grade ethanol and other biofuel.

''(2) BIOENERGY PRODUCER.—The term 'bioenergy producer' means a producer of bioenergy that uses an eligible commodity to produce bioenergy under this section.

''(3) ELIGIBLE COMMODITY.—The term 'eligible commodity' means a form of raw or refined sugar or in-process sugar that is eligible to be marketed in the United States for human consumption or to be used for the extraction of sugar for human consumption.

''(4) ELIGIBLE ENTITY.—The term 'eligible entity' means an entity located in the United States that markets an eligible commodity in the United States.

''(b) FEEDSTOCK FLEXIBILITY PROGRAM.—

''(1) IN GENERAL.—

''(A) PURCHASES AND SALES.—For each of the 2008 through 2012 crops, the Secretary shall purchase eligible commodities from eligible entities and sell such commodities to bioenergy producers for the purpose of producing bioenergy in a manner that ensures that section 156 of the Federal Agriculture Improvement and Reform Act (7 U.S.C. 7272) is operated at no cost to the Federal Government by avoiding forfeitures to the Commodity Credit Corporation.

''(B) COMPETITIVE PROCEDURES.—In carrying out the purchases and sales required under subparagraph (A), the Secretary shall, to the maximum extent practicable, use competitive procedures, including the receiving, offering, and accepting of bids, when entering into contracts with eligible entities and bioenergy producers,

provided that such procedures are consistent with the purposes of subparagraph (A).

''(C) LIMITATION.—The purchase and sale of eligible commodities under subparagraph (A) shall only be made in crop years in which such purchases and sales are necessary to ensure that the program authorized under section 156 of the Federal Agriculture Improvement and Reform Act (7 U.S.C. 7272) is operated at no cost to the Federal Government by avoiding forfeitures to the Commodity Credit Corporation.

''(2) NOTICE.—

''(A) IN GENERAL.—As soon as practicable after the date of enactment of the Food, Conservation, and Energy Act of 2008 and each September 1 thereafter through September 1, 2012, the Secretary shall provide notice to eligible entities and bioenergy producers of the quantity of eligible commodities that shall be made available for purchase and sale for the crop year following the date of the notice under this section.

''(B) REESTIMATES.—Not later than the January 1, April 1, and July 1 of the calendar year following the date of a notice under subparagraph (A), the Secretary shall reestimate the quantity of eligible commodities determined under subparagraph (A), and provide notice and make purchases and sales based on such reestimates.

''(3) COMMODITY CREDIT CORPORATION INVENTORY.—

''(A) DISPOSITIONS.—

''(i) BIOENERGY AND GENERALLY.—Except as provided in clause (ii), to the extent that an eligible commodity is owned and held in inventory by the Commodity Credit Corporation (accumulated pursuant to the program authorized under section 156 of the Federal Agriculture Improvement and Reform Act (7 U.S.C. 7272)), the Secretary shall—

''(I) sell the eligible commodity to bioenergy producers under this section consistent with paragraph (1)(C);

''(II) dispose of the eligible commodity in accordance with section 156(f)(2) of that Act; or

''(III) otherwise dispose of the eligible commodity through the buyback of certificates of quota entry.

''(ii) PRESERVATION OF OTHER AUTHORITIES.—Nothing in this section limits the use of other authorities for the disposition of an eligible commodity held in the inventory of the Commodity Credit Corporation for nonfood use or otherwise in a manner that does not increase the net quantity of sugar available for human consumption in the United States market, consistent with section 156(f)(1) of the Federal Agriculture Improvement and Reform Act (7 U.S.C. 7272(f)(1)).

''(B) EMERGENCY SHORTAGES.—Notwithstanding subparagraph (A), if there is an emergency shortage of sugar for human consumption in the United States market that is caused by a war, flood, hurricane, or other natural disaster, or other similar event, the Secretary may dispose of an eligible commodity that is owned and held in inventory by the Commodity Credit Corporation (accumulated pursuant to the program authorized under section 156 of the Federal Agriculture Improvement and Reform Act (7 U.S.C. 7272)) through disposition as authorized under section 156(f) of that Act or through the use of any other authority of the Commodity Credit Corporation.

''(4) TRANSFER RULE; STORAGE FEES.—

''(A) GENERAL TRANSFER RULE.—Except with regard to emergency dispositions under paragraph (3)(B) and as provided in subparagraph (C), the Secretary shall ensure that bioenergy producers that purchase eligible commodities pursuant to this section take possession of the eligible commodities within 30 calendar days of the date of such purchase from the Commodity Credit Corporation.

''(B) PAYMENT OF STORAGE FEES PROHIBITED.—

''(i) IN GENERAL.—The Secretary shall, to the maximum extent practicable, carry out this section in a manner that ensures no storage fees are paid by the Commodity Credit Corporation in the administration of this section.

''(ii) EXCEPTION.—Clause (i) shall not apply with respect to any commodities owned and held in inventory by the Commodity Credit Corporation (accumulated pursuant to the program authorized under section 156 of the Federal Agriculture Improvement and Reform Act (7 U.S.C. 7272)).

''(C) OPTION TO PREVENT STORAGE FEES.—

''(i) IN GENERAL.—The Secretary may enter into contracts with bioenergy producers to sell eligible commodities to such producers prior in time to entering into contracts with eligible entities to purchase the eligible commodities to be used to satisfy the contracts entered into with the bioenergy producers.

''(ii) SPECIAL TRANSFER RULE.—If the Secretary makes a sale and purchase referred to in clause (i), the Secretary shall ensure that the bioenergy producer that purchased eligible commodities takes possession of such commodities within 30 calendar days of the date the Commodity Credit Corporation purchases the eligible commodities.

''(5) RELATION TO OTHER LAWS.—If sugar that is subject to a marketing allotment under part VII of subtitle B of title III of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359aa et seq.) is the subject of a payment under this section, the sugar shall be considered marketed and shall count against a processor's allocation of an allotment under such part, as applicable.

''(6) FUNDING.—The Secretary shall use the funds, facilities, and authorities of the Commodity Credit Corporation, including the use of such sums as are necessary, to carry out this section.

''SEC. 9011. BIOMASS CROP ASSISTANCE PROGRAM.

''(a) DEFINITIONS.—In this section:

''(1) BCAP.—The term 'BCAP' means the Biomass Crop Assistance Program established under this section.

''(2) BCAP PROJECT AREA.—The term 'BCAP project area' means an area that—

''(A) has specified boundaries that are submitted to the Secretary by the project sponsor and subsequently approved by the Secretary;

''(B) includes producers with contract acreage that will supply a portion of the renewable biomass needed by a biomass conversion facility; and

''(C) is physically located within an economically practicable distance from the biomass conversion facility.

''(3) CONTRACT ACREAGE.—The term 'contract acreage' means eligible land that is covered by a BCAP contract entered into with the Secretary.

''(4) ELIGIBLE CROP.—

''(A) IN GENERAL.—The term 'eligible crop' means a crop of renewable biomass.

''(B) EXCLUSIONS.—The term 'eligible crop' does not include—

''(i) any crop that is eligible to receive payments under title I of the Food, Conservation, and Energy Act of 2008 or an amendment made by that title; or

''(ii) any plant that is invasive or noxious or has the potential to become invasive or noxious, as determined by the Secretary, in consultation with other appropriate Federal or State departments and agencies.

''(5) ELIGIBLE LAND.—

''(A) IN GENERAL.—The term 'eligible land' includes agricultural and nonindustrial private forest lands (as defined in section 5(c) of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2103a(c))).

''(B) EXCLUSIONS.—The term 'eligible land' does not include—

''(i) Federal- or State-owned land;

''(ii) land that is native sod, as of the date of enactment of the Food, Conservation, and Energy Act of 2008;

''(iii) land enrolled in the conservation reserve program established under subchapter B of chapter 1 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3831 et seq.);

''(iv) land enrolled in the wetlands reserve program established under subchapter C of chapter 1 of subtitle D of title XII of that Act (16 U.S.C. 3837 et seq.); or

''(v) land enrolled in the grassland reserve program established under subchapter D of chapter 2 of subtitle D of title XII of that Act (16 U.S.C. 3838n et seq.).

''(6) ELIGIBLE MATERIAL.—

''(A) IN GENERAL.—The term 'eligible material' means renewable biomass.

''(B) EXCLUSIONS.—The term 'eligible material' does not include—

''(i) any crop that is eligible to receive payments under title I of the Food, Conservation, and Energy Act of 2008 or an amendment made by that title;

''(ii) animal waste and byproducts (including fats, oils, greases, and manure);

''(iii) food waste and yard waste; or

''(iv) algae.

''(7) PRODUCER.—The term 'producer' means an owner or operator of contract acreage that is physically located within a BCAP project area.

''(8) PROJECT SPONSOR.—The term 'project sponsor' means—

''(A) a group of producers; or

''(B) a biomass conversion facility.

''(b) ESTABLISHMENT AND PURPOSE.—The Secretary shall establish and administer a Biomass Crop Assistance Program to—

''(1) support the establishment and production of eligible crops for conversion to bioenergy in selected BCAP project areas; and

''(2) assist agricultural and forest land owners and operators with collection, harvest, storage, and transportation of eligible material for use in a biomass conversion facility.

''(c) BCAP PROJECT AREA.—

''(1) IN GENERAL.—The Secretary shall provide financial assistance to producers of eligible crops in a BCAP project area.

''(2) SELECTION OF PROJECT AREAS.—

''(A) IN GENERAL.—To be considered for selection as a BCAP project area, a project sponsor shall submit to the Secretary a proposal that includes, at a minimum—

''(i) a description of the eligible land and eligible crops of each producer that will participate in the proposed BCAP project area;

''(ii) a letter of commitment from a biomass conversion facility that the facility will use the eligible crops intended to be produced in the proposed BCAP project area;

''(iii) evidence that the biomass conversion facility has sufficient equity available, as determined by the Secretary, if the biomass conversion facility is not operational at the time the proposal is submitted to the Secretary; and

''(iv) any other appropriate information about the biomass conversion facility or proposed biomass conversion facility that gives the Secretary a reasonable assurance that the plant will be in operation by the time that the eligible crops are ready for harvest.

''(B) BCAP PROJECT AREA SELECTION CRITERIA.—In selecting BCAP project areas, the Secretary shall consider—

''(i) the volume of the eligible crops proposed to be produced in the proposed BCAP project area and the probability that such crops will be used for the purposes of the BCAP;

''(ii) the volume of renewable biomass projected to be available from sources other than the eligible crops grown on contract acres;

''(iii) the anticipated economic impact in the proposed BCAP project area;

''(iv) the opportunity for producers and local investors to participate in the ownership of the biomass conversion facility in the proposed BCAP project area;

''(v) the participation rate by—

''(I) beginning farmers or ranchers (as defined in accordance with section 343(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1991(a))); or

''(II) socially disadvantaged farmers or ranchers (as defined in section 2501(e) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279(e)));

''(vi) the impact on soil, water, and related resources;

''(vii) the variety in biomass production approaches within a project area, including (as appropriate)—

''(I) agronomic conditions;

''(II) harvest and postharvest practices; and

''(III) monoculture and polyculture crop mixes;

''(viii) the range of eligible crops among project areas; and

''(ix) any additional information, as determined by the Secretary.

''(3) CONTRACT.—

''(A) IN GENERAL.—On approval of a BCAP project area by the Secretary, each producer in the BCAP project area shall enter into a contract directly with the Secretary.

''(B) MINIMUM TERMS.—At a minimum, contracts shall include terms that cover—

''(i) an agreement to make available to the Secretary, or to an institution of higher education or other entity designated by the Secretary, such information as the Secretary considers to be appropriate to promote the production of eligible crops and the development of biomass conversion technology;

''(ii) compliance with the highly erodible land conservation requirements of subtitle B of title XII of the Food Security Act of 1985 (16 U.S.C. 3811 et seq.) and the wetland conservation requirements of subtitle C of title XII of that Act (16 U.S.C. 3821 et seq.);

''(iii) the implementation of (as determined by the Secretary)—

''(I) a conservation plan; or

''(II) a forest stewardship plan or an equivalent plan; and

''(iv) any additional requirements the Secretary considers appropriate.

''(C) DURATION.—A contract under this subsection shall have a term of up to—

''(i) 5 years for annual and perennial crops; or

''(ii) 15 years for woody biomass.

''(4) RELATIONSHIP TO OTHER PROGRAMS.—In carrying out this subsection, the Secretary shall provide for the preservation of cropland base and yield history applicable to the land enrolled in a BCAP contract.

''(5) PAYMENTS.—

''(A) IN GENERAL.—The Secretary shall make establishment and annual payments directly to producers to support the establishment and production of eligible crops on contract acreage.

''(B) AMOUNT OF ESTABLISHMENT PAYMENTS.—The amount of an establishment payment under this subsection shall be up to 75 percent of the costs of establishing an eligible perennial crop covered by the contract, including—

''(i) the cost of seeds and stock for perennials;

''(ii) the cost of planting the perennial crop, as determined by the Secretary; and

''(iii) in the case of nonindustrial private forestland, the costs of site preparation and tree planting.

''(C) AMOUNT OF ANNUAL PAYMENTS.—

''(i) IN GENERAL.—Subject to clause (ii), the amount of an annual payment under this subsection shall be determined by the Secretary.

''(ii) REDUCTION.—The Secretary shall reduce an annual payment by an amount determined to be appropriate by the Secretary, if—

''(I) an eligible crop is used for purposes other than the production of energy at the biomass conversion facility;

''(II) an eligible crop is delivered to the biomass conversion facility;

''(III) the producer receives a payment under subsection (d);

''(IV) the producer violates a term of the contract; or

''(V) there are such other circumstances, as determined by the Secretary to be necessary to carry out this section.

''(d) ASSISTANCE WITH COLLECTION, HARVEST, STORAGE, AND TRANSPORTATION.—

''(1) IN GENERAL.—The Secretary shall make a payment for the delivery of eligible material to a biomass conversion facility to—

''(A) a producer of an eligible crop that is produced on BCAP contract acreage; or

''(B) a person with the right to collect or harvest eligible material.

''(2) PAYMENTS.—

''(A) COSTS COVERED.—A payment under this subsection shall be in an amount described in subparagraph (B) for—

''(i) collection;

''(ii) harvest;

''(iii) storage; and

''(iv) transportation to a biomass conversion facility.

''(B) AMOUNT.—Subject to paragraph (3), the Secretary may provide matching payments at a rate of $1 for each $1 per ton provided by the biomass conversion facility, in an amount equal to not more than $45 per ton for a period of 2 years.

''(3) LIMITATION ON ASSISTANCE FOR BCAP CONTRACT ACREAGE.—As a condition of the receipt of annual payment under subsection (c), a producer receiving a payment under this subsection for collection, harvest, storage or transportation of an eligible crop produced on BCAP acreage shall agree to a reduction in the annual payment.

''(e) REPORT.—Not later than 4 years after the date of enactment of the Food, Conservation, and Energy Act of 2008, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report on the dissemination by the Secretary of the best practice data and information gathered from participants receiving assistance under this section.

''(f) FUNDING.—Of the funds of the Commodity Credit Corporation, the Secretary shall use to carry out this section such sums as are necessary for each of fiscal years 2008 through 2012.

''SEC. 9012. FOREST BIOMASS FOR ENERGY.

''(a) IN GENERAL.—The Secretary, acting through the Forest Service, shall conduct a competitive research and development program to encourage use of forest biomass for energy.

''(b) ELIGIBLE ENTITIES.—Entities eligible to compete under the program under this section include—

''(1) the Forest Service (acting through Research and Development);

''(2) other Federal agencies;

''(3) State and local governments;

''(4) Indian tribes;

''(5) land-grant colleges and universities; and

''(6) private entities.

''(c) PRIORITY FOR PROJECT SELECTION.—In carrying out this section, the Secretary shall give priority to projects that—

''(1) develop technology and techniques to use low-value forest biomass, such as byproducts of forest health treatments and hazardous fuels reduction, for the production of energy;

''(2) develop processes that integrate production of energy from forest biomass into biorefineries or other existing manufacturing streams;

''(3) develop new transportation fuels from forest biomass; and

''(4) improve the growth and yield of trees intended for renewable energy production.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $15,000,000 for each of fiscal years 2009 through 2012.

''SEC. 9013. COMMUNITY WOOD ENERGY PROGRAM.

''(a) DEFINITIONS.—In this section:

''(1) COMMUNITY WOOD ENERGY PLAN.—The term 'community wood energy plan' means an assessment of—

''(A) available feedstocks necessary to supply a community wood energy system; and

''(B) the long-term feasibility of supplying and operating a community wood energy system.

''(2) COMMUNITY WOOD ENERGY SYSTEM.—

''(A) IN GENERAL.—The term 'community wood energy system' means an energy system that—

''(i) primarily services public facilities owned or operated by State or local governments, including schools, town halls, libraries, and other public buildings; and

''(ii) uses woody biomass as the primary fuel.

''(B) INCLUSIONS.—The term 'community wood energy system' includes single facility central heating, district heating, combined heat and energy systems, and other related biomass energy systems.

''(b) GRANT PROGRAM.—

''(1) IN GENERAL.—The Secretary, acting through the Chief of the Forest Service, shall establish a program to be known as the 'Community Wood Energy Program' to provide—

''(A) grants of up to $50,000 to State and local governments (or designees) to develop community wood energy plans; and

''(B) competitive grants to State and local governments to acquire or upgrade community wood energy systems.

''(2) CONSIDERATIONS.—In selecting applicants for grants under paragraph (1)(B), the Secretary shall consider—

''(A) the energy efficiency of the proposed system;

''(B) the cost effectiveness of the proposed system; and

''(C) other conservation and environmental criteria that the Secretary considers appropriate.

''(3) USE OF PLAN.—A State or local government applying to receive a competitive grant described in paragraph (1)(B) shall submit to the Secretary as part of the grant application the applicable community wood energy plan.

''(c) LIMITATION.—A community wood energy system acquired with grant funds provided under subsection (b)(1)(B) shall not exceed an output of—

''(1) 50,000,000 Btu per hour for heating; and

''(2) 2 megawatts for electric power production.

''(d) MATCHING FUNDS.—A State or local government that receives a grant under subsection (b) shall contribute an amount of non-Federal funds towards the development of the community wood energy plan, or acquisition of the community wood energy systems that is at least equal to the amount of grant funds received by the State or local government under that subsection.

''(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2009 through 2012.''.

(b) CONFORMING AMENDMENT.—The Biomass Research and Development Act of 2000 (7 U.S.C. 8601 et seq.) is repealed.

SEC. 9002. BIOFUELS INFRASTRUCTURE STUDY.

(a) IN GENERAL.—The Secretary of Agriculture, the Secretary of Energy, the Administrator of the Environmental Protection Agency, and the Secretary of Transportation (referred to in this section as the ''Secretaries''), shall jointly conduct a study that includes—

(1) an assessment of the infrastructure needs for expanding the domestic production, transport, and distribution of biofuels given current and likely future market trends;

(2) recommendations for infrastructure needs and development approaches, taking into account cost and other associated factors; and

(3) a report that includes—

(A) a summary of infrastructure needs;

(B) an analysis of alternative development approaches to meeting the needs described in subparagraph (A), including cost, siting, and other regulatory issues; and

(C) recommendations for specific infrastructure development actions to be taken.

(b) SCOPE OF STUDY.—

(1) IN GENERAL.—In conducting the study described in subsection (a), the Secretaries shall address—

(A) current and likely future market trends for biofuels through calendar year 2025;

(B) current and future availability of feedstocks;

(C) water resource needs, including water requirements for biorefineries;

(D) shipping and storage needs for biomass feedstock and biofuels, including the adequacy of rural roads; and

(E) modes of transportation and delivery for biofuels (including shipment by rail, truck, pipeline or barge) and associated infrastructure issues.

(2) CONSIDERATIONS.—In addressing the issues described in paragraph (1), the Secretaries shall consider—

(A) the effects of increased tank truck, rail, and barge transport on existing infrastructure and safety;

(B) the feasibility of shipping biofuels through pipelines in existence as the date of enactment of this Act;

(C) the development of new biofuels pipelines, including siting, financing, timing, and other economic issues;

(D) the implications of various biofuel blend levels on infrastructure needs;

(E) the implications of various approaches to infrastructure development on resource use and conservation;

(F) regional differences in biofuels infrastructure needs; and

(G) other infrastructure issues, as determined by the Secretaries.

(c) IMPLEMENTATION.—In carrying out this section, the Secretaries —

(1) shall—

(A) consult with individuals and entities with interest or expertise in the areas described in subsection (b);

(B) to the extent available, use the information developed and results of the related studies authorized under sections 243 and 245 of the Energy Independence and Security Act of 2007 (Public Law 110–140; 121 Stat. 1540, 1546)); and

(C) submit to Congress the report required under subsection (a)(3), including—

(i) in the Senate—

(I) the Committee on Agriculture, Nutrition, and Forestry ;

(II) the Committee on Commerce, Science, and Transportation;

(III) the Committee on Energy and Natural Resources; and

(IV) the Committee on Environment and Public Works; and

(ii) in the House of Representatives—

(I) the Committee on Agriculture;

(II) the Committee on Energy and Commerce;

(III) the Committee on Transportation and Infrastructure; and

(IV) the Committee on Science and Technology; and

(2) may issue a solicitation for a competition to select a contractor to support the Secretaries.

SEC. 9003. RENEWABLE FERTILIZER STUDY.

(a) IN GENERAL.—Not later than 1 year after the date of receipt of appropriations to carry out this section, the Secretary shall—

(1) conduct a study to assess the current state of knowledge regarding the potential for the production of fertilizer from renewable energy sources in rural areas, including—

(A) identification of the critical challenges to commercialization of rural production of nitrogen and phosphorus-based fertilizer from renewables;

(B) the most promising processes and technologies for renewable fertilizer production;

(C) the potential cost-competitiveness of renewable fertilizer; and

(D) the potential impacts of renewable fertilizer on fossil fuel use and the environment; and

(2) submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report describing the results of the study.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $1,000,000 for fiscal year 2009.

TITLE X—HORTICULTURE AND ORGANIC AGRICULTURE

SEC. 10001. DEFINITIONS.

In this title:

(1) SPECIALTY CROP.—The term ''specialty crop'' has the meaning given the term in section 3 of the Specialty Crops Competitiveness Act of 2004 (7 U.S.C. 1621 note; Public Law 108–465).

(2) STATE DEPARTMENT OF AGRICULTURE.—The term ''State department of agriculture'' means the agency, commission, or department of a State government responsible for protecting and promoting agriculture in the State.

Subtitle A—Horticulture Marketing and Information

SEC. 10101. INDEPENDENT EVALUATION OF DEPARTMENT OF AGRICULTURE COMMODITY PURCHASE PROCESS.

(a) EVALUATION REQUIRED.—The Secretary shall arrange to have performed an independent evaluation of the purchasing processes (including the budgetary, statutory, and regulatory authority underlying the processes) used by the Department of Agriculture to implement the requirement that funds available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), shall be principally devoted to perishable agricultural commodities.

(b) SUBMISSION OF RESULTS.—Not later than 18 months after the date of the enactment of this Act, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report on the results of the evaluation.

SEC. 10102. QUALITY REQUIREMENTS FOR CLEMENTINES.

Section 8e(a) of the Agricultural Adjustment Act (7 U.S.C. 608e–1(a)), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, is amended in the matter preceding the first proviso in the first sentence by inserting ''clementines,'' after ''nectarines,''.

SEC. 10103. INCLUSION OF SPECIALTY CROPS IN CENSUS OF AGRICULTURE.

Section 2(a) of the Census of Agriculture Act of 1997 (7 U.S.C. 2204g(a)) is amended—

(1) by striking ''In 1998'' and inserting the following:

''(1) IN GENERAL.—In 1998''; and

(2) by adding at the end the following:

''(2) INCLUSION OF SPECIALTY CROPS.—Effective beginning with the census of agriculture required to be conducted in 2008, the Secretary shall conduct as part of each census of agriculture a census of specialty crops (as that term is defined in section 3 of the Specialty Crops Competitiveness Act of 2004 (7 U.S.C. 1621 note; Public Law 108-465)).''.

SEC. 10104. MUSHROOM PROMOTION, RESEARCH, AND CONSUMER INFORMATION.

(a) REGIONS AND MEMBERS.—Section 1925(b)(2) of the Mushroom Promotion, Research, and Consumer Information Act of 1990 (7 U.S.C. 6104(b)(2)) is amended—

(1) in subparagraph (B), by striking ''4 regions'' and inserting ''3 regions'';

(2) in subparagraph (D), by striking ''35,000,000 pounds'' and inserting ''50,000,000 pounds''; and

(3) by striking subparagraph (E) and inserting the following:

''(E) ADDITIONAL MEMBERS.—In addition to the members appointed pursuant to paragraph (1), and subject to the 9-member limit of members on the Council provided in that paragraph, the Secretary shall appoint additional members to the council from a region that attains additional pounds of production as follows:

''(i) If the annual production of a region is greater than 110,000,000 pounds, but less than or equal to 180,000,000 pounds, the region shall be represented by 1 additional member.

''(ii) If the annual production of a region is greater than 180,000,000 pounds, but less than or equal to 260,000,000 pounds, the region shall be represented by 2 additional members.

''(iii) If the annual production of a region is greater than 260,000,000 pounds, the region shall be represented by 3 additional members.''.

(b) POWERS AND DUTIES OF COUNCIL.—Section 1925(c) of the Mushroom Promotion, Research, and Consumer Information Act of 1990 (7 U.S.C. 6104(c)) is amended—

(1) by redesignating paragraphs (6), (7), and (8) as paragraphs (7), (8), and (9), respectively; and

(2) by inserting after paragraph (5) the following:

''(6) to develop and propose to the Secretary programs for good agricultural and good handling practices and related activities for mushrooms;''.

SEC. 10105. FOOD SAFETY EDUCATION INITIATIVES.

(a) INITIATIVE AUTHORIZED.—The Secretary may carry out a food safety education program to educate the public and persons in the fresh produce industry about—

(1) scientifically proven practices for reducing microbial pathogens on fresh produce; and

(2) methods of reducing the threat of cross-contamination of fresh produce through sanitary handling practices.

(b) COOPERATION.—The Secretary may carry out the education program in cooperation with public and private partners.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $1,000,000 for each of fiscal years 2008 through 2012, to remain available until expended.

SEC. 10106. FARMERS' MARKET PROMOTION PROGRAM.

Section 6 of the Farmer-to-Consumer Direct Marketing Act of 1976 (7 U.S.C. 3005) is amended—

(1) in subsection (a), by inserting ''and to promote direct producer-to-consumer marketing'' before the period at the end;

(2) in subsection (b)(1)—

(A) in subparagraph (A), by inserting ''agri-tourism activities,'' after ''programs,''; and

(B) in subparagraph (B)—

(i) by inserting ''agri-tourism activities,'' after ''programs,'' and

(ii) by striking ''infrastructure'' and inserting ''marketing opportunities'';

(3) in subsection (c)(1), by inserting ''or a producer network or association'' after ''cooperative''; and

(4) by striking subsection (e) and inserting the following:

''(e) FUNDING.—

''(1) IN GENERAL.—Of the funds of the Commodity Credit Corporation, the Secretary shall use to carry out this section—

''(A) $3,000,000 for fiscal year 2008;

''(B) $5,000,000 for each of fiscal years 2009 through 2010; and

''(C) $10,000,000 for each of fiscal years 2011 and 2012.

''(2) USE OF FUNDS.—Not less than 10 percent of the funds used to carry out this section in a fiscal year under paragraph (1) shall be used to support the use of electronic benefits transfers for Federal nutrition programs at farmers' markets.

''(3) INTERDEPARTMENTAL COORDINATION.—In carrying out this subsection, the Secretary shall ensure coordination between the various agencies to the maximum extent practicable.

''(4) LIMITATION.—Funds described in paragraph (2)—

''(A) may not be used for the ongoing cost of carrying out any project; and

''(B) shall only be provided to eligible entities that demonstrate a plan to continue to provide EBT card access at 1 or more farmers' markets following the receipt of the grant.''.

SEC. 10107. SPECIALTY CROPS MARKET NEWS ALLOCATION.

(a) IN GENERAL.—The Secretary shall—

(1) carry out market news activities to provide timely price and shipment information of specialty crops in the United States; and

(2) use funds made available under subsection (b) to increase the reporting levels for specialty crops in effect on the date of enactment of this Act.

(b) AUTHORIZATION OF APPROPRIATIONS.—In addition to any other funds made available through annual appropriations for market news services, there is authorized to be appropriated to carry out this section $9,000,000 for each of fiscal years 2008 through 2012, to remain available until expended.

SEC. 10108. EXPEDITED MARKETING ORDER FOR HASS AVOCADOS FOR GRADES AND STANDARDS AND OTHER PURPOSES.

(a) IN GENERAL.—The Secretary shall initiate procedures under the Agricultural Adjustment Act (7 U.S.C. 601 et seq.), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, to determine whether it would be appropriate to establish a Federal marketing order for Hass avocados relating to grades and standards and for other purposes under that Act.

(b) EXPEDITED PROCEDURES.—

(1) PROPOSAL FOR AN ORDER.—An organization of domestic avocado producers in existence on the date of enactment of this Act may request the issuance of, and submit to the Secretary a proposal for, an order described in subsection (a).

(2) PUBLICATION OF PROPOSAL.—Not later than 60 days after the date on which the Secretary receives a proposed order under paragraph (1), the Secretary shall initiate procedures described in subsection (a) to determine whether the proposed order should proceed.

(c) EFFECTIVE DATE.—Any order issued under this section shall become effective not later than 15 months after the date on which the Secretary initiates procedures under the Agricultural Adjustment Act (7 U.S.C. 601 et seq.), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937.

SEC. 10109. SPECIALTY CROP BLOCK GRANTS.

(a) DEFINITION OF SPECIALTY CROP.—Section 3(1) of the Specialty Crops Competitiveness Act of 2004 (Public Law 108–465; 7 U.S.C. 1621 note) is amended by inserting ''horticulture and'' before ''nursery''.

(b) DEFINITION OF STATE.—Section 3(2) of the Specialty Crops Competitiveness Act of 2004 (Public Law 108–465; 7 U.S.C. 1621 note) is amended by striking ''and the Commonwealth of Puerto Rico'' and inserting ''the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands''.

(c) SPECIALTY CROP BLOCK GRANTS.—Section 101 of the Specialty Crops Competitiveness Act of 2004 (Public Law 108–465; 7 U.S.C. 1621 note) is amended—

(1) in subsection (a)—

(A) by striking ''Subject to the appropriation of funds to carry out this section'' and inserting ''Using the funds made available under subsection (j)''; and

(B) by striking ''2009'' and inserting ''2012'';

(2) in subsection (b), by striking ''appropriated pursuant to the authorization of appropriations in subsection (i)'' and inserting ''made available under subsection (j)'';

(3) by striking subsection (c) and inserting the following:

''(c) MINIMUM GRANT AMOUNT.—Notwithstanding subsection (b), each State shall receive a grant under this section for each fiscal year in an amount that is at least equal to the higher of—

''(1) $100,000; or

''(2) ⅓ of 1 percent of the total amount of funding made available to carry out this section for the fiscal year.''; and

(4) by striking subsection (i) and inserting the following:

''(i) REALLOCATION.—

''(1) IN GENERAL.—The Secretary shall reallocate to other States in accordance with paragraph (2) any amounts made available for a fiscal year under this section that are not obligated or expended by a date during that fiscal year determined by the Secretary.

''(2) PRO RATA ALLOCATION.—The Secretary shall allocate funds described in paragraph (1) pro rata to the remaining States that applied during the specified grant application period.

''(3) USE OF REALLOCATED FUNDS.—Funds allocated to a State under this subsection shall be used by the State only to carry out projects that were previously approved in the State plan of the State.

''(j) FUNDING.—Of the funds of the Commodity Credit Corporation, the Secretary of Agriculture shall make grants under this section, using—

''(1) $10,000,000 for fiscal year 2008;

''(2) $49,000,000 for fiscal year 2009; and

''(3) $55,000,000 for each of fiscal years 2010 through 2012.''.

Subtitle B—Pest and Disease Management

SEC. 10201. PLANT PEST AND DISEASE MANAGEMENT AND DISASTER PREVENTION.

(a) IN GENERAL.—Subtitle A of the Plant Protection Act (7 U.S.C. 7711 et seq.) is amended by adding at the end the following:

''SEC. 420. PLANT PEST AND DISEASE MANAGEMENT AND DISASTER PREVENTION.

''(a) DEFINITIONS.—In this section:

''(1) EARLY PLANT PEST DETECTION AND SURVEILLANCE.—The term 'early plant pest detection and surveillance' means the full range of activities undertaken to find newly introduced plant pests, whether the plant pests are new to the United States or new to certain areas of the United States, before—

''(A) the plant pests become established; or

''(B) the plant pest infestations become too large and costly to eradicate or control.

''(2) SPECIALTY CROP.—The term 'specialty crop' has the meaning given the term in section 3 of the Specialty Crops Competitiveness Act of 2004 (7 U.S.C. 1621 note; Public Law 108–465).

''(3) STATE DEPARTMENT OF AGRICULTURE.—The term 'State department of agriculture' means an agency of a State that has a legal responsibility to perform early plant pest detection and surveillance activities.

''(b) EARLY PLANT PEST DETECTION AND SURVEILLANCE IMPROVEMENT PROGRAM.—

''(1) COOPERATIVE AGREEMENTS.—The Secretary shall enter into a cooperative agreement with each State department of agriculture that agrees to conduct early plant pest detection and surveillance activities.

''(2) CONSULTATION.—In carrying out this subsection, the Secretary shall consult with—

''(A) the National Plant Board; and

''(B) other interested parties.

''(3) FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to consultations under this subsection.

''(4) APPLICATION.—

''(A) IN GENERAL.—A State department of agriculture seeking to enter into a cooperative agreement under this subsection shall submit to the Secretary an application containing such information as the Secretary may require.

''(B) NOTIFICATION.—The Secretary shall notify applicants of—

''(i) the requirements to be imposed on a State department of agriculture for auditing of, and reporting on, the use of any funds provided by the Secretary under the cooperative agreement;

''(ii) the criteria to be used to ensure that early pest detection and surveillance activities supported under the cooperative agreement are based on sound scientific data or thorough risk assessments; and

''(iii) the means of identifying pathways of pest introductions.

''(5) USE OF FUNDS.—

''(A) PLANT PEST DETECTION AND SURVEILLANCE ACTIVITIES.—A State department of agriculture that receives funds under this subsection shall use the funds to carry out early plant pest detection and surveillance activities approved by the Secretary to prevent the introduction or spread of a plant pest.

''(B) SUBAGREEMENTS.—Nothing in this subsection prevents a State department of agriculture from using funds received under paragraph (4) to enter into subagreements with political subdivisions of the State that have legal responsibilities relating to agricultural plant pest and disease surveillance.

''(C) NON-FEDERAL SHARE.—The non-Federal share of the cost of carrying out a cooperative agreement under this section may be provided in-kind, including through provision of such indirect costs of the cooperative agreement as the Secretary considers to be appropriate.

''(D) ABILITY TO PROVIDE FUNDS.—The Secretary shall not take the ability to provide non-Federal costs to carry out a cooperative agreement entered into under subparagraph (A) into consideration when deciding whether to enter into a cooperative agreement with a State department of agriculture.

''(6) SPECIAL FUNDING CONSIDERATIONS.—The Secretary shall provide funds to a State department of agriculture if the Secretary determines that—

''(A) the State department of agriculture is in a State that has a high risk of being affected by 1 or more plant pests or diseases, taking into consideration—

''(i) the number of international ports of entry in the State;

''(ii) the volume of international passenger and cargo entry into the State;

''(iii) the geographic location of the State and if the location or types of agricultural commodities produced in the State are conducive to agricultural pest and disease establishment due to the climate, crop diversity, or natural resources (including unique plant species) of the State; and

''(iv) whether the Secretary has determined that an agricultural pest or disease in the State is a Federal concern ; and

''(B) the early plant pest detection and surveillance activities supported with the funds will likely—

''(i) prevent the introduction and establishment of plant pests; and

''(ii) provide a comprehensive approach to compliment Federal detection efforts.

''(7) REPORTING REQUIREMENT.—Not later than 90 days after the date of completion of an early plant pest detection and surveillance activity conducted by a State department of agriculture using funds provided under this section, the State department of agriculture shall submit to the Secretary a report that describes the purposes and results of the activities.

''(c) THREAT IDENTIFICATION AND MITIGATION PROGRAM.—

''(1) ESTABLISHMENT.—The Secretary shall establish a threat identification and mitigation program to determine and address threats to the domestic production of crops.

''(2) REQUIREMENTS.—In conducting the program established under paragraph (1), the Secretary shall—

''(A) develop risk assessments of the potential threat to the agricultural industry of the United States from foreign sources;

''(B) collaborate with the National Plant Board; and

''(C) implement action plans for high consequence plant pest and diseases to assist in preventing the introduction and widespread dissemination of new plant pest and disease threats in the United States.

''(3) REPORTS.—Not later than 1 year after the date of enactment of this paragraph, and annually thereafter, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report on the action plans described in paragraph (2), including an accounting of funds expended on the action plans.

''(d) SPECIALTY CROP CERTIFICATION AND RISK MANAGEMENT SYSTEMS.—The Secretary shall provide funds and technical assistance to specialty crop growers, organizations representing

specialty crop growers, and State and local agencies working with specialty crop growers and organizations for the development and implementation of—

''(1) audit-based certification systems, such as best management practices—

''(A) to address plant pests; and

''(B) to mitigate the risk of plant pests in the movement of plants and plant products; and

''(2) nursery plant pest risk management systems, in collaboration with the nursery industry, research institutions, and other appropriate entities—

''(A) to enable growers to identify and prioritize nursery plant pests and diseases of regulatory significance;

''(B) to prevent the introduction, establishment, and spread of those plant pests and diseases; and

''(C) to reduce the risk of and mitigate those plant pests and diseases.

''(e) FUNDING.—Of the funds of the Commodity Credit Corporation, the Secretary shall make available to carry out this section—

''(1) $12,000,000 for fiscal year 2009;

''(2) $45,000,000 for fiscal year 2010;

''(3) $50,000,000 for fiscal year 2011; and

''(4) $50,000,000 for fiscal year 2012 and each fiscal year thereafter.''.

(b) CONGRESSIONAL DISAPPROVAL.—Congress disapproves the rule submitted by the Secretary of Agriculture relating to cost-sharing for animal and plant health emergency programs (68 Fed. Reg. 40541 (2003)), and such rule shall have no force or effect.

SEC. 10202. NATIONAL CLEAN PLANT NETWORK.

(a) IN GENERAL.—The Secretary shall establish a program to be known as the ''National Clean Plant Network'' (referred to in this section as the ''Program'').

(b) REQUIREMENTS.—Under the Program, the Secretary shall establish a network of clean plant centers for diagnostic and pathogen elimination services to—

(1) produce clean propagative plant material; and

(2) maintain blocks of pathogen-tested plant material in sites located throughout the United States.

(c) AVAILABILITY OF CLEAN PLANT SOURCE MATERIAL.—Clean plant source material may be made available to—

(1) a State for a certified plant program of the State; and

(2) private nurseries and producers.

(d) CONSULTATION AND COLLABORATION.—In carrying out the Program, the Secretary shall—

(1) consult with State departments of agriculture, land grant universities, and NLGCA Institutions (as defined in section 1404 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103)); and

(2) to the extent practicable and with input from the appropriate State officials and industry representatives, use existing Federal or State facilities to serve as clean plant centers.

(e) FUNDING.—Of the funds of the Commodity Credit Corporation, the Secretary shall use to carry out the Program $5,000,000 for each of fiscal years 2009 through 2012, to remain available until expended.

SEC. 10203. PLANT PROTECTION.

(a) REVIEW OF PAYMENT OF COMPENSATION.—Section 415(e) of the Plant Protection Act (7 U.S.C. 7715(e)) is amended in the second sentence by striking ''of longer than 60 days''.

(b) SECRETARIAL DISCRETION.—Section 442(c) of the Plant Protection Act (7 U.S.C. 7772(c)) is amended by striking ''of longer than 60 days''.

(c) SUBPOENA AUTHORITY.—Section 423 of the Plant Protection Act (7 U.S.C. 7733) is amended—

(1) by striking subsection (a) and inserting the following:

''(a) AUTHORITY TO ISSUE.—The Secretary shall have the power to subpoena the attendance and testimony of any witness, the production of all evidence (including books, papers, documents, electronically stored information, and other tangible things that constitute or contain evidence), or to require the person to whom the subpoena is directed to permit the inspection of premises relating to the administration or enforcement of this title or any matter under investigation in connection with this title.'';

(2) in subsection (b), by striking ''documentary''; and

(3) in subsection (c)—

(A) in the first sentence, by striking ''testimony of any witness and the production of documentary evidence'' and inserting ''testimony of any witness, the production of evidence, or the inspection of premises''; and

(B) in the second sentence, by striking ''question or to produce documentary evidence'' and inserting ''question, produce evidence, or permit the inspection of premises''.

(d) WILLFUL VIOLATIONS.—Section 424(b)(1)(A) of the Plant Protection Act (7 U.S.C. 7734(b)(1)(A)) is amended by striking ''and $500,000 for all violations adjudicated in a single proceeding'' and inserting ''$500,000 for all violations adjudicated in a single proceeding if the violations do not include a willful violation, and $1,000,000 for all violations adjudicated in a single proceeding if the violations include a willful violation''.

SEC. 10204. REGULATIONS TO IMPROVE MANAGEMENT AND OVERSIGHT OF CERTAIN REGULATED ARTICLES.

(a) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Secretary shall—

(1) take action on each issue identified in the document entitled ''Lessons Learned and Revisions under Consideration for APHIS' Biotechnology Framework'', dated October 4, 2007; and

(2) as the Secretary considers appropriate, promulgate regulations to improve the management and oversight of articles regulated under the Plant Protection Act (7 U.S.C. 7701 et seq.).

(b) INCLUSIONS.—In carrying out subsection (a), the Secretary shall take actions that are designed to enhance—

(1) the quality and completeness of records;

(2) the availability of representative samples;

(3) the maintenance of identity and control in the event of an unauthorized release;

(4) corrective actions in the event of an unauthorized release;

(5) protocols for conducting molecular forensics;

(6) clarity in contractual agreements;

(7) the use of the latest scientific techniques for isolation and confinement distances;

(8) standards for quality management systems and effective research; and

(9) the design of electronic permits to store documents and other information relating to the permit and notification processes.

(c) CONSIDERATION.—In carrying out subsection (a), the Secretary shall consider—

(1) establishing—

(A) a system of risk-based categories to classify each regulated article;

(B) a means to identify regulated articles (including the retention of seed samples); and

(C) standards for isolation and containment distances; and

(2) requiring permit holders—

(A) to maintain a positive chain of custody;

(B) to provide for the maintenance of records;

(C) to provide for the accounting of material;

(D) to conduct periodic audits;

(E) to establish an appropriate training program;

(F) to provide contingency and corrective action plans; and

(G) to submit reports as the Secretary considers to be appropriate.

SEC. 10205. PEST AND DISEASE REVOLVING LOAN FUND.

(a) DEFINITIONS.—In this section:

(1) AUTHORIZED EQUIPMENT.—

(A) IN GENERAL.—The term ''authorized equipment'' means any equipment necessary for the management of forest land.

(B) INCLUSIONS.—The term ''authorized equipment'' includes—

(i) cherry pickers;

(ii) equipment necessary for—

(I) the construction of staging and marshalling areas;

(II) the planting of trees; and

(III) the surveying of forest land;

(iii) vehicles capable of transporting harvested trees;

(iv) wood chippers; and

(v) any other appropriate equipment, as determined by the Secretary.

(2) FUND.—The term ''Fund'' means the Pest and Disease Revolving Loan Fund established by subsection (b).

(3) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture, acting through the Deputy Chief of the State and Private Forestry organization.

(b) ESTABLISHMENT OF FUND.—There is established in the Treasury of the United States a revolving fund, to be known as the ''Pest and Disease Revolving Loan Fund'', consisting of such amounts as are appropriated to the Fund under subsection (f).

(c) EXPENDITURES FROM FUND.—

(1) IN GENERAL.—Subject to paragraph (2), on request by the Secretary, the Secretary of the Treasury shall transfer from the Fund to the Secretary such amounts as the Secretary determines are necessary to provide loans under subsection (e).

(2) ADMINISTRATIVE EXPENSES.—An amount not exceeding 10 percent of the amounts in the Fund shall be available for each fiscal year to pay the administrative expenses necessary to carry out this section.

(d) TRANSFERS OF AMOUNTS.—

(1) IN GENERAL.—The amounts required to be transferred to the Fund under this section shall be transferred at least monthly from the general fund of the Treasury to the Fund on the basis of estimates made by the Secretary of the Treasury.

(2) ADJUSTMENTS.—Proper adjustment shall be made in amounts subsequently transferred to the extent prior estimates were in excess of or less than the amounts required to be transferred.

(e) USES OF FUND.—

(1) LOANS.—

(A) IN GENERAL.—The Secretary shall use amounts in the Fund to provide loans to eligible units of local government to finance purchases of authorized equipment to monitor, remove, dispose of, and replace infested trees that are located—

(i) on land under the jurisdiction of the eligible units of local government; and

(ii) within the borders of quarantine areas infested by plant pests.

(B) MAXIMUM AMOUNT.—The maximum amount of a loan that may be provided by the Secretary to an eligible unit of local government under this subsection shall be the lesser of—

(i) the amount that the eligible unit of local government has appropriated to finance purchases of authorized equipment in accordance with subparagraph (A); or

(ii) $5,000,000.

(C) INTEREST RATE.—The interest rate on any loan made by the Secretary under this paragraph shall be a rate equal to 2 percent.

(D) REPORT.—Not later than 180 days after the date on which an eligible unit of local government receives a loan provided by the Secretary under subparagraph (A), the eligible unit of local government shall submit to the Secretary a report that describes each purchase made by the eligible unit of local government using assistance provided through the loan.

(2) LOAN REPAYMENT SCHEDULE.—

(A) IN GENERAL.—To be eligible to receive a loan from the Secretary under paragraph (1), in accordance with each requirement described in subparagraph (B), an eligible unit of local government shall enter into an agreement with the Secretary to establish a loan repayment schedule relating to the repayment of the loan.

(B) REQUIREMENTS RELATING TO LOAN REPAYMENT SCHEDULE.—A loan repayment schedule established under subparagraph (A) shall require the eligible unit of local government—

(i) to repay to the Secretary of the Treasury, not later than 1 year after the date on which the eligible unit of local government receives a loan under paragraph (1), and semiannually thereafter, an amount equal to the quotient obtained by dividing—

(I) the principal amount of the loan (including interest); by

(II) the total quantity of payments that the eligible unit of local government is required to make during the repayment period of the loan; and

(ii) not later than 20 years after the date on which the eligible unit of local government receives a loan under paragraph (1), to complete repayment to the Secretary of the Treasury of the loan made under this section (including interest).

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Fund such sums as are necessary to carry out this section.

SEC. 10206. COOPERATIVE AGREEMENTS RELATING TO PLANT PEST AND DISEASE PREVENTION ACTIVITIES.

Section 431 of the Plant Protection Act (7 U.S.C. 7751) is amended by adding at the end the following:

''(f) TRANSFER OF COOPERATIVE AGREEMENT FUND.—

''(1) IN GENERAL.—A State may provide to a unit of local government in the State described in paragraph (2) any cost-sharing assistance or financing mechanism provided to the State under a cooperative agreement entered into under this Act between the Secretary and the State relating to the eradication, prevention, control, or suppression of plant pests.

''(2) REQUIREMENTS.—To be eligible for assistance or financing under paragraph (1), a unit of local government shall be—

''(A) engaged in any activity relating to the eradication, prevention, control, or suppression of the plant pest infestation covered under the cooperative agreement between the Secretary and the State; and

''(B) capable of documenting each plant pest infestation eradication, prevention, control, or suppression activity generally carried out by—

''(i) the Department of Agriculture; or

''(ii) the State department of agriculture that has jurisdiction over the unit of local government.''.

Subtitle C—Organic Agriculture

SEC. 10301. NATIONAL ORGANIC CERTIFICATION COST-SHARE PROGRAM.

Section 10606 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 6523) is amended—

(1) in subsection (a), by striking ''$5,000,000 for fiscal year 2002'' and inserting ''$22,000,000 for fiscal year 2008'';

(2) in subsection (b)(2), by striking ''$500'' and inserting ''$750''; and

(3) by adding at the end the following:

''(c) REPORTING.—Not later than March 1 of each year, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that describes the requests by, disbursements to, and expenditures for each State under the program during the current and previous fiscal year, including the number of producers and handlers served by the program in the previous fiscal year.''.

SEC. 10302. ORGANIC PRODUCTION AND MARKET DATA INITIATIVES.

Section 7407 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 5925c) is amended to read as follows:

''SEC. 7407. ORGANIC PRODUCTION AND MARKET DATA INITIATIVES.

''(a) IN GENERAL.—The Secretary shall collect and report data on the production and marketing of organic agricultural products.

''(b) REQUIREMENTS.—In carrying out subsection (a), the Secretary shall, at a minimum—

''(1) collect and distribute comprehensive reporting of prices relating to organically produced agricultural products;

''(2) conduct surveys and analysis and publish reports relating to organic production, handling, distribution, retail, and trend studies (including consumer purchasing patterns); and

''(3) develop surveys and report statistical analysis on organically produced agricultural products.

''(c) REPORT.—Not later than 180 days after the date of enactment of this subsection, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that—

''(1) describes the progress that has been made in implementing this section; and

''(2) identifies any additional production and marketing data needs.

''(d) FUNDING.—

''(1) IN GENERAL.—Of the funds of the Commodity Credit Corporation, the Secretary shall use to carry out this section $5,000,000, to remain available until expended.

''(2) ADDITIONAL FUNDING.—In addition to funds made available under paragraph (1), there are authorized to be appropriated to carry out this section not more than $5,000,000 for each of fiscal years 2008 through 2012, to remain available until expended.''.

SEC. 10303. NATIONAL ORGANIC PROGRAM.

Section 2123 of the Organic Foods Production Act of 1990 (7 U.S.C. 6522) is amended—

(1) by striking ''There are'' and inserting the following:

''(a) IN GENERAL.—There are''; and

(2) by adding at the end the following:

''(b) NATIONAL ORGANIC PROGRAM.—Notwithstanding any other provision of law, in order to carry out activities under the national organic program established under this title, there are authorized to be appropriated—

''(1) $5,000,000 for fiscal year 2008;

''(2) $6,500,000 for fiscal year 2009;

''(3) $8,000,000 for fiscal year 2010;

''(4) $9,500,000 for fiscal year 2011;

''(5) $11,000,000 for fiscal year 2012; and

''(6) in addition to those amounts, such additional sums as are necessary for fiscal year 2009 and each fiscal year thereafter.''.

Subtitle D—Miscellaneous

SEC. 10401. NATIONAL HONEY BOARD.

Section 7(c) of the Honey Research, Promotion, and Consumer Information Act (7 U.S.C. 4606(c)) is amended by adding at the end the following:

''(12) REFERENDUM REQUIREMENT.—

''(A) DEFINITION OF EXISTING HONEY BOARD.—The term 'existing Honey Board' means the Honey Board in effect on the date of enactment of this paragraph.

''(B) CONDUCT OF REFERENDA.—Notwithstanding any other provision of law, subject to subparagraph (C), the order providing for the establishment and operation of the existing Honey Board shall continue in force, until the Secretary first conducts, at the earliest practicable date, but not later than 180 days after the date of enactment of this paragraph, referenda on orders to establish a honey packer-importer board or a United States honey producer board.

''(C) REQUIREMENTS.—In conducting referenda under subparagraph (B), and in exercising fiduciary responsibilities in any transition to any 1 or more successor boards, the Secretary shall—

''(i) conduct a referendum of eligible United States honey producers for the establishment of a marketing board solely for United States honey producers;

''(ii) conduct a referendum of eligible packers, importers, and handlers of honey for the establishment of a marketing board for packers, importers, and handlers of honey;

''(iii) notwithstanding the timing of the referenda required under clauses (i) and (ii) or of the establishment of any 1 or more successor boards pursuant to those referenda, ensure that the rights and interests of honey producers, importers, packers, and handlers of honey are equitably protected in any disposition of the assets, facilities, intellectual property, and programs of the existing Honey Board and in the transition to any 1 or more new successor marketing boards;

''(iv) ensure that the existing Honey Board continues in operation until such time as the Secretary determines that—

''(I) any 1 or more successor boards, if approved, are operational; and

''(II) the interests of producers, importers, packers, and handlers of honey can be equitably protected during any remaining period in which a referendum on a successor board or the establishment of such a board is pending; and

''(v) discontinue collection of assessments under the order establishing the existing Honey Board on the date the Secretary requires that collections commence pursuant to an order approved in a referendum by eligible producers or processors and importers of honey.

''(D) HONEY BOARD REFERENDUM.—If 1 or more orders are approved pursuant to paragraph (C)—

''(i) the Secretary shall not be required to conduct a continuation referendum on the order in existence on the date of enactment of this paragraph; and

''(ii) that order shall be terminated pursuant to the provisions of the order.''.

SEC. 10402. IDENTIFICATION OF HONEY.

(a) IN GENERAL.—Section 203(h) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1622(h)) is amended—

(1) by designating the first through sixth sentences as paragraphs (1), (2)(A), (2)(B), (3), (4), and (5), respectively; and

(2) by adding at the end the following:

''(6) IDENTIFICATION OF HONEY.—

''(A) IN GENERAL.—The use of a label or advertising material on, or in conjunction with, packaged honey that bears any official certificate of quality, grade mark or statement, continuous inspection mark or statement, sampling mark or statement, or any combination of the certificates, marks, or statements of the Department of Agriculture is hereby prohibited under this Act unless there appears legibly and permanently in close proximity (such as on the same side(s) or surface(s)) to the certificate, mark, or statement, and in at least a comparable size, the 1 or more names of the 1 or more countries of origin of the lot or container of honey, preceded by the words 'Product of' or other words of similar meaning.

''(B) VIOLATION.—A violation of the requirements of subparagraph (A) may be deemed by the Secretary to be sufficient cause for debarment from the benefits of this Act only with respect to honey.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) take effect on the date that is 1 year after the date of enactment of this Act.

SEC. 10403. GRANT PROGRAM TO IMPROVE MOVEMENT OF SPECIALTY CROPS.

(a) GRANTS AUTHORIZED.—The Secretary may make grants under this section to an eligible entity described in subsection (b)—

(1) to improve the cost-effective movement of specialty crops to local, regional, national, and international markets; and

(2) to address regional intermodal transportation deficiencies that adversely affect the movement of specialty crops to markets inside or outside the United States.

(b) ELIGIBLE GRANT RECIPIENTS.—Grants may be made under this section to any of, or any combination of:

(1) State and local governments.

(2) Grower cooperatives.

(3) National, State, or regional organizations of producers, shippers, or carriers.

(4) Other entities as determined to be appropriate by the Secretary.

(c) MATCHING FUNDS.—The recipient of a grant under this section shall contribute an amount of non-Federal funds toward the project for which the grant is provided that is at least equal to the amount of grant funds received by the recipient under this section.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as are necessary for each of fiscal years 2008 through 2012.

SEC. 10404. MARKET LOSS ASSISTANCE FOR ASPARAGUS PRODUCERS.

(a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall make payments to producers of the 2007 crop of asparagus for market loss resulting from imports during the 2004 through 2007 crop years.

(b) PAYMENT RATE.—The payment rate for a payment under this section shall be based on the reduction in revenue received by asparagus producers associated with imports during the 2004 through 2007 crop years.

(c) PAYMENT QUANTITY.—The payment quantity for asparagus for which the producers on a farm are eligible for payments under this section shall be equal to the average quantity of the 2003 crop of asparagus produced by producers on the farm.

(d) FUNDING.—

(1) IN GENERAL.—Subject to paragraph (2), the Secretary shall make available $15,000,000 of the funds of the Commodity Credit Corporation to carry out a program to provide market loss payments to producers of asparagus under this section.

(2) ALLOCATION.—Of the amount made available under paragraph (1), the Secretary shall use—

(A) $7,500,000 to make payments to producers of asparagus for the fresh market; and

(B) $7,500,000 to make payments to producers of asparagus for the processed or frozen market.

TITLE XI—LIVESTOCK

SEC. 11001. LIVESTOCK MANDATORY REPORTING.

(a) WEB SITE IMPROVEMENTS AND USER EDUCATION.—

(1) IN GENERAL.—Section 251(g) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1636(g)) is amended to read as follows:

''(g) ELECTRONIC REPORTING AND PUBLISHING.—

''(1) IN GENERAL.—The Secretary shall, to the maximum extent practicable, provide for the reporting and publishing of the information required under this subtitle by electronic means.

''(2) IMPROVEMENTS AND EDUCATION.—

''(A) ENHANCED ELECTRONIC PUBLISHING.—The Secretary shall develop and implement an enhanced system of electronic publishing to disseminate information collected pursuant to this subtitle. Such system shall—

''(i) present information in a format that can be readily understood by producers, packers, and other market participants;

''(ii) adhere to the publication deadlines in this subtitle;

''(iii) present information in charts and graphs, as appropriate;

''(iv) present comparative information for prior reporting periods, as the Secretary considers appropriate; and

''(v) be updated as soon as practicable after information is reported to the Secretary.

''(B) EDUCATION.—The Secretary shall carry out a market news education program to educate the public and persons in the livestock and meat industries about—

''(i) usage of the system developed under subparagraph (A); and

''(ii) interpreting and understanding information collected and disseminated through such system.''.

(2) APPLICABILITY.—

(A) ENHANCED REPORTING.—The Secretary of Agriculture shall develop and implement the system required under paragraph (2)(A) of section 251(g) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1636(g)), as amended by paragraph (1), not later than one year after the date on which the Secretary determines sufficient funds have been appropriated pursuant to subsection (c).

(B) CURRENT SYSTEM.—Notwithstanding the amendment made by paragraph (1), the Secretary shall continue to use the information format for disseminating information under subtitle B of the Agricultural Marketing Act of 1946 (7 U.S.C. 1621 et seq.) in effect on the date of the enactment of this Act at least until the date that is two years after the date on which the Secretary makes the determination referred to in subparagraph (A).

(b) STUDY AND REPORT.—

(1) STUDY.—The Secretary shall conduct a study on the effects of requiring packer processing plants to report to the Secretary information on wholesale pork cuts (including price and volume information), including—

(A) the positive or negative economic effects on producers and consumers; and

(B) the effects of a confidentiality requirement on mandatory reporting.

(2) INFORMATION.—During the period preceding the submission of the report under paragraph (3), the Secretary may collect, and each packer processing plant shall provide, such information as is necessary to enable the Secretary to conduct the study required under paragraph (1).

(3) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report on the results of the study conducted under paragraph (1).

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 11002. COUNTRY OF ORIGIN LABELING.

Subtitle D of the Agricultural Marketing Act of 1946 (7 U.S.C. 1638 et seq.) is amended—

(1) in section 281(2)(A)—

(A) in clause (v), by striking ''and'';

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

(C) by adding at the end the following:

''(vii) meat produced from goats;

''(viii) chicken, in whole and in part;

''(ix) ginseng;

''(x) pecans; and

''(xi) macadamia nuts.'';

(2) in section 282—

(A) in subsection (a), by striking paragraphs (2) and (3) and inserting the following:

''(2) DESIGNATION OF COUNTRY OF ORIGIN FOR BEEF, LAMB, PORK, CHICKEN, AND GOAT MEAT.—

''(A) UNITED STATES COUNTRY OF ORIGIN.—A retailer of a covered commodity that is beef, lamb, pork, chicken, or goat meat may designate the covered commodity as exclusively having a United States country of origin only if the covered commodity is derived from an animal that was—

''(i) exclusively born, raised, and slaughtered in the United States;

''(ii) born and raised in Alaska or Hawaii and transported for a period of not more than 60 days through Canada to the United States and slaughtered in the United States; or

''(iii) present in the United States on or before July 15, 2008, and once present in the United States, remained continuously in the United States.

''(B) MULTIPLE COUNTRIES OF ORIGIN.—

''(i) IN GENERAL.—A retailer of a covered commodity that is beef, lamb, pork, chicken, or goat meat that is derived from an animal that is—

''(I) not exclusively born, raised, and slaughtered in the United States,

''(II) born, raised, or slaughtered in the United States, and

''(III) not imported into the United States for immediate slaughter,

may designate the country of origin of such covered commodity as all of the countries in which the animal may have been born, raised, or slaughtered.

''(ii) RELATION TO GENERAL REQUIREMENT.—Nothing in this subparagraph alters the mandatory requirement to inform consumers of the country of origin of covered commodities under paragraph (1).

''(C) IMPORTED FOR IMMEDIATE SLAUGHTER.—A retailer of a covered commodity that is beef, lamb, pork, chicken, or goat meat that is derived from an animal that is imported into the United States for immediate slaughter shall designate the origin of such covered commodity as—

''(i) the country from which the animal was imported; and

''(ii) the United States.

''(D) FOREIGN COUNTRY OF ORIGIN.—A retailer of a covered commodity that is beef, lamb, pork, chicken, or goat meat that is derived from an animal that is not born, raised, or slaughtered in the United States shall designate a country other than the United States as the country of origin of such commodity.

''(E) GROUND BEEF, PORK, LAMB, CHICKEN, AND GOAT.—The notice of country of origin for ground beef, ground pork, ground lamb, ground chicken, or ground goat shall include—

''(i) a list of all countries of origin of such ground beef, ground pork, ground lamb, ground chicken, or ground goat; or

''(ii) a list of all reasonably possible countries of origin of such ground beef, ground pork, ground lamb, ground chicken, or ground goat.

''(3) DESIGNATION OF COUNTRY OF ORIGIN FOR FISH.—

''(A) IN GENERAL.—A retailer of a covered commodity that is farm-raised fish or wild fish may designate the covered commodity as having a United States country of origin only if the covered commodity—

''(i) in the case of farm-raised fish, is hatched, raised, harvested, and processed in the United States; and

''(ii) in the case of wild fish, is—

''(I) harvested in the United States, a territory of the United States, or a State, or by a vessel that is documented under chapter 121 of title 46, United States Code, or registered in the United States; and

''(II) processed in the United States, a territory of the United States, or a State, including the waters thereof, or aboard a vessel that is documented under chapter 121 of title 46, United States Code, or registered in the United States.

''(B) DESIGNATION OF WILD FISH AND FARM-RAISED FISH.—The notice of country of origin for wild fish and farm-raised fish shall distinguish between wild fish and farm-raised fish.

''(4) DESIGNATION OF COUNTRY OF ORIGIN FOR PERISHABLE AGRICULTURAL COMMODITIES, GINSENG, PEANUTS, PECANS, AND MACADAMIA NUTS.—

''(A) IN GENERAL.—A retailer of a covered commodity that is a perishable agricultural commodity, ginseng, peanut, pecan, or macadamia nut may designate the covered commodity as having a United States country of origin only if the covered commodity is exclusively produced in the United States.

''(B) STATE, REGION, LOCALITY OF THE UNITED STATES.—With respect to a covered commodity that is a perishable agricultural commodity, ginseng, peanut, pecan, or macadamia nut produced exclusively in the United States, designation by a retailer of the State, region, or locality of the United States where such commodity was produced shall be sufficient to identify the United States as the country of origin.''; and

(B) by striking subsection (d) and inserting the following:

''(d) AUDIT VERIFICATION SYSTEM.—

''(1) IN GENERAL.—The Secretary may conduct an audit of any person that prepares, stores, handles, or distributes a covered commodity for retail sale to verify compliance with this subtitle (including the regulations promulgated under section 284(b)).

''(2) RECORD REQUIREMENTS.—

''(A) IN GENERAL.—A person subject to an audit under paragraph (1) shall provide the Secretary with verification of the country of origin of covered commodities. Records maintained in the course of the normal conduct of the business of such person, including animal health papers, import or customs documents, or producer affidavits, may serve as such verification.

''(B) PROHIBITION ON REQUIREMENT OF ADDITIONAL RECORDS.—The Secretary may not require a person that prepares, stores, handles, or distributes a covered commodity to maintain a record of the country of origin of a covered commodity other than those maintained in the course of the normal conduct of the business of such person.''; and

(3) in section 283—

(A) by striking subsections (a) and (c);

(B) by redesignating subsection (b) as subsection (a);

(C) in subsection (a) (as so redesignated), by striking ''retailer'' and inserting ''retailer or person engaged in the business of supplying a covered commodity to a retailer''; and

(D) by adding at the end the following new subsection:

''(b) FINES.—If, on completion of the 30-day period described in subsection (a)(2), the Secretary determines that the retailer or person engaged in the business of supplying a covered commodity to a retailer has—

''(1) not made a good faith effort to comply with section 282, and

''(2) continues to willfully violate section 282 with respect to the violation about which the retailer or person received notification under subsection (a)(1),

after providing notice and an opportunity for a hearing before the Secretary with respect to the violation, the Secretary may fine the retailer or person in an amount of not more than $1,000 for each violation.''.

SEC. 11003. AGRICULTURAL FAIR PRACTICES ACT OF 1967 DEFINITIONS.

Section 3 of the Agricultural Fair Practices Act of 1967 (7 U.S.C. 2302) is amended—

(1) by striking ''When used in this Act—'' and inserting ''In this Act:'';

(2) in subsection (a)—

(A) by redesignating paragraphs (1) through (4) as clauses (i) through (iv), respectively; and

(B) in clause (iv) (as so redesignated), by striking ''clause (1), (2), or (3) of this paragraph'' and inserting ''clause (i), (ii), or (iii)'';

(3) by striking subsection (d);

(4) by redesignating subsections (a), (b), (c), and (e) as paragraphs (3), (4), (2), (1), respectively, indenting appropriately, and moving those paragraphs so as to appear in numerical order;

(5) in each paragraph (as so redesignated) that does not have a heading, by inserting a heading, in the same style as the heading in the amendment made by paragraph (6), the text of which is comprised of the term defined in the paragraph;

(6) in paragraph (2) (as so redesignated)—

(A) by striking ''The term 'association of producers' means'' and inserting the following:

''(2) ASSOCIATION OF PRODUCERS.—

''(A) IN GENERAL.—The term 'association of producers' means''; and

(B) by adding at the end the following:

''(B) INCLUSION.—The term 'association of producers' includes an organization whose membership is exclusively limited to agricultural producers and dedicated to promoting the common interest and general welfare of producers of agricultural products.''; and

(7) in paragraph (3) (as so redesignated)—

(A) by striking ''The term'' and inserting the following:

''(3) HANDLER.—

''(A) IN GENERAL.—The term''; and

(B) by inserting after clause (iv) of subparagraph (A) (as redesignated by subparagraph (A) and paragraph (2)) the following:

''(B) EXCLUSION.—The term 'handler' does not include a person, other than a packer (as defined in section 201 of the Packers and Stockyards Act, 1921 (7 U.S.C. 191)), that provides custom feeding services for a producer.''.

SEC. 11004. ANNUAL REPORT.

(a) IN GENERAL.—The Packers and Stockyards Act, 1921, is amended—

(1) by redesignating section 416 (7 U.S.C. 229) as section 417; and

(2) by inserting after section 415 (7 U.S.C. 228d) the following:

''SEC. 416. ANNUAL REPORT.

''(a) IN GENERAL.—Not later than March 1 of each year, the Secretary shall submit to Congress and make publicly available a report that—

''(1) states, for the preceding year, separately for livestock and poultry and separately by enforcement area category (financial, trade practice, or competitive acts and practices), with respect to investigations into possible violations of this Act—

''(A) the number of investigations opened;

''(B) the number of investigations that were closed or settled without a referral to the General Counsel of the Department of Agriculture;

''(C) for investigations described in subparagraph (B), the length of time from initiation of the investigation to when the investigation was closed or settled without the filing of an enforcement complaint;

''(D) the number of investigations that resulted in referral to the General Counsel of the Department of Agriculture for further action, the number of such referrals resolved without administrative enforcement action, and the number of enforcement actions filed by the General Counsel;

''(E) for referrals to the General Counsel that resulted in an administrative enforcement action being filed, the length of time from the referral to the filing of the administrative action;

''(F) for referrals to the General Counsel that resulted in an administrative enforcement action being filed, the length of time from filing to resolution of the administrative enforcement action;

''(G) the number of investigations that resulted in referral to the Department of Justice for further action, and the number of civil enforcement actions filed by the Department of Justice on behalf of the Secretary pursuant to such a referral;

''(H) for referrals that resulted in a civil enforcement action being filed by the Department of Justice, the length of time from the referral to the filing of the enforcement action;

''(I) for referrals that resulted in a civil enforcement action being filed by the Department of Justice, the length of time from the filing of the enforcement action to resolution; and

''(J) the average civil penalty imposed in administrative or civil enforcement actions for violations of this Act, and the total amount of civil penalties imposed in all such enforcement actions; and

''(2) includes any other additional information the Secretary considers important to include in the annual report.

''(b) FORMAT OF INFORMATION PROVIDED.—For subparagraphs (C), (E), (F), and (H) of subsection (a)(1), the Secretary may, if appropriate due to the number of complaints for a given category, provide summary statistics (including range, maximum, minimum, mean, and average times) and graphical representations.''.

(b) SUNSET.—Effective September 30, 2012, section 416 of the Packers and Stockyards Act, 1921, as added by subsection (a)(2), is repealed.

SEC. 11005. PRODUCTION CONTRACTS.

Title II of the Packers and Stockyards Act, 1921 (7 U.S.C. 198 et seq.) is amended by adding at the end the following:

''SEC. 208. PRODUCTION CONTRACTS.

''(a) RIGHT OF CONTRACT PRODUCERS TO CANCEL PRODUCTION CONTRACTS.—

''(1) IN GENERAL.—A poultry grower or swine production contract grower may cancel a poultry growing arrangement or swine production contract by mailing a cancellation notice to the live poultry dealer or swine contractor not later than the later of—

''(A) the date that is 3 business days after the date on which the poultry growing arrangement or swine production contract is executed; or

''(B) any cancellation date specified in the poultry growing arrangement or swine production contract.

''(2) DISCLOSURE.—A poultry growing arrangement or swine production contract shall clearly disclose—

''(A) the right of the poultry grower or swine production contract grower to cancel the poultry growing arrangement or swine production contract;

''(B) the method by which the poultry grower or swine production contract grower may cancel the poultry growing arrangement or swine production contract; and

''(C) the deadline for canceling the poultry growing arrangement or swine production contract.

''(b) REQUIRED DISCLOSURE OF ADDITIONAL CAPITAL INVESTMENTS IN PRODUCTION CONTRACTS.—

''(1) IN GENERAL.—A poultry growing arrangement or swine production contract shall contain on the first page a statement identified as 'Additional Capital Investments Disclosure Statement', which shall conspicuously state that additional large capital investments may be required of the poultry grower or swine production contract grower during the term of the poultry growing arrangement or swine production contract.

''(2) APPLICATION.—Paragraph (1) shall apply to any poultry growing arrangement or swine production contract entered into, amended, altered, modified, renewed, or extended after the date of the enactment of this section.

''SEC. 209. CHOICE OF LAW AND VENUE.

''(a) LOCATION OF FORUM.—The forum for resolving any dispute among the parties to a poultry growing arrangement or swine production or marketing contract that arises out of the arrangement or contract shall be located in the Federal judicial district in which the principle part of the performance takes place under the arrangement or contract.

''(b) CHOICE OF LAW.—A poultry growing arrangement or swine production or marketing contract may specify which State's law is to apply to issues governed by State law in any dispute arising out of the arrangement or contract, except to the extent that doing so is prohibited by the law of the State in which the principal part of the performance takes place under the arrangement or contract.

''SEC. 210. ARBITRATION.

''(a) IN GENERAL.—Any livestock or poultry contract that contains a provision requiring the use of arbitration to resolve any controversy that may arise under the contract shall contain a provision that allows a producer or grower, prior to entering the contract to decline to be bound by the arbitration provision.

''(b) DISCLOSURE.—Any livestock or poultry contract that contains a provision requiring the use of arbitration shall contain terms that conspicuously disclose the right of the contract producer or grower, prior to entering the contract, to decline the requirement to use arbitration to resolve any controversy that may arise under the livestock or poultry contract.

''(c) DISPUTE RESOLUTION.—Any contract producer or grower that declines a requirement of arbitration pursuant to subsection (b) has the right, to nonetheless seek to resolve any controversy that may arise under the livestock or poultry contract, if, after the controversy arises, both parties consent in writing to use arbitration to settle the controversy.

''(d) APPLICATION.—Subsections (a) (b) and (c) shall apply to any contract entered into, amended, altered, modified, renewed, or extended after the date of the enactment of the Food, Conservation, and Energy Act of 2008.

''(e) UNLAWFUL PRACTICE.—Any action by or on behalf of a packer, swine contractor, or live

poultry dealer that violates this section (including any action that has the intent or effect of limiting the ability of a producer or grower to freely make a choice described in subsection (b)) is an unlawful practice under this Act.

''(f) REGULATIONS.—The Secretary shall promulgate regulations to—

''(1) carry out this section; and

''(2) establish criteria that the Secretary will consider in determining whether the arbitration process provided in a contract provides a meaningful opportunity for the grower or producer to participate fully in the arbitration process.''.

SEC. 11006. REGULATIONS.

As soon as practicable, but not later than 2 years after the date of the enactment of this Act, the Secretary of Agriculture shall promulgate regulations with respect to the Packers and Stockyards Act, 1921 (7 U.S.C. 181 et seq.) to establish criteria that the Secretary will consider in determining—

(1) whether an undue or unreasonable preference or advantage has occurred in violation of such Act;

(2) whether a live poultry dealer has provided reasonable notice to poultry growers of any suspension of the delivery of birds under a poultry growing arrangement;

(3) when a requirement of additional capital investments over the life of a poultry growing arrangement or swine production contract constitutes a violation of such Act; and

(4) if a live poultry dealer or swine contractor has provided a reasonable period of time for a poultry grower or a swine production contract grower to remedy a breach of contract that could lead to termination of the poultry growing arrangement or swine production contract.

SEC. 11007. SENSE OF CONGRESS REGARDING PSEUDORABIES ERADICATION PROGRAM.

It is the sense of Congress that—

(1) the Secretary of Agriculture should recognize the threat feral swine pose to the domestic swine population and the entire livestock industry;

(2) keeping the United States commercial swine herd free of pseudorabies is essential to maintaining and growing pork export markets;

(3) the establishment and continued support of a swine surveillance system will assist the swine industry in the monitoring, surveillance, and eradication of pseudorabies; and

(4) pseudorabies eradication is a high priority that the Secretary should carry out under the authorities of the Animal Health Protection Act.

SEC. 11008. SENSE OF CONGRESS REGARDING THE CATTLE FEVER TICK ERADICATION PROGRAM.

It is the sense of Congress that—

(1) the cattle fever tick and the southern cattle tick are vectors of the causal agent of babesiosis, a severe and often fatal disease of cattle; and

(2) implementing a national strategic plan for the cattle fever tick eradication program is a high priority that the Secretary of Agriculture should carry out in order to—

(A) prevent the entry of cattle fever ticks into the United States;

(B) enhance and maintain an effective surveillance program to rapidly detect any cattle fever tick incursions; and

(C) research, identify, and procure the tools and knowledge necessary to prevent and eradicate cattle fever ticks in the United States.

SEC. 11009. NATIONAL SHEEP INDUSTRY IMPROVEMENT CENTER.

(a) FUNDING.—Section 375(e)(6) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2008j(e)(6)) is amended by striking subparagraphs (B) and (C) and inserting the following:

''(B) MANDATORY FUNDING.—Of the funds of the Commodity Credit Corporation, the Secretary shall use to carry out this section $1,000,000 for fiscal year 2008, to remain available until expended.

''(C) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $10,000,000 for each of fiscal years 2008 through 2012.''.

(b) REPEAL OF REQUIREMENT TO PRIVATIZE REVOLVING FUND.—

(1) IN GENERAL.—Section 375 of the Consolidated Farm and Rural Development Act (7 U.S.C. 2008j) is amended by striking subsection (j).

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) takes effect on May 1, 2007.

SEC. 11010. TRICHINAE CERTIFICATION PROGRAM.

(a) VOLUNTARY TRICHINAE CERTIFICATION.—

(1) ESTABLISHMENT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Agriculture shall establish a voluntary trichinae certification program. Such program shall include the facilitation of the export of pork products and certification services related to such products.

(2) REGULATIONS.—The Secretary shall issue final regulations to implement the program under paragraph (1) not later than 90 days after the date of the enactment of this Act.

(3) REPORT.—If final regulations are not published in accordance with paragraph (2) within 90 days of the date of the enactment of this Act, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report containing—

(A) an explanation of why the final regulations have not been issued in accordance with paragraph (2); and

(B) the date on which the Secretary expects to issue such final regulations.

(b) FUNDING.—Subject to the availability of appropriations under subsection (d)(1)(A) of section 10405 of the Animal Health Protection Act (7 U.S.C. 8304), as added by subsection (c), the Secretary shall use not less than $6,200,000 of the funds made available under such subsection to carry out subsection (a).

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 10405 of the Animal Health Protection Act (7 U.S.C. 8304) is amended by adding at the end the following new subsection:

''(d) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—There is authorized to be appropriated—

''(A) $1,500,000 for each of fiscal years 2008 through 2012 to carry out section 11010 of the Food, Conservation, and Energy Act of 2008; and

''(B) such sums as may be necessary for each of fiscal years 2008 through 2012 to carry out this section.

''(2) AVAILABILITY.—Funds appropriated under paragraph (1) shall remain available until expended.''.

SEC. 11011. LOW PATHOGENIC DISEASES.

The Animal Health Protection Act (7 U.S.C. 8301 et seq.) is amended—

(1) in section 10407(d)(2)(C) (7 U.S.C. 8306(d)(2)(C)), by striking ''of longer than 60 days'';

(2) in section 10409(b) (7 U.S.C. 8308(b))—

(A) by redesignating paragraph (2) as paragraph (3);

(B) by inserting after paragraph (1) the following new paragraph:

''(2) SPECIFIC COOPERATIVE PROGRAMS.—The Secretary shall compensate industry participants and State agencies that cooperate with the Secretary in carrying out operations and measures under subsection (a) for 100 percent of eligible costs relating to cooperative programs involving Federal, State, and industry participants to control diseases of low pathogenicity in accordance with regulations issued by the Secretary.''; and

(C) in paragraph (3) (as so redesignated), by striking ''of longer than 60 days''; and

(3) in section 10417(b)(3) (7 U.S.C. 8316(b)(3)), by striking ''of longer than 60 days''.

SEC. 11012. ANIMAL PROTECTION.

(a) WILLFUL VIOLATIONS.—Section 10414(b)(1)(A) of the Animal Health Protection Act (7 U.S.C. 8316(b)(1)(A)) is amended by striking clause (iii) and inserting the following:

''(iii) for all violations adjudicated in a single proceeding—

''(I) $500,000 if the violations do not include a willful violation; or

''(II) $1,000,000 if the violations include 1 or more willful violations.''.

(b) SUBPOENA AUTHORITY.—Section 10415(a)(2) of the Animal Health Protection Act (7 U.S.C. 8314) is amended

(1) by striking subparagraph (A) and inserting the following:

''(A) IN GENERAL.—The Secretary shall have the power to subpoena the attendance and testimony of any witness, the production of all evidence (including books, papers, documents, electronically stored information, and other tangible things that constitute or contain evidence), or to require the person to whom the subpoena is directed to permit the inspection of premises relating to the administration or enforcement of this title or any matter under investigation in connection with this title.'';

(2) in subparagraph (B), by striking ''documentary''; and

(3) in subparagraph (C)—

(A) in clause (i), by striking ''testimony of any witness and the production of documentary evidence'' and inserting ''testimony of any witness, the production of evidence, or the inspection of premises''; and

(B) in clause (ii), by striking ''question or to produce documentary evidence'' and inserting ''question, produce evidence, or permit the inspection of premises''.

SEC. 11013. NATIONAL AQUATIC ANIMAL HEALTH PLAN.

(a) IN GENERAL.—The Secretary of Agriculture may enter into a cooperative agreement with an eligible entity to carry out a project under a national aquatic animal health plan under the authority of the Secretary under section 10411 of the Animal Health Protection Act (7 U.S.C. 8310) for the purpose of detecting, controlling, or eradicating diseases of aquaculture species and promoting species-specific best management practices.

(b) COOPERATIVE AGREEMENTS BETWEEN ELIGIBLE ENTITIES AND THE SECRETARY.—

(1) DUTIES.—As a condition of entering into a cooperative agreement with the Secretary under this section, an eligible entity shall agree to—

(A) assume responsibility for the non-Federal share of the cost of carrying out the project under the national aquatic health plan, as determined by the Secretary in accordance with paragraph (2); and

(B) act in accordance with applicable disease and species specific best management practices relating to activities to be carried out under such project.

(2) NON-FEDERAL SHARE.—The Secretary shall determine the non-Federal share of the cost of carrying out a project under the national aquatic health plan on a case-by-case basis for each such project. Such non-Federal share may be provided in cash or in-kind.

(c) APPLICABILITY OF OTHER LAWS.—In carrying out this section, the Secretary may make use of the authorities under the Animal Health Protection Act (7 U.S.C. 8301 et seq.), including the authority to carry out operations and measures to detect, control, and eradicate pests and diseases and the authority to pay claims arising out of the destruction of any animal, article, or means of conveyance.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary to carry out this section for each of fiscal years 2008 through 2012.

(e) ELIGIBLE ENTITY DEFINED.—In this section, the term ''eligible entity'' means a State, a political subdivision of a State, Indian tribe, or other appropriate entity, as determined by the Secretary of Agriculture.

SEC. 11014. STUDY ON BIOENERGY OPERATIONS.

(a) STUDY.—The Secretary of Agriculture shall conduct a study to evaluate the role of

animal manure as a source of fertilizer and its potential additional uses. Such study shall include—

(1) a determination of the extent to which animal manure is utilized as fertilizer in agricultural operations by type (including species and agronomic practices employed) and size;

(2) an evaluation of the potential impact on consumers and on agricultural operations (by size) resulting from limitations being placed on the utilization of animal manure as fertilizer; and

(3) an evaluation of the effects on agriculture production contributable to the increased competition for animal manure use due to bioenergy production, including as a feedstock or a replacement for fossil fuels.

(b) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate the results of the study conducted under subsection (a).

SEC. 11015. INTERSTATE SHIPMENT OF MEAT AND POULTRY INSPECTED BY FEDERAL AND STATE AGENCIES FOR CERTAIN SMALL ESTABLISHMENTS.

(a) MEAT AND MEAT PRODUCTS.—The Federal Meat Inspection Act (21 U.S.C. 601 et seq.) is amended by adding at the end the following:

"TITLE V—INSPECTIONS BY FEDERAL AND STATE AGENCIES

"SEC. 501. INTERSTATE SHIPMENT OF MEAT INSPECTED BY FEDERAL AND STATE AGENCIES FOR CERTAIN SMALL ESTABLISHMENTS.

''(a) DEFINITIONS.—

''(1) APPROPRIATE STATE AGENCY.—The term 'appropriate State agency' means a State agency described in section 301(b).

''(2) DESIGNATED PERSONNEL.—The term 'designated personnel' means inspection personnel of a State agency that have undergone all necessary inspection training and certification to assist the Secretary in the administration and enforcement of this Act, including rules and regulations issued under this Act.

''(3) ELIGIBLE ESTABLISHMENT.—The term 'eligible establishment' means an establishment that is in compliance with—

''(A) the State inspection program of the State in which the establishment is located; and

''(B) this Act, including rules and regulations issued under this Act.

''(4) MEAT ITEM.—The term 'meat item' means—

''(A) a portion of meat; and

''(B) a meat food product.

''(5) SELECTED ESTABLISHMENT.—The term 'selected establishment' means an eligible establishment that is selected by the Secretary, in coordination with the appropriate State agency of the State in which the eligible establishment is located, under subsection (b) to ship carcasses, portions of carcasses, and meat items in interstate commerce.

''(b) AUTHORITY OF SECRETARY TO ALLOW SHIPMENTS.—

''(1) IN GENERAL.—Subject to paragraph (2), the Secretary, in coordination with the appropriate State agency of the State in which an establishment is located, may select the establishment to ship carcasses, portions of carcasses, and meat items in interstate commerce, and place on each carcass, portion of a carcass, and meat item shipped in interstate commerce a Federal mark, stamp, tag, or label of inspection, if—

''(A) the carcass, portion of carcass, or meat item qualifies for the mark, stamp, tag, or label of inspection under the requirements of this Act;

''(B) the establishment is an eligible establishment; and

''(C) inspection services for the establishment are provided by designated personnel.

''(2) PROHIBITED ESTABLISHMENTS.—In carrying out paragraph (1), the Secretary, in coordination with an appropriate State agency, shall not select an establishment that—

''(A) on average, employs more than 25 employees (including supervisory and nonsupervisory employees), as defined by the Secretary;

''(B) as of the date of the enactment of this section, ships in interstate commerce carcasses, portions of carcasses, or meat items that are inspected by the Secretary in accordance with this Act;

''(C)(i) is a Federal establishment;

''(ii) was a Federal establishment that was reorganized on a later date under the same name or a different name or person by the person, firm, or corporation that controlled the establishment as of the date of the enactment of this section; or

''(iii) was a State establishment as of the date of the enactment of this section that—

''(I) as of the date of the enactment of this section, employed more than 25 employees; and

''(II) was reorganized on a later date by the person, firm, or corporation that controlled the establishment as of the date of the enactment of this section;

''(D) is in violation of this Act;

''(E) is located in a State that does not have a State inspection program; or

''(F) is the subject of a transition carried out in accordance with a procedure developed by the Secretary under paragraph (3)(A).

''(3) ESTABLISHMENTS THAT EMPLOY MORE THAN 25 EMPLOYEES.—

''(A) DEVELOPMENT OF PROCEDURE.—The Secretary may develop a procedure to transition to a Federal establishment any establishment under this section that, on average, consistently employs more than 25 employees.

''(B) ELIGIBILITY OF CERTAIN ESTABLISHMENTS.—

''(i) IN GENERAL.—A State establishment that employs more than 25 employees but less than 35 employees as of the date of the enactment of this section may be selected as a selected establishment under this subsection.

''(ii) PROCEDURES.—A State establishment shall be subject to the procedures established under subparagraph (A) beginning on the date that is 3 years after the effective date described in subsection (j).

''(c) REIMBURSEMENT OF STATE COSTS.—The Secretary shall reimburse a State for costs related to the inspection of selected establishments in the State in accordance with Federal requirements in an amount of not less than 60 percent of eligible State costs.

''(d) COORDINATION BETWEEN FEDERAL AND STATE AGENCIES.—

''(1) IN GENERAL.—The Secretary shall designate an employee of the Federal Government as State coordinator for each appropriate State agency—

''(A) to provide oversight and enforcement of this title; and

''(B) to oversee the training and inspection activities of designated personnel of the State agency.

''(2) SUPERVISION.—A State coordinator shall be under the direct supervision of the Secretary.

''(3) DUTIES OF STATE COORDINATOR.—

''(A) IN GENERAL.—A State coordinator shall visit selected establishments with a frequency that is appropriate to ensure that selected establishments are operating in a manner that is consistent with this Act (including regulations and policies under this Act).

''(B) QUARTERLY REPORTS.—A State coordinator shall, on a quarterly basis, submit to the Secretary a report that describes the status of each selected establishment that is under the jurisdiction of the State coordinator with respect to the level of compliance of each selected establishment with the requirements of this Act.

''(C) IMMEDIATE NOTIFICATION REQUIREMENT.—If a State coordinator determines that any selected establishment that is under the jurisdiction of the State coordinator is in violation of any requirement of this Act, the State coordinator shall—

''(i) immediately notify the Secretary of the violation; and

''(ii) deselect the selected establishment or suspend inspection at the selected establishment.

''(4) PERFORMANCE EVALUATIONS.—Performance evaluations of State coordinators designated under this subsection shall be conducted by the Secretary as part of the Federal agency management control system.

''(e) AUDITS.—

''(1) PERIODIC AUDITS CONDUCTED BY INSPECTOR GENERAL OF THE DEPARTMENT OF AGRICULTURE.—Not later than 2 years after the effective date described in subsection (j), and not less often than every 3 years thereafter, the Inspector General of the Department of Agriculture shall conduct an audit of each activity taken by the Secretary under this section for the period covered by the audit to determine compliance with this section.

''(2) AUDIT CONDUCTED BY COMPTROLLER GENERAL OF THE UNITED STATES.—Not earlier than 3 years, nor later than 5 years, after the date of the enactment of this section, the Comptroller General of the United States shall conduct an audit of the implementation of this section to determine—

''(A) the effectiveness of the implementation of this section; and

''(B) the number of selected establishments selected by the Secretary to ship carcasses, portions of carcasses, or meat items under this section.

''(f) TECHNICAL ASSISTANCE DIVISION.—

''(1) ESTABLISHMENT.—Not later than 180 days after the effective date described in subsection (j), the Secretary shall establish in the Food Safety and Inspection Service of the Department of Agriculture a technical assistance division to coordinate the initiatives of any other appropriate agency of the Department of Agriculture to provide—

''(A) outreach, education, and training to very small or certain small establishments (as defined by the Secretary); and

''(B) grants to appropriate State agencies to provide outreach, technical assistance, education, and training to very small or certain small establishments (as defined by the Secretary).

''(2) PERSONNEL.—The technical assistance division shall be comprised of individuals that, as determined by the Secretary—

''(A) are of a quantity sufficient to carry out the duties of the technical assistance division; and

''(B) possess appropriate qualifications and expertise relating to the duties of the technical assistance division.

''(g) TRANSITION GRANTS.—The Secretary may provide grants to appropriate State agencies to assist the appropriate State agencies in helping establishments covered by title III to transition to selected establishments.

''(h) VIOLATIONS.—Any selected establishment that the Secretary determines to be in violation of any requirement of this Act shall be transitioned to a Federal establishment in accordance with a procedure developed by the Secretary under subsection (b)(3)(A).

''(i) EFFECT.—Nothing in this section limits the jurisdiction of the Secretary with respect to the regulation of meat and meat products under this Act.

''(j) EFFECTIVE DATE.—

''(1) IN GENERAL.—This section takes effect on the date on which the Secretary, after providing a period of public comment (including through the conduct of public meetings or hearings), promulgates final regulations to carry out this section.

''(2) REQUIREMENT.—Not later than 18 months after the date of the enactment of this section, the Secretary shall promulgate final regulations in accordance with paragraph (1).''.

(b) POULTRY AND POULTRY PRODUCTS.—The Poultry Products Inspection Act (21 U.S.C. 451 et seq.) is amended by adding at the end the following:

"SEC. 31. INTERSTATE SHIPMENT OF POULTRY INSPECTED BY FEDERAL AND STATE AGENCIES FOR CERTAIN SMALL ESTABLISHMENTS.

''(a) DEFINITIONS.—

''(1) APPROPRIATE STATE AGENCY.—The term 'appropriate State agency' means a State agency described in section 5(a)(1).

''(2) DESIGNATED PERSONNEL.—The term 'designated personnel' means inspection personnel of a State agency that have undergone all necessary inspection training and certification to assist the Secretary in the administration and enforcement of this Act, including rules and regulations issued under this Act.

''(3) ELIGIBLE ESTABLISHMENT.—The term 'eligible establishment' means an establishment that is in compliance with—

''(A) the State inspection program of the State in which the establishment is located; and

''(B) this Act, including rules and regulations issued under this Act.

''(4) POULTRY ITEM.—The term 'poultry item' means—

''(A) a portion of poultry; and

''(B) a poultry product.

''(5) SELECTED ESTABLISHMENT.—The term 'selected establishment' means an eligible establishment that is selected by the Secretary, in coordination with the appropriate State agency of the State in which the eligible establishment is located, under subsection (b) to ship poultry items in interstate commerce.

''(b) AUTHORITY OF SECRETARY TO ALLOW SHIPMENTS.—

''(1) IN GENERAL.—Subject to paragraph (2), the Secretary, in coordination with the appropriate State agency of the State in which an establishment is located, may select the establishment to ship poultry items in interstate commerce, and place on each poultry item shipped in interstate commerce a Federal mark, stamp, tag, or label of inspection, if—

''(A) the poultry item qualifies for the Federal mark, stamp, tag, or label of inspection under the requirements of this Act;

''(B) the establishment is an eligible establishment; and

''(C) inspection services for the establishment are provided by designated personnel.

''(2) PROHIBITED ESTABLISHMENTS.—In carrying out paragraph (1), the Secretary, in coordination with an appropriate State agency, shall not select an establishment that—

''(A) on average, employs more than 25 employees (including supervisory and nonsupervisory employees), as defined by the Secretary;

''(B) as of the date of the enactment of this section, ships in interstate commerce carcasses, portions of carcasses, or poultry items that are inspected by the Secretary in accordance with this Act;

''(C)(i) is a Federal establishment;

''(ii) was a Federal establishment as of the date of the enactment of this section, and was reorganized on a later date under the same name or a different name or person by the person, firm, or corporation that controlled the establishment as of the date of the enactment of this section; or

''(iii) was a State establishment as of the date of the enactment of this section that—

''(I) as of the date of the enactment of this section, employed more than 25 employees; and

''(II) was reorganized on a later date by the person, firm, or corporation that controlled the establishment as of the date of the enactment of this section;

''(D) is in violation of this Act;

''(E) is located in a State that does not have a State inspection program; or

''(F) is the subject of a transition carried out in accordance with a procedure developed by the Secretary under paragraph (3)(A).

''(3) ESTABLISHMENTS THAT EMPLOY MORE THAN 25 EMPLOYEES.—

''(A) DEVELOPMENT OF PROCEDURE.—The Secretary may develop a procedure to transition to a Federal establishment any establishment under this section that, on average, consistently employs more than 25 employees.

''(B) ELIGIBILITY OF CERTAIN ESTABLISHMENTS.—

''(i) IN GENERAL.—A State establishment that employs more than 25 employees but less than 35 employees as of the date of the enactment of this section may be selected as a selected establishment under this subsection.

''(ii) PROCEDURES.—A State establishment shall be subject to the procedures established under subparagraph (A) beginning on the date that is 3 years after the effective date described in subsection (i).

''(c) REIMBURSEMENT OF STATE COSTS.—The Secretary shall reimburse a State for costs related to the inspection of selected establishments in the State in accordance with Federal requirements in an amount of not less than 60 percent of eligible State costs.

''(d) COORDINATION BETWEEN FEDERAL AND STATE AGENCIES.—

''(1) IN GENERAL.—The Secretary shall designate an employee of the Federal Government as State coordinator for each appropriate State agency—

''(A) to provide oversight and enforcement of this section; and

''(B) to oversee the training and inspection activities of designated personnel of the State agency.

''(2) SUPERVISION.—A State coordinator shall be under the direct supervision of the Secretary.

''(3) DUTIES OF STATE COORDINATOR.—

''(A) IN GENERAL.—A State coordinator shall visit selected establishments with a frequency that is appropriate to ensure that selected establishments are operating in a manner that is consistent with this Act (including regulations and policies under this Act).

''(B) QUARTERLY REPORTS.—A State coordinator shall, on a quarterly basis, submit to the Secretary a report that describes the status of each selected establishment that is under the jurisdiction of the State coordinator with respect to the level of compliance of each selected establishment with the requirements of this Act.

''(C) IMMEDIATE NOTIFICATION REQUIREMENT.—If a State coordinator determines that any selected establishment that is under the jurisdiction of the State coordinator is in violation of any requirement of this Act, the State coordinator shall—

''(i) immediately notify the Secretary of the violation; and

''(ii) deselect the selected establishment or suspend inspection at the selected establishment.

''(4) PERFORMANCE EVALUATIONS.—Performance evaluations of State coordinators designated under this subsection shall be conducted by the Secretary as part of the Federal agency management control system.

''(e) AUDITS.—

''(1) PERIODIC AUDITS CONDUCTED BY INSPECTOR GENERAL OF THE DEPARTMENT OF AGRICULTURE.—Not later than 2 years after the effective date described in subsection (i), and not less often than every 3 years thereafter, the Inspector General of the Department of Agriculture shall conduct an audit of each activity taken by the Secretary under this section for the period covered by the audit to determine compliance with this section.

''(2) AUDIT CONDUCTED BY COMPTROLLER GENERAL OF THE UNITED STATES.—Not earlier than 3 years, nor later than 5 years, after the date of the enactment of this section, the Comptroller General of the United States shall conduct an audit of the implementation of this section to determine—

''(A) the effectiveness of the implementation of this section; and

''(B) the number of selected establishments selected by the Secretary to ship poultry items under this section.

''(f) TRANSITION GRANTS.—The Secretary may provide grants to appropriate State agencies to assist the appropriate State agencies in helping establishments covered by this Act to transition to selected establishments.

''(g) VIOLATIONS.—Any selected establishment that the Secretary determines to be in violation of any requirement of this Act shall be transitioned to a Federal establishment in accordance with a procedure developed by the Secretary under subsection (b)(3)(A).

''(h) EFFECT.—Nothing in this section limits the jurisdiction of the Secretary with respect to the regulation of poultry and poultry products under this Act.

''(i) EFFECTIVE DATE.—

''(1) IN GENERAL.—This section takes effect on the date on which the Secretary, after providing a period of public comment (including through the conduct of public meetings or hearings), promulgates final regulations to carry out this section.

''(2) REQUIREMENT.—Not later than 18 months after the date of the enactment of this section, the Secretary shall promulgate final regulations in accordance with paragraph (1).''.

SEC. 11016. INSPECTION AND GRADING.

(a) GRADING.—Section 203 of the Agricultural Marketing Act of 1946 (7 U.S.C. 1622) is amended—

(1) by redesignating subsection (n) as subsection (o); and

(2) by inserting after subsection (m) the following new subsection:

''(n) GRADING PROGRAM.—To establish within the Department of Agriculture a voluntary fee based grading program for—

''(1) catfish (as defined by the Secretary under paragraph (2) of section 1(w) of the Federal Meat Inspection Act (21 U.S.C. 601(w))); and

''(2) any additional species of farm-raised fish or farm-raised shellfish—

''(A) for which the Secretary receives a petition requesting such voluntary fee based grading; and

''(B) that the Secretary considers appropriate.''.

(b) INSPECTION.—

(1) IN GENERAL.—The Federal Meat Inspection Act is amended—

(A) in section 1(w) (21 U.S.C. 601(w)) —

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

(ii) by redesignating paragraph (2) as paragraph (3); and

(iii) by inserting after paragraph (1) the following new paragraph:

''(2) catfish, as defined by the Secretary; and'';

(B) by striking section 6 (21 U.S.C. 606) and inserting the following new section:

''SEC. 6. (a) IN GENERAL.—For the purposes hereinbefore set forth the Secretary shall cause to be made, by inspectors appointed for that purpose, an examination and inspection of all meat food products prepared for commerce in any slaughtering, meat-canning, salting, packing, rendering, or similar establishment, and for the purposes of any examination and inspection and inspectors shall have access at all times, by day or night, whether the establishment be operated or not, to every part of said establishment; and said inspectors shall mark, stamp, tag, or label as 'Inspected and passed' all such products found to be not adulterated; and said inspectors shall label, mark, stamp, or tag as 'Inspected and condemned' all such products found adulterated, and all such condemned meat food products shall be destroyed for food purposes, as hereinbefore provided, and the Secretary may remove inspectors from any establishment which fails to so destroy such condemned meat food products: Provided, That subject to the rules and regulations of the Secretary the provisions of this section in regard to preservatives shall not apply to meat food products for export to any foreign country and which are prepared or packed according to the specifications or directions of the foreign purchaser, when no substance is used in the preparation or packing thereof in conflict with the laws of the foreign

country to which said article is to be exported; but if said article shall be in fact sold or offered for sale for domestic use or consumption then this proviso shall not exempt said article from the operation of all the other provisions of this chapter.

''(b) CATFISH.—In the case of an examination and inspection under subsection (a) of a meat food product derived from catfish, the Secretary shall take into account the conditions under which the catfish is raised and transported to a processing establishment.''; and

(C) by adding at the end of title I the following new section:

''SEC. 25. Notwithstanding any other provision of this Act, the requirements of sections 3, 4, 5, 10(b), and 23 shall not apply to catfish.''.

(2) EFFECTIVE DATE.—

(A) IN GENERAL.—The amendments made by paragraph (1) shall not apply until the date on which the Secretary of Agriculture issues final regulations (after providing a period of public comment, including through the conduct of public meetings or hearings, in accordance with chapter 5 of title 5, United States Code) to carry out such amendments.

(B) REGULATIONS.—Not later than 18 months after the date of the enactment of this Act, the Secretary of Agriculture, in consultation with the Commissioner of Food and Drugs, shall issue final regulations to carry out the amendments made by paragraph (1).

(3) BUDGET REQUEST.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Agriculture shall submit to Congress an estimate of the costs of implementing the amendments made by paragraph (1), including the estimated—

(A) staff years;

(B) number of establishments;

(C) volume expected to be produced at such establishments; and

(D) any other information used in estimating the costs of implementing such amendments.

SEC. 11017. FOOD SAFETY IMPROVEMENT.

(a) FEDERAL MEAT INSPECTION ACT.—Title I of the Federal Meat Inspection Act is further amended by inserting after section 11 (21 U.S.C. 611) the following:

''SEC. 12. NOTIFICATION.

''Any establishment subject to inspection under this Act that believes, or has reason to believe, that an adulterated or misbranded meat or meat food product received by or originating from the establishment has entered into commerce shall promptly notify the Secretary with regard to the type, amount, origin, and destination of the meat or meat food product.

''SEC. 13. PLANS AND REASSESSMENTS.

''The Secretary shall require that each establishment subject to inspection under this Act shall, at a minimum—

''(1) prepare and maintain current procedures for the recall of all meat or meat food products produced and shipped by the establishment;

''(2) document each reassessment of the process control plans of the establishment; and

''(3) upon request, make the procedures and reassessed process control plans available to inspectors appointed by the Secretary for review and copying.''.

(b) POULTRY PRODUCTS INSPECTION ACT.—Section 10 of the Poultry Products Inspection Act (21 U.S.C. 459) is amended—

(1) by striking the section heading and all that follows through ''SEC. 10. No establishment'' and inserting the following:

''SEC. 10. COMPLIANCE BY ALL ESTABLISHMENTS.

''(a) IN GENERAL.—No establishment''; and

(2) by adding at the end the following:

''(b) NOTIFICATION.—Any establishment subject to inspection under this Act that believes, or has reason to believe, that an adulterated or misbranded poultry or poultry product received by or originating from the establishment has entered into commerce shall promptly notify the Secretary with regard to the type, amount, origin, and destination of the poultry or poultry product.

''(c) PLANS AND REASSESSMENTS.—The Secretary shall require that each establishment subject to inspection under this Act shall, at a minimum—

''(1) prepare and maintain current procedures for the recall of all poultry or poultry products produced and shipped by the establishment;

''(2) document each reassessment of the process control plans of the establishment; and

''(3) upon request, make the procedures and reassessed process control plans available to inspectors appointed by the Secretary for review and copying.''.

TITLE XII—CROP INSURANCE AND DISASTER ASSISTANCE PROGRAMS

Subtitle A—Crop Insurance and Agricultural Disaster Assistance

SEC. 12001. DEFINITION OF ORGANIC CROP.

Section 502(b) of the Federal Crop Insurance Act (7 U.S.C. 1502(b)) is amended—

(1) by redesignating paragraphs (7) and (8) as paragraphs (8) and (9), respectively; and

(2) by inserting after paragraph (6) the following:

''(7) ORGANIC CROP.—The term 'organic crop' means an agricultural commodity that is organically produced consistent with section 2103 of the Organic Foods Production Act of 1990 (7 U.S.C. 6502).''.

SEC. 12002. GENERAL POWERS.

(a) IN GENERAL.—Section 506 of the Federal Crop Insurance Act (7 U.S.C. 1506) is amended—

(1) in the first sentence of subsection (d), by striking ''The Corporation'' and inserting ''Subject to section 508(j)(2)(A), the Corporation''; and

(2) by striking subsection (n).

(b) CONFORMING AMENDMENTS.—

(1) Section 506 of the Federal Crop Insurance Act (7 U.S.C. 1506) is amended by redesignating subsections (o), (p), and (q) as subsections (n), (o), and (p), respectively.

(2) Section 521 of the Federal Crop Insurance Act (7 U.S.C. 1521) is amended by striking the last sentence.

SEC. 12003. REDUCTION IN LOSS RATIO.

(a) PROJECTED LOSS RATIO.—Subsection (n)(2) of section 506 of the Federal Crop Insurance Act (7 U.S.C. 1506) (as redesignated by section 12002(b)(1)) is amended—

(1) in the paragraph heading, by striking ''AS OF OCTOBER 1, 1998'';

(2) by striking '', on and after October 1, 1998,''; and

(3) by striking ''1.075'' and inserting ''1.0''.

(b) PREMIUMS REQUIRED.—Section 508(d)(1) of the Federal Crop Insurance Act (7 U.S.C. 1508(d)(1)) is amended by striking ''not greater than 1.1'' and all that follows and inserting ''not greater than—

''(A) 1.1 through September 30, 1998;

''(B) 1.075 for the period beginning October 1, 1998, and ending on the day before the date of enactment of the Food, Conservation, and Energy Act of 2008; and

''(C) 1.0 on and after the date of enactment of that Act.''.

SEC. 12004. PREMIUMS ADJUSTMENTS.

Section 508(a) of the Federal Crop Insurance Act (7 U.S.C. 1508(a)) is amended by adding at the end the following:

''(9) PREMIUM ADJUSTMENTS.—

''(A) PROHIBITION.—Except as provided in subparagraph (B), no person shall pay, allow, or give, or offer to pay, allow, or give, directly or indirectly, either as an inducement to procure insurance or after insurance has been procured, any rebate, discount, abatement, credit, or reduction of the premium named in an insurance policy or any other valuable consideration or inducement not specified in the policy.

''(B) EXCEPTIONS.—Subparagraph (A) does not apply with respect to—

''(i) a payment authorized under subsection (b)(5)(B);

''(ii) a performance-based discount authorized under subsection (d)(3); or

''(iii) a patronage dividend, or similar payment, that is paid—

''(I) by an entity that was approved by the Corporation to make such payments for the 2005, 2006, or 2007 reinsurance year, in accordance with subsection (b)(5)(B) as in effect on the day before the date of enactment of this paragraph; and

''(II) in a manner consistent with the payment plan approved in accordance with that subsection for the entity by the Corporation for the applicable reinsurance year.''.

SEC. 12005. CONTROLLED BUSINESS INSURANCE.

Section 508(a) of the Federal Crop Insurance Act (7 U.S.C. 1508(a)) (as amended by section 12004) is amended by adding at the end the following:

''(10) COMMISSIONS.—

''(A) DEFINITION OF IMMEDIATE FAMILY.—In this paragraph, the term 'immediate family' means an individual's father, mother, stepfather, stepmother, brother, sister, stepbrother, stepsister, son, daughter, stepson, stepdaughter, grandparent, grandson, granddaughter, father-in-law, mother-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, the spouse of the foregoing, and the individual's spouse.

''(B) PROHIBITION.—No individual (including a subagent) may receive directly, or indirectly through an entity, any compensation (including any commission, profit sharing, bonus, or any other direct or indirect benefit) for the sale or service of a policy or plan of insurance offered under this title if—

''(i) the individual has a substantial beneficial interest, or a member of the individual's immediate family has a substantial beneficial interest, in the policy or plan of insurance; and

''(ii) the total compensation to be paid to the individual with respect to the sale or service of the policies or plans of insurance that meet the condition described in clause (i) exceeds 30 percent or the percentage specified in State law, whichever is less, of the total of all compensation received directly or indirectly by the individual for the sale or service of all policies and plans of insurance offered under this title for the reinsurance year.

''(C) REPORTING.—Not later than 90 days after the annual settlement date of the reinsurance year, any individual that received directly or indirectly any compensation for the service or sale of any policy or plan of insurance offered under this title in the prior reinsurance year shall certify to applicable approved insurance providers that the compensation that the individual received was in compliance with this paragraph.

''(D) SANCTIONS.—The procedural requirements and sanctions prescribed in section 515(h) shall apply to the prosecution of a violation of this paragraph.

''(E) APPLICABILITY.—

''(i) IN GENERAL.—Sanctions for violations under this paragraph shall only apply to the individuals or entities directly responsible for the certification required under subparagraph (C) or the failure to comply with the requirements of this paragraph.

''(ii) PROHIBITION.—No sanctions shall apply with respect to the policy or plans of insurance upon which compensation is received, including the reinsurance for those policies or plans.''.

SEC. 12006. ADMINISTRATIVE FEE.

(a) IN GENERAL.—Section 508(b)(5) of the Federal Crop Insurance Act (7 U.S.C. 1508(b)(5)) is amended—

(1) by striking subparagraph (A) and inserting the following:

''(A) BASIC FEE.—Each producer shall pay an administrative fee for catastrophic risk protection in the amount of $300 per crop per county.''; and

(2) in subparagraph (B)—

*(A) by striking ''**PAYMENT ON BEHALF OF PRODUCERS**'' and inserting ''**PAYMENT OF CATASTROPHIC RISK PROTECTION FEE ON BEHALF OF PRODUCERS**'';*

(B) in clause (i)—

(i) by striking ''or other payment''; and

(ii) by striking ''with catastrophic risk protection or additional coverage'' and inserting ''through the payment of catastrophic risk protection administrative fees'';

(C) by striking clauses (ii) and (vi);

(D) by redesignating clauses (iii), (iv), and (v) as clauses (ii), (iii), and (iv), respectively;

(E) in clause (iii) (as so redesignated), by striking ''A policy or plan of insurance'' and inserting ''Catastrophic risk protection coverage''; and

(F) in clause (iv) (as so redesignated)—

(i) by striking ''or other arrangement under this subparagraph''; and

(ii) by striking ''additional''.

(b) REPEAL.—Section 748 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1999 (7 U.S.C. 1508 note; Public Law 105–277) is repealed.

SEC. 12007. TIME FOR PAYMENT.

Section 508 of the Federal Crop Insurance Act (7 U.S.C. 1508) is amended—

(1) in subsection (b)(5)(C), by striking ''the date that premium'' and inserting ''the same date on which the premium'';

(2) in subsection (c)(10), by adding at the end the following:

''(C) TIME FOR PAYMENT.—Subsection (b)(5)(C) shall apply with respect to the collection date for the administrative fee.''; and

(3) in subsection (d), by adding at the end the following:

''(4) BILLING DATE FOR PREMIUMS.—Effective beginning with the 2012 reinsurance year, the Corporation shall establish August 15 as the billing date for premiums.''.

SEC. 12008. CATASTROPHIC COVERAGE REIMBURSEMENT RATE.

Section 508(b)(11) of the Federal Crop Insurance Act (7 U.S.C. 1508(b)(11)) is amended by striking ''8 percent'' and inserting ''6 percent''.

SEC. 12009. GRAIN SORGHUM PRICE ELECTION.

Section 508(c)(5) of the Federal Crop Insurance Act (7 U.S.C. 1508(c)(5)) is amended by adding at the end the following:

''(D) GRAIN SORGHUM PRICE ELECTION.—

''(i) IN GENERAL.—The Corporation, in conjunction with the Secretary (referred to in this subparagraph as the 'Corporation'), shall—

''(I) not later than 60 days after the date of enactment of this subparagraph, make available all methods and data, including data from the Economic Research Service, used by the Corporation to develop the expected market prices for grain sorghum under the production and revenue-based plans of insurance of the Corporation; and

''(II) request applicable data from the grain sorghum industry.

''(ii) EXPERT REVIEWERS.—

''(I) IN GENERAL.—Not later than 120 days after the date of enactment of this subparagraph, the Corporation shall contract individually with 5 expert reviewers described in subclause (II) to develop and recommend a methodology for determining an expected market price for sorghum for both the production and revenue-based plans of insurance to more accurately reflect the actual price at harvest.

''(II) REQUIREMENTS.—The expert reviewers under subclause (I) shall be comprised of agricultural economists with experience in grain sorghum and corn markets, of whom—

''(aa) 2 shall be agricultural economists of institutions of higher education;

''(bb) 2 shall be economists from within the Department; and

''(cc) 1 shall be an economist nominated by the grain sorghum industry.

''(iii) RECOMMENDATIONS.—

''(I) IN GENERAL.—Not later than 90 days after the date of contracting with the expert reviewers under clause (ii), the expert reviewers shall submit, and the Corporation shall make available to the public, the recommendations of the expert reviewers.

''(II) CONSIDERATION.—The Corporation shall consider the recommendations under subclause (I) when determining the appropriate pricing methodology to determine the expected market price for grain sorghum under both the production and revenue-based plans of insurance.

''(III) PUBLICATION.—Not later than 60 days after the date on which the Corporation receives the recommendations of the expert reviewers, the Corporation shall publish the proposed pricing methodology for both the production and revenue-based plans of insurance for notice and comment and, during the comment period, conduct at least 1 public meeting to discuss the proposed pricing methodologies.

''(iv) APPROPRIATE PRICING METHODOLOGY.—

''(I) IN GENERAL.—Not later than 180 days after the close of the comment period in clause (iii)(III), but effective not later than the 2010 crop year, the Corporation shall implement a pricing methodology for grain sorghum under the production and revenue-based plans of insurance that is transparent and replicable.

''(II) INTERIM METHODOLOGY.—Until the date on which the new pricing methodology is implemented, the Corporation may continue to use the pricing methodology that the Corporation determines best establishes the expected market price.

''(III) AVAILABILITY.—On an annual basis, the Corporation shall make available the pricing methodology and data used to determine the expected market prices for grain sorghum under the production and revenue-based plans of insurance, including any changes to the methodology used to determine the expected market prices for grain sorghum from the previous year.''.

SEC. 12010. PREMIUM REDUCTION AUTHORITY.

Subsection 508(e) of the Federal Crop Insurance Act (7 U.S.C. 1508(e)) is amended—

(1) in paragraph (2), by striking ''paragraph (4)'' and inserting ''paragraph (3)'';

(2) by striking paragraph (3); and

(3) by redesignating paragraphs (4) and (5) as paragraphs (3) and (4), respectively.

SEC. 12011. ENTERPRISE AND WHOLE FARM UNITS.

Section 508(e) of Federal Crop Insurance Act (7 U.S.C. 1508(e)) (as amended by section 12010) is amended by adding at the end the following:

''(5) ENTERPRISE AND WHOLE FARM UNITS.—

''(A) IN GENERAL.—The Corporation may carry out a pilot program under which the Corporation pays a portion of the premiums for plans or policies of insurance for which the insurable unit is defined on a whole farm or enterprise unit basis that is higher than would otherwise be paid in accordance with paragraph (2).

''(B) AMOUNT.—The percentage of the premium paid by the Corporation to a policyholder for a policy with an enterprise or whole farm unit under this paragraph shall, to the maximum extent practicable, provide the same dollar amount of premium subsidy per acre that would otherwise have been paid by the Corporation under paragraph (2) if the policyholder had purchased a basic or optional unit for the crop for the crop year.

''(C) LIMITATION.—The amount of the premium paid by the Corporation under this paragraph may not exceed 80 percent of the total premium for the enterprise or whole farm unit policy.''.

SEC. 12012. PAYMENT OF PORTION OF PREMIUM FOR AREA REVENUE PLANS.

Section 508(e) of the Federal Crop Insurance Act (7 U.S.C. 1508(e)) (as amended by section 12011) is amended—

(1) in paragraph (2), in the matter preceding subparagraph (A), by striking ''paragraph (4)'' and inserting ''paragraphs (4), (6), and (7)''; and

(2) by adding at the end the following:

''(6) PREMIUM SUBSIDY FOR AREA REVENUE PLANS.—Subject to paragraph (4), in the case of a policy or plan of insurance that covers losses due to a reduction in revenue in an area, the amount of the premium paid by the Corporation shall be as follows:

''(A) In the case of additional area coverage equal to or greater than 70 percent, but less than 75 percent, of the recorded county yield indemnified at not greater than 100 percent of the expected market price, the amount shall be equal to the sum of—

''(i) 59 percent of the amount of the premium established under subsection (d)(2)(B)(i) for the coverage level selected; and

''(ii) the amount determined under subsection (d)(2)(B)(ii) for the coverage level selected to cover operating and administrative expenses.

''(B) In the case of additional area coverage equal to or greater than 75 percent, but less than 85 percent, of the recorded county yield indemnified at not greater than 100 percent of the expected market price, the amount shall be equal to the sum of—

''(i) 55 percent of the amount of the premium established under subsection (d)(2)(B)(i) for the coverage level selected; and

''(ii) the amount determined under subsection (d)(2)(B)(ii) for the coverage level selected to cover operating and administrative expenses.

''(C) In the case of additional area coverage equal to or greater than 85 percent, but less than 90 percent, of the recorded county yield indemnified at not greater than 100 percent of the expected market price, the amount shall be equal to the sum of—

''(i) 49 percent of the amount of the premium established under subsection (d)(2)(B)(i) for the coverage level selected; and

''(ii) the amount determined under subsection (d)(2)(B)(ii) for the coverage level selected to cover operating and administrative expenses.

''(D) In the case of additional area coverage equal to or greater than 90 percent of the recorded county yield indemnified at not greater than 100 percent of the expected market price, the amount shall be equal to the sum of—

''(i) 44 percent of the amount of the premium established under subsection (d)(2)(B)(i) for the coverage level selected; and

''(ii) the amount determined under subsection (d)(2)(B)(ii) for the coverage level selected to cover operating and administrative expenses.

''(7) PREMIUM SUBSIDY FOR AREA YIELD PLANS.—Subject to paragraph (4), in the case of a policy or plan of insurance that covers losses due to a loss of yield or prevented planting in an area, the amount of the premium paid by the Corporation shall be as follows:

''(A) In the case of additional area coverage equal to or greater than 70 percent, but less than 80 percent, of the recorded county yield indemnified at not greater than 100 percent of the expected market price, the amount shall be equal to the sum of—

''(i) 59 percent of the amount of the premium established under subsection (d)(2)(B)(i) for the coverage level selected; and

''(ii) the amount determined under subsection (d)(2)(B)(ii) for the coverage level selected to cover operating and administrative expenses.

''(B) In the case of additional area coverage equal to or greater than 80 percent, but less than 90 percent, of the recorded county yield indemnified at not greater than 100 percent of the expected market price, the amount shall be equal to the sum of—

''(i) 55 percent of the amount of the premium established under subsection (d)(2)(B)(i) for the coverage level selected; and

''(ii) the amount determined under subsection (d)(2)(B)(ii) for the coverage level selected to cover operating and administrative expenses.

''(C) In the case of additional area coverage equal to or greater than 90 percent, of the recorded county yield indemnified at not greater than 100 percent of the expected market price, the amount shall be equal to the sum of—

''(i) 51 percent of the amount of the premium established under subsection (d)(2)(B)(i) for the coverage level selected; and

''(ii) the amount determined under subsection (d)(2)(B)(ii) for the coverage level selected to cover operating and administrative expenses.''.

SEC. 12013. DENIAL OF CLAIMS.

Section 508(j)(2)(A) of the Federal Crop Insurance Act (7 U.S.C. 1508(j)(2)(A)) is amended by inserting ''on behalf of the Corporation'' after ''approved provider''.

SEC. 12014. SETTLEMENT OF CROP INSURANCE CLAIMS ON FARM-STORED PRODUCTION.

(a) IN GENERAL.—Section 508(j) of the Federal Crop Insurance Act (7 U.S.C. 1508(j)) is amended by adding at the end the following:

''(5) SETTLEMENT OF CLAIMS ON FARM-STORED PRODUCTION.—A producer with farm-stored production may, at the option of the producer, delay settlement of a crop insurance claim relating to the farm-stored production for up to 4 months after the last date on which claims may be submitted under the policy of insurance.''.

(b) STUDY ON THE EFFICACY OF PACK FACTORS.—

(1) IN GENERAL.—The Secretary shall conduct a study of the efficacy and accuracy of the application of pack factors regarding the measurement of farm-stored production for purposes of providing policies or plans of insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.).

(2) CONSIDERATIONS.—The study shall consider—

(A) structural shape and size;

(B) time in storage;

(C) the impact of facility aeration systems; and

(D) any other factors the Secretary considers appropriate.

(3) REPORT.—Not later than 3 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that includes the findings of the study and any related policy recommendations.

SEC. 12015. TIME FOR REIMBURSEMENT.

Section 508(k)(4) of the Federal Crop Insurance Act (7 U.S.C. 1508(k)(4)) is amended by adding at the end the following:

''(D) TIME FOR REIMBURSEMENT.—Effective beginning with the 2012 reinsurance year, the Corporation shall reimburse approved insurance providers and agents for the allowable administrative and operating costs of the providers and agents as soon as practicable after October 1 (but not later than October 31) after the reinsurance year for which reimbursements are earned.''.

SEC. 12016. REIMBURSEMENT RATE.

Section 508(k)(4) of the Federal Crop Insurance Act (7 U.S.C. 1508(k)(4)) (as amended by section 12015) is amended—

(1) in subparagraph (A), by striking ''Except as provided in subparagraph (B)'' and inserting ''Except as otherwise provided in this paragraph''; and

(2) by adding at the end the following:

''(E) REIMBURSEMENT RATE REDUCTION.—In the case of a policy of additional coverage that received a rate of reimbursement for administrative and operating costs for the 2008 reinsurance year, for each of the 2009 and subsequent reinsurance years, the reimbursement rate for administrative and operating costs shall be 2.3 percentage points below the rates in effect as of the date of enactment of the Food, Conservation, and Energy Act of 2008 for all crop insurance policies used to define loss ratio, except that only ½ of the reduction shall apply in a reinsurance year to the total premium written in a State in which the State loss ratio is greater than 1.2.

''(F) REIMBURSEMENT RATE FOR AREA POLICIES AND PLANS OF INSURANCE.—Notwithstanding subparagraphs (A) through (E), for each of the 2009 and subsequent reinsurance years, the reimbursement rate for area policies and plans of insurance widely available as of the date of enactment of this subparagraph shall be 12 percent of the premium used to define loss ratio for that reinsurance year.''.

SEC. 12017. RENEGOTIATION OF STANDARD REINSURANCE AGREEMENT.

Section 508(k) of the Federal Crop Insurance Act (7 U.S.C. 1508(k)) is amended by adding at the end the following:

''(8) RENEGOTIATION OF STANDARD REINSURANCE AGREEMENT.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), notwithstanding section 536 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 1506 note; Public Law 105–185) and section 148 of the Agricultural Risk Protection Act of 2000 (7 U.S.C. 1506 note; Public Law 106–224), the Corporation may renegotiate the financial terms and conditions of each Standard Reinsurance Agreement—

''(i) to be effective for the 2011 reinsurance year beginning July 1, 2010; and

''(ii) once during each period of 5 reinsurance years thereafter.

''(B) EXCEPTIONS.—

''(i) ADVERSE CIRCUMSTANCES.—Subject to clause (ii), subparagraph (A) shall not apply in any case in which the approved insurance providers, as a whole, experience unexpected adverse circumstances, as determined by the Secretary.

''(ii) EFFECT OF FEDERAL LAW CHANGES.—If Federal law is enacted after the date of enactment of this paragraph that requires revisions in the financial terms of the Standard Reinsurance Agreement, and changes in the Agreement are made on a mandatory basis by the Corporation, the changes shall not be considered to be a renegotiation of the Agreement for purposes of subparagraph (A).

''(C) NOTIFICATION REQUIREMENT.—If the Corporation renegotiates a Standard Reinsurance Agreement under subparagraph (A)(iii), the Corporation shall notify the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate of the renegotiation.

''(D) CONSULTATION.—The approved insurance providers may confer with each other and collectively with the Corporation during any renegotiation under subparagraph (A).

''(E) 2011 REINSURANCE YEAR.—

''(i) IN GENERAL.—As part of the Standard Reinsurance Agreement renegotiation authorized under subparagraph (A)(i), the Corporation shall consider alternative methods to determine reimbursement rates for administrative and operating costs.

''(ii) ALTERNATIVE METHODS.—Alternatives considered under clause (i) shall include—

''(I) methods that—

''(aa) are graduated and base reimbursement rates in a State on changes in premiums in that State;

''(bb) are graduated and base reimbursement rates in a State on the loss ratio for crop insurance for that State; and

''(cc) are graduated and base reimbursement rates on individual policies on the level of total premium for each policy; and

''(II) any other method that takes into account current financial conditions of the program and ensures continued availability of the program to producers on a nationwide basis.''.

SEC. 12018. CHANGE IN DUE DATE FOR CORPORATION PAYMENTS FOR UNDERWRITING GAINS.

Section 508(k) of the Federal Crop Insurance Act (7 U.S.C. 1508(k)) (as amended by section 12017) is amended by adding at the end the following:

''(9) DUE DATE FOR PAYMENT OF UNDERWRITING GAINS.—Effective beginning with the 2011 reinsurance year, the Corporation shall make payments for underwriting gains under this title on—

''(A) for the 2011 reinsurance year, October 1, 2012; and

''(B) for each reinsurance year thereafter, October 1 of the following calendar year.''.

SEC. 12019. MALTING BARLEY.

Section 508(m) of the Federal Crop Insurance Act (7 U.S.C. 1508(m)) is amended by adding at the end the following:

''(5) SPECIAL PROVISIONS FOR MALTING BARLEY.—The Corporation shall promulgate special provisions under this subsection specific to malting barley, taking into consideration any changes in quality factors, as required by applicable market conditions.''.

SEC. 12020. CROP PRODUCTION ON NATIVE SOD.

(a) FEDERAL CROP INSURANCE.—Section 508 of the Federal Crop Insurance Act (7 U.S.C. 1508) is amended by adding at the end the following:

''(o) CROP PRODUCTION ON NATIVE SOD.—

''(1) DEFINITION OF NATIVE SOD.—In this subsection, the term 'native sod' means land—

''(A) on which the plant cover is composed principally of native grasses, grasslike plants, forbs, or shrubs suitable for grazing and browsing; and

''(B) that has never been tilled for the production of an annual crop as of the date of enactment of this subsection.

''(2) INELIGIBILITY FOR BENEFITS.—

''(A) IN GENERAL.—Subject to subparagraph (B) and paragraph (3), native sod acreage that has been tilled for the production of an annual crop after the date of enactment of this subsection shall be ineligible during the first 5 crop years of planting, as determined by the Secretary, for benefits under—

''(i) this title; and

''(ii) section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333).

''(B) DE MINIMIS ACREAGE EXEMPTION.—The Secretary shall exempt areas of 5 acres or less from subparagraph (A).

''(3) APPLICATION.—Paragraph (2) may apply to native sod acreage in the Prairie Pothole National Priority Area at the election of the Governor of the respective State.''.

(b) NONINSURED CROP DISASTER ASSISTANCE.—Section 196(a) of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333(a)) is amended by adding at the end the following:

''(4) PROGRAM INELIGIBILITY RELATING TO CROP PRODUCTION ON NATIVE SOD.—

''(A) DEFINITION OF NATIVE SOD.—In this paragraph, the term 'native sod' means land—

''(i) on which the plant cover is composed principally of native grasses, grasslike plants, forbs, or shrubs suitable for grazing and browsing; and

''(ii) that has never been tilled for the production of an annual crop as of the date of enactment of this paragraph.

''(B) INELIGIBILITY FOR BENEFITS.—

''(i) IN GENERAL.—Subject to clause (ii) and subparagraph (C), native sod acreage that has been tilled for the production of an annual crop after the date of enactment of this paragraph shall be ineligible during the first 5 crop years of planting, as determined by the Secretary, for benefits under—

''(I) this section; and

''(II) the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.).

''(ii) DE MINIMIS ACREAGE EXEMPTION.—The Secretary shall exempt areas of 5 acres or less from clause (i).

''(C) APPLICATION.—Subparagraph (B) may apply to native sod acreage in the Prairie Pothole National Priority Area at the election of the Governor of the respective State.''.

SEC. 12021. INFORMATION MANAGEMENT.

Section 515 of the Federal Crop Insurance Act (7 U.S.C. 1515) is amended—

(a) in subsection (j)(3), by adding before the period at the end the following: '', which shall be subject to competition on a periodic basis, as determined by the Secretary''; and

(b) by striking subsection (k) and inserting the following:

''(k) FUNDING.—

''(1) INFORMATION TECHNOLOGY.—To carry out subsection (j)(1), the Corporation may use, from amounts made available from the insurance fund established under section 516(c), not more than $15,000,000 for each of fiscal years 2008 through 2011.

''(2) DATA MINING.—To carry out subsection (j)(2), the Corporation may use, from amounts made available from the insurance fund established under section 516(c), not more than $4,000,000 for fiscal year 2009 and each subsequent fiscal year.''.

SEC. 12022. RESEARCH AND DEVELOPMENT.

(a) IN GENERAL.—Section 522(b) of the Federal Crop Insurance Act (7 U.S.C. 1522(b)) is amended by striking paragraphs (1) and (2) and inserting the following:

''(1) RESEARCH AND DEVELOPMENT PAYMENT.—

''(A) IN GENERAL.—The Corporation shall provide a payment to an applicant for research and development costs in accordance with this subsection.

''(B) REIMBURSEMENT.—An applicant who submits a policy under section 508(h) shall be eligible for the reimbursement of reasonable research and development costs directly related to the policy if the policy is approved by the Board for sale to producers.

''(2) ADVANCE PAYMENTS.—

''(A) IN GENERAL.—Subject to the other provisions of this paragraph, the Board may approve the request of an applicant for advance payment of a portion of reasonable research and development costs prior to submission and approval of the policy by the Board under section 508(h).

''(B) PROCEDURES.—The Board shall establish procedures for approving advance payment of reasonable research and development costs to applicants.

''(C) CONCEPT PROPOSAL.—As a condition of eligibility for advance payments, an applicant shall submit a concept proposal for the policy that the applicant plans to submit to the Board under section 508(h), consistent with procedures established by the Board for submissions under subparagraph (B), including—

''(i) a summary of the qualifications of the applicant, including any prior concept proposals and submissions to the Board under section 508(h) and, if applicable, any work conducted under this section;

''(ii) a projection of total research and development costs that the applicant expects to incur;

''(iii) a description of the need for the policy, the marketability of and expected demand for the policy among affected producers, and the potential impact of the policy on producers and the crop insurance delivery system;

''(iv) a summary of data sources available to demonstrate that the policy can reasonably be developed and actuarially appropriate rates established; and

''(v) an identification of the risks the proposed policy will cover and an explanation of how the identified risks are insurable under this title.

''(D) REVIEW.—

''(i) EXPERTS.—If the requirements of subparagraph (B) and (C) are met, the Board may submit a concept proposal described in subparagraph (C) to not less than 2 independent expert reviewers, whose services are appropriate for the type of concept proposal submitted, to assess the likelihood that the proposed policy being developed will result in a viable and marketable policy, as determined by the Board.

''(ii) TIMING.—The time frames described in subparagraphs (C) and (D) of section 508(h)(4) shall apply to the review of concept proposals under this subparagraph.

''(E) APPROVAL.—The Board may approve up to 50 percent of the projected total research and development costs to be paid in advance to an applicant, in accordance with the procedures developed by the Board for the making of such payments, if, after consideration of the reviewer reports described in subparagraph (D) and such other information as the Board determines appropriate, the Board determines that—

''(i) the concept, in good faith, will likely result in a viable and marketable policy consistent with section 508(h);

''(ii) in the sole opinion of the Board, the concept, if developed into a policy and approved by the Board, would provide crop insurance coverage—

''(I) in a significantly improved form;

''(II) to a crop or region not traditionally served by the Federal crop insurance program; or

''(III) in a form that addresses a recognized flaw or problem in the program;

''(iii) the applicant agrees to provide such reports as the Corporation determines are necessary to monitor the development effort;

''(iv) the proposed budget and timetable are reasonable; and

''(v) the concept proposal meets any other requirements that the Board determines appropriate.

''(F) SUBMISSION OF POLICY.—If the Board approves an advanced payment under subparagraph (E), the Board shall establish a date by which the applicant shall present a submission in compliance with section 508(h) (including the procedures implemented under that section) to the Board for approval.

''(G) FINAL PAYMENT.—

''(i) APPROVED POLICIES.—If a policy is submitted under subparagraph (F) and approved by the Board under section 508(h) and the procedures established by the Board (including procedures established under subparagraph (B)), the applicant shall be eligible for a payment of reasonable research and development costs in the same manner as policies reimbursed under paragraph (1)(B), less any payments made pursuant to subparagraph (E).

''(ii) POLICIES NOT APPROVED.—If a policy is submitted under subparagraph (F) and is not approved by the Board under section 508(h), the Corporation shall—

''(I) not seek a refund of any payments made in accordance with this paragraph; and

''(II) not make any further research and development cost payments associated with the submission of the policy under this paragraph.

''(H) POLICY NOT SUBMITTED.—If an applicant receives an advance payment and fails to fulfill the obligation of the applicant to the Board by not submitting a completed submission without just cause and in accordance with the procedures established under subparagraph (B)), including notice and reasonable opportunity to respond, as determined by the Board, the applicant shall return to the Board the amount of the advance plus interest.

''(I) REPEATED SUBMISSIONS.—The Board may prohibit advance payments to applicants who have submitted—

''(i) a concept proposal or submission that did not result in a marketable product; or

''(ii) a concept proposal or submission of poor quality.

''(J) CONTINUED ELIGIBILITY.—A determination that an applicant is not eligible for advance payments under this paragraph shall not prevent an applicant from reimbursement under paragraph (1)(B).''.

(b) CONFORMING AMENDMENTS.—Section 522(b) of the Federal Crop Insurance Act (7 U.S.C. 1522(b)) is amended—

(1) in paragraph (3), by striking ''or (2)''; and

(2) in paragraph (4)(A), by striking ''and (2)''.''

SEC. 12023. CONTRACTS FOR ADDITIONAL POLICIES AND STUDIES.

Section 522(c) of the Federal Crop Insurance Act (7 U.S.C. 1522) is amended—

(1) by redesignating paragraph (10) as paragraph (17); and

(2) by inserting after paragraph (9) the following:

''(10) CONTRACTS FOR ORGANIC PRODUCTION COVERAGE IMPROVEMENTS.—

''(A) CONTRACTS REQUIRED.—Not later than 180 days after the date of enactment of the Food, Conservation, and Energy Act of 2008, the Corporation shall enter into 1 or more contracts for the development of improvements in Federal crop insurance policies covering crops produced in compliance with standards issued by the Department of Agriculture under the national organic program established under the Organic Foods Production Act of 1990 (7 U.S.C. 6501 et seq.).

''(B) REVIEW OF UNDERWRITING RISK AND LOSS EXPERIENCE.—

''(i) REVIEW REQUIRED.—

''(I) IN GENERAL.—A contract under subparagraph (A) shall include a review of the underwriting, risk, and loss experience of organic crops covered by the Corporation, as compared with the same crops produced in the same counties and during the same crop years using nonorganic methods.

''(II) REQUIREMENTS.—The review shall—

''(aa) to the maximum extent practicable, be designed to allow the Corporation to determine whether significant, consistent, or systemic variations in loss history exist between organic and nonorganic production;

''(bb) include the widest available range of data collected by the Secretary and other outside sources of information; and

''(cc) not be limited to loss history under existing crop insurance policies.

''(ii) EFFECT ON PREMIUM SURCHARGE.—Unless the review under this subparagraph documents the existence of significant, consistent, and systemic variations in loss history between organic and nonorganic crops, either collectively or on an individual crop basis, the Corporation shall eliminate or reduce the premium surcharge that the Corporation charges for coverage for organic crops, as determined in accordance with the results.

''(iii) ANNUAL UPDATES.—Beginning with the 2009 crop year, the review under this subparagraph shall be updated on an annual basis as data is accumulated by the Secretary and other sources, so that the Corporation may make determinations regarding adjustments to the surcharge in a timely manner as quickly as evolving practices and data trends allow.

''(C) ADDITIONAL PRICE ELECTION.—

''(i) IN GENERAL.—A contract under subparagraph (A) shall include the development of a procedure, including any associated changes in policy terms or materials required for implementation of the procedure, to offer producers of organic crops an additional price election that reflects actual prices received by organic producers for crops from the field (including appropriate retail and wholesale prices), as established using data collected and maintained by the Secretary or from other sources.

''(ii) TIMING.—The development of the procedure shall be completed in a timely manner to allow the Corporation to begin offering the additional price election for organic crops with sufficient data for the 2010 crop year.

''(iii) EXPANSION.—The procedure shall be expanded as quickly as practicable as additional data on prices of organic crops collected by the Secretary and other sources of information becomes available, with a goal of applying this procedure to all organic crops not later than the fifth full crop year that begins after the date of enactment of Food, Conservation, and Energy Act of 2008.

''(D) REPORTING REQUIREMENTS.—

''(i) IN GENERAL.—The Corporation shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate an annual report on progress made in developing and improving Federal crop insurance for organic crops, including—

''(I) the numbers and varieties of organic crops insured;

''(II) the development of new insurance approaches; and

''(III) the progress of implementing the initiatives required under this paragraph, including the rate at which additional price elections are adopted for organic crops.

''(ii) RECOMMENDATIONS.—The report shall include such recommendations as the Corporation considers appropriate to improve Federal crop insurance coverage for organic crops.

''(11) ENERGY CROP INSURANCE POLICY.—

''(A) DEFINITION OF DEDICATED ENERGY CROP.—In this subsection, the term 'dedicated energy crop' means an annual or perennial crop that—

''(i) is grown expressly for the purpose of producing a feedstock for renewable biofuel, renewable electricity, or biobased products; and

''(ii) is not typically used for food, feed, or fiber.

''(B) AUTHORITY.—The Corporation shall offer to enter into 1 or more contracts with qualified entities to carry out research and development regarding a policy to insure dedicated energy crops.

''(C) RESEARCH AND DEVELOPMENT.—Research and development described in subparagraph (B) shall evaluate the effectiveness of risk management tools for the production of dedicated energy crops, including policies and plans of insurance that—

''(i) are based on market prices and yields;

''(ii) to the extent that insufficient data exist to develop a policy based on market prices and yields, evaluate the policies and plans of insurance based on the use of weather or rainfall indices to protect the interests of crop producers; and

''(iii) provide protection for production or revenue losses, or both.

''(12) AQUACULTURE INSURANCE POLICY.—

''(A) DEFINITION OF AQUACULTURE.—In this subsection:

''(i) IN GENERAL.—The term 'aquaculture' means the propagation and rearing of aquatic species in controlled or selected environments, including shellfish cultivation on grants or leased bottom and ocean ranching.

''(ii) EXCLUSION.—The term 'aquaculture' does not include the private ocean ranching of Pacific salmon for profit in any State in which private ocean ranching of Pacific salmon is prohibited by any law (including regulations).

''(B) AUTHORITY.—

''(i) IN GENERAL.—As soon as practicable after the date of enactment of the Food, Conservation, and Energy Act of 2008, the Corporation shall offer to enter into 3 or more contracts with qualified entities to carry out research and development regarding a policy to insure the production of aquacultural species in aquaculture operations.

''(ii) BIVALVE SPECIES.—At least 1 of the contracts described in clause (i) shall address insurance of bivalve species, including—

''(I) American oysters (crassostrea virginica);

''(II) hard clams (mercenaria mercenaria);

''(III) Pacific oysters (crassostrea gigas);

''(IV) Manila clams (tapes phillipinnarium); or

''(V) blue mussels (mytilus edulis).

''(iii) FRESHWATER SPECIES.—At least 1 of the contracts described in clause (i) shall address insurance of freshwater species, including—

''(I) catfish (icataluridae);

''(II) rainbow trout (oncorhynchus mykiss);

''(III) largemouth bass (micropterus salmoides);

''(IV) striped bass (morone saxatilis);

''(V) bream (abramis brama);

''(VI) shrimp (penaeus); or

''(VII) tilapia (oreochromis niloticus).

''(iv) SALTWATER SPECIES.—At least 1 of the contracts described in clause (i) shall address insurance of saltwater species, including—

''(I) Atlantic salmon (salmo salar); or

''(II) shrimp (penaeus).

''(C) RESEARCH AND DEVELOPMENT.—Research and development described in subparagraph (B) shall evaluate the effectiveness of policies and plans of insurance for the production of aquacultural species in aquaculture operations, including policies and plans of insurance that—

''(i) are based on market prices and yields;

''(ii) to the extent that insufficient data exist to develop a policy based on market prices and yields, evaluate how best to incorporate insuring of production of aquacultural species in aquaculture operations into existing policies covering adjusted gross revenue; and

''(iii) provide protection for production or revenue losses, or both.

''(13) POULTRY INSURANCE POLICY.—

''(A) DEFINITION OF POULTRY.—In this paragraph, the term 'poultry' has the meaning given the term in section 2(a) of the Packers and Stockyards Act, 1921 (7 U.S.C. 182(a)).

''(B) AUTHORITY.—The Corporation shall offer to enter into 1 or more contracts with qualified entities to carry out research and development regarding a policy to insure commercial poultry production.

''(C) RESEARCH AND DEVELOPMENT.—Research and development described in subparagraph (B) shall evaluate the effectiveness of risk management tools for the production of poultry, including policies and plans of insurance that provide protection for production or revenue losses, or both, while the poultry is in production.

''(14) APIARY POLICIES.—The Corporation shall offer to enter into a contract with a qualified entity to carry out research and development regarding insurance policies that cover loss of bees.

''(15) ADJUSTED GROSS REVENUE POLICIES FOR BEGINNING PRODUCERS.—The Corporation shall offer to enter into a contract with a qualified entity to carry out research and development into needed modifications of adjusted gross revenue insurance policies, consistent with principles of actuarial sufficiency, to permit coverage for beginning producers with no previous production history, including permitting those producers to have production and premium rates based on information with similar farming operations.

''(16) SKIPROW CROPPING PRACTICES.—

''(A) IN GENERAL.—The Corporation shall offer to enter into a contract with a qualified entity to carry out research into needed modifications of policies to insure corn and sorghum produced in the Central Great Plains (as determined by the Agricultural Research Service) through use of skiprow cropping practices.

''(B) RESEARCH.—Research described in subparagraph (A) shall—

''(i) review existing research on skiprow cropping practices and actual production history of producers using skiprow cropping practices; and

''(ii) evaluate the effectiveness of risk management tools for producers using skiprow cropping practices, including—

''(I) the appropriateness of rules in existence as of the date of enactment of this paragraph relating to the determination of acreage planted in skiprow patterns; and

''(II) whether policies for crops produced through skiprow cropping practices reflect actual production capabilities.''.

SEC. 12024. FUNDING FROM INSURANCE FUND.

Section 522(e) of the Federal Crop Insurance Act (7 U.S.C. 1522(e)) is amended—

(1) in paragraph (1), by striking ''$10,000,000'' and all that follows through the end of the paragraph and inserting ''$7,500,000 for fiscal year 2008 and each subsequent fiscal year'';

(2) in paragraph (2)(A), by striking ''$20,000,000 for'' and all that follows through ''year 2004'' and inserting ''$12,500,000 for fiscal year 2008''; and

(3) in paragraph (3), by striking ''the Corporation may use'' and all that follows through the end of the paragraph and inserting ''the Corporation may use—

''(A) not more than $5,000,000 for each fiscal year to improve program integrity, including by—

''(i) increasing compliance-related training;

''(ii) improving analysis tools and technology regarding compliance;

''(iii) use of information technology, as determined by the Corporation; and

''(iv) identifying and using innovative compliance strategies; and

''(B) any excess amounts to carry out other activities authorized under this section.''.

SEC. 12025. PILOT PROGRAMS.

(a) IN GENERAL.—Section 523 of the Federal Crop Insurance Act (7 U.S.C. 1523) is amended by adding at the end the following:

''(f) CAMELINA PILOT PROGRAM.—

''(1) IN GENERAL.—The Corporation shall establish a pilot program under which producers or processors of camelina may propose for approval by the Board policies or plans of insurance for camelina, in accordance with section 508(h).

''(2) DETERMINATION BY BOARD.—The Board shall approve a policy or plan of insurance proposed under paragraph (1) if, as determined by the Board, the policy or plan of insurance—

''(A) protects the interests of producers;

''(B) is actuarially sound; and

''(C) meets the requirements of this title.

''(3) TIMEFRAME.—The Corporation shall commence the camelina insurance pilot program as soon as practicable after the date of enactment of this subsection.

''(g) SESAME INSURANCE PILOT PROGRAM.—

''(1) IN GENERAL.—In addition to any other authority of the Corporation, the Corporation shall establish and carry out a pilot program under which a producer of nondehiscent sesame under contract may elect to obtain multiperil crop insurance, as determined by the Corporation.

''(2) TERMS AND CONDITIONS.—The multiperil crop insurance offered under the sesame insurance pilot program shall—

''(A) be offered through reinsurance arrangements with private insurance companies;

''(B) be actuarially sound; and

''(C) require the payment of premiums and administrative fees by a producer obtaining the insurance.

''(3) LOCATION.—The sesame insurance pilot program shall be carried out only in the State of Texas.

''(4) DURATION.—The Corporation shall commence the sesame insurance pilot program as soon as practicable after the date of the enactment of this subsection.

''(h) GRASS SEED INSURANCE PILOT PROGRAM.—

''(1) IN GENERAL.—In addition to any other authority of the Corporation, the Corporation shall establish and carry out a grass seed pilot program under which a producer of Kentucky bluegrass or perennial rye grass under contract may elect to obtain multiperil crop insurance, as determined by the Corporation.

''(2) TERMS AND CONDITIONS.—The multiperil crop insurance offered under the grass seed insurance pilot program shall—

''(A) be offered through reinsurance arrangements with private insurance companies;

''(B) be actuarially sound; and

''(C) require the payment of premiums and administrative fees by a producer obtaining the insurance.

''(3) LOCATION.—The grass seed insurance pilot program shall be carried out only in each of the States of Minnesota and North Dakota.

''(4) DURATION.—The Corporation shall commence the grass seed insurance pilot program as soon as practicable after the date of the enactment of this subsection.''.

(b) CONFORMING AMENDMENT.—Section 196(a)(2)(B) of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333(a)(2)(B)) is amended by adding ''camelina,'' after ''sea oats,''.

SEC. 12026. RISK MANAGEMENT EDUCATION FOR BEGINNING FARMERS OR RANCHERS.

Section 524(a) of the Federal Crop Insurance Act (7 U.S.C. 1524(a)) is amended—

(1) in paragraph (1), by striking ''paragraph (4)'' and inserting ''paragraph (5)'';

(2) by redesignating paragraph (4) as paragraph (5); and

(3) by inserting after paragraph (3) the following:

''(4) REQUIREMENTS.—In carrying out the programs established under paragraphs (2) and (3), the Secretary shall place special emphasis on risk management strategies, education, and outreach specifically targeted at—

''(A) beginning farmers or ranchers;

''(B) legal immigrant farmers or ranchers that are attempting to become established producers in the United States;

''(C) socially disadvantaged farmers or ranchers;

''(D) farmers or ranchers that—

''(i) are preparing to retire; and

''(ii) are using transition strategies to help new farmers or ranchers get started; and

''(E) new or established farmers or ranchers that are converting production and marketing systems to pursue new markets.''.

SEC. 12027. COVERAGE FOR AQUACULTURE UNDER NONINSURED CROP ASSISTANCE PROGRAM.

Section 196(c)(2) of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333(c)(2)) is amended—

(1) by striking ''On making'' and inserting the following:

''(A) IN GENERAL.—On making''; and

(2) by adding at the end the following:

''(B) AQUACULTURE PRODUCERS.—On making a determination described in subsection (a)(3) for aquaculture producers, the Secretary shall provide assistance under this section to aquaculture producers from all losses related to drought.''.

SEC. 12028. INCREASE IN SERVICE FEES FOR NONINSURED CROP ASSISTANCE PROGRAM.

Section 196(k)(1) of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333(k)(1)) is amended—

(1) in subparagraph (A), by striking ''$100'' and inserting ''$250''; and

(2) in subparagraph (B)—

(A) by striking ''$300'' and inserting ''$750''; and

(B) by striking ''$900'' and inserting ''$1,875''.

SEC. 12029. DETERMINATION OF CERTAIN SWEET POTATO PRODUCTION.

Section 9001(d) of the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (Public Law 110–28; 121 Stat. 211) is amended—

(1) by redesignating paragraph (8) as paragraph (9); and

(2) by inserting after paragraph (7) the following:

''(8) SWEET POTATOES.—

''(A) DATA.—In the case of sweet potatoes, any data obtained under a pilot program carried out by the Risk Management Agency shall not be considered for the purpose of determining the quantity of production under the crop disaster assistance program established under this section.

''(B) EXTENSION OF DEADLINE.—If this paragraph is not implemented before the sign-up deadline for the crop disaster assistance program established under this section, the Secretary shall extend the deadline for producers of sweet potatoes to permit sign-up for the program in accordance with this paragraph.''.

SEC. 12030. DECLINING YIELD REPORT.

Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report containing details about activities and administrative options of the Federal Crop Insurance Corporation and Risk Management Agency that address issues relating to—

(1) declining yields on the actual production histories of producers; and

(2) declining and variable yields for perennial crops, including pecans.

SEC. 12031. DEFINITION OF BASIC UNIT.

The Secretary shall not modify the definition of ''basic unit'' in accordance with the proposed regulations entitled ''Common Crop Insurance Regulations'' (72 Fed. Reg. 28895; relating to common crop insurance regulations) or any successor regulation.

SEC. 12032. CROP INSURANCE MEDIATION.

Section 275 of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6995) is amended—

(1) by striking ''If an officer'' and inserting the following:

''(a) IN GENERAL.—If an officer'';

(2) by striking ''With respect to'' and inserting the following:

''(b) FARM SERVICE AGENCY.—With respect to'';

(3) by striking ''If a mediation''; and inserting the following:

''(c) MEDIATION.—If a mediation''; and

(4) in subsection (c) (as so designated)—

(A) by striking ''participant shall be offered'' and inserting ''participant shall—

''(1) be offered''; and

(B) by striking the period at the end and inserting the following: ''; and

''(2) to the maximum extent practicable, be allowed to use both informal agency review and mediation to resolve disputes under that title.''.

SEC. 12033. SUPPLEMENTAL AGRICULTURAL DISASTER ASSISTANCE.

(a) IN GENERAL.—The Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) is amended by adding at the end the following:

''Subtitle B—Supplemental Agricultural Disaster Assistance

''SEC. 531. SUPPLEMENTAL AGRICULTURAL DISASTER ASSISTANCE.

''(a) DEFINITIONS.—In this section:

''(1) ACTUAL PRODUCTION HISTORY YIELD.—The term 'actual production history yield' means the weighted average of the actual production history for each insurable commodity or noninsurable commodity, as calculated under subtitle A or the noninsured crop disaster assistance program, respectively.

''(2) ADJUSTED ACTUAL PRODUCTION HISTORY YIELD.—The term 'adjusted actual production history yield' means—

''(A) in the case of an eligible producer on a farm that has at least 4 years of actual production history yields for an insurable commodity that are established other than pursuant to section 508(g)(4)(B), the actual production history for the eligible producer without regard to any yields established under that section;

''(B) in the case of an eligible producer on a farm that has less than 4 years of actual production history yields for an insurable commodity, of which 1 or more were established pursuant to section 508(g)(4)(B), the actual production history for the eligible producer as calculated without including the lowest of the yields established pursuant to section 508(g)(4)(B); and

''(C) in all other cases, the actual production history of the eligible producer on a farm.

''(3) ADJUSTED NONINSURED CROP DISASTER ASSISTANCE PROGRAM YIELD.—The term 'adjusted noninsured crop disaster assistance program yield' means—

''(A) in the case of an eligible producer on a farm that has at least 4 years of production history under the noninsured crop disaster assistance program that are not replacement yields, the noninsured crop disaster assistance program yield without regard to any replacement yields;

''(B) in the case of an eligible producer on a farm that less than 4 years of production history under the noninsured crop disaster assistance program that are not replacement yields, the noninsured crop disaster assistance program yield as calculated without including the lowest of the replacement yields; and

''(C) in all other cases, the production history of the eligible producer on the farm under the noninsured crop disaster assistance program.

''(4) COUNTER-CYCLICAL PROGRAM PAYMENT YIELD.—The term 'counter-cyclical program payment yield' means the weighted average payment yield established under section 1102 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7912), section 1102 of the Food, Conservation, and Energy Act of 2008, or a successor section.

''(5) DISASTER COUNTY.—

''(A) IN GENERAL.—The term 'disaster county' means a county included in the geographic area covered by a qualifying natural disaster declaration.

''(B) INCLUSION.—The term 'disaster county' includes—

''(i) a county contiguous to a county described in subparagraph (A); and

''(ii) any farm in which, during a calendar year, the total loss of production of the farm relating to weather is greater than 50 percent of the normal production of the farm, as determined by the Secretary.

''(6) ELIGIBLE PRODUCER ON A FARM.—

''(A) IN GENERAL.—The term 'eligible producer on a farm' means an individual or entity described in subparagraph (B) that, as determined by the Secretary, assumes the production and market risks associated with the agricultural production of crops or livestock.

''(B) DESCRIPTION.—An individual or entity referred to in subparagraph (A) is—

''(i) a citizen of the United States;

''(ii) a resident alien;

''(iii) a partnership of citizens of the United States; or

''(iv) a corporation, limited liability corporation, or other farm organizational structure organized under State law.

''(7) FARM.—

''(A) IN GENERAL.—The term 'farm' means, in relation to an eligible producer on a farm, the sum of all crop acreage in all counties that is planted or intended to be planted for harvest by the eligible producer.

''(B) AQUACULTURE.—In the case of aquaculture, the term 'farm' means, in relation to an eligible producer on a farm, all fish being produced in all counties that are intended to be harvested for sale by the eligible producer.

''(C) HONEY.—In the case of honey, the term 'farm' means, in relation to an eligible producer on a farm, all bees and beehives in all counties that are intended to be harvested for a honey crop by the eligible producer.

''(8) FARM-RAISED FISH.—The term 'farm-raised fish' means any aquatic species that is propagated and reared in a controlled environment.

''(9) INSURABLE COMMODITY.—The term 'insurable commodity' means an agricultural commodity (excluding livestock) for which the producer on a farm is eligible to obtain a policy or plan of insurance under subtitle A.

''(10) LIVESTOCK.—The term 'livestock' includes—

''(A) cattle (including dairy cattle);

''(B) bison;

''(C) poultry;

''(D) sheep;

''(E) swine;

''(F) horses; and

''(G) other livestock, as determined by the Secretary.

''(11) NONINSURABLE COMMODITY.—The term 'noninsurable commodity' means a crop for which the eligible producers on a farm are eligible to obtain assistance under the noninsured crop assistance program.

''(12) NONINSURED CROP ASSISTANCE PROGRAM.—The term 'noninsured crop assistance program' means the program carried out under section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333).

''(13) QUALIFYING NATURAL DISASTER DECLARATION.—The term 'qualifying natural disaster declaration' means a natural disaster declared by the Secretary for production losses under section 321(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(a)).

''(14) SECRETARY.—The term 'Secretary' means the Secretary of Agriculture.

''(15) SOCIALLY DISADVANTAGED FARMER OR RANCHER.—The term 'socially disadvantaged farmer or rancher' has the meaning given the term in section 2501(e) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279(e)).

''(16) STATE.—The term 'State' means—

''(A) a State;

''(B) the District of Columbia;

''(C) the Commonwealth of Puerto Rico; and

''(D) any other territory or possession of the United States.

''(17) TRUST FUND.—The term 'Trust Fund' means the Agricultural Disaster Relief Trust Fund established under section 902 of the Trade Act of 1974.

''(18) UNITED STATES.—The term 'United States' when used in a geographical sense, means all of the States.

''(b) SUPPLEMENTAL REVENUE ASSISTANCE PAYMENTS.—

''(1) IN GENERAL.—The Secretary shall use such sums as are necessary from the Trust Fund to make crop disaster assistance payments to eligible producers on farms in disaster counties that have incurred crop production losses or crop quality losses, or both, during the crop year.

''(2) AMOUNT.—

''(A) IN GENERAL.—Subject to subparagraph (B), the Secretary shall provide crop disaster assistance payments under this section to an eligible producer on a farm in an amount equal to 60 percent of the difference between—

''(i) the disaster assistance program guarantee, as described in paragraph (3); and

''(ii) the total farm revenue for a farm, as described in paragraph (4).

''(B) LIMITATION.—The disaster assistance program guarantee for a crop used to calculate the payments for a farm under subparagraph (A)(i) may not be greater than 90 percent of the sum of the expected revenue, as described in paragraph (5) for each of the crops on a farm, as determined by the Secretary.

''(3) SUPPLEMENTAL REVENUE ASSISTANCE PROGRAM GUARANTEE.—

''(A) IN GENERAL.—Except as otherwise provided in this paragraph, the supplemental assistance program guarantee shall be the sum obtained by adding—

''(i) for each insurable commodity on the farm, 115 percent of the product obtained by multiplying—

''(I) a payment rate for the commodity that is equal to the price election for the commodity elected by the eligible producer;

''(II) the payment acres for the commodity that is equal to the number of acres planted, or prevented from being planted, to the commodity;

''(III) the payment yield for the commodity that is equal to the percentage of the crop insurance yield elected by the producer of the higher of—

''(aa) the adjusted actual production history yield; or

''(bb) the counter-cyclical program payment yield for each crop; and

''(ii) for each noninsurable commodity on a farm, 120 percent of the product obtained by multiplying—

''(I) a payment rate for the commodity that is equal to 100 percent of the noninsured crop assistance program established price for the commodity;

''(II) the payment acres for the commodity that is equal to the number of acres planted, or prevented from being planted, to the commodity; and

''(III) the payment yield for the commodity that is equal to the higher of—

''(aa) the adjusted noninsured crop assistance program yield guarantee; or

''(bb) the counter-cyclical program payment yield for each crop.

''(B) ADJUSTMENT INSURANCE GUARANTEE.—Notwithstanding subparagraph (A), in the case of an insurable commodity for which a plan of insurance provides for an adjustment in the guarantee, such as in the case of prevented planting, the adjusted insurance guarantee shall be the basis for determining the disaster assistance program guarantee for the insurable commodity.

''(C) ADJUSTED ASSISTANCE LEVEL.—Notwithstanding subparagraph (A), in the case of a noninsurable commodity for which the noninsured crop assistance program provides for an adjustment in the level of assistance, such as in the case of unharvested crops, the adjusted assistance level shall be the basis for determining the disaster assistance program guarantee for the noninsurable commodity.

''(D) EQUITABLE TREATMENT FOR NON-YIELD BASED POLICIES.—The Secretary shall establish equitable treatment for non-yield based policies and plans of insurance, such as the Adjusted Gross Revenue Lite insurance program.

''(4) FARM REVENUE.—

''(A) IN GENERAL.—For purposes of this subsection, the total farm revenue for a farm, shall equal the sum obtained by adding—

''(i) the estimated actual value for each crop produced on a farm by using the product obtained by multiplying—

''(I) the actual crop acreage harvested by an eligible producer on a farm;

''(II) the estimated actual yield of the crop production; and

''(III) subject to subparagraphs (B) and (C), to the extent practicable, the national average market price received for the marketing year, as determined by the Secretary;

''(ii) 15 percent of amount of any direct payments made to the producer under sections 1103 and 1303 of the Food, Conservation, and Energy Act of 2008 or successor sections;

''(iii) the total amount of any counter-cyclical payments made to the producer under sections 1104 and 1304 of the Food, Conservation, and Energy Act of 2008 or successor sections or of any average crop revenue election payments made to the producer under section 1105 of that Act;

''(iv) the total amount of any loan deficiency payments, marketing loan gains, and marketing certificate gains made to the producer under subtitles B and C of the Food, Conservation, and Energy Act of 2008 or successor subtitles;

''(v) the amount of payments for prevented planting on a farm;

''(vi) the amount of crop insurance indemnities received by an eligible producer on a farm for each crop on a farm;

''(vii) the amount of payments an eligible producer on a farm received under the noninsured crop assistance program for each crop on a farm; and

''(viii) the value of any other natural disaster assistance payments provided by the Federal Government to an eligible producer on a farm for each crop on a farm for the same loss for which the eligible producer is seeking assistance.

''(B) ADJUSTMENT.—The Secretary shall adjust the average market price received by the eligible producer on a farm—

''(i) to reflect the average quality discounts applied to the local or regional market price of a crop or mechanically harvested forage due to a reduction in the intrinsic characteristics of the production resulting from adverse weather, as determined annually by the State office of the Farm Service Agency; and

''(ii) to account for a crop the value of which is reduced due to excess moisture resulting from a disaster-related condition.

''(C) MAXIMUM AMOUNT FOR CERTAIN CROPS.—With respect to a crop for which an eligible producer on a farm receives assistance under the noninsured crop assistance program, the national average market price received during the marketing year shall be an amount not more than 100 percent of the price of the crop established under the noninsured crop assistance program.

''(5) EXPECTED REVENUE.—The expected revenue for each crop on a farm shall equal the sum obtained by adding—

''(A) the product obtained by multiplying—

''(i) the greatest of—

''(I) the adjusted actual production history yield of the eligible producer on a farm; and

''(II) the counter-cyclical program payment yield;

''(ii) the acreage planted or prevented from being planted for each crop; and

''(iii) 100 percent of the insurance price guarantee; and

''(B) the product obtained by multiplying—

''(i) 100 percent of the adjusted noninsured crop assistance program yield; and

''(ii) 100 percent of the noninsured crop assistance program price for each of the crops on a farm.

''(c) LIVESTOCK INDEMNITY PAYMENTS.—

''(1) PAYMENTS.—The Secretary shall use such sums as are necessary from the Trust Fund to make livestock indemnity payments to eligible producers on farms that have incurred livestock death losses in excess of the normal mortality due to adverse weather, as determined by the Secretary, during the calendar year, including losses due to hurricanes, floods, blizzards, disease, wildfires, extreme heat, and extreme cold.

''(2) PAYMENT RATES.—Indemnity payments to an eligible producer on a farm under paragraph (1) shall be made at a rate of 75 percent of the market value of the applicable livestock on the day before the date of death of the livestock, as determined by the Secretary.

''(d) LIVESTOCK FORAGE DISASTER PROGRAM.—

''(1) DEFINITIONS.—In this subsection:

''(A) COVERED LIVESTOCK.—

''(i) IN GENERAL.—Except as provided in clause (ii), the term 'covered livestock' means livestock of an eligible livestock producer that, during the 60 days prior to the beginning date of a qualifying drought or fire condition, as determined by the Secretary, the eligible livestock producer—

''(I) owned;

''(II) leased;

''(III) purchased;

''(IV) entered into a contract to purchase;

''(V) is a contract grower; or

''(VI) sold or otherwise disposed of due to qualifying drought conditions during—

''(aa) the current production year; or

''(bb) subject to paragraph (3)(B)(ii), 1 or both of the 2 production years immediately preceding the current production year.

''(ii) EXCLUSION.—The term 'covered livestock' does not include livestock that were or would have been in a feedlot, on the beginning date of the qualifying drought or fire condition, as a part of the normal business operation of the eligible livestock producer, as determined by the Secretary.

''(B) DROUGHT MONITOR.—The term 'drought monitor' means a system for classifying drought severity according to a range of abnormally dry to exceptional drought, as defined by the Secretary.

''(C) ELIGIBLE LIVESTOCK PRODUCER.—

''(i) IN GENERAL.—The term 'eligible livestock producer' means an eligible producer on a farm that—

''(I) is an owner, cash or share lessee, or contract grower of covered livestock that provides the pastureland or grazing land, including cash-leased pastureland or grazing land, for the livestock;

''(II) provides the pastureland or grazing land for covered livestock, including cash-leased pastureland or grazing land that is physically located in a county affected by drought;

''(III) certifies grazing loss; and

''(IV) meets all other eligibility requirements established under this subsection.

''(ii) EXCLUSION.—The term 'eligible livestock producer' does not include an owner, cash or share lessee, or contract grower of livestock that rents or leases pastureland or grazing land owned by another person on a rate-of-gain basis.

''(D) NORMAL CARRYING CAPACITY.—The term 'normal carrying capacity', with respect to each type of grazing land or pastureland in a county, means the normal carrying capacity, as determined under paragraph (3)(D)(i), that would be expected from the grazing land or pastureland for livestock during the normal grazing period, in the absence of a drought or fire that diminishes the production of the grazing land or pastureland.

''(E) NORMAL GRAZING PERIOD.—The term 'normal grazing period', with respect to a county, means the normal grazing period during the calendar year for the county, as determined under paragraph (3)(D)(i).

''(2) PROGRAM.—The Secretary shall use such sums as are necessary from the Trust Fund to provide compensation for losses to eligible livestock producers due to grazing losses for covered livestock due to—

''(A) a drought condition, as described in paragraph (3); or

''(B) fire, as described in paragraph (4).

''(3) ASSISTANCE FOR LOSSES DUE TO DROUGHT CONDITIONS.—

''(A) ELIGIBLE LOSSES.—

''(i) IN GENERAL.—An eligible livestock producer may receive assistance under this subsection only for grazing losses for covered livestock that occur on land that—

''(I) is native or improved pastureland with permanent vegetative cover; or

''(II) is planted to a crop planted specifically for the purpose of providing grazing for covered livestock.

''(ii) EXCLUSIONS.—An eligible livestock producer may not receive assistance under this subsection for grazing losses that occur on land used for haying or grazing under the conservation reserve program established under subchapter B of chapter 1 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3831 et seq.).

''(B) MONTHLY PAYMENT RATE.—

''(i) IN GENERAL.—Except as provided in clause (ii), the payment rate for assistance under this paragraph for 1 month shall, in the case of drought, be equal to 60 percent of the lesser of—

''(I) the monthly feed cost for all covered livestock owned or leased by the eligible livestock producer, as determined under subparagraph (C); or

''(II) the monthly feed cost calculated by using the normal carrying capacity of the eligible grazing land of the eligible livestock producer.

''(ii) PARTIAL COMPENSATION.—In the case of an eligible livestock producer that sold or otherwise disposed of covered livestock due to drought conditions in 1 or both of the 2 production years immediately preceding the current production year, as determined by the Secretary, the payment rate shall be 80 percent of the payment rate otherwise calculated in accordance with clause (i).

''(C) MONTHLY FEED COST.—

''(i) IN GENERAL.—The monthly feed cost shall equal the product obtained by multiplying—

''(I) 30 days;

''(II) a payment quantity that is equal to the feed grain equivalent, as determined under clause (ii); and

''(III) a payment rate that is equal to the corn price per pound, as determined under clause (iii).

''(ii) FEED GRAIN EQUIVALENT.—For purposes of clause (i)(I), the feed grain equivalent shall equal—

''(I) in the case of an adult beef cow, 15.7 pounds of corn per day; or

''(II) in the case of any other type of weight of livestock, an amount determined by the Secretary that represents the average number of pounds of corn per day necessary to feed the livestock.

''(iii) CORN PRICE PER POUND.—For purposes of clause (i)(II), the corn price per pound shall equal the quotient obtained by dividing—

''(I) the higher of—

''(aa) the national average corn price per bushel for the 12-month period immediately preceding March 1 of the year for which the disaster assistance is calculated; or

''(bb) the national average corn price per bushel for the 24-month period immediately preceding that March 1; by

''(II) 56.

''(D) NORMAL GRAZING PERIOD AND DROUGHT MONITOR INTENSITY.—

''(i) FSA COUNTY COMMITTEE DETERMINATIONS.—

''(I) IN GENERAL.—The Secretary shall determine the normal carrying capacity and normal grazing period for each type of grazing land or pastureland in the county served by the applicable committee.

''(II) CHANGES.—No change to the normal carrying capacity or normal grazing period established for a county under subclause (I) shall be made unless the change is requested by the appropriate State and county Farm Service Agency committees.

''(ii) DROUGHT INTENSITY.—

''(I) D2.—An eligible livestock producer that owns or leases grazing land or pastureland that is physically located in a county that is rated by the U.S. Drought Monitor as having a D2 (severe drought) intensity in any area of the county for at least 8 consecutive weeks during the normal grazing period for the county, as determined by the Secretary, shall be eligible to receive assistance under this paragraph in an amount equal to 1 monthly payment using the monthly payment rate determined under subparagraph (B).

''(II) D3.—An eligible livestock producer that owns or leases grazing land or pastureland that is physically located in a county that is rated by the U.S. Drought Monitor as having at least a D3 (extreme drought) intensity in any area of the county at any time during the normal grazing period for the county, as determined by the Secretary, shall be eligible to receive assistance under this paragraph—

''(aa) in an amount equal to 2 monthly payments using the monthly payment rate determined under subparagraph (B); or

''(bb) if the county is rated as having a D3 (extreme drought) intensity in any area of the county for at least 4 weeks during the normal grazing period for the county, or is rated as having a D4 (exceptional drought) intensity in any area of the county at any time during the normal grazing period, in an amount equal to 3 monthly payments using the monthly payment rate determined under subparagraph (B).

''(4) ASSISTANCE FOR LOSSES DUE TO FIRE ON PUBLIC MANAGED LAND.—

''(A) IN GENERAL.—An eligible livestock producer may receive assistance under this paragraph only if—

''(i) the grazing losses occur on rangeland that is managed by a Federal agency; and

''(ii) the eligible livestock producer is prohibited by the Federal agency from grazing the normal permitted livestock on the managed rangeland due to a fire.

''(B) PAYMENT RATE.—The payment rate for assistance under this paragraph shall be equal to 50 percent of the monthly feed cost for the total number of livestock covered by the Federal lease of the eligible livestock producer, as determined under paragraph (3)(C).

''(C) PAYMENT DURATION.—

''(i) IN GENERAL.—Subject to clause (ii), an eligible livestock producer shall be eligible to receive assistance under this paragraph for the period—

''(I) beginning on the date on which the Federal agency excludes the eligible livestock producer from using the managed rangeland for grazing; and

''(II) ending on the last day of the Federal lease of the eligible livestock producer.

''(ii) LIMITATION.—An eligible livestock producer may only receive assistance under this paragraph for losses that occur on not more than 180 days per year.

''(5) MINIMUM RISK MANAGEMENT PURCHASE REQUIREMENTS.—

''(A) IN GENERAL.—Except as otherwise provided in this paragraph, a livestock producer shall only be eligible for assistance under this subsection if the livestock producer—

''(i) obtained a policy or plan of insurance under subtitle A for the grazing land incurring the losses for which assistance is being requested; or

''(ii) filed the required paperwork, and paid the administrative fee by the applicable State filing deadline, for the noninsured crop assistance program for the grazing land incurring the losses for which assistance is being requested.

''(B) WAIVER FOR SOCIALLY DISADVANTAGED, LIMITED RESOURCE, OR BEGINNING FARMER OR RANCHER.—In the case of an eligible livestock producer that is a socially disadvantaged farmer or rancher or limited resource or beginning farmer or rancher, as determined by the Secretary, the Secretary may—

''(i) waive subparagraph (A); and

''(ii) provide disaster assistance under this section at a level that the Secretary determines to be equitable and appropriate.

''(C) WAIVER FOR 2008 CALENDAR YEAR.—In the case of an eligible livestock producer that suffered losses on grazing land during the 2008 calendar year but does not meet the requirements of subparagraph (A), the Secretary shall waive subparagraph (A) if the eligible livestock producer pays a fee in an amount equal to the applicable noninsured crop assistance program fee or catastrophic risk protection plan fee required under subparagraph (A) to the Secretary not later than 90 days after the date of enactment of this subtitle.

''(D) EQUITABLE RELIEF.—

''(i) IN GENERAL.—The Secretary may provide equitable relief to an eligible livestock producer that is otherwise ineligible or unintentionally fails to meet the requirements of subparagraph (A) for the grazing land incurring the loss on a case-by-case basis, as determined by the Secretary.

''(ii) 2008 CALENDAR YEAR.—In the case of an eligible livestock producer that suffered losses on grazing land during the 2008 calendar year, the Secretary shall take special consideration to provide equitable relief in cases in which the eligible livestock producer failed to meet the requirements of subparagraph (A) due to the enactment of this subtitle after the closing date of sales periods for crop insurance under subtitle A and the noninsured crop assistance program.

''(6) NO DUPLICATIVE PAYMENTS.—

''(A) IN GENERAL.—An eligible livestock producer may elect to receive assistance for grazing or pasture feed losses due to drought conditions under paragraph (3) or fire under paragraph (4), but not both for the same loss, as determined by the Secretary.

''(B) RELATIONSHIP TO SUPPLEMENTAL REVENUE ASSISTANCE.—An eligible livestock producer that receives assistance under this subsection may not also receive assistance for losses to crops on the same land with the same intended use under subsection (b).

''(e) EMERGENCY ASSISTANCE FOR LIVESTOCK, HONEY BEES, AND FARM-RAISED FISH.—

''(1) IN GENERAL.—The Secretary shall use up to $50,000,000 per year from the Trust Fund to provide emergency relief to eligible producers of livestock, honey bees, and farm-raised fish to aid in the reduction of losses due to disease, adverse weather, or other conditions, such as blizzards and wildfires, as determined by the Secretary, that are not covered under subsection (b), (c), or (d).

''(2) USE OF FUNDS.—Funds made available under this subsection shall be used to reduce losses caused by feed or water shortages, disease, or other factors as determined by the Secretary.

''(3) AVAILABILITY OF FUNDS.—Any funds made available under this subsection shall remain available until expended.

''(f) TREE ASSISTANCE PROGRAM.—

''(1) DEFINITIONS.—In this subsection:

''(A) ELIGIBLE ORCHARDIST.—The term 'eligible orchardist' means a person that produces annual crops from trees for commercial purposes.

''(B) NATURAL DISASTER.—The term 'natural disaster' means plant disease, insect infestation, drought, fire, freeze, flood, earthquake, lightning, or other occurrence, as determined by the Secretary.

''(C) NURSERY TREE GROWER.—The term 'nursery tree grower' means a person who produces nursery, ornamental, fruit, nut, or Christmas trees for commercial sale, as determined by the Secretary.

''(D) TREE.—The term 'tree' includes a tree, bush, and vine.

''(2) ELIGIBILITY.—

''(A) LOSS.—Subject to subparagraph (B), the Secretary shall provide assistance—

''(i) under paragraph (3) to eligible orchardists and nursery tree growers that planted trees for commercial purposes but lost the trees as a result of a natural disaster, as determined by the Secretary; and

''(ii) under paragraph (3)(B) to eligible orchardists and nursery tree growers that have a production history for commercial purposes on planted or existing trees but lost the trees as a result of a natural disaster, as determined by the Secretary.

''(B) LIMITATION.—An eligible orchardist or nursery tree grower shall qualify for assistance under subparagraph (A) only if the tree mortality of the eligible orchardist or nursery tree grower, as a result of damaging weather or related condition, exceeds 15 percent (adjusted for normal mortality).

''(3) ASSISTANCE.—Subject to paragraph (4), the assistance provided by the Secretary to eligible orchardists and nursery tree growers for losses described in paragraph (2) shall consist of—

''(A)(i) reimbursement of 70 percent of the cost of replanting trees lost due to a natural disaster, as determined by the Secretary, in excess of 15 percent mortality (adjusted for normal mortality); or

''(ii) at the option of the Secretary, sufficient seedlings to reestablish a stand; and

''(B) reimbursement of 50 percent of the cost of pruning, removal, and other costs incurred by an eligible orchardist or nursery tree grower to salvage existing trees or, in the case of tree mortality, to prepare the land to replant trees as a result of damage or tree mortality due to a natural disaster, as determined by the Secretary, in excess of 15 percent damage or mortality (adjusted for normal tree damage and mortality).

''(4) LIMITATIONS ON ASSISTANCE.—

''(A) DEFINITIONS OF LEGAL ENTITY AND PERSON.—In this paragraph, the terms 'legal entity' and 'person' have the meaning given those terms in section 1001(a) of the Food Security Act of 1985 (7 U.S.C. 1308(a) (as amended by section 1603 of the Food, Conservation, and Energy Act of 2008).

''(B) AMOUNT.—The total amount of payments received, directly or indirectly, by a person or legal entity (excluding a joint venture or general partnership) under this subsection may not exceed $100,000 for any crop year, or an equivalent value in tree seedlings.

''(C) ACRES.—The total quantity of acres planted to trees or tree seedlings for which a person or legal entity shall be entitled to receive payments under this subsection may not exceed 500 acres.

''(g) RISK MANAGEMENT PURCHASE REQUIREMENT.—

''(1) IN GENERAL.—Except as otherwise provided in this section, the eligible producers on a farm shall not be eligible for assistance under this section (other than subsection (c)) if the eligible producers on the farm—

''(A) in the case of each insurable commodity of the eligible producers on the farm, did not obtain a policy or plan of insurance under subtitle A (excluding a crop insurance pilot program under that subtitle); or

''(B) in the case of each noninsurable commodity of the eligible producers on the farm, did not file the required paperwork, and pay the administrative fee by the applicable State filing deadline, for the noninsured crop assistance program.

''(2) MINIMUM.—To be considered to have obtained insurance under paragraph (1)(A), an eligible producer on a farm shall have obtained a policy or plan of insurance with not less than 50 percent yield coverage at 55 percent of the insurable price for each crop grazed, planted, or intended to be planted for harvest on a whole farm.

''(3) WAIVER FOR SOCIALLY DISADVANTAGED, LIMITED RESOURCE, OR BEGINNING FARMER OR RANCHER.—With respect to eligible producers that are socially disadvantaged farmers or ranchers or limited resource or beginning farmers or ranchers, as determined by the Secretary, the Secretary may—

''(A) waive paragraph (1); and

''(B) provide disaster assistance under this section at a level that the Secretary determines to be equitable and appropriate.

''(4) WAIVER FOR 2008 CROP YEAR.—In the case of an eligible producer that suffered losses in an insurable commodity or noninsurable commodity during the 2008 crop year but does not meet the requirements of paragraph (1), the Secretary shall waive paragraph (1) if the eligible producer pays a fee in an amount equal to the applicable noninsured crop assistance program fee or catastrophic risk protection plan fee required under paragraph (1) to the Secretary not later than 90 days after the date of enactment of this subtitle.

''(5) EQUITABLE RELIEF.—

''(A) IN GENERAL.—The Secretary may provide equitable relief to eligible producers on a farm that are otherwise ineligible or unintentionally fail to meet the requirements of paragraph (1) for 1 or more crops on a farm on a case-by-case basis, as determined by the Secretary.

''(B) 2008 CROP YEAR.—In the case of eligible producers on a farm that suffered losses in an insurable commodity or noninsurable commodity during the 2008 crop year, the Secretary shall take special consideration to provide equitable relief in cases in which the eligible producers failed to meet the requirements of paragraph (1) due to the enactment of this subtitle after the closing date of sales periods for crop insurance under subtitle A and the noninsured crop assistance program.

''(h) PAYMENT LIMITATIONS.—

''(1) DEFINITIONS OF LEGAL ENTITY AND PERSON.—In this subsection, the terms 'legal entity' and 'person' have the meaning given those terms in section 1001(a) of the Food Security Act of 1985 (7 U.S.C. 1308(a) (as amended by section 1603 of the Food, Conservation, and Energy Act of 2008).

''(2) AMOUNT.—The total amount of disaster assistance payments received, directly or indirectly, by a person or legal entity (excluding a joint venture or general partnership) under this section (excluding payments received under subsection (f)) may not exceed $100,000 for any crop year.

''(3) AGI LIMITATION.—Section 1001D of the Food Security Act of 1985 (7 U.S.C. 1308–3a) or any successor provision shall apply with respect to assistance provided under this section.

''(4) DIRECT ATTRIBUTION.—Subsections (e) and (f) of section 1001 of the Food Security Act of 1985 (7 U.S.C. 1308) or any successor provisions relating to direct attribution shall apply with respect to assistance provided under this section.

''(i) PERIOD OF EFFECTIVENESS.—This section shall be effective only for losses that are incurred as the result of a disaster, adverse weather, or other environmental condition that occurs on or before September 30, 2011, as determined by the Secretary.

''(j) NO DUPLICATIVE PAYMENTS.—In implementing any other program which makes disaster assistance payments (except for indemnities made under subtitle A and section 196 of the Federal Agriculture Improvement and Reform Act of 1996), the Secretary shall prevent duplicative payments with respect to the same loss for which a person receives a payment under subsections (b), (c), (d), (e), or (f).

''(k) APPLICATION.—

''(1) IN GENERAL.—Subject to paragraph (2) and notwithstanding any provision of subtitle A, subtitle A shall not apply to this subtitle.

''(2) CROSS REFERENCES.—Paragraph (1) shall not apply to a specific reference in this subtitle to a provision of subtitle A.''.

(b) TRANSITION.—For purposes of the 2008 crop year, the Secretary shall carry out subsections (f)(4) and (h) of section 531 of the Federal Crop Insurance Act (as added by subsection (a)) in accordance with the terms and conditions of sections 1001 through 1001D of the Food Security Act of 1985 (16 U.S.C. 1308 et seq.), as in effect on September 30, 2007.

(c) CONFORMING AMENDMENTS.—

(1) Section 501 of the Federal Crop Insurance Act (7 U.S.C. 1501) is amended by striking the section heading and enumerator and inserting the following:

''Subtitle A—Federal Crop Insurance Act

''SEC. 501. SHORT TITLE AND APPLICATION OF OTHER PROVISIONS.''.

(2) Subtitle A of the Federal Crop Insurance Act (as designated under paragraph (1)) is amended—

(A) by striking ''This title'' each place it appears and inserting ''This subtitle''; and

(B) by striking ''this title'' each place it appears and inserting ''this subtitle''.

SEC. 12034. FISHERIES DISASTER ASSISTANCE.

Of the funds of the Commodity Credit Corporation, the Secretary of Agriculture shall transfer to the Secretary of Commerce $170,000,000 for fiscal year 2008 for the National Marine Fisheries Service to distribute to commercial and recreational members of the fishing communities affected by the salmon fishery failure in the States of California, Oregon, and Washington designated under section 312(a) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1861a(a)) on May 1, 2008, in accordance with that section.

Subtitle B—Small Business Disaster Loan Program

SEC. 12051. SHORT TITLE.

This subtitle may be cited as the ''Small Business Disaster Response and Loan Improvements Act of 2008''.

SEC. 12052. DEFINITIONS.

In this subtitle—

(1) the terms ''Administration'' and ''Administrator'' mean the Small Business Administration and the Administrator thereof, respectively;

(2) the term ''disaster area'' means an area affected by a natural or other disaster, as determined for purposes of paragraph (1) or (2) of section 7(b) of the Small Business Act (15 U.S.C. 636(b)), during the period of such declaration;

(3) the term ''disaster loan program of the Administration'' means assistance under section 7(b) of the Small Business Act (15 U.S.C. 636(b)), as amended by this Act;

(4) the term ''disaster update period'' means the period beginning on the date on which the President declares a major disaster (including any major disaster relating to which the Administrator declares eligibility for additional disaster assistance under paragraph (9) of section 7(b) of the Small Business Act (15 U.S.C. 636(b)), as added by this Act) and ending on the date on which such declaration terminates;

(5) the term ''major disaster'' has the meaning given that term in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122);

(6) the term ''small business concern'' has the meaning given that term under section 3 of the Small Business Act (15 U.S.C. 632); and

(7) the term ''State'' means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Northern Mariana Islands, the Virgin Islands, Guam, American Samoa, and any territory or possession of the United States.

PART I—DISASTER PLANNING AND RESPONSE

SEC. 12061. ECONOMIC INJURY DISASTER LOANS TO NONPROFITS.

(a) IN GENERAL.—Section 7(b)(2) of the Small Business Act (15 U.S.C. 636(b)(2)) is amended—

(1) in the matter preceding subparagraph (A)—

(A) by inserting after ''small business concern'' the following: '', private nonprofit organization,''; and

(B) by inserting after ''the concern'' the following: '', the organization,''; and

(2) in subparagraph (D) by inserting after ''small business concerns'' the following: '', private nonprofit organizations,''.

(b) CONFORMING AMENDMENT.—Section 7(c)(5)(C) of the Small Business Act (15 U.S.C. 636(c)(5)(C)) is amended by inserting after ''business'' the following: '', private nonprofit organization,''.

SEC. 12062. COORDINATION OF DISASTER ASSISTANCE PROGRAMS WITH FEMA.

The Small Business Act (15 U.S.C. 631 et seq.) is amended—

(1) by redesignating section 37 as section 44; and

(2) by inserting after section 36 the following:

''SEC. 37. COORDINATION OF DISASTER ASSISTANCE PROGRAMS WITH FEMA.

''(a) COORDINATION REQUIRED.—The Administrator shall ensure that the disaster assistance programs of the Administration are coordinated, to the maximum extent practicable, with the disaster assistance programs of the Federal Emergency Management Agency.

''(b) REGULATIONS REQUIRED.—The Administrator, in consultation with the Administrator of the Federal Emergency Management Agency, shall establish regulations to ensure that each application for disaster assistance is submitted as quickly as practicable to the Administration or directed to the appropriate agency under the circumstances.

''(c) COMPLETION; REVISION.—The initial regulations shall be completed not later than 270 days after the date of the enactment of the Small Business Disaster Response and Loan Improvements Act of 2008. Thereafter, the regulations shall be revised on an annual basis.

''(d) REPORT.—The Administrator shall include a report on the regulations whenever the Administration submits the report required by section 43.''.

SEC. 12063. PUBLIC AWARENESS OF DISASTER DECLARATION AND APPLICATION PERIODS.

(a) IN GENERAL.—Section 7(b) of the Small Business Act (15 U.S.C. 636(b)) is amended by inserting immediately after paragraph (3), the following:

''(4) COORDINATION WITH FEMA.—

''(A) IN GENERAL.—Notwithstanding any other provision of law, for any disaster declared under this subsection or major disaster (including any major disaster relating to which the Administrator declares eligibility for additional disaster assistance under paragraph (9)), the Administrator, in consultation with the Administrator of the Federal Emergency Management Agency, shall ensure, to the maximum extent practicable, that all application periods for disaster relief under this Act correspond with application deadlines established under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), or as extended by the President.

''(B) DEADLINES.—Notwithstanding any other provision of law, not later than 10 days before the closing date of an application period for a major disaster (including any major disaster relating to which the Administrator declares eligibility for additional disaster assistance under paragraph (9)), the Administrator, in consultation with the Administrator of the Federal Emergency Management Agency, shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report that includes—

''(i) the deadline for submitting applications for assistance under this Act relating to that major disaster;

''(ii) information regarding the number of loan applications and disbursements processed by the Administrator relating to that major disaster for each day during the period beginning on the date on which that major disaster was declared and ending on the date of that report; and

''(iii) an estimate of the number of potential applicants that have not submitted an application relating to that major disaster.

''(5) PUBLIC AWARENESS OF DISASTERS.—If a disaster is declared under this subsection or the Administrator declares eligibility for additional disaster assistance under paragraph (9), the Administrator shall make every effort to communicate through radio, television, print, and web-based outlets, all relevant information needed by disaster loan applicants, including—

''(A) the date of such declaration;

''(B) cities and towns within the area of such declaration;

''(C) loan application deadlines related to such disaster;

''(D) all relevant contact information for victim services available through the Administration (including links to small business development center websites);

''(E) links to relevant Federal and State disaster assistance websites, including links to websites providing information regarding assistance available from the Federal Emergency Management Agency;

''(F) information on eligibility criteria for Administration loan programs, including where such applications can be found; and

''(G) application materials that clearly state the function of the Administration as the Federal source of disaster loans for homeowners and renters.''.

(b) MARKETING AND OUTREACH.—Not later than 90 days after the date of enactment of this Act, the Administrator shall create a marketing and outreach plan that—

(1) encourages a proactive approach to the disaster relief efforts of the Administration;

(2) makes clear the services provided by the Administration, including contact information, application information, and timelines for submitting applications, the review of applications, and the disbursement of funds;

(3) describes the different disaster loan programs of the Administration, including how they are made available and the eligibility requirements for each loan program;

(4) provides for regional marketing, focusing on disasters occurring in each region before the date of enactment of this Act, and likely scenarios for disasters in each such region; and

(5) ensures that the marketing plan is made available at small business development centers and on the website of the Administration.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) IN GENERAL.—Section 3 of the Small Business Act (15 U.S.C. 632) is amended by adding at the end the following:

''(s) MAJOR DISASTER.—In this Act, the term 'major disaster' has the meaning given that term in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122).''.

(2) TECHNICAL CORRECTION.—Section 7(b)(2) of the Small Business Act (15 U.S.C. 636(b)(2)) is amended by striking ''Disaster Relief and Emergency Assistance Act'' and inserting ''Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.)''.

SEC. 12064. CONSISTENCY BETWEEN ADMINISTRATION REGULATIONS AND STANDARD OPERATING PROCEDURES.

(a) IN GENERAL.—The Administrator shall, promptly following the date of enactment of this Act, conduct a study of whether the standard operating procedures of the Administration for loans offered under section 7(b) of the Small Business Act (15 U.S.C. 636(b)) are consistent with the regulations of the Administration for administering the disaster loan program.

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the Administrator shall submit to Congress a report containing all findings and recommendations of the study conducted under subsection (a).

SEC. 12065. INCREASING COLLATERAL REQUIREMENTS.

Section 7(c)(6) of the Small Business Act (15 U.S.C. 636(c)(6)) is amended by striking ''$10,000 or less'' and inserting ''$14,000 or less (or such higher amount as the Administrator determines appropriate in the event of a major disaster)''.

SEC. 12066. PROCESSING DISASTER LOANS.

(a) AUTHORITY FOR QUALIFIED PRIVATE CONTRACTORS TO PROCESS DISASTER LOANS.—Section 7(b) of the Small Business Act (15 U.S.C. 636(b)) is amended by inserting immediately after paragraph (5), as added by this Act, the following:

''(6) AUTHORITY FOR QUALIFIED PRIVATE CONTRACTORS.—

''(A) DISASTER LOAN PROCESSING.—The Administrator may enter into an agreement with a qualified private contractor, as determined by the Administrator, to process loans under this subsection in the event of a major disaster (including any major disaster relating to which the Administrator declares eligibility for additional disaster assistance under paragraph (9)), under which the Administrator shall pay the contractor a fee for each loan processed.

''(B) LOAN LOSS VERIFICATION SERVICES.—The Administrator may enter into an agreement with a qualified lender or loss verification professional, as determined by the Administrator, to verify losses for loans under this subsection in the event of a major disaster (including any major disaster relating to which the Administrator declares eligibility for additional disaster assistance under paragraph (9)), under which the Administrator shall pay the lender or verification professional a fee for each loan for which such lender or verification professional verifies losses.''.

(b) COORDINATION OF EFFORTS BETWEEN THE ADMINISTRATOR AND THE INTERNAL REVENUE SERVICE TO EXPEDITE LOAN PROCESSING.—The Administrator and the Commissioner of Internal Revenue shall, to the maximum extent practicable, ensure that all relevant and allowable tax records for loan approval are shared with loan processors in an expedited manner, upon request by the Administrator.

SEC. 12067. INFORMATION TRACKING AND FOLLOW-UP SYSTEM.

The Small Business Act is amended by inserting after section 37, as added by this Act, the following:

''SEC. 38. INFORMATION TRACKING AND FOLLOW-UP SYSTEM FOR DISASTER ASSISTANCE.

''(a) SYSTEM REQUIRED.—The Administrator shall develop, implement, or maintain a centralized information system to track communications between personnel of the Administration and applicants for disaster assistance. The system shall ensure that whenever an applicant for disaster assistance communicates with such personnel on a matter relating to the application, the following information is recorded:

''(1) The method of communication.

''(2) The date of communication.

''(3) The identity of the personnel.

''(4) A summary of the subject matter of the communication.

''(b) FOLLOW-UP REQUIRED.—The Administrator shall ensure that an applicant for disaster assistance receives, by telephone, mail, or electronic mail, follow-up communications from the Administration at all critical stages of the application process, including the following:

''(1) When the Administration determines that additional information or documentation is required to process the application.

''(2) When the Administration determines whether to approve or deny the loan.

''(3) When the primary contact person managing the loan application has changed.''.

SEC. 12068. INCREASED DEFERMENT PERIOD.

(a) IN GENERAL.—Section 7 of the Small Business Act (15 U.S.C. 636) is amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(2) by inserting after subsection (e), as so redesignated, the following:

''(f) ADDITIONAL REQUIREMENTS FOR 7(b) LOANS.—

''(1) INCREASED DEFERMENT AUTHORIZED.—

''(A) IN GENERAL.—In making loans under subsection (b), the Administrator may provide, to the person receiving the loan, an option to defer repayment on the loan.

''(B) PERIOD.—The period of a deferment under subparagraph (A) may not exceed 4 years.''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—The Small Business Act (15 U.S.C. 631 et seq.) is amended—

(1) in section 4(c)—

(A) in paragraph (1), by striking ''7(c)(2)'' and inserting ''7(d)(2)''; and

(B) in paragraph (2)—

(i) by striking ''7(c)(2)'' and inserting ''7(d)(2)''; and

(ii) by striking ''7(e),''; and

(2) in section 7(b), in the undesignated matter following paragraph (3)—

(A) by striking ''That the provisions of paragraph (1) of subsection (c)'' and inserting ''That the provisions of paragraph (1) of subsection (d)''; and

(B) by striking ''Notwithstanding the provisions of any other law the interest rate on the Administration's share of any loan made under subsection (b) except as provided in subsection (c),'' and inserting ''Notwithstanding any other provision of law, and except as provided in subsection (d), the interest rate on the Administration's share of any loan made under subsection (b)''.

SEC. 12069. DISASTER PROCESSING REDUNDANCY.

The Small Business Act (15 U.S.C. 631 et seq.) is amended by inserting after section 38, as added by this Act, the following:

''SEC. 39. DISASTER PROCESSING REDUNDANCY.

''(a) IN GENERAL.—The Administrator shall ensure that the Administration has in place a facility for disaster loan processing that, whenever the Administration's primary facility for disaster loan processing becomes unavailable, is able to take over all disaster loan processing from that primary facility within 2 days.

''(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.''.

SEC. 12070. NET EARNINGS CLAUSES PROHIBITED.

Section 7 of the Small Business Act (15 U.S.C. 636) is amended by inserting after subsection (f), as added by this Act, the following:

''(g) NET EARNINGS CLAUSES PROHIBITED FOR 7(b) LOANS.—In making loans under subsection (b), the Administrator shall not require the borrower to pay any non-amortized amount for the first five years after repayment begins.''.

SEC. 12071. ECONOMIC INJURY DISASTER LOANS IN CASES OF ICE STORMS AND BLIZZARDS.

Section 3(k)(2) of the Small Business Act (15 U.S.C. 632(k)(2)) is amended—

(1) in subparagraph (A) by striking ''and'';

(2) in subparagraph (B) by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(C) ice storms and blizzards.''.

SEC. 12072. DEVELOPMENT AND IMPLEMENTATION OF MAJOR DISASTER RESPONSE PLAN.

(a) IN GENERAL.—Not later than 3 months after the date of enactment of this Act, the Administrator shall—

(1) by rule, amend the 2006 Atlantic hurricane season disaster response plan of the Administration (in this section referred to as the ''disaster response plan'') to apply to major disasters; and

(2) submit a report to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives detailing the amendments to the disaster response plan.

(b) CONTENTS.—The report required under subsection (a)(2) shall include—

(1) any updates or modifications made to the disaster response plan since the report regarding the disaster response plan submitted to Congress on July 14, 2006;

(2) a description of how the Administrator plans to use and integrate District Office personnel of the Administration in the response to a major disaster, including information on the use of personnel for loan processing and loan disbursement;

(3) a description of the disaster scalability model of the Administration and on what basis or function the plan is scaled;

(4) a description of how the agency-wide Disaster Oversight Council is structured, which offices comprise its membership, and whether the Associate Deputy Administrator for Entrepreneurial Development of the Administration is a member;

(5) a description of how the Administrator plans to coordinate the disaster efforts of the Administration with State and local government officials, including recommendations on how to better incorporate State initiatives or programs, such as State-administered bridge loan programs, into the disaster response of the Administration;

(6) recommendations, if any, on how the Administration can better coordinate its disaster response operations with the operations of other Federal, State, and local entities;

(7) any surge plan for the disaster loan program of the Administration in effect on or after August 29, 2005 (including surge plans for loss verification, loan processing, mailroom, customer service or call center operations, and a continuity of operations plan);

(8) the number of full-time equivalent employees and job descriptions for the planning and disaster response staff of the Administration;

(9) the in-service and preservice training procedures for disaster response staff of the Administration;

(10) information on the logistical support plans of the Administration (including equipment and staffing needs, and detailed information on how such plans will be scalable depending on the size and scope of the major disaster;

(11) a description of the findings and recommendations of the Administrator, if any, based on a review of the response of the Administration to Hurricane Katrina of 2005, Hurricane Rita of 2005, and Hurricane Wilma of 2005; and

(12) a plan for how the Administrator, in consultation with the Administrator of the Federal Emergency Management Agency, will coordinate the provision of accommodations and necessary resources for disaster assistance personnel to effectively perform their responsibilities in the aftermath of a major disaster.

(c) BIENNIAL DISASTER SIMULATION EXERCISE.—

(1) EXERCISE REQUIRED.—The Administrator shall conduct a disaster simulation exercise at least once every 2 fiscal years. The exercise shall include the participation of, at a minimum, not less than 50 percent of the individuals in the disaster reserve corps and shall test, at maximum capacity, all of the information technology and telecommunications systems of the Administration that are vital to the activities of the Administration during such a disaster.

(2) REPORT.—The Administrator shall include a report on the disaster simulation exercises conducted under paragraph (1) each time the Administration submits a report required under section 43 of the Small Business Act, as added by this Act.

SEC. 12073. DISASTER PLANNING RESPONSIBILITIES.

(a) ASSIGNMENT OF SMALL BUSINESS ADMINISTRATION DISASTER PLANNING RESPONSIBILITIES.—The disaster planning function of the Administration shall be assigned to an individual appointed by the Administrator who—

(1) is not an employee of the Office of Disaster Assistance of the Administration;

(2) has proven management ability;

(3) has substantial knowledge in the field of disaster readiness and emergency response; and

(4) has demonstrated significant experience in the area of disaster planning.

(b) RESPONSIBILITIES.—The individual assigned the disaster planning function of the Administration shall report directly and solely to the Administrator and shall be responsible for—

(1) creating, maintaining, and implementing the comprehensive disaster response plan of the Administration described in section 12072;

(2) ensuring there are in-service and pre-service training procedures for the disaster response staff of the Administration;

(3) coordinating and directing the training exercises of the Administration relating to disasters, including disaster simulation exercises and disaster exercises coordinated with other government departments and agencies; and

(4) other responsibilities relevant to disaster planning and readiness, as determined by the Administrator.

(c) COORDINATION.—In carrying out the responsibilities described in subsection (b), the individual assigned the disaster planning function of the Administration shall coordinate with—

(1) the Office of Disaster Assistance of the Administration;

(2) the Administrator of the Federal Emergency Management Agency; and

(3) other Federal, State, and local disaster planning offices, as necessary.

(d) RESOURCES.—The Administrator shall ensure that the individual assigned the disaster planning function of the Administration has adequate resources to carry out the duties under this section.

(e) REPORT.—Not later than 30 days after the date of enactment of this Act, the Administrator shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report containing—

(1) a description of the actions of the Administrator to assign an individual the disaster planning function of the Administration;

(2) information detailing the background and expertise of the individual assigned; and

(3) information on the status of the implementation of the responsibilities described in subsection (b).

SEC. 12074. ASSIGNMENT OF EMPLOYEES OF THE OFFICE OF DISASTER ASSISTANCE AND DISASTER CADRE.

(a) IN GENERAL.—Section 7(b) of the Small Business Act (15 U.S.C. 636(b)) is amended by inserting immediately after paragraph (6), as added by this Act, the following:

''(7) DISASTER ASSISTANCE EMPLOYEES.—

''(A) IN GENERAL.—In carrying out this section, the Administrator may, where practicable, ensure that the number of full-time equivalent employees—

''(i) in the Office of the Disaster Assistance is not fewer than 800; and

''(ii) in the Disaster Cadre of the Administration is not fewer than 1,000.

''(B) REPORT.—In carrying out this subsection, if the number of full-time employees for either the Office of Disaster Assistance or the Disaster Cadre of the Administration is below the level described in subparagraph (A) for that office, not later than 21 days after the date on which that staffing level decreased below the level described in subparagraph (A), the Administrator shall submit to the Committee on Appropriations and the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Appropriations and Committee on Small Business of the House of Representatives, a report—

''(i) detailing staffing levels on that date;

''(ii) requesting, if practicable and determined appropriate by the Administrator, additional funds for additional employees; and

''(iii) containing such additional information, as determined appropriate by the Administrator.''.

SEC. 12075. COMPREHENSIVE DISASTER RESPONSE PLAN.

The Small Business Act (15 U.S.C. 631 et seq.) is amended inserting after section 39, as added by this Act, the following:

''SEC. 40. COMPREHENSIVE DISASTER RESPONSE PLAN.

''(a) PLAN REQUIRED.—The Administrator shall develop, implement, or maintain a comprehensive written disaster response plan. The plan shall include the following:

''(1) For each region of the Administration, a description of the disasters most likely to occur in that region.

''(2) For each disaster described under paragraph (1)—

''(A) an assessment of the disaster;

''(B) an assessment of the demand for Administration assistance most likely to occur in response to the disaster;

''(C) an assessment of the needs of the Administration, with respect to such resources as information technology, telecommunications, human resources, and office space, to meet the demand referred to in subparagraph (B); and

''(D) guidelines pursuant to which the Administration will coordinate with other Federal agencies and with State and local authorities to best respond to the demand referred to in subparagraph (B) and to best use the resources referred to in that subparagraph.

''(b) COMPLETION; REVISION.—The first plan required by subsection (a) shall be completed not later than 180 days after the date of the enactment of this section. Thereafter, the Administrator shall update the plan on an annual basis and following any major disaster relating to which the Administrator declares eligibility for additional disaster assistance under section 7(b)(9).

''(c) KNOWLEDGE REQUIRED.—The Administrator shall carry out subsections (a) and (b) through an individual with substantial knowledge in the field of disaster readiness and emergency response.

''(d) REPORT.—The Administrator shall include a report on the plan whenever the Administration submits the report required by section 43.''.

SEC. 12076. PLANS TO SECURE SUFFICIENT OFFICE SPACE.

The Small Business Act is amended by inserting after section 40, as added by this Act, the following:

''SEC. 41. PLANS TO SECURE SUFFICIENT OFFICE SPACE.

''(a) PLANS REQUIRED.—The Administrator shall develop long-term plans to secure sufficient office space to accommodate an expanded workforce in times of disaster.

''(b) REPORT.—The Administrator shall include a report on the plans developed under subsection (a) each time the Administration submits a report required under section 43.''.

SEC. 12077. APPLICANTS THAT HAVE BECOME A MAJOR SOURCE OF EMPLOYMENT DUE TO CHANGED ECONOMIC CIRCUMSTANCES.

Section 7(b)(3)(E) of the Small Business Act (15 U.S.C. 636(b)(3)(E)) is amended by inserting after ''constitutes'' the following: '', or have become due to changed economic circumstances,''.

SEC. 12078. DISASTER LOAN AMOUNTS.

(a) INCREASED LOAN CAPS.—Section 7(b) of the Small Business Act (15 U.S.C. 636(b)) is amended by inserting immediately after paragraph (7), as added by this Act, the following:

''(8) INCREASED LOAN CAPS.—

''(A) AGGREGATE LOAN AMOUNTS.—Except as provided in subparagraph (B), and notwithstanding any other provision of law, the aggregate loan amount outstanding and committed to a borrower under this subsection may not exceed $2,000,000.

''(B) WAIVER AUTHORITY.—The Administrator may, at the discretion of the Administrator, increase the aggregate loan amount under subparagraph (A) for loans relating to a disaster to a level established by the Administrator, based on appropriate economic indicators for the region in which that disaster occurred.''.

(b) DISASTER MITIGATION.—

(1) IN GENERAL.—Section 7(b)(1)(A) of the Small Business Act (15 U.S.C. 636(b)(1)(A)) is amended by inserting ''of the aggregate costs of such damage or destruction (whether or not compensated for by insurance or otherwise)'' after ''20 per centum''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply with respect to a loan or guarantee made after the date of enactment of this Act.

(c) TECHNICAL AMENDMENTS.—Section 7(b) of the Small Business Act (15 U.S.C. 636(b)) is amended—

(1) in the matter preceding paragraph (1), by striking ''the, Administration'' and inserting ''the Administration''; and

(2) in the undesignated matter at the end—

(A) by striking '', (2), and (4)'' and inserting ''and (2)''; and

(B) by striking '', (2), or (4)'' and inserting ''(2)''.

SEC. 12079. SMALL BUSINESS BONDING THRESHOLD.

(a) IN GENERAL.—Except as provided in subsection (b), and notwithstanding any other provision of law, for any procurement related to a major disaster, the Administrator may, upon such terms and conditions as the Administrator may prescribe, guarantee and enter into commitments to guarantee any surety against loss resulting from a breach of the terms of a bid bond, payment bond, performance bond, or bonds ancillary thereto, by a principal on any total work order or contract amount at the time of bond execution that does not exceed $5,000,000.

(b) INCREASE OF AMOUNT.—Upon request of the head of any Federal agency other than the Administration involved in reconstruction efforts in response to a major disaster, the Administrator may guarantee and enter into a commitment to guarantee any security against loss under subsection (a) on any total work order or contract amount at the time of bond execution that does not exceed $10,000,000.

(c) LIMITATION ON USE OF OTHER FUNDS.—The Administrator may carry out this section only with amounts appropriated in advance specifically to carry out this section.

PART II—DISASTER LENDING

SEC. 12081. ELIGIBILITY FOR ADDITIONAL DISASTER ASSISTANCE.

Section 7(b) of the Small Business Act (15 U.S.C. 636(b)) is amended by inserting immediately after paragraph (8), as added by this Act, the following:

''(9) DECLARATION OF ELIGIBILITY FOR ADDITIONAL DISASTER ASSISTANCE.—

''(A) IN GENERAL.—If the President declares a major disaster, the Administrator may declare eligibility for additional disaster assistance in accordance with this paragraph.

''(B) THRESHOLD.—A major disaster for which the Administrator declares eligibility for additional disaster assistance under this paragraph shall—

''(i) have resulted in extraordinary levels of casualties or damage or disruption severely affecting the population (including mass evacuations), infrastructure, environment, economy, national morale, or government functions in an area;

''(ii) be comparable to the description of a catastrophic incident in the National Response Plan of the Administration, or any successor thereto, unless there is no successor to such plan, in which case this clause shall have no force or effect; and

''(iii) be of such size and scope that—

''(I) the disaster assistance programs under the other paragraphs under this subsection are incapable of providing adequate and timely assistance to individuals or business concerns located within the disaster area; or

''(II) a significant number of business concerns outside the disaster area have suffered disaster-related substantial economic injury as a result of the incident.''.

SEC. 12082. ADDITIONAL ECONOMIC INJURY DISASTER LOAN ASSISTANCE.

Paragraph (9) of section 7(b) of the Small Business Act (15 U.S.C. 636(b)), as added by section 12081, is amended by adding at the end the following:

''(C) ADDITIONAL ECONOMIC INJURY DISASTER LOAN ASSISTANCE.—

''(i) IN GENERAL.—If the Administrator declares eligibility for additional disaster assistance under this paragraph, the Administrator may make such loans under this subparagraph (either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis) as the Administrator determines appropriate to eligible small business concerns located anywhere in the United States.

''(ii) PROCESSING TIME.—

''(I) IN GENERAL.—If the Administrator determines that the average processing time for applications for disaster loans under this subparagraph relating to a specific major disaster is more than 15 days, the Administrator shall give priority to the processing of such applications submitted by eligible small business concerns located inside the disaster area, until the Administrator determines that the average processing time for such applications is not more than 15 days.

''(II) SUSPENSION OF APPLICATIONS FROM OUTSIDE DISASTER AREA.—If the Administrator determines that the average processing time for applications for disaster loans under this subparagraph relating to a specific major disaster is more than 30 days, the Administrator shall suspend the processing of such applications submitted by eligible small business concerns located outside the disaster area, until the Administrator determines that the average processing time for such applications is not more than 15 days.

''(iii) LOAN TERMS.—A loan under this subparagraph shall be made on the same terms as a loan under paragraph (2).

''(D) DEFINITIONS.—In this paragraph—

''(i) the term 'disaster area' means the area for which the applicable major disaster was declared;

''(ii) the term 'disaster-related substantial economic injury' means economic harm to a business concern that results in the inability of the business concern to—

''(I) meet its obligations as it matures;

''(II) meet its ordinary and necessary operating expenses; or

''(III) market, produce, or provide a product or service ordinarily marketed, produced, or provided by the business concern because the business concern relies on materials from the disaster area or sells or markets in the disaster area; and

''(iii) the term 'eligible small business concern' means a small business concern—

''(I) that has suffered disaster-related substantial economic injury as a result of the applicable major disaster; and

''(II)(aa) for which not less than 25 percent of the market share of that small business concern is from business transacted in the disaster area;

''(bb) for which not less than 25 percent of an input into a production process of that small business concern is from the disaster area; or

''(cc) that relies on a provider located in the disaster area for a service that is not readily available elsewhere.''.

SEC. 12083. PRIVATE DISASTER LOANS.

(a) IN GENERAL.—Section 7 of the Small Business Act (15 U.S.C. 636) is amended by inserting after subsection (b) the following:

''(c) PRIVATE DISASTER LOANS.—

''(1) DEFINITIONS.—In this subsection—

''(A) the term 'disaster area' means any area for which the President declared a major disaster relating to which the Administrator declares eligibility for additional disaster assistance under subsection (b)(9), during the period of that major disaster declaration;

''(B) the term 'eligible individual' means an individual who is eligible for disaster assistance under subsection (b)(1) relating to a major disaster relating to which the Administrator declares eligibility for additional disaster assistance under subsection (b)(9);

''(C) the term 'eligible small business concern' means a business concern that is—

''(i) a small business concern, as defined under this Act; or

''(ii) a small business concern, as defined in section 103 of the Small Business Investment Act of 1958;

''(D) the term 'preferred lender' means a lender participating in the Preferred Lender Program;

''(E) the term 'Preferred Lender Program' has the meaning given that term in subsection (a)(2)(C)(ii); and

''(F) the term 'qualified private lender' means any privately-owned bank or other lending institution that—

''(i) is not a preferred lender; and

''(ii) the Administrator determines meets the criteria established under paragraph (10).

''(2) PROGRAM REQUIRED.—The Administrator shall carry out a program, to be known as the Private Disaster Assistance program, under which the Administration may guarantee timely payment of principal and interest, as scheduled, on any loan made to an eligible small business concern located in a disaster area and to an eligible individual.

''(3) USE OF LOANS.—A loan guaranteed by the Administrator under this subsection may be used for any purpose authorized under subsection (b).

''(4) ONLINE APPLICATIONS.—

''(A) ESTABLISHMENT.—The Administrator may establish, directly or through an agreement with another entity, an online application process for loans guaranteed under this subsection.

''(B) OTHER FEDERAL ASSISTANCE.—The Administrator may coordinate with the head of any other appropriate Federal agency so that any application submitted through an online application process established under this paragraph may be considered for any other Federal assistance program for disaster relief.

''(C) CONSULTATION.—In establishing an online application process under this paragraph, the Administrator shall consult with appropriate persons from the public and private sectors, including private lenders.

''(5) MAXIMUM AMOUNTS.—

''(A) GUARANTEE PERCENTAGE.—The Administrator may guarantee not more than 85 percent of a loan under this subsection.

''(B) LOAN AMOUNT.—The maximum amount of a loan guaranteed under this subsection shall be $2,000,000.

''(6) TERMS AND CONDITIONS.—A loan guaranteed under this subsection shall be made under the same terms and conditions as a loan under subsection (b).

''(7) LENDERS.—

''(A) IN GENERAL.—A loan guaranteed under this subsection made to—

''(i) a qualified individual may be made by a preferred lender; and

''(ii) a qualified small business concern may be made by a qualified private lender or by a preferred lender that also makes loans to qualified individuals.

''(B) COMPLIANCE.—If the Administrator determines that a preferred lender knowingly failed to comply with the underwriting standards for loans guaranteed under this subsection or violated the terms of the standard operating procedure agreement between that preferred lender and the Administration, the Administrator shall do 1 or more of the following:

''(i) Exclude the preferred lender from participating in the program under this subsection.

''(ii) Exclude the preferred lender from participating in the Preferred Lender Program for a period of not more than 5 years.

''(8) FEES.—

''(A) IN GENERAL.—The Administrator may not collect a guarantee fee under this subsection.

''(B) ORIGINATION FEE.—The Administrator may pay a qualified private lender or preferred lender an origination fee for a loan guaranteed under this subsection in an amount agreed upon in advance between the qualified private lender or preferred lender and the Administrator.

''(9) DOCUMENTATION.—A qualified private lender or preferred lender may use its own loan documentation for a loan guaranteed by the Administrator under this subsection, to the extent authorized by the Administrator. The ability of a lender to use its own loan documentation for a loan guaranteed under this subsection shall not be considered part of the criteria for becoming a qualified private lender under the regulations promulgated under paragraph (10).

''(10) IMPLEMENTATION REGULATIONS.—

''(A) IN GENERAL.—Not later than 1 year after the date of enactment of the Small Business Disaster Response and Loan Improvements Act of 2008, the Administrator shall issue final regulations establishing permanent criteria for qualified private lenders.

''(B) REPORT TO CONGRESS.—Not later than 6 months after the date of enactment of the Small Business Disaster Response and Loan Improvements Act of 2008, the Administrator shall submit a report on the progress of the regulations required by subparagraph (A) to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives.

''(11) AUTHORIZATION OF APPROPRIATIONS.—

''(A) IN GENERAL.—Amounts necessary to carry out this subsection shall be made available from amounts appropriated to the Administration to carry out subsection (b).

''(B) AUTHORITY TO REDUCE INTEREST RATES AND OTHER TERMS AND CONDITIONS.—Funds appropriated to the Administration to carry out this subsection, may be used by the Administrator to meet the loan terms and conditions specified in paragraph (6).

''(12) PURCHASE OF LOANS.—The Administrator may enter into an agreement with a qualified private lender or preferred lender to purchase any loan guaranteed under this subsection.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to any major disaster declared on or after the date of enactment of this Act.

SEC. 12084. IMMEDIATE DISASTER ASSISTANCE PROGRAM.

The Small Business Act is amended by inserting after section 41, as added by this Act, the following:

''SEC. 42. IMMEDIATE DISASTER ASSISTANCE PROGRAM.

''(a) PROGRAM REQUIRED.—The Administrator shall carry out a program, to be known as the Immediate Disaster Assistance program, under which the Administration participates on a deferred (guaranteed) basis in 85 percent of the balance of the financing outstanding at the time of disbursement of the loan if such balance is less than or equal to $25,000 for businesses affected by a disaster.

''(b) ELIGIBILITY REQUIREMENT.—To receive a loan guaranteed under subsection (a), the applicant shall also apply for, and meet basic eligibility standards for, a loan under subsection (b) or (c) of section 7.

''(c) USE OF PROCEEDS.—A person who receives a loan under subsection (b) or (c) of section 7 shall use the proceeds of that loan to repay all loans guaranteed under subsection (a), if any, before using the proceeds for any other purpose.

''(d) LOAN TERMS.—

''(1) NO PREPAYMENT PENALTY.—There shall be no prepayment penalty on a loan guaranteed under subsection (a).

''(2) REPAYMENT.—A person who receives a loan guaranteed under subsection (a) and who is disapproved for a loan under subsection (b) or (c) of section 7, as the case may be, shall repay the loan guaranteed under subsection (a) not later than the date established by the Administrator, which may not be earlier than 10 years after the date on which the loan guaranteed under subsection is disbursed.

''(e) APPROVAL OR DISAPPROVAL.—The Administrator shall ensure that each applicant for a loan under the program receives a decision approving or disapproving of the application within 36 hours after the Administration receives the application.''.

SEC. 12085. EXPEDITED DISASTER ASSISTANCE LOAN PROGRAM.

(a) DEFINITION.—In this section, the term ''program'' means the expedited disaster assistance business loan program established under subsection (b).

(b) CREATION OF PROGRAM.—The Administrator shall take such administrative action as is necessary to establish and implement an expedited disaster assistance business loan program under which the Administration may, on an expedited basis, guarantee timely payment of principal and interest, as scheduled on any loan made to an eligible small business concern under paragraph (9) of section 7(b) of the Small Business Act (15 U.S.C. 636(b)), as added by this Act.

(c) CONSULTATION REQUIRED.—In establishing the program, the Administrator shall consult with—

(1) appropriate personnel of the Administration (including District Office personnel of the Administration);

(2) appropriate technical assistance providers (including small business development centers);

(3) appropriate lenders and credit unions;

(4) the Committee on Small Business and Entrepreneurship of the Senate; and

(5) the Committee on Small Business of the House of Representatives.

(d) RULES.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Administrator shall issue rules in final form establishing and implementing the program in accordance with this section. Such rules shall apply as provided for in this section, beginning 90 days after their issuance in final form.

(2) CONTENTS.—The rules promulgated under paragraph (1) shall—

(A) identify whether appropriate uses of funds under the program may include—

(i) paying employees;

(ii) paying bills and other financial obligations;

(iii) making repairs;

(iv) purchasing inventory;

(v) restarting or operating a small business concern in the community in which it was conducting operations prior to the applicable major disaster, or to a neighboring area, county, or parish in the disaster area; or

(vi) covering additional costs until the small business concern is able to obtain funding through insurance claims, Federal assistance programs, or other sources; and

(B) set the terms and conditions of any loan made under the program, subject to paragraph (3).

(3) TERMS AND CONDITIONS.—A loan guaranteed by the Administration under this section—

(A) shall be for not more than $150,000;

(B) shall be a short-term loan, not to exceed 180 days, except that the Administrator may extend such term as the Administrator determines necessary or appropriate on a case-by-case basis;

(C) shall have an interest rate not to exceed 300 basis points above the interest rate established by the Board of Governors of the Federal Reserve System that 1 bank charges another for reserves that are lent on an overnight basis on the date the loan is made;

(D) shall have no prepayment penalty;

(E) may only be made to a borrower that meets the requirements for a loan under section 7(b) of the Small Business Act (15 U.S.C. 636(b)), as amended by this Act;

(F) may be refinanced as part of any subsequent disaster assistance provided under section 7(b) of the Small Business Act (15 U.S.C. 636(b)), as amended by this Act;

(G) may receive expedited loss verification and loan processing, if the applicant is—

(i) a major source of employment in the disaster area (which shall be determined in the same manner as under section 7(b)(3)(B) of the Small Business Act (15 U.S.C. 636(b)(3)(B))); or

(ii) vital to recovery efforts in the region (including providing debris removal services, manufactured housing, or building materials); and

(H) shall be subject to such additional terms as the Administrator determines necessary or appropriate.

(e) REPORT TO CONGRESS.—Not later than 5 months after the date of enactment of this Act, the Administrator shall report to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives on the progress of the Administrator in establishing the program.

(f) AUTHORIZATION.—There are authorized to be appropriated to the Administrator such sums as are necessary to carry out this section.

SEC. 12086. GULF COAST DISASTER LOAN REFINANCING PROGRAM.

(a) IN GENERAL.—The Administrator may carry out a program to refinance Gulf Coast disaster loans (in this section referred to as the ''program'').

(b) TERMS.—The terms of a Gulf Coast disaster loan refinanced under the program shall be identical to the terms of the original loan, except that the Administrator may provide an option to defer repayment on the loan. A deferment under the program shall end not later than 4 years after the date on which the initial disbursement under the original loan was made.

(c) AMOUNT.—The amount of a Gulf Coast disaster loan refinanced under the program shall not exceed the amount of the original loan.

(d) DISCLOSURE OF ACCRUED INTEREST.—If the Administrator provides an option to defer repayment under the program, the Administrator shall disclose the accrued interest that must be paid under the option.

(e) DEFINITION.—In this section, the term ''Gulf Coast disaster loan'' means a loan—

(1) made under section 7(b) of the Small Business Act (15 U.S.C. 636(b));

(2) in response to Hurricane Katrina of 2005, Hurricane Rita of 2005, or Hurricane Wilma of 2005; and

(3) to a small business concern located in a county or parish designated by the Administrator as a disaster area by reason of a hurricane described in paragraph (2) under disaster declaration 10176, 10177, 10178, 10179, 10180, 10181, 10203, 10204, 10205, 10206, 10222, or 10223.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

PART III—MISCELLANEOUS

SEC. 12091. REPORTS ON DISASTER ASSISTANCE.

(a) MONTHLY ACCOUNTING REPORT TO CONGRESS.—

(1) REPORTING REQUIREMENTS.—Not later than the fifth business day of each month during the applicable period for a major disaster, the Administrator shall submit to the Committee on Small Business and Entrepreneurship and the Committee on Appropriations of the Senate and to the Committee on Small Business and the Committee on Appropriations of the House of Representatives a report on the operation of the disaster loan program authorized under section 7 of the Small Business Act (15 U.S.C. 636) for that major disaster during the preceding month.

(2) CONTENTS.—Each report submitted under paragraph (1) shall include—

(A) the daily average lending volume, in number of loans and dollars, and the percent by which each category has increased or decreased since the previous report under paragraph (1);

(B) the weekly average lending volume, in number of loans and dollars, and the percent by which each category has increased or decreased since the previous report under paragraph (1);

(C) the amount of funding spent over the month for loans, both in appropriations and program level, and the percent by which each category has increased or decreased since the previous report under paragraph (1);

(D) the amount of funding available for loans, both in appropriations and program level, and the percent by which each category has increased or decreased since the previous report under paragraph (1), noting the source of any additional funding;

(E) an estimate of how long the available funding for such loans will last, based on the spending rate;

(F) the amount of funding spent over the month for staff, along with the number of staff, and the percent by which each category has increased or decreased since the previous report under paragraph (1);

(G) the amount of funding spent over the month for administrative costs, and the percent by which such spending has increased or decreased since the previous report under paragraph (1);

(H) the amount of funding available for salaries and expenses combined, and the percent by which such funding has increased or decreased since the previous report under paragraph (1), noting the source of any additional funding; and

(I) an estimate of how long the available funding for salaries and expenses will last, based on the spending rate.

(b) WEEKLY DISASTER UPDATES TO CONGRESS FOR PRESIDENTIALLY DECLARED DISASTERS.—

(1) IN GENERAL.—Each week during a disaster update period, the Administration shall submit to the Committee on Small Business and Entrepreneurship of the Senate and to the Committee on Small Business of the House of Representatives a report on the operation of the disaster loan program of the Administration for the area in which the President declared a major disaster.

(2) CONTENTS.—Each report submitted under paragraph (1) shall include—

(A) the number of Administration staff performing loan processing, field inspection, and other duties for the declared disaster, and the allocations of such staff in the disaster field offices, disaster recovery centers, workshops, and other Administration offices nationwide;

(B) the daily number of applications received from applicants in the relevant area, as well as a breakdown of such figures by State;

(C) the daily number of applications pending application entry from applicants in the relevant area, as well as a breakdown of such figures by State;

(D) the daily number of applications withdrawn by applicants in the relevant area, as well as a breakdown of such figures by State;

(E) the daily number of applications summarily declined by the Administration from applicants in the relevant area, as well as a breakdown of such figures by State;

(F) the daily number of applications declined by the Administration from applicants in the relevant area, as well as a breakdown of such figures by State;

(G) the daily number of applications in process from applicants in the relevant area, as well as a breakdown of such figures by State;

(H) the daily number of applications approved by the Administration from applicants in the relevant area, as well as a breakdown of such figures by State;

(I) the daily dollar amount of applications approved by the Administration from applicants in the relevant area, as well as a breakdown of such figures by State;

(J) the daily amount of loans dispersed, both partially and fully, by the Administration to applicants in the relevant area, as well as a breakdown of such figures by State;

(K) the daily dollar amount of loans disbursed, both partially and fully, from the relevant area, as well as a breakdown of such figures by State;

(L) the number of applications approved, including dollar amount approved, as well as applications partially and fully disbursed, including dollar amounts, since the last report under paragraph (1); and

(M) the declaration date, physical damage closing date, economic injury closing date, and number of counties included in the declaration of a major disaster.

(c) PERIODS WHEN ADDITIONAL DISASTER ASSISTANCE IS MADE AVAILABLE.—

(1) IN GENERAL.—During any period for which the Administrator declares eligibility for additional disaster assistance under paragraph (9) of section 7(b) of the Small Business Act (15 U.S.C. 632(b)), as amended by this Act, the Administrator shall, on a monthly basis, submit to the Committee on Small Business and Entrepreneurship of the Senate and to the Committee on Small Business of the House of Representatives a report on the disaster assistance operations of the Administration with respect to the applicable major disaster.

(2) CONTENTS.—Each report submitted under paragraph (1) shall specify—

(A) the number of applications for disaster assistance distributed;

(B) the number of applications for disaster assistance received;

(C) the average time for the Administration to approve or disapprove an application for disaster assistance;

(D) the amount of disaster loans approved;

(E) the average time for initial disbursement of disaster loan proceeds; and

(F) the amount of disaster loan proceeds disbursed.

(d) NOTICE OF THE NEED FOR SUPPLEMENTAL FUNDS.—On the same date that the Administrator notifies any committee of the Senate or the House of Representatives that supplemental funding is necessary for the disaster loan program of the Administration in any fiscal year, the Administrator shall notify in writing the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives regarding the need for supplemental funds for that loan program.

(e) REPORT ON CONTRACTING.—

(1) IN GENERAL.—Not later than 6 months after the date on which the President declares a major disaster, and every 6 months thereafter until the date that is 18 months after the date on which the major disaster was declared, the Administrator shall submit a report to the Committee on Small Business and Entrepreneurship of the Senate and to the Committee on Small Business of the House of Representatives regarding Federal contracts awarded as a result of that major disaster.

(2) CONTENTS.—Each report submitted under paragraph (1) shall include—

(A) the total number of contracts awarded as a result of that major disaster;

(B) the total number of contracts awarded to small business concerns as a result of that major disaster;

(C) the total number of contracts awarded to women and minority-owned businesses as a result of that major disaster; and

(D) the total number of contracts awarded to local businesses as a result of that major disaster.

(f) REPORT ON LOAN APPROVAL RATE.—

(1) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Administrator shall submit a report to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives detailing how the Administration can improve the processing of applications under the disaster loan program of the Administration.

(2) CONTENTS.—The report submitted under paragraph (1) shall include—

(A) recommendations, if any, regarding—

(i) staffing levels during a major disaster;

(ii) how to improve the process for processing, approving, and disbursing loans under the disaster loan program of the Administration, to ensure that the maximum assistance is provided to victims in a timely manner;

(iii) the viability of using alternative methods for assessing the ability of an applicant to repay a loan, including the credit score of the applicant on the day before the date on which the disaster for which the applicant is seeking assistance was declared;

(iv) methods, if any, for the Administration to expedite loss verification and loan processing of disaster loans during a major disaster for businesses affected by, and located in the area for which the President declared, the major disaster that are a major source of employment in the area or are vital to recovery efforts in the region (including providing debris removal services, manufactured housing, or building materials);

(v) legislative changes, if any, needed to implement findings from the Accelerated Disaster Response Initiative of the Administration; and

(vi) a description of how the Administration plans to integrate and coordinate the response to a major disaster with the technical assistance programs of the Administration; and

(B) the plans of the Administrator for implementing any recommendation made under subparagraph (A).

(g) REPORTS ON DISASTER ASSISTANCE.—The Small Business Act is amended by inserting after section 42, as added by this Act, the following:

''SEC. 43. ANNUAL REPORTS ON DISASTER ASSISTANCE.

''Not later than 45 days after the end of a fiscal year, the Administrator shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report on the disaster assistance operations of the Administration for that fiscal year. The report shall—

''(1) specify the number of Administration personnel involved in such operations;

''(2) describe any material changes to those operations, such as changes to technologies used or to personnel responsibilities;

''(3) describe and assess the effectiveness of the Administration in responding to disasters during that fiscal year, including a description of the number and amounts of loans made for damage and for economic injury; and

''(4) describe the plans of the Administration for preparing to respond to disasters during the next fiscal year.''.

TITLE XIII—COMMODITY FUTURES

SEC. 13001. SHORT TITLE.

This title may be cited as the ''CFTC Reauthorization Act of 2008''.

Subtitle A—General Provisions

SEC. 13101. COMMISSION AUTHORITY OVER AGREEMENTS, CONTRACTS OR TRANSACTIONS IN FOREIGN CURRENCY.

(a) IN GENERAL.—Section 2(c)(2) of the Commodity Exchange Act (7 U.S.C. 2(c)(2)) is amended by striking subparagraphs (B) and (C) and inserting the following:

''(B) AGREEMENTS, CONTRACTS, AND TRANSACTIONS IN RETAIL FOREIGN CURRENCY.—

''(i) This Act applies to, and the Commission shall have jurisdiction over, an agreement, contract, or transaction in foreign currency that—

''(I) is a contract of sale of a commodity for future delivery (or an option on such a contract) or an option (other than an option executed or traded on a national securities exchange registered pursuant to section 6(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78f(a))); and

''(II) is offered to, or entered into with, a person that is not an eligible contract participant, unless the counterparty, or the person offering to be the counterparty, of the person is—

''(aa) a financial institution;

''(bb)(AA) a broker or dealer registered under section 15(b) (except paragraph (11) thereof) or 15C of the Securities Exchange Act of 1934 (15 U.S.C. 78o(b), 78o–5); or

''(BB) an associated person of a broker or dealer registered under section 15(b) (except paragraph (11) thereof) or 15C of the Securities Exchange Act of 1934 (15 U.S.C. 78o(b), 78o–5) concerning the financial or securities activities of which the broker or dealer makes and keeps records under section 15C(b) or 17(h) of the Securities Exchange Act of 1934 (15 U.S.C. 78o–5(b), 78q(h));

''(cc)(AA) a futures commission merchant that is primarily or substantially engaged in the business activities described in section 1a(20) of this Act, is registered under this Act, is not a person described in item (bb) of this subclause, and maintains adjusted net capital equal to or in excess of the dollar amount that applies for purposes of clause (ii) of this subparagraph; or

''(BB) an affiliated person of a futures commission merchant that is primarily or substantially engaged in the business activities described in section 1a(20) of this Act, is registered under this Act, and is not a person described in item (bb) of this subclause, if the affiliated person maintains adjusted net capital equal to or in excess of the dollar amount that applies for purposes of clause (ii) of this subparagraph and is not a person described in such item (bb), and the futures commission merchant makes and keeps records under section 4f(c)(2)(B) of this Act concerning the futures and other financial activities of the affiliated person;

''(dd) an insurance company described in section 1a(12)(A)(ii) of this Act, or a regulated subsidiary or affiliate of such an insurance company;

''(ee) a financial holding company (as defined in section 2 of the Bank Holding Company Act of 1956);

''(ff) an investment bank holding company (as defined in section 17(i) of the Securities Exchange Act of 1934 (15 U.S.C. 78q(i))); or

''(gg) a retail foreign exchange dealer that maintains adjusted net capital equal to or in excess of the dollar amount that applies for purposes of clause (ii) of this subparagraph and is registered in such capacity with the Commission, subject to such terms and conditions as the Commission shall prescribe, and is a member of a futures association registered under section 17.

''(ii) The dollar amount that applies for purposes of this clause is—

''(I) $10,000,000, beginning 120 days after the date of the enactment of this clause;

''(II) $15,000,000, beginning 240 days after such date of enactment; and

''(III) $20,000,000, beginning 360 days after such date of enactment.

''(iii) Notwithstanding items (cc) and (gg) of clause (i)(II) of this subparagraph, agreements, contracts, or transactions described in clause (i) of this subparagraph shall be subject to subsection (a)(1)(B) of this section and sections 4(b), 4b, 4c(b), 4o, 6(c) and 6(d) (except to the extent that sections 6(c) and 6(d) prohibit manipulation of the market price of any commodity in interstate commerce, or for future delivery on or subject to the rules of any market), 6c, 6d, 8(a), 13(a), and 13(b) if the agreements, contracts, or transactions are offered, or entered into, by a person that is registered as a futures commission merchant or retail foreign exchange dealer, or an affiliated person of a futures commission merchant registered under this Act that is not also a person described in any of item (aa), (bb), (dd), (ee), or (ff) of clause (i)(II) of this subparagraph.

''(iv)(I) Notwithstanding items (cc) and (gg) of clause (i)(II), a person, unless registered in such capacity as the Commission by rule, regulation, or order shall determine and a member of a futures association registered under section 17, shall not—

''(aa) solicit or accept orders from any person that is not an eligible contract participant in connection with agreements, contracts, or transactions described in clause (i) entered into with or to be entered into with a person who is not described in item (aa), (bb), (dd), (ee), or (ff) of clause (i)(II);

''(bb) exercise discretionary trading authority or obtain written authorization to exercise discretionary trading authority over any account for or on behalf of any person that is not an eligible contract participant in connection with agreements, contracts, or transactions described in clause (i) entered into with or to be entered into with a person who is not described in item (aa), (bb), (dd), (ee), or (ff) of clause (i)(II); or

''(cc) operate or solicit funds, securities, or property for any pooled investment vehicle that is not an eligible contract participant in connection with agreements, contracts, or transactions described in clause (i) entered into with or to be entered into with a person who is not described in item (aa), (bb), (dd), (ee), or (ff) of clause (i)(II).

''(II) Subclause (I) of this clause shall not apply to—

''(aa) any person described in any of item (aa), (bb), (dd), (ee), or (ff) of clause (i)(II);

''(bb) any such person's associated persons; or

''(cc) any person who would be exempt from registration if engaging in the same activities in connection with transactions conducted on or subject to the rules of a contract market or a derivatives transaction execution facility.

''(III) Notwithstanding items (cc) and (gg) of clause (i)(II), the Commission may make, promulgate, and enforce such rules and regulations as, in the judgment of the Commission, are reasonably necessary to effectuate any of the provisions of, or to accomplish any of the purposes of, this Act in connection with the activities of persons subject to subclause (I).

''(IV) Subclause (III) of this clause shall not apply to—

''(aa) any person described in any of item (aa) through (ff) of clause (i)(II);

''(bb) any such person's associated persons; or

''(cc) any person who would be exempt from registration if engaging in the same activities in connection with transactions conducted on or subject to the rules of a contract market or a derivatives transaction execution facility.

''(v) Notwithstanding items (cc) and (gg) of clause (i)(II), the Commission may make, promulgate, and enforce such rules and regulations as, in the judgment of the Commission, are reasonably necessary to effectuate any of the provisions of, or to accomplish any of the purposes of, this Act in connection with agreements, contracts, or transactions described in clause (i) which are offered, or entered into, by a person described in item (cc) or (gg) of clause (i)(II).

''(C)(i)(I) This subparagraph shall apply to any agreement, contract, or transaction in foreign currency that is—

''(aa) offered to, or entered into with, a person that is not an eligible contract participant (except that this subparagraph shall not apply if the counterparty, or the person offering to be the counterparty, of the person that is not an eligible contract participant is a person described in any of item (aa), (bb), (dd), (ee), or (ff) of subparagraph (B)(i)(II)); and

''(bb) offered, or entered into, on a leveraged or margined basis, or financed by the offeror, the counterparty, or a person acting in concert with the offeror or counterparty on a similar basis.

''(II) Subclause (I) of this clause shall not apply to—

''(aa) a security that is not a security futures product; or

''(bb) a contract of sale that—

''(AA) results in actual delivery within 2 days; or

''(BB) creates an enforceable obligation to deliver between a seller and buyer that have the ability to deliver and accept delivery, respectively, in connection with their line of business.

''(ii)(I) Agreements, contracts, or transactions described in clause (i) of this subparagraph shall be subject to subsection (a)(1)(B) of this section and sections 4(b), 4b, 4c(b), 4o, 6(c) and 6(d) (except to the extent that sections 6(c) and 6(d) prohibit manipulation of the market price of any commodity in interstate commerce, or for future delivery on or subject to the rules of any market), 6c, 6d, 8(a), 13(a), and 13(b).

''(II) Subclause (I) of this clause shall not apply to—

''(aa) any person described in any of item (aa), (bb), (dd), (ee), or (ff) of subparagraph (B)(i)(II); or

''(bb) any such person's associated persons.

''(III) The Commission may make, promulgate, and enforce such rules and regulations as, in the judgment of the Commission, are reasonably necessary to effectuate any of the provisions of or to accomplish any of the purposes of this Act in connection with agreements, contracts, or transactions described in clause (i) of this subparagraph if the agreements, contracts, or transactions are offered, or entered into, by a person that is not described in item (aa) through (ff) of subparagraph (B)(i)(II).

''(iii)(I) A person, unless registered in such capacity as the Commission by rule, regulation, or order shall determine and a member of a futures association registered under section 17, shall not—

''(aa) solicit or accept orders from any person that is not an eligible contract participant in connection with agreements, contracts, or transactions described in clause (i) of this subparagraph entered into with or to be entered into with a person who is not described in item (aa), (bb), (dd), (ee), or (ff) of subparagraph (B)(i)(II);

''(bb) exercise discretionary trading authority or obtain written authorization to exercise written trading authority over any account for or on behalf of any person that is not an eligible contract participant in connection with agreements, contracts, or transactions described in clause (i) of this subparagraph entered into with or to be entered into with a person who is not described in item (aa), (bb), (dd), (ee), or (ff) of subparagraph (B)(i)(II); or

''(cc) operate or solicit funds, securities, or property for any pooled investment vehicle that is not an eligible contract participant in connection with agreements, contracts, or transactions described in clause (i) of this subparagraph entered into with or to be entered into with a person who is not described in item (aa), (bb), (dd), (ee), or (ff) of subparagraph (B)(i)(II).

''(II) Subclause (I) of this clause shall not apply to—

''(aa) any person described in item (aa), (bb), (dd), (ee), or (ff) of subparagraph (B)(i)(II);

''(bb) any such person's associated persons; or

''(cc) any person who would be exempt from registration if engaging in the same activities in connection with transactions conducted on or subject to the rules of a contract market or a derivatives transaction execution facility.

''(III) The Commission may make, promulgate, and enforce such rules and regulations as, in the judgment of the Commission, are reasonably necessary to effectuate any of the provisions of, or to accomplish any of the purposes of, this Act in connection with the activities of persons subject to subclause (I).

''(IV) Subclause (III) of this clause shall not apply to—

''(aa) any person described in item (aa) through (ff) of subparagraph (B)(i)(II);

''(bb) any such person's associated persons; or

''(cc) any person who would be exempt from registration if engaging in the same activities in connection with transactions conducted on or subject to the rules of a contract market or a derivatives transaction execution facility.

''(iv) Sections 4(b) and 4b shall apply to any agreement, contract, or transaction described in clause (i) of this subparagraph as if the agreement, contract, or transaction were a contract of sale of a commodity for future delivery.

''(v) This subparagraph shall not be construed to limit any jurisdiction that the Commission may otherwise have under any other provision of this Act over an agreement, contract, or transaction that is a contract of sale of a commodity for future delivery.

''(vi) This subparagraph shall not be construed to limit any jurisdiction that the Commission or the Securities and Exchange Commission may otherwise have under any other provision of this Act with respect to security futures products and persons effecting transactions in security futures products.''.

(b) EFFECTIVE DATE.—The following provisions of the Commodity Exchange Act, as amended by subsection (a) of this section, shall be effective 120 days after the date of the enactment of this Act or at such other time as the Commodity Futures Trading Commission shall determine:

(1) Subparagraphs (B)(i)(II)(gg), (B)(iv), and (C)(iii) of section 2(c)(2).

(2) The provisions of section 2(c)(2)(B)(i)(II)(cc) that set forth adjusted net capital requirements, and the provisions of such section that require a futures commission merchant to be primarily or substantially engaged in certain business activities.

SEC. 13102. ANTI-FRAUD AUTHORITY OVER PRINCIPAL-TO-PRINCIPAL TRANSACTIONS.

Section 4b of the Commodity Exchange Act (7 U.S.C. Section 6b) is amended—

(1) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

(2) by striking all through the end of subsection (a) and inserting the following:

''SEC. 4b. CONTRACTS DESIGNED TO DEFRAUD OR MISLEAD.

''(a) UNLAWFUL ACTIONS.—It shall be unlawful—

''(1) for any person, in or in connection with any order to make, or the making of, any contract of sale of any commodity in interstate commerce or for future delivery that is made, or to be made, on or subject to the rules of a designated contract market, for or on behalf of any other person; or

''(2) for any person, in or in connection with any order to make, or the making of, any contract of sale of any commodity for future delivery, or other agreement, contract, or transaction subject to paragraphs (1) and (2) of section 5a(g), that is made, or to be made, for or on behalf of, or with, any other person, other than on or subject to the rules of a designated contract market—

''(A) to cheat or defraud or attempt to cheat or defraud the other person;

''(B) willfully to make or cause to be made to the other person any false report or statement or willfully to enter or cause to be entered for the other person any false record;

''(C) willfully to deceive or attempt to deceive the other person by any means whatsoever in regard to any order or contract or the disposition or execution of any order or contract, or in regard to any act of agency performed, with respect to any order or contract for or, in the case of paragraph (2), with the other person; or

''(D)(i) to bucket an order if the order is either represented by the person as an order to be executed, or is required to be executed, on or subject to the rules of a designated contract market; or

''(ii) to fill an order by offset against the order or orders of any other person, or willfully and knowingly and without the prior consent of the other person to become the buyer in respect to any selling order of the other person, or become the seller in respect to any buying order of the other person, if the order is either represented by the person as an order to be executed, or is required to be executed, on or subject to the rules of a designated contract market unless the order is executed in accordance with the rules of the designated contract market.

''(b) CLARIFICATION.—Subsection (a)(2) of this section shall not obligate any person, in or in connection with a transaction in a contract of sale of a commodity for future delivery, or other agreement, contract or transaction subject to paragraphs (1) and (2) of section 5a(g), with another person, to disclose to the other person nonpublic information that may be material to the market price, rate, or level of the commodity or transaction, except as necessary to make any statement made to the other person in or in connection with the transaction not misleading in any material respect.''.

SEC. 13103. CRIMINAL AND CIVIL PENALTIES.

(a) ENFORCEMENT POWERS OF THE COMMISSION.—Section 6(c) of the Commodity Exchange Act (7 U.S.C. 9, 15) is amended in clause (3) of the 10th sentence—

(1) by inserting ''(A)'' after ''assess such person''; and

(2) by inserting after ''each such violation'' the following: '', or (B) in any case of manipulation or attempted manipulation in violation of this subsection, subsection (d) of this section, or section 9(a)(2), a civil penalty of not more than the greater of $1,000,000 or triple the monetary gain to the person for each such violation,''.

(b) NONENFORCEMENT OF RULES OF GOVERNMENT OR OTHER VIOLATIONS.—Section 6b of such Act (7 U.S.C. 13a) is amended—

(1) in the first sentence, by inserting before the period at the end the following: '', or, in any case of manipulation or attempted manipulation in violation of section 6(c), 6(d), or 9(a)(2), a civil penalty of not more than $1,000,000 for each such violation''; and

(2) in the second sentence, by inserting before the period at the end the following: '', except that if the failure or refusal to obey or comply with the order involved any offense under section 9(a)(2), the registered entity, director, officer, agent, or employee shall be guilty of a felony and, on conviction, shall be subject to penalties under section 9(a)(2)''.

(c) ACTION TO ENJOIN OR RESTRAIN VIOLATIONS.—Section 6c(d) of such Act (7 U.S.C. 13a–1(d)) is amended by striking all that precedes paragraph (2) and inserting the following:

''(d) CIVIL PENALTIES.—

''(1) IN GENERAL.—In any action brought under this section, the Commission may seek and the court shall have jurisdiction to impose, on a proper showing, on any person found in the action to have committed any violation—

''(A) a civil penalty in the amount of not more than the greater of $100,000 or triple the monetary gain to the person for each violation; or

''(B) in any case of manipulation or attempted manipulation in violation of section 6(c), 6(d), or 9(a)(2), a civil penalty in the amount of not more than the greater of $1,000,000 or triple the monetary gain to the person for each violation.''.

(d) VIOLATIONS GENERALLY.—Section 9(a) of such Act (7 U.S.C. 13(a)) is amended in the matter preceding paragraph (1)—

(1) by striking ''(or $500,000 in the case of a person who is an individual)''; and

(2) by striking ''five years'' and inserting ''10 years''.

SEC. 13104. AUTHORIZATION OF APPROPRIATIONS.

Section 12(d) of the Commodity Exchange Act (7 U.S.C. 16(d)) is amended to read as follows:

''(d) There are authorized to be appropriated such sums as are necessary to carry out this Act for each of the fiscal years 2008 through 2013.''.

SEC. 13105. TECHNICAL AND CONFORMING AMENDMENTS.

(a) Section 4a(e) of the Commodity Exchange Act (7 U.S.C. 6a(e)) is amended—

(1) by inserting ''or certified by a registered entity pursuant to section 5c(c)(1)'' after ''approved by the Commission'' ; and

(2) by striking ''section 9(c)'' and inserting ''section 9(a)(5)''.

(b) Section 4f(c)(4)(B)(i) of such Act (7 U.S.C. 6f(c)(4)(B)(i)) is amended by striking ''compiled'' and inserting ''complied''.

(c) Section 4k of such Act (7 U.S.C. 6k) is amended by redesignating the second paragraph (5) as paragraph (6).

(d) The Commodity Exchange Act is amended—

(1) by redesignating the first section 4p (7 U.S.C. 6o–1), as added by section 121 of the Commodity Futures Modernization Act of 2000, as section 4q; and

(2) by moving such section to after the second section 4p, as added by section 206 of Public Law 93–446.

(e) Subsections (a)(1) and (d)(1) of section 5c of such Act (7 U.S.C. 7a–2(a)(1), (d)(1)) are each amended by striking ''5b(d)(2)'' and inserting ''5b(c)(2)''.

(f) Sections 5c(f) and 17(r) of such Act (7 U.S.C. 7a–2(f), 21(r)) are each amended by striking ''4d(3)'' and inserting ''4d(c)''.

(g) Section 8(a)(1) of such Act (7 U.S.C. 12(a)(1)) is amended in the matter following subparagraph (B)—

(1) by striking ''commenced'' in the 2nd place it appears; and

(2) by inserting ''commenced'' after ''in a judicial proceeding''.

(h) Section 9 of such Act (7 U.S.C. 13) is amended—

(1) in subsection (f)(1), by striking the period and inserting ''; or''; and

(2) by redesignating subsection (f) as subsection (e).

(i) Section 22(a)(2) of such Act (7 U.S.C. 25(a)(2)) is amended by striking ''5b(b)(1)(E)'' and inserting ''5b(c)(2)(H)''.

(j) Section 1a(33)(A) of such Act (7 U.S.C. 1a(33)(A)) is amended by striking ''transactions'' and all that follows and inserting ''transactions—

''(i) by accepting bids or offers made by other participants that are open to multiple partipants in the facility or system; or

''(ii) through the interaction of multiple bids or multiple offers within a system with a pre-determined non-discretionary automated trade matching and execution algorithm.''.

(k) Section 14(d) of such Act (7 U.S.C. 18(d)) is amended—

(1) by inserting ''(1)'' before ''If''; and

(2) by adding after and below the end the following:

''(2) A reparation award shall be directly enforceable in district court as if it were a judgment pursuant to section 1963 of title 28, United States Code. This paragraph shall operate retroactively from the effective date of its enactment, and shall apply to all reparation awards for which a proceeding described in paragraph (1) is commenced within 3 years of the date of the Commission's order.''.

SEC. 13106. PORTFOLIO MARGINING AND SECURITY INDEX ISSUES.

(a) The Secretary of the Treasury, the Chairman of the Board of Governors of the Federal Reserve System, the Chairman of the Securities and Exchange Commission, and the Chairman of the Commodity Futures Trading Commission shall work to ensure that the Securities and Exchange Commission (SEC), the Commodity Futures Trading Commission (CFTC), or both, as appropriate, have taken the actions required under subsection (b).

(b) The SEC, the CFTC, or both, as appropriate, shall take action under their existing authorities to permit—

(1) by September 30, 2009, risk-based portfolio margining for security options and security futures products (as defined in section 1a(32) of the Commodity Exchange Act); and

(2) by June 30, 2009, the trading of futures on certain security indexes by resolving issues related to foreign security indexes.

Subtitle B—Significant Price Discovery Contracts on Exempt Commercial Markets

SEC. 13201. SIGNIFICANT PRICE DISCOVERY CONTRACTS.

(a) DEFINITIONS.—Section la of the Commodity Exchange Act (7 U.S.C. la) is amended—

(1) by redesignating paragraph (33) as paragraph (34); and

(2) by inserting after paragraph (32) the following:

''(33) SIGNIFICANT PRICE DISCOVERY CONTRACT.—The term 'significant price discovery contract' means an agreement, contract, or transaction subject to section 2(h)(7).''.

(b) STANDARDS APPLICABLE TO SIGNIFICANT PRICE DISCOVERY CONTRACTS.—Section 2(h) of such Act (7 U.S.C. 2(h)) is amended by adding at the end the following:

''(7) SIGNIFICANT PRICE DISCOVERY CONTRACTS.—

''(A) IN GENERAL.—An agreement, contract, or transaction conducted in reliance on the exemption in paragraph (3) shall be subject to the provisions of subparagraphs (B) through (D), under such rules and regulations as the Commission shall promulgate, provided that the Commission determines, in its discretion, that the agreement, contract, or transaction performs a significant price discovery function as described in subparagraph (B).

''(B) SIGNIFICANT PRICE DISCOVERY DETERMINATION.—In making a determination whether an agreement, contract, or transaction performs a significant price discovery function, the Commission shall consider, as appropriate:

''(i) PRICE LINKAGE.—The extent to which the agreement, contract, or transaction uses or otherwise relies on a daily or final settlement price, or other major price parameter, of a contract or contracts listed for trading on or subject to the rules of a designated contract market or a derivatives transaction execution facility, or a significant price discovery contract traded on an electronic trading facility, to value a position, transfer or convert a position, cash or financially settle a position, or close out a position.

''(ii) ARBITRAGE.—The extent to which the price for the agreement, contract, or transaction is sufficiently related to the price of a contract or contracts listed for trading on or subject to the rules of a designated contract market or derivatives transaction execution facility, or a significant price discovery contract or contracts trading on or subject to the rules of an electronic trading facility, so as to permit market participants to effectively arbitrage between the markets by simultaneously maintaining positions or executing trades in the contracts on a frequent and recurring basis.

''(iii) MATERIAL PRICE REFERENCE.—The extent to which, on a frequent and recurring basis, bids, offers, or transactions in a commodity are directly based on, or are determined by referencing, the prices generated by agreements, contracts, or transactions being traded or executed on the electronic trading facility.

''(iv) MATERIAL LIQUIDITY.—The extent to which the volume of agreements, contracts, or transactions in the commodity being traded on the electronic trading facility is sufficient to have a material effect on other agreements, contracts, or transactions listed for trading on or subject to the rules of a designated contract market, a derivatives transaction execution facility, or an electronic trading facility operating in reliance on the exemption in paragraph (3).

''(v) OTHER MATERIAL FACTORS.—Such other material factors as the Commission specifies by rule as relevant to determine whether an agreement, contract, or transaction serves a significant price discovery function.

''(C) CORE PRINCIPLES APPLICABLE TO SIGNIFICANT PRICE DISCOVERY CONTRACTS.—

''(i) IN GENERAL.—An electronic trading facility on which significant price discovery contracts are traded or executed shall, with respect to those contracts, comply with the core principles specified in this subparagraph.

''(ii) CORE PRINCIPLES.—The electronic trading facility shall have reasonable discretion (including discretion to account for differences between cleared and uncleared significant price discovery contracts) in establishing the manner in which it complies with the following core principles:

''(I) CONTRACTS NOT READILY SUSCEPTIBLE TO MANIPULATION.—The electronic trading facility shall list only significant price discovery contracts that are not readily susceptible to manipulation.

''(II) MONITORING OF TRADING.—The electronic trading facility shall monitor trading in significant price discovery contracts to prevent market manipulation, price distortion, and disruptions of the delivery or cash-settlement process through market surveillance, compliance, and disciplinary practices and procedures, including methods for conducting real-time monitoring of trading and comprehensive and accurate trade reconstructions.

''(III) ABILITY TO OBTAIN INFORMATION.—The electronic trading facility shall—

''(aa) establish and enforce rules that will allow the electronic trading facility to obtain any necessary information to perform any of the functions described in this subparagraph;

''(bb) provide the information to the Commission upon request; and

''(cc) have the capacity to carry out such international information-sharing agreements as the Commission may require.

''(IV) POSITION LIMITATIONS OR ACCOUNTABILITY.—The electronic trading facility shall adopt, where necessary and appropriate, position limitations or position accountability for speculators in significant price discovery contracts, taking into account positions in other agreements, contracts, and transactions that are treated by a derivatives clearing organization, whether registered or not registered, as fungible with such significant price discovery contracts to reduce the potential threat of market manipulation or congestion, especially during trading in the delivery month.

''(V) EMERGENCY AUTHORITY.—The electronic trading facility shall adopt rules to provide for the exercise of emergency authority, in consultation or cooperation with the Commission, where necessary and appropriate, including the authority—

''(aa) to liquidate open positions in a significant price discovery contract; and

''(bb) to suspend or curtail trading in a significant price discovery contract.

''(VI) DAILY PUBLICATION OF TRADING INFORMATION.—The electronic trading facility shall make public daily information on price, trading volume, and other trading data to the extent appropriate for significant price discovery contracts

''(VII) COMPLIANCE WITH RULES.—The electronic trading facility shall monitor and enforce compliance with any rules of the electronic trading facility applicable to significant price discovery contracts, including the terms and conditions of the contracts and any limitations on access to the electronic trading facility with respect to the contracts.

''(VIII) CONFLICT OF INTEREST.—The electronic trading facility, with respect to significant price discovery contracts, shall—

''(aa) establish and enforce rules to minimize conflicts of interest in its decision-making process; and

''(bb) establish a process for resolving the conflicts of interest.

''(IX) ANTITRUST CONSIDERATIONS.—Unless necessary or appropriate to achieve the purposes of this Act, the electronic trading facility, with respect to significant price discovery contracts, shall endeavor to avoid—

''(aa) adopting any rules or taking any actions that result in any unreasonable restraints of trade; or

''(bb) imposing any material anticompetitive burden on trading on the electronic trading facility.

''(D) IMPLEMENTATION.—

''(i) CLEARING.—The Commission shall take into consideration differences between cleared and uncleared significant price discovery contracts when reviewing the implementation of the core principles by an electronic trading facility.

''(ii) REVIEW.—As part of the Commission's continual monitoring and surveillance activities, the Commission shall, not less frequently than annually, evaluate, as appropriate, all the agreements, contracts, or transactions conducted on an electronic trading facility in reliance on the exemption provided in paragraph

(3) to determine whether they serve a significant price discovery function as described in subparagraph (B) of this paragraph.''.

SEC. 13202. LARGE TRADER REPORTING.

(a) REPORTING AND RECORDKEEPING.—Section 4g(a) of the Commodity Exchange Act (7 U.S.C. 6g(a)) is amended by inserting '', and in any significant price discovery contract traded or executed on an electronic trading facility or any agreement, contract, or transaction that is treated by a derivatives clearing organization, whether registered or not registered, as fungible with a significant price discovery contract'' after ''elsewhere''.

(b) REPORTS OF POSITIONS EQUAL TO OR IN EXCESS OF TRADING LIMITS.—Section 4i of such Act (7 U.S.C. 6i) is amended—

(1) by inserting '', or any significant price discovery contract traded or executed on an electronic trading facility or any agreement, contract, or transaction that is treated by a derivatives clearing organization, whether registered or not registered, as fungible with a significant price discovery contract'' after ''subject to the rules of any contract market or derivatives transaction execution facility''; and

(2) in the matter following paragraph (2), by inserting ''or electronic trading facility'' after ''subject to the rules of any other board of trade''.

SEC. 13203. CONFORMING AMENDMENTS.

(a) Section 1a(12)(A)(x) of the Commodity Exchange Act (7 U.S.C. 1a(12)(A)(x)) is amended by inserting ''(other than an electronic trading facility with respect to a significant price discovery contract)'' after ''registered entity''.

(b) Section 1a(29) of such Act (7 U.S.C. 1a(29)) is amended—

(1) in subparagraph (C), by striking ''and'' at the end;

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

(3) by adding at the end the following:

''(E) with respect to a contract that the Commission determines is a significant price discovery contract, any electronic trading facility on which the contract is executed or traded.''.

(c) Section 2(a)(1)(A) of such Act (7 U.S.C. 2(a)(1)(A)) is amended by inserting after ''future delivery'' the following: ''(including significant price discovery contracts)''.

(d) Section 2(h)(3) of such Act (7 U.S.C. 2(h)(3)) is amended by striking ''paragraph (4)'' and inserting ''paragraphs (4) and (7)''.

(e) Section 2(h)(4) of such Act (7 U.S.C. 2(h)(4)) is amended—

(1) in subparagraph (B), by inserting ''and, for a significant price discovery contract, requiring large trader reporting,'' after ''proscribing fraud'';

(2) by striking ''and'' at the end of subparagraph (C); and

(3) by striking subparagraph (D) and inserting the following:

''(D) such rules, regulations, and orders as the Commission may issue to ensure timely compliance with any of the provisions of this Act applicable to a significant price discovery contract traded on or executed on any electronic trading facility; and

''(E) such other provisions of this Act as are applicable by their terms to significant price discovery contracts or to registered entities or electronic trading facilities with respect to significant price discovery contracts.''.

(f) Section 2(h)(5)(B)(iii)(I) of such Act (7 U.S.C. 2(h)(5)(B)(iii)(I)) is amended by inserting ''or to make the determination described in subparagraph (B) of paragraph (7)'' after ''paragraph (4)''.

(g) Section 4a of such Act (7 U.S.C. 6a) is amended—

(1) in subsection (a)—

(A) in the first sentence, by inserting '', or on an electronic trading facilities with respect to a significant price discovery contract'' after ''derivatives transaction execution facilities''; and

(B) in the second sentence, by inserting '', or on an electronic trading facility with respect to a significant price discovery contract,'' after ''derivatives transaction execution facility''; and

(2) in subsection (b)—

(A) in paragraph (1), by inserting ''or electronic trading facility with respect to a significant price discovery contract'' after ''facility or facilities''; and

(B) in paragraph (2), by inserting ''or electronic trading facility with respect to a significant price discovery contract'' after ''derivatives transaction execution facility''; and

(3) in subsection (e)—

(A) in the first sentence—

(i) by inserting ''or by any electronic trading facility'' after ''registered by the Commission'';

(ii) by inserting ''or on an electronic trading facility'' after ''derivatives transaction execution facility'' the second place it appears; and

(iii) by inserting ''or electronic trading facility'' before ''or such board of trade'' each place it appears; and

(B) in the second sentence, by inserting ''or electronic trading facility with respect to a significant price discovery contract'' after ''registered by the Commission''.

(h) Section 5a(d) of such Act (7 U.S.C. 7a(d)(1)) is amended—

(1) by redesignating paragraphs (4) through (9) as paragraphs (5) through (10); and

(2) by inserting after paragraph (3) the following:

''(4) POSITION LIMITATIONS OR ACCOUNTABILITY.—To reduce the potential threat of market manipulation or congestion, especially during trading in the delivery month, the derivatives transaction execution facility shall adopt position limits or position accountability for speculators, where necessary and appropriate for a contract, agreement or transaction with an underlying commodity that has a physically deliverable supply.''.

(i) Section 5c(a) of such Act (7 U.S.C. 7a–2(a)) is amended in paragraph (1) by inserting '', and section 2(h)(7) with respect to significant price discovery contracts,'' after '', and 5b(d)(2)''.

(j) Section 5c(b) of such Act (7 U.S.C. 7a–2(b)) is amended—

(1) by striking paragraph (1) and inserting the following:

''(1) IN GENERAL.—A contract market, derivatives transaction execution facility, or electronic trading facility with respect to a significant price discovery contract may comply with any applicable core principle through delegation of any relevant function to a registered futures association or a registered entity that is not an electronic trading facility.'';

(2) in paragraph (2), by striking ''contract market or derivatives transaction execution facility'' and inserting ''contract market, derivatives transaction execution facility, or electronic trading facility''; and

(3) in paragraph (3), by striking ''contract market or derivatives transaction execution facility'' each place it appears and inserting ''contract market, derivatives transaction execution facility, or electronic trading facility''.

(k) Section 5c(d)(1) of such Act (7 U.S.C. 7a–2(d)(1)) is amended by inserting ''or 2(h)(7)(C) with respect to a significant price discovery contract traded or executed on an electronic trading facility,'' after ''5b(d)(2)''.

(l) Section 5e of such Act (7 U.S.C. 7b) is amended by inserting '', or revocation of the right of an electronic trading facility to rely on the exemption set forth in section 2(h)(3) with respect to a significant price discovery contract,'' after ''revocation of designation as a registered entity''.

(m) Section 6(b) of the Commodity Exchange Act (7 U.S.C. 8(b)) is amended by striking the first sentence and all that follows through ''hearing on the record: Provided,'' and inserting the following:

''The Commission is authorized to suspend for a period not to exceed 6 months or to revoke the designation or registration of any contract market or derivatives transaction execution facility, or to revoke the right of an electronic trading facility to rely on the exemption set forth in section 2(h)(3) with respect to a significant price discovery contract, on a showing that the contract market or derivatives transaction execution facility is not enforcing or has not enforced its rules of government, made a condition of its designation or registration as set forth in sections 5 through 5b or section 5f, or that the contract market or derivatives transaction execution facility or electronic trading facility, or any director, officer, agent, or employee thereof, otherwise is violating or has violated any of the provisions of this Act or any of the rules, regulations, or orders of the Commission thereunder. Such suspension or revocation shall only be made after a notice to the officers of the contract market or derivatives transaction execution facility or electronic trading facility affected and upon a hearing on the record: Provided,''.

(n) Section 22(b)(1) of such Act (7 U.S.C. 25(b)(1)) is amended by inserting ''section 2(h)(7) or'' before ''sections 5''.

SEC. 13204. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in this section, this subtitle shall become effective on the date of enactment of this Act.

(b) SIGNIFICANT PRICE DISCOVERY STANDARDS RULEMAKING.—

(1) The Commodity Futures Trading Commission shall—

(A) not later than 180 days after the date of the enactment of this Act, issue a proposed rule regarding the implementation of section 2(h)(7) of the Commodity Exchange Act; and

(B) not later than 270 days after the date of enactment of this Act, issue a final rule regarding the implementation.

(2) In its rulemaking pursuant to paragraph (1) of this subsection, the Commission shall include the standards, terms, and conditions under which an electronic trading facility will have the responsibility to notify the Commission that an agreement, contract, or transaction conducted in reliance on the exemption provided in section 2(h)(3) of the Commodity Exchange Act may perform a price discovery function.

(c) SIGNIFICANT PRICE DISCOVERY DETERMINATIONS.—With respect to any electronic trading facility operating on the effective date of the final rule issued pursuant to subsection (b)(1), the Commission shall complete a review of the agreements, contracts, and transactions of the facility not later than 180 days after that effective date to determine whether any such agreement, contract, or transaction performs a significant price discovery function.

TITLE XIV—MISCELLANEOUS

Subtitle A—Socially Disadvantaged Producers and Limited Resource Producers

SEC. 14001. IMPROVED PROGRAM DELIVERY BY DEPARTMENT OF AGRICULTURE ON INDIAN RESERVATIONS.

Section 2501(g)(1) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279(g)(1)) is amended—

(1) in the first sentence—

(A) by striking ''Agricultural Stabilization and Conservation Service, Soil Conservation Service, and Farmers Home Administration offices'' and inserting ''Farm Service Agency and Natural Resources Conservation Service''; and

(B) by inserting ''where there has been a need demonstrated'' after ''include''; and

(2) by striking the second sentence.

SEC. 14002. FORECLOSURE.

(a) IN GENERAL.—Section 331A of the Consolidated Farm and Rural Development Act (7 U.S.C. 1981a) is amended:

(1) by inserting ''(a)'' after ''SEC. 331A.''; and

(2) by adding at the end the following:

''(b) MORATORIUM.—

''(1) IN GENERAL.—Subject to the other provisions of this subsection, effective beginning on the date of the enactment of this subsection,

there shall be in effect a moratorium, with respect to farmer program loans made under subtitle A, B, or C, on all acceleration and foreclosure proceedings instituted by the Department of Agriculture against any farmer or rancher who—

''(A) has pending against the Department a claim of program discrimination that is accepted by the Department as valid; or

''(B) files a claim of program discrimination that is accepted by the Department as valid.

''(2) WAIVER OF INTEREST AND OFFSETS.—During the period of the moratorium, the Secretary shall waive the accrual of interest and offsets on all farmer program loans made under subtitle A, B, or C for which loan acceleration or foreclosure proceedings have been suspended under paragraph (1).

''(3) TERMINATION OF MORATORIUM.—The moratorium shall terminate with respect to a claim of discrimination by a farmer or rancher on the earlier of—

''(A) the date the Secretary resolves the claim; or

''(B) if the farmer or rancher appeals the decision of the Secretary on the claim to a court of competent jurisdiction, the date that the court renders a final decision on the claim.

''(4) FAILURE TO PREVAIL.—If a farmer or rancher does not prevail on a claim of discrimination described in paragraph (1), the farmer or rancher shall be liable for any interest and offsets that accrued during the period that loan acceleration or foreclosure proceedings have been suspended under paragraph (1).''.

(b) FORECLOSURE REPORT.—

(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Inspector General of the Department of Agriculture (referred to in this subsection as the ''Inspector General'') shall determine whether decisions of the Department to implement foreclosure proceedings with respect to farmer program loans made under subtitle A, B, or C of the Consolidated Farm and Rural Development Act (7 U.S.C. 1922 et seq.) to socially disadvantaged farmers or ranchers during the 5-year period preceding the date of the enactment of this Act were consistent and in conformity with the applicable laws (including regulations) governing loan foreclosures.

(2) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Inspector General shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that describes the determination of the Inspector General under paragraph (1).

SEC. 14003. RECEIPT FOR SERVICE OR DENIAL OF SERVICE FROM CERTAIN DEPARTMENT OF AGRICULTURE AGENCIES.

Section 2501A of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279–1) is amended by adding at the end the following new subsection:

''(e) RECEIPT FOR SERVICE OR DENIAL OF SERVICE.—In any case in which a current or prospective producer or landowner, in person or in writing, requests from the Farm Service Agency, the Natural Resources Conservation Service, or an agency of the Rural Development Mission Area any benefit or service offered by the Department to agricultural producers or landowners and, at the time of the request, also requests a receipt, the Secretary shall issue, on the date of the request, a receipt to the producer or landowner that contains—

''(1) the date, place, and subject of the request; and

''(2) the action taken, not taken, or recommended to the producer or landowner.''.

SEC. 14004. OUTREACH AND TECHNICAL ASSISTANCE FOR SOCIALLY DISADVANTAGED FARMERS OR RANCHERS.

(a) OUTREACH AND TECHNICAL ASSISTANCE PROGRAM.—

(1) PROGRAM REQUIREMENTS.—Paragraph (2) of section 2501(a) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279(a)) is amended to read as follows:

''(2) REQUIREMENTS.—The outreach and technical assistance program under paragraph (1) shall be used exclusively—

''(A) to enhance coordination of the outreach, technical assistance, and education efforts authorized under agriculture programs; and

''(B) to assist the Secretary in—

''(i) reaching current and prospective socially disadvantaged farmers or ranchers in a linguistically appropriate manner; and

''(ii) improving the participation of those farmers and ranchers in Department programs, as reported under section 2501A.''.

(2) GRANTS AND CONTRACTS UNDER PROGRAM.—Section 2501(a)(3) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279(a)(3)) is amended—

(A) in subparagraph (A), by striking ''entity to provide information'' and inserting ''entity that has demonstrated an ability to carry out the requirements described in paragraph (2) to provide outreach''; and

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

''(D) REPORT.—The Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate, and make publicly available, an annual report that includes a list of the following:

''(i) The recipients of funds made available under the program.

''(ii) The activities undertaken and services provided.

''(iii) The number of current and prospective socially disadvantaged farmers or ranchers served and outcomes of such service.

''(iv) The problems and barriers identified by entities in trying to increase participation by current and prospective socially disadvantaged farmers or ranchers.''.

(3) FUNDING AND LIMITATION ON USE OF FUNDS.—Section 2501(a)(4) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279(a)(4)) is amended—

(A) by striking subparagraph (A) and inserting the following new subparagraph:

''(A) IN GENERAL.—Of the funds of the Commodity Credit Corporation, the Secretary shall make available to carry out this section—

''(i) $15,000,000 for fiscal year 2009; and

''(ii) $20,000,000 for each of fiscal years 2010 through 2012.''.

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

''(C) LIMITATION ON USE OF FUNDS FOR ADMINISTRATIVE EXPENSES.—Not more than 5 percent of the amounts made available under subparagraph (A) for a fiscal year may be used for expenses related to administering the program under this section.''.

(b) ELIGIBLE ENTITY DEFINED.—Section 2501(e)(5)(A)(ii) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279(e)(5)(A)(ii)) is amended by striking ''work with socially disadvantaged farmers or ranchers during the 2-year period'' and inserting ''work with, and on behalf of, socially disadvantaged farmers or ranchers during the 3-year period''.

SEC. 14005. ACCURATE DOCUMENTATION IN THE CENSUS OF AGRICULTURE AND CERTAIN STUDIES.

Section 2501 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279) is amended by adding at the end the following:

''(h) ACCURATE DOCUMENTATION.—The Secretary shall ensure, to the maximum extent practicable, that the Census of Agriculture and studies carried out by the Economic Research Service accurately document the number, location, and economic contributions of socially disadvantaged farmers or ranchers in agricultural production.''.

SEC. 14006. TRANSPARENCY AND ACCOUNTABILITY FOR SOCIALLY DISADVANTAGED FARMERS OR RANCHERS.

Section 2501A of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279–1) is amended by striking subsection (c) and inserting the following new subsections:

''(c) COMPILATION OF PROGRAM PARTICIPATION DATA.—

''(1) ANNUAL REQUIREMENT.—For each county and State in the United States, the Secretary of Agriculture (referred to in this section as the 'Secretary') shall annually compile program application and participation rate data regarding socially disadvantaged farmers or ranchers by computing for each program of the Department of Agriculture that serves agricultural producers and landowners—

''(A) raw numbers of applicants and participants by race, ethnicity, and gender, subject to appropriate privacy protections, as determined by the Secretary; and

''(B) the application and participation rate, by race, ethnicity, and gender, as a percentage of the total participation rate of all agricultural producers and landowners.

''(2) AUTHORITY TO COLLECT DATA.—The heads of the agencies of the Department of Agriculture shall collect and transmit to the Secretary any data, including data on race, gender, and ethnicity, that the Secretary determines to be necessary to carry out paragraph (1).

''(3) REPORT.—Using the technologies and systems of the National Agricultural Statistics Service, the Secretary shall compile and present the data compiled under paragraph (1) for each program described in that paragraph in a manner that includes the raw numbers and participation rates for—

''(A) the entire United States;

''(B) each State; and

''(C) each county in each State.

''(4) PUBLIC AVAILABILITY OF REPORT.—The Secretary shall maintain and make readily available to the public, via website and otherwise in electronic and paper form, the report described in paragraph (3).

''(d) LIMITATIONS ON USE OF DATA.—

''(1) PRIVACY PROTECTIONS.—In carrying out this section, the Secretary shall not disclose the names or individual data of any program participant.

''(2) AUTHORIZED USES.—The data under this section shall be used exclusively for the purposes described in subsection (a).

''(3) LIMITATION.—Except as otherwise provided, the data under this section shall not be used for the evaluation of individual applications for assistance.''.

SEC. 14007. OVERSIGHT AND COMPLIANCE.

The Secretary, acting through the Assistant Secretary for Civil Rights of the Department of Agriculture, shall use the reports described in subsection (c) of section 2501A of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279–1), as amended by section 14006, in the conduct of oversight and evaluation of civil rights compliance.

SEC. 14008. MINORITY FARMER ADVISORY COMMITTEE.

(a) ESTABLISHMENT.—Not later than 18 months after the date of the enactment of this Act, the Secretary of Agriculture shall establish an advisory committee, to be known as the ''Advisory Committee on Minority Farmers'' (in this section referred to as the ''Committee'').

(b) DUTIES.—The Committee shall provide advice to the Secretary on—

(1) the implementation of section 2501 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279);

(2) methods of maximizing the participation of minority farmers and ranchers in Department of Agriculture programs; and

(3) civil rights activities within the Department as such activities relate to participants in such programs.

(c) MEMBERSHIP.—

(1) IN GENERAL.—The Committee shall be composed of not more than 15 members, who shall be appointed by the Secretary, and shall include—

(A) not less than four socially disadvantaged farmers or ranchers (as defined in section

2501(e)(2) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279(e)(2)));

(B) not less than two representatives of nonprofit organizations with a history of working with minority farmers and ranchers;

(C) not less than two civil rights professionals;

(D) not less than two representatives of institutions of higher education with demonstrated experience working with minority farmers and ranchers; and

(E) such other persons as the Secretary considers appropriate.

(2) EX-OFFICIO MEMBERS.—The Secretary may appoint such employees of the Department of Agriculture as the Secretary considers appropriate to serve as ex-officio members of the Committee.

SEC. 14009. NATIONAL APPEALS DIVISION.

Section 280 of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 7000) is amended—

(1) by striking ''On the return'' and inserting the following:

''(a) IN GENERAL.—On the return''; and

(2) by adding at the end the following:

''(b) REPORTS.—

''(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this subsection, and every 180 days thereafter, the head of each agency shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate, and publish on the website of the Department, a report that includes—

''(A) a description of all cases returned to the agency during the period covered by the report pursuant to a final determination of the Division;

''(B) the status of implementation of each final determination; and

''(C) if the final determination has not been implemented—

''(i) the reason that the final determination has not been implemented; and

''(ii) the projected date of implementation of the final determination.

''(2) UPDATES.—Each month, the head of each agency shall publish on the website of the Department any updates to the reports submitted under paragraph (1).''.

SEC. 14010. REPORT OF CIVIL RIGHTS COMPLAINTS, RESOLUTIONS, AND ACTIONS.

Each year, the Secretary shall—

(1) prepare a report that describes, for each agency of the Department of Agriculture—

(A) the number of civil rights complaints filed that relate to the agency, including whether a complaint is a program complaint or an employment complaint;

(B) the length of time the agency took to process each civil rights complaint;

(C) the number of proceedings brought against the agency, including the number of complaints described in paragraph (1) that were resolved with a finding of discrimination; and

(D) the number and type of personnel actions taken by the agency following resolution of civil rights complaints;

(2) submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a copy of the report; and

(3) make the report available to the public by posting the report on the website of the Department.

SEC. 14011. SENSE OF CONGRESS RELATING TO CLAIMS BROUGHT BY SOCIALLY DISADVANTAGED FARMERS OR RANCHERS.

It is the sense of Congress that all pending claims and class actions brought against the Department of Agriculture by socially disadvantaged farmers or ranchers (as defined in section 355(e) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2003(e)), including Native American, Hispanic, and female farmers or ranchers, based on racial, ethnic, or gender discrimination in farm program participation should be resolved in an expeditious and just manner.

SEC. 14012. DETERMINATION ON MERITS OF PIGFORD CLAIMS.

(a) DEFINITIONS.—In this section:

(1) CONSENT DECREE.—The term ''consent decree'' means the consent decree in the case of Pigford v. Glickman, approved by the United States District Court for the District of Columbia on April 14, 1999.

(2) DEPARTMENT.—The term ''Department'' means the Department of Agriculture.

(3) PIGFORD CLAIM.—The term ''Pigford claim'' means a discrimination complaint, as defined by section 1(h) of the consent decree and documented under section 5(b) of the consent decree.

(4) PIGFORD CLAIMANT.—The term ''Pigford claimant'' means an individual who previously submitted a late-filing request under section 5(g) of the consent decree.

(b) DETERMINATION ON MERITS.—Any Pigford claimant who has not previously obtained a determination on the merits of a Pigford claim may, in a civil action brought in the United States District Court for the District of Columbia, obtain that determination.

(c) LIMITATION.—

(1) IN GENERAL.—Subject to paragraph (2), all payments or debt relief (including any limitation on foreclosure under subsection (h)) shall be made exclusively from funds made available under subsection (i).

(2) MAXIMUM AMOUNT.—The total amount of payments and debt relief pursuant to actions commenced under subsection (b) shall not exceed $100,000,000.

(d) INTENT OF CONGRESS AS TO REMEDIAL NATURE OF SECTION.—It is the intent of Congress that this section be liberally construed so as to effectuate its remedial purpose of giving a full determination on the merits for each Pigford claim previously denied that determination.

(e) LOAN DATA.—

(1) REPORT TO PERSON SUBMITTING PETITION.—

(A) IN GENERAL.—Not later than 120 days after the Secretary receives notice of a complaint filed by a claimant under subsection (b), the Secretary shall provide to the claimant a report on farm credit loans and noncredit benefits, as appropriate, made within the claimant's county (or if no documents are found, within an adjacent county as determined by the claimant), by the Department during the period beginning on January 1 of the year preceding the period covered by the complaint and ending on December 31 of the year following the period.

(B) REQUIREMENTS.—A report under subparagraph (A) shall contain information on all persons whose application for a loan or benefit was accepted, including—

(i) the race of the applicant;

(ii) the date of application;

(iii) the date of the loan or benefit decision, as appropriate;

(iv) the location of the office making the loan or benefit decision, as appropriate;

(v) all data relevant to the decisionmaking process for the loan or benefit, as appropriate; and

(vi) all data relevant to the servicing of the loan or benefit, as appropriate.

(2) NO PERSONALLY IDENTIFIABLE INFORMATION.—The reports provided pursuant to paragraph (1) shall not contain any information that would identify any person who applied for a loan from the Department.

(3) REPORTING DEADLINE.—

(A) IN GENERAL.—The Secretary shall—

(i) provide to claimants the reports required under paragraph (1) as quickly as practicable after the Secretary receives notice of a complaint filed by a claimant under subsection (b); and

(ii) devote such resources of the Department as are necessary to make providing the reports expeditiously a high priority of the Department.

(B) EXTENSION.—A court may extend the deadline for providing the report required in a particular case under paragraph (1) if the Secretary establishes that meeting the deadline is not feasible and demonstrates a continuing effort and commitment to provide the required report expeditiously.

(f) EXPEDITED RESOLUTIONS AUTHORIZED.—

(1) IN GENERAL.—Any person filing a complaint under this section for discrimination in the application for, or making or servicing of, a farm loan, at the discretion of the person, may seek liquidated damages of $50,000, discharge of the debt that was incurred under, or affected by, the 1 or more programs that were the subject of the 1 or more discrimination claims that are the subject of the person's complaint, and a tax payment in the amount equal to 25 percent of the liquidated damages and loan principal discharged, in which case—

(A) if only such damages, debt discharge, and tax payment are sought, the complainant shall be able to prove the case of the complainant by substantial evidence (as defined in section 1(l) of the consent decree); and

(B) the court shall decide the case based on a review of documents submitted by the complainant and defendant relevant to the issues of liability and damages.

(2) NONCREDIT CLAIMS.—

(A) STANDARD.—In any case in which a claimant asserts a noncredit claim under a benefit program of the Department, the court shall determine the merits of the claim in accordance with section 9(b)(i) of the consent decree.

(B) RELIEF.—A claimant who prevails on a claim of discrimination involving a noncredit benefit program of the Department shall be entitled to a payment by the Department in a total amount of $3,000, without regard to the number of such claims on which the claimant prevails.

(g) ACTUAL DAMAGES.—A claimant who files a claim under this section for discrimination under subsection (b) but not under subsection (f) and who prevails on the claim shall be entitled to actual damages sustained by the claimant.

(h) LIMITATION ON FORECLOSURES.—Notwithstanding any other provision of law, during the pendency of a Pigford claim, the Secretary may not begin acceleration on or foreclosure of a loan if—

(1) the borrower is a Pigford claimant; and

(2) makes a prima facie case in an appropriate administrative proceeding that the acceleration or foreclosure is related to a Pigford claim.

(i) FUNDING.—

(1) IN GENERAL.—Of the funds of the Commodity Credit Corporation, the Secretary shall make available for payments and debt relief in satisfaction of claims against the United States under subsection (b) and for any actions under subsection (g) $100,000,000 for fiscal year 2008, to remain available until expended.

(2) AUTHORIZATION OF APPROPRIATIONS.—In addition to funds made available under paragraph (1), there are authorized to be appropriated such sums as are necessary to carry out this section.

(j) REPORTING REQUIREMENTS.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act and every 180 days thereafter until the funds made available under subsection (i) are depleted, the Secretary shall submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate a report that describes the status of available funds under subsection (i) and the number of pending claims under subsection (f).

(2) DEPLETION OF FUNDS REPORT.—In addition to the reports required under paragraph (1), the Secretary shall submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate a report that notifies the Committees when 75 percent of the funds made available under subsection (i)(1) have been depleted.

(k) TERMINATION OF AUTHORITY.—The authority to file a claim under this section terminates 2 years after the date of the enactment of this Act.

SEC. 14013. OFFICE OF ADVOCACY AND OUTREACH.

(a) IN GENERAL.—The Department of Agriculture Reorganization Act of 1994 is amended by inserting after section 226A (7 U.S.C. 6933) the following:

''SEC. 226B. OFFICE OF ADVOCACY AND OUTREACH.

''(a) DEFINITIONS.—In this section:

''(1) BEGINNING FARMER OR RANCHER.—The term 'beginning farmer or rancher' has the meaning given the term in section 343(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1991(a)).

''(2) OFFICE.—The term 'Office' means the Office of Advocacy and Outreach established under this section.

''(3) SOCIALLY DISADVANTAGED FARMER OR RANCHER.—The term 'socially disadvantaged farmer or rancher' has the meaning given the term in section 2501(e) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279(e)).

''(b) ESTABLISHMENT AND PURPOSE.—

''(1) IN GENERAL.—The Secretary shall establish within the executive operations of the Department an office to be known as the 'Office of Advocacy and Outreach'—

''(A) to improve access to programs of the Department; and

''(B) to improve the viability and profitability of—

''(i) small farms and ranches;

''(ii) beginning farmers or ranchers; and

''(iii) socially disadvantaged farmers or ranchers.

''(2) DIRECTOR.—The Office shall be headed by a Director, to be appointed by the Secretary from among the competitive service.

''(c) DUTIES.—The duties of the Office shall be to ensure small farms and ranches, beginning farmers or ranchers, and socially disadvantaged farmers or ranchers access to, and equitable participation in, programs and services of the Department by—

''(1) establishing and monitoring the goals and objectives of the Department to increase participation in programs of the Department by small, beginning, or socially disadvantaged farmers or ranchers;

''(2) assessing the effectiveness of Department outreach programs;

''(3) developing and implementing a plan to coordinate outreach activities and services provided by the Department;

''(4) providing input to the agencies and offices on programmatic and policy decisions;

''(5) measuring outcomes of the programs and activities of the Department on small farms and ranches, beginning farmers or ranchers, and socially disadvantaged farmers or ranchers programs;

''(6) recommending new initiatives and programs to the Secretary; and

''(7) carrying out any other related duties that the Secretary determines to be appropriate.

''(d) SOCIALLY DISADVANTAGED FARMERS GROUP.—

''(1) ESTABLISHMENT.—The Secretary shall establish within the Office the Socially Disadvantaged Farmers Group.

''(2) OUTREACH AND ASSISTANCE.—The Socially Disadvantaged Farmers Group—

''(A) shall carry out section 2501 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279); and

''(B) in the case of activities described in section 2501(a) of that Act, may conduct such activities through other agencies and offices of the Department.

''(3) SOCIALLY DISADVANTAGED FARMERS AND FARMWORKERS.—The Socially Disadvantaged Farmers Group shall oversee the operations of—

''(A) the Advisory Committee on Minority Farmers established under section 14009 of the Food, Conservation, and Energy Act of 2008; and

''(B) the position of Farmworker Coordinator established under subsection (f).

''(4) OTHER DUTIES.—

''(A) IN GENERAL.—The Socially Disadvantaged Farmers Group may carry out other duties to improve access to, and participation in, programs of the Department by socially disadvantaged farmers or ranchers, as determined by the Secretary.

''(B) OFFICE OF OUTREACH AND DIVERSITY.—The Office of Advocacy and Outreach shall carry out the functions and duties of the Office of Outreach and Diversity carried out by the Assistant Secretary for Civil Rights as such functions and duties existed immediately before the date of the enactment of this section.

''(e) SMALL FARMS AND BEGINNING FARMERS AND RANCHERS GROUP.—

''(1) ESTABLISHMENT.—The Secretary shall establish within the Office the Small Farms and Beginning Farmers and Ranchers Group.

''(2) DUTIES.—

''(A) OVERSEE OFFICES.—The Small Farms and Beginning Farmers and Ranchers Group shall oversee the operations of the Office of Small Farms Coordination established by Departmental Regulation 9700-1 (August 3, 2006).

''(B) BEGINNING FARMER AND RANCHER DEVELOPMENT PROGRAM.—The Small Farms and Beginning Farmers and Ranchers Group shall consult with the National Institute for Food and Agriculture on the administration of the beginning farmer and rancher development program established under section 7405 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 3319f).

''(C) ADVISORY COMMITTEE FOR BEGINNING FARMERS AND RANCHERS.—The Small Farms and Beginning Farmers and Ranchers Group shall coordinate the activities of the Group with the Advisory Committee for Beginning Farmers and Ranchers established under section 5(b) of the Agricultural Credit Improvement Act of 1992 (7 U.S.C. 1621 note; Public Law 102–554).

''(D) OTHER DUTIES.—The Small Farms and Beginning Farmers and Ranchers Group may carry out other duties to improve access to, and participation in, programs of the Department by small farms and ranches and beginning farmers or ranchers, as determined by the Secretary.

''(f) FARMWORKER COORDINATOR.—

''(1) ESTABLISHMENT.—The Secretary shall establish within the Office the position of Farmworker Coordinator (referred to in this subsection as the 'Coordinator').

''(2) DUTIES.—The Secretary shall delegate to the Coordinator responsibility for the following:

''(A) Assisting in administering the program established by section 2281 of the Food, Agriculture, Conservation, and Trade Act of 1990 (42 U.S.C. 5177a).

''(B) Serving as a liaison to community-based nonprofit organizations that represent and have demonstrated experience serving low-income migrant and seasonal farmworkers.

''(C) Coordinating with the Department, other Federal agencies, and State and local governments to ensure that farmworker needs are assessed and met during declared disasters and other emergencies.

''(D) Consulting within the Office and with other entities to better integrate farmworker perspectives, concerns, and interests into the ongoing programs of the Department.

''(E) Consulting with appropriate institutions on research, program improvements, or agricultural education opportunities that assist low-income and migrant seasonal farmworkers.

''(F) Assisting farmworkers in becoming agricultural producers or landowners.

''(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this subsection for each of fiscal years 2009 through 2012.''.

(b) CONFORMING AMENDMENT.—Section 296(b) of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 7014(b)), as amended by section 7511(b), is further amended—

(1) in paragraph (5), by striking ''; or'' and inserting ''; '';

(2) in paragraph (6), by striking the period and inserting ''; or''; and

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

''(7) the authority of the Secretary to establish in the Department the Office of Advocacy and Outreach in accordance with section 226B.''.

Subtitle B—Agricultural Security

SEC. 14101. SHORT TITLE.

This subtitle may be cited as the ''Agricultural Security Improvement Act of 2008''.

SEC. 14102. DEFINITIONS.

In this subtitle:

(1) AGENT.—The term ''agent'' means a nuclear, biological, chemical, or radiological substance that causes agricultural disease or the adulteration of products regulated by the Secretary of Agriculture under any provision of law.

(2) AGRICULTURAL BIOSECURITY.—The term ''agricultural biosecurity'' means protection from an agent that poses a threat to—

(A) plant or animal health;

(B) public health as it relates to the adulteration of products regulated by the Secretary of Agriculture under any provision of law that is caused by exposure to an agent; or

(C) the environment as it relates to agriculture facilities, farmland, and air and water within the immediate vicinity of an area associated with an agricultural disease or outbreak.

(3) AGRICULTURAL COUNTERMEASURE.—The term ''agricultural countermeasure''—

(A) means a product, practice, or technology that is intended to enhance or maintain the agricultural biosecurity of the United States; and

(B) does not include a product, practice, or technology used solely in response to a human medical incident or public health emergency not related to agriculture.

(4) AGRICULTURAL DISEASE.—The term ''agricultural disease'' has the meaning given the term by the Secretary.

(5) AGRICULTURAL DISEASE EMERGENCY.—The term ''agricultural disease emergency'' means an incident of agricultural disease that requires prompt action to prevent significant damage to people, plants, or animals.

(6) AGROTERRORIST ACT.—The term ''agroterrorist act'' means an act that—

(A) causes or attempts to cause—

(i) damage to agriculture; or

(ii) injury to a person associated with agriculture; and

(B) is committed or appears to be committed with the intent to—

(i) intimidate or coerce a civilian population; or

(ii) disrupt the agricultural industry in order to influence the policy of a government by intimidation or coercion.

(7) ANIMAL.—The term ''animal'' has the meaning given the term in section 10403 of the Animal Health Protection Act of 2002 (7 U.S.C. 8302).

(8) DEPARTMENT.—The term ''Department'' means the Department of Agriculture.

(9) DEVELOPMENT.—The term ''development'' means—

(A) research leading to the identification of products or technologies intended for use as agricultural countermeasures to protect animal health;

(B) the formulation, production, and subsequent modification of those products or technologies;

(C) the conduct of in vitro and in vivo studies;

(D) the conduct of field, efficacy, and safety studies;

(E) the preparation of an application for marketing approval for submission to an applicable agency; or

(F) other actions taken by an applicable agency in a case in which an agricultural countermeasure is procured or used prior to issuance of

a license or other form of Federal Government approval.

(10) PLANT.—The term ''plant'' has the meaning given the term in section 411 of the Plant Protection Act of 2000 (7 U.S.C. 7702).

(11) QUALIFIED AGRICULTURAL COUNTERMEASURE.—The term ''qualified agricultural countermeasure'' means an agricultural countermeasure that the Secretary, in consultation with the Secretary of Homeland Security, determines to be a priority in order to address an agricultural biosecurity threat.

CHAPTER 1—AGRICULTURAL SECURITY

SEC. 14111. OFFICE OF HOMELAND SECURITY.

(a) ESTABLISHMENT.—There is established within the Department the Office of Homeland Security (in this section referred to as the ''Office'').

(b) DIRECTOR.—The Office shall be headed by a Director of Homeland Security, who shall be appointed by the Secretary.

(c) RESPONSIBILITIES.—The Director of Homeland Security shall—

(1) coordinate all homeland security activities of the Department, including integration and coordination of interagency emergency response plans for—

(A) agricultural disease emergencies;

(B) agroterrorist acts; and

(C) other threats to agricultural biosecurity;

(2) act as the primary liaison on behalf of the Department with other Federal departments and agencies on the coordination of efforts and interagency activities pertaining to agricultural biosecurity; and

(3) advise the Secretary on policies, regulations, processes, budget, and actions pertaining to homeland security.

SEC. 14112. AGRICULTURAL BIOSECURITY COMMUNICATION CENTER.

(a) ESTABLISHMENT.—The Secretary shall establish a communication center within the Department to—

(1) collect and disseminate information and prepare for an agricultural disease emergency, agroterrorist act, or other threat to agricultural biosecurity; and

(2) coordinate activities described in paragraph (1) among agencies and offices within the Department.

(b) RELATION TO EXISTING DHS COMMUNICATION SYSTEMS.—

(1) CONSISTENCY AND COORDINATION.—The communication center established under subsection (a) shall, to the maximum extent practicable, share and coordinate the dissemination of timely information with the Department of Homeland Security and other communication systems of appropriate Federal departments and agencies.

(2) AVOIDING REDUNDANCIES.—Paragraph (1) shall not be construed to impede, conflict with, or duplicate the communications activities performed by the Secretary of Homeland Security under any provision of law.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary to carry out this section for each of fiscal years 2008 through 2012.

SEC. 14113. ASSISTANCE TO BUILD LOCAL CAPACITY IN AGRICULTURAL BIOSECURITY PLANNING, PREPAREDNESS, AND RESPONSE.

(a) ADVANCED TRAINING PROGRAMS.—

(1) GRANT ASSISTANCE.—The Secretary shall establish a competitive grant program to support the development and expansion of advanced training programs in agricultural biosecurity planning and response for food science professionals and veterinarians.

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as may be necessary to carry out this subsection for each of fiscal years 2008 through 2012.

(b) ASSESSMENT OF RESPONSE CAPABILITY.—

(1) GRANT AND LOAN ASSISTANCE.—The Secretary shall establish a competitive grant and low-interest loan assistance program to assist States in assessing agricultural disease response capability.

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $25,000,000 for each of fiscal years 2008 through 2012.

CHAPTER 2—OTHER PROVISIONS

SEC. 14121. RESEARCH AND DEVELOPMENT OF AGRICULTURAL COUNTERMEASURES.

(a) GRANT PROGRAM.—

(1) COMPETITIVE GRANT PROGRAM.—The Secretary shall establish a competitive grant program to encourage basic and applied research and the development of qualified agricultural countermeasures.

(2) WAIVER IN EMERGENCIES.—The Secretary may waive the requirement under paragraph (1) that a grant be provided on a competitive basis if—

(A) the Secretary has declared a plant or animal disease emergency under the Plant Protection Act (7 U.S.C. 7701 et seq.) or the Animal Health Protection Act (7 U.S.C. 8301 et seq.); and

(B) waiving the requirement would lead to the rapid development of a qualified agricultural countermeasure, as determined by the Secretary.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $50,000,000 for each of fiscal years 2008 through 2012.

SEC. 14122. AGRICULTURAL BIOSECURITY GRANT PROGRAM.

(a) COMPETITIVE GRANT PROGRAM.—The Secretary shall establish a competitive grant program to promote the development of teaching programs in agriculture, veterinary medicine, and disciplines closely allied to the food and agriculture system to increase the number of trained individuals with an expertise in agricultural biosecurity.

(b) ELIGIBILITY.—The Secretary may award a grant under this section only to an entity that is—

(1) an accredited school of veterinary medicine; or

(2) a department of an institution of higher education with a primary focus on—

(A) comparative medicine;

(B) veterinary science; or

(C) agricultural biosecurity.

(c) PREFERENCE.—The Secretary shall give preference in awarding grants based on the ability of an applicant—

(1) to increase the number of veterinarians or individuals with advanced degrees in food and agriculture disciplines who are trained in agricultural biosecurity practice areas;

(2) to increase research capacity in areas of agricultural biosecurity; or

(3) to fill critical agricultural biosecurity shortage situations outside of the Federal Government.

(d) USE OF FUNDS..—

(1) IN GENERAL.—Amounts received under this section shall be used by a grantee to pay—

(A) costs associated with the acquisition of equipment and other capital costs relating to the expansion of food, agriculture, and veterinary medicine teaching programs in agricultural biosecurity;

(B) capital costs associated with the expansion of academic programs that offer postgraduate training for veterinarians or concurrent training for veterinary students in specific areas of specialization; or

(C) other capacity and infrastructure program costs that the Secretary considers appropriate.

(2) LIMITATION.—Funds received under this section may not be used for the construction, renovation, or rehabilitation of a building or facility.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated sums as are necessary to carry out this section for each of fiscal years 2008 through 2012, to remain available until expended.

Subtitle C—Other Miscellaneous Provisions

SEC. 14201. COTTON CLASSIFICATION SERVICES.

Section 3a of the Act of March 3, 1927 (7 U.S.C. 473a), is amended to read as follows:

''SEC. 3a. COTTON CLASSIFICATION SERVICES.

''(a) IN GENERAL.—The Secretary of Agriculture (referred to in this section as the 'Secretary') shall—

''(1) make cotton classification services available to producers of cotton; and

''(2) provide for the collection of classification fees from participating producers or agents that voluntarily agree to collect and remit the fees on behalf of producers.

''(b) FEES.—

''(1) USE OF FEES.—Classification fees collected under subsection (a)(2) and the proceeds from the sales of samples submitted under this section shall, to the maximum extent practicable, be used to pay the cost of the services provided under this section, including administrative and supervisory costs.

''(2) ANNOUNCEMENT OF FEES.—The Secretary shall announce a uniform classification fee and any applicable surcharge for classification services not later than June 1 of the year in which the fee applies.

''(c) CONSULTATION.—

''(1) IN GENERAL.—In establishing the amount of fees under this section, the Secretary shall consult with representatives of the United States cotton industry.

''(2) EXEMPTION.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to consultations with representatives of the United States cotton industry under this section.

''(d) CREDITING OF FEES.—Any fees collected under this section and under section 3d, late payment penalties, the proceeds from the sales of samples, and interest earned from the investment of such funds shall—

''(1) be credited to the current appropriation account that incurs the cost of services provided under this section and section 3d; and

''(2) remain available without fiscal year limitation to pay the expenses of the Secretary in providing those services.

''(e) INVESTMENT OF FUNDS.—Funds described in subsection (d) may be invested—

''(1) by the Secretary in insured or fully collateralized, interest-bearing accounts; or

''(2) at the discretion of the Secretary, by the Secretary of the Treasury in United States Government debt instruments.

''(f) LEASE AGREEMENTS.—Notwithstanding any other provision of law, the Secretary may enter into long-term lease agreements that exceed 5 years or may take title to property (including through purchase agreements) for the purpose of obtaining offices to be used for the classification of cotton in accordance with this Act, if the Secretary determines that action would best effectuate the purposes of this Act.

''(g) AUTHORIZATION OF APPROPRIATIONS.—To the extent that financing is not available from fees and the proceeds from the sales of samples, there are authorized to be appropriated such sums as are necessary to carry out this section.''.

SEC. 14202. DESIGNATION OF STATES FOR COTTON RESEARCH AND PROMOTION.

Section 17(f) of the Cotton Research and Promotion Act (7 U.S.C. 2116(f)) is amended—

(1) by striking ''(f) The term'' and inserting the following:

''(f) COTTON-PRODUCING STATE.—

''(1) IN GENERAL.—The term'';

(2) by striking ''more, and the term'' and all that follows through the end of the subsection and inserting the following: ''more.

''(2) INCLUSIONS.—The term 'cotton-producing State' includes—

''(A) any combination of States described in paragraph (1); and

''(B) effective beginning with the 2008 crop of cotton, the States of Kansas, Virginia, and Florida.''.

SEC. 14203. GRANTS TO REDUCE PRODUCTION OF METHAMPHETAMINES FROM ANHYDROUS AMMONIA.

(a) DEFINITIONS.—In this section:

(1) ELIGIBLE ENTITY.—The term ''eligible entity'' means—

(A) a producer of agricultural commodities;

(B) a cooperative association, a majority of the members of which produce or process agricultural commodities; or

(C) a person in the trade or business of—

(i) selling an agricultural product (including an agricultural chemical) at retail, predominantly to farmers and ranchers; or

(ii) aerial and ground application of an agricultural chemical.

(2) NURSE TANK.—The term ''nurse tank'' shall be considered to be a cargo tank (within the meaning of section 173.315(m) of title 49, Code of Federal Regulations, as in effect as of the date of the enactment of this Act).

(b) GRANT AUTHORITY.—The Secretary may make a grant to an eligible entity to enable the eligible entity to obtain and add to an anhydrous ammonia fertilizer nurse tank a physical lock or a substance to reduce the amount of methamphetamine that can be produced from any anhydrous ammonia removed from the nurse tank.

(c) GRANT AMOUNT.—The amount of a grant made under this section to an eligible entity shall be the product obtained by multiplying—

(1) an amount not less than $40 and not more than $60, as determined by the Secretary; and

(2) the number of fertilizer nurse tanks of the eligible entity.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to make grants under this section $15,000,000 for the period of fiscal years 2008 through 2012.

SEC. 14204. GRANTS TO IMPROVE SUPPLY, STABILITY, SAFETY, AND TRAINING OF AGRICULTURAL LABOR FORCE.

(a) DEFINITION OF ELIGIBLE ENTITY.—In this section, the term ''eligible entity'' means an entity described in section 379C(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2008q(a)).

(b) GRANTS.—

(1) IN GENERAL.—To assist agricultural employers and farmworkers by improving the supply, stability, safety, and training of the agricultural labor force, the Secretary may provide grants to eligible entities for use in providing services to assist farmworkers who are citizens or otherwise legally present in the United States in securing, retaining, upgrading, or returning from agricultural jobs.

(2) ELIGIBLE SERVICES.—The services referred to in paragraph (1) include—

(A) agricultural labor skills development;

(B) the provision of agricultural labor market information;

(C) transportation;

(D) short-term housing while in transit to an agricultural worksite;

(E) workplace literacy and assistance with English as a second language;

(F) health and safety instruction, including ways of safeguarding the food supply of the United States; and

(G) such other services as the Secretary determines to be appropriate.

(c) LIMITATION ON ADMINISTRATIVE EXPENSES.—Not more than 15 percent of the funds made available to carry out this section for a fiscal year may be used to pay for administrative expenses.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 2008 through 2012.

SEC. 14205. AMENDMENT TO THE RIGHT TO FINANCIAL PRIVACY ACT OF 1978.

Section 1113(k) of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3413(k)) is amended—

(1) by striking the subsection heading and inserting the following:

''(k) DISCLOSURE NECESSARY FOR PROPER ADMINISTRATION OF PROGRAMS OF CERTAIN GOVERNMENT AUTHORITIES.—''; and

(2) by striking paragraph (2) and inserting the following:

''(2) Nothing in this title shall apply to the disclosure by the financial institution of information contained in the financial records of any customer to any Government authority that certifies, disburses, or collects payments, where the disclosure of such information is necessary to, and such information is used solely for the purpose of—

''(A) verification of the identity of any person or proper routing and delivery of funds in connection with the issuance of a Federal payment or collection of funds by a Government authority; or

''(B) the investigation or recovery of an improper Federal payment or collection of funds or an improperly negotiated Treasury check.

''(3) Notwithstanding any other provision of law, a request authorized by paragraph (1) or (2) (and the information contained therein) may be used by the financial institution or its agents solely for the purpose of providing information contained in the financial records of the customer to the Government authority requesting the information, and the financial institution and its agents shall be barred from redisclosure of such information. Any Government authority receiving information pursuant to paragraph (1) or (2) may not disclose or use the information, except for the purposes set forth in such paragraph.''.

SEC. 14206. REPORT ON STORED QUANTITIES OF PROPANE.

(a) REPORT.—

(1) IN GENERAL.—Not later than 240 days after the date of the enactment of this Act, the Secretary of Homeland Security (referred to in this section as the ''Secretary'') shall submit to the Committee on Agriculture, Nutrition, and Forestry of the Senate and the Committee on Agriculture of the House of Representatives a report describing the effect of interim or final regulations issued by the Secretary pursuant to section 550(a) of the Department of Homeland Security Appropriations Act, 2007 (6 U.S.C. 121 note; Public Law 109–295), with respect to possession of quantities of propane that meet or exceed the screening threshold quantity for propane established in the final rule under that section.

(2) INCLUSIONS.—The report under paragraph (1) shall include a description of—

(A) the number of facilities that completed a top screen consequence assessment due to possession of quantities of propane that meet or exceed the listed screening threshold quantity for propane;

(B) the number of agricultural facilities that completed the top screen consequence assessment due to possession of quantities of propane that meet or exceed the listed screening threshold quantity for propane;

(C) the number of propane facilities initially determined to be high risk by the Secretary;

(D) the number of propane facilities—

(i) required to complete a security vulnerability assessment or a site security plan; or

(ii) that submit to the Secretary an alternative security program;

(E) the number of propane facilities that file an appeal of a finding under the final rule described in paragraph (1); and

(F) to the extent available, the average cost of—

(i) completing a top screen consequence assessment requirement;

(ii) completing a security vulnerability assessment; and

(iii) completing and implementing a site security plan; and

(3) FORM.—The report under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(b) EDUCATIONAL OUTREACH.—Not later than 30 days after the date of the enactment of this Act, the Secretary shall conduct educational outreach activities for rural facilities that may be required to complete a top screen consequence assessment due to possession of propane in a quantity that meets or exceeds the listed screening threshold quantity for propane.

SEC. 14207. PROHIBITIONS ON DOG FIGHTING VENTURES.

(a) IN GENERAL.—Section 26 of the Animal Welfare Act (7 U.S.C. 2156) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking '', if any animal in the venture was moved in interstate or foreign commerce''; and

(B) in the heading of paragraph (2), by striking ''STATE'' and inserting ''STATE'';

(2) in subsection (b)—

(A) by striking ''(b) It shall be'' and inserting the following:

''(b) BUYING, SELLING, DELIVERING, POSSESSING, TRAINING, OR TRANSPORTING ANIMALS FOR PARTICIPATION IN ANIMAL FIGHTING VENTURE.—It shall be''; and

(B) by striking ''transport, deliver'' and all that follows through ''participate'' and inserting ''possess, train, transport, deliver, or receive any animal for purposes of having the animal participate'';

(3) in subsection (c)—

(A) by striking ''(c) It shall be'' and inserting the following:

''(c) USE OF POSTAL SERVICE OR OTHER INTERSTATE INSTRUMENTALITY FOR PROMOTING OR FURTHERING ANIMAL FIGHTING VENTURE.—It shall be''; and

(B) by inserting ''advertising an animal, or an instrument described in subsection (e), for use in an animal fighting venture,'' after ''for purposes of'';

(4) in subsection (d), by striking ''(d) Notwithstanding'' and inserting the following:

''(d) VIOLATION OF STATE LAW.—Notwithstanding'';

(5) in subsection (e), by striking ''(e) It shall be'' and inserting the following:

''(e) BUYING, SELLING, DELIVERING, OR TRANSPORTING SHARP INSTRUMENTS FOR USE IN ANIMAL FIGHTING VENTURE.—It shall be'';

(6) in subsection (f)—

(A) by striking ''(f) The Secretary'' and inserting the following:

''(f) INVESTIGATION OF VIOLATIONS BY SECRETARY; ASSISTANCE BY OTHER FEDERAL AGENCIES; ISSUANCE OF SEARCH WARRANT; FORFEITURE; COSTS RECOVERABLE IN FORFEITURE OR CIVIL ACTION.—The Secretary''; and

(B) in the last sentence—

(i) by striking ''by the United States'';

(ii) by inserting ''(1)'' after ''owner of the animals''; and

(iii) by striking ''proceeding or in'' and inserting ''proceeding, or (2) in'';

(7) in subsection (g)—

(A) by striking ''(g) For purposes of'' and inserting the following:

''(g) DEFINITIONS.—In'';

(B) in paragraph (1), by striking ''any event'' and all that follows through ''entertainment'' and inserting ''any event, in or affecting interstate or foreign commerce, that involves a fight conducted or to be conducted between at least 2 animals for purposes of sport, wagering, or entertainment,'';

(C) by striking paragraph (2);

(D) in paragraph (5)—

(i) by striking ''dog or other''; and

(ii) by striking ''; and'' and inserting a period; and

(E) by redesignating paragraphs (3) through (5) as paragraphs (2) through (4), respectively;

(8) by redesignating subsections (h) and (i) as subsections (i) and (j), respectively;

(9) in subsection (i) (as so redesignated), by striking ''(i)(1) The provisions'' and inserting the following:

''(i) CONFLICT WITH STATE LAW.—

''(1) IN GENERAL.—The provisions'';

(10) in subsection (j) (as so redesignated), by striking ''(j) The criminal'' and inserting the following:

''(j) CRIMINAL PENALTIES.—The criminal''; and

(11) in subsection (g)(6), by striking ''(6) the conduct'' and inserting the following:

''(h) RELATIONSHIP TO OTHER PROVISIONS.—The conduct''.

(b) ENFORCEMENT OF ANIMAL FIGHTING PROHIBITIONS.—Section 49 of title 18, United States Code, is amended by striking ''3 years'' and inserting ''5 years''.

SEC. 14208. DEPARTMENT OF AGRICULTURE CONFERENCE TRANSPARENCY.

(a) REPORT.—

(1) REQUIREMENT.—Not later than September 30 of each year, the Secretary of Agriculture shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate, a report on conferences sponsored or held by the Department of Agriculture or attended by employees of the Department of Agriculture.

(2) CONTENTS.—Each report under paragraph (1) shall contain—

(A) for each conference sponsored or held by the Department or attended by employees of the Department—

(i) the name of the conference;

(ii) the location of the conference;

(iii) the number of Department of Agriculture employees attending the conference; and

(iv) the costs (including travel expenses) relating to such conference; and

(B) for each conference sponsored or held by the Department of Agriculture for which the Department awarded a procurement contract, a description of the contracting procedures related to such conference.

(3) EXCLUSIONS.—The requirement in paragraph (1) shall not apply to any conference—

(A) for which the cost to the Federal Government was less than $10,000; or

(B) outside of the United States that is attended by the Secretary or the Secretary's designee as an official representative of the United States government.

(b) AVAILABILITY OF REPORT.—Each report submitted in accordance with subsection (a) shall be posted in a searchable format on a Department of Agriculture website that is available to the public.

(c) DEFINITION OF CONFERENCE.—In this section, the term ''conference''—

(1) means a meeting that—

(A) is held for consultation, education, awareness, or discussion;

(B) includes participants from at least one agency of the Department of Agriculture;

(C) is held in whole or in part at a facility outside of an agency of the Department of Agriculture; and

(D) involves costs associated with travel and lodging for some participants; and

(2) does not include any training program that is continuing education or a curriculum-based educational program, provided that such training program is held independent of a conference of a non-governmental organization.

SEC. 14209. FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT AMENDMENTS.

(a) PAYMENT OF EXPENSES.—Section 17(d) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136o(d)) is amended—

(1) by striking ''The Administrator'' and inserting the following:

''(1) IN GENERAL.—The Administrator''; and

(2) by adding at the end the following new paragraph:

''(2) DEPARTMENT OF STATE EXPENSES.—Any expenses incurred by an employee of the Environmental Protection Agency who participates in any international technical, economic, or policy review board, committee, or other official body that is meeting in relation to an international treaty shall be paid by the Department of State.''.

(b) CONTAINER RECYCLING.—Section 19(a) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136q(a)) is amended by adding at the end the following new paragraph:

''(4) CONTAINER RECYCLING.—The Secretary may promulgate a regulation for the return and recycling of disposable pesticide containers used for the distribution or sale of registered pesticide products in interstate commerce. Any such regulation requiring recycling of disposable pesticide containers shall not apply to antimicrobial pesticides (as defined in section 2) or other pesticide products intended for non-agricultural uses.''.

SEC. 14210. IMPORTATION OF LIVE DOGS.

(a) IN GENERAL.—The Animal Welfare Act is amended by adding after section 17 (7 U.S.C. 2147) the following:

''SEC. 18. IMPORTATION OF LIVE DOGS.

''(a) DEFINITIONS.—In this section:

''(1) IMPORTER.—The term 'importer' means any person who, for purposes of resale, transports into the United States puppies from a foreign country.

''(2) RESALE.—The term 'resale' includes any transfer of ownership or control of an imported dog of less than 6 months of age to another person, for more than de minimis consideration.

''(b) REQUIREMENTS.—

''(1) IN GENERAL.—Except as provided in paragraph (2), no person shall import a dog into the United States for purposes of resale unless, as determined by the Secretary, the dog—

''(A) is in good health;

''(B) has received all necessary vaccinations; and

''(C) is at least 6 months of age, if imported for resale.

''(2) EXCEPTION.—

''(A) IN GENERAL.—The Secretary, by regulation, shall provide an exception to any requirement under paragraph (1) in any case in which a dog is imported for—

''(i) research purposes; or

''(ii) veterinary treatment.

''(B) LAWFUL IMPORTATION INTO HAWAII.—Paragraph (1)(C) shall not apply to the lawful importation of a dog into the State of Hawaii from the British Isles, Australia, Guam, or New Zealand in compliance with the applicable regulations of the State of Hawaii and the other requirements of this section, if the dog is not transported out of the State of Hawaii for purposes of resale at less than 6 months of age.

''(c) IMPLEMENTATION AND REGULATIONS.—The Secretary, the Secretary of Health and Human Services, the Secretary of Commerce, and the Secretary of Homeland Security shall promulgate such regulations as the Secretaries determine to be necessary to implement and enforce this section.

''(d) ENFORCEMENT.—An importer that fails to comply with this section shall—

''(1) be subject to penalties under section 19; and

''(2) provide for the care (including appropriate veterinary care), forfeiture, and adoption of each applicable dog, at the expense of the importer.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) takes effect on the date of the enactment of this Act.

SEC. 14211. PERMANENT DEBARMENT FROM PARTICIPATION IN DEPARTMENT OF AGRICULTURE PROGRAMS FOR FRAUD.

(a) IN GENERAL.—Subject to subsection (b), the Secretary of Agriculture shall permanently debar an individual, organization, corporation, or other entity convicted of a felony for knowingly defrauding the United States in connection with any program administered by the Department of Agriculture from any subsequent participation in Department of Agriculture programs.

(b) EXCEPTIONS.—

(1) SECRETARY DETERMINATION.—The Secretary may reduce a debarment under subsection (a) to a period of not less than 10 years if the Secretary considers it appropriate.

(2) FOOD ASSISTANCE.—A debarment under subsection (a) shall not apply with respect to participation in domestic food assistance programs (as defined by the Secretary).

SEC. 14212. PROHIBITION ON CLOSURE OR RELOCATION OF COUNTY OFFICES FOR THE FARM SERVICE AGENCY.

(a) TEMPORARY PROHIBITION.—

(1) IN GENERAL.—Subject to paragraph (2), until the date that is two years after the date of the enactment of this Act, the Secretary of Agriculture may not close or relocate a county or field office of the Farm Service Agency.

(2) EXCEPTION.—Paragraph (1) shall not apply to—

(A) an office that is located not more than 20 miles from another office of the Farm Service Agency; or

(B) the relocation of an office within the same county in the course of routine leasing operations.

(b) LIMITATION ON CLOSURE; NOTICE.—

(1) LIMITATION.—After the period referred to in subsection (a)(1), the Secretary shall, before closing any office of the Farm Service Agency that is located more than 20 miles from another office of the Farm Service Agency, to the maximum extent practicable, first close any offices of the Farm Service Agency that—

(A) are located less than 20 miles from another office of the Farm Service Agency; and

(B) have two or fewer permanent full-time employees.

(2) NOTICE.—After the period referred to in subsection (a)(1), the Secretary of Agriculture may not close a county or field office of the Farm Service Agency unless—

(A) not later than 30 days after the Secretary proposes to close such office, the Secretary holds a public meeting regarding the proposed closure in the county in which such office is located; and

(B) after the public meeting referred to in subparagraph (A), but not less than 90 days before the date on which the Secretary approves the closure of such office, the Secretary notifies the Committee on Agriculture and the Committee on Appropriations of the House of Representatives, the Committee on Agriculture, Nutrition, and Forestry and the Committee on Appropriations of the Senate, each Senator representing the State in which the office proposed to be closed is located, and the member of the House of Representatives who represents the Congressional district in which the office proposed to be closed is located of the proposed closure of such office.

SEC. 14213. USDA GRADUATE SCHOOL.

(a) IN GENERAL.—Section 921 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 2279b) is amended—

(1) in the heading, to read as follows:

''SEC. 921. DEPARTMENT OF AGRICULTURE EDUCATIONAL, TRAINING, AND PROFESSIONAL DEVELOPMENT ACTIVITIES.''; and

(2) by striking subsection (b) and inserting the following new subsection:

''(b) OPERATION AS NONAPPROPRIATED FUND INSTRUMENTALITY.—

''(1) CEASE OPERATIONS.—Not later than October 1, 2009, the Secretary of Agriculture shall cease to maintain or operate a nonappropriated fund instrumentality of the United States to develop, administer, or provide educational training and professional development activities, including educational activities for Federal agencies, Federal employees, non-profit organizations, other entities, and members of the general public.

''(2) TRANSITION.—

''(A) IN GENERAL.—The Secretary of Agriculture is authorized to use funds available to the Department of Agriculture and such resources of the Department as the Secretary considers appropriate (including the assignment of such employees of the Department as the Secretary considers appropriate) to assist the General Administrative Board of the Graduate School in the conversion of the Graduate School to an entity that is non-governmental and not a

nonappropriated fund instrumentality of the United States, including such privatization activities not otherwise inconsistent with law or regulation.

''(B) TERMINATION OF AUTHORITY.—The authority under paragraph (1) shall terminate on the earlier of—

''(i) the completion of the transition of the Graduate School to an entity that is non-governmental and not a nonappropriated fund instrumentality of the United States, as determined by the Secretary; or

''(ii) September 30, 2009.''.

(b) PROCUREMENT PROCEDURES.—Notwithstanding the amendments made by subsection (a), effective on the date of the enactment of this Act, the Graduate School of the Department of Agriculture shall be subject to Federal procurement laws and regulations in the same manner and subject to the same requirements as a private entity providing services to the Federal Government.

SEC. 14214. FINES FOR VIOLATIONS OF THE ANIMAL WELFARE ACT.

Section 19(b) of the Animal Welfare Act (7 U.S.C. 2149(b)) is amended in the first sentence by striking ''not more than $2,500 for each such violation'' and inserting ''not more than $10,000 for each such violation''.

SEC. 14215. DEFINITION OF CENTRAL FILING SYSTEM.

Section 1324(c)(2) of the Food Security Act of 1985 (7 U.S.C. 1631(c)(2)) is amended—

(1) in subparagraph (C)(ii)(II), by inserting after ''such debtors'' the following: '', except that the numerical list containing social security or taxpayer identification numbers may be encrypted for security purposes if the Secretary of State provides a method by which an effective search of the encrypted numbers may be conducted to determine whether the farm product at issue is subject to 1 or more liens''; and

(2) in subparagraph (E)—

(A) by striking ''paragraph (C)'' and inserting ''subparagraph (C)''; and

(B) by inserting before the semicolon at the end the following: ''except that—

''(i) the distribution of the portion of the master list may be in electronic, written, or printed form; and

''(ii) if social security or taxpayer identification numbers on the master list are encrypted, the Secretary of State may distribute the master list only—

''(I) by compact disc or other electronic media that contains—

''(aa) the recorded list of debtor names; and

''(bb) an encryption program that enables the buyer, commission merchant, and selling agent to enter a social security number for matching against the recorded list of encrypted social security or taxpayer identification numbers; and

''(II) on the written request of the buyer, commission merchant, or selling agent, by paper copy of the list to the requestor''.

SEC. 14216. CONSIDERATION OF PROPOSED RECOMMENDATIONS OF STUDY ON USE OF CATS AND DOGS IN FEDERAL RESEARCH.

(a) IN GENERAL.—The Secretary of Agriculture shall—

(1) review—

(A) any independent reviews conducted by a nationally recognized panel of experts of the use of Class B dogs and cats in federally supported research to determine how frequently such dogs and cats are used in research by the National Institutes of Health; and

(B) any recommendations proposed by such panel outlining the parameters of such use; and

(2) submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report on how recommendations referred to in paragraph (1)(B) can be applied within the Department of Agriculture to ensure such dogs and cats are treated in accordance with regulations of the Department of Agriculture.

(b) CLASS B DOGS AND CATS DEFINED.—In this section, the term ''Class B dogs and cats'' means dogs and cats obtained from a Class ''B'' licensee, as such term is defined in section 1.1 of title 9, Code of Federal Regulations.

SEC. 14217. REGIONAL ECONOMIC AND INFRASTRUCTURE DEVELOPMENT.

(a) IN GENERAL.—Title 40, United States Code, is amended—

(1) by redesignating subtitle V as subtitle VI; and

(2) by inserting after subtitle IV the following:

''Subtitle V—Regional Economic and Infrastructure Development

''Chapter .....
''151. GENERAL PROVISIONS 15101
''153. REGIONAL COMMISSIONS 15301
''155. FINANCIAL ASSISTANCE 15501
''157. ADMINISTRATIVE PROVISIONS 15701

''CHAPTER 1—GENERAL PROVISIONS

''Sec.
''15101. Definitions.

''§ 15101. Definitions

''In this subtitle, the following definitions apply:

''(1) COMMISSION.—The term 'Commission' means a Commission established under section 15301.

''(2) LOCAL DEVELOPMENT DISTRICT.—The term 'local development district' means an entity that—

''(A)(i) is an economic development district that is—

''(I) in existence on the date of the enactment of this chapter; and

''(II) located in the region; or

''(ii) if an entity described in clause (i) does not exist—

''(I) is organized and operated in a manner that ensures broad-based community participation and an effective opportunity for local officials, community leaders, and the public to contribute to the development and implementation of programs in the region;

''(II) is governed by a policy board with at least a simple majority of members consisting of—

''(aa) elected officials; or

''(bb) designees or employees of a general purpose unit of local government that have been appointed to represent the unit of local government; and

''(III) is certified by the Governor or appropriate State officer as having a charter or authority that includes the economic development of counties, portions of counties, or other political subdivisions within the region; and

''(B) has not, as certified by the Federal Cochairperson—

''(i) inappropriately used Federal grant funds from any Federal source; or

''(ii) appointed an officer who, during the period in which another entity inappropriately used Federal grant funds from any Federal source, was an officer of the other entity.

''(3) FEDERAL GRANT PROGRAM.—The term 'Federal grant program' means a Federal grant program to provide assistance in carrying out economic and community development activities.

''(4) INDIAN TRIBE.—The term 'Indian tribe' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

''(5) NONPROFIT ENTITY.—The term 'nonprofit entity' means any organization described in section 501(c) of the Internal Revenue Code of 1986 and exempt from taxation under 501(a) of that Code that has been formed for the purpose of economic development.

''(6) REGION.—The term 'region' means the area covered by a Commission as described in subchapter II of chapter 157.

''CHAPTER 2—REGIONAL COMMISSIONS

''Sec.
''15301. Establishment, membership, and employees.
''15302. Decisions.
''15303. Functions.
''15304. Administrative powers and expenses.
''15305. Meetings.
''15306. Personal financial interests.
''15307. Tribal participation.
''15308. Annual report.

''§ 15301. Establishment, membership, and employees

''(a) ESTABLISHMENT.—There are established the following regional Commissions:

''(1) The Southeast Crescent Regional Commission.

''(2) The Southwest Border Regional Commission.

''(3) The Northern Border Regional Commission.

''(b) MEMBERSHIP.—

''(1) FEDERAL AND STATE MEMBERS.—Each Commission shall be composed of the following members:

''(A) A Federal Cochairperson, to be appointed by the President, by and with the advice and consent of the Senate.

''(B) The Governor of each participating State in the region of the Commission.

''(2) ALTERNATE MEMBERS.—

''(A) ALTERNATE FEDERAL COCHAIRPERSON.—The President shall appoint an alternate Federal Cochairperson for each Commission. The alternate Federal Cochairperson, when not actively serving as an alternate for the Federal Cochairperson, shall perform such functions and duties as are delegated by the Federal Cochairperson.

''(B) STATE ALTERNATES.—The State member of a participating State may have a single alternate, who shall be appointed by the Governor of the State from among the members of the Governor's cabinet or personal staff.

''(C) VOTING.—An alternate member shall vote in the case of the absence, death, disability, removal, or resignation of the Federal or State member for which the alternate member is an alternate.

''(3) COCHAIRPERSONS.—A Commission shall be headed by—

''(A) the Federal Cochairperson, who shall serve as a liaison between the Federal Government and the Commission; and

''(B) a State Cochairperson, who shall be a Governor of a participating State in the region and shall be elected by the State members for a term of not less than 1 year.

''(4) CONSECUTIVE TERMS.—A State member may not be elected to serve as State Cochairperson for more than 2 consecutive terms.

''(c) COMPENSATION.—

''(1) FEDERAL COCHAIRPERSONS.—Each Federal Cochairperson shall be compensated by the Federal Government at level III of the Executive Schedule as set out in section 5314 of title 5.

''(2) ALTERNATE FEDERAL COCHAIRPERSONS.—Each Federal Cochairperson's alternate shall be compensated by the Federal Government at level V of the Executive Schedule as set out in section 5316 of title 5.

''(3) STATE MEMBERS AND ALTERNATES.—Each State member and alternate shall be compensated by the State that they represent at the rate established by the laws of that State.

''(d) EXECUTIVE DIRECTOR AND STAFF.—

''(1) IN GENERAL.—A Commission shall appoint and fix the compensation of an executive director and such other personnel as are necessary to enable the Commission to carry out its duties. Compensation under this paragraph may not exceed the maximum rate of basic pay established for the Senior Executive Service under section 5382 of title 5, including any applicable locality-based comparability payment that may be authorized under section 5304(h)(2)(C) of that title.

''(2) EXECUTIVE DIRECTOR.—The executive director shall be responsible for carrying out the administrative duties of the Commission, directing the Commission staff, and such other duties as the Commission may assign.

''(e) NO FEDERAL EMPLOYEE STATUS.—No member, alternate, officer, or employee of a

Commission (other than the Federal Cochairperson, the alternate Federal Cochairperson, staff of the Federal Cochairperson, and any Federal employee detailed to the Commission) shall be considered to be a Federal employee for any purpose.

"§ 15302. Decisions

''(a) REQUIREMENTS FOR APPROVAL.—Except as provided in section 15304(c)(3), decisions by the Commission shall require the affirmative vote of the Federal Cochairperson and a majority of the State members (exclusive of members representing States delinquent under section 15304(c)(3)(C)).

''(b) CONSULTATION.—In matters coming before the Commission, the Federal Cochairperson shall, to the extent practicable, consult with the Federal departments and agencies having an interest in the subject matter.

''(c) QUORUMS.—A Commission shall determine what constitutes a quorum for Commission meetings; except that—

''(1) any quorum shall include the Federal Cochairperson or the alternate Federal Cochairperson; and

''(2) a State alternate member shall not be counted toward the establishment of a quorum.

''(d) PROJECTS AND GRANT PROPOSALS.—The approval of project and grant proposals shall be a responsibility of each Commission and shall be carried out in accordance with section 15503.

"§ 15303. Functions

''A Commission shall—

''(1) assess the needs and assets of its region based on available research, demonstration projects, investigations, assessments, and evaluations of the region prepared by Federal, State, and local agencies, universities, local development districts, and other nonprofit groups;

''(2) develop, on a continuing basis, comprehensive and coordinated economic and infrastructure development strategies to establish priorities and approve grants for the economic development of its region, giving due consideration to other Federal, State, and local planning and development activities in the region;

''(3) not later than one year after the date of the enactment of this section, and after taking into account State plans developed under section 15502, establish priorities in an economic and infrastructure development plan for its region, including 5-year regional outcome targets;

''(4)(A) enhance the capacity of, and provide support for, local development districts in its region; or

''(B) if no local development district exists in an area in a participating State in the region, foster the creation of a local development district;

''(5) encourage private investment in industrial, commercial, and other economic development projects in its region;

''(6) cooperate with and assist State governments with the preparation of economic and infrastructure development plans and programs for participating States;

''(7) formulate and recommend to the Governors and legislatures of States that participate in the Commission forms of interstate cooperation and, where appropriate, international cooperation; and

''(8) work with State and local agencies in developing appropriate model legislation to enhance local and regional economic development.

"§ 15304. Administrative powers and expenses

''(a) POWERS.—In carrying out its duties under this subtitle, a Commission may—

''(1) hold such hearings, sit and act at such times and places, take such testimony, receive such evidence, and print or otherwise reproduce and distribute a description of the proceedings and reports on actions by the Commission as the Commission considers appropriate;

''(2) authorize, through the Federal or State Cochairperson or any other member of the Commission designated by the Commission, the administration of oaths if the Commission determines that testimony should be taken or evidence received under oath;

''(3) request from any Federal, State, or local agency such information as may be available to or procurable by the agency that may be of use to the Commission in carrying out the duties of the Commission;

''(4) adopt, amend, and repeal bylaws and rules governing the conduct of business and the performance of duties by the Commission;

''(5) request the head of any Federal agency, State agency, or local government to detail to the Commission such personnel as the Commission requires to carry out its duties, each such detail to be without loss of seniority, pay, or other employee status;

''(6) provide for coverage of Commission employees in a suitable retirement and employee benefit system by making arrangements or entering into contracts with any participating State government or otherwise providing retirement and other employee coverage;

''(7) accept, use, and dispose of gifts or donations or services or real, personal, tangible, or intangible property;

''(8) enter into and perform such contracts, cooperative agreements, or other transactions as are necessary to carry out Commission duties, including any contracts or cooperative agreements with a department, agency, or instrumentality of the United States, a State (including a political subdivision, agency, or instrumentality of the State), or a person, firm, association, or corporation; and

''(9) maintain a government relations office in the District of Columbia and establish and maintain a central office at such location in its region as the Commission may select.

''(b) FEDERAL AGENCY COOPERATION.—A Federal agency shall—

''(1) cooperate with a Commission; and

''(2) provide, to the extent practicable, on request of the Federal Cochairperson, appropriate assistance in carrying out this subtitle, in accordance with applicable Federal laws (including regulations).

''(c) ADMINISTRATIVE EXPENSES.—

''(1) IN GENERAL.—Subject to paragraph (2), the administrative expenses of a Commission shall be paid—

''(A) by the Federal Government, in an amount equal to 50 percent of the administrative expenses of the Commission; and

''(B) by the States participating in the Commission, in an amount equal to 50 percent of the administrative expenses.

''(2) EXPENSES OF THE FEDERAL COCHAIRPERSON.—All expenses of the Federal Cochairperson, including expenses of the alternate and staff of the Federal Cochairperson, shall be paid by the Federal Government.

''(3) STATE SHARE.—

''(A) IN GENERAL.—Subject to subparagraph (B), the share of administrative expenses of a Commission to be paid by each State of the Commission shall be determined by a unanimous vote of the State members of the Commission.

''(B) NO FEDERAL PARTICIPATION.—The Federal Cochairperson shall not participate or vote in any decision under subparagraph (A).

''(C) DELINQUENT STATES.—During any period in which a State is more than 1 year delinquent in payment of the State's share of administrative expenses of the Commission under this subsection—

''(i) no assistance under this subtitle shall be provided to the State (including assistance to a political subdivision or a resident of the State) for any project not approved as of the date of the commencement of the delinquency; and

''(ii) no member of the Commission from the State shall participate or vote in any action by the Commission.

''(4) EFFECT ON ASSISTANCE.—A State's share of administrative expenses of a Commission under this subsection shall not be taken into consideration when determining the amount of assistance provided to the State under this subtitle.

"§ 15305. Meetings

''(a) INITIAL MEETING.—Each Commission shall hold an initial meeting not later than 180 days after the date of the enactment of this section.

''(b) ANNUAL MEETING.—Each Commission shall conduct at least 1 meeting each year with the Federal Cochairperson and at least a majority of the State members present.

''(c) ADDITIONAL MEETINGS.—Each Commission shall conduct additional meetings at such times as it determines and may conduct such meetings by electronic means.

"§ 15306. Personal financial interests

''(a) CONFLICTS OF INTEREST.—

''(1) NO ROLE ALLOWED.—Except as permitted by paragraph (2), an individual who is a State member or alternate, or an officer or employee of a Commission, shall not participate personally and substantially as a member, alternate, officer, or employee of the Commission, through decision, approval, disapproval, recommendation, request for a ruling, or other determination, contract, claim, controversy, or other matter in which, to the individual's knowledge, any of the following has a financial interest:

''(A) The individual.

''(B) The individual's spouse, minor child, or partner.

''(C) An organization (except a State or political subdivision of a State) in which the individual is serving as an officer, director, trustee, partner, or employee.

''(D) Any person or organization with whom the individual is negotiating or has any arrangement concerning prospective employment.

''(2) EXCEPTION.—Paragraph (1) shall not apply if the individual, in advance of the proceeding, application, request for a ruling or other determination, contract, claim controversy, or other particular matter presenting a potential conflict of interest—

''(A) advises the Commission of the nature and circumstances of the matter presenting the conflict of interest;

''(B) makes full disclosure of the financial interest; and

''(C) receives a written decision of the Commission that the interest is not so substantial as to be considered likely to affect the integrity of the services that the Commission may expect from the individual.

''(3) VIOLATION.—An individual violating this subsection shall be fined under title 18, imprisoned for not more than 1 year, or both.

''(b) STATE MEMBER OR ALTERNATE.—A State member or alternate member may not receive any salary, or any contribution to, or supplementation of, salary, for services on a Commission from a source other than the State of the member or alternate.

''(c) DETAILED EMPLOYEES.—

''(1) IN GENERAL.—No person detailed to serve a Commission shall receive any salary, or any contribution to, or supplementation of, salary, for services provided to the Commission from any source other than the State, local, or intergovernmental department or agency from which the person was detailed to the Commission.

''(2) VIOLATION.—Any person that violates this subsection shall be fined under title 18, imprisoned not more than 1 year, or both.

''(d) FEDERAL COCHAIRMAN, ALTERNATE TO FEDERAL COCHAIRMAN, AND FEDERAL OFFICERS AND EMPLOYEES.—The Federal Cochairman, the alternate to the Federal Cochairman, and any Federal officer or employee detailed to duty with the Commission are not subject to this section but remain subject to sections 202 through 209 of title 18.

''(e) RESCISSION.—A Commission may declare void any contract, loan, or grant of or by the Commission in relation to which the Commission determines that there has been a violation of any provision under subsection (a)(1), (b), or (c), or any of the provisions of sections 202 through 209 of title 18.

"§ 15307. Tribal participation

''Governments of Indian tribes in the region of the Southwest Border Regional Commission

shall be allowed to participate in matters before that Commission in the same manner and to the same extent as State agencies and instrumentalities in the region.

''§ 15308. Annual report

''(a) IN GENERAL.—Not later than 90 days after the last day of each fiscal year, each Commission shall submit to the President and Congress a report on the activities carried out by the Commission under this subtitle in the fiscal year.

''(b) CONTENTS.—The report shall include—

''(1) a description of the criteria used by the Commission to designate counties under section 15702 and a list of the counties designated in each category;

''(2) an evaluation of the progress of the Commission in meeting the goals identified in the Commission's economic and infrastructure development plan under section 15303 and State economic and infrastructure development plans under section 15502; and

''(3) any policy recommendations approved by the Commission.

''CHAPTER 3—FINANCIAL ASSISTANCE

''Sec.
''15501. Economic and infrastructure development grants.
''15502. Comprehensive economic and infrastructure development plans.
''15503. Approval of applications for assistance.
''15504. Program development criteria.
''15505. Local development districts and organizations.
''15506. Supplements to Federal grant programs.

''§ 15501. Economic and infrastructure development grants

''(a) IN GENERAL.—A Commission may make grants to States and local governments, Indian tribes, and public and nonprofit organizations for projects, approved in accordance with section 15503—

''(1) to develop the transportation infrastructure of its region;

''(2) to develop the basic public infrastructure of its region;

''(3) to develop the telecommunications infrastructure of its region;

''(4) to assist its region in obtaining job skills training, skills development and employment-related education, entrepreneurship, technology, and business development;

''(5) to provide assistance to severely economically distressed and underdeveloped areas of its region that lack financial resources for improving basic health care and other public services;

''(6) to promote resource conservation, tourism, recreation, and preservation of open space in a manner consistent with economic development goals;

''(7) to promote the development of renewable and alternative energy sources; and

''(8) to otherwise achieve the purposes of this subtitle.

''(b) ALLOCATION OF FUNDS.—A Commission shall allocate at least 40 percent of any grant amounts provided by the Commission in a fiscal year for projects described in paragraphs (1) through (3) of subsection (a).

''(c) SOURCES OF GRANTS.—Grant amounts may be provided entirely from appropriations to carry out this subtitle, in combination with amounts available under other Federal grant programs, or from any other source.

''(d) MAXIMUM COMMISSION CONTRIBUTIONS.—

''(1) IN GENERAL.—Subject to paragraphs (2) and (3), the Commission may contribute not more than 50 percent of a project or activity cost eligible for financial assistance under this section from amounts appropriated to carry out this subtitle.

''(2) DISTRESSED COUNTIES.—The maximum Commission contribution for a project or activity to be carried out in a county for which a distressed county designation is in effect under section 15702 may be increased to 80 percent.

''(3) SPECIAL RULE FOR REGIONAL PROJECTS.—A Commission may increase to 60 percent under paragraph (1) and 90 percent under paragraph (2) the maximum Commission contribution for a project or activity if—

''(A) the project or activity involves 3 or more counties or more than one State; and

''(B) the Commission determines in accordance with section 15302(a) that the project or activity will bring significant interstate or multicounty benefits to a region.

''(e) MAINTENANCE OF EFFORT.—Funds may be provided by a Commission for a program or project in a State under this section only if the Commission determines that the level of Federal or State financial assistance provided under a law other than this subtitle, for the same type of program or project in the same area of the State within region, will not be reduced as a result of funds made available by this subtitle.

''(f) NO RELOCATION ASSISTANCE.—Financial assistance authorized by this section may not be used to assist a person or entity in relocating from one area to another.

''§ 15502. Comprehensive economic and infrastructure development plans

''(a) STATE PLANS.—In accordance with policies established by a Commission, each State member of the Commission shall submit a comprehensive economic and infrastructure development plan for the area of the region represented by the State member.

''(b) CONTENT OF PLAN.—A State economic and infrastructure development plan shall reflect the goals, objectives, and priorities identified in any applicable economic and infrastructure development plan developed by a Commission under section 15303.

''(c) CONSULTATION WITH INTERESTED LOCAL PARTIES.—In carrying out the development planning process (including the selection of programs and projects for assistance), a State shall—

''(1) consult with local development districts, local units of government, and local colleges and universities; and

''(2) take into consideration the goals, objectives, priorities, and recommendations of the entities described in paragraph (1).

''(d) PUBLIC PARTICIPATION.—

''(1) IN GENERAL.—A Commission and applicable State and local development districts shall encourage and assist, to the maximum extent practicable, public participation in the development, revision, and implementation of all plans and programs under this subtitle.

''(2) GUIDELINES.—A Commission shall develop guidelines for providing public participation, including public hearings.

''§ 15503. Approval of applications for assistance

''(a) EVALUATION BY STATE MEMBER.—An application to a Commission for a grant or any other assistance for a project under this subtitle shall be made through, and evaluated for approval by, the State member of the Commission representing the applicant.

''(b) CERTIFICATION.—An application to a Commission for a grant or other assistance for a project under this subtitle shall be eligible for assistance only on certification by the State member of the Commission representing the applicant that the application for the project—

''(1) describes ways in which the project complies with any applicable State economic and infrastructure development plan;

''(2) meets applicable criteria under section 15504;

''(3) adequately ensures that the project will be properly administered, operated, and maintained; and

''(4) otherwise meets the requirements for assistance under this subtitle.

''(c) VOTES FOR DECISIONS.—On certification by a State member of a Commission of an application for a grant or other assistance for a specific project under this section, an affirmative vote of the Commission under section 15302 shall be required for approval of the application.

''§ 15504. Program development criteria

''In considering programs and projects to be provided assistance by a Commission under this subtitle, and in establishing a priority ranking of the requests for assistance provided to the Commission, the Commission shall follow procedures that ensure, to the maximum extent practicable, consideration of—

''(1) the relationship of the project or class of projects to overall regional development;

''(2) the per capita income and poverty and unemployment and outmigration rates in an area;

''(3) the financial resources available to the applicants for assistance seeking to carry out the project, with emphasis on ensuring that projects are adequately financed to maximize the probability of successful economic development;

''(4) the importance of the project or class of projects in relation to the other projects or classes of projects that may be in competition for the same funds;

''(5) the prospects that the project for which assistance is sought will improve, on a continuing rather than a temporary basis, the opportunities for employment, the average level of income, or the economic development of the area to be served by the project; and

''(6) the extent to which the project design provides for detailed outcome measurements by which grant expenditures and the results of the expenditures may be evaluated.

''§ 15505. Local development districts and organizations

''(a) GRANTS TO LOCAL DEVELOPMENT DISTRICTS.—Subject to the requirements of this section, a Commission may make grants to a local development district to assist in the payment of development planning and administrative expenses.

''(b) CONDITIONS FOR GRANTS.—

''(1) MAXIMUM AMOUNT.—The amount of a grant awarded under this section may not exceed 80 percent of the administrative and planning expenses of the local development district receiving the grant.

''(2) MAXIMUM PERIOD FOR STATE AGENCIES.—In the case of a State agency certified as a local development district, a grant may not be awarded to the agency under this section for more than 3 fiscal years.

''(3) LOCAL SHARE.—The contributions of a local development district for administrative expenses may be in cash or in kind, fairly evaluated, including space, equipment, and services.

''(c) DUTIES OF LOCAL DEVELOPMENT DISTRICTS.—A local development district shall—

''(1) operate as a lead organization serving multicounty areas in the region at the local level;

''(2) assist the Commission in carrying out outreach activities for local governments, community development groups, the business community, and the public;

''(3) serve as a liaison between State and local governments, nonprofit organizations (including community-based groups and educational institutions), the business community, and citizens; and

''(4) assist the individuals and entities described in paragraph (3) in identifying, assessing, and facilitating projects and programs to promote the economic development of the region.

''§ 15506. Supplements to Federal grant programs

''(a) FINDING.—Congress finds that certain States and local communities of the region, including local development districts, may be unable to take maximum advantage of Federal grant programs for which the States and communities are eligible because—

''(1) they lack the economic resources to provide the required matching share; or

''(2) there are insufficient funds available under the applicable Federal law with respect to a project to be carried out in the region.

''(b) FEDERAL GRANT PROGRAM FUNDING.—A Commission, with the approval of the Federal Cochairperson, may use amounts made available to carry out this subtitle—

''(1) for any part of the basic Federal contribution to projects or activities under the Federal grant programs authorized by Federal laws; and

''(2) to increase the Federal contribution to projects and activities under the programs above the fixed maximum part of the cost of the projects or activities otherwise authorized by the applicable law.

''(c) CERTIFICATION REQUIRED.—For a program, project, or activity for which any part of the basic Federal contribution to the project or activity under a Federal grant program is proposed to be made under subsection (b), the Federal contribution shall not be made until the responsible Federal official administering the Federal law authorizing the Federal contribution certifies that the program, project, or activity meets the applicable requirements of the Federal law and could be approved for Federal contribution under that law if amounts were available under the law for the program, project, or activity.

''(d) LIMITATIONS IN OTHER LAWS INAPPLICABLE.—Amounts provided pursuant to this subtitle are available without regard to any limitations on areas eligible for assistance or authorizations for appropriation in any other law.

''(e) FEDERAL SHARE.—The Federal share of the cost of a project or activity receiving assistance under this section shall not exceed 80 percent.

''(f) MAXIMUM COMMISSION CONTRIBUTION.—Section 15501(d), relating to limitations on Commission contributions, shall apply to a program, project, or activity receiving assistance under this section.

"CHAPTER 4—ADMINISTRATIVE PROVISIONS

''SUBCHAPTER I—GENERAL PROVISIONS

''Sec. 15701. Consent of States.
''Sec. 15702. Distressed counties and areas.
''Sec. 15703. Counties eligible for assistance in more than one region.
''Sec. 15704. Inspector General; records.
''Sec. 15705. Biannual meetings of representatives of all Commissions.

''SUBCHAPTER II—DESIGNATION OF REGIONS

''Sec. 15731. Southeast Crescent Regional Commission.
''Sec. 15732. Southwest Border Regional Commission.
''Sec. 15733. Northern Border Regional Commission.

''SUBCHAPTER III—AUTHORIZATION OF APPROPRIATIONS

''Sec. 15751. Authorization of appropriations.

''SUBCHAPTER I—GENERAL PROVISIONS

"§ 15701. Consent of States

''This subtitle does not require a State to engage in or accept a program under this subtitle without its consent.

"§ 15702. Distressed counties and areas

''(a) DESIGNATIONS.—Not later than 90 days after the date of the enactment of this section, and annually thereafter, each Commission shall make the following designations:

''(1) DISTRESSED COUNTIES.—The Commission shall designate as distressed counties those counties in its region that are the most severely and persistently economically distressed and underdeveloped and have high rates of poverty, unemployment, or outmigration.

''(2) TRANSITIONAL COUNTIES.—The Commission shall designate as transitional counties those counties in its region that are economically distressed and underdeveloped or have recently suffered high rates of poverty, unemployment, or outmigration.

''(3) ATTAINMENT COUNTIES.—The Commission shall designate as attainment counties, those counties in its region that are not designated as distressed or transitional counties under this subsection.

''(4) ISOLATED AREAS OF DISTRESS.—The Commission shall designate as isolated areas of distress, areas located in counties designated as attainment counties under paragraph (3) that have high rates of poverty, unemployment, or outmigration.

''(b) ALLOCATION.—A Commission shall allocate at least 50 percent of the appropriations made available to the Commission to carry out this subtitle for programs and projects designed to serve the needs of distressed counties and isolated areas of distress in the region.

''(c) ATTAINMENT COUNTIES.—

''(1) IN GENERAL.—Except as provided in paragraph (2), funds may not be provided under this subtitle for a project located in a county designated as an attainment county under subsection (a).

''(2) EXCEPTIONS.—

''(A) ADMINISTRATIVE EXPENSES OF LOCAL DEVELOPMENT DISTRICTS.—The funding prohibition under paragraph (1) shall not apply to grants to fund the administrative expenses of local development districts under section 15505.

''(B) MULTICOUNTY AND OTHER PROJECTS.—A Commission may waive the application of the funding prohibition under paragraph (1) with respect to—

''(i) a multicounty project that includes participation by an attainment county; and

''(ii) any other type of project, if a Commission determines that the project could bring significant benefits to areas of the region outside an attainment county.

''(3) ISOLATED AREAS OF DISTRESS.—For a designation of an isolated area of distress to be effective, the designation shall be supported—

''(A) by the most recent Federal data available; or

''(B) if no recent Federal data are available, by the most recent data available through the government of the State in which the isolated area of distress is located.

"§ 15703. Counties eligible for assistance in more than one region

''(a) LIMITATION.—A political subdivision of a State may not receive assistance under this subtitle in a fiscal year from more than one Commission.

''(b) SELECTION OF COMMISSION.—A political subdivision included in the region of more than one Commission shall select the Commission with which it will participate by notifying, in writing, the Federal Cochairperson and the appropriate State member of that Commission.

''(c) CHANGES IN SELECTIONS.—The selection of a Commission by a political subdivision shall apply in the fiscal year in which the selection is made, and shall apply in each subsequent fiscal year unless the political subdivision, at least 90 days before the first day of the fiscal year, notifies the Cochairpersons of another Commission in writing that the political subdivision will participate in that Commission and also transmits a copy of such notification to the Cochairpersons of the Commission in which the political subdivision is currently participating.

''(d) INCLUSION OF APPALACHIAN REGIONAL COMMISSION.—In this section, the term 'Commission' includes the Appalachian Regional Commission established under chapter 143.

"§ 15704. Inspector General; records

''(a) APPOINTMENT OF INSPECTOR GENERAL.—There shall be an Inspector General for the Commissions appointed in accordance with section 3(a) of the Inspector General Act of 1978 (5 U.S.C. App.). All of the Commissions shall be subject to a single Inspector General.

''(b) RECORDS OF A COMMISSION.—

''(1) IN GENERAL.—A Commission shall maintain accurate and complete records of all its transactions and activities.

''(2) AVAILABILITY.—All records of a Commission shall be available for audit and examination by the Inspector General (including authorized representatives of the Inspector General).

''(c) RECORDS OF RECIPIENTS OF COMMISSION ASSISTANCE.—

''(1) IN GENERAL.—A recipient of funds from a Commission under this subtitle shall maintain accurate and complete records of transactions and activities financed with the funds and report to the Commission on the transactions and activities.

''(2) AVAILABILITY.—All records required under paragraph (1) shall be available for audit by the Commission and the Inspector General (including authorized representatives of the Commission and the Inspector General).

''(d) ANNUAL AUDIT.—The Inspector General shall audit the activities, transactions, and records of each Commission on an annual basis.

"§ 15705. Biannual meetings of representatives of all Commissions

''(a) IN GENERAL.—Representatives of each Commission, the Appalachian Regional Commission, and the Denali Commission shall meet biannually to discuss issues confronting regions suffering from chronic and contiguous distress and successful strategies for promoting regional development.

''(b) CHAIR OF MEETINGS.—The chair of each meeting shall rotate among the Commissions, with the Appalachian Regional Commission to host the first meeting.

''SUBCHAPTER II—DESIGNATION OF REGIONS

"§ 15731. Southeast Crescent Regional Commission

''The region of the Southeast Crescent Regional Commission shall consist of all counties of the States of Virginia, North Carolina, South Carolina, Georgia, Alabama, Mississippi, and Florida not already served by the Appalachian Regional Commission or the Delta Regional Authority.

"§ 15732. Southwest Border Regional Commission

''The region of the Southwest Border Regional Commission shall consist of the following political subdivisions:

''(1) ARIZONA.—The counties of Cochise, Gila, Graham, Greenlee, La Paz, Maricopa, Pima, Pinal, Santa Cruz, and Yuma in the State of Arizona.

''(2) CALIFORNIA.—The counties of Imperial, Los Angeles, Orange, Riverside, San Bernardino, San Diego, and Ventura in the State of California.

''(3) NEW MEXICO.—The counties of Catron, Chaves, Dona Ana, Eddy, Grant, Hidalgo, Lincoln, Luna, Otero, Sierra, and Socorro in the State of New Mexico.

''(4) TEXAS.—The counties of Atascosa, Bandera, Bee, Bexar, Brewster, Brooks, Cameron, Coke, Concho, Crane, Crockett, Culberson, Dimmit, Duval, Ector, Edwards, El Paso, Frio, Gillespie, Glasscock, Hidalgo, Hudspeth, Irion, Jeff Davis, Jim Hogg, Jim Wells, Karnes, Kendall, Kenedy, Kerr, Kimble, Kinney, Kleberg, La Salle, Live Oak, Loving, Mason, Maverick, McMullen, Medina, Menard, Midland, Nueces, Pecos, Presidio, Reagan, Real, Reeves, San Patricio, Shleicher, Sutton, Starr, Sterling, Terrell, Tom Green Upton, Uvalde, Val Verde, Ward, Webb, Willacy, Wilson, Winkler, Zapata, and Zavala in the State of Texas.

"§ 15733. Northern Border Regional Commission

''The region of the Northern Border Regional Commission shall include the following counties:

''(1) MAINE.—The counties of Androscoggin, Aroostook, Franklin, Hancock, Kennebec, Knox, Oxford, Penobscot, Piscataquis, Somerset, Waldo, and Washington in the State of Maine.

''(2) NEW HAMPSHIRE.—The counties of Carroll, Coos, Grafton, and Sullivan in the State of New Hampshire.

''(3) NEW YORK.—The counties of Cayuga, Clinton, Essex, Franklin, Fulton, Hamilton, Herkimer, Jefferson, Lewis, Madison, Oneida, Oswego, Seneca, and St. Lawrence in the State of New York.

''(4) VERMONT.—The counties of Caledonia, Essex, Franklin, Grand Isle, Lamoille, and Orleans in the State of Vermont.

''SUBCHAPTER III—AUTHORIZATION OF APPROPRIATIONS

''§ 15751. Authorization of appropriations

''(a) IN GENERAL.—There is authorized to be appropriated to each Commission to carry out this subtitle $30,000,000 for each of fiscal years 2008 through 2012.

''(b) ADMINISTRATIVE EXPENSES.—Not more than 10 percent of the funds made available to a Commission in a fiscal year under this section may be used for administrative expenses.''.

(b) CLERICAL AMENDMENT TO TABLE OF SUBTITLES.—The table of subtitles for chapter 40, United States Code, is amended by striking the item relating to subtitle V and inserting the following:

''V. REGIONAL ECONOMIC AND INFRASTRUCTURE DEVELOPMENT 15101
''VI. MISCELLANEOUS ..... 17101''.

(c) CONFORMING AMENDMENTS TO INSPECTOR GENERAL ACT.—Section 11 of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in paragraph (1), by striking ''or the President of the Export-Import Bank;'' and inserting ''the President of the Export-Import Bank; or the Federal Cochairpersons of the Commissions established under section 15301 of title 40, United States Code;''; and

(2) in paragraph (2), by striking ''or the Export-Import Bank,'' and inserting ''the Export-Import Bank, or the Commissions established under section 15301 of title 40, United States Code,''.

(d) EFFECTIVE DATE.—This section, and the amendments made by this section, shall take effect on the first day of the first fiscal year beginning after the date of the enactment of this Act.

SEC. 14218. COORDINATOR FOR CHRONICALLY UNDERSERVED RURAL AREAS.

(a) ESTABLISHMENT.—The Secretary of Agriculture shall establish a Coordinator for Chronically Underserved Rural Areas (in this section referred to as the ''Coordinator''), to be located in the Rural Development Mission Area.

(b) MISSION.—The mission of the Coordinator shall be to direct Department of Agriculture resources to high need, high poverty rural areas.

(c) DUTIES.—The Coordinator shall consult with other offices in directing technical assistance, strategic regional planning, at the State and local level, for developing rural economic development that leverages the resources of State and local governments and non-profit and community development organizations.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as necessary to carry out this section for fiscal years 2008 through 2012.

SEC. 14219. ELIMINATION OF STATUTE OF LIMITATIONS APPLICABLE TO COLLECTION OF DEBT BY ADMINISTRATIVE OFFSET.

(a) ELIMINATION.—Section 3716(e) of title 31, United States Code, is amended to read as follows:

''(e)(1) Notwithstanding any other provision of law, regulation, or administrative limitation, no limitation on the period within which an offset may be initiated or taken pursuant to this section shall be effective.

''(2) This section does not apply when a statute explicitly prohibits using administrative offset or setoff to collect the claim or type of claim involved.''.

(b) APPLICATION OF AMENDMENT.—The amendment made by subsection (a) shall apply to any debt outstanding on or after the date of the enactment of this Act.

SEC. 14220. AVAILABILITY OF EXCESS AND SURPLUS COMPUTERS IN RURAL AREAS.

In addition to any other authority, the Secretary of Agriculture may make available to an organization excess or surplus computers or other technical equipment of the Department of Agriculture for the purposes of distribution to a city, town, or local government entity in a rural area (as defined in section 343(a)(13)(A) of the Consolidated Farm and Rural Development Act).

SEC. 14221. REPEAL OF SECTION 3068 OF THE WATER RESOURCES DEVELOPMENT ACT OF 2007.

Effective upon the date of enactment of this Act, section 3068 of the Water Resources Development Act of 2007 (Public Law 110-114; 121 Stat. 1123), and the item relating to section 3068 in the table of contents of that Act, are repealed.

SEC. 14222. DOMESTIC FOOD ASSISTANCE PROGRAMS.

(a) DEFINITION OF SECTION 32.—In this section, the term ''section 32'' means section 32 of the Act of August 24, 1935 (7 U.S.C. 612c).

(b) TRANSFER TO FOOD AND NUTRITION SERVICE.—

(1) IN GENERAL.—Amounts made available for a fiscal year to carry out section 32 in excess of the maximum amount calculated under paragraph (2) shall be transferred to the Secretary, acting through the Administrator of the Food and Nutrition Service, to be used to carry out the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.).

(2) MAXIMUM AMOUNT.—The maximum amount calculated under this paragraph for a fiscal year is the sum of—

(A)(i) in the case of fiscal year 2009, $1,173,000,000;

(ii) in the case of fiscal year 2010, $1,199,000,000;

(iii) in the case of fiscal year 2011, $1,215,000,000;

(iv) in the case of fiscal year 2012, $1,231,000,000;

(v) in the case of fiscal year 2013, $1,248,000,000;

(vi) in the case of fiscal year 2014, $1,266,000,000;

(vii) in the case of fiscal year 2015, $1,284,000,000;

(viii) in the case of fiscal year 2016, $1,303,000,000;

(ix) in the case of fiscal year 2017, $1,322,000,000; and

(x) for fiscal year 2018 and each fiscal year thereafter, the amount made available for the preceding fiscal year, as adjusted to reflect changes for the 12-month period ending on the preceding November 30 in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor; and

(B) any transfers for the fiscal year from section 32 to the Department of Commerce under the Fish and Wildlife Act of 1956 (16 U.S.C. 742a et seq.).

(c) FRESH FRUIT AND VEGETABLE PROGRAM.—Of amounts made available to carry out section 32 under subsection (b)(2)(A), the Secretary shall transfer for use to carry out the fresh fruit and vegetable program under section 19 of the Richard B. Russell National School Lunch Act the amounts specified in subsection (i) of that section.

(d) WHOLE GRAIN PRODUCTS.—Of amounts made available to carry out section 32 under subsection (b)(2)(A), the Secretary shall use to carry out section 4305 $4,000,000 for fiscal year 2009.

(e) MAINTENANCE OF FUNDING.—The funding provided under subsections (c) and (d) shall supplement (and not supplant) other Federal funding (including section 32 funding) for programs carried out under—

(1) the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.), except for section 19 of that Act;

(2) the Emergency Food Assistance Act of 1983 (7 U.S.C. 7501 et seq.); and

(3) section 27 of the Food Stamp Act of 1977 (7 U.S.C. 2036).

SEC. 14223. TECHNICAL CORRECTION.

Section 923(1)(B) of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 2206a(1)(B)) is amended by striking ''as defined in section 316(b) of the Higher Education Act of 1965 (20 U.S.C. 1059c(b))'' and inserting ''as defined in section 502(a)(5) of the Higher Education Act of 1965 (20 U.S.C. 1101a(a)(5))''.

TITLE XV—TRADE AND TAX PROVISIONS

SEC. 15001. SHORT TITLE; ETC.

(a) SHORT TITLE.—This title may be cited as the ''Heartland, Habitat, Harvest, and Horticulture Act of 2008''.

(b) AMENDMENTS TO 1986 CODE.—Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

Subtitle A—Supplemental Agricultural Disaster Assistance From the Agricultural Disaster Relief Trust Fund

SEC. 15101. SUPPLEMENTAL AGRICULTURAL DISASTER ASSISTANCE.

(a) IN GENERAL.—The Trade Act of 1974 (19 U.S.C. 2101 et seq.) is amended by adding at the end the following:

''TITLE IX—SUPPLEMENTAL AGRICULTURAL DISASTER ASSISTANCE

''SEC. 901. SUPPLEMENTAL AGRICULTURAL DISASTER ASSISTANCE.

''(a) DEFINITIONS.—In this section:

''(1) ACTUAL PRODUCTION HISTORY YIELD.—The term 'actual production history yield' means the weighted average of the actual production history for each insurable commodity or noninsurable commodity, as calculated under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) or the noninsured crop disaster assistance program, respectively.

''(2) ADJUSTED ACTUAL PRODUCTION HISTORY YIELD.—The term 'adjusted actual production history yield' means—

''(A) in the case of an eligible producer on a farm that has at least 4 years of actual production history yields for an insurable commodity that are established other than pursuant to section 508(g)(4)(B) of the Federal Crop Insurance Act (7 U.S.C. 1508(g)(4)(B)), the actual production history for the eligible producer without regard to any yields established under that section;

''(B) in the case of an eligible producer on a farm that has less than 4 years of actual production history yields for an insurable commodity, of which 1 or more were established pursuant to section 508(g)(4)(B) of that Act, the actual production history for the eligible producer as calculated without including the lowest of the yields established pursuant to section 508(g)(4)(B) of that Act; and

''(C) in all other cases, the actual production history of the eligible producer on a farm.

''(3) ADJUSTED NONINSURED CROP DISASTER ASSISTANCE PROGRAM YIELD.—The term 'adjusted noninsured crop disaster assistance program yield' means—

''(A) in the case of an eligible producer on a farm that has at least 4 years of production history under the noninsured crop disaster assistance program that are not replacement yields, the noninsured crop disaster assistance program yield without regard to any replacement yields;

''(B) in the case of an eligible producer on a farm that less than 4 years of production history under the noninsured crop disaster assistance program that are not replacement yields, the noninsured crop disaster assistance program yield as calculated without including the lowest of the replacement yields; and

''(C) in all other cases, the production history of the eligible producer on the farm under the noninsured crop disaster assistance program.

''(4) COUNTER-CYCLICAL PROGRAM PAYMENT YIELD.—The term 'counter-cyclical program payment yield' means the weighted average

payment yield established under section 1102 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7912), section 1102 of the Food, Conservation, and Energy Act of 2008, or a successor section.

''(5) DISASTER COUNTY.—

''(A) IN GENERAL.—The term 'disaster county' means a county included in the geographic area covered by a qualifying natural disaster declaration.

''(B) INCLUSION.—The term 'disaster county' includes—

''(i) a county contiguous to a county described in subparagraph (A); and

''(ii) any farm in which, during a calendar year, the total loss of production of the farm relating to weather is greater than 50 percent of the normal production of the farm, as determined by the Secretary.

''(6) ELIGIBLE PRODUCER ON A FARM.—

''(A) IN GENERAL.—The term 'eligible producer on a farm' means an individual or entity described in subparagraph (B) that, as determined by the Secretary, assumes the production and market risks associated with the agricultural production of crops or livestock.

''(B) DESCRIPTION.—An individual or entity referred to in subparagraph (A) is—

''(i) a citizen of the United States;

''(ii) a resident alien;

''(iii) a partnership of citizens of the United States; or

''(iv) a corporation, limited liability corporation, or other farm organizational structure organized under State law.

''(7) FARM.—

''(A) IN GENERAL.—The term 'farm' means, in relation to an eligible producer on a farm, the sum of all crop acreage in all counties that is planted or intended to be planted for harvest by the eligible producer.

''(B) AQUACULTURE.—In the case of aquaculture, the term 'farm' means, in relation to an eligible producer on a farm, all fish being produced in all counties that are intended to be harvested for sale by the eligible producer.

''(C) HONEY.—In the case of honey, the term 'farm' means, in relation to an eligible producer on a farm, all bees and beehives in all counties that are intended to be harvested for a honey crop by the eligible producer.

''(8) FARM-RAISED FISH.—The term 'farm-raised fish' means any aquatic species that is propagated and reared in a controlled environment.

''(9) INSURABLE COMMODITY.—The term 'insurable commodity' means an agricultural commodity (excluding livestock) for which the producer on a farm is eligible to obtain a policy or plan of insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.).

''(10) LIVESTOCK.—The term 'livestock' includes—

''(A) cattle (including dairy cattle);

''(B) bison;

''(C) poultry;

''(D) sheep;

''(E) swine;

''(F) horses; and

''(G) other livestock, as determined by the Secretary.

''(11) NONINSURABLE COMMODITY.—The term 'noninsurable commodity' means a crop for which the eligible producers on a farm are eligible to obtain assistance under the noninsured crop assistance program.

''(12) NONINSURED CROP ASSISTANCE PROGRAM.—The term 'noninsured crop assistance program' means the program carried out under section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333).

''(13) QUALIFYING NATURAL DISASTER DECLARATION.—The term 'qualifying natural disaster declaration' means a natural disaster declared by the Secretary for production losses under section 321(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(a)).

''(14) SECRETARY.—The term 'Secretary' means the Secretary of Agriculture.

''(15) SOCIALLY DISADVANTAGED FARMER OR RANCHER.—The term 'socially disadvantaged farmer or rancher' has the meaning given the term in section 2501(e) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279(e)).

''(16) STATE.—The term 'State' means—

''(A) a State;

''(B) the District of Columbia;

''(C) the Commonwealth of Puerto Rico; and

''(D) any other territory or possession of the United States.

''(17) TRUST FUND.—The term 'Trust Fund' means the Agricultural Disaster Relief Trust Fund established under section 902.

''(18) UNITED STATES.—The term 'United States' when used in a geographical sense, means all of the States.

''(b) SUPPLEMENTAL REVENUE ASSISTANCE PAYMENTS.—

''(1) IN GENERAL.—The Secretary shall use such sums as are necessary from the Trust Fund to make crop disaster assistance payments to eligible producers on farms in disaster counties that have incurred crop production losses or crop quality losses, or both, during the crop year.

''(2) AMOUNT.—

''(A) IN GENERAL.—Subject to subparagraph (B), the Secretary shall provide crop disaster assistance payments under this section to an eligible producer on a farm in an amount equal to 60 percent of the difference between—

''(i) the disaster assistance program guarantee, as described in paragraph (3); and

''(ii) the total farm revenue for a farm, as described in paragraph (4).

''(B) LIMITATION.—The disaster assistance program guarantee for a crop used to calculate the payments for a farm under subparagraph (A)(i) may not be greater than 90 percent of the sum of the expected revenue, as described in paragraph (5) for each of the crops on a farm, as determined by the Secretary.

''(3) SUPPLEMENTAL REVENUE ASSISTANCE PROGRAM GUARANTEE.—

''(A) IN GENERAL.—Except as otherwise provided in this paragraph, the supplemental assistance program guarantee shall be the sum obtained by adding—

''(i) for each insurable commodity on the farm, 115 percent of the product obtained by multiplying—

''(I) a payment rate for the commodity that is equal to the price election for the commodity elected by the eligible producer;

''(II) the payment acres for the commodity that is equal to the number of acres planted, or prevented from being planted, to the commodity;

''(III) the payment yield for the commodity that is equal to the percentage of the crop insurance yield elected by the producer of the higher of—

''(aa) the adjusted actual production history yield; or

''(bb) the counter-cyclical program payment yield for each crop; and

''(ii) for each noninsurable commodity on a farm, 120 percent of the product obtained by multiplying—

''(I) a payment rate for the commodity that is equal to 100 percent of the noninsured crop assistance program established price for the commodity;

''(II) the payment acres for the commodity that is equal to the number of acres planted, or prevented from being planted, to the commodity; and

''(III) the payment yield for the commodity that is equal to the higher of—

''(aa) the adjusted noninsured crop assistance program yield guarantee; or

''(bb) the counter-cyclical program payment yield for each crop.

''(B) ADJUSTMENT INSURANCE GUARANTEE.—Notwithstanding subparagraph (A), in the case of an insurable commodity for which a plan of insurance provides for an adjustment in the guarantee, such as in the case of prevented planting, the adjusted insurance guarantee shall be the basis for determining the disaster assistance program guarantee for the insurable commodity.

''(C) ADJUSTED ASSISTANCE LEVEL.—Notwithstanding subparagraph (A), in the case of a noninsurable commodity for which the noninsured crop assistance program provides for an adjustment in the level of assistance, such as in the case of unharvested crops, the adjusted assistance level shall be the basis for determining the disaster assistance program guarantee for the noninsurable commodity.

''(D) EQUITABLE TREATMENT FOR NON-YIELD BASED POLICIES.—The Secretary shall establish equitable treatment for non-yield based policies and plans of insurance, such as the Adjusted Gross Revenue Lite insurance program.

''(4) FARM REVENUE.—

''(A) IN GENERAL.—For purposes of this subsection, the total farm revenue for a farm, shall equal the sum obtained by adding—

''(i) the estimated actual value for each crop produced on a farm by using the product obtained by multiplying—

''(I) the actual crop acreage harvested by an eligible producer on a farm;

''(II) the estimated actual yield of the crop production; and

''(III) subject to subparagraphs (B) and (C), to the extent practicable, the national average market price received for the marketing year, as determined by the Secretary;

''(ii) 15 percent of amount of any direct payments made to the producer under sections 1103 and 1303 of the Food, Conservation, and Energy Act of 2008 or successor sections;

''(iii) the total amount of any counter-cyclical payments made to the producer under sections 1104 and 1304 of the Food, Conservation, and Energy Act of 2008 or successor sections or of any average crop revenue election payments made to the producer under section 1105 of that Act;

''(iv) the total amount of any loan deficiency payments, marketing loan gains, and marketing certificate gains made to the producer under subtitles B and C of the Food, Conservation, and Energy Act of 2008 or successor subtitles;

''(v) the amount of payments for prevented planting on a farm;

''(vi) the amount of crop insurance indemnities received by an eligible producer on a farm for each crop on a farm;

''(vii) the amount of payments an eligible producer on a farm received under the noninsured crop assistance program for each crop on a farm; and

''(viii) the value of any other natural disaster assistance payments provided by the Federal Government to an eligible producer on a farm for each crop on a farm for the same loss for which the eligible producer is seeking assistance.

''(B) ADJUSTMENT.—The Secretary shall adjust the average market price received by the eligible producer on a farm—

''(i) to reflect the average quality discounts applied to the local or regional market price of a crop or mechanically harvested forage due to a reduction in the intrinsic characteristics of the production resulting from adverse weather, as determined annually by the State office of the Farm Service Agency; and

''(ii) to account for a crop the value of which is reduced due to excess moisture resulting from a disaster-related condition.

''(C) MAXIMUM AMOUNT FOR CERTAIN CROPS.—With respect to a crop for which an eligible producer on a farm receives assistance under the noninsured crop assistance program, the national average market price received during the marketing year shall be an amount not more than 100 percent of the price of the crop established under the noninsured crop assistance program.

''(5) EXPECTED REVENUE.—The expected revenue for each crop on a farm shall equal the sum obtained by adding—

''(A) the product obtained by multiplying—

''(i) the greatest of—

''(I) the adjusted actual production history yield of the eligible producer on a farm; and

''(II) the counter-cyclical program payment yield;

''(ii) the acreage planted or prevented from being planted for each crop; and

''(iii) 100 percent of the insurance price guarantee; and

''(B) the product obtained by multiplying—

''(i) 100 percent of the adjusted noninsured crop assistance program yield; and

''(ii) 100 percent of the noninsured crop assistance program price for each of the crops on a farm.

''(c) LIVESTOCK INDEMNITY PAYMENTS.—

''(1) PAYMENTS.—The Secretary shall use such sums as are necessary from the Trust Fund to make livestock indemnity payments to eligible producers on farms that have incurred livestock death losses in excess of the normal mortality due to adverse weather, as determined by the Secretary, during the calendar year, including losses due to hurricanes, floods, blizzards, disease, wildfires, extreme heat, and extreme cold.

''(2) PAYMENT RATES.—Indemnity payments to an eligible producer on a farm under paragraph (1) shall be made at a rate of 75 percent of the market value of the applicable livestock on the day before the date of death of the livestock, as determined by the Secretary.

''(d) LIVESTOCK FORAGE DISASTER PROGRAM.—

''(1) DEFINITIONS.—In this subsection:

''(A) COVERED LIVESTOCK.—

''(i) IN GENERAL.—The term 'covered livestock' means livestock of an eligible livestock producer that, during the 60 days prior to the beginning date of a qualifying drought or fire condition, as determined by the Secretary, the eligible livestock producer—

''(I) owned;

''(II) leased;

''(III) purchased;

''(IV) entered into a contract to purchase;

''(V) is a contract grower; or

''(VI) sold or otherwise disposed of due to qualifying drought conditions during—

''(aa) the current production year; or

''(bb) subject to paragraph (3)(B)(ii), 1 or both of the 2 production years immediately preceding the current production year.

''(ii) EXCLUSION.—The term 'covered livestock' does not include livestock that were or would have been in a feedlot, on the beginning date of the qualifying drought or fire condition, as a part of the normal business operation of the eligible livestock producer, as determined by the Secretary.

''(B) DROUGHT MONITOR.—The term 'drought monitor' means a system for classifying drought severity according to a range of abnormally dry to exceptional drought, as defined by the Secretary.

''(C) ELIGIBLE LIVESTOCK PRODUCER.—

''(i) IN GENERAL.—The term 'eligible livestock producer' means an eligible producer on a farm that—

''(I) is an owner, cash or share lessee, or contract grower of covered livestock that provides the pastureland or grazing land, including cash-leased pastureland or grazing land, for the livestock;

''(II) provides the pastureland or grazing land for covered livestock, including cash-leased pastureland or grazing land that is physically located in a county affected by drought;

''(III) certifies grazing loss; and

''(IV) meets all other eligibility requirements established under this subsection.

''(ii) EXCLUSION.—The term 'eligible livestock producer' does not include an owner, cash or share lessee, or contract grower of livestock that rents or leases pastureland or grazing land owned by another person on a rate-of-gain basis.

''(D) NORMAL CARRYING CAPACITY.—The term 'normal carrying capacity', with respect to each type of grazing land or pastureland in a county, means the normal carrying capacity, as determined under paragraph (3)(D)(i), that would be expected from the grazing land or pastureland for livestock during the normal grazing period, in the absence of a drought or fire that diminishes the production of the grazing land or pastureland.

''(E) NORMAL GRAZING PERIOD.—The term 'normal grazing period', with respect to a county, means the normal grazing period during the calendar year for the county, as determined under paragraph (3)(D)(i).

''(2) PROGRAM.—The Secretary shall use such sums as are necessary from the Trust Fund to provide compensation for losses to eligible livestock producers due to grazing losses for covered livestock due to—

''(A) a drought condition, as described in paragraph (3); or

''(B) fire, as described in paragraph (4).

''(3) ASSISTANCE FOR LOSSES DUE TO DROUGHT CONDITIONS.—

''(A) ELIGIBLE LOSSES.—

''(i) IN GENERAL.—An eligible livestock producer may receive assistance under this subsection only for grazing losses for covered livestock that occur on land that—

''(I) is native or improved pastureland with permanent vegetative cover; or

''(II) is planted to a crop planted specifically for the purpose of providing grazing for covered livestock.

''(ii) EXCLUSIONS.—An eligible livestock producer may not receive assistance under this subsection for grazing losses that occur on land used for haying or grazing under the conservation reserve program established under subchapter B of chapter 1 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3831 et seq.).

''(B) MONTHLY PAYMENT RATE.—

''(i) IN GENERAL.—Except as provided in clause (ii), the payment rate for assistance under this paragraph for 1 month shall, in the case of drought, be equal to 60 percent of the lesser of—

''(I) the monthly feed cost for all covered livestock owned or leased by the eligible livestock producer, as determined under subparagraph (C); or

''(II) the monthly feed cost calculated by using the normal carrying capacity of the eligible grazing land of the eligible livestock producer.

''(ii) PARTIAL COMPENSATION.—In the case of an eligible livestock producer that sold or otherwise disposed of covered livestock due to drought conditions in 1 or both of the 2 production years immediately preceding the current production year, as determined by the Secretary, the payment rate shall be 80 percent of the payment rate otherwise calculated in accordance with clause (i).

''(C) MONTHLY FEED COST.—

''(i) IN GENERAL.—The monthly feed cost shall equal the product obtained by multiplying—

''(I) 30 days;

''(II) a payment quantity that is equal to the feed grain equivalent, as determined under clause (ii); and

''(III) a payment rate that is equal to the corn price per pound, as determined under clause (iii).

''(ii) FEED GRAIN EQUIVALENT.—For purposes of clause (i)(I), the feed grain equivalent shall equal—

''(I) in the case of an adult beef cow, 15.7 pounds of corn per day; or

''(II) in the case of any other type of weight of livestock, an amount determined by the Secretary that represents the average number of pounds of corn per day necessary to feed the livestock.

''(iii) CORN PRICE PER POUND.—For purposes of clause (i)(II), the corn price per pound shall equal the quotient obtained by dividing—

''(I) the higher of—

''(aa) the national average corn price per bushel for the 12-month period immediately preceding March 1 of the year for which the disaster assistance is calculated; or

''(bb) the national average corn price per bushel for the 24-month period immediately preceding that March 1; by

''(II) 56.

''(D) NORMAL GRAZING PERIOD AND DROUGHT MONITOR INTENSITY.—

''(i) FSA COUNTY COMMITTEE DETERMINATIONS.—

''(I) IN GENERAL.—The Secretary shall determine the normal carrying capacity and normal grazing period for each type of grazing land or pastureland in the county served by the applicable committee.

''(II) CHANGES.—No change to the normal carrying capacity or normal grazing period established for a county under subclause (I) shall be made unless the change is requested by the appropriate State and county Farm Service Agency committees.

''(ii) DROUGHT INTENSITY.—

''(I) D2.—An eligible livestock producer that owns or leases grazing land or pastureland that is physically located in a county that is rated by the U.S. Drought Monitor as having a D2 (severe drought) intensity in any area of the county for at least 8 consecutive weeks during the normal grazing period for the county, as determined by the Secretary, shall be eligible to receive assistance under this paragraph in an amount equal to 1 monthly payment using the monthly payment rate determined under subparagraph (B).

''(II) D3.—An eligible livestock producer that owns or leases grazing land or pastureland that is physically located in a county that is rated by the U.S. Drought Monitor as having at least a D3 (extreme drought) intensity in any area of the county at any time during the normal grazing period for the county, as determined by the Secretary, shall be eligible to receive assistance under this paragraph—

''(aa) in an amount equal to 2 monthly payments using the monthly payment rate determined under subparagraph (B); or

''(bb) if the county is rated as having a D3 (extreme drought) intensity in any area of the county for at least 4 weeks during the normal grazing period for the county, or is rated as having a D4 (exceptional drought) intensity in any area of the county at any time during the normal grazing period, in an amount equal to 3 monthly payments using the monthly payment rate determined under subparagraph (B).

''(4) ASSISTANCE FOR LOSSES DUE TO FIRE ON PUBLIC MANAGED LAND.—

''(A) IN GENERAL.—An eligible livestock producer may receive assistance under this paragraph only if—

''(i) the grazing losses occur on rangeland that is managed by a Federal agency; and

''(ii) the eligible livestock producer is prohibited by the Federal agency from grazing the normal permitted livestock on the managed rangeland due to a fire.

''(B) PAYMENT RATE.—The payment rate for assistance under this paragraph shall be equal to 50 percent of the monthly feed cost for the total number of livestock covered by the Federal lease of the eligible livestock producer, as determined under paragraph (3)(C).

''(C) PAYMENT DURATION.—

''(i) IN GENERAL.—Subject to clause (ii), an eligible livestock producer shall be eligible to receive assistance under this paragraph for the period—

''(I) beginning on the date on which the Federal agency excludes the eligible livestock producer from using the managed rangeland for grazing; and

''(II) ending on the last day of the Federal lease of the eligible livestock producer.

''(ii) LIMITATION.—An eligible livestock producer may only receive assistance under this paragraph for losses that occur on not more than 180 days per year.

''(5) MINIMUM RISK MANAGEMENT PURCHASE REQUIREMENTS.—

''(A) IN GENERAL.—Except as otherwise provided in this paragraph, a livestock producer shall only be eligible for assistance under this subsection if the livestock producer—

''(i) obtained a policy or plan of insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) for the grazing land incurring the losses for which assistance is being requested; or

''(ii) filed the required paperwork, and paid the administrative fee by the applicable State filing deadline, for the noninsured crop assistance program for the grazing land incurring the losses for which assistance is being requested.

''(B) WAIVER FOR SOCIALLY DISADVANTAGED, LIMITED RESOURCE, OR BEGINNING FARMER OR RANCHER.—In the case of an eligible livestock producer that is a socially disadvantaged farmer or rancher or limited resource or beginning farmer or rancher, as determined by the Secretary, the Secretary may—

''(i) waive subparagraph (A); and

''(ii) provide disaster assistance under this section at a level that the Secretary determines to be equitable and appropriate.

''(C) WAIVER FOR 2008 CALENDAR YEAR.—In the case of an eligible livestock producer that suffered losses on grazing land during the 2008 calendar year but does not meet the requirements of subparagraph (A), the Secretary shall waive subparagraph (A) if the eligible livestock producer pays a fee in an amount equal to the applicable noninsured crop assistance program fee or catastrophic risk protection plan fee required under subparagraph (A) to the Secretary not later than 90 days after the date of enactment of this subtitle.

''(D) EQUITABLE RELIEF.—

''(i) IN GENERAL.—The Secretary may provide equitable relief to an eligible livestock producer that is otherwise ineligible or unintentionally fails to meet the requirements of subparagraph (A) for the grazing land incurring the loss on a case-by-case basis, as determined by the Secretary.

''(ii) 2008 CALENDAR YEAR.—In the case of an eligible livestock producer that suffered losses on grazing land during the 2008 calendar year, the Secretary shall take special consideration to provide equitable relief in cases in which the eligible livestock producer failed to meet the requirements of subparagraph (A) due to the enactment of this title after the closing date of sales periods for crop insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) and the noninsured crop assistance program.

''(6) NO DUPLICATIVE PAYMENTS.—

''(A) IN GENERAL.—An eligible livestock producer may elect to receive assistance for grazing or pasture feed losses due to drought conditions under paragraph (3) or fire under paragraph (4), but not both for the same loss, as determined by the Secretary.

''(B) RELATIONSHIP TO SUPPLEMENTAL REVENUE ASSISTANCE.—An eligible livestock producer that receives assistance under this subsection may not also receive assistance for losses to crops on the same land with the same intended use under subsection (b).

''(e) EMERGENCY ASSISTANCE FOR LIVESTOCK, HONEY BEES, AND FARM-RAISED FISH.—

''(1) IN GENERAL.—The Secretary shall use up to $50,000,000 per year from the Trust Fund to provide emergency relief to eligible producers of livestock, honey bees, and farm-raised fish to aid in the reduction of losses due to disease, adverse weather, or other conditions, such as blizzards and wildfires, as determined by the Secretary, that are not covered under subsection (b), (c), or (d).

''(2) USE OF FUNDS.—Funds made available under this subsection shall be used to reduce losses caused by feed or water shortages, disease, or other factors as determined by the Secretary.

''(3) AVAILABILITY OF FUNDS.—Any funds made available under this subsection shall remain available until expended.

''(f) TREE ASSISTANCE PROGRAM.—

''(1) DEFINITIONS.—In this subsection:

''(A) ELIGIBLE ORCHARDIST.—The term 'eligible orchardist' means a person that produces annual crops from trees for commercial purposes.

''(B) NATURAL DISASTER.—The term 'natural disaster' means plant disease, insect infestation, drought, fire, freeze, flood, earthquake, lightning, or other occurrence, as determined by the Secretary.

''(C) NURSERY TREE GROWER.—The term 'nursery tree grower' means a person who produces nursery, ornamental, fruit, nut, or Christmas trees for commercial sale, as determined by the Secretary.

''(D) TREE.—The term 'tree' includes a tree, bush, and vine.

''(2) ELIGIBILITY.—

''(A) LOSS.—Subject to subparagraph (B), the Secretary shall provide assistance—

''(i) under paragraph (3) to eligible orchardists and nursery tree growers that planted trees for commercial purposes but lost the trees as a result of a natural disaster, as determined by the Secretary; and

''(ii) under paragraph (3)(B) to eligible orchardists and nursery tree growers that have a production history for commercial purposes on planted or existing trees but lost the trees as a result of a natural disaster, as determined by the Secretary.

''(B) LIMITATION.—An eligible orchardist or nursery tree grower shall qualify for assistance under subparagraph (A) only if the tree mortality of the eligible orchardist or nursery tree grower, as a result of damaging weather or related condition, exceeds 15 percent (adjusted for normal mortality).

''(3) ASSISTANCE.—Subject to paragraph (4), the assistance provided by the Secretary to eligible orchardists and nursery tree growers for losses described in paragraph (2) shall consist of—

''(A)(i) reimbursement of 70 percent of the cost of replanting trees lost due to a natural disaster, as determined by the Secretary, in excess of 15 percent mortality (adjusted for normal mortality); or

''(ii) at the option of the Secretary, sufficient seedlings to reestablish a stand; and

''(B) reimbursement of 50 percent of the cost of pruning, removal, and other costs incurred by an eligible orchardist or nursery tree grower to salvage existing trees or, in the case of tree mortality, to prepare the land to replant trees as a result of damage or tree mortality due to a natural disaster, as determined by the Secretary, in excess of 15 percent damage or mortality (adjusted for normal tree damage and mortality).

''(4) LIMITATIONS ON ASSISTANCE.—

''(A) DEFINITIONS OF LEGAL ENTITY AND PERSON.—In this paragraph, the terms 'legal entity' and 'person' have the meaning given those terms in section 1001(a) of the Food Security Act of 1985 (7 U.S.C. 1308(a) (as amended by section 1603 of the Food, Conservation, and Energy Act of 2008).

''(B) AMOUNT.—The total amount of payments received, directly or indirectly, by a person or legal entity (excluding a joint venture or general partnership) under this subsection may not exceed $100,000 for any crop year, or an equivalent value in tree seedlings.

''(C) ACRES.—The total quantity of acres planted to trees or tree seedlings for which a person or legal entity shall be entitled to receive payments under this subsection may not exceed 500 acres.

''(g) RISK MANAGEMENT PURCHASE REQUIREMENT.—

''(1) IN GENERAL.—Except as otherwise provided in this section, the eligible producers on a farm shall not be eligible for assistance under this section (other than subsection (c)) if the eligible producers on the farm—

''(A) in the case of each insurable commodity of the eligible producers on the farm, did not obtain a policy or plan of insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) (excluding a crop insurance pilot program under that Act); or

''(B) in the case of each noninsurable commodity of the eligible producers on the farm, did not file the required paperwork, and pay the administrative fee by the applicable State filing deadline, for the noninsured crop assistance program.

''(2) MINIMUM.—To be considered to have obtained insurance under paragraph (1)(A), an eligible producer on a farm shall have obtained a policy or plan of insurance with not less than 50 percent yield coverage at 55 percent of the insurable price for each crop grazed, planted, or intended to be planted for harvest on a whole farm.

''(3) WAIVER FOR SOCIALLY DISADVANTAGED, LIMITED RESOURCE, OR BEGINNING FARMER OR RANCHER.—With respect to eligible producers that are socially disadvantaged farmers or ranchers or limited resource or beginning farmers or ranchers, as determined by the Secretary, the Secretary may—

''(A) waive paragraph (1); and

''(B) provide disaster assistance under this section at a level that the Secretary determines to be equitable and appropriate.

''(4) WAIVER FOR 2008 CROP YEAR.—In the case of an eligible producer that suffered losses in an insurable commodity or noninsurable commodity during the 2008 crop year but does not meet the requirements of paragraph (1), the Secretary shall waive paragraph (1) if the eligible producer pays a fee in an amount equal to the applicable noninsured crop assistance program fee or catastrophic risk protection plan fee required under paragraph (1) to the Secretary not later than 90 days after the date of enactment of this subtitle.

''(5) EQUITABLE RELIEF.—

''(A) IN GENERAL.—The Secretary may provide equitable relief to eligible producers on a farm that are otherwise ineligible or unintentionally fail to meet the requirements of paragraph (1) for 1 or more crops on a farm on a case-by-case basis, as determined by the Secretary.

''(B) 2008 CROP YEAR.—In the case of eligible producers on a farm that suffered losses in an insurable commodity or noninsurable commodity during the 2008 crop year, the Secretary shall take special consideration to provide equitable relief in cases in which the eligible producers failed to meet the requirements of paragraph (1) due to the enactment of this title after the closing date of sales periods for crop insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) and the noninsured crop assistance program.

''(h) PAYMENT LIMITATIONS.—

''(1) DEFINITIONS OF LEGAL ENTITY AND PERSON.—In this subsection, the terms 'legal entity' and 'person' have the meaning given those terms in section 1001(a) of the Food Security Act of 1985 (7 U.S.C. 1308(a) (as amended by section 1603 of the Food, Conservation, and Energy Act of 2008).

''(2) AMOUNT.—The total amount of disaster assistance payments received, directly or indirectly, by a person or legal entity (excluding a joint venture or general partnership) under this section (excluding payments received under subsection (f)) may not exceed $100,000 for any crop year.

''(3) AGI LIMITATION.—Section 1001D of the Food Security Act of 1985 (7 U.S.C. 1308–3a) or any successor provision shall apply with respect to assistance provided under this section.

''(4) DIRECT ATTRIBUTION.—Subsections (e) and (f) of section 1001 of the Food Security Act of 1985 (7 U.S.C. 1308) or any successor provisions relating to direct attribution shall apply with respect to assistance provided under this section.

''(i) PERIOD OF EFFECTIVENESS.—This section shall be effective only for losses that are incurred as the result of a disaster, adverse weather, or other environmental condition that occurs on or before September 30, 2011, as determined by the Secretary.

''(j) NO DUPLICATIVE PAYMENTS.—In implementing any other program which makes disaster assistance payments (except for indemnities made under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.)) and section 196 of the Federal Agriculture Improvement and Reform Act of 1996), the Secretary shall prevent duplicative payments with respect to the same loss for which a person receives a payment under subsections (b), (c), (d), (e), or (f).

"SEC. 902. AGRICULTURAL DISASTER RELIEF TRUST FUND.

''(a) CREATION OF TRUST FUND.—There is established in the Treasury of the United States a trust fund to be known as the 'Agricultural Disaster Relief Trust Fund', consisting of such amounts as may be appropriated or credited to such Trust Fund as provided in this section.

''(b) TRANSFER TO TRUST FUND.—

''(1) IN GENERAL.—There are appropriated to the Agricultural Disaster Relief Trust Fund amounts equivalent to 3.08 percent of the amounts received in the general fund of the Treasury of the United States during fiscal years 2008 through 2011 attributable to the duties collected on articles entered, or withdrawn from warehouse, for consumption under the Harmonized Tariff Schedule of the United States.

''(2) AMOUNTS BASED ON ESTIMATES.—The amounts appropriated under this section shall be transferred at least monthly from the general fund of the Treasury of the United States to the Agricultural Disaster Relief Trust Fund on the basis of estimates made by the Secretary of the Treasury. Proper adjustments shall be made in the amounts subsequently transferred to the extent prior estimates were in excess of or less than the amounts required to be transferred.

''(3) LIMITATION ON TRANSFERS TO AGRICULTURAL DISASTER RELIEF TRUST FUND.—No amount may be appropriated to the Agricultural Disaster Relief Trust Fund on and after the date of any expenditure from the Agricultural Disaster Relief Trust Fund which is not permitted by this section. The determination of whether an expenditure is so permitted shall be made without regard to—

''(A) any provision of law which is not contained or referenced in this title or in a revenue Act, and

''(B) whether such provision of law is a subsequently enacted provision or directly or indirectly seeks to waive the application of this paragraph.

''(c) ADMINISTRATION.—

''(1) REPORTS.—The Secretary of the Treasury shall be the trustee of the Agricultural Disaster Relief Trust Fund and shall submit an annual report to Congress each year on the financial condition and the results of the operations of such Trust Fund during the preceding fiscal year and on its expected condition and operations during the 4 fiscal years succeeding such fiscal year. Such report shall be printed as a House document of the session of Congress to which the report is made.

''(2) INVESTMENT.—

''(A) IN GENERAL.—The Secretary of the Treasury shall invest such portion of the Agricultural Disaster Relief Trust Fund as is not in his judgment required to meet current withdrawals. Such investments may be made only in interest bearing obligations of the United States. For such purpose, such obligations may be acquired—

''(i) on original issue at the issue price, or

''(ii) by purchase of outstanding obligations at the market price.

''(B) SALE OF OBLIGATIONS.—Any obligation acquired by the Agricultural Disaster Relief Trust Fund may be sold by the Secretary of the Treasury at the market price.

''(C) INTEREST ON CERTAIN PROCEEDS.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Agricultural Disaster Relief Trust Fund shall be credited to and form a part of such Trust Fund.

''(d) EXPENDITURES FROM TRUST FUND.—Amounts in the Agricultural Disaster Relief Trust Fund shall be available for the purposes of making expenditures to meet those obligations of the United States incurred under section 901 or section 531 of the Federal Crop Insurance Act (as such sections are in effect on the date of the enactment of the Food, Conservation, and Energy Act of 2008).

''(e) AUTHORITY TO BORROW.—

''(1) IN GENERAL.—There are authorized to be appropriated, and are appropriated, to the Agricultural Disaster Relief Trust Fund, as repayable advances, such sums as may be necessary to carry out the purposes of such Trust Fund.

''(2) REPAYMENT OF ADVANCES.—

''(A) IN GENERAL.—Advances made to the Agricultural Disaster Relief Trust Fund shall be repaid, and interest on such advances shall be paid, to the general fund of the Treasury when the Secretary determines that moneys are available for such purposes in such Trust Fund.

''(B) RATE OF INTEREST.—Interest on advances made pursuant to this subsection shall be—

''(i) at a rate determined by the Secretary of the Treasury (as of the close of the calendar month preceding the month in which the advance is made) to be equal to the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the anticipated period during which the advance will be outstanding, and

''(ii) compounded annually.

"SEC. 903. JURISDICTION.

''Legislation in the Senate of the United States amending section 901 or 902 shall be referred to the Committee on Finance of the Senate.''.

(b) TRANSITION.—For purposes of the 2008 crop year, the Secretary shall carry out subsections (f)(4) and (h) of section 901 of the Trade Act of 1974 (as added by subsection (a)) in accordance with the terms and conditions of sections 1001 through 1001D of the Food Security Act of 1985 (16 U.S.C. 1308 et seq.), as in effect on September 30, 2007.

(c) CLERICAL AMENDMENT.—The table of contents for the Trade Act of 1974 (19 U.S.C. 2101 et seq.) is amended by adding at the end the following:

''TITLE IX—SUPPLEMENTAL AGRICULTURAL DISASTER ASSISTANCE

''Sec. 901. Supplemental agricultural disaster assistance.

''Sec. 902. Agricultural Disaster Relief Trust Fund.

''Sec. 903. Jurisdiction.''.

Subtitle B—Revenue Provisions for Agriculture Programs

SEC. 15201. CUSTOMS USER FEES.

(a) IN GENERAL.—Section 13031(j)(3)(A) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(j)(3)(A)) is amended by striking ''December 27, 2014'' and inserting ''November 14, 2017''.

(b) OTHER FEES.—Section 13031(j)(3)(B)(i) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(j)(3)(B)(i)) is amended by striking ''December 27, 2014'' and inserting ''September 30, 2017''.

(c) TIME FOR REMITTING CERTAIN COBRA FEES.—Notwithstanding any other provision of law, any fees authorized under paragraphs (1) through (8) of section 13031(a) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(a) (1) through (8)) with respect to customs services provided on or after July 1, 2017, and before September 20, 2017, shall be paid not later than September 25, 2017.

(d) TIME FOR REMITTING CERTAIN MERCHANDISE PROCESSING FEES.—

(1) IN GENERAL.—Notwithstanding any other provision of law, any fees authorized under paragraphs (9) and (10) of section 13031(a) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(a) (9) and (10)) with respect to processing merchandise entered on or after October 1, 2017, and before November 15, 2017, shall be paid not later than September 25, 2017, in an amount equivalent to the amount of such fees paid by the person responsible for such fees with respect to merchandise entered on or after October 1, 2016, and before November 15, 2016, as determined by the Secretary of the Treasury.

(2) RECONCILIATION OF MERCHANDISE PROCESSING FEES.—Not later than December 15, 2017, the Secretary of the Treasury shall reconcile the fees paid pursuant to paragraph (1) with the fees for services actually provided on or after October 1, 2017, and before November 15, 2017, and shall refund with interest any overpayment of such fees and make proper adjustments with respect to any underpayment of such fees. No interest may be assessed with respect to any such underpayment that was based on the amount of fees paid for merchandise entered on or after October 1, 2016, and before November 15, 2016.

SEC. 15202. TIME FOR PAYMENT OF CORPORATE ESTIMATED TAXES.

The percentage under subparagraph (B) of section 401(1) of the Tax Increase Prevention and Reconciliation Act of 2005 in effect on the date of the enactment of this Act is increased by 7.75 percentage points.

Subtitle C—Tax Provisions

PART I—CONSERVATION

Subpart A—Land and Species Preservation Provisions

SEC. 15301. EXCLUSION OF CONSERVATION RESERVE PROGRAM PAYMENTS FROM SECA TAX FOR CERTAIN INDIVIDUALS.

(a) INTERNAL REVENUE CODE.—Section 1402(a)(1) (defining net earnings from self-employment) is amended by inserting '', and including payments under section 1233(2) of the Food Security Act of 1985 (16 U.S.C. 3833(2)) to individuals receiving benefits under section 202 or 223 of the Social Security Act'' after ''crop shares''.

(b) SOCIAL SECURITY ACT.—Section 211(a)(1) of the Social Security Act is amended by inserting '', and including payments under section 1233(2) of the Food Security Act of 1985 (16 U.S.C. 3833(2)) to individuals receiving benefits under section 202 or 223'' after ''crop shares''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to payments made after December 31, 2007.

SEC. 15302. TWO-YEAR EXTENSION OF SPECIAL RULE ENCOURAGING CONTRIBUTIONS OF CAPITAL GAIN REAL PROPERTY FOR CONSERVATION PURPOSES.

(a) IN GENERAL.—

(1) INDIVIDUALS.—Section 170(b)(1)(E)(vi) (relating to termination) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2009''.

(2) CORPORATIONS.—Section 170(b)(2)(B)(iii) (relating to termination) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2009''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to contributions made in taxable years beginning after December 31, 2007.

SEC. 15303. DEDUCTION FOR ENDANGERED SPECIES RECOVERY EXPENDITURES.

(a) DEDUCTION FOR ENDANGERED SPECIES RECOVERY EXPENDITURES.—

(1) IN GENERAL.—Paragraph (1) of section 175(c) (relating to definitions) is amended by inserting after the first sentence the following new sentence: ''Such term shall include expenditures paid or incurred for the purpose of achieving site-specific management actions recommended in recovery plans approved pursuant to the Endangered Species Act of 1973.''.

(2) CONFORMING AMENDMENTS.—

(A) Section 175 is amended by inserting '', *or for endangered species recovery'' after ''prevention of erosion of land used in farming'' each place it appears in subsections (a) and (c).*

*(B) The heading of section 175 is amended by inserting ''**; ENDANGERED SPECIES RECOVERY EXPENDITURES**'' before the period.*

(C) The item relating to section 175 in the table of sections for part VI of subchapter B of chapter 1 is amended by inserting ''; endangered species recovery expenditures'' before the period.

(b) LIMITATIONS.—Paragraph (3) of section 175(c) (relating to additional limitations) is amended—

(1) in the heading of subparagraph (A), by inserting ''OR ENDANGERED SPECIES RECOVERY PLAN'' after ''CONSERVATION PLAN'', and

(2) in subparagraph (A)(i), by inserting ''or the recovery plan approved pursuant to the Endangered Species Act of 1973'' after ''Department of Agriculture''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to expenditures paid or incurred after December 31, 2008.

Subpart B—Timber Provisions

SEC. 15311. TEMPORARY REDUCTION IN RATE OF TAX ON QUALIFIED TIMBER GAIN OF CORPORATIONS.

(a) IN GENERAL.—Section 1201 (relating to alternative tax for corporations) is amended by redesignating subsection (b) as subsection (c) and by adding after subsection (a) the following new subsection:

''(b) SPECIAL RATE FOR QUALIFIED TIMBER GAINS.—

''(1) IN GENERAL.—If, for any taxable year ending after the date of the enactment of the Food, Conservation, and Energy Act of 2008 and beginning on or before the date which is 1 year after such date, a corporation has both a net capital gain and qualified timber gain—

''(A) subsection (a) shall apply to such corporation for the taxable year without regard to whether the applicable tax rate exceeds 35 percent, and

''(B) the tax computed under subsection (a)(2) shall be equal to the sum of—

''(i) 15 percent of the least of—

''(I) qualified timber gain,

''(II) net capital gain, or

''(III) taxable income, plus

''(ii) 35 percent of the excess (if any) of taxable income over the sum of the amounts for which a tax was determined under subsection (a)(1) and clause (i).

''(2) QUALIFIED TIMBER GAIN.—For purposes of this section, the term 'qualified timber gain' means, with respect to any taxpayer for any taxable year, the excess (if any) of—

''(A) the sum of the taxpayer's gains described in subsections (a) and (b) of section 631 for such year, over

''(B) the sum of the taxpayer's losses described in such subsections for such year.

For purposes of subparagraphs (A) and (B), only timber held more than 15 years shall be taken into account.

''(3) COMPUTATION FOR TAXABLE YEARS IN WHICH RATE FIRST APPLIES OR ENDS.—In the case of any taxable year which includes either of the dates set forth in paragraph (1), the qualified timber gain for such year shall not exceed the qualified timber gain properly taken into account for—

''(A) in the case of the taxable year including the date of the enactment of the Food, Conservation, and Energy Act of 2008, the portion of the year after such date, and

''(B) in the case of the taxable year including the date which is 1 year after such date of enactment, the portion of the year on or before such later date.''.

(b) MINIMUM TAX.—Subsection (b) of section 55 is amended by adding at the end the following paragraph:

''(4) MAXIMUM RATE OF TAX ON QUALIFIED TIMBER GAIN OF CORPORATIONS.—In the case of any taxable year to which section 1201(b) applies, the amount determined under clause (i) of subparagraph (B) shall not exceed the sum of—

''(A) 20 percent of so much of the taxable excess (if any) as exceeds the qualified timber gain (or, if less, the net capital gain), plus

''(B) 15 percent of the taxable excess in excess of the amount on which a tax is determined under subparagraph (A).

Any term used in this paragraph which is also used in section 1201 shall have the meaning given such term by such section, except to the extent such term is subject to adjustment under this part.''.

(c) CONFORMING AMENDMENT.—Section 857(b)(3)(A)(ii) is amended by striking ''rate'' and inserting ''rates''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after the date of enactment.

SEC. 15312. TIMBER REIT MODERNIZATION.

(a) IN GENERAL.—Section 856(c)(5) is amended by adding after subparagraph (G) the following new subparagraph:

''(H) TREATMENT OF TIMBER GAINS.—

''(i) IN GENERAL.—Gain from the sale of real property described in paragraph (2)(D) and (3)(C) shall include gain which is—

''(I) recognized by an election under section 631(a) from timber owned by the real estate investment trust, the cutting of which is provided by a taxable REIT subsidiary of the real estate investment trust;

''(II) recognized under section 631(b); or

''(III) income which would constitute gain under subclause (I) or (II) but for the failure to meet the 1-year holding period requirement.

''(ii) SPECIAL RULES.—

''(I) For purposes of this subtitle, cut timber, the gain from which is recognized by a real estate investment trust pursuant to an election under section 631(a) described in clause (i)(I) or so much of clause (i)(III) as relates to clause (i)(I), shall be deemed to be sold to the taxable REIT subsidiary of the real estate investment trust on the first day of the taxable year.

''(II) For purposes of this subtitle, income described in this subparagraph shall not be treated as gain from the sale of property described in section 1221(a)(1).

''(iii) TERMINATION.—This subparagraph shall not apply to dispositions after the termination date.''.

(b) TERMINATION DATE.—Subsection (c) of section 856 is amended by adding at the end the following new paragraph:

''(8) TERMINATION DATE.—For purposes of this subsection, the term 'termination date' means, with respect to any taxpayer, the last day of the taxpayer's first taxable year beginning after the date of the enactment of this paragraph and before the date that is 1 year after such date of enactment.''.

(c) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to dispositions in taxable years beginning after the date of the enactment of this Act.

SEC. 15313. MINERAL ROYALTY INCOME QUALIFYING INCOME FOR TIMBER REITS.

(a) IN GENERAL.—Section 856(c)(2) is amended by striking ''and'' at the end of subparagraph (G), by inserting ''and'' at the end of subparagraph (H), and by adding after subparagraph (H) the following new subparagraph:

''(I) mineral royalty income earned in the first taxable year beginning after the date of the enactment of this subparagraph from real property owned by a timber real estate investment trust and held, or once held, in connection with the trade or business of producing timber by such real estate investment trust;''.

(b) TIMBER REAL ESTATE INVESTMENT TRUST.—Section 856(c)(5), as amended by this Act, is amended by adding after subparagraph (H) the following new subparagraph:

''(I) TIMBER REAL ESTATE INVESTMENT TRUST.—The term 'timber real estate investment trust' means a real estate investment trust in which more than 50 percent in value of its total assets consists of real property held in connection with the trade or business of producing timber.''.

(c) EFFECTIVE DATE.—The amendments by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 15314. MODIFICATION OF TAXABLE REIT SUBSIDIARY ASSET TEST FOR TIMBER REITS.

(a) IN GENERAL.—Section 856(c)(4)(B)(ii) is amended by inserting ''(in the case of a quarter which closes on or before the termination date, 25 percent in the case of a timber real estate investment trust)'' after ''REIT subsidiaries''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 15315. SAFE HARBOR FOR TIMBER PROPERTY.

(a) IN GENERAL.—Section 857(b)(6) (relating to income from prohibited transactions) is amended by adding at the end the following new subparagraph:

''(G) SPECIAL RULES FOR SALES TO QUALIFIED ORGANIZATIONS.—

''(i) IN GENERAL.—In the case of the sale of a real estate asset (as defined in section 856(c)(5)(B)) to a qualified organization (as defined in section 170(h)(3)) exclusively for conservation purposes (within the meaning of section 170(h)(1)(C)), subparagraph (D) shall be applied—

''(I) by substituting '2 years' for '4 years' in clause (i), and

''(II) by substituting '2-year period' for '4-year period' in clauses (ii) and (iii).

''(ii) TERMINATION.—This subparagraph shall not apply to sales after the termination date.''.

(b) PROHIBITED TRANSACTIONS.—Section 857(b)(6)(D)(v) is amended by inserting '', or, in the case of a sale on or before the termination date, a taxable REIT subsidiary'' after ''any income''.

(c) SALES THAT ARE NOT PROHIBITED TRANSACTIONS.—Section 857(b)(6), as amended by subsection (a), is amended by adding at the end the following new subparagraph:

''(H) SALES OF PROPERTY THAT ARE NOT A PROHIBITED TRANSACTION.—In the case of a sale on or before the termination date, the sale of property which is not a prohibited transaction through the application of subparagraph (D) shall be considered property held for investment or for use in a trade or business and not property described in section 1221(a)(1) for all purposes of this subtitle.''.

(d) TERMINATION DATE.—Section 857(b)(6), as amended by subsections (a) and (c), is amended by adding at the end the following new subparagraph:

''(I) TERMINATION DATE.—For purposes of this paragraph, the term 'termination date' has the meaning given such term by section 856(c)(8).''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to dispositions in taxable years beginning after the date of the enactment of this Act.

SEC. 15316. QUALIFIED FORESTRY CONSERVATION BONDS.

(a) IN GENERAL.—Part IV of subchapter A of chapter 1 (relating to credits against tax) is amended by adding at the end the following new subpart:

''Subpart I—Qualified Tax Credit Bonds

''Sec. 54A. Credit to holders of qualified tax credit bonds.

''Sec. 54B. Qualified forestry conservation bonds.

''SEC. 54A. CREDIT TO HOLDERS OF QUALIFIED TAX CREDIT BONDS.

''(a) ALLOWANCE OF CREDIT.—If a taxpayer holds a qualified tax credit bond on one or more credit allowance dates of the bond during any taxable year, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the sum of the credits determined under subsection (b) with respect to such dates.

''(b) AMOUNT OF CREDIT.—

''(1) IN GENERAL.—The amount of the credit determined under this subsection with respect to any credit allowance date for a qualified tax credit bond is 25 percent of the annual credit determined with respect to such bond.

''(2) ANNUAL CREDIT.—The annual credit determined with respect to any qualified tax credit bond is the product of—

''(A) the applicable credit rate, multiplied by

''(B) the outstanding face amount of the bond.

''(3) APPLICABLE CREDIT RATE.—For purposes of paragraph (2), the applicable credit rate is the rate which the Secretary estimates will permit the issuance of qualified tax credit bonds with a specified maturity or redemption date without discount and without interest cost to the qualified issuer. The applicable credit rate with respect to any qualified tax credit bond shall be determined as of the first day on which there is a binding, written contract for the sale or exchange of the bond.

''(4) SPECIAL RULE FOR ISSUANCE AND REDEMPTION.—In the case of a bond which is issued during the 3-month period ending on a credit allowance date, the amount of the credit determined under this subsection with respect to such credit allowance date shall be a ratable portion of the credit otherwise determined based on the portion of the 3-month period during which the bond is outstanding. A similar rule shall apply when the bond is redeemed or matures.

''(c) LIMITATION BASED ON AMOUNT OF TAX.—

''(1) IN GENERAL.—The credit allowed under subsection (a) for any taxable year shall not exceed the excess of—

''(A) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

''(B) the sum of the credits allowable under this part (other than subpart C and this subpart).

''(2) CARRYOVER OF UNUSED CREDIT.—If the credit allowable under subsection (a) exceeds the limitation imposed by paragraph (1) for such taxable year, such excess shall be carried to the succeeding taxable year and added to the credit allowable under subsection (a) for such taxable year (determined before the application of paragraph (1) for such succeeding taxable year).

''(d) QUALIFIED TAX CREDIT BOND.—For purposes of this section—

''(1) QUALIFIED TAX CREDIT BOND.—The term 'qualified tax credit bond' means a qualified forestry conservation bond which is part of an issue that meets the requirements of paragraphs (2), (3), (4), (5), and (6).

''(2) SPECIAL RULES RELATING TO EXPENDITURES.—

''(A) IN GENERAL.—An issue shall be treated as meeting the requirements of this paragraph if, as of the date of issuance, the issuer reasonably expects—

''(i) 100 percent or more of the available project proceeds to be spent for 1 or more qualified purposes within the 3-year period beginning on such date of issuance, and

''(ii) a binding commitment with a third party to spend at least 10 percent of such available project proceeds will be incurred within the 6-month period beginning on such date of issuance.

''(B) FAILURE TO SPEND REQUIRED AMOUNT OF BOND PROCEEDS WITHIN 3 YEARS.—

''(i) IN GENERAL.—To the extent that less than 100 percent of the available project proceeds of the issue are expended by the close of the expenditure period for 1 or more qualified purposes, the issuer shall redeem all of the nonqualified bonds within 90 days after the end of such period. For purposes of this paragraph, the amount of the nonqualified bonds required to be redeemed shall be determined in the same manner as under section 142.

''(ii) EXPENDITURE PERIOD.—For purposes of this subpart, the term 'expenditure period' means, with respect to any issue, the 3-year period beginning on the date of issuance. Such term shall include any extension of such period under clause (iii).

''(iii) EXTENSION OF PERIOD.—Upon submission of a request prior to the expiration of the expenditure period (determined without regard to any extension under this clause), the Secretary may extend such period if the issuer establishes that the failure to expend the proceeds within the original expenditure period is due to reasonable cause and the expenditures for qualified purposes will continue to proceed with due diligence.

''(C) QUALIFIED PURPOSE.—For purposes of this paragraph, the term 'qualified purpose' means a purpose specified in section 54B(e).

''(D) REIMBURSEMENT.—For purposes of this subtitle, available project proceeds of an issue shall be treated as spent for a qualified purpose if such proceeds are used to reimburse the issuer for amounts paid for a qualified purpose after the date that the Secretary makes an allocation of bond limitation with respect to such issue, but only if—

''(i) prior to the payment of the original expenditure, the issuer declared its intent to reimburse such expenditure with the proceeds of a qualified tax credit bond,

''(ii) not later than 60 days after payment of the original expenditure, the issuer adopts an official intent to reimburse the original expenditure with such proceeds, and

''(iii) the reimbursement is made not later than 18 months after the date the original expenditure is paid.

''(3) REPORTING.—An issue shall be treated as meeting the requirements of this paragraph if the issuer of qualified tax credit bonds submits reports similar to the reports required under section 149(e).

''(4) SPECIAL RULES RELATING TO ARBITRAGE.—

''(A) IN GENERAL.—An issue shall be treated as meeting the requirements of this paragraph if the issuer satisfies the requirements of section 148 with respect to the proceeds of the issue.

''(B) SPECIAL RULE FOR INVESTMENTS DURING EXPENDITURE PERIOD.—An issue shall not be treated as failing to meet the requirements of subparagraph (A) by reason of any investment of available project proceeds during the expenditure period.

''(C) SPECIAL RULE FOR RESERVE FUNDS.—An issue shall not be treated as failing to meet the requirements of subparagraph (A) by reason of any fund which is expected to be used to repay such issue if—

''(i) such fund is funded at a rate not more rapid than equal annual installments,

''(ii) such fund is funded in a manner reasonably expected to result in an amount not greater than an amount necessary to repay the issue, and

''(iii) the yield on such fund is not greater than the discount rate determined under paragraph (5)(B) with respect to the issue.

''(5) MATURITY LIMITATION.—

''(A) IN GENERAL.—An issue shall be treated as meeting the requirements of this paragraph if the maturity of any bond which is part of such issue does not exceed the maximum term determined by the Secretary under subparagraph (B).

''(B) MAXIMUM TERM.—During each calendar month, the Secretary shall determine the maximum term permitted under this paragraph for bonds issued during the following calendar month. Such maximum term shall be the term which the Secretary estimates will result in the present value of the obligation to repay the principal on the bond being equal to 50 percent of the face amount of such bond. Such present value shall be determined using as a discount rate the average annual interest rate of tax-exempt obligations having a term of 10 years or more which are issued during the month. If the term as so determined is not a multiple of a whole year, such term shall be rounded to the next highest whole year.

''(6) PROHIBITION ON FINANCIAL CONFLICTS OF INTEREST.—An issue shall be treated as meeting the requirements of this paragraph if the issuer certifies that—

''(A) applicable State and local law requirements governing conflicts of interest are satisfied with respect to such issue, and

''(B) if the Secretary prescribes additional conflicts of interest rules governing the appropriate Members of Congress, Federal, State, and local officials, and their spouses, such additional rules are satisfied with respect to such issue.

''(e) OTHER DEFINITIONS.—For purposes of this subchapter—

''(1) CREDIT ALLOWANCE DATE.—The term 'credit allowance date' means—

''(A) March 15,

''(B) June 15,

''(C) September 15, and

''(D) December 15.

Such term includes the last day on which the bond is outstanding.

''(2) BOND.—The term 'bond' includes any obligation.

''(3) STATE.—The term 'State' includes the District of Columbia and any possession of the United States.

''(4) AVAILABLE PROJECT PROCEEDS.—The term 'available project proceeds' means—

''(A) the excess of—

''(i) the proceeds from the sale of an issue, over

''(ii) the issuance costs financed by the issue (to the extent that such costs do not exceed 2 percent of such proceeds), and

''(B) the proceeds from any investment of the excess described in subparagraph (A).

''(f) CREDIT TREATED AS INTEREST.—For purposes of this subtitle, the credit determined under subsection (a) shall be treated as interest which is includible in gross income.

''(g) S CORPORATIONS AND PARTNERSHIPS.—In the case of a tax credit bond held by an S corporation or partnership, the allocation of the credit allowed by this section to the shareholders of such corporation or partners of such partnership shall be treated as a distribution.

''(h) BONDS HELD BY REGULATED INVESTMENT COMPANIES AND REAL ESTATE INVESTMENT TRUSTS.—If any qualified tax credit bond is held by a regulated investment company or a real estate investment trust, the credit determined under subsection (a) shall be allowed to shareholders of such company or beneficiaries of such trust (and any gross income included under subsection (f) with respect to such credit shall be treated as distributed to such shareholders or beneficiaries) under procedures prescribed by the Secretary.

''(i) CREDITS MAY BE STRIPPED.—Under regulations prescribed by the Secretary—

''(1) IN GENERAL.—There may be a separation (including at issuance) of the ownership of a qualified tax credit bond and the entitlement to the credit under this section with respect to such bond. In case of any such separation, the credit under this section shall be allowed to the person who on the credit allowance date holds the instrument evidencing the entitlement to the credit and not to the holder of the bond.

''(2) CERTAIN RULES TO APPLY.—In the case of a separation described in paragraph (1), the rules of section 1286 shall apply to the qualified tax credit bond as if it were a stripped bond and to the credit under this section as if it were a stripped coupon.

''SEC. 54B. QUALIFIED FORESTRY CONSERVATION BONDS.

''(a) QUALIFIED FORESTRY CONSERVATION BOND.—For purposes of this subchapter, the term 'qualified forestry conservation bond' means any bond issued as part of an issue if—

''(1) 100 percent of the available project proceeds of such issue are to be used for one or more qualified forestry conservation purposes,

''(2) the bond is issued by a qualified issuer, and

''(3) the issuer designates such bond for purposes of this section.

''(b) LIMITATION ON AMOUNT OF BONDS DESIGNATED.—The maximum aggregate face amount

of bonds which may be designated under subsection (a) by any issuer shall not exceed the limitation amount allocated to such issuer under subsection (d).

''(c) NATIONAL LIMITATION ON AMOUNT OF BONDS DESIGNATED.—There is a national qualified forestry conservation bond limitation of $500,000,000.

''(d) ALLOCATIONS.—

''(1) IN GENERAL.—The Secretary shall make allocations of the amount of the national qualified forestry conservation bond limitation described in subsection (c) among qualified forestry conservation purposes in such manner as the Secretary determines appropriate so as to ensure that all of such limitation is allocated before the date which is 24 months after the date of the enactment of this section.

''(2) SOLICITATION OF APPLICATIONS.—The Secretary shall solicit applications for allocations of the national qualified forestry conservation bond limitation described in subsection (c) not later than 90 days after the date of the enactment of this section.

''(e) QUALIFIED FORESTRY CONSERVATION PURPOSE.—For purposes of this section, the term 'qualified forestry conservation purpose' means the acquisition by a State or any political subdivision or instrumentality thereof or a 501(c)(3) organization (as defined in section 150(a)(4)) from an unrelated person of forest and forest land that meets the following qualifications:

''(1) Some portion of the land acquired must be adjacent to United States Forest Service Land.

''(2) At least half of the land acquired must be transferred to the United States Forest Service at no net cost to the United States and not more than half of the land acquired may either remain with or be conveyed to a State.

''(3) All of the land must be subject to a native fish habitat conservation plan approved by the United States Fish and Wildlife Service.

''(4) The amount of acreage acquired must be at least 40,000 acres.

''(f) QUALIFIED ISSUER.—For purposes of this section, the term 'qualified issuer' means a State or any political subdivision or instrumentality thereof or a 501(c)(3) organization (as defined in section 150(a)(4)).

''(g) SPECIAL ARBITRAGE RULE.—In the case of any qualified forestry conservation bond issued as part of an issue, section 54A(d)(4)(C) shall be applied to such issue without regard to clause (i).

''(h) ELECTION TO TREAT 50 PERCENT OF BOND ALLOCATION AS PAYMENT OF TAX.—

''(1) IN GENERAL.—If—

''(A) a qualified issuer receives an allocation of any portion of the national qualified forestry conservation bond limitation described in subsection (c), and

''(B) the qualified issuer elects the application of this subsection with respect to such allocation,

then the qualified issuer (without regard to whether the issuer is subject to tax under this chapter) shall be treated as having made a payment against the tax imposed by this chapter, for the taxable year preceding the taxable year in which the allocation is received, in an amount equal to 50 percent of the amount of such allocation.

''(2) TREATMENT OF DEEMED PAYMENT.—

''(A) IN GENERAL.—Notwithstanding any other provision of this title, the Secretary shall not use the payment of tax described in paragraph (1) as an offset or credit against any tax liability of the qualified issuer but shall refund such payment to such issuer.

''(B) NO INTEREST.—Except as provided in paragraph (3)(A), the payment described in paragraph (1) shall not be taken into account in determining any amount of interest under this title.

''(3) REQUIREMENT FOR, AND EFFECT OF, ELECTION.—

''(A) REQUIREMENT.—No election under this subsection shall take effect unless the qualified issuer certifies to the Secretary that any payment of tax refunded to the issuer under this subsection will be used exclusively for 1 or more qualified forestry conservation purposes. If the qualified issuer fails to use any portion of such payment for such purpose, the issuer shall be liable to the United States in an amount equal to such portion, plus interest at the overpayment rate under section 6621 for the period from the date such portion was refunded to the date such amount is paid. Any such amount shall be assessed and collected in the same manner as tax imposed by this chapter, except that subchapter B of chapter 63 (relating to deficiency procedures) shall not apply in respect of such assessment or collection.

''(B) EFFECT OF ELECTION ON ALLOCATION.—If a qualified issuer makes the election under this subsection with respect to any allocation—

''(i) the issuer may issue no bonds pursuant to the allocation, and

''(ii) the Secretary may not reallocate such allocation for any other purpose.''.

(b) REPORTING.—Subsection (d) of section 6049 (relating to returns regarding payments of interest) is amended by adding at the end the following new paragraph:

''(9) REPORTING OF CREDIT ON QUALIFIED TAX CREDIT BONDS.—

''(A) IN GENERAL.—For purposes of subsection (a), the term 'interest' includes amounts includible in gross income under section 54A and such amounts shall be treated as paid on the credit allowance date (as defined in section 54A(e)(1)).

''(B) REPORTING TO CORPORATIONS, ETC.—Except as otherwise provided in regulations, in the case of any interest described in subparagraph (A) of this paragraph, subsection (b)(4) of this section shall be applied without regard to subparagraphs (A), (H), (I), (J), (K), and (L)(i).

''(C) REGULATORY AUTHORITY.—The Secretary may prescribe such regulations as are necessary or appropriate to carry out the purposes of this paragraph, including regulations which require more frequent or more detailed reporting.''.

(c) CONFORMING AMENDMENTS.—

(1) Sections 54(c)(2) and 1400N(l)(3)(B) are each amended by striking ''subpart C'' and inserting ''subparts C and I''.

(2) Section 1397E(c)(2) is amended by striking ''subpart H'' and inserting ''subparts H and I''.

(3) Section 6401(b)(1) is amended by striking ''and H'' and inserting ''H, and I''.

*(4) The heading of subpart H of part IV of subchapter A of chapter 1 is amended by striking ''**Certain Bonds**'' and inserting ''**Clean Renewable Energy Bonds**''.*

(5) The table of subparts for part IV of subchapter A of chapter 1 is amended by striking the item relating to subpart H and inserting the following new items:

''SUBPART H. NONREFUNDABLE CREDIT TO HOLDERS OF CLEAN RENEWABLE ENERGY BONDS.

''SUBPART I. QUALIFIED TAX CREDIT BONDS.''.

(6) Paragraph (2) of section 1324(b) of title 31, United States Code, is amended by striking ''or 6428 or 53(e)'' and inserting '', 53(e), 54B(h), or 6428''.

(d) EFFECTIVE DATES.—The amendments made by this section shall apply to obligations issued after the date of the enactment of this Act.

PART II—ENERGY PROVISIONS

Subpart A—Cellulosic Biofuel

SEC. 15321. CREDIT FOR PRODUCTION OF CELLULOSIC BIOFUEL.

(a) IN GENERAL.—Subsection (a) of section 40 (relating to alcohol used as fuel) is amended by striking ''plus'' at the end of paragraph (1), by striking ''plus'' at the end of paragraph (2), by striking the period at the end of paragraph (3) and inserting '', plus'', and by adding at the end the following new paragraph:

''(4) the cellulosic biofuel producer credit.''.

(b) CELLULOSIC BIOFUEL PRODUCER CREDIT.—

(1) IN GENERAL.—Subsection (b) of section 40 is amended by adding at the end the following new paragraph:

''(6) CELLULOSIC BIOFUEL PRODUCER CREDIT.—

''(A) IN GENERAL.—The cellulosic biofuel producer credit of any taxpayer is an amount equal to the applicable amount for each gallon of qualified cellulosic biofuel production.

''(B) APPLICABLE AMOUNT.—For purposes of subparagraph (A), the applicable amount means $1.01, except that such amount shall, in the case of cellulosic biofuel which is alcohol, be reduced by the sum of—

''(i) the amount of the credit in effect for such alcohol under subsection (b)(1) (without regard to subsection (b)(3)) at the time of the qualified cellulosic biofuel production, plus

''(ii) in the case of ethanol, the amount of the credit in effect under subsection (b)(4) at the time of such production.

''(C) QUALIFIED CELLULOSIC BIOFUEL PRODUCTION.—For purposes of this section, the term 'qualified cellulosic biofuel production' means any cellulosic biofuel which is produced by the taxpayer, and which during the taxable year—

''(i) is sold by the taxpayer to another person—

''(I) for use by such other person in the production of a qualified cellulosic biofuel mixture in such other person's trade or business (other than casual off-farm production),

''(II) for use by such other person as a fuel in a trade or business, or

''(III) who sells such cellulosic biofuel at retail to another person and places such cellulosic biofuel in the fuel tank of such other person, or

''(ii) is used or sold by the taxpayer for any purpose described in clause (i).

The qualified cellulosic biofuel production of any taxpayer for any taxable year shall not include any alcohol which is purchased by the taxpayer and with respect to which such producer increases the proof of the alcohol by additional distillation.

''(D) QUALIFIED CELLULOSIC BIOFUEL MIXTURE.—For purposes of this paragraph, the term 'qualified cellulosic biofuel mixture' means a mixture of cellulosic biofuel and gasoline or of cellulosic biofuel and a special fuel which—

''(i) is sold by the person producing such mixture to any person for use as a fuel, or

''(ii) is used as a fuel by the person producing such mixture.

''(E) CELLULOSIC BIOFUEL.—For purposes of this paragraph—

''(i) IN GENERAL.—The term 'cellulosic biofuel' means any liquid fuel which—

''(I) is produced from any lignocellulosic or hemicellulosic matter that is available on a renewable or recurring basis, and

''(II) meets the registration requirements for fuels and fuel additives established by the Environmental Protection Agency under section 211 of the Clean Air Act (42 U.S.C. 7545).

''(ii) EXCLUSION OF LOW-PROOF ALCOHOL.—Such term shall not include any alcohol with a proof of less than 150. The determination of the proof of any alcohol shall be made without regard to any added denaturants.

''(F) ALLOCATION OF CELLULOSIC BIOFUEL PRODUCER CREDIT TO PATRONS OF COOPERATIVE.—Rules similar to the rules under subsection (g)(6) shall apply for purposes of this paragraph.

''(G) REGISTRATION REQUIREMENT.—No credit shall be determined under this paragraph with respect to any taxpayer unless such taxpayer is registered with the Secretary as a producer of cellulosic biofuel under section 4101.

''(H) APPLICATION OF PARAGRAPH.—This paragraph shall apply with respect to qualified cellulosic biofuel production after December 31, 2008, and before January 1, 2013.''.

(2) TERMINATION DATE NOT TO APPLY.—Subsection (e) of section 40 (relating to termination) is amended—

(A) by inserting ''or subsection (b)(6)(H)'' after ''by reason of paragraph (1)'' in paragraph (2), and

(B) by adding at the end the following new paragraph:

''(3) EXCEPTION FOR CELLULOSIC BIOFUEL PRODUCER CREDIT.—Paragraph (1) shall not apply

to the portion of the credit allowed under this section by reason of subsection (a)(4).''.

(3) CONFORMING AMENDMENTS.—

(A) Paragraph (1) of section 4101(a) is amended—

(i) by striking ''and every person'' and inserting '', every person'', and

(ii) by inserting '', and every person producing cellulosic biofuel (as defined in section 40(b)(6)(E))'' after ''section 6426(b)(4)(A))''.

(B) The heading of section 40, and the item relating to such section in the table of sections for subpart D of part IV of subchapter A of chapter 1, are each amended by inserting '', etc.,'' after ''Alcohol''.

(c) BIOFUEL NOT USED AS A FUEL, ETC.—

(1) IN GENERAL.—Paragraph (3) of section 40(d) is amended by redesignating subparagraph (D) as subparagraph (E) and by inserting after subparagraph (C) the following new subparagraph:

''(D) CELLULOSIC BIOFUEL PRODUCER CREDIT.—If—

''(i) any credit is allowed under subsection (a)(4), and

''(ii) any person does not use such fuel for a purpose described in subsection (b)(6)(C),

then there is hereby imposed on such person a tax equal to the applicable amount (as defined in subsection (b)(6)(B)) for each gallon of such cellulosic biofuel.''.

(2) CONFORMING AMENDMENTS.—

(A) Subparagraph (C) of section 40(d)(3) is amended by striking ''PRODUCER'' in the heading and inserting ''SMALL ETHANOL PRODUCER''.

(B) Subparagraph (E) of section 40(d)(3), as redesignated by paragraph (1), is amended by striking ''or (C)'' and inserting ''(C), or (D)''.

(d) BIOFUEL PRODUCED IN THE UNITED STATES.—Section 40(d) is amended by adding at the end the following new paragraph:

''(6) SPECIAL RULE FOR CELLULOSIC BIOFUEL PRODUCER CREDIT.—No cellulosic biofuel producer credit shall be determined under subsection (a) with respect to any cellulosic biofuel unless such cellulosic biofuel is produced in the United States and used as a fuel in the United States. For purposes of this subsection, the term 'United States' includes any possession of the United States.''.

(e) WAIVER OF CREDIT LIMIT FOR CELLULOSIC BIOFUEL PRODUCTION BY SMALL ETHANOL PRODUCERS.—Section 40(b)(4)(C) is amended by inserting ''(determined without regard to any qualified cellulosic biofuel production)'' after ''15,000,000 gallons''.

(f) DENIAL OF DOUBLE BENEFIT.—

(1) BIODIESEL.—Paragraph (1) of section 40A(d) is amended by adding at the end the following new flush sentence:

''Such term shall not include any liquid with respect to which a credit may be determined under section 40.''.

(2) RENEWABLE DIESEL.—Paragraph (3) of section 40A(f) is amended by adding at the end the following new flush sentence:

''Such term shall not include any liquid with respect to which a credit may be determined under section 40.''.

(g) EFFECTIVE DATE.—The amendments made by this section shall apply to fuel produced after December 31, 2008.

SEC. 15322. COMPREHENSIVE STUDY OF BIOFUELS.

(a) STUDY.—The Secretary of the Treasury, in consultation with the Secretary of Agriculture, the Secretary of Energy, and the Administrator of the Environmental Protection Agency, shall enter into an agreement with the National Academy of Sciences to produce an analysis of current scientific findings to determine—

(1) current biofuels production, as well as projections for future production,

(2) the maximum amount of biofuels production capable in United States forests and farmlands, including the current quantities and character of the feedstocks and including such information as regional forest inventories that are commercially available, used in the production of biofuels,

(3) the domestic effects of an increase in biofuels production levels, including the effects of such levels on—

(A) the price of fuel,

(B) the price of land in rural and suburban communities,

(C) crop acreage, forest acreage, and other land use,

(D) the environment, due to changes in crop acreage, fertilizer use, runoff, water use, emissions from vehicles utilizing biofuels, and other factors,

(E) the price of feed,

(F) the selling price of grain crops and forest products,

(G) exports and imports of grains and forest products,

(H) taxpayers, through cost or savings to commodity crop payments, and

(I) the expansion of refinery capacity,

(4) the ability to convert corn ethanol plants for other uses, such as cellulosic ethanol or biodiesel,

(5) a comparative analysis of corn ethanol versus other biofuels and renewable energy sources, considering cost, energy output, and ease of implementation,

(6) the impact of the tax credit established by this subpart on the regional agricultural and silvicultural capabilities of commercially available forest inventories, and

(7) the need for additional scientific inquiry, and specific areas of interest for future research.

(b) REPORT.—The Secretary of the Treasury shall submit an initial report of the findings of the study required under subsection (a) to Congress not later than 6 months after the date of the enactment of this Act (36 months after such date in the case of the information required by subsection (a)(6)), and a final report not later than 12 months after such date (42 months after such date in the case of the information required by subsection (a)(6)).

Subpart B—Revenue Provisions

SEC. 15331. MODIFICATION OF ALCOHOL CREDIT.

(a) INCOME TAX CREDIT.—

(1) IN GENERAL.—The table in paragraph (2) of section 40(h) is amended—

(A) by striking ''through 2010'' in the first column and inserting '', 2006, 2007, or 2008'',

(B) by striking the period at the end of the third row, and

(C) by adding at the end the following new row:

''2009 through 2010	...	45 cents	... 33.33 cents.''.

(2) EXCEPTION.—Section 40(h) is amended by adding at the end the following new paragraph:

''(3) REDUCTION DELAYED UNTIL ANNUAL PRODUCTION OR IMPORTATION OF 7,500,000,000 GALLONS.—

''(A) IN GENERAL.—In the case of any calendar year beginning after 2008, if the Secretary makes a determination described in subparagraph (B) with respect to all preceding calendar years beginning after 2007, the last row in the table in paragraph (2) shall be applied by substituting '51 cents' for '45 cents'.

''(B) DETERMINATION.—A determination described in this subparagraph with respect to any calendar year is a determination, in consultation with the Administrator of the Environmental Protection Agency, that an amount less than 7,500,000,000 gallons of ethanol (including cellulosic ethanol) has been produced in or imported into the United States in such year.''.

(b) EXCISE TAX CREDIT.—

(1) IN GENERAL.—Subparagraph (A) of section 6426(b)(2) (relating to alcohol fuel mixture credit) is amended by striking ''the applicable amount is 51 cents'' and inserting ''the applicable amount is—

''(i) in the case of calendar years beginning before 2009, 51 cents, and

''(ii) in the case of calendar years beginning after 2008, 45 cents.''.

(2) EXCEPTION.—Paragraph (2) of section 6426(b) is amended by adding at the end the following new subparagraph:

''(C) REDUCTION DELAYED UNTIL ANNUAL PRODUCTION OR IMPORTATION OF 7,500,000,000 GALLONS.—In the case of any calendar year beginning after 2008, if the Secretary makes a determination described in section 40(h)(3)(B) with respect to all preceding calendar years beginning after 2007, subparagraph (A)(ii) shall be applied by substituting '51 cents' for '45 cents'.''

(3) CONFORMING AMENDMENT.—Subparagraph (A) of section 6426(b)(2) is amended by striking ''subparagraph (B)'' and inserting ''subparagraphs (B) and (C)''.

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

SEC. 15332. CALCULATION OF VOLUME OF ALCOHOL FOR FUEL CREDITS.

(a) IN GENERAL.—Paragraph (4) of section 40(d) (relating to volume of alcohol) is amended by striking ''5 percent'' and inserting ''2 percent''.

(b) CONFORMING AMENDMENT FOR EXCISE TAX CREDIT.—Section 6426(b) (relating to alcohol fuel mixture credit) is amended by redesignating paragraph (5) as paragraph (6) and by inserting after paragraph (4) the following new paragraph:

''(5) VOLUME OF ALCOHOL.—For purposes of determining under subsection (a) the number of gallons of alcohol with respect to which a credit is allowable under subsection (a), the volume of alcohol shall include the volume of any denaturant (including gasoline) which is added under any formulas approved by the Secretary to the extent that such denaturants do not exceed 2 percent of the volume of such alcohol (including denaturants).''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to fuel sold or used after December 31, 2008.

SEC. 15333. ETHANOL TARIFF EXTENSION.

Headings 9901.00.50 and 9901.00.52 of the Harmonized Tariff Schedule of the United States are each amended in the effective period column by striking ''1/1/2009'' and inserting ''1/1/2011''.

SEC. 15334. LIMITATIONS ON DUTY DRAWBACK ON CERTAIN IMPORTED ETHANOL.

(a) IN GENERAL.—Section 313(p) of the Tariff Act of 1930 (19 U.S.C. 1313(p)) is amended by adding at the end the following new paragraph:

''(5) SPECIAL RULES FOR ETHYL ALCOHOL.—For purposes of this subsection, any duty paid under subheading 9901.00.50 of the Harmonized Tariff Schedule of the United States on imports of ethyl alcohol or a mixture of ethyl alcohol may not be refunded if the exported article upon which a drawback claim is based does not contain ethyl alcohol or a mixture of ethyl alcohol.''.

(b) EFFECTIVE DATE.—The amendment made by this section applies with respect to—

(1) imports of ethyl alcohol or a mixture of ethyl alcohol entered for consumption, or withdrawn from warehouse for consumption, on or after October 1, 2008; and

(2) imports of ethyl alcohol or a mixture of ethyl alcohol entered for consumption, or withdrawn from warehouse for consumption, before October 1, 2008, if a duty drawback claim is filed with respect to such imports on or after October 1, 2010.

PART III—AGRICULTURAL PROVISIONS

SEC. 15341. INCREASE IN LOAN LIMITS ON AGRICULTURAL BONDS.

(a) IN GENERAL.—Subparagraph (A) of section 147(c)(2) (relating to exception for first-time farmers) is amended by striking ''$250,000'' and inserting ''$450,000''.

(b) INFLATION ADJUSTMENT.—Section 147(c)(2) is amended by adding at the end the following new subparagraph:

''(H) ADJUSTMENTS FOR INFLATION.—In the case of any calendar year after 2008, the dollar

amount in subparagraph (A) shall be increased by an amount equal to—

''(i) such dollar amount, multiplied by

''(ii) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year, determined by substituting 'calendar year 2007' for 'calendar year 1992' in subparagraph (B) thereof.

If any amount as increased under the preceding sentence is not a multiple of $100, such amount shall be rounded to the nearest multiple of $100.''.

(c) MODIFICATION OF SUBSTANTIAL FARMLAND DEFINITION.—Section 147(c)(2)(E) (defining substantial farmland) is amended by striking ''unless'' and all that follows through the period and inserting ''unless such parcel is smaller than 30 percent of the median size of a farm in the county in which such parcel is located.''.

(d) CONFORMING AMENDMENT.—Section 147(c)(2)(C)(i)(II) is amended by striking ''$250,000'' and inserting ''the amount in effect under subparagraph (A)''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to bonds issued after the date of the enactment of this Act.

SEC. 15342. ALLOWANCE OF SECTION 1031 TREATMENT FOR EXCHANGES INVOLVING CERTAIN MUTUAL DITCH, RESERVOIR, OR IRRIGATION COMPANY STOCK.

(a) IN GENERAL.—Section 1031 (relating to exchange of property held for productive use or investment) is amended by adding at the end the following new subsection:

''(i) SPECIAL RULES FOR MUTUAL DITCH, RESERVOIR, OR IRRIGATION COMPANY STOCK.—For purposes of subsection (a)(2)(B), the term 'stocks' shall not include shares in a mutual ditch, reservoir, or irrigation company if at the time of the exchange—

''(1) the mutual ditch, reservoir, or irrigation company is an organization described in section 501(c)(12)(A) (determined without regard to the percentage of its income that is collected from its members for the purpose of meeting losses and expenses), and

''(2) the shares in such company have been recognized by the highest court of the State in which such company was organized or by applicable State statute as constituting or representing real property or an interest in real property.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to exchanges completed after the date of the enactment of this Act.

SEC. 15343. AGRICULTURAL CHEMICALS SECURITY CREDIT.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 (relating to business related credits) is amended by adding at the end the following new section:

''SEC. 45O. AGRICULTURAL CHEMICALS SECURITY CREDIT.

''(a) IN GENERAL.—For purposes of section 38, in the case of an eligible agricultural business, the agricultural chemicals security credit determined under this section for the taxable year is 30 percent of the qualified security expenditures for the taxable year.

''(b) FACILITY LIMITATION.—The amount of the credit determined under subsection (a) with respect to any facility for any taxable year shall not exceed—

''(1) $100,000, reduced by

''(2) the aggregate amount of credits determined under subsection (a) with respect to such facility for the 5 prior taxable years.

''(c) ANNUAL LIMITATION.—The amount of the credit determined under subsection (a) with respect to any taxpayer for any taxable year shall not exceed $2,000,000.

''(d) QUALIFIED CHEMICAL SECURITY EXPENDITURE.—For purposes of this section, the term 'qualified chemical security expenditure' means, with respect to any eligible agricultural business for any taxable year, any amount paid or incurred by such business during such taxable year for—

''(1) employee security training and background checks,

''(2) limitation and prevention of access to controls of specified agricultural chemicals stored at the facility,

''(3) tagging, locking tank valves, and chemical additives to prevent the theft of specified agricultural chemicals or to render such chemicals unfit for illegal use,

''(4) protection of the perimeter of specified agricultural chemicals,

''(5) installation of security lighting, cameras, recording equipment, and intrusion detection sensors,

''(6) implementation of measures to increase computer or computer network security,

''(7) conducting a security vulnerability assessment,

''(8) implementing a site security plan, and

''(9) such other measures for the protection of specified agricultural chemicals as the Secretary may identify in regulation.

Amounts described in the preceding sentence shall be taken into account only to the extent that such amounts are paid or incurred for the purpose of protecting specified agricultural chemicals.

''(e) ELIGIBLE AGRICULTURAL BUSINESS.—For purposes of this section, the term 'eligible agricultural business' means any person in the trade or business of—

''(1) selling agricultural products, including specified agricultural chemicals, at retail predominantly to farmers and ranchers, or

''(2) manufacturing, formulating, distributing, or aerially applying specified agricultural chemicals.

''(f) SPECIFIED AGRICULTURAL CHEMICAL.—For purposes of this section, the term 'specified agricultural chemical' means—

''(1) any fertilizer commonly used in agricultural operations which is listed under—

''(A) section 302(a)(2) of the Emergency Planning and Community Right-to-Know Act of 1986,

''(B) section 101 of part 172 of title 49, Code of Federal Regulations, or

''(C) part 126, 127, or 154 of title 33, Code of Federal Regulations, and

''(2) any pesticide (as defined in section 2(u) of the Federal Insecticide, Fungicide, and Rodenticide Act), including all active and inert ingredients thereof, which is customarily used on crops grown for food, feed, or fiber.

''(g) CONTROLLED GROUPS.—Rules similar to the rules of paragraphs (1) and (2) of section 41(f) shall apply for purposes of this section.

''(h) REGULATIONS.—The Secretary may prescribe such regulations as may be necessary or appropriate to carry out the purposes of this section, including regulations which—

''(1) provide for the proper treatment of amounts which are paid or incurred for purpose of protecting any specified agricultural chemical and for other purposes, and

''(2) provide for the treatment of related properties as one facility for purposes of subsection (b).

''(i) TERMINATION.—This section shall not apply to any amount paid or incurred after December 31, 2012.''.

(b) CREDIT ALLOWED AS PART OF GENERAL BUSINESS CREDIT.—Section 38(b) is amended by striking ''plus'' at the end of paragraph (30), by striking the period at the end of paragraph (31) and inserting '', plus'', and by adding at the end the following new paragraph:

''(32) in the case of an eligible agricultural business (as defined in section 45O(e)), the agricultural chemicals security credit determined under section 45O(a).''.

(c) DENIAL OF DOUBLE BENEFIT.—Section 280C is amended by adding at the end the following new subsection:

''(f) CREDIT FOR SECURITY OF AGRICULTURAL CHEMICALS.—No deduction shall be allowed for that portion of the expenses otherwise allowable as a deduction taken into account in determining the credit under section 45O for the taxable year which is equal to the amount of the credit determined for such taxable year under section 45O(a).''.

(d) CLERICAL AMENDMENT.—The table of sections for subpart D of part IV of subchapter A of chapter 1 is amended by adding at the end the following new item:

''Sec. 45O. Agricultural chemicals security credit.''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid or incurred after the date of the enactment of this Act.

SEC. 15344. 3-YEAR DEPRECIATION FOR RACE HORSES THAT ARE 2-YEARS OLD OR YOUNGER.

(a) IN GENERAL.—Clause (i) of section 168(e)(3)(A) (relating to 3-year property) is amended to read as follows:

''(i) any race horse—

''(I) which is placed in service before January 1, 2014, and

''(II) which is placed in service after December 31, 2013, and which is more than 2 years old at the time such horse is placed in service by such purchaser,''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2008.

SEC. 15345. TEMPORARY TAX RELIEF FOR KIOWA COUNTY, KANSAS AND SURROUNDING AREA.

(a) IN GENERAL.—Subject to the modifications described in this section, the following provisions of or relating to the Internal Revenue Code of 1986 shall apply to the Kansas disaster area in addition to the areas to which such provisions otherwise apply:

(1) Section 1400N(d) of such Code (relating to special allowance for certain property).

(2) Section 1400N(e) of such Code (relating to increase in expensing under section 179).

(3) Section 1400N(f) of such Code (relating to expensing for certain demolition and clean-up costs).

(4) Section 1400N(k) of such Code (relating to treatment of net operating losses attributable to storm losses).

(5) Section 1400N(n) of such Code (relating to treatment of representations regarding income eligibility for purposes of qualified rental project requirements).

(6) Section 1400N(o) of such Code (relating to treatment of public utility property disaster losses).

(7) Section 1400Q of such Code (relating to special rules for use of retirement funds).

(8) Section 1400R(a) of such Code (relating to employee retention credit for employers).

(9) Section 1400S(b) of such Code (relating to suspension of certain limitations on personal casualty losses).

(10) Section 405 of the Katrina Emergency Tax Relief Act of 2005 (relating to extension of replacement period for nonrecognition of gain).

(b) KANSAS DISASTER AREA.—For purposes of this section, the term ''Kansas disaster area'' means an area with respect to which a major disaster has been declared by the President under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (FEMA–1699–DR, as in effect on the date of the enactment of this Act) by reason of severe storms and tornados beginning on May 4, 2007, and determined by the President to warrant individual or individual and public assistance from the Federal Government under such Act with respect to damages attributable to such storms and tornados.

(c) REFERENCES TO AREA OR LOSS.—

(1) AREA.—Any reference in such provisions to the Katrina disaster area or the Gulf Opportunity Zone shall be treated as a reference to the Kansas disaster area.

(2) LOSS.—Any reference in such provisions to any loss or damage attributable to Hurricane Katrina shall be treated as a reference to any loss or damage attributable to the May 4, 2007, storms and tornados.

(d) REFERENCES TO DATES, ETC.—

(1) SPECIAL ALLOWANCE FOR CERTAIN PROPERTY ACQUIRED ON OR AFTER MAY 5, 2007.—Section 1400N(d) of such Code—

(A) by substituting ''qualified Recovery Assistance property'' for ''qualified Gulf Opportunity Zone property'' each place it appears,

(B) by substituting ''May 5, 2007'' for ''August 28, 2005'' each place it appears,

(C) by substituting ''December 31, 2008'' for ''December 31, 2007'' in paragraph (2)(A)(v),

(D) by substituting ''December 31, 2009'' for ''December 31, 2008'' in paragraph (2)(A)(v),

(E) by substituting ''May 4, 2007'' for ''August 27, 2005'' in paragraph (3)(A),

(F) by substituting ''January 1, 2009'' for ''January 1, 2008'' in paragraph (3)(B), and

(G) determined without regard to paragraph (6) thereof.

(2) INCREASE IN EXPENSING UNDER SECTION 179.—Section 1400N(e) of such Code, by substituting ''qualified section 179 Recovery Assistance property'' for ''qualified section 179 Gulf Opportunity Zone property'' each place it appears.

(3) EXPENSING FOR CERTAIN DEMOLITION AND CLEAN-UP COSTS.—Section 1400N(f) of such Code—

(A) by substituting ''qualified Recovery Assistance clean-up cost'' for ''qualified Gulf Opportunity Zone clean-up cost'' each place it appears, and

(B) by substituting ''beginning on May 4, 2007, and ending on December 31, 2009'' for ''beginning on August 28, 2005, and ending on December 31, 2007'' in paragraph (2) thereof.

(4) TREATMENT OF NET OPERATING LOSSES ATTRIBUTABLE TO STORM LOSSES.—Section 1400N(k) of such Code—

(A) by substituting ''qualified Recovery Assistance loss'' for ''qualified Gulf Opportunity Zone loss'' each place it appears,

(B) by substituting ''after May 3, 2007, and before on January 1, 2010'' for ''after August 27, 2005, and before January 1, 2008'' each place it appears,

(C) by substituting ''May 4, 2007'' for ''August 28, 2005'' in paragraph (2)(B)(ii)(I) thereof,

(D) by substituting ''qualified Recovery Assistance property'' for ''qualified Gulf Opportunity Zone property'' in paragraph (2)(B)(iv) thereof, and

(E) by substituting ''qualified Recovery Assistance casualty loss'' for ''qualified Gulf Opportunity Zone casualty loss'' each place it appears.

(5) SPECIAL RULES FOR USE OF RETIREMENT FUNDS.—Section 1400Q of such Code—

(A) by substituting ''qualified Recovery Assistance distribution'' for ''qualified hurricane distribution'' each place it appears,

(B) by substituting ''on or after May 4, 2007, and before January 1, 2009'' for ''on or after August 25, 2005, and before January 1, 2007'' in subsection (a)(4)(A)(i),

(C) by substituting ''May 4, 2007'' for ''August 28, 2005'' in subsections (a)(4)(A)(i) and (c)(3)(B),

(D) disregarding clauses (ii) and (iii) of subsection (a)(4)(A),

(E) by substituting ''qualified storm distribution'' for ''qualified Katrina distribution'' each place it appears,

(F) by substituting ''after November 4, 2006, and before May 5, 2007'' for ''after February 28, 2005, and before August 29, 2005'' in subsection (b)(2)(B)(ii),

(G) by substituting ''the Kansas disaster area (as defined in section 15345(b) of the Food, Conservation, and Energy Act of 2008) but which was not so purchased or constructed on account of the May 4, 2007, storms and tornados'' for ''the Hurricane Katrina disaster area, but not so purchased or constructed on account of Hurricane Katrina'' in subsection (b)(2)(B)(iii),

(H) by substituting ''beginning on May 4, 2007, and ending on the date which is 5 months after the date of the enactment of the Heartland, Habitat, Harvest, and Horticulture Act of 2008'' for ''beginning on August 25, 2005, and ending on February 28, 2006'' in subsection (b)(3)(A),

(I) by substituting ''qualified storm individual'' for ''qualified Hurricane Katrina individual'' each place it appears,

(J) by substituting ''December 31, 2008'' for ''December 31, 2006'' in subsection (c)(2)(A),

(K) by substituting ''beginning on the date of the enactment of the Food, Conservation, and Energy Act of 2008 and ending on December 31, 2008'' for ''beginning on September 24, 2005, and ending on December 31, 2006'' in subsection (c)(4)(A)(i),

(L) by substituting ''May 4, 2007'' for ''August 25, 2005'' in subsection (c)(4)(A)(ii), and

(M) by substituting ''January 1, 2009'' for ''January 1, 2007'' in subsection (d)(2)(A)(ii).

(6) EMPLOYEE RETENTION CREDIT FOR EMPLOYERS AFFECTED BY MAY 4 STORMS AND TORNADOS.—Section 1400R(a) of the Internal Revenue Code of 1986—

(A) by substituting ''May 4, 2007'' for ''August 28, 2005'' each place it appears,

(B) by substituting ''January 1, 2008'' for ''January 1, 2006'' both places it appears, and

(C) only with respect to eligible employers who employed an average of not more than 200 employees on business days during the taxable year before May 4, 2007.

(7) SUSPENSION OF CERTAIN LIMITATIONS ON PERSONAL CASUALTY LOSSES.—Section 1400S(b)(1) of the Internal Revenue Code of 1986, by substituting ''May 4, 2007'' for ''August 25, 2005''.

(8) EXTENSION OF REPLACEMENT PERIOD FOR NONRECOGNITION OF GAIN.—Section 405 of the Katrina Emergency Tax Relief Act of 2005, by substituting ''on or after May 4, 2007'' for ''on or after August 25, 2005''.

SEC. 15346. COMPETITIVE CERTIFICATION AWARDS MODIFICATION AUTHORITY.

(a) IN GENERAL.—Section 48A (relating to qualifying advanced coal project credit) is amended by adding at the end the following new subsection:

''(h) COMPETITIVE CERTIFICATION AWARDS MODIFICATION AUTHORITY.—In implementing this section or section 48B, the Secretary is directed to modify the terms of any competitive certification award and any associated closing agreement where such modification—

''(1) is consistent with the objectives of such section,

''(2) is requested by the recipient of the competitive certification award, and

''(3) involves moving the project site to improve the potential to capture and sequester carbon dioxide emissions, reduce costs of transporting feedstock, and serve a broader customer base,

unless the Secretary determines that the dollar amount of tax credits available to the taxpayer under such section would increase as a result of the modification or such modification would result in such project not being originally certified. In considering any such modification, the Secretary shall consult with other relevant Federal agencies, including the Department of Energy.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of the enactment of this Act and is applicable to all competitive certification awards entered into under section 48A or 48B of the Internal Revenue Code of 1986, whether such awards were issued before, on, or after such date of enactment.

PART IV—OTHER REVENUE PROVISIONS

SEC. 15351. LIMITATION ON EXCESS FARM LOSSES OF CERTAIN TAXPAYERS.

(a) IN GENERAL.—Section 461 (relating to general rule for taxable year of deduction) is amended by adding at the end the following new subsection:

''(j) LIMITATION ON EXCESS FARM LOSSES OF CERTAIN TAXPAYERS.—

''(1) LIMITATION.—If a taxpayer other than a C corporation receives any applicable subsidy for any taxable year, any excess farm loss of the taxpayer for the taxable year shall not be allowed.

''(2) DISALLOWED LOSS CARRIED TO NEXT TAXABLE YEAR.—Any loss which is disallowed under paragraph (1) shall be treated as a deduction of the taxpayer attributable to farming businesses in the next taxable year.

''(3) APPLICABLE SUBSIDY.—For purposes of this subsection, the term 'applicable subsidy' means—

''(A) any direct or counter-cyclical payment under title I of the Food, Conservation, and Energy Act of 2008, or any payment elected to be received in lieu of any such payment, or

''(B) any Commodity Credit Corporation loan.

''(4) EXCESS FARM LOSS.—For purposes of this subsection—

''(A) IN GENERAL.—The term 'excess farm loss' means the excess of—

''(i) the aggregate deductions of the taxpayer for the taxable year which are attributable to farming businesses of such taxpayer (determined without regard to whether or not such deductions are disallowed for such taxable year under paragraph (1)), over

''(ii) the sum of—

''(I) the aggregate gross income or gain of such taxpayer for the taxable year which is attributable to such farming businesses, plus

''(II) the threshold amount for the taxable year.

''(B) THRESHOLD AMOUNT.—

''(i) IN GENERAL.—The term 'threshold amount' means, with respect to any taxable year, the greater of—

''(I) $300,000 ($150,000 in the case of married individuals filing separately), or

''(II) the excess (if any) of the aggregate amounts described in subparagraph (A)(ii)(I) for the 5-consecutive taxable year period preceding the taxable year over the aggregate amounts described in subparagraph (A)(i) for such period.

''(ii) SPECIAL RULES FOR DETERMINING AGGREGATE AMOUNTS.—For purposes of clause (i)(II)—

''(I) notwithstanding the disregard in subparagraph (A)(i) of any disallowance under paragraph (1), in the case of any loss which is carried forward under paragraph (2) from any taxable year, such loss (or any portion thereof) shall be taken into account for the first taxable year in which a deduction for such loss (or portion) is not disallowed by reason of this subsection, and

''(II) the Secretary shall prescribe rules for the computation of the aggregate amounts described in such clause in cases where the filing status of the taxpayer is not the same for the taxable year and each of the taxable years in the period described in such clause.

''(C) FARMING BUSINESS.—

''(i) IN GENERAL.—The term 'farming business' has the meaning given such term in section 263A(e)(4).

''(ii) CERTAIN TRADES AND BUSINESSES INCLUDED.—If, without regard to this clause, a taxpayer is engaged in a farming business with respect to any agricultural or horticultural commodity—

''(I) the term 'farming business' shall include any trade or business of the taxpayer of the processing of such commodity (without regard to whether the processing is incidental to the growing, raising, or harvesting of such commodity), and

''(II) if the taxpayer is a member of a cooperative to which subchapter T applies, any trade or business of the cooperative described in subclause (I) shall be treated as the trade or business of the taxpayer.

''(D) CERTAIN LOSSES DISREGARDED.—For purposes of subparagraph (A)(i), there shall not be taken into account any deduction for any loss arising by reason of fire, storm, or other casualty, or by reason of disease or drought, involving any farming business.

''(5) APPLICATION OF SUBSECTION IN CASE OF PARTNERSHIPS AND S CORPORATIONS.—In the case of a partnership or S corporation—

''(A) this subsection shall be applied at the partner or shareholder level, and

''(B) each partner's or shareholder's proportionate share of the items of income, gain, or deduction of the partnership or S corporation for any taxable year from farming businesses attributable to the partnership or S corporation, and of any applicable subsidies received by the partnership or S corporation during the taxable year, shall be taken into account by the partner or shareholder in applying this subsection to the taxable year of such partner or shareholder with or within which the taxable year of the partnership or S corporation ends.

The Secretary may provide rules for the application of this paragraph to any other pass-thru entity to the extent necessary to carry out the provisions of this subsection.

''(6) ADDITIONAL REPORTING.—The Secretary may prescribe such additional reporting requirements as the Secretary determines appropriate to carry out the purposes of this subsection.

''(7) COORDINATION WITH SECTION 469.—This subsection shall be applied before the application of section 469.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2009.

SEC. 15352. MODIFICATION TO OPTIONAL METHOD OF COMPUTING NET EARNINGS FROM SELF-EMPLOYMENT.

(a) AMENDMENTS TO THE INTERNAL REVENUE CODE OF 1986.—

(1) IN GENERAL.—The matter following paragraph (17) of section 1402(a) is amended—

(A) by striking ''$2,400'' each place it appears and inserting ''the upper limit'', and

(B) by striking ''$1,600'' each place it appears and inserting ''the lower limit''.

(2) DEFINITIONS.—Section 1402 is amended by adding at the end the following new subsection:

''(l) UPPER AND LOWER LIMITS.—For purposes of subsection (a)—

''(1) LOWER LIMIT.—The lower limit for any taxable year is the sum of the amounts required under section 213(d) of the Social Security Act for a quarter of coverage in effect with respect to each calendar quarter ending with or within such taxable year.

''(2) UPPER LIMIT.—The upper limit for any taxable year is the amount equal to 150 percent of the lower limit for such taxable year.''.

(b) AMENDMENTS TO THE SOCIAL SECURITY ACT.—

(1) IN GENERAL.—The matter following paragraph (16) of section 211(a) of the Social Security Act is amended—

(A) by striking ''$2,400'' each place it appears and inserting ''the upper limit'', and

(B) by striking ''$1,600'' each place it appears and inserting ''the lower limit''.

(2) DEFINITIONS.—Section 211 of such Act is amended by adding at the end the following new subsection:

''(k) UPPER AND LOWER LIMITS.—For purposes of subsection (a)—

''(1) The lower limit for any taxable year is the sum of the amounts required under section 213(d) for a quarter of coverage in effect with respect to each calendar quarter ending with or within such taxable year.

''(2) The upper limit for any taxable year is the amount equal to 150 percent of the lower limit for such taxable year.''.

(3) CONFORMING AMENDMENT.—Section 212 of such Act is amended—

(A) in subsection (b), by striking ''For'' and inserting ''Except as provided in subsection (c), for''; and

(B) by adding at the end the following new subsection:

''(c) For the purpose of determining average indexed monthly earnings, average monthly wage, and quarters of coverage in the case of any individual who elects the option described in clause (ii) or (iv) in the matter following section 211(a)(16) for any taxable year that does not begin with or during a particular calendar year and end with or during such year, the self-employment income of such individual deemed to be derived during such taxable year shall be allocated to the two calendar years, portions of which are included within such taxable year, in the same proportion to the total of such deemed self-employment income as the sum of the amounts applicable under section 213(d) for the calendar quarters ending with or within each such calendar year bears to the lower limit for such taxable year specified in section 211(k)(1).''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. 15353. INFORMATION REPORTING FOR COMMODITY CREDIT CORPORATION TRANSACTIONS.

(a) IN GENERAL.—Subpart A of part III of subchapter A of chapter 61 (relating to information concerning persons subject to special provisions) is amended by inserting after section 6039I the following new section:

''SEC. 6039J. INFORMATION REPORTING WITH RESPECT TO COMMODITY CREDIT CORPORATION TRANSACTIONS.

''(a) REQUIREMENT OF REPORTING.—The Commodity Credit Corporation, through the Secretary of Agriculture, shall make a return, according to the forms and regulations prescribed by the Secretary of the Treasury, setting forth any market gain realized by a taxpayer during the taxable year in relation to the repayment of a loan issued by the Commodity Credit Corporation, without regard to the manner in which such loan was repaid.

''(b) STATEMENTS TO BE FURNISHED TO PERSONS WITH RESPECT TO WHOM INFORMATION IS REQUIRED.—The Secretary of Agriculture shall furnish to each person whose name is required to be set forth in a return required under subsection (a) a written statement showing the amount of market gain reported in such return.''.

(b) CLERICAL AMENDMENT.—The table of sections for subpart A of part III of subchapter A of chapter 61 is amended by inserting after the item relating to section 6039I the following new item:

''Sec. 6039J. Information reporting with respect to Commodity Credit Corporation transactions.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to loans repaid on or after January 1, 2007.

PART V—PROTECTION OF SOCIAL SECURITY

SEC. 15361. PROTECTION OF SOCIAL SECURITY.

To ensure that the assets of the trust funds established under section 201 of the Social Security Act (42 U.S.C. 401) are not reduced as a result of the enactment of this Act, the Secretary of the Treasury shall transfer annually from the general revenues of the Federal Government to those trust funds the following amounts:

(1) For fiscal year 2009, $5,000,000.
(2) For fiscal year 2010, $9,000,000.
(3) For fiscal year 2011, $8,000,000.
(4) For fiscal year 2012, $7,000,000.
(5) For fiscal year 2013, $8,000,000.
(6) For fiscal year 2014, $8,000,000.
(7) For fiscal year 2015, $8,000,000.
(8) For fiscal year 2016, $6,000,000.
(9) For fiscal year 2017, $7,000,000.

Subtitle D—Trade Provisions

PART I—EXTENSION OF CERTAIN TRADE BENEFITS

SEC. 15401. SHORT TITLE.

This part may be cited as the ''Haitian Hemispheric Opportunity through Partnership Encouragement Act of 2008'' or the ''HOPE II Act''.

SEC. 15402. BENEFITS FOR APPAREL AND OTHER TEXTILE ARTICLES.

(a) VALUE-ADDED RULE.—Section 213A(b) of the Carribean Basin Economic Recovery Act (19 U.S.C. 2703a(b)) is amended as follows:

(1) The subsection heading is amended to read as follows: ''APPAREL AND OTHER TEXTILE ARTICLES''.

(2) Paragraph (1) is amended to read as follows:

''(1) VALUE-ADDED RULE FOR APPAREL ARTICLES.—

''(A) IN GENERAL.—Apparel articles described in subparagraph (B) of a producer or entity controlling production that are imported directly from Haiti or the Dominican Republic shall enter the United States free of duty during an applicable 1-year period, subject to the limitations set forth in subparagraphs (B) and (C), and subject to subparagraph (D).''.

(3) Paragraph (2) is amended—

(A) in subparagraph (A)—

(i) by moving such subparagraph 2 ems to the right;

(ii) in clause (i), by striking ''subparagraph (C)'' and inserting ''clause (iii)'';

(iii) in clause (ii), by striking ''subparagraph (C)'' and inserting ''clause (iii)'';

(iv) in the matter following clause (ii), by striking ''subparagraph (E)(I)'' and inserting ''clause (v)(I)'';

(v) by redesignating clauses (i) and (ii) as subclauses (I) and (II), respectively; and

(vi) by redesignating subparagraph (A) as clause (i);

(B) in subparagraph (B)—

(i) by moving such subparagraph 2 ems to the right;

(ii) by striking ''subparagraph (A)(i)'' each place it appears and inserting ''clause (i)(I)'';

(iii) by redesignating clauses (i) and (ii) as subclauses (I) and (II), respectively; and

(iv) by redesignating subparagraph (B) as clause (ii);

(C) in subparagraph (C)—

(i) by moving such subparagraph 2 ems to the right;

(ii) in the matter preceding clause (i), by striking ''subparagraph (A)'' and inserting ''clause (i)'';

(iii) in clause (ii), by striking ''that enters into force'' and all that follows through ''et seq.)'' and inserting ''that enters into force thereafter'';

(iv) by redesignating clauses (i) through (v) as subclauses (I) through (V), respectively; and

(v) by redesignating subparagraph (C) as clause (iii);

(D) in subparagraph (D)—

(i) by moving such subparagraph 2 ems to the right;

(ii) in clause (i)—

(I) in the matter preceding subclause (I), by striking ''subparagraph (A)'' and inserting ''clause (i)'';

(II) in subclause (I), by striking ''clause (i) of subparagraph (A)'' and inserting ''subclause (I) of clause (i)'';

(III) in subclause (II), by striking ''clause (ii) of subparagraph (A)'' and inserting ''subclause (II) of clause (i)'';

(IV) by redesignating subclauses (I) and (II) as items (aa) and (bb), respectively; and

(V) by redesignating clause (i) as subclause (I);

(iii) in clause (ii)—

(I) in the matter preceding subclause (I), by striking ''subparagraph (A)'' and inserting ''clause (i)'';

(II) in subclause (I), by striking ''clause (i) of subparagraph (A)'' and inserting ''subclause (I) of clause (i)'';

(III) in subclause (II), by striking ''clause (ii) of subparagraph (A)'' and inserting ''subclause (II) of clause (i)'';

(IV) by redesignating subclauses (I) and (II) as items (aa) and (bb), respectively; and

(V) by redesignating clause (ii) as subclause (II);

(iv) in clause (iii)—

(I) by striking ''clause (i)(I) or (ii)(I)'' each place it appears and inserting ''subclause (I)(aa) or (II)(aa)'';

(II) by redesignating subclauses (I) and (II) as items (aa) and (bb), respectively; and

(III) by redesignating clause (iii) as subclause (III);

(v) by amending clause (iv) to read as follows:

''(IV) INCLUSION IN CALCULATION OF OTHER ARTICLES RECEIVING PREFERENTIAL TREATMENT.—Entries of apparel articles that receive preferential treatment under any provision of law other than this subparagraph or are subject to the 'General' column 1 rate of duty under the HTS are not included in the annual aggregation under subclause (I) or (II) unless the producer or entity controlling production elects, at the time the annual aggregation calculation is made, to include such entries in such aggregation.''; and

(vi) by redesignating subparagraph (D) as clause (iv);

(E) in subparagraph (E)—

(i) by moving such subparagraph 2 ems to the right;

(ii) in clause (i)—

(I) by redesignating subclauses (I) through (III) as items (aa) through (cc), respectively; and

(II) by redesignating clause (i) as subclause (I);

(iii) in clause (ii)—

(I) by striking ''subparagraph (C)'' and inserting ''clause (iii)''; and

(II) by redesignating clause (ii) as subclause (II); and

(iv) by redesignating subparagraph (E) as clause (v);

(F) in subparagraph (F)—

(i) by moving such subparagraph 2 ems to the right;

(ii) in clause (i)—

(I) by striking ''The Bureau of Customs and Border Protection'' and inserting ''U.S. Customs and Border Protection'';

(II) by striking ''subparagraphs (A) and (D)'' and inserting ''clauses (i) and (iv)''; and

(III) by redesignating clause (i) as subclause (I);

(iii) in clause (ii)—

(I) in the matter preceding subclause (I)—

(aa) by striking ''the Bureau of Customs and Border Protection'' and inserting ''U.S. Customs and Border Protection'';

(bb) by striking ''subparagraph (A)'' each place it appears and inserting ''clause (i)''; and

(cc) by striking ''subparagraph (D)'' and inserting ''clause (iv)'';

(II) in subclause (I), by striking ''clause (i) of subparagraph (A)'' and inserting ''subclause (I) of clause (i)'';

(III) in subclause (II), by striking ''clause (ii) of subparagraph (A)'' and inserting ''subclause (II) of clause (i)'';

(IV) in the matter following subclause (II), by striking ''subparagraph (E)(i)'' and inserting ''clause (v)(I)'';

(V) by redesignating subclauses (I) and (II) as items (aa) and (bb), respectively; and

(VI) by redesignating clause (ii) as subclause (II);

(iv) in clause (iii)—

(I) in subclause (I)—

(aa) by striking ''paragraph (1)'' and inserting ''subparagraph (A)''; and

(bb) by striking ''subparagraph (A) or (D)'' and inserting ''clause (i) or (iv)'';

(II) in subclause (II), by striking ''clause (ii) of this subparagraph'' and inserting ''subclause (II) of this clause'';

(III) in the matter following subclause (II)—

(aa) by striking ''the Bureau of Customs and Border Protection'' each place it appears and inserting ''U.S. Customs and Border Protection''; and

(bb) by striking ''subclause (II)'' and inserting ''item (bb)''; and

(IV) in item (bb)—

(aa) by striking ''paragraph (1)'' and inserting ''subparagraph (A)''; and

(bb) by striking ''subparagraph (A) or (D)'' and inserting ''clause (i) or (iv)''; and

(V) in the matter following item (bb), by striking ''paragraph (1)'' and inserting ''subparagraph (A)'';

(VI) by redesignating items (aa) and (bb) as subitems (AA) and (BB), respectively;

(VII) by redesignating subclauses (I) and (II) as items (aa) and (bb), respectively; and

(VIII) by redesignating clause (iii) as subclause (III); and

(v) by redesignating subparagraph (F) as clause (vi);

(G) in subparagraph (G)—

(i) by moving such subparagraph 2 ems to the right;

(ii) in clause (i)—

(I) in the matter preceding subclause (I), by striking ''subparagraph (A) or (D)'' and inserting ''clause (i) or (iv)'';

(II) in subclause (II)—

(aa) in item (dd), by striking ''under the Bipartisan Trade Promotion Authority Act of 2002'' and inserting ''with respect to the United States''; and

(bb) by redesignating items (aa) through (dd) as subitems (AA) through (DD), respectively;

(III) by redesignating subclauses (I) and (II) as items (aa) and (bb), respectively; and

(IV) by redesignating clause (i) as subclause (I);

(iii) in clause (ii)—

(I) in subclause (I), by striking ''clause (i)(I)'' and inserting ''subclause (I)(aa)'';

(II) in subclause (II), by striking ''clause (i)(II)'' and inserting ''subclause (I)(bb)'';

(III) by redesignating subclauses (I) and (II) as items (aa) and (bb), respectively; and

(IV) by redesignating clause (ii) as subclause (II); and

(iv) by redesignating subparagraph (G) as clause (vii); and

(H) by striking ''(2) APPAREL ARTICLES DESCRIBED.—'' and inserting the following:

''(B) APPAREL ARTICLES DESCRIBED.—''.

(4) Paragraph (3) is amended—

(A) by redesignating such paragraph as subparagraph (C) and moving it 2 ems to the right;

(B) by striking ''paragraph (1)'' each place it appears and inserting ''subparagraph (A)''; and

(C) in the table—

(i) by striking ''1.5 percent'' and inserting ''1.25 percent'';

(ii) by striking ''1.75 percent'' and inserting ''1.25 percent''; and

(iii) by striking ''2 percent'' and inserting ''1.25 percent''.

(5) The following is added after subparagraph (C), as redesignated by paragraph (4)(A) of this subsection:

''(D) OTHER PREFERENTIAL TREATMENT NOT AFFECTED BY QUANTITATIVE LIMITATIONS.—Any apparel article that qualifies for preferential treatment under paragraph (2), (3), (4), or (5) or any other provision of this title shall not be subject to, or included in the calculation of, the quantitative limitations under subparagraph (C).''.

(b) SPECIAL RULE FOR WOVEN ARTICLES AND CERTAIN KNIT ARTICLES.—Section 213A(b) of the Carribean Basin Economic Recovery Act is amended by striking paragraph (4) and inserting the following:

''(2) SPECIAL RULE FOR WOVEN ARTICLES AND CERTAIN KNIT ARTICLES.—

''(A) SPECIAL RULE FOR ARTICLES OF CHAPTER 62 OF THE HTS.—

''(i) GENERAL RULE.—Any apparel article classifiable under chapter 62 of the HTS that is wholly assembled, or knit-to-shape, in Haiti from any combination of fabrics, fabric components, components knit-to-shape, or yarns and is imported directly from Haiti or the Dominican Republic shall enter the United States free of duty, subject to clauses (ii) and (iii), without regard to the source of the fabric, fabric components, components knit-to-shape, or yarns from which the article is made.

''(ii) LIMITATION.—The preferential treatment described in clause (i) shall be extended, in the 1-year period beginning October 1, 2008, and in each of the 9 succeeding 1-year periods, to not more than 70,000,000 square meter equivalents of apparel articles described in such clause.

''(iii) OTHER PREFERENTIAL TREATMENT NOT AFFECTED BY QUANTITATIVE LIMITATION.—Any apparel article that qualifies for preferential treatment under paragraph (1), (3), (4), or (5) or subparagraph (B) of this paragraph or any other provision of this title shall not be subject to, or included in the calculation of, the quantitative limitation under clause (ii).

''(B) SPECIAL RULE FOR CERTAIN ARTICLES OF CHAPTER 61 OF THE HTS.—

''(i) GENERAL RULE.—Any apparel article classifiable under chapter 61 of the HTS that is wholly assembled, or knit-to-shape, in Haiti from any combination of fabrics, fabric components, components knit-to-shape, or yarns and is imported directly from Haiti or the Dominican Republic shall enter the United States free of duty, subject to clauses (ii), (iii), and (iv), without regard to the source of the fabric, fabric components, components knit-to-shape, or yarns from which the article is made.

''(ii) EXCLUSIONS.—The preferential treatment described in clause (i) shall not apply to the following:

''(I) The following apparel articles of cotton, for men or boys, that are classifiable under subheading 6109.10.00 of the HTS:

''(aa) All white T-shirts, with short hemmed sleeves and hemmed bottom, with crew or round neckline or with V-neck and with a mitered seam at the center of the V, and without pockets, trim, or embroidery.

''(bb) All white singlets, without pockets, trim, or embroidery.

''(cc) Other T-shirts, but not including thermal undershirts.

''(II) T-shirts for men or boys that are classifiable under subheading 6109.90.10.

''(III) The following apparel articles of cotton, for men or boys, that are classifiable under subheading 6110.20.20 of the HTS:

''(aa) Sweatshirts.

''(bb) Pullovers, other than sweaters, vests, or garments imported as part of playsuits.

''(IV) Sweatshirts for men or boys, of man-made fibers and containing less than 65 percent by weight of man-made fibers, that are classifiable under subheading 6110.30.30 of the HTS.

''(iii) LIMITATION.—The preferential treatment described in clause (i) shall be extended, in the 1-year period beginning October 1, 2008, and in each of the 9 succeeding 1-year periods, to not more than 70,000,000 square meter equivalents of apparel articles described in such clause.

''(iv) OTHER PREFERENTIAL TREATMENT NOT AFFECTED BY QUANTITATIVE LIMITATION.—Any apparel article that qualifies for preferential treatment under paragraph (1), (3), (4), or (5) or subparagraph (A) of this paragraph or any other provision of this title shall not be subject to, or included in the calculation of, the quantitative limitation under clause (iii).''.

(c) SINGLE TRANSFORMATION RULES NOT SUBJECT TO QUANTITATIVE LIMITATIONS.—Section 213A(b) of the Caribbean Basin Economic Recovery Act is amended by striking paragraph (5) and inserting the following:

''(3) APPAREL AND OTHER ARTICLES SUBJECT TO CERTAIN ASSEMBLY RULES.—

''(A) BRASSIERES.—Any apparel article classifiable under subheading 6212.10 of the HTS that is wholly assembled, or knit-to-shape, in Haiti from any combination of fabrics, fabric components, components knit-to-shape, or yarns and is imported directly from Haiti or the Dominican Republic shall enter the United States free of duty, without regard to the source of the fabric, fabric components, components knit-to-shape, or yarns from which the article is made.

''(B) OTHER APPAREL ARTICLES.—Any of the following apparel articles that is wholly assembled, or knit-to-shape, in Haiti from any combination of fabrics, fabric components, components knit-to-shape, or yarns and is imported directly from Haiti or the Dominican Republic shall enter the United States free of duty, without regard to the source of the fabric, fabric components, components knit-to-shape, or yarns from which the article is made:

''(i) Any apparel article that is of a type listed in chapter rule 3, 4, or 5 for chapter 61 of the

HTS (as such chapter rules are contained in section A of the Annex to Proclamation 8213 of the President of December 20, 2007) as being excluded from the scope of such chapter rule, when such chapter rule is applied to determine whether an apparel article is an originating good for purposes of general note 29(n) to the HTS, except that, for purposes of this clause, reference in such chapter rules to '6104.12.00' shall be deemed to be a reference to '6104.19.60'.

''(ii)(I) Subject to subclause (II), any apparel article that is of a type listed in chapter rule 3(a), 4(a), or 5(a) for chapter 62 of the HTS, as such chapter rules are contained in paragraph 9 of section A of the Annex to Proclamation 8213 of the President of December 20, 2007.

''(II) Subclause (I) shall not include any apparel article to which subparagraph (A) of this paragraph applies.

''(C) LUGGAGE AND SIMILAR ITEMS.—Any article classifiable under subheading 4202.12, 4202.22, 4202.32 or 4202.92 of the HTS that is wholly assembled in Haiti and is imported directly from Haiti or the Dominican Republic shall enter the United States free of duty, without regard to the source of the fabric, components, or materials from which the article is made.

''(D) HEADGEAR.—Any article classifiable under heading 6501, 6502, or 6504 of the HTS, or under subheading 6505.90 of the HTS, that is wholly assembled, knit-to-shape, or formed in Haiti from any combination of fabrics, fabric components, components knit-to-shape, or yarns and is imported directly from Haiti or the Dominican Republic shall enter the United States free of duty, without regard to the source of the fabric, fabric components, components knit-to-shape, or yarns from which the article is made.

''(E) CERTAIN SLEEPWEAR.—Any of the following apparel articles that is wholly assembled, or knit-to-shape, in Haiti from any combination of fabrics, fabric components, components knit-to-shape, or yarns and is imported directly from Haiti or the Dominican Republic shall enter the United States free of duty, without regard to the source of the fabric, fabric components, components knit-to-shape, or yarns from which the article is made:

''(i) Pajama bottoms and other sleepwear for women and girls, of cotton, that are classifiable under subheading 6208.91.30, or of man-made fibers, that are classifiable under subheading 6208.92.00.

''(ii) Pajama bottoms and other sleepwear for girls, of other textile materials, that are classifiable under subheading 6208.99.20.''.

(d) EARNED IMPORT ALLOWANCE RULES.—Section 231A(b) of the Caribbean Basin Economic Recovery Act is amended by adding at the end the following new paragraph:

''(4) EARNED IMPORT ALLOWANCE RULE.—

''(A) IN GENERAL.—Apparel articles wholly assembled, or knit-to-shape, in Haiti from any combination of fabrics, fabric components, components knit-to-shape, or yarns and imported directly from Haiti or the Dominican Republic shall enter the United States free of duty, without regard to the source of the fabric, fabric components, components knit-to-shape, or yarns from which the articles are made, if such apparel articles are accompanied by an earned import allowance certificate that reflects the amount of credits equal to the total square meter equivalents of such apparel articles, in accordance with the program established under subparagraph (B). For purposes of determining the quantity of square meter equivalents under this subparagraph, the conversion factors listed in 'Correlation: U.S. Textile and Apparel Industry Category System with the Harmonized Tariff Schedule of the United States of America, 2008', or its successor publications, of the United States Department of Commerce, shall apply.

''(B) EARNED IMPORT ALLOWANCE PROGRAM.—

''(i) ESTABLISHMENT.—The Secretary of Commerce shall establish a program to provide earned import allowance certificates to any producer or entity controlling production for purposes of subparagraph (A), based on the elements described in clause (ii).

''(ii) ELEMENTS.—The elements referred to in clause (i) are the following:

''(I) One credit shall be issued to a producer or an entity controlling production for every three square meter equivalents of qualifying woven fabric or qualifying knit fabric that the producer or entity controlling production can demonstrate that it purchased for the manufacture in Haiti of articles like or similar to any article eligible for preferential treatment under subparagraph (A). The Secretary of Commerce shall, if requested by a producer or entity controlling production, create and maintain an account for such producer or entity controlling production, into which such credits shall be deposited.

''(II) Such producer or entity controlling production may redeem credits issued under subclause (I) for earned import allowance certificates reflecting such number of earned credits as the producer or entity may request and has available.

''(III) The Secretary of Commerce may require any textile mill or other entity located in the United States that exports to Haiti qualifying woven fabric or qualifying knit fabric to submit, upon such export or upon request, documentation, such as a Shipper's Export Declaration, to the Secretary of Commerce—

''(aa) verifying that the qualifying woven fabric or qualifying knit fabric was exported to a producer in Haiti or to an entity controlling production; and

''(bb) identifying such producer or entity controlling production, and the quantity and description of qualifying woven fabric or qualifying knit fabric exported to such producer or entity controlling production.

''(IV) The Secretary of Commerce may require that a producer or entity controlling production submit documentation to verify purchases of qualifying woven fabric or qualifying knit fabric.

''(V) The Secretary of Commerce may make available to each person or entity identified in documentation submitted under subclause (III) or (IV) information contained in such documentation that relates to the purchase of qualifying woven fabric or qualifying knit fabric involving such person or entity.

''(VI) The program under this subparagraph shall be established so as to allow, to the extent feasible, the submission, storage, retrieval, and disclosure of information in electronic format, including information with respect to the earned import allowance certificates required under subparagraph (A)(i).

''(VII) The Secretary of Commerce may reconcile discrepancies in information provided under subclause (III) or (IV) and verify the accuracy of such information.

''(VIII) The Secretary of Commerce shall establish procedures to carry out the program under this subparagraph and may establish additional requirements to carry out this subparagraph. Such additional requirements may include—

''(aa) submissions by textile mills or other entities in the United States documenting exports of yarns wholly formed in the United States to countries described in paragraph (1)(B)(iii) for the manufacture of qualifying knit fabric; and

''(bb) procedures imposed on producers or entities controlling production to allow the Secretary of Commerce to obtain and verify information relating to the production of qualifying knit fabric.

''(iii) QUALIFYING WOVEN FABRIC DEFINED.—For purposes of this subparagraph, the term 'qualifying woven fabric' means fabric wholly formed in the United States from yarns wholly formed in the United States, except that—

''(I) fabric otherwise eligible as qualifying woven fabric shall not be ineligible as qualifying woven fabric because the fabric contains nylon filament yarn to which section 213(b)(2)(A)(vii)(IV) applies;

''(II) fabric that would otherwise be ineligible as qualifying woven fabric because the fabric contains yarns not wholly formed in the United States shall not be ineligible as qualifying woven fabric if the total weight of all such yarns is not more than 10 percent of the total weight of the fabric; and

''(III) fabric otherwise eligible as qualifying woven fabric shall not be ineligible as qualifying fabric because the fabric contains yarns covered by clause (i) or (ii) of paragraph (5)(A).

''(iv) QUALIFYING KNIT FABRIC DEFINED.—For purposes of this subparagraph, the term 'qualifying knit fabric' means fabric or knit-to-shape components wholly formed or knit-to-shape in any country or any combination of countries described in paragraph (1)(B)(iii), from yarns wholly formed in the United States, except that—

''(I) fabric or knit-to-shape components otherwise eligible as qualifying knit fabric shall not be ineligible as qualifying knit fabric because the fabric or knit-to-shape components contain nylon filament yarn to which section 213(b)(2)(A)(vii)(IV) applies;

''(II) fabric or knit-to-shape components that would otherwise be ineligible as qualifying knit fabric because the fabric or knit-to-shape components contain yarns not wholly formed in the United States shall not be ineligible as qualifying knit fabric if the total weight of all such yarns is not more than 10 percent of the total weight of the fabric or knit-to-shape components; and

''(III) fabric or knit-to-shape components otherwise eligible as qualifying knit fabric shall not be ineligible as qualifying knit fabric because the fabric or knit-to-shape components contain yarns covered by clause (i) or (ii) of paragraph (5)(A).

''(C) REVIEW BY UNITED STATES GOVERNMENT ACCOUNTABILITY OFFICE.—The United States Government Accountability Office shall review the program established under subparagraph (B) annually for the purpose of evaluating the effectiveness of, and making recommendations for improvements in, the program.

''(D) ENFORCEMENT PROVISIONS.—

''(i) FRAUDULENT CLAIMS OF PREFERENCE.—Any person who makes a false claim for preference under the program established under subparagraph (B) shall be subject to any applicable civil or criminal penalty that may be imposed under the customs laws of the United States or under title 18, United States Code.

''(ii) PENALTIES FOR OTHER FRAUDULENT INFORMATION.—The Secretary of Commerce may establish and impose penalties for the submission to the Secretary of Commerce of fraudulent information under the program established under subparagraph (B), other than a claim described in clause (i).''.

(e) SHORT SUPPLY RULES.—Section 213A(b) of the Caribbean Basin Economic Recovery Act is amended by adding at the end the following:

''(5) SHORT SUPPLY PROVISION.—

''(A) IN GENERAL.—Any apparel article that is wholly assembled, or knit-to-shape, in Haiti from any combination of fabrics, fabric components, components knit-to-shape, or yarns and is imported directly from Haiti or the Dominican Republic shall enter the United States free of duty, without regard to the source of the fabrics, fabric components, components knit-to-shape, or yarns from which the article is made, if the fabrics, fabric components, components knit-to-shape, or yarns comprising the component that determines the tariff classification of the article are of any of the following:

''(i) Fabrics or yarns, to the extent that apparel articles of such fabrics or yarns would be eligible for preferential treatment, without regard to the source of the fabrics or yarns, under Annex 401 of the NAFTA.

''(ii) Fabrics or yarns, to the extent that such fabrics or yarns are designated as not being available in commercial quantities for purposes of—

''(I) section 213(b)(2)(A)(v) of this Act;

''(II) section 112(b)(5) of the African Growth and Opportunity Act;

''(III) clause (i)(III) or (ii) of section 204(b)(3)(B) of the Andean Trade Preference Act; or

''(IV) any other provision, relating to determining whether a textile or apparel article is an originating good eligible for preferential treatment, of a law that implements a free trade agreement entered into by the United States that is in effect at the time the claim for preferential treatment is made.

''(B) REMOVAL OF DESIGNATION OF FABRICS OR YARNS NOT AVAILABLE IN COMMERCIAL QUANTITIES.—If the President determines that—

''(i) any fabric or yarn described in clause (i) of subparagraph (A) was determined to be eligible for preferential treatment, or

''(ii) any fabric or yarn described in clause (ii) of subparagraph (A) was designated as not being available in commercial quantities,

on the basis of fraud, the President is authorized to remove the eligibility or designation (as the case may be) of that fabric or yarn with respect to articles entered after such removal.''.

(f) MISCELLANEOUS PROVISIONS.—

(1) RELATIONSHIP TO OTHER PREFERENTIAL PROGRAMS.—Section 213A(b) of the Caribbean Basin Economic Recovery Act is amended by adding at the end the following:

''(6) OTHER PREFERENTIAL TREATMENT NOT AFFECTED.—The duty-free treatment provided under this subsection is in addition to any other preferential treatment under this title.''.

(2) DEFINITIONS.—Section 213A(a) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2703a(a)) is amended by adding at the end the following:

''(3) IMPORTED DIRECTLY FROM HAITI OR THE DOMINICAN REPUBLIC.—Articles are 'imported directly from Haiti or the Dominican Republic' if—

''(A) the articles are shipped directly from Haiti or the Dominican Republic into the United States without passing through the territory of any intermediate country; or

''(B) the articles are shipped from Haiti or the Dominican Republic into the United States through the territory of an intermediate country, and—

''(i) the articles in the shipment do not enter into the commerce of any intermediate country, and the invoices, bills of lading, and other shipping documents specify the United States as the final destination; or

''(ii) the invoices and other documents do not specify the United States as the final destination, but the articles in the shipment—

''(I) remain under the control of the customs authority in the intermediate country;

''(II) do not enter into the commerce of the intermediate country except for the purpose of a sale other than at retail; and

''(III) have not been subjected to operations in the intermediate country other than loading, unloading, or other activities necessary to preserve the articles in good condition.

''(4) KNIT-TO-SHAPE.—A good is 'knit-to-shape' if 50 percent or more of the exterior surface area of the good is formed by major parts that have been knitted or crocheted directly to the shape used in the good, with no consideration being given to patch pockets, appliqués, or the like. Minor cutting, trimming, or sewing of those major parts shall not affect the determination of whether a good is 'knit-to-shape.'

''(5) WHOLLY ASSEMBLED.—A good is 'wholly assembled' in Haiti if all components, of which there must be at least two, pre-existed in essentially the same condition as found in the finished good and were combined to form the finished good in Haiti. Minor attachments and minor embellishments (for example, appliqués, beads, spangles, embroidery, and buttons) not appreciably affecting the identity of the good, and minor subassemblies (for example, collars, cuffs, plackets, and pockets), shall not affect the determination of whether a good is 'wholly assembled' in Haiti.''.

(g) TERMINATION.—Section 213A of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2703a) is amended by adding at the end the following new subsection:

''(g) TERMINATION.—Except as provided in subsection (b)(1), the duty-free treatment provided under this section shall remain in effect until September 30, 2018.''.

(h) CONFORMING AMENDMENTS.—Subsection (e)(1) of section 213A of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2703a(e)(1)) is amended by striking ''the Bureau of Customs and Border Protection'' each place it appears and inserting ''U.S. Customs and Border Protection''.

SEC. 15403. LABOR OMBUDSMAN AND TECHNICAL ASSISTANCE IMPROVEMENT AND COMPLIANCE NEEDS ASSESSMENT AND REMEDIATION PROGRAM.

Section 213A of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2703a), as amended by section 15402 of this Act, is amended—

(1) in subsection (a)—

(A) by redesignating paragraph (5) as paragraph (8):

(B) by redesignating paragraphs (2) through (4) as paragraphs (4) through (6), respectively;

(C) by inserting after paragraph (1) the following new paragraphs:

''(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—. The term ''appropriate congressional committees'' means the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives.

''(3) CORE LABOR STANDARDS.—The term ''core labor standards'' means—

''(A) freedom of association;

''(B) the effective recognition of the right to bargain collectively;

''(C) the elimination of all forms of compulsory or forced labor;

''(D) the effective abolition of child labor and a prohibition on the worst forms of child labor; and

''(E) the elimination of discrimination in respect of employment and occupation.''; and

(D) by inserting after paragraph (6) (as redesignated) the following new paragraph:

''(7) TAICNAR PROGRAM.—The term 'TAICNAR Program' means the Technical Assistance Improvement and Compliance Needs Assessment and Remediation Program established pursuant to subsection (e).'';

(2) by redesignating subsections (e), (f), and (g) as subsections (f), (g), and (h), respectively; and

(3) by inserting after subsection (d) the following new subsection:

''(e) TECHNICAL ASSISTANCE IMPROVEMENT AND COMPLIANCE NEEDS ASSESSMENT AND REMEDIATION PROGRAM.—

''(1) CONTINUED ELIGIBILITY FOR PREFERENCES.—

''(A) PRESIDENTIAL CERTIFICATION OF COMPLIANCE BY HAITI WITH REQUIREMENTS.—Upon the expiration of the 16-month period beginning on the date of the enactment of the Haitian Hemispheric Opportunity through Partnership Encouragement Act of 2008, Haiti shall continue to be eligible for the preferential treatment provided under subsection (b) only if the President determines and certifies to the Congress that—

''(i) Haiti has implemented the requirements set forth in paragraphs (2) and (3); and

''(ii) Haiti has agreed to require producers of articles for which duty-free treatment may be requested under subsection (b) to participate in the TAICNAR Program described in paragraph (3) and has developed a system to ensure participation in such program by such producers, including by developing and maintaining the registry described in paragraph (2)(B)(i).

''(B) EXTENSION.—The President may extend the period for compliance by Haiti under subparagraph (A) if the President—

''(i) determines that Haiti has made a good faith effort toward such compliance and has agreed to take additional steps to come into full compliance that are satisfactory to the President; and

''(ii) provides to the appropriate congressional committees, not later than 6 months after the last day of the 16-month period specified in subparagraph (A), and every 6 months thereafter, a report identifying the steps that Haiti has agreed to take to come into full compliance and the progress made over the preceding 6-month period in implementing such steps.

''(C) CONTINUING COMPLIANCE.—

''(i) TERMINATION OF PREFERENTIAL TREATMENT.—If, after making a certification under subparagraph (A), the President determines that Haiti is no longer meeting the requirements set forth in subparagraph (A), the President shall terminate the preferential treatment provided under subsection (b), unless the President determines, after consulting with the appropriate congressional committees, that meeting such requirements is not practicable because of extraordinary circumstances existing in Haiti when the determination is made.

''(ii) SUBSEQUENT COMPLIANCE.—If the President, after terminating preferential treatment under clause (i), determines that Haiti is meeting the requirements set forth in subparagraph (A), the President shall reinstate the application of preferential treatment under subsection (b).

''(2) LABOR OMBUDSMAN.—

''(A) IN GENERAL.—The requirement under this paragraph is that Haiti has established an independent Labor Ombudsman's Office within the national government that—

''(i) reports directly to the President of Haiti;

''(ii) is headed by a Labor Ombudsman chosen by the President of Haiti, in consultation with Haitian labor unions and industry associations; and

''(iii) is vested with the authority to perform the functions described in subparagraph (B).

''(B) FUNCTIONS.—The functions of the Labor Ombudsman's Office shall include—

''(i) developing and maintaining a registry of producers of articles for which duty-free treatment may be requested under subsection (b), and developing, in consultation and coordination with any other appropriate officials of the Government of Haiti, a system to ensure participation by such producers in the TAICNAR Program described in paragraph (3);

''(ii) overseeing the implementation of the TAICNAR Program described in paragraph (3);

''(iii) receiving and investigating comments from any interested party regarding the conditions described in paragraph (3)(B) in facilities of producers listed in the registry described in clause (i) and, where appropriate, referring such comments or the result of such investigations to the appropriate Haitian authorities, or to the entity operating the TAICNAR Program described in paragraph (3);

''(iv) assisting, in consultation and coordination with any other appropriate Haitian authorities, producers listed in the registry described in clause (i) in meeting the conditions set forth in paragraph (3)(B); and

''(v) coordinating, with the assistance of the entity operating the TAICNAR Program described in paragraph (3), a tripartite committee comprised of appropriate representatives of government agencies, employers, and workers, as well as other relevant interested parties, for the purposes of evaluating progress in implementing the TAICNAR Program described in paragraph (3), and consulting on improving core labor standards and working conditions in the textile and apparel sector in Haiti, and on other matters of common concern relating to such core labor standards and working conditions.

''(3) TECHNICAL ASSISTANCE IMPROVEMENT AND COMPLIANCE NEEDS ASSESSMENT AND REMEDIATION PROGRAM.—

''(A) IN GENERAL.—The requirement under this paragraph is that Haiti, in cooperation with the International Labor Organization, has established a Technical Assistance Improvement and Compliance Needs Assessment and Remediation Program meeting the requirements under subparagraph (C)—

''(i) to assess compliance by producers listed in the registry described in paragraph (2)(B)(i)

with the conditions set forth in subparagraph (B) and to assist such producers in meeting such conditions; and

''(ii) to provide assistance to improve the capacity of the Government of Haiti—

''(I) to inspect facilities of producers listed in the registry described in paragraph (2)(B)(i); and

''(II) to enforce national labor laws and resolve labor disputes, including through measures described in subparagraph (E).

''(B) CONDITIONS DESCRIBED.—The conditions referred to in subparagraph (A) are—

''(i) compliance with core labor standards; and

''(ii) compliance with the labor laws of Haiti that relate directly to core labor standards and to ensuring acceptable conditions of work with respect to minimum wages, hours of work, and occupational health and safety.

''(C) REQUIREMENTS.—The requirements for the TAICNAR Program are that the program—

''(i) be operated by the International Labor Organization (or any subdivision, instrumentality, or designee thereof), which prepares the biannual reports described in subparagraph (D);

''(ii) be developed through a participatory process that includes the Labor Ombudsman described in paragraph (2) and appropriate representatives of government agencies, employers, and workers;

''(iii) assess compliance by each producer listed in the registry described in paragraph (2)(B)(i) with the conditions set forth in subparagraph (B) and identify any deficiencies by such producer with respect to meeting such conditions, including by—

''(I) conducting unannounced site visits to manufacturing facilities of the producer;

''(II) conducting confidential interviews separately with workers and management of the facilities of the producer;

''(III) providing to management and workers, and where applicable, worker organizations in the facilities of the producer, on a confidential basis—

''(aa) the results of the assessment carried out under this clause; and

''(bb) specific suggestions for remediating any such deficiencies;

''(iv) assist the producer in remediating any deficiencies identified under clause (iii);

''(v) conduct prompt follow-up site visits to the facilities of the producer to assess progress on remediation of any deficiencies identified under clause (iii); and

''(vi) provide training to workers and management of the producer, and where appropriate, to other persons or entities, to promote compliance with subparagraph (B).

''(D) BIANNUAL REPORT.—The biannual reports referred to in subparagraph (C)(i) are a report, by the entity operating the TAICNAR Program, that is published (and available to the public in a readily accessible manner) on a biannual basis, beginning 6 months after Haiti implements the TAICNAR Program under this paragraph, covering the preceding 6-month period, and that includes the following:

''(i) The name of each producer listed in the registry described in paragraph (2)(B)(i) that has been identified as having met the conditions under subparagraph (B).

''(ii) The name of each producer listed in the registry described in paragraph (2)(B)(i) that has been identified as having deficiencies with respect to the conditions under subparagraph (B), and has failed to remedy such deficiencies.

''(iii) For each producer listed under clause (ii)—

''(I) a description of the deficiencies found to exist and the specific suggestions for remediating such deficiencies made by the entity operating the TAICNAR Program;

''(II) a description of the efforts by the producer to remediate the deficiencies, including a description of assistance provided by any entity to assist in such remediation; and

''(III) with respect to deficiencies that have not been remediated, the amount of time that has elapsed since the deficiencies were first identified in a report under this subparagraph.

''(iv) For each producer identified as having deficiencies with respect to the conditions described under subparagraph (B) in a prior report under this subparagraph, a description of the progress made in remediating such deficiencies since the submission of the prior report, and an assessment of whether any aspect of such deficiencies persists.

''(E) CAPACITY BUILDING.—The assistance to the Government of Haiti referred to in subparagraph (A)(ii) shall include programs—

''(i) to review the labor laws and regulations of Haiti and to develop and implement strategies for bringing the laws and regulations into conformity with core labor standards;

''(ii) to develop additional strategies for facilitating protection of core labor standards and providing acceptable conditions of work with respect to minimum wages, hours of work, and occupational safety and health, including through legal, regulatory, and institutional reform;

''(iii) to increase awareness of worker rights, including under core labor standards and national labor laws;

''(iv) to promote consultation and cooperation between government representatives, employers, worker representatives, and United States importers on matters relating to core labor standards and national labor laws;

''(v) to assist the Labor Ombudsman appointed pursuant to paragraph (2) in establishing and coordinating operation of the committee described in paragraph (2)(B)(v);

''(vi) to assist worker representatives in more fully and effectively advocating on behalf of their members; and

''(vii) to provide on-the-job training and technical assistance to labor inspectors, judicial officers, and other relevant personnel to build their capacity to enforce national labor laws and resolve labor disputes.

''(4) COMPLIANCE WITH ELIGIBILITY CRITERIA.—

''(A) COUNTRY COMPLIANCE WITH WORKER RIGHTS ELIGIBILITY CRITERIA.—In making a determination of whether Haiti is meeting the requirement set forth in subsection (d)(1)(A)(vi) relating to internationally recognized worker rights, the President shall consider the reports produced under paragraph (3)(D).

''(B) PRODUCER ELIGIBILITY.—

''(i) IDENTIFICATION OF PRODUCERS.—Beginning in the second calendar year after the President makes the certification under paragraph (1)(A), the President shall identify on a biennial basis whether a producer listed in the registry described in paragraph (2)(B)(i) has failed to comply with core labor standards and with the labor laws of Haiti that directly relate to and are consistent with core labor standards.

''(ii) ASSISTANCE TO PRODUCERS; WITHDRAWAL, ETC., OF PREFERENTIAL TREATMENT.—For each producer that the President identifies under clause (i), the President shall seek to assist such producer in coming into compliance with core labor standards and with the labor laws of Haiti that directly relate to and are consistent with core labor standards. If such efforts fail, the President shall withdraw, suspend, or limit the application of preferential treatment under subsection (b) to articles of such producer.

''(iii) REINSTATING PREFERENTIAL TREATMENT.—If the President, after withdrawing, suspending, or limiting the application of preferential treatment under clause (ii) to articles of a producer, determines that such producer is complying with core labor standards and with the labor laws of Haiti that directly relate to and are consistent with core labor standards, the President shall reinstate the application of preferential treatment under subsection (b) to the articles of the producer.

''(iv) CONSIDERATION OF REPORTS.—In making the identification under clause (i) and the determination under clause (iii), the President shall consider the reports made available under paragraph (3)(D).

''(5) REPORTS BY THE PRESIDENT.—

''(A) IN GENERAL.—Not later than one year after the date of the enactment of the Haitian Hemispheric Opportunity through Partnership Encouragement Act of 2008, and annually thereafter, the President shall transmit to the appropriate congressional committees a report on the implementation of this subsection during the preceding 1-year period.

''(B) MATTERS TO BE INCLUDED.—Each report required by subparagraph (A) shall include the following:

''(i) An explanation of the efforts of Haiti, the President, and the International Labor Organization to carry out this subsection.

''(ii) A summary of each report produced under paragraph (3)(D) during the preceding 1-year period and a summary of the findings contained in such report.

''(iii) Identifications made under paragraph (4)(B)(i) and determinations made under paragraph (4)(B)(iii).

''(6) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection the sum of $10,000,000 for the period beginning on October 1, 2008, and ending on September 30, 2013.''.

SEC. 15404. PETITION PROCESS.

Section 213A(d) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2703A(d)) is amended by adding at the end the following new paragraph:

''(4) PETITION PROCESS.—Any interested party may file a request to have the status of Haiti reviewed with respect to the eligibility requirements listed in paragraph (1), and the President shall provide for this purpose the same procedures as those that are provided for reviewing the status of eligible beneficiary developing countries with respect to the designation criteria listed in subsections (b) and (c) of section 502 of the Trade Act of 1974 (19 U.S.C. 2642 (b) and (c)).''.

SEC. 15405. CONDITIONS REGARDING ENFORCEMENT OF CIRCUMVENTION.

Section 213A(f) of the Caribbean Basin Economic Recovery Act, as redesignated by section 15403(2) of this Act, is amended by adding at the end the following new paragraph:

''(3) LIMITATION ON GOODS SHIPPED FROM THE DOMINICAN REPUBLIC.—

''(A) LIMITATION.—Notwithstanding subsection (a)(5), relating to the definition of 'imported directly from Haiti or the Dominican Republic', articles described in subsection (b) that are shipped from the Dominican Republic, directly or through the territory of an intermediate country, whether or not such articles undergo processing in the Dominican Republic, shall not be considered to be 'imported directly from Haiti or the Dominican Republic' until the President certifies to the Congress that Haiti and the Dominican Republic have developed procedures to prevent unlawful transshipment of the articles and the use of counterfeit documents related to the importation of the articles into the United States.

''(B) TECHNICAL AND OTHER ASSISTANCE.—The Commissioner responsible for U.S. Customs and Border Protection shall provide technical and other assistance to Haiti and the Dominican Republic to develop expeditiously the procedures described in subparagraph (A).''.

SEC. 15406. PRESIDENTIAL PROCLAMATION AUTHORITY.

The President may exercise the authority under section 604 of the Trade Act of 1974 to proclaim such modifications to the Harmonized Tariff Schedule of the United States as may be necessary to carry out this part and the amendments made by this part.

SEC. 15407. REGULATIONS AND PROCEDURES.

The President shall issue such regulations as may be necessary to carry out the amendments made by sections 15402, 15403, and 15404. Regulations to carry out the amendments made by section 15402 shall be issued not later than September 30, 2008. The Secretary of Commerce shall

issue such procedures as may be necessary to carry out the amendment made by section 15402(d) not later than September 30, 2008.

SEC. 15408. EXTENSION OF CBTPA.

Section 213(b) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2703(b)) is amended—

(1) in paragraph (2)(A)—

(A) in clause (iii)—

(i) in subclause (II)(cc), by striking ''2008'' and inserting ''2010''; and

(ii) in subclause (IV)(dd), by striking ''2008'' and inserting ''2010''; and

(B) in clause (iv)(II), by striking ''6'' and inserting ''8''; and

(2) in paragraph (5)(D)—

(A) in clause (i), by striking ''2008'' and inserting ''2010''; and

(B) in clause (ii), by striking ''108(b)(5)'' and inserting ''section 108(b)(5)''.

SEC. 15409. SENSE OF CONGRESS ON INTERPRETATION OF TEXTILE AND APPAREL PROVISIONS FOR HAITI.

It is the sense of the Congress that the executive branch, particularly the Committee for the Implementation of Textile Agreements (CITA), U.S. Customs and Border Protection of the Department of Homeland Security, and the Department of Commerce, should interpret, implement, and enforce the provisions of section 213A(b) of the Caribbean Basin Economic Recovery Act, as amended by section 15402 of this Act, relating to preferential treatment of textile and apparel articles, broadly in order to expand trade by maximizing opportunities for imports of articles eligible for preferential treatment under such section 213A(b).

SEC. 15410. SENSE OF CONGRESS ON TRADE MISSION TO HAITI.

It is the sense of the Congress that the Secretary of Commerce, in coordination with the United States Trade Representative, the Secretary of State, and the Commissioner responsible for U.S. Customs and Border Protection of the Department of Homeland Security, should lead a trade mission to Haiti, within 6 months after the date of the enactment of this Act, to promote trade between the United States and Haiti, to promote new economic opportunities afforded under the amendments made by section 15402 of this Act, and to help educate United States and Haitian business concerns about such opportunities.

SEC. 15411. SENSE OF CONGRESS ON VISA SYSTEMS.

It is the sense of the Congress that Haiti, and other countries that receive preferences under trade preference programs of the United States that require effective visa systems to prevent transshipment, should ensure that monetary compensation for such visas is not required beyond the costs of processing the visa, including ensuring that such monetary compensation does not violate an applicable system to combat corruption and bribery.

SEC. 15412. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in subsection (b), this part and the amendments made by this part shall take effect on the date of the enactment of this Act.

(b) EXCEPTION.—The amendments made by section 15402 shall take effect on October 1, 2008, and shall apply to articles entered, or withdrawn from warehouse for consumption, on or after that date.

PART II—MISCELLANEOUS TRADE PROVISIONS

SEC. 15421. UNUSED MERCHANDISE DRAWBACK.

(a) IN GENERAL.—Section 313(j)(2) of the Tariff Act of 1930 (19 U.S.C. 1313(j)(2)) is amended by adding at the end the following: ''For purposes of subparagraph (A) of this paragraph, wine of the same color having a price variation not to exceed 50 percent between the imported wine and the exported wine shall be deemed to be commercially interchangeable.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to claims filed for drawback under section 313(j)(2) of the Tariff Act of 1930 on or after the date of the enactment of this Act.

SEC. 15422. REQUIREMENTS RELATING TO DETERMINATION OF TRANSACTION VALUE OF IMPORTED MERCHANDISE.

(a) REQUIREMENT ON IMPORTERS.—

(1) IN GENERAL.—Pursuant to sections 484 and 485 of the Tariff Act of 1930 (19 U.S.C. 1484 and 1485), the Commissioner responsible for U.S. Customs and Border Protection shall require each importer of merchandise to provide to U.S. Customs and Border Protection at the time of entry of the merchandise the information described in paragraph (2).

(2) INFORMATION REQUIRED.—The information referred to in paragraph (1) is a declaration as to whether the transaction value of the imported merchandise is determined on the basis of the price paid by the buyer in the first or earlier sale occurring prior to introduction of the merchandise into the United States.

(3) EFFECTIVE DATE.—The requirement to provide information under this subsection shall be effective for the 1-year period beginning 90 days after the date of the enactment of this Act.

(b) REPORT TO INTERNATIONAL TRADE COMMISSION.—

(1) IN GENERAL.—The Commissioner responsible for U.S. Customs and Border Protection shall submit to the United States International Trade Commission on a monthly basis for the 1-year period specified in subsection (a)(3) a report on the information provided by importers under subsection (a)(2) during the preceding month. The report required under this paragraph shall be submitted in a form agreed upon between U.S. Customs and Border Protection and the United States International Trade Commission.

(2) MATTERS TO BE INCLUDED.—The report required under paragraph (1) shall include—

(A) the number of importers that declare the transaction value of the imported merchandise is determined on the basis of the method described in subsection (a)(2);

(B) the tariff classification of such imported merchandise under the Harmonized Tariff Schedule of the United States; and

(C) the transaction value of such imported merchandise.

(c) REPORT TO CONGRESS.—

(1) IN GENERAL.—Not later than 90 days after the submission of the final report under subsection (b), the United States International Trade Commission shall submit to the appropriate congressional committees a report on the information contained in all reports submitted under subsection (b).

(2) MATTERS TO BE INCLUDED.—The report required under paragraph (1) shall include—

(A) the aggregate number of importers that declare the transaction value of the imported merchandise is determined on the basis of the method described in subsection (a)(2), including a description of the frequency of the use of such method;

(B) the tariff classification of such imported merchandise under the Harmonized Tariff Schedule of the United States on an aggregate basis, including an analysis of the tariff classification of such imported merchandise on a sectoral basis;

(C) the aggregate transaction value of such imported merchandise, including an analysis of the transaction value of such imported merchandise on a sectoral basis; and

(D) the aggregate transaction value of all merchandise imported into the United States during the 1-year period specified in subsection (a)(3).

(d) SENSE OF CONGRESS REGARDING PROHIBITION ON PROPOSED INTERPRETATION OF THE TERM ''SOLD FOR EXPORTATION TO THE UNITED STATES''.—

(1) IN GENERAL.—It is the sense of Congress that the Commissioner responsible for U.S. Customs and Border Protection should not implement a change to U.S. Customs and Border Protection's interpretation (as such interpretation is in effect on the date of the enactment of this Act) of the term ''sold for exportation to the United States'', as described in section 402(b) of the Tariff Act of 1930 (19 U.S.C. 1401a(b)), for purposes of applying the transaction value of the imported merchandise in a series of sales, before January 1, 2011.

(2) EXCEPTION.—It is the sense of Congress that beginning on January 1, 2011, the Commissioner responsible for U.S. Customs and Border Protection may propose to change or change U.S. Customs and Border Protection's interpretation of the term ''sold for exportation to the United States'', as described in paragraph (1), only if U.S. Customs and Border Protection—

(A) consults with, and provides notice to, the appropriate congressional committees—

(i) not less than 180 days prior to proposing a change; and

(ii) not less than 90 days prior to publishing a change;

(B) consults with, provides notice to, and takes into consideration views expressed by, the Commercial Operations Advisory Committee—

(i) not less than 120 days prior to proposing a change; and

(ii) not less than 60 days prior to publishing a change; and

(C) receives the explicit approval of the Secretary of the Treasury prior to publishing a change.

(3) CONSIDERATION OF INTERNATIONAL TRADE COMMISSION REPORT.—It is the sense of Congress that prior to publishing a change to U.S. Customs and Border Protection's interpretation (as such interpretation is in effect on the date of the enactment of this Act) of the term ''sold for exportation to the United States'', as described in section 402(b) of the Tariff Act of 1930 (19 U.S.C. 1401a(b)), for purposes of applying the transaction value of the imported merchandise in a series of sales, the Commissioner responsible for U.S. Customs and Border Protection should take into consideration the matters included in the report prepared by the United States International Trade Commission under subsection (c).

(e) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate.

(2) COMMERCIAL OPERATIONS ADVISORY COMMITTEE.—The term ''Commercial Operations Advisory Committee'' means the Advisory Committee established pursuant to section 9503(c) of the Omnibus Budget Reconciliation Act of 1987 (19 U.S.C. 2071 note) or any successor committee.

(3) IMPORTER.—The term ''importer'' means one of the parties qualifying as an ''importer of record'' under section 484(a)(2)(B) in the Tariff Act of 1930 (19 U.S.C. 1484(a)(2)(B)).

(4) TRANSACTION VALUE OF THE IMPORTED MERCHANDISE.—The term ''transaction value of the imported merchandise'' has the meaning described in section 402(b) of the Tariff Act of 1930 (19 U.S.C. 1401a(b)).

And the Senate agree to the same.

From the Committee on Agriculture, for consideration of the House bill (except title XII) and the Senate amendment (except secs. 12001, 12201–12601, and 12701–12808), and modifications committed to conference:

COLLIN C. PETERSON,
TIM HOLDEN,
MIKE MCINTYRE,
BOB ETHERIDGE,
LEONARD L. BOSWELL,
JOE BACA,
DENNIS L. CARDOZA,
DAVID SCOTT,
BOB GOODLATTE,
ROBIN HAYES,
MARILYN MUSGRAVE,
RANDY NEUGEBAUER,

From the Committee on Education and Labor, for consideration of secs. 4303 and 4304 of the House bill, and secs. 4901–4905, 4911,

and 4912 of the Senate amendment, and modifications committed to conference:

GEORGE MILLER,
CAROLYN MCCARTHY,
TODD PLATTS,

From the Committee on Energy and Commerce, for consideration of secs. 6012, 6023, 6024, 6028, 6029, 9004, 9005, and 9017 of the House bill, and secs. 6006, 6012, 6110–6112, 6202, 6302, 7044, 7049, 7307, 7507, 9001, 11060, 11072, 11087, and 11101–11103 of the Senate amendment, and modifications committed to conference:

JOHN D. DINGELL,
FRANK PALLONE,

From the Committee on Financial Services, for consideration of sec. 11310 of the House bill, and secs. 6501–6505, 11068, and 13107 of the Senate amendment, and modifications committed to conference:

PAUL E. KANJORSKI,
MAXINE WATERS,

From the Committee on Foreign Affairs, for consideration of secs. 3001–3008, 3010–3014, and 3016 of the House bill, and secs. 3001–3022, 3101–3107, and 3201–3204 of the Senate amendment, and modifications committed to conference:

HOWARD L. BERMAN,
BRAD SHERMAN,
ILEANA ROS-LEHTINEN,

From the Committee on Judiciary, for consideration of secs. 11102, 11312, and 11314 of the House bill, and secs. 5402, 10103, 10201, 10203, 10205, 11017, 11069, 11076, 13102, and 13104 of the Senate amendment, and modifications committed to conference:

JOHN CONYERS,
BOBBY SCOTT,

From the Committee on Natural Resources, for consideration of secs. 2313, 2331, 2341, 2405, 2607, 2607A, 2611, 5401, 6020, 7033, 7311, 8101, 8112, 8121–8127, 8204, 8205, 11063, and 11075 of the Senate amendment, and modifications committed to conference:

NICK RAHALL,
MADELEINE Z. BORDALLO,
CATHY MCMORRIS RODGERS,

From the Committee on Oversight and Government Reform, for consideration of secs. 1501 and 7109 of the House bill, and secs. 7020, 7313, 7314, 7316, 7502, 8126, 8205, and 10201 of the Senate amendment, and modifications committed to conference:

EDOLPHUS TOWNS,

From the Committee on Science and Technology, for consideration of secs. 4403, 9003, 9006, 9010, 9015, 9019, and 9020 of the House bill, and secs. 7039, 7051, 7315, 7501, and 9001 of the Senate amendment, and modifications committed to conference:

BART GORDON,
MICHAEL T. MCCAUL,

From the Committee on Small Business, for consideration of subtitle D of title XI of the Senate amendment, and modifications committed to conference:

NYDIA M. VELÁZQUEZ,
HEATH SHULER,

From the Committee on Transportation and Infrastructure, for consideration of secs. 2203, 2301, 6019, and 6020 of the House bill, and secs. 2604, 6029, 6030, and 11087 of the Senate amendment, and modifications committed to conference:

JAMES L. OBERSTAR,
ELEANOR H. NORTON,
SAM GRAVES,

From the Committee on Ways and Means, for consideration of sec. 1303 and title XII of the House bill, and secs. 12001–12601, and 12701–12808 of the Senate amendment, and modifications committed to conference:

CHARLES B. RANGEL,
EARL POMEROY,

For consideration of House bill (except title XII) and the Senate amendment (except secs. 12001, 12201–12601, and 12701–12808), and modifications committed to conference:

ROSA L. DELAURO,
ADAM H. PUTNAM,
Managers on the Part of the House.

TOM HARKIN,
PATRICK LEAHY,
KENT CONRAD,
MAX BAUCUS,
BLANCHE L. LINCOLN,
DEBBIE STABENOW,
SAXBY CHAMBLISS,
THAD COCHRAN,
PAT ROBERTS
(for purposes of title XV only),
CHUCK GRASSLEY,
Managers on the Part of the Senate.

When said conference report was considered.

After debate,

Pursuant to House Resolution 1189 the previous question was ordered.

Mr. CANTOR moved to recommit the conference report on H.R. 2419 to the committee of conference of the disagreeing votes of the two Houses on the amendment of the Senate to strike: (1) section 8303, relating to the sale and exchange of National Forest System land, Vermont, (2) section 12034, relating to fisheries disaster assistance, and (3) section 15316, relating to qualified forestry conservation bonds.

By unanimous consent, the previous question was ordered on the motion to recommit with instructions.

The question being put, viva voce,

Will the House recommit said conference report?

The SPEAKER pro tempore, Mr. ROSS, announced that the nays had it.

Mr. CANTOR demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the negative { Yeas ..... 193 / Nays 230

¶58.17 [Roll No. 314]

YEAS—193

Aderholt	Carter	Gallegly
Akin	Castle	Garrett (NJ)
Alexander	Chabot	Gingrey
Bachmann	Coble	Gohmert
Bachus	Cole (OK)	Goode
Barrett (SC)	Conaway	Goodlatte
Bartlett (MD)	Cooper	Granger
Barton (TX)	Cubin	Graves
Bean	Culberson	Hall (TX)
Biggert	Davis (KY)	Hastings (WA)
Bilbray	Davis, David	Hayes
Bilirakis	Davis, Tom	Heller
Bishop (UT)	Deal (GA)	Hensarling
Blackburn	Dent	Herger
Blunt	Diaz-Balart, L.	Hobson
Boehner	Diaz-Balart, M.	Hoekstra
Bonner	Doggett	Hulshof
Boozman	Drake	Hunter
Boustany	Dreier	Inglis (SC)
Brady (TX)	Duncan	Issa
Broun (GA)	Ehlers	Johnson (IL)
Brown (SC)	Emerson	Johnson, Sam
Brown-Waite, Ginny	English (PA)	Jones (NC)
Buchanan	Everett	Jordan
Burgess	Fallin	Keller
Burton (IN)	Feeney	Kind
Buyer	Ferguson	King (IA)
Calvert	Flake	King (NY)
Camp (MI)	Forbes	Kingston
Campbell (CA)	Fortenberry	Kirk
Cannon	Fossella	Kline (MN)
Cantor	Foxx	Knollenberg
Capito	Franks (AZ)	Kuhl (NY)
	Frelinghuysen	LaHood
	Gerlach	Lamborn
	Gilchrest	Lampson
	Gillmor	Latham
	Gingrey	LaTourette
	Gohmert	Latta
	Goode	Lewis (CA)
	Goodlatte	Linder
	Granger	LoBiondo
	Graves	Lucas
	Hall (TX)	Lungren, Daniel E.
	Hastings (WA)	Manzullo
	Hayes	Marchant
	Heller	Matheson
	Hensarling	McCarthy (CA)
	Herger	McCaul (TX)
	Hobson	McCotter
	Hoekstra	McCrery
	Hulshof	McHenry
	Hunter	McHugh
	Inglis (SC)	McKeon
	Issa	McMorris Rodgers
	Johnson (IL)	Mica
	Johnson, Sam	Miller (FL)
	Jones (NC)	Miller (MI)
	Jordan	Miller, Gary
	Keller	Mitchell
	Kind	Moran (KS)
	King (IA)	Moran (VA)
	King (NY)	Murphy, Tim
	Kingston	Musgrave
	Kirk	Neugebauer
	Kline (MN)	Nunes
	Knollenberg	Paul
	Kuhl (NY)	Pearce
	LaHood	Pence
	Lamborn	Peterson (PA)
	Lampson	Petri
	Latham	Pitts
	LaTourette	Platts
	Latta	Poe
	Lewis (CA)	Porter
	Linder	Price (GA)
	LoBiondo	Pryce (OH)
	Lucas	Putnam
	Lungren, Daniel E.	Radanovich
	Manzullo	Ramstad
	Marchant	Regula
	Matheson	Reichert
	McCarthy (CA)	Renzi
	McCaul (TX)	Reynolds
	McCotter	Rogers (AL)
	McCrery	Rogers (KY)
	McHenry	Rogers (MI)
	McHugh	Rohrabacher
	McKeon	Ros-Lehtinen
	McMorris Rodgers	Roskam
	Mica	Royce
	Miller (FL)	Ryan (WI)
	Miller (MI)	Sali
	Miller, Gary	Saxton
	Mitchell	Scalise
	Moran (KS)	Sensenbrenner
	Moran (VA)	Sessions
	Murphy, Tim	Shadegg
	Musgrave	Shays
	Neugebauer	Shimkus
	Nunes	Shuster
	Paul	Simpson
	Pearce	Smith (NE)
	Pence	Smith (NJ)
	Peterson (PA)	Smith (TX)
	Petri	Souder
	Pitts	Stark
	Platts	Stearns
	Poe	Sullivan
	Porter	Tancredo
	Price (GA)	Thornberry
	Pryce (OH)	Tiahrt
	Putnam	Tiberi
	Radanovich	Turner
	Ramstad	Upton
	Regula	Walberg
	Reichert	Walsh (NY)
	Renzi	Wamp
	Reynolds	Weldon (FL)
	Rogers (AL)	Westmoreland
	Rogers (KY)	Whitfield (KY)
	Rogers (MI)	Wilson (NM)
	Rohrabacher	Wilson (SC)
	Ros-Lehtinen	Wittman (VA)
	Roskam	Wolf
	Royce	Young (FL)
	Ryan (WI)	
	Sali	
	Saxton	
	Scalise	
	Sensenbrenner	

NAYS—230

Abercrombie	Etheridge	McDermott
Ackerman	Farr	McGovern
Allen	Fattah	McIntyre
Altmire	Filner	McNerney
Andrews	Foster	McNulty
Arcuri	Frank (MA)	Meek (FL)
Baca	Giffords	Meeks (NY)
Baird	Gilchrest	Melancon
Baldwin	Gillibrand	Michaud
Barrow	Gonzalez	Miller (NC)
Becerra	Gordon	Miller, George
Berkley	Green, Al	Mollohan
Berman	Green, Gene	Moore (KS)
Berry	Grijalva	Moore (WI)
Bishop (GA)	Gutierrez	Murphy (CT)
Bishop (NY)	Hall (NY)	Murphy, Patrick
Blumenauer	Hare	Murtha
Boren	Harman	Nadler
Boswell	Hastings (FL)	Napolitano
Boucher	Herseth Sandlin	Neal (MA)
Boyd (FL)	Higgins	Oberstar
Boyda (KS)	Hill	Obey
Brady (PA)	Hinchey	Olver
Braley (IA)	Hinojosa	Ortiz
Brown, Corrine	Hirono	Pallone
Butterfield	Hodes	Pascrell
Capps	Holden	Pastor
Capuano	Holt	Payne
Cardoza	Honda	Pelosi
Carnahan	Hooley	Perlmutter
Carney	Hoyer	Peterson (MN)
Carson	Inslee	Pomeroy
Castor	Israel	Price (NC)
Cazayoux	Jackson (IL)	Rahall
Chandler	Jackson-Lee (TX)	Rangel
Clarke	Jefferson	Rehberg
Clay	Johnson (GA)	Reyes
Cleaver	Johnson, E. B.	Richardson
Clyburn	Jones (OH)	Rodriguez
Cohen	Kagen	Ross
Conyers	Kanjorski	Rothman
Costa	Kaptur	Roybal-Allard
Costello	Kennedy	Ruppersberger
Courtney	Kildee	Ryan (OH)
Crowley	Kilpatrick	Salazar
Cuellar	Klein (FL)	Sánchez, Linda T.
Cummings	Kucinich	Sanchez, Loretta
Davis (AL)	Langevin	Sarbanes
Davis (CA)	Larsen (WA)	Schakowsky
Davis (IL)	Larson (CT)	Schiff
Davis, Lincoln	Lee	Schwartz
DeFazio	Levin	Scott (GA)
DeGette	Lewis (GA)	Scott (VA)
Delahunt	Lipinski	Serrano
DeLauro	Loebsack	Sestak
Dicks	Lofgren, Zoe	Shea-Porter
Dingell	Lowey	Sherman
Donnelly	Lynch	Shuler
Doolittle	Mahoney (FL)	Sires
Doyle	Maloney (NY)	Skelton
Edwards	Markey	Slaughter
Ellison	Marshall	Smith (WA)
Ellsworth	Matsui	Snyder
Emanuel	McCarthy (NY)	Solis
Engel	McCollum (MN)	Space
Eshoo		

Speier
Spratt
Stupak
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth
Young (AK)

NOT VOTING—11

Bono Mack
Cramer
Crenshaw
Gerlach
Lewis (KY)
Mack
Myrick
Pickering
Rush
Schmidt
Weller

So the motion to recommit the conference report with instructions was not agreed to.

The question being put, viva voce,

Will the House agree to said conference report?

The SPEAKER pro tempore, Mr. ROSS, announced that the yeas had it.

Mr. PETERSON of Minnesota, demanded a recorded vote on agreeing to said conference report, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 318 Nays 106

¶58.18 [Roll No. 315]

AYES—318

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachus
Baird
Baldwin
Barrow
Bartlett (MD)
Barton (TX)
Becerra
Berkley
Berman
Berry
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blunt
Bonner
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Butterfield
Buyer
Camp (MI)
Capito
Capps
Cardoza
Carnahan
Carney
Carson
Carter
Castor
Cazayoux
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Costa
Costello
Courtney
Crowley
Cubin
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Edwards
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Filner
Forbes
Fortenberry
Foster
Frank (MA)
Gallegly
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goodlatte
Gordon
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Hastings (FL)
Hastings (WA)
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
King (IA)
Kingston
Klein (FL)
Kline (MN)
Kuhl (NY)
LaHood
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lynch
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matsui
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McGovern
McHugh
McIntyre
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Nadler
Napolitano
Neal (MA)
Neugebauer
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Perlmutter
Peterson (MN)
Peterson (PA)
Pickering
Platts
Poe
Pomeroy
Porter
Price (NC)
Putnam
Radanovich
Rahall
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (TX)
Snyder
Solis
Souder
Space
Speier
Spratt
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Thornberry
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Weiner
Welch (VT)
Wexler
Whitfield (KY)
Wilson (OH)
Wittman (VA)
Woolsey
Wu
Wynn
Yarmuth
Young (AK)

NOES—106

Akin
Bachmann
Barrett (SC)
Bean
Biggert
Bilbray
Blackburn
Blumenauer
Boehner
Broun (GA)
Burgess
Burton (IN)
Calvert
Campbell (CA)
Cannon
Cantor
Capuano
Castle
Chabot
Cooper
Culberson
Davis, Tom
Deal (GA)
Dent
Dreier
Duncan
Ehlers
Feeney
Ferguson
Flake
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Goode
Granger
Harman
Hayes
Heller
Hensarling
Hobson
Hunter
Inglis (SC)
Inslee
Issa
Johnson, Sam
Jordan
Keller
Kind
King (NY)
Kirk
Knollenberg
Kucinich
Lamborn
Lewis (CA)
Linder
LoBiondo
Lungren, Daniel E.
Matheson
McCarthy (CA)
McCrery
McDermott
McHenry
McKeon
Mica
Miller (FL)
Miller, Gary
Mitchell
Moore (WI)
Moran (KS)
Nunes
Paul
Pence
Petri
Pitts
Price (GA)
Pryce (OH)
Ramstad
Reichert
Rohrabacher
Roskam
Royce
Ryan (WI)
Saxton
Scalise
Sensenbrenner
Sessions
Shadegg
Shays
Smith (NJ)
Smith (WA)
Stark
Stearns
Tancredo
Terry
Tiahrt
Tiberi
Wamp
Waxman
Weldon (FL)
Westmoreland
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NOT VOTING—10

Bono Mack
Cramer
Crenshaw
Gerlach
Lewis (KY)
Mack
Myrick
Rush
Schmidt
Weller

So the conference report was agreed to.

A motion to reconsider the vote whereby said conference report was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶58.19 H. RES. 1133—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. ROSS, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 1133) congratulating Winona State University on winning the 2008 Division II men's basketball championship; as amended.

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. ROSS, announced that two-thirds of those present had voted in the affirmative.

Mr. HASTINGS of Washington, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 413 Nays 0

¶58.20 [Roll No. 316]

YEAS—413

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Arcuri
Baca
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carney
Carson
Carter
Castle
Castor
Cazayoux
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte

Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Scalise
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—20

Andrews
Bachmann
Bono Mack
Carnahan
Cramer
Crenshaw
DeGette
Ellison
Feeney
Gerlach
Gordon
Lewis (KY)
Mack
Myrick
Rush
Schmidt
Smith (NJ)
Walden (OR)
Weller
Wu

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

¶58.21 FARM SECURITY AND RURAL INVESTMENT

On motion of Mr. PETERSON of Minnesota, by unanimous consent, the Committee on Agriculture was discharged from further consideration of the bill (H.R. 6051) to amend Public Law 110-196 to provide for a temporary extension of programs authorized by the Farm Security and Rural Investment Act of 2002 beyond May 16, 2008.

When said bill was considered, read twice, ordered to be engrossed and read a third time, was read a third time by title, and passed.

A motion to reconsider the vote whereby the bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶58.22 COMMUNICATION FROM THE CLERK—APPOINTMENT OF DEPUTY CLERKS

The SPEAKER pro tempore, Mr. ROSS, laid before the House a communication, which was read as follows:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, May 14, 2008.

Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: Under Clause 2(g) of Rule II of the Rules of the U.S. House of Representatives, I herewith designate Ms. Deborah M. Spriggs, Deputy Clerk and Mr. Robert F. Reeves, Deputy Clerk, to sign any and all papers and do all other acts for me under the name of the Clerk of the House which they would be authorized to do by virtue of this designation, except such as are provided by statute, in case of my temporary absence or disability.

This designation shall remain in effect for the 110th Congress or until modified by me.

With best wishes, I am

Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

¶58.23 PROVIDING FOR CONSIDERATION OF S. CON. RES. 70

Mr. MCGOVERN, by direction of the Committee on Rules, called up the following resolution (H. Res. 1190):

Resolved, That the House hereby (1) takes from the Speaker's table the concurrent resolution (S. Con. Res. 70) setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013, (2) adopts an amendment in the nature of a substitute consisting of the text of House Concurrent Resolution 312, as adopted by the House, (3) adopts such Senate concurrent resolution, as amended; (4) insists on its amendment; and (5) requests a conference with the Senate thereon.

When said resolution was considered.

After debate,

Mr. MCGOVERN moved the previous question on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House now order the previous question?

The SPEAKER pro tempore, Mr. WEINER, announced that the yeas had it.

Mr. HASTINGS of Washington, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 225 / Nays 187

¶58.24 [Roll No. 317]

YEAS—225

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

Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—187

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Cazayoux
Chabot
Coble
Cole (OK)
Conaway
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foster
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gilchrest
Gingrey
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Latham
LaTourette
Latta
Lewis (CA)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mitchell
Moran (KS)
Murphy, Tim
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Saxton
Scalise
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stark
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Westmoreland
Whitfield (KY)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOT VOTING—21

Andrews
Bono Mack
Cramer
Crenshaw
Cubin
DeGette
Gerlach
Gohmert
Hinojosa
Lewis (KY)
Mack
Meeks (NY)
Musgrave
Myrick
Neugebauer
Rush
Schmidt
Shuler
Weller
Wilson (NM)
Wynn

So the previous question on the resolution was ordered.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. WEINER, announced that the yeas had it.

Mr. HASTINGS of Washington, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 214 / Nays 203

¶58.25 [Roll No. 318]

YEAS—214

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

NAYS—203

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

NOT VOTING—17

Andrews
Bono Mack
Cramer
Crenshaw
Cubin
DeGette
Gerlach
Honda
Lewis (KY)
Mack
Meeks (NY)
Myrick
Pickering
Rush
Schmidt
Wilson (NM)
Wynn

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

Pursuant to House Resolution 1190, the following concurrent resolution of the Senate (S. Con. Res. 70) an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013, was taken from the Speaker's table:

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2009.

(a) DECLARATION.—Congress declares that this resolution is the concurrent resolution on the budget for fiscal year 2009 and that this resolution sets forth the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013.

(b) TABLE OF CONTENTS.—The table of contents for this concurrent resolution is as follows:

Sec. 1. Concurrent resolution on the budget for fiscal year 2009.

TITLE I—RECOMMENDED LEVELS AND AMOUNTS

Sec. 101. Recommended levels and amounts.
Sec. 102. Social Security.

Sec. 103. Postal Service discretionary administrative expenses.
Sec. 104. Major functional categories.
TITLE II—BUDGET PROCESS
Subtitle A—Direct Spending and Receipts
Sec. 201. Senate point of order against legislation increasing long-term deficits.
Sec. 202. Point of order—20 percent limit on new direct spending in reconciliation legislation.
Subtitle B—Discretionary Spending
Sec. 211. Discretionary spending limits, program integrity initiatives, and other adjustments.
Sec. 212. Point of order against advance appropriations.
Sec. 213. Senate point of order against provisions of appropriations legislation that constitute changes in mandatory programs with net costs.
Sec. 214. Discretionary administrative expenses of the Postal Service.
Subtitle C—Other Provisions
Sec. 221. Application and effect of changes in allocations and aggregates.
Sec. 222. Adjustments to reflect changes in concepts and definitions.
Sec. 223. Debt disclosure requirement.
Sec. 224. Debt disclosures.
Sec. 225. Exercise of rulemaking powers.
Sec. 226. Circuit breaker to protect social security.
TITLE III—RESERVE FUNDS
Sec. 301. Deficit-neutral reserve fund to strengthen and stimulate the American economy and provide economic relief to American families.
Sec. 302. Deficit-neutral reserve fund for improving education.
Sec. 303. Deficit-neutral reserve fund for investments in America's infrastructure.
Sec. 304. Deficit-neutral reserve fund to invest in clean energy, preserve the environment, and provide for certain settlements.
Sec. 305. Deficit-neutral reserve fund for America's veterans and wounded servicemembers and for a post 9/11 GI bill.
Sec. 306. Deficit-neutral reserve fund to improve America's health.
Sec. 307. Sense of the Senate regarding Medicaid administrative regulations.
Sec. 308. Deficit-neutral reserve fund for judicial pay and judgeships.
Sec. 309. Deficit-neutral reserve fund for reforming the alternative minimum tax for individuals.
Sec. 310. Deficit-neutral reserve fund for repealing the 1993 increase in the income tax on social security benefits.
Sec. 311. Deficit-neutral reserve fund to improve energy efficiency and production.
Sec. 312. Deficit-neutral reserve fund for immigration reform and enforcement.
Sec. 313. Deficit-neutral reserve fund for border security, immigration enforcement, and criminal alien removal programs.
Sec. 314. Deficit-neutral reserve fund for science parks.
Sec. 315. Deficit-neutral reserve fund for 3-year extension of pilot program for national and state background checks on direct patient access employees of long-term care facilities or providers.
Sec. 316. Deficit-neutral reserve fund for studying the effect of cooperation with local law enforcement.
Sec. 317. Deficit-neutral reserve fund to terminate deductions from mineral revenue payments to States.
Sec. 318. Deficit-neutral reserve fund for the establishment of State Internet sites for the disclosure of information relating to payments made under the State Medicaid program.
Sec. 319. Deficit-neutral reserve fund for traumatic brain injury.
Sec. 320. Deficit-neutral reserve fund to improve animal health and disease program.
Sec. 321. Deficit-neutral reserve fund for implementation of Yellow Ribbon Reintegration Program for members of the National Guard and Reserve.
Sec. 322. Deficit-neutral reserve fund for reimbursing States for the costs of housing undocumented criminal aliens.
Sec. 323. Deficit-neutral reserve fund for acceleration of phased-in eligibility for concurrent receipt of benefits.
Sec. 324. Deficit-neutral reserve fund for increased use of recovery audits.
Sec. 325. Deficit-neutral reserve fund for food safety.
Sec. 326. Deficit-neutral reserve fund for demonstration project regarding Medicaid coverage of low-income HIV-infected individuals.
Sec. 327. Deficit-neutral reserve fund for reducing income threshold for refundable child tax credit to $10,000 with no inflation adjustment.
Sec. 328. Sense of the Senate regarding the diversion of funds set aside for USPTO.
Sec. 329. Deficit-neutral reserve fund for education reform.
Sec. 330. Deficit-neutral reserve fund for processing naturalization applications.
Sec. 331. Deficit-neutral reserve fund for access to quality and affordable health insurance.
Sec. 332. Deficit-neutral reserve fund for a 9/11 health program.
Sec. 333. Deficit-neutral reserve fund to ban medicare advantage and prescription drug plan sales and marketing abuses.
Sec. 334. Sense of the Senate regarding extending the ''Moving to Work Agreement'' between the Philadelphia Housing Authority and the U.S. Department of Housing and Urban Development under the same terms and conditions for a period of one year.
Sec. 335. Sense of the Senate regarding a balanced budget amendment to the constitution of the United States.
Sec. 336. Sense of the Senate regarding the need for comprehensive legislation to legalize the importation of prescription drugs from highly industrialized countries with safe pharmaceutical infrastructures.

TITLE I—RECOMMENDED LEVELS AND AMOUNTS

SEC. 101. RECOMMENDED LEVELS AND AMOUNTS.

The following budgetary levels are appropriate for each of fiscal years 2008 through 2013:

(1) FEDERAL REVENUES.—For purposes of the enforcement of this resolution:

(A) The recommended levels of Federal revenues are as follows:

Fiscal year 2008: $1,871,888,000,000.
Fiscal year 2009: $2,012,123,000,000.
Fiscal year 2010: $2,198,259,000,000.
Fiscal year 2011: $2,404,151,000,000.
Fiscal year 2012: $2,488,673,000,000.
Fiscal year 2013: $2,613,013,000,000.

(B) The amounts by which the aggregate levels of Federal revenues should be changed are as follows:

Fiscal year 2008: –$7,652,000,000.
Fiscal year 2009: –$85,001,000,000.
Fiscal year 2010: $15,395,000,000.
Fiscal year 2011: –$23,874,000,000.
Fiscal year 2012: –$164,642,000,000.
Fiscal year 2013: –$141,727,000,000.

(2) NEW BUDGET AUTHORITY.—For purposes of the enforcement of this resolution, the appropriate levels of total new budget authority are as follows:

Fiscal year 2008: $2,579,255,000,000.
Fiscal year 2009: $2,533,754,000,000.
Fiscal year 2010: $2,555,400,000,000.
Fiscal year 2011: $2,687,858,000,000.
Fiscal year 2012: $2,731,412,000,000.
Fiscal year 2013: $2,860,070,000,000.

(3) BUDGET OUTLAYS.—For purposes of the enforcement of this resolution, the appropriate levels of total budget outlays are as follows:

Fiscal year 2008: $2,476,755,000,000.
Fiscal year 2009: $2,575,733,417,000.
Fiscal year 2010: $2,616,367,415,000.
Fiscal year 2011: $2,709,059,134,000.
Fiscal year 2012: $2,722,339,034,000.
Fiscal year 2013: $2,852,077,000,000.

(4) DEFICITS.—For purposes of the enforcement of this resolution, the amounts of the deficits are as follows:

Fiscal year 2008: $604,867,000,000.
Fiscal year 2009: $563,610,417,000.
Fiscal year 2010: $418,108,415,000.
Fiscal year 2011: $304,908,134,000.
Fiscal year 2012: $233,666,034,000.
Fiscal year 2013: $239,064,000,000.

(5) PUBLIC DEBT.—Pursuant to section 301(a)(5) of the Congressional Budget Act of 1974, the appropriate levels of the public debt are as follows:

Fiscal year 2008: $9,618,792,000,000.
Fiscal year 2009: $10,278,552,417,000.
Fiscal year 2010: $10,805,195,832,000.
Fiscal year 2011: $11,215,113,966,000.
Fiscal year 2012: $11,580,563,000,000.
Fiscal year 2013: $11,934,375,000,000.

(6) DEBT HELD BY THE PUBLIC.—The appropriate levels of debt held by the public are as follows:

Fiscal year 2008: $5,418,643,000,000.
Fiscal year 2009: $5,803,409,417,000.
Fiscal year 2010: $6,032,754,832,000.
Fiscal year 2011: $6,129,282,966,000.
Fiscal year 2012: $6,141,593,000,000.
Fiscal year 2013: $6,153,706,000,000.

SEC. 102. SOCIAL SECURITY.

(a) SOCIAL SECURITY REVENUES.—For purposes of Senate enforcement under sections 302 and 311 of the Congressional Budget Act of 1974, the amounts of revenues of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:

Fiscal year 2008: $666,705,000,000.
Fiscal year 2009: $695,876,000,000.
Fiscal year 2010: $733,571,000,000.
Fiscal year 2011: $772,468,000,000.
Fiscal year 2012: $809,798,000,000.
Fiscal year 2013: $845,044,000,000.

(b) SOCIAL SECURITY OUTLAYS.—For purposes of Senate enforcement under sections 302 and 311 of the Congressional Budget Act of 1974, the amounts of outlays of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:

Fiscal year 2008: $463,746,000,000.
Fiscal year 2009: $493,607,000,000.
Fiscal year 2010: $520,158,000,000.
Fiscal year 2011: $540,487,000,000.
Fiscal year 2012: $566,249,000,000.
Fiscal year 2013: $595,544,000,000.

(c) SOCIAL SECURITY ADMINISTRATIVE EXPENSES.—In the Senate, the amounts of new budget authority and budget outlays of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund for administrative expenses are as follows:

Fiscal year 2008:

(A) New budget authority, $5,160,000,000.

(B) Outlays, $4,989,000,000.
Fiscal year 2009:
(A) New budget authority, $5,473,000,000.
(B) Outlays, $5,476,000,000.
Fiscal year 2010:
(A) New budget authority, $5,623,000,000.
(B) Outlays, $5,581,000,000.
Fiscal year 2011:
(A) New budget authority, $5,788,000,000.
(B) Outlays, $5,759,000,000.
Fiscal year 2012:
(A) New budget authority, $5,962,000,000.
(B) Outlays, $5,932,000,000.
Fiscal year 2013:
(A) New budget authority, $6,147,000,000.
(B) Outlays, $6,115,000,000.

SEC. 103. POSTAL SERVICE DISCRETIONARY ADMINISTRATIVE EXPENSES.

In the Senate, the amounts of new budget authority and budget outlays of the Postal Service for discretionary administrative expenses are as follows:

Fiscal year 2008:
(A) New budget authority, $250,000,000.
(B) Outlays, $237,000,000.
Fiscal year 2009:
(A) New budget authority, $258,000,000.
(B) Outlays, $258,000,000.
Fiscal year 2010:
(A) New budget authority, $267,000,000.
(B) Outlays, $267,000,000.
Fiscal year 2011:
(A) New budget authority, $275,000,000.
(B) Outlays, $275,000,000.
Fiscal year 2012:
(A) New budget authority, $284,000,000.
(B) Outlays, $284,000,000.
Fiscal year 2013:
(A) New budget authority, $293,000,000.
(B) Outlays, $293,000,000.

SEC. 104. MAJOR FUNCTIONAL CATEGORIES.

Congress determines and declares that the appropriate levels of new budget authority and outlays for fiscal years 2008 through 2013 for each major functional category are:

(1) National Defense (050):
Fiscal year 2008:
(A) New budget authority, $693,273,000,000.
(B) Outlays, $604,289,000,000.
Fiscal year 2009:
(A) New budget authority, $612,502,000,000.
(B) Outlays, $645,437,000,000.
Fiscal year 2010:
(A) New budget authority, $550,414,000,000.
(B) Outlays, $607,033,000,000.
Fiscal year 2011:
(A) New budget authority, $557,026,000,000.
(B) Outlays, $577,925,000,000.
Fiscal year 2012:
(A) New budget authority, $565,800,000,000.
(B) Outlays, $561,666,000,000.
Fiscal year 2013:
(A) New budget authority, $576,223,000,000.
(B) Outlays, $570,503,000,000.
(2) International Affairs (150):
Fiscal year 2008:
(A) New budget authority, $38,608,000,000.
(B) Outlays, $33,771,000,000.
Fiscal year 2009:
(A) New budget authority, $38,609,416,000.
(B) Outlays, $39,449,416,000.
Fiscal year 2010:
(A) New budget authority, $35,663,000,000.
(B) Outlays, $37,040,000,000.
Fiscal year 2011:
(A) New budget authority, $36,322,000,000.
(B) Outlays, $35,932,000,000.
Fiscal year 2012:
(A) New budget authority, $36,866,000,000.
(B) Outlays, $35,705,000,000.
Fiscal year 2013:
(A) New budget authority, $37,024,000,000.
(B) Outlays, $35,243,000,000.
(3) General Science, Space, and Technology (250):
Fiscal year 2008:
(A) New budget authority, $27,407,000,000.
(B) Outlays, $26,456,000,000.
Fiscal year 2009:
(A) New budget authority, $30,536,000,000.
(B) Outlays, $28,987,000,000.
Fiscal year 2010:
(A) New budget authority, $30,369,000,000.
(B) Outlays, $30,490,000,000.
Fiscal year 2011:
(A) New budget authority, $30,848,000,000.
(B) Outlays, $31,167,000,000.
Fiscal year 2012:
(A) New budget authority, $31,332,000,000.
(B) Outlays, $31,650,000,000.
Fiscal year 2013:
(A) New budget authority, $31,816,000,000.
(B) Outlays, $31,635,000,000.
(4) Energy (270):
Fiscal year 2008:
(A) New budget authority, $3,548,000,000.
(B) Outlays, $1,681,000,000.
Fiscal year 2009:
(A) New budget authority, $7,026,000,000.
(B) Outlays, $2,843,000,000.
Fiscal year 2010:
(A) New budget authority, $6,935,000,000.
(B) Outlays, $4,533,000,000.
Fiscal year 2011:
(A) New budget authority, $6,916,000,000.
(B) Outlays, $5,481,000,000.
Fiscal year 2012:
(A) New budget authority, $6,895,000,000.
(B) Outlays, $5,981,000,000.
Fiscal year 2013:
(A) New budget authority, $6,858,000,000.
(B) Outlays, $6,159,000,000.
(5) Natural Resources and Environment (300):
Fiscal year 2008:
(A) New budget authority, $32,560,000,000.
(B) Outlays, $34,440,000,000.
Fiscal year 2009:
(A) New budget authority, $39,835,000,000.
(B) Outlays, $36,309,500,000.
Fiscal year 2010:
(A) New budget authority, $34,730,000,000.
(B) Outlays, $37,039,000,000.
Fiscal year 2011:
(A) New budget authority, $35,424,000,000.
(B) Outlays, $37,217,875,000.
Fiscal year 2012:
(A) New budget authority, $36,111,000,000.
(B) Outlays, $37,394,875,000.
Fiscal year 2013:
(A) New budget authority, $36,812,000,000.
(B) Outlays, $37,756,875,000.
(6) Agriculture (350):
Fiscal year 2008:
(A) New budget authority, $22,423,000,000.
(B) Outlays, $21,495,000,000.
Fiscal year 2009:
(A) New budget authority, $21,377,000,000.
(B) Outlays, $21,127,000,000.
Fiscal year 2010:
(A) New budget authority, $21,532,000,000.
(B) Outlays, $20,501,000,000.
Fiscal year 2011:
(A) New budget authority, $21,665,000,000.
(B) Outlays, $20,659,000,000.
Fiscal year 2012:
(A) New budget authority, $21,994,000,000.
(B) Outlays, $21,176,000,000.
Fiscal year 2013:
(A) New budget authority, $22,307,000,000.
(B) Outlays, $21,513,000,000.
(7) Commerce and Housing Credit (370):
Fiscal year 2008:
(A) New budget authority, $11,516,000,000.
(B) Outlays, $5,441,000,000.
Fiscal year 2009:
(A) New budget authority, $9,350,000,000.
(B) Outlays, $3,764,000,000.
Fiscal year 2010:
(A) New budget authority, $11,133,000,000.
(B) Outlays, $3,562,000,000.
Fiscal year 2011:
(A) New budget authority, $7,713,000,000.
(B) Outlays, $824,000,000.
Fiscal year 2012:
(A) New budget authority, $8,028,000,000.
(B) Outlays, $492,000,000.
Fiscal year 2013:
(A) New budget authority, $8,254,000,000.
(B) Outlays, $195,000,000.
(8) Transportation (400):
Fiscal year 2008:
(A) New budget authority, $87,289,000,000.
(B) Outlays, $81,370,000,000.
Fiscal year 2009:
(A) New budget authority, $75,131,000,000.
(B) Outlays, $83,311,000,000.
Fiscal year 2010:
(A) New budget authority, $78,075,000,000.
(B) Outlays, $85,504,000,000.
Fiscal year 2011:
(A) New budget authority, $78,913,000,000.
(B) Outlays, $86,779,000,000.
Fiscal year 2012:
(A) New budget authority, $79,763,000,000.
(B) Outlays, $88,515,000,000.
Fiscal year 2013:
(A) New budget authority, $80,640,000,000.
(B) Outlays, $90,534,000,000.
(9) Community and Regional Development (450):
Fiscal year 2008:
(A) New budget authority, $20,029,000,000.
(B) Outlays, $27,819,000,000.
Fiscal year 2009:
(A) New budget authority, $15,195,000,000.
(B) Outlays, $24,486,700,000.
Fiscal year 2010:
(A) New budget authority, $15,265,000,000.
(B) Outlays, $22,115,400,000.
Fiscal year 2011:
(A) New budget authority, $15,503,000,000.
(B) Outlays, $18,240,900,000.
Fiscal year 2012:
(A) New budget authority, $15,746,000,000.
(B) Outlays, $16,186,800,000.
Fiscal year 2013:
(A) New budget authority, $15,979,000,000.
(B) Outlays, $15,872,800,000.
(10) Education, Training, Employment, and Social Services (500):
Fiscal year 2008:
(A) New budget authority, $91,381,000,000.
(B) Outlays, $90,912,000,000.
Fiscal year 2009:
(A) New budget authority, $94,679,670,000.
(B) Outlays, $91,253,020,000.
Fiscal year 2010:
(A) New budget authority, $103,891,000,000.
(B) Outlays, $98,615,482,000.
Fiscal year 2011:
(A) New budget authority, $106,486,000,000.
(B) Outlays, $103,806,534,000.
Fiscal year 2012:
(A) New budget authority, $108,255,000,000.
(B) Outlays, $104,904,034,000.
Fiscal year 2013:
(A) New budget authority, $101,660,000,000.
(B) Outlays, $103,626,000,000.
(11) Health (550):
Fiscal year 2008:
(A) New budget authority, $286,108,000,000.
(B) Outlays, $287,211,000,000.
Fiscal year 2009:
(A) New budget authority, $313,109,000,000.
(B) Outlays, $310,603,000,000.
Fiscal year 2010:
(A) New budget authority, $324,863,000,000.
(B) Outlays, $325,576,000,000.
Fiscal year 2011:
(A) New budget authority, $345,558,000,000.
(B) Outlays, $344,795,000,000.
Fiscal year 2012:
(A) New budget authority, $368,273,000,000.
(B) Outlays, $367,110,000,000.
Fiscal year 2013:
(A) New budget authority, $393,283,000,000.
(B) Outlays, $391,805,000,000.
(12) Medicare (570):
Fiscal year 2008:
(A) New budget authority, $390,458,000,000.
(B) Outlays, $390,454,000,000.
Fiscal year 2009:
(A) New budget authority, $420,389,000,000.
(B) Outlays, $420,150,000,000.
Fiscal year 2010:
(A) New budget authority, $445,380,000,000.

(B) Outlays, $445,513,000,000.
Fiscal year 2011:
(A) New budget authority, $494,477,000,000.
(B) Outlays, $494,305,000,000.
Fiscal year 2012:
(A) New budget authority, $491,399,000,000.
(B) Outlays, $491,163,000,000.
Fiscal year 2013:
(A) New budget authority, $551,039,000,000.
(B) Outlays, $551,161,000,000.
(13) Income Security (600):
Fiscal year 2008:
(A) New budget authority, $393,591,000,000.
(B) Outlays, $394,613,000,000.
Fiscal year 2009:
(A) New budget authority, $414,369,000,000.
(B) Outlays, $419,023,200,000.
Fiscal year 2010:
(A) New budget authority, $416,322,000,000.
(B) Outlays, $418,871,200,000.
Fiscal year 2011:
(A) New budget authority, $425,435,000,000.
(B) Outlays, $426,242,100,000.
Fiscal year 2012:
(A) New budget authority, $411,468,000,000.
(B) Outlays, $411,597,000,000.
Fiscal year 2013:
(A) New budget authority, $426,718,000,000.
(B) Outlays, $426,611,400,000.
(14) Social Security (650):
Fiscal year 2008:
(A) New budget authority, $19,378,000,000.
(B) Outlays, $19,378,000,000.
Fiscal year 2009:
(A) New budget authority, $21,308,000,000.
(B) Outlays, $21,308,000,000.
Fiscal year 2010:
(A) New budget authority, $23,794,000,000.
(B) Outlays, $23,794,000,000.
Fiscal year 2011:
(A) New budget authority, $27,330,000,000.
(B) Outlays, $27,330,000,000.
Fiscal year 2012:
(A) New budget authority, $30,342,000,000.
(B) Outlays, $30,342,000,000.
Fiscal year 2013:
(A) New budget authority, $33,162,000,000.
(B) Outlays, $33,162,000,000.
(15) Veterans Benefits and Services (700):
Fiscal year 2008:
(A) New budget authority, $86,365,000,000.
(B) Outlays, $83,551,000,000.
Fiscal year 2009:
(A) New budget authority, $93,319,584,000.
(B) Outlays, $92,397,584,000.
Fiscal year 2010:
(A) New budget authority, $95,615,000,000.
(B) Outlays, $95,399,000,000.
Fiscal year 2011:
(A) New budget authority, $100,959,000,000.
(B) Outlays, $100,749,000,000.
Fiscal year 2012:
(A) New budget authority, $97,782,000,000.
(B) Outlays, $97,064,000,000.
Fiscal year 2013:
(A) New budget authority, $103,241,000,000.
(B) Outlays, $102,521,000,000.
(16) Administration of Justice (750):
Fiscal year 2008:
(A) New budget authority, $46,282,000,000.
(B) Outlays, $44,322,000,000.
Fiscal year 2009:
(A) New budget authority, $49,432,330,000.
(B) Outlays, $46,896,297,000.
Fiscal year 2010:
(A) New budget authority, $48,018,000,000.
(B) Outlays, $49,714,333,000.
Fiscal year 2011:
(A) New budget authority, $48,907,000,000.
(B) Outlays, $50,113,500,000.
Fiscal year 2012:
(A) New budget authority, $49,819,000,000.
(B) Outlays, $50,089,000,000.
Fiscal year 2013:
(A) New budget authority, $50,768,000,000.
(B) Outlays, $50,706,000,000.
(17) General Government (800):
Fiscal year 2008:
(A) New budget authority, $56,407,000,000.
(B) Outlays, $56,920,000,000.
Fiscal year 2009:
(A) New budget authority, $24,477,000,000.
(B) Outlays, $24,435,000,000.
Fiscal year 2010:
(A) New budget authority, $19,972,000,000.
(B) Outlays, $20,172,000,000.
Fiscal year 2011:
(A) New budget authority, $20,395,000,000.
(B) Outlays, $20,407,000,000.
Fiscal year 2012:
(A) New budget authority, $20,796,000,000.
(B) Outlays, $20,940,000,000.
Fiscal year 2013:
(A) New budget authority, $21,107,000,000.
(B) Outlays, $20,991,000,000.
(18) Net Interest (900):
Fiscal year 2008:
(A) New budget authority, $349,462,000,000.
(B) Outlays, $349,462,000,000.
Fiscal year 2009:
(A) New budget authority, $335,110,000,000.
(B) Outlays, $335,110,000,000.
Fiscal year 2010:
(A) New budget authority, $372,253,000,000.
(B) Outlays, $372,253,000,000.
Fiscal year 2011:
(A) New budget authority, $409,810,000,000.
(B) Outlays, $409,810,000,000.
Fiscal year 2012:
(A) New budget authority, $435,762,000,000.
(B) Outlays, $435,762,000,000.
Fiscal year 2013:
(A) New budget authority, $451,980,000,000.
(B) Outlays, $451,980,000,000.
(19) Allowances (920):
Fiscal year 2008:
(A) New budget authority, $9,500,000,000.
(B) Outlays, $9,500,000,000.
Fiscal year 2009:
(A) New budget authority, −$14,941,000,000.
(B) Outlays, –$4,099,300,000.
Fiscal year 2010:
(A) New budget authority, −$8,179,000,000.
(B) Outlays, −$10,713,000,000.
Fiscal year 2011:
(A) New budget authority, −$8,466,000,000.
(B) Outlays, −$9,360,775,000.
Fiscal year 2012:
(A) New budget authority, −$8,916,000,000.
(B) Outlays, −$9,295,675,000.
Fiscal year 2013:
(A) New budget authority, −$9,110,000,000.
(B) Outlays, −$10,206,075,000.
(20) Undistributed Offsetting Receipts (950):
Fiscal year 2008:
(A) New budget authority, −$86,330,000,000.
(B) Outlays, −$86,330,000,000.
Fiscal year 2009:
(A) New budget authority, −$67,060,000,000.
(B) Outlays, −$67,060,000,000.
Fiscal year 2010:
(A) New budget authority, −$70,645,000,000.
(B) Outlays, −$70,645,000,000.
Fiscal year 2011:
(A) New budget authority, −$73,364,000,000.
(B) Outlays, −$73,364,000,000.
Fiscal year 2012:
(A) New budget authority, −$76,104,000,000.
(B) Outlays, −$76,104,000,000.
Fiscal year 2013:
(A) New budget authority, −$79,691,000,000.
(B) Outlays, −$79,691,000,000.

TITLE II—BUDGET PROCESS

Subtitle A—Direct Spending and Receipts

SEC. 201. SENATE POINT OF ORDER AGAINST LEGISLATION INCREASING LONG-TERM DEFICITS.

(a) CONGRESSIONAL BUDGET OFFICE ANALYSIS OF PROPOSALS.—The Director of the Congressional Budget Office shall, to the extent practicable, prepare for each bill and joint resolution reported from committee (except measures within the jurisdiction of the Committee on Appropriations), and amendments thereto and conference reports thereon, an estimate of whether the measure would cause, relative to current law, a net increase in deficits in excess of $0 in any of the 4 consecutive 10-year periods beginning with the first fiscal year that is 10 years after the budget year provided for in the most recently adopted concurrent resolution on the budget.

(b) POINT OF ORDER.—It shall not be in order in the Senate to consider any bill, joint resolution, amendment, motion, or conference report that would cause a net increase in deficits in excess of $0 in any of the 4 consecutive 10-year periods described in subsection (a).

(c) SUPERMAJORITY WAIVER AND APPEAL IN THE SENATE.—

(1) WAIVER.—This section may be waived or suspended only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

(2) APPEAL.—An affirmative vote of three-fifths of the Members, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

(d) DETERMINATIONS OF BUDGET LEVELS.—For purposes of this section, the levels of net deficit increases shall be determined on the basis of estimates provided by the Senate Committee on the Budget.

(e) SUNSET.—This section shall expire on September 30, 2017.

(f) REPEAL.—In the Senate, subsections (a) through (d) and subsection (f) of section 203 of S. Con. Res. 21 (110th Congress) shall no longer apply.

SEC. 202. POINT OF ORDER—20 PERCENT LIMIT ON NEW DIRECT SPENDING IN RECONCILIATION LEGISLATION.

(a)(1) In the Senate, it shall not be in order to consider any reconciliation bill, joint resolution, motion, amendment, or any conference report on, or an amendment between the Houses in relation to, a reconciliation bill pursuant to section 310 of the Congressional Budget Act of 1974, that produces an increase in outlays, if—

(2) the effect of all the provisions in the jurisdiction of any committee is to create gross new direct spending that exceeds 20 percent of the total savings instruction to the committee; or

(3) the effect of the adoption of an amendment would result in gross new direct spending that exceeds 20 percent of the total savings instruction to the committee.

(b) A point of order under paragraph (1) may be raised by a Senator as provided in section 313(e) of the Congressional Budget Act of 1974.

(1) Paragraph (1) may be waived or suspended only by an affirmative vote of three-fifths of the Members, duly chosen and sworn. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under paragraph (1).

(2) If a point of order is sustained under paragraph (1) against a conference report in the Senate, the report shall be disposed of as provided in section 313(d) of the Congressional Budget Act of 1974.

Subtitle B—Discretionary Spending

SEC. 211. DISCRETIONARY SPENDING LIMITS, PROGRAM INTEGRITY INITIATIVES, AND OTHER ADJUSTMENTS.

(a) SENATE POINT OF ORDER.—

(1) IN GENERAL.—Except as otherwise provided in this section, it shall not be in order in the Senate to consider any bill or joint resolution (or amendment, motion, or conference report on that bill or joint resolution) that would cause the discretionary spending limits in this section to be exceeded.

(2) SUPERMAJORITY WAIVER AND APPEALS.—

(A) WAIVER.—This subsection may be waived or suspended in the Senate only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

(B) APPEALS.—Appeals in the Senate from the decisions of the Chair relating to any provision of this subsection shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the bill or joint resolution. An affirmative vote of three-

fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this subsection.

(b) SENATE DISCRETIONARY SPENDING LIMITS.—In the Senate and as used in this section, the term ''discretionary spending limit'' means—

(1) for fiscal year 2008, $1,055,478,000,000 in new budget authority and $1,093,343,000,000 in outlays; and

(2) for fiscal year 2009, $1,008,482,000,000 in new budget authority and $1,108,449,000,000 in outlays;

as adjusted in conformance with the adjustment procedures in subsection (c).

(c) ADJUSTMENTS IN THE SENATE.—

(1) IN GENERAL.—After the reporting of a bill or joint resolution relating to any matter described in paragraph (2), or the offering of an amendment thereto or the submission of a conference report thereon—

(A) the Chairman of the Senate Committee on the Budget may adjust the discretionary spending limits, budgetary aggregates, and allocations pursuant to section 302(a) of the Congressional Budget Act of 1974, by the amount of new budget authority in that measure for that purpose and the outlays flowing therefrom; and

(B) following any adjustment under subparagraph (A), the Senate Committee on Appropriations may report appropriately revised suballocations pursuant to section 302(b) of the Congressional Budget Act of 1974 to carry out this subsection.

(2) MATTERS DESCRIBED.—Matters referred to in paragraph (1) are as follows:

(A) CONTINUING DISABILITY REVIEWS AND SSI REDETERMINATIONS.—If a bill or joint resolution is reported making appropriations for fiscal year 2009 that appropriates $264,000,000 for continuing disability reviews and Supplemental Security Income redeterminations for the Social Security Administration, and provides an additional appropriation of up to $240,000,000 for continuing disability reviews and Supplemental Security Income redeterminations for the Social Security Administration, then the discretionary spending limits, allocation to the Senate Committee on Appropriations, and aggregates may be adjusted by the amounts provided in such legislation for that purpose, but not to exceed $240,000,000 in budget authority and outlays flowing therefrom for fiscal year 2009.

(B) INTERNAL REVENUE SERVICE TAX ENFORCEMENT.—If a bill or joint resolution is reported making appropriations for fiscal year 2009 that appropriates $6,997,000,000 for the Internal Revenue Service for enhanced tax enforcement to address the Federal tax gap (taxes owed but not paid) and provides an additional appropriation of up to $490,000,000 for the Internal Revenue Service for enhanced tax enforcement to address the Federal tax gap, then the discretionary spending limits, allocation to the Senate Committee on Appropriations, and aggregates may be adjusted by the amounts provided in such legislation for that purpose, but not to exceed $490,000,000 in budget authority and outlays flowing therefrom for fiscal year 2009.

(C) HEALTH CARE FRAUD AND ABUSE CONTROL.—If a bill or joint resolution is reported making appropriations for fiscal year 2009 that appropriates up to $198,000,000 to the Health Care Fraud and Abuse Control program at the Department of Health and Human Services, then the discretionary spending limits, allocation to the Senate Committee on Appropriations, and aggregates may be adjusted by the amounts provided in such legislation for that purpose, but not to exceed $198,000,000 in budget authority and outlays flowing therefrom for fiscal year 2009.

(D) UNEMPLOYMENT INSURANCE IMPROPER PAYMENT REVIEWS.—If a bill or joint resolution is reported making appropriations for fiscal year 2009 that appropriates $10,000,000 for in-person reemployment and eligibility assessments and unemployment insurance improper payment reviews, and provides an additional appropriation of up to $40,000,000 for in-person reemployment and eligibility assessments and unemployment insurance improper payment reviews, then the discretionary spending limits, allocation to the Senate Committee on Appropriations, and aggregates may be adjusted by the amounts provided in such legislation for that purpose, but not to exceed $40,000,000 in budget authority and outlays flowing therefrom for fiscal year 2009.

(E) COMPARATIVE EFFECTIVENESS RESEARCH AT THE AGENCY FOR HEALTHCARE RESEARCH AND QUALITY.—If a bill or joint resolution is reported making appropriations for fiscal year 2009 that appropriates $30,000,000 for comparative effectiveness research as authorized under section 1013 of the Medicare Prescription Drug, Improvement and Modernization Act of 2003, and provides an additional appropriation of up to $70,000,000 for that purpose, then the discretionary spending limits, allocation to the Senate Committee on Appropriations, and aggregates may be adjusted by the amounts provided in such legislation for that purpose, but not to exceed $70,000,000 in budget authority for fiscal year 2009 and the outlays flowing therefrom.

(F) REDUCING WASTE IN DEFENSE CONTRACTING.—If a bill or joint resolution is reported making appropriations for fiscal year 2009 that appropriates up to $100,000,000 to the Department of Defense for additional activities to reduce waste, fraud, abuse, and overpayments in defense contracting; achieve the legal requirement to submit auditable financial statements; or reduce waste by improving accounting for and ordering of spare parts; subject contracts performed outside the United States to the same ethics, control, and reporting requirements as those performed domestically, then the discretionary spending limits, allocation to the Committee on Appropriations of the Senate, and aggregates may be adjusted by the amounts provided in such legislation for that purpose, but not to exceed $100,000,000 in budget authority and outlays flowing therefrom for fiscal year 2009.

(3) ADJUSTMENTS FOR COSTS OF THE WARS IN IRAQ AND AFGHANISTAN.—The Chairman of the Senate Committee on the Budget may adjust the discretionary spending limits, allocations to the Senate Committee on Appropriations, and aggregates for one or more—

(A) bills reported by the Senate Committee on Appropriations or passed by the House of Representatives;

(B) joint resolutions or amendments reported by the Senate Committee on Appropriations;

(C) amendments between the Houses received from the House of Representatives or Senate amendments offered by the authority of the Senate Committee on Appropriations; or

(D) conference reports;

making appropriations for fiscal year 2008 or 2009 for the wars in Iraq and Afghanistan, by the amounts provided in such legislation for those purposes (and so designated pursuant to this paragraph), up to $108,056,000,000 in budget authority for fiscal year 2008 and the new outlays flowing therefrom, and up to $70,000,000,000 in budget authority for fiscal year 2009 and the new outlays flowing therefrom.

(d) OVERSIGHT OF GOVERNMENT PERFORMANCE.—In the Senate, all committees are directed to review programs within their jurisdictions to root out waste, fraud, and abuse in program spending, giving particular scrutiny to issues raised by Government Accountability Office reports. Based on these oversight efforts and committee performance reviews of programs within their jurisdictions, committees are directed to include recommendations for improved governmental performance in their annual views and estimates reports required under section 301(d) of the Congressional Budget Act of 1974 to the Committees on the Budget.

(e) SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 2008.—If legislation making supplemental appropriations for fiscal year 2008 is enacted, the Chairman of the Senate Committee on the Budget shall make the appropriate adjustments in allocations, aggregates, discretionary spending limits, and other levels of new budget authority and outlays to reflect the difference between such measure and the corresponding levels assumed in this resolution.

(f) INAPPLICABILITY.—In the Senate, subsections (a), (b), (c), (e), and (f) of section 207 of S. Con. Res. 21 (110th Congress) shall no longer apply.

SEC. 212. POINT OF ORDER AGAINST ADVANCE APPROPRIATIONS.

(a) IN GENERAL.—

(1) POINT OF ORDER.—Except as provided in subsection (b), it shall not be in order in the Senate to consider any bill, joint resolution, motion, amendment, or conference report that would provide an advance appropriation.

(2) DEFINITION.—In this section, the term ''advance appropriation'' means any new budget authority provided in a bill or joint resolution making appropriations for fiscal year 2009 that first becomes available for any fiscal year after 2009, or any new budget authority provided in a bill or joint resolution making general appropriations or continuing appropriations for fiscal year 2010, that first becomes available for any fiscal year after 2010.

(b) EXCEPTIONS.—Advance appropriations may be provided—

(1) for fiscal years 2010 and 2011 for programs, projects, activities, or accounts identified in the joint explanatory statement of managers accompanying this resolution under the heading ''Accounts Identified for Advance Appropriations'' in an aggregate amount not to exceed $29,352,000,000 in new budget authority in each year; and

(2) for the Corporation for Public Broadcasting.

(c) SUPERMAJORITY WAIVER AND APPEAL.—

(1) WAIVER.—In the Senate, subsection (a) may be waived or suspended only by an affirmative vote of three-fifths of the Members, duly chosen and sworn.

(2) APPEAL.—An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under subsection (a).

(d) FORM OF POINT OF ORDER.—A point of order under subsection (a) may be raised by a Senator as provided in section 313(e) of the Congressional Budget Act of 1974.

(e) CONFERENCE REPORTS.—When the Senate is considering a conference report on, or an amendment between the Houses in relation to, a bill, upon a point of order being made by any Senator pursuant to this section, and such point of order being sustained, such material contained in such conference report shall be deemed stricken, and the Senate shall proceed to consider the question of whether the Senate shall recede from its amendment and concur with a further amendment, or concur in the House amendment with a further amendment, as the case may be, which further amendment shall consist of only that portion of the conference report or House amendment, as the case may be, not so stricken. Any such motion in the Senate shall be debatable. In any case in which such point of order is sustained against a conference report (or Senate amendment derived from such conference report by operation of this subsection), no further amendment shall be in order.

(f) INAPPLICABILITY.—In the Senate, section 206(a) of S. Con. Res. 21 (110th Congress) shall no longer apply.

SEC. 213. SENATE POINT OF ORDER AGAINST PROVISIONS OF APPROPRIATIONS LEGISLATION THAT CONSTITUTE CHANGES IN MANDATORY PROGRAMS WITH NET COSTS.

(a) IN GENERAL.—In the Senate, it shall not be in order to consider any appropriations legislation, including any amendment thereto, motion in relation thereto, or conference report thereon,

that includes any provision which constitutes a change in a mandatory program producing net costs, as defined in subsection (b), that would have been estimated as affecting direct spending or receipts under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 (as in effect prior to September 30, 2002) were they included in legislation other than appropriations legislation. A point of order pursuant to this section shall be raised against such provision or provisions as described in subsections (e) and (f).

(b) CHANGES IN MANDATORY PROGRAMS PRODUCING NET COSTS.—A provision or provisions shall be subject to a point of order pursuant to this section if—

(1) the provision would increase budget authority in at least 1 of the 9 fiscal years that follow the budget year and over the period of the total of the budget year and the 9 fiscal years following the budget year;

(2) the provision would increase net outlays over the period of the total of the 9 fiscal years following the budget year; and

(3) the sum total of all changes in mandatory programs in the legislation would increase net outlays as measured over the period of the total of the 9 fiscal years following the budget year.

(c) DETERMINATION.—The determination of whether a provision is subject to a point of order pursuant to this section shall be made by the Committee on the Budget of the Senate.

(d) SUPERMAJORITY WAIVER AND APPEAL.—This section may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

(e) GENERAL POINT OF ORDER.—It shall be in order for a Senator to raise a single point of order that several provisions of a bill, resolution, amendment, motion, or conference report violate this section. The Presiding Officer may sustain the point of order as to some or all of the provisions against which the Senator raised the point of order. If the Presiding Officer so sustains the point of order as to some of the provisions (including provisions of an amendment, motion, or conference report) against which the Senator raised the point of order, then only those provisions (including provision of an amendment, motion, or conference report) against which the Presiding Officer sustains the point of order shall be deemed stricken pursuant to this section. Before the Presiding Officer rules on such a point of order, any Senator may move to waive such a point of order as it applies to some or all of the provisions against which the point of order was raised. Such a motion to waive is amendable in accordance with rules and precedents of the Senate. After the Presiding Officer rules on such a point of order, any Senator may appeal the ruling of the Presiding Officer on such a point of order as it applies to some or all of the provisions on which the Presiding Officer ruled.

(f) FORM OF THE POINT OF ORDER.—When the Senate is considering a conference report on, or an amendment between the Houses in relation to, a bill, upon a point of order being made by any Senator pursuant to this section, and such point of order being sustained, such material contained in such conference report or amendment shall be deemed stricken, and the Senate shall proceed to consider the question of whether the Senate shall recede from its amendment and concur with a further amendment, or concur in the House amendment with a further amendment, as the case may be, which further amendment shall consist of only that portion of the conference report or House amendment, as the case may be, not so stricken. Any such motion shall be debatable. In any case in which such point of order is sustained against a conference report (or Senate amendment derived from such conference report by operation of this subsection), no further amendment shall be in order.

(g) EFFECTIVENESS.—This section shall not apply to any provision constituting a change in a mandatory program in appropriations legislation if such provision has been enacted in each of the 3 fiscal years prior to the budget year.

SEC. 214. DISCRETIONARY ADMINISTRATIVE EXPENSES OF THE POSTAL SERVICE.

In the Senate, notwithstanding section 302(a)(1) of the Congressional Budget Act of 1974 and section 2009a of title 39, United States Code, the joint explanatory statement accompanying the conference report on any concurrent resolution on the budget shall include in its allocations under section 302(a) of the Congressional Budget Act of 1974 to the Committee on Appropriations amounts for the discretionary administrative expenses of the Postal Service.

Subtitle C—Other Provisions

SEC. 221. APPLICATION AND EFFECT OF CHANGES IN ALLOCATIONS AND AGGREGATES.

(a) APPLICATION.—Any adjustments of allocations and aggregates made pursuant to this resolution shall—

(1) apply while that measure is under consideration;

(2) take effect upon the enactment of that measure; and

(3) be published in the Congressional Record as soon as practicable.

(b) EFFECT OF CHANGED ALLOCATIONS AND AGGREGATES.—Revised allocations and aggregates resulting from these adjustments shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations and aggregates contained in this resolution.

(c) BUDGET COMMITTEE DETERMINATIONS.—For purposes of this resolution the levels of new budget authority, outlays, direct spending, new entitlement authority, revenues, deficits, and surpluses for a fiscal year or period of fiscal years shall be determined on the basis of estimates made by the Senate Committee on the Budget.

SEC. 222. ADJUSTMENTS TO REFLECT CHANGES IN CONCEPTS AND DEFINITIONS.

Upon the enactment of a bill or joint resolution providing for a change in concepts or definitions, the Chairman of the Senate Committee on the Budget may make adjustments to the levels and allocations in this resolution in accordance with section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 (as in effect prior to September 30, 2002).

SEC. 223. DEBT DISCLOSURE REQUIREMENT.

(a) IN GENERAL.—It shall not be in order to consider a budget resolution in the Senate unless it contains a debt disclosure section including all, and only, the following disclosures regarding debt:

"SEC. ___. DEBT DISCLOSURES.

''(a) IN GENERAL.—The levels assumed in this budget resolution allow the gross Federal debt of the nation to rise/fall by $_____ from the current year, fiscal year 20____, to the fifth year of the budget window, fiscal year 20____.

''(b) PER PERSON.—The levels assumed in this budget resolution allow the gross Federal debt of the nation to rise/fall by $_____ on every United States citizen from the current year, fiscal year 20____ to the fifth year of the budget window, fiscal year 20____.

''(c) SOCIAL SECURITY.—The levels assumed in this budget resolution project that $_____ of the Social Security surplus will be spent over the 5-year budget window, fiscal years 20____–20____, on things other than Social Security which represents ____ percent of the projected Social Security surplus over this period.''.

(b) SOCIAL SECURITY.—If any portion of the Social Security surplus is projected to be spent and/or the gross Federal debt in the fifth year of the budget window is greater than the debt projected in the current year, as described in the debt disclosure section described in subsection (a) of this section, the report, print, or statement of managers accompanying the budget resolution shall contain a section that—

(1) details the circumstances making it in the national interest to allow Federal debt to increase rather than taking steps to reduce the debt; and

(2) provides a justification for allowing the surpluses in the Social Security Trust Fund to be spent on other functions of Government even as the baby boom generation retires, program costs are projected to rise dramatically, the debt owed to Social Security is about to come due, and the Trust Fund is projected to go insolvent.

(c) DEFINITIONS.—The term ''gross Federal debt'' described above represents nominal increases in gross Federal debt measured at the end of each fiscal year during the period of the budget, not debt as a percentage of gross domestic product, and not levels relative to baseline projections.

SEC. 224. DEBT DISCLOSURES.

(a) IN GENERAL.—The levels assumed in this budget resolution allow the gross Federal debt of the nation to rise by $2,000,000,000,000 from the current year, fiscal year 2008, to the fifth year of the budget window, fiscal year 2013.

(b) PER PERSON.—The levels assumed in this budget resolution allow the gross Federal debt of the nation to rise by $6,440 on every United States citizen from the current year, fiscal year 2008, to the fifth year of the budget window, fiscal year 2013.

(c) SOCIAL SECURITY.—The levels assumed in this budget resolution project $800,000,000,000 of the Social Security surplus will be spent over the 5-year budget window, fiscal years 2009–2013, on things other than Social Security, which represents 70 percent of the projected Social Security surplus over this period.

SEC. 225. EXERCISE OF RULEMAKING POWERS.

Congress adopts the provisions of this title—

(1) as an exercise of the rulemaking power of the Senate, and as such they shall be considered as part of the rules of the Senate and such rules shall supersede other rules only to the extent that they are inconsistent with such other rules; and

(2) with full recognition of the constitutional right of the Senate to change those rules at any time, in the same manner, and to the same extent as is the case of any other rule of the Senate.

SEC. 226. CIRCUIT BREAKER TO PROTECT SOCIAL SECURITY.

(a) CIRCUIT BREAKER.—If in any year the Congressional Budget Office, in its report pursuant to section 202(e)(1) of the Congressional Budget Act of 1974 projects an on-budget deficit (excluding Social Security) for the budget year or any subsequent fiscal year covered by those projections, then the concurrent resolution on the budget for the budget year shall reduce on-budget deficits relative to the projections of Congressional Budget Office and put the budget on a path to achieve on-budget balance within 5 years, and shall include such provisions as are necessary to protect Social Security and facilitate deficit reduction, except it shall not contain any reduction in Social Security benefits.

(b) POINT OF ORDER.—If in any year the Congressional Budget Office, in its report pursuant to section 202(e)(1) of the Congressional Budget Act of 1974 projects an on-budget deficit for the budget year or any subsequent fiscal year covered by those projections, it shall not be in order in the Senate to consider a concurrent resolution on the budget for the budget year or any conference report thereon that fails to reduce on-budget deficits relative to the projections of Congressional Budget Office and put the budget on a path to achieve on-budget balance within 5 years.

(c) AMENDMENTS TO BUDGET RESOLUTION.—If in any year the Congressional Budget Office, in its report pursuant to section 202(e)(1) of the Congressional Budget Act of 1974 projects an on-budget deficit for the budget year or any subsequent fiscal year covered by those projections, it shall not be in order in the Senate to

consider an amendment to a concurrent resolution on the budget that would increase on-budget deficits relative to the concurrent resolution on the budget in any fiscal year covered by that concurrent resolution on the budget or cause the budget to fail to achieve on-budget balance within 5 years.

(d) SUSPENSION OF REQUIREMENT DURING WAR OR LOW ECONOMIC GROWTH.—

(1) LOW GROWTH.—If the most recent of the Department of Commerce's advance, preliminary, or final reports of actual real economic growth indicate that the rate of real economic growth (as measured by the real gross domestic product) for each of the most recently reported quarter and the immediately preceding quarter is less than zero percent, this section is suspended.

(2) WAR.—If a declaration of war is in effect, this section is suspended.

(e) SUPERMAJORITY WAIVER AND APPEALS.—

(1) WAIVER.—Subsections (b) and (c) may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn.

(2) APPEALS.—Appeals in the Senate from the decisions of the Chair relating to any provision of this subsection shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the bill or joint resolution, as the case may be. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this subsection.

(f) BUDGET YEAR.—In this section, the term ''budget year'' shall have the same meaning as in section 250(c)(12) of the Balanced Budget and Emergency Deficit Control Act of 1985.

TITLE III—RESERVE FUNDS

SEC. 301. DEFICIT-NEUTRAL RESERVE FUND TO STRENGTHEN AND STIMULATE THE AMERICAN ECONOMY AND PROVIDE ECONOMIC RELIEF TO AMERICAN FAMILIES.

(a) TAX RELIEF.—The Chairman of the Senate Committee on the Budget may revise the aggregates, allocations, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would provide tax relief, including extensions of expiring tax relief, reinstatement of expired tax relief, such as enhanced charitable giving from individual retirement accounts, including life-income gifts, and refundable tax relief and incentivizing utilization of accumulated alternative minimum tax and research and development credits, by the amounts provided in that legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

(b) MANUFACTURING.—The Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports, including tax legislation, that would revitalize the United States domestic manufacturing sector by increasing Federal research and development, by expanding the scope and effectiveness of manufacturing programs across the Federal government, by increasing efforts to train and retrain manufacturing workers, by increasing support for development of alternative fuels and leap-ahead automotive and energy technologies, or by establishing tax incentives to encourage the continued production in the United States of advanced technologies and the infrastructure to support such technologies, by the amounts provided in that legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

(c) HOUSING.—The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would provide housing assistance, which may include low income rental assistance, or establish an affordable housing fund financed by the housing government sponsored enterprises or other sources, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

(d) FLOOD INSURANCE REFORM.—The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would provide for flood insurance reform and modernization, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

(e) TRADE.—The Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports relating to trade agreements, preferences, sanctions, enforcement, or customs, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

(f) ECONOMIC RELIEF FOR AMERICAN FAMILIES.—The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports which—

(1) reauthorizes the Temporary Assistance for Needy Families supplemental grants or makes improvements to the Temporary Assistance for Needy Families program, child welfare programs, or the child support enforcement program;

(2) provides up to $5,000,000,000 for the child care entitlement to States;

(3) provides up to $40,000,000 for the emergency food assistance program established under the Emergency Food Assistance Act of 1983 (7 U.S.C. 7501 et seq.);

(4) improves the unemployment compensation program; or

(5) reauthorizes the trade adjustment assistance programs;

by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

(g) AMERICA'S FARMS AND ECONOMIC INVESTMENT IN RURAL AMERICA.—

(1) FARM BILL.—The Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that provide for the reauthorization of the programs of the Food Security and Rural Investment Act of 2002 or prior Acts, authorize similar or related programs, provide for revenue changes, or any combination of the preceding purposes, by the amounts provided in such legislation for those purposes up to $15,000,000,000 over the period of the total of fiscal years 2008 through 2013, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

(2) COUNTY PAYMENTS.—The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that provide for the reauthorization of the Secure Rural Schools and Community Self-Determination Act of 2000 (Public Law 106–393), make changes to the Payments in Lieu of Taxes Act of 1976 (Public Law 94–565), or both, by the amounts provided by that legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

SEC. 302. DEFICIT-NEUTRAL RESERVE FUND FOR IMPROVING EDUCATION.

(a) FEDERAL PELL GRANT.—The Chairman of the Senate Committee on the Budget may revise the aggregates, allocations, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would make higher education more accessible or more affordable, which may include increasing funding for the Federal Pell Grant program or increasing Federal student loan limits, facilitate modernization of school facilities through renovation or construction bonds, reduce the cost of teachers' out-of-pocket expenses for school supplies, or provide tax incentives for highly-qualified teachers to serve in high-needs schools, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018. The legislation may include tax benefits and other revenue provisions.

(b) IMPROVING EDUCATION.—The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would improve student achievement during secondary education, including middle school completion, high school graduation and preparing students for higher education and the workforce, by the amounts provided in such legislation for such purpose, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

SEC. 303. DEFICIT-NEUTRAL RESERVE FUND FOR INVESTMENTS IN AMERICA'S INFRASTRUCTURE.

The Chairman of the Senate Committee on the Budget may revise the aggregates, allocations, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that provide for a robust federal investment in America's infrastructure, which may include projects for transit, rail (including high-speed passenger rail), airport, seaport, public housing, energy, water, highway, bridge, or other infrastructure projects, by the amounts provided in that legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

SEC. 304. DEFICIT-NEUTRAL RESERVE FUND TO INVEST IN CLEAN ENERGY, PRESERVE THE ENVIRONMENT, AND PROVIDE FOR CERTAIN SETTLEMENTS.

(a) ENERGY AND THE ENVIRONMENT.—The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other levels and limits in this resolution for one or more bills,

joint resolutions, amendments, motions, or conference reports that would decrease greenhouse gas emissions, reduce our Nation's dependence on imported energy, produce green jobs, or preserve or protect national parks, oceans, or coastal areas, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018. The legislation may include tax legislation such as a proposal to extend for 5 years energy tax incentives like the production tax credit for electricity produced from renewable resources, the biodiesel production tax credit, or the Clean Renewable Energy Bond program, to provide a tax credit for clean burning wood stoves, a tax credit for production of cellulosic ethanol, a tax credit for plug-in hybrid vehicles, or provisions to encourage energy efficient buildings, products, and power plants. Tax legislation under this section may be paid for by adjustments to sections 167(h)(1) of the Internal Revenue Code of 1986 as it relates to integrated oil companies.

(b) SETTLEMENTS.—The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would fulfill the purposes of the San Joaquin River Restoration Settlement Act or implement a Navajo Nation water rights settlement and other provisions authorized by the Northwestern New Mexico Rural Water Projects Act, by the amounts provided by that legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

SEC. 305. DEFICIT-NEUTRAL RESERVE FUND FOR AMERICA'S VETERANS AND WOUNDED SERVICEMEMBERS AND FOR A POST 9/11 GI BILL.

(a) VETERANS AND WOUNDED SERVICEMEMBERS.—The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports which would—

(1) enhance medical care, disability evaluations, or disability benefits for wounded or disabled military personnel or veterans;

(2) provide for or increase benefits to Filipino veterans of World War II, their survivors and dependents;

(3) allow for the transfer of education benefits from servicemembers to family members or veterans (including the elimination of the offset between Survivor Benefit Plan annuities and veterans' dependency and indemnity compensation);

(4) providing for the continuing payment to members of the Armed Forces who are retired or separated from the Armed Forces due to a combat-related injury after September 11, 2001, of bonuses that such members were entitled to before the retirement or separation and would continue to be entitled to such members were not retired or separated; or

(5) enhance programs and activities to increase the availability of health care and other veterans services for veterans living in rural areas;

by the amounts provided in such legislation for those purposes, provided that such legislation does not include increased fees charged to veterans for pharmacy co-payments, annual enrollment, or third-party insurance payment offsets, and further provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

(b) POST 9/11 GI BILL.—The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports which would enhance educational benefits of service members and veterans with service on active duty in the Armed Forces on or after September 11, 2001, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

SEC. 306. DEFICIT-NEUTRAL RESERVE FUND TO IMPROVE AMERICA'S HEALTH.

(a) SCHIP.—The Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for a bill, joint resolution, amendment, motion, or conference report that provides up to $50,000,000,000 in outlays over the period of the total of fiscal years 2008 through 2013 for reauthorization of SCHIP, if such legislation maintains coverage for those currently enrolled in SCHIP, continues efforts to enroll uninsured children who are already eligible for SCHIP or Medicaid but are not enrolled, or supports States in their efforts to move forward in covering more children or pregnant women, by the amounts provided in that legislation for those purposes, provided that the outlay adjustment shall not exceed $50,000,000,000 in outlays over the period of the total of fiscal years 2008 through 2013, and provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

(b) MEDICARE IMPROVEMENTS.—

(1) PHYSICIAN PAYMENTS.—The Chairman of the Senate Committee on the Budget may revise the aggregates, allocations, and other appropriate levels in this resolution for a bill, joint resolution, amendment, motion, or conference report that increases the reimbursement rate for physician services under section 1848(d) of the Social Security Act and that includes financial incentives for physicians to improve the quality and efficiency of items and services furnished to Medicare beneficiaries through the use of consensus-based quality measures, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

(2) OTHER IMPROVEMENTS TO MEDICARE.—The Chairman of the Senate Committee on the Budget may revise the aggregates, allocations, and other appropriate levels in this resolution for a bill, joint resolution, amendment, motion, or conference report that makes improvements to the Medicare program, which may include improvements to the prescription drug benefit under Medicare Part D, adjustments to the Medicare Savings Program, and reductions in beneficiary cost-sharing for preventive benefits under Medicare Part B, or measures to encourage physicians to train in primary care residencies and attract more physicians and other health care providers to States that face a shortage of health care providers, by the amounts provided in such legislation for those purposes up to $10,000,000,000, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

(3) ELECTRONIC PRESCRIBING.—The Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that promote the deployment and use of electronic prescribing technologies through financial incentives, including grants and bonus payments, and potential adjustments in the Medicare reimbursement mechanisms for physicians, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

(4) RURAL EQUITY PAYMENT POLICIES.—The Chairman of the Senate Committee on the Budget may revise the aggregates, allocations, and other appropriate levels in this resolution for a bill, joint resolution, amendment, motion, or conference report that—

(A) preserves existing Medicare payment provisions supporting America's rural health care delivery system; and

(B) promotes Medicare payment policies that increase access to quality health care in isolated and underserved rural areas,

by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

(5) MEDICARE LOW-INCOME PROGRAMS.—The Chairman of the Senate Committee on the Budget may revise the aggregates, allocations, and other appropriate levels in this resolution for a bill, joint resolution, amendment, motion, or conference report that makes improvements to the Medicare Savings Program and the Medicare part D low-income subsidy program, which may include the provisions that—

(A) provide for an increase in the asset allowance under the Medicare Part D low-income subsidy program so that individuals with very limited incomes, but modest retirement savings, can obtain the assistance that the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 was intended to deliver with respect to the payment of premiums and cost-sharing under the Medicare part D prescription drug benefit;

(B) provide for an update in the income and asset allowances under the Medicare Savings Program and provide for an annual inflationary adjustment for those allowances; and

(C) improve outreach and enrollment under the Medicare Savings Program and the Medicare part D low-income subsidy program to ensure that low-income senior citizens and other low-income Medicare beneficiaries receive the low-income assistance for which they are eligible in accordance with the improvements provided for in such legislation,

by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

(c) HEALTH CARE QUALITY, EFFECTIVENESS, EFFICIENCY, AND TRANSPARENCY.—

(1) COMPARATIVE EFFECTIVENESS RESEARCH.—The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that establish a new Federal or public-private initiative for comparative effectiveness research, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

(2) IMPROVING THE HEALTH CARE SYSTEM.—The Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other levels in this resolution for a bill, joint resolution, motion, amendment, or conference report that—

(A) creates a framework and parameters for the use of Medicare data for the purpose of conducting research, public reporting, and other

activities to evaluate health care safety, effectiveness, efficiency, quality, and resource utilization in Federal programs and the private health care system; and

(B) includes provisions to protect beneficiary privacy and to prevent disclosure of proprietary or trade secret information with respect to the transfer and use of such data;

provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal 2008 through 2018.

(3) HEALTH INFORMATION TECHNOLOGY AND ADHERENCE TO BEST PRACTICES.—

(A) HEALTH INFORMATION TECHNOLOGY.—The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for 1 or more bills, joint resolutions, amendments, motions, or conference reports that provide incentives or other support for adoption of modern information technology, including incentives or other supports for the adoption of electronic prescribing technology, to improve quality and protect privacy in health care, such as activities by the Department of Defense and the Department of Veterans Affairs to integrate their electronic health record data, by the amounts provided in such legislation for that purpose, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

(B) ADHERENCE TO BEST PRACTICES.—The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for 1 or more bills, joint resolutions, amendments, motions, or conference reports that provide incentives for Medicare providers or suppliers to comply with, where available and medically appropriate, clinical protocols identified as best practices, by the amounts provided in such legislation for that purpose, provided in the Senate that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

(d) FOOD AND DRUG ADMINISTRATION.—

(1) REGULATION.—The Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for a bill, joint resolution, motion, amendment, or conference report that authorizes the Food and Drug Administration to regulate products and assess user fees on manufacturers and importers of those products to cover the cost of the Food and Drug Administration's regulatory activities, by the amounts provided in that legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

(2) DRUG IMPORTATION.—The Chairman of the Senate Committee on the Budget may revise the aggregates, allocations, and other levels in this resolution for a bill, joint resolution, motion, amendment, or conference report that permits the safe importation of prescription drugs approved by the Food and Drug Administration from a specified list of countries, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

(e) MEDICAID.—

(1) RULES OR ADMINISTRATIVE ACTIONS.—The Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for a bill, joint resolution, amendment, motion, or conference report that includes provisions regarding the final rule published on May 29, 2007, on pages 29748 through 29836 of volume 72, Federal Register (relating to parts 433, 447, and 457 of title 42, Code of Federal Regulations) or any other rule or other administrative action that would affect the Medicaid program or SCHIP in a similar manner, or place restrictions on coverage of or payment for graduate medical education, rehabilitation services, or school-based administration, school-based transportation, or optional case management services under title XIX of the Social Security Act, or includes provisions regarding administrative guidance issued in August 2007 affecting SCHIP or any other administrative action that would affect SCHIP in a similar manner, so long as no provision in such bill, joint resolution, amendment, motion or conference report shall be construed as prohibiting the Secretary of Health and Human Services from promulgating or implementing any rule, action, or guidance designed to prevent fraud and protect the integrity of the Medicaid program or SCHIP or reduce inappropriate spending under such programs, by the amounts provided in that legislation for those purposes, provided that such legislation would not increase the deficit over either the total of the period of fiscal years 2008 through 2013 or the total of the period of fiscal years 2008 through 2018.

(2) TRANSITIONAL MEDICAL ASSISTANCE.—The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions or conference reports that extend the Transitional Medical Assistance program, included in title XIX of the Social Security Act, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the total of the period of fiscal years 2008 through 2013 or the total of the period of fiscal years 2008 through 2018.

(f) OTHER IMPROVEMENTS IN HEALTH.—The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports which—

(1) make health insurance coverage more affordable or available to small businesses and their employees, through pooling arrangements that provide appropriate consumer protections, and through reducing barriers to cafeteria plans;

(2) improve health care, provide quality health insurance for the uninsured and underinsured, and protect individuals with current health coverage;

(3) reauthorize the special diabetes program for Indians and the special diabetes programs for Type 1 diabetes;

(4) improve long-term care, enhance the safety and dignity of patients, encourage appropriate use of institutional and community-based care, promote quality care, or provide for the cost-effective use of public resources; or

(5) provide parity between heath insurance coverage of mental health benefits and benefits for medical and surgical services, including parity in public programs;

by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

(g) PEDIATRIC DENTAL CARE.—The Chairman of the Committee on the Budget of the Senate may revise the aggregates, allocations, and other appropriate levels in this resolution for a bill, joint resolution, amendment, motion, or conference report that would provide for improved access to pediatric dental care for children from low-income families, by the amounts provided in such legislation for such purpose, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

SEC. 307. SENSE OF THE SENATE REGARDING MEDICAID ADMINISTRATIVE REGULATIONS.

(a) FINDINGS.—The Senate makes the following findings:

(1) The Medicaid program provides essential health care and long-term care services to approximately 60,000,000 low-income children, pregnant women, parents, individuals with disabilities, and senior citizens. It is a Federal guarantee that ensures the most vulnerable will have access to needed medical services.

(2) Medicaid provides critical access to long-term care and other services for the elderly and individuals living with disabilities, and is the single largest provider of long-term care services. Medicaid also pays for personal care and other supportive services that are typically not provided by private health insurance or Medicare, but are necessary to enable individuals with spinal cord injuries, developmental disabilities, neurological degenerative diseases, serious and persistent mental illnesses, HIV/AIDS, and other chronic conditions to remain in the community, to work, and to maintain independence.

(3) Medicaid supplements the Medicare program for about 7,500,000 low-income elderly or disabled Medicare beneficiaries, assisting them with their Medicare premiums and co-insurance, wrap-around benefits, and the costs of nursing home care that Medicare does not cover. The Medicaid program spends over $100,000,000,000 on uncovered Medicare services.

(4) Medicaid provides health insurance for more than one-quarter of America's children and is the largest purchaser of maternity care, paying for more than one-third of all the births in the United States each year. Medicaid also provides critical access to care for children with disabilities, covering more than 70 percent of poor children with disabilities.

(5) More than 21,000,000 women depend on Medicaid for their health care. Women comprise the majority of seniors (64 percent) on Medicaid. Half of nonelderly women with permanent mental or physical disabilities have health coverage through Medicaid. Medicaid provides treatment for low-income women diagnosed with breast or cervical cancer in every State.

(6) Medicaid is the Nation's largest source of payment for mental health services, HIV/AIDS care, and care for children with special needs. Much of this care is either not covered by private insurance or limited in scope or duration. Medicaid is also a critical source of funding for health care for children in foster care and for health services in schools.

(7) Medicaid funds help ensure access to care for all Americans. Medicaid is the single largest source of revenue for the Nation's safety net hospitals, health centers, and nursing homes, and is critical to the ability of these providers to adequately serve all Americans.

(8) Medicaid serves a major role in ensuring that the number of Americans without health insurance, approximately 47,000,000 in 2006, is not substantially higher. The system of Federal matching for State Medicaid expenditures ensures that Federal funds will grow as State spending increases in response to unmet needs, enabling Medicaid to help buffer the drop in private coverage during recessions.

(9) The Bush Administration has issued several regulations that shift Medicaid cost burdens onto States and put at risk the continued availability of much-needed services. The regulations relate to Federal payments to public providers, and for graduate medical education, rehabilitation services, school-based administration, school-based transportation, optional case management services.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that administrative regulations should not—

(1) undermine the role the Medicaid program plays as a critical component of the health care system of the United States;

(2) cap Federal Medicaid spending, or otherwise shift Medicaid cost burdens to State or local governments and their taxpayers and health providers, forcing a reduction in access to essential health services for low-income elderly individuals, individuals with disabilities, and children and families; or

(3) undermine the Federal guarantee of health insurance coverage Medicaid provides, which would threaten not only the health care safety net of the United States, but the entire health care system.

SEC. 308. DEFICIT-NEUTRAL RESERVE FUND FOR JUDICIAL PAY AND JUDGESHIPS.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would authorize salary adjustments for justices and judges of the United States or increase the number of Federal judgeships, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

SEC. 309. DEFICIT-NEUTRAL RESERVE FUND FOR REFORMING THE ALTERNATIVE MINIMUM TAX FOR INDIVIDUALS.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would reinstate the pre-1993 rates for the alternative minimum tax for individuals, by the amounts provided in such legislation for such purpose, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

SEC. 310. DEFICIT-NEUTRAL RESERVE FUND FOR REPEALING THE 1993 INCREASE IN THE INCOME TAX ON SOCIAL SECURITY BENEFITS.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would repeal the 1993 increase in the income tax on Social Security benefits, by the amounts provided in such legislation for such purpose, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

SEC. 311. DEFICIT-NEUTRAL RESERVE FUND TO IMPROVE ENERGY EFFICIENCY AND PRODUCTION.

(a) IN GENERAL.—Subject to subsection (b), the Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other levels in this resolution by the amounts provided by a bill, joint resolution, amendment, motion, or conference report that would encourage—

(1) consumers to replace old conventional wood stoves with new clean wood, pellet, or corn stoves certified by the Environmental Protection Agency;

(2) consumers to install smart electricity meters in homes and businesses;

(3) the capture and storage of carbon dioxide emissions from coal projects; and

(4) the development of oil and natural gas resources beneath the outer Continental Shelf in areas not covered by a Presidential or Congressional moratorium.

(b) DEFICIT NEUTRALITY.—Subsection (a) applies only if the legislation described in subsection (a) would not increase the deficit over the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

SEC. 312. DEFICIT-NEUTRAL RESERVE FUND FOR IMMIGRATION REFORM AND ENFORCEMENT.

(a) IN GENERAL.—The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other levels in this resolution for 1 or more bills, joint resolutions, amendments, motions, or conference reports, by the amounts provided in such legislation for the purposes described in paragraphs (1) through (7), that—

(1) provide for increased border security, enforcement of immigration laws, greater staffing, and immigration reform measures;

(2) increase criminal and civil penalties against employers who hire undocumented immigrants;

(3) prohibit employers who hire undocumented immigrants from receiving Federal contracts;

(4) provide funding for the enforcement of the employer sanctions described in paragraphs (2) and (3) and other employer sanctions for hiring undocumented immigrants;

(5) deploy an appropriate number of National Guard troops to the southern or northern border of the United States provided that—

(A) the Secretary of Defense certifies that the deployment would not negatively impact the safety of American forces in Iraq and Afghanistan; and

(B) the Governor of the National Guard's home State certifies that the deployment would not have a negative impact on the safety and security of that State;

(6) evaluate the Federal, State, and local prison populations that are noncitizens in order to identify removable criminal aliens; or

(7) implement the exit data portion of the US–VISIT entry and exit data system at airports, seaports, and land ports of entry.

(b) LIMITATION.—The authority under subsection (a) may not be used unless the legislation described in subsection (a) would not increase the deficit over—

(1) the total period comprised of fiscal years 2008 through 2013; or

(2) the total period comprised of fiscal years 2008 through 2018.

SEC. 313. DEFICIT-NEUTRAL RESERVE FUND FOR BORDER SECURITY, IMMIGRATION ENFORCEMENT, AND CRIMINAL ALIEN REMOVAL PROGRAMS.

(a) IN GENERAL.—The Chairman of the Committee on the Budget of the Senate may revise the allocations of 1 or more committees, aggregates, and other appropriate levels in this resolution by the amounts authorized to be appropriated for the programs described in paragraphs (1) through (6) in 1 or more bills, joint resolutions, amendments, motions, or conference reports that funds border security, immigration enforcement, and criminal alien removal programs, including programs that—

(1) expand the zero tolerance prosecution policy for illegal entry (commonly known as ''Operation Streamline'') to all 20 border sectors;

(2) complete the 700 miles of pedestrian fencing required under section 102(b)(1) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1103 note);

(3) deploy up to 6,000 National Guard members to the southern border of the United States;

(4) evaluate the 27 percent of the Federal, State, and local prison populations who are noncitizens in order to identify removable criminal aliens;

(5) train and reimburse State and local law enforcement officers under Memorandums of Understanding entered into under section 287(g) of the Immigration and Nationality Act (8 U.S.C. 1357(g)); or

(6) implement the exit data portion of the US–VISIT entry and exit data system at airports, seaports, and land ports of entry.

(b) LIMITATION.—The authority under subsection (a) may not be used unless the appropriations in the legislation described in subsection (a) would not increase the deficit over—

(1) the 6-year period comprised of fiscal years 2008 through 2013; or

(2) the 11-year period comprised of fiscal years 2008 through 2018.

SEC. 314. DEFICIT-NEUTRAL RESERVE FUND FOR SCIENCE PARKS.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would provide grants and loan guarantees for the development and construction of science parks to promote the clustering of innovation through high technology activities, by the amounts provided in such legislation for such purpose, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

SEC. 315. DEFICIT-NEUTRAL RESERVE FUND FOR 3-YEAR EXTENSION OF PILOT PROGRAM FOR NATIONAL AND STATE BACKGROUND CHECKS ON DIRECT PATIENT ACCESS EMPLOYEES OF LONG-TERM CARE FACILITIES OR PROVIDERS.

If the Senate Committee on Finance reports a bill or joint resolution or an amendment is offered thereto or a conference report is submitted thereon, that provides for a 3-year extension of the pilot program for national and State background checks on direct patient access employees of long-term care facilities or providers under section 307 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (42 U.S.C. 1395aa note) and removes the limit on the number of participating States under such pilot program, the Chairman of the Senate Committee on the Budget may revise the aggregates, allocations, and other appropriate levels in this resolution by the amounts provided in such legislation for those purposes up to $160,000,000, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

SEC. 316. DEFICIT-NEUTRAL RESERVE FUND FOR STUDYING THE EFFECT OF COOPERATION WITH LOCAL LAW ENFORCEMENT.

(a) IN GENERAL.—The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other levels in this resolution for 1 or more bills, joint resolutions, amendments, motions, or conference reports, by the amounts provided in such legislation for the purposes described in this subsection, that would require an assessment of the impact of local ordinances that prohibit cooperation with the Department of Homeland Security, with respect to—

(1) the effectiveness of law enforcement, success rates of criminal prosecutions, reporting of criminal activity by immigrant victims of crime, and level of public safety;

(2) changes in the number of reported incidents or complaints of racial profiling; or

(3) wrongful detention of United States Citizens and Lawful Permanent Residents.

(b) LIMITATION.—The authority under subsection (a) may not be used unless the legislation described in subsection (a) would not increase the deficit over—

(1) the total period comprised of fiscal years 2008 through 2013; or

(2) the total period comprised of fiscal years 2008 through 2018.

SEC. 317. DEFICIT-NEUTRAL RESERVE FUND TO TERMINATE DEDUCTIONS FROM MINERAL REVENUE PAYMENTS TO STATES.

(a) IN GENERAL.—Subject to subsection (b), the Chairman of the Senate Committee on the Budget may revise the allocations, aggregates,

and other levels in this resolution by the amounts provided by a bill, joint resolution, amendment, motion, or conference report that would terminate the authority to deduct certain amounts from mineral revenues payable to States under the second undesignated paragraph of the matter under the heading ''ADMINISTRATIVE PROVISIONS'' under the heading ''MINERALS MANAGEMENT SERVICE'' of title I of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2008 (Public Law 110–161; 121 Stat. 2109).

(b) DEFICIT NEUTRALITY.—Subsection (a) applies only if the legislation described in subsection (a) would not increase the deficit over the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

SEC. 318. DEFICIT-NEUTRAL RESERVE FUND FOR THE ESTABLISHMENT OF STATE INTERNET SITES FOR THE DISCLOSURE OF INFORMATION RELATING TO PAYMENTS MADE UNDER THE STATE MEDICAID PROGRAM.

If the Senate Committee on Finance reports a bill or joint resolution or an amendment is offered thereto or a conference report is submitted thereon, that provides for States to disclose, through a publicly accessible Internet site, each hospital, nursing facility, outpatient surgery center, intermediate care facility for the mentally retarded, institution for mental diseases, or other institutional provider that receives payment under the State Medicaid program, the total amount paid to each such provider each fiscal year, the number of patients treated by each such provider, and the amount of dollars paid per patient to each such provider, and provided that the Committee is within its allocation as provided under section 302(a) of the Congressional Budget Act of 1974, the Chairman of the Senate Committee on the Budget may make the appropriate adjustments in the allocations and aggregates to reflect such legislation if any such measure would not increase the deficit over either the total of the period of fiscal years 2008 through 2013 or the total of the period of fiscal years 2008 through 2018.

SEC. 319. DEFICIT-NEUTRAL RESERVE FUND FOR TRAUMATIC BRAIN INJURY.

The Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that provide at least $9,000,000 for fiscal year 2009 to funds traumatic brain injury programs under sections 393A, 393B, 1252, and 1253 of the Public Health Service Act, if such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

SEC. 320. DEFICIT-NEUTRAL RESERVE FUND TO IMPROVE ANIMAL HEALTH AND DISEASE PROGRAM.

(a) IN GENERAL.—Subject to subsection (b), the Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other levels in this resolution by the amounts provided by a bill, joint resolution, amendment, motion, or conference report that would ensure that the animal health and disease program established under section 1433 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3195) is fully funded.

(b) DEFICIT NEUTRALITY.—Subsection (a) applies only if the legislation described in subsection (a) would not increase the deficit over the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

SEC. 321. DEFICIT-NEUTRAL RESERVE FUND FOR IMPLEMENTATION OF YELLOW RIBBON REINTEGRATION PROGRAM FOR MEMBERS OF THE NATIONAL GUARD AND RESERVE.

The Chairman of the Senate Committee on the Budget may revise the aggregates, allocations, and other appropriate levels in this resolution for one more bills, joint resolutions, amendments, motions, or conference reports that would provide for the implementation of the Yellow Ribbon Reintegration Program for members of the National Guard and Reserve under section 582 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181), by the amounts provided in such legislation for that purpose, provided that such legislation would not increase the deficit over the total of the period of fiscal years 2008 through 2013.

SEC. 322. DEFICIT-NEUTRAL RESERVE FUND FOR REIMBURSING STATES FOR THE COSTS OF HOUSING UNDOCUMENTED CRIMINAL ALIENS.

The Chairman of the Committee on the Budget of the Senate may revise the aggregates, allocations, and other appropriate levels in this resolution for 1 or more bills, joint resolutions, amendments, motions, or conference reports that would reimburse States and units of local government for costs incurred to house undocumented criminal aliens, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

SEC. 323. DEFICIT-NEUTRAL RESERVE FUND FOR ACCELERATION OF PHASED-IN ELIGIBILITY FOR CONCURRENT RECEIPT OF BENEFITS.

The Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other appropriate levels and limits in this resolution for a bill, joint resolution, amendment, motion, or conference report that provides for changing the date by which eligibility of members of the Armed Forces for concurrent receipt of retired pay and veterans' disability compensation under section 1414 of title 10, United States Code, is fully phased in from December 31, 2013, to September 30, 2008, by the amounts provided in that legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

SEC. 324. DEFICIT-NEUTRAL RESERVE FUND FOR INCREASED USE OF RECOVERY AUDITS.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that achieves savings by requiring that agencies increase their use of recovery audits authorized under subchapter VI of chapter 35 of title 31, United States Code, (commonly referred to as the Erroneous Payments Recovery Act of 2001) and uses such savings to reduce the deficit, by the amounts provided in such legislation for such purpose, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

SEC. 325. DEFICIT-NEUTRAL RESERVE FUND FOR FOOD SAFETY.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would expand the level of Food and Drug Administration and Department of Agriculture food safety inspection services, develop risk-based approaches to the inspection of domestic and imported food products, provide for infrastructure and information technology systems to enhance the safety of the food supply, expand scientific capacity and training programs, invest in improved surveillance and testing technologies, provide for foodborne illness awareness and education programs, and enhance the Food and Drug Administration's recall authority, by the amounts provided in such legislation for such purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

SEC. 326. DEFICIT-NEUTRAL RESERVE FUND FOR DEMONSTRATION PROJECT REGARDING MEDICAID COVERAGE OF LOW-INCOME HIV-INFECTED INDIVIDUALS.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions or conference reports that provide for a demonstration project under which a State may apply under section 1115 of the Social Security Act (42 U.S.C. 1315) to provide medical assistance under a State Medicaid program to HIV-infected individuals who are not eligible for medical assistance under such program under section 1902(a)(10)(A)(i) of the Social Security Act (42 U.S.C. 1396a(a)(10)(A)(i)), by the amounts provided in that legislation for those purposes, provided that such legislation would not increase the deficit over either the total of the period of fiscal years 2008 through 2013 or the total of the period of fiscal years 2008 through 2018.

SEC. 327. DEFICIT-NEUTRAL RESERVE FUND FOR REDUCING INCOME THRESHOLD FOR REFUNDABLE CHILD TAX CREDIT TO $10,000 WITH NO INFLATION ADJUSTMENT.

The Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other levels in this resolution by the amounts provided by a bill, joint resolution, amendment, motion, or conference report that would reduce the income threshold for the refundable child tax credit under section 24 of the Internal Revenue Code of 1986 to $10,000 for taxable years 2009 and 2010 with no inflation adjustment, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

SEC. 328. SENSE OF THE SENATE REGARDING THE DIVERSION OF FUNDS SET ASIDE FOR USPTO.

It is the sense of the Senate that none of the funds recommended by this resolution, or appropriated or otherwise made available under any other Act, to the United States Patent and Trademark Office shall be diverted, redirected, transferred, or used for any other purpose than for which such funds were intended.

SEC. 329. DEFICIT-NEUTRAL RESERVE FUND FOR EDUCATION REFORM.

The Chairman of the Senate Committee on the Budget may revise the aggregates, allocations, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that promote flexibility in existing Federal education programs, restore State and local authority in education, ensure that public schools are held accountable for results to parents and the public, and prevent discrimination against homeschoolers, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

SEC. 330. DEFICIT-NEUTRAL RESERVE FUND FOR PROCESSING NATURALIZATION APPLICATIONS.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would provide for the adjudication

of name check and security clearances by October 1, 2008 by the Federal Bureau of Investigation for individuals who have submitted or submit applications for naturalization before March 1, 2008 or provide for the adjudication of applications, including the interviewing and swearing-in of applicants, by October 1, 2008 by the Department of Homeland Security/U.S. Citizenship and Immigration Services for individuals who apply or have applied for naturalization before March 1, 2008, by the amounts provided in such legislation for such purpose, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

SEC. 331. DEFICIT-NEUTRAL RESERVE FUND FOR ACCESS TO QUALITY AND AFFORDABLE HEALTH INSURANCE.

The Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that—

(1) promotes choice and competition to drive down costs and improve access to health care for all Americans without increasing taxes;

(2) strengthens health care quality by promoting wellness and empowering consumers with accurate and comprehensive information on quality and cost;

(3) protects Americans' economic security from catastrophic events by expanding insurance options and improving health insurance portability; and

(4) promotes the advanced research and development of new treatments and cures to enhance health care quality;

if such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

SEC. 332. DEFICIT-NEUTRAL RESERVE FUND FOR A 9/11 HEALTH PROGRAM.

If the Chairman of the Senate Committee on Health, Education, Labor, and Pensions reports out legislation to establish a program, including medical monitoring and treatment, addressing the adverse health impacts linked to the September 11, 2001 attacks, and if the Committee on Health, Education, Labor, and Pensions makes a finding that previously spent World Trade Center Health Program funds were used to provide screening, monitoring and treatment services, and directly related program support, the Chairman of the Senate Budget Committee may revise the aggregates, allocations, and other appropriate levels in this resolution, if such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

SEC. 333. DEFICIT-NEUTRAL RESERVE FUND TO BAN MEDICARE ADVANTAGE AND PRESCRIPTION DRUG PLAN SALES AND MARKETING ABUSES.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would limit inappropriate or abusive marketing tactics by private insurers and their agents offering Medicare Advantage or Medicare prescription drug plans by enacting any or all of the recommendations agreed to by leaders of the health insurance industry on March 3, 2008, including prohibitions on cold calling and telephone solicitations for in-home sales appointments with Medicare beneficiaries, free meals and inducements at sales events, cross-selling of non-health products, and upselling of Medicare insurance products without prior consent of beneficiaries, by the amounts provided in such legislation for such purpose, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

SEC. 334. SENSE OF THE SENATE REGARDING EXTENDING THE "MOVING TO WORK AGREEMENT" BETWEEN THE PHILADELPHIA HOUSING AUTHORITY AND THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT UNDER THE SAME TERMS AND CONDITIONS FOR A PERIOD OF ONE YEAR.

(a) FINDINGS.—The Senate makes the following findings:

(1) The current ''Moving to Work Agreement'' between the Philadelphia Housing Authority and the U.S. Department of Housing and Urban Development is set to expire on March 31, 2008.

(2) The Philadelphia Housing Authority has used this agreement to leverage private and public resources to develop mixed-income communities that address the needs of the very poor while reshaping entire communities, and estimates that it will lose $50,000,000 as a result of the agreement expiring.

(3) The U.S. Department of Housing and Urban Development has refused to grant Philadelphia Housing Authority a 1-year extension of its current agreement under the same terms and conditions.

(4) The U.S. Department of Housing and Urban Development alleges that Philadelphia Housing Authority is in violation of fair housing requirements.

(5) The Philadelphia Housing Authority denies this assertion and is challenging the matter in Federal District Court.

(6) That there is a suspicion of retaliation with regard to the U.S. Department of Housing and Urban Development's refusal to grant a one-year extension of Philadelphia Housing Authorities current agreement under the same terms and conditions.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that it was discovered that two senior level officials at the U.S. Department of Housing and Urban Development had the following email exchange, referring to Philadelphia Housing Authority Executive Director Carl R. Greene—

(1) Then-Assistant Secretary for Public and Indian Housing Orlando J. Cabrera wrote, ''Would you like me to make his life less happy? If so, how?''

(2) Assistant Secretary for Fair Housing and Equal Opportunity Kim Kendrick wrote, ''Take away all of his Federal dollars?''

(3) Then-Assistant Secretary for Public and Indian Housing Orlando J. Cabrera wrote, ''Let me look into that possibility.''

(A) That these emails were the subject of questioning by Senator Casey to U.S. Department of Housing and Urban Development Secretary Alphonso Jackson at a March 12, 2008 hearing before the Senate Committee on Banking, Housing and Urban Affairs; and by Senator Specter to Secretary Jackson at a March 13, 2008 hearing before the Senate Appropriations Subcommittee on Transportation, Housing and Urban Development and Related Agencies.

(B) That the Philadelphia Housing Authority's allegation of retaliation appears to be substantiated by these newly discovered emails.

(C) That the expiration of the current agreement is imminent and will negatively impact 84,000 low-income residents of Philadelphia.

(4) It is the sense of the Senate that Philadelphia Housing Authority should be granted a one-year extension of its ''Moving to Work Agreement'' with the U.S. Department of Housing and Urban Development under the same terms and conditions as the current agreement.

SEC. 335. SENSE OF THE SENATE REGARDING A BALANCED BUDGET AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES.

(a) FINDINGS.—The Senate finds that—

(1) On January 26, 1996, the House of Representatives passed H.J. Res. 1, the Balanced Budget Amendment to the Constitution of the United States, by the necessary two-thirds majority (300–132);

(2) On June 6, 1996, the Senate fell three votes short of the two-thirds majority vote needed to pass the Balanced Budget Amendment; and

(3) Since the House of Representatives and Senate last voted on the Balanced Budget Amendment, the debt held by the public has grown from $3,700,000,000,000 to more than $5,000,000,000,000.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that a Balanced Budget Amendment to the Constitution of the United States should be voted on at earliest opportunity.

SEC. 336. SENSE OF THE SENATE REGARDING THE NEED FOR COMPREHENSIVE LEGISLATION TO LEGALIZE THE IMPORTATION OF PRESCRIPTION DRUGS FROM HIGHLY INDUSTRIALIZED COUNTRIES WITH SAFE PHARMACEUTICAL INFRASTRUCTURES.

(a) FINDINGS.—The Senate makes the following findings:

(1) The United States is the world's largest market for pharmaceuticals, yet consumers still pay the world's highest prices.

(2) In 2000, Congress took action to legalize the importation of prescription drugs from other countries by United States wholesalers and pharmacists, and before such a program can go into effect, the Secretary of Health and Human Services (HHS) must certify that the program would have no adverse impact on safety and that it would reduce costs for American consumers.

(3) Since 2000, no Secretary of HHS has made the certification required to permit the implementation of a program for importation of prescription drugs.

(4) In July 2006, the Senate approved by a vote of 68–32 an amendment to the Department of Homeland Security Appropriations Act, 2007, that prohibits Customs and Border Protection from preventing individuals not in the business of importing prescription drugs from carrying them across the border with Canada.

(5) In July 2007, the Senate adopted language similar to the 2007 amendment in the Department of Homeland Security Appropriations Act, 2008.

(6) In October 2007, the Senate adopted language in the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2008, that prohibits anti-reimportation activities within HHS.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the leadership of the Senate should bring to the floor for full debate in 2008 comprehensive legislation that legalizes the importation of prescription drugs from highly industrialized countries with safe pharmaceutical infrastructures and creates a regulatory pathway to ensure that such drugs are safe;

(2) such legislation should be given an up or down vote on the floor of the Senate; and

(3) previous Senate approval of 3 amendments in support of prescription drug importation shows the Senate's strong support for passage of comprehensive importation legislation.

The following amendment in the nature of a substitute consisting of the concurrent resolution (H. Con. Res. 312) revising the congressional budget for the United States Government for fiscal year 2008, establishing the congressional budget for the United States Government for fiscal year 2009, and setting forth appropriate budgetary levels for fiscal years 2010 through 2013, as agreed to in the House was considered as agreed to:

SECTION 1. CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2009.

(a) DECLARATION.—The Congress determines and declares that the concurrent resolution on the budget for fiscal year 2008 is revised and replaced and that this is the concurrent resolution on the budget for fiscal

year 2009, including appropriate budgetary levels for fiscal years 2010 through 2013.

(b) TABLE OF CONTENTS.—

Sec. 1. Concurrent resolution on the budget for fiscal year 2009.

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Sec. 201. Reconciliation in the House of Representatives.

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Sec. 301. Deficit-neutral reserve fund for SCHIP legislation.
Sec. 302. Deficit-neutral reserve fund for veterans and servicemembers.
Sec. 303. Deficit-neutral reserve fund for education benefits for servicemembers, veterans, and their families.
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Sec. 305. Deficit-neutral reserve fund for renewable energy and energy efficiency.
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Sec. 307. Deficit-neutral reserve fund for reform of the alternative minimum tax.
Sec. 308. Deficit-neutral reserve fund for higher education.
Sec. 309. Deficit-neutral reserve fund for affordable housing.
Sec. 310. Deficit-neutral reserve fund for medicare improvements.
Sec. 311. Deficit-neutral reserve fund for health care quality, effectiveness, and efficiency.
Sec. 312. Deficit-neutral reserve fund for Medicaid and other programs.
Sec. 313. Deficit-neutral reserve fund for trade adjustment assistance and unemployment insurance modernization.
Sec. 314. Deficit-neutral reserve fund for county payments legislation.
Sec. 315. Deficit-neutral reserve fund for San Joaquin River restoration and Navajo Nation water rights settlements.
Sec. 316. Deficit-neutral reserve fund for the National Park Centennial Fund.
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Sec. 610. Sense of the House regarding pay parity.
Sec. 611. Sense of the House regarding subprime lending and foreclosures.
Sec. 612. Sense of House regarding the importance of child support enforcement.

TITLE I—RECOMMENDED LEVELS AND AMOUNTS

SEC. 101. RECOMMENDED LEVELS AND AMOUNTS.

The following budgetary levels are appropriate for each of fiscal years 2008 through 2013:

(1) FEDERAL REVENUES.—For purposes of the enforcement of this resolution:

(A) The recommended levels of Federal revenues are as follows:

Fiscal year 2008: $1,879,540,000,000.
Fiscal year 2009: $2,027,124,000,000.
Fiscal year 2010: $2,205,864,000,000.
Fiscal year 2011: $2,442,025,000,000.
Fiscal year 2012: $2,669,315,000,000.
Fiscal year 2013: $2,771,740,000,000.

(B) The amounts by which the aggregate levels of Federal revenues should be adjusted are as follows:

Fiscal year 2008: $0.
Fiscal year 2009: −$70,000,000,000.
Fiscal year 2010: $23,000,000,000.
Fiscal year 2011: $14,000,000,000.
Fiscal year 2012: $16,000,000,000.
Fiscal year 2013: $17,000,000,000.

(2) NEW BUDGET AUTHORITY.—For purposes of the enforcement of this resolution, the appropriate levels of total new budget authority are as follows:

Fiscal year 2008: $2,556,254,000,000.
Fiscal year 2009: $2,529,246,000,000.
Fiscal year 2010: $2,564,161,000,000.
Fiscal year 2011: $2,698,039,000,000.
Fiscal year 2012: $2,740,065,000,000.
Fiscal year 2013: $2,866,862,000,000.

(3) BUDGET OUTLAYS.—For purposes of the enforcement of this resolution, the appropriate levels of total budget outlays are as follows:

Fiscal year 2008: $2,462,616,000,000.
Fiscal year 2009: $2,563,380,000,000.
Fiscal year 2010: $2,622,295,000,000.
Fiscal year 2011: $2,716,979,000,000.
Fiscal year 2012: $2,728,965,000,000.
Fiscal year 2013: $2,857,394,000,000.

(4) DEFICITS (ON-BUDGET).—For purposes of the enforcement of this resolution, the amounts of the deficits (on-budget) are as follows:

Fiscal year 2008: $583,076,000,000.
Fiscal year 2009: $536,256,000,000.
Fiscal year 2010: $416,431,000,000.
Fiscal year 2011: $274,954,000,000.
Fiscal year 2012: $59,650,000,000.
Fiscal year 2013: $85,654,000,000.

(5) DEBT SUBJECT TO LIMIT.—Pursuant to section 301(a)(5) of the Congressional Budget Act of 1974, the appropriate levels of the debt subject to limit are as follows:

Fiscal year 2008: $9,567,484,000,000.
Fiscal year 2009: $10,199,551,000,000.
Fiscal year 2010: $10,724,264,000,000.
Fiscal year 2011: $11,103,954,000,000.
Fiscal year 2012: $11,295,107,000,000.
Fiscal year 2013: $11,495,218,000,000.

(6) DEBT HELD BY THE PUBLIC.—The appropriate levels of debt held by the public are as follows:

Fiscal year 2008: $5,396,807,000,000.
Fiscal year 2009: $5,753,900,000,000.
Fiscal year 2010: $5,981,334,000,000.
Fiscal year 2011: $6,047,654,000,000.
Fiscal year 2012: $5,885,687,000,000.
Fiscal year 2013: $5,744,120,000,000.

SEC. 102. MAJOR FUNCTIONAL CATEGORIES.

The Congress determines and declares that the appropriate levels of new budget authority and outlays for fiscal years 2008 through 2013 for each major functional category are:

(1) National Defense (050):
Fiscal year 2008:
(A) New budget authority, $590,686,000,000.
(B) Outlays, $576,173,000,000.
Fiscal year 2009:
(A) New budget authority, $542,497,000,000.
(B) Outlays, $573,362,000,000.
Fiscal year 2010:
(A) New budget authority, $550,414,000,000.
(B) Outlays, $560,726,000,000.
Fiscal year 2011:
(A) New budget authority, $557,026,000,000.
(B) Outlays, $560,099,000,000.
Fiscal year 2012:
(A) New budget authority, $565,800,000,000.
(B) Outlays, $556,699,000,000.
Fiscal year 2013:
(A) New budget authority, $576,223,000,000.
(B) Outlays, 568,829,000,000.
(2) International Affairs (150):
Fiscal year 2008:
(A) New budget authority, $32,648,000,000.
(B) Outlays, $32,843,000,000.
Fiscal year 2009:
(A) New budget authority, $37,111,000,000.
(B) Outlays, $35,702,000,000.
Fiscal year 2010:
(A) New budget authority, $38,516,000,000.
(B) Outlays, $36,918,000,000.
Fiscal year 2011:
(A) New budget authority, $39,433,000,000.
(B) Outlays, $37,679,000,000.
Fiscal year 2012:
(A) New budget authority, $40,247,000,000.
(B) Outlays, $38,154,000,000.
Fiscal year 2013:
(A) New budget authority, $40,677,000,000.
(B) Outlays, $38,346,000,000.
(3) General Science, Space, and Technology (250):
Fiscal year 2008:
(A) New budget authority, $27,407,000,000.
(B) Outlays, $26,456,000,000.
Fiscal year 2009:
(A) New budget authority, $29,934,000,000.
(B) Outlays, $28,700,000,000.
Fiscal year 2010:
(A) New budget authority, $31,165,000,000.
(B) Outlays, $30,604,000,000.
Fiscal year 2011:
(A) New budget authority, $32,474,000,000.
(B) Outlays, $32,201,000,000.
Fiscal year 2012:
(A) New budget authority, $33,853,000,000.
(B) Outlays, $33,564,000,000.
Fiscal year 2013:
(A) New budget authority, $35,298,000,000.
(B) Outlays, $34,477,000,000.
(4) Energy (270):
Fiscal year 2008:
(A) New budget authority, $3,548,000,000.
(B) Outlays, $1,681,000,000.
Fiscal year 2009:
(A) New budget authority, $4,674,000,000.
(B) Outlays, $2,192,000,000.
Fiscal year 2010:
(A) New budget authority, $4,645,000,000.
(B) Outlays, $2,878,000,000.
Fiscal year 2011:
(A) New budget authority, $4,712,000,000.
(B) Outlays, $3,371,000,000.
Fiscal year 2012:

(A) New budget authority, $4,803,000,000.
(B) Outlays, $3,738,000,000.
Fiscal year 2013:
(A) New budget authority, $4,895,000,000.
(B) Outlays, $4,020,000,000.
(5) Natural Resources and Environment (300):
Fiscal year 2008:
(A) New budget authority, $32,560,000,000.
(B) Outlays, $34,440,000,000.
Fiscal year 2009:
(A) New budget authority, $38,651,000,000.
(B) Outlays, $35,576,000,000.
Fiscal year 2010:
(A) New budget authority, $33,782,000,000.
(B) Outlays, $36,192,000,000.
Fiscal year 2011:
(A) New budget authority, $34,670,000,000.
(B) Outlays, $36,420,000,000.
Fiscal year 2012:
(A) New budget authority, $35,568,000,000.
(B) Outlays, $36,745,000,000.
Fiscal year 2013:
(A) New budget authority, $36,490,000,000.
(B) Outlays, $37,299,000,000.
(6) Agriculture (350):
Fiscal year 2008:
(A) New budget authority, $22,456,000,000.
(B) Outlays, $21,528,000,000.
Fiscal year 2009:
(A) New budget authority, $21,529,000,000.
(B) Outlays, $21,279,000,000.
Fiscal year 2010:
(A) New budget authority, $21,719,000,000.
(B) Outlays, $20,680,000,000.
Fiscal year 2011:
(A) New budget authority, $21,891,000,000.
(B) Outlays, $20,876,000,000.
Fiscal year 2012:
(A) New budget authority, $22,263,000,000.
(B) Outlays, $21,435,000,000.
Fiscal year 2013:
(A) New budget authority, $22,621,000,000.
(B) Outlays, $21,816,000,000.
(7) Commerce and Housing Credit (370):
Fiscal year 2008:
(A) New budget authority, $11,216,000,000.
(B) Outlays, $5,381,000,000.
Fiscal year 2009:
(A) New budget authority, $9,560,000,000.
(B) Outlays, $3,722,000,000.
Fiscal year 2010:
(A) New budget authority, $13,887,000,000.
(B) Outlays, $5,835,000,000.
Fiscal year 2011:
(A) New budget authority, $8,998,000,000.
(B) Outlays, $2,193,000,000.
Fiscal year 2012:
(A) New budget authority, $9,246,000,000.
(B) Outlays, $1,735,000,000.
Fiscal year 2013:
(A) New budget authority, $9,642,000,000.
(B) Outlays, $1,648,000,000.
(8) Transportation (400):
Fiscal year 2008:
(A) New budget authority, $79,794,000,000.
(B) Outlays, $77,795,000,000.
Fiscal year 2009:
(A) New budget authority, $73,444,000,000.
(B) Outlays, $80,443,000,000.
Fiscal year 2010:
(A) New budget authority, $77,507,000,000.
(B) Outlays, $83,861,000,000.
Fiscal year 2011:
(A) New budget authority, $78,534,000,000.
(B) Outlays, $86,062,000,000.
Fiscal year 2012:
(A) New budget authority, $79,485,000,000.
(B) Outlays, $88,134,000,000.
Fiscal year 2013:
(A) New budget authority, $80,478,000,000.
(B) Outlays, $90,443,000,000.
(9) Community and Regional Development (450):
Fiscal year 2008:
(A) New budget authority, $20,029,000,000.
(B) Outlays, $27,819,000,000.
Fiscal year 2009:
(A) New budget authority, $14,553,000,000.
(B) Outlays, $24,251,000,000.
Fiscal year 2010:
(A) New budget authority, $14,826,000,000.
(B) Outlays, $21,816,000,000.
Fiscal year 2011:
(A) New budget authority, $15,134,000,000.
(B) Outlays, $17,874,000,000.
Fiscal year 2012:
(A) New budget authority, $15,450,000,000.
(B) Outlays, $15,817,000,000.
Fiscal year 2013:
(A) New budget authority, $15,755,000,000.
(B) Outlays, $15,561,000,000.
(10) Education, Training, Employment, and Social Services (500):
Fiscal year 2008:
(A) New budget authority, $90,077,000,000.
(B) Outlays, $90,729,000,000.
Fiscal year 2009:
(A) New budget authority, $95,235,000,000.
(B) Outlays, $90,947,000,000.
Fiscal year 2010:
(A) New budget authority, $102,594,000,000.
(B) Outlays, $98,345,000,000.
Fiscal year 2011:
(A) New budget authority, $105,612,000,000.
(B) Outlays, $103,135,000,000.
Fiscal year 2012:
(A) New budget authority, $107,828,000,000.
(B) Outlays, $104,397,000,000.
Fiscal year 2013:
(A) New budget authority, $101,690,000,000.
(B) Outlays, $103,490,000,000.
(11) Health (550):
Fiscal year 2008:
(A) New budget authority, $285,101,000,000.
(B) Outlays, $286,688,000,000.
Fiscal year 2009:
(A) New budget authority, $306,795,000,000.
(B) Outlays, $305,334,000,000.
Fiscal year 2010:
(A) New budget authority, $323,767,000,000.
(B) Outlays, $324,138,000,000.
Fiscal year 2011:
(A) New budget authority, $344,749,000,000.
(B) Outlays, $343,718,000,000.
Fiscal year 2012:
(A) New budget authority, $367,766,000,000.
(B) Outlays, $366,312,000,000.
Fiscal year 2013:
(A) New budget authority, $393,085,000,000.
(B) Outlays, $391,326,000,000.
(12) Medicare (570):
Fiscal year 2008:
(A) New budget authority, $390,458,000,000.
(B) Outlays, $390,454,000,000.
Fiscal year 2009:
(A) New budget authority, $420,191,000,000.
(B) Outlays, $419,974,000,000.
Fiscal year 2010:
(A) New budget authority, $445,225,000,000.
(B) Outlays, $445,349,000,000.
Fiscal year 2011:
(A) New budget authority, $494,370,000,000.
(B) Outlays, $494,193,000,000.
Fiscal year 2012:
(A) New budget authority, $491,353,000,000.
(B) Outlays, $491,110,000,000.
Fiscal year 2013:
(A) New budget authority, $552,389,000,000.
(B) Outlays, $552,503,000,000.
(13) Income Security (600):
Fiscal year 2008:
(A) New budget authority, $389,865,000,000.
(B) Outlays, $394,100,000,000.
Fiscal year 2009:
(A) New budget authority, $411,699,000,000.
(B) Outlays, $414,032,000,000.
Fiscal year 2010:
(A) New budget authority, $417,519,000,000.
(B) Outlays, $418,617,000,000.
Fiscal year 2011:
(A) New budget authority, $426,924,000,000.
(B) Outlays, $427,541,000,000.
Fiscal year 2012:
(A) New budget authority, $412,355,000,000.
(B) Outlays, $412,831,000,000.
Fiscal year 2013:
(A) New budget authority, $427,988,000,000.
(B) Outlays, $427,703,000,000.
(14) Social Security (650):
Fiscal year 2008:
(A) New budget authority, $19,378,000,000.
(B) Outlays, $19,378,000,000.
Fiscal year 2009:
(A) New budget authority, $21,308,000,000.
(B) Outlays, $21,308,000,000.
Fiscal year 2010:
(A) New budget authority, $23,794,000,000.
(B) Outlays, $23,794,000,000.
Fiscal year 2011:
(A) New budget authority, $27,330,000,000.
(B) Outlays, $27,330,000,000.
Fiscal year 2012:
(A) New budget authority, $30,342,000,000.
(B) Outlays, $30,342,000,000.
Fiscal year 2013:
(A) New budget authority, $33,162,000,000.
(B) Outlays, $33,162,000,000.
(15) Veterans Benefits and Services (700):
Fiscal year 2008:
(A) New budget authority, $86,365,000,000.
(B) Outlays, $83,551,000,000.
Fiscal year 2009:
(A) New budget authority, $93,268,000,000.
(B) Outlays, $92,443,000,000.
Fiscal year 2010:
(A) New budget authority, $96,000,000,000.
(B) Outlays, $95,710,000,000.
Fiscal year 2011:
(A) New budget authority, $101,800,000,000.
(B) Outlays, $101,475,000,000.
Fiscal year 2012:
(A) New budget authority, $99,115,000,000.
(B) Outlays, $98,271,000,000.
Fiscal year 2013:
(A) New budget authority, $105,094,000,000.
(B) Outlays, $104,266,000,000.
(16) Administration of Justice (750):
Fiscal year 2008:
(A) New budget authority, $46,237,000,000.
(B) Outlays, $44,282,000,000.
Fiscal year 2009:
(A) New budget authority, $48,104,000,000.
(B) Outlays, $47,936,000,000.
Fiscal year 2010:
(A) New budget authority, $49,101,000,000.
(B) Outlays, $49,602,000,000.
Fiscal year 2011:
(A) New budget authority, $50,338,000,000.
(B) Outlays, $50,596,000,000.
Fiscal year 2012:
(A) New budget authority, $51,622,000,000.
(B) Outlays, $51,501,000,000.
Fiscal year 2013:
(A) New budget authority, $52,967,000,000.
(B) Outlays, $52,542,000,000.
(17) General Government (800):
Fiscal year 2008:
(A) New budget authority, $56,407,000,000.
(B) Outlays, $56,920,000,000.
Fiscal year 2009:
(A) New budget authority, $23,520,000,000.
(B) Outlays, $23,890,000,000.
Fiscal year 2010:
(A) New budget authority, $19,961,000,000.
(B) Outlays, $19,987,000,000.
Fiscal year 2011:
(A) New budget authority, $20,611,000,000.
(B) Outlays, $20,496,000,000.
Fiscal year 2012:
(A) New budget authority, $21,319,000,000.
(B) Outlays, $21,332,000,000.
Fiscal year 2013:
(A) New budget authority, $22,007,000,000.
(B) Outlays, $21,787,000,000.
(18) Net Interest (900):
Fiscal year 2008:
(A) New budget authority, $349,296,000,000.
(B) Outlays, $349,296,000,000.
Fiscal year 2009:
(A) New budget authority, $334,233,000,000.
(B) Outlays, $334,233,000,000.
Fiscal year 2010:
(A) New budget authority, $370,534,000,000.
(B) Outlays, $370,534,000,000.
Fiscal year 2011:
(A) New budget authority, $406,997,000,000.

(B) Outlays, $406,997,000,000.
Fiscal year 2012:
(A) New budget authority, $427,954,000,000.
(B) Outlays, $427,954,000,000.
Fiscal year 2013:
(A) New budget authority, $436,292,000,000.
(B) Outlays, $436,292,000,000.
(19) Allowances (920):
Fiscal year 2008:
(A) New budget authority, $1,000,000,000.
(B) Outlays, $531,000,000.
Fiscal year 2009:
(A) New budget authority, $0.
(B) Outlays, $307,000,000.
Fiscal year 2010:
(A) New budget authority, −$150,000,000.
(B) Outlays, −$53,000,000.
Fiscal year 2011:
(A) New budget authority, −$200,000,000.
(B) Outlays, −$164,000,000.
Fiscal year 2012:
(A) New budget authority, −$200,000,000.
(B) Outlays, −$178,000,000.
Fiscal year 2013:
(A) New budget authority, −$200,000,000.
(B) Outlays, −$200,000,000.
(20) Undistributed Offsetting Receipts (950):
Fiscal year 2008:
(A) New budget authority, −$86,330,000,000.
(B) Outlays, −$86,330,000,000.
Fiscal year 2009:
(A) New budget authority, −$67,060,000,000.
(B) Outlays, −$67,060,000,000.
Fiscal year 2010:
(A) New budget authority, −$70,645,000,000.
(B) Outlays, −$70,645,000,000.
Fiscal year 2011:
(A) New budget authority, −$73,364,000,000.
(B) Outlays, −$73,364,000,000.
Fiscal year 2012:
(A) New budget authority, −$76,104,000,000.
(B) Outlays, −$76,104,000,000.
Fiscal year 2013:
(A) New budget authority, −$79,691,000,000.
(B) Outlays, −$79,691,000,000.
(21) Overseas Deployments and Other Activities (970):
Fiscal year 2008:
(A) New budget authority, $108,056,000,000.
(B) Outlays, $28,901,000,000.
Fiscal year 2009:
(A) New budget authority, $70,000,000,000.
(B) Outlays, $74,809,000,000.
Fiscal year 2010:
(A) New budget authority, $0.
(B) Outlays, $47,407,000,000.
Fiscal year 2011:
(A) New budget authority, $0.
(B) Outlays, $18,251,000,000.
Fiscal year 2012:
(A) New budget authority, $0.
(B) Outlays, $5,176,000,000.
Fiscal year 2013:
(A) New budget authority, $0.
(B) Outlays, $1,775,000,000.

TITLE II—RECONCILIATION

SEC. 201. RECONCILIATION IN THE HOUSE OF REPRESENTATIVES.

(a) CHANGES IN MANDATORY SPENDING.—Not later than September 12, 2008, the House Committee on Ways and Means shall report a reconciliation bill making changes in laws within its jurisdiction sufficient to reduce direct spending by $750,000,000 for the period of fiscal years 2008 through 2013.

(b) CHANGES IN REVENUE.—Not later than July 15, 2008, the House Committee on Ways and Means shall report a reconciliation bill making changes in laws within its jurisdiction that will reduce total revenues by $70,000,000,000 for fiscal year 2009 and will increase total revenues by $70,000,000,000 for the period of fiscal years 2010 through 2013.

(c) ADJUSTMENTS TO ALLOCATIONS AND AGGREGATES.—

(1) Upon the reporting to the House of any bill that has complied with reconciliation instructions, the chairman of the Committee on the Budget may file with the House appropriately revised allocations under section 302(a) of the Congressional Budget Act of 1974 and revised functional levels and aggregates.

(2) Upon the submission to the House of any conference report recommending a reconciliation bill in which a committee has complied with its reconciliation instructions, the chairman of the Committee on the Budget may file with the House appropriately revised allocations under section 302(a) of such Act and revised functional levels and aggregates.

(3) Allocations and aggregates revised pursuant to this subsection shall be considered to be allocations and aggregates established by the concurrent resolution on the budget pursuant to section 301 of such Act.

TITLE III—RESERVE FUNDS

SEC. 301. DEFICIT-NEUTRAL RESERVE FUND FOR SCHIP LEGISLATION.

In the House, the chairman of the Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for any bill, joint resolution, amendment, or conference report, which contains matter within the jurisdiction of the Committee on Energy and Commerce that expands coverage and improves children's health through the State Childrens Health Insurance Program (SCHIP) under title XXI of the Social Security Act and the program under title XIX of such Act (commonly known as Medicaid) and that increases new budget authority that will result in no more than $50,000,000,000 in outlays in fiscal years 2008 through 2013, and others which contain offsets so designated for the purpose of this section within the jurisdiction of another committee or committees, if the combined changes would not increase the deficit or decrease the surplus for the period of fiscal years 2008 through 2013 or for the period of fiscal years 2008 through 2018.

SEC. 302. DEFICIT-NEUTRAL RESERVE FUND FOR VETERANS AND SERVICEMEMBERS.

In the House, the chairman of the Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for any bill, joint resolution, amendment, or conference report that—

(1) enhances medical care for wounded or disabled military personnel or veterans;

(2) maintains affordable health care for military retirees and veterans;

(3) improves disability benefits or evaluations for wounded or disabled military personnel or veterans, including measures to expedite the claims process;

(4) expands eligibility to permit additional disabled military retirees to receive both disability compensation and retired pay;

(5) eliminates the offset between Survivor Benefit Plan annuities and veterans' dependency and indemnity compensation; or

(6) provides or increases benefits for Filipino veterans of World War II or their survivors and dependents;

by the amounts provided in such measure if such measure would not increase the deficit or decrease the surplus for the period of fiscal years 2008 through 2013 or for the period of fiscal years 2008 through 2018.

SEC. 303. DEFICIT-NEUTRAL RESERVE FUND FOR EDUCATION BENEFITS FOR SERVICEMEMBERS, VETERANS, AND THEIR FAMILIES.

In the House, the chairman of the Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for any bill, joint resolution, amendment, or conference report that enhances education benefits or assistance for servicemembers (including Active Duty, National Guard, and Reserve), veterans, or their spouses, survivors, or dependents by the amounts provided in such measure if such measure would not increase the deficit or decrease the surplus for the period of fiscal years 2008 through 2013 or for the period of fiscal years 2008 through 2018.

SEC. 304. DEFICIT-NEUTRAL RESERVE FUND FOR INFRASTRUCTURE INVESTMENT.

In the House, the chairman of the Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for any bill, joint resolution, amendment, or conference report that provides for increased investment in infrastructure projects by the amounts provided in such measure if such measure would not increase the deficit or decrease the surplus for the period of fiscal years 2008 through 2013 or for the period of fiscal years 2008 through 2018.

SEC. 305. DEFICIT-NEUTRAL RESERVE FUND FOR RENEWABLE ENERGY AND ENERGY EFFICIENCY.

In the House, the chairman of the Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for any bill, joint resolution, amendment, or conference report that provides tax incentives for or otherwise encourages the production of renewable energy or increased energy efficiency; encourages investment in emerging energy or vehicle technologies or carbon capture and sequestration; provides for reductions in greenhouse gas emissions; or facilitates the training of workers for these industries (''green collar jobs'') by the amounts provided in such measure if such measure would not increase the deficit or decrease the surplus for the period of fiscal years 2008 through 2013 or for the period of fiscal years 2008 through 2018.

SEC. 306. DEFICIT-NEUTRAL RESERVE FUND FOR MIDDLE-INCOME TAX RELIEF AND ECONOMIC EQUITY.

In the House, the chairman of the Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for any bill, joint resolution, amendment, or conference report that provides for tax relief for middle-income families and taxpayers or enhanced economic equity, such as extension of the child tax credit, extension of marriage penalty relief, extension of the 10 percent individual income tax bracket, elimination of estate taxes on all but a minute fraction of estates by reforming and substantially increasing the unified credit, extension of the research and experimentation tax credit, extension of the deduction for small business expensing, extension of the deduction for State and local sales taxes, and a tax credit for school construction bonds, by the amounts provided in such measure if such measure would not increase the deficit or decrease the surplus for the period of fiscal years 2008 through 2013 or for the period of fiscal years 2008 through 2018.

SEC. 307. DEFICIT-NEUTRAL RESERVE FUND FOR REFORM OF THE ALTERNATIVE MINIMUM TAX.

In the House, the chairman of the Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for any bill, joint resolution, amendment, or conference report that provides for reform of the Internal Revenue Code of 1986 by reducing the tax burden of the alternative minimum tax on middle-income families by the amounts provided in such measure if such measure would not increase the deficit or decrease the surplus for the period of fiscal years 2008 through 2013 or for the period of fiscal years 2008 through 2018.

SEC. 308. DEFICIT-NEUTRAL RESERVE FUND FOR HIGHER EDUCATION.

In the House, the chairman of the Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for any bill, joint resolution, amendment, or conference report that makes college more affordable or accessible through reforms to the Higher Education Act of 1965 or other legislation by the amounts provided in such measure if such measure would not increase the deficit or decrease the surplus for the period of fiscal years 2008 through 2013 or for the period of fiscal years 2008 through 2018.

SEC. 309. DEFICIT-NEUTRAL RESERVE FUND FOR AFFORDABLE HOUSING.

In the House, the chairman of the Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for any bill, joint resolution, amendment, or conference report that provides for an affordable housing fund, offset by reforming the regulation of certain government-sponsored enterprises, by the amounts provided in such measure if such measure would not increase the deficit or decrease the surplus for the period of fiscal years 2008 through 2013 or for the period of fiscal years 2008 through 2018.

SEC. 310. DEFICIT-NEUTRAL RESERVE FUND FOR MEDICARE IMPROVEMENTS.

In the House, the chairman of the Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for any bill, joint resolution, amendment, or conference report that improves the Medicare program for beneficiaries and protects access to care, through measures such as increasing the reimbursement rate for physicians while protecting beneficiaries from associated premium increases and making improvements to the prescription drug program under part D, by the amounts provided in such measure if such measure would not increase the deficit or decrease the surplus for the period of fiscal years 2008 through 2013 or for the period of fiscal years 2008 through 2018.

SEC. 311. DEFICIT-NEUTRAL RESERVE FUND FOR HEALTH CARE QUALITY, EFFECTIVENESS, AND EFFICIENCY.

In the House, the chairman of the Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for any bill, joint resolution, amendment, or conference report that—

(1) provides incentives or other support for adoption of modern information technology, including electronic prescribing, to improve quality and protect privacy in health care;

(2) establishes a new Federal or public-private initiative for research on the comparative effectiveness of different medical interventions; or

(3) provides parity between health insurance coverage of mental health benefits and benefits for medical and surgical services, including parity in public programs;

by the amounts provided in such measure if such measure would not increase the deficit or decrease the surplus for the period of fiscal years 2008 through 2013 or for the period of fiscal years 2008 through 2018.

SEC. 312. DEFICIT-NEUTRAL RESERVE FUND FOR MEDICAID AND OTHER PROGRAMS.

(a) REGULATIONS AND ADMINISTRATIVE ACTIONS.—In the House, the chairman of the Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for any bill, joint resolution, amendment, or conference report that prevents or delays the implementation or administration of regulations or other administrative actions that would affect the Medicaid, SCHIP, or other programs by the amounts provided in such measure if such measure would not increase the deficit or decrease the surplus for the period of fiscal years 2008 through 2013 or for the period of fiscal years 2008 through 2018.

(b) TRANSITIONAL MEDICAL ASSISTANCE AND QUALIFYING INDIVIDUALS.—In the House, the chairman of the Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for any bill, joint resolution, amendment, or conference report that extends the transitional medical assistance program or the qualifying individuals program, which are included in title XIX of the Social Security Act, by the amounts provided in such measure if such measure would not increase the deficit or decrease the surplus for the period of fiscal years 2008 through 2013 or for the period of fiscal years 2008 through 2018.

SEC. 313. DEFICIT-NEUTRAL RESERVE FUND FOR TRADE ADJUSTMENT ASSISTANCE AND UNEMPLOYMENT INSURANCE MODERNIZATION.

In the House, the chairman of the Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for any bill, joint resolution, amendment, or conference report that reauthorizes the trade adjustment assistance program to better meet the challenges of globalization or modernizes the unemployment insurance system to improve access to needed benefits by the amounts provided in such measure if such measure would not increase the deficit or decrease the surplus for the period of fiscal years 2008 through 2013 or for the period of fiscal years 2008 through 2018.

SEC. 314. DEFICIT-NEUTRAL RESERVE FUND FOR COUNTY PAYMENTS LEGISLATION.

In the House, the chairman of the Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for any bill, joint resolution, amendment, or conference report that provides for the reauthorization of the Secure Rural Schools and Community Self Determination Act of 2000 (Public Law 106–393) or makes changes to the Payments in Lieu of Taxes Act of 1976 (Public Law 94–565) by the amounts provided in such measure if such measure would not increase the deficit or decrease the surplus for the period of fiscal years 2008 through 2013 or for the period of fiscal years 2008 through 2018.

SEC. 315. DEFICIT-NEUTRAL RESERVE FUND FOR SAN JOAQUIN RIVER RESTORATION AND NAVAJO NATION WATER RIGHTS SETTLEMENTS.

In the House, the chairman of the Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for any bill, joint resolution, amendment, or conference report that would fulfill the purposes of the San Joaquin River Restoration Settlement Act or implement a Navajo Nation water rights settlement as authorized by the Northwestern New Mexico Rural Water Projects Act by the amounts provided in such measure if such measure would not increase the deficit or decrease the surplus for the period of fiscal years 2008 through 2013 or for the period of fiscal years 2008 through 2018.

SEC. 316. DEFICIT-NEUTRAL RESERVE FUND FOR THE NATIONAL PARK CENTENNIAL FUND.

In the House, the chairman of the Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for any bill, joint resolution, amendment, or conference report that provides for the establishment of the National Parks Centennial Fund by the amounts provided in such measure for that purpose if such measure would not increase the deficit or decrease the surplus for the period of fiscal years 2008 through 2013 or for the period of fiscal years 2008 through 2018

SEC. 317. DEFICIT-NEUTRAL RESERVE FUND FOR CHILD SUPPORT ENFORCEMENT.

In the House, the chairman of the Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for any bill, joint resolution, amendment, or conference report that improves Federal child support collection efforts or results in more collected child support reaching families by the amounts provided in such measure if such measure would not increase the deficit or decrease the surplus for the period of fiscal years 2008 through 2013 or for the period of fiscal years 2008 through 2018.

TITLE IV—BUDGET ENFORCEMENT

SEC. 401. PROGRAM INTEGRITY INITIATIVES.

(a) ADJUSTMENTS TO DISCRETIONARY SPENDING LIMITS.—

(1) CONTINUING DISABILITY REVIEWS AND SUPPLEMENTAL SECURITY INCOME REDETERMINATIONS.—In the House, prior to consideration of a bill or joint resolution making appropriations for fiscal year 2009 that appropriates $264,000,000 for continuing disability reviews and Supplemental Security Income redeterminations for the Social Security Administration, and provides an additional appropriation of up to $240,000,000, and the amount is designated for continuing disability reviews and Supplemental Security Income redeterminations for the Social Security Administration, the allocation to the Committee on Appropriations shall be increased by the amount of the additional budget authority and outlays resulting from that budget authority for fiscal year 2009.

(2) INTERNAL REVENUE SERVICE TAX COMPLIANCE.—In the House, prior to consideration of a bill or joint resolution making appropriations for fiscal year 2009 that appropriates $6,997,000,000 to the Internal Revenue Service and the amount is designated to improve compliance with the provisions of the Internal Revenue Code of 1986 and provides an additional appropriation of up to $490,000,000, and the amount is designated to improve compliance with the provisions of the Internal Revenue Code of 1986, the allocation to the Committee on Appropriations shall be increased by the amount of the additional budget authority and outlays resulting from that budget authority for fiscal year 2009.

(3) HEALTH CARE FRAUD AND ABUSE CONTROL PROGRAM.—In the House, prior to consideration of a bill or joint resolution making appropriations for fiscal year 2009 that appropriates up to $198,000,000 and the amount is designated to the health care fraud and abuse control program at the Department of Health and Human Services, the allocation to the Committee on Appropriations shall be increased by the amount of additional budget authority and outlays resulting from that budget authority for fiscal year 2009.

(4) UNEMPLOYMENT INSURANCE PROGRAM INTEGRITY ACTIVITIES.—In the House, prior to consideration of a bill or joint resolution making appropriations for fiscal year 2009 that appropriates $10,000,000 for in-person reemployment and eligibility assessments and unemployment insurance improper payment reviews for the Department of Labor and provides an additional appropriation of up to $40,000,000, and the amount is designated for in-person reemployment and eligibility assessments and unemployment insurance improper payment reviews for the Department of Labor, the allocation to the Committee on Appropriations shall be increased by the amount of additional budget authority and outlays resulting from that budget authority for fiscal year 2009.

(b) PROCEDURE FOR ADJUSTMENTS.—

(1) IN GENERAL.—In the House, prior to consideration of a bill, joint resolution, amendment, or conference report, the chairman of

the Committee on the Budget shall make the adjustments set forth in subsection (a) for the incremental new budget authority in that measure and the outlays resulting from that budget authority if that measure meets the requirements set forth in subsection (a), except that no adjustment shall be made for provisions exempted for the purposes of titles III and IV of the Congressional Budget Act of 1974 under section 404 of this resolution.

(2) MATTERS TO BE ADJUSTED.—The adjustments referred to in paragraph (1) are to be made to—

(A) the allocations made pursuant to the appropriate concurrent resolution on the budget pursuant to section 302(a) of the Congressional Budget Act of 1974; and

(B) the budgetary aggregates as set forth in this resolution.

SEC. 402. OVERSIGHT OF GOVERNMENT PERFORMANCE.

In the House, all committees are directed to review programs within their jurisdiction to root out waste, fraud, and abuse in program spending, giving particular scrutiny to issues raised by Government Accountability Office reports. Based on these oversight efforts and committee performance reviews of programs within their jurisdiction, committees are directed to include recommendations for improved governmental performance in their annual views and estimates reports required under section 301(d) of the Congressional Budget Act of 1974 to the Committee on the Budget.

SEC. 403. POINT OF ORDER AGAINST ADVANCE APPROPRIATIONS.

(a) IN GENERAL.—In the House, except as provided in subsection (b), a bill or joint resolution making a general appropriation or continuing appropriation, or an amendment thereto or a conference report thereon, may not provide for advance appropriations.

(b) EXCEPTIONS.—In the House, an advance appropriation may be provided for fiscal year 2010 for programs, projects, activities, or accounts identified in the report to accompany this resolution or the joint explanatory statement of managers to accompany this resolution under the heading ''Accounts Identified for Advance Appropriations'' in an aggregate amount not to exceed $27,558,000,000 in new budget authority, and for 2011, accounts separately identified under the same heading.

(c) DEFINITION.—In this section, the term ''advance appropriation'' means any new discretionary budget authority provided in a bill or joint resolution making general appropriations or any new discretionary budget authority provided in a bill or joint resolution continuing appropriations for fiscal year 2009 that first becomes available for any fiscal year after 2009.

SEC. 404. OVERSEAS DEPLOYMENTS AND EMERGENCY NEEDS.

(a) OVERSEAS DEPLOYMENTS AND RELATED ACTIVITIES.—In the House, if any bill, joint resolution, amendment, or conference report makes appropriations for fiscal year 2008 or fiscal year 2009 for overseas deployments and related activities, and such amounts are so designated pursuant to this subsection, then new budget authority and outlays resulting therefrom shall not count for the purposes of titles III and IV of the Congressional Budget Act of 1974.

(b) EMERGENCY NEEDS.—In the House, if any bill, joint resolution, amendment, or conference report makes appropriations for discretionary amounts, and such amounts are designated as necessary to meet emergency needs, then the new budget authority and outlays resulting therefrom shall not count for the purposes of titles III and IV of the Congressional Budget Act of 1974.

SEC. 405. BUDGETARY TREATMENT OF CERTAIN DISCRETIONARY ADMINISTRATIVE EXPENSES.

(a) IN GENERAL.—In the House, notwithstanding section 302(a)(1) of the Congressional Budget Act of 1974, section 13301 of the Budget Enforcement Act of 1990, and section 4001 of the Omnibus Budget Reconciliation Act of 1989, the joint explanatory statement accompanying the conference report on any concurrent resolution on the budget shall include in its allocation under section 302(a) of the Congressional Budget Act of 1974 to the Committee on Appropriations amounts for the discretionary administrative expenses of the Social Security Administration and of the Postal Service.

(b) SPECIAL RULE.—In the House, for purposes of applying section 302(f) of the Congressional Budget Act of 1974, estimates of the level of total new budget authority and total outlays provided by a measure shall include any off-budget discretionary amounts.

SEC. 406. APPLICATION AND EFFECT OF CHANGES IN ALLOCATIONS AND AGGREGATES.

(a) APPLICATION.—Any adjustments of allocations and aggregates made pursuant to this resolution shall—

(1) apply while that measure is under consideration;

(2) take effect upon the enactment of that measure; and

(3) be published in the Congressional Record as soon as practicable.

(b) EFFECT OF CHANGED ALLOCATIONS AND AGGREGATES.—Revised allocations and aggregates resulting from these adjustments shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations and aggregates contained in this resolution.

(c) BUDGET COMMITTEE DETERMINATIONS.—In the House, for purposes of this resolution, the levels of new budget authority, outlays, direct spending, new entitlement authority, revenues, deficits, and surpluses for a fiscal year or period of fiscal years shall be determined on the basis of estimates made by the Committee on the Budget.

SEC. 407. ADJUSTMENTS TO REFLECT CHANGES IN CONCEPTS AND DEFINITIONS.

In the House, upon the enactment of any bill or joint resolution providing for a change in concepts or definitions, the chairman of the Committee on the Budget may make adjustments to the levels and allocations in this resolution in accordance with section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 (as in effect prior to September 30, 2002).

SEC. 408. EXERCISE OF RULEMAKING POWERS.

The House adopts the provisions of this title—

(1) as an exercise of the rulemaking power of the House and as such they shall be considered as part of the rules of the House, and these rules shall supersede other rules of the House only to the extent that they are inconsistent with other such rules of the House; and

(2) with full recognition of the constitutional right of the House to change those rules at any time, in the same manner, and to the same extent as in the case of any other rule of the House.

TITLE V—POLICY

SEC. 501. POLICY ON MIDDLE-INCOME TAX RELIEF.

It is the policy of this resolution to—

(1) minimize fiscal burdens on middle-income families and their children and grandchildren;

(2) provide immediate relief for the tens of millions of middle-income households who would otherwise be subject to the alternative minimum tax (AMT) under current law, in the context of permanent, revenue-neutral AMT reform; and

(3) support extension of middle-income tax relief and enhanced economic equity through policies such as—

(A) extension of the child tax credit;

(B) extension of marriage penalty relief;

(C) extension of the 10 percent individual income tax bracket;

(D) elimination of estate taxes on all but a minute fraction of estates by reforming and substantially increasing the unified tax credit;

(E) extension of the research and experimentation tax credit;

(F) extension of the deduction for State and local sales taxes;

(G) extension of the deduction for small business expensing; and

(H) enactment of a tax credit for school construction bonds.

This resolution assumes that the cost of enacting such policies is offset by reforms within the Internal Revenue Code of 1986 that promote a fairer distribution of taxes across families and generations, economic efficiency, higher rates of tax compliance to close the ''tax gap,'' and reduced taxpayer burdens through tax simplification.

SEC. 502. POLICY ON DEFENSE PRIORITIES.

It is the policy of this resolution that—

(1) the Administration's budget requests should comply with section 1008, Public Law 109–364, the John Warner National Defense Authorization Act for Fiscal Year 2007, and the Administration should no longer attempt to fund overseas military operations through emergency supplemental appropriations requests;

(2) the Department of Defense should exclude nonwar requirements from its funding requests for Iraq and Afghanistan;

(3) implementing the recommendation of the National Commission on Terrorist Attacks Upon the United States (commonly referred to as the 9/11 Commission) to adequately fund cooperative threat reduction and nuclear nonproliferation programs (securing ''loose nukes'') is a high priority and should receive far greater emphasis than the President's budget provides;

(4) readiness of our troops, particularly the National Guard and Reserve, is a high priority, and that greater emphasis needs to be placed on mitigating equipment and training shortfalls;

(5) TRICARE fees for military retirees under the age of 65 should not be increased as the President's budget proposes;

(6) military pay and benefits should be enhanced to improve the quality of life of military personnel;

(7) improving military health care services continues to be a high priority and adequate funding to ensure quality health care for returning combat veterans should be provided;

(8) higher priority defense needs could be addressed by funding missile defense at an adequate but lower level, not providing funding for development of space-based missile defense interceptors, and by restraining excessive cost and schedule growth in defense research, development and procurement programs;

(9) the Department of Defense should reassess current defense plans to ensure that weapons developed to counter cold war-era threats are not redundant and are applicable to 21st century threats;

(10) sufficient resources should be provided for the Department of Defense to do an aggressive job of addressing as many as possible of the 1,260 unimplemented recommendations made by the Government Accountability Office (GAO) over the last 7 years to improve practices at the Department of Defense, including investigation of the billions of dollars of obligations, disbursements and overcharges for which the Department of Defense cannot account;

(11) savings from the actions recommended in paragraphs (8) and (10) of this section should be used to fund the priorities identified in paragraphs (3) through (7);

(12) the Department of Defense report to Congress on its assessment of cold war weapons and progress on implementing GAO recommendations as outlined in paragraphs (9) and (10) by a time determined by the appropriate authorizing committees; and

(13) the GAO report to the appropriate congressional committees by the end of the 110th Congress regarding the Department of Defense's progress in implementing its audit recommendations.

TITLE VI—SENSE OF THE HOUSE

SEC. 601. SENSE OF THE HOUSE ON THE INNOVATION AGENDA AND AMERICA COMPETES ACT.

It is the sense of the House that—

(1) the House should provide sufficient funding so that our Nation may continue to be the world leader in education, innovation and economic growth;

(2) last year, Congress passed and the President signed the America COMPETES Act, bipartisan legislation designed to ensure that American students, teachers, businesses, and workers are prepared to continue leading the world in innovation, research, and technology well into the future;

(3) this resolution supports the efforts authorized in the America COMPETES Act, providing substantially increased funding above the President's requested level for 2009, and increased amounts after 2009 in Function 250 (General Science, Space and Technology) and Function 270 (Energy);

(4) additional increases for scientific research and education are included in Function 500 (Education, Employment, Training and Social Services), Function 550 (Health), Function 300 (Environment and Natural Resources), and Function 370 (Commerce and Housing Credit), all of which receive more funding than the President's budget provides;

(5) because America's greatest resource for innovation resides within classrooms across the country, the increased funding provided in this resolution will support initiatives within the America COMPETES Act to educate tens of thousands of new scientists, engineers, and mathematicians, and place highly qualified teachers in math and science K–12 classrooms; and

(6) because independent scientific research provides the foundation for innovation and future technologies, this resolution will keep us on the path toward doubling funding for the National Science Foundation, basic research in the physical sciences, and collaborative research partnerships, and toward achieving energy independence through the development of clean and sustainable alternative energy technologies.

SEC. 602. SENSE OF THE HOUSE ON SERVICEMEMBERS' AND VETERANS' HEALTH CARE AND OTHER PRIORITIES.

It is the sense of the House that—

(1) the House supports excellent health care for current and former members of the United States Armed Services—they have served well and honorably and have made significant sacrifices for this Nation;

(2) this resolution provides $48,150,000,000 in discretionary budget authority for 2009 for Function 700 (Veterans Benefits and Services), including veterans' health care, which is $4,888,000,000 more than the 2008 level, $3,602,000,000 more than the Congressional Budget Office's baseline level for 2009, and $3,232,000,000 more than the President's budget for 2009; and also provides more discretionary budget authority than the President's budget in every year after 2009;

(3) this resolution provides funding to continue addressing problems such as those identified at Walter Reed Army Medical Center to improve military and veterans' health care facilities and services;

(4) this resolution assumes the rejection of the health care enrollment fees and pharmaceutical co-payment increases in the President's budget;

(5) this resolution provides additional funding above the President's inadequate budget levels for the Department of Veterans Affairs to research and treat veterans' mental health, post-traumatic stress disorder, and traumatic brain injury; and

(6) this resolution provides additional funding above the President's inadequate budget levels for the Department of Veterans Affairs to improve the speed and accuracy of its processing of disability compensation claims, including funding to hire additional personnel above the President's requested level.

SEC. 603. SENSE OF THE HOUSE ON HOMELAND SECURITY.

It is the sense of the House that—

(1) this resolution assumes additional homeland security funding above the President's requested level for 2009 and every subsequent year;

(2) this resolution assumes funding above the President's requested level for 2009, and additional amounts in subsequent years, in the four budget functions—Function 400 (Transportation), Function 450 (Community and Regional Development), Function 550 (Health), and Function 750 (Administration of Justice)—that fund most nondefense homeland security activities; and

(3) the homeland security funding provided in this resolution will help to strengthen the security of our Nation's transportation system, particularly our ports where significant security shortfalls still exist and foreign ports, by expanding efforts to identify and scan all high-risk United States-bound cargo, equip, train and support first responders (including enhancing interoperable communications and emergency management), strengthen border patrol, and increase the preparedness of the public health system.

SEC. 604. SENSE OF THE HOUSE REGARDING LONG-TERM FISCAL REFORM.

It is the sense of the House that—

(1) both the Government Accountability Office and the Congressional Budget Office have warned that the Federal budget is on an unsustainable path of rising deficits and debt;

(2) using recent trend data and reasonable policy assumptions, CBO has projected that the gap between spending and revenues over the next 75 years will reach 6.9 percent of GDP;

(3) publicly held debt will rise from 36 percent today to 400 percent of GDP by the decade beginning in 2050 under CBO's alternative policy scenario;

(4) the most significant factor affecting the long-term Federal fiscal landscape is the expectation that total public and private health spending will continue to grow faster than the economy;

(5) the House calls upon governmental and nongovernmental experts to develop specific options to reform the health care system and control costs, that further research and analysis on topics including comparative effectiveness, health information technology, preventative care, and provider incentives is needed, and that of critical importance is the development of a consensus on the appropriate methods for estimating the budgetary impact and health outcome effects of these proposals; and

(6) immediate policy action is needed to address the long-term fiscal challenges facing the United States, including the rising costs of entitlements, in a manner that is fiscally responsible, equitable, and lasting, and that also honors commitments made to beneficiaries, and that such action should be bipartisan, bicameral, involve both legislative and executive branch participants, as well as public participation, and be conducted in a manner that ensures full, fair, and timely Congressional consideration.

SEC. 605. SENSE OF THE HOUSE REGARDING WASTE, FRAUD, AND ABUSE.

It is the sense of the House that—

(1) all committees should examine programs within their jurisdiction to identify wasteful and fraudulent spending;

(2) title IV of this resolution includes cap adjustments to provide appropriations for agencies that control programs that accounted for a significant share of improper payments reported by Federal agencies: Social Security Administration Continuing Disability Reviews, the Medicare/Medicaid Health Care Fraud and Abuse Control Program, and Unemployment Insurance Program Integrity;

(3) title IV also includes a cap adjustment for the Internal Revenue Services for tax compliance efforts to close the $300,000,000,000 tax gap;

(4) the resolution's deficit-neutral reserve funds require authorizing committees to cut lower priority and wasteful spending to accommodate any new high-priority entitlement benefits; and

(5) title IV of the resolution directs all committees to review the performance of programs within their jurisdiction and report recommendations annually to the Committee on the Budget as part of the views and estimates process required by section 301(d) of the Congressional Budget Act.

SEC. 606. SENSE OF THE HOUSE REGARDING EXTENSION OF THE STATUTORY PAY-AS-YOU-GO RULE.

It is the sense of the House that to reduce the deficit, Congress should extend the PAYGO rules originally enacted in the Budget Enforcement Act of 1990.

SEC. 607. SENSE OF THE HOUSE ON LONG-TERM BUDGETING.

It is the sense of the Congress that the determination of the congressional budget for the United States Government and the President's budget request should include consideration of the Financial Report of the United States Government, especially its information regarding the Governments net operating cost, financial position, and long-term liabilities.

SEC. 608. SENSE OF THE HOUSE REGARDING THE NEED TO MAINTAIN AND BUILD UPON EFFORTS TO FIGHT HUNGER.

It is the sense of the House that—

(1) 35.5 million Americans (12.6 million of them children) are food insecure—uncertain of having, or unable to acquire, enough food, and that 11.1 million Americans are hungry because of lack of food;

(2) despite the critical contributions of the Department of Agriculture nutrition programs (particularly the food stamp program), which significantly reduced payment error rates while providing help to partially mitigate the effects of rising poverty and unemployment, significant need remains, even among families that receive food stamps;

(3) nearly 25 million people, including more than nine million children and nearly three million seniors, sought emergency food assistance from food pantries, soup kitchens, shelters, and local charities last year;

(4) legislation that passed the House with bipartisan support was an appropriate first step toward ensuring that nutrition assistance keeps up with inflation and rising food prices; and

(5) Department of Agriculture programs that help us fight hunger should be maintained and that the House should continue to seize opportunities to reach Americans in need and to fight hunger.

SEC. 609. SENSE OF THE HOUSE REGARDING AFFORDABLE HEALTH COVERAGE.

It is the sense of the House that—

(1) nearly 47 million Americans, including nine million children, lack health insurance;

(2) people without health insurance are more likely to experience problems getting medical care and to be hospitalized for avoidable health problems;

(3) most Americans receive health coverage through their employers, and a major issue facing all employers is the rising cost of health insurance;

(4) small businesses, which have generated most of the new jobs annually over the last decade, have an especially difficult time affording health coverage, because of higher administrative costs and fewer people over whom to spread the risk of catastrophic costs;

(5) because it is especially costly for small businesses to provide health coverage, their employees make up a large proportion of the Nation's uninsured individuals; and

(6) legislation consistent with the pay-as-you-go principle should be adopted that makes health insurance more affordable and accessible, with attention to the special circumstances affecting employees of small businesses, and that lowers costs and improves the quality of health care by encouraging integration of health information technology tools into the practice of medicine, and by promoting improvements in disease management and disease prevention.

SEC. 610. SENSE OF THE HOUSE REGARDING PAY PARITY.

It is the sense of the House that rates of compensation for civilian employees of the United States should be adjusted at the same time, and in the same proportion, as are rates of compensation for members of the uniformed services.

SEC. 611. SENSE OF THE HOUSE REGARDING SUBPRIME LENDING AND FORECLOSURES.

It is the sense of the House that—

(1) over the last six months, the Nation has experienced a significant increase in the number of homeowners facing the risk of foreclosure with estimates of as many as 2.8 million subprime and other distressed borrowers facing the loss of their homes over the next five years;

(2) the rise in foreclosures not only has an immediate, devastating impact on homeowners and their families, but it also has ripple effects—

(A) local communities experiencing high levels of foreclosures experience deterioration as a result of the large number of vacant foreclosed and abandoned homes;

(B) rising foreclosure rates can accelerate drops in home prices, affecting all homeowners; and

(C) home mortgage default and foreclosure rates increase risk for lenders, further restricting the availability of credit, which can in turn slow economic growth; and

(3) the rise in foreclosures is not only a crisis for subprime borrowers, but a larger problem for communities as a whole, and considering the multi-layered effects of increasing foreclosures, the House should consider steps to address this complex problem.

SEC. 612. SENSE OF HOUSE REGARDING THE IMPORTANCE OF CHILD SUPPORT ENFORCEMENT.

It is the sense of the House that—

(1) additional legislative action is needed to ensure that States have the necessary resources to collect all child support that is owed to families and to allow them to pass 100 percent of support on to families without financial penalty; and

(2) when 100 percent of child support payments are passed to the child, rather than administrative expenses, program integrity is improved and child support participation increases.

The concurrent resolution of the Senate (S. Con. Res. 70), as amended, was agreed to.

The House insists on its amendment and requests a conference with the Senate on the disagreeing votes of the two Houses thereon.

By unanimous consent, House Concurrent Resolution 312 was laid on the table.

¶58.26 H. RES. 1173—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. WEINER, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 1173) recognizing AmeriCorps Week.

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. WEINER, announced that two-thirds of those present had voted in the affirmative.

Mr. HASTINGS of Washington, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 344 / Nays 69

¶58.27 [Roll No. 319]

YEAS—344

Abercrombie	Carney	Engel
Ackerman	Carson	English (PA)
Aderholt	Castle	Eshoo
Alexander	Castor	Etheridge
Allen	Cazayoux	Everett
Altmire	Chabot	Fallin
Arcuri	Chandler	Farr
Baca	Clarke	Fattah
Baird	Clay	Ferguson
Baldwin	Cleaver	Filner
Barrow	Clyburn	Fortenberry
Bean	Coble	Fossella
Becerra	Cohen	Foster
Berkley	Cole (OK)	Frank (MA)
Berman	Conyers	Frelinghuysen
Berry	Cooper	Gallegly
Biggert	Costa	Giffords
Bilbray	Costello	Gilchrest
Bilirakis	Courtney	Gillibrand
Bishop (GA)	Crowley	Gonzalez
Bishop (NY)	Cuellar	Gordon
Blumenauer	Cummings	Granger
Blunt	Davis (AL)	Graves
Bonner	Davis (CA)	Green, Al
Boozman	Davis (IL)	Green, Gene
Boren	Davis (KY)	Grijalva
Boswell	Davis, Lincoln	Gutierrez
Boucher	Davis, Tom	Hall (NY)
Boustany	DeFazio	Hall (TX)
Boyd (FL)	Delahunt	Hare
Boyda (KS)	DeLauro	Harman
Brady (PA)	Dent	Hastings (FL)
Braley (IA)	Diaz-Balart, L.	Hastings (WA)
Brown (SC)	Diaz-Balart, M.	Hayes
Brown, Corrine	Dicks	Heller
Brown-Waite, Ginny	Dingell	Herseth Sandlin
Buchanan	Donnelly	Higgins
Butterfield	Doolittle	Hill
Calvert	Doyle	Hinchey
Camp (MI)	Drake	Hinojosa
Cantor	Dreier	Hirono
Capito	Edwards	Hobson
Capps	Ehlers	Hodes
Capuano	Ellison	Hoekstra
Cardoza	Ellsworth	Holden
Carnahan	Emanuel	Holt
	Emerson	Honda
	Hooley	Meek (FL)
	Hoyer	Melancon
	Hulshof	Michaud
	Inslee	Miller (MI)
	Israel	Miller (NC)
	Jackson (IL)	Miller, George
	Jackson-Lee (TX)	Mitchell
	Jefferson	Mollohan
	Johnson (GA)	Moore (KS)
	Johnson (IL)	Moore (WI)
	Johnson, E. B.	Moran (KS)
	Jones (OH)	Moran (VA)
	Kagen	Murphy (CT)
	Kanjorski	Murphy, Patrick
	Kaptur	Murphy, Tim
	Keller	Murtha
	Kennedy	Nadler
	Kildee	Napolitano
	Kilpatrick	Neal (MA)
	Kind	Nunes
	King (NY)	Oberstar
	Kirk	Obey
	Klein (FL)	Olver
	Knollenberg	Ortiz
	Kucinich	Pallone
	Kuhl (NY)	Pascrell
	LaHood	Pastor
	Lampson	Payne
	Langevin	Pence
	Larsen (WA)	Perlmutter
	Larson (CT)	Peterson (MN)
	Latham	Peterson (PA)
	LaTourette	Petri
	Lee	Pickering
	Levin	Platts
	Lewis (CA)	Pomeroy
	Lewis (GA)	Porter
	Linder	Price (GA)
	Lipinski	Price (NC)
	LoBiondo	Pryce (OH)
	Loebsack	Putnam
	Lofgren, Zoe	Rahall
	Lowey	Ramstad
	Lucas	Rangel
	Lungren, Daniel E.	Regula
	Lynch	Rehberg
	Mahoney (FL)	Reichert
	Maloney (NY)	Renzi
	Manzullo	Reyes
	Markey	Reynolds
	Marshall	Richardson
	Matheson	Rodriguez
	Matsui	Rogers (AL)
	McCarthy (CA)	Rogers (KY)
	McCarthy (NY)	Rogers (MI)
	McCaul (TX)	Ros-Lehtinen
	McCollum (MN)	Ross
	McCotter	Rothman
	McCrery	Roybal-Allard
	McDermott	Ruppersberger
	McGovern	Ryan (OH)
	McHugh	Ryan (WI)
	McIntyre	Salazar
	McKeon	Sánchez, Linda T.
	McMorris Rodgers	Sanchez, Loretta
	McNerney	Sarbanes
	McNulty	Saxton
		Scalise
		Schakowsky
		Schiff
		Schwartz
		Scott (GA)
		Scott (VA)
		Sensenbrenner
		Serrano
		Sestak
		Shays
		Shea-Porter
		Sherman
		Shimkus
		Shuler
		Shuster
		Simpson
		Sires
		Skelton
		Slaughter
		Smith (NE)
		Smith (NJ)
		Smith (TX)
		Smith (WA)
		Snyder
		Solis
		Souder
		Space
		Speier
		Spratt
		Stupak
		Sutton
		Tanner
		Tauscher
		Taylor
		Terry
		Thompson (CA)
		Thompson (MS)
		Tiahrt
		Tiberi
		Tierney
		Towns
		Tsongas
		Turner
		Udall (CO)
		Udall (NM)
		Upton
		Van Hollen
		Velázquez
		Visclosky
		Walden (OR)
		Walsh (NY)
		Walz (MN)
		Wasserman Schultz
		Waters
		Watson
		Watt
		Waxman
		Weiner
		Welch (VT)
		Weldon (FL)
		Weller
		Wexler
		Whitfield (KY)
		Wilson (OH)
		Wilson (SC)
		Wittman (VA)
		Wolf
		Woolsey
		Yarmuth
		Young (FL)

NAYS—69

Akin	Foxx	Miller (FL)
Bachmann	Franks (AZ)	Miller, Gary
Bachus	Garrett (NJ)	Musgrave
Barrett (SC)	Gingrey	Neugebauer
Bartlett (MD)	Gohmert	Paul
Barton (TX)	Goode	Pearce
Boehner	Goodlatte	Pitts
Brady (TX)	Hensarling	Poe
Broun (GA)	Herger	Radanovich
Burgess	Hunter	Rohrabacher
Burton (IN)	Inglis (SC)	Roskam
Buyer	Issa	Royce
Campbell (CA)	Johnson, Sam	Sali
Cannon	Jones (NC)	Sessions
Carter	Jordan	Shadegg
Conaway	King (IA)	Stearns
Culberson	Kingston	Sullivan
Davis, David	Kline (MN)	Tancredo
Deal (GA)	Lamborn	Thornberry
Duncan	Latta	Walberg
Feeney	Marchant	Wamp
Flake	McHenry	Westmoreland
Forbes	Mica	Young (AK)

NOT VOTING—20

Andrews	Bono Mack	Cubin
Bishop (UT)	Cramer	DeGette
Blackburn	Crenshaw	Doggett

Gerlach	Myrick	Wilson (NM)
Lewis (KY)	Rush	Wu
Mack	Schmidt	Wynn
Meeks (NY)	Stark	

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶58.28 MOTION TO INSTRUCT CONFEREES—S. CON. RES. 70

Mr. RYAN of Wisconsin, moved that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the House amendment to the concurrent resolution of the Senate on the budget, S. Con. Res. 70, be instructed to increase negative budget authority and outlays in section 101(19), function 920 (Allowances) of the House amendment, by $2.02 billion over the period of fiscal years 2009 through 2013.

After debate,

By unanimous consent, the previous question was ordered on the motion to instruct the managers on the part of the House.

The SPEAKER pro tempore, Mr. ALTMIRE, announced that the nays had it.

Mr. RYAN of Wisconsin, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. ALTMIRE, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶58.29 CONSUMER PRODUCT SAFETY MODERNIZATION

On motion of Mr. DINGELL, by unanimous consent, the bill (H.R. 4040) to establish consumer product safety standards and other safety requirements for children's products and to reauthorize and modernize the Consumer Product Safety Commission; together with the amendment of the Senate thereto, was taken from the Speaker's table.

When on motion of Mr. DINGELL, it was,

Resolved, That the House disagree to the amendment of the Senate and agree to the conference asked by the Senate on the disagreeing votes of the two Houses thereon.

Ordered, That the Clerk notify the Senate thereof.

¶58.30 MOTION TO INSTRUCT CONFEREES—H.R. 4040

Mr. WHITFIELD of Kentucky, moved that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to H.R. 4040 be instructed to insist upon the provisions contained in the House bill.

After debate,

By unanimous consent, the previous question was ordered on the motion to instruct the managers on the part of the House.

The question being put, viva voce,

Will the House agree to said motion?

The SPEAKER pro tempore, Mr. ALTMIRE, announced that the yeas had it.

Mr. WHITFIELD of Kentucky, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 405 Nays 0

¶58.31 [Roll No. 320]

YEAS—405

Abercrombie	Cohen	Hare
Ackerman	Cole (OK)	Harman
Aderholt	Conaway	Hastings (FL)
Akin	Conyers	Hastings (WA)
Alexander	Cooper	Hayes
Allen	Costa	Heller
Altmire	Costello	Hensarling
Andrews	Courtney	Herger
Arcuri	Cuellar	Herseth Sandlin
Baca	Culberson	Higgins
Bachmann	Cummings	Hill
Bachus	Davis (AL)	Hinchey
Baird	Davis (CA)	Hinojosa
Baldwin	Davis (IL)	Hobson
Barrett (SC)	Davis (KY)	Hodes
Barrow	Davis, David	Hoekstra
Bartlett (MD)	Davis, Lincoln	Holden
Barton (TX)	Davis, Tom	Holt
Bean	Deal (GA)	Honda
Becerra	DeFazio	Hooley
Berkley	Delahunt	Hoyer
Berman	DeLauro	Hulshof
Berry	Dent	Hunter
Biggert	Diaz-Balart, M.	Inglis (SC)
Bilirakis	Dicks	Inslee
Bishop (GA)	Dingell	Israel
Bishop (NY)	Doggett	Jackson (IL)
Bishop (UT)	Donnelly	Jackson-Lee (TX)
Blackburn	Doolittle	Jefferson
Blumenauer	Doyle	Johnson (GA)
Blunt	Drake	Johnson (IL)
Bonner	Dreier	Johnson, E. B.
Boozman	Duncan	Johnson, Sam
Boren	Edwards	Jones (NC)
Boswell	Ehlers	Jones (OH)
Boucher	Ellison	Jordan
Boustany	Ellsworth	Kagen
Boyd (FL)	Emerson	Kanjorski
Boyda (KS)	Engel	Kaptur
Brady (PA)	English (PA)	Keller
Brady (TX)	Eshoo	Kennedy
Broun (GA)	Etheridge	Kildee
Brown (SC)	Everett	Kilpatrick
Brown, Corrine	Fallin	Kind
Brown-Waite, Ginny	Farr	King (IA)
Buchanan	Fattah	King (NY)
Burgess	Feeney	Kingston
Burton (IN)	Ferguson	Kirk
Butterfield	Filner	Klein (FL)
Buyer	Flake	Kline (MN)
Calvert	Forbes	Knollenberg
Camp (MI)	Fortenberry	Kucinich
Campbell (CA)	Fossella	Kuhl (NY)
Cannon	Foster	LaHood
Cantor	Foxx	Lamborn
Capito	Frank (MA)	Lampson
Capps	Franks (AZ)	Langevin
Capuano	Frelinghuysen	Larsen (WA)
Cardoza	Gallegly	Larson (CT)
Carnahan	Garrett (NJ)	Latham
Carney	Gerlach	LaTourette
Carson	Gilchrest	Latta
Carter	Gillibrand	Lee
Castle	Gingrey	Levin
Castor	Gohmert	Lewis (CA)
Cazayoux	Gonzalez	Lewis (GA)
Chabot	Goode	Linder
Chandler	Goodlatte	Lipinski
Clarke	Gordon	LoBiondo
Clay	Granger	Loebsack
Cleaver	Graves	Lofgren, Zoe
Clyburn	Green, Al	Lowey
Coble	Green, Gene	Lucas
Cohen	Grijalva	Lungren, Daniel E.
Cole (OK)	Gutierrez	Lynch
Conaway	Hall (TX)	Mahoney (FL)
Conyers	Hall (NY)	Maloney (NY)
Cooper	Hare	Manzullo
Costa	Harman	Marchant
Costello	Hastings (FL)	Markey
Courtney	Hastings (WA)	Marshall
Cuellar	Hayes	Matheson
Culberson	Heller	Matsui
Cummings	Hensarling	McCarthy (CA)
Davis (AL)	Herger	McCarthy (NY)
Davis (CA)	Herseth Sandlin	McCaul (TX)
Davis (IL)	Higgins	McCollum (MN)
Davis (KY)	Hill	McCotter
Davis, David	Hinchey	McCrery
Davis, Lincoln	Hinojosa	McDermott
Davis, Tom	Hobson	McGovern
Deal (GA)	Hodes	McHenry
DeFazio	Hoekstra	McHugh
Delahunt	Holden	McIntyre
DeLauro	Holt	McKeon
Dent	Honda	McMorris Rodgers
Diaz-Balart, M.	Hooley	McNerney
Dicks	Hoyer	McNulty
Dingell	Hulshof	Meek (FL)
Doggett	Hunter	Meeks (NY)
Donnelly	Inglis (SC)	Melancon
Doolittle	Inslee	Mica
Doyle	Israel	Michaud
Drake	Jackson (IL)	Miller (FL)
Dreier	Jackson-Lee (TX)	Miller (MI)
Duncan	Jefferson	Miller (NC)
Edwards	Johnson (GA)	Miller, Gary
Ehlers	Johnson (IL)	Mitchell
Ellison	Johnson, E. B.	Mollohan
Ellsworth	Johnson, Sam	Moore (KS)
Emerson	Jones (NC)	Moore (WI)
Engel	Jones (OH)	Moran (KS)
English (PA)	Jordan	Moran (VA)
Eshoo	Kagen	Murphy (CT)
Etheridge	Kanjorski	Murphy, Patrick
Everett	Kaptur	Murphy, Tim
Fallin	Keller	Murtha
Farr	Kennedy	Musgrave
Fattah	Kildee	Nadler
Feeney	Kilpatrick	Napolitano
Ferguson	Kind	Neal (MA)
Filner	King (IA)	Neugebauer
Flake	King (NY)	Nunes
Forbes	Kingston	Oberstar
Fortenberry	Kirk	Obey
Fossella	Klein (FL)	Olver
Foster	Kline (MN)	Ortiz
Foxx	Knollenberg	Pallone
Frank (MA)	Kucinich	Pascrell
Franks (AZ)	Kuhl (NY)	Pastor
Frelinghuysen	LaHood	Payne
Gallegly	Lamborn	Pearce
Garrett (NJ)	Lampson	Pence
Gerlach	Langevin	Perlmutter
Gilchrest	Larsen (WA)	Peterson (MN)
Gillibrand	Larson (CT)	Peterson (PA)
Gingrey	Latham	Petri
Gohmert	LaTourette	Pickering
Gonzalez	Latta	Pitts
Goode	Lee	Platts
Goodlatte	Levin	Poe
Gordon	Lewis (CA)	Pomeroy
Granger	Lewis (GA)	Porter
Graves	Linder	Price (GA)
Green, Al	Lipinski	Price (NC)
Green, Gene	LoBiondo	Pryce (OH)
Grijalva	Loebsack	Putnam
Gutierrez	Lofgren, Zoe	Radanovich
Hall (TX)	Lowey	Rahall
Hall (NY)	Lucas	Ramstad
Hare	Lungren, Daniel E.	Rangel
Harman	Lynch	Regula
Hastings (FL)	Mahoney (FL)	Rehberg
Hastings (WA)	Maloney (NY)	Reichert
Hayes	Manzullo	Renzi
Heller	Marchant	Reyes
Hensarling	Markey	Reynolds
Herger	Marshall	Richardson
Herseth Sandlin	Matheson	Rodriguez
Higgins	Matsui	Rogers (AL)
Hill	McCarthy (CA)	Rogers (KY)
Hinchey	McCarthy (NY)	Rogers (MI)
Hinojosa	McCaul (TX)	Rohrabacher
Hobson	McCollum (MN)	Ros-Lehtinen
Hodes	McCotter	Roskam
Hoekstra	McCrery	Rothman
Holden	McDermott	Roybal-Allard
Holt	McGovern	Royce
Honda	McHenry	Ruppersberger
Hooley	McHugh	Ryan (OH)
Hoyer	McIntyre	Ryan (WI)
Hulshof	McKeon	Salazar
Hunter	McMorris Rodgers	Sali
Inglis (SC)	McNerney	Sánchez, Linda T.
Inslee	McNulty	Sanchez, Loretta
Israel	Meek (FL)	Sarbanes
Jackson (IL)	Meeks (NY)	Saxton
Jackson-Lee (TX)	Melancon	Scalise
Jefferson	Mica	Schakowsky
Johnson (GA)	Michaud	Schiff
Johnson (IL)	Miller (FL)	Schwartz
Johnson, E. B.	Miller (MI)	Scott (GA)
Johnson, Sam	Miller (NC)	Scott (VA)
Jones (NC)	Miller, Gary	Sensenbrenner
Jones (OH)	Mitchell	Serrano
Jordan	Mollohan	Sessions
Kagen	Moore (KS)	Sestak
Kanjorski	Moore (WI)	Shadegg
Kaptur	Moran (KS)	Shays
Keller	Moran (VA)	Shea-Porter
Kennedy	Murphy (CT)	Sherman
Kildee	Murphy, Patrick	Shuler
Kilpatrick	Murphy, Tim	Shuster
Kind	Murtha	Simpson
King (IA)	Musgrave	Sires
King (NY)	Nadler	Skelton
Kingston	Napolitano	Slaughter
Kirk	Neal (MA)	Smith (NE)
Klein (FL)	Neugebauer	Smith (NJ)
Kline (MN)	Nunes	Smith (TX)
Knollenberg	Oberstar	Smith (WA)
Kucinich	Obey	Snyder
Kuhl (NY)	Olver	Solis
LaHood	Ortiz	Souder
Lamborn	Pallone	Space
Lampson	Pascrell	Speier
Langevin	Pastor	Spratt
Larsen (WA)	Payne	Stark
Larson (CT)	Pearce	Stearns
Latham	Pence	Stupak
LaTourette	Perlmutter	Sullivan
Latta	Peterson (MN)	Sutton
Lee	Peterson (PA)	Tancredo
Levin	Petri	Tanner
Lewis (CA)	Pickering	Tauscher
Lewis (GA)	Pitts	Taylor
Linder	Platts	Terry
Lipinski	Poe	Thompson (CA)
LoBiondo	Pomeroy	Thompson (MS)
Loebsack	Porter	Thornberry
Lofgren, Zoe	Price (GA)	Tiahrt
Lowey	Price (NC)	Tiberi
Lucas	Pryce (OH)	Tierney
Lungren, Daniel E.	Putnam	Towns
Lynch	Radanovich	Tsongas
Mahoney (FL)	Rahall	Turner
Maloney (NY)	Ramstad	Udall (CO)
Manzullo	Rangel	Udall (NM)
Marchant	Regula	Upton
Markey	Rehberg	Van Hollen
Marshall	Reichert	Velázquez
Matheson	Renzi	Visclosky
Matsui	Reyes	Walberg
McCarthy (CA)	Reynolds	Walden (OR)
McCarthy (NY)	Richardson	Walsh (NY)
McCaul (TX)	Rodriguez	Walz (MN)
McCollum (MN)	Rogers (AL)	Wamp
McCotter	Rogers (KY)	Wasserman Schultz
McCrery	Rogers (MI)	Waters
McDermott	Rohrabacher	Watson
McGovern	Ros-Lehtinen	Watt
McHenry	Roskam	Waxman
McHugh	Rothman	Weiner
McIntyre	Roybal-Allard	Welch (VT)
McKeon	Royce	Weldon (FL)
McMorris Rodgers	Ruppersberger	Weller
McNerney	Ryan (OH)	Wexler
McNulty	Ryan (WI)	Whitfield (KY)
Meek (FL)	Salazar	Wilson (NM)
Meeks (NY)	Sali	Wilson (OH)
Melancon	Sánchez, Linda T.	Wilson (SC)
Mica	Sanchez, Loretta	Wittman (VA)
Michaud	Sarbanes	Wolf
Miller (FL)	Saxton	Woolsey
Miller (MI)	Scalise	Wu
Miller (NC)	Schakowsky	Yarmuth
Miller, Gary	Schiff	Young (AK)
Mitchell	Schwartz	Young (FL)
Mollohan	Scott (GA)	
Moore (KS)	Scott (VA)	
Moore (WI)	Sensenbrenner	
Moran (KS)	Serrano	
Moran (VA)	Sessions	
Murphy (CT)	Sestak	
Murphy, Patrick	Shadegg	
Murphy, Tim	Shays	
Murtha	Shea-Porter	
Musgrave	Sherman	
Nadler	Shuler	
Napolitano	Shuster	
Neal (MA)	Simpson	
Neugebauer	Sires	
Nunes	Skelton	
Oberstar	Slaughter	
Obey	Smith (NE)	
Olver	Smith (NJ)	
Ortiz	Smith (TX)	
Pallone	Smith (WA)	
Pascrell	Snyder	
Pastor	Solis	
Payne	Souder	
Pearce	Space	
Pence	Speier	
Perlmutter	Spratt	
Peterson (MN)	Stark	
Peterson (PA)	Stearns	
Petri	Stupak	
Pickering	Sullivan	
Pitts	Sutton	
Platts	Tancredo	
Poe	Tanner	
Pomeroy	Tauscher	
Porter	Taylor	
Price (GA)	Terry	
Price (NC)	Thompson (CA)	
Pryce (OH)	Thompson (MS)	
Putnam	Thornberry	
Radanovich	Tiahrt	
Rahall	Tiberi	
Ramstad	Tierney	
Rangel	Towns	
Regula	Tsongas	
Rehberg	Turner	
Reichert	Udall (CO)	
Renzi	Udall (NM)	
Reyes	Upton	
Reynolds	Van Hollen	
Richardson	Velázquez	
Rodriguez	Visclosky	
Rogers (AL)	Walberg	
Rogers (KY)	Walden (OR)	
Rogers (MI)	Walsh (NY)	
Rohrabacher	Walz (MN)	
Ros-Lehtinen	Wamp	
Roskam	Wasserman Schultz	
Rothman	Waters	
Roybal-Allard	Watson	
Royce	Watt	
Ruppersberger	Waxman	
Ryan (OH)	Weiner	
Ryan (WI)	Welch (VT)	
Salazar	Weldon (FL)	
Sali	Weller	
Sánchez, Linda T.	Wexler	
Sanchez, Loretta	Whitfield (KY)	
Sarbanes	Wilson (NM)	
Saxton	Wilson (OH)	
Scalise	Wilson (SC)	
Schakowsky	Wittman (VA)	
Schiff	Wolf	
Schwartz	Woolsey	
Scott (GA)	Wu	
Scott (VA)	Yarmuth	
Sensenbrenner	Young (AK)	
Serrano	Young (FL)	

NOT VOTING—28

Bilbray	Emanuel	Myrick
Boehner	Garrett (NJ)	Paul
Bono Mack	Gerlach	Ross
Braley (IA)	Gordon	Rush
Cramer	Hall (NY)	Schmidt
Crenshaw	Hirono	Shimkus
Crowley	Issa	Westmoreland
Cubin	Lewis (KY)	Wynn
DeGette	Mack	
Diaz-Balart, L.	Miller, George	

So the motion to instruct the managers on the part of the House was agreed to.

A motion to reconsider the vote whereby said motion was agreed to was, by unanimous consent, laid on the table.

¶58.32 MOTION TO INSTRUCT CONFEREES TO S. CON. RES. 70—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. ALTMIRE, pursuant to clause 8 of rule XX, announced the unfinished business to be the question on the motion, by Mr. RYAN of Wisconsin, to instruct the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the concurrent resolution of the Senate (S. Con. Res.

70) an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013.

The question being put,

Will the House agree to said motion?

The vote was taken by electronic device.

It was decided in the negative ..... { Yeas ..... 185 Nays 229

¶58.33 [Roll No. 321]

YEAS—185

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Boozman
Boren
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Cazayoux
Chabot
Coble
Cole (OK)
Conaway
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly
Doolittle
Drake
Dreier
Duncan
Edwards
Emerson
English (PA)
Everett
Fallin
Feeney
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gilchrest
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Granger
Graves
Green, Gene
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hinojosa
Hobson
Hoekstra
Hulshof
Hunter
Issa
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Latham
LaTourette
Latta
Lewis (CA)
Linder
Lucas
Lungren, Daniel E.
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Neugebauer
Nunes
Ortiz
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
Renzi
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Ross
Royce
Ryan (WI)
Sali
Scalise
Sensenbrenner
Sessions
Shadegg
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Tanner
Taylor
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NAYS—229

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

NOT VOTING—19

Bilbray
Bono Mack
Braley (IA)
Cramer
Crenshaw
Cubin
DeGette
Gerlach
Gordon
Hirono
Lewis (KY)
Mack
Myrick
Paul
Rush
Ryan (OH)
Schmidt
Shimkus
Wynn

So the motion to instruct the managers on the part of the House was not agreed to.

A motion to reconsider the vote whereby said motion was not agreed to was, by unanimous consent, laid on the table.

¶58.34 H. RES. 789—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. ALTMIRE, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 789) honoring public child welfare agencies, nonprofit organizations and private entities providing services for foster children; as amended.

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. ALTMIRE, announced that two-thirds of those present had voted in the affirmative.

Mr. LATHAM demanded a recorded vote on agreeing to said resolution, as amended, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 414 Nays 0

¶58.35 [Roll No. 322]

AYES—414

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Berkley
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Cazayoux
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Deal (GA)
DeFazio
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall

Matheson	Poe	Smith (TX)
Matsui	Pomeroy	Smith (WA)
McCarthy (CA)	Porter	Snyder
McCarthy (NY)	Price (GA)	Solis
McCaul (TX)	Price (NC)	Souder
McCollum (MN)	Pryce (OH)	Space
McCotter	Putnam	Speier
McCrery	Radanovich	Spratt
McDermott	Rahall	Stark
McGovern	Ramstad	Stearns
McHenry	Rangel	Stupak
McHugh	Regula	Sullivan
McIntyre	Rehberg	Sutton
McKeon	Reichert	Tancredo
McMorris Rodgers	Renzi	Tanner
	Reyes	Tauscher
McNerney	Reynolds	Taylor
McNulty	Richardson	Terry
Meek (FL)	Rodriguez	Thompson (CA)
Meeks (NY)	Rogers (AL)	Thompson (MS)
Melancon	Rogers (KY)	Thornberry
Mica	Rogers (MI)	Tiahrt
Michaud	Rohrabacher	Tiberi
Miller (FL)	Ros-Lehtinen	Tierney
Miller (MI)	Roskam	Towns
Miller (NC)	Ross	Tsongas
Miller, Gary	Rothman	Turner
Miller, George	Roybal-Allard	Udall (CO)
Mitchell	Royce	Udall (NM)
Mollohan	Ruppersberger	Upton
Moore (KS)	Ryan (OH)	Van Hollen
Moore (WI)	Ryan (WI)	Velázquez
Moran (KS)	Salazar	Visclosky
Moran (VA)	Sali	Walberg
Murphy (CT)	Sánchez, Linda T.	Walden (OR)
Murphy, Patrick		Walsh (NY)
Murphy, Tim	Sanchez, Loretta	Walz (MN)
Murtha	Sarbanes	Wamp
Musgrave	Saxton	Wasserman Schultz
Nadler	Scalise	
Napolitano	Schakowsky	Waters
Neal (MA)	Schiff	Watson
Neugebauer	Schwartz	Watt
Nunes	Scott (GA)	Waxman
Oberstar	Scott (VA)	Weiner
Obey	Sensenbrenner	Welch (VT)
Olver	Serrano	Weldon (FL)
Ortiz	Sessions	Weller
Pallone	Sestak	Westmoreland
Pascrell	Shadegg	Wexler
Pastor	Shays	Whitfield (KY)
Payne	Shea-Porter	Wilson (NM)
Pearce	Sherman	Wilson (OH)
Pence	Shuler	Wilson (SC)
Perlmutter	Shuster	Wittman (VA)
Peterson (MN)	Simpson	Wolf
Peterson (PA)	Sires	Woolsey
Petri	Skelton	Wu
Pickering	Slaughter	Yarmuth
Pitts	Smith (NE)	Young (AK)
Platts	Smith (NJ)	Young (FL)

NOT VOTING—19

Becerra	DeGette	Paul
Berman	Gerlach	Rush
Bono Mack	Gordon	Schmidt
Cramer	Hooley	Shimkus
Crenshaw	Lewis (KY)	Wynn
Cubin	Mack	
Davis, Tom	Myrick	

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution, as amended, was not agreed to was, by unanimous consent, laid on the table.

¶58.36 APPOINTMENT OF CONFEREES—S. CON. RES. 70

The SPEAKER pro tempore, Mr. ALTMIRE, by unanimous consent, appointed the following Members as managers on the part of the House to the conference with the Senate on the disagreeing votes of the two Houses on the concurrent resolution of the Senate (S. Con. Res. 70) an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013: Mr. SPRATT, Ms. DELAURO, Messrs. EDWARDS, RYAN of Wisconsin, and BARRETT of South Carolina.

Ordered, That the Clerk notify the Senate of the foregoing appointments.

¶58.37 APPOINTMENT OF CONFEREES—H.R. 4040

The SPEAKER pro tempore, Mr. ALTIMIRE, by unanimous consent, appointed the following Members as managers on the part of the House to the conference with the Senate on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 4040) to establish consumer product safety standards and other safety requirements for children's products and to reauthorize and modernize the Consumer Product Safety Commission; Messrs. DINGELL, WAXMAN, RUSH, Mses. DEGETTE, SCHAKOWSKY, Messrs. BARTON of Texas, WHITFIELD of Kentucky, and STEARNS.

Ordered, That the Clerk notify the Senate of the foregoing appointments.

¶58.38 PROVIDING FOR CONSIDERATION OF H.R. 2542

Ms. SLAUGHTER, by direction of the Committee on Rules, reported (Rept. No. 110–636) the resolution (H. Res. 1197) providing for consideration of the amendment of the Senate to the bill (H.R. 2542) making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2008, and for other purposes.

When said resolution and report were referred to the House Calendar and ordered printed.

¶58.39 NATIONAL WOMEN'S HEALTH WEEK

Mrs. CAPPS moved to suspend the rules and agree to the concurrent resolution (H. Con. Res. 331):

Whereas women of all backgrounds have the power to greatly reduce their risk of common diseases through preventative measures, such as engaging in regular physical activity, eating a nutritious diet, and visiting a healthcare provider to receive regular check-ups and preventative screenings;

Whereas significant disparities exist in the prevalence of disease among women of different backgrounds, including women with disabilities, African-American women, Asian/Pacific Islander women, Latinas, and American Indian/Alaskan Native women;

Whereas healthy habits should begin at a young age;

Whereas preventative care saves Federal dollars designated for health care;

Whereas it is imperative to educate women and girls about key female health issues;

Whereas it is recognized that offices of women's health within the Department of Health and Human Services, the Food and Drug Administration, the Centers for Disease Control and Prevention, the Health Resources and Services Administration, the National Institutes of Health, and the Agency for Healthcare Research and Quality are vital in providing critical services that support women's health research, education, and other necessary services that benefit women of all ages, races, and ethnicities;

Whereas the annual National Women's Health Week begins on Mother's Day and celebrates the efforts of national and community organizations working with partners and volunteers to improve awareness of key women's health issues; and

Whereas in 2008, the week of May 11 through May 17 is designated National Women's Health Week: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) recognizes the importance of preventing diseases that commonly affect women;

(2) supports the goals and ideals of National Women's Health Week;

(3) calls on the people of the United States to use National Women's Health Week as an opportunity to learn about the health issues women face;

(4) calls on the women of the United States to observe National Women's Check-Up Day by receiving preventative screenings from their health care providers; and

(5) recognizes the importance of federally funded programs that provide research and collect data on common diseases in women.

The SPEAKER pro tempore, Mr. ALTMIRE, recognized Mrs. CAPPS and Mr. Tim MURPHY of Pennsylvania, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution?

The SPEAKER pro tempore, Mr. ALTMIRE, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said concurrent resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said concurrent resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶58.40 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. CUMMINGS, for today until 1 p.m.;

To Ms. RICHARDSON, for May 13;

To Mrs. SCHMIDT, for today; and

To Mr. WELLER of Illinois, for today until 5:15 p.m.

And then,

¶58.41 ADJOURNMENT

On motion of Mr. ROHRABACHER, at 11 o'clock and 18 minutes p.m., the House adjourned.

¶58.42 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

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

Ms. SLAUGHTER: Committee on Rules. House Resolution 1197. Resolution providing for consideration of the Senate amendment to the bill (H.R. 2642) making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2008, and for other purposes (Rept. 110–636). Referred to the House Calendar.

¶58.43 PUBLIC BILLS AND RESOLUTIONS

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

By Mr. JONES of North Carolina:

H.R. 6047. A bill to amend the Federal Food, Drug, and Cosmetic Act to mandate early access by desperately ill patients to treatment use of new drugs under clinical investigation for a serious or immediately life-threatening disease condition for whom no comparable or satisfactory drug or other therapy is available; to the Committee on Energy and Commerce.

By Mr. TURNER:

H.R. 6048. A bill to amend the Servicemembers Civil Relief Act to provide for the protection of child custody arrangements for parents who are members of the Armed Forces deployed in support of a contingency operation; to the Committee on Veterans' Affairs.

By Mr. RANGEL (for himself, Mr. MCDERMOTT, Mr. LEWIS of Georgia, Mr. NEAL of Massachusetts, Mr. POMEROY, Mr. LARSON of Connecticut, Mr. BLUMENAUER, Mr. CROWLEY, Mr. VAN HOLLEN, Mr. MEEK of Florida, Mr. DAVIS of Alabama, Mr. ARCURI, Ms. GIFFORDS, Mr. HALL of New York, Mr. HODES, Mr. MCNERNEY, Ms. SHEA-PORTER, and Mr. WELCH of Vermont):

H.R. 6049. A bill to amend the Internal Revenue Code of 1986 to provide incentives for energy production and conservation, to extend certain expiring provisions, to provide individual income tax relief, and for other purposes; to the Committee on Ways and Means.

By Mr. REICHERT:

H.R. 6050. A bill to amend title 18, United States Code, to provide mandatory imprisonment for life for persons raping young children; to the Committee on the Judiciary.

By Mr. PETERSON of Minnesota:

H.R. 6051. A bill to amend Public Law 110-196 to provide for a temporary extension of programs authorized by the Farm Security and Rural Investment Act of 2002 beyond May 16, 2008; to the Committee on Agriculture, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. OBERSTAR (for himself, Mr. MICA, and Mr. DEFAZIO):

H.R. 6052. A bill to promote increased public transportation use, to promote increased use of alternative fuels in providing public transportation, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RYAN of Wisconsin (for himself and Mr. FORTUÑO):

H.R. 6053. A bill to require the Board of Governors of the Federal Reserve System to focus on price stability in establishing monetary policy to ensure the stable, long-term purchasing power of the currency, to repeal the Full Employment and Balanced Growth Act of 1978, and for other purposes; to the Committee on Financial Services, and in addition to the Committees on Education and Labor, and the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DELAHUNT:

H.R. 6054. A bill to establish a United States Human Rights Commission to monitor compliance by the United States with international human rights treaty obligations; to the Committee on Foreign Affairs.

By Ms. HARMAN:

H.R. 6055. A bill to require the Federal Communications Commission to establish requirements and issue a nationwide public safety broadband license, to establish a grant program to fund administrative and operational costs of the licensee, and for other purposes; to the Committee on Energy and Commerce.

By Mr. HINCHEY (for himself, Mr. CANNON, Mr. NADLER, Mr. BISHOP of Georgia, Mr. TOWNS, Mrs. MALONEY of New York, Mr. MCHUGH, Mr. ISRAEL, Mr. ENGEL, Mr. CROWLEY, Mr. MCDERMOTT, and Mr. MCGOVERN):

H.R. 6056. A bill to authorize the Archivist of the United States to make grants to States for the preservation and dissemination of historical records; to the Committee on Oversight and Government Reform.

By Mr. INSLEE (for himself and Mr. HINCHEY):

H.R. 6057. A bill to amend the Outer Continental Shelf Lands Act to prohibit preleasing, leasing, and related activities in the Beaufort and Chukchi Sea Planning Areas unless certain conditions are met; to the Committee on Natural Resources.

By Mr. MURPHY of Connecticut:

H.R. 6058. A bill to amend title 18, United States Code, to provide Federal penalties for home invasions, and for other purposes; to the Committee on the Judiciary.

By Mr. MURPHY of Connecticut:

H.R. 6059. A bill to clarify the use of Edward Byrne Memorial Justice Assistance Grants for corrections and community corrections programs, to enhance the data made available by the National Adult and Juvenile Offender Reentry Resource Center, and for other purposes; to the Committee on the Judiciary.

By Mr. SCHIFF (for himself, Mr. CHABOT, Mr. EMANUEL, and Mr. MURPHY of Connecticut):

H.R. 6060. A bill to amend title 18, United States Code, to enable increased federal prosecution of identity theft crimes and to allow for restitution to victims of identity theft; to the Committee on the Judiciary.

By Mr. COSTELLO (for himself, Mr. SHIMKUS, Mr. LIPINSKI, Mr. JOHNSON of Illinois, Mr. LAHOOD, Mr. JACKSON of Illinois, Mr. GUTIERREZ, Mr. EMANUEL, Mr. ROSKAM, Mr. DAVIS of Illinois, Ms. BEAN, Ms. SCHAKOWSKY, Mr. KIRK, Mr. WELLER, Mrs. BIGGERT, Mr. FOSTER, Mr. HARE, Mr. MANZULLO, and Mr. RUSH):

H.R. 6061. A bill to designate the facility of the United States Postal Service located at 219 East Main Street in West Frankfort, Illinois, as the ''Kenneth James Gray Post Office Building''; to the Committee on Oversight and Government Reform.

By Ms. ROS-LEHTINEN (for herself, Mrs. MALONEY of New York, Mr. PENCE, and Mr. KLEIN of Florida):

H.J. Res. 84. A joint resolution expressing the commitment of Congress to continue to make it a priority to fight anti-Semitism and to promote tolerance at home and abroad; to the Committee on Foreign Affairs.

By Mr. MARKEY:

H.J. Res. 85. A joint resolution expressing the disfavor of the Congress regarding the proposed agreement for cooperation; to the Committee on Foreign Affairs.

By Mr. SHADEGG:

H. Con. Res. 349. Concurrent resolution honoring past and current members of the Armed Forces of the United States and their families by encouraging every American to wear a red poppy on Memorial Day as a sign of admiration and thanks to those individuals who died to preserve freedom and democracy in the United States; to the Committee on Armed Services.

By Mr. RAHALL (for himself, Ms. BORDALLO, Mr. DELAHUNT, Mr. KILDEE, Mr. GONZALEZ, Mr. FALEOMAVAEGA, Mr. SHAYS, Mr. ROTHMAN, and Mr. HINCHEY):

H. Con. Res. 350. Concurrent resolution expressing the sense of the Congress that the United States, through the International Whaling Commission, should use all appropriate measures to end commercial whaling in all of its forms, including scientific and other special permit whaling, coastal whaling, and community-based whaling, and seek to strengthen the conservation and management measures to facilitate the conservation of whale species, and for other purposes; to the Committee on Foreign Affairs.

By Mr. BERMAN (for himself, Mr. ACKERMAN, Mr. ISSA, and Mr. WEXLER):

H. Res. 1194. A resolution reaffirming the support of the House of Representatives for the legitimate, democratically-elected Government of Lebanon under Prime Minister Fouad Siniora; to the Committee on Foreign Affairs.

By Mr. WU (for himself, Mr. HOYER, Mr. CLYBURN, Mr. BLUNT, Mr. BERMAN, Ms. ROS-LEHTINEN, Mr. FALEOMAVAEGA, Mr. PAYNE, Ms. LEE, Mr. LAMPSON, Ms. JACKSON-LEE of Texas, Mr. SCOTT of Georgia, Mr. BURTON of Indiana, Mr. MEEKS of New York, Mr. KIRK, Mr. LARSEN of Washington, Mr. GENE GREEN of Texas, Mr. EMANUEL, Mr. LARSON of Connecticut, Mr. TERRY, Mr. SCHIFF, Mr. CROWLEY, Mr. DREIER, and Ms. FALLIN):

H. Res. 1195. A resolution expressing condolences and sympathy to the people of the People's Republic of China for the grave loss of life and vast destruction caused by the earthquake of May 12, 2008 in Sichuan Province; to the Committee on Foreign Affairs.

By Mr. PUTNAM:

H. Res. 1196. A resolution electing a Minority Member to certain standing committees of the House of Representatives; considered and agreed to.

By Mr. GALLEGLY (for himself and Mr. WEXLER):

H. Res. 1198. A resolution commending the people of the Montenegro on holding free and fair presidential elections on April 6, 2008, the North Atlantic Treaty Organization's decision at the Bucharest Summit to invite Montenegro to enter into an Intensified Dialogue, and the reforms and progress undertaken by Montenegro since its declaration of independence; to the Committee on Foreign Affairs.

By Ms. LORETTA SANCHEZ of California (for herself, Mr. CALVERT, Mr. CAMPBELL of California, Mr. GARY G. MILLER of California, Mr. ROHRABACHER, and Mr. ROYCE):

H. Res. 1199. A resolution commending the Orange County Water District and its employees for their sound financial management and innovative groundwater management, water quality, water efficiency, and environmental programs, on its 75th anniversary; to the Committee on Natural Resources.

By Ms. SUTTON:

H. Res. 1200. A resolution honoring the dedication and outstanding work of military support groups across the country for their steadfast support of the members of our Armed Forces and their families; to the Committee on Armed Services.

¶58.44 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 82: Mr. RAMSTAD.
H.R. 154: Mr. ROSS and Ms. LINDA T. SÁNCHEZ of California.
H.R. 303: Mr. CANTOR.
H.R. 368: Mr. PAYNE, Mr. KNOLLENBERG, Mr. MICA, and Mr. BROWN of South Carolina.
H.R. 522: Mrs. CHRISTENSEN and Ms. KILPATRICK.
H.R. 981: Mr. LEVIN.
H.R. 1069: Mr. GENE GREEN of Texas.
H.R. 1185: Mr. FATTAH, Mr. BOSWELL, Mr. ROTHMAN, and Ms. NORTON.
H.R. 1589: Mr. MCNERNEY.
H.R. 1647: Ms. SLAUGHTER, Mr. KUHL of New York, and Mr. LINCOLN DIAZ-BALART of Florida.
H.R. 1665: Mr. ORTIZ and Mr. DAVIS of Illinois.
H.R. 1738: Mr. SCOTT of Virginia, Mrs. SCHMIDT, Mr. OBERSTAR, and Mrs. TAUSCHER.
H.R. 1881: Mr. GONZALEZ and Mr. RYAN of Ohio.
H.R. 1888: Mr. BARTON of Texas.
H.R. 2021: Mr. CARSON.
H.R. 2032: Mr. DOYLE.
H.R. 2472: Mr. HASTINGS of Washington, Mr. SCOTT of Georgia, Ms. BERKLEY, and Mr. ENGLISH of Pennsylvania.
H.R. 2493: Mrs. DRAKE and Mr. MANZULLO.
H.R. 2506: Ms. HIRONO.
H.R. 2717: Mr. SHAYS.
H.R. 2744: Mr. SCHIFF.
H.R. 2762: Ms. SPEIER and Mr. RAHALL.
H.R. 2802: Mr. SCOTT of Georgia, Ms. WASSERMAN SCHULTZ, and Ms. LEE.
H.R. 2818: Mr. NADLER and Mrs. BLACKBURN.
H.R. 2991: Mr. SKELTON.
H.R. 3089: Mr. ROGERS of Kentucky.
H.R. 3186: Mr. SOUDER, Ms. JACKSON-LEE of Texas, Mr. WEXLER, Mr. ENGLISH of Pennsylvania, and Mr. BISHOP of Georgia.
H.R. 3187: Mr. LINCOLN DIAZ-BALART of Florida and Mr. BISHOP of Georgia.
H.R. 3202: Mr. MCDERMOTT.
H.R. 3232: Mr. MARIO DIAZ-BALART of Florida, Mr. SCOTT of Georgia, Ms. WATERS, and Mrs. NAPOLITANO.
H.R. 3245: Mr. ROGERS of Kentucky.
H.R. 3282: Mr. RUPPERSBERGER.
H.R. 3622: Mr. GRIJALVA.
H.R. 3681: Mr. HALL of New York.
H.R. 3700: Mrs. CAPPS.
H.R. 3800: Mr. SESTAK.
H.R. 3817: Mr. BRALEY of Iowa.
H.R. 3819: Ms. GINNY BROWN-WAITE of Florida.
H.R. 3961: Mr. CONYERS.
H.R. 4059: Mr. GRIJALVA.
H.R. 4199: Mr. HOBSON.
H.R. 4218: Mr. JEFFERSON and Mr. GENE GREEN of Texas.
H.R. 4221: Mr. ENGEL and Mr. HILL.
H.R. 4304: Mr. BARRETT of South Carolina.
H.R. 4318: Mr. NUNES.
H.R. 4335: Mr. ALLEN.
H.R. 4461: Mr. SCOTT of Virginia and Mr. BOOZMAN.
H.R. 4544: Mr. ORTIZ.
H.R. 4789: Ms. WASSERMAN SCHULTZ, Mr. HODES, Mr. COHEN, Mr. SHERMAN, Ms. ESHOO, Mr. SCHIFF, Mr. JOHNSON of Georgia, Ms. LINDA T. SÁNCHEZ of California, Mr. WEXLER, Mr. TOWNS, Ms. SLAUGHTER, Mr. NADLER, and Mr. WEINER.
H.R. 4836: Mr. CLEAVER, Mr. GENE GREEN of Texas, and Mr. ENGEL.
H.R. 4900: Mr. HILL, Mr. PLATTS, Mr. BERRY, Mrs. BACHMANN, Mr. JOHNSON of Illinois, Mr. DONNELLY, Mr. BRADY of Texas, Mr. LINCOLN DIAZ-BALART of Florida, and Mr. WOLF.
H.R. 4926: Ms. DEGETTE, Mr. BARROW, Mr. INSLEE, Mr. ALTMIRE, Mr. MURPHY of Connecticut, Ms. LINDA T. SÁNCHEZ of California, Mr. BRALEY of Iowa, and Mr. SNYDER.
H.R. 5134: Mr. DAVIS of Kentucky.
H.R. 5268: Mr. MCGOVERN, Mr. CUMMINGS, Mr. SESTAK, Mr. CONYERS, and Mr. RUPPERSBERGER.
H.R. 5426: Mr. BRALEY of Iowa.
H.R. 5444: Mr. BERMAN, Ms. SCHAKOWSKY, and Mr. CARSON.
H.R. 5450: Mr. LINCOLN DIAZ-BALART of Florida, Mr. GORDON, and Mr. WITTMAN of Virginia.
H.R. 5454: Mr. MCGOVERN, Mr. BISHOP of Utah, Mrs. MALONEY of New York, Mr. DAVIS of Illinois, Mr. OBERSTAR, and Mr. HALL of Texas.
H.R. 5515: Mr. CAMPBELL of California.
H.R. 5534: Mr. PATRICK MURPHY of Pennsylvania.
H.R. 5580: Mr. PRICE of North Carolina.
H.R. 5606: Mr. ABERCROMBIE, Mr. PLATTS, Mr. KELLER, and Mr. ALLEN.
H.R. 5629: Mr. SHIMKUS.
H.R. 5632: Mr. HILL.
H.R. 5674: Mr. WU and Mr. DOGGETT.
H.R. 5684: Mr. LATHAM.
H.R. 5686: Mr. ALTMIRE.
H.R. 5700: Mr. GONZALEZ.
H.R. 5705: Mr. GRIJALVA.
H.R. 5731: Mr. NEUGEBAUER.
H.R. 5740: Mr. STARK.
H.R. 5775: Mr. KINGSTON.
H.R. 5784: Mr. TERRY.
H.R. 5804: Mr. BACA and Mr. POMEROY.
H.R. 5838: Mr. SERRANO.
H.R. 5846: Mr. THOMPSON of Mississippi.
H.R. 5857: Mr. HALL of Texas, Mr. DANIEL E. LUNGREN of California, and Mr. CRENSHAW.
H.R. 5869: Mr. PRICE of North Carolina.
H.R. 5873: Ms. CORRINE BROWN of Florida and Ms. BERKLEY.
H.R. 5898: Mr. Fortuño.
H.R. 5902: Mr. COHEN.
H.R. 5906: Mr. LOBIONDO.
H.R. 5908: Mr. PAUL.
H.R. 5924: Mr. PUTNAM and Mrs. MCCARTHY of New York.
H.R. 5941: Mr. KAGEN.
H.R. 5944: Mr. BURGESS and Mr. HASTINGS of Washington.
H.R. 5950: Mr. CONYERS, Mr. GRIJALVA, and Mr. FARR.
H.R. 5958: Mr. SCHIFF.
H.R. 5960: Mr. SPACE.
H.R. 5965: Mr. COHEN.
H.R. 5971: Mr. TERRY, Mr. GARY G. MILLER of California, and Mr. KINGSTON.
H.R. 5978: Mrs. LOWEY and Mr. HIGGINS.
H.R. 5984: Mr. LEWIS of Kentucky, Mrs. BONO MACK, Mr. CASTLE, and Mr. HELLER.
H.R. 5995: Mr. BARRETT of South Carolina.
H.R. 5998: Mr. PASCRELL.
H.R. 6009: Mr. JONES of North Carolina.
H.R. 6026: Mr. PETERSON of Pennsylvania.
H.R. 6029: Ms. WOOLSEY and Mr. HARE.
H.J. Res. 79: Mr. ROTHMAN and Mr. STARK.
H. Con. Res. 134: Mr. CLYBURN.
H. Con. Res. 216: Mr. LUCAS and Mr. WALBERG.
H. Con. Res. 244: Mr. FORTUÑO and Ms. BERKLEY.
H. Con. Res. 296: Mr. PRICE of Georgia and Mr. KINGSTON.
H. Con. Res. 299: Mr. GORDON.
H. Con. Res. 305: Mr. CUMMINGS.
H. Con. Res. 332: Ms. SCHAKOWSKY.
H. Con. Res. 334: Mr. GARY G. MILLER of California.
H. Con. Res. 336: Mr. LANGEVIN, Mr. PORTER, and Mr. HELLER.
H. Con. Res. 341: Mr. GRIJALVA, Mr. BISHOP of New York, Mr. PALLONE, Mr. MCCAUL of Texas, Mr. KING of New York, Mr. LEWIS of Kentucky, Mr. BISHOP of Georgia, Mr. MITCHELL, Mr. VISCLOSKY, Mr. REHBERG, Mrs. BACHMANN, Mr. KILDEE, Mr. JONES of North Carolina, Mr. SESSIONS, Mr. TERRY, Mr. KELLER, Mr. RYAN of Ohio, Mr. DEFAZIO, Mr. SIMPSON, Mr. BOYD of Florida, Mr. CHANDLER, Mr. CULBERSON, and Mr. COSTA.
H. Res. 111: Mr. UDALL of Colorado.
H. Res. 389: Mr. JACKSON of Illinois, Mr. BISHOP of Georgia, Mr. CLYBURN, Mr. TOWNS, and Mr. MEEKS of New York.
H. Res. 896: Mr. BARROW, Mrs. CAPPS, Mr. ROSS, Mr. STUPAK, and Mr. WEINER.
H. Res. 937: Mr. CHABOT.
H. Res. 977: Mr. ALLEN.
H. Res. 1010: Mr. CHANDLER, Mr. BERRY, Mr. ETHERIDGE, Mr. KANJORSKI, and Mr. CAPUANO.
H. Res. 1019: Mr. CARSON.
H. Res. 1022: Ms. ESHOO and Ms. GRANGER.
H. Res. 1028: Mr. LEWIS of Georgia.
H. Res. 1078: Mr. PAYNE.
H. Res. 1110: Mr. BUYER.
H. Res. 1122: Mr. GARY G. MILLER of California.
H. Res. 1137: Mr. RAHALL.
H. Res. 1144: Mr. YOUNG of Florida.
H. Res. 1177: Mr. HINCHEY, Mr. CONYERS, and Mr. KAGEN.
H. Res. 1179: Mr. WELLER, Mr. STEARNS, Mr. ROHRABACHER, and Mr. BURTON of Indiana.
H. Res. 1185: Mr. STARK, Mr. WELLER, Mr. LEWIS of Georgia, Mrs. BACHMANN, Mr. COOPER, Ms. DELAURO, Mr. MEEK of Florida, Mr. DAVIS of Alabama, Mr. CARDOZA, and Mr. FATTAH.
H. Res. 1191: Mrs. GILLIBRAND, Ms. TSONGAS, Mr. DAVIS of Illinois, Mr. ACKERMAN, Mr. BRALEY of Iowa, Ms. HOOLEY, Mr. UDALL of Colorado, Mr. SHERMAN, Mrs. DAVIS of California, Ms. ESHOO, Ms. SHEA-PORTER, Mr. BUTTERFIELD, Mr. THOMPSON of Mississippi, Mr. BISHOP of Georgia, Mr. JACKSON of Illinois, Mr. WATT, Mr. EMANUEL, Ms. BERKLEY, Ms. BALDWIN, Ms. VELÁZQUEZ, Mr. HARE, Ms. WATERS, Mr. GUTIERREZ, Mr. JOHNSON of Georgia, Mr. COURTNEY, Mr. LOEBSACK, Mr. PATRICK MURPHY of Pennsylvania, Mrs. BOYDA of Kansas, Mr. ELLSWORTH, Mr. SPACE, Mr. BERMAN, Mr. HILL, Ms. SCHWARTZ, Ms. SOLIS, Mr. KAGEN, Mr. CONYERS, Mrs. CAPPS, and Mr. PALLONE.

THURSDAY, MAY 15, 2008 (59)

The House was called to order by the SPEAKER.

¶59.1 APPROVAL OF THE JOURNAL

The SPEAKER announced she had examined and approved the Journal of the proceedings of Wednesday, May 14, 2008.

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

¶59.2 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

6624. A letter from the President and CEO, Bay Area Counil Economic Institute, transmitting the Council's report entitled, ''Human Capital in the Bay Area: Why an Educated, Flexible Workforce is Vital to Our Economic Future''; to the Committee on Education and Labor.

6625. A letter from the Secretary, Department of Energy, transmitting a copy of proposed legislation to amend Section 145 of the Atomic Energy Act of 1954 (AEA) to ensure that in national security or public health and safety emergency situations the Department of Energy (DOE) has the authority to share Restricted Data with persons not in possession of a DOE ''Q'' or ''L'' security clearance; to the Committee on Energy and Commerce.

6626. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's Report to Congress on Postmarket Surveillance of Medical Devices Used in Pediatric Populations, pursuant to Section 212 of the Medical Device User Fee and Modernization Act of 2002; to the Committee on Energy and Commerce.

6627. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's report entitled,

''Ensuring Access to Health Insurance Coverage in the Large Group Market,'' in response to Section 2711(b) of the Public Health Service Act; to the Committee on Energy and Commerce.

6628. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Vehicle Identification Number Requirements [Docket No. NHTSA 2008-0022] (RIN: 2127-AJ99) received May 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6629. A letter from the Chairman, Federal Trade Commission, transmitting a letter regarding the manipulation in wholesale crude oil, gasoline, or petroleum distillate markets; to the Committee on Energy and Commerce.

6630. A letter from the Chair, Firends of Cancer Research, transmitting the Annual Review entitled, ''Clearing the Way of Biomedical Innovation''; to the Committee on Energy and Commerce.

6631. A letter from the Secretary, Department of Education, transmitting in accordance with the Consolidated Appropriations Act, FY 2004, Pub. L. 108-199, the Department's Buy American Report for FY 2007; to the Committee on Oversight and Government Reform.

6632. A letter from the Senior Trial Attorney, Department of Transportation, transmitting the Department's final rule — Railroad Operating Rules: Program of Operational Tests and Inspections; Railroad Operating Practices; Handling Equipment, Switches and Fixed Derails [Docket No. FRA-2006-25267] (RIN: 2130-AB76) received February 20, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6633. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; General Electric Company CF34-8C1/-8C5/-8C5B1/ -8E5/- 8E5A1, and CF34-10E Series Turbofan Engines [Docket No. FAA-2007-29001; Directorate Identifier 2007-NE-36-AD; Amendment 39-15395; AD 2008-05-01] (RIN: 2120-AA64) received May 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6634. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Fokker Model F.28 Mark 0070 and 0100 Airplanes [Docket No. FAA-2007-0300; Directorate Identifier 2007-NM-191-AD; Amendment 39-15394; AD 2008-04-22] (RIN: 2120-AA64) received May 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6635. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 737-300, -400, and -500 Series Airplanes [Docket No. FAA-2007-0226; Directorate Identifier 2007-NM-187-AD; Amendment 39-15393; AD 2008-04-21] (RIN: 2120-AA64) received May 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6636. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A319, A320, and A321 Series Airplanes [Docket No. FAA-2007-0337; Directorate Identifier 2007-NM-111-AD; Amendment 39-15392; AD 2008-04-20] (RIN: 2120-AA64) received May 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6637. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; ATR Model ATR42 and ATR72 Airplanes [Docket No. FAA-2007-29332; Directorate Identifier 2007-NM-172-AD; Amendment 39-15391; AD 2008-04-19] (RIN: 2120-AA64) received May 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6638. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; EMBRAER Model EMB-120, -120ER, -120FC, -120QC, and -120RT Airplanes [Docket No. FAA-2007-0075; Directorate Identifier 2007-NM-171-AD; Amendment 39-15390; AD 2008-04-18] (RIN: 2120-AA64) received May 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6639. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model DHC-8-102, DHC-8-103, DHC-8-106, DHC-8-201, DHC-8-202, DHC-8-301, DHC-8-311, and DHC-8-315 Airplanes, and Model DHC-8-400 Series Airplanes [Docket No. FAA-2007-0213; Directorate Identifier 2007-NM-233-AD; Amendment 39-15389; AD 2008-04-17] (RIN: 2120-AA64) received May 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6640. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; BAE Systems (Operations) Limited Model BAe 146 and Model Avro 146-RJ Airplanes [Docket No. FAA-2007-29337; Directorate Identifier 2007-NM-150-AD; Amendment 39-15388; AD 2008-04-16] (RIN: 2120-AA64) received May 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6641. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives' Airbus Model A318, A319, A320, and A321 Series Airplanes [Docket No. FAA-2007-29249; Directorate Identifier 2007-NM-112-AD; Amendment 39-15294; AD 2007-25-12] (RIN: 2120-AA64) received May 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6642. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Williamsport, PA. [Docket No. FAA-2005-22491; Airspace Docket No. 05-AEA-019] received May 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6643. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Honesdale, PA. [Docket No. FAA-2007-0153; Airspace Docket No. 07-AEA-12] received May 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6644. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Wheatland, WY [Docket FAA No. FAA-2007-28649; Airspace Docket No. 07-ANM-10] received May 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6645. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Lewisburg, PA [Docket No. FAA-2007-0276; Airspace Docket No. 07-AEA-16] received May 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6646. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Emporium, PA. [Docket No. FAA-2007-0275; Airspace Docket No. 07-AEA-15] received May 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6647. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Marienville, PA. [Docket No. FAA-2007-0162; Airspace Docket No. 07-AEA-13] received May 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6648. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Lewiston, PA. [Docket No. FAA-2007-0274; Airspace Docket No. 07-AEA-14] received May 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6649. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Lexington, OK [Docket No. FAA-2008-0003; Airspace Docket No. 08-ASW-1] received May 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6650. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; La Pointe, WI [Docket No. FAA-2008-025; Airspace Docket No. 08-AGL-3] received May 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6651. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Cameron Balloons Ltd. Models AX5-42 (S.1), AX5-42 BOLT, AX6-56 (S.1), AX6-56A, AX6-56Z, AX6-56 BOLT, AX7-65 (S.1), AX7-65Z, AX7-65 BOLT, AX7-77 (S.1), AX7-77A, AX7-77Z, AX7-77 BOLT, AX8-90 (S.1), AX8-90 (S.2), AX8-105 (S.1), AX8-105 (S.2), AX9-120 (S.1), AX9-120 (S.2), AX9-140 (S.2), AX10-160 (S.1), AX10-160 (S.2), AX10-180 (S.1), AX10-180 (S.2), AX210 (S.2), AX11-225 (S.2), and AX11-250 (S.2) Balloons [Docket No. FAA-2008-0195; Directorate Identifier 2008-CE-008-AD; Amendment 39-15387; AD 2008-04-15] (RIN: 2120-AA64) Received May 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6652. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting notification that the Department intends to use ''no year'' IMET funds for priority courses for Iraq, pursuant to Public Law 110-5; jointly to the Committees on Foreign Affairs and Appropriations.

6653. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting notification that the Department intends to use FY 2008 IMET funds for Serbia, pursuant to Public Law 110-161, section 620; jointly to the Committees on Foreign Affairs and Appropriations.

6654. A letter from the Inspector General, Special Inspector General for Iraq Reconstruction, transmitting the April 2008 Quarterly Report pursuant to Section 3001(i) of Title III of the 2004 Emergency Supplemental Appropriations for Defense and for the Reconstruction of Iraq and Afghanistan (Pub. L. 108-106) as amended by Pub. L. 108-375, Pub. L. 109-102, Pub. L. 109-364, Pub. L. 109-440, Pub. L. 110-28, and Pub. L. 110-181; jointly to the Committees on Foreign Affairs and Appropriations.

6655. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification to Congress regarding the Incidental Capture of Sea Turtles in Commercial Shrimping Operations, pursuant to Public Law 101-162, section 609(b); jointly to the Committees on Natural Resources and Appropriations.

¶59.3 MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced

that the Senate has passed without amendment bills of the House of the following titles:

H.R. 6022. An Act to suspend the acquisition of petroleum for the Strategic Petroleum Reserve, and for other purposes.

H.R. 6051. An Act to amend Public Law 110–196 to provide for a temporary extension of programs authorized by the Farm Security and Rural Investment Act of 2002 beyond May 16, 2008.

¶59.4 PROVIDING FOR CONSIDERATION OF THE AMENDMENT OF THE SENATE TO H.R. 2642

Ms. SLAUGHTER, by direction of the Committee on Rules, called up the following resolution (H. Res. 1197):

Resolved, That upon adoption of this resolution it shall be in order to take from the Speaker's table the bill (H.R. 2642) making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2008, and for other purposes, with the Senate amendment thereto, and to consider in the House, without intervention of any point of order except those arising under clause 10 of rule XXI, a motion offered by the chairman of the Committee on Appropriations or his designee that the House concur in the Senate amendment with each of the three amendments printed in the report of the Committee on Rules accompanying this resolution. The Senate amendment and the motion shall be considered as read. The motion shall be debatable for two hours equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. The previous question shall be considered as ordered on the motion to its adoption without intervening motion except that the Chair shall divide the question among each of the three House amendments.

SEC. 2. During consideration of the motion to concur pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the motion to such time as may be designated by the Speaker.

SEC. 3. The chairman of the Committee on Appropriations may insert in the daily issue of the Congressional Record dated May 15, 2008, such material as he may deem explanatory of the motion.

When said resolution was considered.

After debate,

Ms. SLAUGHTER moved the previous question on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House now order the previous question?

The SPEAKER pro tempore, Mrs. TAUSCHER, announced that the yeas had it.

Mr. DREIER demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 224 / Nays 195

¶59.5 [Roll No. 323]

YEAS—224

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

NAYS—195

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

NOT VOTING—14

Bono Mack
Carnahan
Crenshaw
DeGette
Gerlach
Gilchrest
Gillibrand
Hulshof
Larson (CT)
Lewis (KY)
Mack
Myrick
Rush
Wynn

So the previous question on the resolution was ordered.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mrs. TAUSCHER, announced that the yeas had it.

Mr. DREIER demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 221 / Nays 200

¶59.6 [Roll No. 324]

YEAS—221

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

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

NAYS—200

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

NOT VOTING—12

Bono Mack
Crenshaw
DeGette
Gerlach
Gillibrand
Hulshof
Larson (CT)
Lewis (KY)
Mack
Myrick
Rush
Wynn

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶59.7 H.R. 5614—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. BLUMENAUER, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and pass the bill (H.R. 5614) to authorize the production of Saint-Gaudens Double Eagle ultra-high relief bullion coins in palladium to provide affordable opportunities for investments in precious metals, and for other purposes; as amended.

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. BLUMENAUER, announced that two-thirds of those present had voted in the affirmative.

Ms. SLAUGHTER demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 415 Nays 0

¶59.8 [Roll No. 325]

YEAS—415

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Bonner
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Cazayoux
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Giffords
Gilchrest
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Scalise
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney

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

NOT VOTING—18

Boehner
Bono Mack
Cole (OK)
Crenshaw
DeGette
Dingell
Edwards
Gerlach
Gillibrand
Hulshof
Kirk
Larson (CT)
Lewis (KY)
Loebsack
Mack
Myrick
Rush
Wynn

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

By unanimous consent, the title was amended so as to read: ''An Act to authorize the production in palladium of Saint-Gaudens Double Eagle coins as ultra-high relief numismatic coins and bullion investment coins in order to provide affordable opportunities for investments in precious metals, and for other purposes.''.

A motion to reconsider the votes whereby the rules were suspended and said bill, as amended, was passed and the title was amended was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶59.9 H.R. 406—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. BLUMENAUER, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 406) to posthumously award a Congressional Gold Medal to Alice Paul in recognition of her role in the women's suffrage movement and in advancing equal rights for women; as amended.

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. BLUMENAUER, announced that two-thirds of those present had voted in the affirmative.

Ms. SLAUGHTER demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 412 Nays 1

¶59.10 [Roll No. 326]

YEAS—412

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Bonner
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Cazayoux
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cubin
Cuellar
Culberson
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Giffords
Gilchrest
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Scalise
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NAYS—1

Paul

NOT VOTING—20

Boehner
Bono Mack
Crenshaw
Cummings
DeGette
Dingell
Gerlach
Gillibrand
Gohmert
Hastings (WA)
Hulshof
Kaptur
Larson (CT)
Lewis (KY)
Loebsack
Mack
Marchant
Myrick
Rush
Wynn

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

By unanimous consent, the title was amended so as to read: ''An Act to award a congressional gold medal in recognition of Alice Paul's role in the women's suffrage movement and in advancing equal rights for women.''.

A motion to reconsider the votes whereby the rules were suspended and said bill, as amended, was passed and the title was amended was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶59.11 MOMENT OF SILENCE IN MEMORY OF POLICE OFFICERS LIVES LOST IN THE LINE OF DUTY

The SPEAKER pro tempore, Mr. BLUMENAUER, announced that all Members stand and observe a moment of silence in memory of police officers lives lost in the line of duty.

¶59.12 H.R. 5872—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. BLUMENAUER, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and pass the bill (H.R. 5872) to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the Boy Scouts of America, and for other purposes; as amended.

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. BLUMENAUER, announced that two-thirds of those present had voted in the affirmative.

Ms. SLAUGHTER demanded that the vote be taken by the yeas and nays, which demand was supported by one-

fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 403 Nays 8

¶59.13 [Roll No. 327]

YEAS—403

Abercrombie	Davis (CA)	Issa
Ackerman	Davis (IL)	Jackson (IL)
Aderholt	Davis (KY)	Jackson-Lee (TX)
Akin	Davis, David	Jefferson
Alexander	Davis, Lincoln	Johnson (GA)
Allen	Davis, Tom	Johnson (IL)
Altmire	Deal (GA)	Johnson, E. B.
Andrews	DeFazio	Johnson, Sam
Arcuri	Delahunt	Jones (NC)
Baca	DeLauro	Jones (OH)
Bachmann	Dent	Jordan
Bachus	Diaz-Balart, L.	Kagen
Baird	Diaz-Balart, M.	Kanjorski
Barrett (SC)	Dicks	Kaptur
Barrow	Doggett	Keller
Bartlett (MD)	Donnelly	Kennedy
Barton (TX)	Doolittle	Kildee
Bean	Doyle	Kilpatrick
Becerra	Drake	Kind
Berkley	Dreier	King (IA)
Berman	Duncan	King (NY)
Berry	Edwards	Kingston
Biggert	Ehlers	Kirk
Bilbray	Ellison	Klein (FL)
Bilirakis	Ellsworth	Kline (MN)
Bishop (GA)	Emanuel	Knollenberg
Bishop (NY)	Emerson	Kuhl (NY)
Bishop (UT)	Engel	LaHood
Blackburn	English (PA)	Lamborn
Blumenauer	Eshoo	Lampson
Blunt	Etheridge	Langevin
Bonner	Everett	Larsen (WA)
Boozman	Fallin	Latham
Boren	Farr	LaTourette
Boswell	Fattah	Latta
Boucher	Feeney	Levin
Boustany	Ferguson	Lewis (CA)
Boyd (FL)	Filner	Lewis (GA)
Boyda (KS)	Flake	Linder
Brady (PA)	Forbes	Lipinski
Brady (TX)	Fortenberry	LoBiondo
Broun (GA)	Fossella	Lofgren, Zoe
Brown (SC)	Foster	Lowey
Brown, Corrine	Foxx	Lucas
Brown-Waite, Ginny	Franks (AZ)	Lungren, Daniel E.
Buchanan	Frelinghuysen	Lynch
Burgess	Gallegly	Mahoney (FL)
Burton (IN)	Garrett (NJ)	Maloney (NY)
Butterfield	Giffords	Manzullo
Buyer	Gilchrest	Marchant
Calvert	Gingrey	Markey
Camp (MI)	Gohmert	Matheson
Campbell (CA)	Gonzalez	Matsui
Cannon	Goode	McCarthy (CA)
Cantor	Goodlatte	McCarthy (NY)
Capito	Gordon	McCaul (TX)
Capps	Granger	McCollum (MN)
Capuano	Graves	McCotter
Cardoza	Green, Al	McCrery
Carnahan	Green, Gene	McGovern
Carney	Grijalva	McHenry
Carson	Hall (NY)	McHugh
Carter	Hall (TX)	McIntyre
Castle	Hare	McKeon
Castor	Harman	McMorris Rodgers
Cazayoux	Hastings (FL)	McNerney
Chabot	Hayes	McNulty
Chandler	Heller	Meek (FL)
Clarke	Hensarling	Meeks (NY)
Clay	Herger	Melancon
Cleaver	Herseth Sandlin	Mica
Clyburn	Higgins	Michaud
Coble	Hill	Miller (FL)
Cohen	Hinchey	Miller (MI)
Cole (OK)	Hinojosa	Miller (NC)
Conaway	Hirono	Miller, Gary
Conyers	Hobson	Miller, George
Cooper	Hodes	Mitchell
Costa	Hoekstra	Mollohan
Costello	Holden	Moore (KS)
Courtney	Holt	Moore (WI)
Cramer	Honda	Moran (KS)
Crowley	Hooley	Moran (VA)
Cubin	Hoyer	Murphy (CT)
Cuellar	Hunter	Murphy, Patrick
Culberson	Inglis (SC)	Murphy, Tim
Davis (AL)	Inslee	Murtha
	Israel	Musgrave
		Nadler
		Napolitano
		Neal (MA)
		Neugebauer
		Nunes
		Oberstar
		Obey
		Olver
		Ortiz
		Pallone
		Pascrell
		Pastor
		Paul
		Payne
		Pearce
		Pence
		Perlmutter
		Peterson (MN)
		Peterson (PA)
		Petri
		Pickering
		Pitts
		Platts
		Poe
		Pomeroy
		Porter
		Price (GA)
		Price (NC)
		Pryce (OH)
		Putnam
		Radanovich
		Rahall
		Ramstad
		Rangel
		Regula
		Rehberg
		Renzi
		Reyes
		Reynolds
		Richardson
		Rodriguez
		Rogers (AL)
		Rogers (KY)
		Rogers (MI)
		Rohrabacher
		Ros-Lehtinen
		Roskam
		Ross
		Rothman
		Roybal-Allard
		Royce
		Ruppersberger
		Ryan (OH)
		Ryan (WI)
		Salazar
		Sali
		Sánchez, Linda T.
		Sanchez, Loretta
		Sarbanes
		Saxton
		Scalise
		Schakowsky
		Schiff
		Schmidt
		Schwartz
		Scott (GA)
		Scott (VA)
		Sensenbrenner
		Serrano
		Sessions
		Sestak
		Shadegg
		Shays
		Shea-Porter
		Sherman
		Shimkus
		Shuler
		Simpson
		Sires
		Skelton
		Slaughter
		Smith (NE)
		Smith (NJ)
		Smith (TX)
		Smith (WA)
		Snyder
		Solis
		Souder
		Space
		Speier
		Spratt
		Stearns
		Stupak
		Sullivan
		Sutton
		Tancredo
		Tanner
		Tauscher
		Taylor
		Terry
		Thompson (CA)
		Thompson (MS)
		Thornberry
		Tiahrt
		Tiberi
		Tierney
		Towns
		Tsongas
		Turner
		Udall (CO)
		Udall (NM)
		Upton
		Van Hollen
		Velázquez
		Visclosky
		Walberg
		Walden (OR)
		Walz (MN)
		Wamp
		Wasserman Schultz
		Waters
		Watson
		Watt
		Waxman
		Weiner
		Welch (VT)
		Weldon (FL)
		Weller
		Westmoreland
		Wexler
		Whitfield (KY)
		Wilson (NM)
		Wilson (OH)
		Wilson (SC)
		Wittman (VA)
		Wolf
		Wu
		Yarmuth
		Young (AK)
		Young (FL)

NAYS—8

Baldwin	Kucinich	Stark
Frank (MA)	Lee	Woolsey
Gutierrez	McDermott	

NOT VOTING—22

Boehner	Gillibrand	Myrick
Bono Mack	Hastings (WA)	Reichert
Braley (IA)	Hulshof	Rush
Crenshaw	Larson (CT)	Shuster
Cummings	Lewis (KY)	Walsh (NY)
DeGette	Loebsack	Wynn
Dingell	Mack	
Gerlach	Marshall	

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶59.14 AMENDMENT OF THE SENATE TO H.R. 2642

On motion of Mr. OBEY, pursuant to House Resolution 1197, the bill (H.R. 2642) making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; together with the following amendment of the Senate thereto, was taken from the Speaker's table:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2008, and for other purposes, namely:

TITLE I

DEPARTMENT OF DEFENSE

MILITARY CONSTRUCTION, ARMY

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, facilities, and real property for the Army as currently authorized by law, including personnel in the Army Corps of Engineers and other personal services necessary for the purposes of this appropriation, and for construction and operation of facilities in support of the functions of the Commander in Chief, $3,928,149,000, to remain available until September 30, 2012: Provided, That of this amount, not to exceed $317,149,000 shall be available for study, planning, design, architect and engineer services, and host nation support, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor.

MILITARY CONSTRUCTION, NAVY AND MARINE CORPS

For acquisition, construction, installation, and equipment of temporary or permanent public works, naval installations, facilities, and real property for the Navy and Marine Corps as currently authorized by law, including personnel in the Naval Facilities Engineering Command and other personal services necessary for the purposes of this appropriation, $2,168,315,000, to remain available until September 30, 2012: Provided, That of this amount, not to exceed $115,258,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor.

MILITARY CONSTRUCTION, AIR FORCE

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, facilities, and real property for the Air Force as currently authorized by law, $1,048,518,000, to remain available until September 30, 2012: Provided, That of this amount, not to exceed $64,958,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor.

MILITARY CONSTRUCTION, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

For acquisition, construction, installation, and equipment of temporary or permanent public works, installations, facilities, and real property for activities and agencies of the Department of Defense (other than the military departments), as currently authorized by law, $1,758,755,000, to remain available until September 30, 2012: Provided, That such amounts of this appropriation as may be determined by the Secretary of Defense may be transferred to such appropriations of the Department of Defense available for military construction or family housing as the Secretary may designate, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: Provided further, That of the amount appropriated, not to exceed $154,728,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor.

MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army National Guard, and contributions therefor, as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $478,836,000, to remain available until September 30, 2012.

MILITARY CONSTRUCTION, AIR NATIONAL GUARD

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air National Guard, and contributions therefor, as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $228,995,000, to remain available until September 30, 2012.

MILITARY CONSTRUCTION, ARMY RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army Reserve as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $138,424,000, to remain available until September 30, 2012.

MILITARY CONSTRUCTION, NAVY RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the reserve components of the Navy and Marine Corps as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $59,150,000, to remain available until September 30, 2012.

MILITARY CONSTRUCTION, AIR FORCE RESERVE

(INCLUDING RESCISSION OF FUNDS)

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air Force Reserve as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $27,559,000, to remain available until September 30, 2012: Provided, That of the funds appropriated for ''Military Construction, Air Force Reserve'' under Public Law 109–114, $3,100,000 are hereby rescinded.

NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

For the United States share of the cost of the North Atlantic Treaty Organization Security Investment Program for the acquisition and construction of military facilities and installations (including international military headquarters) and for related expenses for the collective defense of the North Atlantic Treaty Area as authorized by section 2806 of title 10, United States Code, and Military Construction Authorization Acts, $201,400,000, to remain available until expended.

FAMILY HOUSING CONSTRUCTION, ARMY

For expenses of family housing for the Army for construction, including acquisition, replacement, addition, expansion, extension, and alteration, as authorized by law, $419,400,000, to remain available until September 30, 2012.

FAMILY HOUSING OPERATION AND MAINTENANCE, ARMY

For expenses of family housing for the Army for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, $742,920,000.

FAMILY HOUSING CONSTRUCTION, NAVY AND MARINE CORPS

For expenses of family housing for the Navy and Marine Corps for construction, including acquisition, replacement, addition, expansion, extension, and alteration, as authorized by law, $288,329,000, to remain available until September 30, 2012.

FAMILY HOUSING OPERATION AND MAINTENANCE, NAVY AND MARINE CORPS

For expenses of family housing for the Navy and Marine Corps for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, $371,404,000.

FAMILY HOUSING CONSTRUCTION, AIR FORCE

For expenses of family housing for the Air Force for construction, including acquisition, replacement, addition, expansion, extension, and alteration, as authorized by law, $362,747,000, to remain available until September 30, 2012.

FAMILY HOUSING OPERATION AND MAINTENANCE, AIR FORCE

For expenses of family housing for the Air Force for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, $688,335,000.

FAMILY HOUSING OPERATION AND MAINTENANCE, DEFENSE-WIDE

For expenses of family housing for the activities and agencies of the Department of Defense (other than the military departments) for operation and maintenance, leasing, and minor construction, as authorized by law, $48,848,000.

DEPARTMENT OF DEFENSE FAMILY HOUSING IMPROVEMENT FUND

For the Department of Defense Family Housing Improvement Fund, $500,000, to remain available until expended, for family housing initiatives undertaken pursuant to section 2883 of title 10, United States Code, providing alternative means of acquiring and improving military family housing and supporting facilities.

CHEMICAL DEMILITARIZATION CONSTRUCTION, DEFENSE-WIDE

For expenses of construction, not otherwise provided for, necessary for the destruction of the United States stockpile of lethal chemical agents and munitions in accordance with section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521), and for the destruction of other chemical warfare materials that are not in the chemical weapon stockpile, as currently authorized by law, $104,176,000, to remain available until September 30, 2012, which shall be only for the Assembled Chemical Weapons Alternatives program.

DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 1990

For deposit into the Department of Defense Base Closure Account 1990, established by section 2906(a)(1) of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note), $320,689,000, to remain available until expended.

DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 2005

For deposit into the Department of Defense Base Closure Account 2005, established by section 2906A(a)(1) of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note), $8,174,315,000, to remain available until expended: Provided, That funds made available under this heading for the construction of facilities are subject to the notification and reprogramming requirements applicable to military construction projects under section 2853 of title 10, United States Code, and section 0703 of the Department of Defense Financial Management Regulation of December 1996, including the requirement to obtain the approval of the congressional defense committees prior to executing certain reprogramming actions.

ADMINISTRATIVE PROVISIONS

SEC. 101. None of the funds made available in this title shall be expended for payments under a cost-plus-a-fixed-fee contract for construction, where cost estimates exceed $25,000, to be performed within the United States, except Alaska, without the specific approval in writing of the Secretary of Defense setting forth the reasons therefor.

SEC. 102. Funds made available in this title for construction shall be available for hire of passenger motor vehicles.

SEC. 103. Funds made available in this title for construction may be used for advances to the Federal Highway Administration, Department of Transportation, for the construction of access roads as authorized by section 210 of title 23, United States Code, when projects authorized therein are certified as important to the national defense by the Secretary of Defense.

SEC. 104. None of the funds made available in this title may be used to begin construction of new bases in the United States for which specific appropriations have not been made.

SEC. 105. None of the funds made available in this title shall be used for purchase of land or land easements in excess of 100 percent of the value as determined by the Army Corps of Engineers or the Naval Facilities Engineering Command, except: (1) where there is a determination of value by a Federal court; (2) purchases negotiated by the Attorney General or the designee of the Attorney General; (3) where the estimated value is less than $25,000; or (4) as otherwise determined by the Secretary of Defense to be in the public interest.

SEC. 106. None of the funds made available in this title shall be used to: (1) acquire land; (2) provide for site preparation; or (3) install utilities for any family housing, except housing for which funds have been made available in annual Acts making appropriations for military construction.

SEC. 107. None of the funds made available in this title for minor construction may be used to transfer or relocate any activity from one base or installation to another, without prior notification to the Committees on Appropriations of both Houses of Congress.

SEC. 108. None of the funds made available in this title may be used for the procurement of steel for any construction project or activity for which American steel producers, fabricators, and manufacturers have been denied the opportunity to compete for such steel procurement.

SEC. 109. None of the funds available to the Department of Defense for military construction or family housing during the current fiscal year may be used to pay real property taxes in any foreign nation.

SEC. 110. None of the funds made available in this title may be used to initiate a new installation overseas without prior notification to the Committees on Appropriations of both Houses of Congress.

SEC. 111. None of the funds made available in this title may be obligated for architect and engineer contracts estimated by the Government to exceed $500,000 for projects to be accomplished in Japan, in any North Atlantic Treaty Organization member country, or in countries bordering the Arabian Sea if that country has not increased its defense spending by at least 3 percent in calendar year 2005, unless such contracts are awarded to United States firms or United States firms in joint venture with host nation firms.

SEC. 112. None of the funds made available in this title for military construction in the United States territories and possessions in the Pacific and on Kwajalein Atoll, or in countries bordering the Arabian Sea, may be used to award any contract estimated by the Government to exceed $1,000,000 to a foreign contractor: Provided, That this section shall not be applicable to contract awards for which the lowest responsive and responsible bid of a United States contractor exceeds the lowest responsive and responsible bid of a foreign contractor by greater than 20 percent: Provided further, That this section shall not apply to contract awards for military construction on Kwajalein Atoll for which the lowest responsive and responsible bid is submitted by a Marshallese contractor.

SEC. 113. The Secretary of Defense is to inform the appropriate committees of both Houses of Congress, including the Committees on Appropriations, of the plans and scope of any proposed military exercise involving United States personnel 30 days prior to its occurring, if

amounts expended for construction, either temporary or permanent, are anticipated to exceed $750,000.

SEC. 114. Not more than 20 percent of the funds made available in this title which are limited for obligation during the current fiscal year shall be obligated during the last two months of the fiscal year.

(INCLUDING TRANSFER OF FUNDS)

SEC. 115. Funds appropriated to the Department of Defense for construction in prior years shall be available for construction authorized for each such military department by the authorizations enacted into law during the current session of Congress.

SEC. 116. For military construction or family housing projects that are being completed with funds otherwise expired or lapsed for obligation, expired or lapsed funds may be used to pay the cost of associated supervision, inspection, overhead, engineering and design on those projects and on subsequent claims, if any.

SEC. 117. Notwithstanding any other provision of law, any funds made available to a military department or defense agency for the construction of military projects may be obligated for a military construction project or contract, or for any portion of such a project or contract, at any time before the end of the fourth fiscal year after the fiscal year for which funds for such project were made available, if the funds obligated for such project: (1) are obligated from funds available for military construction projects; and (2) do not exceed the amount appropriated for such project, plus any amount by which the cost of such project is increased pursuant to law.

SEC. 118. (a) The Secretary of Defense, in consultation with the Secretary of State, shall submit to the Committees on Appropriations of both Houses of Congress, by February 15 of each year, an annual report on actions taken by the Department of Defense and the Department of State during the previous fiscal year to encourage host countries to assume a greater share of the common defense burden of such countries and the United States.

(b) The report under subsection (a) shall include a description of—

(1) attempts to secure cash and in-kind contributions from host countries for military construction projects;

(2) attempts to achieve economic incentives offered by host countries to encourage private investment for the benefit of the United States Armed Forces;

(3) attempts to recover funds due to be paid to the United States by host countries for assets deeded or otherwise imparted to host countries upon the cessation of United States operations at military installations;

(4) the amount spent by host countries on defense, in dollars and in terms of the percent of gross domestic product (GDP) of the host country; and

(5) for host countries that are members of the North Atlantic Treaty Organization (NATO), the amount contributed to NATO by host countries, in dollars and in terms of the percent of the total NATO budget.

(c) In this section, the term ''host country'' means other member countries of NATO, Japan, South Korea, and United States allies bordering the Arabian Sea.

(INCLUDING TRANSFER OF FUNDS)

SEC. 119. In addition to any other transfer authority available to the Department of Defense, proceeds deposited to the Department of Defense Base Closure Account established by section 207(a)(1) of the Defense Authorization Amendments and Base Closure and Realignment Act (10 U.S.C. 2687 note) pursuant to section 207(a)(2)(C) of such Act, may be transferred to the account established by section 2906(a)(1) of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note), to be merged with, and to be available for the same purposes and the same time period as that account.

(INCLUDING TRANSFER OF FUNDS)

SEC. 120. Subject to 30 days prior notification to the Committees on Appropriations of both Houses of Congress, such additional amounts as may be determined by the Secretary of Defense may be transferred to: (1) the Department of Defense Family Housing Improvement Fund from amounts appropriated for construction in ''Family Housing'' accounts, to be merged with and to be available for the same purposes and for the same period of time as amounts appropriated directly to the Fund; or (2) the Department of Defense Military Unaccompanied Housing Improvement Fund from amounts appropriated for construction of military unaccompanied housing in ''Military Construction'' accounts, to be merged with and to be available for the same purposes and for the same period of time as amounts appropriated directly to the Fund: Provided, That appropriations made available to the Funds shall be available to cover the costs, as defined in section 502(5) of the Congressional Budget Act of 1974, of direct loans or loan guarantees issued by the Department of Defense pursuant to the provisions of subchapter IV of chapter 169 of title 10, United States Code, pertaining to alternative means of acquiring and improving military family housing, military unaccompanied housing, and supporting facilities.

SEC. 121. (a) Not later than 60 days before issuing any solicitation for a contract with the private sector for military family housing the Secretary of the military department concerned shall submit to the Committees on Appropriations of both Houses of Congress the notice described in subsection (b).

(b)(1) A notice referred to in subsection (a) is a notice of any guarantee (including the making of mortgage or rental payments) proposed to be made by the Secretary to the private party under the contract involved in the event of—

(A) the closure or realignment of the installation for which housing is provided under the contract;

(B) a reduction in force of units stationed at such installation; or

(C) the extended deployment overseas of units stationed at such installation.

(2) Each notice under this subsection shall specify the nature of the guarantee involved and assess the extent and likelihood, if any, of the liability of the Federal Government with respect to the guarantee.

(INCLUDING TRANSFER OF FUNDS)

SEC. 122. In addition to any other transfer authority available to the Department of Defense, amounts may be transferred from the accounts established by sections 2906(a)(1) and 2906A(a)(1) of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note), to the fund established by section 1013(d) of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3374) to pay for expenses associated with the Homeowners Assistance Program. Any amounts transferred shall be merged with and be available for the same purposes and for the same time period as the fund to which transferred.

SEC. 123. Notwithstanding this or any other provision of law, funds made available in this title for operation and maintenance of family housing shall be the exclusive source of funds for repair and maintenance of all family housing units, including general or flag officer quarters: Provided, That not more than $35,000 per unit may be spent annually for the maintenance and repair of any general or flag officer quarters without 30 days prior notification to the Committees on Appropriations of both Houses of Congress, except that an after-the-fact notification shall be submitted if the limitation is exceeded solely due to costs associated with environmental remediation that could not be reasonably anticipated at the time of the budget submission: Provided further, That the Under Secretary of Defense (Comptroller) is to report annually to the Committees on Appropriations of both Houses of Congress all operation and maintenance expenditures for each individual general or flag officer quarters for the prior fiscal year: Provided further, That nothing in this section precludes the Secretary of a military department, after notifying the congressional defense committees and waiting 21 days, from using funds derived under section 2601, chapter 403, chapter 603, or chapter 903 of title 10, United States Code, for the maintenance or repair of general and flag officer quarters at the military service academy under the jurisdiction of that Secretary: Provided further, That each Secretary of a military department shall provide an annual report by February 15 to the congressional defense committees on the amount of funds that were derived under section 2601, chapter 403, chapter 603, or chapter 903 of title 10, United States Code, in the previous year and were obligated for the construction, improvement, repair, or maintenance of any military facility or infrastructure.

SEC. 124. Amounts contained in the Ford Island Improvement Account established by subsection (h) of section 2814 of title 10, United States Code, are appropriated and shall be available until expended for the purposes specified in subsection (i)(1) of such section or until transferred pursuant to subsection (i)(3) of such section.

(INCLUDING TRANSFER OF FUNDS)

SEC. 125. None of the funds made available in this title, or in any Act making appropriations for military construction which remain available for obligation, may be obligated or expended to carry out a military construction, land acquisition, or family housing project at or for a military installation approved for closure, or at a military installation for the purposes of supporting a function that has been approved for realignment to another installation, in 2005 under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note), unless such a project at a military installation approved for realignment will support a continuing mission or function at that installation or a new mission or function that is planned for that installation, or unless the Secretary of Defense certifies that the cost to the United States of carrying out such project would be less than the cost to the United States of cancelling such project, or if the project is at an active component base that shall be established as an enclave or in the case of projects having multi-agency use, that another Government agency has indicated it will assume ownership of the completed project. The Secretary of Defense may not transfer funds made available as a result of this limitation from any military construction project, land acquisition, or family housing project to another account or use such funds for another purpose or project without the prior approval of the Committees on Appropriations of both Houses of Congress. This section shall not apply to military construction projects, land acquisition, or family housing projects for which the project is vital to the national security or the protection of health, safety, or environmental quality: Provided, That the Secretary of Defense shall notify the congressional defense committees within seven days of a decision to carry out such a military construction project.

SEC. 126. Funds made available by this title for the construction of facilities identified in the State table of the report accompanying this Act as ''Grow the Force'' projects are subject to the notification and reprogramming requirements applicable to military construction projects under section 2853 of title 10, United States Code, and section 0703 of the Department of Defense Financial Management Regulation of December 1996, including the requirement to obtain the approval of the congressional defense committees prior to executing certain reprogramming actions.

TITLE II

DEPARTMENT OF VETERANS AFFAIRS

VETERANS BENEFITS PROGRAMS

COMPENSATION AND PENSIONS

(INCLUDING TRANSFER OF FUNDS)

For the payment of compensation benefits to or on behalf of veterans and a pilot program for disability examinations as authorized by law (38 U.S.C. 107, chapters 11, 13, 18, 51, 53, 55, and 61); pension benefits to or on behalf of veterans as authorized by law (38 U.S.C. chapters 15, 51, 53, 55, and 61; 92 Stat. 2508); and burial benefits, the Reinstated Entitlement Program for Survivors, emergency and other officers' retirement pay, adjusted-service credits and certificates, payment of premiums due on commercial life insurance policies guaranteed under the provisions of title IV of the Servicemembers Civil Relief Act (50 U.S.C. App. 540 et seq.) and for other benefits as authorized by law (38 U.S.C. 107, 1312, 1977, and 2106, chapters 23, 51, 53, 55, and 61; 43 Stat. 122, 123; 45 Stat. 735; 76 Stat. 1198), $41,236,322,000, to remain available until expended: Provided, That not to exceed $28,583,000 of the amount appropriated under this heading shall be reimbursed to ''General operating expenses'' and ''Medical administration'' for necessary expenses in implementing the provisions of chapters 51, 53, and 55 of title 38, United States Code, the funding source for which is specifically provided as the ''Compensation and pensions'' appropriation: Provided further, That such sums as may be earned on an actual qualifying patient basis, shall be reimbursed to ''Medical care collections fund'' to augment the funding of individual medical facilities for nursing home care provided to pensioners as authorized.

READJUSTMENT BENEFITS

For the payment of readjustment and rehabilitation benefits to or on behalf of veterans as authorized by law (38 U.S.C. chapters 21, 30, 31, 34, 35, 36, 39, 51, 53, 55, and 61), $3,300,289,000, to remain available until expended: Provided, That expenses for rehabilitation program services and assistance which the Secretary is authorized to provide under section 3104(a) of title 38, United States Code, other than under subsection (a)(1), (2), (5), and (11) of that section, shall be charged to this account.

VETERANS INSURANCE AND INDEMNITIES

For military and naval insurance, national service life insurance, servicemen's indemnities, service-disabled veterans insurance, and veterans mortgage life insurance as authorized by title 38, United States Code, chapter 19; 70 Stat. 887; 72 Stat. 487, $41,250,000, to remain available until expended.

VETERANS HOUSING BENEFIT PROGRAM FUND PROGRAM ACCOUNT

For the cost of direct and guaranteed loans, such sums as may be necessary to carry out the program, as authorized by subchapters I through III of chapter 37 of title 38, United States Code: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That during fiscal year 2008, within the resources available, not to exceed $500,000 in gross obligations for direct loans are authorized for specially adapted housing loans.

In addition, for administrative expenses to carry out the direct and guaranteed loan programs, $154,562,000.

VOCATIONAL REHABILITATION LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans, $71,000, as authorized by chapter 31 of title 38, United States Code: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That funds made available under this heading are available to subsidize gross obligations for the principal amount of direct loans not to exceed $3,287,000.

In addition, for administrative expenses necessary to carry out the direct loan program, $311,000, which may be transferred to and merged with the appropriation for ''General operating expenses''.

NATIVE AMERICAN VETERAN HOUSING LOAN PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For administrative expenses to carry out the direct loan program authorized by subchapter V of chapter 37 of title 38, United States Code, $628,000.

GUARANTEED TRANSITIONAL HOUSING LOANS FOR HOMELESS VETERANS PROGRAM ACCOUNT

For the administrative expenses to carry out the guaranteed transitional housing loan program authorized by subchapter VI of chapter 37 of title 38, United States Code, not to exceed $750,000 of the amounts appropriated by this Act for ''General operating expenses'' and ''Medical services'' may be expended.

VETERANS HEALTH ADMINISTRATION

MEDICAL SERVICES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for furnishing, as authorized by law, inpatient and outpatient care and treatment to beneficiaries of the Department of Veterans Affairs and veterans described in section 1705(a) of title 38, United States Code, including care and treatment in facilities not under the jurisdiction of the Department, and including medical supplies and equipment, food services, and salaries and expenses of healthcare employees hired under title 38, United States Code, and aid to State homes as authorized by section 1741 of title 38, United States Code; $28,979,220,000, plus reimbursements: Provided, That of the funds made available under this heading, not to exceed $1,350,000,000 shall remain available until September 30, 2009: Provided further, That, notwithstanding any other provision of law, the Secretary of Veterans Affairs shall establish a priority for treatment for veterans who are service-connected disabled, lower income, or have special needs: Provided further, That, notwithstanding any other provision of law, the Secretary of Veterans Affairs shall give priority funding for the provision of basic medical benefits to veterans in enrollment priority groups 1 through 6: Provided further, That, notwithstanding any other provision of law, the Secretary of Veterans Affairs may authorize the dispensing of prescription drugs from Veterans Health Administration facilities to enrolled veterans with privately written prescriptions based on requirements established by the Secretary: Provided further, That the implementation of the program described in the previous proviso shall incur no additional cost to the Department of Veterans Affairs: Provided further, That for the Department of Defense/Department of Veterans Affairs Health Care Sharing Incentive Fund, as authorized by section 8111(d) of title 38, United States Code, a minimum of $15,000,000, to remain available until expended, for any purpose authorized by section 8111 of title 38, United States Code.

MEDICAL ADMINISTRATION

For necessary expenses in the administration of the medical, hospital, nursing home, domiciliary, construction, supply, and research activities, as authorized by law; administrative expenses in support of capital policy activities; and administrative and legal expenses of the Department for collecting and recovering amounts owed the Department as authorized under chapter 17 of title 38, United States Code, and Federal Medical Care Recovery Act (42 U.S.C. 2651 et seq.): $3,642,000,000, plus reimbursements, of which $250,000,000 shall remain available until September 30, 2009.

MEDICAL FACILITIES

For necessary expenses for the maintenance and operation of hospitals, nursing homes, and domiciliary facilities and other necessary facilities for the Veterans Health Administration; for administrative expenses in support of planning, design, project management, real property acquisition and disposition, construction and renovation of any facility under the jurisdiction or for the use of the Department; for oversight, engineering and architectural activities not charged to project costs; for repairing, altering, improving or providing facilities in the several hospitals and homes under the jurisdiction of the Department, not otherwise provided for, either by contract or by the hire of temporary employees and purchase of materials; for leases of facilities; and for laundry services, $4,092,000,000, plus reimbursements, of which $350,000,000 shall remain available until September 30, 2009: Provided, That not less than $350,000,000 for non-recurring maintenance provided under this heading shall be allocated in a manner not subject to the Veterans Equitable Resource Allocation.

MEDICAL AND PROSTHETIC RESEARCH

For necessary expenses in carrying out programs of medical and prosthetic research and development as authorized by chapter 73 of title 38, United States Code, $500,000,000, plus reimbursements, to remain available until September 30, 2009.

NATIONAL CEMETERY ADMINISTRATION

For necessary expenses of the National Cemetery Administration for operations and maintenance, not otherwise provided for, including uniforms or allowances therefor; cemeterial expenses as authorized by law; purchase of one passenger motor vehicle for use in cemeterial operations; and hire of passenger motor vehicles, $217,709,000, of which not to exceed $25,000,000 shall remain available until September 30, 2009.

DEPARTMENTAL ADMINISTRATION

GENERAL OPERATING EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary operating expenses of the Department of Veterans Affairs, not otherwise provided for, including administrative expenses in support of Department-wide capital planning, management and policy activities, uniforms or allowances therefor; not to exceed $25,000 for official reception and representation expenses; hire of passenger motor vehicles; and reimbursement of the General Services Administration for security guard services, and the Department of Defense for the cost of overseas employee mail, $1,612,031,000: Provided, That expenses for services and assistance authorized under paragraphs (1), (2), (5), and (11) of section 3104(a) of title 38, United States Code, that the Secretary of Veterans Affairs determines are necessary to enable entitled veterans: (1) to the maximum extent feasible, to become employable and to obtain and maintain suitable employment; or (2) to achieve maximum independence in daily living, shall be charged to this account: Provided further, That the Veterans Benefits Administration shall be funded at not less than $1,329,044,000: Provided further, That of the funds made available under this heading, not to exceed $75,000,000 shall be available for obligation until September 30, 2009: Provided further, That from the funds made available under this heading, the Veterans Benefits Administration may purchase up to two passenger motor vehicles for use in operations of that Administration in Manila, Philippines.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General, to include information technology, in carrying out the provisions of the Inspector General Act of 1978, $88,700,000, of which $3,630,000 shall remain available until September 30, 2009.

CONSTRUCTION, MAJOR PROJECTS

For constructing, altering, extending and improving any of the facilities including parking projects under the jurisdiction or for the use of the Department of Veterans Affairs, or for any of the purposes set forth in sections 316, 2404, 2406, 8102, 8103, 8106, 8108, 8109, 8110, and 8122

of title 38, United States Code, including planning, architectural and engineering services, construction management services, maintenance or guarantee period services costs associated with equipment guarantees provided under the project, services of claims analysts, offsite utility and storm drainage system construction costs, and site acquisition, where the estimated cost of a project is more than the amount set forth in section 8104(a)(3)(A) of title 38, United States Code, or where funds for a project were made available in a previous major project appropriation, $727,400,000, to remain available until expended, of which $2,000,000 shall be to make reimbursements as provided in section 13 of the Contract Disputes Act of 1978 (41 U.S.C. 612) for claims paid for contract disputes: Provided, That except for advance planning activities, including needs assessments which may or may not lead to capital investments, and other capital asset management related activities, such as portfolio development and management activities, and investment strategy studies funded through the advance planning fund and the planning and design activities funded through the design fund and CARES funds, including needs assessments which may or may not lead to capital investments, none of the funds appropriated under this heading shall be used for any project which has not been approved by the Congress in the budgetary process: Provided further, That funds provided in this appropriation for fiscal year 2008, for each approved project (except those for CARES activities referenced above) shall be obligated: (1) by the awarding of a construction documents contract by September 30, 2008; and (2) by the awarding of a construction contract by September 30, 2009: Provided further, That the Secretary of Veterans Affairs shall promptly report in writing to the Committees on Appropriations of both Houses of Congress any approved major construction project in which obligations are not incurred within the time limitations established above.

CONSTRUCTION, MINOR PROJECTS

For constructing, altering, extending, and improving any of the facilities including parking projects under the jurisdiction or for the use of the Department of Veterans Affairs, including planning and assessments of needs which may lead to capital investments, architectural and engineering services, maintenance or guarantee period services costs associated with equipment guarantees provided under the project, services of claims analysts, offsite utility and storm drainage system construction costs, and site acquisition, or for any of the purposes set forth in sections 316, 2404, 2406, 8102, 8103, 8106, 8108, 8109, 8110, 8122, and 8162 of title 38, United States Code, where the estimated cost of a project is equal to or less than the amount set forth in section 8104(a)(3)(A) of title 38, United States Code, $751,398,000, to remain available until expended, along with unobligated balances of previous ''Construction, minor projects'' appropriations which are hereby made available for any project where the estimated cost is equal to or less than the amount set forth in such section for: (1) repairs to any of the nonmedical facilities under the jurisdiction or for the use of the Department which are necessary because of loss or damage caused by any natural disaster or catastrophe; and (2) temporary measures necessary to prevent or to minimize further loss by such causes.

GRANTS FOR CONSTRUCTION OF STATE EXTENDED CARE FACILITIES

For grants to assist States to acquire or construct State nursing home and domiciliary facilities and to remodel, modify or alter existing hospital, nursing home and domiciliary facilities in State homes, for furnishing care to veterans as authorized by sections 8131–8137 of title 38, United States Code, $250,000,000, to remain available until expended.

GRANTS FOR CONSTRUCTION OF STATE VETERANS CEMETERIES

For grants to aid States in establishing, expanding, or improving State veterans cemeteries as authorized by section 2408 of title 38, United States Code, $100,000,000, to remain available until expended.

INFORMATION TECHNOLOGY SYSTEMS

For necessary expenses for information technology systems and telecommunications support, including developmental information systems and operational information systems; including pay and associated cost for operations and maintenance associated staff; for the capital asset acquisition of information technology systems, including management and related contractual costs of said acquisitions, including contractual costs associated with operations authorized by section 3109 of title 5, United States Code, $1,898,000,000, to remain available until September 30, 2009: Provided, That none of these funds may be obligated until the Department of Veterans Affairs submits to the Committees on Appropriations of both Houses of Congress, and such Committees approve, a plan for expenditure that: (1) meets the capital planning and investment control review requirements established by the Office of Management and Budget; (2) complies with the Department of Veterans Affairs enterprise architecture; (3) conforms with an established enterprise life cycle methodology; and (4) complies with the acquisition rules, requirements, guidelines, and systems acquisition management practices of the Federal Government: Provided further, That within 60 days of enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committees on Appropriations of both Houses of Congress a reprogramming base letter which provides, by project, the costs included in this appropriation.

ADMINISTRATIVE PROVISIONS

(INCLUDING TRANSFER OF FUNDS)

SEC. 201. Any appropriation for fiscal year 2008, in this Act or any other Act, for ''Compensation and pensions'', ''Readjustment benefits'', and ''Veterans insurance and indemnities'' may be transferred as necessary to any other of the mentioned appropriations: Provided, That before a transfer may take place, the Secretary of Veterans Affairs shall request from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and an approval is issued, or absent a response, a period of 30 days has elapsed.

(INCLUDING TRANSFER OF FUNDS)

SEC. 202. Amounts made available for fiscal year 2008, in this Act or any other Act, under the ''Medical services'', ''Medical Administration'', and ''Medical facilities'' accounts may be transferred between the accounts to the extent necessary to implement the restructuring of the Veterans Health Administration accounts: Provided, That before a transfer may take place, the Secretary of Veterans Affairs shall request from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and an approval is issued.

SEC. 203. Appropriations available in this title for salaries and expenses shall be available for services authorized by section 3109 of title 5, United States Code, hire of passenger motor vehicles; lease of a facility or land or both; and uniforms or allowances therefor, as authorized by sections 5901–5902 of title 5, United States Code.

SEC. 204. No appropriations in this title (except the appropriations for ''Construction, major projects'', and ''Construction, minor projects'') shall be available for the purchase of any site for the construction of any new hospital or home.

SEC. 205. No appropriations in this title shall be available for hospitalization or examination of any persons (except beneficiaries entitled under the laws bestowing such benefits to veterans, and persons receiving such treatment under sections 7901–7904 of title 5, United States Code or the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.)), unless reimbursement of cost is made to the ''Medical services'' account at such rates as may be fixed by the Secretary of Veterans Affairs.

SEC. 206. Appropriations available in this title for ''Compensation and pensions'', ''Readjustment benefits'', and ''Veterans insurance and indemnities'' shall be available for payment of prior year accrued obligations required to be recorded by law against the corresponding prior year accounts within the last quarter of fiscal year 2007.

SEC. 207. Appropriations available in this title shall be available to pay prior year obligations of corresponding prior year appropriations accounts resulting from sections 3328(a), 3334, and 3712(a) of title 31, United States Code, except that if such obligations are from trust fund accounts they shall be payable from ''Compensation and pensions''.

(INCLUDING TRANSFER OF FUNDS)

SEC. 208. Notwithstanding any other provision of law, during fiscal year 2008, the Secretary of Veterans Affairs shall, from the National Service Life Insurance Fund (38 U.S.C. 1920), the Veterans' Special Life Insurance Fund (38 U.S.C. 1923), and the United States Government Life Insurance Fund (38 U.S.C. 1955), reimburse the ''General operating expenses'' account for the cost of administration of the insurance programs financed through those accounts: Provided, That reimbursement shall be made only from the surplus earnings accumulated in an insurance program in fiscal year 2008 that are available for dividends in that program after claims have been paid and actuarially determined reserves have been set aside: Provided further, That if the cost of administration of an insurance program exceeds the amount of surplus earnings accumulated in that program, reimbursement shall be made only to the extent of such surplus earnings: Provided further, That the Secretary shall determine the cost of administration for fiscal year 2008 which is properly allocable to the provision of each insurance program and to the provision of any total disability income insurance included in such insurance program.

SEC. 209. Amounts deducted from enhanced-use lease proceeds to reimburse an account for expenses incurred by that account during a prior fiscal year for providing enhanced-use lease services, may be obligated during the fiscal year in which the proceeds are received.

(INCLUDING TRANSFER OF FUNDS)

SEC. 210. Funds available in this title or funds for salaries and other administrative expenses shall also be available to reimburse the Office of Resolution Management and the Office of Employment Discrimination Complaint Adjudication for all services provided at rates which will recover actual costs but not exceed $32,067,000 for the Office of Resolution Management and $3,148,000 for the Office of Employment and Discrimination Complaint Adjudication: Provided, That payments may be made in advance for services to be furnished based on estimated costs: Provided further, That amounts received shall be credited to ''General operating expenses'' for use by the office that provided the service.

SEC. 211. No appropriations in this title shall be available to enter into any new lease of real property if the estimated annual rental is more than $300,000 unless the Secretary submits a report which the Committees on Appropriations of both Houses of Congress approve within 30 days following the date on which the report is received.

SEC. 212. No funds of the Department of Veterans Affairs shall be available for hospital care, nursing home care, or medical services provided to any person under chapter 17 of title 38, United States Code, for a non-service-connected disability described in section 1729(a)(2) of such title, unless that person has disclosed to the Secretary of Veterans Affairs, in such form as the

Secretary may require, current, accurate third-party reimbursement information for purposes of section 1729 of such title: Provided, That the Secretary may recover, in the same manner as any other debt due the United States, the reasonable charges for such care or services from any person who does not make such disclosure as required: Provided further, That any amounts so recovered for care or services provided in a prior fiscal year may be obligated by the Secretary during the fiscal year in which amounts are received.

(INCLUDING TRANSFER OF FUNDS)

SEC. 213. Notwithstanding any other provision of law, at the discretion of the Secretary of Veterans Affairs, proceeds or revenues derived from enhanced-use leasing activities (including disposal) may be deposited into the ''Construction, major projects'' and ''Construction, minor projects'' accounts and be used for construction (including site acquisition and disposition), alterations and improvements of any medical facility under the jurisdiction or for the use of the Department of Veterans Affairs. Such sums as realized are in addition to the amount provided for in ''Construction, major projects'' and ''Construction, minor projects''.

SEC. 214. Amounts made available under ''Medical services'' are available—

(1) for furnishing recreational facilities, supplies, and equipment; and

(2) for funeral expenses, burial expenses, and other expenses incidental to funerals and burials for beneficiaries receiving care in the Department.

(INCLUDING TRANSFER OF FUNDS)

SEC. 215. Such sums as may be deposited to the Medical Care Collections Fund pursuant to section 1729A of title 38, United States Code, may be transferred to ''Medical services'', to remain available until expended for the purposes of this account.

SEC. 216. Notwithstanding any other provision of law, the Secretary of Veterans Affairs shall allow veterans eligible under existing Department of Veterans Affairs medical care requirements and who reside in Alaska to obtain medical care services from medical facilities supported by the Indian Health Service or tribal organizations. The Secretary shall: (1) limit the application of this provision to rural Alaskan veterans in areas where an existing Department of Veterans Affairs facility or Veterans Affairs-contracted service is unavailable; (2) require participating veterans and facilities to comply with all appropriate rules and regulations, as established by the Secretary; (3) require this provision to be consistent with Capital Asset Realignment for Enhanced Services activities; and (4) result in no additional cost to the Department of Veterans Affairs or the Indian Health Service.

(INCLUDING TRANSFER OF FUNDS)

SEC. 217. Such sums as may be deposited to the Department of Veterans Affairs Capital Asset Fund pursuant to section 8118 of title 38, United States Code, may be transferred to the ''Construction, major projects'' and ''Construction, minor projects'' accounts, to remain available until expended for the purposes of these accounts.

SEC. 218. None of the funds made available in this Act may be used to implement any policy prohibiting the Directors of the Veterans Integrated Service Networks from conducting outreach or marketing to enroll new veterans within their respective Networks.

SEC. 219. The Secretary of Veterans Affairs shall submit to the Committees on Appropriations of both Houses of Congress a quarterly report on the financial status of the Veterans Health Administration.

(INCLUDING TRANSFER OF FUNDS)

SEC. 220. Amounts made available under the ''Medical services'', ''Medical Administration'', ''Medical facilities'', ''General operating expenses'', and ''National Cemetery Administration'' accounts for fiscal year 2008, may be transferred to or from the ''Information technology systems'' account: Provided, That before a transfer may take place, the Secretary of Veterans Affairs shall request from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and an approval is issued.

(INCLUDING TRANSFER OF FUNDS)

SEC. 221. For purposes of perfecting the funding sources of the Department of Veterans Affairs' new ''Information technology systems'' account, funds made available for fiscal year 2008, in this or any other Act, may be transferred from the ''General operating expenses'', ''National Cemetery Administration'', and ''Office of Inspector General'' accounts to the ''Medical services'' account: Provided, That before a transfer may take place, the Secretary of Veterans Affairs shall request from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and an approval is issued.

(INCLUDING TRANSFER OF FUNDS)

SEC. 222. Amounts made available for the ''Information technology systems'' account may be transferred between projects: Provided, That no project may be increased or decreased by more than $1,000,000 of cost prior to submitting a request to the Committees on Appropriations of both Houses of Congress to make the transfer and an approval is issued, or absent a response, a period of 30 days has elapsed.

SEC. 223. None of the funds available to the Department of Veterans Affairs, in this Act, or any other Act, may be used to replace the current system by which the Veterans Integrated Services Networks select and contract for diabetes monitoring supplies and equipment.

SEC. 224. Of the amounts made available for fiscal year 2008, in this Act or any other Act, under the ''Medical Facilities'' account for nonrecurring maintenance, not more than 20 percent of the funds made available shall be obligated during the last two months of the fiscal year.

SEC. 225. PROHIBITION ON DISPOSAL OF DEPARTMENT OF VETERANS AFFAIRS LANDS AND IMPROVEMENTS AT WEST LOS ANGELES MEDICAL CENTER, CALIFORNIA. (a) IN GENERAL.—The Secretary of Veterans Affairs may not declare as excess to the needs of the Department of Veterans Affairs, or otherwise take any action to exchange, trade, auction, transfer, or otherwise dispose of, or reduce the acreage of, Federal land and improvements at the Department of Veterans Affairs West Los Angeles Medical Center, California, encompassing approximately 388 acres on the north and south sides of Wilshire Boulevard and west of the 405 Freeway.

(b) SPECIAL PROVISION REGARDING LEASE WITH REPRESENTATIVE OF THE HOMELESS.—Notwithstanding any provision of this Act, section 7 of the Homeless Veterans Comprehensive Services Act of 1992 (Public Law 102–590) shall remain in effect.

(c) CONFORMING AMENDMENT.—Section 8162(c)(1) of title 38, United States Code, is amended—

(1) by inserting ''or section 225(a) of the Military Construction and Veterans Affairs and Related Agencies Appropriations Act, 2008'' after ''section 421(b)(2) of the Veterans' Benefits and Services Act of 1988 (Public Law 100–322; 102 Stat. 553)''; and

(2) by striking ''that section'' and inserting ''such sections''.

(d) EFFECTIVE DATE.—This section, including the amendment made by this section, shall apply with respect to fiscal year 2008 and each fiscal year thereafter.

SEC. 226. The Department shall continue research into Gulf War Illness at levels not less than those made available in fiscal year 2007, within available funds contained in this Act.

SEC. 227. (a) ANONYMOUS REPORTING OF WASTE, FRAUD, OR ABUSE.—Not later than 30 days after the date of the enactment of this Act, the Inspector General of the Department of Veterans Affairs shall establish and maintain on the homepage of the Internet website of the Office of Inspector General a mechanism by which individuals can anonymously report cases of waste, fraud, or abuse with respect to the Department of Veterans Affairs.

(b) LINK TO OFFICE OF INSPECTOR GENERAL FROM HOMEPAGE OF DEPARTMENT OF VETERANS AFFAIRS.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall establish and maintain on the homepage of the Internet website of the Department of Veterans Affairs a direct link to the Internet website of the Office of Inspector General of the Department of Veterans Affairs.

SEC. 228. (a) AUTHORITY FOR TRANSFER OF FUNDS TO SECRETARY OF HEALTH AND HUMAN SERVICES TO TRAIN PSYCHOLOGISTS.—Upon a determination by the Secretary of Veterans Affairs that such action is in the national interest, the Secretary of Veterans Affairs may transfer not more than $5,000,000 to the Secretary of Health and Human Services for the Graduate Psychology Education Program to support increased training of psychologists skilled in the treatment of post-traumatic stress disorder, traumatic brain injury, and related disorders.

(b) LIMITATION ON USE OF TRANSFERRED FUNDS.—The Secretary of Health and Human Services may only use funds transferred under this section for the purposes described in subsection (a).

(c) NOTIFICATION.—The Secretary of Veterans Affairs shall notify Congress of any such transfer of funds under this section.

SEC. 229. (a) REPORTS ON RECONSTRUCTION OF DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER IN NEW ORLEANS, LOUISIANA.—(1) Not later than October 1 and April 1 each year, the Secretary of Veterans Affairs shall submit to the Committees on Appropriations a report on the current status of the reconstruction of the Department of Veterans Affairs Medical Center in New Orleans, Louisiana. Each report shall include the following:

(A) The current status of the reconstruction of the Medical Center, including the status of any ongoing environmental assessments, the status of any current construction, and an assessment of the adequacy of funding necessary to complete the reconstruction.

(B) If reconstruction of the Medical Center is subject to any major delay—

(i) a description of each such delay;

(ii) an explanation for each such delay; and

(iii) a description of the action being taken or planned to address the delay.

(C) A description of current and anticipated funding for the reconstruction of the Medical Center, including an estimate of any additional funding required for the reconstruction.

(2) The requirement in paragraph (1) shall cease on the day that the reconstruction of the Medical Center referred to in that paragraph is completed.

(b) REPORT ON DESIGNATION OF DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER IN NEW ORLEANS AS POLYTRAUMA REHABILITATION CENTER OR POLYTRAUMA NETWORK SITE.—Not later than 60 days after the date of the enactment of this Act, the Secretary shall submit to the Committees on Appropriations a report setting forth the recommendation of the Secretary as to whether or not the Department of Veterans Affairs Medical Center being reconstructed in new Orleans, Louisiana, should be designated as a tier I polytrauma rehabilitation center or a polytrauma network site.

SEC. 230. (a) ADDITIONAL AMOUNT FOR MEDICAL SERVICES.—The amount appropriated or otherwise made available by this title under the heading ''MEDICAL SERVICES'' is hereby increased by $125,000,000.

(b) AVAILABILITY.—Of the amount appropriated or otherwise made available by this title under the heading ''MEDICAL SERVICES'', as increased by subsection (a), $125,000,000 shall be available for the Veterans Beneficiary Travel Program. The amount available for the Veterans

Beneficiary Travel Program under this subsection is in addition to any other amounts available for that program under this title.

(c) OFFSET.—The amount appropriated or otherwise made available by this title for the Veterans Health Administration under the heading ''MEDICAL ADMINISTRATION'' is hereby decreased by $125,000,000.

SEC. 231. (a) REPORT ON ACCESS TO MEDICAL SERVICES PROVIDED BY DEPARTMENT OF VETERANS AFFAIRS TO VETERANS IN REMOTE RURAL AREAS.—Not later than six months after the date of the enactment of this Act, the Secretary shall submit to the appropriate committees of Congress a report setting forth the following:

(1) A description of the following:

(A) The unique challenges and costs faced by veterans in remote rural areas of contiguous and non-contiguous States when obtaining medical services from the Department of Veterans Affairs.

(B) The need to improve access to locally-administered care for veterans who reside in remote rural areas.

(C) The need to fund alternative sources of medical services—

(i) in areas where facilities of the Department of Veterans Affairs are not accessible to veterans without leaving such areas; and

(ii) in cases in which receipt of medical services by a veteran in a facility of the Department requires transportation of such veteran by air due to geographic and infrastructural constraints.

(2) An assessment of the potential for increasing local access to medical services for veterans in remote rural areas of contiguous and non-contiguous States through strategic partnerships with other government and local private health care providers.

(b) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ''appropriate committees of Congress'' means—

(1) the Committees on Veterans' Affairs of the Senate and the House of Representatives; and

(2) the Subcommittees referred to in section 407.

SEC. 232. None of the funds appropriated or otherwise made available by this Act may be used during fiscal year 2008 to round down dollar amounts to the next lower whole dollar for payments of the following:

(1) Disability compensation under section 1114 of 38, United States Code.

(2) Additional compensation for dependents under section 1115(1) of such title.

(3) Clothing allowance under section 1162 of such title.

(4) Dependency and indemnity compensation to surviving spouse under subsections (a) through (d) of section 1311 of such title.

(5) Dependency and indemnity compensation to children under sections 1313(a) and 1314 of such title.

SEC. 233. None of the funds appropriated or otherwise made available by this Act or any other Act for the Department of Veterans Affairs may be used in a manner that is inconsistent with—

(1) section 842 of the Transportation, Treasury, Housing and Urban Development, the Judiciary, and Independent Agencies Appropriations Act, 2006 (Public Law 109–115; 119 Stat. 2506); or

(2) section 8110(a)(5) of title 38, United States Code.

SEC. 234. LIEUTENANT COLONEL CLEMENT C. VAN WAGONER DEPARTMENT OF VETERANS AFFAIRS CLINIC. (a) DESIGNATION.—The Department of Veterans Affairs clinic located in Alpena, Michigan, shall be known and designated as the ''Lieutenant Colonel Clement C. Van Wagoner Department of Veterans Affairs Clinic''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the Department of Veterans Affairs clinic referred to in subsection (a) shall be deemed to be a reference to the ''Lieutenant Colonel Clement C. Van Wagoner Department of Veterans Affairs Clinic''.

SEC. 235. The Secretary of Veterans Affairs may carry out a major medical facility lease in fiscal year 2008 in an amount not to exceed $12,000,000 to implement the recommendations outlined in the August, 2007 Study of South Texas Veterans' Inpatient and Specialty Outpatient Health Care Needs.

TITLE III

RELATED AGENCIES

AMERICAN BATTLE MONUMENTS COMMISSION

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the American Battle Monuments Commission, including the acquisition of land or interest in land in foreign countries; purchases and repair of uniforms for caretakers of national cemeteries and monuments outside of the United States and its territories and possessions; rent of office and garage space in foreign countries; purchase (one-for-one replacement only) and hire of passenger motor vehicles; not to exceed $7,500 for official reception and representation expenses; and insurance of official motor vehicles in foreign countries, when required by law of such countries, $45,600,000, to remain available until expended.

FOREIGN CURRENCY FLUCTUATIONS

For necessary expenses, not otherwise provided for, of the American Battle Monuments Commission, $11,000,000, to remain available until expended, for purposes authorized by section 2109 of title 36, United States Code.

UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS

SALARIES AND EXPENSES

For necessary expenses for the operation of the United States Court of Appeals for Veterans Claims as authorized by sections 7251–7298 of title 38, United States Code, $24,217,000: Provided, That $1,120,000 shall be available for the purpose of providing financial assistance as described, and in accordance with the process and reporting procedures set forth, under this heading in Public Law 102–229.

DEPARTMENT OF DEFENSE—CIVIL

CEMETERIAL EXPENSES, ARMY

SALARIES AND EXPENSES

For necessary expenses, as authorized by law, for maintenance, operation, and improvement of Arlington National Cemetery and Soldiers' and Airmen's Home National Cemetery, including the purchase of two passenger motor vehicles for replacement only, and not to exceed $1,000 for official reception and representation expenses, $31,865,000, to remain available until expended. In addition, such sums as may be necessary for parking maintenance, repairs and replacement, to be derived from the Lease of Department of Defense Real Property for Defense Agencies account.

Funds appropriated under this Act may be provided to Arlington County, Virginia, for the relocation of the federally-owned watermain at Arlington National Cemetery making additional land available for ground burials.

ARMED FORCES RETIREMENT HOME

TRUST FUND

For expenses necessary for the Armed Forces Retirement Home to operate and maintain the Armed Forces Retirement Home—Washington, District of Columbia and the Armed Forces Retirement Home—Gulfport, Mississippi, to be paid from funds available in the Armed Forces Retirement Home Trust Fund, $55,724,000.

GENERAL FUND PAYMENT, ARMED FORCES RETIREMENT HOME

For payment to the ''Armed Forces Retirement Home'', $5,900,000, to remain available until expended.

ADMINISTRATIVE PROVISION

SEC. 301. None of the funds in this title under the heading ''American Battle Monuments Commission'' shall be available for the Capital Security Costs Sharing program.

TITLE IV

GENERAL PROVISIONS

SEC. 401. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 402. Such sums as may be necessary for fiscal year 2008 pay raises for programs funded by this Act shall be absorbed within the levels appropriated in this Act.

SEC. 403. None of the funds made available in this Act may be used for any program, project, or activity, when it is made known to the Federal entity or official to which the funds are made available that the program, project, or activity is not in compliance with any Federal law relating to risk assessment, the protection of private property rights, or unfunded mandates.

SEC. 404. No part of any funds appropriated in this Act shall be used by an agency of the executive branch, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, and for the preparation, distribution or use of any kit, pamphlet, booklet, publication, radio, television or film presentation designed to support or defeat legislation pending before Congress, except in presentation to Congress itself.

SEC. 405. All departments and agencies funded under this Act are encouraged, within the limits of the existing statutory authorities and funding, to expand their use of ''E-Commerce'' technologies and procedures in the conduct of their business practices and public service activities.

SEC. 406. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriations Act.

SEC. 407. Unless stated otherwise, all reports and notifications required by this Act shall be submitted to the Subcommittee on Military Construction, Veterans Affairs, and Related Agencies of the Committee on Appropriations of the House of Representatives and the Subcommittee on Military Construction, Veterans Affairs, and Related Agencies of the Committee on Appropriations of the Senate.

SEC. 408. (a) ASSESSMENT OF MENTAL HEALTH CARE SERVICES FOR FEMALE SERVICEMEMBERS AND VETERANS.—The Comptroller General of the United States shall conduct an assessment of the adequacy of the mental health care services provided by the Department of Veterans Affairs and the Department of Defense to female members of the Armed Forces and female veterans to meet the mental health care needs of such members and veterans.

(b) REPORT.—Not later than September 1, 2008, the Comptroller General shall submit to the Subcommittees referred to in section 407 a report on the assessment required by subsection (a).

SEC. 409. None of the funds appropriated or otherwise made available by this Act may be used to enter into a contract in an amount greater than $5,000,000 or to award a grant in excess of such amount unless the prospective contractor or grantee certifies in writing to the agency awarding the contract or grant that the contractor or grantee has filed all Federal tax returns required during the three years preceding the certification, has not been convicted of a criminal offense under the Internal Revenue Code of 1986, and has not been notified of any unpaid Federal tax assessment for which the liability remains unsatisfied unless the assessment is the subject of an installment agreement or offer in compromise that has been approved by the Internal Revenue Service and is not in default or the assessment is the subject of a non-frivolous administrative or judicial appeal.

SEC. 410. (a) In this section:

(1) The term ''City'' means the City of Aurora, Colorado.

(2) The term ''deed'' means the quitclaim deed—

(A) conveyed by the Secretary to the City; and

(B) dated May 24, 1999.

(3) The term ''non-Federal land'' means—

(A) parcel I of the Fitzsimons Army Medical Center, Colorado; and

(B) the parcel of land described in the deed.

(4) The term ''Secretary'' means the Secretary of the Interior.

(b)(1) In accordance with paragraph (2), and subject to each term and condition required under paragraph (3), to allow the City to convey to the United States the non-Federal land to be used by the Secretary of Veterans Affairs for the construction of a veterans medical facility, the Secretary may execute such instruments as determined by the Secretary to be necessary to modify or release any condition under which the non-Federal land would revert to the United States.

(2) In carrying out paragraph (1), with respect to the non-Federal land, the Secretary shall alter—

(A) each provision of the deed relating to a reversionary interest of the United States; and

(B) any other reversionary interest of the United States.

To authorize the use of the property to include use as a veteran's facility in addition to use for recreational purposes.

(3) The Secretary shall carry out paragraph (1) subject to such terms and conditions as the Secretary determines to be necessary to protect the interests of the United States.

SEC. 411. For an additional amount $100,000,000, with $50,000,000 each to the Cities of Denver, Colorado, and St. Paul, Minnesota, shall be available to the Department of Homeland Security for State and local law enforcement entities for security and related costs, including overtime, associated with the Democratic National Convention and Republican National Convention in 2008. The Department of Homeland Security shall provide for an audit of all amounts made available under this section, including expenditures by State and local law enforcement entities. Amounts provided by this section are designated as an emergency requirement pursuant to section 204 of S. Con. Res. 21 (110th Congress).

SEC. 412. None of the funds appropriated or otherwise made available by this Act may be used for any action that is related to or promotes the expansion of the boundaries or size of the Pinon Canyon Maneuver Site, Colorado.

This Act may be cited as the ''Military Construction and Veterans Affairs and Related Agencies Appropriations Act, 2008''.

Pending consideration of the amendment of the Senate.

Mr. OBEY, pursuant to House Resolution 1197, moved to agree to the amendment of the Senate with each of the following House amendments printed in House Report 110-636:

The House amendment numbered 1 to the amendment of the Senate to the text is as follows:

Page 60 of the Senate engrossed amendment, strike lines 1 through 3 and insert the following:

TITLE IX—DEFENSE MATTERS

CHAPTER 1—SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 2008

DEPARTMENT OF DEFENSE—MILITARY

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For an additional amount for ''Military Personnel, Army'', $11,807,655,000.

MILITARY PERSONNEL, NAVY

For an additional amount for ''Military Personnel, Navy'', $866,753,000.

MILITARY PERSONNEL, MARINE CORPS

For an additional amount for ''Military Personnel, Marine Corps'', $1,820,571,000.

MILITARY PERSONNEL, AIR FORCE

For an additional amount for ''Military Personnel, Air Force'', $1,286,153,000.

RESERVE PERSONNEL, ARMY

For an additional amount for ''Reserve Personnel, Army'', $304,200,000.

RESERVE PERSONNEL, NAVY

For an additional amount for ''Reserve Personnel, Navy'', $72,800,000.

RESERVE PERSONNEL, MARINE CORPS

For an additional amount for ''Reserve Personnel, Marine Corps'', $16,720,000.

RESERVE PERSONNEL, AIR FORCE

For an additional amount for ''Reserve Personnel, Air Force'', $5,000,000.

NATIONAL GUARD PERSONNEL, ARMY

For an additional amount for ''National Guard Personnel, Army'', $1,369,747,000.

NATIONAL GUARD PERSONNEL, AIR FORCE

For an additional amount for ''National Guard Personnel, Air Force'', $4,000,000.

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For an additional amount for ''Operation and Maintenance, Army'', $16,343,512,000.

OPERATION AND MAINTENANCE, NAVY

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Operation and Maintenance, Navy'', $2,952,864,000: *Provided*, That up to $112,607,000 shall be transferred to the Coast Guard ''Operating Expenses'' account.

OPERATION AND MAINTENANCE, MARINE CORPS

For an additional amount for ''Operation and Maintenance, Marine Corps'', $159,900,000.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for ''Operation and Maintenance, Air Force'', $5,922,520,000.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

For an additional amount for ''Operation and Maintenance, Defense-Wide'', $3,387,562,000, of which—

(1) not to exceed $25,000,000 may be used for the Combatant Commander Initiative Fund, to be used in support of Operation Iraqi Freedom and Operation Enduring Freedom; and

(2) not to exceed $800,000,000, to remain available until expended, may be used for payments to reimburse key cooperating nations, for logistical, military, and other support provided to United States military operations, notwithstanding any other provision of law: *Provided*, That these funds may be used for the purpose of providing specialized training and procuring supplies and specialized equipment and providing such supplies and loaning such equipment on a non-reimbursable basis to coalition forces supporting United States military operations in Iraq and Afghanistan: *Provided further*, That such payments may be made in such amounts as the Secretary of Defense, with the concurrence of the Secretary of State, and in consultation with the Director of the Office of Management and Budget, may determine, in his discretion, based on documentation determined by the Secretary of Defense to adequately account for the support provided, and such determination is final and conclusive upon the accounting officers of the United States, and 15 days following notification to the appropriate congressional committees: *Provided further*, That the Secretary of Defense shall provide quarterly reports to the congressional defense committees on the use of funds provided in this paragraph:

Provided further, That of the amount available under this heading for the Defense Contract Management Agency, $52,000,000 shall remain available until September 30, 2009.

OPERATION AND MAINTENANCE, ARMY RESERVE

For an additional amount for ''Operation and Maintenance, Army Reserve'', $164,839,000.

OPERATION AND MAINTENANCE, NAVY RESERVE

For an additional amount for ''Operation and Maintenance, Navy Reserve'', $109,876,000.

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For an additional amount for ''Operation and Maintenance, Marine Corps Reserve'', $70,256,000.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For an additional amount for ''Operation and Maintenance, Air Force Reserve'', $165,994,000.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For an additional amount for ''Operation and Maintenance, Army National Guard'', $685,644,000.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For an additional amount for ''Operation and Maintenance, Air National Guard'', $287,369,000.

IRAQ FREEDOM FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Iraq Freedom Fund'', $50,000,000, to remain available for transfer until September 30, 2009, notwithstanding any other provision of law, only for the redevelopment of the Iraqi industrial sector by identifying, and providing assistance to, factories and other industrial facilities that are best situated to resume operations quickly and reemploy the Iraqi workforce: *Provided*, That the Secretary of Defense shall, not fewer than 15 days prior to making transfers from this appropriation, notify the congressional defense committees in writing of the details of any such transfer.

AFGHANISTAN SECURITY FORCES FUND

For an additional amount for ''Afghanistan Security Forces Fund'', $1,400,000,000, to remain available until September 30, 2009.

IRAQ SECURITY FORCES FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Iraq Security Forces Fund'', $1,500,000,000, to remain available until September 30, 2009: *Provided*, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Commander, Multi-National Security Transition Command—Iraq, or the Secretary's designee, to provide assistance, with the concurrence of the Secretary of State, to the security forces of Iraq, including the provision of equipment, supplies, services, training, facility and infrastructure repair, renovation, and construction, and funding: *Provided further*, That none of the assistance provided under this heading in the form of funds may be utilized for the provision of salaries, wages, or bonuses to personnel of the Iraqi Security Forces: *Provided further*, That the authority to provide assistance under this heading is in addition to any other authority to provide assistance to foreign nations: *Provided further*, That the Secretary of Defense may transfer such funds to appropriations for military personnel; operation and maintenance; Overseas Humanitarian, Disaster, and Civic Aid; procurement; research, development, test and evaluation; and defense working capital funds to accomplish the purposes provided herein: *Provided further*, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: *Provided*

further, That upon a determination that all or part of the funds so transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That contributions of funds for the purposes provided herein from any person, foreign government, or international organization may be credited to this Fund, and used for such purposes: *Provided further*, That the Secretary shall notify the congressional defense committees in writing upon the receipt and upon the transfer of any contribution delineating the sources and amounts of the funds received and the specific use of such contributions: *Provided further*, That the Secretary of Defense shall, not fewer than 15 days prior to making transfers from this appropriation account, notify the congressional defense committees in writing of the details of any such transfer: *Provided further*, That the Secretary shall submit a report no later than 30 days after the end of each fiscal quarter to the congressional defense committees summarizing the details of the transfer of funds from this appropriation.

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For an additional amount for ''Aircraft Procurement, Army'', $954,111,000, to remain available for obligation until September 30, 2010.

MISSILE PROCUREMENT, ARMY

For an additional amount for ''Missile Procurement, Army'', $561,656,000, to remain available for obligation until September 30, 2010.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For an additional amount for ''Procurement of Weapons and Tracked Combat Vehicles, Army'', $5,393,471,000, to remain available for obligation until September 30, 2010.

PROCUREMENT OF AMMUNITION, ARMY

For an additional amount for ''Procurement of Ammunition, Army'', $344,900,000, to remain available for obligation until September 30, 2010.

OTHER PROCUREMENT, ARMY

For an additional amount for ''Other Procurement, Army'', $15,967,340,000, to remain available for obligation until September 30, 2010.

AIRCRAFT PROCUREMENT, NAVY

For an additional amount for ''Aircraft Procurement, Navy'', $3,411,254,000, to remain available for obligation until September 30, 2010.

WEAPONS PROCUREMENT, NAVY

For an additional amount for ''Weapons Procurement, Navy'', $317,456,000, to remain available for obligation until September 30, 2010.

PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS

For an additional amount for ''Procurement of Ammunition, Navy and Marine Corps'', $304,945,000, to remain available for obligation until September 30, 2010.

OTHER PROCUREMENT, NAVY

For an additional amount for ''Other Procurement, Navy'', $1,260,135,000, to remain available for obligation until September 30, 2010.

PROCUREMENT, MARINE CORPS

For an additional amount for ''Procurement, Marine Corps'', $2,153,390,000, to remain available for obligation until September 30, 2010.

AIRCRAFT PROCUREMENT, AIR FORCE

For an additional amount for ''Aircraft Procurement, Air Force'', $7,028,563,000, to remain available for obligation until September 30, 2010.

MISSILE PROCUREMENT, AIR FORCE

For an additional amount for ''Missile Procurement, Air Force'', $66,943,000, to remain available for obligation until September 30, 2010.

PROCUREMENT OF AMMUNITION, AIR FORCE

For an additional amount for ''Procurement of Ammunition, Air Force'', $205,455,000, to remain available for obligation until September 30, 2010.

OTHER PROCUREMENT, AIR FORCE

For an additional amount for ''Other Procurement, Air Force'', $1,903,167,000, to remain available for obligation until September 30, 2010.

PROCUREMENT, DEFENSE-WIDE

For an additional amount for ''Procurement, Defense-Wide'', $408,209,000, to remain available for obligation until September 30, 2010.

NATIONAL GUARD AND RESERVE EQUIPMENT

For an additional amount for ''National Guard and Reserve Equipment'', $750,000,000, to remain available for obligation until September 30, 2010: *Provided*, That the Chiefs of the National Guard and Reserve components shall, prior to the expenditure of funds, and not later than 30 days after the enactment of this Act, individually submit to the congressional defense committees an equipment modernization priority assessment with a detailed plan for the expenditure of funds for their respective National Guard and Reserve components.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

For an additional amount for ''Research, Development, Test and Evaluation, Army'', $162,958,000, to remain available until September 30, 2009.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For an additional amount for ''Research, Development, Test and Evaluation, Navy'', $366,110,000, to remain available until September 30, 2009.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For an additional amount for ''Research, Development, Test and Evaluation, Air Force'', $278,427,000, to remain available until September 30, 2009.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

For an additional amount for ''Research, Development, Test and Evaluation, Defense-Wide'', $816,598,000, to remain available until September 30, 2009.

REVOLVING AND MANAGEMENT FUNDS

DEFENSE WORKING CAPITAL FUNDS

For an additional amount for ''Defense Working Capital Funds'', $1,837,450,000, to remain available for obligation until expended.

NATIONAL DEFENSE SEALIFT FUND

For an additional amount for ''National Defense Sealift Fund'', $5,110,000, to remain available for obligation until expended.

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For an additional amount for ''Defense Health Program'', $1,363,864,000, of which $907,064,000 shall be for operation and maintenance; of which $91,900,000 is for procurement to remain available until September 30, 2010; of which $364,900,000 shall be for research, development, test and evaluation, to remain available until September 30, 2009: *Provided*, That in addition to amounts otherwise contained in this paragraph, $75,000,000 is hereby appropriated to the ''Defense Health Program'' for operation and maintenance for psychological health and traumatic brain injury, to remain available until September 30, 2009.

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Drug Interdiction and Counter-Drug Activities, Defense'', $65,317,000, to remain available until September 30, 2009.

OFFICE OF THE INSPECTOR GENERAL

For an additional amount for ''Office of the Inspector General'', $6,394,000, of which $2,000,000 shall be for research, development, test and evaluation, to remain available until September 30, 2009.

GENERAL PROVISIONS, THIS CHAPTER

SEC. 9101. Appropriations provided in this chapter are available for obligation until September 30, 2008, unless otherwise provided in this chapter.

SEC. 9102. Notwithstanding any other provision of law, funds made available in this chapter are in addition to amounts appropriated or otherwise made available for the Department of Defense for fiscal year 2008.

(INCLUDING TRANSFER OF FUNDS)

SEC. 9103. Upon the determination of the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer between appropriations up to $2,500,000,000 of the funds made available to the Department of Defense in this chapter: *Provided*, That the Secretary shall notify the Congress promptly of each transfer made pursuant to the authority in this section: *Provided further*, That the authority provided in this section is in addition to any other transfer authority available to the Department of Defense and is subject to the same terms and conditions as the authority provided in section 8005 of Public Law 110–116, except for the fourth proviso.

SEC. 9104. (a) From funds made available for operation and maintenance in this chapter to the Department of Defense, not to exceed $1,026,841,000 may be used, notwithstanding any other provision of law, to fund the Commander's Emergency Response Program, for the purpose of enabling military commanders in Iraq, Afghanistan, and the Philippines to respond to urgent humanitarian relief and reconstruction requirements within their areas of responsibility by carrying out programs that will immediately assist the Iraqi, Afghan, and Filipino people.

(b) Not later than 15 days after the end of each fiscal year quarter, the Secretary of Defense shall submit to the congressional defense committees a report regarding the source of funds and the allocation and use of funds during that quarter that were made available pursuant to the authority provided in this section or under any other provision of law for the purposes of the programs under subsection (a).

(INCLUDING TRANSFER OF FUNDS)

SEC. 9105. During fiscal year 2008, the Secretary of Defense may transfer not to exceed $6,500,000 of the amounts in or credited to the Defense Cooperation Account, pursuant to 10 U.S.C. 2608, to such appropriations or funds of the Department of Defense as the Secretary shall determine for use consistent with the purposes for which such funds were contributed and accepted: *Provided*, That such amounts shall be available for the same time period as the appropriation to which transferred: *Provided further*, That the Secretary shall report to the Congress all transfers made pursuant to this authority.

SEC. 9106. Of the amount appropriated by this chapter under the heading ''Drug Interdiction and Counter-Drug Activities, Defense,'' not to exceed $20,000,000 may be used

for the provision of support for counter-drug activities of the Governments of Afghanistan, Kazakhstan, Kyrgyzstan, Pakistan, Tajikistan, and Turkmenistan, as specified in section 1033 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85, as amended by Public Laws 106–398, 108–136, 109–364, and 110–181): *Provided*, That such support shall be in addition to support provided under any other provision of the law.

SEC. 9107. Amounts provided in this chapter for operations in Iraq and Afghanistan may be used by the Department of Defense for the purchase of up to 20 heavy and light armored vehicles for force protection purposes, notwithstanding price or other limitations specified elsewhere in the Department of Defense Appropriations Act, 2008 (Public Law 110–116), or any other provision of law: *Provided*, That notwithstanding any other provision of law, funds provided in Public Law 110–116 and Public Law 110–161 under the heading ''Other Procurement, Navy'' may be used for the purchase of 21 vehicles required for physical security of personnel, notwithstanding price limitations applicable to passenger vehicles but not to exceed $255,000 per vehicle: *Provided further*, That the Secretary of Defense shall submit a report in writing no later than 30 days after the end of each fiscal quarter notifying the congressional defense committees of any purchase described in this section, including cost, purposes, and quantities of vehicles purchased.

(INCLUDING TRANSFER OF FUNDS)

SEC. 9108. Section 8122(c) of Public Law 110–116 is amended by adding at the end the following:

''(4) Upon a determination that all or part of the funds transferred under paragraph (1) are not necessary to accomplish the purposes specified in subsection (b), such amounts may be transferred back to the 'Mine Resistant Ambush Protected Vehicle Fund'.''.

SEC. 9109. Notwithstanding any other provision of law, not to exceed $150,000,000 of funds made available in this chapter may be obligated to conduct or support a program to build the capacity of a foreign country's national military forces in order for that country to conduct counterterrorist operations or participate in or support military and stability operations in which the U.S. Armed Forces are a participant: *Provided*, That funds available pursuant to the authority in this section shall be subject to the same restrictions, limitations, and reporting requirements as funds available pursuant to section 1206 of Public Law 109–163 as amended.

CHAPTER 2—BRIDGE FUND SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 2009

DEPARTMENT OF DEFENSE—MILITARY

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For an additional amount for ''Military Personnel, Army'', $839,000,000.

MILITARY PERSONNEL, NAVY

For an additional amount for ''Military Personnel, Navy'', $75,000,000.

MILITARY PERSONNEL, MARINE CORPS

For an additional amount for ''Military Personnel, Marine Corps'', $55,000,000.

MILITARY PERSONNEL, AIR FORCE

For an additional amount for ''Military Personnel, Air Force'', $75,000,000.

NATIONAL GUARD PERSONNEL, ARMY

For an additional amount for ''National Guard Personnel, Army'', $150,000,000.

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For an additional amount for ''Operation and Maintenance, Army'', $37,300,000,000.

OPERATION AND MAINTENANCE NAVY

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Operation and Maintenance, Navy'', $3,500,000,000: *Provided*, That up to $112,000,000 shall be transferred to the Coast Guard ''Operating Expenses'' account.

OPERATION AND MAINTENANCE, MARINE CORPS

For an additional amount for ''Operation and Maintenance, Marine Corps'', $2,900,000,000.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for ''Operation and Maintenance, Air Force'', $5,000,000,000.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

For an additional amount for ''Operation and Maintenance, Defense-Wide'', $2,648,569,000, of which not to exceed $200,000,000, to remain available until expended, may be used for payments to reimburse key cooperating nations, for logistical, military, and other support provided to United States military operations, notwithstanding any other provision of law: *Provided*, That these funds may be used for the purpose of providing specialized training and procuring supplies and specialized equipment and providing such supplies and loaning such equipment on a nonreimbursable basis to coalition forces supporting United States military operations in Iraq and Afghanistan: *Provided further*, That such payments may be made in such amounts as the Secretary of Defense, with the concurrence of the Secretary of State, and in consultation with the Director of the Office of Management and Budget, may determine, in his discretion, based on documentation determined by the Secretary of Defense to adequately account for the support provided, and such determination is final and conclusive upon the accounting officers of the United States, and 15 days following notification to the appropriate congressional committees: *Provided further*, That the Secretary of Defense shall provide quarterly reports to the congressional defense committees on the use of funds provided in this paragraph.

OPERATION AND MAINTENANCE, ARMY RESERVE

For an additional amount for ''Operation and Maintenance, Army Reserve'', $79,291,000.

OPERATION AND MAINTENANCE, NAVY RESERVE

For an additional amount for ''Operation and Maintenance, Navy Reserve'', $42,490,000.

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For an additional amount for ''Operation and Maintenance, Marine Corps Reserve'', $47,076,000.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For an additional amount for ''Operation and Maintenance, Air Force Reserve'', $12,376,000.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For an additional amount for ''Operation and Maintenance, Army National Guard'', $333,540,000.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For an additional amount for ''Operation and Maintenance, Air National Guard'', $52,667,000.

AFGHANISTAN SECURITY FORCES FUND

For an additional amount for ''Afghanistan Security Forces Fund'', $2,000,000,000, to remain available until September 30, 2009.

IRAQ SECURITY FORCES FUND

(INCLUDING TRANSFER OF FUNDS)

For ''Iraq Security Forces Fund'', $1,000,000,000, to remain available until September 30, 2009: *Provided*, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Commander, Multi-National Security Transition Command-Iraq, or the Secretary's designee, to provide assistance, with the concurrence of the Secretary of State, to the security forces of Iraq, including the provision of equipment, supplies, services, training, facility and infrastructure repair, renovation, and construction, and funding: *Provided further*, That none of the assistance provided under this heading in the form of funds may be utilized for the provision of salaries, wages, or bonuses to personnel of the Iraqi Security Forces: *Provided further*, That the authority to provide assistance under this heading is in addition to any other authority to provide assistance to foreign nations: *Provided further*, That the Secretary of Defense may transfer such funds to appropriations for military personnel; operation and maintenance; Overseas Humanitarian, Disaster, and Civic Aid; procurement; research, development, test and evaluation; and defense working capital funds to accomplish the purposes provided herein: *Provided further*, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That upon a determination that all or part of the funds so transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That contributions of funds for the purposes provided herein from any person, foreign government, or international organization may be credited to this Fund, and used for such purposes: *Provided further*, That the Secretary shall notify the congressional defense committees in writing upon the receipt and upon the transfer of any contribution delineating the sources and amounts of the funds received and the specific use of such contributions: *Provided further*, That the Secretary of Defense shall, not fewer than 15 days prior to making transfers from this appropriation account, notify the congressional defense committees in writing of the details of any such transfer: *Provided further*, That the Secretary shall submit a report no later than 30 days after the end of each fiscal quarter to the congressional defense committees summarizing the details of the transfer of funds from this appropriation.

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For an additional amount for ''Aircraft Procurement, Army'', $84,000,000 to remain available for obligation until September 30, 2011.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For an additional amount for ''Procurement of Weapons and Tracked Combat Vehicles, Army'', $822,674,000, to remain available for obligation until September 30, 2011.

PROCUREMENT OF AMMUNITION, ARMY

For an additional amount for ''Procurement of Ammunition, Army'', $46,500,000, to remain available for obligation until September 30, 2011.

OTHER PROCUREMENT, ARMY

For an additional amount for ''Other Procurement, Army'', $1,009,050,000, to remain available for obligation until September 30, 2011.

OTHER PROCUREMENT, NAVY

For an additional amount for ''Other Procurement, Navy'', $27,948,000, to remain available for obligation until September 30, 2011.

PROCUREMENT, MARINE CORPS

For an additional amount for ''Procurement, Marine Corps'', $565,425,000, to remain

available for obligation until September 30, 2011.

AIRCRAFT PROCUREMENT, AIR FORCE

For an additional amount for ''Aircraft Procurement, Air Force'', $201,842,000, to remain available for obligation until September 30, 2011.

OTHER PROCUREMENT, AIR FORCE

For an additional amount for ''Other Procurement, Air Force'', $1,500,644,000, to remain available for obligation until September 30, 2011.

PROCUREMENT, DEFENSE-WIDE

For an additional amount for ''Procurement, Defense-Wide'', $177,237,000, to remain available for obligation until September 30, 2011.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For an additional amount for ''Research, Development, Test and Evaluation, Navy'', $113,228,000, to remain available until September 30, 2010.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For an additional amount for ''Research, Development, Test and Evaluation, Air Force'', $72,041,000, to remain available until September 30, 2010.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

For an additional amount for ''Research, Development, Test and Evaluation, Defense-Wide'', $202,559,000, to remain available until September 30, 2010.

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For an additional amount for ''Defense Health Program'', $1,100,000,000 for operation and maintenance.

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Drug Interdiction and Counter-Drug Activities, Defense'', $188,000,000.

JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Joint Improvised Explosive Device Defeat Fund'', $2,000,000,000 to remain available until September 30, 2011: *Provided*, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Director of the Joint Improvised Explosive Device Defeat Organization to investigate, develop and provide equipment, supplies, services, training, facilities, personnel and funds to assist United States forces in the defeat of improvised explosive devices: *Provided further*, That within 60 days of the enactment of this Act, a plan for the intended management and use of the amounts provided under this heading shall be submitted to the congressional defense committees: *Provided further*, That the Secretary of Defense shall submit a report not later than 60 days after the end of each fiscal quarter to the congressional defense committees providing assessments of the evolving threats, individual service requirements to counter the threats, the current strategy for predeployment training of members of the Armed Forces on improvised explosive devices, and details on the execution of the Fund: *Provided further*, That the Secretary of Defense may transfer funds provided herein to appropriations for operation and maintenance; procurement; research, development, test and evaluation; and defense working capital funds to accomplish the purpose provided herein: *Provided further*, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That the Secretary of Defense shall, not fewer than 15 days prior to making transfers from this appropriation, notify the congressional defense committees in writing of the details of any such transfer.

GENERAL PROVISIONS, THIS CHAPTER

SEC. 9201. Appropriations provided in this chapter are not available for obligation until October 1, 2008.

SEC. 9202. Appropriations provided in this chapter are available for obligation until September 30, 2009, unless otherwise provided in this chapter.

(INCLUDING TRANSFER OF FUNDS)

SEC. 9203. Upon the determination of the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer between appropriations up to $4,000,000,000 of the funds made available to the Department of Defense in this chapter: *Provided*, That the Secretary shall notify the Congress promptly of each transfer made pursuant to the authority in this section: *Provided further*, That the authority provided in this section is in addition to any other transfer authority available to the Department of Defense and is subject to the same terms and conditions as the authority provided in section 8005 of Public Law 110–116, except for the fourth proviso.

SEC. 9204. (a) Not later than December 5, 2008 and every 90 days thereafter through the end of fiscal year 2009, the Secretary of Defense, in consultation with the Secretary of State, shall set forth in a report to Congress a comprehensive set of performance indicators and measures for progress toward military and political stability in Iraq.

(b) The report shall include performance standards and goals for security, economic, and security force training objectives in Iraq together with a notional timetable for achieving these goals.

(c) In specific, the report requires, at a minimum, the following:

(1) With respect to stability and security in Iraq, the following:

(A) Key measures of political stability, including the important political milestones that must be achieved over the next several years.

(B) The primary indicators of a stable security environment in Iraq, such as number of engagements per day, numbers of trained Iraqi forces, trends relating to numbers and types of ethnic and religious-based hostile encounters, and progress made in the transition of responsibility for the security of Iraqi provinces to the Iraqi Security Forces under the Provincial Iraqi Control (PIC) process.

(C) An assessment of the estimated strength of the insurgency in Iraq and the extent to which it is composed of non-Iraqi fighters.

(D) A description of all militias operating in Iraq, including the number, size, equipment strength, military effectiveness, sources of support, legal status, and efforts to disarm or reintegrate each militia.

(E) Key indicators of economic activity that should be considered the most important for determining the prospects of stability in Iraq, including—

(i) unemployment levels;

(ii) electricity, water, and oil production rates; and

(iii) hunger and poverty levels.

(F) The most recent annual budget for the Government of Iraq, including a description of amounts budgeted for support of Iraqi security and police forces and an assessment of how planned funding will impact the training, equipping and overall readiness of those forces.

(G) The criteria the Administration will use to determine when it is safe to begin withdrawing United States forces from Iraq.

(2) With respect to the training and performance of security forces in Iraq, the following:

(A) The training provided Iraqi military and other Ministry of Defense forces and the equipment used by such forces.

(B) Key criteria for assessing the capabilities and readiness of the Iraqi military and other Ministry of Defense forces, goals for achieving certain capability and readiness levels (as well as for recruiting, training, and equipping these forces), and the milestones and notional timetable for achieving these goals.

(C) The operational readiness status of the Iraqi military forces, including the type, number, size, and organizational structure of Iraqi battalions that are—

(i) capable of conducting counterinsurgency operations independently without any support from Coalition Forces;

(ii) capable of conducting counterinsurgency operations with the support of United States or coalition forces; or

(iii) not ready to conduct counterinsurgency operations.

(D) The amount and type of support provided by Coalition Forces to the Iraqi Security Forces at each level of operational readiness.

(E) The number of Iraqi battalions in the Iraqi Army currently conducting operations and the type of operations being conducted.

(F) The rates of absenteeism in the Iraqi military forces and the extent to which insurgents have infiltrated such forces.

(G) The training provided Iraqi police and other Ministry of Interior forces and the equipment used by such forces.

(H) The level and effectiveness of the Iraqi Security Forces under the Ministry of Defense in provinces where the United States has formally transferred responsibility for the security of the province to the Iraqi Security Forces under the Provincial Iraqi Control (PIC) process.

(I) Key criteria for assessing the capabilities and readiness of the Iraqi police and other Ministry of Interior forces, goals for achieving certain capability and readiness levels (as well as for recruiting, training, and equipping), and the milestones and notional timetable for achieving these goals, including—

(i) the number of police recruits that have received classroom training and the duration of such instruction;

(ii) the number of veteran police officers who have received classroom instruction and the duration of such instruction;

(iii) the number of police candidates screened by the Iraqi Police Screening Service, the number of candidates derived from other entry procedures, and the success rates of those groups of candidates;

(iv) the number of Iraqi police forces who have received field training by international police trainers and the duration of such instruction;

(v) attrition rates and measures of absenteeism and infiltration by insurgents; and

(vi) the level and effectiveness of the Iraqi Police and other Ministry of Interior Forces in provinces where the United States has formally transferred responsibility for the security of the province to the Iraqi Security Forces under the Provincial Iraqi Control (PIC) process.

(J) The estimated total number of Iraqi battalions needed for the Iraqi security

forces to perform duties now being undertaken by coalition forces, including defending the borders of Iraq and providing adequate levels of law and order throughout Iraq.

(K) The effectiveness of the Iraqi military and police officer cadres and the chain of command.

(L) The number of United States and coalition advisors needed to support the Iraqi security forces and associated ministries.

(M) An assessment, in a classified annex if necessary, of United States military requirements, including planned force rotations, through the end of calendar year 2009.

SEC. 9205. (a) REPORT BY SECRETARY OF DEFENSE.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report that contains individual transition readiness assessments by unit of Iraq and Afghan security forces. The Secretary of Defense shall submit to the congressional defense committees updates of the report required by this subsection every 90 days after the date of the submission of the report until October 1, 2009. The report and updates of the report required by this subsection shall be submitted in classified form.

(b) REPORT BY OMB.—(1) The Director of the Office of Management and Budget, in consultation with the Secretary of Defense; the Commander, Multi-National Security Transition Command—Iraq; and the Commander, Combined Security Transition Command—Afghanistan, shall submit to the congressional defense committees not later than 120 days after the date of the enactment of this Act and every 90 days thereafter a report on the proposed use of all funds under each of the headings ''Iraq Security Forces Fund'' and ''Afghanistan Security Forces Fund'' on a project-by-project basis, for which the obligation of funds is anticipated during the three-month period from such date, including estimates by the commanders referred to in this paragraph of the costs required to complete each such project.

(2) The report required by this subsection shall include the following:

(A) The use of all funds on a project-by-project basis for which funds appropriated under the headings referred to in paragraph (1) were obligated prior to the submission of the report, including estimates by the commanders referred to in paragraph (1) of the costs to complete each project.

(B) The use of all funds on a project-by-project basis for which funds were appropriated under the headings referred to in paragraph (1) in prior appropriations Acts, or for which funds were made available by transfer, reprogramming, or allocation from other headings in prior appropriations Acts, including estimates by the commanders referred to in paragraph (1) of the costs to complete each project.

(C) An estimated total cost to train and equip the Iraq and Afghan security forces, disaggregated by major program and sub-elements by force, arrayed by fiscal year.

(c) NOTIFICATION.—The Secretary of Defense shall notify the congressional defense committees of any proposed new projects or transfers of funds between sub-activity groups in excess of $15,000,000 using funds appropriated by this Act under the headings ''Iraq Security Forces Fund'' and ''Afghanistan Security Forces Fund''.

SEC. 9206. Funds available to the Department of Defense for operation and maintenance provided in this chapter may be used, notwithstanding any other provision of law, to provide supplies, services, transportation, including airlift and sealift, and other logistical support to coalition forces supporting military and stability operations in Iraq and Afghanistan: *Provided,* That the Secretary of Defense shall provide quarterly reports to the congressional defense committees regarding support provided under this section.

SEC. 9207. Supervision and administration costs associated with a construction project funded with appropriations available for operation and maintenance, ''Afghanistan Security Forces Fund'' or ''Iraq Security Forces Fund'' provided in this chapter, and executed in direct support of the Global War on Terrorism only in Iraq and Afghanistan, may be obligated at the time a construction contract is awarded: *Provided,* That for the purpose of this section, supervision and administration costs include all in-house Government costs.

(INCLUDING TRANSFER OF FUNDS)

SEC. 9208. (a) Notwithstanding any other provision of law, and in addition to amounts otherwise made available by this Act, there is appropriated $1,700,000,000 for the ''Mine Resistant Ambush Protected Vehicle Fund'', to remain available until September 30, 2009.

(b) The funds provided by subsection (a) shall be available to the Secretary of Defense to continue technological research and development and upgrades, to procure Mine Resistant Ambush Protected vehicles and associated support equipment, and to sustain, transport, and field Mine Resistant Ambush Protected vehicles.

(c)(1) The Secretary of Defense shall transfer funds provided by subsection (a) to appropriations for operation and maintenance; procurement; and research, development, test and evaluation to accomplish the purposes specified in subsection (b). Such transferred funds shall be merged with and be available for the same purposes and for the same time period as the appropriation to which they are transferred.

(2) The transfer authority provided by this subsection shall be in addition to any other transfer authority available to the Department of Defense.

(3) The Secretary of Defense shall, not less than 15 days prior to making any transfer under this subsection, notify the congressional defense committees in writing of the details of the transfer.

SEC. 9209. For the purposes of this Act, the term ''congressional defense committees'' means the Armed Services Committee of the House of Representatives, the Armed Services Committee of the Senate, the Subcommittee on Defense of the Committee on Appropriations of the Senate, and the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives.

CHAPTER 3—GENERAL PROVISIONS, THIS TITLE

SEC. 9301. Each amount in this title is designated as an emergency requirement and necessary to meet emergency needs pursuant to subsections (a) and (b) of section 204 of S. Con. Res. 21 (110th Congress), the concurrent resolution on the budget for fiscal year 2008.

SEC. 9302. Funds appropriated by this title, or made available by the transfer of funds in this title, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 414(a)(1)).

SEC. 9303. None of the funds made available in this Act may be used in contravention of the following laws enacted or regulations promulgated to implement the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (done at New York on December 10, 1984):

(1) Section 2340A of title 18, United States Code.

(2) Section 2242 of the Foreign Affairs Reform and Restructuring Act of 1998 (division G of Public Law 105–277; 112 Stat. 2681–822; 8 U.S.C. 1231 note) and regulations prescribed thereto, including regulations under part 208 of title 8, Code of Federal Regulations, and part 95 of title 22, Code of Federal Regulations.

(3) Sections 1002 and 1003 of the Department of Defense, Emergency Supplemental Appropriations to Address Hurricanes in the Gulf of Mexico, and Pandemic Influenza Act, 2006 (Public Law 109–148).

SEC. 9304. (a) REPORT REQUIRED.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense, the Secretary of State, and the Secretary of Homeland Security, in coordination with the Chairman of the Joint Chiefs of Staff and the Director of National Intelligence, shall jointly submit to Congress a report setting forth the global strategy of the United States to combat and defeat al Qaeda and its affiliates.

(b) ELEMENTS OF STRATEGY.—The strategy set forth in the report required under subsection (a) shall include the following elements:

(1) An analysis of the global threat posed by al Qaeda and its affiliates, including an assessment of the relative threat posed in particular regions or countries.

(2) Recommendations regarding the distribution and deployment of United States military, intelligence, diplomatic, and other assets to meet the relative regional and country-specific threats described in paragraph (1).

(3) Recommendations to ensure that the global deployment of United States military personnel and equipment best meet the threat identified and described in paragraph (1) and:

(A) does not undermine the military readiness or homeland security of the United States;

(B) ensures adequate time between military deployments for rest and training; and

(C) does not require further extensions of military deployments to the extent practicable.

(c) CLASSIFIED ANNEX.—The report required by subsection (a) shall be submitted in unclassified form, but shall include a classified annex.

SEC. 9305. None of the funds provided in this title may be used to finance programs or activities denied by Congress in fiscal years 2007 or 2008 appropriations to the Department of Defense or to initiate a procurement or research, development, test and evaluation new start program without prior written notification to the congressional defense committees.

SEC. 9306. Section 1002(c)(2) of the National Defense Authorization Act, Fiscal Year 2008 (Public Law 110–181) is amended by striking ''$362,159,000'' and inserting ''$435,259,000''.

SEC. 9307. None of the funds appropriated or otherwise made available by this title may be obligated or expended to provide award fees to any defense contractor contrary to the provisions of section 814 of the National Defense Authorization Act, Fiscal Year 2007 (Public Law 109–364).

(RESCISSIONS)

SEC. 9308. (a) Of the funds made available for ''Defense Health Program'' in Public Law 110–28, $75,000,000 is rescinded.

(b) Of the funds made available for ''Joint Improvised Explosive Device Defeat Fund'' in Division L of the Consolidated Appropriations Act, 2008 (Public Law 110–161), $71,531,000 is rescinded.

SEC. 9309. Of the funds appropriated in the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (Public Law 110–28) which remain available for obligation under the ''Iraq Freedom Fund'', $150,000,000 is only for the Joint Rapid Acquisition Cell, and

$10,000,000 is only for the transportation of fallen service members.

SEC. 9310. Funds available in this title which are available to the Department of Defense for operation and maintenance may be used to purchase items having an investment unit cost of not more than $250,000: *Provided*, That upon determination by the Secretary of Defense that such action is necessary to meet the operational requirements of a Commander of a Combatant Command engaged in contingency operations overseas, such funds may be used to purchase items having an investment item unit cost of not more than $500,000.

The House amendment numbered 2 to the amendment of the Senate to the text is as follows:

Page 60 of the Senate engrossed amendment, after line 3, insert the following:

TITLE X—POLICY REGARDING OPERATIONS IN IRAQ

SENSE OF CONGRESS REGARDING UNITED STATES MILITARY PERSONNEL

SEC. 10001. It is the sense of the Congress that the performance of United States military personnel should be commended, their courage and sacrifice have been exceptional, and when they come home, their service should be recognized appropriately.

UNITS DEPLOYED FOR COMBAT TO BE FULLY MISSION CAPABLE

SEC. 10002. (a) The Congress finds that it is the policy of the Department of Defense that units should not be deployed for combat unless they are rated ''fully mission capable''.

(b) None of the funds made available in this or any other Act may be used to deploy any unit of the Armed Forces to Iraq unless the President has certified in writing to the Committees on Appropriations and the Committees on Armed Services of the House of Representatives and the Senate at least 15 days in advance of the deployment that the unit is fully mission capable in advance of entry into Iraq.

(c) For purposes of subsection (b), the term ''fully mission capable'' means capable of performing assigned mission essential tasks to the prescribed standards under the conditions expected in the theater of operation, consistent with the guidelines set forth in the DoD Directive 7730.65, Subject: Department of Defense Readiness Reporting System; the Interim Force Allocation Guidance to the Global Force Management Board, dated February 6, 2008; and Army Regulation 220–1, Subject: Unit Status Reporting, dated December 19, 2006.

(d) The President, by certifying in writing to the Committees on Appropriations and the Committees on Armed Services of the House of Representatives and the Senate that the deployment to Iraq of a unit that is not assessed mission capable is required for reasons of national security and by submitting along with the certification a report in classified and unclassified form detailing the particular reason or reasons why the unit's deployment is necessary despite the unit commander's assessment that the unit is not mission capable, may waive the limitations prescribed in subsection (b) on a unit-by-unit basis.

TIME LIMIT ON COMBAT DEPLOYMENTS

SEC. 10003. (a) The Congress finds that it is the policy of the Department of Defense that Army, Army Reserve, and National Guard units should not be deployed for combat beyond 365 days and that Marine Corps and Marine Corps Reserve units should not be deployed for combat beyond 210 days.

(b) None of the funds made available in this or any other Act may be obligated or expended to initiate the development of, continue the development of, or execute any order that has the effect of extending the deployment for Operation Iraqi Freedom of—

(1) any unit of the Army, Army Reserve, or Army National Guard beyond 365 days; or

(2) any unit of the Marine Corps or Marine Corps Reserve beyond 210 days.

(c) The limitation prescribed in subsection (b) shall not be construed to require force levels in Iraq to be decreased below the total United States force levels in Iraq as of January 9, 2007.

(d) The President may waive the limitations prescribed in subsection (b) on a unit-by-unit basis if the President certifies in writing to the Committees on Appropriations and the Committees on Armed Services of the House of Representatives and the Senate that the extension of a unit's deployment in Iraq beyond the period applicable to the unit under such subsection is required for reasons of national security. The certification shall include a report, in classified and unclassified form, detailing the particular reason or reasons why the unit's extended deployment is necessary.

DWELL TIME BETWEEN COMBAT DEPLOYMENTS

SEC. 10004. (a) The Congress finds that it is the policy of the Department of Defense that an Army, Army Reserve, or National Guard unit should not be redeployed for combat if the unit has been deployed within the previous 365 consecutive days and that a Marine Corps or Marine Corps Reserve unit should not be redeployed for combat if the unit has been deployed within the previous 210 days.

(b) None of the funds made available in this or any other Act may be obligated or expended to initiate the development of, continue the development of, or execute any order that has the effect of deploying for Operation Iraqi Freedom of—

(1) any unit of the Army, Army Reserve, or Army National Guard if such unit has been deployed within the previous 365 consecutive days; or

(2) any unit of the Marine Corps or Marine Corps Reserve if such unit has been deployed within the previous 210 consecutive days.

(c) The limitation prescribed in subsection (b) shall not be construed to require force levels in Iraq to be decreased below the total United States force levels in Iraq as of January 9, 2007.

(d) The President may waive the limitations prescribed in subsection (b) on a unit-by-unit basis if the President certifies in writing to the Committees on Appropriations and the Committees on Armed Services of the House of Representatives and the Senate that the redeployment of a unit to Iraq in advance of the expiration of the period applicable to the unit under such subsection is required for reasons of national security. The certification shall include a report, in classified and unclassified form, detailing the particular reason or reasons why the unit's early redeployment is necessary.

LIMITATION ON INTERROGATION TECHNIQUES

SEC. 10005. (a) No individual in the custody or under the effective control of an element of the intelligence community or instrumentality thereof, regardless of nationality or physical location, shall be subject to any treatment or technique of interrogation not authorized by the United States Army Field Manual on Human Intelligence Collector Operations.

(b) In this section, the term ''instrumentality'', with respect to an element of the intelligence community, means a contractor or subcontractor at any tier of the element of the intelligence community.

REGISTRATION WITH THE INTERNATIONAL COMMITTEE OF THE RED CROSS

SEC. 10006. (a) None of the funds appropriated or otherwise made available in this or any other Act may be used to detain any individual who is in the custody or under the effective control of an element of the intelligence community or an instrumentality thereof unless the International Committee of the Red Cross is provided notification of the detention of and access to such person in a timely manner and consistent with the practices of the Armed Forces of the United States.

(b) For purposes of this section, the term ''instrumentality'', with respect to an element of the intelligence community, means a contractor or subcontractor at any tier of the element of the intelligence community.

(c) Nothing in this section shall be construed to create or otherwise imply the authority to detain, or to limit or otherwise affect any other rights or obligations which may arise under the Geneva Conventions or other laws, or to state all of the situations under which notification to and access for the International Committee of the Red Cross is required or allowed.

PROHIBITION OF PERMANENT BASES IN IRAQ

SEC. 10007. None of the funds appropriated or otherwise made available in this or any other Act may be obligated or expended by the United States Government for a purpose as follows:

(1) To establish any military installation or base for the purpose of providing for the permanent stationing of United States Armed Forces in Iraq.

(2) To exercise United States control over any oil resource of Iraq.

LIMITATION ON DEFENSE AGREEMENTS WITH THE GOVERNMENT OF IRAQ

SEC. 10008. (a) None of the funds appropriated or otherwise made available in this or any other Act may be used to negotiate, enter into, or implement any agreement with the Government of Iraq that includes security assurances for mutual defense, unless the agreement—

(1) is in the form of a treaty requiring the advice and consent of the Senate (or is intended to take that form in the case of an agreement under negotiation); or

(2) is specifically authorized by a law enacted after the date of enactment of this Act.

(b) For purposes of this section, an agreement shall be considered to include security assurances for mutual defense if it includes provisions addressing any of the following:

(1) A binding commitment to deploy United States Armed Forces in defense of Iraq, or of any government or faction in Iraq, against any foreign or domestic threat.

(2) The number of United States Armed Forces personnel to be deployed to, or stationed in, Iraq.

(3) The mission of United States Armed Forces deployed to Iraq.

(4) The duration of the presence of United States Armed Forces in Iraq.

PROHIBITION ON AGREEMENTS SUBJECTING ARMED FORCES TO IRAQI CRIMINAL JURISDICTION

SEC. 10009. None of the funds appropriated or otherwise made available in this or any other Act may be used to negotiate, enter into, or implement an agreement with the Government of Iraq that would subject members of the Armed Forces of the United States to the jurisdiction of Iraq criminal courts or punishment under Iraq law.

REQUIREMENT FOR MATCHING FUNDS FROM GOVERNMENT OF IRAQ

SEC. 10010. (a) Notwithstanding any other provision of law, funds appropriated or otherwise made available in this or any other Act for assistance for Iraq, including training, capacity building, and construction and repair of infrastructure, shall be available only to the extent that the Government of Iraq matches such assistance on a dollar-for-dollar basis.

(b) subsection (a) shall not apply to—

(1) grants and cooperative agreements for programs to promote democracy and human rights;

(2) the Community Action Program and other direct assistance to non-governmental organizations;

(3) humanitarian demining;

(4) assistance for refugees, internally displaced persons, and civilian victims of military operations;

(5) intelligence or intelligence-related activities; or

(6) projects with an estimated cost of less than $750,000 undertaken through the Commander's Emergency Response Program.

(c) The Secretary of State and the Secretary of Defense shall certify to the Committees on Appropriations of the House of Representatives and Senate, prior to the initial obligation by their respective Departments of funds covered by the limitation in subsection (a), that the Government of Iraq has committed to obligate matching funds on a dollar-for-dollar basis. The Secretary of State shall submit a report to the Committees on Appropriations not later than September 30, 2009 detailing the amounts of funds obligated and expended by the Government of Iraq to meet the requirements of this section.

(d) Not later than 45 days after enactment of this Act, the Secretary of State shall submit a report to the Committees on Appropriations detailing the amounts provided by the Government of Iraq since June 30, 2004, to assist Iraqi refugees in Syria, Jordan, and elsewhere, and the amount of such assistance the Government of Iraq plans to provide in fiscal year 2008. The Secretary shall work expeditiously with the Government of Iraq to establish an account within its annual budget sufficient to, at a minimum, match United States contributions on a dollar-for-dollar basis to organizations and programs for the purpose of assisting Iraqi refugees.

(e) As part of the report required by section 609 of division L of the Consolidated Appropriations Act, 2008 (Public Law 110–161), the Secretary of Defense shall submit to Congress a report on the most recent annual budget for the Government of Iraq, including—

(1) a description of amounts budgeted for support of Iraqi security and police forces and an assessment of how planned funding will impact the training, equipping and overall readiness of those forces;

(2) an assessment of the capacity of the Government of Iraq to implement the budget as planned, including reports on year-to-year spend rates, if available; and

(3) a description of any budget surplus or deficit, if applicable.

PARTIAL REIMBURSEMENT FROM IRAQ FOR FUEL COSTS

SEC. 10011. (a) None of the funds made available in this Act under the heading ''Operation and Maintenance, Defense-Wide'' for the Office of the Secretary of Defense or Washington Headquarters Services may be obligated or expended until the agreement described in subsection (b)(1) is complete and the report required by subsection (b)(2) has been transmitted to Congress, except that the limitation in this subsection may be waived if the President determines and certifies to the Committees on Appropriations of the House of Representatives and Senate that such waiver is in the national security interests of the United States.

(b) Not later than 90 days after enactment of this Act, the President shall—

(1) complete an agreement with the Government of Iraq to subsidize fuel costs for United States Armed Forces operating in Iraq so the price of fuel per gallon to those forces is equal to the discounted price per gallon at which the Government of Iraq is providing fuel for domestic Iraqi consumption; and

(2) transmit a report to the Committees on Appropriations on the details and terms of that agreement.

(c) Amounts received from the Government of Iraq under an agreement described in subsection (b)(1) shall be credited to the appropriations or funds that incurred obligations for the fuel costs being subsidized, as determined by the Secretary of Defense.

TIMETABLE FOR REDEPLOYMENT OF UNITED STATES FORCES FROM IRAQ

SEC. 10012. (a) Notwithstanding any other provision of law, funds appropriated or otherwise made available in this Act may be used to plan and execute a safe and orderly redeployment of United States Armed Forces from Iraq.

(b) Within 30 days after enactment of this Act, the President shall commence an immediate and orderly redeployment of United States Armed Forces from Iraq, with a goal of completing such redeployment within 18 months. The President shall endeavor to begin such redeployment with units of the Armed Forces that have been deployed in excess of 365 days, except to the extent those units are needed to provide for the safe withdrawal of other units of the Armed Forces or to protect United States and Coalition personnel and infrastructure.

(c) After completion of the redeployment required by subsection (b), members of the United States Armed Forces may be deployed to, or maintained in, Iraq only to the extent necessary to carry out the following missions:

(1) Protecting the diplomatic facilities, Armed Forces, and citizens of the United States in Iraq.

(2) Conducting limited training of, equipping, and providing logistical and intelligence support to, Iraqi security forces.

(3) Engaging in targeted counterterrorism operations against al-Qaeda, groups affiliated with al-Qaeda, and other terrorist organizations in Iraq.

(d) Not later than July 1, 2008, and every 90 days thereafter, the Secretary of Defense shall submit to the congressional defense committees a report setting forth the following:

(1) The current plan for and the status of the reduction of United States Armed Forces in Iraq and the transition of the Armed Forces in Iraq to a limited presence whose missions do not exceed the missions specified in subsection (c), including the associated force reductions and adjustments and expectations with respect to timelines and the force levels anticipated to perform those missions.

(2) A comprehensive current description of efforts to prepare for the reduction and transition of United States Armed Forces in Iraq in accordance with this section and to limit any destabilizing consequences of such reduction and transition, including a description of efforts to work with the United Nations and countries in the region toward that objective.

(e) Not later than 45 days after enactment of this Act, the Secretary of State shall provide to the Committees on Appropriations of the House of Representatives and Senate a strategy for civilian-led post-conflict stabilization and reconstruction assistance for Iraq. The strategy (which may be provided in classified form if necessary) shall include—

(1) the plans and timetable for transfer of all responsibility for United States post-conflict stabilization and reconstruction assistance from the Department of Defense to the Department of State and the United States Agency for International Development; and

(2) the staff, security and resource requirements for United States diplomatic efforts and assistance programs in Iraq.

TITLE XI—REFORMS RELATED TO WAR PROFITEERING AND CONTRACTORS

CHAPTER 1—ADJUSTMENT OF WARTIME STATUTE OF LIMITATIONS

ADJUSTMENT OF WARTIME STATUTE OF LIMITATIONS

SEC. 11101. Section 3287 of title 18, United States Code, is amended—

(1) by inserting ''or Congress has enacted a specific authorization for the use of the Armed Forces, as described in section 5(b) of the War Powers Resolution (50 U.S.C. 1544(b)),'' after ''is at war'';

(2) by inserting ''or directly connected with or related to the authorized use of the Armed Forces'' after ''prosecution of the war'';

(3) by striking ''three years'' and inserting ''5 years'';

(4) by striking ''proclaimed by the President'' and inserting ''proclaimed by a Presidential proclamation, with notice to Congress,''; and

(5) by adding at the end the following: ''For purposes of applying such definitions in this section, the term 'war' includes a specific authorization for the use of the Armed Forces, as described in section 5(b) of the War Powers Resolution (50 U.S.C. 1544(b)).''.

CHAPTER 2—WAR PROFITEERING AND FRAUD

WAR PROFITEERING AND FRAUD

SEC. 11201. (a) PROHIBITION ON WAR PROFITEERING.—

(1) IN GENERAL.—Chapter 47 of title 18, United States Code, is amended by adding at the end the following:

''§ 1041. War profiteering and fraud

''(a) PROHIBITION.—Whoever, in any matter involving a contract with, or the provision of goods or services to, the United States or a provisional authority, in connection with a mission of the United States Government overseas, knowingly—

''(1)(A) executes or attempts to execute a scheme or artifice to defraud the United States or that authority; or

''(B) materially overvalues any good or service with the intent to defraud the United States or that authority;

shall be fined not more than $1,000,000 or imprisoned not more than 20 years, or both; or

''(2) in connection with the contract or the provision of those goods or services—

''(A) falsifies, conceals, or covers up by any trick, scheme, or device a material fact;

''(B) makes any materially false, fictitious, or fraudulent statements or representations; or

''(C) makes or uses any materially false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or entry;

shall be fined not more than $1,000,000 or imprisoned not more than 10 years, or both.

''(b) EXTRATERRITORIAL JURISDICTION.—There is extraterritorial Federal jurisdiction over an offense under this section.

''(c) VENUE.—A prosecution for an offense under this section may be brought—

''(1) as authorized by chapter 211 of this title;

''(2) in any district where any act in furtherance of the offense took place; or

''(3) in any district where any party to the contract or provider of goods or services is located.''.

(2) TABLE OF SECTIONS.—The table of sections for chapter 47 of such title is amended by adding at the end the following:

''1041. War profiteering and fraud.''.

(b) CRIMINAL FORFEITURE.—Section 982(a)(2)(B) of title 18, United States Code, is

amended by striking ''or 1030'' and inserting ''1030, or 1041''.

(c) MONEY LAUNDERING.—Section 1956(c)(7)(D) of title 18, United States Code, is amended by inserting ''section 1041 (relating to war profiteering and fraud),'' after ''liquidating agent of financial institution),''.

(d) RICO.—Section 1961(1) of title 18, United States Code, is amended by inserting ''section 1041 (relating to war profiteering and fraud),'' after ''in connection with access devices),''.

CHAPTER 3—MILITARY EXTRATERRITORIAL JURISDICTION

SHORT TITLE

SEC. 11301. This chapter may be cited as the ''MEJA Expansion and Enforcement Act of 2008''.

LEGAL STATUS OF CONTRACT PERSONNEL

SEC. 11302. (a) CLARIFICATION OF MILITARY EXTRATERRITORIAL JURISDICTION ACT.—

(1) INCLUSION OF FEDERAL EMPLOYEES AND CONTRACTORS.—Section 3261(a) of title 18, United States Code, is amended—

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

(B) in paragraph (2), by striking the comma at the end and inserting a semicolon; and

(C) by inserting after paragraph (2) the following new paragraphs:

''(3) while employed by any Department or agency of the United States other than the Armed Forces in a foreign country in which the Armed Forces are conducting a qualifying military operation; or

''(4) while employed as a security officer or security contractor by any Department or agency of the United States other than the Armed Forces,''.

(2) DEFINITIONS.—Section 3267 of title 18, United States Code, is amended—

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

''(A) employed by or performing services under a contract with or grant from the Department of Defense (including a nonappropriated fund instrumentality of the Department) as—

''(i) a civilian employee (including an employee from any other Executive agency on temporary assignment to the Department of Defense);

''(ii) a contractor (including a subcontractor at any tier); or

''(iii) an employee of a contractor (including a subcontractor at any tier);''; and

(B) by adding at the end the following new paragraphs:

''(5) The term 'employed by any Department or agency of the United States other than the Armed Forces' means—

''(A) employed by or performing services under a contract with or grant from any Department or agency of the United States, or any provisional authority funded in whole or substantial part or created by the United States Government, other than the Department of Defense as—

''(i) a civilian employee;

''(ii) a contractor (including a subcontractor at any tier); or

''(iii) an employee of a contractor (including a subcontractor at any tier);

''(B) present or residing outside the United States in connection with such employment; and

''(C) not a national of or ordinarily a resident in the host nation.

''(6) The term 'employed as a security officer or security contractor by any Department or agency of the United States other than the Armed Forces' means—

''(A) employed by or performing services under a contract with or grant from any Department or agency of the United States, or any provisional authority funded in whole or substantial part or created by the United States Government, other than the Department of Defense as—

''(i) a civilian employee;

''(ii) a contractor (including a subcontractor at any tier); or

''(iii) an employee of a contractor (including a subcontractor at any tier);

''(B) authorized in the course of such employment—

''(i) to provide physical protection to or security for persons, places, buildings, facilities, supplies, or means of transportation;

''(ii) to carry or possess a firearm or dangerous weapon, as defined by section 930(g)(2) of this chapter;

''(iii) to use force against another; or

''(iv) to supervise individuals performing the activities described in clause (i), (ii) or (iii);

''(C) present or residing outside the United States in connection with such employment; and

''(D) not a national of or ordinarily resident in the host nation.

''(7) The term 'qualifying military operation' means—

''(A) a military operation covered by a declaration of war or an authorization of the use of military force by Congress;

''(B) a contingency operation (as defined in section 101 of title 10); or

''(C) any other military operation outside of the United States, including a humanitarian assistance or peace keeping operation, provided such operation is conducted pursuant to an order from or approved by the Secretary of Defense.''.

(b) DEPARTMENT OF JUSTICE INSPECTOR GENERAL REPORT.—

(1) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Inspector General of the Department of Justice, in consultation with the Inspectors General of the Department of Defense, the Department of State, the United States Agency for International Development, the Department of Agriculture, the Department of Energy, and other appropriate Federal departments and agencies, shall submit to Congress a report in accordance with this subsection.

(2) CONTENT OF REPORT.—The report under paragraph (1) shall include, for the period beginning on October 1, 2001, and ending on the date of the report—

(A) unless the description pertains to nonpublic information that relates to an ongoing investigation or criminal or civil proceeding under seal, a description of any alleged violations of section 3261 of title 18, United States Code, reported to the Inspector Generals identified in paragraph (1) or the Department of Justice, including—

(i) the date of the complaint and the type of offense alleged;

(ii) whether any investigation was opened or declined based on the complaint;

(iii) whether the investigation was closed, and if so, when it was closed;

(iv) whether a criminal or civil case was filed as a result of the investigation, and if so, when it was filed; and

(v) any charges or complaints filed in those cases; and

(B) unless the description pertains to nonpublic information that relates to an ongoing investigation or criminal or civil proceeding under seal, and with appropriate safeguards for the protection of national security information, a description of any shooting or escalation of force incidents in Iraq or Afghanistan involving alleged misconduct by persons employed as a security officer or security contractor by any Department or agency of the United States, and any official action taken against such persons.

(3) FORM OF REPORT.—The report under paragraph (1) shall be submitted in unclassified form, but may contain a classified annex as appropriate.

INVESTIGATIVE UNITS FOR CONTRACTOR OVERSIGHT

SEC. 11303. (a) ESTABLISHMENT OF INVESTIGATIVE UNITS FOR CONTRACTOR OVERSIGHT.—

(1) IN GENERAL.—The Attorney General, in consultation with the Secretary of Defense, the Secretary of State, the Secretary of Homeland Security, and the heads of any other Federal departments or agencies responsible for employing private security contractors or contractors (or subcontractors at any tier) in a foreign country where the Armed Forces are conducting a qualifying military operation—

(A) shall assign adequate personnel and resources through the creation of Investigative Units for Contractor Oversight to investigate allegations of criminal violations under paragraphs (3) and (4) of section 3261(a) of title 18, United States Code (as amended by section 11302(a) of this chapter); and

(B) may authorize the overseas deployment of law enforcement agents and other Department of Justice personnel for that purpose.

(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall limit any existing authority of the Attorney General or any Federal law enforcement agency to investigate violations of Federal law or deploy personnel overseas.

(b) REFERRAL FOR PROSECUTION.—Upon conclusion of an investigation of an alleged violation of sections 3261(a)(3) and 3261(a)(4) of title 18, United States Code, an Investigative Unit for Contractor Oversight may refer the matter to the Attorney General for further action, as appropriate in the discretion of the Attorney General.

(c) RESPONSIBILITIES OF THE ATTORNEY GENERAL.—

(1) INVESTIGATION.—The Attorney General shall have the principal authority for the enforcement of sections 3261(a)(3) and 3261(a)(4) of title 18, United States Code, and shall have the authority to initiate, conduct, and supervise investigations of any alleged violations of such sections 3261(a)(3) and 3261(a)(4).

(2) ASSISTANCE ON REQUEST OF THE ATTORNEY GENERAL.—Notwithstanding any statute, rule, or regulation to the contrary, the Attorney General may request assistance from the Secretary of Defense, the Secretary of State, or the head of any other Executive agency to enforce this chapter. This requested assistance may include the assignment of additional personnel and resources to an Investigative Unit for Contractor Oversight established by the Attorney General under subsection (a).

(3) ANNUAL REPORT.—Not later than one year after the date of enactment of this Act, and annually thereafter, the Attorney General, in consultation with the Secretary of Defense and the Secretary of State, shall submit to Congress a report containing—

(A) the number of violations of sections 3261(a)(3) and 3261(a)(4) of title 18, United States Code, received, investigated, and referred for prosecution by Federal law enforcement authorities during the previous year;

(B) the number and location of Investigative Units for Contractor Oversight deployed to investigate violations of such sections 3261(a)(3) and 3261(a)(4) during the previous year; and

(C) any recommended changes to Federal law that the Attorney General considers necessary to enforce this chapter and the amendments made by this chapter and chapter 212 of title 18, United States Code.

REMOVAL PROCEDURES FOR NON-DEPARTMENT OF DEFENSE EMPLOYEES AND CONTRACTORS

SEC. 11304. (a) ATTORNEY GENERAL REGULATIONS.—Section 3266 of title 18, United States Code, is amended by adding at the end the following:

''(d) The Attorney General, after consultation with the Secretary of Defense, the Secretary of State, and the Director of National Intelligence, may prescribe regulations governing the investigation, apprehension, detention, delivery, and removal of persons described in sections 3261(a)(3) and 3261(a)(4) and describing the notice due, if any, foreign nationals potentially subject to the criminal jurisdiction of the United States under those sections.''.

(b) CLARIFYING AND CONFORMING AMENDMENTS.—

(1) IN GENERAL.—Chapter 212 of title 18, United States Code, is amended—

(A) in section 3261(a)—

(i) by inserting ''against the United States'' after ''offense'' the first time it appears; and

(ii) by inserting ''within the United States or'' after ''had been engaged in'';

(B) in section 3262—

(i) in subsection (a), by striking ''section 3261(a)'' the first place it appears and inserting ''section 3261(a)(1) or 3261(a)(2)'';

(ii) by redesignating subsection (b) as subsection (c); and

(iii) by inserting after subsection (a) the following new subsection (b):

''(b) The Attorney General may designate and authorize any person serving in a law enforcement position in the Department of Justice, the Department of Defense, the Department State, or any other Executive agency to arrest, in accordance with applicable international agreements, outside the United States any person described in section 3261(a) if there is probable cause to believe that such person violated section 3261(a).'';

(C) in section 3263(a), by striking ''section 3261(a)'' the first place it appears and inserting ''section 3261(a)(1) or 3261(a)(2)'';

(D) in section 3264(a), by inserting ''described in section 3261(a)(1) or 3261(a)(2)'' before ''arrested'';

(E) section 3265(a)(1) by inserting ''described in section 3261(a)(1) or 3261(a)(2)'' before ''arrested''; and

(F) in section 3266(a), by striking ''under this chapter'' and inserting ''described in section 3261(a)(1) or 3261(a)(2)''.

(2) ADDITIONAL AMENDMENT.—Section 7(9) of title 18, United States Code, is amended by striking ''section 3261(a)'' and inserting ''section 3261(a)(1) or 3261(a)(2)''.

RULES OF CONSTRUCTION

SEC. 11305. (a) IN GENERAL.—Nothing in this chapter or the amendments made by this chapter shall apply to authorized and otherwise lawful intelligence activities carried out by or at the direction of the United States.

(b) DEFENSES.—Nothing in this section shall be construed to limit or extinguish any defense or protection otherwise available to any person or entity from suit, civil or criminal liability, or damages, or to provide immunity from prosecution for any criminal offense by the proper authorities.

(c) EXISTING EXTRATERRITORIAL JURISDICTION.—Nothing in this chapter or the amendments made by this chapter shall be construed to limit or affect the extraterritorial jurisdiction related to any Federal statute not amended by this chapter.

DEFINITION

SEC. 11306. For purposes of this chapter and the amendments made by this chapter, the term ''Executive agency'' has the meaning given in section 105 of title 5, United States Code.

EFFECTIVE DATE

SEC. 11307. (a) IMMEDIATE EFFECTIVENESS.—The provisions of this chapter shall enter into effect immediately upon the enactment of this Act.

(b) IMPLEMENTATION.—The Attorney General and the head of any other Federal department or agency to which this chapter applies shall have 90 days after the date of the enactment of this Act to ensure compliance with the provisions of this chapter.

The House amendment numbered 3 to the amendment of the Senate to the text is as follows:

Page 1 of the Senate engrossed amendment, strike line 1 and all that follows through the end of line 21 on page 59, and insert the following:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2008, and for other purposes, namely:

TITLE I—MILITARY CONSTRUCTION, VETERANS AFFAIRS, INTERNATIONAL AFFAIRS, AND OTHER SECURITY-RELATED MATTERS

CHAPTER 1—AGRICULTURE

DEPARTMENT OF AGRICULTURE

FOREIGN AGRICULTURAL SERVICE

PUBLIC LAW 480 TITLE II GRANTS

For an additional amount for ''Public Law 480 Title II Grants'', $850,000,000, to remain available until expended.

For an additional amount for ''Public Law 480 Title II Grants'', $395,000,000, to become available on October 1, 2008, and to remain available until expended.

CHAPTER 2—COMMERCE, JUSTICE, AND SCIENCE

DEPARTMENT OF JUSTICE

OFFICE OF INSPECTOR GENERAL

For an additional amount for ''Office of Inspector General'', $4,000,000, to remain available until September 30, 2009.

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

For an additional amount for ''Salaries and Expenses, General Legal Activities'', $1,648,000, to remain available until September 30, 2009.

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

For an additional amount for ''Salaries and Expenses, United States Attorneys'', $5,000,000, to remain available until September 30, 2009.

UNITED STATES MARSHALS SERVICE

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', $18,621,000, to remain available until September 30, 2009.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', $92,169,000, to remain available until September 30, 2009.

For an additional amount for ''Salaries and Expenses'', $82,600,000, to become available on October 1, 2008, and to remain available until September 30, 2009.

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', $12,166,000, to remain available until September 30, 2009.

BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', $4,000,000, to remain available until September 30, 2009.

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', $9,100,000, to remain available until September 30, 2009.

CHAPTER 3—MILITARY CONSTRUCTION AND VETERANS AFFAIRS

DEPARTMENT OF DEFENSE

MILITARY CONSTRUCTION, ARMY

For an additional amount for ''Military Construction, Army'', $1,432,700,000, to remain available until September 30, 2009: *Provided*, That notwithstanding any other provision of law, such funds may be obligated and expended to carry out planning and design and military construction projects not otherwise authorized by law: *Provided further*, That of the funds provided under this heading, not to exceed $73,400,000 shall be available for study, planning, design, and architect and engineer services: *Provided further*, That of the funds made available under this heading, $72,000,000 shall not be obligated or expended until after that date on which the Secretary of Defense submits a detailed spending plan, including a 1391 form for each facilities replacement project, to the Committees on Appropriations of the House of Representatives and Senate: *Provided further*, That of the funds provided under this heading, $533,700,000 shall not be obligated or expended until the Secretary of Defense certifies that none of the funds are to be used for the purpose of providing facilities for the permanent basing of United States military personnel in Iraq.

MILITARY CONSTRUCTION, NAVY AND MARINE CORPS

For an additional amount for ''Military Construction, Navy and Marine Corps'', $423,357,000, to remain available until September 30, 2009: *Provided*, That notwithstanding any other provision of law, such funds may be obligated and expended to carry out planning and design and military construction projects not otherwise authorized by law: *Provided further*, That of the funds provided under this heading, not to exceed $15,843,000 shall be available for study, planning, design, and architect and engineer services.

MILITARY CONSTRUCTION, AIR FORCE

For an additional amount for ''Military Construction, Air Force'', $409,627,000, to remain available until September 30, 2009: *Provided*, That notwithstanding any other provision of law, such funds may be obligated and expended to carry out planning and design and military construction projects not otherwise authorized by law: *Provided further*, That of the funds provided under this heading, not to exceed $36,427,000 shall be available for study, planning, design, and architect and engineer services: *Provided further*, That of the funds provided under this heading, $58,300,000 shall not be obligated or expended until the Secretary of Defense certifies that none of the funds are to be used for the purpose of providing facilities for the permanent basing of United States military personnel in Iraq.

MILITARY CONSTRUCTION, DEFENSE-WIDE

For an additional amount for ''Military Construction, Defense-Wide'', $1,009,600,000, to remain available until September 30, 2009: *Provided*, That notwithstanding any other provision of law, such funds may be obligated and expended to carry out planning and design and military construction projects not otherwise authorized by law: *Provided further*, That of the funds provided, $982,000,000 shall be for medical treatment facilities construction (including planning and design) and shall remain available until September 30, 2012.

FAMILY HOUSING CONSTRUCTION, NAVY AND MARINE CORPS

For an additional amount for ''Family Housing Construction, Navy and Marine Corps,'' $11,766,000, to remain available until September 30, 2009: *Provided*, That notwithstanding any other provision of law, such funds may be obligated and expended to carry out planning and design and military construction projects not otherwise authorized by law.

DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 2005

For deposit into the Department of Defense Base Closure Account 2005, established by section 2906A(a)(1) of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note), $1,354,634,000, to remain available until expended: *Provided*, That notwithstanding any other provision of law, such funds may be obligated and expended to carry out planning and design and military construction projects not otherwise authorized by law.

DEPARTMENT OF VETERANS AFFAIRS

DEPARTMENTAL ADMINISTRATION

GENERAL OPERATING EXPENSES

For an additional amount for ''General Operating Expenses'', $100,000,000, to remain available until September 30, 2009.

INFORMATION TECHNOLOGY SYSTEMS

For an additional amount for ''Information Technology Systems'', $20,000,000, to remain available until September 30, 2009.

GENERAL PROVISION, THIS CHAPTER

SEC. 1301. None of the funds appropriated in this or any other Act may be used to terminate, reorganize, or relocate the Armed Forces Institute of Pathology until the President has established, as required by section 722 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 199; 10 U.S.C. 176 note), a Joint Pathology Center.

CHAPTER 4—DEPARTMENT OF STATE AND FOREIGN OPERATIONS

SUBCHAPTER A—SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 2008

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

For an additional amount for ''Diplomatic and Consular Programs'', $1,606,808,000, to remain available until September 30, 2009, of which $210,508,000 for worldwide security protection is available until expended: *Provided*, That not more than $1,295,000,000 of the funds appropriated under this heading shall be available for diplomatic operations in Iraq: *Provided further*, That of the funds appropriated under this heading, not more than $30,000,000 shall be available to establish and implement a coordinated civilian response capacity at the United States Department of State.

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Office of Inspector General'', $7,500,000, to remain available until September 30, 2009: *Provided*, That $2,500,000 shall be transferred to the Special Inspector General for Iraq Reconstruction for reconstruction oversight.

EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE

For an additional amount for ''Embassy Security, Construction, and Maintenance'', $76,700,000, to remain available until expended, for facilities in Afghanistan.

INTERNATIONAL ORGANIZATIONS

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

For an additional amount for ''Contributions to International Organizations'', $53,000,000 to remain available until September 30, 2009.

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

For an additional amount for ''Contributions for International Peacekeeping Activities'', $333,600,000, to remain available until September 30, 2009, for the United Nations–African Union Hybrid Mission in Darfur.

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL DISASTER ASSISTANCE

For an additional amount for ''International Disaster Assistance'', $200,000,000, to remain available until expended.

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

For an additional amount for ''Operating Expenses of the United States Agency for International Development'', $142,000,000, to remain available until September 30, 2009: *Provided*, That of the funds appropriated under this heading, not more than $20,000,000 shall be available to establish and implement a coordinated civilian response capacity at the United States Agency for International Development.

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT OFFICE OF INSPECTOR GENERAL

For an additional amount for ''Operating Expenses of the United States Agency for International Development Office of Inspector General'', $4,000,000, to remain available until September 30, 2009.

OTHER BILATERAL ECONOMIC ASSISTANCE

ECONOMIC SUPPORT FUND

For an additional amount for ''Economic Support Fund'', $1,747,000,000, to remain available until September 30, 2009, of which not more than $440,000,000 may be made available for assistance for Iraq, $150,000,000 shall be made available for assistance for Jordan to meet the needs of Iraqi refugees, and up to $53,000,000 may be available for energy-related assistance for North Korea, notwithstanding any other provision of law: *Provided*, That not more than $100,000,000 of the funds appropriated under this heading shall be made available for assistance for the West Bank and none of such funds shall be for cash transfer assistance: *Provided further*, That of the funds appropriated under this heading, $1,000,000 shall be made available for the Office of the United Nations High Commissioner for Human Rights in Mexico: *Provided further*, That the funds made available under this heading for energy-related assistance for North Korea may be made available to support the goals of the Six Party Talks Agreements after the Secretary of State determines and reports to the Committees on Appropriations that North Korea is continuing to fulfill its commitments under such agreements.

DEPARTMENT OF STATE

DEMOCRACY FUND

For an additional amount for ''Democracy Fund'', $75,000,000, to remain available until September 30, 2009, for democracy programs in Iraq.

INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

For an additional amount for ''International Narcotics Control and Law Enforcement'', $419,300,000, to remain available until September 30, 2009: *Provided*, That not more than $25,000,000 of the funds appropriated by this subchapter shall be made available for security assistance for the West Bank.

MIGRATION AND REFUGEE ASSISTANCE

For an additional amount for ''Migration and Refugee Assistance'', $300,000,000, to remain available until expended.

UNITED STATES EMERGENCY REFUGEE AND MIGRATION ASSISTANCE FUND

For an additional amount for ''United States Emergency Refugee and Migration Assistance Fund'', $25,000,000, to remain available until expended.

NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED PROGRAMS

For an additional amount for ''Nonproliferation, Anti-Terrorism, Demining and Related Programs'', $11,200,000, to remain available until September 30, 2009.

MILITARY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

FOREIGN MILITARY FINANCING PROGRAM

For an additional amount for ''Foreign Military Financing Program'', $72,500,000, to remain available until September 30, 2009, of which up to $66,500,000 shall be made available for assistance for Mexico.

SUBCHAPTER B—BRIDGE FUND SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 2009

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

For an additional amount for ''Diplomatic and Consular Programs'', $737,900,000, which shall become available on October 1, 2008 and remain available through September 30, 2009: *Provided*, That of the funds appropriated under this heading, $78,400,000 is for worldwide security protection and shall remain available until expended: *Provided further*, That not more than $581,500,000 of the funds appropriated under this heading shall be available for diplomatic operations in Iraq.

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFERS OF FUNDS)

For an additional amount for ''Office of Inspector General'', $57,000,000, which shall become available on October 1, 2008 and remain available through September 30, 2009: *Provided*, That $46,500,000 shall be transferred to the Special Inspector General for Iraq Reconstruction for reconstruction oversight and up to $5,000,000 shall be transferred to the Special Inspector General for Afghanistan Reconstruction for reconstruction oversight.

EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE

For an additional amount for ''Embassy Security, Construction, and Maintenance,'' $41,300,000, which shall become available on October 1, 2008 and remain available until expended, for facilities in Afghanistan.

INTERNATIONAL ORGANIZATIONS

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

For an additional amount for ''Contributions to International Organizations'', $75,000,000, which shall become available on October 1, 2008 and remain available through September 30, 2009.

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

For an additional amount for ''Contributions for International Peacekeeping Activities'', $150,500,000, which shall become available on October 1, 2008 and remain available through September 30, 2009.

RELATED AGENCY

BROADCASTING BOARD OF GOVERNORS

INTERNATIONAL BROADCASTING OPERATIONS

For an additional amount for ''International Broadcasting Operations'', $8,000,000, which shall become available on October 1, 2008 and remain available through September 30, 2009.

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

GLOBAL HEALTH AND CHILD SURVIVAL

For an additional amount for ''Global Health and Child Survival'', $75,000,000,

which shall become available on October 1, 2008 and remain available through September 30, 2009, for programs to combat avian influenza.

DEVELOPMENT ASSISTANCE

For an additional amount for ''Development Assistance'', $200,000,000, for assistance for developing countries to address the international food crisis notwithstanding any other provision of law, which shall become available on October 1, 2008 and remain available through September 30, 2010: *Provided*, That such assistance should be carried out consistent with the purposes of section 103(a)(1) of the Foreign Assistance Act of 1961: *Provided further*, That not more than $50,000,000 should be made available for local or regional purchase and distribution of food: *Provided further*, That the Secretary of State shall submit to the Committees on Appropriations not later than 45 days after enactment of this Act, and prior to the initial obligation of funds appropriated under this heading, a report on the proposed uses of such funds to alleviate hunger and malnutrition, including a list of those countries facing significant food shortages.

INTERNATIONAL DISASTER ASSISTANCE

For an additional amount for ''International Disaster Assistance'', $200,000,000, which shall become available on October 1, 2008 and remain available until expended.

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

For an additional amount for ''Operating Expenses of the United States Agency for International Development'', $93,000,000, which shall become available on October 1, 2008 and remain available through September 30, 2009.

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT OFFICE OF INSPECTOR GENERAL

For an additional amount for ''Operating Expenses of the United States Agency for International Development Office of Inspector General'', $1,000,000, which shall become available on October 1, 2008 and remain available through September 30, 2009.

OTHER BILATERAL ECONOMIC ASSISTANCE

ECONOMIC SUPPORT FUND

For an additional amount for ''Economic Support Fund,'' $1,147,300,000, which shall become available on October 1, 2008 and remain available through September 30, 2009, of which not more than $100,000,000 may be made available for assistance for Iraq, $100,000,000 shall be made available for assistance for Jordan, and $15,000,000 may be made available for energy-related assistance for North Korea, notwithstanding any other provision of law: *Provided*, That not more than $150,000,000 of the funds appropriated under this heading in this subchapter shall be made available for assistance for the West Bank.

DEPARTMENT OF STATE

INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

For an additional amount for ''International Narcotics Control and Law Enforcement'', $204,500,000, which shall become available on October 1, 2008 and remain available through September 30, 2009: *Provided*, That not more than $50,000,000 of the funds made available by this subchapter shall be made available for security assistance for the West Bank and up to $53,500,000 shall be made available for assistance for Mexico.

MIGRATION AND REFUGEE ASSISTANCE

For an additional amount for ''Migration and Refugee Assistance'', $350,000,000, which shall become available on October 1, 2008 and remain available until expended.

NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED PROGRAMS

For an additional amount for ''Nonproliferation, Anti-Terrorism, Demining and Related Programs'', $4,500,000, for humanitarian demining assistance for Iraq, which shall become available on October 1, 2008 and remain available through September 30, 2009.

MILITARY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

FOREIGN MILITARY FINANCING PROGRAM

For an additional amount for ''Foreign Military Financing Program'', $170,000,000, which shall become available on October 1, 2008 and remain available through September 30, 2009, of which $100,000,000 shall be made available for assistance for Jordan and up to $50,000,000 shall be made available for assistance for Mexico: *Provided*, That section 3802(c) of title III, chapter 8 of Public Law 110–28 shall apply to funds made available under this heading for assistance for Lebanon.

PEACEKEEPING OPERATIONS

For an additional amount for ''Peacekeeping Operations'', $85,000,000, which shall become available on October 1, 2008 and remain available through September 30, 2009.

SUBCHAPTER C—GENERAL PROVISIONS, THIS CHAPTER

EXTENSION OF AUTHORITIES

SEC. 1401. Funds appropriated by this chapter may be obligated and expended notwithstanding section 10 of Public Law 91–672 (22 U.S.C. 2412), section 15 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2680), section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 6212), and section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 414(a)(1)).

AFGHANISTAN

SEC. 1402 (a) ASSISTANCE FOR WOMEN AND GIRLS.—Funds appropriated by this chapter under the heading ''Economic Support Fund'' that are available for assistance for Afghanistan shall be made available, to the maximum extent practicable, through local Afghan provincial and municipal governments and Afghan civil society organizations and in a manner that emphasizes the participation of Afghan women and directly improves the economic, social and political status of Afghan women and girls.

(b) HIGHER EDUCATION.—Of the funds appropriated by this chapter under the heading ''Economic Support Fund'' that are made available for education programs in Afghanistan, not less than 50 percent shall be made available to support higher education and vocational training programs in law, accounting, engineering, public administration, and other disciplines necessary to rebuild the country, in which the participation of women is emphasized.

(c) CIVILIAN ASSISTANCE.—Of the funds appropriated by this chapter under the heading ''Economic Support Fund'' that are available for assistance for Afghanistan, not less than $2,000,000 shall be made available for a United States contribution to the North Atlantic Treaty Organization/International Security Assistance Force Post-Operations Humanitarian Relief Fund.

(d) ANTICORRUPTION.—Not later than 90 days after enactment of this Act, the Secretary of State shall—

(1) submit a report to the Committees on Appropriations on actions being taken by the Government of Afghanistan to combat corruption within the national and provincial governments, including to remove and prosecute officials who have committed corrupt acts;

(2) submit a list to the Committees on Appropriations, in classified form if necessary, of senior Afghan officials who the Secretary has credible evidence to believe have committed corrupt acts; and

(3) certify and report to the Committees on Appropriations that effective mechanisms are in place to ensure that assistance to national government ministries and provincial governments will be properly accounted for.

WEST BANK

SEC. 1403. Not later than 90 days after the date of enactment of this Act, and 180 days thereafter, the Secretary of State shall submit to the Committees on Appropriations a report on assistance provided by the United States for the training of Palestinian security forces, including detailed descriptions of the training, curriculum, and equipment provided; an assessment of the training and the performance of forces after training has been completed; and a description of the assistance that has been pledged and provided to Palestinian security forces by other donors: *Provided*, That not later than 90 days after the date of enactment of this Act, the Secretary of State shall report to the Committees on Appropriations, in classified form if necessary, on the security strategy of the Palestinian Authority.

MEXICO

SEC. 1404. (a) ASSISTANCE FOR MEXICO.—Of the funds appropriated under the headings ''International Narcotics Control and Law Enforcement'', ''Foreign Military Financing Program'', and ''Economic Support Fund'' in this chapter, not more than $296,500,000 of the funds appropriated in subchapter A and $103,500,000 of the funds appropriated in subchapter B shall be made available for assistance for Mexico, only to combat drug trafficking and related violent crime, and for judicial reform, institution building, and rule of law activities, of which not less than $73,500,000 shall be used for judicial reform, institution building, and rule of law activities: *Provided*, That none of the funds made available under this section shall be made available for budget support or as cash payments: *Provided further*, That none of the funds made available under this section shall be available for obligation until the Secretary of State determines and reports to the Committees on Appropriations that vetting procedures are in place to ensure that relevant members and units of the Mexican armed forces and police forces that may receive assistance pursuant to this section have not been involved in human rights violations or corrupt acts.

(b) ALLOCATION OF FUNDS.—25 percent of the funds made available by this chapter for assistance for Mexico under the headings ''International Narcotics Control and Law Enforcement'' and ''Foreign Military Financing Program'' shall be withheld from obligation until the Secretary of State reports to the Committees on Appropriations on the requirements described in subsection (c).

(c) REQUIREMENTS.—The requirements referred to in subsection (b) are the following:

(1) The Government of Mexico is—

(A) improving the transparency and accountability of Federal police forces and engaging with state and municipal authorities to improve the transparency and accountability of state and municipal police forces through mechanisms such as police complaints commissions;

(B) ensuring meaningful engagement with civil society to monitor efforts to combat drug trafficking and related violent crime, judicial reform, institution building, and rule of law activities to ensure due process and the protection of freedom of expression, association, and assembly in accordance with Mexican and international law; and

(C) ensuring that, in accordance with applicable Mexican law, the Mexican armed

forces and the Federal police forces are cooperating with civilian prosecutors and judicial authorities in investigating and prosecuting in the civilian justice system those individuals, including military personnel, who have been credibly alleged under Mexican law to have committed violations of internationally recognized human rights, and, consistent with Mexican and international law, is vigorously enforcing the prohibition on the use of testimony obtained through torture or other ill-treatment.

(2) The Federal Public Security Secretary and the Minister of Defense, respectively, in accordance with applicable Mexican law, are suspending or placing on administrative duty, those members of the Federal police and armed forces who have been credibly alleged under Mexican law, to have committed violations of internationally recognized human rights or participated in corrupt acts and have established policies that reward respect for human rights, in particular regarding the use of force.

(3) The Attorney General and other relevant authorities of the Mexican Government are investigating and prosecuting members of the Mexican armed forces and police forces who have been credibly alleged under Mexican law to have committed violations of internationally recognized human rights.

(d) EXCEPTION.—Notwithstanding subsections (b) and (c), of the funds appropriated by subchapter A for assistance for Mexico under the heading ''International Narcotics Control and Law Enforcement'', $3,000,000 shall be made available for technical and other assistance to enable the Government of Mexico to implement a unified national registry encompassing Federal, state, and municipal police officials, and $5,000,000 may be made available to the Bureau of Alcohol, Tobacco, Firearms and Explosives to deploy special agents in Mexico to support Mexican law enforcement agencies in tracing seized firearms and investigating firearms trafficking cases: *Provided*, That section 484(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291c(a)) shall not apply with respect to assistance for Mexico made available by this chapter.

(e) REPORT.—The report required in subsection (b) shall include a description of actions taken with respect to each requirement specified in subsection (c) and the cases or issues brought to the attention of the Secretary of State for which the response or action taken has been inadequate.

(f) VETTING.—Not later than 30 days after the date of the enactment of this Act, the Secretary of State shall submit to the Committees on Appropriations a report, in classified form if necessary, detailing the procedures used to vet Mexican armed forces and police forces for eligibility to receive assistance under this section.

(g) NOTIFICATION.—Funds made available for Mexico by this chapter shall be subject to the regular notification procedures of the Committees on Appropriations and section 634A of the Foreign Assistance Act of 1961 (22 U.S.C. 2394–1).

(h) SPENDING PLAN.—Not later than 45 days after the date of the enactment of this Act, the Secretary of State shall submit to the Committees on Appropriations a detailed spending plan for funds appropriated or otherwise made available for Mexico by this chapter, which shall include a strategy for combating drug trafficking and related violent crime, judicial reform, institution building, and rule of law activities, with concrete goals, actions to be taken, budget proposals, and anticipated results.

(i) CONSULTATION.—Not later than 90 days after the date of the enactment of this Act, and every 180 days thereafter until September 30, 2010, the Secretary of State shall consult with Mexican and internationally recognized human rights organizations on progress in meeting the requirements described in subsection (c).

CENTRAL AMERICA

SEC. 1405. (a) ASSISTANCE FOR THE COUNTRIES OF CENTRAL AMERICA.—Of the funds appropriated in subchapter A under the headings ''International Narcotics Control and Law Enforcement'', ''Foreign Military Financing Program'', ''Nonproliferation, Anti-Terrorism, Demining and Related Programs'', and ''Economic Support Fund'', $61,500,000 shall be made available for assistance for the countries of Central America, Haiti, and the Dominican Republic only to combat drug trafficking and related violent crime, and for judicial reform, institution building, rule of law activities, and maritime security: *Provided*, That of the funds appropriated under the heading ''Economic Support Fund'', $15,000,000 shall be made available through the United States Agency for International Development for an Economic and Social Development Fund for the countries of Central America: *Provided further*, That of the funds appropriated under the heading ''International Narcotics Control and Law Enforcement'', $2,500,000 shall be made available for assistance for Haiti and $2,500,000 shall be made available for assistance for the Dominican Republic: *Provided further*, That none of the funds shall be made available for budget support or as cash payments: *Provided further*, That none of the funds shall be available for obligation until the Secretary of State determines and reports to the Committees on Appropriations that vetting procedures are in place to ensure that Federal and municipal police forces and the armed forces of the countries of Central America that may receive assistance pursuant to this section have not been involved in human rights violations or corrupt acts.

(b) ALLOCATION OF FUNDS.—(1) Up to 75 percent of the funds appropriated under the headings ''International Narcotics Control and Law Enforcement'' and ''Foreign Military Financing Program'' in subchapter A that are available for assistance for the countries of Central America may be obligated prior to the certification and report by the Secretary of State required in paragraph (2).

(2) The balance of the funds may be obligated not less than 120 days after the date of the enactment of this Act if, before such obligation, the Secretary of State determines and reports to the Committees on Appropriations that the requirements in subsection (c) have been met.

(c) REQUIREMENTS.—The requirements referred to in subsection (b)(2) are the following:

(1) The International Law Enforcement Academy (ILEA) in San Salvador, El Salvador is establishing a vetting procedure for police and other public security officials attending programs at the ILEA.

(2) The countries of Central America are—

(A) vetting members and units of Federal and municipal police forces and the armed forces that may receive assistance to ensure such members and units have not been involved in human rights violations or corrupt acts;

(B) strengthening law enforcement capabilities, developing effective systems information exchange, improving demand reduction, and expanding public education, prevention, and treatment programs;

(C) improving controls on chemical precursors;

(D) adopting and implementing reforms that improve the capacity and protect the independence of the judiciary;

(E) reforming criminal procedures to ensure due process and training Federal and municipal police leadership in modern policing to curb police abuses;

(F) targeting organizational structures and financial and other assets of drug cartels;

(G) taking steps to curb corruption in law enforcement agencies; and

(H) suspending, prosecuting, and punishing members of the police forces who have been credibly alleged to have committed violations of human rights and corrupt acts, and establishing policies for members of such forces that reward respect for human rights, in particular regarding the use of force.

(d) REPORT.—The report required in subsection (b)(2) shall include actions taken with respect to each requirement and the cases or issues brought to the attention of the Secretary for which the response or action taken has been inadequate.

(e) VETTING.—Not later than 30 days after the date of the enactment of this Act, the Secretary of State shall submit a report to the Committees on Appropriations, in classified form if necessary, detailing the procedures used by the Government of the United States to vet the Federal and municipal police and the armed forces of the countries of Central America for eligibility to receive assistance under this section.

(f) NOTIFICATION.—Funds made available for the countries of Central America in subchapter A shall be subject to the regular notification procedures of the Committees on Appropriations and section 634A of the Foreign Assistance Act of 1961 (22 U.S.C. 2394–1).

(g) SPENDING PLAN.—Not later than 45 days after enactment of this Act the Secretary of State shall submit to the Committees on Appropriations a detailed spending plan for funds appropriated or otherwise made available for the countries of Central America, Haiti and the Dominican Republic in subchapter A, which shall include a strategy for combating drug trafficking and related violent crime, judicial reform, institution building, and rule of law activities, with concrete goals, actions to be taken, budget proposals and anticipated results.

(h) CONSULTATION.—Not later than 90 days after the date of enactment of this Act and every 120 days thereafter until September 30, 2010, the Secretary of State shall consult with internationally recognized human rights organizations, and human rights organizations in the countries of Central America receiving assistance pursuant to this section, on progress in meeting the requirements described in subsection (c).

(i) DEFINITION.—For the purposes of this section, the term ''countries of Central America'' means Belize, Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua, and Panama.

BUYING POWER MAINTENANCE ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

SEC. 1406. (a) Of the funds appropriated under the heading ''Diplomatic and Consular Programs'' and allocated by section 3810 of the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (Public Law 110–28), $26,000,000 shall be transferred to and merged with funds in the ''Buying Power Maintenance Account'': *Provided*, That of the funds made available by this chapter up to an additional $74,000,000 may be transferred to and merged with the ''Buying Power Maintenance Account'', subject to the regular notification procedures of the Committees on Appropriations and in accordance with the procedures in section 34 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2706). Any funds transferred pursuant to this section shall be available, without fiscal year limitation, pursuant to section 24 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2696).

(b) Section 24(b)(7) of the State Department Basic Authorities Act of 1956 (22 U.S.C.

2696(b)(7)) is amended by amending subparagraph (D) to read as follows:

''(D) The authorities contained in this paragraph may be exercised only with respect to funds appropriated or otherwise made available after fiscal year 2008.''.

RESCISSIONS

SEC. 1407. (a) WORLD FOOD PROGRAM.—(1) For an additional amount for a contribution to the World Food Program to assist farmers in countries affected by food shortages to increase crop yields, notwithstanding any other provision of law, $20,000,000, to remain available until expended.

(2) Of the funds appropriated under the heading ''Andean Counterdrug Initiative'' in prior Acts making appropriations for foreign operations, export financing, and related programs, $20,000,000 are rescinded.

(b) SUDAN.—(1) For an additional amount for ''International Narcotics Control and Law Enforcement'', $10,000,000, for assistance for Sudan to support formed police units, to remain available until September 30, 2009, and subject to prior consultation with the Committees on Appropriations.

(2) Of the funds appropriated under the heading ''International Narcotics Control and Law Enforcement'' in prior Acts making appropriations for foreign operations, export financing, and related programs, $10,000,000 are rescinded.

(c) Section 8002 of this Act shall not apply to this section.

ALLOCATIONS

SEC. 1408. (a) Funds provided in this chapter for the following accounts shall be made available for programs and countries in the amounts contained in the respective tables included in the explanatory statement printed in the Congressional Record accompanying this Act:

''Diplomatic and Consular Programs''

''Economic Support Fund''.

(b) Any proposed increases or decreases to the amounts contained in such tables in the explanatory statement printed in the Congressional Record accompanying this Act shall be subject to the regular notification procedures of the Committees on Appropriations and section 634A of the Foreign Assistance Act of 1961.

REPROGRAMMING AUTHORITY

SEC. 1409. Notwithstanding any other provision of law, to include minimum funding requirements or funding directives, funds made available under the headings ''Development Assistance'' and ''Economic Support Fund'' in prior Acts making appropriations for foreign operations, export financing, and related programs may be made available to address critical food shortages, subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations.

SPENDING PLAN AND NOTIFICATION PROCEDURES

SEC. 1410. (a) SUBCHAPTER A SPENDING PLAN.—Not later than 45 days after the enactment of this Act the Secretary of State shall submit to the Committees on Appropriations a report detailing planned expenditures for funds appropriated under the headings in subchapter A, except for funds appropriated under the headings ''International Disaster Assistance'', ''Migration and Refugee Assistance'', and ''United States Emergency Refugee and Migration Assistance Fund''.

(b) SUBCHAPTER B SPENDING PLAN.—The Secretary of State shall submit to the Committees on Appropriations not later than November 1, 2008, and prior to the initial obligation of funds, a detailed spending plan for funds appropriated or otherwise made available in subchapter B, except for funds appropriated under the headings ''International Disaster Assistance'', ''Migration and Refugee Assistance'', and ''United States Emergency Refugee and Migration Assistance Fund''.

(c) NOTIFICATION.—Funds made available in this chapter shall be subject to the regular notification procedures of the Committees on Appropriations and section 634A of the Foreign Assistance Act of 1961.

TERMS AND CONDITIONS

SEC. 1411. Unless otherwise provided for in this Act, funds appropriated or otherwise made available by this chapter shall be available under the authorities and conditions provided in the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2008 (division J of Public Law 110–161), except that section 699K of such Act shall not apply to funds in this chapter.

TITLE II—DOMESTIC MATTERS

CHAPTER 1—COMMERCE, JUSTICE, AND SCIENCE

DEPARTMENT OF COMMERCE

BUREAU OF THE CENSUS

PERIODIC CENSUSES AND PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Periodic Censuses and Programs'', $210,000,000, to remain available until expended, for necessary expenses related to the 2010 Decennial Census: *Provided*, That not less than $3,000,000 shall be transferred to the ''Office of Inspector General'' at the Department of Commerce for necessary expenses associated with oversight activities of the 2010 Decennial Census: *Provided further*, That not less than $1,000,000 shall be used only for a reimbursable agreement with the Defense Contract Management Agency to provide continuing contract management oversight of the 2010 Decennial Census.

DEPARTMENT OF JUSTICE

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', $178,000,000, to remain available until September 30, 2008.

CHAPTER 2—ENERGY AND WATER DEVELOPMENT

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

CONSTRUCTION

For an additional amount for ''Construction'', for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, $2,835,000,000, to remain available until expended: *Provided*, That such sums shall not be available until October 1, 2008: *Provided further*, That the Secretary of the Army is directed to use $1,997,000,000 of the funds provided herein to modify authorized projects in southeast Louisiana to provide hurricane, storm and flood damage reduction in the greater New Orleans and surrounding areas to the levels of protection necessary to achieve the certification required for participation in the National Flood Insurance Program under the base flood elevations current at the time of enactment of this Act, and shall use $1,077,000,000 of those funds for the Lake Pontchartrain and Vicinity project and $920,000,000 of those funds for the West Bank and Vicinity project: *Provided further*, That, in addition, $838,000,000 of the funds provided herein shall be for elements of Southeast Louisiana Urban Drainage project within the geographic perimeter of the West Bank and Vicinity and Lake Pontchartrain and Vicinity projects, to provide for interior drainage of runoff from rainfall with a ten percent annual exceedance probability: *Provided further*, That the amounts provided herein shall be subject to a 65 percent Federal / 35 percent non-Federal cost share for the specified purposes: *Provided further*, That beginning not later than 60 days after the date of enactment of this Act, the Chief of Engineers, acting through the Assistant Secretary of the Army for Civil Works, shall provide monthly reports to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation and obligation of these funds.

FLOOD CONTROL AND COASTAL EMERGENCIES

For an additional amount for ''Flood Control and Coastal Emergencies'', as authorized by section 5 of the Act of August 18, 1941 (33 U.S.C. 701n), for necessary expenses relating to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, $2,926,000,000, to remain available until expended: *Provided*, That such sums shall not be available until October 1, 2008: *Provided further*, That funds provided herein shall be used to reduce the risk of hurricane and storm damages to the greater New Orleans metropolitan area, at full Federal expense, for the following: $704,000,000 shall be used to modify the 17th Street, Orleans Avenue, and London Avenue drainage canals and install pumps and closure structures at or near the lakefront; $90,000,000 shall be used for stormproofing interior pump stations to ensure the operability of the stations during hurricanes, storms, and high water events; $459,000,000 shall be used for armoring critical elements of the New Orleans hurricane and storm damage reduction system; $53,000,000 shall be used to improve protection at the Inner Harbor Navigation Canal; $456,000,000 shall be used to replace or modify certain non-Federal levees in Plaquemines Parish to incorporate the levees into the existing New Orleans to Venice hurricane protection project; $412,000,000 shall be used for reinforcing or replacing flood walls, as necessary, in the existing Lake Pontchartrain and Vicinity project and the existing West Bank and Vicinity project to improve the performance of the systems; $393,000,000 shall be used for repair and restoration of authorized protections and floodwalls; and $359,000,000 shall be used to complete the authorized protection for the Lake Pontchartrain and Vicinity Project and for the West Bank and Vicinity Project: *Provided further*, That beginning not later than 60 days after the date of enactment of this Act, the Chief of Engineers, acting through the Assistant Secretary of the Army for Civil Works, shall provide monthly reports to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation and obligation of these funds: *Provided further*, That any project using funds appropriated under this heading shall be initiated only after non-Federal interests have entered into binding agreements with the Assistant Secretary of the Army for Civil Works requiring the non-Federal interests to pay 100 percent of the operation, maintenance, repair, replacement, and rehabilitation costs of completed elements and to hold and save the United States free from damages due to the construction, operation, and maintenance of the project, except for damages due to the fault or negligence of the United States or its contractors: *Provided further*, That the expenditure of funds as provided above may be made without regard to individual amounts or purposes except that any reallocation of funds that is necessary to accomplish the established goals is authorized, subject to the approval of the House and Senate Committees on Appropriations.

CHAPTER 3—LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION

DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS

For an additional amount for ''State Unemployment Insurance and Employment Service Operations'' for grants to the States for the administration of State unemployment insurance, $110,000,000, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund, to be used for unemployment insurance workloads experienced by the States through September 30, 2008, which shall be available for Federal obligation through December 31, 2008.

CHAPTER 4—LEGISLATIVE BRANCH

HOUSE OF REPRESENTATIVES

PAYMENT TO WIDOWS AND HEIRS OF DECEASED MEMBERS OF CONGRESS

For payment to Annette Lantos, widow of Tom Lantos, late a Representative from the State of California, $169,300: *Provided*, That section 8002 shall not apply to this appropriation.

TITLE III—VETERANS EDUCATIONAL ASSISTANCE

SHORT TITLE

SEC. 3001. This title may be cited as the ''Post-9/11 Veterans Educational Assistance Act of 2008''.

FINDINGS

SEC. 3002. Congress makes the following findings:

(1) On September 11, 2001, terrorists attacked the United States, and the brave members of the Armed Forces of the United States were called to the defense of the Nation.

(2) Service on active duty in the Armed Forces has been especially arduous for the members of the Armed Forces since September 11, 2001.

(3) The United States has a proud history of offering educational assistance to millions of veterans, as demonstrated by the many ''G.I. Bills'' enacted since World War II. Educational assistance for veterans helps reduce the costs of war, assist veterans in readjusting to civilian life after wartime service, and boost the United States economy, and has a positive effect on recruitment for the Armed Forces.

(4) The current educational assistance program for veterans is outmoded and designed for peacetime service in the Armed Forces.

(5) The people of the United States greatly value military service and recognize the difficult challenges involved in readjusting to civilian life after wartime service in the Armed Forces.

(6) It is in the national interest for the United States to provide veterans who serve on active duty in the Armed Forces after September 11, 2001, with enhanced educational assistance benefits that are worthy of such service and are commensurate with the educational assistance benefits provided by a grateful Nation to veterans of World War II.

EDUCATIONAL ASSISTANCE FOR MEMBERS OF THE ARMED FORCES WHO SERVE AFTER SEPTEMBER 11, 2001

SEC. 3003. (a) EDUCATIONAL ASSISTANCE AUTHORIZED.—

(1) IN GENERAL.—Part III of title 38, United States Code, is amended by inserting after chapter 32 the following new chapter:

''CHAPTER 33—POST-9/11 EDUCATIONAL ASSISTANCE

''SUBCHAPTER I—DEFINITIONS

''Sec.
''3301. Definitions.
''SUBCHAPTER II—EDUCATIONAL ASSISTANCE
''3311. Educational assistance for service in the Armed Forces commencing on or after September 11, 2001: entitlement.
''3312. Educational assistance: duration.
''3313. Educational assistance: amount; payment.
''3314. Tutorial assistance.
''3315. Licensure and certification tests.
''3316. Supplemental educational assistance: members with critical skills or specialty; members serving additional service.
''3317. Public-private contributions for additional educational assistance.
''SUBCHAPTER III—ADMINISTRATIVE PROVISIONS
''3321. Time limitation for use of and eligibility for entitlement.
''3322. Bar to duplication of educational assistance benefits.
''3323. Administration.
''3324. Allocation of administration and costs.

''SUBCHAPTER I—DEFINITIONS

''§ 3301. Definitions

''In this chapter:

''(1) The term 'active duty' has the meanings as follows (subject to the limitations specified in sections 3002(6) and 3311(b) of this title):

''(A) In the case of members of the regular components of the Armed Forces, the meaning given such term in section 101(21)(A) of this title.

''(B) In the case of members of the reserve components of the Armed Forces, service on active duty under a call or order to active duty under section 688, 12301(a), 12301(d), 12301(g), 12302, or 12304 of title 10.

''(2) The term 'entry level and skill training' means the following:

''(A) In the case of members of the Army, Basic Combat Training and Advanced Individual Training.

''(B) In the case of members of the Navy, Recruit Training (or Boot Camp) and Skill Training (or so-called 'A' School).

''(C) In the case of members of the Air Force, Basic Military Training and Technical Training.

''(D) In the case of members of the Marine Corps, Recruit Training and Marine Corps Training (or School of Infantry Training).

''(E) In the case of members of the Coast Guard, Basic Training.

''(3) The term 'program of education' has the meaning the meaning given such term in section 3002 of this title, except to the extent otherwise provided in section 3313 of this title.

''(4) The term 'Secretary of Defense' has the meaning given such term in section 3002 of this title.

''SUBCHAPTER II—EDUCATIONAL ASSISTANCE

''§ 3311. Educational assistance for service in the Armed Forces commencing on or after September 11, 2001: entitlement

''(a) ENTITLEMENT.—Subject to subsections (d) and (e), each individual described in subsection (b) is entitled to educational assistance under this chapter.

''(b) COVERED INDIVIDUALS.—An individual described in this subsection is any individual as follows:

''(1) An individual who—

''(A) commencing on or after September 11, 2001, serves an aggregate of at least 36 months on active duty in the Armed Forces (including service on active duty in entry level and skill training); and

''(B) after completion of service described in subparagraph (A)—

''(i) continues on active duty; or

''(ii) is discharged or released from active duty as described in subsection (c).

''(2) An individual who—

''(A) commencing on or after September 11, 2001, serves at least 30 continuous days on active duty in the Armed Forces; and

''(B) after completion of service described in subparagraph (A), is discharged or released from active duty in the Armed Forces for a service-connected disability.

''(3) An individual who—

''(A) commencing on or after September 11, 2001, serves an aggregate of at least 30 months, but less than 36 months, on active duty in the Armed Forces (including service on active duty in entry level and skill training); and

''(B) after completion of service described in subparagraph (A)—

''(i) continues on active duty for an aggregate of less than 36 months; or

''(ii) before completion of service on active duty of an aggregate of 36 months, is discharged or released from active duty as described in subsection (c).

''(4) An individual who—

''(A) commencing on or after September 11, 2001, serves an aggregate of at least 24 months, but less than 30 months, on active duty in the Armed Forces (including service on active duty in entry level and skill training); and

''(B) after completion of service described in subparagraph (A)—

''(i) continues on active duty for an aggregate of less than 30 months; or

''(ii) before completion of service on active duty of an aggregate of 30 months, is discharged or released from active duty as described in subsection (c).

''(5) An individual who—

''(A) commencing on or after September 11, 2001, serves an aggregate of at least 18 months, but less than 24 months, on active duty in the Armed Forces (excluding service on active duty in entry level and skill training); and

''(B) after completion of service described in subparagraph (A)—

''(i) continues on active duty for an aggregate of less than 24 months; or

''(ii) before completion of service on active duty of an aggregate of 24 months, is discharged or released from active duty as described in subsection (c).

''(6) An individual who—

''(A) commencing on or after September 11, 2001, serves an aggregate of at least 12 months, but less than 18 months, on active duty in the Armed Forces (excluding service on active duty in entry level and skill training); and

''(B) after completion of service described in subparagraph (A)—

''(i) continues on active duty for an aggregate of less than 18 months; or

''(ii) before completion of service on active duty of an aggregate of 18 months, is discharged or released from active duty as described in subsection (c).

''(7) An individual who—

''(A) commencing on or after September 11, 2001, serves an aggregate of at least 6 months, but less than 12 months, on active duty in the Armed Forces (excluding service on active duty in entry level and skill training); and

''(B) after completion of service described in subparagraph (A)—

''(i) continues on active duty for an aggregate of less than 12 months; or

''(ii) before completion of service on active duty of an aggregate of 12 months, is discharged or released from active duty as described in subsection (c).

''(8) An individual who—

''(A) commencing on or after September 11, 2001, serves an aggregate of at least 90 days, but less than 6 months, on active duty in the Armed Forces (excluding service on active duty in entry level and skill training); and

''(B) after completion of service described in subparagraph (A)—

''(i) continues on active duty for an aggregate of less than 6 months; or

''(ii) before completion of service on active duty of an aggregate of 6 months, is discharged or released from active duty as described in subsection (c).

''(c) COVERED DISCHARGES AND RELEASES.—A discharge or release from active duty of an individual described in this subsection is a discharge or release as follows:

''(1) A discharge from active duty in the Armed Forces with an honorable discharge.

''(2) A release after service on active duty in the Armed Forces characterized by the Secretary concerned as honorable service and placement on the retired list, transfer to the Fleet Reserve or Fleet Marine Corps Reserve, or placement on the temporary disability retired list.

''(3) A release from active duty in the Armed Forces for further service in a reserve component of the Armed Forces after service on active duty characterized by the Secretary concerned as honorable service.

''(4) A discharge or release from active duty in the Armed Forces for—

''(A) a medical condition which preexisted the service of the individual as described in the applicable paragraph of subsection (b) and which the Secretary determines is not service-connected;

''(B) hardship; or

''(C) a physical or mental condition that was not characterized as a disability and did not result from the individual's own willful misconduct but did interfere with the individual's performance of duty, as determined by the Secretary concerned in accordance with regulations prescribed by the Secretary of Defense.

''(d) PROHIBITION ON TREATMENT OF CERTAIN SERVICE AS PERIOD OF ACTIVE DUTY.—The following periods of service shall not be considered a part of the period of active duty on which an individual's entitlement to educational assistance under this chapter is based:

''(1) A period of service on active duty of an officer pursuant to an agreement under section 2107(b) of title 10.

''(2) A period of service on active duty of an officer pursuant to an agreement under section 4348, 6959, or 9348 of title 10.

''(3) A period of service that is terminated because of a defective enlistment and induction based on—

''(A) the individual's being a minor for purposes of service in the Armed Forces;

''(B) an erroneous enlistment or induction; or

''(C) a defective enlistment agreement.

''(e) TREATMENT OF INDIVIDUALS ENTITLED UNDER MULTIPLE PROVISIONS.—In the event an individual entitled to educational assistance under this chapter is entitled by reason of both paragraphs (4) and (5) of subsection (b), the individual shall be treated as being entitled to educational assistance under this chapter by reason of paragraph (5) of such subsection.

''§ 3312. Educational assistance: duration

''(a) IN GENERAL.—Subject to section 3695 of this title and except as provided in subsections (b) and (c), an individual entitled to educational assistance under this chapter is entitled to a number of months of educational assistance under section 3313 of this title equal to 36 months.

''(b) CONTINUING RECEIPT.—The receipt of educational assistance under section 3313 of this title by an individual entitled to educational assistance under this chapter is subject to the provisions of section 3321(b)(2) of this title.

''(c) DISCONTINUATION OF EDUCATION FOR ACTIVE DUTY.—(1) Any payment of educational assistance described in paragraph (2) shall not—

''(A) be charged against any entitlement to educational assistance of the individual concerned under this chapter; or

''(B) be counted against the aggregate period for which section 3695 of this title limits the individual's receipt of educational assistance under this chapter.

''(2) Subject to paragraph (3), the payment of educational assistance described in this paragraph is the payment of such assistance to an individual for pursuit of a course or courses under this chapter if the Secretary finds that the individual—

''(A)(i) in the case of an individual not serving on active duty, had to discontinue such course pursuit as a result of being called or ordered to serve on active duty under section 688, 12301(a), 12301(d), 12301(g), 12302, or 12304 of title 10; or

''(ii) in the case of an individual serving on active duty, had to discontinue such course pursuit as a result of being ordered to a new duty location or assignment or to perform an increased amount of work; and

''(B) failed to receive credit or lost training time toward completion of the individual's approved education, professional, or vocational objective as a result of having to discontinue, as described in subparagraph (A), the individual's course pursuit.

''(3) The period for which, by reason of this subsection, educational assistance is not charged against entitlement or counted toward the applicable aggregate period under section 3695 of this title shall not exceed the portion of the period of enrollment in the course or courses from which the individual failed to receive credit or with respect to which the individual lost training time, as determined under paragraph (2)(B).

''§ 3313. Educational assistance: amount; payment

''(a) PAYMENT.—The Secretary shall pay to each individual entitled to educational assistance under this chapter who is pursuing an approved program of education (other than a program covered by subsections (e) and (f)) the amounts specified in subsection (c) to meet the expenses of such individual's subsistence, tuition, fees, and other educational costs for pursuit of such program of education.

''(b) APPROVED PROGRAMS OF EDUCATION.—A program of education is an approved program of education for purposes of this chapter if the program of education is offered by an institution of higher learning (as that term is defined in section 3452(f) of this title) and is approved for purposes of chapter 30 of this title (including approval by the State approving agency concerned).

''(c) AMOUNT OF EDUCATIONAL ASSISTANCE.—The amounts payable under this subsection for pursuit of an approved program of education are amounts as follows:

''(1) In the case of an individual entitled to educational assistance under this chapter by reason of section 3311(b)(1) or 3311(b)(2) of this title, amounts as follows:

''(A) An amount equal to the established charges for the program of education, except that the amount payable under this subparagraph may not exceed the maximum amount of established charges regularly charged in-State students for full-time pursuit of approved programs of education for undergraduates by the public institution of higher education offering approved programs of education for undergraduates in the State in which the individual is enrolled that has the highest rate of regularly-charged established charges for such programs of education among all public institutions of higher education in such State offering such programs of education.

''(B) A monthly stipend in an amount as follows:

''(i) For each month the individual pursues the program of education, other than a program of education offered through distance learning, a monthly housing stipend amount equal to the monthly amount of the basic allowance for housing payable under section 403 of title 37 for a member with dependents in pay grade E–5 residing in the military housing area that encompasses all or the majority portion of the ZIP code area in which is located the institution of higher education at which the individual is enrolled.

''(ii) For the first month of each quarter, semester, or term, as applicable, of the program of education pursued by the individual, a lump sum amount for books, supplies, equipment, and other educational costs with respect to such quarter, semester, or term in the amount equal to—

''(I) $1,000, multiplied by

''(II) the fraction which is the portion of a complete academic year under the program of education that such quarter, semester, or term constitutes.

''(2) In the case of an individual entitled to educational assistance under this chapter by reason of section 3311(b)(3) of this title, amounts equal to 90 percent of the amounts that would be payable to the individual under paragraph (1) for the program of education if the individual were entitled to amounts for the program of education under paragraph (1) rather than this paragraph.

''(3) In the case of an individual entitled to educational assistance under this chapter by reason of section 3311(b)(4) of this title, amounts equal to 80 percent of the amounts that would be payable to the individual under paragraph (1) for the program of education if the individual were entitled to amounts for the program of education under paragraph (1) rather than this paragraph.

''(4) In the case of an individual entitled to educational assistance under this chapter by reason of section 3311(b)(5) of this title, amounts equal to 70 percent of the amounts that would be payable to the individual under paragraph (1) for the program of education if the individual were entitled to amounts for the program of education under paragraph (1) rather than this paragraph.

''(5) In the case of an individual entitled to educational assistance under this chapter by reason of section 3311(b)(6) of this title, amounts equal to 60 percent of the amounts that would be payable to the individual under paragraph (1) for the program of education if the individual were entitled to amounts for the program of education under paragraph (1) rather than this paragraph.

''(6) In the case of an individual entitled to educational assistance under this chapter by reason of section 3311(b)(7) of this title, amounts equal to 50 percent of the amounts that would be payable to the individual under paragraph (1) for the program of education if the individual were entitled to amounts for the program of education under paragraph (1) rather than this paragraph.

''(7) In the case of an individual entitled to educational assistance under this chapter by reason of section 3311(b)(8) of this title, amounts equal to 40 percent of the amounts that would be payable to the individual under paragraph (1) for the program of education if the individual were entitled to amounts for the program of education under paragraph (1) rather than this paragraph.

''(d) FREQUENCY OF PAYMENT.—(1) Payment of the amounts payable under subsection (c)(1)(A), and of similar amounts payable under paragraphs (2) through (7) of subsection (c), for pursuit of a program of education shall be made for the entire quarter, semester, or term, as applicable, of the program of education.

''(2) Payment of the amount payable under subsection (c)(1)(B), and of similar amounts payable under paragraphs (2) through (7) of

subsection (c), for pursuit of a program of education shall be made on a monthly basis.

''(3) The Secretary shall prescribe in regulations methods for determining the number of months (including fractions thereof) of entitlement of an individual to educational assistance this chapter that are chargeable under this chapter for an advance payment of amounts under paragraphs (1) and (2) for pursuit of a program of education on a quarter, semester, term, or other basis.

''(e) PROGRAMS OF EDUCATION PURSUED ON ACTIVE DUTY.—(1) Educational assistance is payable under this chapter for pursuit of an approved program of education while on active duty.

''(2) The amount of educational assistance payable under this chapter to an individual pursuing a program of education while on active duty is the lesser of—

''(A) the established charges which similarly circumstanced nonveterans enrolled in the program of education involved would be required to pay; or

''(B) the amount of the charges of the educational institution as elected by the individual in the manner specified in section 3014(b)(1) of this title.

''(3) Payment of the amount payable under paragraph (2) for pursuit of a program of education shall be made for the entire quarter, semester, or term, as applicable, of the program of education.

''(4) For each month (as determined pursuant to the methods prescribed under subsection (d)(3)) for which amounts are paid an individual under this subsection, the entitlement of the individual to educational assistance under this chapter shall be charged at the rate of one month for each such month.

''(f) PROGRAMS OF EDUCATION PURSUED ON HALF-TIME BASIS OR LESS.—(1) Educational assistance is payable under this chapter for pursuit of an approved program of education on half-time basis or less.

''(2) The educational assistance payable under this chapter to an individual pursuing a program of education on half-time basis or less is the amounts as follows:

''(A) The amount equal to the lesser of—

''(i) the established charges which similarly circumstanced nonveterans enrolled in the program of education involved would be required to pay; or

''(ii) the maximum amount that would be payable to the individual for the program of education under paragraph (1)(A) of subsection (c), or under the provisions of paragraphs (2) through (7) of subsection (c) applicable to the individual, for the program of education if the individual were entitled to amounts for the program of education under subsection (c) rather than this subsection.

''(B) A stipend in an amount equal to the amount of the appropriately reduced amount of the lump sum amount for books, supplies, equipment, and other educational costs otherwise payable to the individual under subsection (c).

''(3) Payment of the amounts payable to an individual under paragraph (2) for pursuit of a program of education on half-time basis or less shall be made for the entire quarter, semester, or term, as applicable, of the program of education.

''(4) For each month (as determined pursuant to the methods prescribed under subsection (d)(3)) for which amounts are paid an individual under this subsection, the entitlement of the individual to educational assistance under this chapter shall be charged at a percentage of a month equal to—

''(A) the number of course hours borne by the individual in pursuit of the program of education involved, divided by

''(B) the number of course hours for full-time pursuit of such program of education.

''(g) PAYMENT OF ESTABLISHED CHARGES TO EDUCATIONAL INSTITUTIONS.—Amounts payable under subsections (c)(1)(A) (and of similar amounts payable under paragraphs (2) through (7) of subsection (c)), (e)(2) and (f)(2)(A) shall be paid directly to the educational institution concerned.

''(h) ESTABLISHED CHARGES DEFINED.—(1) In this section, the term 'established charges', in the case of a program of education, means the actual charges (as determined pursuant to regulations prescribed by the Secretary) for tuition and fees which similarly circumstanced nonveterans enrolled in the program of education would be required to pay.

''(2) Established charges shall be determined for purposes of this subsection on the following basis:

''(A) In the case of an individual enrolled in a program of education offered on a term, quarter, or semester basis, the tuition and fees charged the individual for the term, quarter, or semester.

''(B) In the case of an individual enrolled in a program of education not offered on a term, quarter, or semester basis, the tuition and fees charged the individual for the entire program of education.

''§ 3314. Tutorial assistance

''(a) IN GENERAL.—Subject to subsection (b), an individual entitled to educational assistance under this chapter shall also be entitled to benefits provided an eligible veteran under section 3492 of this title.

''(b) CONDITIONS.—(1) The provision of benefits under subsection (a) shall be subject to the conditions applicable to an eligible veteran under section 3492 of this title.

''(2) In addition to the conditions specified in paragraph (1), benefits may not be provided to an individual under subsection (a) unless the professor or other individual teaching, leading, or giving the course for which such benefits are provided certifies that—

''(A) such benefits are essential to correct a deficiency of the individual in such course; and

''(B) such course is required as a part of, or is prerequisite or indispensable to the satisfactory pursuit of, an approved program of education.

''(c) AMOUNT.—(1) The amount of benefits described in subsection (a) that are payable under this section may not exceed $100 per month, for a maximum of 12 months, or until a maximum of $1,200 is utilized.

''(2) The amount provided an individual under this subsection is in addition to the amounts of educational assistance paid the individual under section 3313 of this title.

''(d) NO CHARGE AGAINST ENTITLEMENT.—Any benefits provided an individual under subsection (a) are in addition to any other educational assistance benefits provided the individual under this chapter.

''§ 3315. Licensure and certification tests

''(a) IN GENERAL.—An individual entitled to educational assistance under this chapter shall also be entitled to payment for one licensing or certification test described in section 3452(b) of this title.

''(b) LIMITATION ON AMOUNT.—The amount payable under subsection (a) for a licensing or certification test may not exceed the lesser of—

''(1) $2,000; or

''(2) the fee charged for the test.

''(c) NO CHARGE AGAINST ENTITLEMENT.—Any amount paid an individual under subsection (a) is in addition to any other educational assistance benefits provided the individual under this chapter.

''§ 3316. Supplemental educational assistance: members with critical skills or specialty; members serving additional service

''(a) INCREASED ASSISTANCE FOR MEMBERS WITH CRITICAL SKILLS OR SPECIALTY.—(1) In the case of an individual who has a skill or specialty designated by the Secretary concerned as a skill or specialty in which there is a critical shortage of personnel or for which it is difficult to recruit or, in the case of critical units, retain personnel, the Secretary concerned may increase the monthly amount of educational assistance otherwise payable to the individual under paragraph (1)(B) of section 3313(c) of this title, or under paragraphs (2) through (7) of such section (as applicable).

''(2) The amount of the increase in educational assistance authorized by paragraph (1) may not exceed the amount equal to the monthly amount of increased basic educational assistance providable under section 3015(d)(1) of this title at the time of the increase under paragraph (1).

''(b) SUPPLEMENTAL ASSISTANCE FOR ADDITIONAL SERVICE.—(1) The Secretary concerned may provide for the payment to an individual entitled to educational assistance under this chapter of supplemental educational assistance for additional service authorized by subchapter III of chapter 30 of this title. The amount so payable shall be payable as an increase in the monthly amount of educational assistance otherwise payable to the individual under paragraph (1)(B) of section 3313(c) of this title, or under paragraphs (2) through (7) of such section (as applicable).

''(2) Eligibility for supplement educational assistance under this subsection shall be determined in accordance with the provisions of subchapter III of chapter 30 of this title, except that any reference in such provisions to eligibility for basic educational assistance under a provision of subchapter II of chapter 30 of this title shall be treated as a reference to eligibility for educational assistance under the appropriate provision of this chapter.

''(3) The amount of supplemental educational assistance payable under this subsection shall be the amount equal to the monthly amount of supplemental educational payable under section 3022 of this title.

''(c) REGULATIONS.—The Secretaries concerned shall administer this section in accordance with such regulations as the Secretary of Defense shall prescribe.

''§ 3317. Public-private contributions for additional educational assistance

''(a) ESTABLISHMENT OF PROGRAM.—In instances where the educational assistance provided pursuant to section 3313(c)(1)(A) does not cover the full cost of established charges (as specified in section 3313 of this title), the Secretary shall carry out a program under which colleges and universities can, voluntarily, enter into an agreement with the Secretary to cover a portion of those established charges not otherwise covered under section 3313(c)(1)(A), which contributions shall be matched by equivalent contributions toward such costs by the Secretary. The program shall only apply to covered individuals described in paragraphs (1) and (2) of section 3311(b).

''(b) DESIGNATION OF PROGRAM.—The program under this section shall be known as the 'Yellow Ribbon G.I. Education Enhancement Program'.

''(c) AGREEMENTS.—The Secretary shall enter into an agreement with each college or university seeking to participate in the program under this section. Each agreement shall specify the following:

''(1) The manner (whether by direct grant, scholarship, or otherwise) of the contributions to be made by the college or university concerned.

''(2) The maximum amount of the contribution to be made by the college or university concerned with respect to any particular individual in any given academic year.

''(3) The maximum number of individuals for whom the college or university concerned will make contributions in any given academic year.

''(4) Such other matters as the Secretary and the college or university concerned jointly consider appropriate.

''(d) MATCHING CONTRIBUTIONS.—(1) In instances where the educational assistance provided an individual under section 3313(c)(1)(A) of this title does not cover the full cost of tuition and mandatory fees at a college or university, the Secretary shall provide up to 50 percent of the remaining costs for tuition and mandatory fees if the college or university voluntarily enters into an agreement with the Secretary to match an equal percentage of any of the remaining costs for such tuition and fees.

''(2) Amounts available to the Secretary under section 3324(b) of this title for payment of the costs of this chapter shall be available to the Secretary for purposes of paragraph (1).

''(e) OUTREACH.—The Secretary shall make available on the Internet website of the Department available to the public a current list of the colleges and universities participating in the program under this section. The list shall specify, for each college or university so listed, appropriate information on the agreement between the Secretary and such college or university under subsection (c).

''SUBCHAPTER III—ADMINISTRATIVE PROVISIONS

''§ 3321. Time limitation for use of and eligibility for entitlement

''(a) IN GENERAL.—Except as provided in this section, the period during which an individual entitled to educational assistance under this chapter may use such individual's entitlement expires at the end of the 15-year period beginning on the date of such individual's last discharge or release from active duty.

''(b) EXCEPTIONS.—(1) Subsections (b), (c), and (d) of section 3031 of this title shall apply with respect to the running of the 15-year period described in subsection (a) of this section in the same manner as such subsections apply under section 3031 of this title with respect to the running of the 10-year period described in section 3031(a) of this title.

''(2) Section 3031(f) of this title shall apply with respect to the termination of an individual's entitlement to educational assistance under this chapter in the same manner as such section applies to the termination of an individual's entitlement to educational assistance under chapter 30 of this title, except that, in the administration of such section for purposes of this chapter, the reference to section 3013 of this title shall be deemed to be a reference to 3312 of this title.

''(3) For purposes of subsection (a), an individual's last discharge or release from active duty shall not include any discharge or release from a period of active duty of less than 90 days of continuous service, unless the individual is discharged or released as described in section 3311(b)(2) of this title.

''§ 3322. Bar to duplication of educational assistance benefits

''(a) IN GENERAL.—An individual entitled to educational assistance under this chapter who is also eligible for educational assistance under chapter 30, 31, 32, or 35 of this title, chapter 107, 1606, or 1607 of title 10, or the provisions of the Hostage Relief Act of 1980 (Public Law 96–449; 5 U.S.C. 5561 note) may not receive assistance under two or more such programs concurrently, but shall elect (in such form and manner as the Secretary may prescribe) under which chapter or provisions to receive educational assistance.

''(b) INAPPLICABILITY OF SERVICE TREATED UNDER EDUCATIONAL LOAN REPAYMENT PROGRAMS.—A period of service counted for purposes of repayment of an education loan under chapter 109 of title 10 may not be counted as a period of service for entitlement to educational assistance under this chapter.

''(c) SERVICE IN SELECTED RESERVE.—An individual who serves in the Selected Reserve may receive credit for such service under only one of this chapter, chapter 30 of this title, and chapters 1606 and 1607 of title 10, and shall elect (in such form and manner as the Secretary may prescribe) under which chapter such service is to be credited.

''(d) ADDITIONAL COORDINATION MATTERS.—In the case of an individual entitled to educational assistance under chapter 30, 31, 32, or 35 of this title, chapter 107, 1606, or 1607 of title 10, or the provisions of the Hostage Relief Act of 1980, or making contributions toward entitlement to educational assistance under chapter 30 of this title, as of August 1, 2009, coordination of entitlement to educational assistance under this chapter, on the one hand, and such chapters or provisions, on the other, shall be governed by the provisions of section 3003(c) of the Post-9/11 Veterans Educational Assistance Act of 2008.

''§ 3323. Administration

''(a) IN GENERAL.—(1) Except as otherwise provided in this chapter, the provisions specified in section 3034(a)(1) of this title shall apply to the provision of educational assistance under this chapter.

''(2) In applying the provisions referred to in paragraph (1) to an individual entitled to educational assistance under this chapter for purposes of this section, the reference in such provisions to the term 'eligible veteran' shall be deemed to refer to an individual entitled to educational assistance under this chapter.

''(3) In applying section 3474 of this title to an individual entitled to educational assistance under this chapter for purposes of this section, the reference in such section 3474 to the term 'educational assistance allowance' shall be deemed to refer to educational assistance payable under section 3313 of this title.

''(4) In applying section 3482(g) of this title to an individual entitled to educational assistance under this chapter for purposes of this section—

''(A) the first reference to the term 'educational assistance allowance' in such section 3482(g) shall be deemed to refer to educational assistance payable under section 3313 of this title; and

''(B) the first sentence of paragraph (1) of such section 3482(g) shall be applied as if such sentence ended with 'equipment'.

''(b) INFORMATION ON BENEFITS.—(1) The Secretary of Veterans Affairs shall provide the information described in paragraph (2) to each member of the Armed Forces at such times as the Secretary of Veterans Affairs and the Secretary of Defense shall jointly prescribe in regulations.

''(2) The information described in this paragraph is information on benefits, limitations, procedures, eligibility requirements (including time-in-service requirements), and other important aspects of educational assistance under this chapter, including application forms for such assistance under section 5102 of this title.

''(3) The Secretary of Veterans Affairs shall furnish the information and forms described in paragraph (2), and other educational materials on educational assistance under this chapter, to educational institutions, training establishments, military education personnel, and such other persons and entities as the Secretary considers appropriate.

''(c) REGULATIONS.—(1) The Secretary shall prescribe regulations for the administration of this chapter.

''(2) Any regulations prescribed by the Secretary of Defense for purposes of this chapter shall apply uniformly across the Armed Forces.

''§ 3324. Allocation of administration and costs

''(a) ADMINISTRATION.—Except as otherwise provided in this chapter, the Secretary shall administer the provision of educational assistance under this chapter.

''(b) COSTS.—Payments for entitlement to educational assistance earned under this chapter shall be made from funds appropriated to, or otherwise made available to, the Department of Veterans Affairs for the payment of readjustment benefits.''.

(2) CLERICAL AMENDMENTS.—The tables of chapters at the beginning of title 38, United States Code, and at the beginning of part III of such title, are each amended by inserting after the item relating to chapter 32 the following new item:

''33. Post-9/11 Educational Assistance 3301''.

(b) CONFORMING AMENDMENTS.—

(1) AMENDMENTS RELATING TO DUPLICATION OF BENEFITS.—

(A) Section 3033 of title 38, United States Code, is amended—

(i) in subsection (a)(1), by inserting ''33,'' after ''32,''; and

(ii) in subsection (c), by striking ''both the program established by this chapter and the program established by chapter 106 of title 10'' and inserting ''two or more of the programs established by this chapter, chapter 33 of this title, and chapters 1606 and 1607 of title 10''.

(B) Paragraph (4) of section 3695(a) of such title is amended to read as follows:

''(4) Chapters 30, 32, 33, 34, 35, and 36 of this title.''.

(C) Section 16163(e) of title 10, United States Code, is amended by inserting ''33,'' after ''32,''.

(2) ADDITIONAL CONFORMING AMENDMENTS.—

(A) Title 38, United States Code, is further amended by inserting ''33,'' after ''32,'' each place it appears in the following provisions:

(i) In subsections (b) and (e)(1) of section 3485.

(ii) In section 3688(b).

(iii) In subsections (a)(1), (c)(1), (c)(1)(G), (d), and (e)(2) of section 3689.

(iv) In section 3690(b)(3)(A).

(v) In subsections (a) and (b) of section 3692.

(vi) In section 3697(a).

(B) Section 3697A(b)(1) of such title is amended by striking ''or 32'' and inserting ''32, or 33''.

(c) APPLICABILITY TO INDIVIDUALS UNDER MONTGOMERY GI BILL PROGRAM.—

(1) INDIVIDUALS ELIGIBLE TO ELECT PARTICIPATION IN POST-9/11 EDUCATIONAL ASSISTANCE.—An individual may elect to receive educational assistance under chapter 33 of title 38, United States Code (as added by subsection (a)), if such individual—

(A) as of August 1, 2009—

(i) is entitled to basic educational assistance under chapter 30 of title 38, United States Code, and has used, but retains unused, entitlement under that chapter;

(ii) is entitled to educational assistance under chapter 107, 1606, or 1607 of title 10, United States Code, and has used, but retains unused, entitlement under the applicable chapter;

(iii) is entitled to basic educational assistance under chapter 30 of title 38, United States Code, but has not used any entitlement under that chapter;

(iv) is entitled to educational assistance under chapter 107, 1606, or 1607 of title 10, United States Code, but has not used any entitlement under such chapter;

(v) is a member of the Armed Forces who is eligible for receipt of basic educational assistance under chapter 30 of title 38, United States Code, and is making contributions toward such assistance under section 3011(b) or 3012(c) of such title; or

(vi) is a member of the Armed Forces who is not entitled to basic educational assistance under chapter 30 of title 38, United States Code, by reason of an election under section 3011(c)(1) or 3012(d)(1) of such title; and

(B) as of the date of the individual's election under this paragraph, meets the requirements for entitlement to educational assistance under chapter 33 of title 38, United States Code (as so added).

(2) CESSATION OF CONTRIBUTIONS TOWARD GI BILL.—Effective as of the first month beginning on or after the date of an election under paragraph (1) of an individual described by subparagraph (A)(v) of that paragraph, the obligation of the individual to make contributions under section 3011(b) or 3012(c) of title 38, United States Code, as applicable, shall cease, and the requirements of such section shall be deemed to be no longer applicable to the individual.

(3) REVOCATION OF REMAINING TRANSFERRED ENTITLEMENT.—

(A) ELECTION TO REVOKE.—If, on the date an individual described in subparagraph (A)(i) or (A)(iii) of paragraph (1) makes an election under that paragraph, a transfer of the entitlement of the individual to basic educational assistance under section 3020 of title 38, United States Code, is in effect and a number of months of the entitlement so transferred remain unutilized, the individual may elect to revoke all or a portion of the entitlement so transferred that remains unutilized.

(B) AVAILABILITY OF REVOKED ENTITLEMENT.—Any entitlement revoked by an individual under this paragraph shall no longer be available to the dependent to whom transferred, but shall be available to the individual instead for educational assistance under chapter 33 of title 38, United States Code (as so added), in accordance with the provisions of this subsection.

(C) AVAILABILITY OF UNREVOKED ENTITLEMENT.—Any entitlement described in subparagraph (A) that is not revoked by an individual in accordance with that subparagraph shall remain available to the dependent or dependents concerned in accordance with the current transfer of such entitlement under section 3020 of title 38, United States Code.

(4) POST-9/11 EDUCATIONAL ASSISTANCE.—

(A) IN GENERAL.—Subject to subparagraph (B) and except as provided in paragraph (5), an individual making an election under paragraph (1) shall be entitled to educational assistance under chapter 33 of title 38, United States Code (as so added), in accordance with the provisions of such chapter, instead of basic educational assistance under chapter 30 of title 38, United States Code, or educational assistance under chapter 107, 1606, or 1607 of title 10, United States Code, as applicable.

(B) LIMITATION ON ENTITLEMENT FOR CERTAIN INDIVIDUALS.—In the case of an individual making an election under paragraph (1) who is described by subparagraph (A)(i) of that paragraph, the number of months of entitlement of the individual to educational assistance under chapter 33 of title 38, United States Code (as so added), shall be the number of months equal to—

(i) the number of months of unused entitlement of the individual under chapter 30 of title 38, United States Code, as of the date of the election, plus

(ii) the number of months, if any, of entitlement revoked by the individual under paragraph (3)(A).

(5) CONTINUING ENTITLEMENT TO EDUCATIONAL ASSISTANCE NOT AVAILABLE UNDER 9/11 ASSISTANCE PROGRAM.—

(A) IN GENERAL.—In the event educational assistance to which an individual making an election under paragraph (1) would be entitled under chapter 30 of title 38, United States Code, or chapter 107, 1606, or 1607 of title 10, United States Code, as applicable, is not authorized to be available to the individual under the provisions of chapter 33 of title 38, United States Code (as so added), the individual shall remain entitled to such educational assistance in accordance with the provisions of the applicable chapter.

(B) CHARGE FOR USE OF ENTITLEMENT.—The utilization by an individual of entitlement under subparagraph (A) shall be chargeable against the entitlement of the individual to educational assistance under chapter 33 of title 38, United States Code (as so added), at the rate of one month of entitlement under such chapter 33 for each month of entitlement utilized by the individual under subparagraph (A) (as determined as if such entitlement were utilized under the provisions of chapter 30 of title 38, United States Code, or chapter 107, 1606, or 1607 of title 10, United States Code, as applicable).

(6) ADDITIONAL POST-9/11 ASSISTANCE FOR MEMBERS HAVING MADE CONTRIBUTIONS TOWARD GI BILL.—

(A) ADDITIONAL ASSISTANCE.—In the case of an individual making an election under paragraph (1) who is described by clause (i), (iii), or (v) of subparagraph (A) of that paragraph, the amount of educational assistance payable to the individual under chapter 33 of title 38, United States Code (as so added), as a monthly stipend payable under paragraph (1)(B) of section 3313(c) of such title (as so added), or under paragraphs (2) through (7) of that section (as applicable), shall be the amount otherwise payable as a monthly stipend under the applicable paragraph increased by the amount equal to—

(i) the total amount of contributions toward basic educational assistance made by the individual under section 3011(b) or 3012(c) of title 38, United States Code, as of the date of the election, multiplied by

(ii) the fraction—

(I) the numerator of which is—

(aa) the number of months of entitlement to basic educational assistance under chapter 30 of title 38, United States Code, remaining to the individual at the time of the election; plus

(bb) the number of months, if any, of entitlement under such chapter 30 revoked by the individual under paragraph (3)(A); and

(II) the denominator of which is 36 months.

(B) MONTHS OF REMAINING ENTITLEMENT FOR CERTAIN INDIVIDUALS.—In the case of an individual covered by subparagraph (A) who is described by paragraph (1)(A)(v), the number of months of entitlement to basic educational assistance remaining to the individual for purposes of subparagraph (A)(ii)(I)(aa) shall be 36 months.

(C) TIMING OF PAYMENT.—The amount payable with respect to an individual under subparagraph (A) shall be paid to the individual together with the last payment of the monthly stipend payable to the individual under paragraph (1)(B) of section 3313(c) of title 38, United States Code (as so added), or under paragraphs (2) through (7) of that section (as applicable), before the exhaustion of the individual's entitlement to educational assistance under chapter 33 of such title (as so added).

(7) CONTINUING ENTITLEMENT TO ADDITIONAL ASSISTANCE FOR CRITICAL SKILLS OR SPECIALITY AND ADDITIONAL SERVICE.—An individual making an election under paragraph (1)(A) who, at the time of the election, is entitled to increased educational assistance under section 3015(d) of title 38, United States Code, or section 16131(i) of title 10, United States Code, or supplemental educational assistance under subchapter III of chapter 30 of title 38, United States Code, shall remain entitled to such increased educational assistance or supplemental educational assistance in the utilization of entitlement to educational assistance under chapter 33 of title 38, United States Code (as so added), in an amount equal to the quarter, semester, or term, as applicable, equivalent of the monthly amount of such increased educational assistance or supplemental educational assistance payable with respect to the individual at the time of the election.

(8) IRREVOCABILITY OF ELECTIONS.—An election under paragraph (1) or (3)(A) is irrevocable.

(d) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on August 1, 2009.

INCREASE IN AMOUNTS OF BASIC EDUCATIONAL ASSISTANCE UNDER THE MONTGOMERY GI BILL

SEC. 3004. (a) EDUCATIONAL ASSISTANCE BASED ON THREE-YEAR PERIOD OF OBLIGATED SERVICE.—Subsection (a)(1) of section 3015 of title 38, United States Code, is amended—

(1) by striking subparagraphs (A) through (C) and inserting the following new subparagraph:

''(A) for months occurring during the period beginning on August 1, 2008, and ending on the last day of fiscal year 2009, $1,321; and''; and

(2) by redesignating subparagraph (D) as subparagraph (B).

(b) EDUCATIONAL ASSISTANCE BASED ON TWO-YEAR PERIOD OF OBLIGATED SERVICE.—Subsection (b)(1) of such section is amended—

(1) by striking subparagraphs (A) through (C) and inserting the following new subparagraph:

''(A) for months occurring during the period beginning on August 1, 2008, and ending on the last day of fiscal year 2009, $1,073; and''; and

(2) by redesignating subparagraph (D) as subparagraph (B).

(c) MODIFICATION OF MECHANISM FOR COST-OF-LIVING ADJUSTMENTS.—Subsection (h)(1) of such section is amended by striking subparagraphs (A) and (B) and inserting the following new subparagraphs:

''(A) the average cost of undergraduate tuition in the United States, as determined by the National Center for Education Statistics, for the last academic year preceding the beginning of the fiscal year for which the increase is made, exceeds

''(B) the average cost of undergraduate tuition in the United States, as so determined, for the academic year preceding the academic year described in subparagraph (A).''.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall take effect on August 1, 2008.

(2) NO COST-OF-LIVING ADJUSTMENT FOR FISCAL YEAR 2009.—The adjustment required by subsection (h) of section 3015 of title 38, United States Code (as amended by this section), in rates of basic educational assistance payable under subsections (a) and (b) of such section (as so amended) shall not be made for fiscal year 2009.

MODIFICATION OF AMOUNT AVAILABLE FOR REIMBURSEMENT OF STATE AND LOCAL AGENCIES ADMINISTERING VETERANS EDUCATION BENEFITS

SEC. 3005. Section 3674(a)(4) of title 38, United States Code, is amended by striking ''may not exceed'' and all that follows through the end and inserting ''shall be $19,000,000.''.

TITLE IV—EMERGENCY UNEMPLOYMENT COMPENSATION

FEDERAL-STATE AGREEMENTS

SEC. 4001. (a) IN GENERAL.—Any State which desires to do so may enter into and participate in an agreement under this title with the Secretary of Labor (in this title referred to as the ''Secretary''). Any State which is a party to an agreement under this title may, upon providing 30 days' written notice to the Secretary, terminate such agreement.

(b) PROVISIONS OF AGREEMENT.—Any agreement under subsection (a) shall provide that the State agency of the State will make payments of emergency unemployment compensation to individuals who—

(1) have exhausted all rights to regular compensation under the State law or under Federal law with respect to a benefit year (excluding any benefit year that ended before May 1, 2007);

(2) have no rights to regular compensation or extended compensation with respect to a week under such law or any other State unemployment compensation law or to compensation under any other Federal law (except as provided under subsection (e)); and

(3) are not receiving compensation with respect to such week under the unemployment compensation law of Canada.

(c) EXHAUSTION OF BENEFITS.—For purposes of subsection (b)(1), an individual shall be deemed to have exhausted such individual's rights to regular compensation under a State law when—

(1) no payments of regular compensation can be made under such law because such individual has received all regular compensation available to such individual based on employment or wages during such individual's base period; or

(2) such individual's rights to such compensation have been terminated by reason of the expiration of the benefit year with respect to which such rights existed.

(d) WEEKLY BENEFIT AMOUNT, ETC.—For purposes of any agreement under this title—

(1) the amount of emergency unemployment compensation which shall be payable to any individual for any week of total unemployment shall be equal to the amount of the regular compensation (including dependents' allowances) payable to such individual during such individual's benefit year under the State law for a week of total unemployment;

(2) the terms and conditions of the State law which apply to claims for regular compensation and to the payment thereof shall apply to claims for emergency unemployment compensation and the payment thereof, except where otherwise inconsistent with the provisions of this title or with the regulations or operating instructions of the Secretary promulgated to carry out this title; and

(3) the maximum amount of emergency unemployment compensation payable to any individual for whom an emergency unemployment compensation account is established under section 4002 shall not exceed the amount established in such account for such individual.

(e) ELECTION BY STATES.—Notwithstanding any other provision of Federal law (and if State law permits), the Governor of a State that is in an extended benefit period may provide for the payment of emergency unemployment compensation prior to extended compensation to individuals who otherwise meet the requirements of this section.

EMERGENCY UNEMPLOYMENT COMPENSATION ACCOUNT

SEC. 4002. (a) IN GENERAL.—Any agreement under this title shall provide that the State will establish, for each eligible individual who files an application for emergency unemployment compensation, an emergency unemployment compensation account with respect to such individual's benefit year.

(b) AMOUNT IN ACCOUNT.—

(1) IN GENERAL.—The amount established in an account under subsection (a) shall be equal to the lesser of—

(A) 50 percent of the total amount of regular compensation (including dependents' allowances) payable to the individual during the individual's benefit year under such law, or

(B) 13 times the individual's average weekly benefit amount for the benefit year.

(2) WEEKLY BENEFIT AMOUNT.—For purposes of this subsection, an individual's weekly benefit amount for any week is the amount of regular compensation (including dependents' allowances) under the State law payable to such individual for such week for total unemployment.

(c) SPECIAL RULE.—

(1) IN GENERAL.—Notwithstanding any other provision of this section, if, at the time that the individual's account is exhausted or at any time thereafter, such individual's State is in an extended benefit period (as determined under paragraph (2)), then, such account shall be augmented by an amount equal to the amount originally established in such account (as determined under subsection (b)(1)).

(2) EXTENDED BENEFIT PERIOD.—For purposes of paragraph (1), a State shall be considered to be in an extended benefit period, as of any given time, if—

(A) such a period is then in effect for such State under the Federal-State Extended Unemployment Compensation Act of 1970;

(B) such a period would then be in effect for such State under such Act if section 203(d) of such Act—

(i) were applied by substituting ''4'' for ''5'' each place it appears; and

(ii) did not include the requirement under paragraph (1)(A); or

(C) such a period would then be in effect for such State under such Act if—

(i) section 203(f) of such Act were applied to such State (regardless of whether the State by law had provided for such application); and

(ii) such section 203(f)—

(I) were applied by substituting ''6.0'' for ''6.5'' in paragraph (1)(A)(i); and

(II) did not include the requirement under paragraph (1)(A)(ii).

PAYMENTS TO STATES HAVING AGREEMENTS FOR THE PAYMENT OF EMERGENCY UNEMPLOYMENT COMPENSATION

SEC. 4003. (a) GENERAL RULE.—There shall be paid to each State that has entered into an agreement under this title an amount equal to 100 percent of the emergency unemployment compensation paid to individuals by the State pursuant to such agreement.

(b) TREATMENT OF REIMBURSABLE COMPENSATION.—No payment shall be made to any State under this section in respect of any compensation to the extent the State is entitled to reimbursement in respect of such compensation under the provisions of any Federal law other than this title or chapter 85 of title 5, United States Code. A State shall not be entitled to any reimbursement under such chapter 85 in respect of any compensation to the extent the State is entitled to reimbursement under this title in respect of such compensation.

(c) DETERMINATION OF AMOUNT.—Sums payable to any State by reason of such State having an agreement under this title shall be payable, either in advance or by way of reimbursement (as may be determined by the Secretary), in such amounts as the Secretary estimates the State will be entitled to receive under this title for each calendar month, reduced or increased, as the case may be, by any amount by which the Secretary finds that the Secretary's estimates for any prior calendar month were greater or less than the amounts which should have been paid to the State. Such estimates may be made on the basis of such statistical, sampling, or other method as may be agreed upon by the Secretary and the State agency of the State involved.

FINANCING PROVISIONS

SEC. 4004. (a) IN GENERAL.—Funds in the extended unemployment compensation account (as established by section 905(a) of the Social Security Act (42 U.S.C. 1105(a)) of the Unemployment Trust Fund (as established by section 904(a) of such Act (42 U.S.C. 1104(a)) shall be used for the making of payments to States having agreements entered into under this title.

(b) CERTIFICATION.—The Secretary shall from time to time certify to the Secretary of the Treasury for payment to each State the sums payable to such State under this title. The Secretary of the Treasury, prior to audit or settlement by the Government Accountability Office, shall make payments to the State in accordance with such certification, by transfers from the extended unemployment compensation account (as so established) to the account of such State in the Unemployment Trust Fund (as so established).

(c) ASSISTANCE TO STATES.—There are appropriated out of the employment security administration account (as established by section 901(a) of the Social Security Act (42 U.S.C. 1101(a)) of the Unemployment Trust Fund, without fiscal year limitation, such funds as may be necessary for purposes of assisting States (as provided in title III of the Social Security Act (42 U.S.C. 501 et seq.)) in meeting the costs of administration of agreements under this title.

(d) APPROPRIATIONS FOR CERTAIN PAYMENTS.—There are appropriated from the general fund of the Treasury, without fiscal year limitation, to the extended unemployment compensation account (as so established) of the Unemployment Trust Fund (as so established) such sums as the Secretary estimates to be necessary to make the payments under this section in respect of—

(1) compensation payable under chapter 85 of title 5, United States Code; and

(2) compensation payable on the basis of services to which section 3309(a)(1) of the Internal Revenue Code of 1986 applies.

Amounts appropriated pursuant to the preceding sentence shall not be required to be repaid.

FRAUD AND OVERPAYMENTS

SEC. 4005. (a) IN GENERAL.—If an individual knowingly has made, or caused to be made by another, a false statement or representation of a material fact, or knowingly has failed, or caused another to fail, to disclose a material fact, and as a result of such false statement or representation or of such nondisclosure such individual has received an amount of emergency unemployment compensation under this title to which such individual was not entitled, such individual—

(1) shall be ineligible for further emergency unemployment compensation under this title in accordance with the provisions of the applicable State unemployment compensation law relating to fraud in connection with a claim for unemployment compensation; and

(2) shall be subject to prosecution under section 1001 of title 18, United States Code.

(b) REPAYMENT.—In the case of individuals who have received amounts of emergency unemployment compensation under this title to which they were not entitled, the State shall require such individuals to repay the amounts of such emergency unemployment

compensation to the State agency, except that the State agency may waive such repayment if it determines that—

(1) the payment of such emergency unemployment compensation was without fault on the part of any such individual; and

(2) such repayment would be contrary to equity and good conscience.

(c) RECOVERY BY STATE AGENCY.—

(1) IN GENERAL.—The State agency may recover the amount to be repaid, or any part thereof, by deductions from any emergency unemployment compensation payable to such individual under this title or from any unemployment compensation payable to such individual under any State or Federal unemployment compensation law administered by the State agency or under any other State or Federal law administered by the State agency which provides for the payment of any assistance or allowance with respect to any week of unemployment, during the 3-year period after the date such individuals received the payment of the emergency unemployment compensation to which they were not entitled, except that no single deduction may exceed 50 percent of the weekly benefit amount from which such deduction is made.

(2) OPPORTUNITY FOR HEARING.—No repayment shall be required, and no deduction shall be made, until a determination has been made, notice thereof and an opportunity for a fair hearing has been given to the individual, and the determination has become final.

(d) REVIEW.—Any determination by a State agency under this section shall be subject to review in the same manner and to the same extent as determinations under the State unemployment compensation law, and only in that manner and to that extent.

DEFINITIONS

SEC. 4006. In this title, the terms ''compensation'', ''regular compensation'', ''extended compensation'', ''benefit year'', ''base period'', ''State'', ''State agency'', ''State law'', and ''week'' have the respective meanings given such terms under section 205 of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note).

APPLICABILITY

SEC. 4007. (a) IN GENERAL.—Except as provided in subsection (b), an agreement entered into under this title shall apply to weeks of unemployment—

(1) beginning after the date on which such agreement is entered into; and

(2) ending on or before March 31, 2009.

(b) TRANSITION FOR AMOUNT REMAINING IN ACCOUNT.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), in the case of an individual who has amounts remaining in an account established under section 4002 as of the last day of the last week (as determined in accordance with the applicable State law) ending on or before March 31, 2009, emergency unemployment compensation shall continue to be payable to such individual from such amounts for any week beginning after such last day for which the individual meets the eligibility requirements of this title.

(2) LIMIT ON AUGMENTATION.—If the account of an individual is exhausted after the last day of such last week (as so determined), then section 4002(c) shall not apply and such account shall not be augmented under such section, regardless of whether such individual's State is in an extended benefit period (as determined under paragraph (2) of such section).

(3) LIMIT ON COMPENSATION.—No compensation shall be payable by reason of paragraph (1) for any week beginning after June 30, 2009.

TITLE V—MEDICAID PROVISIONS

SEC. 5001. (a) MORATORIA ON CERTAIN MEDICAID REGULATIONS.—

(1) EXTENSION OF CERTAIN MORATORIA IN PUBLIC LAW 110–28.—Section 7002(a)(1) of the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (Public Law 110–28) is amended—

(A) by striking ''prior to the date that is 1 year after the date of enactment of this Act'' and inserting ''prior to April 1, 2009'';

(B) in subparagraph (A), by inserting after ''Federal Regulations)'' the following: ''or in the final regulation, relating to such parts, published on May 29, 2007 (72 Federal Register 29748)''; and

(C) in subparagraph (C), by inserting before the period at the end the following: '', including the proposed regulation published on May 23, 2007 (72 Federal Register 28930)''.

(2) EXTENSION OF CERTAIN MORATORIA IN PUBLIC LAW 110–173.—Section 206 of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110–173) is amended—

(A) by striking ''June 30, 2008'' and inserting ''April 1, 2009'';

(B) by inserting '', including the proposed regulation published on August 13, 2007 (72 Federal Register 45201),'' after ''rehabilitation services''; and

(C) by inserting '', including the final regulation published on December 28, 2007 (72 Federal Register 73635),'' after ''school-based transportation''.

(3) ADDITIONAL MORATORIA.—

(A) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of Health and Human Services shall not, prior to April 1, 2009, take any action (through promulgation of regulation, issuance of regulatory guidance, use of Federal payment audit procedures, or other administrative action, policy, or practice, including a Medical Assistance Manual transmittal or letter to State Medicaid directors) to impose any restrictions relating to a provision described in subparagraph (B), (C), or (D) if such restrictions are more restrictive in any aspect than those applied to the respective provision as of the date specified in subparagraph (E) for such provision.

(B) PORTION OF INTERIM FINAL REGULATION RELATING TO MEDICAID TREATMENT OF OPTIONAL CASE MANAGEMENT SERVICES.—

(i) IN GENERAL.—Subject to clause (ii), the provision described in this subparagraph is the interim final regulation relating to optional State plan case management services under the Medicaid program published on December 4, 2007 (72 Federal Register 68077) in its entirety.

(ii) EXCEPTION.—The provision described in this subparagraph does not include the portion of such regulation as relates directly to implementing section 1915(g)(2)(A)(ii) of the Social Security Act, as amended by section 6052 of the Deficit Reduction Act of 2005 (Public Law 109–171), through the definition of case management services and targeted case management services contained in proposed section 440.169 of title 42, Code of Federal Regulations, but only to the extent that such portion is not more restrictive than the policies set forth in the Dear State Medicaid Director letter on case management issued on January 19, 2001 (SMDL #01–013), and with respect to community transition case management, the Dear State Medicaid Director letter issued on July 25, 2000 (Olmstead Update 3).

(C) PROPOSED REGULATION RELATING TO REDEFINITION OF MEDICAID OUTPATIENT HOSPITAL SERVICES.—The provision described in this subparagraph is the proposed regulation relating to clarification of outpatient clinic and hospital facility services definition and upper payment limit under the Medicaid program published on September 28, 2007 (72 Federal Register 55158) in its entirety.

(D) PORTION OF PROPOSED REGULATION RELATING TO MEDICAID ALLOWABLE PROVIDER TAXES.—

(i) IN GENERAL.—Subject to clause (ii), the provision described in this subparagraph is the final regulation relating to health-care-related taxes under the Medicaid program published on February 22, 2008 (73 Federal Register 9685) in its entirety.

(ii) EXCEPTION.—The provision described in this subparagraph does not include the portions of such regulation as relate to the following:

(I) REDUCTION IN THRESHOLD.—The reduction from 6 percent to 5.5 percent in the threshold applied under section 433.68(f)(3)(i) of title 42, Code of Federal Regulations, for determining whether or not there is an indirect guarantee to hold a taxpayer harmless, as required to carry out section 1903(w)(4)(C)(ii) of the Social Security Act, as added by section 403 of the Medicare Improvement and Extension Act of 2006 (division B of Public Law 109–432).

(II) CHANGE IN DEFINITION OF MANAGED CARE.—The change in the definition of managed care as proposed in the revision of section 433.56(a)(8) of title 42, Code of Federal Regulations, as required to carry out section 1903(w)(7)(A)(viii) of the Social Security Act, as amended by section 6051 of the Deficit Reduction Act of 2005 (Public Law 109–171).

(E) DATE SPECIFIED.—The date specified in this subparagraph for the provision described in—

(i) subparagraph (B) is December 3, 2007;

(ii) subparagraph (C) is September 27, 2007; or

(iii) subparagraph (D) is February 21, 2008.

(b) FUNDS TO REDUCE MEDICAID FRAUD AND ABUSE.—

(1) IN GENERAL.—For purposes of reducing fraud and abuse in the Medicaid program under title XIX of the Social Security Act—

(A) there is appropriated to the Secretary of Health and Human Services, out of any money in the Treasury not otherwise appropriated, $25,000,000, for fiscal year 2009; and

(B) there is authorized to be appropriated to the Secretary $25,000,000 for fiscal year 2010 and each subsequent fiscal year.

Amounts appropriated under this section shall remain available for expenditure until expended and shall be in addition to any other amounts appropriated or made available to the Secretary for such purposes with respect to the Medicaid program.

(2) ANNUAL REPORT.—Not later than September 30 of 2009 and of each subsequent year, the Secretary of Health and Human Services shall submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Finance of the Senate a report on the activities (and the results of such activities) funded under paragraph (1) to reduce waste, fraud, and abuse in the Medicaid program under title XIX of the Social Security Act during the previous 12 month period, including the amount of funds appropriated under such paragraph for each such activity and an estimate of the savings to the Medicaid program resulting from each such activity.

(c) STUDY AND REPORTS TO CONGRESS.—

(1) SECRETARIAL REPORT IDENTIFYING PROBLEMS.—Not later than July 1, 2008, the Secretary of Health and Human Services shall submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Finance of the Senate a report that—

(A) outlines the specific problems the Medicaid regulations referred to in the amendments made by paragraphs (1) and (2) of subsection (a) and in the provisions described in subparagraph (B) through (D) of paragraph

(3) of such subsection were intended to address;

(B) detailing how these regulations were designed to address these specific problems; and

(C) cites the legal authority for such regulations.

(2) INDEPENDENT COMPREHENSIVE STUDY AND REPORT.—

(A) IN GENERAL.—Not later than July 1, 2008, the Secretary of Health and Human Services shall enter into a contract with an independent organization for the purpose of—

(i) producing a comprehensive report on the prevalence of the problems outlined in the report submitted under paragraph (1);

(ii) identifying strategies in existence to address these problems; and

(iii) assessing the impact of each regulation referred to in such paragraph on each State and the District of Columbia.

(B) ADDITIONAL MATTER.—The report under subparagraph (A) shall also include—

(i) an identification of which claims for items and services (including administrative activities) under title XIX of the Social Security Act are not processed through systems described in section 1903(r) of such Act;

(ii) an examination of the reasons why these claims for such items and services are not processed through such systems; and

(iii) recommendations on actions by the Federal government and the States that can make claims for such items and services more accurate and complete consistent with such title.

(C) DEADLINE.—The report under subparagraph (A) shall be submitted to the Committee on Energy and Commerce of the House of Representatives and the Committee on Finance of the Senate not later than March 1, 2009.

(D) COOPERATION OF STATES.—If the Secretary of Health and Human Services determines that a State or the District of Columbia has not cooperated with the independent organization for purposes of the report under this paragraph, the Secretary shall reduce the amount paid to the State or District under section 1903(a) of the Social Security Act (42 U.S.C. 1396b(a)) by $25,000 for each day on which the Secretary determines such State or District has not so cooperated. Such reduction shall be made through a process that permits the State or District to challenge the Secretary's determination.

(3) FUNDING.—

(A) IN GENERAL.—Out of any money in the Treasury of the United States not otherwise appropriated, there are appropriated to the Secretary without further appropriation, $5,000,000 to carry out this subsection.

(B) AVAILABILITY; AMOUNTS IN ADDITION TO OTHER AMOUNTS APPROPRIATED FOR SUCH ACTIVITIES.—Amounts appropriated pursuant to subparagraph (A) shall—

(i) remain available until expended; and

(ii) be in addition to any other amounts appropriated or made available to the Secretary of Health and Human Services with respect to the Medicaid program.

(d) ASSET VERIFICATION THROUGH ACCESS TO INFORMATION HELD BY FINANCIAL INSTITUTIONS.—

(1) ADDITION OF AUTHORITY.—Title XIX of the Social Security Act is amended by inserting after section 1939 the following new section:

''ASSET VERIFICATION THROUGH ACCESS TO INFORMATION HELD BY FINANCIAL INSTITUTIONS

''SEC. 1940. (a) IMPLEMENTATION.—

''(1) IN GENERAL.—Subject to the provisions of this section, each State shall implement an asset verification program described in subsection (b), for purposes of determining or redetermining the eligibility of an individual for medical assistance under the State plan under this title.

''(2) PLAN SUBMITTAL.—In order to meet the requirement of paragraph (1), each State shall—

''(A) submit not later than a deadline specified by the Secretary consistent with paragraph (3), a State plan amendment under this title that describes how the State intends to implement the asset verification program; and

''(B) provide for implementation of such program for eligibility determinations and redeterminations made on or after 6 months after the deadline established for submittal of such plan amendment.

''(3) PHASE-IN.—

''(A) IN GENERAL.—

''(i) IMPLEMENTATION IN CURRENT ASSET VERIFICATION DEMO STATES.—The Secretary shall require those States specified in subparagraph (C) (to which an asset verification program has been applied before the date of the enactment of this section) to implement an asset verification program under this subsection by the end of fiscal year 2009.

''(ii) IMPLEMENTATION IN OTHER STATES.—The Secretary shall require other States to submit and implement an asset verification program under this subsection in such manner as is designed to result in the application of such programs, in the aggregate for all such other States, to enrollment of approximately, but not less than, the following percentage of enrollees, in the aggregate for all such other States, by the end of the fiscal year involved:

''(I) 12.5 percent by the end of fiscal year 2009.

''(II) 25 percent by the end of fiscal year 2010.

''(III) 50 percent by the end of fiscal year 2011.

''(IV) 75 percent by the end of fiscal year 2012.

''(V) 100 percent by the end of fiscal year 2013.

''(B) CONSIDERATION.—In selecting States under subparagraph (A)(ii), the Secretary shall consult with the States involved and take into account the feasibility of implementing asset verification programs in each such State.

''(C) STATES SPECIFIED.—The States specified in this subparagraph are California, New York, and New Jersey.

''(D) CONSTRUCTION.—Nothing in subparagraph (A)(ii) shall be construed as preventing a State from requesting, and the Secretary approving, the implementation of an asset verification program in advance of the deadline otherwise established under such subparagraph.

''(4) EXEMPTION OF TERRITORIES.—This section shall only apply to the 50 States and the District of Columbia.

''(b) ASSET VERIFICATION PROGRAM.—

''(1) IN GENERAL.—For purposes of this section, an asset verification program means a program described in paragraph (2) under which a State—

''(A) requires each applicant for, or recipient of, medical assistance under the State plan under this title on the basis of being aged, blind, or disabled to provide authorization by such applicant or recipient (and any other person whose resources are material to the determination of the eligibility of the applicant or recipient for such assistance) for the State to obtain (subject to the cost reimbursement requirements of section 1115(a) of the Right to Financial Privacy Act but at no cost to the applicant or recipient) from any financial institution (within the meaning of section 1101(1) of such Act) any financial record (within the meaning of section 1101(2) of such Act) held by the institution with respect to the applicant or recipient (and such other person, as applicable), whenever the State determines the record is needed in connection with a determination with respect to such eligibility for (or the amount or extent of) such medical assistance; and

''(B) uses the authorization provided under subparagraph (A) to verify the financial resources of such applicant or recipient (and such other person, as applicable), in order to determine or redetermine the eligibility of such applicant or recipient for medical assistance under the State plan.

''(2) PROGRAM DESCRIBED.—A program described in this paragraph is a program for verifying individual assets in a manner consistent with the approach used by the Commissioner of Social Security under section 1631(e)(1)(B)(ii).

''(c) DURATION OF AUTHORIZATION.—Notwithstanding section 1104(a)(1) of the Right to Financial Privacy Act, an authorization provided to a State under subsection (b)(1) shall remain effective until the earliest of—

''(1) the rendering of a final adverse decision on the applicant's application for medical assistance under the State's plan under this title;

''(2) the cessation of the recipient's eligibility for such medical assistance; or

''(3) the express revocation by the applicant or recipient (or such other person described in subsection (b)(1), as applicable) of the authorization, in a written notification to the State.

''(d) TREATMENT OF RIGHT TO FINANCIAL PRIVACY ACT REQUIREMENTS.—

''(1) An authorization obtained by the State under subsection (b)(1) shall be considered to meet the requirements of the Right to Financial Privacy Act for purposes of section 1103(a) of such Act, and need not be furnished to the financial institution, notwithstanding section 1104(a) of such Act.

''(2) The certification requirements of section 1103(b) of the Right to Financial Privacy Act shall not apply to requests by the State pursuant to an authorization provided under subsection (b)(1).

''(3) A request by the State pursuant to an authorization provided under subsection (b)(1) is deemed to meet the requirements of section 1104(a)(3) of the Right to Financial Privacy Act and of section 1102 of such Act, relating to a reasonable description of financial records.

''(e) REQUIRED DISCLOSURE.—The State shall inform any person who provides authorization pursuant to subsection (b)(1)(A) of the duration and scope of the authorization.

''(f) REFUSAL OR REVOCATION OF AUTHORIZATION.—If an applicant for, or recipient of, medical assistance under the State plan under this title (or such other person described in subsection (b)(1), as applicable) refuses to provide, or revokes, any authorization made by the applicant or recipient (or such other person, as applicable) under subsection (b)(1)(A) for the State to obtain from any financial institution any financial record, the State may, on that basis, determine that the applicant or recipient is ineligible for medical assistance.

''(g) USE OF CONTRACTOR.—For purposes of implementing an asset verification program under this section, a State may select and enter into a contract with a public or private entity meeting such criteria and qualifications as the State determines appropriate, consistent with requirements in regulations relating to general contracting provisions and with section 1903(i)(2). In carrying out activities under such contract, such an entity shall be subject to the same requirements and limitations on use and disclosure of information as would apply if the State were to carry out such activities directly.

''(h) TECHNICAL ASSISTANCE.—The Secretary shall provide States with technical assistance to aid in implementation of an asset verification program under this section.

''(i) REPORTS.—A State implementing an asset verification program under this section shall furnish to the Secretary such reports concerning the program, at such times, in such format, and containing such information as the Secretary determines appropriate.

''(j) TREATMENT OF PROGRAM EXPENSES.—Notwithstanding any other provision of law, reasonable expenses of States in carrying out the program under this section shall be treated, for purposes of section 1903(a), in the same manner as State expenditures specified in paragraph (7) of such section.''.

(2) STATE PLAN REQUIREMENTS.—Section 1902(a) of such Act (42 U.S.C. 1396a(a)) is amended—

(A) in paragraph (69) by striking ''and'' at the end;

(B) in paragraph (70) by striking the period at the end and inserting ''; and''; and

(C) by inserting after paragraph (70), as so amended, the following new paragraph:

''(71) provide that the State will implement an asset verification program as required under section 1940.''.

(3) WITHHOLDING OF FEDERAL MATCHING PAYMENTS FOR NONCOMPLIANT STATES.—Section 1903(i) of such Act (42 U.S.C. 1396b(i)) is amended—

(A) in paragraph (22) by striking ''or'' at the end;

(B) in paragraph (23) by striking the period at the end and inserting ''; or''; and

(C) by adding after paragraph (23) the following new paragraph:

''(24) if a State is required to implement an asset verification program under section 1940 and fails to implement such program in accordance with such section, with respect to amounts expended by such State for medical assistance for individuals subject to asset verification under such section, unless—

''(A) the State demonstrates to the Secretary's satisfaction that the State made a good faith effort to comply;

''(B) not later than 60 days after the date of a finding that the State is in noncompliance, the State submits to the Secretary (and the Secretary approves) a corrective action plan to remedy such noncompliance; and

''(C) not later than 12 months after the date of such submission (and approval), the State fulfills the terms of such corrective action plan.''.

(4) REPEAL.—Section 4 of Public Law 110–90 is repealed.

(e) ADJUSTMENT TO PAQI FUND.—Section 1848(l)(2) of the Social Security Act (42 U.S.C. 1395w-4(l)(2)), as amended by section 101(a)(2) of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110–173), is amended—

(1) in subparagraph (A)(i)—

(A) in subclause (III), by striking ''$4,960,000,000'' and inserting ''$3,940,000,000''; and

(B) by adding at the end the following new subclause:

''(IV) For expenditures during 2014, an amount equal to $3,750,000,000.'';

(2) in subparagraph (A)(ii), by adding at the end the following new subclause:

''(IV) 2014.—The amount available for expenditures during 2014 shall only be available for an adjustment to the update of the conversion factor under subsection (d) for that year.''; and

(3) in subparagraph (B)—

(A) in clause (ii), by striking ''and'' at the end;

(B) in clause (iii), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following new clause:

''(iv) 2014 for payment with respect to physicians' services furnished during 2014.''.

TITLE VI—ACCOUNTABILITY AND TRANSPARENCY IN GOVERNMENT CONTRACTING

CHAPTER 1—CLOSE THE CONTRACTOR FRAUD LOOPHOLE

SHORT TITLE

SEC. 6101. This chapter may be cited as the ''Close the Contractor Fraud Loophole Act''.

REVISION OF THE FEDERAL ACQUISITION REGULATION

SEC. 6102. The Federal Acquisition Regulation shall be amended within 180 days after the date of the enactment of this Act pursuant to FAR Case 2007–006 (as published at 72 Fed Reg. 64019, November 14, 2007) or any follow-on FAR case to include provisions that require timely notification by Federal contractors of violations of Federal criminal law or overpayments in connection with the award or performance of covered contracts or subcontracts, including those performed outside the United States and those for commercial items.

DEFINITION

SEC. 6103. In this chapter, the term ''covered contract'' means any contract in an amount greater than $5,000,000 and more than 120 days in duration.

CHAPTER 2—GOVERNMENT FUNDING TRANSPARENCY

SHORT TITLE

SEC. 6201. This chapter may be cited as the ''Government Funding Transparency Act of 2008''.

FINANCIAL DISCLOSURE REQUIREMENTS FOR CERTAIN RECIPIENTS OF FEDERAL AWARDS

SEC. 6202. (a) DISCLOSURE REQUIREMENTS.—Section 2(b)(1) of the Federal Funding Accountability and Transparency Act (Public Law 109–282; 31 U.S.C. 6101 note) is amended—

(1) by striking ''and'' at the end of subparagraph (E);

(2) by redesignating subparagraph (F) as subparagraph (G); and

(3) by inserting after subparagraph (E) the following new subparagraph:

''(F) the names and total compensation of the five most highly compensated officers of the entity if—

''(i) the entity in the preceding fiscal year received—

''(I) 80 percent or more of its annual gross revenues in Federal awards; and

''(II) $25,000,000 or more in annual gross revenues from Federal awards; and

''(ii) the public does not have access to information about the compensation of the senior executives of the entity through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986.''.

(b) REGULATIONS REQUIRED.—The Director of the Office of Management and Budget shall promulgate regulations to implement the amendment made by this chapter. Such regulations shall include a definition of ''total compensation'' that is consistent with regulations of the Securities and Exchange Commission at section 402 of part 229 of title 17 of the Code of Federal Regulations (or any subsequent regulation).

TITLE VII—GI BILL FINANCING PROVISION

GI BILL FINANCING PROVISION

SEC. 7001. (a) IN GENERAL.—Part I of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after section 1 the following new section:

''SEC. 1A. INCREASE IN TAX ON HIGH INCOME INDIVIDUALS TO FINANCE THE GI BILL.

''(a) GENERAL RULE.—In the case of a taxpayer other than a corporation, there is hereby imposed (in addition to any other tax imposed by this subtitle) a tax equal to 0.47 percent of so much of modified adjusted gross income as exceeds $500,000 ($1,000,000 in the case of a joint return or a surviving spouse (as defined in section 2(a)).

''(b) MODIFIED ADJUSTED GROSS INCOME.—For purposes of this section, the term 'modified adjusted gross income' means adjusted gross income reduced by any deduction allowed for investment interest (as defined in section 163(d)). In the case of an estate or trust, a rule similar to the rule of section 67(e) shall apply for purposes of determining adjusted gross income for purposes of this section.

''(c) NONRESIDENT ALIEN.—In the case of a nonresident alien individual, only amounts taken into account in connection with the tax imposed by section 871(b) shall be taken into account under this section.

''(d) MARITAL STATUS.—For purposes of this section, marital status shall be determined under section 7703.

''(e) NOT TREATED AS TAX IMPOSED BY THIS CHAPTER FOR CERTAIN PURPOSES.—The tax imposed under this section shall not be treated as tax imposed by this chapter for purposes of determining the amount of any credit under this chapter or for purposes of section 55.''.

(b) CLERICAL AMENDMENT.—The table of sections for part I of subchapter A of chapter 1 of such Code is amended by inserting after the item relating to section 1 the following new item:

''Sec. 1A. Increase in tax on high income individuals to finance the GI bill.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2008.

(d) SECTION 15 NOT TO APPLY.—The amendment made by subsection (a) shall not be treated as a change in a rate of tax for purposes of section 15 of the Internal Revenue Code of 1986.

TITLE VIII—GENERAL PROVISIONS

AVAILABILITY OF FUNDS

SEC. 8001. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

EMERGENCY DESIGNATION

SEC. 8002. Each amount in each title of this Act is designated as an emergency requirement and necessary to meet emergency needs pursuant to subsections (a) and (b) of section 204 of S. Con. Res. 21 (110th Congress), the concurrent resolution on the budget for fiscal year 2008.

SHORT TITLE

SEC. 8003. This Act may be cited as the ''Supplemental Appropriations Act, 2008''.

Pending consideration of said motion.

¶59.15 POINT OF ORDER

Mr. RYAN of Wisconsin, made a point of order against said motion, and said:

''Mr. Speaker, I make a point of order against consideration of the measure.

''Mr. Speaker, I make a point of order that the measure causes an increase in the deficit over a 6- and 11-year period and therefore violates clause 10 of House rule XXI, the PAYGO point of order.

''Mr. Speaker, there is undeniably net direct spending included in this bill. Hence it increases the deficit. Simply by putting new entitlement spending on an appropriation bill in

order to evade PAYGO would constitute a blatant loophole in the PAYGO point of order. If PAYGO is designed to prevent increases in the deficit, this measure should not be considered here today.

''I therefore urge that my point of order be sustained.''.

Mr. OBEY was recognized to speak to the point of order and said:

''Mr. Speaker, the gentleman may be reciting the PAYGO rule as he wishes it were, but that's not the way it is.

''The legislation before the House fully complies with the PAYGO rule. That rule deals with direct spending and revenues.

''As to revenues, the revenue effects of this package reduce the deficit, rather than increasing it. As to spending, none of the spending in this package falls into the direct spending category, which is basically defined as spending outside the appropriations process.

''Even though not technically required to do so, the Medicaid provisions and the expansion of veterans' education benefits fully meet the PAYGO standard. Both sets of provisions contain offsets to ensure that they do not increase the deficit over the 5- and 10-year periods used by the PAYGO rule.

''The rest of the bill consists mostly of emergency appropriations for defense and other security-related needs, largely for things requested by the President. And the other major spending item, relating to extended unemployment compensation benefits, is temporary in nature and responds to current hardships created by the economic downturn.

''So I believe that we ought to abide by the House rules as they are, not as some Members wish they were.''.

The SPEAKER pro tempore, Mr. TIERNEY, overruled the point of order, and said:

''The gentleman from Wisconsin makes a point of order that the motion violates clause 10 of rule XXI by increasing a deficit.

''Clause 10 of rule XXI provides a point of order against a measure if the provisions of such measure affecting direct spending or revenues have the net effect of increasing a deficit or reducing a surplus. Clause 10 of rule XXI further provides that the effect of the measure on the deficit or surplus is determined by the Committee on the Budget relative to certain estimates supplied by the Congressional Budget Office.

''The gentleman from Wisconsin has asserted that the motion contains direct spending that causes an increase in a deficit. As a threshold matter, the Chair must determine if provisions in the measure affect 'direct spending.'

''In reviewing the text of clause 10 of rule XXI, the Chair finds no definition of the term 'direct spending.' Because clause 10 of rule XXI is a budget enforcement mechanism, the Chair finds it prudent to look to other budget enforcement schemes for guidance in defining this term. In a review of relevant budget enforcement statutes, the Chair finds a definition of the term 'direct spending' in section 250 of the Balanced Budget and Emergency Deficit Control Act of 1985, hereafter section 250. The definition in section 250 provides, in pertinent part, that 'direct spending' means budget authority provided by law other than appropriation Acts.

''The underlying bill, H.R. 2642, is a general appropriation bill. This measure constitutes an 'appropriation Act' within the meaning of section 250. The motion proposes amendments that would make emergency supplemental appropriations for the fiscal year 2008. Accordingly, the budget authority portended by the motion does not constitute 'direct spending' for purposes of section 250, and by extension, the Chair finds that the motion does not affect direct spending for purposes of clause 10 of rule XXI.

''Pursuant to clause 10 of rule XXI, the Committee on the Budget is required to provide estimates to the Chair on the effect of the measure on the deficit. In consonance with the Chair's findings, the Chair is authoritatively guided by estimates from the Committee on the Budget that the net effect of the provisions of the pending motion affecting revenues and direct spending would not increase a deficit.

''Accordingly, the point of order is overruled.''.

When said motion was considered.

After debate,

Pursuant to House Resolution 1197, the previous question was ordered on the motion.

The SPEAKER pro tempore, Mr. TIERNEY, pursuant to House Resolution 1197, divided the question among the three House amendments.

The question being put, viva voce,

Will the House agree to the amendment of the Senate with the amendment numbered 1, printed in House Report 110-636.

The SPEAKER pro tempore, Mr. TIERNEY, announced that the ayes had it.

Mr. OBEY demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the negative .....

Yeas	141
Nays	149
Answered present	132

¶59.16 [Roll No. 328]

YEAS—141

Altmire	Boucher	Cazayoux
Baird	Boyd (FL)	Chandler
Barrow	Boyda (KS)	Clyburn
Bean	Brown (SC)	Coble
Berkley	Brown, Corrine	Cole (OK)
Berman	Buchanan	Cooper
Berry	Burgess	Costa
Bilirakis	Campbell (CA)	Costello
Bishop (GA)	Capito	Cramer
Bishop (UT)	Carney	Cuellar
Boren	Castle	Davis (AL)
Davis (CA)	Jordan	Renzi
Davis, Lincoln	Kanjorski	Reyes
Dent	Keller	Rodriguez
Dicks	Kind	Ross
Donnelly	King (NY)	Roybal-Allard
Edwards	LaHood	Ruppersberger
Ellsworth	Lampson	Ryan (OH)
Emanuel	Larsen (WA)	Salazar
Emerson	Latta	Schiff
English (PA)	Levin	Schmidt
Etheridge	Lipinski	Schwartz
Fallin	LoBiondo	Scott (GA)
Forbes	Lucas	Sensenbrenner
Fortenberry	Mahoney (FL)	Sessions
Fossella	Marshall	Sestak
Foster	Matheson	Shays
Frelinghuysen	McHenry	Sherman
Giffords	McIntyre	Shuler
Gilchrest	Melancon	Skelton
Gonzalez	Miller (FL)	Smith (WA)
Gordon	Miller (MI)	Snyder
Graves	Mitchell	Space
Green, Gene	Mollohan	Spratt
Hall (TX)	Moore (KS)	Stearns
Hayes	Murphy, Tim	Tanner
Heller	Murtha	Taylor
Herseth Sandlin	Musgrave	Terry
Hill	Ortiz	Turner
Hinojosa	Pearce	Udall (CO)
Holden	Peterson (MN)	Upton
Hooley	Petri	Visclosky
Hoyer	Platts	Walberg
Hunter	Pomeroy	Walz (MN)
Jefferson	Porter	Whitfield (KY)
Johnson (IL)	Ramstad	Wilson (OH)
Jones (NC)	Reichert	Wittman (VA)

NAYS—149

Abercrombie	Hinchey	Olver
Ackerman	Hirono	Pallone
Allen	Hodes	Pascrell
Andrews	Holt	Pastor
Arcuri	Honda	Paul
Baca	Inslee	Payne
Baldwin	Israel	Pelosi
Becerra	Jackson (IL)	Perlmutter
Bishop (NY)	Jackson-Lee (TX)	Price (NC)
Blumenauer	Johnson (GA)	Rahall
Boswell	Johnson, E. B.	Rangel
Brady (PA)	Jones (OH)	Richardson
Braley (IA)	Kagen	Rothman
Butterfield	Kaptur	Sánchez, Linda T.
Capps	Kennedy	Sanchez, Loretta
Capuano	Kildee	Sarbanes
Cardoza	Kilpatrick	Schakowsky
Carnahan	Klein (FL)	Scott (VA)
Carson	Kucinich	Serrano
Castor	Langevin	Shea-Porter
Clarke	Larson (CT)	Sires
Clay	Lee	Slaughter
Cleaver	Lewis (GA)	Solis
Cohen	Loebsack	Speier
Conyers	Lofgren, Zoe	Stark
Courtney	Lowey	Stupak
Crowley	Lynch	Sutton
Cummings	Maloney (NY)	Tauscher
Davis (IL)	Markey	Thompson (CA)
DeFazio	Matsui	Thompson (MS)
Delahunt	McCarthy (NY)	Tierney
DeLauro	McCollum (MN)	Towns
Dingell	McDermott	Tsongas
Doggett	McGovern	Udall (NM)
Doyle	McNerney	Van Hollen
Duncan	McNulty	Velázquez
Ellison	Meek (FL)	Wasserman Schultz
Engel	Meeks (NY)	Waters
Eshoo	Michaud	Watson
Farr	Miller (NC)	Watt
Fattah	Miller, George	Waxman
Filner	Moore (WI)	Weiner
Frank (MA)	Moran (VA)	Welch (VT)
Green, Al	Murphy (CT)	Wexler
Grijalva	Murphy, Patrick	Woolsey
Gutierrez	Nadler	Wu
Hall (NY)	Napolitano	Wynn
Hare	Neal (MA)	Yarmuth
Harman	Oberstar	
Hastings (FL)	Obey	
Higgins		

ANSWERED ''PRESENT''—132

Aderholt	Bilbray	Brown-Waite, Ginny
Akin	Blackburn	Burton (IN)
Alexander	Blunt	Buyer
Bachmann	Boehner	Calvert
Bachus	Bonner	Camp (MI)
Barrett (SC)	Boozman	Cannon
Bartlett (MD)	Boustany	Cantor
Barton (TX)	Brady (TX)	Carter
Biggert	Broun (GA)	

Chabot
Conaway
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Ehlers
Everett
Feeney
Ferguson
Flake
Foxx
Franks (AZ)
Garrett (NJ)
Gingrey
Gohmert
Goode
Goodlatte
Granger
Hastings (WA)
Hensarling
Herger
Hobson
Hoekstra
Inglis (SC)
Issa
Johnson, Sam
King (IA)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Latham
LaTourette
Lewis (CA)
Linder
Lungren, Daniel E.
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHugh
McKeon
McMorris Rodgers
Mica
Miller, Gary
Moran (KS)
Neugebauer
Nunes
Pence
Peterson (PA)
Pickering
Pitts
Poe
Price (GA)
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Saxton
Scalise
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Sullivan
Tancredo
Thornberry
Tiahrt
Tiberi
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—12

Bono Mack
Crenshaw
DeGette
Gallegly
Gerlach
Gillibrand
Hulshof
Lewis (KY)
Mack
Myrick
Rush
Sali

So the amendment numbered 1 to the amendment of the Senate was not agreed to.

A motion to reconsider the vote whereby said amendment numbered 1 to the amendment of the Senate was not agreed to was, by unanimous consent, laid on the table.

The question being put, viva voce,

Will the House agree to the amendment of the Senate with the amendment numbered 2, printed in House Report 110-636.

The SPEAKER pro tempore, Mr. TIERNEY, announced that the ayes had it.

Mr. LEWIS of California, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 227 Nays 196

¶59.17 [Roll No. 329]

YEAS—227

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

NAYS—196

Aderholt
Akin
Alexander
Allen
Bachmann
Bachus
Baird
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Boozman
Boren
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Cannon
Cantor
Capito
Carney
Carter
Chabot
Cole (OK)
Conaway
Costa
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Ehlers
Emerson
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Latham
LaTourette
Latta
Lewis (CA)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Manzullo
Marchant
Marshall
Matheson
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Snyder
Souder
Stearns
Sullivan
Tancredo
Taylor
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOT VOTING—11

Bono Mack
Campbell (CA)
Crenshaw
DeGette
Gerlach
Gillibrand
Hulshof
Lewis (KY)
Mack
Myrick
Rush

So the amendment numbered 2 to the amendment of the Senate was agreed to.

A motion to reconsider the vote whereby said amendment numbered 2 to the amendment of the Senate was agreed to was, by unanimous consent, laid on the table.

The question being put, viva voce,

Will the House agree to the amendment of the Senate with the amendment numbered 3, printed in House Report 110-636.

The SPEAKER pro tempore, Mr. TIERNEY, announced that the ayes had it.

Mr. LEWIS of California, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 256 Nays 166

¶59.18 [Roll No. 330]

YEAS—256

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Buyer
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Cazayoux
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Farr
Fattah
Filner
Fortenberry
Fossella
Foster
Frank (MA)
Giffords
Gilchrest
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Hayes
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa

Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Klein (FL)
Knollenberg
Kucinich
LaHood
Langevin
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Markey
Marshall
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pelosi
Perlmutter
Peterson (MN)
Petri
Platts
Pomeroy
Porter
Price (NC)
Rahall
Ramstad
Rangel
Renzi
Reyes
Richardson
Rodriguez
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Whitfield (KY)
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth
Young (AK)

NAYS—166

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bean
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Boozman
Boren
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Calvert
Camp (MI)
Cannon
Cantor
Carter
Chabot
Coble
Cole (OK)
Conaway
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly
Doolittle
Drake
Dreier
Duncan
Ehlers
Ellsworth
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Heller
Hensarling
Herger
Hobson
Hoekstra
Hunter
Inglis (SC)
Issa
Johnson, Sam
Jordan
Keller
King (IA)
Kingston
Kline (MN)
Kuhl (NY)
Lamborn
Lampson
Latham
Latta
Lewis (CA)
Linder
Lucas
Lungren, Daniel E.
Mahoney (FL)
Manzullo
Marchant
Matheson
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Musgrave
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Pickering
Pitts
Poe
Price (GA)
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
Reichert
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Saxton
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (FL)

NOT VOTING—12

Bono Mack
Campbell (CA)
Crenshaw
DeGette
Gerlach
Gillibrand
Hulshof
Lewis (KY)
Mack
Maloney (NY)
Myrick
Rush

So the amendment numbered 3 to the amendment of the Senate was agreed to.

A motion to reconsider the vote whereby said amendment numbered 3 to the amendment of the Senate was agreed to was, by unanimous consent, laid on the table.

A motion to reconsider the vote whereby said motion was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said amendments.

¶59.19 FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2419) ''An Act to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes.''.

¶59.20 H.R. 2894—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. TIERNEY, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 2894) to require the Secretary of the Treasury to mint coins in commemoration of the bicentennial of the writing of the ''Star Spangled Banner'' and the War of 1812, and for other purposes; as amended.

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. TIERNEY, announced that two-thirds of those present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶59.21 H.R. 5916—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. TIERNEY, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 5916) to reform the administration of the Arms Export Control Act, and for other purposes; as amended.

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. TIERNEY, announced that two-thirds of those present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶59.22 H.R. 5834—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. TIERNEY, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 5834) to amend the North Korean Human Rights Act of 2004 to promote respect for the fundamental human rights of the people of North Korea, and for other purposes; as amended.

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. TIERNEY, announced that two-thirds of those present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶59.23 ADJOURNMENT OVER

On motion of Ms. JACKSON-LEE of Texas, by unanimous consent,

Ordered, That when the House adjourns today, it adjourn to meet on Friday, May 16, 2008, at 10 a.m.; and further, when the House adjourns on Friday, May 16, 2008, it adjourn to meet at 10:30 a.m. on Monday, May 19, 2008, for morning-hour debate.

¶59.24 COMMUNICATION REGARDING SUBPOENA

The SPEAKER pro tempore, Mr. PERLMUTTER, laid before the House the following communication from Katie Malone, office of the Honorable Elijah E. Cummings:

HOUSE OF REPRESENTATIVES,
Washington, DC, May 9, 2008.

Hon. NANCY PELOSI,
Speaker, House of Representatives, Washington, DC.

DEAR MADAM SPEAKER: This is to formally notify you, pursuant to Rule VIII of the

Rules of the House of Representatives, that I have been served with a criminal trial subpoena for testimony issued by the District Court of Maryland for Baltimore County.

After consulting with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the privileges and rights of the House.

Sincerely,

KATIE MALONE.

¶59.25 ENROLLED BILLS SIGNED

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

H.R. 6022. An Act to suspend the acquisition of petroleum for the Strategic Petroleum Reserve, and for other purposes.

H.R. 6051. An Act to amend Public Law 110–196 to provide for a temporary extension of programs authorized by the Farm Security and Rural Investment Act of 2002 beyond May 16, 2008.

¶59.26 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. CUMMINGS, for today from noon until 2 p.m.

And then,

¶59.27 ADJOURNMENT

On motion of Mr. LUNGREN of California, pursuant to the previous order of the House, at 5 o'clock and 24 minutes p.m., the House adjourned until 10 a.m. on Friday, May 16, 2008.

¶59.28 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

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

Mr. BRADY of Pennsylvania: Committee on House Administration. H.R. 5803. A bill to direct the Election Assistance Commission to establish a program to make grants to participating States and units of local government which will administer the regularly scheduled general election for Federal office held in November 2008 for carrying out a program to make backup paper ballots available in the case of the failure of a voting system or voting equipment in the election or some other emergency situation, and for other purposes (Rept. 110–637). Referred to the committee of the Whole House on the state of the Union.

Mr. FILNER: Committee on Veterans' Affairs. H.R. 3819. A bill to amend title 38, United States Code, to require the Secretary of Veterans Affairs to reimburse veterans receiving emergency treatment in non-Department of Veterans Affairs facilities for such treatment until such veterans are transferred to Department facilities, and for other purposes (Rept. 116–638). Referred to the Committee of the Whole House on the state of the Union.

Mr. FILNER: Committee on Veterans' Affairs. H.R. 5554. A bill to amend title 38, United States Code, to expand and improve health care services available to veterans from the Department of Veterans Affairs for substance use disorders, and for other purposes; with an amendment (Rept. 110–639). Referred to the Committee of the Whole House on the state of the Union.

Mr. FILNER: Committee on Veterans' Affairs. H.R. 3889. A bill to amend title 38, United States Code, to require the Secretary of Veterans Affairs to conduct a longitudinal study of the vocational rehabilitation programs administered by the Secretary; with an amendment (Rept. 110–640). Referred to the Committee of the Whole House on the state of the Union.

Mr. FILNER: Committee on Veterans' Affairs. H.R. 5664. A bill to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to update at least once every six years the plans and specifications for specially adapted housing furnished to veterans by the Secretary; with an amendment (Rept. 11–641). Referred to the Committee of the Whole House on the state of the Union.

Mr. FILNER: Committee on Veterans' Affairs. H.R. 2790. A bill to amend title 38, United States Code, to establish the position of director of Physician Assistant Services within the office of the Under Secretary of Veterans Affairs for Health; with an amendment (Rept. 110–642). Referred to the Committee of the Whole House on the state of the Union.

Mr. FILNER: Committee on Veterans' Affairs. H.R. 5826. A bill to increase, effective as of December 1, 2008, the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of certain service-connected disabled veterans, and for other purposes (Rept. 110–643). Referred to the Committee of the Whole House on the state of the Union.

Mr. FILNER: committee on Veterans' Affairs. H.R. 3681. A bill to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to advertise in the national media to promote awareness of benefits under laws administered by the Secretary; with an amendment (Rept. 110–644). Referred to the Committee of the Whole House on the state of the Union.

Mr. FILNER: Committee on Veterans' Affairs. H.R. 5729. A bill to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to provide comprehensive health care to children of Vietnam veterans born with Spina Bifida, and for other purposes; with an amendment (Rept. 110–645). Referred to the Committee of the Whole House on the state of the Union.

Mr. CONYERS: Committee on the Judiciary. H.R. 5571. A bill to extend for 5 years the program relating to waiver of the foreign country residence requirement with respect to international medical graduates (Rept. 110–646). Referred to the committee of the Whole House on the state of the Union.

Mr. CONYERS: Committee on the Judiciary. H.R. 3480. A bill to direct the United States Sentencing Commission to assure appropriate enhancements of those involved in receiving stolen property where that property consists of grave markers of veterans, and for other purposes; with an amendment (Rept. 110–647). Referred to the Committee of the Whole House on the state of the Union.

Mr. FILNER: Committee on Veterans' Affairs. H.R. 5856. A bill to authorize major medical facility projects and major medical facility leases for the Department of Veterans Affairs for fiscal year 2007, and for other purposes (Rept. 110–648). Referred to the Committee of the Whole House on the state of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 4841. A bill to approve, ratify, and confirm the settlement agreement entered into to resolve claims by the Soboba Band of Luiseno Indians relating to alleged interferences with the water resources of the Tribe, to authorize and direct the Secretary of the Interior to execute and perform the Settlement Agreement and related waivers, and for other purposes; with an amendment (Rept. 110–649). Referred to the Committee of the Whole House on the state of the Union.

Mr. WAXMAN: Committee on Oversight and Government Reform. H.R. 5687. A bill to amend the Federal advisory Committee Act to increase the transparency and accountability of Federal advisory committees, and for other purposes; with an amendment (Rept. 110–650). Referred to the Committee of the Whole House on the state of the Union.

Mr. WAXMAN: Committee on Oversight and Government Reform. H.R. 5787. A bill to amend title 40, United States Code, to enhance authorities with regard to real property that has yet to be reported excess, and for other purposes; with an amendment (Rept. 110–651). Referred to the Committee of the Whole House on the state of the Union.

¶59.29 PUBLIC BILLS AND RESOLUTIONS

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

By Ms. WATERS (for herself, Mr. GUTIERREZ, Mr. WATT, and Mr. FRANK of Massachusetts):

H.R. 6062. A bill to amend the Fair Credit Reporting Act to prohibit the use of consumer reports and consumer information in making any determination involving personal lines of insurance with respect to a consumer, and for other purposes; to the Committee on Financial Services.

By Mr. UDALL of Colorado (for himself, Mr. GORDON, Mr. HALL of Texas, and Mr. FEENEY):

H.R. 6063. A bill to authorize the programs of the National Aeronautics and Space Administration, and for other purposes; to the Committee on Science and Technology.

By Mr. DOGGETT (for himself, Mr. BECERRA, Ms. CORRINE BROWN of Florida, Mr. CROWLEY, Mr. FILNER, Mr. AL GREEN of Texas, Mr. GENE GREEN of Texas, Mr. HASTINGS of Florida, Mr. HINOJOSA, Ms. JACKSON-LEE of Texas, Mr. JEFFERSON, Mrs. JONES of Ohio, Mr. LARSON of Connecticut, Mr. LEWIS of Georgia, Mr. MCDERMOTT, Mr. MCNERNEY, Mr. MILLER of North Carolina, Mr. MORAN of Virginia, Mr. POMEROY, Mr. PRICE of North Carolina, Ms. LINDA T. SÁNCHEZ of California, Ms. SCHAKOWSKY, Mr. STARK, Mr. THOMPSON of California, Mr. VAN HOLLEN, Ms. SCHWARTZ, Mr. STUPAK, Ms. CLARKE, Ms. TSONGAS, Mr. CARSON, Mr. JOHNSON of Georgia, and Mr. GONZALEZ):

H.R. 6064. A bill to encourage, enhance, and integrate Silver Alert plans throughout the United States; to the Committee on the Judiciary.

By Mr. KIRK (for himself, Mr. CARNEY, Mr. MARKEY, Mr. SESTAK, Ms. BORDALLO, Mr. GRIJALVA, Mr. LEWIS of Georgia, and Mr. MATHESON):

H.R. 6065. A bill to promote green schools; to the Committee on Ways and Means, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FRANK of Massachusetts (for himself, Ms. MOORE of Wisconsin, Mr. WATT, and Mr. HASTINGS of Florida):

H.R. 6066. A bill to require, for the benefit of shareholders, the disclosure of payments to foreign governments for the extraction of natural resources, to allow such shareholders more appropriately to determine associated risks; to the Committee on Financial Services.

By Mr. LAMPSON (for himself, Mr. EDWARDS, Mr. MARKEY, Mr. SHAYS, Mr. GENE GREEN of Texas, Mr. INGLIS of South Carolina, Mr. MOORE of Kansas, Mr. CRAMER, Mr. KIND, Mr. BARTLETT of Maryland, Mr. WELCH of

Vermont, Mr. HILL, Ms. GIFFORDS, Mr. BOSWELL, Mr. BISHOP of Georgia, Mr. WILSON of Ohio, Mr. CHANDLER, Mr. HALL of New York, Mr. NADLER, Mr. INSLEE, Mr. KAGEN, and Mr. ISRAEL):

H.R. 6067. A bill to amend the Energy Policy and Conservation Act to help reduce the oil prices to consumers, to reduce the cost of petroleum acquisition for the Strategic Petroleum Reserve, to better match the composition of the Strategic Petroleum Reserve to refinery requirements in the United States, to fund energy research and development, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Science and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BUTTERFIELD (for himself, Mr. YOUNG of Alaska, Mr. PAYNE, Ms. MATSUI, and Mr. JEFFERSON):

H.R. 6068. A bill to establish a grant program to assist States in inspecting hotel rooms for bed bugs; to the Committee on Energy and Commerce.

By Mr. CAMPBELL of California:

H.R. 6069. A bill to provide additional emergency and enhanced enforcement authority to the Securities and Exchange Commission; to the Committee on Financial Services.

By Mr. CARTER (for himself, Mr. BURGESS, Mr. CONAWAY, Mr. PEARCE, Mr. THORNBERRY, Mr. KUCINICH, Mr. WILSON of South Carolina, Mr. MCCOTTER, Mr. KING of New York, Mr. FERGUSON, Mr. MCHUGH, Mr. MCCRERY, Mr. MCCARTHY of California, Mr. DENT, Mr. REHBERG, Mr. BROWN of South Carolina, Mr. LATTA, Mr. BARRETT of South Carolina, Mr. TERRY, Mr. PUTNAM, Mr. GINGREY, Mr. COLE of Oklahoma, Mr. CULBERSON, Mr. BOUSTANY, Mr. MCDERMOTT, Mr. SIRES, Mr. HOLT, Mr. KENNEDY, Mr. CANTOR, Mr. DREIER, Mr. BOEHNER, Mr. BLUNT, Mr. RODRIGUEZ, Mr. BRADY of Texas, Mr. NEUGEBAUER, Mrs. BLACKBURN, Ms. GINNY BROWN-WAITE of Florida, Ms. GRANGER, Mr. SULLIVAN, Mr. EDWARDS, Mr. ROGERS of Michigan, Mr. MARSHALL, Mr. CUELLAR, Mr. POE, Mr. HINOJOSA, Mr. MILLER of Florida, Mrs. MUSGRAVE, Mr. DAVID DAVIS of Tennessee, Mr. GALLEGLY, Mr. HALL of Texas, Mr. ROSS, Mr. MICA, Mr. DEAL of Georgia, Mr. BROUN of Georgia, Mr. COBLE, Ms. FOXX, Mr. TURNER, Mr. HENSARLING, Mr. SMITH of Texas, Mr. SHUSTER, Mr. MCCAUL of Texas, Mr. KINGSTON, Mr. BOOZMAN, Mr. KLINE of Minnesota, Ms. ROS-LEHTINEN, Mr. RANGEL, Mr. LINCOLN DAVIS of Tennessee, and Mrs. MYRICK):

H.R. 6070. A bill to amend the Servicemembers Civil Relief Act to guarantee the residency of spouses of military personnel; to the Committee on Veterans' Affairs.

By Mr. FORBES (for himself and Mrs. BOYDA of Kansas):

H.R. 6071. A bill to amend the Public Health Service Act to require reinstatement upon payment of all premiums due of group or individual health insurance coverage terminated by reason of nonpayment of premiums; to the Committee on Energy and Commerce.

By Mr. FORBES:

H.R. 6072. A bill to establish a Commission to examine the long-term global challenges facing the United States and develop legislative and administrative proposals to improve interagency cooperation; to the Committee on Oversight and Government Reform, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. FOXX:

H.R. 6073. A bill to provide that Federal employees receiving their pay by electronic funds transfer shall be given the option of receiving their pay stubs electronically; to the Committee on Oversight and Government Reform.

By Mr. KAGEN (for himself, Ms. HIRONO, Mr. HODES, Mr. JOHNSON of Georgia, Mr. ELLISON, Mr. CARSON, Mr. WILSON of Ohio, Mr. WALZ of Minnesota, Ms. SUTTON, Mr. WELCH of Vermont, Mr. BRALEY of Iowa, Mr. ARCURI, Mr. HALL of New York, and Mr. PATRICK MURPHY of Pennsylvania):

H.R. 6074. A bill to amend the Sherman Act to make oil-producing and exporting cartels illegal and for other purposes; to the Committee on the Judiciary.

By Mr. KENNEDY (for himself, Mr. ALLEN, Mr. KUHL of New York, Mr. MCGOVERN, Mr. MARKEY, Mr. BISHOP of New York, and Ms. MOORE of Wisconsin):

H.R. 6075. A bill to expand and improve mental health care and reintegration programs for members of the National Guard and Reserve, and for other purposes; to the Committee on Armed Services, and in addition to the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. MATSUI:

H.R. 6076. A bill to amend the Truth in Lending Act to permit deferrals on certain home mortgage foreclosures for a limited period to allow homeowners to take remedial action, to require home mortgage servicers to provide advance notice of any upcoming reset of the mortgage interest rate, and for other purposes; to the Committee on Financial Services.

By Ms. NORTON:

H.R. 6077. A bill to amend the Help America Vote Act of 2002 to permit local jurisdictions within a State to conduct early voting in elections for Federal office held in such jurisdictions, and for other purposes; to the Committee on House Administration.

By Mr. PERLMUTTER (for himself, Mr. HODES, Mr. FRANK of Massachusetts, Mr. MARKEY, Mrs. MCCARTHY of New York, Mr. KAGEN, Mr. BRALEY of Iowa, Mr. MURPHY of Connecticut, Mr. BLUMENAUER, Mr. WILSON of Ohio, Mr. ELLISON, Ms. SHEA-PORTER, Mr. WELCH of Vermont, Mr. CLEAVER, Mr. OLVER, Mr. EMANUEL, Mr. SALAZAR, Mr. SARBANES, Mr. INSLEE, Mr. UDALL of Colorado, Mr. ANDREWS, and Ms. TSONGAS):

H.R. 6078. A bill to encourage energy efficiency and conservation and development of renewable energy sources for housing, commercial structures, and other buildings, and to create sustainable communities; to the Committee on Financial Services.

By Mr. SCHIFF (for himself, Mr. KNOLLENBERG, Mr. PALLONE, and Mr. RADANOVICH):

H.R. 6079. A bill to direct the Secretary of State to submit a report outlining the steps taken and plans made by the United States to end Turkey's blockade of Armenia, and for other purposes; to the Committee on Foreign Affairs.

By Mr. WALBERG:

H.R. 6080. A bill to amend the Small Business Act to expand the ability of suburban areas to be HUBZones; to the Committee on Small Business.

By Mr. HOLT (for himself, Mr. ANDREWS, Mr. SAXTON, Mr. GARRETT of New Jersey, Mr. FERGUSON, Mr. ROTHMAN, Mr. FRELINGHUYSEN, Mr. SIRES, Mr. LOBIONDO, Mr. SMITH of New Jersey, Mr. PALLONE, Mr. PASCRELL, and Mr. PAYNE):

H. Con. Res. 351. Concurrent resolution honoring the 225th Anniversary of the Continental Congress meeting in Nassau Hall, Princeton, New Jersey, in 1783; to the Committee on Oversight and Government Reform.

By Mrs. MCCARTHY of New York (for herself, Mr. WALSH of New York, Mrs. CAPPS, and Mr. EHLERS):

H. Con. Res. 352. Concurrent resolution supporting the goals and ideals of National Better Hearing and Speech Month, and for other purposes; to the Committee on Energy and Commerce.

By Mr. ISRAEL (for himself, Mr. KNOLLENBERG, Mr. LAMPSON, Mr. SCHIFF, Mr. WEINER, Mrs. GILLIBRAND, Mr. CROWLEY, Mr. ARCURI, Mr. BISHOP of New York, Mr. MOORE of Kansas, Mr. ROSS, Mr. ISSA, Mr. RADANOVICH, Mr. CANTOR, Mr. KIRK, Mr. TIBERI, Mr. NUNES, and Mr. MCNULTY):

H. Res. 1201. A resolution expressing the grave concern of the House of Representatives for Hezbollah, Syria, and Iran's continued actions to undermine the legitimate Lebanese Government of Prime Minister Fuad Siniora, and their systematic violation of United Nations Security Council Resolutions 1559, 1680, 1701, and 1747; to the Committee on Foreign Affairs.

By Mr. TOM DAVIS of Virginia (for himself, Mr. DICKS, Mr. TAYLOR, Mr. SMITH of Washington, Mrs. NAPOLITANO, Mr. SHAYS, Mrs. CAPPS, Mr. PLATTS, Mr. RAHALL, Mrs. CAPITO, and Mr. WILSON of South Carolina):

H. Res. 1202. A resolution supporting the goals and ideals of a National Guard Youth Challenge Day; to the Committee on Oversight and Government Reform.

By Mrs. CAPITO (for herself and Mr. ALLEN):

H. Res. 1203. A resolution expressing support for designation of the week beginning May 11, 2008, as ''National Nursing Home Week''; to the Committee on Energy and Commerce.

By Ms. CLARKE:

H. Res. 1204. A resolution recognizing the goals and ideals of Flag Day in the Republic of Haiti; to the Committee on Foreign Affairs.

By Mr. DELAHUNT (for himself, Mr. BERMAN, Mr. ACKERMAN, Mr. INGLIS of South Carolina, Ms. DELAURO, Mr. SHAYS, Mr. WOLF, and Mr. HASTINGS of Florida):

H. Res. 1205. A resolution noting that the Government of Iraq will likely enjoy $32 billion in surplus oil revenues in 2008 and requesting the Government of Iraq to dedicate $1 billion to address the needs of Iraqi refugees and internally displaced persons; to the Committee on Foreign Affairs.

By Mr. LATTA:

H. Res. 1206. A resolution expressing the sense of the House of Representatives that any comprehensive plan to reform our national energy policy must promote the expanded use of renewable and alternative energy sources; increase our domestic refining capacity; promote conservation and increased energy efficiency; expand research and development, including domestic exploration; and, enhance consumer education; to the Committee on Energy and Commerce, and in addition to the Committee on Science and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as

fall within the jurisdiction of the committee concerned.

¶59.30 MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

280. The SPEAKER presented a memorial of the Senate of the State of Wisconsin, relative to Resolution No. 7 memorializing the Congress of the United States to enact the Employee Free Choice Act; to the Committee on Education and Labor.

281. Also, a memorial of the General Court of the Commonwealth of Massachusetts, relative to a Resolution memorializing the Congress of the United States to enact legislation to create an Office of the National Nurse; to the Committee on Energy and Commerce.

282. Also, a memorial of the Senate of the State of Michigan, relative to Senate Resolution No. 134 memorializing the Congress of the United States and the United States Food and Drug Administration (FDA) to establish stricter standards for the drug approval process; to the Committee on Energy and Commerce.

283. Also, a memorial of the Senate of the State of Georgia, relative to a Resolution urging the Congress of the United States to withdraw the United States from the Security and Prosperity Partnership of North America and from any other bilateral or multilateral activity that seeks the economic merger of the United States with any other country; to the Committee on Foreign Affairs.

¶59.31 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 154: Mr. LEWIS of Georgia, Ms. SCHAKOWSKY, Mr. ABERCROMBIE, Mr. TERRY, Mr. COHEN, Mr. NADLER, Ms. LEE, Mr. DEFAZIO, and Mr. SCOTT of Virginia.

H.R. 158: Mrs. CAPITO.

H.R. 303: Mr. MACK.

H.R. 471: Mr. PRICE of North Carolina.

H.R. 522: Ms. WOOLSEY.

H.R. 555: Mr. WU.

H.R. 631: Mr. MCCOTTER.

H.R. 643: Mr. STEARNS.

H.R. 769: Mr. HELLER.

H.R. 1078: Mrs. MCCARTHY of New York.

H.R. 1120: Mr. HUNTER.

H.R. 1134: Ms. ROS-LEHTINEN, Mr. DAVIS of Illinois, and Mr. LOEBSACK.

H.R. 1283: Mr. BILBRAY and Mr. MICHAUD.

H.R. 1286: Mr. SESTAK and Mr. WITTMAN of Virginia.

H.R. 1359: Mr. SENSENBRENNER.

H.R. 1363: Mr. CHANDLER.

H.R. 1439: Mr. RAMSTAD.

H.R. 1475: Ms. SPEIER.

H.R. 1584: Ms. GIFFORDS.

H.R. 1589: Mr. WITTMAN of Virginia.

H.R. 1610: Mr. WU and Mr. MOLLOHAN.

H.R. 1655: Mr. AL GREEN of Texas, Mr. WESTMORELAND, Mr. LARSEN of Washington, and Ms. LORETTA SANCHEZ of California.

H.R. 1738: Mr. KUHL of New York and Mr. HINCHEY.

H.R. 1783: Mr. BILIRAKIS.

H.R. 1792: Mr. WHITFIELD of Kentucky.

H.R. 1956: Mr. PATRICK MURPHY of Pennsylvania.

H.R. 2026: Mr. LOBIONDO.

H.R. 2060: Mr. LATHAM.

H.R. 2132: Ms. BERKLEY.

H.R. 2158: Mr. WITTMAN of Virginia.

H.R. 2188: Ms. PRYCE of Ohio and Mr. MCGOVERN.

H.R. 2231: Mr. PICKERING.

H.R. 2244: Mr. BOOZMAN.

H.R. 2268: Mr. GORDON, Mr. SALI, and Mr. ENGEL.

H.R. 2329: Mr. FILNER, Mr. MORAN of Kansas, and Ms. ZOE LOFGREN of California.

H.R. 2331: Mr. SPACE.

H.R. 2472: Mr. KING of New York, Mrs. MCCARTHY of New York, Mr KLEIN of Florida, and Mr. YOUNG of Florida.

H.R. 2606: Mr. DAVIS of Alabama.

H.R. 2609: Mr. CARSON and Mr. TURNER.

H.R. 2734: Mr. BACHUS and Ms. GINNY BROWN-WAITE of Florida.

H.R. 2784: Mr. WITTMAN of Virginia.

H.R. 2790: Mr. BUYER.

H.R. 2951: Mr. ABERCROMBIE.

H.R. 3094: Mr. DICKS.

H.R. 3186: Mr. YOUNG of Florida and Mr. LAMPSON.

H.R. 3187: Mr. ENGLISH of Pennsylvania, Ms. JACKSON-LEE of Texas, and Mr. YOUNG of Florida.

H.R. 3257: Mr. PRICE of North Carolina.

H.R. 3329: Ms. CASTOR and Ms. CORRINE BROWN of Florida.

H.R. 3397: Mr. AL GREEN of Texas, Mr. RYAN of Ohio, and Mr. HODES.

H.R. 3453: Mrs. MALONEY of New York.

H.R. 3457: Mr. CARTER.

H.R. 3573: Mr SAXTON.

H.R. 3681: Mr. BUYER.

H.R. 3819: Mr. BUYER.

H.R. 3865: Ms. SPEIER and Mr. HONDA.

H.R. 3871: Mr. PAYNE, Ms. GIFFORDS, and Mr SESTAK.

H.R. 3889: Mr. BUYER.

H.R. 3914: Mr. DEAL of Georgia.

H.R. 3980: Ms. WOOLSEY.

H.R. 3995: Mr. GARY G. MILLER of California.

H.R. 4061: Mr. WALZ of Minnesota.

H.R. 4141: Mr. MILLER of Florida.

H.R. 4173: Mr. STARK.

H.R. 4188: Mr. BOYD of Florida.

H.R. 4273: Mr. UPTON.

H.R. 4344: Mr. BOOZMAN.

H.R. 4544: Mr. TIAHRT.

H.R. 4688: Ms. ESHOO and Ms. SCHAKOWSKY.

H.R. 4880: Mr. FATTAH.

H.R. 4900: Mr. MAHONEY of Florida, Mr. DUNCAN, Mr. KNOLLENBERG, Mr. SCALISE, Mr. PETRI, and Mr. LATHAM.

H.R. 4926: Mr. HOBSON.

H.R. 5069: Mr. CARSON.

H.R. 5222: Mr. WITTMAN of Virginia.

H.R. 5235: Mr. WOLF and Mr. GINGREY.

H.R. 5244: Mr. AL GREEN of Texas and Mr. BARROW.

H.R. 5425: Mr. WITTMAN of Virginia.

H.R. 5454: Mr. UPTON, Mr. PICKERING, Ms. ZOE LOFGREN of California, and Mr. GOODE.

H.R. 5505: Mr. COSTELLO.

H.R. 5507: Mr. WATT and Mr. CAPUANO.

H.R. 5546: Mr. JONES of North Carolina.

H.R. 5567: Mrs. BLACKBURN.

H.R. 5626: Ms. HARMAN.

H.R. 5629: Mr. PATRICK MURPHY of Pennsylvania.

H.R. 5637: Mr. MCDERMOTT.

H.R. 5638: Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 5646: Mr. YOUNG of Alaska.

H.R. 5654: Mr. PRICE of North Carolina.

H.R. 5664: Mr. BUYER.

H.R. 5673: Mr. SALI and Mr. HERGER.

H.R. 5684: Mr. HELLER, Mr. DREIER, and Mr. HULSHOF.

H.R. 5722: Ms. PRYCE of Ohio.

H.R. 5729: Mr. BUYER.

H.R. 5734: Mr. DELAHUNT, Mr. STARK, and Mr. ALLEN.

H.R. 5737: Mr. UPTON.

H.R. 5740: Mr. COBLE and Mr. WOLF.

H.R. 5767: Mr. CAPUANO, Mr. BACA, Mr. PERLMUTTER, Mr. CARNAHAN, and Mr. GONZALEZ.

H.R. 5793: Mr. WYNN, Mr. ROYCE, Mr. BARROW, Mr. CARTER, and Mr. UPTON.

H.R. 5797: Mr. JONES of North Carolina.

H.R. 5825: Ms. GIFFORDS.

H.R. 5826: Mr. BUYER.

H.R. 5839: Mr. HUNTER, Mr. BARTLETT of Maryland, Mr. WILSON of South Carolina, Mr. BUTTERFIELD, and Ms. JACKSON-LEE of Texas.

H.R. 5842: Ms. WOOLSEY.

H.R. 5882: Mr. CUELLAR.

H.R. 5890: Ms. MATSUI.

H.R. 5892: Mr. KAGEN and Mr. GOODE.

H.R. 5898: Mr. ROSKAM, Mrs. DRAKE, Mr. UPTON, Mr. HASTINGS of Florida, and Ms. GRANGER.

H.R. 5908: Mr. TERRY and Mr. MILLER of Florida.

H.R. 5921: Mr. CUELLAR and Mr. ABERCROMBIE.

H.R. 5935: Mr. MICHAUD and Mr. BACA.

H.R. 5936: Mr. PLATTS and Mr. PATRICK MURPHY of Pennsylvania.

H.R. 5942: Mr. REYES.

H.R. 5944: Mr. MCKEON, Mr. ROGERS of Michigan, Mr. MARIO DIAZ-BALART of Florida, Mr. AKIN, Mr. THORNBERRY, Mr. KELLER, and Mr. MANZULLO.

H.R. 5950: Mr. CUELLAR.

H.R. 5954: Mr. DEFAZIO, Mr. PETERSON of Pennsylvania, and Mr. TAYLOR.

H.R. 5955: Mr. KINGSTON.

H.R. 5971: Mrs. DRAKE and Mr. MILLER of Florida.

H.R. 6008: Mr. SALI and Ms. JACKSON-LEE of Texas.

H.R. 6020: Mr. CUELLAR and Mr. ABERCROMBIE.

H.R. 6023: Mr. PLATTS and Mr. ROGERS of Kentucky.

H.R. 6024: Mr. BACA.

H.R. 6026: Mr. MARIO DIAZ-BALART of Florida, Mr. WITTMAN of Virginia, Mr. GOHMERT, Mr. DREIER, Mr. DANIEL E. LUNGREN of California, Mr. DOOLITTLE, Mr. LAMBORN, Mr. WESTMORELAND, Mr. HOEKSTRA, Mr. MCHENRY, Mr. JORDAN, Mr. BURGESS, Mr. ROGERS of Alabama, Mr. CONAWAY, Mrs. BLACKBURN, Mr. WALBERG, Mr. DAVID DAVIS of Tennessee, Mr. LATTA, Mr. SALI, Mr. PENCE, Mr. ROSKAM, Mr. MCCARTHY of California, Mr. KING of Iowa, Mrs. BACHMANN, Mr. POE, Mr. SAM JOHNSON of Texas, Mr. PORTER, Mr. HELLER, Mr. HENSARLING, Mr. GOODLATTE, Mr. PRICE of Georgia, Mr. COLE of Oklahoma, Mr. ROGERS of Michigan, Mr. WELLER, and Mr. HUNTER.

H.R. 6030: Mr. LIPINSKI and Mr. LAHOOD.

H.R. 6031: Mrs. BIGGERT.

H.R. 6039: Mr. CUELLAR.

H.R. 6045: Ms. WATERS, Mr. MACK, Ms. LEE, Mr. RUPPERSBERGER, Mr. LATTA, Mr. BARROW, Mr. BOUCHER, Mr. MARKEY, and Ms. MOORE of Wisconsin.

H.R. 6048: Mr. BISHOP of Utah, Mr. FORBES, Mr. WILSON of South Carolina, Ms. ROS-LEHTINEN, Mr. ROGERS of Kentucky, Mr. WITTMAN of Virginia, Mr. CANNON, Mr. PEARCE, Mr. REICHERT, Mr. HAYES, Ms. FALLIN, Mr. COLE of Oklahoma, Mr. BROWN of South Carolina, Mr. BURTON of Indiana, Mr. SALI, Mr. DAVID DAVIS of Tennessee, Mr. LATTA, Mr. GINGREY, Mr. MILLER of Florida, Mr. SAXTON, Mr. AKIN, Mr. COBLE, Mr. HENSARLING, Mr. LUCAS, Ms. FOXX, Mr. MCKEON, Mrs. DRAKE, Mr. SHUSTER, Mr. LAMBORN, Mrs. MCMORRIS RODGERS, Mr. LOBIONDO, Mrs. TAUSCHER, Mr. DOOLITTLE, Mr. SULLIVAN, Mr. DAVIS of Kentucky, Mr. BOUSTANY, Mr. CONAWAY, Mr. HOBSON, Mr. CHABOT, Mr. HUNTER, Mr. ROGERS of Alabama, Mr. FORTENBERRY, Mr. FERGUSON, Mr. TIM MURPHY of Pennsylvania, Mr. FRANKS of Arizona, Mr. LATOURETTE, Mr. THORNBERRY, Mr. KLINE of Minnesota, Mr. EVERETT, Mr. BONNER, Mr. BARTLETT of Maryland, Mr. JONES of North Carolina, Mr. MCHUGH, Mr. HERGER, Mr. CARTER, and Mr. POE.

H.J. Res. 68: Mr. WALZ of Minnesota and Mr. ORTIZ.

H. Con. Res. 134: Ms. RICHARDSON, Mr. LEWIS of Georgia, Ms. CLARKE, Mr. SCOTT of Georgia, Mr. BILBRAY, Ms. KAPTUR, Mr. HARE, Mr. THOMPSON of Mississippi, Mr. CROWLEY, Mr. KILDEE, Mr. LAHOOD, Mr. JOHNSON of Illinois, Mr. BRADY of Texas, Mr. DAVIS of Alabama, Ms. GRANGER, Ms. ZOE LOFGREN of California, Mr. BOUCHER, Mr. ANDREWS, Mr. OLVER, Ms. HARMAN, Ms.

WATERS, Mr. FRANK of Massachusetts, Mrs. MALONEY of New York, Ms. SLAUGHTER, Mr. MOLLOHAN, Mrs. TAUSCHER, Ms. HOOLEY, Ms. DEGETTE, Mrs. NAPOLITANO, Mr. KUCINICH, Mr. DOGGETT, Mr. VAN HOLLEN, Mr. MCNULTY, Ms. WASSERMAN SCHULTZ, Mr. ALLEN, Mr. RYAN of Ohio, Ms. ROYBAL-ALLARD, Ms. BALDWIN, Mr. WEINER, and Mr. DEFAZIO.

H. Con. Res. 195: Mr. REYES, Ms. ROYBAL-ALLARD, Mr. ORTIZ, Mr. BACA, Mr. RODRIGUEZ, Mr. GONZALEZ, Mr. PASTOR, Ms. EDDIE BERNICE JOHNSON of Texas, and Ms. SOLIS.

H. Con. Res. 296: Mrs. CAPPS, Ms. MATSUI, and Mrs. CHRISTENSEN.

H. Con. Res. 299: Mr. WAXMAN, Ms. SUTTON, Mr. KAGEN, Mrs. TAUSCHER, Mrs. CAPPS, Mr. BERMAN, Mr. BILBRAY, Ms. NORTON, Mr. BOSWELL, Mr. BISHOP of Utah, and Mrs. DAVIS of California.

H. Con. Res. 315: Mr. ROSKAM.

H. Con. Res. 329: Mr. REHBERG.

H. Con. Res. 333: Mr. JONES of North Carolina, Mr. MCCRERY, and Mr. WALZ of Minnesota.

H. Con. Res. 334: Mr. JORDAN.

H. Con. Res. 341: Mr. DELAHUNT, Mr. MARCHANT, Ms. BALDWIN, and Mr. CAMP of Michigan.

H. Res. 18: Mr. WITTMAN of Virginia.

H. Res. 111: Mr. WITTMAN of Virginia.

H. Res. 169: Mr. WEINER.

H. Res. 258: Ms. BALDWIN and Ms. LEE.

H. Res. 389: Mr. HASTINGS of Florida, Mr. FORTUÑO, Ms. RICHARDSON, Mr. FATTAH, and Ms. CLARKE.

H. Res. 499: Mr. WITTMAN of Virginia.

H. Res. 529: Ms. CASTOR, Ms. SHEA-PORTER, Mr. LOEBSACK, and Mr. COOPER.

H. Res. 881: Mrs. BLACKBURN, Mr. TERRY, Mr. RYAN of Wisconsin, Mr. WILSON of South Carolina, and Mr. LAMBORN.

H. Res. 1010: Mr. SCOTT of Georgia, Mr. MORAN of Kansas, Mr. ELLSWORTH, Mr. WAMP, Mr. BOSWELL, Mr. WILSON of Ohio, and Mr. MOORE of Kansas.

H. Res. 1022: Ms. PELOSI.

H. Res. 1108: Mr. BUCHANAN and Mr. WALSH of New York.

H. Res. 1127: Mr. CANTOR, Mr. SCHIFF, Mr. TOWNS, Mr. TERRY, and Mr. KIRK.

H. Res. 1128: Mr. TANNER and Mr. ISRAEL.

H. Res. 1143: Mr. HASTINGS of Washington.

H. Res. 1153: Mr. RUSH, Mr. REICHERT, Mr. SALAZAR, Mr. LARSON of Connecticut, Ms. MCCOLLUM of Minnesota, Mr. SERRANO, Mr. DAVIS of Illinois, and Ms. WOOLSEY.

H. Res. 1172: Ms. WOOLSEY.

H. Res. 1183: Mr. BRADY of Pennsylvania, Mrs. MUSGRAVE, and Mr. COBLE.

H. Res. 1191: Mr. MARKEY, Ms. NORTON, Mr. LAMBORN, Ms. SUTTON, Mr. HASTINGS of Florida, Ms. SCHAKOWSKY, Ms. WATSON, Mr. CASTLE, Mr. HODES, Ms. ZOE LOFGREN of California, Mrs. MCCARTHY of New York, Ms. ROYBAL-ALLARD, Mr. SALAZAR, Mr. FARR, Mr. SIRES, Mr. BACA, Mr. GRIJALVA, Mr. ORTIZ, Mr. RYAN of Ohio, Mr. WILSON of Ohio, Mr. STUPAK, Mr. YARMUTH, Mr. SERRANO, Mr. ROTHMAN, Mr. MURPHY of Connecticut, Mr. PERLMUTTER, Ms. MATSUI, Mr. BERRY, Mr. HINCHEY, Ms. SLAUGHTER, Ms. WASSERMAN SCHULTZ, Mr. WEXLER, and Mr. CROWLEY.

H. Res. 1195: Mr. DELAHUNT.

¶59.32 PETITIONS

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

237. The SPEAKER presented a petition of the California State Lands Commission, relative to a Resolution encouraging the Federal Government to adopt policies that address climate change and allow California to impose strict greenhouse gas emission standards; to the Committee on Energy and Commerce.

238. Also, a petition of the Caribbean and North American Area Council, relative to a Resolution calling on the Congress of the United States to lift the embargo and normalize relations between the two countries; to the Committee on Foreign Affairs.

239. Also, a petition of the Lawrence County Board of Commissioners, South Dakota, relative to Resolution No. 2008-15 urging the Congress of the United States to support the fair and equitable resolution of R.S. 2477 rights-of-way by enacting R.S. 2477, Rights-of-Way Recognition Act; to the Committee on Natural Resources.

240. Also, a petition of the City Council of Yerington, Nevada, relative to Resolution No. 08-02 opposing the proposed Wilderness Area in Lyon County, Nevada; to the Committee on Natural Resources.

241. Also, a petition of the Board of Commissioners of Ashe County, North Carolina, relative to a Resolution in support of the Resource Conservation and Development (RC&D) Program; to the Committee on Natural Resources.

¶59.33 DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 891: Mr. CONAWAY.

H. Res. 1131: Mr. CONAWAY.

FRIDAY, MAY 16, 2008 (60)

¶60.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Ms. HIRONO, who laid before the House the following communication:

WASHINGTON, DC,
May 16, 2008.

I hereby appoint the Honorable MAZIE K. HIRONO to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

¶60.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Ms. HIRONO, announced she had examined and approved the Journal of the proceedings of Thursday, May 15, 2008.

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

¶60.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

6656. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations — received April 30, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6657. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations — received January 4, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6658. A letter from the Special Counsel Legislative and Regulatory Activities Division, Department of the Treasury, transmitting the Department's final rule — Regulatory Review Amendments [Docket ID OCC-2008-0004] (RIN: 1557-AC79) received April 25, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6659. A letter from the Deputy Assistant Administrator for Operations, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries off West Coast States; Pacific Coast Groundfish Fishery; Emergency Rule Extension [Docket No. 070510101-7101-01] (RIN: 0648-AV57) received April 30, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6660. A letter from the Federal Register Liaison Officer, Department of the Treasury, transmitting the Department's final rule — Establishment of the Swan Creek Viticultural Area (2005R-414P) [Docket No. TTB-2007-0012; T.D. TTB-69; Re: Notice No. 63] (RIN: 1513-AB20) received April 28, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6661. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Special Rules to Reduce Section 1446 Withholding [TD 9394] (RIN: 1545-BD80) received April 28, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6662. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Examination of Dividends received Deduction on Separate Accounts of Life Insurance Companies [LMSB Control No.: LMSB-04-0308-010] received April 28, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6663. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Extension of Transitional Relief for Diversification Requirements for Certain Defined Contribution Plans [Notice 2008-7] received April 30, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6664. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Section 1274A.—Special Rules for Certain Transactions Where Stated Principal Amount Does Not Exceed $2,800,000 26 CFR 1.1274A-1: Special rules for certain transactions where stated principal amount does not exceed $2,800,000. (Also 483, 1274) (Rev. Rul. 2008-3) received April 30, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

And then,

¶60.4 ADJOURNMENT

On motion of the SPEAKER pro tempore, Ms. HIRONO, by unanimous consent and pursuant to the special order of the House agreed to on May 15, 2008, at 10 o'clock and 7 minutes a.m., declared the House adjourned until 10:30 a.m. on Monday, May 19, 2008.

¶60.5 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

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

Mr. SKELTON: Committee on Armed Services. H.R. 5658. A bill to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2009, and for other purposes; with amendments (Rept. 110–652). Referred to the Committee of the Whole House on the state of the Union.

¶60.6 PUBLIC BILLS AND RESOLUTIONS

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

By Mr. RANGEL (for himself, Mr. STARK, Mr. MCDERMOTT, Mr. LEWIS of Georgia, Mr. NEAL of Massachusetts, Mr. POMEROY, Mrs. JONES of Ohio, Mr. LARSON of Connecticut, Mr. EMANUEL, Mr. BLUMENAUER, Mr. KIND, Ms. BERKLEY, Mr. CROWLEY, Mr. VAN HOLLEN, Mr. MEEK of Florida, Mr. ALTMIRE, Mrs. BOYDA of Kansas, Mr. COHEN, Ms. DELAURO, Mr. ELLSWORTH, Mr. LOEBSACK, Ms. TSONGAS, Mr. WELCH of Vermont, Mr. WALZ of Minnesota, Mr. ARCURI, Ms. SHEA-PORTER, Mr. BECERRA, Mrs. DAVIS of California, and Mr. DOGGETT):

H.R. 6081. A bill to amend the Internal Revenue Code of 1986 to provide benefits for military personnel, and for other purposes; to the Committee on Ways and Means.

By Ms. DELAURO (for herself, Mr. CARSON, Mr. BOOZMAN, and Mr. PLATTS):

H.R. 6082. A bill to amend title XVIII of the Social Security Act to provide for expanded coverage of paramedic intercept services under the Medicare Program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. JACKSON-LEE of Texas (for herself, Mr. HOYER, Mr. CLYBURN, Mr. LAMPSON, Mr. ORTIZ, Mr. AL GREEN of Texas, Mr. DOGGETT, Mr. HALL of Texas, Mr. HINOJOSA, Mr. GONZALEZ, Mr. GENE GREEN of Texas, Mr. EDWARDS, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. FILNER, Mr. BACA, Mr. MCNULTY, Mr. WYNN, Mrs. CHRISTENSEN, Ms. NORTON, Ms. KILPATRICK, Ms. BORDALLO, Mr. BRALEY of Iowa, Mr. ROTHMAN, Mrs. JONES of Ohio, Mr. FATTAH, Mr. ETHERIDGE, Mr. LEWIS of Georgia, Mr. BRADY of Texas, Ms. CLARKE, Mr. CAZAYOUX, Mr. WATT, Mr. WEXLER, Mr. ALTMIRE, Mr. BOSWELL, Mr. MELANCON, Mr. TOWNS, Mr. COOPER, Mr. THOMPSON of Mississippi, Mr. PALLONE, Mr. DINGELL, Mr. CONYERS, Mr. REYES, Mr. BUTTERFIELD, Mr. MEEKS of New York, Mr. KENNEDY, Mr. COSTA, Mr. CLAY, and Mr. BACHUS):

H. Con. Res. 353. Concurrent resolution recognizing the 100th birthday of Lyndon Baines Johnson, 36th President, designer of the Great Society, politician, educator, and civil rights enforcer; to the Committee on Oversight and Government Reform.

By Ms. FOXX:

H. Res. 1207. A resolution directing the Chief Administrative Officer of the House of Representatives to provide individuals whose pay is disbursed by the Chief Administrative Officer by electronic funds transfer with the option of receiving receipts of pay and withholdings electronically; to the Committee on House Administration.

¶60.7 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 5857: Mr. TIAHRT.

MONDAY, MAY 19, 2008 (61)

¶61.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order at 10:30 a.m. by the SPEAKER pro tempore, Ms. HIRONO, who laid before the House the following communication:

WASHINGTON, DC,
May 19, 2008.

I hereby appoint the Honorable MAZIE K. HIRONO to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

Whereupon, pursuant to the order of the House of January 4, 2007, Members were recognized for morning-hour debate.

¶61.2 RECESS—10:33 A.M.

The SPEAKER pro tempore, Ms. HIRONO, pursuant to clause 12(a) of rule I, declared the House in recess at 10 o'clock and 33 minutes a.m., until noon.

¶61.3 AFTER RECESS—NOON

The SPEAKER pro tempore, Mr. MCGOVERN, called the House to order.

¶61.4 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. MCGOVERN, announced he had examined and approved the Journal of the proceedings of Friday, May 16, 2008.

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

¶61.5 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

6665. A letter from the Executive Director, Commodity Futures Trading Commission, transmitting the Commission's final rule — Conflicts of Interest in Self-Regulation and Self-Regulatory Organizations (RIN: 3038-AC28) received April 30, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6666. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Milk in the Appalachian, Florida and Southeast Marketing Areas; Interim Order Amending the Orders [AMS-DA-07-0059; AO-388-A22; AO-356-A43 and AO-366-A51; Docket No. DA-07-03-A] received April 30, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6667. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Raisins Produced from Grapes Grown in California; Final Free and Reserve Percentages for 2007-08 Crop Natural (sun-dried) Seedless Raisins [Docket No. AMS-FV-07-0130; FV08-989-1 IFR] received April 30, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6668. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Olives Grown in California; Decreased Assessment Rate [Docket No. AMS-FV-07-0155; FV08-932-1 IFR] received April 30, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6669. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Tart Cherries Grown in the States of Michigan, et al.; Final Free and Restricted Percentages for the 2007-2008 Crop Year for Tart Cherries [Docket No. AMS-FV-07-0119; FV07-930-3 FR] received April 30, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6670. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Avocados Grown in South Florida; Order Amending Marketing Order No. 915 [Docket No. AO-254-A10; AMS-FV-06-0220; FV06-915-2] received April 30, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6671. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Dairy Product Mandatory Reporting [Docket No. AMS-07-0047; DA-06-07] (RIN: 0581-AC66) received February 5, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6672. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Contractor Personnel Authorized to Accompany U.S. Armed Forces [DFARS Case 2005-D013] (RIN: 0750-AF25) received March 26, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

6673. A letter from the Chairman, Board of Governors of the Federal Reserve System, transmitting the Ninety-Fourth Annual Report of the Board of Governors of the Federal Reserve System covering operations during calendar year 2007; to the Committee on Financial Services.

6674. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations [Docket No. FEMA-B-7772] received April 30, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6675. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations — received April 30, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6676. A letter from the Chairman, Federal Financial Institutions Examination Council, transmitting the Council's 2007 Annual Report, pursuant to 12 U.S.C. 3305; to the Committee on Financial Services.

6677. A letter from the Secretary, Securities and Exchange Commission, transmitting the Commission's final rule — DISCLOSURE OF DIVESTMENT BY REGISTERED INVESTMENT COMPANIES IN ACCORDANCE WITH SUDAN ACCOUNTABILITY AND DIVESTMENT ACT OF 2007 [Release Nos. 34-57711; IC-28254; File No. S7-02-08] (RIN: 3235-AK05) received April 25, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6678. A letter from the Deputy Director, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule — Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits — received May 6, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

6679. A letter from the Deputy Chief, CGB, Federal Communications Commission, transmitting the Commission's final rule — In the Matter of Implementation of the Subscriber Carrier Selection Changes Provisions of the Telecommunications Act of 1996 Policies and Rules Concerning Unauthorized Changes of Consumers' Long Distance Carriers [CC Docket No. 94-129] received April 30, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6680. A letter from the Director, Fish and Wildlife Service, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Listing the Potential Sonoran Desert Bald Eagle Distinct Population Segment as Threatened Under the Endangered Species Act [FWS-R2-ES-2008-0044; 40120-1113-0000-B3] (RIN: 1018-AW12) received May 2, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6681. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule — Virginia Regulatory Program [VA-124-FOR; Docket ID OSM-2007-0013] received April 22, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6682. A letter from the Director, U.S. Geological Survey, Department of the Interior, transmitting the Department's report entitled, ''Mineral Commodity Summaries 2008''; to the Committee on Natural Resources.

6683. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Tier II Issue — Interchange and Merchant Discount Fees Directive #1 [LMSB Control No.: LMSB-04-0208-002] received April 28, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6684. A letter from the Executive Director, Marine Mammal Commission, transmitting the Commission's report entitled, ''The Biological Viability of the Most Endangered Marine Mammals and the Cost-Effectiveness of Protection Programs''; to the Committee on Natural Resources.

6685. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Atlantic Mackerel, Squid, and Butterfish Fisheries; Specifications and Management Measures [Docket No. 070717340-8451-02] (RIN: 0648-AV40) received April 22, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6686. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Non-American Fisheries Act Crab Vessels Catching Pacific Cod for Processing by the Offshore Component in the Central Regulatory Area of the Gulf of Alaska [Docket No. 070213032-7032-01] (RIN: 0648-XF93) received April 30, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6687. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Summer Flounder Fishery; Commercial Quota Harvested for New Jersey [Docket No. 061020273-7001-03] (RIN: 0648-XE00) received April 30, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6688. A letter from the Deputy Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Republication of Gulf Red Snapper Interim Management Measures [Docket No. 061121304-7053-02; I.D. 112006B] (RIN: 0648-AT87) received April 30, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6689. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — List of Fisheries for 2008 [Docket No. 070417093-7582-02] (RIN: 0648-AV54) received May 6, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6690. A letter from the Director, Administrative Office of the U.S. Courts, transmitting the annual report on applications for court orders made to federal and state courts to permit the interception of wire, oral, or electronic communications during calendar year 2007, pursuant to 18 U.S.C. 2519(3); to the Committee on the Judiciary.

6691. A letter from the Staff Director, United States Sentencing Commission, transmitting a copy of the 2007 Annual Report and Sourcebook of Federal Sentencing Statistics, pursuant to 28 U.S.C. 994(w)(3); to the Committee on the Judiciary.

6692. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Disaster Assistance; Change in Federal Share for Alternate Projects for Public Facilities [Docket ID FEMA-2008-0003] (RIN: 1660-AA59) received April 30, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6693. A letter from the Secretary, Department of Transportation, transmitting the Department's 2008 Annual Report on the regulatory status of the National Transportation Safety Board's (NTSB) ''Most Wanted'' Recommendations to the Department and its Operating Administrations; to the Committee on Transportation and Infrastructure.

6694. A letter from the Executive Director, National Surface Transportation Policy and Revenue Study Commission, transmitting the Commission's final report entitled, ''Transportation for Tomorrow''; to the Committee on Transportation and Infrastructure.

6695. A letter from the Director of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule — Notice and Assistance Requirements and Technical Correction (RIN: 2900-AM17) received April 30, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

6696. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's final rule — Medicare Program; Changes for Long-Term Care Hospitals Required by Certain Provisions of the Medicare, Medicaid, SCHIP Extension Act of 2007: 3-Year Delay in the Application of Payment Adjustments for Short Stay Outliers and Changes to the Standard Federal Rate [CMS-1493-IFC] (RIN: 0938-AP33) received May 2, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6697. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Reissuance Standards for State and Local Bonds [Notice 2008-27] received April 30, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6698. A letter from the Acting Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Suspension of Statutes of Limitations in Third-Party and John Doe Summons Disputes and Expansion of Taxpayers' Rights to Receive Notice and Seek Judicial Review of Third-Party Summonses [TD 9395] (RIN: 1545-BA31) received May 2, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6699. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Application of Normalization Accounting Rules to Balances of Excess Deferred Income Taxes and Accumulated Deferred Investment Tax Credits of Public Utilities Whose Assets Cease to be Public Utility Property [TD 9387] (RIN: 1545-AY75) received April 30, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6700. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Source Rules Involving U.S. Possessions and Other Conforming Changes [TD 9391] (RIN: 1545-BF85) received April 30, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6701. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Section 1274.—Determination of Issue Price in the Case of Certain Debt Instruments Issued for Property (Also Sections 42, 280G, 382, 412, 467, 468, 482, 483, 642, 807, 846, 1288, 7520, 7872.) (Rev. Rul. 2008-24) received April 21, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6702. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — coordinated issue paper all industries variable prepaid forward contracts incorporating share lending arrangements UIL: 1001.00-00 [LMSB-04-1207-077] received April 30, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6703. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Update for Weighted Average Interest Rates, Yield Curves, and Segment Rates [Notice 2008-24] received February 7, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6704. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Section 1274.—Determination of Issued Price in the Case of Certain Debt Instruments Issue for Property (Also Sections 42, 280G, 382, 412, 467, 468, 482, 483, 642, 807, 846, 1288, 7520, 7872.) (Rev. Rul. 2008-9) received April 30, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6705. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Coordinated Issue Paper Agriculture Industry Section 118 — Characterization of Bioenergy Program Payments UIL: 118.01-04 [LMSB-04-0308-019] received April 15, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6706. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Section 1091.—Loss from Wash Sales of Stock or Securities 26 CFR 1.1091-1: Losses from wash sales of stock or securities. (Rev. Rul. 2008-5) received April 30, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6707. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Treatment of Overall Foreign and Domestic Losses [TD 9371] (RIN: 1545-BH14) received April 30, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6708. A letter from the Secretary, Department of Homeland Security, transmitting the Department's report on the Implementing Recommendations of the 9/11 Commission Act of 2007, pursuant to 28 U.S.C. 530D; to the Committee on Homeland Security.

¶61.6 COMMUNICATION FROM THE CLERK—MESSAGE FROM THE SENATE

The SPEAKER pro tempore, Mr. MCGOVERN, laid before the House a

communication, which was read as follows:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, May 16, 2008.

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

DEAR MADAM SPEAKER: Pursuant to the permission granted in clause 2(h) of rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on May 16, 2008, at 9:05 a.m.:

That the Senate passed without amendment H.R. 2356.

That the Senate agreed to S.J. Res. 28.

That the Senate disagrees to the amendment of the House of Representatives to the bill; Senate agrees to a conference with the House of Representatives; Senate appoints conferees S. Con. Res. 70.

That the Senate passed S. 3029.

With best wishes, I am

Sincerely,

LORRAINE C. MILLER.
Clerk of the House.

¶61.7 COMMUNICATION FROM THE CLERK—MESSAGE FROM THE PRESIDENT

The SPEAKER pro tempore, Mr. MCGOVERN, laid before the House a communication, which was read as follows:

HOUSE OF REPRESENTATIVES,
Washington, DC, May 16, 2008.

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

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on May 16, 2008, at 3:03 p.m. and said to contain a message from the President whereby he submits a copy of a notice filed earlier with the Federal Register continuing the emergency with respect to Burma first declared in Executive Order 13407 of May 20, 1997.

With best wishes, I am

Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

¶61.8 NATIONAL EMERGENCY WITH RESPECT TO BURMADNM

The Clerk then read the message from the President, as follows:

To the Congress of the United States

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. I have sent the enclosed notice to the *Federal Register* for publication, stating that the Burma emergency is to continue beyond May 20, 2008.

The crisis between the United States and Burma arising from the actions and policies of the Government of Burma, including its engaging in large-scale repression of the democratic opposition in Burma, that led to the declaration of a national emergency on May 20, 1997, and its expansion on October 18, 2007, and April 30, 2008, has not been resolved. These actions and policies are hostile to U.S. interests and pose a continuing unusual and extraordinary threat to the national security and foreign policy of the United States. For this reason, I have determined that it is necessary to continue the national emergency with respect to Burma and maintain in force the sanctions against Burma to respond to this threat. This action does not inhibit any efforts on the part of the United States to provide humanitarian assistance to the people of Burma in the aftermath of Cyclone Nargis.

GEORGE W. BUSH.
THE WHITE HOUSE, *May 16, 2008.*

By unanimous consent, the message, together with the accompanying papers, was referred to the Committee on Foreign Affairs and ordered to be printed (H. Doc. 110–113).

¶61.9 COMMUNICATION REGARDING SUBPOENA

The SPEAKER pro tempore, Mr. MCGOVERN, laid before the House the following communication from Jamie Grove, Constituent Liaison, office of the Honorable Steny H. Hoyer:

HOUSE OF REPRESENTATIVES,
Washington, DC, May 9, 2008.

Hon. NANCY PELOSI,
Speaker, House of Representatives, Washington, DC.

DEAR MADAM SPEAKER: This is to notify you formally, pursuant to rule VIII of the Rules of the House of Representatives, that I have been served with a subpoena, issued in the District Court of Charles County, Maryland, for testimony in a criminal case.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the precedents and privileges of the House.

Sincerely,

JAMIE GROVE,
Constituent Liaison.

¶61.10 CORAL REEF ECOSYSTEMS

Ms. BORDALLO moved to suspend the rules and agree to the following concurrent resolution (H. Con. Res. 300):

Whereas coral reef ecosystems are among the world's most biologically diverse and productive marine habitats, and are often described as the tropical rain forest of the oceans;

Whereas healthy coral reef ecosystems provide the basis for subsistence, commercial fisheries, and coastal and marine tourism and are of vital economic importance to coastal States and territories of the United States including Florida, Hawaii, Georgia, Texas, Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands;

Whereas healthy coral reef ecosystems function as natural, regenerating coastal barriers, protecting shorelines and coastal areas from high waves, storm surges, and accompanying losses of human life and property;

Whereas the coral reef research community has long established that coral reefs are subject to a wide range of natural and anthropogenic threats, including climate change;

Whereas the health of coral reef ecosystems is at serious risk due to a variety of human activities, both local and global;

Whereas protecting and conserving coral reef ecosystems is an urgent issue, but they may be preserved if we act now;

Whereas changing climate is potentially one of the most significant long-term influences on the structure and function of coral reef ecosystems, including the devastating effects of ocean acidification and rising ocean temperatures;

Whereas a wide variety of destructive fishing practices, including the use of cyanide, other poisons, surfactants, and explosives, are contributing to the global decline of coral reef ecosystems;

Whereas the United States has taken measures to protect national coral reef resources through the designation and management of several marine protected areas located in both the Pacific and Caribbean, through building local management capacity, and by supporting effective management and sound research to preserve, sustain, and restore valuable coral reef ecosystems;

Whereas our Nation's coral reef ecosystems provide benefit and opportunity to all, and conservation of these important resources requires the coordinated efforts of the many Federal agencies and State, territory, and commonwealth partners that comprise the U.S. Coral Reef Task Force and our many nongovernmental, international, and academic partners;

Whereas the United States, acting through its agencies, has established itself as a global leader in coral reef ecosystem stewardship by launching and remaining an active and engaged participant in the International Coral Reef Initiative, and by maintaining professional networks for the purposes of sharing knowledge and information on coral reef ecosystems, furnishing near real-time data collected at coral reef sites, providing a repository for historical data relating to coral reefs, and making substantial contributions to the general body of coral reef knowledge; and

Whereas 2008 has been declared the ''International Year of the Reef'' by the coral reef research community and over 40 national and international coral reef research, conservation, and academic organizations: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress recognizes the necessity for the United States to maintain its significant leadership role in improving the health and promoting the resiliency of coral reef ecosystems, by—

(1) strengthening awareness about ecological, economic, social, and cultural values of coral reefs and associated ecosystems;

(2) improving understanding of the critical threats to coral reefs and generating both practical and innovative solutions to reduce those threats; and

(3) initiating the prompt development and implementation of effective management strategies for the conservation and sustainable use of those ecosystems.

The SPEAKER pro tempore, Mr. MCGOVERN, recognized Ms. BORDALLO and Mr. ISSA, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution?

The SPEAKER pro tempore, Mr. MCGOVERN, announced that two-thirds of the Members present had voted in the affirmative.

Mr. ISSA objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mr. MCGOVERN, pursuant to clause 8, rule

XX, announced that further proceedings on the question were postponed until Tuesday, May 20, 2008.

The point of no quorum was considered as withdrawn.

¶61.11 MIGRATORY AND TRANSBOUNDARY FISH STOCKS IN THE ARCTIC OCEAN

Ms. BORDALLO moved to suspend the rules and pass the joint resolution of the Senate (S.J. Res. 17) directing the United States to initiate international discussions and take necessary steps with other Nations to negotiate an agreement for managing migratory and transboundary fish stocks in the Arctic Ocean.

The SPEAKER pro tempore, Mr. MCGOVERN, recognized Ms. BORDALLO and Mr. ISSA, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said joint resolution?

The SPEAKER pro tempore, Mr. MCGOVERN, announced that two-thirds of the Members present had voted in the affirmative.

Mr. ISSA objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mr. MCGOVERN, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Tuesday, May 20, 2008.

The point of no quorum was considered as withdrawn.

¶61.12 50TH ANNIVERSARY OF MACKINAC ISLAND STATE PARK

Ms. BORDALLO moved to suspend the rules and agree to the following concurrent resolution (H. Con. Res. 325):

Whereas the Mackinac Island State Park Commission was created, in 1895, to care for and manage Mackinac Island State Park;

Whereas Michilimackinac State Park and Mill Creek State Park were later added to the family of parks and historic sites under the authority of the Commission;

Whereas, in 1958, Michigan granted authority to the Commission to restore and interpret Fort Mackinac and other historical properties at the Straits of Mackinac;

Whereas, in 1958, the Commission began restoration, installed exhibits, and opened Fort Mackinac to the public;

Whereas, in 1959, the Commission began archaeological excavation of Colonial Michilimackinac and opened it to the public one year later;

Whereas, in 1984, the Commission opened Historic Mill Creek Discovery Park;

Whereas, in 2004, after 14 years of being closed, Old Mackinac Point Lighthouse was reopened with an ongoing restoration program;

Whereas, for 50 years, the Commission has professionally and successfully developed, promoted, and improved the Mackinac State Historic Parks complex, which has been continuously recognized by the American Association of Museums; and

Whereas the Mackinac State Historic Parks complex has hosted more than 10,000,000 visitors since 1958, making it one of the most successful historic site complexes in North America and an important contributor to the tourism economy of northern Michigan: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) celebrates the 50th anniversary of the Mackinac Island State Park Commission's Historical Preservation and Museum Program; and

(2) respectfully requests the Clerk of the House of Representatives to transmit an enrolled copy of this resolution to the Mackinac Island State Park Commission as evidence of the Commission successfully fulfilling its mission to protect, preserve, and present the historical and natural wonders of Mackinac Island.

The SPEAKER pro tempore, Mr. MCGOVERN, recognized Ms. BORDALLO and Mr. ISSA, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution?

The SPEAKER pro tempore, Mr. MCGOVERN, announced that two-thirds of the Members present had voted in the affirmative.

Mr. ISSA objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mr. MCGOVERN, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Tuesday, May 20, 2008.

The point of no quorum was considered as withdrawn.

¶61.13 60TH ANNIVERSARY CRAZY HORSE MEMORIAL

Ms. BORDALLO moved to suspend the rules and agree to the following resolution (H. Res. 1074):

Whereas sculptor Korczak Ziolkowski, who never received any formal art training but nonetheless won 1st place for sculpture at the New York World's Fair in 1939, came to the Black Hills of South Dakota as an assistant to Gutzon Borglum to help carve Mount Rushmore;

Whereas Lakota Chief Henry Standing Bear contacted Korczak Ziolkowski in 1939 to encourage him to create another mountain memorial, saying in his letter of invitation: ''My fellow chiefs and I would like the white man to know the red man has great heroes, too'';

Whereas Crazy Horse was remembered by his people as a fierce warrior and visionary leader who was committed to preserving the traditional Lakota way of life;

Whereas Korczak Ziolkowski was inspired to honor the culture, tradition, and living heritage of North American Indians, and thus designed a metaphoric tribute to the spirit of Crazy Horse and his people;

Whereas Korczak Ziolkowski was dedicated as well to helping his country preserve freedom, enlisted in the Army, and was wounded in 1944 at Omaha Beach;

Whereas Korczak Ziolkowski returned to South Dakota after World War II in order to find a suitable mountain to carve in order to honor Crazy Horse and his people;

Whereas Korczak Ziolkowski and Chief Standing Bear dedicated the Crazy Horse Memorial on June 3, 1948;

Whereas Korczak Ziolkowski worked until his death in 1982, and his wife, Ruth, and their family have dedicated their lives to carving the mountain and continuing the mission of the Crazy Horse Memorial;

Whereas there is no way to predict when the mountain carving will be completed, owing to the uncertainty of weather, the availability of funding, and the challenges of mountain engineering;

Whereas, when completed, the Crazy Horse mountain carving will be the largest carving in the world, at 641 feet long by 563 feet high;

Whereas Korczak Ziolkowski's parting words to his wife were, ''You must work on the mountain—but go slowly so you do it right'';

Whereas the Ziolkowski family and the Crazy Horse Memorial Foundation have continued to do it right, and have proceeded without government financial support, and remain dedicated to making steady progress on the Memorial's humanitarian goals; and

Whereas the Crazy Horse Memorial will celebrate the 60th anniversary of the dedication of the mountain carving on June 3, 2008: Now, therefore, be it

Resolved, That the House of Representatives, on the 60th anniversary of the commencement of the mountain carving of the Crazy Horse Memorial, honors sculptor Korczak Ziolkowski, the Ziolkowski family, and the Crazy Horse Memorial Foundation for their dedication to honoring the culture, tradition, and living heritage of North American Indians and the spirit of Crazy Horse and his people.

The SPEAKER pro tempore, Mr. MCGOVERN, recognized Ms. BORDALLO and Mr. ISSA, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. MCGOVERN, announced that two-thirds of the Members present had voted in the affirmative.

Mr. ISSA objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mr. MCGOVERN, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Tuesday, May 20, 2008.

The point of no quorum was considered as withdrawn.

¶61.14 GREAT CATS AND RARE CANIDS

Ms. BORDALLO moved to suspend the rules and pass the bill (H.R. 1464) to assist in conservation of rare felids and rare canids by supporting and providing financial resources for the conservation programs of nations within the range of rare felid and rare canid populations and projects of persons with demonstrated expertise in the conservation of rare felid and rare canid populations; as amended.

The SPEAKER pro tempore, Mr. MCGOVERN, recognized Ms. BORDALLO and Mr. ISSA, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. MCGOVERN, announced that two-thirds of the Members present had voted in the affirmative.

Mr. ISSA objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mr. MCGOVERN, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Tuesday, May 20, 2008.

The point of no quorum was considered as withdrawn.

¶61.15 CRANE CONSERVATION

Ms. BORDALLO moved to suspend the rules and pass the bill (H.R. 1771) to assist in the conservation of cranes by supporting and providing, through projects of persons and organizations with expertise in crane conservation, financial resources for the conservation programs of countries the activities of which directly or indirectly affect cranes and the ecosystems of cranes; as amended.

The SPEAKER pro tempore, Mr. MCGOVERN, recognized Ms. BORDALLO and Mr. ISSA, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. MCGOVERN, announced that two-thirds of the Members present had voted in the affirmative.

Mr. ISSA objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mr. MCGOVERN, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Tuesday, May 20, 2008.

The point of no quorum was considered as withdrawn.

¶61.16 GOLETA WATER DISTRIBUTION SYSTEM

Ms. BORDALLO moved to suspend the rules and pass the bill (H.R. 3323) to authorize the Secretary of the Interior to convey a water distribution system to the Goleta Water District, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. MCGOVERN, recognized Ms. BORDALLO and Mr. ISSA, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. MCGOVERN, announced that two-thirds of the Members present had voted in the affirmative.

Mr. ISSA objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mr. MCGOVERN, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Tuesday, May 20, 2008.

The point of no quorum was considered as withdrawn.

¶61.17 LAKE HODGES SURFACE WATER

Ms. BORDALLO moved to suspend the rules and pass the bill (H.R. 2649) to make amendments to the Reclamation Projects Authorization and Adjustment Act of 1992; as amended.

The SPEAKER pro tempore, Mr. MCGOVERN, recognized Ms. BORDALLO and Mr. ISSA, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. MCGOVERN, announced that two-thirds of the Members present had voted in the affirmative.

Mr. ISSA objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mr. MCGOVERN, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Tuesday, May 20, 2008.

The point of no quorum was considered as withdrawn.

¶61.18 SOBOBA BAND OF LUISENO INDIANS SETTLEMENT

Ms. BORDALLO moved to suspend the rules and pass the bill (H.R. 4841) to approve, ratify, and confirm the settlement agreement entered into to resolve claims by the Soboba Band of Luiseno Indians relating to alleged interference with the water resources of the Tribe, to authorize and direct the Secretary of the Interior to execute and perform the Settlement Agreement and related waivers, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. MCGOVERN, recognized Ms. BORDALLO and Mr. ISSA, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. MCGOVERN, announced that two-thirds of the Members present had voted in the affirmative.

Mr. ISSA objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mr. MCGOVERN, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Tuesday, May 20, 2008.

The point of no quorum was considered as withdrawn.

¶61.19 FRANK SINATRA DAY

Ms. WATSON moved to suspend the rules and agree to the following resolution (H. Res. 1144); as amended:

Whereas over 150 years ago, United States commemorative stamps began honoring the people, places, and events that have shaped our country's history;

Whereas more than 22,000,000 Americans, including children, collect and learn about our country through stamps, making it one of the most popular hobbies in the Nation and the world;

Whereas it is important that we pause to reflect on our Nation's history and culture;

Whereas stamps honor statesmen and soldiers as they fought for freedom and democracy, recognize our scientific and technological achievements, pay tribute to our artistic and cultural legacy, and celebrate the strength of our diversity;

Whereas Frank Sinatra, a monumental figure in American popular culture, has been selected as part of the 2008 commemorative stamp program;

Whereas, on May 14, 1997, the President signed into law legislation to award a Congressional Gold Medal to Frank Sinatra in recognition of his accomplishments as an entertainer and humanitarian; and

Whereas the United States Postal Service dedicated the Frank Sinatra commemorative stamp in New York City, and in Las Vegas, Nevada, on May 13, 2008: Now, therefore, be it

Resolved, That the United States House of Representatives expresses support for designation of a ''Frank Sinatra Day'' in honor of the dedication of the Frank Sinatra commemorative stamp.

The SPEAKER pro tempore, Mr. MCGOVERN, recognized Ms. WATSON and Mr. ISSA, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. MCGOVERN, announced that two-thirds of the Members present had voted in the affirmative.

Mr. ISSA objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mr. MCGOVERN, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Tuesday, May 20, 2008.

The point of no quorum was considered as withdrawn.

¶61.20 NATIONAL MILITARY APPRECIATION MONTH

Ms. WATSON moved to suspend the rules and agree to the following concurrent resolution (H. Con. Res. 334); as amended:

Whereas the vigilance of the members of the Armed Forces has been instrumental to the preservation of the freedom, security, and prosperity enjoyed by the people of the United States;

Whereas the success of the Armed Forces depends on the dedicated service of its members, their families, and the civilian employees of the Department of Defense and the Coast Guard;

Whereas the role of the United States as a world leader requires a military force that is well-trained, well-equipped, and appropriately sized;

Whereas the Federal Government has a responsibility to raise awareness of and respect for this aspect of the heritage of the United States and to encourage the people of the United States to dedicate themselves to the values and principles for which Americans have served and sacrificed throughout the history of the Nation;

Whereas service in the Armed Forces entails special hazards and demands extraordinary sacrifices from service members and their families;

Whereas the support of the families of service members enhances the effectiveness and capabilities of the Armed Forces;

Whereas the observance of events recognizing the contributions of the Armed Forces is a tangible and highly effective way of sustaining morale and improving quality of life for service members and their families;

Whereas on April 30, 1999, the Senate passed S. Res. 33 (106th Congress), entitled ''Designating May 1999 as 'National Military Appreciation Month' '', calling on the people of the United States, in a symbolic act of unity, to observe a National Military Appreciation Month in May 1999, to honor the current and former members of the Armed Forces, including those who have died in the pursuit of freedom and peace;

Whereas on March 24, 2004, the House of Representatives passed H. Con. Res. 328 (108th Congress), entitled ''Recognizing and honoring the United States Armed Forces and supporting the goals and objectives of a National Military Appreciation Month,'' and on April 26, 2004, the Senate passed H. Con. Res. 328 by unanimous consent; and

Whereas it is important to emphasize to the people of the United States the relevance of the history and activities of the Armed Forces through an annual National Military Appreciation Month that includes associated local and national observances and activities: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) supports the goals and objectives of a National Military Appreciation Month; and

(2) urges the President to issue a proclamation calling on the people of the United States, all Federal departments and agencies, States, localities, organizations, and media to annually observe a National Military Appreciation Month with appropriate ceremonies and activities.

The SPEAKER pro tempore, Mr. McGOVERN, recognized Ms. WATSON and Mr. ISSA, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution, as amended?

The SPEAKER pro tempore, Mr. McGOVERN, announced that two-thirds of the Members present had voted in the affirmative.

Mr. ISSA objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mr. McGOVERN, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Tuesday, May 20, 2008.

The point of no quorum was considered as withdrawn.

¶61.21 HONORING ARNOLD PALMER

Ms. WATSON moved to suspend the rules and agree to the following resolution (H. Res. 1152); as amended:

Whereas Arnold Palmer is an all-time great in the sport of golf, a highly successful businessman, an outstanding philanthropist, and a devoted family man;

Whereas Arnold Palmer's golf career spanned more than 50 years and included 92 tournament victories in professional play, of which 62 were in the United States Professional Golf Association Tour;

Whereas Arnold Palmer was recognized as the Sports Illustrated Sportsman of the Year in 1960 and the Associated Press Athlete of the Decade for the 1960s;

Whereas Arnold Palmer is a prostate cancer survivor and has served as an important advocate for promoting cancer research and early detection;

Whereas Arnold Palmer's philanthropic generosity has touched thousands across the United States;

Whereas Arnold Palmer's charitable endeavors span across the United States, from the Arnold Palmer Prostate Center in Rancho Mirage, California, to the Winnie Palmer Hospital for Women and Babies in Orlando, Florida;

Whereas Arnold Palmer possesses a charismatic personality and a sense of kindness and generosity that has endeared him to millions;

Whereas the United States Golf Association has its headquarters in Far Hills, New Jersey, in the 7th Congressional District;

Whereas United States Golf Association President Jim Vernon has said that ''Arnold Palmer embodies the integrity and passion at the heart of the game of golf, as well as the gracious spirit of our Nation''; and

Whereas on June 3, 2008, the United States Golf Association will honor Arnold Palmer with the opening of the Arnold Palmer Center for Golf History in the United States Golf Association Museum in Bernards Township, New Jersey: Now, therefore, be it

Resolved, That the House of Representatives—

(1) honors Arnold Palmer for his outstanding career in the sport of golf;

(2) commends Arnold Palmer for his dedication to charity and helping others; and

(3) expresses support for the United States Golf Association as it celebrates Arnold Palmer with the opening of the Arnold Palmer Center for Golf History.

The SPEAKER pro tempore, Mr. McGOVERN, recognized Ms. WATSON and Mr. ISSA, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. McGOVERN, announced that two-thirds of the Members present had voted in the affirmative.

Mr. ISSA objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mr. McGOVERN, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Tuesday, May 20, 2008.

The point of no quorum was considered as withdrawn.

¶61.22 PEACE OFFICERS MEMORIAL DAY

Ms. WATSON moved to suspend the rules and agree to the following resolution (H. Res. 1132):

Whereas there are more than 900,000 sworn law enforcement officers now serving in the United States;

Whereas law enforcement officers selflessly protect our communities and our country from harm;

Whereas law enforcement officers serve the country regardless of the peril to themselves;

Whereas more than 18,200 law enforcement officers have been killed in the line of duty since the first recorded police death in 1792;

Whereas, September 11, 2001, was the deadliest day in law enforcement history with 72 officers killed while responding to the terrorist attacks;

Whereas 181 law enforcement officers were killed in 2007;

Whereas Public Law 87–726 designates May 15th of each year as Peace Officers Memorial Day and Police Week is commemorated during the calendar week of May 15;

Whereas section 7(m) of title 4, United States Code, requires that the United States flag on all government buildings to be displayed at half-staff on May 15, National Peace Officers Memorial Day; and

Whereas law enforcement officers deserve the gratitude of this Nation for their service: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals and ideals of Peace Officers Memorial Day to honor Federal, State, and local peace officers killed or disabled in the line of duty; and

(2) calls upon the people of the United States to observe such a day with appropriate ceremonies and respect.

The SPEAKER pro tempore, Mr. McGOVERN, recognized Ms. WATSON and Mr. ISSA, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. McGOVERN, announced that two-thirds of the Members present had voted in the affirmative.

Mr. ISSA objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mr. McGOVERN, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Tuesday, May 20, 2008.

The point of no quorum was considered as withdrawn.

¶61.23 ASIAN PACIFIC AMERICAN HERITAGE MONTH

Ms. WATSON moved to suspend the rules and agree to the following resolution (H. Res. 1153); as amended:

Whereas this year marks the 30th anniversary of President Jimmy Carter's signing of the joint resolution designating the first ten days of May as Asian Pacific American Heritage Week;

Whereas section 102 of title 36, United States Code, officially designates May as Asian/Pacific American Heritage Month, and requests the President to issue each year a proclamation calling on the people of the United States to observe Asian/Pacific American Heritage Month with appropriate programs, ceremonies, and activities;

Whereas according to the Bureau of the Census, an estimated 14,900,000 United States residents identify themselves as Asian alone or in combination with one or more other races, and an estimated 1,000,000 United States residents identify themselves as Native Hawaiian and Other Pacific Islander alone or in combination with one or more other races;

Whereas even though Asian Americans and Pacific Islanders faced the injustices of racial prejudice as exemplified by the Chinese Exclusion Act, Japanese internment, Vincent Chin case, and other events, the community has made considerable contributions to the vast cultural, military, economic, educational, and technological advancements of the United States;

Whereas Asian Americans and Pacific Islanders such as civil rights activist, Yuri Kochiyama, Medal of Honor recipient, Herbert Pililaau, the first Asian American Congressman, Dalip Singh Saund, the first Asian American Congresswoman, Patsy Mink, and others have made significant strides in the political and military realm; and

Whereas Asian Pacific American Heritage Month provides the people of the United States with an opportunity to recognize the achievements, contributions, history, and concerns of Asian Americans and Pacific Islanders: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes that the incredible diversity of different racial and ethnic groups, including Asian American and Pacific Islander, is a source of strength for the United States;

(2) recognizes that the Asian American and Pacific Islander community is influential and crucial to the society and culture of the United States;

(3) reaffirms its commitment to the goals and ideals of Asian Pacific American Heritage Month; and

(4) celebrates the contributions of Asian Americans and Pacific Islanders to the United States.

The SPEAKER pro tempore, Mr. MCGOVERN, recognized Ms. WATSON and Mr. ISSA, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. MCGOVERN, announced that two-thirds of the Members present had voted in the affirmative.

Mr. ISSA objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mr. MCGOVERN, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Tuesday, May 20, 2008.

The point of no quorum was considered as withdrawn.

¶61.24 100TH ANNIVERSARY OF THE CONGRESSIONAL CLUB

Ms. WATSON moved to suspend the rules and agree to the following resolution (H. Res. 1026):

Whereas the Congressional Club was organized in 1908 by 25 women who were influential in Washington's official life and who wanted to establish a nonsectarian and nonpolitical group that would promote friendship and cordiality in public life, and founded the Club to bring the wives of Members of Congress together in a hospitable and compatible environment in the Nation's Capital;

Whereas the Congressional Club was officially established in 1908 by a unanimous vote in both the House and Senate and is the only club in the world to be founded by an act of Congress;

Whereas the resolution establishing the Congressional Club was signed by President Theodore Roosevelt on May 30, 1908;

Whereas the Congressional Club's founding was secured by womanly wiles and feminine determination in the passage of the enacting resolution unanimously on May 28, 1908, in order to overcome the opposition of Representative John Sharp Williams of Mississippi, who opposed all women's organizations;

Whereas when Representative Williams was called out of the chamber by Mrs. Williams, the good-mannered representative obliged and withdrew his opposition and request for a recorded vote, saying, ''upon this particular bill there will not be a roll call, because it would cause a great deal of domestic unhappiness in Washington if there were'';

Whereas the first Congressional Clubhouse was at 1432 K Street Northwest in Washington, DC, and opened on December 11, 1908, with a reception for President-elect and Mrs. William Taft, but after Mrs. John B. Henderson of Missouri donated land on the corner of New Hampshire Avenue and U Street, the cornerstone of the current Clubhouse was laid at that location on May 21, 1914;

Whereas the Congressional Clubhouse was built by George Totten in the Beaux Arts style and is listed on the National Register of Historic Places, and its mortgage was paid for by the sales of the Club's cookbook and burned by Mrs. Bess Truman in a silver bowl on the 40th Anniversary of the Club's founding;

Whereas the Congressional Club has remained a good neighbor on the U Street corridor for over 90 years, encouraging the revitalization of the area throughout the time of socioeconomic challenges, and leading the way in upkeep and maintenance of historic property;

Whereas the Congressional Club honors and supports the people of its neighborhood by inviting the local police and fire departments to the Clubhouse for lunch and delivering trays of Member-made cookies and candies to them during the holidays, by hosting an annual Senior Citizens Appreciation Day luncheon for residents of a neighborhood nursing home, and by hosting an annual holiday brunch for neighborhood children each December which includes a festive meal, gifts, and a visit from Santa;

Whereas the Congressional Club hosts the annual First Lady's Luncheon every spring since 1912 to honor our First Lady, and donates tens of thousands of dollars to charities in the name of the First Lady annually;

Whereas the Congressional Club has chosen among its many charitable recipients mentoring programs, United National Indian Tribal Youth, literacy programs, the White House library, youth dance troupes, domestic shelters, and child care centers;

Whereas the Congressional Club members, upon the suggestion of Mrs. Eleanor Roosevelt, are encouraged to become discussion leaders on national security in their home States, from the trials of World War II to the threats of terrorism;

Whereas the Congressional Club extends the hand of friendship and goodwill globally by hosting an annual diplomatic reception to entertain the spouses of ambassadors to the United States;

Whereas the Congressional Club is solely supported by membership dues and the sale of cookbooks, and has never received any Federal funding;

Whereas the 14 editions of the Congressional Club cookbook, first published in 1928, reflect the life and times of the United States with recipes and signatures of Members of Congress, First Ladies, Ambassadors, and members of the Club;

Whereas the Congressional Club membership has expanded to include spouses and daughters of Representatives, Senators, Supreme Court Justices, and Cabinet members, and has included 7 members who became First Lady: Mrs. Florence Harding, Mrs. Lou Hoover, Mrs. Bess Truman, Mrs. Jacqueline Kennedy, Mrs. Patricia Nixon, Mrs. Betty Ford, and Mrs. Barbara Bush;

Whereas several members of the Congressional Club have been elected to Congress, among whom are Past President Mrs. Lindy Boggs, Mrs. Jo Ann Emerson, Mrs. Lois Capps, Mrs. Mary Bono, and Past President Mrs. Doris Matsui;

Whereas leading figures in politics, the arts, and the media have visited the Clubhouse for the past 100 years;

Whereas the Congressional Club is home to the First Lady's gown display, a museum with replica inaugural and ball gowns of the First Ladies from Mrs. Mary Todd Lincoln to Mrs. Laura Bush;

Whereas the Congressional Club is charged with receiving the Presidential couple, honoring the Vice-President and spouse, the Speaker of the House of Representatives and spouse, and the Chief Justice and spouse, and for the orientation of spouses of new Members of Congress; and

Whereas the Congressional Club will celebrate its 100-year anniversary with festivities and ceremonies during 2008 that include the ringing of the official bells of the United States Congress, a Founder's Day program, a birthday cake at the First Lady's Luncheon, an anniversary postage stamp and cancellation stamp, a 100-year pin/pendant designed by Past President Lois Breaux, and invitations to President and Mrs. Bush, Speaker and Mr. Pelosi, Chief Justice and Mrs. Roberts to visit and celebrate 100 years of public service, civility, and growth at the Congressional Club: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the 100th anniversary of the founding of the Congressional Club;

(2) acknowledges the contribution of political spouses to public life in America and around the world through the Congressional Club for the past 100 years;

(3) honors the past and present membership of the Congressional Club;

(4) encourages all Americans to strive for greater friendship, civility, and generosity in order to heighten public service, elevate the culture, and enrich humanity; and

(5) encourages all Americans to seek out opportunities to give financially and to volunteer to assist charitable organizations in their own communities.

The SPEAKER pro tempore, Mr. MCGOVERN, recognized Ms. WATSON and Mr. ISSA, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. MCGOVERN, announced that two-thirds of the Members present had voted in the affirmative.

Mr. ISSA objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mr. MCGOVERN, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Tuesday, May 20, 2008.

The point of no quorum was considered as withdrawn.

¶61.25 FEDERAL ELECTRONIC EQUIPMENT DONATION

Ms. WATSON moved to suspend the rules and pass the bill (H.R. 752) to direct Federal agencies to donate excess and surplus Federal electronic equipment, including computers, computer components, printers, and fax machines, to qualify small towns, counties, schools, nonprofit organizations, and libraries; as amended.

The SPEAKER pro tempore, Mr. SERRANO, recognized Ms. WATSON and Mr. ISSA, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. SERRANO, announced that two-thirds of the Members present had voted in the affirmative.

Mr. ISSA objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mr. SERRANO, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Tuesday, May 20, 2008.

The point of no quorum was considered as withdrawn.

¶61.26 FEDERAL REAL PROPERTY DISPOSAL ENHANCEMENT

Ms. WATSON moved to suspend the rules and pass the bill (H.R. 5787) to amend title 40, United States Code, to enhance authorities with regard to real

property that has yet to be reported excess, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. SERRANO, recognized Ms. WATSON and Mr. ISSA, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. SERRANO, announced that two-thirds of the Members present had voted in the affirmative.

Mr. ISSA objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mr. SERRANO, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Tuesday, May 20, 2008.

The point of no quorum was considered as withdrawn.

¶61.27 NATIONAL MISSING CHILDREN'S DAY

Mr. BISHOP of New York, moved to suspend the rules and agree to the following resolution (H. Res. 1142); as amended:

Whereas May 25, 2008, will be the 26th National Missing Children's Day;

Whereas National Missing Children's Day honors our Nation's obligation to locate and recover missing children by prompting parents, guardians, and other trusted-adult role models to make child safety an utmost priority;

Whereas in the United States nearly 800,000 children are reported missing a year, more than 58,000 children are abducted by nonfamily members, and more than 2,000 children are reported missing every day;

Whereas Congress' efforts to provide resources, training, and technical assistance has increased the capabilities of State and local law enforcement to find children and to return them home safely;

Whereas the 1979 disappearance of 6-year-old Etan Patz served as the impetus for the creation of National Missing Children's Day, first proclaimed in 1983; and

Whereas Etan's photo was distributed nationwide and appeared in media globally, and the powerful image came to represent the anguish of thousands of searching families: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes National Missing Children's Day and encourages all Americans to join together to plan events in communities across America to raise public awareness about the issue of missing children and the need to address this national problem,

(2) recognizes that one of the most important tools for law enforcement to use in the case of a missing child is an up-to-date, good quality photograph and urges all parents and guardians to follow this important precaution, and

(3) acknowledges that National Missing Children's Day should remind Americans not to forget the children who are still missing and not to waver in the effort to reunite them with their families.

The SPEAKER pro tempore, Mr. SERRANO, recognized Mr. BISHOP of New York, and Mrs. BIGGERT, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. SERRANO, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

¶61.28 NORTHERN KENTUCKY UNIVERSITY NORSE WOMEN'S BASKETBALL TEAM

Mr. BISHOP of New York, moved to suspend the rules and agree to the following resolution (H. Res. 1147); as amended:

Whereas on March 29, 2008, the Northern Kentucky University Norse defeated the University of South Dakota Coyotes 63–58 to become the 2008 National Collegiate Athletic Association (NCAA) Division II women's basketball national champions;

Whereas the Norse overcame a 9 point deficit with 6 minutes remaining to secure the victory;

Whereas the Norse had to win 10 of their last 11 games to win the tournament;

Whereas the team finished their extraordinary 2007–2008 season with a 28–8 record;

Whereas Angela Healy, a senior from Fort Thomas, was named the Elite Eight's Most Outstanding Player;

Whereas this championship marks the second time the North Kentucky University women's basketball team has won the national title;

Whereas by excelling in academics and athletics, Nicole Chiodi, Angela Healy, Karen Brackman, Cassie Brannen, Danyelle Echoles, Jessie Slack, Jessica Wendeln, Rachel Lantry, Kendra Caldwell, Diondra Holliday, and Rita Stefán are great role models for young women across the Nation;

Whereas Head Coach Nancy Winstel, Assistant Coach Matt Schmidt, Assistant Coach Danielle Zimmerman, and Strength and Conditioning Coach Livey Birkenhauer deserve recognition for their work guiding the Norse to their second national championship;

Whereas the Norse players, coaches, and those associated with the women's basketball team represented Northern Kentucky University and the Commonwealth of Kentucky with exemplary sportsmanship and competitiveness throughout the season; and

Whereas residents of Kentucky and Norse fans worldwide are to be commended for their longstanding support, perseverance, and pride in the team: Now, therefore, be it

Resolved, That the House of Representatives—

(1) commends the amazing performance of the Northern Kentucky University Norse in the National Collegiate Athletic Association Division II women's basketball tournament; and

(2) recognizes the achievements of the players, coaches, students, and support staff who were instrumental in the Norse championship.

The SPEAKER pro tempore, Mr. SERRANO, recognized Mr. BISHOP of New York, and Mrs. BIGGERT, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. SERRANO, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

¶61.29 AIRLINE FLIGHT CREW TECHNICAL CORRECTIONS

Mr. BISHOP of New York, moved to suspend the rules and pass the bill (H.R. 2744) to amend the Family and Medical Leave Act of 1993 to clarify the eligibility requirements with respect to airline flight crews; as amended.

The SPEAKER pro tempore, Mr. SERRANO, recognized Mr. BISHOP of New York, and Mrs. BIGGERT, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. SERRANO, announced that two-thirds of the Members present had voted in the affirmative.

Mr. BISHOP of New York, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. SERRANO, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Tuesday, May 20, 2008.

¶61.30 NATIONAL PUBLIC WORKS WEEK

Ms. HIRONO moved to suspend the rules and agree to the following resolution (H. Res. 1137):

Whereas public works infrastructure, facilities, and services have far-reaching effects on the United States economy and the Nation's competitiveness in the world marketplace;

Whereas public works infrastructure, facilities, and services play a pivotal role in the health, safety, and quality of life of communities throughout the United States;

Whereas public works infrastructure, facilities, and services could not be provided without the skill and dedication of public works professionals, including engineers and administrators, representing State and local governments throughout the United States;

Whereas public works professionals design, build, operate, maintain, and protect the transportation systems, water supply infrastructure, sewage and refuse disposal systems, public buildings, and other structures and facilities that are vital to the citizens, communities, and commerce of the United States;

Whereas the Corps of Engineers, in partnership with public port authorities, provides navigational improvements that link United States producers and customers with national and international markets;

Whereas the public waterways, including locks and dams constructed, operated, and maintained by the Corps of Engineers, provide a safe, energy efficient, and cost effective means of transporting goods and services;

Whereas the Corps of Engineers, in partnership with local public entities, provides levees, reservoirs, and other structural and nonstructural flood damage reduction measures that protect millions of families, homes, and businesses;

Whereas highway investment by all levels of government supported a total of 2,140,000 jobs in 2007;

Whereas every $1 invested in public transportation generates as much as $6 in economic returns to the Nation's economy;

Whereas the capital asset program of the General Services Administration is authorized annually to provide Federal employees with necessary office space, courts of law, and other special purpose facilities;

Whereas since 1972 the Nation has invested more than $250,000,000,000 in wastewater infrastructure facilities to establish a system that includes 16,000 publicly owned wastewater treatment plants, 100,000 major pumping stations, 600,000 miles of sanitary sewers, and 200,000 miles of storm sewers;

Whereas the Pipelines and Hazardous Materials Safety Administration is charged with the safe and secure movement of almost 1,000,000 daily shipments of hazardous materials by all modes of transportation and oversees the safety and security of 2,300,000 miles of gas and hazardous liquid pipelines, which account for 64 percent of the energy commodities consumed in the United States;

Whereas the National Railroad Passenger Corporation annually provides more than 25,000,000 people with intercity rail service;

Whereas 8 airfield projects are under construction, including 3 new runways, 2 airfield reconfigurations, 1 runway extension, 1 end around taxiway, and 1 center taxiway, providing some of the busiest airports in the Nation with the potential to accommodate more than 400,000 additional annual operations and improve airport safety and efficiency while decreasing the average delay per operation at these airports by almost 2 minutes;

Whereas in the report of the Department of Transportation entitled ''2006 Status of the Nation's Highways, Bridges, and Transit: Conditions & Performance'', the Department confirms that investment in the Nation's highway, bridge, and transit infrastructure has not kept up with growing demands on the system;

Whereas the National Surface Transportation Policy and Revenue Study Commission report estimates that the United States needs to invest up to $340,000,000,000 annually for the next 50 years to upgrade the Nation's existing transportation network to a good state of repair and to build the more advanced facilities the Nation will require to remain competitive; and

Whereas public works professionals are observing National Public Works Week from May 18 through 24, 2008: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals and ideals of National Public Works Week;

(2) recognizes and celebrates the important contributions that public works professionals make every day to improve the public infrastructure of the United States and the communities that those professionals serve; and

(3) urges citizens and communities throughout the United States to join with representatives of the Federal Government in activities and ceremonies that are designed to pay tribute to the public works professionals of the Nation and to recognize the substantial contributions that public works professionals make to the Nation.

The SPEAKER pro tempore, Mr. SERRANO, recognized Ms. HIRONO and Mr. PETRI, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. SERRANO, announced that two-thirds of the Members present had voted in the affirmative.

Mr. PETRI objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mr. SERRANO, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Tuesday, May 20, 2008.

The point of no quorum was considered as withdrawn.

¶61.31 OLYMPICS LAW ENFORCEMENT TORCH RUN

Ms. HIRONO moved to suspend the rules and agree to the following concurrent resolution (H. Con. Res. 309):

SECTION 1. AUTHORIZATION OF USE OF CAPITOL GROUNDS FOR D.C. SPECIAL OLYMPICS LAW ENFORCEMENT TORCH RUN.

On June 6, 2008, or on such other date as the Speaker of the House of Representatives and the Committee on Rules and Administration of the Senate may jointly designate, the 2008 District of Columbia Special Olympics Law Enforcement Torch Run (in this resolution referred to as the ''event'') may be run through the Capitol Grounds as part of the journey of the Special Olympics torch to the District of Columbia Special Olympics summer games.

SEC. 2. RESPONSIBILITY OF CAPITOL POLICE BOARD.

The Capitol Police Board shall take such actions as may be necessary to carry out the event.

SEC. 3. CONDITIONS RELATING TO PHYSICAL PREPARATIONS.

The Architect of the Capitol may prescribe conditions for physical preparations for the event.

SEC. 4. ENFORCEMENT OF RESTRICTIONS.

The Capitol Police Board shall provide for enforcement of the restrictions contained in section 5104(c) of title 40, United States Code, concerning sales, advertisements, displays, and solicitations on the Capitol Grounds, as well as other restrictions applicable to the Capitol Grounds, in connection with the event.

The SPEAKER pro tempore, Mr. SERRANO, recognized Ms. HIRONO and Mr. PETRI, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution?

The SPEAKER pro tempore, Mr. SERRANO, announced that two-thirds of the Members present had voted in the affirmative.

Mr. PETRI objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mr. SERRANO, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Tuesday, May 20, 2008.

The point of no quorum was considered as withdrawn.

¶61.32 MOTORCYCLE SAFETY AWARENESS MONTH

Ms. HIRONO moved to suspend the rules and agree to the following resolution (H. Res. 339); as amended:

Whereas approximately 7,000,000 motorcyclists ride on our Nation's roads and highways to commute, travel, and recreate;

Whereas motorcycles are a valuable component of the transportation mix;

Whereas motorcycles are fuel-efficient and decrease congestion while having little impact on our Nation's transportation infrastructure;

Whereas the United States is the world leader in motorcycle safety, promoting education, licensing, use of protective gear, and motorcycle awareness;

Whereas the motorcycling community is committed to decreasing motorcycle crashes through licensing, training, education, enforcement, personal responsibility, and increased public awareness;

Whereas, according to a comprehensive study conducted on motorcycle crash causation in the United States the ''Motorcycle Accident Cause Factors and Identification of Countermeasures'' (Hurt Report), in approximately two-thirds of fatal car-motorcycle crashes, the driver of the car was at fault;

Whereas motorcycle awareness is beneficial to all road users and will help to decrease car-motorcycle crashes;

Whereas May is designated as ''Motorcycle Safety Awareness Month''; and

Whereas National Highway Traffic Safety Administration promotes Motorcycle Safety Awareness Month to encourage riders to always wear helmets and other protective gear, never drink and ride, be properly licensed, and get training and to remind all riders and motorists to always share the road: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the contribution motorcycles make to the transportation mix;

(2) encourages all road users to be more aware of motorcycles and motorcyclists' safety;

(3) encourages all riders to receive appropriate training and practice safe riding skills; and

(4) supports the goals of Motorcycle Safety Awareness Month.

The SPEAKER pro tempore, Mr. SERRANO, recognized Ms. HIRONO and Mr. PETRI, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. SERRANO, announced that two-thirds of the Members present had voted in the affirmative.

Mr. PETRI objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mr. SERRANO, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Tuesday, May 20, 2008.

The point of no quorum was considered as withdrawn.

¶61.33 BICYCLING IN TRANSPORTATION AND RECREATION

Ms. HIRONO moved to suspend the rules and agree to the following concurrent resolution (H. Con. Res. 305):

Whereas a national transportation system conducive to bicycling produces enriched health, reduced traffic congestion and air pollution, economic vitality, and an overall

improved quality of living is valuable for the Nation;

Whereas by dramatically increasing levels of bicycling in United States cities tangible and intangible benefits to the quality of life for cities and towns across the country will be realized;

Whereas we now live in a Nation with 300 million people, and that number is expected to grow to 365 million by 2030 and to 420 million by 2050 with the vast majority of that growth occurring in urban areas with limited ability to accommodate increased motor vehicle travel;

Whereas since 1980, the number of miles Americans drive has grown 3 times faster than the United States population, and almost twice as fast as vehicle registrations;

Whereas one-third of the current population does not drive due to age, disability, ineligibility, economic circumstances, or personal choice;

Whereas the United States is challenged by an obesity epidemic, 65 percent of United States adults are either overweight or obese, and 13 percent of children and adolescents are overweight, due in large part to a lack of regular activity;

Whereas the Center for Disease Control estimates that if all physically inactive Americans became active, we would save $77 billion in annual medical costs;

Whereas over 753 of our Nation's Mayors have signed onto the climate protection agreement of the United States Conference of Mayors urging the Federal Government to enact policies and programs to meet or exceed a greenhouse gas emission reduction target of a 7 percent reduction from 1990 levels by 2012;

Whereas the transportation sector contributes one-third of the greenhouse gas emissions in the United States and passenger automobiles and light trucks alone contribute 21 percent;

Whereas bicycle commuters annually save on average $1,825 in auto-related costs, reduce their carbon emissions by 128 pounds, conserve 145 gallons of gasoline, and avoid 50 hours of gridlock traffic;

Whereas the greatest potential for increased bicycle usage is in our major urban areas where 40 percent of trips are 2 miles or less and 28 percent are less than one mile;

Whereas in 1969 approximately 50 percent of children in the United States got to school by walking or bicycling, but in 2001 only 15 percent of students were walking or bicycling to school;

Whereas as much as 20 to 30 percent of morning traffic is often generated by parents driving their children to schools, and in the United States, motor vehicle crashes are the leading cause of death for children ages 3 to 14;

Whereas many public agencies in cities are using bicycles to deliver critical municipal services, for example, more than 80 percent of police departments serving populations of 50,000 to 249,999 and 96 percent of those serving more than 250,000 residents now have routine patrols by bicycle;

Whereas surveys show that a majority of people want to ride and walk more but are dissuaded by concern over traffic danger and other barriers, and case studies have shown that when those barriers to bicycling are removed, people start riding;

Whereas investment used for improvements for bicyclists and promoting bicycle use resulted in the quadrupling of bicycle use in Portland, Oregon, since 1994 and a recent report to Congress on the nonmotorized transportation pilot program reveals that 19.6 percent of trips in Minneapolis, Minnesota, are made by biking and walking, reflecting the benefit of initial investments in nonmotorized infrastructure;

Whereas the American bicyclist generates enormous economic returns, in 2006, the national bicycling economy contributed $133 billion to the United States economy, supported nearly 1.1 million jobs across the United States, generated $17.7 billion in annual Federal and State tax revenue, produced $53.1 billion annually in retail sales and services, and provided sustainable growth in rural communities;

Whereas a national network of interconnected urban and rural bikeways can provide valuable community benefits, including low or no-cost recreation and alternative transportation options for people of all ages and abilities;

Whereas mountain biking is an environmentally friendly, healthy nonmotorized outdoor recreation activity that encourages young people to experience our natural world, and engenders community support for preservation of open space;

Whereas each year major charity bike rides in communities across the country raise in excess of $100 million for critical medical research to find cures for life-threatening diseases;

Whereas 57 million adults in the United States bicycle each year, and bicycling and walking currently account for nearly 10 percent of trips and 13 percent of traffic fatalities, yet less than 2 percent of Federal transportation safety funding is currently spent to make bicycling and walking safer; and

Whereas communities across the United States are seeking ways to reduce traffic congestion, improve air quality, increase the safety of their neighborhoods, and decrease petroleum dependence, bicycles offer a simple, healthy, energy-saving alternative to driving: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) recognizes that increased and safe bicycle use for transportation and recreation is in the national interest;

(2) supports policies that—

(A) establish national target levels for increased bicycle use, reduce the number of motor vehicle miles traveled (VMT), improve bicycle safety to be achieved within a specific timeframe, and collect data needed to monitor progress;

(B) increase intermodal travel between public transportation and bicycles;

(C) provide incentives for State and local governments to adopt and implement complete street policies designed to accommodate all users, including motorists, pedestrians, bicyclists, transit riders, and people of all ages and abilities;

(D) encourage bicycle use in communities where significant segments of the population do not drive and where short trips are most common;

(E) expand funding for core Federal transportation programs that support non-motorized infrastructure, education, and encouragement programs by—

(i) safeguarding existing funding sources for nonmotorized transportation from inequitable treatment in the Federal transportation funds rescission process;

(ii) supporting funding for core Federal transportation programs that support nonmotorized travel, including transportation enhancements, safe routes to school, and recreational trails; and

(iii) ensuring that highway safety improvement program funds are spent in proportion to the percentage of bicyclist and pedestrian fatalities in each State;

(F) facilitate the development of a coordinated system of United States bicycle routes across the country that cross state borders and connect metropolitan regions;

(G) create bicycle-friendly Federal land protection legislation, such as national recreation areas, to encourage regulations and management practices for mountain biking as an environmentally friendly nonmotorized use of natural surface trails;

(H) provide flexibility in Federal transportation law that would speed up the delivery of nonmotorized infrastructure without sacrificing necessary environmental protections;

(I) provide Federal tax or funding incentives to—

(i) States that adopt motor vehicle laws that protect the rights of bicyclists to share the road;

(ii) businesses that expand bicycle-friendly programs for their employees;

(iii) the health care industry to develop more member discount programs, that target increased physical activity such as bicycling and walking; and

(iv) provide bicycle commuters the transportation fringe benefits currently provided to people who commute by car or mass transit; and

(J) build upon the ''Green the Capitol Initiative'' as a model, create and provide an environmentally sustainable and healthy working environment for employees that includes the promotion of bicycling as a transportation alternative;

(3) encourages the Department of Transportation to provide leadership and coordination by reestablishing the Federal bicycle task force to include representatives from all relevant Federal agencies.

The SPEAKER pro tempore, Mr. SERRANO, recognized Ms. HIRONO and Mr. PETRI, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution?

The SPEAKER pro tempore, Mr. SERRANO, announced that two-thirds of the Members present had voted in the affirmative.

Mr. PETRI objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mr. SERRANO, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Tuesday, May 20, 2008.

The point of no quorum was considered as withdrawn.

¶61.34 OIL-PRODUCING AND EXPORTING CARTELS

Mr. SCOTT of Virginia, moved to suspend the rules and pass the bill (H.R. 6074) to amend the Sherman Act to make oil-producing and exporting cartels illegal, and for other purposes.

The SPEAKER pro tempore, Mr. SERRANO, recognized Mr. SCOTT of Virginia, and Mr. KING of Iowa, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. SERRANO, announced that two-thirds of the Members present had voted in the affirmative.

Mr. KAGEN demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. SERRANO, pursuant to clause 8, rule

XX, announced that further proceedings on the question were postponed until Tuesday, May 20, 2008.

¶61.35 LET OUR VETERANS REST IN PEACE

Mr. SCOTT of Virginia, moved to suspend the rules and pass the bill (H.R. 3480) to direct the United States Sentencing Commission to assure appropriate enhancements of those involved in receiving stolen property where that property consists of grave markers of veterans, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. SERRANO, recognized Mr. SCOTT of Virginia, and Mr. KING of Iowa, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. SERRANO, announced that two-thirds of the Members present had voted in the affirmative.

Mr. KING of Iowa, objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mr. SALAZAR, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Tuesday, May 20, 2008.

The point of no quorum was considered as withdrawn.

¶61.36 SPECIAL IMMIGRANT STATUS FOR CERTAIN IRAQIS

Mr. SCOTT of Virginia, moved to suspend the rules and pass the bill of the Senate (S. 2829) to make technical corrections to section 1244 of the National Defense Authorization Act for Fiscal Year 2008, which provides special immigrant status for certain Iraqis, and for other purposes.

The SPEAKER pro tempore, Mr. SALAZAR, recognized Mr. SCOTT of Virginia, and Mr. KING of Iowa, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. SALAZAR, announced that two-thirds of the Members present had voted in the affirmative.

Mr. KING of Iowa, objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mr. SERRANO, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Tuesday, May 20, 2008.

The point of no quorum was considered as withdrawn.

¶61.37 INTERNATIONAL MEDICAL GRADUATES WAIVER

Mr. SCOTT of Virginia, moved to suspend the rules and pass the bill (H.R. 5571) to extend for 5 years the program relating to waiver of the foreign country residence requirement with respect to international medical graduates; as amended.

The SPEAKER pro tempore, Mr. SALAZAR, recognized Mr. SCOTT of Virginia, and Mr. KING of Iowa, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. SALAZAR, announced that two-thirds of the Members present had voted in the affirmative.

Mr. KING of Iowa, objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mr. SALAZAR, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Tuesday, May 20, 2008.

The point of no quorum was considered as withdrawn.

¶61.38 THE LATE PRESIDENT LYNDON BAINES JOHNSON CENTENNIAL

Mr. SCOTT of Virginia, moved to suspend the rules and agree to the following concurrent resolution (H. Con. Res. 354):

Whereas August 27, 2008, marks the 100th birthday of Lyndon Baines Johnson;

Whereas Lyndon B. Johnson was born in Stonewall, Texas, to Samuel Ealy Johnson, Jr., a Texas representative, and Rebekah Baines, on August 27, 1908;

Whereas upon graduation, Lyndon B. Johnson enrolled in Southwest Texas State Teachers' College, where he vigorously participated in debate, campus politics, and edited the school newspaper;

Whereas Lyndon B. Johnson had several teaching positions throughout Texas, including at the Welhausen School in La Salle County, at Pearsall High School, and as a public speaking teacher at Sam Houston High School in Houston;

Whereas Lyndon B. Johnson went to work as a congressional assistant at the age of 23;

Whereas Lyndon B. Johnson served the 10th Congressional District in the Texas House of Representatives from April 10, 1937, to January 3, 1949;

Whereas Lyndon B. Johnson became a commissioned officer in the Navy Reserves in December 1941;

Whereas during World War II, Lyndon B. Johnson was recommended by Undersecretary of the Navy James Forrestal to President Franklin D. Roosevelt, who assigned Johnson to a three-man survey team in the southwest Pacific;

Whereas Lyndon B. Johnson was conferred the Silver Star, which is the military's third highest medal, by General Douglas MacArthur;

Whereas in 1948, Lyndon B. Johnson was elected to the Senate at the age of 41;

Whereas in 1951, Lyndon B. Johnson was elected Senate minority leader at the age of 44 and elected Senate majority leader at the age of 46, the youngest in our history;

Whereas Lyndon B. Johnson was elected Vice President at the age of 52, becoming president of the Senate;

Whereas Lyndon B. Johnson's congressional career and his leadership spanned the stock market crash, the Great Depression, World War II, the nuclear age, the Cold War, the space age, and the civil rights movement, some of the most turbulent years in American history;

Whereas Vice President Lyndon B. Johnson was appointed as head of the President's Committee on Equal Employment Opportunities, through which he worked with African Americans and other minorities;

Whereas an hour and 38 minutes after the assassination of President Kennedy, Lyndon B. Johnson was sworn in as President aboard Air Force One;

Whereas Lyndon B. Johnson was a bold leader;

Whereas as President, Lyndon B. Johnson believed that government could guarantee human rights, could lift people out of poverty, and provide access to quality education and health care throughout the Nation;

Whereas Lyndon B. Johnson was an idealist, a force of nature, and had the energy and determination and leadership to turn those dreams into reality;

Whereas Lyndon B. Johnson was a ''can-do'' President because no matter how difficult and daunting the task at hand, he never rested until it was completed;

Whereas in 1964, the Johnson Administration passed the landmark Civil Rights Act of 1964, which banned de jure segregation in the Nation's schools and public places;

Whereas the Johnson Administration passed the Voting Rights Act of 1965, which outlawed obstructive provisions that were rendered impractical and impartial to potential voters;

Whereas in January of 1965, the Johnson Administration introduced the Great Society, which included provisions for aid to education, Medicare, urban renewal, beautification, conservation, the development of depressed regions, a wide-scale fight against poverty, and the removal of obstacles to the right to vote;

Whereas in 1967, President Johnson nominated Thurgood Marshall as the first African-American to serve on the Supreme Court;

Whereas during Johnson's presidency, the National Aeronautics and Space Administration made spectacular steps forward in space exploration when 3 astronauts successfully orbited the moon in December 1968;

Whereas Lyndon B. Johnson died at 4:33 p.m. on January 22, 1973, at his ranch in Johnson City, Texas, at the age of 64;

Whereas Lyndon B. Johnson was posthumously awarded the Presidential Medal of Freedom in 1980;

Whereas Lyndon B. Johnson is honored, venerated, and revered for his drive to establish equality for all Americans, illustrated in the momentous legislation passed during his Administration;

Whereas Congress recognizes the 100th birthday of Lyndon B. Johnson, the 36th president;

Whereas Congress extols the contributions of Lyndon B. Johnson to the United States and his commitment to the War on Poverty through the Economic Opportunity Act;

Whereas Congress commends Lyndon B. Johnson for establishing the Medicare Act of 1965 that has helped millions of Americans; and

Whereas Congress requests that the President issue a proclamation calling upon the American people to observe the Centennial Celebration of Lyndon B. Johnson and his ''can-do spirit'' with appropriate ceremonies, programs, and activities: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) reaffirms its support for the Civil Rights Act of 1964 and the Voting Rights Act of 1965;

(2) recognizes the significance of the Voting Rights Act of 1965; and

(3) honors Lyndon B. Johnson for his work as a civil rights enforcer.

The SPEAKER pro tempore, Mr. SALAZAR, recognized Mr. SCOTT of Virginia, and Mr. KING of Iowa, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution?

The SPEAKER pro tempore, Mr. SALAZAR, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said concurrent resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said concurrent resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶61.39 NATIONAL AUTISM AWARENESS MONTH

Mr. WYNN moved to suspend the rules and agree to the following resolution (H. Res. 1106):

Whereas autism is a developmental disorder that is typically diagnosed during the first 3 years of life, robbing individuals of their ability to communicate and interact with others;

Whereas autism affects an estimated 1 in every 150 children in the United States;

Whereas autism is four times more likely to occur in boys than in girls;

Whereas autism can affect anyone, regardless of race, ethnicity, or other factors;

Whereas it costs approximately $80,000 per year to treat an individual with autism in a medical center specializing in developmental disabilities;

Whereas the cost of special education programs for school-age children with autism is often more than $30,000 per individual per year;

Whereas the cost nationally of caring for persons affected by autism is estimated at upwards of $90,000,000,000 per year;

Whereas despite the fact that autism is one of the most common developmental disorders, many professionals in the medical and educational fields are still unaware of the best methods to diagnose and treat the disorder; and

Whereas April 2008 would be an appropriate month to designate as ''National Autism Awareness Month'' to increase public awareness of the need to support individuals with autism and the family members and medical professionals who care for individuals with autism: Now, therefore, be it

Resolved, That the United States House of Representatives—

(1) expresses support for designation of a ''National Autism Awareness Month'';

(2) recognizes and commends the parents and relatives of children with autism for their sacrifice and dedication in providing for the special needs of children with autism and for absorbing significant financial costs for specialized education and support services;

(3) supports the goal of devoting new resources to researching the root causes of autism, identifying the best methods of early intervention and treatment, expanding programs for individuals with autism across their lifespans, and promoting understanding of the special needs of people with autism;

(4) stresses the need to begin early intervention services soon after a child has been diagnosed with autism, noting that early intervention strategies are the primary therapeutic options for young people with autism, and that early intervention significantly improves the outcome for people with autism and can reduce the level of funding and services needed to treat people with autism later in life;

(5) recognizes the shortage of appropriately trained teachers who have the skills and support necessary to teach, assist, and respond to special needs students, including those with autism, in our school systems; and

(6) recognizes the importance of worker training programs that are tailored to the needs of developmentally disabled persons, including those with autism, and notes that people with autism can be, and are, productive members of the workforce if they are given appropriate support, training, and early intervention services.

The SPEAKER pro tempore, Mr. SALAZAR, recognized Mr. WYNN and Mr. SMITH of New Jersey, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. SALAZAR, announced that two-thirds of the Members present had voted in the affirmative.

Mr. SMITH of New Jersey, objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mr. SALAZAR, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Tuesday, May 20, 2008.

The point of no quorum was considered as withdrawn.

¶61.40 BEBE MOORE CAMPBELL NATIONAL MINORITY MENTAL HEALTH AWARENESS MONTH

Mr. WYNN moved to suspend the rules and agree to the following concurrent resolution (H. Con. Res. 134); as amended:

Whereas mental illness is one of the leading causes of disabilities in the United States, affecting one out of every four families in America and victimizing both those with the illness and those who care for and love those afflicted;

Whereas according to the National Alliance for Mentally Ill (NAMI), the direct and indirect costs to the workplace resulting from mental illness total over $34,000,000 annually;

Whereas the National Institute of Mental Health has reported that many people suffer from more than one mental disorder at a given time and 45 percent of those with any mental disorder meet criteria for two or more disorders, with severity strongly related to comorbidity (including diabetes, cardiovascular disease, HIV/AIDS, and cancer);

Whereas according to the 1999 Surgeon General's Report on Mental Illness, more than 54,000,000 Americans have a mental disorder in any given year, although fewer than 8,000,000 seek treatment;

Whereas according to the same Surgeon General's Report on Mental Illness, adult Caucasians who suffer from depression or an anxiety disorder are more likely to receive treatment than adult African Americans with the same disorders even though the disorders occur in both groups at about the same rate, when taking into account socioeconomic factors;

Whereas according to a report from the Office of Minority and National Affairs for the American Psychiatric Association, although mental illness impacts all people, African Americans experience a much greater unmet need for mental health services and receive a lesser quality of care, thereby resulting in mental health disparities;

Whereas the three major brain diseases—schizophrenia, bipolar disorder, and depression—adversely affect the economy, contribute to the rise in incarceration rates, and erode the quality of family life of those involved;

Whereas nearly two-thirds of all people with a diagnosable mental illness do not seek mental health treatment due to stigma, lack of community-based resources, inadequate diagnosis, or no diagnosis;

Whereas communities of color are in need of culturally competent mental health resources and the training of all health care providers to serve multi-ethnic consumers;

Whereas advocacy for traditional mental health organizations must be encouraged to incorporate and integrate minority mental health education and outreach within their respective portfolios;

Whereas other research studies estimate that 50 to 70 percent of all youth in the juvenile justice system have mental health problems that are usually undiagnosed, misdiagnosed, untreated, or badly treated, thus leaving those incarcerated in vulnerable conditions;

Whereas minority mental health consumers often fall into the category of the ''working poor'', facing additional challenges because they are underinsured or uninsured, which often leads to late diagnosis or no diagnosis of mental illness;

Whereas the faith, customs, values, and traditions of a variety of ethnic groups should be taken into consideration when attempting to treat and diagnose mental illnesses;

Whereas a small percentage of African Americans receive mental health treatment, and a significant percentage refuse treatment or view mental health treatment as the ''treatment of last resort'', due to the stigma associated with mental illness;

Whereas according to the 1999 Surgeon General's Report on Mental Illness, African Americans are misdiagnosed at a higher rate within the mental health delivery system, and greater effort must be made to accurately assess the mental health of African Americans;

Whereas there is a need to improve public awareness of mental illness and to strengthen local and national awareness of brain diseases in order to assist with advocacy for persons of color with mental illness, so that they may receive adequate and appropriate treatment that will result in their becoming fully functioning members of society;

Whereas community mobilization of resources is needed to educate, advocate for, and train mental health providers to help remove barriers to treatment of mental disorders;

Whereas access to mental health treatment and services is of paramount importance;

Whereas there is a need to encourage primary care physicians to offer screening, partner with mental health providers, and seek the appropriate referral to specialists and to encourage timely and accurate diagnosis;

Whereas the late Bebe Moore Campbell (mother, grandmother, wife, friend, advocate, celebrated writer and journalist, noted author, radio commentator, community activist, co-founder of National Alliance for the Mentally Ill Urban Los Angeles, University of Pittsburgh Trustee and educator, and recipient of numerous awards and honors) was recognized for her tireless advocacy and fight to bring awareness and attention to

mental illness among minorities with the release of her New York Times best selling novel, ''72 Hour Hold'', and her children's book ''Sometimes My Mommy Gets Angry'', which both bring awareness to the plight of those with brain disorders;

Whereas Bebe Moore Campbell through her dedication and commitment sought to move communities to support mental wellness through effective treatment options, open access to mental health treatment and services, and improve community outreach and support for the many loved ones who are unable to speak for themselves; and

Whereas July would be an appropriate month to recognize as Bebe Moore Campbell National Minority Mental Health Awareness Month: Now, therefore, be it

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

(1) improved access to mental health treatment and services and public awareness of mental illness are of paramount importance;

(2) there is an important need for improved access to care, treatment, and services for those diagnosed with severe and persistent mental health disorders and improved public awareness of mental illness; and

(3) an appropriate month should be recognized as Bebe Moore Campbell National Minority Mental Health Awareness Month to enhance public awareness of mental illness and mental illness among minorities.

The SPEAKER pro tempore, Mr. SALAZAR, recognized Mr. WYNN and Mr. SMITH of New Jersey, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution, as amended?

The SPEAKER pro tempore, Mr. SALAZAR, announced that two-thirds of the Members present had voted in the affirmative.

Mr. SMITH of New Jersey, objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mr. SALAZAR, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Tuesday, May 20, 2008.

The point of no quorum was considered as withdrawn.

¶61.41 NATIONAL BRAIN AWARENESS MONTH

Ms. SCHAKOWSKY moved to suspend the rules and agree to the following resolution (H. Res. 1124); as amended:

Whereas brain tumors are the leading cause of death from solid tumors in children under the age of 20, and are the third leading cause of death from cancer in young adults ages 20–39;

Whereas more than 190,000 people in the United States are diagnosed with a brain tumor each year;

Whereas of these tumors, approximately 40,000 are new cases of primary brain tumors and approximately 150,000 are metastatic brain tumors, where a cancer spread from another part of the body to the brain;

Whereas some 10–15 percent of all persons with cancer will experience a metastatic brain tumor at some point;

Whereas brain tumors may be either malignant or benign, but can be life-threatening in either case;

Whereas treatment of brain tumors is complicated by the more than 120 different types of such tumors;

Whereas national priorities for dealing with brain tumors include—

(1) supporting research programs at the National Cancer Institute;

(2) strengthening brain tumor research program leadership at the National Institutes of Health, including the National Cancer Institute; and

(3) strengthening access to critical healthcare services for Medicare beneficiaries;

Whereas the North American Brain Tumor Coalition established a Brain Tumor Action Week during the first week of May 2007 and each subsequent first week in May;

Whereas the Lori Arquilla Andersen Foundation is recognized for their efforts to promote awareness of the life-threatening effects of brain tumors, to advocate on behalf of brain tumor patients, and to raise funds for medical research;

Whereas Accelerate Brain Cancer Cure is recognized for their work to bring more treatments to patients, stimulate research and development and otherwise support the accelerated development of new therapies for brain cancer;

Whereas the Goldhirsh Foundation is recognized for being devoted to providing support for innovative brain tumor research with grants awarded through The Brain Tumor Research Awards Program and The Brain Tumor Funders Collaborative;

Whereas the American Brain Tumor Association is recognized for their work to eliminate brain tumors through research and to meet the needs of brain tumor patients and their families;

Whereas The Brain Tumor Society is recognized for their work to find a cure for brain tumors, improve the quality of life for brain tumor patients, survivors, and their families, and raise funds to advance research projects that enhance treatments and find a cure;

Whereas the National Brain Tumor Foundation is recognized for their work to find a cure for brain tumors, and for giving hope to the brain tumor community by funding meaningful research and providing resources and education to patients;

Whereas the Tug McGraw Foundation is recognized for their work to support research that will improve the quality of life in the physical, social, spiritual, and cognitive areas of patients dealing with brain cancer;

Whereas the Childhood Brain Tumor Foundation is recognized for their work to strive to serve the needs of families and children with brain tumors in hopes of improving the quality of life and finding cures for pediatric brain tumors through funding basic science or clinical research;

Whereas the Children's Brain Tumor Foundation is recognized for their work to improve the treatment, quality of life, and the long term outlook for children with brain and spinal cord tumors through research, support, education, and advocacy to families and survivors;

Whereas the Pediatric Brain Tumor Foundation is recognized for their work to eradicate brain tumors, providing support for families, and increasing public awareness about the severity and prevalence of childhood brain tumors;

Whereas the Southeastern Brain Tumor foundation is recognized for their work to instill hope, knowledge and comfort by offering information, education, and support services to all affected by brain tumors;

Whereas the Oklahoma Brain Tumor Foundation is recognized for their work in meeting the needs of Oklahoma families, caregivers and patients affected by brain tumors, through education, advocacy, research and service;

Whereas the Michael Quinlan Brain Tumor Foundation is recognized for their work to support those affected by brain tumors through educational, emotional, financial, and spiritual services;

Whereas the Brain Tumor Action Network is recognized for their work to bring awareness to the general public about brain tumors and to educate and empower brain tumor survivors, their families and friends;

Whereas May would be an appropriate month to recognize as National Brain Tumor Awareness Month; and

Whereas there is a need for greater awareness of brain tumors and brain cancer on the part of the public, including awareness of symptoms and warning signs, treatment options, research needs, and public policy implications: Now, therefore, be it

Resolved, That—

(1) it is the sense of the House of Representatives that there should be established a National Brain Tumor Awareness Month; and

(2) the House of Representatives applauds the actions of medical professionals and other caregivers, researchers, patients and their families, and others who strive to combat and raise public awareness of brain tumors and brain cancer.

The SPEAKER pro tempore, Mr. SALAZAR, recognized Ms. SCHAKOWSKY and Mr. SMITH of New Jersey, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. SALAZAR, announced that two-thirds of the Members present had voted in the affirmative.

Mr. SMITH of New Jersey, objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mr. SALAZAR, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Tuesday, May 20, 2008.

The point of no quorum was considered as withdrawn.

¶61.42 REDUCING MATERNAL MORTALITY

Ms. SCHAKOWSKY moved to suspend the rules and agree to the following resolution (H. Res. 1022); as amended:

Whereas an estimated 536,000 women die during pregnancy and childbirth every year which is equivalent to one death every minute;

Whereas an estimated 15 percent of pregnancies and childbirths involve unpredictable and often life-threatening complications that require emergency care;

Whereas girls under 15 are estimated to be 5 times more likely to die during childbirth than women in their 20s;

Whereas nearly all these deaths are preventable;

Whereas survival rates greatly depend upon the distance and time a woman must travel to get skilled emergency medical care;

Whereas care by skilled birth attendants, nurses, midwives, or doctors during pregnancy and childbirth, including emergency services, and care for mothers and newborns is essential;

Whereas the poorer the household, the greater the risk of maternal death, and 99 percent of maternal deaths occur in developing countries;

Whereas newborns whose mothers die of any cause are 3 to 10 times more likely to die within 2 years than those whose mothers survive;

Whereas more than 1,000,000 children are left motherless and vulnerable every year;

Whereas young girls are often pulled from school and required to fill their lost mother's roles;

Whereas a mother's death lowers family income and productivity which affects the entire community;

Whereas in countries with similar levels of economic development, maternal mortality is highest where women's status is lowest;

Whereas the United States ranks 41st among 171 countries in the latest UN list ranking maternal mortality;

Whereas the overall United States maternal mortality ratio is now 11 deaths per 100,000 live births, one of the highest rates among industrialized nations;

Whereas United States maternal deaths have remained roughly stable since 1982 and have not declined significantly since then;

Whereas the Centers for Disease Control estimates that the true level of United States maternal deaths may be 1.3 to 3 times higher than the reported rate; and

Whereas ethnic and racial disparities in maternal mortality rates persist and in the United States maternal mortality among black women is almost four times the rate among non-Hispanic white women: Now, therefore, be it

Resolved, That the House of Representatives—

(1) affirms its commitment to promoting maternal health and child survival both at home and abroad through greater international investment and participation; and

(2) recognizes maternal health and child survival as fundamental to the well-being of families and societies, and to global development and prosperity.

The SPEAKER pro tempore, Mr. SALAZAR, recognized Ms. SCHAKOWSKY and Mr. SMITH of New Jersey, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. SALAZAR, announced that two-thirds of the Members present had voted in the affirmative.

Mr. SMITH of New Jersey, objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mr. SALAZAR, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Tuesday, May 20, 2008.

The point of no quorum was considered as withdrawn.

¶61.43 NATIONAL OSTEOPOROSIS AWARENESS AND PREVENTION MONTH

Ms. SCHAKOWSKY moved to suspend the rules and agree to the following resolution (H. Res. 369); as amended:

Whereas osteoporosis, a disease characterized by low bone mass, structural deterioration of bone, and increased susceptibility to fractures, is a public health threat for an estimated 44 million Americans;

Whereas in the United States, 10 million individuals already have the disease and almost 34 million more are estimated to have low bone mass, placing them at increased risk for osteoporosis;

Whereas one in two women and one in four men over age 50 will have an osteoporosis-related fracture in her or his remaining lifetime;

Whereas building strong bones during childhood and adolescence can be the best defense against developing osteoporosis later;

Whereas osteoporosis is often thought of as an older person's disease, but bone health is a concern for any age;

Whereas substantial risk has been reported in people of all ethnic backgrounds;

Whereas although osteoporosis often has no symptoms in its early stages, a bone mineral density test can be used to assess fracture risk and to establish the diagnosis and severity of the disease in people at risk before they start fracturing their bones;

Whereas in 2005 osteoporosis was responsible for an estimated 2 million fractures and $19 billion in costs;

Whereas the Surgeon General believes that bone health is critically important to the overall health and quality of the life of Americans; that it is in jeopardy and will only get worse if left unchecked; and that great improvements in the bone health status of Americans can be made by applying what is already known about early prevention, assessment, diagnosis, and treatment;

Whereas optimum bone health and prevention of osteoporosis can be maximized by a balanced diet rich in calcium and vitamin D; weight-bearing exercise; and a healthy lifestyle with no smoking or excessive alcohol intake; and

Whereas May 2008 would be an appropriate month to observe National Osteoporosis Awareness and Prevention Month: Now, therefore, be it

Resolved, That the House of Representatives supports the goals and ideals of National Osteoporosis Awareness and Prevention Month and urges the people of the United States to observe appropriate programs and activities with respect to osteoporosis, including talking with their health care professionals about their bone health.

The SPEAKER pro tempore, Mr. SALAZAR, recognized Ms. SCHAKOWSKY and Mr. SMITH of New Jersey, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. SALAZAR, announced that two-thirds of the Members present had voted in the affirmative.

Mr. SMITH of New Jersey, objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mr. SALAZAR, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Tuesday, May 20, 2008.

The point of no quorum was considered as withdrawn.

¶61.44 BILL PRESENTED TO THE PRESIDENT

Lorraine C. Miller, Clerk of the House reported that on May 6, 2008, she presented to the President of the United States, for his approval, the following bill.

H.R. 5715. An Act to ensure continued availability of access to the Federal student loan program for students and families.

And then,

¶61.45 ADJOURNMENT

On motion of Mr. LUNGREN of California, at 6 o'clock and 32 minutes p.m., the House adjourned.

¶61.46 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

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

Mr. OBERSTAR: Committee on Transportation and Infrastructure. House Concurrent Resolution 305. A resolution recognizing the importance of bicycling in transportation and recreation (Rept. 110–653). Referred to the House Calendar.

Mr. OBERSTAR: Committee on Transportation and Infrastructure. House Resolution 1137. A Resolution supporting the goals and ideals of National Public Works Week, and for other purposes (Rept. 110–654). Referred to the House Calendar.

Mr. OBERSTAR: Committee on Transportation and Infrastructure. House Resolution 339. Resolution supporting the goals of Motorcycle Safety Awareness Month; with an amendment (Rept. 110–655). Referred to the House Calendar. Ordered to be printed.

Mr. OBERSTAR: Committee on Transportation and Infrastructure. House Concurrent Resolution 309. Resolution authorizing the use of the Capitol Grounds for the District of Columbia Special Olympics Law Enforcement Torch Run (Rept. 110–656). Referred to the House Calendar. Ordered to be printed.

Mr. RAHALL: Committee on Natural Resources. H.R. 1464. A bill to assist in the conservation of rare felids and rare canids by supporting and providing financial resources for the conservation programs of nations within the range of rare felid and rare canid populations and projects of persons with demonstrated expertise in the conservation of rare felid and rare canid populations; with an amendment (Rept. 110–657). Referred to the Committee of the Whole House on the state of the Union.

¶61.47 PUBLIC BILLS AND RESOLUTIONS

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

By Mr. SPRATT (for himself, Mr. CLYBURN, Mr. ROTHMAN, Mr. RUPPERSBERGER, and Mr. BARTLETT of Maryland):

H.R. 6083. A bill to authorize funding for the National Advocacy Center; to the Committee on the Judiciary.

By Mr. WEINER:

H.R. 6084. A bill to amend the Internal Revenue Code of 1986 to require the Secretary of the Treasury to establish an Auto File Program which provides certain individuals with income tax forms containing pre-filled information; to the Committee on Ways and Means.

By Ms. JACKSON-LEE of Texas (for herself, Mr. HOYER, Mr. CLYBURN, Mr. LAMPSON, Mr. ORTIZ, Mr. AL GREEN of Texas, Mr. DOGGETT, Mr. HALL of Texas, Mr. HINOJOSA, Mr. GONZALEZ, Mr. GENE GREEN of Texas, Mr. EDWARDS, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. REYES, Mr. BACA, Mr. MCNULTY, Mr. WYNN, Mrs. CHRISTENSEN, Mr. FILNER, Ms. KILPATRICK, Ms. BORDALLO, Mr. BRALEY of Iowa, Mr. ROTHMAN, Mrs. JONES of Ohio, Mr. FATTAH, Mr. ETHERIDGE, Mr. LEWIS of Georgia, Mr. BRADY of Texas, Ms. CLARKE, Mr. CAZAYOUX, Mr. WATT, Mr. WEXLER, Mr. ALTMIRE, Mr. BOSWELL, Mr. MELANCON, Mr. TOWNS, Mr. COOPER, Mr. THOMPSON of

Mississippi, Mr. PALLONE, Mr. DINGELL, Mr. CONYERS, Mr. BUTTERFIELD, Mr. MEEKS of New York, Mr. KENNEDY, Mr. COSTA, Mr. CLAY, Mr. BACHUS, Mr. PASTOR, Mr. CHANDLER, Mr. MEEK of Florida, Ms. WASSERMAN SCHULTZ, Mr. MARKEY, Mr. KIND, Mr. BOYD of Florida, Mr. MCCAUL of Texas, Mr. LARSON of Connecticut, and Mr. DAVIS of Alabama):

H. Con. Res. 354. Concurrent resolution recognizing the 100th birthday of Lyndon Baines Johnson, 36th President, designer of the Great Society, politician, educator, and civil rights enforcer; to the Committee on the Judiciary. considered and agreed to.

By Mr. LEWIS of Georgia:

H. Res. 1208. A resolution expressing the sense of the House of Representatives that youth who age out of foster care should be given special care and attention; to the Committee on Ways and Means.

By Mr. CASTLE:

H. Res. 1209. A resolution commemorating the 100th anniversary of the founding of the National Governors Association; to the Committee on Oversight and Government Reform.

¶61.48 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 76: Mr. MANZULLO.
H.R. 219: Mr. JONES of North Carolina.
H.R. 423: Mr. CHABOT.
H.R. 522: Mr. CARSON.
H.R. 618: Mr. EHLERS.
H.R. 1014: Mr. GUTIERREZ.
H.R. 1059: Ms. JACKSON-LEE of Texas.
H.R. 1063: Mr. SCALISE.
H.R. 1304: Mr. CARSON.
H.R. 1399: Mr. SCALISE.
H.R. 1540: Ms. SCHAKOWSKY.
H.R. 1650: Mr. BUTTERFIELD.
H.R. 1687: Mr. GONZALEZ.
H.R. 1726: Mr. HINCHEY.
H.R. 1738: Mr. FORTUÑO.
H.R. 1797: Mr. PAUL.
H.R. 2020: Mr. CONAWAY.
H.R. 2054: Mr. HARE.
H.R. 2131: Mr. GONZALEZ.
H.R. 2138: Mr. BISHOP of Utah, Ms. BEAN, and Ms. SPEIER.
H.R. 2188: Mr. SAXTON and Mr. COURTNEY.
H.R. 2371: Ms. WATERS and Mr. GONZALEZ.
H.R. 2380: Mr. SCALISE.
H.R. 2472: Ms. BALDWIN.
H.R. 2593: Mr. BACA.
H.R. 2597: Mr. WITTMAN of Virginia.
H.R. 2892: Mr. ENGEL.
H.R. 2923: Mr. MCCOTTER.
H.R. 2942: Mr. ROGERS of Michigan.
H.R. 3094: Mr. BLUMENAUER.
H.R. 3234: Mr. SHADEGG, Mr. SESSIONS, Mr. LATTA and Mrs. MCMORRIS RODGERS.
H.R. 3257: Mr. PORTER.
H.R. 3418: Mr. SHAYS.
H.R. 3426: Mr. BOUCHER.
H.R. 3457: Mr. WELLER, Ms. MCCOLLUM of Minnesota and Mr. KLINE of Minnesota.
H.R. 3563: Mr. ORTIZ and Mr. GONZALEZ.
H.R. 3642: Mr. TIERNEY.
H.R. 3697: Mr. CARSON.
H.R. 3800: Mrs. MCMORRIS RODGERS.
H.R. 3892: Mr. WU.
H.R. 3955: Mr. FOSTER.
H.R. 3957: Ms. EDDIE BERNICE JOHNSON of Texas.
H.R. 3995: Mr. GOODLATTE and Mr. TOM DAVIS of Virginia.
H.R. 4030: Mr. HINCHEY.
H.R. 4093: Mr. ROTHMAN.
H.R. 4105: Mr. ALLEN and Mr. WALSH of New York.
H.R. 4133: Mrs. MCMORRIS RODGERS.
H.R. 4188: Mr. FILNER.
H.R. 4201: Mr. MCCOTTER.
H.R. 4206: Mr. ABERCROMBIE.
H.R. 4236: Mr. MITCHELL, Mr. COHEN, Ms. WASSERMAN SCHULTZ, Ms. ROYBAL-ALLARD, Mr. YARMUTH, Mr. ACKERMAN, and Mr. MARKEY.
H.R. 4335: Mr. BOSWELL.
H.R. 4775: Mr. WU, Ms. LEE, Mr. FILNER, Ms. MCCOLLUM of Minnesota, Ms. ZOE LOFGREN of California, and Mr. BAIRD.
H.R. 4838: Mrs. NAPOLITANO.
H.R. 5038: Mr. CUMMINGS.
H.R. 5085: Mr. PAUL.
H.R. 5161: Mr. CARSON.
H.R. 5267: Mr. BOREN.
H.R. 5315: Ms. MCCOLLUM of Minnesota.
H.R. 5464: Mr. SHERMAN.
H.R. 5544: Ms. NORTON.
H.R. 5545: Mr. SMITH of Texas.
H.R. 5546: Mr. BAIRD and Mr. MELANCON.
H.R. 5605: Mr. FILNER.
H.R. 5606: Mr. ROTHMAN and Ms. ZOE LOFGREN of California.
H.R. 5611: Mrs. MCCARTHY of New York.
H.R. 5615: Mr. GRIJALVA and Mr. FILNER.
H.R. 5696: Ms. GIFFORDS and Mr. BAIRD.
H.R. 5699: Mr. HERGER.
H.R. 5709: Mr. CARSON.
H.R. 5740: Mr. BECERRA and Ms. WATSON.
H.R. 5741: Mrs. CAPPS.
H.R. 5748: Mr. PASTOR.
H.R. 5776: Mr. TERRY and Mr. LATTA.
H.R. 5784: Mrs. MCMORRIS RODGERS.
H.R. 5793: Ms. MCCOLLUM of Minnesota, Mr. RADANOVICH, Mr. DEAL of Georgia, Mr. BOEHNER, and Mr. WALBERG.
H.R. 5823: Mr. ACKERMAN and Mr. WALSH of New York.
H.R. 5825: Mr. WEXLER.
H.R. 5838: Mr. TOWNS.
H.R. 5842: Mr. FILNER.
H.R. 5845: Mr. PASTOR.
H.R. 5847: Mrs. MUSGRAVE.
H.R. 5852: Mr. BERMAN, Mr. ACKERMAN, and Mr. WYNN.
H.R. 5854: Mr. PATRICK MURPHY of Pennsylvania and Ms. MCCOLLUM of Minnesota.
H.R. 5867: Mr. GRIJALVA, Mr. BERMAN, and Mr. BLUMENAUER.
H.R. 5873: Mr. GONZALEZ and Mr. CARSON.
H.R. 5874: Mr. DONNELLY, Mr. BOUCHER, Mr. ADERHOLT, Mr. WAXMAN, Mr. WOLF, Mr. ROSS, Mr. ALTMIRE, Mr. POMEROY, Mr. KUHL of New York, Mr. LAHOOD, Mr. SHAYS, and Ms. LEE.
H.R. 5898: Mr. HALL of New York, Ms. WASSERMAN SCHULTZ, and Mr. CARSON.
H.R. 5906: Mr. SOUDER and Mr. PAUL.
H.R. 5908: Mr. BROUN of Georgia and Mrs. MUSGRAVE.
H.R. 5910: Mr. SALI, Mr. WESTMORELAND, and Mr. JORDAN.
H.R. 5913: Mr. SCOTT of Virginia, Mr. PASTOR, and Mr. SHULER.
H.R. 5951: Mr. BLUMENAUER, Ms. LEE, and Mr. COHEN.
H.R. 5954: Mr. VAN HOLLEN, Mrs. BOYDA of Kansas, Mr. MCDERMOTT, Mr. POMEROY, Ms. WATSON, Mr. PRICE of North Carolina, Mr. DICKS, Mr. WALZ of Minnesota, Mr. REYES, Mrs. DAVIS of California, and Mr. CARSON.
H.R. 5976: Mr. CARSON.
H.R. 5984: Mr. BURTON of Indiana, Mr. RADANOVICH, and Mr. PORTER.
H.R. 5996: Mr. PAUL.
H.R. 6001: Mr. DEAL of Georgia.
H.R. 6023: Ms. GRANGER and Mr. SOUDER.
H.R. 6024: Mr. KILDEE.
H.R. 6029: Mr. TOWNS.
H.R. 6048: Mr. SHADEGG and Mr. SOUDER.
H.R. 6052: Ms. HIRONO and Mr. MCGOVERN.
H.R. 6073: Mr. CARTER, Mr. WILSON of South Carolina, Mr. COBLE, and Mr. COHEN.
H.R. 6074: Mr. HINCHEY, Ms. TSONGAS, Mr. MCNERNEY, and Ms. SCHAKOWSKY.
H.R. 6075: Ms. BORDALLO, Mr. COURTNEY, and Mr. CARSON.
H.R. 6081: Mr. WALZ of Minnesota, Mr. ARCURI, Ms. SHEA-PORTER, Mr. BECERRA, Mrs. DAVIS of California, and Mr. DOGGETT.
H. Con. Res. 223: Mr. CHANDLER and Mr. SHIMKUS.
H. Con. Res. 276: Mr. SCHIFF.
H. Con. Res. 296: Ms. JACKSON-LEE of Texas, Mr. CONAWAY, Mr. REICHERT, and Mr. MCCOTTER.
H. Con. Res. 300: Mrs. CAPPS, Ms. LEE, Mr. FALEOMAVAEGA, Mr. HINCHEY, Mr. GRIJALVA, Mr. KLEIN of Florida, Mr. HONDA, Mr. FARR, Mr. BAIRD, Mrs. CHRISTENSEN, Mr. ABERCROMBIE, Ms. HIRONO, Mr. FORTUÑO, and Mr. INSLEE.
H. Con. Res. 305: Mr. MARKEY.
H. Con. Res. 341: Mr. PASTOR, Mr. CAMPBELL of California, Mr. HIGGINS, Mr. MICHAUD, Mrs. MYRICK, Mr. WHITFIELD of Kentucky, Mr. HASTINGS of Florida, Mr. WALDEN of Oregon, Mr. RAHALL, and Mr. LAMPSON.
H. Con. Res. 349: Mr. BRADY of Pennsylvania and Ms. BORDALLO.
H. Res. 353: Ms. MATSUI, Mr. CHABOT, Mr. ORTIZ, Mr. TIM MURPHY of Pennsylvania, and Mr. HASTINGS of Florida.
H. Res. 389: Mr. CLAY.
H. Res. 757: Ms. TSONGAS.
H. Res. 858: Mr. GENE GREEN of Texas.
H. Res. 959: Mr. ALTMIRE.
H. Res. 977: Mr. PASTOR, Mr. ENGEL, Mr. PASCRELL, Mr. TOWNS, Mr. RYAN of Ohio, and Mr. WYNN.
H. Res. 988: Ms. DEGETTE, Mr. KIRK, Mr. HILL, Mr. BUTTERFIELD, and Mr. CAMP of Michigan.
H. Res. 1008: Ms. JACKSON-LEE of Texas.
H. Res. 1019: Ms. KAPTUR.
H. Res. 1022: Mr. BOSWELL.
H. Res. 1026: Mr. REICHERT.
H. Res. 1093: Mr. TIM MURPHY of Pennsylvania.
H. Res. 1122: Mr. DOOLITTLE, Mrs. BACHMANN, Mr. SHADEGG, Mr. DAVID DAVIS of Tennessee, Mr. KUHL of New York, Mr. GINGREY, Mr. SHIMKUS, Mr. AKIN, Mr. KING of Iowa, and Mr. BROWN of South Carolina.
H. Res. 1124: Mr. BOREN, Mr. MCNERNEY, and Mr. CUMMINGS.
H. Res. 1143: Mr. LARSEN of Washington, Mr. FARR, Mr. REICHERT, Mrs. MCCARTHY of New York, Mrs. MILLER of Michigan, Ms. CLARKE, and Mr. MCCOTTER.
H. Res. 1192: Mr. DAVIS of Illinois, Mr. AL GREEN of Texas, Ms. BORDALLO, Mr. WU, Mr. RUSH, and Mr. GRIJALVA.
H. Res. 1194: Mr. BOUSTANY.
H. Res. 1195: Ms. BORDALLO, Mr. SCOTT of Virginia, Mr. HONDA, Mr. AL GREEN of Texas, Ms. HIRONO, Mr. ACKERMAN, and Ms. SOLIS.
H. Res. 1204: Mr. TOWNS, Ms. LEE, and Mr. HASTINGS of Florida.

¶61.49 PETITIONS

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

242. The SPEAKER presented a petition of the Commom Council of the City of Hobart, Indiana, relative to Resolution No. 2008-07 urging a moratorium on home foreclosures and congressional enactment of a homeowners and bank protection act; to the Committee on Financial Services.

243. Also, a petition of the Commission of the City of Miami, Florida, relative to Resolution No. 08-0099 urging the Congress of the United States to support the re-enactment of the Federal Assault Weapons Ban as proposed in H.R. 1022; to the Committee on the Judiciary.

244. Also, a petition of the City Council of the City of Taft, California, relative to Resolution No. 3036-08 supporting the Second Amendment to the Constitution of the United States and the decision of the United States Supreme Court of Appeals for the District of Columbia in Parker et al. v. District of Columbia; to the Committee on the Judiciary.

245. Also, a petition of the Legislature of Rockland County, New York, relative to Resolution No. 124 requesting that the Congress of the United States review the religious land use provisions of the Religious Land Use and Institutionalized Persons Act of 2000; to the Committee on the Judiciary.

246. Also, a petition of the City Council of Bakersfield, California, relative to Resolution No. 054-08 supporting the Second Amendment to the United States Constitution and the decision of the United States Court of Appeals for the District of Columbia in Parker et al. v. District of Columbia; to the Committee on the Judiciary.

247. Also, a petition of the Town Commission of Lauderdale-By-The-Sea, Florida, relative to Resolution No. 2008-06 requesting that the President of the United States and the Congress of the United States provide funding for expedited repairs to the Herbert Hoover Dike; to the Committee on Transportation and Infrastructure.

248. Also, a petition of the Council of St. Charles Parish, Louisiana, relative to Resolution No. 5531 urging the Congress of the United States to appropriate 100% federal funding for one hundred year flood protection for Southeast Louisiana; to the Committee on Transportation and Infrastructure.

TUESDAY, MAY 20, 2008 (62)

¶62.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order at 9 a.m. by the SPEAKER pro tempore, Mr. MCNULTY, who laid before the House the following communication:

WASHINGTON, DC,
May 20, 2008.

I hereby appoint the Honorable MICHAEL R. MCNULTY to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

Whereupon, pursuant to the order of the House of January 4, 2007, Members were recognized for morning-hour debate.

¶62.2 RECESS—9:15 A.M.

The SPEAKER pro tempore, Mr. MCNULTY, pursuant to clause 12(a) of rule I, declared the House in recess at 9 o'clock and 15 minutes a.m., until 10 a.m.

¶62.3 AFTER RECESS—10 A.M.

The SPEAKER pro tempore, Mr. PASTOR, called the House to order.

¶62.4 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. PASTOR, announced he had examined and approved the Journal of the proceedings of Monday, May 19, 2008.

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

¶62.5 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

6709. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Tebuconazole; Pesticide Tolerance [EPA-HQ-OPP-2005-0097; FRL-8364-6] received May 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6710. A letter from the Principal Deputy Under Secretary Of Defense, Department of Defense, transmitting a report on National Guard Counterdrug Schools Activities, pursuant to Public Law 109-469, section 901(f); to the Committee on Armed Services.

6711. A letter from the Assistant General Counsel for Regulatory Services, Department of Education, transmitting the Department's final rule — Jacob K. Javits Gifted and Talented Students Education Program — received May 13, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

6712. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule — Proposed Personnel Demonstration Project; Alternative Personnel Management System for the U.S. Department of Agriculture, Food Safety and Inspection Service — received May 9, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

6713. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule — Montana Regulatory Program [SATS No.: MT-026/027-FOR; Docket ID: OSM-2008-0006] received May 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6714. A letter from the Acting General Counsel, Department of the Interior, transmitting the Department's final rule — Facility License Standards (RIN: 3141-AA23) received May 9, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6715. A letter from the Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Shallow-Water Species Fishery by Amendment 80 Vessels Subject to Sideboard Limits in the Gulf of Alaska [Docket No. 070213032-7032-01] (RIN: 0648-XF44) received February 21, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6716. A letter from the Deputy Assistant Administrator For Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries Off West Coast States; Coastal Pelagic Species Fisheries; Annual Specifications [Docket No. 070607119-7119-01] (RIN: 0648-AV11) received November 28, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6717. A letter from the Deputy Assistant Administrator for Operations, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Atlantic Sea Scallop Fishery; Amendment 11 [Docket No. 071130780-8013-02] (RIN: 0648-AU32) received May 9, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6718. A letter from the Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Closure of the 2008 Gulf of Mexico Recreational Fishery for Red Snapper [Docket No. 970730185-7206-02] (RIN: 0648-XG40) received May 9, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6719. A letter from the Acting Assistant Administrator For Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Act Provisions; Fisheries of the Northeastern United States; Northeast Multispecies Fishery; 2008 Georges Bank Cod Fixed Gear Sector Operations Plan and Agreement, and Allocation of Georges Bank Cod Total Allowable Catch [Docket No. 071017601-8510-02] (RIN: 0648-AW17) received May 9, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6720. A letter from the Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Snapper/Grouper Resources of the South Atlantic; Withdrawal of Trip Limit Reduction [Docket No. 060525140-6221-02] (RIN: 0648-XG34) received May 9, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6721. A letter from the Administrator, Office of Foreign Labor Certification, Employment and Training Administration, DOL, Department of Labor, transmitting the Department's final rule — Employment Standards Administration; Labor Condition Application Requirements for Employers Seeking To Use Nonimmigrants on E-3 Visas in Specialty Occupations; Filing Procedures (RIN: 1205-AB43) received May 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

6722. A letter from the Director, U.S. Office of Personnel Management, Office of Personnel Management, transmitting the Office's final rule — Amendments to Conform the United States Code of Federal Regulations to the Voting Rights Reauthorization and Amendments Act of 2006 (RIN: 3206-AL40) received April 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

6723. A letter from the Director of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule — Accreditation of Agents and Attorneys; Agent and Attorney Fees (RIN: 2900-AM62) received May 13, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

6724. A letter from the Director, Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule — Provision of Hospital Care and Medical Services During Certain Disasters or Emergencies (RIN: 2900-AM40) received May 9, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

6725. A letter from the Director of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule — VA Veteran-Owned Small Business Verification Guidelines (RIN: 2900-AM78) received May 9, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

6726. A letter from the President and CEO, American Association of Exporter and Importers, transmitting the Association's views and comments in response to the Notice of Proposed Rulemaking on Importer Security Filing and Additional Carrier Requirements; to the Committee on Ways and Means.

6727. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Update for Weighted Average Interest Rates, Yield Curves, and Segment Rates [Notice 2008-50] received May 9, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6728. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Corporate Reorganizations; Amendment to Transfers of Assets or Stock Following a Reorganization [TD 9396] (RIN: 1545-BH52) received May 9, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6729. A letter from the National Taxpayer Advocate, Internal Revenue Service, transmitting a report entitled, ''National Taxpayer Advocate's 2007 Annual Report''; to the Committee on Ways and Means.

6730. A letter from the Social Security Regulations Officer, Social Security Administration, transmitting the Administration's final rule — Amendments to the Ticket to Work and Self-Sufficiency Program [Docket No. SSA-2006-0092] (RIN: 0960-AF89) received May 15, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6731. A letter from the Secretary, Federal Trade Commission, transmitting the seventh annual report pursuant to the College Scholarship Fraud Prevention Act of 2000; jointly to the Committees on Education and Labor and the Judiciary.

6732. A letter from the Secretary, Department of Commerce, transmitting the Department's Propane Consumer Impact Analysis regarding the operations of the Propane Education and Research Council, pursuant to Public Law 104-284, section 12; jointly to the Committees on Energy and Commerce and Science and Technology.

6733. A letter from the Administrator, National Aeronautics and Space Administration, transmitting the Administration's proposal to amend the Iran, North Korea, and Syria Nonproliferation Act; jointly to the Committees on Foreign Affairs and Science and Technology.

6734. A letter from the Associate Deputy Secretary, Department of the Interior, transmitting a copy of a draft bill entitled, ''Pick-Sloan Missouri Basin Program Cost Reallocation Act of 2008''; jointly to the Committees on Natural Resources and Energy and Commerce.

6735. A letter from the Principal Deputy Assistant Attorney General, Department of Justice, transmitting a report required by the Foreign Intelligence Surveillance Act of 1978, pursuant to 50 U.S.C. 1807; jointly to the Committees on the Judiciary and Intelligence (Permanent Select).

6736. A letter from the Assistant Secretary for Legislative and Intergovernmental Affairs, Department of Commerce, transmitting a copy of a draft bill entitled, ''the Economic Development Administration Reauthorization Act of 2008''; jointly to the Committees on Transportation and Infrastructure and Financial Services.

6737. A letter from the Secretary, Department of Veterans Affairs, transmitting a copy of a draft bill entitled, ''the Veterans' Benefits Enhancement Act of 2008''; jointly to the Committees on Veterans' Affairs and the Judiciary.

6738. A letter from the Acting General Counsel, Department of Defense, transmitting a copy of legislative proposals that woiuld implement initiatives concerning military spousal benefits presented by the President of the United States in his State of the Union Address; jointly to the Committees on Armed Services, Veterans' Affairs, and Oversight and Government Reform.

6739. A letter from the Chairman, U.S.-China Economic and Security Review Commission, transmitting the Commission's record of the public hearing on the ''Implications of Sovereign Wealth Fund Investments for National Security,'' pursuant to Public Law 106-286, section 635(a); jointly to the Committees on Ways and Means, Foreign Affairs, and Armed Services.

6740. A letter from the Acting General Counsel, Department of Defense, transmitting a copy of legislative proposals as part of the National Defense Authorization Bill for Fiscal Year 2009; jointly to the Committees on Armed Services, Oversight and Government Reform, Natural Resources, Foreign Affairs, Transportation and Infrastructure, and Energy and Commerce.

¶62.6 BENEFITS FOR MILITARY PERSONNEL

Mr. RANGEL moved to suspend the rules and pass the bill (H.R. 6081) to amend the Internal Revenue Code of 1986 to provide benefits for military personnel, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. PASTOR, recognized Mr. RANGEL and Mr. MCCRERY, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. PASTOR, announced that two-thirds of the Members present had voted in the affirmative.

Mr. SESTAK demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. PASTOR, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶62.7 MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Wanda Evans, one of his secretaries.

¶62.8 MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 3035. An Act to temporarily extend the programs under the Higher Education Act of 1965.

¶62.9 FOSTER PARENTS RECOGNITION

Mr. MCDERMOTT moved to suspend the rules and agree to the following resolution (H. Res. 1185):

Whereas the Nation's foster care system provides a sanctuary for children who are unable to live safely in their homes;

Whereas in 2006, some 799,000 children spent at least 24 hours in foster care and, on any given day, roughly 510,000 children were in the Nation's foster care system;

Whereas the primary goal of foster care is to ensure the safety and well-being of children while working to expeditiously provide children with a permanent, safe, and loving home;

Whereas via reunification with parents, adoption, or legal guardianship, some 289,000 children left foster care in 2006 for a permanent home;

Whereas 303,000 children entered foster care in 2006;

Whereas more than 43 percent of the children that entered foster care in 2005 were age 5 and younger;

Whereas studies have found that a child's early years are critical for his or her brain development, making it extremely important for all children to live in a safe and loving home during this critical period in their lives;

Whereas in 2005, the median age of a child in foster care was just over 10 years old and the median length of stay for a child in foster care was nearly 16 months;

Whereas while a majority of children living in foster care had the goal of being reunified with their parents, nearly 20 percent of foster children were seeking adoption in 2005;

Whereas each year as many as 24,000 teens will reach the age of 18 while in foster care and age out of the system without finding a permanent family;

Whereas on any given day in 2006, there were as many as 129,000 children in the foster care system waiting to be adopted;

Whereas in 2005, roughly 60 percent of the children who left foster care for a permanent adoptive family were adopted by their foster parents and another 25 percent were adopted by relatives; and

Whereas it would be appropriate to designate the month of May 2008 as National Foster Care Month: Now, therefore, be it

Resolved, That it is the sense of the United States House of Representatives that—

(1) all Americans should work together to strengthen families and reduce the need of foster care placement for children; and

(2) Congress should continue its commitment to providing critical assistance to children and families involved in the foster care system through the title IV program in the Social Security Act and other programs that are designed to help children reunite with their parents or find a loving and permanent home when they cannot return to their biological parents.

The SPEAKER pro tempore, Mr. PASTOR, recognized Mr. MCDERMOTT and Mr. WELLER of Illinois, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. PASTOR, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶62.10 FOSTER CARE YOUTH

Mr. LEWIS of Georgia, moved to suspend the rules and agree to the following resolution (H. Res. 1208):

Whereas 12,000,000 Americans spend time in foster care;

Whereas every year, more than 24,000 youth turn age 18 while in foster care;

Whereas the safekeeping of most youth who age out of foster care is the responsibility of the State governments, which receive Federal funding to assist them in doing so;

Whereas family reunification, kinship care, and adoption are the preferred solutions for children who are placed in foster care;

Whereas Congress created a new Independent Living initiative in 1986, and expanded the program by passing the Chaffee Foster Care Independence Act in 1999 to assist youth who are emancipated while in foster care: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports former foster care youth as they overcome many emotional, physical, and social obstacles in the pursuit of healthy, independent, and fulfilling lives;

(2) recognizes former foster care youth organizations for their dedication to reforming and improving the foster care system;

(3) appreciates individuals, mentors, and social workers who provide assistance to

former foster care youth beyond resources available through Federal, State, and local services; and

(4) encourages reviews of Federal and State programs conducted under title IV of the Social Security Act that would improve services to help former foster care youth succeed in their transition to adulthood and independence.

The SPEAKER pro tempore, Mr. PASTOR, recognized Mr. LEWIS of Georgia, and Mr. WELLER of Illinois, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. PASTOR, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶62.11 POWS OF VIETNAM WAR AND THOSE UNACCOUNTED FOR IN THE CONFLICT

Mrs. DAVIS of California, moved to suspend the rules and agree to the following resolution (H. Res. 986); as amended:

Whereas recent world events have brought Americans closer together, while reinvigorating our patriotism, reminding us of our precious liberties and freedoms, and giving us a greater appreciation for the men and women of the United States Armed Forces who defend our homeland every day;

Whereas the honor and valor of past and present members of the United States Armed Forces inspire many young people to serve their country;

Whereas participation by the United States Armed Forces in combat operations in Southeast Asia during the Vietnam conflict resulted in more than 700 American military personnel being taken prisoner by enemy forces;

Whereas American military personnel who were taken prisoner were held in numerous prisoner of war facilities, the most notorious of which was Hoa Lo Prison in downtown Hanoi, Vietnam, which was dubbed by prisoners held there as the ''Hanoi Hilton'';

Whereas on January 23, 1973, the United States and North Vietnam jointly announced the terms of a cease-fire agreement, which included the release of prisoners of war;

Whereas the return of the American prisoners of war to the United States and to their families and comrades was designated Operation Homecoming;

Whereas on January 27, 1973, the first group of American prisoners of war were released at airfields near Hanoi and Loc Ninh, and the last Operation Homecoming repatriation took place on April 1, 1973;

Whereas many American military personnel who were taken prisoner as a result of combat in Southeast Asia have not returned to their loved ones and their fate remains unknown;

Whereas American military personnel who were prisoners of war in Southeast Asia were routinely subjected to brutal mistreatment, including beatings, torture, starvation, and denial of medical attention and outside information, and were frequently isolated from each other and prohibited from communicating with one another;

Whereas the prisoners, at great personal risk, nevertheless devised a means to communicate with each other through a code transmitted by tapping on cell walls;

Whereas the prisoners held in the Hanoi Hilton included then-Major Samuel R. Johnson, United States Air Force, now a member of Congress from the 3rd Congressional District of Texas, who was shot down on April 16, 1966, while flying his 25th mission over North Vietnam;

Whereas Samuel R. Johnson spent more than half of his time as a prisoner in solitary confinement, and conducted himself with such valor as to be labeled by the enemy as a die-hard resister, and, notwithstanding the tremendous suffering inflicted upon him, demonstrated an unfailing devotion to duty, honor, and country;

Whereas during Samuel R. Johnson's military career, he was awarded 2 Silver Stars, 3 Legions of Merit, the Distinguished Flying Cross, a Bronze Star with ''V'' device for valor, 2 Purple Hearts, 4 Air Medals, and 5 Outstanding Unit awards;

Whereas Samuel R. Johnson retired from active duty in 1979 in the grade of colonel, and personifies the verse in Isaiah 40:31, ''They shall mount with wings as eagles'';

Whereas the American military personnel who were prisoners of war during the Vietnam conflict truly represent the best of America;

Whereas the 35th anniversary of Operation Homecoming begins on February 12, 2008, and ends on April 1, 2008;

Whereas the world acknowledges that the words inscribed by an American prisoner of war in a Hanoi Hilton cell, ''Freedom has a taste to those who fight and die for it that the protected will never know'', are bitterly true and eternally appreciated; and

Whereas the Nation owes a debt of gratitude to these patriots and their families for their courage, heroism, and exemplary service: Now, therefore, be it

Resolved, That the House of Representatives—

(1) expresses its deepest gratitude for, and calls upon all Americans to reflect upon and to show their gratitude for, the courage and sacrifice of the brave members of the United States Armed Forces, including Samuel R. Johnson of Texas, who were held as prisoners of war during the Vietnam conflict;

(2) urges States and localities to honor the courage and sacrifice of those prisoners of war with appropriate ceremonies and activities;

(3) acting on behalf of all Americans, will not forget the 1,729 members of the United States Armed Forces and the 34 United States citizens who remain unaccounted for from the Vietnam conflict and will continue to press for a full accounting of all of these members; and

(4) honors all of the members of the United States Armed Forces who have fought and died in the defense of freedom.

The SPEAKER pro tempore, Mr. PASTOR, recognized Mrs. DAVIS of California, and Mr. HUNTER, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. PASTOR, announced that two-thirds of the Members present had voted in the affirmative.

Mr. HUNTER demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. PASTOR, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Wednesday, May 21, 2008.

¶62.12 HONORING WOMEN IN THE ARMED FORCES AND FEMALE VETERANS

Mrs. DAVIS of California, moved to suspend the rules and agree to the following resolution (H. Res. 1054); as amended:

Whereas women have historically been an important part of all United States war efforts, voluntarily serving in every military conflict in United States history since the Revolutionary War;

Whereas 34,000 women served in World War I, 400,000 served in World War II, 120,000 served in the Korean War, over 7,000 served in the Vietnam War, and more than 41,000 served in the first Gulf War;

Whereas more than 185,000 women have been deployed in support of Operation Enduring Freedom, Operation Iraqi Freedom, and other missions since 2001;

Whereas over 350 service women have given their lives for our Nation in combat zones since World War I, and more than 85 have been held as prisoners of war;

Whereas over 350,000 women serving in the Armed Forces make up approximately 15 percent of active duty personnel, 15 percent of Reserves, and 17 percent of the National Guard;

Whereas women are now playing an increasingly important role in America's military forces; and

Whereas the women of America's military, past and present, have served their nation in times of peace and war, at great personal sacrifice for both themselves and their families: Now, therefore, be it

Resolved, That the House of Representatives—

(1) honors and recognizes the service and achievements of current and former female members of the Armed Forces;

(2) encourages all people in the United States to recognize the service and achievements of women in the military and female veterans on Memorial Day;

(3) encourages all people in the United States to learn about the history of service and achievements of women in the military; and

(4) supports groups that raise awareness about the service and achievements of women in the military and female veterans through exhibitions, museums, statues, and other programs and activities.

The SPEAKER pro tempore, Mr. PASTOR, recognized Mrs. DAVIS of California, and Mr. WITTMAN of Virginia, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. PASTOR, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

¶62.13 ALASKA ARMY NATIONAL GUARD

Mrs. DAVIS of California, moved to suspend the rules and agree to the following resolution (H. Res. 961):

Whereas the 297th Infantry and the scout group of the Alaska Army National Guard deployment of almost 600 Alaskans was the largest deployment of the Alaska National Guard since World War II;

Whereas the Alaskans of the 3rd Battalion, 297th Infantry came from 80 different communities across Alaska;

Whereas the 3rd Battalion, 297th Infantry included 75 soldiers from New York, Mississippi, Illinois, Georgia and Puerto Rico;

Whereas the 586 soldiers of the 3rd Battalion, 297th Infantry were mobilized in July of 2006 and deployed to Camp Shelby, Mississippi;

Whereas the 3rd Battalion, 297th Infantry was deployed to Camp Virginia, Camp Navstar and Camp Buehring in Northern Kuwait;

Whereas the 3rd Battalion, 297th Infantry courageously performed route and perimeter security missions, mounted combat patrols and inspections and searches of vehicles going into Iraq from Kuwait, among other assignments;

Whereas the 3rd Battalion, 297th Infantry, over the course of 12 months in Kuwait and Iraq, inspected and searched over 30,000 semi-trucks;

Whereas the 3rd Battalion, 297th Infantry designed all force protection plans in northern Kuwait;

Whereas the families of the members of the 3rd Battalion, 297th Infantry have provided unwavering support while waiting patiently for their loved ones to return;

Whereas the employers of members and family members of the 3rd Battalion, 297th Infantry have displayed patriotism over profit, by keeping positions saved for the returning soldiers and supporting the families during the difficult days of this long deployment, and these employers are great corporate citizens through their support of members of the Armed Forces and their family members;

Whereas the 3rd Battalion, 297th Infantry has performed admirably and courageously; gaining the gratitude and respect of Alaskans and all Americans; and

Whereas members of the 3rd Battalion, 297th Infantry received 3 Bronze Stars, 12 Meritorious Service Medals, 142 Army commendations and more than 200 Army Achievement Medals for their outstanding service: Now, therefore, be it

Resolved, That Congress—

(1) commends the 3rd Battalion, 297th Infantry of the Alaska Army National Guard upon its completion of deployment and brave service to the Commonwealth of Alaska and the citizens of the United States; and

(2) directs the Clerk of the House of Representatives to transmit a copy of this resolution to the Adjutant General of the Alaska National Guard for appropriate display.

The SPEAKER pro tempore, Mr. SERRANO, recognized Mrs. DAVIS of California, and Mr. WITTMAN of Virginia, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. SERRANO, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶62.14 KHOBAR TOWERS BOMBING

Mrs. DAVIS of California, moved to suspend the rules and agree to the following concurrent resolution (H. Con. Res. 32); as amended:

Whereas June 25, 2008, marks the 12th anniversary of the terrorist bombing of the Khobar Towers United States military housing compound in Dhahran, Saudi Arabia, on June 25, 1996;

Whereas 19 members of the United States Air Force were killed, more than 500 other Americans were injured, and 297 innocent Saudi or Bangladeshi citizens were killed or injured in the terrorist attack;

Whereas the 19 airmen killed while serving their country were Captain Christopher J. Adams, Staff Sergeant Daniel B. Cafourek, Sergeant Millard D. Campbell, Senior Airman Earl F. Cartrette, Jr., Technical Sergeant Patrick P. Fennig, Captain Leland T. Haun, Master Sergeant Michael G. Heiser, Staff Sergeant Kevin J. Johnson, Staff Sergeant Ronald L. King, Master Sergeant Kendall K. Kitson, Jr., Airman First Class Christopher B. Lester, Airman First Class Brent E. Marthaler, Airman First Class Brian W. McVeigh, Airman First Class Peter J. Morgera, Technical Sergeant Thanh V. Nguyen, Airman First Class Joseph E. Rimkus, Senior Airman Jeremy A. Taylor, Airman First Class Justin R. Wood, and Airman First Class Joshua E. Woody;

Whereas the families of these brave airmen still mourn their loss;

Whereas three months after that terrorist bombing, on September 24, 1996, the House of Representatives agreed to House Concurrent Resolution 200 of the 104th Congress, honoring the victims of that terrorist bombing;

Whereas on the fifth anniversary of that terrorist bombing, on June 25, 2001, the House of Representatives agreed to House Concurrent Resolution 161 of the 107th Congress, which was concurred in by the Senate on July 12, 2002, further honoring the victims of that bombing;

Whereas on June 27, 2005, the House of Representatives agreed to House Concurrent Resolution 188 of the 109th Congress, further honoring the victims of that terrorist bombing;

Whereas those guilty of carrying out the attack have yet to be brought to justice; and

Whereas terrorism remains a constant and ever-present threat around the world: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That, on the occasion of the 12th anniversary of the terrorist bombing of the Khobar Towers United States military housing compound in Dhahran, Saudi Arabia, Congress—

(1) recognizes the service and sacrifice of the 19 members of the United States Air Force who died in that attack;

(2) calls upon every American to pause and pay tribute to those brave airmen;

(3) extends its continued sympathies to the families of those who died; and

(4) assures the members of the Armed Forces serving anywhere in the world that their well-being and interests will at all times be given the highest priority.

The SPEAKER pro tempore, Mr. SERRANO, recognized Mrs. DAVIS of California, and Mr. WITTMAN of Virginia, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution, as amended?

The SPEAKER pro tempore, Mr. SERRANO, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said concurrent resolution, as amended, was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said concurrent resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶62.15 VETERANS AFFAIRS PHYSICIAN ASSISTANT SERVICES

Mr. HARE moved to suspend the rules and pass the bill (H.R. 2790) to amend title 38, United States Code, to establish the position of Director of Physician Assistant Services within the office of the Under Secretary of Veterans Affairs for Health; as amended.

The SPEAKER pro tempore, Mr. SERRANO, recognized Mr. HARE and Mr. MILLER of Florida, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. SERRANO, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶62.16 VETERANS BENEFITS AWARENESS

Mr. FILNER moved to suspend the rules and pass the bill (H.R. 3681) to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to advertise in the national media to promote awareness of benefits under laws administered by the Secretary; as amended.

The SPEAKER pro tempore, Mr. SERRANO, recognized Mr. FILNER and Mr. MILLER of Florida, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. SERRANO, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶62.17 H.R. 6081—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. SERRANO, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and pass the bill (H.R. 6081) to amend the Internal Revenue Code of 1986 to provide benefits for military personnel, and for other purposes; as amended.

The question being put,

Will the House suspend the rules and pass said bill, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 403 Nays 0

¶62.18 [Roll No. 331]

YEAS—403

Abercrombie	Carter	Frank (MA)
Ackerman	Castle	Franks (AZ)
Aderholt	Castor	Frelinghuysen
Akin	Cazayoux	Gallegly
Alexander	Chabot	Garrett (NJ)
Allen	Chandler	Gerlach
Altmire	Clarke	Giffords
Arcuri	Clay	Gingrey
Baca	Cleaver	Gohmert
Bachmann	Clyburn	Gonzalez
Bachus	Coble	Goode
Baird	Cohen	Goodlatte
Baldwin	Cole (OK)	Granger
Barrett (SC)	Conaway	Graves
Barrow	Conyers	Green, Al
Bartlett (MD)	Cooper	Green, Gene
Barton (TX)	Costa	Grijalva
Bean	Costello	Hall (NY)
Becerra	Courtney	Hall (TX)
Berkley	Cramer	Hare
Berman	Crowley	Harman
Berry	Cubin	Hastings (FL)
Biggert	Cuellar	Hastings (WA)
Bilbray	Culberson	Hayes
Bilirakis	Cummings	Heller
Bishop (GA)	Davis (AL)	Hensarling
Bishop (NY)	Davis (CA)	Herger
Bishop (UT)	Davis (KY)	Herseth Sandlin
Blackburn	Davis, David	Higgins
Blunt	Davis, Lincoln	Hill
Boehner	Deal (GA)	Hinchey
Bonner	DeFazio	Hinojosa
Bono Mack	DeGette	Hirono
Boozman	Delahunt	Hobson
Boren	DeLauro	Hodes
Boswell	Dent	Hoekstra
Boucher	Dicks	Holden
Boustany	Doggett	Holt
Boyd (FL)	Donnelly	Honda
Boyda (KS)	Doolittle	Hooley
Brady (PA)	Doyle	Hoyer
Brady (TX)	Drake	Hunter
Braley (IA)	Dreier	Inglis (SC)
Broun (GA)	Duncan	Inslee
Brown (SC)	Edwards	Issa
Brown, Corrine	Ehlers	Jackson (IL)
Brown-Waite, Ginny	Ellison	Jackson-Lee (TX)
Buchanan	Ellsworth	Jefferson
Burgess	Emanuel	Johnson (GA)
Burton (IN)	Emerson	Johnson, E. B.
Butterfield	English (PA)	Johnson, Sam
Buyer	Eshoo	Jones (NC)
Calvert	Etheridge	Jordan
Camp (MI)	Everett	Kagen
Campbell (CA)	Fallin	Kanjorski
Cannon	Farr	Kaptur
Cantor	Fattah	Keller
Capito	Feeney	Kildee
Capps	Filner	Kilpatrick
Capuano	Flake	Kind
Cardoza	Forbes	King (IA)
Carnahan	Fortenberry	King (NY)
Carney	Fossella	Kirk
Carson	Foster	Klein (FL)
Foxx	Kline (MN)	Nadler
Frank (MA)	Knollenberg	Napolitano
Franks (AZ)	Kucinich	Neal (MA)
Frelinghuysen	Kuhl (NY)	Neugebauer
Gallegly	LaHood	Nunes
Garrett (NJ)	Lamborn	Oberstar
Gerlach	Lampson	Obey
Giffords	Langevin	Olver
Gingrey	Larsen (WA)	Ortiz
Gohmert	Larson (CT)	Pallone
Gonzalez	Latham	Pascrell
Goode	LaTourette	Pastor
Goodlatte	Latta	Payne
Granger	Lee	Pearce
Graves	Levin	Pence
Green, Al	Lewis (CA)	Perlmutter
Green, Gene	Lewis (GA)	Peterson (MN)
Grijalva	Lewis (KY)	Peterson (PA)
Hall (NY)	Linder	Petri
Hall (TX)	Lipinski	Pickering
Hare	LoBiondo	Pitts
Harman	Loebsack	Platts
Hastings (FL)	Lofgren, Zoe	Poe
Hastings (WA)	Lowey	Pomeroy
Hayes	Lucas	Porter
Heller	Lungren, Daniel E.	Price (GA)
Hensarling	Mack	Price (NC)
Herger	Mahoney (FL)	Radanovich
Herseth Sandlin	Maloney (NY)	Rahall
Higgins	Manzullo	Ramstad
Hill	Marchant	Rangel
Hinchey	Markey	Regula
Hinojosa	Marshall	Rehberg
Hirono	Matsui	Reichert
Hobson	McCarthy (CA)	Renzi
Hodes	McCarthy (NY)	Reyes
Hoekstra	McCaul (TX)	Reynolds
Holden	McCollum (MN)	Richardson
Holt	McCotter	Rodriguez
Honda	McCrery	Rogers (AL)
Hooley	McDermott	Rogers (KY)
Hoyer	McGovern	Rogers (MI)
Hunter	McHenry	Rohrabacher
Inglis (SC)	McHugh	Ros-Lehtinen
Inslee	McIntyre	Roskam
Issa	McKeon	Ross
Jackson (IL)	McNerney	Rothman
Jackson-Lee (TX)	McNulty	Roybal-Allard
Jefferson	Meek (FL)	Royce
Johnson (GA)	Meeks (NY)	Ruppersberger
Johnson, E. B.	Melancon	Ryan (OH)
Johnson, Sam	Mica	Ryan (WI)
Jones (NC)	Michaud	Salazar
Jordan	Miller (FL)	Sali
Kagen	Miller (MI)	Sánchez, Linda T.
Kanjorski	Miller (NC)	Sanchez, Loretta
Kaptur	Miller, Gary	Sarbanes
Keller	Miller, George	Saxton
Kildee	Mitchell	Scalise
Kilpatrick	Mollohan	Schakowsky
Kind	Moore (KS)	Schiff
King (IA)	Moore (WI)	Schmidt
King (NY)	Moran (KS)	Schwartz
Kirk	Moran (VA)	Scott (GA)
Klein (FL)	Murphy (CT)	Scott (VA)
Kline (MN)	Murphy, Patrick	Sensenbrenner
Knollenberg	Murphy, Tim	Serrano
Kucinich	Murtha	Sestak
Kuhl (NY)	Musgrave	Shadegg
LaHood	Myrick	Shays
Lamborn	Nadler	Shea-Porter
Lampson	Napolitano	Sherman
Langevin	Neal (MA)	Shimkus
Larsen (WA)	Neugebauer	Shuler
Larson (CT)	Nunes	Shuster
Latham	Oberstar	Simpson
LaTourette	Obey	Sires
Latta	Olver	Skelton
Lee	Ortiz	Slaughter
Levin	Pallone	Smith (NE)
Lewis (CA)	Pascrell	Smith (NJ)
Lewis (GA)	Pastor	Smith (TX)
Lewis (KY)	Payne	Smith (WA)
Linder	Pearce	Snyder
Lipinski	Pence	Solis
LoBiondo	Perlmutter	Souder
Loebsack	Peterson (MN)	Space
Lofgren, Zoe	Peterson (PA)	Speier
Lowey	Petri	Spratt
Lucas	Pickering	Stark
Lungren, Daniel E.	Pitts	Stearns
Mack	Platts	Stupak
Mahoney (FL)	Poe	Sullivan
Maloney (NY)	Pomeroy	Sutton
Manzullo	Porter	Tancredo
Marchant	Price (GA)	Tanner
Markey	Price (NC)	Tauscher
Marshall	Radanovich	Taylor
Matsui	Rahall	Terry
McCarthy (CA)	Ramstad	Thompson (CA)
McCarthy (NY)	Rangel	Thompson (MS)
McCaul (TX)	Regula	Thornberry
McCollum (MN)	Rehberg	Tiahrt
McCotter	Reichert	Tiberi
McCrery	Renzi	Tierney
McDermott	Reyes	Towns
McGovern	Reynolds	Tsongas
McHenry	Richardson	Turner
McHugh	Rodriguez	Udall (NM)
McIntyre	Rogers (AL)	Upton
McKeon	Rogers (KY)	Van Hollen
McNerney	Rogers (MI)	Velázquez
McNulty	Rohrabacher	Visclosky
Meek (FL)	Ros-Lehtinen	Walberg
Meeks (NY)	Roskam	Walden (OR)
Melancon	Ross	Walsh (NY)
Mica	Rothman	Walz (MN)
Michaud	Roybal-Allard	Wamp
Miller (FL)	Royce	Wasserman Schultz
Miller (MI)	Ruppersberger	Waters
Miller (NC)	Ryan (OH)	Watson
Miller, Gary	Ryan (WI)	Watt
Miller, George	Salazar	Waxman
Mitchell	Sali	Weiner
Mollohan	Sánchez, Linda T.	Welch (VT)
Moore (KS)	Sanchez, Loretta	Weldon (FL)
Moore (WI)	Sarbanes	Weller
Moran (KS)	Saxton	Westmoreland
Moran (VA)	Scalise	Wexler
Murphy (CT)	Schakowsky	Whitfield (KY)
Murphy, Patrick	Schiff	Wilson (OH)
Murphy, Tim	Schmidt	Wilson (SC)
Murtha	Schwartz	Wittman (VA)
Musgrave	Scott (GA)	Wolf
Myrick	Scott (VA)	Woolsey
Nadler	Sensenbrenner	Wu
Napolitano	Serrano	Wynn
Neal (MA)	Sestak	Yarmuth
Neugebauer	Shadegg	Young (AK)
Nunes	Shays	Young (FL)

NOT VOTING—30

Andrews	Gillibrand	McMorris Rodgers
Blumenauer	Gordon	Paul
Crenshaw	Gutierrez	Pryce (OH)
Davis (IL)	Hulshof	Putnam
Davis, Tom	Israel	Rush
Diaz-Balart, L.	Johnson (IL)	Sessions
Diaz-Balart, M.	Jones (OH)	Udall (CO)
Dingell	Kennedy	Wilson (NM)
Engel	Kingston	
Ferguson	Lynch	
Gilchrest	Matheson	

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶62.19 COMMUNICATION FROM THE CLERK—CERTIFICATE OF ELECTION

The SPEAKER laid before the House a communication, which was read as follows:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, May 15, 2008.

Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: I have the honor to transmit herewith a facsimile copy of a letter received from Ms. Linda Dixon Rigsby, Assistant Secretary of State for Elections, State of Mississippi, indicating that, according to the unofficial returns of the Special Election held May 13, 2008, the Honorable Travis Childers was elected Representative to Congress for the First Congressional District, State of Mississippi.

With best wishes, I am

Sincerely,

LORRAINE C. MILLER,
Clerk.

¶62.20 ORDER OF BUSINESS—SWEARING IN OF MEMBER-ELECT

On motion of Mr. TAYLOR, by unanimous consent,

Ordered, That, notwithstanding the fact that the certificate of election of Mr. Travis W. Childers, 1st District of the State of Mississippi, has not been received by the Clerk of the House of Representatives, Mr. CHILDERS be permitted to take the oath of office as prescribed by law, there being no contest and no question with regard to his election.

Mr. CHILDERS then presented himself at the bar of the House and took the oath of office prescribed by law.

¶62.21 WHOLE NUMBER OF THE HOUSE OF REPRESENTATIVES ADJUSTED

The SPEAKER announced under clause 5(d) of rule XX, that in light of the administration of the oath to Representative CHILDERS, the whole number of the House is adjusted to 435.

¶62.22 H.R. 6074—UNFINISHED BUSINESS

The SPEAKER pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and pass the bill (H.R. 6074) to amend the Sherman Act to make oil-producing and exporting cartels illegal, and for other purposes.

The question being put,

Will the House suspend the rules and pass said bill?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 324 Nays 84

¶62.23 [Roll No. 332]

YEAS—324

Abercrombie	Barrow	Bono Mack
Ackerman	Bean	Boozman
Aderholt	Becerra	Boren
Alexander	Berkley	Boswell
Allen	Berman	Boucher
Altmire	Berry	Boyd (FL)
Arcuri	Biggert	Boyda (KS)
Baca	Bilbray	Brady (PA)
Bachmann	Bilirakis	Braley (IA)
Bachus	Bishop (GA)	Brown (SC)
Baird	Bishop (NY)	Brown, Corrine
Baldwin	Blackburn	

Brown-Waite, Ginny
Buchanan
Burton (IN)
Butterfield
Buyer
Camp (MI)
Campbell (CA)
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Cazayoux
Chabot
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis, David
Davis, Lincoln
DeFazio
DeGette
DeLauro
Dent
Dicks
Doggett
Donnelly
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Farr
Fattah
Filner
Forbes
Fortenberry
Fossella
Foster
Frank (MA)
Gallegly
Gerlach
Giffords
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Graves
Green, Al
Green, Gene
Grijalva
Hall (NY)
Hare
Harman
Hastings (FL)
Hayes
Heller
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Hunter
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Klein (FL)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Marshall
Matsui
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Petri
Pickering
Platts
Pomeroy
Porter
Price (NC)
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Whitfield (KY)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (FL)

NAYS—84

Akin
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bishop (UT)
Blunt
Boehner
Bonner
Boustany
Brady (TX)
Broun (GA)
Burgess
Calvert
Cannon
Carter
Coble
Cole (OK)
Conaway
Cubin
Culberson
Davis (KY)
Deal (GA)
Doolittle
Everett
Fallin
Feeney
Flake
Foxx
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gingrey
Granger
Hall (TX)
Hastings (WA)
Hensarling
Hoekstra
Inglis (SC)
Issa
Johnson (GA)
Johnson, Sam
King (IA)
Kline (MN)
Lamborn
Lampson
Lewis (CA)
Lewis (KY)
Lucas
Lungren, Daniel E.
Mack
Marchant
McCarthy (CA)
McCrery
McKeon
Miller (FL)
Miller, Gary
Moran (KS)
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (PA)
Pitts
Poe
Price (GA)
Radanovich
Renzi
Rohrabacher
Scalise
Schmidt
Shadegg
Shimkus
Shuster
Smith (NE)
Sullivan
Tancredo
Thornberry
Tiahrt
Walberg
Weldon (FL)
Weller
Westmoreland
Young (AK)

NOT VOTING—26

Andrews
Blumenauer
Crenshaw
Davis (IL)
Davis, Tom
Delahunt
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Ferguson
Gilchrest
Gillibrand
Gutierrez
Hulshof
Israel
Kennedy
Kingston
Matheson
McMorris Rodgers
Paul
Pryce (OH)
Putnam
Rush
Sessions
Udall (CO)
Wilson (NM)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶62.24 H. RES. 1144—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. SERRANO, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 1144) expressing support for designation of a ''Frank Sinatra Day'' on May 13, 2008, in honor of the dedication of the Frank Sinatra commemorative stamp; as amended.

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. SERRANO, announced that two-thirds of those present had voted in the affirmative.

Mr. MCDERMOTT demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 402 / Nays 3

¶62.25 [Roll No. 333]

YEAS—402

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Cazayoux
Chabot
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (KY)
Davis, David
Davis, Lincoln
Deal (GA)
DeFazio
DeGette
DeLauro
Dent
Dicks
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Filner
Flake
Forbes
Fortenberry
Fossella
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hunter
Inglis (SC)
Inslee
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pomeroy
Porter
Price (GA)
Price (NC)
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)

Rogers (MI)	Shuster	Udall (NM)
Rohrabacher	Simpson	Upton
Ros-Lehtinen	Sires	Van Hollen
Roskam	Skelton	Velázquez
Ross	Slaughter	Visclosky
Rothman	Smith (NE)	Walberg
Roybal-Allard	Smith (NJ)	Walden (OR)
Royce	Smith (TX)	Walsh (NY)
Ruppersberger	Smith (WA)	Walz (MN)
Ryan (OH)	Snyder	Wamp
Ryan (WI)	Solis	Wasserman Schultz
Salazar	Souder	Waters
Sali	Space	Watson
Sánchez, Linda T.	Speier	Watt
Sanchez, Loretta	Spratt	Waxman
Sarbanes	Stark	Weiner
Scalise	Stearns	Welch (VT)
Schakowsky	Stupak	Weldon (FL)
Schiff	Sullivan	Weller
Schmidt	Sutton	Westmoreland
Schwartz	Tancredo	Wexler
Scott (GA)	Tanner	Whitfield (KY)
Scott (VA)	Tauscher	Wilson (OH)
Sensenbrenner	Terry	Wilson (SC)
Serrano	Thompson (CA)	Wittman (VA)
Sestak	Thompson (MS)	Wolf
Shadegg	Thornberry	Woolsey
Shays	Tiahrt	Wu
Shea-Porter	Tiberi	Wynn
Sherman	Tierney	Yarmuth
Shimkus	Towns	Young (AK)
Shuler	Tsongas	Young (FL)
	Turner	

NAYS—3

Conaway	Neugebauer	Poe

NOT VOTING—29

Andrews	Ferguson	Paul
Blumenauer	Gilchrest	Pryce (OH)
Buyer	Gillibrand	Putnam
Crenshaw	Gohmert	Rush
Davis (IL)	Gutierrez	Saxton
Davis, Tom	Hulshof	Sessions
Delahunt	Israel	Taylor
Diaz-Balart, L.	Kennedy	Udall (CO)
Diaz-Balart, M.	Kingston	Wilson (NM)
Dingell	Matheson	

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

By unanimous consent, the title was amended so as to read: ''A resolution expressing support for the designation of a Frank Sinatra Day, in honor of the dedication of the Frank Sinatra commemorative stamp.''.

A motion to reconsider the votes whereby the rules were suspended and said resolution, as amended, was agreed to and the title was amended was, by unanimous consent, laid on the table.

¶62.26 VETERANS EMERGENCY CARE

Mr. FILNER moved to suspend the rules and pass the bill (H.R. 3819) to amend title 38, United States Code, to require the Secretary of Veterans Affairs to reimburse veterans receiving emergency treatment in non-Department of Veterans Affairs facilities for such treatment until such veterans are transferred to Department facilities, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. SERRANO, recognized Mr. FILNER and Mr. BUYER, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. SERRANO, announced that two-thirds of the Members present had voted in the affirmative.

Mr. FILNER demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. SERRANO, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Wednesday, May 21, 2008.

¶62.27 VETERANS VOCATIONAL PROGRAMS

Mr. FILNER moved to suspend the rules and pass the bill (H.R. 3889) to amend title 38, United States Code, to require the Secretary of Veterans Affairs to conduct a longitudinal study of the vocational rehabilitation programs administered by the Secretary; as amended.

The SPEAKER pro tempore, Mr. SERRANO, recognized Mr. FILNER and Mr. BUYER, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. SERRANO, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶62.28 JUSTIN BAILEY VETERANS SUBSTANCE USE DISORDERS PREVENTION AND TREATMENT

Mr. FILNER moved to suspend the rules and pass the bill (H.R. 5554) to amend title 38, United States Code, to expand and improve health care services available to veterans from the Department of Veterans Affairs for substance use disorders, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. SERRANO, recognized Mr. FILNER and Mr. BUYER, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mrs. TAUSCHER, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶62.29 ADAPTED HOUSING FOR VETERANS

Mr. FILNER moved to suspend the rules and pass the bill (H.R. 5664) to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to update at least once every six years the plans and specifications for specially adapted housing furnished to veterans by the Secretary; as amended.

The SPEAKER pro tempore, Mrs. TAUSCHER, recognized Mr. FILNER and Mr. BUYER, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mrs. TAUSCHER, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶62.30 SPINA BIFIDA HEALTH CARE PROGRAM

Mr. FILNER moved to suspend the rules and pass the bill (H.R. 5729) to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to provide comprehensive health care to children of Vietnam veterans born with Spina Bifida, and for other purposes; as amended.

The SPEAKER pro tempore, Mrs. TAUSCHER, recognized Mr. FILNER and Mr. BUYER, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mrs. TAUSCHER, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶62.31 VETERANS' COMPENSATION COST-OF-LIVING

Mr. FILNER moved to suspend the rules and pass the bill (H.R. 5826) to increase, effective as of December 1, 2008, the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of certain service-connected disabled veterans, and for other purposes.

The SPEAKER pro tempore, Mrs. TAUSCHER, recognized Mr. FILNER and Mr. BUYER, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mrs. TAUSCHER, announced that two-thirds of the Members present had voted in the affirmative.

Mr. FILNER demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mrs. TAUSCHER, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Wednesday, May 21, 2008.

¶62.32 DEPARTMENT OF VETERANS MEDICAL FACILITY AUTHORIZATION AND LEASE

Mr. FILNER moved to suspend the rules and pass the bill (H.R. 5856) to authorize major medical facility projects and major medical facility leases for the Department of Veterans Affairs for fiscal year 2009, and for other purposes.

The SPEAKER pro tempore, Mrs. TAUSCHER, recognized Mr. FILNER and Mr. BUYER, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mrs. TAUSCHER, announced that two-thirds of the Members present had voted in the affirmative.

Mr. FILNER demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mrs. TAUSCHER, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Wednesday, May 21, 2008.

¶62.33 CHILD CUSTODY ARRANGEMENTS FOR ARMED FORCES DEPLOYED

Mr. FILNER moved to suspend the rules and pass the bill (H.R. 6048) to amend the Servicemembers Civil Relief Act to provide for the protection of child custody arrangements for parents who are members of the Armed Forces deployed in support of a contingency operation.

The SPEAKER pro tempore, Mrs. TAUSCHER, recognized Mr. FILNER and Mr. BUYER, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mrs. TAUSCHER, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶62.34 SMALL BUSINESS PROGRAMS EXTENSION

Ms. VELAZQUEZ moved to suspend the rules and pass the bill of the Senate (S. 3029) to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes.

The SPEAKER pro tempore, Mrs. TAUSCHER, recognized Ms. VELAZQUEZ and Mr. CHABOT, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mrs. TAUSCHER, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶62.35 EARTHQUAKE IN PEOPLE'S REPUBLIC OF CHINA

Mr. WU moved to suspend the rules and agree to the following resolution (H. Res. 1195); as amended:

Whereas on Monday, May 12, 2008, at 2:28 p.m. local time, a massive earthquake measuring 7.9 on the Richter scale struck a mountainous region of Sichuan Province in southwest China;

Whereas the epicenter of the earthquake was Wenchuan County, 60 miles northwest of the provincial capital of Chengdu;

Whereas the earthquake destroyed 80 percent of structures in some of the towns and small cities near the epicenter;

Whereas the death toll is currently estimated to exceed 22,000 and is expected to rise as the scope of the damage becomes clearer;

Whereas tens of thousands of people across southwest China remain buried beneath rubble, and hundreds of thousands of people are injured or homeless;

Whereas an estimated 900 eighth and ninth grade students and their teachers remain trapped, with as many as hundreds dead, after a school collapsed in Dujiangyan, a county located southeast of the epicenter;

Whereas another school with up to 1,000 students and teachers inside collapsed in the city of Mianyang;

Whereas two chemical plants have collapsed in Shifang, northeast of the epicenter, spilling 80 tons of toxic ammonia;

Whereas more than 150 people have been killed in the provinces of Gansu and Shaanxi, and in Chongqing municipality;

Whereas the People's Republic of China has mobilized 50,000 police and civilian rescue workers, who have been working tirelessly in disaster areas to aid in rescue and recovery efforts;

Whereas the tremors of the powerful earthquake were felt as far south as Vietnam and Thailand and set off another, smaller earthquake near the outskirts of Beijing, 900 miles away;

Whereas the earthquake is China's largest natural disaster since a previous earthquake struck the city of Tangshan in eastern China in 1976; and

Whereas the People's Republic of China has said that it is spending $120 million on rescue efforts and that it would accept international aid to cope with the disaster: Now, therefore, be it

Resolved, That the House of Representatives—

(1) extends its condolences and sympathy to the people of the People's Republic of China for the grave loss of life and vast destruction caused by the massive earthquake centered in Sichuan Province;

(2) vows its full support for the people of the People's Republic of China as well as the members of the Chinese American community in the United States who have relatives in the affected areas of China; and

(3) expresses confidence that the people of the People's Republic of China will come together to help those in need and succeed in overcoming the hardships incurred because of this tragedy.

The SPEAKER pro tempore, Mrs. TAUSCHER, recognized Mr. WU and Mr. MANZULLO, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. CAPUANO, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

¶62.36 DEMOCRATICALLY-ELECTED GOVERNMENT OF LEBANON

Mr. ACKERMAN moved to suspend the rules and agree to the following resolution (H. Res. 1194):

Whereas, on May 7, 2008, the terrorist group Hizballah, in response to the justifiable exercise of authority by the sovereign, democratically-elected Government of Lebanon, initiated an unjustifiable insurrection by fomenting riots, blocking roads, seizing buildings, and organizing marauding groups of gunmen who took control of much of Beirut, including the sites of key government institutions, and provoked sectarian fighting elsewhere in Lebanon;

Whereas, in the course of this ongoing insurrection initiated by Hizballah, more than 80 Lebanese citizens have been murdered and more than 250 have been wounded;

Whereas, in the course of this fighting, Hizballah and allied fighters attacked the residences of Future Party leader Saad Hariri and Progressive Socialist Party leader Walid Jumblatt, both of whose parties are members of the legitimate governing coalition under Prime Minister Fouad Siniora;

Whereas, in the course of their insurrection, Hizballah and allied fighters forced the Future Party's television station off the air and burned the building housing the Future Party's newspaper;

Whereas Hizballah and its allies have turned over some of the areas they conquered in Beirut to the Lebanese Armed Forces;

Whereas key government institutions, including the prime ministry, remain under siege, as do the residences of Saad Hariri and Walid Jumblatt;

Whereas the purpose of Hizballah's insurrection is to intimidate the legitimate,

democratically-elected Government of Lebanon, the Lebanese Armed Forces, and other legitimate Lebanese authorities, so that Hizballah will have maximum freedom of military action, can deepen its control over its ''state within a state'' in Shiite-dominated areas of Lebanon, and can enhance its influence on Lebanese Government decision-making in order to render Lebanon subservient to Iranian foreign policy;

Whereas United Nations Security Council Resolutions 1559, 1680, and 1701 affirm the sovereignty, territorial integrity, unity, and political independence of Lebanon under the sole and exclusive authority of the Government of Lebanon;

Whereas United Nations Security Council Resolutions 1559, 1680, and 1701 call for the disbanding and disarming of all militias in Lebanon;

Whereas United Nations Security Council Resolution 1701 insists that no country transfer arms into Lebanon other than with the consent of the Government of Lebanon;

Whereas United Nations Security Council Resolution 1747 explicitly forbids Iran from transferring arms to any entity;

Whereas Hizballah has contemptuously dismissed the requirements of the United Nations Security Council by refusing to disarm;

Whereas Hizballah and its allies have repeatedly sought to undermine the legitimate Government of Lebanon under Prime Minister Siniora by preventing parliament from meeting and blocking the election of a new President, leaving that office vacant for the past half-year;

Whereas, contrary to the explicit and binding mandates of the United Nations Security Council, Iran continues to provide training, arms, and funding to Hizballah;

Whereas, contrary to the explicit and binding mandates of the United Nations Security Council, Syria continues to facilitate the transfer of arms to Hizballah via its territory;

Whereas Syria, through, inter alia, its support of Hizballah's efforts to undermine Prime Minister Siniora, its suspected campaign of assassinations of Lebanese leaders, its minimal cooperation with the international investigation of these assassinations, and its refusal to delineate its border with Lebanon, shows every sign of wanting to control Lebanon as it did prior to its April 2005 withdrawal;

Whereas it is highly likely that Hizballah provoked the recent fighting in Lebanon with the blessing of Syria and Iran; and

Whereas Hizballah and its Lebanese political allies continue to pursue an agenda favoring foreign interests over the will of the majority of Lebanese as expressed in a legitimate and democratic election: Now, therefore, be it

Resolved, That the House of Representatives—

(1) reaffirms its strong support for the legitimate, democratically-elected Government of Lebanon under Prime Minister Fouad Siniora;

(2) expresses its profound sympathy to the people of Lebanon, who have again been thrust unjustly, and against their will, into a conflict initiated by Hizballah;

(3) offers its condolences to all those in Lebanon who have suffered displacement, injury, or death in their family, or among their loved ones, as a consequence of Hizballah's unjustifiable insurrection against the Government of Lebanon;

(4) condemns—

(A) Hizballah's illegitimate assault on the sovereign Government of Lebanon, which has led to the worst sectarian warfare in that country since the civil war from 1975 to 1990;

(B) Hizballah for its unprovoked attacks against Lebanese leaders, citizens, and against Lebanese public and private institutions and for its illegal occupation of territory under the sovereignty of the Government of Lebanon; and

(C) Syria and Iran for illegally transferring arms and providing other forms of military support to Hizballah, in clear violation of United Nations Security Council Resolutions 1559, 1680, 1701, and 1747;

(5) demands that Hizballah immediately cease its attacks and withdraw from all areas in Beirut and elsewhere in Lebanon that it has occupied since May 7, 2008, as a first step towards its total disarmament; and

(6) urges—

(A) the United States Government and the international community to immediately take all appropriate actions to support and strengthen the legitimate Government of Lebanon under Prime Minister Fouad Siniora;

(B) the United Nations Security Council to—

(i) condemn Syria and Iran for their blatant violation of United Nations Security Council Resolutions 1559, 1680, and 1701;

(ii) condemn Iran for its violation of Chapter-VII-based United Nations Security Council Resolution 1747; and

(iii) as part of sanctions on Iran for violating Chapter-VII-based United Nations Security Council Resolution 1747, prohibit all air traffic between Iran and Lebanon and between Iran and Syria;

(C) every country controlling possible transit routes from Iran to Lebanon to impose the strictest possible controls on the movement of Iranian vehicles, airplanes, and goods to ensure that Iran is not exploiting its land and airspace for the purpose of illegally transferring arms to Hizballah and other terrorist groups; and

(D) the European Union, in light of recent and earlier Hizballah actions, to designate Hizballah as a terrorist group and to treat it accordingly.

The SPEAKER pro tempore, Mr. CAPUANO, recognized Mr. ACKERMAN and Mr. MANZULLO, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. CAPUANO, announced that two-thirds of the Members present had voted in the affirmative.

Mr. LAHOOD demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. CAPUANO, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Wednesday, May 21, 2008.

¶62.37 SUBMISSION OF CONFERENCE REPORT—S. CON. RES. 70

Mr. SPRATT submitted a conference report (Rept. No. 110–659) on the concurrent resolution of the Senate (S. Con. Res. 70) setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; together with a statement thereon, for printing in the CONGRESSIONAL RECORD under the rule.

¶62.38 HIGHER EDUCATION PROGRAMS EXTENDED

Mr. BISHOP of New York, moved to suspend the rules and pass the bill of the Senate (S. 3035) to temporarily extend the programs under the Higher Education Act of 1965.

The SPEAKER pro tempore, Mr. CAPUANO, recognized Mr. BISHOP of New York, and Mr. KELLER of Florida, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. CAPUANO, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶62.39 CALENDAR WEDNESDAY BUSINESS DISPENSED WITH

On motion of Mr. BISHOP of New York, by unanimous consent,

Ordered, That business in order for consideration on Wednesday, May 21, 2008, under clause 6, rule XV, the Calendar Wednesday rule, be dispensed with.

¶62.40 ADJOURNMENT OF THE TWO HOUSES

Mr. BISHOP of New York, submitted the following privileged concurrent resolution (H. Con. Res. 355):

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on the legislative day of Thursday, May 22, 2008, or Friday, May 23, 2008, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2 p.m. on Tuesday, June 3, 2008, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns on any day from Thursday, May 22, 2008, through Friday, May 30, 2008, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Monday, June 2, 2008, or such other time on that day as may be specified in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, or their respective designees, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble at such place and time as they may designate if, in their opinion, the public interest shall warrant it.

The question being put, viva voce,

Will the House agree to said concurrent resolution?

The SPEAKER pro tempore, Mr. CAPUANO, announced that the yeas had it.

Mr. MACK objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 6, rule XX, and the call was taken by electronic device.

When there appeared { Yeas ..... 239 / Nays 175

¶62.41 [Roll No. 334]

YEAS—239

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

NAYS—175

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Cooper
Culberson
Davis (KY)
Davis, David
Deal (GA)
Dent
Donnelly
Doolittle
Drake
Dreier
Duncan
Ellsworth
Emerson
English (PA)
Fallin
Flake
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Giffords
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hunter
Inglis (SC)
Issa
Johnson, Sam
Jordan
Keller
King (IA)
King (NY)
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Mitchell
Moran (KS)
Murphy, Patrick
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (PA)
Petri
Pickering
Platts
Poe
Porter
Price (GA)
Radanovich
Ramstad
Regula
Reichert
Renzi
Reynolds
Rogers (KY)
Rogers (MI)
Roskam
Royce
Ryan (WI)
Sali
Saxton
Scalise
Schmidt
Sensenbrenner
Shadegg
Shays
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (SC)
Wittman (VA)
Wolf
Young (FL)

NOT VOTING—20

Andrews
Bishop (UT)
Blumenauer
Crenshaw
Davis, Tom
Diaz-Balart, L.
Diaz-Balart, M.
Ferguson
Gilchrest
Gillibrand
Hulshof
Israel
Kennedy
Kingston
Pryce (OH)
Putnam
Rush
Sessions
Stark
Wilson (NM)

So the concurrent resolution was agreed to.

A motion to reconsider the vote whereby said concurrent resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶62.42 H.R. 1464—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. CAPUANO, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and pass the bill (H.R. 1464) to assist in conservation of rare felids and rare canids by supporting and providing financial resources for the conservation programs of nations within the range of rare felid and rare canid populations and projects of persons with demonstrated expertise in the conservation of rare felid and rare canid populations; as amended.

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. CAPUANO, announced that two-thirds of those present had voted in the affirmative.

Mr. TERRY demanded a recorded vote on the motion to suspend the rules and pass said bill, as amended, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 294 / Nays 119

¶62.43 [Roll No. 335]

AYES—294

Abercrombie
Ackerman
Allen
Altmire
Arcuri
Baca
Baird
Baldwin
Barrow
Bartlett (MD)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Bono Mack
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown (SC)
Brown, Corrine
Buchanan
Butterfield
Calvert
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Cazayoux
Chabot
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Farr
Fattah
Filner
Forbes
Fortenberry
Foster
Frank (MA)
Frelinghuysen
Gerlach
Giffords
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Keller
Kildee
Kilpatrick
Kind
Kirk
Klein (FL)
Knollenberg
Kucinich
Kuhl (NY)
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McDermott
McGovern
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Perlmutter
Peterson (MN)
Petri
Platts
Pomeroy
Porter
Price (NC)
Rahall
Ramstad
Rangel
Regula
Reichert

Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (TX)
Smith (WA)
Snyder
Solis
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh (NY)
Walz (MN)
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Wexler
Whitfield (KY)
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (FL)

NOES—119

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Barton (TX)
Blackburn
Blunt
Boehner
Bonner
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Camp (MI)
Campbell (CA)
Cannon
Cantor
Carter
Coble
Cole (OK)
Conaway
Cubin
Culberson
Davis (KY)
Davis, David
Deal (GA)
Doolittle
Drake
Dreier
Duncan
Everett
Fallin
Feeney
Flake
Fossella
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis (SC)
Issa
Johnson, Sam
Jones (NC)
Jordan
King (IA)
King (NY)
Kline (MN)
LaHood
Lamborn
Latta
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Manzullo
Marchant
McCarthy (CA)
McCrery
McHenry
Miller (FL)
Miller, Gary
Moran (KS)
Musgrave
Myrick
Neugebauer
Paul
Pence
Peterson (PA)
Pickering
Pitts
Poe
Price (GA)
Radanovich
Rehberg
Renzi
Rohrabacher
Roskam
Ryan (WI)
Sali
Scalise
Shadegg
Shimkus
Shuster
Smith (NE)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Walberg
Wamp
Weldon (FL)
Westmoreland
Wilson (SC)
Wittman (VA)
Young (AK)

NOT VOTING—21

Andrews
Blumenauer
Crenshaw
Davis, Tom
Diaz-Balart, L.
Diaz-Balart, M.
Ferguson
Gilchrest
Gillibrand
Hulshof
Israel
Kennedy
Kingston
Pryce (OH)
Putnam
Rush
Sensenbrenner
Sessions
Smith (NJ)
Wasserman Schultz
Wilson (NM)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶62.44 MOMENT OF SILENCE IN MEMORY OF THE LATE HONORABLE LIONEL VAN DEERLIN

The SPEAKER pro tempore, Mr. CAPUANO, announced that all Members stand and observe a moment of silence in memory of the late Honorable Lionel Van Deerlin.

¶62.45 H.R. 2649—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. CAPUANO, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 2649) to make amendments to the Reclamation Projects Authorization and Adjustment Act of 1992; as amended.

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. CAPUANO, announced that two-thirds of those present had voted in the affirmative.

Mr. TERRY demanded a recorded vote on the motion to suspend the rules and pass said bill, as amended, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 374 / Nays 39

¶62.46 [Roll No. 336]

AYES—374

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Altmire
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Butterfield
Buyer
Calvert
Camp (MI)
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Cazayoux
Chabot
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole (OK)
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cubin
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Filner
Forbes
Fortenberry
Fossella
Foster
Frank (MA)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gonzalez
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hunter
Inglis (SC)
Inslee
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kagen
Kanjorski
Kaptur
Keller
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Nadler
Napolitano
Neal (MA)
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Platts
Pomeroy
Porter
Price (NC)
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Speier
Spratt
Stark
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Wexler
Whitfield (KY)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOES—39

Akin
Blunt
Broun (GA)
Burton (IN)
Campbell (CA)
Cannon
Coble
Conaway
Culberson
Davis, David
Deal (GA)
Duncan
Flake
Foxx
Franks (AZ)
Gingrey
Gohmert
Goode
Hensarling
Jones (NC)
Jordan
Lamborn
Linder
Miller (FL)
Myrick
Neugebauer
Paul
Pence
Pitts
Poe
Price (GA)
Royce
Scalise
Shadegg
Stearns
Tancredo
Walberg
Wamp
Westmoreland

NOT VOTING—21

Andrews
Blumenauer
Crenshaw
Davis, Tom
Diaz-Balart, L.
Diaz-Balart, M.
Emerson
Ferguson
Gilchrest
Gillibrand
Hulshof
Israel
Kennedy
Kingston
Pryce (OH)
Putnam
Rangel
Rush
Sensenbrenner
Sessions
Wilson (NM)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶62.47 H.R. 2744—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. CAPUANO, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 2744) to amend the Family and Medical Leave Act of 1993 to clarify the eligibility requirements with respect to airline flight crews; as amended.

The question being put,

Will the House suspend the rules and pass said bill, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 402 Nays 9

¶62.48 [Roll No. 337]

YEAS—402

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Cazayoux
Chabot
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Filner
Forbes
Fortenberry
Fossella
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Gerlach
Giffords
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hunter
Inglis (SC)
Inslee
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kagen
Kanjorski
Keller
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Scalise
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NAYS—9

Broun (GA)
Campbell (CA)
Duncan
Flake
Garrett (NJ)
Hensarling
Jordan
Latta
Paul

NOT VOTING—23

Andrews
Blumenauer
Crenshaw
Davis, Tom
Diaz-Balart, L.
Diaz-Balart, M.
Ferguson
Gilchrest
Gillibrand
Hulshof
Israel
Jones (OH)
Kaptur
Kennedy
Kingston
Linder
Pryce (OH)
Putnam
Rangel
Rush
Sensenbrenner
Sessions
Wilson (NM)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶62.49 MESSAGE FROM THE PRESIDENT—NATIONAL EMERGENCY WITH RESPECT TO IRAQ

The SPEAKER pro tempore, Mr. COURTNEY, laid before the House a message from the President, which was read as follows:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the Federal Register and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice to the Federal Register for publication. This notice states that the national emergency declared in Executive Order 13303 of May 22, 2003, as modified in scope and relied upon for additional steps taken in Executive Order 13315 of August 28, 2003, Executive Order 13350 of July 29, 2004, Executive Order 13364 of November 29, 2004, and Executive Order 13438 of July 17, 2007, is to continue in effect beyond May 22, 2008.

Obstacles to the orderly reconstruction of Iraq, the restoration and maintenance of peace and security in the country, and the development of political, administrative, and economic institutions in Iraq continue to pose an unusual and extraordinary threat to the national security and foreign policy of the United States. Accordingly, I have determined that it is necessary to continue the national emergency with respect to this threat and maintain in force the measures taken in response to this threat.

GEORGE W. BUSH.

THE WHITE HOUSE, *May 20, 2008*.

By unanimous consent, the message, together with the accompanying papers, was referred to the Committee on Foreign Affairs and ordered to be printed (H. Doc. 110–114).

¶62.50 PERMISSION TO FILE REPORT

On motion of Mr. SKELTON, by unanimous consent, the Committee on Armed Services was granted permission to file a supplemental report on the bill (H.R. 5658) to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2009, and for other purposes.

¶62.51 FURTHER MESSAGE FROM THE SENATE

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

H.R. 4008. An Act to amend the Fair Credit Reporting Act to make technical corrections to the definition of willful noncompliance with respect to violations involving the printing of an expiration date on certain credit and debit card receipts before the date of the enactment of this Act.

¶62.52 PROVIDING FOR CONSIDERATION OF H.R. 6049

Mr. ARCURI, by direction of the Committee on Rules, reported (Rept. No. 110–660) the resolution (H. Res. 1212) providing for consideration of the bill (H.R. 6049) to amend the Internal Revenue Code of 1986 to provide incentives for energy production and conservation, to extend certain expiring provisions, to provide individual income tax relief, and for other purposes.

When said resolution and report were referred to the House Calendar and ordered printed.

¶62.53 PROVIDING FOR CONSIDERATION OF H.R. 5658

Mr. ARCURI, by direction of the Committee on Rules, reported (Rept. No. 110–661) the resolution (H. Res. 1213) providing for consideration of the bill (H.R. 5658) to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2009, and for other purposes.

When said resolution and report were referred to the House Calendar and ordered printed.

¶62.54 PROVIDING FOR CONSIDERATION OF THE CONFERENCE REPORT TO S. CON. RES. 70

Mr. ARCURI, by direction of the Committee on Rules, reported (Rept. No. 110–662) the resolution (H. Res. 1214) providing for consideration of the conference report to accompany the concurrent resolution of the Senate (S. Con. Res. 70) setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013.

When said resolution and report were referred to the House Calendar and ordered printed.

¶62.55 ENROLLED BILL SIGNED

Lorraine C. Miller, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 2419. An Act to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes.

¶62.56 BILLS PRESENTED TO THE PRESIDENT

Lorraine C. Miller, Clerk of the House reported that on May 15, 2008, she presented to the President of the United States, for his approval, the following bill:

H.R. 6051. An Act to amend Public Law 110–196 to provide for a temporary extension of programs authorized by the Farm Security and Rural Investment Act of 2002 beyond May 16, 2008.

Lorraine C. Miller, Clerk of the House also reported that on May 19, 2008, she presented to the President of the United States, for his approval, the following bills:

H.R. 493. An Act to prohibit discrimination on the basis of genetic information with respect to health insurance and employment.

H.R. 3522. An Act to ratify a conveyance of a portion of the Jicarilla Apache Reservation to Rio Arriba County, State of New Mexico, pursuant to the settlement of litigation between the Jicarilla Apache Nation and Rio Arriba County, State of New Mexico, to authorize issuance of a patent for said lands, and to change the exterior boundary of the Jicarilla Apache Reservation accordingly, and for other purposes.

H.R. 5919. An Act to make technical corrections regarding the Newborn Screening Saves Lives Act of 2007.

H.R. 6022. An Act to suspend the acquisition of petroleum for the Strategic Petroleum Reserve, and for other purposes.

¶62.57 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. GILCHREST, for today; and

To Mrs. WILSON of New Mexico, for today.

And then,

¶62.58 ADJOURNMENT

On motion of Ms. JACKSON-LEE of Texas, at 10 o'clock and 48 minutes p.m., the House adjourned.

¶62.59 OATH OF OFFICE/MEMBERS, RESIDENT COMMISSIONERS, AND DELEGATES

The oath of office required by the sixth article of the Constitution of the United States, and as provided by section 2 of the act of May 13, 1884 (23 Stat. 22), to be administered to Members, Resident Commissioner, and Delegates of the House of Representatives, the text of which is carried in 5 U.S.C. 3331:

> ''I, AB, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God.''

has been subscribed to in person and filed in duplicate with the Clerk of the House of Representatives by the following Member of the 110th Congress, pursuant to the provisions of 2 U.S.C. 25:

TRAVIS W. CHILDERS, Mississippi, First.

¶62.60 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

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

Mr. SKELTON: Committee on Armed Services. Supplemental report on H.R. 5658. A bill to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2009, and for other purposes (Rept. 110–652, Pt. 2).

Mr. RANGEL: Committee on Ways and Means. H.R. 6049. A bill to amend the Internal Revenue Code of 1986 to provide incentives for energy production and conservation, to extend certain expiring provisions, to provide individual income tax relief, and for other purposes; with an amendment (Rept. 10–658). Referred to the Committee of the Whole House on the state of the Union.

Mr. SPRATT: Committee of Conference. Conference report on S. Con. Res. 70. A resolution setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013 (Rept. 110–659). Ordered to be printed.

Mr. ARCURI: Committee on Rules. H. Res. 1212. A resolution providing for consideration of the bill (H.R. 6049) to amend the Internal Revenue Code of 1986 to provide incentives for energy production and conservation, to extend certain expiring provisions, to provide individual income tax relief, and for other purposes (Rept. 110–660). Referred to the House Calendar.

Mr. HASTINGS (FL): Committee on Rules. H. Res. 1213. A resolution providing for consideration of the bill (H.R. 5658) to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2009, and for other purposes (Rept. 110–661). Referred to the House Calendar.

Mr. MCGOVERN: Committee on Rules. H. Res. 1214. A resolution providing for consideration of the conference report to accompanying the concurrent resolution (S. Con. Res. 70) setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013 (Rept. 110–662). Referred to the House Calendar.

¶62.61 PUBLIC BILLS AND RESOLUTIONS

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

By Mrs. BONO MACK (for herself, Mr. BACA, Mr. BILBRAY, Mr. CALVERT, Mr. CARDOZA, Ms. CASTOR, Mr. COSTA, Mr. DOOLITTLE, Mr. DREIER, Ms. ESHOO, Mr. FARR, Ms. FOXX, Mr. GALLEGLY, Ms. HARMAN, Mr. HUNTER, Mr. ISSA, Ms. LEE, Mr. LEWIS of California, Ms. ZOE LOFGREN of California, Mr. DANIEL E. LUNGREN of California, Mr. MACK, Mr. MCCARTHY of California, Mr. MCKEON, Mr. GARY G. MILLER of California, Mrs. NAPOLITANO, Mr. PETERSON of Pennsylvania, Mr. RADANOVICH, Mr. ROHRABACHER, Ms. ROYBAL-ALLARD, Ms. LORETTA SANCHEZ of California, Mr. SCHIFF, Mr. SNYDER, Ms. SOLIS, Ms. SPEIER, Mr. STARK, Mr. THOMPSON of California, Ms. WATSON, and Ms. WOOLSEY):

H.R. 6085. A bill to designate the facility of the United States Postal Service located at 42222 Rancho Las Palmas Drive in Rancho Mirage, California, as the ''Gerald R. Ford Post Office Building''; to the Committee on Oversight and Government Reform.

By Mr. ALEXANDER:

H.R. 6086. A bill to make emergency supplemental appropriations for Katrina recovery for the fiscal year ending September 30, 2007, and for other purposes; to the Committee on Appropriations, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CAMPBELL of California:

H.R. 6087. A bill to sunset the Federal recognition and acknowledgment process within the Bureau of Indian Affairs of the Department of the Interior, and for other purposes; to the Committee on Natural Resources.

By Mr. CONYERS (for himself and Mr. POE):

H.R. 6088. A bill to establish a domestic violence volunteer attorney network to represent domestic violence victims; to the Committee on the Judiciary.

By Ms. DEGETTE (for herself, Mr. KING of New York, Mrs. CAPPS, Mr. CAPUANO, Mr. EMANUEL, Mrs. EMERSON, Mr. GENE GREEN of Texas, Mr. JACKSON of Illinois, Mr. KIRK, Mr. TIM MURPHY of Pennsylvania, Ms. PRYCE of Ohio, and Mr. VAN HOLLEN):

H.R. 6089. A bill to amend title IV of the Public Health Service Act to provide for the establishment of pediatric research consortia; to the Committee on Energy and Commerce.

By Mr. ISSA (for himself, Mr. SMITH of Texas, Mr. SENSENBRENNER, Mr. COBLE, Mr. GALLEGLY, Mr. GOODLATTE, Mr. BILBRAY, and Mr. FEENEY):

H.R. 6090. A bill to amend the Immigration and Nationality Act to eliminate the diversity immigrant program and to re-allocate those visas to certain employment-based immigrants who obtain an advanced degree in the United States; to the Committee on the Judiciary.

By Mr. ENGLISH of Pennsylvania (for himself and Ms. BERKLEY):

H.R. 6091. A bill to amend title XVIII of the Security Act to preserve access to physicians' services under the Medicare Program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GINGREY:

H.R. 6092. A bill to designate the facility of the United States Postal Service located at 101 Tallapoosa Street in Bremen, Georgia, as the ''Sergeant Paul Saylor Post Office Building''; to the Committee on Oversight and Government Reform.

By Mr. HINCHEY (for himself, Mr. FILNER, and Mr. FRANK of Massachusetts):

H.R. 6093. A bill to amend chapter 171 of title 28, United States Code, to allow members of the Armed Forces to sue the United States for damages for certain injuries caused by improper medical care and for other purposes; to the Committee on the Judiciary.

By Mr. ISRAEL:

H.R. 6094. A bill to hold the surviving Nazi war criminals accountable for the war crimes, genocide, and crimes against humanity they committed during World War II, by encouraging foreign governments to more efficiently prosecute and extradite wanted criminals; to the Committee on the Judiciary, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LAMPSON (for himself, Mr. CHABOT, Mr. AL GREEN of Texas, Mr. GENE GREEN of Texas, Mr. KAGEN, Mr. SHIMKUS, Mr. UDALL of Colorado, and Mr. POE):

H.R. 6095. A bill to implement certain measures to increase the effectiveness of international child abduction remedies, and for other purposes; to the Committee on the Judiciary.

By Mr. LAMPSON (for himself, Mr. CHABOT, Mr. AL GREEN of Texas, Mr. GENE GREEN of Texas, Mr. KAGEN, Mr. SHIMKUS, Mr. UDALL of Colorado, and Mr. POE):

H.R. 6096. A bill to require the Secretary of State to submit to Congress annual reports on the progress made by the United States in negotiating international agreements relating to international child abduction with countries that are not contracting parties to the Hague Convention on the Civil Aspects of International Child Abduction, and for other purposes; to the Committee on Foreign Affairs, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MATHESON (for himself, Mr. BISHOP of Utah, and Mr. CANNON):

H.R. 6097. A bill to authorize the Boy Scouts of America to exchange certain land in the State of Utah acquired under the Recreation and Public Purposes Act; to the Committee on Natural Resources.

By Mr. REICHERT:

H.R. 6098. A bill to amend the Homeland Security Act of 2002 to improve the financial assistance provided to State, local, and tribal governments for information sharing activities, and for other purposes; to the Committee on Homeland Security.

By Mr. SIRES (for himself, Mr. FRANK of Massachusetts, and Mr. CAPUANO):

H.R. 6099. A bill to provide for extension of existing and expiring agreements under the Moving-to-Work program of the Department of Housing and Urban Development; to the Committee on Financial Services.

By Ms. SOLIS (for herself and Mr. WAXMAN):

H.R. 6100. A bill to amend the Toxic Substances Control Act to reduce the exposure of children, workers, and consumers to toxic chemical substances; to the Committee on Energy and Commerce.

By Mr. THORNBERRY:

H.R. 6101. A bill to amend the Internal Revenue Code of 1986 to improve the ability of medical professionals to practice medicine and provide quality care to patients by providing a tax deduction for patient bad debt; to the Committee on Ways and Means.

By Mr. THORNBERRY:

H.R. 6102. A bill to reduce the amount of paperwork and improve payment policies for health care services, to prevent fraud and abuse through health care provider education, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BISHOP of New York:

H. Con. Res. 355. Concurrent resolution providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate; considered and agreed to.

By Mr. FILNER (for himself and Mr. ISSA):

H. Con. Res. 356. Concurrent resolution expressing the sense of the Congress that a postage stamp should be issued to honor law enforcement officers killed in the line of duty and that the Citizens' Stamp Advisory Committee should recommend to the Postmaster General that such a stamp be issued; to the Committee on Oversight and Government Reform.

By Mr. FEENEY:

H. Con. Res. 357. Concurrent resolution encouraging all States to enact laws requiring photo identification to vote in elections; to the Committee on House Administration.

By Mr. HELLER (for himself, Ms. BERKLEY, and Mr. PORTER):

H. Con. Res. 358. Concurrent resolution commending the members of the Nevada Army National Guard and Air National Guard for their service to the State of Nevada and the United States; to the Committee on Armed Services.

By Mr. TANCREDO (for himself, Mr. FLAKE, Mr. MACK, Mr. SHADEGG, and Mr. TERRY):

H. Con. Res. 359. Concurrent resolution expressing the sense of Congress on naming an aircraft carrier as the U.S.S. Barry M. Goldwater; to the Committee on Armed Services.

By Mr. ROSS:

H. Res. 1210. A resolution supporting the designation of Destination ImagiNation Week; to the Committee on Education and Labor.

By Mr. SCOTT of Virginia:

H. Res. 1211. A resolution expressing the sense of the House that the Guidelines on General Crimes, Racketeering Enterprise and Terrorism Enterprise Investigation as modified on May 30, 2002 (''Ashcroft Guidelines'') should be rescinded and replaced by the former Guidelines ('Levi guidelines') to protect Americans from domestic Federal Bureau of Investigation spying in the absence of suspected criminal activity; to the Committee on the Judiciary.

By Mr. BACA:

H. Res. 1215. A resolution honoring the Armed Forces from the Inland Empire in California and their families for their extraordinary sacrifices serving the United States in Operation Enduring Freedom and Operation Iraqi Freedom; to the Committee on Armed Services.

By Mrs. MYRICK (for herself, Mrs. CAPPS, Mr. ISRAEL, and Ms. PRYCE of Ohio):

H. Res. 1216. A resolution supporting the efforts to reduce unnecessary radiation exposure through computed tomography scans for children, and for other purposes; to the Committee on Energy and Commerce.

¶62.62 MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

284. The SPEAKER presented a memorial of the Legislature of the State of Maine, relative to House Resolution No. 1672 memorializing the Congress of the United States to stop gasoline price manipulation and to close the Enron loophole; to the Committee on Agriculture.

285. Also, a memorial of the Legislature of the State of Nebraska, relative to Legislative Resolution No. 376 urging the President of the United States and the Congress of the United States to continue efforts to account for all of the missing people from the Vietnam War; to the Committee on Veterans' Affairs.

286. Also, a memorial of the House of Representatives of the State of Alabama, relative to House Resolution No. 345 urging the Congress of the United States to permanently abolish the death tax; to the Committee on Ways and Means.

287. Also, a memorial of the Legislature of the State of Louisiana, relative to Senate Concurrent Resolution No. 20 memorializing the Congress of the United States to extend the expiration deadline of the Gulf Opportunity Zone Act of 2005; to the Committee on Ways and Means.

288. Also, a memorial of the Legislature of the State of Arizona, relative to Senate Concurrent Memorial No. 1004 urging the Congress of the United States to authorize the United States Department of the Treasury to intercept federal tax refunds to pay overdue victim restitution and other financial obligations ordered by state and local criminal

and traffic courts; to the Committee on Ways and Means.

¶62.63 PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII:

Mr. HUNTER introduced a bill (H.R. 6103) for the relief of Roberto Luis Dunoyer Mejia, Consuelo Cardona Molina, Camilo Dunoyer Cardona, and Pablo Dunoyer Cardona; which was referred to the Committee on the Judiciary.

¶62.64 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 63: Ms. FOXX.
H.R. 82: Mr. BROWN of South Carolina and Ms. SPEIER.
H.R. 111: Mr. ARCURI.
H.R. 154: Mr. PASTOR, Ms. LORETTA SANCHEZ of California, Mr. PLATTS, and Ms. BALDWIN.
H.R. 160: Mr. DINGELL.
H.R. 398: Ms. LEE.
H.R. 549: Mr. CHABOT.
H.R. 642: Mr. GONZALEZ.
H.R. 643: Mr. WALBERG, Mr. TIAHRT, Mr. SHAYS, and Ms. FALLIN.
H.R. 699: Mr. BONNER.
H.R. 749: Mr. PAUL.
H.R. 760: Mr. MEEKS of New York and Ms. RICHARDSON.
H.R. 808: Mr. WEXLER.
H.R. 882: Mr. HELLER.
H.R. 1016: Mr. CAPUANO and Ms. TSONGAS.
H.R. 1032: Mr. ALTMIRE, Mr. FOSTER, Mr. CARNEY, Mrs. CAPPS, Mr. SESTAK, Mr. GORDON, Mr. BOSWELL, Mr. SERRANO, Mr. HASTINGS of Florida, Mr. ABERCROMBIE, Mrs. TAUSCHER, and Mrs. NAPOLITANO.
H.R. 1043: Mr. UDALL of Colorado.
H.R. 1072: Mr. GONZALEZ.
H.R. 1108: Ms. SPEIER.
H.R. 1110: Mr. BRADY of Texas and Mr. REHBERG.
H.R. 1113: Mr. KLEIN of Florida, Mr. MCHUGH, Mr. MOORE of Kansas, Mr. OBERSTAR, and Mr. TIM MURPHY of Pennsylvania.
H.R. 1185: Mr. KIRK.
H.R. 1306: Mr. HASTINGS of Florida.
H.R. 1328: Mr. SALAZAR.
H.R. 1448: Mr. VAN HOLLEN.
H.R. 1465: Mr. WEINER.
H.R. 1475: Mr. SESTAK.
H.R. 1532: Mr. BILBRAY.
H.R. 1553: Mr. MURPHY of Connecticut.
H.R. 1707: Ms. SPEIER.
H.R. 1767: Mr. DENT.
H.R. 1781: Mr. PAYNE, Ms. WATERS, Ms. VELÁZQUEZ, and Mr. GONZALEZ.
H.R. 1820: Mr. ROTHMAN.
H.R. 1884: Ms. LINDA T. SÁNCHEZ of California, Ms. ROS-LEHTINEN, and Mr. GONZALEZ.
H.R. 1921: Mr. CLEAVER.
H.R. 1927: Mr. WITTMAN of Virginia.
H.R. 2032: Ms. DELAURO.
H.R. 2049: Mr. ROTHMAN.
H.R. 2114: Mr. RYAN of Ohio.
H.R. 2183: Ms. FOXX.
H.R. 2205: Mr. PASTOR.
H.R. 2210: Mr. WAXMAN, Mr. ROSS, Ms. MCCOLLUM of Minnesota, Mr. KENNEDY, Mr. OLVER, and Mr. MURTHA.
H.R. 2236: Ms. SCHWARTZ.
H.R. 2244: Ms. BALDWIN.
H.R. 2266: Mr. LARSON of Connecticut.
H.R. 2320: Mr. FILNER.
H.R. 2552: Ms. JACKSON-LEE of Texas.
H.R. 2610: Mr. ROTHMAN.
H.R. 2694: Mr. RANGEL.
H.R. 2812: Mr. MCCAUL of Texas.
H.R. 2864: Mr. PICKERING, Mr. CHANDLER, and Mr. CONYERS.
H.R. 2885: Mr. MCHENRY.
H.R. 2933: Mr. COLE of Oklahoma.
H.R. 2965: Mr. MATHESON and Mr. DELAHUNT.
H.R. 3008: Mr. SALAZAR.
H.R. 3014: Mr. ANDREWS.
H.R. 3063: Mr. HIGGINS.
H.R. 3089: Mr. SOUDER and Mr. AKIN.
H.R. 3144: Mr. BURTON of Indiana and Mr. BARTLETT of Maryland.
H.R. 3175: Mr. FILNER and Mr. FARR.
H.R. 3187: Mr. GRIJALVA, Ms. BALDWIN, and Mr. LAMPSON.
H.R. 3329: Mr. MCDERMOTT.
H.R. 3452: Mrs. BONO MACK.
H.R. 3457: Mrs. DRAKE, Mr. ADERHOLT, and Mr. CARDOZA.
H.R. 3543: Mr. PATRICK MURPHY of Pennsylvania.
H.R. 3700: Mr. MORAN of Kansas and Mr. REHBERG.
H.R. 3750: Mr. GONZALEZ.
H.R. 3846: Ms. ZOE LOFGREN of California.
H.R. 3852: Mr. ISSA.
H.R. 4014: Mr. CARSON.
H.R. 4015: Mr. CARSON.
H.R. 4016: Mr. CARSON.
H.R. 4089: Mr. CONYERS.
H.R. 4141: Mr. MATHESON and Ms. JACKSON-LEE of Texas.
H.R. 4199: Mr. CLAY.
H.R. 4204: Mr. SCHIFF.
H.R. 4236: Ms. MOORE of Wisconsin, Mr. BISHOP of New York, and Mr. FILNER.
H.R. 4318: Mr. JORDAN and Mr. CAPUANO.
H.R. 4452: Mr. SKELTON.
H.R. 4651: Ms. CLARKE.
H.R. 4736: Mr. YOUNG of Alaska.
H.R. 4849: Mr. CONYERS.
H.R. 4884: Mr. ROTHMAN.
H.R. 4900: Mr. BUYER, Mr. LEWIS of California, Mr. RADANOVICH, and Mr. TIBERI.
H.R. 5223: Mr. OBERSTAR, Mr. ALTMIRE, Mr. ALLEN, and Mr. SCHIFF.
H.R. 5244: Mr. MARSHALL.
H.R. 5265: Mr. MARKEY, Mr. KUHL of New York, Mr. ORTIZ, and Mrs. NAPOLITANO.
H.R. 5268: Ms. LEE, Mr. GONZALEZ, and Mr. BRALEY of Iowa.
H.R. 5519: Ms. CORRINE BROWN of Florida and Mr. FILNER.
H.R. 5536: Mr. BARROW.
H.R. 5541: Ms. MATSUI.
H.R. 5544: Mr. WALBERG.
H.R. 5547: Mr. TIERNEY.
H.R. 5559: Mrs. MCMORRIS RODGERS, and Ms. JACKSON-LEE of Texas.
H.R. 5573: Mr. HIGGINS, Mr. POMEROY, Ms. CORRINE BROWN of Florida, Mr. YOUNG of Alaska, Mr. CHANDLER, Mr. REHBERG, Mrs. EMERSON, Mr. TOWNS, and Mr. BISHOP of Georgia.
H.R. 5595: Ms. JACKSON-LEE of Texas.
H.R. 5603: Mr. RYAN of Wisconsin.
H.R. 5629: Mr. CARSON.
H.R. 5638: Mr. COHEN.
H.R. 5699: Mr. HELLER.
H.R. 5700: Mr. HASTINGS of Florida, Mr. YOUNG of Alaska, Mr. MCHENRY, and Mrs. MUSGRAVE.
H.R. 5714: Mr. UDALL of Colorado, Mrs. GILLIBRAND, Mr. HARE, Mr. GALLEGLY, Mr. YOUNG of Florida, Mrs. BLACKBURN, Mr. EDWARDS, Mr. BOOZMAN, Mr. TIBERI, and Mr. LATTA.
H.R. 5737: Ms. JACKSON-LEE of Texas and Mr. BISHOP of Utah.
H.R. 5748: Ms. JACKSON-LEE of Texas.
H.R. 5772: Mr. PALLONE and Mr. TOWNS.
H.R. 5775: Mrs. MUSGRAVE.
H.R. 5785: Mr. CARSON.
H.R. 5788: Ms. MCCOLLUM of Minnesota.
H.R. 5793: Mr. HOLDEN and Mr. FEENEY.
H.R. 5798: Mr. CARSON.
H.R. 5802: Mr. GUTIERREZ and Mr. RUSH.
H.R. 5804: Mr. ANDREWS.
H.R. 5814: Mr. WEINER, Mr. FOSSELLA, Mr. COBLE, and Mr. POE.
H.R. 5831: Mrs. LOWEY.
H.R. 5842: Ms. BALDWIN.
H.R. 5843: Ms. BALDWIN.
H.R. 5852: Mr. FARR and Mr. DEFAZIO.
H.R. 5857: Mr. FORBES.
H.R. 5874: Mr. PLATTS.
H.R. 5881: Mr. RUSH.
H.R. 5892: Mr. DEFAZIO.
H.R. 5898: Mr. CARNAHAN, Mrs. MILLER of Michigan, Mrs. BIGGERT, Ms. FALLIN, Mr. PERLMUTTER, Mrs. CAPITO, Mr. SOUDER, and Mr. DEAL of Georgia.
H.R. 5901: Ms. LEE.
H.R. 5902: Mr. TOWNS.
H.R. 5904: Mr. PITTS and Mr. LATHAM.
H.R. 5906: Mr. BURTON of Indiana.
H.R. 5914: Mr. THORNBERRY and Mr. EDWARDS.
H.R. 5925: Mr. CARSON.
H.R. 5935: Mr. BAIRD, Mr. CARSON, and Mr. REGULA.
H.R. 5941: Mr. CARNAHAN.
H.R. 5944: Mr. LAMBORN.
H.R. 5950: Ms. SOLIS and Mr. MCDERMOTT.
H.R. 5954: Mr. KUCINICH, Ms. MATSUI, Ms. JACKSON-LEE of Texas, Mr. RAHALL, Mr. HALL of New York, Mr. PAUL, and Mr. KUHL of New York.
H.R. 5960: Mr. JEFFERSON, Ms. SUTTON, Mr. BRADY of Pennsylvania, and Mr. BERRY.
H.R. 5971: Mr. AKIN, Mr. GOODE, and Mr. POE.
H.R. 5977: Mr. BACA, Mr. PASTOR, Mr. FILNER, and Mr. BOSWELL.
H.R. 5979: Ms. JACKSON-LEE of Texas.
H.R. 5989: Mrs. WILSON of New Mexico.
H.R. 5995: Mr. SOUDER and Mrs. MUSGRAVE.
H.R. 5998: Ms. MATSUI and Mr. CAPUANO.
H.R. 6001: Mrs. MYRICK.
H.R. 6003: Mr. LOEBSACK, Mr. REHBERG, Mr. FARR, and Ms. MCCOLLUM of Minnesota.
H.R. 6034: Mr. WELLER, Mr. CARSON, Mr. WU, and Ms. SOLIS.
H.R. 6048: Mr. SKELTON.
H.R. 6053: Mr. LAMBORN.
H.R. 6064: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. COLE of Oklahoma, and Ms. GIFFORDS.
H.R. 6067: Ms. HERSETH SANDLIN, Mr. ROSS, Mr. PATRICK MURPHY of Pennsylvania, Mr. SPACE, Mr. MICHAUD, and Ms. JACKSON-LEE of Texas.
H.R. 6073: Mr. MCHENRY, Mr. BURTON of Indiana, and Mr. BOOZMAN.
H.R. 6074: Mr. SHERMAN and Ms. CASTOR.
H. J. Res. 39: Mr. MURTHA and Mr. BARROW.
H. Con. Res. 163: Mrs. MCMORRIS RODGERS.
H. Con. Res. 195: Mr. DAVID DAVIS of Tennessee, Mrs. BLACKBURN, Mr. COLE of Oklahoma, Mr. DONNELLY, and Mrs. BACHMANN.
H. Con. Res. 297: Mr. DAVIS of Illinois, Ms. HIRONO, Mr. HUNTER, Mr. SAXTON, Mr. MCHUGH, Mr. JONES of North Carolina, Mr. MILLER of Florida, Mr. GINGREY, Mr. THORNBERRY, and Mr. ORTIZ.
H. Con. Res. 299: Mr. CASTLE, Mr. WEXLER, Mrs. MALONEY of New York, Mr. MCINTYRE, Mr. RYAN of Ohio, Mr. SMITH of New Jersey, Mr. TOWNS, Mr. MORAN of Virginia, Mr. MCNULTY, Mr. HOLT, Mr. SOUDER, Mr. FRANK of Massachusetts, Mr. ROTHMAN, and Mr. KUCINICH.
H. Con. Res. 336: Mr. HONDA, Mr. MURPHY of Connecticut, Mr. ABERCROMBIE, Ms. SCHAKOWSKY, Mr. TIM MURPHY of Pennsylvania, Mr. SCOTT of Virginia, Mr. THOMPSON of California, Mr. DAVIS of Illinois, Mr. COURTNEY, Mr. KAGEN, Ms. JACKSON-LEE of Texas, Mr. WHITFIELD of Kentucky, and Mr. KILDEE.
H. Con. Res. 351: Mr. HINCHEY and Mr. LARSON of Connecticut.
H. Res. 111: Mr. HOEKSTRA.
H. Res. 212: Mr. CAPUANO.
H. Res. 415: Mr. SESTAK and Mrs. DRAKE.
H. Res. 672: Mr. CUMMINGS.
H. Res. 679: Mr. COSTA and Mr. LATHAM.
H. Res. 937: Ms. MCCOLLUM of Minnesota.
H. Res. 1008: Mr. FRANKS of Arizona and Mr. FOSTER.
H. Res. 1010: Ms. MOORE of Wisconsin, Mr. DICKS, Mr. HINOJOSA, Mr. CONAWAY, Mr. SHUSTER, Mr. PAUL, Mr. SESSIONS, and Mr. SOUDER.

H. Res. 1012: Mr. BERRY.
H. Res. 1017: Mr. CAPUANO, Mr. DAVIS of Illinois, and Ms. HERSETH SANDLIN.
H. Res. 1042: Mr. RADANOVICH, Mrs. BLACKBURN, and Mr. TOWNS.
H. Res. 1078: Mr. FRANK of Massachusetts.
H. Res. 1106: Mr. SHERMAN.
H. Res. 1124: Mr. TIBERI.
H. Res. 1139: Mrs. DAVIS of California, Mrs. TAUSCHER, Mr. LARSON of Connecticut, Mr. PASCRELL, Mr. SHADEGG, Mr. FLAKE, Mr. CHANDLER, Mrs. NAPOLITANO, and Mr. COLE of Oklahoma.
H. Res. 1143: Mrs. MCMORRIS RODGERS.
H. Res. 1160: Mrs. BIGGERT.
H. Res. 1164: Mr. HARE.
H. Res. 1182: Mr. GOODE, Mr. SOUDER, Mr. DEFAZIO, Ms. KAPTUR, and Mr. WEXLER.
H. Res. 1191: Mr. RUSH, Mr. TOWNS, Ms. LEE, Mr. COHEN, and Mr. BOSWELL.
H. Res. 1195: Ms. WATSON, Ms. ZOE LOFGREN of California, Mr. FILNER, Mr. INGLIS of South Carolina, Mr. SMITH of New Jersey, Mr. POE, and Mr. FORTENBERRY.
H. Res. 1202: Mr. PETRI, Mr. ORTIZ, Mr. LARSEN of Washington, Mr. MOLLOHAN, Mr. MCDERMOTT, and Mr. REHBERG.
H. Res. 1208: Mr. MCDERMOTT, Mr. MEEK of Florida, Mr. CALVERT, and Mr. ELLISON.

¶62.65 PETITIONS

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

249. The SPEAKER presented a petition of the County Board of Commissioners of Escambia, Florida, relative to Resolution No. R2008-70 supporting the U.S. Air Force, Northrup Grumman and the workers of Lower Alabama and the Central Gulf Coast in the effort to build the new refueling tanker, the KC-45 Jets, in the Mobile, Alabama, area; to the Committee on Armed Services.

250. Also, a petition of the City Council of the City of Gulf Shores, Alabama, relative to Resolution No. 4465-08 urging the Congress of the United States to consider the needs of the American war fighter, to affirm the selection process of the U.S. Air Force, and to support the creation of American jobs by moving with all deliberate speed to fund and implement the KC-45 tanker project; to the Committee on Armed Services.

251. Also, a petition of the Town of Provincetown, Massachusetts, relative to a Resolution calling on the Congress of the United States to vote only for funding for a safe and rapid withdrawal of all U.S. troops from Iraq; to the Committee on Armed Services.

WEDNESDAY, MAY 21, 2008 (63)

The House was called to order by the SPEAKER.

¶63.1 APPROVAL OF THE JOURNAL

The SPEAKER announced she had examined and approved the Journal of the proceedings of Tuesday, May 20, 2008.

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

¶63.2 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

6741. A letter from the Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of the Navy, Case Number 07-06, pursuant to 31 U.S.C. 1517(a); to the Committee on Appropriations.

6742. A letter from the Director, Defense Procurement, Acquisition Policy, and Strategic Sourcing, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Extension of Authority to Carry Out Certain Prototype Projects [DFARS Case 2008-D008] (RIN: 0750-AF93) received April 22, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

6743. A letter from the Director, Defense Procurement, Acquisition Policy, and Strategic Sourcing, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Deletion of Obsolete Restriction on Acquisition of Vessel Propellers [DFARS Case 2007-D027] (RIN: 0750-AF91) received April 22, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

6744. A letter from the Director, Defense Procurement, Acquisition Policy, and Strategic Sourcing, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Excessive Pass-Through Charges [DFARS Case 2006-D057] (RIN: 0750-AF67) received May 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

6745. A letter from the Assistant Secretary Legislative Affairs, Department of State, transmitting the 38th report required by the FY 2000 Emergency Supplemental Act, pursuant to Public Law 106-246, section 3204(f); to the Committee on Armed Services.

6746. A letter from the Attorney, Office of Assistant General Counsel for Legislation and Regulatory Law, Department of Energy, transmitting the Department's final rule — Defense Priority and Allocations System (RIN: 1991-AB69) received March 3, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6747. A letter from the Assistant General Counsel for Regulations, Office of General Counsel, Department of Education, transmitting the Department's final rule — Notice of Final Priority, Definitions, Requirements, and Selection Criteria — received May 5, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

6748. A letter from the Director, Regulations Policy and Mgmt. Staff, Department of Health and Human Services, transmitting the Department's final rule — Use of Materials Derived From Cattle in Human Food and Cosmetics [Docket No. 2004N-0081] (RIN: 0910-AF47) received May 13, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6749. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — In the Matter of Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Meeteetse, Wyoming, Fruita, Colorado, Ashton, Burley, Dubois, Idaho Falls, Pocatello, Rexburg, Shelley, Soda Springs, and Weston, Idaho, Lima, Montana, American Fork, Ballard, Brigham City, Centerville, Delta, Huntington, Kaysville, Logan, Manti, Milford, Naples, Oakley, Orem, Price, Randolph, Roosevelt, Roy, Salina, South Jordan, Spanish Fork, Vernal, Wellington, and Woodruff, Utah, Diamondville, Evanston, Kemmerer, Marbleton, Superior, Thayne, and Wilson, Wyoming) [MB Docket No. 05-243 RM-11363 RM-11364 RM-11365] Received April to the Committee on Energy and Commerce.

6750. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — In the Matter of Third Periodic Review of the Commission's Rules and Policies Affecting the Conversion To Digital Television [MB Docket No. 07-91] received April 30, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6751. A letter from the Deputy Chief, Wireline Comp. Bur., Federal Communications Commission, transmitting the Commission's final rule — In the Matter of Promotion of Competitive Networks in Local Telecommunications Markets [WT Docket No. 99-217] received May 6, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6752. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — In the Matter of DTV Consumer Education Initiative [MB Docket No. 07-148] received May 6, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6753. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — In the Matter of Carriage of Digital Television Broadcast Signals: Amendment to Part 76 of the Commission's Rules; Implementation of the Satellite Home Viewer Improvement Act of 1999: Local Broadcast Signal Carriage Issues and Retransmission Consent Issues [CS Docket No. 00-96 CSR-5978-M] received May 7, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6754. A letter from the Deputy General Counsel, Department of Agriculture, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

6755. A letter from the General Counsel, Department of Health and Human Services, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

6756. A letter from the White House Liaison, Department of Justice, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

6757. A letter from the White House Liaison, Department of Justice, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

6758. A letter from the White House Liaison, Department of Justice, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

6759. A letter from the White House Liaison, Department of Justice, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

6760. A letter from the White House Liaison, Department of Justice, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

6761. A letter from the Chairman, Federal Energy Regulatory Commission, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the calendar year 2007, pursuant to 5 U.S.C. 552b(j); to the Committee on Oversight and Government Reform.

6762. A letter from the Director, Office of Standards and Variances, Department of Labor, transmitting the Department's final rule — Sealing of Abandoned Areas (RIN: 1219-AB52) received May 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6763. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting a copy of a draft bill entitled, ''the National Park System Uniform Penalty Amendment Act''; to the Committee on Natural Resources.

6764. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department

of the Interior, transmitting a copy of a draft bill entitled, ''To designate as wilderness certain lands within the Pictured Rocks National Lakeshore in the State of Michigan''; to the Committee on Natural Resources.

6765. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting a copy of a draft bill entitled, ''To modify the boundary of the Voyageurs National Park in the State of Minnesota''; to the Committee on Natural Resources.

6766. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting a copy of a draft bill entitled, ''To adjust the wilderness boundary at Lava Beds National Monument in the State of California, and for other purposes''; to the Committee on Natural Resources.

6767. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting a copy of a draft bill entitled, ''the Cape Cod National Seashore Advisory Commission Reauthorization Act''; to the Committee on Natural Resources.

6768. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting a copy of a draft bill entitled, ''To rename Martin Luther King, Junior, National Historic Site in the State of Georgia, as 'Martin Luther King, Junior, National Historic Park' ''; to the Committee on Natural Resources.

6769. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting a copy of a draft bill entitled, ''the Rio Grande Wild and Scenic River Boundary Adjustment Act of 2008''; to the Committee on Natural Resources.

6770. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting a copy of a draft bill entitled, ''To authorize the Secretary of the Interior to administer the Juan Bautista de Anza National Historic Trail in coordination with appropriate entities in Mexico, and for other purposes''; to the Committee on Natural Resources.

6771. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting a copy of a draft bill entitled, ''Abraham Lincoln Birthplace National Historic Park Act of 2008''; to the Committee on Natural Resources.

6772. A letter from the Director, National Park Service, Department of the Interior, transmitting the Department's annual report on the accomplishments of the cultural resources programs of the National Park Service during Fiscal Year 2006; to the Committee on Natural Resources.

6773. A letter from the Deputy General Counsel, Small Business Administration, transmitting the Administration's final rule — Seals and Insignia (RIN: 3245-AF68) received May 6, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Small Business.

6774. A letter from the Deputy General Counsel, Small Business Administration, transmitting the Administration's final rule — Small Business Size Standards; Adoption of 2007 North American Industry Classification System for Size Standards (RIN: 3245-AF66) received May 6, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Small Business.

6775. A letter from the Director, Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule — Graves Marked with a Private Headstone or Marker (RIN: 2900-AM93) received May 14, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

6776. A letter from the Federal Register Liaison Officer, Department of the Treasury, transmitting the Department's final rule — Certification Requirements for Imported Natural Wine (2005R-002P) [Docket No. TTB-2007-0006; T.D. TTB-70; Re: T.D. TTB-31 and Notice No. 51] (RIN: 1513-AB00) received April 30, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6777. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Relief for Recipients of Certain Direct Deposits of 2008 Economic Stimulus Payments [Announcement 2008-44] received May 5, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6778. A letter from the Assistant Secretary Legislative Affairs, Department of State, transmitting the 2007 Annual Report on United Nations voting practices, pursuant to Public Law 101-246, section 406; jointly to the Committees on Foreign Affairs and Appropriations.

6779. A letter from the Chairman, National Transportation Safety Board, transmitting a legislative proposal and justification to amend the Independent Safety Board Act of 1974 to provide authorization for the National Transportation Safety Board; jointly to the Committees on Transportation and Infrastructure, Oversight and Government Reform, and the Judiciary.

¶63.3 MESSAGE FROM THE SENATE

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

H.R. 2517. An Act to amend the Missing Children's Assistance Act to authorize appropriations; and for other purposes.

H. Con. Res. 354. A concurrent resolution recognizing the 100th birthday of Lyndon Baines Johnson, 36th President, designer of the Great Society, politician, educator, and civil rights enforcer.

The message also announced that the Senate has passed a bill and a concurrent resolution of the following titles in which the concurrence of the House is requested:

S. 431. An Act to require convicted sex offenders to register online identifiers, and for other purposes.

S. Con Res. 79. A concurrent resolution congratulating and saluting Focus: HOPE on its 40th anniversary and for its remarkable commitment and contributions to Detroit, the State of Michigan, and the United States.

¶63.4 PROVIDING FOR CONSIDERATION OF H.R. 6049

Mr. ARCURI, by direction of the Committee on Rules, called up the following resolution (H. Res. 1212):

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 6049) to amend the Internal Revenue Code of 1986 to provide incentives for energy production and conservation, to extend certain expiring provisions, to provide individual income tax relief, and for other purposes. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. The amendment in the nature of a substitute recommended by the Committee on Ways and Means now printed in the bill shall be considered as adopted. The bill, as amended, shall be considered as read. All points of order against provisions of the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means; and (2) one motion to recommit with or without instructions.

SEC. 2. During consideration of H.R. 6049 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

When said resolution was considered.

After debate,

Mr. ARCURI moved the previous question on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House now order the previous question?

The SPEAKER pro tempore, Mr. PASTOR, announced that the yeas had it.

Mr. HASTINGS of Washington, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. PASTOR, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶63.5 PROVIDING FOR CONSIDERATION OF H.R. 5658

Mr. HASTINGS of Florida, by direction of the Committee on Rules, called up the following resolution (H. Res. 1213):

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 5658) to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2009, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed two hours equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services. After general debate, the Committee of the Whole shall rise without motion. No further consideration of the bill shall be in order except pursuant to a subsequent order of the House.

When said resolution was considered.

After debate,

Mr. HASTINGS of Florida, moved the previous question on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House now order the previous question?

The SPEAKER pro tempore, Mr. HOLDEN, announced that the yeas had it.

Mr. HASTINGS of Washington, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members

present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. HOLDEN, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶63.6 PROVIDING FOR CONSIDERATION OF THE CONFERENCE REPORT TO S. CON. RES. 70

Mr. MCGOVERN, by direction of the Committee on Rules, called up the following resolution (H. Res. 1214):

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the concurrent resolution (S. Con. Res. 70) setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read. The conference report shall be debatable for one hour equally divided and controlled by the chairman and ranking minority member of the Committee on the Budget.

When said resolution was considered.

After debate,

Mr. MCGOVERN moved the previous question on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House now order the previous question?

The SPEAKER pro tempore, Mr. HOLDEN, announced that the nays had it.

Mr. MCGOVERN demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. HOLDEN, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶63.7 MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Wanda Evans, one of his secretaries.

¶63.8 H. RES. 1212—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. HOLDEN, pursuant to clause 8, rule XX, announced the unfinished business to be the question on ordering the previous question on the resolution (H. Res. 1212) providing for consideration of the bill (H.R. 6049) to amend the Internal Revenue Code of 1986 to provide incentives for energy production and conservation, to extend certain expiring provisions, to provide individual income tax relief, and for other purposes.

The question being put,

Will the House now order the previous question?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 223 / Nays 190

¶63.9 [Roll No. 338]

YEAS—223

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

NAYS—190

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

NOT VOTING—21

Andrews	Gillibrand	Sensenbrenner
Brown, Corrine	Kennedy	Sessions
Castor	King (IA)	Slaughter
Coble	Kingston	Solis
Crenshaw	Olver	Speier
Cubin	Reynolds	Tiahrt
Fortenberry	Rush	Wexler

So the previous question on the resolution was ordered.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. HOLDEN, announced that the yeas had it.

Mr. HASTINGS of Washington, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 223 / Nays 194

¶63.10 [Roll No. 339]

YEAS—223

Abercrombie	Berry	Capuano
Ackerman	Bishop (GA)	Cardoza
Allen	Bishop (NY)	Carnahan
Altmire	Blumenauer	Carney
Arcuri	Boren	Carson
Baca	Boswell	Cazayoux
Baird	Boucher	Chandler
Baldwin	Boyd (FL)	Childers
Barrow	Boyda (KS)	Clarke
Bean	Brady (PA)	Clay
Becerra	Braley (IA)	Cleaver
Berkley	Butterfield	Clyburn
Berman	Capps	Cohen

Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Giffords
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Smith (WA)
Snyder
Solis
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—194

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

NOT VOTING—17

Andrews
Boustany
Brown, Corrine
Castor
Coble
Crenshaw
Edwards
Gillibrand
Kennedy
Kingston
Lynch
Rush
Sensenbrenner
Slaughter
Tiahrt
Wexler
Wynn

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶63.11 H. RES. 1213—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. HOLDEN, pursuant to clause 8, rule XX, announced the further unfinished business to be the question on ordering the previous question on the resolution (H. Res. 1213) providing for consideration of the bill (H.R. 5658) to authorize appropriations for fiscal year 2009 for the military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2009, and for other purposes.

The question being put,

Will the House now order the previous question?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 235 / Nays 186

¶63.12 [Roll No. 340]

YEAS—235

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

NAYS—186

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Chabot
Cole (OK)
Conaway
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon

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

NOT VOTING—13

Andrews
Brown, Corrine
Castor
Coble
Crenshaw
Gillibrand
Kennedy
Kingston
Rush
Sensenbrenner
Slaughter
Tiahrt
Wexler

So the previous question on the resolution was ordered.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. HOLDEN, announced that the yeas had it.

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶63.13 H. RES. 1214—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. HOLDEN, pursuant to clause 8, rule XX, announced the further unfinished business to be the question on ordering the previous question on the resolution (H. Res. 1214) providing for consideration of the conference report to accompany the concurrent resolution (S. Con. Res. 70) setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013.

The question being put,

Will the House now order the previous question?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 229 Nays 186

¶63.14 [Roll No. 341]

YEAS—229

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

NAYS—186

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Chabot
Cole (OK)
Conaway
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Issa
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Scalise
Schmidt
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOT VOTING—19

Andrews
Becerra
Biggert
Broun (GA)
Brown, Corrine
Butterfield
Castor
Coble
Crenshaw
Edwards
Gillibrand
Kennedy
Kingston
Pickering
Rush
Sensenbrenner
Slaughter
Tiahrt
Wexler

So the previous question on the resolution was ordered.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. HOLDEN, announced that the yeas had it.

Mr. HASTINGS of Washington, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 220 Nays 199

¶63.15 [Roll No. 342]

YEAS—220

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

Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pelosi
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Smith (WA)
Snyder
Solis
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NAYS—199

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

NOT VOTING—16

Andrews
Biggert
Brown, Corrine
Castor
Coble
Crenshaw
Forbes
Gillibrand
Green, Gene
Kennedy
Kingston
Rush
Sensenbrenner
Slaughter
Tiahrt
Wexler

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶63.16 ENERGY AND TAX EXTENDERS

On motion of Mr. RANGEL, pursuant to House Resolution 1212, called up for consideration the bill (H.R. 6049) to amend the Internal Revenue Code of 1986 to provide incentives for energy production and conservation, to extend certain expiring provisions, to provide individual income tax relief, and for other purposes.

Pending consideration of said bill.

Pursuant to House Resolution 1212, the amendment in the nature of a substitute recommended by the Committee on Ways and Means, as printed in the bill, was considered as agreed to.

When said bill, as amended, was considered.

After debate,

Pursuant to House Resolution 1212, the previous question was ordered on the bill, as amended.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

Mr. MCCRERY moved to recommit the bill to the Committee on Ways and Means with instructions to report the bill back to the House promptly with the following amendment:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; AMENDMENT OF 1986 CODE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Alternative Minimum Tax and Extenders Tax Relief Act of 2008''.

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

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

Sec. 1. Short title; amendment of 1986 Code; table of contents.

TITLE I—ALTERNATIVE MINIMUM TAX RELIEF

Sec. 101. Extension of alternative minimum tax relief for nonrefundable personal credits.
Sec. 102. Extension of increased alternative minimum tax exemption amount.

TITLE II—INDIVIDUAL TAX PROVISIONS

Sec. 201. Election to include combat pay as earned income for purposes of the earned income credit.
Sec. 202. Distributions from retirement plans to individuals called to active duty.
Sec. 203. Deduction for State and local sales taxes.
Sec. 204. Deduction of qualified tuition and related expenses.
Sec. 205. Deduction for certain expenses of elementary and secondary school teachers.
Sec. 206. Modification of mortgage revenue bonds for veterans.
Sec. 207. Tax-free distributions from individual retirement plans for charitable purposes.
Sec. 208. Treatment of certain dividends of regulated investment companies.
Sec. 209. Stock in RIC for purposes of determining estates of nonresidents not citizens.
Sec. 210. Qualified investment entities.
Sec. 211. Qualified conservation contributions.

TITLE III—BUSINESS TAX PROVISIONS

Sec. 301. Extension of research credit.
Sec. 302. New markets tax credit.
Sec. 303. Subpart F exception for active financing income.
Sec. 304. Extension of look-thru rule for related controlled foreign corporations.
Sec. 305. Extension of 15-year straight-line cost recovery for qualified leasehold improvements and qualified restaurant improvements.
Sec. 306. Enhanced charitable deduction for contributions of food inventory.
Sec. 307. Extension of enhanced charitable deduction for contributions of book inventory.
Sec. 308. Modification of tax treatment of certain payments to controlling exempt organizations.
Sec. 309. Basis adjustment to stock of S corporations making charitable contributions of property.
Sec. 310. Increase in limit on cover over of rum excise tax to Puerto Rico and the Virgin Islands.
Sec. 311. Parity in the application of certain limits to mental health benefits.
Sec. 312. Extension of economic development credit for American Samoa.
Sec. 313. Extension of mine rescue team training credit.
Sec. 314. Extension of election to expense advanced mine safety equipment.
Sec. 315. Extension of expensing rules for qualified film and television productions.
Sec. 316. Deduction allowable with respect to income attributable to domestic production activities in Puerto Rico.
Sec. 317. Extension of qualified zone academy bonds.
Sec. 318. Indian employment credit.
Sec. 319. Accelerated depreciation for business property on Indian reservation.
Sec. 320. Railroad track maintenance.
Sec. 321. Seven-year cost recovery period for motorsports racing track facility.
Sec. 322. Expensing of environmental remediation costs.
Sec. 323. Extension of work opportunity tax credit for Hurricane Katrina employees.
Sec. 324. Enhanced deduction for qualified computer contributions.
Sec. 325. Tax incentives for investment in the District of Columbia.

TITLE IV—EXTENSIONS OF ENERGY PROVISIONS

Sec. 401. Extension of credit for energy efficient appliances.

Sec. 402. Extension of credit for nonbusiness energy property.
Sec. 403. Extension of credit for residential energy efficient property.
Sec. 404. Extension of renewable electricity, refined coal, and Indian coal production credit.
Sec. 405. Extension of new energy efficient home credit.
Sec. 406. Extension of energy credit.
Sec. 407. Extension and modification of credit for clean renewable energy bonds.
Sec. 408. Extension of energy efficient commercial buildings deduction.
Sec. 409. Extension of special rule to implement FERC and State electric restructuring policy.
Sec. 410. Suspension of taxable income limit with respect to marginal production.
Sec. 411. Extension of credits for biodiesel and renewable diesel.

TITLE V—TAX ADMINISTRATION

Sec. 501. Permanent authority for undercover operations.
Sec. 502. Permanent disclosures of certain tax return information.
Sec. 503. Disclosure of information relating to terrorist activities.

TITLE I—ALTERNATIVE MINIMUM TAX RELIEF

SEC. 101. EXTENSION OF ALTERNATIVE MINIMUM TAX RELIEF FOR NONREFUNDABLE PERSONAL CREDITS.

(a) IN GENERAL.—Paragraph (2) of section 26(a) (relating to special rule for taxable years 2000 through 2007) is amended—

(1) by striking ''or 2007'' and inserting ''2007, or 2008'', and

(2) by striking ''2007'' in the heading thereof and inserting ''2008''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. 102. EXTENSION OF INCREASED ALTERNATIVE MINIMUM TAX EXEMPTION AMOUNT.

(a) IN GENERAL.—Paragraph (1) of section 55(d) (relating to exemption amount) is amended—

(1) by striking ''($66,250 in the case of taxable years beginning in 2007)'' in subparagraph (A) and inserting ''($69,950 in the case of taxable years beginning in 2008)'', and

(2) by striking ''($44,350 in the case of taxable years beginning in 2007)'' in subparagraph (B) and inserting ''($46,200 in the case of taxable years beginning in 2008)''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

TITLE II—INDIVIDUAL TAX PROVISIONS

SEC. 201. ELECTION TO INCLUDE COMBAT PAY AS EARNED INCOME FOR PURPOSES OF THE EARNED INCOME CREDIT.

(a) IN GENERAL.—Subclause (II) of section 32(c)(2)(B)(vi) (defining earned income) is amended by striking ''January 1, 2008'' and inserting ''January 1, 2014''.

(b) CONFORMING AMENDMENT.—Paragraph (4) of section 6428, as amended by the Economic Stimulus Act of 2008, is amended to read as follows:

''(4) EARNED INCOME.—The term 'earned income' has the meaning set forth in section 32(c)(2) except that such term shall not include net earnings from self-employment which are not taken into account in computing taxable income.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after December 31, 2007.

SEC. 202. DISTRIBUTIONS FROM RETIREMENT PLANS TO INDIVIDUALS CALLED TO ACTIVE DUTY.

(a) IN GENERAL.—Clause (iv) of section 72(t)(2)(G) is amended by striking ''December 31, 2007'' and inserting ''January 1, 2014''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to individuals ordered or called to active duty on or after December 31, 2007.

SEC. 203. DEDUCTION FOR STATE AND LOCAL SALES TAXES.

(a) IN GENERAL.—Subparagraph (I) of section 164(b)(5) is amended by striking ''January 1, 2008'' and inserting ''January 1, 2014''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. 204. DEDUCTION OF QUALIFIED TUITION AND RELATED EXPENSES.

(a) IN GENERAL.—Subsection (e) of section 222 (relating to termination) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2013''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. 205. DEDUCTION FOR CERTAIN EXPENSES OF ELEMENTARY AND SECONDARY SCHOOL TEACHERS.

(a) IN GENERAL.—Subparagraph (D) of section 62(a)(2) (relating to certain expenses of elementary and secondary school teachers) is amended by striking ''or 2007'' and inserting ''2007, 2008, 2009, 2010, 2011, 2012, or 2013''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 2007.

SEC. 206. MODIFICATION OF MORTGAGE REVENUE BONDS FOR VETERANS.

(a) QUALIFIED MORTGAGE BONDS USED TO FINANCE RESIDENCES FOR VETERANS WITHOUT REGARD TO FIRST-TIME HOMEBUYER REQUIREMENT.—Subparagraph (D) of section 143(d)(2) (relating to exceptions) is amended by inserting ''and after the date of the enactment of the Alternative Minimum Tax and Extenders Tax Relief Act of 2008 and before January 1, 2014'' after ''January 1, 2008''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to bonds issued after the date of the enactment of this Act.

SEC. 207. TAX-FREE DISTRIBUTIONS FROM INDIVIDUAL RETIREMENT PLANS FOR CHARITABLE PURPOSES.

(a) IN GENERAL.—Subparagraph (F) of section 408(d)(8) (relating to termination) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2013''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to distributions made in taxable years beginning after December 31, 2007.

SEC. 208. TREATMENT OF CERTAIN DIVIDENDS OF REGULATED INVESTMENT COMPANIES.

(a) INTEREST-RELATED DIVIDENDS.—Subparagraph (C) of section 871(k)(1) (defining interest-related dividend) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2013''.

(b) SHORT-TERM CAPITAL GAIN DIVIDENDS.—Subparagraph (C) of section 871(k)(2) (defining short-term capital gain dividend) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2013''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to dividends with respect to taxable years of regulated investment companies beginning after December 31, 2007.

SEC. 209. STOCK IN RIC FOR PURPOSES OF DETERMINING ESTATES OF NONRESIDENTS NOT CITIZENS.

(a) IN GENERAL.—Paragraph (3) of section 2105(d) (relating to stock in a RIC) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2013''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to decedents dying after December 31, 2007.

SEC. 210. QUALIFIED INVESTMENT ENTITIES.

(a) IN GENERAL.—Clause (ii) of section 897(h)(4)(A) (relating to termination) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2013''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on January 1, 2008.

SEC. 211. QUALIFIED CONSERVATION CONTRIBUTIONS.

(a) IN GENERAL.—Clause (vi) of section 170(b)(1)(E) (relating to termination) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2013''.

(b) CONTRIBUTIONS BY CORPORATE FARMERS AND RANCHERS.—Clause (iii) of section 170(b)(2)(B) (relating to termination) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2013''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to contributions made in taxable years beginning after December 31, 2007.

TITLE III—BUSINESS TAX PROVISIONS

SEC. 301. EXTENSION OF RESEARCH CREDIT.

(a) EXTENSION.—Subparagraph (B) of section 41(h)(1) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2013''.

(b) CONFORMING AMENDMENT.—Subparagraph (D) of section 45C(b)(1) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2013''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid or incurred after December 31, 2007.

SEC. 302. NEW MARKETS TAX CREDIT.

Subparagraph (D) of section 45D(f)(1) (relating to national limitation on amount of investments designated) is amended by striking ''and 2008'' and inserting ''2008, 2009, 2010, 2011, 2012, and 2013''.

SEC. 303. SUBPART F EXCEPTION FOR ACTIVE FINANCING INCOME.

(a) EXEMPT INSURANCE INCOME.—Paragraph (10) of section 953(e) (relating to application) is amended—

(1) by striking ''January 1, 2009'' and inserting ''January 1, 2014'', and

(2) by striking ''December 31, 2008'' and inserting ''December 31, 2013''.

(b) EXCEPTION TO TREATMENT AS FOREIGN PERSONAL HOLDING COMPANY INCOME.—Paragraph (9) of section 954(h) (relating to application) is amended by striking ''January 1, 2009'' and inserting ''January 1, 2014''.

SEC. 304. EXTENSION OF LOOK-THRU RULE FOR RELATED CONTROLLED FOREIGN CORPORATIONS.

(a) IN GENERAL.—Subparagraph (B) of section 954(c)(6) (relating to application) is amended by striking ''January 1, 2009'' and inserting ''January 1, 2014''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years of foreign corporations beginning after December 31, 2007, and to taxable years of United States shareholders with or within which such taxable years of foreign corporations end.

SEC. 305. EXTENSION OF 15-YEAR STRAIGHT-LINE COST RECOVERY FOR QUALIFIED LEASEHOLD IMPROVEMENTS AND QUALIFIED RESTAURANT IMPROVEMENTS.

(a) IN GENERAL.—Clauses (iv) and (v) of section 168(e)(3)(E) (relating to 15-year property) are each amended by striking ''January 1, 2008'' and inserting ''January 1, 2014''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 2007.

SEC. 306. ENHANCED CHARITABLE DEDUCTION FOR CONTRIBUTIONS OF FOOD INVENTORY.

(a) IN GENERAL.—Clause (iv) of section 170(e)(3)(C) (relating to termination) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2013''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions made after December 31, 2007.

SEC. 307. EXTENSION OF ENHANCED CHARITABLE DEDUCTION FOR CONTRIBUTIONS OF BOOK INVENTORY.

(a) EXTENSION.—Clause (iv) of section 170(e)(3)(D) (relating to termination) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2013''.

(b) CLERICAL AMENDMENT.—Clause (iii) of section 170(e)(3)(D) (relating to certification by donee) is amended by inserting ''of books'' after ''to any contribution''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to contributions made after December 31, 2007.

SEC. 308. MODIFICATION OF TAX TREATMENT OF CERTAIN PAYMENTS TO CONTROLLING EXEMPT ORGANIZATIONS.

(a) IN GENERAL.—Clause (iv) of section 512(b)(13)(E) (relating to termination) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2013''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to payments received or accrued after December 31, 2007.

SEC. 309. BASIS ADJUSTMENT TO STOCK OF S CORPORATIONS MAKING CHARITABLE CONTRIBUTIONS OF PROPERTY.

(a) IN GENERAL.—The last sentence of section 1367(a)(2) (relating to decreases in basis) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2013''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions made in taxable years beginning after December 31, 2007.

SEC. 310. INCREASE IN LIMIT ON COVER OVER OF RUM EXCISE TAX TO PUERTO RICO AND THE VIRGIN ISLANDS.

(a) IN GENERAL.—Paragraph (1) of section 7652(f) is amended by striking ''January 1, 2008'' and inserting ''January 1, 2014''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to distilled spirits brought into the United States after December 31, 2007.

SEC. 311. PARITY IN THE APPLICATION OF CERTAIN LIMITS TO MENTAL HEALTH BENEFITS.

(a) IN GENERAL.—Subsection (f) of section 9812 (relating to application of section) is amended—

(1) by striking ''and'' at the end of paragraph (2),

(2) by striking the period at the end of paragraph (3) and inserting '', and before the date of the enactment of the Alternative Minimum Tax and Extenders Tax Relief Act of 2008, and'', and

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

''(4) after December 31, 2013.''.

(b) AMENDMENT TO THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.—Section 712(f) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1185a(f)) is amended by inserting '', and before the date of the enactment of the Alternative Minimum Tax and Extenders Tax Relief Act of 2008, and after December 31, 2013'' after ''December 31, 2007''.

(c) AMENDMENT TO THE PUBLIC HEALTH SERVICE ACT.—Section 2705(f) of the Public Health Service Act (42 U.S.C. 300gg–5(f)) is amended by inserting '', and before the date of the enactment of the Alternative Minimum Tax and Extenders Tax Relief Act of 2008, and after December 31, 2013'' after ''December 31, 2007''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to benefits for services furnished on or after the date of the enactment of this Act.

SEC. 312. EXTENSION OF ECONOMIC DEVELOPMENT CREDIT FOR AMERICAN SAMOA.

(a) IN GENERAL.—Subsection (d) of section 119 of division A of the Tax Relief and Health Care Act of 2006 is amended—

(1) by striking ''first two taxable years'' and inserting ''first 8 taxable years'', and

(2) by striking ''January 1, 2008'' and inserting ''January 1, 2014''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. 313. EXTENSION OF MINE RESCUE TEAM TRAINING CREDIT.

Section 45N(e) (relating to termination) is amended by striking ''December 31, 2008'' and inserting ''December 31, 2013''.

SEC. 314. EXTENSION OF ELECTION TO EXPENSE ADVANCED MINE SAFETY EQUIPMENT.

Section 179E(g) (relating to termination) is amended by striking ''December 31, 2008'' and inserting ''December 31, 2013''.

SEC. 315. EXTENSION OF EXPENSING RULES FOR QUALIFIED FILM AND TELEVISION PRODUCTIONS.

Section 181(f) (relating to termination) is amended by striking ''December 31, 2008'' and inserting ''December 31, 2013''.

SEC. 316. DEDUCTION ALLOWABLE WITH RESPECT TO INCOME ATTRIBUTABLE TO DOMESTIC PRODUCTION ACTIVITIES IN PUERTO RICO.

(a) IN GENERAL.—Subparagraph (C) of section 199(d)(8) (relating to termination) is amended—

(1) by striking ''first 2 taxable years'' and inserting ''first 8 taxable years'', and

(2) by striking ''January 1, 2008'' and inserting ''January 1, 2014''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. 317. EXTENSION OF QUALIFIED ZONE ACADEMY BONDS.

(a) IN GENERAL.—Paragraph (1) of section 1397E(e) is amended by striking ''and 2007'' and inserting ''2007, 2008, 2009, 2010, 2011, 2012, and 2013''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to obligations issued after the date of the enactment of this Act.

SEC. 318. INDIAN EMPLOYMENT CREDIT.

(a) IN GENERAL.—Subsection (f) of section 45A (relating to termination) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2013''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. 319. ACCELERATED DEPRECIATION FOR BUSINESS PROPERTY ON INDIAN RESERVATION.

(a) IN GENERAL.—Paragraph (8) of section 168(j) (relating to termination) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2013''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2007.

SEC. 320. RAILROAD TRACK MAINTENANCE.

(a) IN GENERAL.—Subsection (f) of section 45G (relating to application of section) is amended by striking ''January 1, 2008'' and inserting ''January 1, 2014''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to expenditures paid or incurred during taxable years beginning after December 31, 2007.

SEC. 321. SEVEN-YEAR COST RECOVERY PERIOD FOR MOTORSPORTS RACING TRACK FACILITY.

(a) IN GENERAL.—Subparagraph (D) of section 168(i)(15) (relating to termination) is amended to read as follows:

''(D) APPLICATION OF PARAGRAPH.—Such term shall apply to property placed in service after the date of the enactment of the Alternative Minimum Tax and Extenders Tax Relief Act of 2008 and before January 1, 2014.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after the date of the enactment of this Act.

SEC. 322. EXPENSING OF ENVIRONMENTAL REMEDIATION COSTS.

(a) IN GENERAL.—Subsection (h) of section 198 (relating to termination) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2013''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to expenditures paid or incurred after December 31, 2007.

SEC. 323. EXTENSION OF WORK OPPORTUNITY TAX CREDIT FOR HURRICANE KATRINA EMPLOYEES.

(a) IN GENERAL.—Paragraph (1) of section 201(b) of the Katrina Emergency Tax Relief Act of 2005 is amended by striking ''2-year'' and inserting ''8-year''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to individuals hired after August 27, 2007.

SEC. 324. ENHANCED DEDUCTION FOR QUALIFIED COMPUTER CONTRIBUTIONS.

(a) IN GENERAL.—Subparagraph (G) of section 170(e)(6) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2013''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions made during taxable years beginning after December 31, 2007.

SEC. 325. TAX INCENTIVES FOR INVESTMENT IN THE DISTRICT OF COLUMBIA.

(a) DESIGNATION OF ZONE.—

(1) IN GENERAL.—Subsection (f) of section 1400 is amended by striking ''2007'' both places it appears and inserting ''2013''.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to periods beginning after December 31, 2007.

(b) TAX-EXEMPT ECONOMIC DEVELOPMENT BONDS.—

(1) IN GENERAL.—Subsection (b) of section 1400A is amended by striking ''2007'' and inserting ''2013''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to bonds issued after December 31, 2007.

(c) ZERO PERCENT CAPITAL GAINS RATE.—

(1) IN GENERAL.—Subsection (b) of section 1400B is amended by striking ''2008'' each place it appears and inserting ''2014''.

(2) CONFORMING AMENDMENTS.—

(A) Section 1400B(e)(2) is amended—

(i) by striking ''2012'' and inserting ''2018'', and

(ii) by striking ''2012'' in the heading thereof and inserting ''2018''.

(B) Section 1400B(g)(2) is amended by striking ''2012'' and inserting ''2018''.

(C) Section 1400F(d) is amended by striking ''2012'' and inserting ''2018''.

(3) EFFECTIVE DATES.—

(A) EXTENSION.—The amendments made by paragraph (1) shall apply to acquisitions after December 31, 2007.

(B) CONFORMING AMENDMENTS.—The amendments made by paragraph (2) shall take effect on the date of the enactment of this Act.

(d) FIRST-TIME HOMEBUYER CREDIT.—

(1) IN GENERAL.—Subsection (i) of section 1400C is amended by striking ''2008'' and inserting ''2013''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to property purchased after December 31, 2007.

TITLE IV—EXTENSIONS OF ENERGY PROVISIONS

SEC. 401. EXTENSION OF CREDIT FOR ENERGY EFFICIENT APPLIANCES.

(a) IN GENERAL.—Subsection (b) of section 45M (relating to applicable amount) is amended by striking ''calendar year 2006 or 2007'' each place it appears in paragraphs (1)(A)(i), (1)(B)(i), (1)(C)(ii)(I), and (1)(C)(iii)(I), and inserting ''calendar year 2006, 2007, 2008, 2009, 2010, 2011, 2012, or 2013''.

(b) RESTART OF CREDIT LIMITATION.—Paragraph (1) of section 45M(e) (relating to aggregate credit amount allowed) is amended by inserting ''beginning after December 31, 2007'' after ''for all prior taxable years''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to appliances produced after December 31, 2007.

SEC. 402. EXTENSION OF CREDIT FOR NONBUSINESS ENERGY PROPERTY.

(a) IN GENERAL.—Section 25C(g) (relating to termination) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2013''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2007.

SEC. 403. EXTENSION OF CREDIT FOR RESIDENTIAL ENERGY EFFICIENT PROPERTY.

Section 25D(g) (relating to termination) is amended by striking ''December 31, 2008'' and inserting ''December 31, 2013''.

SEC. 404. EXTENSION OF RENEWABLE ELECTRICITY, REFINED COAL, AND INDIAN COAL PRODUCTION CREDIT.

Section 45(d) (relating to qualified facilities) is amended by striking ''January 1, 2009'' each place it appears in paragraphs (1), (2), (3), (4), (5), (6), (7), (8), (9), and (10) and inserting ''January 1, 2014''.

SEC. 405. EXTENSION OF NEW ENERGY EFFICIENT HOME CREDIT.

Subsection (g) of section 45L (relating to termination) is amended by striking ''December 31, 2008'' and inserting ''December 31, 2013''.

SEC. 406. EXTENSION OF ENERGY CREDIT.

(a) SOLAR ENERGY PROPERTY.—Paragraphs (2)(A)(i)(II) and (3)(A)(ii) of section 48(a) (relating to energy credit) are each amended by striking ''January 1, 2009'' and inserting ''January 1, 2014''.

(b) FUEL CELL PROPERTY.—Subparagraph (E) of section 48(c)(1) (relating to qualified fuel cell property) is amended by striking ''December 31, 2008'' and inserting ''December 31, 2013''.

(c) MICROTURBINE PROPERTY.—Subparagraph (E) of section 48(c)(2) (relating to qualified microturbine property) is amended by striking ''December 31, 2008'' and inserting ''December 31, 2013''.

SEC. 407. EXTENSION AND MODIFICATION OF CREDIT FOR CLEAN RENEWABLE ENERGY BONDS.

(a) EXTENSION.—Section 54(m) (relating to termination) is amended by striking ''December 31, 2008'' and inserting ''December 31, 2013''.

(b) INCREASE IN NATIONAL LIMITATION.—Section 54(f) (relating to limitation on amount of bonds designated) is amended—

(1) by striking ''$1,200,000,000'' in paragraph (1) and inserting ''$1,600,000,000'', and

(2) by striking ''$750,000,000'' in paragraph (2) and inserting ''$1,000,000,000''.

(c) MODIFICATION OF RATABLE PRINCIPAL AMORTIZATION REQUIREMENT.—

(1) IN GENERAL.—Paragraph (5) of section 54(l) is amended to read as follows:

''(5) RATABLE PRINCIPAL AMORTIZATION REQUIRED.—A bond shall not be treated as a clean renewable energy bond unless it is part of an issue which provides for an equal amount of principal to be paid by the qualified issuer during each 12-month period that the issue is outstanding (other than the first 12-month period).''.

(2) TECHNICAL AMENDMENT.—The third sentence of section 54(e)(2) is amended by striking ''subsection (l)(6)'' and inserting ''subsection (l)(5)''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to bonds issued after the date of the enactment of this Act.

SEC. 408. EXTENSION OF ENERGY EFFICIENT COMMERCIAL BUILDINGS DEDUCTION.

Section 179D(h) (relating to termination) is amended by striking ''December 31, 2008'' and inserting ''December 31, 2013''.

SEC. 409. EXTENSION OF SPECIAL RULE TO IMPLEMENT FERC AND STATE ELECTRIC RESTRUCTURING POLICY.

(a) IN GENERAL.—Paragraph (3) of section 451(i) is amended by striking ''January 1, 2008'' and inserting ''January 1, 2014''.

(b) EXTENSION OF PERIOD FOR TRANSFER OF OPERATIONAL CONTROL AUTHORIZED BY FERC.—Clause (ii) of section 451(i)(4)(B) is amended by striking ''December 31, 2007'' and inserting ''the date which is 4 years after the close of the taxable year in which the transaction occurs''.

(c) EFFECTIVE DATES.—

(1) EXTENSION.—The amendments made by subsection (a) shall apply to transactions after December 31, 2007.

(2) TRANSFERS OF OPERATIONAL CONTROL.—The amendment made by subsection (b) shall take effect as if included in section 909 of the American Jobs Creation Act of 2004.

SEC. 410. SUSPENSION OF TAXABLE INCOME LIMIT WITH RESPECT TO MARGINAL PRODUCTION.

(a) IN GENERAL.—Subparagraph (H) of section 613A(c)(6) is amended by striking ''January 1, 2008'' and inserting ''January 1, 2014''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. 411. EXTENSION OF CREDITS FOR BIODIESEL AND RENEWABLE DIESEL.

(a) IN GENERAL.—Sections 40A(g), 6426(c)(6), and 6427(e)(5)(B) are each amended by striking ''December 31, 2008'' and inserting ''December 31, 2013''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to fuel produced, and sold or used, after December 31, 2008.

TITLE V—TAX ADMINISTRATION

SEC. 501. PERMANENT AUTHORITY FOR UNDERCOVER OPERATIONS.

(a) IN GENERAL.—Section 7608(c) (relating to rules relating to undercover operations) is amended by striking paragraph (6).

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to operations conducted after the date of the enactment of this Act.

SEC. 502. PERMANENT DISCLOSURES OF CERTAIN TAX RETURN INFORMATION.

(a) DISCLOSURES TO FACILITATE COMBINED EMPLOYMENT TAX REPORTING.—

(1) IN GENERAL.—Section 6103(d)(5) (relating to disclosure for combined employment tax reporting) is amended—

(A) by striking ''REPORTING'' in the heading thereof and all that follows through ''The Secretary'' in subparagraph (A) and inserting ''REPORTING.—The Secretary'', and

(B) by striking subparagraph (B).

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to disclosures after the date of the enactment of this Act.

(b) DISCLOSURES RELATING TO CERTAIN PROGRAMS ADMINISTERED BY THE DEPARTMENT OF VETERANS AFFAIRS.—

(1) IN GENERAL.—Section 6103(l)(7)(D) (relating to programs to which rule applies) is amended by striking the last sentence.

(2) TECHNICAL AMENDMENT.—Section 6103(l)(7)(D)(viii)(III) is amended by striking ''sections 1710(a)(1)(I), 1710(a)(2), 1710(b), and 1712(a)(2)(B)'' and inserting ''sections 1710(a)(2)(G), 1710(a)(3), and 1710(b)''.

SEC. 503. DISCLOSURE OF INFORMATION RELATING TO TERRORIST ACTIVITIES.

(a) DISCLOSURE OF RETURN INFORMATION TO APPRISE APPROPRIATE OFFICIALS OF TERRORIST ACTIVITIES.—Clause (iv) of section 6103(i)(3)(C) (relating to termination) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2013''.

(b) DISCLOSURE UPON REQUEST OF INFORMATION RELATING TO TERRORIST ACTIVITIES.—Subparagraph (E) of section 6103(i)(7) (relating to termination) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2013''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to disclosures after the date of the enactment of this Act.

After debate,

By unanimous consent, the previous question was ordered on the motion to recommit with instructions.

The question being put, viva voce,

Will the House recommit said bill with instructions?

The SPEAKER pro tempore, Mr. ROSS, announced that the nays had it.

Mr. MCCRERY objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 6, rule XX, and the call was taken by electronic device.

When there appeared { Yeas ..... 201 / Nays 220

¶63.17 [Roll No. 343]

YEAS—201

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

Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NAYS—220

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

NOT VOTING—13

Brown, Corrine
Carter
Castor
Coble
Costa
Crenshaw
Gillibrand
Kennedy
Rush
Sensenbrenner
Tiahrt
Wexler
Wynn

So the motion to recommit with instructions was not agreed to.

The question being put, viva voce,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. ROSS, announced that the yeas had it.

Mr. MCCRERY demanded a recorded vote on passage of said bill, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 263 / Nays 160

¶63.18 [Roll No. 344]

AYES—263

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

NOES—160

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Chabot
Cole (OK)
Conaway
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Doolittle
Drake
Dreier
Emerson
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Lampson
Latta
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller, Gary
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Poe
Price (GA)
Putnam
Radanovich
Ramstad
Rehberg
Reichert
Renzi
Reynolds
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Saxton
Scalise
Schmidt
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Stearns
Sullivan
Tancredo
Terry
Thornberry
Turner
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOT VOTING—12

Brown, Corrine
Carter
Castor
Coble
Crenshaw
Gillibrand
Kennedy
Rush
Sensenbrenner
Tiahrt
Wexler
Wynn

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶63.19 H.R. 1771—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. WEINER, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and pass the bill (H.R. 1771) to assist in the conservation of cranes by supporting and providing, through projects of persons and organizations with expertise in crane conservation, financial resources for the conservation programs of countries the activities of which directly or indirectly affect cranes and the ecosystems of cranes; as amended.

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. WEINER, announced that two-thirds of those present had voted in the affirmative.

Mr. WALDEN of Oregon, demanded a recorded vote on the motion to suspend the rules and pass said bill, as amended, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 304 Nays 118

¶63.20 [Roll No. 345]

AYES—304

Abercrombie	Dicks	Langevin
Ackerman	Dingell	Larsen (WA)
Allen	Doggett	Larson (CT)
Altmire	Donnelly	Latham
Andrews	Doyle	LaTourette
Arcuri	Edwards	Lee
Baca	Ehlers	Levin
Bachus	Ellison	Lewis (GA)
Baird	Ellsworth	Lipinski
Baldwin	Emanuel	LoBiondo
Barrow	Engel	Loebsack
Bartlett (MD)	English (PA)	Lofgren, Zoe
Bean	Eshoo	Lowey
Becerra	Etheridge	Lynch
Berkley	Farr	Mahoney (FL)
Berman	Fattah	Maloney (NY)
Berry	Ferguson	Markey
Biggert	Filner	Marshall
Bilirakis	Fortenberry	Matheson
Bishop (GA)	Foster	Matsui
Bishop (NY)	Frank (MA)	McCarthy (NY)
Blumenauer	Frelinghuysen	McCollum (MN)
Bono Mack	Gerlach	McCotter
Boren	Giffords	McCrery
Boswell	Gilchrest	McDermott
Boucher	Gonzalez	McGovern
Boustany	Goodlatte	McHugh
Boyd (FL)	Gordon	McIntyre
Boyda (KS)	Green, Al	McMorris Rodgers
Brady (PA)	Green, Gene	McNerney
Braley (IA)	Grijalva	McNulty
Brown-Waite, Ginny	Gutierrez	Meek (FL)
Buchanan	Hall (NY)	Meeks (NY)
Butterfield	Hare	Melancon
Capito	Harman	Michaud
Capps	Hastings (FL)	Miller (MI)
Capuano	Hayes	Miller (NC)
Cardoza	Heller	Miller, George
Carnahan	Herseth Sandlin	Mitchell
Carney	Higgins	Mollohan
Carson	Hill	Moore (KS)
Castle	Hinchey	Moore (WI)
Cazayoux	Hinojosa	Moran (KS)
Chabot	Hirono	Moran (VA)
Chandler	Hobson	Murphy (CT)
Childers	Hodes	Murphy, Patrick
Clarke	Holden	Murphy, Tim
Clay	Holt	Murtha
Cleaver	Honda	Nadler
Clyburn	Hooley	Napolitano
Cohen	Hoyer	Neal (MA)
Cole (OK)	Inslee	Oberstar
Conyers	Israel	Obey
Cooper	Jackson (IL)	Olver
Costa	Jackson-Lee (TX)	Ortiz
Costello	Jefferson	Pallone
Courtney	Johnson (GA)	Pascrell
Cramer	Johnson (IL)	Pastor
Crowley	Johnson, E. B.	Payne
Cuellar	Jones (NC)	Pearce
Cummings	Jones (OH)	Perlmutter
Davis (AL)	Kagen	Peterson (MN)
Davis (CA)	Kanjorski	Peterson (PA)
Davis (IL)	Kaptur	Petri
Davis (KY)	Keller	Platts
Davis, Lincoln	Kildee	Pomeroy
Davis, Tom	Kilpatrick	Porter
DeFazio	Kind	Price (NC)
DeGette	Kirk	Pryce (OH)
Delahunt	Klein (FL)	Putnam
DeLauro	Knollenberg	Rahall
Dent	Kucinich	Ramstad
Diaz-Balart, L.	Kuhl (NY)	Rangel
Diaz-Balart, M.	Lampson	Regula
Rehberg	Sestak	Towns
Reichert	Shays	Tsongas
Renzi	Shea-Porter	Turner
Reyes	Sherman	Udall (CO)
Reynolds	Shuler	Udall (NM)
Richardson	Simpson	Upton
Rodriguez	Sires	Van Hollen
Rogers (AL)	Skelton	Velázquez
Ros-Lehtinen	Slaughter	Visclosky
Ross	Smith (NE)	Walsh (NY)
Rothman	Smith (NJ)	Walz (MN)
Roybal-Allard	Smith (TX)	Wasserman Schultz
Ruppersberger	Smith (WA)	Waters
Ryan (OH)	Snyder	Watson
Ryan (WI)	Solis	Watt
Salazar	Space	Waxman
Sánchez, Linda T.	Speier	Weiner
Sanchez, Loretta	Spratt	Welch (VT)
Sarbanes	Stark	Weller
Saxton	Stupak	Whitfield (KY)
Schakowsky	Sutton	Wilson (NM)
Schiff	Tanner	Wilson (OH)
Schmidt	Tauscher	Wolf
Schwartz	Taylor	Woolsey
Scott (GA)	Terry	Wu
Scott (VA)	Thompson (CA)	Yarmuth
Serrano	Thompson (MS)	Young (FL)
	Tierney	

NOES—118

Aderholt	Foxx	Mica
Akin	Franks (AZ)	Miller (FL)
Alexander	Gallegly	Miller, Gary
Bachmann	Garrett (NJ)	Musgrave
Barrett (SC)	Gingrey	Myrick
Barton (TX)	Gohmert	Neugebauer
Bilbray	Goode	Nunes
Bishop (UT)	Granger	Paul
Blackburn	Graves	Pence
Blunt	Hall (TX)	Pickering
Boehner	Hastings (WA)	Pitts
Bonner	Hensarling	Poe
Boozman	Herger	Price (GA)
Brady (TX)	Hoekstra	Radanovich
Broun (GA)	Hulshof	Rogers (KY)
Brown (SC)	Hunter	Rogers (MI)
Burgess	Inglis (SC)	Rohrabacher
Burton (IN)	Issa	Roskam
Buyer	Johnson, Sam	Royce
Calvert	Jordan	Sali
Camp (MI)	King (IA)	Scalise
Campbell (CA)	King (NY)	Sessions
Cannon	Kingston	Shadegg
Cantor	Kline (MN)	Shimkus
Conaway	LaHood	Shuster
Cubin	Lamborn	Souder
Culberson	Latta	Stearns
Davis, David	Lewis (CA)	Sullivan
Deal (GA)	Lewis (KY)	Tancredo
Doolittle	Linder	Thornberry
Drake	Lucas	Tiberi
Dreier	Lungren, Daniel E.	Walberg
Duncan	Mack	Walden (OR)
Emerson	Manzullo	Wamp
Everett	Marchant	Weldon (FL)
Fallin	McCarthy (CA)	Westmoreland
Feeney	McCaul (TX)	Wilson (SC)
Flake	McHenry	Wittman (VA)
Forbes	McKeon	Young (AK)
Fossella		

NOT VOTING—12

Brown, Corrine	Crenshaw	Sensenbrenner
Carter	Gillibrand	Tiahrt
Castor	Kennedy	Wexler
Coble	Rush	Wynn

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶63.21 H.R. 4841—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. WEINER, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 4841) to approve, ratify, and confirm the settlement agreement entered into to resolve claims by the Soboba Band of Luiseno Indians relating to alleged interference with the water resources of the Tribe, to authorize an direct the Secretary of the Interior to execute and perform the Settlement Agreement and related waivers, and for other purposes; as amended.

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. WEINER, announced that two-thirds of those present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶63.22 ORDER OF BUSINESS—SUSPENSIONS

Mr. PETERSON of Minnesota, by unanimous consent,

Ordered, That the motions to suspend the rules relating to the following measures, be considered as adopted in the form considered by the House on Monday, May 19, 2008:

Accordingly,

House Concurrent Resolution 300, recognizing the necessity for the United States to maintain its significant leadership role in improving the health and promoting the resiliency of coral reef ecosystems, and for other purposes, was agreed to; Senate Joint Resolution 17, directing the United States to initiate international discussions and take necessary steps with other Nations to negotiate an agreement for managing migratory and transboundary fish stocks in the Arctic Ocean, was passed; House Concurrent Resolution 325, celebrating the 50th Anniversary of the Mackinac Island State Park Commission's Historical Preservation and Museum Program, which began on June 15, 1958, and for other purposes, was agreed to; House Resolution 1074, honoring the 60th anniversary of the commencement of the carving of the Crazy Horse Memorial, was agreed to; H.R. 3323, to authorize the Secretary of the Interior to convey a water distribution system to the Goleta Water District, and for other purposes, as amended, was passed; House Concurrent Resolution 334, supporting the goals and objectives of a National Military Appreciation Month, as amended, was agreed to; House Resolution 1152, honoring Arnold Palmer for his distinguished career in the sport of golf and his commitment to excellence and sportsmanship, as amended, was agreed to; House Resolution 1132, supporting the goals and ideals of Peace Officers Memorial Day, was agreed to; House Resolution 1153, celebrating Asian Pacific American Heritage Month, as amended, was agreed to;

House Resolution 1026, recognizing the 100th anniversary of the founding of the Congressional Club, was agreed to; H.R. 752, to direct Federal agencies to donate excess and surplus Federal electronic equipment, including computers, computer components, printers, and fax machines, to qualifying towns, counties, schools, nonprofit organizations, and libraries, as amended, was passed, and the title was amended so as to read: ''An Act to direct Federal agencies to transfer excess Federal electronic equipment, including computers, computer components, printers, and fax machines, to educational recipients.''; and H.R. 5787, to amend title 40, United States Code, to enhance authorities with regard to real property that has yet to be reported excess, and for other purposes, as amended, was passed.

The sundry motions to reconsider the votes whereby the rules were suspended and said measures were considered adopted were, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bills and concurrent resolution.

Ordered, That the Clerk notify the Senate thereof, the passage of the joint resolution.

¶63.23 MESSAGE FROM THE PRESIDENT—VETO OF H.R. 2419

The SPEAKER pro tempore, Mr. WEINER, laid before the House a message from the President, which was read as follows:

To the House of Representatives:

I am returning herewith without my approval H.R. 2419, the ''Food, Conservation, and Energy Act of 2008.''

For a year and a half, I have consistently asked that the Congress pass a good farm bill that I can sign. Regrettably, the Congress has failed to do so. At a time of high food prices and record farm income, this bill lacks program reform and fiscal discipline. It continues subsidies for the wealthy and increases farm bill spending by more than $20 billion, while using budget gimmicks to hide much of the increase. It is inconsistent with our objectives in international trade negotiations, which include securing greater market access for American farmers and ranchers. It would needlessly expand the size and scope of government. Americans sent us to Washington to achieve results and be good stewards of their hard-earned taxpayer dollars. This bill violates that fundamental commitment.

In January 2007, my Administration put forward a fiscally responsible farm bill proposal that would improve the safety net for farmers and move current programs toward more market-oriented policies. The bill before me today fails to achieve these important goals.

At a time when net farm income is projected to increase by more than $28 billion in 1 year, the American taxpayer should not be forced to subsidize that group of farmers who have adjusted gross incomes of up to $1.5 million. When commodity prices are at record highs, it is irresponsible to increase government subsidy rates for 15 crops, subsidize additional crops, and provide payments that further distort markets. Instead of better targeting farm programs, this bill eliminates the existing payment limit on marketing loan subsidies.

Now is also not the time to create a new uncapped revenue guarantee that could cost billions of dollars more than advertised. This is on top of a farm bill that is anticipated to cost more than $600 billion over 10 years. In addition, this bill would force many businesses to prepay their taxes in order to finance the additional spending.

This legislation is also filled with earmarks and other ill-considered provisions. Most notably, H.R. 2419 provides: $175 million to address water issues for desert lakes; $250 million for a 400,000-acre land purchase from a private owner; funding and authority for the noncompetitive sale of National Forest land to a ski resort; and $382 million earmarked for a specific watershed. These earmarks, and the expansion of Davis-Bacon Act prevailing wage requirements, have no place in the farm bill. Rural and urban Americans alike are frustrated with excessive government spending and the funneling of taxpayer funds for pet projects. This bill will only add to that frustration.

The bill also contains a wide range of other objectionable provisions, including one that restricts our ability to redirect food aid dollars for emergency use at a time of great need globally. The bill does not include the requested authority to buy food in the developing world to save lives. Additionally, provisions in the bill raise serious constitutional concerns. For all the reasons outlined above, I must veto H.R. 2419, and I urge the Congress to extend current law for a year or more.

I veto this bill fully aware that it is rare for a stand-alone farm bill not to receive the President's signature, but my action today is not without precedent. In 1956, President Eisenhower stood firmly on principle, citing high crop subsidies and too much government control of farm programs among the reasons for his veto. President Eisenhower wrote in his veto message, ''Bad as some provisions of this bill are, I would have signed it if in total it could be interpreted as sound and good for farmers and the nation.'' For similar reasons, I am vetoing the bill before me today.

GEORGE W. BUSH.

THE WHITE HOUSE, *May 21, 2008*.

The message, together with the accompanying bill, was ordered to be printed (H. Doc. 110–115).

The SPEAKER pro tempore, Mr. WEINER, announced that the objections of the President would be spread upon the pages of the Journal.

The question being on passage of the bill, the objections of the President to the contrary notwithstanding.

After debate,

By unanimous consent, the previous question was ordered on the bill.

The question being put,

Will the House, upon reconsideration, agree to pass the bill, the objections of the President to the contrary notwithstanding?

It was decided in the affirmative ..... { Yeas ..... 316 / Nays 108

¶63.24 [Roll No. 346]

YEAS—316

Abercrombie	Edwards	Loebsack
Ackerman	Ellison	Lofgren, Zoe
Aderholt	Ellsworth	Lowey
Alexander	Emanuel	Lucas
Allen	Emerson	Lynch
Altmire	Engel	Mahoney (FL)
Andrews	English (PA)	Maloney (NY)
Arcuri	Eshoo	Manzullo
Baca	Etheridge	Markey
Bachus	Everett	Marshall
Baird	Fallin	Matsui
Baldwin	Farr	McCarthy (NY)
Barrow	Fattah	McCaul (TX)
Bartlett (MD)	Filner	McCollum (MN)
Becerra	Forbes	McCotter
Berkley	Fortenberry	McGovern
Berman	Foster	McHugh
Berry	Frank (MA)	McIntyre
Bilirakis	Gallegly	McMorris Rodgers
Bishop (GA)	Gerlach	McNerney
Bishop (NY)	Giffords	McNulty
Blackburn	Gilchrest	Meek (FL)
Blunt	Gingrey	Meeks (NY)
Bonner	Gohmert	Melancon
Bono Mack	Gonzalez	Michaud
Boozman	Goodlatte	Miller (MI)
Boren	Gordon	Miller (NC)
Boswell	Graves	Miller, George
Boucher	Green, Al	Mollohan
Boustany	Green, Gene	Moore (KS)
Boyd (FL)	Grijalva	Moran (VA)
Boyda (KS)	Gutierrez	Murphy (CT)
Brady (PA)	Hall (NY)	Murphy, Patrick
Brady (TX)	Hall (TX)	Murphy, Tim
Braley (IA)	Hare	Murtha
Brown (SC)	Hastings (FL)	Musgrave
Brown-Waite, Ginny	Hastings (WA)	Nadler
Buchanan	Hayes	Napolitano
Butterfield	Herger	Neal (MA)
Buyer	Herseth Sandlin	Neugebauer
Camp (MI)	Higgins	Oberstar
Capito	Hill	Obey
Capps	Hinchey	Olver
Cardoza	Hinojosa	Ortiz
Carnahan	Hirono	Pallone
Carney	Hodes	Pascrell
Carson	Hoekstra	Pastor
Cazayoux	Holden	Payne
Chandler	Holt	Pearce
Childers	Honda	Pelosi
Clarke	Hooley	Perlmutter
Clay	Hoyer	Peterson (MN)
Cleaver	Hulshof	Peterson (PA)
Clyburn	Israel	Pickering
Coble	Jackson (IL)	Platts
Cohen	Jackson-Lee (TX)	Poe
Cole (OK)	Jefferson	Pomeroy
Conaway	Johnson (GA)	Porter
Conyers	Johnson (IL)	Price (NC)
Costa	Johnson, E. B.	Putnam
Costello	Jones (NC)	Radanovich
Courtney	Jones (OH)	Rahall
Cramer	Kagen	Rangel
Crowley	Kanjorski	Regula
Cubin	Kaptur	Rehberg
Cuellar	Kildee	Renzi
Cummings	Kilpatrick	Reyes
Davis (AL)	King (IA)	Reynolds
Davis (CA)	Kingston	Richardson
Davis (IL)	Klein (FL)	Rodriguez
Davis (KY)	Kline (MN)	Rogers (AL)
Davis, David	Kucinich	Rogers (KY)
Davis, Lincoln	Kuhl (NY)	Rogers (MI)
DeFazio	LaHood	Ros-Lehtinen
DeGette	Lampson	Ross
Delahunt	Langevin	Rothman
DeLauro	Larsen (WA)	Roybal-Allard
Diaz-Balart, L.	Larson (CT)	Ruppersberger
Diaz-Balart, M.	Latham	Ryan (OH)
Dicks	LaTourette	Salazar
Dingell	Latta	Sali
Doggett	Lee	Sánchez, Linda T.
Donnelly	Levin	
Doolittle	Lewis (GA)	Sanchez, Loretta
Doyle	Lewis (KY)	Sarbanes
Drake	Lipinski	Schakowsky

Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Snyder
Solis
Souder
Space
Speier
Spratt
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Thornberry
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Weiner
Welch (VT)
Weller
Whitfield (KY)
Wilson (OH)
Wittman (VA)
Woolsey
Wu
Wynn
Yarmuth
Young (AK)

NAYS—108

Akin
Bachmann
Barrett (SC)
Barton (TX)
Bean
Biggert
Bilbray
Blumenauer
Boehner
Broun (GA)
Burgess
Burton (IN)
Calvert
Campbell (CA)
Cannon
Cantor
Capuano
Castle
Chabot
Cooper
Culberson
Davis, Tom
Deal (GA)
Dent
Dreier
Duncan
Ehlers
Feeney
Ferguson
Flake
Foxx
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Goode
Granger
Harman
Heller
Hensarling
Hobson
Hunter
Inglis (SC)
Inslee
Issa
Johnson, Sam
Jordan
Keller
Kind
King (NY)
Kirk
Knollenberg
Lamborn
Lewis (CA)
Linder
LoBiondo
Lungren, Daniel E.
Mack
Marchant
Matheson
McCarthy (CA)
McCrery
McDermott
McHenry
McKeon
Mica
Miller (FL)
Miller, Gary
Mitchell
Moore (WI)
Moran (KS)
Myrick
Nunes
Paul
Pence
Petri
Pitts
Price (GA)
Pryce (OH)
Ramstad
Reichert
Rohrabacher
Roskam
Royce
Ryan (WI)
Saxton
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Smith (NJ)
Smith (TX)
Smith (WA)
Stark
Stearns
Sullivan
Tancredo
Terry
Tiberi
Wamp
Waxman
Weldon (FL)
Westmoreland
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NOT VOTING—11

Bishop (UT)
Brown, Corrine
Carter
Castor
Crenshaw
Fossella
Gillibrand
Kennedy
Rush
Tiahrt
Wexler

The SPEAKER pro tempore, Mr. WEINER, announced that 316 Members had voted in the affirmative and 108 Members had voted in the negative.

So, two-thirds of the Members present having voted in favor thereof, the bill was passed, the objections of the President to the contrary notwithstanding.

Ordered, That the Clerk notify the Senate thereof.

¶63.25 H.R. 3819—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. WEINER, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and pass the bill (H.R. 3819) to amend title 38, United States Code, to require the Secretary of Veterans Affairs to reimburse veterans receiving emergency treatment in non-Department of Veterans Affairs facilities for such treatment until such veterans are transferred to Department facilities, and for other purposes; as amended.

The question being put,

Will the House suspend the rules and pass said bill, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 412 Nays 0

¶63.26 [Roll No. 347]

YEAS—412

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Cazayoux
Chabot
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
Dent
Diaz-Balart, L.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Scalise
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Thornberry
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—22

Berman
Brown, Corrine
Carter
Castor
Crenshaw
DeLauro
Diaz-Balart, M.
English (PA)
Fortenberry
Fossella
Gillibrand
Herger
Kennedy
McHugh
Nadler
Reynolds
Ros-Lehtinen
Rush
Terry
Tiahrt
Wexler
Wynn

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶63.27 H.R. 5826—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. WEINER, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 5826) to increase, effective as of December 1, 2008, the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of certain service-connected disabled veterans, and for other purposes.

The question being put,

Will the House suspend the rules and pass said bill?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 417 / Nays 0

¶63.28 [Roll No. 348]

YEAS—417

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Cazayoux
Chabot
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Foster
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kanjorski
Kaptur
Keller
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Scalise
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—17

Brown, Corrine
Carter
Castor
Cramer
Crenshaw
Delahunt
Fossella
Frank (MA)
Gillibrand
Kagen
Kennedy
McDermott
Rush
Speier
Tiahrt
Wexler
Wynn

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶63.29 H.R. 5856—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. WEINER, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 5856) to authorize major medical facility projects and major medical facility leases for the Department of Veterans Affairs for fiscal year 2009, and for other purposes.

The question being put,

Will the House suspend the rules and pass said bill?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 416 / Nays 0

¶63.30 [Roll No. 349]

YEAS—416

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Cazayoux
Chabot
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Ferguson
Filner
Flake
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano

Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Scalise
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Young (AK)
Young (FL)

NOT VOTING—18

Bishop (UT)
Brown, Corrine
Carter
Castor
Crenshaw
Feeney
Fossella
Gillibrand
Green, Gene
Kennedy
LaTourette
Rangel
Rush
Tiahrt
Walden (OR)
Wexler
Wynn
Yarmuth

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶63.31 DEFENSE AUTHORIZATION FY 2009

The SPEAKER pro tempore, Mr. POMEROY, pursuant to House Resolution 1213 and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 5658) to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2009, and for other purposes.

The SPEAKER pro tempore, Mr. POMEROY, by unanimous consent, designated Mr. JACKSON of Illinois, as Chairman of the Committee of the Whole; and after some time spent therein,

The SPEAKER pro tempore, Mr. MURPHY of Connecticut, assumed the Chair.

When Mr. ELLISON, Acting Chairman, reported that the Committee, having had under consideration said bill, had come to no resolution thereon.

¶63.32 H. RES. 1137—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. ELLISON, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 1137) supporting the goals and ideals of National Public Works Week, and for other purposes.

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. ELLISON, announced that two-thirds of those present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶63.33 H. CON. RES. 309—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. ELLISON, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the concurrent resolution (H. Con. Res. 309) authorizing the use of the Capitol Grounds for the District of Columbia Special Olympics Law Enforcement Torch Run.

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution?

The SPEAKER pro tempore, Mr. ELLISON, announced that two-thirds of those present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said concurrent resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said concurrent resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶63.34 H. RES. 339—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. ELLISON, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 339) supporting the goals of Motorcycle Safety Awareness Month; as amended.

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. ELLISON, announced that two-thirds of those present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

¶63.35 H. CON. RES. 305—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. ELLISON, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the concurrent resolution (H. Con. Res. 305) recognizing the importance of bicycling in transportation and recreation.

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution?

The SPEAKER pro tempore, Mr. ELLISON, announced that two-thirds of those present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said concurrent resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said concurrent resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶63.36 H.R. 3480—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. ELLISON, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 3480) to direct the United States Sentencing Commission to assure appropriate enhancements of those involved in receiving stolen property where that property consists of grave markers of veterans, and for other purposes; as amended.

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. ELLISON, announced that two-thirds of those present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

By unanimous consent, the title was amended so as to read: ''An Act to direct the United States Sentencing Commission to assure appropriate punishment enhancements for those involved in receiving stolen property where that property consists of grave markers of veterans, and for other purposes.''.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed and the title was amended was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶63.37 S. 2829—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. ELLISON, pursuant to clause 8, rule

XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill of the Senate (S. 2829) to make technical corrections to section 1244 of the National Defense Authorization Act for Fiscal Year 2008, which provides special immigrant status for certain Iraqis, and for other purposes.

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. ELLISON, announced that two-thirds of those present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶63.38 H.R. 5571—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. ELLISON, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 5571) to extend for 5 years the program relating to waiver of the foreign country residence requirement with respect to international medical graduates, as amended.

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. ELLISON, announced that two-thirds of those present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

By unanimous consent, the title was amended so as to read: ''An Act to extend for 5 years the program relating to waiver of the foreign country residence requirement with respect to international medical graduates, and for other purposes.''.

A motion to reconsider the votes whereby the rules were suspended and said bill, as amended, was passed and the title was amended was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶63.39 H. RES. 1106—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. ELLISON, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 1106) honoring the 60th anniversary of the commencement of the carving of the Crazy Horse Memorial.

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. ELLISON, announced that two-thirds of those present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶63.40 PROVIDING FOR CONSIDERATION OF H.R. 5658

Mr. MCGOVERN, by direction of the Committee on Rules, reported (Rept. No. 110–666) the resolution (H. Res. 1218) providing for consideration of the bill (H.R. 5658) to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2009, and for other purposes.

When said resolution and report were referred to the House Calendar and ordered printed.

¶63.41 H. RES. 1124—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. ELLISON, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 1124) expressing the sense of the house of Representatives that there should be established a National Brain Tumor Awareness Month, and for other purposes; as amended.

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. ELLISON, announced that two-thirds of those present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

¶63.42 H. RES. 1022—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. ELLISON, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 1022) reducing maternal mortality both at home and abroad, as amended.

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. ELLISON, announced that two-thirds of those present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

¶63.43 H. CON. RES. 134—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. ELLISON, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the concurrent resolution (H. Con. Res. 134) expressing the sense of the Congress that there should be established a Bebe Moore Campbell National Minority Mental Health Awareness Month to enhance public awareness of mental illness, especially within minority communities; as amended.

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution, as amended?

The SPEAKER pro tempore, Mr. ELLISON, announced that two-thirds of those present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said concurrent resolution, as amended, was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said concurrent resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶63.44 H. RES. 369—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. ELLISON, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 369) supporting the goals and ideals of National Osteoporosis Awareness and Prevention Month; as amended.

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. ELLISON, announced that two-thirds of those present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

¶63.45 SENATE CONCURRENT RESOLUTION REFERRED

A concurrent resolution of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. Con. Res. 79. A concurrent resolution congratulating and saluting Focus: HOPE on its 40th anniversary and for its remarkable commitment and contributions to Detroit, the State of Michigan, and the United

States; to the Committee on Oversight and Government Reform.

¶63.46 BILL PRESENTED TO THE PRESIDENT

Lorraine C. Miller, Clerk of the House reported that on May 20, 2008, she presented to the President of the United States, for his approval, the following bill.

H.R. 2419. An Act to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes.

¶63.47 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. CARTER, for today after 3 p.m.;

To Mr. COBLE, for today until 4:30 p.m.;

To Mr. SENSENBRENNER, for today until 4:30 p.m.; and

To Mr. TIAHRT, for today.

And then,

¶63.48 ADJOURNMENT

On motion of Mr. BURGESS, at 11 o'clock and 56 minutes p.m., the House adjourned.

¶63.49 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

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

Mr. WAXMAN: Committee on Oversight and Government Reform. H.R. 4106. A bill to improve teleworking in executive agencies by developing a telework program that allows employees to telework at least 20 percent of the hours worked in every 2 administrative workweeks, and for other purposes; with an amendment (Rept. 110–663). Referred to the Committee of the Whole House on the state of the Union.

Mr. WAXMAN: Committee on Oversight and Government Reform. H.R. 4791. A bill to amend title 44, United States Code, to strengthen requirements for ensuring the effectiveness of information security controls over information resources that support Federal operations and assets, and for other purposes; with an amendment (Rept. 110–664). Referred to the Committee of the Whole House on the state of the Union.

Mr. REYES: Permanent Select Committee on Intelligence. H.R. 5959. A bill to authorize appropriations for fiscal year 2009 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes; with an amendment (Rept. 110–665). Referred to the Committee of the Whole House on the state of the Union.

Mr. CARDOZA: Committee on Rules. H. Res. 1218. A resolution providing for consideration of the bill (H.R. 5658) to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2009, and for other purposes (Rept. 110–666). Referred to the House Calendar.

¶63.50 PUBLIC BILLS AND RESOLUTIONS

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

By Mr. HONDA (for himself, Mr. BOSWELL, Mr. COHEN, Mr. CLEAVER, Mr. DAVIS of Illinois, Mr. EHLERS, Mr. GALLEGLY, Mr. GRIJALVA, Mr. HINOJOSA, Mr. HOLT, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. LANGEVIN, Ms. LEE, Mr. LIPINSKI, Mr. LOEBSACK, Ms. ZOE LOFGREN of California, Mr. MARKEY, Mrs. MCCARTHY of New York, Ms. MCCOLLUM of Minnesota, Mr. MCDERMOTT, Mr. MCGOVERN, Mr. MCNERNEY, Mr. MEEKS of New York, Mr. GEORGE MILLER of California, Mr. PAYNE, Mr. ROTHMAN, Ms. SUTTON, Mr. TOWNS, Mr. UDALL of Colorado, Mr. VAN HOLLEN, Ms. WATSON, Mr. WEXLER, Mrs. DAVIS of California, Mrs. CAPPS, Mrs. NAPOLITANO, Mr. HARE, Mr. COURTNEY, Mr. SARBANES, Ms. CLARKE, and Ms. LINDA T. SÁNCHEZ of California):

H.R. 6104. A bill to provide for the coordination of the Nation's science, technology, engineering, and mathematics education initiatives; to the Committee on Education and Labor, and in addition to the Committee on Science and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCCOTTER (for himself, Mr. JONES of North Carolina, and Mr. CARTER):

H.R. 6105. A bill to amend the Congressional Budget and Impoundment Control Act of 1974 to require that concurrent resolutions on the budget limit the growth of Federal spending to the mean of annual percentage growth of wages and gross domestic product (GDP) in the United States, and for other purposes; to the Committee on Oversight and Government Reform, and in addition to the Committees on Rules, the Budget, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. BONO MACK:

H.R. 6106. A bill to amend the Internal Revenue Code of 1986 to temporarily reduce the excise tax on diesel fuel and kerosene to the rate applicable to gasoline; to the Committee on Ways and Means.

By Mr. YOUNG of Alaska (for himself and Mr. BARTLETT of Maryland):

H.R. 6107. A bill to direct the Secretary of the Interior to establish and implement a competitive oil and gas leasing program that will result in an environmentally sound program for the exploration, development, and production of the oil and gas resources of the Coastal Plain of Alaska, and for other purposes; to the Committee on Natural Resources, and in addition to the Committees on Energy and Commerce, and Science and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MYRICK (for herself, Mr. CULBERSON, Mrs. EMERSON, Mr. CANTOR, Mr. REGULA, Mr. TERRY, Mr. SOUDER, Mr. BISHOP of Utah, Mr. KINGSTON, Mr. LINDER, and Mrs. DRAKE):

H.R. 6108. A bill to provide for exploration, development, and production activities for mineral resources on the outer Continental Shelf, and for other purposes; to the Committee on Natural Resources, and in addition to the Committees on Science and Technology, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. OBERSTAR (for himself, Mr. MICA, Ms. NORTON, and Mr. GRAVES):

H.R. 6109. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to reauthorize the pre-disaster hazard mitigation program, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. RYAN of Wisconsin:

H.R. 6110. A bill to provide for the reform of health care, the Social Security system, the tax code for individuals and business, and the budget process; to the Committee on Ways and Means, and in addition to the Committees on Energy and Commerce, Education and Labor, Rules, and the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ANDREWS (for himself, Ms. WOOLSEY, Mr. MICHAUD, Mr. GEORGE MILLER of California, Ms. SHEA-PORTER, Mr. DAVIS of Illinois, Mr. MCDERMOTT, Mr. HOLT, Mr. KILDEE, Mr. HARE, Mr. PAYNE, Mr. GRIJALVA, Mr. WU, Ms. CLARKE, Mr. TIERNEY, Ms. LINDA T. SÁNCHEZ of California, Mr. SARBANES, Mrs. MCCARTHY of New York, Mr. BISHOP of New York, Mr. LOEBSACK, Mr. SCOTT of Virginia, Mr. KUCINICH, Ms. HIRONO, and Mr. HINOJOSA):

H.R. 6111. A bill to amend the Fair Labor Standards Act to require employers to keep records of non-employees who perform labor or services for remuneration and to provide a special penalty for employers who misclassify employees as non-employees, and for other purposes; to the Committee on Education and Labor, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BACA:

H.R. 6112. A bill to provide for the monitoring of the long-term medical health of firefighters who responded to emergencies in certain disaster areas and for the treatment of such firefighters; to the Committee on Energy and Commerce, and in addition to the Committee on Science and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. BOYDA of Kansas:

H.R. 6113. A bill to amend title 44, United States Code, to require each agency to include a contact telephone number in its collection of information; to the Committee on Oversight and Government Reform.

By Mr. DOYLE (for himself and Mr. DENT):

H.R. 6114. A bill to amend the Veterans' Benefits and Services Act of 1988 relating to testing for infection with the human immunodeficiency virus; to the Committee on Veterans' Affairs.

By Mr. FRANK of Massachusetts:

H.R. 6115. A bill to amend title 1, United States Code, to eliminate any Federal policy on the definition of marriage; to the Committee on the Judiciary.

By Mr. GRIJALVA:

H.R. 6116. A bill to allow homeowners of moderate-value homes who are subject to mortgage foreclosure proceedings to remain in their homes as renters; to the Committee on Financial Services.

By Mr. HILL:

H.R. 6117. A bill to require the Comptroller General of the United States to analyze the impacts of Federal regulations on small businesses; to the Committee on Small Business.

By Mr. MORAN of Virginia:

H.R. 6118. A bill to amend the charter of the Gold Star Wives of America to remove the restriction on the federally chartered corporation, and directors and officers of the

corporation, attempting to influence legislation; to the Committee on the Judiciary.

By Mr. ROSS (for himself and Mr. VAN HOLLEN):

H.R. 6119. A bill to amend part B of title XVIII of the Social Security Act to make a technical correction to ensure that all physicians, as defined for purposes of the Medicare Program, are permitted to perform required face-to-face examinations and prescribe Medicare covered durable medical equipment, prosthetics, orthotics, and supplies; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. LINDA T. SÁNCHEZ of California (for herself, Ms. BERKLEY, Ms. BORDALLO, Mr. CASTLE, Mr. CHABOT, Mr. ELLSWORTH, Mr. LANGEVIN, Mrs. MCCARTHY of New York, and Mr. KENNEDY):

H.R. 6120. A bill to direct the Attorney General to provide grants for Internet crime prevention education; to the Committee on the Judiciary.

By Mr. TURNER (for himself, Mr. UDALL of Colorado, and Mr. PERLMUTTER):

H.R. 6121. A bill to provide for health care benefits for certain nuclear facility workers; to the Committee on Energy and Commerce.

By Mr. WALZ of Minnesota (for himself, Mr. FILNER, Mr. LOEBSACK, Mr. HALL of New York, Ms. MCCOLLUM of Minnesota, Mr. ELLISON, Mr. BRADY of Pennsylvania, Mrs. BOYDA of Kansas, Mrs. CAPPS, Mr. HINCHEY, Mr. MICHAUD, Mr. KAGEN, Mr. JOHNSON of Georgia, Mr. ANDREWS, Mr. HARE, Mr. OBERSTAR, and Mr. RAMSTAD):

H.R. 6122. A bill to direct the Secretary of Veterans Affairs to develop and implement a comprehensive policy on the management of pain experienced by veterans enrolled for health care services provided by the Department of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. SPACE (for himself, Ms. PRYCE of Ohio, Mrs. SCHMIDT, Mr. WILSON of Ohio, Ms. KAPTUR, Mr. RYAN of Ohio, Ms. SUTTON, Mr. REGULA, Mr. TIBERI, Mrs. JONES of Ohio, Mr. TURNER, and Mr. HOBSON):

H.J. Res. 86. A joint resolution recognizing the efforts of the Ohio Department of Mental Health and the Ohio Department of Alcohol and Drug Addiction Services to address the stigma associated with mental health and substance use disorders; to the Committee on Energy and Commerce.

By Mr. WEINER:

H.J. Res. 87. A joint resolution limiting the issuance of a letter of offer with respect to a certain proposed sale of defense articles and defense services to the Kingdom of Saudi Arabia; to the Committee on Foreign Affairs.

By Ms. LEE (for herself, Mr. MCDERMOTT, Mr. GRIJALVA, and Mr. COHEN):

H. Con. Res. 360. Concurrent resolution recognizing the important social and economic contributions and accomplishments of the New Deal to our Nation on the 75th anniversary of legislation establishing the initial New Deal social and public works programs; to the Committee on Oversight and Government Reform.

By Ms. BALDWIN (for herself and Mrs. BONO MACK):

H. Res. 1217. A resolution expressing the sense of the House of Representatives that the prevention of mental disorders and substance abuse among children, youth, and young adults, and the promotion of mental health and wellness among these populations, should be a public health priority; to the Committee on Energy and Commerce.

By Mr. LATTA:

H. Res. 1219. A resolution celebrating the symbol of the United States flag and supporting the goals and ideals of Flag Day; to the Committee on Oversight and Government Reform.

¶63.51 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 154: Mr. LOBIONDO, Ms. DELAURO, Mr. CALVERT, Mr. VAN HOLLEN, and Mr. DOOLITTLE.
H.R. 245: Mr. RAMSTAD and Mr. CULBERSON.
H.R. 346: Mr. CARSON.
H.R. 369: Mr. CARSON.
H.R. 418: Mrs. BACHMANN and Mr. CARSON.
H.R. 423: Mr. DINGELL.
H.R. 463: Mr. TIM MURPHY of Pennsylvania.
H.R. 506: Mr. BISHOP of Georgia.
H.R. 552: Mr. KING of Iowa and Mr. CUMMINGS.
H.R. 583: Ms. MATSUI.
H.R. 594: Mr. HILL.
H.R. 642: Mr. LANGEVIN.
H.R. 661: Mr. MICHAUD.
H.R. 715: Mrs. NAPOLITANO.
H.R. 726: Mr. CUMMINGS.
H.R. 871: Mr. SHAYS.
H.R. 971: Mr. SCOTT of Virginia.
H.R. 1032: Mr. UDALL of Colorado and Mr. ORTIZ.
H.R. 1043: Mr. PAYNE.
H.R. 1064: Mr. MARKEY.
H.R. 1069: Mr. CARSON.
H.R. 1148: Mr. ROTHMAN.
H.R. 1157: Mr. TIBERI and Mr. Cohen.
H.R. 1185: Mr. GONZALEZ.
H.R. 1193: Mr. KUHL of New York, Mr. LOEBSACK, and Mr. KAGEN.
H.R. 1283: Mr. GARRETT of New Jersey and Ms. HARMAN.
H.R. 1343: Mr. FORTENBERRY.
H.R. 1363: Mr. DELAHUNT, Mr. MURTHA, and Mr. KILDEE.
H.R. 1366: Mr. TERRY.
H.R. 1405: Mr. CROWLEY.
H.R. 1524: Mr. BISHOP of New York.
H.R. 1606: Mr. HONDA.
H.R. 1621: Mr. SALAZAR, Mr. SERRANO, and Mr. MCHUGH.
H.R. 1641: Mr. MANZULLO.
H.R. 1644: Mr. MARKEY.
H.R. 1738: Mrs. JONES of Ohio.
H.R. 1761: Mr. CHABOT.
H.R. 1881: Mr. BACHUS and Ms. MCCOLLUM of Minnesota.
H.R. 1889: Mr. CUMMINGS.
H.R. 1940: Mr. FRANKS of Arizona and Mr. LAMBORN.
H.R. 2032: Mr. VAN HOLLEN.
H.R. 2045: Mrs. JONES of Ohio and Ms. SUTTON.
H.R. 2067: Mr. PENCE.
H.R. 2073: Ms. BALDWIN.
H.R. 2183: Mr. MCCOTTER.
H.R. 2244: Mr. BOUCHER.
H.R. 2266: Mr. GONZALEZ.
H.R. 2370: Mr. WAMP, Mr. AL GREEN of Texas, and Mrs. MUSGRAVE.
H.R. 2493: Mr. WALBERG and Mr. NEUGEBAUER.
H.R. 2508: Mr. TANCREDO.
H.R. 2550: Mr. LATTA and Mr. PEARCE.
H.R. 2652: Mr. MANZULLO.
H.R. 2686: Mr. CHILDERS.
H.R. 2880: Mr. KNOLLENBERG, Mr. TIBERI, and Mr. BRADY of Pennsylvania.
H.R. 2885: Mr. HINOJOSA.
H.R. 2897: Mr. CAPUANO.
H.R. 2914: Mr. PITTS.
H.R. 2933: Mr. TIAHRT.
H.R. 2943: Mr. TIERNEY.
H.R. 2991: Mr. MICHAUD.
H.R. 3008: Mr. WALZ of Minnesota.
H.R. 3016: Mr. SESSIONS.
H.R. 3089: Mr. SAM JOHNSON of Texas.
H.R. 3132: Ms. SUTTON, and Ms. BALDWIN.
H.R. 3140: Ms. MATSUI, and Mr. SHULER.
H.R. 3202: Ms. LEE.
H.R. 3232: Ms. SOLIS.
H.R. 3245: Mr. Latta.
H.R. 3334: Mr. PICKERING.
H.R. 3404: Mr. VAN HOLLEN.
H.R. 3438: Mr. MCGOVERN, and Ms. HIRONO.
H.R. 3457: Mr. MARCHANT, and Mr. HOEKSTRA.
H.R. 3543: Mrs. NAPOLITANO, Mr. BARROW, Mr. VAN HOLLEN, Ms. HARMAN, and Mr. HODES.
H.R. 3544: Ms. JACKSON-LEE of Texas, Mr. WU, and Mr. FURTUÑO.
H.R. 3622: Mr. PATRICK MURPHY of Pennsylvania, and Mr. SALI.
H.R. 3654: Ms. JACKSON-LEE of Texas.
H.R. 3700: Mr. WEINER.
H.R. 3800: Mr. WALBERG.
H.R. 3834: Mr. CHANDLER.
H.R. 3870: Mr. WU.
H.R. 3934: Mr. GONZALEZ.
H.R. 3944: Mrs. NAPOLITANO, and Ms. ZOE LOFGREN of California.
H.R. 3995: Mr. ROSKAM.
H.R. 4044: Mr. BISHOP of New York.
H.R. 4052: Mr. WALSH of New York.
H.R. 4063: Ms. CLARKE.
H.R. 4139: Mr. WILSON of Ohio.
H.R. 4206: Mr. GONZALEZ.
H.R. 4273: Mrs. MILLER of Michigan.
H.R. 4344: Mr. KANJORSKI.
H.R. 4449: Mr. ROTHMAN.
H.R. 4461: Mr. STARK.
H.R. 4464: Mr. BILIRAKIS, and Mr. PENCE.
H.R. 4544: Ms. BEAN, Mr. BOYD of Florida, Mr. CHILDERS, Mr. CAZAYOUX, Mr. CRAMER, and Mr. TANNER.
H.R. 4651: Mr. BERMAN.
H.R. 4836: Mr. WU, Mr. FORTUÑO, and Mr. MARKEY.
H.R. 4900: Mr. SALAZAR.
H.R. 4926: Mr. DAVID DAVIS of Tennessee, Mr. HINCHEY, Mr. WALSH of New York, Mr. DAVIS of Illinois, Mr. LOEBSACK, and Mr. BUTTERFIELD.
H.R. 5229: Mr. DREIER.
H.R. 5265: Mr. DUNCAN, and Mr. BOYD of Florida.
H.R. 5315: Mr. FALEOMAVAEGA, and Mr. MATHESON.
H.R. 5352: Mr. KING of New York.
H.R. 5437: Mr. PEARCE.
H.R. 5445: Mr. YOUNG of Alaska.
H.R. 5447: Mr. HOLT.
H.R. 5454: Mr. PLATTS, Mr. LOBIONDO, Mr. ETHERIDGE, Mr. BILIRAKIS, and Mr. JONES of North Carolina.
H.R. 5469: Mr. CONYERS.
H.R. 5515: Mr. SESSIONS and Mrs. MUSGRAVE.
H.R. 5542: Mr. MCINTYRE.
H.R. 5564: Mr. MARSHALL.
H.R. 5573: Mr. MCHUGH, Mr. MITCHELL, and Mr. HOLDEN.
H.R. 5580: Mr. CARNAHAN.
H.R. 5603: Mr. HOLDEN.
H.R. 5626: Mr. WU.
H.R. 5627: Mr. HILL and Mr. CAMPBELL of California.
H.R. 5632: Mr. CARSON.
H.R. 5635: Mr. HILL.
H.R. 5646: Mr. WITTMAN of Virginia.
H.R. 5656: Mr. MILLER of Florida.
H.R. 5662: Ms. GINNY BROWN-WAITE of Florida.
H.R. 5673: Mr. MCCOTTER.
H.R. 5674: Mr. AL GREEN of Texas, Mrs. NAPOLITANO, Ms. GIFFORDS, Mr. Rogers of Kentucky, and Mr. DAVIS of Alabama.
H.R. 5677: Mr. TURNER.
H.R. 5700: Mr. MCHUGH.
H.R. 5704: Mr. MILLER of North Carolina and Mr. PAUL.
H.R. 5721: Mr. BOOZMAN and Mr. BISHOP of Utah.

H.R. 5722: Mr. BOOZMAN.
H.R. 5731: Mrs. MUSGRAVE and Mr. LATTA.
H.R. 5734: Mrs. TAUSCHER, Mr. HINCHEY, Mr. LATHAM, Mr. MCNULTY, and Mr. BOSWELL.
H.R. 5737: Mr. REHBERG.
H.R. 5761: Mr. BILBRAY.
H.R. 5766: Mr. MCHUGH.
H.R. 5774: Mr. CARSON, Ms. WASSERMAN SCHULTZ, Ms. ESHOO, Mrs. TAUSCHER, and Mr. MCDERMOTT.
H.R. 5793: Mr. STUPAK, Mrs. CUBIN, Mr. HILL, Mr. DOYLE, and Mr. WEXLER.
H.R. 5815: Mrs. MILLER of Michigan.
H.R. 5854: Mr. KAGEN and Mr. MORAN of Virginia.
H.R. 5868: Mr. LATTA, Mr. BROWN of South Carolina, and Mr. YOUNG of Florida.
H.R. 5874: Mr. VAN HOLLEN.
H.R. 5878: Mr. RANGEL.
H.R. 5892: Mr. CARNAHAN, Mrs. NAPOLITANO, and Mr. COURTNEY.
H.R. 5895: Mr. ABERCROMBIE.
H.R. 5907: Mr. TIM MURPHY of Pennsylvania.
H.R. 5918: Mr. YOUNG of Florida.
H.R. 5925: Ms. LEE.
H.R. 5935: Mr. HOLDEN, Mrs. MYRICK, and Mr. SALAZAR.
H.R. 5944: Mr. TERRY and Mr. KINGSTON.
H.R. 5954: Mr. SALAZAR.
H.R. 5955: Mrs. MCMORRIS RODGERS and Mrs. MUSGRAVE.
H.R. 5960: Mr. SOUDER, Ms. KAPTUR, Mr. HOLDEN, and Mr. KILDEE.
H.R. 5971: Mr. PRICE of Georgia.
H.R. 5973: Mr. HALL of New York.
H.R. 5974: Mr. KLINE of Minnesota.
H.R. 5984: Mr. DREIER, Mr. MCCAUL of Texas, Mr. PLATTS, Mr. CANTOR, Mr. FRANKS of Arizona, Mr. ENGLISH of Pennsylvania, Mrs. MCMORRIS RODGERS, Mr. ROGERS of Michigan, Mr. KINGSTON, Mr. YOUNG of Alaska, Mr. REGULA, Mr. CAMP of Michigan, and Mr. HAYES.
H.R. 6008: Mrs. MUSGRAVE.
H.R. 6023: Mr. NEUGEBAUER and Mr. GALLEGLY.
H.R. 6025: Mr. HERGER, Mr. JORDAN, Mr. CONAWAY, and Mr. SOUDER.
H.R. 6026: Mr. EVERETT, Mr. MCHUGH, Mr. LINCOLN DIAZ-BALART of Florida, Mr. KLINE of Minnesota, Mr. MCCAUL of Texas, Mr. MILLER of Florida, Mr. KELLER, Mr. BRADY of Texas, Mr. SULLIVAN, Mr. NEUGEBAUER, Mr. MANZULLO, Ms. FALLIN, Mr. BOUSTANY, Ms. GINNY BROWN-WAITE of Florida, Mr. MCKEON, Mr. MACK, Mr. CHABOT, Mr. SESSIONS, Mr. BISHOP of Utah, Mrs. MUSGRAVE, Mr. KUHL of New York, Mr. BARRETT of South Carolina, Mr. PLATTS, Mr. GINGREY, Mr. HALL of Texas, Mr. WILSON of South Carolina, Mr. SMITH of Texas, Mr. WALDEN of Oregon, Mrs. WILSON of New Mexico, Mr. BACHUS, Mr. REYNOLDS, Mr. BARTON of Texas, Mr. GALLEGLY, Mr. SHUSTER, Mr. DAVIS of Kentucky, Mr. FEENEY, and Mr. CAMP of Michigan.
H.R. 6030: Mr. CALVERT.
H.R. 6045: Mr. MATHESON and Mr. LATOURETTE.
H.R. 6047: Ms. JACKSON-LEE of Texas.
H.R. 6062: Mr. CARSON.
H.R. 6068: Mr. TOWNS and Mr. COHEN.
H.R. 6075: Mr. KAGEN and Mrs. NAPOLITANO.
H.R. 6092: Mr. MILLER of Florida, Mrs. GILLIBRAND, Mr. SESTAK, Mr. ORTIZ, Mr. CONAWAY, Mr. AKIN, Mr. COLE of Oklahoma, Mr. FORBES, Mr. JOHNSON of Georgia, Mr. SCOTT of Georgia, Mr. KINGSTON, Mr. DEAL of Georgia, Mr. PRICE of Georgia, Mrs. MUSGRAVE, Mr. SAM JOHNSON of Texas, Mr. EVERETT, Mr. LINDER, Mr. ABERCROMBIE, Mr. HUNTER, Mr. BARTLETT of Maryland, Mr. MCKEON, Mr. TURNER, Mr. LEWIS of Georgia, Mr. HAYES, Mr. BISHOP of Utah, Mr. BARROW, Mr. BROUN of Georgia, Mr. BISHOP of Georgia, Mr. WESTMORELAND, Mr. MARSHALL, Mrs. MYRICK, and Mr. ROGERS of Alabama.
H.R. 6098: Mr. KING of New York.
H.J. Res. 22: Mr. BROUN of Georgia.
H.J. Res. 79: Mr. GRIJALVA.
H. Con. Res. 108: Mr. CARSON.
H. Con. Res. 163: Mrs. CUBIN.
H. Con. Res. 294: Mr. SALI.
H. Con. Res. 336: Mrs. NAPOLITANO, Mrs. MILLER of Michigan, and Mr. MARSHALL.
H. Con. Res. 338: Mr. PAYNE, Mr. GUTIERREZ, and Mr. CONYERS.
H. Con. Res. 341: Mr. BOUSTANY, Mr. WALBERG, Mr. FEENEY, Mr. CARNAHAN, Mr. HILL, Ms. GIFFORDS, Mr. SPACE, and Mrs. MILLER of Michigan.
H. Res. 111: Mr. CARSON.
H. Res. 881: Mr. MCHENRY, Mr. BARROW, Mr. COSTA, Mr. GORDON, Mr. PATRICK MURPHY of Pennsylvania, and Mr. MELANCON.
H. Res. 888: Mr. BRADY of Texas.
H. Res. 1008: Mr. PITTS, Mr. DOOLITTLE, and Mr. BILBRAY.
H. Res. 1056: Mr. PAYNE and Mrs. CHRISTENSEN.
H. Res. 1067: Mr. TAYLOR.
H. Res. 1106: Mr. FEENEY.
H. Res. 1139: Mr. FALEOMAVAEGA and Mr. NEAL of Massachusetts.
H. Res. 1177: Mr. HARE, Ms. SCHAKOWSKY, Ms. JACKSON-LEE of Texas, Mr. DAVIS of Illinois, and Mr. HONDA.
H. Res. 1179: Mr. RAMSTAD, Mr. DOOLITTLE, Mr. LEWIS of California, Mr. BACA, and Mr. BARTLETT of Maryland.
H. Res. 1183: Mr. GONZALEZ.
H. Res. 1192: Ms. MATSUI, Mrs. NAPOLITANO, and Ms. ZOE LOFGREN of California.
H. Res. 1200: Mr. COHEN, Mr. GRIJALVA, and Mr. MCGOVERN.
H. Res. 1205: Mr. GENE GREEN of Texas and Ms. SUTTON.

¶63.52 DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 6041: Mr. SAM JOHNSON of Texas.

THURSDAY, MAY 22, 2008 (64)

¶64.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Mr. PASTOR, who laid before the House the following communication:

WASHINGTON, DC,
May 22, 2008.

I hereby appoint the Honorable ED PASTOR to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

¶64.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. PASTOR, announced he had examined and approved the Journal of the proceedings of Wednesday, May 21, 2008.

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

¶64.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

6780. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Milk in the Appalachian, Florida and Southeast Marketing Areas; Interim Order Amending the Orders [AMS-DA-07-0059; AO-388-A22; AO-356-A43 and AO-366-A51; Docket No. DA-07-03-A] received April 30, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6781. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Walnuts Grown in California; Order Amending Marketing Order and Agreement No. 984 [Docket No. AO-192-A7; AMS-FV-07-0004; FV06-984-1] received April 30, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6782. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Tomatoes Grown in Florida; Decreased Assessment Rate [Docket No. AMS-FV-07-0014; FV07-966-2 FIR] received April 30, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6783. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Multi Year Increase in Fees and Charges for Egg, Poultry, and Rabbit Grading and Audit Services [Docket No. AMS-PY-07-0065] (RIN: 0581-AC73) received April 30, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6784. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Nectarines and Peaches Grown in California; Changes in Handling Requirements for Fresh Nectarines and Peaches [Docket No. AMS-FV-0160; FV08-916/917-1 IFR] received April 30, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6785. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Honey Packers and Importers Research, Promotion, Consumer Education and Industry Information Order; Referendum Procedures [Docket No. AMS-FV-06-0176; FV-03-704-FR-2B] (RIN: 0581-AC37) received April 30, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6786. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Onions Grown in South Texas; Order Amending Marketing Order No. 959 [Docket Nos. AO-322-A4; AMS-2006-0079; FV06-959-1] received April 30, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6787. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Hazelnuts Grown in Oregon and Washington; Establishment of Interim Final and Final Free and Restricted Percentages for the 2007-2008 Marketing Year [Docket No. AMS-FV-07-0150; FV08-982-1 IFR] received April 30, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6788. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Interstate Movement of Fruit from Hawaii [Docket No. APHIS-2007-0050] (RIN: 0579-AC62) received May 6, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6789. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Special Supplemental Nutrition Program for Women, Infants and Children (WIC): Miscellaneous Vendor-Related Provisions [FNS-2007-0041] (RIN: 0584-AD36) received May 7, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

6790. A letter from the Assistant Deputy Secretary, Department of Education, transmitting the Department's final rule — Notice of Final Priority, Definitions, Requirements, and Selection Criteria — received May 16, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

6791. A letter from the Director, Regulations Policy and Mgmt. Staff, Department of Health and Human Services, transmitting

the Department's final rule — Food Labeling: Health Claims; Soluble Fiber from Certain Foods and Risk of Coronary Heart Disease [[Docket No. FDA-2006-P-0405] (formerly Docket No. 2006P-0069)] received May 20, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6792. A letter from the Director, Regulations Policy and Mgmt. Staff, Department of Health and Human Services, transmitting the Department's final rule — Substances Prohibited From Use in Animal Food or Feed [[Docket No. 2002N-0273] (formerly Docket No. 02N-0273)] (RIN: 0910-AF46) received May 20, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6793. A letter from the Director, Regulations Policy and Mgmt. Staff, Department of Health and Human Services, transmitting the Department's final rule — Designation of New Animal Drugs for Minor Uses or Minor Species [Docket No. 2005N-0329] (RIN: 0910-AF60) received May 20, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6794. A letter from the Director, Regulations Policy and Mgmt. Staff, Department of Health and Human Services, transmitting the Department's final rule — Human Subject Protection; Foreign Clinical Studies Not Conducted Under an Investigational New Drug Application [Docket No. 2004N-0018] received May 20, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6795. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — In the Matter of Promoting Diversification of Ownership In the Broadcasting Services 2006 Quadrennial Regulatory Review — Review of the Commission's Broadcast Ownership Rules and Other Rules Adopted Pursuant to Section 202 of the Telecommunications Act of 1996 2002 Biennial Regulatory Review — Review of the Commission's Broadcast Ownership Rules and Other Rules Adopted Pursuant to Section 202 of the Telecommunications Act of 1996 Cross-Ownership of Broadcast Stations and Newspapers Rules and Policies Concerning Multiple Ownership of Radio Stations in Local Markets Definition of Radio Markets Ways to Further to the Committee on Energy and Commerce.

6796. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's report on the activities of the Multinational Force and Observers (MFO) and U.S. participation in that organization for the period January 16, 2007, to January 15, 2008, pursuant to 22 U.S.C. 3422(a)(2)(A); to the Committee on Foreign Affairs.

6797. A letter from the Secretary, Department of the Treasury, transmitting as required by Executive Order 13313 of July 31, 2003, a six-month periodic report on the national emergency with respect to the stabilization of Iraq that was declared in Executive Order 13303 of May 22, 2003, pursuant to 50 U.S.C. 1641(c); to the Committee on Foreign Affairs.

6798. A letter from the Secretary, Department of the Treasury, transmitting as required by Executive Order 13313 of July 31, 2003, a 6-month periodic report on the national emergency with respect to Iran that was declared in Executive Order 12170 of November 14, 1979, pursuant to 50 U.S.C. 1641(c); to the Committee on Foreign Affairs.

6799. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting pursuant to the Taiwan Relations Act, agreements concluded by the American Institute and the Taipei Economic and Cultural Representative Office in Washington on March 8 and April 21, 2008, pursuant to 22 U.S.C. 3311; to the Committee on Foreign Affairs.

6800. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report on gifts given by the United States to foreign individuals for Fiscal Year 2007, pursuant to Public Law 95-105, section 515 (b)(2); to the Committee on Foreign Affairs.

6801. A letter from the Director, Auschwitz Birkenau State Museum, transmitting the Museum's annual report for 2007; to the Committee on Foreign Affairs.

6802. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 08-32 concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance to the North Atlantic Treaty Organization for defense articles and services; to the Committee on Foreign Affairs.

6803. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 08-48 concerning the Department of the Navy's proposed Letter(s) of Offer and Acceptance to Korea for defense articles and services; to the Committee on Foreign Affairs.

6804. A letter from the Director, Defense Security Cooperation Agency, transmitting pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 08-52 concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance to Iraq for defense articles and services; to the Committee on Foreign Affairs.

6805. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 08-55 concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance to Romania for defense articles and services; to the Committee on Foreign Affairs.

6806. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification of a proposed agreement for the export of defense articles and services to the Government of India (Transmittal No. DDTC 058-08); to the Committee on Foreign Affairs.

6807. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(d) of the Arms Export Control Act, certification regarding the proposed license for the manufacture of military equipment to the Government of Chile (Transmittal No. DDTC 111-07); to the Committee on Foreign Affairs.

6808. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(d) of the Arms Export Control Act, certification regarding the proposed license for the manufacture of military equipment to the Government of Brazil (Transmittal No. DDTC 088-07); to the Committee on Foreign Affairs.

6809. A letter from the Assistant Secretary, Department of State, transmitting the Department's report covering current military, diplomatic, political, and economic measures that are being or have been undertaken to complete out mission in Iraq successfully, pursuant to Public Law 109-163, section 1227; to the Committee on Foreign Affairs.

6810. A letter from the Mayor, District of Columbia, transmitting the comprehensive annual financial report of the District of Columbia, including a report of the revenues of the District of Columbia for the fiscal year ended September 30, 2007, pursuant to Public Law 102-102, section 2(b) (105 Stat. 495); to the Committee on Oversight and Government Reform.

6811. A letter from the Chairman, Board of Governors of the Federal Reserve System, transmitting the semiannual report on the activities of the Office of Inspector General for the six-month period ending March 31, 2008, pursuant to 5 U.S.C. app. (Insp. Gen. Act), section 5(b); to the Committee on Oversight and Government Reform.

6812. A letter from the Director, Office of Civil Rights, Broadcasting Board of Governors, transmitting the Board's FY 2007 report, pursuant the requirements of section 203(b) of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No Fear Act); to the Committee on Oversight and Government Reform.

6813. A letter from the Executive Director, Christopher Columbus Fellowship Foundation, transmitting pursuant to the Accountability of Tax Dollars Act, the Foundation's Form and Content Reports/Financial Statements for the Second Quarter of FY 2008 ended March 31, 2008, as prepared by the U.S. General Services Administration; to the Committee on Oversight and Government Reform.

6814. A letter from the Secretary, Department of Education, transmitting the Department's annual report for FY 2007 prepared in accordance with Section 203 of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act), Public Law 107-174; to the Committee on Oversight and Government Reform.

6815. A letter from the Secretary, Department of Health and Human Services, transmitting the semiannual report on the activities of the Office of Inspector General for the period October 1, 2007 through March 31, 2008, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Oversight and Government Reform.

6816. A letter from the General Counsel, Department of Housing and Urban Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

6817. A letter from the Secretary, Department of Transportation, transmitting the Department's annual report for FY 2007 prepared in accordance with Section 203 of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act), Public Law 107-174; to the Committee on Oversight and Government Reform.

6818. A letter from the Administrator, Environmental Protection Agency, transmitting the semiannual report on activities of the Inspector General for the period October 1, 2007, through March 31, 2008, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Oversight and Government Reform.

6819. A letter from the Director, Office of Personnel Management, transmitting the Office's report entitled, ''Federal Student Loan Repayment Program FY 2007,'' pursuant to 5 U.S.C. 5379(a)(1)(B) Public Law 106-398, section 1122; to the Committee on Oversight and Government Reform.

6820. A letter from the Deputy Assistant Administrator For Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries in the Western Pacific; Bottomfish and Seamount Groundfish Fisheries; Management Measures in the Main Hawaiian Islands [Docket No. 071211828-8448-02] (RIN: 0648-AU22) received April 22, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6821. A letter from the Deputy Assistant Administrator For Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Department's final rule — Magnuson-Stevens Act

Provisions; Fisheries of the Northeastern United States; Northeast Multispecies Fishery; 2008 Georges Bank Cod Hook Sector Operations Plan and Agreement and Allocation of Georges Bank Cod Total Allowable Catch [Docket No. 071017599-8435-02] (RIN: 0648-AW16) received April 22, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6822. A letter from the Federal Register Liaison Officer, Department of the Treasury, transmitting the Department's final rule — Expansion of the San Francisco Bay Viticultural Area (2005R-413P) [T.D. TTB-67; Re: Notice No. 70] (RIN: 1513-AB21) received April 30, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6823. A letter from the Federal Register Liaison Officer, Department of the Treasury, transmitting the Department's final rule — Establishment of the Lehigh Valley Viticultural Area (2005R-415P) [T.D. TTB-66; Re: Notice No. 67] (RIN: 1513-AB19) received April 30, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6824. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — 26 CFR 1.956-1: Definition of United States property (Also: 956(c)(2)(J)) (Rev. Proc. 2008-26) received May 14, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6825. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — 26 CFR 601.105: Examination of returns and claims for refund, credit, or abatement; determination of correct tax liability. (Also Part 1, 1031). (Rev. Proc. 2008-16) received April 30, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6826. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — LMSB Division Commissioner Memorandum — Coordinated Issue for All Industries: Distressed Asset Trust Transaction [LMSB-04-0308-012] received May 7, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6827. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — 26 CFR 1.61-3: Gross income derived from business. (Also 162; 1.162-1.) (Rev. Rul. 2008-26) received May 14, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6828. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Assumption of Liabilities [TD 9397] (RIN: 1545-BH95) received May 14, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6829. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — 26 CFR 1.368-1: Purpose and scope of exception of reorganization exchanges. (Also 338; 1.338-3; 1.368-2). (Rev. Rul. 2008-25) received May 14, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

¶64.4 PROVIDING FOR CONSIDERATION OF H.R. 5658

Mr. CARDOZA, by direction of the Committee on Rules, called up the following resolution (H. Res. 1218):

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for further consideration of the bill (H.R. 5658) to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2009, and for other purposes. No further general debate shall be in order.

SEC. 2. (a) It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Armed Services now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived except those arising under clause 10 of rule XXI.

(b) Notwithstanding clause 11 of rule XVIII, no amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution and amendments en bloc described in section 3 of this resolution.

(c) Each amendment printed in the report of the Committee on Rules shall be considered only in the order printed in the report (except as specified in section 4 of this resolution), may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole.

(d) All points of order against amendments printed in the report of the Committee on Rules or amendments en bloc described in section 3 of this resolution are waived except those arising under clause 9 or 10 of rule XXI.

SEC. 3. It shall be in order at any time for the chairman of the Committee on Armed Services or his designee to offer amendments en bloc consisting of amendments printed in the report of the Committee on Rules accompanying this resolution not earlier disposed of. Amendments en bloc offered pursuant to this section shall be considered as read, shall be debatable for 20 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services or their designees, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. The original proponent of an amendment included in such amendments en bloc may insert a statement in the Congressional Record immediately before the disposition of the amendments en bloc.

SEC. 4. The Chairman of the Committee of the Whole may recognize for consideration of any amendment printed in the report of the Committee on Rules accompanying this resolution out of the order printed, but not sooner than 30 minutes after the chairman of the Committee on Armed Services or a designee announces from the floor a request to that effect.

SEC. 5. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 6. During consideration in the House of H.R. 5658 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

SEC. 7. In the engrossment of H.R. 5658, the Clerk shall—

(a) add the text of H.R. 6048, as passed by the House, as new matter at the end of H.R. 5658;

(b) conform the title of H.R. 5658 to reflect the addition to the engrossment of H.R. 6048;

(c) assign appropriate designations to provisions within the engrossment; and

(d) conform provisions for short titles within the engrossment.

SEC. 8. It shall be in order at any time through the legislative day of Thursday, May 22, 2008, for the Speaker to entertain motions that the House suspend the rules relating to any measure pertaining to agricultural programs.

When said resolution was considered.

After debate,

Mr. CARDOZA moved the previous question on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House now order the previous question?

The SPEAKER pro tempore, Mr. PASTOR, announced that the yeas had it.

Mr. HASTINGS of Washington, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 228 / Nays 192

¶64.5 [Roll No. 350]

YEAS—228

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

McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Renzi
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NAYS—192

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

NOT VOTING—14

Andrews
Carter
Castor
Crenshaw
Fossella
Gillibrand
Hinojosa
Kennedy
Kind
Paul
Rush
Walden (OR)
Wexler
Young (AK)

So the previous question on the resolution was ordered.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. SERRANO, announced that the yeas had it.

Mr. HASTINGS of Washington, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 223 Nays 197

¶64.6 [Roll No. 351]

YEAS—223

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

NAYS—197

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

NOT VOTING—14

Andrews
Blumenauer
Carter
Castor
Crenshaw
Fossella
Gillibrand
Hinojosa
Kennedy
Paul
Rush
Walden (OR)
Wexler
Young (AK)

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶64.7 PRIVILEGES OF THE HOUSE

Mr. BOEHNER, pursuant to rule IX, rose to a question of the privileges of the House and submitted the following resolution (H. Res. 1221):

Whereas the Democratic Leadership has engaged in a continuing pattern of withholding accurate information vital for Members of the House of Representatives to have before voting on legislation;

Whereas the conference report on H.R. 2419, which was adopted by the House on May 14, 2008, and the Senate on May 15, 2008, contained title III, relating to trade, which contained sections 3001 through 3301;

Whereas the Speaker and the Clerk certified that the enrolled copy of H.R. 2419 transmitted to the President was a true and accurate reflection of the actions taken by the House and Senate;

Whereas the enrolled copy certified by the Speaker and the Clerk and presented to the President failed to include title III and sections 3001 through 3301 and was not an accurate or complete document;

Whereas the President vetoed and returned to the House said certified copy;

Whereas before laying the President's message before the House, the Speaker and the Democratic Leadership were informed by the Office of the Law Revision Counsel and the Committee on Agriculture that said certified copy was erroneous and not an accurate or complete document;

Whereas on May 21, 2008, the Democratic Leadership deliberately chose to ignore that notification and instead allowed the House to vote on an incorrect version of this legislation;

Whereas a veto override requires ⅔ of the House to vote in the affirmative, and knowledge of this mistake may have influenced each Member's decision and therefore changed the outcome of this vote, which is why the Democratic Leadership chose not to pursue a correction of this legislation;

Whereas the effect of these actions raises serious constitutional questions and jeopardizes the legal status of this legislation;

Whereas Speaker Pelosi and Majority Leader Hoyer knowingly scheduled and began consideration of the President's veto of H.R. 2419, without regard to the serious and obvious constitutional questions and detrimental implications to the sanctity of the House and its process;

Whereas at the direction of the Republican Leader, senior staff contacted the Chief-of-Staff to the Speaker and the Floor Director for the Majority Leader, requesting that they immediately halt consideration of the veto message until the facts surrounding the errors could be sorted out and all Members could be notified;

Whereas the Democratic Leadership refused that request;

Whereas in the 109th Congress, the current Speaker, Nancy Pelosi, offered a privileged resolution, H. Res. 683, accusing the Republicans of concealment, incompetence, and corruption with respect to the enrollment error of the Deficit Reduction Act;

Whereas the Deficit Reduction Act was the subject of numerous lawsuits questioning its validity due to the enrollment error, including a lawsuit filed by several Democratic Members;

Whereas in a memorandum from the Clerk of the House to Speaker Nancy Pelosi entitled ''Farm Bill Omission'' and dated May 21, 2008, the Clerk stated ''Enrolling Division staff expressed concern in receiving direct calls from Leadership and the Committee to accelerate the enrolling process.''; and

Whereas the Democratic Leadership's repeated efforts to thwart the normal legislative process by cutting corners, ignoring requirements of the Constitution and House rules, and rushing through legislation with major errors, forces Members to vote on controversial legislation without thorough time for review and must be denounced:

Now, therefore, be it

Resolved, That——

(1) the Committee on Standards of Official Conduct shall begin an immediate investigation into the abuse of power surrounding the inaccuracies in the process and enrollment of H.R. 2419, Food and Energy Security Act of 2007, vetoed by the President on May 21, 2008; and,

(2) the Speaker, Majority Leader and other Members of the Democratic Leadership are hereby admonished for their roles in the events surrounding this enrollment error.

Pending consideration of said resolution.

The SPEAKER pro tempore, Mr. SERRANO, ruled that the resolution submitted did present a question of the privileges of the House under rule IX.

Mr. CARDOZA moved to lay the resolution on the table.

The question being put, viva voce,

Will the House lay the resolution on the table?

The SPEAKER pro tempore, Mr. SERRANO, announced that the yeas had it.

Mr. BOEHNER demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 220; Nays ..... 188; Answered present 10

¶64.8 [Roll No. 352]

YEAS—220

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

NAYS—188

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

ANSWERED ''PRESENT''—10

Barrett (SC)	Green, Gene	McCaul (TX)
Bonner	Hastings (WA)	Roybal-Allard
Delahunt	Jones (OH)	
Doyle	Kline (MN)	

NOT VOTING—16

Andrews	Castor	Crenshaw
Carter	Cleaver	Dingell

Gillibrand
Hobson
Kennedy
Kilpatrick
Lynch
Paul
Rush
Walden (OR)
Wexler
Young (AK)

So the motion to lay the resolution on the table was agreed to.

A motion to reconsider the vote whereby said motion was agreed to was, by unanimous consent, laid on the table.

¶64.9 FARM BILL EXTENSION

Mr. PETERSON of Minnesota, moved to suspend the rules and pass the bill (H.R. 6124) to provide for the continuation of agricultural and other programs of the Department of Agriculture through fiscal year 2012, and for other purposes.

The SPEAKER pro tempore, Mr. SERRANO, recognized Mr. PETERSON of Minnesota, and Mr. BOEHNER, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. SERRANO, announced that two-thirds of the Members present had voted in the affirmative.

Mr. BOEHNER objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 6, rule XX, and the call was taken by electronic device.

When there appeared { Yeas ..... 306 / Nays 110

¶64.10 [Roll No. 353]

YEAS—306

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Altmire
Arcuri
Baca
Baird
Baldwin
Barrow
Bartlett (MD)
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blunt
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Butterfield
Buyer
Camp (MI)
Capito
Capps
Cardoza
Carnahan
Carney
Carson
Cazayoux
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Edwards
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Filner
Forbes
Fortenberry
Foster
Frank (MA)
Gallegly
Giffords
Gilchrest
Gingrey
Gohmert
Gonzalez
Goodlatte
Gordon
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Hastings (FL)
Hastings (WA)
Hayes
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kildee
Kilpatrick
King (IA)
Kingston
Klein (FL)
Kline (MN)
Kucinich
Kuhl (NY)
LaHood
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (KY)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lynch
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Marshall
Matsui
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McGovern
McHugh
McIntyre
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Nadler
Napolitano
Neal (MA)
Neugebauer
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Perlmutter
Peterson (MN)
Pickering
Platts
Poe
Pomeroy
Porter
Price (NC)
Putnam
Radanovich
Rahall
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (TX)
Snyder
Solis
Souder
Space
Speier
Spratt
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Thornberry
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Whitfield (KY)
Wilson (OH)
Wittman (VA)
Woolsey
Wu
Wynn
Yarmuth

NAYS—110

Akin
Bachmann
Bachus
Barrett (SC)
Barton (TX)
Bean
Biggert
Bilbray
Bishop (UT)
Blackburn
Blumenauer
Boehner
Broun (GA)
Burgess
Burton (IN)
Calvert
Campbell (CA)
Cannon
Cantor
Capuano
Castle
Chabot
Cooper
Cubin
Culberson
Davis, Tom
Deal (GA)
Dent
Dreier
Duncan
Ehlers
Feeney
Ferguson
Flake
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Goode
Granger
Harman
Heller
Hensarling
Hunter
Inglis (SC)
Issa
Johnson, Sam
Jordan
Keller
Kind
King (NY)
Kirk
Knollenberg
Lamborn
Lewis (CA)
Linder
LoBiondo
Lungren, Daniel E.
Mack
Marchant
Matheson
McCarthy (CA)
McCrery
McDermott
McHenry
McKeon
Mica
Miller (FL)
Miller, Gary
Mitchell
Moore (WI)
Moran (KS)
Myrick
Nunes
Pence
Peterson (PA)
Petri
Pitts
Price (GA)
Pryce (OH)
Ramstad
Reichert
Rohrabacher
Roskam
Royce
Ryan (WI)
Saxton
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Smith (NJ)
Smith (WA)
Stark
Stearns
Tancredo
Terry
Tiahrt
Tiberi
Wamp
Weldon (FL)
Westmoreland
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NOT VOTING—19

Andrews
Bilirakis
Carter
Castor
Crenshaw
Gillibrand
Hobson
Hoekstra
Kennedy
Lewis (GA)
Paul
Ros-Lehtinen
Rush
Scott (GA)
Sullivan
Walden (OR)
Walsh (NY)
Wexler
Young (AK)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶64.11 H. RES. 1194—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. SERRANO, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 1194) reaffirming the support of the House of Representatives for the legitimate, democratically-elected Government of Lebanon under Prime Minister Fouad Siniora.

The question being put,

Will the House suspend the rules and agree to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 401 / Nays ..... 10 / Answered present 2

¶64.12 [Roll No. 354]

YEAS—401

Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Arcuri
Baca
Bachmann
Bachus
Baird
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Cazayoux
Chabot
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly

Garrett (NJ)	Mahoney (FL)	Ross
Gerlach	Maloney (NY)	Rothman
Giffords	Manzullo	Roybal-Allard
Gilchrest	Marchant	Royce
Gingrey	Markey	Ruppersberger
Gohmert	Marshall	Ryan (OH)
Gonzalez	Matheson	Ryan (WI)
Goode	Matsui	Salazar
Goodlatte	McCarthy (CA)	Sali
Gordon	McCarthy (NY)	Sánchez, Linda T.
Granger	McCaul (TX)	
Graves	McCollum (MN)	Sanchez, Loretta
Green, Al	McCotter	Sarbanes
Green, Gene	McCrery	Saxton
Grijalva	McGovern	Scalise
Gutierrez	McHenry	Schakowsky
Hall (NY)	McHugh	Schiff
Hall (TX)	McIntyre	Schmidt
Hare	McKeon	Schwartz
Harman	McMorris Rodgers	Scott (GA)
Hastings (FL)		Scott (VA)
Hastings (WA)	McNerney	Sensenbrenner
Hayes	McNulty	Serrano
Heller	Meek (FL)	Sessions
Hensarling	Meeks (NY)	Sestak
Herseth Sandlin	Melancon	Shadegg
Higgins	Mica	Shays
Hill	Michaud	Shea-Porter
Hinojosa	Miller (FL)	Sherman
Hirono	Miller (MI)	Shimkus
Hodes	Miller (NC)	Shuler
Hoekstra	Miller, Gary	Shuster
Holden	Miller, George	Simpson
Holt	Mitchell	Sires
Honda	Mollohan	Skelton
Hooley	Moore (KS)	Slaughter
Hoyer	Moran (KS)	Smith (NE)
Hulshof	Moran (VA)	Smith (NJ)
Hunter	Murphy (CT)	Smith (TX)
Inglis (SC)	Murphy, Patrick	Smith (WA)
Inslee	Murphy, Tim	Snyder
Israel	Murtha	Solis
Issa	Musgrave	Souder
Jackson (IL)	Myrick	Space
Jackson-Lee (TX)	Nadler	Speier
	Napolitano	Stearns
Jefferson	Neal (MA)	Stupak
Johnson (IL)	Neugebauer	Sutton
Johnson, E. B.	Nunes	Tancredo
Johnson, Sam	Oberstar	Tanner
Jones (OH)	Obey	Tauscher
Jordan	Olver	Taylor
Kagen	Ortiz	Terry
Kanjorski	Pallone	Thompson (CA)
Kaptur	Pascrell	Thompson (MS)
Keller	Pastor	Thornberry
Kildee	Payne	Tiahrt
Kilpatrick	Pearce	Tiberi
Kind	Pence	Tierney
King (IA)	Perlmutter	Towns
King (NY)	Peterson (MN)	Tsongas
Kingston	Peterson (PA)	Udall (CO)
Kirk	Petri	Udall (NM)
Klein (FL)	Pickering	Upton
Kline (MN)	Pitts	Van Hollen
Knollenberg	Platts	Velázquez
Kuhl (NY)	Poe	Visclosky
LaHood	Pomeroy	Walberg
Lamborn	Porter	Walz (MN)
Lampson	Price (GA)	Wamp
Langevin	Price (NC)	Wasserman Schultz
Larsen (WA)	Pryce (OH)	
Larson (CT)	Putnam	Waters
Latham	Radanovich	Watson
LaTourette	Rahall	Waxman
Latta	Ramstad	Weiner
Levin	Regula	Welch (VT)
Lewis (CA)	Rehberg	Weldon (FL)
Lewis (KY)	Reichert	Weller
Linder	Renzi	Westmoreland
Lipinski	Reyes	Whitfield (KY)
LoBiondo	Reynolds	Wilson (NM)
Loebsack	Richardson	Wilson (OH)
Lofgren, Zoe	Rodriguez	Wilson (SC)
Lowey	Rogers (AL)	Wittman (VA)
Lucas	Rogers (KY)	Wolf
Lungren, Daniel E.	Rogers (MI)	Wu
	Rohrabacher	Wynn
Lynch	Ros-Lehtinen	Yarmuth
Mack	Roskam	Young (FL)

NAYS—10

Abercrombie	Kucinich	Stark
Baldwin	Lee	Woolsey
Hinchey	McDermott	
Jones (NC)	Moore (WI)	

ANSWERED ''PRESENT''—2

DeFazio	Watt

NOT VOTING—21

Andrews	Hobson	Spratt
Carter	Johnson (GA)	Sullivan
Castor	Kennedy	Turner
Crenshaw	Lewis (GA)	Walden (OR)
Fossella	Paul	Walsh (NY)
Gillibrand	Rangel	Wexler
Herger	Rush	Young (AK)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶64.13 DEFENSE AUTHORIZATION FY 2009

The SPEAKER pro tempore, Ms. DEGETTE, pursuant to House Resolution 1218 and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 5658) to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2009, and for other purposes.

Mr. SERRANO, Acting Chairman, assumed the chair; and after some time spent therein,

The SPEAKER pro tempore, Mr. LARSEN of Washington, assumed the Chair.

When Mr. ROSS, Acting Chairman, reported that the Committee, having had under consideration said bill, had come to no resolution thereon.

¶64.14 ORDER OF BUSINESS—PROCEEDINGS ON VOTES

On motion of Mrs. TAUSCHER, by unanimous consent,

Ordered, That during further consideration of the bill (H.R. 5658) to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2009, and for other purposes, pursuant to House Resolution 1218, the Chair may reduce to two minutes the minimum time for electronic voting under clause 6 of rule XVIII and clauses 8 and 9 of rule XX.

¶64.15 DEFENSE AUTHORIZATION FY 2009

The SPEAKER pro tempore, Mr. LARSEN of Washington, pursuant to House Resolution 1218 and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 5658) to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2009, and for other purposes.

Mr. ROSS, Acting Chairman, assumed the chair; and after some time spent therein,

The Committee rose informally to receive a message from the Senate.

The SPEAKER pro tempore, Mr. BRALEY, assumed the Chair.

¶64.16 MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate having proceeded to reconsider the bill (H.R. 2419), ''An Act to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes'', returned by the President of the United States with his objections, to the House, in which it originated, and passed by the House on reconsideration of the same, it was

Resolved, That the said bill pass, two-thirds of the Senators present having voted in the affirmative.

The Committee resumed its sitting; and after some further time spent therein,

¶64.17 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 3, printed in House Report 110-666, submitted by Mr. AKIN:

At the end of subtitle A of title II, add the following new section:

SEC. 203. INCREASED FUNDING FOR FUTURE COMBAT SYSTEMS.

(a) INCREASE.—The amount provided in section 201(1) for research, development, test, and evaluation, Army, is hereby increased by $193,000,000, of which—

(1) $101,000,000 shall be available for Future Combat Systems, MGV; and

(2) $92,000,000 shall be available for Future Combat Systems, SoS Engineering.

(b) CORRESPONDING OFFSETS.—The amount in section 201(2) for research, development, test, and evaluation, Navy, is hereby reduced by $30,000,000, to be derived from PE 0305205N, line 198 Endurance Unmanned Aerial Vehicles, Broad Area Maritime Surveillance. The amount in section 421, military personnel, is hereby reduced by $138,000,000, to be derived from unobligated balances. The amount in section 1403, Defense Health Program, is hereby reduced by $25,000,000, to be derived from unobligated balances.

It was decided in the negative ..... { Yeas ..... 128 / Nays 287

¶64.18 [Roll No. 355]

AYES—128

Aderholt	Dreier	Lamborn
Akin	Everett	Latta
Bachmann	Fallin	Lewis (CA)
Bachus	Ferguson	Lewis (KY)
Barrett (SC)	Flake	Linder
Bartlett (MD)	Forbes	Lucas
Barton (TX)	Foxx	Lungren, Daniel E.
Bilbray	Franks (AZ)	
Blackburn	Frelinghuysen	Mack
Blunt	Gallegly	Manzullo
Boehner	Garrett (NJ)	Marchant
Bono Mack	Gingrey	McCotter
Boozman	Goode	McCrery
Boustany	Goodlatte	McHenry
Brady (TX)	Hall (TX)	McHugh
Broun (GA)	Hastings (WA)	McKeon
Burgess	Heller	McMorris Rodgers
Burton (IN)	Hensarling	
Calvert	Herger	Miller (FL)
Camp (MI)	Hoekstra	Miller (MI)
Campbell (CA)	Hunter	Miller, Gary
Cantor	Inglis (SC)	Neugebauer
Coble	Issa	Nunes
Cole (OK)	Johnson, Sam	Pearce
Conaway	Jordan	Pence
Cubin	Keller	Petri
Culberson	King (IA)	Pickering
Davis (KY)	Kline (MN)	Pitts
Davis, David	Knollenberg	Platts
Doolittle	Kuhl (NY)	Poe
Drake	LaHood	Price (GA)

Putnam
Radanovich
Regula
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (MI)
Rohrabacher
Royce
Ryan (WI)
Sali
Saxton
Scalise
Sensenbrenner
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Wamp
Weller
Westmoreland
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (FL)

NOES—287

Abercrombie
Ackerman
Alexander
Allen
Altmire
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Bonner
Bordallo
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Butterfield
Buyer
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Cazayoux
Chabot
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Feeney
Filner
Fortenberry
Fossella
Foster
Frank (MA)
Gerlach
Giffords
Gilchrest
Gohmert
Gonzalez
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Hayes
Herseth Sandlin
Higgins
Hill
Hinchey
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kingston
Kirk
Klein (FL)
Kucinich
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Peterson (PA)
Pomeroy
Porter
Price (NC)
Rahall
Ramstad
Rangel
Rehberg
Reyes
Richardson
Rodriguez
Rogers (KY)
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sessions
Sestak
Shays
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walberg
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Whitfield (KY)
Wilson (OH)
Wu
Yarmuth

NOT VOTING—24

Andrews
Bishop (UT)
Cannon
Carter
Castor
Christensen
Crenshaw
Doyle
Fortuño
Gillibrand
Hinojosa
Hobson
Musgrave
Nadler
Paul
Pryce (OH)
Rush
Udall (CO)
Walden (OR)
Walsh (NY)
Wexler
Woolsey
Wynn
Young (AK)

So the amendment was not agreed to.

¶64.19 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 6, printed in House Report 110-666, submitted by Mr. FRANKS of Arizona:

At the end of title II, add the following new section:

SEC. 2___. INCREASED AMOUNT FOR MISSILE DEFENSE AGENCY.

(a) INCREASE.—The amount in section 201(4), research, development, test, and evaluation, defense-wide, is hereby increased by $719,000,000, to be derived by increasing the amounts, as the Secretary of Defense determines, for—

(1) the Terminal High Altitude Area Defense program;

(2) the Aegis ballistic missile defense program; and

(3) the ballistic missile defense testing and targets program.

(b) OFFSET.—The total amount authorized in title II for research, development, test, and evaluation is hereby reduced by $719,000,000, to be derived from any account other than the Missile Defense Agency, as determined by the Secretary of Defense.

It was decided in the negative ..... { Yeas ..... 186 / Nays 229

¶64.20 [Roll No. 356]

AYES—186

Aderholt
Akin
Alexander
Altmire
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bean
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Cazayoux
Chabot
Childers
Cole (OK)
Conaway
Cramer
Cubin
Culberson
Davis (AL)
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly
Doolittle
Drake
Dreier
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
McNerney
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (PA)
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Putnam
Radanovich
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ruppersberger
Ryan (WI)
Sali
Saxton
Scalise
Schmidt
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Space
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Walberg
Wamp
Weldon (FL)
Weller
Westmoreland
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (FL)

NOES—229

Abercrombie
Ackerman
Allen
Arcuri
Baca
Baird
Baldwin
Barrow
Becerra
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Bordallo
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Filner
Foster
Frank (MA)
Giffords
Gilchrest
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Higgins
Hill
Hinchey
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
LaHood
Lampson
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Mahoney (FL)
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Petri
Pomeroy
Price (NC)
Rahall
Ramstad
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis

Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wilson (OH)
Woolsey
Wu
Yarmuth

NOT VOTING—24

Andrews
Cannon
Carter
Castor
Christensen
Crenshaw
Doyle
Fortuño
Gillibrand
Hinojosa
Hobson
Lynch
Musgrave
Nadler
Paul
Pryce (OH)
Rush
Udall (CO)
Walden (OR)
Walsh (NY)
Wexler
Whitfield (KY)
Wynn
Young (AK)

So the amendment was not agreed to.

¶64.21 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 23, printed in House Report 110-666, submitted by Mr. TIERNEY:

At the end of subtitle C of title II, add the following new section:

SEC. 2___. MISSILE DEFENSE FUNDING REDUCTIONS TO PROVIDE ADDITIONAL FUNDS FOR ACTIVITIES TO COUNTER WEAPONS OF MASS DESTRUCTION AND TERRORISM.

(a) MISSILE DEFENSE FUNDING REDUCTIONS.—The amount in section 201(4) for research, development, test, and evaluation, Defense-wide, is hereby reduced by $996,200,000, to be derived from amounts for the Missile Defense agency as follows:

(1) $100,000,000 reduction from the Airborne Laser program.

(2) $100,000,000 reduction from the Kinetic Energy Interceptor (KEI) program.

(3) $100,000,000 reduction from the Multiple Kill Vehicle (MKV) program.

(4) $341,200,000 from the termination of any funding for the proposed long-range missile defense sites in Europe.

(5) $355,000,000 from the termination of any further deployment in the Ground-Based Midcourse Defense program, with this reduction not interfering with development or testing activities under the program.

(b) ADDITIONAL FUNDS TO COUNTER WEAPONS OF MASS DESTRUCTION AND TERRORISM.—

(1) COOPERATIVE THREAT REDUCTION PROGRAM.—The amount provided in section 1302(a) for the Cooperative Threat Reduction is hereby increased by $75,000,000.

(2) NONPROLIFERATION AND WEAPONS OF MASS DESTRUCTION PROGRAMS.—The amount provided in section 3101(a)(2) for nonproliferation and weapons of mass destruction programs of the Department of Energy is hereby increased by $529,000,000, which shall be available as follows:

(A) $50,000,000 for Global Threat Reduction Initiative.

(B) $30,000,000 for International Nuclear Materials Protection and Cooperation program.

(C) $60,000,000 for Second Line of Defense program to cooperate with other countries to deter, detect, and interdict illicit transfers of nuclear and radioactive materials at border crossings and ports.

(D) $15,000,000 for NNSA's export control assistance program for the purpose of developing a plan for making sure all countries fulfill their UNSC 1540 obligation to put effective controls in place.

(E) $50,000,000 increase of conditional appropriation to encourage Russia to blend down additional HEU, to finance such incentives if an agreement is reached that requires such funding.

(F) $50,000,000 for safeguards work at the Department of Energy National Laboratories.

(G) $100,000,000 increase for non-proliferation research and development, such as treaty monitoring and verification.

(H) $10,000,000 for completing the experimental study on analyzing the impacts of sabotage of spent-fuel transportation in the United States.

(I) $50,000,000 for accelerated or further dismantlement of nuclear weapons (and removal of pits from nuclear weapons).

(J) $41,000,000 for chemical weapons destruction at the Bluegrass facility in Kentucky.

(K) $73,000,000 for chemical weapons destruction at the Pueblo facility in Colorado.

(c) ADDITIONAL SUPPORT FOR WOUNDED WARRIORS AND THEIR FAMILIES.—

(1) IMPACT AID.—The amount provided in section 571 is hereby increased by $30,000,000 to increase funding for impact aid to help local educational agencies provide support to students who are dependents of members of the Armed Forces.

(2) FAMILY SUPPORT FOR WOUNDED WARRIORS.—Amounts provided for family support of wounded members of the Armed Forces is hereby increased by $30,000,000.

(3) SUICIDE PREVENTION.—Amounts available for programs to prevent suicides by members of the Armed Forces is hereby increased by $30,000,000.

(4) WOUNDED WARRIORS AS HEALTHCARE PROVIDERS.—An amount equal to $10,000,000 is authorized to be appropriated for a pilot program to identify and retrain wounded members as military health professionals who would then treat and care for other wounded members.

(d) NATIONAL GUARD AND RESERVE SHORTFALLS.—The balance of amounts reduced under subsection (a), after application of subsections (b) and (c) shall be available to increase amounts available for the National Guard and Reserve to fund identified shortfalls, especially in connection with homeland security activities.

It was decided in the negative ..... { Yeas ..... 122 / Nays 292

¶64.22 [Roll No. 357]

AYES—122

Ackerman
Allen
Baird
Baldwin
Berman
Bishop (NY)
Blumenauer
Boswell
Brady (PA)
Braley (IA)
Brown, Corrine
Capps
Capuano
Castle
Clarke
Clay
Cleaver
Cohen
Costello
Courtney
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dingell
Doggett
Duncan
Ellison
Emanuel
Eshoo
Farr
Fattah
Filner
Foster
Frank (MA)
Green, Al
Grijalva
Hall (NY)
Hare
Hastings (FL)
Hayes
Hinchey
Hodes
Holden
Holt
Honda
Hooley
Jackson (IL)
Jackson-Lee (TX)
Kagen
Kanjorski
Kildee
Kind
Kucinich
Larson (CT)
Lee
Levin
Lewis (GA)
Loebsack
Lofgren, Zoe
Lowey
Lynch
Maloney (NY)
Markey
Matheson
Matsui
McCollum (MN)
McDermott
McGovern
McNerney
McNulty
Michaud
Miller, George
Moore (WI)
Moran (KS)
Moran (VA)
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Pallone
Pascrell
Payne
Price (NC)
Rahall
Rangel
Roybal-Allard
Sánchez, Linda T.
Schakowsky
Schiff
Schwartz
Serrano
Shays
Sherman
Shuler
Sires
Slaughter
Solis
Speier
Stark
Sutton
Thompson (CA)
Tierney
Towns
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wu
Yarmuth

NOES—292

Abercrombie
Aderholt
Akin
Alexander
Altmire
Arcuri
Baca
Bachmann
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Bordallo
Boren
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Cardoza
Carnahan
Carney
Carson
Cazayoux
Chabot
Chandler
Childers
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Cramer
Crowley
Cubin
Cuellar
Culberson
Davis (AL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Donnelly
Doolittle
Drake
Dreier
Edwards
Ehlers
Ellsworth
Emerson
Engel
English (PA)
Etheridge
Everett
Faleomavaega
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Gene
Gutierrez
Harman
Hastings (WA)
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hirono
Hoekstra
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kaptur
Keller
Kennedy
Kilpatrick
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Mahoney (FL)
Manzullo
Marchant
Marshall
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
Meek (FL)
Meeks (NY)
Melancon
Mica
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mitchell
Mollohan
Moore (KS)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Neugebauer
Norton
Nunes
Ortiz
Pastor
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sanchez, Loretta
Sarbanes
Saxton
Scalise
Schmidt
Scott (GA)
Scott (VA)
Sensenbrenner
Sessions
Sestak
Shadegg
Shea-Porter
Shimkus
Shuster
Simpson
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Spratt
Stearns
Stupak
Sullivan
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (MS)
Thornberry
Tiahrt
Tiberi

Tsongas
Turner
Upton
Walberg
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Young (FL)

NOT VOTING—25

Andrews
Bachus
Buyer
Cannon
Carter
Castor
Christensen
Crenshaw
Doyle
Fortuño
Gillibrand
Hall (TX)
Hinojosa
Hobson
Musgrave
Nadler
Paul
Pryce (OH)
Rush
Udall (CO)
Walden (OR)
Walsh (NY)
Wexler
Wynn
Young (AK)

So the amendment was not agreed to.

¶64.23 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 33, printed in House Report 110-666, submitted by Mr. PEARCE:

At the end of title XXXI, insert the following:

SEC. 31___. INCREASED FUNDING FOR RELIABLE REPLACEMENT WARHEAD PROGRAM.

(a) INCREASE.—The amount in section 3101 for weapons activities, National Nuclear Security Administration, is hereby increased by $10,000,000, to be available for the Reliable Replacement Warhead program.

(b) OFFSET.—The amount in section 2402 is hereby reduced by $10,000,000, to be derived from energy conservation on military installations.

It was decided in the negative ..... { Yeas ..... 145 / Nays 271

¶64.24 [Roll No. 358]

AYES—145

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Calvert
Camp (MI)
Campbell (CA)
Cantor
Chabot
Cole (OK)
Conaway
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Everett
Fallin
Feeney
Ferguson
Flake
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Heller
Hensarling
Herger
Hulshof
Hunter
Issa
Johnson, Sam
Jordan
Keller
King (IA)
King (NY)
Kline (MN)
Kuhl (NY)
LaHood
Lamborn
Latham
Latta
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Marchant
Marshall
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (PA)
Pickering
Pitts
Poe
Price (GA)
Putnam
Radanovich
Rehberg
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Royce
Ryan (WI)
Sali
Saxton
Scalise
Schmidt
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Thornberry
Tiahrt
Tiberi
Turner
Walberg
Weldon (FL)
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Young (FL)

NOES—271

Abercrombie
Ackerman
Allen
Altmire
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Bordallo
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Buyer
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Cazayoux
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Donnelly
Drake
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Filner
Forbes
Fortenberry
Foster
Frank (MA)
Gerlach
Giffords
Gilchrest
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Hayes
Herseth Sandlin
Higgins
Hill
Hinchey
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Inglis (SC)
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Kingston
Kirk
Klein (FL)
Knollenberg
Kucinich
Lampson
Langevin
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Petri
Platts
Pomeroy
Porter
Price (NC)
Rahall
Ramstad
Rangel
Regula
Reichert
Reyes
Richardson
Rodriguez
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Wilson (OH)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth

NOT VOTING—23

Andrews
Cannon
Carter
Castor
Christensen
Crenshaw
Doyle
Fortuño
Gillibrand
Hinojosa
Hobson
Musgrave
Nadler
Paul
Pryce (OH)
Renzi
Rush
Udall (CO)
Walden (OR)
Walsh (NY)
Wexler
Wynn
Young (AK)

So the amendment was not agreed to.

¶64.25 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 26, printed in House Report 110-666, submitted by Ms. LEE:

At the end of subtitle B of title XII of the bill, add the following new section:

SEC. 12xx. LIMITATION ON CERTAIN STATUS OF FORCES AGREEMENTS BETWEEN THE UNITED STATES AND IRAQ.

No provision of any agreement between the United States and Iraq described in section 1212 (a)(1)(A)(iv) shall be in force with respect to the United States unless the agreement—

(1) is in the form of a treaty requiring the advice and consent of the Senate (or is intended to take that form in the case of an agreement under negotiation); or

(2) is specifically authorized by an Act of Congress enacted after the date of the enactment of this Act.

It was decided in the affirmative ..... { Yeas ..... 234 / Nays 183

¶64.26 [Roll No. 359]

AYES—234

Abercrombie
Ackerman
Allen
Altmire
Arcuri
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Bordallo
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carson
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Duncan
Edwards
Ellison
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Feeney
Filner
Foster
Frank (MA)
Giffords
Gilchrest
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Poe

Pomeroy	Serrano	Thompson (CA)
Price (NC)	Sestak	Thompson (MS)
Rahall	Shays	Tierney
Rangel	Shea-Porter	Towns
Reyes	Sherman	Tsongas
Richardson	Shuler	Udall (NM)
Rodriguez	Sires	Upton
Rohrabacher	Skelton	Van Hollen
Ross	Slaughter	Velázquez
Rothman	Smith (WA)	Visclosky
Roybal-Allard	Snyder	Walz (MN)
Ruppersberger	Solis	Wasserman Schultz
Ryan (OH)	Space	Waters
Salazar	Speier	Watson
Sánchez, Linda T.	Spratt	Watt
Sanchez, Loretta	Stark	Waxman
Sarbanes	Stearns	Weiner
Schakowsky	Stupak	Welch (VT)
Schiff	Sutton	Wilson (OH)
Schwartz	Tancredo	Woolsey
Scott (GA)	Tanner	Wu
Scott (VA)	Tauscher	Yarmuth
	Taylor	

NOES—183

Aderholt	Foxx	Miller (MI)
Akin	Franks (AZ)	Miller, Gary
Alexander	Frelinghuysen	Moran (KS)
Bachmann	Gallegly	Murphy, Tim
Bachus	Garrett (NJ)	Myrick
Barrett (SC)	Gerlach	Neugebauer
Barrow	Gingrey	Nunes
Bartlett (MD)	Gohmert	Pearce
Barton (TX)	Goode	Pence
Biggert	Goodlatte	Peterson (PA)
Bilbray	Granger	Petri
Bilirakis	Graves	Pickering
Bishop (UT)	Hall (TX)	Pitts
Blackburn	Hastings (WA)	Platts
Blunt	Hayes	Porter
Boehner	Heller	Price (GA)
Bonner	Hensarling	Putnam
Bono Mack	Herger	Radanovich
Boozman	Hoekstra	Ramstad
Boustany	Hulshof	Regula
Brady (TX)	Hunter	Rehberg
Broun (GA)	Inglis (SC)	Reichert
Brown (SC)	Issa	Renzi
Brown-Waite, Ginny	Johnson (IL)	Reynolds
Buchanan	Johnson, Sam	Rogers (AL)
Burgess	Jordan	Rogers (KY)
Burton (IN)	Keller	Rogers (MI)
Buyer	King (IA)	Ros-Lehtinen
Calvert	King (NY)	Roskam
Camp (MI)	Kingston	Royce
Campbell (CA)	Kirk	Ryan (WI)
Cantor	Kline (MN)	Sali
Capito	Knollenberg	Saxton
Carney	Kuhl (NY)	Scalise
Castle	LaHood	Schmidt
Cazayoux	Lamborn	Sensenbrenner
Chabot	Lampson	Sessions
Childers	Latham	Shadegg
Cole (OK)	LaTourette	Shimkus
Conaway	Latta	Shuster
Cubin	Lewis (CA)	Simpson
Culberson	Lewis (KY)	Smith (NE)
Davis (KY)	Linder	Smith (NJ)
Davis, David	LoBiondo	Smith (TX)
Davis, Tom	Lucas	Souder
Deal (GA)	Lungren, Daniel E.	Sullivan
Dent	Mack	Terry
Diaz-Balart, L.	Manzullo	Thornberry
Diaz-Balart, M.	Marchant	Tiahrt
Doolittle	Marshall	Tiberi
Drake	McCarthy (CA)	Turner
Dreier	McCaul (TX)	Walberg
Ehlers	McCotter	Wamp
Ellsworth	McCrery	Weldon (FL)
Everett	McHenry	Weller
Fallin	McHugh	Westmoreland
Ferguson	McKeon	Whitfield (KY)
Flake	McMorris Rodgers	Wilson (NM)
Forbes	Mica	Wilson (SC)
Fortenberry	Miller (FL)	Wittman (VA)
Fossella		Wolf
		Young (FL)

NOT VOTING—22

Andrews	Gillibrand	Udall (CO)
Cannon	Hinojosa	Walden (OR)
Carter	Hobson	Walsh (NY)
Castor	Musgrave	Wexler
Christensen	Nadler	Wynn
Crenshaw	Paul	Young (AK)
Doyle	Pryce (OH)	
Fortuño	Rush	

So the amendment was agreed to.

¶64.27 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 53, printed in House Report 110-666, submitted by Mr. BRALEY:

At the end of subtitle B of title XII, insert the following new section:

SEC. 12___. REPORT ON LONG-TERM COSTS OF OPERATION IRAQI FREEDOM AND OPERATION ENDURING FREEDOM.

(a) FINDINGS.—Congress finds the following:

(1) The United States has been engaged in military operations in Afghanistan since October 2001 and in military operations in Iraq since March 2003.

(2) According to the Congressional Research Service, to date, Congress has appropriated $700,000,000,000 from fiscal year 2001 through fiscal year 2008 for the Department of Defense, the State Department, and for medical costs paid by the Department of Veterans Affairs. This amount includes $526,000,000,000 for Iraq and $140,000,000,000 for Afghanistan and other counterterror operations. Among other expenditures, this amount includes funding for combat operations; deploying, transporting, feeding, and housing troops; deployment of National Guard and Reserve troops; the equipping and training of Iraqi and Afghani forces; purchasing, upgrading, and repairing weapons, munitions and other equipment; supplemental combat pay and benefits; providing medical care to troops on active duty and returning veterans; reconstruction and foreign aid; and payments to other countries for logistical assistance.

(3) Over 90 percent of Department of Defense funds for operations in Iraq and Afghanistan have been provided as emergency funds in supplemental or additional appropriations.

(4) The Congressional Budget Office and the Congressional Research Service have stated that future war costs are difficult to estimate because the Department of Defense has provided little detailed information on costs incurred to date, does not report outlays or actual expenditures for war because war and baseline funds are mixed in the same accounts, and does not provide information on many key factors which determine costs, including personnel levels or the pace of operations.

(5) To date, the administration has not provided any long-term estimates of war costs, despite a statutory reporting requirement that the President submit a cost estimate for fiscal year 2006 through fiscal year 2011 that was enacted in 2004.

(6) Operating costs in Iraq and Afghanistan have been increasing steadily since 2003, and war costs in Iraq have sharply increased from $50,000,000,000 in 2003 to approximately $134,000,000,000 for fiscal year 2007, to the $154,000,000,000 request for fiscal year 2008.

(7) The Iraq Study Group Report states that, ''the United States has made a massive commitment to the future of Iraq in both blood and treasure,'' warns that ''the United States must expect significant 'tail costs' to come'', and predicts that ''Caring for veterans and replacing lost equipment will run into the hundreds of billions of dollars. Estimates run as high as $2 trillion for the final cost of the U.S. involvement in Iraq''.

(8) The Iraq Study Group Report also finds that ''This level of expense is not sustainable over an extended period . . .''.

(9) The use of government contractors and private military firms has reached unprecedented levels, with over 100,000 contractors operating in Iraq.

(10) Over 1,600,000 American troops have served in Afghanistan and Iraq since the beginning of the conflicts.

(11) Over 4,050 United States troops and Department of Defense civilian personnel have been killed in Operation Iraqi Freedom, and over 490 United States troops and Department of Defense civilian personnel have been killed in Operation Enduring Freedom.

(12) National Guard and Reserve troops are being deployed in support of these conflicts at unprecedented levels.

(13) Many troops are serving multiple deployments, and one-third of those serving in the Iraq war have been deployed two or more times.

(14) Over 1,100 service members have suffered amputations as a result of their service in Afghanistan and Iraq.

(15) More than 100,000 Iraq and Afghanistan veterans have been treated for mental health conditions.

(16) 52,000 Iraq and Afghanistan veterans have been diagnosed with Post-Traumatic Stress Disorder.

(17) Nearly 37 percent of soldiers returning from Iraq and Afghanistan have sought treatment at Department of Veterans Affairs hospitals and clinics.

(18) Many troops have suffered multiple injuries, with veterans claiming an average of five separate conditions.

(19) The Independent Review Group on Rehabilitative Care and Administrative Processes at Walter Reed Army Medical Center and National Naval Medical Center identified Traumatic Brain Injury, Post-Traumatic Stress Disorder, increased survival of severe burns, and traumatic amputations as the four signature wounds of the current conflicts, and found that the ''numbers of servicemembers surviving with . . . complex injuries have challenged our modern military medical system and exposed weakness and breakdowns in access to care, as well as continuity of care management and follow-on administrative processes''.

(20) The Independent Review Group report also states that the recovery process ''can take months or years and must accommodate recurring or delayed manifestations of symptoms, extended rehabilitation and all the life complications that emerge over time from such trauma''.

(b) REPORT REQUIREMENT; SCENARIOS.—Not later than 90 days after the date of the enactment of this Act, the President, with contributions from the Secretary of Defense, the Secretary of State, and the Secretary of the Department of Veterans Affairs, shall submit a report to Congress containing an estimate of the long-term costs of Operation Iraqi Freedom and Operation Enduring Freedom. The report shall contain estimates for the following scenarios:

(1) The number of personnel deployed in support of Operation Iraqi Freedom and Operation Enduring Freedom is reduced from current levels to 30,000 by the beginning of fiscal year 2010 and remains at that level through fiscal year 2017.

(2) The number of personnel deployed in support of Operation Iraqi Freedom and Operation Enduring Freedom is reduced from current levels to 75,000 by the beginning of fiscal year 2013 and remains at that level through 2017.

(3) An alternative scenario, defined by the President and based on current war plans, which takes into account expected troop levels and the expected length of time that troops will be deployed in support of Operation Iraqi Freedom and Operation Enduring Freedom.

(c) SPECIAL CONSIDERATIONS.—The estimates required for each scenario shall make projections through at least fiscal year 2068, shall be adjusted appropriately for inflation, and shall take into account and specify the following:

(1) The total number of troops expected to be activated and deployed to Iraq and Afghanistan during the course of Operation Iraqi Freedom and Operation Enduring Freedom. This number shall include all troops deployed in the region in support of Operation Iraqi Freedom and Operation Enduring Freedom and activated reservists in the United States who are training, backfilling for deployed troops, or supporting other Department of Defense missions directly or indirectly related to Operation Iraqi Freedom and Operation Enduring Freedom. This number shall also break down activations and deployments of Active Duty, Reservists, and National Guard troops.

(2) The number of troops, including National Guard and Reserve troops, who have served and who are expected to serve multiple deployments.

(3) The number of contractors and private military security firms that have been utilized and are expected to be utilized during the course of the conflicts in Iraq and Afghanistan.

(4) The number of veterans currently suffering and expected to suffer from Post-Traumatic Stress Disorder, Traumatic Brain Injury, or other mental injuries.

(5) The number of veterans currently in need of and expected to be in need of prosthetic care and treatment because of amputations incurred during Operation Iraqi Freedom and Operation Enduring Freedom.

(6) The current number of pending Department of Veterans Affairs claims from Iraq and Afghanistan veterans, and the total number of Iraq and Afghanistan veterans expected to seek disability compensation benefits from the Department of Veterans Affairs.

(7) The total number of troops who have been killed and wounded in Iraq and Afghanistan to date, including noncombat casualties, the total number of troops expected to suffer injuries in Iraq and Afghanistan, and the total number of troops expected to be killed in Iraq and Afghanistan, including noncombat casualties.

(8) Funding already appropriated for the Department of Defense, the Department of State, and the Department of Veterans Affairs for costs related to the wars in Iraq and Afghanistan. This shall include an account of the amount of funding from regular Department of Defense, Department of State, and Department of Veterans Affairs budgets that has gone and will go to Iraq and Afghanistan.

(9) Current and future operational expenditures, including funding for combat operations; deploying, transporting, feeding, and housing troops (including fuel costs); deployment of National Guard and Reserve troops; the equipping and training of Iraqi and Afghani forces; purchasing, upgrading, and repairing weapons, munitions and other equipment; and payments to other countries for logistical assistance.

(10) Past, current, and future cost of government contractors and private military security firms.

(11) Average annual cost for each troop deployed in support of Operation Iraqi Freedom and Operation Enduring Freedom, including room and board, equipment and body armor, transportation of troops and equipment (including fuel costs), and operational costs.

(12) Current and future cost of combat-related special pays and benefits, including reenlistment bonuses.

(13) Current and future cost of activating National Guard and Reserve forces and paying them on a full-time basis.

(14) Current and future cost for reconstruction, embassy operations and construction, and foreign aid programs for Iraq and Afghanistan.

(15) Current and future cost of bases and other infrastructure to support United States troops in Iraq and Afghanistan.

(16) Current and future cost of providing healthcare for returning veterans. This estimate shall include the cost of mental health treatment for veterans suffering from Post-Traumatic Stress Disorder and Traumatic Brain Injury, and other mental problems as a result of their service in Operation Iraqi Freedom and Operation Enduring Freedom. This estimate shall also include the cost of lifetime prosthetics care and treatment for veterans suffering from amputations as a result of their service in Operation Iraqi Freedom and Operation Enduring Freedom.

(17) Current and future cost of providing Department of Veterans Affairs disability benefits for lifetime of veterans.

(18) Current and future cost of providing survivors' benefits to survivors of service members.

(19) Cost of bringing troops and equipment home at the end of the wars, including cost of demobilizing troops, transporting troops home (including fuel costs), providing transition services from active duty to veteran status, transporting equipment, weapons, and munitions (including fuel costs), and an estimate of the value of equipment which will be left behind.

(20) Cost to restore the military and military equipment, including the National Guard and National Guard equipment, to full strength after the wars.

(21) Cost of the administration's plan to permanently increase the Army and Marine Corps by 92,000 over the next six years.

(22) Amount of money borrowed to pay for the wars in Iraq and Afghanistan, and the sources of that money.

(23) Interest on borrowed money, including interest for money already borrowed and anticipated interest payments on future borrowing for the war in Iraq and the war in Afghanistan.

It was decided in the affirmative ..... { Yeas ..... 245 / Nays 168

¶64.28 [Roll No. 360]

AYES—245

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

NOES—168

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Castle
Childers
Cole (OK)
Conaway
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Ehlers
English (PA)
Everett
Fallin
Ferguson
Flake
Forbes
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gerlach
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hoekstra
Hulshof
Hunter
Issa
Johnson (IL)
Johnson, Sam
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
LaHood
Lamborn
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Walberg
Wamp
Weller
Westmoreland

Whitfield (KY) Wilson (SC) Wolf
Wilson (NM) Wittman (VA) Young (FL)

NOT VOTING—26

Andrews Hinojosa Rush
Cannon Hobson Udall (CO)
Carter Lewis (GA) Walden (OR)
Castor Manzullo Walsh (NY)
Christensen Melancon Weldon (FL)
Crenshaw Musgrave Wexler
Doyle Nadler Wynn
Fortuño Paul Young (AK)
Gillibrand Pryce (OH)

So the amendment was agreed to.

¶64.29 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 25, printed in House Report 110-666, submitted by Mr. PRICE of North Carolina:

Add at the end of title X, the following:

SEC. 10___. PROHIBITION ON INTERROGATION OF DETAINEES BY CONTRACTOR PERSONNEL.

Effective as of the date that is one year after the date of the enactment of this Act, the Department of Defense manpower mix criteria and the Department of Defense Supplement to the Federal Acquisition Regulation shall be revised to provide that—

(1) the interrogation of enemy prisoners of war, civilian internees, retained persons, other detainees, terrorists, and criminals when captured, transferred, confined, or detained during or in the aftermath of hostilities is an inherently governmental function and cannot be transferred to private sector contractors who are beyond the reach of controls otherwise applicable to government personnel; and

(2) properly trained and cleared contractors may be used as linguists, interpreters, report writers, and information technology technicians if their work is properly reviewed by appropriate government officials.

It was decided in the affirmative ..... { Yeas ..... 240 / Nays 168

¶64.30 [Roll No. 361]

AYES—240

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

NOES—168

Aderholt Franks (AZ) Miller (MI)
Akin Frelinghuysen Miller, Gary
Alexander Gallegly Moran (KS)
Bachmann Gerlach Myrick
Bachus Gingrey Neugebauer
Barrett (SC) Gohmert Nunes
Barton (TX) Goode Pearce
Biggert Goodlatte Pence
Bilbray Granger Peterson (PA)
Bilirakis Graves Pickering
Bishop (UT) Hall (TX) Pitts
Blackburn Hastings (WA) Platts
Blunt Hayes Poe
Boehner Heller Porter
Bonner Hensarling Price (GA)
Bono Mack Hoekstra Putnam
Boozman Hulshof Radanovich
Boustany Hunter Ramstad
Brady (TX) Inglis (SC) Regula
Broun (GA) Issa Rehberg
Brown (SC) Johnson, Sam Reichert
Brown-Waite, Ginny Jordan Renzi
Keller Rogers (AL)
Buchanan King (IA) Rogers (KY)
Burgess King (NY) Rogers (MI)
Burton (IN) Kingston Rohrabacher
Buyer Kirk Ros-Lehtinen
Calvert Kline (MN) Roskam
Camp (MI) Knollenberg Royce
Campbell (CA) Kuhl (NY) Ryan (WI)
Cantor LaHood Sali
Capito Lamborn Saxton
Chabot Latham Scalise
Cole (OK) LaTourette Schmidt
Conaway Latta Sensenbrenner
Cubin Lewis (CA) Sessions
Culberson Lewis (KY) Shadegg
Davis (KY) Linder Shimkus
Davis, David LoBiondo Shuster
Davis, Tom Lucas Simpson
Deal (GA) Lungren, Daniel E. Smith (NE)
Dent Mack Smith (TX)
Diaz-Balart, L. Manzullo Souder
Diaz-Balart, M. Marshall Stearns
Doolittle McCarthy (CA) Sullivan
Drake McCaul (TX) Tancredo
Dreier McCotter Terry
English (PA) McCrery Thornberry
Everett McHenry Tiahrt
Fallin McHugh Tiberi
Feeney McKeon Turner
Ferguson McMorris Rodgers Walberg
Forbes Mica Wamp
Fortenberry Miller (FL)
Fossella
Foxx

Weldon (FL) Whitfield (KY) Wilson (SC)
Westmoreland Wilson (NM) Wittman (VA)

NOT VOTING—31

Andrews Herger Reynolds
Bordallo Hinojosa Rush
Cannon Hobson Stark
Carter Marchant Udall (CO)
Castor Meeks (NY) Walden (OR)
Crenshaw Miller, George Walsh (NY)
Doyle Musgrave Weller
Ehlers Nadler Wexler
Engel Paul Young (AK)
Fortuño Pomeroy
Gillibrand Pryce (OH)

So the amendment was agreed to.

¶64.31 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 32, printed in House Report 110-666, submitted by Mr. HOLT:

Add at the end of title X, the following:

SEC. 10___. REQUIREMENT FOR VIDEOTAPING OR OTHERWISE ELECTRONICALLY RECORDING STRATEGIC INTELLIGENCE INTERROGATIONS OF PERSONS IN THE CUSTODY OF OR UNDER THE EFFECTIVE CONTROL OF THE DEPARTMENT OF DEFENSE.

(a) IN GENERAL.—In accordance with the Army Field Manual on Human Intelligence Collector Operations (FM 2-22.3, September 2006), or any successor thereto, and the guidelines developed pursuant to subsection (e), the Secretary of Defense shall take such actions as are necessary to ensure the videotaping or otherwise electronically recording of each strategic intelligence interrogation of any person who is in the custody or under the effective control of the Department of Defense or under detention in a Department of Defense facility.

(b) CLASSIFICATION OF INFORMATION.—To protect United States national security, the safety of the individuals conducting or assisting in the conduct of a strategic intelligence interrogation, and the privacy of persons described in subsection (a), the Secretary of Defense shall provide for the appropriate classification of video tapes or other electronic recordings made pursuant to subsection (a). The use of such classified video tapes or other electronic recordings in proceedings conducted under the Detainee Treatment Act of 2005 (title 14 of Public Law 109-163 and title 10 of Public Law 109-148), the Military Commissions Act of 2006 (10 U.S.C. 948 et seq.; Public Law 109-366), or any other provision of law shall be governed by applicable rules, regulations, and law.

(c) STRATEGIC INTELLIGENCE INTERROGATION DEFINED.—For purposes of this section, the term ''strategic intelligence interrogation'' means an interrogation of a person described in subsection (a) conducted at a theater-level detention facility.

(d) EXCLUSION.—Nothing in this section shall be construed as requiring—

(1) any member of the Armed Forces engaged in direct combat operations to videotape or otherwise electronically record a person described in subsection (a); or

(2) the videotaping or other electronic recording of tactical questioning, as such term is defined in the Army Field Manual on Human Intelligence Collector Operations (FM 2-22.3, September 2006), or any successor thereto.

(e) GUIDELINES FOR VIDEOTAPE AND OTHER ELECTRONIC RECORDINGS.—

(1) DEVELOPMENT OF GUIDELINES.—The Secretary of Defense, acting through the Judge Advocates General (as defined in section 801(1) of title 10, United States Code, (Article 1 of the Uniform Code of Military Justice)), shall develop and adopt uniform guidelines designed to ensure that the videotaping or

other electronic recording required under subsection (a), at a minimum—

(A) promotes full compliance with the laws of the United States;

(B) is maintained for a length of time that serves the interests of justice in cases for which trials are being or may be conducted pursuant to the Detainee Treatment Act of 2005 (title 14 of Public Law 109-163 and title 10 of Public Law 109-148), the Military Commissions Act of 2006 (10 U.S.C. 948 et seq.; Public Law 109-366), or any other provision of law;

(C) promotes the exploitation of intelligence; and

(D) ensures the safety of all participants in the interrogations.

(2) SUBMITTAL TO CONGRESS.—Not later than 30 days after the date of the enactment of this section, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing the guidelines developed under paragraph (1). Such report shall be in an unclassified form but may include a classified annex.

It was decided in the affirmative ..... { Yeas ..... 218 / Nays 192

¶64.32 [Roll No. 362]

AYES—218

Abercrombie	Fattah	McNerney
Ackerman	Filner	McNulty
Allen	Foster	Meek (FL)
Baca	Frank (MA)	Melancon
Baird	Giffords	Michaud
Baldwin	Gilchrest	Miller (MI)
Barrow	Gonzalez	Miller (NC)
Bartlett (MD)	Gordon	Miller, George
Bean	Green, Al	Mitchell
Becerra	Grijalva	Mollohan
Berkley	Gutierrez	Moore (KS)
Berman	Hall (NY)	Moore (WI)
Berry	Hare	Moran (KS)
Bishop (GA)	Harman	Moran (VA)
Bishop (NY)	Hastings (FL)	Murphy, Patrick
Blumenauer	Herseth Sandlin	Murtha
Boswell	Higgins	Napolitano
Boucher	Hill	Neal (MA)
Boyd (FL)	Hinchey	Norton
Boyda (KS)	Hirono	Oberstar
Brady (PA)	Hodes	Obey
Brown, Corrine	Holden	Olver
Butterfield	Holt	Ortiz
Capps	Honda	Pallone
Capuano	Hooley	Pascrell
Cardoza	Hoyer	Pastor
Carnahan	Inglis (SC)	Payne
Carson	Inslee	Perlmutter
Castle	Israel	Pomeroy
Christensen	Jackson (IL)	Price (NC)
Clarke	Jackson-Lee (TX)	Rahall
Clay	Jefferson	Rangel
Cleaver	Johnson (GA)	Reyes
Clyburn	Johnson (IL)	Richardson
Cohen	Johnson, E. B.	Rodriguez
Conyers	Jones (OH)	Rohrabacher
Cooper	Kagen	Ros-Lehtinen
Costa	Kanjorski	Ross
Costello	Kaptur	Rothman
Courtney	Kennedy	Roybal-Allard
Crowley	Kildee	Ryan (OH)
Cummings	Kilpatrick	Sánchez, Linda T.
Davis (AL)	Kind	Sanchez, Loretta
Davis (CA)	Klein (FL)	Sarbanes
Davis (IL)	Kucinich	Schakowsky
Davis, Lincoln	Langevin	Schiff
DeFazio	Larsen (WA)	Schwartz
DeGette	Larson (CT)	Scott (GA)
Delahunt	Lee	Scott (VA)
DeLauro	Levin	Serrano
Diaz-Balart, L.	Lewis (GA)	Sestak
Diaz-Balart, M.	Lipinski	Shea-Porter
Dicks	Loebsack	Sherman
Dingell	Lofgren, Zoe	Sires
Doggett	Lowey	Skelton
Edwards	Lynch	Slaughter
Ellison	Maloney (NY)	Smith (NJ)
Emanuel	Markey	Smith (WA)
Emerson	Matsui	Snyder
Engel	McCarthy (NY)	Solis
English (PA)	McCollum (MN)	Speier
Eshoo	McDermott	Spratt
Etheridge	McGovern	Stupak
Faleomavaega	McIntyre	Sutton
Farr	Tauscher	Van Hollen	Waxman
Taylor	Velázquez	Weiner
Thompson (CA)	Visclosky	Welch (VT)
Thompson (MS)	Walz (MN)	Wilson (OH)
Tierney	Wasserman Schultz	Woolsey
Towns	Waters	Wu
Tsongas	Watson	Wynn
Udall (NM)	Watt	Yarmuth
Upton		

NOES—192

Aderholt	Fossella	Murphy (CT)
Akin	Foxx	Murphy, Tim
Alexander	Franks (AZ)	Myrick
Altmire	Frelinghuysen	Neugebauer
Arcuri	Gallegly	Nunes
Bachmann	Garrett (NJ)	Pearce
Bachus	Gerlach	Pence
Barrett (SC)	Gingrey	Peterson (MN)
Barton (TX)	Gohmert	Peterson (PA)
Biggert	Goode	Petri
Bilbray	Goodlatte	Pickering
Bilirakis	Granger	Pitts
Bishop (UT)	Graves	Platts
Blackburn	Green, Gene	Poe
Blunt	Hall (TX)	Porter
Boehner	Hastings (WA)	Price (GA)
Bonner	Hayes	Putnam
Bono Mack	Heller	Radanovich
Boozman	Hensarling	Ramstad
Boren	Herger	Regula
Boustany	Hoekstra	Rehberg
Brady (TX)	Hulshof	Reichert
Broun (GA)	Hunter	Renzi
Brown (SC)	Issa	Rogers (AL)
Brown-Waite, Ginny	Johnson, Sam	Rogers (KY)
Buchanan	Jones (NC)	Rogers (MI)
Burgess	Jordan	Roskam
Burton (IN)	Keller	Royce
Buyer	King (IA)	Ruppersberger
Calvert	King (NY)	Ryan (WI)
Camp (MI)	Kingston	Salazar
Campbell (CA)	Kirk	Sali
Cantor	Kline (MN)	Saxton
Capito	Knollenberg	Scalise
Carney	Kuhl (NY)	Schmidt
Cazayoux	LaHood	Sensenbrenner
Chabot	Lamborn	Sessions
Chandler	Lampson	Shadegg
Childers	Latham	Shays
Coble	LaTourette	Shimkus
Cole (OK)	Latta	Shuler
Conaway	Lewis (CA)	Shuster
Cramer	Lewis (KY)	Simpson
Cubin	Linder	Smith (NE)
Cuellar	LoBiondo	Souder
Culberson	Lucas	Space
Davis (KY)	Lungren, Daniel E.	Stearns
Davis, David	Mack	Sullivan
Davis, Tom	Mahoney (FL)	Tancredo
Deal (GA)	Manzullo	Tanner
Dent	Marshall	Terry
Donnelly	Matheson	Thornberry
Doolittle	McCarthy (CA)	Tiahrt
Drake	McCaul (TX)	Tiberi
Dreier	McCotter	Turner
Duncan	McCrery	Walberg
Ellsworth	McHenry	Wamp
Everett	McHugh	Weldon (FL)
Fallin	McKeon	Westmoreland
Feeney	McMorris Rodgers	Whitfield (KY)
Ferguson	Mica	Wilson (NM)
Flake	Miller (FL)	Wilson (SC)
Forbes	Miller, Gary	Wittman (VA)
Fortenberry		Wolf
		Young (FL)

NOT VOTING—29

Andrews	Gillibrand	Rush
Bordallo	Hinojosa	Smith (TX)
Braley (IA)	Hobson	Stark
Cannon	Marchant	Udall (CO)
Carter	Meeks (NY)	Walden (OR)
Castor	Musgrave	Walsh (NY)
Crenshaw	Nadler	Weller
Doyle	Paul	Wexler
Ehlers	Pryce (OH)	Young (AK)
Fortuño	Reynolds	

So the amendment was agreed to.

¶64.33 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 31, printed in House Report 110-666, submitted by Mr. MCGOVERN:

At the end of subtitle G of title X of the bill, add the following new section:

SEC. 10xx. PUBLIC DISCLOSURE OF NAMES OF STUDENTS AND INSTRUCTORS AT WESTERN HEMISPHERE INSTITUTE FOR SECURITY COOPERATION.

Section 2166 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(j) PUBLIC DISCLOSURE OF STUDENTS AND INSTRUCTORS.—(1) The Secretary of Defense shall release to the public, upon request, the information described in paragraph (2) for each of fiscal years 2005, 2006, 2007, and 2008, and any fiscal year thereafter.

''(2) The information to be released under paragraph (1) shall include the following with respect to the fiscal year covered:

''(A) The entire name, including the first, middle, and maternal and paternal surnames, with respect to each student and instructor at the Institute.

''(B) The rank of each student and instructor.

''(C) The country of origin of each student and instructor.

''(D) The courses taken by each student.

''(E) The courses taught by each instructor.

''(F) Any years of attendance by each student in addition to the fiscal year covered.''.

It was decided in the affirmative ..... { Yeas ..... 220 / Nays 189

¶64.34 [Roll No. 363]

AYES—220

Abercrombie	Donnelly	Levin
Ackerman	Edwards	Lewis (GA)
Allen	Ellison	Lipinski
Altmire	Ellsworth	Loebsack
Arcuri	Emanuel	Lofgren, Zoe
Baca	Engel	Lowey
Baird	Eshoo	Lynch
Baldwin	Etheridge	Mahoney (FL)
Barrow	Faleomavaega	Maloney (NY)
Bean	Farr	Markey
Becerra	Fattah	Matsui
Berkley	Filner	McCarthy (NY)
Berman	Flake	McCollum (MN)
Berry	Foster	McDermott
Bishop (GA)	Frank (MA)	McGovern
Bishop (NY)	Giffords	McIntyre
Blumenauer	Gonzalez	McNerney
Boren	Gordon	McNulty
Boswell	Green, Al	Meek (FL)
Boucher	Green, Gene	Melancon
Boyd (FL)	Grijalva	Michaud
Boyda (KS)	Hall (NY)	Miller (NC)
Brady (PA)	Hare	Miller, George
Braley (IA)	Harman	Mitchell
Brown, Corrine	Hastings (FL)	Mollohan
Butterfield	Higgins	Moore (KS)
Capps	Hill	Moore (WI)
Capuano	Hinchey	Moran (VA)
Cardoza	Hirono	Murphy (CT)
Carney	Hodes	Murphy, Patrick
Carson	Holden	Murtha
Cazayoux	Holt	Napolitano
Chandler	Honda	Neal (MA)
Childers	Hooley	Norton
Christensen	Hoyer	Oberstar
Clarke	Inslee	Obey
Clay	Israel	Olver
Cleaver	Jackson (IL)	Ortiz
Clyburn	Jackson-Lee (TX)	Pallone
Cohen	Jefferson	Pascrell
Conyers	Johnson (GA)	Pastor
Cooper	Johnson, E. B.	Payne
Costello	Jones (OH)	Perlmutter
Courtney	Kagen	Peterson (MN)
Cramer	Kanjorski	Pomeroy
Crowley	Kaptur	Price (NC)
Cuellar	Kennedy	Rahall
Cummings	Kildee	Rangel
Davis (AL)	Kilpatrick	Reyes
Davis (CA)	Kind	Richardson
Davis (IL)	Klein (FL)	Rodriguez
DeFazio	Kucinich	Ross
DeGette	LaHood	Rothman
Delahunt	Langevin	Roybal-Allard
DeLauro	Larsen (WA)	Ruppersberger
Dicks	Larson (CT)	Ryan (OH)
Dingell	Lee	Salazar
Doggett		

Sánchez, Linda T.	Smith (NJ)	Velázquez
Sanchez, Loretta	Smith (WA)	Visclosky
Sarbanes	Solis	Walz (MN)
Schakowsky	Space	Wasserman Schultz
Schiff	Speier	Waters
Schwartz	Spratt	Watson
Scott (GA)	Stupak	Watt
Scott (VA)	Sutton	Waxman
Serrano	Tanner	Weiner
Sestak	Tauscher	Welch (VT)
Shea-Porter	Thompson (CA)	Wilson (OH)
Sherman	Thompson (MS)	Woolsey
Shuler	Tierney	Wu
Sires	Towns	Wynn
Skelton	Tsongas	Yarmuth
Slaughter	Udall (NM)	
	Van Hollen	

NOES—189

Aderholt	Frelinghuysen	Moran (KS)
Akin	Gallegly	Murphy, Tim
Alexander	Garrett (NJ)	Myrick
Bachmann	Gerlach	Neugebauer
Bachus	Gilchrest	Nunes
Barrett (SC)	Gingrey	Pearce
Bartlett (MD)	Gohmert	Pence
Barton (TX)	Goode	Peterson (PA)
Biggert	Goodlatte	Petri
Bilbray	Granger	Pickering
Bilirakis	Graves	Pitts
Bishop (UT)	Hall (TX)	Platts
Blackburn	Hastings (WA)	Poe
Blunt	Hayes	Porter
Boehner	Heller	Price (GA)
Bonner	Hensarling	Putnam
Bono Mack	Herger	Radanovich
Boozman	Herseth Sandlin	Ramstad
Boustany	Hoekstra	Regula
Brady (TX)	Hulshof	Rehberg
Broun (GA)	Hunter	Reichert
Brown (SC)	Inglis (SC)	Renzi
Brown-Waite, Ginny	Issa	Rogers (AL)
	Johnson (IL)	Rogers (KY)
Buchanan	Johnson, Sam	Rogers (MI)
Burgess	Jones (NC)	Rohrabacher
Burton (IN)	Jordan	Ros-Lehtinen
Buyer	Keller	Roskam
Calvert	King (IA)	Royce
Camp (MI)	King (NY)	Ryan (WI)
Campbell (CA)	Kingston	Sali
Cantor	Kirk	Saxton
Capito	Kline (MN)	Scalise
Castle	Knollenberg	Schmidt
Chabot	Kuhl (NY)	Sensenbrenner
Coble	Lamborn	Sessions
Cole (OK)	Lampson	Shadegg
Conaway	Latham	Shays
Costa	LaTourette	Shimkus
Cubin	Latta	Shuster
Culberson	Lewis (CA)	Simpson
Davis (KY)	Lewis (KY)	Smith (NE)
Davis, David	Linder	Smith (TX)
Davis, Lincoln	LoBiondo	Snyder
Davis, Tom	Lucas	Souder
Deal (GA)	Lungren, Daniel E.	Sullivan
Dent		Tancredo
Diaz-Balart, L.	Mack	Taylor
Diaz-Balart, M.	Manzullo	Terry
Doolittle	Marshall	Thornberry
Drake	Matheson	Tiahrt
Dreier	McCarthy (CA)	Tiberi
Duncan	McCaul (TX)	Turner
Emerson	McCotter	Upton
English (PA)	McCrery	Walberg
Everett	McHenry	Wamp
Fallin	McHugh	Weldon (FL)
Feeney	McKeon	Westmoreland
Ferguson	McMorris Rodgers	Whitfield (KY)
Forbes		Wilson (NM)
Fortenberry	Mica	Wilson (SC)
Fossella	Miller (FL)	Wittman (VA)
Foxx	Miller (MI)	Wolf
Franks (AZ)	Miller, Gary	Young (FL)

NOT VOTING—30

Andrews	Gillibrand	Reynolds
Bordallo	Gutierrez	Rush
Cannon	Hinojosa	Stark
Carnahan	Hobson	Stearns
Carter	Marchant	Udall (CO)
Castor	Meeks (NY)	Walden (OR)
Crenshaw	Musgrave	Walsh (NY)
Doyle	Nadler	Weller
Ehlers	Paul	Wexler
Fortuño	Pryce (OH)	Young (AK)

So the amendment was agreed to.

The SPEAKER pro tempore, Mr. PASTOR, assumed the Chair.

When Mrs. JONES of Ohio, Acting Chairman, pursuant to House Resolution 1218, reported the bill back to the House with an amendment adopted by the Committee.

The previous question having been ordered by said resolution.

The following amendment, reported from the Committee of the Whole House on the state of the Union, was agreed to:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Duncan Hunter National Defense Authorization Act for Fiscal Year 2009''.

SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF CONTENTS.

(a) DIVISIONS.—This Act is organized into four divisions as follows:

(1) Division A—Department of Defense Authorizations.

(2) Division B—Military Construction Authorizations.

(3) Division C—Department of Energy National Security Authorizations and Other Authorizations.

(4) Division D—Governmentwide Acquisition Improvements.

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

Sec. 1. Short title.
Sec. 2. Organization of Act into divisions; table of contents.
Sec. 3. Congressional defense committees.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

Sec. 101. Army.
Sec. 102. Navy and Marine Corps.
Sec. 103. Air Force.
Sec. 104. Defense-wide activities.
Sec. 105. National Guard and Reserve equipment.
Sec. 106. Rapid Acquisition Fund.

Subtitle B—Army Programs

Sec. 111. Separate procurement line items for Future Combat Systems program.
Sec. 112. Restriction on contract awards for major elements of the Future Combat Systems program.
Sec. 113. Restriction on obligation of funds for Army tactical radio pending report.
Sec. 114. Restriction on obligation of procurement funds for Armed Reconnaissance Helicopter program pending certification.

Subtitle C—Navy Programs

Sec. 121. Refueling and complex overhaul of the U.S.S. Theodore Roosevelt.
Sec. 122. Applicability of previous teaming agreements for Virginia-class submarine program.
Sec. 123. Littoral Combat Ship (LCS) program.
Sec. 124. Report on F/A–18 procurement costs, comparing multiyear to annual.

Subtitle D—Air Force Programs

Sec. 131. Limitation on retiring C–5 aircraft.
Sec. 132. Maintenance of retired KC–135E aircraft.
Sec. 133. Repeal of multi-year contract authority for procurement of tanker aircraft.
Sec. 134. Report on processes used for requirements development for KC–(X).

Subtitle E—Joint and Multiservice Matters

Sec. 141. Body armor acquisition strategy.
Sec. 142. Small arms acquisition strategy and requirements review.
Sec. 143. Requirement for common ground stations and payloads for manned and unmanned aerial vehicles.
Sec. 144. Report on Future Jet carrier trainer Requirements of the Navy.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorization of Appropriations

Sec. 201. Authorization of appropriations.
Sec. 202. Amount for defense science and technology.

Subtitle B—Program Requirements, Restrictions, and Limitations

Sec. 211. Additional determinations to be made as part of Future Combat Systems milestone review.
Sec. 212. Analysis of Future Combat Systems communications network and software.
Sec. 213. Future Combat Systems manned ground vehicle selected acquisition reports.
Sec. 214. Separate procurement and research, development, test, and evaluation line items and program elements for Sky Warrior Unmanned Aerial Systems project.
Sec. 215. Restriction on obligation of funds for the Warfighter Information Network—Tactical program.
Sec. 216. Limitation on source of funds for certain Joint Cargo Aircraft expenditures.

Subtitle C—Missile Defense Programs

Sec. 221. Independent study of boost phase missile defense.
Sec. 222. Limitation on availability of funds for procurement, construction, and deployment of missile defenses in Europe.

Subtitle D—Other Matters

Sec. 231. Oversight of testing of personnel protective equipment by Director, Operational Test and Evaluation.
Sec. 232. Assessment of the Historically Black Colleges and Universities and Minority Serving Institutions Program.
Sec. 233. Technology-neutral information technology guidelines and standards to support fully interoperable electronic personal health information for the Department of Defense and Department of Veterans Affairs.
Sec. 234. Repeal of requirement for Technology Transition Initiative.
Sec. 235. Trusted defense systems.
Sec. 236. Limitation on obligation of funds for Enhanced AN/TPQ–36 radar system pending submission of report.
Sec. 237. Capabilities-based assessment to outline a joint approach for future development of vertical lift aircraft and rotorcraft.
Sec. 238. Availability of funds for prompt global strike capability development.
Sec. 239. Visiting NIH Senior Neuroscience Fellowship Program.

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

Sec. 301. Operation and maintenance funding.

Subtitle B—Environmental Provisions

Sec. 311. Authorization for Department of Defense participation in conservation banking programs.

Sec. 312. Reimbursement of Environmental Protection Agency for certain costs in connection with Moses Lake Wellfield Superfund Site, Moses Lake, Washington.
Sec. 313. Expand cooperative agreement authority for management of natural resources to include off-installation mitigation.
Sec. 314. Detection instrument technology research and deployment of resulting detection instruments and technological improvements.
Sec. 315. Closed Loop Recycling for Motor Vehicle Lubricating Oil.

Subtitle C—Workplace and Depot Issues

Sec. 321. Time limitation on duration of public-private competitions.
Sec. 322. Comprehensive analysis and development of single Government-wide definition of inherently governmental function.
Sec. 323. Study on future depot capability.
Sec. 324. High-performing organization business process reengineering.
Sec. 325. Temporary suspension of studies and public-private competitions regarding conversion of functions of the Department of Defense performed by civilian employees to contractor performance.
Sec. 326. Consolidation of Air Force and Air National Guard aircraft maintenance.
Sec. 327. Guidance for performance of civilian personnel work under Air Force civilian personnel consolidation plan.
Sec. 328. Report on reduction in number of firefighters on Air Force bases.

Subtitle D—Energy Security

Sec. 331. Annual report on operational energy management and implementation of operational energy strategy.
Sec. 332. Consideration of fuel logistics support requirements in planning, requirements development, and acquisition processes.
Sec. 333. Study on solar energy for use at forward operating locations.
Sec. 334. Study on coal-to-liquid fuels.
Sec. 335. Exception to alternative fuel procurement requirement.
Sec. 336. Study of Consideration of Greenhouse Gas Emissions in Acquisition Processes.

Subtitle E—Reports

Sec. 341. Comptroller General report on readiness of Armed Forces.
Sec. 342. Report on plan to enhance combat skills of Navy and Air Force personnel.
Sec. 343. Comptroller General report on the use of the Army Reserve and National Guard as an operational reserve.
Sec. 344. Comptroller General report on link between preparation and use of Army reserve component forces to support ongoing operations.
Sec. 345. Comptroller General report on adequacy of funding, staffing, and organization of Department of Defense Military Munitions Response Program.
Sec. 346. Report on options for providing repair capabilities to support ships operating near Guam.

Subtitle F—Other Matters

Sec. 351. Extension of Enterprise Transition Plan reporting requirement.
Sec. 352. Demilitarization of loaned, given, or exchanged documents, historical artifacts, and condemned or obsolete combat materiel.
Sec. 353. Repeal of requirement that Secretary of Air Force provide training and support to other military departments for A–10 aircraft.
Sec. 354. Display of annual budget requirements for Air Sovereignty Alert Mission.
Sec. 355. Sense of Congress that Air Sovereignty Alert Mission should receive sufficient funding and resources.
Sec. 356. Revision of certain Air Force regulations required.
Sec. 357. Transfer of C–12 aircraft to California Department of Forestry and Fire Protection.
Sec. 358. Availability of funds for Irregular Warfare Support program.
Sec. 359. Sense of Congress regarding procurement and use of munitions.
Sec. 360. Limitation on obligation of funds for Air Combat Command Management Headquarters.
Sec. 361. Increase of domestic sourcing of military working dogs used by the Department of Defense.
Sec. 362. Funding for programs relating to dental readiness for the Army Reserve.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

Sec. 401. End strengths for active forces.
Sec. 402. Revision in permanent active duty end strength minimum levels.

Subtitle B—Reserve Forces

Sec. 411. End strengths for Selected Reserve.
Sec. 412. End strengths for Reserves on active duty in support of the Reserves.
Sec. 413. End strengths for military technicians (dual status).
Sec. 414. Fiscal year 2009 limitation on number of non-dual status technicians.
Sec. 415. Maximum number of reserve personnel authorized to be on active duty for operational support.
Sec. 416. Additional waiver authority of limitation on number of reserve component members authorized to be on active duty.

Subtitle C—Authorization of Appropriations

Sec. 421. Military personnel.

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—Officer Personnel Policy Generally

Sec. 501. Mandatory separation requirements for regular warrant officers for length of service.
Sec. 502. Requirements for issuance of posthumous commissions and warrants.
Sec. 503. Extension of authority to reduce minimum length of active service required for voluntary retirement as an officer.
Sec. 504. Increase in authorized number of general officers on active duty in the Marine Corps.

Subtitle B—Reserve Component Management

Sec. 511. Extension to all military departments of authority to defer mandatory separation of military technicians (dual status).
Sec. 512. Increase in authorized strengths for Marine Corps Reserve officers on active duty in the grades of major and lieutenant colonel to meet force structure requirements.
Sec. 513. Clarification of authority to consider for a vacancy promotion National Guard officers ordered to active duty in support of a contingency operation.
Sec. 514. Increase in mandatory retirement age for certain Reserve officers.
Sec. 515. Age limit for retention of certain Reserve officers on active-status list as exception to removal for years of commissioned service.
Sec. 516. Authority to retain Reserve chaplains and officers in medical and related specialties until age 68.
Sec. 517. Study and report regarding personnel movements in Marine Corps Individual Ready Reserve.

Subtitle C—Joint Qualified Officers and Requirements

Sec. 521. Joint duty requirements for promotion to general or flag officer.
Sec. 522. Technical, conforming, and clerical changes to joint specialty terminology.
Sec. 523. Promotion policy objectives for Joint Qualified Officers.
Sec. 524. Length of joint duty assignments.
Sec. 525. Designation of general and flag officer positions on Joint Staff as positions to be held only by reserve component officers.
Sec. 526. Treatment of certain service as joint duty experience.

Subtitle D—General Service Authorities

Sec. 531. Increase in authorized maximum reenlistment term.
Sec. 532. Career intermission pilot program.

Subtitle E—Education and Training

Sec. 541. Repeal of prohibition on phased increase in midshipmen and cadet strength limit at United States Naval Academy and Air Force Academy.
Sec. 542. Promotion of foreign and cultural exchange activities at military service academies.
Sec. 543. Compensation for civilian President of Naval Postgraduate School.
Sec. 544. Increased authority to enroll defense industry employees in defense product development program.
Sec. 545. Requirement of completion of service under honorable conditions for purposes of entitlement to educational assistance for reserve components members supporting contingency operations.
Sec. 546. Consistent education loan repayment authority for health professionals in regular components and Selected Reserve.
Sec. 547. Increase in number of units of Junior Reserve Officers' Training Corps.
Sec. 548. Correction of erroneous Army College Fund benefit amounts.
Sec. 549. Expanded authority for institutions of professional military education to award degrees.
Sec. 550. Enhancing education partnerships to improve accessibility and flexibility for members of the Armed Forces.

Subtitle F—Military Justice

Sec. 551. Grade of Staff Judge Advocate to the Commandant of the Marine Corps.
Sec. 552. Standing military protection order.
Sec. 553. Mandatory notification of issuance of military protective order to civilian law enforcement.

Sec. 554. Implementation of information database on sexual assault incidents in the Armed Forces.

Subtitle G—Decorations, Awards, and Honorary Promotions

Sec. 561. Replacement of military decorations.
Sec. 562. Authorization and request for award of Medal of Honor to Richard L. Etchberger for acts of valor during the Vietnam War.
Sec. 563. Advancement of Brigadier General Charles E. Yeager, United States Air Force (retired), on the retired list.
Sec. 564. Advancement of Rear Admiral Wayne E. Meyer, United States Navy (retired), on the retired list.
Sec. 565. Award of Vietnam Service Medal to veterans who participated in Mayaguez rescue operation.
Sec. 566. Retroactive award of Army Combat Action Badge.

Subtitle H—Impact Aid

Sec. 571. Continuation of authority to assist local educational agencies that benefit dependents of members of the Armed Forces and Department of Defense civilian employees.
Sec. 572. Calculation of payments under Department of Education's Impact Aid program.

Subtitle I—Military Families

Sec. 581. Presentation of burial flag.
Sec. 582. Education and training opportunities for military spouses.
Sec. 583. Sense of the Congress regarding honor guard details for funerals of veterans.

Subtitle J—Other Matters

Sec. 591. Inclusion of Reserves in providing Federal aid for State governments, enforcing Federal authority, and responding to major public emergencies.
Sec. 592. Interest payments on certain claims arising from correction of military records.
Sec. 593. Extension of limitation on reductions of personnel of agencies responsible for review and correction of military records.
Sec. 594. Authority to order Reserve units to active duty to provide assistance in response to a major disaster or emergency.
Sec. 595. Senior Military Leadership Diversity Commission.
Sec. 596. Limitation on simultaneous deployment to combat zones of dual-military couples who have minor dependents.
Sec. 597. Additional funds to carry out funeral honor functions at funerals for veterans.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Pay and Allowances

Sec. 601. Fiscal year 2009 increase in military basic pay.
Sec. 602. Permanent prohibition on charges for meals received at military treatment facilities by members receiving continuous care.
Sec. 603. Equitable treatment of senior enlisted members in computation of basic allowance for housing.
Sec. 604. Increase in maximum authorized payment or reimbursement amount for temporary lodging expenses.
Sec. 605. Availability of portion of a second family separation allowance for married couples with dependents.
Sec. 606. Stabilization of pay and allowances for senior enlisted members and warrant officers appointed as officers and officers reappointed in a lower grade.
Sec. 607. Extension of authority for income replacement payments for reserve component members experiencing extended and frequent mobilization for active duty service.
Sec. 608. Guaranteed pay increase for members of the Armed Forces of one-half of one percentage point higher than Employment Cost Index.

Subtitle B—Bonuses and Special and Incentive Pays

Sec. 611. Extension of certain bonus and special pay authorities for Reserve forces.
Sec. 612. Extension of certain bonus and special pay authorities for health care professionals.
Sec. 613. Extension of special pay and bonus authorities for nuclear officers.
Sec. 614. Extension of authorities relating to payment of other title 37 bonuses and special pays.
Sec. 615. Extension of authorities relating to payment of referral bonuses.
Sec. 616. Increase in maximum bonus and stipend amounts authorized under Nurse Officer Candidate Accession Program.
Sec. 617. Maximum length of nuclear officer incentive pay agreements for service.
Sec. 618. Technical changes regarding consolidation of special pay, incentive pay, and bonus authorities of the uniformed services.
Sec. 619. Use of new skill incentive pay and proficiency bonus authorities to encourage training in critical foreign languages and foreign cultural studies.
Sec. 620. Temporary targeted bonus authority to increase direct accessions of officers in certain health professions.

Subtitle C—Travel and Transportation Allowances

Sec. 631. Increased weight allowance for transportation of baggage and household effects for certain enlisted members.
Sec. 632. Additional weight allowance for transportation of materials associated with employment of a member's spouse or community support volunteer or charity activities.
Sec. 633. Transportation of family pets during evacuation of nonessential personnel.

Subtitle D—Retired Pay and Survivor Benefits

Sec. 641. Equity in computation of disability retired pay for reserve component members wounded in action.
Sec. 642. Effect of termination of subsequent marriage on payment of Survivor Benefit Plan annuity to surviving spouse or former spouse who previously transferred annuity to dependent children.
Sec. 643. Extension to survivors of certain members who die on active duty of special survivor indemnity allowance for persons affected by required Survivor Benefit Plan annuity offset for dependency and indemnity compensation.
Sec. 644. Election to receive retired pay for non-regular service upon retirement for service in an active reserve status performed after attaining eligibility for regular retirement.
Sec. 645. Recomputation of retired pay and adjustment of retired grade of Reserve retirees to reflect service after retirement.
Sec. 646. Correction of unintended reduction in survivor benefit plan annuities due to phased elimination of two-tier annuity computation and supplemental annuity.
Sec. 647. Presumption of death for participants in Survivor Benefit Plan in missing status.
Sec. 648. Eligibility for disability retired pay and separation pay of certain former cadets and midshipmen with prior enlisted service.

Subtitle E—Commissary and Nonappropriated Fund Instrumentality Benefits and Operations

Sec. 651. Use of commissary stores surcharges derived from temporary commissary initiatives for reserve components and retired members.
Sec. 652. Requirements for private operation of commissary store functions.
Sec. 653. Additional exception to limitation on use of appropriated funds for Department of Defense golf courses.
Sec. 654. Enhanced enforcement of prohibition on sale or rental of sexually explicit material on military installations.
Sec. 655. Requirement to buy military decorations, ribbons, badges, medals, insignia, and other uniform accouterments produced in the United States.
Sec. 656. Use of appropriated funds to pay post allowances or overseas cost of living allowances to nonappropriated fund instrumentality employees serving overseas.
Sec. 657. Study regarding sale of alcoholic wine and beer in commissary stores in addition to exchange stores.

Subtitle F—Other Matters

Sec. 661. Bonus to encourage Army personnel and other persons to refer persons for enlistment in the Army.
Sec. 662. Continuation of entitlement to bonuses and similar benefits for members of the uniformed services who die, are separated or retired for disability, or meet other criteria.
Sec. 663. Providing injured members of the Armed Forces information concerning benefits.
Sec. 664. Postal benefits program for members of the Armed Forces serving in Iraq or Afghanistan.

TITLE VII—HEALTH CARE PROVISIONS

Subtitle A—Improvements to Health Benefits

Sec. 701. One-year extension of prohibition on increases in certain health care costs for members of the uniformed services.
Sec. 702. Temporary prohibition on increase in copayments under retail pharmacy system of pharmacy benefits program.
Sec. 703. Prohibition on conversion of military medical and dental positions to civilian medical and dental positions.

Sec. 704. Chiropractic health care for members on active duty.
Sec. 705. Requirement to recalculate TRICARE Reserve Select premiums based on actual cost data.
Sec. 706. Program for health care delivery at military installations projected to grow.
Sec. 707. Guidelines for combined Federal medical facilities.
Sec. 708. Reserve component behavioral health care provider locator and appointment assistance demonstration project.

Subtitle B—Preventive Care

Sec. 711. Waiver of copayments for preventive services for certain TRICARE beneficiaries.
Sec. 712. Military health risk management demonstration project.
Sec. 713. Smoking cessation program under TRICARE.
Sec. 714. Preventive health allowance.

Subtitle C—Wounded Warrior Matters

Sec. 721. Center of excellence in prevention, diagnosis, mitigation, treatment, and rehabilitation of hearing loss and auditory system injuries.
Sec. 722. Clarification to center of excellence relating to military eye injuries.
Sec. 723. National Casualty Care Research Center.
Sec. 724. Peer-reviewed research program on extremity war injuries.
Sec. 725. Review of policies and processes related to the delivery of mail to wounded members of the Armed Forces.
Sec. 726. Post-deployment mental health screening demonstration project.

Subtitle D—Other Matters

Sec. 731. Report on stipend for members of reserve components for health care for certain dependents.
Sec. 732. Report on providing the Extended Care Health Option Program to autistic dependents of military retirees.
Sec. 733. Sense of Congress regarding autism therapy services.
Sec. 734. Report on implementation of recommendations contained in report on health effects of exposure to depleted uranium.
Sec. 735. Suicide Risk by Military Occupation.
Sec. 736. Implementation of recommendations of Department of Defense Mental Health Task Force.
Sec. 737. Transitional health care for certain members of the Armed Forces who agree to serve in the Selected Reserve of the Ready Reserve.

TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS

Subtitle A—Acquisition Policy and Management

Sec. 801. Review of impact of illegal subsidies on acquisition of KC–45 aircraft.
Sec. 802. Assessment of urgent operational needs fulfillment.
Sec. 803. Preservation of tooling for major defense acquisition programs.
Sec. 804. Prohibition on procurement from beneficiaries of foreign subsidies.
Sec. 805. Domestic industrial base considerations during source selection.
Sec. 806. Commercial software reuse preference.
Sec. 807. Comprehensive proposal analysis required during source selection.

Subtitle B—Amendments to General Contracting Authorities, Procedures, and Limitations

Sec. 811. Acquisition workforce expedited hiring authority.
Sec. 812. Definition of system for Defense Acquisition Challenge Program.
Sec. 813. Career path and other requirements for military personnel in the acquisition field.
Sec. 814. Technical data rights for non-FAR agreements.
Sec. 815. Clarification that cost accounting standards apply to Federal contracts performed outside the United States.

Subtitle C—Provisions Relating to Inherently Governmental Functions

Sec. 821. Policy on personal conflicts of interest by employees of Department of Defense contractors.
Sec. 822. Development of guidance on personal services contracts.
Sec. 823. Limitation on performance of product support integrator functions.
Sec. 824. Performance by private security contractors of inherently governmental functions in an area of combat operations.

Subtitle D—Defense Industrial Security

Sec. 831. Requirements relating to facility clearances.
Sec. 832. Foreign ownership control or influence.
Sec. 833. Congressional oversight relating to facility clearances and foreign ownership control or influence; definitions.

Subtitle E—Other Matters

Sec. 841. Clarification of status of Government rights in the designs of department of defense vessels, boats, and craft, and components thereof.
Sec. 842. Expansion of authority to retain fees from licensing of intellectual property.
Sec. 843. Transfer of sections of title 10 relating to Milestone A and Milestone B for clarity.
Sec. 844. Earned value management study and report.
Sec. 845. Report on market research.
Sec. 846. System development and demonstration benchmark report.
Sec. 847. Additional matters required to be reported by contractors performing security functions in areas of combat operations.
Sec. 848. Report relating to munitions.
Sec. 849. Additional contractor requirements and responsibilities relating to alleged crimes by or against contractor personnel in Iraq and Afghanistan.
Sec. 850. Requirement for Department of Defense to adopt an acquisition strategy for Defense Base Act insurance.
Sec. 851. Motor carrier fuel surcharges.
Sec. 852. Requirement for defense contract clause prohibiting certain uses of foreign shell companies.

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

Subtitle A—Department of Defense Management

Sec. 901. Revisions in functions and activities of special operations command.
Sec. 902. Requirement to designate officials for irregular warfare.
Sec. 903. Plan required for personnel management of special operations forces.
Sec. 904. Director of Operational Energy Plans and Programs.
Sec. 905. Corrosion control and prevention executives for the military departments.
Sec. 906. Alignment of Deputy Chief Management Officer responsibilities.
Sec. 907. Requirement for the Secretary of Defense to prepare a strategic plan to enhance the role of the National Guard and Reserves.
Sec. 908. Redesignation of the Department of the Navy as the Department of the Navy and Marine Corps.
Sec. 909. Support to Committee review.

Subtitle B—Space Activities

Sec. 911. Extension of authority for pilot program for provision of space surveillance network services to non-United States Government entities.
Sec. 912. Investment and acquisition strategy for commercial satellite capabilities.

Subtitle C—Chemical Demilitarization Program

Sec. 921. Chemical Demilitarization Citizens Advisory Commissions in Colorado and Kentucky.
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SEC. 3. CONGRESSIONAL DEFENSE COMMITTEES.

For purposes of this Act, the term ''congressional defense committees'' has the meaning given that term in section 101(a)(16) of title 10, United States Code.

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Subtitle A—Authorization of Appropriations

SEC. 101. ARMY.

Funds are hereby authorized to be appropriated for fiscal year 2009 for procurement for the Army as follows:

(1) For aircraft, $4,912,735,000.

(2) For missiles, $2,201,460,000.

(3) For weapons and tracked combat vehicles, $3,539,177,000.

(4) For ammunition, $2,294,791,000.

(5) For other procurement, $11,201,876,000.

SEC. 102. NAVY AND MARINE CORPS.

(a) NAVY.—Funds are hereby authorized to be appropriated for fiscal year 2009 for procurement for the Navy as follows:

(1) For aircraft, $14,627,274,000.

(2) For weapons, including missiles and torpedoes, $3,575,482,000.

(3) For shipbuilding and conversion, $12,917,919,000.

(4) For other procurement, $5,461,926,000.

(b) MARINE CORPS.—Funds are hereby authorized to be appropriated for fiscal year 2009 for procurement for the Marine Corps in the amount of $1,296,327,000.

(c) NAVY AND MARINE CORPS AMMUNITION.—Funds are hereby authorized to be appropriated for fiscal year 2009 for procurement of ammunition for the Navy and the Marine Corps in the amount of $1,122,712,000.

SEC. 103. AIR FORCE.

Funds are hereby authorized to be appropriated for fiscal year 2009 for procurement for the Air Force as follows:

(1) For aircraft, $12,618,665,000.

(2) For ammunition, $934,478,000.

(3) For missiles, $5,536,728,000.

(4) For other procurement, $16,134,896,000.

SEC. 104. DEFENSE-WIDE ACTIVITIES.

Funds are hereby authorized to be appropriated for fiscal year 2009 for Defense-wide procurement in the amount of $3,485,428,000.

SEC. 105. NATIONAL GUARD AND RESERVE EQUIPMENT.

Funds are hereby authorized to be appropriated for fiscal year 2009 for the procurement of aircraft, missiles, wheeled and tracked combat vehicles, tactical wheeled vehicles, ammunition, other weapons, and other procurement for the reserve components of the Armed Forces in the amount of $800,000,000.

SEC. 106. RAPID ACQUISITION FUND.

Funds are hereby authorized to be appropriated for fiscal year 2009 for the Rapid Acquisition Fund in the amount of $50,000,000.

Subtitle B—Army Programs

SEC. 111. SEPARATE PROCUREMENT LINE ITEMS FOR FUTURE COMBAT SYSTEMS PROGRAM.

Effective for fiscal year 2010 and for each fiscal year thereafter, the Secretary of Defense shall ensure that, in each budget submission to the President, a separate, dedicated procurement line item is designated for each of the following elements of the Future Combat Systems (FCS) program, to the extent the budget submission includes funding for such elements:

(1) FCS Manned Ground Vehicles.

(2) FCS Unmanned Ground Vehicles.

(3) FCS Unmanned Aerial Systems.

(4) FCS Unattended Ground Systems.

(5) Other FCS elements.

SEC. 112. RESTRICTION ON CONTRACT AWARDS FOR MAJOR ELEMENTS OF THE FUTURE COMBAT SYSTEMS PROGRAM.

(a) CONTRACTING RESTRICTED.—For fiscal year 2009 and any fiscal year thereafter, the Secretary of Defense and the Secretary of the Army may not award a contract for low-rate initial production or full-rate production of major elements of the Future Combat Systems program to any entity that is under contract to perform the role of lead systems integrator for the Future Combat Systems program.

(b) INAPPLICABILITY TO NON-LINE OF SIGHT CANNON.—Subsection (a) does not apply to contracts entered into in fiscal year 2009 or fiscal year 2010 for procurement of Non-Line of Sight Cannon vehicles.

(c) INAPPLICABILITY TO EQUIPMENT PROCURED THROUGH SELECTED ACQUISITION METHODS.—Subsection (a) does not apply to elements of the Future Combat Systems program—

(1) acquired through the Army Rapid Equipping Force program;

(2) acquired through the Joint Improved Explosive Device Defeat Organization; or

(3) acquired specifically to address an Operational Needs Statement or Joint Urgent Operational Needs Statement.

(d) DEFINITIONS.—In this section:

(1) The term ''major elements of the Future Combat Systems program'' includes—

(A) Future Combat Systems Manned Ground Vehicles;

(B) Future Combat Systems Unmanned Ground Vehicles;

(C) Future Combat Systems Unmanned Aerial Vehicles;

(D) Future Combat Systems Non-Line of Sight Missile Launchers;

(E) Future Combat Systems Unattended Ground Sensors; and

(F) Future Combat Systems equipment to upgrade vehicles and other equipment in the Army inventory as of October 1, 2008.

(2) The term ''lead systems integrator'' has the meaning given such term in section 802(d) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181).

SEC. 113. RESTRICTION ON OBLIGATION OF FUNDS FOR ARMY TACTICAL RADIO PENDING REPORT.

(a) REPORT REQUIRED.—The Assistant Secretary of Defense for Networks and Information Integration shall submit to the congressional defense committees a report on Army tactical radio fielding plans by March 30, 2009. This report shall include, at a minimum, the following:

(1) A description of the Army tactical radio fielding strategy, including a description of the overall mix of tactical radio systems and how they integrate to provide communications and network capability.

(2) A detailed description of the current and future mix of radios for Army infantry brigade combat teams, heavy brigade combat teams, Stryker brigade combat teams, and Future Combat Systems brigade combat teams.

(3) A description of the current and future mix of radios for Army support brigades, headquarters elements, and training base.

(4) A description of the Army's plan to integrate joint tactical radio system radios, including the number of each type of joint tactical radio the Army plans to procure.

(5) An assessment of the total cost of the Army's tactical radio fielding strategy, including future procurement of joint tactical radio systems.

(b) RESTRICTION ON OBLIGATION OF FUNDS PENDING REPORT.—Of the amounts appropriated pursuant to an authorization of appropriations in this Act or otherwise made available for fiscal year 2009 for Other Procurement, Army, for tactical radio systems, not more than 75 percent may be obligated or expended until 30 days after the report required by subsection (a) is received by the congressional defense committees.

SEC. 114. RESTRICTION ON OBLIGATION OF PROCUREMENT FUNDS FOR ARMED RECONNAISSANCE HELICOPTER PROGRAM PENDING CERTIFICATION.

(a) CERTIFICATION REQUIRED.—The Under Secretary of Defense for Acquisition, Technology, and Logistics shall certify to the congressional defense committees that the Army Reconnaissance Helicopter has—

(1) satisfactorily completed a Limited User Test; and

(2) been approved to enter Milestone C.

(b) RESTRICTION ON OBLIGATION OF FUNDS PENDING CERTIFICATION.—Of the amounts appropriated pursuant to an authorization of appropriations in this Act or otherwise made available for fiscal year 2009 for aircraft procurement, Army, for the Armed Reconnaissance Helicopter, not more than 20 percent may be obligated until 30 days after the certification required by subsection (a) is received by the congressional defense committees.

Subtitle C—Navy Programs

SEC. 121. REFUELING AND COMPLEX OVERHAUL OF THE U.S.S. THEODORE ROOSEVELT.

(a) AMOUNT AUTHORIZED FROM SCN ACCOUNT.—Of the amount appropriated pursuant to the authorization of appropriations in section 102 or otherwise made available for shipbuilding, conversion, and repair, Navy, for fiscal year 2009, $124,500,000 is available for the commencement of the nuclear refueling and complex overhaul of the U.S.S. Theodore Roosevelt (CVN–71) during fiscal year 2009. The amount made available in the preceding sentence is the first increment in the three-year funding planned for the nuclear refueling and complex overhaul of that vessel.

(b) CONTRACT AUTHORITY.—The Secretary of the Navy is authorized to enter into a contract during fiscal year 2009 for the nuclear

refueling and overhaul of the U.S.S. Theodore Roosevelt (CVN–71).

(c) CONDITION FOR OUT-YEAR CONTRACT PAYMENTS.—A contract entered into under subsection (b) shall provide that any obligation of the United States to make a payment under the contract for a fiscal year after fiscal year 2009 is subject to the availability of appropriations for that purpose for that later fiscal year.

SEC. 122. APPLICABILITY OF PREVIOUS TEAMING AGREEMENTS FOR VIRGINIA-CLASS SUBMARINE PROGRAM.

Section 121 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181) is amended in subsection (b)—

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

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

(3) by adding at the end the following:

''(3) the Secretary submits to the congressional defense committees a certification that the contract will be awarded to either the General Dynamics Electric Boat Division or the Northrop Grumman Newport News Shipbuilding Division, with the other contractor as the primary subcontractor to the contract, in accordance with the Team Agreement between the two companies, dated February 16, 1997, which was submitted to the Congress on March 31, 1997.''.

SEC. 123. LITTORAL COMBAT SHIP (LCS) PROGRAM.

Section 124 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3157), as amended by section 125 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 29), is amended in subsection (d) by adding at the end the following:

''(3) The amounts of increases or decreases in costs attributable to economic inflation after September 30, 2007. However, in the case of a vessel the procurement of which is funded from amounts appropriated pursuant to an authorization of appropriations or otherwise made available for fiscal year 2008 or 2009, the amount of such an increase for such a vessel may not exceed $10,000,000.

''(4) The amounts of increases or decreases in costs of that vessel that are attributable to insertion of new technology into that vessel, as compared to the technology built into the first and second vessels, respectively, of the Littoral Combat Ship (LCS) class of vessels. However, the Secretary of the Navy may make an adjustment under this paragraph only if—

''(A) the Secretary of the Navy determines, and certifies to the congressional defense committees, that insertion of the new technology would lower the life-cycle cost of the vessel; or

''(B) (i) the Secretary of the Navy determines, and certifies to the congressional defense committees, that insertion of the new technology is required to meet an emerging threat; and

''(ii) the Secretary of Defense certifies to those committees that such threat poses grave harm to national security.''.

SEC. 124. REPORT ON F/A–18 PROCUREMENT COSTS, COMPARING MULTIYEAR TO ANNUAL.

(a) IN GENERAL.—Not later than March 1, 2009, the Secretary of Defense shall submit to the congressional defense committees a report on F/A–18 procurement. The report shall include the following:

(1) The number of F/A–18E/F and EA–18G aircraft programmed for procurement for fiscal years 2010 through 2015.

(2) The estimated procurement costs for those aircraft, if procured through annual procurement contracts.

(3) The estimated procurement costs for those aircraft, if procured through a multiyear procurement contract.

(4) The estimated savings that could be derived from the procurement of those aircraft through a multiyear procurement contract, and whether the Secretary considers the amount of those savings to be substantial.

(5) A discussion comparing the costs and benefits of obtaining those aircraft through annual procurement contracts with the costs and benefits of obtaining those aircraft through a multiyear procurement contract.

(6) The recommendations of the Secretary as to whether Congress should authorize a multiyear procurement contract for those aircraft.

(b) CERTIFICATIONS REQUIRED.—Should the Secretary recommend under subsection (a)(6) that Congress authorize a multiyear procurement contract for the aircraft, the Secretary shall accompany the recommendation with the certifications required by section 2306b of title 10, United States Code, so as to enable to award of a multiyear procurement contract beginning with fiscal year 2010.

(c) FUNDING.—Subject to the availability of appropriations, the Secretary of the Navy may obligate up to $100,000,000 of the amount authorized for procurement of F/A–18E/F or EA–18G aircraft for cost reduction initiatives (CRI) in fiscal year 2009. Such CRI funding may be applied to either single year or multiyear procurements of F/A–18 aircraft.

Subtitle D—Air Force Programs

SEC. 131. LIMITATION ON RETIRING C–5 AIRCRAFT.

(a) CERTIFICATION AND COST ANALYSIS REQUIRED.—The Secretary of the Air Force may not retire C–5A aircraft from the inventory of the Air Force in any number that would reduce the total number of such aircraft in the inventory below 111 until 45 days after the Secretary of the Air Force submits to the congressional defense committees the following:

(1) The Secretary's certification that retiring the aircraft will not significantly increase operational risk of not meeting the National Defense Strategy.

(2) A cost analysis with respect to the aircraft to be retired that—

(A) evaluates which alternative is more effective in meeting strategic airlift mobility requirements—

(i) to retire the aircraft; or

(ii) to perform the Reliability Enhancement and Re-engining Program (RERP) on the aircraft; and

(B) evaluates the life-cycle cost of C–17 aircraft to replace the capability of the aircraft to be retired.

(b) ADDITIONAL REQUIREMENTS FOR COST ANALYSIS.—The cost analysis required by subsection (a)(2) shall conform to the following requirements:

(1) The cost analysis shall include one analysis that uses ''constant year dollars'' and one analysis that uses ''then year dollars''.

(2) For each such analysis, the time period covered by the analysis shall be the expected service life of the aircraft concerned.

(3) For each such analysis, the ownership costs evaluated shall include costs for—

(A) planned technology insertions or upgrades over the service life of the aircraft to meet emerging requirements;

(B) research and development;

(C) testing;

(D) procurement;

(E) production;

(F) production termination;

(G) operations;

(H) training;

(I) maintenance;

(J) sustainment;

(K) military construction;

(L) personnel;

(M) cost of replacement due to attrition; and

(N) disposal.

(4) The cost analysis shall include each of the following:

(A) An assessment of the quality of each cost analysis.

(B) A discussion of each of the following:

(i) The assumptions used.

(ii) The benefits to be realized from each alternative.

(iii) Adverse impacts to be realized from each alternative.

(iv) Cargo capacity, operational availability, departure reliability, and mission capability.

(v) Aircraft basing.

(vi) Aircrew ratios and associated training requirements.

(vii) Performing RERP on only C–5B and C–5C aircraft.

(C) A summary table that compares and contrasts each alternative with respect to each of the requirements of this subsection.

(c) CONFORMING REPEAL.—Section 132 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat. 1411) is repealed.

SEC. 132. MAINTENANCE OF RETIRED KC–135E AIRCRAFT.

Section 135(b) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2114) is amended by striking ''each KC–135E aircraft that is retired'' and inserting ''at least 46 of the KC–135E aircraft retired''.

SEC. 133. REPEAL OF MULTI-YEAR CONTRACT AUTHORITY FOR PROCUREMENT OF TANKER AIRCRAFT.

Section 135 of the National Defense Authorization Act for Fiscal Year 2004 (10 U.S.C. 2401a note) is repealed.

SEC. 134. REPORT ON PROCESSES USED FOR REQUIREMENTS DEVELOPMENT FOR KC–(X).

Not later than December 1, 2008, the Secretary of the Air Force shall submit to the congressional defense committees a report on the processes used for requirements development for the KC–(X). The report shall include—

(1) an examination of the processes by which KC–(X) requirements were established;

(2) a justification for the use of the KC–135R as the comparative baseline for the KC–(X) competition; and

(3) an evaluation of commercial derivative aircraft in the 750,000 pounds maximum gross take-off weight to 1,000,000 pounds maximum gross take-off weight range as a potential aerial refueling platform, which shall include an examination of pertinent aerial refueling capabilities such as range, offload at range, and passenger/cargo capacity.

Subtitle E—Joint and Multiservice Matters

SEC. 141. BODY ARMOR ACQUISITION STRATEGY.

(a) EXECUTIVE AGENT.—The Secretary of Defense shall designate an executive agent for procurement of body armor and associated components.

(b) SEPARATE PROCUREMENT LINE ITEMS.—Effective for fiscal year 2010 and for each fiscal year thereafter, the Secretary of Defense shall ensure that, within each procurement account budget submission to the President, a separate, dedicated procurement line item is designated for procurement of body armor and associated components.

(c) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Under Secretary of Defense for Acquisition, Technology, and Logistics shall submit to the congressional defense committees a report that—

(1) identifies the critical industrial base capacity for body armor, to include all tiers of subcontractor suppliers;

(2) contains a plan for the long-term maintenance of this industrial base capacity; and

(3) identifies specific research and development objectives, priorities, and funding profiles for—

(A) advances in the level of protection;

(B) weight reduction; and

(C) manufacturing productivity.

SEC. 142. SMALL ARMS ACQUISITION STRATEGY AND REQUIREMENTS REVIEW.

(a) GAO AUDIT AND REPORT.—The Comptroller General of the United States shall audit the requirements generation process of the Department of Defense for small arms procurement to determine if there are statutory or regulatory barriers to developing a small arms procurement requirement. Not later than October 1, 2009, the Comptroller General shall submit to the congressional defense committees a report on the results of the audit.

(b) SECRETARY OF DEFENSE REPORT.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a comprehensive report on the small arms industrial base. The report shall include the following:

(1) The current inventory, acquisition objective, operational, and budgetary status of current small arms programs, to include pistols, carbines, rifles, light, medium, and heavy machine guns.

(2) A plan for a joint acquisition strategy for small arms modernization, with emphasis on a possible near term competition for a new pistol and carbine.

(3) An analysis of current small arms research and development programs.

(4) An analysis of current small arms capability gap assessments that have been finalized or are being pursued.

(c) DEFINITION.—In this section, the term ''small arms''—

(1) means man portable or vehicle mounted light weapons, designed primarily for use by individual military personnel for anti-personnel use; and

(2) includes pistols, carbines, rifles, and light, medium, and heavy machine guns.

SEC. 143. REQUIREMENT FOR COMMON GROUND STATIONS AND PAYLOADS FOR MANNED AND UNMANNED AERIAL VEHICLES.

(a) POLICY REQUIRED.—The Secretary of Defense shall establish a policy and an acquisition strategy for intelligence, surveillance, and reconnaissance payloads and ground stations for manned and unmanned aerial vehicle systems, to be applicable throughout the Department of Defense, to achieve integrated research, development, test, and evaluation, and procurement commonality.

(b) OBJECTIVES.—The policy and acquisition strategy required by subsection (a) shall have the following objectives:

(1) Procurement of common payloads by vehicle class, including—

(A) signals intelligence;

(B) electro optical;

(C) synthetic aperture radar;

(D) ground moving target indicator;

(E) conventional explosive detection;

(F) foliage penetrating radar;

(G) laser designator;

(H) chemical, biological, radiological, nuclear, explosive detection; and

(I) national airspace operations avionics or sensors, or both.

(2) Commonality of ground systems by vehicle class.

(3) Common management of vehicle and payloads procurement.

(4) Ground station interoperability standardization.

(5) Open source software code.

(6) Acquisition of technical data rights in accordance with section 2320 of title 10, United States Code.

(7) Acquisition of vehicles, payloads, and ground stations through competitive procurement.

(c) AFFECTED SYSTEMS.—For the purposes of this section, the manned and unmanned aerial vehicle classes and types of manned and unmanned aerial vehicles within each class are as follows:

(1) Tier II class: Vehicles such as Silver Fox and Scan Eagle.

(2) Tactical class: Vehicles such as RQ–7.

(3) Medium altitude class: Vehicles such as MQ–1, MQ–1C, MQ–5, MQ–8, MQ–9, and Warrior Alpha.

(4) High Altitude class: Vehicles such as RQ–4, RQ–4N, Unmanned airship systems, Constant Hawk, Angel Fire, Special Project Aircraft, Aerial Common Sensor, EP–3, Scathe View, Compass Call, and Rivet Joint.

(d) CONSULTATION.—The Secretary shall develop the policy and acquisition strategy required by subsection (a) in consultation with the Chairman of the Joint Chiefs of Staff.

(e) REPORT.—Not later than 120 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees, the Permanent Select Committee on Intelligence of the House of Representatives, and the Select Committee on Intelligence of the Senate a report containing—

(1) the policy required by subsection (a); and

(2) the acquisition strategy required by subsection (a).

SEC. 144. REPORT ON FUTURE JET CARRIER TRAINER REQUIREMENTS OF THE NAVY.

Not later than 120 days after the date of the enactment of this Act, the Secretary of the Navy shall submit to the congressional defense committees a report on future jet carrier trainer requirements. The report shall include—

(1) an assessment of the Navy Strategic Planning Study concerning future jet carrier trainer requirements;

(2) an assessment of studies conducted by independent organizations concerning future jet carrier trainer requirements;

(3) a cost-benefit analysis of creating a new program to fulfill future jet carrier trainer requirements;

(4) a cost-benefit analysis of modifying current programs to fulfill future jet carrier trainer requirements; and

(5) a plan to address future jet carrier trainer requirements beginning fiscal year 2010.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorization of Appropriations

Sec. 201. Authorization of appropriations.

Sec. 202. Amount for defense science and technology.

Subtitle B—Program Requirements, Restrictions, and Limitations

Sec. 211. Additional determinations to be made as part of Future Combat Systems milestone review.

Sec. 212. Analysis of Future Combat Systems communications network and software.

Sec. 213. Future Combat Systems manned ground vehicle selected acquisition reports.

Sec. 214. Separate procurement and research, development, test, and evaluation line items and program elements for Sky Warrior Unmanned Aerial Systems project.

Sec. 215. Restriction on obligation of funds for the Warfighter Information Network—Tactical program.

Sec. 216. Limitation on source of funds for certain Joint Cargo Aircraft expenditures.

Subtitle C—Missile Defense Programs

Sec. 221. Independent study of boost phase missile defense.

Sec. 222. Limitation on availability of funds for procurement, construction, and deployment of missile defenses in Europe.

Subtitle D—Other Matters

Sec. 231. Oversight of testing of personnel protective equipment by Director, Operational Test and Evaluation.

Sec. 232. Assessment of the Historically Black Colleges and Universities and Minority Serving Institutions Program.

Sec. 233. Technology-neutral information technology guidelines and standards to support fully interoperable electronic personal health information for the Department of Defense and Department of Veterans Affairs.

Sec. 234. Repeal of requirement for Technology Transition Initiative.

Sec. 235. Trusted defense systems.

Sec. 236. Limitation on obligation of funds for Enhanced AN/TPQ–36 radar system pending submission of report.

Sec. 237. Capabilities-based assessment to outline a joint approach for future development of vertical lift aircraft and rotorcraft.

Sec. 238. Availability of funds for prompt global strike capability development.

Sec. 239. Visiting NIH Senior Neuroscience Fellowship Program.

Subtitle A—Authorization of Appropriations

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 2009 for the use of the Department of Defense for research, development, test, and evaluation as follows:

(1) For the Army, $10,688,695,000.

(2) For the Navy, $19,764,738,000.

(3) For the Air Force, $28,238,349,000.

(4) For Defense-wide activities, $21,033,651,000, of which $188,772,000 is authorized for the Director of Operational Test and Evaluation.

SEC. 202. AMOUNT FOR DEFENSE SCIENCE AND TECHNOLOGY.

(a) FISCAL YEAR 2009.—Of the amounts authorized to be appropriated by section 201, $12,059,915,000 shall be available for the Defense Science and Technology Program, including basic research, applied research, and advanced technology development projects.

(b) BASIC RESEARCH, APPLIED RESEARCH, AND ADVANCED TECHNOLOGY DEVELOPMENT DEFINED.—For purposes of this section, the term ''basic research, applied research, and advanced technology development'' means work funded in program elements for defense research and development under Department of Defense budget activity 1, 2, or 3.

Subtitle B—Program Requirements, Restrictions, and Limitations

SEC. 211. ADDITIONAL DETERMINATIONS TO BE MADE AS PART OF FUTURE COMBAT SYSTEMS MILESTONE REVIEW.

Section 214(b) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2123) is amended by striking paragraphs (4) through (6) and inserting the following:

''(4) Whether actual demonstrations, rather than simulations, have shown that the software for the program is on a path to achieve threshold requirements on cost and schedule.

''(5) Whether the program's planned major communications network demonstrations are sufficiently complex and realistic to inform major program decision points.

''(6) The extent to which Future Combat Systems manned ground vehicle survivability will be reduced in a degraded Future Combat Systems communications network environment.

''(7) The level of network degradation at which Future Combat Systems manned ground vehicle crew survivability is significantly reduced.

''(8) The extent to which the Future Combat Systems communications network will be able to withstand network attack, jamming, or other interference.

''(9) What the cost estimate for the program is, including all spin outs, and an assessment of the confidence level for that estimate.

''(10) What the affordability assessment for the program is, given projected Army budgets, based on that cost estimate.''.

SEC. 212. ANALYSIS OF FUTURE COMBAT SYSTEMS COMMUNICATIONS NETWORK AND SOFTWARE.

(a) REPORT REQUIRED.—Not later than July 1, 2009, the Assistant Secretary of Defense, Networks and Information Integration, shall submit to the congressional defense committees a report providing an assessment of the Future Combat Systems communications network and software. This report shall include, at a minimum, the following:

(1) An assessment of the vulnerability of the Future Combat Systems communications network and software to enemy network attack, in particular the impact of the use of significant amounts of commercial software in Future Combat Systems software.

(2) An assessment of the vulnerability of the Future Combat Systems communications network to electronic warfare, jamming, and other potential enemy interference.

(3) An assessment of the vulnerability of the Future Combat Systems communications network to adverse weather and complex terrain.

(4) An assessment of the Future Combat Systems communication network's dependence on satellite communications support, and an assessment of the network's performance in the absence of assumed levels of satellite communications support.

(5) An assessment of the performance of the Future Combat Systems communications network when operating in a degraded condition due to the factors analyzed in paragraphs (1), (2), (3), and (4), and how such a degraded network environment would impact the performance of Future Combat Systems brigades and the survivability of Future Combat Systems manned ground vehicles.

(b) INCLUSION OF CLASSIFIED ANNEX.—The report required by subsection (a) may include a classified annex at the discretion of the Assistant Secretary, for the purpose of providing the assessments required, or to provide additional supporting information.

SEC. 213. FUTURE COMBAT SYSTEMS MANNED GROUND VEHICLE SELECTED ACQUISITION REPORTS.

(a) REPORT REQUIRED.—For each of the years 2009 through 2015, the Secretary of the Army shall, not later than February 15 of the year, submit a selected acquisition report for each Future Combat Systems manned ground vehicle variant.

(b) REQUIRED ELEMENTS.—The reports required by subsection (a) shall include the same information required in comprehensive annual selected acquisition reports for major defense acquisition as defined in section 2432(c) of title 10, United States Code.

(c) DEFINITION.—In this section, the term ''manned ground vehicle variant'' includes the eight distinct variants of manned ground vehicle designated on pages seven and eight of the Future Combat Systems selected acquisition report of the Department of Defense dated December 31, 2007, and any additional manned ground vehicle variants designated in Future Combat Systems acquisition reports of the Department of Defense after the date of the enactment of this Act.

SEC. 214. SEPARATE PROCUREMENT AND RESEARCH, DEVELOPMENT, TEST, AND EVALUATION LINE ITEMS AND PROGRAM ELEMENTS FOR SKY WARRIOR UNMANNED AERIAL SYSTEMS PROJECT.

Effective for fiscal year 2010 and for each fiscal year thereafter, the Secretary of Defense shall ensure that, in the Department of Defense's annual budget submission to the President, within both the account for procurement and the account for research, development, test, and evaluation, a separate, dedicated line item and program element is designated for the Sky Warrior Unmanned Aerial Systems project, to the extent such accounts include funding for such project.

SEC. 215. RESTRICTION ON OBLIGATION OF FUNDS FOR THE WARFIGHTER INFORMATION NETWORK—TACTICAL PROGRAM.

(a) NOTIFICATION REQUIRED.—The Under Secretary of Defense for Acquisition, Technology, and Logistics shall notify the congressional defense committees within five days after the completion of all of the following actions:

(1) Approval by the Under Secretary of a new acquisition program baseline for the Warfighter Information Network-Tactical (WIN–T) Increment 3 program.

(2) Completion of the independent cost estimate for the WIN–T Increment 3 program by the Cost Analysis Improvement Group, as required by the June 5, 2007 recertification by the Under Secretary.

(3) Completion of the technology readiness assessment of the WIN–T Increment 3 program by the Director, Defense Research and Engineering, as required by the June 5, 2007 recertification by the Under Secretary.

(b) RESTRICTION ON OBLIGATION OF FUNDS PENDING NOTIFICATION.—Of the amounts appropriated pursuant to an authorization of appropriations in this Act or otherwise made available for research, development, test, and evaluation, Army, for fiscal year 2009 for the WIN–T Increment 3 program, not more than 20 percent of those amounts may be obligated or expended until 15 days after the notification required by subsection (a) is received by the congressional defense committees.

SEC. 216. LIMITATION ON SOURCE OF FUNDS FOR CERTAIN JOINT CARGO AIRCRAFT EXPENDITURES.

Of the amounts appropriated pursuant to an authorization of appropriations in this Act or otherwise made available for fiscal year 2009 or any fiscal year thereafter for the Army, the Secretary of the Army may fund the following Joint Cargo Aircraft expenditures only through amounts made available for procurement or for research, development, test, and evaluation: support equipment, initial spares, training simulators, systems engineering and management, and post-production modifications.

Subtitle C—Missile Defense Programs

SEC. 221. INDEPENDENT STUDY OF BOOST PHASE MISSILE DEFENSE.

(a) AGREEMENT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall enter into an agreement with a Federally Funded Research and Development Center to conduct an independent study of concepts and systems for boost phase missile defense.

(b) REQUIREMENTS FOR STUDY.—

(1) SYSTEMS TO BE EXAMINED.—The study required by subsection (a) shall examine each of the following systems:

(A) The Airborne Laser.

(B) The Kinetic Energy Interceptor (land- and sea-based options).

(2) FACTORS TO BE EVALUATED.—The study shall evaluate each system based on the following factors:

(A) Technical capability of the system against scenarios identified in paragraph (3)(A).

(B) Operational issues, including operational effectiveness.

(C) Results of key milestone tests in fiscal year 2009 and fiscal years prior.

(D) Survivability.

(E) Suitability.

(F) Concept-of-Operations, including basing considerations.

(G) Operations and maintenance support.

(H) Command-and-Control.

(I) Shortfall from intercepts.

(J) Force structure requirements.

(K) Effectiveness against countermeasures.

(L) Estimated cost of sustaining the system in the field.

(M) Total lifecycle cost estimates.

(3) SCENARIOS TO BE ASSESSED.—

(A) IN GENERAL.—The study shall include, for each system, an assessment of the operational capabilities of the system—

(i) to counter short-, medium-, and intermediate-range ballistic missile threats to the deployed forces of the United States and its friends and allies from rogue states; and

(ii) to defend the territory of the United States against limited ballistic missile attack.

(B) COMPARISON WITH NON-BOOST SYSTEMS.—The study shall also include an assessment of the performance and operational capabilities of non-boost missile defense systems to counter the threats referred to in subparagraph (A), and shall compare those capabilities with the predicted performance and operational capabilities of the boost phase missile defense systems to counter those threats. For purposes of this subparagraph, the non-boost missile defense systems shall include, at a minimum—

(i) the Patriot PAC–3 system and the Medium Extended Air Defense System (MEADS) follow-on system;

(ii) the Aegis Ballistic Missile Defense system, with all variants of the Standard Missile-3 interceptor;

(iii) the Terminal High Altitude Area Defense (THAAD) system; and

(iv) the Ground-based Midcourse Defense system.

(4) ASSESSMENTS AND RECOMMENDATIONS.—The study shall include the following:

(A) Assessment of the developmental efforts to date and feasibility of the currently funded boost phase missile defense systems, using the factors outlined in paragraph (2).

(B) Assessment of the cost and benefits of the currently funded boost phase missile defense systems.

(C) A recommended strategy for boost phase missile defense investment over the Future Years Defense Program.

(D) Any other matter that the Federally Funded Research and Development Center considers appropriate.

(c) COOPERATION FROM GOVERNMENT.—In carrying out the study, the Federally Funded Research and Development Center shall receive the full and timely cooperation of the Secretary of Defense and any other United States Government official in providing the Center with analyses, briefings, and other information necessary for the fulfillment of its responsibilities.

(d) REPORT.—Not later than January 31, 2010, the Federally Funded Research and Development Center shall submit to the congressional defense committees a report on its findings, conclusions, and recommendations. The report shall be in unclassified form, but may include a classified annex.

(e) PROHIBITION.—No funds appropriated pursuant to an authorization of appropriations in this Act or otherwise made available for fiscal year 2009 or any fiscal year thereafter may be obligated or expended for the acquisition of the second Airborne Laser aircraft until 60 days after the report required by this section is submitted.

SEC. 222. LIMITATION ON AVAILABILITY OF FUNDS FOR PROCUREMENT, CONSTRUCTION, AND DEPLOYMENT OF MISSILE DEFENSES IN EUROPE.

(a) GENERAL LIMITATION.—No funds authorized to be appropriated by this Act or otherwise made available for the Department of Defense for fiscal year 2009 or any fiscal year thereafter may be obligated or expended for procurement, site activation, construction, preparation of equipment for, or deployment of a long-range missile defense system in Europe until the following conditions have been met:

(1) The Government of Poland and the Government of the Czech Republic have each signed and ratified the missile defense basing agreements and status of forces agreements that allow for the stationing, in their respective countries, of the United States missile defense assets and personnel needed to carry out the proposed deployment.

(2) Forty-five days have elapsed following the receipt by the congressional defense committees of the report required by section 226(c)(6) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181).

(b) ADDITIONAL LIMITATION.—In addition to the limitation in subsection (a), no funds authorized to be appropriated by this Act or otherwise made available for the Department of Defense for fiscal year 2009 may be obligated or expended for the acquisition or deployment of operational missiles of a long-range missile defense system in Europe until the Secretary of Defense, after receiving the views of the Director of Operational Test and Evaluation, submits to the congressional defense committees a report certifying that the proposed interceptor to be deployed as part of such missile defense system has demonstrated, through successful, operationally realistic flight testing, a high probability of working in an operationally effective manner and the ability to accomplish the mission.

(c) CONSTRUCTION.—Nothing in this section shall be construed to limit continuing obligation and expenditure of funds for missile defense, including for research and development and for other activities not otherwise limited by subsection (a) or (b), including, but not limited to, site surveys, studies, analysis, and planning and design for the proposed missile defense deployment in Europe.

Subtitle D—Other Matters

SEC. 231. OVERSIGHT OF TESTING OF PERSONNEL PROTECTIVE EQUIPMENT BY DIRECTOR, OPERATIONAL TEST AND EVALUATION.

(a) RESPONSIBILITIES OF THE DIRECTOR, OPERATIONAL TEST AND EVALUATION, WITH RESPECT TO PERSONNEL PROTECTIVE EQUIPMENT.—Section 139 of title 10, United States Code, is amended—

(1) in subsection (a)(2) by adding at the end the following:

''(C) The term 'covered system' means a Department of Defense acquisition program that is a covered system for purposes of section 2366 of this title or that is an item of personnel protective equipment designated as a covered system by the Secretary of Defense, or the Secretary's designee, for purposes of this section.''; and

(2) in subsection (b)—

(A) by striking paragraph (3);

(B) by redesignating paragraphs (4) through (7) as (3) through (6), respectively; and

(C) by amending paragraph (6) (as so redesignated) to read as follows:

''(6) monitor and review the survivability and lethality testing of covered systems, major munition programs, and covered product improvement programs of the Department of Defense provided under section 2366 of this title.''.

(b) INCLUSION OF PERSONNEL PROTECTIVE EQUIPMENT IN SURVIVABILITY TESTING REQUIRED BEFORE FULL-SCALE PRODUCTION.—Section 2366 of title 10, United States Code, is amended—

(1) in subsection (e) by amending paragraph (1) to read as follows:

''(1) The term 'covered system' means—

''(A) a vehicle, weapon platform, or conventional weapon system—

''(i) that includes features designed to provide some degree of protection to users in combat; and

''(ii) that is a major system within the meaning of that term in section 2302(5) of this title; or

''(B) an item of personnel protective equipment designated as a covered system in accordance with section 139(a)(2)(C) of this title.''; and

(2) by adding at the end the following:

''(f) PERSONNEL PROTECTIVE EQUIPMENT.—In the case of an item of personnel protective equipment designated as a covered system, if, before a decision to proceed beyond low rate initial production, a decision is made within the Department of Defense to proceed to operational use of that equipment or to make procurement funds available for that equipment—

''(1) the milestone decision authority (as defined in Department of Defense Directive 5000.1, dated May 12, 2003) for the associated acquisition program shall notify the Director of Operational Test and Evaluation of such a decision, along with supporting rationale; and

''(2) the Director of Operational Test and Evaluation shall submit to the Secretary of Defense and the congressional defense committees the report required by subsection (d) as soon as practicable.''.

SEC. 232. ASSESSMENT OF THE HISTORICALLY BLACK COLLEGES AND UNIVERSITIES AND MINORITY SERVING INSTITUTIONS PROGRAM.

(a) ASSESSMENT REQUIRED.—The Secretary of Defense shall—

(1) carry out an assessment of the capability of Historically Black Colleges and Universities and Minority Serving Institutions (HBCU/MI) to participate in research, development, test, and evaluation programs for the Department of Defense; and

(2) not later than twelve months after the date of the enactment of this Act, submit to the congressional defense committees a report on the assessment.

(b) MATTERS ASSESSED.—The report under subsection (a) shall include the following:

(1) Summarized findings and lessons learned from HBCU/MI programs based on contracts, grants, or cooperative agreement awards.

(2) An assessment of the relevance, to include outcomes and impacts, of those programs to the research mission of the Department.

(3) An assessment of the national and regional conferences held annually to provide technical assistance and information regarding research, development, test, and evaluation activities of the Department, including the following:

(A) The number of such conferences held over the last three years, and a description of each such conference, to include a description of activities conducted to meet the goals of the conference.

(B) A follow-up assessment of the success of such conferences from the perspective both of the Department and of the attending institutions.

(C) An assessment as to whether such conferences are appropriately targeted to institutions that have not historically received contracts, grants or cooperative agreements with the Department.

(4) As directed in Executive Order No. 13256, a plan documenting the Department's effort in increasing the capacity of HBCU/MIs to participate in the research programs of the Department.

(5) Any other matters the Secretary considers appropriate.

SEC. 233. TECHNOLOGY-NEUTRAL INFORMATION TECHNOLOGY GUIDELINES AND STANDARDS TO SUPPORT FULLY INTEROPERABLE ELECTRONIC PERSONAL HEALTH INFORMATION FOR THE DEPARTMENT OF DEFENSE AND DEPARTMENT OF VETERANS AFFAIRS.

(a) IN GENERAL.—Section 1635 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 460; 10 U.S.C. 1071 note) is amended—

(1) in subsection (h)(1) by adding at the end the following:

''(C) A description and analysis of the level of interoperability and security of technologies for sharing healthcare information among the Department of Defense, the Department of Veterans Affairs, and their transaction partners.

''(D) A description and analysis of the problems the Department of Defense and the Department of Veterans Affairs are having with, and the progress such agencies are making toward, ensuring interoperable and secure healthcare information systems and electronic healthcare records.''.

(2) by adding at the end the following:

''(j) TECHNOLOGY-NEUTRAL GUIDELINES AND STANDARDS.—

''(1) IN GENERAL.—The Director, in consultation with industry and appropriate Federal agencies, shall develop, or shall adopt from industry, technology-neutral information technology infrastructure guidelines and standards for use by the Department of Defense and the Department of Veterans Affairs to enable those agencies to effectively select and utilize information technologies to meet the requirements of this section, in a manner that is—

''(A) interoperable;

''(B) inclusive of ongoing Federal efforts that provide technical expertise to harmonize existing standards and assist in the development of interoperability specifications; and

''(C) consistent with relevant guidance and directives for the development of information technology systems with the Department of Defense and the Department of Veterans Affairs.

''(2) ELEMENTS.—The guidelines and standards developed or adopted under subsection (a) shall—

''(A) promote the use by commercially available and open source products to incorporate those guidelines and standards;

''(B) develop uniform testing procedures suitable for determining the conformance of commercially available and other Federally developed healthcare information technology products with the guidelines and standards;

''(C) support and promote the testing of electronic healthcare information technologies utilized by the Department of Defense and the Department of Veterans Affairs;

''(D) provide protection and security profiles;

''(E) establish a core set of specifications in transactions between Federal agencies and their transaction partners; and

''(F) include validation criteria to enable Federal agencies to select healthcare information technologies appropriate to their needs.

''(3) REPORT.—Not later than March 31, 2009, the Director shall submit to the Secretary of Defense and the Secretary of Veterans Affairs, and to the appropriate congressional committees, a report identifying the guidelines and standards developed or adopted under this subsection. The report shall include—

''(A) a description of how the Office is working with the Business Transformation Agency to integrate these standards into the Enterprise Transition Plan for the Department of Defense; and

''(B) a synchronization roadmap showing the timeline for the deployment of applicable existing and planned healthcare information technology systems and how they will implement these standards.''.

(b) COMPLIANCE WITH REQUIREMENTS.—The amendments made by subsection (a) shall not impede the Secretary of Defense, the Secretary of Veterans Affairs, and the interagency program office from ensuring that the requirements of subsection (d) of section 1635 of that Act, including the date specified in that subsection, are met.

SEC. 234. REPEAL OF REQUIREMENT FOR TECHNOLOGY TRANSITION INITIATIVE.

(a) ASSESSMENT REQUIRED.—

(1) IN GENERAL.—Not later than March 31, 2009, the Under Secretary of Defense for Acquisition, Technology, and Logistics shall assess the feasibility of consolidating various technology transition accounts into a unified effort managed by a senior official of the Department of Defense.

(2) OSD PROGRAMS INCLUDED.—Such assessment shall include, but shall not be limited to, the following programs within the Office of the Secretary of Defense: Technology Transition Initiative, Foreign Comparative Test, Defense Acquisition Challenge Program, Quick Reaction Fund, Manufacturing Technology, Joint Capability Technology Demonstrations, Defense Technology Link, Joint Capability Technology Demonstration Transition Program, Defense Acquisition Executive, Rapid Reaction Fund, and Operational Experimentation Division.

(3) MILITARY DEPARTMENT PROGRAMS INCLUDED.—Such assessment shall also include, as appropriate, the technology transition initiatives of the military departments.

(b) INITIATIVE REQUIREMENT REPEALED.—

(1) IN GENERAL.—Section 2359a of title 10, United States Code, is amended—

(A) by amending the section heading to read as follows:

''§ 2359a. Technology Transition Council'';

(B) by striking subsections (a), (b), (c), (d), (e), (f), and (h); and

(C) by redesignating subsections (g) and (i) as (a) and (b), respectively.

(2) CONFORMING AMENDMENT.—The table of sections at the beginning of chapter 139 of title 10, United States Code, is amended by striking the item relating to section 2359a and inserting the following new item:

''2359a. Technology Transition Council.''.

SEC. 235. TRUSTED DEFENSE SYSTEMS.

(a) ASSESSMENT REQUIRED.—The Secretary of Defense shall conduct a comprehensive assessment of covered acquisition programs to identify vulnerabilities in the supply chain of each program's information processing systems that potentially compromise the level of trust in such systems. Such assessment shall also—

(1) assess vulnerabilities at multiple levels of the information processing system, including but not limited to, microcircuits, software, and firmware;

(2) prioritize the potential vulnerabilities and impacts of the various elements and stages of the system supply chain to identify the most effective balance of investments to minimize the effects of compromise;

(3) provide recommendations regarding ways to improve trust in the supply chain for covered acquisition programs; and

(4) identify the appropriate lead, and supporting elements, within the Department of Defense for the development of an integrated strategy for ensuring trust in the supply chain for acquisition programs.

(b) STRATEGY REQUIRED.—The lead identified pursuant to subsection (a)(4), in cooperation with the supporting elements also identified by the Secretary of Defense, shall develop an integrated strategy for ensuring trust in the supply chain for acquisition programs. Such strategy shall—

(1) address the vulnerabilities identified by the Secretary's assessment under subsection (a);

(2) reflect the priorities identified by such assessment;

(3) be executable by the defense acquisition community; and

(4) be sufficiently specific to provide guidance for the planning, programming, budgeting, and execution process in order to ensure acquisition programs have the necessary resources to implement all appropriate elements of the strategy.

(c) INTERIM POLICY FOR APPLICATION SPECIFIC INTEGRATED CIRCUITS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall issue a policy requiring covered trusted systems to employ only trusted foundry services to fabricate their custom designed integrated circuits.

(d) SUBMISSION TO CONGRESS.—Not later than 12 months after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees—

(1) the assessment required by subsection (a); and

(2) the strategy required by subsection (b).

(e) DEFINITIONS.—In this section:

(1) The term ''covered acquisition programs'' means a Department of Defense acquisition program that is a major system for purposes of section 2302(5) of title 10, United States Code, and—

(A) has not yet entered low-rate initial production, as defined in section 2400 of title 10, United States Code; or

(B) is currently in production or no longer in production, and information processing system upgrades are still planned over the life cycle of the system.

(2) The terms ''trust'' and ''trusted'' refer to the high confidence by the Department of Defense in the national ability to secure national security systems by assessing the integrity of the people and processes used to design, generate, manufacture, and distribute national security critical components.

(3) The term ''covered trusted systems'' means—

(A) all Mission Assurance Category I systems, as defined in Department of Defense Directive 8500.01E and associated Department of Defense Instruction 8500.2; and

(B) any other system identified by the Secretary of Defense as a system—

(i) that is vital to mission effectiveness or operational readiness of deployed or contingency forces;

(ii) the loss or degradation of which results in immediate and sustained loss of mission effectiveness;

(iii) that is highly accurate and highly available; and

(iv) for which the most stringent protection measures are required.

(4) The term ''trusted foundry services'' means the program co-funded by the National Security Agency and the Department of Defense, through program element 0605140D8Z, or any such similar program approved by the Secretary of Defense.

SEC. 236. LIMITATION ON OBLIGATION OF FUNDS FOR ENHANCED AN/TPQ–36 RADAR SYSTEM PENDING SUBMISSION OF REPORT.

Of the amounts appropriated pursuant to section 201(1) of this Act or otherwise made available for fiscal year 2009 for research, development, test, and evaluation, Army, for the Enhanced AN/TPQ–36 radar system, not more than 70 percent of the amounts remaining unobligated as of the date of the enactment of this Act may be obligated until the Secretary of the Army submits to the congressional defense committees a report describing the plan to transition the Counter-Rockets, Artillery, and Mortars program to a program of record.

SEC. 237. CAPABILITIES-BASED ASSESSMENT TO OUTLINE A JOINT APPROACH FOR FUTURE DEVELOPMENT OF VERTICAL LIFT AIRCRAFT AND ROTORCRAFT.

(a) ASSESSMENT REQUIRED.—The Secretary of Defense and the Chairman of the Joint Chiefs of Staff shall carry out a capabilities-based assessment that outlines a joint approach to the future development of vertical lift aircraft and rotorcraft for all of the military services. The assessment shall—

(1) address critical technologies required for future development, including a technology roadmap;

(2) include the development of a strategic plan that—

(A) formalizes the Department of Defense's strategic vision for the next generation of Department of Defense vertical lift aircraft and rotorcraft;

(B) establishes joint requirements for the next generation of Department of Defense vertical lift aircraft and rotorcraft technology; and

(C) emphasizes the development of common service requirements; and

(3) include the development of a detailed science and technology investment and implementation plan and an identification of the resources required to implement it.

(b) REPORT.—The Secretary and the Chairman shall submit to the congressional defense committees a report on the assessment under subsection (a). The report shall include—

(1) the technology roadmap referred to in subsection (a)(1);

(2) the strategic plan referred to in subsection (a)(2);

(3) the plan and the identification of resources referred to in subsection (a)(3); and

(4) a detailed plan to establish a Joint Vertical Lift Aircraft/Rotorcraft Office based on lessons learned from the Joint Advanced Strike Technology (JAST) Office.

SEC. 238. AVAILABILITY OF FUNDS FOR PROMPT GLOBAL STRIKE CAPABILITY DEVELOPMENT.

(a) IN GENERAL.—Notwithstanding any other provision of this Act, funds for conventional prompt global strike capability development are authorized by this Act only for those activities expressly delineated in the expenditure plan for fiscal years 2008 and 2009 that was required by section 243 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 51; 10 U.S.C. 113 note) and submitted to the congressional defense committees and dated March 24, 2008, or those activities otherwise expressly authorized by Congress.

(b) REPORT.—The Secretary of Defense shall submit to the congressional defense committees, concurrently with the President's budget request for fiscal year 2010, a

report that describes each conventional prompt global strike concept that—

(1) has been, or will be, affected by the technology applications developed pursuant to conventional prompt global strike activities within fiscal year 2009; and

(2) will be considered within the context of any conventional prompt global strike concept decision in fiscal year 2010.

SEC. 239. VISITING NIH SENIOR NEUROSCIENCE FELLOWSHIP PROGRAM.

(a) REQUIREMENT TO ESTABLISH.—The Secretary of Defense may establish a program to be known as the Visiting NIH Senior Neuroscience Fellowship Program (in this section referred to as the ''Program'') at the Defense Advanced Research Projects Agency (DARPA) and the Defense Center of Excellence for Psychological Health and Traumatic Brain Injury (DCoE).

(b) ACTIVITIES OF THE PROGRAM.—The Program may—

(1) provide a partnership between the National Institutes of Health (NIH) and DARPA that will enable identification and funding of the broadest range of innovative, highest quality clinical and experimental neuroscience studies for the benefit of men and women in the Armed Forces;

(2) provide a partnership between the NIH and the DCoE that will enable identification and funding of clinical and experimental neuroscience studies for the benefit of men and women in the Armed Forces;

(3) provide a technology transfer mechanism whereby the results of such studies can, where appropriate, be used to enhance the health mission of the NIH for the benefit of the public; and

(4) provide a military/civilian collaborative environment for neuroscience-based medical problem-solving in critical areas impacting both military and civilian life, particularly post-traumatic stress disorder.

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

Sec. 301. Operation and maintenance funding.

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Subtitle A—Authorization of Appropriations

SEC. 301. OPERATION AND MAINTENANCE FUNDING.

Funds are hereby authorized to be appropriated for fiscal year 2009 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for operation and maintenance, in amounts as follows:

(1) For the Army, $31,788,395,000.

(2) For the Navy, $34,870,098,000.

(3) For the Marine Corps, $5,680,054,000.

(4) For the Air Force, $35,060,427,000.

(5) For Defense-wide activities, $25,806,657,000.

(6) For the Army Reserve, $2,659,141,000.

(7) For the Naval Reserve, $1,311,085,000.

(8) For the Marine Corps Reserve, $213,131,000.

(9) For the Air Force Reserve, $3,202,892,000.

(10) For the Army National Guard, $5,900,346,000.

(11) For the Air National Guard, $5,929,576,000.

(12) For the United States Court of Appeals for the Armed Forces, $13,254,000.

(13) For Environmental Restoration, Army, $447,776,000.

(14) For Environmental Restoration, Navy, $290,819,000.

(15) For Environmental Restoration, Air Force, $496,277,000.

(16) For Environmental Restoration, Defense-wide, $13,175,000.

(17) For Environmental Restoration, Formerly Used Defense Sites, $257,796,000.

(18) For Overseas Humanitarian, Disaster, and Civic Aid programs, $83,273,000.

(19) For Cooperative Threat Reduction programs, $445,135,000.

(20) For the Overseas Contingency Operations Transfer Fund, $9,101,000.

Subtitle B—Environmental Provisions

SEC. 311. AUTHORIZATION FOR DEPARTMENT OF DEFENSE PARTICIPATION IN CONSERVATION BANKING PROGRAMS.

(a) PARTICIPATION AUTHORIZED.—Chapter 159 of title 10, United States Code, is amended by inserting after section 2694b the following new section:

''§ 2694c. Participation in conservation banking programs

''(a) AUTHORITY TO PARTICIPATE.—Subject to the availability of appropriated funds to carry out this section, the Secretary concerned, when engaged or proposing to engage in an activity described in subsection (b) that may or will result in an adverse impact to one or more species protected (or pending protection) under any applicable provision of law, or habitat for such species, may make payments to a conservation banking program or 'in-lieu-fee' mitigation sponsor approved in accordance with—

''(1) the Federal Guidance for the Establishment, Use and Operation of Mitigation Banks (60 Fed. Reg. 58605; November 28, 1995);

''(2) the Guidance for the Establishment, Use, and Operation of Conservation Banks (68 Fed. Reg. 24753; May 2, 2003);

''(3) the Federal Guidance on the Use of In-Lieu-Fee Arrangements for Compensatory Mitigation Under Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act (65 Fed. Reg. 66915; November 7, 2000); or

''(4) any successor or related administrative guidance or regulation.

''(b) COVERED ACTIVITIES.—Payments to a conservation banking program or 'in-lieu-fee' mitigation sponsor under subsection (a) may be made only for the purpose of facilitating one or more of the following activities:

''(1) Military testing, operations, training, or other military activity.

''(2) Military construction.

''(c) TREATMENT OF AMOUNTS FOR CONSERVATION BANKING.—Payments made under subsection (a) to a conservation banking program or 'in-lieu-fee' mitigation sponsor for the purpose of facilitating military construction may be treated as eligible costs of the military construction project.

''(d) SECRETARY CONCERNED DEFINED.—In this section, the term 'Secretary concerned' means—

''(1) the Secretary of a military department; and

''(2) the Secretary of Defense with respect to a Defense Agency.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2694b the following new item:

''2694c. Participation in conservation banking programs.''.

(c) EFFECTIVE DATE.—Section 2694c of title 10, United States Code, as added by subsection (a), shall take effect on October 1, 2008, and only funds appropriated for fiscal years beginning after September 30, 2008, may be used to carry out such section.

SEC. 312. REIMBURSEMENT OF ENVIRONMENTAL PROTECTION AGENCY FOR CERTAIN COSTS IN CONNECTION WITH MOSES LAKE WELLFIELD SUPERFUND SITE, MOSES LAKE, WASHINGTON.

(a) AUTHORITY TO REIMBURSE.—

(1) TRANSFER AMOUNT.—Using funds described in subsection (b) and notwithstanding section 2215 of title 10, United States Code, the Secretary of Defense may transfer not more than $64,049.40 during fiscal year 2009 to the Moses Lake Wellfield Superfund Site 10–6J Special Account.

(2) PURPOSE OF REIMBURSEMENT.—The payment under paragraph (1) is to reimburse the Environmental Protection Agency for its costs incurred in overseeing a remedial investigation/feasibility study performed by the Department of the Army under the Defense Environmental Restoration Program at the former Larson Air Force Base, Moses Lake Superfund Site, Moses Lake, Washington.

(3) INTERAGENCY AGREEMENT.—The reimbursement described in paragraph (2) is provided for in the interagency agreement entered into by the Department of the Army and the Environmental Protection Agency for the Moses Lake Wellfield Superfund Site in March 1999.

(b) SOURCE OF FUNDS.—Any payment under subsection (a) shall be made using funds authorized to be appropriated by section 301(17) for operation and maintenance for Environmental Restoration, Formerly Used Defense Sites.

(c) USE OF FUNDS.—The Environmental Protection Agency shall use the amount transferred under subsection (a) to pay costs incurred by the Agency at the Moses Lake Wellfield Superfund Site.

SEC. 313. EXPAND COOPERATIVE AGREEMENT AUTHORITY FOR MANAGEMENT OF NATURAL RESOURCES TO INCLUDE OFF-INSTALLATION MITIGATION.

Section 103a(a) of the Sikes Act (16 U.S.C. 670c–1(a)) is amended—

(1) by striking ''to provide for the'' and inserting ''to provide for the following:

''(1) The''; and

(2) by adding at the end the following new paragraph:

''(2) The maintenance and improvement of natural resources located off of a Department of Defense installation if the purpose of the cooperative agreement is to relieve or eliminate current or anticipated challenges that could restrict, impede, or otherwise interfere with, whether directly or indirectly, current or anticipated military activities.''.

SEC. 314. DETECTION INSTRUMENT TECHNOLOGY RESEARCH AND DEPLOYMENT OF RESULTING DETECTION INSTRUMENTS AND TECHNOLOGICAL IMPROVEMENTS.

(a) RESEARCH REQUIRED.—The Secretary of Defense shall—

(1) make the research, development, testing, and evaluation of technology related to unexploded ordnance detection a priority; and

(2) accelerate the transition of promising detection instrument technology across the Department of Defense.

(b) DEPLOYMENT AND TRAINING.—The Secretary shall facilitate the deployment of unexploded ordnance detection instrument technology developed through research funded by the Department of Defense or developed by entities other than the Department of Defense. The Secretary may consider allocating a portion of the amount appropriated for such research and development activities to assist in the training of operators of unexploded ordnance detection instruments on the use of new detection instruments.

(c) REPORT.—Not later than February 1, 2009, the Secretary shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report describing and evaluating the following:

(1) The amounts allocated for research, development, test, and evaluation for unexploded ordnance detection technologies.

(2) The amounts allocated for transition of new unexploded ordnance technologies.

(3) Activities undertaken by the Department to transition such technologies and train operators on emerging detection instrument technologies.

(4) Any impediments to the transition of new unexploded ordnance detection instrument technologies to regular operation in remediation programs.

(5) The transfer of such technologies to private companies involved in the detection of unexploded ordnance.

(6) Activities undertaken by the Department to raise public awareness regarding unexploded ordnance.

(d) UNEXPLODED ORDNANCE DEFINED.—In this section, the term ''unexploded ordnance'' has the meaning given such term in section 101(e)(5) of title 10, United States Code.

SEC. 315. CLOSED LOOP RECYCLING FOR MOTOR VEHICLE LUBRICATING OIL.

(a) STUDY AND EVALUATION.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report which reviews the Department of Defense's policies concerning the sale and disposal of used motor vehicle lubricating oil, and shall include in the report an evaluation of the feasibility and desirability of implementing policies to require closed loop recycling of used oil as a means of reducing total indirect energy usage and greenhouse gas emissions.

(b) IMPLEMENTATION.—To the extent that the evaluation included in the report submitted under subsection (a) indicates that closed loop recycling of used motor vehicle lubricating oil can reduce total indirect energy usage and greenhouse gas emissions without significant increase in overall cost to the Department of Defense, the Secretary shall implement policies to require closed loop recycling of used oil whenever feasible.

(c) DEFINITION.— For purposes of this section, the term ''closed loop recycling'' means the sale of used oil to entities that re-refine used oil into base oil and vehicle lubricants that meet Department of Defense and industry standards, and the purchase of re-refined oil produced through such re-refining process.

Subtitle C—Workplace and Depot Issues

SEC. 321. TIME LIMITATION ON DURATION OF PUBLIC-PRIVATE COMPETITIONS.

(a) TIME LIMITATION.—Section 2461(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(5)(A) The duration of a public-private competition conducted pursuant to Office of Management and Budget Circular A–76 or any other provision of law for any function of the Department of Defense performed by Department of Defense civilian employees may not exceed a period of 540 days, commencing on the date on which the preliminary planning for the public-private competition begins through the date on which a performance decision is rendered with respect to the function.

''(B) The time period specified in subparagraph (A) for a public-private competition does not include any day during which the public-private competition is delayed by reason of a protest before the Government Accountability Office or the United States Court of Federal Claims unless the Secretary of Defense determines that the delay is caused by issues being raised during the appellate process that were not previously raised during the competition.''.

(b) EFFECTIVE DATE.—Paragraph (5) of section 2461(a) of title 10, United States Code, as added by subsection (a), shall apply with respect to a public-private competition covered by such section that is being conducted on or after the date of the enactment of this Act.

SEC. 322. COMPREHENSIVE ANALYSIS AND DEVELOPMENT OF SINGLE GOVERNMENT-WIDE DEFINITION OF INHERENTLY GOVERNMENTAL FUNCTION.

(a) DEVELOPMENT AND IMPLEMENTATION OF DEFINITION OF INHERENTLY GOVERNMENTAL FUNCTION.—The Director of the Office of Management and Budget, in consultation with appropriate representatives of the Chief Acquisition Officers Council under section 16A of the Office of Federal Procurement Policy Act (41 U.S.C. 414b) and the Chief Human Capital Council under section 1401 of title 5, United States Code, shall—

(1) review the definitions of the term ''inherently governmental function'' described in subsection (b) to determine whether such definitions are sufficiently focused to ensure that only officers or employees of the Federal Government or members of the Armed Forces perform inherently governmental functions or other critical functions necessary for the mission of a Federal department or agency;

(2) develop a single consistent definition for such term that would—

(A) address any deficiencies in the existing definitions, as determined pursuant to paragraph (1);

(B) reasonably apply to all Federal departments and agencies;

(C) ensure that the head of each such department or agency is able to identify each position within that department or agency that exercises an inherently governmental function and should only be performed by officers or employees of the Federal Government or members of the Armed Forces; and

(D) allow the head of each such department or agency to identify each position within that department or agency that, while the position may not exercise an inherently governmental function, nevertheless should only be performed by officers or employees of the Federal Government or members of the Armed Forces;

(3) in addition to the actions described under paragraphs (1) and (2), provide criteria that would identify positions within Federal departments and agencies that are to be performed by officers or employees of the Federal Government or members of the Armed

Forces to ensure that the head of each Federal department or agency—

(A) develops and maintains sufficient organic expertise and technical capability;

(B) develops guidance to implement the definition of inherently governmental as described in paragraph (2) in a manner that is consistent with agency missions and operational goals; and

(C) develops guidance to manage internal decisions regarding staffing in an integrated manner to ensure officers or employees of the Federal Government or members of the Armed Forces are filling critical management roles by identifying—

(i) functions, activities, or positions, or some combination thereof, or

(ii) additional mechanisms;

(4) in undertaking the actions described in paragraphs (1) and (2), take into account the final recommendations and related findings concerning performance of inherently governmental functions in the Final Report of the Acquisition Advisory Panel established pursuant to section 1423 of the Services Acquisition Reform Act of 2003 (title XIV of Public Law 108–136; 41 U.S.C. 405 note) and any other relevant reports or documents; and

(5) solicit the views of the public regarding the matters identified in this section.

(b) DEFINITIONS OF INHERENTLY GOVERNMENTAL FUNCTION.—The definitions of inherently governmental function described in this subsection are the definitions of such term that are contained in—

(1) the Federal Activities Inventory Reform Act of 1998 (Public Law 105–270; 31 U.S.C. 501 note);

(2) section 2383 of title 10, United States Code;

(3) Office of Management and Budget Circular A–76;

(4) the Federal Acquisition Regulation; and

(5) any other relevant Federal law or regulation, as determined by the Director of the Office of Management and Budget in consultation with the Chief Acquisition Officers Council and the Chief Human Capital Council.

(c) REPORT TO CONGRESS.—Not later than one year after the date of the enactment of this Act, the Director of the Office of Management and Budget, in consultation with the Chief Acquisition Officers Council and the Chief Human Capital Council, shall submit to the Committees on Armed Services of the Senate and House of Representatives, the Committee on Homeland Security and Governmental Affairs in the Senate, and the Committee on Oversight and Government Reform of the House of Representatives a report on the actions taken by the Director under this section. Such report shall contain each of the following:

(1) A description of the actions taken by the Director under this section to develop a single definition of inherently governmental function.

(2) Such legislative recommendations as the Director determines are necessary to further the purposes of this section.

(3) A description of such steps as may be necessary—

(A) to ensure that the single definition developed under this section is consistently applied through all Federal regulations, circulars, policy letters, agency guidance, and other documents;

(B) to repeal any existing Federal regulations, circular, policy letters, agency guidance and other documents determined to be superseded by the definition developed under this section; and

(C) to develop any necessary implementing guidance under this section for agency staffing and contracting decisions, along with appropriate milestones.

(d) REGULATIONS.—Not later than 180 days after submission of the report required by subsection (c), the Director of the Office of Management and Budget shall issue regulations to implement actions taken under this section to develop a single definition of inherently governmental function.

SEC. 323. STUDY ON FUTURE DEPOT CAPABILITY.

(a) STUDY REQUIRED.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall enter into a contract with an independent research entity that is a not-for-profit entity or a federally-funded research and development center with appropriate expertise in logistics and logistics analytical capability to carry out a study on the capability and efficiency of the depots of the Department of Defense to provide the logistics capabilities and capacity necessary for national defense.

(b) CONTENTS OF STUDY.—The study carried out under subsection (a) shall—

(1) be a quantitative analysis of the post-reset Department of Defense depot capability required to provide life cycle sustainment of military legacy systems and new systems and military equipment;

(2) take into consideration direct input from the Secretary of Defense and the logistics and acquisition leadership of the military departments, including materiel support and depot commanders;

(3) take into consideration input from regular and reserve components of the Armed Forces, both with respect to requirements for sustainment-level maintenance and the capability and capacity to perform depot-level maintenance and repair;

(4) identify and address each type of activity carried out at depots, installation directorates of logistics, regional sustainment-level maintenance sites, reserve component maintenance capability sites, theater equipment support centers, and Army field support brigade capabilities;

(5) examine relevant guidance provided and regulations prescribed by the Secretary of Defense and the Secretary of each of the military departments, including with respect to programming and budgeting; and

(6) examine any relevant applicable laws, including the relevant body of work performed by the Government Accountability Office.

(c) ISSUES TO BE ADDRESSED.—The study required under subsection (a) shall address each of the following issues with respect to depots and depot capabilities:

(1) The life cycle sustainment maintenance strategies and implementation plans of the Department of Defense and the military departments that cover—

(A) the role of each type of maintenance activity;

(B) business operations;

(C) workload projection;

(D) outcome-based performance management objectives;

(E) the adequacy of information technology systems, including workload management systems;

(F) the workforce, including skills required and development;

(G) budget and fiscal planning policies; and

(H) capital investment strategies, including the implementation of section 2476 of title 10, United States Code.

(2) Current and future maintenance environments, including—

(A) performance-based logistics;

(B) supply chain management;

(C) condition-based maintenance;

(D) reliability-based maintenance;

(E) consolidation and centralization, including—

(i) regionalization;

(ii) two-level maintenance; and

(iii) forward-based depot capacity;

(F) public-private partnerships;

(G) private-sector depot capability and capacity; and

(H) the impact of proprietary technical documentation.

(d) AVAILABILITY OF INFORMATION.—The Secretary of Defense and the Secretaries of each of the military departments shall make available to the entity carrying out the study under subsection (a) all necessary and relevant information to allow the entity to conduct the study in a quantitative and analytical manner.

(e) REPORTS TO COMMITTEES ON ARMED SERVICES.—

(1) INTERIM REPORT.—The contract that the Secretary enters into under subsection (a) shall provide that not later than one year after the commencement of the study conducted under this section, the chief executive officer of the entity that carries out the study pursuant to the contract shall submit to the Committees on Armed Services of the Senate and House of Representatives an interim report on the study.

(2) FINAL REPORT.—Such contract shall provide that not later than 22 months after the date on which the Secretary of Defense enters into the contract under subsection (a), the chief executive officer of the entity that carries out the study pursuant to the contract shall submit to the Committees on Armed Services of the Senate and House of Representatives a final report on the study. The report shall include each of the following:

(A) A description of the depot maintenance environment, as of the date of the conclusion of the study, and the anticipated future environment, together with the quantitative data used in conducting the assessment of such environments under the study.

(B) Recommendations with respect to what would be required to maintain, in a post-reset environment, an efficient and enduring Department of Defense depot capability necessary for national defense.

(C) Recommendations with respect to any changes to any applicable law that would be appropriate for a post-reset depot maintenance environment.

(D) Recommendations with respect to the methodology of the Department of Defense for determining core logistics requirements, including an assessment of risk.

(E) Proposed business rules that would provide incentives for the Secretary of Defense and the Secretaries of the military departments to keep Department of Defense depots efficient and cost effective, including the workload level required for efficiency.

(F) A proposed strategy for enabling, requiring, and monitoring the ability of the Department of Defense depots to produce performance-driven outcomes and meet materiel readiness goals with respect to availability, reliability, total ownership cost, and repair cycle time.

(G) Comments provided by the Secretary of Defense and the Secretaries of the military departments on the findings and recommendations of the study.

(f) COMPTROLLER GENERAL REVIEW.—Not later than 90 days after the date on which the report under subsection (d) is submitted, the Comptroller General shall review the report and submit to the Committees on Armed Services of the Senate and House of Representatives an assessment of the feasibility of the recommendations and whether the findings are supported by the data and information examined.

(g) DEFINITIONS.—In this section:

(1) The term ''depot-level maintenance and repair'' has the meaning given that term under section 2460 of title 10, United States Code.

(2) The term ''reset'' means actions taken to repair, enhance, or replace military equipment used in support of operations underway as of the date of the enactment of this Act and associated sustainment.

(3) The term ''military equipment'' includes all weapon systems, weapon platforms, vehicles and munitions of the Department of Defense, and the components of such items.

SEC. 324. HIGH-PERFORMING ORGANIZATION BUSINESS PROCESS REENGINEERING.

(a) IN GENERAL.—Chapter 3 of title 10, United States Code, is amended by inserting after section 129c the following new section:

''§ 129d. High-performing organizations

''(a) GUIDELINES FOR ESTABLISHMENT OF HIGH-PERFORMING ORGANIZATIONS.—The Secretary of Defense shall develop guidelines for the establishment of a high-performing organization conducted through a business process reengineering initiative. The guidelines shall ensure consideration and assessment of the following:

''(1) Number of employees to be affected by the initiative.

''(2) Resources needed to conduct the initiative.

''(3) Location where the initiative will be performed, and the location of the affected employees if different from the initiative location.

''(4) Functions to be included in the initiative.

''(5) Timeline for implementation of the initiative.

''(6) Estimated duration of the initiative if such initiative is deemed to be temporary.

''(b) RESTRICTION ON HIGH-PERFORMING ORGANIZATIONS.—The Secretary of Defense, with respect to matters concerning the Defense Agencies, and the Secretary of a military department, may not begin implementation of a business process reengineering initiative to establish a high performing organization until—

''(1) the Secretary submits to Congress the notification required by subsection (d); and

''(2) the requirements of paragraphs (2) and (3) of section 7106(b) of title 5 are complied with.

''(c) CERTAIN INITIATIVES PROHIBITED.—The Secretary of Defense, or the Secretary of a military department, may not implement a high-performing organization if—

''(1) it were to result in a change of the collective bargaining status of an employee in the Department of Defense or in the representation status of a labor organization with exclusive representation status, as provided in section 7114 of title 5; or

''(2) any planned reductions in staffing are based on cost savings assumptions that are unrelated to the establishment of the high performing organization.

''(d) CONGRESSIONAL NOTIFICATION.—Forty-five days before commencing a high-performing organization under subsection (a), the Secretary of Defense or the Secretary of the military department concerned shall submit to Congress a notification describing the assessment required by subsection (a).

''(e) ANNUAL EVALUATION.—The Secretary of Defense or the Secretary of the military department concerned shall conduct annual performance reviews of the participating organizations or functions under the jurisdiction of the Secretary. The reviews shall be submitted to Congress. Each review shall evaluate the performance of the high performance organization in the following areas;

''(1) Costs, savings, and overall financial performance of the organization.

''(2) Organic knowledge, skills or expertise.

''(3) Efficiency and effectiveness of key functions or processes.

''(4) Efficiency and effectiveness of the overall organization.

''(f) DEFINITIONS.—In this section,

''(1) The term 'high-performing organization' means an organization whose performance exceeds that of comparable providers, whether public or private.

''(2) The term 'business process reengineering initiative' means an approach to reinvent or consolidate functions whether they are inherently governmental, military essential, or commercial activities, or a reorganization that is undertaken at the direction of the Office of Management and Budget.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 129c the following new item:

''129d. High-performing organizations.''.

SEC. 325. TEMPORARY SUSPENSION OF STUDIES AND PUBLIC-PRIVATE COMPETITIONS REGARDING CONVERSION OF FUNCTIONS OF THE DEPARTMENT OF DEFENSE PERFORMED BY CIVILIAN EMPLOYEES TO CONTRACTOR PERFORMANCE.

(a) FINDINGS.—Congress finds the following:

(1) The turbulence caused by the efforts of the Department of Defense to increase the size of the Armed Forces, implement the decisions of the 2005 round of base realignments and closures, and execute transformational initiatives, combined with the strain on the Armed Forces due to ongoing contingency operations, could impede sound decisions regarding the conversion to contractor performance of functions of the Department of Defense performed by civilian employees.

(2) Public-private competitions may unnecessarily divert Department of Defense personnel and resources away from operational obligations.

(3) The Secretary of Defense needs to ensure that readiness is fully supported.

(b) SUSPENSION.—During the period beginning on the date of the enactment of this Act and ending on September 30, 2011, no study or public-private competition regarding the conversion to contractor performance of any function of the Department of Defense performed by civilian employees may be begun or announced pursuant to section 2461 of title 10, United States Code, or otherwise pursuant to Office of Management and Budget Circular A–76.

SEC. 326. CONSOLIDATION OF AIR FORCE AND AIR NATIONAL GUARD AIRCRAFT MAINTENANCE.

(a) ROLE OF NATIONAL GUARD BUREAU.—The Secretary of the Air Force shall not implement the consolidation of aircraft repair facilities and personnel of the active Air Force with aircraft repair facilities and personnel of the Air National Guard or the consolidation of aircraft repair facilities and personnel of the Air National Guard with aircraft repair facilities and personnel of the active Air Force until the Secretary consults with, and obtains the consent of, the National Guard Bureau.

(b) REPORT ON CRITERIA.—Not later than 30 days after the date of the enactment of this Act, the Secretary of the Air Force shall submit to the Committees on Armed Services of the Senate and House of Representatives a report stating all the criteria being used by the Department of the Air Force and the Rand Corporation to evaluate the feasibility of consolidating Air Force maintenance functions into organizations that would integrate active, Guard, and Reserve components into a total-force approach. The report shall include the assumptions that were provided to or developed by the Rand Corporation for their study of the feasibility of the consolidation proposal.

(c) REPORT ON FEASIBILITY STUDY.—At least 90 days before any consolidation actions, the Secretary of the Air Force shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the findings of the Rand Corporation feasibility study and the Rand Corporation's recommendations, the Air Force's assessment of the findings and recommendations, any plans developed for implementation of the consolidation, and a delineation of all infrastructure costs anticipated as a result of implementation.

SEC. 327. GUIDANCE FOR PERFORMANCE OF CIVILIAN PERSONNEL WORK UNDER AIR FORCE CIVILIAN PERSONNEL CONSOLIDATION PLAN.

(a) GUIDANCE FOR CIVILIAN PERSONNEL MANAGEMENT CONSOLIDATION.—In determining which, if any, civilian personnel management functions may appropriately be consolidated under one command or in a central or regional location, the Secretary of the Air Force shall be guided by the anticipated positive or negative impact upon the productivity of the managed workforces at different commands and the consequently anticipated positive or negative impact upon mission accomplishment at the different commands. This analysis shall be customized for each affected command, taking into account such factors as the size and complexity of the civilian workforce and the extent to which mission accomplishment is dependent upon the productivity of the civilian workforce. What functions are deemed ''transactional'' or ''nontransactional'' may vary for each affected command. In general, more of the civilian personnel management functions for smaller, less civilian dependent commands may be consolidated in a central or regional location or command while fewer functions may be consolidated from larger, more civilian dependent commands.

(b) PROHIBITION ON CONSOLIDATION OF CERTAIN FUNCTIONS.—For the Large Civilian Centers, the Secretary of the Air Force will not consolidate in a central or regional location or command at least the following functions:

(1) Staffing positions filled through internal or external recruitment processes.

(2) Development of position classifications or job descriptions.

(3) Employee management relations, including performance management programs, conduct or discipline programs and labor management programs.

(4) Labor force planning and management, including internal pay pool management and employee performance reviews.

(5) Managing workers compensation program pursuant to chapter 81 of title 5, United States Code, or relevant State workers' compensation programs.

(c) LARGE CIVILIAN CENTER DEFINED.—In this section, the term ''Large Civilian Center'' refers to installations or commands with operational missions primarily dependent upon the productivity of civilian workforces typically numbering in the thousands and engaged in program management, systems engineering, research or development, logistics management, software management, management of existing aircraft systems, and depot level maintenance. Such an installation or command typically includes occupational series far in excess of those assigned to other, more typical, Air Force installations or commands.

SEC. 328. REPORT ON REDUCTION IN NUMBER OF FIREFIGHTERS ON AIR FORCE BASES.

In an effort to ensure the Air Force is meeting the minimum safety standards for staffing, equipment, and training as required by Department of Defense Installation and Environment Instruction 6055.6, the Secretary of the Air Force shall submit to Congress, not later than 90 days after the date of

the enactment of this Act, a report on the effect of the reduction in fire fighters on Air Force bases as a result of PBD720. Such report shall include the following:

(1) An evaluation of current fire fighting capability and whether the reduction has increased the risk of harm to either fire fighters or those they may serve in response to an emergency.

(2) An evaluation on whether there is adequate capability within the surrounding municipal communities to support a base aircraft rescue or respond to a fire involving a combat aircraft, cargo aircraft or weapon system.

(4) An evaluation of the impact on certifications of the base fire departments as a result of the reductions in fire fighting personnel and or functions at the base.

(5) A plan to restore personnel needed to support the mission should it be determined that personnel reductions resulting from PBD720 have negatively impacted the ability to perform their mission.

Subtitle D—Energy Security

SEC. 331. ANNUAL REPORT ON OPERATIONAL ENERGY MANAGEMENT AND IMPLEMENTATION OF OPERATIONAL ENERGY STRATEGY.

(a) REPORT REQUIRED.—Section 2925 of title 10, United States Code, is amended by striking subsection (b) and inserting the following new subsection:

''(b) ANNUAL REPORT RELATED TO OPERATIONAL ENERGY.—(1) Simultaneous with the annual report required by subsection (a), the Secretary of Defense, acting through the Director of Operational Energy Plans and Programs, shall submit to the congressional defense committees a report on operational energy management and the implementation of the operational energy strategy established pursuant to section 139b of this title.

''(2) The annual report under this subsection shall address and include the following:

''(A) Statistical information on operational energy demands, in terms of expenditures and consumption, for the preceding five fiscal years, including funding made available in regular defense appropriations Acts and any supplemental appropriation Acts.

''(B) An estimate of operational energy demands for the current fiscal year and next fiscal year, including funding requested to meet operational energy demands in the budget submitted to Congress under section 1105 of title 31 and in any supplemental requests.

''(C) A description of each initiative related to the operational energy strategy and a summary of funds appropriated for each initiative in the previous fiscal year and current fiscal year and requested for each initiative for the next five fiscal years.

''(D) An evaluation of progress made by the Department of Defense—

''(i) in implementing the operational energy strategy, including the progress of key initiatives and technology investments related to operational energy demand and management; and

''(ii) in meeting the operational energy goals set forth in the strategy.

''(E) Such recommendations as the Director considers appropriate for additional changes in organization or authority within the Department of Defense to enable further implementation of the energy strategy and such other comments and recommendations as the Director considers appropriate.

''(3) If a report under this subsection is submitted in a classified form, the Secretary shall concurrently submit to the congressional defense committees an unclassified version of the information required by this subsection.

''(4) In this subsection, the term 'operational energy' means the energy required for moving and sustaining military forces and weapons platforms for military operations. The term includes energy used by tactical power systems and generators and weapons platforms.''.

(b) CLERICAL AMENDMENTS.—

(1) SECTION HEADING.—The heading of such section is amended to read as follows:

''§ 2925. Annual Department of Defense energy management reports''.

(2) TABLE OF SECTIONS.—The table of sections at the beginning of subchapter III of chapter 173 of such title is amended by striking the item relating to section 2925 and inserting the following new item:

''2925. Annual Department of Defense energy management reports.''.

SEC. 332. CONSIDERATION OF FUEL LOGISTICS SUPPORT REQUIREMENTS IN PLANNING, REQUIREMENTS DEVELOPMENT, AND ACQUISITION PROCESSES.

(a) PLANNING.—In the case of campaign analyses and force planning processes that are used to establish capability requirements and inform acquisition decisions, the Secretary of Defense shall require that campaign analyses and force planning processes consider the requirements for, and vulnerability of, fuel logistics and their relationship to operational capability.

(b) CAPABILITY REQUIREMENTS DEVELOPMENT PROCESS.—The Secretary of Defense shall develop and implement a methodology to enable the implementation of a fuel efficiency key performance parameter in the requirements development process.

(c) ACQUISITION PROCESS.—The Secretary of Defense shall require that the life-cycle cost analysis for new capabilities include the fully burdened cost of fuel during analysis of alternatives and evaluation of alternatives and acquisition program design trades.

(d) IMPLEMENTATION PLAN.—The Secretary of Defense shall prepare a plan for implementing the requirements of this section. The plan shall be completed not later than 180 days after the date of the enactment of this Act and provide for implementation of the requirements not later than three years after such date.

(e) REPORT.—Until the certification required by subsection (g) is provided, the Secretary of Defense shall submit to the congressional defense committees a report, not later than January 1 of each year, describing progress made to implement the requirements of this section during the preceding fiscal year.

(f) FULLY BURDENED COST OF FUEL DEFINED.—In this section, the term ''fully burdened cost of fuel'' means the commodity price for fuel plus the total cost of all personnel and assets required to move and, when necessary, protect the fuel from the point at which the fuel is received from the commercial supplier to the point of use.

(g) CERTIFICATION OF COMPLIANCE.—As soon as practicable during the three-year period beginning on the date of the enactment of this Act, the Secretary of Defense shall certify to the congressional defense committees that the Secretary has complied with the requirements of this section. If the Secretary is unable to provide the certification, the Secretary shall submit to the congressional defense committees at the end of the three-year period a report containing—

(1) an explanation of the reasons why the requirements, or portions of the requirements, have not been implemented; and

(2) a revised plan under subsection (d) to complete implementation or a rationale regarding why portions of the requirements cannot or should not be implemented.

SEC. 333. STUDY ON SOLAR ENERGY FOR USE AT FORWARD OPERATING LOCATIONS.

(a) STUDY REQUIRED.—The Secretary of Defense shall provide for a study to examine the feasibility of using solar energy to provide electricity at forward operating locations.

(b) MATTERS EXAMINED.—The study shall examine, at a minimum, the following:

(1) The potential for solar energy to reduce the fuel supply needed to provide electricity at forward operating locations and the extent to which such reduction will decrease the risk of casualties by reducing the number of convoys needed to supply fuel to forward operating locations.

(2) The cost of using solar energy to provide electricity.

(3) The potential savings of using solar energy to provide electricity compared to current methods.

(4) The environmental benefits of using solar energy to provide electricity instead of the current methods.

(5) The sustainability and operating requirements of solar energy systems for providing electricity compared to current methods.

(c) REPORT.—Not later than March 1, 2009, the Secretary shall submit to the congressional defense committees a report on the results of the study required by subsection (a).

SEC. 334. STUDY ON COAL-TO-LIQUID FUELS.

(a) STUDY REQUIRED.—The Secretary of Defense shall conduct a study on alternatives to reduce the life cycle emissions of coal-to-liquid fuels and potential uses of coal-to-liquid fuels to meet the Department's mobility energy requirements.

(b) MATTERS EXAMINES.—The study shall examine, at a minimum, the following:

(1) The potential clean energy alternatives for powering the conversion processes, including nuclear, solar, and wind energies.

(2) The alternatives for reducing carbon emissions during the conversion processes.

(3) The military utility of coal-to-liquid fuels for military operations and for use by expeditionary forces compared with the military utility and life cycle emissions of mobile, in-theater synthetic fuel processes.

(c) USE OF FEDERALLY FUNDED RESEARCH AND DEVELOPMENT CENTER.—The Secretary of Defense shall select a federally funded research and development center to perform the study required by subsection (a).

(d) REPORT.—Not later than March 1, 2009, the federally funded research and development center shall submit to the congressional defense committees and the Secretary of Defense a report on the results of the study required by subsection (a).

SEC. 335. EXCEPTION TO ALTERNATIVE FUEL PROCUREMENT REQUIREMENT.

Section 526 of the Energy Independence and Security Act of 2007 (Public Law 110–140; 42 U.S.C. 17142) is amended—

(1) by striking ''No Federal agency'' and inserting ''(a) REQUIREMENT.—Except as provided in subsection (b), no Federal agency''; and

(2) by adding at the end the following:

''(b) EXCEPTION.—Subsection (a) does not prohibit a Federal agency from entering into a contract to purchase a generally available fuel that is not an alternative or synthetic fuel or predominantly produced from a nonconventional petroleum source, if—

''(1) the contract does not specifically require the contractor to provide an alternative or synthetic fuel or fuel from a nonconventional petroleum source;

''(2) the purpose of the contract is not to obtain an alternative or synthetic fuel or fuel from a nonconventional petroleum source; and

''(3) the contract does not provide incentives for a refinery upgrade or expansion to

allow a refinery to use or increase its use of fuel from a nonconventional petroleum source.''.

SEC. 336. STUDY OF CONSIDERATION OF GREENHOUSE GAS EMISSIONS IN ACQUISITION PROCESSES.

(a) STUDY.—The Secretary of Defense shall conduct a study to develop procedures and methods to measure and consider greenhouse gas emissions in the acquisition process, and shall include in the study an examination of the following:

(1) The processes and methods which would need to be developed and adopted to allow the Department of Defense to consider greenhouse gas emissions in the planning, requirements development, and acquisition processes.

(2) The internal and external data necessary to allow the Department of Defense to consider greenhouse gas emissions in the planning, requirements development, and acquisition processes.

(3) A timetable for the implementation of such procedures and methods in the acquisition process, as well as an estimate of the costs associated with such implementation.

(4) Such other factors as the Secretary considers appropriate with respect to the development and implementation of such procedures and methods.

(b) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the Congressional defense committees a report on the results of the study conducted under subsection (a).

Subtitle E—Reports

SEC. 341. COMPTROLLER GENERAL REPORT ON READINESS OF ARMED FORCES.

(a) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than June 1, 2009, the Comptroller General shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the readiness of the regular and reserve components of the Armed Forces. The report shall be unclassified but may contain a classified annex.

(2) ONE OR MORE REPORTS.—In complying with the requirements of this section, the Comptroller General may submit a single report addressing all the elements specified in subsection (b) or two or more reports addressing any combination of such elements.

(b) ELEMENTS.—The elements specified in this subsection are the following:

(1) An analysis of the readiness status, as of the date of the enactment of this Act, of the regular and reserve components of the Army and the Marine Corps, including any significant changes in any trends with respect to such components since 2001.

(2) An analysis of the readiness status, as of such date, of the regular and reserve components of the Air Force and the Navy, including a description of any major factors that affect the ability of the Navy or Air Force to provide trained and ready forces for ongoing operations and to meet overall readiness goals.

(3) An analysis of the efforts of the Secretary of each military department to address any major factors affecting the readiness of the regular and reserve components under the jurisdiction of that Secretary.

SEC. 342. REPORT ON PLAN TO ENHANCE COMBAT SKILLS OF NAVY AND AIR FORCE PERSONNEL.

(a) REPORT REQUIRED.—At the same time as the budget for fiscal year 2010 is submitted to Congress under section 1105(a) of title 31, United States Code, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on—

(1) the plans of the Secretary of the Navy to improve the combat skills of the members of the Navy; and

(2) the plans of the Secretary of the Air Force to improve the combat skills of the members of the Air Force.

(b) ELEMENTS OF REPORT.—The report required under subsection (a) shall include each of the following:

(1) The criteria that the Secretary of the Air Force and the Secretary of the Navy use to select permanent sites for their Common Battlefield Airmen Training and Expeditionary Combat Skills courses.

(2) An identification of the extent to which the Secretary of the Navy and Secretary of the Air Force coordinated with each other and with the Secretary of the Army and the Commandant of the Marine Corps with respect to their plans to expand combat skills training for members of the Navy and Air Force, respectively, together with a complete list of bases or locations that were considered as possible sites for the coordinated training.

(3) The estimated implementation and sustainment costs for the Air Force Common Battlefield Airmen Training and Navy Expeditionary Combat Skills courses.

(4) The estimated cost savings, if any, which could result by carrying out such combat skills training at existing Department of Defense facilities or by using existing ground combat training resources.

SEC. 343. COMPTROLLER GENERAL REPORT ON THE USE OF THE ARMY RESERVE AND NATIONAL GUARD AS AN OPERATIONAL RESERVE.

(a) REPORT REQUIRED.—Not later than June 1, 2009, the Comptroller General shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the use of the Army Reserve and National Guard forces as an operational reserve.

(b) ELEMENTS.—The report required by subsection (a) shall include a description of current and programmed resources, force structure, and organizational challenges that the Army Reserve and National Guard forces may face serving as an operational reserve, including—

(1) equipment availability, maintenance, and logistics issues;

(2) manning and force structure;

(3) training constraints limiting—

(A) facilities and ranges;

(B) access to military schools and skill training; and

(C) access to the Combat Training Centers; and

(4) any conflicts with requirements under title 32, United States Code.

SEC. 344. COMPTROLLER GENERAL REPORT ON LINK BETWEEN PREPARATION AND USE OF ARMY RESERVE COMPONENT FORCES TO SUPPORT ONGOING OPERATIONS.

(a) REPORT REQUIRED.—Not later than June 1, 2009, the Comptroller General shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the link between the preparation and operational use of the Army's reserve component forces.

(b) ELEMENTS.—The report required by subsection (a) shall include—

(1) an analysis of the Army's ability to train and employ reserve component units—

(A) to execute the wartime or primary missions for which the units are designed; and

(B) for non-traditional missions to which such units are assigned, as of the date of the enactment of this Act, in support of ongoing operations, including factors affecting unit or individual preparation, the effect of notification timelines, and access to training facilities, including the National Training Center and the Joint Readiness Training Center; and

(2) an analysis of the effect of mobilization and deployment laws, goals, and policies on the Army's ability to train and employ reserve component units for the purposes described in paragraph (1).

SEC. 345. COMPTROLLER GENERAL REPORT ON ADEQUACY OF FUNDING, STAFFING, AND ORGANIZATION OF DEPARTMENT OF DEFENSE MILITARY MUNITIONS RESPONSE PROGRAM.

(a) REPORT REQUIRED.—Not later than one year after the date of the enactment of this Act, the Comptroller General shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the adequacy of the funding, staffing, and organization of the Military Munitions Response Program of the Department of Defense.

(b) ELEMENTS.—The report required by subsection (a) shall include—

(1) an analysis of the funding, staffing, and organization of the Military Munitions Response Program; and

(2) an assessment of the Program mechanisms for the accountability, reporting, and monitoring of the progress of munitions response projects and methods to reduce the length of time of such projects.

SEC. 346. REPORT ON OPTIONS FOR PROVIDING REPAIR CAPABILITIES TO SUPPORT SHIPS OPERATING NEAR GUAM.

(a) REPORT REQUIRED.—Not later than March 1, 2009, the Secretary of the Navy shall submit to the committees on Armed Services of the Senate and House of Representatives a report on the best option or combination of options for providing voyage repair capabilities to support all United States Navy ships operating at or near Guam.

(b) CONTENTS OF REPORT.—The report required under subsection (a) shall include each of the following:

(1) The Secretary's estimate, based on the quantitative data determined to be most appropriate by the Secretary, of the requirements for voyage repairs for all United States Navy vessels operating at or near Guam, including—

(A) such requirements for ships operated by the Military Sealift Command; and

(B) such requirements for United States Navy vessels for which the designated homeport of the vessel is anticipated to become Guam as a result of the realignment of the Armed Forces from Okinawa, Japan, to Guam.

(2) The recommendations of the Secretary for ensuring that adequate voyage repair capabilities are available for all United States Navy ships operating at or near Guam and an estimate of the amount of time required to implement such capabilities.

(3) The Secretary's assessment of the benefits and limitations of each option for providing voyage repairs to all United States Navy ships operating at or near Guam and of the anticipated costs and strategic and operational risks associated with each such option.

(4) A plan and schedule for implementing a course of action to ensure that the required ship repair capability is available by not later than October 31, 2012.

Subtitle F—Other Matters

SEC. 351. EXTENSION OF ENTERPRISE TRANSITION PLAN REPORTING REQUIREMENT.

Section 2222(i) of title 10, United States Code, is amended by striking ''2009'' and inserting ''2013''.

SEC. 352. DEMILITARIZATION OF LOANED, GIVEN, OR EXCHANGED DOCUMENTS, HISTORICAL ARTIFACTS, AND CONDEMNED OR OBSOLETE COMBAT MATERIEL.

Section 2572(d) of title 10, United States Code, is amended—

(1) in paragraph (1), by adding at the end the following new sentence: ''The Secretary

concerned shall ensure that an item authorized to be donated under this section is demilitarized, as determined necessary by the Secretary or the Secretary's delegee, to the extent necessary to render the item unserviceable in the interest of public safety.''; and

(2) in paragraph (2)(A), by inserting before the period at the end the following: '', including any expense associated with demilitarizing an item under paragraph (1), for which the recipient of the item shall be responsible''.

SEC. 353. REPEAL OF REQUIREMENT THAT SECRETARY OF AIR FORCE PROVIDE TRAINING AND SUPPORT TO OTHER MILITARY DEPARTMENTS FOR A–10 AIRCRAFT.

(a) REPEAL.—Chapter 901 of title 10, United States Code, is amended by striking section 9316.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by striking the item relating to section 9316.

SEC. 354. DISPLAY OF ANNUAL BUDGET REQUIREMENTS FOR AIR SOVEREIGNTY ALERT MISSION.

(a) SUBMISSION WITH ANNUAL BUDGET JUSTIFICATION DOCUMENTS.—For fiscal year 2010 and each subsequent fiscal year, the Secretary of Defense shall submit to the President, for consideration by the President for inclusion with the budget materials submitted to Congress under section 1105(a) of title 31, United States Code, a consolidated budget justification display that covers all programs and activities of the Air Sovereignty Alert mission of the Air Force.

(b) REQUIREMENTS FOR BUDGET DISPLAY.—The budget display under subsection (a) for a fiscal year shall include for such fiscal year the following:

(1) The funding requirements for the Air Sovereignty Alert mission, and the associated Command and Control mission, including such requirements for—

(A) pay and allowances;

(B) support costs;

(C) Medicare eligible retiree health fund contributions;

(D) flying hours; and

(E) any other associated mission costs.

(2) The amount in the budget for the Air Force for each of the items referred to in paragraph (1).

(3) The amount in the budget for the Air National Guard for each such item.

SEC. 355. SENSE OF CONGRESS THAT AIR SOVEREIGNTY ALERT MISSION SHOULD RECEIVE SUFFICIENT FUNDING AND RESOURCES.

It is the sense of Congress that—

(1) since the tragic events of September 11, 2001, the Air National Guard has bravely performed the Air Sovereignty Alert mission to defend the homeland in support of Operation Noble Eagle;

(2) the Air National Guard continues to serve as the backbone of this vital national security mission;

(3) the United States Air Force should include full funding for the Air Sovereignty Alert mission in the baseline budget of the Air Force;

(4) the United States Air Force should program sufficient personnel, equipment, and aircraft resources to the Air National Guard to fully and safely perform the Air Sovereignty Alert mission;

(5) the capability of Air National Guard aircraft assigned to the Air Sovereignty Alert mission is rapidly deteriorating due to age and may impede the ability of the Air National Guard to protect the homeland;

(6) by 2015, many of the Air National Guard's fighter aircraft will have exceeded their service life and will be grounded, resulting in a breach of homeland defense, a potential closure of Air National Guard bases, the loss of critical personnel with the accompanying loss of experience and training, and the loss of the fighter capability of the Air National Guard; and

(7) the United States Air Force should ensure that the Air National Guard and the Air Sovereignty Alert mission are provided with resources, personnel, and aircraft needed to support this critical mission now and in the future.

SEC. 356. REVISION OF CERTAIN AIR FORCE REGULATIONS REQUIRED.

(a) REVISION REQUIRED.—Not later than 90 days after the date of enactment of this Act, the Secretary of the Air Force shall revise the Air Freight Transportation Regulation Number 5, dated January 15, 1999, to conform with Defense Travel Regulations to ensure that freight covered by Air Freight Transportation Regulation Number 5 is carried in accordance with commercial best practices that are based upon a mode-neutral approach.

(b) MODE-NEUTRAL APPROACH DEFINED.—For purposes of this section, the term ''mode-neutral approach'' means a method of shipment that allows a shipper to choose a carrier with a time-definite performance standard for delivery without specifying a particular mode of conveyance and allows the carrier to select the mode of conveyance using best commercial practices as long as the mode of conveyance can reasonably be expected to ensure the time-definite delivery requested by the shipper.

SEC. 357. TRANSFER OF C–12 AIRCRAFT TO CALIFORNIA DEPARTMENT OF FORESTRY AND FIRE PROTECTION.

(a) AUTHORITY.—The Secretary of the Army may convey to the California Department of Forestry and Fire Protection (hereinafter in this section referred to as ''CAL FIRE''), all right, title, and interest of the United States in three C–12 aircraft that the Secretary has determined are surplus to need.

(b) CONVEYANCE AT NO COST TO THE UNITED STATES.—The conveyance of an aircraft authorized by this section shall be made at no cost to the United States. Any costs associated with such conveyance, costs of determining compliance with terms of the conveyance, and costs of operation and maintenance of the aircraft conveyed shall be borne by CAL FIRE.

SEC. 358. AVAILABILITY OF FUNDS FOR IRREGULAR WARFARE SUPPORT PROGRAM.

Of the amount appropriated pursuant to an authorization of appropriations or otherwise made available for the Joint Improvised Explosive Device Defeat Organization for fiscal year 2009, $75,000,000 shall be available for the Irregular Warfare Support program (program element line 0603121D8Z, SO/LIC Advanced Development).

SEC. 359. SENSE OF CONGRESS REGARDING PROCUREMENT AND USE OF MUNITIONS.

It is the sense of Congress that the Secretary of Defense should—

(1) in making decisions with respect to procurement of munitions, develop methods to account for the full life-cycle costs of munitions, including the effects of failure rates on the cost of disposal; and

(2) undertake a review of live-fire practices for the purpose of reducing unexploded ordnance and munitions-constituent contamination without impeding military readiness.

SEC. 360. LIMITATION ON OBLIGATION OF FUNDS FOR AIR COMBAT COMMAND MANAGEMENT HEADQUARTERS.

Of the funds appropriated pursuant to an authorization of appropriations or otherwise made available for Operation and Maintenance, Air Force, for fiscal year 2009, the amount that may be obligated for Air Force Commander, Air Combat Command Management Headquarters, Sub-Activity Group 012E, for any fiscal quarter of such fiscal year may not exceed 80 percent of the amount of such funds obligated for such purpose for the corresponding fiscal quarter of fiscal year 2008 until the Secretary of Defense certifies to the congressional defense committees that by not later than February 3, 2009, the Future Year's Defense Plan will include funding for 76 commonly configured B–52 aircraft.

SEC. 361. INCREASE OF DOMESTIC SOURCING OF MILITARY WORKING DOGS USED BY THE DEPARTMENT OF DEFENSE.

(a) INCREASED CAPACITY.—The Secretary of Defense, acting through the Executive Agent for Military Working Dogs (hereinafter in this section referred to as the ''Executive Agent''), shall—

(1) identify the number of military working dogs required to fulfill the various missions of the Department of Defense for which such dogs are used, including force protection, facility and check point security, and explosives and drug detection;

(2) take such steps as are practicable to ensure an adequate number of military working dog teams are available to meet and sustain the mission requirements identified in paragraph (1);

(3) ensure that the Department's needs and performance standards with respect to military working dogs are readily available to dog breeders and trainers; and

(4) coordinate with other Federal, State, or local agencies, nonprofit organizations, universities, or private sector entities, as appropriate, to increase the training capacity for military working dog teams.

(b) MILITARY WORKING DOG PROCUREMENT.—The Secretary, acting through the Executive Agent shall work to ensure that military working dogs are procured as efficiently as possible and at the best value to the Government, while maintaining the necessary level of quality and encouraging increased domestic breeding, with the ultimate goal of procuring all military working dogs through domestic breeders.

(c) MILITARY WORKING DOG DEFINED.—For purposes of this section, the term ''military working dog'' means a dog used in any official military capacity, as defined by the Secretary of Defense.

SEC. 362. FUNDING FOR PROGRAMS RELATING TO DENTAL READINESS FOR THE ARMY RESERVE.

Of the amount authorized in section 301(6) to be appropriated for fiscal year 2009 for the Army Reserve—

(1) $22,300,000 is authorized for first term dental readiness; and

(2) $8,500,000 is authorized for demobilization dental treatment.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

Sec. 401. End strengths for active forces.
Sec. 402. Revision in permanent active duty end strength minimum levels.

Subtitle B—Reserve Forces

Sec. 411. End strengths for Selected Reserve.
Sec. 412. End strengths for Reserves on active duty in support of the Reserves.
Sec. 413. End strengths for military technicians (dual status).
Sec. 414. Fiscal year 2009 limitation on number of non-dual status technicians.
Sec. 415. Maximum number of reserve personnel authorized to be on active duty for operational support.
Sec. 416. Additional waiver authority of limitation on number of reserve component members authorized to be on active duty.

Subtitle C—Authorization of Appropriations
Sec. 421. Military personnel.

Subtitle A—Active Forces

SEC. 401. END STRENGTHS FOR ACTIVE FORCES.

The Armed Forces are authorized strengths for active duty personnel as of September 30, 2009, as follows:

(1) The Army, 532,400.

(2) The Navy, 326,323.

(3) The Marine Corps, 194,000.

(4) The Air Force, 317,050.

SEC. 402. REVISION IN PERMANENT ACTIVE DUTY END STRENGTH MINIMUM LEVELS.

Section 691(b) of title 10, United States Code, is amended by striking paragraphs (1) through (4) and inserting the following new paragraphs:

''(1) For the Army, 532,400.

''(2) For the Navy, 326,323.

''(3) For the Marine Corps, 194,000.

''(4) For the Air Force, 317,050.''.

Subtitle B—Reserve Forces

SEC. 411. END STRENGTHS FOR SELECTED RESERVE.

(a) IN GENERAL.—The Armed Forces are authorized strengths for Selected Reserve personnel of the reserve components as of September 30, 2009, as follows:

(1) The Army National Guard of the United States, 352,600.

(2) The Army Reserve, 205,000.

(3) The Navy Reserve, 66,700.

(4) The Marine Corps Reserve, 39,600.

(5) The Air National Guard of the United States, 106,700.

(6) The Air Force Reserve, 67,400.

(7) The Coast Guard Reserve, 10,000.

(b) END STRENGTH REDUCTIONS.—The end strengths prescribed by subsection (a) for the Selected Reserve of any reserve component shall be proportionately reduced by—

(1) the total authorized strength of units organized to serve as units of the Selected Reserve of such component which are on active duty (other than for training) at the end of the fiscal year; and

(2) the total number of individual members not in units organized to serve as units of the Selected Reserve of such component who are on active duty (other than for training or for unsatisfactory participation in training) without their consent at the end of the fiscal year.

(c) END STRENGTH INCREASES.—Whenever units or individual members of the Selected Reserve of any reserve component are released from active duty during any fiscal year, the end strength prescribed for such fiscal year for the Selected Reserve of such reserve component shall be increased proportionately by the total authorized strengths of such units and by the total number of such individual members.

SEC. 412. END STRENGTHS FOR RESERVES ON ACTIVE DUTY IN SUPPORT OF THE RESERVES.

Within the end strengths prescribed in section 411(a), the reserve components of the Armed Forces are authorized, as of September 30, 2009, the following number of Reserves to be serving on full-time active duty or full-time duty, in the case of members of the National Guard, for the purpose of organizing, administering, recruiting, instructing, or training the reserve components:

(1) The Army National Guard of the United States, 32,060.

(2) The Army Reserve, 17,070.

(3) The Navy Reserve, 11,099.

(4) The Marine Corps Reserve, 2,261.

(5) The Air National Guard of the United States, 14,337.

(6) The Air Force Reserve, 2,733.

SEC. 413. END STRENGTHS FOR MILITARY TECHNICIANS (DUAL STATUS).

The minimum number of military technicians (dual status) as of the last day of fiscal year 2009 for the reserve components of the Army and the Air Force (notwithstanding section 129 of title 10, United States Code) shall be the following:

(1) For the Army Reserve, 8,395.

(2) For the Army National Guard of the United States, 27,210.

(3) For the Air Force Reserve, 10,003.

(4) For the Air National Guard of the United States, 22,452.

SEC. 414. FISCAL YEAR 2009 LIMITATION ON NUMBER OF NON-DUAL STATUS TECHNICIANS.

(a) LIMITATIONS.—

(1) NATIONAL GUARD.—Within the limitation provided in section 10217(c)(2) of title 10, United States Code, the number of non-dual status technicians employed by the National Guard as of September 30, 2009, may not exceed the following:

(A) For the Army National Guard of the United States, 1,600.

(B) For the Air National Guard of the United States, 350.

(2) ARMY RESERVE.—The number of non-dual status technicians employed by the Army Reserve as of September 30, 2009, may not exceed 595.

(3) AIR FORCE RESERVE.—The number of non-dual status technicians employed by the Air Force Reserve as of September 30, 2009, may not exceed 90.

(b) NON-DUAL STATUS TECHNICIANS DEFINED.—In this section, the term ''non-dual status technician'' has the meaning given that term in section 10217(a) of title 10, United States Code.

SEC. 415. MAXIMUM NUMBER OF RESERVE PERSONNEL AUTHORIZED TO BE ON ACTIVE DUTY FOR OPERATIONAL SUPPORT.

During fiscal year 2009, the maximum number of members of the reserve components of the Armed Forces who may be serving at any time on full-time operational support duty under section 115(b) of title 10, United States Code, is the following:

(1) The Army National Guard of the United States, 17,000.

(2) The Army Reserve, 13,000.

(3) The Navy Reserve, 6,200.

(4) The Marine Corps Reserve, 3,000.

(5) The Air National Guard of the United States, 16,000.

(6) The Air Force Reserve, 14,000.

SEC. 416. ADDITIONAL WAIVER AUTHORITY OF LIMITATION ON NUMBER OF RESERVE COMPONENT MEMBERS AUTHORIZED TO BE ON ACTIVE DUTY.

(a) ADDITIONAL WAIVER AUTHORITY.—Subsection (a) of section 123a of title 10, United States Code, is amended—

(1) by inserting ''(1)'' before ''If at the end''; and

(2) by adding at the end the following new paragraph:

''(2) When a designation of a major disaster or emergency (as those terms are defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)) is in effect, the President may waive any statutory limit that would otherwise apply during the period of the designation on the number of members of a reserve component who are authorized to be on active duty under subparagraph (A) or (B) of section 115(b)(1) of this title, if the President determines the waiver is necessary to provide assistance in responding to the major disaster or emergency.''.

(b) TERMINATION OF WAIVER.—Subsection (b) of such section is amended—

(1) by striking the subsection heading and inserting the following: ''TERMINATION OF WAIVER.—(1)'';

(2) by striking ''subsection (a)'' and inserting ''subsection (a)(1)''; and

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

''(2) A waiver granted under subsection (a)(2) shall terminate not later than 90 days after the date on which the designation of the major disaster or emergency that was the basis for the waiver expires.''.

(c) CLERICAL AMENDMENTS.—

(1) SECTION HEADING.—The heading of such section is amended to read as follows:

''§ 123a. Suspension of end-strength and other strength limitations in time of war or national emergency''.

(2) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 3 of such title is amended by striking the item relating to section 123a and inserting the following new item:

''123a. Suspension of end-strength and other strength limitations in time of war or national emergency.''.

Subtitle C—Authorization of Appropriations

SEC. 421. MILITARY PERSONNEL.

There is hereby authorized to be appropriated to the Department of Defense for military personnel for fiscal year 2009 a total of $124,659,768,000. The authorization in the preceding sentence supersedes any other authorization of appropriations (definite or indefinite) for such purpose for fiscal year 2009.

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—Officer Personnel Policy Generally
Sec. 501. Mandatory separation requirements for regular warrant officers for length of service.
Sec. 502. Requirements for issuance of posthumous commissions and warrants.
Sec. 503. Extension of authority to reduce minimum length of active service required for voluntary retirement as an officer.
Sec. 504. Increase in authorized number of general officers on active duty in the Marine Corps.
Subtitle B—Reserve Component Management
Sec. 511. Extension to all military departments of authority to defer mandatory separation of military technicians (dual status).
Sec. 512. Increase in authorized strengths for Marine Corps Reserve officers on active duty in the grades of major and lieutenant colonel to meet force structure requirements.
Sec. 513. Clarification of authority to consider for a vacancy promotion National Guard officers ordered to active duty in support of a contingency operation.
Sec. 514. Increase in mandatory retirement age for certain Reserve officers.
Sec. 515. Age limit for retention of certain Reserve officers on active-status list as exception to removal for years of commissioned service.
Sec. 516. Authority to retain Reserve chaplains and officers in medical and related specialties until age 68.
Sec. 517. Study and report regarding personnel movements in Marine Corps Individual Ready Reserve.
Subtitle C—Joint Qualified Officers and Requirements
Sec. 521. Joint duty requirements for promotion to general or flag officer.
Sec. 522. Technical, conforming, and clerical changes to joint specialty terminology.

Sec. 523. Promotion policy objectives for Joint Qualified Officers.
Sec. 524. Length of joint duty assignments.
Sec. 525. Designation of general and flag officer positions on Joint Staff as positions to be held only by reserve component officers.
Sec. 526. Treatment of certain service as joint duty experience.
Subtitle D—General Service Authorities
Sec. 531. Increase in authorized maximum reenlistment term.
Sec. 532. Career intermission pilot program.
Subtitle E—Education and Training
Sec. 541. Repeal of prohibition on phased increase in midshipmen and cadet strength limit at United States Naval Academy and Air Force Academy.
Sec. 542. Promotion of foreign and cultural exchange activities at military service academies.
Sec. 543. Compensation for civilian President of Naval Postgraduate School.
Sec. 544. Increased authority to enroll defense industry employees in defense product development program.
Sec. 545. Requirement of completion of service under honorable conditions for purposes of entitlement to educational assistance for reserve components members supporting contingency operations.
Sec. 546. Consistent education loan repayment authority for health professionals in regular components and Selected Reserve.
Sec. 547. Increase in number of units of Junior Reserve Officers' Training Corps.
Sec. 548. Correction of erroneous Army College Fund benefit amounts.
Sec. 549. Expanded authority for institutions of professional military education to award degrees.
Sec. 550. Enhancing education partnerships to improve accessibility and flexibility for members of the Armed Forces.
Subtitle F—Military Justice
Sec. 551. Grade of Staff Judge Advocate to the Commandant of the Marine Corps.
Sec. 552. Standing military protection order.
Sec. 553. Mandatory notification of issuance of military protective order to civilian law enforcement.
Sec. 554. Implementation of information database on sexual assault incidents in the Armed Forces.
Subtitle G—Decorations, Awards, and Honorary Promotions
Sec. 561. Replacement of military decorations.
Sec. 562. Authorization and request for award of Medal of Honor to Richard L. Etchberger for acts of valor during the Vietnam War.
Sec. 563. Advancement of Brigadier General Charles E. Yeager, United States Air Force (retired), on the retired list.
Sec. 564. Advancement of Rear Admiral Wayne E. Meyer, United States Navy (retired), on the retired list.
Sec. 565. Award of Vietnam Service Medal to veterans who participated in Mayaguez rescue operation.
Sec. 566. Retroactive award of Army Combat Action Badge.
Subtitle H—Impact Aid
Sec. 571. Continuation of authority to assist local educational agencies that benefit dependents of members of the Armed Forces and Department of Defense civilian employees.
Sec. 572. Calculation of payments under Department of Education's Impact Aid program.
Subtitle I—Military Families
Sec. 581. Presentation of burial flag.
Sec. 582. Education and training opportunities for military spouses.
Sec. 583. Sense of the Congress regarding honor guard details for funerals of veterans.
Subtitle J—Other Matters
Sec. 591. Inclusion of Reserves in providing Federal aid for State governments, enforcing Federal authority, and responding to major public emergencies.
Sec. 592. Interest payments on certain claims arising from correction of military records.
Sec. 593. Extension of limitation on reductions of personnel of agencies responsible for review and correction of military records.
Sec. 594. Authority to order Reserve units to active duty to provide assistance in response to a major disaster or emergency.
Sec. 595. Senior Military Leadership Diversity Commission.
Sec. 596. Limitation on simultaneous deployment to combat zones of dual-military couples who have minor dependents.
Sec. 597. Additional funds to carry out funeral honor functions at funerals for veterans.

Subtitle A—Officer Personnel Policy Generally

SEC. 501. MANDATORY SEPARATION REQUIREMENTS FOR REGULAR WARRANT OFFICERS FOR LENGTH OF SERVICE.

Section 1305(a) of title 10, United States Code, is amended—

(1) by striking ''A regular warrant officer who has at least 30 years of active service as a warrant officer that could be credited to him'' and inserting ''(1) A regular warrant officer (other than a regular Army warrant officer) who has at least 30 years of active service that could be credited to the officer''; and

(2) by adding at the end the following new paragraph:

''(2) In the case of a regular Army warrant officer, the calculation of years of active service under paragraph (1) shall include only years of active service as a warrant officer.''.

SEC. 502. REQUIREMENTS FOR ISSUANCE OF POSTHUMOUS COMMISSIONS AND WARRANTS.

(a) POSTHUMOUS COMMISSIONS.—Section 1521 of title 10, United States Code, is amended—

(1) in subsection (a), by striking ''in line of duty'' each place it appears; and

(2) by adding at the end the following new subsection:

''(c) A commission issued under subsection (a) in connection with the promotion of a deceased member to a higher commissioned grade shall require certification by the Secretary concerned that, at the time of death of the member, the member was qualified for appointment to that higher grade.''.

(b) POSTHUMOUS WARRANTS.—Section 1522(a) of such title is amended—

(1) by striking ''in line of duty''; and

(2) by adding at the end the following new subsection:

''(c) A warrant issued under subsection (a) in connection with the promotion of a deceased member to a higher grade shall require a finding by the Secretary of the military department concerned that, at the time of death of the member, the member was qualified for appointment to that higher grade.''.

SEC. 503. EXTENSION OF AUTHORITY TO REDUCE MINIMUM LENGTH OF ACTIVE SERVICE REQUIRED FOR VOLUNTARY RETIREMENT AS AN OFFICER.

(a) ARMY.—Section 3911(b)(2) of title 10, United States Code, is amended by inserting after ''December 31, 2008,'' the following: ''and again during the one-year period beginning on October 1, 2013,''.

(b) NAVY AND MARINE CORPS.—Section 6323(a)(2)(B) of such title is amended by inserting after ''December 31, 2008,'' the following: ''and again during the one-year period beginning on October 1, 2013,''.

(c) AIR FORCE.—Section 8911(b)(2) of such title is amended by inserting after ''December 31, 2008,'' the following: ''and again during the one-year period beginning on October 1, 2013,''.

SEC. 504. INCREASE IN AUTHORIZED NUMBER OF GENERAL OFFICERS ON ACTIVE DUTY IN THE MARINE CORPS.

(a) INCREASE.—Section 526(a)(4) of title 10, United States Code, is amended by striking ''80'' and inserting ''81''.

(b) CONFORMING AMENDMENTS REGARDING DISTRIBUTION OF MARINE GENERAL OFFICERS.—Section 525 of such title is amended—

(1) in the first sentence of subsection (a), by striking ''that armed force'' and inserting ''the Army or Air Force, or more than 51 percent of the general officers of the Marine Corps,''; and

(2) in subsection (b)(2)(B), by striking ''17.5 percent'' and inserting ''19 percent''.

Subtitle B—Reserve Component Management

SEC. 511. EXTENSION TO ALL MILITARY DEPARTMENTS OF AUTHORITY TO DEFER MANDATORY SEPARATION OF MILITARY TECHNICIANS (DUAL STATUS).

Section 10216(f) of title 10, United States Code, is amended by striking ''Secretary of the Army'' and inserting ''Secretary concerned''.

SEC. 512. INCREASE IN AUTHORIZED STRENGTHS FOR MARINE CORPS RESERVE OFFICERS ON ACTIVE DUTY IN THE GRADES OF MAJOR AND LIEUTENANT COLONEL TO MEET FORCE STRUCTURE REQUIREMENTS.

The table in section 12011(a) of title 10, United States Code, relating to the number of officers of a reserve component who may be serving in certain grades given the total number of members of that reserve component serving on full-time reserve component duty, is amended by striking the portion of the table relating to the Marine Corps Reserve and inserting the following:

"Marine Corps Reserve:	Major	Lieutenant Colonel	Colonel
1,100	99	63	20
1,200	103	67	21
1,300	107	70	22

"Marine Corps Reserve:	Major	Lieutenant Colonel	Colonel
1,400	111	73	23
1,500	114	76	24
1,600	117	79	25
1,700	120	82	26
1,800	123	85	27
1,900	126	88	28
2,000	129	91	29
2,100	132	94	30
2,200	134	97	31
2,300	136	99	32
2,400	138	101	33
2,500	140	103	34
2,600	142	105	35''.

SEC. 513. CLARIFICATION OF AUTHORITY TO CONSIDER FOR A VACANCY PROMOTION NATIONAL GUARD OFFICERS ORDERED TO ACTIVE DUTY IN SUPPORT OF A CONTINGENCY OPERATION.

(a) ADDITIONAL EXCEPTION.—Subsection (d) of section 14317 of title 10, United States Code, is amended—

(1) in the first sentence—

(A) by striking ''Except'' and inserting ''(1) Except'';

(B) by striking ''unless the officer is ordered'' and inserting ''unless the officer—

''(A) is ordered'';

(C) by striking the period at the end and inserting ''; or''; and

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

''(B) has been ordered to or is serving on active duty in support of a contingency operation.''; and

(2) in the second sentence, by striking ''If'' and inserting the following:

''(2) If''.

(b) CONSIDERATION FOR PROMOTION BY EXAMINATION FOR FEDERAL RECOGNITION.—Subsection (e)(1)(B) of such section is amended by inserting before the period at the end the following: '', or by examination for Federal recognition under title 32''.

SEC. 514. INCREASE IN MANDATORY RETIREMENT AGE FOR CERTAIN RESERVE OFFICERS.

(a) SELECTIVE SERVICE AND PROPERTY AND FISCAL OFFICERS.—Section 12647 of title 10, United States Code, is amended by striking ''60 years'' and inserting ''62 years''.

(b) CERTAIN RESERVE OFFICERS IN GRADES OF MAJOR THROUGH BRIGADIER GENERAL.—

(1) INCREASED AGE.—Section 14702(b) of such title is amended—

(A) in the subsection heading, by striking ''AT AGE 60'' and inserting ''FOR AGE''; and

(B) by striking ''subsection (a)(1) or (a)(2).'' and all that follows through the period at the end of the last sentence and inserting the following: ''paragraph (1) or (2) of subsection (a). An officer described in paragraph (1) of such subsection may not be retained under this section after the last day of the month in which the officer becomes 62 years of age. An officer described in paragraph (2) of such subsection may not be retained under this section after the last day of the month in which the officer becomes 60 years of age.''.

(c) CLERICAL AMENDMENTS.—

(1) SECTION HEADING.—The heading of section 14702 of such title is amended to read as follows:

''§ 14702. Retention on reserve active-status list of certain officers in the grade of major, lieutenant colonel, colonel, or brigadier general''.

(2) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 1409 of such title is amended by striking the item relating to section 14702 and inserting the following new item:

''14702. Retention on reserve active-status list of certain officers in the grade of major, lieutenant colonel, colonel, or brigadier general.''.

SEC. 515. AGE LIMIT FOR RETENTION OF CERTAIN RESERVE OFFICERS ON ACTIVE-STATUS LIST AS EXCEPTION TO REMOVAL FOR YEARS OF COMMISSIONED SERVICE.

Section 14508 of title 10, United States Code, is amended—

(1) by redesignating subsection (g) as subsection (h); and

(2) by inserting after subsection (f) the following new subsection (g):

''(g) RETENTION OF LIEUTENANT GENERALS.—A reserve officer of the Army or Air Force in the grade of lieutenant general who would otherwise be removed from an active status under subsection (c) may, in the discretion of the Secretary of the Army or the Secretary of the Air Force, as the case may be, be retained in an active status, but not later than the date on which the officer becomes 66 years of age.''.

SEC. 516. AUTHORITY TO RETAIN RESERVE CHAPLAINS AND OFFICERS IN MEDICAL AND RELATED SPECIALTIES UNTIL AGE 68.

(a) RESERVE CHAPLAINS AND MEDICAL OFFICERS.—Section 14703(b) of title 10, United States Code, is amended by striking ''67 years'' and inserting ''68 years''.

(b) NATIONAL GUARD CHAPLAINS AND MEDICAL OFFICERS.—Section 324 of title 32, United States Code, is amended by adding at the end the following new subsection:

''(c) Notwithstanding subsection (a)(1), an officer of the National Guard serving as a chaplain, medical officer, dental officer, nurse, veterinarian, Medical Service Corps officer, or biomedical sciences officer may be retained, with the officer's consent, until the date on which the officer becomes 68 years of age.''.

SEC. 517. STUDY AND REPORT REGARDING PERSONNEL MOVEMENTS IN MARINE CORPS INDIVIDUAL READY RESERVE.

The Secretary of the Navy shall conduct a study to analyze the policies and procedures used by the Marine Corps Reserve during fiscal years 2001 through 2008 for the movement of personnel in and out of the Individual Ready Reserve. Not later than 90 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report containing the results of the study.

Subtitle C—Joint Qualified Officers and Requirements

SEC. 521. JOINT DUTY REQUIREMENTS FOR PROMOTION TO GENERAL OR FLAG OFFICER.

(a) IN GENERAL.—Section 619a of title 10, United States Code, is amended—

(1) in subsection (a), by striking ''unless—'' and all that follows through ''the joint specialty'' and inserting ''unless the officer has been designated as a Joint Qualified Officer'';

(2) in subsection (b)—

(A) by striking ''paragraph (1) or paragraph (2) of subsection (a), or both paragraphs (1) and (2) of subsection (a),'' in the matter preceding paragraph (1) and inserting ''subsection (a)''; and

(B) in paragraph (4), by striking ''within that immediate organization is not less than two years'' and inserting ''is not less than two years and the officer has successfully completed a program of education described in subsections (b) and (c) of section 2155 of this title''; and

(3) by striking subsection (h).

(b) CLERICAL AMENDMENTS.—

(1) SECTION HEADING.—The heading of such section is amended to read as follows:

''§ 619a. Eligibility for consideration for promotion: designation as Joint Qualified Officer required before promotion to general or flag grade; exceptions''.

(2) TABLE OF SECTIONS.—The table of sections at the beginning of subchapter II of chapter 36 of such title is amended by striking the item relating to section 619a and inserting the following new item:

''619a. Eligibility for consideration for promotion: designation as Joint Qualified Officer required before promotion to general or flag grade; exceptions.''.

SEC. 522. TECHNICAL, CONFORMING, AND CLERICAL CHANGES TO JOINT SPECIALTY TERMINOLOGY.

(a) REFERENCE TO JOINT QUALIFIED OFFICER.—

(1) IN GENERAL.—Subsection (a) of section 661 of title 10, United States Code, is amended in the second sentence by striking ''in such manner as the Secretary of Defense directs'' and inserting ''as a Joint Qualified Officer or in such other manner as the Secretary of Defense directs''.

(2) SECTION HEADING.—The heading of such section is amended to read as follows:

''§ 661. Management policies for Joint Qualified Officers''.

(3) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 38 of such title is amended by striking the item related to section 661 and inserting the following new item:

''661. Management policies for Joint Qualified Officers.''.

(b) JOINT DUTY ASSIGNMENTS AFTER COMPLETION OF JOINT PROFESSIONAL MILITARY EDUCATION.—Section 663 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) in the subsection heading, by striking ''JOINT SPECIALTY'' and inserting ''JOINT QUALIFIED''; and

(B) by striking ''with the joint specialty'' and inserting ''designated as a Joint Qualified Officer''; and

(2) in subsection (b)(1), by striking ''do not have the joint specialty'' and inserting ''are not designated as a Joint Qualified Officer''.

(c) PROCEDURES FOR MONITORING CAREERS OF JOINT QUALIFIED OFFICERS.—

(1) IN GENERAL.—Section 665 of such title is amended—

(A) in subsection (a)(1)(A), by striking ''with the joint specialty'' and inserting ''designated as a Joint Qualified Officer''; and

(B) in subsection (b)(1), by striking ''with the joint specialty'' and inserting ''designated as a Joint Qualified Officer''.

(2) SECTION HEADING.—The heading of such section is amended to read as follows:

''§ 665. Procedures for monitoring careers of Joint Qualified Officers''.

(3) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 38 of such title is amended by striking the item related to section 665 and inserting the following new item:

''665. Procedures for monitoring careers of Joint Qualified Officers.''.

(d) JOINT SPECIALTY TERMINOLOGY IN ANNUAL REPORT.—Section 667 of title 10, United States Code, is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by striking ''selected for the joint specialty'' and inserting ''designated as a Joint Qualified Officer''; and

(B) in subparagraph (B), by striking ''selection for the joint specialty'' and inserting ''designation as a Joint Qualified Officer,'';

(2) in paragraph (2), by striking ''with the joint specialty'' and inserting ''designated as a Joint Qualified Officer'';

(3) in paragraph (3), by striking ''selected for the joint specialty'' each place it appears and inserting ''designated as a Joint Qualified Officer'';

(4) in paragraph (4)—

(A) in subparagraph (A), by striking ''selected for the joint specialty'' and inserting ''designated as a Joint Qualified Officer''; and

(B) by striking subparagraph (B) and inserting the following new subparagraph:

''(B) a comparison of the number of officers who were designated as a Joint Qualified Officer who had served in a Joint Duty Assignment List billet and completed Joint Professional Military Education Phase II, with the number designated as a Joint Qualified Officer based on their aggregated joint experiences and completion of Joint Professional Military Education Phase II.'';

(5) by striking paragraphs (5) through (10), (13), and (16), and redesignating paragraphs (11), (12), (14) (15), (17), and (18) as paragraphs (7), (8), (9), (10), (12), and (13), respectively;

(6) by inserting after paragraph (4) the following new paragraphs:

''(5) The promotion rate for officers designated as a Joint Qualified Officer, compared with the promotion rate for other officers considered for promotion from within the promotion zone in the same pay grade and the same competitive category. A similar comparison will be made for officers both below the promotion zone and above the promotion zone.

''(6) An analysis of assignments of officers after their designation as a Joint Qualified Officer.''; and

(7) by inserting after paragraph (10), as redesignated by paragraph (5), the following new paragraph:

''(11) The number of officers in the grade of captain (or in the case of the Navy, lieutenant) and above, certified at each level of joint qualification as established in regulation and policy by the Secretary of Defense with the advice of the Chairman of the Joint Chiefs of Staff. Such numbers shall be reported by service and grade of the officer.''.

SEC. 523. PROMOTION POLICY OBJECTIVES FOR JOINT QUALIFIED OFFICERS.

Section 662 of title 10, United States Code, is amended—

(1) in subsection (a), by striking ''that—'' and all that follows through ''served in joint duty assignments'' and inserting ''that officers in the grade of major (or in the case of the Navy, lieutenant commander) or above who are designated as a Joint Qualified Officer''; and

(2) in subsection (b), by striking ''officers who are serving in, or have served in, joint duty assignments, especially with respect to the record of officer selection boards in meeting the objectives of paragraphs (1) and (2) of subsection (a).'' and inserting ''officers in the grades of major (or in the case of the Navy, lieutenant commander) through colonel (or in the case of the Navy, captain) who are designated as a Joint Qualified Officer, especially with respect to the record of officer selection boards in meeting the objective of subsection (a).''.

SEC. 524. LENGTH OF JOINT DUTY ASSIGNMENTS.

(a) SERVICE EXCLUDED FROM TOUR LENGTH.—Subsection (d) of section 664 of title 10, United States Code, is amended—

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

''(D) a qualifying reassignment from a joint duty assignment—

''(i) for unusual personal reasons, including extreme hardship and medical conditions, beyond the control of the officer or the armed forces; or

''(ii) to another joint duty assignment immediately after—

''(I) the officer was promoted to a higher grade, if the reassignment was made because no joint duty assignment was available within the same organization that was commensurate with the officer's new grade; or

''(II) the officer's position was eliminated in a reorganization.''; and

(2) by striking paragraph (3) and inserting the following new paragraph:

''(3) Service in a joint duty assignment in a case in which the officer's tour of duty in that assignment brings the officer's accrued service for purposes of subsection (f)(3) to the applicable standard prescribed in subsection (a).''.

(b) COMPUTING AVERAGE LENGTH OF JOINT DUTY ASSIGNMENTS.—Subsection (e) of such section is amended by striking paragraph (2) and inserting the following new paragraph:

''(2) In computing the average length of joint duty assignments for purposes of paragraph (1), the Secretary may exclude the following service:

''(A) Service described in subsection (c).

''(B) Service described in subsection (d).

''(C) Service described in subsection (f)(6).''.

(c) COMPLETION OF TOUR OF DUTY.—Subsection (f) of such section is amended—

(1) in paragraph (3), by striking ''Cumulative service'' and inserting ''Accrued joint experience'';

(2) in paragraph (4), by striking ''(except'' and all that follows through ''any time)''; and

(3) by striking paragraph (6) and inserting the following new paragraph:

''(6) A second and subsequent joint duty assignment that is less than the period required under subsection (a), but not less than two years.''.

(d) ACCRUED JOINT EXPERIENCE AS FULL TOUR OF DUTY.—Subsection (g) of such section is amended to read as follows:

''(g) ACCRUED JOINT EXPERIENCE.—For the purposes of subsection (f)(3), the Secretary of Defense may prescribe, by regulation, certain joint experience, such as temporary duty in joint assignments, joint individual training, and participation in joint exercises, that may be aggregated to equal a full tour of duty. The Secretary shall prescribe the regulations with the advice of the Chairman of the Joint Chiefs of Staff.''.

(e) CONSTRUCTIVE CREDIT.—Subsection (h) of such section is amended—

(1) in paragraph (1), by striking ''subsection (f)(1), (f)(2), (f)(4), or (g)(2)'' and inserting ''paragraphs (1), (2), and (4) of subsection (f)''; and

(2) by striking paragraph (3).

(f) REPEAL OF JOINT DUTY CREDIT FOR CERTAIN JOINT TASK FORCE ASSIGNMENTS.—Such section is further amended by striking subsection (i).

SEC. 525. DESIGNATION OF GENERAL AND FLAG OFFICER POSITIONS ON JOINT STAFF AS POSITIONS TO BE HELD ONLY BY RESERVE COMPONENT OFFICERS.

Section 526(b)(2)(A) of title 10, United States Code, is amended by striking ''a general and flag officer position'' and inserting ''up to three general and flag officer positions''.

SEC. 526. TREATMENT OF CERTAIN SERVICE AS JOINT DUTY EXPERIENCE.

(a) VICE CHIEFS, ARMY AND AIR NATIONAL GUARD.—Section 10506(a)(3) of title 10, United States Code is amended—

(1) by redesignating subparagraphs (C), (D), and (E) as subparagraphs (D), (E), and (F), respectively; and

(2) by inserting after subparagraph (B) the following new subparagraph (C):

''(C) Service of an officer as adjutant general shall be treated as joint duty experience for purposes of assignment or promotion to any position designated by law as open to a National Guard general officer.''.

(b) ADJUTANTS GENERAL AND SIMILAR OFFICERS.—The service of an officer of the Armed Forces as adjutant general, or as an officer (other than adjutant general) of the National Guard of a State who performs the duties of adjutant general under the laws of such State, shall be treated as joint duty or joint duty experience for purposes of any provisions of law required such duty or experience as a condition of assignment or promotion.

(c) REPORT ON DUTY IN JOINT FORCE HEADQUARTERS TO QUALIFY AS JOINT DUTY EXPERIENCE.—Not later than April 1, 2009, the Chief of the National Guard Bureau shall, in consultation with the adjutants general of the National Guard, submit to the Chairman of the Joint Chiefs of Staff and to Congress a report setting forth the recommendations of the Chief of the National Guard Bureau as to which duty of officers of the National Guard in the Joint Force Headquarters of the National Guard of the States should qualify as joint duty or joint duty experience for purposes of the provisions of law requiring such duty or experience as a condition of assignment or promotion.

(d) REPORTS ON JOINT EDUCATION COURSES.—Not later than April 1 of each of 2009, 2010, and 2011, the Chairman of the Joint Chiefs of Staff shall submit to Congress a report setting forth information on the joint education courses available through the Department of Defense for purposes of the pursuit of joint careers by officers in the Armed Forces. Each report shall

include, for the preceding year, the following:

(1) A list and description of the joint education courses so available during such year.

(2) A list and description of the joint education courses listed under paragraph (1) that are available to and may be completed by officers of the reserve components of the Armed Forces in other than an in-resident duty status under title 10 or 32, United States Code.

(3) For each course listed under paragraph (1), the number of officers from each Armed Force who pursued such course during such year, including the number of officers of the Army National Guard, and of the Air National Guard, who pursued such course.

(e) MEMORANDUM OF UNDERSTANDING REGARDING THE UNITED STATES NORTHERN COMMAND AND OTHER COMBATANT COMMANDS.—

(1) MEMORANDUM REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Commander of the United States Northern Command, the Commander of the United States Pacific Command, and the Chief of the National Guard Bureau shall, with the approval of the Secretary of Defense, jointly enter into a memorandum of understanding setting forth the operational relationships, and individual roles and responsibilities, during responses to domestic emergencies among the United States Northern Command, the United States Pacific Command, and the National Guard Bureau.

(2) MODIFICATION.—The Commander of the United States Northern Command, the Commander of the United States Pacific Command, and the Chief of the National Guard Bureau may from time to time modify the memorandum of understanding under this subsection to address changes in circumstances and for such other purposes as the Commander of the United States Northern Command, the Commander of the United States Pacific Command, and the Chief of the National Guard Bureau jointly consider appropriate. Each such modification shall be subject to the approval of the Secretary of Defense.

(f) REPORT ON DEFENSE OF THE HOMELAND.—

(1) REVIEW.—The Secretary of Defense, in consultation with the Chief of the National Guard Bureau, shall conduct a review of the role of the Department of Defense in the defense of the homeland. In conducting that review, the Secretary shall—

(A) assess section II of the Final Report to Congress and the Secretary of Defense of the Commission on the National Guard and Reserves, dated January 31, 2008, and titled ''Transforming the National Guard and Reserves into a 21st-Century Operational Force''; and

(B) comment on recommendation number 2 under section II of the report described in subparagraph (A).

(2) REPORT.—Not later than April 1, 2009, the Secretary of Defense shall issue to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the review.

Subtitle D—General Service Authorities

SEC. 531. INCREASE IN AUTHORIZED MAXIMUM REENLISTMENT TERM.

(a) INCREASE TO EIGHT-YEAR MAXIMUM.—Section 505(d) of title 10, United States Code, is amended—

(1) in paragraph (2), by striking ''six years'' and inserting ''eight years''; and

(2) in paragraph (3)(A), by striking ''six years'' and inserting ''eight years''.

(b) CONFORMING AMENDMENT REGARDING REENLISTMENT BONUS.—Section 308(a)(2)(ii) of title 37, United States Code, is amended by striking ''not to exceed six''.

SEC. 532. CAREER INTERMISSION PILOT PROGRAM.

(a) PROGRAM AUTHORIZED.—Chapter 40 of title 10, United States Code, is amended by inserting after section 708 the following new section:

''§ 708a. Career intermission pilot program

''(a) PROGRAM AUTHORIZED.—(1) The Secretary of a military department may establish a pilot program under which an officer or enlisted member of an armed force under the jurisdiction of the Secretary—

''(A) is released from active duty for a period not to exceed the period specified in subsection (c)(1) to meet personal or professional needs of the member;

''(B) is transferred to the Ready Reserve of that armed force during such period, as provided in subsection (d); and

''(C) is returned to active duty at the end of such period, as provided in subsection (c)(2).

''(2) The pilot program shall be known as the 'Career Intermission Pilot Program' (in this section referred to as the 'program').

''(b) NUMBER OF PARTICIPANTS.—No more than 20 officers and 20 enlisted members of each armed force under the jurisdiction of the Secretary of a military department may be selected per year for participation in the program.

''(c) MAXIMUM DURATION OF ABSENCE; RETURN TO ACTIVE DUTY.—(1) The period during which a member participating in the program will be released from active duty shall be agreed upon by the Secretary concerned and the member, but the period may not exceed three years from the date of the member's release from active duty.

''(2) A member participating in the program shall return to active duty at the end of the agreed-upon period or such earlier date as the member may request.

''(d) RESERVE AGREEMENT.—(1) Before being released from active duty under the program, a member participating in the program shall—

''(A) be appointed or enlisted in the Ready Reserve for the member's armed force; and

''(B) enter into an agreement with the Secretary concerned to serve on active duty in a regular or reserve component, as determined by the Secretary, for a period of not less than two months for every month of program participation following the member's return to active duty.

''(2) During the period of release from active duty, a member participating in the program shall report at least once per month to a location designated by the Secretary concerned and be required to maintain the job specialty qualifications the member held immediately before being released from active duty under the program.

''(3) The Secretary of Defense shall issue regulations specifying the guidelines regarding the conditions of release that must be considered and addressed in the agreement required by this subsection. At a minimum, the Secretary shall prescribe the procedures and standards to be used to instruct a member on the obligations to be assumed by the member under paragraph (2) while the member is released from active duty.

''(e) EXCLUSION OF TIME IN PROGRAM.—Time spent in the program shall not count toward—

''(1) determining eligibility for retirement or transfer to the Ready Reserve under chapter 367, 571, 867, or 1223 of this title;

''(2) computation of retired or retainer pay under chapter 71 or chapter 1223 of this title; or

''(3) computation of total years of commissioned service under section 14706 of this title.

''(f) MEDICAL AND DENTAL CARE.—While a member is participating in the program, the member shall remain entitled to medical and dental care on the same basis as a member of the armed forces on active duty, and dependents of a member participating in the program shall remain entitled to medical and dental care on the same basis as the dependents of a member of the armed forces on active duty.

''(g) PROMOTION ELIGIBILITY.—(1) An officer participating in the program shall not be eligible for consideration for promotion under chapter 36 or 1405 of this title during the period of the officer's release from active duty. Upon return to active duty—

''(A) the officer's date of rank shall be adjusted to a later date under regulations prescribed by the Secretary of Defense; and

''(B) the officer shall be eligible for consideration for promotion when officers of the same competitive category, grade, and seniority are eligible for consideration.

''(2) An enlisted member participating in the program is ineligible for consideration for promotion during the period of the member's release from active duty and until such time after the member's return to active duty when the member becomes eligible for promotion by reason of time in grade and such other requirements as may be specified in regulations.

''(h) BASIC PAY.—For each month during which a member is released from active duty under the program, the member is entitled to two times one-thirtieth of the basic pay to which the member would be otherwise entitled based on grade and years of service if the member remained on active duty.

''(i) TRAVEL AND TRANSPORTATION ALLOWANCES.—(1) Notwithstanding any other provision of law, a member participating in the program is entitled to the travel and transportation allowances under section 404 of title 37 for travel—

''(A) performed from the member's location, at the time of the member's release from active duty under the program, to the location in the United States designated as the member's permanent residence; and

''(B) performed in connection with the member's return to active duty.

''(2) An allowance will be paid under this subsection for travel to and from only one residence.

''(j) SPECIAL AND INCENTIVE PAYS AND BONUSES.—While released from active duty under the program, a member may not receive any special or incentive pay or bonus under chapter 5 of title 37 to which the member would otherwise be entitled. When the member returns to active duty after the period of participation in the program, the member shall receive all of the special and incentive pays that the member was receiving before being released from active duty and for which the member remains qualified to receive upon the return to active duty.

''(k) DURATION OF PROGRAM AUTHORITY.—The authority to conduct the program commences on January 1, 2009, and no member may be released from active duty under the program after December 31, 2014.''.

(b) EXCLUSION FROM COMPUTATION OF RESERVE OFFICER'S TOTAL YEARS OF SERVICE.—Section 14706(a) of such title is amended by adding at the end the following new paragraph:

''(4) Service while participating in the Career Intermission Pilot Program under section 708a of this title.''.

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 40 of such title is amended by inserting after the item relating to section 708 the following new item:

''708a. Career intermission pilot program.''.

Subtitle E—Education and Training

SEC. 541. REPEAL OF PROHIBITION ON PHASED INCREASE IN MIDSHIPMEN AND CADET STRENGTH LIMIT AT UNITED STATES NAVAL ACADEMY AND AIR FORCE ACADEMY.

(a) NAVAL ACADEMY.—Section 6954(h)(1) of title 10, United States Code, is amended by striking the last sentence.

(b) AIR FORCE ACADEMY.—Section 9342(j)(1) of title 10, United States Code, is amended by striking the last sentence.

SEC. 542. PROMOTION OF FOREIGN AND CULTURAL EXCHANGE ACTIVITIES AT MILITARY SERVICE ACADEMIES.

(a) UNITED STATES MILITARY ACADEMY.—

(1) IN GENERAL.— Chapter 403 of title 10, United States Code, is amended by inserting after section 4345 the following new section:

"§ 4345a. Foreign and cultural exchange activities

''(a) ATTENDANCE AUTHORIZED.—The Secretary of the Army may authorize the Academy to permit students, officers, and other representatives of a foreign country to attend the Academy for periods of not more than two weeks if the Secretary determines that the attendance of such persons contributes significantly to the development of foreign language, cross cultural interactions and understanding, and cultural immersion of cadets.

''(b) COSTS AND EXPENSES.—The Secretary may pay the travel, subsistence, and similar personal expenses of persons incurred to attend the Academy under subsection (a).

''(c) EFFECT OF ATTENDANCE.—Persons attending the Academy under subsection (a) are not considered to be students enrolled at the Academy and are in addition to persons receiving instruction at the Academy under section 4344 or 4345 of this title.

''(d) SOURCE OF FUNDS; LIMITATION.—(1) The Academy shall bear the costs of the attendance of persons under subsection (a) from funds appropriated for the Academy and from such additional funds as may be available to the Academy from a source, other than appropriated funds, to support cultural immersion, regional awareness, or foreign language training activities in connection with their attendence.

''(2) Expenditures from appropriated funds in support of activities under this section may not exceed $40,000 during any fiscal year.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 4345 the following new item:

''4345a. Foreign and cultural exchange activities.''.

(b) NAVAL ACADEMY.—

(1) IN GENERAL.—Chapter 603 of title 10, United States Code, is amended by inserting after section 6957a the following new section:

"§ 6957b. Foreign and cultural exchange activities

''(a) ATTENDANCE AUTHORIZED.—The Secretary of the Navy may authorize the Naval Academy to permit students, officers, and other representatives of a foreign country to attend the Naval Academy for periods of not more than two weeks if the Secretary determines that the attendance of such persons contributes significantly to the development of foreign language, cross cultural interactions and understanding, and cultural immersion of midshipmen.

''(b) COSTS AND EXPENSES.—The Secretary may pay the travel, subsistence, and similar personal expenses of persons incurred to attend the Naval Academy under subsection (a).

''(c) EFFECT OF ATTENDANCE.—Persons attending the Naval Academy under subsection (a) are not considered to be students enrolled at the Naval Academy and are in addition to persons receiving instruction at the Naval Academy under section 6957 or 6957a of this title.

''(d) SOURCE OF FUNDS; LIMITATION.—(1) The Naval Academy shall bear the costs of the attendance of persons under subsection (a) from funds appropriated for the Naval Academy and from such additional funds as may be available to the Naval Academy from a source, other than appropriated funds, to support cultural immersion, regional awareness, or foreign language training activities in connection with their attendence.

''(2) Expenditures from appropriated funds in support of activities under this section may not exceed $40,000 during any fiscal year.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 6957a the following new item:

''6957b. Foreign and cultural exchange activities.''.

(c) AIR FORCE ACADEMY.—

(1) IN GENERAL.—Chapter 903 of title 10, United States Code, is amended by inserting after section 9345 the following new section:

"§ 9345a. Foreign and cultural exchange activities

''(a) ATTENDANCE AUTHORIZED.—The Secretary of the Air Force may authorize the Air Force Academy to permit students, officers, and other representatives of a foreign country to attend the Air Force Academy for periods of not more than two weeks if the Secretary determines that the attendance of such persons contributes significantly to the development of foreign language, cross cultural interactions and understanding, and cultural immersion of cadets.

''(b) COSTS AND EXPENSES.—The Secretary may pay the travel, subsistence, and similar personal expenses of persons incurred to attend the Air Force Academy under subsection (a).

''(c) EFFECT OF ATTENDANCE.—Persons attending the Air Force Academy under subsection (a) are not considered to be students enrolled at the Air Force Academy and are in addition to persons receiving instruction at the Air Force Academy under section 9344 or 9345 of this title.

''(d) SOURCE OF FUNDS; LIMITATION.—(1) The Air Force Academy shall bear the costs of the attendance of persons under subsection (a) from funds appropriated for the Air Force Academy and from such additional funds as may be available to the Air Force Academy from a source, other than appropriated funds, to support cultural immersion, regional awareness, or foreign language training activities in connection with their attendence.

''(2) Expenditures from appropriated funds in support of activities under this section may not exceed $40,000 during any fiscal year.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 9345 the following new item:

''9345a. Foreign and cultural exchange activities.''.

SEC. 543. COMPENSATION FOR CIVILIAN PRESIDENT OF NAVAL POSTGRADUATE SCHOOL.

Section 7042 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(c)(1) If the individual holding the position of President of the Naval Postgraduate School is a civilian, the Secretary shall pay the individual such compensation for the individual's service as President as the Secretary prescribes, except that—

''(A) basic pay for the President may not exceed the rate of compensation authorized for positions in level I of the Executive Schedule under section 5312 of title 5; and

''(B) total aggregate compensation for the President, including bonuses, awards, allowances, or other similar cash payments, may not exceed the total annual compensation payable under section 104 of title 3.

''(2) The limitations in section 5373 of title 5 do not apply to the authority of the Secretary under this subsection to prescribe the salary and other related benefits for the position of President of the Naval Postgraduate School.''.

SEC. 544. INCREASED AUTHORITY TO ENROLL DEFENSE INDUSTRY EMPLOYEES IN DEFENSE PRODUCT DEVELOPMENT PROGRAM.

Section 7049(a) of title 10, United States Code, is amended by striking ''25'' and inserting ''125''.

SEC. 545. REQUIREMENT OF COMPLETION OF SERVICE UNDER HONORABLE CONDITIONS FOR PURPOSES OF ENTITLEMENT TO EDUCATIONAL ASSISTANCE FOR RESERVE COMPONENTS MEMBERS SUPPORTING CONTINGENCY OPERATIONS.

(a) REQUIREMENT OF HONORABLE SERVICE.—Section 16164(a)(2) of title 10, United States Code, is amended by striking ''other than dishonorable conditions'' and inserting ''honorable conditions''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act and apply to persons described in section 16163 of title 10, United States Code, who separate on or after that date from a reserve component.

SEC. 546. CONSISTENT EDUCATION LOAN REPAYMENT AUTHORITY FOR HEALTH PROFESSIONALS IN REGULAR COMPONENTS AND SELECTED RESERVE.

Section 16302(c) of title 10, United States Code, is amended by striking paragraphs (2) and (3) and inserting the following new paragraph:

''(2) The annual maximum amount of a loan that may be repaid under this section shall be the same as the maximum amount in effect for the same year under subsection (e)(2) of section 2173 of this title for the education loan repayment program under such section.''.

SEC. 547. INCREASE IN NUMBER OF UNITS OF JUNIOR RESERVE OFFICERS' TRAINING CORPS.

(a) PLAN FOR INCREASE.—The Secretary of Defense, in consultation with the Secretaries of the military departments, shall develop and implement a plan to establish and support 4,000 Junior Reserve Officers' Training Corps units not later than fiscal year 2020.

(b) EXCEPTIONS.—The requirement imposed in subsection (a) shall not apply—

(1) if the Secretary fails to receive an adequate number or requests for Junior Reserve Officers' Training Corps units by public and private secondary educational institutions; or

(2) during a time of national emergency when the Secretaries of the military departments determine that funding must be allocated elsewhere.

(c) COOPERATION.—The Secretary of Defense, as part of the plan to establish and support additional Junior Reserve Officers' Training Corps units, shall work with local educational agencies to increase the employment in Junior Reserve Officers' Training Corps units of retired members of the Armed Forces who are retired under chapter 61 of title 10, United States Code, especially members who were wounded or injured while deployed in a contingency operation.

(d) REPORT ON PLAN.—Upon completion of the plan, the Secretary of Defense shall provide a report to the congressional defense

committees containing, at a minimum, the following:

(1) A description of how the Secretaries of the military departments expect to achieve the number of units of the Junior Reserve Officers' Training Corps specified in subsection (a), including how many units will be established per year by each service.

(2) The annual funding necessary to support the increase in units, including the personnel costs associated.

(3) The number of qualified private and public schools, if any, who have requested a Junior Reserve Officers' Training Corps unit that are on a waiting list.

(4) Efforts to improve the increased distribution of units geographically across the United States.

(5) Efforts to increase distribution of units in educationally and economically deprived areas.

(6) Efforts to enhance employment opportunities for qualified former military members retired for disability, especially those wounded while deployed in a contingency operation.

(e) TIME FOR SUBMISSION.—The plan required under subsection (a), along with the report required by subsection (d), shall be submitted to the congressional defense committees not later than March 31, 2009. The Secretary of Defense shall submit an updated report annually thereafter until the number of units of the Junior Reserve Officers' Training Corps specified in subsection (a) is achieved.

(f) ADDITIONAL CURRICULUM ELEMENT.—The Secretary of each military department shall develop and implement a segment of the Junior Reserve Officers' Training Corps curriculum that includes the contribution and defense historiography of gender and ethnic specific groups.

SEC. 548. CORRECTION OF ERRONEOUS ARMY COLLEGE FUND BENEFIT AMOUNTS.

(a) CORRECTION AND PAYMENT AUTHORITY.—During the period beginning on January 1, 2009, and ending on June 30, 2009, the Secretary of the Army may—

(1) consider, through the Army Board for the Correction of Military Records, a request for the correction of military records relating to the amount of the Army College Fund benefit to which a member or former member of the Armed Forces may be entitled under an Army Incentive Program contract; and

(2) pay such amounts as the Secretary considers necessary to ensure fairness and equity with regard to the request if the Secretary determines that the correction of the records is appropriate.

(b) EXCEPTION TO PAYMENT LIMITS.—A payment under subsection (a)(2) may be made without regard to any limits on the total combined amounts established for the Army College Fund and the Montgomery G.I. Bill.

(c) FUNDING SOURCE.—Payments under subsection (a)(2) shall be made solely from funds appropriated for military personnel programs for fiscal year 2009.

SEC. 549. EXPANDED AUTHORITY FOR INSTITUTIONS OF PROFESSIONAL MILITARY EDUCATION TO AWARD DEGREES.

(a) NATIONAL DEFENSE INTELLIGENCE COLLEGE.—

(1) IN GENERAL.—Section 2161 of title 10, United States Code, is amended to read as follows:

"§ 2161. Degree granting authority for National Defense Intelligence College

''(a) AUTHORITY.—Under regulations prescribed by the Secretary of Defense, the President of the National Defense Intelligence College may, upon the recommendation of the faculty of the National Defense Intelligence College, confer appropriate degrees upon graduates who meet the degree requirements.

''(b) LIMITATION.—A degree may not be conferred under this section unless—

''(1) the Secretary of Education has recommended approval of the degree in accordance with the Federal Policy Governing Granting of Academic Degrees by Federal Agencies; and

''(2) the curriculum leading to that degree is accredited by the appropriate civilian academic accrediting agency or organization, as determined by the Secretary of Education.

''(c) CONGRESSIONAL NOTIFICATION REQUIREMENTS.—(1) When seeking to establish degree granting authority under this section, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives—

''(A) a copy of the self assessment questionnaire required by the Federal Policy Governing Granting of Academic Degrees by Federal Agencies, at the time the assessment is submitted to the Department of Education's National Advisory Committee on Institutional Quality and Integrity; and

''(B) the subsequent recommendations and rationale of the Secretary of Education regarding the establishment of the degree granting authority.

''(2) Upon any modification, redesignation or termination of existing degree granting authority, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing the rationale for the proposed modification, redesignation or termination and any subsequent recommendation of the Secretary of Education on the proposed modification, redesignation or termination.

''(3) The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing an explanation of any action by the appropriate academic accrediting agency or organization not to accredit the curriculum leading to any new or existing degree.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 108 of such title is amended by striking the item relating to section 2161 and inserting the following new item:

''2161. Degree granting authority for National Defense Intelligence College.''.

(b) NATIONAL DEFENSE UNIVERSITY.—

(1) IN GENERAL.—Section 2163 of such title is amended to read as follows:

"§ 2163. Degree granting authority for National Defense University

''(a) AUTHORITY.—Under regulations prescribed by the Secretary of Defense, the President of the National Defense University may, upon the recommendation of the faculty of the National Defense University, confer appropriate degrees upon graduates who meet the degree requirements.

''(b) LIMITATION.—A degree may not be conferred under this section unless—

''(1) the Secretary of Education has recommended approval of the degree in accordance with the Federal Policy Governing Granting of Academic Degrees by Federal Agencies; and

''(2) the curriculum leading to that degree is accredited by the appropriate civilian academic accrediting agency or organization, as determined by the Secretary of Education.

''(c) CONGRESSIONAL NOTIFICATION REQUIREMENTS.—(1) When seeking to establish degree granting authority under this section, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives—

''(A) a copy of the self assessment questionnaire required by the Federal Policy Governing Granting of Academic Degrees by Federal Agencies, at the time the assessment is submitted to the Department of Education's National Advisory Committee on Institutional Quality and Integrity; and

''(B) the subsequent recommendations and rationale of the Secretary of Education regarding the establishment of the degree granting authority.

''(2) Upon any modification, redesignation or termination of existing degree granting authority, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing the rationale for the proposed modification, redesignation or termination and any subsequent recommendation of the Secretary of Education on the proposed modification, redesignation or termination.

''(3) The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing an explanation of any action by the appropriate academic accrediting agency or organization not to accredit the curriculum leading to any new or existing degree.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 108 of such title is amended by striking the item relating to section 2163 and inserting the following new item:

''2163. Degree granting authority for National Defense University.''.

(c) UNITED STATES ARMY COMMAND AND GENERAL STAFF COLLEGE.—

(1) IN GENERAL.—Section 4314 of such title is amended to read as follows:

"§ 4314. Degree granting authority for United States Army Command and General Staff College

''(a) AUTHORITY.—Under regulations prescribed by the Secretary of the Army, the Commandant of the United States Army Command and General Staff College may, upon the recommendation of the faculty and dean of the college, confer appropriate degrees upon graduates who meet the degree requirements.

''(b) LIMITATION.—A degree may not be conferred under this section unless—

''(1) the Secretary of Education has recommended approval of the degree in accordance with the Federal Policy Governing Granting of Academic Degrees by Federal Agencies; and

''(2) the curriculum leading to that degree is accredited by the appropriate civilian academic accrediting agency or organization, as determined by the Secretary of Education.

''(c) CONGRESSIONAL NOTIFICATION REQUIREMENTS.—(1) When seeking to establish degree granting authority under this section, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives—

''(A) a copy of the self assessment questionnaire required by the Federal Policy Governing Granting of Academic Degrees by Federal Agencies, at the time the assessment is submitted to the Department of Education's National Advisory Committee on Institutional Quality and Integrity; and

''(B) the subsequent recommendations and rationale of the Secretary of Education regarding the establishment of the degree granting authority.

''(2) Upon any modification, redesignation or termination of existing degree granting authority, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing the rationale for the proposed modification, redesignation or termination and any subsequent recommendation of the Secretary of Education on the proposed modification, redesignation or termination.

''(3) The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing an explanation of any action by the appropriate academic accrediting agency or organization not to accredit the curriculum leading to any new or existing degree.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 401 of such title is amended by striking the item relating to section 4314 and inserting the following new item:

''4314. Degree granting authority for United States Army Command and General Staff College.''.

(d) UNITED STATES ARMY WAR COLLEGE.—

(1) IN GENERAL.—Section 4321 of title 10, United States Code, is amended to read as follows:

''§ 4321. Degree granting authority for United States Army War College

''(a) AUTHORITY.—Under regulations prescribed by the Secretary of the Army, the Commandant of the United States Army War College may, upon the recommendation of the faculty and dean of the college, confer appropriate degrees upon graduates who meet the degree requirements.

''(b) LIMITATION.—A degree may not be conferred under this section unless—

''(1) the Secretary of Education has recommended approval of the degree in accordance with the Federal Policy Governing Granting of Academic Degrees by Federal Agencies; and

''(2) the curriculum leading to that degree is accredited by the appropriate civilian academic accrediting agency or organization, as determined by the Secretary of Education.

''(c) CONGRESSIONAL NOTIFICATION REQUIREMENTS.—(1) When seeking to establish degree granting authority under this section, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives—

''(A) a copy of the self assessment questionnaire required by the Federal Policy Governing Granting of Academic Degrees by Federal Agencies, at the time the assessment is submitted to the Department of Education's National Advisory Committee on Institutional Quality and Integrity; and

''(B) the subsequent recommendations and rationale of the Secretary of Education regarding the establishment of the degree granting authority.

''(2) Upon any modification, redesignation or termination of existing degree granting authority, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing the rationale for the proposed modification, redesignation or termination and any subsequent recommendation of the Secretary of Education on the proposed modification, redesignation or termination.

''(3) The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing an explanation of any action by the appropriate academic accrediting agency or organization not to accredit the curriculum leading to any new or existing degree.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 401 of such title is amended by striking the item relating to section 4321 and inserting the following new item:

''4321. Degree granting authority for United States Army War College.''.

(e) UNITED STATES NAVAL POSTGRADUATE SCHOOL.—

(1) IN GENERAL.—Section 7048 of such title is amended to read as follows:

''§ 7048. Degree granting authority for United States Naval Postgraduate School

''(a) AUTHORITY.—Under regulations prescribed by the Secretary of the Navy, the President of the Naval Postgraduate School may, upon the recommendation of the faculty of the Naval Postgraduate School, confer appropriate degrees upon graduates who meet the degree requirements.

''(b) LIMITATION.—A degree may not be conferred under this section unless—

''(1) the Secretary of Education has recommended approval of the degree in accordance with the Federal Policy Governing Granting of Academic Degrees by Federal Agencies; and

''(2) the curriculum leading to that degree is accredited by the appropriate civilian academic accrediting agency or organization, as determined by the Secretary of Education.

''(c) CONGRESSIONAL NOTIFICATION REQUIREMENTS.—(1) When seeking to establish degree granting authority under this section, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives—

''(A) a copy of the self assessment questionnaire required by the Federal Policy Governing Granting of Academic Degrees by Federal Agencies, at the time the assessment is submitted to the Department of Education's National Advisory Committee on Institutional Quality and Integrity; and

''(B) the subsequent recommendations and rationale of the Secretary of Education regarding the establishment of the degree granting authority.

''(2) Upon any modification, redesignation or termination of existing degree granting authority, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing the rationale for the proposed modification, redesignation or termination and any subsequent recommendation of the Secretary of Education on the proposed modification, redesignation or termination.

''(3) The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing an explanation of any action by the appropriate academic accrediting agency or organization not to accredit the curriculum leading to any new or existing degree.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 605 of such title is amended by striking the item relating to section 7048 and inserting the following new item:

''7048. Degree granting authority for United States Naval Postgraduate School.''.

(f) NAVAL WAR COLLEGE.—

(1) IN GENERAL.—Section 7101 of such title is amended to read as follows:

''§ 7101. Degree granting authority for Naval War College

''(a) AUTHORITY.—Under regulations prescribed by the Secretary of the Navy, the President of the Naval War College may, upon the recommendation of the faculty of the Naval War College components, confer appropriate degrees upon graduates who meet the degree requirements.

''(b) LIMITATION.—A degree may not be conferred under this section unless—

''(1) the Secretary of Education has recommended approval of the degree in accordance with the Federal Policy Governing Granting of Academic Degrees by Federal Agencies; and

''(2) the curriculum leading to that degree is accredited by the appropriate civilian academic accrediting agency or organization, as determined by the Secretary of Education.

''(c) CONGRESSIONAL NOTIFICATION REQUIREMENTS.—(1) When seeking to establish degree granting authority under this section, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives—

''(A) a copy of the self assessment questionnaire required by the Federal Policy Governing Granting of Academic Degrees by Federal Agencies, at the time the assessment is submitted to the Department of Education's National Advisory Committee on Institutional Quality and Integrity; and

''(B) the subsequent recommendations and rationale of the Secretary of Education regarding the establishment of the degree granting authority.

''(2) Upon any modification, redesignation or termination of existing degree granting authority, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing the rationale for the proposed modification, redesignation or termination and any subsequent recommendation of the Secretary of Education on the proposed modification, redesignation or termination.

''(3) The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing an explanation of any action by the appropriate academic accrediting agency or organization not to accredit the curriculum leading to any new or existing degree.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 609 of such title is amended by striking the item relating to section 7101 and inserting the following new item:

''7101. Degree granting authority for Naval War College.''.

(g) MARINE CORPS UNIVERSITY.—

(1) IN GENERAL.—Section 7102 of such title is amended to read as follows:

''§ 7102. Degree granting authority for Marine Corps University

''(a) AUTHORITY.—Under regulations prescribed by the Secretary of the Navy, the President of the Marine Corps University may, upon the recommendation of the directors and faculty of the Marine Corps University, confer appropriate degrees upon graduates who meet the degree requirements.

''(b) LIMITATION.—A degree may not be conferred under this section unless—

''(1) the Secretary of Education has recommended approval of the degree in accordance with the Federal Policy Governing Granting of Academic Degrees by Federal Agencies; and

''(2) the curriculum leading to that degree is accredited by the appropriate civilian academic accrediting agency or organization, as determined by the Secretary of Education.

''(c) CONGRESSIONAL NOTIFICATION REQUIREMENTS.—(1) When seeking to establish degree granting authority under this section, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives—

''(A) a copy of the self assessment questionnaire required by the Federal Policy Governing Granting of Academic Degrees by Federal Agencies, at the time the assessment is submitted to the Department of Education's National Advisory Committee on Institutional Quality and Integrity; and

''(B) the subsequent recommendations and rationale of the Secretary of Education regarding the establishment of the degree granting authority.

''(2) Upon any modification, redesignation or termination of existing degree granting authority, the Secretary of Defense shall

submit to the Committees on Armed Services of the Senate and House of Representatives a report containing the rationale for the proposed modification, redesignation or termination and any subsequent recommendation of the Secretary of Education on the proposed modification, redesignation or termination.

''(3) The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing an explanation of any action by the appropriate academic accrediting agency or organization not to accredit the curriculum leading to any new or existing degree.

''(d) BOARD OF ADVISORS.—The Secretary of the Navy shall establish a board of advisors for the Marine Corps University. The Secretary shall ensure that the board is established so as to meet all requirements of the appropriate regional accrediting association.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 609 of such title is amended by striking the item relating to section 7102 and inserting the following new item:

''7102. Degree granting authority for Marine Corps University.''.

(h) UNITED STATES AIR FORCE INSTITUTE OF TECHNOLOGY.—

(1) IN GENERAL.—Section 9314 of such title is amended to read as follows:

''§ 9314. Degree granting authority for United States Air Force Institute of Technology

''(a) AUTHORITY.—Under regulations prescribed by the Secretary of the Air Force, the commander of Air University may, upon the recommendation of the faculty of the United States Air Force Institute of Technology, confer appropriate degrees upon graduates of the United States Air Force Institute of Technology who meet the degree requirements.

''(b) LIMITATION.—A degree may not be conferred under this section unless—

''(1) the Secretary of Education has recommended approval of the degree in accordance with the Federal Policy Governing Granting of Academic Degrees by Federal Agencies; and

''(2) the curriculum leading to that degree is accredited by the appropriate civilian academic accrediting agency or organization, as determined by the Secretary of Education.

''(c) CONGRESSIONAL NOTIFICATION REQUIREMENTS.—(1) When seeking to establish degree granting authority under this section, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives—

''(A) a copy of the self assessment questionnaire required by the Federal Policy Governing Granting of Academic Degrees by Federal Agencies, at the time the assessment is submitted to the Department of Education's National Advisory Committee on Institutional Quality and Integrity; and

''(B) the subsequent recommendations and rationale of the Secretary of Education regarding the establishment of the degree granting authority.

''(2) Upon any modification, redesignation or termination of existing degree granting authority, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing the rationale for the proposed modification, redesignation or termination and any subsequent recommendation of the Secretary of Education on the proposed modification, redesignation or termination.

''(3) The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing an explanation of any action by the appropriate academic accrediting agency or organization not to accredit the curriculum leading to any new or existing degree.

''(d) CIVILIAN FACULTY.—(1) The Secretary of the Air Force may employ as many civilian faculty members at the United States Air Force Institute of Technology as is consistent with the needs of the Air Force and with Department of Defense personnel limits.

''(2) The Secretary shall prescribe regulations determining—

''(A) titles and duties of civilian members of the faculty; and

''(B) pay of civilian members of the faculty, notwithstanding chapter 53 of title 5, but subject to the limitation set out in section 5373 of title 5.

''(e) REIMBURSEMENT.—(1) The Department of the Army, the Department of the Navy, and the Department of Homeland Security shall bear the cost of the instruction at the Air Force Institute of Technology that is received by members of the armed forces detailed for that instruction by the Secretaries of the Army, Navy, and Homeland Security, respectively.

''(2) Members of the Army, Navy, Marine Corps, and Coast Guard may only be detailed for instruction at the Institute on a space-available basis.

''(3) In the case of an enlisted member of the Army, Navy, Marine Corps, and Coast Guard permitted to receive instruction at the Institute, the Secretary of the Air Force shall charge that member only for such costs and fees as the Secretary considers appropriate (taking into consideration the admission of enlisted members on a space- available basis).

''(f) ACCEPTANCE OF RESEARCH GRANTS.—(1) The Secretary of the Air Force may authorize the Commandant of the United States Air Force Institute of Technology to accept qualifying research grants. Any such grant may only be accepted if the work under the grant is to be carried out by a professor or instructor of the Institute for a scientific, literary, or educational purpose.

''(2) A qualifying research grant under this subsection is a grant that is awarded on a competitive basis by an entity referred to in paragraph (3) for a research project with a scientific, literary, or educational purpose.

''(3) A grant may be accepted under this subsection only from a corporation, fund, foundation, educational institution, or similar entity that is organized and operated primarily for scientific, literary, or educational purposes.

''(4) The Secretary shall establish an account for administering funds received as research grants under this section. The Commandant of the Institute shall use the funds in the account in accordance with applicable provisions of the regulations and the terms and condition of the grants received.

''(5) Subject to such limitations as may be provided in appropriations Acts, appropriations available for the Institute may be used to pay expenses incurred by the Institute in applying for, and otherwise pursuing, the award of qualifying research grants.

''(6) The Secretary shall prescribe regulations for the administration of this subsection.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 901 of such title is amended by striking the item relating to section 9314 and inserting the following new item:

''9314. Degree granting authority for United States Air Force Institute of Technology.''.

(i) AIR UNIVERSITY.—

(1) IN GENERAL.—Section 9317 of such title is amended to read as follows:

''§ 9317. Degree granting authority for Air University

''(a) AUTHORITY.—Except as provided in sections 9314 and 9315 of this title, under regulations prescribed by the Secretary of the Air Force, the commander of Air University may, upon the recommendation of the faculty of the Air University components, confer appropriate degrees upon graduates who meet the degree requirements.

''(b) LIMITATION.—A degree may not be conferred under this section unless—

''(1) the Secretary of Education has recommended approval of the degree in accordance with the Federal Policy Governing Granting of Academic Degrees by Federal Agencies; and

''(2) the curriculum leading to that degree is accredited by the appropriate civilian academic accrediting agency or organization, as determined by the Secretary of Education.

''(c) CONGRESSIONAL NOTIFICATION REQUIREMENTS.—(1) When seeking to establish degree granting authority under this section, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives—

''(A) a copy of the self assessment questionnaire required by the Federal Policy Governing Granting of Academic Degrees by Federal Agencies, at the time the assessment is submitted to the Department of Education's National Advisory Committee on Institutional Quality and Integrity; and

''(B) the subsequent recommendations and rationale of the Secretary of Education regarding the establishment of the degree granting authority.

''(2) Upon any modification, redesignation or termination of existing degree granting authority, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing the rationale for the proposed modification, redesignation or termination and any subsequent recommendation of the Secretary of Education on the proposed modification, redesignation or termination.

''(3) The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing an explanation of any action by the appropriate academic accrediting agency or organization not to accredit the curriculum leading to any new or existing degree.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 901 of such title is amended by striking the item relating to section 9317 and inserting the following new item:

''9317. Degree granting authority for Air University.''.

(j) EFFECTIVE DATE.—This section shall apply to any degree granting authority established, modified, redesignated or terminated on or after the date of enactment of this Act.

SEC. 550. ENHANCING EDUCATION PARTNERSHIPS TO IMPROVE ACCESSIBILITY AND FLEXIBILITY FOR MEMBERS OF THE ARMED FORCES.

(a) AUTHORITY.—The Secretary of a military department may enter into one or more education partnership agreements with educational institutions in the United States for the purpose of—

(1) developing plans to improve the accessibility and flexibility of college courses available to eligible members of the Armed Forces;

(2) improving the application process for the Armed Forces tuition assistance programs and raising awareness regarding educational opportunities available to such members;

(3) developing curriculum, distance education programs, and career counseling designed to meet the professional, financial, academic, and social needs of such members; and

(4) assessing how resources may be applied more effectively to meet the educational needs of such members.

(b) COST.—Except as provided in this section, execution of an education partnership agreement with an educational institution shall be at no cost to the Government.

(c) EDUCATIONAL INSTITUTION DEFINED.—In this section, the term ''educational institution'' means an accredited college, university, or technical school in the United States.

Subtitle F—Military Justice

SEC. 551. GRADE OF STAFF JUDGE ADVOCATE TO THE COMMANDANT OF THE MARINE CORPS.

Section 5046(a) of title 10, United States Code, is amended by striking the last sentence and inserting the following new sentence: ''The Staff Judge Advocate to the Commandant of the Marine Corps, while so serving, has the grade of major general.''.

SEC. 552. STANDING MILITARY PROTECTION ORDER.

(a) IN GENERAL.—Chapter 80 of title 10, United States Code, is amended by adding at the end the following new section:

''SEC. 1567. STANDING MILITARY PROTECTIVE ORDER.

''The issuance of a military protective order by a military commander shall be deemed a standing order until—

''(1) the allegation prompting the protective order is resolved by investigation, courts martial, or other command determined adjudication; or

''(2) the military commander issues a new order.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''1567. Standing military protective order.''.

SEC. 553. MANDATORY NOTIFICATION OF ISSUANCE OF MILITARY PROTECTIVE ORDER TO CIVILIAN LAW ENFORCEMENT.

(a) IN GENERAL.—Chapter 80 of title 10, United States Code, is amended by inserting after section 1567, as added by section 552, the following new section:

''SEC. 1567a. MANDATORY NOTIFICATION OF ISSUANCE OF MILITARY PROTECTIVE ORDER TO CIVILIAN LAW ENFORCEMENT.

''In the event a military protective order is issued against a member of the armed forces and any individual involved in the order does not reside on a military installation at any time during the duration of the military protective order, the commander of the military installation shall notify the appropriate civilian authorities of—

''(1) the issuance of the protective order;

''(2) the duration of the protective order; and

''(3) the individuals involved in the order.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1567 the following new item:

''1567a. Mandatory notification of issuance of military protective order to civilian law enforcement.''.

SEC. 554. IMPLEMENTATION OF INFORMATION DATABASE ON SEXUAL ASSAULT INCIDENTS IN THE ARMED FORCES.

(a) DATABASE REQUIRED.—The Secretary of Defense shall implement a centralized, case-level database for the collection, in a manner consistent with Department of Defense regulations for restricted reporting, and maintenance of information regarding sexual assaults involving a member of the Armed Forces, including information, if available, about the nature of the assault, the victim, the offender, and the outcome of any legal proceedings in connection with the assault.

(b) AVAILABILITY OF DATABASE.—The database shall be available to personnel of the Sexual Assault Prevention and Response Office of the Department of Defense.

(c) IMPLEMENTATION.—

(1) PLAN FOR IMPLEMENTATION.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a plan to provide for the implementation of the database.

(2) COMPLETION.—Not later than 15 months after the date of enactment of this Act, the Secretary shall complete implementation of the database.

(d) REPORTS.—The database shall be used to develop and implement congressional reports, as required by—

(1) section 577(f) of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375);

(2) section 596(c) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163);

(3) section 532 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364); and

(4) sections 4361, 6980, and 9361 of title 10, United States Code.

(e) TERMINOLOGY.—Section 577(b) of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375) is amended by adding at the end the following new paragraph:

''(12) The Secretary shall implement clear, consistent, and streamlined sexual assault terminology for use across the Department of Defense, to include a clear definition of the following terms:

''(A) Restricted reports.

''(B) Unrestricted reports.

''(C) Substantiated reports.''.

Subtitle G—Decorations, Awards, and Honorary Promotions

SEC. 561. REPLACEMENT OF MILITARY DECORATIONS.

(a) REPLACEMENT REQUIRED.—Chapter 57 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 1135. Replacement of military decorations

''(a) REPLACEMENT.—In addition to other authorities available to the Secretary concerned to replace a military decoration, the Secretary concerned shall replace, on a one-time basis and without charge, a military decoration upon the request of the recipient of the military decoration or the immediate next of kin of a deceased recipient.

''(b) EXCEPTION.—Subsection (a) does not apply to the medal of honor.

''(c) MILITARY DECORATION DEFINED.—In this section, the term 'decoration' means any decoration or award that may be presented or awarded to a member of the armed forces.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''1135. Replacement of military decorations.''.

SEC. 562. AUTHORIZATION AND REQUEST FOR AWARD OF MEDAL OF HONOR TO RICHARD L. ETCHBERGER FOR ACTS OF VALOR DURING THE VIETNAM WAR.

(a) AUTHORIZATION.—Notwithstanding the time limitations specified in section 8744 of title 10, United States Code, or any other time limitation with respect to the awarding of certain medals to persons who served in the Armed Forces, the President is authorized and requested to award the Medal of Honor under section 8741 of such title to former Chief Master Sergeant Richard L. Etchberger for the acts of valor during the Vietnam War described in subsection (b).

(b) ACTS OF VALOR DESCRIBED.—The acts of valor referred to in subsection (a) are the actions of then Chief Master Sergeant Richard L. Etchberger as Ground Radar Superintendent of Detachment 1, 1043rd Radar Evaluation Squadron on March 11, 1968, during the Vietnam War for which he was originally awarded the Air Force cross.

SEC. 563. ADVANCEMENT OF BRIGADIER GENERAL CHARLES E. YEAGER, UNITED STATES AIR FORCE (RETIRED), ON THE RETIRED LIST.

(a) ADVANCEMENT.—Brigadier General Charles E. Yeager, United States Air Force (retired), is entitled to hold the rank of major general while on the retired list of the Air Force.

(b) ADDITIONAL BENEFITS NOT TO ACCRUE.—The advancement of Charles E. Yeager on the retired list of the Air Force under subsection (a) shall not affect the retired pay or other benefits from the United States to which Charles E. Yeager is now or may in the future be entitled based upon his military service or affect any benefits to which any other person may become entitled based on his service.

SEC. 564. ADVANCEMENT OF REAR ADMIRAL WAYNE E. MEYER, UNITED STATES NAVY (RETIRED), ON THE RETIRED LIST.

(a) ADVANCEMENT AUTHORIZED.—The President is authorized and requested to appoint, by and with the advice and consent of the Senate, Rear Admiral Wayne E. Meyer, United States Navy (retired), to the grade of vice admiral on the retired list of the Navy.

(b) ADDITIONAL BENEFITS NOT TO ACCRUE.—The advancement of Wayne E. Meyer on the retired list of the Navy under subsection (a) shall not affect the retired pay or other benefits from the United States to which Wayne E. Meyer is now or may in the future be entitled based upon his military service or affect any benefits to which any other person may become entitled based on his service.

SEC. 565. AWARD OF VIETNAM SERVICE MEDAL TO VETERANS WHO PARTICIPATED IN MAYAGUEZ RESCUE OPERATION.

(a) IN GENERAL.—The Secretary of the military department concerned shall, upon the application of an individual who is an eligible veteran, award that individual the Vietnam Service Medal, notwithstanding any otherwise applicable requirements for the award of that medal. Any such award shall be made in lieu of any Armed Forces Expeditionary Medal awarded the individual for the individual's participation in the Mayaguez rescue operation.

(b) ELIGIBLE VETERAN.—For purposes of this section, the term ''eligible veteran'' means a member or former member of the Armed Forces who was awarded the Armed Forces Expeditionary Medal for participation in military operations known as the Mayaguez rescue operation of May 12–15, 1975.

SEC. 566. RETROACTIVE AWARD OF ARMY COMBAT ACTION BADGE.

(a) AUTHORITY TO AWARD.—The Secretary of the Army may award the Army Combat Action Badge (established by order of the Secretary of the Army through Headquarters, Department of the Army Letter

600–05–1, dated June 3, 2005) to a person who, while a member of the Army, participated in combat during which the person personally engaged, or was personally engaged by, the enemy at any time during the period beginning on December 7, 1941, and ending on September 18, 2001 (the date of the otherwise applicable limitation on retroactivity for the award of such decoration), if the Secretary determines that the person has not been previously recognized in an appropriate manner for such participation.

(b) PROCUREMENT OF BADGE.—The Secretary of the Army may make arrangements with suppliers of the Army Combat Action Badge so that eligible recipients of the Army Combat Action Badge pursuant to subsection (a) may procure the badge directly from suppliers, thereby eliminating or at least substantially reducing administrative costs for the Army to carry out this section.

Subtitle H—Impact Aid

SEC. 571. CONTINUATION OF AUTHORITY TO ASSIST LOCAL EDUCATIONAL AGENCIES THAT BENEFIT DEPENDENTS OF MEMBERS OF THE ARMED FORCES AND DEPARTMENT OF DEFENSE CIVILIAN EMPLOYEES.

(a) ASSISTANCE TO SCHOOLS WITH SIGNIFICANT NUMBERS OF MILITARY DEPENDENT STUDENTS.—Of the amount authorized to be appropriated pursuant to section 301(5) for operation and maintenance for Defense-wide activities, $50,000,000 shall be available only for the purpose of providing assistance to local educational agencies under subsection (a) of section 572 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3271; 20 U.S.C. 7703b).

(b) ASSISTANCE TO SCHOOLS WITH ENROLLMENT CHANGES DUE TO BASE CLOSURES, FORCE STRUCTURE CHANGES, OR FORCE RELOCATIONS.—Of the amount authorized to be appropriated pursuant to section 301(5) for operation and maintenance for Defense-wide activities, $15,000,000 shall be available only for the purpose of providing assistance to local educational agencies under subsection (b) of such section 572.

(c) LOCAL EDUCATIONAL AGENCY DEFINED.—In this section, the term ''local educational agency'' has the meaning given that term in section 8013(9) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7713(9)).

SEC. 572. CALCULATION OF PAYMENTS UNDER DEPARTMENT OF EDUCATION'S IMPACT AID PROGRAM.

Paragraph (2) of section 8003(c) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(c)) is amended to read as follows:

''(2) EXCEPTION.—Calculation of payments for a local educational agency shall be based on data from the fiscal year for which the agency is making an application for payment—

''(A) if such agency is newly established by a State (first year of operation only); or

''(B) if—

''(i) such agency was eligible to receive a payment under this section in the previous fiscal year;

''(ii) such agency has had an overall increase (as determined by the Secretary of Education in consultation with the Secretary of Defense, the Secretary of Interior, or other Federal agencies) of not less than 100 students or 10 percent as described in—

''(I) subparagraphs (A), (B), and (D) of subsection (a)(1); or

''(II) subparagraphs (C), (E), (F) and (G) of subsection (a)(1) if those children described in subparagraphs (C), (E), (F) and (G) are civilian dependents of employees of the Department of Defense; and

''(iii) such increase occurred during the period between the end of the school year preceding the fiscal year for which the application is being made and the beginning of the school year immediately preceding that fiscal year as the result of closure or realignment of military installations under the base closure process or the relocation of members of the Armed Forces and civilian employees of the Department of Defense as part of force structure changes or movements of units or personnel between military installations.''.

Subtitle I—Military Families

SEC. 581. PRESENTATION OF BURIAL FLAG.

(a) INCLUSION OF SURVIVING SPOUSE; CONSOLIDATION OF FLAG-RELATED AUTHORITIES.—Subsection (e) of section 1482 of title 10, United States Code, is amended—

(1) by designating the current text as paragraph (2) and redesignating current paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(2) by inserting before paragraph (2), as so designated, the following:

''(e) PRESENTATION OF FLAG OF THE UNITED STATES.—(1) In the case of a decedent covered by section 1481 of this title, the Secretary concerned may pay the necessary expenses for the presentation of a flag of the United States—

''(A) to the person designated under subsection (c) to direct disposition of the remains;

''(B) to the parents or parent of the decedent, if the person presented a flag under subparagraph (A) is other than a parent of the decedent; and

''(C) to the surviving spouse (including a remarried surviving spouse) of the decedent, if the person presented a flag under subparagraph (A) is other than the spouse.''; and

(3) by inserting at the end the following new paragraphs:

''(3) A flag to be presented to a person under subparagraph (B) or (C) of paragraph (1) shall be of equal size to the flag presented under subparagraph (A) of such paragraph to the person designated to direct disposition of the remains of the decedent.

''(4) This subsection does not apply to a military prisoner who dies while in the custody of the Secretary concerned and while under a sentence that includes a discharge.

''(5) In this subsection, the term 'parent' includes a natural parent, a stepparent, a parent by adoption, or a person who for a period of not less than one year before the death of the decedent stood in loco parentis to the decedent. Preference under paragraph (1)(B) shall be given to the persons who exercised a parental relationship at the time of, or most nearly before, the death of the decedent.''.

(b) REPEAL OF SUPERSEDED PROVISIONS.—Subsection (a) of such section is amended by striking paragraphs (10) and (11).

SEC. 582. EDUCATION AND TRAINING OPPORTUNITIES FOR MILITARY SPOUSES.

(a) EMPLOYMENT AND CAREER OPPORTUNITIES FOR SPOUSES.—Subchapter I of chapter 88 of title 10, United States Code, is amended by inserting after section 1784 the following new section:

''§ 1784a. Education and training opportunities for military spouses to expand employment and career opportunities

''(a) PROGRAMS AND TUITION ASSISTANCE.—(1) The Secretary of Defense may establish programs to assist the spouse of a member of the armed forces described in subsection (b) in achieving—

''(A) the education and training required for a degree or credential at an accredited college, university, or technical school in the United States that expands employment and career opportunities for the spouse; or

''(B) the education prerequisites and professional licensure or credential required, by a government or government sanctioned licensing body, for an occupation that expands employment and career opportunities for the spouse.

''(2) As an alternative to, or in addition to, establishing a program under this subsection, the Secretary may provide tuition assistance to an eligible spouse who is pursuing education, training, or a license or credential to expand the spouse's employment and career opportunities.

''(b) ELIGIBLE SPOUSES.—Assistance under this section is limited to a spouse of a member of the armed forces who is serving on active duty.

''(c) EXCEPTIONS.—Subsection (b) does not include—

''(1) a person who is married to, but legally separated from, a member of the armed forces under court order or statute of any State or territorial possession of the United States; and

''(2) a spouse of a member of the armed forces who is also a member of the armed forces.

''(d) REGULATIONS.—The Secretary of Defense shall prescribe regulations to govern the availability and use of assistance under this section. The Secretary shall ensure that programs established under this section do not result in inequitable treatment for spouses of members of the armed forces who are also members, since they are excluded from participation in the programs under subsection (c)(2).''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by inserting after the item relating to section 1784 the following new item:

''1784a. Education and training opportunities for military spouses to expand employment and career opportunities.''.

SEC. 583. SENSE OF THE CONGRESS REGARDING HONOR GUARD DETAILS FOR FUNERALS OF VETERANS.

It is the sense of the Congress that the Secretaries of the military departments should, to the maximum extent practicable, provide honor guard details for the funerals of veterans as is required under section 1491 of title 10, United States Code, as added by section 567(b) of Public Law 105–261 (112 Stat. 2030).

Subtitle J—Other Matters

SEC. 591. INCLUSION OF RESERVES IN PROVIDING FEDERAL AID FOR STATE GOVERNMENTS, ENFORCING FEDERAL AUTHORITY, AND RESPONDING TO MAJOR PUBLIC EMERGENCIES.

(a) FEDERAL AID FOR STATE GOVERNMENTS.—Section 331 of title 10, United States Code, is amended by striking ''armed forces, as he'' and inserting ''armed forces (including units and members of the Army Reserve, Navy Reserve, Air Force Reserve, Marine Corps Reserve, and Coast Guard Reserve ordered to active duty for this purpose), as the President''.

(b) ENFORCEMENT OF FEDERAL AUTHORITY.—Section 332 of such title is amended—

(1) by striking ''he may'' and inserting ''the President may''; and

(2) by striking ''armed forces, as he'' and inserting ''armed forces (including units and members of the Army Reserve, Navy Reserve, Air Force Reserve, Marine Corps Reserve, and Coast Guard Reserve ordered to active duty for this purpose), as the President''.

(c) RESPONSE TO PUBLIC EMERGENCIES.—Section 333(a)(1) of such title is amended by inserting after ''Federal service'' the following: ''and units and members of the Army Reserve, Navy Reserve, Air Force Reserve, Marine Corps Reserve, and Coast Guard Reserve ordered to active duty for this purpose''.

SEC. 592. INTEREST PAYMENTS ON CERTAIN CLAIMS ARISING FROM CORRECTION OF MILITARY RECORDS.

(a) INTEREST PAYABLE ON CLAIMS.—Subsection (c) of section 1552 of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(4) If the correction of military records under this section involves setting aside a conviction by court-martial, the payment of a claim under this subsection in connection with the correction of the records shall include interest at not less than the rate of interest in effect under section 1035 of this title at the time the payment is made. The interest shall be calculated on an annual basis, and compounded, using the amount of the lost pay, allowances, compensation, emoluments, or other pecuniary benefits involved, and the amount of any fine or forfeiture paid, beginning from the date of the conviction through the date on which the payment is made.''.

(b) CONFORMING AMENDMENT REGARDING CORRECTIONS BOARD AUTHORITY TO OVERTURN CONVICTIONS.—Subsection (f) of such section is amended by inserting ''convened after May 4, 1950, and'' after ''court-martial cases''.

(c) CLERICAL AMENDMENTS.—Subsection (c) of such section is further amended—

(1) by redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C), respectively;

(2) by inserting ''(1)'' after ''(c)'';

(3) by striking ''If the claimant'' and inserting the following:

''(2) If the claimant''; and

(4) by striking ''A claimant's acceptance'' and inserting the following:

''(3) A claimant's acceptance''.

(d) RETROACTIVE EFFECTIVENESS OF AMENDMENTS.—The amendment made by subsection (a) shall apply with respect to any sentence of a court-martial set aside by a Corrections Board on or after October 1, 2007, when the Corrections Board includes an order or recommendation for the payment of a claim for the loss of pay, allowances, compensation, emoluments, or other pecuniary benefits, or for the repayment of a fine or forfeiture, that arose as a result of the conviction. In this subsection, the term ''Corrections Board'' has the meaning given that term in section 1557 of title 10, United States Code.

SEC. 593. EXTENSION OF LIMITATION ON REDUCTIONS OF PERSONNEL OF AGENCIES RESPONSIBLE FOR REVIEW AND CORRECTION OF MILITARY RECORDS.

Section 1559(a) of title 10, United States Code, is amended by striking ''October 1, 2008'' and inserting ''December 31, 2010''.

SEC. 594. AUTHORITY TO ORDER RESERVE UNITS TO ACTIVE DUTY TO PROVIDE ASSISTANCE IN RESPONSE TO A MAJOR DISASTER OR EMERGENCY.

Section 12304(b) of title 10, United States Code, is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(2) by inserting ''(1)'' before ''The authority''; and

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

''(2) The authority under subsection (a) includes authority to order any unit of the Selected Reserve of the Army Reserve, Navy Reserve, Air Force Reserve, Marine Corps Reserve, or Coast Guard Reserve to active duty to provide assistance in responding to a major disaster or emergency (as those terms are defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)).''.

SEC. 595. SENIOR MILITARY LEADERSHIP DIVERSITY COMMISSION.

(a) ESTABLISHMENT OF COMMISSION.—There is hereby established a commission to be known as the ''Senior Military Leadership Diversity Commission''.

(b) COMPOSITION.—

(1) MEMBERSHIP.—The commission shall be composed of 23 members, as follows:

(A) The Director of the Defense Manpower Management Center.

(B) The Director of the Defense Equal Opportunity Management Institute.

(C) 1 senior military leader from each of the Army, Navy, Air Force, and Marine Corps who serves or has served in a leadership position with either a military department command or combatant command shall be appointed by the Secretary of Defense.

(D) 1 retired general or flag officer from each of the Army, Navy, Air Force, and Marine Corps shall be appointed by the Secretary of Defense.

(E) 1 retired senior noncommissioned officer from each of the Army, Navy, Air Force, and Marine Corps shall be appointed by the Secretary of Defense.

(F) 5 retired senior officers who served in leadership positions with either a military department command or combatant command shall be appointed by the Secretary of Defense, of which no less than 3 shall represent the views of minority veterans.

(G) 4 individuals with expertise in cultivating diverse leaders in private or non-profit organizations shall be appointed by the Secretary of Defense.

(2) CHAIRMAN.—The Secretary of Defense shall designate one member described in paragraphs (1)(F) or (1)(G) as chairman of the commission.

(3) PERIOD OF APPOINTMENT; VACANCIES.—Members shall be appointed for the life of the commission. Any vacancy in the commission shall be filled in the same manner as the original appointment.

(4) DEADLINE FOR APPOINTMENT.—All members of the commission shall be appointed not later than 60 days after the date of the enactment of this Act.

(5) QUORUM.—12 members of the commission shall constitute a quorum but a lesser number may hold hearings.

(c) MEETINGS.—

(1) INITIAL MEETING.—The commission shall conduct its first meeting not later than 30 days after the date on which a majority of the appointed members of the commission have been appointed.

(2) MEETINGS.—The commission shall meet at the call of the chairman.

(d) DUTIES.—

(1) STUDY.—The commission shall study the diversity within the senior leadership of the Armed Forces. The study shall be a comprehensive evaluation and assessment of policies that provide opportunities for the advancement of minority members of the Armed Forces.

(2) SCOPE OF STUDY.—In carrying out the study, the commission shall examine the following:

(A) Efforts to develop and maintain diverse leadership at all levels of the Armed Forces.

(B) The successes and failures of developing and maintaining a diverse leadership, particularly at the general and flag officer positions.

(C) The effect of expanding Department of Defense secondary educational programs to diverse civilian populations, to include service academy preparatory schools.

(D) The ability of current recruitment and retention practices to attract and maintain a diverse pool of qualified individuals in sufficient numbers in officer pre-commissioning programs.

(E) The ability of current activities to increase continuation rates for ethnic and gender specific members of the Armed Forces.

(F) The benefits of conducting an annual conference attended by civilian military, active-duty and retired military, and corporate leaders on diversity, to include a review of current policy and the annual demographic data from the Defense Equal Opportunity Management Institute.

(G) The status of prior recommendations made to the Department of Defense and to Congress concerning diversity initiatives within the Armed Forces.

(H) The incorporation of private sector practices that have been successful in cultivating diverse leadership.

(I) The establishment and maintenance of fair promotion and command opportunities for ethnic and gender specific members of the Armed Forces at the O–5 grade level and above.

(J) An assessment of pre-command billet assignments of ethnic-specific members of the Armed Forces.

(K) An assessment of command selection of ethnic-specific members of the Armed Forces.

(3) CONSULTATION WITH PRIVATE PARTIES.—In carrying out the study under this subsection, the commission may consult with appropriate private, for profit, and non-profit organizations and advocacy groups to learn methods for developing, implementing, and sustaining senior diverse leadership within the Department of Defense.

(e) REPORTS.—

(1) IN GENERAL.—Not later than 12 months after the date on which the commission first meets, the commission shall submit to the President and Congress a report on the study. The report shall include the following—

(A) the findings and conclusions of the commission;

(B) the recommendations of the commission for improving diversity within the Department of Defense; and

(C) other information and recommendations the commission considers appropriate.

(2) INTERIM REPORTS.—The commission may submit to the President and Congress interim reports as the Commission considers appropriate.

(f) POWERS OF THE COMMISSION.—

(1) HEARINGS.—The commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the commission considers appropriate.

(2) INFORMATION FROM FEDERAL AGENCIES.—Upon request by the chairman of the commission, any department or agency of the Federal Government may provide information that the commission considers necessary to carry out its duties.

(g) INCLUSION OF COAST GUARD IN SENIOR MILITARY LEADERSHIP DIVERSITY COMMISSION.—

(1) EXPANSION OF COMMISSION.—The commission shall include two additional members, as follows:

(A) 1 retired flag officer of the Coast Guard appointed by the Secretary of Homeland Security, in consultation with the Commandant of the Coast Guard.

(B) 1 senior commissioned officer or noncommissioned officer of the Coast Guard on active duty appointed by the Secretary of Homeland Security, in consultation with the Commandant of the Coast Guard.

(2) ARMED FORCES DEFINED.—In this section, the term ''Armed Forces'' means the Army, Navy, Air Force, Marine Corps, and Coast Guard.

(h) TERMINATION OF COMMISSION.—The commission shall terminate 60 days after the date on which the commission submits the report under subsection (e)(1).

SEC. 596. LIMITATION ON SIMULTANEOUS DEPLOYMENT TO COMBAT ZONES OF DUAL-MILITARY COUPLES WHO HAVE MINOR DEPENDENTS.

(a) AUTHORITY TO OBTAIN DEFERMENT.—In the case of a member of the Armed Forces with minor dependents who has a spouse who is also a member of the Armed Forces, and

the spouse is deployed in an area for which imminent danger pay is authorized under section 310 of title 37, United States Code, the member may request a deferment of a deployment to such an area until the spouse returns from such deployment.

(b) REPEAL OF LIMITED AUTHORITY.—Section 586 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 11–181; 112 Stat. 132; 10 U.S.C. 991 note) is amended by striking the second sentence.

SEC. 597. ADDITIONAL FUNDS TO CARRY OUT FUNERAL HONOR FUNCTIONS AT FUNERALS FOR VETERANS.

(a) ADDITIONAL FUNDS.—The amount made available in section 421 is hereby increased by $3,000,000, of which $1,000,000 shall be available to the Secretary of the Army, $1,000,000 shall be available to the Secretary of the Navy, and $1,000,000 shall be available to the Secretary of the Air Force to comply with the requirements of section 1491 of title 10, United States Code.

(b) CORRESPONDING OFFSET.—The amount provided in section 201(1) for research, development, test, and evaluation, Army, is hereby reduced by $3,000,000, to be derived from the basic research under the University Research Initiatives.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Pay and Allowances

Sec. 601. Fiscal year 2009 increase in military basic pay.
Sec. 602. Permanent prohibition on charges for meals received at military treatment facilities by members receiving continuous care.
Sec. 603. Equitable treatment of senior enlisted members in computation of basic allowance for housing.
Sec. 604. Increase in maximum authorized payment or reimbursement amount for temporary lodging expenses.
Sec. 605. Availability of portion of a second family separation allowance for married couples with dependents.
Sec. 606. Stabilization of pay and allowances for senior enlisted members and warrant officers appointed as officers and officers reappointed in a lower grade.
Sec. 607. Extension of authority for income replacement payments for reserve component members experiencing extended and frequent mobilization for active duty service.
Sec. 608. Guaranteed pay increase for members of the Armed Forces of one-half of one percentage point higher than Employment Cost Index.

Subtitle B—Bonuses and Special and Incentive Pays

Sec. 611. Extension of certain bonus and special pay authorities for Reserve forces.
Sec. 612. Extension of certain bonus and special pay authorities for health care professionals.
Sec. 613. Extension of special pay and bonus authorities for nuclear officers.
Sec. 614. Extension of authorities relating to payment of other title 37 bonuses and special pays.
Sec. 615. Extension of authorities relating to payment of referral bonuses.
Sec. 616. Increase in maximum bonus and stipend amounts authorized under Nurse Officer Candidate Accession Program.
Sec. 617. Maximum length of nuclear officer incentive pay agreements for service.
Sec. 618. Technical changes regarding consolidation of special pay, incentive pay, and bonus authorities of the uniformed services.
Sec. 619. Use of new skill incentive pay and proficiency bonus authorities to encourage training in critical foreign languages and foreign cultural studies.
Sec. 620. Temporary targeted bonus authority to increase direct accessions of officers in certain health professions.

Subtitle C—Travel and Transportation Allowances

Sec. 631. Increased weight allowance for transportation of baggage and household effects for certain enlisted members.
Sec. 632. Additional weight allowance for transportation of materials associated with employment of a member's spouse or community support volunteer or charity activities.
Sec. 633. Transportation of family pets during evacuation of nonessential personnel.

Subtitle D—Retired Pay and Survivor Benefits

Sec. 641. Equity in computation of disability retired pay for reserve component members wounded in action.
Sec. 642. Effect of termination of subsequent marriage on payment of Survivor Benefit Plan annuity to surviving spouse or former spouse who previously transferred annuity to dependent children.
Sec. 643. Extension to survivors of certain members who die on active duty of special survivor indemnity allowance for persons affected by required Survivor Benefit Plan annuity offset for dependency and indemnity compensation.
Sec. 644. Election to receive retired pay for non-regular service upon retirement for service in an active reserve status performed after attaining eligibility for regular retirement.
Sec. 645. Recomputation of retired pay and adjustment of retired grade of Reserve retirees to reflect service after retirement.
Sec. 646. Correction of unintended reduction in survivor benefit plan annuities due to phased elimination of two-tier annuity computation and supplemental annuity.
Sec. 647. Presumption of death for participants in Survivor Benefit Plan in missing status.
Sec. 648. Eligibility for disability retired pay and separation pay of certain former cadets and midshipmen with prior enlisted service.

Subtitle E—Commissary and Nonappropriated Fund Instrumentality Benefits and Operations

Sec. 651. Use of commissary stores surcharges derived from temporary commissary initiatives for reserve components and retired members.
Sec. 652. Requirements for private operation of commissary store functions.
Sec. 653. Additional exception to limitation on use of appropriated funds for Department of Defense golf courses.
Sec. 654. Enhanced enforcement of prohibition on sale or rental of sexually explicit material on military installations.
Sec. 655. Requirement to buy military decorations, ribbons, badges, medals, insignia, and other uniform accouterments produced in the United States.
Sec. 656. Use of appropriated funds to pay post allowances or overseas cost of living allowances to nonappropriated fund instrumentality employees serving overseas.
Sec. 657. Study regarding sale of alcoholic wine and beer in commissary stores in addition to exchange stores.

Subtitle F—Other Matters

Sec. 661. Bonus to encourage Army personnel and other persons to refer persons for enlistment in the Army.
Sec. 662. Continuation of entitlement to bonuses and similar benefits for members of the uniformed services who die, are separated or retired for disability, or meet other criteria.
Sec. 663. Providing injured members of the Armed Forces information concerning benefits.
Sec. 664. Postal benefits program for members of the Armed Forces serving in Iraq or Afghanistan.

Subtitle A—Pay and Allowances

SEC. 601. FISCAL YEAR 2009 INCREASE IN MILITARY BASIC PAY.

(a) WAIVER OF SECTION 1009 ADJUSTMENT.—The adjustment to become effective during fiscal year 2009 required by section 1009 of title 37, United States Code, in the rates of monthly basic pay authorized members of the uniformed services shall not be made.

(b) INCREASE IN BASIC PAY.—Effective on January 1, 2009, the rates of monthly basic pay for members of the uniformed services are increased by 3.9 percent.

SEC. 602. PERMANENT PROHIBITION ON CHARGES FOR MEALS RECEIVED AT MILITARY TREATMENT FACILITIES BY MEMBERS RECEIVING CONTINUOUS CARE.

Section 402(h) of title 37, United States Code, is amended by striking paragraph (3).

SEC. 603. EQUITABLE TREATMENT OF SENIOR ENLISTED MEMBERS IN COMPUTATION OF BASIC ALLOWANCE FOR HOUSING.

Section 403(b)(2) of title 37, United States Code, is amended by adding at the end the following new sentence: ''After June 30, 2009, the determination of what constitutes adequate housing for members in the pay grade E–8 with dependents shall be equivalent to the higher standard in effect for members in the pay grade E–9 with dependents.''.

SEC. 604. INCREASE IN MAXIMUM AUTHORIZED PAYMENT OR REIMBURSEMENT AMOUNT FOR TEMPORARY LODGING EXPENSES.

(a) INCREASE.—Section 404a(e) of title 37, United States Code, is amended by striking ''$180 a day'' and inserting ''$290 a day''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2008.

SEC. 605. AVAILABILITY OF PORTION OF A SECOND FAMILY SEPARATION ALLOWANCE FOR MARRIED COUPLES WITH DEPENDENTS.

(a) AVAILABILITY.—Section 427(d) of title 37, United States Code, is amended—

(1) by inserting ''(1)'' before ''A member'';

(2) by striking ''Section 421'' and inserting the following:

''(3) Section 421'';

(3) by striking ''However'' and inserting ''Except as provided in paragraph (2)''; and

(4) by inserting before paragraph (3), as so designated, the following new paragraph:

''(2) If a married couple, both of whom are members of the uniformed services, with dependents are simultaneously assigned to duties described in subparagraph (A), (B), or (C) of subsection (a)(1) and the members resided together with their dependents immediately before their assignments, the Secretary concerned shall pay one of the members the full amount of the monthly allowance specified in such subsection and the other member one-half of the monthly allowance amount until one of the members is no longer assigned to duties described in such subparagraphs. Upon expiration of the partial allowance, paragraph (1) shall continue to apply to the remaining member so long as the member is assigned to duties described in subparagraph (A), (B), or (C) of such subsection.''.

(b) APPLICATION OF AMENDMENT.—Paragraph (2) of subsection (d) of section 427 of title 37, United States Code, as added by subsection (a), shall apply with respect to members of the uniformed services described in such paragraph who perform service covered by subparagraph (A), (B), or (C) of subsection (a)(1) such section on or after October 1, 2008.

SEC. 606. STABILIZATION OF PAY AND ALLOWANCES FOR SENIOR ENLISTED MEMBERS AND WARRANT OFFICERS APPOINTED AS OFFICERS AND OFFICERS REAPPOINTED IN A LOWER GRADE.

(a) IN GENERAL.—Section 907 of title 37, United States Code, is amended to read as follows:

''§ 907. Members appointed or reappointed as officers: no reduction in pay and allowances

''(a) STABILIZATION OF PAY AND ALLOWANCES.—A member of the armed forces who accepts an appointment or reappointment as an officer without a break in service shall, for service as an officer, be paid the greater of—

''(1) the pay and allowances to which the officer is entitled as an officer; or

''(2) the pay and allowances to which the officer would be entitled if the officer were in the last grade the officer held before the appointment or reappointment as an officer.

''(b) COVERED PAYS.—(1) Subject to paragraphs (2) and (3), for the purposes of this section, the pay of a grade formerly held by an officer described in subsection (a) include special and incentive pays under chapter 5 of this title.

''(2) In determining the amount of the pay of a grade formerly held by an officer, special and incentive pays may be considered only so long as the officer continues to perform the duty that creates the entitlement to, or eligibility for, that pay and would otherwise be eligible to receive that pay in the former grade.

''(3) Special and incentive pays that are dependent on a member being in an enlisted status may not be considered in determining the amount of the pay of a grade formerly held by an officer.

''(c) COVERED ALLOWANCES.—(1) Subject to paragraph (2), for the purposes of this section, the allowances of a grade formerly held by an officer described in subsection (a) include allowances under chapter 7 of this title.

''(2) The clothing allowance under section 418 of this title may not be considered in determining the amount of the allowances of a grade formerly held by an officer described in subsection (a) if the officer is entitled to a uniform allowance under section 415 of this title.

''(d) RATES OF PAY AND ALLOWANCES.—For the purposes of this section, the rates of pay and allowances of a grade that an officer formerly held are those rates that the officer would be entitled to had the officer remained in that grade and continued to receive the increases in pay and allowances authorized for that grade, as otherwise provided in this title or other provisions of law.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 17 of such title is amended by striking the item relating to section 907 and inserting the following new item:

''907. Members appointed or reappointed as officers: no reduction in pay and allowances.''.

SEC. 607. EXTENSION OF AUTHORITY FOR INCOME REPLACEMENT PAYMENTS FOR RESERVE COMPONENT MEMBERS EXPERIENCING EXTENDED AND FREQUENT MOBILIZATION FOR ACTIVE DUTY SERVICE.

Section 910(g) of title 37, United States Code, is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

SEC. 608. GUARANTEED PAY INCREASE FOR MEMBERS OF THE ARMED FORCES OF ONE-HALF OF ONE PERCENTAGE POINT HIGHER THAN EMPLOYMENT COST INDEX.

Section 1009(c)(2) of title 37, United States Code, is amended by striking ''fiscal years 2004, 2005, and 2006'' and inserting ''fiscal years 2010 through 2013''.

Subtitle B—Bonuses and Special and Incentive Pays

SEC. 611. EXTENSION OF CERTAIN BONUS AND SPECIAL PAY AUTHORITIES FOR RESERVE FORCES.

(a) SELECTED RESERVE REENLISTMENT BONUS.—Section 308b(g) of title 37, United States Code, is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(b) SELECTED RESERVE AFFILIATION OR ENLISTMENT BONUS.—Section 308c(i) of such title is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(c) SPECIAL PAY FOR ENLISTED MEMBERS ASSIGNED TO CERTAIN HIGH PRIORITY UNITS.—Section 308d(c) of such title is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(d) READY RESERVE ENLISTMENT BONUS FOR PERSONS WITHOUT PRIOR SERVICE.—Section 308g(f)(2) of such title is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(e) READY RESERVE ENLISTMENT AND REENLISTMENT BONUS FOR PERSONS WITH PRIOR SERVICE.—Section 308h(e) of such title is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(f) SELECTED RESERVE ENLISTMENT BONUS FOR PERSONS WITH PRIOR SERVICE.—Section 308i(f) of such title is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

SEC. 612. EXTENSION OF CERTAIN BONUS AND SPECIAL PAY AUTHORITIES FOR HEALTH CARE PROFESSIONALS.

(a) NURSE OFFICER CANDIDATE ACCESSION PROGRAM.—Section 2130a(a)(1) of title 10, United States Code, is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(b) REPAYMENT OF EDUCATION LOANS FOR CERTAIN HEALTH PROFESSIONALS WHO SERVE IN THE SELECTED RESERVE.—Section 16302(d) of such title is amended—

(1) by striking ''before'' and inserting ''on or before''; and

(2) by striking ''January 1, 2009'' and inserting ''December 31, 2009''.

(c) ACCESSION BONUS FOR REGISTERED NURSES.—Section 302d(a)(1) of title 37, United States Code, is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(d) INCENTIVE SPECIAL PAY FOR NURSE ANESTHETISTS.—Section 302e(a)(1) of such title is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(e) SPECIAL PAY FOR SELECTED RESERVE HEALTH PROFESSIONALS IN CRITICALLY SHORT WARTIME SPECIALTIES.—Section 302g(e) of such title is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(f) ACCESSION BONUS FOR DENTAL OFFICERS.—Section 302h(a)(1) of such title is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(g) ACCESSION BONUS FOR PHARMACY OFFICERS.—Section 302j(a) of such title is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(h) ACCESSION BONUS FOR MEDICAL OFFICERS IN CRITICALLY SHORT WARTIME SPECIALTIES.—Section 302k(f) of such title is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(i) ACCESSION BONUS FOR DENTAL SPECIALIST OFFICERS IN CRITICALLY SHORT WARTIME SPECIALTIES.—Section 302l(g) of such title is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

SEC. 613. EXTENSION OF SPECIAL PAY AND BONUS AUTHORITIES FOR NUCLEAR OFFICERS.

(a) SPECIAL PAY FOR NUCLEAR-QUALIFIED OFFICERS EXTENDING PERIOD OF ACTIVE SERVICE.—Section 312(f) of title 37, United States Code, is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(b) NUCLEAR CAREER ACCESSION BONUS.—Section 312b(c) of such title is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(c) NUCLEAR CAREER ANNUAL INCENTIVE BONUS.—Section 312c(d) of such title is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

SEC. 614. EXTENSION OF AUTHORITIES RELATING TO PAYMENT OF OTHER TITLE 37 BONUSES AND SPECIAL PAYS.

(a) AVIATION OFFICER RETENTION BONUS.—Section 301b(a) of title 37, United States Code, is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(b) ASSIGNMENT INCENTIVE PAY.—Section 307a(g) of such title is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(c) REENLISTMENT BONUS FOR ACTIVE MEMBERS.—Section 308(g) of such title is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(d) ENLISTMENT BONUS.—Section 309(e) of such title is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(e) ACCESSION BONUS FOR NEW OFFICERS IN CRITICAL SKILLS.—Section 324(g) of such title is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(f) INCENTIVE BONUS FOR CONVERSION TO MILITARY OCCUPATIONAL SPECIALTY TO EASE PERSONNEL SHORTAGE.—Section 326(g) of such title is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(g) ACCESSION BONUS FOR OFFICER CANDIDATES.—Section 330(f) of such title is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(h) RETENTION BONUS FOR MEMBERS WITH CRITICAL MILITARY SKILLS OR ASSIGNED TO HIGH PRIORITY UNITS.—Section 355(i) of such title, as redesignated by section 661(c) of the National Defense Authorization Act for Fiscal Year 2008, is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

SEC. 615. EXTENSION OF AUTHORITIES RELATING TO PAYMENT OF REFERRAL BONUSES.

(a) HEALTH PROFESSIONS REFERRAL BONUS.—Subsection (i) of section 1030 of title 10, United States Code, as added by section 671(b) of the National Defense Authorization

Act for Fiscal Year 2008, is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(b) ARMY REFERRAL BONUS.—Subsection (h) of section 3252 of title 10, United States Code, as added by section 671(a) of the National Defense Authorization Act for Fiscal Year 2008, is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

SEC. 616. INCREASE IN MAXIMUM BONUS AND STIPEND AMOUNTS AUTHORIZED UNDER NURSE OFFICER CANDIDATE ACCESSION PROGRAM.

(a) ACCESSION BONUS.—Paragraph (1) of section 2130a(a) of title 10, United States Code, is amended—

(1) by striking ''$10,000'' and inserting ''$20,000''; and

(2) by striking ''$5,000'' and inserting ''$10,000''.

(b) MONTHLY STIPEND.—Paragraph (2) of such section is amended by striking ''$1,000'' and inserting ''$1,250''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2008.

SEC. 617. MAXIMUM LENGTH OF NUCLEAR OFFICER INCENTIVE PAY AGREEMENTS FOR SERVICE.

Section 312(a)(3) of title 37, United States Code, is amended by striking ''three, four, or five years'' and inserting ''not less than three years''.

SEC. 618. TECHNICAL CHANGES REGARDING CONSOLIDATION OF SPECIAL PAY, INCENTIVE PAY, AND BONUS AUTHORITIES OF THE UNIFORMED SERVICES.

(a) ELIGIBILITY REQUIREMENTS FOR NUCLEAR OFFICER BONUS AND INCENTIVE PAY.—Section 333 of title 37, United States Code, is amended—

(1) in subsection (a)(2), by striking ''and operational''; and

(2) in subsection (b)(2), by striking ''and operational''.

(b) RELATIONSHIP OF AVIATION INCENTIVE PAY TO OTHER PAY AND ALLOWANCES.—Section 334(f)(1) of such title is amended by striking ''section 351'' and inserting ''section 351(a)(2)''.

(c) HEALTH PROFESSIONS INCENTIVE PAY.—Section 335(e)(1)(D)(i) of such title is amended by striking ''dental surgeons'' and inserting ''dental officers''.

(d) NO PRO-RATED PAYMENT OF CERTAIN HAZARDOUS DUTY PAYS.—Section 351(c) of such title is amended by striking ''subsection (a)'' and inserting ''paragraph (1) or (3) of subsection (a)''.

(e) AVAILABILITY OF HAZARDOUS DUTY PAY.—Section 351(f) of such title is amended—

(1) by striking ''in administering subsection (a)'' and inserting ''in connection with determining whether a triggering event has occurred for the provision of hazardous duty pay under subsection (a)(1)''; and

(2) by striking the last sentence.

(f) TERMINATION PROVISION FOR HAZARDOUS DUTY PAY.—Section 351(i) of such title is amended by inserting before the period the following: '', unless receipt of the hazardous duty pay is specified in an agreement entered into between the member and the Secretary concerned before that date''.

SEC. 619. USE OF NEW SKILL INCENTIVE PAY AND PROFICIENCY BONUS AUTHORITIES TO ENCOURAGE TRAINING IN CRITICAL FOREIGN LANGUAGES AND FOREIGN CULTURAL STUDIES.

(a) ELIGIBILITY FOR SKILL PROFICIENCY BONUS.—Subsection (b) of section 353 of title 37, United States Code, is amended to read as follows:

''(b) SKILL PROFICIENCY BONUS.—

''(1) AVAILABILITY; ELIGIBLE PERSONS.—The Secretary concerned may pay a proficiency bonus to a member of a regular or reserve component of the uniformed services who—

''(A) is entitled to basic pay under section 204 of this title or compensation under section 206 of this title or is enrolled in an officer training program; and

''(B) is determined to have, and maintains, certified proficiency under subsection (d) in a skill designated as critical by the Secretary concerned or is in training to acquire proficiency in a critical foreign language or expertise in foreign cultural studies or a related skill designated as critical by the Secretary concerned.

''(2) INCLUSION OF CERTAIN SENIOR ROTC MEMBERS.—A proficiency bonus may be paid under this subsection to a student who is enrolled in the Senior Reserve Officers' Training Corps program even though the student is in the first year of the four-year course under the program. During the period covered by the proficiency bonus, the student shall also be entitled to a monthly subsistence allowance under section 209(c) of this title even though the student has not entered into an agreement under section 2103a of title 10. However, if the student receives incentive pay under subsection (g)(2) for the same period, the student may receive only a single monthly subsistence allowance under section 209(c) of this title.''.

(b) AVAILABILITY OF INCENTIVE PAY FOR PARTICIPATION IN FOREIGN LANGUAGE EDUCATION OR TRAINING PROGRAMS.—Such section is further amended—

(1) by redesignating subsections (g), (h), and (i) as subsections (h), (i), and (j), respectively; and

(2) by inserting after subsection (f) the following new subsection (g):

''(g) FOREIGN LANGUAGE STUDIES IN OFFICER TRAINING PROGRAMS.—

''(1) AVAILABILITY OF INCENTIVE PAY.—The Secretary concerned may pay incentive pay to a person enrolled in an officer training program to also participate in an education or training program to acquire proficiency in a critical foreign language or expertise in foreign cultural studies or a related skill designated as critical by the Secretary concerned.

''(2) INCLUSION OF CERTAIN SENIOR ROTC MEMBERS.—Incentive pay may be paid under this subsection to a student who is enrolled in the Senior Reserve Officers' Training Corps program even though the student is in the first year of the four-year course under the program. While the student receives the incentive pay, the student shall also be entitled to a monthly subsistence allowance under section 209(c) of this title even though the student has not entered into an agreement under section 2103a of title 10. However, if the student receives a proficiency bonus under subsection (b)(2) covering the same month, the student may receive only a single monthly subsistence allowance under section 209(c) of this title.

''(3) CRITICAL FOREIGN LANGUAGE DEFINED.—In this section, the term 'critical foreign language' includes Arabic, Korean, Japanese, Chinese, Pashto, Persian-Farsi, Serbian-Croatian, Russian, Portuguese, or other language designated as critical by the Secretary concerned.''.

(c) PILOT PROGRAM FOR FOREIGN LANGUAGE PROFICIENCY TRAINING FOR RESERVE MEMBERS.—

(1) PILOT PROGRAM REQUIRED.—The Secretary of Defense shall conduct a pilot program to provide a skill proficiency bonus under section 353(b) of title 37, United States Code, to a member of a reserve component of the uniformed services who is entitled to compensation under section 206 of such title while the member participates in an education or training program to acquire proficiency in a critical foreign language or expertise in foreign cultural studies or a related skill designated as critical under such section 353.

(2) DURATION OF PILOT PROGRAM.—The Secretary shall conduct the pilot program during the period beginning on October 1, 2008, and ending on December 31, 2013. Incentive pay may not be provided under the pilot program after December 31, 2013.

(3) REPORTING REQUIREMENT.—Not later than March 31, 2012, the Secretary shall submit to Congress a report containing the results of the pilot program and the recommendations of the Secretary regarding whether to continue or expand the pilot program.

(d) EXPEDITED IMPLEMENTATION.—Notwithstanding section 662 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 180; 37 U.S.C. 301 note), the Secretary of a military department may immediately implement the amendments made by subsections (a) and (b) in order to ensure the prompt availability of proficiency bonuses and incentive pay under section 353 of title 37, United States Code, as amended by such subsections, for persons enrolled in officer training programs.

SEC. 620. TEMPORARY TARGETED BONUS AUTHORITY TO INCREASE DIRECT ACCESSIONS OF OFFICERS IN CERTAIN HEALTH PROFESSIONS.

(a) DESIGNATION OF CRITICALLY SHORT WARTIME HEALTH SPECIALTIES.—For purposes of section 335 of title 37, United States Code, as added by section 661 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181), the following health professions are designated as a critically short wartime specialty under subsection (a)(2) of such section:

(1) Psychologists who have been awarded a diploma as a Diplomate in Psychology by the American Board of Professional Psychology and are fully licensed and such other mental health practitioners as the Secretary concerned determines to be necessary.

(2) Registered nurses.

(b) SPECIAL AGREEMENT AUTHORITY.—Under the authority provided by this section, the Secretary concerned may enter into an agreement under subsection (f) of section 335 of title 37, United States Code, to pay a health professions bonus under such section to a person who accepts a commission or appointment as an officer and whose health profession specialty is specified in subsection (a).

(c) EFFECTIVE PERIOD.—This section shall take effect on October 1, 2008. The designations made by subsection (a) and the authority to enter into an agreement under subsection (b) expire on September 30, 2010.

Subtitle C—Travel and Transportation Allowances

SEC. 631. INCREASED WEIGHT ALLOWANCE FOR TRANSPORTATION OF BAGGAGE AND HOUSEHOLD EFFECTS FOR CERTAIN ENLISTED MEMBERS.

(a) ALLOWANCE.—The table in section 406(b)(1)(C) of title 37, United States Code, is amended by striking the items relating to pay grades E–5 through E–9 and inserting the following new items:

Pay Grade	Without Dependents	With Dependents
''E–9	13,500	15,500
E–8	12,500	14,500
E–7	11,500	13,500
E–6	8,500	11,500
E–5	7,500	9,500''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2008.

SEC. 632. ADDITIONAL WEIGHT ALLOWANCE FOR TRANSPORTATION OF MATERIALS ASSOCIATED WITH EMPLOYMENT OF A MEMBER'S SPOUSE OR COMMUNITY SUPPORT VOLUNTEER OR CHARITY ACTIVITIES.

(a) ADDITIONAL WEIGHT ALLOWANCE.—Section 406(b)(1) of title 37, United States Code,

is amended by adding at the end the following new subparagraph:

''(H) In connection with a change of permanent station of a member, the Secretary concerned shall increase the weight allowance otherwise applicable under subparagraph (C) for the member by 200 pounds for the purpose of facilitating the shipment of materials associated with the employment of the member's spouse or community support volunteer or charity activities of the member and any dependents of the member.''.

SEC. 633. TRANSPORTATION OF FAMILY PETS DURING EVACUATION OF NONESSENTIAL PERSONNEL.

Section 406(b)(1) of title 37, United States Code, is amended by inserting after subparagraph (H), as added by section 632, the following new subparagraph:

''(I) In connection with an evacuation from a permanent station located in a foreign area, a member is entitled to transportation of not more than two family household pets, including shipment and the payment of quarantine fees, if any. As an alternative to the provision of transportation for the pets, the Secretary concerned may reimburse the member or provide a monetary allowance under subparagraph (F) if other commercial transportation means are used. A member is not entitled to transportation under this subparagraph for horses, livestock, or pets weighing in excess of 150 pounds or for animals that the Secretary concerned determines are exotic pets or endangered species.''.

Subtitle D—Retired Pay and Survivor Benefits

SEC. 641. EQUITY IN COMPUTATION OF DISABILITY RETIRED PAY FOR RESERVE COMPONENT MEMBERS WOUNDED IN ACTION.

Section 1208(b) of title 10, United States Code, is amended—

(1) by striking ''A member'' and inserting ''(1) Except as provided in paragraph (2), a member''; and

(2) by adding at the end the following new paragraph:

''(2) If a member of the uniformed services who is not a member of a regular component is retired under this chapter or is placed on the temporary disability retired list under this chapter because of a disability incurred after the date of the enactment of this paragraph for which the member is awarded the Purple Heart, the member shall be credited, for the purposes of this chapter, with the number of years of service that would be counted if computing the member's years of service under section 12732 of this title.''.

SEC. 642. EFFECT OF TERMINATION OF SUBSEQUENT MARRIAGE ON PAYMENT OF SURVIVOR BENEFIT PLAN ANNUITY TO SURVIVING SPOUSE OR FORMER SPOUSE WHO PREVIOUSLY TRANSFERRED ANNUITY TO DEPENDENT CHILDREN.

Section 1450(b)(3) of title 10, United States Code, is amended by adding at the end the following new sentence: ''The payment of an annuity to a surviving spouse or former spouse under this paragraph shall be resumed even though the surviving spouse or former spouse previously transferred the annuity to a child or children under section 1448(d)(2)(B) of this title if, when the marriage is so terminated, the child or children, due to loss of dependent status, death, or other cause, are no longer eligible for the annuity under such section.''.

SEC. 643. EXTENSION TO SURVIVORS OF CERTAIN MEMBERS WHO DIE ON ACTIVE DUTY OF SPECIAL SURVIVOR INDEMNITY ALLOWANCE FOR PERSONS AFFECTED BY REQUIRED SURVIVOR BENEFIT PLAN ANNUITY OFFSET FOR DEPENDENCY AND INDEMNITY COMPENSATION.

(a) EXTENSION.—Subsection (m) of section 1450 of title 10, United States Code, as added by section 644 of the National Defense Authorization Act for Fiscal Year 2008, is amended in paragraph (1)(B) by striking ''section 1448(a)(1) of this title'' and inserting ''subsection (a)(1) of section 1448 of this title or by reason of coverage under subsection (d) of such section''.

(b) APPLICATION OF AMENDMENT.—The amendment made by subsection (a) shall apply with respect to the month beginning on October 1, 2008, and subsequent months as provided by paragraph (6) of subsection (m) of section 1450 of title 10, United States Code, as added by section 644 of the National Defense Authorization Act for Fiscal Year 2008.

SEC. 644. ELECTION TO RECEIVE RETIRED PAY FOR NON-REGULAR SERVICE UPON RETIREMENT FOR SERVICE IN AN ACTIVE RESERVE STATUS PERFORMED AFTER ATTAINING ELIGIBILITY FOR REGULAR RETIREMENT.

(a) ELECTION AUTHORITY; REQUIREMENTS.—Subsection (a) of section 12741 of title 10, United States Code, is amended to read as follows:

''(a) AUTHORITY TO ELECT TO RECEIVE RESERVE RETIRED PAY.—(1) A person may elect to receive retired pay under this chapter, instead of receiving retired or retainer pay under chapter 65, 367, 571, or 867 of this title, if—

''(A) the person satisfies the requirements specified in paragraphs (1) and (2) of section 12731(a) of this title for entitlement to retired pay under this chapter;

''(B) the person served in an active status in the Selected Reserve of the Ready Reserve after becoming eligible for retirement under chapter 65, 367, 571, or 867 of this title (without regard to whether the person actually retired or received retired or retainer pay under one of those chapters);

''(C) the person completed not less than two years of service in such active status (excluding any period of active service); and

''(D) the service of the person in such active status is determined by the Secretary concerned to have been satisfactory.

''(2) The Secretary concerned may reduce the two-year service requirement specified in paragraph (1)(C) in the case of a person who—

''(A) completed at least six months of service in a position of adjutant general required under section 314 of title 32 or in a position of assistant adjutant general subordinate to such a position of adjutant general; and

''(B) failed to complete the minimum two years of service solely because the appointment of the person to such position was terminated or vacated as described in section 324(b) of title 32.''.

(b) ACTIONS TO EFFECTUATE ELECTION.—Subsection (b) of such section is amended by striking paragraph (1) and inserting the following new paragraph:

''(1) terminate the eligibility of the person to retire under chapter 65, 367, 571, or 867 of this title, if the person is not already retired under one of those chapters, and terminate entitlement of the person to retired or retainer pay under one of those chapters, if the person was already receiving retired or retainer pay under one of those chapters; and''.

(c) CONFORMING AMENDMENT TO REFLECT NEW VARIABLE AGE REQUIREMENT FOR RETIREMENT.—Subsection (d) of such section is amended—

(1) in paragraph (1), by striking ''attains 60 years of age'' and inserting ''attains the eligibility age applicable to the person under section 12731(f) of this title''; and

(2) in paragraph (2)(A), by striking ''attains 60 years of age'' and inserting ''attains the eligibility age applicable to the person under such section''.

(d) REPEAL OF RESTRICTION ON ELECTION TO RECEIVE RESERVE RETIRED PAY.—Section 12731(a) of such title is amended—

(1) by inserting ''and'' at the end of paragraph (2);

(2) by striking ''; and'' at the end of paragraph (3) and inserting a period; and

(3) by striking paragraph (4).

(e) CLERICAL AMENDMENTS.—

(1) SECTION HEADING.—The heading for section 12741 of such title is amended to read as follows:

''§ 12741. Retirement for service in an active status performed in the Selected Reserve of the Ready Reserve after eligibility for regular retirement''.

(2) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 1223 of such title is amended by striking the item relating to section 12741 and inserting the following new item:

''12741. Retirement for service in an active status performed in the Selected Reserve of the Ready Reserve after eligibility for regular retirement.''.

(f) RETROACTIVE APPLICABILITY.—The amendments made by this section shall take effect as of January 1, 2008.

SEC. 645. RECOMPUTATION OF RETIRED PAY AND ADJUSTMENT OF RETIRED GRADE OF RESERVE RETIREES TO REFLECT SERVICE AFTER RETIREMENT.

(a) RECOMPUTATION.—Section 10145 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(e)(1) If a member of the Retired Reserve is recalled to an active status under subsection (d) in the Selected Reserve of the Ready Reserve and completes not less than two years of service in such active status, the member is entitled to—

''(A) the recomputation of the retired pay of the member determined under section 12739 of this title; and

''(B) in the case of a commissioned officer, an adjustment in the retired grade of the member in the manner provided in section 1370 of this title.

''(2) The Secretary concerned may reduce the two-year service requirement specified in paragraph (1) in the case of a member who—

''(A) is recalled to serve in a position of adjutant general required under section 314 of title 32 or in a position of assistant adjutant general subordinate to such a position of adjutant general;

''(B) completes at least six months of service in such position; and

''(C) fails to complete the minimum two years of service solely because the appointment of the member to such position is terminated or vacated as described in section 324(b) of title 32.''.

(b) RETROACTIVE APPLICABILITY.—The amendment made by this section shall take effect as of January 1, 2008.

SEC. 646. CORRECTION OF UNINTENDED REDUCTION IN SURVIVOR BENEFIT PLAN ANNUITIES DUE TO PHASED ELIMINATION OF TWO-TIER ANNUITY COMPUTATION AND SUPPLEMENTAL ANNUITY.

Effective as of October 28, 2004, and as if included therein as enacted, section 644(c) of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 1961; 19 U.S.C. 1450 note) is amended by adding at the end the following new paragraph:

''(3) SAVINGS PROVISION.—If, as a result of the recomputation of annuities under section 1450 of title 10, United States Code, and supplemental survivor annuities under section 1457 of such title, as required by paragraph (1), the total amount of both annuities to be paid to an annuitant for a month would be less (because of the offset required by section 1450(c) of such title for dependency and indemnity compensation) than the amount

that would be paid to the annuitant in the absence of recomputation, the Secretary of Defense shall take such actions as are necessary to adjust the annuity amounts to eliminate the reduction.''.

SEC. 647. PRESUMPTION OF DEATH FOR PARTICIPANTS IN SURVIVOR BENEFIT PLAN IN MISSING STATUS.

(a) CONDITIONS ON PRESUMPTION.—In the case of a participant in the Survivor Benefit Plan who has been determined by the Secretary of State to have been kidnapped in Iraq or Afghanistan on or after August 1, 2007, the Secretary of a military department may not make a determination under section 1450(l) of title 10, United States Code, that the participant is missing, with the presumption of death, until the earlier of—

(1) a period of at least 7 years expires after the date of the determination of the Secretary of State; or

(2) the date on which the participant is confirmed dead and a death certificate is delivered to the next of kin of the participant.

(b) RESUMPTION OF RETIRED PAY; PAYMENT OF BACK PAY.—In the case of a participant in the Survivor Benefit Plan described in subsection (a) who was presumed to be dead before the date of the enactment of this Act under section 1450(l) of title 10, United States Code, the Secretary of a military department concerned shall—

(1) resume payment of any retired pay to which the participant is entitled to as a retired member of the Armed Forces pending satisfaction of the conditions specified in subsection (a); and

(2) pay retired pay for periods occurring before the date of the enactment of this Act for which retired pay was not paid because of the presumption of death.

SEC. 648. ELIGIBILITY FOR DISABILITY RETIRED PAY AND SEPARATION PAY OF CERTAIN FORMER CADETS AND MIDSHIPMEN WITH PRIOR ENLISTED SERVICE.

Section 1217(a) of title 10, United States Code, is amended by striking ''incurred after October 28, 2004.'' and inserting ''incurred—

''(1) after October 28, 2004; or

''(2) after January 1, 2000, in the case of a cadet or midshipman who was discharged from an enlisted grade in order to accept an appointment as a cadet or midshipman.''.

Subtitle E—Commissary and Nonappropriated Fund Instrumentality Benefits and Operations

SEC. 651. USE OF COMMISSARY STORES SURCHARGES DERIVED FROM TEMPORARY COMMISSARY INITIATIVES FOR RESERVE COMPONENTS AND RETIRED MEMBERS.

Section 2484(h) of title 10, United States Code, is amended—

(1) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively;

(2) in such paragraph (4), as so redesignated, by striking ''paragraph (1) or (2)'' and inserting ''paragraph (1), (2), or (3)''; and

(3) by inserting after paragraph (2) the following new paragraph:

''(3)(A) The Secretary of Defense may use the proceeds derived from surcharges imposed under subsection (d) in connection with sales of commissary merchandise through initiatives described in subparagraph (B) to offset the cost of such initiatives.

''(B) Subparagraph (A) applies with respect to initiatives, utilizing temporary and mobile equipment, intended to provide members of reserve components, Retired members, and other persons eligible for commissary benefits, but without reasonable access to commissary stores, improved access to commissary merchandise.''.

SEC. 652. REQUIREMENTS FOR PRIVATE OPERATION OF COMMISSARY STORE FUNCTIONS.

Section 2485(a)(2) of title 10, United States Code, is amended in the last sentence by striking ''December 31, 2008'' and inserting ''December 31, 2013''.

SEC. 653. ADDITIONAL EXCEPTION TO LIMITATION ON USE OF APPROPRIATED FUNDS FOR DEPARTMENT OF DEFENSE GOLF COURSES.

Section 2491a of title 10, United States Code, is amended—

(1) by redesignating paragraph (2) of subsection (b) as subsection (c) and, in such subsection (as so redesignated)—

(A) by inserting ''REGULATIONS.—'' before ''The Secretary''; and

(B) by striking ''this subsection'' and inserting ''subsection (b)''; and

(2) by inserting after paragraph (1) of subsection (b) the following new paragraph:

''(2) Subsection (a) does not apply to the purchase and maintenance of specialized golf carts designed to accommodate persons with disabilities and the use of the golf carts at a facility or installation where the Secretary determines the golf carts can be safely operated.''.

SEC. 654. ENHANCED ENFORCEMENT OF PROHIBITION ON SALE OR RENTAL OF SEXUALLY EXPLICIT MATERIAL ON MILITARY INSTALLATIONS.

(a) ESTABLISHMENT OF RESALE ACTIVITIES REVIEW BOARD.—Section 2495b of title 10, United States Code, is amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(2) by inserting after subsection (b) the following new subsection:

''(c) RESALE ACTIVITIES REVIEW BOARD.—(1) The Secretary of Defense shall establish a nine-member board to make recommendations to the Secretary regarding whether material sold or rented, or proposed for sale or rental, on property under the jurisdiction of the Department of Defense is barred from sale or rental by subsection (a).

''(2)(A) The Secretary of Defense shall appoint six members of the board to broadly represent the interests of the patron base served by the defense commissary system and the exchange system. The Secretary shall appoint one of the members to serve as the chairman of the board. At least one member appointed under this subparagraph shall be a person with experience managing or advocating for military family programs and who is also an eligible patron of the defense commissary system and the exchange system.

''(B) The Secretary of each of the military departments shall appoint one member of the board.

''(C) A vacancy on the board shall be filled in the same manner as the original appointment.

''(3) The Secretary of Defense may detail persons to serve as staff for the board. At a minimum, the Secretary shall ensure that the board is assisted at meetings by military resale and legal advisors.

''(4) The recommendations made by the board under paragraph (1) shall be made available to the public. The Secretary of Defense shall publicize the availability of such recommendations by such means as the Secretary considers appropriate.

''(5) Members of the board shall be allowed travel expense, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5 while away from their homes or regular places of business in the performance of services for the board.''.

(b) DEADLINE FOR ESTABLISHMENT AND INITIAL MEETING.—

(1) ESTABLISHMENT.—The board required by subsection (c) of section 2495b of title 10, United States Code, as added by subsection (a), shall be established, and its initial nine members appointed, not later than 120 days after the date of the enactment of this Act.

(2) MEETINGS.—The board shall conduct an initial meeting within one year after the date of the appointment of the initial members of the board. At the discretion of the board, the board may consider all materials previously reviewed under such section as available for reconsideration for a minimum of 180 days following the initial meeting of the board.

SEC. 655. REQUIREMENT TO BUY MILITARY DECORATIONS, RIBBONS, BADGES, MEDALS, INSIGNIA, AND OTHER UNIFORM ACCOUTERMENTS PRODUCED IN THE UNITED STATES.

(a) REQUIREMENT.—Subchapter III of chapter 147 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 2495c. Requirement to buy military decorations and other uniform accouterments from American sources; exceptions

''(a) BUY-AMERICAN REQUIREMENT.—A military exchange store or other nonappropriated fund instrumentality of the Department of Defense may not purchase for resale any military decorations, ribbons, badges, medals, insignia, and other uniform accouterments that are not produced in the United States.

''(b) EXCEPTION.—Subsection (a) does not apply to the extent that the Secretary of Defense determines that—

''(1) a satisfactory quality and sufficient quantity of an item covered by such subsection and produced in the United States cannot be procured; or

''(2) the purchase of the item produced outside the United States is in the best interests of members of the armed forces.

''(c) CONGRESSIONAL NOTIFICATION.—As soon as practicable after an exception is granted under subsection (b), the Secretary of Defense shall submit to Congress a report explaining the reasons for the exception.

''(d) UNITED STATES DEFINED.—In this section, the term 'United States' includes the Commonwealth of Puerto Rico, Guam, the United States Virgin Islands, the Commonwealth of the Northern Mariana Islands, American Samoa, and any other territory or possession of the United States.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by adding at the end the following new item:

''2495c. Requirement to buy military decorations and other uniform accouterments from American sources; exceptions.''.

SEC. 656. USE OF APPROPRIATED FUNDS TO PAY POST ALLOWANCES OR OVERSEAS COST OF LIVING ALLOWANCES TO NONAPPROPRIATED FUND INSTRUMENTALITY EMPLOYEES SERVING OVERSEAS.

(a) AUTHORITY TO USE APPROPRIATED FUNDS.—Chapter 81 of title 10, United States Code, is amended by inserting after section 1587a the following new section:

''§ 1587b. Employees of nonappropriated fund instrumentalities: payment of overseas post allowances or overseas cost of living allowances

''(a) USE OF APPROPRIATED FUNDS TO PAY ALLOWANCES.—Subject to the availability of appropriated funds for this purpose, the Secretary of Defense may pay post allowances or cost of living allowances to an nonappropriated fund instrumentality employee who is a citizen of the United States and is employed in a full-time position at a location outside of the continental United States.

''(b) DURATION.—The Secretary of Defense may use the authority provided by this section to pay post allowances or cost of living allowances that have been due to an nonappropriated fund instrumentality employee or former employee since December 1, 2001, but have not been previously paid. No allowance may be provided under this section after December 31, 2011.

''(c) DEFINITIONS.—In this section:

''(1) The term 'nonappropriated fund instrumentality employee' has the meaning given that term in section 1587 of this title.

''(2) The term 'continental United States' means the 48 contiguous States and the District of Columbia.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1587a the following new item:

''1587b. Employees of nonappropriated fund instrumentalities: payment of overseas post allowances or overseas cost of living allowances.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2008.

SEC. 657. STUDY REGARDING SALE OF ALCOHOLIC WINE AND BEER IN COMMISSARY STORES IN ADDITION TO EXCHANGE STORES.

(a) STUDY REQUIRED.—The Secretary of Defense shall conduct a study evaluating the propriety, patron convenience, and financial utility of including alcoholic wine and beer as an authorized commissary merchandise category for sale in, at, or by commissary stores.

(b) PILOT PROGRAM.—

(1) AUTHORIZED.—In connection with the study required by subsection (a), the Secretary may conduct a pilot program involving the sale of alcoholic wine and beer in commissary stores if the Secretary determines that such a pilot program would be useful in making the evaluations required by such subsection.

(2) SCOPE.— If the Secretary determines that the pilot program would be useful, the Secretary shall conduct the pilot program at a minimum of 10 locations for a period of not less than four months nor greater than one year.

(c) REPORT.—Within 120 days after completion of the study required in subsection (a), the Secretary shall submit to Congress a report containing the findings and recommendations of the Secretary developed as a result of the study and the results of the pilot program, if conducted under subsection (b). The Secretary may delay the submission of the report pending the conclusion of the pilot program.

Subtitle F—Other Matters

SEC. 661. BONUS TO ENCOURAGE ARMY PERSONNEL AND OTHER PERSONS TO REFER PERSONS FOR ENLISTMENT IN THE ARMY.

(a) AVAILABILITY OF BONUS TO TRAINED CIVILIANS.—Subsection (a)(2) of section 3252 of title 10, United States Code, is amended by adding at the end the following new subparagraph:

''(F) A member of the general public who has completed a training course provided by the Secretary, directly or through an entity contracted to provide such training, regarding the appropriate procedures used to recruit persons for enlistment in the Army.''.

(b) TIME FOR PAYMENT OF BONUS.—Subsection (b) of such section is amended—

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

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

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

''(3) when the individual concerned contacts an entity contracted to recruit persons for enlistment in the Army.''.

(c) PAYMENT METHODS.—Such section is further amended—

(1) in subsection (d), by striking the second sentence; and

(2) by striking subsection (e) and inserting the following new subsection:

''(e) PAYMENT METHODS.—At the discretion of the Secretary, a bonus payable for a referral of a person under subsection (a) may be paid—

''(1) directly to the individual referred to in subsection (b) making the referral; or

''(2) through an entity contracted to make bonus payments under this section.''.

(d) CLERICAL AMENDMENTS.—

(1) SECTION HEADING.—The heading of such section is amended to read as follows:

''§ 3252. Bonus to encourage Army personnel and other persons to refer persons for enlistment in the Army''.

(2) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 333 of such title is amended by striking the item relating to section 3252 and inserting the following new item:

''3252. Bonus to encourage Army personnel and other persons to refer persons for enlistment in the Army.''.

SEC. 662. CONTINUATION OF ENTITLEMENT TO BONUSES AND SIMILAR BENEFITS FOR MEMBERS OF THE UNIFORMED SERVICES WHO DIE, ARE SEPARATED OR RETIRED FOR DISABILITY, OR MEET OTHER CRITERIA.

(a) DISCRETION TO PROVIDE EXCEPTION TO TERMINATION AND REPAYMENT REQUIREMENTS UNDER CERTAIN CIRCUMSTANCES.—Section 303a(e) of title 37, United States Code, is amended—

(1) in the subsection heading, by inserting ''; TERMINATION OF ENTITLEMENT TO UNPAID AMOUNTS'' after ''MET'';

(2) in paragraph (1)—

(A) by striking ''A member'' and inserting ''(A) Except as provided in paragraph (2), a member''; and

(B) by striking ''the requirements, except in certain circumstances authorized by the Secretary concerned.'' and inserting ''the eligibility requirements and may not receive any unpaid amounts of the bonus or similar benefit after the member fails to satisfy the requirements, unless the Secretary concerned determines that the imposition of the repayment requirement and termination of the payment of unpaid amounts of the bonus or similar benefit with regard to the member would be contrary to a personnel policy or management objective, would be against equity and good conscience, or would be contrary to the best interests of the United States.''; and

(3) by redesignating paragraph (2) as subparagraph (B) of paragraph (1).

(b) MANDATORY PAYMENT OF UNPAID AMOUNTS UNDER CERTAIN CIRCUMSTANCES; NO REPAYMENT OF UNEARNED AMOUNTS.—Section 303a(e) of title 37, United States Code, is amended by inserting after paragraph (1), as amended by subsection (a), the following new paragraph (2):

''(2)(A) If a member of the uniformed services dies (other than as a result the member's misconduct) or is retired or separated for disability under chapter 61 of title 10, the Secretary concerned—

''(i) shall not require repayment by the member or the member's estate of the unearned portion of any bonus or similar benefit previously paid to the member; and

''(ii) shall require the payment to the member or the member's estate of the remainder of any bonus or similar benefit that was not yet paid to the member, but to which the member was entitled immediately before the death, retirement, or separation of the member, and would be paid if not for the death, retirement, or separation of the member.

''(B) The amount to be paid under subparagraph (A)(ii) shall be equal to the full amount specified by the agreement or contract applicable to the bonus or similar benefit as if the member continued to be entitled to the bonus or similar benefit following the death, retirement, or separation.

''(C) Amounts to be paid to a member or the member's estate under subparagraph (A)(ii) shall be paid in a lump sum not later than 90 days after the date of the death, retirement, or separation of the member, whichever applies.''.

(c) CONFORMING AMENDMENTS REFLECTING CONSOLIDATED SPECIAL PAY AND BONUS AUTHORITIES.—

(1) CONFORMING AMENDMENTS.—Section 373 of title 37, United States Code, as added by section 661 of the National Defense Authorization Act for Fiscal Year 2008, is amended—

(A) in subsection (a)—

(i) in the subsection heading, by inserting ''AND TERMINATION'' after ''REPAYMENT''; and

(ii) by inserting before the period at the end the following: '', and the member may not receive any unpaid amounts of the bonus, incentive pay, or similar benefit after the member fails to satisfy such service or eligibility requirement''; and

(B) by striking subsection (b) and inserting the following new subsection:

''(b) EXCEPTIONS.—

''(1) DISCRETION TO PROVIDE EXCEPTION TO TERMINATION AND REPAYMENT REQUIREMENTS.—Pursuant to the regulations prescribed to administer this section, the Secretary concerned may grant an exception to the repayment requirement and requirement to terminate the payment of unpaid amounts of a bonus, incentive pay, or similar benefit if the Secretary concerned determines that the imposition of the repayment and termination requirements with regard to a member of the uniformed services would be contrary to a personnel policy or management objective, would be against equity and good conscience, or would be contrary to the best interests of the United States.

''(2) MANDATORY PAYMENT OF UNPAID AMOUNTS UNDER CERTAIN CIRCUMSTANCES; NO REPAYMENT OF UNEARNED AMOUNTS.—(A) If a member of the uniformed services dies (other than as a result the member's misconduct) or is retired or separated for disability under chapter 61 of title 10, the Secretary concerned—

''(i) shall not require repayment by the member or the member's estate of the unearned portion of any bonus, incentive pay, or similar benefit previously paid to the member; and

''(ii) shall require the payment to the member or the member's estate of the remainder of any bonus, incentive pay, or similar benefit that was not yet paid to the member, but to which the member was entitled immediately before the death, retirement, or separation of the member, and would be paid if not for the death, retirement, or separation of the member.

''(B) The amount to be paid under subparagraph (A)(ii) shall be equal to the full amount specified by the agreement or contract applicable to the bonus, incentive pay, or similar benefit as if the member continued to be entitled to the bonus, incentive pay, or similar benefit following the death, retirement, or separation.

''(C) Amounts to be paid to a member or the member's estate under subparagraph (A)(ii) shall be paid in a lump sum not later

than 90 days after the date of the death, retirement, or separation of the member, whichever applies.''.

(2) CLERICAL AMENDMENTS.—

(A) SECTION HEADING.—The heading of such section is amended to read as follows:

''§ 373. Repayment of unearned portion of bonus, incentive pay, or similar benefit, and termination of remaining payments, when conditions of payment not met''.

(B) TABLE OF CONTENTS.—The table of sections at the beginning of chapter 5 of title 37, United States Code, is amended by striking the item relating to section 373 and inserting the following new item:

''373. Repayment of unearned portion of bonus, incentive pay, or similar benefit, and termination of remaining payments, when conditions of payment not met.''.

SEC. 663. PROVIDING INJURED MEMBERS OF THE ARMED FORCES INFORMATION CONCERNING BENEFITS.

Section 1651 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 476; 10 U.S.C. 1071 note) is amended to read as follows:

''SEC. 1651. HANDBOOK FOR MEMBERS OF THE ARMED FORCES ON COMPENSATION AND BENEFITS AVAILABLE FOR SERIOUS INJURIES AND ILLNESSES.

''(a) INFORMATION ON AVAILABLE COMPENSATION AND BENEFITS.—Not later than March 31, 2009, the Secretary of Defense shall develop and maintain a comprehensive description of the compensation and other benefits to which a member of the Armed Forces, and the family of such member, would be entitled upon the separation or retirement of the member from the Armed Forces as a result of a serious injury or illness. Such description shall be published—

''(1) in a handbook; and

''(2) on a publically available, searchable Internet website or comparable successor facility.

''(b) CONTENTS.—The comprehensive description shall include the following:

''(1) The range of compensation and benefits based on grade, length of service, degree of disability at separation or retirement, and other factors affecting compensation and benefits as the Secretary considers appropriate.

''(2) Information concerning the Disability Evaluation System of each military department, including—

''(A) an explanation of the process of the Disability Evaluation System;

''(B) a general timeline of the process of the Disability Evaluation System;

''(C) the role and responsibilities of the military department throughout the process of the Disability Evaluation System; and

''(D) the role and responsibilities of a member of the Armed Forces throughout the process of the Disability Evaluation System.

''(3) Benefits administered by the Department of Veterans Affairs that a member of the Armed Forces would be entitled upon the separation or retirement from the Armed Forces as a result of a serious injury or illness.

''(4) A list of State veterans service organizations and their contact information and Internet website addresses.

''(c) CONSULTATION.—The Secretary of Defense shall develop and maintain the comprehensive description required by subsection (a) in consultation with the Secretary of Veterans Affairs, the Secretary of Health and Human Services, and the Commissioner of Social Security.

''(d) UPDATE.—The Secretary of Defense shall update—

''(1) the handbook on a periodic basis, but not less often than annually; and

''(2) the Internet website or comparable successor facility immediately after any change has been made to the compensation or other benefits described in subsection (a).

''(e) PROVISION TO MEMBERS.—The Secretary of the military department concerned shall provide the handbook to each member of the Armed Forces under the jurisdiction of that Secretary as soon as practicable following an injury or illness for which the member may retire or separate from the Armed Forces.

''(f) PROVISION TO REPRESENTATIVES.—If a member is incapacitated or otherwise unable to receive the handbook, the handbook shall be provided to the next of kin or a legal representative of the member, as determined in accordance with regulations prescribed by the Secretary of the military department concerned for purposes of this section.''.

SEC. 664. POSTAL BENEFITS PROGRAM FOR MEMBERS OF THE ARMED FORCES SERVING IN IRAQ OR AFGHANISTAN.

(a) AVAILABILITY OF POSTAL BENEFITS.—The Secretary of Defense, in consultation with the United States Postal Service, shall provide for a program under which postal benefits are provided to qualified individuals in accordance with this section.

(b) QUALIFIED INDIVIDUAL.—In this section, the term ''qualified individual'' means a member of the Armed Forces on active duty (as defined in section 101 of title 10, United States Code) who—

(1) is serving in Iraq or Afghanistan; or

(2) is hospitalized at a facility under the jurisdiction of the Department of Defense as a result of a disease or injury incurred as a result of service in Iraq or Afghanistan.

(c) POSTAL BENEFITS DESCRIBED.—

(1) VOUCHERS.—The postal benefits provided under the program shall consist of such coupons or other similar evidence of credit, whether in printed, electronic, or other format (in this section referred to as a ''voucher''), as the Secretary of Defense, in consultation with the Postal Service, shall determine, which entitle the bearer or user to make qualified mailings free of postage.

(2) QUALIFIED MAILING.—In this section, the term ''qualified mailing'' means the mailing of a single mail piece which—

(A) is first-class mail (including any sound- or video-recorded communication) not exceeding 13 ounces in weight and having the character of personal correspondence or parcel post not exceeding 10 pounds in weight;

(B) is sent from within an area served by a United States post office; and

(C) is addressed to a qualified individual.

(3) COORDINATION RULE.—Postal benefits under the program are in addition to, and not in lieu of, any reduced rates of postage or other similar benefits which might otherwise be available by or under law, including any rates of postage resulting from the application of section 3401(b) of title 39, United States Code.

(d) NUMBER OF VOUCHERS.—A member of the Armed Forces shall be eligible for one voucher for every second month in which the member is a qualified individual.

(e) LIMITATIONS ON USE; DURATION.—A voucher may not be used—

(1) for more than a single qualified mailing; or

(2) after the earlier of—

(A) the expiration date of the voucher, as designated by the Secretary of Defense; or

(B) the end of the one-year period beginning on the date on which the regulations prescribed under subsection (f) take effect.

(f) REGULATIONS.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense (in consultation with the Postal Service) shall prescribe such regulations as may be necessary to carry out the program, including—

(1) procedures by which vouchers will be provided or made available in timely manner to qualified individuals; and

(2) procedures to ensure that the number of vouchers provided or made available with respect to any qualified individual complies with subsection (d).

(g) TRANSFERS TO POSTAL SERVICE.—

(1) BASED ON ESTIMATES.—The Secretary of Defense shall transfer to the Postal Service, out of amounts available to carry out the program and in advance of each calendar quarter during which postal benefits may be used under the program, an amount equal to the amount of postal benefits that the Secretary estimates will be used during such quarter, reduced or increased (as the case may be) by any amounts by which the Secretary finds that a determination under this section for a prior quarter was greater than or less than the amount finally determined for such quarter.

(2) BASED ON FINAL DETERMINATION.—A final determination of the amount necessary to correct any previous determination under this section, and any transfer of amounts between the Postal Service and the Department of Defense based on that final determination, shall be made not later than six months after the end of the one-year period referred to in subsection (e)(2)(B).

(3) CONSULTATION REQUIRED.—All estimates and determinations under this subsection of the amount of postal benefits under the program used in any period shall be made by the Secretary of Defense in consultation with the Postal Service.

(h) FUNDING.—

(1) INCREASE.—The amount authorized to be appropriated by section 421 for military personnel is hereby increased by $10,000,000, and such amount shall be available for postal benefits provided in this section.

(2) OFFSETTING REDUCTION.—Funds authorized to be appropriated in fiscal year 2009 for Military Personnel are reduced by $10,000,000.

TITLE VII—HEALTH CARE PROVISIONS

Subtitle A—Improvements to Health Benefits

Sec. 701. One-year extension of prohibition on increases in certain health care costs for members of the uniformed services.

Sec. 702. Temporary prohibition on increase in copayments under retail pharmacy system of pharmacy benefits program.

Sec. 703. Prohibition on conversion of military medical and dental positions to civilian medical and dental positions.

Sec. 704. Chiropractic health care for members on active duty.

Sec. 705. Requirement to recalculate TRICARE Reserve Select premiums based on actual cost data.

Sec. 706. Program for health care delivery at military installations projected to grow.

Sec. 707. Guidelines for combined Federal medical facilities.

Sec. 708. Reserve component behavioral health care provider locator and appointment assistance demonstration project.

Subtitle B—Preventive Care

Sec. 711. Waiver of copayments for preventive services for certain TRICARE beneficiaries.

Sec. 712. Military health risk management demonstration project.

Sec. 713. Smoking cessation program under TRICARE.

Sec. 714. Preventive health allowance.

Subtitle C—Wounded Warrior Matters
Sec. 721. Center of excellence in prevention, diagnosis, mitigation, treatment, and rehabilitation of hearing loss and auditory system injuries.
Sec. 722. Clarification to center of excellence relating to military eye injuries.
Sec. 723. National Casualty Care Research Center.
Sec. 724. Peer-reviewed research program on extremity war injuries.
Sec. 725. Review of policies and processes related to the delivery of mail to wounded members of the Armed Forces.
Sec. 726. Post-deployment mental health screening demonstration project.
Subtitle D—Other Matters
Sec. 731. Report on stipend for members of reserve components for health care for certain dependents.
Sec. 732. Report on providing the Extended Care Health Option Program to autistic dependents of military retirees.
Sec. 733. Sense of Congress regarding autism therapy services.
Sec. 734. Report on implementation of recommendations contained in report on health effects of exposure to depleted uranium.
Sec. 735. Suicide Risk by Military Occupation.
Sec. 736. Implementation of recommendations of Department of Defense Mental Health Task Force.
Sec. 737. Transitional health care for certain members of the Armed Forces who agree to serve in the Selected Reserve of the Ready Reserve.

Subtitle A—Improvements to Health Benefits

SEC. 701. ONE-YEAR EXTENSION OF PROHIBITION ON INCREASES IN CERTAIN HEALTH CARE COSTS FOR MEMBERS OF THE UNIFORMED SERVICES.

(a) CHARGES UNDER CONTRACTS FOR MEDICAL CARE.—Section 1097(e) of title 10, United States Code, is amended by striking ''September 30, 2008'' and inserting ''September 30, 2009''.

(b) CHARGES FOR INPATIENT CARE.—Section 1086(b)(3) of such title is amended by striking ''September 30, 2008'' and inserting ''September 30, 2009''.

SEC. 702. TEMPORARY PROHIBITION ON INCREASE IN COPAYMENTS UNDER RETAIL PHARMACY SYSTEM OF PHARMACY BENEFITS PROGRAM.

During the period beginning on October 1, 2008, and ending on September 30, 2009, the cost sharing requirements established under paragraph (6) of section 1074g(a) of title 10, United States Code, for pharmaceutical agents available through retail pharmacies covered by paragraph (2)(E)(ii) of such section may not exceed amounts as follows:

(1) In the case of generic agents, $3.

(2) In the case of formulary agents, $9.

(3) In the case of nonformulary agents, $22.

SEC. 703. PROHIBITION ON CONVERSION OF MILITARY MEDICAL AND DENTAL POSITIONS TO CIVILIAN MEDICAL AND DENTAL POSITIONS.

(a) PROHIBITION.—The Secretary of a military department may not convert any military medical or dental position to a civilian medical or dental position on or after October 1, 2008.

(b) RESTORATION OF CERTAIN POSITIONS TO MILITARY POSITIONS.—In the case of any military medical or dental position that is converted to a civilian medical or dental position during the period beginning on October 1, 2004, and ending on September 30, 2008, if the position is not filled by a civilian by September 30, 2008, the Secretary of the military department concerned shall restore the position to a military medical or dental position that can be filled only by a member of the Armed Forces who is a health professional.

(c) DEFINITIONS.—In this section:

(1) The term ''military medical or dental position'' means a position for the performance of health care functions (or coded to work within a military treatment facility) within the Armed Forces held by a member of the Armed Forces.

(2) The term ''civilian medical or dental position'' means a position for the performance of health care functions within the Department of Defense held by an employee of the Department or of a contractor of the Department.

(3) The term ''conversion'', with respect to a military medical or dental position, means a change of the position to a civilian medical or dental position, effective as of the date of the manning authorization document of the military department making the change (through a change in designation from military to civilian in the document, the elimination of the listing of the position as a military position in the document, or through any other means indicating the change in the document or otherwise).

(d) REPEAL.—Section 721 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181) is repealed.

SEC. 704. CHIROPRACTIC HEALTH CARE FOR MEMBERS ON ACTIVE DUTY.

(a) REQUIREMENT FOR CHIROPRACTIC CARE.—Subject to such regulations as the Secretary of Defense may prescribe, the Secretary shall provide chiropractic services for members of the uniformed services who are entitled to care under section 1074(a) of title 10, United States Code. Such chiropractic services may be provided only by a doctor of chiropractic.

(b) DEMONSTRATION PROJECTS.—The Secretary of Defense may conduct one or more demonstration projects to provide chiropractic services to deployed members of the uniformed services. Such chiropractic services may be provided only by a doctor of chiropractic.

(c) DEFINITIONS.—In this section:

(1) The term ''chiropractic services''—

(A) includes diagnosis (including by diagnostic X-ray tests), evaluation and management, and therapeutic services for the treatment of a patient's health condition, including neuromusculoskeletal conditions and the subluxation complex, and such other services determined appropriate by the Secretary and as authorized under State law; and

(B) does not include the use of drugs or surgery.

(2) The term ''doctor of chiropractic'' means only a doctor of chiropractic who is licensed as a doctor of chiropractic, chiropractic physician, or chiropractor by a State, the District of Columbia, or a territory or possession of the United States.

SEC. 705. REQUIREMENT TO RECALCULATE TRICARE RESERVE SELECT PREMIUMS BASED ON ACTUAL COST DATA.

(a) CALCULATION BASED ON ACTUAL COST DATA.—Paragraph (3) of section 1076d(d) of title 10, United States Code, is amended to read as follows:

''(3) The monthly amount of the premium in effect for a month for TRICARE Standard coverage under this section shall be not more than the lesser of—

''(A) the amount equal to 28 percent of the total average monthly amount for that coverage, as determined by the Secretary based on actual cost data for the preceding fiscal year; or

''(B) the amount in effect for the month of March 2006.''.

(b) EFFECTIVE DATE.—Paragraph (3) of section 1076d(d) of title 10, United States Code, as amended by this section, shall apply with respect to fiscal year 2009 and fiscal years thereafter.

SEC. 706. PROGRAM FOR HEALTH CARE DELIVERY AT MILITARY INSTALLATIONS PROJECTED TO GROW.

(a) PROGRAM.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall develop a plan to establish a program to build cooperative health care arrangements and agreements between military installations projected to grow and local and regional non-military health care systems.

(b) REQUIREMENTS OF PLAN.—In developing the plan, the Secretary of Defense shall—

(1) identify and analyze health care delivery options involving the private sector and health care services in military facilities located on military installations;

(2) develop methods for determining the cost avoidance or savings resulting from innovative partnerships between the Department of Defense and the private sector;

(3) develop requirements for Department of Defense health care providers to deliver health care in civilian community hospitals; and

(4) collaborate with State and local authorities to create an arrangement to share and exchange, between the Department of Defense and nonmilitary health care systems, personal health information, and data of military personnel and their families.

(c) COORDINATION WITH OTHER ENTITIES.—The plan shall include requirements for coordination with Federal, State, and local entities, TRICARE managed care support contractors, and other contracted assets around installations selected for participation in the program.

(d) CONSULTATION REQUIREMENTS.—The Secretary of Defense shall develop the plan in consultation with the Secretaries of the military departments.

(e) SELECTION OF MILITARY INSTALLATIONS.—The program shall be implemented at each installation participating in the pilot program conducted pursuant to section 721 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 1988) and other military installations selected by the Secretary of Defense. Each selected military installation shall meet the following criteria:

(1) The military installation has members of the Armed Forces on active duty and members of reserve components of the Armed Forces that use the installation as a training and operational base, with members routinely deploying in support of the global war on terrorism.

(2) The military population of an installation will significantly increase by 2013 due to actions related to either Grow the Force initiatives or recommendations of the Defense Base Realignment and Closure Commission.

(3) There is a military treatment facility on the installation that has—

(A) no inpatient or trauma center care capabilities; and

(B) no current or planned capacity that would satisfy the proposed increase in military personnel at the installation.

(4) There is a civilian community hospital near the military installation, and the military treatment facility has—

(A) no inpatient services or limited capability to expand inpatient care beds, intensive care, and specialty services; and

(B) limited or no capability to provide trauma care.

(f) REPORTS.—Not later than one year after the date of the enactment of this Act, and every year thereafter, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of

Representatives an annual report describing the results of the program.

SEC. 707. GUIDELINES FOR COMBINED FEDERAL MEDICAL FACILITIES.

Before a facility may be designated a combined Federal medical facility of the Department of Defense and the Department of Veterans Affairs, the Secretary of Defense and the Secretary of Veterans Affairs shall issue a signed agreement that specifies, at a minimum, a binding operational agreement on the following areas:

(1) Patient priority categories.
(2) Budgeting.
(3) Staffing.
(4) Construction.
(5) Physical plant management.

SEC. 708. RESERVE COMPONENT BEHAVIORAL HEALTH CARE PROVIDER LOCATOR AND APPOINTMENT ASSISTANCE DEMONSTRATION PROJECT.

(a) DEMONSTRATION PROJECT.—The Secretary of Defense shall conduct a demonstration project to assess the feasibility and efficacy of providing a behavioral health care provider locator and appointment assistance service to members of the reserve components of the Armed Forces.

(b) ELEMENTS.—The demonstration project shall include, at a minimum, a toll-free hotline, staffed and available 24 hours a day 7 days a week, to help members of the reserve components find behavioral health care providers and schedule outpatient appointments in the TRICARE network.

(c) ELIGIBILITY.—In order to be eligible for the demonstration project, a member of the Armed Forces shall meet the following requirements:

(1) Be a member of the Selected Reserve.
(2) Be enrolled in TRICARE Reserve Select.

(d) IMPLEMENTATION.—The demonstration project shall be implemented not later than 180 days after the date of the enactment of this Act.

(e) SUNSET.—The authority for the demonstration project required by this section shall expire on September 30, 2011.

(f) REPORTS.—The Secretary of Defense shall submit to the congressional defense committees the following reports:

(1) PLAN.—Not later than 90 days after the date of the enactment of this Act, a report containing a plan to implement the demonstration project required by this section.

(2) UPDATES.—Not later than 180 days after such date of enactment and every 180 days thereafter, a report containing an update on the demonstration project.

(3) FINAL EVALUATION.—Not later than January 1, 2012, a report containing a final written evaluation, including recommendations for the extension or expansion of the demonstration project.

Subtitle B—Preventive Care

SEC. 711. WAIVER OF COPAYMENTS FOR PREVENTIVE SERVICES FOR CERTAIN TRICARE BENEFICIARIES.

(a) WAIVER OF CERTAIN COPAYMENTS.—Subject to subsection (b) and under regulations prescribed by the Secretary of Defense, the Secretary shall—

(1) waive all copayments under sections 1079(b) and 1086(b) of title 10, United States Code, for preventive services for all beneficiaries who would otherwise pay copayments; and

(2) ensure that a beneficiary pays nothing for preventive services during a year even if the beneficiary has not paid the amount necessary to cover the beneficiary's deductible for the year.

(b) EXCLUSION FOR MEDICARE-ELIGIBLE BENEFICIARIES.—Subsection (a) shall not apply to a medicare-eligible beneficiary.

(c) REFUND OF COPAYMENTS.—

(1) AUTHORITY.—Under regulations prescribed by the Secretary of Defense, the Secretary may pay a refund to a medicare-eligible beneficiary excluded by subsection (b), subject to the availability of appropriations specifically for such refunds, consisting of an amount up to the difference between—

(A) the amount the beneficiary pays for copayments for preventive services during fiscal year 2009; and

(B) the amount the beneficiary would have paid during such fiscal year if the copayments for preventive services had been waived pursuant to subsection (a) during that year.

(2) COPAYMENTS COVERED.—The refunds under paragraph (1) are available only for copayments paid by medicare-eligible beneficiaries during fiscal year 2009.

(3) FUNDING.—Of the amounts authorized to be appropriated under title XIV of this Act for the Defense Health Program, $10,000,000 is authorized for the purposes of the refund authorized under this subsection.

(d) DEFINITIONS.—In this section:

(1) PREVENTIVE SERVICES.—The term ''preventive services'' includes, taking into consideration the age and gender of the beneficiary:

(A) Colorectal screening.
(B) Breast screening.
(C) Cervical screening.
(D) Prostate screening.
(E) Annual physical exam.
(F) Vaccinations

(2) MEDICARE-ELIGIBLE.—The term ''medicare-eligible'' has the meaning provided by section 1111((b) of title 10, United States Code.

SEC. 712. MILITARY HEALTH RISK MANAGEMENT DEMONSTRATION PROJECT.

(a) DEMONSTRATION PROJECT REQUIRED.—The Secretary of Defense shall conduct a demonstration project designed to evaluate the efficacy of providing incentives to encourage healthy behaviors on the part of eligible military health system beneficiaries.

(b) ELEMENTS OF DEMONSTRATION PROJECT.—

(1) WELLNESS ASSESSMENT.—The Secretary shall develop a wellness assessment to be offered to beneficiaries enrolled in the demonstration project. The wellness assessment shall incorporate nationally recognized standards for health and healthy behaviors and shall be offered to determine a baseline and at appropriate intervals determined by the Secretary. The wellness assessment shall include the following:

(A) A self-reported health risk assessment.

(B) Physiological and biometric measures, including at least—

(i) blood pressure;
(ii) glucose level;
(iii) lipids; and
(iv) nicotine use.

(2) POPULATION ENROLLED.—Non-medicare eligible retired beneficiaries of the military health system and their dependents who are enrolled in TRICARE Prime and who reside in the demonstration project service area shall be enrolled in the demonstration project.

(3) GEOGRAPHIC COVERAGE OF DEMONSTRATION PROJECT.—The demonstration project shall be conducted in at least three geographic areas within the United States where TRICARE Prime is offered, as determined by the Secretary. The area covered by the project shall be referred to as the demonstration project service area.

(4) PROGRAMS.—The Secretary shall develop programs to assist enrollees to improve healthy behaviors, as identified by the wellness assessment.

(5) INCLUSION OF INCENTIVES REQUIRED.—For the purpose of conducting the demonstration project, the Secretary may offer monetary and non-monetary incentives to enrollees to encourage participation in the demonstration project.

(c) EVALUATION OF DEMONSTRATION PROJECT.—The Secretary shall annually evaluate the demonstration project for the following:

(1) The extent to which the health risk assessment and the physiological and biometric measures of beneficiaries are improved from the baseline (as determined in the wellness assessment).

(2) In the case of baseline health risk assessments and physiological and biometric measures that reflect healthy behaviors, the extent to which the measures are maintained.

(d) IMPLEMENTATION PLAN.—The Secretary of Defense shall submit a plan to implement the health risk management demonstration project required by this section not later than 90 days after the date of the enactment of this Act.

(e) DURATION OF PROJECT.—The health risk management demonstration project shall be implemented for a period of three years, beginning not later than March 1, 2009, and ending three years after that date.

(f) REPORT.—

(1) IN GENERAL.—The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives an annual report on the effectiveness of the health risk management demonstration project in improving the health risk measures of military health system beneficiaries enrolled in the demonstration project. The first report shall be submitted not later than one year after the date of the enactment of this Act, and subsequent reports shall be submitted for each year of the demonstration project with the final report being submitted not later than 90 days after the termination of the demonstration project.

(2) MATTERS COVERED.—Each report shall address, at a minimum, the following:

(A) The number of beneficiaries who were enrolled in the project.

(B) The number of enrolled beneficiaries who participate in the project.

(C) The incentives to encourage healthy behaviors that were provided to the beneficiaries in each beneficiary category, and the extent to which the incentives encouraged healthy behaviors.

(D) An assessment of the effectiveness of the demonstration project.

(E) Recommendations for adjustments to the demonstration project.

(F) The estimated costs avoided as a result of decreased health risk conditions on the part of each of the beneficiary categories.

(G) Recommendations for extending the demonstration project or implementing a permanent wellness assessment program.

(H) Identification of legislative authorities required to implement a permanent program.

SEC. 713. SMOKING CESSATION PROGRAM UNDER TRICARE.

(a) TRICARE SMOKING CESSATION PROGRAM.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall establish a smoking cessation program under the TRICARE program, to be made available to all beneficiaries under the TRICARE program who are not medicare-eligible. The Secretary may prescribe such regulations as may be necessary to implement the program.

(b) ELEMENTS.—The program shall include, at a minimum, the following elements:

(1) The availability, at no cost to the beneficiary, of pharmaceuticals used for smoking cessation, with a limitation on the availability of such pharmaceuticals to the national mail-order pharmacy program under the TRICARE program if appropriate.

(2) Access to a toll-free quit line that is available 24 hours a day, 7 days a week.

(3) Access to printed and Internet web-based tobacco cessation material.

(c) PLAN.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a plan to implement the program.

(d) REFUND OF COPAYMENTS.—

(1) AUTHORITY.—Under regulations prescribed by the Secretary of Defense, the Secretary may pay a refund to a medicare-eligible beneficiary otherwise excluded by this section, subject to the availability of appropriations specifically for such refunds, consisting of an amount up to the difference between—

(A) the amount the beneficiary pays for copayments for smoking cessation services described in subsection (b) during fiscal year 2009; and

(B) the amount the beneficiary would have paid during such fiscal year if the beneficiary had not been excluded under subsection (a) from the smoking cessation program under that subsection.

(2) COPAYMENTS COVERED.—The refunds under paragraph (1) are available only for copayments paid by medicare-eligible beneficiaries during fiscal year 2009.

(3) FUNDING.—Of the amounts authorized to be appropriated under title XIV for the Defense Health Program, $3,000,000 is authorized for the purposes of the refund authorized under this subsection.

(e) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report covering the following:

(1) The status of the program.

(2) The number of participants in the program.

(3) The cost of the program.

(4) The costs avoided that are attributed to the program.

(5) The success rates of the program compared to other nationally recognized smoking cessation programs.

(6) Findings regarding the success rate of participants in the program.

(7) Recommendations to modify the policies and procedures of the program.

(8) Recommendations concerning the future utility of the program.

(f) DEFINITIONS.—In this section:

(1) TRICARE PROGRAM.—The term ''TRICARE program'' has the meaning provided by section 1072(7) of title 10, United States Code.

(2) MEDICARE-ELIGIBLE.—The term ''medicare-eligible'' has the meaning provided by section 1111(b) of title 10, United States Code.

SEC. 714. PREVENTIVE HEALTH ALLOWANCE.

(a) ALLOWANCE.—Chapter 7 of title 37, United States Code, is amended by adding at the end the following new section:

''§ 438. Preventive health services allowance

''(a) DEMONSTRATION PROJECT.—During the period beginning on January 1, 2009, and ending on December 31, 2011, the Secretary of Defense shall conduct a demonstration project designed to evaluate the efficacy of providing an annual allowance (to be known as a 'preventive health services allowance') to members of the armed forces described in subsection (b) to increase the use of preventive health services by such members and their dependents.

''(b) ELIGIBLE MEMBERS.—(1) Subject to the numerical limitations specified in paragraph (2), a member of the armed forces who is serving on active duty for a period of more than 30 days and meets the medical and dental readiness requirements for the armed force of the member may receive a preventive health services allowance.

''(2) Not more than 1,500 members of each of the Army, Navy, Air Force, and Marine Corps may receive a preventive health services allowance during any year, of which half in each armed force shall be members without dependents and half shall be members with dependents.

''(c) AMOUNT OF ALLOWANCE.—The Secretary of the military department concerned shall pay a preventive health services allowance to a member selected to receive the allowance in an amount equal to—

''(1) $500 per year, in the case of a member without dependents; and

''(2) $1,000 per year, in the case of a member with dependents.

''(d) AUTHORIZED PREVENTIVE HEALTH SERVICES.—(1) The Secretary of Defense shall specify the types of preventive health services that may be procured using a preventive health services allowance and the frequency at which such services may be procured.

''(2) At a minimum, authorized preventive health services shall include, taking into consideration the age and gender of the member and dependents of the member:

''(A) Colorectal screening.

''(B) Breast screening.

''(C) Cervical screening.

''(D) Prostate screening.

''(E) Annual physical exam.

''(F) Annual dental exam.

''(G) Vaccinations.

''(3) The Secretary of Defense shall ensure that members selected to receive the preventive health services allowance and their dependents are provided a reasonable opportunity to receive the services authorized under this subsection in their local area.

''(e) DATA COLLECTION.—At a minimum, the Secretary of Defense shall monitor and record the health of members receiving a preventive health services allowance and their dependents and the results the testing required to qualify for payment of the allowance, if conducted. The Secretary shall assess the medical utility of the testing required to qualify for payment of a preventive health allowance.

''(f) REPORTING REQUIREMENT.—Not later than March 31, 2010, and March 31, 2012, the Secretary of Defense shall submit to Congress a report on the status of the demonstration project, including findings regarding the medical status of participants, recommendations to modify the policies and procedures of the program, and recommendations concerning the future utility of the project.

''(g) REGULATIONS.—The Secretary of Defense shall prescribe regulations to carry out this section.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''438. Preventive health care allowance.''.

Subtitle C—Wounded Warrior Matters

SEC. 721. CENTER OF EXCELLENCE IN PREVENTION, DIAGNOSIS, MITIGATION, TREATMENT, AND REHABILITATION OF HEARING LOSS AND AUDITORY SYSTEM INJURIES.

(a) IN GENERAL.—The Secretary of Defense shall establish within the Department of Defense a center of excellence in the prevention, diagnosis, mitigation, treatment, and rehabilitation of hearing loss and auditory system injury to carry out the responsibilities specified in subsection (c).

(b) PARTNERSHIPS.—The Secretary shall ensure that the center collaborates to the maximum extent practicable with the Secretary of Veterans Affairs, institutions of higher education, and other appropriate public and private entities (including international entities) to carry out the responsibilities specified in subsection (c).

(c) RESPONSIBILITIES.—

(1) IN GENERAL.—The center shall—

(A) implement a comprehensive plan and strategy for the Department of Defense, as developed by the Secretary of Defense, for a registry of information for the tracking of the diagnosis, surgical intervention or other operative procedure, other treatment, and follow up for each case of hearing loss and auditory system injury incurred by a member of the Armed Forces while serving on active duty;

(B) ensure the electronic exchange with the Secretary of Veterans Affairs of information obtained through tracking under subparagraph (A); and

(C) enable the Secretary of Veterans Affairs to access the registry and add information pertaining to additional treatments or surgical procedures and eventual hearing outcomes for veterans who were entered into the registry and subsequently received treatment through the Veterans Health Administration.

(2) DESIGNATION OF REGISTRY.—The registry under this subsection shall be known as the ''Hearing Loss and Auditory System Injury Registry'' (hereinafter referred to as the ''Registry'').

(3) CONSULTATION IN DEVELOPMENT.—The center shall develop the Registry in consultation with audiologists, speech and language pathologists, otolaryngologists, and other specialist personnel of the Department of Defense and the audiologists, speech and language pathologists, otolaryngologists, and other specialist personnel of the Department of Veterans Affairs. The mechanisms and procedures of the Registry shall reflect applicable expert research on military and other hearing loss.

(4) MECHANISMS.—The mechanisms of the Registry for tracking under paragraph (1)(A) shall ensure that each military medical treatment facility or other medical facility shall submit to the center for inclusion in the Registry information on the diagnosis, surgical intervention or other operative procedure, other treatment, and follow up for each case of hearing loss and auditory system injury described in that paragraph as follows (to the extent applicable):

(A) Not later than 30 days after surgery or other operative intervention, including a surgery or other operative intervention carried out as a result of a follow-up examination.

(B) Not later than 180 days after the hearing loss and auditory system injury is reported or recorded in the medical record.

(5) COORDINATION OF CARE AND BENEFITS.—(A) The center shall provide notice to the National Center for Rehabilitative Auditory Research (NCRAR) of the Department of Veterans Affairs and to the auditory system impairment services of the Veterans Health Administration on each member of the Armed Forces described in subparagraph (B) for purposes of ensuring the coordination of the provision of ongoing auditory system rehabilitation benefits and services by the Department of Veterans Affairs after the separation or release of such member from the Armed Forces.

(B) A member of the Armed Forces described in this subparagraph is a member of the Armed Forces with significant hearing loss or auditory system injury incurred while serving on active duty, including a member with auditory dysfunction related to traumatic brain injury.

(d) UTILIZATION OF REGISTRY INFORMATION.—The Secretary of Defense and the Secretary of Veterans Affairs shall jointly ensure that information in the Registry is available to appropriate audiologists, speech and language pathologists, otolaryngologists, and other specialist personnel of the Department of Defense and the Department of Veterans Affairs for purposes

of encouraging and facilitating the conduct of research, and the development of best practices and clinical education, on hearing loss or auditory system injury incurred by members of the Armed Forces.

(e) INCLUSION OF RECORDS OF OIF/OEF VETERANS.—The Secretary of Defense shall take appropriate actions to include in the Registry such records of members of the Armed Forces who incurred a hearing loss or auditory system injury while serving on active duty on or after September 11, 2001, but before the establishment of the Registry, as the Secretary considers appropriate for purposes of the Registry.

SEC. 722. CLARIFICATION TO CENTER OF EXCELLENCE RELATING TO MILITARY EYE INJURIES.

Section 1623(d) of Public Law 110–181 is amended by striking ''in combat'' at the end.

SEC. 723. NATIONAL CASUALTY CARE RESEARCH CENTER.

(a) REDESIGNATION OF RESEARCH PROGRAM AS CENTER.—Not later than October 1, 2009, the Secretary of Defense shall designate a center be known as the ''National Casualty Care Research Center'' (in this section referred to as the ''Center''), which shall consist of the program known as the combat casualty care research program at the Army Medical Research and Materiel Command as modified in accordance with this section.

(b) DIRECTOR.—There shall be a director of the Center, who shall be appointed by the Secretary after consultation with the commanding general of the Medical Research and Materiel Command.

(c) ACTIVITIES OF THE CENTER.—In addition to the functions already performed by the combat casualty care research program, the Center shall—

(1) provide a public-private partnership for funding clinical and experimental studies in combat injury;

(2) integrate laboratory and clinical research to hasten improvements in care to both civilians and members of the Armed Forces who are injured;

(3) ensure that data from both military and civilian entities, including the Joint Theater Trauma Registry and the National Trauma Data Bank, are optimally used to establish research agendas and measure improvements in outcomes; and

(4) fund the full spectrum of injury research and evaluation, including—

(A) laboratory, translational, and clinical research;

(B) point of wounding and pre-hospital care;

(C) early resuscitative management;

(D) initial and definitive surgical care;

(E) rehabilitation and reintegration into society; and

(F) coordinate multi-institutional civilian/military collaboration and trauma research.

(d) AUTHORIZATION.—In addition to amounts authorized for the combat casualty care research program of the Army Medical Research and Materiel Command, there is authorized to be appropriated $1,000,000 for the Center established pursuant to this section.

(e) FUNDING ADJUSTMENTS.—For the amounts authorized in subsection (d):

(1) The amount for the Defense Health Program, Research and Development, is hereby increased by $1,000,000, to be available for the United States Army Medical Research and Materiel Command.

(2) The amount for Weapons Procurement, Navy, is hereby reduced by $1,000,000, to be derived from other missiles.

SEC. 724. PEER-REVIEWED RESEARCH PROGRAM ON EXTREMITY WAR INJURIES.

(a) ESTABLISHMENT OF PEER-REVIEWED ORTHOPAEDIC EXTREMITY TRAUMA RESEARCH PROGRAM.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall establish a competitive, peer-reviewed research program within the Defense Health Program's research and development function to conduct peer-reviewed medical research at military and civilian institutions designed to develop scientific information aimed at saving injured extremities, avoiding amputations, and preserving and restoring the function of injured extremities. Such research shall address military medical needs and include the full range of scientific inquiry encompassing basic, translational, and clinical research.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the plans for establishment, management, and operation of the Peer-Reviewed Research Program on Extremity War Injuries required under this section.

(c) EFFECTIVE DATE.—This section shall be in effect until September 30, 2013.

SEC. 725. REVIEW OF POLICIES AND PROCESSES RELATED TO THE DELIVERY OF MAIL TO WOUNDED MEMBERS OF THE ARMED FORCES.

(a) REVIEW OF DELIVERY POLICY AND PROCESSES.—The Secretary of Defense shall review the policies and processes related to the delivery of letters, packages, messages, and other communications that are intended as measures of support and addressed generally to wounded and injured members of the Armed Forces (such as ''To any Wounded Warrior'' or ''To Any Wounded Service Member'') in military medical treatment facilities and other locations where members of the Armed Forces are treated and rehabilitated.

(b) SPECIFIC PROCESSES.—In conducting the review under subsection (a), the Secretary of Defense shall determine the following:

(1) Whether the current Department of Defense prohibition on the direct delivery of such letters, packages, messages, and other communications to wounded and injured members of the Armed Forces should be modified.

(2) The adequacy, particularly from the perspective of wounded and injured members of the Armed Forces, of the current governmental and non-governmental delivery processes.

(c) CORRECTIVE ACTIONS.—Based on the review under subsection (a), the Secretary of Defense may take actions to correct or modify the policies and processes related to the delivery of letters, packages, messages, and other communications to wounded and injured members of the Armed Forces as the Secretary determines appropriate.

(d) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the results of the review under subsection (a) and the ongoing and projected actions to correct or modify the policies and processes related to the delivery of letters, packages, messages, and other communications to wounded and injured members of the Armed Forces.

SEC. 726. POST-DEPLOYMENT MENTAL HEALTH SCREENING DEMONSTRATION PROJECT.

(a) DEMONSTRATION PROJECT REQUIRED.—The Secretary of Defense shall conduct a demonstration project to assess the feasibility and efficacy of providing a face to face post-deployment mental health screening between a member of the Armed Forces and a mental health provider.

(b) ELEMENTS.—The demonstration project shall include, at a minimum, the following elements:

(1) A combat stress evaluation conducted in person by a qualified mental health professional within 120 to 180 days after the date on which the member returns from combat theater.

(2) Phone follow-ups by a case manager, not necessarily stationed at the military installation, at the following intervals after the initial post-deployment screening:

(A) Six months.

(B) Twelve months.

(C) Eighteen months.

(D) Twenty-four months.

(c) CONSULTATION.—The Secretary of Defense shall develop the demonstration project in consultation with the Secretary of Veterans Affairs and the Secretary of Health and Human Services. The Secretary of Defense may also coordinate the program with any accredited college, university, hospital-based or community-based mental health center the Secretary considers appropriate.

(d) SELECTION OF MILITARY INSTALLATION.—The demonstration project shall be conducted at two military installations, one active duty and one reserve component demobilization station, selected by the Secretary of Defense. The installations selected shall have members of the Armed Forces on active duty and members of the reserve components that use the installation as a training and operating base, with members routinely deploying in support of operations in Iraq, Afghanistan, and other assignments related to the global war on terrorism.

(e) PERSONNEL REQUIREMENTS.—The Secretary of Defense shall ensure an adequate number of the following personnel in the program:

(1) Qualified mental health professionals that are licensed psychologists, psychiatrists, psychiatric nurses, or clinical social workers.

(2) Suicide prevention counselors.

(f) TIMELINE.—

(1) The demonstration project required by this subsection shall be implemented not later than September 30, 2009.

(2) Authority for this demonstration project shall expire on September 30, 2011.

(g) REPORTS.—The Secretary of Defense shall submit to the congressional defense committees—

(1) a plan to implement the demonstration project, including site selection and criteria for choosing the site, not later than June 1, 2009,

(2) an interim report every 180 days thereafter; and

(3) a final report detailing the results not later than January 1, 2012.

Subtitle D—Other Matters

SEC. 731. REPORT ON STIPEND FOR MEMBERS OF RESERVE COMPONENTS FOR HEALTH CARE FOR CERTAIN DEPENDENTS.

The Secretary of Defense shall submit to the congressional defense committees a report on the extent to which the Secretary has exercised the authority provided in section 704 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 188; 10 U.S.C. 1076 note).

SEC. 732. REPORT ON PROVIDING THE EXTENDED CARE HEALTH OPTION PROGRAM TO AUTISTIC DEPENDENTS OF MILITARY RETIREES.

(a) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report that contains a plan for including autistic dependents of military retirees in the Extended Care Health Option program (hereafter in this section referred to as the ''ECHO program'').

(b) CONTENTS OF REPORT.—The report required under subsection (a) shall include the following:

(1) The most current data on the number of military retirees with autistic dependents

and an estimate of the number of future military retirees with autistic dependents.

(2) The cost estimates of providing extended benefits under the ECHO program to autistic dependents of all current and future military retirees.

(3) The feasibility of including autistic dependents of military retirees in any ongoing demonstration or pilot programs within the ECHO program.

(4) The statutory and regulatory impediments to including autistic dependents of military retirees in the ECHO program.

SEC. 733. SENSE OF CONGRESS REGARDING AUTISM THERAPY SERVICES.

(a) MINIMUM COST SHARE PER MONTH.—The Secretary of Defense shall ensure that autistic children of members of the Armed Forces enrolled in the Extended Care Health Option program shall be eligible to receive a minimum of $5,000 per month of autistic therapy services.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of Defense should ensure that the process in determining eligibility for autistic therapy services provided to the children of members of the Armed Forces is conducted in an expeditious manner and without delay.

(c) STUDY AND REPORT.—

(1) STUDY.—The Secretary of Defense shall conduct a study on autistic therapy services in the Department of Defense. The study shall include—

(A) an evaluation of whether such services would be better managed under the TRICARE program; and

(B) the potential benefits and costs of a transition of the management of such services from the exceptional family member programs to the TRICARE program.

(2) REPORT.—Not later than July 30, 2009, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the results of the study.

(d) DEFINITIONS.—In this section:

(1) AUTISTIC THERAPY SERVICES.—The term ''autistic therapy services'' includes applied behavior analysis.

(2) TRICARE PROGRAM.—The term ''TRICARE program'' has the meaning provided by section 1072 of title 10, United States Code.

(3) EXTENDED CARE HEALTH OPTION.—The term ''Extended Care Health Option'' means the program of extended benefits provided pursuant to subsections (d), (e), and (f) of section 1079 of title 10, United States Code.

(e) FUNDING.—Of the amount authorized to be appropriated by section 1511(a), $29,000,000 is authorized to be used to carry out this section.

SEC. 734. REPORT ON IMPLEMENTATION OF RECOMMENDATIONS CONTAINED IN REPORT ON HEALTH EFFECTS OF EXPOSURE TO DEPLETED URANIUM.

Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report describing the measures underway to implement the recommendations contained in the report entitled ''Review of the Toxicologic and Radiologic Risks to Military Personnel from Exposure to Depleted Uranium During and After Combat'', which was conducted pursuant to section 716 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2391).

SEC. 735. SUICIDE RISK BY MILITARY OCCUPATION.

(a) STUDY.—The Secretary of Defense shall conduct a study to identify the mental health risks associated with the performance of military duties.

(b) ELEMENTS.—The study shall include the following elements:

(1) An assessment of suicide incidence by military occupation.

(2) An identification of military occupations with a high incidence of suicide.

(3) An evaluation of current suicide prevention programs for those military occupations with a high incidence of suicide.

(4) An assessment of the need for additional suicide prevention programs specific to military occupations with a high incidence of suicide.

(c) REPORT.—Not later than 120 days after the date of enactment of this Act, the Secretary of Defense shall submit to the Congressional Defense Committees a report on the findings of the study. The report shall include any recommendations for improving suicide prevention programs for military occupations with a high incidence of suicide.

SEC. 736. IMPLEMENTATION OF RECOMMENDATIONS OF DEPARTMENT OF DEFENSE MENTAL HEALTH TASK FORCE.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a review of the implementation by the Department of Defense of recommendations made by the Department of Defense Task Force on Mental Health (in this section referred to as the ''Task Force'') developed pursuant to section 723 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3348) to ensure a full continuum of psychological health services and care for members of the Armed Forces and their families.

(b) REPORT REQUIRED.—Not later than one year after the date of the enactment of this Act, the Comptroller General shall submit to the congressional defense committees a report on the results of the review required by this section. The report shall include such recommendations as the Comptroller General considers appropriate.

SEC. 737. TRANSITIONAL HEALTH CARE FOR CERTAIN MEMBERS OF THE ARMED FORCES WHO AGREE TO SERVE IN THE SELECTED RESERVE OF THE READY RESERVE.

(a) PROVISION OF TRANSITIONAL HEALTH CARE.—Section 1145(a)(2) of title 10, United States Code, is amended by adding at the end the following new subparagraph:

''(E) A member who is separated from active duty who agrees to become a member of the Selected Reserve of the Ready Reserve of a reserve component.''.

(b) EFFECTIVE DATE.—Subparagraph (E) of section 1145(a)(2) of title 10, United States Code, as added by subsection (a), shall apply with respect to members of the Armed Forces separated from active duty after the date of the enactment of this Act.

(c) OFFSET.—The amount in section 201(4) for research, development, test, and evaluation, Defense-wide, is hereby reduced by $22,000,000, to be derived from the Missile Defense Agency.

TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS

Subtitle A—Acquisition Policy and Management

Sec. 801. Review of impact of illegal subsidies on acquisition of KC–45 aircraft.
Sec. 802. Assessment of urgent operational needs fulfillment.
Sec. 803. Preservation of tooling for major defense acquisition programs.
Sec. 804. Prohibition on procurement from beneficiaries of foreign subsidies.
Sec. 805. Domestic industrial base considerations during source selection.
Sec. 806. Commercial software reuse preference.
Sec. 807. Comprehensive proposal analysis required during source selection.

Subtitle B—Amendments to General Contracting Authorities, Procedures, and Limitations

Sec. 811. Acquisition workforce expedited hiring authority.
Sec. 812. Definition of system for Defense Acquisition Challenge Program.
Sec. 813. Career path and other requirements for military personnel in the acquisition field.
Sec. 814. Technical data rights for non-FAR agreements.
Sec. 815. Clarification that cost accounting standards apply to Federal contracts performed outside the United States.

Subtitle C—Provisions Relating to Inherently Governmental Functions

Sec. 821. Policy on personal conflicts of interest by employees of Department of Defense contractors.
Sec. 822. Development of guidance on personal services contracts.
Sec. 823. Limitation on performance of product support integrator functions.
Sec. 824. Performance by private security contractors of inherently governmental functions in an area of combat operations.

Subtitle D—Defense Industrial Security

Sec. 831. Requirements relating to facility clearances.
Sec. 832. Foreign ownership control or influence.
Sec. 833. Congressional oversight relating to facility clearances and foreign ownership control or influence; definitions.

Subtitle E—Other Matters

Sec. 841. Clarification of status of Government rights in the designs of department of defense vessels, boats, and craft, and components thereof.
Sec. 842. Expansion of authority to retain fees from licensing of intellectual property.
Sec. 843. Transfer of sections of title 10 relating to Milestone A and Milestone B for clarity.
Sec. 844. Earned value management study and report.
Sec. 845. Report on market research.
Sec. 846. System development and demonstration benchmark report.
Sec. 847. Additional matters required to be reported by contractors performing security functions in areas of combat operations.
Sec. 848. Report relating to munitions.
Sec. 849. Additional contractor requirements and responsibilities relating to alleged crimes by or against contractor personnel in Iraq and Afghanistan.
Sec. 850. Requirement for Department of Defense to adopt an acquisition strategy for Defense Base Act insurance.
Sec. 851. Motor carrier fuel surcharges.
Sec. 852. Requirement for defense contract clause prohibiting certain uses of foreign shell companies.

Subtitle A—Acquisition Policy and Management

SEC. 801. REVIEW OF IMPACT OF ILLEGAL SUBSIDIES ON ACQUISITION OF KC–45 AIRCRAFT.

(a) REVIEW OF ILLEGAL SUBSIDIES REQUIRED.—The Secretary of the Air Force, not later than 10 days after a ruling by the World Trade Organization that either or both of the United States or the European Union, or any political entity within the United States or the European Union, has provided illegal

subsidies to a manufacturer of large commercial aircraft, shall begin a review, as described in subsection (b), of the impact of such illegal subsidies on the source selection for the KC–45 Aerial Refueling Aircraft Program.

(b) PERFORMANCE OF THE REVIEW.—In performing the review required by subsection (a), the Secretary of Air Force shall comply with the following requirements:

(1) The Secretary shall seek information from the public on the potential impact of illegal subsidies on the source selection process for the KC–45 Aerial Refueling Aircraft Program through a notice and comment process. The Secretary shall adopt such procedures for handling information provided under such notice and comment process as are necessary to protect national security and confidential business information.

(2) The Secretary shall consult with experts within the Department of Defense, the Office of Management and Budget, the Office of the United States Trade Representative, and other agencies and offices of the Federal government, as appropriate, on the potential impact of illegal subsidies on the source selection process for the KC–45 Aerial Refueling Aircraft Program.

(3) The Secretary shall request information from each of the offerors in the source selection process for the KC–45 Aerial Refueling Aircraft Program on the potential impact of illegal subsidies on such process.

(c) COMPLETION OF REVIEW.—The Secretary of the Air Force shall complete the review required by subsection (a) not later than 90 days after the World Trade Organization has ruled on all illegal subsidy cases involving large commercial aircraft pending at the World Trade Organization as of the date of the enactment of this Act.

(d) DETERMINATION AND REMEDY REQUIRED.—If the Secretary of the Air Force determines, after performing the review required by subsection (a), that an illegal subsidy or subsidies had a material impact on the source selection process for the KC–45 Aerial Refueling Aircraft Program sufficient to bring into question the fairness of such source selection process, the Secretary shall take such measures as are necessary and appropriate to ensure that the effect of such subsidy or subsidies is removed and the source selection process for the KC–45 Aerial Refueling Aircraft Program is fair to all offerors.

(e) DEFINITIONS.—In this section:

(1) The term ''illegal subsidy'' means a subsidy found to constitute a violation of the Agreement on Subsidies and Countervailing Measures.

(2) The term ''Agreement on Subsidies and Countervailing Measures'' means the agreement described in section 101(d)(12) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(12)).

(3) The term ''source selection'', with respect to a program of the Department of Defense, means the selection, through the use of competitive procedures or such other procurement procedures as may be applicable, of a contractor to perform a contract to carry out the program.

SEC. 802. ASSESSMENT OF URGENT OPERATIONAL NEEDS FULFILLMENT.

(a) ASSESSMENT REQUIRED.—The Secretary of Defense shall commission a study and report by a federally funded research and development center to assess the effectiveness of the processes used by the Department of Defense for the generation of urgent operational need requirements, and the acquisition processes used to fulfill such requirements. Such assessment shall include the following:

(1) A description and evaluation of the effectiveness of the procedures used to generate warfighting requirements through the urgent operational need process.

(2) An evaluation of the extent to which urgent operational need statements are used to document required capability gaps or are used to request specific acquisition outcomes, such as specific systems or equipment.

(3) A description and evaluation of the effectiveness of the processes used by each of the military departments to prioritize and fulfill urgent operational needs, including the rapid acquisition processes of the military departments.

(4) A description and evaluation of the effectiveness of the procedures used to generate warfighting requirements through the joint urgent operational need process.

(5) An evaluation of the extent to which joint urgent operational need statements are used to document urgent joint capability gaps or are used—

(A) to avoid using service-specific urgent operational need and acquisition processes;

(B) to document non-urgent capability gaps; or

(C) to request specific acquisition outcomes, such as specific systems or equipment.

(6) A description and evaluation of the effectiveness of the processes used by the various elements of the Department of Defense to prioritize and fulfill joint urgent operational needs, including the Joint Improvised Explosive Device Defeat Organization and the Joint Rapid Acquisition Cell.

(7) An evaluation of the extent to which joint acquisition entities maintain oversight, once a military department or defense agency has been designated as responsible for execution and fielding of a capability in response to a joint urgent operational need statement, including oversight of—

(A) the responsiveness of the military department or agency in execution;

(B) the field performance of the capability delivered in response to the joint urgent operational need statement; and

(C) the concurrent development of a long-term acquisition and sustainment strategy.

(8) Recommendations regarding—

(A) common definitions and standards for urgent operational needs statements and joint urgent operational need statements;

(B) best practices and process improvements for the creation, evaluation, prioritization, and fulfillment of urgent operational need statements and joint urgent operational need statements; and

(C) the extent to which rapid acquisition processes should be consolidated or expanded.

(b) SUBMISSION TO CONGRESS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees the report resulting from the study conducted pursuant to subsection (a).

(c) DEFINITIONS.—In this section:

(1) The term ''urgent operational need'' or ''urgent operational need statement'' means a high priority capability gap from an ongoing, named operation—

(A) that is validated and resourced by a specific military department or defense agency; and

(B) that, if not addressed immediately, will seriously endanger personnel or pose a major threat to ongoing operations.

(2) The term ''joint urgent operational need'' means a high priority capability gap from an ongoing, named operation—

(A) that is identified by a combatant commander;

(B) that requires validation and resourcing by the Joint Chiefs of Staff;

(C) that falls outside of the established processes of the military departments; and

(D) that, if not addressed immediately will seriously endanger personnel or pose a major threat to ongoing operations.

SEC. 803. PRESERVATION OF TOOLING FOR MAJOR DEFENSE ACQUISITION PROGRAMS.

(a) GUIDANCE REQUIRED.—The Secretary of Defense shall issue guidance requiring that all unique tooling associated with the production of hardware for a major defense acquisition program be preserved and stored through the end of the service life of the end item associated with such a program. Such guidance shall—

(1) provide that either a component of the Department of Defense or a contractor (or subcontractor at any tier) may be responsible for preservation and storage of such tooling;

(2) require that the milestone decision authority approve a plan for the preservation and storage of such tooling prior to granting a Milestone C approval;

(3) if such tooling is to be preserved and stored by a component of the Department of Defense, require the component to ensure adequate funds and facilities are available to preserve and store such tooling through the projected service life of the end item;

(4) if such tooling is to be preserved and stored by a contractor, or a subcontractor at any tier, require that any production contract (or subcontract) awarded in support of the major defense acquisition program include a contract clause regarding the preservation and storage of such tooling; and

(5) provide a mechanism for the Secretary of Defense to waive such requirement if—

(A) the Secretary determines that such a waiver is in the best interest of national security; and

(B) notifies the congressional defense committees at least 15 days before taking such action.

(b) DEFINITIONS.—In this section:

(1) MAJOR DEFENSE ACQUISITION PROGRAM.—The term ''major defense acquisition program'' has the meaning provided in section 2430 of title 10, United States Code.

(2) MILESTONE DECISION AUTHORITY.—The term ''milestone decision authority'' has the meaning provided in section 2366a(f)(2).

(3) MILESTONE C APPROVAL.—The term ''Milestone C approval'' has the meaning provided in section 2366(e)(8) of title 10, United States Code.

SEC. 804. PROHIBITION ON PROCUREMENT FROM BENEFICIARIES OF FOREIGN SUBSIDIES.

(a) PROHIBITION.—Except as provided in subsections (c) and (d), the Secretary of Defense may not enter into a contract for the procurement of goods or services from any foreign person to which the government of a foreign country that is a member of the World Trade Organization has provided a subsidy if—

(1) the United States has requested consultations with that foreign country under the Agreement on Subsidies and Countervailing Measures on the basis, in whole or in part, that the subsidy is a prohibited subsidy under that Agreement; and

(2) either—

(A) the dispute before the World Trade Organization has not been resolved; or

(B) the World Trade Organization has ruled that the subsidy provided by the foreign country is a prohibited subsidy under the Agreement on Subsidies and Countervailing Measures.

(b) ADDITIONAL APPLICABILITY.—

(1) JOINT VENTURES.—The prohibition under subsection (a) with respect to a foreign person also applies to any joint venture, cooperative organization, partnership, or contracting team of which that foreign person is a member.

(2) SUBCONTRACTS AND TASK AND DELIVERY ORDERS.—The prohibition under subsection (a) with respect to a contract also applies to any subcontracts at any tier entered into under the contract and any task orders or delivery orders at any tier issued under the contract.

(c) EXCEPTIONS TO APPLICABILITY.—

(1) INAPPLICABILITY TO PROGRAMS WITH MILESTONE B APPROVAL.—The prohibition under subsection (a) shall not apply to any contract under a major defense acquisition program that has received Milestone B approval as of the date of the enactment of this Act.

(2) INAPPLICABILITY TO CERTAIN PROCUREMENTS.—The prohibition under subsection (a) shall not apply to a contract for the procurement of goods or services from a foreign person being provided a subsidy if—

(A) in any case in which goods or services are the subject of the consultation requested by the United States (as described in subsection (a)(1)), the goods or services to be procured under the contract are not related to the goods and services that are the subject of the consultation; or

(B) in any case in which the subject of the consultation requested by the United States (as described in subsection (a)) is not a good or service (but is law, regulations, or other policies of the foreign country), the Department of Defense contracting officer for the contract has certified that the foreign person has demonstrated that the cost of the offeror's proposal is not materially affected by the subsidy.

(d) WAIVER.—The President may waive the prohibition in this section with respect to a specific contract if the President (without delegation) determines that failure to waive the prohibition would result in a significant and imminent threat to national security. The President shall submit to Congress a notice of any waiver granted under this subsection within 7 days after granting it.

(e) DURATION OF PROHIBITION.—In the case of a subsidy that the World Trade Organization has ruled is a prohibited subsidy as described in subsection (a)(2)(B), the prohibition under subsection (a) shall not apply to a contract for the procurement of goods or services that were the subject of the consultation after—

(1) the dispute is resolved; and

(2) either—

(A) a mutual agreement has been reached between the United States and the foreign government with respect to the prohibited subsidy; or

(B) the foreign government has agreed to comply with the requirements of the ruling issued by the World Trade Organization in the dispute.

(f) DEFINITIONS.—In this section:

(1) The term ''Agreement on Subsidies and Countervailing Measures'' means the agreement described in section 101(d)(12) of the Uruguay Round Agreements Act (19 U.S.C. 3501(d)(12)).

(2) The term ''foreign person'' means—

(A) an individual who is not a United States person or an alien lawfully admitted for permanent residence into the United States; or

(B) a corporation, partnership, or other nongovernmental entity which is not a United States person.

(3) The term ''United States person'' means—

(A) a natural person who is a citizen of the United States or who owes permanent allegiance to the United States; and

(B) a corporation or other legal entity which is organized under the laws of the United States, any State or territory thereof, or the District of Columbia, if natural persons described in subparagraph (A) own, directly or indirectly, more than 50 percent of the outstanding capital stock or other beneficial interest in such legal entity.

(4) The term ''major defense acquisition program'' means a Department of Defense acquisition program that is a major defense acquisition program for purposes of section 2430 of title 10, United States Code.

(5) The term ''Milestone B approval'' has the meaning provided that term in section 2366(e)(7) of such title.

SEC. 805. DOMESTIC INDUSTRIAL BASE CONSIDERATIONS DURING SOURCE SELECTION.

(a) REGULATIONS REQUIRED.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall prescribe regulations regarding the application of a domestic industrial base evaluation factor during source selection for a major defense acquisition program of the Department of Defense. Such regulations shall—

(1) allow the source selection authority to consider impacts on the domestic industrial base as an evaluation factor during the source selection process;

(2) provide the source selection authority flexibility with regard to the importance assigned to such an evaluation factor; and

(3) provide defense acquisition officials with the authority to impose penalties on the contractor awarded the contract resulting from the source selection, including fines and contract termination, if—

(A) the domestic industrial base evaluation factor was used during source selection;

(B) the evaluation factor had a material effect on the outcome of the source selection; and

(C) the official determines that the potential contractor knowingly or willfully misrepresented impacts to the domestic industrial base during source selection.

(b) IMPACTS ON DOMESTIC INDUSTRIAL BASE.—For purposes of the regulations, the Secretary shall consider, at a minimum, the following to be impacts on the domestic industrial base:

(1) The creation or maintenance of domestic capability for production of critical supplies.

(2) The creation or maintenance of domestic jobs.

(3) The creation or maintenance of domestic scientific and technological competencies or manufacturing skills.

(c) REPORT REQUIRED.—The Secretary of Defense shall notify the congressional defense committees at least 30 days before the issuance of a request for proposal for any major defense acquisition program that will not use a domestic industrial base evaluation factor during the source selection process. Such notification shall include—

(1) a brief description of the major defense acquisition program;

(2) a justification for not using a domestic industrial base evaluation factor; and

(3) an assessment of potential impacts on the domestic industrial base, if known, as a result of not using a domestic industrial base evaluation factor.

(d) DEFINITIONS.—In this section:

(1) DOMESTIC INDUSTRIAL BASE.—The term ''domestic industrial base'' means—

(A) persons and organizations that are engaged in research, development, production, or maintenance activities conducted within the United States and United States territories; and

(B) includes, at a minimum, prime contractors, as well as second and third tier subcontractors, engaged in such activities.

(2) MAJOR DEFENSE ACQUISITION PROGRAM.—The term ''major defense acquisition program'' has the meaning provided in section 2430 of title 10, United States Code.

(3) SOURCE SELECTION.—The term ''source selection'', with respect to a major defense acquisition program, means the selection, through the use of competitive procedures or such other procurement procedures as may be applicable, of a contractor to perform a contract to carry out the program.

(4) SOURCE SELECTION AUTHORITY.—The term ''source selection authority'', with respect to a major defense acquisition program, means the official in the Department of Defense designated as responsible for the source selection for that program.

SEC. 806. COMMERCIAL SOFTWARE REUSE PREFERENCE.

(a) IN GENERAL.—The Secretary of Defense shall ensure that contracting officials identify and evaluate, at all stages of the acquisition process (including concept refinement, concept decision, and technology development), opportunities for the use of commercial computer software and, if practicable, use such software instead of developing new software.

(b) REGULATIONS.—The Secretary of Defense shall review and revise the Defense Federal Acquisition Regulation Supplement, Part 207.103, to clarify that the preference for commercial items in the acquisition process includes a preference for commercial computer software, and the preference applies at all stages of the acquisition process.

SEC. 807. COMPREHENSIVE PROPOSAL ANALYSIS REQUIRED DURING SOURCE SELECTION.

(a) REGULATIONS REQUIRED.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall prescribe regulations regarding the comprehensive evaluation of a proposal for a major defense acquisition program for which a significant proportion of the research, design, development, manufacturing, assembly, or test and evaluation will be performed outside the United States. Such regulations shall—

(1) require the offeror of such a proposal, in addition to providing a breakdown of costs as required by the Federal Acquisition Regulation, to provide a breakdown of costs not borne by the offeror as a result of activities performed outside the United States, and such costs shall—

(A) include, at a minimum, costs borne by a foreign government that are not borne by a local, State, or Federal Government in the United States, such as government-borne—

(i) health care;

(ii) retirement compensation; and

(iii) workman's compensation;

(B) not include direct labor and material costs; and

(C) be limited to those costs that would otherwise be allowable and allocable to the contract for the major defense acquisition program if all activities were performed in the United States;

(2) be applicable only to proposals submitted in response to a solicitation from the Department of Defense that requires cost or pricing data;

(3) require the contracting officer responsible for conducting proposal analysis to consider such costs in any cost and price analysis performed; and

(4) require the contracting officer to certify, prior to source selection, that the contracting officer has no reasonable grounds to believe that the final assessed price excludes any cost or other element of price (such as the monetary policy of a foreign government) that other offers performing in the United States could not also exclude.

(b) ADDITIONAL APPLICABILITY WITH RESPECT TO SUBCONTRACTORS.—The regulations under subsection (a) also shall apply with respect to any subcontractor (at any tier) of a prospective contractor if the subcontractor is expected to perform outside the United States a significant portion of the research, design, development, manufacturing, assembly, or test and evaluation under the proposal being evaluated.

(c) DEFINITION.—In this section, the term ''major defense acquisition program'' means a Department of Defense acquisition program that is a major defense acquisition program for the purposes of section 2430 of title 10, United States Code.

Subtitle B—Amendments to General Contracting Authorities, Procedures, and Limitations

SEC. 811. ACQUISITION WORKFORCE EXPEDITED HIRING AUTHORITY.

Section 1705 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(h) EXPEDITED HIRING AUTHORITY.—

''(1) For purposes of sections 3304, 5333, and 5753 of title 5, United States Code, the Secretary of Defense may—

''(A) designate any category of acquisition positions within the Department of Defense as shortage category positions; and

''(B) utilize the authorities in such sections to recruit and appoint highly qualified persons directly to positions so designated.

''(2) The Secretary may not appoint a person to a position of employment under this subsection after September 30, 2012.''.

SEC. 812. DEFINITION OF SYSTEM FOR DEFENSE ACQUISITION CHALLENGE PROGRAM.

Section 2359b of title 10, United States Code, is amended by adding at the end the following new subsection:

''(l) SYSTEM DEFINED.—In this section, the term 'system'—

''(1) means—

''(A) the organization of hardware, software, material, facilities, personnel, data, and services needed to perform a designated function with specified results (such as the gathering of specified data, its processing, and its delivery to users); or

''(B) a combination of two or more interrelated pieces (or sets) of equipment arranged in a functional package to perform an operational function or to satisfy a requirement; and

''(2) includes a major system (as defined in section 2302(5) of this title).''.

SEC. 813. CAREER PATH AND OTHER REQUIREMENTS FOR MILITARY PERSONNEL IN THE ACQUISITION FIELD.

(a) ACQUISITION PERSONNEL REQUIREMENTS.—

(1) IN GENERAL.—Chapter 87 of title 10, United States Code, is amended by inserting after section 1722 the following new section:

''§ 1722a. Special requirements for military personnel in the acquisition field

''(a) REQUIREMENT FOR POLICY AND GUIDANCE REGARDING MILITARY PERSONNEL IN ACQUISITION.—The Secretary of Defense shall require the Secretary of each military department (with respect to the military departments) and the Under Secretary of Defense for Acquisition, Technology, and Logistics (with respect to the Office of the Secretary of Defense, the unified combatant commands, the Defense Agencies, and Defense Field Activities), to establish policies and issue guidance to ensure the proper development, assignment, and employment of members of the armed forces in the acquisition field to achieve the objectives of this section as specified in subsection (b).

''(b) OBJECTIVES.—Policies established and guidance issued pursuant to subsection (a) shall ensure, at a minimum, the following:

''(1) A career path in the acquisition field that attracts the highest quality officers and enlisted personnel.

''(2) A number of command positions and senior non-commissioned officer positions, including acquisition billets reserved for general officers and flag officers under subsection (c), sufficient to ensure that members of the armed forces have opportunities for promotion and advancement in the acquisition field.

''(3) A number of qualified, trained members of the armed forces eligible for and active in the acquisition field sufficient to ensure the appropriate use of military personnel in contingency contracting.

''(c) RESERVATION OF ACQUISITION BILLETS FOR GENERAL OFFICERS AND FLAG OFFICERS.—(1) The Secretary of Defense shall establish for each military department a minimum number of billets coded or classified for acquisition personnel that are reserved for general officers and flag officers and shall ensure that the policies established and guidance issued pursuant to subsection (a) by the Secretary of that military department reserve at least that minimum number of billets and fill the billets with qualified and trained general officers and flag officers.

''(2) The Secretary of Defense shall ensure that a sufficient number of billets for acquisition personnel who are general officers or flag officers exist within the Office of the Secretary of Defense, the unified combatant commands, the Defense Agencies, and the Defense Field Activities.

''(3) The Secretary of Defense shall ensure that a portion of the billets referred to in paragraphs (1) and (2) involve command of organizations primarily focused on contracting.

''(d) RELATIONSHIP TO LIMITATION ON PREFERENCE FOR MILITARY PERSONNEL.—Any designation or reservation of a position for a member of the armed forces as a result of a policy established or guidance issued pursuant to this section shall be deemed to meet the requirements for an exception under paragraph (2) of section 1722(b) of this title from the limitation in paragraph (1) of such section.

''(e) REPORT.—Not later than January 1 of each year, the Secretary of each military department shall submit to the Under Secretary of Defense for Acquisition, Technology, and Logistics a report describing how the Secretary fulfilled the objectives of this section in the preceding calendar year. The report shall include information on the reservation of acquisition billets for general officers and flag officers within the department.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1722 the following new item:

''1722a. Special requirements for military personnel in the acquisition field.''.

(b) ADDITIONAL ITEM FOR INCLUSION IN STRATEGIC PLAN.—Section 543(f)(3)(E) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat 116) is amended by inserting after ''officer assignments and grade requirements'' the following: '', including requirements relating to the reservation of billets in the acquisition field for general and flag officers,''.

SEC. 814. TECHNICAL DATA RIGHTS FOR NON-FAR AGREEMENTS.

(a) RIGHTS IN TECHNICAL DATA FOR NON-FAR AGREEMENTS.—

(1) IN GENERAL.—Chapter 137 of title 10, United States Code, is amended by inserting after section 2320 the following new section:

''§ 2320a. Rights in technical data for non-FAR agreements

''(a) POLICY GUIDANCE.—

''(1) The Secretary of Defense shall issue policy guidance with respect to the use of a non-FAR agreement for the development of a major weapon system or an item of personnel protective equipment.

''(2) The guidance shall—

''(A) define the legitimate interest of the United States and a party to such an agreement in technical data pertaining to an item or process to be developed under the agreement, including, at a minimum, the interest of—

''(i) the United States in increasing competition and lowering costs by developing and locating alternative sources of supply and manufacture;

''(ii) the United States in the ability to conduct emergency repair and overhaul; or

''(iii) the party to the agreement to restrict the release of technical data relating to an item or process developed at private expense; and

''(B) require that specific rights in technical data shall be established during agreement negotiations and be based upon negotiations between the United States and the potential party to the agreement, except in any case in which the Secretary of Defense determines, on the basis of criteria established in such policy guidance, that the establishment of rights during or through agreement negotiations would not be practicable.

''(b) PROVISIONS IN NON-FAR AGREEMENTS.—Whenever practicable, a non-FAR agreement described in subsection (a) shall contain appropriate provisions relating to technical data, including provisions—

''(1) defining the respective rights of the United States and the party to the agreement regarding any technical data to be delivered under the agreement;

''(2) specifying the technical data to be delivered under the agreement and delivery schedules for such delivery;

''(3) establishing or referencing procedures for determining the acceptability of technical data to be delivered under the agreement;

''(4) to the maximum practicable extent, identifying, in advance of delivery, technical data which is to be delivered with restrictions on the right of the United States to use such data;

''(5) requiring the party to the agreement to revise any technical data delivered under the agreement to reflect engineering design changes made during the performance of the agreement and affecting the form, fit, and function of the items specified in the agreement and to deliver such revised technical data to an agency within a time specified in the agreement; and

''(6) establishing remedies to be available to the United States when technical data required to be delivered or made available under the agreement is found to be incomplete or inadequate or to not satisfy the requirements of the agreement concerning technical data.

''(c) ASSESSMENT OF LONG-TERM TECHNICAL DATA NEEDS.—The Secretary of Defense shall require the program manager for a major weapon system or an item of personnel protective equipment that is to be developed using a non-FAR agreement described in subsection (a) to assess the long-term technical data needs of such systems and items, in accordance with the requirements of section 2320(e) of this title.

''(d) DEFINITIONS.—In this section:

''(1) The term 'non-FAR agreement' means an agreement that is not subject to laws pursuant to which the Federal Acquisition Regulation is prescribed, including—

''(A) a transaction authorized under section 2371 of this title; and

''(B) a cooperative research and development agreement.

''(2) The term 'party', with respect to a non-FAR agreement, means a non-Federal entity and includes any of the following:

''(A) A contractor and its subcontractors (at any tier).

''(B) A joint venture.

''(C) A consortium.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is

amended by inserting after the item relating to section 2320 the following new item:

''2320a. Rights in technical data for non-FAR agreements.''.

(b) REPORT ON LIFE CYCLE PLANNING FOR TECHNICAL DATA NEEDS.—Not later than 120 days after the date of enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the implementation of the requirements in section 2320(e) of title 10, United States Code, for the assessment of long-term technical data needs to sustain major weapon systems. Such report shall include—

(1) a description of all relevant guidance or policies issued;

(2) the extent to which program managers have received training to better assess the long-term technical data needs of major weapon systems and subsystems;

(3) a description of the data rights strategies developed prior to the issuance of contract solicitations released since October 17, 2006; and

(4) a characterization of the extent to which such strategies made use of priced contract options for the future delivery of technical data or acquired all relevant technical data upon contract award.

SEC. 815. CLARIFICATION THAT COST ACCOUNTING STANDARDS APPLY TO FEDERAL CONTRACTS PERFORMED OUTSIDE THE UNITED STATES.

(a) CLARIFICATION.—Section 26(f)(2)(A) of the Office of Federal Procurement Policy Act (41 U.S.C. 422(f)(2)(A)) is amended by adding at the end the following: '', whether the contracts or subcontracts are performed inside or outside the United States''.

(b) IMPLEMENTING REGULATIONS.—Not later than 180 days after the date of the enactment of this Act, the cost accounting standards promulgated under section 26 of such Act shall be amended to take into account the amendment made by subsection (a).

Subtitle C—Provisions Relating to Inherently Governmental Functions

SEC. 821. POLICY ON PERSONAL CONFLICTS OF INTEREST BY EMPLOYEES OF DEPARTMENT OF DEFENSE CONTRACTORS.

(a) POLICY REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall develop a standard policy aimed at preventing personal conflicts of interest by employees of Department of Defense contractors that is similar to the policy of the Department of Defense aimed at preventing such conflicts by Department of Defense civilian employees.

(b) ELEMENTS OF POLICY.—The policy required under subsection (a) shall—

(1) provide a definition of the term ''personal conflict of interest'' as it relates to employees of Department of Defense contractors;

(2) identify types of contracts that raise heightened concerns for potential personal conflicts of interest; and

(3) require each contractor that participates in the Department's decision-making in such mission-critical areas as the development, award, and administration of Government contracts, and each contractor that is closely supporting inherently governmental functions, to—

(A) identify and prevent personal conflicts of interest for employees of the contractor who are performing such functions;

(B) report any personal conflict-of-interest violation to the applicable contracting officer or contracting officer's representative as soon as it is identified;

(C) maintain effective oversight to verify compliance with personal conflict-of-interest safeguards; and

(D) have procedures in place to screen for potential conflicts of interest for all employees in a position to make or materially influence findings, recommendations, and decisions regarding Department of Defense contracts and other advisory and assistance functions, either by screening on a task-by-task basis or on an annual basis.

(c) CONTRACT CLAUSE.—The Secretary shall include in each contract entered into by the Secretary for the performance of functions described in subsection (b)(3) a clause that reflects the personal conflicts-of-interest policy developed under this section and that sets forth the contractor's responsibility under such policy.

(d) PANEL ON CONTRACTING INTEGRITY RECOMMENDATIONS.— The Department of Defense Panel on Contracting Integrity, established by the section 813 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364), shall consider and make recommendations on the feasibility of applying certain procurement integrity rules to employees of Department of Defense contractors to include such rules related to—

(1) improper business practices and personal conflicts of interest under Federal Acquisition Regulations 3.104;

(2) public corruption;

(3) financial conflicts of interest;

(4) seeking other employment conflicts of interest;

(5) gifts and travel; and

(6) misuse of position or endorsement.

SEC. 822. DEVELOPMENT OF GUIDANCE ON PERSONAL SERVICES CONTRACTS.

Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall develop guidance to—

(1) establish a clear definition of the term ''personal services contract'';

(2) require a clear distinction between employees of the Department of Defense and employees of Department of Defense contractors;

(3) provide appropriate safeguards with respect to when, where, and to what extent the Secretary may enter into a contract for the procurement of personal services; and

(4) assess and take steps to mitigate the risk that, as implemented and administered, non-personal services contracts may become personal services contracts.

SEC. 823. LIMITATION ON PERFORMANCE OF PRODUCT SUPPORT INTEGRATOR FUNCTIONS.

(a) LIMITATION.—

(1) IN GENERAL.—Chapter 141 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 2410r. Performance-based logistics arrangements: limitation on product support integrator functions

''(a) LIMITATION.—A function that is a product support integrator function may be performed only by a member of the armed forces or an employee of the Department of Defense.

''(b) DEFINITIONS.—In this section:

''(1) The term 'product support integrator function' means, with respect to a performance-based logistics arrangement, the function of integrating all sources of support, both public and private, to achieve the specific outcomes specified in the arrangement.

''(2) The term 'performance-based logistics arrangement' means a performance-based contract, task order, or other arrangement for the logistics support—

''(A) of a weapon system or major end item over the life cycle of the system or item; or

''(B) of parts, assemblies, subassemblies, or platforms of a weapon system or major end item.

''(3) The term 'performance-based' has the meaning given such term in section 2331(g) of this title.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding after the item relating to section 2410q the following new item:

''2410r. Performance-based logistics arrangements: limitation on product support integrator functions.''.

(b) EFFECTIVE DATE.—Section 2410r of title 10, United States Code, as added by subsection (a), shall apply to performance-based logistics arrangements entered into after September 30, 2010.

SEC. 824. PERFORMANCE BY PRIVATE SECURITY CONTRACTORS OF INHERENTLY GOVERNMENTAL FUNCTIONS IN AN AREA OF COMBAT OPERATIONS.

(a) MODIFICATION OF REGULATIONS.—Not later than 60 days after the date of the enactment of this Act, the regulations prescribed by the Secretary of Defense pursuant to section 862(a) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 254; 10 U.S.C. 2302 note) shall be modified to ensure that private security contractors are not authorized to perform inherently governmental functions in an area of combat operations.

(b) GUIDANCE.—After the issuance of regulations to implement the actions required by section 322 of this Act, the Secretary of Defense shall issue supplementary guidance to describe functions that should not be performed by private security contractors because they constitute inherently governmental functions.

(c) PERIODIC REVIEW OF PERFORMANCE OF FUNCTIONS.—

(1) IN GENERAL.—The Secretary of Defense shall, in coordination with the heads of other appropriate agencies, periodically review the performance of private security functions in areas of combat operations to ensure that such functions are authorized and performed in a manner consistent with the requirements of this section.

(2) REPORTS.—Not later than June 1 of each of 2009, 2010, and 2011, the Secretary shall submit to the congressional defense committees a report on the results of the most recent review conducted under paragraph (1).

Subtitle D—Defense Industrial Security

SEC. 831. REQUIREMENTS RELATING TO FACILITY CLEARANCES.

Chapter 21 of title 10, United States Code, is amended by adding at the end the following new subchapter:

''SUBCHAPTER III—DEFENSE INDUSTRIAL SECURITY

''Sec. 438. Facility clearances: requirements.

''§ 438. Facility clearances: requirements

''(a) FACILITY CLEARANCES: GENERAL PROVISIONS.—

''(1) ACCESS TO CLASSIFIED INFORMATION BY CONTRACTORS.—A contractor of the Department of Defense may not be granted custody of classified information unless the contractor has a facility clearance.

''(2) REQUIREMENTS FOR ENTITIES WITH FACILITY CLEARANCES.—An entity may not be granted a facility clearance by the Department of Defense or continue to hold such a facility clearance unless the entity agrees to comply with, and maintains compliance with, the requirements set forth in this subchapter.

''(3) AUTHORITY TO REVOKE OR SUSPEND FACILITY CLEARANCES.—The Secretary of Defense may revoke or suspend a facility clearance granted by the Department of Defense at any time.

''(b) GENERAL REQUIREMENTS FOR FACILITY CLEARANCES.—The Secretary of Defense shall require an entity granted a facility clearance by the Department of Defense to comply with the following requirements:

''(1) The entity shall safeguard classified information in its possession.

''(2) The entity shall safeguard covered controlled unclassified information in its possession.

''(3) The entity shall ensure that it complies with Department of Defense security agreements, contract provisions regarding security, and relevant regulations of the Department of Defense pertaining to industrial security.

''(4) The entity shall ensure that its business and management practices do not result in the compromise of classified information or adversely affect the performance of classified contracts.

''(5) The entity shall undergo a determination under section 439 of this title of whether the entity is under foreign ownership control or influence and shall comply with ongoing notification requirements under that section related to foreign ownership and control.

''(c) REQUIREMENTS FOR DIRECTORS OF ENTITIES WITH FACILITY CLEARANCES.—

''(1) REQUIREMENTS.—Except as provided in paragraph (3), the Secretary of Defense shall require an entity with a facility clearance to require the directors on the entity's board of directors to ensure, in their capacity as fiduciaries of the entity, that the entity employs and maintains policies and procedures that meet the general requirements for facility clearances listed in subsection (b).

''(2) BY-LAWS REQUIREMENT.—The requirements of paragraph (1) shall be set forth in the by-laws of the entity.

''(3) EXCEPTIONS.—(A) The Secretary of Defense may waive the requirements of paragraph (1) for reasons of national security. In the event the Secretary grants such a waiver, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a notification that such a waiver has been granted and a justification for granting the waiver.

''(B) The requirements of paragraph (1) shall not apply to an entity determined by the Secretary of Defense under section 439(a) of this title to be under foreign ownership control or influence.

''(d) REQUIREMENTS RELATING TO SECURITY MANAGEMENT OF ENTITIES WITH FACILITY CLEARANCES.—

''(1) DESIGNATION OF EMPLOYEE RESPONSIBLE FOR SECURITY.—The Secretary of Defense shall require an entity, in consultation with and subject to the approval of the chairman of its board of directors, to designate an employee who meets the requirements of paragraph (2) to be responsible for the following:

''(A) Reporting to the board of directors of the entity as its principal advisor concerning the general requirements for facility clearances listed in subsection (b), the manner in which they are carried out through the policies and procedures required by subsection (c), and the related Federal requirements for classified information.

''(B) Supervising and directing security measures necessary for implementing such requirements, policies, and procedures.

''(C) Establishing and administering all intracompany procedures to prevent unauthorized disclosure and export of controlled unclassified information and ensuring that the entity otherwise complies with the requirements of Federal export control laws.

''(2) QUALIFICATIONS OF EMPLOYEE.—An employee may not be designated to be responsible for the matters described in paragraph (1) unless the employee—

''(A) is a citizen of the United States;

''(B) obtains a security clearance at the same level as the facility clearance; and

''(C) completes security training that meets the requirements of the Department of Defense.

''(e) REQUIREMENTS RELATING TO MANAGEMENT RESPONSIBILITIES FOR ENTITIES WITH FACILITY CLEARANCES.—The Secretary of Defense shall require an entity with a facility clearance to provide a certification of security responsibilities to the Secretary. The certification of security responsibilities shall—

''(1) affirm the entity's responsibility—

''(A) to identify the key management personnel of the entity involved in the performance of classified contracts or in the setting of policies and practices for such contracts and to designate a security manager with primary responsibility for security functions;

''(B) to ensure that such key management personnel of the entity meet all eligibility requirements for the performance of classified contracts;

''(C) to provide such key management personnel of the entity with all the authority and capability necessary to safeguard classified information and covered controlled unclassified information in the performance of classified contracts in accordance with regulations prescribed by the Secretary; and

''(D) to manage all subcontractors and suppliers of the entity performing work on a classified contract to ensure that use of such subcontractors and suppliers does not result in the compromise of classified information or adversely affect the performance of classified contracts;

''(2) be signed by an appropriate member of the board of directors of the entity or a similar executive body determined by the Secretary to function as an equivalent to a board of directors;

''(3) be disseminated to all appropriate personnel of the entity; and

''(4) be updated as necessary according to procedures proscribed by the Secretary.

''(f) REPORTING REQUIREMENTS.—The Secretary of Defense shall require an entity with a facility clearance to submit to the Department of Defense a report on any event—

''(1) that affects the status of the facility clearance;

''(2) that affects proper safeguarding of classified information or that indicates classified information has been lost or compromised;

''(3) that affects the entity's compliance with Department of Defense security agreements, contract provisions regarding security, and relevant regulations of the Department of Defense pertaining to industrial security; or

''(4) that is related to the entity's business and management practices that results in the compromise of classified information.''.

SEC. 832. FOREIGN OWNERSHIP CONTROL OR INFLUENCE.

(a) IN GENERAL.—Subchapter III of chapter 21 of title 10, United States Code, as added by section 831, is amended by adding at the end the following new section:

''§ 439. Foreign ownership control or influence

''(a) DETERMINATION OF FOREIGN OWNERSHIP CONTROL OR INFLUENCE.—

''(1) IN GENERAL.—Before granting a facility clearance to an entity, and while such entity holds a facility clearance, the Secretary of Defense shall determine whether an entity is under foreign ownership control or influence (in this subchapter referred to as 'FOCI').

''(2) DESCRIPTION OF FOCI.—For purposes of paragraph (1), the Secretary shall determine an entity to be under FOCI if a foreign interest has the power, direct or indirect, whether or not exercised, and whether or not exercisable through the ownership of the entity's securities, by contractual arrangements or other means, to direct or decide matters affecting the management or operations of that entity in a manner that may result in—

''(A) unauthorized access to classified information;

''(B) unauthorized access to covered controlled unclassified information;

''(C) an adverse effect on the performance of classified contracts; or

''(D) an adverse effect on the entity's compliance with Department of Defense security agreements, appropriate contract provisions regarding security, and relevant Department regulations pertaining to industrial security.

''(b) FOCI FACTORS.—

''(1) IN GENERAL.—The following factors relating to an entity, a foreign interest, or a government of a foreign interest shall be considered by the Secretary of Defense in determining under this section whether an entity is under foreign ownership control or influence and the protective measures that may be required to mitigate the FOCI of the entity:

''(A) Record of economic and government espionage against United States targets by the entity, by any foreign interest in the entity, and by the government of any such foreign interest.

''(B) Record of enforcement of covered controlled unclassified information or engagement in unauthorized technology transfer.

''(C) The type and sensitivity of the information expected to be accessed in performing a classified contract.

''(D) The source, nature, and extent of FOCI, including whether foreign interests hold a majority or substantial minority position in the entity, taking into consideration the immediate, intermediate, and ultimate parent entities, sister entities, joint ventures, and hedge funds.

''(E) Record of compliance with pertinent United States laws, regulations, and contracts by the entity, by the foreign interest (if any) in the entity, and by parent entities, sister entities, joint ventures, and hedge funds.

''(F) The nature of any bilateral and multilateral security and information exchange agreements that may pertain to the entity, any foreign interest in the entity, and the government of any such foreign interest.

''(G) Ownership, control, or influence of the entity, in whole or in part, by a foreign government.

''(2) MINORITY POSITION.—For purposes of paragraph (1)(D), a minority position shall be considered substantial if—

''(A) it consists of greater than 5 percent of the ownership interests;

''(B) it consists of greater than 10 percent of the voting interest; or

''(C) the minority position controls a seat on the entity's board of directors.

''(c) MITIGATION OF FOREIGN OWNERSHIP CONTROL OR INFLUENCE.—

''(1) PROTECTIVE MEASURES AUTHORIZED FOR MITIGATION OF FOCI.—With respect to any entity with a facility clearance under FOCI, as determined under subsection (a), the Secretary of Defense may impose any security method, safeguard, or restriction the Secretary believes necessary to ensure that the entity complies with the general requirements for facility clearances listed in subsection (b) of section 438 of this title.

''(2) GOVERNMENT SECURITY COMMITTEE REQUIREMENT FOR MITIGATION OF FOCI.—

''(A) IN GENERAL.—As part of the mitigation of foreign ownership control or influence of an entity determined to be under FOCI, the Secretary of Defense shall require the entity to establish a permanent committee of the entity's board of directors, or equivalent executive body, to be known as the entity's 'Government Security Committee', for purposes of carrying out the requirements of this paragraph.

''(B) RESPONSIBILITIES OF GSC.—The responsibilities of the Government Security Committee of an entity are to ensure that the entity employs and maintains policies and procedures that ensure that the entity complies

with the general requirements for facility clearances listed in subsection (b) of section 438 of this title.

''(C) ROLE OF SECURITY MANAGER IN GSC.—The employee of the entity designated pursuant to section 438(d)(1) as the security manager shall be the principal advisor to the Government Security Committee and attend committee meetings. The chairman of the Government Security Committee must concur with the appointment and replacement of persons filling the position of security manager selected by management of the entity. The functions of the security manager shall be carried out under the authority of the Government Security Committee.

''(3) RELATIONSHIP TO FACILITY CLEARANCE.—In the case of an entity with a facility clearance under FOCI, as determined under subsection (a), the following provisions apply with respect to the status of the facility clearance of the entity:

''(A) CONTINUATION IN EFFECT WHILE NEGOTIATING MITIGATION MEASURE.—The facility clearance of the entity shall continue in effect if the entity is negotiating with the Secretary a mitigation measure and the Secretary determines that there is no indication that classified information or covered controlled unclassified information is at risk of compromise.

''(B) INVALIDATION IF NO MITIGATION MEASURE WITHIN SIX MONTHS.—(i) Subject to subparagraph (C), the Secretary shall invalidate the facility clearance of the entity if an acceptable mitigation measure has not been agreed to by the Secretary and the entity by the end of the six-month period beginning on the date of the determination by the Secretary that the entity is under FOCI.

''(ii) The six-month period described in clause (i) may be extended for one additional three-month period upon request by the entity if the Secretary approves an extension.

''(C) REVOCATION IF POSSIBILITY OF UNAUTHORIZED ACCESS OR ADVERSE EFFECT.—The Secretary shall revoke the facility clearance of the entity at any time if, regardless of whether the entity is negotiating a mitigation measure with the Secretary, the Secretary determines that security measures cannot be taken to remove the possibility of unauthorized access or an adverse effect on classified contracts.

''(d) NOTIFICATION TO DEPARTMENT OF DEFENSE REGARDING CHANGE IN FOCI.—The Secretary of Defense shall require an entity to notify the Secretary when material changes occur to information previously submitted to the Department of Defense pertaining to the FOCI factors affecting the entity as soon as such information is known to the entity.

''(e) NOTIFICATION TO DEPARTMENT OF DEFENSE REGARDING MERGERS, ACQUISITIONS, OR TAKEOVERS BY FOREIGN PERSONS.—The Secretary of Defense shall require that when an entity with a facility clearance enters into negotiations for a proposed merger, acquisition, or takeover by a foreign person, the entity shall submit to the Secretary of Defense a notification of the commencement of such negotiations and a plan to negate the FOCI resulting from the transaction.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by adding at the end the following new item:

''Sec. 439. Foreign ownership control or influence.''.

SEC. 833. CONGRESSIONAL OVERSIGHT RELATING TO FACILITY CLEARANCES AND FOREIGN OWNERSHIP CONTROL OR INFLUENCE; DEFINITIONS.

(a) NOTIFICATIONS AND REPORTS.—Subchapter III of chapter 21 of title 10, United States Code, as added by section 831, is further amended by adding at the end the following new section:

''§ 440. Notifications and reports

''(a) NOTIFICATIONS REQUIRED.—The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a notification within 30 days after the occurrence of any of the following:

''(1) The revocation or suspension by the Secretary of a facility clearance of an entity previously determined to be under foreign ownership control or influence.

''(2) The receipt by the Secretary of a notification under section 439(d) from an entity that the entity has entered into negotiations for a proposed merger, acquisition, or takeover by a foreign person.

''(b) BIANNUAL REPORT.—(1) The Secretary of Defense shall, not later than September 1, 2009, and biannually thereafter, submit to the Committees on Armed Services of the Senate and the House of Representatives a report containing the following:

''(A) Specific, cumulative, and, as appropriate, trend information on the numbers of entities—

''(i) holding facility clearances;

''(ii) that have reported a material change relating to FOCI factors;

''(iii) that have measures in place to mitigate foreign ownership control or influence; or

''(iv) that have had a facility clearance suspended or revoked.

''(B) Specific, cumulative, and, as appropriate, trend information, on—

''(i) the entities that have filed for or maintain facility clearances;

''(ii) the number of such entities determined to be under foreign ownership control or influence;

''(iii) the countries from which such entities have originated;

''(iv) the number that went through the Committee on Foreign Investment in the United States; and

''(v) the types of security arrangements and conditions that the Government Security Committees of entities have used to mitigate foreign ownership control or influence.

''(C) An analysis of trends in the Industrial Security Program, including an assessment of the number and types of errors found in compliance within the Program.

''(D) An analysis of the details of companies that have committed violations of the Industrial Security Program and the frequency of the violations, including the number of companies that have committed recurring violations.

''(E) A description of the corrective actions, if any, taken by the Defense Security Service to address the violations.

''(2) The information required under paragraph (1)(B) shall be organized and set forth separately in the report by defense sector within the defense industrial base.

''(3) The report shall be submitted in an unclassified form, but may contain a classified annex.''.

(b) DEFINITIONS.—Subchapter III of chapter 21 of title 10, United States Code, as added by section 831, is further amended by adding at the end the following new section:

''§ 440a. Definitions

''In this subchapter:

''(1) ENTITY.—The term 'entity' includes a corporation, company, association, firm, partnership, society, or joint stock company, but does not include an individual.

''(2) FACILITY CLEARANCE.—The term 'facility clearance', with respect to an entity, means an administrative determination by the Secretary of Defense that the entity is eligible for—

''(A) access to classified information; or

''(B) award of a classified contract.

''(3) CLASSIFIED INFORMATION.—The term 'classified information' means any information that has been determined pursuant to Executive Order 12958 or any predecessor order to require protection against unauthorized disclosure and is so designated. The classifications 'top secret', 'secret', and 'confidential' are used to designate such information.

''(4) CLASSIFIED CONTRACT.—The term 'classified contract' means any contract requiring access to classified information by a contractor or the contractor's employees in the performance of the contract or in any phase of precontract activity or post-contract activity.

''(5) COVERED CONTROLLED UNCLASSIFIED INFORMATION.—The term 'covered controlled unclassified information' means unclassified information the export of which—

''(A) is controlled, in the case of technical data that is inherently military in nature, by the International Traffic in Arms Regulations (ITAR); and

''(B) is controlled, in the case of technical data that has both military and commercial uses, by the Export Administration Regulations (EAR).''.

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by adding at the end the following new items:

''Sec. 440. Notifications and reports.
''Sec. 440a. Definitions.''.

(d) REGULATIONS.—The Secretary of Defense shall prescribe regulations to carry out subchapter III of chapter 21 of title 10, United States Code, not later than September 1, 2009.

(e) STUDY AND REPORT.—

(1) IN GENERAL.—The Secretary of Defense shall conduct a study on investments in entities covered by subchapter III of chapter 21 of title 10, United States Code, as added by this title. The study shall examine investments in such entities by—

(A) foreign governments;

(B) entities controlled by or acting on behalf of a foreign government;

(C) persons of foreign countries; and

(D) hedge funds.

(2) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the results of the study conducted under paragraph (1). The information in the report shall be organized and set forth separately by defense sector within the defense industrial base.

Subtitle E—Other Matters

SEC. 841. CLARIFICATION OF STATUS OF GOVERNMENT RIGHTS IN THE DESIGNS OF DEPARTMENT OF DEFENSE VESSELS, BOATS, AND CRAFT, AND COMPONENTS THEREOF.

(a) IN GENERAL.—Chapter 633 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 7317. Status of Government rights in the designs of vessels, boats, and craft, and components thereof

''Government rights in the design of a vessel, boat, or craft, or its components, including the hull, decks, and superstructure, shall be determined solely by operation of section 2320 of this title or by the instrument under which the design was developed for the Government.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''7317. Status of Government rights in the designs of vessels, boats, and craft, and components thereof.''.

SEC. 842. EXPANSION OF AUTHORITY TO RETAIN FEES FROM LICENSING OF INTELLECTUAL PROPERTY.

Section 2260 of title 10, United States Code, is amended—

(1) in subsection (a), by inserting ''or the Secretary of Homeland Security'' after ''Secretary of Defense''; and

(2) in subsection (f)—

(A) by striking ''(f) DEFINITIONS.—In this section, the'' and inserting the following:

''(f) DEFINITIONS.—In this section:

''(1) The''; and

(B) by adding at the end the following new paragraph:

''(2) The term 'Secretary concerned' has the meaning provided in section 101(a)(9) of this title and also includes—

''(A) the Secretary of Defense, with respect to matters concerning the Defense Agencies and Department of Defense Field Activities; and

''(B) the Secretary of Homeland Security, with respect to matters concerning the Coast Guard when it is not operating as a service in the Department of the Navy.''.

SEC. 843. TRANSFER OF SECTIONS OF TITLE 10 RELATING TO MILESTONE A AND MILESTONE B FOR CLARITY.

(a) REVERSAL OF ORDER OF SECTIONS.—Section 2366b of title 10, United States Code, is transferred so as to appear before section 2366a of such title.

(b) REDESIGNATION OF SECTIONS.—Section 2366b (relating to Milestone A) and section 2366a (relating to Milestone B) of such title, as so transferred, are redesignated as sections 2366a and 2366b, respectively.

(c) TECHNICAL AMENDMENT.—The table of sections at the beginning of chapter 139 of title 10, United States Code, is amended by striking the items relating sections 2366a and 2366b and inserting the following new items:

''2366a. Major defense acquisition programs: certification required before Milestone A or Key Decision Point A approval.

''2366b. Major defense acquisition programs: certification required before Milestone B or Key Decision Point B approval.''.

(d) CONFORMING AMENDMENTS.—

(1) SECTION 181 OF TITLE 10, UNITED STATES CODE.—Section 181(b)(4) of title 10, United States Code, is amended by striking ''section 2366a(a)(4), section 2366b(b),'' and inserting ''section 2366a(b), section 2366b(a)(4),''.

(2) NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2008.—The National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181) is amended—

(A) in section 212(1) by striking ''2366a'' and inserting ''2366b''; and

(B) in section 816—

(i) in subsection (a)(2) by striking ''2366a'' and inserting ''2366b'';

(ii) in subsection (a)(3) by striking ''2366b of title 10, United States Code, as added by section 943 of this Act'' and inserting ''2366a of title 10, United States Code''; and

(iii) in subsection (c)(2) by striking ''2366a'' each place such term appears (including in the paragraph heading) and inserting ''2366b''.

(3) JOHN WARNER NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2007.—The John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364) is amended in section 812 (120 Stat. 2317), in each of subsections (c)(2)(A) and (d)(2), by striking ''2366a'' and inserting ''2366b''.

SEC. 844. EARNED VALUE MANAGEMENT STUDY AND REPORT.

(a) STUDY.—The Secretary of Defense shall conduct a study that—

(1) assesses weaknesses in earned value management implementation, including a review of the methodology, accuracy of data, training, and information technology systems used to develop earned value management data;

(2) audits the accuracy of the earned value management data provided by vendors to the Federal Government concerning acquisition categories I and II programs; and

(3) measures the success of utilizing earned value management to deliver program objectives.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the appropriate committees a report that—

(1) identifies recommendations for improving the implementation of earned value management, including alternatives; and

(2) contains the findings of the study conducted under subsection (a).

(c) DEFINITIONS.—In this section:

(1) APPROPRIATE COMMITTEES.—The term ''appropriate committees'' means the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives.

(2) EARNED VALUE MANAGEMENT.—The term ''earned value management'' has the meaning given that term in section 300 of part 7 of Office of Management and Budget Circular A–11.

SEC. 845. REPORT ON MARKET RESEARCH.

(a) REPORT REQUIRED.—Not later than October 1, 2009, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the market research conducted by the Secretary in implementing section 2377 of title 10, United States Code.

(b) SAMPLE EXAMINED.—For purposes of the report, the Secretary shall examine a representative sample of contracts and task or delivery orders, each of which—

(1) is for an amount in excess of $5,000,000; and

(2) is for the acquisition of a mission critical or a complex military system in which computer software is a component or subcomponent.

(c) MATTERS COVERED.—The report shall contain the following:

(1) A statement of the total number of contracts and task or delivery orders awarded in fiscal year 2007 for a mission critical or complex military system in which software is a component or subcomponent.

(2) A statement of the number of contracts and task or delivery orders in the sample examined for purposes of the report (as described in subsection (b)), and a description of those contracts and orders.

(3) For the sampled contracts and orders, a description of how often market research was performed on the sampled contracts and orders.

(4) For the sampled contracts and orders, a description of whether a Government employee or a contractor employee performed the market research and how the market research was performed.

(5) For the sampled contracts and orders, an identification of—

(A) instances when the market research identified software that was available as a commercial item and that could be used to meet the Government's requirements;

(B) instances when the software was modified or proposed to be modified to meet the Department's requirements; or

(C) instances when the Department's requirements were modified to meet the capability of the commercial item software.

(6) An identification of the training tools the Secretary of Defense has developed to assist contracting officials in performing market research.

(7) An identification of actions the Department of Defense intends to take to further implement section 2377 of title 10, United States Code, and section 826(b) of the National Defense Authorization Act for Fiscal year 2007 (Public Law 110–181; 10 U.S.C. 2377 note), including dissemination of best practices and corrective actions where necessary.

SEC. 846. SYSTEM DEVELOPMENT AND DEMONSTRATION BENCHMARK REPORT.

(a) SYSTEM DEVELOPMENT AND DEMONSTRATION BENCHMARK REPORT.—

(1) BENCHMARK REPORT REQUIRED.—The Secretary of a military department shall submit a system development and demonstration benchmark report as an annex to the baseline description required in section 2435 of title 10, United States Code, for each major defense acquisition program identified in subsection (b). Such a system development and demonstration benchmark report shall be based upon the most recent contractor proposal, the capabilities development document, and the systems requirements document approved prior to Milestone B approval and shall include the following information:

(A) The key performance parameters and technical requirements identified in the capabilities development document and systems requirements document.

(B) A detailed description of performance capabilities proposed by the contractor, matched to the capabilities and requirements in the capabilities development document and systems requirements document.

(C) A target cost for system development and demonstration, excluding incentive or award fees and including both government and non-government costs.

(D) A detailed outline of negotiated contract incentive or award fees.

(E) A detailed outline of contract ceiling price, target cost, target profit, and contract share line.

(F) A schedule of key events.

(G) An identification of critical technologies and associated technology readiness levels estimated for each upon both the initiation and the conclusion of system development and demonstration.

(H) Estimated percentage completion of detail design at each scheduled design readiness review and the scheduled Milestone C approval date.

(I) A discussion of development risk and concurrency within the program.

(J) Any other factors that the milestone decision authority considers relevant.

(2) TIMELINE FOR SUBMISSION OF BENCHMARK REPORT.—A system development and demonstration benchmark report for a major defense acquisition program identified in subsection (b) shall be submitted to the congressional defense committees and prepared under this section—

(A) not later than 30 days after the date of the enactment of this Act, if the Department of Defense has entered into a contract for system development and demonstration for such a major defense acquisition program prior to the date of enactment of this Act; or

(B) in accordance with the requirements for the establishment of a baseline description required by section 2435 of title 10, United States Code, in any other case.

(3) ALTERATIONS.—No alterations or revisions may be made to a system development and demonstration benchmark report after the first such report is prepared in accordance with paragraph (2).

(b) MAJOR DEFENSE ACQUISITION PROGRAMS INCLUDED.—For the purposes of this section, the major defense acquisition programs to be included in the pilot program are the following:

(1) BAMS, broad area maritime surveillance unmanned aerial vehicle.

(2) CSAR–X, combat search and rescue helicopter.

(3) JLTV, joint light tactical vehicle.
(4) KC–45A, aerial refueling tanker.
(5) VH–71, presidential helicopter, increment II.
(6) Warrior-Alpha, unmanned aerial vehicle.

(c) SYSTEM DEVELOPMENT AND DEMONSTRATION CHANGES.—The Under Secretary of Defense for Acquisition, Technology, and Logistics shall establish a Configuration Steering Board for each major defense acquisition program identified in subsection (b). The Board shall oversee any proposed alteration to the requirements or to the proposed technical configuration for such a major defense acquisition program during system development and demonstration. If such an alteration would increase the cost to the Government, extend the schedule by more than 30 days, or alter the proposed performance capabilities, as established in the system development and demonstration baseline required by subsection (a), the Configuration Steering Board shall not approve the alteration until—

(1) the chair of the Configuration Steering Board has submitted to the congressional defense committees a written description of the alteration and an explanation of the rationale for the alteration; and

(2) not less than 15 days have expired since the date of submission of such description and explanation to those committees.

(d) ADDITIONAL REPORTING REQUIREMENTS.—

(1) IN GENERAL.—The Secretary of a military department shall submit a semi-annual contract performance assessment report to the milestone decision authority and to the congressional defense committees on each major defense acquisition program identified in subsection (b). The report shall be in unclassified form, but may have a classified annex or an annex that is restricted to protect source selection, business-sensitive, or proprietary information.

(2) CONTENTS.—Each such report shall describe contract execution regarding contract cost performance, schedule performance, and incentive or award fee reviews and outlays, and an estimated cost at completion of the end item compared to the system development and demonstration benchmark report required in subsection (a)(1).

(3) FIRST REPORT.—The first such report shall be submitted not later than 180 days after—

(A) system design and development contract award; or

(B) after enactment of this Act in the case of a system design and development contract that was awarded before the date of the enactment of this Act.

(4) TERMINATION OF REPORTING REQUIREMENT.—The reporting requirement shall terminate upon a full rate production decision for each major defense acquisition program identified in subsection (b).

(e) PROHIBITION ON MILESTONE C APPROVAL.—(1) Except as provided in paragraph (2), the Milestone C approval shall not be granted if the milestone decision authority determines, on the basis of a report submitted pursuant to subsection (d), or has other reason to believe, that—

(A) the cost (including any increase for expected inflation or currency exchange rates) for system development and demonstration has increased by more than 25 percent over the system development and demonstration baseline established in (a)(1), or

(B) the schedule for key events is delayed by more than 15 percent of the total number of months between the award of the system development and demonstration contract and the scheduled Milestone C approval date, as provided in the system development and demonstration baseline established in subsection (a)(1).

(2) The Under Secretary of Defense for Acquisition, Technology, and Logistics may waive the prohibition in paragraph (1) upon certification to the congressional defense committees, along with supporting rationale, that proceeding to low rate initial production is in the best interest of the Department of Defense.

(f) DEFINITIONS.—In this section:

(1) CONFIGURATION STEERING BOARD.—The term ''Configuration Steering Board'' means the committee described in the memorandum regarding Configuration Steering Boards from the Under Secretary of Defense for Acquisition, Technology, and Logistics dated July 30, 2007, for the secretaries of the military departments, Chairman of the Joint Chiefs of Staff, Under Secretaries of Defense, and Commander, U.S. Special Operations Command.

(2) MILESTONE B APPROVAL.—The term ''Milestone B approval'' has the meaning provided in section 2366(e)(7) of title 10, United States Code.

(3) MILESTONE C APPROVAL.—The term ''Milestone C approval'' has the meaning provided in section 2366(e)(8) of title 10, United States Code.

(4) MAJOR DEFENSE ACQUISITION PROGRAM.—The term ''major defense acquisition program'' has the meaning provided in section 2430 of title 10, United States Code.

SEC. 847. ADDITIONAL MATTERS REQUIRED TO BE REPORTED BY CONTRACTORS PERFORMING SECURITY FUNCTIONS IN AREAS OF COMBAT OPERATIONS.

Section 862(a)(2)(D) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181) is amended—

(1) by striking ''or'' at the end of clause (ii); and

(2) by adding at the end the following new clauses:

''(iv) a weapon is discharged against personnel performing private security functions in an area of combat operations or personnel performing such functions believe a weapon was so discharged; or

''(v) active, non-lethal countermeasures (other than the discharge of a weapon) are employed by the personnel performing private security functions in an area of combat operations in response to a perceived immediate threat to such personnel;''.

SEC. 848. REPORT RELATING TO MUNITIONS.

Not later than March 1, 2009, the Secretary of Defense shall submit to the congressional defense committees a report detailing how 60mm and 81mm munitions used by the Armed Forces are procured, including, where relevant, an explanation of the decision to procure such munitions from non-domestic sources and the justification for awarding contracts to non-domestic sources. The report shall also include a plan to develop a domestic producer as the source for 60mm and 81mm munitions used by the Armed Forces by 2012.

SEC. 849. ADDITIONAL CONTRACTOR REQUIREMENTS AND RESPONSIBILITIES RELATING TO ALLEGED CRIMES BY OR AGAINST CONTRACTOR PERSONNEL IN IRAQ AND AFGHANISTAN.

(a) REQUIREMENTS FOR DEFENSE CONTRACTORS.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall develop requirements relating to covered offenses allegedly perpetrated by or against contractor personnel in the case of defense contractors performing covered contracts.

(2) SPECIFIC MATTERS COVERED.— The requirements developed under paragraph (1) shall include the following:

(A) REPORTING REQUIREMENT.—A requirement for defense contractors to report, in a manner prescribed by the Secretary of Defense, covered offenses allegedly perpetrated by or against contractor personnel.

(B) ASSISTANCE.—A requirement for defense contractors to provide for victim and witness safety, medical assistance, and psychological assistance in the case of a covered offense. The Secretary of Defense shall prescribe regulations to carry out this subparagraph, and the regulations shall be in accordance with regulations of the Department of Defense relating to restricted reporting for sexual assaults.

(C) INFORMATION.—A requirement that the contractor provide to all contractor personnel who will perform work on the contract, before beginning such work, information on the following:

(i) How and where to report an alleged covered offense.

(ii) Where to seek the assistance required by subparagraph (B).

(3) IMPLEMENTATION AS CONDITION OF CURRENT AND FUTURE CONTRACTS.—

(A) CURRENT CONTRACTS.—With respect to any covered contract in effect on the date of the enactment of this Act, the contract shall be modified to include the requirements under paragraph (1) as a condition of the contract.

(B) FUTURE CONTRACTS.—With respect to any covered contract entered into by the Department of Defense after the date of the enactment of this Act, the requirements developed under paragraph (1) shall be included as a condition of the covered contract.

(b) GOVERNMENT REQUIREMENTS.—Beginning not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall make publicly available a numerical accounting of alleged covered offenses reported under this section. The information shall be updated no less frequently than quarterly.

(c) DEFINITIONS.—In this section:

(1) COVERED CONTRACT.—The term ''covered contract''—

(A) means a contract with the Department of Defense performed—

(i) in Iraq or Afghanistan; or

(ii) in any area designated by the Secretary as being in support of the United States mission in Iraq or Afghanistan; and

(B) includes—

(i) any subcontract at any tier under the contract; and

(ii) any task order or delivery order issued under the contract or such a subcontract.

(2) COVERED OFFENSE.—The term ''covered offense'', with respect to a covered contract, means an offense under chapter 212 of title 18, United States Code—

(A) that is a crime of violence (as defined in section 16 of such title 18); and

(B) that is committed—

(i) by or against contractor personnel; and

(ii) in geographic areas where the covered contract is performed.

(3) CONTRACTOR PERSONNEL.—The term ''contractor personnel'' means any person performing work under a covered contract, including individuals and subcontractors at any tier.

SEC. 850. REQUIREMENT FOR DEPARTMENT OF DEFENSE TO ADOPT AN ACQUISITION STRATEGY FOR DEFENSE BASE ACT INSURANCE.

(a) IN GENERAL.—The Secretary of Defense shall adopt an acquisition strategy for insurance required by the Defense Base Act (42 U.S.C. 1651 et seq.) which minimizes the cost of such insurance to the Department of Defense.

(b) CRITERIA.—The Secretary shall ensure that the acquisition strategy adopted pursuant to subsection (a) addresses the following criteria:

(1) Minimize overhead costs associated with obtaining such insurance, such as direct or indirect costs for contract management and contract administration.

(2) Minimize costs for coverage of such insurance consistent with realistic assumptions regarding the likelihood of incurred claims by contractors of the Department.

(3) Provide for a correlation of premiums paid in relation to claims incurred that is modeled on best practices in government and industry for similar kinds of insurance.

(4) Provide for a low level of risk to the Department.

(5) Provide for a competitive marketplace for insurance required by the Defense Base Act to the maximum extent practicable.

(c) OPTIONS.—In adopting the acquisition strategy pursuant to subsection (a), the Secretary shall consider the following options:

(1) Entering into a single Defense Base Act insurance contract for the Department of Defense.

(2) Entering into a single Defense Base Act insurance contract for contracts involving performance in theaters of combat operations.

(3) Entering into a contract vehicle, such as a multiple award contract, that provides for competition among contractors for categories of insurance coverage, such as construction, aviation, security, and other categories of insurance.

(4) Using a retrospective rating approach to Defense Base Act insurance that adjusts rates according to actual claims incurred on a cost reimbursement basis.

(5) Adopting a self-insurance approach to Defense Base Act insurance for Department of Defense contracts.

(6) Such other options as the Secretary deems to best satisfy the criteria identified under subsection (b).

(d) REPORT.—(1) Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, and the Committee on Oversight and Government Reform of the House of Representatives a report on the acquisition strategy adopted pursuant to subsection (a).

(2) The report shall include a discussion of each of the options considered pursuant to subsection (c) and the extent to which each option addresses the criteria identified under subsection (b), and shall include a plan to implement within 18 months after the date of enactment of this Act the acquisition strategy adopted by the Secretary.

(e) REVIEW OF ACQUISITION STRATEGY.—As considered appropriate by the Secretary, but not less often than once every 3 years, the Secretary shall review and, as necessary, update the acquisition strategy adopted pursuant to subsection (a) to ensure that it best addresses the criteria identified under subsection (b).

SEC. 851. MOTOR CARRIER FUEL SURCHARGES.

(a) PASS THROUGH AND DISCLOSURE.—Chapter 157 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2652. Motor carrier fuel surcharges

''(a) PASS THROUGH TO COST BEARER.—In all carriage contracts in which a fuel-related adjustment is provided for, the Secretary of Defense shall require that a motor carrier, broker, or freight forwarder providing or arranging truck transportation or service using fuel for which it does not bear the cost pay to the person who bears the cost of such fuel the amount of all charges that relate to the cost of fuel that were invoiced or otherwise presented to the person responsible directly to the motor carrier, broker, or freight forwarder for payment for the transportation or service.

''(b) DISCLOSURE.—The Secretary shall require in a contract described in subsection (a) that a motor carrier, broker, or freight forwarder providing or arranging transportation or service using fuel not paid for by it disclose any fuel-related adjustment by making the amount of the adjustment publicly available, including on the Internet.

''(c) REGULATIONS.—The Secretary shall prescribe regulations to ensure contracts described in subsection (a) include measures necessary to ensure enforcement of this section.''.

(b) CONFORMING AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following: new item:

''Sec. 2652. Motor carrier fuel surcharges.''.

SEC. 852. REQUIREMENT FOR DEFENSE CONTRACT CLAUSE PROHIBITING CERTAIN USES OF FOREIGN SHELL COMPANIES.

(a) CONTRACT CLAUSE REQUIREMENT.—Not later than 180 days after the date of the enactment of this Act, the Federal Acquisition Regulation shall be revised to require each contract awarded by the Department of Defense to contain a clause prohibiting the contractor from performing the contract using a subsidiary or subcontractor that is a foreign shell company if the foreign shell company will perform the work of the contract or subcontract using United States citizens or permanent residents of the United States.

(b) FOREIGN SHELL COMPANY.—In this section, the term ''foreign shell company'' means an entity—

(1) that is incorporated outside the United States or Canada; and

(2) that does not manage, direct, or exercise operational control over personnel performing work under a contract of the entity.

(c) APPLICABILITY.—The contract clause required by this section shall apply to contracts in amounts greater than the simplified acquisition threshold (as defined in section 2302a of title 10, United States Code) entered into after the 210-day period beginning on the date of the enactment of this Act.

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

Subtitle A—Department of Defense Management

Sec. 901. Revisions in functions and activities of special operations command.
Sec. 902. Requirement to designate officials for irregular warfare.
Sec. 903. Plan required for personnel management of special operations forces.
Sec. 904. Director of Operational Energy Plans and Programs.
Sec. 905. Corrosion control and prevention executives for the military departments.
Sec. 906. Alignment of Deputy Chief Management Officer responsibilities.
Sec. 907. Requirement for the Secretary of Defense to prepare a strategic plan to enhance the role of the National Guard and Reserves.
Sec. 908. Redesignation of the Department of the Navy as the Department of the Navy and Marine Corps.
Sec. 909. Support to Committee review.

Subtitle B—Space Activities

Sec. 911. Extension of authority for pilot program for provision of space surveillance network services to non-United States Government entities.
Sec. 912. Investment and acquisition strategy for commercial satellite capabilities.

Subtitle C—Chemical Demilitarization Program

Sec. 921. Chemical Demilitarization Citizens Advisory Commissions in Colorado and Kentucky.
Sec. 922. Prohibition on transport of hydrolysate at Pueblo Chemical Depot, Colorado.

Subtitle D—Intelligence-Related Matters

Sec. 931. Technical changes following the redesignation of National Imagery and Mapping Agency as National Geospatial-Intelligence Agency.
Sec. 932. Technical amendments to title 10, United States Code, arising from enactment of the Intelligence Reform and Terrorism Prevention Act of 2004.
Sec. 933. Technical amendments relating to the Associate Director of the CIA for Military Affairs.

Subtitle E—Other Matters

Sec. 941. Department of Defense School of Nursing revisions.
Sec. 942. Amendments of authority for regional centers for security studies.
Sec. 943. Findings and Sense of Congress regarding the Western Hemisphere Institute for Security Cooperation.
Sec. 944. Restriction on obligation of funds for United States Southern Command development assistance activities.
Sec. 945. Authorization of non-conventional assisted recovery capabilities.
Sec. 946. Report on United States Northern Command development of interagency plans and command and control relationships.
Sec. 947. Report on National Guard resource requirements.

Subtitle A—Department of Defense Management

SEC. 901. REVISIONS IN FUNCTIONS AND ACTIVITIES OF SPECIAL OPERATIONS COMMAND.

Subsection (j) of section 167 of title 10, United States Code, is amended to read as follows:

''(j) SPECIAL OPERATIONS ACTIVITIES.—For purposes of this section, special operations activities include each of the following insofar as it relates to special operations:

''(1) Unconventional warfare.

''(2) Irregular warfare.

''(3) Counterterrorism.

''(4) Counterinsurgency.

''(5) Counterproliferation of weapons of mass destruction.

''(6) Direct action.

''(7) Strategic reconnaissance.

''(8) Foreign internal defense.

''(9) Civil-military defense.

''(10) Psychological and information operations.

''(11) Humanitarian assistance.

''(12) Theater search and rescue.

''(13) Such other activities as may be specified by the President or the Secretary of Defense.''.

SEC. 902. REQUIREMENT TO DESIGNATE OFFICIALS FOR IRREGULAR WARFARE.

The Secretary of Defense shall designate—

(1) a single executive agent for irregular warfare within the Department of Defense; and

(2) an Assistant Secretary of Defense to be responsible for overall management and coordination of irregular warfare.

SEC. 903. PLAN REQUIRED FOR PERSONNEL MANAGEMENT OF SPECIAL OPERATIONS FORCES.

(a) REQUIREMENT FOR PLAN.—Not later than 30 days after the date of the enactment

of this Act, the commander of the special operations command shall submit to the congressional defense committees a plan relating to personnel management of special operations forces.

(b) MATTERS COVERED.—The plan submitted under subsection (a) shall address the following:

(1) Coordination among the military departments in order to enhance the manpower management and improve overall readiness of special operations forces.

(2) Coordination by the commander of the special operations command with the Secretaries of the military departments in order to better execute his responsibility to maintain readiness of special operations forces, including in the areas of accessions, assignments, compensation, promotions, professional development, retention, sustainment, and training.

SEC. 904. DIRECTOR OF OPERATIONAL ENERGY PLANS AND PROGRAMS.

(a) ESTABLISHMENT OF POSITION; DUTIES.—Chapter 4 of title 10, United States Code, is amended by inserting after section 139a the following new section:

"§ 139b. Director of Operational Energy Plans and Programs

''(a) APPOINTMENT.—There is a Director of Operational Energy Plans and Programs in the Department of Defense (in this section referred to as the 'Director'), appointed by the President, by and with the advice and consent of the Senate. The Director shall be appointed without regard to political affiliation and solely on the basis of fitness to perform the duties of the office of Director.

''(b) DUTIES.—The Director shall—

''(1) provide leadership and facilitate communication regarding, and conduct oversight to manage and be accountable for, operational energy plans and programs within the Department of Defense and the Army, Navy, Air Force, and Marine Corps;

''(2) establish the operational energy strategy;

''(3) coordinate and oversee planning and program activities of the Department of Defense and the Army, Navy, Air Force, and the Marine Corps related to—

''(A) implementation of the operational energy strategy;

''(B) the consideration of operational energy demands in defense planning, requirements, and acquisition processes; and

''(C) research and development investments related to operational energy demand and supply technologies; and

''(4) monitor and review all operational energy initiatives in the Department of Defense.

''(c) PRINCIPAL ADVISOR FOR OPERATIONAL ENERGY PLANS AND PROGRAMS.—(1) The Director is the principal adviser to the Secretary of Defense and the Deputy Secretary of Defense regarding operational energy plans and programs and the principal policy official within the senior management of the Department of Defense regarding operational energy plans and programs.

''(2) The Director may communicate views on matters related to operational energy plans and programs and the energy strategy required by subsection (d) directly to the Secretary of Defense and the Deputy Secretary of Defense without obtaining the approval or concurrence of any other official within the Department of Defense.

''(d) OPERATIONAL ENERGY STRATEGY.—(1) The Director shall be responsible for the establishment and maintenance of a department-wide transformational strategy for operational energy. The strategy shall establish near-term, mid-term, and long-term goals, performance metrics to measure progress in meeting the goals, and a plan for implementation of the strategy within the military departments, the Office of the Secretary of Defense, and Defense Agencies.

''(2) Not later than 90 days after the date on which the Director is first appointed, the Secretary of each of the military departments shall designate a senior official within each armed force under the jurisdiction of the Secretary who will be responsible for operational energy plans and programs for that armed force. The officials shall be responsible for coordinating with the Director and implementing initiatives pursuant to the strategy with regard to that official's armed force.

''(3) By authority of the Secretary of Defense, the Director shall prescribe policies and procedures for the implementation of the strategy. The Director shall provide guidance to, and consult with, the Secretary of Defense, the Deputy Secretary of Defense, the Secretaries of the military departments, and the officials designated under paragraph (2) with respect to specific operational energy plans and programs to be carried out pursuant to the strategy.

''(4) The initial strategy shall be submitted to the congressional defense committees not later than 180 days after the date on which the Director is first appointed. Subsequent updates to the strategy shall be submitted to the congressional defense committees as soon as practicable after the modifications to the strategy are made.

''(e) BUDGETARY AND FINANCIAL MATTERS.—(1) The Director shall review and make recommendations to the Secretary of Defense regarding all budgetary and financial matters relating to the operational energy strategy.

''(2) The Secretary of Defense shall require that the Secretary of each military department and the head of each Defense Agency with responsibility for executing activities associated with the strategy transmit their proposed budget for those activities for a fiscal year to the Director for review before submission of the proposed budget to the Under Secretary of Defense (Comptroller).

''(3) The Director shall review a proposed budget transmitted under paragraph (2) for a fiscal year and, not later than January 31 of the preceding fiscal year, shall submit to the Secretary of Defense a report containing the comments of the Director with respect to the proposed budget, together with the certification of the Director regarding whether the proposed budget is adequate for implementation of the strategy.

''(4) Not later than 10 days after the date on which the budget for a fiscal year is submitted to Congress pursuant to section 1105 of title 31, the Secretary of Defense shall submit to Congress a report on the proposed budgets for that fiscal year that the Director has not certified under paragraph (3). The report shall include the following:

''(A) A discussion of the actions that the Secretary proposes to take, together with any recommended legislation that the Secretary considers appropriate, to address the inadequacy of the proposed budgets.

''(B) Any additional comments that the Secretary considers appropriate regarding the inadequacy of the proposed budgets.

''(5) The report required by paragraph (4) shall also include a separate statement of estimated expenditures and requested appropriations for that fiscal year for the activities of the Director in carrying out the duties of the Director.

''(f) ACCESS TO INITIATIVE RESULTS AND RECORDS.—(1) The Secretary of a military department shall submit to the Director the results of all studies and initiatives conducted by the military department in connection with the operational energy strategy.

''(2) The Director shall have access to all records and data in the Department of Defense (including the records and data of each military department) necessary in order to permit the Director to carry out the duties of the Director.

''(g) STAFF.—The Director shall have a dedicated professional staff of military and civilian personnel in a number sufficient to enable the Director to carry out the duties and responsibilities of the Director.

''(h) DEFINITIONS.—In this section:

''(1) OPERATIONAL ENERGY.—The term 'operational energy' means the energy required for moving and sustaining military forces and weapons platforms for military operations. The term includes energy used by tactical power systems and generators and weapons platforms.

''(2) OPERATIONAL ENERGY STRATEGY.—The terms 'operational energy strategy' and 'strategy' mean the operational energy strategy developed under subsection (d).''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 139a the following new item:

''139b. Director of Operational Energy Plans and Programs.''.

SEC. 905. CORROSION CONTROL AND PREVENTION EXECUTIVES FOR THE MILITARY DEPARTMENTS.

(a) REQUIREMENT TO DESIGNATE CORROSION CONTROL AND PREVENTION EXECUTIVE.—Not later than 90 days after the date of the enactment of this Act, the Assistant Secretary of each military department with responsibility for acquisition, technology, and logistics shall designate an employee of the military department as the corrosion control and prevention executive. Such executive shall be the senior official in the department with responsibility for coordinating department-level corrosion control and prevention program activities (including budget programming) with the military department and the Office of the Secretary of Defense, the program executive officers of the military departments, and relevant major subordinate commands of the military departments.

(b) DUTIES.—(1) The corrosion control and prevention executive of a military department shall ensure that corrosion control and prevention is maintained in the department's policy and guidance for management of each of the following:

(A) System acquisition and production, including design and maintenance.

(B) Research, development, test, and evaluation programs and activities.

(C) Equipment standardization programs, including international standardization agreements.

(D) Logistics research and development initiatives.

(E) Logistics support analysis as it relates to integrated logistic support in the materiel acquisition process.

(F) Military infrastructure design, construction, and maintenance.

(2) The corrosion control and prevention executive of a military department shall be responsible for identifying the funding levels necessary to accomplish the items listed in subparagraphs (A) through (F) of paragraph (1).

(3) The corrosion control and prevention executive of a military department shall, in cooperation with the appropriate staff of the department, develop, support, and provide the rationale for resources—

(A) to initiate and sustain an effective corrosion control and prevention program in the department;

(B) to evaluate the program's effectiveness; and

(C) to ensure that corrosion control and prevention requirements for materiel are reflected in budgeting and policies of the department for the formulation, management,

and evaluation of personnel and programs for the entire department, including its reserve components.

(4) The corrosion control and prevention executive of a military department shall be the principal point of contact of the department to the Director of Corrosion Policy and Oversight (as assigned under section 2228 of title 10, United States Code).

(5) The corrosion control and prevention executive of a military department shall submit an annual report to the Secretary of Defense containing recommendations pertaining to the corrosion control and prevention program of the military department, including corrosion-related funding levels to carry out all of the duties of the executive under this section.

SEC. 906. ALIGNMENT OF DEPUTY CHIEF MANAGEMENT OFFICER RESPONSIBILITIES.

Section 192(e) of title 10, United States Code, is amended to read as follows:

''(e) SPECIAL RULE FOR DEFENSE BUSINESS TRANSFORMATION AGENCY.—Notwithstanding the results of any periodic review under subsection (c) with regard to the Defense Business Transformation Agency, the Secretary of Defense shall designate that the Director of the Agency shall report directly to the Deputy Chief Management Officer of the Department of Defense.''.

SEC. 907. REQUIREMENT FOR THE SECRETARY OF DEFENSE TO PREPARE A STRATEGIC PLAN TO ENHANCE THE ROLE OF THE NATIONAL GUARD AND RESERVES.

(a) PLAN.—Not later than April 1, 2009, the Secretary of Defense, in consultation with the Chairman of the Joint Chiefs of Staff and the Chief of the National Guard Bureau, shall prepare a plan for enhancing the roles of the National Guard and Reserve—

(1) when federalized in the case of the National Guard, or activated in the case of the Reserves, in support of operations conducted under title 10, United States Code; and

(2) in support of operations conducted under title 32, United States Code, or in support of State missions.

(b) MATTERS TO BE ASSESSED.—In preparing the plan, the Secretary shall assess—

(1) the findings, conclusions, and recommendations of the Final Report to Congress and the Secretary of Defense of the Commission on the National Guard and Reserves, dated January 31, 2008, and titled ''Transforming the National Guard and Reserves into a 21st-Century Operational Force''; and

(2) the provisions of H.R. 5603 of the 110th Congress, as introduced on March 13, 2008 (the National Guard Empowerment and State-National Defense Integration Act of 2008).

(c) REPORT.—Not later than April 1, 2009, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the plan required under this section. The report shall include recommendations on—

(1) any changes to the current Department of Defense organization, structure, command relationships, budget authority, procurement authority, and compensation and benefits;

(2) any legislation that the Secretary considers necessary; and

(3) any other matter the Secretary considers appropriate.

SEC. 908. REDESIGNATION OF THE DEPARTMENT OF THE NAVY AS THE DEPARTMENT OF THE NAVY AND MARINE CORPS.

(a) REDESIGNATION OF THE DEPARTMENT OF THE NAVY AS THE DEPARTMENT OF THE NAVY AND MARINE CORPS.—

(1) REDESIGNATION OF MILITARY DEPARTMENT.—The military department designated as the Department of the Navy is redesignated as the Department of the Navy and Marine Corps.

(2) REDESIGNATION OF SECRETARY AND OTHER STATUTORY OFFICES.—

(A) SECRETARY.—The position of the Secretary of the Navy is redesignated as the Secretary of the Navy and Marine Corps.

(B) OTHER STATUTORY OFFICES.—The positions of the Under Secretary of the Navy, the four Assistant Secretaries of the Navy, and the General Counsel of the Department of the Navy are redesignated as the Under Secretary of the Navy and Marine Corps, the Assistant Secretaries of the Navy and Marine Corps, and the General Counsel of the Department of the Navy and Marine Corps, respectively.

(b) CONFORMING AMENDMENTS TO TITLE 10, UNITED STATES CODE.—

(1) DEFINITION OF ''MILITARY DEPARTMENT''.—Paragraph (8) of section 101(a) of title 10, United States Code, is amended to read as follows:

''(8) The term 'military department' means the Department of the Army, the Department of the Navy and Marine Corps, and the Department of the Air Force.''.

(2) ORGANIZATION OF DEPARTMENT.—The text of section 5011 of such title is amended to read as follows: ''The Department of the Navy and Marine Corps is separately organized under the Secretary of the Navy and Marine Corps.''.

(3) POSITION OF SECRETARY.—Section 5013(a)(1) of such title is amended by striking ''There is a Secretary of the Navy'' and inserting ''There is a Secretary of the Navy and Marine Corps''.

(4) CHAPTER HEADINGS.—

(A) The heading of chapter 503 of such title is amended to read as follows:

''CHAPTER 503—DEPARTMENT OF THE NAVY AND MARINE CORPS''.

(B) The heading of chapter 507 of such title is amended to read as follows:

''CHAPTER 507—COMPOSITION OF THE DEPARTMENT OF THE NAVY AND MARINE CORPS''.

(5) OTHER AMENDMENTS.—

(A) Title 10, United States Code, is amended by striking ''Department of the Navy'' and ''Secretary of the Navy'' each place they appear other than as specified in paragraphs (1), (2), (3), and (4) (including in section headings, subsection captions, tables of chapters, and tables of sections) and inserting ''Department of the Navy and Marine Corps'' and ''Secretary of the Navy and Marine Corps'', respectively, in each case with the matter inserted to be in the same typeface and typestyle as the matter stricken.

(B)(i) Sections 5013(f), 5014(b)(2), 5016(a), 5017(2), 5032(a), and 5042(a) of such title are amended by striking ''Assistant Secretaries of the Navy'' and inserting ''Assistant Secretaries of the Navy and Marine Corps''.

(ii) The heading of section 5016 of such title, and the item relating to such section in the table of sections at the beginning of chapter 503 of such title, are each amended by inserting ''and Marine Corps'' after ''of the Navy'', with the matter inserted in each case to be in the same typeface and typestyle as the matter amended.

(c) OTHER PROVISIONS OF LAW AND OTHER REFERENCES.—

(1) TITLE 37, UNITED STATES CODE.—Title 37, United States Code, is amended by striking ''Department of the Navy'' and ''Secretary of the Navy'' each place they appear and inserting ''Department of the Navy and Marine Corps'' and ''Secretary of the Navy and Marine Corps'', respectively.

(2) OTHER REFERENCES.—Any reference in any law other than in title 10 or title 37, United States Code, or in any regulation, document, record, or other paper of the United States, to the Department of the Navy shall be considered to be a reference to the Department of the Navy and Marine Corps. Any such reference to an office specified in subsection (b)(2) shall be considered to be a reference to that officer as redesignated by that section.

(d) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on the first day of the first month beginning more than 60 days after the date of the enactment of this Act.

SEC. 909. SUPPORT TO COMMITTEE REVIEW.

(a) FINDINGS.—Congress finds the following:

(1) In accordance with section 118 of title 10, United States Code, the Department of Defense conducts a Quadrennial Defense Review as a comprehensive examination of ''the national defense strategy, force structure, force modernization plans, infrastructure, budget plan, and other elements of the defense program and policies of the United States with a view toward determining and expressing the defense strategy of the United States and establishing a defense program for the next 20 years''.

(2) In submitting reports on these reviews to the Committees on Armed Services of the Senate and the House of Representatives, the Secretary is mandated to include the threats to the assumed or defined national security interests of the United States, the threat-based scenarios developed to conduct the review, and other assumptions that impact the ability to counter such threats, including force readiness, cooperation of allies, warning times, and levels of engagement in operations other than war and smaller-scale contingencies.

(3) There is no statutory requirement to assume certain funding levels available to the Department of Defense in the conduct of this review because Congress reserves its prerogative to provide the resources necessary to address threats to United States national security interests and uses this review as a data point in determining the proper level of those resources.

(4) The reports associated with the 1997, 2001, and 2006 reviews clearly demonstrated that the Secretary made certain assumptions about anticipated funding.

(5) As a result, the reported recommendations were unnecessarily constrained by those funding assumptions.

(6) As the Department of Defense is preparing to conduct another Quadrennial Defense Review with a report due to the Congress by 2010, the Committee on Armed Services of the House of Representatives should review in a bipartisan, thorough manner the military capabilities required to address challenges to United States national security interests over the next 20 years.

(b) SUPPORT REQUIRED.—Within 15 days after receiving a request, the Secretary of Defense shall provide the Committee on Armed Services of the House of Representatives with any information or data requested by that Committee so that it can review in a comprehensive, threat-based, and bipartisan manner the national defense strategy, force structure, force modernization plans, infrastructure, budget plan, and other elements of the defense program and policies of the United States with a view toward determining and expressing the defense strategy of the United States and establishing a defense program for the next 20 years, as well as preparing for the upcoming Quadrennial Roles and Missions Review and Quadrennial Defense Review.

Subtitle B—Space Activities

SEC. 911. EXTENSION OF AUTHORITY FOR PILOT PROGRAM FOR PROVISION OF SPACE SURVEILLANCE NETWORK SERVICES TO NON-UNITED STATES GOVERNMENT ENTITIES.

Section 2274(i) of title 10, United States Code, is amended by striking ''September 30, 2009'' and inserting ''September 30, 2010''.

SEC. 912. INVESTMENT AND ACQUISITION STRATEGY FOR COMMERCIAL SATELLITE CAPABILITIES.

(a) REQUIREMENT.—The Secretary of Defense shall conduct an assessment to determine a recommended investment and acquisition strategy for commercial satellite capabilities.

(b) ELEMENTS.—The assessment required under subsection (a) shall include the following:

(1) Review of national and defense policy relevant to the requirements for, acquisition of, and use of commercial satellite capabilities, and the relationship with commercial satellite providers.

(2) Assessment of the manner in which commercial satellite capabilities are utilized by the Department of Defense and options for expanding such utilization or identifying new means to leverage commercial satellite capabilities, such as hosting payloads.

(3) Review of military requirements for satellite communications and remote sensing by quantity, quality, timeline, and any other metric considered appropriate.

(4) Description of current and planned commercial satellite capabilities and an assessment of their ability to meet the requirements identified in paragraph (3).

(5) Assessment of the ability of commercial satellite capabilities to meet other military requirements not identified in paragraph (3).

(6) Description of the utilization of and resources allocated to commercial satellite communications and remote sensing in the past (past five years), present (current date through Future Years Defense Plan (FYDP)), and future (beyond the FYDP) to meet the requirements identified in paragraph (3).

(7) Assessment of purchasing patterns that may lead to recommendations in which the Department may consolidate requirements, centralize operations, aggregate purchases, or leverage purchasing power (including the use of multiyear contracting).

(8) Assessment of various models for acquiring commercial satellite capabilities, including funding, management, and operations models.

(c) REPORT.—

(1) IN GENERAL.—Not later than February 1, 2009, the Secretary of Defense shall submit to the congressional defense committees a report setting forth the results of the assessment required under subsection (a) and provide recommendations, to include—

(A) the recommended investment and acquisition strategy or strategies of the Department for commercial satellite capabilities;

(B) how the investment and acquisition strategy or strategies should be addressed in fiscal years after fiscal year 2009; and

(C) a proposal for such legislative action as the Secretary considers necessary to acquire appropriate types and amounts of commercial satellite capabilities.

(2) FORM.—The report shall be in unclassified form, but may include a classified annex.

(d) DEFINITIONS.—In this section:

(1) The term ''commercial satellite capabilities'' means the system, capability, or service provided by a commercial satellite provider.

(2) The term ''commercial satellite provider'' refers to privately owned and operated space systems, their technology, components, products, data, services, and related information, as well as foreign systems whose products and services are sold commercially.

Subtitle C—Chemical Demilitarization Program

SEC. 921. CHEMICAL DEMILITARIZATION CITIZENS ADVISORY COMMISSIONS IN COLORADO AND KENTUCKY.

Section 172 of the National Defense Authorization Act for Fiscal Year 1993 (50 U.S.C. 1521 note) is amended by adding at the end the following:

''(i) COLORADO AND KENTUCKY CHEMICAL DEMILITARIZATION CITIZENS ADVISORY COMMISSIONS.—Notwithstanding subsections (b), (f), and (g), and consistent with section 142 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (50 U.S.C. 1521 note) and section 8122 of the Department of Defense Appropriations Act, 2003 (50 U.S.C. 1521 note), responsibilities for the Chemical Demilitarization Citizens Advisory Commissions in Colorado and Kentucky shall be transferred from the Secretary of the Army to the Program Manager for Assembled Chemical Weapons Alternatives. The Program Manager for Assembled Chemical Weapons Alternatives shall ensure the ability to receive citizen and State concerns regarding the ongoing chemical destruction program in these States. A representative from the Office of the Assistant to the Secretary of Defense for Nuclear, Chemical, and Biological Defense Programs shall meet with these commissions not less often than twice a year. Funds appropriated for the Assembled Chemical Weapons Alternatives Program shall be used for travel and associated travel costs for these Citizens Advisory Commissioners, when such travel is conducted at the invitation of the Department of Defense Special Assistant for Chemical and Biological Defense and Chemical Demilitarization Programs.''.

SEC. 922. PROHIBITION ON TRANSPORT OF HYDROLYSATE AT PUEBLO CHEMICAL DEPOT, COLORADO.

(a) PROHIBITION.—During fiscal year 2009, the Secretary of Defense may not transport hydrolysate from the Pueblo Chemical Depot, Colorado, to an off-site location for treatment, storage, or disposal.

(b) SAVINGS CLAUSE.—Nothing in this section limits or otherwise affects section 8119 of the Department of Defense Appropriations Act, 2008 (Public Law 110–116; 50 U.S.C. 1521 note).

(c) REPORT.—Not later than February 15, 2009, the Secretary shall submit to the congressional defense committees a report on hydrolysate stockpiled at the Pueblo Chemical Depot, Colorado. The report shall include a comprehensive cost-benefit analysis between on-site and off-site methods for disposing of such hydrolysate.

Subtitle D—Intelligence-Related Matters

SEC. 931. TECHNICAL CHANGES FOLLOWING THE REDESIGNATION OF NATIONAL IMAGERY AND MAPPING AGENCY AS NATIONAL GEOSPATIAL-INTELLIGENCE AGENCY.

(a) TECHNICAL CHANGES TO UNITED STATES CODE.—

(1) TITLE 5.—Title 5, United States Code, is amended by striking ''National Imagery and Mapping Agency'' each place it appears and inserting ''National Geospatial-Intelligence Agency''.

(2) TITLE 44.—Title 44, United States Code, is amended by striking ''National Imagery and Mapping Agency'' each place it appears and inserting ''National Geospatial-Intelligence Agency''.

(b) TECHNICAL CHANGES TO OTHER ACTS.—

(1) ETHICS IN GOVERNMENT ACT OF 1978.—Section 105(a)(1) of the Ethics in Government Act of 1978 (Public Law 95–521; 5 U.S.C. App. 4) is amended by striking ''National Imagery and Mapping Agency'' and inserting ''National Geospatial-Intelligence Agency''.

(2) INSPECTOR GENERAL ACT OF 1978.—Section 8H of the Inspector General Act of 1978 (Public Law 95–452; 5 U.S.C. App.) is amended—

(A) in subsection (a)(1)(A), by striking ''National Imagery and Mapping Agency'' and inserting ''National Geospatial-Intelligence Agency''; and

(B) in subsection (g)(1), by striking ''National Imagery and Mapping Agency'' and inserting ''National Geospatial-Intelligence Agency''.

(3) EMPLOYEE POLYGRAPH PROTECTION ACT OF 1988.—Section 7(b)(2)(A)(i) of the Employee Polygraph Protection Act of 1988 (29 U.S.C. 2006(b)(2)(A)(i)) is amended by striking ''National Imagery and Mapping Agency'' and inserting ''National Geospatial-Intelligence Agency''.

(4) LEGISLATIVE BRANCH APPROPRIATIONS ACT, 1993.—Section 207(a)(2)(B) of the Legislative Branch Appropriations Act, 1993 (Public Law 102–392; 44 U.S.C. 501 note), is amended by striking ''National Imagery and Mapping Agency'' and inserting ''National Geospatial-Intelligence Agency''.

(5) HOMELAND SECURITY ACT OF 2002.—Section 201(e)(2) of the Homeland Security Act of 2002 (6 U.S.C. 121(e)(2)) is amended by striking ''National Imagery and Mapping Agency'' and inserting ''National Geospatial-Intelligence Agency''.

SEC. 932. TECHNICAL AMENDMENTS TO TITLE 10, UNITED STATES CODE, ARISING FROM ENACTMENT OF THE INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004.

(a) REFERENCES TO HEAD OF INTELLIGENCE COMMUNITY.—Title 10, United States Code, is amended by striking ''Director of Central Intelligence'' each place it appears and inserting ''Director of National Intelligence'' in the following:

(1) Section 193(d)(2).
(2) Section 193(e).
(3) Section 201(a).
(4) Section 201(b)(1).
(5) Section 201(c)(1).
(6) Section 425(a).
(7) Section 431(b)(1).
(8) Section 441(c).
(9) Section 441(d).
(10) Section 443(d).
(11) Section 2273(b)(1).
(12) Section 2723(a).

(b) CLERICAL AMENDMENTS.—Such title is further amended by striking ''DIRECTOR OF CENTRAL INTELLIGENCE'' each place it appears and inserting ''DIRECTOR OF NATIONAL INTELLIGENCE'' in the following:

(1) Section 441(c).
(2) Section 443(d).

(c) REFERENCE TO HEAD OF CENTRAL INTELLIGENCE AGENCY.—Section 444 of such title is amended by striking ''Director of Central Intelligence'' each place it appears and inserting ''Director of the Central Intelligence Agency''.

SEC. 933. TECHNICAL AMENDMENTS RELATING TO THE ASSOCIATE DIRECTOR OF THE CIA FOR MILITARY AFFAIRS.

Section 528(c) of title 10, United States Code, is amended—

(1) in the heading, by striking ''MILITARY SUPPORT'' and inserting ''MILITARY AFFAIRS''; and

(2) by striking ''Military Support'' and inserting ''Military Affairs''.

Subtitle E—Other Matters

SEC. 941. DEPARTMENT OF DEFENSE SCHOOL OF NURSING REVISIONS.

(a) SCHOOL OF NURSING.—The text of section 2117 of title 10, United States Code, is amended to read as follows:

''(a) ESTABLISHMENT.—The Secretary of Defense shall establish within the University a

School of Nursing, not later than July 1, 2010. It shall be so organized as to graduate not less than 25 students with a bachelor of science in nursing in the first class not later than June 30, 2012, not less than 50 in the second class, and not less than 100 annually thereafter.

''(b) MINIMUM REQUIREMENT.—The School of Nursing shall include, at a minimum, a program that awards a bachelor of science in nursing.

''(c) PHASED DEVELOPMENT.—The development of the School of Nursing may be by such phases as the Secretary may prescribe, subject to the requirements of subsection (a).''.

(b) RETIRED NURSE CORPS OFFICER DEMONSTRATION PROJECT.—

(1) IN GENERAL.—The Secretary of Defense may conduct a demonstration project to encourage retired military nurses to serve as faculty at civilian nursing schools.

(2) ELIGIBILITY REQUIREMENTS.—

(A) INDIVIDUAL.—An individual is eligible to participate in the demonstration project if the individual—

(i) is a retired nurse corps officer of one of the Armed Forces;

(ii) has had at least 26 years of active Federal commissioned service before retiring; and

(iii) possesses a doctoral or master degree in nursing that qualifies the officer to become a full faculty member of an accredited school of nursing.

(B) INSTITUTION.—An accredited school of nursing is eligible to participate in the demonstration project if the school or its parent institution of higher education—

(i) is a school of nursing that is accredited to award, at a minimum, a bachelor of science in nursing and provides educational programs leading to such degree;

(ii) has a resident Reserve Officer Training Corps unit at the institution of higher education that fulfils the requirements of sections 2101 and 2102 of title 10, United States Code;

(iii) does not prevent ROTC access or military recruiting on campus, as defined in section 983 of title 10, United States Code;

(iv) provides any retired nurse corps officer participating in the demonstration project a salary and other compensation at the level to which other similarly situated faculty members of the accredited school of nursing are entitled, as determined by the Secretary of Defense; and

(v) agrees to comply with paragraph (4).

(3) COMPENSATION.—

(A) The Secretary of Defense may authorize a Secretary of a military department to authorize qualified institutions of higher education to employ as faculty those eligible individuals (as described in paragraph (2)) who are receiving retired pay, whose qualifications are approved by the Secretary and the institution of higher education concerned, and who request such employment, subject to the following:

(i) A retired nurse corps officer so employed is entitled to receive the officer's retired pay without reduction by reason of any additional amount paid to the officer by the institution of higher education concerned. In the case of payment of any such additional amount by the institution of higher education concerned, the Secretary of the military department concerned may pay to that institution the amount equal to one-half the amount paid to the retired officer by the institution for any period, up to a maximum of one-half of the difference between the officer's retired pay for that period and the active duty pay and allowances that the officer would have received for that period if on active duty. Payments by the Secretary concerned under this paragraph shall be made from funds specifically appropriated for that purpose.

(ii) Notwithstanding any other provision of law contained in title 10, title 32, or title 37, United States Code, such a retired nurse corps officer is not, while so employed, considered to be on active duty or inactive duty training for any purpose.

(4) SCHOLARSHIPS FOR NURSE OFFICER CANDIDATES.—For purposes of the eligibility of an institution under paragraph (2)(B)(v), the following requirements apply:

(A) Each accredited school of nursing at which a retired nurse corps officer serves on the faculty under this subsection shall provide full academic scholarships to individuals undertaking an educational program at such school leading to a bachelor of science in nursing degree who agree, upon completion of such program, to accept a commission as an officer in the nurse corps of one of the Armed Forces.

(B) The total number of scholarships provided by an accredited school of nursing under subparagraph (A) for each officer serving on the faculty of that school under this subsection shall be such number as the Secretary of Defense shall specify for purposes of this subsection.

(C) Each accredited school of nursing shall pay to the Department of Defense an amount equal to the value of the scholarship for every nurse officer candidate who fails to be accessed as a nurse corps officer into one of the Armed Forces within one year of receiving a bachelor of science degree in nursing from that school.

(D) The Secretary concerned is authorized to discontinue the demonstration project authorized in this subsection at any institution of higher education that fails to fulfill the requirements of subparagraph (C).

(5) REPORT.—

(A) Not later than 24 months after the commencement of any demonstration project under this subsection, the Secretary of Defense shall submit to the congressional defense committees a report on the demonstration project. The report shall include a description of the project and a description of plans for the continuation of the project, if any.

(B) ELEMENTS.—The report shall also include, at a minimum, the following:

(i) The current number of retired nurse corps officers who have at least 26 years of active Federal commissioned service who would be eligible to participate in the program.

(ii) The number of retired nurse corps officers participating in the demonstration project.

(iii) The number of accredited schools of nursing participating in the demonstration project.

(iv) The number of nurse officer candidates who have accessed into the military as commissioned nurse corps officers.

(v) The number of scholarships awarded to nurse officer candidates.

(vi) The number of nurse officer candidates who have failed to access into the military, if any.

(vii) The amount paid to the Department of Defense in the event any nurse officer candidates awarded scholarships by the accredited school of nursing fail to access into the military as commissioned nurse corps officers.

(viii) The funds expended in the operation of the demonstration project.

(ix) The recommendation of the Secretary of Defense as to whether the demonstration project should be extended.

(6) SUNSET.—The authority in this subsection shall expire on June 30, 2014.

(7) DEFINITIONS.—In this subsection, the terms ''school of nursing'' and ''accredited'' have the meeting given those terms in section 801 of the Public Health Service Act (42 U.S.C. 296).

SEC. 942. AMENDMENTS OF AUTHORITY FOR REGIONAL CENTERS FOR SECURITY STUDIES.

(a) IN GENERAL.—Section 184(f) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(6) Funds available to the Department of Defense for a Regional Center for any fiscal year (beginning with funds available for fiscal year 2009), including funds available under paragraphs (4) and (5), are available for use for programs that begin in such fiscal year but end in the next fiscal year.''.

(b) ESTABLISHMENT OF A PILOT PROGRAM FOR NONGOVERNMENTAL PERSONNEL.—

(1) IN GENERAL.—In fiscal years 2009 and 2010, the Secretary of Defense, with the concurrence of the Secretary of State, may waive reimbursement of the costs of activities of the Regional Centers for nongovernmental and international organization personnel who participate in activities that enhance cooperation of nongovernmental organizations and international organizations with Armed Forces of the United States, if the Secretary of Defense determines that attendance of such personnel without reimbursement is in the national security interests of the United States. Costs for which reimbursement is waived pursuant to this subsection shall not exceed $1,000,000 in each of fiscal years 2009 and 2010 and shall be paid from appropriations available to the Regional Centers in each of those fiscal years.

(2) REPORT REQUIRED.—For each of fiscal years 2009 and 2010, the Secretary of Defense shall include in the annual report required under section 184(h) of title 10, United States Code, a description of the extent of nongovernmental and international organization participation in the programs of each regional center, including the costs incurred by the United States for the participation of each organization.

SEC. 943. FINDINGS AND SENSE OF CONGRESS REGARDING THE WESTERN HEMISPHERE INSTITUTE FOR SECURITY COOPERATION.

(a) FINDINGS.—The Congress finds the following:

(1) The mission of the Western Hemisphere Institute for Security Cooperation (hereafter in this section referred to as ''WHINSEC'') is to provide professional education and training to military personnel, law enforcement officials, and civilian personnel in support of the democratic principles set forth in the Charter of the Organization of American States, while fostering mutual knowledge, transparency, confidence, and cooperation among the participating nations, and promoting democratic values, respect for human rights, and knowledge and understanding of United States customs and traditions.

(2) WHINSEC supports the Security Cooperation Guidance of the Secretary of Defense by addressing the education and training needs of the United States Southern Command and United States Northern Command.

(3) In enacting legislation establishing WHINSEC, Congress specified that the curriculum of WHINSEC may include leadership development, counterdrug operations, peacekeeping, resource management, and disaster relief planning. Congress also mandated a minimum of eight hours of instruction on human rights, due process, the rule of law, the role of the Armed Forces in a democratic society, and civilian control of the military. WHINSEC averages twelve hours of such instruction per course.

(4) On March 21, 2007, Admiral Stavridis, Commander of United States Southern Command, stated before the House Armed Services Committee that WHINSEC ''is the military's crown jewel for human rights training.''.

(5) WHINSEC does not select students for participation. A partner nation nominates students to attend WHINSEC, and in accordance with the law of the United States and the policies of the Departments of Defense and State, the United States Embassy in such partner nation screens and conducts background checks on such nominees. The vetting process of WHINSEC nominees includes a background check by United States embassies in partner nations, as well as checks by the Bureau of Western Hemisphere Affairs and the Bureau of Democracy, Human Rights, and Labor. Further, the Abuse Case Evaluation System of the Department of State, a central database that aggregates human rights abuse data into a single, searchable location, is used as a resource for checking abuse allegations when conducting vetting requests.

(6) WHINSEC operates in accordance with the ''Leahy Law,'' which was first enacted in 1997 and has since expanded to prohibit United States military assistance to foreign military units that violate human rights including security assistance programs funded through foreign operations appropriations Acts and training programs made available pursuant to Department of Defense appropriations Acts.

(7) Independent review, observation, and recommendation regarding operations of WHINSEC is provided by a Board of Visitors which is chaired by Bishop Robert Morlino of Wisconsin and includes four Members of Congress, two from each political party.

(8) WHINSEC is open to visitors at any time. Anyone can visit, sit in classes, talk with students and faculty, and review instructional materials.

(9) On May 7, 2008, the Department of Defense provided Congress requested information regarding the students, instructors, and courses at WHINSEC.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) WHINSEC is one of the most effective mechanisms that the United States has to build relationships with future leaders throughout the Western Hemisphere, influence the human rights records and democracy trajectory of countries in the Western Hemisphere, and mitigate the growing influence of non-hemispheric powers;

(2) WHINSEC is succeeding in meeting its stated mission of providing professional education and training to eligible military personnel, law enforcement officials, and civilians of nations of the Western Hemisphere that support the democratic principles set forth in the Charter of the Organization of American States, while fostering mutual knowledge, transparency, confidence, and cooperation among the participating nations and promoting democratic values and respect for human rights; and

(3) WHINSEC is an invaluable education and training facility which the Department of Defense should continue to utilize in order to help foster a spirit of partnership that will ensure security and enhance stability and interoperability among the United States military and the militaries of participating nations.

SEC. 944. RESTRICTION ON OBLIGATION OF FUNDS FOR UNITED STATES SOUTHERN COMMAND DEVELOPMENT ASSISTANCE ACTIVITIES.

(a) REPORT AND CERTIFICATION REQUIRED.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report describing the development assistance activities carried out by the United States Southern Command during fiscal year 2008 and planned for fiscal year 2009 and containing a certification by the Secretary that such development assistance activities—

(1) will not adversely diminish the ability of the United States Southern Command or its components to carry out its combat or military missions;

(2) do not divert resources from funded or unfunded requirements of the United States Southern Command in connection with the role of the Department of Defense under section 124 of title 10, United States Code, as the single lead agency of the Federal Government for the detection and monitoring of aerial and maritime transit of illegal drugs into the United States;

(3) are not unnecessarily duplicative of activities already conducted or planned to be conducted by any other Federal department or agency during fiscal year 2009; and

(4) are designed, planned, and conducted to complement joint training and exercises, host-country capacity building, or similar activities directly connected to the responsibilities of the United States Southern Command.

(b) RESTRICTION ON OBLIGATION OF FUNDS PENDING CERTIFICATION.—Of the amounts appropriated pursuant to an authorization of appropriations in this Act or otherwise made available for fiscal year 2009 for operation and maintenance for the United States Southern Command, not more than 90 percent may be obligated or expended until 30 days after the certification required by subsection (a) is received by the congressional defense committees.

(c) DEVELOPMENT ASSISTANCE ACTIVITIES DEFINED.—In this section, the term ''development assistance activities'' means assistance activities carried out by the United States Southern Command that are comparable to the assistance activities carried out by the United States under—

(1) chapters 1, 10, 11, and 12 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151, 2293, 2295, and 2296 et seq.); and

(2) any other provision of law for purposes comparable to the purposes for which assistance activities are carried out under the provisions of law referred to in paragraph (1).

SEC. 945. AUTHORIZATION OF NON-CONVENTIONAL ASSISTED RECOVERY CAPABILITIES.

(a) NON-CONVENTIONAL ASSISTED RECOVERY CAPABILITIES.—Upon a determination by a combatant commander that an action is necessary in connection with a non-conventional assisted recovery effort, an amount not to exceed $20,000,000 of the funds appropriated pursuant to an authorization of appropriations or otherwise made available for ''Operation and Maintenance, Navy'' may be used to establish, develop, and maintain non-conventional assisted recovery capabilities.

(b) PROCEDURES.—The Secretary of Defense shall establish procedures for the exercise of the authority under subsection (a). The Secretary shall notify the congressional defense committees of those procedures before any exercise of that authority.

(c) AUTHORIZED ACTIVITIES.—Non-conventional assisted recovery capabilities authorized under subsection (a) may, in limited and special circumstances, include the provision of support to foreign forces, irregular forces, groups, or individuals in order to facilitate the recovery of Department of Defense or Coast Guard military or civilian personnel, or other individuals who, while conducting activities in support of United States military operations, become separated or isolated and cannot rejoin their units without the assistance authorized in subsection (a). Such support may include the provision of limited amounts of equipment, supplies, training, transportation, or other logistical support or funding.

(d) ANNUAL REPORT.—Not later than 30 days after the close of each fiscal year during which subsection (a) is in effect, the Secretary of Defense shall submit to the congressional defense committees a report on support provided under that subsection during that fiscal year.

(e) LIMITATION ON INTELLIGENCE ACTIVITIES.—This section does not constitute authority to conduct a covert action, as such term is defined in section 503(e) of the National Security Act of 1947 (50 U.S.C. 413b(e)).

(f) LIMITATION ON FOREIGN ASSISTANCE ACTIVITIES.—This section does not constitute authority—

(1) to build the capacity of foreign military forces or provide security and stabilization assistance, as described in sections 1206 and 1207 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3456 and 3458), respectively; and

(2) to provide assistance that is otherwise prohibited by any other provision in law, including any provision of law relating to the control of exports of defense articles or defense services.

(g) PERIOD OF AUTHORITY.—The authority under this section is in effect during each of the fiscal years 2009 through 2012.

SEC. 946. REPORT ON UNITED STATES NORTHERN COMMAND DEVELOPMENT OF INTERAGENCY PLANS AND COMMAND AND CONTROL RELATIONSHIPS.

(a) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Secretary of Homeland Security and the heads of other appropriate Federal agencies, shall submit a report to Congress describing the progress made to address certain deficiencies in the United States Northern Command identified in the Comptroller General report 08–251/252. To prepare the report, the Secretary of Defense shall direct the United States Northern Command to perform the following:

(1) Provide a compendium of all roles, mission requirements and resources from all 50 States. Each role and mission in the docket will be accompanied by a brief explanation of the requirement and proof of endorsement by the respective State Adjutant Generals and the Department of Homeland Security.

(2) Synchronize and continually update its unit requirements with the deployment schedules of the units it depends on. The commander of the United States Northern Command shall develop plans for primary and secondary units to cover the roles and missions coordinated in paragraph (1).

(3) Coordinate with all source units and other commands. The report shall include copies of all these unit and command mission statements.

(4) Coordinate with its interagency partners to form charters that govern the agreements among them, including qualifications for personnel with liaison functions between interagency partners.

(b) IMPROVED COORDINATION.—The commander of the United States Northern Command shall coordinate with its Federal interagency partners to ascertain requirements for plans, training, equipment, and resources in support of—

(1) homeland defense;

(2) domestic emergency response; and

(3) military support to civil authorities.

SEC. 947. REPORT ON NATIONAL GUARD RESOURCE REQUIREMENTS.

(a) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Chief of the National Guard Bureau shall submit to the Secretary of Defense a report—

(1) detailing the extent to which the various provisions in title XVIII of the National

Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181) have been effective in giving the National Guard a clearer voice in policy and budgetary discussions in the Department of Defense; and

(2) assessing the adequacy of Department of Defense funding for the resource requirements of the National Guard.

(b) REPORT TO CONGRESS.—Not later than 30 days after the Secretary of Defense receives the report under subsection (a), the Secretary shall submit to Congress such report, along with any explanatory comments the Secretary considers necessary.

TITLE X—GENERAL PROVISIONS

Subtitle A—Financial Matters

Sec. 1001. General transfer authority.
Sec. 1002. Requirement for separate display of budget for Afghanistan.
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Subtitle B—Policy Relating to Vessels and Shipyards

Sec. 1011. Conveyance, Navy drydock, Aransas Pass, Texas.
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Subtitle C—Counter-Drug Activities

Sec. 1021. Continuation of reporting requirement regarding Department of Defense expenditures to support foreign counter-drug activities.
Sec. 1022. Extension of authority for joint task forces to provide support to law enforcement agencies conducting counter-terrorism activities.
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Sec. 1025. Comprehensive Department of Defense strategy for counter-narcotics efforts for West Africa and the Maghreb.
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Sec. 1031. Strategic Communication Management Board.
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Sec. 1044. Studies to analyze alternative models for acquisition and funding of inter-connected cyberspace systems.
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Sec. 1046. Study on national defense implications of section 1083.
Sec. 1047. Report on methods Department of Defense utilizes to ensure compliance with Guam tax and licensing laws.
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Subtitle F—Congressional Recognitions

Sec. 1051. Sense of Congress honoring the Honorable Duncan Hunter.
Sec. 1052. Sense of Congress in honor of the Honorable Jim Saxton, a Member of the House of Representatives.
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Subtitle G—Other Matters

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Sec. 1062. Restriction on Department of Defense relocation of missions or functions from Cheyenne Mountain Air Force Station.
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Sec. 1065. Authorization of appropriations for payments to Portuguese nationals employed by the Department of Defense.
Sec. 1066. State Defense Force Improvement.
Sec. 1067. Barnegat Inlet to Little Egg Inlet, New Jersey.
Sec. 1068. Sense of Congress regarding the roles and missions of the Department of Defense and other national security institutions.
Sec. 1069. Sense of Congress relating to 2008 supplemental appropriations.
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Sec. 1071. Standing Advisory Panel on Improving Integration between the Department of Defense, the Department of State, and the United States Agency for International Development on Matters of National Security.
Sec. 1072. Nonapplicability of the Federal Advisory Committee Act to the Congressional Commission on the Strategic Posture of the United States.
Sec. 1073. Study and report on use of power management software.
Sec. 1074. Comprehensive Interagency Strategy for Strategic Communication and Public Diplomacy Activities of the Federal Government.
Sec. 1075. Prohibitions relating to propaganda.
Sec. 1076. Use of runway at NASJRB Willow Grove, Pennsylvania.
Sec. 1077. Prohibition on interrogation of detainees by contractor personnel.
Sec. 1078. Requirement for videotaping or otherwise electronically recording strategic intelligence interrogations of persons in the custody of or under the effective control of the Department of Defense.
Sec. 1079. Public disclosure of names of students and instructors at Western Hemisphere Institute for Security Cooperation.

Subtitle A—Financial Matters

SEC. 1001. GENERAL TRANSFER AUTHORITY.

(a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—

(1) AUTHORITY.—Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this division for fiscal year 2009 between any such authorizations for that fiscal year (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) LIMITATION.—Except as provided in paragraph (3), the total amount of authorizations that the Secretary may transfer under the authority of this section may not exceed $4,000,000,000.

(3) EXCEPTION FOR TRANSFERS BETWEEN MILITARY PERSONNEL AUTHORIZATIONS.—A transfer of funds between military personnel authorizations under title IV shall not be counted toward the dollar limitation in paragraph (2).

(b) LIMITATIONS.—The authority provided by this section to transfer authorizations—

(1) may only be used to provide authority for items that have a higher priority than the items from which authority is transferred; and

(2) may not be used to provide authority for an item that has been denied authorization by Congress.

(c) EFFECT ON AUTHORIZATION AMOUNTS.—A transfer made from one account to another under the authority of this section shall be deemed to increase the amount authorized for the account to which the amount is transferred by an amount equal to the amount transferred.

(d) NOTICE TO CONGRESS.—The Secretary shall promptly notify Congress of each transfer made under subsection (a).

SEC. 1002. REQUIREMENT FOR SEPARATE DISPLAY OF BUDGET FOR AFGHANISTAN.

For any annual or supplemental budget request submission for the Department of Defense, beginning with fiscal year 2010, the Secretary of Defense shall set forth separately any funding requested for any United States operations or other activities concerning Afghanistan. The submission shall clearly display the amounts requested for such operations or activities at the appropriation account level and at the program, project, or activity level. The submission by the Secretary shall also include a separate detailed description of the assumptions underlying the funding request.

SEC. 1003. REQUIREMENT FOR SEPARATE DISPLAY OF BUDGET FOR IRAQ.

For any annual or supplemental budget request submission for the Department of Defense, beginning with fiscal year 2010, the Secretary of Defense shall set forth separately any funding requested for any United States operations or other activities concerning Iraq. The submission shall clearly display the amounts requested for such operations or activities at the appropriation account level and at the program, project, or activity level. The submission by the Secretary shall also include a separate detailed

description of the assumptions underlying the funding request.

SEC. 1004. ONE-TIME SHIFT OF MILITARY RETIREMENT PAYMENTS.

(a) REDUCTION OF PAYMENTS.—Notwithstanding any other provision of law, any amounts that would otherwise be payable from the fund to individuals for the month of August 2013 (with disbursements scheduled for September 2013) shall be reduced by 1 percent.

(b) REVERSION.—Beginning on September 1, 2013 (with disbursements beginning in October 2013), amounts payable to individuals from the fund shall revert back to amounts as specified in law as if the reduction in subsection (a) did not take place.

(c) REFUND.—Any individual who has a payment reduced under subsection (a) shall receive a one-time payment, from the fund, in an amount equal to the amount of such reduction. This one-time payment shall be included with disbursements from the fund scheduled for October 2013.

(d) FUND.—In this section, the term ''fund'' refers to the Department of Defense Military Retirement Fund established by section 1461 of title 10, United States Code.

(e) TRANSFER.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall transfer $40,000,000 from the unobligated balances of the National Defense Stockpile Transaction Fund to the Miscellaneous Receipts Fund of the United States Treasury to offset estimated costs arising from section 702 and the amendments made by such section.

SEC. 1005. MANAGEMENT OF PURCHASE CARDS.

(a) REQUIRED SAFEGUARDS AND INTERNAL CONTROLS.—Section 2784 of title 10, United States Code, is amended in subsection (b)—

(1) by redesignating paragraphs (3) through (10) as paragraphs (4) through (11), respectively;

(2) by inserting after paragraph (2) the following new paragraph:

''(3) That expenditures charged to the purchase card are independently received, accepted, or verified by an official with authority to authorize expenditures.'';

(3) by redesignating paragraphs (9) through paragraph (11) (as previously redesignated by paragraph (1)) as paragraphs (10) through (12), respectively; and

(4) by inserting after paragraph (8) (as previously redesignated by paragraph (1)) the following new paragraph:

''(9) That appropriate inventory and property systems are updated promptly in response to expenditures charged to a purchase card related to pilferable property.''.

(b) PENALTIES FOR VIOLATIONS.—Section 2784(c)(1) of title 10, United States Code, is amended by striking ''provide for'' and inserting ''provide for the reimbursement of charges for unauthorized or erroneous purchases and for''.

Subtitle B—Policy Relating to Vessels and Shipyards

SEC. 1011. CONVEYANCE, NAVY DRYDOCK, ARANSAS PASS, TEXAS.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Navy is authorized to convey the floating drydock AFDL–23, located in Aransas Pass, Texas, to Gulf Copper Ship Repair, that company being the current lessee of the drydock.

(b) CONDITION OF CONVEYANCE.—The Secretary shall require as a condition of the conveyance under subsection (a) that the drydock remain at the facilities of Gulf Copper Ship Repair, at Aransas Pass, Texas, until at least September 30, 2010.

(c) CONSIDERATION.—As consideration for the conveyance of the drydock under subsection (a), the purchaser shall provide compensation to the United States the value of which, as determined by the Secretary, is equal to the fair market value of the drydock, as determined by the Secretary. The Secretary shall take into account amounts paid by, or due and owing from, the lessee.

(d) TRANSFER AT NO COST TO UNITED STATES.—The provisions of section 7306(c) of title 10, United States Code, shall apply to the conveyance under this section.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 1012. REPORT ON REPAIR OF NAVAL VESSEL IN FOREIGN SHIPYARDS.

Section 7310 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(c) REPORT.—The Secretary of the Navy shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report any time it is determined that a naval vessel (or any other vessel under the jurisdiction of the Secretary) is to undergo work for the repair of the vessel in a shipyard outside the United States or Guam. The report shall be submitted at least 30 days before the repair work begins and shall contain the following:

''(1) The justification under law for the repair in a foreign shipyard.

''(2) The vessel to be repaired.

''(3) The shipyard where the repair work will be carried out.

''(4) The cost of the repair.

''(5) The schedule for repair.

''(6) The homeport or location of the vessel prior to its voyage for repair.''.

SEC. 1013. POLICY RELATING TO MAJOR COMBATANT VESSELS OF THE STRIKE FORCES OF THE UNITED STATES NAVY.

Section 1012(c)(1) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181) is amended by adding at the end the following:

''(D) Amphibious assault ships, including dock landing ships (LSD), amphibious transport–dock ships (LPD), helicopter assault ships (LHA/LHD), and amphibious command ships (LCC), if such vessels exceed 15,000 dead weight ton light ship displacement.''.

SEC. 1014. NATIONAL DEFENSE SEALIFT FUND AMENDMENTS.

Section 2218 of title 10, United States Code, is amended—

(1) by striking subsection (j) and redesignating subsections (k) and (l) as subsections (j) and (k), respectively; and

(2) in paragraph (2) of subsection (k) (as so redesignated), by striking subparagraphs (B) thru (I) and inserting the following new subparagraph (B):

''(B) Any other auxiliary vessel that was procured or chartered with specific authorization in law for the vessel, or class of vessels, to be funded in the National Defense Sealift Fund.''.

SEC. 1015. REPORT ON CONTRIBUTIONS TO THE DOMESTIC SUPPLY OF STEEL AND OTHER METALS FROM SCRAPPING OF CERTAIN VESSELS.

Not later than 30 days after the date of the enactment of this Act, the Secretary of the Navy shall submit to the congressional defense committees a report containing—

(1) the estimated contribution to the domestic market for steel and other metals from the scrapping of each vessel over 50,000 tons displacement stricken from the Naval Vessel Register but not yet disposed of by the Navy; and

(2) a plan for the sale and disposal of such vessels.

Subtitle C—Counter-Drug Activities

SEC. 1021. CONTINUATION OF REPORTING REQUIREMENT REGARDING DEPARTMENT OF DEFENSE EXPENDITURES TO SUPPORT FOREIGN COUNTER-DRUG ACTIVITIES.

Section 1022(a) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–255), as most recently amended by section 1024 of the National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2383), is further amended by striking ''and February 15, 2008'' and inserting ''February 15, 2008, and February 15, 2009''.

SEC. 1022. EXTENSION OF AUTHORITY FOR JOINT TASK FORCES TO PROVIDE SUPPORT TO LAW ENFORCEMENT AGENCIES CONDUCTING COUNTER-TERRORISM ACTIVITIES.

Section 1022(b) of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 10 U.S.C. 371 note), as amended by section 1021 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 304), is amended by striking ''2008'' and inserting ''2009''.

SEC. 1023. EXTENSION OF AUTHORITY TO SUPPORT UNIFIED COUNTER-DRUG AND COUNTERTERRORISM CAMPAIGN IN COLOMBIA AND CONTINUATION OF NUMERICAL LIMITATION ON ASSIGNMENT OF UNITED STATES PERSONNEL.

Section 1021 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 2042), as amended by section 1023 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2382), is further amended—

(1) in subsection (a), by striking ''2008'' and inserting ''2009''; and

(2) in subsection (c), by striking ''2008'' and inserting ''2009''.

SEC. 1024. EXPANSION AND EXTENSION OF AUTHORITY TO PROVIDE ADDITIONAL SUPPORT FOR COUNTER-DRUG ACTIVITIES OF CERTAIN FOREIGN GOVERNMENTS.

(a) EXTENSION OF AUTHORITY.—Subsection (a)(2) of section 1033 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1881), as amended by section 1021 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136, 117 Stat. 1593), section 1022 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2137), and section 1022 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 304), is further amended by striking ''2008'' and inserting ''2009''.

(b) ADDITIONAL GOVERNMENTS ELIGIBLE TO RECEIVE SUPPORT.—Subsection (b) of such section is amended by adding at the end the following new paragraphs:

''(19) The Government of Guinea–Bissau.

''(20) The Government of Senegal.

''(21) The Government of Ghana.''.

(c) MAXIMUM ANNUAL AMOUNT OF SUPPORT.—Subsection (e)(2) of such section is amended—

(1) by striking ''or'' after ''2006,''; and

(2) by striking the period at the end and inserting '', or $65,000,000 during fiscal year 2009.''.

(d) CONDITION ON PROVISION OF SUPPORT.—Subsection (f) of such section is amended—

(1) in paragraph (2), by inserting after ''In the case of'' the following: ''funds appropriated for fiscal year 2009 to carry out this section and''; and

(2) in paragraph (4)(B), by striking ''Committee on International Relations'' and inserting ''Committee on Foreign Affairs''.

(e) COUNTER-DRUG PLAN.—Subsection (h) of such section is amended—

(1) in the matter preceding paragraph (1), by striking ''fiscal year 2004'' and inserting ''fiscal year 2009''; and

(2) in subparagraph (7), by striking ''For the first fiscal year'' and inserting ''For fiscal year 2009, and thereafter, for the first fiscal year''.

SEC. 1025. COMPREHENSIVE DEPARTMENT OF DEFENSE STRATEGY FOR COUNTER-NARCOTICS EFFORTS FOR WEST AFRICA AND THE MAGHREB.

(a) REPORT REQUIRED.—Not later than March 1, 2009, the Secretary of Defense shall submit to the congressional defense committees a comprehensive strategy of the Department of the Defense with regard to counter-narcotics efforts in Africa, with an emphasis on West Africa and the Maghreb. The Secretary of Defense shall prepare the strategy in consultation with the Secretary of State.

(b) MATTERS TO BE INCLUDED.—The comprehensive strategy shall consist of a general overview and a separate detailed section for each of the following:

(1) The roles and missions of the Department of Defense in support of the overall United States counter-narcotics policy for Africa.

(2) The priorities for the Department of Defense to meet programmatic objectives one-year, three-years, and five-years after the end of fiscal year 2009, including a description of the expected allocation of resources of the Department of Defense to accomplish these priorities.

(3) The efforts to coordinate the counter-narcotics activities of the Department of Defense with the counter-narcotics activities of the governments eligible to receive support under section 1033 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1881) and the counter-narcotics activities in Africa of European countries and other international and regional partners.

(c) PLANS.—The comprehensive strategy shall also include the following plans:

(1) A detailed and comprehensive plan to utilize the capabilities and assets of Joint Inter-Agency Task Force-South of the United States Southern Command for the counter-narcotics efforts and activities of the United States Africa Command on a temporary basis until the United States Africa Command develops its own commensurate capabilities and assets, including in the plan a description of what measures will be taken to effectuate the transition of the missions, which are accomplished using such capabilities and assets, from Joint Inter-Agency Task Force-South to United States Africa Command.

(2) A detailed and comprehensive plan to enhance cooperation with certain African countries, which are often geographically contiguous to other African countries that have a significant narcotics-trafficking challenges, to increase the effectiveness of the counter-narcotics activities of the Department of Defense and its international and regional partners.

SEC. 1026. COMPREHENSIVE DEPARTMENT OF DEFENSE STRATEGY FOR COUNTER-NARCOTICS EFFORTS IN SOUTH AND CENTRAL ASIAN REGIONS.

(a) REPORT REQUIRED.—Not later than March 1, 2009, the Secretary of Defense shall submit to the congressional defense committees a comprehensive strategy of the Department of the Defense with regard to counter-narcotics efforts in the South and Central Asian regions, including the countries of Afghanistan, Turkmenistan, Tajikistan, Kyrgyzstan, Kazakhstan, Pakistan, and India, as well as the countries of Armenia, Azerbaijan, and China.

(b) MATTERS TO BE INCLUDED.—The comprehensive strategy shall consist of a general overview and a separate detailed section for each of the following:

(1) The roles and missions of the Department of Defense in support of the overall United States counter-narcotics policy for countries of the South and Central Asian regions and the other countries specified in subsection (a).

(2) The priorities for the Department of Defense to meet programmatic objectives for fiscal year 2010, including a description of the expected allocation of resources of the Department of Defense to accomplish these priorities.

(3) The ongoing and planned counter-narcotics activities funded by the Department of Defense for such regions and countries, including a description of the accompanying allocation of resources of the Department of Defense to carry out these activities.

(4) The efforts to coordinate the counter-narcotics activities of the Department of Defense with the counter-narcotics activities of such regions and countries and the counter-narcotics activities of other international partners in such regions and countries.

(5) The specific metrics used by the Department of Defense to evaluate progress of activities to reduce the production and trafficking of illicit narcotics in such regions and countries.

Subtitle D—Boards and Commissions

SEC. 1031. STRATEGIC COMMUNICATION MANAGEMENT BOARD.

(a) IN GENERAL.—The Secretary of Defense shall establish a Strategic Communication Management Board (in this section referred to as the ''Board'') to provide advice to the Secretary on strategic direction and to help establish priorities for strategic communication activities.

(b) COMPOSITION.—

(1) IN GENERAL.—The Board shall be composed of members selected in accordance with this subsection.

(2) MEMBERS.—The Secretary of Defense shall appoint members within 30 days after the date of the enactment of this Act, selected from among organizations within the Department of Defense responsible for strategic communication, public diplomacy, and public affairs, including the following:

(A) Civil affairs, strategic communication, or public affairs offices of the military departments.

(B) The Joint Staff.

(C) The combatant commands.

(D) The Office of the Secretary of Defense.

(3) ADVISORY MEMBERS.—The Board shall appoint advisory members of the Board after the members have been selected under paragraph (2), upon petition from entities seeking advisory membership. Advisory members shall be selected from the broader inter-agency community, and may include representatives from the following;

(A) The Department of State.

(B) The Department of Justice.

(C) The Department of Commerce.

(D) The United States Agency for International Development.

(E) The Office of the Director of National Intelligence.

(F) The National Security Council.

(G) The Broadcasting Board of Governors.

(4) LEADERSHIP.—The Under Secretary of Defense for Policy (or his designee) shall chair the Board.

(c) DUTIES.—The duties of the Board are as follows:

(1) Provide strategic direction for efforts of the Department of Defense related to strategic communication and military support to public diplomacy.

(2) Establish Department of Defense priorities in these areas.

(3) Evaluate and select proposals for efforts that support the Department of Defense strategic communication mission.

(4) Such other duties as the Secretary may assign.

SEC. 1032. EXTENSION OF CERTAIN DATES FOR CONGRESSIONAL COMMISSION ON THE STRATEGIC POSTURE OF THE UNITED STATES.

(a) EXTENSION OF DATES.—Section 1062 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181) is amended—

(1) in subsection (e) by striking ''December 1, 2008'' and inserting ''March 1, 2009''; and

(2) in subsection (g) by striking ''June 1, 2009'' and inserting ''September 30, 2009''.

(b) INTERIM REPORT.—Not later than December 1, 2008, the Congressional Commission on the Strategic Posture of the United States shall submit to the President, the Secretary of Defense, the Secretary of Energy, the Secretary of State, the Committee on Armed Services of the Senate, and the Committee on Armed Services of the House of Representatives an interim report on the commission's initial findings, conclusions, and recommendations. To the extent practicable, the interim report shall address the matters required to be included in the report under subsection (e) of such section 1062.

SEC. 1033. EXTENSION OF COMMISSION TO ASSESS THE THREAT TO THE UNITED STATES FROM ELECTROMAGNETIC PULSE (EMP) ATTACK.

(a) EXTENSION.—Section 1409 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–348; 50 U.S.C. 2301 note), as amended by section 1052(j) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3435), is amended by striking ''The Commission shall terminate'' and all that follows through the period at the end and inserting ''The Commission shall terminate March 31, 2012.''.

(b) ANNUAL REPORTS.—Section 1403 of that Act (114 Stat. 1654A–346; 50 U.S.C. 2301 note), as amended by section 1052(f) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3434), is amended by adding at the end the following:

''(c) ANNUAL REPORTS.—The Commission shall, not later than March 1 of each of years 2010, 2011, and 2012, submit to Congress a report—

''(1) assessing the changes to the vulnerability of United States military systems and critical civilian infrastructures resulting from the EMP threat and changes in the threat;

''(2) describing the progress, or lack of progress, in protecting United States military systems and critical civilian infrastructures from EMP attack; and

''(3) containing recommendations to address the threat and protect United States military systems and critical civilian infrastructures from attack.''.

(c) FUNDING.—Section 1408 of that Act (114 Stat. 1654A–348; 50 U.S.C. 2301 note), as amended by section 1052(i) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3435), is amended by adding at the end the following: ''Such funds shall not exceed $3,000,000 per fiscal year.''.

(d) ADDITIONAL MEMBERS.—Effective as of the date that is 90 days after the date of the enactment of this Act—

(1) section 1401 of that Act (114 Stat. 1654A–346; 50 U.S.C. 2301 note), as amended by section 1052(d) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3434), is amended by striking subsections (c) and (d) and inserting the following:

''(c) COMPOSITION.—

''(1) IN GENERAL.—The Commission shall be composed of eleven members.

''(2) DOD AND FEMA MEMBERS.—Seven of the members shall be appointed by the Secretary of Defense, and two of the members

shall be appointed by the Director of the Federal Emergency Management Agency. In the event of a vacancy in the membership of the Commission under this paragraph, the Secretary of Defense shall appoint a new member. In selecting individuals for appointment to the Commission, the Secretary of Defense shall consult with the chairmen and ranking minority members of the Committees on Armed Services of the Senate and House of Representatives.

''(3) FCC AND HHS MEMBERS.—One of the members shall be appointed by the Chairman of the Federal Communications Commission, and one of the members shall be appointed by the Secretary of Health and Human Services. In the event of a vacancy in the membership of the Commission under this paragraph, the vacancy shall be filled in the same manner as the original appointment under this paragraph. In selecting an individual for appointment to the Commission, the Chairman of the Federal Communications Commission shall consult with the chairmen and ranking minority members of the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives. In selecting an individual for appointment to the Commission, the Secretary of Health and Human Services shall consult with the chairmen and ranking minority members of the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives.

''(d) QUALIFICATIONS.—Members of the Commission appointed by the Secretary of Defense and the Director of the Federal Emergency Management Agency shall be appointed from among private United States citizens with knowledge and expertise in the scientific, technical, and military aspects of electromagnetic pulse effects referred to in subsection (b). The member of the Commission appointed by the Chairman of the Federal Communications Commission shall be appointed from among private United States citizens with knowledge and expertise in telecommunications, network infrastructure and management, information services, and emergency preparedness communications. The member of the Commission appointed by the Secretary of Health and Human Services shall be appointed from among private United States citizens with knowledge and expertise in public health, including preparedness for, and response to, public health emergencies.''; and

(2) section 1405 of that Act (114 Stat. 1654A–347; 50 U.S.C. 2301 note) is amended in subsection (b)(1) by striking ''Five'' and inserting ''Six''.

Subtitle E—Studies and Reports

SEC. 1041. REPORT ON CORROSION CONTROL AND PREVENTION.

(a) REPORT REQUIRED.—The Secretary of Defense, acting through the Director of Corrosion Policy and Oversight, shall prepare and submit to the Committees on Armed Services of the Senate and the House of Representatives a report on corrosion control and prevention in weapons systems and equipment.

(b) MATTERS COVERED.—The report shall include the comments and recommendations of the Department of Defense regarding potential improvements in corrosion control and prevention through earlier planning. In particular, the report shall include an evaluation and business case analysis of options for improving corrosion control and prevention in the requirements and acquisition processes of the Department of Defense for weapons systems and equipment. The evaluation shall include an analysis of the impact of such potential improvements on system acquisition costs and life cycle sustainment. The options for improved corrosion control and prevention shall include corrosion control and prevention—

(1) as a key performance parameter for assessing the selection of materials and processes;

(2) as a key performance parameter for sustainment;

(3) as part of the capability development document in the joint capabilities integration and development system; and

(4) as a requirement for weapons systems managers to assess their corrosion control and prevention requirements over a system's life cycle and incorporate the results into their acquisition strategies prior to issuing a solicitation for contracts.

(c) DEADLINE.—The report shall be submitted not later than February 1, 2009.

(d) REVIEW BY COMPTROLLER GENERAL.—The Comptroller General shall review the report required under subsection (a), including the methodology used in the Department's analysis, and shall provide the results of the review to the Committees on Armed Services of the Senate and the House of Representatives not later than 60 days after the Department submits the report.

SEC. 1042. STUDY ON USING MODULAR AIRBORNE FIRE FIGHTING SYSTEMS (MAFFS) IN A FEDERAL RESPONSE TO WILDFIRES.

(a) IN GENERAL.—The Secretary of Defense shall carry out a study to determine—

(1) how to utilize the Department's Modular Airborne Fire Fighting Systems (MAFFS) in all contingencies where there is a Federal response to wildfires; and

(2) how to decrease the costs of using the Department's MAFFS when supporting National Interagency Fire Center (NIFC) fire fighting operations.

(b) REPORT.—Not later than 6 months after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report on the results of the study.

SEC. 1043. STUDY ON ROTORCRAFT SURVIVABILITY.

(a) STUDY REQUIRED.—The Secretary of Defense and the Chairman of the Joint Chiefs of Staff shall carry out a study on Department of Defense rotorcraft survivability. The study shall—

(1) with respect to actual losses of rotorcraft in combat—

(A) identify the rates of such losses from 1965 through 2008, measured in total annual losses by type of aircraft and by cause, with rates for loss per flight hour and loss per sortie provided;

(B) identify by category of hostile action (such as small arms, Man-Portable Air Defense Systems, and so on), the causal factors for the losses; and

(C) propose candidate solutions for survivability (such as training, tactics, speed, countermeasures, maneuverability, lethality, technology, and so on), in a prioritized list with explanations, to mitigate each such causal factor, along with recommended funding adequate to achieve rates at least equal to the experience in the Vietnam conflict;

(2) with respect to actual losses of rotorcraft in combat theater not related to hostile action—

(A) identify the causal factors of loss in a ranked list; and

(B) propose candidate solutions for survivability (such as training, tactics, speed, countermeasures, maneuverability, lethality, technology, and so on), in a prioritized list, to mitigate each such causal factor, along with recommended funding adequate to achieve the Secretary's Mishap Reduction Initiative goal of not more than 0.5 mishaps per 100,000 flight hours;

(3) with respect to losses of rotorcraft in training or other non-combat operations during peacetime or interwar years—

(A) identify by category (such as inadvertent instrument meteorological conditions, wire strike, and so on) the causal factors of loss in a ranked list; and

(B) identify candidate solutions for survivability and performance (such as candidate solutions referred to in paragraph (2)(B) as well as maintenance, logistics, systems development, and so on) in a prioritized list, to mitigate each such causal factor, along with recommended funding adequate to achieve the goal of rotorcraft loss rates to non-combat causes being reduced to 1.0;

(4) identify the key technical factors (causes of mishaps that are not related to human factors) negatively impacting the rotorcraft mishap rates and survivability trends, to include reliability, availability, maintainability, and other logistical considerations; and

(5) identify what TACAIR is and has done differently to have such a decrease in losses per sortie when compared to rotorcraft, to include—

(A) examination of aircraft, aircraft maintenance, logistics, operations, and pilot and operator training;

(B) an emphasis on the development of common service requirements that TACAIR has implemented already which are minimizing losses within TACAIR; and

(C) candidate solutions, in a prioritized list, to mitigate each causal factor with recommended funding adequate to achieve the goal of rotorcraft loss rates stated above.

(b) REPORT.—Not later than August 1, 2009, the Secretary and the Chairman shall submit to the congressional defense committees a report on the results of the study.

SEC. 1044. STUDIES TO ANALYZE ALTERNATIVE MODELS FOR ACQUISITION AND FUNDING OF INTER-CONNECTED CYBERSPACE SYSTEMS.

(a) STUDIES REQUIRED.—

(1) FFRDC.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall enter into a contract with an independent federally funded research and development center (FFRDC) to carry out a comprehensive study of policies, procedures, organization, and regulatory constraints affecting the acquisition of technologies supporting network-centric operations. The contract shall be funded from amounts appropriated or otherwise made available to the Secretary for fiscal year 2009 for operation and maintenance, Defense-wide.

(2) JOINT CHIEFS OF STAFF.—Concurrently, the Chairman of the Joint Chiefs of Staff shall carry out a comprehensive study of the same subjects covered by paragraph (1). The study shall be independent of the study required by paragraph (1) and shall be carried out in conjunction with the military departments and in coordination with the Secretary of Defense.

(b) MATTERS TO BE ADDRESSED.—Each study required by subsection (a) shall address the following matters:

(1) Development of a taxonomy for understanding the different yet key foundational components that contribute to network-centric operations, such as data transport, processing, storage, data collection, and dissemination.

(2) Mapping ongoing acquisition programs to this taxonomy.

(3) Development of alternative acquisition and funding models utilizing this network-centric taxonomy, which might include—

(A) a model under which a joint entity independent of any military service (such as the Joint Staff) is established with responsibility and control of all funding for the acquisition of technologies for network-centric

operations, and with authority to oversee the incorporation of such technologies into the acquisition programs of the military departments;

(B) a model under which an executive agent is established that would manage and oversee the acquisition of technologies for network-centric operations, but would not have exclusive ownership or control of funding for such programs;

(C) a model under which the current approach to the acquisition and funding of technologies supporting network-centric operations is maintained; and

(D) any other models that the entity carrying out the study considers relevant and deserving of consideration.

(4) An analysis of each of the alternative models under paragraph (3) with respect to potential gains in—

(A) information sharing (collecting, processing, disseminating);

(B) network commonality;

(C) common communications;

(D) interoperability;

(E) mission impact and success; and

(F) cost effectiveness.

(5) An evaluation of each of the alternative models under paragraph (3) with respect to feasibility, including identification of legal, policy, or regulatory barriers that would impede implementation.

(c) REPORT REQUIRED.—Not later than September 30, 2009, the Secretary of Defense shall submit to the congressional defense committees a report on the results of the studies required by subsection (a). The report shall include the findings and recommendations of the studies and any observations and comments that the Secretary considers appropriate.

(d) NETWORK-CENTRIC OPERATIONS DEFINED.—In this section, the term ''network-centric operations'' refers to the ability to exploit all human and technical elements of the Joint Force and mission partners through the full integration of collected information, awareness, knowledge, experience, and decision-making, enabled by secure access and distribution, all to achieve agility and effectiveness in a dispersed, decentralized, dynamic, or uncertain operational environment.

SEC. 1045. REPORT ON NONSTRATEGIC NUCLEAR WEAPONS.

(a) FINDINGS.—Congress finds that—

(1) numerous nonstrategic nuclear weapons are held in the arsenals of various countries around the world and that their prevalence and portability make them attractive targets for theft and for use by terrorist organizations;

(2) the United States should identify, track, and monitor these weapons as a matter of national security;

(3) the United States should reevaluate the roles and missions of nonstrategic nuclear weapons within the United States' nuclear posture;

(4) the United States should assess the security risks associated with existing stockpiles of nonstrategic nuclear weapons and should assess the risks of nonstrategic nuclear weapons being developed, acquired, or utilized by other countries, particularly rogue states, and by terrorists and other non-state actors; and

(5) the United States should work cooperatively with other countries to improve the security of nonstrategic nuclear weapons and to promote multilateral reductions in the numbers of nonstrategic nuclear weapons.

(b) REVIEW.—The Secretary of Defense, in consultation with the Secretary of State, the Secretary of Energy, and the Director of National Intelligence, shall conduct a review of nonstrategic nuclear weapons world-wide that includes—

(1) an inventory of the nonstrategic nuclear arsenals of the United States and each of the other countries that possess, or is believed to possess, nonstrategic nuclear weapons, which indicates, as accurately as possible, the nonstrategic nuclear weapons that are known, or are believed, to exist according to nationality, type, yield, and form of delivery, and an assessment of the methods that are currently employed to identify, track, and monitor nonstrategic nuclear weapons and their component materials;

(2) an analysis of the reliance placed on nonstrategic nuclear weapons by the United States and each of the other countries that possess, or is believed to possess, nonstrategic nuclear weapons, and an evaluation of nonstrategic nuclear weapons as deterrents against the use of nuclear weapons and other weapons of mass destruction by state or non-state actors;

(3) an assessment of the risks associated with the deployment, transfer, and storage of nonstrategic nuclear weapons by the United States and each of the other countries that possess, or is believed to possess, nonstrategic nuclear weapons and the risks of nonstrategic nuclear weapons being employed by rogue states, terrorists, and other state or non-state actors; and

(4) recommendations for—

(A) mechanisms and procedures to improve security safeguards for the nonstrategic nuclear weapons of the United States and of each of the other countries that possess, or is believed to possess, nonstrategic nuclear weapons;

(B) mechanisms and procedures for implementing transparent multilateral reductions in nonstrategic nuclear weapons arsenals; and

(C) methods for consolidating, dismantling, and disposing of the nonstrategic nuclear weapons of the United States and of each of the other countries that possess, or is believed to possess, nonstrategic nuclear weapons, including methods of monitoring and verifying consolidation, dismantlement, and disposal.

(c) REPORT.—

(1) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the findings and recommendations of the review required under subsection (b).

(2) CLASSIFICATION OF REPORT.—The report required under paragraph (1) shall be submitted in unclassified form, but it may be accompanied by a classified annex.

(d) DEFINITION.—For purposes of this section, the term ''nonstrategic nuclear weapon'' means a nuclear weapon employed by land, sea, or air (including, without limitation, by short, medium and intermediate range ballistic missiles, air and sea launched cruise missiles, gravity bombs, torpedoes, land mines, sea mines, artillery shells, and personnel carried devices) against opposing forces, supporting installations, or facilities in support of operations that contribute to the accomplishment of a military mission of limited scope.

SEC. 1046. STUDY ON NATIONAL DEFENSE IMPLICATIONS OF SECTION 1083.

The Department of Defense shall study the national defense implications of section 1083 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 338).

SEC. 1047. REPORT ON METHODS DEPARTMENT OF DEFENSE UTILIZES TO ENSURE COMPLIANCE WITH GUAM TAX AND LICENSING LAWS.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Secretary of the Navy and the Joint Guam Program Office, shall submit to the congressional defense committees a report on the steps that the Department is taking to ensure that all contractors of the Department performing work on Guam comply with local tax and licensing requirements. The report shall—

(1) include what language will be utilized in contract documents requiring compliance with local tax and licensing laws;

(2) identify what authorities the Department will use to compliance with such local laws; and

(3) also include the steps being taken by the Department to partner with the Government of Guam Department of Revenue and Taxation to ensure that there is transparency and a coordination of effort to ensure that the local government has visibility of contractors performing work on Guam.

SEC. 1048. STUDY ON METHODS TO VERIFIABLY REDUCE THE LIKELIHOOD OF ACCIDENTAL NUCLEAR LAUNCH.

(a) STUDY REQUIRED.—The Secretary of Defense shall carry out a study to evaluate procedural and physical options for introducing into the nuclear weapons launch procedures of the United States, Russia, China, and any other strategically appropriate nations determined by the Secretary, a time-delay before a launch command can be executed that would be transparent to and verifiable by the other nations. The options studied shall encompass a wide range of possible time-delays and shall include, for each option, an analysis of—

(1) the increased time, over current procedures, before a launch command can be executed;

(2) the strategic risk to United States national security, including the survivability of the United States arsenal under a range of verification failures;

(3) the range of possible inspection regimes, including the degree of verifiability that each would afford; and

(4) the availability of parallel options in the other nations included in such study.

(b) REPORT.—Not later than 6 months after the date of enactment of this Act, the Secretary shall submit to the congressional defense committees a report on the results of the study. If a report under this subsection is submitted in classified form, the Secretary shall concurrently submit to the congressional defense committees an unclassified version of such report.

Subtitle F—Congressional Recognitions

SEC. 1051. SENSE OF CONGRESS HONORING THE HONORABLE DUNCAN HUNTER.

(a) FINDINGS.—Congress makes the following findings:

(1) Representative Duncan Hunter was elected to serve northern and eastern San Diego in 1980 and served in the House of Representatives until the end of the 110th Congress in 2009, representing the people of California's 52d Congressional district.

(2) Previous to his service in Congress, Representative Hunter served in the Army's 173rd Airborne and 75th Ranger Regiment from 1969 to 1971.

(3) Representative Hunter was awarded the Bronze Star, Air Medal, National Defense Service Medal, and Vietnam Service Medal for his heroic acts during the Vietnam Conflict.

(4) Representative Hunter served on the Committee on Armed Services of the House of Representatives for 28 years, including service as Chairman of the Subcommittee on Military Research and Development from 2001 through 2002 and the Subcommittee on Military Procurement from 1995 through 2000, the Chairman of the full committee from 2003 through 2006, and the ranking member of the full committee from 2007 through 2008.

(5) Representative Hunter has persistently advocated for a more efficient military organization on behalf of the American people, to

ensure maximum war-fighting capability and troop safety.

(6) Representative Hunter is known by his colleagues to put the security of the Nation above all else and to provide for the men and women in uniform who valiantly dedicate and sacrifice themselves for the protection of the Nation.

(7) Representative Hunter has demonstrated this devotion to the troops by authorizing and ensuring quick deployment of add-on vehicle armor and improvised explosive device jammers, which have been invaluable in protecting the troops from attack in Iraq.

(8) Representative Hunter worked to increase the size of the U.S. Armed Forces, which resulted in significant increases in the size of the Army and Marine Corps.

(9) Representative Hunter has been a leader in ensuring sufficient force structure and end-strength, including through the 2006 Committee Defense Review, to meet any challenges to the Nation. His efforts to increase the size of the Army and Marine Corps have been enacted by the Congress and implemented by the Administration.

(10) Representative Hunter is a leading advocate for securing America's borders.

(11) Representative Hunter led efforts to strengthen the United States Industrial Base by enacting legislation that ensures the national industrial base will be able to design and manufacture those products critical to America's national security.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Honorable Duncan Hunter, Representative from California, has discharged his official duties with integrity and distinction, has served the House of Representatives and the American people selflessly, and deserves the sincere and humble gratitude of Congress and the Nation.

SEC. 1052. SENSE OF CONGRESS IN HONOR OF THE HONORABLE JIM SAXTON, A MEMBER OF THE HOUSE OF REPRESENTATIVES.

(a) FINDINGS.—Congress makes the following findings:

(1) Representative Hugh James ''Jim'' Saxton was elected in November 1984 to fill both the unexpired term of Congressman Edwin B. Forsythe in the 98th Congress, and the open seat for the 99th Congress.

(2) Representative Saxton is a senior member of the Committee on Armed Services, having served on the committee since 1989, and is today the ranking Member of its Air and Land Forces Subcommittee in the 110th Congress, 2007–2008.

(3) Representative Saxton is one of the few Members to have ever represented a district that included active-duty Army, Navy, and Air Force bases.

(4) Representative Saxton served as Chairman of the Military Installations and Facilities Subcommittee from 2001 to 2002, and Chairman of the Terrorism and Unconventional Threats and Capabilities Subcommittee from 2003 to 2006.

(5) Representative Saxton has served soldiers, sailors, airmen, and Department of Defense civilians and military families in New Jersey, the United States, and around the world, regarding issues of fair pay, housing modernization, benefits, health care, force protection, and other issues.

(6) Representative Saxton worked diligently and successfully to save all three military bases in southern New Jersey—Fort Dix, McGuire Air Force Base, and Lakehurst Naval Air Engineering Station.

(7) Representative Saxton secured the future of the three bases by having the foresight to encourage them to participate in multiple inter-service joint projects and exercises for more than 10 years prior to the 2005 base realignment and closure (BRAC) action that directed that they become a single, joint installation, the Nation's only Army-Navy-Air Force base, to be stood-up in 2009 as Joint Base McGuire-Dix-Lakehurst.

(8) Representative Saxton has helped modernize Fort Dix, McGuire Air Force Base, and Lakehurst Navy Base, by working with Secretaries and Chiefs of the Army, Navy, Marines, and Air Force, and other officials, and in particular the Army Reserve, Army National Guard, National Guard Bureau, Air National Guard, Air Mobility Command, and Air Force Reserve, to enhance the three bases' national security missions and bring $1,800,000,000 in infrastructure during his tenure.

(9) Representative Saxton saved the 1,400-member 108th New Jersey Air National Guard Air Refueling Wing from dismantlement in 2005 by directing that newer KC–135R Stratotanker aircraft be sent to replace retiring KC–135 E model aircraft.

(10) Representative Saxton saved the cargo airlift mission of McGuire Air Force Base by bringing a squadron of C–17 Globemasters to McGuire after the mandatory retirement of all of the bases' C–141 Starlifter transports, and worked to procure many other C–17s for other bases across the country to perform the Nation's airlift missions.

(11) Representative Saxton took the leadership role in bringing the mothballed battleship USS New Jersey home to the Delaware River from where it was launched in 1943, so it could become a naval museum and monument to the 20th Century conflicts in which the dreadnought served.

(12) Representative Saxton, a long time advocate of anti terrorism efforts, served as the Chairman of the House Task Force on Terrorism and Unconventional Warfare from 1996 to 2003.

(13) Representative Saxton in 1998 helped create and later expand the Weapons of Mass Destruction Civil Support Teams (WMD–CST) program in the National Guard, ultimately leading to a WMD–CST in each State and territory to respond to domestic terrorism.

(14) Representative Saxton was appointed by the Speaker of the House of Representatives in March 2000 to be chairman of the Committee on Armed Services' newly formed Special Oversight Panel on Terrorism, due to long advocacy of anti-terrorism preparedness.

(15) Representative Saxton is a long-time supporter of the warriors of the Special Operations Command (SOCOM), both before and after the attacks of September 11, 2001, and has met with special operators in Washington, D.C., at SOCOM bases in the United States, and in theater.

(16) Representative Saxton worked for over a decade to create the first terrorism subcommittee on the Committee on Armed Services, becoming its first chairman when the Subcommittee on Terrorism and Unconventional Threats and Capabilities organized in 2003 with oversight of United States elite forces, including Army Rangers, Green Berets, Navy SEALS, and Marine Special Forces.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Honorable Jim Saxton, Representative from New Jersey, has discharged his official duties with integrity and distinction, has served the House of Representatives and the American people selflessly, and deserves the sincere and humble gratitude of Congress and the Nation.

SEC. 1053. SENSE OF CONGRESS HONORING THE HONORABLE TERRY EVERETT.

(a) FINDINGS.—Congress makes the following findings:

(1) Representative Terry Everett was elected to represent Alabama's 2d Congressional district in 1992 and served in the House of Representatives until the end of the 110th Congress in 2008 with distinction, class, integrity, and honor.

(2) Representative Everett served on the Committee on Armed Services of the House of Representatives for 16 years, including service as Chairman of the Subcommittee on Strategic Forces from 2002 through 2006 and, from 2006 through 2008, as Ranking Member of the Subcommittee on Strategic Forces.

(3) Representative Everett's colleagues know him to be a fair and effective lawmaker who worked for the national interest while always serving Southeastern Alabama.

(4) Representative Everett's efforts on the Committee on Armed Services have been instrumental to the military value of, and quality of life at, military installations in Southeastern Alabama, including Maxwell-Gunter Air Force Base in Montgomery, home of Air University, and Fort Rucker in the Wiregrass area, home of the Army's Aviation Warfighting Center.

(5) Representative Everett has been a leader in efforts to develop and deploy robust and effective space and intelligence capabilities and missile defense systems to enhance the capabilities of the Armed Forces and protect the American people, the United States and its deployed troops, and allies of the United States.

(6) Representative Everett also has been a leader on issues relating to national security space activities and missile defense space activities.

(b) SENSE OF CONGRESS.—It is the Sense of Congress that the Honorable Terry Everett, Representative from Alabama, has served the House of Representatives and the American people selflessly, and deserves the sincere and humble gratitude of Congress and the Nation.

SEC. 1054. SENSE OF CONGRESS HONORING THE HONORABLE JO ANN DAVIS.

(a) FINDINGS.—Congress makes the following findings:

(1) Representative Jo Ann Davis was elected to the House of Representatives in November 2000 following the late Congressman Herbert H. Bateman.

(2) Representative Davis was the second woman elected to Congress in the Commonwealth of Virginia, and the first Republican woman elected to Congress in the Commonwealth of Virginia.

(3) Representative Davis was a member of the Committee on Armed Services, serving as Ranking Member of the Readiness Subcommittee in the 110th Congress.

(4) Representative Davis served soldiers, sailors, airmen and Department of Defense civilians and military personnel regarding issues of health care, modernization, benefits, force protection and other issues.

(5) Representative Davis also served on the House Permanent Select Committee on Intelligence in the 109th Congress and as Chairwoman of the Subcommittee on Intelligence Policy.

(6) Representative Davis, a strong proponent of Naval Force Structure, helped secure construction on the Navy's next-generation aircraft carrier, CVN–21, during her tenure.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Honorable Jo Ann Davis, a late Representative from Virginia, performed her official duties with integrity and distinction, served the House of Representatives and the American people selflessly, and deserves the sincere and humble gratitude of Congress and the Nation.

Subtitle G—Other Matters

SEC. 1061. AMENDMENT TO ANNUAL SUBMISSION OF INFORMATION REGARDING INFORMATION TECHNOLOGY CAPITAL ASSETS.

Section 351(a)(2) of the Bob Stump National Defense Authorization Act for Fiscal

Year 2003 (Public Law 107–314; 116 Stat. 2516), is amended to read as follows:

''(2) Information technology capital assets that—

''(A) have an estimated total cost for the fiscal year for which the budget is submitted in excess of $30,000,000;

''(B) have been determined by the Chief Information Officer of the Department of Defense and the Director of the Office of Management and Budget to be significant investments; and

''(C) with respect to which the Department of Defense is required to submit a capital asset plan to the Office of Management and Budget in accordance with section 300 of Office of Management and Budget Circular A–11.''.

SEC. 1062. RESTRICTION ON DEPARTMENT OF DEFENSE RELOCATION OF MISSIONS OR FUNCTIONS FROM CHEYENNE MOUNTAIN AIR FORCE STATION.

The Secretary of Defense may not relocate, make preparations for relocation, or undertake the relocation of any mission or function from Cheyenne Mountain Air Force Station until 30 days after the date on which the Secretary of Defense submits to the congressional defense committees certification in writing that the Secretary intends to relocate the mission or function. Such certification shall be comprised of a report, which shall include—

(1) a description of the mission or function to be relocated;

(2) the validated requirements for relocation of the mission or function, and the benefits of such relocation;

(3) the estimate of the total costs associated with such relocation;

(4) the results of independent vulnerability, security, and risk assessments of the relocation of the mission or function; and

(5) the Secretary's implementation plan for mitigating any security or vulnerability risk identified through an independent assessment referred to in paragraph (4), including the cost, schedule, and personnel estimates associated with such plan.

SEC. 1063. TECHNICAL AND CLERICAL AMENDMENTS.

(a) TITLE 10, UNITED STATES CODE.—Title 10, United States Code, is amended as follows:

(1) The table of sections at the beginning of chapter 2 is amended by inserting after the item relating to 118a the following new item:

''118b. Quadrennial roles and missions review.''.

(2) The table of sections at the beginning of chapter 5 is amended in the item relating to section 156 by inserting a period at the end.

(3) The table of sections at the beginning of chapter 7 is amended in the item relating to section 183 by inserting a period at the end.

(4) Section 1477(e) is amended by inserting a period at the end.

(5) Section 2192a is amended—

(A) in subsection (e)(4), by striking ''title 11, United States Code,'' and inserting ''title 11''; and

(B) in subsection (f), by striking ''title 10, United States Code'' and inserting ''this title''.

(6) The table of chapters at the beginning of subtitle C of such title, and the table of chapters at the beginning of part IV of such subtitle, are each amended by striking the item relating to chapter 667 and inserting the following new item:

''667. Issue of Serviceable Material Other Than to Armed Forces ..... 7911''.

(b) NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2008.—Effective as of January 28, 2008, and as if included therein as enacted, the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181) is amended as follows:

(1) Section 371(c) is amended by striking ''`operational strategies'''' and inserting ''`operational systems'''.

(2) Section 585(b)(3)(C) (122 Stat. 132) is amended by inserting ''both places it appears'' before the period at the end.

(3) Section 703(b) is amended by striking ''as amended by'' and inserting ''as inserted by''.

(4) Section 805(a) is amended by striking ''Act ,'' and inserting ''Act,''.

(5) Section 883(b) is amended by striking ''Section 832(c)(1) of such Act, as redesignated by subsection (a), is amend by'' and inserting ''Section 832(b)(1) of such Act is amended by''.

(6) Section 890(d)(2) is amended by striking ''sections'' and inserting ''parts''.

(7) Section 904(a)(4) is amended by striking ''131(b)(2)'' and inserting ''131(b)''.

(8) Section 954(a)(3)(B) (122 Stat. 294) is amended by inserting '', as redesignated by section 524(a)(1)(A),'' after ''of such title''.

(9) Section 954(b)(2) (122 Stat. 294) is amended—

(A) by striking ''2114(e) of such title'' and inserting ''2114(f) of such title, as redesignated by section 524(a)(1)(A),''; and

(B) by striking the period at the end and inserting ''and inserting 'President'.''.

(10) Section 1063(d)(1) (122 Stat. 323) is amended by striking ''semicolon'' and inserting ''comma''.

(11) Section 1229(i)(3) (122 Stat. 383) is amended by striking ''publically'' and inserting ''publicly''.

(12) Section 1422(e)(2) (122 Stat. 422) is amended by striking ''subsection (c)'' and inserting ''subsection (c)(1)''.

(13) Section 1602(4) (122 Stat. 432) is amended by striking ''section 411 h(b)'' and inserting ''section 411h(b)(1)''.

(14) Section 1617(b) (122 Stat. 449) is amended by striking ''by adding at the end'' and inserting ''by inserting after the item relating to section 1074k''.

(15) Section 2106 (122 Stat. 508) is amended by striking ''for 2007'' both places it appears and inserting ''for Fiscal Year 2007''.

(16) Section 2826(a)(2)(A) (122 Stat. 546) is amended by striking ''the Army'' and inserting ''Army''.

(c) TITLE 31, UNITED STATES CODE.—Title 31, United States Code, is amended as follows:

(1) Chapter 35 is amended by striking the first section 3557.

(2) The second section 3557 is amended in the section heading by striking ''**Public-Private**'' and inserting ''**public-private**''.

(3) The table of sections at the beginning of chapter 35 is amended by striking the second item relating to section 3557.

(d) TITLE 28, UNITED STATES CODE.—Section 1491(b) of title 28, United States Code, is amended by striking the first paragraph (5).

(e) RONALD W. REAGAN NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2005.—Section 721(e) of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 1988; 10 U.S.C. 1092 note) is amended by striking ''fiscal years 2005'' and all that follows through ''2010'' and inserting ''fiscal years 2005 through 2010''.

(f) PUBLIC LAW 106–113.—Effective as of November 29, 1999, and as if included therein as enacted, section 553 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2000 (as enacted into law by section 1000(a)(2) of Public Law 106–113 (113 Stat. 1535, 1501A–99)) is amended by striking ''five-year period'' and inserting ''eight-year period''.

SEC. 1064. SUBMISSION TO CONGRESS OF REVISION TO REGULATION ON ENEMY PRISONERS OF WAR, RETAINED PERSONNEL, CIVILIAN INTERNEES, AND OTHER DETAINEES.

(a) SUBMISSION TO CONGRESS.—No activity relating to a successor regulation to Army Regulation 190–8 Enemy Prisoners of War, Retained Personnel, Civilian Internees and Other Detainees (dated October 1, 1997) may be carried out until the date that is 60 days after the date on which the Secretary of Defense submits to the Committees on Armed Services of the Senate and House of Representatives such successor regulation.

(b) SAVINGS CLAUSE.—Nothing in this section shall affect the continued effectiveness of Army Regulation 190–8 Enemy Prisoners of War, Retained Personnel, Civilian Internees and Other Detainees (dated October 1, 1997).

SEC. 1065. AUTHORIZATION OF APPROPRIATIONS FOR PAYMENTS TO PORTUGUESE NATIONALS EMPLOYED BY THE DEPARTMENT OF DEFENSE.

(a) AUTHORIZATION FOR PAYMENTS.—Subject to subsection (b), the Secretary of Defense may authorize payments to Portuguese nationals employed by the Department of Defense in Portugal, for the difference between—

(1) the salary increases resulting from section 8002 of the Department of Defense Appropriations Act, 2006 (Public Law 109–148 119 Stat. 2697; 10 U.S.C. 1584 note) and section 8002 of the Department of Defense Appropriations Act, 2007 (Public Law 109–289; 120 Stat. 1271; 10 U.S.C. 1584 note); and

(2) salary increases supported by the Department of Defense Azores Foreign National wage surveys for survey years 2006 and 2007.

(b) LIMITATION.—The authority provided in subsection (a) may be exercised only if—

(1) the wage survey methodology described in the United States—Portugal Agreement on Cooperation and Defense, with supplemental technical and labor agreements and exchange of notes, signed at Lisbon on June 1, 1995, and entered into force on November 21, 1995, is eliminated; and

(2) the agreements and exchange of notes referred to in paragraph (1) and any implementing regulations thereto are revised to explicitly state the requirement that future increases in the pay of Portuguese nationals employed by the Department of Defense in Portugal are to be made in compliance with United States law and regulations prescribed by the Secretary of Defense.

(c) AUTHORIZATION FOR APPROPRIATION.—There is authorized to be appropriated to the Secretary of Defense $240,000 for fiscal year 2009 for the purpose of the payments authorized by subsection (a).

SEC. 1066. STATE DEFENSE FORCE IMPROVEMENT.

(a) FINDINGS.—Congress makes the following findings:

(1) Domestic threats to national security and the increased use of National Guard forces for out-of-State deployments greatly increase the potential for service by members of State defense forces established under section 109(c) of title 32, United States Code.

(2) The efficacy of State defense forces is impeded by lack of clarity in the Federal regulations concerning those forces, particularly in defining levels of coordination and cooperation between those forces and the Department of Defense.

(3) The State defense forces suffer from lack of standardized military training, arms, equipment, support, and coordination with the Department of Defense as a result of real and perceived Federal regulatory impediments.

(b) RECOGNITION AND SUPPORT FOR STATE DEFENSE FORCES.—Section 109 of title 32, United States Code, is amended—

(1) by redesignating subsections (d) and (e) as subsections (j) and (k), respectively; and

(2) by inserting after subsection (c) the following new subsections:

''(d) RECOGNITION.—Congress hereby recognizes forces established under subsection (c) as an integral military component of the United States, while reaffirming that those forces remain entirely State regulated, organized, and equipped and recognizing that those forces will be used exclusively at the local level and in accordance with State law.

''(e) ASSISTANCE BY DEPARTMENT OF DEFENSE.—(1) The Secretary of Defense may coordinate with, and provide assistance to, a defense force established under subsection (c) to the extent such assistance is requested by a State or by a force established under subsection (c) and subject to the provisions of this section.

''(2) The Secretary may not provide assistance under paragraph (1) if, in the judgment of the Secretary, such assistance would—

''(A) impede the ability of the Department of Defense to execute missions of the Department;

''(B) take resources away from warfighting units;

''(C) incur nonreimbursed identifiable costs; or

''(D) consume resources in a manner inconsistent with the mission of the Department of Defense.

''(f) USE OF DEPARTMENT OF DEFENSE PROPERTY AND EQUIPMENT.—The Secretary of Defense may authorize qualified personnel of a force established under subsection (c) to use and operate property, arms, equipment, and facilities of the Department of Defense as needed in the course of training activities and State active duty.

''(g) TRANSFER OF EXCESS EQUIPMENT.—(1) The Secretary of Defense may transfer to a State or a force established under subsection (c) any personal property of the Department of Defense that the Secretary determines is—

''(A) excess to the needs of the Department of Defense; and

''(B) suitable for use by a force established under subsection (c).

''(2) The Secretary of Defense may transfer personal property under this section only if—

''(A) the property is drawn from existing stocks of the Department of Defense;

''(B) the recipient force established under subsection (c) accepts the property on an as-is, where-is basis;

''(C) the transfer is made without the expenditure of any funds available to the Department of Defense for the procurement of defense equipment; and

''(D) all costs incurred subsequent to the transfer of the property are borne or reimbursed by the recipient.

''(3) Subject to paragraph (2)(D), the Secretary may transfer personal property under this section without charge to the recipient force established under subsection (c).

''(h) FEDERAL/STATE TRAINING COORDINATION.—(1) Participation by a force established under subsection (c) in a training program of the Department of Defense is at the discretion of the State.

''(2) Nothing in this section may be construed as requiring the Department of Defense to provide any training program to any such force.

''(3) Any such training program shall be conducted in accordance with an agreement between—

''(A) the Secretary of Defense; and

''(B) the State or the force established under subsection (c) if so authorized by State law.

''(4) Any direct costs to the Department of Defense of providing training assistance to a force established under subsection (c) shall be reimbursed by the State. Any agreement under paragraph (3) between the Department of Defense and a State or a force established under subsection (c) for such training assistance shall provide for payment of such costs.

''(i) FEDERAL FUNDING OF STATE DEFENSE FORCES.—Funds available to the Department of Defense may not be made available to a State defense force.''.

(c) DEFINITION OF STATE.—

(1) DEFINITION.—Such section is further amended by adding at the end the following new subsection:

''(l) STATE DEFINED.—In this section, the term 'State' includes the District of Columbia, the Commonwealth of Puerto Rico, Guam, and the Virgin Islands.''.

(2) CONFORMING AMENDMENTS.—Such section is further amended in subsections (a), (b), and (c) by striking ''a State, the Commonwealth of Puerto Rico, the District of Columbia, Guam, or the Virgin Islands'' each place it appears and inserting ''a State''.

(d) STYLISTIC AMENDMENTS.—Such section is further amended—

(1) in subsection (a), by inserting ''PROHIBITION ON MAINTENANCE OF OTHER TROOPS.—'' after ''(a)'';

(2) in subsection (b), by inserting ''USE WITHIN STATE BORDERS.—'' after ''(b)'';

(3) in subsection (c), by inserting ''STATE DEFENSE FORCES AUTHORIZED.—'' after ''(c)'';

(4) in subsection (j), as redesignated by subsection (a)(1), by inserting ''EFFECT OF MEMBERSHIP IN DEFENSE FORCES.—'' after ''(j)''; and

(5) in subsection (k), as redesignated by subsection (a)(1), by inserting ''PROHIBITION ON RESERVE COMPONENT MEMBERS JOINING DEFENSE FORCES.—'' after ''(k)''.

(e) CLERICAL AMENDMENTS.—

(1) SECTION HEADING.—The heading of such section is amended to read as follows:

''§ 109. Maintenance of other troops: State defense forces''.

(2) CLERICAL AMENDMENT.—The item relating to such section in the table of sections at the beginning of chapter 1 of such title is amended to read as follows:

''109. Maintenance of other troops: State defense forces.''.

SEC. 1067. BARNEGAT INLET TO LITTLE EGG INLET, NEW JERSEY.

(a) PROJECT MODIFICATION.—The project for hurricane and storm damage reduction, Barnegat Inlet to Little Egg Inlet, New Jersey, authorized by section 101(a)(1) of the Water Resources Development Act of 2000 (114 Stat. 2576), is modified to authorize the Secretary of the Army to undertake, at Federal expense, such measures as the Secretary determines to be necessary and appropriate in the public interest to address the handling of munitions placed on the beach during construction of the project before the date of enactment of this section.

(b) TREATMENT OF COSTS.—Costs incurred in carrying out subsection (a) shall not be considered to be a cost of constructing the project.

(c) CREDIT.—The Secretary shall credit, in accordance with section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d-5b), toward the non-Federal share of the cost of the project the costs incurred by the non-Federal interest with respect to the removal and handling of the munitions referred to in subsection (a).

(d) ELIGIBLE ACTIVITIES.—Measures authorized by subsection (a) include monitoring, removal, and disposal of the munitions referred to in subsection (a).

(e) FUNDING.—Of the amounts authorized to be appropriated by section 301(13) of this Act, $7,175,000 is authorized to carry out subsection (a).

SEC. 1068. SENSE OF CONGRESS REGARDING THE ROLES AND MISSIONS OF THE DEPARTMENT OF DEFENSE AND OTHER NATIONAL SECURITY INSTITUTIONS.

It is the sense of Congress as follows:

(1) To ensure the future security of the United States, all of the national security organizations of the Federal Government must work together more effectively.

(2) The conflicts in Iraq and Afghanistan have demonstrated a need to expand the definition of national security organizations to include all departments and agencies that contribute to the relations of the United States with the world.

(3) As the largest national security organization, the Department of Defense must effectively collaborate in both a supported and supporting role with other departments and agencies.

(4) Section 941 of Public Law 110–181 created an opportunity for the Department of Defense to address internal assignments of functions.

(5) The Initial Perspectives report of the Panel on Roles and Missions of the Committee on Armed Services of the House of Representatives illustrated the following three levels of coordination that must be improved:

(A) Inter-agency coordination.

(B) Department of Defense-wide coordination.

(C) Inter-service coordination.

(6) Institutionalizing effective coordination within and among the national security organizations of the Federal Government may require fundamental reform.

SEC. 1069. SENSE OF CONGRESS RELATING TO 2008 SUPPLEMENTAL APPROPRIATIONS.

It is the sense of Congress that readiness shortfalls exist within the Armed Forces of the United States, thus increasing risk to the national security of the United States. Congress has provided, and will continue to provide, funds to address the readiness shortfalls in the Armed Forces of the United States.

SEC. 1070. SENSE OF CONGRESS REGARDING DEFENSE REQUIREMENTS OF THE UNITED STATES.

It is the sense of Congress that the defense requirements of the United States should be based upon a comprehensive national security strategy and fully funded to counter present and emerging threats.

SEC. 1071. STANDING ADVISORY PANEL ON IMPROVING INTEGRATION BETWEEN THE DEPARTMENT OF DEFENSE, THE DEPARTMENT OF STATE, AND THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT ON MATTERS OF NATIONAL SECURITY.

(a) ESTABLISHMENT OF ADVISORY PANEL.—The Secretary of Defense, the Secretary of State, and the Administrator of the United States Agency for International Development shall jointly establish an advisory panel to review the respective roles and responsibilities of the Department of Defense, the Department of State, and the United States Agency for International Development in the national security collaborative system.

(b) MEMBERSHIP.—

(1) COMPOSITION.—The advisory panel shall be composed of 12 members, of whom—

(A) three shall be appointed by the Secretary of Defense, in consultation with the Secretary of State and the Administrator;

(B) three shall be appointed by the Secretary of Defense, in consultation with the Chairman of the Joint Chiefs of Staff, the Secretary of State, and the Administrator;

(C) three shall be appointed by the Secretary of State, in consultation with the Secretary of Defense and the Administrator; and

(D) three shall be appointed by the Administrator, in consultation with the Secretary of Defense and the Secretary of State.

(2) CHAIRMAN.—The Secretary of Defense, the Secretary of State, and the Administrator shall jointly designate one member as chairman.

(3) VICE CHAIRMAN.—The Secretary of Defense, the Secretary of State, and the Administrator shall jointly designate one member as vice chairman. The vice chairman may not be a member appointed to the advisory panel under paragraph (1) by the same Secretary or Administrator that appointed the chairman to the advisory panel under paragraph (1).

(4) EXPERTISE.—Members of the advisory panel shall be private citizens of the United States with national recognition and significant experience in the Federal Government, the Armed Forces, public administration, foreign affairs, or development.

(5) DEADLINE FOR APPOINTMENT.—All members of the advisory panel shall be appointed not earlier than January 20, 2009, and not later than March 20, 2009.

(6) TERMS.—The term of each member of the advisory panel is for the life of the advisory panel.

(7) VACANCIES.—A vacancy in the advisory panel shall be filled not later than 30 days after such vacancy occurs and in the manner in which the original appointment was made.

(8) SECURITY CLEARANCES.—The appropriate departments or agencies of the Federal Government shall cooperate with the advisory panel in expeditiously providing to the members and staff appropriate security clearances to the extent possible pursuant to existing procedures and requirements, except that no person shall be provided with access to classified information under this section without the appropriate security clearances.

(9) STATUS.—A member of the advisory board who is not otherwise employed by the Federal Government shall not be considered to be a Federal employee, except for the purposes of chapter 81 of title 5, United States Code, and chapter 171 of title 28, United States Code.

(10) EXPENSES.—The members of the advisory panel shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, while away from their homes or regular places of business in the performance of services for the advisory panel.

(c) MEETINGS AND PROCEDURES.—

(1) INITIAL MEETING.—The advisory panel shall conduct its first meeting not later than 30 days after the date that all appointments to the advisory panel have been made under subsection (b).

(2) MEETINGS.—The advisory panel shall meet not less often than once every three months. The advisory panel may also meet at the call of the Secretary of Defense, the Secretary of State, or the Administrator.

(3) PROCEDURES.—The advisory panel shall carry out its duties under procedures established under subsection (d).

(4) NONAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the advisory panel.

(d) SUPPORT OF FEDERALLY FUNDED RESEARCH AND DEVELOPMENT CENTER.—

(1) IN GENERAL.—The Secretary of Defense, in consultation with the Secretary of State and the Administrator, shall enter into a contract with a federally funded research and development center for the provision of administrative and logistical support and assistance to the advisory panel in carrying out its duties under this section. Such support and assistance shall include the establishment of the procedures of the advisory panel under subsection (c)(3).

(2) DEADLINE FOR CONTRACT.—The Secretary of Defense shall enter into the contract required by this subsection not later than 60 days after the date of the enactment of this Act.

(e) DUTIES OF PANEL.—

(1) The advisory panel shall analyze the roles and responsibilities of the Department of Defense, the Department of State, and the United States Agency for International Development regarding—

(A) stability operations;

(B) non-proliferation;

(C) foreign assistance (including security assistance);

(D) strategic communications;

(E) public diplomacy;

(F) the role of contractors; and

(G) other areas the Secretary of Defense, the Secretary of State, and the Administrator consider appropriate.

(2) In providing advice, guidance, and recommendations to improve the national security collaborative system, the advisory panel shall review—

(A) the structures and systems that coordinate policy-making;

(B) the roles and responsibilities of the departments and agencies of the Federal Government involved in the national security collaborative system;

(C) integrating the expertise of the departments and agencies of the Federal Government involved in the national security collaborative system; and

(D) coordinating personnel assigned abroad as part of the national security collaborative system.

(f) COOPERATION OF OTHER AGENCIES.—Upon request by the advisory panel, any department or agency of the Federal Government shall provide information that the advisory panel considers necessary to carry out its duties.

(g) REPORTS.—

(1) INTERIM REPORT.—

(A) Not later than 180 days after the first meeting of the advisory panel, the advisory panel shall submit to the Secretary of Defense, the Secretary of State, and the Administrator, a report that identifies—

(i) aspects of the national security collaborative system that should take priority during the improvement of integration between the Department of Defense, the Department of State, and the United States Agency for International Development; and

(ii) methods to better integrate the national security collaborative system.

(2) ANNUAL REPORT.—

(A) Not later than December 31 of each year, the advisory panel shall submit to the Secretary of Defense, the Secretary of State, and the Administrator, a report on—

(i) the activities of the advisory panel;

(ii) any deficiencies in the national security collaborative system;

(iii) any improvements made to the national security collaborative system;

(iv) methods to better integrate the national security collaborative system; and

(v) such findings, conclusions, and recommendations as the advisory panel considers appropriate.

(3) SUBMISSION OF REPORT TO CONGRESS.—The Secretary of Defense, the Secretary of State, and the Administrator shall submit to the appropriate committees of Congress the reports under this subsection and any additional information considered appropriate.

(4) CONGRESSIONAL BRIEFINGS.—Not later than 30 days after the submission of each report under this subsection, the advisory panel shall meet with the appropriate committees to brief such committees on the matters contained in the report.

(5) APPROPRIATE COMMITTEES.—For the purposes of this subsection, the appropriate committees of Congress are the following:

(A) The Committees on Foreign Relations, Armed Services, and Appropriations of the Senate.

(B) The Committees on Foreign Affairs, Armed Services, and Appropriations of the House of Representatives.

(h) TERMINATION OF ADVISORY PANEL.—The advisory panel shall terminate on September 30, 2013.

(i) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the United States Agency for International Development.

(2) NATIONAL SECURITY COLLABORATIVE SYSTEM.—The term ''national security collaborative system'' means the structures, mechanisms, and processes by which the Department of Defense, the Department of State, and the United States Agency for International Development coordinate and integrate their policies, capabilities, expertise, and activities to accomplish national security missions overseas.

(3) STABILITY OPERATIONS.—The term ''stability operations'' means stability and reconstruction operations conducted by departments or agencies of the Federal Government described by Department of Defense Directive 3000.05, National Security Presidential Directive 1, or National Security Presidential Directive 44.

SEC. 1072. NONAPPLICABILITY OF THE FEDERAL ADVISORY COMMITTEE ACT TO THE CONGRESSIONAL COMMISSION ON THE STRATEGIC POSTURE OF THE UNITED STATES.

Section 1062 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 476) is amended by adding at the end the following new subsection:

''(h) NONAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) does not apply to the commission, which advises Congress, because the Federal Advisory Committee Act applies only to commissions that advise the executive branch.''.

SEC. 1073. STUDY AND REPORT ON USE OF POWER MANAGEMENT SOFTWARE.

(a) STUDY.—The Secretary of Defense shall conduct a study on the use of power management software by civilian and military personnel and facilities of the Department of Defense to reduce the use of electricity in computer monitors and personal computers. This study shall include recommendations for baseline electric power use, for ensuring robust monitoring and verification of power use requirements on a continuing basis, and for potential technological solutions or best practices for achieving these efficiency objectives.

(b) REPORT.—Not later than 60 days after the date of the enactment of this Act, the Secretary shall submit to Congress a report containing the results of the study under subsection (a), including a description of the recommendations developed under the study.

SEC. 1074. COMPREHENSIVE INTERAGENCY STRATEGY FOR STRATEGIC COMMUNICATION AND PUBLIC DIPLOMACY ACTIVITIES OF THE FEDERAL GOVERNMENT.

(a) COMPREHENSIVE STRATEGY.—

(1) STRATEGY.—The President shall develop a comprehensive interagency strategy for public diplomacy and strategic communication that updates and builds upon the strategy outlined by the Strategic Communication and Public Diplomacy Policy Coordinating Committee in the publication titled ''U.S. National Strategy for Public Diplomacy and Strategic Communication'' (June, 2007).

(2) CONTENTS.—The strategy required by this subsection shall contain overall objectives, goals, actions to be performed, and benchmarks and timetables for the achievement of such goals and objectives.

(3) COMPONENTS.—The strategy shall include the following components:

(A) Prioritizing the mission of supporting specific foreign policy objectives, such as counterterrorism and efforts to combat extremist ideology, in parallel and in complement with, as appropriate, the broad mission of communicating the policies and values of the United States to foreign audiences.

(B) Consolidating and elevating Federal Government leadership to prioritize, manage, and implement the strategy required by this subsection, including the consideration of establishing strategic communication and public diplomacy positions at the National Security Council and establishing a single office to coordinate strategic communication and public diplomacy efforts.

(C) Improving coordination across departments and agencies of the Federal Government on—

(i) strategic planning;

(ii) research activities, such as research into the attitudes and behaviors of foreign audiences; and

(iii) the development of editorial content, including content for Internet websites and print publications.

(D) Developing a more rigorous, research-based, targeted approach to strategic communication and public diplomacy efforts, with efforts differentiated for specific target audiences in various countries and regions.

(E) Developing more rigorous monitoring and evaluation mechanisms.

(F) Making greater use of innovative tools in strategic communication and public diplomacy research and operations, including new media platforms and social research technologies.

(G) Making greater use of participation from private sector entities, academic institutions, not-for-profit organizations, and other non-governmental organizations in supporting strategic communication and public diplomacy efforts, including the consideration of establishing an independent, not-for-profit organization described in subsection (b).

(H) Increasing resources devoted to strategic communication and public diplomacy efforts.

(4) REPORTS.—

(A) INITIAL REPORT.—Not later than December 31, 2009, the President shall submit to the appropriate committees of Congress a report that describes the strategy required by this subsection.

(B) SUBSEQUENT REPORTS.—Not less than once every two years after the submission of the initial report under subparagraph (A), the President shall submit to the appropriate committees of Congress a report on—

(i) the status of the implementation of the strategy;

(ii) progress toward achievement of benchmarks; and

(iii) any changes to the strategy since the submission of the previous report.

(b) STUDY OF INDEPENDENT ORGANIZATION.—

(1) STUDY.—The Secretary of State and the Secretary of Defense shall jointly conduct a study assessing the recommendation from the Defense Science Board's Task Force on Strategic Communication to establish an independent, not-for-profit organization responsible for providing independent assessment and strategic guidance to the Federal Government on strategic communication and public diplomacy.

(2) SCOPE.—The study shall include—

(A) an assessment of the benefits gained by establishing such an organization; and

(B) an outline of the potential framework of such an organization, including its organization, mission, capabilities, and operations.

(c) REPORT ON ROLES OF DEPARTMENTS OR AGENCIES OF THE FEDERAL GOVERNMENT.—

(1) REPORT.—Not later than June 30, 2009, the President shall submit to the appropriate committees of Congress a report—

(A) describing the roles of the Department of State and the Department of Defense regarding strategic communication and public diplomacy; and

(B) assessing proposals to establish an independent center to support government-wide strategic communication and public diplomacy efforts, including the study described in subsection (b).

(2) REPORT ELEMENTS.—The report shall contain the following:

(A) A description of activities performed by the Department of Defense as part of strategic communication, including—

(i) efforts to disseminate directly to foreign audiences messages intended to shape the security environment of a combatant command;

(ii) psychological operations, including those in direct support of contingency operations other than Operation Enduring Freedom or Operation Iraqi Freedom, that are intended to counter extremist and hostile propaganda or promote stability and security; and

(iii) public affairs programs to shape the opinions of foreign audiences.

(B) A current description of activities conducted by the Under Secretary for Public Diplomacy and Public Affairs at the Department of State, including—

(i) outreach to mass audiences and strategic audiences, such as opinion makers, youth, and other targeted groups, using media, lectures, information centers, and cultural events;

(ii) use of interactive media technologies, such as Internet blogs and social networking websites, to build relationships and to counter extremist groups using similar media;

(iii) education and exchange programs;

(iv) book translation; and

(v) work with non-governmental organizations and private-sector partners.

(C) A definition of the roles of the offices within the Department of State and the Department of Defense that are engaged in message outreach to audiences abroad.

(D) A detailed explanation of how the Department of State and the Department of Defense perform unique strategic communication activities and public diplomacy activities.

(E) An explanation of how the Department of State and the Department of Defense coordinate strategic communication and public diplomacy activities in—

(i) using polls, focus groups, and other measures to learn the attitudes and behavior of foreign audiences;

(ii) publishing editorial content on Internet websites and in print media;

(iii) organizing field support for military information support teams, civil affairs, and other shared activities;

(iv) using foreign-directed education and training resources; and

(v) training personnel in both departments by exchanging faculty and students of the Foreign Service Institute, the Army War College, the Naval War College, and other similar institutions.

(d) FORM AND AVAILABILITY OF REPORTS.—

(1) FORM.—The reports required by this section may be submitted in a classified form.

(2) AVAILABILITY.—Any unclassified portions of the reports required by this section shall be made available to the public.

(e) APPROPRIATE COMMITTEES.—For the purposes of this section, the appropriate committees of Congress are the following:

(1) The Committees on Foreign Relations, Armed Services, and Appropriations of the Senate.

(2) The Committees on Foreign Affairs, Armed Services, and Appropriations of the House of Representatives.

SEC. 1075. PROHIBITIONS RELATING TO PROPAGANDA.

(a) PROHIBITION.—No part of any funds authorized to be appropriated in this or any other Act shall be used by the Department of Defense for propaganda purposes within the United States not otherwise specifically authorized by law.

(b) REPORTS.—Not later than 90 days after the date of the enactment of this Act, the Inspector General of the Department of Defense and the Comptroller General of the United States shall each conduct a study of, and submit to the Congress a report on, the extent to which the Department of Defense has violated the prohibition on propaganda established in section 8001 of Public Laws 107–117, 107–248, 108–87, 108–287, 109–148, 109–289, and 110–116, the Department of Defense Appropriations Acts for fiscal years 2002 through 2008.

(c) DEFINITION.—For purposes of this section, the term ''propaganda'' means any form of communication in support of national objectives designed to influence the opinions, emotions, attitudes, or behavior of the people of the United States in order to benefit the sponsor, either directly or indirectly.

SEC. 1076. USE OF RUNWAY AT NASJRB WILLOW GROVE, PENNSYLVANIA.

(a) CONDITIONS ON CONVEYANCE, GRANT, LEASE, OR LICENSE.—Any conveyance, grant, lease, or license from the United States to the Commonwealth of Pennsylvania or other legal entity that includes the airfield property located at NASJRB Willow Grove and designated for operation as a Joint Interagency Installation pursuant to section 3703 of the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (121 Stat. 145) shall be subject to the restrictions on the use of the airfield set forth in subsection (b).

(b) RESTRICTIONS ON USE.—The airfield at the installation shall not be used for any of the following purposes:

(1) Commercial passenger operations.

(2) Commercial cargo operations.

(3) Commercial, business, or nongovernment aircraft operations for purposes not related to the missions of the installation, except that this paragraph shall not apply in exigent circumstances or prohibit use of the airfield by or on behalf of any associated user which is a tenant of the installation.

(4) As a reliever airport to relieve congestion at other airports or to provide improved general aviation access to the overall community, except that this paragraph shall not apply in exigent circumstances.

(c) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section shall be construed to diminish or alter authorized uses of the installation, including the military enclave that is part thereof, by the United States or its agencies or instrumentalities or to limit use of the property in exigent circumstances.

(d) DEFINITIONS.—In this section, the following definitions apply:

(1) AIRFIELD.—The term ''airfield'' means the airfield referred to in subsection (a).

(2) ASSOCIATED USERS.—The term ''associated users'' means nongovernmental organizations and private entities that use the airfield for purposes related to the national defense, homeland security, and emergency preparedness missions of the installation.

(3) EXIGENT CIRCUMSTANCES.—The term ''exigent circumstances'' means unusual conditions, including adverse or unusual weather conditions, alerts, and actual or threatened emergencies that are determined by the installation to require limited-duration use of the installation or its airfield for

operations, including flying operations, for uses otherwise restricted under subsection (b).

(4) COMMERCIAL CARGO OPERATIONS.—The term ''commercial cargo operations'' means aircraft operations by a commercial cargo or freight carrier in cases in which cargo is delivered to or flown from the installation under established schedules, except that the term does not include any cargo operations undertaken by or on behalf of any user of the installation or cargo operations related to the national defense, homeland security, and emergency preparedness missions of the installation.

(5) COMMERCIAL PASSENGER OPERATIONS.—The term ''commercial passenger operations'' means aircraft passenger operations by commercial passenger carriers involving flights where passengers are boarded or enplaned at the installation, except that the term does not include passenger operations undertaken by or on behalf of any user of the installation or passenger operations related to the national defense, homeland security, and emergency preparedness missions of the installation.

(6) INSTALLATION.—The term ''installation'' means the Joint Interagency Installation referred to in subsection (a).

SEC. 1077. PROHIBITION ON INTERROGATION OF DETAINEES BY CONTRACTOR PERSONNEL.

Effective as of the date that is one year after the date of the enactment of this Act, the Department of Defense manpower mix criteria and the Department of Defense Supplement to the Federal Acquisition Regulation shall be revised to provide that—

(1) the interrogation of enemy prisoners of war, civilian internees, retained persons, other detainees, terrorists, and criminals when captured, transferred, confined, or detained during or in the aftermath of hostilities is an inherently governmental function and cannot be transferred to private sector contractors who are beyond the reach of controls otherwise applicable to government personnel; and

(2) properly trained and cleared contractors may be used as linguists, interpreters, report writers, and information technology technicians if their work is properly reviewed by appropriate government officials.

SEC. 1078. REQUIREMENT FOR VIDEOTAPING OR OTHERWISE ELECTRONICALLY RECORDING STRATEGIC INTELLIGENCE INTERROGATIONS OF PERSONS IN THE CUSTODY OF OR UNDER THE EFFECTIVE CONTROL OF THE DEPARTMENT OF DEFENSE.

(a) IN GENERAL.—In accordance with the Army Field Manual on Human Intelligence Collector Operations (FM 2–22.3, September 2006), or any successor thereto, and the guidelines developed pursuant to subsection (e), the Secretary of Defense shall take such actions as are necessary to ensure the videotaping or otherwise electronically recording of each strategic intelligence interrogation of any person who is in the custody or under the effective control of the Department of Defense or under detention in a Department of Defense facility.

(b) CLASSIFICATION OF INFORMATION.—To protect United States national security, the safety of the individuals conducting or assisting in the conduct of a strategic intelligence interrogation, and the privacy of persons described in subsection (a), the Secretary of Defense shall provide for the appropriate classification of video tapes or other electronic recordings made pursuant to subsection (a). The use of such classified video tapes or other electronic recordings in proceedings conducted under the Detainee Treatment Act of 2005 (title 14 of Public Law 109–163 and title 10 of Public Law 109–148), the Military Commissions Act of 2006 (10 U.S.C. 948 et seq.; Public Law 109–366), or any other provision of law shall be governed by applicable rules, regulations, and law.

(c) STRATEGIC INTELLIGENCE INTERROGATION DEFINED.—For purposes of this section, the term ''strategic intelligence interrogation'' means an interrogation of a person described in subsection (a) conducted at a theater-level detention facility.

(d) EXCLUSION.—Nothing in this section shall be construed as requiring—

(1) any member of the Armed Forces engaged in direct combat operations to videotape or otherwise electronically record a person described in subsection (a); or

(2) the videotaping or other electronic recording of tactical questioning, as such term is defined in the Army Field Manual on Human Intelligence Collector Operations (FM 2–22.3, September 2006), or any successor thereto.

(e) GUIDELINES FOR VIDEOTAPE AND OTHER ELECTRONIC RECORDINGS.—

(1) DEVELOPMENT OF GUIDELINES.—The Secretary of Defense, acting through the Judge Advocates General (as defined in section 801(1) of title 10, United States Code, (Article 1 of the Uniform Code of Military Justice)), shall develop and adopt uniform guidelines designed to ensure that the videotaping or other electronic recording required under subsection (a), at a minimum—

(A) promotes full compliance with the laws of the United States;

(B) is maintained for a length of time that serves the interests of justice in cases for which trials are being or may be conducted pursuant to the Detainee Treatment Act of 2005 (title 14 of Public Law 109–163 and title 10 of Public Law 109–148), the Military Commissions Act of 2006 (10 U.S.C. 948 et seq.; Public Law 109–366), or any other provision of law;

(C) promotes the exploitation of intelligence; and

(D) ensures the safety of all participants in the interrogations.

(2) SUBMITTAL TO CONGRESS.—Not later than 30 days after the date of the enactment of this section, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing the guidelines developed under paragraph (1). Such report shall be in an unclassified form but may include a classified annex.

SEC. 1079. PUBLIC DISCLOSURE OF NAMES OF STUDENTS AND INSTRUCTORS AT WESTERN HEMISPHERE INSTITUTE FOR SECURITY COOPERATION.

Section 2166 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(j) PUBLIC DISCLOSURE OF STUDENTS AND INSTRUCTORS.—(1) The Secretary of Defense shall release to the public, upon request, the information described in paragraph (2) for each of fiscal years 2005, 2006, 2007, and 2008, and any fiscal year thereafter.

''(2) The information to be released under paragraph (1) shall include the following with respect to the fiscal year covered:

''(A) The entire name, including the first, middle, and maternal and paternal surnames, with respect to each student and instructor at the Institute.

''(B) The rank of each student and instructor.

''(C) The country of origin of each student and instructor.

''(D) The courses taken by each student.

''(E) The courses taught by each instructor.

''(F) Any years of attendance by each student in addition to the fiscal year covered.''.

TITLE XI—CIVILIAN PERSONNEL MATTERS

Sec. 1101. Temporary authority to waive limitation on premium pay for Federal employees.
Sec. 1102. Extension of authority to make lump-sum severance payments.
Sec. 1103. Extension of voluntary reduction-in-force authority of Department of Defense.
Sec. 1104. Technical amendment to definition of professional accounting position.
Sec. 1105. Expedited hiring authority for health care professionals.
Sec. 1106. Authority to adjust certain limitations on personnel and reports on such adjustments.
Sec. 1107. Temporary discretionary authority to grant allowances, benefits, and gratuities to personnel on official duty in a combat zone.
Sec. 1108. Requirement relating to furloughs during the time of a contingency operation.
Sec. 1109. Direct hire authority for certain positions at personnel demonstration laboratories.
Sec. 1110. Status reports relating to laboratory personnel demonstration projects.

SEC. 1101. TEMPORARY AUTHORITY TO WAIVE LIMITATION ON PREMIUM PAY FOR FEDERAL EMPLOYEES.

(a) WAIVER AUTHORITY.—Subject to subsection (b), the head of an agency may waive the limitation under section 5547(a) of title 5, United States Code, with respect to premium pay for any service which is performed by an employee of such agency—

(1) in an overseas location within the area of responsibility of the Commander of the United States Central Command; and

(2) in direct support of or directly related to—

(A) a military operation, including a contingency operation; or

(B) an operation in response to an emergency declared by the President.

(b) LIMITATIONS.—Waiver authority under this section shall be available only with respect to premium pay for service performed in 2009, and only to the extent that its exercise would not cause an employee's total basic pay and premium pay for 2009 to exceed $212,100.

(c) ADDITIONAL PAY NOT CONSIDERED BASIC PAY.—Any amount of premium pay that would not have been payable but for a waiver under this section shall not be considered to be basic pay for any purpose and shall not be used in computing a lump-sum payment for accumulated and accrued annual leave under section 5551 of title 5, United States Code.

(d) REGULATIONS.—The Director of the Office of Personnel Management may prescribe any regulations which may be necessary to ensure consistency among heads of agencies in the application of this section.

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

(1) the terms ''agency'' and ''employee'' have the respective meanings given such terms by section 5541 of title 5, United States Code;

(2) the term ''premium pay'' refers to any premium pay described in section 5547(a) of such title 5; and

(3) the term ''contingency operation'' has the meaning given such term by section 101(a)(13) of title 10, United States Code.

SEC. 1102. EXTENSION OF AUTHORITY TO MAKE LUMP-SUM SEVERANCE PAYMENTS.

Section 5595(i)(4) of title 5, United States Code, is amended by striking ''October 1, 2010'' and inserting ''October 1, 2014''.

SEC. 1103. EXTENSION OF VOLUNTARY REDUCTION-IN-FORCE AUTHORITY OF DEPARTMENT OF DEFENSE.

Section 3502(f)(5) of title 5, United States Code, is amended by striking ''September 30, 2010'' and inserting ''September 30, 2014''.

SEC. 1104. TECHNICAL AMENDMENT TO DEFINITION OF PROFESSIONAL ACCOUNTING POSITION.

Section 1599d(e) of title 10, United States Code, is amended by striking ''GS–510, GS–511, and GS–505'' and inserting ''0505, 0510, or 0511 (or an equivalent)''.

SEC. 1105. EXPEDITED HIRING AUTHORITY FOR HEALTH CARE PROFESSIONALS.

(a) EXPEDITED HIRING AUTHORITY.—Section 1599c(a) of title 10, United States Code, is amended—

(1) by inserting ''(1)'' before ''The Secretary of Defense may''; and

(2) by adding at the end the following new paragraph:

''(2)(A) For purposes of sections 3304, 5333, and 5753 of title 5, the Secretary of Defense may—

''(i) designate any category of medical or health professional positions within the Department of Defense as shortage category positions; and

''(ii) utilize the authorities in such sections to recruit and appoint highly qualified persons directly to positions so designated.

''(B) In using the authority provided by this paragraph, the Secretary shall apply the principles of preference for the hiring of veterans and other persons established in subchapter 1 of chapter 33 of title 5.''.

(b) TERMINATION OF AUTHORITY.—Section 1599c(c) of such title is amended—

(1) by inserting ''(1)'' before ''The authority of'';

(2) by striking ''September 30, 2010'' and inserting ''September 30, 2012''; and

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

''(2) The Secretary may not appoint a person to a position of employment under subsection (a)(2) after September 30, 2012.''.

SEC. 1106. AUTHORITY TO ADJUST CERTAIN LIMITATIONS ON PERSONNEL AND REPORTS ON SUCH ADJUSTMENTS.

(a) AUTHORITY TO ADJUST LIMITATIONS ON OSD PERSONNEL.—

(1) Section 143 of title 10, United States Code, is amended—

(A) in subsection (a), by striking ''The number'' and inserting ''Subject to subsection (b), the number'';

(B) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively;

(C) by inserting after subsection (a) the following new subsection (b):

''(b) AUTHORITY TO ADJUST LIMITATION.—(1) For fiscal year 2009 and fiscal years thereafter, the Secretary of Defense may adjust the limitation on OSD personnel in accordance with paragraph (2) to accommodate increases in workload or to modify the type of personnel required to accomplish work.

''(2) The Secretary may adjust the baseline personnel limitation under paragraph (1) by increasing it by no more than 5 percent in a fiscal year.''; and

(D) by amending subsection (c) (as so redesignated) to read as follows:

''(c) DEFINITIONS.—In this section:

''(1) The term 'OSD personnel' means military and civilian personnel of the Department of Defense who are assigned to, or employed in, functions in the Office of the Secretary of Defense (including Direct Support Activities of that Office and the Washington Headquarters Services of the Department of Defense).

''(2) The term 'baseline personnel limitation', with respect to OSD personnel, means—

''(A) for fiscal year 2009, the number described in subsection (a); and

''(B) for any fiscal year thereafter, such number as increased (if at all) by the Secretary under subsection (b) during preceding fiscal years.''.

(b) DEFENSE AGENCIES AND FIELD ACTIVITIES.—Section 194 of title 10, United States Code, is amended—

(1) in subsections (a) and (b), by striking ''The total'' each place it appears and inserting ''Subject to subsection (c), the total'';

(2) by redesignating subsections (c), (d), (e), and (f) as subsections (d), (e), (f), and (g), respectively;

(3) by inserting after subsection (b) the following new subsection (c):

''(c) AUTHORITY TO ADJUST LIMITATION.—(1) For fiscal year 2009 and fiscal years thereafter, the Secretary of Defense may adjust the baseline personnel limitations in subsection (a) in accordance with paragraph (2) to accommodate increases in workload or to modify the type of personnel required to accomplish work.

''(2) The Secretary may adjust a baseline personnel limitation under paragraph (1) by increasing it by no more than 5 percent in a fiscal year.''; and

(4) by amending subsection (g) (as so redesignated)—

(A) by striking ''In this section, the'' and inserting ''In this section:

''(1) The''; and

(B) by adding at the end the following new paragraph:

''(2) The term 'baseline personnel limitation', with respect to members of the armed forces and civilian employees described in subsection (a) or subsection (b), means—

''(A) for fiscal year 2009, the number described in subsection (a) or (b), respectively; and

''(B) for any fiscal year thereafter, such number as increased (if at all) by the Secretary under subsection (c) during preceding fiscal years.''.

(c) OFFICE OF THE SECRETARY OF THE ARMY AND ARMY STAFF.—Subsection (f) of section 3014 of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(5)(A) For fiscal year 2009 and fiscal years thereafter, the Secretary of the Army may adjust the baseline personnel limitation in paragraph (1), (2), or (3) in accordance with subparagraph (B) to accommodate increases in workload or to modify the type of personnel required to accomplish work.

''(B) The Secretary may adjust a baseline personnel limitation under subparagraph (A) by increasing it by no more than 5 percent in a fiscal year.

''(C) In this subsection, the term 'baseline personnel limitation', with respect to members of the armed forces and civilian employees described in paragraph (1), (2), or (3), means—

''(i) for fiscal year 2009, the number described in paragraph (1), (2), or (3), respectively; and

''(ii) for any fiscal year thereafter, such number as increased (if at all) by the Secretary under subparagraph (A) during preceding fiscal years.''.

(d) OFFICE OF THE SECRETARY OF THE NAVY, OFFICE OF THE CHIEF OF NAVAL OPERATIONS, AND HEADQUARTERS, MARINE CORPS.—Subsection (f) of section 5014 of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(5)(A) For fiscal year 2009 and fiscal years thereafter, the Secretary of the Navy may adjust the baseline personnel limitation in paragraph (1), (2), or (3) in accordance with subparagraph (B) to accommodate increases in workload or to modify the type of personnel required to accomplish work.

''(B) The Secretary may adjust a baseline personnel limitation under subparagraph (A) by increasing it by no more than 5 percent in a fiscal year.

''(C) In this subsection, the term 'baseline personnel limitation', with respect to members of the armed forces and civilian employees described in paragraph (1), (2), or (3), means—

''(i) for fiscal year 2009, the number described in paragraph (1), (2), or (3), respectively; and

''(ii) for any fiscal year thereafter, such number as increased (if at all) by the Secretary under subparagraph (A) during any preceding fiscal years.''.

(e) OFFICE OF THE SECRETARY OF THE AIR FORCE AND AIR STAFF.—Subsection (f) of section 8014 of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(5)(A) For fiscal year 2009 and fiscal years thereafter, the Secretary of the Air Force may adjust the baseline personnel limitation in paragraph (1), (2), or (3) in accordance with subparagraph (B) to accommodate increases in workload or to modify the type of personnel required to accomplish work.

''(B) The Secretary may adjust a baseline personnel limitation under subparagraph (A) by increasing it by no more than 5 percent in a fiscal year.

''(C) In this subsection, the term 'baseline personnel limitation', with respect to members of the armed forces and civilian employees described in paragraph (1), (2), or (3), means—

''(i) for fiscal year 2009, the number described in paragraph (1), (2), or (3), respectively; and

''(ii) for any fiscal year thereafter, such number as increased (if at all) by the Secretary under subparagraph (A) during preceding fiscal years.''.

(f) REPORT REQUIRED.—The Secretary of Defense shall submit a report to the congressional defense committees at the same time that the defense budget materials for each fiscal year are presented to Congress. The report shall include the following information:

(1) During the preceding fiscal year, the average number of military personnel and civilian employees of the Department of Defense assigned to or detailed to permanent duty in—

(A) the Office of the Secretary of Defense;

(B) the management headquarters activities and management headquarters support activities in the Defense Agencies and Department of Defense Field Activities;

(C) the Office of the Secretary of the Army and the Army Staff;

(D) the Office of the Secretary of the Navy, the Office of Chief of Naval Operations, and the Headquarters, Marine Corps; and

(E) the Office of the Secretary of the Air Force and the Air Staff.

(2) The total increase in personnel assigned to the activities or entities described in paragraph (1), if any, during the preceding fiscal year—

(A) attributable to the replacement of contract personnel with military personnel or civilian employees of the Department of Defense, including the number of positions associated with the replacement of contract personnel performing inherently governmental functions or performing lead system integrator functions; and

(B) attributable to reasons other than the replacement of contract personnel with military personnel or civilian employees of the Department, such as workload or operational demand increases.

(3) The number of military personnel and civilian employees of the Department of Defense assigned to the activities or entities described in paragraph (1) as of October 1 of the preceding fiscal year.

(4) An analysis and justification for any increase in personnel assigned to the activities or entities described in paragraph (1), if any, during the preceding fiscal year, including

an analysis of the workload of the activity or entity and the management of the workload.

(g) DEFINITIONS.—In this section:

(1) DEFENSE BUDGET MATERIALS.—The term ''defense budget materials'', with respect to a fiscal year, means the materials submitted to Congress by the Secretary of Defense in support of the budget for that fiscal year that is submitted to Congress by the President under section 1105 of title 31, United States Code.

(2) CONTRACT PERSONNEL.—The term ''contract personnel'' means persons hired under a contract with the Department of Defense for the performance of major Department of Defense headquarters activities.

(h) COMPTROLLER GENERAL EVALUATION.—Not later than April 15, 2009, the Comptroller General shall—

(1) conduct an evaluation of the overall management of the staffing processes and procedures for the personnel affected by the amendments made by this section; and

(2) submit to the congressional defense committees a report on the results of such evaluation, with such findings and recommendations as the Comptroller General considers appropriate.

SEC. 1107. TEMPORARY DISCRETIONARY AUTHORITY TO GRANT ALLOWANCES, BENEFITS, AND GRATUITIES TO PERSONNEL ON OFFICIAL DUTY IN A COMBAT ZONE.

(a) IN GENERAL.—Section 1603(a) of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109–234; 120 Stat. 443) is amended—

(1) by striking ''During fiscal years 2006, 2007, and 2008'' and inserting ''(1) During fiscal years 2006 (including the period beginning on October 1, 2005, and ending on June 15, 2006), 2007, and 2008''; and

(2) by adding at the end the following:

''(2) During fiscal years 2009, 2010, and 2011, the head of an agency may, in the agency head's discretion, provide to an individual employed by, or assigned or detailed to, such agency allowances, benefits, and gratuities comparable to those provided by the Secretary of State to members of the Foreign Service under section 413 and chapter 9 of title I of the Foreign Service Act of 1980, if such individual is on official duty in a combat zone (as defined by section 112(c) of the Internal Revenue Code of 1986).''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect as if included in the enactment of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109–234).

SEC. 1108. REQUIREMENT RELATING TO FURLOUGHS DURING THE TIME OF A CONTINGENCY OPERATION.

(a) IN GENERAL.—Subchapter I of chapter 35 of title 5, United States Code, is amended by adding at the end the following new section:

''§ 3505. Furloughs within Department of Defense

''(a) For purposes of this section—

''(1) the term 'furlough' means the placing of an employee in a temporary status without duties and pay because of a lack of funds;

''(2) the term 'contingency operation' has the meaning given such term by section 101(a)(13) of title 10; and

''(3) the term 'defense committees' has the meaning given such term by section 119(g) of title 10.

''(b)(1) The Secretary of Defense may not issue notice of a furlough described in paragraph (2) until the Secretary has certified to the defense committees that the Secretary has no other legal measures to avoid such furloughs.

''(2) This subsection applies with respect to any furlough that impacts substantial portions of the civilian workforce of the Department of Defense commencing during the time of a contingency operation.''.

(b) CLERICAL AMENDMENT.—The analysis for chapter 35 of title 5, United States Code, is amended by inserting after the item relating to section 3504 the following new item:

''3505. Furloughs within Department of Defense.''.

SEC. 1109. DIRECT HIRE AUTHORITY FOR CERTAIN POSITIONS AT PERSONNEL DEMONSTRATION LABORATORIES.

(a) AUTHORITY.—The Secretary of Defense may make appointments to positions described in subsection (b) without regard to the provisions of subchapter I of chapter 33 of title 5, United States Code, other than sections 3303 and 3328 of such title.

(b) POSITIONS DESCRIBED.—This section applies with respect to any scientific or engineering position within a laboratory identified in section 9902(c)(2) of title 5, United States Code, appointment to which requires an advanced degree.

(c) LIMITATION.—(1) Authority under this section may not, in any calendar year and with respect to any laboratory, be exercised with respect to a number of positions greater than the number equal to 2 percent of the total number of positions within such laboratory that are filled as of the close of the fiscal year last ending before the start of such calendar year.

(2) For purposes of this subsection, positions shall be counted on a full-time equivalent basis.

(d) EMPLOYEE DEFINED.—As used in this section, the term ''employee'' has the meaning given such term by section 2105 of title 5, United States Code.

(e) TERMINATION.—The authority to make appointments under this section shall not be available after December 31, 2013.

SEC. 1110. STATUS REPORTS RELATING TO LABORATORY PERSONNEL DEMONSTRATION PROJECTS.

Section 1107 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 357) is amended by adding at the end the following:

''(e) STATUS REPORTS.—

''(1) IN GENERAL.—Not later than 45 days after the date of the enactment of this Act and not later than March 1 of each year beginning after the date on which the first report under this subsection is submitted, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report providing, with respect to the year before the year in which such report is submitted, the information described in paragraph (2).

''(2) INFORMATION REQUIRED.—Each report under this subsection shall describe the following:

''(A) The actions taken by the Secretary of Defense under subsection (a) during the year covered by the report.

''(B) The progress made by the Secretary of Defense during such year in developing and implementing the plan required by subsection (b), including the anticipated date for completion of such plan and a list and description of any issues relating to the development or implementation of such plan.

''(C) With respect to any applications by laboratories seeking to be designated as a demonstration laboratory or to otherwise obtain any of the personnel flexibilities available to a demonstration laboratory—

''(i) the number of applications that were received, pending, or acted on during such year;

''(ii) the status or disposition of any applications under clause (i), including, in the case of any application on which a final decision was rendered, the laboratory involved, what the laboratory had requested, the decision reached, and the reasons for the decision; and

''(iii) in the case of any applications under clause (i) on which a final decision was not rendered, the date by which a final decision is anticipated.

''(3) DEFINITION.—For purposes of this subsection, the term 'demonstration laboratory' means a laboratory designated by the Secretary of Defense under the provisions of section 342(b) of the National Defense Authorization Act for Fiscal Year 1995 (as cited in subsection (a)) as a Department of Defense science and technology reinvention laboratory.''.

TITLE XII—MATTERS RELATING TO FOREIGN NATIONS

Subtitle A—Assistance and Training

Sec. 1201. Extension of authority to build the capacity of the Pakistan Frontier Corps.
Sec. 1202. Military-to-military contacts and comparable activities.
Sec. 1203. Enhanced authority to pay incremental expenses for participation of developing countries in combined exercises.
Sec. 1204. Extension of temporary authority to use acquisition and cross-servicing agreements to lend military equipment for personnel protection and survivability.
Sec. 1205. One-year extension of authority for distribution to certain foreign personnel of education and training materials and information technology to enhance military interoperability.
Sec. 1206. Modification and extension of authorities relating to program to build the capacity of foreign military forces.
Sec. 1207. Extension of authority for security and stabilization assistance.
Sec. 1208. Authority for support of special operations to combat terrorism.
Sec. 1209. Regional Defense Combating Terrorism Fellowship Program.

Subtitle B—Matters Relating to Iraq and Afghanistan

Sec. 1211. Limitation on availability of funds for certain purposes relating to Iraq.
Sec. 1212. Report on status of forces agreements between the United States and Iraq.
Sec. 1213. Strategy for United States-led Provincial Reconstruction Teams in Iraq.
Sec. 1214. Commanders' Emergency Response Program.
Sec. 1215. Performance monitoring system for United States-led Provincial Reconstruction Teams in Afghanistan.
Sec. 1216. Report on command and control structure for military forces operating in Afghanistan.
Sec. 1217. Report on enhancing security and stability in the region along the border of Afghanistan and Pakistan.
Sec. 1218. Study and report on Iraqi police training teams.
Sec. 1219. Declaration of policy relating to status of forces agreements between the United States and Iraq.
Sec. 1220. Limitation on certain status of forces agreements between the United States and Iraq.

Sec. 1221. Report on long-term costs of Operation Iraqi Freedom and Operation Enduring Freedom.

Subtitle C—Other Matters

Sec. 1231. Payment of personnel expenses for multilateral cooperation programs.

Sec. 1232. Extension of Department of Defense authority to participate in multinational military centers of excellence.

Sec. 1233. Study of limitation on classified contracts with foreign companies engaged in space business with China.

Sec. 1234. Requirement to update National Intelligence Estimate on Iran's nuclear intentions and capabilities.

Sec. 1235. Employment for resettled Iraqis.

Subtitle A—Assistance and Training

SEC. 1201. EXTENSION OF AUTHORITY TO BUILD THE CAPACITY OF THE PAKISTAN FRONTIER CORPS.

(a) AUTHORITY.—Subsection (a) of section 1206 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 366) is amended by striking ''during fiscal year 2008'' and inserting ''during fiscal years 2008, 2009, and 2010''.

(b) FUNDING LIMITATION.—Subsection (c)(1) of such section is amended by striking ''for fiscal year 2008 to provide the assistance under subsection (a)'' and inserting ''for a fiscal year specified in subsection (a) to provide the assistance under such subsection for such fiscal year''.

SEC. 1202. MILITARY-TO-MILITARY CONTACTS AND COMPARABLE ACTIVITIES.

Section 168(e) of title 10, United States Code, is amended by adding at the end the following:

''(5) Funds available under this section for fiscal year 2009 or any subsequent fiscal year may be used for programs that begin in such fiscal year but end in the next fiscal year.''.

SEC. 1203. ENHANCED AUTHORITY TO PAY INCREMENTAL EXPENSES FOR PARTICIPATION OF DEVELOPING COUNTRIES IN COMBINED EXERCISES.

Section 2010 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(e) Funds available under this section for fiscal year 2009 or any subsequent fiscal year may be used for programs that begin in such fiscal year but end in the next fiscal year.''.

SEC. 1204. EXTENSION OF TEMPORARY AUTHORITY TO USE ACQUISITION AND CROSS-SERVICING AGREEMENTS TO LEND MILITARY EQUIPMENT FOR PERSONNEL PROTECTION AND SURVIVABILITY.

(a) SEMIANNUAL REPORTS TO CONGRESSIONAL COMMITTEES.—Subsection (b)(3) of section 1202 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2412), as amended by section 1252 of Public Law 110–181 (122 Stat. 402), is further amended by adding at the end the following:

''(E) With respect to equipment provided to each foreign force that is not returned to the United States, a description of the terms of disposition of the equipment to the foreign force.

''(F) The percentage of equipment provided to foreign forces under the authority of this section that is not returned to the United States.''.

(b) EXPIRATION.—Subsection (e) of such section is amended by striking ''September 30, 2009'' and inserting ''September 30, 2010''.

SEC. 1205. ONE-YEAR EXTENSION OF AUTHORITY FOR DISTRIBUTION TO CERTAIN FOREIGN PERSONNEL OF EDUCATION AND TRAINING MATERIALS AND INFORMATION TECHNOLOGY TO ENHANCE MILITARY INTEROPERABILITY.

(a) LIMITATIONS.—Section 1207 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2419) is amended—

(1) by redesignating subsections (g) and (h) as subsections (h) and (i), respectively; and

(2) by inserting after subsection (f) the following:

''(g) LIMITATIONS.—

''(1) ASSISTANCE OTHERWISE PROHIBITED BY LAW.—The Secretary of Defense may not use the authority provided in this section to provide any type of assistance described in this section that is otherwise prohibited by any other provision of law.

''(2) LIMITATION ON ELIGIBLE COUNTRIES.—The Secretary of Defense may not use the authority provided in this section to provide any type of assistance described in this section to the personnel referred to in subsection (b) of any foreign country that is otherwise prohibited from receiving such type of assistance under any other provision of law.''.

(b) ANNUAL REPORT.—Subsection (h)(1) of such section, as redesignated by subsection (a)(1) of this section, is amended by striking ''and 2008'' and inserting '', 2008, and 2009''.

(c) TERMINATION.—Subsection (i) of such section, as redesignated by subsection (a)(1) of this section, is amended by striking ''2008'' and inserting ''2009''.

SEC. 1206. MODIFICATION AND EXTENSION OF AUTHORITIES RELATING TO PROGRAM TO BUILD THE CAPACITY OF FOREIGN MILITARY FORCES.

(a) LIMITATIONS.—Subsection (c)(1) of section 1206 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3456), as amended by section 1206 of Public Law 109–364 (120 Stat. 2418), is further amended by adding at the end the following new sentence: ''Amounts available under the authority of subsection (a) for fiscal year 2009 or any subsequent fiscal year may be used for programs that begin in such fiscal year but end in the next fiscal year.''.

(b) TWO-YEAR EXTENSION OF PROGRAM AUTHORITY.—Subsection (g) of such section is amended—

(1) in the first sentence, by striking ''2008'' and inserting ''2010''; and

(2) in the second sentence, by striking ''2006, 2007, or 2008'' and inserting ''2009 or 2010''.

SEC. 1207. EXTENSION OF AUTHORITY FOR SECURITY AND STABILIZATION ASSISTANCE.

Section 1207(g) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3458), as amended by section 1210 of Public Law 110–181 (122 Stat. 369), is further amended by striking ''September 30, 2008'' and inserting ''September 30, 2010''.

SEC. 1208. AUTHORITY FOR SUPPORT OF SPECIAL OPERATIONS TO COMBAT TERRORISM.

(a) IN GENERAL.—Chapter 3 of title 10, United States Code, is amended by inserting after section 127d the following new section:

''§ 127e. Authority for support of special operations to combat terrorism

''(a) AUTHORITY.—The Secretary of Defense may expend up to $35,000,000 during any fiscal year to provide support to foreign forces, irregular forces, groups, or individuals engaged in supporting or facilitating ongoing military operations by United States special operations forces to combat terrorism.

''(b) PROCEDURES.—The Secretary of Defense shall establish procedures for the exercise of the authority under subsection (a). The Secretary shall notify the congressional defense committees of those procedures before any exercise of that authority.

''(c) NOTIFICATION.—Upon using the authority provided in subsection (a) to make funds available for support of an approved military operation, the Secretary of Defense shall notify the congressional defense committees expeditiously, and in any event within 48 hours, of the use of such authority with respect to that operation. Such a notification need be provided only once with respect to any such operation. Any such notification shall be in writing.

''(d) LIMITATION ON DELEGATION.—The authority of the Secretary of Defense to make funds available under subsection (a) for support of a military operation may not be delegated.

''(e) INTELLIGENCE ACTIVITIES.—This section does not constitute authority to conduct covert action, as such term is defined in section 503(e) of the National Security Act of 1947 (50 U.S.C. 413b(e)).

''(f) ANNUAL REPORT.—

''(1) REPORT REQUIRED.—Not later than 120 days after the close of each fiscal year, the Secretary of Defense shall submit to the congressional defense committees a report on support provided under subsection (a) during that fiscal year.

''(2) MATTERS TO BE INCLUDED.—Each report required by paragraph (1) shall describe the support provided, including—

''(A) the country involved in the activity, the individual or force receiving the support, and, to the maximum extent practicable, the specific region of each country involved in the activity;

''(B) the respective dates and a summary of congressional notifications for each activity;

''(C) the unified commander for each activity, as well as the related objectives, as established by that commander;

''(D) the total amount obligated to provide support;

''(E) for each activity that amounts to more than $500,000, specific budget details that explain the overall funding level for that activity; and

''(F) a statement providing a brief assessment of the outcome of the support, including specific indications of how the support furthered the mission objective of special operations forces and the type of follow-on support, if any, that may be necessary.

''(g) ANNUAL LIMITATION.—Support may be provided under subsection (a) from funds made available for operations and maintenance.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 3 of such title is amended by inserting after the item relating to section 127d the following new item:

''127e. Authority for support of special operations to combat terrorism.''.

(c) REPEAL.—Section 1208 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 2086) is hereby repealed.

SEC. 1209. REGIONAL DEFENSE COMBATING TERRORISM FELLOWSHIP PROGRAM.

Section 2249c(b) of title 10, United States Code, is amended in the first sentence by striking ''$25,000,000'' and inserting ''$35,000,000''.

Subtitle B—Matters Relating to Iraq and Afghanistan

SEC. 1211. LIMITATION ON AVAILABILITY OF FUNDS FOR CERTAIN PURPOSES RELATING TO IRAQ.

(a) LIMITATION.—No funds appropriated pursuant to an authorization of appropriations in this Act or any other Act for any fiscal year may be obligated or expended for a purpose as follows:

(1) To establish any military installation or base for the purpose of providing for the permanent stationing of United States Armed Forces in Iraq.

(2) To exercise United States control of the oil resources of Iraq.

(b) DEFINITION.—In this section, the term ''permanent stationing of United States Armed Forces in Iraq'' means the stationing of United States Armed Forces in Iraq on a continuing or lasting basis, as distinguished from temporary, although the basis may be permanent even though it may be dissolved eventually at the request either of the United States or of the Government of Iraq, in accordance with law.

SEC. 1212. REPORT ON STATUS OF FORCES AGREEMENTS BETWEEN THE UNITED STATES AND IRAQ.

(a) REQUIREMENT FOR REPORT.—

(1) IN GENERAL.—(A) Not later than 90 days after the date of the enactment of this Act, the President shall transmit to the appropriate congressional committees a report on each agreement between the United States and Iraq relating to—

(i) the legal status of United States military personnel, civilian personnel, and contractor personnel of contracts awarded by any department or agency of the United States Government;

(ii) the establishment of or access to military bases;

(iii) the rules of engagement under which United States Armed Forces operate in Iraq; and

(iv) any security commitment, arrangement, or assurance that obligates the United States to respond to internal or external threats against Iraq.

(B) If, on the date that is 90 days after the date of the enactment of this Act, no agreement between the United States and Iraq described in subparagraph (A) has been completed, the President shall notify the appropriate congressional committees that no such agreement has been completed, and shall transmit to the appropriate congressional committees the report required under subparagraph (A) as soon as practicable after such an agreement or agreements are completed.

(2) UPDATE OF REPORT.—The President shall transmit to the appropriate congressional committees an update of the report required under paragraph (1) whenever an agreement between the United States and Iraq relating to the matters described in the report is entered into or is substantially revised.

(b) MATTERS TO BE INCLUDED.—The report required under subsection (a) shall include, with respect to each agreement described in subsection (a), the following:

(1) A discussion of limits placed on United States combat operations by the Government of Iraq, including required coordination, if any, before such operations can be undertaken.

(2) An assessment of the extent to which conditions placed on United States combat operations are greater than the conditions under which United States Armed Forces operated prior to the signing of the agreement, and any constraints placed on United States military personnel, civilian personnel, and contractor personnel of contracts awarded by any department or agency of the United States Government as a result of such conditions.

(3) A discussion of the conditions under which United States military personnel, civilian personnel, or contractor personnel of contracts awarded by any department or agency of the United States Government could be tried by an Iraqi court for alleged crimes occurring both during the performance of official duties and during other such times. The discussion should include an assessment of the protections that such personnel would be extended in an Iraqi court, if applicable.

(4) An assessment of the protections accorded by the agreement to third country nationals who carry out work for the United States Armed Forces.

(5) An assessment of authorities under the agreement for United States Armed Forces and Coalition partners to apprehend, detain, and interrogate prisoners and otherwise collect intelligence.

(6) A description and discussion of any security commitment, arrangement, or assurance by the United States to respond to internal or external threats against Iraq, including the manner in which such commitment, arrangement, or assurance may be implemented.

(7) An assessment of any payments required under the agreement to be paid to the Government of Iraq or other Iraqi entities for rights, access, or support for bases and facilities.

(8) An assessment of any payments required under the agreement for any claims for deaths and damages caused by United States military personnel, civilian personnel, and contractor personnel of contracts awarded by any department or agency of the United States Government in the performance of their official duties.

(9) An assessment of any other provisions in the agreement that would restrict the performance of the mission of United States military personnel, civilian personnel, and contractor personnel of contracts awarded by any department or agency of the United States Government.

(10) A discussion of how the agreement or modification to the agreement was approved by the Government of Iraq, and if this process was consistent with the Constitution of Iraq.

(11) A description of the arrangements required under the agreement to resolve disputes arising over matters contained in the agreement or to consider changes to the agreement.

(12) A discussion of the extent to which the agreement applies to other Coalition partners.

(13) A description of how the agreement can be terminated by the United States or Iraq.

(c) FORM.—The report required under subsection (a) shall be submitted in unclassified form, but may include a classified annex.

(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means—

(1) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives; and

(2) the Committee on Armed Services and the Committee on Foreign Relations of the Senate.

(e) TERMINATION OF REQUIREMENT.—The requirement to submit the report and updates of the report under subsection (a) terminates on September 30, 2013.

SEC. 1213. STRATEGY FOR UNITED STATES-LED PROVINCIAL RECONSTRUCTION TEAMS IN IRAQ.

(a) IN GENERAL.—The President shall—

(1) establish a strategy to ensure that United States-led Provincial Reconstruction Teams (PRTs), including embedded PRTs and Provincial Support Teams, in Iraq are supporting the operational and strategic goals of Coalition Forces in Iraq; and

(2) establish measures of effectiveness and performance in meeting PRT-specific work plans with clearly defined objectives in furtherance of the strategy required under paragraph (1).

(b) REPORT.—

(1) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, and every 90 days thereafter through the end of fiscal year 2010, the President shall transmit to the appropriate congressional committees a report on the implementation of the strategy required under subsection (a) and an assessment of the specific contributions PRTs are making in supporting the operational and strategic goals of Coalition Forces in Iraq. The initial report required under this subsection should include a description of the strategy and a general discussion of the measures of effectiveness and performance required under subsection (a).

(2) INCLUSION IN OTHER REPORT.—The report required under this subsection may be included in the report required by section 1227 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3465).

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means—

(1) the Committee on Armed Services, the Committee on Appropriations, and the Committee on Foreign Affairs of the House of Representatives; and

(2) the Committee on Armed Services, the Committee on Appropriations, and the Committee on Foreign Relations of the Senate.

SEC. 1214. COMMANDERS' EMERGENCY RESPONSE PROGRAM.

(a) AUTHORITY FOR FISCAL YEARS 2008 AND 2009.—Subsection (a) of section 1202 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3455), as amended by section 1205 of Public Law 110–181 (122 Stat. 366), is further amended in the matter preceding paragraph (1)—

(1) by striking ''$977,441,000'' and inserting ''$1,700,000,000 in fiscal year 2008 and $1,500,000,000 in fiscal year 2009,''; and

(2) by striking ''in such fiscal year''.

(b) LIMITATION ON AMOUNTS FOR IRAQ FOR FISCAL YEAR 2009.—Such section is further amended by adding at the end the following:

''(f) LIMITATION ON AMOUNTS FOR IRAQ FOR FISCAL YEAR 2009.—

''(1) LIMITATION.—The amount obligated and expended under this section for the Commanders' Emergency Response Program in Iraq for fiscal year 2009 may not exceed twice the amount obligated by the Government of Iraq during calendar year 2008 under the Government of Iraq Commanders' Emergency Response Program (commonly known as 'I–CERP'), as established pursuant to the Memorandum of Understanding Between the Supreme Reconstruction Council of the Secretariat of Ministers and the Multi-National Force–Iraq Concerning Implementation of the Government of Iraq Commanders' Emergency Response Program (I–CERP), signed by the parties on March 25, 2008, and April 3, 2008, respectively.

''(2) WAIVER.—The Secretary of Defense may waive the limitation under paragraph (1) if the Secretary of Defense—

''(A) determines that such a waiver is required to meet urgent and compelling needs that would not otherwise be met and which, if unmet, could rationally be expected to lead to increased threats to United States military or civilian personnel; and

''(B) submits in writing to the appropriate congressional committees a notification of the waiver, together with a discussion of—

''(i) the unmet urgent and compelling needs and the impact on the threat level facing United States military or civilian personnel, if the waiver is not exercised;

''(ii) efforts undertaken by the Department of Defense to convince the Government of Iraq to provide funds to meet the urgent and compelling needs and the reason these efforts were unsuccessful; and

''(iii) efforts of the Department of Defense to convince the Government of Iraq to provide additional funds in the future to meet such urgent and compelling needs or to undertake other measures to meet such needs on their own.

''(3) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this subsection, the term 'appropriate congressional committees' means—

''(A) the Committees on Armed Services of the House of Representatives and the Senate; and

''(B) the Committees on Appropriations of the House of Representatives and the Senate.''.

SEC. 1215. PERFORMANCE MONITORING SYSTEM FOR UNITED STATES-LED PROVINCIAL RECONSTRUCTION TEAMS IN AFGHANISTAN.

(a) IN GENERAL.—The President, acting through the Secretary of Defense and the Secretary of State, shall develop and implement a system to monitor the performance of United States-led Provincial Reconstruction Teams (PRTs) in Afghanistan.

(b) ELEMENTS OF PERFORMANCE MONITORING SYSTEM.—The performance monitoring system required under subsection (a)—

(1) shall include PRT-specific work plans that incorporate the long-term strategy, mission, and clearly defined objectives required by section 1230(c)(3) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 386); and

(2) shall include comprehensive performance indicators and measures of progress toward sustainable long-term security and stability in Afghanistan, and include performance standards and progress goals together with a notional timetable for achieving such goals, consistent with the requirements of section 1230(d) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 388).

(c) REPORT.—Not later than 90 days after the date of the enactment of this Act, the President shall submit to the appropriate congressional committees a report on the implementation of the performance monitoring system required under subsection (a).

(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means—

(1) the Committee on Armed Services, the Committee on Appropriations, and the Committee on Foreign Affairs of the House of Representatives; and

(2) the Committee on Armed Services, the Committee on Appropriations, and the Committee on Foreign Relations of the Senate.

SEC. 1216. REPORT ON COMMAND AND CONTROL STRUCTURE FOR MILITARY FORCES OPERATING IN AFGHANISTAN.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the command and control structure for military forces operating in Afghanistan, which consist of North Atlantic Treaty Organization (NATO) International Security Assistance Force (ISAF) forces and separate United States forces operating under Operation Enduring Freedom, should be modified to better coordinate and de-conflict military operations and achieve unity of command and unity of effort whenever possible in Afghanistan.

(b) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, or December 1, 2008, whichever occurs later, the Secretary of Defense shall submit to the appropriate congressional committees a report on the command and control structure for military forces operating in Afghanistan.

(2) MATTERS TO BE INCLUDED.—The report required under paragraph (1) shall include the following:

(A) A detailed description of efforts by the Secretary of Defense, in coordination with senior leaders of NATO ISAF forces, including the commander of NATO ISAF forces, to modify the chain of command structure for military forces operating in Afghanistan to better coordinate and de-conflict military operations and achieve unity of command whenever possible in Afghanistan, and the results of such efforts.

(B) A comprehensive assessment of options for improving the command and control structure for military forces operating in Afghanistan, including—

(i) the establishment by the United States Central Command of a United States headquarters in Kabul, Afghanistan, led by a commander holding the grade of lieutenant general, or in the case of the Navy, vice admiral, and charged with—

(I) leading United States Armed Forces operating under Operation Enduring Freedom;

(II) leading country-wide Department of Defense–led initiatives; and

(III) closely coordinating efforts with NATO ISAF forces, the United States Embassy in Afghanistan, and other United States and international elements in Afghanistan; and

(ii) authorization for the highest-ranking United States commander of NATO ISAF forces to have additional command authority over separate United States forces operating under Operation Enduring Freedom.

(C) A detailed description of any United States or NATO ISAF plan or strategy for improving the command and control structure for military forces operating in Afghanistan.

(D) A description of how rules of engagement are determined and managed for United States forces operating under NATO ISAF or Operation Enduring Freedom, and a description of any key differences between rules of engagement for NATO ISAF forces and separate United States forces operating under Operation Enduring Freedom.

(E) An assessment of how possible modifications to the command and control structure for military forces operating in Afghanistan would impact coordination of military and civilian efforts in Afghanistan.

(3) FORM.—The report required under paragraph (1) shall be submitted in an unclassified form, but may include a classified annex, if necessary.

(4) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this subsection, the term ''appropriate congressional committees'' means—

(A) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives; and

(B) the Committee on Armed Services and the Committee on Foreign Relations of the Senate.

SEC. 1217. REPORT ON ENHANCING SECURITY AND STABILITY IN THE REGION ALONG THE BORDER OF AFGHANISTAN AND PAKISTAN.

(a) REPORT REQUIRED.—Subsection (a) of section 1232 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 392) is amended by striking paragraph (5).

(b) NOTIFICATION RELATING TO DEPARTMENT OF DEFENSE COALITION SUPPORT FUNDS FOR PAKISTAN.—Subsection (b)(1)(A) of such section is amended by striking ''congressional defense committees'' and inserting ''appropriate congressional committees''.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—Such section is further amended by adding at the end the following:

''(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term 'appropriate congressional committees' means—

''(1) the Committee on Armed Services, the Committee on Appropriations, and the Committee on Foreign Affairs of the House of Representatives; and

''(2) the Committee on Armed Services, the Committee on Appropriations, and the Committee on Foreign Relations of the Senate.''.

SEC. 1218. STUDY AND REPORT ON IRAQI POLICE TRAINING TEAMS.

(a) STUDY.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Secretary of State and the Government of Iraq, shall conduct a study and submit to the appropriate congressional committees a report containing the recommendations of the Secretary of Defense on—

(1) the number of advisors needed to sufficiently staff enough Iraqi police training teams to cover a majority of the approximately 1,100 Iraqi police stations in fiscal year 2009 and estimated levels in fiscal year 2010;

(2) the funding required to staff the Iraqi police training teams in fiscal year 2009 and estimated levels in fiscal year 2010; and

(3) the feasibility of transferring responsibility for the program to staff and support the Iraqi police training teams from the Department of Defense to the Department of State.

(b) APPROPRIATE CONGRESSIONAL COMMITTEES.—In this section, the term ''appropriate congressional committees'' means—

(1) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives; and

(2) the Committee on Armed Services and the Committee on Foreign Relations of the Senate.

SEC. 1219. DECLARATION OF POLICY RELATING TO STATUS OF FORCES AGREEMENTS BETWEEN THE UNITED STATES AND IRAQ.

(a) DECLARATION OF POLICY.—It shall be the policy of the United States to ensure that any agreement between the United States and the Republic of Iraq relating to the legal status of United States military personnel or the establishment of or access to military bases includes as part of the agreement measures requiring the provision of support by the Government of Iraq for United States Armed Forces stationed in Iraq.

(b) SUPPORT DESCRIBED.—Support referred to in subsection (a) may include the provision of financial or other types of support to assist United States Armed Forces stationed in Iraq in the conduct of their assigned mission.

SEC. 1220. LIMITATION ON CERTAIN STATUS OF FORCES AGREEMENTS BETWEEN THE UNITED STATES AND IRAQ.

No provision of any agreement between the United States and Iraq described in section 1212 (a)(1)(A)(iv) shall be in force with respect to the United States unless the agreement—

(1) is in the form of a treaty requiring the advice and consent of the Senate (or is intended to take that form in the case of an agreement under negotiation); or

(2) is specifically authorized by an Act of Congress enacted after the date of the enactment of this Act.

SEC. 1221. REPORT ON LONG-TERM COSTS OF OPERATION IRAQI FREEDOM AND OPERATION ENDURING FREEDOM.

(a) FINDINGS.—Congress finds the following:

(1) The United States has been engaged in military operations in Afghanistan since October 2001 and in military operations in Iraq since March 2003.

(2) According to the Congressional Research Service, to date, Congress has appropriated $700,000,000,000 from fiscal year 2001 through fiscal year 2008 for the Department of Defense, the State Department, and for medical costs paid by the Department of Veterans Affairs. This amount includes

$526,000,000,000 for Iraq and $140,000,000,000 for Afghanistan and other counterterror operations. Among other expenditures, this amount includes funding for combat operations; deploying, transporting, feeding, and housing troops; deployment of National Guard and Reserve troops; the equipping and training of Iraqi and Afghani forces; purchasing, upgrading, and repairing weapons, munitions and other equipment; supplemental combat pay and benefits; providing medical care to troops on active duty and returning veterans; reconstruction and foreign aid; and payments to other countries for logistical assistance.

(3) Over 90 percent of Department of Defense funds for operations in Iraq and Afghanistan have been provided as emergency funds in supplemental or additional appropriations.

(4) The Congressional Budget Office and the Congressional Research Service have stated that future war costs are difficult to estimate because the Department of Defense has provided little detailed information on costs incurred to date, does not report outlays or actual expenditures for war because war and baseline funds are mixed in the same accounts, and does not provide information on many key factors which determine costs, including personnel levels or the pace of operations.

(5) To date, the administration has not provided any long-term estimates of war costs, despite a statutory reporting requirement that the President submit a cost estimate for fiscal year 2006 through fiscal year 2011 that was enacted in 2004.

(6) Operating costs in Iraq and Afghanistan have been increasing steadily since 2003, and war costs in Iraq have sharply increased from $50,000,000,000 in 2003 to approximately $134,000,000,000 for fiscal year 2007, to the $154,000,000,000 request for fiscal year 2008.

(7) The Iraq Study Group Report states that, ''the United States has made a massive commitment to the future of Iraq in both blood and treasure,'' warns that ''the United States must expect significant 'tail costs' to come'', and predicts that ''Caring for veterans and replacing lost equipment will run into the hundreds of billions of dollars. Estimates run as high as $2 trillion for the final cost of the U.S. involvement in Iraq''.

(8) The Iraq Study Group Report also finds that ''This level of expense is not sustainable over an extended period. . .''.

(9) The use of government contractors and private military firms has reached unprecedented levels, with over 100,000 contractors operating in Iraq.

(10) Over 1,600,000 American troops have served in Afghanistan and Iraq since the beginning of the conflicts.

(11) Over 4,050 United States troops and Department of Defense civilian personnel have been killed in Operation Iraqi Freedom, and over 490 United States troops and Department of Defense civilian personnel have been killed in Operation Enduring Freedom.

(12) National Guard and Reserve troops are being deployed in support of these conflicts at unprecedented levels.

(13) Many troops are serving multiple deployments, and one-third of those serving in the Iraq war have been deployed two or more times.

(14) Over 1,100 service members have suffered amputations as a result of their service in Afghanistan and Iraq.

(15) More than 100,000 Iraq and Afghanistan veterans have been treated for mental health conditions.

(16) 52,000 Iraq and Afghanistan veterans have been diagnosed with Post-Traumatic Stress Disorder.

(17) Nearly 37 percent of soldiers returning from Iraq and Afghanistan have sought treatment at Department of Veterans Affairs hospitals and clinics.

(18) Many troops have suffered multiple injuries, with veterans claiming an average of five separate conditions.

(19) The Independent Review Group on Rehabilitative Care and Administrative Processes at Walter Reed Army Medical Center and National Naval Medical Center identified Traumatic Brain Injury, Post-Traumatic Stress Disorder, increased survival of severe burns, and traumatic amputations as the four signature wounds of the current conflicts, and found that the ''numbers of servicemembers surviving with. . .complex injuries have challenged our modern military medical system and exposed weakness and breakdowns in access to care, as well as continuity of care management and follow-on administrative processes''.

(20) The Independent Review Group report also states that the recovery process ''can take months or years and must accommodate recurring or delayed manifestations of symptoms, extended rehabilitation and all the life complications that emerge over time from such trauma''.

(b) REPORT REQUIREMENT; SCENARIOS.—Not later than 90 days after the date of the enactment of this Act, the President, with contributions from the Secretary of Defense, the Secretary of State, and the Secretary of the Department of Veterans Affairs, shall submit a report to Congress containing an estimate of the long-term costs of Operation Iraqi Freedom and Operation Enduring Freedom. The report shall contain estimates for the following scenarios:

(1) The number of personnel deployed in support of Operation Iraqi Freedom and Operation Enduring Freedom is reduced from current levels to 30,000 by the beginning of fiscal year 2010 and remains at that level through fiscal year 2017.

(2) The number of personnel deployed in support of Operation Iraqi Freedom and Operation Enduring Freedom is reduced from current levels to 75,000 by the beginning of fiscal year 2013 and remains at that level through 2017.

(3) An alternative scenario, defined by the President and based on current war plans, which takes into account expected troop levels and the expected length of time that troops will be deployed in support of Operation Iraqi Freedom and Operation Enduring Freedom.

(c) SPECIAL CONSIDERATIONS.—The estimates required for each scenario shall make projections through at least fiscal year 2068, shall be adjusted appropriately for inflation, and shall take into account and specify the following:

(1) The total number of troops expected to be activated and deployed to Iraq and Afghanistan during the course of Operation Iraqi Freedom and Operation Enduring Freedom. This number shall include all troops deployed in the region in support of Operation Iraqi Freedom and Operation Enduring Freedom and activated reservists in the United States who are training, backfilling for deployed troops, or supporting other Department of Defense missions directly or indirectly related to Operation Iraqi Freedom and Operation Enduring Freedom. This number shall also break down activations and deployments of Active Duty, Reservists, and National Guard troops.

(2) The number of troops, including National Guard and Reserve troops, who have served and who are expected to serve multiple deployments.

(3) The number of contractors and private military security firms that have been utilized and are expected to be utilized during the course of the conflicts in Iraq and Afghanistan.

(4) The number of veterans currently suffering and expected to suffer from Post-Traumatic Stress Disorder, Traumatic Brain Injury, or other mental injuries.

(5) The number of veterans currently in need of and expected to be in need of prosthetic care and treatment because of amputations incurred during Operation Iraqi Freedom and Operation Enduring Freedom.

(6) The current number of pending Department of Veterans Affairs claims from Iraq and Afghanistan veterans, and the total number of Iraq and Afghanistan veterans expected to seek disability compensation benefits from the Department of Veterans Affairs.

(7) The total number of troops who have been killed and wounded in Iraq and Afghanistan to date, including noncombat casualties, the total number of troops expected to suffer injuries in Iraq and Afghanistan, and the total number of troops expected to be killed in Iraq and Afghanistan, including noncombat casualties.

(8) Funding already appropriated for the Department of Defense, the Department of State, and the Department of Veterans Affairs for costs related to the wars in Iraq and Afghanistan. This shall include an account of the amount of funding from regular Department of Defense, Department of State, and Department of Veterans Affairs budgets that has gone and will go to Iraq and Afghanistan.

(9) Current and future operational expenditures, including funding for combat operations; deploying, transporting, feeding, and housing troops (including fuel costs); deployment of National Guard and Reserve troops; the equipping and training of Iraqi and Afghani forces; purchasing, upgrading, and repairing weapons, munitions and other equipment; and payments to other countries for logistical assistance.

(10) Past, current, and future cost of government contractors and private military security firms.

(11) Average annual cost for each troop deployed in support of Operation Iraqi Freedom and Operation Enduring Freedom, including room and board, equipment and body armor, transportation of troops and equipment (including fuel costs), and operational costs.

(12) Current and future cost of combat-related special pays and benefits, including reenlistment bonuses.

(13) Current and future cost of activating National Guard and Reserve forces and paying them on a full-time basis.

(14) Current and future cost for reconstruction, embassy operations and construction, and foreign aid programs for Iraq and Afghanistan.

(15) Current and future cost of bases and other infrastructure to support United States troops in Iraq and Afghanistan.

(16) Current and future cost of providing healthcare for returning veterans. This estimate shall include the cost of mental health treatment for veterans suffering from Post-Traumatic Stress Disorder and Traumatic Brain Injury, and other mental problems as a result of their service in Operation Iraqi Freedom and Operation Enduring Freedom. This estimate shall also include the cost of lifetime prosthetics care and treatment for veterans suffering from amputations as a result of their service in Operation Iraqi Freedom and Operation Enduring Freedom.

(17) Current and future cost of providing Department of Veterans Affairs disability benefits for lifetime of veterans.

(18) Current and future cost of providing survivors' benefits to survivors of service members.

(19) Cost of bringing troops and equipment home at the end of the wars, including cost of demobilizing troops, transporting troops

home (including fuel costs), providing transition services from active duty to veteran status, transporting equipment, weapons, and munitions (including fuel costs), and an estimate of the value of equipment which will be left behind.

(20) Cost to restore the military and military equipment, including the National Guard and National Guard equipment, to full strength after the wars.

(21) Cost of the administration's plan to permanently increase the Army and Marine Corps by 92,000 over the next six years.

(22) Amount of money borrowed to pay for the wars in Iraq and Afghanistan, and the sources of that money.

(23) Interest on borrowed money, including interest for money already borrowed and anticipated interest payments on future borrowing for the war in Iraq and the war in Afghanistan.

Subtitle C—Other Matters

SEC. 1231. PAYMENT OF PERSONNEL EXPENSES FOR MULTILATERAL COOPERATION PROGRAMS.

(a) IN GENERAL.—Section 1051 of title 10, United States Code, is amended—

(1) in the heading, by striking ''**Bilateral or regional**'' and inserting ''**Bilateral, multilateral, or regional**'';

(2) in subsection (a), by striking ''bilateral or regional'' and inserting ''bilateral, multilateral, or regional'';

(3) in subsection (b)—

(A) in paragraph (1)—

(i) by striking ''to and within'' and inserting ''to, from, and within''; and

(ii) by striking ''bilateral or regional'' and inserting ''bilateral, multilateral, or regional''; and

(B) in paragraph (2), by striking ''bilateral or regional'' and inserting ''bilateral, multilateral, or regional''; and

(4) by adding at the end the following:

''(e) Funds available under this section for fiscal year 2009 and subsequent fiscal years may be used for programs that begin in such fiscal year but end in the next fiscal year.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 53 of such title is amended by striking the item relating to section 1051 and inserting the following:

''1051. Bilateral, multilateral, or regional cooperation programs: payment of personnel expenses.''.

SEC. 1232. EXTENSION OF DEPARTMENT OF DEFENSE AUTHORITY TO PARTICIPATE IN MULTINATIONAL MILITARY CENTERS OF EXCELLENCE.

(a) EXTENSION OF AUTHORITY.—Subsection (a) of section 1205 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2416), as amended by section 1204 of Public Law 110–181 (122 Stat. 365), is further amended by striking ''fiscal years 2007 and 2008'' and inserting ''fiscal years 2007, 2008, and 2009''.

(b) LIMITATION ON AMOUNTS AVAILABLE FOR PARTICIPATION.—Subsection (e)(2) of such section is amended—

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

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

(3) by adding at the end the following:

''(C) in fiscal year 2009, $5,000,000.''.

(c) REPORTS.—Subsection (g)(1) of such section is amended—

(1) by striking ''and October 31, 2008,'' and inserting ''October 31, 2008, and October 31, 2009,''; and

(2) by striking ''fiscal years 2007 and 2008'' and inserting ''fiscal years 2007, 2008, and 2009''.

SEC. 1233. STUDY OF LIMITATION ON CLASSIFIED CONTRACTS WITH FOREIGN COMPANIES ENGAGED IN SPACE BUSINESS WITH CHINA.

(a) LIMITATION.—

(1) IN GENERAL.—Subject to subsection (b), no funds appropriated pursuant to an authorization of appropriations in this Act or otherwise made available for the Department of Defense for fiscal year 2009 or any fiscal year thereafter may be obligated or expended under one or more contracts for classified work between the Department of Defense and a foreign-owned company if that company, or any parent, sister, subsidiary, or affiliate of that company, is engaged with China in the development, manufacture, or launch of ITAR-free satellites.

(2) EXCEPTION.—Paragraph (1) does not apply to a foreign-owned company if the Secretary of Defense, in consultation with the Secretary of State, submits to Congress a certification that—

(A) no satellite or space launch vehicle technology, technical information, or intellectual property gained by the foreign-owned company through the contracts for classified work referred to in paragraph (1) is being disclosed (intentionally or unintentionally) in a manner that may improve China's satellite, rocket, or missile capabilities; and

(B) it is in the national security interests of the Department to continue to enter into contracts for classified work with the foreign-owned company.

(b) STUDY AND SUSPENSION OF LIMITATION.—

(1) STUDY.—The Secretary of Defense shall conduct a study of the implications of imposing a limitation such as the limitation in subsection (a) and shall provide the study to the congressional defense committees not later than 60 days after the date of the enactment of this Act.

(2) SUSPENSION OF LIMITATION.—The Secretary shall suspend the application of the limitation in subsection (a) until—

(A) the Secretary has completed the study required by paragraph (1);

(B) the Secretary has determined, as a result of the study, that applying the limitation in subsection (a) promotes the national interest; and

(C) the Secretary has submitted to the Committees on Armed Services of the Senate and House of Representatives a report on the results of the study, including the rationale for the determination described in subparagraph (B).

(c) DEFINITIONS.—In this section:

(1) The term ''ITAR-free satellite'' applies to a satellite if no component of the satellite and no technical information relating to the satellite is subject to export controls specified in the International Traffic in Arms Regulations.

(2) The term ''International Traffic in Arms Regulations'' means those regulations contained in parts 120 through 130 of title 22, Code of Federal Regulations (or successor regulations).

SEC. 1234. REQUIREMENT TO UPDATE NATIONAL INTELLIGENCE ESTIMATE ON IRAN'S NUCLEAR INTENTIONS AND CAPABILITIES.

(a) REQUIREMENT.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter, the Director of National Intelligence shall submit to Congress an update of the National Intelligence Estimate, entitled ''Iran: Nuclear Intentions and Capabilities'' and dated November 2007. Such update may be submitted in classified form.

(b) ELEMENTS TO BE CONSIDERED.—Each update submitted under subsection (a) shall include the following:

(1) The locations, types, and number of centrifuges and other specialized equipment necessary for the enrichment of nuclear material and any plans to develop and operate such equipment in the future.

(2) An estimate of the amount, if any, of enriched to weapons-grade uranium materials acquired or produced to date and plutonium acquired or produced and reprocessed into weapons-grade material to date, an estimate of the amount of plutonium that is likely to be produced and reprocessed into weapons-grade material in the near- and midterms and the amount of uranium that is likely to be enriched to weapons-grade levels in the near- and midterms, and the number of nuclear weapons that could be produced with each category of materials.

(3) A description of the security and safeguards at any nuclear site that could prevent, slow, verify or monitor the enrichment of uranium or the reprocessing of plutonium into weapons-grade materials.

(4) A description of the weaponization activities, such as the research, design, development, or testing of nuclear weapons or weapons-related components.

(5) A description of programs to construct, acquire, test, or improve methods to deliver nuclear weapons, including an assessment of the likely progress of such programs in the near- and mid-terms.

(6) A summary of assessments made by other allies of the United States of Iran's nuclear weapons program and nuclear-capable delivery systems programs.

(c) NOTIFICATION.—The President shall notify Congress, in writing, within 15 days of determining that—

(1) the Islamic Republic of Iran has met or surpassed any major milestone in its nuclear weapons program; or

(2) Iran has undertaken to accelerate, decelerate, or cease the development of any significant element within its nuclear weapons program.

SEC. 1235. EMPLOYMENT FOR RESETTLED IRAQIS.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense and the Secretary of State shall jointly establish and operate a temporary program to offer employment as translators, interpreters, or cultural awareness instructors to individuals described in subsection (b).

(b) ELIGIBILITY.—Individuals referred to in subsection (a) are individuals, in the determination of the Secretary of State, in coordination with the Secretary of Defense and the Secretary of Homeland Security, who—

(1) are Iraqi nationals lawfully present in the United States; and

(2) worked, for at least 12 months since 2003, as translators in the Republic of Iraq for the United States Armed Forces or other agency of the United States Government.

(c) FUNDING.—

(1) IN GENERAL.—Except as provided in paragraph (2), the program established under subsection (a) shall be funded from the annual general operating budget of the Department of Defense.

(2) EXCEPTION.—The Secretary of State shall reimburse the Department of Defense for any costs associated with individuals described in subsection (b) whose work was for the Department of State.

(d) RULE OF CONSTRUCTION REGARDING ACCESS TO CLASSIFIED INFORMATION.—Nothing in this section may be construed as affecting in any manner practices and procedures regarding the handling of or access to classified information.

(e) INFORMATION SHARING.—The Secretary of Defense and the Secretary of State shall work with the Secretary of Homeland Security, the Office of Refugee Resettlement of the Department of Health and Human Services, and nongovernmental organizations to ensure that Iraqis resettled in the United States are informed of the program established under subsection (a).

(f) REGULATIONS.—The Secretary of Defense, in coordination with the Secretary of State, shall prescribe such regulations as are necessary to carry out the program established under subsection (a), including establishing pay scales and hiring procedures, and determining the number of positions required to be filled.

(g) TERMINATION.—

(1) IN GENERAL.—Except as provided in paragraph (2), the program established under subsection (a) shall terminate on December 31, 2014.

(2) EARLIER TERMINATION.—If the Secretary of Defense, in coordination with the Secretary of State, determines that the program established under subsection (a) should terminate before the date specified in paragraph (1), the Secretaries may terminate the program if the Secretaries notify Congress in writing of such termination at least 180 days before such termination.

TITLE XIII—COOPERATIVE THREAT REDUCTION

Sec. 1301. Specification of Cooperative Threat Reduction programs and funds.
Sec. 1302. Funding allocations.

SEC. 1301. SPECIFICATION OF COOPERATIVE THREAT REDUCTION PROGRAMS AND FUNDS.

(a) SPECIFICATION OF COOPERATIVE THREAT REDUCTION PROGRAMS.—For purposes of section 301 and other provisions of this Act, Cooperative Threat Reduction programs are the programs specified in section 1501 of the National Defense Authorization Act for Fiscal Year 1997 (50 U.S.C. 2362 note), as amended by section 1303 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 412).

(b) FISCAL YEAR 2009 COOPERATIVE THREAT REDUCTION FUNDS DEFINED.—As used in this title, the term ''fiscal year 2009 Cooperative Threat Reduction funds'' means the funds appropriated pursuant to the authorization of appropriations in section 301 for Cooperative Threat Reduction programs.

(c) AVAILABILITY OF FUNDS.—Funds appropriated pursuant to the authorization of appropriations in section 301 for Cooperative Threat Reduction programs shall be available for obligation for fiscal years 2009, 2010, and 2011.

SEC. 1302. FUNDING ALLOCATIONS.

(a) FUNDING FOR SPECIFIC PURPOSES.—Of the $445,135,000 authorized to be appropriated to the Department of Defense for fiscal year 2009 in section 301(19) for Cooperative Threat Reduction programs, the following amounts may be obligated for the purposes specified:

(1) For strategic offensive arms elimination in Russia, $79,985,000.

(2) For strategic nuclear arms elimination in Ukraine, $6,400,000.

(3) For nuclear weapons storage security in Russia, $24,101,000.

(4) For nuclear weapons transportation security in Russia, $40,800,000.

(5) For weapons of mass destruction proliferation prevention in the states of the former Soviet Union, $70,286,000.

(6) For biological threat reduction in the former Soviet Union, $184,463,000.

(7) For chemical weapons destruction, $1,000,000.

(8) For defense and military contacts, $8,000,000.

(9) For new Cooperative Threat Reduction initiatives, $10,000,000.

(10) For activities designated as Other Assessments/Administrative Costs, $20,100,000.

(b) REPORT ON OBLIGATION OR EXPENDITURE OF FUNDS FOR OTHER PURPOSES.—No fiscal year 2009 Cooperative Threat Reduction funds may be obligated or expended for a purpose other than a purpose listed in paragraphs (1) through (9) of subsection (a) until 30 days after the date that the Secretary of Defense submits to Congress a report on the purpose for which the funds will be obligated or expended and the amount of funds to be obligated or expended. Nothing in the preceding sentence shall be construed as authorizing the obligation or expenditure of fiscal year 2009 Cooperative Threat Reduction funds for a purpose for which the obligation or expenditure of such funds is specifically prohibited under this title or any other provision of law.

(c) LIMITED AUTHORITY TO VARY INDIVIDUAL AMOUNTS.—

(1) IN GENERAL.—Subject to paragraph (2), in any case in which the Secretary of Defense determines that it is necessary to do so in the national interest, the Secretary may obligate amounts appropriated for fiscal year 2009 for a purpose listed in paragraphs (1) through (9) of subsection (a) in excess of the specific amount authorized for that purpose.

(2) NOTICE-AND-WAIT REQUIRED.—An obligation of funds for a purpose stated in paragraphs (1) through (9) of subsection (a) in excess of the specific amount authorized for such purpose may be made using the authority provided in paragraph (1) only after—

(A) the Secretary submits to Congress notification of the intent to do so together with a complete discussion of the justification for doing so; and

(B) 15 days have elapsed following the date of the notification.

TITLE XIV—OTHER AUTHORIZATIONS

Subtitle A—Military Programs

Sec. 1401. Working capital funds.
Sec. 1402. National Defense Sealift Fund.
Sec. 1403. Defense Health Program.
Sec. 1404. Chemical agents and munitions destruction, Defense.
Sec. 1405. Drug Interdiction and Counter-Drug Activities, Defense-wide.
Sec. 1406. Defense Inspector General.

Subtitle B—National Defense Stockpile

Sec. 1411. Authorized uses of National Defense Stockpile funds.
Sec. 1412. Revisions to previously authorized disposals from the National Defense Stockpile.

Subtitle C—Armed Forces Retirement Home

Sec. 1421. Armed Forces Retirement Home.

Subtitle D—Inapplicability of Executive Order No. 13457

Sec. 1431. Inapplicability of Executive Order No. 13457.

Subtitle A—Military Programs

SEC. 1401. WORKING CAPITAL FUNDS.

Funds are hereby authorized to be appropriated for fiscal year 2009 for the use of the Armed Forces and other activities and agencies of the Department of Defense for providing capital for working capital and revolving funds in amounts as follows:

(1) For the Defense Working Capital Funds, $198,150,000.

(2) For the Defense Working Capital Fund, Defense Commissary, $1,291,084,000.

SEC. 1402. NATIONAL DEFENSE SEALIFT FUND.

Funds are hereby authorized to be appropriated for fiscal year 2009 for the National Defense Sealift Fund in the amount of $1,401,553,000.

SEC. 1403. DEFENSE HEALTH PROGRAM.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2009 for expenses, not otherwise provided for, for the Defense Health Program, in the amount of $24,746,172,000, of which—

(1) $24,259,029,000 is for Operation and Maintenance;

(2) $198,738,000 is for Research, Development, Test, and Evaluation; and

(3) $288,405,000 is for Procurement.

(b) TRANSFER FROM NATIONAL DEFENSE STOCKPILE TRANSACTION FUND TO SUPPORT DEFENSE HEALTH PROGRAM.—Of the total amount specified in subsection (a), up to $1,300,000,000 shall be derived, to the extent specifically provided in advance in an appropriations Act for fiscal year 2009, by transfer from the unobligated balances of the National Defense Stockpile Transaction Fund.

SEC. 1404. CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, DEFENSE.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2009 for expenses, not otherwise provided for, for Chemical Agents and Munitions Destruction, Defense, in the amount of $1,485,634,000, of which—

(1) $1,152,668,000 is for Operation and Maintenance;

(2) $268,881,000 is for Research, Development, Test, and Evaluation; and

(3) $64,085,000 is for Procurement.

(b) USE.—Amounts authorized to be appropriated under subsection (a) are authorized for—

(1) the destruction of lethal chemical agents and munitions in accordance with section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521); and

(2) the destruction of chemical warfare materiel of the United States that is not covered by section 1412 of such Act.

SEC. 1405. DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE-WIDE.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2009 for expenses, not otherwise provided for, for Drug Interdiction and Counter-Drug Activities, Defense-wide, in the amount of $1,060,463,000.

SEC. 1406. DEFENSE INSPECTOR GENERAL.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2009 for expenses, not otherwise provided for, for the Office of the Inspector General of the Department of Defense, in the amount of $273,845,000, of which—

(1) $270,445,000 is for Operation and Maintenance; and

(2) $3,400,000 is for Procurement.

Subtitle B—National Defense Stockpile

SEC. 1411. AUTHORIZED USES OF NATIONAL DEFENSE STOCKPILE FUNDS.

(a) OBLIGATION OF STOCKPILE FUNDS.—During fiscal year 2009, the National Defense Stockpile Manager may obligate up to $41,153,000 of the funds in the National Defense Stockpile Transaction Fund established under subsection (a) of section 9 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h) for the authorized uses of such funds under subsection (b)(2) of such section, including the disposal of hazardous materials that are environmentally sensitive.

(b) ADDITIONAL OBLIGATIONS.—The National Defense Stockpile Manager may obligate amounts in excess of the amount specified in subsection (a) if the National Defense Stockpile Manager notifies Congress that extraordinary or emergency conditions necessitate the additional obligations. The National Defense Stockpile Manager may make the additional obligations described in the notification after the end of the 45-day period beginning on the date on which Congress receives the notification.

(c) LIMITATIONS.—The authorities provided by this section shall be subject to such limitations as may be provided in appropriations Acts.

SEC. 1412. REVISIONS TO PREVIOUSLY AUTHORIZED DISPOSALS FROM THE NATIONAL DEFENSE STOCKPILE.

(a) FISCAL YEAR 1999 DISPOSAL AUTHORITY.—Section 3303(a)(7) of the Strom Thurmond National Defense Authorization Act

for Fiscal Year 1999 (Public Law 105–261; 50 U.S.C. 98d note), as most recently amended by section 1412(b) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 418), is further amended by striking ''$1,066,000,000 by the end of fiscal year 2015'' and inserting ''$1,476,000,000 by the end of fiscal year 2016''.

(b) FISCAL YEAR 1998 DISPOSAL AUTHORITY.—Section 3305(a)(5) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 50 U.S.C. 98d note), as most recently amended by section 3302(b) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2513), is further amended by striking ''2008'' and inserting ''2009''.

Subtitle C—Armed Forces Retirement Home

SEC. 1421. ARMED FORCES RETIREMENT HOME.

There is authorized to be appropriated for fiscal year 2009 from the Armed Forces Retirement Home Trust Fund the sum of $63,010,000 for the operation of the Armed Forces Retirement Home.

Subtitle D—Inapplicability of Executive Order No. 13457

SEC. 1431. INAPPLICABILITY OF EXECUTIVE ORDER NO. 13457.

Executive Order No. 13457, and any successor to that Executive order, shall not apply to this Act or to the Joint Explanatory Statement submitted by the Committee of Conference for the conference report to accompany this Act or to H. Rept. _____ or S. Rept. _____.

TITLE XV—AUTHORIZATION OF ADDITIONAL APPROPRIATIONS FOR OPERATION IRAQI FREEDOM AND OPERATION ENDURING FREEDOM

Sec. 1501. Purpose.
Sec. 1502. Army procurement.
Sec. 1503. Navy and Marine Corps procurement.
Sec. 1504. Air Force procurement.
Sec. 1505. Defense-wide activities procurement.
Sec. 1506. Rapid acquisition fund.
Sec. 1507. Joint Improvised Explosive Device Defeat Fund.
Sec. 1508. Limitation on obligation of funds for the Joint Improvised Explosive Devices Defeat Organization pending notification to Congress.
Sec. 1509. Research, development, test, and evaluation.
Sec. 1510. Operation and maintenance.
Sec. 1511. Other Department of Defense programs.
Sec. 1512. Iraq Security Forces Fund.
Sec. 1513. Afghanistan Security Forces Fund.
Sec. 1514. Military personnel.
Sec. 1515. Mine Resistant Ambush Protected Vehicle Fund.
Sec. 1516. Special transfer authority.
Sec. 1517. Treatment as additional authorizations.

SEC. 1501. PURPOSE.

The purpose of this title is to authorize appropriations for the Department of Defense for fiscal year 2009 to provide additional funds for Operation Iraqi Freedom and Operation Enduring Freedom.

SEC. 1502. ARMY PROCUREMENT.

Funds are hereby authorized to be appropriated for fiscal year 2009 for procurement accounts of the Army in amounts as follows:

(1) For aircraft procurement, $84,000,000.

(2) For weapons and tracked combat vehicles procurement, $822,674,000.

(3) For ammunition procurement, $46,500,000.

(4) For other procurement, $1,255,050,000.

SEC. 1503. NAVY AND MARINE CORPS PROCUREMENT.

(a) NAVY.—Funds are hereby authorized to be appropriated for fiscal year 2009 for other procurement for the Navy in the amount of $476,248,000.

(b) MARINE CORPS.—Funds are hereby authorized to be appropriated for fiscal year 2009 for the procurement account for the Marine Corps in the amount of $565,425,000.

SEC. 1504. AIR FORCE PROCUREMENT.

Funds are hereby authorized to be appropriated for fiscal year 2009 for procurement accounts for the Air Force in amounts as follows:

(1) For aircraft procurement, $4,624,842,000.

(2) For other procurement, $1,500,644,000.

SEC. 1505. DEFENSE-WIDE ACTIVITIES PROCUREMENT.

Funds are hereby authorized to be appropriated for fiscal year 2009 for the procurement account for Defense-wide in the amount of $177,237,000.

SEC. 1506. RAPID ACQUISITION FUND.

Funds are hereby authorized to be appropriated for fiscal year 2009 for Rapid Acquisition Fund in the amount of $102,000,000.

SEC. 1507. JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized for fiscal year 2009 for the Joint Improvised Explosive Device Defeat Fund in the amount of $2,496,300,000.

(b) USE AND TRANSFER OF FUNDS.—Subsections (b) and (c) of section 1514 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2439) shall apply to the funds appropriated pursuant to the authorization of appropriations in subsection (a).

(c) REVISION OF MANAGEMENT PLAN.—The Secretary of Defense shall revise the management plan required by section 1514(d) of the John Warner National Defense Authorization Act for Fiscal Year 2007 to identify projected transfers and obligations through September 30, 2009.

(d) FUNDS FOR ADDITIONAL ARMS PLATFORMS.—Of the funds appropriated pursuant to the authorization of appropriations in subsection (a), $50,000,000 shall be made available for the rapid fielding of additional Aerial Reconnaissance Multi-Sensor (ARMS) platforms for tactical operations in Operation Iraqi Freedom and Operation Enduring Freedom.

SEC. 1508. LIMITATION ON OBLIGATION OF FUNDS FOR THE JOINT IMPROVISED EXPLOSIVE DEVICES DEFEAT ORGANIZATION PENDING NOTIFICATION TO CONGRESS.

(a) LIMITATION.—Of the amounts appropriated pursuant to each of the authorizations of appropriations described in subsection (b) for research, development, test, and evaluation for the Joint Improvised Explosive Devices Defeat Organization (in this section referred to as ''JIEDDO''), not more than 50 percent of the amounts remaining unobligated as of the date of the enactment of this Act may be obligated until JIEDDO submits to the congressional defense committees a report describing the investment strategy of JIEDDO for science and technology.

(b) COVERED AUTHORIZATIONS OF APPROPRIATIONS.—

(1) SCOPE OF LIMITATION.—The limitation contained in subsection (a) applies with respect to amounts appropriated pursuant to the authorizations of appropriations specified in paragraph (2) for all science and technology efforts within the account for research, development, test, and evaluation for JIEDDO applied to efforts of Technology Readiness Level 5 or lower.

(2) AUTHORIZATIONS.—Paragraph (1) applies to—

(A) the authorization of appropriations in section 1507 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 425); and

(B) the authorization of appropriations in section 1508 of this Act.

SEC. 1509. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION.

Funds are hereby authorized to be appropriated for fiscal year 2009 for the use of the Department of Defense for research, development, test, and evaluation as follows:

(1) For the Navy, $113,228,000.

(2) For the Air Force, $72,041,000.

(3) For Defense-wide activities, $202,559,000.

SEC. 1510. OPERATION AND MAINTENANCE.

Funds are hereby authorized to be appropriated for fiscal year 2009 for the use of the Armed Forces for expenses, not otherwise provided for, for operation and maintenance, in amounts as follows:

(1) For the Army, $37,363,243,000.

(2) For the Navy, $3,500,000,000

(3) For the Marine Corps, $2,900,000,000.

(4) For the Air Force, $5,000,000,000.

(5) For Defense-wide activities, $2,648,569,000.

(6) For the Army Reserve, $79,291,000.

(7) For the Navy Reserve, $42,490,000.

(8) For the Marine Corps Reserve, $47,076,000.

(9) For the Air Force Reserve, $12,376,000.

(10) For the Army National Guard, $333,540,000.

(11) For the Air National Guard, $52,667,000.

SEC. 1511. OTHER DEPARTMENT OF DEFENSE PROGRAMS.

(a) DEFENSE HEALTH PROGRAM.—Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2009 for expenses, not otherwise provided for, for the Defense Health Program in the amount of $1,100,000,000 for operation and maintenance.

(b) DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE-WIDE.—Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2009 for expenses, not otherwise provided for, for Drug Interdiction and Counter-Drug Activities, Defense-wide in the amount of $188,000,000.

SEC. 1512. IRAQ SECURITY FORCES FUND.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal year 2009 for the Iraq Security Forces Fund in the amount of $1,000,000,000.

(b) USE OF FUNDS.—

(1) IN GENERAL.—Funds appropriated pursuant to subsection (a) shall be available to the Secretary of Defense for the purpose of allowing the Commander, Multi-National Security Transition Command–Iraq, to provide assistance to the security forces of Iraq.

(2) TYPES OF ASSISTANCE AUTHORIZED.—Assistance provided under this section may include the provision of equipment, supplies, services, training, facility and infrastructure repair, and funding.

(3) SECRETARY OF STATE CONCURRENCE.—Assistance may be provided under this section only with the concurrence of the Secretary of State.

(c) AUTHORITY IN ADDITION TO OTHER AUTHORITIES.—The authority to provide assistance under this section is in addition to any other authority to provide assistance to foreign nations.

(d) TRANSFER AUTHORITY.—

(1) TRANSFERS AUTHORIZED.—Subject to paragraph (2), amounts authorized to be appropriated by subsection (a) may be transferred from the Iraq Security Forces Fund to any of the following accounts and funds of the Department of Defense to accomplish the purposes provided in subsection (b):

(A) Military personnel accounts.

(B) Operation and maintenance accounts.

(C) Procurement accounts.

(D) Research, development, test, and evaluation accounts.

(E) Defense working capital funds.

(F) Overseas Humanitarian, Disaster, and Civic Aid account.

(2) ADDITIONAL AUTHORITY.—The transfer authority provided by paragraph (1) is in addition to any other transfer authority available to the Department of Defense.

(3) TRANSFERS BACK TO THE FUND.—Upon determination that all or part of the funds transferred from the Iraq Security Forces Fund under paragraph (1) are not necessary for the purpose provided, such funds may be transferred back to the Iraq Security Forces Fund.

(4) EFFECT ON AUTHORIZATION AMOUNTS.—A transfer of an amount to an account under the authority in paragraph (1) shall be deemed to increase the amount authorized for such account by an amount equal to the amount transferred.

(e) PRIOR NOTICE OF OBLIGATION OR TRANSFER OF FUNDS.—Funds may not be obligated from the Iraq Security Forces Fund, or transferred under the authority provided in subsection (d)(1), until five days after the date on which the Secretary of Defense notifies the congressional defense committees, the Committee on Foreign Relations of the Senate, and the Committee on Foreign Affairs of the House of Representatives, in writing, of the details of the proposed obligation or transfer.

(f) CONTRIBUTIONS.—

(1) AUTHORITY TO ACCEPT CONTRIBUTIONS.—Subject to paragraph (2), the Secretary of Defense may accept contributions of amounts to the Iraq Security Forces Fund for the purposes provided in subsection (b) from any person, foreign government, or international organization. Any amounts so accepted shall be credited to the Iraq Security Forces Fund.

(2) LIMITATION.—The Secretary may not accept a contribution under this subsection if the acceptance of the contribution would compromise or appear to compromise the integrity of any program of the Department of Defense.

(3) USE.—Amounts accepted under this subsection shall be available for assistance authorized by subsection (b), including transfer under subsection (d) for that purpose.

(4) NOTIFICATION.—The Secretary shall notify the congressional committees referred to in subsection (e), in writing, upon the acceptance, and upon the transfer under subsection (d), of any contribution under this subsection. Such notice shall specify the source and amount of any amount so accepted and the use of any amount so accepted.

(g) PROHIBITION RELATED TO FACILITIES.—

(1) PROHIBITION.—Funds may not be obligated from the Iraq Security Forces Fund, or transferred under the authority provided in subsection (d)(1), for the acquisition, conversion, rehabilitation, or installation of facilities.

(2) EXCEPTIONS.—Nothing in this section shall be construed as to forbid—

(A) the provision of technical assistance necessary to assist the Government of Iraq to carry out the acquisition, conversion, rehabilitation, or installation of facilities on its own behalf; or

(B) the acquisition, conversion, rehabilitation, or installation of facilities utilizing amounts contributed to the Iraq Security Forces Fund under subsection (f) by the Government of Iraq or another foreign country.

(h) QUARTERLY REPORTS.—Not later than 30 days after the end of each fiscal-year quarter, the Secretary of Defense shall submit to the congressional committees referred to in subsection (e) a report summarizing the details of any obligation or transfer of funds from the Iraq Security Forces Fund during such fiscal-year quarter.

(i) DURATION OF AUTHORITY.—Amounts authorized to be appropriated or contributed to the Iraq Security Forces Fund during fiscal year 2009 are available for obligation or transfer from the Iraq Security Forces Fund in accordance with this section until September 30, 2010.

SEC. 1513. AFGHANISTAN SECURITY FORCES FUND.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal year 2009 for the Afghanistan Security Forces Fund in the amount of $2,000,000,000.

(b) USE OF FUNDS.—

(1) IN GENERAL.—Funds authorized to be appropriated by subsection (a) shall be available to the Secretary of Defense to provide assistance to the security forces of Afghanistan.

(2) TYPES OF ASSISTANCE AUTHORIZED.—Assistance provided under this section may include the provision of equipment, supplies, services, training, facility and infrastructure repair, renovation, construction, and funds.

(3) SECRETARY OF STATE CONCURRENCE.—Assistance may be provided under this section only with the concurrence of the Secretary of State.

(c) AUTHORITY IN ADDITION TO OTHER AUTHORITIES.—The authority to provide assistance under this section is in addition to any other authority to provide assistance to foreign nations.

(d) TRANSFER AUTHORITY.—

(1) TRANSFERS AUTHORIZED.—Subject to paragraph (2), amounts authorized to be appropriated by subsection (a) may be transferred from the Afghanistan Security Forces Fund to any of the following accounts and funds of the Department of Defense to accomplish the purposes provided in subsection (b):

(A) Military personnel accounts.

(B) Operation and maintenance accounts.

(C) Procurement accounts.

(D) Research, development, test, and evaluation accounts.

(E) Defense working capital funds.

(F) Overseas Humanitarian, Disaster, and Civic Aid.

(2) ADDITIONAL AUTHORITY.—The transfer authority provided by paragraph (1) is in addition to any other transfer authority available to the Department of Defense.

(3) TRANSFERS BACK TO FUND.—Upon a determination that all or part of the funds transferred from the Afghanistan Security Forces Fund under paragraph (1) are not necessary for the purpose for which transferred, such funds may be transferred back to the Afghanistan Security Forces Fund.

(4) EFFECT ON AUTHORIZATION AMOUNTS.—A transfer of an amount to an account under the authority in paragraph (1) shall be deemed to increase the amount authorized for such account by an amount equal to the amount transferred.

(e) PRIOR NOTICE OF OBLIGATION OR TRANSFER OF FUNDS.—Funds may not be obligated from the Afghanistan Security Forces Fund, or transferred under the authority provided in subsection (d)(1), until five days after the date on which the Secretary of Defense notifies the congressional defense committees, the Committee on Foreign Relations of the Senate, and the Committee on Foreign Affairs of the House of Representatives, in writing, of the details of the proposed obligation or transfer.

(f) CONTRIBUTIONS.—

(1) AUTHORITY TO ACCEPT CONTRIBUTIONS.—Subject to paragraph (2), the Secretary of Defense may accept contributions of amounts to the Afghanistan Security Forces Fund for the purposes provided in subsection (b) from any person, foreign government, or international organization. Any amounts so accepted shall be credited to the Afghanistan Security Forces Fund.

(2) LIMITATION.—The Secretary may not accept a contribution under this subsection if the acceptance of the contribution would compromise or appear to compromise the integrity of any program of the Department of Defense.

(3) USE.—Amounts accepted under this subsection shall be available for assistance authorized by subsection (b), including transfer under subsection (d) for that purpose.

(4) NOTIFICATION.—The Secretary shall notify the congressional committees referred to in subsection (e), in writing, upon the acceptance, and upon the transfer under subsection (d), of any contribution under this subsection. Such notice shall specify the source and amount of any amount so accepted and the use of any amount so accepted.

(g) QUARTERLY REPORTS.—Not later than 30 days after the end of each fiscal-year quarter, the Secretary of Defense shall submit to the congressional committees referred to in subsection (e) a report summarizing the details of any obligation or transfer of funds from the Afghanistan Security Forces Fund during such fiscal-year quarter.

(h) DURATION OF AUTHORITY.—Amounts authorized to be appropriated or contributed to the Afghanistan Security Forces Fund during fiscal year 2009 are available for obligation or transfer from the Afghanistan Security Forces Fund in accordance with this section until September 30, 2010.

SEC. 1514. MILITARY PERSONNEL.

There is hereby authorized to be appropriated to the Department of Defense for military personnel accounts for fiscal year 2009 a total of $1,194,000,000.

SEC. 1515. MINE RESISTANT AMBUSH PROTECTED VEHICLE FUND.

The Secretary of Defense may use the transfer authority provided by section 1516 to transfer amounts of authorizations made available to the Department of Defense in this title for fiscal year 2009 from such authorizations to the Mine Resistant Ambush Protected Vehicle Fund in the total amount of $2,610,000,000.

SEC. 1516. SPECIAL TRANSFER AUTHORITY.

(a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—

(1) AUTHORITY.—Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this title for fiscal year 2009 between any such authorizations for that fiscal year (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) LIMITATION.—The total amount of authorizations that the Secretary may transfer under the authority of this section may not exceed $4,000,000,000.

(b) TERMS AND CONDITIONS.—Transfers under this section shall be subject to the same terms and conditions as transfers under section 1001.

(c) ADDITIONAL AUTHORITY.—The transfer authority provided by this section is in addition to the transfer authority provided under section 1001.

SEC. 1517. TREATMENT AS ADDITIONAL AUTHORIZATIONS.

The amounts authorized to be appropriated by this title are in addition to amounts otherwise authorized to be appropriated by this Act.

TITLE XVI—RECONSTRUCTION AND STABILIZATION CIVILIAN MANAGEMENT

Sec. 1601. Short title.
Sec. 1602. Findings.
Sec. 1603. Definitions.
Sec. 1604. Authority to provide assistance for reconstruction and stabilization crises.

Sec. 1605. Reconstruction and stabilization.
Sec. 1606. Authorities related to personnel.
Sec. 1607. Reconstruction and stabilization strategy.
Sec. 1608. Annual reports to Congress.

SEC. 1601. SHORT TITLE.

This title may be cited as the ''Reconstruction and Stabilization Civilian Management Act of 2008''.

SEC. 1602. FINDINGS.

Congress finds the following:

(1) In June 2004, the Office of the Coordinator for Reconstruction and Stabilization (referred to as the ''Coordinator'') was established in the Department of State with the mandate to lead, coordinate, and institutionalize United States Government civilian capacity to prevent or prepare for post-conflict situations and help reconstruct and stabilize a country or region that is at risk of, in, or is in transition from, conflict or civil strife.

(2) In December 2005, the Coordinator's mandate was reaffirmed by the National Security Presidential Directive 44, which instructed the Secretary of State, and at the Secretary's direction, the Coordinator, to coordinate and lead integrated United States Government efforts, involving all United States departments and agencies with relevant capabilities, to prepare, plan for, and conduct reconstruction and stabilization operations.

(3) National Security Presidential Directive 44 assigns to the Secretary, with the Coordinator's assistance, the lead role to develop reconstruction and stabilization strategies, ensure civilian interagency program and policy coordination, coordinate interagency processes to identify countries at risk of instability, provide decision-makers with detailed options for an integrated United States Government response in connection with reconstruction and stabilization operations, and carry out a wide range of other actions, including the development of a civilian surge capacity to meet reconstruction and stabilization emergencies. The Secretary and the Coordinator are also charged with coordinating with the Department of Defense on reconstruction and stabilization responses, and integrating planning and implementing procedures.

(4) The Department of Defense issued Directive 3000.05, which establishes that stability operations are a core United States military mission that the Department of Defense must be prepared to conduct and support, provides guidance on stability operations that will evolve over time, and assigns responsibilities within the Department of Defense for planning, training, and preparing to conduct and support stability operations.

(5) The President's Fiscal Year 2009 Budget Request to Congress includes $248.6 million for a Civilian Stabilization Initiative that would vastly improve civilian partnership with United States Armed Forces in post-conflict stabilization situations, including by establishing a Active Response Corps of 250 persons, a Standby Response Corps of 2,000 persons, and a Civilian Response Corps of 2,000 persons.

SEC. 1603. DEFINITIONS.

In this title:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the United States Agency for International Development.

(2) AGENCY.—The term ''agency'' means any entity included in chapter 1 of title 5, United States Code.

(3) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate.

(4) DEPARTMENT.—Except as otherwise provided in this title, the term ''Department'' means the Department of State.

(5) PERSONNEL.—The term ''personnel'' means individuals serving in any service described in section 2101 of title 5, United States Code, other than in the legislative or judicial branch.

(6) SECRETARY.—The term ''Secretary'' means the Secretary of State.

SEC. 1604. AUTHORITY TO PROVIDE ASSISTANCE FOR RECONSTRUCTION AND STABILIZATION CRISES.

Chapter 1 of part III of the Foreign Assistance Act of 1961 (22 U.S.C. 2351 et seq.) is amended by inserting after section 617 the following new section:

''SEC. 618. ASSISTANCE FOR A RECONSTRUCTION AND STABILIZATION CRISIS.

''(a) ASSISTANCE.—

''(1) IN GENERAL.—If the President determines that it is in the national security interests of the United States for United States civilian agencies or non-Federal employees to assist in reconstructing and stabilizing a country or region that is at risk of, in, or is in transition from, conflict or civil strife, the President may, in accordance with the provisions set forth in section 614(a)(3), subject to paragraph (2) of this subsection but notwithstanding any other provision of law, and on such terms and conditions as the President may determine, furnish assistance to such country or region for reconstruction or stabilization using funds under paragraph (3).

''(2) PRE-NOTIFICATION REQUIREMENT.—The President may not furnish assistance pursuant to paragraph (1) until five days (excepting Saturdays, Sundays, and legal public holidays) after the requirements under section 614(a)(3) of this Act are carried out.

''(3) FUNDS.—The funds referred to in paragraph (1) are funds made available under any other provision of law and under other provisions of this Act, and transferred or reprogrammed for purposes of this section, and such transfer or reprogramming shall be subject to the procedures applicable to a notification under section 634A of this Act.

''(b) LIMITATION.—The authority contained in this section may be exercised only during fiscal years 2009, 2010, and 2011, except that the authority may not be exercised to furnish more than $200,000,000 in any such fiscal year.''.

SEC. 1605. RECONSTRUCTION AND STABILIZATION.

Title I of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a et seq.) is amended by adding at the end the following new section:

''SEC. 62. RECONSTRUCTION AND STABILIZATION.

''(a) OFFICE OF THE COORDINATOR FOR RECONSTRUCTION AND STABILIZATION.—

''(1) ESTABLISHMENT.—There is established within the Department of State the Office of the Coordinator for Reconstruction and Stabilization.

''(2) COORDINATOR FOR RECONSTRUCTION AND STABILIZATION.—The head of the Office shall be the Coordinator for Reconstruction and Stabilization, who shall be appointed by the President, by and with the advice and consent of the Senate. The Coordinator shall report directly to the Secretary.

''(3) FUNCTIONS.—The functions of the Office of the Coordinator for Reconstruction and Stabilization shall include the following:

''(A) Monitoring, in coordination with relevant bureaus and offices of the Department of State and the United States Agency for International Development (USAID), political and economic instability worldwide to anticipate the need for mobilizing United States and international assistance for the reconstruction and stabilization of a country or region that is at risk of, in, or are in transition from, conflict or civil strife.

''(B) Assessing the various types of reconstruction and stabilization crises that could occur and cataloging and monitoring the non-military resources and capabilities of agencies (as such term is defined in section 1603 of the Reconstruction and Stabilization Civilian Management Act of 2008) that are available to address such crises.

''(C) Planning, in conjunction with USAID, to address requirements, such as demobilization, disarmament, rebuilding of civil society, policing, human rights monitoring, and public information, that commonly arise in reconstruction and stabilization crises.

''(D) Coordinating with relevant agencies to develop interagency contingency plans and procedures to mobilize and deploy civilian personnel and conduct reconstruction and stabilization operations to address the various types of such crises.

''(E) Entering into appropriate arrangements with agencies to carry out activities under this section and the Reconstruction and Stabilization Civilian Management Act of 2008.

''(F) Identifying personnel in State and local governments and in the private sector who are available to participate in the Civilian Reserve Corps established under subsection (b) or to otherwise participate in or contribute to reconstruction and stabilization activities.

''(G) Taking steps to ensure that training and education of civilian personnel to perform such reconstruction and stabilization activities is adequate and is carried out, as appropriate, with other agencies involved with stabilization operations.

''(H) Taking steps to ensure that plans for United States reconstruction and stabilization operations are coordinated with and complementary to reconstruction and stabilization activities of other governments and international and nongovernmental organizations, to improve effectiveness and avoid duplication.

''(I) Maintaining the capacity to field on short notice an evaluation team consisting of personnel from all relevant agencies to undertake on-site needs assessment.

''(b) RESPONSE READINESS CORPS.—

''(1) RESPONSE READINESS CORPS.—The Secretary, in consultation with the Administrator of the United States Agency for International Development and the heads of other appropriate agencies of the United States Government, may establish and maintain a Response Readiness Corps (referred to in this section as the 'Corps') to provide assistance in support of reconstruction and stabilization operations in countries or regions that are at risk of, in, or are in transition from, conflict or civil strife. The Corps shall be composed of active and standby components consisting of United States Government personnel, including employees of the Department of State, the United States Agency for International Development, and other agencies who are recruited and trained (and employed in the case of the active component) to provide such assistance when deployed to do so by the Secretary to support the purposes of this Act.

''(2) CIVILIAN RESERVE CORPS.—The Secretary, in consultation with the Administrator of the United States Agency for International Development, may establish a Civilian Reserve Corps for which purpose the Secretary is authorized to employ and train individuals who have the skills necessary for carrying out reconstruction and stabilization activities, and who have volunteered for that purpose. The Secretary may deploy members of the Civilian Reserve Corps pursuant to a determination by the President under section 618 of the Foreign Assistance Act of 1961.

''(3) MITIGATION OF DOMESTIC IMPACT.—The establishment and deployment of any Civilian Reserve Corps shall be undertaken in a manner that will avoid substantively impairing the capacity and readiness of any State and local governments from which Civilian Reserve Corps personnel may be drawn.

''(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of State such sums as may be necessary for fiscal years 2007 through 2010 for the Office and to support, educate, train, maintain, and deploy a Response Readiness Corps and a Civilian Reserve Corps.

''(d) EXISTING TRAINING AND EDUCATION PROGRAMS.—The Secretary shall ensure that personnel of the Department, and, in coordination with the Administrator of USAID, that personnel of USAID, make use of the relevant existing training and education programs offered within the Government, such as those at the Center for Stabilization and Reconstruction Studies at the Naval Postgraduate School and the Interagency Training, Education, and After Action Review Program at the National Defense University.''.

SEC. 1606. AUTHORITIES RELATED TO PERSONNEL.

(a) EXTENSION OF CERTAIN FOREIGN SERVICE BENEFITS.—The Secretary, or the head of any agency with respect to personnel of that agency, may extend to any individuals assigned, detailed, or deployed to carry out reconstruction and stabilization activities pursuant to section 62 of the State Department Basic Authorities Act of 1956 (as added by section 1605 of this title), the benefits or privileges set forth in sections 413, 704, and 901 of the Foreign Service Act of 1980 (22 U.S.C. 3973, 22 U.S.C. 4024, and 22 U.S.C. 4081) to the same extent and manner that such benefits and privileges are extended to members of the Foreign Service.

(b) AUTHORITY REGARDING DETAILS.—The Secretary is authorized to accept details or assignments of any personnel, and any employee of a State or local government, on a reimbursable or nonreimbursable basis for the purpose of carrying out this title, and the head of any agency is authorized to detail or assign personnel of such agency on a reimbursable or nonreimbursable basis to the Department of State for purposes of section 62 of the State Department Basic Authorities Act of 1956, as added by section 1605 of this title.

SEC. 1607. RECONSTRUCTION AND STABILIZATION STRATEGY.

(a) IN GENERAL.—The Secretary of State, in consultation with the Administrator of the United States Agency for International Development, shall develop an interagency strategy to respond to reconstruction and stabilization operations.

(b) CONTENTS.—The strategy required under subsection (a) shall include the following:

(1) Identification of and efforts to improve the skills sets needed to respond to and support reconstruction and stabilization operations in countries or regions that are at risk of, in, or are in transition from, conflict or civil strife.

(2) Identification of specific agencies that can adequately satisfy the skills sets referred to in paragraph (1).

(3) Efforts to increase training of Federal civilian personnel to carry out reconstruction and stabilization activities.

(4) Efforts to develop a database of proven and best practices based on previous reconstruction and stabilization operations.

(5) A plan to coordinate the activities of agencies involved in reconstruction and stabilization operations.

SEC. 1608. ANNUAL REPORTS TO CONGRESS.

Not later than 180 days after the date of the enactment of this Act and annually for each of the five years thereafter, the Secretary of State shall submit to the appropriate congressional committees a report on the implementation of this title. The report shall include detailed information on the following:

(1) Any steps taken to establish a Response Readiness Corps and a Civilian Reserve Corps, pursuant to section 62 of the State Department Basic Authorities Act of 1956 (as added by section 1605 of this title).

(2) The structure, operations, and cost of the Response Readiness Corps and the Civilian Reserve Corps, if established.

(3) How the Response Readiness Corps and the Civilian Reserve Corps coordinate, interact, and work with other United States foreign assistance programs.

(4) An assessment of the impact that deployment of the Civilian Reserve Corps, if any, has had on the capacity and readiness of any domestic agencies or State and local governments from which Civilian Reserve Corps personnel are drawn.

(5) The reconstruction and stabilization strategy required by section 1607 and any annual updates to that strategy.

(6) Recommendations to improve implementation of subsection (b) of section 62 of the State Department Basic Authorities Act of 1956, including measures to enhance the recruitment and retention of an effective Civilian Reserve Corps.

(7) A description of anticipated costs associated with the development, annual sustainment, and deployment of the Civilian Reserve Corps.

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

SEC. 2001. SHORT TITLE.

This division may be cited as the ''Military Construction Authorization Act for Fiscal Year 2009''.

SEC. 2002. EXPIRATION OF AUTHORIZATIONS AND AMOUNTS REQUIRED TO BE SPECIFIED BY LAW.

(a) EXPIRATION OF AUTHORIZATIONS AFTER THREE YEARS.—Except as provided in subsection (b), all authorizations contained in titles XXI through XXVI and title XXIX for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment Program (and authorizations of appropriations therefor) shall expire on the later of—

(1) October 1, 2011; or

(2) the date of the enactment of an Act authorizing funds for military construction for fiscal year 2012.

(b) EXCEPTION.—Subsection (a) shall not apply to authorizations for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment Program (and authorizations of appropriations therefor), for which appropriated funds have been obligated before the later of—

(1) October 1, 2011; or

(2) the date of the enactment of an Act authorizing funds for fiscal year 2012 for military construction projects, land acquisition, family housing projects and facilities, or contributions to the North Atlantic Treaty Organization Security Investment Program.

TITLE XXI—ARMY

Sec. 2101. Authorized Army construction and land acquisition projects.

Sec. 2102. Family housing.

Sec. 2103. Improvements to military family housing units.

Sec. 2104. Authorization of appropriations, Army.

Sec. 2105. Modification of authority to carry out certain fiscal year 2008 projects.

Sec. 2106. Modification of authority to carry out certain fiscal year 2007 projects.

Sec. 2107. Extension of authorizations of certain fiscal year 2006 projects.

Sec. 2108. Extension of authorization of certain fiscal year 2005 project.

SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(1), the Secretary of the Army may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Army: Inside the United States

State	Installation or Location	Amount
Alabama	Anniston Army Depot	$46,400,000
	Fort Rucker	$6,800,000
Alaska	Fort Richardson	$15,000,000
	Fort Wainwright	$110,400,000
Arizona	Fort Huachuca	$13,200,000
	Yuma Proving Ground	$3,800,000
California	Fort Irwin	$39,600,000
	Presidio, Monterey	$15,000,000
	Sierra Army Depot	$12,400,000
Colorado	Fort Carson	$534,000,000
Georgia	Fort Benning	$267,800,000
	Fort Stewart/Hunter Army Air Field	$432,300,000
Hawaii	Pohakuloa Training Area	$9,000,000

Army: Inside the United States—Continued

State	Installation or Location	Amount
	Schofield Barracks	$279,000,000
	Wahiawa	$40,000,000
Kansas	Fort Leavenworth	$4,200,000
	Fort Riley	$158,000,000
Kentucky	Fort Campbell	$108,113,000
Louisiana	Fort Polk	$29,000,000
Missouri	Fort Leonard Wood	$33,850,000
New Jersey	Picatinny Arsenal	$9,900,000
New York	Fort Drum	$96,900,000
	USMA, West Point	$67,000,000
North Carolina	Fort Bragg	$58,400,000
Oklahoma	Fort Sill	$63,000,000
	McAlester Army Ammunition Plant	$5,800,000
Pennsylvania	Carlisle Barracks	$13,400,000
	Letterkenny Army Depot	$7,500,000
	Tobyhanna Army Depot	$15,000,000
South Carolina	Fort Jackson	$30,000,000
Texas	Camp Bullis	$4,200,000
	Corpus Christi Army Depot	$39,000,000
	Fort Bliss	$1,044,300,000
	Fort Hood	$49,500,000
	Fort Sam Houston	$96,000,000
	Red River Army Depot	$6,900,000
Virginia	Fort Belvoir	$7,200,000
	Fort Eustis	$18,300,000
	Fort Lee	$100,600,000
	Fort Myer	$14,000,000
Washington	Fort Lewis	$158,000,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(2), the Secretary of the Army may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

Army: Outside the United States

Country	Installation or Location	Amount
Afghanistan	Bagram Air Base	$67,000,000
Germany	Katterbach	$19,000,000
	Wiesbaden Air Base	$119,000,000
Japan	Camp Zama	$2,350,000
	Sagamihara	$17,500,000
Korea	Camp Humphreys	$20,000,000

SEC. 2102. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(5)(A), the Secretary of the Army may construct or acquire family housing units (including land acquisition and supporting facilities) at the installations or locations, in the number of units, and in the amounts set forth in the following table:

Army: Family Housing

Country	Installation or Location	Units	Amount
Germany	Wiesbaden Air Base	326	$133,000,000
Korea	Camp Humphreys	216	$125,000,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(5)(A), the Secretary of the Army may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $579,000.

SEC. 2103. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(5)(A), the Secretary of the Army may improve existing military family housing units in an amount not to exceed $420,001,000.

SEC. 2104. AUTHORIZATION OF APPROPRIATIONS, ARMY.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2008, for military construction, land acquisition, and military family housing functions of the Department of the Army in the total amount of $6,008,226,000 as follows:

(1) For military construction projects inside the United States authorized by section 2101(a), $4,062,763,000.

(2) For military construction projects outside the United States authorized by section 2101(b), $185,350,000.

(3) For unspecified minor military construction projects authorized by section 2805 of title 10, United States Code, $23,000,000.

(4) For host nation support and architectural and engineering services and construction design under section 2807 of title 10, United States Code, $175,823,000.

(5) For military family housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $646,580,000.

(B) For support of military family housing (including the functions described in section 2833 of title 10, United States Code), $716,110,000.

(6) For the construction of increment 3 of a barracks complex at Fort Lewis, Washington, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2445), as amended by section 20814 of the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289), as added by section 2 of the Revised Continuing Resolution, 2007 (Public Law 110–5; 121 Stat 41), $102,000,000.

(7) For the construction of increment 2 of the United States Southern Command Headquarters at Miami Doral, Florida, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 504, $81,600,000.

(8) For the construction of increment 2 of the brigade complex operations support facility at Vicenza, Italy, authorized by section 2101(b) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 505, $7,500,000.

(9) For the construction of increment 2 of the brigade complex barracks and community support facility at Vicenza, Italy, authorized by section 2101(b) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 505, $7,500,000.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2401 of this Act may not exceed the sum of the following:

(1) The total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

(2) $59,500,000 (the balance of the amount authorized under section 2101(b) for the construction of a headquarters element in Wiesbaden, Germany).

SEC. 2105. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2008 PROJECTS.

(a) INSIDE THE UNITED STATES PROJECTS.—The table in section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 504) is amended—

(1) in the item relating to Hawthorne Army Ammunition Plant, Nevada, by striking ''$11,800,000'' in the amount column and inserting ''$7,300,000'';

(2) in the item relating to Fort Drum, New York, by striking ''$311,200,000'' in the amount column and inserting ''$304,600,000''; and

(3) in the item relating to Fort Bliss, Texas, by striking ''$118,400,000'' in the amount column and inserting ''$111,900,000''.

(b) CONFORMING AMENDMENTS.—Section 2104(a) of that Act (122 Stat. 506) is amended—

(1) in the matter preceding paragraph (1), by striking ''$5,106,703,000'' and inserting ''$5,089,103,000''; and

(2) in paragraph (1), by striking ''$3,198,150,000'' and inserting ''$3,180,550,000''.

SEC. 2106. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2007 PROJECTS.

(a) INSIDE THE UNITED STATES PROJECTS.—The table in section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2445), as amended by section 20814 of the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289) and section 2105(a) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 507), is further amended in the item relating to Fort Bragg, North Carolina, by striking ''$96,900,000'' in the amount column and inserting ''$75,900,000''.

(b) OUTSIDE THE UNITED STATES PROJECTS.—The table in section 2101(b) of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2446), as amended by section 2106(a) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 508), is further amended in the item relating to Vicenza, Italy, by striking ''$223,000,000'' in the amount column and inserting ''$208,280,000''.

(c) CONFORMING AMENDMENTS.—Section 2104(a) of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2447), as amended by section 2105(b) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 508), is further amended—

(1) in the matter preceding paragraph (1), by striking ''$3,275,700,000'' and inserting ''$3,239,980,000'';

(2) in paragraph (1), by striking ''$1,119,450,000'' and inserting ''$1,098,450,000''; and

(3) in paragraph (2), by striking ''$510,582,00'' and inserting ''$495,862,000''.

SEC. 2107. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2006 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3501), the authorizations set forth in the table in subsection (b), as provided in section 2101 of that Act (119 Stat. 3485), shall remain in effect until October 1, 2009, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2010, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Army: Extension of 2006 Project Authorizations

State	Installation or Location	Project	Amount
Hawaii	Pohakuloa	Tactical Vehicle Wash Facility	$9,207,000
		Battle Area Complex	$33,660,000
Virginia	Fort Belvoir	Defense Access Road	$18,000,000

SEC. 2108. EXTENSION OF AUTHORIZATION OF CERTAIN FISCAL YEAR 2005 PROJECT.

(a) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2116), the authorization set forth in the table in subsection (b), as provided in section 2101 of that Act (118 Stat. 2101) and extended by section 2108 of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 508), shall remain in effect until October 1, 2009, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2010, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Army: Extension of 2005 Project Authorization

State	Installation or Location	Project	Amount
Hawaii	Schofield Barracks	Training Facility	$35,542,000

TITLE XXII—NAVY

Sec. 2201. Authorized Navy construction and land acquisition projects.

Sec. 2202. Family housing.

Sec. 2203. Improvements to military family housing units.

Sec. 2204. Authorization of appropriations, Navy.

Sec. 2205. Modification of authority to carry out certain fiscal year 2005 project.

Sec. 2206. Modification of authority to carry out certain fiscal year 2007 projects.

Sec. 2207. Report on impacts of surface ship homeporting alternatives.

SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(1), the Secretary of the Navy may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Inside the United States

State	Installation or Location	Amount
Arizona	Marine Corps Air Station, Yuma	$19,490,000
California	Marine Corps Logistics Base, Barstow	$7,830,000
	Marine Corps Base, Camp Pendleton	$799,870,000
	Naval Air Facility, El Centro	$8,900,000
	Marine Corps Air Station, Miramar	$48,770,000
	Naval Post Graduate School Monterey	$9,900,000
	Naval Air Station, North Island	$60,152,000
	Naval Facility, San Clemente Island	$34,020,000
	Naval Station, San Diego	$51,220,000
	Marine Corps Base, Twentynine Palms	$155,310,000
Connecticut	Naval Submarine Base, Groton	$46,060,000
District of Columbia	Naval Support Activity, Washington	$24,220,000
Florida	Naval Air Station, Jacksonville	$12,890,000
	Naval Station, Mayport	$18,280,000
	Naval Support Activity, Tampa	$29,000,000
Georgia	Marine Corps Logistics Base, Albany	$15,320,000
	Naval Submarine Base Kings Bay	$6,130,000
Hawaii	Pacific Missile Range, Barking Sands	$28,900,000
	Marine Corps Base, Hawaii	$28,200,000
	Naval Station, Pearl Harbor	$80,290,000
Illinois	Recruit Training Command, Great Lakes	$62,940,000
Maine	Naval Shipyard Portsmouth	$9,980,000
Maryland	Naval Surface Warfare Center Carderock	$6,980,000
	Naval Surface Warfare Center, Indian Head	$25,980,000
Mississippi	Naval Construction Battalion Center, Gulfport	$12,770,000
New Jersey	Naval Air Warfare Center, Lakehurst	$15,440,000
North Carolina	Marine Corps Air Station, Cherry Point	$77,420,000
	Marine Corps Air Station, New River	$86,280,000
	Marine Corps Base, Camp Lejeune	$353,090,000
Pennsylvania	Naval Support Activity, Philadelphia	$22,020,000
Rhode Island	Naval Station, Newport	$39,800,000
South Carolina	Marine Corps Air Station, Beaufort	$5,940,000
	Marine Corps Recruit Depot, Parris Island	$64,750,000
Texas	Naval Air Station Corpus Christi	$3,500,000
	Naval Air Station Kingsville	$11,580,000
Virginia	Marine Corps Base, Quantico	$150,290,000
	Naval Station, Norfolk	$73,280,000
Washington	Naval Air Station Whidbey Island	$6,160,000
	Naval Base Kitsap	$5,110,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(2), the Secretary of the Navy may acquire real property and carry out military construction projects for the installation or location outside the United States, and in the amounts, set forth in the following table:

Navy: Outside the United States

Country	Installation or Location	Amount
Cuba	Naval Air Station, Guantanamo Bay	$20,600,000
Diego Garcia	Diego Garcia	$35,060,000
Djibouti	Camp Lemonier	$31,410,000
Guam	Naval Activities, Guam	$88,430,000

(c) UNSPECIFIED WORLDWIDE.—Using the amounts appropriated pursuant to the authorization of appropriations in section 2204(3), the Secretary of the Navy may acquire real property and carry out military construction projects for unspecified installations or locations in the amounts set forth in the following table:

Navy: Unspecified Worldwide

Location	Installation or Location	Amount
Worldwide Unspecified	Unspecified Worldwide	$94,020,000

SEC. 2202. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(6)(A), the Secretary of the Navy may construct or acquire family housing units (including land acquisition and supporting facilities) at the installations or locations,

in the number of units, and in the amount set forth in the following table:

Navy: Family Housing

Location	Installation or Location	Units	Amount
Guantanamo Bay	Naval Air Station, Guantanamo Bay.	146	$62,598.000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(6)(A), the Secretary of the Navy may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $2,169,000.

SEC. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2204(6)(A), the Secretary of the Navy may improve existing military family housing units in an amount not to exceed $318,011,000.

SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, NAVY.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2008, for military construction, land acquisition, and military family housing functions of the Department of the Navy in the total amount of $3,996,449,000, as follows:

(1) For military construction projects inside the United States authorized by section 2201(a), $2,518,152,000.

(2) For military construction projects outside the United States authorized by section 2201(b), $175,500,000.

(3) For military construction projects at unspecified worldwide locations authorized by section 2201(c), $94,020,000.

(4) For unspecified minor military construction projects authorized by section 2805 of title 10, United States Code, $13,670,000.

(5) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $247,128,000.

(6) For military family housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $382,778,000.

(B) For support of military family housing (including functions described in section 2833 of title 10, United States Code), $376,062,000.

(7) For the construction of increment 2 of the wharf extension at Naval Forces Marianas Islands, Guam, authorized by section 2201(b) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 510), $50,912,000.

(8) For the construction of increment 2 of the submarine drive-in magnetic silencing facility at Naval Submarine Base, Pearl Harbor, Hawaii, authorized in section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 510), $41,088,000.

(9) For the construction of increment 3 of the National Maritime Intelligence Center, Suitland, Maryland, authorized by section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2448), $12,439,000.

(10) For the construction of increment 2 of hangar 5 recapitalizations at Naval Air Station, Whidbey Island, Washington, authorized by section 2201(a) of the Military Construction Authorization Act of Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2448), $34,000,000.

(11) For the construction of increment 5 of the limited area production and storage complex at Naval Submarine Base, Kitsap, Bangor, Washington (formerly referred to as a project at the Strategic Weapons Facility Pacific, Bangor), authorized by section 2201(a) of the Military Construction Authorization Act of Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2106), as amended by section 2206 of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public law 109–163; 119 Stat. 3493) and section 2206 of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 514) $50,700,000.

SEC. 2205. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2005 PROJECT.

The table in section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2105), as amended by section 2206 of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3493) and section 2206 of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat.514), is further amended—

(1) in the item relating to Strategic Weapons Facility Pacific, Bangor, Washington, by striking ''$295,000,000'' in the amount column and inserting ''$311,670,000''; and

(2) by striking the amount identified as the total in the amount column and inserting ''$1,084,497,000''.

SEC. 2206. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2007 PROJECTS.

(a) MODIFICATIONS.—The table in section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2448), as amended by section 2205(a)(17) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 513) is further amended—

(1) in the item relating to NMIC/Naval Support Activity, Suitland, Maryland, by striking ''$67,939,000'' in the amount column and inserting ''$76,288,000''; and

(2) in the item relating to Naval Air Station, Whidbey Island, Washington, by striking ''$57,653,000'' in the amount column and inserting ''$60,500,000''.

(b) CONFORMING AMENDMENTS.—Section 2204(b) of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2452), is amended—

(1) in paragraph (2), by striking ''$56,159,000'' and inserting ''$64,508,000''; and

(2) in paragraph (3), by striking ''$31,153,000'' and inserting ''$34,000,000''.

SEC. 2207. REPORT ON IMPACTS OF SURFACE SHIP HOMEPORTING ALTERNATIVES.

(a) REPORT REQUIRED.—The Secretary of the Navy shall not issue a record of decision for the proposed action of homeporting additional surface ships at Naval Station Mayport, Florida, until at least 30 days after the date on which the Secretary submits to Congress a report containing an analysis of the socio-economic impacts and an economic justification on each location from which a vessel is proposed to be removed for homeporting at Naval Station Mayport under the preferred alternative identified in the final environmental impact statement for the proposed action.

(b) ADDITIONAL REPORTING REQUIREMENT.—If the final environmental impact statement does not contain a preferred alternative or if the Secretary intends to select an alternative other than the preferred alternative in the record of decision, then the Secretary shall submit to Congress a report (in the case where no preferred alternative is identified) or an additional report (in the case where the preferred alternative is not selected) containing an analysis of the socio-economic impacts and an economic justification on each location from which a vessel is proposed to be removed for homeporting at Naval Station Mayport.

TITLE XXIII—AIR FORCE

Sec. 2301. Authorized Air Force construction and land acquisition projects.
Sec. 2302. Family housing.
Sec. 2303. Improvements to military family housing units.
Sec. 2304. Authorization of appropriations, Air Force.
Sec. 2305. Extension of authorizations of certain fiscal year 2006 projects.
Sec. 2306. Extension of authorizations of certain fiscal year 2005 projects.

SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(1), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Air Force: Inside the United States

State	Installation or Location	Amount
Alabama	Maxwell Air Force Base	$15,556,000
Alaska	Elmendorf Air Force Base	$138,300,000
California	Edwards Air Force Base	$9,100,000

Air Force: Inside the United States—Continued

State	Installation or Location	Amount
Colorado	United States Air Force Academy	$18,000,000
Delaware	Dover Air Force Base	$19,000,000
Florida	Eglin Air Force Base	$19,000,000
	MacDill Air Force Base	$26,000,000
	Tyndall Air Force Base	$11,600,000
Georgia	Robins Air Force Base	$29,350,000
Kansas	McConnell Air Force Base	$6,800,000
Maryland	Andrews Air Force Base	$77,648,000
Mississippi	Columbus Air Force Base	$8,100,000
Missouri	Whiteman Air Force Base	$4,200,000
Nevada	Creech Air Force Base	$48,500,000
	Nellis Air Force Base	$53,300,000
New Jersey	McGuire Air Force Base	$7,200,000
New Mexico	Cannon Air Force Base	$8,300,000
	Holloman Air Force Base	$25,450,000
Ohio	Wright Patterson Air Force Base	$14,000,000
Oklahoma	Tinker Air Force Base	$54,000,000
South Carolina	Charleston Air Force Base	$4,500,000
	Shaw Air Force Base	$9,900,000
Texas	Fort Hood	$10,800,000
	Lackland Air Force Base	$75,515,000
Utah	Hill Air Force Base	$41,400,000
Washington	McChord Air Force Base	$5,500,000
Wyoming	Francis E. Warren Air Force Base	$8,600,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(2), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

Air Force: Outside the United States

Country	Installation or Location	Amount
Afghanistan	Bagram Airfield	$57,200,000
Guam	Andersen Air Force Base	$10,600,000
Kyrgyzstan	Manas Air Base	$6,000,000
United Kingdom	Royal Air Force Lakenheath	$7,400,000

(c) UNSPECIFIED WORLDWIDE.—Using the amounts appropriated pursuant to the authorization of appropriations in section 2304(3), the Secretary of the Air Force may acquire real property and carry out military construction projects for unspecified installations or locations in the amounts set forth in the following table:

Air Force: Unspecified Worldwide

Location	Installation or Location	Amount
Worldwide Classified	Classified Location	$891,000
Worldwide Unspecified	Unspecified Worldwide Locations	$52,500,000

SEC. 2302. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(6)(A), the Secretary of the Air Force may construct or acquire family housing units (including land acquisition and supporting facilities) at the installations or locations, in the number of units, and in the amounts set forth in the following table:

Air Force: Family Housing

Country	Installation or Location	Purpose	Amount
United Kingdom	Royal Air Force Lakenheath	182 Units	$71,828,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(6)(A), the Secretary of the Air Force may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $7,708,000.

SEC. 2303. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2304(6)(A), the Secretary of the Air Force may improve existing military family housing units in an amount not to exceed $316,343,000.

SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR FORCE.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2008, for military construction, land acquisition, and military family housing functions of the Department of the Air Force in the total amount of $1,966,868,000, as follows:

(1) For military construction projects inside the United States authorized by section 2301(a), $749,619,000.

(2) For military construction projects outside the United States authorized by section 2301(b), $81,200,000.

(3) For the military construction projects at unspecified worldwide locations authorized by section 2301(c), $53,391,000.

(4) For unspecified minor military construction projects authorized by section 2805 of title 10, United States Code, $15,000,000.

(5) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $77,314,000.

(6) For military family housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $395,879,000.

(B) For support of military family housing (including functions described in section 2833 of title 10, United States Code), $594,465,000.

SEC. 2305. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2006 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3501), authorizations set forth in the tables in subsection (b), as provided in section 2302 of that Act, shall remain in effect until October 1, 2009, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2010, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Air Force: Extension of 2006 Project Authorizations

State	Installation or Location	Project	Amount
Alaska	Eielson Air Force Base	Replace Family Housing (92 units)	$37,650,000
		Purchase Build/Lease Housing (300 units)	$18,144,000
California	Edwards Air Force Base	Replace Family Housing (226 units)	$59,699,000
Florida	MacDill Air Force Base	Replace Family Housing (109 units)	$40,982,000
Missouri	Whiteman Air Force Base	Replace Family Housing (111 units)	$26,917,000
North Carolina	Seymour Johnson Air Force Base	Replace Family Housing (255 units)	$48,868,000
North Dakota	Grand Forks Air Force Base	Replace Family Housing (150 units)	$43,353,000

SEC. 2306. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2005 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2116), authorizations set forth in the table in subsection (b), as provided in section 2302 of that Act and extended by section 2307 of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 519), shall remain in effect until October 1, 2009, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2010, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Air Force: Extension of 2005 Project Authorizations

State/Country	Installation or Location	Project	Amount
Arizona	Davis-Monthan Air Force Base	Replace Family Housing (250 units)	$48,500,000
California	Vandenberg Air Force Base	Replace Family Housing (120 units)	$30,906,000
Florida	MacDill Air Force Base	Construct Housing Maintenance Facility	$1,250,000
Missouri	Whiteman Air Force Base	Replace Family Housing (160 units)	$37,087,000
North Carolina	Seymour Johnson Air Force Base	Replace Family Housing (167 units)	$32,693,000
Germany	Ramstein Air Base	USAFE Theater Aerospace Operations Support Center	$24,204,000

TITLE XXIV—DEFENSE AGENCIES

Subtitle A—Defense Agency Authorizations

Sec. 2401. Authorized Defense Agencies construction and land acquisition projects.
Sec. 2402. Energy conservation projects.
Sec. 2403. Authorization of appropriations, Defense Agencies.
Sec. 2404. Modification of authority to carry out certain fiscal year 2007 project.
Sec. 2405. Modification of authority to carry out certain fiscal year 2005 projects.
Sec. 2406. Extension of authorization of certain fiscal year 2006 project.

Subtitle B—Chemical Demilitarization Authorizations

Sec. 2411. Authorized chemical demilitarization program construction and land acquisition projects.
Sec. 2412. Authorization of appropriations, chemical demilitarization construction, defense-wide.
Sec. 2413. Modification of authority to carry out certain fiscal year 1997 project.
Sec. 2414. Modification of authority to carry out certain fiscal year 2000 project.

Subtitle A—Defense Agency Authorizations

SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a)(1), the Secretary of Defense may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following tables:

Defense Education Activity

State	Installation or Location	Amount
Kentucky	Fort Campbell	$21,400,000
North Carolina	Fort Bragg	$78,471,000

Defense Intelligence Agency

State	Installation or Location	Amount
Illinois	Scott Air Force Base	$13,977,000

Defense Logistics Agency

State	Installation or Location	Amount
California	Defense Distribution Depot, Tracy	$50,300,000
Delaware	Defense Fuel Supply Center, Dover Air Force Base	$3,373,000
Florida	Defense Fuel Support Point, Jacksonville	$34,000,000
Georgia	Hunter Army Air Field	$3,500,000
Hawaii	Pearl Harbor	$27,700,000
New Mexico	Kirtland Air Force Base	$14,400,000
Oklahoma	Altus Air Force Base	$2,850,000
Pennsylvania	Philadelphia	$1,200,000
Utah	Hill Air Force Base	$20,400,000
Virginia	Craney Island	$39,900,000

National Security Agency

State	Installation or Location	Amount
Maryland	Fort Meade	$14,000,000

Special Operations Command

State	Installation or Location	Amount
California	Naval Amphibious Base, Coronado	$9,800,000
Florida	Eglin Air Force Base	$40,000,00
	Hurlburt Field	$8,900,000
	MacDill Air Force Base	$10,500,000
Kentucky	Fort Campbell	$15,000,000
New Mexico	Cannon Air Force Base	$18,100,000
North Carolina	Fort Bragg	$38,250,000
Virginia	Fort Story	$11,600,000
Washington	Fort Lewis	$38,000,000

TRICARE Management Activity

State	Installation or Location	Amount
Alaska	Fort Richardson	$6,300,000
Colorado	Buckley Air Force Base	$3,000,000
Georgia	Fort Benning	$3,900,000
Kansas	Fort Riley	$52,000,000
Kentucky	Fort Campbell	$24,000,000
Maryland	Aberdeen Proving Ground	$430,000,000
Missouri	Fort Leonard Wood	$22,000,000
Oklahoma	Tinker Air Force Base	$65,000,000
Texas	Fort Sam Houston	$13,000,000

Washington Headquarters Services

State	Installation or Location	Amount
Virginia	Pentagon Reservation	$38,940,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a)(2), the Secretary of Defense may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following tables:

Defense Logistics Agency

Country	Installation or Location	Amount
Germany	Germersheim	$48,000,000
Greece	Souda Bay	$8,000,000

Special Operations Command

Country	Installation or Location	Amount
Qatar	Al Udeid	$9,200,000

TRICARE Management Activity

Country	Installation or Location	Amount
Guam	Naval Activities	$30,000,000

(c) UNSPECIFIED WORLDWIDE.—Using the amounts appropriated pursuant to the authorization of appropriations in section 2403(a)(3), the Secretary of Defense may acquire real property and carry out military construction projects for unspecified installations or locations in the amount set forth in the following table:

Defense Agencies: Unspecified Worldwide

Location	Installation or Location	Amount
Worldwide Classified	Classified Project	$837,480,000

SEC. 2402. ENERGY CONSERVATION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a)(7), the Secretary of Defense may carry out energy conservation projects under chapter 173 of title 10, United States Code, in the amount of $80,000,000.

SEC. 2403. AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2008, for military construction, land acquisition, and military family housing functions of the Department of Defense (other than the military departments) in the total amount of $1,510,550,000, as follows:

(1) For military construction projects inside the United States authorized by section 2401(a), $767,511,000.

(2) For military construction projects outside the United States authorized by section 2401(b), $95,200,000.

(3) For the military construction projects at unspecified worldwide locations authorized by section 2401(c), $101,160,000.

(4) For unspecified minor military construction projects under section 2805 of title 10, United States Code, $28,853,000.

(5) For contingency construction projects of the Secretary of Defense under section 2804 of title 10, United States Code, $10,000,000.

(6) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $133,025,000.

(7) For energy conservation projects authorized by section 2402 of this Act, $80,000,000.

(8) For support of military family housing, including functions described in section 2833 of title 10, United States Code, and credits to the Department of Defense Family Housing Improvement Fund under section 2883 of title 10, United States Code, and the Homeowners Assistance Fund established under section 1013 of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3374), $54,581,000.

(9) For the construction of increment 4 of the regional security operations center at Augusta, Georgia, authorized by section 2401(a) of the Military Construction Authorization Act of Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3497), as amended by section 7016 of the Emergency Supplemental Appropriation Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109–234; 120 Stat. 485), $100,220,000.

(10) For the construction of increment 2 of the Army Medical Research Institute of Infectious Diseases Stage 1 at Fort Detrick, Maryland, authorized by section 2401(a) of the Military Construction Authorization Act of Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2457), $109,000,000.

(11) For the construction of increment 2 of the special operations forces operational facility at Dam Neck, Virginia, authorized by section 2401(a) of the Military Construction Authorization Act of Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 521), $31,000,000.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2401 of this Act may not exceed the sum of the following:

(1) The total amount authorized to be appropriated under paragraphs (1), (2) and (3) of subsection (a).

(2) $100,000,000 (the balance of the amount authorized under section 2401(a) for the construction of the United States Army Medical Research Institute of Infectious Diseases Stage 1 at Fort Detrick, Maryland).

(3) $80,000,000 (the balance of the amount authorized under section 2401(c) for the construction of the Ballistic Missile Defense, European Interceptor Site).

(4) $60,000,000 (the balance of the amount authorized under section 2401(c) for the construction of the Ballistic Missile Defense, European Midcourse Radar Site).

SEC. 2404. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2007 PROJECT.

(a) MODIFICATION.—The table relating to the TRICARE Management Activity in section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2457) is amended in the item relating to Fort Detrick, Maryland, by striking ''$550,000,000''

in the amount column and inserting ''$683,000,000''.

(b) CONFORMING AMENDMENT.—Section 2405(b)(3) of that Act (120 Stat. 2461) is amended by striking ''$521,000,000'' and inserting ''$654,000,000''.

SEC. 2405. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2005 PROJECTS.

(a) MODIFICATION.—The table in section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2112) is amended—

(1) by striking the item relating to Defense Fuel Support Point, Naval Air Station, Oceana, Virginia; and

(2) by striking the amount identified as the total in the amount column and inserting ''$485,193,000''.

(b) CONFORMING AMENDMENTS.—Section 2404(a) of that Act (118 Stat. 2113) is amended—

(1) in the matter preceding paragraph (1), by striking ''$1,055,663,000'' and inserting ''$1,052,074,000''; and

(2) in paragraph (1), by striking ''$411,782,000'' and inserting ''$408,193,000''.

SEC. 2406. EXTENSION OF AUTHORIZATION OF CERTAIN FISCAL YEAR 2006 PROJECT.

(a) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3501), authorizations set forth in the tables in subsection (b), as provided in section 2401 of that Act, shall remain in effect until October 1, 2009, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2010, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Defense Logistics Agency: Extension of 2006 Project Authorization

Installation or Location	Project	Amount
Defense Logistics Agency	Defense Distribution Depot Susquehanna, New Cumberland, Pennsylvania.	$6,500,000

Subtitle B—Chemical Demilitarization Authorizations

SEC. 2411. AUTHORIZED CHEMICAL DEMILITARIZATION PROGRAM CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2412(1), the Secretary of Defense may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Chemical Demilitarization Program: Inside the United States

Army	Installation or Location	Amount
Army	Blue Grass Army Depot, Kentucky	$12,000,000

SEC. 2412. AUTHORIZATION OF APPROPRIATIONS, CHEMICAL DEMILITARIZATION CONSTRUCTION, DEFENSE-WIDE.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2008, for military construction and land acquisition for chemical demilitarization in the total amount of $134,278,000, as follows:

(1) For military construction projects inside the United States authorized by section 2411(a), $12,000,000.

(2) For the construction of phase 10 of a munitions demilitarization facility at Pueblo Chemical Activity, Colorado, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104–201; 110 Stat. 2775), as amended by section 2406 of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 839) and section 2407 of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107–314; 116 Stat. 2698), $65,060,000.

(3) For the construction of phase 9 of a munitions demilitarization facility at Blue Grass Army Depot, Kentucky, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 835), as amended by section 2405 of the Military Construction Authorization Act for Fiscal Year 2002 (division B of Public Law 107–107; 115 Stat. 1298) and section 2405 of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107–314; 116 Stat. 2698), $57,218,000.

SEC. 2413. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 1997 PROJECT.

(a) MODIFICATIONS.—The table in section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104–201; 110 Stat. 2775), as amended by section 2406 of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 839) and section 2407 of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107–314; 116 Stat. 2699), is amended—

(1) under the agency heading relating to the Chemical Demilitarization Program, in the item relating to Pueblo Army Depot, Colorado, by striking ''$261,000,000'' in the amount column and inserting ''$484,000,000''; and

(2) by striking the amount identified as the total in the amount column and inserting ''$830,454,000''.

(b) CONFORMING AMENDMENT.—Section 2406(b)(2) of the Military Construction Authorization Act for Fiscal Year 1997 (110 Stat. 2779), as so amended, is further amended by striking ''$261,000,000'' and inserting ''$484,000,000''.

SEC. 2414. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2000 PROJECT.

(a) MODIFICATIONS.—The table in section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 835), as amended by section 2405 of the Military Construction Authorization Act for Fiscal Year 2002 (division B of Public Law 107–107; 115 Stat. 1298) and section 2405 of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107–314; 116 Stat. 2698), is amended—

(1) under the agency heading relating to Chemical Demilitarization, in the item relating to Blue Grass Army Depot, Kentucky, by striking ''$290,325,000'' in the amount column and inserting ''$492,000,000''; and

(2) by striking the amount identified as the total in the amount column and inserting ''$949,920,000''.

(b) CONFORMING AMENDMENT.—Section 2405(b)(3) of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 839), as amended by section 2405 of the Military Construction Authorization Act for Fiscal Year 2002 (division B of Public Law 107–107; 115 Stat. 1298) and section 2405 of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107–314; 116 Stat. 2698), is further amended by striking ''$267,525,000'' and inserting ''$469,200,000''.

TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

Sec. 2501. Authorized NATO construction and land acquisition projects.

Sec. 2502. Authorization of appropriations, NATO.

SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND ACQUISITION PROJECTS.

The Secretary of Defense may make contributions for the North Atlantic Treaty Organization Security Investment Program as provided in section 2806 of title 10, United States Code, in an amount not to exceed the sum of the amount authorized to be appropriated for this purpose in section 2502 and the amount collected from the North Atlantic Treaty Organization as a result of construction previously financed by the United States.

SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2008, for contributions by the Secretary of Defense under section 2806 of title 10, United States Code, for the share of the United States of the cost of projects for the North Atlantic Treaty Organization Security Investment Program authorized by section 2501, in the amount of $240,867,000.

TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

Sec. 2601. Authorized Army National Guard construction and land acquisition projects.
Sec. 2602. Authorized Army Reserve construction and land acquisition projects.
Sec. 2603. Authorized Navy Reserve and Marine Corps Reserve construction and land acquisition projects.
Sec. 2604. Authorized Air National Guard construction and land acquisition projects.
Sec. 2605. Authorized Air Force Reserve construction and land acquisition projects.
Sec. 2606. Authorization of appropriations, National Guard and Reserve.
Sec. 2607. Extension of authorizations of certain fiscal year 2006 projects.
Sec. 2608. Extension of Authorization of certain fiscal year 2005 project.

SEC. 2601. AUTHORIZED ARMY NATIONAL GUARD CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606(1)(A), the Secretary of the Army may acquire real property and carry out military construction projects for the Army National Guard locations, and in the amounts, set forth in the following table:

Army National Guard

State	Location	Amount
Alabama	Fort McClellan	$3,000,000
Arizona	Camp Navajo	$13,000,000
	Florence	$13,800,000
	Papago Military Reservation	$24,000,000
Arkansas	Cabot	$10,868,000
Colorado	Denver	$9,000,000
	Grand Junction	$9,000,000
Connecticut	Camp Rell	$28,000,000
	East Haven	$13,800,000
Delaware	New Castle	$28,000,000
Florida	Camp Blanding	$33,307,000
Georgia	Dobbins Air Reserve Base	$45,000,000
Idaho	Orchard Training Area	$1,850,000
Indiana	Camp Atterbury	$5,800,000
	Lawrence	$21,000,000
	Muscatatuck	$6,000,000
Iowa	Camp Dodge	$1,500,000
	Davenport	$1,550,000
	Mount Pleasant	$1,500,000
Kentucky	London	$7,191,000
Maine	Bangor	$20,000,000
Maryland	Edgewood	$28,000,000
	Salisbury	$9,800,000
Massachusetts	Methuen	$21,000,000
Michigan	Camp Grayling	$4,000,000
Minnesota	Arden Hills	$15,000,000
New York	Fort Drum	$11,000,000
	Queensbury	$5,900,000
Ohio	Camp Perry	$2,000,000
	Ravenna	$2,000,000
Pennsylvania	Honesdale	$6,117,000
South Carolina	Anderson	$12,000,000
	Beaufort	$3,400,000
	Eastover	$28,000,000
	Hemingway	$4,600,000
South Dakota	Rapid City	$29,000,000
Tennessee	Tullahoma	$10,372,000
Utah	Camp Williams	$17,500,000
Virginia	Arlington	$15,500,000
	Fort Pickett	$2,950,000
Washington	Fort Lewis (Gray Army Airfield)	$32,000,000
West Virginia	Camp Dawson	$9,000,000

SEC. 2602. AUTHORIZED ARMY RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606(1)(B), the Secretary of the Army may acquire real property and carry out military construction projects for the Army Reserve locations, and in the amounts, set forth in the following table:

Army Reserve

State	Location	Amount
California	Fort Hunter Liggett	$3,950,000
Hawaii	Fort Shafter	$19,199,000
Idaho	Hayden Lake	$9,580,000
Kansas	Dodge City	$8,100,000

Army Reserve—Continued

State	Location	Amount
Maryland	Baltimore	$11,600,000
Massachusetts	Fort Devens	$1,900,000
Michigan	Saginaw	$11,500,000
Missouri	Weldon Springs	$11,700,000
Nevada	Las Vegas	$33,900,000
New Jersey	Fort Dix	$3,825,000
New York	Kingston	$13,494,000
	Shoreham	$15,031,000
	Staten Island	$18,550,000
North Carolina	Raleigh	$25,581,000
Pennsylvania	Letterkenny Army Depot	$14,914,000
Tennessee	Chattanooga	$10,600,000
Texas	Sinton	$9,700,000
Washington	Seattle	$37,500,000
Wisconsin	Fort McCoy	$4,000,000

SEC. 2603. AUTHORIZED NAVY RESERVE AND MARINE CORPS RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606(2), the Secretary of the Navy may acquire real property and carry out military construction projects for the Navy Reserve and Marine Corps Reserve locations, and in the amounts, set forth in the following table:

Navy Reserve and Marine Corps Reserve

State	Location	Amount
California	Lemoore	$15,420,000
Delaware	Wilmington	$11,530,000
Georgia	Marietta	$7,560,000
Virginia	Norfolk	$8,170,000
	Williamsburg	$12,320,000

SEC. 2604. AUTHORIZED AIR NATIONAL GUARD CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606(3)(A), the Secretary of the Air Force may acquire real property and carry out military construction projects for the Air National Guard locations, and in the amounts, set forth in the following table:

Air National Guard

State	Location	Amount
Arkansas	Little Rock Air Force Base	$4,000,000
Connecticut	Bradley International Airport	$7,200,000
Delaware	New Castle County Airport	$3,200,000
Georgia	Savannah Combat Readiness Training Center	$7,500,000
Indiana	Fort Wayne International Airport	$5,600,000
Iowa	Fort Dodge	$5,600,000
Maryland	Martin State Airport	$7,900,000
Minnesota	Duluth	$4,500,000
	Minneapolis-St. Paul	$1,500,000
New Jersey	Atlantic City International Airport	$8,400,000
New York	Gabreski Airport	$7,500,000
	Hancock Field	$10,400,000
Ohio	Springfield Air National Guard Base	$12,800,000
South Dakota	Joe Foss Field	$4,500,000
Texas	Ellington Field	$7,600,000
	Fort Worth Naval Air Station Joint Reserve Base	$5,000,000
Vermont	Burlington International Airport	$6,600,000
Washington	McChord Air Force Base	$8,600,000
Wyoming	Cheyenne Municipal Airport	$7,000,000

SEC. 2605. AUTHORIZED AIR FORCE RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606(3)(B), the Secretary of the Air Force may acquire real property and carry out military construction projects for the Air Force Reserve locations, and in the amounts, set forth in the following table:

Air Force Reserve

State	Location	Amount
Oklahoma	Tinker Air Force Base	$9,900,000
New York	Niagara Falls Air Reserve Station	$9,000,000

SEC. 2606. AUTHORIZATION OF APPROPRIATIONS, NATIONAL GUARD AND RESERVE.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2008, for the costs of acquisition, architectural and engineering services, and construction of facilities for the Guard and Reserve Forces, and for contributions therefor, under chapter 1803 of title 10, United States Code (including the cost of acquisition of land for those facilities), in the following amounts:

(1) For the Department of the Army—

(A) for the Army National Guard of the United States, $628,668,000; and

(B) for the Army Reserve, $282,607,000.

(2) For the Department of the Navy, for the Navy and Marine Corps Reserve, $57,045,000.

(3) For the Department of the Air Force—

(A) for the Air National Guard of the United States, $142,809,000; and

(B) for the Air Force Reserve, $30,018,000.

SEC. 2607. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2006 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3501), the authorizations set forth in the table in subsection (b), as provided in section 2601 of that Act, shall remain in effect until October 1, 2009, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2010, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Army National Guard: Extension of 2006 Project Authorizations

State	Installation or Location	Project	Amount
California	Camp Roberts	Urban Assault Course	$1,485,000
Idaho	Gowen Field	Railhead, Phase 1	$8,331,000
Mississippi	Biloxi	Readiness Center	$16,987,000
	Camp Shelby	Modified Record Fire Range ..	$2,970,000
Montana	Townsend	Automated Qualification Training Range.	$2,532,000
Pennsylvania	Philadelphia	Stryker Brigade Combat Team Readiness Center.	$11,806,000
		Organizational Maintenance Shop #7.	$6,144,930

SEC. 2608. EXTENSION OF AUTHORIZATION OF CERTAIN FISCAL YEAR 2005 PROJECT.

(a) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2116), the authorization set forth in the table in subsection (b), as provided in section 2601 of that Act, shall remain in effect until October 1, 2009, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2010, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Army National Guard: Extension of 2005 Project Authorization

State	Installation or Location	Project	Amount
California	Dublin	Readiness Center, Add/Alt (ADRS).	$11,318,000

TITLE XXVII—BASE CLOSURE AND REALIGNMENT ACTIVITIES

Subtitle A—Authorizations

Sec. 2701. Authorization of appropriations for base closure and realignment activities funded through Department of Defense Base Closure Account 1990.
Sec. 2702. Authorized base closure and realignment activities funded through Department of Defense Base Closure Account 2005.
Sec. 2703. Authorization of appropriations for base closure and realignment activities funded through Department of Defense Base Closure Account 2005.

Subtitle B—Amendments to Base Closure and Related Laws

Sec. 2711. Repeal of commission approach for development of recommendations in any future round of base closures and realignments.
Sec. 2712. Modification of annual base closure and realignment reporting requirements.
Sec. 2713. Technical corrections regarding authorized cost and scope of work variations for military construction and military family housing projects related to base closures and realignments.

Subtitle C—Other Matters

Sec. 2721. Conditions on closure of Walter Reed Army Medical Hospital and relocation of operations to National Naval Medical Center and Fort Belvoir.
Sec. 2722. Report on use of BRAC properties as sites for refineries or nuclear power plants.

Subtitle A—Authorizations

SEC. 2701. AUTHORIZATION OF APPROPRIATIONS FOR BASE CLOSURE AND REALIGNMENT ACTIVITIES FUNDED THROUGH DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 1990.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2008, for base closure and realignment activities, including real property acquisition and military construction projects, as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) and funded through the Department of Defense Base Closure Account 1990 established by section 2906 of such Act, in the total amount of $393,377,000, as follows:

(1) For the Department of the Army, $72,855,000.

(2) For the Department of the Navy, $178,700,000

(3) For the Department of the Air Force, $139,155,000.

(4) For the Defense Agencies, $2,667,000.

SEC. 2702. AUTHORIZED BASE CLOSURE AND REALIGNMENT ACTIVITIES FUNDED THROUGH DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 2005.

Using amounts appropriated pursuant to the authorization of appropriations in section 2703, the Secretary of Defense may carry out base closure and realignment activities, including real property acquisition and military construction projects, as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) and funded through the Department of Defense Base Closure Account 2005 established by section

2906A of such Act, in the amount of $7,138,021,000.

SEC. 2703. AUTHORIZATION OF APPROPRIATIONS FOR BASE CLOSURE AND REALIGNMENT ACTIVITIES FUNDED THROUGH DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 2005.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2008, for base closure and realignment activities, including real property acquisition and military construction projects, as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) and funded through the Department of Defense Base Closure Account 2005 established by section 2906A of such Act, in the total amount of $9,065,386,000, as follows:

(1) For the Department of the Army, $4,486,178,000.

(2) For the Department of the Navy, $871,492,000.

(3) For the Department of the Air Force, $1,072,925,000.

(4) For the Defense Agencies, $2,634,791,000.

Subtitle B—Amendments to Base Closure and Related Laws

SEC. 2711. REPEAL OF COMMISSION APPROACH FOR DEVELOPMENT OF RECOMMENDATIONS IN ANY FUTURE ROUND OF BASE CLOSURES AND REALIGNMENTS.

(a) REPEAL OF PROVISIONS RELATED TO DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION.—Sections 2902, 2903(d), 2912(d), and 2914 of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) are repealed.

(b) CONFORMING AMENDMENTS.—Section 2903 of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) is amended—

(1) in subsection (c)—

(A) in paragraph (1), by striking ''and to the Commission'';

(B) in paragraph (2), by striking ''and the Commission'';

(C) in paragraph (3)(C), by striking ''the Commission and'';

(D) in paragraph (5)(A), by striking ''or the Commission''; and

(E) by striking paragraph (6); and

(2) in subsection (e)—

(A) in paragraph (1), by striking ''the Commission makes recommendations under subsection (d), transmit to the Commission and to the Congress a report containing the President's approval or disapproval of the Commissions'' and inserting ''the Secretary makes recommendations under subsection (c), transmit to the Congress a report containing the President's approval or disapproval of the Secretary's'';

(B) in paragraphs (2), (4), and (5) and the second sentence of paragraph (3), by striking ''the Commission'' each place it appears and inserting ''the Secretary'';

(C) in the first sentence of paragraph (3), by striking ''the Commission, in whole or in part, the President shall transmit to the Commission and'' and inserting ''the Secretary, in whole or in part, the President shall transmit to the''.

(c) EFFECT OF REPEAL.—The amendments made by this section do not affect the validity of the recommendations submitted by the Defense Base Closure and Realignment Commission in the 2005 or earlier rounds of closures and realignments of military installations.

SEC. 2712. MODIFICATION OF ANNUAL BASE CLOSURE AND REALIGNMENT REPORTING REQUIREMENTS.

(a) TERMINATION OF REPORTING REQUIREMENTS AFTER FISCAL YEAR 2014.—Section 2907 of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) is amended—

(1) by striking ''As part of the budget request for fiscal year 2007 and for each fiscal year thereafter'' and inserting ''(a) REPORTING REQUIREMENT.—As part of the budget request for fiscal year 2007 and for each fiscal year thereafter through fiscal year 2016''; and

(2) by adding at the end the following new subsection:

''(b) TERMINATION OF REPORTING REQUIREMENTS RELATED TO REALIGNMENT ACTIONS.—The reporting requirements under subsection (a) shall terminate with respect to realignment actions after the report submitted with the budget for fiscal year 2014.''.

(b) EXCLUSION OF DESCRIPTIONS OF REALIGNMENT ACTIONS.—Subsection (a) of such section, as designated and amended by subsection (a)(1) of this section, is further amended—

(1) in paragraph (1), by striking ''and realignment'' both places it appears;

(2) in paragraph (2), by striking ''and realignments''; and

(3) in paragraphs (3), (4), (5), (6), and (7), by striking ''or realignment'' each place it appears.

SEC. 2713. TECHNICAL CORRECTIONS REGARDING AUTHORIZED COST AND SCOPE OF WORK VARIATIONS FOR MILITARY CONSTRUCTION AND MILITARY FAMILY HOUSING PROJECTS RELATED TO BASE CLOSURES AND REALIGNMENTS.

(a) CORRECTION OF CITATION IN AMENDATORY LANGUAGE.—

(1) IN GENERAL.—Section 2704(a) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 532) is amended—

(B) in subsection (a), by striking ''Section 2905A'' and inserting ''Section 2906A''; and

(C) in subsection (b), by striking ''section 2905A'' and inserting ''section 2906A''.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on January 28, 2008, as if included in the enactment of section 2704 of the Military Construction Authorization Act for Fiscal Year 2008.

(b) CORRECTION OF SCOPE OR WORK VARIATION LIMITATION.—Subsection (f) of section 2906A of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note), as added by section 2704(a) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 532) and amended by subsection (a), is amended by striking ''20 percent or $2,000,000, whichever is greater'' and inserting ''20 percent or $2,000,000, whichever is less''.

Subtitle C—Other Matters

SEC. 2721. CONDITIONS ON CLOSURE OF WALTER REED ARMY MEDICAL HOSPITAL AND RELOCATION OF OPERATIONS TO NATIONAL NAVAL MEDICAL CENTER AND FORT BELVOIR.

(a) REQUIRED CERTIFICATION.—The Secretary of Defense may not commence the closure of Walter Reed Army Medical Hospital or continue with the construction at the National Naval Medical Center in Bethesda, Maryland, and Fort Belvoir, Virginia, of replacement facilities beyond the construction necessary to complete the foundations of the replacement facilities until—

(1) the Secretary certifies to the congressional defense committees that each of the conditions imposed by this section has been satisfied; and

(2) a period of 7 days has expired following the date on which the certification is received by the committees.

(b) PROGRESS ON DESIGN FOR REPLACEMENT FACILITIES.—

(1) PREPARATION.—The Secretary of Defense shall replace the conceptual design prepared for the new National Military Medical Center at the National Naval Medical Center with a design for the facility that is certified as at least 90 percent complete by an engineer or architect registered in the State of Maryland.

(2) COLLABORATIVE DESIGN PROCESS.—The Secretary of Defense may not delegate the responsibility for the preparation of the design for the National Military Medical Center to the prime contractor selected for construction of the facility. The design for the National Military Medical Center shall be prepared through a collaborative process involving—

(A) personnel of the Department of Defense;

(B) representatives of premier health care facilities in the United States; and

(C) current and former patients of the military medical system.

(c) INDEPENDENT COST ESTIMATE.—

(1) PREPARATION.—The Cost Analysis Improvement Group of the Department of Defense shall prepare an independent cost estimate of the total cost to be incurred by the United States to close Walter Reed Army Medical Hospital, design and construct replacement facilities at the National Naval Medical Center and Fort Belvoir, and relocate operations to the replacement facilities. In preparing the cost estimate, the Cost Analysis Improvement Group shall not consider the possibility of private funds being obtained to construct the proposed traumatic brain injury treatment facility at the National Naval Medical Center.

(2) SUBMISSION.—The Secretary of Defense shall submit the resulting cost estimate to the congressional defense committees as soon as possible after the date of the enactment of this Act, but in no case later than the date on which the Secretary makes the certification under subsection (a) with regard to compliance with this subsection.

(d) MILESTONE SCHEDULE.—

(1) PREPARATION.—The Secretary of Defense shall prepare a complete milestone schedule for the closure of Walter Reed Army Medical Hospital, the design and construction of replacement facilities at the National Naval Medical Center and Fort Belvoir, and the relocation of operations to the replacement facilities. The schedule shall include a detailed plan regarding how the Department of Defense will carry out the transition of operations between Walter Reed Army Medical Hospital and the replacement facilities.

(2) SUBMISSION.—The Secretary of Defense shall submit the resulting milestone schedule and transition plan to the congressional defense committees as soon as possible after the date of the enactment of this Act, but in no case later than the date on which the Secretary makes the certification under subsection (a) with regard to compliance with this subsection.

SEC. 2722. REPORT ON USE OF BRAC PROPERTIES AS SITES FOR REFINERIES OR NUCLEAR POWER PLANTS.

Not later than October 1, 2009, the Secretary of Defense shall submit to the congressional defense committees a report evaluating the feasibility of using military installations selected for closure under the base closure and realignment process as locations for the construction of petroleum or natural gas refineries or nuclear power plants.

TITLE XXVIII—MILITARY CONSTRUCTION GENERAL PROVISIONS

Subtitle A—Military Construction Program and Military Family Housing Changes

Sec. 2801. Incorporation of principles of sustainable design in documents submitted as part of proposed military construction projects.
Sec. 2802. Extension of authority to use operation and maintenance funds for construction projects outside the United States.
Sec. 2803. Revision of maximum lease amount applicable to certain domestic Army family housing leases to reflect previously made annual adjustments in amount.
Sec. 2804. Use of military family housing constructed under build and lease authority to house members without dependents.
Sec. 2805. Lease of military family housing to the Secretary of Defense for use as residence.
Sec. 2806. Repeal of reporting requirement in connection with installation vulnerability assessments.
Sec. 2807. Modification of alternative authority for acquisition and improvement of military housing.
Sec. 2808. Report on capturing housing privatization best practices.

Subtitle B—Real Property and Facilities Administration

Sec. 2811. Clarification of exceptions to congressional reporting requirements for certain real property transactions.
Sec. 2812. Authority to lease non-excess property of military departments and Defense Agencies.
Sec. 2813. Modification of utility system conveyance authority.
Sec. 2814. Permanent authority to purchase municipal services for military installations in the United States.
Sec. 2815. Defense access roads.
Sec. 2816. Protecting private property rights during Department of Defense land acquisitions.

Subtitle C—Provisions Related to Guam Realignment

Sec. 2821. Guam Defense Policy Review Initiative Account.
Sec. 2822. Sense of Congress regarding use of Special Purpose Entities for military housing related to Guam realignment.
Sec. 2823. Sense of Congress regarding Federal assistance to Guam.
Sec. 2824. Comptroller General report regarding interagency requirements related to Guam realignment.
Sec. 2825. Energy and environmental design initiatives in Guam military construction and installations.
Sec. 2826. Department of Defense Inspector General report regarding Guam realignment.
Sec. 2827. Eligibility of the Commonwealth of the Northern Mariana Islands for military base reuse studies and community planning assistance.
Sec. 2828. Prevailing wage applicable to Guam.
Sec. 2829. Port of Guam Improvement Enterprise Program.

Subtitle D—Energy Security

Sec. 2841. Certification of enhanced use leases for energy-related projects.
Sec. 2842. Annual report on Department of Defense installations energy management.

Subtitle E—Land Conveyances

Sec. 2851. Land conveyance, former Naval Air Station, Alameda, California.
Sec. 2852. Land conveyance, Norwalk Defense Fuel Supply Point, Norwalk, California.
Sec. 2853. Land conveyance, former Naval Station, Treasure Island, California.
Sec. 2854. Condition on lease involving Naval Air Station, Barbers Point, Hawaii.
Sec. 2855. Land conveyance, Sergeant First Class M.L. Downs Army Reserve Center, Springfield, Ohio.
Sec. 2856. Land conveyance, John Sevier Range, Knox County, Tennessee.
Sec. 2857. Land conveyance, Bureau of Land Management land, Camp Williams, Utah.
Sec. 2858. Land conveyance, Army property, Camp Williams, Utah.
Sec. 2859. Extension of Potomac Heritage National Scenic Trail through Fort Belvoir, Virginia.
Sec. 2860. Transfer of administrative jurisdiction, decommissioned Naval Security Group Activity, Skaggs Island, California.

Subtitle F—Other Matters

Sec. 2871. Revised deadline for transfer of Arlington Naval Annex to Arlington National Cemetery.
Sec. 2872. Decontamination and use of former bombardment area on island of Culebra.
Sec. 2873. Acceptance and use of gifts for construction of additional building at National Museum of the United States Air Force, Wright-Patterson Air Force Base.
Sec. 2874. Establishment of memorial to American Rangers at Fort Belvoir, Virginia.
Sec. 2875. Lease involving pier on Ford Island, Pearl Harbor Naval Base, Hawaii.
Sec. 2876. Naming of health facility, Fort Rucker, Alabama.

Subtitle A—Military Construction Program and Military Family Housing Changes

SEC. 2801. INCORPORATION OF PRINCIPLES OF SUSTAINABLE DESIGN IN DOCUMENTS SUBMITTED AS PART OF PROPOSED MILITARY CONSTRUCTION PROJECTS.

(a) DEFINITION OF LIFE-CYCLE COST-EFFECTIVE.—Subsection (c) of section 2801 of title 10, United States Code, is amended—

(1) by transferring paragraph (4) to appear as the first paragraph in the subsection and redesignating such paragraph as paragraph (1);

(2) by redesignating the subsequent three paragraphs as paragraphs (2), (4), and (5), respectively; and

(3) by inserting after paragraph (2), as so redesignated, the following new paragraph:

''(3) The term 'life-cycle cost-effective', with respect to a project, product, or measure, means that the sum of the present values of investment costs, capital costs, installation costs, energy costs, operating costs, maintenance costs, and replacement costs, as estimated for the lifetime of the project, product, or measure, does not exceed the base case (current or standard) for the practice, product, or measure.''.

(b) INCLUSION.—Section 2802 of such title is amended by adding at the end the following new subsection:

''(c) In determining the scope of a proposed military construction project, the Secretary concerned shall submit to the President such recommendations as the Secretary considers to be appropriate regarding the incorporation and inclusion of life-cycle cost-effective practices as an element in the project documents submitted to Congress in connection with the budget submitted pursuant to section 1105 of title 31 for the fiscal year in which a contract is proposed to be awarded for the project.''.

SEC. 2802. EXTENSION OF AUTHORITY TO USE OPERATION AND MAINTENANCE FUNDS FOR CONSTRUCTION PROJECTS OUTSIDE THE UNITED STATES.

Section 2808(a) of the Military Construction Authorization Act for Fiscal Year 2004 (division B of Public Law 108–136; 117 Stat. 1723), as amended by section 2810 of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2128), section 2809 of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3508), section 2802 of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2466), and section 2801(a) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 538), is further amended by striking ''2008'' and inserting ''2009''.

SEC. 2803. REVISION OF MAXIMUM LEASE AMOUNT APPLICABLE TO CERTAIN DOMESTIC ARMY FAMILY HOUSING LEASES TO REFLECT PREVIOUSLY MADE ANNUAL ADJUSTMENTS IN AMOUNT.

Section 2828(b)(7)(A) of title 10, United States Code, is amended by striking ''$18,620 per unit'' and inserting ''$35,000 per unit''.

SEC. 2804. USE OF MILITARY FAMILY HOUSING CONSTRUCTED UNDER BUILD AND LEASE AUTHORITY TO HOUSE MEMBERS WITHOUT DEPENDENTS.

(a) IN GENERAL.—Subchapter II of chapter 169 of title 10, United States Code, is amended by inserting after section 2835 the following new section:

''§ 2835a. Use of military family housing constructed under build and lease authority to house other members

''(a) INDIVIDUAL ASSIGNMENT OF MEMBERS WITHOUT DEPENDENTS.—(1) To the extent that the Secretary concerned determines that military family housing constructed and leased under section 2835 of this title is not needed to house members of the armed forces eligible for assignment to military family housing, the Secretary may assign, without rental charge, members without dependents to the housing.

''(2) A member without dependents who is assigned to housing pursuant to paragraph (1) shall be considered to be assigned to quarters pursuant to section 403(e) of title 37.

''(b) CONVERSION TO LONG-TERM LEASING OF MILITARY UNACCOMPANIED HOUSING.—(1) If the Secretary concerned determines that military family housing constructed and leased under section 2835 of this title is excess to the long-term needs of the family housing program of the Secretary, the Secretary may convert the lease contract entered into under subsection (a) of such section into a long-term lease of military unaccompanied housing.

''(2) The term of the lease contract for military unaccompanied housing converted from military family housing under paragraph (1) may not exceed the remaining term of the lease contract for the family housing so converted.

''(c) NOTICE AND WAIT REQUIREMENTS.—(1) The Secretary concerned may not convert military family housing to military unaccompanied housing under subsection (b) until—

''(A) the Secretary submits to the congressional defense committees a notice of the intent to undertake the conversion; and

''(B) a period of 21 days has expired following the date on which the notice is received by the committees or, if earlier, a period of 14 days has expired following the date on which a copy of the notice is provided in an electronic medium pursuant to section 480 of this title.

''(2) The notice required by paragraph (1) shall include—

''(A) an explanation of the reasons for the conversion of the military family housing to military unaccompanied housing;

''(B) a description of the long-term lease to be converted;

''(C) amounts to be paid under the lease; and

''(D) the expiration date of the lease.

''(d) APPLICATION TO HOUSING LEASED UNDER FORMER AUTHORITY.—This section also shall apply to housing initially acquired or constructed under the former section 2828(g) of this title (commonly known as the 'Build to Lease program'), as added by section 801 of the Military Construction Authorization Act, 1984 (Public Law 98–115; 97 Stat 782).''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by inserting after the item relating to section 2835 the following new item:

''2835a. Use of military family housing constructed under build and lease authority to house other members.''.

SEC. 2805. LEASE OF MILITARY FAMILY HOUSING TO THE SECRETARY OF DEFENSE FOR USE AS RESIDENCE.

(a) LEASE OF HOUSING AUTHORIZED .—Subchapter II of chapter 169 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 2838. Lease of military family housing to the Secretary of Defense for use as residence

''(a) LEASE AUTHORIZED.—The Secretary of a military department may lease military family housing in the National Capital Region (as such term is defined in section 2674 of this title) to the person serving as the Secretary of Defense for the purpose of permitting the person to use the housing as a personal residence while the person is serving as Secretary of Defense. In determining the unit of military family housing to lease under this section, the Secretary of Defense and the Secretaries of the military departments should first consider any units then available that are already substantially equipped for executive communications and security.

''(b) RENTAL RATE.—A lease under subsection (a) of a unit of military family housing shall provide for the payment by the person serving as the Secretary of Defense of consideration in an amount equal to the higher of the following:

''(1) 105 percent of the monthly rate for the basic allowance for housing prescribed under section 403(b) of title 37 for a member of the armed forces in the pay grade of 0–10, with dependents, assigned to duty at the military installation on which the housing unit is located.

''(2) The assessed fair market value of the housing unit, offset by the security and infrastructure savings associated with housing the lessee on a military installation.

''(c) TREATMENT OF PROCEEDS.—(1) The Secretary of a military department shall deposit all money rentals received pursuant to a lease entered into by that Secretary under this section into a special account in the Treasury established for such military department.

''(2) The proceeds deposited into a special account of a military department pursuant to paragraph (1) shall be available to the Secretary of that military department, in such amounts as are provided in advance in appropriation Acts, for maintenance, protection, alteration, repair, improvement, or restoration of military housing on the installation at which the housing leased pursuant to subsection (a) is located.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by adding at the end the following new item:

''2838. Lease of military family housing to the Secretary of Defense for use as residence.''.

SEC. 2806. REPEAL OF REPORTING REQUIREMENT IN CONNECTION WITH INSTALLATION VULNERABILITY ASSESSMENTS.

Section 2859 of title 10, United States Code, is amended—

(1) by striking subsection (c); and

(2) by redesignating subsection (d) as subsection (c).

SEC. 2807. MODIFICATION OF ALTERNATIVE AUTHORITY FOR ACQUISITION AND IMPROVEMENT OF MILITARY HOUSING.

(a) PARTNERSHIP WITH ELIGIBLE ENTITY REQUIRED.—Section 2871(5) of title 10, United States Code, is amended by inserting before the period at the end the following: ''that is prepared to enter into a contract as a partner with the Secretary concerned for the construction of military housing units and ancillary supporting facilities''.

(b) BONDING REQUIREMENTS FOR ELIGIBLE ENTITIES.—Section 2872 of such title is amended—

(1) by inserting ''(a) AVAILABILITY OF ALTERNATIVE AUTHORITIES.—'' before ''In addition''; and

(2) by adding at the end the following new subsection:

''(b) BONDING REQUIREMENTS FOR ELIGIBLE ENTITIES.—The Secretary concerned shall ensure that an eligible entity that will acquire or construct housing units or ancillary supporting facilities under this subchapter is fully bonded for the construction of the units or facilities by obtaining payment and performance bonds in an amount not less than 100 percent of the maximum price allowable under the contract for the overall project.''.

(c) COMPETITIVE PROCESS FOR CONVEYANCE OR LEASE OF PROPERTY.—Section 2878 of such title is amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (e); respectively; and

(2) by inserting after subsection (b) the following new subsection:

''(c) COMPETITIVE PROCESS.—The Secretary concerned shall ensure that the time, method, and terms and conditions of the conveyance or lease of property or facilities under this section permit full and free competition consistent with the value and nature of the property or facilities involved.''.

(d) TREATMENT OF ACQUIRED OR CONSTRUCTED HOUSING UNITS.—

(1) REPEAL OF SEPARATE ASSIGNMENT AUTHORITY.—Section 2882 of such title is amended to read as follows:

''§ 2882. Effect of assignment of members to housing units acquired or constructed under alternative authority

''(a) TREATMENT AS QUARTERS OF THE UNITED STATES.—Except as provided in subsection (b), housing units acquired or constructed under this subchapter shall be considered as quarters of the United States or a housing facility under the jurisdiction of a uniformed service for purposes of section 403 of title 37.

''(b) AVAILABILITY OF BASIC ALLOWANCE FOR HOUSING.—A member of the armed forces who is assigned to a housing unit acquired or constructed under this subchapter that is not owned or leased by the United States shall be entitled to a basic allowance for housing under section 403 of title 37.

''(c) LEASE PAYMENTS THROUGH PAY ALLOTMENTS.—The Secretary concerned may require members of the armed forces who lease housing in housing units acquired or constructed under this subchapter to make lease payments for such housing pursuant to allotments of the pay of such members under section 701 of title 37.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter IV of chapter 169 of such title is amended by striking the item relating to section 2882 and inserting the following new item:

''2882. Effect of assignment of members to housing units acquired or constructed under alternative authority.''.

(e) ANNUAL REPORT ON MAINTENANCE AND REPAIR TO PRIVATIZED GENERAL AND FLAG OFFICER QUARTERS.—Section 2884(b) of such title is amended by adding at the end the following new paragraph:

''(7) A report identifying each family housing unit acquired or constructed under this subchapter that is used, or intended to be used, as quarters for a general officer or flag officer and for which the total operation, maintenance, and repair costs for the unit exceeded $35,000. For each housing unit so identified, the report shall also include the total of such operation, maintenance, and repair costs.''.

SEC. 2808. REPORT ON CAPTURING HOUSING PRIVATIZATION BEST PRACTICES.

Section 2884(b) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(7) A separate report on best practices for the execution of housing privatization initiatives, covering the full range of issues that arise throughout the life of the project, from the identification of requirements, through construction, to sustainment of the public private venture following conclusion of the contract. Issues covered by this reporting requirement include project oversight requirements, community, subcontractor, bond holder, and project owner relations, and such other topics that are identified as pertinent by the Department of Defense.''.

Subtitle B—Real Property and Facilities Administration

SEC. 2811. CLARIFICATION OF EXCEPTIONS TO CONGRESSIONAL REPORTING REQUIREMENTS FOR CERTAIN REAL PROPERTY TRANSACTIONS.

Section 2662(c) of title 10, United States Code, is amended—

(1) by striking ''river and harbor projects or flood control projects'' and inserting ''Army civil works water resource development projects''; and

(2) by striking ''acquisition specifically authorized in a Military Construction Authorization Act'' and inserting ''transaction specifically authorized in a Military Construction Authorization Act or other Act authorizing or directing activities of the Department of Defense''.

SEC. 2812. AUTHORITY TO LEASE NON-EXCESS PROPERTY OF MILITARY DEPARTMENTS AND DEFENSE AGENCIES.

(a) CONSOLIDATION OF SEPARATE AUTHORITIES.—

(1) ESTABLISHMENT OF SINGLE AUTHORITY.—Subsection (a) of section 2667 of title 10, United States Code, is amended to read as follows:

''(a) LEASE AUTHORITY.—Whenever the Secretary concerned considers it advantageous to the United States, the Secretary concerned may lease to such lessee and upon such terms as the Secretary concerned considers will promote the national defense or to be in the public interest, real or personal property that—

''(1) is under the control of the Secretary concerned;

''(2) is not for the time needed for public use; and

''(3) is not excess property, as defined by section 102 of title 40.''.

(2) SECRETARY CONCERNED DEFINED.—Subsection (i) of such section is amended by adding at the end the following new paragraph:

''(4) The term 'Secretary concerned' means—

''(A) the Secretary of a military department, with respect to matters concerning that military department; and

''(B) the Secretary of Defense, with respect to matters concerning the Defense Agencies.''.

(b) LIMITATION ON DURATION OF LEASE.—Subsection (b)(1) of such section is amended by inserting '', but not to exceed 50 years,'' after ''longer period''.

(c) PROHIBITION ON LEASEBACK WITH EXCESSIVE ANNUAL PAYMENTS.—Subsection (b) of such section is amended—

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

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

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

''(7) may not provide for a leaseback by the Secretary concerned with an annual payment in excess of $500,000.''.

(d) IMPROVED CONGRESSIONAL NOTIFICATION REQUIREMENTS.—Paragraph (4) of subsection (c) of such section is amended to read as follows:

''(4)(A) Not later than 30 days before issuing a contract solicitation or other lease offering under this section for a lease whose annual payment, including any in-kind consideration to be accepted under subsection (b)(5) or this subsection, will exceed $500,000, the Secretary concerned shall submit to the congressional defense committees a report containing—

''(i) a description of the proposed lease, including the proposed duration of the lease;

''(ii) a description of the authorities to be used in entering the lease and the intended participation of the United States in the lease, including a justification of the intended method of participation;

''(iii) a statement of the scored cost of the lease, determined using the scoring criteria of the Office of Management and Budget;

''(iv) a determination that the property involved in the lease is not excess property, as required by subsection (a)(3), including the basis for the determination; and

''(v) a determination that the lease is directly compatible with the mission of the military installation or Defense Agency whose property is to be subject to the lease and the anticipated long-term use of the property at the conclusion of the lease.

''(B) In the case of a lease described in subparagraph (A), the Secretary concerned also shall submit to the congressional defense committees a report at least 30 days before the date on which the Secretary concerned enters into a lease the following information:

''(i) A copy of the report submitted under subparagraph (A).

''(ii) A description of the differences between the report submitted under that subparagraph and the new report.

''(iii) A description of the agreement reached with the local municipality on taxation issues and other development issues related to the proposed project, including payments-in-lieu-of taxes.

''(iv) A description of the lessee payment required under this section.''.

(e) PROHIBITION ON ACCEPTANCE OF IN-KIND TO SUPPORT CERTAIN MWR PROJECTS.—Subsection (c) of such section is amended by adding at the end the following new paragraph:

''(5) The Secretary concerned may not accept in-kind consideration under paragraph (1) with respect to a lease under this section to support the development of a project for a nonappropriated fund activity of the Department of Defense conducted for the morale, welfare, and recreation of members of the armed forces if the revenues estimated to be generated from the resulting facility would generally cover the operating expenses of the facility.''.

(f) CONFORMING AMENDMENTS TO REFERENCES TO MILITARY DEPARTMENTS AND INSTALLATIONS.—

(1) COMMUNITY SUPPORT FACILITIES AND COMMUNITY SUPPORT SERVICES.—Subsection (d) of such section is amended—

(A) in paragraph (2), by striking ''Secretary of a military department'' and inserting ''Secretary concerned''; and

(B) in paragraphs (3), (4), and (6), by striking ''of the military department'' each place it appears.

(2) DEPOSIT AND USE OF PROCEEDS.—Subsection (e) of such section is amended—

(A) in paragraph (1)(A)—

(i) in the matter preceding clause (i)—

(I) by striking ''Secretary of a military department'' and inserting ''Secretary concerned''; and

(II) by striking ''such military department'' and inserting ''that Secretary'';

(ii) in clause (iii), by striking ''military department'' and inserting ''Secretary'';

(B) in paragraph (1)(B)(i), by striking ''Secretary of a military department'' and inserting ''Secretary concerned'';

(C) in paragraph (1)(C), by striking ''of a military department pursuant to subparagraph (A) shall be available to the Secretary of that military department'' and inserting ''established for the Secretary concerned shall be available to the Secretary'';

(D) in paragraph (1)(D)—

(i) by striking ''of a military department under subparagraph (A)'' and inserting ''established for the Secretary concerned''; and

(ii) by inserting ''or Defense Agency location'' after ''military installation'';

(E) in paragraph (1)(E), by striking ''installation'' and inserting ''military installation or Defense Agency location''; and

(F) in paragraph (3), by striking ''Secretary of a military department'' and inserting ''Secretary concerned''.

(3) BASE CLOSURE PROPERTY.—Subsection (g)(1) of such section is amended by striking ''Secretary of a military department'' and inserting ''Secretary concerned''.

(g) REPEAL OF SEPARATE DEFENSE AGENCY AUTHORITY.—

(1) REPEAL.—Section 2667a of such title is repealed.

(2) EFFECT ON EXISTING CONTRACTS.—The repeal of section 2667a of title 10, United States Code, shall not affect the validity or terms of any lease with respect to property of a Defense Agency entered into by the Secretary of Defense under such section before the date of the enactment of this Act.

(3) TREATMENT OF MONEY RENTS.—Amounts in any special account established for a Defense Agency pursuant to subsection (d) of section 2667a of title 10, United States Code, before repeal of such section by paragraph (1), and amounts that would be deposited in such an account in connection with a lease referred to in paragraph (2), shall—

(A) remain available until expended for the purposes specified in such subsection, notwithstanding the repeal of such section by paragraph (1); or

(B) to the extent provided in appropriations Acts, be transferred to the special account required for the Secretary of Defense by subsection (e) of section 2667 of such title, as amended by subsection (f)(2) of this section.

(h) CLERICAL AMENDMENTS.—

(1) SECTION HEADING.—The heading of section 2667 of such title is amended to read as follows:

''§ 2667. Leases: non-excess property of military departments and Defense Agencies''.

(2) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 159 of such title is amended by striking the items relating to sections 2667 and 2667a and inserting the following new item:

''2667. Leases: non-excess property of military departments and Defense Agencies.''.

SEC. 2813. MODIFICATION OF UTILITY SYSTEM CONVEYANCE AUTHORITY.

(a) CONVEYANCE OF UTILITY SYSTEM INFRASTRUCTURE.—Section 2688 of title 10, United States Code, is amended—

(1) by redesignating subsections (i) and (j) as subsections (j) and (k), respectively; and

(2) by inserting after subsection (h) the following new subsection (i):

''(i) CONVEYANCE OF UTILITY INFRASTRUCTURE AFTER PRIVATIZATION OF UTILITY SYSTEM.—(1) The Secretary concerned may convey all right, title, and interest of the United States, or such lesser estate as the Secretary considers appropriate, in and to utility system infrastructure under the jurisdiction of the Secretary to the entity to which a utility system has been conveyed under subsection (a) if the infrastructure will be used as part of the utility system.

''(2) In making a conveyance under paragraph (1), the Secretary concerned may use other than competitive procedures. As consideration for the conveyance, the Secretary concerned shall receive an amount equal to the fair market value of the conveyed utility infrastructure, determined in the same manner as the consideration the Secretary could require under subsection (c) for the conveyance of a utility system under subsection (a).''.

(b) ASSISTANCE FOR CONSTRUCTION, REPAIR, OR REPLACEMENT OF UTILITY INFRASTRUCTURE.—Subsection (h) of such section is amended—

(1) in the subsection heading, by striking ''SYSTEMS.—'' and inserting ''SYSTEMS OR INFRASTRUCTURE.—(1)''; and

(2) by adding at the end the following new paragraph:

''(2) In lieu of carrying out a military construction project to construct, repair, or replace utility infrastructure to be used with a utility system conveyed under subsection (a), the Secretary concerned may provide, from amounts authorized and appropriated for the project for fiscal year 2009 or subsequent fiscal years, funds to the entity to which the utility system has been conveyed for use by the entity to construct, repair, or replace the utility infrastructure if the infrastructure will be used as part of the utility system. As consideration for the provision of such funds, the Secretary may require a reduction in charges for utility services in the same manner as a reduction in charges may be required under subsection (c) for the conveyance of a utility system under subsection (a).''.

SEC. 2814. PERMANENT AUTHORITY TO PURCHASE MUNICIPAL SERVICES FOR MILITARY INSTALLATIONS IN THE UNITED STATES.

(a) PERMANENT AUTHORITY.—Chapter 146 of title 10, United States Code, is amended by inserting after section 2465 the following new section:

''§ 2465a. Contracts for procurement of municipal services for military installations in the United States

''(a) CONTRACT AUTHORITY.—Subject to section 2465 of this title, the Secretary a military department may enter into a contract

for the procurement of municipal services described in subsection (b) for a military installation in the United States under the jurisdiction of the Secretary from a county or municipal government for the geographic area in which the installation is located.

''(b) COVERED MUNICIPAL SERVICES.—Only the following municipal services may be procured for a military installation under the authority of this section:

''(1) Refuse collection.

''(2) Refuse disposal.

''(c) EXCEPTION FROM COMPETITIVE PROCEDURES.—The Secretary may enter in a contract under subsection (a) using procedures other than competitive procedures if—

''(1) the term of the proposed contract does not exceed five years;

''(2) the Secretary determines that the price for the municipal services to be provided under the contract is fair and reasonable and represents the least cost to the Federal Government; and

''(3) the business case supporting the Secretary's determination under paragraph (2)—

''(A) describes the availability, benefits, and drawbacks of alternative sources; and

''(B) establishes that performance by the county or municipal government will not increase costs to the Federal government, when compared to the cost of continued performance by the current provider of the services.

''(d) LIMITATION ON DELEGATION.—The authority to make the determination described in subsection (c)(2) may not be delegated to a level lower than a Deputy Assistant Secretary for Installations and Environment or another official of the Department of Defense at an equivalent level.

''(e) CONGRESSIONAL NOTIFICATION.—The Secretary may not enter into a contract under subsection (a) for the procurement of municipal services until the Secretary notifies the congressional defense committees of the proposed contract and a period of 14 days elapses from the date the notification is received by the committees. The notification shall include a summary of the business case and an explanation of how the adverse impact, if any, on civilian employees of the Department will be minimized.

''(f) GUIDANCE.—The Secretary of Defense shall issue guidance to address the implementation of this section.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2465 the following new item:

''2465a. Contracts for purchase of municipal services for military installations in the United States.''.

(c) TERMINATION OF PILOT PROGRAM.—Section 325 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 10 U.S.C. 2461 note) is repealed. The repeal of such section shall not affect the terms or validity of any contract entered into before the date of the enactment of this Act under the pilot program authorized by such section.

SEC. 2815. DEFENSE ACCESS ROADS.

(a) BASIS FOR TRANSPORTATION NEEDS ASSESSMENT.—Section 210(a) of title 23, United States Code, is amended—

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

(2) by adding at the end the following new paragraph:

''(2) If it is determined that an action of the Department of Defense will cause a significant transportation impact to access to a military reservation, the Secretary of Defense shall conduct a transportation needs assessment to assess the magnitude of the improvement required to address the impact.''.

(b) REPORT ON RECENTLY IDENTIFIED TRANSPORTATION IMPACTS.—Not later than April 1, 2009, the Secretary of Defense shall submit to the congressional defense committees and the Committee on Transportation and Infrastructure of the House of Representatives a report that details the significant transportation impacts resulting from actions of the Department of Defense since January 1, 2005. In the report, the Secretary shall assess the funding requirements necessary to address transportation needs resulting from these significant transportation impacts.

SEC. 2816. PROTECTING PRIVATE PROPERTY RIGHTS DURING DEPARTMENT OF DEFENSE LAND ACQUISITIONS.

(a) PROTECTION OF PRIVATE PROPERTY.—The Secretary of Defense and the Secretaries of the military departments shall make every reasonable effort to acquire real property expeditiously by negotiation. Real property offered shall meet the requirements of Secretary-approved real property acquisition plans.

(b) WILLING SELLERS.—The Secretary of Defense or the Secretary of a military department shall not be precluded from acquiring real property from willing sellers so long as the real property offered meet the requirements of Secretary-approved real property acquisition plans.

Subtitle C—Provisions Related to Guam Realignment

SEC. 2821. GUAM DEFENSE POLICY REVIEW INITIATIVE ACCOUNT.

(a) ESTABLISHMENT OF ACCOUNT.—There is established on the books of the Treasury an account to be known as the ''Guam Defense Policy Review Initiative Account'' (in this section referred to as the ''account'').

(b) CREDITS TO ACCOUNT.—

(1) AMOUNTS IN FUND.—There shall be credited to the account all contributions received during fiscal year 2009 and subsequent fiscal years under section 2350k of title 10, United States Code, for the realignment of military installations and the relocation of military personnel on Guam.

(2) NOTICE OF RECEIPT OF CONTRIBUTIONS.—The Secretary of Defense shall submit to the congressional defense committees written notice of the receipt of contributions referred to in paragraph (1), including the amount of the contributions, not later than 30 days after receiving the contributions.

(c) USE OF ACCOUNT.—

(1) AUTHORIZED USES.—Subject to paragraph (2), to the extent provided in advance in appropriations Acts, amounts in the account may be used as follows:

(A) To carry out or facilitate the carrying out of a transaction authorized by this section in connection with the realignment of military installations and the relocation of military personnel on Guam, including military construction, military family housing, unaccompanied housing, general facilities constructions for military forces, and utilities improvements.

(B) To carry out improvements of property or facilities on Guam as part of such a transaction.

(C) To obtain property support services for property or facilities on Guam resulting from such a transaction.

(D) To develop military facilities or training ranges in the Commonwealth of the Northern Mariana Islands.

(2) COMPLIANCE WITH GUAM MASTER PLAN.—Transactions authorized by paragraph (1) shall be consistent with the Guam Master Plan, as incorporated in decisions made in the manner provided in section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332).

(3) LIMITATION REGARDING MILITARY HOUSING.—To extent that the authorities provided under subchapter IV of chapter 169 of title 10, United States Code, are available to the Secretary of Defense, the Secretary shall use such authorities to acquire, construct, or improve family housing units, military unaccompanied housing units, or ancillary supporting facilities in connection with the relocation of military personnel on Guam.

(4) SPECIAL REQUIREMENTS REGARDING USE OF CONTRIBUTIONS.—

(A) TREATMENT OF CONTRIBUTIONS.—Except as provided in subparagraph (C), the use of contributions referred to in subsection (b)(1) shall not subject to conditions imposed on the use of appropriated funds by chapter 169 of title 10, United States Code, or contained in annual military construction appropriations Acts.

(B) NOTICE OF OBLIGATION.—Contributions referred to in subsection (b)(1) may not be obligated for a transaction authorized by paragraph (1) until the Secretary of Defense submits to the congressional defense committees notice of the transaction, including a detailed cost estimate, and a period of 21 days has elapsed after the date on which the notification is received by the committees or, if earlier, a period of 14 days has elapsed after the date on which a copy of the notification is provided in an electronic medium.

(C) COST AND SCOPE OF WORK VARIATIONS.—Section 2853 of title 10, United States Code, shall apply to the use of contributions referred to in subsection (b)(1).

(D) COMPLIANCE WITH WAGE RATE REQUIREMENTS.—Subchapter IV of chapter 31 of title 40, United States Code, shall apply to the use of contributions referred to in subsection (b)(1).

(d) TRANSFER AUTHORITY.—

(1) TRANSFER TO HOUSING FUNDS.—The Secretary of Defense may transfer funds from the Guam Defense Policy Review Initiative Account to the following funds:

(A) The Department of Defense Family Housing Improvement Fund established by section 2883(a)(1) of title 10, United States Code.

(B) The Department of Defense Military Unaccompanied Housing Improvement Fund established by section 2883(a)(2) of such title.

(2) TREATMENT OF TRANSFERRED AMOUNTS.—Amounts transferred under paragraph (1) to a fund referred to in that paragraph shall be available in accordance with the provisions of section 2883 of title 10, United States Code for activities on Guam authorized under subchapter IV of chapter 169 of such title.

(e) REPORT REGARDING GUAM MILITARY CONSTRUCTION.—Not later than February 15 of each year, the Secretary of Defense shall submit to Congress a report containing information on each military construction project included in the budget submission for the next fiscal year related to the realignment of military installations and the relocation of military personnel on Guam. The Secretary shall present the information in manner consistent with the presentation of projects in the military construction accounts for each of the military departments in the budget submission. The report shall also include projects associated with the realignment of military installations and relocation of military personnel on Guam that are included in the future-years defense program pursuant to section 221 of title 10, United States Code.

SEC. 2822. SENSE OF CONGRESS REGARDING USE OF SPECIAL PURPOSE ENTITIES FOR MILITARY HOUSING RELATED TO GUAM REALIGNMENT.

(a) NATURE OF SPECIAL PURPOSE ENTITIES.—It is the sense of Congress that any Special Purpose Entity established to assist in the provision of military family housing in connection with the realignment of military installations and the relocation of military personnel on Guam should—

(1) be operated, to the extent practicable, in the manner provided for public-private

ventures under subchapter IV of chapter 169 of title 10, United States Code; and

(2) be conducted as joint ventures between Japanese and United States private firms, except that any military family housing venture carried out by such a joint venture should be primarily managed by a United States private firm.

(b) SCOPE OF ACTIVITIES.—It is the sense of Congress that funding for such a Special Purpose Entity should not be limited to only utility improvements and the construction of military family housing in connection with the realignment of military installations and the relocation of military personnel on Guam.

(c) UTILITY INFRASTRUCTURE IMPROVEMENTS.—It is the sense of Congress that funding for such a Special Purpose Entity should support proposed utility infrastructure improvements on Guam that incorporate the civilian and military infrastructure into a single grid to realize and maximize the effectiveness of the overall utility system.

(d) MILITARY FAMILY HOUSING.—It is the sense of Congress that the building requirements imposed for any military family housing constructed by such a Special Purpose Entity in connection with the realignment of military installations and the relocation of military personnel on Guam should be established by the Department of Defense in accordance with current building standards that are used with other projects.

(e) SPECIAL PURPOSE ENTITY DEFINED.—In this section, the term ''Special Purpose Entity'' means a wholly independent entity established for a specific and limited purpose to facilitate the realignment of military installations and the relocation of military personnel on Guam.

SEC. 2823. SENSE OF CONGRESS REGARDING FEDERAL ASSISTANCE TO GUAM.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of Defense, in coordination with the Interagency Group on Insular Areas, should enter into a memorandum of understanding with the Government of Guam to identify, before the realignment of military installations and the relocation of military personnel on Guam, local funding requirements for civilian infrastructure development and other needs related to the realignment and relocation. The memorandum of understanding would stipulate the commitment of Federal agencies to assist the Government of Guam in carrying out the Guam realignment in a responsible and consistent manner.

(b) INTERAGENCY GROUP ON INSULAR AREAS DEFINED.—In this section, the term ''Interagency Group on Insular Areas'' means the interagency group established by Executive Order No. 13299 of May 12, 2003 (68 Fed. Reg. 25477; 48 U.S.C. note prec. 1451). The term includes any sub-group or working group of that interagency group.

SEC. 2824. COMPTROLLER GENERAL REPORT REGARDING INTERAGENCY REQUIREMENTS RELATED TO GUAM REALIGNMENT.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General shall submit to Congress a report on the status of interagency coordination through the Interagency Group on Insular Areas of budgetary requests to assist the Government of Guam with its budgetary requirements related to the realignment of military forces on Guam. The report shall address to what extent and how the Interagency Group on Insular Areas will be able to coordinate interagency budgets so the realignment of military forces on Guam will meet the 2014 completion date as stipulated in the May 2006 security agreement between the United States and Japan.

(b) INTERAGENCY GROUP ON INSULAR AREAS DEFINED.—In this section, the term ''Interagency Group on Insular Areas'' means the interagency group established by Executive Order No. 13299 of May 12, 2003 (68 Fed. Reg. 25477; 48 U.S.C. note prec. 1451). The term includes any sub-group or working group of that interagency group.

SEC. 2825. ENERGY AND ENVIRONMENTAL DESIGN INITIATIVES IN GUAM MILITARY CONSTRUCTION AND INSTALLATIONS.

(a) LEADERSHIP IN ENERGY AND ENVIRONMENTAL DESIGN PRINCIPLES.—With respect to all new military construction projects on Guam and military housing to be constructed on Guam related to the realignment of military forces on Guam, the Secretary of Defense shall require the incorporation of design criteria promulgated in the Leadership in Energy and Environmental Design Green Building Rating System, as developed by the United States Green Building Council, to achieve not less than the silver standard. This requirement shall apply regardless of the source of funds for the project.

(b) RENEWABLE ENERGY GOAL.—The Secretary of Defense shall establish a goal for the use of renewable energy sources on all military installations on Guam. Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report containing the plan of the Secretary to achieve the renewable energy goal. The report shall identify the renewable sources of energy that will be utilized and describe how the renewable sources will be utilized and installed at military installations on Guam.

SEC. 2826. DEPARTMENT OF DEFENSE INSPECTOR GENERAL REPORT REGARDING GUAM REALIGNMENT.

Not later than 180 days after the date of the enactment of this Act, the Inspector General of the Department of Defense shall submit to the congressional defense committees a report on the efforts of the Inspector General to address potential waste and fraud associated with the realignment of military forces on Guam.

SEC. 2827. ELIGIBILITY OF THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS FOR MILITARY BASE REUSE STUDIES AND COMMUNITY PLANNING ASSISTANCE.

(a) INCLUSION IN DEFINITION OF MILITARY INSTALLATION.—Section 2687(e)(1) of title 10, United States Code, is amended by inserting after ''Virgin Islands,'' the following: ''the Commonwealth of the Northern Mariana Islands,''.

(b) INCLUSION OF FACILITIES OWNED AND OPERATED BY COMMONWEALTH.—Section 2391(d)(1) of title 10, United States Code, is amended by inserting after ''Guam,'' the following: ''the Commonwealth of the Northern Mariana Islands,''.

SEC. 2828. PREVAILING WAGE APPLICABLE TO GUAM.

(a) IN GENERAL.—Subchapter I of chapter 169 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 2816. Application of prevailing wage for construction on Guam

''Subchapter IV of chapter 31 of title 40, United States Code, shall apply to any military construction authorized under this chapter of any facilities on Guam. In order to carry out the requirements of this section, the Secretary of Labor shall have the authority and functions set forth in Reorganization Plan Number 14 of 1950 and section 3145 of title 40, United States Code.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by adding at the end the following new item:

''2816. Application of prevailing wage for construction on Guam.''.

SEC. 2829. PORT OF GUAM IMPROVEMENT ENTERPRISE PROGRAM.

(a) IN GENERAL.—The Secretary of Transportation, acting through the Administrator of the Maritime Administration (in this section referred to as the ''Administrator''), may establish a Port of Guam Improvement Enterprise Program (in this section referred to as the ''Program'') to provide for the planning, design, and construction of projects for the Port of Guam to improve facilities, relieve port congestion, and provide greater access to port facilities.

(b) AUTHORITIES OF THE ADMINISTRATOR.—In carrying out the Program, the Administrator may—

(1) receive funds provided for the Program from non-Federal entities, including private entities;

(2) provide for coordination among appropriate governmental agencies to expedite the review process under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) for projects carried out under the Program;

(3) provide for coordination among appropriate governmental agencies in connection with other reviews and requirements applicable to projects carried out under the Program; and

(4) provide technical assistance to the Port Authority of Guam (and its agents) as needed for projects carried out under the Program.

(c) PORT OF GUAM IMPROVEMENT ENTERPRISE FUND.—

(1) ESTABLISHMENT.—There is established in the Treasury of the United States a separate account to be known as the ''Port of Guam Improvement Enterprise Fund'' (in this section referred to as the ''Fund'').

(2) DEPOSITS.—There shall be deposited into the Fund—

(A) amounts received by the Administrator from non-Federal sources under subsection (b)(1);

(B) amounts transferred to the Administrator under subsection (d); and

(C) amounts appropriated to carry out this section under subsection (f).

(3) USE OF AMOUNTS.—Amounts in the Fund shall be available to the Administrator to carry out the Program.

(4) ADMINISTRATIVE EXPENSES.—Not to exceed 3 percent of the amounts appropriated to the Fund for a fiscal year may be used for administrative expenses of the Administrator.

(5) AVAILABILITY OF AMOUNTS.—Amounts in the Fund shall remain available until expended.

(d) TRANSFERS OF AMOUNTS.—Amounts appropriated or otherwise made available for any fiscal year for an intermodal or marine facility comprising a component of the Program shall be transferred to and administered by the Administrator.

(e) LIMITATION.—Nothing in this section shall be construed to authorize amounts made available under section 215 of title 23, United States Code, or any other amounts made available for the construction of highways or amounts otherwise not eligible for making port improvements to be deposited into the Fund.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Fund such sums as may be necessary to carry out this section.

Subtitle D—Energy Security

SEC. 2841. CERTIFICATION OF ENHANCED USE LEASES FOR ENERGY-RELATED PROJECTS.

Section 2667(h) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(5) If a proposed lease under subsection (a) involves a project related to energy production and the term of the lease exceeds 20

years, the Secretary concerned may not enter into the lease until at least 30 days after the date on which the Secretary of Defense submits to the congressional defense committees a certification that the lease is consistent with the Department of Defense performance goals and plan required by section 2911 of this title.''.

SEC. 2842. ANNUAL REPORT ON DEPARTMENT OF DEFENSE INSTALLATIONS ENERGY MANAGEMENT.

Section 2925(a) of title 10, United States Code, is amended—

(1) by striking the subsection heading and inserting the following: ''ANNUAL REPORT RELATED TO INSTALLATIONS ENERGY MANAGEMENT.—'';

(2) in paragraph (1), by inserting '', the Energy Independence and Security Act of 2007 (Public Law 110–140),'' after ''58)''; and

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

''(6) A description and estimate of the progress made by the military departments to meet the certification requirements for sustainable green-building standards in construction and major renovations.''.

Subtitle E—Land Conveyances

SEC. 2851. LAND CONVEYANCE, FORMER NAVAL AIR STATION, ALAMEDA, CALIFORNIA.

(a) CONVEYANCE REQUIRED.—The Secretary of the Navy shall convey to the redevelopment authority for the former Naval Air Station Alameda, California (in this section referred to as the ''redevelopment authority''), all right, title and interest of the United States in and to the real and personal property comprising Naval Air Station Alameda, except those parcels identified for public benefit conveyance and certain surplus lands at the Naval Air Station Alameda described in the Federal Register on November 5, 2007. In this section, the real and personal property to be conveyed under this section is referred to as the ''NAS Property''.

(b) MULTIPLE CONVEYANCES.—The conveyance of the NAS Property may be conducted through multiple parcel transfers.

(c) CONSIDERATION OPTIONS.—As consideration for the conveyance of the NAS Property under subsection (a), the Secretary of the Navy and the redevelopment authority shall agree upon one of the following options:

(1) Not later than nine months after the date of the enactment of this Act, the redevelopment authority shall accept the consideration terms described in the document negotiated between the redevelopment authority and the Secretary of the Navy known as the draft ''Summary of Acquisition Terms and Conditions'' and dated September 18, 2006, as such language may be amended, with value to be determined for the portion of the NAS Property known as Parcel 3, and subsequently make payments to the Secretary in accordance with such document.

(2)(A) The redevelopment authority shall ensure that the entity that acquires title to the NAS Property for development (in this paragraph referred to as the ''development entity'') submits to the Secretary of the Navy a down payment of $10,000,000 dollars at the time the initial portion of the NAS Property is conveyed to the development entity.

(B) In addition, the redevelopment entity shall submit to the Secretary 12 percent of all gross residential and commercial building sales to the first bona-fide, arms-length third-party buyer, whether as new construction or the sale of rehabilitated existing structures. In the event that the development entity transfers all or any portion of the NAS Property to a third party, including any subsidiaries, before the completion of new or rehabilitated construction, the development entity shall satisfy the payment requirement as prescribed in this paragraph at such time as the NAS Property is conveyed to a bona-fide, arms-length third-party buyer. This obligation shall not apply to the sale of any buildings on land held in the public trust by the State of California or sales of land or buildings for the purposes of constructing or otherwise providing affordable housing, as determined by the Secretary.

(3)(A) The redevelopment authority shall submit 80 percent of the gross proceeds received by the redevelopment authority from the redevelopment authority's competitive solicitation of any portion of the NAS Property not encumbered by the public trust.

(B) To comply with this paragraph, the redevelopment authority shall—

(i) prepare, for review and approval by the Secretary of the Navy, commercially reasonable solicitation materials consisting of a request for qualifications and a request for proposals for the conveyance or lease of the NAS Property, as appropriate, in accordance with established contract principles, and such approval by the Secretary shall not be unreasonably withheld; and

(ii) pay to the Secretary the required share of monies received by the redevelopment authority by reason of any contract or agreement executed as a result of the solicitation.

(d) EXISTING USES.—During the three-year period beginning on the date on which the first conveyance under this section is made, the redevelopment authority shall make reasonable efforts to accommodate the continued use by the United States of those portions of the NAS Property covered by a request for Federal Land Transfer so long as the accommodation of such use is at no cost or expense to the redevelopment authority. Such accommodations shall provide adequate protection for the endangered California Least Tern in accordance with the requirements of the existing Biological Opinion for Naval Air Station Alameda dated March 22, 1999, and any future amendments to the Biological Opinion.

(e) REMEDIATION.—The Secretary of the Navy shall, to the extent practicable, remediate the NAS Property to the standard included by the Secretary and the redevelopment authority in the document referred to in subsection (c)(1).

(f) SAVINGS PROVISION.—Nothing in this section shall be construed to affect or limit the application of, or any obligation to comply with, any environmental law, including the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) and the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.).

(g) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under this section shall be determined by a survey satisfactory to the Department.

(h) MASTER LEASE.—The Lease in Furtherance of Conveyance, dated June 2000, as amended, between the Secretary of the Navy and the redevelopment authority shall remain in full force and effect until conveyance of the NAS Property in accordance with this section, and a lease amendment recognizing this section shall be offered by the Secretary.

(i) TREATMENT OF AMOUNTS RECEIVED.—Amounts received by the United States under this section shall be credited to the fund or account intended to receive proceeds from the disposal of the NAS Property pursuant to the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note).

(j) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of the Navy may require such additional terms and conditions in connection with the conveyance under subsections (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2852. LAND CONVEYANCE, NORWALK DEFENSE FUEL SUPPLY POINT, NORWALK, CALIFORNIA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Air Force may convey, without consideration, to the City of Norwalk, California (in this section referred to as the ''City''), all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 10 acres of the Norwalk Defense Fuel Supply Point in Norwalk, California, for the purpose of permitting the City to utilize the property for recreational purposes as an addition to the adjacent Holifield Park. In connection with the conveyance, the Secretary may make a payment to the City to assist the City in making municipal upgrades in the vicinity of the Norwalk Defense Fuel Supply Point.

(b) ENVIRONMENTAL REMEDIATION.—The Secretary shall manage and carry out environmental remediation activities with respect to the property to be conveyed under subsection (a) that, at a minimum, achieve the standard sufficient to allow the property to be used for the purposes specified in such subsection. The Secretary shall endeavor to enter into an agreement with the holder of an easement on the property to ensure that the easement holder participates in the remediation of the property.

(c) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary.

(d) PAYMENT OF COSTS OF CONVEYANCES.—

(1) PAYMENT REQUIRED.—The Secretary shall require the City to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under subsection (a), including survey costs, costs related to environmental documentation, and other administrative costs related to the conveyance. If amounts are collected from the City in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the City.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received as reimbursements under paragraph (1) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(e) SAVINGS PROVISION.—Nothing in this section shall be construed to affect or limit the application of, or any obligation to comply with, any environmental law, including the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) and the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.).

(f) ADDITIONAL TERM AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2853. LAND CONVEYANCE, FORMER NAVAL STATION, TREASURE ISLAND, CALIFORNIA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Navy shall convey to the redevelopment authority for former Naval Station, Treasure Island, California (in this section referred to as the ''redevelopment authority''), all right, title, and interest of the United States in and to a parcel of real property consisting of those portions of the

former Naval Station still retained by the Navy as of the date of the enactment of this Act and personal property and related utilities and improvements thereon.

(b) CONSIDERATION.—As consideration for the conveyance of the property under subsection (a), the Secretary and the redevelopment authority shall agree upon at least one of the following options:

(1) Subject to subsection (c), the redevelopment authority shall assume the remaining obligations of the Department of Defense to address releases or threatened releases of hazardous substances and petroleum and its constituents, to the extent necessary to obtain regulatory closure from relevant California and Federal environmental regulatory agencies, including a CERCLA covenant deferral by the Governor of the State of California.

(2) The redevelopment authority shall pay the United States a share of the gross revenues that the redevelopment authority receives from third-party buyers or lessees from sales and long-term leases of the conveyed property.

(c) ENVIRONMENTAL REMEDIATION EXCEPTIONS.—Under the consideration option provided by subsection (b)(1), the redevelopment authority shall not be required to accept any responsibility for—

(1) ordnance, explosives, munitions or similar devices or materials located on the conveyed property;

(2) radiological materials located on the conveyed property, where those materials were not identified before the conveyance under subsection (a) and were authorized to remain in place subject to the establishment of institutional controls enforced by a covenant with the California Department of Toxic Substances Control and deed restrictions to the property recipient;

(3) chemical or biological weapons or constituents thereof located on the conveyed property; and

(4) releases of hazardous substances and petroleum and its constituents located on the conveyed property, if the release of the hazardous substances or petroleum and its constituents was not discovered at the time of the conveyance and the costs of remediation of such unknown releases is not covered by environmental insurance procured by or benefitting the redevelopment authority.

(d) PAYMENT OF COSTS OF CONVEYANCES.—

(1) PAYMENT REQUIRED.—The Secretary shall require the redevelopment authority to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under subsection (a), including survey costs, appraisal costs, and other costs related to the conveyance. If amounts are collected from the redevelopment authority in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the redevelopment authority.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received under paragraph (1) as reimbursement for costs incurred by the Secretary to carry out the conveyance under subsection (a), and not refunded under such paragraph, shall be—

(A) counted toward the consideration otherwise required from the redevelopment authority under subsection (b); and

(B) credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the conveyance.

(3) USE OF AMOUNTS RECEIVED.— Amounts credited to a fund or account under paragraph (2)(B) shall be merged with amounts in the fund or account and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(e) SAVINGS PROVISION.—Nothing in this section shall be construed to affect or limit the application of, or any obligation to comply with, any environmental law, including the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) and the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.).

(f) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary.

(g) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsections (a) as the Secretary considers appropriate to protect the interests of the United States, so long as such additional terms and conditions do not materially change the terms and conditions of this section, including the consideration to be provided the United States under subsection (b).

SEC. 2854. CONDITION ON LEASE INVOLVING NAVAL AIR STATION, BARBERS POINT, HAWAII.

As a condition of any lease executed by the Secretary of the Navy pursuant to section 2843 of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2482) with Ford Island Properties/Hunt Development involving the former Naval Air Station, Barbers Point, Hawaii, the Secretary of the Navy shall require that Ford Island Properties/Hunt Development enter into a memorandum of understanding with the Hawaii Community Development Authority to ensure that the development plan for the real property covered by the lease conforms with the final Kalaeloa Master Plan and appropriate land use controls of the Hawaii Community Development Authority.

SEC. 2855. LAND CONVEYANCE, SERGEANT FIRST CLASS M.L. DOWNS ARMY RESERVE CENTER, SPRINGFIELD, OHIO.

(a) CONVEYANCE AUTHORIZED.—At such time as the Army Reserve vacates the Sergeant First Class M.L. Downs Army Reserve Center at 1515 West High Street in Springfield, Ohio, the Secretary of the Army may convey, without consideration, to the City of Springfield, Ohio (in this section referred to as the ''City''), all right, title, and interest of the United States in and to the parcel of real property, including improvements thereon, containing the Reserve Center for the purpose of permitting the City to utilize the property for municipal government activities.

(b) REVERSIONARY INTEREST.—If the Secretary determines at any time that the real property conveyed under subsection (a) is not being used in accordance with the purpose of the conveyance, all right, title, and interest in and to such real property, including any improvements and appurtenant easements thereto, shall, at the option of the Secretary, revert to and become the property of the United States, and the United States shall have the right of immediate entry onto such real property. A determination by the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

(c) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary.

(d) PAYMENT OF COSTS OF CONVEYANCES.—

(1) PAYMENT REQUIRED.—The Secretary shall require the City to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under subsection (a), including survey costs, costs related to environmental documentation, and other administrative costs related to the conveyance. If amounts are collected from the City in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the City.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received as reimbursements under paragraph (1) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(e) ADDITIONAL TERM AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2856. LAND CONVEYANCE, JOHN SEVIER RANGE, KNOX COUNTY, TENNESSEE.

(a) CONVEYANCE AUTHORIZATION.—The Secretary of the Army may convey, without consideration, to the State of Tennessee all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon and appurtenant easements thereto, consisting of approximately 124 acres known as the John Sevier Range in Knox County, Tennessee, if the State agrees to use such real property as a public firing range and for associated recreational activities.

(b) REVERSIONARY INTEREST.—If the Secretary determines at any time that the real property conveyed under subsection (a) is not being used in accordance with the terms of the conveyance, all right, title, and interest in and to such real property, including any improvements and appurtenant easements thereto, shall, at the option of the Secretary, revert to and become the property of the United States, and the United States shall have the right of immediate entry onto such real property. A determination by the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

(c) ADMINISTRATIVE EXPENSES.—In accordance with section 2695 of title 10, United State Code, the Secretary may accept amounts provided by the State to cover administrative expenses incurred by the Secretary with respect to the conveyance authorized under subsection (a), including survey expenses, expenses related to environmental documentation, and other administrative expenses related to such conveyance. Such amounts shall be credited, pursuant to subsection (c) of section 2695 of such title, to the appropriation, fund, or account from which such expenses were paid. If amounts are collected from the State in advance of the Secretary incurring such expenses, and the amount collected exceeds the expenses actually incurred by the Secretary, the Secretary shall refund the excess amount to the State.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property authorized to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary and the State.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance authorized under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2857. LAND CONVEYANCE, BUREAU OF LAND MANAGEMENT LAND, CAMP WILLIAMS, UTAH.

(a) CONVEYANCE REQUIRED.—Not later than 120 days after the date of the enactment of this Act, the Secretary of the Interior, acting through the Bureau of Land Management, shall convey, without consideration, to the State of Utah all right, title, and interest of the United States in and to certain lands comprising approximately 431 acres, as generally depicted on a map entitled ''Proposed Camp Williams Land Transfer'' and dated March 7, 2008, which are located within the boundaries of the public lands currently withdrawn for military use by the Utah National Guard and known as Camp Williams, Utah, for the purpose of permitting the Utah National Guard to use the conveyed land as provided in subsection (c).

(b) REVOCATION OF EXECUTIVE ORDER.—Executive Order No. 1922 of April 24, 1914, as amended by section 907 of the Camp W.G. Williams Land Exchange Act of 1989 (title IX of Public Law 101–628; 104 Stat. 4501), shall be revoked, only insofar as it affects the lands identified for conveyance to the State of Utah under subsection (a).

(c) REVERSIONARY INTEREST.—The lands conveyed to the State of Utah under subsection (a) shall revert to the United States if the Secretary of the Interior determines that the land, or any portion thereof, is sold or attempted to be sold, or that the land, or any portion thereof, is used for non-National Guard or non-national defense purposes. Any determination by the Secretary of the Interior under this subsection shall be made in consultation with the Secretary of Defense and the Governor of Utah and on the record after an opportunity for comment.

(d) HAZARDOUS MATERIALS.—With respect to any portion of the land conveyed under subsection (a) that the Secretary of the Interior determines is subject to reversion under subsection (c), if the Secretary of the Interior also determines that the portion of the conveyed land contains hazardous materials, the State of Utah shall pay the United States an amount equal to the fair market value of that portion of the land, and the reversionary interest shall not apply to that portion of the land.

SEC. 2858. LAND CONVEYANCE, ARMY PROPERTY, CAMP WILLIAMS, UTAH.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to the State of Utah on behalf of the Utah National Guard (in this section referred to as the ''State'') all right, title, and interest of the United States in and to two parcels of real property, including any improvements thereon, that are located within the boundaries of Camp Williams, Utah, consist of approximately 608 acres and 308 acres, respectively, and are identified in the Utah National Guard master plan as being necessary acquisitions for future missions of the Utah National Guard.

(b) REVERSIONARY INTEREST.—If the Secretary determines at any time that the real property conveyed under subsection (a), or any portion thereof, has been sold or is being used solely for non-defense, commercial purposes, all right, title, and interest in and to the property shall revert, at the option of the Secretary, to the United States, and the United States shall have the right of immediate entry onto the property. It is not a violation of the reversionary interest for the State to lease the property, or any portion thereof, to private, commercial, or governmental interests if the lease facilitates the construction and operation of buildings, facilities, roads, or other infrastructure that directly supports the defense missions of the Utah National Guard. Any determination of the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

(c) PAYMENT OF COSTS OF CONVEYANCE.—

(1) PAYMENT REQUIRED.—The Secretary shall require the State to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under subsection (a), including survey costs, costs related to environmental documentation, and other administrative costs related to the conveyance. If amounts are collected from the State in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the State.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received as reimbursements under paragraph (1) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(d) DESCRIPTION OF REAL PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2859. EXTENSION OF POTOMAC HERITAGE NATIONAL SCENIC TRAIL THROUGH FORT BELVOIR, VIRGINIA.

(a) AGREEMENT AUTHORITY.—The Secretary of the Army may enter into a revocable at will easement with the Secretary of the Interior to provide land along the perimeter of Fort Belvoir, Virginia, to be used as a segment the Potomac Heritage National Scenic Trail.

(b) SELECTION CRITERIA.—In determining the extent of the easement, the Secretary of the Army shall provide for a single trail, and select alignments of the trail, along the perimeter of Fort Belvoir. In making that determination, the Secretary shall consider—

(1) the perimeter security requirements to protect the assets, people, and agency missions located at Fort Belvoir;

(2) the appropriate setback from adjacent roadways to provide for a safe and enjoyable experience for users of the trail; and

(3) any planned future expansion of roadways, including United States Route 1, so that the trail will not be adversely impacted by roadway construction.

(c) TRAIL ADMINISTRATION AND MANAGEMENT.—Any segment of the Potomac Heritage National Scenic Trail along the perimeter of Fort Belvoir shall be administered by the Secretary of the Interior, acting through the National Park Service, and shall be managed by the Secretary of the Army, by an appropriate local agency, or by any other party mutually acceptable to the Secretary of the Army and the National Park Service. A written agreement confirming this management arrangement shall be co-signed by the parties to the easement agreement.

SEC. 2860. TRANSFER OF ADMINISTRATIVE JURISDICTION, DECOMMISSIONED NAVAL SECURITY GROUP ACTIVITY, SKAGGS ISLAND, CALIFORNIA.

(a) TRANSFER MEMORANDUM OF AGREEMENT.—The Secretary of the Navy and the Secretary of the Interior shall negotiate a memorandum of agreement that stipulates the conditions upon which the decommissioned Naval Security Group Activity, Skaggs Island, Sonoma, California shall be transferred from the administrative jurisdiction of the Department of the Navy to the United States Fish and Wildlife Service for inclusion in the National Wildlife Refuge System.

(b) ACCEPTANCE OF DONATIONS; USE.—The Secretary of the Navy and the Secretary of the Interior may accept contributions from the State of California and other entities to help cover the costs of demolishing and removing structures on the property described in subsection (a) and to facilitate future environmental restoration that furthers the ultimate end use of the property for conservation purposes. Amounts received may be merged with other amounts available to the Secretaries to carry out this section and shall remain available, without further appropriation and until expended.

Subtitle F—Other Matters

SEC. 2871. REVISED DEADLINE FOR TRANSFER OF ARLINGTON NAVAL ANNEX TO ARLINGTON NATIONAL CEMETERY.

Section 2881(h)(1) of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 879), as amended by section 2871 of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 561), is further amended by striking ''January 1, 2011'' and inserting ''January 1, 2012''.

SEC. 2872. DECONTAMINATION AND USE OF FORMER BOMBARDMENT AREA ON ISLAND OF CULEBRA.

Section 204 of the Military Construction Authorization Act, 1974 (Public Law 93–166; 87 Stat. 668) is amended by striking subsection (c).

SEC. 2873. ACCEPTANCE AND USE OF GIFTS FOR CONSTRUCTION OF ADDITIONAL BUILDING AT NATIONAL MUSEUM OF THE UNITED STATES AIR FORCE, WRIGHT-PATTERSON AIR FORCE BASE.

(a) ACCEPTANCE AUTHORIZED.—The Secretary of the Air Force may accept from the Air Force Museum Foundation, a private nonprofit corporation, gifts in the form of cash, treasury instruments, or comparable United States securities for the purpose of paying the costs of design and construction of a fourth building for the National Museum of the United States Air Force at Wright-Patterson Air Force Base, Ohio. In making a gift, the Air Force Museum Foundation may specify that all or part of the amount of the gift be utilized solely for the purpose of the design and construction of a particular portion of the building.

(b) ESCROW ACCOUNT.—

(1) DEPOSIT OF GIFTS.—The Secretary of the Air Force, acting through the Director of Financial Management of the Air Force Materiel Command (in this section referred to as the ''Director''), shall deposit the amount of any gift accepted under subsection (a) in an escrow account established for that purpose.

(2) INVESTMENT.—Amounts in the escrow account not required to meet current requirements of the account shall be invested in public debt securities with maturities suitable to the needs of the account, as determined by the Director, and bearing interest at rates that take into consideration current market yields on outstanding marketable obligations of the United States of comparable securities. The income on such investments shall be credited to and form a part of the account.

(3) LIQUIDATION.—Upon final payment of all invoices and claims associated with the design and construction of the building described in subsection (a), the Secretary shall terminate the escrow account. Any amounts remaining in the account upon termination shall be available to the Secretary, in such amounts as are provided in advance in appropriations Acts, for such purposes as the Secretary considers appropriate.

(c) USE OF GIFTS.—

(1) DESIGN AND CONSTRUCTION.—The Director shall use amounts in the escrow account, including income on investments, to pay the costs of the design and construction of a fourth building for the National Museum of the United States Air Force, including progress payments for such design and construction, subject to any conditions imposed by the Air Force Museum Foundation under subsection (a). Amounts in the account shall be available to the Director, in such amounts as are provided in advance in appropriations Acts, until expended.

(2) TIME FOR PAYMENT.—Amounts shall be payable under paragraph (1) upon receipt by the Director of a notification from the technical representative of the contracting officer that construction activities for which such amounts are payable under paragraph (1) have been undertaken. To the maximum extent practicable consistent with good business practice, the Director shall limit payment of amounts from the account in order to maximize the return on investment of amounts in the account.

(d) LIMITATION ON CONTRACTS.—The Secretary of the Air Force may not initiate a contract for the design or construction of a particular portion of the building described in subsection (a) until amounts in the escrow account are sufficient to cover the amount of the contract.

SEC. 2874. ESTABLISHMENT OF MEMORIAL TO AMERICAN RANGERS AT FORT BELVOIR, VIRGINIA.

(a) AUTHORITY TO ESTABLISH MEMORIAL.—The Secretary of the Army may permit the American Ranger Memorial Association, Inc., to establish and maintain, at a suitable location on Fort Belvoir, Virginia, a national memorial to honor the sacrifice and service of American Rangers during their almost four hundred years of existence.

(b) LOCATION AND DESIGN.—The actual location and final design of the memorial authorized by subsection (a) shall be subject to the approval of the Secretary. In selecting the location, the Secretary shall seek to maximize visitor access to the resulting memorial.

(c) MAINTENANCE.—The maintenance of the memorial authorized by subsection (a) by the American Ranger Memorial Association, Inc., shall be subject to such conditions regarding access to the memorial, and such other conditions, as the Secretary considers appropriate to protect the interests of the United States.

(d) LIMITATION ON PAYMENT OF EXPENSES.—The United States Government shall not pay any expense for the establishment or maintenance of the memorial authorized by subsection (a).

SEC. 2875. LEASE INVOLVING PIER ON FORD ISLAND, PEARL HARBOR NAVAL BASE, HAWAII.

(a) LEASE.—The Secretary of the Navy shall enter into a lease with the USS Missouri Memorial Association to authorize the USS Missouri Memorial Association to use the pier Foxtrot Five and related real property on Ford Island, Pearl Harbor Naval Base, Hawaii, during calendar years 2009 and 2010.

(b) CONSIDERATION.—The lease required by subsection (a) shall be made without consideration.

(c) CONDITION ON USE OF LEASED PROPERTY.—As a condition on the lease under subsection (a), the USS Missouri Memorial Association shall agree to preserve and maintain the USS Missouri for education purposes, historic preservation, and community outreach.

(d) EFFECT OF VIOLATION.—If the Secretary determines at any time that the USS Missouri Memorial Association is not in compliance with the condition imposed by subsection (c), the Secretary may terminate the lease referred to in subsection (a). Any determination of the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

SEC. 2876. NAMING OF HEALTH FACILITY, FORT RUCKER, ALABAMA.

The health facility located at 301 Andrews Avenue in Fort Rucker, Alabama, shall be known and designated as the ''Lyster Army/VA Health Clinic''. Any reference in a law, map, regulation, document, paper, or other record of the United States to such facility shall be deemed to be a reference to the Lyster Army/VA Health Clinic.

TITLE XXIX—ADDITIONAL WAR-RELATED AND EMERGENCY MILITARY CONSTRUCTION AUTHORIZATIONS FOR FISCAL YEAR 2008

Sec. 2901. Authorized Army construction and land acquisition projects.
Sec. 2902. Authorized Navy construction and land acquisition projects.
Sec. 2903. Authorized Air Force construction and land acquisition projects.
Sec. 2904. Authorized Defense Agencies construction and land acquisition projects.
Sec. 2905. Termination of authority to carry out fiscal year 2008 Army projects for which funds were not appropriated.

SEC. 2901. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in subsection (c)(1), the Secretary of the Army may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Army: Inside the United States

State	Installation or Location	Amount
Alaska	Fort Wainwright	$17,000,000
California	Fort Irwin	$11,800,000
Colorado	Fort Carson	$8,400,000
Georgia	Fort Benning	$30,500,000
	Fort Gordon	$39,800,000
Hawaii	Schofield Barracks	$12,500,000
Kentucky	Fort Campbell	$9,900,000
	Fort Knox	$7,400,000
Missouri	Fort Leonard Wood	$50,000,000
North Carolina	Fort Bragg	$8,500,000
Oklahoma	Fort Sill	$9,000,000
South Carolina	Fort Jackson	$27,000,000
Texas	Fort Bliss	$17,300,000
	Fort Hood	$7,200,000
	Fort Sam Houston	$54,000,000
Virginia	Fort Eustis	$50,000,000
	Fort Lee	$7,400,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in subsection (c)(2), the Secretary of the Army may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

Army: Outside the United States

Country	Installation or Location	Amount
Afghanistan	Various Locations	$54,000,000
Iraq	Baghdad	$13,000,000
	Camp Adder	$13,200,000

Army: Outside the United States—Continued

Country	Installation or Location	Amount
	Camp Ramadi	$6,200,000
	Fallujah	$5,500,000

(c) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated on or after the date of the enactment of this Act for military construction, land acquisition, and military family housing functions of the Department of the Army in the total amount of $440,700,000 as follows:

(1) For military construction projects inside the United States authorized by subsection (a), $367,700,000.

(2) For military construction projects outside the United States authorized by subsection (b), $67,000,000.

(3) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $6,000,000.

SEC. 2902. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in subsection (c)(1), the Secretary of the Navy may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Navy: Inside the United States

State	Installation or Location	Amount
California	Camp Pendleton	$19,962,000
	China Lake	$7,210,000
	Point Mugu	$7,250,000
	San Diego	$17,930,000
	San Diego, Marine Corps Recruit Depot	$43,200,000
	Twentynine Palms	$12,324,000
Florida	Eglin Air Force Base	$780,000
Mississippi	Gulfport	$6,570,000
North Carolina	Camp Lejeune	$27,980,000
	Parris Island Marine Corps Recruit Depot	$16,000,000
Virginia	Yorktown	$8,070,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in subsection (c)(2), the Secretary of the Navy may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

Navy: Outside the United States

Country	Installation or Location	Amount
Djibouti	Camp Lemonier	$22,390,000

(c) AUTHORIZATION OF APPROPRIATIONS.—Subject to section 2825 of title 10, United States Code, funds are hereby authorized to be appropriated on or after the date of the enactment of this Act for military construction, land acquisition, and military family housing functions of the Department of the Navy in the total amount of $197,618,000 as follows:

(1) For military construction projects inside the United States authorized by subsection (a), $171,176,000.

(2) For military construction projects outside the United States authorized by subsection (b), $22,390,000.

(3) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $4,052,000.

(4) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $11,766,000.

SEC. 2903. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in subsection (c)(1), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Air Force: Inside the United States

State	Installation or Location	Amount
California	Beale Air Force Base	$17,600,000
Florida	Eglin Air Force Base	$11,000,000
New Jersey	McGuire Air Force Base	$6,200,000
New Mexico	Cannon Air Force Base	$8,000,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in subsection (c)(2), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

Air Force: Outside the United States

Country	Installation or Location	Amount
Oman	Masirah Air Base	$6,300,000
Qatar	Al Udeid	$100,400,000

(c) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated on or after the date of the enactment of this Act for military construction, land acquisition, and military family housing functions of the Department of the Air Force in the total amount of $150,927,000, as follows:

(1) For military construction projects inside the United States authorized by subsection (a), $42,800,000.

(2) For military construction projects outside the United States authorized by subsection (b), $106,700,000.

(3) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $1,427,000.

SEC. 2904. AUTHORIZED DEFENSE AGENCIES CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in subsection (b)(1), the Secretary of Defense may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Defense Agencies: Inside the United States

State	Installation or Location	Amount
Georgia	Fort Benning	$350,000,000
Kansas	Fort Riley	$404,000,000
North Carolina	Camp Lejeune	$122,000,000

(b) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated on or after the date of the enactment of this Act for military construction, land acquisition, and military family housing functions of the Department of Defense (other than the military departments) in the total amount of $956,000,000, as follows:

(1) For military construction projects inside the United States authorized by subsection (a), $876,000,000.

(2) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $80,000,000.

SEC. 2905. TERMINATION OF AUTHORITY TO CARRY OUT FISCAL YEAR 2008 ARMY PROJECTS FOR WHICH FUNDS WERE NOT APPROPRIATED.

The table in section 2901(b) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 570) is amended—

(1) in the item relating to Bagram Air Base, Afghanistan, by striking ''$249,600,000'' in the amount column and inserting ''$195,600,000'';

(2) in the item relating to Camp Adder, Iraq, by striking ''$80,650,000'' in the amount column and inserting ''$75,800,000'';

(3) in the item relating to Camp Anaconda, Iraq, by striking ''$53,500,000'' in the amount column and inserting ''$10,500,000'';

(4) in the item relating to Camp Victory, Iraq, by striking ''$65,400,000'' in the amount column and inserting ''$60,400,000'';

(5) by striking the item relating to Tikrit, Iraq; and

(6) in the item relating to Camp Speicher, Iraq, by striking ''$83,900,000'' in the amount column and inserting ''$74,100,000''.

DIVISION C—DEPARTMENT OF ENERGY NATIONAL SECURITY AUTHORIZATIONS AND OTHER AUTHORIZATIONS

TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

Subtitle A—National Security Programs Authorizations

Sec. 3101. National Nuclear Security Administration.
Sec. 3102. Defense environmental cleanup.
Sec. 3103. Other defense activities.
Sec. 3104. Defense nuclear waste disposal.
Sec. 3105. Energy security and assurance.

Subtitle B—Program Authorizations, Restrictions, and Limitations

Sec. 3111. Utilization of international contributions to the Russian plutonium disposition program.
Sec. 3112. Extension of deadline for Comptroller General report on Department of Energy protective force management.
Sec. 3113. Enhancing nuclear forensics capabilities.

Subtitle A—National Security Programs Authorizations

SEC. 3101. NATIONAL NUCLEAR SECURITY ADMINISTRATION.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2009 for the activities of the National Nuclear Security Administration in carrying out programs necessary for national security in the amount of $9,301,922,000, to be allocated as follows:

(1) For weapons activities, $6,609,639,000.

(2) For defense nuclear nonproliferation activities, $1,455,148,000.

(3) For naval reactors, $828,054,000.

(4) For the Office of the Administrator for Nuclear Security, $409,081,000.

(b) AUTHORIZATION OF NEW PLANT PROJECTS.—From funds referred to in subsection (a) that are available for carrying out plant projects, the Secretary of Energy may carry out new plant projects for the National Nuclear Security Administration as follows:

(1) For readiness in technical base and facilities, the following new plant projects:

Project 09–D–404, Test Capabilities Revitalization, Phase 2, Sandia National Laboratories, New Mexico, $3,000,000.

Project 08–D–806, Ion Beam Laboratory Refurbishment, Sandia National Laboratories, New Mexico, $10,014,000.

(2) For naval reactors, the following new plant projects:

Project 09–D–902, Naval Reactor Facilities Production Support Complex, Naval Reactors Facility, Idaho, $8,300,000.

Project 09–D–190, KAPL Infrastructure Upgrades, Schenectady, New York, $1,000,000.

SEC. 3102. DEFENSE ENVIRONMENTAL CLEANUP.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2009 for defense environmental cleanup activities in carrying out programs necessary for national security in the amount of $5,317,256,000.

SEC. 3103. OTHER DEFENSE ACTIVITIES.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2009 for other defense activities in carrying out programs necessary for national security in the amount of $1,321,461,000, of which $487,008,000 is for construction of the Mixed Oxide Fuel Fabrication Facility at the Savannah River Site, South Carolina, and associated program activities and functions.

SEC. 3104. DEFENSE NUCLEAR WASTE DISPOSAL.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2009 for defense nuclear waste disposal for payment to the Nuclear Waste Fund established in section 302(c) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(c)) in the amount of $247,371,000.

SEC. 3105. ENERGY SECURITY AND ASSURANCE.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2009 for energy security and assurance programs necessary for national security in the amount of $7,622,000.

Subtitle B—Program Authorizations, Restrictions, and Limitations

SEC. 3111. UTILIZATION OF INTERNATIONAL CONTRIBUTIONS TO THE RUSSIAN PLUTONIUM DISPOSITION PROGRAM.

(a) IN GENERAL.—The Secretary of Energy may, in consultation with the Secretary of State, enter into one or more agreements with any person (including a foreign government, international organization, or multinational entity) that the Secretary of Energy considers appropriate, under which the person contributes funds for the effective and transparent disposition of excess weapon-grade Russian plutonium in the Russian Federation, known as the Russian Plutonium Disposition Program.

(b) RETENTION AND USE OF AMOUNTS.—Subject to the availability of appropriations, the Secretary of Energy may retain and use amounts contributed under an agreement under subsection (a) for purposes of the Russian Plutonium Disposition Program. Amounts so contributed shall be retained in a separate fund established in the Treasury

for such purposes, subject to the availability of appropriations, consistent with an agreement under subsection (a).

(c) RETURN OF AMOUNTS NOT USED WITHIN 5 YEARS.—If an amount contributed under an agreement under subsection (a) is not used under this section within 5 years after it was contributed, the Secretary of Energy shall return that amount to the person who contributed it.

(d) NOTICE TO APPROPRIATE CONGRESSIONAL COMMITTEES.—Not later than 30 days after the receipt of an amount contributed under subsection (b), the Secretary of Energy shall submit to the appropriate congressional committees a notice specifying the purpose and value of the contribution and identifying the person who contributed it. The Secretary may not use such amount until 15 days after the notice is submitted.

(e) ANNUAL REPORT.—Not later than October 31 of each year, beginning in the fiscal year in which the first contributions are retained under subsection (b), the Secretary of Energy shall submit to the appropriate congressional committees a report on the receipt and use of amounts under this section during the preceding fiscal year. Each report for a fiscal year shall set forth—

(1) a statement of any amounts received under this section, including, for each such amount, the value of the contribution and the person who contributed it;

(2) a statement of any amounts used under this section, including, for each such amount, the purposes for which the amount was used; and

(3) a statement of the amounts retained but not used under this section including, for each such amount, the purposes (if known) for which the Secretary intends to use the amount.

(f) EXPIRATION.—The authority to accept, retain, and use contributions under this section shall expire on December 31, 2013.

(g) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means—

(1) the Committee on Armed Services, the Committee on Appropriations, and the Committee on Foreign Affairs of the House of Representatives; and

(2) the Committee on Armed Services, the Committee on Appropriations, and the Committee on Foreign Relations of the Senate.

SEC. 3112. EXTENSION OF DEADLINE FOR COMPTROLLER GENERAL REPORT ON DEPARTMENT OF ENERGY PROTECTIVE FORCE MANAGEMENT.

Section 3124(a)(1) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 580) is amended by striking ''Not later than 180 days after the date of the enactment of this Act,'' and inserting ''No later than March 1, 2009,''.

SEC. 3113. ENHANCING NUCLEAR FORENSICS CAPABILITIES.

(a) NNSA FELLOWSHIP PROGRAM FOR GRADUATE STUDENTS IN NUCLEAR CHEMISTRY.—

(1) IN GENERAL.—The Administrator for Nuclear Security shall establish a fellowship program for graduate students who are Ph.D. candidates in the field of nuclear chemistry.

(2) SENSE OF CONGRESS.—It is the sense of Congress that the fellowship program should—

(A) support at least six graduate students per year; and

(B) require each graduate student to spend at least two summers in a national security laboratory over the course of the program.

(3) FUNDING.—Of the amounts appropriated pursuant to an authorization of appropriations in this Act or otherwise made available from amounts for weapons activities from the National Nuclear Security Administration for national technical nuclear forensics for fiscal year 2009, $3,000,000 shall be available to establish the fellowship program.

(4) PLAN.—No later than February 1, 2009, the Administrator shall submit to the congressional defense committees a plan describing the costs of continuing the program for fiscal year 2010 and thereafter.

(b) NNSA RESEARCH AND DEVELOPMENT PROGRAM ON NUCLEAR FORENSICS RADIATION-MEASUREMENT EQUIPMENT.—

(1) IN GENERAL.—The Administrator for Nuclear Security shall carry out a research and development program to improve the speed and accuracy of nuclear forensics radiation-measurement equipment.

(2) FUNDING.—Of the amounts appropriated pursuant to an authorization of appropriations in this Act or otherwise made available from amounts for weapons activities from the National Nuclear Security Administration for national technical nuclear forensics for fiscal year 2009, $2,000,000 shall be available to carry out the research and development program.

(3) PLAN.—No later than February 1, 2009, the Administrator shall submit to the congressional defense committees a plan for the research and development program, including a description of the costs of continuing the program for fiscal year 2010 and thereafter.

(c) RESEARCH AND DEVELOPMENT PLAN FOR NUCLEAR FORENSICS AND ATTRIBUTION.—

(1) RESEARCH AND DEVELOPMENT.—The Secretary of Energy shall prepare a research and development plan to prioritize research and development efforts in the Department of Energy, and at the national laboratories overseen by offices of the Department of Energy, on the technical capabilities required—

(A) to enable a robust and timely nuclear forensic response to a nuclear explosion or to the interdiction of nuclear material or a nuclear weapon anywhere in the world; and

(B) to develop an international database containing data on nuclear material, to enable the attribution of nuclear material or a nuclear weapon to its source.

(2) REPORTS.—

(A) The Secretary of Energy shall submit to the congressional defense committees—

(i) not later than 6 months after the date of enactment of this Act, a report on the contents of the research and development plan described in paragraph (1), and any legislative changes required to implement the plan; and

(ii) not later than 18 months after the date of enactment of this Act, a report on the implementation status of the plan.

(B) The Secretary shall submit each report required by this subsection in unclassified form, but may include a classified annex with such report.

(d) ADDITIONAL INFORMATION TO BE INCLUDED IN REPORT ON NUCLEAR FORENSICS CAPABILI1TIES.—Section 3129(b) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 585) is amended—

(1) in paragraph (2), by striking ''and'' at the end;

(2) in paragraph (3), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(4) any legislative, regulatory, or treaty actions necessary to facilitate international cooperation in enhancement of international nuclear-material databases and the linking of those databases to enable prompt data access.''.

(e) REPORT ON NUCLEAR FORENSICS ADVISORY PANEL.—

(1) ESTABLISHMENT.—The Secretary of Defense, in consultation with the Secretary of Energy and the Secretary of Homeland Security, shall submit a report describing a joint recommendation for establishing an independent Nuclear Forensics Advisory Panel of recognized experts not directly associated with the Federal laboratories.

(2) ROLE OF INDEPENDENT PANEL.—The function of such an independent panel should be to provide independent validation of any Federal nuclear forensics analysis.

(3) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretaries referred to in paragraph (1) shall submit a report on the structure and membership of the panel required by that paragraph. The report shall be submitted to—

(A) the Committee on Appropriations, Committee on Armed Services, and Committee on Homeland Security of the House of Representatives; and

(B) the Committee on Appropriations, Committee on Armed Services, and Committee on Homeland Security and Government Affairs of the Senate.

(f) PRESIDENTIAL REPORT ON INVOLVEMENT OF SENIOR-LEVEL EXECUTIVE BRANCH LEADERSHIP IN CERTAIN EXERCISES THAT INCLUDE NUCLEAR FORENSICS ANALYSIS.—Not later than 90 days after the date of the enactment of this Act, the President shall submit a report on the involvement of senior-level executive branch leadership in planned nuclear terrorism preparedness exercises that have nuclear forensics analysis as a component of the exercise. The report shall be submitted to—

(1) the Committee on Appropriations, the Committee on Armed Services, and the Committee on Homeland Security of the House of Representatives; and

(2) the Committee on Appropriations, the Committee on Armed Services, and the Committee on Homeland Security and Government Affairs of the Senate.

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

Sec. 3201. Authorization.

SEC. 3201. AUTHORIZATION.

There are authorized to be appropriated for fiscal year 2009, $25,499,000 for the operation of the Defense Nuclear Facilities Safety Board under chapter 21 of the Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq.).

TITLE XXXIV—NAVAL PETROLEUM RESERVES

Sec. 3401. Authorization of appropriations.

SEC. 3401. AUTHORIZATION OF APPROPRIATIONS.

(a) AMOUNT.—There are hereby authorized to be appropriated to the Secretary of Energy $19,099,000 for fiscal year 2009 for the purpose of carrying out activities under chapter 641 of title 10, United States Code, relating to the naval petroleum reserves.

(b) PERIOD OF AVAILABILITY.—Funds appropriated pursuant to the authorization of appropriations in subsection (a) shall remain available until expended.

TITLE XXXV—MARITIME ADMINISTRATION

Sec. 3501. Authorization of appropriations for fiscal year 2009.
Sec. 3502. Limitation on export of vessels owned by the Government of the United States for the purpose of dismantling, recycling, or scrapping.
Sec. 3503. Student incentive payment agreements.
Sec. 3504. Riding gang member requirements.
Sec. 3505. Maintenance and Repair Reimbursement Program for the Maritime Security Fleet.
Sec. 3506. Temporary program authorizing contracts with adjunct professors at the United States Merchant Marine Academy.

SEC. 3501. AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 2009.

Funds are hereby authorized to be appropriated for fiscal year 2009, to be available without fiscal year limitation if so provided in appropriations Acts, for the use of the Department of Transportation for the Maritime Administration as follows:

(1) For expenses necessary for operations and training activities, $117,848,000, of which—

(A) $8,150,000 shall remain available until expended for capital improvements at the United States Merchant Marine Academy, and

(B) $8,306,000 shall remain available until expended for maintenance and repair of school ships of the State Maritime Academies.

(2) For expenses to maintain and preserve a United States-flag merchant fleet to serve the national security needs of the United States under chapter 531 of title 46, Unites States Code, $193,500,000, of which $19,500,000 will be available for costs associated with the maintenance reimbursement pilot program under section 3517 of the Maritime Security Act of 2003 (46 U.S.C 53101 note).

(3) For assistance to small shipyards and maritime communities under section 54101 of title 46, United States Code, $25,000,000.

(4) For expenses to dispose of obsolete vessels in the National Defense Reserve Fleet, $18,000,000.

(5) For the cost (as defined in section 502(5) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a(5)) of loan guarantees under the program authorized by chapter 537 of title 46, United States Code, $30,000,000.

(6) For administrative expenses related to the implementation of the loan guarantee program under chapter 537 of title 46, United States Code, administrative expenses related to implementation of the reimbursement program under section 3517 of the Maritime Security Act of 2003 (46 U.S.C. 53101 note), and administrative expenses related to the implementation of the small shipyards and maritime communities assistance program under section 54101 of title 46, United States Code, $3,531,000.

SEC. 3502. LIMITATION ON EXPORT OF VESSELS OWNED BY THE GOVERNMENT OF THE UNITED STATES FOR THE PURPOSE OF DISMANTLING, RECYCLING, OR SCRAPPING.

(a) IN GENERAL.—Except as provided in subsection (b), no vessel that is owned by the Government of the United States shall be approved for export to a foreign country for purposes of dismantling, recycling, or scrapping.

(b) EXCEPTION.—Subsection (a) shall not apply with respect to a vessel if the Administer of the Maritime Administration certifies that—

(1) a compelling need for dismantling, recycling, or scrapping the vessel exists;

(2) there is no available capacity in the United States to conduct the dismantling, recycling, or scrapping of the vessel;

(3) any dismantling, recycling, or scrapping of the vessel in a foreign country will be conducted in full compliance with environmental, safety, labor, and health requirements for ship dismantling, recycling, or scrapping that are equivalent to the laws of the United States; and

(4) the export of the vessel under this section will only be for dismantling, recycling, or scrapping of the vessel.

(c) CERTIFICATION.—The certification required in subsection (b) must be provided to the Committee on Armed Services of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate at least 90 days before any vessel is approved for transport to a foreign country for purposes of dismantling, recycling, or scrapping.

(d) UNITED STATES DEFINED.—In this section the term ''United States'' means the States of the United States, Puerto Rico, and Guam.

SEC. 3503. STUDENT INCENTIVE PAYMENT AGREEMENTS.

Section 51509(b) of title 46, United States Code, is amended—

(1) by striking ''$4,000'' and inserting ''$8,000'';

(2) by inserting ''tuition,'' after ''uniforms,''; and

(3) by inserting ''before the start of each academic year'' after ''and be paid''.

SEC. 3504. RIDING GANG MEMBER REQUIREMENTS.

Section 1018 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2380) is amended to read as follows:

''SEC. 1018. RIDING GANG MEMBER REQUIREMENTS.

''(a) IN GENERAL.—The Secretary of Defense may not award, renew, extend, or exercise an option to extend any charter of a vessel documented under chapter 121 of title 46, United States Code, for the Department of Defense, or any contract for the carriage of cargo by a vessel documented under that chapter for the Department of Defense, unless the charter or contract, respectively, includes provisions that—

''(1) subject to paragraph (2), allow riding gang members to perform work on the vessel during the effective period of the charter or contract only under terms, conditions, restrictions, and requirements as provided in section 8106 of title 46, United States Code; and

''(2) require that riding gang members hold a merchant mariner's document issued under chapter 73 of title 46, United States Code, or a transportation security card issued under section 70105 of such title.

''(b) EXEMPTION.—

''(1) IN GENERAL.—In accordance with regulations issued by the Secretary of Defense, an individual shall not be treated as a riding gang member for the purposes of section 8106 of title 46, United States Code, and this section if—

''(A) the individual is aboard a vessel that is under charter or contract for the carriage of cargo for the Department of Defense, for purposes other than engaging in the operation or maintenance of the vessel; and

''(B) the individual—

''(i) accompanies, supervises, guards, or maintains unit equipment aboard a ship, commonly referred to as supercargo personnel;

''(ii) is one of the force protection personnel of the vessel;

''(iii) is a specialized repair technician; or

''(iv) is otherwise required by the Secretary of Defense to be aboard the vessel.

''(2) BACKGROUND CHECK.—

''(A) IN GENERAL.—This section shall not apply to an individual unless—

''(i) the name and other necessary identifying information for the individual is submitted to the Secretary for a background check; and

''(ii) except as provided in subparagraph (B), the individual successfully passes a background check by the Secretary prior to going aboard the vessel.

''(B) WAIVER.—The Secretary may waive the application of subparagraph (A)(ii) for an individual who holds a merchant mariner's document issued under chapter 73 of title 46, United States Code, or a transportation security card issued under section 70105 of such title.

''(3) EXEMPTED INDIVIDUAL NOT TREATED AS IN ADDITION TO THE CREW.—An individual who, under paragraph (1), is not treated as a riding gang member shall not be counted as an individual in addition to the crew for the purposes of section 3304 of title 46, United States Code.''.

SEC. 3505. MAINTENANCE AND REPAIR REIMBURSEMENT PROGRAM FOR THE MARITIME SECURITY FLEET.

Section 3517(a) of the Maritime Security Act of 2003 (46 U.S.C. 53101 note; as amended by section 3503 of the National Defense Authorization Act for Fiscal Year 2006 (119 Stat. 3548)) is amended by adding at the end the following:

''(3) EXISTING OPERATING AGREEMENTS.—The Secretary of Transportation shall, subject to the availability of appropriations, seek to enter into an agreement under this section with one or more contractors under an operating agreement under that chapter that is in effect on the date of the enactment of this paragraph, regarding maintenance and repair of all vessels that are subject to the operating agreement.''.

SEC. 3506. TEMPORARY PROGRAM AUTHORIZING CONTRACTS WITH ADJUNCT PROFESSORS AT THE UNITED STATES MERCHANT MARINE ACADEMY.

(a) IN GENERAL.—The Maritime Administrator may establish a temporary program for the purpose of, subject to the availability of appropriations, contracting with individuals as personal services contractors to provide services as adjunct professors at the Academy, if the Maritime Administrator determines that there is a need for adjunct professors and the need is not of permanent duration.

(b) CONTRACT REQUIREMENTS.—Each contract under the program—

(1) must be approved by the Maritime Administrator;

(2) subject to paragraph (3), shall be for a duration, including options, of not to exceed one year unless the Maritime Administrator finds that exceptional circumstances justify an extension of up to one additional year; and

(3) shall terminate not later than 6 months after the termination of contract authority under subsection (d).

(c) LIMITATION ON NUMBER OF CONTRACTORS.—In awarding contacts under the program, the Maritime Administrator shall ensure that not more than 25 individuals actively provide services in any one academic trimester, or equivalent, as contractors under the program.

(d) TERMINATION OF CONTRACTING AUTHORITY.—The authority to award contracts under the program shall terminate upon the expiration of December 31, 2009.

(e) EXISTING CONTRACTS.—Any contract entered into before the effective date of this section for the services of an adjunct professor at the Academy shall remain in effect for the trimester (or trimesters) for which the services were contracted.

(f) DEFINITIONS.—In this section:

(1) ACADEMY.—The term ''Academy'' means the United States Merchant Marine Academy.

(2) MARITIME ADMINISTRATOR.—The term ''Maritime Administrator'' means the Administrator of the Maritime Administration, or a designee of the Administrator.

(3) PROGRAM.—The term ''program'' means the program established under subsection (a).

DIVISION D—GOVERNMENTWIDE ACQUISITION IMPROVEMENTS

Sec. 4001. Short title.

TITLE XLI—ENHANCED COMPETITION

Sec. 4101. Minimizing sole-source contracts.
Sec. 4102. Limitation on length of certain noncompetitive contracts.
Sec. 4103. Requirement for purchase of property and services pursuant to multiple award contracts.

TITLE XLII—CURBING ABUSE-PRONE CONTRACTS

Sec. 4201. Regulations to minimize the inappropriate use of cost-reimbursement contracts.
Sec. 4202. Preventing abuse of interagency contracts.
Sec. 4203. Prohibitions on the use of lead systems integrators.

Sec. 4204. Regulations on excessive pass-through charges.
Sec. 4205. Linking of award and incentive fees to acquisition outcomes.
Sec. 4206. Minimizing abuse of commercial services item authority.
TITLE XLIII—ACQUISITION WORKFORCE
Sec. 4301. Acquisition workforce development fund.
Sec. 4302. Contingency contracting corps.
TITLE XLIV—ANTI-FRAUD PROVISIONS
Sec. 4401. Protection for contractor employees from reprisal for disclosure of certain information.
Sec. 4402. Mandatory Fraud Reporting.
Sec. 4403. Access of General Accounting Office to Contractor Employees.
Sec. 4404. Preventing conflicts of interest.
TITLE XLV—ENHANCED CONTRACT TRANSPARENCY
Sec. 4501. Disclosure of CEO salaries.
Sec. 4502. Database for contracting officers and suspension and debarment officials.
Sec. 4503. Review of database.
Sec. 4504. Disclosure in applications.
Sec. 4505. Role of interagency committee.
Sec. 4506. Authorization of independent agencies.
Sec. 4507. Authorization of appropriations.
Sec. 4508. Report to Congress.
Sec. 4509. Improvements to the Federal procurement data system.
Sec. 4510. Protection of child custody arrangements for parents who are members of the armed forces deployed in support of a contingency operation.

SEC. 4001. SHORT TITLE.

This division may be cited as the ''Clean Contracting Act of 2008''.

TITLE XLI—ENHANCED COMPETITION

SEC. 4101. MINIMIZING SOLE-SOURCE CONTRACTS.

(a) PLANS REQUIRED.—Subject to subsection (c), the head of each executive agency covered by title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.) or, in the case of the Department of Defense, the Under Secretary of Defense for Acquisition, Technology, and Logistics, shall develop and implement a plan to minimize, to the maximum extent practicable, the use of contracts entered into using procedures other than competitive procedures by the agency or department concerned. The plan shall contain measurable goals and shall be completed and submitted to the Committee on Oversight and Government Reform of the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, and the Committees on Appropriations of the House of Representatives and the Senate and, in the case of the Department of Defense and the Department of Energy, the Committees on Armed Services of the Senate and the House of Representatives, with a copy provided to the Comptroller General, not later than 1 year after the date of the enactment of this Act.

(b) COMPTROLLER GENERAL REVIEW.—The Comptroller General shall review the plans provided under subsection (a) and submit a report to Congress on the plans not later than 18 months after the date of the enactment of this Act.

(c) REQUIREMENT LIMITED TO CERTAIN AGENCIES.—The requirement of subsection (a) shall apply only to those agencies that awarded contracts in a total amount of at least $1,000,000,000 in the fiscal year preceding the fiscal year in which the report is submitted.

(d) CERTAIN CONTRACTS EXCLUDED.—The contracts entered into under the authority of the Small Business Act shall not be included in the plans developed and implemented under subsection (a), except contracts that are awarded pursuant to section 602 of Public Law 100–656 (as amended by section 22 of Public Law 101–37 (103 Stat. 75), section 2 of title V of Public Law 101–515 (104 Stat. 2140), section 205 of Public Law 101–574 (104 Stat. 2819), and section 608 of Public Law 103–403 (108 Stat. 4204)).

SEC. 4102. LIMITATION ON LENGTH OF CERTAIN NONCOMPETITIVE CONTRACTS.

(a) CIVILIAN AGENCY CONTRACTS.—Section 303(d) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(d)) is amended by adding at the end the following new paragraph:

''(3)(A) The contract period of a contract described in subparagraph (B) that is entered into by an executive agency pursuant to the authority provided under subsection (c)(2)—

''(i) may not exceed the time necessary—

''(I) to meet the unusual and compelling requirements of the work to be performed under the contract; and

''(II) for the executive agency to enter into another contract for the required goods or services through the use of competitive procedures; and

''(ii) may not exceed 270 days unless the head of the executive agency entering into such contract determines that exceptional circumstances apply.

''(B) This paragraph applies to any contract in an amount greater than $1,000,000.''.

(b) DEFENSE CONTRACTS.—Section 2304(d) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(3)(A) The contract period of a contract described in subparagraph (B) that is entered into by an agency pursuant to the authority provided under subsection (c)(2)—

''(i) may not exceed the time necessary—

''(I) to meet the unusual and compelling requirements of the work to be performed under the contract; and

''(II) for the agency to enter into another contract for the required goods or services through the use of competitive procedures; and

''(ii) may not exceed 270 days unless the head of the agency entering into such contract determines that exceptional circumstances apply.

''(B) This paragraph applies to any contract in an amount greater than $1,000,000.''.

SEC. 4103. REQUIREMENT FOR PURCHASE OF PROPERTY AND SERVICES PURSUANT TO MULTIPLE AWARD CONTRACTS.

(a) REGULATIONS REQUIRED.—Not later than 12 months after the date of the enactment of this Act, the Federal Acquisition Regulation shall be amended to require enhanced competition in the purchase of property and services by all executive agencies pursuant to multiple award contracts.

(b) CONTENT OF REGULATIONS.—

(1) IN GENERAL.—The regulations required by subsection (a) shall provide, at a minimum, that each individual purchase of property or services in excess of the simplified acquisition threshold that is made under a multiple award contract shall be made on a competitive basis unless a contracting officer—

(A) waives the requirement on the basis of a determination that—

(i) one of the circumstances described in paragraphs (1) through (4) of section 303J(b) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253j(b)) or section 2304c(b) of title 10, United States Code, applies to such individual purchase; or

(ii) a law expressly authorizes or requires that the purchase be made from a specified source; and

(B) justifies the determination in writing.

(2) COMPETITIVE BASIS PROCEDURES.—For purposes of this subsection, an individual purchase of property or services is made on a competitive basis only if it is made pursuant to procedures that—

(A) except as provided in paragraph (3), require fair notice of the intent to make that purchase (including a description of the work to be performed and the basis on which the selection will be made) to be provided to all contractors offering such property or services under the multiple award contract; and

(B) afford all contractors responding to the notice a fair opportunity to make an offer and have that offer fairly considered by the official making the purchase.

(3) EXCEPTION TO NOTICE REQUIREMENT.—

(A) IN GENERAL.—Notwithstanding paragraph (2), and subject to subparagraph (B), notice may be provided to fewer than all contractors offering such property or services under a multiple award contract as described in subsection (d)(2) if notice is provided to as many contractors as practicable.

(B) LIMITATION ON EXCEPTION.—A purchase may not be made pursuant to a notice that is provided to fewer than all contractors under subparagraph (A) unless—

(i) offers were received from at least 3 qualified contractors; or

(ii) a contracting officer of the executive agency determines in writing that no additional qualified contractors were able to be identified despite reasonable efforts to do so.

(c) PUBLIC NOTICE REQUIREMENTS RELATED TO SOLE SOURCE TASK OR DELIVERY ORDERS.—Not later than 12 months after the date of the enactment of this Act, the Federal Acquisition Regulation shall be amended to require the head of each executive agency to publish on—

(1) FedBizOpps notice of all sole source task or delivery orders in excess of the simplified acquisition threshold that are placed against multiple award contracts not later than 14 days after such orders are placed, except in the event of extraordinary circumstances or classified orders; and

(2) the website of the agency and through a Governmentwide website selected by the Administrator for Federal Procurement Policy the determinations required by (b)(1)(B) related to sole source task or delivery orders placed against multiple award contracts not later than 14 days after such orders are placed, except in the event of extraordinary circumstances or classified orders.

(3) This subsection does not require the public availability of information that is exempt from public disclosure under section 552(b) of title 5, United States Code.

(d) DEFINITIONS.—In this section:

(1) The term ''individual purchase'' means a task order, delivery order, or other purchase.

(2) The term ''multiple award contract'' means—

(A) a contract that is entered into by the Administrator of General Services under the multiple award schedule program referred to in section 2302(2)(C) of title 10, United States Code;

(B) a multiple award task order contract that is entered into under the authority of sections 2304a through 2304d of title 10, United States Code, or sections 303H through 303K of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253h through 253k); and

(C) any other indefinite delivery, indefinite quantity contract that is entered into by the head of an executive agency with 2 or more sources pursuant to the same solicitation.

(3) The term ''sole source task or delivery order'' means any order that does not follow the competitive base procedures in paragraphs (b)(2) or (b)(3).

(e) APPLICABILITY.—The regulations required by subsection (a) shall apply to all individual purchases of property or services that are made under multiple award contracts on or after such effective date, without regard to whether the multiple award contracts were entered into before, on, or after such effective date.

TITLE XLII—CURBING ABUSE-PRONE CONTRACTS

SEC. 4201. REGULATIONS TO MINIMIZE THE INAPPROPRIATE USE OF COST-REIMBURSEMENT CONTRACTS.

(a) IN GENERAL.—Not later than 12 months after the date of the enactment of this Act, the Federal Acquisition Regulation shall be amended to minimize the inappropriate use of cost-reimbursement contracts and to ensure the proper use of such contracts.

(b) CONTENT.—The regulations required under subsection (a) shall—

(1) identify, at a minimum—

(A) the circumstances under which cost reimbursement contracts or task or delivery orders are appropriate;

(B) the acquisition plan facts necessary to support a decision to use cost reimbursement contracts;

(C) the acquisition workforce resources necessary to award and manage cost reimbursement contracts; and

(2) establish a requirement for each executive agency to—

(A) annually assess its use of cost-reimbursement contracts;

(B) establish and implement metrics to measure progress toward minimizing any inappropriate use of cost-reimbursement contracts identified during the assessment process; and

(C) prepare and submit an annual report to the Office of Management and Budget assessing progress in meeting the metrics established in (B).

(c) COMPTROLLER GENERAL EVALUATIONS.—Within one year of the completion of the first annual reports required by subsection (b)(2)(C), the Comptroller General shall review the progress of agencies in implementing the regulations required by (a).

(d) REPORT.—Subject to subsection (f), the Director of the Office of Management and Budget shall submit an annual report to Congressional committees identified in subparagraph (e) and the Comptroller General on the use of cost-reimbursement contracts and task or delivery orders by all Federal agencies, including the Department of Defense. The report shall be submitted no later than March 1 and will cover the fiscal year ending September 30 of the prior year. The report shall include—

(1) the total number and value of contracts awarded and orders issued during the covered fiscal year;

(2) the number and value of cost-reimbursement contracts awarded and orders issued during the covered fiscal year;

(3) a list of contracts and task and delivery orders identified in subparagraph (2) exceeding ten million dollars ($10,000,000), whose period of performance, including options, exceeded three years; the reasons why such contracts or orders could not be priced or converted to a fixed-price basis; and the actions being taken by the agency to do so;

(4) a certification by the contracting agency that for each contract identified in subparagraph (3) that an appropriate number of trained acquisition personnel, consistent with the complexity and risk associated with the contract or order, have been assigned to provide oversight of the contractor's performance; and

(5) a description of each agency's actions to assure the appropriate use of cost-reimbursement contracts.

(e) CONGRESSIONAL COMMITTEES DEFINED.—The report required by subsection (d) shall be submitted to the Committee on Oversight and Government Reform of the House of Representatives; the Committee on Homeland Security and Governmental Affairs of the Senate; the Committees on Appropriations of the House of Representatives and the Senate; and, in the case of the Department of Defense and the Department of Energy, the Committees on Armed Services of the Senate and the House of Representatives.

(f) REQUIREMENTS LIMITED TO CERTAIN AGENCIES.—The requirements of subsections (b) and (d) shall apply only to those agencies that awarded contracts and issued orders in a total amount of at least $1,000,000,000 in the fiscal year proceeding the fiscal year in which the assessments and reports are submitted.

SEC. 4202. PREVENTING ABUSE OF INTERAGENCY CONTRACTS.

(a) OFFICE OF MANAGEMENT AND BUDGET POLICY GUIDANCE.—

(1) REPORT AND GUIDELINES.—Not later than one year after the date of the enactment of this Act, the Director of the Office of Management and Budget shall—

(A) submit to Congress a comprehensive report on interagency acquisitions, including their frequency of use, management controls, cost-effectiveness, and savings generated; and

(B) issue guidelines to assist the heads of executive agencies in improving the management of interagency acquisitions.

(2) MATTERS COVERED BY GUIDELINES.—For purposes of paragraph (1)(B), the Director shall include guidelines on the following matters:

(A) Procedures for the use of interagency acquisitions to maximize competition, deliver best value to executive agencies, and minimize waste, fraud, and abuse.

(B) Categories of contracting inappropriate for interagency acquisition, due to high risk of waste, fraud, or abuse.

(C) Requirements for training acquisition workforce personnel in the proper use of interagency acquisitions.

(b) REGULATIONS REQUIRED.—Not later than one year after the date of the enactment of this Act, the Federal Acquisition Regulation shall be revised to require that all interagency acquisitions—

(1) include a written agreement between the requesting agency and the servicing agency assigning responsibility for the administration and management of the contract;

(2) include a determination that an interagency acquisition is the best procurement alternative; and

(3) include sufficient documentation to ensure an adequate audit.

(c) AGENCY REPORTING REQUIREMENT.—The senior procurement executive for each executive agency shall, as directed by the Director of the Office of Management and Budget, submit to the Director annual reports on the actions taken by the executive agency pursuant to the guidelines issued under subsection (a).

(d) DEFINITIONS.—In this section:

(1) The term ''executive agency'' has the meaning given such term in section 4(1) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(1)).

(2) The term ''head of executive agency'' means the head of an executive agency except that, in the case of a military department, the term means the Secretary of Defense.

(3) The term ''interagency acquisition'' means a procedure by which an executive agency needing supplies or services (the requesting agency) obtains them from another executive agency (the servicing agency). The term includes acquisitions under section 1535 of title 31, United States Code (commonly referred to as the ''Economy Act'', Federal Supply Schedules above $500,000, and Governmentwide acquisition contracts.

SEC. 4203. PROHIBITIONS ON THE USE OF LEAD SYSTEMS INTEGRATORS.

(a) PROHIBITION ON NEW LEAD SYSTEMS INTEGRATORS.—(1) Effective October 1, 2010, the head of an executive agency may not award a new contract for lead systems integrator functions in the acquisition of a major system.

(2) PROHIBITION ON LEAD SYSTEMS INTEGRATORS BEYOND DEMONSTRATION LEVEL PHASE.—Effective on the date of the enactment of this Act, an executive agency may award a new contract for lead systems integrator functions in the acquisition of a major system only if—

(A) the contract for the major system does not proceed beyond the demonstration phase-level; or

(B) the head of the agency determines in writing that it would not be practicable to carry out acquisition without continuing to use a contractor to perform lead systems integrator functions and that doing so is in the best interest of the agency.

(3) REQUIREMENTS RELATING TO DETERMINATIONS.—A determination under paragraph (2)(A)—

(A) shall specify the reasons why it would not be practicable to carry out the acquisition continuing to use a contractor to perform lead integrator functions (including a discussion of alternatives, such as the use of the agency workforce, or a system engineering and technical assistance contractor);

(B) shall include a plan for phasing out the use of contracted lead systems integrator functions over the shortest period of time consistent with the interest of the government;

(C) may not be delegated below the level of the Chief Acquisition Officer; and

(D) shall be provided to the Committee on Oversight and Government Reform in the House of Representatives and the Committee on Homeland Security and Governmental Affairs in the Senate at least 45 days before the award of a contract pursuant to the determination.

(b) ACQUISITION WORKFORCE.—

(1) REQUIREMENT.—The head of an executive agency shall ensure that the acquisition workforce is of the appropriate size and skill level necessary—

(A) to accomplish inherently governmental functions related to acquisition of major systems; and

(B) to effectuate the purpose of subsection (a) to minimize and eventually eliminate the use of contractors to perform lead systems integrator functions.

(2) REPORT.—The head of the agency shall annually include an update on the progress made in complying with paragraph (1) in the agency's Performance and Accountability Report.

(c) EXCEPTION FOR CONTRACTS FOR OTHER MANAGEMENT SERVICES.—The head of an executive agency may continue to award contracts for the procurement of services the primary purpose of which is to perform acquisition support functions with respect to the development or production of a major system, if the following conditions are met with respect to each such contract:

(1) The contract prohibits the contractor from performing inherently governmental functions.

(2) The head of the agency responsible for the development or production of the major system ensures that Federal employees are responsible for determining courses of action to be taken in the best interest of the government.

(3) The contract requires that the prime contractor for the contract may not advise

or recommend the award of a contract or subcontract for the development or production of the major system to an entity owned in whole or in part by the prime contractor.

(d) DEFINITIONS.—In this section:

(1) LEAD SYSTEMS INTEGRATOR.—The term ''lead systems integrator'' means—

(A) a prime contractor for the development or production of a major system, if the prime contractor is not expected at the time of award to perform a substantial portion of the work on the system and the major subsystems; or

(B) a prime contractor under a contract for procurement of services the primary purpose of which to perform acquisition functions closely associated with inherently governmental functions with respect to the development or production of a major system.

(2) MAJOR SYSTEM.—The term ''major system'' has the meaning given such term in section 2302d of title 10, United States Code.

(3) DEMONSTRATION PHASE LEVEL.—For purposes of this section, the term ''demonstration phase level'' means—

(A) work performed prior to first article testing and approval (as defined in part 9.3 of the Federal Acquisition Regulation; or

(B) a level comparable to the level identified in subparagraph (A) which the FAR Council determines, by regulation, after consideration of the definition of low-rate initial production (as defined in section 2400 of title 10, United States Code.

(e) INAPPLICABILITY TO DEPARTMENT OF DEFENSE.—This section does not apply to the Department of Defense.

SEC. 4204. REGULATIONS ON EXCESSIVE PASS-THROUGH CHARGES.

(a) REGULATIONS REQUIRED.—

(1) Not later than 180 days after the date of enactment of this Act, the Federal Acquisition Regulation shall be amended ensure that excessive pass-through charges on contracts or (or task or delivery orders) are not paid by the Federal Government.

(2) SCOPE OF REGULATIONS.—The regulations prescribed under this subsection—

(A) shall not apply to any firm, fixed-price contract or subcontract (or task or delivery order) that is—

(i) awarded on the basis of adequate price competition; or

(ii) for the acquisition of a commercial item, as defined in section 4(12) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(12)); and

(B) may include such additional exceptions as the Federal Acquisition Regulation Council determines to be necessary in the interest of the government.

(3) DEFINITION.—In this section, the term ''excessive pass-through charge'' means a charge to the Government by the contractor or subcontractor that is for overhead or profit on work performed by a lower-tier contractor or subcontractor (other than charges for the direct costs of managing lower-tier contracts and subcontracts and overhead and profit based on such direct costs) and for which the contractor or subcontractor adds no, or negligible, value to a contract or subcontract.

(b) INAPPLICABILITY TO DEPARTMENT OF DEFENSE.—This section does not apply to the Department of Defense.

SEC. 4205. LINKING OF AWARD AND INCENTIVE FEES TO ACQUISITION OUTCOMES.

(a) GUIDANCE ON LINKING OF AWARD AND INCENTIVE FEES TO ACQUISITION OUTCOMES.—Not later than 12 months after the date of the enactment of this Act, the Federal Acquisition Regulation shall be amended to provide executive agencies with instructions, including definitions, on the appropriate use of award and incentive fees in Federal acquisition programs.

(b) ELEMENTS.—The regulations under subsection (a) shall—

(1) ensure that all new contracts using award fees link such fees to acquisition outcomes (which shall be defined in terms of program cost, schedule, and performance);

(2) establish standards for identifying the appropriate level of officials authorized to approve the use of award and incentive fees in new contracts;

(3) provide guidance on the circumstances in which contractor performance may be judged to be ''excellent'' or ''superior'' and the percentage of the available award fee which contractors should be paid for such performance;

(4) establish standards for determining the percentage of the available award fee, if any, which contractors should be paid for performance that is judged to be ''acceptable'', ''average'', ''expected'', ''good'', or ''satisfactory'';

(5) ensure that no award fee may be paid for contractor performance that is judged to be below satisfactory performance or performance that does not meet the basic requirements of the contract;

(6) provide specific direction on the circumstances, if any, in which it may be appropriate to roll over award fees that are not earned in one award fee period to a subsequent award fee period or periods;

(7) ensure consistent use of guidelines and definitions relating to award and incentive fees across the Federal Government;

(8) ensure that each executive agency—

(A) collects relevant data on award and incentive fees paid to contractors; and

(B) has mechanisms in place to evaluate such data on a regular basis;

(9) include performance measures to evaluate the effectiveness of award and incentive fees as a tool for improving contractor performance and achieving desired program outcomes; and

(10) provide mechanisms for sharing proven incentive strategies for the acquisition of different types of products and services among contracting and program management officials.

SEC. 4206. MINIMIZING ABUSE OF COMMERCIAL SERVICES ITEM AUTHORITY.

(a) REGULATIONS REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Federal Acquisition Regulation shall be amended for the procurement of commercial services.

(b) APPLICABILITY OF COMMERCIAL PROCEDURES.—

(1) SERVICES OF A TYPE SOLD IN MARKETPLACE.—The regulations modified pursuant to subsection (a) shall ensure that services that are not offered and sold competitively in substantial quantities in the commercial marketplace, but are of a type offered and sold competitively in substantial quantities in the commercial marketplace, may be treated as commercial items for purposes of section 254b of title 41, United States Code (relating to truth in negotiations), only if the contracting officer determines in writing that the offeror has submitted sufficient information to evaluate, through price analysis, the reasonableness of the price for such services.

(2) INFORMATION SUBMITTED.—To the extent necessary to make a determination under paragraph (1), the contracting officer may request the offeror to submit—

(A) prices paid for the same or similar commercial items under comparable terms and conditions by both government and commercial customers; and

(B) if the contracting officer determines that the information described in subparagraph (A) is not sufficient to determine the reasonableness of price, other relevant information regarding the basis for price or cost, including information on labor costs, material costs, and overhead rates.

(c) TIME-AND-MATERIALS CONTRACTS.—

(1) COMMERCIAL ITEM ACQUISITIONS.—The regulations pursuant to subsection (a) shall ensure that procedures applicable to time-and-materials contracts and labor-hour contracts for commercial item acquisitions may be used only for the following:

(A) Services procured for support of a commercial item, as described in section 4(12)(E) of the Office Federal Procurement Policy Act (41 U.S.C. 403(12)(E)).

(B) Emergency repair services.

(C) Any other commercial services only to the extent that the head of the agency concerned approves a determination in writing by the contracting officer that—

(i) the services to be acquired are commercial services as defined in section 4(12)(F) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(12)(F));

(ii) if the services to be acquired are subject to subsection (b), the offeror of the services has submitted sufficient information in accordance with that subsection;

(iii) such services are commonly sold to the general public through use of time-and-materials or labor-hour contracts; and

(iv) the use of a time-and-materials or labor-hour contract type is in the best interest of the Government.

(2) NON-COMMERCIAL ITEM ACQUISITIONS.—Nothing in this subsection shall be construed to preclude the use of procedures applicable to time-and-materials contracts and labor-hour contracts for non-commercial item acquisitions for the acquisition of any category of services.

TITLE XLIII—ACQUISITION WORKFORCE

SEC. 4301. ACQUISITION WORKFORCE DEVELOPMENT FUND.

(a) PURPOSE.—The purpose of this section is to ensure that there are resources available to recruit, hire, educate, train and retain members of the Federal acquisition workforce with the requisite competencies and skills to ensure that the government receives best value property and services in its acquisitions.

(b) ESTABLISHMENT OF FUND.—Title III of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 101, et seq.) is amended by adding at the end the following new section:

''SEC. 324. ACQUISITION WORKFORCE DEVELOPMENT FUND.

''(a) The Administrator of General Services shall establish an acquisition workforce development fund.

''(1) The Administrator shall manage the fund through the Federal Acquisition Institute to recruit, hire, educate, train and retain members of the acquisition workforce of the executive agencies other than the Department of Defense.

''(2) The Administrator, in consultation with the Administrator for Federal Procurement Policy and the Chief Acquisition Officers or Senior Procurement Executives, as appropriate, of the executive agencies, other than the Department of Defense, shall issue detailed guidance for the administration and use of the Fund. Such guidance shall include provisions—

''(A) requiring agencies to identify members of their acquisition workforce consistent with section 433(i) of title 41.

''(B) identifying areas of need in the acquisition workforce for which amounts in the Fund may be used, including—

''(i) changes to the types of skills needed;

''(ii) incentives to retain qualified, experienced personnel; and

''(iii) incentives for attracting new, high-quality personnel;

''(C) describing the manner and timing for applications for amounts in the Fund to be submitted;

''(D) describing the evaluation criteria to be used for approving or prioritizing applications for amounts in the Fund in any fiscal year; and

''(E) describing measurable objectives of performance for determining whether amounts in the Fund are being used in compliance with this section.

''(3) The Director of the Office of Management and Budget shall be the approving official for any disbursements from the Fund.

''(4) The costs of administering the fund, including the direct and indirect costs of those employees, not to exceed 5 percent per annum, shall be paid out of the fund.

''(5) Amounts in the fund may not be used to pay the base salary of any full-time equivalent position currently filled as of date of enactment of the Clean Contracting Act of 2008.

''(b) There shall be credited to the acquisition workforce development fund the following percentages of the value of funds expended by executive agencies for service contracts, other than services relating to research and development and services relating to construction:

''(1) For fiscal year 2009, 0.5 percent.

''(2) For fiscal year 2010, 1 percent.

''(3) For fiscal year 2011, 1.5 percent.

''(4) For any fiscal year after fiscal year 2011, 2 percent.

''(c) The Director of the Office and Management and Budget may reduce the amount to be credited upon a determination that the funds being credited are excess to the needs of the acquisition workforce development fund. In no event shall the Director of the Office of Management Budget reduce the percentage for any fiscal year below a percentage that results in the deposit in a fiscal year of an amount equal to the following:

''(1) For fiscal year 2009, 75,000,000.

''(2) For fiscal year 2010, 100,000,000.

''(3) For fiscal year 2011, 125,000,000.

''(4) For an fiscal year after 2011, 150,000,000.

''(d) Not later than 30 days after the end of fiscal year 2008, and 30 days after the end of each fiscal year quarter thereafter, the head of each executive agency shall remit to the General Services Administration the amount required to be credited to the fund with respect to the contracts, leases, task and delivery order described in subsection (b).

''(e) The Administrator of General Services, through the Office of the Chief Acquisition Officer, shall ensure that funds collected under this section are not used for any purposes other than the purposes specified in subsection (a).

''(f) Amounts credited to the fund shall be in addition to funds requested and appropriated for salaries, benefits, education and training for all current acquisition workforce members.

''(g) Amounts credited to the fund shall remain available until expended.

''(h) Not later than 60 days after the end of each fiscal year beginning with fiscal year 2008, the Administrator of General Services shall submit to the congressional committees identified in subsection (i) a report on the operation of the fund during such fiscal year. Each report shall include, for the fiscal year covered by such report, the following:

''(1) A statement of the amounts remitted to the Administrator for crediting to the Fund for such fiscal year by each executive agency and a statement of the amounts credited to the Fund.

''(2) A description of the expenditures made from the Fund, including the purpose of such expenditures.

''(3) A description and assessment of improvements in the Federal acquisition workforce resulting from such expenditures, including the extent to which the fund has been used to increase the number of individuals in the acquisition workforce relative to the number of individuals in the acquisition workforce as of the date of enactment.

''(4) Recommendations for additional authorities to fulfill the purpose of the Fund.

''(5) A statement of the balance remaining in the Fund at the end of such fiscal year.

''(i) The report required by subsection (h) shall be submitted to the Committee on Oversight and Government Reform of the House of Representatives; the Committee on Homeland Security and Governmental Affairs of the Senate; and the Committees on Appropriations of the House of Representatives and the Senate.

''(j) No expired balances appropriated prior to the date of the enactment of the Clean Contracting Act of 2008 may be used to make any payment to the Acquisition Workforce Development Fund.''.

(c) EXCEPTION.—This section and the amendments made by this section shall not apply to the acquisition workforce of the Department of Defense.

SEC. 4302. CONTINGENCY CONTRACTING CORPS.

The Office of Federal Procurement Policy Act (41 U.S.C. 403 et seq.), as amended by section 102, is further amended by adding at the end the following new section:

''SEC. 44. CONTINGENCY CONTRACTING CORPS.

''(a) ESTABLISHMENT.—The Administrator of General Services in consultation with the Director of the Office of Management and Budget, the Secretary of Defense and the Secretary of Homeland Security, shall establish a Governmentwide Contingency Contracting Corps (in this section, referred to as the 'Corps'). The members of the Corps shall be available for deployment in responding to an emergency or major disaster, or a contingency operation, within or outside the continental United States.

''(b) APPLICABILITY.—The authorities provided in this section apply with respect to any procurement of property or services by or for an executive agency that, as determined by the head of such executive agency, are to be used—

''(1) in support of a contingency operation as defined in section 101(a)(13) of title 10, United States Code; or

''(2) to respond to an emergency or major disaster as defined in section 5122 of title 41, United States Code.

''(c) MEMBERSHIP.—Membership in the Corps shall be voluntary and open to all Federal employees and uniformed members of the Armed Services, who are currently members of the Federal acquisition workforce. As a condition precedent to membership in the Corps, each volunteer will execute a mobility agreement consistent with the provisions included in sections 3371 through 3375 of title 5, United States Code.

''(d) EDUCATION AND TRAINING.—The Director of the Federal Acquisition Institute, in consultation with the Chief Acquisition Officers Council shall establish educational and training requirements for members of the Corps, and shall pay for these additional requirements from funds available in the acquisition workforce development fund or the Department of Defense Acquisition Workforce Development Fund.

''(e) CLOTHING AND EQUIPMENT.—The Administrator shall identify any necessary clothing and equipment requirements, and shall pay for this clothing and equipment from funds available in the acquisition workforce development fund or the Department of Defense Acquisition Workforce Development Fund.

''(f) SALARY.—The salaries for members of the Corps shall be paid by their parent agencies out of funds available.

''(g) AUTHORITY TO DEPLOY THE CORPS.—The Director of the Office of Management and Budget shall have the authority to determine when members of the Corps shall be deployed, in consultation with the head of the agency or agencies employing the members to be deployed.

''(h) ANNUAL REPORT.—

''(1) IN GENERAL.—The Administrator of General Services shall provide to the Committee on Homeland Security and Governmental Affairs and the Committee on Armed Services of the Senate and the Committee on Oversight and Government Reform and the Committee on Armed Services of the House of Representatives an annual report on the status of the Contingency Contracting Corps as of September 30 of each fiscal year.

''(2) CONTENT.—At a minimum, each report under paragraph (1) shall include the number of members of the Contingency Contracting Corps, the total cost of operating the program, the number of deployments of members of the program, and the performance of members of the program in deployment.''.

TITLE XLIV—ANTI-FRAUD PROVISIONS

SEC. 4401. PROTECTION FOR CONTRACTOR EMPLOYEES FROM REPRISAL FOR DISCLOSURE OF CERTAIN INFORMATION.

(a) INCREASED PROTECTION FROM REPRISAL.—Subsection (a) of section 315 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 265(a), is amended—

(1) by striking ''disclosing to a Member of Congress'' and inserting ''disclosing to a Member of Congress, a representative of a committee of Congress, an Inspector General, the Government Accountability Office, an employee of an executive agency responsible for contract oversight or management,''; and

(2) by striking ''information relating to a substantial violation of law related to a contract (including the competition for or negotiation of a contract)'' and inserting ''information that the employee reasonably believes is evidence of gross mismanagement of an executive agency contract or grant, a gross waste of executive agency funds, a substantial and specific danger to public health or safety, or a violation of law related to an executive agency contract (including the competition for or negotiation of a contract) or grant''.

(b) CLARIFICATION OF INSPECTOR GENERAL DETERMINATION.—Subsection (b) of such section is amended—

(1) by inserting ''(1)'' after ''INVESTIGATION OF COMPLAINTS.—''; and

(2) by adding at the end the following new paragraph:

''(2)(A) Except as provided under subparagraph (B), the Inspector General shall make a determination that a complaint is frivolous or submit a report under paragraph (1) within 180 days after receiving the complaint.

''(B) If the Inspector General is unable to complete an investigation in time to submit a report within the 180-day period specified in subparagraph (A) and the person submitting the complaint agrees to an extension of time, the Inspector General shall submit a report under paragraph (1) within such additional period of time as shall be agreed upon between the Inspector General and the person submitting the complaint.''.

(c) ACCELERATION OF SCHEDULE FOR DENYING RELIEF OR PROVIDING REMEDY.—Subsection (c) of such section is amended in paragraph (1), by striking ''If the head of an executive agency determines that a contractor has subjected a person to a reprisal prohibited by subsection (a), the head of the agency may'' and inserting after ''(1)'' the following: ''Not later than 30 days after receiving an Inspector General report pursuant to subsection (b), the head of an executive agency concerned shall determine whether

there is sufficient basis to conclude that the contractor concerned has subjected the complainant to a reprisal prohibited by subsection (a) and shall either issue an order denying relief or shall''.

(d) DEFINITIONS.—Subsection (e) of such section is amended in paragraph (2), by inserting ''or a grant'' after ''a contract''.

SEC. 4402. MANDATORY FRAUD REPORTING.

(a) AMENDMENT OF FEDERAL ACQUISITION REGULATION.—The Federal Acquisition Regulation shall be amended within 180 days after the date of the enactment of this Act pursuant to FAR Case 2007–006 (as published at 72 Fed. Reg. 64019, November 14, 2007) or any follow-on FAR case to include provisions that require timely notification by Federal contractors of violations of Federal criminal law or overpayments in connection with the award or performance of covered contracts or subcontracts, including those performed outside the United States and those for commercial items.

(b) COVERED CONTRACT DEFINED.—In this section, the term ''covered contract'' means any contract in an amount greater than $5,000,000 and more than 120 days in duration.

SEC. 4403. ACCESS OF GENERAL ACCOUNTING OFFICE TO CONTRACTOR EMPLOYEES.

(a) CIVILIAN AGENCIES.—Section 304C of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 254d) is amended in subsection (c)(1) by inserting after ''records'' the following '', or interview any employee,''.

(b) DEFENSE AGENCIES.—Section 2313 of title 10, United States Code, is amended in subsection (c)(1) by inserting after ''records'' the following '', or interview any employee,''.

SEC. 4404. PREVENTING CONFLICTS OF INTEREST.

(a) ORGANIZATIONAL CONFLICTS OF INTEREST.—Not later than 12 months after the date of the enactment of this Act, the Administrator of the Office of Federal Procurement Policy shall review the Federal Acquisition Regulation to determine whether it contains sufficiently rigorous, comprehensive, and uniform Governmentwide policies to prevent and mitigate organizational conflicts of interest in Federal contracting. In reviewing such regulations, the Administrator and the Federal Acquisition Regulatory Council, in consultation with the Office of Government Ethics, shall, at a minimum, make appropriate revisions to the regulations to—

(1) establish a standard organizational conflict of interest clause, or a set of standard organizational conflict of interest clauses, for inclusion in solicitations and contracts that set forth the contractor's responsibilities with respect to its employees, subcontractors, partners, and any other affiliated organizations or individuals;

(2) address conflicts that may arise in the context of developing requirements and statements of work, the selection process, and contract administration;

(3) ensure that adequate organizational conflict of interest safeguards are enacted in situations in which contractors are employed by the Federal Government to oversee other contractors or are hired to assist in the acquisition process; and

(4) ensure that any policies or clauses developed address conflicts of interest that may arise from financial interests, unfair competitive advantages, and impaired objectivity.

(b) PERSONAL CONFLICTS OF INTEREST.—Not later than 12 months after the date of the enactment of this Act, the Federal Acquisition Regulation shall be amended to establish uniform, Governmentwide policies to prevent personal conflicts of interest by contractor employees in Federal contracting. In developing such regulations, the Federal Acquisition Regulatory Council, in consultation with the Office of Government Ethics, shall, at a minimum—

(1) develop a standard contractor employee personal conflicts of interest clause or a set of standard clauses for inclusion in solicitations and contracts that set forth the contractor's responsibility to ensure that employees who are performing contracted services for the Federal Government are free of personal conflicts of interest;

(2) identify the contracting methods, types and services that raise heightened concerns for potential conflicts of interest; and

(3) establish specified principles, examples, a definition of personal conflicts of interest relevant to contractor employees working on Federal Government contracts, specific prohibitions, and where applicable, greater disclosure for certain contractor employees, that will accomplish the end objective of ethical behavior.

(c) BEST PRACTICES.—The Administrator of the Office of Federal Procurement Policy, in consultation with the Office of Governmentwide Ethics, shall develop and maintain a repository of best practices relating to the prevention and mitigation of organizational and personal conflicts of interest.

TITLE XLV—ENHANCED CONTRACT TRANSPARENCY

SEC. 4501. DISCLOSURE OF CEO SALARIES.

(a) DISCLOSURE REQUIREMENTS.—Section 2(b)(1) of the Federal Funding Accountability and Transparency Act (Public Law 109–282; 31 U.S.C. 6101 note) is amended—

(1) by striking ''and'' at the end of subparagraph (E);

(2) by redesignating subparagraph (F) as subparagraph (G); and

(3) by inserting after subparagraph (E) the following new subparagraph:

''(F) the names and total compensation of the five most highly compensated officers of the entity if—

''(i) the entity in the preceding fiscal year received—

''(I) 80 percent or more of its annual gross revenues in Federal awards; and

''(II) $25,000,000 or more in annual gross revenues from Federal awards; and

''(ii) the public does not have access to information about the compensation of the senior executives of the entity through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986.''.

(b) REGULATIONS REQUIRED.—The Director of the Office of Management and Budget shall promulgate regulations to implement the amendment made by this title. Such regulations shall include a definition of ''total compensation'' that is consistent with regulations of the Securities and Exchange Commission at section 402 of part 229 of title 17 of the Code of Federal Regulations (or any subsequent regulation).

SEC. 4502. DATABASE FOR CONTRACTING OFFICERS AND SUSPENSION AND DEBARMENT OFFICIALS.

(a) IN GENERAL.—Subject to the authority, direction, and control of the Director of the Office of Management and Budget, the Administrator of General Services shall establish and maintain a database of information regarding integrity and performance of persons awarded Federal contracts and grants for use by Federal officials having authority over contracts and grants.

(b) PERSONS COVERED.—The database shall cover any person awarded a Federal contract or grant if any information described in subsection (c) exists with respect to such person.

(c) INFORMATION INCLUDED.—With respect to a person awarded a Federal contract or grant, the database shall include information (in the form of a brief description) for at least the most recent 5-year period regarding—

(1) any civil or criminal proceeding, or any administrative proceeding to the extent that such proceeding results in both a finding of fault on the part of the person and the payment of restitution to a government of $5,000 or more, concluded by the Federal Government or any State government against the person, and any amount paid by the person to the Federal Government or a State government;

(2) all Federal contracts and grants awarded to the person that were terminated in such period due to default;

(3) all Federal suspensions and debarments of the person in that period;

(4) all Federal administrative agreements entered into by the person and the Federal Government in that period to resolve a suspension or debarment proceeding and, to the maximum extent practicable, agreements involving a suspension or debarment proceeding entered into by the person and a State government in that period; and

(5) all final findings by a Federal official in that period that the person has been determined not to be a responsible source under either subparagraph (C) or (D) of section 4(7) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(7)).

(d) REQUIREMENTS RELATING TO INFORMATION IN DATABASE.—

(1) DIRECT INPUT AND UPDATE.—The Administrator shall design and maintain the database in a manner that allows the appropriate officials of each Federal agency to directly input and update in the database information relating to actions it has taken with regard to contractors or grant recipients.

(2) TIMELINESS AND ACCURACY.—The Administrator shall develop policies to require—

(A) the timely and accurate input of information into the database;

(B) notification of any covered person when information relevant to the person is entered into the database; and

(C) an opportunity for any covered person to append comments to information about such person in the database.

(e) AVAILABILITY.—

(1) AVAILABILITY TO ALL FEDERAL AGENCIES.—The Administrator shall make the database available to all Federal agencies.

(2) AVAILABILITY TO THE PUBLIC.—The Administrator shall make the database available to the public by posting the database on the General Services Administration website.

(3) LIMITATION.—This subsection does not require the public availability of information that is exempt from public disclosure under section 552(b) of title 5, United States Code.

SEC. 4503. REVIEW OF DATABASE.

(a) REQUIREMENT TO REVIEW DATABASE.—Prior to the award of a contract or grant, an official responsible for awarding a contract or grant shall review the database established under section 2.

(b) REQUIREMENT TO DOCUMENT PRESENT RESPONSIBILITY.—In the case of a prospective awardee of a contract or grant against which a judgment or conviction has been rendered more than once within any 3-year period for the same or similar offences, if each judgment or conviction is a cause for debarment, the official responsible for awarding the contract or grant shall document why the prospective awardee is considered presently responsible.

SEC. 4504. DISCLOSURE IN APPLICATIONS.

(a) REQUIREMENT.—Not later than 180 days after the date of the enactment of this Act, Federal regulations shall be amended to require that in applying for any Federal grant

or submitting a proposal or bid for any Federal contract a person shall disclose in writing information described in section 2(c).

(b) COVERED CONTRACTS AND GRANTS.—This section shall apply only to contracts and grants in an amount greater than the simplified acquisition threshold, as defined in section 4(11) of the Office of Federal Procurement Policy Act (41 U.S.C. 401(11)).

SEC. 4505. ROLE OF INTERAGENCY COMMITTEE.

(a) REQUIREMENT.—The Interagency Committee on Debarment and Suspension shall—

(1) resolve issues regarding which of several Federal agencies is the lead agency having responsibility to initiate suspension or debarment proceedings;

(2) coordinate actions among interested agencies with respect to such action;

(3) encourage and assist Federal agencies in entering into cooperative efforts to pool resources and achieve operational efficiencies in the Governmentwide suspension and debarment system;

(4) recommend to the Office of Management and Budget changes to Government suspension and debarment system and its rules, if such recommendations are approved by a majority of the Interagency Committee;

(5) authorize the Office of Management and Budget to issue guidelines that implement those recommendations;

(6) authorize the chair of the Committee to establish subcommittees as appropriate to best enable the Interagency Committee to carry out its functions; and

(7) submit to the Congress an annual report on—

(A) the progress and efforts to improve the suspension and debarment system;

(B) member agencies' active participation in the committee's work; and

(C) a summary of each agency's activities and accomplishments in the Governmentwide debarment system.

(b) DEFINITION.—The term ''Interagency Committee on Debarment and Suspension'' means such committee constituted under sections 4 and 5 and of Executive Order No. 12549.

SEC. 4506. AUTHORIZATION OF INDEPENDENT AGENCIES.

Any agency, commission, or organization of the Federal Government to which Executive Order No. 12549 does not apply is authorized to participate in the Governmentwide suspension and debarment system and may recognize the suspension or debarment issued by an executive branch agency in its own procurement or assistance activities.

SEC. 4507. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Administrator of General Services such funds as may be necessary to establish the database described in section 2.

SEC. 4508. REPORT TO CONGRESS.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Administrator of General Services shall submit to Congress a report.

(b) CONTENTS OF REPORT.—The report shall contain the following:

(1) A list of all databases that include information about Federal contracting and Federal grants.

(2) Recommendations for further legislation or administrative action that the Administrator considers appropriate to create a centralized, comprehensive Federal contracting and Federal grant database.

SEC. 4509. IMPROVEMENTS TO THE FEDERAL PROCUREMENT DATA SYSTEM.

(a) ENHANCED TRANSPARENCY ON INTERAGENCY CONTRACTING AND OTHER TRANSACTIONS.—Not later than 12 months after the date of the enactment of this Act, the Director of the Office of Management and Budget shall direct appropriate revisions to the Federal Procurement Data System or any successor system to facilitate the collection of complete, timely, and reliable data on interagency contracting actions and on transactions other than contracts, grants, and cooperative agreements issued pursuant to section 2371 of title 10, United States Code, or similar authorities. The Director shall ensure that data, consistent with what is collected for contract actions, is obtained on—

(1) interagency contracting actions, including data at the task or delivery-order level; and

(2) other transactions, including the initial award and any subsequent modifications awarded or orders issued.

(b) AMENDMENT.—Subsection (d) of section 19 of the Office of Federal Procurement Policy Act (41 U.S.C. 417(d)) is amended to read as follows:

''(d) TRANSMISSION AND DATA ENTRY OF INFORMATION.—The head of each executive agency shall ensure the accuracy of the information included in the record established and maintained by such agency under subsection (a) and shall timely transmit such information to the General Services Administration for entry into the Federal Procurement Data System referred to in section 6(d)(4), or any successor system.''.

SEC. 4510. PROTECTION OF CHILD CUSTODY ARRANGEMENTS FOR PARENTS WHO ARE MEMBERS OF THE ARMED FORCES DEPLOYED IN SUPPORT OF A CONTINGENCY OPERATION.

(a) CHILD CUSTODY PROTECTION.—Title II of the Servicemembers Civil Relief Act (50 U.S.C. App. 521 et seq.) is amended by adding at the end the following new section:

''SEC. 208. CHILD CUSTODY PROTECTION.

''(a) RESTRICTION ON CHANGE OF CUSTODY.—If a motion for change of custody of a child of a servicemember is filed while the servicemember is deployed in support of a contingency operation, no court may enter an order modifying or amending any previous judgment or order, or issue a new order, that changes the custody arrangement for that child that existed as of the date of the deployment of the servicemember, except that a court may enter a temporary custody order if there is clear and convincing evidence that it is in the best interest of the child.

''(b) COMPLETION OF DEPLOYMENT.—In any preceding covered under subsection (a), a court shall require that, upon the return of the servicemember from deployment in support of a contingency operation, the custody order that was in effect immediately preceding the date of the deployment of the servicemember is reinstated, unless there is clear and convincing evidence that such a reinstatement is not in the best interest of the child.

''(c) EXCLUSION OF MILITARY SERVICE FROM DETERMINATION OF CHILD'S BEST INTEREST.—If a motion for the change of custody of the child of a servicemember is filed, no court may consider the absence of the servicemember by reason of deployment, or possibility of deployment, in determining the best interest of the child.

''(d) CONTINGENCY OPERATION DEFINED.—In this section, the term 'contingency operation' has the meaning given that term in section 101(a)(13) of title 10, United States Code, except that the term may include such other deployments as the Secretary may prescribe.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is amended by adding at the end of the items relating to title II the following new item:

''208. Child custody protection.''.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

Mr. CONAWAY moved to recommit the bill to the Committee on Armed Services with instructions to report the bill back to the House promptly, in the form to which perfected at the time of this motion with the following amendments:

At the end of title X, add the following new sections:

SEC. 1071. SENSE OF CONGRESS AND REPEAL OF ALTERNATIVE FUEL PROCUREMENT REQUIREMENT FOR FEDERAL AGENCIES.

(a) SENSE OF CONGRESS.—It is the sense of Congress that prohibiting Federal agencies from entering into contracts for procurement of alternative or synthetic fuel will make Federal agencies like the Department of Defense more dependent on oil from less secure, foreign sources of oil, such as the Middle East, and will lead to higher gasoline prices for Americans.

(b) REPEAL OF ALTERNATIVE FUEL PROCUREMENT REQUIREMENT FOR FEDERAL AGENCIES.—Section 526 of the Energy Independence and Security Act of 2007 (Public Law 110–140; 42 U.S.C. 17142) is hereby repealed.

SEC. 1072. EXPEDITED CONSTRUCTION OF NEW REFINING CAPACITY ON CLOSED MILITARY INSTALLATIONS.

(a) DEFINITIONS.—In this section:

(1) The term ''base closure law'' means the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) and title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526; 10 U.S.C. 2687 note).

(2) The term ''closed military installation'' means a military installation closed or approved for closure pursuant to a base closure law.

(3) The term ''designated refinery'' means a refinery designated under subsection (b).

(4) The term ''Federal refinery authorization''—

(A) means any authorization required under Federal law, whether administered by a Federal or State administrative agency or official, with respect to siting, construction, expansion, or operation of a refinery; and

(B) includes any permits, special use authorizations, certifications, opinions, or other approvals required under Federal law with respect to siting, construction, expansion, or operation of a refinery.

(5) The term ''refinery'' means—

(A) a facility designed and operated to receive, load, unload, store, transport, process, and refine crude oil by any chemical or physical process, including distillation, fluid catalytic cracking, hydrocracking, coking, alkylation, etherification, polymerization, catalytic reforming, isomerization, hydrotreating, blending, and any combination thereof, in order to produce gasoline or other fuel; or

(B) a facility designed and operated to receive, load, unload, store, transport, process, and refine coal by any chemical or physical process, including liquefaction, in order to produce gasoline, diesel, or other liquid fuel as its primary output.

(6) The term ''Secretary'' means the Secretary of Energy.

(7) The term ''State'' means a State, the District of Columbia, the Commonwealth of Puerto Rico, and any other territory or possession of the United States.

(b) DESIGNATION REQUIREMENT.—Not later than 90 days after the date of enactment of this Act, the President shall designate no less than 3 closed military installations, or portions thereof, subject to subsection (d)(2), that are appropriate for the purposes of siting a refinery.

(c) ANALYSIS OF REFINERY SITES.—In considering any site for possible designation under subsection (b), the President shall conduct an analysis of—

(1) the availability of crude oil supplies to the site, including supplies from domestic production of shale oil and tar sands and other strategic unconventional fuels;

(2) the distribution of the Nation's refined petroleum product demand;

(3) whether such site is in close proximity to substantial pipeline infrastructure, including both crude oil and refined petroleum product pipelines, and potential infrastructure feasibility;

(4) the need to diversify the geographical location of the domestic refining capacity;

(5) the effect that increased refined petroleum products from a refinery on that site may have on the price and supply of gasoline to consumers;

(6) the impact of locating a refinery on the site on the readiness and operations of the Armed Forces; and

(7) such other factors as the President considers appropriate.

(d) SALE OR DISPOSAL.—

(1) DESIGNATION.—Except as provided in paragraph (2), until the expiration of 2 years after the date of enactment of this Act, the Federal Government shall not sell or otherwise dispose of the military installations designated pursuant to subsection (b).

(2) GOVERNOR'S OBJECTION.—No site may be used for a refinery under this section if, not later than 60 days after designation of the site under subsection (b), the Governor of the State in which the site is located transmits to the President an objection to the designation, unless, not later than 60 days after the President receives such objection, the Congress has by law overridden the objection.

(e) REDEVELOPMENT AUTHORITY.—With respect to a closed military installation, or portion thereof, designated by the President as a potentially suitable refinery site pursuant to subsection (b)—

(1) the redevelopment authority for the installation, in preparing or revising the redevelopment plan for the installation, shall consider the feasibility and practicability of siting a refinery on the installation; and

(2) the Secretary of Defense, in managing and disposing of real property at the installation pursuant to the base closure law applicable to the installation, shall give substantial deference to the recommendations of the redevelopment authority, as contained in the redevelopment plan for the installation, regarding the siting of a refinery on the installation.

(f) DESIGNATION AS LEAD AGENCY.—

(1) IN GENERAL.—The Department of Energy shall act as the lead agency for the purposes of coordinating all applicable Federal refinery authorizations and related environmental reviews with respect to a designated refinery.

(2) OTHER AGENCIES.—Each Federal and State agency or official required to provide a Federal refinery authorization shall cooperate with the Secretary and comply with the deadlines established by the Secretary.

(g) SECRETARY'S AUTHORITY TO SET SCHEDULE.—The Secretary shall establish a schedule for all Federal refinery authorizations with respect to a designated refinery. In establishing the schedule, the Secretary shall—

(1) ensure expeditious completion of all such proceedings; and

(2) accommodate the applicable schedules established by Federal law for such proceedings.

(h) CONSOLIDATED RECORD.—The Secretary shall, with the cooperation of Federal and State administrative agencies and officials, maintain a complete consolidated record of all decisions made or actions taken by the Secretary or by a Federal administrative agency or officer (or State administrative agency or officer acting under delegated Federal authority) with respect to any Federal refinery authorization.

At the end of division A, add the following new title:

TITLE XVII—ENHANCEMENT OF RECRUITMENT, RETENTION, AND READJUSTMENT THROUGH EDUCATION

Sec. 1701. Short title.
Sec. 1702. Findings.
Sec. 1703. Plan on coordination of current educational assistance programs and development of additional educational assistance programs to enable career-oriented members of the Armed Forces to attain a bachelor's degree.
Sec. 1704. Increase in rates of basic educational assistance under the Montgomery GI Bill.
Sec. 1705. Annual stipend for recipients of basic educational assistance under the Montgomery GI Bill.
Sec. 1706. Increase in rates of educational assistance for members of the Selected Reserve.
Sec. 1707. Increase in rates of educational assistance for reserve component members supporting contingency operations and other operations with extended service in the Selected Reserve.
Sec. 1708. Enhancement of transferability of entitlement to educational assistance.
Sec. 1709. Use of educational assistance to repay Federal student loans.
Sec. 1710. Educational assistance for graduates of the service academies and Reserve Officers' Training Corps programs.
Sec. 1711. Opportunity for current and certain retired VEAP-era personnel to enroll in basic educational assistance under the Montgomery GI Bill.
Sec. 1712. College Patriots Grant Program.

SEC. 1701. SHORT TITLE.

This title may be cited as the ''Enhancement of Recruitment, Retention, and Readjustment Through Education Act of 2008''.

SEC. 1702. FINDINGS.

Congress makes the following findings:

(1) The World War II-era GI Bill assisted almost 8,000,000 members of the Armed Forces in readjusting to civilian life after completing their service to the nation. With the support and assistance of America's colleges and universities, the GI Bill provided incentives that transformed American society, making a college degree a realizable goal for millions of Americans.

(2) In the years following World War II, the GI Bill continued to provide educational benefits for members of the Armed Forces who had been drafted into or volunteered for service.

(3) The establishment of the All Volunteer Force in 1973, and its development since its inception, has produced highly professional Armed Forces that are recognized as the most effective fighting force the world has ever seen.

(4) The Sonny Montgomery GI Bill was enacted in 1984 to sustain the All Volunteer Force by providing educational benefits to aid in the recruitment and retention of highly qualified personnel for the Armed Forces and to assist veterans in readjusting to civilian life. Today, it remains a cornerstone of military recruiting and retention planning for the Armed Forces and continues to fulfill its original purposes.

(5) The All Volunteer Force depends for its effectiveness and vitality on successful recruiting of highly capable men and women, and retention for careers of soldiers, sailors, airmen, and marines, in both the active and reserve components of the Armed Forces, who, with the support of their families and loved ones, develop into professional, dedicated, and experienced officers, noncommissioned officers, and petty officers.

(6) The achievement of educational goals, including obtaining the means to a college degree, has traditionally been a key reason for volunteering for service in the Armed Forces. For members who serve a career in the Armed Forces, this goal extends to their spouses and children and has resulted in requests for the option to transfer educational benefits under the GI Bill to spouses and children.

(7) As in the aftermath of World War II, colleges and universities throughout the United States should demonstrate their and the Nation's appreciation to veterans by dedicated programs providing financial aid.

(8) It is in that national interest for the United States—

(A) to express the gratitude of the American people by assisting those who have honorably served in the Armed Forces and returned to civilian life to achieve their educational goals;

(B) to provide significant educational benefits to provide incentives for successful recruiting;

(C) to motivate continued service in the All Volunteer Force by those members with the potential for military careers and their spouses and children; and

(D) to assist those who serve and their families in achieving their personal goals, including higher education, while progressing in a military career.

SEC. 1703. PLAN ON COORDINATION OF CURRENT EDUCATIONAL ASSISTANCE PROGRAMS AND DEVELOPMENT OF ADDITIONAL EDUCATIONAL ASSISTANCE PROGRAMS TO ENABLE CAREER-ORIENTED MEMBERS OF THE ARMED FORCES TO ATTAIN A BACHELOR'S DEGREE.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the outstanding men and women who volunteer for service in the Armed Forces and demonstrate through their service the ability, motivation, and commitment to serve as career commissioned officers, noncommissioned officers, petty officers, and warrant officers should be given the opportunities and resources needed to obtain a bachelor's degree before they complete active duty and retire from the Armed Forces; and

(2) every effort should be made by the leaders of the Army, Navy, Marine Corps, Air Force, and Coast Guard to demonstrate to members of the Armed Forces who are willing to serve and study that the dual goals of attaining a bachelor's degree and a distinguished military career are achievable and not mutually exclusive.

(b) PLAN TO COORDINATE AND DEVELOP EDUCATIONAL ASSISTANCE PROGRAMS.—

(1) PLAN REQUIRED.—The Secretary of Defense, in consultation with the Secretary of Veterans Affairs, shall develop a plan to make the attainment of a bachelor's degree an achievable goal for members of the Armed Forces who are motivated towards careers in the Armed Forces and who are able and willing to accept the challenges of military duty and pursuit of college level studies.

(2) ADVICE OF THE SERVICE CHIEFS.—The Secretary of Defense shall develop the plan required by paragraph (1) with the advice of the Chief of Staff of the Army, the Chief of Naval Operations, the Chief of Staff of the Air Force, and the Commandant of the Marine Corps.

(3) ELEMENTS.—The plan required by paragraph (1) shall include the following:

(A) Appropriate elements of current programs to assist members of the Armed Forces in obtaining college-level education,

including tuition assistance programs, distance learning programs, and technical training and education provided by the military departments, including programs currently administered by the Secretary of Veterans Affairs.

(B) Appropriate elements of current programs to provide members of the Armed Forces with assistance in obtaining college-level credit for the technical training and experience they undergo during their military career.

(C) One or more additional education programs to assist members of the Armed Forces in obtaining a college-level education, including mechanisms for the provision by the military departments of guidance, mentoring, and resources to assist members in achieving their professional military and personal educational goals.

(D) Such additional programs or mechanisms, such as sabbaticals from the Armed Forces or college-level education provided or funded by the military departments, as the Secretary of Defense considers appropriate to assist members of the Armed Forces in making adequate progress towards a bachelor's degree from an accredited institution of higher education while continuing a successful military career.

(E) Such mechanisms for the application of the elements of the plan to members of the National Guard and Reserves as the Secretary of Defense considers appropriate to ensure that such members receive appropriate assistance in achieving their professional military and personal educational goals.

(F) Such elements of current programs of the military departments for in-service education of members of the Armed Forces as the Secretary of Defense considers appropriate to maintain and enhance the recruitment and retention by the Armed Forces of highly trained and experienced military leaders.

(4) SUBMITTAL TO CONGRESS.—The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth the plan required by paragraph (1) not later than August 1, 2009.

SEC. 1704. INCREASE IN RATES OF BASIC EDUCATIONAL ASSISTANCE UNDER THE MONTGOMERY GI BILL.

(a) INCREASE IN GENERAL RATES AND AUGMENTED RATES FOR EXTENDED SERVICE.—

(1) RATES BASED ON THREE YEARS OF OBLIGATED SERVICE.—Subsection (a)(1) of section 3015 of title 38, United States Code, is amended by striking ''on a full-time basis, at the monthly rate of'' and all that follows and inserting ''on a full-time basis—

''(A) in the case of an individual who served on active duty in the Armed Forces for 12 or more years, at the monthly rate of—

''(i) for months occurring during fiscal year 2009, $1,650;

''(ii) for months occurring during fiscal year 2010, $1,800;

''(iii) for months occurring during fiscal year 2011, $2,000; and

''(iv) for months occurring during a subsequent fiscal year, the amount for months occurring during the preceding fiscal year increased under subsection (h); and

''(B) in the case of an individual who served on active duty in the Armed Forces for less than 12 years, at the monthly rate of—

''(i) for months occurring during fiscal year 2009, $1,500; and

''(ii) for months occurring during a subsequent fiscal year, the amount for months occurring during the preceding fiscal year increased under subsection (h); or''.

(2) RATES BASED ON TWO YEARS OF OBLIGATED SERVICE.—Subsection (b)(1) of such section is amended—

(A) by striking subparagraphs (A) through (C) and inserting the following new subparagraph (A):

''(A) for months occurring during fiscal year 2009, $950; and''; and

(B) by redesignating subparagraph (D) as subparagraph (B).

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by subsection (a) shall take effect on October 1, 2008, and shall apply with respect to basic educational assistance payable for months beginning on or after that date.

(2) LIMITATION ON COST-OF-LIVING ADJUSTMENTS.—

(A) CERTAIN RATES BASED ON THREE YEARS OF OBLIGATED SERVICE.—No adjustment under subsection (h) of section 3015 of title 38, United States Code, shall be made in the rates of educational assistance payable under subsection (a)(1)(A) of such section (as amended by subsection (a)(1) of this section) for any of fiscal years 2009 through 2011.

(B) OTHER RATES.—No adjustment under subsection (h) of section 3015 of title 38, United States Code, shall be made in the rates of educational assistance payable under subsection (a)(1)(B) of such section (as so amended), or subsection (b) of such section, for fiscal year 2009.

SEC. 1705. ANNUAL STIPEND FOR RECIPIENTS OF BASIC EDUCATIONAL ASSISTANCE UNDER THE MONTGOMERY GI BILL.

(a) ENTITLEMENT TO STIPEND.—

(1) IN GENERAL.—Subchapter II of chapter 30 of title 38, United States Code, is amended by adding at the end the following new section:

''§ 3020A. Educational stipend

''(a) ENTITLEMENT.—Each individual receiving basic educational assistance under this subchapter who is pursuing a program of education at an institution of higher learning (as such term is defined in section 3452(f) of this title) is entitled to an educational stipend under this section.

''(b) AMOUNT OF STIPEND.—The educational stipend payable under this section to an individual entitled to such a stipend shall be paid—

''(1) in the case of an individual pursuing an approved program of education on at least a half-time basis, at the annual rate of $500; and

''(2) in the case of an individual pursuing an approved program of education on less than a half-time basis, at the annual rate of $350.

''(c) PAYMENT FREQUENCY AND METHOD.—The educational stipend payable under this subsection shall be paid with such frequency (including by lump sum), and by such mechanisms, as the Secretary shall prescribe for purposes of this section.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 30 of such title is amended by adding at the end of the items relating to subchapter II the following new item:

''3020A. Educational stipend.''.

(b) EFFECTIVE DATE.—Section 3020A of title 38, United States Code, as added by subsection (a), shall take effect on the date that is one year after the date of the enactment of this Act.

SEC. 1706. INCREASE IN RATES OF EDUCATIONAL ASSISTANCE FOR MEMBERS OF THE SELECTED RESERVE.

(a) INCREASE IN RATES.—Section 16131(b)(1) of title 10, United States Code, is amended—

(1) in subparagraph (A), by striking ''$251'' and inserting ''$634'';

(2) in subparagraph (B), by striking ''$188'' and inserting ''$474''; and

(3) in subparagraph (C), by striking ''$125'' and inserting ''$314''.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by subsection (a) shall take effect on October 1, 2008, and shall apply with respect to educational assistance payable for months beginning on or after that date.

(2) NO COST-OF-LIVING ADJUSTMENT.—No adjustment under paragraph (2) of section 16131(b) of title 10, United States Code, shall be made in the rates of educational assistance payable under paragraph (1) of such section for fiscal year 2009.

SEC. 1707. INCREASE IN RATES OF EDUCATIONAL ASSISTANCE FOR RESERVE COMPONENT MEMBERS SUPPORTING CONTINGENCY OPERATIONS AND OTHER OPERATIONS WITH EXTENDED SERVICE IN THE SELECTED RESERVE.

(a) INCREASE IN RATES FOR EXTENDED SERVICE.—Paragraph (2) of section 16162(c) of title 10, United States Code, is amended to read as follows:

''(2) The educational assistance allowance provided under this chapter shall be the amount as follows (as adjusted under paragraphs (3) and (4)):

''(A) In the case of a member who serves an aggregate of 12 years or more in the Selected Reserve of the Ready Reserve, the amount provided under section 3015(a)(1)(A) of title 38 for the fiscal year concerned, except that if a member otherwise covered by this subparagraph ceases serving in the Selected Reserve the amount shall be the amount provided under subparagraph (B) of this paragraph.

''(B) In the case of any other member, the amount provided under section 3015(a)(1)(B) of title 38 for the fiscal year concerned.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2008, and shall apply with respect to educational assistance payable for months beginning on or after that date.

SEC. 1708. ENHANCEMENT OF TRANSFERABILITY OF ENTITLEMENT TO EDUCATIONAL ASSISTANCE.

(a) MODIFICATION OF AUTHORITY TO TRANSFER ENTITLEMENT UNDER MONTGOMERY GI BILL.—

(1) IN GENERAL.—Subsection (a) of section 3020 of title 38, United States Code, is amended to read as follows:

''(a) IN GENERAL.—Subject to the provisions of this section, the Secretary of Defense shall authorize each Secretary concerned to permit an individual described in subsection (b) who is entitled to basic educational assistance under this subchapter to elect to transfer to one or more of the dependents specified in subsection (c) the unused portion of such individual's entitlement to such assistance, subject to the limitation under subsection (d).''.

(2) ELIGIBLE INDIVIDUALS.—Subsection (b) of such section is amended to read as follows:

''(b) ELIGIBLE INDIVIDUALS.—An individual referred to in subsection (a) is any member of the Armed Forces serving on active duty or as a member of the Selected Reserve who, at the time of the approval by the Secretary concerned of the member's request to transfer entitlement to basic educational assistance under this section—

''(1) has completed six years of service in the Armed Forces; and

''(2) meets such other requirements as the Secretary of Defense may prescribe for purposes of this section.''.

(3) LIMITATIONS ON MONTHS OF TRANSFER.—Subsection (d) of such section is amended to read as follows:

''(d) NUMBER OF MONTHS TRANSFERRABLE.—(1) Except as provided in paragraphs (2) and (3), an individual may transfer under this section any number of months of unused entitlement of the individual to basic educational assistance under this chapter.

''(2) In the case of an individual who has completed at least six but less than 12 years of service in the Armed Forces at the time of the approval by the Secretary concerned of

the individual's request to transfer entitlement under this section, the number of months that may be transferred by the individual under this section may not exceed the lesser of—

''(A) the number of months transferrable by the individual under paragraph (1); or

''(B) 18 months.''.

(4) TIMING, REVOCATION, AND MODIFICATION OF TRANSFER.—Subsection (f) of such section is amended—

(A) in paragraph (1), by striking ''without regard'' and all that follows and inserting ''while the individual is a member of the Armed Forces.''; and

(B) in paragraph (2)(A), by inserting ''while the individual is serving as a member of the Armed Forces or in the Selected Reserve'' after ''at any time''.

(5) EXCLUSION FROM MARITAL PROPERTY.—Subsection (f) of such section is further amended by adding at the end the following new paragraph:

''(3) Entitlement transferred under this section may not be treated as marital property, or the asset of a marital estate, subject to division in a divorce or other civil proceeding.''.

(6) OVERPAYMENT.—Subsection (i) of such section is amended—

(A) by striking ''(1)'' before ''In the event''; and

(B) by striking paragraphs (2) and (3).

(7) REGULATIONS.—Subsection (k) of such section is amended to read as follows:

''(k) REGULATIONS.—The Secretary of Defense shall, in coordination with the Secretary of Veterans Affairs, prescribe regulations for purposes of this section. Such regulations shall specify the following:

''(1) The circumstances under which the Secretaries concerned may permit and approve transfers of entitlement under this section.

''(2) Such requirements for eligibility for transfer of entitlement under this section as the Secretary of Defense considers appropriate for purposes of subsection (b)(2).

''(3) The manner and effect of an election to modify or revoke a transfer of entitlement under subsection (f)(2).''.

(8) HEADING AMENDMENT.—The heading of such section is amended to read as follows:

''§ 3020. Transfer of entitlement to basic educational assistance''.

(9) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 30 of such title is amended by striking the item relating to section 3020 and inserting the following:

''3020. Transfer of entitlement to basic educational assistance.''.

(b) AUTHORITY FOR TRANSFER OF ENTITLEMENT UNDER RESERVE COMPONENTS EDUCATIONAL ASSISTANCE PROGRAMS.—

(1) SELECTED RESERVE PROGRAM.—

(A) IN GENERAL.—Chapter 1606 of title 10, United States Code, is amended by inserting after section 16131a the following new section:

''§ 16131b. Transfer of entitlement to educational assistance

''(a) IN GENERAL.—Subject to the provisions of this section, the Secretary concerned may permit a member of the Armed Forces described in subsection (b) who is entitled to educational assistance under this chapter to elect to transfer to one or more of the dependents specified in subsection (c) a portion of such member's entitlement to such assistance, subject to the limitations under subsection (d).

''(b) ELIGIBLE MEMBERS.—A member described in this subsection is a member of the Selected Reserve of the Ready Reserve who, at the time of the approval of the member's request to transfer entitlement to educational assistance under this section—

''(1) has completed at least six years of service in the Selected Reserve; and

''(2) meets such other requirements as the Secretary of Defense may prescribe for purposes of this section.

''(c) ELIGIBLE DEPENDENTS.—A member approved to transfer an entitlement to educational assistance under this section may transfer the member's entitlement as follows:

''(1) To the member's spouse.

''(2) To one or more of the member's children.

''(3) To a combination of the individuals referred to in paragraphs (1) and (2).

''(d) NUMBER OF MONTHS TRANSFERRABLE.—(1) Except as provided in paragraph (2), a member may transfer under this section any number of months of unused entitlement of the member to educational assistance under this chapter.

''(2) In the case of a member who has completed at least six but less than 12 years of service in the Selected Reserve at the time of the approval by the Secretary concerned of the member's request to transfer entitlement under this section, the number of months that may be transferred by the member under this section may not exceed the lesser of—

''(A) the number of months transferrable by the individual under paragraph (1); or

''(B) 18 months.

''(e) DESIGNATION OF TRANSFEREE.—A member transferring an entitlement to educational assistance under this section shall—

''(1) designate the dependent or dependents to whom such entitlement is being transferred;

''(2) designate the number of months of such entitlement to be transferred to each such dependent; and

''(3) specify the period for which the transfer shall be effective for each dependent designated under paragraph (1).

''(f) TIME FOR TRANSFER; REVOCATION AND MODIFICATION.—(1) Subject to the time limitation for use of entitlement under section 16133 of this title, a member approved to transfer entitlement to educational assistance under this section may transfer such entitlement at any time after the approval of the member's request to transfer such entitlement.

''(2)(A) A member transferring entitlement under this section may modify or revoke at any time the transfer of any unused portion of the entitlement so transferred.

''(B) The modification or revocation of the transfer of entitlement under this paragraph shall be made by the submittal of written notice of the action to both the Secretary concerned and the Secretary of Veterans Affairs.

''(3) Entitlement transferred under this section may not be treated as marital property, or the asset of a marital estate, subject to division in a divorce or other civil proceeding.

''(g) COMMENCEMENT OF USE.—A dependent to whom entitlement to educational assistance is transferred under this section may not commence the use of the transferred entitlement until—

''(1) in the case of entitlement transferred to a spouse, the completion by the member making the transfer of six years of service in the Selected Reserve; or

''(2) in the case of entitlement transferred to a child, both—

''(A) the completion by the member making the transfer of six years of service in the Selected Reserve; and

''(B) either—

''(i) the completion by the child of the requirements of a secondary school diploma (or equivalency certificate); or

''(ii) the attainment by the child of 18 years of age.

''(h) ADDITIONAL ADMINISTRATIVE MATTERS.—(1) The use of any entitlement to educational assistance transferred under this section shall be charged against the entitlement of the member making the transfer at the rate of one month for each month of transferred entitlement that is used.

''(2) Except as provided under subsection (e)(2) and subject to paragraphs (5) and (6), a dependent to whom entitlement is transferred under this section is entitled to educational assistance under this chapter in the same manner as the member from whom the entitlement was transferred.

''(3) The monthly rate of educational assistance payable to a dependent to whom entitlement is transferred under this section shall be the monthly amount payable to the member making the transfer under section 16131 or 16132a of this title, as applicable.

''(4)(A) The death of a member transferring entitlement under this section shall not affect the use of the entitlement by the dependent to whom the entitlement is transferred.

''(B) The involuntary separation or retirement of a member transferring entitlement under this section because of a nondiscretionary provision of law for age or for years of service, as described in section 16133(b) of this title, or medical disqualification which is not the result of gross negligence or misconduct of the member shall not affect the use of entitlement by the dependent to whom the entitlement is transferred.

''(5) A child to whom entitlement is transferred under this section may not use any entitlement so transferred after attaining the age of 26 years.

''(6) The purposes for which a dependent to whom entitlement is transferred under this section may use such entitlement shall include the pursuit and completion of the requirements of a secondary school diploma (or equivalency certificate).

''(7) The administrative provisions of this chapter shall apply to the use of entitlement transferred under this section, except that the dependent to whom the entitlement is transferred shall be treated as the eligible member for purposes of such provisions.

''(i) OVERPAYMENT.—(1) In the event of an overpayment of educational assistance with respect to a dependent to whom entitlement is transferred under this section, the dependent and the member making the transfer shall be jointly and severally liable to the United States for the amount of the overpayment for purposes of section 3685 of title 38.

''(2)(A) Except as provided in subparagraph (B), in the case of a member transferring entitlement under this section whose eligibility is terminated under section 16134(2) of this title, the amount of any transferred entitlement under this section that is used by a dependent of the member as of the date of the failure of the member to participate satisfactorily in training as specified in section 16134(2) of this title shall be treated as an overpayment of educational assistance under paragraph (1).

''(B) Subparagraph (A) shall not apply in the case of a member who fails to complete service agreed to by the member—

''(i) by reason of the death of the member; or

''(ii) for a reason referred to in section 16133(b) of this title.

''(j) APPROVALS OF TRANSFER SUBJECT TO AVAILABILITY OF APPROPRIATIONS.—The Secretary concerned may approve transfers of entitlement to educational assistance under this section in a fiscal year only to the extent that appropriations for military personnel are available in that fiscal year for purposes of making deposits in the Department of Defense Education Benefits Fund under section 2006 of this title in that fiscal

year to cover the present value of future benefits payable from the Fund for the Department of Defense portion of payments of educational assistance attributable to increased usage of benefits as a result of such transfers of entitlement in that fiscal year.

''(k) REGULATIONS.—The Secretary of Defense shall, in consultation with the Secretary of Veterans Affairs, prescribe regulations for purposes of this section. Such regulations shall specify the following:

''(1) The circumstances under which the Secretaries concerned may permit and approve transfers of entitlement under this section.

''(2) Such requirements for eligibility for transfer of entitlement under this section as the Secretary of Defense considers appropriate for purposes of subsection (b)(2).

''(3) The manner and effect of an election to modify or revoke a transfer of entitlement under subsection (f)(2).''.

(B) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1606 of such title is amended by inserting after the item relating to section 16131a the following new item:

''16131b. Transfer of entitlement to educational assistance.''.

(2) PROGRAM FOR RESERVE COMPONENTS SUPPORTING CONTINGENCY AND OTHER OPERATIONS.—

(A) IN GENERAL.—Chapter 1607 of title 10, United States Code, is amended by inserting after section 16162a the following new section:

''§ 16162b. Transfer of entitlement to educational assistance

''(a) IN GENERAL.—Subject to the provisions of this section, the Secretary concerned may permit a member of the Armed Forces described in subsection (b) who is entitled to educational assistance under this chapter to elect to transfer to one or more of the dependents specified in subsection (c) a portion of such member's entitlement to such assistance, subject to the limitations under subsection (d).

''(b) ELIGIBLE MEMBERS.—A member referred to in subsection (a) is a member of the Armed Forces who, at the time of the approval of the member's request to transfer entitlement to educational assistance under this section—

''(1) has completed at least six years of service in the Armed Forces; and

''(2) meets such other requirements as the Secretary of Defense may prescribe for purposes of this section.

''(c) ELIGIBLE DEPENDENTS.—A member approved to transfer an entitlement to educational assistance under this section may transfer the member's entitlement as follows:

''(1) To the member's spouse.

''(2) To one or more of the member's children.

''(3) To a combination of the individuals referred to in paragraphs (1) and (2).

''(d) NUMBER OF MONTHS TRANSFERRABLE.—(1) Except as provided in paragraph (2), a member may transfer under this section any number of months of unused entitlement of the member to educational assistance under this chapter.

''(2) In the case of a member who has completed at least six but less than 12 years of service in the Armed Forces at the time of the approval by the Secretary concerned of the member's request to transfer entitlement under this section, the number of months that may be transferred by the member under this section may not exceed the lesser of—

''(A) the number of months transferrable by the individual under paragraph (1); or

''(B) 18 months.

''(e) DESIGNATION OF TRANSFEREE.—A member transferring an entitlement to educational assistance under this section shall—

''(1) designate the dependent or dependents to whom such entitlement is being transferred;

''(2) designate the number of months of such entitlement to be transferred to each such dependent; and

''(3) specify the period for which the transfer shall be effective for each dependent designated under paragraph (1).

''(f) TIME FOR TRANSFER; REVOCATION AND MODIFICATION.—(1) Subject to the time limitation for use of entitlement under section 16164 of this title, a member approved to transfer entitlement to educational assistance under this section may transfer such entitlement only while serving as a member of the Armed Forces when the transfer is executed.

''(2)(A) A member transferring entitlement under this section may modify or revoke at any time the transfer of any unused portion of the entitlement so transferred.

''(B) The modification or revocation of the transfer of entitlement under this paragraph shall be made by the submittal of written notice of the action to both the Secretary concerned and the Secretary of Veterans Affairs.

''(g) COMMENCEMENT OF USE.—A dependent to whom entitlement to educational assistance as transferred under this section may not commence the use of the transferred entitlement until—

''(1) in the case of entitlement transferred to a spouse, the completion by the member making the transfer of the years of service in the Armed Forces applicable to the member under subsection (b); or

''(2) in the case of entitlement transferred to a child, both—

''(A) the completion by the member making the transfer of the years of service in the Armed Forces applicable to the member under subsection; and

''(B) either—

''(i) the completion by the child of the requirements of a secondary school diploma (or equivalency certificate); or

''(ii) the attainment by the child of 18 years of age.

''(h) ADDITIONAL ADMINISTRATIVE MATTERS.—(1) The use of any entitlement to educational assistance transferred under this section shall be charged against the entitlement of the member making the transfer at the rate of one month for each month of transferred entitlement that is used.

''(2) Except as provided under subsection (e)(2) and subject to paragraphs (5) and (6), a dependent to whom entitlement is transferred under this section is entitled to educational assistance under this chapter in the same manner as the member from whom the entitlement was transferred.

''(3) The monthly rate of educational assistance payable to a dependent to whom entitlement is transferred under this section shall be the monthly amount payable to the member making the transfer under section 16162 or 16162a of this title, as applicable.

''(4) The death of a member transferring an entitlement under this section shall not affect the use of the entitlement by the dependent to whom the entitlement is transferred.

''(5) A child to whom entitlement is transferred under this section may not use any entitlement so transferred after attaining the age of 26 years.

''(6) The purposes for which a dependent to whom entitlement is transferred under this section may use such entitlement shall include the pursuit and completion of the requirements of a secondary school diploma (or equivalency certificate).

''(7) The administrative provisions of this chapter shall apply to the use of entitlement transferred under this section, except that the dependent to whom the entitlement is transferred shall be treated as the eligible member for purposes of such provisions.

''(i) OVERPAYMENT.—In the event of an overpayment of educational assistance with respect to a dependent to whom entitlement is transferred under this section, the dependent and the member making the transfer shall be jointly and severally liable to the United States for the amount of the overpayment for purposes of section 3685 of title 38.

''(j) APPROVALS OF TRANSFER SUBJECT TO AVAILABILITY OF APPROPRIATIONS.—The Secretary concerned may approve transfers of entitlement to educational assistance under this section in a fiscal year only to the extent that appropriations for military personnel are available in that fiscal year for purposes of making deposits in the Department of Defense Education Benefits Fund under section 2006 of this title in that fiscal year to cover the present value of future benefits payable from the Fund for the Department of Defense portion of payments of educational assistance attributable to increased usage of benefits as result of such transfers of entitlement in that fiscal year.

''(k) REGULATIONS.—The Secretary of Defense, in consultation with the Secretary of Veterans Affairs, shall prescribe regulations for purposes of this section. Such regulations shall specify the following:

''(1) The circumstances under which the Secretaries concerned may permit and approve transfers of entitlement under this section.

''(2) Such requirements for eligibility for transfer of entitlement under this section as the Secretary of Defense considers appropriate for purposes of subsection (b)(2).

''(3) The manner and effect of an election to modify or revoke a transfer of entitlement under subsection (f)(2).''.

(B) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1607 of such title is amended by inserting after the item relating to section 16162a the following new item:

''16162b. Transfer of entitlement to educational assistance.''.

(3) FUNDING UNDER DEPARTMENT OF DEFENSE EDUCATION BENEFITS FUND.—Section 2006(b)(2)(D) of title 10, United States Code, is amended by inserting before the period at the end the following: '', including payments attributable to increased usage of benefits as a result of transfers of entitlement to educational assistance under sections 16131b and 16162b of this title''.

(c) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on October 1, 2009.

SEC. 1709. USE OF EDUCATIONAL ASSISTANCE TO REPAY FEDERAL STUDENT LOANS.

(a) USE OF EDUCATIONAL ASSISTANCE TO REPAY FEDERAL STUDENT LOANS.—

(1) IN GENERAL.—Subchapter II of chapter 30 of title 38, United States Code, as amended by section 1705(a) of this Act, is further amended by inserting after section 3020A the following new section:

''§ 3020B. Use of basic educational assistance benefits for repayment of Federal student loans

''(a) IN GENERAL.—An individual entitled to basic educational assistance under this subchapter who is serving on active duty in the Armed Forces may elect to apply amounts of basic educational assistance otherwise available to the individual under this subchapter to repay all or a portion of the outstanding principal and interest on any Federal student loan owed by the individual for the individual's pursuit of a course of education.

''(b) DESIGNATION OF LOANS AND AMOUNTS PAYABLE.—An individual electing under this section to apply amounts of basic educational assistance to the payment of the

outstanding principal and interest on Federal student loans shall designate (in such form and manner as the Secretary shall prescribe for purposes of this section) the following:

''(1) Each Federal student loan of the individual for which payment shall be made under this section.

''(2) For each Federal student loan designated under paragraph (1), the monthly amount to be paid under this section.

''(c) LIMITATION ON AMOUNT OF PAYMENTS.—(1) The monthly amount payable with respect to an individual under this section may not exceed the monthly rate of basic educational assistance to which the individual is otherwise entitled under this subchapter at the time of payment of such monthly amount.

''(2) The aggregate amount of basic educational assistance payable with respect to an individual under this section for any 12-month period may not exceed $6,000.

''(d) FREQUENCY OF PAYMENTS.—Payment of amounts of principal and interest on Federal student loans of an individual under this section shall be made on a monthly basis.

''(e) CESSATION OF PAYMENTS.—Payments made under this section with respect to an individual shall cease if the individual ceases serving on active duty in the Armed Forces, effective as of the first month that begins after the date on which the individual ceases serving on active duty in the Armed Forces.

''(f) CHARGE AGAINST ENTITLEMENT.—The period of entitlement to basic educational assistance under this subchapter of an individual for whom payments are made under this section shall be charged at the rate of one month for each payment or aggregate of payments under this section that are equivalent in amount to the monthly rate of basic educational assistance to which the individual is otherwise entitled under this subchapter.

''(g) REGULATIONS.—The Secretary shall prescribe such regulations as the Secretary considers appropriate for purposes of the administration of this section.

''(h) FEDERAL STUDENT LOAN DEFINED.—In this section, the term 'Federal student loan' means any loan made under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.).''.

(2) CLERICAL AMENDMENT.—The table of sections of subchapter II of chapter 30 of such title, as so amended, is further amended by inserting after the item relating to section 3020A the following new item:Q02

''3020B. Use of basic educational assistance benefits for repayment of Federal student loans.''.Q02

(b) EFFECTIVE DATE.—Section 3020B of title 38, United States Code, as added by subsection (a), shall apply with respect to educational assistance payable for months that begin on or after the date that is one year after the date of the enactment of this Act.

SEC. 1710. EDUCATIONAL ASSISTANCE FOR GRADUATES OF THE SERVICE ACADEMIES AND RESERVE OFFICERS' TRAINING CORPS PROGRAMS.

(a) ACTIVE DUTY PROGRAM.—

(1) IN GENERAL.—Subsection (a)(1) of section 3011 of title 38, United States Code, is amended—

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

(B) in subparagraph (C), by adding ''or'' at the end; and

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

''(D) after September 30, 2009—

''(i) receives a commission as an officer in the Armed Forces—

''(I) upon graduation from the United States Military Academy, the United States Naval Academy, the United States Air Force Academy, or the Coast Guard Academy; or

''(II) upon completion of a Senior Reserve Officers' Training Corps program under chapter 103 of title 10; and

''(ii) completes at least five years of continuous active duty in the Armed Forces (excluding any period of obligated service in connection with receipt of a commission as an officer in the Armed Forces under clause (i) and excluding any other period of obligated service in connection with education, training, or instruction provided or funded, whether in whole or in part, by the United States);''.

(2) CONFORMING AMENDMENTS.—Such section is further amended—

(A) in subsection (b), by striking ''subsection (c)(1)'' and inserting ''subsection (c)'';

(B) in subsection (c)—

(i) by striking ''(1)'' after ''(c)''; and

(ii) by striking paragraphs (2) and (3); and

(C) in subsection (e)(1), by striking ''subsection (c)(1)'' and inserting ''subsection (c)''.

(b) SELECTED RESERVE PROGRAM.—

(1) IN GENERAL.—Subsection (a)(1) of section 3012 of such title is amended—

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

(B) in subparagraph (C), by adding ''or'' at the end; and

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

''(D) after September 30, 2009—

''(i) receives a commission as an officer in the Armed Forces—

''(I) upon graduation from the United States Military Academy, the United States Naval Academy, the United States Air Force Academy, or the Coast Guard Academy; or

''(II) upon completion of a Senior Reserve Officers' Training Corps program under chapter 103 of title 10; and

''(ii) completes at least five years of continuous active duty in the Armed Forces (excluding any period of obligated service in connection with receipt of a commission as an officer in the Armed Forces under clause (i) and excluding any other period of obligated service in connection with education, training, or instruction provided or funded, whether in whole or in part, by the United States);''.

(2) CONFORMING AMENDMENTS.—Such section is further amended—

(A) in subsection (c), by striking ''subsection (d)(1)'' and inserting ''subsection (d)'';

(B) in subsection (d)—

(i) by striking ''(1)'' after ''(d)''; and

(ii) by striking paragraphs (2) and (3); and

(C) in subsection (f)(1), by striking ''subsection (d)(1)'' and inserting ''subsection (d)''.

(c) AMOUNT OF BASIC EDUCATIONAL ASSISTANCE.—Section 3015(c) of such title is amended—

(1) in paragraph (1), by striking ''paragraph (2)'' and inserting ''paragraphs (2) and (3)''; and

(2) by adding at the end the following new paragraph:

''(3) Paragraph (1) of this section also applies to the following:

''(A) An individual entitled to an educational assistance allowance under section 3011 of this title by reason of subsection (a)(1)(D) of such section.

''(B) An individual entitled to an educational assistance allowance under section 3012 of this title by reason of subsection (a)(1)(D) of such section.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2009.

SEC. 1711. OPPORTUNITY FOR CURRENT AND CERTAIN RETIRED VEAP-ERA PERSONNEL TO ENROLL IN BASIC EDUCATIONAL ASSISTANCE UNDER THE MONTGOMERY GI BILL.

(a) OPPORTUNITY FOR CURRENT AND CERTAIN RETIRED VEAP-ERA PERSONNEL TO ENROLL.—

(1) IN GENERAL.—Chapter 30 of title 38, United States Code, is amended by inserting after section 3018C the following new section:

''§ 3018D. Opportunity for current and certain retired VEAP-era personnel to enroll

''(a) IN GENERAL.—An individual described in subsection (b) who makes an election described in paragraph (5) of such subsection is entitled to basic educational assistance under this chapter, subject to the provisions of subsection (d).

''(b) COVERED INDIVIDUALS.—An individual described in this subsection is an individual who meets each of the following requirements:

''(1) The individual first became a member of the Armed Forces or first entered on active duty as a member of the Armed Forces on or after January 1, 1977, but before July 1, 1985.

''(2) The individual, as of the date of the individual's election under paragraph (5)—

''(A) is serving on active duty without a break in service (other than as described in section 3202(1)(C) of this title) since the date the individual first became such a member or first entered on active duty as such a member; or

''(B) is retired from the Armed Forces after serving at least 20 years on active duty in the Armed Forces, which service included service on active duty in the Armed Forces on or after September 11, 2001, and elected not to participate in the program of educational assistance under chapter 32 of this title.

''(3) The individual, before applying for benefits under this section, has completed the requirements of a secondary school diploma (or equivalency certificate) or has successfully completed the equivalent of 12 semester hours in a program of education leading to a standard college degree, but has not completed the requirements for nor been awarded a bachelor's degree.

''(4) The individual—

''(A) in the case of an individual described by paragraph (2)(A), is discharged with an honorable discharge or released with service characterized as honorable by the Secretary concerned; or

''(B) in the case of an individual described by paragraph (2)(B), was discharged with an honorable discharge or released with service characterized as honorable by the Secretary concerned.

''(5) During the one-year period beginning on October 1, 2009, the individual makes an irrevocable election to receive benefits under this section pursuant to procedures which the Secretary of each military department shall provide in accordance with regulations prescribed by the Secretary of Defense for the purpose of carrying out this section or which the Secretary of Transportation shall provide for such purpose with respect to the Coast Guard when it is not operating as a service in the Navy.

''(c) REDUCTION OF PAY; COLLECTION AND PAYMENT OF AMOUNTS.—(1) In the case of an individual described by subsection (b) who makes an election under this section to become entitled to basic educational assistance under this chapter—

''(A) the basic pay or retired or retainer pay, as applicable, of the individual shall be reduced (in a manner determined by the Secretary concerned) until the total amount by which such pay is reduced is $2,700; or

''(B) to the extent that the basic pay of the individual is not so reduced before the individual's discharge or release from active duty as described in subsection (d)(4)(A), the Secretary concerned shall collect from the individual an amount equal to the difference between $2,700 and the total amount of reductions with respect to the individual under subparagraph (A).

''(2) An individual covered by paragraph (1) may at any time pay the Secretary concerned an amount equal to the difference between the total of the reductions otherwise required with respect to the individual under that paragraph and the total amount of the reductions with respect to the individual under that paragraph at the time of the payment.

''(3) Any amounts collected under paragraph (1)(B) or paid under paragraph (2) shall be paid into the Department of Defense Education Benefits Fund under section 2006 of title 10.

''(4) The total amount of reductions in pay, or of collections or payments, required with respect to an individual under paragraph (1) shall be achieved not later than 12 months after the date on which the individual makes an election under subsection (b)(5).

''(5) No amount of educational assistance allowance under this chapter shall be paid to an individual covered by paragraph (1) until the date on which the total amount of reductions in pay, or of collections or payments, required with respect to the individual under paragraph (1) is achieved.

''(d) LIMITATIONS ON BASIC EDUCATIONAL ASSISTANCE.—(1) The basic educational assistance allowance payable under this chapter to an individual entitled to such educational assistance allowance under this section shall be payable at the monthly rate of basic educational assistance payable under section 3015(a)(1)(B) of this title.

''(2) Basic educational assistance under this section shall be available only for pursuit of a non-degree vocational training program, an associate degree, or a bachelor's degree, but shall not be available for pursuit of a masters degree or other advanced college degree.

''(3) An individual entitled under this section to basic educational assistance under this chapter is entitled to the educational stipend provided under section 3020A of this title.

''(4)(A) Entitlement under this section to basic educational assistance under this chapter is not transferrable under the provisions of section 3020 of this title.

''(B) An individual entitled under this section to basic educational assistance under this chapter is not eligible for the following:

''(i) The use of basic educational assistance benefits under this chapter for the repayment of Federal student loans under section 3020B of this title.

''(ii) Supplemental educational assistance authorized by subchapter III of this chapter.

''(5)(A) Except as provided in subparagraph (B), the provisions of section 3031 of this title shall apply to the use of entitlement under this section to basic educational assistance under this chapter.

''(B) In the case of an individual entitled under this section to basic educational assistance under this chapter who is described by subsection (b)(2)(B), the period during which the individual may use such entitlement expires on October 1, 2019.

''(e) OUTREACH.—The Secretary shall, in coordination with the Secretary of Defense, provide for notice of the opportunity under this section to elect to become entitled to basic educational assistance under this chapter.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 30 of such title is amended by inserting after the item relating to section 3018C the following new item:Q02

''3018D. Opportunity for current and certain retired VEAP-era personnel to enroll.''.Q02

(b) CONFORMING AMENDMENTS.—Section 3017(b)(1) of such title is amended—

(1) in subparagraphs (A) and (C), by striking ''or 3018C(e)'' and inserting ''3018C(e), or 3018D(c)''; and

(2) in subparagraph (B), by striking ''or 3018C(e) of this title'' after ''section 3018C(e), or 3018D(c) of this title or paid by the individual under section 3018D(c) of this title''.

SEC. 1712. COLLEGE PATRIOTS GRANT PROGRAM.

(a) PROGRAM AUTHORIZED.—

(1) IN GENERAL.—Chapter 36 of title 38, United States Code, is amended by adding at the end the following new subchapter:

''SUBCHAPTER IV—COLLEGE PATRIOTS GRANTS

''§ 3699A. College Patriots Grant Program

''(a) PURPOSE.—It is the purpose of this section to provide, through a partnership with the Department and institutions of higher education, supplemental educational grants to assist in making available the benefits of postsecondary education to qualified veterans by meeting such veterans' unmet financial need.

''(b) ESTABLISHMENT OF PROGRAM.—The Secretary shall carry out a supplemental educational grant program under which—

''(1) an institution of higher education participating in the program voluntarily provides a covered individual enrolled in the institution with the non-Federal share of a percentage of the covered individual's unmet financial need determined in accordance with subsection (e); and

''(2) the Secretary provides the Federal share of a percentage of the covered individual's unmet financial need determined in accordance with subsection (e).

''(c) DESIGNATION OF PROGRAM.—The program under this section shall be known as the 'College Patriots Grant Program'.

''(d) INSTITUTIONAL ELIGIBILITY CRITERIA.—Assistance may be made available under this section only to an institution of higher education that satisfies any criteria specified by the Secretary. Such criteria shall include an agreement or other appropriate assurance from the institution of higher education that—

''(1) the non-Federal share of a covered individual's unmet financial need awarded under this section shall be provided from non-Federal resources, including—

''(A) institutional grants and scholarships;

''(B) tuition or fee waivers;

''(C) State scholarships; and

''(D) foundation or other charitable organization funds; and

''(2) funds made available under this section shall be provided to a covered individual for whom the institution of higher education has made a determination that the covered individual has an unmet financial need, which determination shall be made before including Federal student loans under title IV of the Higher Education Act of 1965 in the covered individual's financial aid package.

''(e) FEDERAL SHARE; NON-FEDERAL SHARE.—

''(1) IN GENERAL.—The Secretary shall not approve an institution of higher education for participation in the College Patriots Grant Program unless the institution of higher education has provided, in the manner required by the Secretary, the following:

''(A) An agreement or other assurance that the institution of higher education will provide the non-Federal share in accordance with this subsection.

''(B) Information on the specific methods by which the non-Federal share shall be paid.

''(C) An acknowledgment that the non-Federal share provided under this subsection shall supplement and not supplant other Federal and non-Federal funds.

''(2) FEDERAL AND NON-FEDERAL SHARES.—Each institution of higher education participating in the program under this section shall select one of the three contribution percentage tiers described in paragraph (3) for purposes of meeting a percentage of the unmet financial needs of covered individuals enrolled in the institution.

''(3) PERCENTAGE CONTRIBUTION TIERS.—

''(A) 25 PERCENT TIER.—In the case of a covered individual enrolled in the institution who has an unmet financial need that is—

''(i) less than $8,000, the non-Federal share shall be 12.5 percent of the unmet financial need and the Federal share shall be 12.5 percent of the unmet financial need, except that the Federal share shall not exceed $1,000; and

''(ii) equal to or greater than $8,000, the Federal share shall be $1,000 and the non-Federal share shall be 25 percent of the covered individual's unmet financial need minus $1,000.

''(B) 50 PERCENT TIER.—In the case of a covered individual enrolled in the institution who has an unmet financial need that is—

''(i) less than $8,000, the non-Federal share shall be 25 percent of the unmet financial need and the Federal share shall be 25 percent of the unmet financial need, except that the Federal share shall not exceed $2,000; and

''(ii) equal to or greater than $8,000, the Federal share shall be $2,000 and the non-Federal share shall be 50 percent of the covered individual's unmet financial need minus $2,000.

''(C) 100 PERCENT TIER.—In the case of a covered individual enrolled in the institution who has an unmet financial need that is—

''(i) less than $6,000, the non-Federal share shall be 50 percent of the unmet financial need and the Federal share shall be 50 percent of the unmet financial need, except that the Federal share shall not exceed $3,000; and

''(ii) equal to or greater than $6,000, the Federal share shall be $3,000 and the non-Federal share shall be 100 percent of the covered individual's unmet financial need minus $3,000.

''(f) REGULATIONS.—The Secretary shall prescribe regulations necessary to implement and administer the College Patriots Grant Program, including regulations establishing the procedures for determining eligibility for the program, applying for supplemental educational grants under the program, and distributing the Federal share provided by the Secretary under the program.

''(g) OUTREACH.—The Secretary of Veterans Affairs, in coordination with the Secretary of Defense and the Secretary of Education, shall—

''(1) make available to the public on the Internet website of the Department—

''(A) a current list of institutions of higher education participating in the College Patriots Grant Program; and

''(B) information on the extent of participation of each institution of higher education participating in the College Patriots Grant Program;

''(2) make available to the public on the Internet website of the Department information about all Federal and State education benefits that members of the regular components of the Armed Forces, members of the reserve components of the Armed Forces, veterans, and their dependents may be eligible to receive; and

''(3) make available to institutions of higher education information about the College Patriots Grant Program and take appropriate actions to encourage broad participation of institutions of higher education in the program.

''(h) AWARDS FOR INSTITUTIONAL RECOGNITION.—The Secretary may establish and administer an awards program to recognize the extent of an institution of higher education's participation in the College Patriots Grant Program.

''(i) DEFINITIONS.—In this section:

''(1) COST OF ATTENDANCE.—The term 'cost of attendance' has the meaning given the term in section 472 of the Higher Education Act of 1965 (20 U.S.C. 10871l).

''(2) COVERED INDIVIDUAL.—The term 'covered individual' means an individual who—

''(A) is enrolled in an institution of higher education that is participating in the College Patriots Grant Program;

''(B) has such amount of remaining entitlement to educational assistance under chapter 30 or 32 of this title, or under chapter 1606 or 1607 of title 10, as the Secretary may require for purposes of this section; and

''(C) after receipt of any of the educational assistance described in subparagraph (B), has an unmet financial need to attend the institution of higher education for which a supplemental educational grant is sought.

''(3) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' has the meaning given the term in section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002).

''(4) UNMET FINANCIAL NEED.—The term 'unmet financial need' means, with respect to a covered individual, the cost of attendance for the covered individual to attend an institution of higher education participating in the College Patriots Grant Program, minus the sum of—

''(A) grant and work assistance received by the covered individual under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.); and

''(B) any educational assistance payments received by the covered individual through any programs administered by the Department of Veterans Affairs or the Department of Defense.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 36 of such title is amended by adding at the end the following new items:

''SUBCHAPTER IV—COLLEGE PATRIOTS GRANTS

''3699A. College Patriots Grant Program.''.Q02

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect one year after the date of the enactment of this Act, and shall apply to terms, quarters, or semesters beginning on or after that date.

After debate,

By unanimous consent, the previous question was ordered on the motion to recommit with instructions.

The question being put, viva voce,

Will the House recommit said bill with instructions?

The SPEAKER pro tempore, Mr. PASTOR, announced that the nays had it.

Mr. CONAWAY demanded a recorded vote on agreeing to said motion, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the negative ..... { Yeas ..... 186 / Nays ..... 223 }

¶64.35 [Roll No. 364]

AYES—186

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

NOES—223

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

NOT VOTING—25

Andrews	Hinojosa	Stark
Cannon	Hobson	Udall (CO)
Carter	Marchant	Walden (OR)
Castor	Meeks (NY)	Walsh (NY)
Crenshaw	Musgrave	Weller
Doyle	Nadler	Wexler
Ehlers	Paul	Young (AK)
Gilchrest	Pryce (OH)	
Gillibrand	Rush	

So the motion to recommit with instructions was not agreed to.

The question being put, viva voce,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. PASTOR, announced that the yeas had it.

Mr. SKELTON demanded a recorded vote on passage of said bill, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 384 / Nays ..... 23 }

¶64.36 [Roll No. 365]

AYES—384

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

Costello
Courtney
Cramer
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Drake
Dreier
Edwards
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Ferguson
Forbes
Fortenberry
Fossella
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Melancon
Mica
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Scalise
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Speier
Spratt
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (NM)
Upton
Van Hollen
Visclosky
Walberg
Walz (MN)
Wamp
Wasserman Schultz
Watson
Watt
Weiner
Weldon (FL)
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Wu
Wynn
Yarmuth
Young (FL)

NOES—23

Baldwin
Campbell (CA)
Clarke
Davis (IL)
Duncan
Ellison
Filner
Flake
Jackson (IL)
Jackson-Lee (TX)
Kucinich
Lee
Lewis (GA)
Michaud
Moore (WI)
Olver
Rangel
Schakowsky
Serrano
Velázquez
Waters
Welch (VT)
Woolsey

NOT VOTING—27

Andrews
Cannon
Carter
Castor
Crenshaw
Doyle
Ehlers
Feeney
Gillibrand
Hinojosa
Hobson
Marchant
Meeks (NY)
Musgrave
Nadler
Paul
Platts
Pryce (OH)
Rush
Stark
Udall (CO)
Walden (OR)
Walsh (NY)
Waxman
Weller
Wexler
Young (AK)

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

By unanimous consent, the title was amended so as to read: ''An Act to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.''.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

Pursuant to section 7 of House Resolution 1218, the text of the bill (H.R. 6048) to amend the Servicemembers Civil Relief Act to provide for the protection of child custody arrangements for parents who are members of the Armed Forces deployed in support of a contingency operation, as passed by the House, was appended to the engrossment of H.R. 5658.

¶64.37 FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. CURTIS, one of its clerks, announced that the Senate has passed without amendment a bill and agreed to without amendment a concurrent resolution of the House of the following titles:

H.R. 6081. An Act to amend the Internal Revenue Code of 1986 to provide benefits for military personnel, and for other purposes.

H. Con. Res. 355. A concurrent resolution providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate.

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

H.R. 2642. An Act making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2008, and for other purposes.

The message also announced that the Senate has agreed to a concurrent resolution of the following title in which the concurrence of the House is requested:

S. Con. Res. 85. A concurrent resolution authorizing the use of the rotunda of the Capitol to honor Frank W. Buckles, the last surviving United States veteran of the First World War.

¶64.38 H. RES. 986—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. PASTOR, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 986) recognizing the courage and sacrifice of those members of the United States Armed Forces who were held as prisoners of war during the Vietnam conflict and calling for a full accounting of the 1,729 members of the Armed Forces who remain unaccounted for from the Vietnam conflict; as amended.

The question being put,

Will the House suspend the rules and agree to said resolution, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 394 / Nays 0

¶64.39 [Roll No. 366]

YEAS—394

Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Capps
Capuano
Cardoza
Carney
Carson
Castle
Cazayoux
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doggett
Donnelly
Doolittle
Drake
Dreier
Duncan
Edwards
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kanjorski
Kaptur
Keller
Kennedy

Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Myrick
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Scalise
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Speier
Spratt
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walz (MN)
Wamp
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Westmoreland
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (FL)

NOT VOTING—40

Abercrombie
Andrews
Cannon
Carnahan
Carter
Castor
Childers
Cohen
Crenshaw
Dicks
Doyle
Ehlers
Farr
Gillibrand
Gingrey
Granger
Hinojosa
Hobson
Kagen
Kilpatrick
Marchant
Meeks (NY)
Melancon
Murtha
Musgrave
Nadler
Paul
Pryce (OH)
Rangel
Rush
Stark
Taylor
Udall (CO)
Walden (OR)
Walsh (NY)
Waters
Weller
Wexler
Whitfield (KY)
Young (AK)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

¶64.40 CLERK TO CORRECT ENGROSSMENT—H.R. 5658

On motion of Mr. SKELTON, by unanimous consent,

Ordered, That in the engrossment of the bill (H.R. 5658) to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2009, and for other purposes, the Clerk be authorized to make technical corrections, including corrections in spelling, punctuation, section and title numbering, cross-referencing, conforming amendments to the table of contents and short titles, and the insertion of appropriate headings, and division designations.

¶64.41 CALENDAR WEDNESDAY BUSINESS DISPENSED WITH

On motion of Mr. CARNEY, by unanimous consent,

Ordered, That business in order for consideration on Wednesday, June 4, 2008, under clause 6, rule XV, the Calendar Wednesday rule, be dispensed with.

¶64.42 APPOINTMENT OF SPEAKER PRO TEMPORE TO SIGN ENROLLMENTS

The SPEAKER pro tempore, Mr. PASTOR, by unanimous consent, laid before the House a communication, which was read as follows:

MAY 22, 2008.

I hereby appoint the Honorable STENY H. HOYER and the Honorable CHRIS VAN HOLLEN to act as Speaker pro tempore to sign enrolled bills and joint resolutions through June 3, 2008.

NANCY PELOSI,
Speaker of the House of Representatives.

By unanimous consent, the appointments were approved.

¶64.43 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Ms. BORDALLO, for today after 6:30 p.m. and balance of the week;

To Mr. CARTER, for today;

To Mr. CRENSHAW, for May 12 through today; and

To Mr. WALDEN of Oregon, for today.

And then,

¶64.44 ADJOURNMENT

Mr. HUNTER moved that the House do now adjourn.

The question being put, viva voce,

Will the House now adjourn?

The SPEAKER pro tempore, Mr. MITCHELL, announced that the yeas had it.

So the motion to adjourn was agreed to.

Accordingly,

Pursuant to House Concurrent Resolution 355, at 10 o'clock and 35 minutes p.m., the House stands adjourned until 2 p.m. on Tuesday, June 3, 2008.

¶64.45 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

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

Mr. BERMAN: Committee on Foreign Affairs. H.R. 6028. A bill to authorize law enforcement and security assistance, and assistance to enhance the rule of law and strengthen civilian institutions, for Mexico and the countries of Central America, and for other purposes; with an amendment (Rept. 110–673 Pt. 1). Ordered to be printed.

Mr. RAHALL: Committee on Natural Resources. H.R. 5540. A bill to amend the Chesapeake Bay Initiative Act of 1998 to provide for the continuing authorization of the Chesapeake Bay Gateways and Watertrails Network (Rept. 110–667). Referred to the Committee of the Whole House on the state of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 3667. A bill to amend the Wild and Scenic Rivers Act to designate a segment of the Missisquoi and Trout Rivers in the State of Vermont for study for potential addition to the National Wild and Scenic Rivers System; with an amendment (Rept. 110–668). Referred to the Committee of the Whole House on the state of the Union.

Mr. GEORGE MILLER of California: Committee on Education and Labor. H.R. 5876. A bill to require certain standards and enforcement provisions to prevent child abuse and neglect in residential programs, and for other purposes; with an amendment (Rept. 110–669). Referred to the Committee of the Whole House on the state of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 554. A bill to provide for the protection of paleontological resources on Federal lands, and for other purposes; with an amendment (Rept. 110–670 Pt. 1). Ordered to be printed.

Mr. WAXMAN: Committee on Oversight and Government Reform. H.R. 5683. A bill to make certain reforms with respect to the Government Accountability Office, and for other purposes; with an amendment (Rept. 110–671). Referred to the Committee of the Whole House on the state of the Union.

Mr. WAXMAN: Committee on Oversight and Government Reform. H.R. 3774. A bill to provide for greater diversity within, and to improve policy direction and oversight of, the Senior Executive Service; with an amendment (Rept. 110–672). Referred to the Committee of the Whole House on the state of the Union.

¶64.46 TIME LIMITATION OF REFERRED BILL

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

H.R. 554. Referral to the Committee on Agriculture extended for a period ending not later than June 20, 2008.

H.R. 6028. Referral to the Committee on the Judiciary extended for a period ending not later than June 6, 2008.

¶64.47 PUBLIC BILLS AND RESOLUTIONS

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

By Ms. LINDA T. SÁNCHEZ of California (for herself and Mr. HULSHOF):

H.R. 6123. A bill to amend title 18, United States Code, with respect to cyberbullying; to the Committee on the Judiciary.

By Mr. PETERSON of Minnesota:

H.R. 6124. A bill to provide for the continuation of agricultural and other programs of the Department of Agriculture through fiscal year 2012, and for other purposes; to the Committee on Agriculture, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the

Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BURGESS:

H.R. 6125. A bill to provide a mechanism for the construction of petroleum refineries on military installations to provide a reliable source of petroleum products for use by the Armed Forces, and for other purposes; to the Committee on Armed Services, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. LINDA T. SÁNCHEZ of California (for herself, Ms. ROS-LEHTINEN, Mr. CONYERS, Mr. JOHNSON of Georgia, Mr. KUCINICH, and Mr. DELAHUNT):

H.R. 6126. A bill to amend chapter 1 of title 9 of United States Code with respect to arbitration; to the Committee on the Judiciary.

By Mr. MCGOVERN (for himself, Mrs. EMERSON, Ms. SOLIS, Mr. LAHOOD, Mr. POMEROY, and Mr. MORAN of Kansas):

H.R. 6127. A bill to require the President to call a White House Conference on Food and Nutrition; to the Committee on Agriculture.

By Mr. HAYES:

H.R. 6128. A bill to require the Secretary of the Army to implement the First Sergeants Barracks Initiative (FSBI) throughout the Army in order to improve the quality of life and living environments for single soldiers; to the Committee on Armed Services.

By Mr. BURGESS (for himself, Mr. GOHMERT, Ms. GRANGER, Mr. NEUGEBAUER, Mr. CONAWAY, Mr. THORNBERRY, Mr. HENSARLING, Mr. SESSIONS, Mr. BRADY of Texas, Mr. MARCHANT, Mr. MCCAUL of Texas, Mr. LATOURETTE, Mr. SHIMKUS, Mr. KUHL of New York, Mr. MURTHA, Mr. CUELLAR, Mr. GENE GREEN of Texas, Mr. DANIEL E. LUNGREN of California, and Mr. HASTINGS of Florida):

H.R. 6129. A bill to amend part B of title XVIII of the Social Security Act to extend for 7 months the Medicare physician payment rates; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BARTON of Texas (for himself, Mr. UPTON, Mr. DEAL of Georgia, Mr. WHITFIELD of Kentucky, Mr. SHADEGG, Mr. PICKERING, Mr. RADANOVICH, Mrs. BONO MACK, Mr. TERRY, Mr. ROGERS of Michigan, Mrs. MYRICK, Mr. BURGESS, Mr. MCCAUL of Texas, Mr. BRADY of Texas, Mr. SAM JOHNSON of Texas, Mr. GALLEGLY, Mr. PEARCE, Mr. MCCRERY, Mr. KUHL of New York, and Mr. ISSA):

H.R. 6130. A bill to provide for a study of the effects of speculation in the futures markets for natural gas, crude oil, and gasoline on cash market and retail prices for the commodities and on the choice of trading venue, and to require the Commodity Futures Trading Commission to issue a notice of proposed rulemaking regarding comparability of foreign regulation of futures and derivatives trading; to the Committee on Agriculture, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SULLIVAN (for himself, Mr. BARTON of Texas, Mr. HALL of Texas, Mr. UPTON, Mr. DEAL of Georgia, Mr. WHITFIELD of Kentucky, Mr. SHIMKUS, Mr. SHADEGG, Mr. PICKERING, Mr. BLUNT, Mr. BUYER, Mr. RADANOVICH, Mrs. BONO MACK, Mr. WALDEN of Oregon, Mr. TERRY, Mr. ROGERS of Michigan, Mrs. MYRICK, Mr. BURGESS, Mrs. BLACKBURN, Mr. GALLEGLY, Mr. PEARCE, Mr. MCCAUL of Texas, Mr. KUHL of New York, and Mr. ISSA):

H.R. 6131. A bill to provide incentives for the production and use of unconventional aviation fuels; to the Committee on Ways and Means, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BARTON of Texas (for himself, Mr. UPTON, Mr. HALL of Texas, Mr. STEARNS, Mr. DEAL of Georgia, Mr. WHITFIELD of Kentucky, Mr. SHIMKUS, Mr. SHADEGG, Mr. PICKERING, Mr. BLUNT, Mr. BUYER, Mr. RADANOVICH, Mr. PITTS, Mrs. BONO MACK, Mr. TERRY, Mr. ROGERS of Michigan, Mrs. MYRICK, Mr. SULLIVAN, Mr. BURGESS, Mr. MCCRERY, Mr. BRADY of Texas, Mr. SAM JOHNSON of Texas, Mr. GALLEGLY, Mr. PEARCE, Mr. MCCAUL of Texas, Mr. KUHL of New York, and Mr. ISSA):

H.R. 6132. A bill to authorize the use of amounts in the Nuclear Waste Fund to promote the recycling of spent nuclear fuel, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TERRY (for himself, Mr. BARTON of Texas, Mr. HALL of Texas, Mr. UPTON, Mr. DEAL of Georgia, Mr. WHITFIELD of Kentucky, Mr. SHIMKUS, Mrs. WILSON of New Mexico, Mr. SHADEGG, Mr. PICKERING, Mr. BUYER, Mr. RADANOVICH, Mr. PITTS, Mrs. BONO MACK, Mr. ROGERS of Michigan, Mrs. MYRICK, Mr. SULLIVAN, Mr. BURGESS, Mr. MCCRERY, Mr. ENGLISH of Pennsylvania, Mr. GALLEGLY, Mr. PEARCE, Mr. MCCAUL of Texas, Mr. KUHL of New York, and Mr. ISSA):

H.R. 6133. A bill to amend the Internal Revenue Code of 1986 to extend and modify the renewable energy production tax credit and the solar energy and fuel cell investment tax credit; to the Committee on Ways and Means.

By Mr. BARTON of Texas (for himself, Mr. CANTOR, Mr. STEARNS, Mr. DEAL of Georgia, Mr. SHADEGG, Mr. PICKERING, Mr. RADANOVICH, Mrs. BONO MACK, Mrs. MYRICK, Mr. SULLIVAN, Mr. BURGESS, Mrs. BLACKBURN, Mr. GALLEGLY, Mr. PEARCE, Mr. MCCRERY, Mr. MCCAUL of Texas, Mr. KUHL of New York, and Mr. ISSA):

H.R. 6134. A bill to restore certain fuels provisions enacted by section 1501 of the Energy Policy Act of 2005, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. UPTON (for himself, Mr. BARTON of Texas, Mr. HALL of Texas, Mr. DEAL of Georgia, Mr. WHITFIELD of Kentucky, Mr. SHIMKUS, Mrs. WILSON of New Mexico, Mr. SHADEGG, Mr. PICKERING, Mr. BLUNT, Mr. BUYER, Mr. RADANOVICH, Mr. PITTS, Mrs. BONO MACK, Mr. WALDEN of Oregon, Mr. TERRY, Mr. ROGERS of Michigan, Mrs. MYRICK, Mr. SULLIVAN, Mr. BRADY of Texas, Mr. SAM JOHNSON of Texas, Mr. GALLEGLY, Mr. PEARCE, Mr. NEUGEBAUER, Mr. MCCAUL of Texas, and Mr. ISSA):

H.R. 6135. A bill to establish a program for providing scholarships for nuclear science and nuclear engineering students, and for other purposes; to the Committee on Science and Technology.

By Mr. BURGESS (for himself, Mr. BARTON of Texas, Mr. UPTON, Mr. DEAL of Georgia, Mr. SHADEGG, Mr. PICKERING, Mr. RADANOVICH, Mr. PITTS, Mrs. BONO MACK, Mr. WALDEN of Oregon, Mrs. MYRICK, Mr. SULLIVAN, Mrs. BLACKBURN, Mr. BRADY of Texas, Mr. GALLEGLY, Mr. PEARCE, Mr. MCCRERY, Mr. MCCAUL of Texas, Mr. KUHL of New York, and Mr. ISSA):

H.R. 6136. A bill to amend the Clean Air Act to authorize the President to waive any requirement for an applicable volume of renewable fuels if he finds that the applicable volume is not technologically feasible or that the fuel concerned is not commercially available in the required volume; to the Committee on Energy and Commerce.

By Mr. SHADEGG (for himself, Mr. BARTON of Texas, Mr. UPTON, Mr. DEAL of Georgia, Mr. RADANOVICH, Mrs. BONO MACK, Mr. ROGERS of Michigan, Mrs. MYRICK, Mr. SULLIVAN, Mr. BURGESS, Mrs. BLACKBURN, Mr. GALLEGLY, Mr. TANCREDO, Mr. PEARCE, Mr. MCCRERY, Mr. MCCAUL of Texas, Mr. KUHL of New York, and Mr. ISSA):

H.R. 6137. A bill to remove the additional tariff on ethanol; to the Committee on Ways and Means.

By Mr. UPTON (for himself, Mr. BARTON of Texas, Mr. HALL of Texas, Mr. STEARNS, Mr. DEAL of Georgia, Mr. WHITFIELD of Kentucky, Mrs. WILSON of New Mexico, Mr. SHADEGG, Mr. PICKERING, Mr. BLUNT, Mr. BUYER, Mr. RADANOVICH, Mr. PITTS, Mrs. BONO MACK, Mr. TERRY, Mr. ROGERS of Michigan, Mrs. MYRICK, Mr. SULLIVAN, Mr. BURGESS, Mrs. BLACKBURN, Mr. BRADY of Texas, Ms. FALLIN, Mr. SAM JOHNSON of Texas, Mr. GALLEGLY, Mr. TANCREDO, Mr. PEARCE, Mr. MCCRERY, Mr. NEUGEBAUER, Mr. WITTMAN of Virginia, Mr. MCCAUL of Texas, Mr. KUHL of New York, and Mr. ISSA):

H.R. 6138. A bill to repeal the prohibition on using certain funds to issue regulations on oil shale resources; to the Committee on Natural Resources.

By Mrs. WILSON of New Mexico (for herself, Mr. BARTON of Texas, Mr. PITTS, Mr. HALL of Texas, Mr. UPTON, Mr. STEARNS, Mr. DEAL of Georgia, Mr. WHITFIELD of Kentucky, Mr. SHIMKUS, Mr. SHADEGG, Mr. PICKERING, Mr. BLUNT, Mr. BUYER, Mr. RADANOVICH, Mrs. BONO MACK, Mr. WALDEN of Oregon, Mr. TERRY, Mr. ROGERS of Michigan, Mrs. MYRICK, Mr. SULLIVAN, Mr. BURGESS, Mrs. BLACKBURN, Mr. BRADY of Texas, Mr. SAM JOHNSON of Texas, Mr. GALLEGLY, Mr. PEARCE, Mr. MCCRERY, Mr. NEUGEBAUER, Mr. MCCAUL of Texas, Mr. KUHL of New York, and Mr. ISSA):

H.R. 6139. A bill to set schedules for the consideration of permits for refineries; to the Committee on Energy and Commerce, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BROUN of Georgia (for himself, Mr. FILNER, and Mr. LAMBORN):

H.R. 6140. A bill to delay any presumption of death in connection with the kidnapping in Iraq or Afghanistan of a retired member of the Armed Forces to ensure the continued payment of the member's retired pay; to the Committee on Armed Services.

By Mr. YARMUTH:

H.R. 6141. A bill to establish pilot programs that provide for emergency crisis response teams to combat elder abuse; to the Committee on the Judiciary.

By Mr. ANDREWS (for himself and Mr. GEORGE MILLER of California):

H.R. 6142. A bill to amend title I of the Employee Retirement Income Security Act of 1974 to provide, in the case of an employee welfare benefit plan providing benefits in the event of disability, an exemption from preemption under such title for State tort actions to recover damages arising from the failure of the plan to timely provide such benefits; to the Committee on Education and Labor.

By Mr. ANDREWS (for himself and Mr. GEORGE MILLER of California):

H.R. 6143. A bill to make technical corrections to the Pension Protection Act of 2006 relating to the Employee Retirement Income Security Act of 1974, and for other purposes; to the Committee on Education and Labor, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BACA:

H.R. 6144. A bill to amend the Higher Education Act of 1965 to expand teacher loan forgiveness; to the Committee on Education and Labor.

By Mrs. BIGGERT (for herself, Mr. LAMPSON, Mr. CHABOT, Mr. CRAMER, and Mr. KIRK):

H.R. 6145. A bill to amend the Communications Act of 1934 to include within the certification required for certain schools and libraries having computers with Internet access that receive services at discounted rates that, as part of the required Internet safety policy, the schools and libraries are educating minors about safe online behavior; to the Committee on Energy and Commerce.

By Mr. COHEN (for himself, Mr. ISSA, Mr. NADLER, Mr. CONYERS, Mr. COBLE, Mr. BERMAN, Ms. ZOE LOFGREN of California, Mr. WEXLER, Ms. JACKSON-LEE of Texas, Mr. GUTIERREZ, Mr. UDALL of Colorado, Mr. YARMUTH, and Mr. JOHNSON of Georgia):

H.R. 6146. A bill to amend title 28, United States Code, to prohibit recognition and enforcement of foreign defamation judgments; to the Committee on the Judiciary.

By Mr. COLE of Oklahoma:

H.R. 6147. A bill to establish the Federal Emergency Management Agency as an independent agency, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DEFAZIO (for himself, Mr. TAYLOR, Ms. KAPTUR, Mr. MELANCON, Mr. COSTELLO, Mr. LEWIS of Georgia, Mr. MARSHALL, Mr. MICHAUD, Mr. HINCHEY, Mrs. BOYDA of Kansas, Ms. WOOLSEY, and Mr. HARE):

H.R. 6148. A bill to make bills implementing trade agreements subject to a point of order unless certain conditions are met, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DELAHUNT:

H.R. 6149. A bill to facilitate the installation of wind turbines and other renewable energy generating technology on the Massachusetts Military Reservation; to the Committee on Armed Services.

By Mr. KUCINICH (for himself, Ms. KAPTUR, Mr. TURNER, Mr. TIBERI, Mr. BOEHNER, Mr. CHABOT, Mr. HOBSON, Mrs. JONES of Ohio, Mr. JORDAN, Mr. LATOURETTE, Mr. REGULA, Mr. RYAN of Ohio, Mrs. SCHMIDT, Mr. SPACE, Ms. SUTTON, and Mr. WILSON of Ohio):

H.R. 6150. A bill to designate the facility of the United States Postal Service located at 14500 Lorain Avenue in Cleveland, Ohio, as the ''John P. Gallagher Post Office Building''; to the Committee on Oversight and Government Reform.

By Ms. DELAURO (for herself and Mrs. EMERSON):

H.R. 6151. A bill to amend the Federal Food, Drug, and Cosmetic Act with respect to drug and device advertising, and for other purposes; to the Committee on Energy and Commerce.

By Mr. ENGLISH of Pennsylvania (for himself and Mr. GERLACH):

H.R. 6152. A bill to stimulate the economy of the United States and provide financial relief to low-income families in the United States; to the Committee on Ways and Means, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. EDDIE BERNICE JOHNSON of Texas (for herself, Mr. RODRIGUEZ, Ms. CORRINE BROWN of Florida, Mrs. CAPPS, Mrs. MCCARTHY of New York, and Mr. BURGESS):

H.R. 6153. A bill to amend title 38, United States Code, to enhance the capacity of the Department of Veterans Affairs to recruit and retain nurses and other critical healthcare professionals, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. LATOURETTE (for himself, Mr. TIBERI, and Mr. MCCOTTER):

H.R. 6154. A bill to establish a pilot program to provide partial or full gasoline reimbursement for certain commuters and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. MARKEY:

H.R. 6155. A bill to establish and fund a Clean Energy Fund, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Energy and Commerce, Science and Technology, and Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCKEON:

H.R. 6156. A bill to designate certain land as wilderness in the State of California, and for other purposes; to the Committee on Natural Resources.

By Mr. MEEK of Florida:

H.R. 6157. A bill to amend the Internal Revenue Code of 1986 to modify the exception from the 10 percent penalty for early withdrawals from governmental plans for qualified public safety employees; to the Committee on Ways and Means.

By Mr. MEEK of Florida:

H.R. 6158. A bill to amend title XVIII of the Social Security Act to provide for a geographic adjustment in the Medicare cap on payment for hospice care and to require hospice programs to report comprehensive data on hospice care; to the Committee on Ways and Means.

By Mr. GEORGE MILLER of California:

H.R. 6159. A bill to provide for a land exchange involving certain National Forest System lands in the Mendocino National Forest in the State of California, and for other purposes; to the Committee on Natural Resources.

By Mr. PRICE of North Carolina (for himself, Mr. SHAYS, Mr. MORAN of Virginia, Mr. PLATTS, Mr. BOSWELL, Mr. BISHOP of New York, Mr. MCDERMOTT, Mr. HINOJOSA, Mr. COHEN, Mr. MARKEY, Mr. VAN HOLLEN, Mr. ETHERIDGE, Mr. BRADY of Pennsylvania, and Ms. NORTON):

H.R. 6160. A bill to establish a scholarship program to encourage outstanding graduate students in mission-critical fields to pursue a career in the Federal Government; to the Committee on Education and Labor, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ROGERS of Michigan:

H.R. 6161. A bill to provide for American energy independence by July 4, 2015; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, Natural Resources, Transportation and Infrastructure, Rules, and Science and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SALAZAR:

H.R. 6162. A bill to establish the Dominguez-Escalante National Conservation Area and the Dominguez Canyon Wilderness Area; to the Committee on Natural Resources.

By Mr. THOMPSON of California (for himself, Mr. STUPAK, Mr. HULSHOF, and Ms. ESHOO):

H.R. 6163. A bill to improve the provision of telehealth services under the Medicare Program, to provide grants for the development of telehealth networks, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WATT (for himself, Mrs. MYRICK, and Mr. EMANUEL):

H.R. 6164. A bill to establish a risk-reduction and accountability pilot program for the housing-related government-sponsored enterprises; to the Committee on Financial Services.

By Mr. WHITFIELD of Kentucky:

H.R. 6165. A bill to amend the Internal Revenue Code of 1986 to assist individuals confronting high gasoline and diesel fuel costs in commuting to work by allowing a refundable credit against income tax based on the business standard mileage rate for commuting miles, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Natural Resources, Oversight and Government Reform, Armed Services, and Science and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WITTMAN of Virginia (for himself, Mr. WOLF, Mr. MORAN of Virginia, and Mr. DONNELLY):

H.R. 6166. A bill to impose certain limitations on the receipt of out-of-State municipal solid waste, and for other purposes; to the Committee on Energy and Commerce.

By Mr. PETERSON of Minnesota:

H.J. Res. 88. A joint resolution amending the Food, Conservation, and Energy Act of 2008 to reinsert the trade title contained in the conference report to accompany H.R. 2419 of the 110th Congress (Report 110–627); to the Committee on Foreign Affairs, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BROUN of Georgia (for himself, Mr. FEENEY, Mr. PITTS, Mr. SHIMKUS, Mr. WESTMORELAND, Mr. WALBERG, Mr. BILBRAY, Mr. HOEKSTRA, Mr. MCCOTTER, Mr. BURTON of Indiana, Mr. FRANKS of Arizona, Mrs. CUBIN, Mr. AKIN, Mr. JONES of North Carolina, Mr. PETERSON of Pennsylvania, Mr. HALL of Texas, Mr. GARRETT of New Jersey, Mr. BROWN of South Carolina, Mr. GOODE, Ms. FOXX, Mr. LINDER, Mr. BARTLETT of Maryland, Mr. SOUDER, Mr. ADERHOLT, Mr. HUNTER, Mr. MILLER of Florida, Mr. HAYES, Mr. KING of Iowa, and Ms. FALLIN):

H.J. Res. 89. A joint resolution proposing an amendment to the Constitution of the United States relating to marriage; to the Committee on the Judiciary.

By Ms. SCHAKOWSKY (for herself, Mr. MARKEY, Mr. GRIJALVA, Mr. WEXLER, Mr. WAXMAN, Mr. KLEIN of Florida, Ms. BORDALLO, Mr. BRADY of Pennsylvania, Ms. GIFFORDS, Mr. MORAN of Virginia, Mr. BURTON of Indiana, Mr. COHEN, Mr. FOSSELLA, Mr. WEINER, Mr. CANTOR, Mr. JONES of North Carolina, Mr. FATTAH, Mr. BERMAN, Mr. MCGOVERN, Mr. BOSWELL, Mr. HINCHEY, Mr. HASTINGS of Florida, Mr. PATRICK MURPHY of Pennsylvania, Ms. MCCOLLUM of Minnesota, Mr. SESTAK, Mr. FILNER, Mr. MCNULTY, Mr. GUTIERREZ, Ms. WASSERMAN SCHULTZ, Mr. DAVIS of Illinois, Mr. LAMPSON, Mr. ROTHMAN, Ms. MOORE of Wisconsin, Mr. KILDEE, and Ms. WATERS):

H. Con. Res. 361. Concurrent resolution commemorating Irena Sendler, a woman whose bravery saved the lives of thousands during the Holocaust and remembering her legacy of courage, selflessness, and hope; to the Committee on Foreign Affairs.

By Mr. ACKERMAN (for himself and Mr. PENCE):

H. Con. Res. 362. Concurrent resolution expressing the sense of Congress regarding the threat posed to international peace, stability in the Middle East, and the vital national security interests of the United States by Iran's pursuit of nuclear weapons and regional hegemony, and for other purposes; to the Committee on Foreign Affairs.

By Ms. LEE:

H. Con. Res. 363. Concurrent resolution supporting the goals and ideals of National Caribbean American HIV/AIDS Awareness Day, and for other purposes; to the Committee on Energy and Commerce.

By Ms. LEE (for herself, Mr. PAYNE, Mr. RANGEL, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. BORDALLO, Mr. DAVIS of Illinois, Ms. WASSERMAN SCHULTZ, Mr. LEWIS of Georgia, Mr. AL GREEN of Texas, Mrs. JONES of Ohio, Mr. JEFFERSON, Mr. DELAHUNT, Mr. BURTON of Indiana, Mr. COHEN, Mr. SIRES, Mr. HASTINGS of Florida, Mr. FATTAH, Mr. SERRANO, Ms. JACKSON-LEE of Texas, Mr. HINCHEY, Ms. CLARKE, Mrs. CHRISTENSEN, Mr. BISHOP of Georgia, Mr. WATT, Mr. RUSH, Ms. MOORE of Wisconsin, and Mr. WEXLER):

H. Con. Res. 364. Concurrent resolution recognizing the Significance of National Caribbean-American Heritage Month; to the Committee on Oversight and Government Reform.

By Mr. THOMPSON of California (for himself, Ms. PELOSI, Mr. RADANOVICH, Ms. WOOLSEY, Ms. ZOE LOFGREN of California, Mrs. CAPPS, Mr. CARDOZA, Ms. HARMAN, Mr. GEORGE MILLER of California, Mr. MCNERNEY, Mr. DREIER, Ms. MATSUI, Mr. CAMPBELL of California, Mr. HERGER, Mr. CALVERT, Mrs. BONO MACK, Mr. BILBRAY, Mr. GARY G. MILLER of California, Mr. ISSA, Ms. ESHOO, Mr. STARK, Mr. GALLEGLY, Mr. NUNES, Mr. LEWIS of California, Mr. FARR, Mr. FILNER, Mr. DOOLITTLE, Mr. COSTA, Mr. DANIEL E. LUNGREN of California, Ms. SPEIER, and Mr. MCCARTHY of California):

H. Con. Res. 365. Concurrent resolution honoring the life of Robert Mondavi; to the Committee on Oversight and Government Reform.

By Mr. UDALL of New Mexico:

H. Res. 1220. A resolution honoring the lives of Dr. Victor Westphall and Mrs. Jeanne Westphall and their contributions to the Nation's veterans; to the Committee on Veterans' Affairs, and in addition to the Committee on Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BOEHNER:

H. Res. 1221. A resolution raising a question of the privileges of the House, which was tabled.

By Ms. BEAN:

H. Res. 1222. A resolution directing the Clerk of the House of Representatives to post on the public Internet site of the Office of the Clerk a record, organized by Member name, of recorded votes taken in the House, and directing each Member who maintains an official public Internet site to provide an electronic link to such record; to the Committee on House Administration.

By Mr. BUYER (for himself, Mr. BOEHNER, Mr. BLUNT, Mr. LAHOOD, Mr. HULSHOF, Mr. BRADY of Texas, Mr. BARRETT of South Carolina, Mr. TIAHRT, Mr. BARTON of Texas, Mr. PICKERING, Mr. HUNTER, Mr. SHUSTER, Mr. WAMP, Mr. FLAKE, Mr. GOODE, Mr. MCCOTTER, Mr. RUSH, Mr. JACKSON of Illinois, Mr. LIPINSKI, Mr. GUTIERREZ, Mr. EMANUEL, Mr. ROSKAM, Mr. DAVIS of Illinois, Ms. BEAN, Ms. SCHAKOWSKY, Mr. KIRK, Mr. WELLER, Mr. COSTELLO, Mrs. BIGGERT, Mr. FOSTER, Mr. JOHNSON of Illinois, Mr. MANZULLO, and Mr. HARE):

H. Res. 1223. A resolution honoring the service and accomplishments of Lieutenant Colonel John M. Shimkus, United States Army Reserve; to the Committee on Armed Services.

By Mr. CRAMER (for himself, Mr. WAMP, Mr. COOPER, Mrs. BLACKBURN, Mr. CHILDERS, and Mr. GINGREY):

H. Res. 1224. A resolution commending the Tennessee Valley Authority on its 75th anniversary; to the Committee on Transportation and Infrastructure.

By Mr. DAVIS of Illinois:

H. Res. 1225. A resolution expressing support for designation of June 2008 as ''National Safety Month''; to the Committee on Education and Labor.

By Mrs. LOWEY:

H. Res. 1226. A resolution supporting the designation of National Shaken Baby Syndrome Awareness Week; to the Committee on Energy and Commerce, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MALONEY of New York (for herself and Mr. MILLER of North Carolina):

H. Res. 1227. A resolution condemning sexual violence in the Democratic Republic of the Congo and calling on the international community to take immediate actions to respond to the violence; to the Committee on Foreign Affairs.

By Mrs. MCMORRIS RODGERS:

H. Res. 1228. A resolution ensuring access to affordable and quality health care without exacerbating the Federal budget or contributing to market inflation while providing greater choices for consumers; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MEEKS of New York (for himself, Mr. ENGEL, Mr. SERRANO, Mr. CUMMINGS, Ms. MOORE of Wisconsin, Ms. JACKSON-LEE of Texas, Mr. CLAY, Ms. CLARKE, Mr. HARE, Mr. CROWLEY, Ms. KILPATRICK, Mr. JOHNSON of Georgia, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. ELLISON, Mr. DAVIS of Alabama, Mr. SCOTT of Georgia, Mr. CLEAVER, Mr. LEWIS of Georgia, Mr. WAXMAN, Mr. WATT, Mr. PRICE of North Carolina, Mr. SCOTT of Virginia, Mr. TOWNS, Mr. ISRAEL, Mr. HIGGINS, Mr. SESTAK, Mr. REYES, Mr. RODRIGUEZ, Mr. GRIJALVA, Mr. BACA, Mr. HALL of New York, Mr. MOORE of Kansas, Mr. HINCHEY, Ms. WATSON, Mrs. NAPOLITANO, Mr. BLUMENAUER, Mr. MICHAUD, Mr. WU, Mr. ROTHMAN, Mr. SHERMAN, Mrs. GILLIBRAND, Mr. LAMPSON, Mr. WEXLER, Mr. PALLONE, Mr. ORTIZ, Mr. WEINER, Mrs. MALONEY of New York, Mr. JEFFERSON, Mr. PAYNE, Ms. CORRINE BROWN of Florida, Mr. CONYERS, Mr. FATTAH, Ms. LEE, Mr. MARKEY, Mr. THOMPSON of Mississippi, Mr. COHEN, Mr. AL GREEN of Texas, Mr. ACKERMAN, Ms. RICHARDSON, Mr. MEEK of Florida, Mr. CARSON, Mr. ISSA, Mr. GARY G. MILLER of California, Mr. GILCHREST, Mr. WELLER, Mr. REYNOLDS, Mr. BISHOP of Georgia, Mr. JACKSON of Illinois, Mr. WAMP, Mr. UPTON, Mr. HINOJOSA, Mr. RUSH, Mr. LARSON of Connecticut, Mr. CARNAHAN, Mr. COURTNEY, Mrs. JONES of Ohio, Mr. DAVIS of Illinois, Mr. RANGEL, Mr. BUTTERFIELD, Ms. LORETTA SANCHEZ of California, Mr. MURPHY of Connecticut, Ms. LINDA T. SÁNCHEZ of California, Ms. HERSETH SANDLIN, Mr. CHANDLER, Mr. COSTA, Mr. MCDERMOTT, Ms. VELÁZQUEZ, Mr. RYAN of Ohio, Mr. RUPPERSBERGER, Mr. JOHNSON of Illinois, Mr. UDALL of New Mexico, Mr. PASCRELL, Ms. KAPTUR, Mr. MACK, Mr. VAN HOLLEN, Mr. BECERRA, Mr. CUELLAR, Mr. BRADY of Pennsylvania, and Mr. CAPUANO):

H. Res. 1229. A resolution recognizing the achievements of America's high school valedictorians of the graduating class of 2008, promoting the importance of encouraging intellectual growth, and rewarding academic excellence of all American high school students; to the Committee on Education and Labor.

By Mr. PAYNE (for himself, Ms. KILPATRICK, Mr. RANGEL, Ms. LEE, Ms. JACKSON-LEE of Texas, Mr. JEFFERSON, Ms. CORRINE BROWN of Florida, Mr. DAVIS of Illinois, Mr. RUSH, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. BISHOP of Georgia, Mr. WATT, Mr.

THOMPSON of Mississippi, Mr. CLAY, Mr. CONYERS, Mr. TOWNS, Mr. LEWIS of Georgia, Ms. NORTON, Ms. WATERS, Mr. CLYBURN, Mr. HASTINGS of Florida, Mr. SCOTT of Virginia, Mr. WYNN, Mr. FATTAH, Mr. JACKSON of Illinois, Mr. CUMMINGS, Mrs. CHRISTENSEN, Mr. MEEKS of New York, Mrs. JONES of Ohio, Ms. WATSON, Mr. DAVIS of Alabama, Mr. MEEK of Florida, Mr. SCOTT of Georgia, Mr. BUTTERFIELD, Mr. CLEAVER, Ms. MOORE of Wisconsin, Ms. CLARKE, Mr. ELLISON, Mr. JOHNSON of Georgia, Ms. RICHARDSON, Mr. CARSON, and Mr. AL GREEN of Texas):

H. Res. 1230. A resolution condemning post-election violence in Zimbabwe and calling for a peaceful resolution to the current political crisis; to the Committee on Foreign Affairs.

By Mr. SHULER (for himself, Mr. JONES of North Carolina, Ms. MCCOLLUM of Minnesota, Mr. SESTAK, Mr. ROHRABACHER, Ms. SHEA-PORTER, Mr. HINCHEY, Mr. DREIER, Ms. BORDALLO, Ms. CORRINE BROWN of Florida, Mr. FILNER, Mr. YOUNG of Alaska, and Mr. WALZ of Minnesota):

H. Res. 1231. A resolution supporting the goals and ideals of Vietnam Veterans Day and calling on the American people to recognize such a day; to the Committee on Veterans' Affairs.

By Mr. TIERNEY (for himself, Ms. BALDWIN, Ms. BORDALLO, Mrs. CAPPS, Mr. CAPUANO, Mr. COHEN, Mr. DAVIS of Illinois, Mr. HINCHEY, Mr. KENNEDY, Mr. KUCINICH, Mr. LEWIS of Georgia, Mr. MARKEY, Mr. MCGOVERN, Ms. LINDA T. SÁNCHEZ of California, Ms. SCHAKOWSKY, and Mr. SCOTT of Virginia):

H. Res. 1232. A resolution expressing support for the designation of a National Scleroderma Awareness Month; to the Committee on Oversight and Government Reform.

¶64.48 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 81: Mr. SOUDER.
H.R. 82: Mr. CAZAYOUX.
H.R. 96: Mr. MCDERMOTT.
H.R. 154: Mr. SALAZAR and Ms. ZOE LOFGREN of California.
H.R. 209: Mr. CARSON.
H.R. 211: Mr. CARSON.
H.R. 219: Mrs. MCMORRIS RODGERS.
H.R. 241: Mr. MARCHANT.
H.R. 423: Mr. WALBERG.
H.R. 451: Mr. CARSON.
H.R. 464: Mr. CARSON.
H.R. 522: Mr. BRADY of Pennsylvania.
H.R. 568: Mr. CARSON.
H.R. 588: Mr. CARSON.
H.R. 621: Mr. SIRES.
H.R. 627: Mr. CARSON.
H.R. 642: Ms. HERSETH SANDLIN.
H.R. 711: Mr. CARSON.
H.R. 748: Ms. ESHOO, Mr. LAMPSON, Ms. JACKSON-LEE of Texas, Mr. GONZALEZ, Mr. RENZI, Mr. KIND, and Mr. HONDA.
H.R. 819: Mr. CARSON.
H.R. 901: Mr. TIERNEY.
H.R. 971: Mr. KUHL of New York.
H.R. 1032: Mr. VAN HOLLEN and Mrs. MCCARTHY of New York.
H.R. 1043: Mr. PRICE of North Carolina.
H.R. 1059: Mr. TERRY.
H.R. 1072: Mr. ROTHMAN.
H.R. 1117: Mr. CARNEY.
H.R. 1134: Mr. GONZALEZ and Mr. LOBIONDO.
H.R. 1142: Mr. KENNEDY, Mr. NEAL of Massachusetts, and Mr. WILSON of South Carolina.
H.R. 1174: Mr. KUHL of New York.
H.R. 1185: Mr. JOHNSON of Georgia, Mr. MORAN of Virginia, and Mr. AL GREEN of Texas.
H.R. 1193: Mr. ALLEN and Mr. MARKEY.
H.R. 1222: Mr. CARSON.
H.R. 1223: Mr. CARSON.
H.R. 1245: Mr. SNYDER.
H.R. 1282: Mr. MILLER of North Carolina.
H.R. 1306: Mr. MCINTYRE and Mr. CARNEY.
H.R. 1419: Mrs. BONO MACK.
H.R. 1431: Mr. MILLER of Florida.
H.R. 1474: Mr. COSTA, Mr. BROUN of Georgia, Mr. COHEN, and Mr. MARKEY.
H.R. 1542: Mr. JEFFERSON.
H.R. 1552: Mr. MCGOVERN.
H.R. 1584: Mr. KLEIN of Florida.
H.R. 1606: Mr. SIRES.
H.R. 1610: Mrs. MILLER of Michigan, Mr. LATOURETTE, Ms. RICHARDSON, Mr. WHITFIELD of Kentucky, and Mr. TOWNS.
H.R. 1650: Mr. MILLER of North Carolina.
H.R. 1655: Mr. MOORE of Kansas and Mr. TERRY.
H.R. 1665: Mr. MARSHALL and Ms. NORTON.
H.R. 1742: Mr. MCHENRY and Ms. ROYBAL-ALLARD.
H.R. 1748: Mr. CULBERSON, Mr. TANCREDO, and Mr. DAVIS of Illinois.
H.R. 1776: Ms. GIFFORDS and Mr. PASTOR.
H.R. 1781: Mr. DAVIS of Illinois.
H.R. 1783: Mr. CARNEY and Mr. MILLER of North Carolina.
H.R. 1845: Mr. DONNELLY.
H.R. 1897: Mr. WITTMAN of Virginia.
H.R. 1909: Ms. GIFFORDS.
H.R. 1929: Mr. MILLER of North Carolina.
H.R. 1932: Mr. BOUCHER.
H.R. 1953: Mr. PASTOR and Mr. PAYNE.
H.R. 1967: Mr. SMITH of Texas.
H.R. 2053: Mr. BISHOP of New York.
H.R. 2114: Mr. NADLER.
H.R. 2131: Mr. FARR.
H.R. 2208: Mr. BUYER.
H.R. 2221: Ms. VELÁZQUEZ.
H.R. 2231: Mr. RUPPERSBERGER, Mr. SOUDER, Mr. FILNER, Mr. MOORE of Kansas, and Mr. JOHNSON of Georgia.
H.R. 2267: Mr. DOOLITTLE and Mr. PATRICK MURPHY of Pennsylvania.
H.R. 2268: Ms. WOOLSEY and Mr. MILLER of North Carolina.
H.R. 2279: Mr. BURTON of Indiana.
H.R. 2289: Mr. JACKSON of Illinois.
H.R. 2332: Mr. ROGERS of Kentucky and Mr. MICHAUD.
H.R. 2346: Mr. ROHRABACHER.
H.R. 2351: Mr. JEFFERSON.
H.R. 2376: Mr. SOUDER.
H.R. 2391: Mr. PASTOR.
H.R. 2472: Mr. DAVIS of Illinois, Mr. PRICE of North Carolina, and Ms. VELÁZQUEZ.
H.R. 2493: Mr. THORNBERRY.
H.R. 2606: Mr. HODES.
H.R. 2796: Mr. PAUL.
H.R. 2880: Mr. SHAYS, Mr. LATOURETTE, and Mr. LINCOLN DIAZ-BALART of Florida.
H.R. 2914: Mr. LARSEN of Washington and Mrs. EMERSON.
H.R. 2941: Mr. PLATTS.
H.R. 3010: Mr. LOEBSACK and Mr. WAXMAN.
H.R. 3089: Mr. SMITH of Texas, Mr. ROGERS of Alabama, and Mrs. DRAKE.
H.R. 3114: Mr. JACKSON of Illinois.
H.R. 3144: Mr. JORDAN and Mr. MCHENRY.
H.R. 3186: Mr. WHITFIELD of Kentucky, Mr. GRIJALVA, Mr. GONZALEZ, Mr. BOYD of Florida, Ms. BALDWIN, Mr. MOORE of Kansas, Mr. SIRES, and Mr. DUNCAN.
H.R. 3212: Mr. CARNEY.
H.R. 3223: Mr. KENNEDY.
H.R. 3232: Ms. ROYBAL-ALLARD, Mr. COSTA, Mr. TIBERI, Mr. JACKSON of Illinois, Ms. GRANGER, and Mr. WELLER.
H.R. 3257: Mr. CAPUANO.
H.R. 3267: Mr. BOSWELL, Mr. CUELLAR, and Ms. JACKSON-LEE of Texas.
H.R. 3274: Mr. HONDA.
H.R. 3329: Mr. ANDREWS and Mr. MORAN of Virginia.
H.R. 3331: Mr. JACKSON of Illinois and Mr. BLUMENAUER.
H.R. 3337: Ms. ROYBAL-ALLARD.
H.R. 3359: Mr. GOODLATTE.
H.R. 3366: Mr. LEWIS of Georgia.
H.R. 3457: Mr. COLE of Oklahoma, Mr. WALSH of New York, Mr. PUTNAM, Mr. AKIN, Mr. DAVIS of Kentucky, Ms. GRANGER, and Mr. SHIMKUS.
H.R. 3458: Mr. SOUDER.
H.R. 3546: Mr. SCOTT of Virginia, Mr. GOHMERT, and Mr. STUPAK.
H.R. 3622: Mr. CARNEY.
H.R. 3700: Mr. GOHMERT.
H.R. 3747: Mr. FORTUÑO.
H.R. 3769: Mr. ROGERS of Kentucky.
H.R. 3770: Mr. DOGGETT, Mr. BLUMENAUER, and Mr. ENGLISH of Pennsylvania.
H.R. 3800: Ms. EDDIE BERNICE JOHNSON of Texas.
H.R. 3834: Mr. ANDREWS and Ms. BERKLEY.
H.R. 3981: Mr. PAYNE.
H.R. 3990: Mr. MORAN of Virginia.
H.R. 4026: Ms. BALDWIN.
H.R. 4048: Mr. DAVIS of Illinois.
H.R. 4063: Mr. CARSON.
H.R. 4107: Mr. DOYLE.
H.R. 4179: Mr. MCDERMOTT.
H.R. 4188: Mr. ROTHMAN, Mr. COURTNEY, and Ms. BALDWIN.
H.R. 4199: Mr. KUCINICH and Mr. MILLER of North Carolina.
H.R. 4206: Mr. CLAY.
H.R. 4236: Mr. SARBANES and Mr. LANGEVIN.
H.R. 4237: Mr. GONZALEZ.
H.R. 4336: Mr. ABERCROMBIE.
H.R. 4450: Mr. VAN HOLLEN.
H.R. 4651: Mr. JACKSON of Illinois.
H.R. 4879: Mrs. MYRICK.
H.R. 4883: Mr. GONZALEZ.
H.R. 4900: Mrs. BIGGERT, Mr. DANIEL E. LUNGREN of California, and Mr. MICHAUD.
H.R. 4926: Mr. LANGEVIN.
H.R. 4935: Mr. RODRIGUEZ.
H.R. 4987: Mr. MCCOTTER and Mr. POE.
H.R. 5155: Ms. BORDALLO, Mr. KAGEN, and Mr. HODES.
H.R. 5161: Mr. GRIJALVA.
H.R. 5174: Mr. GOODE.
H.R. 5244: Mr. MARKEY, Mr. SHERMAN, and Mr. LIPINSKI.
H.R. 5267: Mr. WITTMAN of Virginia and Mrs. DRAKE.
H.R. 5402: Mr. HODES.
H.R. 5404: Mr. LARSEN of Washington.
H.R. 5442: Mr. BERMAN.
H.R. 5445: Ms. GRANGER.
H.R. 5448: Mr. COSTELLO.
H.R. 5450: Mr. DOYLE.
H.R. 5454: Mr. SHAYS, Mr. MILLER of North Carolina, and Mr. CARNEY.
H.R. 5465: Ms. MATSUI.
H.R. 5488: Ms. BALDWIN and Ms. LINDA T. SÁNCHEZ of California.
H.R. 5490: Mr. MILLER of Florida.
H.R. 5496: Ms. SOLIS.
H.R. 5507: Ms. BALDWIN.
H.R. 5515: Mr. CARNEY.
H.R. 5516: Mr. GERLACH.
H.R. 5550: Mr. MORAN of Virginia.
H.R. 5560: Mr. SHAYS, Ms. ROYBAL-ALLARD, Mr. ANDREWS, Mr. JACKSON of Illinois, Mr. FRANK of Massachusetts, Mr. SMITH of Washington, and Mr. DOGGETT.
H.R. 5564: Mr. COLE of Oklahoma.
H.R. 5573: Mr. SHAYS, Mr. CARNEY, Mr. THOMPSON of California, Mr. ETHERIDGE, Mr. JEFFERSON, Mrs. DAVIS of California, Mr. MCCOTTER, and Mr. MILLER of North Carolina.
H.R. 5575: Ms. LEE.
H.R. 5585: Ms. ZOE LOFGREN of California.
H.R. 5611: Mr. MOORE of Kansas.
H.R. 5629: Mr. NEAL of Massachusetts and Mr. PRICE of North Carolina.
H.R. 5632: Mr. BUTTERFIELD.
H.R. 5638: Mr. DELAHUNT.
H.R. 5643: Mr. MARSHALL.
H.R. 5646: Mr. BUYER.

H.R. 5656: Mr. UPTON, Mr. STEARNS, Mr. DEAL of Georgia, Mr. SHIMKUS, Mrs. WILSON of New Mexico, Mr. PICKERING, Mr. RADANOVICH, Mr. PITTS, Mrs. BONO MACK, Mr. WALDEN of Oregon, Mr. ROGERS of Michigan, Mr. SAM JOHNSON of Texas, Mr. GALLEGLY, Mr. MCCRERY, Mr. MCCAUL of Texas, and Mr. KUHL of New York.

H.R. 5669: Ms. JACKSON-LEE of Texas and Mr. BERMAN.

H.R. 5686: Mr. BACA.

H.R. 5727: Mr. SHULER.

H.R. 5731: Mr. CARNEY.

H.R. 5734: Mr. OBERSTAR.

H.R. 5737: Mr. CANNON.

H.R. 5760: Ms. JACKSON-LEE of Texas and Mr. BILBRAY.

H.R. 5761: Mrs. DRAKE.

H.R. 5767: Mr. ROTHMAN and Mr. COHEN.

H.R. 5768: Mr. JONES of North Carolina.

H.R. 5776: Mr. SALI.

H.R. 5791: Mr. COURTNEY and Mr. FILNER.

H.R. 5793: Mr. CARNEY, Mrs. BACHMANN, Mr. REICHERT, and Mr. JONES of North Carolina.

H.R. 5797: Mr. COLE of Oklahoma.

H.R. 5802: Mr. SCOTT of Virginia and Ms. SUTTON.

H.R. 5805: Mr. FLAKE.

H.R. 5823: Mr. TOWNS, Mr. LYNCH, and Mr. LAHOOD.

H.R. 5825: Mr. BOUCHER.

H.R. 5838: Mr. DAVIS of Illinois.

H.R. 5843: Ms. ZOE LOFGREN of California.

H.R. 5852: Mr. GRIJALVA.

H.R. 5854: Mr. MCINTYRE and Mr. WAXMAN.

H.R. 5866: Mrs. EMERSON.

H.R. 5867: Mr. LEVIN.

H.R. 5876: Ms. DELAURO, Mr. HOLT, and Mr. YARMUTH.

H.R. 5882: Ms. SPEIER, Mr. NADLER, and Ms. ROYBAL-ALLARD.

H.R. 5898: Mr. ROGERS of Alabama, Mr. COLE of Oklahoma, Mrs. EMERSON, Mr. FEENEY, Mr. PUTNAM, and Ms. LINDA T. SÁNCHEZ of California.

H.R. 5904: Mr. PLATTS.

H.R. 5908: Mrs. MCMORRIS RODGERS.

H.R. 5913: Mr. ELLISON.

H.R. 5914: Mr. NEUGEBAUER and Mr. CUELLAR.

H.R. 5921: Ms. SPEIER, Mr. NADLER, and Ms. ROYBAL-ALLARD.

H.R. 5924: Mr. PASTOR and Mr. COHEN.

H.R. 5944: Mr. GOODLATTE, Mrs. MUSGRAVE, Mrs. BACHMANN, and Mr. KUHL of New York.

H.R. 5949: Mr. COBLE, Mr. FILNER, Ms. SCHWARTZ, Mr. WHITFIELD of Kentucky, and Mr. KIND.

H.R. 5950: Ms. ROYBAL-ALLARD and Ms. KILPATRICK.

H.R. 5951: Ms. WOOLSEY.

H.R. 5954: Mr. ENGLISH of Pennsylvania.

H.R. 5960: Mr. SESTAK, Mr. CARNEY, and Mr. JACKSON of Illinois.

H.R. 5971: Mr. Broun of Georgia and Mr. HULSHOF.

H.R. 5983: Mr. BISHOP of New York, Mr. CARSON, and Ms. HARMAN.

H.R. 5995: Mrs. MYRICK and Mr. CAMP of Michigan.

H.R. 6002: Mr. ROHRABACHER.

H.R. 6020: Mr. HONDA, Mr. FILNER, Ms. SOLIS, Ms. JACKSON-LEE of Texas, Ms. ROYBAL-ALLARD, and Ms. HARMAN.

H.R. 6023: Mr. ROHRABACHER, Mrs. SCHMIDT, Mr. HULSHOF, and Mr. BUYER.

H.R. 6024: Mr. KENNEDY.

H.R. 6026: Mr. NUNES, Mr. GARY G. MILLER of California, Mr. THORNBERRY, Mr. SMITH of Nebraska, Mr. FRANKS of Arizona, Mr. FORBES, Mr. LOBIONDO, Mr. GRAVES, Mr. HERGER, Mr. TIBERI, Mr. BILIRAKIS, Mr. RADANOVICH, Mr. ROYCE, Mrs. BONO MACK, Mr. ISSA, Mr. MARCHANT, Mr. BILBRAY, Mrs. CUBIN, Mr. PEARCE, Mr. HULSHOF, Mr. BURTON of Indiana, and Mr. HASTINGS of Washington.

H.R. 6028: Ms. ROS-LEHTINEN.

H.R. 6034: Mr. HONDA.

H.R. 6038: Mr. TIAHRT, Mr. BOOZMAN, Mr. TERRY, and Mrs. EMERSON.

H.R. 6039: Mr. NADLER and Ms. ROYBAL-ALLARD.

H.R. 6045: Mr. JEFFERSON and Mr. DELAHUNT.

H.R. 6057: Mr. DELAHUNT and Mr. MCDERMOTT.

H.R. 6073: Mr. SENSENBRENNER, Mr. CONAWAY, and Mr. SALI.

H.R. 6076: Mr. BRADY of Pennsylvania, Mr. ARCURI, Mr. BISHOP of New York, Mr. BUTTERFIELD, Ms. HIRONO, Mr. HASTINGS of Florida, Mrs. NAPOLITANO, Mr. PAYNE, Mr. SIRES, Mr. RYAN of Ohio, Mrs. DAVIS of California, Mr. THOMPSON of California, Mr. BERRY, Mr. COSTA, and Mr. HINCHEY.

H.R. 6083: Mr. DAVIS of Alabama and Mr. DELAHUNT.

H.R. 6088: Ms. JACKSON-LEE of Texas.

H.R. 6091: Mr. TURNER, Mr. CARSON, and Mr. BUYER.

H.R. 6092: Mrs. MCMORRIS RODGERS.

H.R. 6093: Mr. MCGOVERN.

H.R. 6098: Ms. HARMAN.

H.R. 6107: Mr. BOEHNER, Mr. PEARCE, Mr. SHIMKUS, Mr. BLUNT, Mr. BARTON of Texas, Mr. COLE of Oklahoma, Mr. WITTMAN of Virginia, Mrs. MCMORRIS RODGERS, Mr. DUNCAN, Mr. BISHOP of Utah, Mr. SALI, Mr. HALL of Texas, Mr. UPTON, Mr. STEARNS, Mr. DEAL of Georgia, Mr. WHITFIELD of Kentucky, Mr. GALLEGLY, Mrs. WILSON of New Mexico, Mr. SHADEGG, Mr. PICKERING, Mr. TANCREDO, Mr. BUYER, Mr. RADANOVICH, Mrs. BONO MACK, Mr. TERRY, Mr. ROGERS of Michigan, Mr. SULLIVAN, Mr. BURGESS, Mrs. BLACKBURN, Ms. FALLIN, Mr. SAM JOHNSON of Texas, Mr. MCCRERY, Mr. NEUGEBAUER, Mr. MCCAUL of Texas, Mr. SMITH of Nebraska, Mrs. MYRICK, Mr. JONES of North Carolina, Mr. BRADY of Texas, Mr. KUHL of New York, Mr. BROWN of South Carolina, Mr. ISSA, Mr. WAMP, Mr. CHABOT, Ms. FOXX, Mr. ADERHOLT, Mr. LAMBORN, Ms. GRANGER, Mr. CONAWAY, Mr. CAMPBELL of California, Mr. GINGREY, and Mrs. EMERSON.

H.R. 6108: Mr. YOUNG of Alaska, Mr. COLE of Oklahoma, Mr. SALI, Mr. BARTON of Texas, Mr. HALL of Texas, Mr. UPTON, Mr. DEAL of Georgia, Mr. WHITFIELD of Kentucky, Mr. SHIMKUS, Mrs. WILSON of New Mexico, Mr. SHADEGG, Mr. PICKERING, Mr. BLUNT, Mr. BUYER, Mr. RADANOVICH, Mr. PITTS, Mr. ROGERS of Michigan, Mr. SULLIVAN, Mr. BURGESS, Mrs. BLACKBURN, Mr. BRADY of Texas, Ms. FALLIN, Mr. SAM JOHNSON of Texas, Mr. TANCREDO, Mr. PEARCE, Mr. MCCRERY, Mr. NEUGEBAUER, Mr. MCCAUL of Texas, Mr. DUNCAN, and Mr. SMITH of Nebraska.

H.J. Res. 79: Mr. DOGGETT.

H.J. Res. 84: Mr. CHABOT, Mr. KIRK, Mr. WILSON of South Carolina, Mr. BRADY of Pennsylvania, Mr. HENSARLING, Mr. POE, Mr. ROHRABACHER, and Mr. WOLF.

H.J. Res. 86: Mr. KUCINICH.

H. Con. Res. 24: Mr. WYNN.

H. Con. Res. 244: Mr. LINCOLN DIAZ-BALART of Florida, Mr. MARCHANT, and Mr. WELDON of Florida.

H. Con. Res. 296: Mr. TANCREDO, Mr. SULLIVAN, Mr. WALSH of New York, Mr. NUNES, Mr. WESTMORELAND, Mrs. DRAKE, and Mr. DEAL of Georgia.

H. Con. Res. 299: Mr. UDALL of Colorado, Mr. WILSON of South Carolina, Mr. CONAWAY, Mr. HIGGINS, Mr. LEVIN, Mr. KILDEE, Mr. HOEKSTRA, and Mrs. MILLER of Michigan.

H. Con. Res. 336: Mr. FORBES and Mr. SNYDER.

H. Con. Res. 338: Mr. SESTAK.

H. Con. Res. 341: Mr. POE, Mr. OBERSTAR, Mr. MELANCON, Ms. SUTTON, Mr. BROWN of South Carolina, and Mr. SOUDER.

H. Con. Res. 342: Mr. PAUL and Mr. WAMP.

H. Con. Res. 349: Mr. BURTON of Indiana and Mr. SHAYS.

H. Con. Res. 352: Mr. VAN HOLLEN.

H. Con. Res. 356: Mr. RAMSTAD.

H. Con. Res. 357: Mr. BILBRAY, Mr. HOEKSTRA, Mr. SHADEGG, Mr. CONAWAY, Mr. CAMPBELL of California, Mr. AKIN, Mr. LAMBORN, Mr. TANCREDO, Mr. DAVID DAVIS of Tennessee, Mr. FRANKS of Arizona, Mr. MCCARTHY of California, Mr. BARTLETT of Maryland, Mr. GOODE, Mr. BLUNT, Mr. DANIEL E. LUNGREN of California, Mr. WALBERG, Mr. BURTON of Indiana, Mr. PRICE of Georgia, and Mrs. BLACKBURN.

H. Con. Res. 360: Mr. LEWIS of Georgia.

H. Res. 282: Mr. JEFFERSON, Mr. ETHERIDGE, and Mr. GALLEGLY.

H. Res. 373: Mr. RUSH.

H. Res. 389: Ms. CORRINE BROWN of Florida.

H. Res. 415: Mr. SNYDER.

H. Res. 620: Mr. KIRK.

H. Res. 672: Mr. FARR.

H. Res. 888: Mr. LIPINSKI.

H. Res. 896: Mr. TERRY.

H. Res. 937: Mrs. EMERSON.

H. Res. 977: Mr. HALL of New York, Mr. CONYERS, Mr. OLVER, Ms. SOLIS, and Mr. LEWIS of Georgia.

H. Res. 988: Ms. HERSETH SANDLIN, Mrs. WILSON of New Mexico, Mr. THOMPSON of California, Mr. BOREN, Mr. INSLEE, Mr. LARSEN of Washington, Mr. WILSON of Ohio, Mr. ALLEN, Mr. GORDON, Mr. WEINER, and Mr. LOEBSACK.

H. Res. 1010: Mr. PETERSON of Pennsylvania, Mr. CARSON, Mr. HILL, Mr. MAHONEY of Florida, Mr. BOYD of Florida, Mr. KNOLLENBERG, Mr. PUTNAM, Mr. TIBERI, Mr. CALVERT, Mr. SPACE, Mr. MATHESON, Mrs. BOYDA of Kansas, Mr. PETERSON of Minnesota, Mr. MEEKS of New York, and Mr. MCHENRY.

H. Res. 1042: Mr. WAMP.

H. Res. 1067: Mr. WILSON of South Carolina, Mr. FORBES, Mr. WITTMAN of Virginia, Mr. LOEBSACK, Ms. GIFFORDS, Mr. GINGREY, Mr. SCHIFF, and Ms. SHEA-PORTER.

H. Res. 1090: Mr. RUSH, Mr. ELLISON, Mr. COSTELLO, and Mr. JACKSON of Illinois.

H. Res. 1104: Mr. RYAN of Ohio.

H. Res. 1110: Mr. SPACE.

H. Res. 1143: Mr. CAMP of Michigan and Mr. OLVER.

H. Res. 1161: Mr. MARKEY, Mr. HINCHEY, Ms. LEE, Ms. BORDALLO, Mrs. MCCARTHY of New York, Mr. MEEKS of New York, Mr. BERMAN, Ms. MATSUI, Mr. MOORE of Kansas, Mr. JEFFERSON, Mr. GRIJALVA, and Mr. JACKSON of Illinois.

H. Res. 1177: Mr. MARKEY.

H. Res. 1183: Mr. LATTA, Mr. GILCHREST, Mr. TAYLOR, Mr. BARTLETT of Maryland, Mr. MURTHA, Mr. ABERCROMBIE, Mr. WAMP, Mr. HAYES, Mr. MCGOVERN, Mrs. MALONEY of New York, Mr. FRANK of Massachusetts, Mr. HASTINGS of Washington, Mr. ALTMIRE, Mr. VAN HOLLEN, Mr. JACKSON of Illinois, Mr. BLUMENAUER, Mr. HARE, Mr. MITCHELL, Mr. PRICE of North Carolina, Mr. MELANCON, and Mr. SESTAK.

H. Res. 1187: Mr. FOSSELLA, Ms. GRANGER, Mr. WHITFIELD of Kentucky, and Mr. COBLE.

TUESDAY, JUNE 3, 2008 (65)

¶65.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Mr. JACKSON of Illinois, who laid before the House the following communication:

WASHINGTON, DC,
June 3, 2008.

I hereby appoint the Honorable JESSE L. JACKSON, Jr., to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

¶65.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. JACKSON of Illinois, announced he had

examined and approved the Journal of the proceedings of Thursday, May 22, 2008.

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

¶65.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

6830. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Rules of Practice Governing Formal Adjudicatory Proceedings Instituted by the Secretary Under Various Statutes [Docket No. AMS-L&RRS-08-0015] received May 23, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6831. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Avocados Grown in South Florida and Imported Avocados; Revision of the Maturity Requirements [Docket No. AMS-FV-07-0054; FV07-915-2 FR] received May 23, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6832. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Sorghum Promotion, Research, and Information Order [Docket No. AMS-LS-07-0056, LS-07-02] received May 23, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6833. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — National Dairy Promotion and Research Program; Section 610 Review [Docket No. AMS-DA-08-2004; DA-06-04] received May 23, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6834. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Peanut Promotion, Research, and Information Order; Amendment to Primary Peanut-Producing States and Adjustment of Membership [Docket No.: AMS-FV-08-0001; FV-08-701 IFR] received May 23, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6835. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Olives Grown in California; Decreased Assessment Rate [Docket No. AMS-FV-07-0155; FV08-932-1 FIR] received May 23, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6836. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Marketing Order Regulating the Handling of Spearmint Oil Produced in the Far West; Salable Quantities and Allotment Percentages for the 2008-2009 Marketing Year [Docket Nos. AMS-FV-07-0135; FV08-985-2 FR] received May 23, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6837. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Onions Grown in South Texas; Increased Assessment Rate [Docket No. AMS-FV-07-0151; FV08-959-1 FR] received May 23, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6838. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Pistachios Grown in California; Change in Reporting Requirements [Docket No. AMS-FV-07-0095; FV07-983-2 FR] received May 23, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6839. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Pistachios Grown in California; Change in Reporting Requirements [Docket No. AMS-FV-07-0095; FV07-983-2 FR] received May 23, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6840. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Pistachios Grown in California; Changes in Handling Requirements [Docket No. AMS-FV-07-0082; FV07-983-1 FIR] received May 23, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6841. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Oranges, Grapefruit, Tangerines and Tangelos Grown in Florida; Section 610 Review [Docket No. AMS-FV-07-0017; FV07-905-610 Review] received May 23, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6842. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Increase in Fees and Charges for Egg, Poultry, and Rabbit Grading; Correction [Docket No. AMS-PY-08-0030; PY-06-002] received May 23, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6843. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Milk in the Appalachian and Southeast Marketing Areas; Correction [AMS-DA-07-0059; AO-388-A22 and AO-366-A51; Docket No. DA-07-03-A] received May 23, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6844. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Karnal Bunt; Removal of Regulated Areas in Texas [Docket No. APHIS-2007-0157] received April 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6845. A letter from the Under Secretary for Acquisitions, Technology and Logistics, Department of Defense, transmitting notification of the review and certification of the Joint Air-to-Surface Standoff Missile (JASSM) program, pursuant to 10 U.S.C. 2433(e)(1); to the Committee on Armed Services.

6846. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General John F. Sattler, United States Marine Corps, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

6847. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting a letter on the approved retirement Vice Admiral Paul E. Sullivan, United States Navy, and his advancement to the grade of vice admiral on the retired list; to the Committee on Armed Services.

6848. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting a letter on the approved retirement Vice Admiral Kevin J. Cosgriff, United States Navy, and his advancement to the grade of vice admiral on the retired list; to the Committee on Armed Services.

6849. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General Robert D. Bishop, Jr., United States Air Force, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

6850. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General Christopher A. Kelly, United States Air Force, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

6851. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General David F. Melcher, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

6852. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General James M. Dubik, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

6853. A letter from the Secretary, Department of Defense, transmitting a letter on the certification of Lieutenant General Philip R. Kensinger, Jr., United States Army; to the Committee on Armed Services.

6854. A letter from the Assistant Secretary for Installations and Environment, Department of the Navy, Department of Defense, transmitting notification of the Department's decision to convert to contract the intermediate level ship maintenance support functions; to the Committee on Armed Services.

6855. A letter from the Deputy Under Secretary for Acquisition and Technology, Department of Defense, transmitting a letter on the report required by Section 888 of the National Defense Authorization Act of Fiscal Year 2008; to the Committee on Armed Services.

6856. A letter from the Deputy Under Secretary for Acquisition and Technology, Department of Defense, transmitting the Department's annual report on extensions of a contract period to a total of more than ten years, pursuant to 10 U.S.C. 2304a(f) Public Law 108-375, section 813; to the Committee on Armed Services.

6857. A letter from the Deputy Under Secretary foe Logistics and Material Readiness, Department of Defense, transmitting a report on the budgeting of the Department of Defense for the sustainment of key military equipment for 2008, pursuant to Public Law 109-163, section 361; to the Committee on Armed Services.

6858. A letter from the Assistant Secretary for Installations and Environment, Department of the Navy, Department of Defense, transmitting the Department's decision to conduct a strealines A-76 competition of aircraft maintenance functions at Andrews Air Force Base, MD; to the Committee on Armed Services.

6859. A letter from the Assistant Secretary for Reserve Affairs, Department of Defense, transmitting the National Guard ChalleNGe Program Annual Report for Fiscal Year 2007, pursuant to 32 U.S.C. 509(k); to the Committee on Armed Services.

6860. A letter from the Assistant Secretary for Elementary and Secondary Education, Department of Education, transmitting the Department's final rule — Jacob K. Javits Gifted and Talented Students Education Program — received May 27, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

6861. A letter from the Secretary, Department of Education, transmitting the Department's final rule — Demands for Testimony or Records in Legal Proceedings [Docket ID ED-2007-OS-0138] received May 27, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

6862. A letter from the Assistant Secretary, Department of Education, transmitting the

Department's final rule — National Institute on Disability and Rehabilitation Research (NIDRR)—-Disability and Rehabilitation Research Projects and Centers Program--Disability Rehabilitation Research Projects (DRRPs) received April 30, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

6863. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's final rule — State Long-Term Care Partnership Program: Reporting Requirements for Insurers [ASPE:LTCI] (RIN: 0991-AB44) received May 21, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6864. A letter from the Director, Defense Security Cooperation Agency, transmitting a report submitted in accordance with Section 36(a) of the Arms Export Control Act, pursuant to 22 U.S.C. 2776(a); to the Committee on Foreign Affairs.

6865. A letter from the Director, International Cooperation, Department of Defense, transmitting Pursuant to Section 27(f) of the Arms Export Control Act and Section 1(f) of Executive Order 11958, Transmittal No. 07-08 informing of an intent to sign the Agreement between the Department of Defense of the United States and the Defence Material Administration of the Kingdom of Sweden for Production and Deployment of the Excalibur 155mm Precision Guided, Extended Range Projectile, pursuant to 22 U.S.C. 2767(f); to the Committee on Foreign Affairs.

6866. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting Copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b; to the Committee on Foreign Affairs.

6867. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting pursuant to section 36(b)(5)(A) of the Arms Export Control Act, relating to enhancements and upgrades from the level of sensitivity of technology or capability described in the Section 36(b)(1) AECA certification 08-25 of 4 December 2007 (Transmittal No. 0B-08); to the Committee on Foreign Affairs.

6868. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 08-61 concerning the Department of the Air Force's proposed Letter(s)of Offer and Acceptance to Australia for defense articles and services; to the Committee on Foreign Affairs.

6869. A letter from the Director, Defense Security Cooperation Agency, transmitting the quarterly reports in accordance with Sections 36(a) and 26(b) of the Arms Export Control Act; to the Committee on Foreign Affairs.

6870. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) and (d) of the Arms Export Control Act, certification regarding the application for a license for the manufacture of significant military equipment abroad and the export of technical data, defense services and defense articles to the Government of Japan (Transmittal No. DDTC 061-08); to the Committee on Foreign Affairs.

6871. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification of aplication of a license for the export of defense articles and services to the Government of Japan (Transmittal No. DDTC 047-07); to the Committee on Foreign Affairs.

6872. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification of an application of a license for the export of defense articles and services to the Governments of Russia, Ukraine, and Norway (Transmittal No. DDTC 037-06); to the Committee on Foreign Affairs.

6873. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification of a proposed manufacturing license agreement for the export of defense articles and services to the Government of the United Kingdom (Transmittal No. DDTC 021-08); to the Committee on Foreign Affairs.

6874. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification of a proposed agreement for the export of defense articles to the Government of Georgia (Transmittal No. DDTC 047-08); to the Committee on Foreign Affairs.

6875. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification of a proposed agreement for the export of defense articles and services to the Governments of Russia and Kazakhstan (Transmittal No. DDTC 034-07); to the Committee on Foreign Affairs.

6876. A letter from the Director, U.S. Office of Personnel Management, Office of Personnel Management, transmitting the Office's final rule — Political Activity — Federal Employees Residing in Designated Localities (RIN: 3206-AL32) received May 15, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

6877. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule — Absence and Leave; Annual Leave for Senior-Level Employees (RIN: 3206-AL49) received April 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

6878. A letter from the Chief, Division of Migratory Bird Management, Department of the Interior, transmitting the Department's final rule — Authorizations Under the Bald and Golden Eagle Protection Act for Take of Eagles [[FWS-R9-MB-2008-0057][91200-1231-9BPP-L2]] (RIN: 1018-AV11) received May 22, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6879. A letter from the Chief Justice, Supreme Court of the United States, transmitting amendments to the Federal Rules of Criminal Procedure that have been adopted by the Supreme Court, pursuant to 28 U.S.C. 2074; (H. Doc. No. —118); to the Committee on the Judiciary and ordered to be printed.

6880. A letter from the Chief Justice, Supreme Court of the United States, transmitting amendments to the Federal Rules of Bankruptcy Procedure that have been adopted by the Supreme Court, pursuant to 28 U.S.C. 2075; (H. Doc. No. —119); to the Committee on the Judiciary and ordered to be printed.

6881. A letter from the Chief Justice, Supreme Court of the United States, transmitting amendments to the Federal Rules of Civil Procedure that have been adopted by the Supreme Court, pursuant to 28 U.S.C. 2072; (H. Doc. No. —117); to the Committee on the Judiciary and ordered to be printed.

6882. A letter from the Director of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule — Survivors' and Dependents' Educational Assistance Program Period of Eligibility for Eligible Children and Other Miscellaneous Issues (RIN: 2900-AL44) received May 27, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

6883. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's final rule — Medicare Program; Changes for Long-Term Care Hospitals Required by Certain Provisions of the Medicare, Medicaid, SCHIP, Extension Act of 2007: 3-Year Moratorium on the Establishment of New Long-Term Care Hospitals and Long-Term Care Hospital Satellite Facilities and Increases in Beds in Existing Long-Term Care Hospitals and Long-Term Care Hospital Satellite Facilities; and 3-YearDelay in the Application of Certain Payment Adjustments [CMS-0938-IFC2] (RIN: 0938-AP33) received May 21, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6884. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — 26 CFR 601.602: Tax forms and instructions. (Also: Part 1, 1, 223.) (Rev. Proc. 2008-29) received May 20, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6885. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — 26 CFR 1.482-1: Allocation of income and deductions among taxpayers (Rev. Proc. 2008-31) received May 23, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6886. A letter from the Assistant Secretary Legislative Affairs, Department of State, transmitting a report concerning the extension of waiver authority for Turkmenistan, pursuant to Public Law 93-618, Subsection 402(d)(1) and 409; (H. Doc. No. —116); to the Committee on Ways and Means and ordered to be printed.

6887. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's final rule — Medicare Program; Medicare Part D Claims Data [CMS-4119-F] (RIN: 0938-AO58) received May 22, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and Ways and Means.

6888. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's final rule — Medicare Program; Provider Reimbursement Determinations and Appeals [CMS-1727-F] (RIN: 0938-AL54) received May 21, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Energy and Commerce.

¶65.4 WHOLE NUMBER OF THE HOUSE OF REPRESENTATIVES ADJUSTED

The SPEAKER pro tempore, Mr. JACKSON of Illinois, announced under clause 5(d) of rule XX, that, in light of the resignation of the gentleman from Maryland [Mr. WYNN], the whole number of the House is adjusted to 434.

¶65.5 ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

The SPEAKER pro tempore, Mr. JACKSON of Illinois, announced that pursuant to clause 4, rule I, the Speaker signed the following enrolled bills and joint resolution on Thursday, May 22, 2008:

H.R. 2356. An Act to amend title 4, United States Code, to encourage the display of the flag of the United States on Father's Day.

H.R. 2517. An Act to amend the Missing Children's Assistance Act to authorize appropriations; and for other purposes.

H.R. 4008. An Act to amend the Fair Credit Reporting Act to make technical corrections to the definition of willful noncompliance

with respect to violations involving the printing of an expiration date on certain credit and debit card receipts before the date of the enactment of this Act.

S. 2829. An Act to make technical corrections to section 1244 of the National Defense Authorization Act for fiscal year 2008, which provides special immigrant status for certain Iraqis, and for other purposes.

S. 3029. An Act to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes.

S. 3035. An Act to temporarily extend the programs under the Higher Education Act of 1965.

S.J. Res. 17. A joint resolution directing the United States to initiate international discussions and take necessary steps with other nations to negotiate an agreement for managing migratory and transboundary fish stocks in the Arctic Ocean.

That SPEAKER pro tempore, Mr. HOYER, signed the following enrolled bill on Tuesday, May 27, 2008:

H.R. 6081. An Act to amend the Internal Revenue Code of 1986 to provide benefits for military personnel, and for other purposes.

¶65.6 COMMUNICATION FROM THE CLERK—MESSAGE FROM THE SENATE

The SPEAKER pro tempore, Mr. JACKSON of Illinois, laid before the House a communication, which was read as follows:

HOUSE OF REPRESENTATIVES,
Washington, DC, May 23, 2008.

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

DEAR MADAM SPEAKER: Pursuant to the permission granted in clause 2(h) of rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on May 23, 2008, at 10:13 a.m.:

That the Senate passed S. 1965.

That the Senate passed S. 2420.

With best wishes, I am

Sincerely,

LORRAINE C. MILLER,
Clerk of the House

(By Robert F. Reeves, Deputy Clerk).

¶65.7 COMMUNICATION FROM THE CLERK—MESSAGE FROM THE SENATE

The SPEAKER pro tempore, Mr. JACKSON of Illinois, laid before the House a communication, which was read as follows:

HOUSE OF REPRESENTATIVES,
Washington, DC, June 2, 2008.

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

DEAR MADAM SPEAKER: Pursuant to the permission granted in clause 2(h) of rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on June 2, 2008, at 4:53 p.m.:

That the Senate passed S. 2062.

With best wishes, I am

Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

¶65.8 COMMUNICATION FROM THE CLERK—MESSAGE FROM THE SENATE

The SPEAKER pro tempore, Mr. JACKSON of Illinois, laid before the House a communication, which was read as follows:

HOUSE OF REPRESENTATIVES,
Washington, DC, June 3, 2008.

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

DEAR MADAM SPEAKER: Pursuant to the permission granted in clause 2(h) of rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on June 3, 2008, at 11:22 a.m.:

Appointments:

Mexico-United States Interparliamentary Group.

With best wishes, I am

Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

¶65.9 NATIONAL MEN'S HEALTH

Mr. DAVIS of Illinois, moved to suspend the rules and agree to the following concurrent resolution (H. Con. Res. 138); as amended:

Whereas despite the advances in medical technology and research, men continue to live an average of almost 6 years less than women and African-American men have the lowest life expectancy;

Whereas all 10 of the 10 leading causes of death, as defined by the Centers for Disease Control and Prevention, affect men at a higher percentage than women;

Whereas between ages 45–54, men are 3 times more likely than women to die of heart attacks;

Whereas men die of heart disease at almost twice the rate of women;

Whereas men die of cancer at almost one and a half times the rate of women;

Whereas testicular cancer is one of the most common cancers in men aged 15–34, and when detected early, has a 95 percent survival rate;

Whereas the number of cases of colon cancer among men will reach over 55,000 in 2007, and almost half will die from the disease;

Whereas the likelihood that a man will develop prostate cancer is 1 in 6;

Whereas the number of men contracting prostate cancer will reach over 218,890 in 2007, and almost 27,050 will die from the disease;

Whereas African-American men in the United States have the highest incidence in the world of prostate cancer;

Whereas significant numbers of male-related health problems, such as prostate cancer, testicular cancer, infertility, and colon cancer, could be detected and treated if men's awareness of these problems was more pervasive;

Whereas more than one-half the elderly widows now living in poverty were not poor before the death of their husbands, and by age 100 women outnumber men 8 to 1;

Whereas educating both the public and health care providers about the importance of early detection of male health problems will result in reducing rates of mortality for these diseases;

Whereas appropriate use of tests such as Prostate Specific Antigen (PSA) exams, blood pressure screens, and cholesterol screens, in conjunction with clinical examination and self-testing for problems such as testicular cancer, can result in the detection of many of these problems in their early stages and increases in the survival rates to nearly 100 percent;

Whereas women are 100 percent more likely to visit the doctor for annual examinations and preventive services than men;

Whereas men are less likely than women to visit their health center or physician for regular screening examinations of male-related problems for a variety of reasons, including fear, lack of health insurance, lack of information, and cost factors;

Whereas National Men's Health Week was established by Congress and first celebrated in 1994 and urged men and their families to engage in appropriate health behaviors, and the resulting increased awareness has improved health-related education and helped prevent illness;

Whereas the Governors of over 45 States issue proclamations annually declaring Men's Health Week in their States;

Whereas since 1994, National Men's Health Week has been celebrated each June by dozens of States, cities, localities, public health departments, health care entities, churches, and community organizations throughout the Nation, that promote health awareness events focused on men and family;

Whereas the National Men's Health Week website has been established at www.menshealthweek.org and features Governors' proclamations and National Men's Health Week events;

Whereas men who are educated about the value that preventive health can play in prolonging their lifespan and their role as productive family members will be more likely to participate in health screenings;

Whereas men and their families are encouraged to increase their awareness of the importance of a healthy lifestyle, regular exercise, and medical checkups; and

Whereas June 9 through 15, 2008, is National Men's Health Week, which has the purpose of heightening the awareness of preventable health problems and encouraging early detection and treatment of disease among men and boys: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That—

(1) the Congress supports the annual National Men's Health Week; and

(2) requests that the President of the United States issue a proclamation calling upon the people of the United States and interested groups to observe National Men's Health Week with appropriate ceremonies and activities.

The SPEAKER pro tempore, Mr. JACKSON of Illinois, recognized Mr. DAVIS of Illinois, and Ms. FOXX, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution, as amended?

The SPEAKER pro tempore, Mr. JACKSON of Illinois, announced that two-thirds of the Members present had voted in the affirmative.

Mr. DAVIS of Illinois, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. JACKSON of Illinois, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶65.10 MINNESOTA'S 150TH ANNIVERSARY

Mr. DAVIS of Illinois, moved to suspend the rules and agree to the following resolution (H. Res. 923):

Whereas Minnesota was established as a territory on March 2, 1849, and became the 32nd State on May 11, 1858;

Whereas Minnesota is also known as the ''Gopher State'', the ''North Star State'', and the ''Land of 10,000 Lakes'';

Whereas Minnesota's name comes from the Dakota word ''minesota'', meaning ''water

that reflects the sky'', and Native Americans continue to play a defining role in Minnesota's proud heritage;

Whereas the cities of Minneapolis and St. Paul were established after the completion of nearby Fort Snelling, a frontier outpost and training center for Civil War soldiers;

Whereas more than 338,000,000 tons of Minnesota iron ore were shipped between 1940 and 1945 that contributed to the U.S. military victory in World War II, and an additional 648,000,000 tons of iron ore were shipped between 1945 and 1955 that boosted post-war economic expansion in the U.S.;

Whereas in 1889, the Saint Mary's Hospital, now known as the Mayo Clinic, opened its doors to patients in Rochester, Minnesota, and is now known worldwide for its cutting-edge care;

Whereas Minnesota continues to be a leader in innovation and is currently home to more than 35 Fortune 500 Companies;

Whereas Minnesota houses over 30 institutions of higher education including the University of Minnesota, a world-class research university where the first open heart surgery and first bone marrow transplant was performed in the United States;

Whereas farmland spans over half of Minnesota's 54 million acres and the agriculture industry is Minnesota's second largest job market, employing nearly 80,000 farmers;

Whereas Minnesota is the Nation's number one producer of sugarbeets and turkeys;

Whereas Minnesota is a national leader in the production and use of renewable energy, which helps our Nation reduce its dependency on foreign sources of oil;

Whereas the Mall of America located in Bloomington, Minnesota, is the Nation's largest retail and entertainment complex, spanning 9,500,000 square feet and providing more than 11,000 jobs;

Whereas Minnesota has 90,000 miles of lake and river shoreline, which includes the coast of Lake Superior, the largest of North America's Great Lakes;

Whereas the Minneapolis-St. Paul area is nationally recognized for its parks, museums, and cultural events; and

Whereas the people of Minnesota have a timeless reputation of compassion, strength, and determination: Now, therefore, be it

Resolved, That the House of Representatives congratulates the State of Minnesota on its 150th anniversary and the contributions it continues to make to America's economy and heritage.

The SPEAKER pro tempore, Mr. JACKSON of Illinois, recognized Mr. DAVIS of Illinois, and Ms. FOXX, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. JACKSON of Illinois, announced that two-thirds of the Members present had voted in the affirmative.

Mr. DAVIS of Illinois, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. JACKSON of Illinois, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶65.11 ARBOR DAY

Mr. DAVIS of Illinois, moved to suspend the rules and agree to the following resolution (H. Res. 1114):

Whereas the Arbor Day Foundation was founded in 1972 and now has nearly 1,000,000 members;

Whereas these members and the countless supporters of the Arbor Day Foundation continue to further the mission of the Foundation, which is to ''inspire people to plant, nurture, and celebrate trees'';

Whereas the Arbor Day Foundation manages the 260-acre Arbor Day Farm to serve as a model of environmental stewardship;

Whereas the Arbor Day Foundation distributes more than 10,000,000 trees annually through its Trees for America program;

Whereas the Arbor Day Foundation has worked with the Department of Agriculture's Forest Service since 1990, helping to plant nearly 12,000,000 trees in national forests damaged by fire, insects, or other causes;

Whereas J. Sterling Morton recognized the need for trees in Nebraska and proposed a tree-planting holiday called ''Arbor Day'' in 1872;

Whereas the observation of Arbor Day soon spread to other States and is now observed nationally and in many other countries;

Whereas J. Sterling Morton once observed that ''the cultivation of trees is the cultivation of the good, the beautiful, and the ennobling in man''; and

Whereas National Arbor Day, the last Friday in April, will be celebrated on April 25, 2008: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals and ideals of the Arbor Day Foundation; and

(2) requests that the President issue a proclamation calling upon the people of the United States to observe National Arbor Day with appropriate activities.

The SPEAKER pro tempore, Mr. JACKSON of Illinois, recognized Mr. DAVIS of Illinois, and Ms. FOXX, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. JACKSON of Illinois, announced that two-thirds of the Members present had voted in the affirmative.

Mr. DAVIS of Illinois, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. JACKSON of Illinois, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶65.12 DR. MARTIN LUTHER KING, JR.

Mr. DAVIS of Illinois, moved to suspend the rules and pass the bill (H.R. 1734) to designate the facility of the United States Postal Service located at 630 Northeast Killingsworth Avenue in Portland, Oregon, as the ''Dr. Martin Luther King, Jr. Post Office Building''.

The SPEAKER pro tempore, Mr. JACKSON of Illinois, recognized Mr. DAVIS of Illinois, and Ms. FOXX, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. JACKSON of Illinois, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶65.13 CHI MUI POST OFFICE BUILDING

Mr. DAVIS of Illinois, moved to suspend the rules and pass the bill (H.R. 5477) to designate the facility of the United States Postal Service located at 120 South Del Mar Avenue in San Gabriel, California, as the ''Chi Mui Post Office Building''.

The SPEAKER pro tempore, Mr. JACKSON of Illinois, recognized Mr. DAVIS of Illinois, and Ms. FOXX, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. JACKSON of Illinois, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶65.14 SENIOR EXECUTIVE SERVICE DIVERSITY ASSURANCE

Mr. DAVIS of Illinois, moved to suspend the rules and pass the bill (H.R. 3774) to provide for greater diversity within, and to improve policy direction and oversight of, the Senior Executive Service; as amended.

The SPEAKER pro tempore, Mr. JACKSON of Illinois, recognized Mr. DAVIS of Illinois, and Ms. FOXX, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. JACKSON of Illinois, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶65.15 TELEWORK IMPROVEMENTS

Mr. DAVIS of Illinois, moved to suspend the rules and pass the bill (H.R.

4106) to improve teleworking in executive agencies by developing a telework program that allows employees to telework at least 20 percent of the hours worked in every 2 administrative workweeks, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. JACKSON of Illinois, recognized Mr. DAVIS of Illinois, and Ms. FOXX, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. JACKSON of Illinois, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶65.16 EXCESS FOOD DONATIONS

Mr. CLAY moved to suspend the rules and pass the bill of the Senate (S. 2420) to encourage the donation of excess food to nonprofit organizations that provide assistance to food-insecure people in the United States in contracts entered into by executive agencies for the provision, service, or sale of food.

The SPEAKER pro tempore, Mr. JACKSON of Illinois, recognized Mr. CLAY and Ms. FOXX, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. JACKSON of Illinois, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶65.17 FEDERAL AGENCY DATA PROTECTION

Mr. CLAY moved to suspend the rules and pass the bill (H.R. 4791) to amend title 44, United States Code, to strengthen requirements for ensuring the effectiveness of information security controls over information resources that support Federal operations and assets, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. JACKSON of Illinois, recognized Mr. CLAY and Ms. FOXX, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. SALAZAR, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶65.18 RECESS—4:06 P.M.

The SPEAKER pro tempore, Mr. SALAZAR, pursuant to clause 12(a) of rule I, declared the House in recess at 4 o'clock and 6 minutes p.m., until approximately 6:30 p.m.

¶65.19 AFTER RECESS—6:31 P.M.

The SPEAKER pro tempore, Mr. MCNULTY, called the House to order.

¶65.20 H. CON. RES. 138—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. MCNULTY, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and agree to the concurrent resolution (H. Con. Res. 138) supporting National Men's Health Week; as amended.

The question being put,

Will the House suspend the rules and agree to said concurrent resolution, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 362 / Nays 0

¶65.21 [Roll No. 367]

YEAS—362

Abercrombie	Boucher	Cleaver
Ackerman	Boustany	Clyburn
Aderholt	Boyd (FL)	Coble
Akin	Boyda (KS)	Cohen
Alexander	Brady (PA)	Cole (OK)
Allen	Brady (TX)	Conaway
Altmire	Braley (IA)	Conyers
Arcuri	Broun (GA)	Cooper
Bachmann	Brown (SC)	Costa
Bachus	Brown-Waite, Ginny	Costello
Baird	Buchanan	Cramer
Baldwin	Burgess	Crenshaw
Barrett (SC)	Burton (IN)	Cuellar
Barrow	Butterfield	Culberson
Bartlett (MD)	Buyer	Cummings
Barton (TX)	Calvert	Davis (AL)
Bean	Camp (MI)	Davis (CA)
Becerra	Campbell (CA)	Davis (IL)
Berkley	Cannon	Davis (KY)
Berman	Cantor	Davis, David
Berry	Capito	Davis, Lincoln
Biggert	Capps	Davis, Tom
Bilbray	Capuano	Deal (GA)
Bilirakis	Carnahan	DeFazio
Bishop (GA)	Carney	DeGette
Bishop (NY)	Carson	Delahunt
Bishop (UT)	Carter	DeLauro
Blackburn	Castle	Dent
Blumenauer	Chabot	Diaz-Balart, L.
Blunt	Chandler	Diaz-Balart, M.
Bonner	Childers	Dicks
Bono Mack	Clarke	Dingell
Boozman	Clay	Doggett
Boren	Cleaver	Donnelly
Boswell	Clyburn	Doolittle
Boucher	Coble	Drake
Boustany	Cohen	Dreier
Boyd (FL)	Cole (OK)	Duncan
Boyda (KS)	Conaway	Ehlers
Brady (PA)	Conyers	Ellsworth
Brady (TX)	Cooper	Emerson
Braley (IA)	Costa	Engel
Broun (GA)	Costello	English (PA)
Brown (SC)	Cramer	Eshoo
Brown-Waite, Ginny	Crenshaw	Etheridge
Buchanan	Cuellar	Fallin
Burgess	Culberson	Farr
Burton (IN)	Cummings	Fattah
Butterfield	Davis (AL)	Feeney
Buyer	Davis (CA)	Flake
Calvert	Davis (IL)	Forbes
Camp (MI)	Davis (KY)	Fortenberry
Campbell (CA)	Davis, David	Fossella
Cannon	Davis, Lincoln	Foster
Cantor	Davis, Tom	Foxx
Capito	Deal (GA)	Frank (MA)
Capps	DeFazio	Franks (AZ)
Capuano	DeGette	Frelinghuysen
Carnahan	Delahunt	Garrett (NJ)
Carney	DeLauro	Gerlach
Carson	Dent	Giffords
Carter	Diaz-Balart, L.	Gingrey
Castle	Diaz-Balart, M.	Gohmert
Chabot	Dicks	Gonzalez
Chandler	Dingell	Goode
Childers	Doggett	Goodlatte
Clarke	Donnelly	Gordon
Clay	Doyle	Granger
Cleaver	Drake	Graves
Clyburn	Dreier	Green, Al
Coble	Duncan	Green, Gene
Cohen	Ehlers	Hall (NY)
Cole (OK)	Ellsworth	Hall (TX)
Conaway	Emerson	Hare
Conyers	Engel	Harman
Cooper	English (PA)	Hastings (FL)
Costa	Eshoo	Hastings (WA)
Costello	Etheridge	Hayes
Cramer	Fallin	Heller
Crenshaw	Farr	Hensarling
Cuellar	Fattah	Herger
Culberson	Feeney	Herseth Sandlin
Cummings	Flake	Higgins
Davis (AL)	Forbes	Hill
Davis (CA)	Fortenberry	Hinojosa
Davis (IL)	Fossella	Hirono
Davis (KY)	Foster	Hobson
Davis, David	Foxx	Hodes
Davis, Lincoln	Frank (MA)	Hoekstra
Davis, Tom	Franks (AZ)	Holden
Deal (GA)	Frelinghuysen	Holt
DeFazio	Garrett (NJ)	Honda
DeGette	Gerlach	Hooley
Delahunt	Giffords	Hoyer
DeLauro	Gingrey	Inslee
Dent	Gohmert	Israel
Diaz-Balart, L.	Gonzalez	Issa
Diaz-Balart, M.	Goode	Jackson (IL)
Dicks	Goodlatte	Jefferson
Dingell	Gordon	Johnson (GA)
Doggett	Granger	Johnson, E. B.
Donnelly	Graves	Johnson, Sam
Doyle	Green, Al	Jones (NC)
Drake	Green, Gene	Jordan
Dreier	Hall (NY)	Kagen
Duncan	Hall (TX)	Kaptur
Ehlers	Hare	Keller
Ellsworth	Harman	Kildee
Emerson	Hastings (FL)	Kilpatrick
Engel	Hastings (WA)	Kind
English (PA)	Hayes	King (IA)
Eshoo	Heller	King (NY)
Etheridge	Hensarling	Kingston
Fallin	Herger	Kirk
Farr	Herseth Sandlin	Klein (FL)
Fattah	Higgins	Kline (MN)
Feeney	Hill	Kucinich
Flake	Hinojosa	Kuhl (NY)
Forbes	Hirono	LaHood
Fortenberry	Hobson	Lamborn
Fossella	Hodes	Lampson
Foster	Hoekstra	Langevin
Foxx	Holden	Larson (CT)
Frank (MA)	Holt	Latham
Franks (AZ)	Honda	LaTourette
Frelinghuysen	Hooley	Latta
Garrett (NJ)	Hoyer	Levin
Gerlach	Inslee	Lewis (CA)
Giffords	Israel	Lewis (GA)
Gingrey	Issa	Lewis (KY)
Gohmert	Jackson (IL)	Linder
Gonzalez	Jefferson	Lipinski
Goode	Johnson (GA)	LoBiondo
Goodlatte	Johnson, E. B.	Loebsack
Gordon	Johnson, Sam	Lofgren, Zoe
Granger	Jones (NC)	Lowey
Graves	Jordan	Lucas
Green, Al	Kagen	Lungren, Daniel E.
Green, Gene	Kaptur	Lynch
Hall (NY)	Keller	Mack
Hall (TX)	Kildee	Mahoney (FL)
Hare	Kilpatrick	Manzullo
Harman	Kind	Marchant
Hastings (FL)	King (IA)	Markey
Hastings (WA)	King (NY)	Marshall
Hayes	Kingston	Matheson
Heller	Kirk	Matsui
Hensarling	Klein (FL)	McCarthy (CA)
Herger	Kline (MN)	McCarthy (NY)
Herseth Sandlin	Kucinich	McCaul (TX)
Higgins	Kuhl (NY)	McCotter
Hill	LaHood	McCrery
Hinojosa	Lamborn	McDermott
Hirono	Lampson	McHenry
Hobson	Langevin	McHugh
Hodes	Larson (CT)	McIntyre
Hoekstra	Latham	McKeon
Holden	LaTourette	McMorris Rodgers
Holt	Latta	McNulty
Honda	Levin	Meeks (NY)
Hooley	Lewis (CA)	Melancon
Hoyer	Lewis (GA)	Mica
Inslee	Lewis (KY)	Michaud
Israel	Linder	Miller (FL)
Issa	Lipinski	Miller (MI)
Jackson (IL)	LoBiondo	Miller (NC)
Jefferson	Loebsack	Miller, Gary
Johnson (GA)	Lofgren, Zoe	Miller, George
Johnson, E. B.	Lowey	Mitchell
Johnson, Sam	Lucas	Mollohan
Jones (NC)	Lungren, Daniel E.	Moore (KS)
Jordan	Lynch	Moore (WI)
Kagen	Mack	Moran (KS)
Kaptur	Mahoney (FL)	Murphy (CT)
Keller	Manzullo	Murphy, Patrick
Kildee	Marchant	Murphy, Tim
Kilpatrick	Markey	Myrick
Kind	Marshall	Napolitano
King (IA)	Matheson	Neal (MA)
King (NY)	Matsui	Neugebauer
Kingston	McCarthy (CA)	Nunes
Kirk	McCarthy (NY)	Oberstar
Klein (FL)	McCaul (TX)	Obey
Kline (MN)	McCotter	Olver
Kucinich	McCrery	Ortiz
Kuhl (NY)	McDermott	Pastor
LaHood	McHenry	Paul
Lamborn	McHugh	Pence
Lampson	McIntyre	Perlmutter
Langevin	McKeon	Peterson (MN)
Larson (CT)	McMorris Rodgers	Petri
Latham	McNulty	Pickering
LaTourette	Meeks (NY)	Pitts
Latta	Melancon	Platts
Levin	Mica	Poe
Lewis (CA)	Michaud	Pomeroy
Lewis (GA)	Miller (FL)	Porter
Lewis (KY)	Miller (MI)	Price (GA)
Linder	Miller (NC)	Price (NC)
Lipinski	Miller, Gary	Putnam
LoBiondo	Miller, George	Rahall
Loebsack	Mitchell	Ramstad
Lofgren, Zoe	Mollohan	Rangel
Lowey	Moore (KS)	Regula
Lucas	Moore (WI)	Rehberg
Lungren, Daniel E.	Moran (KS)	Reichert
Lynch	Murphy (CT)	Renzi
Mack	Murphy, Patrick	Reyes
Mahoney (FL)	Murphy, Tim	Reynolds
Manzullo	Myrick	Rodriguez
Marchant	Napolitano	Rogers (AL)
Markey	Neal (MA)	Rogers (KY)
Marshall	Neugebauer	Rogers (MI)
Matheson	Nunes	Ros-Lehtinen
Matsui	Oberstar	Ross
McCarthy (CA)	Obey	Roybal-Allard
McCarthy (NY)	Olver	Royce
McCaul (TX)	Ortiz	Ruppersberger
McCotter	Pastor	Ryan (OH)
McCrery	Paul	Ryan (WI)
McDermott	Pence	Salazar
McHenry	Perlmutter	Sali
McHugh	Peterson (MN)	Sánchez, Linda T.
McIntyre	Petri	Sanchez, Loretta
McKeon	Pickering	Sarbanes
McMorris Rodgers	Pitts	Saxton
McNulty	Platts	Scalise
Meeks (NY)	Poe	Schakowsky
Melancon	Pomeroy	Schiff
Mica	Porter	Schmidt
Michaud	Price (GA)	Schwartz
Miller (FL)	Price (NC)	Scott (GA)
Miller (MI)	Putnam	Scott (VA)
Miller (NC)	Rahall	Sensenbrenner
Miller, Gary	Ramstad	Serrano
Miller, George	Rangel	Sessions
Mitchell	Regula	Shays
Mollohan	Rehberg	Shea-Porter
Moore (KS)	Reichert	Sherman
Moore (WI)	Renzi	Shimkus
Moran (KS)	Reyes	Shuster
Murphy (CT)	Reynolds	Simpson
Murphy, Patrick	Rodriguez	Skelton
Murphy, Tim	Rogers (AL)	Slaughter
Myrick	Rogers (KY)	Smith (NE)
Napolitano	Rogers (MI)	Smith (NJ)
Neal (MA)	Ros-Lehtinen	Smith (TX)
Neugebauer	Ross	Snyder
Nunes	Roybal-Allard	Solis
Oberstar	Royce	Souder
Obey	Ruppersberger	Space
Olver	Ryan (OH)	Speier
Ortiz	Ryan (WI)	Spratt
Pastor	Salazar	Stark
Paul	Sali	Stearns
Pence	Sánchez, Linda T.	Stupak
Perlmutter	Sanchez, Loretta	Sullivan
Peterson (MN)	Sarbanes	Sutton
Petri	Saxton	Tancredo
Pickering	Scalise	Tanner
Pitts	Schakowsky	Tauscher
Platts	Schiff	Taylor
Poe	Schmidt	Terry
Pomeroy	Schwartz	Thompson (CA)
Porter	Scott (GA)	Thompson (MS)
Price (GA)	Scott (VA)	Thornberry
Price (NC)	Sensenbrenner	Tiahrt
Putnam	Serrano	Tiberi
Rahall	Sessions	Tierney
Ramstad	Shays	Towns
Rangel	Shea-Porter	Tsongas
Regula	Sherman	Turner
Rehberg	Shimkus	Upton
Reichert	Shuster	Van Hollen
Renzi	Simpson	Visclosky
Reyes	Skelton	Walberg
Reynolds	Slaughter	Walden (OR)
Rodriguez	Smith (NE)	Walsh (NY)
Rogers (AL)	Smith (NJ)	Walz (MN)
Rogers (KY)	Smith (TX)	Wamp
Rogers (MI)	Snyder	Watson
Ros-Lehtinen	Solis	Watt
Ross	Souder	Waxman
Roybal-Allard	Space	Welch (VT)
Royce	Speier	Westmoreland
Ruppersberger	Spratt	Wexler
Ryan (OH)	Stark	Whitfield (KY)
Ryan (WI)	Stearns	Wilson (OH)
Salazar	Stupak	Wilson (SC)
Sali	Sullivan	Wittman (VA)
Sánchez, Linda T.	Sutton	Wolf
Sanchez, Loretta	Tancredo	Woolsey
Sarbanes	Tanner	Wu
Saxton	Tauscher	Yarmuth
Scalise	Taylor	Young (AK)
Schakowsky	Terry	
Schiff	Thompson (CA)	
Schmidt	Thompson (MS)	
Schwartz	Thornberry	
Scott (GA)	Tiahrt	
Scott (VA)	Tiberi	
Sensenbrenner	Tierney	
Serrano	Towns	
Sessions	Tsongas	
Shays	Turner	
Shea-Porter	Upton	
Sherman	Van Hollen	
Shimkus	Visclosky	
Shuster	Walberg	
Simpson	Walden (OR)	
Skelton	Walsh (NY)	
Slaughter	Walz (MN)	
Smith (NE)	Wamp	
Smith (NJ)	Watson	
Smith (TX)	Watt	
Snyder	Waxman	
Solis	Welch (VT)	
Souder	Westmoreland	
Space	Wexler	
Speier	Whitfield (KY)	
Spratt	Wilson (OH)	
Stark	Wilson (SC)	
Stearns	Wittman (VA)	
Stupak	Wolf	
Sullivan	Woolsey	
Sutton	Wu	
Tancredo	Yarmuth	
Tanner	Young (AK)	
Tauscher		
Taylor		
Terry		
Thompson (CA)		
Thompson (MS)		
Thornberry		
Tiahrt		
Tiberi		
Tierney		
Towns		
Tsongas		
Turner		
Upton		
Van Hollen		
Visclosky		
Walberg		
Walden (OR)		
Walsh (NY)		
Walz (MN)		
Wamp		
Watson		
Watt		
Waxman		
Welch (VT)		
Westmoreland		
Wexler		
Whitfield (KY)		
Wilson (OH)		
Wilson (SC)		
Wittman (VA)		
Wolf		
Woolsey		
Wu		
Yarmuth		
Young (AK)		

NOT VOTING—71

Andrews	Cubin	Gillibrand
Baca	Doolittle	Grijalva
Boehner	Edwards	Gutierrez
Boswell	Ellison	Hinchey
Brown, Corrine	Emanuel	Hulshof
Cardoza	Everett	Hunter
Castor	Ferguson	Inglis (SC)
Cazayoux	Filner	Jackson-Lee (TX)
Courtney	Gallegly	Johnson (IL)
Crowley	Gilchrest	

Jones (OH)
Kanjorski
Kennedy
Knollenberg
Larsen (WA)
Lee
Maloney (NY)
McCollum (MN)
McGovern
McNerney
Meek (FL)
Moran (VA)
Murtha
Musgrave
Nadler
Pallone
Pascrell
Payne
Pearce
Peterson (PA)
Pryce (OH)
Radanovich
Richardson
Rohrabacher
Roskam
Rothman
Rush
Sestak
Shadegg
Shuler
Sires
Smith (WA)
Udall (CO)
Udall (NM)
Velázquez
Wasserman Schultz
Waters
Weiner
Weldon (FL)
Weller
Wilson (NM)
Young (FL)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said concurrent resolution, as amended, was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said concurrent resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶65.22 H. RES. 923—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. MCNULTY, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 923) recognizing the State of Minnesota's 150th anniversary.

The question being put,

Will the House suspend the rules and agree to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 363 Nays 0

¶65.23 [Roll No. 368]

YEAS—363

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Arcuri
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Carnahan
Carney
Carson
Carter
Castle
Cazayoux
Chabot
Chandler
Childers
Clarke
Clay
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Drake
Dreier
Duncan
Ehlers
Ellsworth
Emerson
Engel
English (PA)
Eshoo
Etheridge
Fallin
Farr
Fattah
Feeney
Flake
Forbes
Fortenberry
Fossella
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Giffords
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Issa
Jackson (IL)
Jefferson
Johnson (GA)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jordan
Kagen
Kaptur
Keller
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larson (CT)
Latham
LaTourette
Latta
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCotter
McCrery
McDermott
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNulty
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Musgrave
Myrick
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pastor
Paul
Pence
Perlmutter
Peterson (MN)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Putnam
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Scalise
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shays
Shea-Porter
Sherman
Shimkus
Shuster
Simpson
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Snyder
Solis
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Upton
Van Hollen
Visclosky
Walberg
Walden (OR)
Walz (MN)
Wamp
Watson
Watt
Waxman
Welch (VT)
Westmoreland
Wexler
Whitfield (KY)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)

NOT VOTING—70

Andrews
Baca
Boswell
Brown, Corrine
Cardoza
Castor
Cleaver
Courtney
Crowley
Cubin
Doolittle
Edwards
Ellison
Emanuel
Everett
Ferguson
Filner
Gallegly
Gilchrest
Gillibrand
Grijalva
Gutierrez
Hinchey
Hulshof
Hunter
Inglis (SC)
Jackson-Lee (TX)
Johnson (IL)
Jones (OH)
Kanjorski
Kennedy
Knollenberg
Larsen (WA)
Lee
Maloney (NY)
McCollum (MN)
McGovern
McNerney
Meek (FL)
Murtha
Nadler
Pallone
Pascrell
Payne
Pearce
Peterson (PA)
Pryce (OH)
Radanovich
Richardson
Rohrabacher
Roskam
Rothman
Rush
Sestak
Shadegg
Shuler
Sires
Smith (WA)
Terry
Udall (CO)
Udall (NM)
Velázquez
Walsh (NY)
Wasserman Schultz
Waters
Weiner
Weldon (FL)
Weller
Wilson (NM)
Young (FL)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution, was agreed to was, by unanimous consent, laid on the table.

¶65.24 H. RES. 1114—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. MCNULTY, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 1114) supporting the goals and ideals of the Arbor Day Foundation and National Arbor Day.

The question being put,

Will the House suspend the rules and agree to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 364 Nays 0

¶65.25 [Roll No. 369]

YEAS—364

Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Arcuri
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Carnahan
Carney
Carson
Carter
Castle
Cazayoux
Chabot
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellsworth
Emerson
Engel
English (PA)
Eshoo
Etheridge
Fallin
Farr
Fattah
Feeney
Flake
Forbes
Fortenberry
Fossella
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Giffords
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Issa
Jackson (IL)
Jefferson
Johnson (GA)

Johnson, E. B.
Johnson, Sam
Jones (NC)
Jordan
Kagen
Kaptur
Keller
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larson (CT)
Latham
LaTourette
Latta
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCotter
McCrery
McDermott
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNulty
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Musgrave
Myrick
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pastor
Paul
Pence
Perlmutter
Peterson (MN)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Putnam
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Scalise
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shays
Shea-Porter
Sherman
Shimkus
Shuster
Simpson
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Snyder
Solis
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Upton
Van Hollen
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Watson
Watt
Waxman
Welch (VT)
Westmoreland
Wexler
Whitfield (KY)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)

NOT VOTING—69

Abercrombie
Andrews
Baca
Boswell
Boustany
Brown, Corrine
Cardoza
Castor
Courtney
Crowley
Cubin
Davis, Tom
Doolittle
Ellison
Emanuel
Everett
Ferguson
Filner
Gallegly
Gilchrest
Gillibrand
Grijalva
Gutierrez
Hinchey
Hulshof
Hunter
Inglis (SC)
Jackson-Lee (TX)
Johnson (IL)
Jones (OH)
Kanjorski
Kennedy
Knollenberg
Larsen (WA)
Lee
Maloney (NY)
McCollum (MN)
McGovern
McNerney
Meek (FL)
Murtha
Nadler
Pallone
Pascrell
Payne
Pearce
Peterson (PA)
Pryce (OH)
Radanovich
Richardson
Rohrabacher
Roskam
Rothman
Rush
Sestak
Shadegg
Shuler
Sires
Smith (WA)
Udall (CO)
Udall (NM)
Velázquez
Wasserman Schultz
Waters
Weiner
Weldon (FL)
Weller
Wilson (NM)
Young (FL)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution, was agreed to was, by unanimous consent, laid on the table.

¶65.26 PROVIDING FOR CONSIDERATION OF H.R. 5540

Mr. HASTINGS of Florida, by direction of the Committee on Rules, reported (Rept. No. 110–677) the resolution (H. Res. 1233) providing for consideration of the bill (H.R. 5540) to amend the Chesapeake Bay Gateway and Watertrails Network.

When said resolution and report were referred to the House Calendar and ordered printed.

¶65.27 PROVIDING FOR CONSIDERATION OF H.R. 3021

Mr. HASTINGS of Florida, by direction of the Committee on Rules, reported (Rept. No. 110–678) the resolution (H. Res. 1234) providing for consideration of the bill (H.R. 3021) to direct the Secretary of Education to make grants and low-interest loans to local educational agencies for the construction, modernization, or repair of public kindergarten, elementary, and secondary educational facilities, and for other purposes.

When said resolution and report were referred to the House Calendar and ordered printed.

¶65.28 SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1965. An Act to protect children from cybercrimes, including crimes by online predators, to enhance efforts to identify and eliminate child pornography, and to help parents shield their children from material that is inappropriate for minors; to the Committee on Energy and Commerce.

¶65.29 BILLS PRESENTED TO THE PRESIDENT

Lorraine C. Miller, Clerk of the House, reported that on May 23, 2008 she presented to the President of the United States, for his approval, the following bills:

H.R. 2356. An Act to amend title 4, United States Code, to encourage the display of the flag of the United States on Father's Day.

H.R. 2517. An Act to amend the Missing Children's Assistance Act to authorize appropriations; and for other purposes.

H.R. 4008. An Act to amend the Fair Credit Reporting Act to make technical corrections to the definition of willful noncompliance with respect to violations involving the printing of an expiration date on certain credit and debit card receipts before the date of the enactment of this Act.

¶65.30 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. ELLISON, for today;

To Mr. KANJORSKI, for today;

To Ms. MCCOLLUM of Minnesota, for today; and

To Mr. PEARCE, for today.

And then,

¶65.31 ADJOURNMENT

On motion of Mr. BURGESS, at 9 o'clock and 33 minutes p.m., the House adjourned.

¶65.32 REPORTS OF COMMITTES ON PUBLIC BILLS AND RESOLUTIONS

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

Mr. OBERSTAR: Committee on Transportation and Infrastructure. H.R. 5599. A bill to designate the Federal building located at 4600 Silver Hill Road in Suitland, Maryland, as the ''Thomas Jefferson Census Bureau Headquarters Building'' (Rept. 110–674). Referred to the House Calendar.

Mr. OBERSTAR: Committee on Transportation and Infrastructure. House Concurrent Resolution 311. Resolution authorizing the use of the Capitol Grounds for the Greater Washington Soap Box Derby (Rept. 110–675). Referred to the House Calendar.

Mr. OBERSTAR: Committee on Transportation and Infrastructure. House Concurrent Resolution 335. Resolution authorizing the use of the Capitol Grounds for a celebration of the 100th anniversary of Alpha Kappa Alpha Sorority, Incorporated (Rept. 110–676). Referred to the House Calendar.

Mr. ARCURI: Committee on Rules. House Resolution 1233. A resolution providing for consideration of the bill (H.R. 5540) to amend the Chesapeake Bay Initiative Act of 1998 to provide for the continuing authorization of the Chesapeake Bay Gateways and Watertrails Network (Rept. 110–677). Referred to the House Calendar.

Ms. SUTTON: Committee on Rules. House Resolution 1234. A resolution providing for consideration of the bill (H.R. 3021) to direct the Secretary of Education to make grants and low-interest loans to local educational agencies for the construction, modernization, or repair of public kindergarten, elementary, and secondary educational facilities, and for other purposes (Rept. 110–678). Referred to the House Calendar.

¶65.33 TIME LIMITATION OF REFERRED BILL

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

[The following action occurred on May 30, 2008]

H.R. 5577. Referral to the Committee on Energy and Commerce extended for a period ending not later than July 11, 2008.

¶65.34 PUBLIC BILLS AND RESOLUTIONS

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

By Mr. KELLER of Florida (for himself and Mr. SCALISE):

H.R. 6167. A bill to amend title 18, United States Code, to strengthen penalties for child pornography offenses, child sex trafficking offenses, and other sexual offenses committed against children; to the Committee on the Judiciary, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. AKIN:

H.R. 6168. A bill to designate the facility of the United States Postal Service located at 112 South 5th Street in Saint Charles, Missouri, as the ''Lance Corporal Drew W. Weaver Post Office Building''; to the Committee on Oversight and Government Reform.

By Mr. AKIN:

H.R. 6169. A bill to designate the facility of the United States Postal Service located at 15455 Manchester Road in Ballwin, Missouri, as the ''Specialist Peter J. Navarro Post Office Building''; to the Committee on Oversight and Government Reform.

By Mrs. CAPITO (for herself and Mr. SHIMKUS):

H.R. 6170. A bill to require the inclusion of coal-derived fuel at certain volumes in aviation fuel, motor vehicle fuel, home heating oil, and boiler fuel; to the Committee on Energy and Commerce.

By Mr. DANIEL E. LUNGREN of California:

H.R. 6171. A bill to provide for the establishment of a commission and a national competition to significantly improve the energy efficiency of and reduce emissions from Federal buildings in the National Capital Region; to the Committee on Oversight and Government Reform.

By Mr. RAMSTAD (for himself, Mr. KIND, Mr. WALZ of Minnesota, Mr. KLINE of Minnesota, Ms. MCCOLLUM of Minnesota, Mr. ELLISON, Mrs. BACHMANN, Mr. PETERSON of Minnesota, and Mr. OBERSTAR):

H.R. 6172. A bill to amend the Internal Revenue Code of 1986 to allow an offset against income tax refunds to pay for State judicial debts that are past-due; to the Committee on Ways and Means.

By Mr. SESSIONS:

H.R. 6173. A bill to amend the Internal Revenue Code of 1986 to suspend temporarily the excise tax on aviation fuel used in commercial aviation; to the Committee on Ways and Means.

By Mr. WEXLER:

H.R. 6174. A bill to amend part C of title XVIII of the Social Security Act to reduce variation in Medicare Advantage payment rates among counties within the same State within certain very large metropolitan area; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. EDDIE BERNICE JOHNSON of Texas (for herself, Mr. GORDON, Mr. LEWIS of Georgia, Mr. CHANDLER, Mr. HARE, Ms. SUTTON, Mr. HONDA, Mr. LIPINSKI, and Ms. LEE):

H. Con. Res. 366. Concurrent resolution expressing the sense of Congress that increasing American capabilities in science, mathematics, and technology education should be a national priority; to the Committee on Science and Technology.

By Mr. KENNEDY:

H. Con. Res. 367. Concurrent resolution expressing support for designation of the period beginning on June 9, 2008, and ending on June 13, 2008, as ''National Health Information Technology Week''; to the Committee on Energy and Commerce.

By Mr. SCALISE:

H. Res. 1235. A resolution expressing support for the designation of National D-Day Remembrance Day, and recognizing the spirit, courage, and sacrifice of the men and women who fought and won World War II; to the Committee on Veterans' Affairs.

¶65.35 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 87: Mr. SOUDER.
H.R. 154: Mr. OLVER and Mr. MARKEY.
H.R. 269: Mr. CARSON.
H.R. 333: Mr. COURTNEY.
H.R. 371: Mr. FILNER.
H.R. 378: Mr. SESTAK.
H.R. 423: Mr. RAMSTAD and Mr. ROGERS of Michigan.
H.R. 503: Mr. CARSON and Mr. ENGLISH of Pennsylvania.
H.R. 621: Mr. MCHENRY.
H.R. 643: Mr. GEORGE MILLER of California, Mr. ARCURI, and Mrs. MCCARTHY of New York.
H.R. 699: Mrs. MUSGRAVE.
H.R. 879: Mr. LAMBORN.
H.R. 936: Mr. CARSON.
H.R. 971: Ms. CLARKE.
H.R. 1017: Mr. CARSON.
H.R. 1073: Mr. OBERSTAR.
H.R. 1076: Mr. ELLISON.
H.R. 1078: Mr. OLVER.
H.R. 1120: Mr. THORNBERRY.
H.R. 1157: Mr. YARMUTH.
H.R. 1185: Ms. HIRONO, Mr. CARSON, and Mr. KUCINICH.
H.R. 1188: Mr. RUSH and Mr. COHEN.
H.R. 1190: Mr. TIBERI and Mr. CARSON.
H.R. 1275: Mr. HINOJOSA.
H.R. 1279: Mrs. NAPOLITANO.
H.R. 1283: Mr. ARCURI.
H.R. 1304: Mr. LARSON of Connecticut.
H.R. 1306: Mr. JONES of North Carolina and Mr. KING of New York.
H.R. 1322: Mr. CARSON.
H.R. 1359: Mr. ROSKAM.
H.R. 1363: Mr. CUELLAR and Mr. LOEBSACK.
H.R. 1439: Mr. HINOJOSA.
H.R. 1532: Mrs. TAUSCHER.
H.R. 1553: Mr. HELLER and Mr. KUHL of New York.
H.R. 1576: Mr. LINCOLN DAVIS of Tennessee.
H.R. 1606: Mr. HIGGINS, Mr. HINCHEY, and Mr. ALTMIRE.
H.R. 1621: Mr. JOHNSON of Georgia.
H.R. 1644: Mr. OBERSTAR.
H.R. 1653: Mr. CARSON.
H.R. 1683: Mr. CARSON.
H.R. 1732: Mr. CARSON.
H.R. 1748: Mr. RUPPERSBERGER.
H.R. 1781: Mr. ARCURI.
H.R. 1829: Mr. SOUDER.
H.R. 1932: Mr. ANDREWS.
H.R. 1940: Mr. GRAVES.
H.R. 1956: Mr. PAUL and Mr. SESTAK.
H.R. 2032: Ms. BERKLEY, Mr. CAPUANO, and Mr. ENGEL.
H.R. 2092: Mr. MCNERNEY, Mr. BISHOP of New York, Mr. STARK, Mr. PALLONE, and Mr. WU.
H.R. 2131: Mr. LEWIS of Georgia and Ms. SUTTON.
H.R. 2154: Mr. BURTON of Indiana.
H.R. 2160: Mr. SHAYS.
H.R. 2164: Mr. HALL of Texas.
H.R. 2183: Mr. WALBERG and Mr. ARCURI.
H.R. 2192: Mr. CARSON.
H.R. 2193: Mr. SESTAK.
H.R. 2241: Mr. GORDON and Mr. CARSON.
H.R. 2244: Mr. PASTOR.
H.R. 2268: Mr. INSLEE and Mr. TIERNEY.
H.R. 2452: Mr. SESTAK and Mr. RUPPERSBERGER.
H.R. 2472: Mr. POMEROY, Mr. REHBERG, and Mr. SIRES.
H.R. 2493: Mr. BARTON of Texas, Mr. DEAL of Georgia, Mr. SHADEGG, Mr. RADANOVICH, Mr. WALDEN of Oregon, Mr. ROGERS of Michigan, Mrs. MYRICK, Mr. WHITFIELD of Kentucky, Mr. WILSON of South Carolina, Mr. PICKERING, Mr. PITTS, Mr. TERRY, Mr. SULLIVAN, Mr. BRADY of Texas, Mr. SAM JOHNSON of Texas, Mr. GALLEGLY, Mr. PEARCE, Mr. MCCRERY, Mr. HERGER, and Mr. KUHL of New York.
H.R. 2514: Ms. MATSUI and Ms. ROYBAL-ALLARD.
H.R. 2567: Mr. CARSON.
H.R. 2585: Mr. GINGREY.
H.R. 2588: Mr. SOUDER.
H.R. 2606: Mrs. CAPPS.
H.R. 2676: Ms. SLAUGHTER.
H.R. 2694: Ms. JACKSON-LEE of Texas.
H.R. 2864: Mr. KENNEDY and Mr. FATTAH.
H.R. 2880: Ms. FOXX, Mr. LEWIS of Kentucky, and Mr. MORAN of Kansas.
H.R. 2915: Mr. CARSON.
H.R. 2923: Mr. FRANK of Massachusetts and Mr. SCALISE.
H.R. 2994: Mr. MCCOTTER.
H.R. 3042: Mr. VAN HOLLEN and Mr. ARCURI.
H.R. 3094: Ms. HIRONO, Mr. WU, Ms. LEE, Mr. MCDERMOTT, Mr. RODRIGUEZ, Mr. HASTINGS of Florida, and Mr. SALAZAR.
H.R. 3107: Mr. SESTAK.
H.R. 3112: Mr. FRANK of Massachusetts, Mr. ROYCE, and Mr. WELDON of Florida.
H.R. 3232: Mr. DOGGETT, Mr. SULLIVAN, and Mr. COSTELLO.
H.R. 3257: Ms. HERSETH SANDLIN.
H.R. 3267: Mr. DAVIS of Illinois, Mr. RAHALL, Mr. KILDEE, Mr. BURGESS, and Mr. LEWIS of Georgia.
H.R. 3291: Mr. SOUDER.
H.R. 3334: Mr. MARKEY and Mr. WITTMAN of Virginia.
H.R. 3374: Mr. SESTAK.
H.R. 3423: Mr. KILDEE.
H.R. 3457: Mr. CHANDLER.
H.R. 3479: Mr. LATOURETTE.
H.R. 3544: Mr. PASTOR.
H.R. 3618: Mr. PRICE of North Carolina.
H.R. 3642: Mr. HOLT and Mr. GEORGE MILLER of California.
H.R. 3750: Mr. LEWIS of Georgia and Mr. KENNEDY.
H.R. 3753: Mr. BUYER.
H.R. 3785: Mr. PAUL.
H.R. 3812: Ms. ESHOO.
H.R. 3820: Mr. CARNAHAN.
H.R. 3865: Mr. SHAYS.
H.R. 3934: Mr. SCOTT of Virginia, Mr. SARBANES, Mr. GERLACH, Mr. BOYD of Florida, and Mr. SHULER.
H.R. 3968: Ms. BALDWIN.
H.R. 4067: Mr. CARSON.
H.R. 4088: Mr. YOUNG of Florida.
H.R. 4105: Mr. KAGEN, Mr. SALAZAR, and Ms. WATERS.
H.R. 4107: Mr. ROTHMAN.
H.R. 4109: Ms. WATERS, Ms. BALDWIN, and Mr. HONDA.
H.R. 4114: Mr. WU.
H.R. 4141: Mr. CARTER and Mr. ANDREWS.
H.R. 4244: Mr. ALLEN.
H.R. 4449: Mr. RANGEL and Mr. DAVIS of Illinois.
H.R. 4544: Mrs. LOWEY, Mrs. MCCARTHY of New York, Mr. ANDREWS, and Mr. INSLEE.
H.R. 4836: Mr. CLYBURN.
H.R. 4926: Mrs. CHRISTENSEN and Mr. ALLEN.
H.R. 4936: Mr. STARK.
H.R. 5085: Mr. SOUDER.
H.R. 5139: Mr. SESTAK.
H.R. 5192: Mr. UPTON.
H.R. 5265: Mr. CARSON, Mr. ALTMIRE, and Mr. ROGERS of Kentucky.
H.R. 5268: Mr. SARBANES.
H.R. 5404: Ms. ROS-LEHTINEN, Mr. THOMPSON of California, and Ms. SPEIER.
H.R. 5405: Mr. KUHL of New York.
H.R. 5469: Mr. KILDEE.
H.R. 5534: Mr. BLUMENAUER.
H.R. 5536: Mr. GRIJALVA.
H.R. 5546: Mr. DAVID DAVIS of Tennessee.
H.R. 5573: Mr. KIRK, Mr. RENZI, Mr. ARCURI, Mr. MCINTYRE, Ms. LINDA T. SÁNCHEZ of California, and Mr. CARNAHAN.
H.R. 5580: Ms. WOOLSEY and Mr. MILLER of North Carolina.
H.R. 5606: Mr. DAVIS of Alabama and Mr. PATRICK MURPHY of Pennsylvania.
H.R. 5638: Mr. BUTTERFIELD.
H.R. 5640: Mr. JOHNSON of Georgia.
H.R. 5669: Mr. PAYNE and Mr. DAVIS of Illinois.
H.R. 5673: Mr. PORTER.
H.R. 5684: Mrs. MCMORRIS RODGERS.
H.R. 5734: Mr. CUMMINGS.
H.R. 5737: Mr. HAYES, Mr. LUCAS, Mr. ROGERS of Alabama, and Mrs. MILLER of Michigan.

H.R. 5740: Mr. CHANDLER and Mr. FORTUÑO.
H.R. 5741: Mr. GILCHREST.
H.R. 5747: Mr. PRICE of North Carolina.
H.R. 5748: Mrs. MYRICK.
H.R. 5759: Mr. PLATTS and Mr. STEARNS.
H.R. 5760: Mr. HINOJOSA, Mr. MCHUGH, Ms. ROS-LEHTINEN, and Mrs. CHRISTENSEN.
H.R. 5782: Mr. PLATTS and Mr. DAVIS of Kentucky.
H.R. 5791: Mr. CARSON.
H.R. 5793: Mr. FORBES, Mr. ROSS, Mr. GONZALEZ, Mrs. MCMORRIS RODGERS, and Mr. PICKERING.
H.R. 5797: Mr. HAYES and Mr. SALI.
H.R. 5798: Mr. BISHOP of New York.
H.R. 5814: Mrs. MYRICK and Mr. ROYCE.
H.R. 5821: Mr. ROGERS of Alabama, Mrs. BLACKBURN, Mr. LAHOOD, and Mr. Wamp.
H.R. 5831: Mr. ARCURI.
H.R. 5852: Mr. MOORE of Kansas and Mr. ROTHMAN.
H.R. 5867: Mr. MCDERMOTT.
H.R. 5869: Mr. FARR, Mr. HINOJOSA, and Mr. UDALL of New Mexico.
H.R. 5874: Mr. WAMP, Mr. SMITH of New Jersey, and Mr. BAIRD.
H.R. 5882: Mr. GRIJALVA.
H.R. 5895: Mr. GONZALEZ, Mr. ENGLISH of Pennsylvania, and Mr. BRADY of Pennsylvania.
H.R. 5898: Mr. TOM DAVIS of Virginia, Mr. HINOJOSA, Ms. LORETTA SANCHEZ of California, Mr. SARBANES, and Mr. SAXTON.
H.R. 5899: Ms. HERSETH SANDLIN.
H.R. 5901: Mr. RUSH and Mr. GRIJALVA.
H.R. 5908: Mrs. CUBIN.
H.R. 5924: Mr. ANDREWS, Mr. DAVIS of Illinois, Ms. JACKSON-LEE of Texas, and Ms. EDDIE BERNICE JOHNSON of Texas.
H.R. 5950: Mr. NADLER and Ms. JACKSON-LEE of Texas.
H.R. 5954: Mr. MICHAUD, Mr. BLUMENAUER, and Mr. BRADY of Pennsylvania.
H.R. 5960: Mr. COSTELLO.
H.R. 5965: Mr. CARSON.
H.R. 5971: Mr. CAMPBELL of California, Mr. BURTON of Indiana, Mr. HOEKSTRA, and Mr. MCCOTTER.
H.R. 5979: Mr. PLATTS.
H.R. 5984: Mr. WITTMAN of Virginia, Mr. INGLIS of South Carolina, Mr. EVERETT, Mrs. CUBIN, Mr. LAHOOD, Mrs. SCHMIDT, Mr. GARRETT of New Jersey, Mr. LEWIS of California, Mr. PEARCE, and Mr. YOUNG of Florida.
H.R. 5992: Mr. FILNER.
H.R. 5998: Mr. MCHUGH, Mr. ROTHMAN, and Ms. SLAUGHTER.
H.R. 6020: Mr. GRIJALVA.
H.R. 6026: Mr. PICKERING, Mr. BUYER, Mr. ROHRABACHER, Mr. CANTOR, Mr. PUTNAM, Mr. AKIN, Mr. CANNON, Ms. FOXX, Mrs. MCMORRIS RODGERS, Mr. MICA, Mr. SOUDER, Mr. TANCREDO, Mr. FERGUSON, Mr. TOM DAVIS of Virginia, Mr. YOUNG of Alaska, Mr. SHADEGG, Mr. MCCOTTER, and Mr. INGLIS of South Carolina.
H.R. 6045: Ms. LORETTA SANCHEZ of California and Mr. ENGLISH of Pennsylvania.
H.R. 6057: Mr. HALL of New York, Ms. SCHAKOWSKY, Ms. LEE, and Mr. DEFAZIO.
H.R. 6073: Mr. BUTTERFIELD and Ms. TSONGAS.
H.R. 6075: Mr. CARNAHAN.
H.R. 6076: Ms. SLAUGHTER, Ms. SUTTON, Ms. CLARKE, Mr. ELLISON, Mr. JOHNSON of Georgia, and Mr. HONDA.
H.R. 6083: Mr. EDWARDS.
H.R. 6092: Ms. SHEA-PORTER, Mr. CALVERT, Mr. HALL of Texas, Mr. FOSSELLA, and Mr. FEENEY.
H.R. 6098: Mr. DICKS, Mr. BRADY of Pennsylvania, Mr. SHAYS, and Mr. BILIRAKIS.
H.R. 6101: Mr. SOUDER and Ms. JACKSON-LEE of Texas.
H.R. 6102: Mr. SOUDER and Ms. JACKSON-LEE of Texas.
H.R. 6105: Mr. SENSENBRENNER.
H.R. 6107: Mr. CULBERSON, Mrs. CUBIN, Mr. GRAVES, Mrs. DRAKE, Mr. KINGSTON, Mr. HERGER, Mr. MANZULLO, Mr. SESSIONS, Mr. WALSH of New York, Mr. WILSON of South Carolina, Mr. PENCE, Mr. SMITH of Texas, Mr. LINDER, Mr. POE, and Mr. BOUSTANY.
H.R. 6108: Mr. BROWN of South Carolina, Mr. FLAKE, Mr. ISSA, Mr. KUHL of New York, and Mr. HERGER.
H.R. 6122: Mr. HINOJOSA and Ms. SUTTON.
H.R. 6126: Ms. ZOE LOFGREN of California.
H.R. 6129: Mr. AL GREEN of Texas.
H.R. 6137: Mr. HERGER.
H.R. 6139: Mr. HERGER.
H.R. 6150: Mr. LATTA.
H.R. 6153: Mr. ORTIZ.
H.J. Res. 79: Mr. OLVER.
H.J. Res. 89: Mr. CHABOT, Mr. GINGREY, Mr. HENSARLING, and Mr. CULBERSON.
H. Con. Res. 70: Mr. DAVIS of Illinois, Ms. DELAURO, Mr. MCGOVERN, and Mr. HONDA.
H. Con. Res. 163: Mr. BOYD of Florida.
H. Con. Res. 195: Mr. SIMPSON, Mr. SULLIVAN, Mr. SHUSTER, Mr. LAHOOD, Mr. UPTON, Mr. BOUSTANY, Mr. BONNER, Mr. TAYLOR, Ms. BEAN, Ms. ROS-LEHTINEN, Mr. STUPAK, Mrs. MYRICK, Mr. GINGREY, Mr. MCCOTTER, Mr. SESSIONS, Mr. LATOURETTE, Mr. HULSHOF, Mr. LOBIONDO, Mr. BUYER, Mr. REGULA, Mr. RAMSTAD, Mr. LINDER, Mr. BROUN of Georgia, Mr. TIM MURPHY of Pennsylvania, and Mr. ENGLISH of Pennsylvania.
H. Con. Res. 239: Mr. SMITH of New Jersey.
H. Con. Res. 321: Mr. BOUCHER and Mr. Carson.
H. Con. Res. 336: Mr. DEAL of Georgia, Mr. MCGOVERN, Mrs. DAVIS of California, Mr. FILNER, Mr. FRANK of Massachusetts, Mr. CARNEY, Mr. PLATTS, Mr. MORAN of Virginia, Mr. FURTUÑO, and Mr. ROGERS of Michigan.
H. CON. RES. 341: MR. WILSON OF OHIO, MR. GOODE, MR. PRICE OF NORTH CAROLINA, MR. DOYLE, MR. PATRICK MURPHY OF PENNSYLVANIA, MR. ANDREWS, MR. PEARCE, MR. DINGELL, MR. AKIN, AND MS. WASSERMAN SCHULTZ.
H. Con. Res. 342: Mr. THORNBERRY, Ms. GRANGER, Ms. GINNY BROWN-WAITE of Florida, and Mr. HALL of Texas.
H. Con. Res. 349: Mr. ENGLISH of Pennsylvania.
H. Con. Res. 350: Mr. FARR, Mr. POE, Mr. BERMAN, and Mr. LARSON of Connecticut.
H. Con. Res. 360: Mr. BRADY of Pennsylvania.
H. Con. Res. 361: Mrs. MYRICK, Mr. GONZALEZ, Mr. ENGLISH of Pennsylvania, Ms. ROS-LEHTINEN, and Mr. CARSON.
H. Con. Res. 362: Mr. BURTON of Indiana, Mr. KLEIN of Florida, Mr. KIRK, Mr. FORTUÑO, Mr. SHAYS, Mr. DAVIS of Illinois, Ms. WASSERMAN SCHULTZ, Mr. BACA, Mr. BRADY of Pennsylvania, Mr. FRANK of Massachusetts, Mr. ROYCE, Mr. WEXLER, Mr. WAXMAN, Mr. ENGEL, Mr. KNOLLENBERG, Mr. CANTOR, Mr. CROWLEY, Mr. ROGERS of Alabama, Mr. MORAN of Kansas, Mr. COSTA, Mrs. MALONEY of New York, Mr. SCOTT of Georgia, and Mr. TOWNS.
H. Con. Res. 364: Mr. BERMAN, Mr. ENGEL, Mr. GUTIERREZ, Mr. GONZALEZ, Ms. SCHAKOWSKY, Mr. FORTUÑO, and Mr. FALEOMAVAEGA.
H. Res. 111: Mr. CASTLE, Mr. LOEBSACK, and Mr. POMEROY.
H. Res. 373: Mr. ANDREWS, Mr. ROTHMAN, and Mr. FRANK of Massachusetts.
H. Res. 415: Mr. FILNER and Mr. SHAYS.
H. Res. 598: Mr. SALI.
H. Res. 648: Mr. KUHL of New York, Ms. BORDALLO, Mr. SESTAK, Mrs. CAPPS,
Ms. JACKSON-LEE of Texas, and Mr. BILBRAY.
H. Res. 672: Ms. SUTTON and Mr. PAYNE.
H. Res. 795: Mr. WAXMAN.
H. Res. 937: Mr. EDWARDS.
H. Res. 977: Mr. BAIRD, Mr. COHEN, Mr. TAYLOR, Mr. DOYLE, Ms. BORDALLO, and Mr. BRADY of Pennsylvania.
H. Res. 1008: Mr. HOLT and Mr. PORTER.
H. Res. 1012: Mr. HARE.
H. Res. 1037: Mr. LEWIS of Georgia.
H. Res. 1042: Mr. TERRY, Mrs. MYRICK, and Mr. WALDEN of Oregon.
H. Res. 1110: Mr. CAMP of Michigan.
H. Res. 1143: Ms. SLAUGHTER, Mr. SHAYS, and Mr. DUNCAN.
H. Res. 1146: Mr. EMANUEL.
H. Res. 1164: Mr. CARSON.
H. Res. 1191: Ms. CORRINE BROWN of Florida, Mr. HINOJOSA, Mrs. JONES of Ohio, Mr. STEARNS, and Ms. ROS-LEHTINEN.
H. Res. 1202: Mr. BUTTERFIELD.
H. Res. 1205: Mrs. DAVIS of California and Ms. SCHAKOWSKY.
H. Res. 1207: Ms. TSONGAS.
H. Res. 1210: Mr. CUELLAR, Mr. PAUL, Mr. MCCAUL of Texas, Mr. SNYDER, Mr. MELANCON, Mr. BARTLETT of Maryland, Mr. BOOZMAN, and Ms. ROYBAL-ALLARD.
H. Res. 1224: Mr. ADERHOLT and Mr. LINCOLN DAVIS of Tennessee.
H. Res. 1225: Mr. HINOJOSA, Mr. ALTMIRE, Mr. PAYNE, Mr. KUCINICH, and Mr. HARE.

¶65.36 DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 5839: Mr. BUTTERFIELD.

WEDNESDAY, JUNE 4, 2008 (66)

¶66.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Mrs. TAUSCHER, who laid before the House the following communication:

WASHINGTON, DC,
June 4, 2008.

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

NANCY PELOSI,
Speaker of the House of Representatives.

¶66.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mrs. TAUSCHER, announced she had examined and approved the Journal of the proceedings of Tuesday, June 3, 2008.

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

¶66.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

6889. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-371, ''E.W. Stevenson, Sr. Boulevard Designation Act of 2008,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

6890. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-372, ''Closing Agreement Act of 2008,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

6891. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-373, ''Lower Income Homeownership Cooperative Housing Association Re-Clarification Act of 2008,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

6892. A letter from the Chairman, Council of the District of Columbia, transmitting a

copy of D.C. ACT 17-375, ''Gerard W. Burke, Jr. Building Designation Act of 2008,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

6893. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-376, ''District of Columbia School Reform Property Disposition Clarification Amendment Act of 2008,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

6894. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-377, ''Bicycle Policy Modernization Amendment Act of 2008,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

6895. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-378, ''So Others Might East Property Tax Exemption Act of 2008,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

6896. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-379, ''Department of Small and Local Business Development Subcontracting Clarification, Benefit Expansion, and Grant-making Authority Amendment Act of 2008,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

6897. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-380, ''East of the River Hospital Revitalization Tax Exemption Amendment Act of 2008,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

6898. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-381, ''Film DC Economic Incentive Amendment Act of 2008,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

6899. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-382, ''Student Voter Registration Temporary Amendment Act of 2008,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

6900. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-383, ''Veterans Rental Assistance Temporary Amendment Act of 2008,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

6901. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-385, ''Vacancy Exemption Repeal Temporary Amendment Act of 2008,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

6902. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-384, ''Howard Theatre and 7th Street, N.W., Revitalization Grants Authorization Temporary Act of 2008,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

6903. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-386, ''Cigarette Stamp Clarification Temporary Act of 2008,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

6904. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-387, ''Supplemental Appropriations Release of Funds Temporary Amendment Act of 2008,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

6905. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-394, ''Motor Vehicle Theft Prevention Act of 2008,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

6906. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-395, ''Child Abuse and Neglect Investigation Record Access Amendment Act of 2008,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

6907. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-396, ''Child and Family Services Grant-Making Amendment Act of 2008,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

6908. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-397, ''Abe Pollin Way Designation Act of 2008,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

6909. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-398, ''Omnibus Alcoholic Beverage Amendment Act of 2008,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

6910. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-399, ''Pre-k Enhancement and Expansion Amendment Act of 2008,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

6911. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-400, ''Dr. Vincent E. Reed Auditorium Designation Act of 2008,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

6912. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-401, ''Closing of Public Alleys, the Opening of Streets, and the Dedication and Designation of Land for Street and Alley Purposes in Squares 6123, 6125, and 6126 S.O. 06-4886, Act of 2008,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

6913. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-402, ''Expanding Opportunities for Street Vending Around the Baseball Stadium Temporary Amendment Act of 2008,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

6914. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-388, ''Rev. M. Cecil Mills Way Designation Act of 2008,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

6915. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-389, ''Ethel Kennedy Bridge Designation Act of 2008,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

6916. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-390, ''District of Columbia Medical Liability Captive Insurance Agency Establishment Act of 2008,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

6917. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-374, ''Washington Convention Center Authority Advisory Committee Amendment Act of 2008,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

6918. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule — Texas Regulatory Program [SATS No. TX-058-FOR; Docket No. OSM-2007-0018] received April 30, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6919. A letter from the Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Vessels Less Than 60 feet (18.3 m) LOA Using Jig or Hook-and-Line Gear in the Bogoslof Pacific Cod Exemption Area in the Bering Sea and Aleutian Islands Management Area [Docket No. 070213033-7033-01] (RIN: 0648-XF62) received April 30, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6920. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Non-American Fisheries Act Crab Vessels Catching Pacific Cod for Processing by the Inshore Component in the Western Regulatory Area of the Gulf of Alaska [Docket No. 070213032-7032-01] (RIN: 0648-XF49) received May 2, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6921. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Vessels Using Trawl Gear in the Bering Sea and Aleutian Islands Management Area [Docket No. 071106673-8011-02] (RIN: 0648-XH03) received April 29, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6922. A letter from the Deputy Assistant Administrator For Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries off West Coast States and in the Western Pacific; Amendment 15 to the Pacific Coast Salmon Fishery Management Plan [Docket No. 061219338-7494-03] (RIN: 0648-AU69) received March 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6923. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Summer Flounder Fishery; Quota Transfer [Docket No. 071030625-7696-02] (RIN: 0648-XH32) received May 14, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6924. A letter from the Deputy Assistant Administrator For Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries Off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; 2008 Management Measures and a Temporary Rule [Docket No. 080428611-8612-01] (RIN: 0648-AW60) received May 14, 2008, pursuant to 5 U.S.C.

801(a)(1)(A); to the Committee on Natural Resources.

6925. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Northeast (NE) Multispecies Fishery; Modification of the Yellowtail Flounder Landing Limit for the U.S./Canada Management Area [Docket No. 0401120010-4114-02] (RIN: 0648-XH45) received May 14, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6926. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Tilefish Fishery; Quota Harvested for Part-Time Category [Docket No. 010319075-1217-02] (RIN: 0648-XF92) received May 18, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6927. A letter from the Deputy Assistant Administrator For Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Monkfish Fishery; Framework Adjustment 5 to the Monkfish Fishery Management Plan [Docket No. 071128763-8490-02] (RIN: 0648-AW33) received May 14, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6928. A letter from the Deputy Assistant Administrator For Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Atlantic Sea Scallop Fishery; Amendment 11 [Docket No. 071130780-8013-02] (RIN: 0648-AU32) received May 14, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6929. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Economic Exclusive Zone Off Alaska; Deep-Water Species Fishery by Vessels Using Trawl Gear in the Gulf of Alaska [Docket No. 071106671-8010-02] (RIN: 0648-XH35) received May 14, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6930. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod in the Bering Sea and Aleutian Islands [Docket No. 071106673-8011-02] (RIN: 0648-XH36) received May 14, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6931. A letter from the Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Act Provisions; Fisheries Off West Coast States; Pacific Coast Groundfish Fishery; Biennial Specifications and Management Measures; Inseason Adjustments [Docket No. 060824226-6322-02] (RIN: 0648-AW58) received May 14, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6932. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries in the Western Pacific; Bottomfish and Seamount Groundfish Fisheries; Fishery Closure [Docket No. 071211828-8448-02] (RIN: 0648-XG90) received April 29, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6933. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Closure of the 2008 Commercial Fishery for Tilefishes [Docket No. 040205043-4043-01] (RIN: 0648-XG71) received May 20, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6934. A letter from the Principal Deputy Assistant Attorney General, Department of Justice, transmitting a copy of a report required by Section 202(a)(1)(C) of Pub. L. 107-273, the ''21st Century Department of Justice Appropriations Authorization Act,'' related to certain settlements and injunctive relief, pursuant to 28 U.S.C. 530D Public Law 107-273, section 202; to the Committee on the Judiciary.

6935. A letter from the Principal Deputy Assistant Attorney General, Department of Justice, transmitting the report of the Attorney General regarding activities initiated pursuant to the Civil Rights of Institutionalized Persons Act during fiscal year 2007, pursuant to 42 U.S.C. 1997f; to the Committee on the Judiciary.

6936. A letter from the Principal Deputy Assistant Attorney General, Department of Justice, transmitting the Department's report providing an estimate of the dollar amount of claims (together with related fees and expenses of witnesses) that, by reason of the acts or omissions of free clinic health professionals will be paid for 2009, pursuant to 42 U.S.C. 233(o); to the Committee on the Judiciary.

6937. A letter from the Principal Deputy Assistant Attorney General, Department of Justice, transmitting a copy of draft legislation that would provide for the supervision of those under the United States Parole Commission's jurisdiction after the current authority expires on October 31, 2008; to the Committee on the Judiciary.

6938. A letter from the Principal Deputy Assistant Attorney General, Department of Justice, transmitting the Office of Community Oriented Policing Services (COPS) Fiscal Year 2007 Annual Report , pursuant to the ''21st Century Department of Justice Appropriations Authorization Act,'' Pub. L. 107-273; to the Committee on the Judiciary.

6939. A letter from the Chairman, U.S. Naval Sea Cadet Corps, transmitting the annual and financial reports for the year 2007, pursuant to Public Law 87-655; to the Committee on the Judiciary.

6940. A letter from the Administrator, FEMA, Department of Homeland Security, transmitting notification that funding under Title V, subsection 503(b)(3) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended, has exceeded $5 million for the cost of response and recovery efforts for FEMA-3284-EM in the State of Texas, pursuant to 42 U.S.C. 5193; to the Committee on Transportation and Infrastructure.

6941. A letter from the Assistant Secretary of the Army for Civil Works, Department of Defense, transmitting the Department's position on budgeting for the Federal navigation improvement project at Akutan Harbor, Alaska; to the Committee on Transportation and Infrastructure.

6942. A letter from the Assistant Secretary of the Army for Civil Works, Department of Defense, transmitting the Department's report on recommendations of the Secretary that have not been provided to Congress, pursuant to Public Law 110-114, section 2033(g)(2); to the Committee on Transportation and Infrastructure.

6943. A letter from the Director of Civil Works, Department of the Army, Department of Defense, transmitting the Department's final rule — Compensatory Mitigation for Losses of Aquatic Resources — received May 22, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6944. A letter from the Assistant Secretary of the Army for Civil Works, Department of Defense, transmitting the Department's feasibility report for hurricane and storm damage reduction at Pawleys Island, South Carolina; to the Committee on Transportation and Infrastructure.

6945. A letter from the Assistant Secretary of the Army for Civil Works, Department of Defense, transmitting the Department's feasibility report on the flood damage reduction opportunities for the communities of Cynthiana, Millersburg, and Paris, in the Licking River Basin, Kentucky; to the Committee on Transportation and Infrastructure.

6946. A letter from the Acting Administrator, FEMA, Department of Homeland Security, transmitting a letter regarding a resolution adopted by the National Dam Safety Review Board; to the Committee on Transportation and Infrastructure.

6947. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of the determination that a waiver of the application of subsections (a) and (b) of section 402 of the Trade Act of 1974 with respect to the Republic of Belarus will substantially promote the objectives of section 402, pursuant to 19 U.S.C. 2432(c) and (d); (H. Doc. No. 110–120); to the Committee on Ways and Means and ordered to be printed.

¶66.4 GREATER WASHINGTON SOAP BOX DERBY

Ms. Eddie Bernice JOHNSON of Texas, moved to suspend the rules and agree to the following concurrent resolution (H. Con. Res. 311):

SECTION 1. AUTHORIZATION OF SOAP BOX DERBY RACES ON CAPITOL GROUNDS.

The Greater Washington Soap Box Derby Association (in this resolution referred to as the ''Association'') shall be permitted to sponsor a public event, soap box derby races, on the Capitol Grounds on June 21, 2008, or on such other date as the Speaker of the House of Representatives and the Committee on Rules and Administration of the Senate may jointly designate.

SEC. 2. CONDITIONS.

The event to be carried out under this resolution shall be free of admission charge to the public and arranged not to interfere with the needs of Congress, under conditions to be prescribed by the Architect of the Capitol and the Capitol Police Board; except that the Association shall assume full responsibility for all expenses and liabilities incident to all activities associated with the event.

SEC. 3. STRUCTURES AND EQUIPMENT.

For the purposes of this resolution, the Association is authorized to erect upon the Capitol Grounds, subject to the approval of the Architect of the Capitol, such stage, sound amplification devices, and other related structures and equipment as may be required for the event to be carried out under this resolution.

SEC. 4. ADDITIONAL ARRANGEMENTS.

The Architect of the Capitol and the Capitol Police Board are authorized to make any such additional arrangements that may be

required to carry out the event under this resolution.

SEC. 5. ENFORCEMENT OF RESTRICTIONS.

The Capitol Police Board shall provide for enforcement of the restrictions contained in section 5104(c) of title 40, United States Code, concerning sales, advertisements, displays, and solicitations on the Capitol Grounds, as well as other restrictions applicable to the Capitol Grounds, with respect to the event to be carried out under this resolution.

The SPEAKER pro tempore, Mrs. TAUSCHER, recognized Ms. Eddie Bernice JOHNSON of Texas, and Mr. KUHL of New York, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution?

The SPEAKER pro tempore, Mrs. TAUSCHER, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said concurrent resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said concurrent resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶66.5 ALPHA KAPPA ALPHA

Ms. Eddie Bernice JOHNSON of Texas, moved to suspend the rules and agree to the following concurrent resolution (H. Con. Res. 335):

SECTION 1. USE OF CAPITOL GROUNDS FOR 100TH ANNIVERSARY CELEBRATION OF ALPHA KAPPA ALPHA SORORITY, INCORPORATED.

(a) IN GENERAL.—Alpha Kappa Alpha Sorority, Incorporated (in this resolution referred to as the ''sponsor''), shall be permitted to sponsor a public event (in this resolution referred to as the ''event'') on the Capitol Grounds to celebrate the 100th anniversary of Alpha Kappa Alpha Sorority, Incorporated.

(b) DATE OF EVENT.—The event shall be held on July 17, 2008, or on such other date as the Speaker of the House of Representatives and the Committee on Rules and Administration of the Senate jointly designate.

SEC. 2. TERMS AND CONDITIONS.

(a) IN GENERAL.—Under conditions to be prescribed by the Architect of the Capitol and the Capitol Police Board, the event shall be—

(1) free of admission charge and open to the public; and

(2) arranged not to interfere with the needs of Congress.

(b) EXPENSES AND LIABILITIES.—The sponsor shall assume full responsibility for all expenses and liabilities incident to all activities associated with the event.

SEC. 3. EVENT PREPARATIONS.

Subject to the approval of the Architect of the Capitol, the sponsor is authorized to erect upon the Capitol Grounds such stage, sound amplification devices, and other related structures and equipment as may be required for the event.

SEC. 4. ENFORCEMENT OF RESTRICTIONS.

The Capitol Police Board shall provide for enforcement of the restrictions contained in section 5104(c) of title 40, United States Code, concerning sales, advertisements, displays, and solicitations on the Capitol Grounds, as well as other restrictions applicable to the Capitol Grounds, in connection with the event.

The SPEAKER pro tempore, Mrs. TAUSCHER, recognized Ms. Eddie Bernice JOHNSON of Texas, and Mr. KUHL of New York, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution?

The SPEAKER pro tempore, Mrs. TAUSCHER, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said concurrent resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said concurrent resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶66.6 JAMES M. AND THOMAS W.L. ASHLEY CUSTOMS BUILDING

Ms. Eddie Bernice JOHNSON of Texas, moved to suspend the rules and pass the bill (H.R. 3712) to designate the Federal building and United States courthouse located at 1716 Spielbusch Avenue in Toledo, Ohio, as the ''James M. and Thomas W.L. Ashley Customs Building and United States Courthouse''; as amended.

The SPEAKER pro tempore, Mrs. TAUSCHER, recognized Ms. Eddie Bernice JOHNSON of Texas, and Mr. KUHL of New York, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mrs. TAUSCHER, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

By unanimous consent, the title was amended so as to read: ''An Act to designate the United States courthouse located at 1716 Spielbusch Avenue in Toledo, Ohio, as the 'James M. Ashley and Thomas W.L. Ashley United States Courthouse'.''.

A motion to reconsider the votes whereby the rules were suspended and said bill, as amended, was passed and the title was amended was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶66.7 THOMAS JEFFERSON CENSUS BUREAU

Ms. Eddie Bernice JOHNSON of Texas, moved to suspend the rules and pass the bill (H.R. 5599) to designate the Federal building located at 4600 Silver Hill Road in Suitland, Maryland, as the ''Thomas Jefferson Census Bureau Headquarters Building''.

The SPEAKER pro tempore, Mrs. TAUSCHER, recognized Ms. Eddie Bernice JOHNSON of Texas, and Mr. KUHL of New York, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mrs. TAUSCHER, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶66.8 HEALTH CENTERS RENEWAL

Mr. Gene GREEN of Texas, moved to suspend the rules and pass the bill (H.R. 1343) to amend the Public Health Service Act to provide additional authorizations of appropriations for the health centers program under section 330 of such Act; as amended.

The SPEAKER pro tempore, Mrs. TAUSCHER, recognized Mr. Gene GREEN of Texas, and Mr. DEAL of Georgia, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mrs. TAUSCHER, announced that two-thirds of the Members present had voted in the affirmative.

Mr. BROUN of Georgia, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mrs. TAUSCHER, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶66.9 POISON CENTER SUPPORT, ENHANCEMENT, AND AWARENESS

Mr. Gene GREEN of Texas, moved to suspend the rules and pass the bill (H.R. 5669) to amend the Public Health Service Act to reauthorize the poison center national toll-free number, national media campaign, and grant program to provide assistance for poison prevention, sustain the funding of poison centers, and enhance the public health of people of the United States.

The SPEAKER pro tempore, Mrs. TAUSCHER, recognized Mr. Gene GREEN of Texas, and Mr. TERRY, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. PASTOR, announced that two-thirds of the Members present had voted in the affirmative.

Mr. Gene GREEN of Texas, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. PASTOR, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶66.10 SOUND RECORDING AND FILM PRESERVATION

Mr. BRADY of Pennsylvania, moved to suspend the rules and pass the bill (H.R. 5893) to reauthorize the sound recording and film preservation programs of the Library of Congress, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. PASTOR, recognized Mr. BRADY of Pennsylvania, and Mr. EHLERS, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. PASTOR, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶66.11 UNITED STATES CAPITOL POLICE

Mr. BRADY of Pennsylvania, moved to suspend the rules and pass the bill (H.R. 5972) to make technical corrections to the laws affecting certain administrative authorities of the United States Capitol Police, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. PASTOR, recognized Mr. BRADY of Pennsylvania, and Mr. EHLERS, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. PASTOR, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶66.12 NANOTECHNOLOGY INITIATIVE

Mr. GORDON of Tennessee, moved to suspend the rules and pass the bill (H.R. 5940) to authorize activities for support of nanotechnology research and development, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. PASTOR, recognized Mr. GORDON of Tennessee, and Mr. HALL of Texas, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. PASTOR, announced that two-thirds of the Members present had voted in the affirmative.

Mr. GORDON of Tennessee, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. PASTOR, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Thursday, June 5, 2008.

¶66.13 AMERICAN SCIENCE, MATHEMATICS AND TECHNOLOGY EDUCATION PRIORITY

Ms. Eddie Bernice JOHNSON of Texas, moved to suspend the rules and agree to the concurrent resolution (H. Con. Res. 366):

SECTION 1. USE OF CAPITOL GROUNDS FOR 100TH ANNIVERSARY CELEBRATION OF ALPHA KAPPA ALPHA SORORITY, INCORPORATED.

(a) IN GENERAL.—Alpha Kappa Alpha Sorority, Incorporated (in this resolution referred to as the ''sponsor''), shall be permitted to sponsor a public event (in this resolution referred to as the ''event'') on the Capitol Grounds to celebrate the 100th anniversary of Alpha Kappa Alpha Sorority, Incorporated.

(b) DATE OF EVENT.—The event shall be held on July 17, 2008, or on such other date as the Speaker of the House of Representatives and the Committee on Rules and Administration of the Senate jointly designate.

SEC. 2. TERMS AND CONDITIONS.

(a) IN GENERAL.—Under conditions to be prescribed by the Architect of the Capitol and the Capitol Police Board, the event shall be—

(1) free of admission charge and open to the public; and

(2) arranged not to interfere with the needs of Congress.

(b) EXPENSES AND LIABILITIES.—The sponsor shall assume full responsibility for all expenses and liabilities incident to all activities associated with the event.

SEC. 3. EVENT PREPARATIONS.

Subject to the approval of the Architect of the Capitol, the sponsor is authorized to erect upon the Capitol Grounds such stage, sound amplification devices, and other related structures and equipment as may be required for the event.

SEC. 4. ENFORCEMENT OF RESTRICTIONS.

The Capitol Police Board shall provide for enforcement of the restrictions contained in section 5104(c) of title 40, United States Code, concerning sales, advertisements, displays, and solicitations on the Capitol Grounds, as well as other restrictions applicable to the Capitol Grounds, in connection with the event.

The SPEAKER pro tempore, Mr. PASTOR, recognized Ms. Eddie Bernice JOHNSON of Texas, and Mr. HALL of Texas, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution?

The SPEAKER pro tempore, Mr. PASTOR, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said concurrent resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said concurrent resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶66.14 MESSAGE FROM THE SENATE

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

H. Con. Res. 309. A concurrent resolution authorizing the use of the Capitol Grounds for the District of Columbia Special Olympics Law Enforcement Torch Run.

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

S. 2162. An Act to improve the treatment and services provided by the Department of Veterans Affairs to veterans with post-traumatic stress disorder and substance use disorders, and for other purposes.

S. 2967. An Act to provide for certain Federal employee benefits to be continued for certain employees of the Senate Restaurants after operations of the Senate Restaurants are contracted to be performed by a private business concern, and for other purposes.

¶66.15 WOMEN SCIENTISTS, TECHNOLOGISTS, ENGINEERS, AND MATHEMATICIANS

Ms. Eddie Bernice JOHNSON of Texas, moved to suspend the rules and agree to the following resolution (H. Res. 1180); as amended:

Whereas women have been vitally important to the fields of science, technology, engineering, and mathematics and have transformed the world and enhanced and improved the quality of life around the globe;

Whereas the contributions of women are central to progress and to the development of knowledge in many areas, including chemistry, physics, biology, geology, engineering, mathematics, and astronomy, and these contributions boost economic growth, create new jobs, and improve our knowledge and standard of living;

Whereas there is a need to congratulate these women, educate the public about the important role of women in society, and recognize the contributions of women to the scientific, technological, engineering, and mathematical communities;

Whereas it is important to emphasize the extensive variety of careers available in the world of science, technology, engineering, and mathematics and to honor the tremendous women that have contributed and will

contribute to the advancement of knowledge in these disciplines;

Whereas in order to ensure our Nation's global competitiveness, our schools must continue to cultivate female scientists, technologists, engineers, and mathematicians from every background and neighborhood in our society to create the innovations of tomorrow that will keep our Nation strong;

Whereas a disproportionately low number of female students are pursuing careers in science, technology, engineering, and mathematics, and it is crucial that we focus attention on increasing the participation of women; and

Whereas there is a need to encourage industry, government, and academia to reach and educate millions of children on the important contributions women have made to science, technology, engineering, and mathematics: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the important contributions of women to science, technology, engineering, mathematics, and the health of many industries that have created new jobs, boosted economic growth, and improved the Nation's competitiveness and standard of living;

(2) recognizes the need to increase the number of women participating in science, technology, engineering, and mathematics;

(3) supports the role of women in science, technology, engineering, and mathematics; and

(4) encourages the people of the United States to give appropriate recognition to women scientists, technologists, engineers, and mathematicians who have made important contributions to our everyday lives.

The SPEAKER pro tempore, Mr. PASTOR, recognized Ms. Eddie Bernice JOHNSON of Texas, and Mr. HALL of Texas, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. PASTOR, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was, as amended, agreed to.

By unanimous consent, the title was amended so as to read: ''A resolution recognizing the efforts and contributions of outstanding women scientists, technologists, engineers, and mathematicians in the United States and around the world.''.

A motion to reconsider the votes whereby the rules were suspended and said resolution, as amended, was agreed to and the title was amended was, by unanimous consent, laid on the table.

¶66.16 PUBLIC LAND COMMUNITIES TRANSITION

Mr. DEFAZIO moved to suspend the rules and pass the bill (H.R. 3058) to amend chapter 69 of title 31, United States Code, to provide full payments under such chapter to units of general local government in which entitlement land is located, to provide transitional payments during fiscal years 2008 through 2012 to those States and counties previously entitled to payments under the Secure Rural Schools and Community Self-Determination Act of 2000, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. PASTOR, recognized Mr. DEFAZIO and Mr. BISHOP of Utah, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. ROSS, announced that two-thirds of the Members present had voted in the affirmative.

Mr. BISHOP of Utah, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. ROSS, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Thursday, June 5, 2008.

¶66.17 PROVIDING FOR CONSIDERATION OF H.R. 3021

Ms. SUTTON, by direction of the Committee on Rules, called up the following resolution (H. Res. 1234):

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 3021) to direct the Secretary of Education to make grants and low-interest loans to local educational agencies for the construction, modernization, or repair of public kindergarten, elementary, and secondary educational facilities, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Education and Labor. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Education and Labor now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived except those arising under clause 10 of rule XXI. Notwithstanding clause 11 of rule XVIII, no amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived except those arising under clause 9 or 10 of rule XXI. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. During consideration in the House of H.R. 3021 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

When said resolution was considered.

After debate,

Ms. SUTTON moved the previous question on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House now order the previous question?

The SPEAKER pro tempore, Mr. ROSS, announced that the yeas had it.

Mr. Lincoln DIAZ-BALART of Florida, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 221 / Nays 196

¶66.18 [Roll No. 370]

YEAS—221

Abercrombie	Davis (CA)	Johnson, E. B.
Ackerman	Davis (IL)	Jones (OH)
Allen	Davis, Lincoln	Kagen
Altmire	DeFazio	Kanjorski
Arcuri	DeGette	Kaptur
Baird	Delahunt	Kennedy
Baldwin	DeLauro	Kildee
Barrow	Dicks	Kilpatrick
Bean	Dingell	Kind
Becerra	Doggett	Klein (FL)
Berkley	Doyle	Kucinich
Berman	Edwards	Langevin
Berry	Ellison	Larsen (WA)
Bishop (GA)	Ellsworth	Larson (CT)
Bishop (NY)	Emanuel	Lee
Blumenauer	Engel	Levin
Boren	Eshoo	Lipinski
Boswell	Etheridge	Loebsack
Boucher	Farr	Lofgren, Zoe
Boyd (FL)	Fattah	Lowey
Boyda (KS)	Foster	Lynch
Brady (PA)	Frank (MA)	Mahoney (FL)
Braley (IA)	Giffords	Maloney (NY)
Brown, Corrine	Gonzalez	Markey
Butterfield	Gordon	Marshall
Capps	Green, Al	Matheson
Capuano	Green, Gene	Matsui
Carnahan	Grijalva	McCarthy (NY)
Carney	Gutierrez	McCollum (MN)
Carson	Hall (NY)	McDermott
Castor	Hare	McGovern
Cazayoux	Harman	McIntyre
Chandler	Hastings (FL)	McNerney
Childers	Herseth Sandlin	McNulty
Clarke	Higgins	Meek (FL)
Clay	Hinchey	Meeks (NY)
Cleaver	Hinojosa	Melancon
Clyburn	Hirono	Michaud
Cohen	Hodes	Miller (NC)
Conyers	Holden	Miller, George
Cooper	Holt	Mitchell
Costa	Honda	Mollohan
Costello	Hooley	Moore (KS)
Courtney	Hoyer	Moore (WI)
Cramer	Inslee	Moran (VA)
Crowley	Israel	Murphy (CT)
Cuellar	Jackson (IL)	Murphy, Patrick
Cummings	Jefferson	Murtha
Davis (AL)	Johnson (GA)	Nadler

Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—196

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

NOT VOTING—16

Andrews
Baca
Cardoza
Chabot
Filner
Gallegly
Gillibrand
Hunter
Jackson-Lee (TX)
Lewis (GA)
Pryce (OH)
Rush
Saxton
Shuler
Udall (NM)
Wilson (NM)

So the previous question on the resolution was ordered.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. POMEROY, announced that the yeas had it.

Mr. Lincoln DIAZ-BALART of Florida, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 223 / Nays 193

¶66.19 [Roll No. 371]

YEAS—223

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

NAYS—193

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

NOT VOTING—17

Andrews
Baca
Cardoza
Chabot
Filner
Gallegly
Gillibrand
Gordon
Hunter
Jackson-Lee (TX)
Lewis (GA)
Pryce (OH)
Rush
Saxton
Shuler
Udall (NM)
Wilson (NM)

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶66.20 MOMENT OF SILENCE IN MEMORY OF MEMBERS OF THE UNITED STATES ARMED FORCES IN IRAQ AND AFGHANISTAN

The SPEAKER announced that all Members stand and observe a moment of silence in memory of members of the

armed forces who gave their lives in Iraq and Afghanistan and all members of the armed forces.

¶66.21 H.R. 1343—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. POMEROY, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and pass the bill (H.R. 1343) to amend the Public Health Service Act to provide additional authorizations of appropriations for the health centers program under section 330 of such Act; as amended.

The question being put,

Will the House suspend the rules and pass said bill, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 393 / Nays 24

¶66.22 [Roll No. 372]

YEAS—393

Abercrombie	Clyburn	Gohmert
Ackerman	Coble	Gonzalez
Aderholt	Cohen	Goode
Akin	Cole (OK)	Goodlatte
Alexander	Conaway	Gordon
Allen	Conyers	Granger
Altmire	Cooper	Graves
Arcuri	Costa	Green, Al
Bachmann	Costello	Green, Gene
Bachus	Courtney	Grijalva
Baird	Cramer	Gutierrez
Baldwin	Crenshaw	Hall (NY)
Barrow	Crowley	Hall (TX)
Barton (TX)	Cubin	Hare
Bean	Cuellar	Harman
Becerra	Culberson	Hastings (FL)
Berkley	Cummings	Hastings (WA)
Berman	Davis (AL)	Hayes
Berry	Davis (CA)	Heller
Biggert	Davis (IL)	Herger
Bilbray	Davis (KY)	Herseth Sandlin
Bilirakis	Davis, David	Higgins
Bishop (GA)	Davis, Lincoln	Hill
Bishop (NY)	Davis, Tom	Hinchey
Bishop (UT)	Deal (GA)	Hinojosa
Blackburn	DeFazio	Hirono
Blumenauer	DeGette	Hobson
Blunt	Delahunt	Hodes
Boehner	DeLauro	Hoekstra
Bonner	Dent	Holden
Bono Mack	Diaz-Balart, L.	Holt
Boozman	Diaz-Balart, M.	Honda
Boren	Dicks	Hooley
Boswell	Dingell	Hoyer
Boucher	Doggett	Hulshof
Boustany	Donnelly	Inglis (SC)
Boyd (FL)	Doolittle	Inslee
Boyda (KS)	Doyle	Israel
Brady (PA)	Drake	Issa
Brady (TX)	Dreier	Jackson (IL)
Braley (IA)	Edwards	Jefferson
Brown (SC)	Ehlers	Johnson (GA)
Brown, Corrine	Ellison	Johnson (IL)
Brown-Waite, Ginny	Ellsworth	Johnson, E. B.
Buchanan	Emanuel	Johnson, Sam
Burgess	Emerson	Jones (NC)
Butterfield	Engel	Jones (OH)
Buyer	English (PA)	Kagen
Calvert	Eshoo	Kanjorski
Camp (MI)	Etheridge	Kaptur
Cannon	Everett	Keller
Cantor	Fallin	Kennedy
Capito	Farr	Kildee
Capps	Fattah	Kilpatrick
Capuano	Feeney	Kind
Carnahan	Ferguson	King (IA)
Carney	Forbes	King (NY)
Carson	Fortenberry	Kingston
Carter	Fossella	Kirk
Castle	Foster	Klein (FL)
Castor	Foxx	Kline (MN)
Cazayoux	Frank (MA)	Knollenberg
Chandler	Frelinghuysen	Kucinich
Childers	Garrett (NJ)	Kuhl (NY)
Clarke	Gerlach	LaHood
Clay	Giffords	Lampson
Cleaver	Gilchrest	Langevin
	Gingrey	Larsen (WA)
Larson (CT)	Nunes	Shimkus
Latham	Oberstar	Shuster
LaTourette	Obey	Simpson
Latta	Olver	Sires
Lee	Ortiz	Skelton
Levin	Pallone	Slaughter
Lewis (CA)	Pascrell	Smith (NE)
Lewis (KY)	Pastor	Smith (NJ)
Linder	Payne	Smith (TX)
Lipinski	Pearce	Smith (WA)
LoBiondo	Perlmutter	Snyder
Loebsack	Peterson (MN)	Solis
Lofgren, Zoe	Peterson (PA)	Souder
Lowey	Petri	Space
Lucas	Pickering	Speier
Lungren, Daniel E.	Pitts	Spratt
Lynch	Platts	Stark
Mack	Poe	Stupak
Mahoney (FL)	Pomeroy	Sullivan
Maloney (NY)	Porter	Sutton
Manzullo	Price (GA)	Tanner
Markey	Price (NC)	Tauscher
Marshall	Putnam	Taylor
Matheson	Rahall	Terry
Matsui	Ramstad	Thompson (CA)
McCarthy (CA)	Rangel	Thompson (MS)
McCarthy (NY)	Regula	Thornberry
McCaul (TX)	Rehberg	Tiahrt
McCollum (MN)	Reichert	Tiberi
McCotter	Renzi	Tierney
McCrery	Reyes	Towns
McDermott	Reynolds	Tsongas
McGovern	Richardson	Turner
McHugh	Rodriguez	Udall (CO)
McIntyre	Rogers (AL)	Upton
McKeon	Rogers (KY)	Van Hollen
McMorris Rodgers	Rogers (MI)	Velázquez
McNerney	Ros-Lehtinen	Visclosky
McNulty	Roskam	Walberg
Meek (FL)	Ross	Walden (OR)
Meeks (NY)	Rothman	Walsh (NY)
Melancon	Roybal-Allard	Walz (MN)
Mica	Ruppersberger	Wamp
Michaud	Ryan (OH)	Wasserman Schultz
Miller (MI)	Ryan (WI)	Waters
Miller (NC)	Salazar	Watson
Miller, George	Sali	Watt
Mitchell	Sánchez, Linda T.	Waxman
Mollohan	Sanchez, Loretta	Weiner
Moore (KS)	Sarbanes	Welch (VT)
Moore (WI)	Scalise	Weller
Moran (KS)	Schakowsky	Westmoreland
Moran (VA)	Schiff	Wexler
Murphy (CT)	Schmidt	Whitfield (KY)
Murphy, Patrick	Schwartz	Wilson (OH)
Murphy, Tim	Scott (GA)	Wilson (SC)
Murtha	Scott (VA)	Wittman (VA)
Musgrave	Serrano	Wolf
Myrick	Sessions	Woolsey
Nadler	Sestak	Wu
Napolitano	Shadegg	Yarmuth
Neal (MA)	Shays	Young (AK)
Neugebauer	Shea-Porter	Young (FL)
	Sherman	

NAYS—24

Barrett (SC)	Hensarling	Pence
Bartlett (MD)	Jordan	Radanovich
Broun (GA)	Lamborn	Rohrabacher
Burton (IN)	Marchant	Royce
Campbell (CA)	McHenry	Sensenbrenner
Duncan	Miller (FL)	Stearns
Flake	Miller, Gary	Tancredo
Franks (AZ)	Paul	Weldon (FL)

NOT VOTING—16

Andrews	Gillibrand	Rush
Baca	Hunter	Saxton
Cardoza	Jackson-Lee (TX)	Shuler
Chabot	Lewis (GA)	Udall (NM)
Filner	Pryce (OH)	Wilson (NM)
Gallegly		

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

By unanimous consent, the title was amended so as to read: ''An Act to amend the Public Health Service Act to provide additional authorizations of appropriations for the health centers program under section 330 of such Act, and for other purposes.''.

A motion to reconsider the votes whereby the rules were suspended and said bill, as amended, was passed and the title was amended was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶66.23 H.R. 5669—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. POMEROY, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 5669) to amend the Public Health Service Act to reauthorize the poison center national toll-free number, national media campaign, and grant program to provide assistance for poison prevention, sustain the funding of poison centers, and enhance the public health of people of the United States.

The question being put,

Will the House suspend the rules and pass said bill?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 405 / Nays 10

¶66.24 [Roll No. 373]

YEAS—405

Abercrombie	Carson	Fallin
Ackerman	Carter	Farr
Aderholt	Castle	Fattah
Akin	Castor	Feeney
Alexander	Cazayoux	Ferguson
Allen	Chandler	Forbes
Altmire	Childers	Fortenberry
Arcuri	Clarke	Fossella
Bachmann	Clay	Foster
Bachus	Cleaver	Foxx
Baird	Clyburn	Frank (MA)
Baldwin	Coble	Franks (AZ)
Barrett (SC)	Cohen	Frelinghuysen
Barrow	Cole (OK)	Garrett (NJ)
Bartlett (MD)	Conaway	Gerlach
Barton (TX)	Conyers	Giffords
Bean	Cooper	Gilchrest
Becerra	Costa	Gingrey
Berkley	Costello	Gohmert
Berman	Courtney	Gonzalez
Berry	Cramer	Goode
Biggert	Crenshaw	Goodlatte
Bilbray	Crowley	Gordon
Bilirakis	Cubin	Granger
Bishop (GA)	Cuellar	Graves
Bishop (NY)	Culberson	Green, Al
Bishop (UT)	Cummings	Green, Gene
Blackburn	Davis (AL)	Grijalva
Blumenauer	Davis (CA)	Gutierrez
Blunt	Davis (IL)	Hall (NY)
Boehner	Davis (KY)	Hall (TX)
Bonner	Davis, David	Hare
Bono Mack	Davis, Lincoln	Harman
Boozman	Davis, Tom	Hastings (FL)
Boren	Deal (GA)	Hastings (WA)
Boswell	DeFazio	Hayes
Boucher	DeGette	Heller
Boustany	Delahunt	Hensarling
Boyd (FL)	DeLauro	Herger
Boyda (KS)	Dent	Herseth Sandlin
Brady (PA)	Diaz-Balart, L.	Higgins
Brady (TX)	Diaz-Balart, M.	Hill
Braley (IA)	Dicks	Hinchey
Brown (SC)	Dingell	Hinojosa
Brown, Corrine	Doggett	Hirono
Brown-Waite, Ginny	Donnelly	Hobson
Buchanan	Doolittle	Hodes
Burgess	Doyle	Hoekstra
Burton (IN)	Drake	Holden
Butterfield	Dreier	Holt
Buyer	Edwards	Honda
Calvert	Ehlers	Hooley
Camp (MI)	Ellison	Hoyer
Cannon	Ellsworth	Hulshof
Cantor	Emanuel	Inglis (SC)
Capito	Emerson	Inslee
Capps	Engel	Israel
Capuano	English (PA)	Issa
Carnahan	Eshoo	Jackson (IL)
Carney	Etheridge	Jefferson
	Everett	Johnson (GA)

Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pomeroy
Porter
Price (GA)
Price (NC)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sessions
Sestak
Shays
Shea-Porter
Sherman
Shimkus
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NAYS—10

Broun (GA)
Duncan
Flake
Kingston
Paul
Pence
Poe
Sensenbrenner
Shadegg
Tancredo

NOT VOTING—18

Andrews
Baca
Campbell (CA)
Cardoza
Chabot
Filner
Gallegly
Gillibrand
Hunter
Jackson-Lee (TX)
Lewis (GA)
Meeks (NY)
Pryce (OH)
Rush
Saxton
Shuler
Udall (NM)
Wilson (NM)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the votes whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶66.25 PUBLIC SCHOOL FACILITIES

The SPEAKER pro tempore, Mr. POMEROY, pursuant to House Resolution 1234 and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 3021) to direct the Secretary of Education to make grants and low-interest loans to local educational agencies for the construction, modernization, or repair of public kindergarten, elementary, and secondary educational facilities, and for other purposes.

The SPEAKER pro tempore, Mr. POMEROY, by unanimous consent, designated Ms. BORDALLO as Chairman of the Committee of the Whole; and after some time spent therein,

¶66.26 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 1, printed in House Report 110-678, submitted by Mr. KILDEE:

Page 5, after line 5, insert the following:

(9) The term ''public school facilities'' includes charter schools.

(10) The term ''Green Globes'' means the Green Building Initiative environmental design and rating system referred to as Green Globes.

Page 5, line 8, insert ''**PUBLIC**'' before ''**SCHOOL**''.

Page 5, beginning on line 12, strike ''kindergarten'' and all that follows through ''that are'' and insert ''school facilities, based on their need for such improvements, to be''.

Page 8, line 9, strike ''may'' and insert ''shall''.

Page 8, line 11, insert ''including extensive, intensive or semi-intensive green roofs,'' after ''roofs,''.

Page 8, line 14, before the semicolon insert '', including security doors.''

Page 8, strike lines 19 through 22, and insert the following:

(3) bringing public schools into compliance with fire, health, and safety codes, including professional installation of fire/life safety alarms, including modernizations, renovations, and repairs that ensure that schools are prepared for emergencies, such as improving building infrastructure to accommodate security measures;

Page 9, line 4, insert ''or polychlorinated biphenyls'' after ''asbestos''.

Page 9, after line 9, insert the following:

(7) implementation of measures designed to reduce or eliminate human exposure to mold or mildew.

Page 9, line 10, strike ''(7)'' and insert ''(8)''.

Page 9, after line 12, insert the following:

(9) modernization, renovation, or repair of science and engineering laboratory facilities, libraries, and career and technical education facilities, including those related to energy efficiency and renewable energy, and improvements to building infrastructure to accommodate bicycle and pedestrian access;

Page 9, line 13, strike ''(8)'' and insert ''(10)''.

Page 9, line 20, strike ''(9)'' and insert ''(11)''.

Page 9, line 21, insert ''public'' before ''school''.

Page 9, line 22, strike ''(8).'' and insert ''(10).''.

Page 10, beginning on line 6, strike ''kindergarten'' and all that follows through ''that are'' and insert ''school facilities, based on their need for such improvements, to be''.

Page 10, beginning on line 9, strike ''in order'' and all that follows through ''Rita'' on line 10.

Page 11, line 16, strike ''may use the grant for any'' and insert ''shall use the grant for one or more''.

Page 11, line 19, strike ''kindergarten, elementary, and secondary''.

Page 12, beginning on line 9, strike ''and repair'' and all that follows through ''educational'' and insert ''repair, and construction of public school''.

Page 12, after line 10, insert the following (and amend the table of contents accordingly):

SEC. 302A. PROHIBITION REGARDING STATE AID.

A State shall not take into consideration payments under this Act in determining the eligibility of any local educational agency in that State for State aid, or the amount of State aid, with respect to free public education of children.

Page 12, line 12, insert ''(a) IN GENERAL.—'' before ''A local''.

Page 12, after line 19, insert the following:

(b) REDUCTION IN CASE OF FAILURE TO MEET.—

(1) IN GENERAL.—The State educational agency shall reduce the amount of a local educational agency's grant in any fiscal year in the exact proportion by which a local educational agency fails to meet the requirement of subsection (a) of this section by falling below 90 percent of both the combined fiscal effort per student and aggregate expenditures (using the measure most favorable to the local agency).

(2) SPECIAL RULE.—No such lesser amount shall be used for computing the effort required under subsection (a) of this section for subsequent years.

(c) WAIVER.—The Secretary shall waive the requirements of this section if the Secretary determines that a waiver would be equitable due to—

(1) exceptional or uncontrollable circumstances, such as a natural disaster; or

(2) a precipitous decline in the financial resources of the local educational agency.

Page 12, line 23, strike ''or repair'' and insert ''repair, or construction''.

Page 13, beginning on line 12, strike ''or repairs'' and insert ''repairs, or construction''.

Page 13, line 13, insert ''certified, verified, or consistent with any applicable provisions of'' after ''are''.

Page 13, strike lines 14 through 24 and insert the following:

(1) the LEED Green Building Rating System;

(2) Energy Star;

(3) the CHPS Criteria;

(4) Green Globes; or

(5) an equivalent program adopted by the State or another jurisdiction with authority over the local educational agency.

Page 14, line 13, strike ''and repair,'' and insert ''repair, and construction,''.

Page 14, line 21, before the semicolon insert '', including the number of charter schools''

Page 14, after line 21, insert the following:

(2) the total amount of funds received by the local educational agency under this Act and the amount of such funds expended, including the amount expended for modernization, renovation, repair, or construction of charter schools;

Page 14, line 22, strike ''(2)'' and insert ''(3)''.

Page 14, line 22, insert ''public'' before ''schools''.

Page 15, line 3, strike ''(3)'' and insert ''(4)''.

Page 15, line 3, insert ''public'' before ''schools''.

Page 15, line 9, strike ''(4)'' and insert ''(5)''.

Page 15, line 8, strike ''and''.

Page 15, line 22, strike the period at the end and insert ''; and''.

Page 15, after line 22, insert the following:

(6) the total number and amount of contracts awarded, and the number and amount of contracts awarded to local, small, minority, women, and veteran-owned businesses.

Page 16, beginning on line 13, strike ''and repair'' and insert ''repair, and construction''.

Page 16, after line 25, insert the following (and amend the table of contents accordingly):

SEC. 309. SPECIAL RULES.

Notwithstanding any other provision of this Act, none of the funds authorized by this Act may be—

(1) used to employ workers in violation of section 274A of the Immigration and Nationality Act (8 U.S.C. 1324a); or

(2) distributed to a local educational agency that does not have a policy that requires a criminal background check on all employees of the agency.

Page 17, strike the title amendment and insert the following:

Amend the title so as to read: ''A bill to direct the Secretary of Education to make grants to State educational agencies for the modernization, renovation, or repair of public school facilities, and for other purposes.''.

It was decided in the affirmative ..... { Yeas ..... 260 / Nays 151

¶66.27 [Roll No. 374]

AYES—260

Abercrombie
Ackerman
Allen
Altmire
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Bordallo
Boren
Boswell
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Buchanan
Butterfield
Capito
Capps
Capuano
Cardoza
Carnahan
Carson
Castor
Cazayoux
Chandler
Childers
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Engel
English (PA)
Eshoo
Etheridge
Farr
Fattah
Fortenberry
Fortuño
Fossella
Foster
Frank (MA)
Gerlach
Giffords
Gonzalez
Gordon
Green, Al
Green, Gene
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kind
King (NY)
Kirk
Klein (FL)
Kuhl (NY)
LaHood
Lampson
Langevin
Larsen (WA)
LaTourette
Lee
Levin
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Peterson (PA)
Platts
Porter
Price (NC)
Rahall
Ramstad
Rangel
Reichert
Reyes
Richardson
Rodriguez
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shimkus
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Speier
Spratt
Stark
Stearns
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Woolsey
Wu
Yarmuth

NOES—151

Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Cannon
Cantor
Carter
Castle
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Deal (GA)
Doolittle
Drake
Dreier
Duncan
Emerson
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Foxx
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hoekstra
Hulshof
Inglis (SC)
Issa
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
Kingston
Kline (MN)
Knollenberg
Kucinich
Lamborn
Latham
Latta
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCotter
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Petri
Pickering
Pitts
Poe
Price (GA)
Putnam
Radanovich
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Ryan (WI)
Sali
Saxton
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Walberg
Walden (OR)
Wamp
Weldon (FL)
Westmoreland
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOT VOTING—27

Aderholt
Andrews
Bishop (UT)
Boucher
Campbell (CA)
Carney
Chabot
Cummings
Faleomavaega
Filner
Gallegly
Gilchrest
Gillibrand
Grijalva
Hunter
Jackson-Lee (TX)
Kilpatrick
Larson (CT)
Lewis (GA)
McCrery
Moran (VA)
Norton
Pomeroy
Pryce (OH)
Rush
Shuler
Van Hollen

So the amendment was agreed to.

¶66.28 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 2, printed in House Report 110-678, submitted by Mr. EHLERS:

Page 11, line 25, strike ''or''.

Page 12, line 3, strike the period at the end and insert ''; or''.

Page 12, after line 3, insert the following new paragraph:

(3) purchasing carbon offsets.

It was decided in the affirmative ..... { Yeas ..... 397 / Nays 17

¶66.29 [Roll No. 375]

AYES—397

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Arcuri
Baca
Bachmann
Bachus
Baird
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Bordallo
Boren
Boswell
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carson
Carter
Castle
Castor
Cazayoux
Chandler
Childers
Christensen
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fortuño
Fossella
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Giffords
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inglis (SC)
Inslee
Israel
Issa
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta

Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moran (KS)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Scalise
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Shimkus
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOES—17

Baldwin
Blumenauer
Clay
Emanuel
Gonzalez
Jackson (IL)
Johnson, E. B.
Kirk
Lipinski
Moore (WI)
Ros-Lehtinen
Schakowsky
Sherman
Speier
Stark
Weiner
Woolsey

NOT VOTING—24

Andrews
Boucher
Campbell (CA)
Carney
Chabot
Clarke
Faleomavaega
Filner
Gallegly
Gilchrest
Gillibrand
Gutierrez
Hunter
Jackson-Lee (TX)
Lewis (GA)
McCrery
Meeks (NY)
Moran (VA)
Norton
Pryce (OH)
Rangel
Rush
Shuler
Van Hollen

So the amendment was agreed to.

¶66.30 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 3, printed in House Report 110-678, submitted by Mr. WELCH of Vermont:

Page 9, after line 12, insert the following:

(8) renewable energy generation and heating systems, including solar, photovoltaic, wind, geothermal, or biomass, including wood pellet, systems or components of such systems;

Page 9, line 13, strike ''(8)'' and insert ''(9)''.

Page 9, line 20, strike ''(9)'' and insert ''(10)''.

Page 9, line 22, strike ''(8).'' and insert ''(9).''.

It was decided in the affirmative ..... { Yeas ..... 409 / Nays 5

¶66.31 [Roll No. 376]

AYES—409

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Bordallo
Boren
Boswell
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carson
Carter
Castle
Castor
Cazayoux
Chandler
Childers
Christensen
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Forbes
Fortenberry
Fortuño
Fossella
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Giffords
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (KY)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCaul (TX)
McCollum (MN)
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Scalise
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (FL)

NOES—5

Flake
Linder
Marchant
Paul
Young (AK)

NOT VOTING—24

Andrews
Bishop (UT)
Boucher
Campbell (CA)
Carney
Chabot
Faleomavaega
Filner
Gallegly
Gilchrest
Gillibrand
Grijalva
Hunter
Jackson-Lee (TX)
Lewis (GA)
McCarthy (NY)
McCrery
Norton
Pryce (OH)
Rush
Shuler
Van Hollen
Velázquez
Waters

So the amendment was agreed to.

¶66.32 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 7, printed in House Report 110-678, submitted by Mr. MATHESON:

Page 15, line 18, strike ''and''.

Page 15, after line 18, insert the following (and redesignate provisions accordingly):

(C) if flooring was installed, whether—

(i) it was low- or no-VOC (Volatile Organic Compounds) flooring;

(ii) it was made from sustainable materials; and

(iii) use of flooring described in clause (i) or (ii) was cost-effective; and

It was decided in the affirmative { Yeas ..... 266 / Nays 153

¶66.33 [Roll No. 377]

AYES—266

Abercrombie	Gordon	Neal (MA)
Ackerman	Green, Al	Oberstar
Allen	Green, Gene	Obey
Altmire	Grijalva	Olver
Arcuri	Gutierrez	Ortiz
Baca	Hall (NY)	Pallone
Baird	Hare	Pascrell
Baldwin	Harman	Pastor
Barrow	Hastings (FL)	Payne
Bean	Hayes	Pearce
Becerra	Herseth Sandlin	Perlmutter
Berkley	Higgins	Peterson (MN)
Berman	Hill	Platts
Berry	Hinchey	Pomeroy
Biggert	Hinojosa	Porter
Bishop (GA)	Hirono	Price (NC)
Bishop (NY)	Hodes	Rahall
Bishop (UT)	Holden	Ramstad
Blumenauer	Holt	Rangel
Bordallo	Honda	Reichert
Boren	Hooley	Renzi
Boswell	Hoyer	Reyes
Boyd (FL)	Inslee	Richardson
Boyda (KS)	Israel	Rodriguez
Brady (PA)	Jackson (IL)	Ros-Lehtinen
Braley (IA)	Jefferson	Ross
Brown, Corrine	Johnson (GA)	Rothman
Buchanan	Johnson (IL)	Roybal-Allard
Butterfield	Johnson, E. B.	Ruppersberger
Capito	Johnson, Sam	Ryan (OH)
Capps	Jones (OH)	Salazar
Capuano	Kagen	Sánchez, Linda T.
Cardoza	Kanjorski	Sanchez, Loretta
Carnahan	Kaptur	Sarbanes
Carson	Kennedy	Saxton
Castle	Kildee	Schakowsky
Castor	Kilpatrick	Schiff
Cazayoux	Kind	Schwartz
Chandler	Kirk	Scott (GA)
Childers	Klein (FL)	Scott (VA)
Christensen	Kucinich	Serrano
Clarke	Kuhl (NY)	Sestak
Clay	LaHood	Shays
Cleaver	Lampson	Shea-Porter
Clyburn	Langevin	Sherman
Cohen	Larsen (WA)	Sires
Conyers	Larson (CT)	Skelton
Cooper	LaTourette	Slaughter
Costa	Lee	Smith (NJ)
Costello	Levin	Smith (WA)
Courtney	Lipinski	Snyder
Cramer	LoBiondo	Solis
Crowley	Loebsack	Space
Cuellar	Lofgren, Zoe	Speier
Culberson	Lowey	Spratt
Cummings	Lynch	Stark
Davis (AL)	Mahoney (FL)	Stupak
Davis (CA)	Maloney (NY)	Sutton
Davis (IL)	Markey	Tanner
Davis, Lincoln	Marshall	Tauscher
DeFazio	Matheson	Taylor
DeGette	Matsui	Terry
Delahunt	McCarthy (NY)	Thompson (CA)
DeLauro	McCaul (TX)	Thompson (MS)
Dent	McCollum (MN)	Tierney
Dicks	McDermott	Towns
Dingell	McGovern	Tsongas
Doggett	McHenry	Turner
Donnelly	McIntyre	Udall (CO)
Doyle	McNerney	Udall (NM)
Edwards	McNulty	Velázquez
Ehlers	Meek (FL)	Visclosky
Ellison	Meeks (NY)	Walz (MN)
Ellsworth	Melancon	Wasserman Schultz
Emanuel	Michaud	Waters
Engel	Miller (MI)	Watson
English (PA)	Miller (NC)	Watt
Eshoo	Miller, George	Waxman
Etheridge	Mitchell	Weiner
Farr	Mollohan	Welch (VT)
Fattah	Moore (KS)	Weller
Ferguson	Moore (WI)	Wexler
Fortenberry	Moran (VA)	Wilson (OH)
Fortuño	Murphy (CT)	Woolsey
Foster	Murphy, Patrick	Wu
Frank (MA)	Murphy, Tim	Yarmuth
Frelinghuysen	Murtha	
Gerlach	Musgrave	
Giffords	Nadler	
Gonzalez	Napolitano	

NOES—153

Aderholt	Foxx	Paul
Akin	Franks (AZ)	Pence
Alexander	Garrett (NJ)	Peterson (PA)
Bachmann	Gingrey	Petri
Bachus	Gohmert	Pickering
Barrett (SC)	Goode	Pitts
Bartlett (MD)	Goodlatte	Poe
Barton (TX)	Granger	Price (GA)
Bilbray	Graves	Putnam
Bilirakis	Hall (TX)	Radanovich
Blackburn	Hastings (WA)	Regula
Blunt	Heller	Rehberg
Boehner	Hensarling	Reynolds
Bonner	Herger	Rogers (AL)
Bono Mack	Hobson	Rogers (KY)
Boozman	Hoekstra	Rogers (MI)
Boustany	Hulshof	Rohrabacher
Brady (TX)	Inglis (SC)	Roskam
Broun (GA)	Issa	Royce
Brown (SC)	Jones (NC)	Ryan (WI)
Brown-Waite, Ginny	Jordan	Sali
Burgess	Keller	Scalise
Burton (IN)	King (IA)	Schmidt
Buyer	King (NY)	Sensenbrenner
Calvert	Kingston	Sessions
Camp (MI)	Kline (MN)	Shadegg
Cannon	Knollenberg	Shimkus
Cantor	Lamborn	Shuster
Carter	Latham	Simpson
Coble	Latta	Smith (NE)
Cole (OK)	Lewis (CA)	Smith (TX)
Conaway	Lewis (KY)	Souder
Crenshaw	Linder	Stearns
Cubin	Lucas	Sullivan
Davis (KY)	Lungren, Daniel E.	Tancredo
Davis, David	Mack	Thornberry
Davis, Tom	Manzullo	Tiahrt
Deal (GA)	Marchant	Tiberi
Diaz-Balart, L.	McCarthy (CA)	Upton
Diaz-Balart, M.	McCotter	Walberg
Doolittle	McHugh	Walden (OR)
Drake	McKeon	Walsh (NY)
Dreier	McMorris Rodgers	Wamp
Duncan	Mica	Weldon (FL)
Emerson	Miller (FL)	Westmoreland
Everett	Miller, Gary	Whitfield (KY)
Fallin	Moran (KS)	Wilson (NM)
Feeney	Myrick	Wilson (SC)
Flake	Neugebauer	Wittman (VA)
Forbes	Nunes	Wolf
Fossella		Young (AK)
		Young (FL)

NOT VOTING—19

Andrews	Gallegly	McCrery
Boucher	Gilchrest	Norton
Campbell (CA)	Gillibrand	Pryce (OH)
Carney	Hunter	Rush
Chabot	Jackson-Lee (TX)	Shuler
Faleomavaega	Lewis (GA)	Van Hollen
Filner		

So the amendment was agreed to.

The SPEAKER pro tempore, Mr. POMEROY, assumed the Chair.

When Ms. BORDALLO, Chairman, pursuant to House Resolution 1234, reported the bill back to the House with an amendment adopted by the Committee.

The previous question having been ordered by said resolution.

The following amendment, reported from the Committee of the Whole House on the state of the Union, was agreed to:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''21st Century Green High-Performing Public School Facilities Act''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.
TITLE I—GRANTS FOR MODERNIZATION, RENOVATION, OR REPAIR OF PUBLIC SCHOOL FACILITIES
Sec. 101. Purpose.
Sec. 102. Allocation of funds.
Sec. 103. Allowable uses of funds.
TITLE II—SUPPLEMENTAL GRANTS FOR LOUISIANA, MISSISSIPPI, AND ALABAMA
Sec. 201. Purpose.
Sec. 202. Allocation to States.
Sec. 203. Allowable uses of funds.
TITLE III—GENERAL PROVISIONS
Sec. 301. Impermissible uses of funds.
Sec. 302. Supplement, not supplant.
Sec. 302A. Prohibition regarding State aid.
Sec. 303. Maintenance of effort.
Sec. 304. Special rule on contracting.
Sec. 305. Special rule on use of iron and steel produced in the United States.
Sec. 306. Application of GEPA.
Sec. 307. Green Schools.
Sec. 308. Reporting.
Sec. 309. Authorization of appropriations.
Sec. 310. Special rules.

SEC. 2. DEFINITIONS.

In this Act:

(1) The term ''Bureau-funded school'' has the meaning given to such term in section 1141 of the Education Amendments of 1978 (25 U.S.C. 2021).

(2) The term ''charter school'' has the meaning given such term in section 5210 of the Elementary and Secondary Education Act of 1965.

(3) The term ''local educational agency''—

(A) has the meaning given to that term in section 9101 of the Elementary and Secondary Education Act of 1965, and shall also include the Recovery School District of Louisiana and the New Orleans Public Schools; and

(B) includes any public charter school that constitutes a local educational agency under State law.

(4) The term ''outlying area''—

(A) means the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands; and

(B) includes the freely associated states of the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

(5) The term ''State'' means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

(6) The term ''LEED Green Building Rating System'' means the United States Green Building Council Leadership in Energy and Environmental Design green building rating standard referred to as LEED Green Building Rating System.

(7) The term ''Energy Star'' means the Energy Star program of the United States Department of Energy and the United States Environmental Protection Agency.

(8) The term ''CHPS Criteria'' means the green building rating program developed by the Collaborative for High Performance Schools.

(9) The term ''public school facilities'' includes charter schools.

(10) The term ''Green Globes'' means the Green Building Initiative environmental design and rating system referred to as Green Globes.

TITLE I—GRANTS FOR MODERNIZATION, RENOVATION, OR REPAIR OF PUBLIC SCHOOL FACILITIES

SEC. 101. PURPOSE.

Grants under this title shall be for the purpose of modernizing, renovating, or repairing public school facilities, based on

their need for such improvements, to be safe, healthy, high-performing, and up-to-date technologically.

SEC. 102. ALLOCATION OF FUNDS.

(a) RESERVATION.—From the amount appropriated to carry out this title for each fiscal year pursuant to section 309(a), the Secretary shall reserve 1 percent of such amount, consistent with the purpose described in section 101—

(1) to provide assistance to the outlying areas; and

(2) for payments to the Secretary of the Interior to provide assistance to Bureau-funded schools.

(b) ALLOCATION TO STATES.—

(1) STATE-BY-STATE ALLOCATION.—Of the amount appropriated to carry out this title for each fiscal year pursuant to section 309(a), and not reserved under subsection (a), each State shall be allocated an amount in proportion to the amount received by all local educational agencies in the State under part A of title I of the Elementary and Secondary Education Act of 1965 for the previous fiscal year relative to the total amount received by all local educational agencies in every State under such part for such fiscal year.

(2) STATE ADMINISTRATION.—A State may reserve up to 1 percent of its allocation under paragraph (1) to carry out its responsibilities under this title, including—

(A) providing technical assistance to local educational agencies;

(B) developing within 6 months of receiving its allocation under paragraph (1) a plan to develop a database that includes an inventory of public school facilities in the State and the modernization, renovation, and repair needs of, energy use by, and the carbon footprint of such schools; and

(C) developing a school energy efficiency quality plan.

(3) GRANTS TO LOCAL EDUCATIONAL AGENCIES.—From the amount allocated to a State under paragraph (1), each local educational agency in the State that meets the requirements of section 1112(a) of the Elementary and Secondary Education Act of 1965 shall receive an amount in proportion to the amount received by such local educational agency under part A of title I of that Act for the previous fiscal year relative to the total amount received by all local educational agencies in the State under such part for such fiscal year, except that no local educational agency that received funds under part A of title I of that Act for such fiscal year shall receive a grant of less than $5,000 in any fiscal year under this title.

(4) SPECIAL RULE.—Section 1122(c)(3) of the Elementary and Secondary Education Act of 1965 shall not apply to paragraph (1) or (3).

(c) SPECIAL RULES.—

(1) DISTRIBUTIONS BY SECRETARY.—The Secretary shall make and distribute the reservations and allocations described in subsections (a) and (b) not later than 30 days after an appropriation of funds for this title is made.

(2) DISTRIBUTIONS BY STATES.—A State shall make and distribute the allocations described in subsection (b)(3) within 30 days of receiving such funds from the Secretary.

(3) DISTRIBUTIONS BY LOCAL EDUCATIONAL AGENCIES.—A local educational agency receiving a grant under this title may give priority, in using the grant, to projects to be carried out in a public secondary school recognized as a Science and Technology High School or as a secondary school with a science and technology program.

SEC. 103. ALLOWABLE USES OF FUNDS.

A local educational agency receiving a grant under this title shall use the grant for modernization, renovation, or repair of public school facilities, including—

(1) repairing, replacing, or installing roofs, including extensive, intensive or semi-intensive green roofs, electrical wiring, plumbing systems, sewage systems, lighting systems, or components of such systems, windows, or doors, including security doors;

(2) repairing, replacing, or installing heating, ventilation, air conditioning systems, or components of such systems (including insulation), including indoor air quality assessments;

(3) bringing public schools into compliance with fire, health, and safety codes, including professional installation of fire/life safety alarms, including modernizations, renovations, and repairs that ensure that schools are prepared for emergencies, such as improving building infrastructure to accommodate security measures;

(4) modifications necessary to make public school facilities accessible to comply with the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) and section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), except that such modifications shall not be the primary use of the grant;

(5) asbestos or polychlorinated biphenyls abatement or removal from public school facilities;

(6) implementation of measures designed to reduce or eliminate human exposure to lead-based paint hazards through methods including interim controls, abatement, or a combination of each;

(7) implementation of measures designed to reduce or eliminate human exposure to mold or mildew;

(8) upgrading or installing educational technology infrastructure to ensure that students have access to up-to-date educational technology;

(9) modernization, renovation, or repair of science and engineering laboratory facilities, libraries, and career and technical education facilities, including those related to energy efficiency and renewable energy, and improvements to building infrastructure to accommodate bicycle and pedestrian access;

(10) renewable energy generation and heating systems, including solar, photovoltaic, wind, geothermal, or biomass, including wood pellet, systems or components of such systems;

(11) other modernization, renovation, or repair of public school facilities to—

(A) improve teachers' ability to teach and students' ability to learn;

(B) ensure the health and safety of students and staff;

(C) make them more energy efficient; or

(D) reduce class size; and

(12) required environmental remediation related to public school modernization, renovation, or repair described in paragraphs (1) through (11).

TITLE II—SUPPLEMENTAL GRANTS FOR LOUISIANA, MISSISSIPPI, AND ALABAMA

SEC. 201. PURPOSE.

Grants under this title shall be for the purpose of modernizing, renovating, repairing or constructing public school facilities, based on their need for such improvements, to be safe, healthy, high-performing, and up-to-date technologically.

SEC. 202. ALLOCATION TO STATES.

(a) STATE-BY-STATE ALLOCATION.—Of the amount appropriated to carry out this title for each fiscal year pursuant to section 309(b), the Secretary shall allocate to Louisiana, Mississippi, and Alabama an amount equal to the number of schools in each of those States that were closed for 60 days or more during the period beginning on August 29, 2005, and ending on December 31, 2005, due to Hurricane Katrina or Hurricane Rita, relative to the number of schools in all of those States combined that were so closed.

(b) STATE ADMINISTRATION.—A State that receives funds under this title may reserve one-half of one percent of such funds for administrative purposes related to this title.

(c) GRANTS TO LOCAL EDUCATIONAL AGENCIES.—States receiving funds under subsection (a) shall allocate such funds to local educational agencies within the State according to the criteria described in subsection (a).

(d) SPECIAL RULES.—

(1) DISTRIBUTIONS BY SECRETARY.—The Secretary shall make and distribute the allocations described in subsection (a) not later than 30 days after an appropriation of funds for this title is made.

(2) DISTRIBUTIONS BY STATES.—A State shall make and distribute the allocations described in subsection (c) within 30 days of receiving such funds from the Secretary.

SEC. 203. ALLOWABLE USES OF FUNDS.

A local educational agency receiving a grant under this title shall use the grant for one or more of the activities described in section 103, except that an agency receiving a grant under this title also may use such grant for such activities for the construction of new public school facilities.

TITLE III—GENERAL PROVISIONS

SEC. 301. IMPERMISSIBLE USES OF FUNDS.

No funds received under this Act may be used for—

(1) payment of maintenance costs;

(2) stadiums or other facilities primarily used for athletic contests or exhibitions or other events for which admission is charged to the general public; or

(3) purchasing carbon offsets.

SEC. 302. SUPPLEMENT, NOT SUPPLANT.

A local educational agency receiving a grant under this Act shall use such Federal funds only to supplement and not supplant the amount of funds that would, in the absence of such Federal funds, be available for modernization, renovation, repair, and construction of public school facilities.

SEC. 302A. PROHIBITION REGARDING STATE AID.

A State shall not take into consideration payments under this Act in determining the eligibility of any local educational agency in that State for State aid, or the amount of State aid, with respect to free public education of children.

SEC. 303. MAINTENANCE OF EFFORT.

(a) IN GENERAL.—A local educational agency may receive a grant under this Act for any fiscal year only if either the combined fiscal effort per student or the aggregate expenditures of the agency and the State involved with respect to the provision of free public education by the agency for the preceding fiscal year was not less than 90 percent of the combined fiscal effort or aggregate expenditures for the second preceding fiscal year.

(b) REDUCTION IN CASE OF FAILURE TO MEET.—

(1) IN GENERAL.—The State educational agency shall reduce the amount of a local educational agency's grant in any fiscal year in the exact proportion by which a local educational agency fails to meet the requirement of subsection (a) of this section by falling below 90 percent of both the combined fiscal effort per student and aggregate expenditures (using the measure most favorable to the local agency).

(2) SPECIAL RULE.—No such lesser amount shall be used for computing the effort required under subsection (a) of this section for subsequent years.

(c) WAIVER.—The Secretary shall waive the requirements of this section if the Secretary determines that a waiver would be equitable due to—

(1) exceptional or uncontrollable circumstances, such as a natural disaster; or

(2) a precipitous decline in the financial resources of the local educational agency.

SEC. 304. SPECIAL RULE ON CONTRACTING.

Each local educational agency receiving a grant under this Act shall ensure that, if the agency carries out modernization, renovation, repair, or construction through a contract, the process for any such contract ensures the maximum number of qualified bidders, including local, small, minority, and women- and veteran-owned businesses, through full and open competition.

SEC. 305. SPECIAL RULE ON USE OF IRON AND STEEL PRODUCED IN THE UNITED STATES.

(a) IN GENERAL.—A local educational agency shall not obligate or expend funds received under this Act for a project for the modernization, renovation, or repair of public school facility unless all of the iron and steel used in such project is produced in the United States.

(b) EXCEPTIONS.—The provisions of subsection (a) shall not apply in any case in which the local educational agency finds that—

(1) their application would be inconsistent with the public interest;

(2) iron and steel are not produced in the United States in sufficient and reasonably available quantities and of a satisfactory quality;

(3) inclusion of iron and steel produced in the United States will increase the cost of the overall project contract by more than 25 percent.

SEC. 306. APPLICATION OF GEPA.

The grant programs under this Act are applicable programs (as that term is defined in section 400 of the General Education Provisions Act (20 U.S.C. 1221)) subject to section 439 of such Act (20 U.S.C. 1232b).

SEC. 307. GREEN SCHOOLS.

(a) IN GENERAL.—In a given fiscal year, a local educational agency shall use not less than the applicable percentage of funds received under this Act described in subsection (b) for public school modernization, renovation, repairs, or construction that are certified, verified, or consistent with any applicable provisions of—

(1) the LEED Green Building Rating System;

(2) Energy Star;

(3) the CHPS Criteria;

(4) Green Globes; or

(5) an equivalent program adopted by the State or another jurisdiction with authority over the local educational agency.

(b) APPLICABLE PERCENTAGES.—The applicable percentages described in subsection (a) are—

(1) in fiscal year 2009, 50 percent;

(2) in fiscal year 2010, 60 percent;

(3) in fiscal year 2011, 70 percent;

(4) in fiscal year 2012, 80 percent; and

(5) in fiscal year 2013, 90 percent.

(c) TECHNICAL ASSISTANCE.—The Secretary, in consultation with the Secretary of Energy and the Administrator of the Environmental Protection Agency, shall provide outreach and technical assistance to States and school districts concerning the best practices in school modernization, renovation, repair, and construction, including those related to student academic achievement and student and staff health, energy efficiency, and environmental protection.

SEC. 308. REPORTING.

(a) REPORTS BY LOCAL EDUCATIONAL AGENCIES.—Local educational agencies receiving a grant under this Act shall annually compile a report describing the projects for which such funds were used, including—

(1) the number of public schools in the agency, including the number of charter schools;

(2) the total amount of funds received by the local educational agency under this Act and the amount of such funds expended, including the amount expended for modernization, renovation, repair, or construction of charter schools;

(3) the number of public schools in the agency with a metro-centric locale code of 41, 42, or 43 as determined by the National Center for Education Statistics and the percentage of funds received by the agency under title I or title II of this Act that were used for projects at such schools;

(4) the number of public schools in the agency that are eligible for schoolwide programs under section 1114 of the Elementary and Secondary Education Act of 1965 and the percentage of funds received by the agency under title I or title II of this Act that were used for projects at such schools;

(5) for each project—

(A) the cost;

(B) the standard described in section 307(a) with which the use of the funds complied or if the use of funds did not comply with a standard described in section 307(a), the reason such funds were not able to be used in compliance with such standards and the agency's efforts to use such funds in an environmentally sound manner;

(C) if flooring was installed, whether—

(i) it was low- or no-VOC (Volatile Organic Compounds) flooring;

(ii) it was made from sustainable materials; and

(iii) use of flooring described in clause (i) or (ii) was cost-effective; and

(D) any demonstrable or expected benefits as a result of the project (such as energy savings, improved indoor environmental quality, improved climate for teaching and learning, etc.); and

(6) the total number and amount of contracts awarded, and the number and amount of contracts awarded to local, small, minority, women, and veteran-owned businesses.

(b) AVAILABILITY OF REPORTS.—A local educational agency shall—

(1) submit the report described in subsection (a) to the State educational agency, which shall compile such information and report it annually to the Secretary; and

(2) make the report described in subsection (a) publicly available, including on the agency's website.

(c) REPORTS BY SECRETARY.—Not later than December 31 of each fiscal year, the Secretary shall submit to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report on grants made under this Act, including the information described in subsection (b)(1), the types of modernization, renovation, repair, and construction funded, and the number of students impacted, including the number of students counted under section 1113(a)(5) of the Elementary and Secondary Education Act of 1965.

SEC. 309. AUTHORIZATION OF APPROPRIATIONS.

(a) TITLE I.—To carry out title I, there are authorized to be appropriated $6,400,000,000 for fiscal year 2009 and such sums as may be necessary for each of fiscal years 2010 through 2013.

(b) TITLE II.—To carry out title II, there are authorized to be appropriated $100,000,000 for each of fiscal years 2009 through 2013.

SEC. 310. SPECIAL RULES.

Notwithstanding any other provision of this Act, none of the funds authorized by this Act may be—

(1) used to employ workers in violation of section 274A of the Immigration and Nationality Act (8 U.S.C. 1324a); or

(2) distributed to a local educational agency that does not have a policy that requires a criminal background check on all employees of the agency.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

Mrs. MCMORRIS ROGERS moved to recommit the bill to the Committee on Education and Labor with instructions to report the bill back to the House promptly with the following amendment:

Page 11, line 25, before the semicolon, insert the following: '', except that a local educational agency whose energy expenditures have increased by at least 50 percent since January 4, 2007, may pay maintenance costs for any of the activities described in section 103''.

After debate,

By unanimous consent, the previous question was ordered on the motion to recommit with instructions.

The question being put, viva voce,

Will the House recommit said bill with instructions?

The SPEAKER pro tempore, Mr. POMEROY, announced that the nays had it.

Mrs. MCMORRIS ROGERS demanded a recorded vote on agreeing to said motion, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the negative ..... { Yeas ..... 187 / Nays 230

¶66.34 [Roll No. 378]

AYES—187

Aderholt	Feeney	McCaul (TX)
Akin	Ferguson	McCotter
Alexander	Flake	McHenry
Bachmann	Forbes	McHugh
Bachus	Fossella	McKeon
Barrett (SC)	Foxx	McMorris Rodgers
Bartlett (MD)	Franks (AZ)	Mica
Barton (TX)	Frelinghuysen	Miller (FL)
Biggert	Gerlach	Miller (MI)
Bilbray	Gingrey	Miller, Gary
Bilirakis	Gohmert	Moran (KS)
Bishop (UT)	Goode	Murphy, Tim
Blackburn	Goodlatte	Musgrave
Blunt	Granger	Myrick
Boehner	Graves	Neugebauer
Bonner	Hall (TX)	Nunes
Bono Mack	Hastings (WA)	Paul
Boozman	Hayes	Pearce
Boustany	Heller	Pence
Brady (TX)	Hensarling	Peterson (PA)
Broun (GA)	Herger	Petri
Brown (SC)	Hobson	Pickering
Brown-Waite, Ginny	Hoekstra	Pitts
Buchanan	Hulshof	Poe
Burgess	Hunter	Porter
Burton (IN)	Inglis (SC)	Price (GA)
Buyer	Issa	Putnam
Calvert	Johnson (IL)	Radanovich
Camp (MI)	Johnson, Sam	Ramstad
Cannon	Jones (NC)	Regula
Cantor	Jordan	Rehberg
Capito	Keller	Reichert
Carter	King (IA)	Renzi
Castle	King (NY)	Reynolds
Coble	Kingston	Rogers (AL)
Cole (OK)	Kirk	Rogers (KY)
Conaway	Kline (MN)	Rogers (MI)
Crenshaw	Knollenberg	Rohrabacher
Cubin	Kuhl (NY)	Ros-Lehtinen
Culberson	LaHood	Roskam
Davis (KY)	Lamborn	Royce
Davis, David	Latham	Ryan (WI)
Davis, Tom	LaTourette	Sali
Deal (GA)	Latta	Saxton
Dent	Lewis (CA)	Scalise
Diaz-Balart, L.	Lewis (KY)	Schmidt
Diaz-Balart, M.	Linder	Sensenbrenner
Drake	LoBiondo	Sessions
Dreier	Lucas	Shadegg
Duncan	Lungren, Daniel E.	Shays
Ehlers	Mack	Shimkus
Emerson	Manzullo	Shuster
Everett	Marchant	Simpson
Fallin	McCarthy (CA)	Smith (NE)

Smith (NJ)
Smith (TX)
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOES—230

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

NOT VOTING—16

Andrews
Boucher
Campbell (CA)
Chabot
Doolittle
Filner
Gallegly
Gilchrest
Gillibrand
Jackson-Lee (TX)
Lewis (GA)
McCrery
Pryce (OH)
Rush
Shuler
Van Hollen

So the motion to recommit with instructions was not agreed to.

The question being put, viva voce,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. POMEROY, announced that the yeas had it.

Mr. George MILLER of California, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 250 Nays 164

¶66.35 [Roll No. 379]

YEAS—250

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

NAYS—164

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Cannon
Cantor
Capito
Carter
Castle
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Deal (GA)
Drake
Dreier
Duncan
Ehlers
Emerson
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson, Sam
Jones (NC)
Jordan
King (IA)
King (NY)
Kingston
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
Latta
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
McCarthy (CA)
McCotter
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Poe
Price (GA)
Putnam
Radanovich
Regula
Rehberg
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Westmoreland
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOT VOTING—19

Andrews
Boucher
Braley (IA)
Campbell (CA)
Chabot
Doolittle
Ellison
Filner
Gallegly
Gilchrest
Gillibrand
Jackson-Lee (TX)
Lewis (GA)
Marchant
McCrery
Pryce (OH)
Rush
Shuler
Van Hollen

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

By unanimous consent, the title was amended so as to read: ''An Act to direct the Secretary of Education to make grants to State educational agencies for the modernization, renovation, or repair of public kindergarten, elementary, and secondary educational facilities, and for other purposes.''.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶66.36 MOMENT OF SILENCE IN MEMORY OF VICTIMS OF TORNADO IN IOWA

The SPEAKER pro tempore, Mr. POMEROY, announced that all Members stand and observe a moment of silence in memory of the victims of the tornado in Iowa.

¶66.37 CLERK TO CORRECT ENGROSSMENT—H.R. 3021

On motion of Mr. George MILLER of California, by unanimous consent,

Ordered, That in the engrossment of the bill (H.R. 3021) to direct the Secretary of Education to make grants and low-interest loans to local educational agencies for the construction, modernization, or repair of public kindergarten, elementary, and secondary educational facilities, and for other purposes, the Clerk be authorized to correct the table of contents, section numbers, punctuation, citations, and cross references and to make such other technical and conforming changes as may be appropriate to reflect the actions of the House.

¶66.38 HOUR OF MEETING

On motion of Mr. George MILLER of California, by unanimous consent,

Ordered, That when the House adjourns today, it adjourn to meet at 9:30 a.m. on Thursday, June 5, 2008.

¶66.39 SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 2162. An Act to improve the treatment and services provided by the Department of Veterans Affairs to veterans with post-traumatic stress disorder and substance use disorders, and for other purposes.

¶66.40 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. CHABOT, for today after noon.

And then,

¶66.41 ADJOURNMENT

On motion of Mrs. MUSGRAVE, pursuant to the previous order of the House, at 10 o'clock and 15 minutes p.m., the House adjourned until 9:30 a.m. on Thursday, June 6, 2008.

¶66.42 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

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

Mr. OBERSTAR: Committee on Transportation and Infrastructure. H.R. 135. A bill to establish the Twenty-First Century Water Commission to study and develop recommendations for a comprehensive water strategy to address future water needs; with an amendment (Rept. 110–504 Pt. 2). Referred to the Committee of the Whole House on the state of the Union.

Mr. BRADY of Pennsylvania: Committee on House Administration. H.R. 5972. A bill to make technical corrections to the laws affecting certain administrative authorities of the United States Capitol Police, and for other purposes (Rept. 110–679). Referred to the Committee of the Whole House on the state of the Union.

Mr. DINGELL: Committee on Energy and Commerce. H.R. 1343. A bill to amend the Public Health Service Act to provide additional authorizations of appropriations for the health centers program under section 330 of such Act; with an amendment (Rept. 110–680). Referred to the Committee of the Whole House on the state of the Union.

Mr. DINGELL: Committee on Energy and Commerce. H.R. 5669. A bill to amend the Public Health Service Act to reauthorize the poison center national toll-free number, national media campaign, and grant program to provide assistance for poison prevention, sustain the funding of poison centers, and enhance the public health of people of the United States (Rept. 110–681). Referred to the Committee of the Whole House on the state of the Union.

Mr. GORDON of Tennessee: Committee on Science and Technology. H.R. 5940. A bill to authorize activities for support of nanotechnology research and development, and for other purposes; with an amendment (Rept. 110–682). Referred to the Committee of the Whole House on the state of the Union.

Mr. BRADY of Pennsylvania: Committee on House Administration. H.R. 5893. A bill to reauthorize the sound recording and film preservation programs of the Library of Congress, and for other purposes; with an amendment (Rept. 110–683 Pt. 1).

Mr. GORDON of Tennessee: Committee on Science and Technology. H.R. 3916. A bill to provide for the next generation of border and maritime security technologies; with an amendment (Rept. 110–684 Pt. 1). Ordered to be printed.

Mr. OBERSTAR: Committee on Transportation and Infrastructure. H.R. 5770. A bill to provide for a study by the National Academy of Sciences of potential impacts of climate change on water resources and water quality (Rept. 110–685 Pt. 1). Ordered to be printed.

¶66.43 COMMITTEE DISCHARGED

Pursuant to clause 2 of rule XII, the Committee on the Judiciary discharged from further consideration. H.R. 5893 referred to the Committee of the Whole House on the state of the Union, and ordered to be printed.

¶66.44 PUBLIC BILLS AND RESOLUTIONS

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

H.R. 6175. A bill to amend the Child Nutrition Act of 1966 to provide vouchers for the purchase of educational books for infants and children participating in the special supplemental nutrition program for women, infants, and children under that Act; to the Committee on Education and Labor.

By Mr. RODRIGUEZ:

H.R. 6176. A bill to authorize the expansion of the Fort Davis National Historic Site in Fort Davis, Texas, and for other purposes; to the Committee on Natural Resources.

By Mr. RODRIGUEZ:

H.R. 6177. A bill to amend the Wild and Scenic Rivers Act to modify the boundary of the Rio Grande Wild and Scenic River; to the Committee on Natural Resources.

By Ms. ROS-LEHTINEN (for herself, Mr. CANTOR, Mr. PENCE, and Mr. MCCOTTER):

H.R. 6178. A bill to strengthen existing legislation sanctioning persons aiding and facilitating nonproliferation activities by the governments of Iran, North Korea, and Syria, and for other purposes; to the Committee on Foreign Affairs, and in addition to the Committees on Ways and Means, the Judiciary, Oversight and Government Reform, and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CAMP of Michigan (for himself, Mr. SAM JOHNSON of Texas, Mr. HERGER, Mr. PORTER, Mr. ENGLISH of Pennsylvania, Mr. PRICE of Georgia, Mr. GINGREY, Mr. BOUSTANY, Mr. WELLER, Mr. RAMSTAD, and Mr. HULSHOF):

H.R. 6179. A bill to encourage and enhance the adoption of interoperable health information technology to improve health care quality, reduce medical errors, and increase the efficiency of care; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MICHAUD (for himself, Mr. PETERSON of Minnesota, Mr. RAHALL, Mr. CONYERS, Mr. BRADY of Pennsylvania, Mr. FILNER, Mr. MURTHA, Ms. DELAURO, Mr. HINCHEY, Mr. DELAHUNT, Ms. SCHAKOWSKY, Ms. LINDA T. SÁNCHEZ of California, Mr. HOLDEN, Mr. ROSS, Mr. VISCLOSKY, Mr. DAVIS of Illinois, Mr. KILDEE, Mr. GRIJALVA, Ms. WOOLSEY, Mr. DEFAZIO, Mr. SHULER, Mr. BRALEY of Iowa, Mr. LOEBSACK, Mr. HALL of New York, Mr. RYAN of Ohio, Mrs. BOYDA of Kansas, Mr. CHANDLER, Mr. JOHNSON of Georgia, Mr. SARBANES, Mr. HARE, Ms. SUTTON, Mr. JACKSON of Illinois, Mr. LIPINSKI, Mr. ELLISON, Mr. AL GREEN of Texas, Mr. GENE GREEN of Texas, Ms. SOLIS, Ms. KILPATRICK, Ms. MOORE of Wisconsin, Mr. DOYLE, Mr. CLEAVER, Mr. ALLEN, Mr. LYNCH, Mr. JONES of North Carolina, Ms. BALDWIN, Ms. KAPTUR, Mr. KUCINICH, Ms. SHEA-PORTER, Ms. HIRONO, Mr. ARCURI, Mr. PATRICK MURPHY of Pennsylvania, Mr. KAGEN, and Mr. WILSON of Ohio):

H.R. 6180. A bill to require a review of existing trade agreements and renegotiation of existing trade agreements based on the review, to set terms for future trade agreements, to express the sense of the House of Representatives that the role of Congress in trade policymaking should be strengthened, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BILIRAKIS (for himself and Mr. PUTNAM):

H.R. 6181. A bill to amend the Internal Revenue Code of 1986 to allow certain current and former service members to receive a refundable credit for the purchase of a principal residence; to the Committee on Ways and Means.

By Mr. BOUCHER:

H.R. 6182. A bill to convey the New River State Park campground located in the Mount Rogers National Recreation Area in the Jefferson National Forest in Carroll County, Virginia, to the Commonwealth of Virginia, and for other purposes; to the Committee on Natural Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. GINNY BROWN-WAITE of Florida:

H.R. 6183. A bill to amend the Harmonized Tariff Schedule of the United States to remove the tariffs on ethanol; to the Committee on Ways and Means.

By Mr. CASTLE (for himself, Mrs. MALONEY of New York, and Mr. GUTIERREZ):

H.R. 6184. A bill to provide for a program for circulating quarter dollar coins that are emblematic of a national park or other national site in each State, the District of Columbia, and each territory of the United States, and for other purposes; to the Committee on Financial Services.

By Mr. LATTA:

H.R. 6185. A bill to amend title 10, United States Code, to provide for continuity of TRICARE Standard coverage for certain members of the Retired Reserve; to the Committee on Armed Services.

By Mr. MARKEY:

H.R. 6186. A bill to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, Science and Technology, Natural Resources, Agriculture, Foreign Affairs, Education and Labor, Transportation and Infrastructure, Oversight and Government Reform, and Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCDERMOTT (for himself, Mr. REICHERT, Mr. INSLEE, Mr. SMITH of Washington, Mrs. MCMORRIS RODGERS, Mr. HASTINGS of Washington, Mr. BAIRD, and Mr. LARSEN of Washington):

H.R. 6187. A bill to designate the facility of the United States Postal Service located at 4244 University Way NE. in Seattle, Washington, as the ''Jacob Lawrence Post Office Building''; to the Committee on Oversight and Government Reform.

By Mr. PERLMUTTER (for himself and Mr. UDALL of Colorado):

H.R. 6188. A bill to authorize certain private rights of action under the Foreign Corrupt Practices Act of 1977 for violations by foreign concerns that damage domestic businesses; to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TANCREDO:

H.R. 6189. A bill to require the Secretary of Agriculture to conduct a ''Charter Forest'' demonstration project on all National Forest System lands in the State of Colorado in order to combat insect infestation, improve forest health, reduce the threat of wildfire, protect biological diversity, and enhance the social sustainability and economic productivity of the lands; to the Committee on Natural Resources.

By Mrs. TAUSCHER (for herself, Mr. BRADY of Pennsylvania, Mr. COHEN, and Mr. MCGOVERN):

H.R. 6190. A bill to restore to the Department of State responsibility over the Police Training Teams being used to provide advisory support, training and development, and equipment for the Iraqi Police Service, to require the Department of State to provide the majority of members for the Police Training Teams, and for other purposes; to the Committee on Armed Services, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BOUCHER:

H.J. Res. 90. A joint resolution commending the Barter Theatre on the occasion of its 75th anniversary; to the Committee on Oversight and Government Reform.

By Mr. CARSON:

H. Con. Res. 368. Concurrent resolution recognizing May 2, 2008, as the 88th anniversary of the first National Negro League baseball game; to the Committee on Oversight and Government Reform.

By Mr. BRALEY of Iowa (for himself, Mr. LATHAM, Mr. BOSWELL, Mr. KING of Iowa, and Mr. LOEBSACK):

H. Res. 1236. A resolution expressing the sympathy of the House of Representatives to the citizens of Black Hawk, Buchanan, Butler, and Delaware Counties, Iowa, who were victims of the devastating tornado that struck their communities on May 25, 2008; to the Committee on Transportation and Infrastructure.

By Mr. DAVIS of Illinois (for himself, Mr. MEEKS of New York, Ms. LEE, Mr. MCDERMOTT, Mr. LEWIS of Georgia, Mr. HONDA, Mrs. CHRISTENSEN, Mr. ELLISON, Mr. BISHOP of Georgia, Mr. BOSWELL, Mr. SERRANO, Mr. NADLER, Ms. JACKSON-LEE of Texas, Ms. BORDALLO, Ms. SUTTON, Mr. AL GREEN of Texas, Mr. CONYERS, Mrs. BOYDA of Kansas, Mr. FATTAH, Mrs. MALONEY of New York, Mr. HINOJOSA, Mr. RUSH, Mr. SNYDER, Ms. MCCOLLUM of Minnesota, Mr. MORAN of Virginia, Mr. BERMAN, Mr. CARSON, Mr. GRIJALVA, Mr. GUTIERREZ, Ms. HIRONO, Mr. HARE, Mr. KUCINICH, Mr. COHEN, Mrs. JONES of Ohio, Mr. DOGGETT, Mr. TOWNS, Mr. PAYNE, Mr. JOHNSON of Georgia, Mr. CLEAVER, Mr. PASCRELL, Mr. BRADY of Pennsylvania, Ms. NORTON, Mr. HINCHEY, Ms. LINDA T. SÁNCHEZ of California, Mr. SCOTT of Virginia, Mr. SCOTT of Georgia, Mr. THOMPSON of Mississippi, Mr. RANGEL, Mr. CLAY, Ms. MOORE of Wisconsin, Mr. BACA, Mr. FILNER, Mr. REYES, Mr. MOORE of Kansas, Mr. JACKSON of Illinois, Mr. GONZALEZ, Mr. RYAN of Ohio, Ms. SCHAKOWSKY, Ms. CORRINE BROWN of Florida, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. WOOLSEY, Mr. UDALL of Colorado, Mr. SCHIFF, Ms. ZOE LOFGREN of California, and Ms. BERKLEY):

H. Res. 1237. A resolution recognizing the historical significance of Juneteenth Independence Day, and expressing the sense of the House of Representatives that history should be regarded as a means for understanding the past and more effectively facing the challenges of the future; to the Committee on Oversight and Government Reform.

By Ms. RICHARDSON:

H. Res. 1238. A resolution congratulating the University of California, Los Angeles, men's basketball team for its National Collegiate Athletic Association tournament performance; to the Committee on Education and Labor.

By Ms. ROS-LEHTINEN (for herself and Mrs. CAPPS):

H. Res. 1239. A resolution honoring the life of Jacques-Yves Cousteau, explorer, researcher, and pioneer in the field of marine conservation; to the Committee on Natural Resources.

By Mr. TANCREDO:

H. Res. 1240. A resolution providing for the consideration of the resolution (H. Res. 111) establishing a Select Committee on POW and MIA Affairs; to the Committee on Rules.

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

H. Res. 1241. A resolution congratulating Ensign DeCarol Davis upon serving as the valedictorian of the Coast Guard Academy's class of 2008 and becoming the first African American female to earn this honor; to the Committee on Transportation and Infrastructure.

¶66.45 MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

289. The SPEAKER presented a memorial of the Legislature of the State of Utah, relative to Senate Concurrent Resolution No. 5 urging the Congress of the United States to pass effective and meaningful immigration reform to enhance the workforce of Utah and continue the economic strength of the state's business environment; to the Committee on the Judiciary.

290. Also, a memorial of the Senate of the State of Michigan, relative to Senate Resolution No. 179 memorializing the Congress of the United States to enact the Clean Boating Act of 2008; to the Committee on Transportation and Infrastructure.

¶66.46 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 89: Mr. SESTAK.
H.R. 111: Mr. KELLER.
H.R. 207: Mrs. MALONEY of New York.
H.R. 273: Mr. SESTAK.
H.R. 303: Mr. ROTHMAN.
H.R. 343: Mr. MCHUGH.
H.R. 552: Mr. HELLER and Mr. SALI.
H.R. 555: Ms. NORTON.
H.R. 643: Mr. THOMPSON of California and Mr. YARMUTH.
H.R. 677: Mr. Carson.
H.R. 678: Mr. Carson.
H.R. 688: Mr. CARNEY, Mr. OBERSTAR, Ms. ROS-LEHTINEN, and MR. MARIO DIAZ-BALART of Florida.
H.R. 741: Mr. MCGOVERN and Mr. CRENSHAW.
H.R. 826: Mr. CARSON.
H.R. 882: Mr. HASTINGS of Florida, Mr. KUCINICH, Mr. BOSWELL, Mr. ROSKAM, Mr. CARDOZA, MS. SPEIER, Ms. MCCOLLUM of Minnesota, Mr. DAVIS of Illinois, Mr. HODES, Ms. ZOE LOFGREN of California, and Mr. ENGEL.
H.R. 1029: Mr. KING of Iowa.
H.R. 1108: Mr. YOUNG of Alaska.
H.R. 1110: Ms. TSONGAS, and Mr. PUTNAM.
H.R. 1111: Mr. CARSON.
H.R. 1148: Mr. CARSON.
H.R. 1193: Mr. COURTNEY.
H.R. 1222: Mr. RODRIGUEZ, and Mr. THOMPSON of Mississippi.
H.R. 1223: Mr. RODRIGUEZ.
H.R. 1228: Mr. PETERSON of Minnesota.
H.R. 1295: Mr. PENCE.
H.R. 1306: Mr. BRALEY of Iowa.
H.R. 1320: Mr. CARSON.
H.R. 1321: Mr. BILBRAY.
H.R. 1338: Mr. CARSON.
H.R. 1376: Mr. MCDERMOTT, Mr. FATTAH, and Ms. SUTTON.
H.R. 1390: Mr. FRANK of Massachusetts.
H.R. 1475: Mr. PRICE of North Carolina.
H.R. 1524: Mr. SMITH of New Jersey.
H.R. 1542: Ms. SOLIS.
H.R. 1551: Mr. CARSON.
H.R. 1590: Ms. GIFFORDS.
H.R. 1755: Mr. INSLEE.
H.R. 1801: Mr. CROWLEY, Mr. TOWNS, Ms. BALDWIN, and Ms. HARMAN.
H.R. 1884: Mr. HODES and Ms. SOLIS.
H.R. 1912: Mr. HONDA.
H.R. 2020: Mr. GERLACH.
H.R. 2131: Mr. KIND.
H.R. 2140: Mr. MORAN of Virginia.
H.R. 2233: Mr. CARSON.

H.R. 2267: Mr. KUHL of New York.
H.R. 2371: Ms. VELÁZQUEZ.
H.R. 2493: Mrs. BACHMANN.
H.R. 2502: Mr. LEWIS of Georgia.
H.R. 2511: Ms. HOOLEY.
H.R. 2530: Mr. SMITH of Nebraska.
H.R. 2552: Mr. CARSON.
H.R. 2580: Mr. NEUGEBAUER.
H.R. 2606: Ms. ROYBAL-ALLARD, Mr. HONDA, and Mr. PETERSON of Minnesota.
H.R. 2686: Mr. CAZAYOUX.
H.R. 2729: Mr. PAYNE.
H.R. 2734: Mr. SCALISE and Mr. SMITH of Texas.
H.R. 2784: Mrs. BOYDA of Kansas.
H.R. 2820: Mr. ALLEN.
H.R. 2832: Mr. PETERSON of Minnesota.
H.R. 2864: Mr. MORAN of Virginia and Ms. HIRONO.
H.R. 2880: Mr. CAMPBELL of California and Mrs. LOWEY.
H.R. 2914: Mr. SESTAK.
H.R. 3232: Mr. TIAHRT, Mr. BILIRAKIS, and Mr. LUCAS.
H.R. 3234: Mr. SMITH of Texas and Mr. NEUGEBAUER.
H.R. 3257: Ms. JACKSON-LEE of Texas.
H.R. 3273: Mr. CONAWAY, Mr. MARSHALL, Mr. BOSWELL, Mr. DICKS, Mr. CARDOZA, Mr. TOM DAVIS of Virginia, Mrs. TAUSCHER, Mr. PRICE of North Carolina, Mr. ETHERIDGE, Mr. COOPER, Mr. PERLMUTTER, Mr. HILL, and Mr. SALAZAR.
H.R. 3326: Mr. ANDREWS.
H.R. 3395: Mr. CARSON.
H.R. 3457: Mr. HENSARLING and Mrs. CAPITO.
H.R. 3543: Mrs. JONES of Ohio and Mr. MURPHY of Connecticut.
H.R. 3631: Mr. CARSON.
H.R. 3654: Mr. MCINTYRE.
H.R. 3663: Mr. GALLEGLY.
H.R. 3686: Mr. WU.
H.R. 3700: Ms. SUTTON.
H.R. 3717: Mr. ALTMIRE.
H.R. 3757: Mr. FILNER.
H.R. 3834: Mr. PETERSON of Minnesota.
H.R. 3929: Mr. CARSON.
H.R. 3934: Ms. GIFFORDS and Ms. TSONGAS.
H.R. 4030: Ms. DEGETTE.
H.R. 4053: Mr. HINCHEY.
H.R. 4055: Mr. MCNERNEY.
H.R. 4061: Mr. CALVERT.
H.R. 4113: Mr. INSLEE.
H.R. 4114: Mr. BISHOP of Georgia.
H.R. 4181: Ms. JACKSON-LEE of Texas.
H.R. 4188: Mr. CONYERS and Mr. ARCURI.
H.R. 4199: Ms. KAPTUR, Mrs. JONES of Ohio, Mr. REGULA, and Mr. LATTA..
H.R. 4206: Ms. DELAURO and Mr. ARCURI.
H.R. 4207: Mr. SESTAK.
H.R. 4236: Mr. ANDREWS, Mr. KIND, Mr. CARSON, and Mr. SHERMAN.
H.R. 4251: Mr. SESTAK.
H.R. 4318: Mr. LARSON of Connecticut.
H.R. 4335: Mr. ISRAEL and Mr. WEXLER.
H.R. 4461: Mr. FRANK of Massachusetts.
H.R. 4544: Mr. DOYLE, Mr. DONNELLY, Mr. ROGERS of Alabama, and Mr. RODRIGUEZ.
H.R. 4651: Mr. MICHAUD and Mr. PETERSON of Minnesota.
H.R. 4827: Mrs. CAPITO.
H.R. 4897: Mr. LEWIS of Georgia.
H.R. 4900: Mr. FLAKE, Mr. LUCAS, Mr. UDALL of Colorado, and Mr. MANZULLO.
H.R. 4926: Mr. TIERNEY and Mr. MCHUGH.
H.R. 4990: Mr. RUSH.
H.R. 5028: Mr. PETERSON of Minnesota.
H.R. 5129: Mr. CARSON.
H.R. 5179: Mr. PAYNE.
H.R. 5244: Mr. BUTTERFIELD, Ms. KILPATRICK, Mrs. CAPPS, Mrs. NAPOLITANO, and Ms. NORTON.
H.R. 5265: Mr. PETERSON of Minnesota, Mrs. LOWEY, Mr. RUSH, and Mr. GRIJALVA.
H.R. 5315: Mr. HINCHEY and Mr. SESTAK.
H.R. 5404: Ms. SOLIS.
H.R. 5447: Mr. YARMUTH.
H.R. 5454: Mr. BISHOP of Georgia, Mr. PETERSON of Minnesota, and Ms. BORDALLO.
H.R. 5461: Mr. ABERCROMBIE.
H.R. 5469: Mr. ANDREWS.
H.R. 5516: Ms. SCHWARTZ.
H.R. 5541: Mr. BLUMENAUER and Mr. ROSS.
H.R. 5546: Mr. KING of Iowa.
H.R. 5549: Mr. DAVIS of Illinois, Mr. CUELLAR, Mr. MILLER of North Carolina, Mr. LEWIS of Georgia, and Mrs. MALONEY of New York.
H.R. 5559: Mr. SESSIONS.
H.R. 5573: Mr. WELLER, Ms. ZOE LOFGREN of California, and Mr. SHULER.
H.R. 5632: Mr. COHEN and Ms. WOOLSEY.
H.R. 5662: Ms. GIFFORDS.
H.R. 5673: Mr. SOUDER, Mr. HELLER, and Mr. HENSARLING.
H.R. 5674: Mr. CLEAVER.
H.R. 5686: Ms. SUTTON, Mrs. CHRISTENSEN, and Mr. CARSON.
H.R. 5698: Mr. PAYNE, Mr. PETERSON of Minnesota, Mr. BOOZMAN, and Ms. GRANGER.
H.R. 5705: Ms. BORDALLO, Mr. WAXMAN, Mr. CARSON, and Mr. INSLEE.
H.R. 5709: Ms. HERSETH SANDLIN.
H.R. 5734: Mr. NADLER and Mr. SESSIONS.
H.R. 5737: Mr. GOODE and Mr. MCHENRY.
H.R. 5748: Mr. MELANCON.
H.R. 5752: Mr. WOLF.
H.R. 5755: Mrs. BOYDA of Kansas.
H.R. 5762: Mr. STARK.
H.R. 5772: Mr. FRANK of Massachusetts and Mr. FILNER.
H.R. 5775: Mr. WESTMORELAND.
H.R. 5793: Ms. SOLIS, Mr. BOREN, Mr. SULLIVAN, and Mr. SHIMKUS.
H.R. 5794: Mr. CRENSHAW.
H.R. 5797: Mr. MARSHALL.
H.R. 5804: Ms. DEGETTE and Mr. UDALL of Colorado.
H.R. 5823: Mrs. MALONEY of New York.
H.R. 5825: Mr. MCINTYRE.
H.R. 5827: Mr. KUHL of New York.
H.R. 5833: Mr. BOOZMAN.
H.R. 5839: Mr. JEFFERSON and Mr. MEEK of Florida.
H.R. 5852: Mr. FILNER.
H.R. 5854: Mr. SNYDER, Mr. HOLT, Mr. RODRIGUEZ, Mr. BUYER, Mr. DONNELLY, and Mr. MCCOTTER.
H.R. 5892: Mr. FALEOMAVAEGA, Mr. THOMPSON of California, and Mr. DELAHUNT.
H.R. 5893: Mr. CONYERS.
H.R. 5894: Ms. MCCOLLUM of Minnesota.
H.R. 5898: Mr. CRENSHAW, Ms. ESHOO, Mr. HARE, Mr. JACKSON of Illinois, Mr. KLEIN of Florida, Mr. MACK, Mr. MAHONEY of Florida, Mr. MILLER of North Carolina, Mr. STEARNS, Mr. TERRY, Mr. WEXLER, Mr. YOUNG of Alaska, and Mr. BOYD of Florida.
H.R. 5901: Mr. COHEN.
H.R. 5924: Ms. WASSERMAN SCHULTZ.
H.R. 5940: Mr. CARNAHAN, Mr. HONDA, Mr. MCNERNEY, Mr. HILL, Mr. JOHNSON of Illinois, Mr. FORTUÑO, and Mr. GONZALEZ.
H.R. 5949: Mr. KAGEN, Mr. PAUL, and Mr. CARTER.
H.R. 5954: Mr. ALTMIRE and Mr. RODRIGUEZ.
H.R. 5970: Ms. SCHWARTZ and Mr. BILIRAKIS.
H.R. 5971: Mr. WHITFIELD of Kentucky, Mr. SAM JOHNSON of Texas, and Mr. MCCARTHY of California.
H.R. 5984: Mr. HOEKSTRA, Mr. NEUGEBAUER, Mr. KUHL of New York, Mr. TIBERI, and Mr. BURGESS.
H.R. 6002: Ms. WATSON.
H.R. 6026: Mr. RYAN of Wisconsin, Mr. BOOZMAN, and Mr. LUCAS.
H.R. 6030: Mr. CARNAHAN and Mr. KUHL of New York.
H.R. 6034: Mr. STARK.
H.R. 6053: Mr. ENGLISH of Pennsylvania.
H.R. 6063: Mr. LAMPSON, Mr. CHANDLER, Mr. WU, and Mr. MELANCON.
H.R. 6064: Mr. KIND, Mr. ELLISON, Ms. WASSERMAN SCHULTZ, Mr. HONDA, Mr. GRIJALVA, Mr. REYES, Mr. RODRIGUEZ, Mr. SIRES, and Mr. NADLER.
H.R. 6065: Mr. CARNAHAN and Mrs. BIGGERT.
H.R. 6076: Ms. LORETTA SANCHEZ of California and Mr. CARDOZA.
H.R. 6078: Mr. SIRES.
H.R. 6087: Mr. BROUN of Georgia.
H.R. 6092: Mr. SAXTON and Mr. BONNER.
H.R. 6101: Mr. FORTENBERRY and Mr. NEUGEBAUER.
H.R. 6102: Mr. PAUL.
H.R. 6108: Mr. CANNON and Mrs. BACHMANN.
H.R. 6122: Mr. PETERSON of Minnesota.
H.R. 6160: Ms. SCHAKOWSKY, Mr. SARBANES, Ms. JACKSON-LEE of Texas, and Mr. HODES.
H.J. Res. 39: Mr. WOLF.
H.J. Res. 79: Mr. SIRES.
H.J. Res. 84: Mr. BISHOP of Georgia.
H. Con. Res. 223: Ms. HERSETH SANDLIN.
H. Con. Res. 285: Mr. SESTAK.
H. Con. Res. 299: Ms. CASTOR, Mr. MEEK of Florida, Mr. PRICE of North Carolina, Mr. MOORE of Kansas, Mr. BRALEY of Iowa, Mr. JONES of North Carolina, and Mr. HONDA.
H. Con. Res. 338: Mr. LEWIS of Georgia, Mr. SCOTT of Virginia, and Mr. MEEK of Florida.
H. Con. Res. 342: Mr. GRIJALVA, Mr. BERRY, Mr. KUHL of New York, Mr. BISHOP of Utah, Mr. CHANDLER, Mr. SHAYS, Mr. BOOZMAN, Mr. STEARNS, and Mr. WEXLER.
H. Con. Res. 350: Mrs. CAPPS and Mr. KENNEDY.
H. Con. Res. 357: Mr. EHLERS, Mr. BUYER, Mr. BROUN of Georgia, Mr. CANTOR, Mr. HERGER, Mr. JONES of North Carolina, Mr. GINGREY, Mrs. DRAKE, Mr. MCHENRY, Mr. RYAN of Wisconsin, Mrs. MUSGRAVE, Mr. MANZULLO, Mr. ISSA, Mrs. BACHMANN, Mr. MARCHANT, Mrs. MYRICK, Mr. KLINE of Minnesota, Mr. CULBERSON, Mr. SAM JOHNSON of Texas, Mr. BARRETT of South Carolina, Mr. PENCE, Mr. WESTMORELAND, and Mr. WILSON of South Carolina.
H. Con. Res. 362: Ms. BERKLEY, Mr. TERRY, Mr. FERGUSON, Mr. SULLIVAN, Mr. ROTHMAN, Mrs. LOWEY, Mr. TIBERI, Mr. MARSHALL, Mrs. BLACKBURN, Mr. SCHIFF, Mr. MCHUGH, Mr. CAMP of Michigan, Mr. POE, Mr. HENSARLING, Mrs. JONES of Ohio, Mr. BARTLETT of Maryland, Mr. PORTER, Mr. CHABOT, Mr. VISCLOSKY, Mr. CAMPBELL of California, Mr. MANZULLO, Mr. ROHRABACHER, Mr. BURGESS, Mr. SESSIONS, Mr. RENZI, Mr. UDALL of Colorado, Mrs. MUSGRAVE, Mr. GOODE, Mr. MCNULTY, Mrs. MCCARTHY of New York, Mr. HASTINGS of Florida, Mr. GENE GREEN of Texas, Mr. LOBIONDO, Mr. BROUN of Georgia, Mr. STEARNS, Mr. SHADEGG, Mr. HOLDEN, Mr. PLATTS, Mr. TANCREDO, Mr. MCCAUL of Texas, Mr. BILBRAY, Ms. CORRINE BROWN of Florida, Mr. PASTOR, Mr. LATOURETTE, Mr. WILSON of South Carolina, Mr. GOHMERT, Mr. SHUSTER, Mr. HAYES, Ms. ROS-LEHTINEN, Mr. GRAVES, Mr. FRELINGHUYSEN, Mr. HOYER, Mr. RODRIGUEZ, and Mr. WAMP.
H. Con. Res. 367: Ms. SCHWARTZ, Mr. ALTMIRE, Mr. SAM JOHNSON of Texas, Mr. MCGOVERN, Mr. SMITH of Washington, Mr. GERLACH, Mr. LANGEVIN, Ms. GRANGER, Mr. DAVIS of Illinois, Mrs. NAPOLITANO, Mr. SULLIVAN, Mr. BUTTERFIELD, Mr. MOORE of Kansas, Mr. WALZ of Minnesota, Mrs. CAPPS, Mr. GRAVES, Mr. BILBRAY, Mr. RAMSTAD, Ms. BALDWIN, Mr. KIND, Mrs. MCMORRIS RODGERS, Mr. PORTER, and Mr. WILSON of Ohio.
H. Res. 353: Mr. MILLER of North Carolina, Mr. ISRAEL, Mr. PITTS, Mr. MOORE of Kansas, Mr. BRADY of Pennsylvania, Mr. SHAYS, Mr. GERLACH, and Mr. BERRY.
H. Res. 356: Mr. RYAN of Ohio.
H. Res. 648: Mr. MANZULLO, Mr. DANIEL E. LUNGREN of California, Mr. LAMBORN, Mr. FEENEY, Mr. WELDON of Florida, Mr. BROUN of Georgia, Mr. PRICE of Georgia, Mr. PENCE, Mr. BARRETT of South Carolina, Mr. KLINE of Minnesota, Mr. SAM JOHNSON of Texas, Mr. GOODE, Mr. PITTS, Mr. MARCHANT, Mr. GINGREY, Mr. BARTLETT of Maryland, Mr. WILSON of South Carolina, Mrs. BACHMANN, Mr. FORTUÑO, and Mr. DAVID DAVIS of Tennessee.
H. Res. 896: Mr. SESTAK and Mrs. JONES of Ohio.
H. Res. 985: Mr. HILL, Mr. SOUDER, and Mr. DONNELLY.

H. Res. 988: Mr. HALL of Texas, Mrs. BLACKBURN, Mr. ROGERS of Michigan, and Mr. CASTLE.

H. Res. 1010: Mr. MILLER of North Carolina, Mr. ROSS, Mr. BOREN, Mr. SULLIVAN, Mr. DAVIS of Illinois, Mr. DAVIS of Kentucky, Mr. BRALEY of Iowa, Mr. SIMPSON, and Mr. COHEN.

H. Res. 1056: Mr. ENGLISH of Pennsylvania, Mr. DAVIS of Illinois, and Ms. JACKSON-LEE of Texas.

H. Res. 1105: Mr. LEWIS of Georgia.

H. Res. 1108: Mr. HELLER.

H. Res. 1143: Mr. WOLF.

H. Res. 1187: Mr. WEXLER and Mr. ENGLISH of Pennsylvania.

H. Res. 1191: Mr. ALTMIRE and Mr. ALLEN.

H. Res. 1192: Ms. BALDWIN, Mr. BERMAN, and Ms. SPEIER.

H. Res. 1202: Mr. SOUDER, Mr. PENCE, Mr. INSLEE, Ms. BALDWIN, Mr. LEWIS of Kentucky, Mr. BURTON of Indiana, Mr. HILL, Ms. HOOLEY, and Mr. DAVIS of Kentucky.

H. Res. 1219: Ms. JACKSON-LEE of Texas, Mr. JORDAN, Mr. LINDER, Mr. SENSENBRENNER, Mrs. MYRICK, Mr. HENSARLING, and Mr. BISHOP of Georgia.

H. Res. 1227: Mr. FATTAH, Mr. HINCHEY, and Mr. MCGOVERN.

¶66.47 PETITIONS

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

252. The SPEAKER presented a petition of the Board of County Commissioners of Douglas County, Nebraska, relative to Resolution No. 143 opposing any cutback of the National Institute of Correction's budget; to the Committee on the Judiciary.

253. Also, a petition of American Bar Association, relative to a resolution regarding prosecutor obligation regarding new exculpatory evidence; to the Committee on the Judiciary.

254. Also, a petition of American Bar Association, relative to a resolution regarding criminal standards on prosecutorial investigations; to the Committee on the Judiciary.

THURSDAY, JUNE 5, 2008 (67)

The House was called to order by the SPEAKER.

¶67.1 APPROVAL OF THE JOURNAL

The SPEAKER announced she had examined and approved the Journal of the proceedings of Wednesday, June 4, 2008.

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

¶67.2 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

6948. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report pursuant to Section 3 of the Arms Export Control Act, as amended, detailing an unauthorized retransfer of U.S.-granted defense articles; to the Committee on Foreign Affairs.

6949. A letter from the Secretary, Department of Agriculture, transmitting the semiannual report on the activities of the Office of Inspector General for the period October 1, 2007 to March 31, 2008, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Oversight and Government Reform.

6950. A letter from the Secretary, Department of Commerce, transmitting the Inspector General's semiannual report to Congress for the reporting period October 1, 2007 through March 31, 2008, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Oversight and Government Reform.

6951. A letter from the Secretary, Department of Energy, transmitting the semiannual report on the activities of the Office of Inspector General for the period October 1, 2007 to March 31, 2008, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Oversight and Government Reform.

6952. A letter from the Secretary, Department of the Interior, transmitting the semiannual report on the activities of the Office of Inspector General for the period October 1, 2007 through March 31, 2008, pursuant to 5 U.S.C. app. (Insp. Gen. Act), section 5(b); to the Committee on Oversight and Government Reform.

6953. A letter from the Secretary, Department of Labor, transmitting the semiannual report on the activities of the Office of Inspector General for the period October 1, 2007 through March 31, 2008, pursuant to 5 U.S.C. app. (Insp. Gen. Act), section 5(b); to the Committee on Oversight and Government Reform.

6954. A letter from the Administrator, Agency for International Development, transmitting the semiannual report on the activities of the Inspector General for the period ending March 31, 2008, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Oversight and Government Reform.

6955. A letter from the Federal Co-Chair, Appalachian Regional Commission, transmitting the semiannual report on the activities of the Office of Inspector General for the period October 1, 2007, through March 31, 2008, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 8G(h)(2); to the Committee on Oversight and Government Reform.

6956. A letter from the Chairman, Broadcasting Board of Governors, transmitting the semiannual report on the activities of the Office of Inspector General for the period October 1, 2007 to March 31, 2008, pursuant to 5 U.S.C. app. (Insp. Gen. Act), section 5(b); to the Committee on Oversight and Government Reform.

6957. A letter from the Chief Executive Officer, Corporation for National and Community Service, transmitting the Corporation's Report on Final Action as a result of Audits in respect to the semiannual report of the Office of the Inspector General for the period from October 1, 2007 through March 31, 2008, pursuant to 5 U.S.C. app. (Insp. Gen. Act), section 5(b); to the Committee on Oversight and Government Reform.

6958. A letter from the Secretary, Department of Homeland Security, transmitting the semiannual report of the Inspector General for the period October 1, 2007 through March 31, 2008, pursuant to Public Law 95-452, section 5; to the Committee on Oversight and Government Reform.

6959. A letter from the White House Liaison, Department of Justice, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

6960. A letter from the White House Liaison, Department of Justice, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

6961. A letter from the Attorney General, Department of Justice, transmitting the Semiannual Management Report to Congress for October 1, 2007 through March 31, 2008, and the Inspector General's Semiannual Report for the same period, pursuant to 5 U.S.C. app. (Insp. Gen. Act), section 5(b); to the Committee on Oversight and Government Reform.

6962. A letter from the White House Liaison, Department of Veterans Affairs, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

6963. A letter from the White House Liaison, Department of Veterans Affairs, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

6964. A letter from the Secretary, Department of Veterans Affairs, transmitting the semiannual report on activities of the Inspector General for the period October 1, 2007, through March 31, 2008, pursuant to 5 U.S.C. app. (Insp. Gen. Act), section 5(b); to the Committee on Oversight and Government Reform.

6965. A letter from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting the Administration's strategic plan for fiscal years 2008 through 2013 in compliance with the Government Performance and Results Act of 1993 (GPRA); to the Committee on Oversight and Government Reform.

6966. A letter from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting the semiannual report on the activities of the Office of Inspector General for the period of October 1, 2007 through March 31, 2008, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 8G(h)(2); to the Committee on Oversight and Government Reform.

6967. A letter from the Assistant Secretary, Federal Maritime Commission, transmitting the Commission's semiannual report on the activities of the Office of Inspector General for the period October 1, 2007 to March 31, 2008, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 8G(h)(2); to the Committee on Oversight and Government Reform.

6968. A letter from the Chairman, Federal Trade Commission, transmitting the semiannual report on the activities of the Office of Inspector General for the period from October 1, 2007 through March 31, 2008, pursuant to 5 U.S.C. app. (Insp. Gen. Act), section 5(b); to the Committee on Oversight and Government Reform.

6969. A letter from the Chairman, International Trade Commission, transmitting the semiannual report on the activities of the Office of Inspector General for the period October 1, 2007 through March 31, 2008, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 8G(h)(2); to the Committee on Oversight and Government Reform.

6970. A letter from the Chairman, Merit Systems Protection Board, transmitting the Board's report of audits and investigations conducted during fiscal years 2006 and 2007, pursuant to Section 8(G)(h)(2) of the Inspector General Act of 1978, pursuant to 5 U.S.C. App. 3; to the Committee on Oversight and Government Reform.

6971. A letter from the Chairman, National Credit Union Administration, transmitting the Administration's semi-annual report on the activities of the Inspector General for October 1, 2007 through March 31, 2008, pursuant to 5 U.S.C. app. (Insp. Gen. Act), section 5(b); to the Committee on Oversight and Government Reform.

6972. A letter from the Chairman, National Credit Union Administration, transmitting the 2007 Annual Report of the National Credit Union Administration, pursuant to 12 U.S.C. 1756; to the Committee on Oversight and Government Reform.

6973. A letter from the Chairman, National Endowment for the Arts, transmitting the Semiannual Report of the Inspector General and the Semiannual Report on Final Action Resulting from Audit Reports for the period October 1, 2007 through March 31, 2008, pursuant to 5 U.S.C. app. (Insp. Gen. Act), section

5(b); to the Committee on Oversight and Government Reform.

6974. A letter from the Director, Office of Personnel Management, transmitting the semiannual report on the activities of the Inspector General and the Management Response for the period of October 1, 2007 to March 31, 2008, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Oversight and Government Reform.

6975. A letter from the Inspector General, Railroad Retirement Board, transmitting the semiannual report on activities of the Office of Inspector General for the period October 1, 2007 through March 31, 2008, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(d); to the Committee on Oversight and Government Reform.

6976. A letter from the Chairman, Railroad Retirement Board, transmitting the semiannual report on activities of the Office of Inspector General for the period October 1, 2007 through March 31, 2008, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(d); to the Committee on Oversight and Government Reform.

6977. A letter from the Chairman, Securities and Exchange Commission, transmitting the semiannual report on activities of the Inspector General for the period October 1, 2007 through March 31, 2008 and the Management Response for the same period, pursuant to 5 U.S.C. app. (Insp. Gen. Act), section 5(b); to the Committee on Oversight and Government Reform.

6978. A letter from the Chairman, U.S. Postal Service, transmitting the semiannual report on activities of the Inspector General for the period of October 1, 2007, through March 31, 2008 and the Management Response for the same period, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 8G(h)(2); to the Committee on Oversight and Government Reform.

6979. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Kingsmill Resort Fireworks Display, James River, Williamsburg, VA. [USCG-2008-0238] (RIN: 1625-AA00) received May 29, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6980. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Fireworks Displays, Anacostia River, Washington, DC [Docket No. USCG-2008-0338] (RIN: 1625-AA00) received May 29, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6981. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Hatteras Boat Parade and Firework Display, Trent River, New Bern, NC [USCG-2008-0309] (RIN: 1625-AA00) received May 29, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6982. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Security Zone: HOVENSA Refinery, St. Croix, United States Virgin Islands [Docket No. USCG-2008-0284, formerly COTP San Juan 05-007] (RIN: 1625-AA87) received May 29, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6983. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Cleveland Harbor, Dock 32, Cleveland, OH [USCG-2008-0329] (RIN: 1625-AA87) received May 29, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6984. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Escorted Vessels in Captain of the Port Zone Jacksonville, Florida [Docket No. USCG-2008-0203] (RIN: 1625-AA87) received May 29, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6985. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Anacostia River, Washington, DC [Docket No. USCG-2008-0114] (RIN: 1625-AA87) received May 29, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6986. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Tank Level or Pressure Monitoring Devices on Single-Hull Tank Ships and Single-Hull Tank Barges Carrying Oil or Oil Residue as Cargo [USCG-2001-9046] (RIN: 1625-AB12) received May 29, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6987. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations; Delaware River, Philadelphia, PA [Docket No. USCG-2008-0277] (RIN: 1625-AA08) received May 29, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6988. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations; Delaware River, Big Timber Creek, Westville, NJ [Docket No. USCG-2008-0278] (RIN: 1625-AA08) received May 29, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6989. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Fourth of July Fireworks Celebration Charles River, Boston, MA. [USCG-2008-0319] received May 29, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6990. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Sacramento River, Sacramento, CA, Event — Sacramento International Triathlon [Docket No. USCG-2008-0317] received May 29, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6991. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulation; Illinois Waterway, Joliet, IL 8K Run [USCG-2008-0267] received May 29, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6992. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Charles River, Boston, MA, Larry Kessler 5K Run [USCG-2008-0258] received May 29, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6993. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Sacramento River, Sacramento, CA, Event — Grand Opening Celebration [Docket No. USCG-2008-0223] received May 29, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6994. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulation; Upper Mississippi River, Rock Island, IL, Quad City Marathon [USCG-2008-0037] received May 29, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6995. A letter from the Chief Counsel, EDA, Department of Commerce, transmitting the Department's final rule — Economic Development Administration Reauthorization Act of 2004 Implementation; Regulatory Revision [Docket No.: 05072910-6229-06] (RIN: 0610-AA63) received May 29, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Transportation and Infrastructure and Financial Services.

¶67.3 PROVIDING FOR CONSIDERATION OF H.R. 5540

Mr. ARCURI, by direction of the Committee on Rules, called up the following resolution (H. Res. 1233):

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 5540) to amend the Chesapeake Bay Initiative Act of 1998 to provide for the continuing authorization of the Chesapeake Bay Gateways and Watertrails Network. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. The bill shall be considered as read. All points of order against provisions in the bill are waived. The previous question shall be considered as ordered on the bill, and any amendment thereto, to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Natural Resources; (2) the amendment printed in the report of the Committee on Rules, if offered by Representative Bishop of Utah or his designee, which shall be in order without intervention of any point of order (except those arising under clause 9 or 10 of rule XXI), shall be considered as read, and shall be separately debatable for 20 minutes equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions.

SEC. 2. During consideration of H.R. 5540 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

When said resolution was considered.

After debate,

Mr. ARCURI moved the previous question on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House now order the previous question?

The SPEAKER pro tempore, Mr. HOLDEN, announced that the yeas had it.

Mr. HASTINGS of Washington, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. HOLDEN, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶67.4 CONGRESSIONAL BUDGET RESOLUTION

Mr. SPRATT, pursuant to House Resolution 1214, called up the following conference report (Rept. No. 110–659):

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the concurrent resolution (S. Con. Res. 70), setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment, insert the following:

SECTION 1. CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2009.

(a) DECLARATION.—Congress declares that this resolution is the concurrent resolution on the budget for fiscal year 2009 and that this resolution sets forth the appropriate budgetary levels for fiscal year 2008 and for fiscal years 2010 through 2013.

(b) TABLE OF CONTENTS.—

Sec. 1. Concurrent resolution on the budget for fiscal year 2009.

TITLE I—RECOMMENDED LEVELS AND AMOUNTS

Sec. 101. Recommended levels and amounts.
Sec. 102. Social Security.
Sec. 103. Postal Service discretionary administrative expenses.
Sec. 104. Major functional categories.

TITLE II—RESERVE FUNDS

Subtitle A—House Reserve Funds

Sec. 201. Deficit-neutral reserve fund for SCHIP legislation.
Sec. 202. Deficit-neutral reserve fund for America's veterans and servicemembers.
Sec. 203. Deficit-neutral reserve fund for education benefits for servicemembers, veterans, and their families.
Sec. 204. Deficit-neutral reserve fund for infrastructure investment.
Sec. 205. Deficit-neutral reserve fund for renewable energy and energy efficiency.
Sec. 206. Deficit-neutral reserve fund for middle-income tax relief and economic equity.
Sec. 207. Deficit-neutral reserve fund for reform of the alternative minimum tax.
Sec. 208. Deficit-neutral reserve fund for higher education.
Sec. 209. Deficit-neutral reserve fund for affordable housing.
Sec. 210. Deficit-neutral reserve fund for Medicare improvements.
Sec. 211. Deficit-neutral reserve fund for health care quality, effectiveness, and efficiency.
Sec. 212. Deficit-neutral reserve fund for Medicaid and other programs.
Sec. 213. Deficit-neutral reserve fund for a 9/11 health program.
Sec. 214. Deficit-neutral reserve fund for trade adjustment assistance and unemployment insurance modernization.
Sec. 215. Deficit-neutral reserve fund for county payments legislation.
Sec. 216. Deficit-neutral reserve fund for San Joaquin River restoration and Navajo Nation water rights settlements.
Sec. 217. Deficit-neutral reserve fund for the National Park Centennial Fund.
Sec. 218. Deficit-neutral reserve fund for child support enforcement.
Sec. 219. Deficit-neutral reserve fund for children and families.
Sec. 220. Reserve fund adjustment for revenue measures in the House.

Subtitle B—Senate Reserve Funds

Sec. 221. Deficit-neutral reserve fund to strengthen and stimulate the American economy and provide economic relief to American families.
Sec. 222. Deficit-neutral reserve fund for improving education.
Sec. 223. Deficit-neutral reserve fund for investments in America's infrastructure.
Sec. 224. Deficit-neutral reserve fund to invest in clean energy, preserve the environment, and provide for certain settlements.
Sec. 225. Deficit-neutral reserve fund for America's veterans and servicemembers.
Sec. 226. Deficit-neutral reserve fund for education benefits for servicemembers, veterans, and their families.
Sec. 227. Deficit-neutral reserve fund to improve America's health.
Sec. 228. Deficit-neutral reserve fund for reform of the alternative minimum tax.
Sec. 229. Deficit-neutral reserve fund for judicial pay and judgeships.
Sec. 230. Deficit-neutral reserve fund for immigration enforcement and reform.
Sec. 231. Deficit-neutral reserve fund for science parks.
Sec. 232. Deficit-neutral reserve fund to terminate deductions from mineral revenue payments to States.
Sec. 233. Deficit-reduction reserve fund for increased use of recovery audits.
Sec. 234. Deficit-neutral reserve fund for food safety.
Sec. 235. Deficit-neutral reserve fund for demonstration project regarding Medicaid coverage of low-income HIV-infected individuals.
Sec. 236. Deficit-neutral reserve fund for reducing the income threshold for the refundable child tax credit, and other selected tax relief policies.
Sec. 237. Deficit-neutral reserve fund for a 9/11 health program.

TITLE III—BUDGET ENFORCEMENT

Subtitle A—House Enforcement Provisions

Sec. 301. Program integrity initiatives and other adjustments.
Sec. 302. Point of order against advance appropriations.

Subtitle B—Senate Enforcement Provisions

Sec. 311. Senate point of order against legislation increasing long-term deficits.
Sec. 312. Discretionary spending limits, program integrity initiatives, and other adjustments.
Sec. 313. Point of order against advance appropriations.
Sec. 314. Senate point of order against provisions of appropriations legislation that constitute changes in mandatory programs with net costs.
Sec. 315. Senate point of order against legislation increasing short-term deficit.

Subtitle C—Other Provisions

Sec. 321. Oversight of government performance.
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Sec. 323. Application and effect of changes in allocations and aggregates.
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Sec. 325. Exercise of rulemaking powers.

TITLE IV—POLICY

Sec. 401. Policy of the House on middle-income tax relief.
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TITLE V—SENSE OF THE SENATE AND CONGRESS

Subtitle A—Sense of the Senate

Sec. 501. Sense of the Senate regarding Medicaid administrative regulations.

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Sec. 511. Sense of the Congress on servicemembers' and veterans' health care and other priorities.
Sec. 512. Sense of the Congress on homeland security.
Sec. 513. Sense of the Congress regarding long-term fiscal reform.
Sec. 514. Sense of the Congress regarding waste, fraud, and abuse.
Sec. 515. Sense of the Congress regarding extension of the statutory pay-as-you-go rule.
Sec. 516. Sense of the Congress on long-term budgeting.
Sec. 517. Sense of the Congress regarding affordable health coverage.
Sec. 518. Sense of the Congress regarding pay parity.
Sec. 519. Sense of the Congress regarding subprime lending and foreclosures.
Sec. 520. Sense of the Congress regarding the need to maintain and build upon efforts to fight hunger.
Sec. 521. Sense of the Congress regarding the importance of child support enforcement.
Sec. 522. Sense of the Congress on the Innovation Agenda and America COMPETES Act.

TITLE I—RECOMMENDED LEVELS AND AMOUNTS

SEC. 101. RECOMMENDED LEVELS AND AMOUNTS.

The following budgetary levels are appropriate for each of fiscal years 2008 through 2013:

(1) FEDERAL REVENUES.—For purposes of the enforcement of this resolution:

(A) The recommended levels of Federal revenues are as follows:

Fiscal year 2008: $1,875,392,000,000.
Fiscal year 2009: $2,029,612,000,000.
Fiscal year 2010: $2,204,652,000,000.
Fiscal year 2011: $2,413,249,000,000.
Fiscal year 2012: $2,506,049,000,000.
Fiscal year 2013: $2,626,582,000,000.

(B) The amounts by which the aggregate levels of Federal revenues should be changed are as follows:

Fiscal year 2008: -$4,000,000,000.
Fiscal year 2009: -$67,755,000,000.
Fiscal year 2010: $21,270,000,000.
Fiscal year 2011: -$14,824,000,000.
Fiscal year 2012: -$151,572,000,000.
Fiscal year 2013: -$123,689,000,000.

(2) NEW BUDGET AUTHORITY.—For purposes of the enforcement of this resolution, the appropriate levels of total new budget authority are as follows:

Fiscal year 2008: $2,563,262,000,000.
Fiscal year 2009: $2,530,703,000,000.
Fiscal year 2010: $2,562,856,000,000.
Fiscal year 2011: $2,693,843,000,000.
Fiscal year 2012: $2,736,865,000,000.
Fiscal year 2013: $2,868,813,000,000.

(3) BUDGET OUTLAYS.—For purposes of the enforcement of this resolution, the appropriate levels of total budget outlays are as follows:

Fiscal year 2008: $2,465,711,000,000.
Fiscal year 2009: $2,565,903,000,000.
Fiscal year 2010: $2,621,939,000,000.
Fiscal year 2011: $2,712,795,000,000.
Fiscal year 2012: $2,722,056,000,000.
Fiscal year 2013: $2,860,225,000,000.

(4) DEFICITS (ON-BUDGET).—For purposes of the enforcement of this resolution, the amounts of the deficits (on-budget) are as follows:

Fiscal year 2008: $590,319,000,000.
Fiscal year 2009: $536,291,000,000.
Fiscal year 2010: $417,287,000,000.
Fiscal year 2011: $299,546,000,000.
Fiscal year 2012: $216,007,000,000.
Fiscal year 2013: $233,643,000,000.

(5) DEBT SUBJECT TO LIMIT.—Pursuant to section 301(a)(5) of the Congressional Budget Act of 1974, the appropriate levels of the public debt are as follows:

Fiscal year 2008: $9,575,000,000,000.
Fiscal year 2009: $10,207,000,000,000.
Fiscal year 2010: $10,732,000,000,000.
Fiscal year 2011: $11,137,000,000,000.
Fiscal year 2012: $11,484,000,000,000.
Fiscal year 2013: $11,832,000,000,000.

(6) DEBT HELD BY THE PUBLIC.—The appropriate levels of debt held by the public are as follows:

Fiscal year 2008: $5,404,000,000,000.
Fiscal year 2009: $5,761,000,000,000.
Fiscal year 2010: $5,989,000,000,000.
Fiscal year 2011: $6,080,000,000,000.
Fiscal year 2012: $6,075,000,000,000.
Fiscal year 2013: $6,081,000,000,000.

SEC. 102. SOCIAL SECURITY.

(a) SOCIAL SECURITY REVENUES.—For purposes of Senate enforcement under sections 302 and 311 of the Congressional Budget Act of 1974, the amounts of revenues of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:

Fiscal year 2008: $666,706,000,000.
Fiscal year 2009: $695,870,000,000.
Fiscal year 2010: $733,562,000,000.
Fiscal year 2011: $772,459,000,000.
Fiscal year 2012: $809,789,000,000.
Fiscal year 2013: $845,034,000,000.

(b) SOCIAL SECURITY OUTLAYS.—For purposes of Senate enforcement under sections 302 and 311 of the Congressional Budget Act of 1974, the amounts of outlays of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:

Fiscal year 2008: $463,746,000,000.
Fiscal year 2009: $493,602,000,000.
Fiscal year 2010: $520,149,000,000.
Fiscal year 2011: $540,478,000,000.
Fiscal year 2012: $566,240,000,000.
Fiscal year 2013: $595,534,000,000.

(c) SOCIAL SECURITY ADMINISTRATIVE EXPENSES.—In the Senate, the amounts of new budget authority and budget outlays of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund for administrative expenses are as follows:

Fiscal year 2008:
(A) New budget authority, $5,010,000,000.
(B) Outlays, $4,944,000,000.
Fiscal year 2009:
(A) New budget authority, $5,233,000,000.
(B) Outlays, $5,160,000,000.
Fiscal year 2010:
(A) New budget authority, $5,359,000,000.
(B) Outlays, $5,332,000,000.
Fiscal year 2011:
(A) New budget authority, $5,500,000,000.
(B) Outlays, $5,475,000,000.
Fiscal year 2012:
(A) New budget authority, $5,653,000,000.
(B) Outlays, $5,626,000,000.
Fiscal year 2013:
(A) New budget authority, $5,817,000,000.
(B) Outlays, $5,789,000,000.

SEC. 103. POSTAL SERVICE DISCRETIONARY ADMINISTRATIVE EXPENSES.

In the Senate, the amounts of new budget authority and budget outlays of the Postal Service for discretionary administrative expenses are as follows:

Fiscal year 2008:
(A) New budget authority, $250,000,000.
(B) Outlays, $237,000,000.
Fiscal year 2009:
(A) New budget authority, $258,000,000.
(B) Outlays, $258,000,000.
Fiscal year 2010:
(A) New budget authority, $267,000,000.
(B) Outlays, $267,000,000.
Fiscal year 2011:
(A) New budget authority, $275,000,000.
(B) Outlays, $275,000,000.
Fiscal year 2012:
(A) New budget authority, $284,000,000.
(B) Outlays, $284,000,000.
Fiscal year 2013:
(A) New budget authority, $293,000,000.
(B) Outlays, $293,000,000.

SEC. 104. MAJOR FUNCTIONAL CATEGORIES.

The Congress determines and declares that the appropriate levels of new budget authority and outlays for fiscal years 2008 through 2013 for each major functional category are:

(1) National Defense (050):
Fiscal year 2008:
(A) New budget authority, $590,686,000,000.
(B) Outlays, $576,173,000,000.
Fiscal year 2009:
(A) New budget authority, $542,497,000,000.
(B) Outlays, $573,362,000,000.
Fiscal year 2010:
(A) New budget authority, $550,414,000,000.
(B) Outlays, $560,726,000,000.
Fiscal year 2011:
(A) New budget authority, $557,026,000,000.
(B) Outlays, $560,099,000,000.
Fiscal year 2012:
(A) New budget authority, $565,800,000,000.
(B) Outlays, $556,699,000,000.
Fiscal year 2013:
(A) New budget authority, $576,233,000,000.
(B) Outlays, $568,829,000,000.

(2) International Affairs (150):
Fiscal year 2008:
(A) New budget authority, $32,648,000,000.
(B) Outlays, $32,843,000,000.
Fiscal year 2009:
(A) New budget authority, $37,158,000,000.
(B) Outlays, $35,749,000,000.
Fiscal year 2010:
(A) New budget authority, $37,901,000,000.
(B) Outlays, $36,591,000,000.
Fiscal year 2011:
(A) New budget authority, $38,221,000,000.
(B) Outlays, $36,864,000,000.
Fiscal year 2012:
(A) New budget authority, $38,491,000,000.
(B) Outlays, $36,824,000,000.
Fiscal year 2013:
(A) New budget authority, $38,451,000,000.
(B) Outlays, $36,537,000,000.

(3) General Science, Space, and Technology (250):
Fiscal year 2008:
(A) New budget authority, $27,407,000,000.
(B) Outlays, $26,456,000,000.
Fiscal year 2009:
(A) New budget authority, $30,639,000,000.
(B) Outlays, $29,072,000,000.
Fiscal year 2010:
(A) New budget authority, $31,701,000,000.
(B) Outlays, $31,192,000,000.
Fiscal year 2011:
(A) New budget authority, $32,863,000,000.
(B) Outlays, $32,642,000,000.
Fiscal year 2012:
(A) New budget authority, $34,115,000,000.
(B) Outlays, $33,891,000,000.
Fiscal year 2013:
(A) New budget authority, $35,450,000,000.
(B) Outlays, $34,694,000,000.

(4) Energy (270):
Fiscal year 2008:
(A) New budget authority, $3,550,000,000.
(B) Outlays, $1,681,000,000.
Fiscal year 2009:
(A) New budget authority, $6,514,000,000.
(B) Outlays, $2,795,000,000.
Fiscal year 2010:
(A) New budget authority, $6,615,000,000.
(B) Outlays, $4,092,000,000.
Fiscal year 2011:
(A) New budget authority, $6,450,000,000.
(B) Outlays, $4,969,000,000.
Fiscal year 2012:
(A) New budget authority, $6,550,000,000.
(B) Outlays, $5,417,000,000.
Fiscal year 2013:
(A) New budget authority, $6,474,000,000.
(B) Outlays, $5,659,000,000.

(5) Natural Resources and Environment (300):
Fiscal year 2008:
(A) New budget authority, $33,169,000,000.
(B) Outlays, $34,723,000,000.
Fiscal year 2009:
(A) New budget authority, $40,515,000,000.
(B) Outlays, $36,868,000,000.
Fiscal year 2010:
(A) New budget authority, $35,278,000,000.
(B) Outlays, $37,472,000,000.
Fiscal year 2011:
(A) New budget authority, $36,307,000,000.
(B) Outlays, $37,865,000,000.
Fiscal year 2012:
(A) New budget authority, $37,396,000,000.
(B) Outlays, $38,356,000,000.
Fiscal year 2013:
(A) New budget authority, $38,033,000,000.
(B) Outlays, $38,923,000,000.

(6) Agriculture (350):
Fiscal year 2008:
(A) New budget authority, $24,296,000,000.
(B) Outlays, $22,179,000,000.
Fiscal year 2009:
(A) New budget authority, $22,572,000,000.
(B) Outlays, $22,312,000,000.
Fiscal year 2010:
(A) New budget authority, $22,145,000,000.
(B) Outlays, $21,241,000,000.
Fiscal year 2011:
(A) New budget authority, $22,026,000,000.
(B) Outlays, $21,022,000,000.
Fiscal year 2012:
(A) New budget authority, $20,889,000,000.
(B) Outlays, $17,463,000,000.
Fiscal year 2013:
(A) New budget authority, $22,304,000,000.
(B) Outlays, $21,606,000,000.

(7) Commerce and Housing Credit (370):
Fiscal year 2008:
(A) New budget authority, $11,216,000,000.
(B) Outlays, $5,381,000,000.
Fiscal year 2009:
(A) New budget authority, $9,560,000,000.
(B) Outlays, $3,722,000,000.
Fiscal year 2010:
(A) New budget authority, $13,887,000,000.
(B) Outlays, $5,835,000,000.
Fiscal year 2011:
(A) New budget authority, $8,998,000,000.
(B) Outlays, $2,193,000,000.
Fiscal year 2012:
(A) New budget authority, $9,246,000,000.
(B) Outlays, $1,735,000,000.
Fiscal year 2013:
(A) New budget authority, $9,642,000,000.
(B) Outlays, $1,648,000,000.

(8) Transportation (400):
Fiscal year 2008:
(A) New budget authority, $80,189,000,000.
(B) Outlays, $77,795,000,000.
Fiscal year 2009:
(A) New budget authority, $74,682,000,000.
(B) Outlays, $80,781,000,000.
Fiscal year 2010:
(A) New budget authority, $77,999,000,000.
(B) Outlays, $84,318,000,000.
Fiscal year 2011:
(A) New budget authority, $78,900,000,000.
(B) Outlays, $86,468,000,000.
Fiscal year 2012:
(A) New budget authority, $79,741,000,000.
(B) Outlays, $88,453,000,000.
Fiscal year 2013:
(A) New budget authority, $80,641,000,000.
(B) Outlays, $90,675,000,000.

(9) Community and Regional Development (450):
Fiscal year 2008:
(A) New budget authority, $20,149,000,000.
(B) Outlays, $27,820,000,000.
Fiscal year 2009:

(A) New budget authority, $15,220,000,000.
(B) Outlays, $24,401,000,000.
Fiscal year 2010:
(A) New budget authority, $15,376,000,000.
(B) Outlays, $22,109,000,000.
Fiscal year 2011:
(A) New budget authority, $15,603,000,000.
(B) Outlays, $18,330,000,000.
Fiscal year 2012:
(A) New budget authority, $15,840,000,000.
(B) Outlays, $16,301,000,000.
Fiscal year 2013:
(A) New budget authority, $16,007,000,000.
(B) Outlays, $15,986,000,000.
(10) Education, Training, Employment, and Social Services (500):
Fiscal year 2008:
(A) New budget authority, $90,077,000,000.
(B) Outlays, $90,729,000,000.
Fiscal year 2009:
(A) New budget authority, $94,277,000,000.
(B) Outlays, $91,351,000,000.
Fiscal year 2010:
(A) New budget authority, $103,716,000,000.
(B) Outlays, $99,477,000,000.
Fiscal year 2011:
(A) New budget authority, $105,910,000,000.
(B) Outlays, $103,453,000,000.
Fiscal year 2012:
(A) New budget authority, $107,399,000,000.
(B) Outlays, $103,992,000,000.
Fiscal year 2013:
(A) New budget authority, $100,625,000,000.
(B) Outlays, $102,451,000,000.
(11) Health (550):
Fiscal year 2008:
(A) New budget authority, $285,601,000,000.
(B) Outlays, $287,188,000,000.
Fiscal year 2009:
(A) New budget authority, $310,260,000,000.
(B) Outlays, $307,474,000,000.
Fiscal year 2010:
(A) New budget authority, $325,344,000,000.
(B) Outlays, $325,681,000,000.
Fiscal year 2011:
(A) New budget authority, $345,817,000,000.
(B) Outlays, $345,055,000,000.
Fiscal year 2012:
(A) New budget authority, $368,395,000,000.
(B) Outlays, $367,257,000,000.
Fiscal year 2013:
(A) New budget authority, $393,337,000,000.
(B) Outlays, $391,872,000,000.
(12) Medicare (570):
Fiscal year 2008:
(A) New budget authority, $390,458,000,000.
(B) Outlays, $390,454,000,000.
Fiscal year 2009:
(A) New budget authority, $420,191,000,000.
(B) Outlays, $419,974,000,000.
Fiscal year 2010:
(A) New budget authority, $445,207,000,000.
(B) Outlays, $445,333,000,000.
Fiscal year 2011:
(A) New budget authority, $494,337,000,000.
(B) Outlays, $494,162,000,000.
Fiscal year 2012:
(A) New budget authority, $491,305,000,000.
(B) Outlays, $491,065,000,000.
Fiscal year 2013:
(A) New budget authority, $552,329,000,000.
(B) Outlays, $552,445,000,000.
(13) Income Security (600):
Fiscal year 2008:
(A) New budget authority, $389,926,000,000.
(B) Outlays, $394,161,000,000.
Fiscal year 2009:
(A) New budget authority, $415,547,000,000.
(B) Outlays, $416,039,000,000.
Fiscal year 2010:
(A) New budget authority, $420,430,000,000.
(B) Outlays, $420,710,000,000.
Fiscal year 2011:
(A) New budget authority, $429,946,000,000.
(B) Outlays, $429,463,000,000.
Fiscal year 2012:
(A) New budget authority, $416,447,000,000.
(B) Outlays, $416,044,000,000.
Fiscal year 2013:
(A) New budget authority, $432,148,000,000.
(B) Outlays, $431,699,000,000.
(14) Social Security (650):
Fiscal year 2008:
(A) New budget authority, $19,378,000,000.
(B) Outlays, $19,378,000,000.
Fiscal year 2009:
(A) New budget authority, $21,313,000,000.
(B) Outlays, $21,313,000,000.
Fiscal year 2010:
(A) New budget authority, $23,803,000,000.
(B) Outlays, $23,803,000,000.
Fiscal year 2011:
(A) New budget authority, $27,338,000,000.
(B) Outlays, $27,338,000,000.
Fiscal year 2012:
(A) New budget authority, $30,349,000,000.
(B) Outlays, $30,349,000,000.
Fiscal year 2013:
(A) New budget authority, $33,170,000,000.
(B) Outlays, $33,170,000,000.
(15) Veterans Benefits and Services (700):
Fiscal year 2008:
(A) New budget authority, $86,365,000,000.
(B) Outlays, $83,551,000,000.
Fiscal year 2009:
(A) New budget authority, $93,320,000,000.
(B) Outlays, $92,486,000,000.
Fiscal year 2010:
(A) New budget authority, $96,233,000,000.
(B) Outlays, $95,912,000,000.
Fiscal year 2011:
(A) New budget authority, $102,038,000,000.
(B) Outlays, $101,706,000,000.
Fiscal year 2012:
(A) New budget authority, $99,359,000,000.
(B) Outlays, $98,511,000,000.
Fiscal year 2013:
(A) New budget authority, $105,344,000,000.
(B) Outlays, $104,513,000,000.
(16) Administration of Justice (750):
Fiscal year 2008:
(A) New budget authority, $46,237,000,000.
(B) Outlays, $44,282,000,000.
Fiscal year 2009:
(A) New budget authority, $48,303,000,000.
(B) Outlays, $48,097,000,000.
Fiscal year 2010:
(A) New budget authority, $48,673,000,000.
(B) Outlays, $49,291,000,000.
Fiscal year 2011:
(A) New budget authority, $49,348,000,000.
(B) Outlays, $49,763,000,000.
Fiscal year 2012:
(A) New budget authority, $50,139,000,000.
(B) Outlays, $50,172,000,000.
Fiscal year 2013:
(A) New budget authority, $51,051,000,000.
(B) Outlays, $50,767,000,000.
(17) General Government (800):
Fiscal year 2008:
(A) New budget authority, $56,407,000,000.
(B) Outlays, $56,920,000,000.
Fiscal year 2009:
(A) New budget authority, $23,987,000,000.
(B) Outlays, $24,411,000,000.
Fiscal year 2010:
(A) New budget authority, $19,929,000,000.
(B) Outlays, $19,974,000,000.
Fiscal year 2011:
(A) New budget authority, $20,470,000,000.
(B) Outlays, $20,369,000,000.
Fiscal year 2012:
(A) New budget authority, $21,004,000,000.
(B) Outlays, $21,026,000,000.
Fiscal year 2013:
(A) New budget authority, $21,463,000,000.
(B) Outlays, $21,251,000,000.
(18) Net Interest (900):
Fiscal year 2008:
(A) New budget authority, $349,351,000,000.
(B) Outlays, $349,351,000,000.
Fiscal year 2009:
(A) New budget authority, $334,409,000,000.
(B) Outlays, $334,409,000,000.
Fiscal year 2010:
(A) New budget authority, $370,805,000,000.
(B) Outlays, $370,805,000,000.
Fiscal year 2011:
(A) New budget authority, $407,916,000,000.
(B) Outlays, $407,916,000,000.
Fiscal year 2012:
(A) New budget authority, $433,193,000,000.
(B) Outlays, $433,193,000,000.
Fiscal year 2013:
(A) New budget authority, $448,812,000,000.
(B) Outlays, $448,812,000,000.
(19) Allowances (920):
Fiscal year 2008:
(A) New budget authority, $4,426,000,000.
(B) Outlays, $2,075,000,000.
Fiscal year 2009:
(A) New budget authority, -$13,201,000,000.
(B) Outlays, -$6,462,000,000.
Fiscal year 2010:
(A) New budget authority, -$11,955,000,000.
(B) Outlays, -$9,385,000,000.
Fiscal year 2011:
(A) New budget authority, -$12,307,000,000.
(B) Outlays, -$11,769,000,000.
Fiscal year 2012:
(A) New budget authority, -$12,689,000,000.
(B) Outlays, -$13,764,000,000.
Fiscal year 2013:
(A) New budget authority, -$13,000,000,000.
(B) Outlays, -$13,396,000,000.
(20) Undistributed Offsetting Receipts (950):
Fiscal year 2008:
(A) New budget authority, -$86,330,000,000.
(B) Outlays, -$86,330,000,000.
Fiscal year 2009:
(A) New budget authority, -$67,060,000,000.
(B) Outlays, -$67,060,000,000.
Fiscal year 2010:
(A) New budget authority, -$70,645,000,000.
(B) Outlays, -$70,645,000,000.
Fiscal year 2011:
(A) New budget authority, -$73,364,000,000.
(B) Outlays, -$73,364,000,000.
Fiscal year 2012:
(A) New budget authority, -$76,104,000,000.
(B) Outlays, -$76,104,000,000.
Fiscal year 2013:
(A) New budget authority, -$79,691,000,000.
(B) Outlays, -$79,691,000,000.
(21) Overseas Deployments and Other Activities (970):
Fiscal year 2008:
(A) New budget authority, $108,056,000,000.
(B) Outlays, $28,901,000,000.
Fiscal year 2009:
(A) New budget authority, $70,000,000,000.
(B) Outlays, $74,809,000,000.
Fiscal year 2010:
(A) New budget authority, $0.
(B) Outlays, $47,407,000,000.
Fiscal year 2011:
(A) New budget authority, $0.
(B) Outlays, $18,251,000,000.
Fiscal year 2012:
(A) New budget authority, $0.
(B) Outlays, $5,176,000,000.
Fiscal year 2013:
(A) New budget authority, $0.
(B) Outlays, $1,775,000,000.

TITLE II—RESERVE FUNDS

Subtitle A—House Reserve Funds

SEC. 201. DEFICIT-NEUTRAL RESERVE FUND FOR SCHIP LEGISLATION.

In the House, the Chairman of the Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for any bill, joint resolution, amendment, or conference report, which contains matter within the jurisdiction of the Committee on Energy and Commerce that expands coverage and improves children's health through the State Children's Health Insurance Program (SCHIP) under title XXI of the Social Security Act and the program under title XIX of such Act (commonly known as Medicaid) and that increases new budget authority that will result in no more than $50,000,000,000 in outlays in fiscal years 2008 through 2013, and others which contain offsets so designated for the purpose of this section within the jurisdiction of another committee or committees, if the

combined changes would not increase the deficit or decrease the surplus for the period of fiscal years 2008 through 2013 or for the period of fiscal years 2008 through 2018.

SEC. 202. DEFICIT-NEUTRAL RESERVE FUND FOR AMERICA'S VETERANS AND SERVICEMEMBERS.

The Chairman of the House Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would—

(1) enhance medical care, disability evaluations, or disability benefits for wounded or disabled military personnel or veterans (including measures to expedite the claims process);

(2) maintain affordable health care for military retirees and veterans;

(3) expand the number of disabled military retirees who receive both disability compensation and retired pay, or would accelerate the date by which eligible retirees under section 1414 of title 10, United States Code, will fully receive both veterans' disability compensation and retired pay;

(4) eliminate the offset between Survivor Benefit Plan annuities and Veterans' Dependency and Indemnity Compensation;

(5) provide for the continuing payment to members of the Armed Forces who are retired or separated from the Armed Forces due to a combat-related injury after September 11, 2001, of bonuses that such members were entitled to before the retirement or separation and would continue to be entitled to if such members were not retired or separated;

(6) enhance programs and activities to increase the availability of health care and other veterans services for veterans living in rural areas; or

(7) provide or increase benefits for Filipino veterans of World War II or their survivors and dependents

by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit or decrease the surplus for the period of fiscal years 2008 through 2013 or for the period of fiscal years 2008 through 2018.

SEC. 203. DEFICIT-NEUTRAL RESERVE FUND FOR EDUCATION BENEFITS FOR SERVICEMEMBERS, VETERANS, AND THEIR FAMILIES.

The Chairman of the House Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would—

(1) enhance educational benefits or assistance for servicemembers and veterans with service on active duty in the Armed Forces on or after September 11, 2001;

(2) allow for the transfer of education benefits from servicemembers to spouses, survivors, or dependents; or

(3) otherwise enhance education benefits or assistance for servicemembers (including Active Duty, National Guard, and Reserve), veterans, or their spouses, survivors, or dependents

by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit or decrease the surplus over either the period of fiscal years 2008 through 2013 or the period of fiscal years 2008 through 2018.

SEC. 204. DEFICIT-NEUTRAL RESERVE FUND FOR INFRASTRUCTURE INVESTMENT.

In the House, the Chairman of the Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for any bill, joint resolution, amendment, or conference report that provides for a robust Federal investment in America's infrastructure, which may include projects for transit, rail (including high-speed passenger rail), airport, seaport, public housing, energy, water, highway, bridge, or other infrastructure projects by the amounts provided in such measure if such measure would not increase the deficit or decrease the surplus for the period of fiscal years 2008 through 2013 or for the period of fiscal years 2008 through 2018.

SEC. 205. DEFICIT-NEUTRAL RESERVE FUND FOR RENEWABLE ENERGY AND ENERGY EFFICIENCY.

In the House, the Chairman of the Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for any bill, joint resolution, amendment, or conference report that provides tax incentives for or otherwise encourages the production of renewable energy or increased energy efficiency; encourages investment in emerging energy or vehicle technologies or carbon capture and sequestration; provides for reductions in greenhouse gas emissions; or facilitates the training of workers for these industries (''green collar jobs'') by the amounts provided in such measure if such measure would not increase the deficit or decrease the surplus for the period of fiscal years 2008 through 2013 or for the period of fiscal years 2008 through 2018.

SEC. 206. DEFICIT-NEUTRAL RESERVE FUND FOR MIDDLE-INCOME TAX RELIEF AND ECONOMIC EQUITY.

In the House, the Chairman of the Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for any bill, joint resolution, amendment, or conference report that provides for tax relief for middle-income families and taxpayers or enhanced economic equity, such as extension of the child tax credit, extension of marriage penalty relief, extension of the 10 percent individual income tax bracket, elimination of estate taxes on all but a minute fraction of estates by reforming and substantially increasing the unified credit, extension of the research and experimentation tax credit, extension of the deduction for small business expensing, extension of the deduction for State and local sales taxes, or a tax credit for school construction bonds, by the amounts provided in such measure if such measure would not increase the deficit or decrease the surplus for the period of fiscal years 2008 through 2013 or for the period of fiscal years 2008 through 2018.

SEC. 207. DEFICIT-NEUTRAL RESERVE FUND FOR REFORM OF THE ALTERNATIVE MINIMUM TAX.

In the House, the Chairman of the Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for any bill, joint resolution, amendment, or conference report that provides for reform of the Internal Revenue Code of 1986 by reducing the tax burden of the alternative minimum tax on middle-income families by the amounts provided in such measure if such measure would not increase the deficit or decrease the surplus for the period of fiscal years 2008 through 2013 or for the period of fiscal years 2008 through 2018.

SEC. 208. DEFICIT-NEUTRAL RESERVE FUND FOR HIGHER EDUCATION.

In the House, the Chairman of the Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for any bill, joint resolution, amendment, or conference report that makes college more affordable or accessible through reforms to the Higher Education Act of 1965 or other legislation by the amounts provided in such measure if such measure would not increase the deficit or decrease the surplus for the period of fiscal years 2008 through 2013 or for the period of fiscal years 2008 through 2018.

SEC. 209. DEFICIT-NEUTRAL RESERVE FUND FOR AFFORDABLE HOUSING.

In the House, the Chairman of the Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for any bill, joint resolution, amendment, or conference report that provides for an affordable housing fund, offset by reforming the regulation of certain government-sponsored enterprises, by the amounts provided in such measure if such measure would not increase the deficit or decrease the surplus for the period of fiscal years 2008 through 2013 or for the period of fiscal years 2008 through 2018.

SEC. 210. DEFICIT-NEUTRAL RESERVE FUND FOR MEDICARE IMPROVEMENTS.

In the House, the Chairman of the Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for any bill, joint resolution, amendment, or conference report that improves the Medicare program for beneficiaries and protects access to care, which may include measures such as—

(1) increasing the reimbursement rate for physicians while protecting beneficiaries from associated premium increases;

(2) providing for—

(A) an increase in the asset allowance under the Medicare Part D low-income subsidy program so that individuals with very limited incomes, but modest retirement savings, can obtain the assistance that the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 was intended to deliver with respect to the payment of premiums and cost-sharing under the Medicare Part D prescription drug benefit;

(B) an update in the income and asset allowances under the Medicare Savings Program and an annual inflationary adjustment for those allowances; or

(C) improved outreach and enrollment under the Medicare Savings Program and the Medicare Part D low-income subsidy program to ensure that low-income senior citizens and other low-income Medicare beneficiaries receive the low-income assistance for which they are eligible in accordance with the improvements provided for in such legislation;

(3) reductions in beneficiary cost-sharing for preventive benefits under Medicare Part B; or

(4) limiting inappropriate or abusive marketing tactics by private insurers and their agents offering Medicare Advantage or Medicare prescription drug plans

by the amounts provided in such measure if such measure would not increase the deficit or decrease the surplus for the period of fiscal years 2008 through 2013 or for the period of fiscal years 2008 through 2018.

SEC. 211. DEFICIT-NEUTRAL RESERVE FUND FOR HEALTH CARE QUALITY, EFFECTIVENESS, AND EFFICIENCY.

In the House, the Chairman of the Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for any bill, joint resolution, amendment, or conference report that—

(1) provides incentives or other support for adoption of modern information technology, including electronic prescribing, to improve quality and protect privacy in health care;

(2) establishes a new Federal or public-private initiative for research on the comparative effectiveness of different medical interventions;

(3) provides parity between health insurance coverage of mental health benefits and benefits for medical and surgical services, including parity in public programs;

(4) improves health care, provides quality health insurance for the uninsured and underinsured, and protects individuals with current health coverage; or

(5) reauthorizes the special diabetes program for Indians and the special diabetes programs for Type 1 diabetes

by the amounts provided in such measure if such measure would not increase the deficit or decrease the surplus for the period of fiscal years 2008 through 2013 or for the period of fiscal years 2008 through 2018.

SEC. 212. DEFICIT-NEUTRAL RESERVE FUND FOR MEDICAID AND OTHER PROGRAMS.

(a) REGULATIONS AND ADMINISTRATIVE ACTIONS.—In the House, the Chairman of the Committee on the Budget may revise the allocations,

aggregates, and other appropriate levels in this resolution for any bill, joint resolution, amendment, or conference report that prevents or delays the implementation or administration of regulations or other administrative actions that would affect the Medicaid, SCHIP, or other programs by the amounts provided in such measure if such measure would not increase the deficit or decrease the surplus for the period of fiscal years 2008 through 2013 or for the period of fiscal years 2008 through 2018.

(b) TRANSITIONAL MEDICAL ASSISTANCE AND QUALIFYING INDIVIDUALS.—In the House, the Chairman of the Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for any bill, joint resolution, amendment, or conference report that extends the transitional medical assistance program or the qualifying individuals program, which are included in title XIX of the Social Security Act, by the amounts provided in such measure if such measure would not increase the deficit or decrease the surplus for the period of fiscal years 2008 through 2013 or for the period of fiscal years 2008 through 2018.

(c) DEMONSTRATION PROJECT REGARDING MEDICAID COVERAGE OF LOW-INCOME HIV-INFECTED INDIVIDUALS.—In the House, the Chairman of the Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for any bill, joint resolution, amendment, or conference report that provides for a demonstration project under which a State may apply under section 1115 of the Social Security Act (42 U.S.C. 1315) to provide medical assistance under a State Medicaid program to HIV-infected individuals who are not eligible for medical assistance under such program under section 1902(a)(10)(A)(i) of the Social Security Act (42 U.S.C. 1396a(a)(10)(A)(i)) by the amounts provided in such measure if such measure would not increase the deficit or decrease the surplus for the period of fiscal years 2008 through 2013 or for the period of fiscal years 2008 through 2018.

(d) PEDIATRIC DENTAL CARE.—In the House, the Chairman of the Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for any bill, joint resolution, amendment, or conference report that would provide for improved access to pediatric dental care for children from low-income families by the amounts provided in such measure if such measure would not increase the deficit or decrease the surplus for the period of fiscal years 2008 through 2013 or for the period of fiscal years 2008 through 2018.

SEC. 213. DEFICIT-NEUTRAL RESERVE FUND FOR A 9/11 HEALTH PROGRAM.

In the House, the Chairman of the Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for any bill, joint resolution, amendment, or conference report that would establish a program, including medical monitoring and treatment, addressing the adverse health impacts linked to the September 11, 2001, attacks by the amounts provided in such measure if such measure would not increase the deficit or decrease the surplus for the period of fiscal years 2008 through 2013 or for the period of fiscal years 2008 through 2018.

SEC. 214. DEFICIT-NEUTRAL RESERVE FUND FOR TRADE ADJUSTMENT ASSISTANCE AND UNEMPLOYMENT INSURANCE MODERNIZATION.

In the House, the Chairman of the Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for any bill, joint resolution, amendment, or conference report that reauthorizes the trade adjustment assistance program to better meet the challenges of globalization or modernizes the unemployment insurance system to improve access to needed benefits by the amounts provided in such measure if such measure would not increase the deficit or decrease the surplus for the period of fiscal years 2008 through 2013 or for the period of fiscal years 2008 through 2018.

SEC. 215. DEFICIT-NEUTRAL RESERVE FUND FOR COUNTY PAYMENTS LEGISLATION.

In the House, the Chairman of the Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for any bill, joint resolution, amendment, or conference report that provides for the reauthorization of the Secure Rural Schools and Community Self Determination Act of 2000 (Public Law 106–393) or makes changes to the Payments in Lieu of Taxes Act of 1976 (Public Law 94–565) by the amounts provided in such measure if such measure would not increase the deficit or decrease the surplus for the period of fiscal years 2008 through 2013 or for the period of fiscal years 2008 through 2018.

SEC. 216. DEFICIT-NEUTRAL RESERVE FUND FOR SAN JOAQUIN RIVER RESTORATION AND NAVAJO NATION WATER RIGHTS SETTLEMENTS.

In the House, the Chairman of the Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for any bill, joint resolution, amendment, or conference report that would fulfill the purposes of the San Joaquin River Restoration Settlement Act or implement a Navajo Nation water rights settlement and other provisions authorized by the Northwestern New Mexico Rural Water Projects Act by the amounts provided in such measure if such measure would not increase the deficit or decrease the surplus for the period of fiscal years 2008 through 2013 or for the period of fiscal years 2008 through 2018.

SEC. 217. DEFICIT-NEUTRAL RESERVE FUND FOR THE NATIONAL PARK CENTENNIAL FUND.

In the House, the Chairman of the Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for any bill, joint resolution, amendment, or conference report that provides for the establishment of the National Park Centennial Fund by the amounts provided in such measure for that purpose if such measure would not increase the deficit or decrease the surplus for the period of fiscal years 2008 through 2013 or for the period of fiscal years 2008 through 2018.

SEC. 218. DEFICIT-NEUTRAL RESERVE FUND FOR CHILD SUPPORT ENFORCEMENT.

In the House, the Chairman of the Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for any bill, joint resolution, amendment, or conference report that improves Federal child support collection efforts or results in more collected child support reaching families by the amounts provided in such measure if such measure would not increase the deficit or decrease the surplus for the period of fiscal years 2008 through 2013 or for the period of fiscal years 2008 through 2018.

SEC. 219. DEFICIT-NEUTRAL RESERVE FUND FOR CHILDREN AND FAMILIES.

In the House, the Chairman of the Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for any bill, joint resolution, amendment, or conference report that assists children and families by improving child welfare programs, extending and improving provisions in the Temporary Assistance for Needy Families program, or providing up to $5,000,000,000 for the child care entitlement to States by the amounts provided in such measure if such measure would not increase the deficit or decrease the surplus for the period of fiscal years 2008 through 2013 or for the period of fiscal years 2008 through 2018.

SEC. 220. RESERVE FUND ADJUSTMENT FOR REVENUE MEASURES IN THE HOUSE.

(a) In the House, with respect to consideration of any bill, joint resolution, amendment, or conference report that would have the net effect of increasing the deficit or reducing the surplus for the period of fiscal years 2008 through 2013 or the period of fiscal years 2008 through 2018 and that would decrease total revenues for the period of fiscal years 2009 through 2013 below the Congressional Budget Office baseline for this concurrent resolution on the budget, the Chairman of the Committee on the Budget shall increase the revenue aggregates by $340,570,000,000 for the period of fiscal years 2009 through 2013 if the Chairman determines that such legislation does not include language consistent with the applicable provision set forth in the joint explanatory statement of managers accompanying this concurrent resolution. The Chairman may readjust such levels upon disposition of any measure under this section.

(b) Section 321 of S. Con. Res. 21, the Concurrent Resolution on the Budget for Fiscal Year 2008, shall no longer apply.

Subtitle B—Senate Reserve Funds

SEC. 221. DEFICIT-NEUTRAL RESERVE FUND TO STRENGTHEN AND STIMULATE THE AMERICAN ECONOMY AND PROVIDE ECONOMIC RELIEF TO AMERICAN FAMILIES.

(a) TAX RELIEF.—The Chairman of the Senate Committee on the Budget may revise the aggregates, allocations, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would provide tax relief, including extensions of expiring and expired tax relief and refundable tax relief, by the amounts provided in that legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

(b) MANUFACTURING.—The Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports, including tax legislation, that would revitalize the United States domestic manufacturing sector by increasing Federal research and development, by expanding the scope and effectiveness of manufacturing programs across the Federal government, by increasing efforts to train and retrain manufacturing workers, by increasing support for development of alternative fuels and leap-ahead automotive and energy technologies, or by establishing tax incentives to encourage the continued production in the United States of advanced technologies and the infrastructure to support such technologies, by the amounts provided in that legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

(c) HOUSING.—The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would provide housing assistance, which may include low income rental assistance, or establish an affordable housing fund financed by the housing government sponsored enterprises or other sources, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

(d) FLOOD INSURANCE REFORM.—The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would provide for flood insurance reform and modernization, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

(e) TRADE.—The Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports relating to trade, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

(f) ECONOMIC RELIEF FOR AMERICAN FAMILIES.—The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports which—

(1) reauthorizes the Temporary Assistance for Needy Families supplemental grants or makes improvements to the Temporary Assistance for Needy Families program, child welfare programs, or the child support enforcement program;

(2) provides up to $5,000,000,000 for the child care entitlement to States;

(3) provides up to $40,000,000 for the emergency food assistance program established under the Emergency Food Assistance Act of 1983 (7 U.S.C. 7501 et seq.);

(4) improves the unemployment compensation program; or

(5) reauthorizes trade adjustment assistance programs

by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

(g) AMERICA'S FARMS AND ECONOMIC INVESTMENT IN RURAL AMERICA.—

(1) FARM BILL.—The Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that provide for the reauthorization of the programs of the Food Security and Rural Investment Act of 2002 or prior Acts, authorize similar or related programs, provide for revenue changes, or any combination of the preceding purposes, by the amounts provided in such legislation for those purposes up to $15,000,000,000 over the period of the total of fiscal years 2008 through 2013, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

(2) COUNTY PAYMENTS.—The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that provide for the reauthorization of the Secure Rural Schools and Community Self-Determination Act of 2000 (Public Law 106–393), make changes to the Payments in Lieu of Taxes Act of 1976 (Public Law 94–565), or both, by the amounts provided by that legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

SEC. 222. DEFICIT-NEUTRAL RESERVE FUND FOR IMPROVING EDUCATION.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would improve education, which may include—

(1) making higher education more accessible or more affordable, which may include increasing funding for the Federal Pell Grant program or increasing Federal student loan limits;

(2) facilitating modernization of school facilities through renovation or construction bonds, reducing the cost of teachers' out-of-pocket expenses for school supplies, or providing tax incentives for highly-qualified teachers to serve in high-needs schools;

(3) improving student achievement during secondary education, including middle school completion, increasing high school graduation, and preparing students for higher education and the workforce; or

(4) promoting flexibility and accountability in Federal education programs

by the amounts provided in such legislation for such purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

SEC. 223. DEFICIT-NEUTRAL RESERVE FUND FOR INVESTMENTS IN AMERICA'S INFRASTRUCTURE.

The Chairman of the Senate Committee on the Budget may revise the aggregates, allocations, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that provide for a robust Federal investment in America's infrastructure, which may include projects for transit, rail (including high-speed passenger rail), airport, seaport, public housing, energy, water, highway, bridge, or other infrastructure projects, by the amounts provided in that legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

SEC. 224. DEFICIT-NEUTRAL RESERVE FUND TO INVEST IN CLEAN ENERGY, PRESERVE THE ENVIRONMENT, AND PROVIDE FOR CERTAIN SETTLEMENTS.

(a) ENERGY AND THE ENVIRONMENT.—The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would decrease greenhouse gas emissions, reduce our Nation's dependence on imported energy, produce green jobs, encourage consumers to install smart electricity meters in homes and businesses, encourage the capture and storage of carbon dioxide emissions from coal projects, or preserve or protect national parks, oceans, or coastal areas, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018. The legislation may include tax legislation such as a proposal to extend for 5 years energy tax incentives like the production tax credit for electricity produced from renewable resources, the biodiesel production tax credit, or the Clean Renewable Energy Bond program, to provide a tax credit for clean burning wood stoves, a tax credit for production of cellulosic ethanol, a tax credit for plug-in hybrid vehicles, or provisions to encourage energy efficient buildings, products, and power plants. Tax legislation under this section may be paid for by adjustments to section 167(h)(1) of the Internal Revenue Code of 1986 as it relates to integrated oil companies.

(b) SETTLEMENTS.—The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would fulfill the purposes of the San Joaquin River Restoration Settlement Act or implement a Navajo Nation water rights settlement and other provisions authorized by the Northwestern New Mexico Rural Water Projects Act, by the amounts provided by that legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

SEC. 225. DEFICIT-NEUTRAL RESERVE FUND FOR AMERICA'S VETERANS AND SERVICEMEMBERS.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would—

(1) enhance medical care, disability evaluations, or disability benefits for wounded or disabled military personnel or veterans (including measures to expedite the claims process);

(2) maintain affordable health care for military retirees and veterans;

(3) expand the number of disabled military retirees who receive both disability compensation and retired pay, or would accelerate the date by which eligible retirees under section 1414 of title 10, United States Code, will fully receive both veterans' disability compensation and retired pay;

(4) eliminate the offset between Survivor Benefit Plan annuities and Veterans' Dependency and Indemnity Compensation;

(5) provide for the continuing payment to members of the Armed Forces who are retired or separated from the Armed Forces due to a combat-related injury after September 11, 2001, of bonuses that such members were entitled to before the retirement or separation and would continue to be entitled to if such members were not retired or separated;

(6) enhance programs and activities to increase the availability of health care and other veterans services for veterans living in rural areas; or

(7) provide or increase benefits for Filipino veterans of World War II or their survivors and dependents

by the amounts provided in such legislation for those purposes, provided that such legislation does not include increased fees charged to veterans for pharmacy co-payments, annual enrollment, or third-party insurance payment offsets, and further provided that such legislation would not increase the deficit or decrease the surplus for the period of fiscal years 2008 through 2013 or for the period of fiscal years 2008 through 2018.

SEC. 226. DEFICIT-NEUTRAL RESERVE FUND FOR EDUCATION BENEFITS FOR SERVICEMEMBERS, VETERANS, AND THEIR FAMILIES.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would—

(1) enhance educational benefits or assistance for servicemembers and veterans with service on active duty in the Armed Forces on or after September 11, 2001;

(2) allow for the transfer of education benefits from servicemembers to spouses, survivors, or dependents; or

(3) otherwise enhance education benefits or assistance for servicemembers (including Active Duty, National Guard, and Reserve), veterans, or their spouses, survivors, or dependents

by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

SEC. 227. DEFICIT-NEUTRAL RESERVE FUND TO IMPROVE AMERICA'S HEALTH.

(a) SCHIP.—The Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other appropriate levels

in this resolution for a bill, joint resolution, amendment, motion, or conference report that provides up to $50,000,000,000 in outlays over the period of the total of fiscal years 2008 through 2013 for reauthorization of SCHIP, if such legislation maintains coverage for those currently enrolled in SCHIP, continues efforts to enroll uninsured children who are already eligible for SCHIP or Medicaid but are not enrolled, or supports States in their efforts to move forward in covering more children, by the amounts provided in that legislation for those purposes, provided that the outlay adjustment shall not exceed $50,000,000,000 in outlays over the period of the total of fiscal years 2008 through 2013, and provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

(b) MEDICARE IMPROVEMENTS.—

(1) PHYSICIAN PAYMENTS.—The Chairman of the Senate Committee on the Budget may revise the aggregates, allocations, and other appropriate levels in this resolution for a bill, joint resolution, amendment, motion, or conference report that increases the reimbursement rate for physician services under section 1848(d) of the Social Security Act and that includes financial incentives for physicians to improve the quality and efficiency of items and services furnished to Medicare beneficiaries through the use of consensus-based quality measures, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

(2) OTHER IMPROVEMENTS TO MEDICARE.—The Chairman of the Senate Committee on the Budget may revise the aggregates, allocations, and other appropriate levels in this resolution for a bill, joint resolution, amendment, motion, or conference report that makes improvements to the Medicare program, which may include—

(A) reductions in beneficiary cost-sharing for preventive benefits under Medicare Part B;

(B) the preservation or promotion of payment provisions that support America's rural health care delivery system;

(C) limits to inappropriate or abusive marketing tactics by private insurers and their agents offering Medicare Advantage or Medicare prescription drug plans by enacting any or all of the recommendations agreed to by leaders of the health insurance industry on March 3, 2008, including prohibitions on cold calling and telephone solicitations for in-home sales appointments with Medicare beneficiaries;

(D) a three-year extension of the pilot program for national and State background checks on direct patient access employees of long-term care facilities or providers under section 307 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (42 U.S.C. 1395aa note) and removing the limit on the number of participating States under such pilot program; or

(E) measures to encourage physicians to train in primary care residencies and attract more physicians and other health care providers to States that face a shortage of health care providers

by the amounts provided in such legislation for those purposes up to $10,000,000,000, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

(3) MEDICARE LOW-INCOME PROGRAMS.—The Chairman of the Senate Committee on the Budget may revise the aggregates, allocations, and other appropriate levels in this resolution for a bill, joint resolution, amendment, motion, or conference report that makes improvements to the Medicare Savings Program and the Medicare Part D low-income subsidy program, which may include the provisions that—

(A) provide for an increase in the asset allowance under the Medicare Part D low-income subsidy program so that individuals with very limited incomes, but modest retirement savings, can obtain the assistance that the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 was intended to deliver with respect to the payment of premiums and cost-sharing under the Medicare Part D prescription drug benefit;

(B) provide for an update in the income and asset allowances under the Medicare Savings Program and provide for an annual inflationary adjustment for those allowances; and

(C) improve outreach and enrollment under the Medicare Savings Program and the Medicare Part D low-income subsidy program to ensure that low-income senior citizens and other low-income Medicare beneficiaries receive the low-income assistance for which they are eligible in accordance with the improvements provided for in such legislation

by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

(c) HEALTH CARE QUALITY, EFFECTIVENESS, EFFICIENCY, AND TRANSPARENCY.—

(1) COMPARATIVE EFFECTIVENESS RESEARCH.—The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that establish a new Federal or public-private initiative for comparative effectiveness research, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

(2) IMPROVING THE HEALTH CARE SYSTEM.—The Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other levels in this resolution for a bill, joint resolution, motion, amendment, or conference report that—

(A) creates a framework and parameters for the use of Medicare data for the purpose of conducting research, public reporting, and other activities to evaluate health care safety, effectiveness, efficiency, quality, and resource utilization in Federal programs and the private health care system; and

(B) includes provisions to protect beneficiary privacy and to prevent disclosure of proprietary or trade secret information with respect to the transfer and use of such data

by the amounts provided for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

(3) HEALTH INFORMATION TECHNOLOGY AND ADHERENCE TO BEST PRACTICES.—

(A) HEALTH INFORMATION TECHNOLOGY.—The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that provide incentives or other support for adoption of modern information technology, including incentives or other supports for the adoption of electronic prescribing technology, to improve quality and protect privacy in health care, such as activities by the Department of Defense and the Department of Veterans Affairs to integrate their electronic health record data, by the amounts provided in such legislation for that purpose, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

(B) ADHERENCE TO BEST PRACTICES.—The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that provide incentives for Medicare providers or suppliers to comply with, where available and medically appropriate, clinical protocols identified as best practices, by the amounts provided in such legislation for that purpose, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

(d) FOOD AND DRUG ADMINISTRATION.—

(1) REGULATION.—The Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for a bill, joint resolution, motion, amendment, or conference report that authorizes the Food and Drug Administration to regulate products and assess user fees on manufacturers and importers of those products to cover the cost of the Food and Drug Administration's regulatory activities, by the amounts provided in that legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

(2) DRUG IMPORTATION.—The Chairman of the Senate Committee on the Budget may revise the aggregates, allocations, and other levels in this resolution for a bill, joint resolution, motion, amendment, or conference report that permits the safe importation of prescription drugs approved by the Food and Drug Administration from a specified list of countries, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

(e) MEDICAID.—

(1) RULES OR ADMINISTRATIVE ACTIONS.—The Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for a bill, joint resolution, amendment, motion, or conference report that includes provisions regarding the implementation or administration of regulations or other administrative actions pertaining to Medicaid or SCHIP or includes provisions regarding administrative guidance issued in August 2007 affecting SCHIP or any other administrative action that would affect SCHIP in a similar manner by the amounts provided in that legislation for those purposes, provided that such legislation would not increase the deficit over either the total of the period of fiscal years 2008 through 2013 or the total of the period of fiscal years 2008 through 2018.

(2) TRANSITIONAL MEDICAL ASSISTANCE.—The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions or conference reports that extend the Transitional Medical Assistance program, included in title XIX of the Social Security Act, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the total of the period of fiscal years 2008 through 2013 or the total of the period of fiscal years 2008 through 2018.

(f) OTHER IMPROVEMENTS IN HEALTH.—The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports which—

(1) make health insurance coverage more affordable or available to small businesses and their employees, through pooling arrangements

that provide appropriate consumer protections, or through reducing barriers to cafeteria plans;

(2) improve health care, provide quality health insurance for the uninsured and underinsured, and protect individuals with current health coverage;

(3) reauthorize the special diabetes program for Indians and the special diabetes programs for Type 1 diabetes;

(4) improve long-term care, enhance the safety and dignity of patients, encourage appropriate use of institutional and community-based care, promote quality care, or provide for the cost-effective use of public resources; or

(5) provide parity between health insurance coverage of mental health benefits and benefits for medical and surgical services, including parity in public programs

by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

(g) PEDIATRIC DENTAL CARE.—The Chairman of the Senate Committee on the Budget may revise the aggregates, allocations, and other appropriate levels in this resolution for a bill, joint resolution, amendment, motion, or conference report that would provide for improved access to pediatric dental care for children from low-income families, by the amounts provided in such legislation for such purpose, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

SEC. 228. DEFICIT-NEUTRAL RESERVE FUND FOR REFORM OF THE ALTERNATIVE MINIMUM TAX.

The Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other levels in this resolution for a bill, joint resolution, amendment, motion, or conference report that provides for reform of the Internal Revenue Code of 1986 by reducing the tax burden of the alternative minimum tax on middle-income families, by the amounts provided in such measure for that purpose, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

SEC. 229. DEFICIT-NEUTRAL RESERVE FUND FOR JUDICIAL PAY AND JUDGESHIPS.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would authorize salary adjustments for justices and judges of the United States or increase the number of Federal judgeships, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

SEC. 230. DEFICIT-NEUTRAL RESERVE FUND FOR IMMIGRATION ENFORCEMENT AND REFORM.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other levels in this resolution for one or more bills, joint resolutions, amendments, motions or conference reports that would provide for greater border security, enforcement of immigration laws, backlog reduction and improvement of immigration services, reimbursement to states for the costs of incarcerating criminal aliens, or immigration reform, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

SEC. 231. DEFICIT-NEUTRAL RESERVE FUND FOR SCIENCE PARKS.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would provide grants and loan guarantees for the development and construction of science parks to promote the clustering of innovation through high technology activities, by the amounts provided in such legislation for such purpose, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

SEC. 232. DEFICIT-NEUTRAL RESERVE FUND TO TERMINATE DEDUCTIONS FROM MINERAL REVENUE PAYMENTS TO STATES.

The Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other levels and limits in this resolution by the amounts provided for those purposes for a bill, joint resolution, amendment, motion, or conference report that would terminate the authority to deduct certain amounts from mineral revenues payable to States under the second undesignated paragraph of the matter under the heading ''ADMINISTRATIVE PROVISIONS'' under the heading ''MINERALS MANAGEMENT SERVICE'' of title I of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2008 (Public Law 110–161; 121 Stat. 2109), provided that such legislation would not increase the deficit over the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

SEC. 233. DEFICIT-REDUCTION RESERVE FUND FOR INCREASED USE OF RECOVERY AUDITS.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that achieves savings by requiring that agencies increase their use of recovery audits authorized under subchapter VI of chapter 35 of title 31, United States Code, (commonly referred to as the Erroneous Payments Recovery Act of 2001) and uses such savings to reduce the deficit, by the amounts provided in such legislation for such purpose, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

SEC. 234. DEFICIT-NEUTRAL RESERVE FUND FOR FOOD SAFETY.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would expand the level of Food and Drug Administration and Department of Agriculture food safety inspection services, develop effective approaches to the inspection of domestic and imported food products, provide for infrastructure and information technology systems to enhance the safety of the food supply, expand scientific capacity and training programs, invest in improved surveillance and testing technologies, provide for foodborne illness awareness and education programs, or enhance the Food and Drug Administration's recall authority, by the amounts provided in such legislation for such purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

SEC. 235. DEFICIT-NEUTRAL RESERVE FUND FOR DEMONSTRATION PROJECT REGARDING MEDICAID COVERAGE OF LOW-INCOME HIV-INFECTED INDIVIDUALS.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions or conference reports that provide for a demonstration project under which a State may apply under section 1115 of the Social Security Act (42 U.S.C. 1315) to provide medical assistance under a State Medicaid program to HIV-infected individuals who are not eligible for medical assistance under such program under section 1902(a)(10)(A)(i) of the Social Security Act (42 U.S.C. 1396a(a)(10)(A)(i)), by the amounts provided in that legislation for those purposes, provided that such legislation would not increase the deficit over either the total of the period of fiscal years 2008 through 2013 or the total of the period of fiscal years 2008 through 2018.

SEC. 236. DEFICIT-NEUTRAL RESERVE FUND FOR REDUCING THE INCOME THRESHOLD FOR THE REFUNDABLE CHILD TAX CREDIT, AND OTHER SELECTED TAX RELIEF POLICIES.

The Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would reduce the income threshold for the refundable child tax credit under section 24 of the Internal Revenue Code of 1986 to $10,000 for taxable years 2009 and 2010 with no inflation adjustment; extend enhanced charitable giving from individual retirement accounts, including life-income gifts; or incentivize utilization of accumulated alternative minimum tax and research and development credits, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

SEC. 237. DEFICIT-NEUTRAL RESERVE FUND FOR A 9/11 HEALTH PROGRAM.

The Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other levels and limits in this resolution for a bill, joint resolution, motion, amendment, or conference report that would establish a program, including medical monitoring and treatment, addressing the adverse health impacts linked to the September 11, 2001 attacks, by the amounts provided in such legislation for those purposes, if such legislation would not increase the deficit over either the period of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

TITLE III—BUDGET ENFORCEMENT

Subtitle A—House Enforcement Provisions

SEC. 301. PROGRAM INTEGRITY INITIATIVES AND OTHER ADJUSTMENTS.

(a) ADJUSTMENTS TO DISCRETIONARY SPENDING LIMITS.—

(1) CONTINUING DISABILITY REVIEWS AND SUPPLEMENTAL SECURITY INCOME REDETERMINATIONS.—In the House, prior to consideration of any bill, joint resolution, amendment, or conference report making appropriations for fiscal year 2009 that appropriates $264,000,000 for continuing disability reviews and Supplemental Security Income redeterminations for the Social Security Administration, and provides an additional appropriation of up to $240,000,000, and the amount is designated for continuing disability reviews and Supplemental Security Income redeterminations for the Social Security Administration, the allocation to the Committee on Appropriations shall be increased by the amount of the additional budget authority and outlays resulting from that budget authority for fiscal year 2009.

(2) INTERNAL REVENUE SERVICE TAX COMPLIANCE.—In the House, prior to consideration of any bill, joint resolution, amendment, or conference report making appropriations for fiscal year 2009 that appropriates $6,997,000,000 to the Internal Revenue Service and the amount is designated to improve compliance with the provisions of the Internal Revenue Code of 1986 and provides an additional appropriation of up to $490,000,000, and the amount is designated to improve compliance with the provisions of the Internal Revenue Code of 1986, the allocation to the Committee on Appropriations shall be increased by the amount of the additional budget authority and outlays resulting from that budget authority for fiscal year 2009.

(3) HEALTH CARE FRAUD AND ABUSE CONTROL PROGRAM.—In the House, prior to consideration of any bill, joint resolution, amendment, or conference report making appropriations for fiscal year 2009 that appropriates up to $198,000,000 and the amount is designated to the health care fraud and abuse control program at the Department of Health and Human Services, the allocation to the Committee on Appropriations shall be increased by the amount of additional budget authority and outlays resulting from that budget authority for fiscal year 2009.

(4) UNEMPLOYMENT INSURANCE PROGRAM INTEGRITY ACTIVITIES.—In the House, prior to consideration of any bill, joint resolution, amendment, or conference report making appropriations for fiscal year 2009 that appropriates $10,000,000 for in-person reemployment and eligibility assessments and unemployment insurance improper payment reviews for the Department of Labor and provides an additional appropriation of up to $40,000,000, and the amount is designated for in-person reemployment and eligibility assessments and unemployment insurance improper payment reviews for the Department of Labor, the allocation to the Committee on Appropriations shall be increased by the amount of additional budget authority and outlays resulting from that budget authority for fiscal year 2009.

(b) COSTS OF OVERSEAS DEPLOYMENTS AND EMERGENCY NEEDS.—

(1) OVERSEAS DEPLOYMENTS AND RELATED ACTIVITIES.—

(A) In the House, if any bill, joint resolution, amendment, or conference report makes appropriations for fiscal year 2008 or fiscal year 2009 for overseas deployments and related activities and such amounts are so designated pursuant to this subparagraph, then the allocation to the Committee on Appropriations may be adjusted by the amounts provided in such legislation for that purpose up to the amounts of budget authority specified in section 104(21) for fiscal year 2008 or fiscal year 2009 and the new outlays resulting therefrom.

(B) In the House, if any bill, joint resolution, amendment, or conference report makes appropriations for fiscal year 2008 or fiscal year 2009 for overseas deployments and related activities above the amounts of budget authority and new outlays specified in subparagraph (A) and such amounts are so designated pursuant to this subparagraph, then new budget authority, outlays, or receipts resulting therefrom shall not count for the purposes of titles III and IV of the Congressional Budget Act of 1974.

(2) EMERGENCY NEEDS.— In the House, if any bill, joint resolution, amendment, or conference report makes appropriations for discretionary amounts and such amounts are designated as necessary to meet emergency needs, then the new budget authority and outlays resulting therefrom shall not count for the purposes of titles III and IV of the Congressional Budget Act of 1974.

(c) PROCEDURE FOR ADJUSTMENTS.—

(1) IN GENERAL.—In the House, prior to consideration of any bill, joint resolution, amendment, or conference report, the Chairman of the Committee on the Budget shall make the adjustments set forth in subsection (a) for the incremental new budget authority in that measure and the outlays resulting from that budget authority if that measure meets the requirements set forth in subsection (a), except that no adjustment shall be made for provisions exempted for the purposes of titles III and IV of the Congressional Budget Act of 1974 under subsection (b) of this section.

(2) MATTERS TO BE ADJUSTED.—The adjustments referred to in paragraph (1) are to be made to the allocations made under this concurrent resolution on the budget pursuant to section 302(a) of the Congressional Budget Act of 1974.

(d) SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 2008.—In the House, if any measure making supplemental appropriations for fiscal year 2008 is enacted, the Chairman of the Committee on the Budget shall make the appropriate adjustments in allocations and aggregates to reflect the difference between such measure and the corresponding levels assumed in this resolution.

SEC. 302. POINT OF ORDER AGAINST ADVANCE APPROPRIATIONS.

(a) IN GENERAL.—In the House, except as provided in subsection (b), any bill, joint resolution, amendment, or conference report making a general appropriation or continuing appropriation may not provide for advance appropriations.

(b) EXCEPTIONS.—In the House, an advance appropriation may be provided for fiscal year 2010 for programs, projects, activities, or accounts identified in the joint explanatory statement of managers to accompany this resolution under the heading ''Accounts Identified for Advance Appropriations'' in an aggregate amount not to exceed $28,852,000,000 in new budget authority, and for 2011, accounts separately identified under the same heading.

(c) DEFINITION.—In this section, the term ''advance appropriation'' means any new discretionary budget authority provided in a bill or joint resolution making general appropriations or any new discretionary budget authority provided in a bill or joint resolution continuing appropriations for fiscal year 2009 that first becomes available for any fiscal year after 2009.

Subtitle B—Senate Enforcement Provisions

SEC. 311. SENATE POINT OF ORDER AGAINST LEGISLATION INCREASING LONG-TERM DEFICITS.

(a) CONGRESSIONAL BUDGET OFFICE ANALYSIS OF PROPOSALS.—The Director of the Congressional Budget Office shall, to the extent practicable, prepare for each bill and joint resolution reported from committee (except measures within the jurisdiction of the Committee on Appropriations), and amendments thereto and conference reports thereon, an estimate of whether the measure would cause, relative to current law, a net increase in deficits in excess of $5,000,000,000 in any of the 4 consecutive 10-year periods beginning with the first fiscal year that is 10 years after the budget year provided for in the most recently adopted concurrent resolution on the budget.

(b) POINT OF ORDER.—It shall not be in order in the Senate to consider any bill, joint resolution, amendment, motion, or conference report that would cause a net increase in deficits in excess of $5,000,000,000 in any of the 4 consecutive 10-year periods described in subsection (a).

(c) SUPERMAJORITY WAIVER AND APPEAL IN THE SENATE.—

(1) WAIVER.—This section may be waived or suspended only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

(2) APPEAL.—An affirmative vote of three-fifths of the Members, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

(d) DETERMINATIONS OF BUDGET LEVELS.—For purposes of this section, the levels of net deficit increases shall be determined on the basis of estimates provided by the Senate Committee on the Budget.

(e) SUNSET.—This section shall expire on September 30, 2017.

(f) REPEAL.—In the Senate, subsections (a) through (d) and subsection (f) of section 203 of S. Con. Res. 21 (110th Congress) shall no longer apply.

SEC. 312. DISCRETIONARY SPENDING LIMITS, PROGRAM INTEGRITY INITIATIVES, AND OTHER ADJUSTMENTS.

(a) SENATE POINT OF ORDER.—

(1) IN GENERAL.—Except as otherwise provided in this section, it shall not be in order in the Senate to consider any bill or joint resolution (or amendment, motion, or conference report on that bill or joint resolution) that would cause the discretionary spending limits in this section to be exceeded.

(2) SUPERMAJORITY WAIVER AND APPEALS.—

(A) WAIVER.—This subsection may be waived or suspended in the Senate only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

(B) APPEALS.—Appeals in the Senate from the decisions of the Chair relating to any provision of this subsection shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the bill or joint resolution. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this subsection.

(b) SENATE DISCRETIONARY SPENDING LIMITS.—In the Senate and as used in this section, the term ''discretionary spending limit'' means—

(1) for fiscal year 2008, $1,050,478,000,000 in new budget authority and $1,094,944,000,000 in outlays; and

(2) for fiscal year 2009, $1,011,718,000,000 in new budget authority and $1,106,112,000,000 in outlays;

as adjusted in conformance with the adjustment procedures in subsection (c).

(c) ADJUSTMENTS IN THE SENATE.—

(1) IN GENERAL.—After the reporting of a bill or joint resolution relating to any matter described in paragraph (2), or the offering of an amendment thereto or the submission of a conference report thereon—

(A) the Chairman of the Senate Committee on the Budget may adjust the discretionary spending limits, budgetary aggregates, and allocations pursuant to section 302(a) of the Congressional Budget Act of 1974, by the amount of new budget authority in that measure for that purpose and the outlays flowing therefrom; and

(B) following any adjustment under subparagraph (A), the Senate Committee on Appropriations may report appropriately revised suballocations pursuant to section 302(b) of the Congressional Budget Act of 1974 to carry out this subsection.

(2) MATTERS DESCRIBED.—Matters referred to in paragraph (1) are as follows:

(A) CONTINUING DISABILITY REVIEWS AND SSI REDETERMINATIONS.—If a bill or joint resolution is reported making appropriations for fiscal year 2009 that appropriates $264,000,000 for continuing disability reviews and Supplemental Security Income redeterminations for the Social Security Administration, and provides an additional appropriation of up to $240,000,000 for continuing disability reviews and Supplemental Security Income redeterminations for the Social Security Administration, then the discretionary spending limits, allocation to the Senate Committee on Appropriations, and aggregates may be adjusted by the amounts provided in such legislation for that purpose, but not to exceed $240,000,000 in budget authority and outlays flowing therefrom for fiscal year 2009.

(B) INTERNAL REVENUE SERVICE TAX ENFORCEMENT.—If a bill or joint resolution is reported making appropriations for fiscal year 2009 that appropriates $6,997,000,000 for the Internal Revenue Service for enhanced tax enforcement to address the Federal tax gap (taxes owed but not paid) and provides an additional appropriation

of up to $490,000,000 for the Internal Revenue Service for enhanced tax enforcement to address the Federal tax gap, then the discretionary spending limits, allocation to the Senate Committee on Appropriations, and aggregates may be adjusted by the amounts provided in such legislation for that purpose, but not to exceed $490,000,000 in budget authority and outlays flowing therefrom for fiscal year 2009.

(C) HEALTH CARE FRAUD AND ABUSE CONTROL.—If a bill or joint resolution is reported making appropriations for fiscal year 2009 that appropriates up to $198,000,000 to the Health Care Fraud and Abuse Control program at the Department of Health and Human Services, then the discretionary spending limits, allocation to the Senate Committee on Appropriations, and aggregates may be adjusted by the amounts provided in such legislation for that purpose, but not to exceed $198,000,000 in budget authority and outlays flowing therefrom for fiscal year 2009.

(D) UNEMPLOYMENT INSURANCE IMPROPER PAYMENT REVIEWS.—If a bill or joint resolution is reported making appropriations for fiscal year 2009 that appropriates $10,000,000 for in-person reemployment and eligibility assessments and unemployment insurance improper payment reviews, and provides an additional appropriation of up to $40,000,000 for in-person reemployment and eligibility assessments and unemployment insurance improper payment reviews, then the discretionary spending limits, allocation to the Senate Committee on Appropriations, and aggregates may be adjusted by the amounts provided in such legislation for that purpose, but not to exceed $40,000,000 in budget authority and outlays flowing therefrom for fiscal year 2009.

(3) ADJUSTMENTS FOR OVERSEAS DEPLOYMENTS AND OTHER ACTIVITIES.—The Chairman of the Senate Committee on the Budget may adjust the discretionary spending limits, allocations to the Senate Committee on Appropriations, and aggregates for one or more—

(A) bills reported by the Senate Committee on Appropriations or passed by the House of Representatives;

(B) joint resolutions or amendments reported by the Senate Committee on Appropriations;

(C) amendments between the Houses received from the House of Representatives or Senate amendments offered by the authority of the Senate Committee on Appropriations; or

(D) conference reports;

making appropriations for fiscal year 2008 or 2009 for overseas deployments and other activities, by the amounts provided in such legislation for those purposes (and so designated pursuant to this paragraph), up to the amounts of budget authority specified in section 104(21) for fiscal years 2008 and 2009 and the new outlays flowing therefrom.

(d) SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 2008.—If legislation making supplemental appropriations for fiscal year 2008 is enacted, the Chairman of the Senate Committee on the Budget may make the appropriate adjustments in allocations, aggregates, discretionary spending limits, and other levels of new budget authority and outlays for 2008 and 2009 to reflect the difference between such measure and the corresponding levels assumed in this resolution.

(e) INAPPLICABILITY.—In the Senate, subsections (a), (b), (c), (e), and (f) of section 207 of S. Con. Res. 21 (110th Congress) shall no longer apply.

SEC. 313. POINT OF ORDER AGAINST ADVANCE APPROPRIATIONS.

(a) IN GENERAL.—

(1) POINT OF ORDER.—Except as provided in subsection (b), it shall not be in order in the Senate to consider any bill, joint resolution, motion, amendment, or conference report that would provide an advance appropriation.

(2) DEFINITION.—In this section, the term ''advance appropriation'' means any new budget authority provided in a bill or joint resolution making appropriations for fiscal year 2009 that first becomes available for any fiscal year after 2009, or any new budget authority provided in a bill or joint resolution making general appropriations or continuing appropriations for fiscal year 2010, that first becomes available for any fiscal year after 2010.

(b) EXCEPTIONS.—Advance appropriations may be provided—

(1) for fiscal years 2010 and 2011 for programs, projects, activities, or accounts identified in the joint explanatory statement of managers accompanying this resolution under the heading ''Accounts Identified for Advance Appropriations'' in an aggregate amount not to exceed $28,852,000,000 in new budget authority in each year; and

(2) for the Corporation for Public Broadcasting.

(c) SUPERMAJORITY WAIVER AND APPEAL.—

(1) WAIVER.—In the Senate, subsection (a) may be waived or suspended only by an affirmative vote of three-fifths of the Members, duly chosen and sworn.

(2) APPEAL.—An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under subsection (a).

(d) FORM OF POINT OF ORDER.—A point of order under subsection (a) may be raised by a Senator as provided in section 313(e) of the Congressional Budget Act of 1974.

(e) CONFERENCE REPORTS.—When the Senate is considering a conference report on, or an amendment between the Houses in relation to, a bill, upon a point of order being made by any Senator pursuant to this section, and such point of order being sustained, such material contained in such conference report shall be deemed stricken, and the Senate shall proceed to consider the question of whether the Senate shall recede from its amendment and concur with a further amendment, or concur in the House amendment with a further amendment, as the case may be, which further amendment shall consist of only that portion of the conference report or House amendment, as the case may be, not so stricken. Any such motion in the Senate shall be debatable. In any case in which such point of order is sustained against a conference report (or Senate amendment derived from such conference report by operation of this subsection), no further amendment shall be in order.

(f) INAPPLICABILITY.—In the Senate, section 206(a) of S. Con. Res. 21 (110th Congress) shall no longer apply.

SEC. 314. SENATE POINT OF ORDER AGAINST PROVISIONS OF APPROPRIATIONS LEGISLATION THAT CONSTITUTE CHANGES IN MANDATORY PROGRAMS WITH NET COSTS.

(a) IN GENERAL.—In the Senate, it shall not be in order to consider any appropriations legislation, including any amendment thereto, motion in relation thereto, or conference report thereon, that includes any provision which constitutes a change in a mandatory program producing net costs, as defined in subsection (b), that would have been estimated as affecting direct spending or receipts under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 (as in effect prior to September 30, 2002) were they included in legislation other than appropriations legislation. A point of order pursuant to this section shall be raised against such provision or provisions as described in subsections (e) and (f).

(b) CHANGES IN MANDATORY PROGRAMS PRODUCING NET COSTS.—A provision or provisions shall be subject to a point of order pursuant to this section if—

(1) the provision would increase budget authority in at least 1 of the 9 fiscal years that follow the budget year and over the period of the total of the budget year and the 9 fiscal years following the budget year;

(2) the provision would increase net outlays over the period of the total of the 9 fiscal years following the budget year; and

(3) the sum total of all changes in mandatory programs in the legislation would increase net outlays as measured over the period of the total of the 9 fiscal years following the budget year.

(c) DETERMINATION.—The determination of whether a provision is subject to a point of order pursuant to this section shall be made by the Committee on the Budget of the Senate.

(d) SUPERMAJORITY WAIVER AND APPEAL.—This section may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

(e) GENERAL POINT OF ORDER.—It shall be in order for a Senator to raise a single point of order that several provisions of a bill, resolution, amendment, motion, or conference report violate this section. The Presiding Officer may sustain the point of order as to some or all of the provisions against which the Senator raised the point of order. If the Presiding Officer so sustains the point of order as to some of the provisions (including provisions of an amendment, motion, or conference report) against which the Senator raised the point of order, then only those provisions (including provision of an amendment, motion, or conference report) against which the Presiding Officer sustains the point of order shall be deemed stricken pursuant to this section. Before the Presiding Officer rules on such a point of order, any Senator may move to waive such a point of order as it applies to some or all of the provisions against which the point of order was raised. Such a motion to waive is amendable in accordance with rules and precedents of the Senate. After the Presiding Officer rules on such a point of order, any Senator may appeal the ruling of the Presiding Officer on such a point of order as it applies to some or all of the provisions on which the Presiding Officer ruled.

(f) FORM OF THE POINT OF ORDER.—When the Senate is considering a conference report on, or an amendment between the Houses in relation to, a bill, upon a point of order being made by any Senator pursuant to this section, and such point of order being sustained, such material contained in such conference report or amendment shall be deemed stricken, and the Senate shall proceed to consider the question of whether the Senate shall recede from its amendment and concur with a further amendment, or concur in the House amendment with a further amendment, as the case may be, which further amendment shall consist of only that portion of the conference report or House amendment, as the case may be, not so stricken. Any such motion shall be debatable. In any case in which such point of order is sustained against a conference report (or Senate amendment derived from such conference report by operation of this subsection), no further amendment shall be in order.

(g) EFFECTIVENESS.—This section shall not apply to any provision constituting a change in a mandatory program in appropriations legislation if such provision has been enacted in each of the 3 fiscal years prior to the budget year.

(h) INAPPLICABILITY.—In the Senate, section 209 of S. Con. Res. 21 (110th Congress) shall no longer apply.

SEC. 315. SENATE POINT OF ORDER AGAINST LEGISLATION INCREASING SHORT-TERM DEFICIT.

(a) POINT OF ORDER.—It shall not be in order in the Senate to consider any bill, joint resolution, amendment, motion, or conference report (except measures within the jurisdiction of the Committee on Appropriations) that would cause a net increase in the deficit in excess of $10,000,000,000 in any fiscal year provided for in the most recently adopted concurrent resolution

on the budget unless it is fully offset over the period of all fiscal years provided for in the most recently adopted concurrent resolution on the budget.

(b) SUPERMAJORITY WAIVER AND APPEAL IN THE SENATE.—

(1) WAIVER.—This section may be waived or suspended only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

(2) APPEAL.—An affirmative vote of three-fifths of the Members, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

(c) DETERMINATIONS OF BUDGET LEVELS.—For purposes of this section, the levels shall be determined on the basis of estimates provided by the Senate Committee on the Budget.

(d) SUNSET.—This section shall expire on September 30, 2017.

Subtitle C—Other Provisions

SEC. 321. OVERSIGHT OF GOVERNMENT PERFORMANCE.

All committees are directed to review programs within their jurisdiction to root out waste, fraud, and abuse in program spending, giving particular scrutiny to issues raised by Government Accountability Office reports. Based on these oversight efforts and committee performance reviews of programs within their jurisdiction, committees are directed to include recommendations for improved governmental performance in their annual views and estimates reports required under section 301(d) of the Congressional Budget Act of 1974 to the appropriate Committee on the Budget.

SEC. 322. BUDGETARY TREATMENT OF CERTAIN DISCRETIONARY ADMINISTRATIVE EXPENSES.

(a) IN GENERAL.—In the House and Senate, notwithstanding section 302(a)(1) of the Congressional Budget Act of 1974, section 13301 of the Budget Enforcement Act of 1990, and section 2009a of title 39, United States Code, the joint explanatory statement accompanying the conference report on any concurrent resolution on the budget shall include in its allocations under section 302(a) of the Congressional Budget Act of 1974 to the Committees on Appropriations amounts for the discretionary administrative expenses of the Social Security Administration and of the Postal Service.

(b) SPECIAL RULE.—In the House, for purposes of applying section 302(f) of the Congressional Budget Act of 1974, estimates of the level of total new budget authority and total outlays provided by a measure shall include any off-budget discretionary amounts.

SEC. 323. APPLICATION AND EFFECT OF CHANGES IN ALLOCATIONS AND AGGREGATES.

(a) APPLICATION.—Any adjustments of allocations and aggregates made pursuant to this resolution shall—

(1) apply while that measure is under consideration;

(2) take effect upon the enactment of that measure; and

(3) be published in the Congressional Record as soon as practicable.

(b) EFFECT OF CHANGED ALLOCATIONS AND AGGREGATES.—Revised allocations and aggregates resulting from these adjustments shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations and aggregates contained in this resolution.

(c) BUDGET COMMITTEE DETERMINATIONS.—For purposes of this resolution, the levels of new budget authority, outlays, direct spending, new entitlement authority, revenues, deficits, and surpluses for a fiscal year or period of fiscal years shall be determined on the basis of estimates made by the appropriate Committee on the Budget.

(d) ADJUSTMENTS.—The Chairmen of the Budget Committees in the House and the Senate may adjust the aggregates, allocations, and other levels in this resolution for legislation which has received final Congressional approval in the same form by the House of Representatives and the Senate, and is either waiting to be presented to the President or awaiting Presidential signature at the time of final consideration of this resolution.

SEC. 324. ADJUSTMENTS TO REFLECT CHANGES IN CONCEPTS AND DEFINITIONS.

Upon the enactment of any bill or joint resolution providing for a change in concepts or definitions, the Chairman of the appropriate Committee on the Budget may make adjustments to the levels and allocations in this resolution in accordance with section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 (as in effect prior to September 30, 2002).

SEC. 325. EXERCISE OF RULEMAKING POWERS.

Congress adopts the provisions of this title—

(1) as an exercise of the rulemaking power of the House of Representatives and the Senate and as such they shall be considered as part of the rules of each House or of that House to which they specifically apply, and these rules shall supersede other rules only to the extent that they are inconsistent with other such rules; and

(2) with full recognition of the constitutional right of either the House of Representatives or the Senate to change those rules at any time, in the same manner, and to the same extent as in the case of any other rule of the House of Representatives or the Senate.

TITLE IV—POLICY

SEC. 401. POLICY OF THE HOUSE ON MIDDLE-INCOME TAX RELIEF.

It is the policy of the House to—

(1) minimize fiscal burdens on middle-income families and their children and grandchildren;

(2) provide immediate relief for the tens of millions of middle-income households who would otherwise be subject to the alternative minimum tax (AMT) under current law, in the context of permanent, revenue-neutral AMT reform; and

(3) support extension of middle-income tax relief and enhanced economic equity through policies such as—

(A) extension of the child tax credit;

(B) extension of marriage penalty relief;

(C) extension of the 10 percent individual income tax bracket;

(D) elimination of estate taxes on all but a minute fraction of estates by reforming and substantially increasing the unified tax credit;

(E) extension of the research and experimentation tax credit;

(F) extension of the deduction for State and local sales taxes;

(G) extension of the deduction for small business expensing; and

(H) enactment of a tax credit for school construction bonds.

The House assumes that the cost of enacting such policies is offset by reforms within the Internal Revenue Code of 1986 that promote a fairer distribution of taxes across families and generations, economic efficiency, higher rates of tax compliance to close the tax gap, and reduced taxpayer burdens through tax simplification.

SEC. 402. POLICY ON DEFENSE PRIORITIES.

It is the policy of this resolution that—

(1) the Administration's budget requests should comply with section 1008, Public Law 109–364, the John Warner National Defense Authorization Act for Fiscal Year 2007, and the Administration should no longer attempt to fund overseas military operations through emergency supplemental appropriations requests;

(2) the Department of Defense should exclude nonwar requirements from its funding requests for Iraq and Afghanistan;

(3) implementing the recommendation of the National Commission on Terrorist Attacks Upon the United States (commonly referred to as the 9/11 Commission) to adequately fund cooperative threat reduction and nuclear nonproliferation programs (securing ''loose nukes'') is a high priority and should receive far greater emphasis than the President's budget provides;

(4) readiness of our troops, particularly the National Guard and Reserve, is a high priority, and that greater emphasis needs to be placed on mitigating equipment and training shortfalls;

(5) TRICARE fees for military retirees under the age of 65 should not be increased as the President's budget proposes;

(6) military pay and benefits should be enhanced to improve the quality of life of military personnel;

(7) improving military health care services continues to be a high priority and adequate funding to ensure quality health care for returning combat veterans should be provided;

(8) sufficient funds should be provided to the military services to expedite review of cases involving servicemembers who could have been erroneously discharged from service for a personality disorder, which resulted in a loss of benefits or care, as a result of a combat-related psychological injury (such as Post Traumatic Stress Disorder) or a closed head injury (such as Traumatic Brain Injury);

(9) higher priority defense needs could be addressed by funding missile defense at an adequate but lower level, not providing funding for development of space-based missile defense interceptors, and by restraining excessive cost and schedule growth in defense research, development and procurement programs;

(10) the Department of Defense should reassess current defense plans to ensure that weapons developed to counter Cold War-era threats are not redundant and are applicable to 21st century threats;

(11) sufficient resources should be provided for the Department of Defense to do an aggressive job of addressing as many as possible of the 1,260 pending recommendations made by the Government Accountability Office (GAO) over the last 7 years to improve practices at the Department of Defense, including investigation of the billions of dollars of obligations, disbursements and overcharges for which the Department of Defense cannot account;

(12) savings from the actions recommended in paragraphs (9) and (11) of this section should be used to fund the priorities identified in paragraphs (3) through (8);

(13) the Department of Defense report to Congress on its assessment of cold war weapons and progress on implementing GAO recommendations as outlined in paragraphs (10) and (11) by a time determined by the appropriate authorizing committees; and

(14) the GAO report to the appropriate congressional committees by the end of the 110th Congress regarding the Department of Defense's progress in implementing its audit recommendations.

TITLE V—SENSE OF THE SENATE AND CONGRESS

Subtitle A—Sense of the Senate

SEC. 501. SENSE OF THE SENATE REGARDING MEDICAID ADMINISTRATIVE REGULATIONS.

(a) FINDINGS.—The Senate makes the following findings:

(1) The Medicaid program provides essential health care and long-term care services to approximately 60,000,000 low-income children, pregnant women, parents, individuals with disabilities, and senior citizens. It is a Federal guarantee that ensures the most vulnerable will have access to needed medical services.

(2) Medicaid provides critical access to long-term care and other services for the elderly and individuals living with disabilities, and is the single largest provider of long-term care services. Medicaid also pays for personal care and other supportive services that are typically not provided by private health insurance or Medicare, but are necessary to enable individuals with spinal cord injuries, developmental disabilities, neurological degenerative diseases, serious and persistent mental illnesses, HIV/AIDS, and other chronic conditions to remain in the community, to work, and to maintain independence.

(3) Medicaid supplements the Medicare program for about 7,500,000 low-income elderly or disabled Medicare beneficiaries, assisting them with their Medicare premiums and co-insurance, wrap-around benefits, and the costs of nursing home care that Medicare does not cover. The Medicaid program spends over $100,000,000,000 on uncovered Medicare services.

(4) Medicaid provides health insurance for more than one-quarter of America's children and is the largest purchaser of maternity care, paying for more than one-third of all the births in the United States each year. Medicaid also provides critical access to care for children with disabilities, covering more than 70 percent of poor children with disabilities.

(5) More than 21,000,000 women depend on Medicaid for their health care. Women comprise the majority of seniors (64 percent) on Medicaid. Half of nonelderly women with permanent mental or physical disabilities have health coverage through Medicaid. Medicaid provides treatment for low-income women diagnosed with breast or cervical cancer in every State.

(6) Medicaid is the Nation's largest source of payment for mental health services, HIV/AIDS care, and care for children with special needs. Much of this care is either not covered by private insurance or limited in scope or duration. Medicaid is also a critical source of funding for health care for children in foster care and for health services in schools.

(7) Medicaid funds help ensure access to care for all Americans. Medicaid is the single largest source of revenue for the Nation's safety net hospitals, health centers, and nursing homes, and is critical to the ability of these providers to adequately serve all Americans.

(8) Medicaid serves a major role in ensuring that the number of Americans without health insurance, approximately 47,000,000 in 2006, is not substantially higher. The system of Federal matching for State Medicaid expenditures ensures that Federal funds will grow as State spending increases in response to unmet needs, enabling Medicaid to help buffer the drop in private coverage during recessions.

(9) The Bush Administration has issued several regulations that shift Medicaid cost burdens onto States and put at risk the continued availability of much-needed services. The regulations relate to Federal payments to public providers, and for graduate medical education, rehabilitation services, school-based administration, school-based transportation, optional case management services.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that administrative regulations should not—

(1) undermine the role the Medicaid program plays as a critical component of the health care system of the United States;

(2) cap Federal Medicaid spending, or otherwise shift Medicaid cost burdens to State or local governments and their taxpayers and health providers, forcing a reduction in access to essential health services for low-income elderly individuals, individuals with disabilities, and children and families; or

(3) undermine the Federal guarantee of health insurance coverage Medicaid provides, which would threaten not only the health care safety net of the United States, but the entire health care system.

Subtitle B—Sense of the Congress

SEC. 511. SENSE OF THE CONGRESS ON SERVICEMEMBERS' AND VETERANS' HEALTH CARE AND OTHER PRIORITIES.

It is the sense of the Congress that—

(1) the Congress supports excellent health care for current and former members of the United States Armed Services—they have served well and honorably and have made significant sacrifices for this Nation;

(2) this resolution provides $48,202,000,000 in discretionary budget authority for 2009 for Function 700 (Veterans Benefits and Services), including veterans' health care, which is $4,940,000,000 more than the 2008 level, $3,654,000,000 more than the Congressional Budget Office's baseline level for 2009, and $3,284,000,000 more than the President's budget for 2009; and also provides more discretionary budget authority than the President's budget in every year after 2009;

(3) this resolution provides funding to continue addressing problems such as those identified at Walter Reed Army Medical Center to improve military and veterans' health care facilities and services;

(4) this resolution assumes the rejection of the health care enrollment fees and pharmaceutical co-payment increases in the President's budget;

(5) this resolution provides additional funding above the President's inadequate budget levels for the Department of Veterans Affairs to research and treat veterans' mental health, posttraumatic stress disorder, and traumatic brain injury; and

(6) this resolution provides additional funding above the President's inadequate budget levels for the Department of Veterans Affairs to improve the speed and accuracy of its processing of disability compensation claims, including funding to hire additional personnel above the President's requested level.

SEC. 512. SENSE OF THE CONGRESS ON HOMELAND SECURITY.

It is the sense of the Congress that—

(1) this resolution assumes additional homeland security funding above the President's requested level for 2009 and every subsequent year;

(2) this resolution assumes funding above the President's requested level for 2009, and additional amounts in subsequent years, in the four budget functions—Function 400 (Transportation), Function 450 (Community and Regional Development), Function 550 (Health), and Function 750 (Administration of Justice)—that fund most nondefense homeland security activities; and

(3) the homeland security funding provided in this resolution will help to strengthen the security of our Nation's transportation system, particularly our ports where significant security shortfalls still exist and foreign ports, by expanding efforts to identify and scan all high-risk United States-bound cargo, equip, train and support first responders (including enhancing interoperable communications and emergency management), strengthen border patrol, and increase the preparedness of the public health system.

SEC. 513. SENSE OF THE CONGRESS REGARDING LONG-TERM FISCAL REFORM.

It is the sense of the Congress that—

(1) both the Government Accountability Office and the Congressional Budget Office have warned that the Federal budget is on an unsustainable path of rising deficits and debt;

(2) using recent trend data and reasonable policy assumptions, CBO has projected that the gap between spending and revenues over the next 75 years will reach 6.9 percent of GDP;

(3) publicly held debt will rise from 36 percent today to 400 percent of GDP by the decade beginning in 2050 under CBO's alternative policy scenario;

(4) the most significant factor affecting the long-term Federal fiscal landscape is the expectation that total public and private health spending will continue to grow faster than the economy;

(5) the Congress calls upon governmental and nongovernmental experts to develop specific options to reform the health care system and control costs, that further research and analysis on topics including comparative effectiveness, health information technology, preventative care, and provider incentives is needed, and that of critical importance is the development of a consensus on the appropriate methods for estimating the budgetary impact and health outcome effects of these proposals; and

(6) immediate policy action is needed to address the long-term fiscal challenges facing the United States, including the rising costs of entitlements, in a manner that is fiscally responsible, equitable, and lasting, and that also honors commitments made to beneficiaries, and that such action should be bipartisan, bicameral, involve both legislative and executive branch participants, as well as public participation, and be conducted in a manner that ensures full, fair, and timely Congressional consideration.

SEC. 514. SENSE OF THE CONGRESS REGARDING WASTE, FRAUD, AND ABUSE.

It is the sense of the Congress that—

(1) all committees should examine programs within their jurisdiction to identify wasteful and fraudulent spending;

(2) title III of this resolution includes cap adjustments to provide appropriations for agencies that control programs that accounted for a significant share of improper payments reported by Federal agencies: Social Security Administration Continuing Disability Reviews, the Medicare/Medicaid Health Care Fraud and Abuse Control Program, and Unemployment Insurance Program Integrity;

(3) title III also includes a cap adjustment for the Internal Revenue Services for tax compliance efforts to close the $345,000,000,000 tax gap;

(4) the resolution's deficit-neutral reserve funds require authorizing committees to cut lower priority and wasteful spending to accommodate any new high-priority entitlement benefits; and

(5) title III of the resolution directs all committees to review the performance of programs within their jurisdiction and report recommendations annually to the appropriate Committee on the Budget as part of the views and estimates process required by section 301(d) of the Congressional Budget Act.

SEC. 515. SENSE OF THE CONGRESS REGARDING EXTENSION OF THE STATUTORY PAY-AS-YOU-GO RULE.

It is the sense of the Congress that to reduce the deficit, Congress should extend PAYGO consistent with provisions of the Budget Enforcement Act of 1990.

SEC. 516. SENSE OF THE CONGRESS ON LONG-TERM BUDGETING.

It is the sense of the Congress that the determination of the congressional budget for the United States Government and the President's budget request should include consideration of the Financial Report of the United States Government, especially its information regarding the Government's net operating cost, financial position, and long-term liabilities.

SEC. 517. SENSE OF THE CONGRESS REGARDING AFFORDABLE HEALTH COVERAGE.

It is the sense of the Congress that—

(1) nearly 47 million Americans, including nine million children, lack health insurance;

(2) people without health insurance are more likely to experience problems getting medical care and to be hospitalized for avoidable health problems;

(3) most Americans receive health coverage through their employers, and a major issue facing all employers is the rising cost of health insurance;

(4) small businesses, which have generated most of the new jobs annually over the last decade, have an especially difficult time affording health coverage, because of higher administrative costs and fewer people over whom to spread the risk of catastrophic costs;

(5) because it is especially costly for small businesses to provide health coverage, their employees make up a large proportion of the Nation's uninsured individuals; and

(6) legislation consistent with the pay-as-you-go principle should be adopted that makes health insurance more affordable and accessible, with attention to the special circumstances affecting employees of small businesses, and that lowers costs and improves the quality of health care by encouraging integration of

health information technology tools into the practice of medicine, by expanding comparative effectiveness research, and by promoting improvements in disease management and disease prevention.

SEC. 518. SENSE OF THE CONGRESS REGARDING PAY PARITY.

It is the sense of the Congress that rates of compensation for civilian employees of the United States should be adjusted at the same time, and in the same proportion, as are rates of compensation for members of the uniformed services.

SEC. 519. SENSE OF THE CONGRESS REGARDING SUBPRIME LENDING AND FORECLOSURES.

It is the sense of the Congress that—

(1) over the last six months, the Nation has experienced a significant increase in the number of homeowners facing the risk of foreclosure with estimates of as many as 2.8 million subprime and other distressed borrowers facing the loss of their homes over the next five years;

(2) the rise in foreclosures not only has an immediate, devastating impact on homeowners and their families, but it also has ripple effects—

(A) local communities experiencing high levels of foreclosures experience deterioration as a result of the large number of vacant foreclosed and abandoned homes;

(B) rising foreclosure rates can accelerate drops in home prices, affecting all homeowners; and

(C) home mortgage default and foreclosure rates increase risk for lenders, further restricting the availability of credit, which can in turn slow economic growth; and

(3) the rise in foreclosures is not only a crisis for subprime borrowers, but a larger problem for communities as a whole, and considering the multi-layered effects of increasing foreclosures, the Congress should consider steps to address this complex problem.

SEC. 520. SENSE OF THE CONGRESS REGARDING THE NEED TO MAINTAIN AND BUILD UPON EFFORTS TO FIGHT HUNGER.

It is the sense of the Congress that—

(1) 35.5 million Americans (12.6 million of them children) are food insecure—uncertain of having, or unable to acquire, enough food, and that 11.1 million Americans are hungry because of lack of food;

(2) despite the critical contributions of the Department of Agriculture nutrition programs (particularly the food stamp program), which significantly reduced payment error rates while providing help to partially mitigate the effects of rising poverty and unemployment, significant need remains, even among families that receive food stamps;

(3) nearly 25 million people, including more than nine million children and nearly three million seniors, sought emergency food assistance from food pantries, soup kitchens, shelters, and local charities last year;

(4) additional resources are needed to ensure that nutrition assistance keeps up with inflation and rising food prices; and

(5) Department of Agriculture programs that help us fight hunger should be maintained and the Congress should continue to seize opportunities to reach Americans in need and to fight hunger.

SEC. 521. SENSE OF THE CONGRESS REGARDING THE IMPORTANCE OF CHILD SUPPORT ENFORCEMENT.

It is the sense of the Congress that—

(1) additional legislative action is needed to ensure that States have the necessary resources to collect all child support that is owed to families and to allow them to pass 100 percent of support on to families without financial penalty; and

(2) when 100 percent of child support payments are passed to the child, rather than administrative expenses, program integrity is improved and child support participation increases.

SEC. 522. SENSE OF THE CONGRESS ON THE INNOVATION AGENDA AND AMERICA COMPETES ACT.

It is the sense of the Congress that—

(1) the Congress should provide sufficient funding so that our Nation may continue to be the world leader in education, innovation and economic growth;

(2) last year, Congress passed and the President signed the America COMPETES Act, bipartisan legislation designed to ensure that American students, teachers, businesses, and workers are prepared to continue leading the world in innovation, research, and technology well into the future;

(3) this resolution supports the efforts authorized in the America COMPETES Act, providing substantially increased funding above the President's requested level for 2009, and increased amounts after 2009 in Function 250 (General Science, Space and Technology) and other functions;

(4) additional increases for scientific research and education are included in Function 270 (Energy), Function 300 (Environment and Natural Resources), Function 500 (Education, Employment, Training and Social Services), and Function 550 (Health), all of which receive more funding than the President's budget provides;

(5) because America's greatest resource for innovation resides within classrooms across the country, the increased funding provided in this resolution will support initiatives within the America COMPETES Act to educate tens of thousands of new scientists, engineers, and mathematicians, and place highly qualified teachers in math and science K-12 classrooms; and

(6) because independent scientific research provides the foundation for innovation and future technologies, this resolution will keep us on the path toward doubling funding for the National Science Foundation, basic research in the physical sciences, and collaborative research partnerships, and toward achieving energy independence through the development of clean and sustainable alternative energy technologies.

And the House agree to the same.

JOHN SPRATT,
ROSA L. DELAURO,
CHET EDWARDS,
Managers on the part of the House.

KENT CONRAD,
PATTY MURRAY,
RON WYDEN,
Managers on the part of the Senate.

When said conference report was considered.

After debate,

By unanimous consent, the previous question was ordered on the conference report to its adoption or rejection.

The question being put,

Will the House agree to said conference report?

The SPEAKER pro tempore, Mr. PASTOR, announced that pursuant to clause 10 of rule XX, the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. PASTOR, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶67.5 H. RES. 1233—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. PASTOR, pursuant to clause 8, rule XX, announced the unfinished business to be the question on ordering the previous question on the resolution (H. Res. 1233) providing for consideration of the bill (H.R. 5540) to amend the Chesapeake Bay Initiative Act of 1998 to provide for the continuing authorization of the Chesapeake Bay Gateways and Watertrails Network.

The question being put,

Will the House now order the previous question?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 221 / Nays 194

¶67.6 [Roll No. 380]

YEAS—221

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

NAYS—194

Aderholt
Akin
Alexander
Bachmann
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany

Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Cannon
Cantor
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Young (AK)
Young (FL)

NOT VOTING—18

Bachus
Bean
Boucher
Campbell (CA)
Capito
Cardoza
Dingell
Fattah
Garrett (NJ)
Gillibrand
Hinchey
Jackson-Lee (TX)
Marshall
Pryce (OH)
Renzi
Rush
Shuler
Wolf

So the previous question on the resolution was ordered.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. PASTOR, announced that the yeas had it.

Mr. HASTINGS of Washington, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 225 Nays 195

¶67.7 [Roll No. 381]

YEAS—225

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

NAYS—195

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

NOT VOTING—13

Bean
Boucher
Brady (TX)
Campbell (CA)
Dingell
Everett
Fattah
Frank (MA)
Jackson-Lee (TX)
Marshall
Pryce (OH)
Rush
Shuler

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶67.8 CONFERENCE REPORT TO S. CON. RES. 70—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. PASTOR, pursuant to clause 8, rule XX, announced the unfinished business is to be the question of agreeing to said conference report to the concurrent resolution of the Senate (S. Con. Res. 70) setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013.

The question being put,

Will the House agree to said conference report?

The SPEAKER pro tempore, Mr. PASTOR, announced that pursuant to clause 10 of rule XX, the yeas and nays were ordered, and the call was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 214 Nays 210

¶67.9 [Roll No. 382]

YEAS—214

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor

Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Emanuel
Engel
Eshoo
Etheridge
Farr
Filner
Frank (MA)
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pelosi
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—210

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

NOT VOTING—10

Bean
Boucher
Campbell (CA)
Everett
Fattah
Jackson-Lee (TX)
Marshall
Pryce (OH)
Rush
Shuler

So the conference report was agreed to.

Ordered, That the Clerk notify the Senate thereof.

¶67.10 H.R. 5940—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. PASTOR, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 5940) to authorize activities for support of nanotechnology research and development, and for other purposes; as amended.

The question being put,

Will the House suspend the rules and pass said bill, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 407 Nays 6

¶67.11 [Roll No. 383]

YEAS—407

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Bonner
Bono Mack
Boozman
Boren
Boswell
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Cazayoux
Chabot
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole (OK)
Conaway
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Fallin
Farr
Feeney
Ferguson
Filner
Forbes
Fortenberry
Fossella
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Marchant
Markey
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pomeroy
Porter
Price (GA)
Price (NC)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Scalise
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas

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

NAYS—6

Broun (GA)
Coble
Flake
Paul
Poe
Tancredo

NOT VOTING—20

Bean
Boehner
Boucher
Braley (IA)
Campbell (CA)
Conyers
Everett
Fattah
Gohmert
Hall (TX)
Jackson-Lee (TX)
Manzullo
Marshall
Mollohan
Pryce (OH)
Reynolds
Ruppersberger
Rush
Shuler
Weldon (FL)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶67.12 CHESAPEAKE BAY GATEWAY AND WATERTRAILS NETWORK

Mr. SARBANES, pursuant to House Resolution 1233, called up for consideration the bill (H.R. 5540) to amend the Chesapeake Bay Initiatives Act of 1998 to provide for the continuing authorization of the Chesapeake Bay Gateways and Watertrails Network.

When said bill was considered.

After debate,

Pursuant to House Resolution 1233, the following amendment numbered 1, printed in House Report 110-677, was submitted by Mr. BISHOP of Utah:

Page 2, line 14, insert after ''section'' the following: ''for fiscal years 2009, 2010, 2011, 2012, and 2013''.

After debate,

Pursuant to House Resolution 1233, the previous question was ordered on the bill and the amendment.

The question being put, viva voce,

Will the House agree to said amendment?

The SPEAKER pro tempore, Mr. ROSS, announced that the nays had it.

Mr. BISHOP of Utah, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the negative ..... { Yeas ..... 178 / Nays 232

¶67.13 [Roll No. 384]

YEAS—178

Aderholt
Akin
Alexander
Altmire
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bean
Biggert
Bilbray
Bishop (UT)
Blackburn
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Cannon
Capito
Carney
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Emerson
English (PA)
Fallin
Feeney
Ferguson
Flake
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Giffords
Gingrey
Gohmert
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Mahoney (FL)
Manzullo
Marchant
Marshall
McCarthy (CA)
McCaul (TX)
McCrery
McHenry
McHugh
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Young (AK)
Young (FL)

NAYS—232

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

NOT VOTING—23

Blunt
Boehner
Boucher
Campbell (CA)
Carter
Delahunt
Ehlers
Ellison
Everett
Fattah
Gillibrand
Granger
Jackson-Lee (TX)
LaHood
McCotter
McKeon
Pascrell
Pryce (OH)
Putnam
Rodriguez
Rush
Shuler
Tiahrt

So the amendment was not agreed to.

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

Mr. SALI moved to recommit the bill to the Committee on Natural Resources with instructions to report the bill back to the House promptly with the following amendment:

Section 502(a)(1)(B) of the Chesapeake Bay Initiative Act of 1998 (16 U.S.C. 461 note; Public Law 105–312) is amended to read as follows:

''(B) to identify and utilize the collective resources as Chesapeake Bay Gateways sites for enhancing public education of and access to the Chesapeake Bay, including educating the public regarding the effect of high fuel prices on access to and use and enjoyment of all present uses of the Chesapeake Bay Gateways sites and Chesapeake Bay Watertrails;''.

After debate,

By unanimous consent, the previous question was ordered on the motion to recommit with instructions.

The question being put, viva voce,

Will the House recommit said bill with instructions?

The SPEAKER pro tempore, Mr. ROSS, announced that the nays had it.

Mr. SALI demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the negative ..... { Yeas ..... 181 / Nays 223

¶67.14 [Roll No. 385]

YEAS—181

Aderholt
Akin
Alexander
Altmire
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Biggert
Bilbray
Bilirakis
Bishop (UT)

Blackburn
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Cannon
Capito
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Emerson
English (PA)
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey
Gohmert
Goode
Goodlatte
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McHenry
McHugh
McKeon
McMorris Rodgers
McNerney
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Poe
Porter
Price (GA)
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NAYS—223

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

NOT VOTING—29

Barton (TX)
Blunt
Boehner
Bonner
Boucher
Camp (MI)
Campbell (CA)
Cantor
Carter
Delahunt
Ehlers
Ellison
Everett
Fattah
Gillibrand
Granger
Jackson-Lee (TX)
LaHood
Langevin
McCotter
McCrery
Pascrell
Pryce (OH)
Putnam
Ruppersberger
Rush
Shuler
Tiahrt
Wasserman Schultz

So the motion to recommit with instructions was not agreed to.

The question being put, viva voce,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. ROSS, announced that the yeas had it.

Mr. SALI demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 321 Nays 86

¶67.15 [Roll No. 386]

YEAS—321

Abercrombie
Ackerman
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachus
Baird
Baldwin
Barrow
Bartlett (MD)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Bono Mack
Boren
Boswell
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Butterfield
Calvert
Camp (MI)
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Cazayoux
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole (OK)
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Edwards
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Fallin
Farr
Ferguson
Filner
Forbes
Fortenberry
Fossella
Foster
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Giffords
Gilchrest
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Hunter
Inslee
Israel
Jackson (IL)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCrery
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pastor
Payne
Pelosi
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Platts
Pomeroy
Porter
Price (NC)
Rahall
Ramstad
Regula
Rehberg
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shimkus
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NAYS—86

Aderholt
Akin
Bachmann
Barrett (SC)
Barton (TX)
Boozman
Boustany
Brady (TX)
Broun (GA)
Burgess
Burton (IN)
Buyer
Cannon
Chabot
Coble
Conaway
Culberson
Davis (KY)
Davis, David
Deal (GA)
Duncan
Feeney
Flake
Foxx
Franks (AZ)
Garrett (NJ)
Gohmert
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hoekstra
Hulshof
Inglis (SC)
Issa
Johnson, Sam
Jordan
King (IA)
Kingston
Lamborn
Latta
Lewis (KY)
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McHenry
McKeon

McMorris Rodgers
Mica
Miller (FL)
Moran (KS)
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Pitts
Poe
Price (GA)
Radanovich
Reichert
Roskam
Royce
Ryan (WI)
Sali
Scalise
Sensenbrenner
Sessions
Shadegg
Smith (NE)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Walberg
Westmoreland
Wilson (SC)

NOT VOTING—27

Blackburn
Blunt
Boehner
Bonner
Boucher
Campbell (CA)
Cantor
Carter
Delahunt
Ehlers
Ellison
Everett
Fattah
Gillibrand
Granger
Jackson-Lee (TX)
LaHood
Linder
McCotter
Pascrell
Pryce (OH)
Putnam
Rangel
Rush
Shuler
Tiahrt
Walsh (NY)

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶67.16 H.R. 3058—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. HARE, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and pass the bill (H.R. 3058) to amend chapter 69 of title 31, United States Code, to provide full payments under such chapter to units of general local government in which entitlement land is located, to provide transitional payments during fiscal years 2008 through 2012 to those States and counties previously entitled to payments under the Secure Rural Schools and Community Self-Determination Act of 2000, and for other purposes; as amended.

The question being put,

Will the House suspend the rules and pass said bill, as amended?

The vote was taken by electronic device.

It was decided in the affirmative .....

Yeas	218
Nays	193
Answered present	2

¶67.17 [Roll No. 387]

YEAS—218

Abercrombie
Ackerman
Allen
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boyd (FL)
Boyda (KS)
Braley (IA)
Brown, Corrine
Buchanan
Butterfield
Capito
Capps
Cardoza
Carnahan
Carson
Castle
Castor
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Courtney
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Dicks
Dingell
Doggett
Donnelly
Edwards
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Filner
Foster
Frank (MA)
Giffords
Gordon
Green, Al
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kagen
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Kirk
Klein (FL)
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lungren, Daniel E.
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meeks (NY)
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Murphy (CT)
Murphy, Patrick
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Pallone
Pastor
Payne
Pelosi
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Ramstad
Regula
Reichert
Reyes
Richardson
Rogers (AL)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—193

Aderholt
Akin
Alexander
Altmire
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bono Mack
Boozman
Boren
Boustany
Brady (PA)
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Cannon
Carney
Carter
Cazayoux
Chabot
Coble
Cole (OK)
Conaway
Costello
Cramer
Crenshaw
Cubin
Cuellar
Culberson
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Doyle
Drake
Dreier
Duncan
Emerson
English (PA)
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Granger
Graves
Green, Gene
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Holden
Hulshof
Hunter
Inglis (SC)
Issa
Johnson, Sam
Jones (NC)
Jordan
Kanjorski
Keller
King (IA)
King (NY)
Kingston
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Lampson
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Lucas
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Moran (VA)
Murphy, Tim
Murtha
Musgrave
Myrick
Neugebauer
Nunes
Ortiz
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Putnam
Radanovich
Rehberg
Renzi
Reynolds
Rodriguez
Rogers (KY)
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Saxton
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

ANSWERED ''PRESENT''—2

Capuano
Melancon

NOT VOTING—21

Berman
Bonner
Boucher
Campbell (CA)
Cantor
Delahunt
Ehlers
Ellison
Everett
Fattah
Gillibrand
Jackson-Lee (TX)
LaHood
Linder
Meek (FL)
Pascrell
Pryce (OH)
Rangel
Rush
Shuler
Tiahrt

So, less than two-thirds of the Members present having voted in favor thereof, the rules were not suspended and said bill, as amended, was not passed.

¶67.18 ADJOURNMENT OVER

On motion of Mr. HOYER, by unanimous consent,

Ordered, That when the House adjourns today, it adjourn to meet on Monday, June 9, 2008, at 12:30 p.m. for morning-hour debate.

¶67.19 CALENDAR WEDNESDAY BUSINESS DISPENSED WITH

On motion of Mr. HOYER, by unanimous consent,

Ordered, That business in order for consideration on Wednesday, June 11, 2008, under clause 6, rule XV, the Calendar Wednesday rule, be dispensed with.

¶67.20 MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the resolution (S. Con. Res. 70) setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013.

¶67.21 PUBLIC DEBT

The SPEAKER pro tempore, Ms. CASTOR, pursuant to rule XXVIII, as a result of the adoption by the House and the Senate of the conference report on Senate Concurrent Resolution 70, setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013; House Joint Resolution 92, increasing the statutory limit on the public debt, has been engrossed and is deemed to have passed the House on June 5, 2008.

¶67.22 FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed

without amendment a bill of the House of the following title:

H.R. 6124. An Act to provide for the continuation of agricultural and other programs of the Department of Agriculture through fiscal year 2012, and for other purposes.

¶67.23 BILL PRESENTED TO THE PRESIDENT

Lorraine C. Miller, Clerk of the House reported that on June 3, 2008, she presented to the President of the United States, for his approval, the following bill:.

H.R. 1195. An Act to amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users to make technical corrections, and for other purposes.

¶67.24 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. EHLERS, for today after 1:30 p.m. through May 9;

To Mr. ELLISON, for today after 2 p.m.; and

To Mr. FATTAH, for today.

And then,

¶67.25 ADJOURNMENT

On motion of Mr. ROHRABACHER, pursuant to the previous order of the House, at 7 o'clock and 23 minutes p.m., the House adjourned until 12:30 p.m. on Monday, June 9, 2008.

¶67.26 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

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

Mr. THOMPSON of Mississippi: Committee on Homeland Security. H.R. 4179. A bill to amend the Homeland Security Act of 2002 to establish an appeal and redress process for individuals wrongly delayed or prohibited from boarding a flight, and for other purposes; with amendments (Rept. 110–686). Referred to the Committee of the Whole House on the state of the Union.

Mr. THOMPSON of Mississippi: Committee on Homeland Security. H.R. 5909. A bill to amend the Aviation and Transportation Security Act to prohibit advance notice to certain individuals, including security screeners, of covert testing of security screening procedures for the purpose of enhancing transportation security at airports, and for other purposes; with an amendment (Rept. 110–687). Referred to the Committee of the Whole House on the state of the Union.

Mr. THOMPSON of Mississippi: Committee on Homeland Security. H.R. 5982. A bill to direct the Secretary of Homeland Security, for purposes of transportation security, to conduct a study on how airports can transition to uniform, standards-based, and interoperable biometric identifier systems for airport workers with unescorted access to secure or sterile areas of an airport, and for other purposes; with an amendment (Rept. 110–688). Referred to the Committee of the Whole House on the state of the Union.

Mr. THOMPSON of Mississippi: Committee on Homeland Security. H.R. 4749. A bill to amend the Homeland Security Act of 2002 to establish the Office for Bombing Prevention, to address terrorist explosive threats, and for other purposes; with an amendment (Rept. 110–689). Referred to the Committee of the Whole House on the state of the Union.

Mr. OBERSTAR: Committee on Transportation and Infrastructure. H.R. 6003. A bill to reauthorize Amtrak, and for other purposes; with an amendment (Rept. 110–690). Referred to the Committee of the Whole House on the state of the Union.

Mr. THOMPSON of Mississippi: Committee on Homeland Security. H.R. 1333. A bill to amend the Homeland Security Act of 2002 to direct the Secretary to enter into an agreement with the Secretary of the Air Force to use Civil Air Patrol personnel and resources to support homeland security missions; with amendments (Rept. 110–691 Pt. 1). Ordered to be printed.

Mr. RAHALL: Committee on Natural Resources. H.R. 5680. A bill to amend certain laws relating to Native Americans, and for others purposes; with an amendment (Rept. 110–692). Referred to the Committee of the Whole House on the state of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 3682. A bill to designate certain Federal lands in Riverside County, California, as wilderness, to designate certain river segments in Riverside County as a wild, scenic, or recreational river, to adjust the boundary of the Santa Rosa and San Jacinto Mountains National Monument, and for other purposes; with an amendment (Rept. 110–693). Referred to the Committee of the Whole House on the state of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 3022. A bill to designate the John Krebs Wilderness in the State of California, to add certain land to the Sequoia-Kings Canyon National Park Wilderness, and for other purposes; with an amendment (Rept. 110–694). Referred to the Committee of the Whole House on the state of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 2632. A bill to establish the Sabinoso Wilderness Area in San Miguel County, New Mexico, and for other purposes; with an amendment (Rept. 110–695). Referred to the Committee of the Whole House on the state of the Union.

Mr. CONYERS: Committee on the Judiciary. H.R. 5938. A bill to amend title 18, United States Code, to provide secret service protection to former Vice Presidents, and for other purposes (Rept. 110–696). Referred to the Committee of the Whole House on the state of the Union.

Mr. CONYERS: Committee on the Judiciary. H.R. 5060. A bill to amend the Immigration and Nationality Act to allow athletes admitted as nonimmigrants described in section 101(a)(15)(P) of such Act to renew their period of authorized admission in 5-year increments (Rept. 110–697). Referred to the Committee of the Whole House on the state of the Union.

Mr. CONYERS: Committee on the Judiciary. H.R. 5569. A bill to extend for 5 years the EB–5 regional center pilot program (Rept. 110–698). Referred to the Committee of the Whole House on the state of the Union.

Mr. CONYERS: Committee on the Judiciary. H.R. 4080. A bill to amend the Immigration and Nationality Act to establish a separate nonimmigrant classification for fashion models; with an amendment (Rept. 110–699). Referred to the Committee of the Whole House on the state of the Union.

Mr. CONYERS: Committee on the Judiciary. H.R. 5593. A bill to amend title 5, United States Code, to make technical amendments to certain provisions of title 5, United States Code, enacted by the Congressional Review Act (Rept. 110–700). Referred to the Committee of the Whole House on the state of the Union.

¶67.27 TIME LIMITATION OF REFERRED BILL

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

H.R. 1333. Referral to the Committee on Transportation and Infrastructure extended for a period ending not later than June 13, 2008.

¶67.28 PUBLIC BILLS AND RESOLUTIONS

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

By Mr. FALEOMAVAEGA:

H.R. 6191. A bill to amend the Immigration and Nationality Act to waive certain requirements for naturalization for American Samoan United States nationals to become United States citizens; to the Committee on the Judiciary.

By Mr. JONES of North Carolina:

H.R. 6192. A bill to make payments by the Department of Homeland Security to a State contingent on a State providing the Federal Bureau of Investigation with certain statistics, to require Federal agencies, departments, and courts to provide such statistics to the Federal Bureau of Investigation, and to require the Federal Bureau of Investigation to publish such statistics; to the Committee on the Judiciary, and in addition to the Committee on Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. HARMAN (for herself, Mr. REICHERT, Mr. THOMPSON of Mississippi, Mr. LANGEVIN, Ms. NORTON, Mr. CARNEY, Mr. DICKS, and Ms. JACKSON-LEE of Texas):

H.R. 6193. A bill to require the Secretary of Homeland Security to develop and administer policies, procedures, and programs to promote the implementation of the Controlled Unclassified Information Framework applicable to unclassified information that is homeland security information, terrorism information, weapons of mass destruction information and other information within the scope of the information sharing environment established under section 1016 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485), and for other purposes; to the Committee on Homeland Security.

By Mr. PASCRELL (for himself and Mr. ENGLISH of Pennsylvania):

H.R. 6194. A bill to amend the Internal Revenue Code of 1986 to provide that the volume cap for private activity bonds shall not apply to bonds for facilities for the furnishing of water and sewage facilities; to the Committee on Ways and Means.

By Mr. ALTMIRE:

H.R. 6195. A bill to authorize the Korean War Veterans Association to establish a commemorative work on Federal land in the District of Columbia near the Korean War Memorial on the Mall to honor members of the Armed Forces who have served in Korea since July 28, 1953; to the Committee on Natural Resources.

By Mr. BERRY:

H.R. 6196. A bill to amend title II of the Social Security Act to provide for Medicare coverage of individuals receiving a heart transplant; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. BLACKBURN:

H.R. 6197. A bill to designate the facility of the United States Postal Service located at

7095 Highway 57 in Counce, Tennessee, as the ''Pickwick Post Office Building''; to the Committee on Oversight and Government Reform.

By Mr. CLEAVER:

H.R. 6198. A bill to designate the facility of the United States Postal Service located at 1700 Cleveland Avenue in Kansas City, Missouri, as the ''Reverend Earl Abel Post Office Building''; to the Committee on Oversight and Government Reform.

By Mr. ENGEL:

H.R. 6199. A bill to designate the facility of the United States Postal Service located at 245 North Main Street in New City, New York, as the ''Kenneth Peter Zebrowski Post Office Building''; to the Committee on Oversight and Government Reform.

By Mr. HINCHEY (for himself, Mr. ENGEL, and Mr. ROTHMAN):

H.R. 6200. A bill to amend the National Trails System Act to provide for a study of the Long Path Trail, a system of trails and potential trails running from Fort Lee, New Jersey, to the Adirondacks in New York, to determine whether to add the trail to the National Trails System, and for other purposes; to the Committee on Natural Resources.

By Mrs. MCCARTHY of New York (for herself and Mrs. CAPPS):

H.R. 6201. A bill to amend the Public Health Service Act to authorize the Secretary of Health and Human Services to make grants to eligible States for the purpose of reducing the student-to-school nurse ratio in public secondary schools, elementary schools, and kindergarten; to the Committee on Energy and Commerce.

By Mr. MORAN of Virginia (for himself, Mr. SHAYS, Mr. PAYNE, and Mr. TIERNEY):

H.R. 6202. A bill to promote the well-being of animals held for commercial use by providing such animals protection from cruelty and abuse; to the Committee on Agriculture.

By Ms. LINDA T. SÁNCHEZ of California (for herself, Ms. BERKLEY, Mr. BERMAN, Mr. BISHOP of Georgia, Mr. BISHOP of New York, Ms. BORDALLO, Mr. BRADY of Pennsylvania, Mr. CAPUANO, Mr. CLAY, Mr. COHEN, Mr. COURTNEY, Mrs. DAVIS of California, Mr. GRIJALVA, Mr. HARE, Mr. HIGGINS, Mr. HINOJOSA, Mr. HOLT, Mr. INSLEE, Mr. ISRAEL, Mr. LARSON of Connecticut, Ms. LEE, Mr. MARKEY, Mr. MCGOVERN, Mr. MCNULTY, Mrs. NAPOLITANO, Mr. ORTIZ, Mr. REYES, Mr. RODRIGUEZ, Ms. ROS-LEHTINEN, Mr. RYAN of Ohio, Ms. LORETTA SANCHEZ of California, Mr. SIRES, Ms. SOLIS, Ms. WATERS, Mr. WATT, Mr. WEXLER, and Mr. WU):

H.R. 6203. A bill to amend the Public Health Service Act to ensure sufficient resources and increase efforts for research at the National Institutes of Health relating to Alzheimer's disease, to authorize an education and outreach program to promote public awareness and risk reduction with respect to Alzheimer's disease (with particular emphasis on education and outreach in Hispanic populations), and for other purposes; to the Committee on Energy and Commerce.

By Mr. STUPAK (for himself, Mr. MCCOTTER, and Mr. KILDEE):

H.R. 6204. A bill to expand the boundaries of the Thunder Bay National Marine Sanctuary and Underwater Preserve and for other purposes; to the Committee on Natural Resources.

By Ms. SUTTON (for herself, Mr. MICHAUD, Mr. KAGEN, Mr. ARCURI, Mr. HARE, Mr. MCGOVERN, Mr. CONYERS, Ms. SCHAKOWSKY, Ms. JACKSON-LEE of Texas, Mr. BRALEY of Iowa, Mr. LANGEVIN, Mr. HASTINGS of Florida, Ms. SHEA-PORTER, Mr. PERLMUTTER, Ms. RICHARDSON, Ms. MOORE of Wisconsin, Ms. HIRONO, Mr. COHEN, Mr. HINCHEY, Ms. WOOLSEY, and Mr. YARMUTH):

H.R. 6205. A bill to amend title 37, United States Code, to require the payment of monthly special pay for members of the uniformed services whose service on active duty is extended by a stop-loss order or similar mechanism; to the Committee on Armed Services.

By Mr. MCGOVERN (for himself, Mr. BLUMENAUER, and Mr. ALLEN):

H.J. Res. 91. A joint resolution expressing the sense of Congress that the United States should sign the Declaration of the Oslo Conference on Cluster Munitions and future instruments banning cluster munitions that cause unacceptable harm to civilians; to the Committee on Foreign Affairs.

By Mr. CROWLEY (for himself, Mr. KING of New York, Mr. BERMAN, Ms. ROS-LEHTINEN, Ms. WATSON, Mr. MANZULLO, Mr. HOLT, and Mr. PITTS):

H.J. Res. 93. A joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003; to the Committee on Ways and Means.

By Mr. SNYDER (for himself, Mr. HOLT, Mr. ISRAEL, Mr. COHEN, Ms. DELAURO, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. DAVIS of Illinois, Mr. EMANUEL, Mr. BUTTERFIELD, Mr. KILDEE, Mr. MCDERMOTT, Mr. HASTINGS of Florida, Mr. JACKSON of Illinois, Mr. LEVIN, Mr. INSLEE, Mr. HILL, Mr. ROSS, Mr. MITCHELL, Mr. WELCH of Vermont, Mr. BRALEY of Iowa, Mr. POMEROY, Mr. LARSEN of Washington, Mr. HODES, Mr. GONZALEZ, Mr. LAMPSON, Mr. PAYNE, Ms. SCHAKOWSKY, Mr. MICHAUD, Mrs. TAUSCHER, Mrs. MCCARTHY of New York, Mr. KIND, Mr. BERRY, Mr. MILLER of North Carolina, Mr. PRICE of North Carolina, Mr. FOSTER, Mr. BOSWELL, Mr. AKIN, Mr. DEFAZIO, Mr. RAHALL, Mr. MEEK of Florida, Mr. ALLEN, Mr. PASTOR, Mr. DOGGETT, Ms. BALDWIN, Mr. LARSON of Connecticut, Mr. THOMPSON of Mississippi, Ms. SUTTON, Mr. HARE, Mr. SCOTT of Georgia, Mrs. JONES of Ohio, Mrs. CHRISTENSEN, Mr. ENGLISH of Pennsylvania, Mr. CLEAVER, Mr. MORAN of Virginia, Mr. MOORE of Kansas, Mrs. CAPPS, Mrs. DAVIS of California, and Mrs. BONO MACK):

H. Res. 1242. A resolution honoring the life, musical accomplishments, and contributions of Louis Jordan on the 100th anniversary of his birth; to the Committee on Education and Labor.

By Mr. SULLIVAN (for himself, Mr. LUCAS, Mr. MCINTYRE, Mr. FOSSELLA, Mr. ISSA, Mr. FEENEY, Mr. BARTLETT of Maryland, Mr. PITTS, Mr. NEUGEBAUER, Mr. ADERHOLT, Mrs. MUSGRAVE, Mr. PICKERING, Mr. BOREN, Mr. HERGER, Mr. KENNEDY, Mr. CAMPBELL of California, Mr. PENCE, Mr. KELLER, Mrs. BACHMANN, Mr. TIAHRT, Mr. LAMBORN, Ms. NORTON, Mr. WALBERG, Mr. MEEK of Florida, Mr. GARRETT of New Jersey, and Mr. MCCAUL of Texas):

H. Res. 1243. A resolution recognizing the immeasurable contributions of fathers in the healthy development of children, supporting responsible fatherhood, and encouraging greater involvement of fathers in the lives of their children, especially on Father's Day; to the Committee on Education and Labor.

By Mr. BLUMENAUER (for himself, Mr. KIND, and Mr. PORTER):

H. Res. 1244. A resolution resolving to address the costly obesity epidemic by identifying opportunities to increase access to and promotion of nutrition, physical activity, and health care in all of Congress's work; to the Committee on Energy and Commerce.

By Mr. CAPUANO (for himself, Mr. MCGOVERN, Mr. PAYNE, and Mr. WOLF):

H. Res. 1245. A resolution urging the international community to provide the United Nations-African Union Mission in Darfur with essential tactical and utility helicopters; to the Committee on Foreign Affairs.

By Mr. CONYERS (for himself, Mr. KILDEE, Ms. KILPATRICK, Mrs. MILLER of Michigan, Mr. UPTON, Mr. MCCOTTER, Mr. WALBERG, Mr. CAMP of Michigan, Mr. ROGERS of Michigan, Mr. LEVIN, Mr. KNOLLENBERG, Mr. HOEKSTRA, Mr. STUPAK, Mr. EHLERS, and Mr. DINGELL):

H. Res. 1246. A resolution congratulating the Detroit Red Wings for winning the 2008 Stanley Cup Hockey Championship; to the Committee on Oversight and Government Reform.

By Mr. DAVID DAVIS of Tennessee:

H. Res. 1247. A resolution supporting the goals and ideals of ''American Eagle Day'', and celebrating the recovery and restoration of the American bald eagle, the national symbol of the United States; to the Committee on Natural Resources.

By Mr. ELLSWORTH (for himself, Mrs. MUSGRAVE, Mr. CHANDLER, Mr. HALL of New York, Mr. ALTMIRE, Mr. KENNEDY, Mr. BERRY, Mr. LINCOLN DAVIS of Tennessee, Mrs. CUBIN, Mr. SALAZAR, Mr. GRIJALVA, Mr. LAHOOD, Mr. REHBERG, Mr. RENZI, Mrs. TAUSCHER, Mr. VISCLOSKY, Mr. GOHMERT, Mr. SMITH of Washington, Mr. VAN HOLLEN, Mr. DAVIS of Kentucky, Mr. TIAHRT, Mr. SHIMKUS, Mr. THOMPSON of California, Mr. MCCARTHY of California, Mr. STUPAK, Mr. FLAKE, Mr. ROSS, Mr. TANCREDO, Mr. TERRY, Mr. MCINTYRE, Mr. LATTA, Mr. SHULER, Mr. DONNELLY, Mr. SULLIVAN, Mr. MCNERNEY, and Mr. HONDA):

H. Res. 1248. A resolution recognizing the service of the USS Farenholt and her men who served our Nation with valor and bravery in the South Pacific during World War II; to the Committee on Armed Services.

By Mr. HASTINGS of Florida (for himself, Ms. BERKLEY, Mr. CROWLEY, and Mr. HARE):

H. Res. 1249. A resolution urging the Government of the Republic of Iraq to recognize the right of the State of Israel to exist and to establish diplomatic relations with Israel, and for other purposes; to the Committee on Foreign Affairs.

By Mr. LAMPSON (for himself, Mr. CULBERSON, Mr. REYES, Mr. ORTIZ, Mr. EDWARDS, Mr. AL GREEN of Texas, Mr. GONZALEZ, Mr. GENE GREEN of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. HINOJOSA, Mr. DOGGETT, Mr. RODRIGUEZ, Mr. HALL of Texas, Mr. SESSIONS, Mr. CARTER, Ms. JACKSON-LEE of Texas, Mr. MARCHANT, Mr. SMITH of Texas, Mr. CUELLAR, Mr. MCCAUL of Texas, Mr. THORNBERRY, Mr. SAM JOHNSON of Texas, Mr. POE, Mr. CONAWAY, Mr. NEUGEBAUER, Mr. PAUL, Mr. BRADY of Texas, Ms. GRANGER, Mr. BARTON of Texas, Mr. GOHMERT, and Mr. BURGESS):

H. Res. 1250. A resolution honoring the Texas Air National Guard 147th Fighter Wing at Ellington Field for protecting the ports, industries, and people of Southeast Texas upon the retirement of its F-16s and its redesignation as the 147th Reconnaissance Wing; to the Committee on Armed Services.

¶67.29 ADITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 96: Ms. ESHOO, Mr. FRANK of Massachusetts, and Mr. WEXLER.
H.R. 138: Mr. GARY G. MILLER of California.
H.R. 139: Mr. MCCAUL of Texas.
H.R. 154: Mr. FRANK of Massachusetts, Mr. MURPHY of Connecticut, Mr. LATHAM, and Mr. SNYDER.
H.R. 245: Mr. DAVIS of Illinois.
H.R. 303: Mr. HARE.
H.R. 432: Mrs. BACHMANN.
H.R. 506: Mr. MCINTYRE.
H.R. 552: Mr. RODRIGUEZ, Mr. BILBRAY, and Mr. FILNER.
H.R. 659: Mr. ENGLISH of Pennsylvania.
H.R. 822: Mr. CARSON.
H.R. 998: Ms. ROS-LEHTINEN, Mr. TIBERI, Mrs. EMERSON, Mr. RAMSTAD, Mr. CASTLE, Mr. SHIMKUS, and Mr. LATOURETTE.
H.R. 1023: Mr. LATTA, Mr. WELLER, Mr. SULLIVAN, Mr. BISHOP of Georgia, and Mr. HODES.
H.R. 1035: Mr. WEXLER.
H.R. 1093: Mr. CARSON.
H.R. 1108: Mr. CANTOR.
H.R. 1134: Mr. PATRICK MURPHY of Pennsylvania.
H.R. 1178: Mr. PETERSON of Minnesota.
H.R. 1192: Mr. RODRIGUEZ and Ms. NORTON.
H.R. 1193: Mr. MCINTYRE, Ms. LEE, Mr. YARMUTH, and Mr. BOREN.
H.R. 1232: Mr. CARSON.
H.R. 1474: Ms. CLARKE, Mr. LAMPSON, Mr. LEWIS of Georgia, Mr. WELDON of Florida, and Ms. WOOLSEY.
H.R. 1518: Mr. LEWIS of Georgia.
H.R. 1536: Mr. SESTAK.
H.R. 1540: Ms. LEE.
H.R. 1552: Mr. KING of Iowa, Mr. DAVID DAVIS of Tennessee, and Mr. MURPHY of Connecticut.
H.R. 1610: Mr. DAVIS of Illinois and Mr. LUCAS.
H.R. 1621: Mr. ABERCROMBIE.
H.R. 1647: Mr. RUSH and Mr. HODES.
H.R. 1655: Mr. KLEIN of Florida.
H.R. 1665: Mr. WAMP.
H.R. 1691: Mr. KIRK and Mr. LEWIS of Georgia.
H.R. 1738: Mr. MOORE of Kansas and Ms. MATSUI.
H.R. 1748: Mr. WOLF and Mr. JOHNSON of Illinois.
H.R. 1755: Mr. ALLEN.
H.R. 1921: Ms. LEE.
H.R. 1940: Mr. SMITH of Nebraska.
H.R. 1941: Mr. MCGOVERN.
H.R. 1983: Ms. SOLIS.
H.R. 1992: Mr. HODES.
H.R. 2047: Mr. SOUDER.
H.R. 2060: Mr. CARSON.
H.R. 2116: Mr. CARSON, Mr. MCHENRY, Ms. MATSUI, and Mr. HAYES.
H.R. 2164: Mr. BOREN.
H.R. 2192: Mr. MICHAUD.
H.R. 2210: Ms. JACKSON-LEE of Texas, Mr. SESTAK, and Mr. RODRIGUEZ.
H.R. 2231: Mr. UDALL of Colorado, Mr. TIM MURPHY of Pennsylvania, Mr. HINOJOSA, Mr. HODES, Mr. CARNAHAN, and Ms. JACKSON-LEE of Texas.
H.R. 2266: Mr. CARSON.
H.R. 2329: Mr. ROSS, Mr. HELLER, Mr. CARSON, and Mr. REHBERG.
H.R. 2407: Mr. BUTTERFIELD.
H.R. 2549: Mr. LEWIS of Georgia.
H.R. 2620: Mr. SPRATT.
H.R. 2762: Mr. LEWIS of Georgia.
H.R. 2820: Mr. PATRICK MURPHY of Pennsylvania.
H.R. 2821: Mr. CARSON.
H.R. 2880: Mr. FOSTER.
H.R. 2892: Mr. SCOTT of Virginia.
H.R. 2922: Ms. WATERS, and Ms. MCCOLLUM of Minnesota.
H.R. 2926: Mr. CUELLAR, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. SUTTON, and Mr. MORAN of Virginia.
H.R. 2991: Mr. UDALL of Colorado.
H.R. 3024: Mr. UDALL of Colorado, Mr. PERLMUTTER, and Mr. GONZALEZ.
H.R. 3088: Mr. KING of Iowa.
H.R. 3098: Mr. HENSARLING.
H.R. 3140: Mr. WHITFIELD of Kentucky, Mr. LEWIS of Georgia, Mr. GOHMERT, and Mrs. NAPOLITANO.
H.R. 3175: Mr. SARBANES.
H.R. 3186: Mr. SESTAK, Mr. BOREN, and Mr. WOLF.
H.R. 3187: Mr. SIRES, and Mr. SESTAK.
H.R. 3212: Mr. RAHALL.
H.R. 3257: Mr. BOREN.
H.R. 3331: Mr. EMANUEL.
H.R. 3404: Mr. BISHOP of Georgia.
H.R. 3439: Ms. ZOE LOFGREN of California.
H.R. 3440: Mr. SHAYS.
H.R. 3457: Mr. CULBERSON, and Mrs. SCHMIDT.
H.R. 3471: Mr. LOEBSACK.
H.R. 3544: Mr. WELLER.
H.R. 3547: Mr. KING of New York.
H.R. 3660: Mr. LIPINSKI.
H.R. 3770: Mr. LEWIS of Kentucky.
H.R. 3815: Ms. JACKSON-LEE of Texas.
H.R. 3914: Mr. PICKERING and Mr. FLAKE.
H.R. 3934: Mr. RUPPERSBERGER and Mr. UDALL of Colorado.
H.R. 3990: Mr. YARMUTH.
H.R. 3995: Mrs. BIGGERT.
H.R. 4048: Ms. JACKSON-LEE of Texas.
H.R. 4107: Mr. HOLT.
H.R. 4113: Mr. DICKS.
H.R. 4199: Mr. RYAN of Ohio and Mr. HAYES.
H.R. 4218: Mr. PETERSON of Minnesota.
H.R. 4236: Mr. MARIO DIAZ-BALART of Florida.
H.R. 4544: Mr. EDWARDS, Mr. HALL of Texas, Mr. HAYES, and Mr. LEWIS of Georgia.
H.R. 4736: Mr. BROUN of Georgia, Mr. AKIN, Mr. WELDON of Florida, Mr. BARTLETT of Maryland, Mr. LAMBORN, Mr. MARCHANT, Mr. ISSA, Mr. KLINE of Minnesota, Mrs. BACHMANN, Mr. BILBRAY, Mr. GINGREY, Mr. WESTMORELAND, Mr. PITTS, and Mr. SAM JOHNSON of Texas.
H.R. 4836: Mr. CLAY.
H.R. 4900: Mr. DOOLITTLE.
H.R. 5038: Mr. ROTHMAN.
H.R. 5155: Mr. BRALEY of Iowa.
H.R. 5157: Ms. BERKLEY.
H.R. 5174: Mr. ARCURI.
H.R. 5223: Mr. HOLT.
H.R. 5265: Mrs. BONO MACK.
H.R. 5266: Mr. PAYNE.
H.R. 5446: Mr. PETERSON of Minnesota.
H.R. 5469: Mr. SIRES.
H.R. 5488: Ms. NORTON, Mr. RUSH, and Mr. HARE.
H.R. 5546: Mr. INSLEE.
H.R. 5550: Mr. VAN HOLLEN.
H.R. 5559: Mr. TERRY.
H.R. 5560: Mr. ENGEL.
H.R. 5564: Mr. HELLER.
H.R. 5603: Mr. PLATTS.
H.R. 5611: Mrs. BLACKBURN.
H.R. 5626: Mr. HINCHEY.
H.R. 5632: Mr. MELANCON, Mr. GONZALEZ, Mr. INSLEE, and Mr. CHANDLER.
H.R. 5636: Ms. LEE.
H.R. 5637: Mr. COHEN and Mr. PAYNE.
H.R. 5646: Mr. BARRETT of South Carolina.
H.R. 5677: Mr. TAYLOR, Mr. STUPAK, Mr. LINCOLN DAVIS of Tennessee, and Mr. CLEAVER.
H.R. 5698: Mr. WELLER and Mr. BLUMENAUER.
H.R. 5721: Mr. BERRY.
H.R. 5734: Mr. PETERSON of Minnesota and Mr. ROGERS of Kentucky.
H.R. 5746: Mr. LIPINSKI.
H.R. 5748: Mr. GALLEGLY.
H.R. 5759: Mr. HOEKSTRA.
H.R. 5768: Mr. ENGLISH of Pennsylvania.
H.R. 5772: Mr. ELLISON.
H.R. 5774: Ms. SOLIS and Ms. MCCOLLUM of Minnesota.
H.R. 5775: Mr. DOOLITTLE.
H.R. 5805: Mr. SHADEGG.
H.R. 5816: Mr. WAMP.
H.R. 5825: Mr. ALLEN.
H.R. 5842: Ms. JACKSON-LEE of Texas, Ms. BERKLEY, Ms. ZOE LOFGREN of California, and Mr. MCDERMOTT.
H.R. 5843: Mr. MCDERMOTT.
H.R. 5846: Mr. DAVIS of Illinois.
H.R. 5853: Mr. OLVER, Mr. FRANK of Massachusetts, Mr. DELAHUNT, Mr. LYNCH, Mr. MCGOVERN, Mr. NEAL of Massachusetts, Mr. MARKEY, Mr. TIERNEY, Mr. CAPUANO, and Mr. JOHNSON of Illinois.
H.R. 5866: Mrs. MYRICK and Mr. ROGERS of Kentucky.
H.R. 5873: Mr. BRADY of Pennsylvania.
H.R. 5882: Ms. ESHOO.
H.R. 5892: Mr. FRANK of Massachusetts, Mr. ALLEN, and Mr. KLEIN of Florida.
H.R. 5898: Ms. BORDALLO, Mr. LATHAM, Mr. BUTTERFIELD, Mr. THOMPSON of Mississippi, and Mr. NUNES.
H.R. 5901: Mr. AL GREEN of Texas.
H.R. 5914: Mr. AL GREEN of Texas.
H.R. 5925: Mr. BISHOP of New York.
H.R. 5935: Mr. JONES of North Carolina.
H.R. 5943: Mr. PORTER.
H.R. 5949: Mr. GERLACH and Mr. WALSH of New York.
H.R. 5954: Mr. DELAHUNT.
H.R. 5960: Mr. HARE and Mr. KUCINICH.
H.R. 5984: Mr. SMITH of Nebraska.
H.R. 5990: Mr. ROSS and Mr. BISHOP of Georgia.
H.R. 6003: Mr. SNYDER, Mr. RYAN of Ohio, and Mr. CLAY.
H.R. 6023: Mr. ENGLISH of Pennsylvania.
H.R. 6025: Mr. DANIEL E. LUNGREN of California and Mrs. CUBIN.
H.R. 6026: Mr. GARRETT of New Jersey, Mrs. DRAKE, Mr. HOBSON, and Mr. DENT.
H.R. 6029: Ms. SOLIS.
H.R. 6039: Mr. BERMAN.
H.R. 6064: Ms. CASTOR, Mr. KUCINICH, and Mr. INSLEE.
H.R. 6073: Mr. BILBRAY and Mr. PLATTS.
H.R. 6076: Mr. MEEK of Florida.
H.R. 6085: Mr. GOODLATTE, Ms. MATSUI, Mrs. DAVIS of California, Mrs. CAPPS, Mr. CONYERS, Ms. WATERS, Mr. BUYER, Mr. HENSARLING, Mr. CRENSHAW, Mrs. BACHMANN, Mr. SESSIONS, Ms. RICHARDSON, Mr. DAVID DAVIS of Tennessee, Ms. ROS-LEHTINEN, Mr. JORDAN, Mr. WALBERG, Mr. LATTA, Mr. MARIO DIAZ-BALART of Florida, Mr. LINCOLN DIAZ-BALART of Florida, Mr. GINGREY, Mr. HALL of Texas, Mr. DEAL of Georgia, Mr. WILSON of South Carolina, Mr. WITTMAN of Virginia, Mr. HELLER, Mr. PEARCE, Mr. FORBES, Mr. REICHERT, Mr. BOOZMAN, Mr. LAMBORN, Mr. TOM DAVIS of Virginia, Mr. SHUSTER, Mr. SULLIVAN, Mr. MCCAUL of Texas, Mr. PRICE of Georgia, Mr. BOYD of Florida, Mr. ROYCE, Mr. HERGER, Ms. Linda T. Sánchez of California, Mr. MCNERNEY, Mr. KINGSTON, Mr. WAMP, Mr. ROGERS of Kentucky, Ms. GINNY BROWN-WAITE of Florida, Ms. FALLIN, Mr. BARRETT of South Carolina, Mr. KUHL of New York, Mr. HOBSON, Mr. RAMSTAD, Mr. CASTLE, Mrs. BIGGERT, Mrs. CAPITO, Mr. INGLIS of South Carolina, Mr. BURTON of Indiana, Mr. WALDEN of Oregon, Mr. DINGELL, Mr. KILDEE, Mr. COLE of Oklahoma, Mr. BOEHNER, Mr. ENGLISH of Pennsylvania, Mr. MCCOTTER, Mr. CAMPBELL of California, Mr. EHLERS, Mr. ROGERS of Michigan, Mr. BERMAN, Mr. SHERMAN, Mrs. TAUSCHER, Mr. GEORGE MILLER of California, Mr. NUNES, Mr. SKELTON, Mr. FILNER, Mr. REGULA, Mr. WOLF, Mr. BECERRA, and Mr. HONDA.
H.R. 6091: Mr. WEXLER.
H.R. 6092: Mr. WALSH of New York.
H.R. 6093: Mr. MCDERMOTT.
H.R. 6098: Mr. DENT and Mr. PERLMUTTER.
H.R. 6105: Mr. KIRK.
H.R. 6107: Mr. PLATTS, Mr. CANNON, Mr. BOOZMAN, Mr. DENT, Mr. PAUL, Mr. LATOURETTE, Mr. SCALISE, Mrs. BACHMANN, Mr.

ROGERS of Kentucky, Mr. ROGERS of Alabama, Mr. NUNES, Mr. BURTON of Indiana, Mr. AKIN, Mr. DREIER, Mr. DAVIS of Kentucky, and Mr. PETERSON of Pennsylvania.

H.R. 6108: Mr. HELLER.

H.R. 6123: Mr. AKIN and Ms. MATSUI.

H.R. 6135: Mrs. BACHMANN.

H.R. 6136: Mrs. BACHMANN.

H.R. 6137: Mrs. SCHMIDT.

H.R. 6138: Mr. CANNON, Mr. HERGER, and Mrs. BACHMANN.

H.R. 6139: Mr. BROUN of Georgia, and Mr. SCALISE.

H.R. 6146: Mr. SCHIFF.

H.R. 6161: Mr. HOEKSTRA.

H.R. 6165: Mr. KING of New York.

H.R. 6180: Mr. PALLONE and Mr. TIERNEY.

H.R. 6187: Mr. DICKS and Ms. LEE.

H.J. Res. 21: Mr. SCALISE.

H.J. Res. 79: Mr. WU and Mr. ELLISON.

H.J. Res. 89: Mr. RENZI, Mr. BISHOP of Georgia, Mr. TIAHRT, Mr. WAMP, Mr. GARY G. MILLER of California, and Mr. MARSHALL.

H. Con. Res. 163: Mr. SNYDER, Mr. WILSON of South Carolina, Ms. SOLIS, and Mr. MELANCON.

H. Con. Res. 244: Mr. MITCHELL and Mr. HILL.

H. Con. Res. 247: Ms. ESHOO.

H. Con. Res. 284: Mr. RANGEL and Mr. CLAY.

H. Con. Res. 296: Mr. CONYERS.

H. Con. Res. 332: Mr. DENT and Mr. WAXMAN.

H. Con. Res. 336: Mr. BISHOP of New York, Mr. KENNEDY, Mr. MCCOTTER, and Mr. LATHAM.

H. Con. Res. 338: Mr. BUTTERFIELD.

H. Con. Res. 341: Mr. CAPUANO, Mr. KING of Iowa, Mr. MORAN of Virginia, and Mr. LIPINSKI.

H. Con. Res. 342: Mr. WELLER, Mr. DOYLE, Mr. MCCAUL of Texas, Mr. MICHAUD, and Mr. SNYDER.

H. Con. Res. 352: Mr. TOWNS.

H. Con. Res. 362: Mr. HARE, Mr. CUELLAR, Ms. SUTTON, Mr. MITCHELL, Ms. SCHWARTZ, Mr. GERLACH, Ms. FOXX, Mr. CLEAVER, Mr. ROSKAM, Mr. SAXTON, Mr. MARCHANT, Mr. SHERMAN, and Mr. SHULER.

H. Con. Res. 364: Mr. CARSON and Mr. MEEKS of New York.

H. Con. Res. 367: Mr. TOWNS, Mr. UPTON, Mrs. EMERSON, Mrs. BLACKBURN, Mr. BARRETT of South Carolina, Mr. TERRY, Mr. ENGLISH of Pennsylvania, Mr. KUHL of New York, Mr. FERGUSON, Mr. HALL of Texas, Mr. BURGESS, Mr. GINGREY, Mr. DAVID DAVIS of Tennessee, Mrs. BONO MACK, Ms. FALLIN, Mr. FORTENBERRY, Mr. SMITH of Nebraska, Mr. ROGERS of Michigan, Mrs. DRAKE, Mr. EDWARDS, Ms. ESHOO, Mr. ISRAEL, Mr. HOBSON, Mr. KNOLLENBERG, Mr. DAVIS of Alabama, Mr. WU, Mr. PRICE of Georgia, Mr. RUSH, Mr. MORAN of Virginia, Mr. LATTA, and Mr. CROWLEY.

H. Res. 102: Mr. MCHUGH.

H. Res. 123: Mr. HARE.

H. Res. 212: Mr. SESTAK.

H. Res. 241: Mr. CARSON.

H. Res. 322: Mr. SESTAK.

H. Res. 672: Mr. KIND, Mr. MARSHALL, Mr. MCDERMOTT, Mr. GRIJALVA, Mr. HOLDEN, Mr. WOLF, and Mr. BURTON of Indiana.

H. Res. 758: Mr. BROUN of Georgia.

H. Res. 844: Mr. MEEKS of New York, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. MOORE of Wisconsin, Mr. PAYNE, Mr. JEFFERSON, Ms. WATSON, Mr. SCOTT of Georgia, Mr. GRIJALVA, Mrs. MCCARTHY of New York, Mr. WU, Mr. STUPAK, Ms. LINDA T. SÁNCHEZ of California, Mr. CARSON, Ms. LEE, Mr. HARE, Mr. SIRES, Mr. SERRANO, Ms. HIRONO, Mr. HONDA, Mr. WEXLER, Mr. AL GREEN of Texas, Mr. ENGEL, Ms. WOOLSEY, Mr. COHEN, and Mr. LEWIS of Georgia.

H. Res. 881: Mr. ROSS, Mr. SULLIVAN, Mr. CANNON, Mr. AKIN, Mr. KING of Iowa, Mr. NEUGEBAUER, and Mr. GARRETT of New Jersey.

H. Res. 900: Mr. CARSON, Ms. KILPATRICK, Mr. FATTAH, Mr. WATT, and Ms. NORTON.

H. Res. 977: Mr. ROTHMAN.

H. Res. 1008: Mr. GONZALEZ.

H. Res. 1027: Mr. STEARNS.

H. Res. 1051: Mr. BUYER, Mr. CRENSHAW, Mr. MILLER of Florida, Mr. KLINE of Minnesota, Mr. HALL of Texas, Mr. GOHMERT, Mr. PETERSON of Minnesota, Mr. BOUSTANY, Mr. CAMP of Michigan, Mrs. CUBIN, Mr. MCCRERY, Mr. BURTON of Indiana, Mr. LINCOLN DAVIS of Tennessee, Mr. MARCHANT, Mr. ROGERS of Kentucky, Mr. LATTA, Mr. DAVID DAVIS of Tennessee, Mr. WALBERG, Mr. HOEKSTRA, Mr. DREIER, Mr. INSLEE, Mr. DELAHUNT, Mr. BOREN, Mr. THOMPSON of California, Ms. HERSETH SANDLIN, Mr. CHILDERS, Mr. REHBERG, Mr. WAMP, Mr. CHABOT, Mrs. BONO MACK, Mr. BOEHNER, Ms. FALLIN, Mr. LUCAS, Mr. COLE of Oklahoma, Mr. NUNES, Mr. CARTER, Mr. SAM JOHNSON of Texas, Mr. CAPUANO, Mr. NEAL of Massachusetts, and Mr. BRADY of Texas.

H. Res. 1064: Mr. BURGESS.

H. Res. 1128: Mr. LEWIS of Kentucky.

H. Res. 1160: Mr. EHLERS.

H. Res. 1161: Ms. SCHAKOWSKY, Mrs. CHRISTENSEN, Mr. MORAN of Virginia, Mr. CARSON, Mr. BRADY of Pennsylvania, Mr. CARNAHAN, and Mr. LEWIS of Georgia.

H. Res. 1177: Ms. LINDA T. SÁNCHEZ of California.

H. Res. 1179: Mr. LAHOOD, Mr. MCCOTTER, and Mr. BROUN of Georgia.

H. Res. 1191: Mr. KIRK and Mr. AL GREEN of Texas.

H. Res. 1198: Mr. FORTUÑO.

H. Res. 1202: Mr. ROGERS of Kentucky, Mr. KIRK, Mr. BAIRD, and Mr. LUCAS.

H. Res. 1204: Mr. RANGEL, Ms. CORRINE BROWN of Florida, Mr. PAYNE, Mrs. CHRISTENSEN, and Mr. BISHOP of Georgia.

H. Res. 1217: Ms. JACKSON-LEE of Texas, Ms. SUTTON, Mr. MICHAUD, Mrs. MYRICK, Mr. COHEN, Mr. RAMSTAD, and Mr. RUSH.

H. Res. 1219: Mr. WAMP, Mr. DEAL of Georgia, Mr. BROUN of Georgia, Mr. LAMBORN, Mr. TURNER, Mr. LEWIS of Kentucky, Mr. ROSKAM, Mr. MCHENRY, Mr. MCCOTTER, Mr. TIBERI, Mrs. MUSGRAVE, Mr. BARTLETT of Maryland, Mr. MANZULLO, Ms. FALLIN, Mrs. BACHMANN, Mr. WALDEN of Oregon, Mr. ROGERS of Kentucky, Mr. CARTER, Ms. GRANGER, Mr. THORNBERRY, Mr. BURGESS, Mrs. BLACKBURN, Mr. DOOLITTLE, Mr. WITTMAN of Virginia, Mr. GOODLATTE, Mr. FORTENBERRY, Mr. ALEXANDER, Mr. SCALISE, Mr. BONNER, Mr. DAVID DAVIS of Tennessee, Ms. ROS-LEHTINEN, Mr. KLINE of Minnesota, Mr. AKIN, Mr. WESTMORELAND, Mr. SALI, Mr. DUNCAN, Mr. LATOURETTE, Mr. SIMPSON, Mr. NEUGEBAUER, Mr. SAM JOHNSON of Texas, Mr. CULBERSON, Mr. POE, Mr. BOUSTANY, Mr. REHBERG, Mr. HELLER, Mr. COLE of Oklahoma, Mr. ROGERS of Michigan, Mr. LATHAM, Mr. MARIO DIAZ-BALART of Florida, Mr. PRICE of Georgia, Ms. BORDALLO, and Mr. SOUDER.

H. Res. 1227: Mr. BISHOP of Georgia.

H. Res. 1237: Mr. CUMMINGS and Mr. HOLT.

MONDAY, JUNE 9, 2008 (68)

¶68.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order at 12:30 p.m. by the SPEAKER pro tempore, Mr. PERLMUTTER, who laid before the House the following communication:

WASHINGTON, DC,
June 9, 2008.

I hereby appoint the Honorable ED PERLMUTTER to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

Whereupon, pursuant to the order of the House of January 4, 2007, Members were recognized for morning-hour debate.

¶68.2 RECESS—12:31 P.M.

The SPEAKER pro tempore, Mr. PERLMUTTER, pursuant to clause 12(a) of rule I, declared the House in recess at 12 o'clock and 31 minutes p.m., until 2 p.m.

¶68.3 AFTER RECESS—2 P.M.

The SPEAKER pro tempore, Mr. LARSEN of Washington, called the House to order.

¶68.4 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. LARSEN of Washington, announced he had examined and approved the Journal of the proceedings of Thursday, June 5, 2008.

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

¶68.5 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

6996. A letter from the Deputy Secretary, Department of Defense, transmitting the Department's Annual Developing Countries Combined Exercise Program Report of Expenditures, pursuant to 10 U.S.C. 2010; to the Committee on Armed Services.

6997. A letter from the Director, Defense Security Cooperation Agency, transmitting pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 08-06 concerning the Department of the Navy's proposed Letter(s) of Offer and Acceptance to Spain for defense articles and services; to the Committee on Armed Services.

6998. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting a letter on the approved retirement of General Michael B. Hayden, United States Air Force, and his advancement to the grade of general on the retired list; to the Committee on Armed Services.

6999. A letter from the General Counsel, Department of Defense, transmitting a copy of legislative proposals as part of the National Defense Authorization Bill for Fiscal Year 2009; to the Committee on Armed Services.

7000. A letter from the Deputy Under Secretary for Acquisition and Technology, Department of Defense, transmitting a report pursuant to Section 813 of the National Defense Authorization Act for Fiscal Year 2006, Pub. L. 109-360; to the Committee on Armed Services.

7001. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting the Department's notification of its intention to close the Defense commissary stores at Idar-Oberstein and Dexheim, Germany; to the Committee on Armed Services.

7002. A letter from the Deputy Chief of Legislative Affairs, Department of the Navy, Department of Defense, transmitting the Department's Contract Awarded for Seaport Enhanced (Seaport-E) Acquisition Program for Services Procurements; to the Committee on Armed Services.

7003. A letter from the Secretary, Department of Commerce, transmitting a six-month report prepared by the Department of Commerce's Bureau of Industry and Security on the national emergency declared by Executive Order 13222 of August 17, 2001, and continued on August 14, 2002, August 7, 2003, August 6, 2004, August 2, 2005, August 6, 2006,

and August 15, 2007 to deal with the threat to the national security, foreign policy, and economy of the United States caused by the lapse of the Export Administration Act of 1979, pursuant to 50 U.S.C. 1641(c); to the Committee on Foreign Affairs.

7004. A letter from the Director, International Cooperation, Department of Defense, transmitting Pursuant to Section 27(f) of the Arms Export Control Act and Section 1(f) of Executive Order 11958, Transmittal No. 09-08 informing of an intent to sign a cooperative test and evaluation project arrangement between the United States and the United Kingdom, pursuant to 22 U.S.C. 2767(f); to the Committee on Foreign Affairs.

7005. A letter from the Secretary, Department of the Treasury, transmitting a six month periodic report on the national emergency with respect to Belarus that was declared in Executive Order 13405 of June 16, 2006, pursuant to 50 U.S.C. 1641(c); to the Committee on Foreign Affairs.

7006. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(d) of the Arms Export Control Act, certification regarding the proposed license for the manufacture of military equipment to the Governments of the United Kingdom and Greece (Transmittal No. DDTC 116-07); to the Committee on Foreign Affairs.

7007. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification of a proposed agreement for the export of defense articles to the Government of Thailand (Transmittal No. DDTC 039-08); to the Committee on Foreign Affairs.

7008. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification of a proposed agreement for the export of defense articles and services to the Republic of Korea (Transmittal No. DDTC 005-08); to the Committee on Foreign Affairs.

7009. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's report on United States contributions to the United Nations and United Nations affiliated agencies and related bodies for fiscal years 2006 and 2007, pursuant to Public Law 109-364, section 1225; to the Committee on Foreign Affairs.

7010. A letter from the U.S. Global AIDS Coordinator, Department of State, transmitting the Department's report on the Use of Generic Drugs in the President's Emergency Plan for AIDS Relief, pursuant to Public Law 110-197; to the Committee on Foreign Affairs.

7011. A letter from the U.S. Global AIDS Coordinator, Department of State, transmitting the Department's report on Food Security in the President's Emergency Plan for AIDS Relief, pursuant to Public Law 110-197; to the Committee on Foreign Affairs.

7012. A letter from the U.S. Global AIDS Coordinator, Department of State, transmitting the Department's report on Health Care Worker Training in the President's Emergency Plan for AIDS Relief, pursuant to Public Law 110-197; to the Committee on Foreign Affairs.

7013. A letter from the District of Columbia Auditor, Office of the District of Columbia Auditor, transmitting a report entitled, ''Letter Report: Results of Auditor's Review of Quality Assurance Practices Related to Certain Congregate Care Providers,'' pursuant to D.C. Code section 47-117(d); to the Committee on Oversight and Government Reform.

7014. A letter from the District of Columbia Auditor, Office of the District of Columbia Auditor, transmitting a report entitled, ''Auditor's Examination of Contract Cost and Administration for the Integrated Tax System,'' pursuant to D.C. Code section 47-117(d); to the Committee on Oversight and Government Reform.

7015. A letter from the Chairperson, Committee for Purchase From People Who Are Blind or Severely Disabled, transmitting a copy of a proposed bill to amend the Javits-Wagner-O'Day Act; to the Committee on Oversight and Government Reform.

7016. A letter from the EEO and Diversity Programs, National Archives and Records Administration, transmitting the Administration's annual report pursuant to the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 for Fiscal Year 2007; to the Committee on Oversight and Government Reform.

7017. A letter from the Director, Office of Personnel Management, transmitting the Office's Annual Privacy Activity Report to Congress for 2007, pursuant to Public Law 108-447, section 522; to the Committee on Oversight and Government Reform.

7018. A letter from the Director, Pension Benefit Guaranty Corporation, transmitting Pursuant to Title II, Section 203, of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002, the Corporation's Annual Report for FY 2007; to the Committee on Oversight and Government Reform.

7019. A letter from the Senior Vice President, Tennessee Valley Authority, transmitting the Authority's FY 2007 Annual Report required by Section 203 of the Notification and Federal Antidiscrimination and Retaliation Act of 2002, Pub. L. 107-174; to the Committee on Oversight and Government Reform.

7020. A letter from the Assistant Secretary, Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Marine Mammals; Incidental Take During Specified Activities [FWS-R7-FHC-2008-0040] [71490-1351-0000-L5] (RIN: 1018-AU41) received June 4, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7021. A letter from the Assistant Secretary, Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — 2008-2009 Refuge-Specific Hunting and Sport Fishing Regulations (RIN: 1018-AU61) received May 30, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7022. A letter from the Chief, Branch of Listing, Endangered Species, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Determination of Threatened Status for the Polar Bear (Ursus maritimus) Throughout Its Range [FWS-R7-ES-2008-0038] [111 FY07 MO-B2] (RIN: 1018-AV19) received May 29, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7023. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Final Rule: Special Local Regulations Concerning Fireworks Displays in Norwich and Middletown, Connecticut [Docket No. USCG-2007-0111] (RIN: 1625-AA08) received May 29, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7024. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulation; Upper Mississippi River, Rock Island, IL, Quad Cities Heart Walk [USCG-2008-0036] received May 29, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7025. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Chelsea River, Chelsea and East Boston, MA [Docket No. USCG-2008-0001] received May 29, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7026. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Firework Events; Great Lake annual Firework Events. [Docket No. USCG-2008-0219] (RIN: 1625-AA00) received May 29, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7027. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Arkansas Waterway, Little Rock, AR, Operation Change [Docket No. USCG-2007-0043] (RIN: 1625-AA09) received May 29, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7028. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Safety zone; Colorado River, Parker, AZ [Docket No. USCG-2007-0145] (RIN: 1625-AA00) received May 29, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7029. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Colorado River, Parker, AZ [Docket No. USCG-2007-0140] (RIN: 1625-AA00) received May 29, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7030. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Implementation of Vessel Security Officer Training and Certification Requirements — International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, as amended. [Docket No. USCG-2008-0028] (RIN: 1625-AB26) received May 29, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7031. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations for Marine Events; Western Branch, Elizabeth River, Portsmouth, VA [Docket No. USCG-2008-0074] (RIN: 1625-AA08) received May 29, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7032. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations; Recurring Marine Events in the Fifth Coast Guard District [Docket No. USCG-2007-0147] (RIN: 1625-AA08) received May 29, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7033. A letter from the Senior Counsel, Office of Chief Counsel for Import Administration, Department of Commerce, transmitting the Department's final rule — Import Administration, Withdrawal of Regulations Governing the Treatment of Subcontractors (''Tolling'' Operations) [Docket No. 080225304-8463-01] (RIN: 0625-AA77) received May 29, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7034. A letter from the Administrator, Office of Workforce Security, Department of

Labor, transmitting the Department's final rule — Immediate Deposit and Withdrawal Standards — Intercept of Refunds of Erroneous Employer Contributions — received May 14, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7035. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — COORDINATED ISSUE PAPER ALL INDUSTRIES STATE AND LOCAL TAX INCENTIVES UIL: 118.01-02 [LMSB-04-0408-023] received May 29, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7036. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Treatment of Property Used to Acquire Parent Stock in Certain Triangular Reorganizations Involving Foreign Corporations [TD 9400] (RIN: 1545-BG97) received May 29, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7037. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Coordinated Issue Paper Blue Cross Blue Shield/Health Insurance; Life Insurance Conversion of Nonprofit Organizations UILs: 162.02-00, 162.05-03, 265,.00-00 [LMSB-04-0408-024] received June 5, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7038. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Research Credit Claims Audit Techniques Guide: Credit for Increasing Research Activities IRC 41 [LMSB-04-0508-030] received June 4, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7039. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Section 446.-General Rule for Methods of Accounting 26 CFR 1.446-1: General rule for methods of accounting. (Also 118) (Rev. Rul. 2008-30) received June 5, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7040. A letter from the Social Security Regulations Officer, Social Security Administration, transmitting the Administration's final rule — Parent-to-Child Deeming From Stepparents [Docket No. SSA 2007-0070] (RIN: 0960-AF96) received May 30, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7041. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's final rule — Medicare and Medicaid Programs; Hospice Conditions of Participation [CMS-3844-F] (RIN: 0938-AH27) received May 28, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and Ways and Means.

¶68.6 COMMUNICATION FROM THE CLERK—MESSAGE FROM THE SENATE

The SPEAKER pro tempore, Mr. LARSEN of Washington, laid before the House a communication, which was read as follows:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, June 6, 2008.

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

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on June 6, 2008, at 9:10 a.m.:

That the Senate passed without amendment H.R. 3913.

That the Senate passed S. 2482.

That the Senate agreed to without amendment H. Con. Res. 311.

With best wishes, I am

Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

¶68.7 COMMUNICATION FROM THE CLERK—MESSAGE FROM THE PRESIDENT

The SPEAKER pro tempore, Mr. LARSEN of Washington, laid before the House a communication, which was read as follows:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, June 6, 2008.

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

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on June 6, 2008, at 3:27 p.m. and said to contain a message from the President whereby he submits a copy of a notice filed earlier with the Federal Register continuing the emergency with respect to Belarus first declared in Executive Order 13405 of June 16, 2006.

With best wishes, I am

Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

¶68.8 NATIONAL EMERGENCY WITH RESPECT TO BELARUS

The Clerk then read the message from the President, as follows:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent to the *Federal Register* for publication the enclosed notice stating that the national emergency and related measures blocking the property of certain persons undermining democratic processes or institutions in Belarus are to continue in effect beyond June 16, 2008.

The actions and policies of certain members of the Government of Belarus and other persons pose a continuing unusual and extraordinary threat to the national security and foreign policy of the United States. These actions include undermining democratic processes or institutions; committing human rights abuses related to political repression, including detentions and disappearances; and engaging in public corruption, including by diverting or misusing Belarusian public assets or by misusing public authority. For these reasons, I have determined that it is necessary to continue the national emergency and related measures blocking the property of certain persons undermining democratic processes or institutions in Belarus.

GEORGE W. BUSH.
THE WHITE HOUSE, *June 6, 2008.*

By unanimous consent, the message, together with the accompanying papers, was referred to the Committee on Foreign Affairs and ordered to be printed (H. Doc. 110–121).

¶68.9 COMMITTEE RESIGNATION—MAJORITY

The SPEAKER pro tempore, Mr. LARSEN of Washington, laid before the House the following communication, which was read as follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, June 5, 2008.

Hon. NANCY PELOSI,
Speaker of the House, U.S. Capitol Building, Washington, DC.

DEAR LEADER PELOSI: I am writing to notify you of my resignation from the Committee on Financial Services, effective today.

Thank you for your attention to this matter.

Respectfully yours,

DAN BOREN,
Member of Congress.

By unanimous consent, the resignation was accepted.

¶68.10 COMMITTEE RESIGNATION—MAJORITY

The SPEAKER pro tempore, Mr. LARSEN of Washington, laid before the House the following communication, which was read as follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, June 5, 2008.

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

DEAR LEADER PELOSI: I am writing to notify you of my resignation from the Committee on Agriculture, effective today. I have appreciated the opportunity to serve my district and the U.S. House of Representatives in this capacity.

Thank you for your attention to this matter.

Sincerely,

LINCOLN DAVIS,
Member of Congress.

By unanimous consent, the resignation was accepted.

¶68.11 COMMITTEE RESIGNATION—MAJORITY

The SPEAKER pro tempore, Mr. LARSEN of Washington, laid before the House the following communication, which was read as follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, June 6, 2008.

Hon. NANCY PELOSI,
Speaker of the House, U.S. Capitol Building, Washington, DC.

DEAR MADAM SPEAKER: I am writing to notify you of my resignation from the Committee on Financial Services, effective today.

Thank you for your attention to this matter.

With warm regards,

ROBERT WEXLER.

By unanimous consent, the resignation was accepted.

¶68.12 SEQUOIA-KINGS CANYON

Mr. COSTA moved to suspend the rules and pass the bill (H.R. 3022) to designate the John Krebs Wilderness in the State of California, to add certain land to the Sequoia-Kings Canyon National Park Wilderness, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. LARSEN of Washington, recognized Mr. COSTA and Mr. NUNES, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. LARSEN of Washington, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶68.13 SABINOSO WILDERNESS

Mr. COSTA moved to suspend the rules and pass the bill (H.R. 2632) to establish the Sabinoso Wilderness Area in San Miguel County, New Mexico, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. LARSEN of Washington, recognized Mr. COSTA and Mr. NUNES, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. LARSEN of Washington, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶68.14 SANTA ROSA AND SAN JACINTO MOUNTAINS

Mr. COSTA moved to suspend the rules and pass the bill (H.R. 3682) to designate certain Federal lands in Riverside County, California, as wilderness, to designate certain river segments in Riverside County as a wild, scenic, or recreational river, to adjust the boundary of the Santa Rosa and San Jacinto Mountains National Monument, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. LARSEN of Washington, recognized Mr. COSTA and Mr. NUNES, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. LARSEN of Washington, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶68.15 OZARK NATIONAL FOREST

Mr. COSTA moved to suspend the rules and agree to the following resolution (H. Res. 1158):

Whereas on March 6, 1908, President Theodore Roosevelt set aside by proclamation 917,944 acres of land for conservation purposes, which was designated as the Ozark National Forest;

Whereas the Ozark National Forest was the first federally protected stand of hardwoods in the United States;

Whereas the Ozark National Forest is home to Arkansas's tallest mountain, Mount Magazine;

Whereas the Ozark National Forest is home to Blanchard Springs Caverns, which is a magnificent limestone cave system, and the only cave system featuring guided tours administered by the Forest Service;

Whereas in 2006, the Ozark National Forest helped enrich the lives of 2.1 million visitors by sharing the beauty of Arkansas, which is known as ''The Natural State'';

Whereas diverse flora in the region include more than 500 species of trees and woody plants, and hardwoods occupy 65 percent of the forests; and

Whereas the Ozark National Forest operates outstanding destinations for visitors, including the Lake Wedington Recreation Area, which is on the National Register of Historic Places, White Rock Mountain, 6 National Scenic Byways that offer spectacular views of the Ozark Mountains, over 200 camping and picnic sites, 9 swimming beaches, 11 special interest areas, 5 wilderness areas, hundreds of miles of trails, including the Moccasin Gap Horse Trail, the Huckleberry Mountain Horse Trail, the Mill Creek Trail, and the Ozark Highlands Trail, trails for hiking, mountain biking, and recreational off-highway vehicles, and thousands of acres of lakes and streams: Now, therefore, be it

Resolved, That the House of Representatives recognizes the 100th Anniversary of the establishment of the Ozark National Forest in Arkansas.

The SPEAKER pro tempore, Mr. LARSEN of Washington, recognized Mr. COSTA and Mr. NUNES, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. LARSEN of Washington, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶68.16 KENDELL FREDERICK CITIZENSHIP ASSISTANCE

Ms. LOFGREN of California, moved to suspend the rules and pass the bill of the Senate (S. 2516) to assist members of the Armed Forces in obtaining United States citizenship, and for other purposes.

The SPEAKER pro tempore, Mr. LARSEN of Washington, recognized Ms. LOFGREN of California, and Mr. KING of Iowa, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. LARSEN of Washington, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶68.17 EB-5 REGIONAL CENTER PILOT PROGRAM

Ms. LOFGREN of California, moved to suspend the rules and pass the bill (H.R. 5569) to extend for 5 years the EB-5 regional center pilot program; as amended.

The SPEAKER pro tempore, Mr. LARSEN of Washington, recognized Ms. LOFGREN of California, and Mr. KING of Iowa, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. LARSEN of Washington, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

By unanimous consent, the title was amended so as to read: ''An Act to extend for 5 years the EB–5 regional center pilot program, and for other purposes.''.

A motion to reconsider the votes whereby the rules were suspended and said bill, as amended, was passed and the title was amended was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶68.18 VICE PRESIDENT SECRET SERVICE PROTECTION

Ms. LOFGREN of California, moved to suspend the rules and pass the bill (H.R. 5938) to amend title 18, United States Code, to provide secret service protection to former Vice Presidents, and for other purposes.

The SPEAKER pro tempore, Mr. LARSEN of Washington, recognized Ms. LOFGREN of California, and Mr. KING of Iowa, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. LARSEN of Washington, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶68.19 CONGRESSIONAL REVIEW

Ms. LOFGREN of California, moved to suspend the rules and pass the bill (H.R. 5593) to amend title 5, United States Code, to make technical amendments to certain provisions of title 5, United States Code, enacted by the Congressional Review Act; as amended.

The SPEAKER pro tempore, Mr. LARSEN of Washington, recognized Ms. LOFGREN of California, and Mr. KING of Iowa, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. LARSEN of Washington, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶68.20 BO DIDDLEY

Ms. LOFGREN of California, moved to suspend the rules and agree to the following resolution (H. Res. 1251):

Whereas Bo Diddley, a founder of the rock and roll genre, helped to reshape the sound of popular music worldwide by melding blues, Southern gospel, rhythm and blues, and African American culture into a new genre that continues to influence popular music to this day;

Whereas Bo Diddley was born as Otha Ellas Bates on December 30, 1928, in McComb, Mississippi, grew up on the South Side of Chicago, studied classical violin from the age of 7 through the age of 15, and, strongly influenced by the music of John Lee Hooker, started playing the guitar at the age of 12;

Whereas Otha Ellas Bates adopted ''Bo Diddley'' as his stage name while performing on the South Side of Chicago;

Whereas Bo Diddley reshaped the sound of popular music, recording such tracks as ''Bo Diddley'' and ''I'm A Man'', both becoming number 1 hits;

Whereas Bo Diddley's career spanned several decades, spawning hits such as ''Who Do You Love'', ''Mona'', ''Crackin' Up'', ''Say, Man'', and ''Road Runner'';

Whereas Bo Diddley and his famous ''Bo Diddley beat'' has influenced, and continues to influence, generations of musicians, from Buddy Holly and Elvis Presley to The Rolling Stones, The Clash, Bruce Springsteen, The Smiths, U2, and The Beatles;

Whereas Bo Diddley was a loving father to his 4 children and is survived by 15 grandchildren, 15 great-grandchildren, and 3 great-great grandchildren;

Whereas Bo Diddley, in his later years, toured with Joe Strummer and The Clash, as well as playing at the inaugurations of Presidents George H.W. Bush and Bill Clinton;

Whereas Bo Diddley was inducted into the Rock and Roll Hall of Fame in 1987, won a Lifetime Achievement Grammy in 1998, and was inducted into the National Academy of Recording Arts and Sciences Hall of Fame as a musician of lasting historical importance; and

Whereas, with the death of Bo Diddley on June 2, 2008, at his home in Archer, Florida, the Nation has lost one of its most influential rock and roll and blues guitarists: Now, therefore, be it

Resolved, That the House of Representatives—

(1) honors the life and contributions of Bo Diddley;

(2) recognizes and honors Bo Diddley for his invaluable contributions to American culture;

(3) recommits itself to ensuring that musical artists such as Bo Diddley receive fair protection under the copyright laws for their contributions to American culture; and

(4) extends condolences to his family on the death of this remarkable and talented man.

The SPEAKER pro tempore, Mr. LARSEN of Washington, recognized Ms. LOFGREN of California, and Mr. KING of Iowa, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. SIRES, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶68.21 NATIONAL SAFETY MONTH

Mr. YARMUTH moved to suspend the rules and agree to the following resolution (H. Res. 1225):

Whereas, after years of decline, the rate of unintentional injuries and deaths in the United States has risen to new and unacceptable levels;

Whereas deaths from motor vehicle collisions, poisonings from unintentional overdoses, and falls remain as the three leading causes of preventable death in the United States;

Whereas the cost of unintentional injuries to Americans exceeds $650,000,000,000 each year and causes great suffering among individuals and their families;

Whereas the cost of unintentional injuries to workers and their employers is $164,700,000,000 each year, including the value of 120,000,000 days of lost productivity;

Whereas preventing unintentional injury and death requires the cooperation of all levels of government, the Nation's employers, and the general public;

Whereas the National Safety Council, founded in 1913, was congressionally chartered in 1953 to lead this Nation in injury prevention through safety and health education, training, and advocacy in the United States;

Whereas the National Safety Council educates the workforce about policies, practices, and procedures leading to increased safety, protection, and health in business and industry, as well as in schools and colleges, on roads and highways, and in homes and communities;

Whereas since the summer season is a time of increased rates of preventable injuries and death, it is an appropriate time to focus the attention of our workforce and community leaders on injury risks and preventions by celebrating June 2008 as ''National Safety Month''; and

Whereas the National Safety Council in 2008 as part of its public education about safety and health will provide this Nation a monthlong campaign in June with the theme ''Make a Difference'': Now, therefore, be it

Resolved, That the United States House of Representatives—

(1) supports the designation of ''National Safety Month'';

(2) recognizes the contributions of the National Safety Council and its ongoing commitment to raising awareness about the need for the implementation of safe practices in our schools and jobs; and

(3) encourages citizens to observe the ''National Safety Month'' with appropriate ceremonies and educate themselves about the importance of implementing safe practices in our schools and on our jobs to prevent unintentional injury and death.

The SPEAKER pro tempore, Mr. SIRES, recognized Mr. YARMUTH and Mr. KUHL of New York, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. SIRES, announced that two-thirds of the Members present had voted in the affirmative.

Mr. YARMUTH demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. SIRES, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶68.22 RECONNECTING HOMELESS YOUTH

Mr. YARMUTH moved to suspend the rules and pass the bill (H.R. 5524) to amend the Runaway and Homeless Youth Act to authorize appropriations, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. SIRES, recognized Mr. YARMUTH and Mrs. BIGGERT, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. SIRES, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof,

the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶68.23 JOSH MILLER HEARTS

Mr. YARMUTH moved to suspend the rules and pass the bill (H.R. 4926) to amend the Elementary and Secondary Education Act of 1965 to establish a grant program for automated external defibrillators in schools; as amended.

The SPEAKER pro tempore, Mr. SIRES, recognized Mr. YARMUTH and Mr. KUHL of New York, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. SIRES, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

By unanimous consent, the title was amended so as to read: ''An Act to establish a grant program for automated external defibrillators in elementary and secondary schools.''.

A motion to reconsider the votes whereby the rules were suspended and said bill, as amended, was passed and the title was amended was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶68.24 FATHER'S DAY

Mr. YARMUTH moved to suspend the rules and agree to the following resolution (H. Res. 1243):

Whereas fathers factor significantly in the lives of children;

Whereas fathers play an important role in teaching their children life lessons and preparing them to succeed in school and in life;

Whereas children with involved fathers are more likely to do well in school, have a better sense of well-being, and have fewer behavioral problems;

Whereas supportive fathers promote the positive physical, social, emotional, and mental development of children;

Whereas promoting responsible fatherhood can help increase the chances that children will grow up with two caring parents;

Whereas when fathers are actively involved in the upbringing of children, the children demonstrate greater self-control and a greater ability to take initiative;

Whereas responsible fatherhood can help reduce child poverty;

Whereas responsible fatherhood strengthens families and communities; and

Whereas Father's Day is the third Sunday in June: Now, therefore, be it

Resolved, That the House of Representatives—

(1) commends the millions of fathers who serve as wonderful, caring parents for their children;

(2) calls on fathers across the United States to use Father's Day to reconnect and rededicate themselves to their children's lives, to spend Father's Day with their children, and to express their love and support for their children;

(3) urges men to understand the level of responsibility fathering a child requires, especially in the encouragement of the moral, academic, and spiritual development of children; and

(4) encourages active involvement of fathers in the rearing and development of their children, including the devotion of time, energy, and resources.

The SPEAKER pro tempore, Mr. SIRES, recognized Mr. YARMUTH and Mr. KUHL of New York, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. SIRES, announced that two-thirds of the Members present had voted in the affirmative.

Mr. YARMUTH demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. SIRES, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶68.25 50TH ANNIVERSARY OF ALASKA

Mr. DAVIS of Illinois, moved to suspend the rules and agree to the following resolution (H. Res. 127):

Whereas July 7, 2008, marks the 50th anniversary of the enactment of the Alaska Statehood Act as approved by the United States Congress and signed by President Dwight D. Eisenhower;

Whereas the Alaska Statehood Act authorized the entry of Alaska into the Union on January 3, 1959;

Whereas the land once known as ''Seward's Folly'' is now regarded as critical to the strategic defense of the United States and important to our national and economic security;

Whereas the people of Alaska remain committed to the preservation and protection of the Union, with among the highest rates of veterans and residents in active military service of any State in the Nation;

Whereas Alaska is the northernmost, westernmost, and easternmost State of the Union, encompassing an area one-fifth the size of the United States;

Whereas the State of Alaska has an abundance of natural resources vital to the Nation;

Whereas Alaska currently provides over 16 percent of the daily crude oil production in the United States and has 44 percent of the undiscovered oil resources and 36 percent of undiscovered conventional gas in the United States;

Whereas Alaska's 34,000 miles of shoreline form a gateway to one of the world's greatest fisheries, providing over 60 percent of the country's commercial seafood harvest;

Whereas over 230 million acres of Alaska are set aside in national parks, wildlife refuges, national forests, and other conservation units for the benefit of the entire country;

Whereas over 58 million acres are designated wilderness in Alaska, representing 55 percent of the wilderness areas in the United States;

Whereas Alaska Natives, the State's first people, are an integral part of Alaska's history, and preserving the culture and heritage of Alaska's Native people is of primary importance;

Whereas the passage of the Alaska Native Claims Settlement Act in 1971 signaled a new era of economic opportunity for Alaska Natives;

Whereas Alaska's Native people have made major contributions to the vitality and success of Alaska as a State;

Whereas the people of Alaska represent the pioneering spirit that built this great Nation and contribute to our cultural and ethnic diversity; and

Whereas the golden anniversary, on January 3, 2009, provides an occasion to honor Alaska's entry into the Union: Now, therefore, be it

Resolved, That the House of Representatives recognizes and celebrates the 50th anniversary of the entry of Alaska into the Union as the 49th State.

The SPEAKER pro tempore, Mr. SIRES, recognized Mr. DAVIS of Illinois, and Mr. BURTON of Indiana, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. SIRES, announced that two-thirds of the Members present had voted in the affirmative.

Mr. DAVIS of Illinois, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. SIRES, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶68.26 GOVERNMENT ACCOUNTABILITY OFFICE

Mr. DAVIS of Illinois, moved to suspend the rules and pass the bill (H.R. 5683) to make certain reforms with respect to the Government Accountability Office, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. SIRES, recognized Mr. DAVIS of Illinois, and Mr. BURTON of Indiana, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. SIRES, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶68.27 DISTRICT OF COLUMBIA WATER AND SEWER

Mr. DAVIS of Illinois, moved to suspend the rules and pass the bill (H.R. 5778) to preserve the independence of

the District of Columbia Water and Sewer Authority; as amended.

The SPEAKER pro tempore, Mr. SIRES, recognized Mr. DAVIS of Illinois, and Mr. BURTON of Indiana, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. SIRES, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶68.28 MUTUAL AID AGREEMENTS

Mr. DAVIS of Illinois, moved to suspend the rules and pass the bill of the Senate (S. 1245) to reform mutual aid agreements for the National Capital Region.

The SPEAKER pro tempore, Mr. SIRES, recognized Mr. DAVIS of Illinois, and Mr. BURTON of Indiana, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. SIRES, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶68.29 RECESS—5:56 P.M.

The SPEAKER pro tempore, Mr. SIRES, pursuant to clause 12(a) of rule I, declared the House in recess at 5 o'clock and 56 minutes p.m., until approximately 6:30 p.m.

¶68.30 AFTER RECESS—6:30 P.M.

The SPEAKER pro tempore, Ms. HIRONO, called the House to order.

¶68.31 PROVIDING FOR CONSIDERATION OF H.R. 6003

Mr. HASTINGS of Florida, by direction of the Committee on Rules, reported (Rept. No. 110–703) the resolution (H. Res. 1253) providing for the consideration of the bill (H.R. 6003) to reauthorize Amtrak, and for other purposes.

When said resolution and report were referred to the House Calendar and ordered printed.

¶68.32 H. RES. 1225—UNFINISHED BUSINESS

The SPEAKER pro tempore, Ms. HIRONO, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 1225) expressing support for designation of June 2008 as ''National Safety Month''.

The question being put,

Will the House suspend the rules and agree to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 379 / Nays 0

¶68.33 [Roll No. 388]

YEAS—379

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Cardoza
Carney
Carson
Carter
Castle
Castor
Cazayoux
Chabot
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Flake
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Gutierrez
Hall (NY)
Hall (TX)
Hastings (FL)
Hayes
Heller
Hensarling
Herger
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Honda
Hoyer
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Keller
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Linder
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mitchell
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Pallone
Pastor
Paul
Payne
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Scalise
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tauscher
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Watson
Watt
Waxman
Welch (VT)
Weldon (FL)
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—54

Barrett (SC)
Bishop (GA)
Bishop (UT)
Buyer
Capuano
Carnahan
Costello
Cubin
Davis (AL)
Ehlers
Filner
Fossella
Gilchrest
Gillibrand
Grijalva
Hare
Harman
Hastings (WA)
Herseth Sandlin
Holden
Holt
Hooley
Hulshof
Jefferson
Kaptur
Kennedy
Latham
Lewis (KY)
Lipinski
Lucas
Maloney (NY)
Marchant
McDermott
Meek (FL)
Miller, George
Mollohan
Myrick
Ortiz
Pascrell
Pearce
Regula
Rohrabacher
Rush
Souder
Space
Tancredo
Tanner
Taylor
Terry
Udall (NM)
Waters
Weiner
Weller
Wilson (SC)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶68.34 H. RES. 1243—UNFINISHED BUSINESS

The SPEAKER pro tempore, Ms. HIRONO, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 1243) recognizing immeasurable contributions of fathers in the healthy development of children, supporting responsible fatherhood, and encouraging greater involvement of fathers in the

lives of their children, especially on Father's Day.

The question being put,

Will the House suspend the rules and agree to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 373 / Nays 0

¶68.35 [Roll No. 389]

YEAS—373

Abercrombie
Ackerman
Aderholt
Akin
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berry
Biggert
Bilbray
Bilirakis
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Cardoza
Carney
Carson
Carter
Castle
Castor
Cazayoux
Chabot
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Flake
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Gutierrez
Hall (NY)
Hall (TX)
Hastings (FL)
Hayes
Heller
Hensarling
Herger
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Honda
Hoyer
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Keller
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Linder
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McGovern
McHenry
McHugh
McIntyre
McMorris Rodgers
McNerney
McNulty
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Musgrave
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Pallone
Pastor
Paul
Payne
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Rehberg
Reichert
Renzi
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Scalise
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tauscher
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Watson
Watt
Waxman
Welch (VT)
Weldon (FL)
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—60

Alexander
Barrett (SC)
Berman
Bishop (GA)
Bishop (UT)
Brady (TX)
Buyer
Capuano
Carnahan
Costello
Cubin
Davis (AL)
Ehlers
Filner
Fossella
Gilchrest
Gillibrand
Grijalva
Hare
Harman
Hastings (WA)
Herseth Sandlin
Holden
Holt
Hooley
Hulshof
Jefferson
Johnson, E. B.
Kaptur
Kennedy
Latham
Lewis (KY)
Lipinski
Lucas
Maloney (NY)
Marchant
McDermott
McKeon
Meek (FL)
Mollohan
Murtha
Myrick
Ortiz
Pascrell
Pearce
Regula
Reyes
Rohrabacher
Rush
Souder
Space
Tancredo
Tanner
Taylor
Terry
Udall (NM)
Waters
Weiner
Weller
Wilson (SC)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶68.36 H. RES. 127—UNFINISHED BUSINESS

The SPEAKER pro tempore, Ms. HIRONO, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 127) recognizing and celebrating the 50th anniversary of the entry of Alaska in the Union as the 49th State.

The question being put,

Will the House suspend the rules and agree to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 375 / Nays 0

¶68.37 [Roll No. 390]

YEAS—375

Abercrombie
Ackerman
Aderholt
Akin
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Cardoza
Carney
Carson
Carter
Castle
Castor
Cazayoux
Chabot
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Flake
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Gutierrez
Hall (NY)
Hall (TX)
Hastings (FL)
Hayes
Heller
Hensarling
Herger
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Honda
Hoyer
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Keller
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Linder
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Musgrave
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Pallone
Pastor
Paul
Payne
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall

Ramstad	Scott (GA)	Tiberi
Rangel	Scott (VA)	Tierney
Rehberg	Sensenbrenner	Towns
Reichert	Serrano	Tsongas
Renzi	Sessions	Turner
Reyes	Sestak	Udall (CO)
Reynolds	Shadegg	Upton
Richardson	Shays	Van Hollen
Rodriguez	Shea-Porter	Velázquez
Rogers (AL)	Sherman	Visclosky
Rogers (KY)	Shimkus	Walberg
Rogers (MI)	Shuler	Walden (OR)
Ros-Lehtinen	Shuster	Walsh (NY)
Roskam	Simpson	Walz (MN)
Ross	Sires	Wamp
Rothman	Skelton	Wasserman Schultz
Roybal-Allard	Slaughter	Watson
Royce	Smith (NE)	Watt
Ruppersberger	Smith (NJ)	Waxman
Ryan (OH)	Smith (TX)	Welch (VT)
Ryan (WI)	Smith (WA)	Westmoreland
Salazar	Snyder	Wexler
Sali	Solis	Whitfield (KY)
Sánchez, Linda T.	Spratt	Wilson (NM)
Sanchez, Loretta	Stark	Wilson (OH)
Sarbanes	Stearns	Wittman (VA)
Saxton	Stupak	Wolf
Scalise	Sullivan	Woolsey
Schakowsky	Sutton	Wu
Schiff	Tauscher	Yarmuth
Schmidt	Thompson (CA)	Young (AK)
Schwartz	Thompson (MS)	Young (FL)
	Thornberry	

NOT VOTING—58

Alexander	Holden	Pearce
Barrett (SC)	Holt	Regula
Bishop (GA)	Hooley	Rohrabacher
Bishop (UT)	Hulshof	Rush
Buyer	Jefferson	Souder
Capuano	Kaptur	Space
Carnahan	Kennedy	Speier
Costello	Latham	Tancredo
Cubin	Lewis (KY)	Tanner
Davis (AL)	Lipinski	Taylor
Ehlers	Lucas	Terry
Filner	Maloney (NY)	Tiahrt
Fossella	Marchant	Udall (NM)
Gilchrest	McDermott	Waters
Gillibrand	Meek (FL)	Weiner
Grijalva	Mollohan	Weldon (FL)
Hare	Murtha	Weller
Harman	Myrick	Wilson (SC)
Hastings (WA)	Ortiz	
Herseth Sandlin	Pascrell	

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶68.38 NOTICE REQUIREMENT—CONSIDERATION OF RESOLUTION—QUESTION OF PRIVILEGES

Mr. KUCINICH, pursuant to clause 2(a)(1) of rule IX, announced his intention to call up the following resolution, as a question of the privileges of the House:

Resolved, That President George W. Bush be impeached for high crimes and misdemeanors, and that the following articles of impeachment be exhibited to the United States Senate:

Articles of impeachment exhibited by the House of Representatives of the United States of America in the name of itself and of the people of the United States of America, in maintenance and support of its impeachment against President George W. Bush for high crimes and misdemeanors.

In his conduct while President of the United States, George W. Bush, in violation of his constitutional oath to faithfully execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States, and in violation of his constitutional duty to take care that the laws be faithfully executed, has committed the following abuses of power.

ARTICLE I.—CREATING A SECRET PROPAGANDA CAMPAIGN TO MANUFACTURE A FALSE CASE FOR WAR AGAINST IRAQ

In his conduct while President of the United States, George W. Bush, in violation of his constitutional oath to faithfully execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States, and in violation of his constitutional duty under Article II, Section 3 of the Constitution ''to take care that the laws be faithfully executed'', has both personally and acting through his agents and subordinates, together with the Vice President, illegally spent public dollars on a secret propaganda program to manufacture a false cause for war against Iraq.

The Department of Defense (DOD) has engaged in a years-long secret domestic propaganda campaign to promote the invasion and occupation of Iraq. This secret program was defended by the White House Press Secretary following its exposure. This program follows the pattern of crimes detailed in Article I, II, IV and VIII.. The mission of this program placed it within the field controlled by the White House Iraq Group (WHIG), a White House task-force formed in August 2002 to market an invasion of Iraq to the American people. The group included Karl Rove, I. Lewis Libby, Condoleezza Rice, Karen Hughes, Mary Matalin, Stephen Hadley, Nicholas E. Calio, and James R. Wilkinson.

The WHIG produced white papers detailing so-called intelligence of Iraq's nuclear threat that later proved to be false. This supposed intelligence included the claim that Iraq had sought uranium from Niger as well as the claim that the high strength aluminum tubes Iraq purchased from China were to be used for the sole purpose of building centrifuges to enrich uranium. Unlike the National Intelligence Estimate of 2002, the WHIG's white papers provided ''gripping images and stories'' and used ''literary license'' with intelligence. The WHIG's white papers were written at the same time and by the same people as speeches and talking points prepared for President Bush and some of his top officials.

The WHIG also organized a media blitz in which, between September 7–8, 2002, President Bush and his top advisers appeared on numerous interviews and all provided similarly gripping images about the possibility of nuclear attack by Iraq. The timing was no coincidence, as Andrew Card explained in an interview regarding waiting until after Labor Day to try to sell the American people on military action against Iraq, ''From a marketing point of view, you don't introduce new products in August.''

September 7–8, 2002:

NBC's ''Meet the Press: Vice President Cheney accused Saddam of moving aggressively to develop nuclear weapons over the past 14 months to add to his stockpile of chemical and biological arms.

CNN: Then-National Security Adviser Rice said, regarding the likelihood of Iraq obtaining a nuclear weapon, ''We don't want the smoking gun to be a mushroom cloud.''

CBS: President Bush declared that Saddam was ''six months away from developing a weapon,'' and cited satellite photos of construction in Iraq where weapons inspectors once visited as evidence that Saddam was trying to develop nuclear arms.

The Pentagon military analyst propaganda program was revealed in an April 20, 2002, New York Times article. The program illegally involved ''covert attempts to mold opinion through the undisclosed use of third parties.'' Secretary of Defense Donald Rumsfeld recruited 75 retired military officers and gave them talking points to deliver on Fox, CNN, ABC, NBC, CBS, and MSNBC, and according to the New York Times report, which has not been disputed by the Pentagon or the White House, ''Participants were instructed not to quote their briefers directly or otherwise describe their contacts with the Pentagon.''

According to the Pentagon's own internal documents, the military analysts were considered ''message force multipliers'' or ''surrogates'' who would deliver administration ''themes and messages'' to millions of Americans ''in the form of their own opinions.'' In fact, they did deliver the themes and the messages but did not reveal that the Pentagon had provided them with their talking points. Robert S. Bevelacqua, a retired Green Beret and Fox News military analyst described this as follows: ''It was them saying, 'We need to stick our hands up your back and move your mouth for you.'''

Congress has restricted annual appropriations bills since 1951 with this language: ''No part of any appropriation contained in this or any other Act shall be used for publicity or propaganda purposes within the United States not heretofore authorized by the Congress.''

A March 21, 2005, report by the Congressional Research Service states that ''publicity or propaganda'' is defined by the U.S. Government Accountability Office (GAO) to mean either (1) self-aggrandizement by public officials, (2) purely partisan activity, or (3) ''covert propaganda.''

These concerns about ''covert propaganda'' were also the basis for the GAO's standard for determining when government-funded video news releases are illegal:

''The failure of an agency to identify itself as the source of a prepackaged news story misleads the viewing public by encouraging the viewing audience to believe that the broadcasting news organization developed the information. The prepackaged news stories are purposefully designed to be indistinguishable from news segments broadcast to the public. When the television viewing public does not know that the stories they watched on television news programs about the government were in fact prepared by the government, the stories are, in this sense, no longer purely factual—the essential fact of attribution is missing.''

The White House's own Office of Legal Council stated in a memorandum written in 2005 following the controversy over the Armstrong Williams scandal:

''Over the years, GAO has interpreted 'publicity or propaganda' restrictions to preclude use of appropriated funds for, among other things, so-called 'covert propaganda.' . . . Consistent with that view, the OLC determined in 1988 that a statutory prohibition on using appropriated funds for 'publicity or propaganda' precluded undisclosed agency funding of advocacy by third-party groups. We stated that 'covert attempts to mold opinion through the undisclosed use of third parties' would run afoul of restrictions on using appropriated funds for 'propaganda.'''

Asked about the Pentagon's propaganda program at White House press briefing in April 2008, White House Press Secretary Dana Perino defended it, not by arguing that it was legal but by suggesting that it ''should'' be: ''Look, I didn't know look, I think that you guys should take a step back and look at this look, DOD has made a decision, they've decided to stop this program. But I would say that one of the things that we try to do in the administration is get information out to a variety of people so that everybody else can call them and ask their opinion about something. And I don't think that that should be against the law. And I think that it's absolutely appropriate to provide information to people who are seeking

it and are going to be providing their opinions on it. It doesn't necessarily mean that all of those military analysts ever agreed with the administration. I think you can go back and look and think that a lot of their analysis was pretty tough on the administration. That doesn't mean that we shouldn't talk to people.''

In all of these actions and decisions, President George W. Bush has acted in a manner contrary to his trust as President and Commander in Chief, and subversive of constitutional government, to the prejudice of the cause of law and justice and to the manifest injury of the people of the United States. Wherefore, President George W. Bush, by such conduct, is guilty of an impeachable offense warranting removal from office.

ARTICLE II.—FALSELY, SYSTEMATICALLY, AND WITH CRIMINAL INTENT CONFLATING THE ATTACKS OF SEPTEMBER 11, 2001 WITH MISREPRESENTATION OF IRAQ AS AN IMMINENT SECURITY THREAT AS PART OF A FRAUDULENT JUSTIFICATION FOR A WAR OF AGGRESSION.

In his conduct while President of the United States, George W. Bush, in violation of his constitutional oath to faithfully execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States, and in violation of his constitutional duty under Article II, Section 3 of the Constitution ''to take care that the laws be faithfully executed'', has both personally and acting through his agents and subordinates, together with the Vice President, executed a calculated and wide-ranging strategy to deceive the citizens and Congress of the United States into believing that there was and is a connection between Iraq and Saddam Hussein on the one hand, and the attacks of September 11, 2001 and al Qaeda, on the other hand, so as to falsely justify the use of the United States Armed Forces against the nation of Iraq in a manner that is damaging to the national security interests of the United States, as well as to fraudulently obtain and maintain congressional authorization and funding for the use of such military force against Iraq, thereby interfering with and obstructing Congress's lawful functions of overseeing foreign affairs and declaring war.

The means used to implement this deception were and continue to be, first, allowing, authorizing and sanctioning the manipulation of intelligence analysis by those under his direction and control, including the Vice President and the Vice President's agents, and second, personally making, or causing, authorizing and allowing to be made through highly-placed subordinates, including the President's Chief of Staff, the White House Press Secretary and other White House spokespersons, the Secretaries of State and Defense, the National Security Advisor, and their deputies and spokespersons, false and fraudulent representations to the citizens of the United States and Congress regarding an alleged connection between Saddam Hussein and Iraq, on the one hand, and the September 11th attacks and al Qaeda, on the other hand, that were half-true, literally true but misleading, and/or made without a reasonable basis and with reckless indifference to their truth, as well as omitting to state facts necessary to present an accurate picture of the truth as follows:

(A) On or about September 12, 2001, former terrorism advisor Richard Clarke personally informed the President that neither Saddam Hussein nor Iraq was responsible for the September 11th attacks. On September 18, Clarke submitted to the President's National Security Adviser Condoleezza Rice a memo he had written in response to George W. Bush's specific request that stated: (1) the case for linking Hussein to the September 11th attacks was weak; (2) only anecdotal evidence linked Hussein to al Qaeda; (3) Osama Bin Laden resented the secularism of Saddam Hussein; and (4) there was no confirmed reporting of Saddam Hussein cooperating with Bin Laden on unconventional weapons.

(B) Ten days after the September 11th attacks the President received a President's Daily Briefing which indicated that the U.S. intelligence community had no evidence linking Saddam Hussein to the September 11th attacks and that there was ''scant credible evidence that Iraq had any significant collaborative ties with Al Qaeda.''

(C) In Defense Intelligence Terrorism Summary No. 044–02, issued in February 2002, the United States Defense Intelligence Agency cast significant doubt on the possibility of a Saddam Hussein-Al Qaeda conspiracy: ''Saddam's regime is intensely secular and is wary of Islamic revolutionary movements. Moreover, Baghdad is unlikely to provide assistance to a group it cannot control.''

(D) The October 2002 National Intelligence Estimate gave a ''Low Confidence'' rating to the notion of whether ''in desperation Saddam would share chemical or biological weapons with Al Qaeda.'' The CIA never informed the President that there was an operational relationship between Al Qaeda and Saddam Hussein; on the contrary, its most ''aggressive'' analysis contained in Iraq and al-Qaeda-Interpreting a ''Murky Relationship'' dated June 21, 2002 was that Iraq had had ''sporadic, wary contacts with al Qaeda since the mid-1990s rather than a relationship with al Qaeda that has developed over time.''

(E) Notwithstanding his knowledge that neither Saddam Hussein nor Iraq was in any way connected to the September 11th attacks, the President allowed and authorized those acting under his direction and control, including Vice President Richard B. Cheney and Lewis Libby, who reported directly to both the President and the Vice President, and Secretary of Defense Donald Rumsfeld, among others, to pressure intelligence analysts to alter their assessments and to create special units outside of, and unknown to, the intelligence community in order to secretly obtain unreliable information, to manufacture intelligence or reinterpret raw data in ways that would further the Bush administration's goal of fraudulently establishing a relationship not only between Iraq and al Qaeda, but between Iraq and the attacks of September 11th.

(F) Further, despite his full awareness that Iraq and Saddam Hussein had no relationship to the September 11th attacks, the President, and those acting under his direction and control have, since at least 2002 and continuing to the present, repeatedly issued public statements deliberately worded to mislead, words calculated in their implication to bring unrelated actors and circumstances into an artificially contrived reality thereby facilitating the systematic deception of Congress and the American people. Thus the public and some members of Congress, came to believe, falsely, that there was a connection between Iraq and the attacks of 9/11. This was accomplished through well-publicized statements by the Bush Administration which contrived to continually tie Iraq and 9/11 in the same statements of grave concern without making an explicit charge:

(1) '' [If] Iraq regimes [sic] continues to defy us, and the world, we will move deliberately, yet decisively, to hold Iraq to account . . . It's a new world we're in. We used to think two oceans could separate us from an enemy. On that tragic day, September the 11th, 2001, we found out that's not the case. We found out this great land of liberty and of freedom and of justice is vulnerable. And therefore we must do everything we can—everything we can—to secure the homeland, to make us safe.'' Speech of President Bush in Iowa on September 16, 2002.

(2) ''With every step the Iraqi regime takes toward gaining and deploying the most terrible weapons, our own options to confront that regime will narrow. And if an emboldened regime were to supply these weapons to terrorist allies, then the attacks of September 11th would be a prelude to far greater horrors.'' March 6, 2003, Statement of President Bush in National Press Conference.

(3) ''The battle of Iraq is one victory in a war on terror that began on September the 11, 2001—and still goes on. That terrible morning, 19 evil men—the shock troops of a hateful ideology—gave America and the civilized world a glimpse of their ambitions. They imagined, in the words of one terrorist, that September the 11th would be the 'beginning of the end of America.' By seeking to turn our cities into killing fields, terrorists and their allies believed that they could destroy this nation's resolve, and force our retreat from the world. They have failed.'' May 1, 2003, Speech of President Bush on U.S.S. Abraham Lincoln.

(4) ''Now we're in a new and unprecedented war against violent Islamic extremists. This is an ideological conflict we face against murderers and killers who try to impose their will. These are the people that attacked us on September the 11th and killed nearly 3,000 people. The stakes are high, and once again, we have had to change our strategic thinking. The major battleground in this war is Iraq.'' June 28, 2007, Speech of President Bush at the Naval War College in Newport, Rhode Island.

(G) Notwithstanding his knowledge that there was no credible evidence of a working relationship between Saddam Hussein and Al Qaeda and that the intelligence community had specifically assessed that there was no such operational relationship, the President, both personally and through his subordinates and agents, has repeatedly falsely represented, both explicitly and implicitly, and through the misleading use of selectively-chosen facts, to the citizens of the United States and to the Congress that there was and is such an ongoing operational relationship, to wit:

(1) ''We know that Iraq and al Qaeda have had high-level contacts that go back a decade. Some al Qaeda leaders who fled Afghanistan went to Iraq. These include one very senior al Qaeda leader who received medical treatment in Baghdad this year, and who has been associated with planning for chemical and biological attacks. We've learned that Iraq has trained al Qaeda members in bomb-making and poisons and deadly gases.'' September 28, 2002, Weekly Radio Address of President Bush to the Nation.

(2) ''[W]e we need to think about Saddam Hussein using al Qaeda to do his dirty work, to not leave fingerprints behind.'' October 14, 2002, Remarks by President Bush in Michigan.

(3) ''We know he's got ties with al Qaeda.'' November 1, 2002, Speech of President Bush in New Hampshire.

(4) ''Evidence from intelligence sources, secret communications, and statements by people now in custody reveal that Saddam Hussein aids and protects terrorists, including members of al Qaeda. Secretly, and without fingerprints, he could provide one of his hidden weapons to terrorists, or help them develop their own.'' January 28, 2003, President Bush's State of the Union Address.

(5) ''[W]hat I want to bring to your attention today is the potentially much more sinister nexus between Iraq and the al Qaeda terrorist network, a nexus that combines classic terrorist organizations and modern

methods of murder. Iraq today harbors a deadly terrorist network. . .'' February 5, 2003, Speech of Former Secretary of State Colin Powell to the United Nations.

(6) ''The battle of Iraq is one victory in a war on terror that began on September the 11, 2001—and still goes on. . . . [T]he liberation of Iraq . . . removed an ally of al Qaeda.'' May 1, 2003, Speech of President Bush on U.S.S. *Abraham Lincoln*.

(H) The Senate Select Committee on Intelligence Report on Whether Public Statements Regarding Iraq By U.S. Government Officials Were Substantiated By Intelligence Information, which was released on June 5, 2008, concluded that:

(1) ''Statements and implications by the President and Secretary of State suggesting that Iraq and al-Qaeda had a partnership, or that Iraq had provided al-Qaeda with weapons training, were not substantiated by the intelligence.''

(2) ''The Intelligence Community did not confirm that Muhammad Atta met an Iraqi intelligence officer in Prague in 2001 as the Vice President repeatedly claimed.''

Through his participation and instance in the breathtaking scope of this deception, the President has used the highest office of trust to wage of campaign of deception of such sophistication as to deliberately subvert the national security interests of the United States. His dishonesty set the stage for the loss of more than 4000 United States service members; injuries to tens of thousands of soldiers, the loss of more than 1,000,000 innocent Iraqi citizens since the United States invasion; the loss of approximately $527 billion in war costs which has increased our Federal debt and the ultimate expenditure of three to five trillion dollars for all costs covering the war; the loss of military readiness within the United States Armed Services due to overextension, the lack of training and lack of equipment; the loss of United States credibility in world affairs; and the decades of likely blowback created by the invasion of Iraq.

In all of these actions and decisions, President George W. Bush has acted in a manner contrary to his trust as President and Commander in Chief, and subversive of constitutional government, to the prejudice of the cause of law and justice and to the manifest injury of the people of the United States. Wherefore, President George W. Bush, by such conduct, is guilty of an impeachable offense warranting removal from office.

ARTICLE III.—MISLEADING THE AMERICAN PEOPLE AND MEMBERS OF CONGRESS TO BELIEVE IRAQ POSSESSED WEAPONS OF MASS DESTRUCTION, SO AS TO MANUFACTURE A FALSE CASE FOR WAR

In his conduct while President of the United States, George W. Bush, in violation of his constitutional oath to faithfully execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States, and in violation of his constitutional duty under Article II, Section 3 of the Constitution ''to take care that the laws be faithfully executed'', has both personally and acting through his agents and subordinates, together with the Vice President, executed instead a calculated and wide-ranging strategy to deceive the citizens and Congress of the United States into believing that the nation of Iraq possessed weapons of mass destruction in order to justify the use of the United States Armed Forces against the nation of Iraq in a manner damaging to our national security interests, thereby interfering with and obstructing Congress's lawful functions of overseeing foreign affairs and declaring war.

The means used to implement this deception were and continue to be personally making, or causing, authorizing and allowing to be made through highly-placed subordinates, including the President's Chief of Staff, the White House Press Secretary and other White House spokespersons, the Secretaries of State and Defense, the National Security Advisor, and their deputies and spokespersons, false and fraudulent representations to the citizens of the United States and Congress regarding Iraq's alleged possession of biological, chemical and nuclear weapons that were half-true, literally true but misleading, and/or made without a reasonable basis and with reckless indifference to their truth, as well as omitting to state facts necessary to present an accurate picture of the truth as follows:

(A) Long before the March 19, 2003 invasion of Iraq, a wealth of intelligence informed the President and those under his direction and control that Iraq's stockpiles of chemical and biological weapons had been destroyed well before 1998 and that there was little, if any, credible intelligence that showed otherwise. As reported in the Washington Post in March of 2003, in 1995, Saddam Hussein's son-in-law Hussein Kamel had informed U.S. and British intelligence officers that ''all weapons—biological, chemical, missile, nuclear were destroyed.'' In September 2002, the Defense Intelligence Agency issued a report that concluded: ''A substantial amount of Iraq's chemical warfare agents, precursors, munitions and production equipment were destroyed between 1991 and 1998 as a result of Operation Desert Storm and UNSCOM actions . . . [T]here is no reliable information on whether Iraq is producing and stockpiling chemical weapons or whether Iraq has-or will-establish its chemical warfare agent production facilities.'' Notwithstanding the absence of evidence proving that such stockpiles existed and in direct contradiction to substantial evidence that showed they did not exist, the President and his subordinates and agents made numerous false representations claiming with certainty that Iraq possessed chemical and biological weapons that it was developing to use to attack the United States, to wit:

(1) ''[T]he notion of a Saddam Hussein with his great oil wealth, with his inventory that he already has of biological and chemical weapons . . . is, I think, a frightening proposition for anybody who thinks about it.'' Statement of Vice President Cheney on CBS's Face the Nation, March 24, 2002.

(2) ''In defiance of the United Nations, Iraq has stockpiled biological and chemical weapons, and is rebuilding the facilities used to make more of those weapons.'' Speech of President Bush, October 5, 2002.

(3) ''All the world has now seen the footage of an Iraqi Mirage aircraft with a fuel tank modified to spray biological agents over wide areas. Iraq has developed spray devices that could be used on unmanned aerial vehicles with ranges far beyond what is permitted by the Security Council. A UAV launched from a vessel off the American coast could reach hundreds of miles inland.'' Statement by President Bush from the White House, February 6, 2003.

(B) Despite overwhelming intelligence in the form of statements and reports filed by and on behalf of the CIA, the State Department and the IAEA, among others, which indicated that the claim was untrue, the President, and those under his direction and control, made numerous representations claiming and implying through misleading language that Iraq was attempting to purchase uranium from Niger in order to falsely buttress its argument that Iraq was reconstituting its nuclear weapons program, including:

(1) ''The regime has the scientists and facilities to build nuclear weapons, and is seeking the materials needed to do so.'' Statement of President Bush from White House, October 2, 2002.

(2) ''The [Iraqi] report also failed to deal with issues which have arisen since 1998, including: . . . attempts to acquire uranium and the means to enrich it.'' Letter from President Bush to Vice President Cheney and the Senate, January 20, 2003.

(3) ''The British Government has learned that Saddam Hussein recently sought significant quantities of uranium from Africa.'' President Bush Delivers State of the Union Address, January 28, 2003.

(C) Despite overwhelming evidence in the form of reports by nuclear weapons experts from the Energy, the Defense and State Departments, as well from outside and international agencies which assessed that aluminum tubes the Iraqis were purchasing were not suitable for nuclear centrifuge use and were, on the contrary, identical to ones used in rockets already being manufactured by the Iraqis, the President, and those under his direction and control, persisted in making numerous false and fraudulent representations implying and stating explicitly that the Iraqis were purchasing the tubes for use in a nuclear weapons program, to wit:

(1) ''We do know that there have been shipments going . . . into Iraq . . . of aluminum tubes that really are only suited to—high-quality aluminum tools [sic] that are only really suited for nuclear weapons programs, centrifuge programs.'' Statement of then National Security Advisor Condoleezza Rice on CNN's Late Edition with Wolf Blitzer, September 8, 2002.

(2) ''Our intelligence sources tell us that he has attempted to purchase high-strength aluminum tubes suitable for nuclear weapons production.'' President Bush's State of the Union Address, January 28, 2003.

(3) ''[H]e has made repeated covert attempts to acquire high-specification aluminum tubes from 11 different countries, even after inspections resumed. . . . By now, just about everyone has heard of these tubes and we all know that there are differences of opinion. There is controversy about what these tubes are for. Most US experts think they are intended to serve as rotors in centrifuges used to enrich uranium.'' Speech of Former Secretary of State Colin Powell to the United Nations, February 5, 2003.

(D) The President, both personally and acting through those under his direction and control, suppressed material information, selectively declassified information for the improper purposes of retaliating against a whistleblower and presenting a misleading picture of the alleged threat from Iraq, facilitated the exposure of the identity of a covert CIA operative and thereafter not only failed to investigate the improper leaks of classified information from within his administration, but also failed to cooperate with an investigation into possible federal violations resulting from this activity and, finally, entirely undermined the prosecution by commuting the sentence of Lewis Libby citing false and insubstantial grounds, all in an effort to prevent Congress and the citizens of the United States from discovering the fraudulent nature of the President's claimed justifications for the invasion of Iraq.

(E) The Senate Select Committee on Intelligence Report on Whether Public Statements Regarding Iraq By U.S. Government Officials Were Substantiated By Intelligence Information, which was released on June 5, 2008, concluded that:

(1) ''Statements by the President and Vice President prior to the October 2002 National Intelligence Estimate regarding Iraq's chemical weapons production capability and activities did not reflect the intelligence community's uncertainties as to whether such production was ongoing.''

(2) ''The Secretary of Defense's statement that the Iraqi government operated underground WMD facilities that were not vulnerable to conventional airstrikes because they were underground and deeply buried was not substantiated by available intelligence information.''

(3) Chairman of the Senate Intelligence Committee Jay Rockefeller concluded: ''In making the case for war, the Administration repeatedly presented intelligence as fact when in reality it was unsubstantiated, contradicted, or even non-existent. As a result, the American people were led to believe that the threat from Iraq was much greater than actually existed.''

The President has subverted the national security interests of the United States by setting the stage for the loss of more than 4000 United States service members and the injury to tens of thousands of US soldiers; the loss of more than 1,000,000 innocent Iraqi citizens since the United States invasion; the loss of approximately $500 billion in war costs which has increased our Federal debt with a long term financial cost of between three and five trillion dollars; the loss of military readiness within the United States Armed Services due to overextension, the lack of training and lack of equipment; the loss of United States credibility in world affairs; and the decades of likely blowback created by the invasion of Iraq.

In all of these actions and decisions, President George W. Bush has acted in a manner contrary to his trust as President and Commander in Chief, and subversive of constitutional government, to the prejudice of the cause of law and justice and to the manifest injury of the people of the United States. Wherefore, President George W. Bush, by such conduct, is guilty of an impeachable offense warranting removal from office.

ARTICLE IV.—MISLEADING THE AMERICAN PEOPLE AND MEMBERS OF CONGRESS TO BELIEVE IRAQ POSED AN IMMINENT THREAT TO THE UNITED STATES

In his conduct while President of the United States, George W. Bush, in violation of his constitutional oath to faithfully execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States, and in violation of his constitutional duty under Article II, Section 3 of the Constitution ''to take care that the laws be faithfully executed'', has both personally and acting through his agents and subordinates, together with the Vice President, executed a calculated and wide-ranging strategy to deceive the citizens and Congress of the United States into believing that the nation of Iraq posed an imminent threat to the United States in order to justify the use of the United States Armed Forces against the nation of Iraq in a manner damaging to our national security interests, thereby interfering with and obstructing Congress's lawful functions of overseeing foreign affairs and declaring war.

The means used to implement this deception were and continue to be, first, allowing, authorizing and sanctioning the manipulation of intelligence analysis by those under his direction and control, including the Vice President and the Vice President's agents, and second, personally making, or causing, authorizing and allowing to be made through highly-placed subordinates, including the President's Chief of Staff, the White House Press Secretary and other White House spokespersons, the Secretaries of State and Defense, the National Security Advisor, and their deputies and spokespersons, false and fraudulent representations to the citizens of the United States and Congress regarding an alleged urgent threat posed by Iraq, statements that were half-true, literally true but misleading, and/or made without a reasonable basis and with reckless indifference to their truth, as well as omitting to state facts necessary to present an accurate picture of the truth as follows:

(A) Notwithstanding the complete absence of intelligence analysis to support a claim that Iraq posed an imminent or urgent threat to the United States and the intelligence community's assessment that Iraq was in fact not likely to attack the United States unless it was itself attacked, President Bush, both personally and through his agents and subordinates, made, allowed and caused to be made repeated false representations to the citizens and Congress of the United States implying and explicitly stating that such a dire threat existed, including the following:

(1) ''States such as these [Iraq, Iran and North Korea] and their terrorist allies constitute an axis of evil, arming to threaten the peace of the world. By seeking weapons of mass destruction, these regimes pose a grave and growing danger. They could provide these arms to terrorists, giving them the means to match their hatred. They could attack our allies or attempt to blackmail the United States. In any of these cases, the price of indifference would be catastrophic.'' President Bush's State of the Union Address, January 29, 2002.

(2) ''Simply stated, there is no doubt that Saddam Hussein has weapons of mass destruction. He is amassing them to use against our friends our enemies and against us.'' Speech of Vice President Cheney at VFW 103rd National Convention, August 26, 2002.

(3) ''The history, the logic, and the facts lead to one conclusion: Saddam Hussein's regime is a grave and gathering danger. To suggest otherwise is to hope against the evidence. To assume this regime's good faith is to bet the lives of millions and the peace of the world in a reckless gamble. And this is a risk we must not take.'' Address of President Bush to the United Nations General Assembly, September 12, 2002.

(4) ''[N]o terrorist state poses a greater or more immediate threat to the security of our people than the regime of Saddam Hussein and Iraq.'' Statement of Former Defense Secretary Donald Rumsfeld to Congress, September 19, 2002.

(5) ''On its present course, the Iraqi regime is a threat of unique urgency . . . it has developed weapons of mass death.'' Statement of President Bush at White House, October 2, 2002.

(6) ''But the President also believes that this problem has to be dealt with, and if the United Nations won't deal with it, then the United States, with other likeminded nations, may have to deal with it. We would prefer not to go that route, but the danger is so great, with respect to Saddam Hussein having weapons of mass destruction, and perhaps even terrorists getting hold of such weapons, that it is time for the international community to act, and if it doesn't act, the President is prepared to act with likeminded nations.'' Statement of Former Secretary of State Colin Powell in interview with Ellen Ratner of Talk Radio News, October 30, 2002.

(7) ''Today the world is also uniting to answer the unique and urgent threat posed by Iraq. A dictator who has used weapons of mass destruction on his own people must not be allowed to produce or possess those weapons. We will not permit Saddam Hussein to blackmail and/or terrorize nations which love freedom.'' Speech by President Bush to Prague Atlantic Student Summit, November 20, 2002.

(8) ''But the risk of doing nothing, the risk of the security of this country being jeopardized at the hands of a madman with weapons of mass destruction far exceeds the risk of any action we may be forced to take.'' President Bush Meets with National Economic Council at White House, February 25, 2003.

(B) In furtherance of his fraudulent effort to deceive Congress and the citizens of the United States into believing that Iraq and Saddam Hussein posed an imminent threat to the United States, the President allowed and authorized those acting under his direction and control, including Vice President Richard B. Cheney, former Secretary of Defense Donald Rumsfeld, and Lewis Libby, who reported directly to both the President and the Vice President, among others, to pressure intelligence analysts to tailor their assessments and to create special units outside of, and unknown to, the intelligence community in order to secretly obtain unreliable information, to manufacture intelligence, or to reinterpret raw data in ways that would support the Bush administration's plan to invade Iraq based on a false claim of urgency despite the lack of justification for such a preemptive action.

(C) The Senate Select Committee on Intelligence Report on Whether Public Statements Regarding Iraq By U.S. Government Officials Were Substantiated By Intelligence Information, which was released on June 5, 2008, concluded that:

(1) ''Statements by the President and the Vice President indicating that Saddam Hussein was prepared to give weapons of mass destruction to terrorist groups for attacks against the United States were contradicted by available intelligence information.''

Thus the President willfully and falsely misrepresented Iraq as an urgent threat requiring immediate action thereby subverting the national security interests of the United States by setting the stage for the loss of more than 4,000 United States service members; the injuries to tens of thousands of U.S. soldiers; the deaths of more than 1,000,000 Iraqi citizens since the United States invasion; the loss of approximately $527 billion in war costs which has increased our Federal debt and the ultimate costs of the war between three trillion and five trillion dollars; the loss of military readiness within the United States Armed Services due to overextension, the lack of training and lack of equipment; the loss of United States credibility in world affairs; and the decades of likely blowback created by the invasion of Iraq.

In all of these actions and decisions, President George W. Bush has acted in a manner contrary to his trust as President and Commander in Chief, and subversive of constitutional government, to the prejudice of the cause of law and justice and to the manifest injury of the people of the United States. Wherefore, President George W. Bush, by such conduct, is guilty of an impeachable offense warranting removal from office.

ARTICLE V.—ILLEGALLY MISSPENDING FUNDS TO SECRETLY BEGIN A WAR OF AGGRESSION

In his conduct while President of the United States, George W. Bush, in violation of his constitutional oath to faithfully execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States, and in violation of his constitutional duty under Article II, Section 3 of the Constitution ''to take care that the laws be faithfully executed'', has both personally and acting through his agents and subordinates, together with the Vice President, illegally misspent funds to begin a war in secret prior to any Congressional authorization.

The president used over $2 billion in the summer of 2002 to prepare for the invasion of Iraq. First reported in Bob Woodward's book, Plan of Attack, and later confirmed by the Congressional Research Service, Bush took

money appropriated by Congress for Afghanistan and other programs and—with no Congressional notification—used it to build airfields in Qatar and to make other preparations for the invasion of Iraq. This constituted a violation of Article I, Section 9 of the U.S. Constitution, as well as a violation of the War Powers Act of 1973.

In all of these actions and decisions, President George W. Bush has acted in a manner contrary to his trust as President and Commander in Chief, and subversive of constitutional government, to the prejudice of the cause of law and justice and to the manifest injury of the people of the United States. Wherefore, President George W. Bush, by such conduct, is guilty of an impeachable offense warranting removal from office.

ARTICLE VI.—INVADING IRAQ IN VIOLATION OF THE REQUIREMENTS OF H.J. RES. 114.

In his conduct while President of the United States, George W. Bush, in violation of his constitutional oath to faithfully execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States, and in violation of his constitutional duty under Article II, Section 3 of the Constitution ''to take care that the laws be faithfully executed'', exceeded his Constitutional authority to wage war by invading Iraq in 2003 without meeting the requirements of H.J. Res. 114, the ''Authorization for Use of Military Force Against Iraq Resolution of 2002'' to wit:

(1) H.J. Res. 114 contains several Whereas clauses consistent with statements being made by the White House at the time regarding the threat from Iraq as evidenced by the following:

(A) H.J. Res. 114 states ''Whereas Iraq both poses a continuing threat to the national security of the United States and international peace and security in the Persian Gulf region and remains in material and unacceptable breach of its international obligations by, among other things, continuing to possess and develop a significant chemical and biological weapons capability, actively seeking a nuclear weapons capability, and supporting and harboring terrorist organizations;''; and

(B) H.J. Res. 114 states ''Whereas members of Al Qaeda, an organization bearing responsibility for attacks on the United States, its citizens, and interests, including the attacks that occurred on September 11, 2001, are known to be in Iraq;''.

(2) H.J. Res. 114 states that the President must provide a determination, the truthfulness of which is implied, that military force is necessary in order to use the authorization, as evidenced by the following:

(A) Section 3 of H.J. Res. 114 states:

''(b) PRESIDENTIAL DETERMINATION.—In connection with the exercise of the authority granted in subsection (a) to use force the President shall, prior to such exercise or as soon thereafter as may be feasible, but no later than 48 hours after exercising such authority, make available to the Speaker of the House of Representatives and the President pro tempore of the Senate his determination that—

(1) reliance by the United States on further diplomatic or other peaceful means alone either (A) will not adequately protect the national security of the United States against the continuing threat posed by Iraq or (B) is not likely to lead to enforcement of all relevant United Nations Security Council resolutions regarding Iraq; and

(2) acting pursuant to this joint resolution is consistent with the United States and other countries continuing to take the necessary actions against international terrorist and terrorist organizations, including those nations, organizations, or persons who planned, authorized, committed or aided the terrorist attacks that occurred on September 11, 2001.''

(3) On March 18, 2003, President George Bush sent a letter to Congress stating that he had made that determination as evidenced by the following:

(A) March 18th, 2003 Letter to Congress stating:

Consistent with section 3(b) of the Authorization for Use of Military Force Against Iraq Resolution of 2002 (Public Law 107–243), and based on information available to me, including that in the enclosed document, I determine that:

(1) reliance by the United States on further diplomatic and other peaceful means alone will neither (A) adequately protect the national security of the United States against the continuing threat posed by Iraq nor (B) likely lead to enforcement of all relevant United Nations Security Council resolutions regarding Iraq; and

(2) acting pursuant to the Constitution and Public Law 107–243 is consistent with the United States and other countries continuing to take the necessary actions against international terrorists and terrorist organizations, including those nations, organizations, or persons who planned, authorized, committed, or aided the terrorist attacks that occurred on September 11, 2001.

(4) President George Bush knew that these statements were false as evidenced by:

(A) INFORMATION PROVIDED WITH ARTICLE I, II, III, IV AND V.

(B) A statement by President George Bush in an interview with Tony Blair on January 31st 2003: [WH]

Reporter: ''One question for you both. Do you believe that there is a link between Saddam Hussein, a direct link, and the men who attacked on September the 11th?''

President Bush: ''I can't make that claim''

(C) An article on February 19th by Terrorism expert Rohan Gunaratna states ''I could find no evidence of links between Iraq and Al Qaeda. The documentation and interviews indicated that Al Qaeda regarded Saddam, a secular leader, as an infidel.'' [InternationalHeraldTribune]

(D) According to a February 2nd, 2003 article in the New York Times: [NYT]

At the Federal Bureau of Investigation, some investigators said they were baffled by the Bush administration's insistence on a solid link between Iraq and Osama bin Laden's network. ''We've been looking at this hard for more than a year and you know what, we just don't think it's there,'' a government official said.

(5) Section 3C of HJRes 114 states that ''Nothing in this joint resolution supersedes any requirement of the War Powers Resolution.''

(6) The War Powers Resolution Section 9(d)(1) states:

(d) Nothing in this joint resolution—

(1) is intended to alter the constitutional authority of the Congress or of the President, or the provision of existing treaties; or

(7) The United Nations Charter was an existing treaty and, as shown in Article VIII, the invasion of Iraq violated that treaty.

(8) President George Bush knowingly failed to meet the requirements of HJRes 114 and violated the requirement of the War Powers Resolution and, thereby, invaded Iraq without the authority of Congress.

In all of these actions and decisions, President George W. Bush has acted in a manner contrary to his trust as President and Commander in Chief, and subversive of constitutional government, to the prejudice of the cause of law and justice and to the manifest injury of the people of the United States. Wherefore, President George W. Bush, by such conduct, is guilty of an impeachable offense warranting removal from office.

ARTICLE VII.—INVADING IRAQ ABSENT A DECLARATION OF WAR

In his conduct while President of the United States, George W. Bush, in violation of his constitutional oath to faithfully execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States, and in violation of his constitutional duty under Article II, Section 3 of the Constitution ''to take care that the laws be faithfully executed'', has launched a war against Iraq absent any congressional declaration of war or equivalent action.

Article I, Section 8, Clause 11 (the War Powers Clause) makes clear that the United States Congress holds the exclusive power to decide whether or not to send the nation into war. ''The Congress,'' the War Powers Clause states, ''shall have power . . . To declare war . . .''

The October 2002 congressional resolution on Iraq did not constitute a declaration of war or equivalent action. The resolution stated: ''The President is authorized to use the Armed Forces of the United States as he deems necessary and appropriate in order to 1) defend the national security of the United States against the continuing threat posed by Iraq; and 2) enforce all relevant United Nations Security Council resolutions regarding Iraq.'' The resolution unlawfully sought to delegate to the President the decision of whether or not to initiate a war against Iraq, based on whether he deemed it ''necessary and appropriate.'' The Constitution does not allow Congress to delegate this exclusive power to the President, nor does it allow the President to seize this power.

In March 2003, the President launched a war against Iraq without any constitutional authority.

In all of these actions and decisions, President George W. Bush has acted in a manner contrary to his trust as President and Commander in Chief, and subversive of constitutional government, to the prejudice of the cause of law and justice and to the manifest injury of the people of the United States. Wherefore, President George W. Bush, by such conduct, is guilty of an impeachable offense warranting removal from office.

ARTICLE VIII.—INVADING IRAQ, A SOVEREIGN NATION, IN VIOLATION OF THE UN CHARTER AND INTERNATIONAL CRIMINAL LAW

In his conduct while President of the United States, George W. Bush, in violation of his constitutional oath to faithfully execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States, and in violation of his constitutional duty under Article II, Section 3 of the Constitution ''to take care that the laws be faithfully executed'', violated United States law by invading the sovereign country of Iraq in violation of the United Nations Charter to wit:

(1) International Laws ratified by Congress are part of United States Law and must be followed as evidenced by the following:

(A) Article VI of the United States Constitution, which states ''This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land;''

(2) The UN Charter, which entered into force following ratification by the United States in 1945, requires Security Council approval for the use of force except for self-defense against an armed attack as evidenced by the following:

(A) Chapter 1, Article 2 of the United Nations Charter states:

''3. All Members shall settle their international disputes by peaceful means in such

a manner that international peace and security, and justice, are not endangered.

''4. All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations.''

(B) Chapter 7, Article 51 of the United Nations Charter states:

''51. Nothing in the present Charter shall impair the inherent right of individual or collective self-defense if an armed attack occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security.''

(3) There was no armed attack upon the United States by Iraq.

(4) The Security Council did not vote to approve the use of force against Iraq as evidenced by:

(A) A United Nation Press release which states that the United States had failed to convince the Security Council to approve the use of military force against Iraq. [UN]

(5) President Bush directed the United States military to invade Iraq on March 19th, 2003 in violation of the UN Charter and, therefore, in violation of United States Law as evidenced by the following:

(A) A letter from President Bush to Congress dated March 21st, 2003 stating ''I directed U.S. Armed Forces, operating with other coalition forces, to commence combat operations on March 19, 2003, against Iraq.'' [WH]

(B) On September 16, 2004 Kofi Annan, the Secretary General of the United Nations, speaking on the invasion, said, ''I have indicated it was not in conformity with the UN charter. From our point of view, from the charter point of view, it was illegal.'' [BBC]

(C) The consequence of the instant and direction of President George W. Bush, in ordering an attack upon Iraq, a sovereign nation is in direct violation of United States Code, Title 18, Part 1, Chapter 118, Section 2441, governing the offense of war crimes.

(6) In the course of invading and occupying Iraq, the President, as Commander in Chief, has taken responsibility for the targeting of civilians, journalists, hospitals, and ambulances, use of antipersonnel weapons including cluster bombs in densely settled urban areas, the use of white phosphorous as a weapon, depleted uranium weapons, and the use of a new version of napalm found in Mark 77 firebombs. Under the direction of President George Bush the United States has engaged in collective punishment of Iraqi civilian populations, including but not limited to blocking roads, cutting electricity and water, destroying fuel stations, planting bombs in farm fields, demolishing houses, and plowing over orchards.

(A) Under the principle of ''command responsibility'', i.e., that a de jure command can be civilian as well as military, and can apply to the policy command of heads of state, said command brings President George Bush within the reach of international criminal law under the Additional Protocol I of June 8, 1977 to the Geneva Conventions of August 12, 1949, and Relating to the Protection of Victims of International Armed Conflicts, Article 86(2). The United States is a state signatory to Additional Protocol I, on December 12, 1977.

(B) Furthermore, Article 85(3) of said Protocol I defines as a grave breach making a civilian population or individual civilians the object of attacks. This offense, together with the principle of command responsibility, places President George Bush's conduct under the reach of the same law and principles described as the basis for war crimes prosecution at Nuremburg, under Article 6 of the Charter of the Nuremberg Tribunals: including crimes against peace, violations of the laws and customs of war and crimes against humanity, similarly codified in the Rome Statute of the International Criminal Court, Articles 5 through 8.

(C) The Lancet Report has established massive civilian casualties in Iraq as a result of the United States' invasion and occupation of that country.

(D) International laws governing wars of aggression are completely prohibited under the legal principle of jus cogens, whether or not a nation has signed or ratified a particular international agreement.

In all of these actions and decisions, President George W. Bush has acted in a manner contrary to his trust as President and Commander in Chief, and subversive of constitutional government, to the prejudice of the cause of law and justice and to the manifest injury of the people of the United States. Wherefore, President George W. Bush, by such conduct, is guilty of an impeachable offense warranting removal from office

ARTICLE IX.—FAILING TO PROVIDE TROOPS WITH BODY ARMOR AND VEHICLE ARMOR

In his conduct while President of the United States, George W. Bush, in violation of his constitutional oath to faithfully execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States, and in violation of his constitutional duty under Article II, Section 3 of the Constitution ''to take care that the laws be faithfully executed,'' has both personally and acting through his agents and subordinates, together with the Vice President, has been responsible for the deaths of members of the U.S. military and serious injury and trauma to other soldiers, by failing to provide available body armor and vehicle armor.

While engaging in an invasion and occupation of choice, not fought in self-defense, and not launched in accordance with any timetable other than the President's choosing, President Bush sent U.S. troops into danger without providing them with armor. This shortcoming has been known for years, during which time, the President has chosen to allow soldiers and marines to continue to face unnecessary risk to life and limb rather then providing them with armor.

In all of these actions and decisions, President George W. Bush has acted in a manner contrary to his trust as President and Commander in Chief, and subversive of constitutional government, to the prejudice of the cause of law and justice and to the manifest injury of the people of the United States. Wherefore, President George W. Bush, by such conduct, is guilty of an impeachable offense warranting removal from office.

ARTICLE X.—FALSIFYING ACCOUNTS OF U.S. TROOP DEATHS AND INJURIES FOR POLITICAL PURPOSES

In his conduct while President of the United States, George W. Bush, in violation of his constitutional oath to faithfully execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States, and in violation of his constitutional duty under Article II, Section 3 of the Constitution ''to take care that the laws be faithfully executed,'' has both personally and acting through his agents and subordinates, together with the Vice President, promoted false propaganda stories about members of the United States military, including individuals both dead and injured.

The White House and the Department of Defense (DOD) in 2004 promoted a false account of the death of Specialist Pat Tillman, reporting that he had died in a hostile exchange, delaying release of the information that he had died from friendly fire, shot in the forehead three times in a manner that led investigating doctors to believe he had been shot at close range.

A 2005 report by Brig. Gen. Gary M. Jones reported that in the days immediately following Specialist Tillman's death, U.S. Army investigators were aware that Specialist Tillman was killed by friendly fire, shot three times to the head, and that senior Army commanders, including Gen. John Abizaid, knew of this fact within days of the shooting but nevertheless approved the awarding of the Silver Star, Purple Heart, and a posthumous promotion.

On April 24, 2007, Spc. Bryan O'Neal, the last soldier to see Specialist Pat Tillman alive, testified before the House Oversight and Government Reform Committee that he was warned by superiors not to divulge information that a fellow soldier killed Specialist Tillman, especially to the Tillman family. The White House refused to provide requested documents to the committee, citing ''executive branch confidentiality interests.''

The White House and DOD in 2003 promoted a false account of the injury of Jessica Dawn Lynch, reporting that she had been captured in a hostile exchange and had been dramatically rescued. On April 2, 2003, the DOD released a video of the rescue and claimed that Lynch had stab and bullet wounds, and that she had been slapped about on her hospital bed and interrogated. Iraqi doctors and nurses later interviewed, including Dr. Harith Al-Houssona, a doctor in the Nasirya hospital, described Lynch's injuries as ''a broken arm, a broken thigh, and a dislocated ankle.'' According to Al-Houssona, there was no sign of gunshot or stab wounds, and Lynch's injuries were consistent with those that would be suffered in a car accident. Al-Houssona's claims were later confirmed in a U.S. Army report leaked on July 10, 2003.

Lynch denied that she fought or was wounded fighting, telling Diane Sawyer that the Pentagon ''used me to symbolize all this stuff. It's wrong. I don't know why they filmed [my rescue] or why they say these things. . . . I did not shoot, not a round, nothing. I went down praying to my knees. And that's the last I remember.'' She reported excellent treatment in Iraq, and that one person in the hospital even sang to her to help her feel at home.

On April 24, 2007 Lynch testified before the House Committee on Oversight and Government Reform:

''[Right after my capture], tales of great heroism were being told. My parent's home in Wirt County was under siege of the media all repeating the story of the little girl Rambo from the hills who went down fighting. It was not true. . . . I am still confused as to why they chose to lie.''

The White House had heavily promoted the false story of Lynch's rescue, including in a speech by President Bush on April 28, 2003. After the fiction was exposed, the President awarded Lynch the Bronze Star.

In all of these actions and decisions, President George W. Bush has acted in a manner contrary to his trust as President and Commander in Chief, and subversive of constitutional government, to the prejudice of the cause of law and justice and to the manifest injury of the people of the United States. Wherefore, President George W. Bush, by such conduct, is guilty of an impeachable offense warranting removal from office.

ARTICLE XI.—ESTABLISHMENT OF PERMANENT U.S. MILITARY BASES IN IRAQ

In his conduct while President of the United States, George W. Bush, in violation of his constitutional oath to faithfully execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution

of the United States, and in violation of his constitutional duty under Article II, Section 3 of the Constitution ''to take care that the laws be faithfully executed,'' has violated an act of Congress that he himself signed into law by using public funds to construct permanent U.S. military bases in Iraq.

On January 28, 2008, President George W. Bush signed into law the National Defense Authorization Act for fiscal year 2008 (H.R. 4986). Noting that the Act ''authorizes funding for the defense of the United States and its interests abroad, for military construction, and for national security-related energy programs,'' the president added the following ''signing statement'':

''Provisions of the Act, including sections 841, 846, 1079, and 1222, purport to impose requirements that could inhibit the President's ability to carry out his constitutional obligations to take care that the laws be faithfully executed, to protect national security, to supervise the executive branch, and to execute his authority as Commander in Chief. The executive branch shall construe such provisions in a manner consistent with the constitutional authority of the President.''

Section 1222 clearly prohibits the expenditure of money for the purpose of establishing permanent U.S. military bases in Iraq. The construction of over $1 billion in U.S. military bases in Iraq, including runways for aircraft, continues despite congressional intent, as the Administration intends to force upon the Iraqi government such terms which will assure the bases remain in Iraq.

Iraqi officials have informed Members of Congress in May 2008 of the strong opposition within the Iraqi parliament and throughout Iraq to the agreement that the administration is trying to negotiate with Iraqi Prime Minister Nouri al-Maliki. The agreement seeks to assure a long-term U.S. presence in Iraq of which military bases are the most obvious, sufficient and necessary construct, thus clearly defying Congressional intent as to the matter and meaning of ''permanency.''

In all of these actions and decisions, President George W. Bush has acted in a manner contrary to his trust as President and Commander in Chief, and subversive of constitutional government, to the prejudice of the cause of law and justice and to the manifest injury of the people of the United States. Wherefore, President George W. Bush, by such conduct, is guilty of an impeachable offense warranting removal from office.

ARTICLE XII.—INITIATING A WAR AGAINST IRAQ FOR CONTROL OF THAT NATION'S NATURAL RESOURCES

In his conduct while President of the United States, George W. Bush, in violation of his constitutional oath to faithfully execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States, and in violation of his constitutional duty under Article II, Section 3 of the Constitution ''to take care that the laws be faithfully executed,'' has both personally and acting through his agents and subordinates, together with the Vice President, invaded and occupied a foreign nation for the purpose, among other purposes, of seizing control of that nation's oil.

The White House and its representatives in Iraq have, since the occupation of Baghdad began, attempted to gain control of Iraqi oil. This effort has included pressuring the new Iraqi government to pass a hydrocarbon law. Within weeks of the fall of Saddam Hussein in 2003, the U.S. Agency for International Development (USAid) awarded a $240 million contract to Bearing Point, a private U.S. company. A Bearing Point employee, based in the U.S. embassy in Baghdad, was hired to advise the Iraqi Ministry of Oil on drawing up the new hydrocarbon law. The draft law places executives of foreign oil companies on a council with the task of approving their own contracts with Iraq; it denies the Iraqi National Oil Company exclusive rights for the exploration, development, production, transportation, and marketing of Iraqi oil, and allows foreign companies to control Iraqi oil fields containing 80 percent of Iraqi oil for up to 35 years through contracts that can remain secret for up to 2 months. The draft law itself contains secret appendices.

President Bush provided unrelated reasons for the invasion of Iraq to the public and Congress, but those reasons have been established to have been categorically fraudulent, as evidenced by the herein mentioned Articles of Impeachment I, II, III, IV, VI, and VII.

Parallel to the development of plans for war against Iraq, the U.S. State Department's Future of Iraq project, begun as early as April 2002, involved meetings in Washington and London of 17 working groups, each composed of 10 to 20 Iraqi exiles and international experts selected by the State Department. The Oil and Energy working group met four times between December 2002 and April 2003. Ibrahim Bahr al-Uloum, later the Iraqi Oil Minister, was a member of the group, which concluded that Iraq ''should be opened to international oil companies as quickly as possible after the war,'' and that, ''the country should establish a conducive business environment to attract investment of oil and gas resources.'' The same group recommended production-sharing agreements with foreign oil companies, the same approach found in the draft hydrocarbon law, and control over Iraq's oil resources remains a prime objective of the Bush Administration.

Prior to his election as Vice President, Dick Cheney, then-CEO of Halliburton, in a speech at the Institute of Petroleum in 1999 demonstrated a keen awareness of the sensitive economic and geopolitical role of Middle East oil resources saying: ''By 2010, we will need on the order of an additional 50 million barrels a day. So where is the oil going to come from? Governments and national oil companies are obviously controlling about 90 percent of the assets. Oil remains fundamentally a government business. While many regions of the world offer great oil opportunities, the Middle East, with two-thirds of the world's oil and lowest cost, is still where the prize ultimately lies. Even though companies are anxious for greater access there, progress continues to be slow.''

The Vice President led the work of a secret energy task force, as described in Article XXXII below, a task force that focused on, among other things, the acquisition of Iraqi oil through developing a controlling private corporate interest in said oil.

In all of these actions and decisions, President George W. Bush has acted in a manner contrary to his trust as President and Commander in Chief, and subversive of constitutional government, to the prejudice of the cause of law and justice and to the manifest injury of the people of the United States. Wherefore, President George W. Bush, by such conduct, is guilty of an impeachable offense warranting removal from office.

ARTICLE XIII.—CREATING A SECRET TASK FORCE TO DEVELOP ENERGY AND MILITARY POLICIES WITH RESPECT TO IRAQ AND OTHER COUNTRIES

In his conduct while President of the United States, George W. Bush, in violation of his constitutional oath to faithfully execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States, and in violation of his constitutional duty to take care that the laws be faithfully executed, has both personally and acting through his agents and subordinates, together with the Vice President, created a secret task force to guide our nation's energy policy and military policy, and undermined Congress' ability to legislate by thwarting attempts to investigate the nature of that policy.

A Government Accountability Office (GAO) Report on the Cheney Energy Task Force, in August 2003, described the creation of this task force as follows:

''In a January 29, 2001, memorandum, the President established NEPDG [the National Energy Policy Development Group]—comprised of the Vice President, nine cabinet-level officials, and four other senior administration officials—to gather information, deliberate, and make recommendations to the President by the end of fiscal year 2001. The President called on the Vice President to chair the group, direct its work and, as necessary, establish subordinate working groups to assist NEPDG.''

The four ''other senior administration officials were the Director of the Office of Management and Budget, the Assistant to the President and Deputy Chief of Staff for Policy, the Assistant to the President for Economic Policy, and the Deputy Assistant to the President for Intergovernmental Affairs.

The GAO report found that: ''In developing the National Energy Policy report, the NEPDG Principals, Support Group, and participating agency officials and staff met with, solicited input from, or received information and advice from nonfederal energy stakeholders, principally petroleum, coal, nuclear, natural gas, and electricity industry representatives and lobbyists. The extent to which submissions from any of these stakeholders were solicited, influenced policy deliberations, or were incorporated into the final report cannot be determined based on the limited information made available to GAO. NEPDG met and conducted its work in two distinct phases: the first phase culminated in a March 19, 2001, briefing to the President on challenges relating to energy supply and the resulting economic impact; the second phase ended with the May 16, 2001, presentation of the final report to the President. The Office of the Vice President's (OVP) unwillingness to provide the NEPDG records or other related information precluded GAO from fully achieving its objectives and substantially limited GAO's ability to comprehensively analyze the NEPDG process. associated with that process.

''None of the key federal entities involved in the NEPDG effort provided GAO with a complete accounting of the costs that they incurred during the development of the National Energy Policy report. The two federal entities responsible for funding the NEPDG effort—OVP and the Department of Energy (DOE)—did not provide the comprehensive cost information that GAO requested. OVP provided GAO with 77 pages of information, two-thirds of which contained no cost information while the remaining one-third contained some miscellaneous information of little to no usefulness. OVP stated that it would not provide any additional information. DOE, the Department of the Interior, and the Environmental Protection Agency (EPA) provided GAO with estimates of certain costs and salaries associated with the NEPDG effort, but these estimates, all calculated in different ways, were not comprehensive.''

In 2003, the Commerce Department disclosed a partial collection of materials from the NEPDG, including documents, maps, and charts, dated March 2001, of Iraq's, Saudi Arabia's and the United Arab Emirates' oil fields, pipelines, refineries, tanker terminals, and development projects.

On November 16, 2005, the Washington Post reported on a White House document showing that oil company executives had met with the NEPDG, something that some of those same executives had just that week denied in Congressional testimony. The Bush Administration had not corrected the inaccurate testimony.

On July 18, 2007, the Washington Post reported the full list of names of those who had met with the NEPDG.

In 1998 Kenneth Derr, then chief executive of Chevron, told a San Francisco audience, ''Iraq possesses huge reserves of oil and gas, reserves I'd love Chevron to have access to.'' According to the GAO report, Chevron provided detailed advice to the NEPDG.

In March, 2001, the NEPDG recommended that the United States Government support initiatives by Middle Eastern countries ''to open up areas of their energy sectors to foreign investment.'' Following the invasion of Iraq, the United States has pressured the new Iraqi parliament to pass a hydrocarbon law that would do exactly that. The draft law, if passed, would take the majority of Iraq's oil out of the exclusive hands of the Iraqi Government and open it to international oil companies for a generation or more. The Bush administration hired Bearing Point, a U.S. company, to help write the law in 2004. It was submitted to the Iraqi Council of Representatives in May 2007.

In all of these actions and decisions, President George W. Bush has acted in a manner contrary to his trust as President and Commander in Chief, and subversive of constitutional government, to the prejudice of the cause of law and justice and to the manifest injury of the people of the United States. Wherefore, President George W. Bush, by such conduct, is guilty of an impeachable offense warranting removal from office.

ARTICLE XIV.—MISPRISION OF A FELONY, MISUSE AND EXPOSURE OF CLASSIFIED INFORMATION AND OBSTRUCTION OF JUSTICE IN THE MATTER OF VALERIE PLAME WILSON, CLANDESTINE AGENT OF THE CENTRAL INTELLIGENCE AGENCY

In his conduct while President of the United States, George W. Bush, in violation of his constitutional oath to faithfully execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States, and in violation of his constitutional duty under Article II, Section 3 of the Constitution ''to take care that the laws be faithfully executed'', has both personally and acting through his agents and subordinates, together with the Vice President,

(1) suppressed material information;

(2) selectively declassified information for the improper purposes of retaliating against a whistleblower and presenting a misleading picture of the alleged threat from Iraq;

(3) facilitated the exposure of the identity of Valerie Plame Wilson who had theretofore been employed as a covert CIA operative;

(4) failed to investigate the improper leaks of classified information from within his administration;

(5) failed to cooperate with an investigation into possible federal violations resulting from this activity; and

(6) finally, entirely undermined the prosecution by commuting the sentence of Lewis Libby citing false and insubstantial grounds, all in an effort to prevent Congress and the citizens of the United States from discovering the deceitful nature of the President's claimed justifications for the invasion of Iraq.

In facilitating this exposure of classified information and the subsequent cover-up, in all of these actions and decisions, President George W. Bush has acted in a manner contrary to his trust as President, and subversive of constitutional government, to the prejudice of the cause of law and justice and to the manifest injury of the people of the United States. Wherefore, President George W. Bush, by such conduct, is guilty of an impeachable offense warranting removal from office.

ARTICLE XV.—PROVIDING IMMUNITY FROM PROSECUTION FOR CRIMINAL CONTRACTORS IN IRAQ

In his conduct while President of the United States, George W. Bush, in violation of his constitutional oath to faithfully execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States, and in violation of his constitutional duty under Article II, Section 3 of the Constitution ''to take care that the laws be faithfully executed'', has both personally and acting through his agents and subordinates, together with the Vice President, established policies granting United States government contractors and their employees in Iraq immunity from Iraqi law, U.S. law, and international law.

Lewis Paul Bremer III, then-Director of Reconstruction and Humanitarian Assistance for post-war Iraq, on June 27, 2004, issued Coalition Provisional Authority Order Number 17, which granted members of the U.S. military, U.S. mercenaries, and other U.S. contractor employees immunity from Iraqi law.

The Bush Administration has chosen not to apply the Uniform Code of Military Justice or United States law to mercenaries and other contractors employed by the United States government in Iraq.

Operating free of Iraqi or U.S. law, mercenaries have killed many Iraqi civilians in a manner that observers have described as aggression and not as self-defense. Many U.S. contractors have also alleged that they have been the victims of aggression (in several cases of rape) by their fellow contract employees in Iraq. These charges have not been brought to trial, and in several cases the contracting companies and the U.S. State Department have worked together in attempting to cover them up.

Under the Fourth Geneva Convention, to which the United States is party, and which under Article VI of the U.S. Constitution is therefore the supreme law of the United States, it is the responsibility of an occupying force to ensure the protection and human rights of the civilian population. The efforts of President Bush and his subordinates to attempt to establish a lawless zone in Iraq are in violation of the law.

In all of these actions and decisions, President George W. Bush has acted in a manner contrary to his trust as President and subversive of constitutional government, to the prejudice of the cause of law and justice and to the manifest injury of the people of the United States. Wherefore, President George W. Bush, by such conduct, is guilty of an impeachable offense warranting removal from office.

ARTICLE XVI.—RECKLESS MISSPENDING AND WASTE OF US TAX DOLLARS IN CONNECTION WITH IRAQ CONTRACTORS

In his conduct while President of the United States, George W. Bush, in violation of his constitutional oath to faithfully execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States, and in violation of his constitutional duty under Article II, Section 3 of the Constitution ''to take care that the laws be faithfully executed'', has both personally and acting through his agents and subordinates, together with the Vice President, recklessly wasted public funds on contracts awarded to close associates, including companies guilty of defrauding the government in the past, contracts awarded without competitive bidding, ''cost-plus'' contracts designed to encourage cost overruns, and contracts not requiring satisfactory completion of the work. These failures have been the rule, not the exception, in the awarding of contracts for work in the United States and abroad over the past seven years. Repeated exposure of fraud and waste has not been met by the president with correction of systemic problems, but rather with retribution against whistleblowers.

The House Committee on Oversight and Government Reform reported on Iraq reconstruction contracting:

''From the beginning, the Administration adopted a flawed contracting approach in Iraq. Instead of maximizing competition, the Administration opted to award no-bid, cost-plus contracts to politically connected contractors. Halliburton's secret $7 billion contract to restore Iraq's oil infrastructure is the prime example. Under this no-bid, cost-plus contract, Halliburton was reimbursed for its costs and then received an additional fee, which was a percentage of its costs. This created an incentive for Halliburton to run up its costs in order to increase its potential profit.

''Even after the Administration claimed it was awarding Iraq contracts competitively in early 2004, real price competition was missing. Iraq was divided geographically and by economic sector into a handful of fiefdoms. Individual contractors were then awarded monopoly contracts for all of the work within given fiefdoms. Because these monopoly contracts were awarded before specific projects were identified, there was no actual price competition for more than 2,000 projects.

''In the absence of price competition, rigorous government oversight becomes essential for accountability. Yet the Administration turned much of the contract oversight work over to private companies with blatant conflicts of interest. Oversight contractors oversaw their business partners and, in some cases, were placed in a position to assist their own construction work under separate monopoly construction contracts. . . .

''Under Halliburton's two largest Iraq contracts, Pentagon auditors found $1 billion in 'questioned' costs and over $400 million in 'unsupported' costs. Former Halliburton employees testified that the company charged $45 for cases of soda, billed $100 to clean 15-pound bags of laundry, and insisted on housing its staff at the five-star Kempinski hotel in Kuwait. Halliburton truck drivers testified that the company 'torched' brand new $85,000 trucks rather than perform relatively minor repairs and regular maintenance. Halliburton procurement officials described the company's informal motto in Iraq as 'Don't worry about price. It's cost-plus.' A Halliburton manager was indicted for 'major fraud against the United States' for allegedly billing more than $5.5 billion for work that should have cost only $685,000 in exchange for a $1 million kickback from a Kuwaiti subcontractor. . . .

''The Air Force found that another U.S. government contractor, Custer Battles, set up shell subcontractors to inflate prices. Those overcharges were passed along to the U.S. government under the company's cost-plus contract to provide security for Baghdad International Airport. In one case, the company allegedly took Iraqi-owned forklifts, re-painted them, and leased them to the U.S. government.

''Despite the spending of billions of taxpayer dollars, U.S. reconstruction efforts in keys sectors of the Iraqi economy are failing. Over two years after the U.S.-led invasion of Iraq, oil and electricity production has fallen below pre-war levels. The Administration

has failed to even measure how many Iraqis lack access to drinkable water.''

''Constitution in Crisis,'' a book by Congressman John Conyers, details the Bush Administration's response when contract abuse is made public:

''Bunnatine Greenhouse was the chief contracting officer at the Army Corps of Engineers, the agency that has managed much of the reconstruction work in Iraq. In October 2004, Ms. Greenhouse came forward and revealed that top Pentagon officials showed improper favoritism to Halliburton when awarding military contracts to Halliburton subsidiary Kellogg Brown & Root (KBR). Greenhouse stated that when the Pentagon awarded Halliburton a five-year $7 billion contract, it pressured her to withdraw her objections, actions which she claimed were unprecedented in her experience.

''On June 27, 2005, Ms. Greenhouse testified before Congress, detailing that the contract award process was compromised by improper influence by political appointees, participation by Halliburton officials in meetings where bidding requirements were discussed, and a lack of competition. She stated that the Halliburton contracts represented ''the most blatant and improper contract abuse I have witnessed during the course of my professional career.'' Days before the hearing, the acting general counsel of the Army Corps of Engineers paid Ms. Greenhouse a visit and reportedly let it be known that it would not be in her best interest to appear voluntarily.

''On August 27, 2005, the Army demoted Ms. Greenhouse, removing her from the elite Senior Executive Service and transferring her to a lesser job in the corps' civil works division. As Frank Rich of The New York Times described the situation, '[H]er crime was not obstructing justice but pursuing it by vehemently questioning irregularities in the awarding of some $7 billion worth of no-bid contracts in Iraq to the Halliburton subsidiary Kellogg Brown Root.' The demotion was in apparent retaliation for her speaking out against the abuses, even though she previously had stellar reviews and over 20 years of experience in military procurement.''

The House Committee on Oversight and Government Reform reports on domestic contracting:

''The Administration's domestic contracting record is no better than its record on Iraq. Waste, fraud, and abuse appear to be the rule rather than the exception. . . .

''A Transportation Security Administration (TSA) cost-plus contract with NCS Pearson, Inc., to hire federal airport screeners was plagued by poor management and egregious waste. Pentagon auditors challenged $303 million (over 40%) of the $741 million spent by Pearson under the contract. The auditors detailed numerous concerns with the charges of Pearson and its subcontractors, such as '$20-an-hour temporary workers billed to the government at $48 per hour, subcontractors who signed out $5,000 in cash at a time with no supporting documents, $377,273.75 in unsubstantiated long distance phone calls, $514,201 to rent tents that flooded in a rainstorm, [and] $4.4 million in ''no show'' fees for job candidates who did not appear for tests.' A Pearson employee who supervised Pearson's hiring efforts at 43 sites in the U.S. described the contract as 'a waste a taxpayer's money.' The CEO of one Pearson subcontractor paid herself $5.4 million for nine months work and provided herself with a $270,000 pension. . . .

''The Administration is spending $239 million on the Integrated Surveillance and Intelligence System, a no-bid contract to provide thousands of cameras and sensors to monitor activity on the Mexican and Canadian borders. Auditors found that the contractor, International Microwave Corp., billed for work it never did and charged for equipment it never provided, 'creat[ing] a potential for overpayments of almost $13 million.' Moreover, the border monitoring system reportedly does not work. . . .

''After spending more than $4.5 billion on screening equipment for the nation's entry points, the Department of Homeland Security is now 'moving to replace or alter much of' it because 'it is ineffective, unreliable or too expensive to operate.' For example, radiation monitors at ports and borders reportedly could not 'differentiate between radiation emitted by a nuclear bomb and naturally occurring radiation from everyday material like cat litter or ceramic tile.' . . .

''The TSA awarded Boeing a cost-plus contract to install over 1,000 explosive detection systems for airline passenger luggage. After installation, the machines 'began to register false alarms' and '[s]creeners were forced to open and hand-check bags.' To reduce the number of false alarms, the sensitivity of the machines was lowered, which reduced the effectiveness of the detectors. Despite these serious problems, Boeing received an $82 million profit that the Inspector General determined to be 'excessive.' . . .

''The FBI spent $170 million on a 'Virtual Case File' system that does not operate as required. After three years of work under a cost-plus contract failed to produce a functional system, the FBI scrapped the program and began work on the new 'Sentinel' Case File System. . . .

''The Department of Homeland Security Inspector General found that taxpayer dollars were being lavished on perks for agency officials. One IG report found that TSA spent over $400,000 on its first leader's executive office suite. Another found that TSA spent $350,000 on a gold-plated gym. . . .

''According to news reports, Pentagon auditors . . . examined a contract between the Transportation Security Administration (TSA) and Unisys, a technology and consulting company, for the upgrade of airport computer networks. Among other irregularities, government auditors found that Unisys may have overbilled for as much as 171,000 hours of labor and overtime by charging for employees at up to twice their actual rate of compensation. While the cost ceiling for the contract was set at $1 billion, Unisys has reportedly billed the government $940 million with more than half of the seven-year contract remaining and more than half of the TSA-monitored airports still lacking upgraded networks.''

In all of these actions and decisions, President George W. Bush has acted in a manner contrary to his trust as President and Commander in Chief, and subversive of constitutional government, to the prejudice of the cause of law and justice and to the manifest injury of the people of the United States. Wherefore, President George W. Bush, by such conduct, is guilty of an impeachable offense warranting removal from office.

ARTICLE XVII.—ILLEGAL DETENTION: DETAINING INDEFINITELY AND WITHOUT CHARGE PERSONS BOTH U.S. CITIZENS AND FOREIGN CAPTIVES

In his conduct while President of the United States, George W. Bush, in violation of his constitutional oath to faithfully execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States, and in violation of his constitutional duty under Article II, Section 3 of the Constitution ''to take care that the laws be faithfully executed'', has both personally and acting through his agents and subordinates, together with the Vice President, violated United States and International Law and the US Constitution by illegally detaining indefinitely and without charge persons both US citizens and foreign captives.

In a statement on Feb. 7, 2002, President Bush declared that in the US fight against Al Qaeda, ''none of the provisions of Geneva apply,'' thus rejecting the Geneva Conventions that protect captives in wars and other conflicts. By that time, the administration was already transporting captives from the war in Afghanistan, both alleged Al Qaeda members and supporters, and also Afghans accused of being fighters in the army of the Taliban government, to US-run prisons in Afghanistan and to the detention facility at Guantanamo Bay, Cuba. The round-up and detention without charge of Muslim noncitizens inside the US began almost immediately after the September 11, 2001 attacks on the World Trade Center and the Pentagon, with some being held as long as nine months. The US, on orders of the president, began capturing and detaining without charge alleged terror suspects in other countries and detaining them abroad and at the US Naval base in Guantanamo.

Many of these detainees have been subjected to systematic abuse, including beatings, which have been subsequently documented by news reports, photographic evidence, testimony in Congress, lawsuits, and in the case of detainees in the US, by an investigation conducted by the Justice Department's Office of the Inspector General.

In violation of US law and the Geneva Conventions, the Bush Administration instructed the Department of Justice and the US Department of Defense to refuse to provide the identities or locations of these detainees, despite requests from Congress and from attorneys for the detainees. The president even declared the right to detain US citizens indefinitely, without charge and without providing them access to counsel or the courts, thus depriving them of their constitutional and basic human rights. Several of those US citizens were held in military brigs in solitary confinement for as long as three years before being either released or transferred to civilian detention.

Detainees in US custody in Iraq and Guantanamo have, in violation of the Geneva Conventions, been hidden from and denied visits by the International Red Cross organization, while thousands of others in Iraq, Guantanamo, Afghanistan, ships in foreign off-shore sites, and an unknown number of so-called ''black sites'' around the world have been denied any opportunity to challenge their detentions. The president, acting on his own claimed authority, has declared the hundreds of detainees at Guantanamo Bay to be ''enemy combatants'' not subject to US law and not even subject to military law, but nonetheless potentially liable to the death penalty.

The detention of individuals without due process violates the 5th Amendment. While the Bush administration has been rebuked in several court cases, most recently that of Ali al-Marri, it continues to attempt to exceed constitutional limits.

In all of these actions violating US and International law, President George W. Bush has acted in a manner contrary to his trust as President and Commander in Chief, and subversive of constitutional government, to the prejudice of the cause of law and justice and to the manifest injury of the people of the United States. Wherefore, President George W. Bush, by such conduct, is guilty of an impeachable offense warranting removal from office.

ARTICLE XVIII.—TORTURE: SECRETLY AUTHORIZING, AND ENCOURAGING THE USE OF TORTURE AGAINST CAPTIVES IN AFGHANISTAN, IRAQ, AND OTHER PLACES, AS A MATTER OF OFFICIAL POLICY

In his conduct while President of the United States, George W. Bush, in violation of his constitutional oath to faithfully execute the office of President of the United

States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States, and in violation of his constitutional duty under Article II, Section 3 of the Constitution ''to take care that the laws be faithfully executed'', has both personally and acting through his agents and subordinates, together with the Vice President, violated United States and International Law and the US Constitution by secretly authorizing and encouraging the use of torture against captives in Afghanistan, Iraq in connection with the so-called ''war'' on terror.

In violation of the Constitution, US law, the Geneva Conventions (to which the US is a signatory), and in violation of basic human rights, torture has been authorized by the President and his administration as official policy. Water-boarding, beatings, faked executions, confinement in extreme cold or extreme heat, prolonged enforcement of painful stress positions, sleep deprivation, sexual humiliation, and the defiling of religious articles have been practiced and exposed as routine at Guantanamo, at Abu Ghraib Prison and other US detention sites in Iraq, and at Bagram Air Base in Afghanistan. The president, besides bearing responsibility for authorizing the use of torture, also as Commander in Chief, bears ultimate responsibility for the failure to halt these practices and to punish those responsible once they were exposed.

The administration has sought to claim the abuse of captives is not torture, by redefining torture. An August 1, 2002 memorandum from the Administration's Office of Legal Counsel Jay S. Bybee addressed to White House Counsel Alberto R. Gonzales concluded that to constitute torture, any pain inflicted must be akin to that accompanying ''serious physical injury, such as organ failure, impairment of bodily function, or even death.'' The memorandum went on to state that even should an act constitute torture under that minimal definition, it might still be permissible if applied to ''interrogations undertaken pursuant to the President's Commander-in-Chief powers.'' The memorandum further asserted that ''necessity or self-defense could provide justifications that would eliminate any criminal liability.''

This effort to redefine torture by calling certain practices simply ''enhanced interrogation techniques'' flies in the face of the Third Geneva Convention Relating to the Treatment of Prisoners of War, which states that ''No physical or mental torture, nor any other form of coercion, may be inflicted on prisoners of war to secure from them information of any kind whatever. Prisoners of war who refuse to answer may not be threatened, insulted, or exposed to any unpleasant or disadvantageous treatment of any kind.''

Torture is further prohibited by the Universal Declaration of Human Rights, the paramount international human rights statement adopted unanimously by the United Nations General Assembly, including the United States, in 1948. Torture and other cruel, inhuman or degrading treatment or punishment is also prohibited by international treaties ratified by the United States: the International Covenant on Civil and Political Rights (ICCPR) and the Convention Against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment (CAT).

When the Congress, in the Defense Authorization Act of 2006, overwhelmingly passed a measure banning torture and sent it to the President's desk for signature, the President, who together with his vice president, had fought hard to block passage of the amendment, signed it, but then quietly appended a signing statement in which he pointedly asserted that as Commander-in-Chief, he was not bound to obey its strictures.

The administration's encouragement of and failure to prevent torture of American captives in the wars in Iraq and Afghanistan, and in the battle against terrorism, has undermined the rule of law in the US and in the US military, and has seriously damaged both the effort to combat global terrorism, and more broadly, America's image abroad. In his effort to hide torture by US military forces and the CIA, the president has defied Congress and has lied to the American people, repeatedly claiming that the US ''does not torture.''

In all of these actions and decisions in violation of US and International law, President George W. Bush has acted in a manner contrary to his trust as President and Commander in Chief, and subversive of constitutional government, to the prejudice of the cause of law and justice and to the manifest injury of the people of the United States. Wherefore, President George W. Bush, by such conduct, is guilty of an impeachable offense warranting removal from office.

ARTICLE XIX.—RENDITION: KIDNAPPING PEOPLE AND TAKING THEM AGAINST THEIR WILL TO ''BLACK SITES'' LOCATED IN OTHER NATIONS, INCLUDING NATIONS KNOWN TO PRACTICE TORTURE

In his conduct while President of the United States, George W. Bush, in violation of his constitutional oath to faithfully execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States, and in violation of his constitutional duty under Article II, Section 3 of the Constitution ''to take care that the laws be faithfully executed'', has both personally and acting through his agents and subordinates, together with the Vice President, violated United States and International Law and the US Constitution by kidnapping people and renditioning them to ''black sites'' located in other nations, including nations known to practice torture.

The president has publicly admitted that since the 9–11 attacks in 2001, the US has been kidnapping and transporting against the will of the subject (renditioning) in its so-called ''war'' on terror—even people captured by US personnel in friendly nations like Sweden, Germany, Macedonia and Italy—and ferrying them to places like Bagram Airbase in Afghanistan, and to prisons operated in Eastern European countries, African Countries and Middle Eastern countries where security forces are known to practice torture.

These people are captured and held indefinitely, without any charges being filed, and are held without being identified to the Red Cross, or to their families. Many are clearly innocent, and several cases, including one in Canada and one in Germany, have demonstrably been shown subsequently to have been in error, because of a similarity of names or because of misinformation provided to US authorities.

Such a policy is in clear violation of US and International Law, and has placed the United States in the position of a pariah state. The CIA has no law enforcement authority, and cannot legally arrest or detain anyone. The program of ''extraordinary rendition'' authorized by the president is the substantial equivalent of the policies of ''disappearing'' people, practices widely practiced and universally condemned in the military dictatorships of Latin America during the late 20th Century.

The administration has claimed that prior administrations have practiced extraordinary rendition, but, while this is technically true, earlier renditions were used only to capture people with outstanding arrest warrants or convictions who were outside in order to deliver them to stand trial or serve their sentences in the US. The president has refused to divulge how many people have been subject to extraordinary rendition since September, 2001. It is possible that some have died in captivity. As one US official has stated off the record, regarding the program, Some of those who were renditioned were later delivered to Guantanamo, while others were sent there directly. An example of this is the case of six Algerian Bosnians who, immediately after being cleared by the Supreme Court of Bosnia Herzegovina in January 2002 of allegedly plotting to attack the US and UK embassies, were captured, bound and gagged by US special forces and renditioned to Guantanamo.

In perhaps the most egregious proven case of rendition, Maher Arar, a Canadian citizen born in Syria, was picked up in September 2002 while transiting through New York's JFK airport on his way home to Canada. Immigration and FBI officials detained and interrogated him for nearly two weeks, illegally denying him his rights to access counsel, the Canadian consulate, and the courts. Executive branch officials asked him if he would volunteer to go to Syria, where he hadn't been in 15 years, and Maher refused

Maher was put on a private jet plane operated by the CIA and sent to Jordan, where he was beaten for 8 hours, and then delivered to Syria, where he was beaten and interrogated for 18 hours a day for a couple of weeks. He was whipped on his back and hands with a 2 inch thick electric cable and asked questions similar to those he had been asked in the United States. For over ten months Maher was held in an underground grave-like cell—3 6 7 feet—which was damp and cold, and in which the only light came in through a hole in the ceiling. After a year of this, Maher was released without any charges. He is now back home in Canada with his family. Upon his release, the Syrian Government announced he had no links to Al Qaeda, and the Canadian Government has also said they've found no links to Al Qaeda. The Canadian Government launched a Commission of Inquiry into the Actions of Canadian Officials in Relation to Maher Arar, to investigate the role of Canadian officials, but the Bush Administration has refused to cooperate with the Inquiry.

Hundreds of flights of CIA-chartered planes have been documented as having passed through European countries on extraordinary rendition missions like that involving Maher Arar, but the administration refuses to state how many people have been subjects of this illegal program.

The same U.S. laws prohibiting aiding and abetting torture also prohibit sending someone to a country where there is a substantial likelihood they may be tortured. Article 3 of CAT prohibits forced return where there is a ''substantial likelihood'' that an individual ''may be in danger of'' torture, and has been implemented by federal statute. Article 7 of the ICCPR prohibits return to country of origin where individuals may be ''at risk'' of either torture or cruel, inhuman or degrading treatment.

Under international Human Rights law, transferring a POW to any nation where he or she is likely to be tortured or inhumanely treated violates Article 12 of the Third Geneva Convention, and transferring any civilian who is a protected person under the Fourth Geneva Convention is a grave breach and a criminal act.

In situations of armed conflict, both international human rights law and humanitarian law apply. A person captured in the zone of military hostilities ''must have some status under international law; he is either a prisoner of war and, as such, covered by the Third Convention, [or] a civilian covered by the Fourth Convention. . . . There is no intermediate status; nobody in enemy hands

can be outside the law.'' Although the state is obligated to repatriate Prisoners of War as soon as hostilities cease, the ICRC's commentary on the 1949 Conventions states that prisoners should not be repatriated where there are serious reasons for fearing that repatriating the individual would be contrary to general principles of established international law for the protection of human beings Thus, all of the Guantanamo detainees as well as renditioned captives are protected by international human rights protections and humanitarian law.

By his actions as outlined above, the President has abused his power, broken the law, deceived the American people, and placed American military personnel, and indeed all Americans—especially those who may travel or live abroad—at risk of similar treatment. Furthermore, in the eyes of the rest of the world, the President has made the US, once a model of respect for Human Rights and respect for the rule of law, into a state where international law is neither respected nor upheld.

In all of these actions and decisions in violation of United States and International law, President George W. Bush has acted in a manner contrary to his trust as President and Commander in Chief, and subversive of constitutional government, to the prejudice of the cause of law and justice and to the manifest injury of the people of the United States. Wherefore, President George W. Bush, by such conduct, is guilty of an impeachable offense warranting removal from office.

ARTICLE XX.—IMPRISONING CHILDREN

In his conduct while President of the United States, George W. Bush, in violation of his constitutional oath to faithfully execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States, and in violation of his constitutional duty under Article II, Section 3 of the Constitution ''to take care that the laws be faithfully executed'', has both personally and acting through his agents and subordinates, authorized or permitted the arrest and detention of at least 2500 children under the age of 18 as ''enemy combatants'' in Iraq, Afghanistan, and at Guantanamo Bay Naval Station in violation of the Fourth Geneva Convention relating to the treatment of ''protected persons'' and the Optional Protocol to the Geneva Convention on the Rights of the Child on the Involvement of Children in Armed Conflict, signed by the US in 2002 . To wit:

In May 2008, the US government reported to the United Nations that it has been holding upwards of 2,500 children under the age of 18 as ''enemy combatants'' at detention centers in Iraq, Afghanistan and at Guantanamo Bay (where there was a special center, Camp Iguana, established just for holding children). The length of these detentions has frequently exceeded a year, and in some cases has stretched to five years. Some of these detainees have reached adulthood in detention and are now not being reported as child detainees because they are no longer children.

In addition to detaining children as ''enemy combatants,'' it has been widely reported in media reports that the US military in Iraq has, based upon Pentagon rules of engagement, been treating boys as young as 14 years of age as ''potential combatants,'' subject to arrest and even to being killed. In Fallujah, in the days ahead of the November 2004 all-out assault, Marines ringing the city were reported to be turning back into the city men and boys ''of combat age'' who were trying to flee the impending scene of battle—an act which in itself is a violation of the Geneva Conventions, which require combatants to permit anyone, combatants as well as civilians, to surrender, and to leave the scene of battle.

Under the Fourth Geneva Convention, to which the United States has been a signatory since 1949, children under the age of 15 captured in conflicts, even if they have been fighting, are to be considered victims, not prisoners. In 2002, the United States signed the Optional Protocol to the Geneva Convention on the Rights of the Child on the Involvement of children in Armed Conflict, which raised this age for this category of ''protected person'' to under 18.

The continued detention of such children, some as young as 10, by the US military is a violation of both convention and protocol, and as such constitutes a war crime for which the president, as commander in chief, bears full responsibility.

In all of these actions and decisions, President George W. Bush has acted in a manner contrary to his trust as President and Commander in Chief, and subversive of constitutional government, to the prejudice of the cause of law and justice and to the manifest injury of the people of the United States. Wherefore, President George W. Bush, by such conduct, is guilty of an impeachable offense warranting removal from office.

ARTICLE XXI.—MISLEADING CONGRESS AND THE AMERICAN PEOPLE ABOUT THREATS FROM IRAN, AND SUPPORTING TERRORIST ORGANIZATIONS WITHIN IRAN, WITH THE GOAL OF OVERTHROWING THE IRANIAN GOVERNMENT

In his conduct while President of the United States, George W. Bush, in violation of his constitutional oath to faithfully execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States, and in violation of his constitutional duty to take care that the laws be faithfully executed, has both personally and acting through his agents and subordinates misled the Congress and the citizens of the United States about a threat of nuclear attack from the nation of Iran.

The National Intelligence Estimate released to Congress and the public on December 4, 2007, which confirmed that the government of the nation of Iran had ceased any efforts to develop nuclear weapons, was completed in 2006. Yet, the president and his aides continued to suggest during 2007 that such a nuclear threat was developing and might already exist. National Security Adviser Stephen Hadley stated at the time the National Intelligence Estimate regarding Iran was released that the president had been briefed on its findings ''in the last few months.'' Hadley's statement establishes a timeline that shows the president knowingly sought to deceive Congress and the American people about a nuclear threat that did not exist.

Hadley has stated that the president ''was basically told: stand down'' and, yet, the president and his aides continued to make false claims about the prospect that Iran was trying to ''build a nuclear weapon'' that could lead to ''World War III.''

This evidence establishes that the president actively engaged in and had full knowledge of a campaign by his administration to make a false ''case'' for an attack on Iran, thus warping the national security debate at a critical juncture and creating the prospect of an illegal and unnecessary attack on a sovereign nation.

Even after the National Intelligence Estimate was released to Congress and the American people, the president stated that he did not believe anything had changed and suggested that he and members of his administration would continue to argue that Iran should be seen as posing a threat to the United States. He did this despite the fact that United States intelligence agencies had clearly and officially stated that this was not the case.

Evidence suggests that the Bush Administration's attempts to portray Iran as a threat are part of a broader U.S. policy toward Iran. On September 30, 2001, then-Secretary of Defense Donald Rumsfeld established an official military objective of overturning the regime in Iran, as well as those in Iraq, Syria, and four other countries in the Middle East, according to a document quoted in then-Undersecretary of Defense for Policy Douglas Feith's book, ''War and Decision.''

General Wesley Clark, reports in his book ''Winning Modern Wars'' being told by a friend in the Pentagon in November 2001 that the list of governments that Rumsfeld and Deputy Secretary of Defense Paul Wolfowitz planned to overthrow included Iraq, Iran, Syria, Libya, Sudan, and Somalia. Clark writes that the list also included Lebanon.

Journalist Gareth Porter reported in May 2008 asking Feith at a public event which of the six regimes on the Clark list were included in the Rumsfeld paper, to which Feith replied ''All of them.''

Rumsfeld's aides also drafted a second version of the paper, as instructions to all military commanders in the development of ''campaign plans against terrorism''. The paper called for military commanders to assist other government agencies ''as directed'' to ''encourage populations dominated by terrorist organizations or their supporters to overthrow that domination.''

In January 2005, Seymour Hersh reported in the New Yorker Magazine that the Bush Administration had been conducting secret reconnaissance missions inside Iran at least since the summer of 2004.

In June 2005 former United Nations weapons inspector Scott Ritter reported that United States security forces had been sending members of the Mujahedeen-e Khalq (MEK) into Iranian territory. The MEK has been designated a terrorist organization by the United States, the European Union, Canada, Iraq, and Iran. Ritter reported that the United States Central Intelligence Agency (CIA) had used the MEK to carry out remote bombings in Iran.

In April 2006, Hersh reported in the New Yorker Magazine that U.S. combat troops had entered and were operating in Iran, where they were working with minority groups including the Azeris, Baluchis, and Kurds.

Also in April 2006, Larisa Alexandrovna reported on Raw Story that the U.S. Department of Defense (DOD) was working with and training the MEK, or former members of the MEK, sending them to commit acts of violence in southern Iran in areas where recent attacks had left many dead. Raw Story reported that the Pentagon had adopted the policy of supporting MEK shortly after the 2003 invasion of Iraq, and in response to the influence of Vice President Richard B. Cheney's office. Raw Story subsequently reported that no Presidential finding, and no Congressional oversight, existed on MEK operations.

In March 2007, Hersh reported in the New Yorker Magazine that the Bush administration was attempting to stem the growth of Shiite influence in the Middle East (specifically the Iranian government and Hezbollah in Lebanon) by funding violent Sunni organizations, without any Congressional authorization or oversight. Hersh said funds had been given to ''three Sunni jihadist groups . . . connected to al Qaeda'' that ''want to take on Hezbollah.''

In April 2008, the Los Angeles Times reported that conflicts with insurgent groups along Iran's borders were understood by the Iranian government as a proxy war with the United States and were leading Iran to support its allies against the United States' occupation force in Iraq. Among the groups the

U.S. DOD is supporting, according to this report, is the Party for Free Life in Kurdistan, known by its Kurdish acronym, PEJAK. The United States has provided ''foodstuffs, economic assistance, medical supplies and Russian military equipment, some of it funneled through nonprofit groups.''

In May 2008, Andrew Cockburn reported on Counter Punch that President Bush, six weeks earlier had signed a secret finding authorizing a covert offensive against the Iranian regime. President Bush's secret directive covers actions across an area stretching from Lebanon to Afghanistan, and purports to sanction actions up to and including the funding of organizations like the MEK and the assassination of public officials.

All of these actions by the president and his agents and subordinates exhibit a disregard for the truth and a recklessness with regard to national security, nuclear proliferation and the global role of the United States military that is not merely unacceptable but dangerous in a commander-in-chief.

In all of these actions and decisions, President George W. Bush has acted in a manner contrary to his trust as President and Commander in Chief, and subversive of constitutional government, to the prejudice of the cause of law and justice and to the manifest injury of the people of the United States. Wherefore, President George W. Bush, by such conduct, is guilty of an impeachable offense warranting removal from office.

ARTICLE XXII—CREATING SECRET LAWS

In his conduct while President of the United States, George W. Bush, in violation of his constitutional oath to faithfully execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States, and in violation of his constitutional duty under Article II, Section 3 of the Constitution ''to take care that the laws be faithfully executed'', has both personally and acting through his agents and subordinates, together with the Vice President, established a body of secret laws through the issuance of legal opinions by the Department of Justice's Office of Legal Counsel (OLC).

The OLC's March 14, 2003, interrogation memorandum (''Yoo Memorandum'') was declassified years after it served as law for the executive branch. On April 29, 2008, House Judiciary Committee Chairman John Conyers and Subcommittee on the Constitution, Civil Rights and Civil Liberties Chairman Jerrold Nadler wrote in a letter to Attorney General Michael Mukasey:

''It appears to us that there was never any legitimate basis for the purely legal analysis contained in this document to be classified in the first place. The Yoo Memorandum does not describe sources and methods of intelligence gathering, or any specific facts regarding any interrogation activities. Instead, it consists almost entirely of the Department's legal views, which are not properly kept secret from Congress and the American people. J. William Leonard, the Director of the National Archive's Office of Information Security Oversight Office, and a top expert in this field concurs, commenting that '[t]he document in question is purely a legal analysis' that contains 'nothing which would justify classification.' In addition, the Yoo Memorandum suggests an extraordinary breadth and aggressiveness of OLC's secret legal opinion-making. Much attention has rightly been given to the statement in footnote 10 in the March 14, 2003, memorandum that, in an October 23, 2001, opinion, OLC concluded 'that the Fourth Amendment had no application to domestic military operations.' As you know, we have requested a copy of that memorandum on no less than four prior occasions and we continue to demand access to this important document.

''In addition to this opinion, however, the Yoo Memorandum references at least 10 other OLC opinions on weighty matters of great interest to the American people that also do not appear to have been released. These appear to cover matters such as the power of Congress to regulate the conduct of military commissions, legal constraints on the 'military detention of United States citizens,' legal rules applicable to the boarding and searching foreign ships, the President's authority to render U.S. detainees to the custody of foreign governments, and the President's authority to breach or suspend U.S. treaty obligations. Furthermore, it has been more than five years since the Yoo Memorandum was authored, raising the question how many other such memoranda and letters have been secretly authored and utilized by the Administration.

''Indeed, a recent court filing by the Department in FOIA litigation involving the Central Intelligence Agency identifies 8 additional secret OLC opinions, dating from August 6, 2004, to February 18, 2007. Given that these reflect only OLC memoranda identified in the files of the CIA, and based on the sampling procedures under which that listing was generated, it appears that these represent only a small portion of the secret OLC memoranda generated during this time, with the true number almost certainly much higher.''

Senator Russ Feingold, in a statement during an April 30, 2008, senate hearing stated:

''It is a basic tenet of democracy that the people have a right to know the law. In keeping with this principle, the laws passed by Congress and the case law of our courts have historically been matters of public record. And when it became apparent in the middle of the 20th century that federal agencies were increasingly creating a body of non-public administrative law, Congress passed several statutes requiring this law to be made public, for the express purpose of preventing a regime of 'secret law.' That purpose today is being thwarted. Congressional enactments and agency regulations are for the most part still public. But the law that applies in this country is determined not only by statutes and regulations, but also by the controlling interpretations of courts and, in some cases, the executive branch. More and more, this body of executive and judicial law is being kept secret from the public, and too often from Congress as well. . . .

''A legal interpretation by the Justice Department's Office of Legal Counsel . . . binds the entire executive branch, just like a regulation or the ruling of a court. In the words of former OLC head Jack Goldsmith, 'These executive branch precedents are ''law'' for the executive branch.' The Yoo memorandum was, for a nine-month period in 2003 until it was withdrawn by Mr. Goldsmith, the law that this Administration followed when it came to matters of torture. And of course, that law was essentially a declaration that few if any laws applied . . .

''Another body of secret law is the controlling interpretations of the Fo reign Intelligence Surveillance Act that are issued by the Foreign Intelligence Surveillance Court. FISA, of course, is the law that governs the government's ability in intelligence investigations to conduct wiretaps and search the homes of people in the United States. Under that statute, the FISA Court is directed to evaluate wiretap and search warrant applications and decide whether the standard for issuing a warrant has been met—a largely factual evaluation that is properly done behind closed doors. But with the evolution of technology and with this Administration's efforts to get the Court's blessing for its illegal wiretapping activities, we now know that the Court's role is broader, and that it is very much engaged in substantive interpretations of the governing statute. These interpretations are as much a part of this country's surveillance law as the statute itself. Without access to them, it is impossible for Congress or the public to have an informed debate on matters that deeply affect the privacy and civil liberties of all Americans . . .

''The Administration's shroud of secrecy extends to agency rules and executive pronouncements, such as Executive Orders, that carry the force of law. Through the diligent efforts of my colleague Senator Whitehouse, we have learned that OLC has taken the position that a President can 'waive' or 'modify' a published Executive Order without any notice to the public or Congress simply by not following it.''

In all of these actions and decisions, President George W. Bush has acted in a manner contrary to his trust as President and Commander in Chief, and subversive of constitutional government, to the prejudice of the cause of law and justice and to the manifest injury of the people of the United States. Wherefore, President George W. Bush, by such conduct, is guilty of an impeachable offense warranting removal from office.

In all of these actions and decisions, President George W. Bush has acted in a manner contrary to his trust as President, and subversive of constitutional government, to the prejudice of the cause of law and justice and to the manifest injury of the people of the United States. Wherefore, President George W. Bush, by such conduct, is guilty of an impeachable offense warranting removal from office.

ARTICLE XXIII—VIOLATION OF THE POSSE COMITATUS ACT

In his conduct while President of the United States, George W. Bush, in violation of his constitutional oath to faithfully execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States, and in violation of his constitutional duty under Article II, Section 3 of the Constitution ''to take care that the laws be faithfully executed'', has both personally and acting through his agents and subordinates, repeatedly and illegally established programs to appropriate the power of the military for use in law enforcement. Specifically, he has contravened U.S.C. Title 18, Section 1385, originally enacted in 1878, subsequently amended as ''Use of Army and Air Force as Posse Comitatus'' and commonly known as the Posse Comitatus Act.

The Act states:

''Whoever, except in cases and under circumstances expressly authorized by the Constitution or Act of Congress, willfully uses any part of the Army or the Air Force as a posse comitatus or otherwise to execute the laws shall be fined under this title or imprisoned not more than two years, or both.''

The Posse Comitatus Act is designed to prevent the military from becoming a national police force.

The Declaration of Independence states as a specific grievance against the British that the King had ''kept among us, in times of peace, Standing Armies without the consent of our legislatures,'' had ''affected to render the Military independent of and superior to the civil power,'' and had ''quarter[ed] large bodies of armed troops among us . . . protecting them, by a mock trial, from punishment for any murders which they should commit on the inhabitants of these States''

Despite the Posse Comitatus Act's intent, and in contravention of the law, President Bush:

(a) has used military forces for law enforcement purposes on U.S. border patrol;

(b) has established a program to use military personnel for surveillance and information on criminal activities;

(c) is using military espionage equipment to collect intelligence information for law enforcement use on civilians within the United States; and

(d) employs active duty military personnel in surveillance agencies, including the Central Intelligence Agency (CIA).

In June 2006, President Bush ordered National Guard troops deployed to the border shared by Mexico with Arizona, Texas, and California. This deployment, which by 2007 reached a maximum of 6,000 troops, had orders to ''conduct surveillance and operate detection equipment, work with border entry identification teams, analyze information, assist with communications and give administrative support to the Border Patrol'' and concerned ''. . . providing intelligence, inspecting cargo, and conducting surveillance.''

The Air Force's ''Eagle Eyes'' program encourages Air Force military staff to gather evidence on American citizens. Eagle Eyes instructs Air Force personnel to engage in surveillance and then advises them to ''alert local authorities,'' asking military staff to surveil and gather evidence on public citizens. This contravenes DoD Directive 5525.5 ''SUBJECT: DoD Cooperation with Civilian Law Enforcement'' which limits such activities.

President Bush has implemented a program to use imagery from military satellites for domestic law enforcement through the National Applications Office.

President Bush has assigned numerous active duty military personnel to civilian institutions such as the CIA and the Department of Homeland Security, both of which have responsibilities for law enforcement and intelligence.

In addition, on May 9, 2007, President Bush released ''National Security Presidential Directive/NSPD 51,'' which effectively gives the president unchecked power to control the entire government and to define that government in time of an emergency, as well as the power to determine whether there is an emergency. The document also contains ''classified Continuity Annexes.'' In July 2007 and again in August 2007 Rep. Peter DeFazio, a senior member of the House Homeland Security Committee, sought access to the classified annexes. DeFazio and other leaders of the Homeland Security Committee, including Chairman Bennie Thompson, have been denied a review of the Continuity of Government classified annexes.

In all of these actions and decisions, President George W. Bush has acted in a manner contrary to his trust as President and Commander in Chief, and subversive of constitutional government, to the prejudice of the cause of law and justice and to the manifest injury of the people of the United States. Wherefore, President George W. Bush, by such conduct, is guilty of an impeachable offense warranting removal from office.

ARTICLE XXIV.—SPYING ON AMERICAN CITIZENS, WITHOUT A COURT-ORDERED WARRANT, IN VIOLATION OF THE LAW AND THE FOURTH AMENDMENT

In his conduct while President of the United States, George W. Bush, in violation of his constitutional oath to faithfully execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States, and in violation of his constitutional duty under Article II, Section 3 of the Constitution ''to take care that the laws be faithfully executed,'' has both personally and acting through his agents and subordinates, knowingly violated the fourth Amendment to the Constitution and the Foreign Intelligence Service Act of 1978 (FISA) by authorizing warrantless electronic surveillance of American citizens to wit:

(1) The President was aware of the FISA Law requiring a court order for any wiretap as evidenced by the following:

(A) ''Now, by the way, any time you hear the United States government talking about wiretap, it requires—a wiretap requires a court order. Nothing has changed, by the way. When we're talking about chasing down terrorists, we're talking about getting a court order before we do so.'' White House Press conference on April 20, 2004. [White House Transcript]

(B) ''Law enforcement officers need a federal judge's permission to wiretap a foreign terrorist's phone, or to track his calls, or to search his property. Officers must meet strict standards to use any of the tools we're talking about.'' President Bush's speech in Baltimore Maryland on July 20th 2005. [White House Transcript]

(2) The President repeatedly ordered the NSA to place wiretaps on American citizens without requesting a warrant from FISA as evidenced by the following:

(A) ''Months after the Sept. 11 attacks, President Bush secretly authorized the National Security Agency to eavesdrop on Americans and others inside the United States to search for evidence of terrorist activity without the court-approved warrants ordinarily required for domestic spying, according to government officials.'' New York Times article by James Risen and Eric Lichtblau on December 12, 2005. [NYTimes]

(B) The President admits to authorizing the program by stating ''I have reauthorized this program more than 30 times since the September the 11th attacks, and I intend to do so for as long as our nation faces a continuing threat from al Qaeda and related groups. The NSA's activities under this authorization are thoroughly reviewed by the Justice Department and NSA's top legal officials, including NSA's general counsel and inspector general. Leaders in Congress have been briefed more than a dozen times on this authorization and the activities conducted under it.'' Radio Address from the White House on December 17, 2005. [White House Transcript]

(C) In a December 19th 2005 press conference the President publicly admitted to using a combination of surveillance techniques including some with permission from the FISA courts and some without permission from FISA.

Reporter: It was, why did you skip the basic safeguards of asking courts for permission for the intercepts?

The President: . . . We use FISA still—you're referring to the FISA court in your question—of course, we use FISAs. But FISA is for long-term monitoring. What is needed in order to protect the American people is the ability to move quickly to detect. Now, having suggested this idea, I then, obviously, went to the question, is it legal to do so? I am—I swore to uphold the laws. Do I have the legal authority to do this? And the answer is, absolutely. As I mentioned in my remarks, the legal authority is derived from the Constitution, as well as the authorization of force by the United States Congress.'' [White House Transcript]

(D) Mike McConnel, the Director of National Intelligence, in a letter to to Senator Arlen Specter, acknowledged that Bush's Executive Order in 2001 authorized a series of secret surveillance activities and included undisclosed activities beyond the warrantless surveillance of e-mails and phone calls that Bush confirmed in December 2005. ''NSA Spying Part of Broader Effort'' by Dan Eggen, Washington Post, 8/1/07.

(3) The President ordered the surveillance to be conducted in a way that would spy upon private communications between American citizens located within the United States borders as evidenced by the following:

(A) Mark Klein, a retired AT&T communications technician, submitted an affidavit in support of the Electronic Frontier Foundation's FF's lawsuit against AT&T. He testified that in 2003 he connected a ''splitter'' that sent a copy of Internet traffic and phone calls to a secure room that was operated by the NSA in the San Francisco office of AT&T. He heard from a co-worker that similar rooms were being constructed in other cities, including Seattle, San Jose, Los Angeles and San Diego. From ''Whistle-Blower Outs NSA Spy Room,'' Wired News, 4/7/06 [Wired] [EFF Case]

(4) The President asserted an inherent authority to conduct electronic surveillance based on the Constitution and the ''Authorization to use Military Force in Iraq'' (AUMF) that was not legally valid as evidenced by the following:

(A) In a December 19th, 2005 Press Briefing General Alberto Gonzales admitted that the surveillance authorized by the President was not only done without FISA warrants, but that the nature of the surveillance was so far removed from what FISA can approve that FISA could not even be amended to allow it. Gonzales stated ''We have had discussions with Congress in the past—certain members of Congress—as to whether or not FISA could be amended to allow us to adequately deal with this kind of threat, and we were advised that that would be difficult, if not impossible.''.

(B) The fourth amendment to the United States Constitution states ''The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.''

(C) ''The Foreign Intelligence Surveillance Act of 1978 unambiguously limits warrantless domestic electronic surveillance, even in a congressionally declared war, to the first 15 days of that war; criminalizes any such electronic surveillance not authorized by statute; and expressly establishes FISA and two chapters of the federal criminal code, governing wiretaps for intelligence purposes and for criminal investigation, respectively, as the ''exclusive means by which electronic surveillance . . . and the interception of domestic wire, oral, and electronic communications may be conducted.'' 50 U.S.C. 1811, 1809, 18 U.S.C. 2511(2)(f).'' Letter from Harvard Law Professor Lawrence Tribe to John Conyers on 1/6/06.

(D) In a December 19th, 2005 Press Briefing Attorney General Alberto Gonzales stated ''Our position is, is that the authorization to use force, which was passed by the Congress in the days following September 11th, constitutes that other authorization, that other statute by Congress, to engage in this kind of signals intelligence.''

(E) The ''Authorization to use Military Force in Iraq'' does not give any explicit authorization related to electronic surveillance. [HJRes114]

(F) ''From the foregoing analysis, it appears unlikely that a court would hold that Congress has expressly or impliedly authorized the NSA electronic surveillance operations here under discussion, and it would likewise appear that, to the extent that those surveillances fall within the definition of ''electronic surveillance'' within the meaning of FISA or any activity regulated under Title III, Congress intended to cover the entire field with these statutes.'' From the ''Presidential Authority to Conduct Warrantless Electronic Surveillance to Gather Foreign Intelligence Information'' by the Congressional Research Service on January 5, 2006.

(G) ''The inescapable conclusion is that the AUMF did not implicitly authorize what the FISA expressly prohibited. It follows that the presidential program of surveillance at issue here is a violation of the separation of powers—as grave an abuse of executive authority as I can recall ever having studied.'' Letter from Harvard Law Professor Lawrence Tribe to John Conyers on 1/6/06.

(H) On August 17, 2006 Judge Anna Diggs Taylor of the United States District Court in Detroit, in ACLU v. NSA, ruled that the ''NSA program to wiretap the international communications of some Americans without a court warrant violated the Constitution. . . . Judge Taylor ruled that the program violated both the Fourth Amendment and a 1978 law that requires warrants from a secret court for intelligence wiretaps involving people in the United States. She rejected the administration's repeated assertions that a 2001 Congressional authorization and the president's constitutional authority allowed the program.'' From a New York Times article ''Judge Finds Wiretap Actions Violate the Law'' 8/18/06 and the Memorandum Opinion.

(I) In July 2007, the Sixth Circuit Court of Appeals dismissed the case, ruling the plaintiffs had no standing to sue because, given the secretive nature of the surveillance, they could not state with certainty that they have been wiretapped by the NSA. This ruling did not address the legality of the surveillance so Judge Taylor's decision is the only ruling on that issue. [ACLU Legal Documents]

In all of these actions and decisions, President George W. Bush has acted in a manner contrary to his trust as President and Commander in Chief, and subversive of constitutional government, to the prejudice of the cause of law and justice and to the manifest injury of the people of the United States. Wherefore, President George W. Bush, by such conduct, is guilty of an impeachable offense warranting removal from office.

ARTICLE XXV.—DIRECTING TELECOMMUNICATIONS COMPANIES TO CREATE AN ILLEGAL AND UNCONSTITUTIONAL DATABASE OF THE PRIVATE TELEPHONE NUMBERS AND EMAILS OF AMERICAN CITIZENS

In his conduct while President of the United States, George W. Bush, in violation of his constitutional oath to faithfully execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States, and in violation of his constitutional duty under Article II, Section 3 of the Constitution ''to take care that the laws be faithfully executed,'' has both personally and acting through his agents and subordinates, violated the Stored Communications Act of 1986 and the Telecommunications Act of 1996 by creating of a very large database containing information related to the private telephone calls and emails of American citizens, to wit:

The President requested that telecommunication companies release customer phone records to the government illegally as evidenced by the following:

''The Stored Communications Act of 1986 (SCA) prohibits the knowing disclosure of customer telephone records to the government unless pursuant to subpoena, warrant or a National Security Letter (or other Administrative subpoena); with the customers lawful consent; or there is a business necessity; or an emergency involving the danger of death or serious physical injury. None of these exceptions apply to the circumstance described in the USA Today story.'' From page 169, ''George W Bush versus the US Constitution.'' Compiled at the direction of Representative John Conyers.

According to a May 11, 2006 article in USA Today by Lesley Cauley ''The National Security Agency has been secretly collecting the phone call records of tens of millions of Americans, using data provided by AT&T, Verizon and BellSouth.'' An unidentified source said 'The agency's goal is to create a database of every call ever made within the nation's borders.''

In early 2001, Qwest CEO Joseph Nacchio rejected a request from the NSA to turn over customers records of phone calls, emails and other Internet activity. Nacchio believed that complying with the request would violate the Telecommunications Act of 1996. From National Journal, November 2, 2007.

In all of these actions and decisions, President George W. Bush has acted in a manner contrary to his trust as President and Commander in Chief, and subversive of constitutional government, to the prejudice of the cause of law and justice and to the manifest injury of the people of the United States. Wherefore, President George W. Bush, by such conduct, is guilty of an impeachable offense warranting removal from office.

ARTICLE XXVI.—ANNOUNCING THE INTENT TO VIOLATE LAWS WITH SIGNING STATEMENTS, AND VIOLATING THOSE LAWS

In his conduct while President of the United States, George W. Bush, in violation of his constitutional oath to faithfully execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States, and in violation of his constitutional duty under Article II, Section 3 of the Constitution ''to take care that the laws be faithfully executed,'' has used signing statements to claim the right to violate acts of Congress even as he signs them into law.

In June 2007, the Government Accountability Office reported that in a sample of Bush signing statements the office had studied, for 30 percent of them the Bush administration had already proceeded to violate the laws the statements claimed the right to violate.

In all of these actions and decisions, President George W. Bush has acted in a manner contrary to his trust as President and Commander in Chief, and subversive of constitutional government, to the prejudice of the cause of law and justice and to the manifest injury of the people of the United States. Wherefore, President George W. Bush, by such conduct, is guilty of an impeachable offense warranting removal from office.

ARTICLE XXVII.—FAILING TO COMPLY WITH CONGRESSIONAL SUBPOENAS AND INSTRUCTING FORMER EMPLOYEES NOT TO COMPLY

In his conduct while President of the United States, George W. Bush, in violation of his constitutional oath to faithfully execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States, and in violation of his constitutional duty under Article II, Section 3 of the Constitution ''to take care that the laws be faithfully executed,'' has both personally and acting through his agents and subordinates, refused to comply with Congressional subpoenas, and instructed former employees not to comply with subpoenas.

Subpoenas not complied with include:

A House Judiciary Committee subpoena for Justice Department papers and Emails, issued April 10, 2007;

A House Oversight and Government Reform Committee subpoena for the testimony of the Secretary of State, issued April 25, 2007;

A House Judiciary Committee subpoena for the testimony of former White House Counsel Harriet Miers and documents, issued June 13, 2007;

A Senate Judiciary Committee subpoena for documents and testimony of White House Chief of Staff Joshua Bolten, issued June 13, 2007;

A Senate Judiciary Committee subpoena for documents and testimony of White House Political Director Sara Taylor, issued June 13, 2007 (Taylor appeared but refused to answer questions);

A Senate Judiciary Committee subpoena for documents and testimony of White House Deputy Chief of Staff Karl Rove, issued June 26, 2007;

A Senate Judiciary Committee subpoena for documents and testimony of White House Deputy Political Director J. Scott Jennings, issued June 26, 2007 (Jennings appeared but refused to answer questions);

A Senate Judiciary Committee subpoena for legal analysis and other documents concerning the NSA warrantless wiretapping program from the White House, Vice President Richard Cheney, The Department of Justice, and the National Security Council. If the documents are not produced, the subpoena requires the testimony of White House chief of staff Josh Bolten, Attorney General Alberto Gonzales, Cheney chief of staff David Addington, National Security Council executive director V. Philip Lago, issued June 27, 2007;

A House Oversight and Government Reform Committee subpoena for Lt. General Kensinger.

In all of these actions and decisions, President George W. Bush has acted in a manner contrary to his trust as President and Commander in Chief, and subversive of constitutional government, to the prejudice of the cause of law and justice and to the manifest injury of the people of the United States. Wherefore, President George W. Bush, by such conduct, is guilty of an impeachable offense warranting removal from office.

ARTICLE XXVIII.—TAMPERING WITH FREE AND FAIR ELECTIONS, CORRUPTION OF THE ADMINISTRATION OF JUSTICE

In his conduct while President of the United States, George W. Bush, in violation of his constitutional oath to faithfully execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States, and in violation of his constitutional duty under Article II, Section 3 of the Constitution ''to take care that the laws be faithfully executed,'' has both personally and acting through his agents and subordinates, conspired to undermine and tamper with the conduct of free and fair elections, and to corrupt the administration of justice by United States Attorneys and other employees of the Department of Justice, through abuse of the appointment power.

Toward this end, the President and Vice President, both personally and through their agents, did:

Engage in a program of manufacturing false allegations of voting fraud in targeted jurisdictions where the Democratic Party enjoyed an advantage in electoral performance or otherwise was problematic for the President's Republican Party, in order that public confidence in election results favorable to the Democratic Party be undermined;

Direct United States Attorneys to launch and announce investigations of certain leaders, candidates and elected officials affiliated with the Democratic Party at times calculated to cause the most political damage and confusion, most often in the weeks immediately preceding an election, in order that public confidence in the suitability for office of Democratic Party leaders, candidates and elected officials be undermined;

Direct United States Attorneys to terminate or scale back existing investigations of certain Republican Party leaders, candidates and elected officials allied with the George

W. Bush administration, and to refuse to pursue new or proposed investigations of certain Republican Party leaders, candidates and elected officials allied with the George W. Bush administration, in order that public confidence in the suitability of such Republican Party leaders, candidates and elected officials be bolstered or restored;

Threaten to terminate the employment of the following United States Attorneys who refused to comply with such directives and purposes;

David C. Iglesias as U.S. Attorney for the District of New Mexico;

Kevin V. Ryan as U.S. Attorney for the Northern District of California;

John L. McKay as U.S. Attorney for the Western District of Washington;

Paul K. Charlton as U.S. Attorney for the District of Arizona;

Carol C. Lam as U.S. Attorney for the Southern District of California;

Daniel G. Bogden as U.S. Attorney for the District of Nevada;

Margaret M. Chiara as U.S. Attorney for the Western District of Michigan;

Todd Graves as U.S. Attorney for the Western District of Missouri;

Harry E. ''Bud'' Cummins, III as U.S. Attorney for the Eastern District of Arkansas;

Thomas M. DiBiagio as U.S. Attorney for the District of Maryland, and;

Kasey Warner as U.S. Attorney for the Southern District of West Virginia.

Further, George W. Bush has both personally and acting through his agents and subordinates, together with the Vice President conspired to obstruct the lawful Congressional investigation of these dismissals of United States Attorneys and the related scheme to undermine and tamper with the conduct of free and fair elections, and to corrupt the administration of justice.

Contrary to his oath faithfully to execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States, and in violation of his constitutional duty to take care that the laws be faithfully executed, George W. Bush has without lawful cause or excuse directed not to appear before the Committee on the Judiciary of the House of Representatives certain witnesses summoned by duly authorized subpoenas issued by that Committee on June 13, 2007.

In refusing to permit the testimony of these witnesses George W. Bush, substituting his judgment as to what testimony was necessary for the inquiry, interposed the powers of the Presidency against the lawful subpoenas of the House of Representatives, thereby assuming to himself functions and judgments necessary to the exercise of the checking and balancing power of oversight vested in the House of Representatives.

Further, the President has both personally and acting through his agents and subordinates, together with the Vice President directed the United States Attorney for the District of Columbia to decline to prosecute for contempt of Congress the aforementioned witnesses, Joshua B. Bolten and Harriet E. Miers, despite the obligation to do so as established by statute (2 USC §194) and pursuant to the direction of the United States House of Representatives as embodied in its resolution (H. Res. 982) of February 14, 2008.

In all of these actions and decisions, President George W. Bush has acted in a manner contrary to his trust as President and Commander in Chief, and subversive of constitutional government, to the prejudice of the cause of law and justice and to the manifest injury of the people of the United States. Wherefore, President George W. Bush, by such conduct, is guilty of an impeachable offense warranting removal from office.

ARTICLE XXIX.—CONSPIRACY TO VIOLATE THE VOTING RIGHTS ACT OF 1965

In his conduct while President of the United States, George W. Bush, in violation of his constitutional oath to faithfully execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States, and in violation of his constitutional duty under Article II, Section 3 of the Constitution ''to take care that the laws be faithfully executed,'' has both personally and acting through his agents and subordinates, has willfully corrupted and manipulated the electoral process of the United States for his personal gain and the personal gain of his co-conspirators and allies; has violated the United States Constitution and law by failing to protect the civil rights of African-American voters and others in the 2004 Election, and has impeded the right of the people to vote and have their vote properly and accurately counted, in that:

A. On November 5, 2002, and prior thereto, James Tobin, while serving as the regional director of the National Republican Senatorial Campaign Committee and as the New England Chairman of Bush-Cheney '04 Inc., did, at the direction of the White House under the administration of George W. Bush, along with other agents both known and unknown, commit unlawful acts by aiding and abetting a scheme to use computerized hang-up calls to jam phone lines set up by the New Hampshire Democratic Party and the Manchester firefighters' union on Election Day;

B. An investigation by the Democratic staff of the House Judiciary Committee into the voting procedures in Ohio during the 2004 election found ''widespread instances of intimidation and misinformation in violation of the Voting Rights Act, the Civil Rights Act of 1968, Equal Protection, Due Process and the Ohio right to vote;''

C. The 14th Amendment Equal Protection Clause guarantees that no minority group will suffer disparate treatment in a federal, state, or local election in stating that: ''No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.'' However, during and at various times of the year 2004, John Kenneth Blackwell, then serving as the Secretary of State for the State of Ohio and also serving simultaneously as Co-Chairman of the Committee to Re-Elect George W. Bush in the State of Ohio, did, at the direction of the White House under the administration of George W. Bush, along with other agents both known and unknown, commit unlawful acts in violation of the Equal Protection Clause of the 14th Amendment to the United States Constitution by failing to protect the voting rights of African-American citizens in Ohio and further, John Kenneth Blackwell did disenfranchise African-American voters under color of law, by

(i) Willfully denying certain neighborhoods in the cities of Cleveland, Ohio and Columbus, Ohio, along with other urban areas in the State of Ohio, an adequate number of electronic voting machines and provisional paper ballots, thereby unlawfully impeding duly registered voters from the act of voting and thus violating the civil rights of an unknown number of United States citizens.

a. In Franklin County, George W. Bush and his agent, Ohio Secretary of State John Kenneth Blackwell, Co-Chair of the Bush-Cheney Re-election Campaign, failed to protect the rights of African-American voters by not properly investigating the withholding of 125 electronic voting machines assigned to the city of Columbus.

b. Forty-two African-American precincts in Columbus were each missing one voting machine that had been present in the 2004 primary.

c. African-American voters in the city of Columbus were forced to wait three to seven hours to vote in the 2004 presidential election.

(ii) Willfully issuing unclear and conflicting rules regarding the methods and manner of becoming a legally registered voter in the State of Ohio, and willfully issuing unclear and unnecessary edicts regarding the weight of paper registration forms legally acceptable to the State of Ohio, thereby creating confusion for both voters and voting officials and thus impeding the right of an unknown number of United States citizens to register and vote.

a. Ohio Secretary of State John Kenneth Blackwell directed through Advisory 2004–31 that voter registration forms, which were greatest in urban minority areas, should not be accepted and should be returned unless submitted on 80 bond paper weight. Blackwell's own office was found to be using 60 bond paper weight.

(iii) Willfully permitted and encouraged election officials in Cleveland, Cincinnati and Toledo to conduct a massive partisan purge of registered voter rolls, eventually expunging more than 300,000 voters, many of whom were duly registered voters, and who were thus deprived of their constitutional right to vote;

a. Between the 2000 and 2004 Ohio presidential elections, 24.93% of the voters in the city of Cleveland, a city with a majority of African American citizens, were purged from the voting rolls.

b. In that same period, the Ohio county of Miami, with census data indicating a 98% Caucasian population, refused to purge any voters from its rolls. Miami County ''merged'' voters from other surrounding counties into its voting rolls and even allowed voters from other states to vote.

c. In Toledo, Ohio, an urban city with a high African-American concentration, 28,000 voters were purged from the voting rolls in August of 2004, just prior to the presidential election. This purge was conducted under the control and direction of George W. Bush's agent, Ohio Secretary of State John Kenneth Blackwell outside of the regularly established cycle of purging voters in odd-numbered years.

(iv) Willfully allowing Ohio Secretary of State John Kenneth Blackwell, acting under color of law and as an agent of George W. Bush, to issue a directive that no votes would be counted unless cast in the right precinct, reversing Ohio's long-standing practice of counting votes for president if cast in the right county.

(v) Willfully allowing his agent, Ohio Secretary of State John Kenneth Blackwell, the Co-Chair of the Bush-Cheney Re-election Campaign, to do nothing to assure the voting rights of 10,000 people in the city of Cleveland when a computer error by the private vendor Diebold Election Systems, Inc. incorrectly disenfranchised 10,000 voters

(vi) Willfully allowing his agent, Ohio Secretary of State John Kenneth Blackwell, the Co-Chair of the Bush-Cheney Re-election Campaign, to ensure that uncounted and provisional ballots in Ohio's 2004 presidential election would be disproportionately concentrated in urban African-American districts.

a. In Ohio's Lucas County, which includes Toledo, 3,122 or 41.13% of the provisional ballots went uncounted under the direction of George W. Bush's agent, the Secretary of State of Ohio, John Kenneth Blackwell, Co-Chair of the Committee to Re-Elect Bush/Cheney in Ohio.

b. In Ohio's Cuyahoga County, which includes Cleveland, 8,559 or 32.82% of the provisional ballots went uncounted.

c. In Ohio's Hamilton County, which includes Cincinnati, 3,529 or 24.23% of the provisional ballots went uncounted.

d. Statewide, the provisional ballot rejection rate was 9% as compared to the greater figures in the urban areas.

D. The Department of Justice, charged with enforcing the Voting Rights Act of 1965, the 14th Amendment's Equal Protection Clause, and other voting rights laws in the United States of America, under the direction and Administration of George W. Bush did willfully and purposely obstruct and stonewall legitimate criminal investigations into myriad cases of reported electoral fraud and suppression in the state of Ohio. Such activities, carried out by the department on behalf of George W. Bush in counties such as Franklin and Knox by persons such as John K. Tanner and others, were meant to confound and whitewash legitimate legal criminal investigations into the suppression of massive numbers of legally registered voters and the removal of their right to cast a ballot fairly and freely in the state of Ohio, which was crucial to the certified electoral victory of George W. Bush in 2004.

E. On or about November 1, 2006, members of the United States Department of Justice, under the control and direction of the Administration of George W. Bush, brought indictments for voter registration fraud within days of an election, in order to directly effect the outcome of that election for partisan purposes, and in doing so, thereby violated the Justice Department's own rules against filing election-related indictments close to an election;

F. Emails have been obtained showing that the Republican National Committee and members of Bush-Cheney '04 Inc., did, at the direction of the White House under the administration of George W. Bush, engage in voter suppression in five states by a method know as ''vote caging,'' an illegal voter suppression technique;

G. Agents of George W. Bush, including Mark F. ''Thor'' Hearne, the national general counsel of Bush/Cheney '04, Inc., did, at the behest of George W. Bush, as members of a criminal front group, distribute known false information and propaganda in the hopes of forwarding legislation and other actions that would result in the disenfranchisement of Democratic voters for partisan purposes. The scheme, run under the auspices of an organization known as ''The American Center for Voting Rights'' (ACVR), was funded by agents of George W. Bush in violation of laws governing tax exempt 501(c)3 organizations and in violation of federal laws forbidding the distribution of such propaganda by the federal government and agents working on its behalf.

H. Members of the United States Department of Justice, under the control and direction of the Administration of George W. Bush, did, for partisan reasons, illegally and with malice aforethought block career attorneys and other officials in the Department of Justice from filing three lawsuits charging local and county governments with violating the voting rights of African-Americans and other minorities, according to seven former senior United States Justice Department employees.

I. Members of the United States Department of Justice, under the control and direction of the Administration of George W. Bush, did illegally and with malice aforethought derail at least two investigations into possible voter discrimination, according to a letter sent to the Senate Rules and Administration Committee and written by former employees of the United States Department of Justice, Voting Rights Section.

J. Members of the United States Election Assistance Commission (EAC), under the control and direction of the Administration of George W. Bush, have purposefully and willfully misled the public, in violation of several laws, by;

(i) Withholding from the public and then altering a legally mandated report on the true measure and threat of Voter Fraud, as commissioned by the EAC and completed in June 2006, prior to the 2006 mid-term election, but withheld from release prior to that election when its information would have been useful in the administration of elections across the country, because the results of the statutorily required and tax-payer funded report did not conform with the illegal, partisan propaganda efforts and politicized agenda of the Bush Administration;

(ii) Withholding from the public a legally mandated report on the disenfranchising effect of Photo Identification laws at the polling place, shown to disproportionately disenfranchise voters not of George W. Bush's political party. The report was commissioned by the EAC and completed in June 2006, prior to the 2006 mid-term election, but withheld from release prior to that election when its information would have been useful in the administration of elections across the country

(iii) Withholding from the public a legally mandated report on the effectiveness of Provisional Voting as commissioned by the EAC and completed in June 2006, prior to the 2006 mid-term election, but withheld from release prior to that election when its information would have been useful in the administration of elections across the country, and keeping that report unreleased for more than a year until it was revealed by independent media outlets.

For directly harming the rights and manner of suffrage, for suffering to make them secret and unknowable, for overseeing and participating in the disenfranchisement of legal voters, for instituting debates and doubts about the true nature of elections, all against the will and consent of local voters affected, and forced through threats of litigation by agents and agencies overseen by George W. Bush, the actions of Mr. Bush to do the opposite of securing and guaranteeing the right of the people to alter or abolish their government via the electoral process, being a violation of an inalienable right, and an immediate threat to Liberty.

In all of these actions and decisions, President George W. Bush has acted in a manner contrary to his trust as President and Commander in Chief, and subversive of constitutional government, to the prejudice of the cause of law and justice and to the manifest injury of the people of the United States. Wherefore, President George W. Bush, by such conduct, is guilty of an impeachable offense warranting removal from office.

ARTICLE XXX.—MISLEADING CONGRESS AND THE AMERICAN PEOPLE IN AN ATTEMPT TO DESTROY MEDICARE

In his conduct while President of the United States, George W. Bush, in violation of his constitutional oath to faithfully execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States, and in violation of his constitutional duty under Article II, Section 3 of the Constitution ''to take care that the laws be faithfully executed'', has both personally and acting through his agents and subordinates, together with the Vice President, pursued policies which deliberately drained the fiscal resources of Medicare by forcing it to compete with subsidized private insurance plans which are allowed to arbitrarily select or not select those they will cover; failing to provide reasonable levels of reimbursements to Medicare providers, thereby discouraging providers from participating in the program, and designing a Medicare Part D benefit without cost controls which allowed pharmaceutical companies to gouge the American taxpayers for the price of prescription drugs.

The President created, manipulated, and disseminated information given to the citizens and Congress of the United States in support of his prescription drug plan for Medicare that enriched drug companies while failing to save beneficiaries sufficient money on their prescription drugs. He misled Congress and the American people into thinking the cost of the benefit was $400 billion. It was widely understood that if the cost exceeded that amount, the bill would not pass due to concerns about fiscal irresponsibility.

A Medicare Actuary who possessed information regarding the true cost of the plan, $539 billion, was instructed by the Medicare Administrator to deny Congressional requests for it. The Actuary was threatened with sanctions if the information was disclosed to Congress, which, unaware of the information, approved the bill. Despite the fact that official cost estimates far exceeded $400 billion, President Bush offered assurances to Congress that the cost was $400 billion, when his office had information to the contrary. In the House of Representatives, the bill passed by a single vote and the Conference Report passed by only 5 votes. The White House knew the actual cost of the drug benefit was high enough to prevent its passage. Yet the White House concealed the truth and impeded an investigation into its culpability.

In all of these actions and decisions, President George W. Bush has acted in a manner contrary to his trust as President and Commander in Chief, and subversive of constitutional government, to the prejudice of the cause of law and justice and to the manifest injury of the people of the United States. Wherefore, President George W. Bush, by such conduct, is guilty of an impeachable offense warranting removal from office.

ARTICLE XXXI.—KATRINA: FAILURE TO PLAN FOR THE PREDICTED DISASTER OF HURRICANE KATRINA, FAILURE TO RESPOND TO A CIVIL EMERGENCY

In his conduct while President of the United States, George W. Bush, in violation of his constitutional oath to faithfully execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States, and in violation of his constitutional duty under Article II, Section 3 of the Constitution ''to take care that the laws be faithfully executed'', has both personally and acting through his agents and subordinates, failed to take sufficient action to protect life and property prior to and in the face of Hurricane Katrina in 2005, given decades of foreknowledge of the dangers of storms to New Orleans and specific forewarning in the days prior to the storm. The President failed to prepare for predictable and predicted disasters, failed to respond to an immediate need of which he was informed, and has subsequently failed to rebuild the section of our nation that was destroyed.

Hurricane Katrina killed at least 1,282 people, with 2 million more displaced. 302,000 housing units were destroyed or damaged by the hurricane, 71% of these were low-income units. More than 500 sewage plants were destroyed, more than 170 point-source leakages of gasoline, oil, or natural gas, more than 2000 gas stations submerged, several chemical plants, 8 oil refineries, and a superfund site was submerged. 8 million gallons of oil were spilled. Toxic materials seeped into floodwaters and spread through much of the city and surrounding areas.

The predictable increased strength of hurricanes such as Katrina has been identified

by scientists for years, and yet the Bush Administration has denied this science and restricted such information from official reports, publications, and the National Oceanic and Atmospheric Agency's website. Donald Kennedy, editor-in-chief of Science, wrote in 2006 that ''hurricane intensity has increased with oceanic surface temperatures over the past 30 years. The physics of hurricane intensity growth . . . has clarified and explained the thermodynamic basis for these observations. [Kerry] Emanuel has tested this relationship and presented convincing evidence.''

FEMA's 2001 list of the top three most likely and most devastating disasters were a San Francisco earthquake, a terrorist attack on New York, and a Category 4 hurricane hitting New Orleans, with New Orleans being the number one item on that list. FEMA conducted a five-day hurricane simulation exercise in 2004, ''Hurricane Pam,'' mimicking a Katrina-like event. This exercise combined the National Weather Service, the U.S. Army Corps of Engineers, the LSU Hurricane Center and other state and federal agencies, resulting in the development of emergency response plans. The exercise demonstrated, among other things, that thousands of mainly indigent New Orleans residents would be unable to evacuate on their own. They would need substantial government assistance. These plans, however, were not implemented in part due to the President's slashing of funds for protection. In the year before Hurricane Katrina hit, the President continued to cut budgets and deny grants to the Gulf Coast. In June of 2004 the Army Corps of Engineers levee budget for New Orleans was cut, and it was cut again in June of 2005, this time by $71.2 million or a whopping 44% of the budget. As a result, ACE was forced to suspend any repair work on the levees. In 2004 FEMA denied a Louisiana disaster mitigation grant request.

The President was given multiple warnings that Hurricane Katrina had a high likelihood of causing serious damage to New Orleans and the Gulf Coast. At 10 AM on Sunday 28 August 2005, the day before the storm hit, the National Weather Service published an alert titled ''DEVASTATING DAMAGE EXPECTED.'' Printed in all capital letters, the alert stated that ''MOST OF THE AREA WILL BE UNINHABITABLE FOR WEEKS . . . PERHAPS LONGER. AT LEAST ONE HALF OF WELL CONSTRUCTED HOMES WILL HAVE ROOF AND WALL FAILURE. . . . POWER OUTAGES WILL LAST FOR WEEKS. . . . WATER SHORTAGES WILL MAKE HUMAN SUFFERING INCREDIBLE BY MODERN STANDARDS.''

The Homeland Security Department also briefed the President on the scenario, warning of levee breaches and severe flooding. According to the New York Times, ''a Homeland Security Department report submitted to the White House at 1:47 a.m. on Aug. 29, hours before the storm hit, said, 'Any storm rated Category 4 or greater will likely lead to severe flooding and/or levee breaching.'''' These warnings clearly contradict the statements made by President Bush immediately after the storm that such devastation could not have been predicted. On 1 September 2005 the President said ''I don't think anyone anticipated the breach of the levees.''

The President's response to Katrina via FEMA and DHS was criminally delayed, indifferent, and inept. The only FEMA employee posted in New Orleans in the immediate aftermath of Hurricane Katrina, Marty Bahamonde, emailed head of FEMA Michael Brown from his Blackberry device on August 31, 2005 regarding the conditions. The email was urgent and detailed and indicated that ''The situation is past critical . . . Estimates are many will die within hours.'' Brown's reply was emblematic of the administration's entire response to the catastrophe: ''Thanks for the update. Anything specific I need to do or tweak?'' The Secretary of Homeland Security, Michael Chertoff, did not declare an emergency, did not mobilize the federal resources, and seemed to not even know what was happening on the ground until reporters told him.

On Friday August 26, 2005, Governor Kathleen Blanco declared a State of Emergency in Louisiana and Governor Haley Barbour of Mississippi followed suit the next day. Also on that Saturday, Governor Blanco asked the President to declare a Federal State of Emergency, and on 28 August 2005, the Sunday before the storm hit, Mayor Nagin declared a State of Emergency in New Orleans. This shows that the local authorities, responding to federal warnings, knew how bad the destruction was going to be and anticipated being overwhelmed. Failure to act under these circumstances demonstrates gross negligence.

In all of these actions and decisions, President George W. Bush has acted in a manner contrary to his trust as President and Commander in Chief, and subversive of constitutional government, to the prejudice of the cause of law and justice and to the manifest injury of the people of the United States. Wherefore, President George W. Bush, by such conduct, is guilty of an impeachable offense warranting removal from office.

ARTICLE XXXII.—MISLEADING CONGRESS AND THE AMERICAN PEOPLE, SYSTEMATICALLY UNDERMINING EFFORTS TO ADDRESS GLOBAL CLIMATE CHANGE

In his conduct while President of the United States, George W. Bush, in violation of his constitutional oath to faithfully execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States, and in violation of his constitutional duty under Article II, Section 3 of the Constitution ''to take care that the laws be faithfully executed'', has both personally and acting through his agents and subordinates, together with the Vice President, ignored the peril to life and property posed by global climate change, manipulated scientific information and mishandled protective policy, constituting nonfeasance and malfeasance in office, abuse of power, dereliction of duty, and deception of Congress and the American people.

President Bush knew the expected effects of climate change and the role of human activities in driving climate change. This knowledge preceded his first Presidential term.

1. During his 2000 Presidential campaign, he promised to regulate carbon dioxide emissions.

2. In 2001, the Intergovernmental Panel on Climate Change, a global body of hundreds of the world's foremost experts on climate change, concluded that ''most of observed warming over last 50 years (is) likely due to increases in greenhouse gas concentrations due to human activities.'' The Third Assessment Report projected several effects of climate change such as continued ''widespread retreat'' of glaciers, an ''increase threats to human health, particularly in lower income populations, predominantly within tropical/subtropical countries,'' and ''water shortages.''

3. The grave danger to national security posed by global climate change was recognized by the Pentagon's Defense Advanced Planning Research Projects Agency in October of 2003. An agency-commissioned report ''explores how such an abrupt climate change scenario could potentially de-stabilize the geo-political environment, leading to skirmishes, battles, and even war due to resource constraints such as: 1) Food shortages due to decreases in net global agricultural production 2) Decreased availability and quality of fresh water in key regions due to shifted precipitation patters, causing more frequent floods and droughts 3) Disrupted access to energy supplies due to extensive sea ice and storminess.''

4. A December 2004 paper in Science reviewed 928 studies published in peer reviewed journals to determine the number providing evidence against the existence of a link between anthropogenic emissions of carbon dioxide and climate change. ''Remarkably, none of the papers disagreed with the consensus position.''

5. The November 2007 Inter-Governmental Panel on Climate Change (IPCC) Fourth Assessment Report showed that global anthropogenic emissions of greenhouse gasses have increased 70% between 1970 and 2004, and anthropogenic emissions are very likely the cause of global climate change. The report concluded that global climate change could cause the extinction of 20 to 30 percent of species in unique ecosystems such as the polar areas and biodiversity hotspots, increase extreme weather events especially in the developing world, and have adverse effects on food production and fresh water availability.

The President has done little to address this most serious of problems, thus constituting an abuse of power and criminal neglect. He has also actively endeavored to undermine efforts by the federal government, states, and other nations to take action on their own.

1. In March 2001, President Bush announced the U.S. would not be pursuing ratification of the Kyoto Protocol, an international effort to reduce greenhouse gasses. The United States is the only industrialized nation that has failed to ratify the accord.

2. In March of 2008, Representative Henry Waxman wrote to EPA Administrator Stephen Johnson: ''In August 2003, the Bush Administration denied a petition to regulate CO2 emissions from motor vehicles by deciding that CO2 was not a pollutant under the Clean Air Act. In April 2007, the U.S. Supreme Court overruled that determination in Massachusetts v. EPA. The Supreme Court wrote that 'If EPA makes a finding of endangerment, the Clean Air Act requires the agency to regulate emissions of the deleterious pollutant from new motor vehicles.' The EPA then conducted an extensive investigation involving 60–70 staff who concluded that 'CO2 emissions endanger both human health and welfare.' These findings were submitted to the White House, after which work on the findings and the required regulations was halted.''

3. A Memo to Members of the Committee on Oversight and Government Reform on May 19, 2008 stated ''The record before the Committee shows: (1) the career staff at EPA unanimously supported granting California's petition (to be allowed to regulate greenhouse gas emissions from cars and trucks, consistent with California state law); (2) Stephen Johnson, the Administrator of EPA, also supported granting California's petition at least in part; and (3) Administrator Johnson reversed his position after communications with officials in the White House.''

The President has suppressed the release of scientific information related to global climate change, an action which undermines Congress' ability to legislate and provide oversight, and which has thwarted efforts to prevent global climate change despite the serious threat that it poses.

1. In February, 2001, ExxonMobil wrote a memo to the White House outlining ways to influence the outcome of the Third Assessment report by the Intergovernmental Panel on Climate Change. The memo opposed the reelection of Dr. Robert Watson as the IPCC Chair. The White House then supported an

opposition candidate, who was subsequently elected to replace Dr. Watson.

2. The New York Times on January 29, 2006, reported that James Hansen, NASA's senior climate scientist was warned of ''dire consequences'' if he continued to speak out about global climate change and the need for reducing emissions of associated gasses. The Times also reported that: ''At climate laboratories of the National Oceanic and Atmospheric Administration, for example, many scientists who routinely took calls from reporters five years ago can now do so only if the interview is approved by administration officials in Washington, and then only if a public affairs officer is present or on the phone.''

3. In December of 2007, the House Committee on Oversight and Government Reform issued a report based on 16 months of investigation and 27,000 pages of documentation. According to the summary: ''The evidence before the Committee leads to one inescapable conclusion: the Bush Administration has engaged in a systematic effort to manipulate climate change science and mislead policy makers and the public about the dangers of global warming.'' The report described how the White House appointed former petroleum industry lobbyist Phil Cooney as head of the Council on Environmental Quality. The report states ''There was a systematic White House effort to minimize the significance of climate change by editing climate change reports. CEQ Chief of Staff Phil Cooney and other CEQ officials made at least 294 edits to the Administration's Strategic Plan of the Climate Change Science Program to exaggerate or emphasize scientific uncertainties or to de-emphasize or diminish the importance of the human role in global warming.''

4. On April 23, 2008, Representative Henry Waxman wrote a letter to EPA Administrator Stephen L Johnson. In it he reported: ''Almost 1,600 EPA scientists completed the Union of Concerned Scientists survey questionnaire. Over 22 percent of these scientists reported that 'selective or incomplete use of data to justify a specific regulatory outcome' occurred 'frequently' or 'occasionally' at EPA. Ninety-four EPA scientists reported being frequently or occasionally directed to inappropriately exclude or alter technical information from an EPA scientific document. Nearly 200 EPA scientists said that they have frequently or occasionally been in situations in which scientists have actively objected to, resigned from or removed themselves from a project because of pressure to change scientific findings.''

In all of these actions and decisions, President George W. Bush has acted in a manner contrary to his trust as President and subversive of constitutional government, to the prejudice of the cause of law and justice and to the manifest injury of the people of the United States. Wherefore, President George W. Bush, by such conduct, is guilty of an impeachable offense warranting removal from office.

ARTICLE XXXIII.—REPEATEDLY IGNORED AND FAILED TO RESPOND TO HIGH LEVEL INTELLIGENCE WARNINGS OF PLANNED TERRORIST ATTACKS IN THE US, PRIOR TO 911

In his conduct while President of the United States, George W. Bush, in violation of his constitutional oath to faithfully execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States, and in violation of his constitutional duty under Article II, Section 3 of the Constitution ''to take care that the laws be faithfully executed'', has both personally and acting through his agents and subordinates, together with the Vice President, failed in his Constitutional duties to take proper steps to protect the nation prior to September 11, 2001.

The White House's top counter-terrorism adviser, Richard A. Clarke, has testified that from the beginning of George W. Bush's presidency until September 11, 2001, Clarke attempted unsuccessfully to persuade President Bush to take steps to protect the nation against terrorism. Clarke sent a memorandum to then-National Security Advisor Condoleezza Rice on January 24, 2001, ''urgently'' but unsuccessfully requesting ''a Cabinet-level meeting to deal with the impending al Qaeda attack.''

In April 2001, Clarke was finally granted a meeting, but only with second-in-command department representatives, including Deputy Secretary of Defense Paul Wolfowitz, who made light of Clarke's concerns.

Clarke confirms that in June, July, and August 2001, the Central Intelligence Agency (CIA) warned the president in daily briefings of unprecedented indications that a major al Qaeda attack was going to happen against the United States somewhere in the world in the weeks and months ahead. Yet, Clarke was still unable to convene a cabinet-level meeting to address the issue.

Condoleezza Rice has testified that George Tenet met with the president 40 times to warn him that a major al-Qaeda attack was going to take place, and that in response the president did not convene any meetings of top officials. At such meetings, the FBI could have shared information on possible terrorists enrolled at flight schools. Among the many preventive steps that could have been taken, the Federal Aviation Administration, airlines, and airports might have been put on full alert.

According to Condoleezza Rice, the first and only cabinet-level meeting prior to 9/11 to discuss the threat of terrorist attacks took place on September 4, 2001, one week before the attacks in New York and Washington.

On August 6, 2001, President Bush was presented a President's Daily Brief (PDB) article titled ''Bin Laden Determined to Strike in U.S.'' The lead sentence of that PDB article indicated that Bin Laden and his followers wanted to ''follow the example of World Trade Center bomber Ramzi Yousef and 'bring the fighting to America.' '' The article warned: ''Al-Qa'ida members—including some who are US citizens—have resided in or traveled to the US for years, and the group apparently maintains a support structure that could aid attacks.''

The article cited a ''more sensational threat reporting that Bin Laden wanted to hijack a US aircraft,'' but indicated that the CIA had not been able to corroborate such reporting. The PDB item included information from the FBI indicating ''patterns of suspicious activity in this country consistent with preparations for hijackings or other types of attacks, including recent surveillance of federal buildings in New York.'' The article also noted that the CIA and FBI were investigating ''a call to our embassy in the UAE in May saying that a group of Bin Laden supporters was in the US planning attacks with explosives.''

The president spent the rest of August 6, and almost all the rest of August 2001 on vacation. There is no evidence that he called any meetings of his advisers to discuss this alarming report. When the title and substance of this PDB article were later reported in the press, then-National Security Adviser Condoleezza Rice began a sustained campaign to play down its significance, until the actual text was eventually released by the White House.

New York Times writer Douglas Jehl, put it this way: ''In a single 17-sentence document, the intelligence briefing delivered to President Bush in August 2001 spells out the who, hints at the what and points towards the where of the terrorist attacks on New York and Washington that followed 36 days later.''

Eleanor Hill, Executive Director of the joint congressional committee investigating the performance of the US intelligence community before September 11, 2001, reported in mid-September 2002 that intelligence reports a year earlier ''reiterated a consistent and constant theme: Osama bin Laden's intent to launch terrorist attacks inside the United States.''

That joint inquiry revealed that just two months before September 11, an intelligence briefing for ''senior government officials'' predicted a terrorist attack with these words: ''The attack will be spectacular and designed to inflict mass casualties against U.S. facilities or interests. Attack preparations have been made. Attack will occur with little or no warning.''

Given the White House's insistence on secrecy with regard to what intelligence was given to President Bush, the joint-inquiry report does not divulge whether he took part in that briefing. Even if he did not, it strains credulity to suppose that those ''senior government officials'' would have kept its alarming substance from the president.

Again, there is no evidence that the president held any meetings or took any action to deal with the threats of such attacks.

In all of these actions and decisions, President George W. Bush has acted in a manner contrary to his trust as President, and subversive of constitutional government, to the prejudice of the cause of law and justice and to the manifest injury of the people of the United States. Wherefore, President George W. Bush, by such conduct, is guilty of an impeachable offense warranting removal from office.

ARTICLE XXXIV.—OBSTRUCTION OF INVESTIGATION INTO THE ATTACKS OF SEPTEMBER 11, 2001

In his conduct while President of the United States, George W. Bush, in violation of his constitutional oath to faithfully execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States, and in violation of his constitutional duty under Article II, Section 3 of the Constitution ''to take care that the laws be faithfully executed'', has both personally and acting through his agents and subordinates, together with the Vice President, obstructed investigations into the attacks on the World Trade Center and Pentagon on September 11, 2001.

Following September 11, 2001, President Bush and Vice President Cheney took strong steps to thwart any and all proposals that the circumstances of the attack be addressed. Then-Secretary of State Colin Powell was forced to renege on his public promise on September 23 that a ''White Paper'' would be issued to explain the circumstances. Less than two weeks after that promise, Powell apologized for his ''unfortunate choice of words,'' and explained that Americans would have to rely on ''information coming out in the press and in other ways.''

On Sept. 26, 2001, President Bush drove to Central Intelligence Agency (CIA) headquarters in Langley, Virginia, stood with Director of Central Intelligence George Tenet and said: ''My report to the nation is, we've got the best intelligence we can possibly have thanks to the men and women of the C.I.A.'' George Tenet subsequently and falsely claimed not to have visited the president personally between the start of Bush's long Crawford vacation and September 11, 2001.

Testifying before the 9/11 Commission on April 14, 2004, Tenet answered a question from Commission member Timothy Roemer

by referring to the president's vacation (July 29–August 30) in Crawford and insisting that he did not see the president at all in August 2001. ''You never talked with him?'' Roemer asked. ''No,'' Tenet replied, explaining that for much of August he too was ''on leave.'' An Agency spokesman called reporters that same evening to say Tenet had misspoken, and that Tenet had briefed Bush on August 17 and 31. The spokesman explained that the second briefing took place after the president had returned to Washington, and played down the first one, in Crawford, as uneventful.

In his book, At the Center of the Storm, (2007) Tenet refers to what is almost certainly his August 17 visit to Crawford as a follow-up to the ''Bin Laden Determined to Strike in the US'' article in the CIA-prepared President's Daily Brief of August 6. That briefing was immortalized in a Time Magazine photo capturing Harriet Myers holding the PDB open for the president, as two CIA officers sit by. It is the same briefing to which the president reportedly reacted by telling the CIA briefer, ''All right, you've covered your ass now.'' (Ron Suskind, The One-Percent Doctrine, p. 2, 2006). In At the Center of the Storm, Tenet writes: ''A few weeks after the August 6 PDB was delivered, I followed it to Crawford to make sure that the president stayed current on events.''

A White House press release suggests Tenet was also there a week later, on August 24. According to the August 25, 2001, release, President Bush, addressing a group of visitors to Crawford on August 25, told them: ''George Tenet and I, yesterday, we piled in the new nominees for the Chairman of the Joint Chiefs, the Vice Chairman and their wives and went right up the canyon.''

In early February 2002, Vice President Dick Cheney warned then-Senate Majority Leader Tom Daschle that if Congress went ahead with an investigation, administration officials might not show up to testify. As pressure grew for an investigation, the president and vice president agreed to the establishment of a congressional joint committee to conduct a ''Joint Inquiry.'' Eleanor Hill, Executive Director of the Inquiry, opened the Joint Inquiry's final public hearing in mid-September 2002 with the following disclaimer: ''I need to report that, according to the White House and the Director of Central Intelligence, the president's knowledge of intelligence information relevant to this inquiry remains classified, even when the substance of the intelligence information has been declassified.''

The National Commission on Terrorist Attacks, also known as the 9/11 Commission, was created on November 27, 2002, following the passage of congressional legislation signed into law by President Bush. The President was asked to testify before the Commission. He refused to testify except for one hour in private with only two Commission members, with no oath administered, with no recording or note taking, and with the Vice President at his side. Commission Co-Chair Lee Hamilton has written that he believes the commission was set up to fail, was underfunded, was rushed, and did not receive proper cooperation and access to information.

A December 2007 review of classified documents by former members of the Commission found that the commission had made repeated and detailed requests to the CIA in 2003 and 2004 for documents and other information about the interrogation of operatives of Al Qaeda, and had been told falsely by a top C.I.A. official that the agency had ''produced or made available for review'' everything that had been requested.

In all of these actions and decisions, President George W. Bush has acted in a manner contrary to his trust as President, and subversive of constitutional government, to the prejudice of the cause of law and justice and to the manifest injury of the people of the United States. Wherefore, President George W. Bush, by such conduct, is guilty of an impeachable offense warranting removal from office.

ARTICLE XXXV.—ENDANGERING THE HEALTH OF 9/11 FIRST RESPONDERS

In his conduct while President of the United States, George W. Bush, in violation of his constitutional oath to faithfully execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States, and in violation of his constitutional duty under Article II, Section 3 of the Constitution ''to take care that the laws be faithfully executed'', has both personally and acting through his agents and subordinates, together with the Vice President, recklessly endangered the health of first responders, residents, and workers at and near the former location of the World Trade Center in New York City.

The Inspector General of the Environmental Protection Agency (EPA) August 21, 2003, report numbered 2003–P–00012 and entitled ''EPA's Response to the World Trade Center Collapse: Challenges, Successes, and Areas for Improvement,'' includes the following findings:

''[W]hen EPA made a September 18 announcement that the air was 'safe' to breathe, it did not have sufficient data and analyses to make such a blanket statement. At that time, air monitoring data was lacking for several pollutants of concern, including particulate matter and polychlorinated biphenyls (PCBs). Furthermore, The White House Council on Environmental Quality (CEQ) influenced, through the collaboration process, the information that EPA communicated to the public through its early press releases when it convinced EPA to add reassuring statements and delete cautionary ones.

''As a result of the White House CEQ's influence, guidance for cleaning indoor spaces and information about the potential health effects from WTC debris were not included in EPA-issued press releases. In addition, based on CEQ's influence, reassuring information was added to at least one press release and cautionary information was deleted from EPA's draft version of that press release . . . The White House's role in EPA's public communications about WTC environmental conditions was described in a September 12, 2001, e-mail from the EPA Deputy Administrator's Chief of Staff to senior EPA officials:

'' 'All statements to the media should be cleared through the NSC [National Security Council] before they are released.'

''According to the EPA Chief of Staff, one particular CEQ official was designated to work with EPA to ensure that clearance was obtained through NSC. The Associate Administrator for the EPA Office of Communications, Education, and Media Relations (OCEMR) said that no press release could be issued for a 3- to 4-week period after September 11 without approval from the CEQ contact.''

Acting EPA Administrator Marianne Horinko, who sat in on EPA meetings with the White House, has said in an interview that the White House played a coordinating role. The National Security Council played the key role, filtering incoming data on ground zero air and water, Horinko said: ''I think that the thinking was, these are experts in WMD (weapons of mass destruction), so they should have the coordinating role.''

In the cleanup of the Pentagon following September 11, 2001, Occupational Safety and Health Administration laws were enforced, and no workers became ill. At the World Trade Center site, the same laws were not enforced.

In the years since the release of the EPA Inspector General's above-cited report, the Bush Administration has still not effected a clean-up of the indoor air in apartments and workspaces near the site.

Screenings conducted at the Mount Sinai Medical Center and released in the September 10, 2004, Morbidity and Mortality Weekly Report (MMWR) of the federal Centers For Disease Control and Prevention (CDC), produced the following results:

''Both upper and lower respiratory problems and mental health difficulties are widespread among rescue and recovery workers who dug through the ruins of the World Trade Center in the days following its destruction in the attack of September 11, 2001.

''An analysis of the screenings of 1,138 workers and volunteers who responded to the World Trade Center disaster found that nearly three-quarters of them experienced new or worsened upper respiratory problems at some point while working at Ground Zero. And half of those examined had upper and/or lower respiratory symptoms that persisted up to the time of their examinations, an average of eight months after their WTC efforts ended.''

A larger study released in 2006 found that roughly 70 percent of nearly 10,000 workers tested at Mount Sinai from 2002 to 2004 reported that they had new or substantially worsened respiratory problems while or after working at ground zero. This study showed that many of the respiratory ailments, including sinusitis and asthma, and gastrointestinal problems related to them, initially reported by ground zero workers persisted or grew worse over time. Most of the ground zero workers in the study who reported trouble breathing while working there were still having those problems two and a half years later, an indication of chronic illness unlikely to improve over time.

In all of these actions and decisions, President George W. Bush has acted in a manner contrary to his trust as President, and subversive of constitutional government, to the prejudice of the cause of law and justice and to the manifest injury of the people of the United States. Wherefore, President George W. Bush, by such conduct, is guilty of an impeachable offense warranting removal from office.

The SPEAKER pro tempore, Mr. ELLISON, responded to the foregoing notice, and said:

''Under rule IX, a resolution offered from the floor by a Member other than the majority leader or the minority leader as a question of the privileges of the House has immediate precedence only at a time or place designated by the Chair within two legislative days after the resolution is properly noticed.

''Pending that designation, the form of the resolution noticed by the gentleman from Ohio [Mr. KUCINICH] will appear in the Record at this point.

''The Chair will not at this point determine whether the resolution constitutes a question of privilege. That determination will be made at the time designated for consideration of the resolution.''.

¶68.39 SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 2482. An Act to repeal the provision of title 346, United States Code, requiring a license for employment in the business of salvaging on the coast of Florida; to the Committee on Transportation and Infrastructure.

¶68.40 SENATE ENROLLED BILL SIGNED

The Speaker announced her signature to an enrolled bill of the Senate of the following title:

S. 2420. An Act to encourage the donation of excess food to nonprofit organizations that provide assistance to food-insecure people in the United States in contracts entered into by executive agencies for the provision, service, or sale of food.

¶68.41 BILL PRESENTED TO THE PRESIDENT

Lorraine C. Miller, Clerk of the House reported that on June 6, 2008 she presented to the President of the United States, for his approval, the following bill.

H.R. 6081. An Act to amend the Internal Revenue Code of 1986 to provide benefits for military personnel, and for other purposes.

¶68.42 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Ms. HARMAN, for today;

To Mr. LUCAS, for today;

To Mr. MCDERMOTT, for today;

To Mr. MEEK of Florida, for today;

To Mr. ORTIZ, for today and balance of the week; and

To Mr. PEARCE, for today.

And then,

¶68.43 ADJOURNMENT

On motion of Mr. KUCINICH, at 11 o'clock and 55 minutes p.m., the House adjourned.

¶68.44 REPORTS OF COMMITEES ON PUBLIC BILLS AND RESOLUTIONS

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

Mr. GORDON of Tennessee: Committee on Science and Technology. H.R. 6063. A bill to authorize the programs of the National Aeronautics and Space Administration, and for other purposes; with an amendment (Rept. 110–702). Referred to the Committee of the Whole House on the state of the Union.

Ms. MATSUI: Committee on Rules. House Resolution 1253. Resolution providing for the consideration of the bill (H.R. 6003) to reauthorize Amtrak, and for other purposes (Rept. 110–703). Referred to the House Calendar.

¶68.45 REPORTED BILL SEQUENTIALLY REFERRED

Under clause 2 of rule XII, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. RAHALL: Committee on Natural Resources. H.R. 5618. A bill to reauthorize and amend the National Sea Grant College Program Act, and for other purposes, with an amendment; referred to the Committee on Science and Technology for a period ending not later than July 11, 2008, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(o), rule X (Rept. 110–701, Pt. 1). Ordered to be printed.

¶68.46 PUBLIC BILLS AND RESOLUTIONS

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

By Mr. MANZULLO (for himself and Mr. MICHAUD):

H.R. 6206. A bill to establish the Small Business Information Security Task Force, and for other purposes; to the Committee on Small Business.

By Mr. AKIN:

H.R. 6207. A bill to develop American energy independence, lower gas prices, and open reliable national sources of energy; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, Rules, and Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. AKIN:

H.R. 6208. A bill to designate the facility of the United States Postal Service located at 1100 Town and Country Commons in Chesterfield, Missouri, as the ''Lance Corporal Matthew P. Pathenos Post Office Building''; to the Committee on Oversight and Government Reform.

By Ms. ESHOO:

H.R. 6209. A bill to require the Federal Communications Commission to prescribe a standard to preclude commercials from being broadcast at louder volumes than the program material they accompany; to the Committee on Energy and Commerce.

By Mr. KIND (for himself, Mr. ENGLISH of Pennsylvania, Mr. BARROW, Mr. YOUNG of Florida, Mr. CARNAHAN, Mrs. EMERSON, Mr. ALLEN, Mr. GERLACH, Mr. ALTMIRE, Mr. SHAYS, Mr. COURTNEY, and Mr. RAMSTAD):

H.R. 6210. A bill to amend the Public Health Service Act to establish a nationwide health insurance purchasing pool for small businesses and the self-employed that would offer a choice of private health plans and make health coverage more affordable, predictable, and accessible; to the Committee on Energy and Commerce, and in addition to the Committees on Education and Labor, Ways and Means, and Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CANNON (for himself, Mr. CULBERSON, Mr. DREIER, Mr. HERGER, Mr. PETERSON of Pennsylvania, and Mr. BROWN of South Carolina):

H.R. 6211. A bill to allow Americans the opportunity to see their vast oil shale and tar sands resources on Federal lands developed by providing the President with the ability to determine the quickest and most responsible way to access oil shale resources; to the Committee on Natural Resources, and in addition to the Committee on Science and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. JACKSON-LEE of Texas (for herself, Mr. TOWNS, Mr. DAVIS of Illinois, and Mr. RODRIGUEZ):

H.R. 6212. A bill to amend titles XVIII and XIX of the Social Security Act to extend expiring provisions under the Medicare Program, to improve beneficiary access to preventive and mental health services, to enhance low-income benefit programs, and to maintain access to care in rural areas, including pharmacy access, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FEENEY:

H.R. 6213. A bill to establish the Reinsurance International Solvency Standards Evaluation Board; to the Committee on Financial Services.

By Mr. MCHUGH (for himself, Mr. KUHL of New York, and Mr. SMITH of Nebraska):

H.R. 6214. A bill to amend the Internal Revenue Code of 1986 to provide a standard home office deduction; to the Committee on Ways and Means.

By Mr. PALLONE (for himself and Mr. RAMSTAD):

H.R. 6215. A bill to amend the Public Health Service Act to reauthorize and extend the Fetal Alcohol Syndrome prevention and services program, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SIRES (for himself, Mr. FRANK of Massachusetts, and Mr. MEEK of Florida):

H.R. 6216. A bill to improve the Operating Fund for public housing of the Department of Housing and Urban Development, and for other purposes; to the Committee on Financial Services.

By Mr. SIRES (for himself, Mr. PAYNE, and Mr. ROTHMAN):

H.R. 6217. A bill to amend title 39, United States Code, to modify the procedures governing the closure or consolidation of post offices; to the Committee on Oversight and Government Reform.

By Mr. WEINER:

H.R. 6218. A bill to provide for loan guarantees for retrofitting high-performance green buildings; to the Committee on Energy and Commerce, and in addition to the Committee on Science and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CONYERS (for himself, Mr. BERMAN, Mrs. BONO MACK, Mr. COBLE, Mr. COHEN, Mr. COOPER, Mr. COSTA, Mr. CROWLEY, Ms. LEE, Ms. MCCOLLUM of Minnesota, Mr. MEEKS of New York, Mr. NADLER, Ms. LINDA T. SÁNCHEZ of California, and Mr. SMITH of Texas):

H. Res. 1251. A resolution saluting the life and music of the late Otha Ellas ''Bo Diddley'' Bates, guitar virtuoso and rock and roll pioneer, whose music continues to influence generations of musicians; to the Committee on the Judiciary. Considered and agreed to.

By Mr. HENSARLING:

H. Res. 1252. A resolution providing for consideration of the bill (H.R. 5724) to implement the United States-Colombia Trade Promotion Agreement; to the Committee on Rules.

By Mr. ENGEL (for himself, Mr. BURTON of Indiana, Mr. PAYNE, Mr. BERMAN, Mr. KUHL of New York, Mr. ENGLISH of Pennsylvania, Mr. DAVIS of Illinois, Mr. LEWIS of Georgia, Mr. SIRES, Mr. HONDA, Mr. DELAHUNT, Mr. CROWLEY, and Mr. JEFFERSON):

H. Res. 1254. A resolution supporting the values and goals of the ''Joint Action Plan Between the Government of the Federative Republic of Brazil and the Government of the United States of America to Eliminate

Racial and Ethnic Discrimination and Promote Equality'', signed by Secretary of State Condoleezza Rice and Brazilian Minister of Racial Integration Edson Santos on March 13, 2008; to the Committee on Foreign Affairs.

¶68.47 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 21: Ms. HIRONO.
H.R. 42: Mr. CARSON.
H.R. 82: Mr. MARIO DIAZ-BALART of Florida and Mr. SCALISE.
H.R. 211: Mr. RODRIGUEZ.
H.R. 552: Mr. MORAN of Virginia, Ms. HARMAN, and Mr. REGULA.
H.R. 659: Mr. BRADY of Pennsylvania.
H.R. 661: Mr. CARSON.
H.R. 971: Mr. SMITH of New Jersey.
H.R. 983: Mr. CARSON.
H.R. 1032: Mr. WATT, Ms. DEGETTE, and Mr. WEXLER.
H.R. 1076: Mr. SESTAK and Mr. GONZALEZ.
H.R. 1108: Mr. FOSTER and Ms. GINNY BROWN-WAITE of Florida.
H.R. 1193: Mr. TIERNEY.
H.R. 1295: Mr. AKIN.
H.R. 1359: Mr. BURGESS.
H.R. 1390: Mr. BUTTERFIELD.
H.R. 1518: Mr. JEFFERSON.
H.R. 1553: Mr. SMITH of New Jersey.
H.R. 1606: Mr. FRANK of Massachusetts, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. THOMPSON of Mississippi.
H.R. 1619: Ms. SCHAKOWSKY.
H.R. 1707: Mr. JOHNSON of Georgia.
H.R. 1932: Mr. WELCH of Vermont.
H.R. 2049: Mr. VISCLOSKY.
H.R. 2138: Mr. WITTMAN of Virginia.
H.R. 2188: Mrs. LOWEY and Mr. MANZULLO.
H.R. 2192: Mr. TIM MURPHY of Pennsylvania.
H.R. 2279: Mr. GALLEGLY, Mrs. MYRICK, and Mr. EVERETT.
H.R. 2343: Mr. RUSH, Mr. MCDERMOTT, Ms. JACKSON-LEE of Texas, Mr. MCNULTY, Mr. EMANUEL, and Mr. BERRY.
H.R. 2370: Mr. WELCH of Vermont and Mr. REICHERT.
H.R. 2493: Mr. BUYER, Mr. BROUN of Georgia, Ms. PRYCE of Ohio, and Mr. EVERETT.
H.R. 2606: Mr. KUHL of New York.
H.R. 2676: Mrs. LOWEY and Mr. JEFFERSON.
H.R. 2694: Mr. CARSON.
H.R. 2712: Mr. WOLF.
H.R. 2851: Mr. VAN HOLLEN.
H.R. 2933: Mr. SHULER and Mr. UDALL of Colorado.
H.R. 2941: Ms. CORRINE BROWN of Florida.
H.R. 3051: Mr. CARSON.
H.R. 3089: Mrs. MYRICK, Mr. GALLEGLY, and Mr. EVERETT.
H.R. 3202: Mr. SHAYS.
H.R. 3257: Mr. WALSH of New York.
H.R. 3267: Ms. DEGETTE and Mr. MCDERMOTT.
H.R. 3281: Mr. CARSON.
H.R. 3289: Ms. LEE, Ms. HARMAN, Mr. ELLISON, and Mr. MARKEY.
H.R. 3453: Mr. WALSH of New York.
H.R. 3457: Mr. WEXLER and Mr. GERLACH.
H.R. 3559: Mr. STUPAK.
H.R. 3622: Mrs. MUSGRAVE and Mr. DENT.
H.R. 3834: Mr. RUSH.
H.R. 3882: Mr. CARSON.
H.R. 3961: Mr. TIM MURPHY of Pennsylvania.
H.R. 3979: Ms. JACKSON-LEE of Texas and Mr. CASTLE.
H.R. 4010: Mr. CHILDERS.
H.R. 4048: Ms. LEE.
H.R. 4099: Mr. JONES of North Carolina.
H.R. 4105: Mr. SAXTON, Mr. MANZULLO, Mr. SCOTT of Virginia, Mr. BERRY, Mr. LOBIONDO, and Mr. BISHOP of Georgia.
H.R. 4150: Ms. PRYCE of Ohio.
H.R. 4199: Ms. SUTTON and Mr. WILSON of Ohio.
H.R. 4900: Mr. STUPAK.
H.R. 4959: Mr. JOHNSON of Georgia.
H.R. 4990: Mr. TOWNS.
H.R. 5106: Mr. YOUNG of Florida.
H.R. 5110: Mr. MORAN of Virginia.
H.R. 5128: Mr. KUCINICH.
H.R. 5138: Mr. WEXLER.
H.R. 5155: Mr. MURPHY of Connecticut and Mr. CARSON.
H.R. 5267: Mr. HASTINGS of Florida.
H.R. 5293: Ms. BERKLEY.
H.R. 5454: Ms. JACKSON-LEE of Texas, Mr. LEWIS of Georgia, Mr. ANDREWS, and Ms. SPEIER.
H.R. 5573: Ms. ROS-LEHTINEN, Mr. BRALEY of Iowa, and Ms. SUTTON.
H.R. 5575: Ms. SCHAKOWSKY.
H.R. 5611: Mr. PENCE and Mr. MCHENRY.
H.R. 5646: Mr. STUPAK.
H.R. 5656: Ms. GRANGER and Mr. HERGER.
H.R. 5660: Mr. RUSH.
H.R. 5673: Mr. THORNBERRY.
H.R. 5674: Mr. LUCAS, Mr. ROTHMAN, and Mr. COLE of Oklahoma.
H.R. 5677: Mr. SMITH of New Jersey.
H.R. 5704: Mr. PRICE of North Carolina.
H.R. 5713: Mr. SALI.
H.R. 5737: Mr. EHLERS.
H.R. 5748: Mr. BRALEY of Iowa.
H.R. 5752: Mr. CALVERT.
H.R. 5760: Mr. MARIO DIAZ-BALART of Florida.
H.R. 5785: Ms. SUTTON.
H.R. 5788: Mr. HINOJOSA and Mr. HILL.
H.R. 5793: Mr. GUTIERREZ.
H.R. 5798: Ms. SUTTON.
H.R. 5814: Mr. BROUN of Georgia.
H.R. 5821: Mr. PICKERING.
H.R. 5825: Ms. ESHOO.
H.R. 5846: Mr. CARSON.
H.R. 5864: Mr. MCCOTTER.
H.R. 5868: Mr. WOLF, Mrs. MYRICK, and Mr. SOUDER.
H.R. 5874: Mr. SPRATT, Ms. SCHAKOWSKY, Mr. ALLEN, Mr. BOREN, Mr. TURNER, Mr. MARKEY, and Mr. WELCH of Vermont.
H.R. 5912: Ms. DEGETTE.
H.R. 5954: Ms. CORRINE BROWN of Florida, Ms. HERSETH SANDLIN, Mr. SPACE, Mr. ABERCROMBIE, Mr. BUTTERFIELD, Mrs. CAPPS, Ms. DEGETTE, Ms. ESHOO, Mr. INSLEE, Mr. MATHESON, Mr. MURTHA, Mr. TANNER, and Mr. WU.
H.R. 5960: Mr. ADERHOLT, Mr. WILSON of Ohio, and Ms. SLAUGHTER.
H.R. 5971: Mr. DAVID DAVIS of Tennessee, Mr. CALVERT, Mr. BURGESS, Mr. SALI, Mr. WALBERG, and Mrs. MUSGRAVE.
H.R. 5977: Mr. JONES of North Carolina and Mrs. BOYDA of Kansas.
H.R. 5979: Mr. WALBERG.
H.R. 5996: Mr. KIRK.
H.R. 6052: Mr. LIPINSKI, Mr. NADLER, Mr. SIRES, Ms. NORTON, Mr. CUMMINGS, Mrs. NAPOLITANO, Mrs. TAUSCHER, Mr. FILNER, Mr. RYAN of Ohio, Mr. BLUMENAUER, Mr. YOUNG of Alaska, Mr. WAXMAN, Ms. SCHAKOWSKY, Ms. MOORE of Wisconsin, Mr. DINGELL, and Mr. CARNAHAN.
H.R. 6063: Mr. MCCAUL of Texas, Mr. KLEIN of Florida, Mr. SMITH of Texas, Mr. PERLMUTTER, and Mr. MILLER of North Carolina.
H.R. 6064: Mr. SNYDER, Mr. LANGEVIN, Ms. DEGETTE, Mr. ORTIZ, Mr. TIERNEY, Mr. FARR, and Mr. ALTMIRE.
H.R. 6073: Mr. WELCH of Vermont and Mrs. DRAKE.
H.R. 6076: Mrs. CHRISTENSEN and Ms. EDDIE BERNICE JOHNSON of Texas.
H.R. 6083: Mr. WALZ of Minnesota.
H.R. 6092: Mr. JONES of North Carolina.
H.R. 6093: Mr. GRIJALVA.
H.R. 6104: Mr. ANDREWS, Ms. HIRONO, Mr. REYES, Mr. BUTTERFIELD, and Mr. BRALEY of Iowa.
H.R. 6105: Mr. TIAHRT.
H.R. 6108: Mr. DREIER, Mr. HAYES, Mr. BONNER, Ms. FOXX, Mr. MCHENRY, and Mr. EVERETT.
H.R. 6146: Mrs. BLACKBURN and Mr. DAVIS of Alabama.
H.R. 6168: Mr. HULSHOF.
H.R. 6169: Mr. HULSHOF.
H.R. 6180: Mr. ROTHMAN, Ms. LEE, and Mr. STUPAK.
H.J. Res. 79: Mr. GEORGE MILLER of California.
H.J. Res. 89: Mr. ROSS, Mr. CONAWAY, Mrs. BLACKBURN, Mr. BARTON of Texas, Mr. FORBES, Mr. WHITFIELD of Kentucky, and Mr. SAM JOHNSON of Texas.
H.J. Res. 93: Ms. BORDALLO, Mr. COHEN, and Mr. FRANK of Massachusetts.
H. Con. Res. 244: Mr. ETHERIDGE and Mr. CHANDLER.
H. Con. Res. 296: Mr. FEENEY.
H. Con. Res. 299: Mr. MCCAUL of Texas, Mr. HARE, Mr. YOUNG of Florida, Mr. PRICE of Georgia, Mr. RAMSTAD, Ms. GRANGER, and Mr. GERLACH.
H. Con. Res. 336: Mr. HODES, Mr. WEXLER, Mr. MCINTYRE, Mr. FORTENBERRY, Ms. EDDIE BERNICE JOHNSON of Texas and Mr. SCALISE.
H. Con. Res. 338: Mr. RUSH and Mr. HINOJOSA.
H. Con. Res. 341: Mr. HAYES, Ms. ZOE LOFGREN of California, and Mr. MILLER of North Carolina.
H. Con. Res. 350: Mr. SERRANO, Mr. MORAN of Virginia, Mr. KIRK, Mr. LEWIS of Georgia, Mr. LIPINSKI, Mr. ENGEL, Ms. BERKLEY, Mrs. MALONEY of New York, Ms. SCHAKOWSKY, Ms. WOOLSEY, and Mr. MOORE of Kansas.
H. Con. Res. 358: Mr. LATTA, Mr. WALBERG, Mr. JORDAN, Mr. DAVID DAVIS of Tennessee, Ms. ROS-LEHTINEN, Mr. MCCARTHY of California, Mr. BISHOP of Utah, Mr. ROSKAM, Mr. MCKEON, Mr. COLE of Oklahoma, Mr. WITTMAN of Virginia, Mr. GINGREY, Mrs. BONO Mack, Mr. TOM DAVIS of Virginia, Ms. FOXX, Mr. BILIRAKIS, Mrs. DRAKE, and Mr. HAYES.
H. Con. Res. 364: Mr. CONYERS, Ms. NORTON, Mr. CROWLEY, and Mr. MEEK of Florida.
H. Res. 389: Ms. SLAUGHTER.
H. Res. 543: Ms. NORTON.
H. Res. 617: Mr. MCCOTTER.
H. Res. 672: Mr. SPRATT, Ms. KILPATRICK, and Mr. HINOJOSA.
H. Res. 977: Mr. DINGELL.
H. Res. 1010: Mr. SALI.
H. Res. 1051: Mr. CONAWAY, Mr. HAYES, Mrs. MUSGRAVE, Mr. ROGERS of Alabama, and Mr. RYAN of Ohio.
H. Res. 1143: Mr. GERLACH, Mr. CANTOR, Mr. GILCHREST, Mr. ALLEN, Mr. EHLERS, Mr. NEAL of Massachusetts, Mr. SKELTON, Mr. SALI, and Ms. KAPTUR.
H. Res. 1164: Mr. STUPAK.
H. Res. 1219: Mr. SKELTON, Mr. BURTON of Indiana, and Mr. JONES of North Carolina.
H. Res. 1227: Ms. JACKSON-LEE of Texas and Ms. WOOLSEY.
H. Res. 1230: Mr. DELAHUNT, Ms. WOOLSEY, Mr. ENGEL, and Mr. BERMAN.
H. Res. 1235: Mr. BOUSTANY, Mr. ALEXANDER, Mr. MCCRERY, Mr. BUYER, Mr. BROWN of South Carolina, Mr. BOOZMAN, Mr. BUCHANAN, Mr. LAMBORN, Mr. LATTA, Mr. SHIMKUS, Mr. BONNER, Mr. MILLER of Florida, Mr. MARCHANT, Mrs. DRAKE, and Mr. STEARNS.
H. Res. 1237: Mr. COOPER and Ms. WASSERMAN SCHULTZ.
H. Res. 1243: Mr. JONES of North Carolina, Mr. HALL of Texas, and Mr. MCCOTTER.
H. Res. 1245: Mr. CHABOT, Mr. FORTUÑO, and Mr. ELLISON.
H. Res. 1249: Mr. BERMAN, Mr. LEWIS of Georgia, Ms. CLARKE, Mr. MEEK of Florida, Mr. COHEN, and Ms. SCHWARTZ.

TUESDAY, JUNE 10, 2008 (69)

¶69.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order at 9 a.m. by the SPEAKER pro tempore,

Mr. MCNULTY, who laid before the House the following communication:

WASHINGTON, DC,
June 10, 2008.

I hereby appoint the Honorable MICHAEL R. MCNULTY to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

Whereupon, pursuant to the order of the House of January 4, 2007, Members were recognized for morning-hour debate.

¶69.2 RECESS—9:10 A.M.

The SPEAKER pro tempore, Mr. MCNULTY, pursuant to clause 12(a) of rule I, declared the House in recess at 9 o'clock and 10 minutes a.m. until 10 a.m.

¶69.3 AFTER RECESS—10 A.M.

The SPEAKER pro tempore, Ms. Loretta SANCHEZ of California, called the House to order.

¶69.4 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Ms. Loretta SANCHEZ of California, announced she had examined and approved the Journal of the proceedings of Monday, June 9, 2008.

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

¶69.5 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

7042. A letter from the Chairman, Farm Credit Administration, transmitting the Administration's final rule — Eligibility and Scope of Financing; Processing and Marketing (RIN: 3052-AC33) received June 3, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7043. A letter from the OSD Federal Liaison Officer, DoD, Department of Defense, transmitting the Department's final rule — TRICARE; Certain Survivors of Deceased Active Duty Members; and Adoption Intermediaries [DOD-2006-HA-0194] (RIN: 0720-AB07) received June 3, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

7044. A letter from the OSD Federal Register Liaison Officer, DoD, Department of Defense, transmitting the Department's final rule — User Fees [DoD-2006-OS-0005] (RIN: 0790-AH93) received June 3, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

7045. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations — received June 3, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7046. A letter from the Counsel for Legislation and Regulations, Department of Housing and Urban Development, transmitting the Department's final rule — Project Design and Cost Standards for the Section 202 and Section 811 Programs [Docket No. FR-5097-F-02] (RIN: 2502-AI48) received June 3, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7047. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to Luxembourg pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

7048. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to Brazil pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

7049. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to Mexico pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

7050. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to Mexico pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

7051. A letter from the President, Federal Reserve Bank of Dallas, transmitting the Bank's 2007 Annual Report; to the Committee on Financial Services.

7052. A letter from the Assistant General Counsel for Regulatory Services, Department of Education, transmitting the Department's final rule — Demands for Testimony or Records in Legal Proceedings [Docket ID ED-2007-OS-0138] received June 3, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

7053. A letter from the Deputy Director, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule — Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits — received June 3, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

7054. A letter from the Executive Director, Federal Energy Regulatory Commission, transmitting the Commission's final rule — Annual Update of Filing Fees [Docket No. RM08-9-000] received May 29, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7055. A letter from the Secretary, Securities and Exchange Commission, transmitting the Commission's final rule — Definition of Eligible Portfolio Company under the Investment Company Act of 1940 [Release No. IC-28266; File No. S7-37-04] (RIN: 3235-AJ31) received May 20, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7056. A letter from the Associate Director, PP&I, Department of the Treasury, transmitting the Department's final rule — Rough Diamonds Control Regulations — received May 20, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

7057. A letter from the Acting Chief Acquisition Officer & Senior Procurement Executive, GSA, Department of Defense, transmitting the Department's final rule — Federal Acquisition Regulation; FAR Case 2005-040, Electronic Subcontracting Reporting System (eSRS) [FAC 2005-25; FAR Case 2005-040; Item II; Docket 2008-0001, Sequence 01] (RIN: 9000-AK95) received June 3, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

7058. A letter from the Acting Chief Acquisition Officer and Senior Procurement Executive, GSA, Department of Defense, transmitting the Department's final rule — Federal Acquisition Regulation; FAR Case 2005-040, Electronic Subcontracting Reporting System (eSRS) [FAC 2005-25; FAR Case 2005-040; Item II; Docket 2008-0001, Sequence 01] (RIN: 9000-AK95) received June 3, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

7059. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule — REPRESENTATIVE RATE; ORDER OF RELEASE FROM COMPETITIVE LEVEL; ASSIGNMENT RIGHTS (RIN: 3206-AL19) received May 20, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

7060. A letter from the Chief, Branch of Listing, Endangered Species, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Special Rule for the Polar Bear [[FWS-R7-ES-2008-0027] [1111 FY07 MO-B2] (RIN: 1018-AV79) received May 29, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7061. A letter from the Director, Office of Congressional & Legal Affairs — Indian Affairs, Department of the Interior, transmitting the Department's final rule — Gaming on Trust Lands Acquired After October 17, 1988 (RIN: 1076-AE81) received May 20, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7062. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting a copy of a draft bill entitled, ''Duck Stamp Improvement Act of 2008''; to the Committee on Natural Resources.

7063. A letter from the Deputy Assistant Administrator For Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Atlantic Coastal Fisheries Cooperative Management Act Provisions; Weakfish Fishery [Docket No. 070717344-8150-01; I.D. 041907A] (RIN: 0648-AV44) received June 3, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7064. A letter from the Acting Assistant Administrator For Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Allocating Bering Sea/Aleutian Islands Fishery Resources; American Fisheries Act Sideboards [Docket No. 0612242903-7445-03 and 0612242886-7464-03] (RINs 0648-AU48 and 0648-AU68) received June 3, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7065. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch for Vessels in the Bering Sea and Aleutian Islands Trawl Limited Access Fishery in the Central Aleutian District of the Bering Sea and Aleutian Islands Management Area [Docket No. 071106673-8011-02] (RIN: 0648-XH84) received June 3, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7066. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Vessels Less Than 60 ft (18.3 m) LOA Using Pot or Hook-and-Line Gear in the Bering Sea and Aleutian Islands Management Area [Docket No. 071106673-8011-02] (RIN: 0648-XH78) received June 3, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7067. A letter from the Deputy Assistant Administrator for Operations, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Act Provisions; Fisheries Off West Coast States; Pacific Coast Groundfish Fishery; Biennial Specifications and Management Measures [Docket No. 080408542-8615-01] (RIN: 0648-AW63) received June 3, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7068. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's determination on

a petition on behalf of a class of workers from the Nuclear Materials and Equipment Corporation (NUMEC) facility in Parks Township, Pennsylvania, to be added to the Special Exposure Cohort (SEC), pursuant to the Energy Employees Occupational Illness Compensation Program Act of 2000 (EEOICPA); to the Committee on the Judiciary.

7069. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's determination on a petition on behalf of a class of workers from the Hanford Nuclear Reservation in Richland, Washington, to be added to the Special Exposure Cohort (SEC), pursuant to the Energy Employees Occupational Illness Compensation Program Act of 2000 (EEOICPA); to the Committee on the Judiciary.

7070. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's determination on a petition on behalf of a class of workers from the Horizons, Inc. facility in Cleveland, Ohio, to be added to the Special Exposure Cohort (SEC), pursuant to the Energy Employees Occupational Illness Compensation Program Act of 2000 (EEOICPA); to the Committee on the Judiciary.

7071. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's determination on a petition on behalf of a class of workers from the SAM Laboratories to be added to the Special Exposure Cohort (SEC), pursuant to the Energy Employees Occupational Illness Compensation Program Act of 2000 (EEOICPA); to the Committee on the Judiciary.

7072. A letter from the Acting Chief, Regulatory Management Division, Office of the Executive Secretariat, Department of Homeland Security, transmitting the Department's final rule — Establishment of a Genealogy Program [CIS No. 2074-00; DHS Docket No. USCIS-2005-0013] (RIN: 1615-AB19) received May 20, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

7073. A letter from the Assistant Secretary, Office of Legislative Affairs, Department of Homeland Security, transmitting the Department's comments on H.R. 4080, a bill to amend the Immigration and Nationality Act to establish a separate nonimmigrant classification for fashion models; to the Committee on the Judiciary.

7074. A letter from the Secretary, Department of Homeland Security, transmitting the Department's determination on a petition on behalf of a class of workers from the Kellex/Pierpont facility in Jersey City, New Jersey, to be added to the Special Exposure Cohort (SEC), pursuant to the Energy Employees Occupational Illness Compensation Program Act of 2000 (EEOICPA); to the Committee on the Judiciary.

7075. A letter from the Assistant Secretary, Office of Legislative Affairs, Department of Homeland Security, transmitting the Department's comments on S. 2829, a bill to make technical corrections to Section 1244 of the National Defense Authorization Act for Fiscal Year 2008 (NDAA 2008); to the Committee on the Judiciary.

7076. A letter from the Principal Deputy Assistant Attorney General, Department of Justice, transmitting the report of the Director of the Executive Office for United States Trustees on the evaluation of instructional classes in personal financial management for consumer bankruptcy debtors, pursuant to Public Law 109-8, section 105; to the Committee on the Judiciary.

7077. A letter from the Director, National Legislative Commission, American Legion, transmitting a copy of the Legion's financial statements as of December 31, 2007, pursuant to 36 U.S.C. 1101(4) and 1103; to the Committee on the Judiciary.

7078. A letter from the Director, Office of Science and Technology Policy, Executive Office of the President, transmitting the Office's Revised Research Plan for the U.S. Climate Change Science Program and the Scientific Assessment of the Effects of Global Change on the United States; to the Committee on Science and Technology.

7079. A letter from the Associate Administrator for Aeronautics, National Aeronautics and Space Administration, transmitting the Administration's final rule — Development Work for Industry in NASA Wind Tunnels [Notice: (08-045)] (RIN: 2700-AC81) received June 3, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science and Technology.

7080. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Transportation Worker Identification Credential (TWIC) Implementation in the Maritime Sector; Hazardous Materials Endorsement for a Commercial Driver's License [Docket Nos. TSA-2006-24191; USCG-2006-24196] (RIN: 1652-AA41) received May 29, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Homeland Security.

7081. A letter from the General Counsel, Department of Defense, transmitting a copy of legislative proposals as part of the National Defense Authorization Bill for Fiscal Year 2009; jointly to the Committees on Armed Services and Oversight and Government Reform.

7082. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting a copy of a draft bill entitled, ''the George Washington Memorial Parkway Boundary Revision Act''; jointly to the Committees on Natural Resources and Transportation and Infrastructure.

7083. A letter from the General Counsel, Department of Defense, transmitting a copy of legislative proposals as part of the National Defense Authorization Bill for Fiscal Year 2009; jointly to the Committees on Armed Services, Foreign Affairs, and the Budget.

7084. A letter from the General Counsel, Department of Defense, transmitting the Department's requested legislative proposals as part of the National Defense Authorization Bill for Fiscal Year 2009; jointly to the Committees on Armed Services, Energy and Commerce, Transportation and Infrastructure, Oversight and Government Reform, the Judiciary, Veterans' Affairs, Ways and Means, Small Business, Intelligence (Permanent Select), Foreign Affairs, and Financial Services.

¶69.6 PROVIDING FOR CONSIDERATION OF H.R. 6003

Ms. MATSUI, by direction of the Committee on Rules, called up the following resolution (H. Res. 1253):

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 6003) to reauthorize Amtrak, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Transportation and Infrastructure. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Transportation and Infrastructure now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived except those arising under clause 10 of rule XXI. Notwithstanding clause 11 of rule XVIII, no amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived except those arising under clause 9 or 10 of rule XXI. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. During consideration in the House of H.R. 6003 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

When said resolution was considered.

After debate,

Ms. MATSUI moved the previous question on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House now order the previous question?

The SPEAKER pro tempore, Ms. Loretta SANCHEZ of California, announced that the yeas had it.

Mr. SESSIONS demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Ms. Loretta SANCHEZ of California, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶69.7 COMMITTEE RESIGNATION—MAJORITY

The SPEAKER pro tempore, Ms. Loretta SANCHEZ of California, laid before the House the following communication, which was read as follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, June 10, 2008.

Hon. NANCY PELOSI,
Speaker of the House, U.S. Capitol Building, Washington, DC.

DEAR MADAM SPEAKER: I am writing to notify you of my resignation from the Committee on Science and Technology, effective today.

Thank you for your attention to this matter.

Sincerely,

DARLENE HOOLEY,
Member of Congress.

By unanimous consent, the resignation was accepted.

¶69.8 COMMITTEE RESIGNATION—MAJORITY

The SPEAKER pro tempore, Ms. Loretta SANCHEZ of California, laid before the House the following communication, which was read as follows:

HOUSE OF REPRESENTATIVES,
Washington, DC, June 9, 2008.

Hon. NANCY PELOSI,
Speaker, Capitol, H–232,
Washington, DC.

DEAR MADAM SPEAKER, Thank you for the tremendous opportunity to serve on the Energy and Commerce Committee.

Due to the pending assignment, please accept my resignation from the Transportation and Infrastructure Committee effective Tuesday, June 10.

It was an honor to serve on the Transportation and Infrastructure Committee under the tremendous leadership of Chairman Oberstar. The Transportation and Infrastructure Committee has provided me with a useful forum to help shape our country's investment in our roadways and transportation systems. I look forward to continuing to following the success of the committee and offering my assistance wherever possible.

It is with great enthusiasm and dedication that I look forward to serving on the Energy and Commerce Committee. My strongest desire as a Member of Congress is to improve the lives of the people I represent, and serving on this committee will afford me invaluable opportunities to make a demonstrative and positive difference in their lives.

I appreciate your attention to my resignation, and please do not hesitate to contact me if I can be of any assistance to you.

Sincerely,

DORIS O. MATSUI,
Member of Congress.

By unanimous consent, the resignation was accepted.

¶69.9 COMMITTEE RESIGNATION—MAJORITY

The SPEAKER pro tempore, Ms. Loretta SANCHEZ of California, laid before the House the following communication, which was read as follows:

HOUSE OF REPRESENTATIVES,
Washington, DC, June 10, 2008.

Hon. NANCY PELOSI,
Speaker, Capitol Building,
Washington, DC.

DEAR MADAM SPEAKER: I am writing to notify you of my resignation from the Committee on Veterans' Affairs. Please consider this resignation effective today.

Thank you for your attention to this matter.

Sincerely,

MIKE DOYLE,
Member of Congress.

By unanimous consent, the resignation was accepted.

¶69.10 COMMITTEE RESIGNATION—MAJORITY

The SPEAKER pro tempore, Ms. Loretta SANCHEZ of California, laid before the House the following communication, which was read as follows:

HOUSE OF REPRESENTATIVES,
Washington, DC, June 10, 2008.

Hon. NANCY PELOSI,
Speaker, Capitol Building, Washington, DC.

DEAR SPEAKER PELOSI: At the request of the Speaker and to provide a slot for a newly-elected colleague, I resign my membership on the Financial Services Committee.

Very truly yours,

JIM MARSHALL.

By unanimous consent, the resignation was accepted.

¶69.11 MERIDA INITIATIVE

Mr. BERMAN moved to suspend the rules and pass the bill (H.R. 6028) to authorize law enforcement and security assistance, and assistance to enhance the rule of law and strengthen civilian institutions, for Mexico and the countries of Central America, and for other purposes; as amended.

The SPEAKER pro tempore, Ms. Loretta SANCHEZ of California, recognized Mr. BERMAN and Ms. ROS-LEHTINEN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. HOLDEN, announced that two-thirds of the Members present had voted in the affirmative.

Mr. POE demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. HOLDEN, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶69.12 TREATY OF PARIS 1783

Mr. PAYNE moved to suspend the rules and agree to the following resolution (H. Res. 1063):

Whereas the United States will celebrate this year the 225th anniversary of its relationship with the United Kingdom of Great Britain and Northern Ireland since the September 3, 1783 signing of the Treaty of Paris, which formally ended the American Revolutionary War between the Kingdom of Great Britain and the United States of America;

Whereas both the United Kingdom and the United States are free and democratic nations with a common commitment to human rights and the rule of law;

Whereas the United Kingdom is a major ally of the United States and 2008 marks the 50th anniversary of the US-UK Mutual Defense Agreement that was signed in Washington, DC, on July 3, 1958, and renewed in Washington, DC, on June 14, 2004;

Whereas both the United Kingdom and the United States are founding members of the North Atlantic Treaty Organization (NATO), having been party to the North Atlantic Treaty signed in Washington, DC, on April 4, 1949;

Whereas the United Kingdom is a major partner in the worldwide fight against terrorism, supporting the United States in many key armed struggles;

Whereas the United Kingdom is the second largest contributor to the multinational force in Iraq;

Whereas the United Kingdom plays a significant role in the military effort to bring lasting stability to Afghanistan and is the second largest contributor to NATO's International Security Assistance Force;

Whereas the United Kingdom and the United States share a steadfast alliance and a long tradition of opposing extremism, which included fighting the forces of nazism and communism in the 20th century;

Whereas the United Kingdom is the sixth largest trading partner of the United States, and the United States is the largest trading partner of the United Kingdom;

Whereas the United States and the United Kingdom share the world's largest foreign direct investment partnership, with American investment sustaining over a million jobs in the United Kingdom and British investment sustaining over a million jobs in the United States;

Whereas approximately 675,000 British citizens reside in the United States, and 155,000 Americans reside in the United Kingdom, with both communities contributing to the fabric of life in their host countries;

Whereas approximately 8,400 British students are currently studying at universities in the United States, and 32,000 American students are studying at universities in the United Kingdom; and

Whereas the relationship between the United States and the United Kingdom is one of unity and strength, and has been proven to be of mutual benefit: Now, therefore, be it

Resolved, That the House of Representatives—

(1) marks the 225th anniversary of relations between the United States and the Kingdom of Great Britain;

(2) recognizes that the Kingdom of Great Britain's recognition of the United States was an important event in the history of the Nation;

(3) reaffirms the value of the deep friendship that has developed between our two Countries since the signing of the Treaty of Paris; and

(4) looks forward to a continued and strengthened relationship between the British and American people.

The SPEAKER pro tempore, Mr. HOLDEN, recognized Mr. PAYNE and Ms. ROS-LEHTINEN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. HOLDEN, announced that two-thirds of the Members present had voted in the affirmative.

Ms. ROS-LEHTINEN demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. HOLDEN, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶69.13 H. RES. 1253—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. HOLDEN, pursuant to clause 8, rule XX, announced the unfinished business to be the question on ordering the previous question on the resolution (H. Res. 1253) providing for the consideration of the bill (H.R. 6003) to reauthorize Amtrak; and for other purposes.

The question being put,

Will the House now order the previous question?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 227 Nays 185

¶69.14 [Roll No. 391]

YEAS—227

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

NAYS—185

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Flake
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hill
Hobson
Hoekstra
Hunter
Inglis (SC)
Issa
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lampson
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Saxton
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOT VOTING—21

Cubin
Cummings
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Ferguson
Fossella
Gillibrand
Green, Al
Hall (NY)
Holt
Hulshof
Lamborn
McCrery
Meek (FL)
Miller, George
Ortiz
Pickering
Rush
Tancredo
Wilson (SC)

So the previous question on the resolution was ordered.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. HOLDEN, announced that the yeas had it.

Mr. HASTINGS of Washington, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 227 Nays 187

¶69.15 [Roll No. 392]

YEAS—227

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

NAYS—187

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Flake
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Hill
Hobson
Hoekstra
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette

Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
McCarthy (CA)
McCaul (TX)
McCotter
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wittman (VA)
Wolf
Young (FL)

NOT VOTING—19

Cubin
Cummings
Dingell
Ferguson
Fossella
Gillibrand
Green, Al
Hall (NY)
Holt
Hulshof
Marchant
McCrery
Meek (FL)
Melancon
Miller, George
Ortiz
Rush
Tancredo
Wilson (SC)

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶69.16 H.R. 6028—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. HOLDEN, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 6028) to authorize law enforcement and security assistance, and assistance to enhance the rule of law and strengthen civilian institutions, for Mexico and the countries of Central America, and for other purposes; as amended.

The question being put,

Will the House suspend the rules and pass said bill, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 311 Nays 106

¶69.17 [Roll No. 393]

YEAS—311

Abercrombie
Ackerman
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachus
Baird
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bishop (GA)
Bishop (NY)
Blumenauer
Blunt
Boehner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown (SC)
Brown, Corrine
Buchanan
Butterfield
Calvert
Camp (MI)
Cannon
Capito
Capps
Capuano
Cardoza
Carnahan
Castle
Castor
Cazayoux
Chandler
Childers
Clay
Cleaver
Clyburn
Cohen
Conaway
Cooper
Costa
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Fallin
Farr
Fattah
Fortenberry
Foster
Frank (MA)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holden
Honda
Hooley
Hoyer
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Klein (FL)
Knollenberg
Kuhl (NY)
LaHood
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Levin
Lewis (CA)
Lewis (KY)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCollum (MN)
McHugh
McKeon
McMorris Rodgers
McNerney
McNulty
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler
Napolitano
Neal (MA)
Nunes
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Pickering
Pitts
Pomeroy
Porter
Price (NC)
Pryce (OH)
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Scalise
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stupak
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weller
Wexler
Wilson (NM)
Wilson (OH)
Wolf
Wu
Yarmuth
Young (FL)

NAYS—106

Aderholt
Akin
Bachmann
Baldwin
Barrett (SC)
Bilirakis
Bishop (UT)
Blackburn
Bonner
Brady (TX)
Broun (GA)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Campbell (CA)
Cantor
Carney
Carson
Carter
Chabot
Clarke
Coble
Cole (OK)
Conyers
Culberson
Davis, David
Deal (GA)
Duncan
Ellison
Ellsworth
Everett
Feeney
Filner
Flake
Forbes
Foxx
Franks (AZ)
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Heller
Hensarling
Hoekstra
Hunter
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
King (IA)
Kingston
Kline (MN)
Kucinich
Lamborn
Latta
Lee
Lewis (GA)
Linder
Manzullo
Marchant
McCaul (TX)
McCotter
McDermott
McGovern
McHenry
McIntyre
Mica
Miller (FL)
Miller, Gary
Moore (WI)
Musgrave
Neugebauer
Paul
Payne
Petri
Platts
Poe
Price (GA)
Putnam
Rogers (AL)
Rohrabacher
Royce
Ryan (WI)
Sali
Schakowsky
Sensenbrenner
Serrano
Shuster
Smith (TX)
Stark
Stearns
Sullivan
Thornberry
Walberg
Wamp
Welch (VT)
Weldon (FL)
Westmoreland
Whitfield (KY)
Wittman (VA)
Woolsey
Young (AK)

NOT VOTING—16

Costello
Cubin
Cummings
Dingell
Ferguson
Fossella
Gillibrand
Holt
Hulshof
McCrery
Meek (FL)
Ortiz
Rush
Speier
Tancredo
Wilson (SC)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶69.18 COMMITTEE ELECTION—MAJORITY

Mr. EMANUEL, by direction of the Democratic Caucus, submitted the following privileged resolution (H. Res. 1256):

Resolved, That the following named Members be, and are hereby, elected to the following standing committees of the House of Representatives:

(1) COMMITTEE ON AGRICULTURE.—Mr. Childers.

(2) COMMITTEE ON ENERGY AND COMMERCE.—Ms. Matsui.

(3) COMMITTEE ON FINANCIAL SERVICES.—Ms. Speier, Mr. Cazayoux, Mr. Childers.

(4) COMMITTEE ON SCIENCE AND TECHNOLOGY.—Mr. Carson.

(5) COMMITTEE ON VETERANS' AFFAIRS.—Mr. Cazayoux.

When said resolution was considered and agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶69.19 UNIVERSAL DECLARATION OF HUMAN RIGHTS

Mr. PAYNE moved to suspend the rules and agree to the following concurrent resolution (H. Con. Res. 332); as amended:

Whereas the United Nations Charter sought to establish an international forum to ''save succeeding generations from the scourge of war . . ., reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small . . .'';

Whereas, through manifold works of generosity, the people of the United States exemplify a noble conviction that the deepest yearnings of the human heart for respect and dignity transcend political, ethnic, and religious differences;

Whereas the people of the United States continue to inspire their leaders to prioritize endeavors which bring hope and healing to those in need throughout the world;

Whereas the United Nations General Assembly proclaimed the Universal Declaration of Human Rights on December 10, 1948, as a ''common standard of achievement for all peoples and nations . . .'';

Whereas the preamble of the Universal Declaration of Human Rights states, ''. . . recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice, and peace in the world . . .'';

Whereas the Universal Declaration of Human Rights sets forth a common understanding of universal rights and freedoms and the notion that these cannot be created and are neither conferred by countries nor by governments, but rather are inalienable rights and freedoms with which all human persons are endowed by their very nature;

Whereas, Eleanor Roosevelt, who led the United States delegation to the first Commission on Human Rights, was responsible for drafting the Universal Declaration of Human Rights and in recognition of her unparalleled humanitarian conviction, was elected as Chairwoman of the Commission; Eleanor Roosevelt expressed her vision of a declaration of true universality with enduring principles that would be perpetually recognized by all nations when she stated, as she submitted the Universal Declaration of Human Rights for consideration by the United Nations General Assembly, ''We stand today at the threshold of a great event both in the life of the United Nations and in the life of mankind. This declaration may well become the international Magna Carta for all men everywhere.''; and

Whereas United Nations Secretary-General Ban Ki-moon noted on Human Rights Day 2007, that ''[i]t is our duty to ensure that these rights are a living reality—that they are known, understood and enjoyed by everyone, everywhere'': Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) recognizes on its 60th anniversary year the Universal Declaration of Human Rights as a singular achievement of the community of nations;

(2) recognizes the contribution in the Declaration of Independence and the United States Constitution to the development of the Universal Declaration of Human Rights, and the role of the United States in preserving the legacy of these foundational human rights precepts through its participation in the United Nations;

(3) urges all United Nations Member States to renew their commitment to uphold and promote the transcendent principles of human dignity enshrined in the Universal Declaration of Human Rights, especially on behalf of the world's most vulnerable persons and those who have no power to advocate on their own behalf; and

(4) joins with colleagues inspired by the spirit of goodwill in parliaments throughout the world in seeking to guide the United Nations and its agencies to serve as effective instruments of genuine and lasting justice and peace among nations.

The SPEAKER pro tempore, Mr. HOLDEN, recognized Mr. PAYNE and Ms. ROS-LEHTINEN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution, as amended?

The SPEAKER pro tempore, Mr. HOLDEN, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said concurrent resolution, as amended, was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said concurrent resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶69.20 INTERNATIONAL YEAR OF SANITATION

Mr. PAYNE moved to suspend the rules and agree to the following concurrent resolution (H. Con. Res. 318); as amended:

Whereas, in 2000, the United States, along with other world leaders, at the 55th United Nations General Assembly, committed to achieving the Millennium Development Goals which provide a framework for countries and international organizations to combat such global social ills as poverty, hunger, and disease;

Whereas one target of the Millennium Development Goals is to halve by 2015 the proportion of people without access to safe drinking water and basic sanitation, the only target to be codified into United States law in the Senator Paul Simon Water for the Poor Act of 2005 (Public Law 109–121);

Whereas the lack of access to safe water and sanitation is one of the most pressing environmental public health issues in the world;

Whereas over 1,000,000,000 people live without potable water and an estimated 2,600,000,000 people do not have access to basic sanitation facilities, which includes 980,000,000 children;

Whereas every 20 seconds a child dies as a direct result of a lack of access to basic sanitation facilities;

Whereas only 36 percent of sub-Saharan Africa and 37 percent of South Asia have access to safe drinking water and sanitation, the lowest rates in the world;

Whereas at any one time almost half of the developing world's people are suffering from diseases associated with lack of water, sanitation, and hygiene;

Whereas improved sanitation decreases the incidences of debilitating and deadly maladies such as cholera, intestinal worms, diarrhea, pneumonia, dysentery, and skin infections;

Whereas sanitation is the foundation of health, dignity, and development;

Whereas increased sanitation is fundamental for reaching all of the Millennium Development Goals;

Whereas access to basic sanitation helps economic and social development in countries where poor sanitation is a major cause of lost work and school days because of illness;

Whereas sanitation in schools enables children, particularly girls reaching puberty, to remain in the educational system;

Whereas according to the World Health Organization, every dollar spent on proper sanitation by governments generates an average of $7 in economic benefit;

Whereas improved disposal of human waste protects the quality of water sources used for drinking, preparation of food, agriculture, and bathing;

Whereas, in 2006, the United Nations, at the 61st Session of the General Assembly, declared 2008 as the International Year of Sanitation to recognize the progress made in achieving the global sanitation target detailed in the Millennium Development Goals, as well as to call upon all Member States, United Nations agencies, regional and international organizations, civil society organizations, and other relevant stakeholders to renew their commitment to attaining that target;

Whereas the official launching of the International Year of Sanitation at the United Nations was on November 21, 2007; and

Whereas the thrust of the International Year of Sanitation has three parts, including—

(1) raising awareness of the importance of sanitation and its impact on reaching other Millennium Development Goals;

(2) encouraging governments and their partners to promote and implement policies and actions for meeting the sanitation target; and

(3) mobilizing communities, particularly women's groups, towards changing sanitation and hygiene practices through sanitation health education campaigns: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) supports the goals and ideals of the International Year of Sanitation;

(2) recognizes the importance of sanitation on public health, poverty reduction, economic and social development, and the environment; and

(3) encourages the people of the United States to observe the International Year of Sanitation with appropriate recognition, ceremonies, activities, and programs to demonstrate the importance of sanitation and hygiene in achieving the Millennium Development Goals, and to support developing countries in their efforts to achieve the Millennium Development Goal target on basic sanitation among populations at greatest need.

The SPEAKER pro tempore, Mr. HOLDEN, recognized Mr. PAYNE and Ms. ROS-LEHTINEN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution, as amended?

The SPEAKER pro tempore, Mr. SERRANO, announced that two-thirds of the Members present had voted in the affirmative.

Mr. PAYNE demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. SERRANO, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶69.21 SEEDS OF PEACE

Mr. PAYNE moved to suspend the rules and agree to the following concurrent resolution (H. Con. Res. 337):

Whereas Seeds of Peace, founded by the late John Wallach, is a program that brings together young people and educators from regions of conflict to study and learn about coexistence and conflict resolution;

Whereas these young people study and learn primarily at an international conflict resolution summer camp operated by Seeds of Peace in Otisfield, Maine, and also through its regional programs such as the facilitation training course in the Middle East,

the homestay programs in South Asia, and international regional conferences;

Whereas the first international conflict resolution camp welcomed Israeli, Palestinian, Jordanian, and Egyptian youths in the summer of 1993, and has since expanded to involve youths from other regions of conflict, including from Greece, Turkey and divided Cyprus, the Balkans, India, Pakistan, and Afghanistan;

Whereas Seeds of Peace utilizes the summer camp to initiate dialogue between the youths of the United States and the youths from various conflict regions to dispel hatred and create religious and cultural understanding;

Whereas Seeds of Peace regional programs have trained hundreds of educators to teach peaceful conflict resolutions techniques in their classrooms, positively influencing thousands of students;

Whereas Seeds of Peace works to dispel fear, mistrust, and prejudice, which among others are root causes of violence and conflict, and to build a new generation of leaders who are committed to achieving peace;

Whereas Seeds of Peace reveals the human face of those whom youth may have been taught to hate, by engaging campers in both guided coexistence sessions and ordinary summer camp activities such as living together in cabins, sharing meals, canoeing, swimming, playing sports, and creative exploration through the arts and computers;

Whereas long-term peace between Arabs and Israelis, Indians and Pakistanis, and Afghans and Pakistanis can only be achieved with the emergence of a new generation of leaders who will choose dialogue, friendship, and openness over violence and hatred;

Whereas Seeds of Peace provides year-round opportunities via regional programming and innovative technology to enable former participants to build on the relationships forged at camp, so that the learning processes begun at camp may continue subsequently in the participants' home countries;

Whereas youth graduates of the camp, known as Seeds, currently number over 4,000, with an additional 567 adult delegation leaders also having completed Seeds of Peace training;

Whereas this graduate network receives continued support from Seeds of Peace in promoting professional cooperation;

Whereas Seeds of Peace is strongly supported by participating governments and many world leaders; and

Whereas continued partial Federal funding for Seeds of Peace demonstrates its recognized importance in promoting peaceful resolution of conflicts as a primary goal of United States policy: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) reaffirms that youth should be involved in long-term, visionary solutions to violent conflicts;

(2) honors the accomplishments of Seeds of Peace in its 15 years of promoting understanding, reconciliation, acceptance, coexistence, and peace among youth from the Middle East and other regions of conflict around the world; and

(3) views Seeds of Peace as a highly creative and successful effort to achieve reconciliation among peoples from areas of conflict, which inspires great hope that nations in conflict ultimately can learn to live together in peace, cooperation, and security.

The SPEAKER pro tempore, Mr. SERRANO, recognized Mr. PAYNE and Ms. ROS-LEHTINEN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution?

The SPEAKER pro tempore, Mr. SERRANO, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said concurrent resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said concurrent resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶69.22 DISABLED AMERICAN VETERANS

Ms. Corrine BROWN of Florida, moved to suspend the rules and agree to the following concurrent resolution (H. Con. Res. 336):

Whereas the people of the United States have a sincere appreciation and respect for members of the Armed Forces who suffered disabling wounds while serving in the United States military;

Whereas there are approximately 2,800,000 veterans receiving benefits from the Department of Veterans Affairs for disabilities incurred while defending our Nation;

Whereas the current wars in Iraq and Afghanistan have resulted in 30,000 disabled American veterans as a direct result of combat operations, and even more so from conditions simulating war, instrumentalities of war, and hazardous duty in combat-related training;

Whereas families throughout every State in America have been affected by loved ones returning disabled from their service to their Nation;

Whereas the American public supports the brave men and women who have defended the freedom of all in America;

Whereas America owes its very integrity to her sons and daughters in uniform, who risk the most for the least, and who epitomize the extraordinary meaning of service, sacrifice, and, most importantly, freedom; and

Whereas Americans should remember and honor our men and women in uniform who incurred disabilities while defending our Nation with a Disabled American Veterans Week: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) recognizes the great sacrifices made by disabled veterans and their families;

(2) calls on the people of the United States to honor all disabled American veterans and the freedom for which they sacrificed;

(3) encourages local, State, and national organizations and governmental institutions to participate in the effort to honor the sacrifices of America's disabled veterans; and

(4) supports the goals and ideals of Disabled American Veterans Week.

The SPEAKER pro tempore, Mr. SERRANO, recognized Ms. Corrine BROWN of Florida, and Mr. SCALISE, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution?

The SPEAKER pro tempore, Mr. SERRANO, announced that two-thirds of the Members present had voted in the affirmative.

Ms. Corrine BROWN of Florida, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. SERRANO, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶69.23 NATIONAL D-DAY REMEMBRANCE DAY

Ms. Corrine BROWN of Florida, moved to suspend the rules and agree to the following resolution (H. Res. 1235):

Whereas June 6, 2008, marks the 64th anniversary of D-Day, the day of the beginning of the Allied assault against the Axis forces at Normandy, France, during World War II;

Whereas the D-Day assault, codenamed Operation Overlord, was the most extensive amphibious invasion ever to occur, and involved 5,000 ships, over 11,000 sorties of Allied aircraft, and 150,000 American, British, and Canadian troops on the first day of the operation;

Whereas the D-Day assault was among the most important events of World War II, as the success of the Allied landings in Normandy provided the foothold for the liberation of France and the eventual Allied advancement into Germany, leading ultimately to the Allied victory in Europe;

Whereas the brave men and women of our armed services who participated in the D-Day assault forever changed the course of history by starting the liberation of occupied Europe from Nazi Germany;

Whereas 5 separate beaches were assaulted, with American forces under the command of Lieutenant General Omar Bradley attacking Omaha and Utah beaches, and British and Canadian forces under the command of General Miles Dempsey attacking Gold, Juno, and Sword beaches;

Whereas according to General Dwight D. Eisenhower, American troops would ''accept nothing less than full victory'';

Whereas American troops displayed tremendous heroism, dedication, and strength in storming the beaches of Normandy against a heavily fortified enemy;

Whereas American troops suffered significant losses during the assault, including over 6,500 casualties;

Whereas June 6, 1944, is one of the most significant dates in the history of the United States;

Whereas the National D-Day Museum was dedicated on June 6, 2000, in New Orleans, Louisiana;

Whereas Congress designated the museum as ''America's National World War II Museum'' in 2003;

Whereas the museum has welcomed 1,800,000 visitors since its opening, and currently sees an average of 17,000 visitors a month;

Whereas the National World War II Museum is the only museum in the United States that exists for the exclusive purpose of interpreting the American experience during World War II on both the homefront and battlefront and, in doing so, covers all the branches of the Armed Forces and the Merchant Marines;

Whereas the museum interprets the American experience during World War II, celebrates the American spirit, recognizes the teamwork, optimism, courage, and sacrifice of the men and women who won World War II, and promotes the exploration and expression of these values by future generations; and

Whereas it would be appropriate to designate June 6, 2008, as National D-Day Remembrance Day: Now, therefore, be it

Resolved, That the House of Representatives supports the designation of National D-Day Remembrance Day, recognizes and honors the veterans who served on D-Day, and thanks them for their spirit, courage, and sacrifice.

The SPEAKER pro tempore, Mr. SERRANO, recognized Ms. Corrine BROWN of Florida, and Mr. SCALISE, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. SERRANO, announced that two-thirds of the Members present had voted in the affirmative.

Ms. Corrine BROWN of Florida, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. SERRANO, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Wednesday, June 11, 2008.

¶69.24 ORDER OF BUSINESS—PRIVILEGES OF THE HOUSE

On motion of Ms. Corrine BROWN of Florida, by unanimous consent,

Ordered, That it may be in order if the gentleman from Ohio, [Mr. KUCINICH], offers a resolution as a question of privileges of the House at any time on the legislative day of June 10, 2008: 1) the previous question shall be considered as ordered thereon without intervening motion except one motion to refer; and 2) the Speaker may postpone further proceedings on such a vote on a motion to refer as though under clause 8(a)(1)(A) of rule XX.

¶69.25 CONGRESSIONAL GOLD MEDAL

Mr. ACKERMAN moved to suspend the rules and pass the bill of the Senate (S. 254) to award posthumously a Congressional gold medal to Constantino Brumidi.

The SPEAKER pro tempore, Mr. SERRANO, recognized Mr. ACKERMAN and Mrs. CAPITO, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. SERRANO, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶69.26 MANUFACTURED HOUSING

Mr. DONNELLY moved to suspend the rules and agree to the following resolution (H. Res. 1010):

Whereas manufactured housing plays a vital role in meeting the housing needs of the people of the United States and is an important source of quality, affordable housing, including both homeownership and rental housing;

Whereas the manufactured housing industry in the United States has approximately $6,000,000,000 annually in sales and employs approximately 70,000 people in factories and retail centers alone;

Whereas 18,000,000 people in the United States, representing all segments of the population, including emerging demographics, live in manufactured homes;

Whereas because it is an important source of affordable housing, manufactured housing is a critical part of the solution to the ongoing crisis in the housing market in this Nation;

Whereas the factory production process provides manufactured housing with technological advantages, value, and customization options for consumers seeking quality housing and sustainable homeownership;

Whereas manufactured homes are built to a national standard under the National Manufactured Housing Construction and Safety Standards Act of 1974, which governs construction, engineering, quality, safety, and systems performance;

Whereas that Act supports innovation, consumer safety, efficiency, and quality while preserving the affordability and customization of manufactured housing;

Whereas creating affordable homeownership opportunities helps build communities and requires the cooperation of the private and public sectors, including the Federal Government and State and local governments;

Whereas the laws of the United States, such as the Manufactured Housing Improvement Act of 2000, encourage manufactured housing homeownership and should continue to do so in the future;

Whereas June is designated as National Homeownership Month; and

Whereas the third week of June is recognized as Manufactured Housing Week: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the importance of manufactured housing in providing decent, sustainable, and affordable housing;

(2) recognizes the importance of manufactured housing in contributing to homeownership in the United States;

(3) recognizes the importance of homeownership, including homeownership of manufactured homes, in building strong communities and families; and

(4) recognizes and fully supports the goals and ideals of Manufactured Housing Week and National Homeownership Month.

The SPEAKER pro tempore, Mr. SERRANO, recognized Mr. DONNELLY and Mrs. CAPITO, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. CAPUANO, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶69.27 CONGRESSIONAL GOLD MEDAL

Mr. FRANK of Massachusetts, moved to suspend the rules and pass the bill of the Senate (S. 682) to award a congressional gold medal to Edward William Brooke III in recognition of his unprecedented and enduring service to our Nation.

The SPEAKER pro tempore, Mr. CAPUANO, recognized Mr. FRANK of Massachusetts, and Mrs. CAPITO, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. CAPUANO, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶69.28 ST. MARY'S COOPERATIVE CREDIT ASSOCIATION

Mr. HODES moved to suspend the rules and agree to the following resolution (H. Res. 1145):

Whereas America's first credit union was established in 1908, in Manchester, New Hampshire, in order to afford hard-working American textile workers access to credit and savings;

Whereas the St. Mary's Cooperative Credit Association, later to be named the ''Bank of the People'', would lay the foundation for the creation of over 8,500 credit unions in America today, which serve over 90,000,000 members;

Whereas on June 26, 1934, President Franklin D. Roosevelt signed into law the Federal Credit Union Act, thus enabling credit unions to be organized throughout the United States under the charters approved by the Federal Government;

Whereas St. Mary's Cooperative Credit Association and other credit unions created as a result of the passage of the Federal Credit Union Act played an instrumental role in helping hard-working Americans recover after the Great Depression;

Whereas credit unions have consistently carried on the traditions set by St. Mary's and exemplified the American values of thrift, self-help, and volunteers, carving out a special place for themselves among the Nation's financial institutions;

Whereas America's Credit Union Museum, located on the site of America's first credit union, maintains a mission of ''educating present and future generations on the benefits of cooperative self-help efforts to promote thrift and sensible use of credit'' and preserves the history and tradition of America's credit unions;

Whereas credit unions operate with the credo, ''Not for profit, not for charity-but for service'' and have consistently reflected this philosophical tradition and the cooperative spirit of ''people helping people'' that gave birth to the Federal Credit Union Act; and

Whereas 2008 will mark the 100th anniversary of the establishment of St. Mary's Cooperative Credit Association in Manchester, New Hampshire, America's first credit union: Now, therefore, be it

Resolved, That the House of Representatives recognizes the 100th anniversary of the founding of St. Mary's Cooperative Credit Association, the ''Bank of the People'', and the birth of the American credit union.

The SPEAKER pro tempore, Mr. CAPUANO, recognized Mr. HODES and Mrs. CAPITO, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. CAPUANO, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶69.29 COMMEMORATIVE COIN

Mr. Lincoln DAVIS of Tennessee, moved to suspend the rules and pass the bill (H.R. 3229) to require the Secretary of the Treasury to mint coins in commemoration of the legacy of the United States Army Infantry and the establishment of the National Infantry Museum and Soldier Center; as amended.

The SPEAKER pro tempore, Mr. CAPUANO, recognized Mr. Lincoln DAVIS of Tennessee, and Mrs. CAPITO, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. CAPUANO, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶69.30 COMMEMORATIVE COIN

Mrs. MALONEY of New York, moved to suspend the rules and pass the bill (H.R. 2268) to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the establishment of Mother's Day; as amended.

The SPEAKER pro tempore, Mr. CAPUANO, recognized Mrs. MALONEY of New York, and Mrs. CAPITO, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. CAPUANO, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶69.31 H. RES. 1063—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. CAPUANO, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 1063) marking the 225th anniversary of the Treaty of Paris of 1783, which ended the Revolutionary War with the Kingdom of Great Britain and recognized the independence of the United States of America, and acknowledging the shared values and close friendship between the peoples and governments of the United States and the United Kingdom of Great Britain and Northern Ireland.

The question being put,

Will the House suspend the rules and agree to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 414 / Nays 0

¶69.32 [Roll No. 394]

YEAS—414

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Cazayoux
Chabot
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Filner
Flake
Forbes
Fortenberry
Fossella
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Honda
Hooley
Hoyer
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Paul
Pearce
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pitts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Scalise
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (FL)

NOT VOTING—19

Braley (IA)	McCrery	Rush
Burgess	Meek (FL)	Tancredo
Ferguson	Ortiz	Wamp
Gillibrand	Payne	Wilson (SC)
Hinchey	Pence	Young (AK)
Holt	Pickering	
Hulshof	Platts	

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶69.33 H. CON. RES. 318—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. CAPUANO, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the concurrent resolution (H. Con. Res. 318) supporting the goals and ideals of the International Year of Sanitation; as amended.

The question being put,

Will the House suspend the rules and agree to said concurrent resolution, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 411; Nays ..... 0; Answered present 1

¶69.34 [Roll No. 395]

YEAS—411

Abercrombie	Burgess	DeFazio
Ackerman	Burton (IN)	DeGette
Aderholt	Buyer	Delahunt
Akin	Calvert	DeLauro
Alexander	Camp (MI)	Dent
Allen	Campbell (CA)	Diaz-Balart, L.
Altmire	Cannon	Diaz-Balart, M.
Andrews	Cantor	Dicks
Arcuri	Capito	Dingell
Bachmann	Capps	Doggett
Bachus	Capuano	Doolittle
Baird	Cardoza	Doyle
Baldwin	Carnahan	Drake
Barrett (SC)	Carney	Dreier
Barrow	Carson	Duncan
Bartlett (MD)	Carter	Edwards
Barton (TX)	Castle	Ehlers
Bean	Castor	Ellsworth
Becerra	Cazayoux	Emanuel
Berkley	Chabot	Emerson
Berman	Chandler	Engel
Berry	Childers	English (PA)
Biggert	Clarke	Eshoo
Bilbray	Clay	Etheridge
Bilirakis	Cleaver	Everett
Bishop (GA)	Clyburn	Fallin
Bishop (NY)	Coble	Farr
Bishop (UT)	Cohen	Fattah
Blackburn	Cole (OK)	Feeney
Blumenauer	Conaway	Filner
Blunt	Conyers	Flake
Boehner	Cooper	Forbes
Bonner	Costa	Fortenberry
Bono Mack	Costello	Fossella
Boozman	Courtney	Foxx
Boren	Cramer	Frank (MA)
Boswell	Crenshaw	Franks (AZ)
Boucher	Crowley	Frelinghuysen
Boustany	Cubin	Gallegly
Boyd (FL)	Cuellar	Garrett (NJ)
Boyda (KS)	Cummings	Gerlach
Brady (PA)	Davis (AL)	Giffords
Brady (TX)	Davis (CA)	Gilchrest
Broun (GA)	Davis (IL)	Gingrey
Brown (SC)	Davis (KY)	Gohmert
Brown, Corrine	Davis, David	Gonzalez
Brown-Waite, Ginny	Davis, Lincoln	Goode
Buchanan	Davis, Tom	Goodlatte
	Deal (GA)	Gordon
Granger	Marchant	Ryan (WI)
Graves	Markey	Salazar
Green, Al	Marshall	Sali
Green, Gene	Matheson	Sánchez, Linda T.
Grijalva	Matsui	Sanchez, Loretta
Gutierrez	McCarthy (CA)	Sarbanes
Hall (NY)	McCarthy (NY)	Saxton
Hall (TX)	McCaul (TX)	Scalise
Hare	McCollum (MN)	Schakowsky
Harman	McCotter	Schiff
Hastings (FL)	McDermott	Schmidt
Hastings (WA)	McGovern	Schwartz
Hayes	McHenry	Scott (GA)
Heller	McHugh	Scott (VA)
Hensarling	McIntyre	Sensenbrenner
Herger	McKeon	Serrano
Herseth Sandlin	McMorris Rodgers	Sessions
Higgins	McNerney	Sestak
Hill	McNulty	Shadegg
Hinchey	Meeks (NY)	Shays
Hinojosa	Melancon	Shea-Porter
Hirono	Mica	Sherman
Hobson	Michaud	Shimkus
Hodes	Miller (FL)	Shuler
Hoekstra	Miller (MI)	Shuster
Holden	Miller (NC)	Simpson
Honda	Miller, Gary	Sires
Hooley	Miller, George	Skelton
Hoyer	Mitchell	Slaughter
Hunter	Mollohan	Smith (NE)
Inglis (SC)	Moore (KS)	Smith (NJ)
Inslee	Moore (WI)	Smith (TX)
Israel	Moran (KS)	Smith (WA)
Issa	Moran (VA)	Snyder
Jackson (IL)	Murphy (CT)	Solis
Jackson-Lee (TX)	Murphy, Patrick	Souder
Jefferson	Murphy, Tim	Space
Johnson (GA)	Murtha	Speier
Johnson (IL)	Musgrave	Spratt
Johnson, E. B.	Myrick	Stark
Johnson, Sam	Nadler	Stearns
Jones (NC)	Napolitano	Stupak
Jones (OH)	Neal (MA)	Sullivan
Jordan	Neugebauer	Sutton
Kagen	Nunes	Tanner
Kanjorski	Oberstar	Tauscher
Kaptur	Obey	Taylor
Keller	Olver	Terry
Kennedy	Pallone	Thompson (CA)
Kildee	Pascrell	Thompson (MS)
Kilpatrick	Pastor	Thornberry
Kind	Paul	Tiahrt
King (IA)	Pearce	Tiberi
King (NY)	Perlmutter	Tierney
Kingston	Peterson (MN)	Towns
Kirk	Peterson (PA)	Tsongas
Klein (FL)	Petri	Turner
Kline (MN)	Pitts	Udall (CO)
Knollenberg	Platts	Udall (NM)
Kucinich	Poe	Upton
Kuhl (NY)	Pomeroy	Van Hollen
LaHood	Porter	Velázquez
Lamborn	Price (GA)	Visclosky
Lampson	Price (NC)	Walberg
Langevin	Pryce (OH)	Walden (OR)
Larsen (WA)	Putnam	Walsh (NY)
Larson (CT)	Radanovich	Walz (MN)
Latham	Rahall	Wasserman Schultz
LaTourette	Ramstad	Waters
Latta	Rangel	Watson
Lee	Regula	Watt
Levin	Rehberg	Waxman
Lewis (CA)	Reichert	Weiner
Lewis (GA)	Renzi	Welch (VT)
Lewis (KY)	Reyes	Weldon (FL)
Linder	Reynolds	Weller
Lipinski	Richardson	Westmoreland
LoBiondo	Rodriguez	Wexler
Loebsack	Rogers (AL)	Whitfield (KY)
Lofgren, Zoe	Rogers (KY)	Wilson (NM)
Lowey	Rogers (MI)	Wilson (OH)
Lucas	Rohrabacher	Wittman (VA)
Lungren, Daniel E.	Ros-Lehtinen	Wolf
	Roskam	Woolsey
Lynch	Ross	Wu
Mack	Rothman	Yarmuth
Mahoney (FL)	Roybal-Allard	Young (AK)
Maloney (NY)	Royce	Young (FL)
Manzullo	Ruppersberger	

ANSWERED ''PRESENT''—1

Culberson

NOT VOTING—21

Baca	Ferguson	McCrery
Braley (IA)	Foster	Meek (FL)
Butterfield	Gillibrand	Ortiz
Donnelly	Holt	Payne
Ellison	Hulshof	Pence
Pickering	Ryan (OH)	Wamp
Rush	Tancredo	Wilson (SC)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said concurrent resolution, as amended, was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said concurrent resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶69.35 H. CON. RES. 336—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. CAPUANO, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the concurrent resolution (H. Con. Res. 336) honoring the sacrifices and contributions of disabled American veterans.

The question being put,

Will the House suspend the rules and agree to said concurrent resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 417; Nays 0

¶69.36 [Roll No. 396]

YEAS—417

Abercrombie	Camp (MI)	Doggett
Ackerman	Campbell (CA)	Donnelly
Aderholt	Cannon	Doolittle
Akin	Cantor	Doyle
Alexander	Capito	Drake
Allen	Capps	Dreier
Altmire	Capuano	Duncan
Andrews	Cardoza	Edwards
Arcuri	Carnahan	Ehlers
Baca	Carney	Ellison
Bachmann	Carson	Ellsworth
Bachus	Carter	Emanuel
Baldwin	Castle	Emerson
Barrett (SC)	Castor	Engel
Barrow	Cazayoux	English (PA)
Bartlett (MD)	Chabot	Eshoo
Barton (TX)	Chandler	Etheridge
Bean	Childers	Everett
Becerra	Clarke	Fallin
Berkley	Clay	Farr
Berman	Cleaver	Fattah
Berry	Clyburn	Feeney
Biggert	Coble	Filner
Bilbray	Cohen	Flake
Bilirakis	Cole (OK)	Forbes
Bishop (GA)	Conaway	Fortenberry
Bishop (NY)	Conyers	Fossella
Bishop (UT)	Costa	Foster
Blackburn	Costello	Foxx
Blumenauer	Courtney	Frank (MA)
Blunt	Cramer	Franks (AZ)
Boehner	Crenshaw	Frelinghuysen
Bonner	Crowley	Gallegly
Bono Mack	Cubin	Garrett (NJ)
Boozman	Cuellar	Gerlach
Boren	Culberson	Giffords
Boswell	Cummings	Gilchrest
Boucher	Davis (AL)	Gingrey
Boustany	Davis (CA)	Gohmert
Boyd (FL)	Davis (IL)	Gonzalez
Boyda (KS)	Davis (KY)	Goode
Brady (PA)	Davis, David	Goodlatte
Brady (TX)	Davis, Lincoln	Gordon
Broun (GA)	Davis, Tom	Granger
Brown (SC)	Deal (GA)	Graves
Brown, Corrine	DeFazio	Green, Al
Brown-Waite, Ginny	DeGette	Green, Gene
	Delahunt	Grijalva
Buchanan	DeLauro	Gutierrez
Burgess	Dent	Hall (NY)
Burton (IN)	Diaz-Balart, L.	Hall (TX)
Butterfield	Diaz-Balart, M.	Hare
Buyer	Dicks	Harman
Calvert	Dingell	Hastings (FL)

Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Honda
Hooley
Hoyer
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Paul
Pearce
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Scalise
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—16

Baird
Braley (IA)
Cooper
Ferguson
Gillibrand
Holt
Hulshof
McCrery
Meek (FL)
Ortiz
Payne
Pence
Rush
Tancredo
Wamp
Wilson (SC)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said concurrent resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said concurrent resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶69.37 COMMUNICATION FROM THE CHIEF ADMINISTRATIVE OFFICER—APPOINTMENT OF DEPUTY CHIEF ADMINISTRATIVE OFFICERS

The SPEAKER pro tempore, Mr. CAPUANO, laid before the House a communication, which was read as follows:

OFFICE OF THE CHIEF ADMINISTRATIVE OFFICER, U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, June 5, 2008.

Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington, DC

DEAR MADAM SPEAKER: Pursuant to §20702(b) of H.J. Res. 20, P.L. 110–5, I am notifying the House that I am designating Ali Qureshi, Deputy Chief Administrative Officer for Operations and Walter Edwards, Deputy CAO for Customer Solutions to act in my stead in the event of my death, resignation, separation from office or disability until a Chief Administrative Officer is appointed pursuant to 2 U.S.C. §75a–1.

Sincerely,

DANIEL P. BEARD.

¶69.38 PROVIDING FOR CONSIDERATION OF H.R. 6063

Mr. HASTINGS of Florida, by direction of the Committee on Rules, reported (Rept. No. 110–707) the resolution (H. Res. 1257) providing for consideration of the bill (H.R. 6063) to authorize the programs of the National Aeronautics and Space Administration, and for other purposes.

When said resolution and report were referred to the House Calendar and ordered printed.

¶69.39 PRIVILEGES OF THE HOUSE

Mr. KUCINICH, pursuant to rule IX, called up the following resolution (H. Res. 1258):

Resolved, That President George W. Bush be impeached for high crimes and misdemeanors, and that the following articles of impeachment be exhibited to the United States Senate:

Articles of impeachment exhibited by the House of Representatives of the United States of America in the name of itself and of the people of the United States of America, in maintenance and support of its impeachment against President George W. Bush for high crimes and misdemeanors.

In his conduct while President of the United States, George W. Bush, in violation of his constitutional oath to faithfully execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States, and in violation of his constitutional duty to take care that the laws be faithfully executed, has committed the following abuses of power.

ARTICLE I.—CREATING A SECRET PROPAGANDA CAMPAIGN TO MANUFACTURE A FALSE CASE FOR WAR AGAINST IRAQ

In his conduct while President of the United States, George W. Bush, in violation of his constitutional oath to faithfully execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States, and in violation of his constitutional duty under Article II, Section 3 of the Constitution ''to take care that the laws be faithfully executed'', has both personally and acting through his agents and subordinates, together with the Vice President, illegally spent public dollars on a secret propaganda program to manufacture a false cause for war against Iraq.

The Department of Defense (DOD) has engaged in a years-long secret domestic propaganda campaign to promote the invasion and occupation of Iraq. This secret program was defended by the White House Press Secretary following its exposure. This program follows the pattern of crimes detailed in Article I, II, IV and VIII.. The mission of this program placed it within the field controlled by the White House Iraq Group (WHIG), a White House task-force formed in August 2002 to market an invasion of Iraq to the American people. The group included Karl Rove, I. Lewis Libby, Condoleezza Rice, Karen Hughes, Mary Matalin, Stephen Hadley, Nicholas E. Calio, and James R. Wilkinson.

The WHIG produced white papers detailing so-called intelligence of Iraq's nuclear threat that later proved to be false. This supposed intelligence included the claim that Iraq had sought uranium from Niger as well as the claim that the high strength aluminum tubes Iraq purchased from China were to be used for the sole purpose of building centrifuges to enrich uranium. Unlike the National Intelligence Estimate of 2002, the WHIG's white papers provided ''gripping images and stories'' and used ''literary license'' with intelligence. The WHIG's white papers were written at the same time and by the same people as speeches and talking points prepared for President Bush and some of his top officials.

The WHIG also organized a media blitz in which, between September 7–8, 2002, President Bush and his top advisers appeared on numerous interviews and all provided similarly gripping images about the possibility of nuclear attack by Iraq. The timing was no coincidence, as Andrew Card explained in an interview regarding waiting until after Labor Day to try to sell the American people on military action against Iraq, ''From a marketing point of view, you don't introduce new products in August.''

September 7–8, 2002:

NBC's ''Meet the Press: Vice President Cheney accused Saddam of moving aggressively to develop nuclear weapons over the past 14 months to add to his stockpile of chemical and biological arms.

CNN: Then-National Security Adviser Rice said, regarding the likelihood of Iraq obtaining a nuclear weapon, ''We don't want the smoking gun to be a mushroom cloud.''

CBS: President Bush declared that Saddam was ''six months away from developing a weapon,'' and cited satellite photos of construction in Iraq where weapons inspectors once visited as evidence that Saddam was trying to develop nuclear arms.

The Pentagon military analyst propaganda program was revealed in an April 20, 2002, New York Times article. The program illegally involved ''covert attempts to mold opinion through the undisclosed use of third parties.'' Secretary of Defense Donald Rumsfeld recruited 75 retired military officers and gave them talking points to deliver on Fox, CNN, ABC, NBC, CBS, and MSNBC, and according to the New York Times report, which has not been disputed by the Pentagon or the White House, ''Participants were instructed not to quote their briefers directly or otherwise describe their contacts with the Pentagon.''

According to the Pentagon's own internal documents, the military analysts were considered ''message force multipliers'' or ''surrogates'' who would deliver administration ''themes and messages'' to millions of Americans ''in the form of their own opinions.'' In fact, they did deliver the themes and the messages but did not reveal that the Pentagon had provided them with their talking points. Robert S. Bevelacqua, a retired Green Beret and Fox News military analyst described this as follows: ''It was them saying, 'We need to stick our hands up your back and move your mouth for you.'''

Congress has restricted annual appropriations bills since 1951 with this language: ''No part of any appropriation contained in this or any other Act shall be used for publicity or propaganda purposes within the United States not heretofore authorized by the Congress.''

A March 21, 2005, report by the Congressional Research Service states that ''publicity or propaganda'' is defined by the U.S. Government Accountability Office (GAO) to mean either (1) self-aggrandizement by public officials, (2) purely partisan activity, or (3) ''covert propaganda.''

These concerns about ''covert propaganda'' were also the basis for the GAO's standard for determining when government-funded video news releases are illegal:

''The failure of an agency to identify itself as the source of a prepackaged news story misleads the viewing public by encouraging the viewing audience to believe that the broadcasting news organization developed the information. The prepackaged news stories are purposefully designed to be indistinguishable from news segments broadcast to the public. When the television viewing public does not know that the stories they watched on television news programs about the government were in fact prepared by the government, the stories are, in this sense, no longer purely factual—the essential fact of attribution is missing.''

The White House's own Office of Legal Council stated in a memorandum written in 2005 following the controversy over the Armstrong Williams scandal:

''Over the years, GAO has interpreted 'publicity or propaganda' restrictions to preclude use of appropriated funds for, among other things, so-called 'covert propaganda.' . . . Consistent with that view, the OLC determined in 1988 that a statutory prohibition on using appropriated funds for 'publicity or propaganda' precluded undisclosed agency funding of advocacy by third-party groups. We stated that 'covert attempts to mold opinion through the undisclosed use of third parties' would run afoul of restrictions on using appropriated funds for 'propaganda.'''

Asked about the Pentagon's propaganda program at White House press briefing in April 2008, White House Press Secretary Dana Perino defended it, not by arguing that it was legal but by suggesting that it ''should'' be: ''Look, I didn't know look, I think that you guys should take a step back and look at this look, DOD has made a decision, they've decided to stop this program. But I would say that one of the things that we try to do in the administration is get information out to a variety of people so that everybody else can call them and ask their opinion about something. And I don't think that that should be against the law. And I think that it's absolutely appropriate to provide information to people who are seeking it and are going to be providing their opinions on it. It doesn't necessarily mean that all of those military analysts ever agreed with the administration. I think you can go back and look and think that a lot of their analysis was pretty tough on the administration. That doesn't mean that we shouldn't talk to people.''

In all of these actions and decisions, President George W. Bush has acted in a manner contrary to his trust as President and Commander in Chief, and subversive of constitutional government, to the prejudice of the cause of law and justice and to the manifest injury of the people of the United States. Wherefore, President George W. Bush, by such conduct, is guilty of an impeachable offense warranting removal from office.

ARTICLE II.—FALSELY, SYSTEMATICALLY, AND WITH CRIMINAL INTENT CONFLATING THE ATTACKS OF SEPTEMBER 11, 2001 WITH MISREPRESENTATION OF IRAQ AS AN IMMINENT SECURITY THREAT AS PART OF A FRAUDULENT JUSTIFICATION FOR A WAR OF AGGRESSION.

In his conduct while President of the United States, George W. Bush, in violation of his constitutional oath to faithfully execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States, and in violation of his constitutional duty under Article II, Section 3 of the Constitution ''to take care that the laws be faithfully executed'', has both personally and acting through his agents and subordinates, together with the Vice President, executed a calculated and wide-ranging strategy to deceive the citizens and Congress of the United States into believing that there was and is a connection between Iraq and Saddam Hussein on the one hand, and the attacks of September 11, 2001 and al Qaeda, on the other hand, so as to falsely justify the use of the United States Armed Forces against the nation of Iraq in a manner that is damaging to the national security interests of the United States, as well as to fraudulently obtain and maintain congressional authorization and funding for the use of such military force against Iraq, thereby interfering with and obstructing Congress's lawful functions of overseeing foreign affairs and declaring war.

The means used to implement this deception were and continue to be, first, allowing, authorizing and sanctioning the manipulation of intelligence analysis by those under his direction and control, including the Vice President and the Vice President's agents, and second, personally making, or causing, authorizing and allowing to be made through highly- placed subordinates, including the President's Chief of Staff, the White House Press Secretary and other White House spokespersons, the Secretaries of State and Defense, the National Security Advisor, and their deputies and spokespersons, false and fraudulent representations to the citizens of the United States and Congress regarding an alleged connection between Saddam Hussein and Iraq, on the one hand, and the September 11th attacks and al Qaeda, on the other hand, that were half-true, literally true but misleading, and/or made without a reasonable basis and with reckless indifference to their truth, as well as omitting to state facts necessary to present an accurate picture of the truth as follows:

(A) On or about September 12, 2001, former terrorism advisor Richard Clarke personally informed the President that neither Saddam Hussein nor Iraq was responsible for the September 11th attacks. On September 18, Clarke submitted to the President's National Security Adviser Condoleezza Rice a memo he had written in response to George W. Bush's specific request that stated: (1) the case for linking Hussein to the September 11th attacks was weak; (2) only anecdotal evidence linked Hussein to al Qaeda; (3) Osama Bin Laden resented the secularism of Saddam Hussein; and (4) there was no confirmed reporting of Saddam Hussein cooperating with Bin Laden on unconventional weapons.

(B) Ten days after the September 11th attacks the President received a President's Daily Briefing which indicated that the U.S. intelligence community had no evidence linking Saddam Hussein to the September 11th attacks and that there was ''scant credible evidence that Iraq had any significant collaborative ties with Al Qaeda.''

(C) In Defense Intelligence Terrorism Summary No. 044–02, issued in February 2002, the United States Defense Intelligence Agency cast significant doubt on the possibility of a Saddam Hussein-Al Qaeda conspiracy: ''Saddam's regime is intensely secular and is wary of Islamic revolutionary movements. Moreover, Baghdad is unlikely to provide assistance to a group it cannot control.''

(D) The October 2002 National Intelligence Estimate gave a ''Low Confidence'' rating to the notion of whether ''in desperation Saddam would share chemical or biological weapons with Al Qaeda.'' The CIA never informed the President that there was an operational relationship between Al Qaeda and Saddam Hussein; on the contrary, its most ''aggressive'' analysis contained in Iraq and al-Qaeda-Interpreting a ''Murky Relationship'' dated June 21, 2002 was that Iraq had had ''sporadic, wary contacts with al Qaeda since the mid-1990s rather than a relationship with al Qaeda that has developed over time.''

(E) Notwithstanding his knowledge that neither Saddam Hussein nor Iraq was in any way connected to the September 11th attacks, the President allowed and authorized those acting under his direction and control, including Vice President Richard B. Cheney and Lewis Libby, who reported directly to both the President and the Vice President, and Secretary of Defense Donald Rumsfeld, among others, to pressure intelligence analysts to alter their assessments and to create special units outside of, and unknown to, the intelligence community in order to secretly obtain unreliable information, to manufacture intelligence or reinterpret raw data in ways that would further the Bush administration's goal of fraudulently establishing a relationship not only between Iraq and al Qaeda, but between Iraq and the attacks of September 11th.

(F) Further, despite his full awareness that Iraq and Saddam Hussein had no relationship to the September 11th attacks, the President, and those acting under his direction and control have, since at least 2002 and continuing to the present, repeatedly issued public statements deliberately worded to mislead, words calculated in their implication to bring unrelated actors and circumstances into an artificially contrived reality thereby facilitating the systematic deception of Congress and the American people. Thus the public and some members of Congress, came to believe, falsely, that there was a connection between Iraq and the attacks of 9/11. This was accomplished through well-publicized statements by the Bush Administration which contrived to continually tie Iraq and 9/11 in the same statements of grave concern without making an explicit charge:

(1) ''[If] Iraq regimes [sic] continues to defy us, and the world, we will move deliberately, yet decisively, to hold Iraq to account . . . It's a new world we're in. We used to think two oceans could separate us from an enemy. On that tragic day, September the 11th, 2001, we found out that's not the case. We found out this great land of liberty and of freedom and of justice is vulnerable. And therefore we must do everything we can—everything we can—to secure the homeland, to make us safe.'' Speech of President Bush in Iowa on September 16, 2002.

(2) ''With every step the Iraqi regime takes toward gaining and deploying the most terrible weapons, our own options to confront that regime will narrow. And if an emboldened regime were to supply these

weapons to terrorist allies, then the attacks of September 11th would be a prelude to far greater horrors.'' March 6, 2003, Statement of President Bush in National Press Conference.

(3) ''The battle of Iraq is one victory in a war on terror that began on September the 11, 2001—and still goes on. That terrible morning, 19 evil men—the shock troops of a hateful ideology—gave America and the civilized world a glimpse of their ambitions. They imagined, in the words of one terrorist, that September the 11th would be the 'beginning of the end of America.' By seeking to turn our cities into killing fields, terrorists and their allies believed that they could destroy this nation's resolve, and force our retreat from the world. They have failed.'' May 1, 2003, Speech of President Bush on U.S.S. *Abraham Lincoln*.

(4) ''Now we're in a new and unprecedented war against violent Islamic extremists. This is an ideological conflict we face against murderers and killers who try to impose their will. These are the people that attacked us on September the 11th and killed nearly 3,000 people. The stakes are high, and once again, we have had to change our strategic thinking. The major battleground in this war is Iraq.'' June 28, 2007, Speech of President Bush at the Naval War College in Newport, Rhode Island.

(G) Notwithstanding his knowledge that there was no credible evidence of a working relationship between Saddam Hussein and Al Qaeda and that the intelligence community had specifically assessed that there was no such operational relationship, the President, both personally and through his subordinates and agents, has repeatedly falsely represented, both explicitly and implicitly, and through the misleading use of selectively-chosen facts, to the citizens of the United States and to the Congress that there was and is such an ongoing operational relationship, to wit:

(1) ''We know that Iraq and al Qaeda have had high-level contacts that go back a decade. Some al Qaeda leaders who fled Afghanistan went to Iraq. These include one very senior al Qaeda leader who received medical treatment in Baghdad this year, and who has been associated with planning for chemical and biological attacks. We've learned that Iraq has trained al Qaeda members in bombmaking and poisons and deadly gases.'' September 28, 2002, Weekly Radio Address of President Bush to the Nation.

(2) ''[W]e we need to think about Saddam Hussein using al Qaeda to do his dirty work, to not leave fingerprints behind.'' October 14, 2002, Remarks by President Bush in Michigan.

(3) ''We know he's got ties with al Qaeda.'' November 1, 2002, Speech of President Bush in New Hampshire.

(4) ''Evidence from intelligence sources, secret communications, and statements by people now in custody reveal that Saddam Hussein aids and protects terrorists, including members of al Qaeda. Secretly, and without fingerprints, he could provide one of his hidden weapons to terrorists, or help them develop their own.'' January 28, 2003, President Bush's State of the Union Address.

(5) ''[W]hat I want to bring to your attention today is the potentially much more sinister nexus between Iraq and the al Qaeda terrorist network, a nexus that combines classic terrorist organizations and modern methods of murder. Iraq today harbors a deadly terrorist network . . .'' February 5, 2003, Speech of Former Secretary of State Colin Powell to the United Nations.

(6) ''The battle of Iraq is one victory in a war on terror that began on September the 11, 2001—and still goes on. . . . [T]he liberation of Iraq . . . removed an ally of al Qaeda.'' May 1, 2003, Speech of President Bush on U.S.S. *Abraham Lincoln*.

(H) The Senate Select Committee on Intelligence Report on Whether Public Statements Regarding Iraq By U.S. Government Officials Were Substantiated By Intelligence Information, which was released on June 5, 2008, concluded that:

(1) ''Statements and implications by the President and Secretary of State suggesting that Iraq and al-Qaeda had a partnership, or that Iraq had provided al-Qaeda with weapons training, were not substantiated by the intelligence.''

(2) ''The Intelligence Community did not confirm that Muhammad Atta met an Iraqi intelligence officer in Prague in 2001 as the Vice President repeatedly claimed.''

Through his participation and instance in the breathtaking scope of this deception, the President has used the highest office of trust to wage of campaign of deception of such sophistication as to deliberately subvert the national security interests of the United States. His dishonesty set the stage for the loss of more than 4000 United States service members; injuries to tens of thousands of soldiers, the loss of more than 1,000,000 innocent Iraqi citizens since the United States invasion; the loss of approximately $527 billion in war costs which has increased our Federal debt and the ultimate expenditure of three to five trillion dollars for all costs covering the war; the loss of military readiness within the United States Armed Services due to overextension, the lack of training and lack of equipment; the loss of United States credibility in world affairs; and the decades of likely blowback created by the invasion of Iraq.

In all of these actions and decisions, President George W. Bush has acted in a manner contrary to his trust as President and Commander in Chief, and subversive of constitutional government, to the prejudice of the cause of law and justice and to the manifest injury of the people of the United States. Wherefore, President George W. Bush, by such conduct, is guilty of an impeachable offense warranting removal from office.

ARTICLE III.—MISLEADING THE AMERICAN PEOPLE AND MEMBERS OF CONGRESS TO BELIEVE IRAQ POSSESSED WEAPONS OF MASS DESTRUCTION, SO AS TO MANUFACTURE A FALSE CASE FOR WAR

In his conduct while President of the United States, George W. Bush, in violation of his constitutional oath to faithfully execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States, and in violation of his constitutional duty under Article II, Section 3 of the Constitution ''to take care that the laws be faithfully executed'', has both personally and acting through his agents and subordinates, together with the Vice President, executed instead a calculated and wide-ranging strategy to deceive the citizens and Congress of the United States into believing that the nation of Iraq possessed weapons of mass destruction in order to justify the use of the United States Armed Forces against the nation of Iraq in a manner damaging to our national security interests, thereby interfering with and obstructing Congress's lawful functions of overseeing foreign affairs and declaring war.

The means used to implement this deception were and continue to be personally making, or causing, authorizing and allowing to be made through highly-placed subordinates, including the President's Chief of Staff, the White House Press Secretary and other White House spokespersons, the Secretaries of State and Defense, the National Security Advisor, and their deputies and spokespersons, false and fraudulent representations to the citizens of the United States and Congress regarding Iraq's alleged possession of biological, chemical and nuclear weapons that were half-true, literally true but misleading, and/or made without a reasonable basis and with reckless indifference to their truth, as well as omitting to state facts necessary to present an accurate picture of the truth as follows:

(A) Long before the March 19, 2003 invasion of Iraq, a wealth of intelligence informed the President and those under his direction and control that Iraq's stockpiles of chemical and biological weapons had been destroyed well before 1998 and that there was little, if any, credible intelligence that showed otherwise. As reported in the Washington Post in March of 2003, in 1995, Saddam Hussein's son-in-law Hussein Kamel had informed U.S. and British intelligence officers that ''all weapons—biological, chemical, missile, nuclear were destroyed.'' In September 2002, the Defense Intelligence Agency issued a report that concluded: ''A substantial amount of Iraq's chemical warfare agents, precursors, munitions and production equipment were destroyed between 1991 and 1998 as a result of Operation Desert Storm and UNSCOM actions . . . [T]here is no reliable information on whether Iraq is producing and stockpiling chemical weapons or whether Iraq has—or will—establish its chemical warfare agent production facilities.'' Notwithstanding the absence of evidence proving that such stockpiles existed and in direct contradiction to substantial evidence that showed they did not exist, the President and his subordinates and agents made numerous false representations claiming with certainty that Iraq possessed chemical and biological weapons that it was developing to use to attack the United States, to wit:

(1) ''[T]he notion of a Saddam Hussein with his great oil wealth, with his inventory that he already has of biological and chemical weapons . . . is, I think, a frightening proposition for anybody who thinks about it.'' Statement of Vice President Cheney on CBS's Face the Nation, March 24, 2002.

(2) ''In defiance of the United Nations, Iraq has stockpiled biological and chemical weapons, and is rebuilding the facilities used to make more of those weapons.'' Speech of President Bush, October 5, 2002.

(3) ''All the world has now seen the footage of an Iraqi Mirage aircraft with a fuel tank modified to spray biological agents over wide areas. Iraq has developed spray devices that could be used on unmanned aerial vehicles with ranges far beyond what is permitted by the Security Council. A UAV launched from a vessel off the American coast could reach hundreds of miles inland.'' Statement by President Bush from the White House, February 6, 2003.

(B) Despite overwhelming intelligence in the form of statements and reports filed by and on behalf of the CIA, the State Department and the IAEA, among others, which indicated that the claim was untrue, the President, and those under his direction and control, made numerous representations claiming and implying through misleading language that Iraq was attempting to purchase uranium from Niger in order to falsely buttress its argument that Iraq was reconstituting its nuclear weapons program, including:

(1) ''The regime has the scientists and facilities to build nuclear weapons, and is seeking the materials needed to do so.'' Statement of President Bush from White House, October 2, 2002.

(2) ''The [Iraqi] report also failed to deal with issues which have arisen since 1998, including: . . . attempts to acquire uranium and the means to enrich it.'' Letter from President Bush to Vice President Cheney and the Senate, January 20, 2003.

(3) ''The British Government has learned that Saddam Hussein recently sought significant quantities of uranium from Africa.''

President Bush Delivers State of the Union Address, January 28, 2003.

(C) Despite overwhelming evidence in the form of reports by nuclear weapons experts from the Energy, the Defense and State Departments, as well from outside and international agencies which assessed that aluminum tubes the Iraqis were purchasing were not suitable for nuclear centrifuge use and were, on the contrary, identical to ones used in rockets already being manufactured by the Iraqis, the President, and those under his direction and control, persisted in making numerous false and fraudulent representations implying and stating explicitly that the Iraqis were purchasing the tubes for use in a nuclear weapons program, to wit:

(1) ''We do know that there have been shipments going . . . into Iraq . . . of aluminum tubes that really are only suited to—high-quality aluminum tools [sic] that are only really suited for nuclear weapons programs, centrifuge programs.'' Statement of then National Security Advisor Condoleezza Rice on CNN's Late Edition with Wolf Blitzer, September 8, 2002.

(2) ''Our intelligence sources tell us that he has attempted to purchase high-strength aluminum tubes suitable for nuclear weapons production.'' President Bush's State of the Union Address, January 28, 2003.

(3) ''[H]e has made repeated covert attempts to acquire high-specification aluminum tubes from 11 different countries, even after inspections resumed. . . . By now, just about everyone has heard of these tubes and we all know that there are differences of opinion. There is controversy about what these tubes are for. Most U.S. experts think they are intended to serve as rotors in centrifuges used to enrich uranium.'' Speech of Former Secretary of State Colin Powell to the United Nations, February 5, 2003.

(D) The President, both personally and acting through those under his direction and control, suppressed material information, selectively declassified information for the improper purposes of retaliating against a whistleblower and presenting a misleading picture of the alleged threat from Iraq, facilitated the exposure of the identity of a covert CIA operative and thereafter not only failed to investigate the improper leaks of classified information from within his administration, but also failed to cooperate with an investigation into possible federal violations resulting from this activity and, finally, entirely undermined the prosecution by commuting the sentence of Lewis Libby citing false and insubstantial grounds, all in an effort to prevent Congress and the citizens of the United States from discovering the fraudulent nature of the President's claimed justifications for the invasion of Iraq.

(E) The Senate Select Committee on Intelligence Report on Whether Public Statements Regarding Iraq By U.S. Government Officials Were Substantiated By Intelligence Information, which was released on June 5, 2008, concluded that:

(1) ''Statements by the President and Vice President prior to the October 2002 National Intelligence Estimate regarding Iraq's chemical weapons production capability and activities did not reflect the intelligence community's uncertainties as to whether such production was ongoing.''

(2) ''The Secretary of Defense's statement that the Iraqi government operated underground WMD facilities that were not vulnerable to conventional airstrikes because they were underground and deeply buried was not substantiated by available intelligence information.''

(3) Chairman of the Senate Intelligence Committee Jay Rockefeller concluded: ''In making the case for war, the Administration repeatedly presented intelligence as fact when in reality it was unsubstantiated, contradicted, or even non-existent. As a result, the American people were led to believe that the threat from Iraq was much greater than actually existed.''

The President has subverted the national security interests of the United States by setting the stage for the loss of more than 4000 United States service members and the injury to tens of thousands of U.S. soldiers; the loss of more than 1,000,000 innocent Iraqi citizens since the United States invasion; the loss of approximately $500 billion in war costs which has increased our Federal debt with a long term financial cost of between three and five trillion dollars; the loss of military readiness within the United States Armed Services due to overextension, the lack of training and lack of equipment; the loss of United States credibility in world affairs; and the decades of likely blowback created by the invasion of Iraq.

In all of these actions and decisions, President George W. Bush has acted in a manner contrary to his trust as President and Commander in Chief, and subversive of constitutional government, to the prejudice of the cause of law and justice and to the manifest injury of the people of the United States. Wherefore, President George W. Bush, by such conduct, is guilty of an impeachable offense warranting removal from office.

ARTICLE IV.—MISLEADING THE AMERICAN PEOPLE AND MEMBERS OF CONGRESS TO BELIEVE IRAQ POSED AN IMMINENT THREAT TO THE UNITED STATES

In his conduct while President of the United States, George W. Bush, in violation of his constitutional oath to faithfully execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States, and in violation of his constitutional duty under Article II, Section 3 of the Constitution ''to take care that the laws be faithfully executed'', has both personally and acting through his agents and subordinates, together with the Vice President, executed a calculated and wide-ranging strategy to deceive the citizens and Congress of the United States into believing that the nation of Iraq posed an imminent threat to the United States in order to justify the use of the United States Armed Forces against the nation of Iraq in a manner damaging to our national security interests, thereby interfering with and obstructing Congress's lawful functions of overseeing foreign affairs and declaring war.

The means used to implement this deception were and continue to be, first, allowing, authorizing and sanctioning the manipulation of intelligence analysis by those under his direction and control, including the Vice President and the Vice President's agents, and second, personally making, or causing, authorizing and allowing to be made through highly-placed subordinates, including the President's Chief of Staff, the White House Press Secretary and other White House spokespersons, the Secretaries of State and Defense, the National Security Advisor, and their deputies and spokespersons, false and fraudulent representations to the citizens of the United States and Congress regarding an alleged urgent threat posed by Iraq, statements that were half-true, literally true but misleading, and/or made without a reasonable basis and with reckless indifference to their truth, as well as omitting to state facts necessary to present an accurate picture of the truth as follows:

(A) Notwithstanding the complete absence of intelligence analysis to support a claim that Iraq posed an imminent or urgent threat to the United States and the intelligence community's assessment that Iraq was in fact not likely to attack the United States unless it was itself attacked, President Bush, both personally and through his agents and subordinates, made, allowed and caused to be made repeated false representations to the citizens and Congress of the United States implying and explicitly stating that such a dire threat existed, including the following:

(1) ''States such as these [Iraq, Iran and North Korea] and their terrorist allies constitute an axis of evil, arming to threaten the peace of the world. By seeking weapons of mass destruction, these regimes pose a grave and growing danger. They could provide these arms to terrorists, giving them the means to match their hatred. They could attack our allies or attempt to blackmail the United States. In any of these cases, the price of indifference would be catastrophic.'' President Bush's State of the Union Address, January 29, 2002.

(2) ''Simply stated, there is no doubt that Saddam Hussein has weapons of mass destruction. He is amassing them to use against our friends, our enemies and against us.'' Speech of Vice President Cheney at VFW 103rd National Convention, August 26, 2002.

(3) ''The history, the logic, and the facts lead to one conclusion: Saddam Hussein's regime is a grave and gathering danger. To suggest otherwise is to hope against the evidence. To assume this regime's good faith is to bet the lives of millions and the peace of the world in a reckless gamble. And this is a risk we must not take.'' Address of President Bush to the United Nations General Assembly, September 12, 2002.

(4) ''[N]o terrorist state poses a greater or more immediate threat to the security of our people than the regime of Saddam Hussein and Iraq.'' Statement of Former Defense Secretary Donald Rumsfeld to Congress, September 19, 2002.

(5) ''On its present course, the Iraqi regime is a threat of unique urgency . . . it has developed weapons of mass death.'' Statement of President Bush at White House, October 2, 2002.

(6) ''But the President also believes that this problem has to be dealt with, and if the United Nations won't deal with it, then the United States, with other likeminded nations, may have to deal with it. We would prefer not to go that route, but the danger is so great, with respect to Saddam Hussein having weapons of mass destruction, and perhaps even terrorists getting hold of such weapons, that it is time for the international community to act, and if it doesn't act, the President is prepared to act with likeminded nations.'' Statement of Former Secretary of State Colin Powell in interview with Ellen Ratner of Talk Radio News, October 30, 2002.

(7) ''Today the world is also uniting to answer the unique and urgent threat posed by Iraq. A dictator who has used weapons of mass destruction on his own people must not be allowed to produce or possess those weapons. We will not permit Saddam Hussein to blackmail and/or terrorize nations which love freedom.'' Speech by President Bush to Prague Atlantic Student Summit, November 20, 2002.

(8) ''But the risk of doing nothing, the risk of the security of this country being jeopardized at the hands of a madman with weapons of mass destruction far exceeds the risk of any action we may be forced to take.'' President Bush Meets with National Economic Council at White House, February 25, 2003.

(B) In furtherance of his fraudulent effort to deceive Congress and the citizens of the United States into believing that Iraq and Saddam Hussein posed an imminent threat to the United States, the President allowed and authorized those acting under his direction and control, including Vice President Richard B. Cheney, former Secretary of Defense Donald Rumsfeld, and Lewis Libby,

who reported directly to both the President and the Vice President, among others, to pressure intelligence analysts to tailor their assessments and to create special units outside of, and unknown to, the intelligence community in order to secretly obtain unreliable information, to manufacture intelligence, or to reinterpret raw data in ways that would support the Bush administration's plan to invade Iraq based on a false claim of urgency despite the lack of justification for such a preemptive action.

(C) The Senate Select Committee on Intelligence Report on Whether Public Statements Regarding Iraq By U.S. Government Officials Were Substantiated By Intelligence Information, which was released on June 5, 2008, concluded that:

(1) ''Statements by the President and the Vice President indicating that Saddam Hussein was prepared to give weapons of mass destruction to terrorist groups for attacks against the United States were contradicted by available intelligence information.''

Thus the President willfully and falsely misrepresented Iraq as an urgent threat requiring immediate action thereby subverting the national security interests of the United States by setting the stage for the loss of more than 4,000 United States service members; the injuries to tens of thousands of U.S. soldiers; the deaths of more than 1,000,000 Iraqi citizens since the United States invasion; the loss of approximately $527 billion in war costs which has increased our Federal debt and the ultimate costs of the war between three trillion and five trillion dollars; the loss of military readiness within the United States Armed Services due to overextension, the lack of training and lack of equipment; the loss of United States credibility in world affairs; and the decades of likely blowback created by the invasion of Iraq.

In all of these actions and decisions, President George W. Bush has acted in a manner contrary to his trust as President and Commander in Chief, and subversive of constitutional government, to the prejudice of the cause of law and justice and to the manifest injury of the people of the United States. Wherefore, President George W. Bush, by such conduct, is guilty of an impeachable offense warranting removal from office.

ARTICLE V.—ILLEGALLY MISSPENDING FUNDS TO SECRETLY BEGIN A WAR OF AGGRESSION

In his conduct while President of the United States, George W. Bush, in violation of his constitutional oath to faithfully execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States, and in violation of his constitutional duty under Article II, Section 3 of the Constitution ''to take care that the laws be faithfully executed'', has both personally and acting through his agents and subordinates, together with the Vice President, illegally misspent funds to begin a war in secret prior to any Congressional authorization.

The president used over $2 billion in the summer of 2002 to prepare for the invasion of Iraq. First reported in Bob Woodward's book, Plan of Attack, and later confirmed by the Congressional Research Service, Bush took money appropriated by Congress for Afghanistan and other programs and—with no Congressional notification—used it to build airfields in Qatar and to make other preparations for the invasion of Iraq. This constituted a violation of Article I, Section 9 of the U.S. Constitution, as well as a violation of the War Powers Act of 1973.

In all of these actions and decisions, President George W. Bush has acted in a manner contrary to his trust as President and Commander in Chief, and subversive of constitutional government, to the prejudice of the cause of law and justice and to the manifest injury of the people of the United States. Wherefore, President George W. Bush, by such conduct, is guilty of an impeachable offense warranting removal from office.

ARTICLE VI.—INVADING IRAQ IN VIOLATION OF THE REQUIREMENTS OF H.J. RES. 114.

In his conduct while President of the United States, George W. Bush, in violation of his constitutional oath to faithfully execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States, and in violation of his constitutional duty under Article II, Section 3 of the Constitution ''to take care that the laws be faithfully executed'', exceeded his Constitutional authority to wage war by invading Iraq in 2003 without meeting the requirements of H.J. Res. 114, the ''Authorization for Use of Military Force Against Iraq Resolution of 2002'' to wit:

(1) H.J. Res. 114 contains several Whereas clauses consistent with statements being made by the White House at the time regarding the threat from Iraq as evidenced by the following:

(A) H.J. Res. 114 states ''Whereas Iraq both poses a continuing threat to the national security of the United States and international peace and security in the Persian Gulf region and remains in material and unacceptable breach of its international obligations by, among other things, continuing to possess and develop a significant chemical and biological weapons capability, actively seeking a nuclear weapons capability, and supporting and harboring terrorist organizations;''; and

(B) H.J. Res. 114 states ''Whereas members of Al Qaeda, an organization bearing responsibility for attacks on the United States, its citizens, and interests, including the attacks that occurred on September 11, 2001, are known to be in Iraq;''.

(2) H.J. Res. 114 states that the President must provide a determination, the truthfulness of which is implied, that military force is necessary in order to use the authorization, as evidenced by the following:

(A) Section 3 of H.J. Res. 114 states:

''(b) PRESIDENTIAL DETERMINATION.—In connection with the exercise of the authority granted in subsection (a) to use force the President shall, prior to such exercise or as soon thereafter as may be feasible, but no later than 48 hours after exercising such authority, make available to the Speaker of the House of Representatives and the President pro tempore of the Senate his determination that—

(1) reliance by the United States on further diplomatic or other peaceful means alone either (A) will not adequately protect the national security of the United States against the continuing threat posed by Iraq nor (B) likely lead to enforcement of all relevant United Nations Security Council resolutions regarding Iraq; and

(2) acting pursuant to the Constitution and Public Law 107–243 is consistent with the United States and other countries continuing to take the necessary actions against international terrorists and terrorist organizations, including those nations, organizations, or persons who planned, authorized, committed, or aided the terrorist attacks that occurred on September 11, 2001.

(4) President George Bush knew that these statements were false as evidenced by:

(A) INFORMATION PROVIDED WITH ARTICLE I, II, III, IV AND V.

(B) A statement by President George Bush in an interview with Tony Blair on January 31st 2003: [WH]

Reporter: ''One question for you both. Do you believe that there is a link between Saddam Hussein, a direct link, and the men who attacked on September the 11th?''

President Bush: ''I can't make that claim''

(C) An article on February 19th by Terrorism expert Rohan Gunaratna states ''I could find no evidence of links between Iraq and Al Qaeda. The documentation and interviews indicated that Al Qaeda regarded Saddam, a secular leader, as an infidel.'' [InternationalHeraldTribune]

(D) According to a February 2nd, 2003 article in the New York Times: [NYT]

At the Federal Bureau of Investigation, some investigators said they were baffled by the Bush administration's insistence on a solid link between Iraq and Osama bin Laden's network. ''We've been looking at this hard for more than a year and you know what, we just don't think it's there,'' a government official said.

(5) Section 3C of HJRes 114 states that ''Nothing in this joint resolution supersedes any requirement of the War Powers Resolution.''

(6) The War Powers Resolution Section 9(d)(1) states:

(d) Nothing in this joint resolution—

(1) is intended to alter the constitutional authority of the Congress or of the President, or the provision of existing treaties; or

(7) The United Nations Charter was an existing treaty and, as shown in Article VIII, the invasion of Iraq violated that treaty.

(8) President George Bush knowingly failed to meet the requirements of HJRes 114 and violated the requirement of the War Powers Resolution and, thereby, invaded Iraq without the authority of Congress.

In all of these actions and decisions, President George W. Bush has acted in a manner contrary to his trust as President and Commander in Chief, and subversive of constitutional government, to the prejudice of the cause of law and justice and to the manifest injury of the people of the United States. Wherefore, President George W. Bush, by such conduct, is guilty of an impeachable offense warranting removal from office.

ARTICLE VII.—INVADING IRAQ ABSENT A DECLARATION OF WAR

In his conduct while President of the United States, George W. Bush, in violation of his constitutional oath to faithfully execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States, and in violation of his constitutional duty under Article II, Section 3 of the Constitution ''to take care that the laws be faithfully executed'', has launched a war against Iraq absent any congressional declaration of war or equivalent action.

Article I, Section 8, Clause 11 (the War Powers Clause) makes clear that the United States Congress holds the exclusive power to decide whether or not to send the nation into war. ''The Congress,'' the War Powers Clause states, ''shall have power . . . To declare war . . .''

The October 2002 congressional resolution on Iraq did not constitute a declaration of war or equivalent action. The resolution stated: ''The President is authorized to use the Armed Forces of the United States as he deems necessary and appropriate in order to 1) defend the national security of the United States against the continuing threat posed by Iraq; and 2) enforce all relevant United Nations Security Council resolutions regarding Iraq.'' The resolution unlawfully sought to delegate to the President the decision of whether or not to initiate a war against Iraq, based on whether he deemed it ''necessary and appropriate.'' The Constitution does not allow Congress to delegate this exclusive power to the President, nor does it allow the President to seize this power.

In March 2003, the President launched a war against Iraq without any constitutional authority.

In all of these actions and decisions, President George W. Bush has acted in a manner contrary to his trust as President and Commander in Chief, and subversive of constitutional government, to the prejudice of the cause of law and justice and to the manifest injury of the people of the United States. Wherefore, President George W. Bush, by such conduct, is guilty of an impeachable offense warranting removal from office.

ARTICLE VIII.—INVADING IRAQ, A SOVEREIGN NATION, IN VIOLATION OF THE UN CHARTER AND INTERNATIONAL CRIMINAL LAW

In his conduct while President of the United States, George W. Bush, in violation of his constitutional oath to faithfully execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States, and in violation of his constitutional duty under Article II, Section 3 of the Constitution ''to take care that the laws be faithfully executed'', violated United States law by invading the sovereign country of Iraq in violation of the United Nations Charter to wit:

(1) International Laws ratified by Congress are part of United States Law and must be followed as evidenced by the following:

(A) Article VI of the United States Constitution, which states ''This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land;''

(2) The UN Charter, which entered into force following ratification by the United States in 1945, requires Security Council approval for the use of force except for self-defense against an armed attack as evidenced by the following:

(A) Chapter 1, Article 2 of the United Nations Charter states:

''3. All Members shall settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered.

''4. All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations.''

(B) Chapter 7, Article 51 of the United Nations Charter states:

''51. Nothing in the present Charter shall impair the inherent right of individual or collective self-defense if an armed attack occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security.''

(3) There was no armed attack upon the United States by Iraq.

(4) The Security Council did not vote to approve the use of force against Iraq as evidenced by:

(A) A United Nation Press release which states that the United States had failed to convince the Security Council to approve the use of military force against Iraq. [UN]

(5) President Bush directed the United States military to invade Iraq on March 19th, 2003 in violation of the UN Charter and, therefore, in violation of United States Law as evidenced by the following:

(A) A letter from President Bush to Congress dated March 21st, 2003 stating ''I directed U.S. Armed Forces, operating with other coalition forces, to commence combat operations on March 19, 2003, against Iraq.'' [WH]

(B) On September 16, 2004 Kofi Annan, the Secretary General of the United Nations, speaking on the invasion, said, ''I have indicated it was not in conformity with the UN charter. From our point of view, from the charter point of view, it was illegal.'' [BBC]

(C) The consequence of the instant and direction of President George W. Bush, in ordering an attack upon Iraq, a sovereign nation is in direct violation of United States Code, Title 18, Part 1, Chapter 118, Section 2441, governing the offense of war crimes.

(6) In the course of invading and occupying Iraq, the President, as Commander in Chief, has taken responsibility for the targeting of civilians, journalists, hospitals, and ambulances, use of antipersonnel weapons including cluster bombs in densely settled urban areas, the use of white phosphorous as a weapon, depleted uranium weapons, and the use of a new version of napalm found in Mark 77 firebombs. Under the direction of President George Bush the United States has engaged in collective punishment of Iraqi civilian populations, including but not limited to blocking roads, cutting electricity and water, destroying fuel stations, planting bombs in farm fields, demolishing houses, and plowing over orchards.

(A) Under the principle of ''command responsibility'', i.e., that a de jure command can be civilian as well as military, and can apply to the policy command of heads of state, said command brings President George Bush within the reach of international criminal law under the Additional Protocol I of June 8, 1977 to the Geneva Conventions of August 12, 1949, and Relating to the Protection of Victims of International Armed Conflicts, Article 86(2). The United States is a state signatory to Additional Protocol I, on December 12, 1977.

(B) Furthermore, Article 85(3) of said Protocol I defines as a grave breach making a civilian population or individual civilians the object of attacks. This offense, together with the principle of command responsibility, places President George Bush's conduct under the reach of the same law and principles described as the basis for war crimes prosecution at Nuremburg, under Article 6 of the Charter of the Nuremberg Tribunals: including crimes against peace, violations of the laws and customs of war and crimes against humanity, similarly codified in the Rome Statute of the International Criminal Court, Articles 5 through 8.

(C) The Lancet Report has established massive civilian casualties in Iraq as a result of the United States' invasion and occupation of that country.

(D) International laws governing wars of aggression are completely prohibited under the legal principle of jus cogens, whether or not a nation has signed or ratified a particular international agreement.

In all of these actions and decisions, President George W. Bush has acted in a manner contrary to his trust as President and Commander in Chief, and subversive of constitutional government, to the prejudice of the cause of law and justice and to the manifest injury of the people of the United States. Wherefore, President George W. Bush, by such conduct, is guilty of an impeachable offense warranting removal from office

ARTICLE IX.—FAILING TO PROVIDE TROOPS WITH BODY ARMOR AND VEHICLE ARMOR

In his conduct while President of the United States, George W. Bush, in violation of his constitutional oath to faithfully execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States, and in violation of his constitutional duty under Article II, Section 3 of the Constitution ''to take care that the laws be faithfully executed,'' has both personally and acting through his agents and subordinates, together with the Vice President, has been responsible for the deaths of members of the U.S. military and serious injury and trauma to other soldiers, by failing to provide available body armor and vehicle armor.

While engaging in an invasion and occupation of choice, not fought in self-defense, and not launched in accordance with any timetable other than the President's choosing, President Bush sent U.S. troops into danger without providing them with armor. This shortcoming has been known for years, during which time, the President has chosen to allow soldiers and marines to continue to face unnecessary risk to life and limb rather then providing them with armor.

In all of these actions and decisions, President George W. Bush has acted in a manner contrary to his trust as President and Commander in Chief, and subversive of constitutional government, to the prejudice of the cause of law and justice and to the manifest injury of the people of the United States. Wherefore, President George W. Bush, by such conduct, is guilty of an impeachable offense warranting removal from office.

ARTICLE X.—FALSIFYING ACCOUNTS OF U.S. TROOP DEATHS AND INJURIES FOR POLITICAL PURPOSES

In his conduct while President of the United States, George W. Bush, in violation of his constitutional oath to faithfully execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States, and in violation of his constitutional duty under Article II, Section 3 of the Constitution ''to take care that the laws be faithfully executed,'' has both personally and acting through his agents and subordinates, together with the Vice President, promoted false propaganda stories about members of the United States military, including individuals both dead and injured.

The White House and the Department of Defense (DOD) in 2004 promoted a false account of the death of Specialist Pat Tillman, reporting that he had died in a hostile exchange, delaying release of the information that he had died from friendly fire, shot in the forehead three times in a manner that led investigating doctors to believe he had been shot at close range.

A 2005 report by Brig. Gen. Gary M. Jones reported that in the days immediately following Specialist Tillman's death, U.S. Army investigators were aware that Specialist Tillman was killed by friendly fire, shot three times to the head, and that senior Army commanders, including Gen. John Abizaid, knew of this fact within days of the shooting but nevertheless approved the awarding of the Silver Star, Purple Heart, and a posthumous promotion.

On April 24, 2007, Spc. Bryan O'Neal, the last soldier to see Specialist Pat Tillman alive, testified before the House Oversight and Government Reform Committee that he was warned by superiors not to divulge information that a fellow soldier killed Specialist Tillman, especially to the Tillman family. The White House refused to provide requested documents to the committee, citing ''executive branch confidentiality interests.''

The White House and DOD in 2003 promoted a false account of the injury of Jessica Dawn Lynch, reporting that she had been captured in a hostile exchange and had been dramatically rescued. On April 2, 2003, the DOD released a video of the rescue and claimed that Lynch had stab and bullet wounds, and that she had been slapped about on her hospital bed and interrogated. Iraqi doctors and nurses later interviewed, including Dr. Harith Al-Houssona, a doctor in the Nasirya hospital, described Lynch's injuries as ''a broken arm, a broken thigh, and a dislocated ankle.'' According to Al-Houssona, there was no sign of gunshot or stab wounds, and Lynch's injuries were consistent with those that would be suffered in a car accident. Al-Houssona's claims were later confirmed in a U.S. Army report leaked on July 10, 2003.

Lynch denied that she fought or was wounded fighting, telling Diane Sawyer that the Pentagon ''used me to symbolize all this stuff. It's wrong. I don't know why they filmed [my rescue] or why they say these things. . . . I did not shoot, not a round, nothing. I went down praying to my knees. And that's the last I remember.'' She reported excellent treatment in Iraq, and that one person in the hospital even sang to her to help her feel at home.

On April 24, 2007 Lynch testified before the House Committee on Oversight and Government Reform:

''[Right after my capture], tales of great heroism were being told. My parent's home in Wirt County was under siege of the media all repeating the story of the little girl Rambo from the hills who went down fighting. It was not true. . . . I am still confused as to why they chose to lie.''

The White House had heavily promoted the false story of Lynch's rescue, including in a speech by President Bush on April 28, 2003. After the fiction was exposed, the President awarded Lynch the Bronze Star.

In all of these actions and decisions, President George W. Bush has acted in a manner contrary to his trust as President and Commander in Chief, and subversive of constitutional government, to the prejudice of the cause of law and justice and to the manifest injury of the people of the United States. Wherefore, President George W. Bush, by such conduct, is guilty of an impeachable offense warranting removal from office.

ARTICLE XI.—ESTABLISHMENT OF PERMANENT U.S. MILITARY BASES IN IRAQ

In his conduct while President of the United States, George W. Bush, in violation of his constitutional oath to faithfully execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States, and in violation of his constitutional duty under Article II, Section 3 of the Constitution ''to take care that the laws be faithfully executed,'' has violated an act of Congress that he himself signed into law by using public funds to construct permanent U.S. military bases in Iraq.

On January 28, 2008, President George W. Bush signed into law the National Defense Authorization Act for fiscal year 2008 (H.R. 4986). Noting that the Act ''authorizes funding for the defense of the United States and its interests abroad, for military construction, and for national security-related energy programs,'' the president added the following ''signing statement'':

''Provisions of the Act, including sections 841, 846, 1079, and 1222, purport to impose requirements that could inhibit the President's ability to carry out his constitutional obligations to take care that the laws be faithfully executed, to protect national security, to supervise the executive branch, and to execute his authority as Commander in Chief. The executive branch shall construe such provisions in a manner consistent with the constitutional authority of the President.''

Section 1222 clearly prohibits the expenditure of money for the purpose of establishing permanent U.S. military bases in Iraq. The construction of over $1 billion in U.S. military bases in Iraq, including runways for aircraft, continues despite congressional intent, as the Administration intends to force upon the Iraqi government such terms which will assure the bases remain in Iraq.

Iraqi officials have informed Members of Congress in May 2008 of the strong opposition within the Iraqi parliament and throughout Iraq to the agreement that the administration is trying to negotiate with Iraqi Prime Minister Nouri al-Maliki. The agreement seeks to assure a long-term U.S. presence in Iraq of which military bases are the most obvious, sufficient and necessary construct, thus clearly defying Congressional intent as to the matter and meaning of ''permanency.''

In all of these actions and decisions, President George W. Bush has acted in a manner contrary to his trust as President and Commander in Chief, and subversive of constitutional government, to the prejudice of the cause of law and justice and to the manifest injury of the people of the United States. Wherefore, President George W. Bush, by such conduct, is guilty of an impeachable offense warranting removal from office.

ARTICLE XII.—INITIATING A WAR AGAINST IRAQ FOR CONTROL OF THAT NATION'S NATURAL RESOURCES

In his conduct while President of the United States, George W. Bush, in violation of his constitutional oath to faithfully execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States, and in violation of his constitutional duty under Article II, Section 3 of the Constitution ''to take care that the laws be faithfully executed,'' has both personally and acting through his agents and subordinates, together with the Vice President, invaded and occupied a foreign nation for the purpose, among other purposes, of seizing control of that nation's oil.

The White House and its representatives in Iraq have, since the occupation of Baghdad began, attempted to gain control of Iraqi oil. This effort has included pressuring the new Iraqi government to pass a hydrocarbon law. Within weeks of the fall of Saddam Hussein in 2003, the U.S. Agency for International Development (USAid) awarded a $240 million contract to Bearing Point, a private U.S. company. A Bearing Point employee, based in the U.S. embassy in Baghdad, was hired to advise the Iraqi Ministry of Oil on drawing up the new hydrocarbon law. The draft law places executives of foreign oil companies on a council with the task of approving their own contracts with Iraq; it denies the Iraqi National Oil Company exclusive rights for the exploration, development, production, transportation, and marketing of Iraqi oil, and allows foreign companies to control Iraqi oil fields containing 80 percent of Iraqi oil for up to 35 years through contracts that can remain secret for up to 2 months. The draft law itself contains secret appendices.

President Bush provided unrelated reasons for the invasion of Iraq to the public and Congress, but those reasons have been established to have been categorically fraudulent, as evidenced by the herein mentioned Articles of Impeachment I, II, III, IV, VI, and VII.

Parallel to the development of plans for war against Iraq, the U.S. State Department's Future of Iraq project, begun as early as April 2002, involved meetings in Washington and London of 17 working groups, each composed of 10 to 20 Iraqi exiles and international experts selected by the State Department. The Oil and Energy working group met four times between December 2002 and April 2003. Ibrahim Bahr al-Uloum, later the Iraqi Oil Minister, was a member of the group, which concluded that Iraq ''should be opened to international oil companies as quickly as possible after the war,'' and that, ''the country should establish a conducive business environment to attract investment of oil and gas resources.'' The same group recommended production-sharing agreements with foreign oil companies, the same approach found in the draft hydrocarbon law, and control over Iraq's oil resources remains a prime objective of the Bush Administration.

Prior to his election as Vice President, Dick Cheney, then-CEO of Halliburton, in a speech at the Institute of Petroleum in 1999 demonstrated a keen awareness of the sensitive economic and geopolitical role of Middle East oil resources saying: ''By 2010, we will need on the order of an additional 50 million barrels a day. So where is the oil going to come from? Governments and national oil companies are obviously controlling about 90 percent of the assets. Oil remains fundamentally a government business. While many regions of the world offer great oil opportunities, the Middle East, with two-thirds of the world's oil and lowest cost, is still where the prize ultimately lies. Even though companies are anxious for greater access there, progress continues to be slow.''

The Vice President led the work of a secret energy task force, as described in Article XXXII below, a task force that focused on, among other things, the acquisition of Iraqi oil through developing a controlling private corporate interest in said oil.

In all of these actions and decisions, President George W. Bush has acted in a manner contrary to his trust as President and Commander in Chief, and subversive of constitutional government, to the prejudice of the cause of law and justice and to the manifest injury of the people of the United States. Wherefore, President George W. Bush, by such conduct, is guilty of an impeachable offense warranting removal from office.

ARTICLE XIII.—CREATING A SECRET TASK FORCE TO DEVELOP ENERGY AND MILITARY POLICIES WITH RESPECT TO IRAQ AND OTHER COUNTRIES

In his conduct while President of the United States, George W. Bush, in violation of his constitutional oath to faithfully execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States, and in violation of his constitutional duty to take care that the laws be faithfully executed, has both personally and acting through his agents and subordinates, together with the Vice President, created a secret task force to guide our nation's energy policy and military policy, and undermined Congress' ability to legislate by thwarting attempts to investigate the nature of that policy.

A Government Accountability Office (GAO) Report on the Cheney Energy Task Force, in August 2003, described the creation of this task force as follows:

''In a January 29, 2001, memorandum, the President established NEPDG [the National Energy Policy Development Group]—comprised of the Vice President, nine cabinet-level officials, and four other senior administration officials—to gather information, deliberate, and make recommendations to the President by the end of fiscal year 2001. The President called on the Vice President to chair the group, direct its work and, as necessary, establish subordinate working groups to assist NEPDG.''

The four ''other senior administration officials were the Director of the Office of Management and Budget, the Assistant to the President and Deputy Chief of Staff for Policy, the Assistant to the President for Economic Policy, and the Deputy Assistant to the President for Intergovernmental Affairs.

The GAO report found that: ''In developing the National Energy Policy report, the NEPDG Principals, Support Group, and participating agency officials and staff met with, solicited input from, or received information and advice from nonfederal energy stakeholders, principally petroleum, coal, nuclear, natural gas, and electricity industry representatives and lobbyists. The extent to which submissions from any of these stakeholders were solicited, influenced policy deliberations, or were incorporated into the final report cannot be determined based on the limited information made available to

GAO. NEPDG met and conducted its work in two distinct phases: the first phase culminated in a March 19, 2001, briefing to the President on challenges relating to energy supply and the resulting economic impact; the second phase ended with the May 16, 2001, presentation of the final report to the President. The Office of the Vice President's (OVP) unwillingness to provide the NEPDG records or other related information precluded GAO from fully achieving its objectives and substantially limited GAO's ability to comprehensively analyze the NEPDG process. associated with that process.

''None of the key federal entities involved in the NEPDG effort provided GAO with a complete accounting of the costs that they incurred during the development of the National Energy Policy report. The two federal entities responsible for funding the NEPDG effort—OVP and the Department of Energy (DOE)—did not provide the comprehensive cost information that GAO requested. OVP provided GAO with 77 pages of information, two-thirds of which contained no cost information while the remaining one-third contained some miscellaneous information of little to no usefulness. OVP stated that it would not provide any additional information. DOE, the Department of the Interior, and the Environmental Protection Agency (EPA) provided GAO with estimates of certain costs and salaries associated with the NEPDG effort, but these estimates, all calculated in different ways, were not comprehensive.''

In 2003, the Commerce Department disclosed a partial collection of materials from the NEPDG, including documents, maps, and charts, dated March 2001, of Iraq's, Saudi Arabia's and the United Arab Emirates' oil fields, pipelines, refineries, tanker terminals, and development projects.

On November 16, 2005, the Washington Post reported on a White House document showing that oil company executives had met with the NEPDG, something that some of those same executives had just that week denied in Congressional testimony. The Bush Administration had not corrected the inaccurate testimony.

On July 18, 2007, the Washington Post reported the full list of names of those who had met with the NEPDG.

In 1998 Kenneth Derr, then chief executive of Chevron, told a San Francisco audience, ''Iraq possesses huge reserves of oil and gas, reserves I'd love Chevron to have access to.'' According to the GAO report, Chevron provided detailed advice to the NEPDG.

In March, 2001, the NEPDG recommended that the United States Government support initiatives by Middle Eastern countries ''to open up areas of their energy sectors to foreign investment.'' Following the invasion of Iraq, the United States has pressured the new Iraqi parliament to pass a hydrocarbon law that would do exactly that. The draft law, if passed, would take the majority of Iraq's oil out of the exclusive hands of the Iraqi Government and open it to international oil companies for a generation or more. The Bush administration hired Bearing Point, a U.S. company, to help write the law in 2004. It was submitted to the Iraqi Council of Representatives in May 2007.

In all of these actions and decisions, President George W. Bush has acted in a manner contrary to his trust as President and Commander in Chief, and subversive of constitutional government, to the prejudice of the cause of law and justice and to the manifest injury of the people of the United States. Wherefore, President George W. Bush, by such conduct, is guilty of an impeachable offense warranting removal from office.

ARTICLE XIV.—MISPRISION OF A FELONY, MISUSE AND EXPOSURE OF CLASSIFIED INFORMATION AND OBSTRUCTION OF JUSTICE IN THE MATTER OF VALERIE PLAME WILSON, CLANDESTINE AGENT OF THE CENTRAL INTELLIGENCE AGENCY

In his conduct while President of the United States, George W. Bush, in violation of his constitutional oath to faithfully execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States, and in violation of his constitutional duty under Article II, Section 3 of the Constitution ''to take care that the laws be faithfully executed'', has both personally and acting through his agents and subordinates, together with the Vice President,

(1) suppressed material information;

(2) selectively declassified information for the improper purposes of retaliating against a whistleblower and presenting a misleading picture of the alleged threat from Iraq;

(3) facilitated the exposure of the identity of Valerie Plame Wilson who had theretofore been employed as a covert CIA operative;

(4) failed to investigate the improper leaks of classified information from within his administration;

(5) failed to cooperate with an investigation into possible federal violations resulting from this activity; and

(6) finally, entirely undermined the prosecution by commuting the sentence of Lewis Libby citing false and insubstantial grounds, all in an effort to prevent Congress and the citizens of the United States from discovering the deceitful nature of the President's claimed justifications for the invasion of Iraq.

In facilitating this exposure of classified information and the subsequent cover-up, in all of these actions and decisions, President George W. Bush has acted in a manner contrary to his trust as President, and subversive of constitutional government, to the prejudice of the cause of law and justice and to the manifest injury of the people of the United States. Wherefore, President George W. Bush, by such conduct, is guilty of an impeachable offense warranting removal from office.

ARTICLE XV.—PROVIDING IMMUNITY FROM PROSECUTION FOR CRIMINAL CONTRACTORS IN IRAQ

In his conduct while President of the United States, George W. Bush, in violation of his constitutional oath to faithfully execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States, and in violation of his constitutional duty under Article II, Section 3 of the Constitution ''to take care that the laws be faithfully executed'', has both personally and acting through his agents and subordinates, together with the Vice President, established policies granting United States government contractors and their employees in Iraq immunity from Iraqi law, U.S. law, and international law.

Lewis Paul Bremer III, then-Director of Reconstruction and Humanitarian Assistance for post-war Iraq, on June 27, 2004, issued Coalition Provisional Authority Order Number 17, which granted members of the U.S. military, U.S. mercenaries, and other U.S. contractor employees immunity from Iraqi law.

The Bush Administration has chosen not to apply the Uniform Code of Military Justice or United States law to mercenaries and other contractors employed by the United States government in Iraq.

Operating free of Iraqi or U.S. law, mercenaries have killed many Iraqi civilians in a manner that observers have described as aggression and not as self-defense. Many U.S. contractors have also alleged that they have been the victims of aggression (in several cases of rape) by their fellow contract employees in Iraq. These charges have not been brought to trial, and in several cases the contracting companies and the U.S. State Department have worked together in attempting to cover them up.

Under the Fourth Geneva Convention, to which the United States is party, and which under Article VI of the U.S. Constitution is therefore the supreme law of the United States, it is the responsibility of an occupying force to ensure the protection and human rights of the civilian population. The efforts of President Bush and his subordinates to attempt to establish a lawless zone in Iraq are in violation of the law.

In all of these actions and decisions, President George W. Bush has acted in a manner contrary to his trust as President and subversive of constitutional government, to the prejudice of the cause of law and justice and to the manifest injury of the people of the United States. Wherefore, President George W. Bush, by such conduct, is guilty of an impeachable offense warranting removal from office.

ARTICLE XVI.—RECKLESS MISSPENDING AND WASTE OF U.S. TAX DOLLARS IN CONNECTION WITH IRAQ CONTRACTORS

In his conduct while President of the United States, George W. Bush, in violation of his constitutional oath to faithfully execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States, and in violation of his constitutional duty under Article II, Section 3 of the Constitution ''to take care that the laws be faithfully executed'', has both personally and acting through his agents and subordinates, together with the Vice President, recklessly wasted public funds on contracts awarded to close associates, including companies guilty of defrauding the government in the past, contracts awarded without competitive bidding, ''cost-plus'' contracts designed to encourage cost overruns, and contracts not requiring satisfactory completion of the work. These failures have been the rule, not the exception, in the awarding of contracts for work in the United States and abroad over the past seven years. Repeated exposure of fraud and waste has not been met by the president with correction of systemic problems, but rather with retribution against whistleblowers.

The House Committee on Oversight and Government Reform reported on Iraq reconstruction contracting:

''From the beginning, the Administration adopted a flawed contracting approach in Iraq. Instead of maximizing competition, the Administration opted to award no-bid, cost-plus contracts to politically connected contractors. Halliburton's secret $7 billion contract to restore Iraq's oil infrastructure is the prime example. Under this no-bid, cost-plus contract, Halliburton was reimbursed for its costs and then received an additional fee, which was a percentage of its costs. This created an incentive for Halliburton to run up its costs in order to increase its potential profit.

''Even after the Administration claimed it was awarding Iraq contracts competitively in early 2004, real price competition was missing. Iraq was divided geographically and by economic sector into a handful of fiefdoms. Individual contractors were then awarded monopoly contracts for all of the work within given fiefdoms. Because these monopoly contracts were awarded before specific projects were identified, there was no actual price competition for more than 2,000 projects.

''In the absence of price competition, rigorous government oversight becomes essential for accountability. Yet the Administration turned much of the contract oversight work over to private companies with blatant conflicts of interest. Oversight contractors oversaw their business partners and, in some cases, were placed in a position to assist their own construction work under separate monopoly construction contracts. . . .

''Under Halliburton's two largest Iraq contracts, Pentagon auditors found $1 billion in 'questioned' costs and over $400 million in 'unsupported' costs. Former Halliburton employees testified that the company charged $45 for cases of soda, billed $100 to clean 15-pound bags of laundry, and insisted on housing its staff at the five-star Kempinski hotel in Kuwait. Halliburton truck drivers testified that the company 'torched' brand new $85,000 trucks rather than perform relatively minor repairs and regular maintenance. Halliburton procurement officials described the company's informal motto in Iraq as 'Don't worry about price. It's cost-plus.' A Halliburton manager was indicted for 'major fraud against the United States' for allegedly billing more than $5.5 billion for work that should have cost only $685,000 in exchange for a $1 million kickback from a Kuwaiti subcontractor. . . .

''The Air Force found that another U.S. government contractor, Custer Battles, set up shell subcontractors to inflate prices. Those overcharges were passed along to the U.S. government under the company's cost-plus contract to provide security for Baghdad International Airport. In one case, the company allegedly took Iraqi-owned forklifts, re-painted them, and leased them to the U.S. government.

''Despite the spending of billions of taxpayer dollars, U.S. reconstruction efforts in keys sectors of the Iraqi economy are failing. Over two years after the U.S.-led invasion of Iraq, oil and electricity production has fallen below pre-war levels. The Administration has failed to even measure how many Iraqis lack access to drinkable water.''

''Constitution in Crisis,'' a book by Congressman John Conyers, details the Bush Administration's response when contract abuse is made public:

''Bunnatine Greenhouse was the chief contracting officer at the Army Corps of Engineers, the agency that has managed much of the reconstruction work in Iraq. In October 2004, Ms. Greenhouse came forward and revealed that top Pentagon officials showed improper favoritism to Halliburton when awarding military contracts to Halliburton subsidiary Kellogg Brown & Root (KBR). Greenhouse stated that when the Pentagon awarded Halliburton a five-year $7 billion contract, it pressured her to withdraw her objections, actions which she claimed were unprecedented in her experience.

''On June 27, 2005, Ms. Greenhouse testified before Congress, detailing that the contract award process was compromised by improper influence by political appointees, participation by Halliburton officials in meetings where bidding requirements were discussed, and a lack of competition. She stated that the Halliburton contracts represented ''the most blatant and improper contract abuse I have witnessed during the course of my professional career.'' Days before the hearing, the acting general counsel of the Army Corps of Engineers paid Ms. Greenhouse a visit and reportedly let it be known that it would not be in her best interest to appear voluntarily.

''On August 27, 2005, the Army demoted Ms. Greenhouse, removing her from the elite Senior Executive Service and transferring her to a lesser job in the corps' civil works division. As Frank Rich of The New York Times described the situation, '[H]er crime was not obstructing justice but pursuing it by vehemently questioning irregularities in the awarding of some $7 billion worth of no-bid contracts in Iraq to the Halliburton subsidiary Kellogg Brown Root.' The demotion was in apparent retaliation for her speaking out against the abuses, even though she previously had stellar reviews and over 20 years of experience in military procurement.''

The House Committee on Oversight and Government Reform reports on domestic contracting:

''The Administration's domestic contracting record is no better than its record on Iraq. Waste, fraud, and abuse appear to be the rule rather than the exception. . . .

''A Transportation Security Administration (TSA) cost-plus contract with NCS Pearson, Inc., to hire federal airport screeners was plagued by poor management and egregious waste. Pentagon auditors challenged $303 million (over 40%) of the $741 million spent by Pearson under the contract. The auditors detailed numerous concerns with the charges of Pearson and its subcontractors, such as '$20-an-hour temporary workers billed to the government at $48 per hour, subcontractors who signed out $5,000 in cash at a time with no supporting documents, $377,273.75 in unsubstantiated long distance phone calls, $514,201 to rent tents that flooded in a rainstorm, [and] $4.4 million in ''no show'' fees for job candidates who did not appear for tests.' A Pearson employee who supervised Pearson's hiring efforts at 43 sites in the U.S. described the contract as 'a waste a taxpayer's money.' The CEO of one Pearson subcontractor paid herself $5.4 million for nine months work and provided herself with a $270,000 pension. . . .

''The Administration is spending $239 million on the Integrated Surveillance and Intelligence System, a no-bid contract to provide thousands of cameras and sensors to monitor activity on the Mexican and Canadian borders. Auditors found that the contractor, International Microwave Corp., billed for work it never did and charged for equipment it never provided, 'creat[ing] a potential for overpayments of almost $13 million.' Moreover, the border monitoring system reportedly does not work. . . .

''After spending more than $4.5 billion on screening equipment for the nation's entry points, the Department of Homeland Security is now 'moving to replace or alter much of' it because 'it is ineffective, unreliable or too expensive to operate.' For example, radiation monitors at ports and borders reportedly could not 'differentiate between radiation emitted by a nuclear bomb and naturally occurring radiation from everyday material like cat litter or ceramic tile.' . . .

''The TSA awarded Boeing a cost-plus contract to install over 1,000 explosive detection systems for airline passenger luggage. After installation, the machines 'began to register false alarms' and '[s]creeners were forced to open and hand-check bags.' To reduce the number of false alarms, the sensitivity of the machines was lowered, which reduced the effectiveness of the detectors. Despite these serious problems, Boeing received an $82 million profit that the Inspector General determined to be 'excessive.' . . .

''The FBI spent $170 million on a 'Virtual Case File' system that does not operate as required. After three years of work under a cost-plus contract failed to produce a functional system, the FBI scrapped the program and began work on the new 'Sentinel' Case File System. . . .

''The Department of Homeland Security Inspector General found that taxpayer dollars were being lavished on perks for agency officials. One IG report found that TSA spent over $400,000 on its first leader's executive office suite. Another found that TSA spent $350,000 on a gold-plated gym. . . .

''According to news reports, Pentagon auditors . . . examined a contract between the Transportation Security Administration (TSA) and Unisys, a technology and consulting company, for the upgrade of airport computer networks. Among other irregularities, government auditors found that Unisys may have overbilled for as much as 171,000 hours of labor and overtime by charging for employees at up to twice their actual rate of compensation. While the cost ceiling for the contract was set at $1 billion, Unisys has reportedly billed the government $940 million with more than half of the seven-year contract remaining and more than half of the TSA-monitored airports still lacking upgraded networks.''

In all of these actions and decisions, President George W. Bush has acted in a manner contrary to his trust as President and Commander in Chief, and subversive of constitutional government, to the prejudice of the cause of law and justice and to the manifest injury of the people of the United States. Wherefore, President George W. Bush, by such conduct, is guilty of an impeachable offense warranting removal from office.

ARTICLE XVII.—ILLEGAL DETENTION: DETAINING INDEFINITELY AND WITHOUT CHARGE PERSONS BOTH U.S. CITIZENS AND FOREIGN CAPTIVES

In his conduct while President of the United States, George W. Bush, in violation of his constitutional oath to faithfully execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States, and in violation of his constitutional duty under Article II, Section 3 of the Constitution ''to take care that the laws be faithfully executed'', has both personally and acting through his agents and subordinates, together with the Vice President, violated United States and International Law and the U.S. Constitution by illegally detaining indefinitely and without charge persons both U.S. citizens and foreign captives.

In a statement on Feb. 7, 2002, President Bush declared that in the U.S. fight against Al Qaeda, ''none of the provisions of Geneva apply,'' thus rejecting the Geneva Conventions that protect captives in wars and other conflicts. By that time, the administration was already transporting captives from the war in Afghanistan, both alleged Al Qaeda members and supporters, and also Afghans accused of being fighters in the army of the Taliban government, to U.S.-run prisons in Afghanistan and to the detention facility at Guantanamo Bay, Cuba. The round-up and detention without charge of Muslim noncitizens inside the U.S. began almost immediately after the September 11, 2001 attacks on the World Trade Center and the Pentagon, with some being held as long as nine months. The U.S., on orders of the president, began capturing and detaining without charge alleged terror suspects in other countries and detaining them abroad and at the U.S. Naval base in Guantanamo.

Many of these detainees have been subjected to systematic abuse, including beatings, which have been subsequently documented by news reports, photographic evidence, testimony in Congress, lawsuits, and in the case of detainees in the U.S., by an investigation conducted by the Justice Department's Office of the Inspector General.

In violation of U.S. law and the Geneva Conventions, the Bush Administration instructed the Department of Justice and the U.S. Department of Defense to refuse to provide the identities or locations of these detainees, despite requests from Congress and from attorneys for the detainees. The president even declared the right to detain U.S. citizens indefinitely, without charge and without providing them access to counsel or the courts, thus depriving them of their constitutional and basic human rights. Several

of those U.S. citizens were held in military brigs in solitary confinement for as long as three years before being either released or transferred to civilian detention.

Detainees in U.S. custody in Iraq and Guantanamo have, in violation of the Geneva Conventions, been hidden from and denied visits by the International Red Cross organization, while thousands of others in Iraq, Guantanamo, Afghanistan, ships in foreign off-shore sites, and an unknown number of so-called ''black sites'' around the world have been denied any opportunity to challenge their detentions. The president, acting on his own claimed authority, has declared the hundreds of detainees at Guantanamo Bay to be ''enemy combatants'' not subject to U.S. law and not even subject to military law, but nonetheless potentially liable to the death penalty.

The detention of individuals without due process violates the 5th Amendment. While the Bush administration has been rebuked in several court cases, most recently that of Ali al-Marri, it continues to attempt to exceed constitutional limits.

In all of these actions violating U.S. and International law, President George W. Bush has acted in a manner contrary to his trust as President and Commander in Chief, and subversive of constitutional government, to the prejudice of the cause of law and justice and to the manifest injury of the people of the United States. Wherefore, President George W. Bush, by such conduct, is guilty of an impeachable offense warranting removal from office.

ARTICLE XVIII.—TORTURE: SECRETLY AUTHORIZING, AND ENCOURAGING THE USE OF TORTURE AGAINST CAPTIVES IN AFGHANISTAN, IRAQ, AND OTHER PLACES, AS A MATTER OF OFFICIAL POLICY

In his conduct while President of the United States, George W. Bush, in violation of his constitutional oath to faithfully execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States, and in violation of his constitutional duty under Article II, Section 3 of the Constitution ''to take care that the laws be faithfully executed'', has both personally and acting through his agents and subordinates, together with the Vice President, violated United States and International Law and the U.S. Constitution by secretly authorizing and encouraging the use of torture against captives in Afghanistan, Iraq in connection with the so-called ''war'' on terror.

In violation of the Constitution, U.S. law, the Geneva Conventions (to which the U.S. is a signatory), and in violation of basic human rights, torture has been authorized by the President and his administration as official policy. Water-boarding, beatings, faked executions, confinement in extreme cold or extreme heat, prolonged enforcement of painful stress positions, sleep deprivation, sexual humiliation, and the defiling of religious articles have been practiced and exposed as routine at Guantanamo, at Abu Ghraib Prison and other U.S. detention sites in Iraq, and at Bagram Air Base in Afghanistan. The president, besides bearing responsibility for authorizing the use of torture, also as Commander in Chief, bears ultimate responsibility for the failure to halt these practices and to punish those responsible once they were exposed.

The administration has sought to claim the abuse of captives is not torture, by redefining torture. An August 1, 2002 memorandum from the Administration's Office of Legal Counsel Jay S. Bybee addressed to White House Counsel Alberto R. Gonzales concluded that to constitute torture, any pain inflicted must be akin to that accompanying ''serious physical injury, such as organ failure, impairment of bodily function, or even death.'' The memorandum went on to state that even should an act constitute torture under that minimal definition, it might still be permissible if applied to ''interrogations undertaken pursuant to the President's Commander-in-Chief powers.'' The memorandum further asserted that ''necessity or self-defense could provide justifications that would eliminate any criminal liability.''

This effort to redefine torture by calling certain practices simply ''enhanced interrogation techniques'' flies in the face of the Third Geneva Convention Relating to the Treatment of Prisoners of War, which states that ''No physical or mental torture, nor any other form of coercion, may be inflicted on prisoners of war to secure from them information of any kind whatever. Prisoners of war who refuse to answer may not be threatened, insulted, or exposed to any unpleasant or disadvantageous treatment of any kind.''

Torture is further prohibited by the Universal Declaration of Human Rights, the paramount international human rights statement adopted unanimously by the United Nations General Assembly, including the United States, in 1948. Torture and other cruel, inhuman or degrading treatment or punishment is also prohibited by international treaties ratified by the United States: the International Covenant on Civil and Political Rights (ICCPR) and the Convention Against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment (CAT).

When the Congress, in the Defense Authorization Act of 2006, overwhelmingly passed a measure banning torture and sent it to the President's desk for signature, the President, who together with his vice president, had fought hard to block passage of the amendment, signed it, but then quietly appended a signing statement in which he pointedly asserted that as Commander-in-Chief, he was not bound to obey its strictures.

The administration's encouragement of and failure to prevent torture of American captives in the wars in Iraq and Afghanistan, and in the battle against terrorism, has undermined the rule of law in the U.S. and in the US military, and has seriously damaged both the effort to combat global terrorism, and more broadly, America's image abroad. In his effort to hide torture by U.S. military forces and the CIA, the president has defied Congress and has lied to the American people, repeatedly claiming that the U.S. ''does not torture.''

In all of these actions and decisions in violation of U.S. and International law, President George W. Bush has acted in a manner contrary to his trust as President and Commander in Chief, and subversive of constitutional government, to the prejudice of the cause of law and justice and to the manifest injury of the people of the United States. Wherefore, President George W. Bush, by such conduct, is guilty of an impeachable offense warranting removal from office.

ARTICLE XIX.—RENDITION: KIDNAPPING PEOPLE AND TAKING THEM AGAINST THEIR WILL TO ''BLACK SITES'' LOCATED IN OTHER NATIONS, INCLUDING NATIONS KNOWN TO PRACTICE TORTURE

In his conduct while President of the United States, George W. Bush, in violation of his constitutional oath to faithfully execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States, and in violation of his constitutional duty under Article II, Section 3 of the Constitution ''to take care that the laws be faithfully executed'', has both personally and acting through his agents and subordinates, together with the Vice President, violated United States and International Law and the U.S. Constitution by kidnapping people and renditioning them to ''black sites'' located in other nations, including nations known to practice torture.

The president has publicly admitted that since the 9–11 attacks in 2001, the U.S. has been kidnapping and transporting against the will of the subject (renditioning) in its so-called ''war'' on terror—even people captured by U.S. personnel in friendly nations like Sweden, Germany, Macedonia and Italy—and ferrying them to places like Bagram Airbase in Afghanistan, and to prisons operated in Eastern European countries, African Countries and Middle Eastern countries where security forces are known to practice torture.

These people are captured and held indefinitely, without any charges being filed, and are held without being identified to the Red Cross, or to their families. Many are clearly innocent, and several cases, including one in Canada and one in Germany, have demonstrably been shown subsequently to have been in error, because of a similarity of names or because of misinformation provided to U.S. authorities.

Such a policy is in clear violation of U.S. and International Law, and has placed the United States in the position of a pariah state. The CIA has no law enforcement authority, and cannot legally arrest or detain anyone. The program of ''extraordinary rendition'' authorized by the president is the substantial equivalent of the policies of ''disappearing'' people, practices widely practiced and universally condemned in the military dictatorships of Latin America during the late 20th Century.

The administration has claimed that prior administrations have practiced extraordinary rendition, but, while this is technically true, earlier renditions were used only to capture people with outstanding arrest warrants or convictions who were outside in order to deliver them to stand trial or serve their sentences in the U.S. The president has refused to divulge how many people have been subject to extraordinary rendition since September, 2001. It is possible that some have died in captivity. As one U.S. official has stated off the record, regarding the program, Some of those who were renditioned were later delivered to Guantanamo, while others were sent there directly. An example of this is the case of six Algerian Bosnians who, immediately after being cleared by the Supreme Court of Bosnia Herzegovina in January 2002 of allegedly plotting to attack the U.S. and UK embassies, were captured, bound and gagged by U.S. special forces and renditioned to Guantanamo.

In perhaps the most egregious proven case of rendition, Maher Arar, a Canadian citizen born in Syria, was picked up in September 2002 while transiting through New York's JFK airport on his way home to Canada. Immigration and FBI officials detained and interrogated him for nearly two weeks, illegally denying him his rights to access counsel, the Canadian consulate, and the courts. Executive branch officials asked him if he would volunteer to go to Syria, where he hadn't been in 15 years, and Maher refused

Maher was put on a private jet plane operated by the CIA and sent to Jordan, where he was beaten for 8 hours, and then delivered to Syria, where he was beaten and interrogated for 18 hours a day for a couple of weeks. He was whipped on his back and hands with a 2 inch thick electric cable and asked questions similar to those he had been asked in the United States. For over ten months Maher was held in an underground grave-like cell—3 6 7 feet—which was damp and cold, and in which the only light came in through a hole

in the ceiling. After a year of this, Maher was released without any charges. He is now back home in Canada with his family. Upon his release, the Syrian Government announced he had no links to Al Qaeda, and the Canadian Government has also said they've found no links to Al Qaeda. The Canadian Government launched a Commission of Inquiry into the Actions of Canadian Officials in Relation to Maher Arar, to investigate the role of Canadian officials, but the Bush Administration has refused to cooperate with the Inquiry.

Hundreds of flights of CIA-chartered planes have been documented as having passed through European countries on extraordinary rendition missions like that involving Maher Arar, but the administration refuses to state how many people have been subjects of this illegal program.

The same U.S. laws prohibiting aiding and abetting torture also prohibit sending someone to a country where there is a substantial likelihood they may be tortured. Article 3 of CAT prohibits forced return where there is a ''substantial likelihood'' that an individual ''may be in danger of'' torture, and has been implemented by federal statute. Article 7 of the ICCPR prohibits return to country of origin where individuals may be ''at risk'' of either torture or cruel, inhuman or degrading treatment.

Under international Human Rights law, transferring a POW to any nation where he or she is likely to be tortured or inhumanely treated violates Article 12 of the Third Geneva Convention, and transferring any civilian who is a protected person under the Fourth Geneva Convention is a grave breach and a criminal act.

In situations of armed conflict, both international human rights law and humanitarian law apply. A person captured in the zone of military hostilities ''must have some status under international law; he is either a prisoner of war and, as such, covered by the Third Convention, [or] a civilian covered by the Fourth Convention. . . . There is no intermediate status; nobody in enemy hands can be outside the law.'' Although the state is obligated to repatriate Prisoners of War as soon as hostilities cease, the ICRC's commentary on the 1949 Conventions states that prisoners should not be repatriated where there are serious reasons for fearing that repatriating the individual would be contrary to general principles of established international law for the protection of human beings Thus, all of the Guantanamo detainees as well as renditioned captives are protected by international human rights protections and humanitarian law.

By his actions as outlined above, the President has abused his power, broken the law, deceived the American people, and placed American military personnel, and indeed all Americans—especially those who may travel or live abroad—at risk of similar treatment. Furthermore, in the eyes of the rest of the world, the President has made the U.S., once a model of respect for Human Rights and respect for the rule of law, into a state where international law is neither respected nor upheld.

In all of these actions and decisions in violation of United States and International law, President George W. Bush has acted in a manner contrary to his trust as President and Commander in Chief, and subversive of constitutional government, to the prejudice of the cause of law and justice and to the manifest injury of the people of the United States. Wherefore, President George W. Bush, by such conduct, is guilty of an impeachable offense warranting removal from office.

ARTICLE XX.—IMPRISONING CHILDREN

In his conduct while President of the United States, George W. Bush, in violation of his constitutional oath to faithfully execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States, and in violation of his constitutional duty under Article II, Section 3 of the Constitution ''to take care that the laws be faithfully executed'', has both personally and acting through his agents and subordinates, authorized or permitted the arrest and detention of at least 2500 children under the age of 18 as ''enemy combatants'' in Iraq, Afghanistan, and at Guantanamo Bay Naval Station in violation of the Fourth Geneva Convention relating to the treatment of ''protected persons'' and the Optional Protocol to the Geneva Convention on the Rights of the Child on the Involvement of Children in Armed Conflict, signed by the U.S. in 2002. To wit:

In May 2008, the U.S. government reported to the United Nations that it has been holding upwards of 2,500 children under the age of 18 as ''enemy combatants'' at detention centers in Iraq, Afghanistan and at Guantanamo Bay (where there was a special center, Camp Iguana, established just for holding children). The length of these detentions has frequently exceeded a year, and in some cases has stretched to five years. Some of these detainees have reached adulthood in detention and are now not being reported as child detainees because they are no longer children.

In addition to detaining children as ''enemy combatants,'' it has been widely reported in media reports that the U.S. military in Iraq has, based upon Pentagon rules of engagement, been treating boys as young as 14 years of age as ''potential combatants,'' subject to arrest and even to being killed. In Fallujah, in the days ahead of the November 2004 all-out assault, Marines ringing the city were reported to be turning back into the city men and boys ''of combat age'' who were trying to flee the impending scene of battle—an act which in itself is a violation of the Geneva Conventions, which require combatants to permit anyone, combatants as well as civilians, to surrender, and to leave the scene of battle.

Under the Fourth Geneva Convention, to which the United States has been a signatory since 1949, children under the age of 15 captured in conflicts, even if they have been fighting, are to be considered victims, not prisoners. In 2002, the United States signed the Optional Protocol to the Geneva Convention on the Rights of the Child on the Involvement of children in Armed Conflict, which raised this age for this category of ''protected person'' to under 18.

The continued detention of such children, some as young as 10, by the U.S. military is a violation of both convention and protocol, and as such constitutes a war crime for which the president, as commander in chief, bears full responsibility.

In all of these actions and decisions, President George W. Bush has acted in a manner contrary to his trust as President and Commander in Chief, and subversive of constitutional government, to the prejudice of the cause of law and justice and to the manifest injury of the people of the United States. Wherefore, President George W. Bush, by such conduct, is guilty of an impeachable offense warranting removal from office.

ARTICLE XXI.—MISLEADING CONGRESS AND THE AMERICAN PEOPLE ABOUT THREATS FROM IRAN, AND SUPPORTING TERRORIST ORGANIZATIONS WITHIN IRAN, WITH THE GOAL OF OVERTHROWING THE IRANIAN GOVERNMENT

In his conduct while President of the United States, George W. Bush, in violation of his constitutional oath to faithfully execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States, and in violation of his constitutional duty to take care that the laws be faithfully executed, has both personally and acting through his agents and subordinates misled the Congress and the citizens of the United States about a threat of nuclear attack from the nation of Iran.

The National Intelligence Estimate released to Congress and the public on December 4, 2007, which confirmed that the government of the nation of Iran had ceased any efforts to develop nuclear weapons, was completed in 2006. Yet, the president and his aides continued to suggest during 2007 that such a nuclear threat was developing and might already exist. National Security Adviser Stephen Hadley stated at the time the National Intelligence Estimate regarding Iran was released that the president had been briefed on its findings ''in the last few months.'' Hadley's statement establishes a timeline that shows the president knowingly sought to deceive Congress and the American people about a nuclear threat that did not exist.

Hadley has stated that the president ''was basically told: stand down'' and, yet, the president and his aides continued to make false claims about the prospect that Iran was trying to ''build a nuclear weapon'' that could lead to ''World War III.''

This evidence establishes that the president actively engaged in and had full knowledge of a campaign by his administration to make a false ''case'' for an attack on Iran, thus warping the national security debate at a critical juncture and creating the prospect of an illegal and unnecessary attack on a sovereign nation.

Even after the National Intelligence Estimate was released to Congress and the American people, the president stated that he did not believe anything had changed and suggested that he and members of his administration would continue to argue that Iran should be seen as posing a threat to the United States. He did this despite the fact that United States intelligence agencies had clearly and officially stated that this was not the case.

Evidence suggests that the Bush Administration's attempts to portray Iran as a threat are part of a broader U.S. policy toward Iran. On September 30, 2001, then-Secretary of Defense Donald Rumsfeld established an official military objective of overturning the regime in Iran, as well as those in Iraq, Syria, and four other countries in the Middle East, according to a document quoted in then- Undersecretary of Defense for Policy Douglas Feith's book, ''War and Decision.''

General Wesley Clark, reports in his book ''Winning Modern Wars'' being told by a friend in the Pentagon in November 2001 that the list of governments that Rumsfeld and Deputy Secretary of Defense Paul Wolfowitz planned to overthrow included Iraq, Iran, Syria, Libya, Sudan, and Somalia. Clark writes that the list also included Lebanon.

Journalist Gareth Porter reported in May 2008 asking Feith at a public event which of the six regimes on the Clark list were included in the Rumsfeld paper, to which Feith replied ''All of them.''

Rumsfeld's aides also drafted a second version of the paper, as instructions to all military commanders in the development of ''campaign plans against terrorism''. The paper called for military commanders to assist other government agencies ''as directed'' to ''encourage populations dominated by terrorist organizations or their supporters to overthrow that domination.''

In January 2005, Seymour Hersh reported in the New Yorker Magazine that the Bush Administration had been conducting secret reconnaissance missions inside Iran at least since the summer of 2004.

In June 2005 former United Nations weapons inspector Scott Ritter reported that United States security forces had been sending members of the Mujahedeen-e Khalq (MEK) into Iranian territory. The MEK has been designated a terrorist organization by the United States, the European Union, Canada, Iraq, and Iran. Ritter reported that the United States Central Intelligence Agency (CIA) had used the MEK to carry out remote bombings in Iran.

In April 2006, Hersh reported in the New Yorker Magazine that U.S. combat troops had entered and were operating in Iran, where they were working with minority groups including the Azeris, Baluchis, and Kurds.

Also in April 2006, Larisa Alexandrovna reported on Raw Story that the U.S. Department of Defense (DOD) was working with and training the MEK, or former members of the MEK, sending them to commit acts of violence in southern Iran in areas where recent attacks had left many dead. Raw Story reported that the Pentagon had adopted the policy of supporting MEK shortly after the 2003 invasion of Iraq, and in response to the influence of Vice President Richard B. Cheney's office. Raw Story subsequently reported that no Presidential finding, and no Congressional oversight, existed on MEK operations.

In March 2007, Hersh reported in the New Yorker Magazine that the Bush administration was attempting to stem the growth of Shiite influence in the Middle East (specifically the Iranian government and Hezbollah in Lebanon) by funding violent Sunni organizations, without any Congressional authorization or oversight. Hersh said funds had been given to ''three Sunni jihadist groups . . . connected to al Qaeda'' that ''want to take on Hezbollah.''

In April 2008, the Los Angeles Times reported that conflicts with insurgent groups along Iran's borders were understood by the Iranian government as a proxy war with the United States and were leading Iran to support its allies against the United States' occupation force in Iraq. Among the groups the U.S. DOD is supporting, according to this report, is the Party for Free Life in Kurdistan, known by its Kurdish acronym, PEJAK. The United States has provided ''foodstuffs, economic assistance, medical supplies and Russian military equipment, some of it funneled through nonprofit groups.''

In May 2008, Andrew Cockburn reported on Counter Punch that President Bush, six weeks earlier had signed a secret finding authorizing a covert offensive against the Iranian regime. President Bush's secret directive covers actions across an area stretching from Lebanon to Afghanistan, and purports to sanction actions up to and including the funding of organizations like the MEK and the assassination of public officials.

All of these actions by the President and his agents and subordinates exhibit a disregard for the truth and a recklessness with regard to national security, nuclear proliferation and the global role of the United States military that is not merely unacceptable but dangerous in a commander-in- chief.

In all of these actions and decisions, President George W. Bush has acted in a manner contrary to his trust as President and Commander in Chief, and subversive of constitutional government, to the prejudice of the cause of law and justice and to the manifest injury of the people of the United States. Wherefore, President George W. Bush, by such conduct, is guilty of an impeachable offense warranting removal from office.

ARTICLE XXII—CREATING SECRET LAWS

In his conduct while President of the United States, George W. Bush, in violation of his constitutional oath to faithfully execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States, and in violation of his constitutional duty under Article II, Section 3 of the Constitution ''to take care that the laws be faithfully executed'', has both personally and acting through his agents and subordinates, together with the Vice President, established a body of secret laws through the issuance of legal opinions by the Department of Justice's Office of Legal Counsel (OLC).

The OLC's March 14, 2003, interrogation memorandum (''Yoo Memorandum'') was declassified years after it served as law for the executive branch. On April 29, 2008, House Judiciary Committee Chairman John Conyers and Subcommittee on the Constitution, Civil Rights and Civil Liberties Chairman Jerrold Nadler wrote in a letter to Attorney General Michael Mukasey:

''It appears to us that there was never any legitimate basis for the purely legal analysis contained in this document to be classified in the first place. The Yoo Memorandum does not describe sources and methods of intelligence gathering, or any specific facts regarding any interrogation activities. Instead, it consists almost entirely of the Department's legal views, which are not properly kept secret from Congress and the American people. J. William Leonard, the Director of the National Archive's Office of Information Security Oversight Office, and a top expert in this field concurs, commenting that '[t]he document in question is purely a legal analysis' that contains 'nothing which would justify classification.' In addition, the Yoo Memorandum suggests an extraordinary breadth and aggressiveness of OLC's secret legal opinion-making. Much attention has rightly been given to the statement in footnote 10 in the March 14, 2003, memorandum that, in an October 23, 2001, opinion, OLC concluded 'that the Fourth Amendment had no application to domestic military operations.' As you know, we have requested a copy of that memorandum on no less than four prior occasions and we continue to demand access to this important document.

''In addition to this opinion, however, the Yoo Memorandum references at least 10 other OLC opinions on weighty matters of great interest to the American people that also do not appear to have been released. These appear to cover matters such as the power of Congress to regulate the conduct of military commissions, legal constraints on the 'military detention of United States citizens,' legal rules applicable to the boarding and searching foreign ships, the President's authority to render U.S. detainees to the custody of foreign governments, and the President's authority to breach or suspend U.S. treaty obligations. Furthermore, it has been more than five years since the Yoo Memorandum was authored, raising the question how many other such memoranda and letters have been secretly authored and utilized by the Administration.

''Indeed, a recent court filing by the Department in FOIA litigation involving the Central Intelligence Agency identifies 8 additional secret OLC opinions, dating from August 6, 2004, to February 18, 2007. Given that these reflect only OLC memoranda identified in the files of the CIA, and based on the sampling procedures under which that listing was generated, it appears that these represent only a small portion of the secret OLC memoranda generated during this time, with the true number almost certainly much higher.''

Senator Russ Feingold, in a statement during an April 30, 2008, senate hearing stated:

''It is a basic tenet of democracy that the people have a right to know the law. In keeping with this principle, the laws passed by Congress and the case law of our courts have historically been matters of public record. And when it became apparent in the middle of the 20th century that federal agencies were increasingly creating a body of non-public administrative law, Congress passed several statutes requiring this law to be made public, for the express purpose of preventing a regime of 'secret law.' That purpose today is being thwarted. Congressional enactments and agency regulations are for the most part still public. But the law that applies in this country is determined not only by statutes and regulations, but also by the controlling interpretations of courts and, in some cases, the executive branch. More and more, this body of executive and judicial law is being kept secret from the public, and too often from Congress as well. . . .

''A legal interpretation by the Justice Department's Office of Legal Counsel . . . binds the entire executive branch, just like a regulation or the ruling of a court. In the words of former OLC head Jack Goldsmith, 'These executive branch precedents are ''law'' for the executive branch.' The Yoo memorandum was, for a nine-month period in 2003 until it was withdrawn by Mr. Goldsmith, the law that this Administration followed when it came to matters of torture. And of course, that law was essentially a declaration that few if any laws applied . . .

''Another body of secret law is the controlling interpretations of the Fo reign Intelligence Surveillance Act that are issued by the Foreign Intelligence Surveillance Court. FISA, of course, is the law that governs the government's ability in intelligence investigations to conduct wiretaps and search the homes of people in the United States. Under that statute, the FISA Court is directed to evaluate wiretap and search warrant applications and decide whether the standard for issuing a warrant has been met—a largely factual evaluation that is properly done behind closed doors. But with the evolution of technology and with this Administration's efforts to get the Court's blessing for its illegal wiretapping activities, we now know that the Court's role is broader, and that it is very much engaged in substantive interpretations of the governing statute. These interpretations are as much a part of this country's surveillance law as the statute itself. Without access to them, it is impossible for Congress or the public to have an informed debate on matters that deeply affect the privacy and civil liberties of all Americans . . .

''The Administration's shroud of secrecy extends to agency rules and executive pronouncements, such as Executive Orders, that carry the force of law. Through the diligent efforts of my colleague Senator Whitehouse, we have learned that OLC has taken the position that a President can 'waive' or 'modify' a published Executive Order without any notice to the public or Congress simply by not following it.''

In all of these actions and decisions, President George W. Bush has acted in a manner contrary to his trust as President and Commander in Chief, and subversive of constitutional government, to the prejudice of the cause of law and justice and to the manifest injury of the people of the United States. Wherefore, President George W. Bush, by such conduct, is guilty of an impeachable offense warranting removal from office.

In all of these actions and decisions, President George W. Bush has acted in a manner contrary to his trust as President, and subversive of constitutional government, to the prejudice of the cause of law and justice and to the manifest injury of the people of the United States. Wherefore, President George W. Bush, by such conduct, is guilty of an impeachable offense warranting removal from office.

ARTICLE XXIII—VIOLATION OF THE POSSE COMITATUS ACT

In his conduct while President of the United States, George W. Bush, in violation of his constitutional oath to faithfully execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States, and in violation of his constitutional duty under Article II, Section 3 of the Constitution ''to take care that the laws be faithfully executed'', has both personally and acting through his agents and subordinates, repeatedly and illegally established programs to appropriate the power of the military for use in law enforcement. Specifically, he has contravened U.S.C. Title 18, Section 1385, originally enacted in 1878, subsequently amended as ''Use of Army and Air Force as Posse Comitatus'' and commonly known as the Posse Comitatus Act.

The Act states:

''Whoever, except in cases and under circumstances expressly authorized by the Constitution or Act of Congress, willfully uses any part of the Army or the Air Force as a posse comitatus or otherwise to execute the laws shall be fined under this title or imprisoned not more than two years, or both.''

The Posse Comitatus Act is designed to prevent the military from becoming a national police force.

The Declaration of Independence states as a specific grievance against the British that the King had ''kept among us, in times of peace, Standing Armies without the consent of our legislatures,'' had ''affected to render the Military independent of and superior to the civil power,'' and had ''quarter[ed] large bodies of armed troops among us . . . protecting them, by a mock trial, from punishment for any murders which they should commit on the inhabitants of these States''

Despite the Posse Comitatus Act's intent, and in contravention of the law, President Bush:

(a) has used military forces for law enforcement purposes on U.S. border patrol;

(b) has established a program to use military personnel for surveillance and information on criminal activities;

(c) is using military espionage equipment to collect intelligence information for law enforcement use on civilians within the United States; and

(d) employs active duty military personnel in surveillance agencies, including the Central Intelligence Agency (CIA).

In June 2006, President Bush ordered National Guard troops deployed to the border shared by Mexico with Arizona, Texas, and California. This deployment, which by 2007 reached a maximum of 6,000 troops, had orders to ''conduct surveillance and operate detection equipment, work with border entry identification teams, analyze information, assist with communications and give administrative support to the Border Patrol'' and concerned ''. . . providing intelligence, inspecting cargo, and conducting surveillance.''

The Air Force's ''Eagle Eyes'' program encourages Air Force military staff to gather evidence on American citizens. Eagle Eyes instructs Air Force personnel to engage in surveillance and then advises them to ''alert local authorities,'' asking military staff to surveil and gather evidence on public citizens. This contravenes DoD Directive 5525.5 ''SUBJECT: DoD Cooperation with Civilian Law Enforcement'' which limits such activities.

President Bush has implemented a program to use imagery from military satellites for domestic law enforcement through the National Applications Office.

President Bush has assigned numerous active duty military personnel to civilian institutions such as the CIA and the Department of Homeland Security, both of which have responsibilities for law enforcement and intelligence.

In addition, on May 9, 2007, President Bush released ''National Security Presidential Directive/NSPD 51,'' which effectively gives the president unchecked power to control the entire government and to define that government in time of an emergency, as well as the power to determine whether there is an emergency. The document also contains ''classified Continuity Annexes.'' In July 2007 and again in August 2007 Rep. Peter DeFazio, a senior member of the House Homeland Security Committee, sought access to the classified annexes. DeFazio and other leaders of the Homeland Security Committee, including Chairman Bennie Thompson, have been denied a review of the Continuity of Government classified annexes.

In all of these actions and decisions, President George W. Bush has acted in a manner contrary to his trust as President and Commander in Chief, and subversive of constitutional government, to the prejudice of the cause of law and justice and to the manifest injury of the people of the United States. Wherefore, President George W. Bush, by such conduct, is guilty of an impeachable offense warranting removal from office.

ARTICLE XXIV.—SPYING ON AMERICAN CITIZENS, WITHOUT A COURT-ORDERED WARRANT, IN VIOLATION OF THE LAW AND THE FOURTH AMENDMENT

In his conduct while President of the United States, George W. Bush, in violation of his constitutional oath to faithfully execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States, and in violation of his constitutional duty under Article II, Section 3 of the Constitution ''to take care that the laws be faithfully executed,'' has both personally and acting through his agents and subordinates, knowingly violated the fourth Amendment to the Constitution and the Foreign Intelligence Service Act of 1978 (FISA) by authorizing warrantless electronic surveillance of American citizens to wit:

(1) The President was aware of the FISA Law requiring a court order for any wiretap as evidenced by the following:

(A) ''Now, by the way, any time you hear the United States government talking about wiretap, it requires—a wiretap requires a court order. Nothing has changed, by the way. When we're talking about chasing down terrorists, we're talking about getting a court order before we do so.'' White House Press conference on April 20, 2004. [White House Transcript]

(B) ''Law enforcement officers need a federal judge's permission to wiretap a foreign terrorist's phone, or to track his calls, or to search his property. Officers must meet strict standards to use any of the tools we're talking about.'' President Bush's speech in Baltimore Maryland on July 20th 2005. [White House Transcript]

(2) The President repeatedly ordered the NSA to place wiretaps on American citizens without requesting a warrant from FISA as evidenced by the following:

(A) ''Months after the Sept. 11 attacks, President Bush secretly authorized the National Security Agency to eavesdrop on Americans and others inside the United States to search for evidence of terrorist activity without the court-approved warrants ordinarily required for domestic spying, according to government officials.'' New York Times article by James Risen and Eric Lichtblau on December 12, 2005. [NYTimes]

(B) The President admits to authorizing the program by stating ''I have reauthorized this program more than 30 times since the September the 11th attacks, and I intend to do so for as long as our nation faces a continuing threat from al Qaeda and related groups. The NSA's activities under this authorization are thoroughly reviewed by the Justice Department and NSA's top legal officials, including NSA's general counsel and inspector general. Leaders in Congress have been briefed more than a dozen times on this authorization and the activities conducted under it.'' Radio Address from the White House on December 17, 2005. [White House Transcript]

(C) In a December 19th 2005 press conference the President publicly admitted to using a combination of surveillance techniques including some with permission from the FISA courts and some without permission from FISA.

Reporter: It was, why did you skip the basic safeguards of asking courts for permission for the intercepts?

The President: . . . We use FISA still—you're referring to the FISA court in your question—of course, we use FISAs. But FISA is for long-term monitoring. What is needed in order to protect the American people is the ability to move quickly to detect. Now, having suggested this idea, I then, obviously, went to the question, is it legal to do so? I am—I swore to uphold the laws. Do I have the legal authority to do this? And the answer is, absolutely. As I mentioned in my remarks, the legal authority is derived from the Constitution, as well as the authorization of force by the United States Congress.'' [White House Transcript]

(D) Mike McConnel, the Director of National Intelligence, in a letter to to Senator Arlen Specter, acknowledged that Bush's Executive Order in 2001 authorized a series of secret surveillance activities and included undisclosed activities beyond the warrantless surveillance of e-mails and phone calls that Bush confirmed in December 2005. ''NSA Spying Part of Broader Effort'' by Dan Eggen, Washington Post, 8/1/07.

(3) The President ordered the surveillance to be conducted in a way that would spy upon private communications between American citizens located within the United States borders as evidenced by the following:

(A) Mark Klein, a retired AT&T communications technician, submitted an affidavit in support of the Electronic Frontier Foundation's FF's lawsuit against AT&T. He testified that in 2003 he connected a ''splitter'' that sent a copy of Internet traffic and phone calls to a secure room that was operated by the NSA in the San Francisco office of AT&T. He heard from a co-worker that similar rooms were being constructed in other cities, including Seattle, San Jose, Los Angeles and San Diego. From ''Whistle-Blower Outs NSA Spy Room,'' Wired News, 4/7/06 [Wired] [EFF Case]

(4) The President asserted an inherent authority to conduct electronic surveillance based on the Constitution and the ''Authorization to use Military Force in Iraq'' (AUMF) that was not legally valid as evidenced by the following:

(A) In a December 19th, 2005 Press Briefing General Alberto Gonzales admitted that the surveillance authorized by the President was not only done without FISA warrants, but that the nature of the surveillance was so far removed from what FISA can approve that FISA could not even be amended to allow it. Gonzales stated ''We have had discussions with Congress in the past—certain members of Congress—as to whether or not FISA could be amended to allow us to adequately deal with this kind of threat, and we were advised that that would be difficult, if not impossible.''.

(B) The fourth amendment to the United States Constitution states ''The right of the people to be secure in their persons, houses,

papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.''

(C) ''The Foreign Intelligence Surveillance Act of 1978 unambiguously limits warrantless domestic electronic surveillance, even in a congressionally declared war, to the first 15 days of that war; criminalizes any such electronic surveillance not authorized by statute; and expressly establishes FISA and two chapters of the federal criminal code, governing wiretaps for intelligence purposes and for criminal investigation, respectively, as the ''exclusive means by which electronic surveillance . . . and the interception of domestic wire, oral, and electronic communications may be conducted.'' 50 U.S.C. 1811, 1809, 18 U.S.C. 2511(2)(f).'' Letter from Harvard Law Professor Lawrence Tribe to John Conyers on 1/6/06.

(D) In a December 19th, 2005 Press Briefing Attorney General Alberto Gonzales stated ''Our position is, is that the authorization to use force, which was passed by the Congress in the days following September 11th, constitutes that other authorization, that other statute by Congress, to engage in this kind of signals intelligence.''

(E) The ''Authorization to use Military Force in Iraq'' does not give any explicit authorization related to electronic surveillance. [HJRes114]

(F) ''From the foregoing analysis, it appears unlikely that a court would hold that Congress has expressly or impliedly authorized the NSA electronic surveillance operations here under discussion, and it would likewise appear that, to the extent that those surveillances fall within the definition of ''electronic surveillance'' within the meaning of FISA or any activity regulated under Title III, Congress intended to cover the entire field with these statutes.'' From the ''Presidential Authority to Conduct Warrantless Electronic Surveillance to Gather Foreign Intelligence Information'' by the Congressional Research Service on January 5, 2006.

(G) ''The inescapable conclusion is that the AUMF did not implicitly authorize what the FISA expressly prohibited. It follows that the presidential program of surveillance at issue here is a violation of the separation of powers—as grave an abuse of executive authority as I can recall ever having studied.'' Letter from Harvard Law Professor Lawrence Tribe to John Conyers on 1/6/06.

(H) On August 17, 2006 Judge Anna Diggs Taylor of the United States District Court in Detroit, in ACLU v. NSA, ruled that the ''NSA program to wiretap the international communications of some Americans without a court warrant violated the Constitution. . . . Judge Taylor ruled that the program violated both the Fourth Amendment and a 1978 law that requires warrants from a secret court for intelligence wiretaps involving people in the United States. She rejected the administration's repeated assertions that a 2001 Congressional authorization and the president's constitutional authority allowed the program.'' From a New York Times article ''Judge Finds Wiretap Actions Violate the Law'' 8/18/06 and the Memorandum Opinion.

(I) In July 2007, the Sixth Circuit Court of Appeals dismissed the case, ruling the plaintiffs had no standing to sue because, given the secretive nature of the surveillance, they could not state with certainty that they have been wiretapped by the NSA. This ruling did not address the legality of the surveillance so Judge Taylor's decision is the only ruling on that issue. [ACLU Legal Documents]

In all of these actions and decisions, President George W. Bush has acted in a manner contrary to his trust as President and Commander in Chief, and subversive of constitutional government, to the prejudice of the cause of law and justice and to the manifest injury of the people of the United States. Wherefore, President George W. Bush, by such conduct, is guilty of an impeachable offense warranting removal from office.

ARTICLE XXV.—DIRECTING TELECOMMUNICATIONS COMPANIES TO CREATE AN ILLEGAL AND UNCONSTITUTIONAL DATABASE OF THE PRIVATE TELEPHONE NUMBERS AND EMAILS OF AMERICAN CITIZENS

In his conduct while President of the United States, George W. Bush, in violation of his constitutional oath to faithfully execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States, and in violation of his constitutional duty under Article II, Section 3 of the Constitution ''to take care that the laws be faithfully executed,'' has both personally and acting through his agents and subordinates, violated the Stored Communications Act of 1986 and the Telecommunications Act of 1996 by creating of a very large database containing information related to the private telephone calls and emails of American citizens, to wit:

The President requested that telecommunication companies release customer phone records to the government illegally as evidenced by the following:

''The Stored Communications Act of 1986 (SCA) prohibits the knowing disclosure of customer telephone records to the government unless pursuant to subpoena, warrant or a National Security Letter (or other Administrative subpoena); with the customers lawful consent; or there is a business necessity; or an emergency involving the danger of death or serious physical injury. None of these exceptions apply to the circumstance described in the USA Today story.'' From page 169, ''George W Bush versus the U.S. Constitution.'' Compiled at the direction of Representative John Conyers.

According to a May 11, 2006 article in USA Today by Lesley Cauley ''The National Security Agency has been secretly collecting the phone call records of tens of millions of Americans, using data provided by AT&T, Verizon and BellSouth.'' An unidentified source said 'The agency's goal is to create a database of every call ever made within the nation's borders.''

In early 2001, Qwest CEO Joseph Nacchio rejected a request from the NSA to turn over customers records of phone calls, emails and other Internet activity. Nacchio believed that complying with the request would violate the Telecommunications Act of 1996. From National Journal, November 2, 2007.

In all of these actions and decisions, President George W. Bush has acted in a manner contrary to his trust as President and Commander in Chief, and subversive of constitutional government, to the prejudice of the cause of law and justice and to the manifest injury of the people of the United States. Wherefore, President George W. Bush, by such conduct, is guilty of an impeachable offense warranting removal from office.

ARTICLE XXVI.—ANNOUNCING THE INTENT TO VIOLATE LAWS WITH SIGNING STATEMENTS, AND VIOLATING THOSE LAWS

In his conduct while President of the United States, George W. Bush, in violation of his constitutional oath to faithfully execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States, and in violation of his constitutional duty under Article II, Section 3 of the Constitution ''to take care that the laws be faithfully executed,'' has used signing statements to claim the right to violate acts of Congress even as he signs them into law.

In June 2007, the Government Accountability Office reported that in a sample of Bush signing statements the office had studied, for 30 percent of them the Bush administration had already proceeded to violate the laws the statements claimed the right to violate.

In all of these actions and decisions, President George W. Bush has acted in a manner contrary to his trust as President and Commander in Chief, and subversive of constitutional government, to the prejudice of the cause of law and justice and to the manifest injury of the people of the United States. Wherefore, President George W. Bush, by such conduct, is guilty of an impeachable offense warranting removal from office.

ARTICLE XXVII.—FAILING TO COMPLY WITH CONGRESSIONAL SUBPOENAS AND INSTRUCTING FORMER EMPLOYEES NOT TO COMPLY

In his conduct while President of the United States, George W. Bush, in violation of his constitutional oath to faithfully execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States, and in violation of his constitutional duty under Article II, Section 3 of the Constitution ''to take care that the laws be faithfully executed,'' has both personally and acting through his agents and subordinates, refused to comply with Congressional subpoenas, and instructed former employees not to comply with subpoenas.

Subpoenas not complied with include:

A House Judiciary Committee subpoena for Justice Department papers and Emails, issued April 10, 2007;

A House Oversight and Government Reform Committee subpoena for the testimony of the Secretary of State, issued April 25, 2007;

A House Judiciary Committee subpoena for the testimony of former White House Counsel Harriet Miers and documents, issued June 13, 2007;

A Senate Judiciary Committee subpoena for documents and testimony of White House Chief of Staff Joshua Bolten, issued June 13, 2007;

A Senate Judiciary Committee subpoena for documents and testimony of White House Political Director Sara Taylor, issued June 13, 2007 (Taylor appeared but refused to answer questions);

A Senate Judiciary Committee subpoena for documents and testimony of White House Deputy Chief of Staff Karl Rove, issued June 26, 2007;

A Senate Judiciary Committee subpoena for documents and testimony of White House Deputy Political Director J. Scott Jennings, issued June 26, 2007 (Jennings appeared but refused to answer questions);

A Senate Judiciary Committee subpoena for legal analysis and other documents concerning the NSA warrantless wiretapping program from the White House, Vice President Richard Cheney, The Department of Justice, and the National Security Council. If the documents are not produced, the subpoena requires the testimony of White House chief of staff Josh Bolten, Attorney General Alberto Gonzales, Cheney chief of staff David Addington, National Security Council executive director V. Philip Lago, issued June 27, 2007;

A House Oversight and Government Reform Committee subpoena for Lt. General Kensinger.

In all of these actions and decisions, President George W. Bush has acted in a manner contrary to his trust as President and Commander in Chief, and subversive of constitutional government, to the prejudice of the

cause of law and justice and to the manifest injury of the people of the United States. Wherefore, President George W. Bush, by such conduct, is guilty of an impeachable offense warranting removal from office.

ARTICLE XXVIII.—TAMPERING WITH FREE AND FAIR ELECTIONS, CORRUPTION OF THE ADMINISTRATION OF JUSTICE

In his conduct while President of the United States, George W. Bush, in violation of his constitutional oath to faithfully execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States, and in violation of his constitutional duty under Article II, Section 3 of the Constitution ''to take care that the laws be faithfully executed,'' has both personally and acting through his agents and subordinates, conspired to undermine and tamper with the conduct of free and fair elections, and to corrupt the administration of justice by United States Attorneys and other employees of the Department of Justice, through abuse of the appointment power.

Toward this end, the President and Vice President, both personally and through their agents, did:

Engage in a program of manufacturing false allegations of voting fraud in targeted jurisdictions where the Democratic Party enjoyed an advantage in electoral performance or otherwise was problematic for the President's Republican Party, in order that public confidence in election results favorable to the Democratic Party be undermined;

Direct United States Attorneys to launch and announce investigations of certain leaders, candidates and elected officials affiliated with the Democratic Party at times calculated to cause the most political damage and confusion, most often in the weeks immediately preceding an election, in order that public confidence in the suitability for office of Democratic Party leaders, candidates and elected officials be undermined;

Direct United States Attorneys to terminate or scale back existing investigations of certain Republican Party leaders, candidates and elected officials allied with the George W. Bush administration, and to refuse to pursue new or proposed investigations of certain Republican Party leaders, candidates and elected officials allied with the George W. Bush administration, in order that public confidence in the suitability of such Republican Party leaders, candidates and elected officials be bolstered or restored;

Threaten to terminate the employment of the following United States Attorneys who refused to comply with such directives and purposes;

David C. Iglesias as U.S. Attorney for the District of New Mexico;

Kevin V. Ryan as U.S. Attorney for the Northern District of California;

John L. McKay as U.S. Attorney for the Western District of Washington;

Paul K. Charlton as U.S. Attorney for the District of Arizona;

Carol C. Lam as U.S. Attorney for the Southern District of California;

Daniel G. Bogden as U.S. Attorney for the District of Nevada;

Margaret M. Chiara as U.S. Attorney for the Western District of Michigan;

Todd Graves as U.S. Attorney for the Western District of Missouri;

Harry E. ''Bud'' Cummins, III as U.S. Attorney for the Eastern District of Arkansas;

Thomas M. DiBiagio as U.S. Attorney for the District of Maryland, and;

Kasey Warner as U.S. Attorney for the Southern District of West Virginia.

Further, George W. Bush has both personally and acting through his agents and subordinates, together with the Vice President conspired to obstruct the lawful Congressional investigation of these dismissals of United States Attorneys and the related scheme to undermine and tamper with the conduct of free and fair elections, and to corrupt the administration of justice.

Contrary to his oath faithfully to execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States, and in violation of his constitutional duty to take care that the laws be faithfully executed, George W. Bush has without lawful cause or excuse directed not to appear before the Committee on the Judiciary of the House of Representatives certain witnesses summoned by duly authorized subpoenas issued by that Committee on June 13, 2007.

In refusing to permit the testimony of these witnesses George W. Bush, substituting his judgment as to what testimony was necessary for the inquiry, interposed the powers of the Presidency against the lawful subpoenas of the House of Representatives, thereby assuming to himself functions and judgments necessary to the exercise of the checking and balancing power of oversight vested in the House of Representatives.

Further, the President has both personally and acting through his agents and subordinates, together with the Vice President directed the United States Attorney for the District of Columbia to decline to prosecute for contempt of Congress the aforementioned witnesses, Joshua B. Bolten and Harriet E. Miers, despite the obligation to do so as established by statute (2 U.S.C. §194) and pursuant to the direction of the United States House of Representatives as embodied in its resolution (H. Res. 982) of February 14, 2008.

In all of these actions and decisions, President George W. Bush has acted in a manner contrary to his trust as President and Commander in Chief, and subversive of constitutional government, to the prejudice of the cause of law and justice and to the manifest injury of the people of the United States. Wherefore, President George W. Bush, by such conduct, is guilty of an impeachable offense warranting removal from office.

ARTICLE XXIX.—CONSPIRACY TO VIOLATE THE VOTING RIGHTS ACT OF 1965

In his conduct while President of the United States, George W. Bush, in violation of his constitutional oath to faithfully execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States, and in violation of his constitutional duty under Article II, Section 3 of the Constitution ''to take care that the laws be faithfully executed,'' has both personally and acting through his agents and subordinates, has willfully corrupted and manipulated the electoral process of the United States for his personal gain and the personal gain of his co-conspirators and allies; has violated the United States Constitution and law by failing to protect the civil rights of African-American voters and others in the 2004 Election, and has impeded the right of the people to vote and have their vote properly and accurately counted, in that:

A. On November 5, 2002, and prior thereto, James Tobin, while serving as the regional director of the National Republican Senatorial Campaign Committee and as the New England Chairman of Bush-Cheney '04 Inc., did, at the direction of the White House under the administration of George W. Bush, along with other agents both known and unknown, commit unlawful acts by aiding and abetting a scheme to use computerized hang-up calls to jam phone lines set up by the New Hampshire Democratic Party and the Manchester firefighters' union on Election Day;

B. An investigation by the Democratic staff of the House Judiciary Committee into the voting procedures in Ohio during the 2004 election found ''widespread instances of intimidation and misinformation in violation of the Voting Rights Act, the Civil Rights Act of 1968, Equal Protection, Due Process and the Ohio right to vote;''

C. The 14th Amendment Equal Protection Clause guarantees that no minority group will suffer disparate treatment in a federal, state, or local election in stating that: ''No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.'' However, during and at various times of the year 2004, John Kenneth Blackwell, then serving as the Secretary of State for the State of Ohio and also serving simultaneously as Co-Chairman of the Committee to Re-Elect George W. Bush in the State of Ohio, did, at the direction of the White House under the administration of George W. Bush, along with other agents both known and unknown, commit unlawful acts in violation of the Equal Protection Clause of the 14th Amendment to the United States Constitution by failing to protect the voting rights of African-American citizens in Ohio and further, John Kenneth Blackwell did disenfranchise African-American voters under color of law, by

(i) Willfully denying certain neighborhoods in the cities of Cleveland, Ohio and Columbus, Ohio, along with other urban areas in the State of Ohio, an adequate number of electronic voting machines and provisional paper ballots, thereby unlawfully impeding duly registered voters from the act of voting and thus violating the civil rights of an unknown number of United States citizens.

a. In Franklin County, George W. Bush and his agent, Ohio Secretary of State John Kenneth Blackwell, Co-Chair of the Bush-Cheney Re-election Campaign, failed to protect the rights of African-American voters by not properly investigating the withholding of 125 electronic voting machines assigned to the city of Columbus.

b. Forty-two African-American precincts in Columbus were each missing one voting machine that had been present in the 2004 primary.

c. African-American voters in the city of Columbus were forced to wait three to seven hours to vote in the 2004 presidential election.

(ii) Willfully issuing unclear and conflicting rules regarding the methods and manner of becoming a legally registered voter in the State of Ohio, and willfully issuing unclear and unnecessary edicts regarding the weight of paper registration forms legally acceptable to the State of Ohio, thereby creating confusion for both voters and voting officials and thus impeding the right of an unknown number of United States citizens to register and vote.

a. Ohio Secretary of State John Kenneth Blackwell directed through Advisory 2004–31 that voter registration forms, which were greatest in urban minority areas, should not be accepted and should be returned unless submitted on 80 bond paper weight. Blackwell's own office was found to be using 60 bond paper weight.

(iii) Willfully permitted and encouraged election officials in Cleveland, Cincinnati and Toledo to conduct a massive partisan purge of registered voter rolls, eventually expunging more than 300,000 voters, many of whom were duly registered voters, and who were thus deprived of their constitutional right to vote;

a. Between the 2000 and 2004 Ohio presidential elections, 24.93% of the voters in the

city of Cleveland, a city with a majority of African American citizens, were purged from the voting rolls.

b. In that same period, the Ohio county of Miami, with census data indicating a 98% Caucasian population, refused to purge any voters from its rolls. Miami County ''merged'' voters from other surrounding counties into its voting rolls and even allowed voters from other states to vote.

c. In Toledo, Ohio, an urban city with a high African-American concentration, 28,000 voters were purged from the voting rolls in August of 2004, just prior to the presidential election. This purge was conducted under the control and direction of George W. Bush's agent, Ohio Secretary of State John Kenneth Blackwell outside of the regularly established cycle of purging voters in odd-numbered years.

(iv) Willfully allowing Ohio Secretary of State John Kenneth Blackwell, acting under color of law and as an agent of George W. Bush, to issue a directive that no votes would be counted unless cast in the right precinct, reversing Ohio's long-standing practice of counting votes for president if cast in the right county.

(v) Willfully allowing his agent, Ohio Secretary of State John Kenneth Blackwell, the Co-Chair of the Bush-Cheney Re- election Campaign, to do nothing to assure the voting rights of 10,000 people in the city of Cleveland when a computer error by the private vendor Diebold Election Systems, Inc. incorrectly disenfranchised 10,000 voters

(vi) Willfully allowing his agent, Ohio Secretary of State John Kenneth Blackwell, the Co-Chair of the Bush- Cheney Re-election Campaign, to ensure that uncounted and provisional ballots in Ohio's 2004 presidential election would be disproportionately concentrated in urban African-American districts.

a. In Ohio's Lucas County, which includes Toledo, 3,122 or 41.13% of the provisional ballots went uncounted under the direction of George W. Bush's agent, the Secretary of State of Ohio, John Kenneth Blackwell, Co-Chair of the Committee to Re-Elect Bush/Cheney in Ohio.

b. In Ohio's Cuyahoga County, which includes Cleveland, 8,559 or 32.82% of the provisional ballots went uncounted.

c. In Ohio's Hamilton County, which includes Cincinnati, 3,529 or 24.23% of the provisional ballots went uncounted.

d. Statewide, the provisional ballot rejection rate was 9% as compared to the greater figures in the urban areas.

D. The Department of Justice, charged with enforcing the Voting Rights Act of 1965, the 14th Amendment's Equal Protection Clause, and other voting rights laws in the United States of America, under the direction and Administration of George W. Bush did willfully and purposely obstruct and stonewall legitimate criminal investigations into myriad cases of reported electoral fraud and suppression in the state of Ohio. Such activities, carried out by the department on behalf of George W. Bush in counties such as Franklin and Knox by persons such as John K. Tanner and others, were meant to confound and whitewash legitimate legal criminal investigations into the suppression of massive numbers of legally registered voters and the removal of their right to cast a ballot fairly and freely in the state of Ohio, which was crucial to the certified electoral victory of George W. Bush in 2004.

E. On or about November 1, 2006, members of the United States Department of Justice, under the control and direction of the Administration of George W. Bush, brought indictments for voter registration fraud within days of an election, in order to directly effect the outcome of that election for partisan purposes, and in doing so, thereby violated the Justice Department's own rules against filing election-related indictments close to an election;

F. Emails have been obtained showing that the Republican National Committee and members of Bush-Cheney '04 Inc., did, at the direction of the White House under the administration of George W. Bush, engage in voter suppression in five states by a method know as ''vote caging,'' an illegal voter suppression technique;

G. Agents of George W. Bush, including Mark F. ''Thor'' Hearne, the national general counsel of Bush/Cheney '04, Inc., did, at the behest of George W. Bush, as members of a criminal front group, distribute known false information and propaganda in the hopes of forwarding legislation and other actions that would result in the disenfranchisement of Democratic voters for partisan purposes. The scheme, run under the auspices of an organization known as ''The American Center for Voting Rights'' (ACVR), was funded by agents of George W. Bush in violation of laws governing tax exempt 501(c)3 organizations and in violation of federal laws forbidding the distribution of such propaganda by the federal government and agents working on its behalf.

H. Members of the United States Department of Justice, under the control and direction of the Administration of George W. Bush, did, for partisan reasons, illegally and with malice aforethought block career attorneys and other officials in the Department of Justice from filing three lawsuits charging local and county governments with violating the voting rights of African-Americans and other minorities, according to seven former senior United States Justice Department employees.

I. Members of the United States Department of Justice, under the control and direction of the Administration of George W. Bush, did illegally and with malice aforethought derail at least two investigations into possible voter discrimination, according to a letter sent to the Senate Rules and Administration Committee and written by former employees of the United States Department of Justice, Voting Rights Section.

J. Members of the United States Election Assistance Commission (EAC), under the control and direction of the Administration of George W. Bush, have purposefully and willfully misled the public, in violation of several laws, by;

(i) Withholding from the public and then altering a legally mandated report on the true measure and threat of Voter Fraud, as commissioned by the EAC and completed in June 2006, prior to the 2006 mid-term election, but withheld from release prior to that election when its information would have been useful in the administration of elections across the country, because the results of the statutorily required and tax-payer funded report did not conform with the illegal, partisan propaganda efforts and politicized agenda of the Bush Administration;

(ii) Withholding from the public a legally mandated report on the disenfranchising effect of Photo Identification laws at the polling place, shown to disproportionately disenfranchise voters not of George W. Bush's political party. The report was commissioned by the EAC and completed in June 2006, prior to the 2006 mid-term election, but withheld from release prior to that election when its information would have been useful in the administration of elections across the country

(iii) Withholding from the public a legally mandated report on the effectiveness of Provisional Voting as commissioned by the EAC and completed in June 2006, prior to the 2006 mid-term election, but withheld from release prior to that election when its information would have been useful in the administration of elections across the country, and keeping that report unreleased for more than a year until it was revealed by independent media outlets.

For directly harming the rights and manner of suffrage, for suffering to make them secret and unknowable, for overseeing and participating in the disenfranchisement of legal voters, for instituting debates and doubts about the true nature of elections, all against the will and consent of local voters affected, and forced through threats of litigation by agents and agencies overseen by George W. Bush, the actions of Mr. Bush to do the opposite of securing and guaranteeing the right of the people to alter or abolish their government via the electoral process, being a violation of an inalienable right, and an immediate threat to Liberty.

In all of these actions and decisions, President George W. Bush has acted in a manner contrary to his trust as President and Commander in Chief, and subversive of constitutional government, to the prejudice of the cause of law and justice and to the manifest injury of the people of the United States. Wherefore, President George W. Bush, by such conduct, is guilty of an impeachable offense warranting removal from office.

ARTICLE XXX.—MISLEADING CONGRESS AND THE AMERICAN PEOPLE IN AN ATTEMPT TO DESTROY MEDICARE

In his conduct while President of the United States, George W. Bush, in violation of his constitutional oath to faithfully execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States, and in violation of his constitutional duty under Article II, Section 3 of the Constitution ''to take care that the laws be faithfully executed'', has both personally and acting through his agents and subordinates, together with the Vice President, pursued policies which deliberately drained the fiscal resources of Medicare by forcing it to compete with subsidized private insurance plans which are allowed to arbitrarily select or not select those they will cover; failing to provide reasonable levels of reimbursements to Medicare providers, thereby discouraging providers from participating in the program, and designing a Medicare Part D benefit without cost controls which allowed pharmaceutical companies to gouge the American taxpayers for the price of prescription drugs.

The President created, manipulated, and disseminated information given to the citizens and Congress of the United States in support of his prescription drug plan for Medicare that enriched drug companies while failing to save beneficiaries sufficient money on their prescription drugs. He misled Congress and the American people into thinking the cost of the benefit was $400 billion. It was widely understood that if the cost exceeded that amount, the bill would not pass due to concerns about fiscal irresponsibility.

A Medicare Actuary who possessed information regarding the true cost of the plan, $539 billion, was instructed by the Medicare Administrator to deny Congressional requests for it. The Actuary was threatened with sanctions if the information was disclosed to Congress, which, unaware of the information, approved the bill. Despite the fact that official cost estimates far exceeded $400 billion, President Bush offered assurances to Congress that the cost was $400 billion, when his office had information to the contrary. In the House of Representatives, the bill passed by a single vote and the Conference Report passed by only 5 votes. The White House knew the actual cost of the drug benefit was high enough to prevent its passage. Yet the

White House concealed the truth and impeded an investigation into its culpability.

In all of these actions and decisions, President George W. Bush has acted in a manner contrary to his trust as President and Commander in Chief, and subversive of constitutional government, to the prejudice of the cause of law and justice and to the manifest injury of the people of the United States. Wherefore, President George W. Bush, by such conduct, is guilty of an impeachable offense warranting removal from office.

ARTICLE XXXI.—KATRINA: FAILURE TO PLAN FOR THE PREDICTED DISASTER OF HURRICANE KATRINA, FAILURE TO RESPOND TO A CIVIL EMERGENCY

In his conduct while President of the United States, George W. Bush, in violation of his constitutional oath to faithfully execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States, and in violation of his constitutional duty under Article II, Section 3 of the Constitution ''to take care that the laws be faithfully executed'', has both personally and acting through his agents and subordinates, failed to take sufficient action to protect life and property prior to and in the face of Hurricane Katrina in 2005, given decades of foreknowledge of the dangers of storms to New Orleans and specific forewarning in the days prior to the storm. The President failed to prepare for predictable and predicted disasters, failed to respond to an immediate need of which he was informed, and has subsequently failed to rebuild the section of our nation that was destroyed.

Hurricane Katrina killed at least 1,282 people, with 2 million more displaced. 302,000 housing units were destroyed or damaged by the hurricane, 71% of these were low-income units. More than 500 sewage plants were destroyed, more than 170 point-source leakages of gasoline, oil, or natural gas, more than 2000 gas stations submerged, several chemical plants, 8 oil refineries, and a superfund site was submerged. 8 million gallons of oil were spilled. Toxic materials seeped into floodwaters and spread through much of the city and surrounding areas.

The predictable increased strength of hurricanes such as Katrina has been identified by scientists for years, and yet the Bush Administration has denied this science and restricted such information from official reports, publications, and the National Oceanic and Atmospheric Agency's website. Donald Kennedy, editor-in-chief of Science, wrote in 2006 that ''hurricane intensity has increased with oceanic surface temperatures over the past 30 years. The physics of hurricane intensity growth . . . has clarified and explained the thermodynamic basis for these observations. [Kerry] Emanuel has tested this relationship and presented convincing evidence.''

FEMA's 2001 list of the top three most likely and most devastating disasters were a San Francisco earthquake, a terrorist attack on New York, and a Category 4 hurricane hitting New Orleans, with New Orleans being the number one item on that list. FEMA conducted a five-day hurricane simulation exercise in 2004, ''Hurricane Pam,'' mimicking a Katrina-like event. This exercise combined the National Weather Service, the U.S. Army Corps of Engineers, the LSU Hurricane Center and other state and federal agencies, resulting in the development of emergency response plans. The exercise demonstrated, among other things, that thousands of mainly indigent New Orleans residents would be unable to evacuate on their own. They would need substantial government assistance. These plans, however, were not implemented in part due to the President's slashing of funds for protection. In the year before Hurricane Katrina hit, the President continued to cut budgets and deny grants to the Gulf Coast. In June of 2004 the Army Corps of Engineers levee budget for New Orleans was cut, and it was cut again in June of 2005, this time by $71.2 million or a whopping 44% of the budget. As a result, ACE was forced to suspend any repair work on the levees. In 2004 FEMA denied a Louisiana disaster mitigation grant request.

The President was given multiple warnings that Hurricane Katrina had a high likelihood of causing serious damage to New Orleans and the Gulf Coast. At 10 AM on Sunday 28 August 2005, the day before the storm hit, the National Weather Service published an alert titled ''DEVASTATING DAMAGE EXPECTED.'' Printed in all capital letters, the alert stated that ''MOST OF THE AREA WILL BE UNINHABITABLE FOR WEEKS . . . PERHAPS LONGER. AT LEAST ONE HALF OF WELL CONSTRUCTED HOMES WILL HAVE ROOF AND WALL FAILURE. . . . POWER OUTAGES WILL LAST FOR WEEKS. . . . WATER SHORTAGES WILL MAKE HUMAN SUFFERING INCREDIBLE BY MODERN STANDARDS.''

The Homeland Security Department also briefed the President on the scenario, warning of levee breaches and severe flooding. According to the New York Times, ''a Homeland Security Department report submitted to the White House at 1:47 a.m. on Aug. 29, hours before the storm hit, said, 'Any storm rated Category 4 or greater will likely lead to severe flooding and/or levee breaching.'' These warnings clearly contradict the statements made by President Bush immediately after the storm that such devastation could not have been predicted. On 1 September 2005 the President said ''I don't think anyone anticipated the breach of the levees.''

The President's response to Katrina via FEMA and DHS was criminally delayed, indifferent, and inept. The only FEMA employee posted in New Orleans in the immediate aftermath of Hurricane Katrina, Marty Bahamonde, emailed head of FEMA Michael Brown from his Blackberry device on August 31, 2005 regarding the conditions. The email was urgent and detailed and indicated that ''The situation is past critical . . . Estimates are many will die within hours.'' Brown's reply was emblematic of the administration's entire response to the catastrophe: ''Thanks for the update. Anything specific I need to do or tweak?'' The Secretary of Homeland Security, Michael Chertoff, did not declare an emergency, did not mobilize the federal resources, and seemed to not even know what was happening on the ground until reporters told him.

On Friday August 26, 2005, Governor Kathleen Blanco declared a State of Emergency in Louisiana and Governor Haley Barbour of Mississippi followed suit the next day. Also on that Saturday, Governor Blanco asked the President to declare a Federal State of Emergency, and on 28 August 2005, the Sunday before the storm hit, Mayor Nagin declared a State of Emergency in New Orleans. This shows that the local authorities, responding to federal warnings, knew how bad the destruction was going to be and anticipated being overwhelmed. Failure to act under these circumstances demonstrates gross negligence.

In all of these actions and decisions, President George W. Bush has acted in a manner contrary to his trust as President and Commander in Chief, and subversive of constitutional government, to the prejudice of the cause of law and justice and to the manifest injury of the people of the United States. Wherefore, President George W. Bush, by such conduct, is guilty of an impeachable offense warranting removal from office.

ARTICLE XXXII.—MISLEADING CONGRESS AND THE AMERICAN PEOPLE, SYSTEMATICALLY UNDERMINING EFFORTS TO ADDRESS GLOBAL CLIMATE CHANGE

In his conduct while President of the United States, George W. Bush, in violation of his constitutional oath to faithfully execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States, and in violation of his constitutional duty under Article II, Section 3 of the Constitution ''to take care that the laws be faithfully executed'', has both personally and acting through his agents and subordinates, together with the Vice President, ignored the peril to life and property posed by global climate change, manipulated scientific information and mishandled protective policy, constituting nonfeasance and malfeasance in office, abuse of power, dereliction of duty, and deception of Congress and the American people.

President Bush knew the expected effects of climate change and the role of human activities in driving climate change. This knowledge preceded his first Presidential term.

1. During his 2000 Presidential campaign, he promised to regulate carbon dioxide emissions.

2. In 2001, the Intergovernmental Panel on Climate Change, a global body of hundreds of the world's foremost experts on climate change, concluded that ''most of observed warming over last 50 years (is) likely due to increases in greenhouse gas concentrations due to human activities.'' The Third Assessment Report projected several effects of climate change such as continued ''widespread retreat'' of glaciers, an ''increase threats to human health, particularly in lower income populations, predominantly within tropical/subtropical countries,'' and ''water shortages.''

3. The grave danger to national security posed by global climate change was recognized by the Pentagon's Defense Advanced Planning Research Projects Agency in October of 2003. An agency-commissioned report ''explores how such an abrupt climate change scenario could potentially de-stabilize the geo-political environment, leading to skirmishes, battles, and even war due to resource constraints such as: 1) Food shortages due to decreases in net global agricultural production 2) Decreased availability and quality of fresh water in key regions due to shifted precipitation patters, causing more frequent floods and droughts 3) Disrupted access to energy supplies due to extensive sea ice and storminess.''

4. A December 2004 paper in Science reviewed 928 studies published in peer reviewed journals to determine the number providing evidence against the existence of a link between anthropogenic emissions of carbon dioxide and climate change. ''Remarkably, none of the papers disagreed with the consensus position.''

5. The November 2007 Inter-Governmental Panel on Climate Change (IPCC) Fourth Assessment Report showed that global anthropogenic emissions of greenhouse gasses have increased 70% between 1970 and 2004, and anthropogenic emissions are very likely the cause of global climate change. The report concluded that global climate change could cause the extinction of 20 to 30 percent of species in unique ecosystems such as the polar areas and biodiversity hotspots, increase extreme weather events especially in the developing world, and have adverse effects on food production and fresh water availability.

The President has done little to address this most serious of problems, thus constituting an abuse of power and criminal neglect. He has also actively endeavored to undermine efforts by the federal government,

states, and other nations to take action on their own.

1. In March 2001, President Bush announced the U.S. would not be pursuing ratification of the Kyoto Protocol, an international effort to reduce greenhouse gasses. The United States is the only industrialized nation that has failed to ratify the accord.

2. In March of 2008, Representative Henry Waxman wrote to EPA Administrator Stephen Johnson: ''In August 2003, the Bush Administration denied a petition to regulate CO_2 emissions from motor vehicles by deciding that CO_2 was not a pollutant under the Clean Air Act. In April 2007, the U.S. Supreme Court overruled that determination in Massachusetts v. EPA. The Supreme Court wrote that 'If EPA makes a finding of endangerment, the Clean Air Act requires the agency to regulate emissions of the deleterious pollutant from new motor vehicles.' The EPA then conducted an extensive investigation involving 60–70 staff who concluded that 'CO_2 emissions endanger both human health and welfare.' These findings were submitted to the White House, after which work on the findings and the required regulations was halted.''

3. A Memo to Members of the Committee on Oversight and Government Reform on May 19, 2008 stated ''The record before the Committee shows: (1) the career staff at EPA unanimously supported granting California's petition (to be allowed to regulate greenhouse gas emissions from cars and trucks, consistent with California state law); (2) Stephen Johnson, the Administrator of EPA, also supported granting California's petition at least in part; and (3) Administrator Johnson reversed his position after communications with officials in the White House.''

The President has suppressed the release of scientific information related to global climate change, an action which undermines Congress' ability to legislate and provide oversight, and which has thwarted efforts to prevent global climate change despite the serious threat that it poses.

1. In February, 2001, ExxonMobil wrote a memo to the White House outlining ways to influence the outcome of the Third Assessment report by the Intergovernmental Panel on Climate Change. The memo opposed the reelection of Dr. Robert Watson as the IPCC Chair. The White House then supported an opposition candidate, who was subsequently elected to replace Dr. Watson.

2. The New York Times on January 29, 2006, reported that James Hansen, NASA's senior climate scientist was warned of ''dire consequences'' if he continued to speak out about global climate change and the need for reducing emissions of associated gasses. The Times also reported that: ''At climate laboratories of the National Oceanic and Atmospheric Administration, for example, many scientists who routinely took calls from reporters five years ago can now do so only if the interview is approved by administration officials in Washington, and then only if a public affairs officer is present or on the phone.''

3. In December of 2007, the House Committee on Oversight and Government Reform issued a report based on 16 months of investigation and 27,000 pages of documentation. According to the summary: ''The evidence before the Committee leads to one inescapable conclusion: the Bush Administration has engaged in a systematic effort to manipulate climate change science and mislead policy makers and the public about the dangers of global warming.'' The report described how the White House appointed former petroleum industry lobbyist Phil Cooney as head of the Council on Environmental Quality. The report states ''There was a systematic White House effort to minimize the significance of climate change by editing climate change reports. CEQ Chief of Staff Phil Cooney and other CEQ officials made at least 294 edits to the Administration's Strategic Plan of the Climate Change Science Program to exaggerate or emphasize scientific uncertainties or to de-emphasize or diminish the importance of the human role in global warming.''

4. On April 23, 2008, Representative Henry Waxman wrote a letter to EPA Administrator Stephen L Johnson. In it he reported: ''Almost 1,600 EPA scientists completed the Union of Concerned Scientists survey questionnaire. Over 22 percent of these scientists reported that 'selective or incomplete use of data to justify a specific regulatory outcome' occurred 'frequently' or 'occasionally' at EPA. Ninety-four EPA scientists reported being frequently or occasionally directed to inappropriately exclude or alter technical information from an EPA scientific document. Nearly 200 EPA scientists said that they have frequently or occasionally been in situations in which scientists have actively objected to, resigned from or removed themselves from a project because of pressure to change scientific findings.''

In all of these actions and decisions, President George W. Bush has acted in a manner contrary to his trust as President and subversive of constitutional government, to the prejudice of the cause of law and justice and to the manifest injury of the people of the United States. Wherefore, President George W. Bush, by such conduct, is guilty of an impeachable offense warranting removal from office.

ARTICLE XXXIII.—REPEATEDLY IGNORED AND FAILED TO RESPOND TO HIGH LEVEL INTELLIGENCE WARNINGS OF PLANNED TERRORIST ATTACKS IN THE US, PRIOR TO 9/11

In his conduct while President of the United States, George W. Bush, in violation of his constitutional oath to faithfully execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States, and in violation of his constitutional duty under Article II, Section 3 of the Constitution ''to take care that the laws be faithfully executed'', has both personally and acting through his agents and subordinates, together with the Vice President, failed in his Constitutional duties to take proper steps to protect the nation prior to September 11, 2001.

The White House's top counter-terrorism adviser, Richard A. Clarke, has testified that from the beginning of George W. Bush's presidency until September 11, 2001, Clarke attempted unsuccessfully to persuade President Bush to take steps to protect the nation against terrorism. Clarke sent a memorandum to then-National Security Advisor Condoleezza Rice on January 24, 2001, ''urgently'' but unsuccessfully requesting ''a Cabinet-level meeting to deal with the impending al Qaeda attack.''

In April 2001, Clarke was finally granted a meeting, but only with second-in-command department representatives, including Deputy Secretary of Defense Paul Wolfowitz, who made light of Clarke's concerns.

Clarke confirms that in June, July, and August 2001, the Central Intelligence Agency (CIA) warned the president in daily briefings of unprecedented indications that a major al Qaeda attack was going to happen against the United States somewhere in the world in the weeks and months ahead. Yet, Clarke was still unable to convene a cabinet-level meeting to address the issue.

Condoleezza Rice has testified that George Tenet met with the president 40 times to warn him that a major al-Qaeda attack was going to take place, and that in response the president did not convene any meetings of top officials. At such meetings, the FBI could have shared information on possible terrorists enrolled at flight schools. Among the many preventive steps that could have been taken, the Federal Aviation Administration, airlines, and airports might have been put on full alert.

According to Condoleezza Rice, the first and only cabinet-level meeting prior to 9/11 to discuss the threat of terrorist attacks took place on September 4, 2001, one week before the attacks in New York and Washington.

On August 6, 2001, President Bush was presented a President's Daily Brief (PDB) article titled ''Bin Laden Determined to Strike in U.S.'' The lead sentence of that PDB article indicated that Bin Laden and his followers wanted to ''follow the example of World Trade Center bomber Ramzi Yousef and 'bring the fighting to America.' '' The article warned: ''Al-Qa'ida members—including some who are U.S. citizens—have resided in or traveled to the US for years, and the group apparently maintains a support structure that could aid attacks.''

The article cited a ''more sensational threat reporting that Bin Laden wanted to hijack a US aircraft,'' but indicated that the CIA had not been able to corroborate such reporting. The PDB item included information from the FBI indicating ''patterns of suspicious activity in this country consistent with preparations for hijackings or other types of attacks, including recent surveillance of federal buildings in New York.'' The article also noted that the CIA and FBI were investigating ''a call to our embassy in the UAE in May saying that a group of Bin Laden supporters was in the US planning attacks with explosives.''

The president spent the rest of August 6, and almost all the rest of August 2001 on vacation. There is no evidence that he called any meetings of his advisers to discuss this alarming report. When the title and substance of this PDB article were later reported in the press, then-National Security Adviser Condoleezza Rice began a sustained campaign to play down its significance, until the actual text was eventually released by the White House.

New York Times writer Douglas Jehl, put it this way: ''In a single 17-sentence document, the intelligence briefing delivered to President Bush in August 2001 spells out the who, hints at the what and points towards the where of the terrorist attacks on New York and Washington that followed 36 days later.''

Eleanor Hill, Executive Director of the joint congressional committee investigating the performance of the U.S. intelligence community before September 11, 2001, reported in mid-September 2002 that intelligence reports a year earlier ''reiterated a consistent and constant theme: Osama bin Laden's intent to launch terrorist attacks inside the United States.''

That joint inquiry revealed that just two months before September 11, an intelligence briefing for ''senior government officials'' predicted a terrorist attack with these words: ''The attack will be spectacular and designed to inflict mass casualties against U.S. facilities or interests. Attack preparations have been made. Attack will occur with little or no warning.''

Given the White House's insistence on secrecy with regard to what intelligence was given to President Bush, the joint-inquiry report does not divulge whether he took part in that briefing. Even if he did not, it strains credulity to suppose that those ''senior government officials'' would have kept its alarming substance from the president.

Again, there is no evidence that the president held any meetings or took any action to deal with the threats of such attacks.

In all of these actions and decisions, President George W. Bush has acted in a manner

contrary to his trust as President, and subversive of constitutional government, to the prejudice of the cause of law and justice and to the manifest injury of the people of the United States. Wherefore, President George W. Bush, by such conduct, is guilty of an impeachable offense warranting removal from office.

ARTICLE XXXIV.—OBSTRUCTION OF INVESTIGATION INTO THE ATTACKS OF SEPTEMBER 11, 2001

In his conduct while President of the United States, George W. Bush, in violation of his constitutional oath to faithfully execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States, and in violation of his constitutional duty under Article II, Section 3 of the Constitution ''to take care that the laws be faithfully executed'', has both personally and acting through his agents and subordinates, together with the Vice President, obstructed investigations into the attacks on the World Trade Center and Pentagon on September 11, 2001.

Following September 11, 2001, President Bush and Vice President Cheney took strong steps to thwart any and all proposals that the circumstances of the attack be addressed. Then-Secretary of State Colin Powell was forced to renege on his public promise on September 23 that a ''White Paper'' would be issued to explain the circumstances. Less than two weeks after that promise, Powell apologized for his ''unfortunate choice of words,'' and explained that Americans would have to rely on ''information coming out in the press and in other ways.''

On Sept. 26, 2001, President Bush drove to Central Intelligence Agency (CIA) headquarters in Langley, Virginia, stood with Director of Central Intelligence George Tenet and said: ''My report to the nation is, we've got the best intelligence we can possibly have thanks to the men and women of the C.I.A.'' George Tenet subsequently and falsely claimed not to have visited the president personally between the start of Bush's long Crawford vacation and September 11, 2001.

Testifying before the 9/11 Commission on April 14, 2004, Tenet answered a question from Commission member Timothy Roemer by referring to the president's vacation (July 29–August 30) in Crawford and insisting that he did not see the president at all in August 2001. ''You never talked with him?'' Roemer asked. ''No,'' Tenet replied, explaining that for much of August he too was ''on leave.'' An Agency spokesman called reporters that same evening to say Tenet had misspoken, and that Tenet had briefed Bush on August 17 and 31. The spokesman explained that the second briefing took place after the president had returned to Washington, and played down the first one, in Crawford, as uneventful.

In his book, At the Center of the Storm, (2007) Tenet refers to what is almost certainly his August 17 visit to Crawford as a follow-up to the ''Bin Laden Determined to Strike in the U.S.'' article in the CIA-prepared President's Daily Brief of August 6. That briefing was immortalized in a Time Magazine photo capturing Harriet Myers holding the PDB open for the president, as two CIA officers sit by. It is the same briefing to which the president reportedly reacted by telling the CIA briefer, ''All right, you've covered your ass now.'' (Ron Suskind, The One-Percent Doctrine, p. 2, 2006). In At the Center of the Storm, Tenet writes: ''A few weeks after the August 6 PDB was delivered, I followed it to Crawford to make sure that the president stayed current on events.''

A White House press release suggests Tenet was also there a week later, on August 24. According to the August 25, 2001, release, President Bush, addressing a group of visitors to Crawford on August 25, told them: ''George Tenet and I, yesterday, we piled in the new nominees for the Chairman of the Joint Chiefs, the Vice Chairman and their wives and went right up the canyon.''

In early February 2002, Vice President Dick Cheney warned then-Senate Majority Leader Tom Daschle that if Congress went ahead with an investigation, administration officials might not show up to testify. As pressure grew for an investigation, the president and vice president agreed to the establishment of a congressional joint committee to conduct a ''Joint Inquiry.'' Eleanor Hill, Executive Director of the Inquiry, opened the Joint Inquiry's final public hearing in mid-September 2002 with the following disclaimer: ''I need to report that, according to the White House and the Director of Central Intelligence, the president's knowledge of intelligence information relevant to this inquiry remains classified, even when the substance of the intelligence information has been declassified.''

The National Commission on Terrorist Attacks, also known as the 9/11 Commission, was created on November 27, 2002, following the passage of congressional legislation signed into law by President Bush. The President was asked to testify before the Commission. He refused to testify except for one hour in private with only two Commission members, with no oath administered, with no recording or note taking, and with the Vice President at his side. Commission Co-Chair Lee Hamilton has written that he believes the commission was set up to fail, was underfunded, was rushed, and did not receive proper cooperation and access to information.

A December 2007 review of classified documents by former members of the Commission found that the commission had made repeated and detailed requests to the CIA in 2003 and 2004 for documents and other information about the interrogation of operatives of Al Qaeda, and had been told falsely by a top C.I.A. official that the agency had ''produced or made available for review'' everything that had been requested.

In all of these actions and decisions, President George W. Bush has acted in a manner contrary to his trust as President, and subversive of constitutional government, to the prejudice of the cause of law and justice and to the manifest injury of the people of the United States. Wherefore, President George W. Bush, by such conduct, is guilty of an impeachable offense warranting removal from office.

ARTICLE XXXV.—ENDANGERING THE HEALTH OF 9/11 FIRST RESPONDERS

In his conduct while President of the United States, George W. Bush, in violation of his constitutional oath to faithfully execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States, and in violation of his constitutional duty under Article II, Section 3 of the Constitution ''to take care that the laws be faithfully executed'', has both personally and acting through his agents and subordinates, together with the Vice President, recklessly endangered the health of first responders, residents, and workers at and near the former location of the World Trade Center in New York City.

The Inspector General of the Environmental Protection Agency (EPA) August 21, 2003, report numbered 2003–P–00012 and entitled ''EPA's Response to the World Trade Center Collapse: Challenges, Successes, and Areas for Improvement,'' includes the following findings:

''[W] hen EPA made a September 18 announcement that the air was 'safe' to breathe, it did not have sufficient data and analyses to make such a blanket statement. At that time, air monitoring data was lacking for several pollutants of concern, including particulate matter and polychlorinated biphenyls (PCBs). Furthermore, The White House Council on Environmental Quality (CEQ) influenced, through the collaboration process, the information that EPA communicated to the public through its early press releases when it convinced EPA to add reassuring statements and delete cautionary ones.

''As a result of the White House CEQ's influence, guidance for cleaning indoor spaces and information about the potential health effects from WTC debris were not included in EPA-issued press releases. In addition, based on CEQ's influence, reassuring information was added to at least one press release and cautionary information was deleted from EPA's draft version of that press release . . . The White House's role in EPA's public communications about WTC environmental conditions was described in a September 12, 2001, e-mail from the EPA Deputy Administrator's Chief of Staff to senior EPA officials:

'' 'All statements to the media should be cleared through the NSC [National Security Council] before they are released.'

''According to the EPA Chief of Staff, one particular CEQ official was designated to work with EPA to ensure that clearance was obtained through NSC. The Associate Administrator for the EPA Office of Communications, Education, and Media Relations (OCEMR) said that no press release could be issued for a 3- to 4-week period after September 11 without approval from the CEQ contact.''

Acting EPA Administrator Marianne Horinko, who sat in on EPA meetings with the White House, has said in an interview that the White House played a coordinating role. The National Security Council played the key role, filtering incoming data on ground zero air and water, Horinko said: ''I think that the thinking was, these are experts in WMD (weapons of mass destruction), so they should have the coordinating role.''

In the cleanup of the Pentagon following September 11, 2001, Occupational Safety and Health Administration laws were enforced, and no workers became ill. At the World Trade Center site, the same laws were not enforced.

In the years since the release of the EPA Inspector General's above-cited report, the Bush Administration has still not effected a clean-up of the indoor air in apartments and workspaces near the site.

Screenings conducted at the Mount Sinai Medical Center and released in the September 10, 2004, Morbidity and Mortality Weekly Report (MMWR) of the federal Centers For Disease Control and Prevention (CDC), produced the following results:

''Both upper and lower respiratory problems and mental health difficulties are widespread among rescue and recovery workers who dug through the ruins of the World Trade Center in the days following its destruction in the attack of September 11, 2001.

''An analysis of the screenings of 1,138 workers and volunteers who responded to the World Trade Center disaster found that nearly three-quarters of them experienced new or worsened upper respiratory problems at some point while working at Ground Zero. And half of those examined had upper and/or lower respiratory symptoms that persisted up to the time of their examinations, an average of eight months after their WTC efforts ended.''

A larger study released in 2006 found that roughly 70 percent of nearly 10,000 workers tested at Mount Sinai from 2002 to 2004 reported that they had new or substantially worsened respiratory problems while or after

working at ground zero. This study showed that many of the respiratory ailments, including sinusitis and asthma, and gastrointestinal problems related to them, initially reported by ground zero workers persisted or grew worse over time. Most of the ground zero workers in the study who reported trouble breathing while working there were still having those problems two and a half years later, an indication of chronic illness unlikely to improve over time.

In all of these actions and decisions, President George W. Bush has acted in a manner contrary to his trust as President, and subversive of constitutional government, to the prejudice of the cause of law and justice and to the manifest injury of the people of the United States. Wherefore, President George W. Bush, by such conduct, is guilty of an impeachable offense warranting removal from office.

WEDNESDAY, JUNE 11 (LEGISLATIVE DAY OF JUNE 10), 2008

The SPEAKER pro tempore, Ms. SUTTON, ruled that the resolution submitted did present a question of the privileges of the House under rule IX.

When said resolution was considered.

Pursuant to the previous order of the House, the previous question was ordered without intervening motion except one motion to refer.

Mr. KUCINICH moved that the resolution be referred to the Committee on the Judiciary.

The question being put viva, voce,

Will the House agree to said motion to refer the resolution?

The SPEAKER pro tempore, Ms. SUTTON, announced that the nays had it.

Mr. KUCINICH objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Ms. SUTTON, pursuant to the previous order of the House and as though under clause 8, rule XX, announced that further proceedings on the question were postponed until Wednesday, June 11, 2008.

The point of no quorum was considered as withdrawn.

¶69.40 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. CUMMINGS, for today until 2 p.m.;

To Mr. MEEK of Florida, for today; and

To Mr. BRALEY of Iowa, for today after 2 p.m..

And then,

¶69.41 ADJOURNMENT

On motion of Mr. KUCINICH, at 12 o'clock and 12 minutes a.m. Wednesday, June 11 (legislative day of June 10), 2008, the House adjourned

¶69.42 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

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

Mr. RAHALL: Committee on Natural Resources. H.R. 5541. A bill to provide a supplemental funding source for catastrophic emergency wildland fire suppression activities on Department of the Interior and National Forest System lands, to require the Secretary of the Interior and the Secretary of Agriculture to develop a cohesive wildland fire management strategy, and for other purposes; with an amendment (Rept. 110–704 Pt. 1). Ordered to be printed.

Mr. DINGELL: Committee on Energy and Commerce. H.R. 3754. A bill to authorize the Administrator of the Environmental Protection Agency to accept, as part of a settlement, diesel emission reduction Supplemental Environmental Projects, and for other purposes (Rept. 110–705). Referred to the Committee of the Whole House on the state of the Union.

Mr. DINGELL: Committee on Energy and Commerce. H.R. 1553. A bill to amend the Public Health Service Act to advance medical research and treatments into pediatric cancers, ensure patients and families have access to the current treatments and information regarding pediatric cancers, establish a population-based national childhood cancer database, and promote public awareness of pediatric cancers; with an amendment (Rept. 110–706). Referred to the Committee of the Whole House on the state of the Union.

Mr. HASTINGS of Florida: Committee on Rules. House Resolution 1257. Resolution providing for consideration of the bill (H.R. 6063) to authorize the programs of the National Aeronautics and Space Administration, and for other purposes (Rept. 110–707). Referred to the House Calendar.

¶69.43 TIME LIMITATION OF REFERRED BILLS

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

H.R. 5541. Referred to the Committees on Agriculture and the Budget extended for a period ending not later than June 27, 2008.

¶69.44 PUBLIC BILLS AND RESOLUTIONS

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

By Mr. SULLIVAN (for himself, Mr. BARTON of Texas, Mr. BROUN of Georgia, Mr. MACK, Mr. LUCAS, Mrs. MUSGRAVE, Mr. BURGESS, Mr. ROGERS of Michigan, Mr. HALL of Texas, Mr. MCCOTTER, Mr. UPTON, Mr. SESSIONS, Mr. MCHENRY, Mr. PITTS, Mr. GINGREY, Ms. FALLIN, Mrs. EMERSON, Mr. PEARCE, Mr. SHIMKUS, Mrs. MYRICK, Mrs. DRAKE, Mr. TERRY, Mr. CONAWAY, Mr. BUYER, and Mr. BURTON of Indiana):

H.R. 6219. A bill to authorize appropriations for the Department of Commerce and to prohibit Federal economic development funds to States that carry out public takings for private purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Transportation and Infrastructure, and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KLINE of Minnesota (for himself, Mr. BOEHNER, Mr. MCKEON, Mr. WILSON of South Carolina, Mr. WALBERG, Mr. PRICE of Georgia, Mr. SESSIONS, Mr. BARRETT of South Carolina, Mrs. BLACKBURN, Mr. HENSARLING, Mrs. DRAKE, Mr. CAMPBELL of California, Mr. PENCE, Mrs. MYRICK, Mr. SAM JOHNSON of Texas, Mr. GOODE, Mr. PITTS, Mr. MARCHANT, Mr. GINGREY, Mr. BARTLETT of Maryland, Mr. FORTUÑO, Mr. DAVID DAVIS of Tennessee, Mrs. BACHMANN, Mr. BOUSTANY, Ms. GINNY BROWN-WAITE of Florida, Mr. DANIEL E. LUNGREN of California, Mr. SOUDER, Mr. CHABOT, Mr. FEENEY, and Mr. SHADEGG):

H.R. 6220. A bill to amend the Workforce Investment Act of 1998 to make non-union training programs eligible for Federal funding under the ''Green Jobs'' program; to the Committee on Education and Labor.

By Mr. BOOZMAN (for himself and Ms. HERSETH SANDLIN):

H.R. 6221. A bill to amend title 38, United States Code, to require the Secretary of Veterans Affairs to include in each contract the Secretary enters for the acquisition of goods and services a provision that requires the contractee to comply with the contracting goals and preferences for small business concerns owned or controlled by veterans, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. HASTINGS of Florida (for himself and Mr. HINCHEY):

H.R. 6222. A bill to amend the Internal Revenue Code of 1986 to allow a nonrefundable credit against income tax liability for gasoline and diesel fuel used in highway vehicles for nonbusiness purposes; to the Committee on Ways and Means.

By Mr. HELLER:

H.R. 6223. A bill to provide for the conveyance of certain Bureau of Land Management land in the State of Nevada to the Las Vegas Motor Speedway, and for other purposes; to the Committee on Natural Resources.

By Ms. HERSETH SANDLIN:

H.R. 6224. A bill to direct the Secretary of Veterans Affairs to conduct a five-year pilot project to test the feasibility and advisability of expanding the scope of certain qualifying work-study activities under title 38, United States Code; to the Committee on Veterans' Affairs.

By Ms. HERSETH SANDLIN:

H.R. 6225. A bill to amend title 38, United States Code, relating to equitable relief with respect to a State or private employer; to the Committee on Veterans' Affairs.

By Mr. HIGGINS (for himself, Mr. HINCHEY, Mr. ISRAEL, Mrs. MALONEY of New York, Mr. TOWNS, Mr. WALSH of New York, Mr. REYNOLDS, Mr. ENGEL, Ms. CLARKE, Mr. SERRANO, Mr. KING of New York, Mr. MCHUGH, Mr. ARCURI, Mr. HALL of New York, Mrs. GILLIBRAND, Mr. CROWLEY, Mr. ACKERMAN, Mrs. LOWEY, Ms. VELÁZQUEZ, Mrs. MCCARTHY of New York, Mr. WEINER, Ms. SLAUGHTER, Mr. MCNULTY, Mr. FOSSELLA, Mr. BISHOP of New York, Mr. MEEKS of New York, Mr. NADLER, Mr. RANGEL, Mr. ORTIZ, Mr. COBLE, Mr. FRANK of Massachusetts, Mr. YOUNG of Alaska, Mr. WOLF, Mr. STARK, Mr. PETRI, and Mr. DINGELL):

H.R. 6226. A bill to designate the facility of the United States Postal Service located at 300 East 3rd Street in Jamestown, New York, as the ''Stan Lundine Post Office Building''; to the Committee on Oversight and Government Reform.

By Mr. LEWIS of Georgia (for himself, Mr. RAMSTAD, and Mr. THOMPSON of California):

H.R. 6227. A bill to exempt longstanding nonfunctionally-integrated supporting organizations from certain provisions of the Pension Protection Act of 2006; to the Committee on Ways and Means.

By Mr. MARKEY (for himself and Mr. GRIJALVA):

H.R. 6228. A bill to ban the use of bisphenol A in food and beverage containers; to the Committee on Energy and Commerce.

By Ms. MCCOLLUM of Minnesota (for herself, Mr. WALZ of Minnesota, Mr. OBERSTAR, Mr. PETERSON of Minnesota, Mr. ELLISON, Mr. RAMSTAD, Mrs. BACHMANN, and Mr. KLINE of Minnesota):

H.R. 6229. A bill to designate the facility of the United States Postal Service located at 2523 7th Avenue East in North Saint Paul, Minnesota, as the ''Mayor William 'Bill' Sandberg Post Office Building''; to the Committee on Oversight and Government Reform.

By Mr. MCHENRY:

H.R. 6230. A bill to amend the Securities Exchange Act of 1934 to require nationally registered statistical rating organizations to provide additional disclosures with respect to the rating of certain structured securities, and for other purposes; to the Committee on Financial Services.

By Mr. TANCREDO:

H.R. 6231. A bill to amend title 49, United States Code, to require that any automobile manufactured by a manufacturer after model year 2018 be an alternative fueled automobile; to the Committee on Energy and Commerce.

By Mr. SOUDER (for himself and Mr. RUPPERSBERGER):

H. Con. Res. 369. Concurrent resolution honoring the men and women of the Drug Enforcement Administration on the occasion of its 35th anniversary; to the Committee on the Judiciary.

By Ms. JACKSON-LEE of Texas (for herself, Mrs. BONO MACK, Mr. CLYBURN, Mr. HOYER, Mr. CONYERS, Mr. LEWIS of Georgia, Ms. KILPATRICK, Mr. THOMPSON of Mississippi, Mr. BUTTERFIELD, Mr. BISHOP of Georgia, Mrs. JONES of Ohio, Mr. LINCOLN DAVIS of Tennessee, Mr. ROSS, Mr. SCOTT of Georgia, Mr. TOWNS, Ms. VELÁZQUEZ, Ms. CLARKE, Mr. AL GREEN of Texas, Mr. BRADY of Texas, Mrs. CHRISTENSEN, Mr. CLAY, Mr. DAVIS of Illinois, Ms. ESHOO, Mr. FATTAH, Mr. HASTINGS of Florida, Mr. HINOJOSA, Mr. JEFFERSON, Mr. JONES of North Carolina, Ms. LEE, Mr. MCGOVERN, Ms. NORTON, Mr. BRADY of Pennsylvania, Mr. CARSON, Mr. CLEAVER, Mr. COHEN, Mr. CUMMINGS, Mr. EVERETT, Mr. HINCHEY, Mr. MEEKS of New York, Mr. PAYNE, Mr. WATT, Mr. JOHNSON of Georgia, Mrs. MALONEY of New York, Mr. CRAMER, Mr. COOPER, Mr. BERRY, Ms. SLAUGHTER, Ms. MATSUI, Mr. MOLLOHAN, Ms. WATSON, Mr. SCOTT of Virginia, Ms. CORRINE BROWN of Florida, Ms. MOORE of Wisconsin, and Mr. JACKSON of Illinois):

H. Con. Res. 370. Concurrent resolution expressing support for designation of September 2008 as ''Gospel Music Heritage Month'' and honoring gospel music for its valuable and longstanding contributions to the culture of the United States; to the Committee on Oversight and Government Reform.

By Mr. COLE of Oklahoma:

H. Res. 1255. A resolution honoring Toby Keith's commitment to members of the Armed Forces; to the Committee on Armed Services.

By Mr. EMANUEL:

H. Res. 1256. A resolution electing certain Members to certain standing committees of the House of Representatives; considered and agreed to.

By Mr. ARCURI (for himself, Mr. ANDREWS, Mr. WILSON of Ohio, Mr. WELCH of Vermont, Mr. DONNELLY, Mr. LIPINSKI, Mr. SIRES, Mr. PAYNE, Mr. MURPHY of Connecticut, Mr. KLEIN of Florida, Mr. ISRAEL, Mr. ACKERMAN, Mr. CARNAHAN, Mr. MCNULTY, Mr. YARMUTH, Mr. COURTNEY, Mr. SARBANES, Mr. BISHOP of New York, Mr. SPACE, Mr. PERLMUTTER, Mr. KAGEN, Mr. LAMPSON, Mr. MCGOVERN, Mr. PATRICK MURPHY of Pennsylvania, Mr. HALL of New York, Mr. RYAN of Ohio, Mr. MALONEY of Florida, Mr. COOPER, Mr. ALTMIRE, Mr. MITCHELL, Mr. CARDOZA, and Mr. RUSH):

H. Res. 1259. A resolution congratulating the Hamilton College Continentals on winning the NCAA Division III women's lacrosse championship; to the Committee on Education and Labor.

By Ms. BEAN (for herself, Mr. ALTMIRE, Mr. ARCURI, Mr. BARROW, Ms. BERKLEY, Mrs. BIGGERT, Mr. BISHOP of New York, Mrs. BLACKBURN, Mrs. BONO MACK, Mr. BOYD of Florida, Mrs. BOYDA of Kansas, Mr. BRADY of Pennsylvania, Mr. BUCHANAN, Mr. BURTON of Indiana, Mr. BUTTERFIELD, Mr. CALVERT, Mrs. CAPPS, Mr. CARNAHAN, Mr. CHABOT, Mr. CHANDLER, Ms. CLARKE, Mr. COOPER, Mr. COSTA, Mr. CRAMER, Mr. CROWLEY, Mr. LINCOLN DAVIS of Tennessee, Mrs. DAVIS of California, Ms. DEGETTE, Ms. DELAURO, Mr. MARIO DIAZ-BALART of Florida, Mr. DONNELLY, Mr. ELLISON, Mr. ELLSWORTH, Mrs. EMERSON, Mr. FERGUSON, Mr. FRANK of Massachusetts, Mr. GOODLATTE, Ms. HERSETH SANDLIN, Mr. HIGGINS, Mr. HILL, Mr. HINCHEY, Mr. HINOJOSA, Ms. HOOLEY, Ms. JACKSON-LEE of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. KAGEN, Mr. KELLER, Mr. KIRK, Mr. KLEIN of Florida, Mr. KUHL of New York, Mr. LAMPSON, Mr. LEWIS of Georgia, Mr. MARKEY, Mr. MATHESON, Ms. MATSUI, Mrs. MCCARTHY of New York, Mr. MCGOVERN, Mr. MCNERNEY, Mr. MEEKS of New York, Mr. MELANCON, Mr. GEORGE MILLER of California, Mr. MOORE of Kansas, Ms. MOORE of Wisconsin, Mr. PERLMUTTER, Mr. POMEROY, Mr. RODRIGUEZ, Mr. ROSKAM, Mr. ROSS, Ms. LINDA T. SÁNCHEZ of California, Ms. LORETTA SANCHEZ of California, Mr. SARBANES, Ms. SCHAKOWSKY, Ms. SCHWARTZ, Mr. SCOTT of Georgia, Mr. SESTAK, Ms. SHEA-PORTER, Mr. SHIMKUS, Mr. SIRES, Ms. SOLIS, Mr. SPACE, Mr. SPRATT, Ms. SUTTON, Mr. TOWNS, Mr. UPTON, Mr. VAN HOLLEN, Ms. WASSERMAN SCHULTZ, Ms. WATSON, Mr. WATT, Mr. WAXMAN, Mr. WELCH of Vermont, and Mr. WOLF):

H. Res. 1260. A resolution supporting the goals and ideals of ''National Internet Safety Month''; to the Committee on Energy and Commerce.

By Ms. DEGETTE:

H. Res. 1261. A resolution congratulating East High School in Denver, Colorado, on winning the 2008 ''We the People: The Citizen and the Constitution'' national competition; to the Committee on Education and Labor.

¶69.45 MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

291. The SPEAKER presented a memorial of the House of Representatives of the State of Hawaii, relative to House Resolution No. 85 approving and authorizing the establishment of a state-province affiliation between the State of Hawaii of the United States of America and the Province of Negros Oriental of the Republic of the Philippines; to the Committee on Foreign Affairs.

292. Also, a memorial of the House of Representatives of the State of Hawaii, relative to House Resolution No. 53 urging the President of the United States to agree to an economy-wide reduction in its greenhouse gas emissions and to commit the United States to a binding international treaty that would result in a significant and rapid global reduction in atmospheric greenhouse gas concentration; to the Committee on Foreign Affairs.

293. Also, a memorial of the Legislature of the State of Hawaii, relative to House Concurrent Resolution No. 16 requesting that the Congress of the United States ratify the United Nations Convention on the elimination of all forms of discrimination against women; to the Committee on Foreign Affairs.

294. Also, a memorial of the House of Representatives of the State of Hawaii, relative to House Resolution No. 230 urging the prevention of the sale of oil and gas leases and of drilling in the Chukchi and Beaufort Sea Regions of Alaska; to the Committee on Natural Resources.

295. Also, a memorial of the House of Representatives of the State of Hawaii, relative to House Resolution No. 71 urging the President of the United States and the Congress of the United States to enact legislation to confer priority status to children born to Department of Defense personnel and foreign women during and up to to nine months after deployment in order to facilitate and expediate the immigration of these children and women to the United States; to the Committee on the Judiciary.

296. Also, a memorial of the House of Representatives of the State of Hawaii, relative to House Resolution No. 86 urging the President of the United States, the Secretary of State and the Secretary of Homeland Security to include the Republic of Korea in the Visa Waiver Program; to the Committee on the Judiciary.

297. Also, a memorial of the House of Representatives of the State of Hawaii, relative to House Resolution No. 154 urging the Congress of the United States to amend the definition of ''Amerasians'' in the Amerasians Immigration Act of 1982; to the Committee on the Judiciary.

298. Also, a memorial of the House of Representatives of the State of Hawaii, relative to House Resolution No. 19 urging the Congress of the United States to enact legislation to exempt children of Filipino World War II Veterans from immigrant visa limits; to the Committee on the Judiciary.

299. Also, a memorial of the House of Representatives of the State of Hawaii, relative to House Resolution No. 91 requesting that the Congress of the United States and the President of the United States enact the Filipino American Veterans Equity Act of 2007; to the Committee on Veterans' Affairs.

300. Also, a memorial of the House of Representatives of the State of Hawaii, relative to House Resolution No. 110 supporting assistance for persons present in the United States under the Compacts of Free Association; jointly to the Committees on Ways and Means, Energy and Commerce, and Agriculture.

¶69.46 PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII:

Mrs. MALONEY of New York introduced a bill (H.R. 6232) for the relief of Richard M. Barlow of Bozeman, Montana; which was referred to the Committee on the Judiciary.

¶69.47 ADDITIONAL SPONSOR

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 17: Mr. CARSON.

H.R. 154: Mr. WEXLER, Mr. WELCH of Vermont, Mr. YARMUTH, Mr. COSTELLO, Mr. ORTIZ, and Mr. REGULA.

H.R. 367: Mr. SOUDER.
H.R. 503: Mr. JOHNSON of Georgia.
H.R. 670: Mr. KIRK.
H.R. 769: Mr. BURGESS.
H.R. 780: Mr. CARSON.
H.R. 821: Mr. WEXLER, Ms. SUTTON, and Mr. DEFAZIO.
H.R. 897: Mr. CARSON.
H.R. 898: Mr. SHAYS.
H.R. 971: Mr. REYNOLDS.
H.R. 997: Mr. GALLEGLY.
H.R. 1014: Mr. RAMSTAD.
H.R. 1190: Mr. SERRANO.
H.R. 1280: Ms. LEE.
H.R. 1283: Ms. SPEIER.
H.R. 1420: Mr. THOMPSON of Mississippi.
H.R. 1532: Ms. DEGETTE.
H.R. 1645: Ms. WATERS.
H.R. 1691: Ms. LEE.
H.R. 1732: Mr. BISHOP of New York.
H.R. 1738: Mr. HOLDEN.
H.R. 1820: Mr. WEXLER.
H.R. 1841: Mr. ABERCROMBIE.
H.R. 1845: Mr. SESTAK.
H.R. 1846: Mr. PETERSON of Minnesota.
H.R. 1869: Mrs. MCMORRIS RODGERS.
H.R. 1932: Ms. CORRINE BROWN of Florida.
H.R. 1952: Mr. KUHL of New York.
H.R. 2032: Mr. LIPINSKI.
H.R. 2045: Mr. PETERSON of Minnesota.
H.R. 2122: Mr. MURPHY of Connecticut and Mr. YOUNG of Alaska.
H.R. 2205: Mr. LINCOLN DIAZ-BALART of Florida.
H.R. 2275: Mr. MANZULLO and Ms. WATSON.
H.R. 2279: Mr. BOEHNER, Mr. KUHL of New York, Mr. BOUSTANY, Mr. BLUNT, Mr. SMITH of Nebraska, Mr. BONNER, Mr. COLE of Oklahoma, Mr. KLINE of Minnesota, Mr. MCHENRY, and Mr. CAMP of Michigan.
H.R. 2289: Mr. VAN HOLLEN and Mr. NEAL of Massachusetts.
H.R. 2343: Mr. INSLEE, Mr. RENZI, Mr. LOEBSACK, and Ms. HIRONO.
H.R. 2353: Mr. BOREN.
H.R. 2357: Mr. LEWIS of Georgia.
H.R. 2493: Mr. JONES of North Carolina, Mr. BOEHNER, Mr. SMITH of Nebraska, Mr. BOUSTANY, Mr. BONNER, and Mr. CAMP of Michigan.
H.R. 2832: Mr. GOODE.
H.R. 2833: Mr. GRIJALVA.
H.R. 2914: Mr. LANGEVIN.
H.R. 2923: Ms. ZOE LOFGREN of California.
H.R. 2926: Mr. STARK, Mr. CARSON, and Mrs. NAPOLITANO.
H.R. 2991: Mr. HINOJOSA.
H.R. 3089: Mrs. BLACKBURN, Mr. LUCAS, Mr. BONNER, Mr. BLUNT, Mr. BOEHNER, Mr. CARTER, Mr. BACHUS, Mr. FORBES, Mr. KLINE of Minnesota, Mr. HALL of Texas, Mr. ROSKAM, Mr. CAMP of Michigan, and Mr. GARY G. MILLER of California.
H.R. 3112: Mr. WELCH of Vermont.
H.R. 3144: Mr. MARIO DIAZ-BALART of Florida and Mr. SOUDER.
H.R. 3157: Mr. FRANKS of Arizona.
H.R. 3232: Ms. NORTON, Mr. JOHNSON of Georgia, and Mr. BURGESS.
H.R. 3234: Mr. THORNBERRY.
H.R. 3267: Mr. WEXLER, Mrs. LOWEY, and Mr. RODRIGUEZ.
H.R. 3289: Mr. GENE GREEN of Texas, Ms. ROS-LEHTINEN, and Mr. MCDERMOTT.
H.R. 3334: Ms. ZOE LOFGREN of California and Mr. GOODLATTE.
H.R. 3404: Mr. DAVIS of Illinois.
H.R. 3423: Mr. CARSON.
H.R. 3457: Mr. WHITFIELD of Kentucky.
H.R. 3544: Ms. ROS-LEHTINEN.
H.R. 3642: Mr. DAVIS of Illinois and Ms. CLARKE.
H.R. 3652: Ms. CORRINE BROWN of Florida.
H.R. 3797: Mr. ROTHMAN.
H.R. 4007: Mr. CONYERS.
H.R. 4014: Mr. HIGGINS.
H.R. 4015: Mr. HIGGINS.
H.R. 4016: Mr. HIGGINS.
H.R. 4026: Mr. HONDA.
H.R. 4065: Mr. CALVERT.
H.R. 4091: Mr. SNYDER.
H.R. 4093: Mrs. NAPOLITANO and Ms. LEE.
H.R. 4113: Mr. MCDERMOTT.
H.R. 4116: Mr. MCCOTTER.
H.R. 4141: Ms. FALLIN and Mr. WITTMAN of Virginia.
H.R. 4229: Mr. CARSON.
H.R. 4231: Mr. CARSON.
H.R. 4264: Ms. WASSERMAN SCHULTZ.
H.R. 4544: Mr. AKIN, Mr. COOPER, and Mr. CULBERSON.
H.R. 4775: Mr. BLUMENAUER, Mrs. LOWEY, Mr. ROTHMAN, Mr. ACKERMAN, Mr. CAPUANO, Mr. TIERNEY, Mr. MOORE of Kansas, and Mr. SESTAK.
H.R. 4934: Mr. GUTIERREZ and Mr. CARSON.
H.R. 4935: Mr. HASTINGS of Florida.
H.R. 4987: Mr. BROWN of South Carolina and Mr. DAVID DAVIS of Tennessee.
H.R. 5057: Mr. MCCOTTER.
H.R. 5229: Mr. GOODLATTE.
H.R. 5466: Ms. HIRONO.
H.R. 5496: Mr. WAXMAN.
H.R. 5575: Mr. HONDA.
H.R. 5580: Mr. AL GREEN of Texas.
H.R. 5590: Mr. MANZULLO and Mr. HONDA.
H.R. 5606: Ms. LORETTA SANCHEZ of California.
H.R. 5646: Mr. DUNCAN.
H.R. 5705: Mr. SESTAK.
H.R. 5723: Mr. HODES.
H.R. 5733: Mr. WALSH of New York.
H.R. 5734: Mr. MCINTYRE, Ms. ZOE LOFGREN of California, and Mr. BERRY.
H.R. 5748: Mr. BURGESS.
H.R. 5774: Ms. MOORE of Wisconsin, Mr. SESTAK, Mr. ALLEN, Mr. GRIJALVA, and Mr. BOUCHER.
H.R. 5782: Mr. JOHNSON of Illinois.
H.R. 5793: Mr. HIGGINS and Mr. FRANKS of Arizona.
H.R. 5797: Mr. WITTMAN of Virginia.
H.R. 5814: Mr. SHADEGG.
H.R. 5821: Ms. FALLIN.
H.R. 5835: Mrs. LOWEY.
H.R. 5873: Mr. BISHOP of New York.
H.R. 5881: Mr. JACKSON of Illinois.
H.R. 5882: Mr. MORAN of Virginia, Mrs. NAPOLITANO, Ms. LINDA T. SÁNCHEZ of California, and Mr. PASTOR.
H.R. 5886: Mr. SHADEGG.
H.R. 5892: Mr. GORDON, Mr. MCINTYRE, Mr. LEWIS of Georgia, Mr. JOHNSON of Georgia, Mr. ELLISON, and Mr. GERLACH.
H.R. 5914: Mr. HODES.
H.R. 5921: Mr. MORAN of Virginia, Mrs. NAPOLITANO, and Mr. PASTOR.
H.R. 5932: Mr. ALEXANDER, Mr. MELANCON, Mr. CAZAYOUX, Mr. BOUSTANY, and Mr. MCCRERY.
H.R. 5933: Mr. ALEXANDER, Mr. MELANCON, Mr. CAZAYOUX, Mr. BOUSTANY, and Mr. MCCRERY.
H.R. 5935: Mr. MURTHA.
H.R. 5954: Mr. COSTELLO.
H.R. 5971: Mr. WITTMAN of Virginia and Mr. GALLEGLY.
H.R. 5976: Mr. SIRES.
H.R. 5984: Mr. BACHUS, Mr. GALLEGLY, and Mr. MANZULLO.
H.R. 6020: Mrs. NAPOLITANO, Ms. LINDA T. SÁNCHEZ of California, and Mr. PASTOR.
H.R. 6039: Mr. MORAN of Virginia, Mrs. NAPOLITANO, and Mr. PASTOR.
H.R. 6045: Ms. DEGETTE.
H.R. 6053: Mr. YOUNG of Alaska.
H.R. 6057: Mr. CARNAHAN and Mr. SESTAK.
H.R. 6076: Mr. RANGEL, Mr. MCGOVERN, and Mr. PASTOR.
H.R. 6088: Ms. WASSERMAN SCHULTZ.
H.R. 6101: Mr. COLE of Oklahoma.
H.R. 6104: Mr. WU, Ms. JACKSON-LEE of Texas, Mr. GERLACH, Ms. SHEA-PORTER, Ms. WOOLSEY, Mr. GENE GREEN of Texas, Mr. BACA, and Mr. RYAN of Ohio.
H.R. 6107: Ms. GINNY BROWN-WAITE of Florida, Mr. WESTMORELAND, Mr. BONNER, Mr. EVERETT, Mr. ROSKAM, Mr. MCHENRY, Mr. CAMP of Michigan, and Mr. FORBES.
H.R. 6108: Mr. GINGREY, Mr. BOEHNER, Mr. BOUSTANY, Mr. KLINE of Minnesota, and Mr. CAMP of Michigan.
H.R. 6120: Mr. SESTAK.
H.R. 6126: Mr. COHEN.
H.R. 6136: Mr. BROUN of Georgia.
H.R. 6140: Mr. GONZALEZ, Ms. KILPATRICK, and Mr. WOLF.
H.R. 6146: Mr. HERGER.
H.R. 6189: Mrs. MUSGRAVE.
H.R. 6207: Mr. BLUNT.
H.R. 6208: Mr. HULSHOF.
H.R. 6214: Mr. WALSH of New York and Mr. REYNOLDS.
H.J. Res. 39: Mr. ROSKAM.
H.J. Res. 89: Mr. WITTMAN of Virginia, Mr. DAVID DAVIS of Tennessee, Mrs. DRAKE, Mr. LUCAS, Mr. JORDAN, Mr. ROGERS of Alabama, Mr. MANZULLO, Mr. DUNCAN, and Mr. LEWIS of Kentucky.
H. Con. Res. 244: Mrs. BACHMANN.
H. Con. Res. 267: Mrs. BIGGERT.
H. Con. Res. 332: Ms. MCCOLLUM of Minnesota and Mr. PRICE of North Carolina.
H. Con. Res. 336: Mr. WITTMAN of Virginia.
H. Con. Res. 360: Ms. SCHAKOWSKY, Ms. WOOLSEY, and Mr. DAVIS of Illinois.
H. Con. Res. 361: Ms. LEE, Mr. KIRK, Ms. ZOE LOFGREN of California, Ms. JACKSON-LEE of Texas, Mr. FORTUÑO, Ms. KILPATRICK, Mr. GENE GREEN of Texas, and Mr. BISHOP of New York.
H. Con. Res. 362: Mrs. MILLER of Michigan, Mr. CANNON, Ms. GINNY BROWN-WAITE of Florida, Mr. PRICE of Georgia, Mr. LAMBORN, Mr. DREIER, Mr. BILIRAKIS, Mr. MCCOTTER, Mr. REICHERT, Mr. MEEK of Florida, Mr. RAMSTAD, Mr. CARNEY, Mr. MILLER of North Carolina, Mr. BOREN, Mr. GONZALEZ, Mr. COHEN, Mr. DAVID DAVIS of Tennessee, Mr. WESTMORELAND, Mr. BONNER, Mr. MICHAUD, Mr. SESTAK, Mr. DICKS, Mr. SMITH of New Jersey, Mr. SAM JOHNSON of Texas, Mr. GARY G. MILLER of California, Mr. SMITH of Nebraska, Mr. WITTMAN of Virginia, Mr. LANGEVIN, Mr. RADANOVICH, Mr. LUCAS, Mr. CONAWAY, Mr. RYAN of Ohio, Mr. REYNOLDS, Mr. AL GREEN of Texas, Mr. LAMPSON, and Mr. MATHESON.
H. Con. Res. 364: Mr. GRIJALVA and Mr. SESTAK.
H. Con. Res. 365: Mr. DOGGETT, Mr. POMEROY, Mrs. JONES of Ohio, Mr. EMANUEL, Mr. CAMP of Michigan, Mr. KIND, Mr. MCDERMOTT, Mr. INSLEE, Ms. HOOLEY, Mrs. NAPOLITANO, Mr. RANGEL, Mr. SCHIFF, Mr. HINCHEY, Mr. PASCRELL, Mr. SPRATT, Mr. TANNER, Mr. CLAY, Mr. BOYD of Florida, Mr. ARCURI, and Ms. ROYBAL-ALLARD.
H. Con. Res. 367: Mr. BURTON of Indiana, Mr. BOUSTANY, Mr. GONZALEZ, Mr. JEFFERSON, Mr. JACKSON of Illinois, Mr. EHLERS, Mr. ROSKAM, Mr. GORDON, Mr. KLEIN of Florida, Ms. MCCOLLUM of Minnesota, Mr. MILLER of North Carolina, Mr. BOUCHER, Mr. BARTLETT of Maryland, and Mr. DICKS.
H. Res. 333: Mr. WEXLER.
H. Res. 758: Mr. SHADEGG.
H. Res. 881: Mr. COHEN, Mr. GOODE, Ms. FALLIN, and Mr. JONES of North Carolina.
H. Res. 937: Mr. MCCOTTER.
H. Res. 1008: Mr. SHAYS and Ms. BORDALLO.
H. Res. 1078: Mrs. Davis of California.
H. Res. 1080: Mr. BACHUS.
H. Res. 1159: Ms. KILPATRICK, Mr. BARROW, Mr. MILLER of North Carolina, and Mr. COURTNEY.
H. Res. 1191: Mr. KENNEDY.
H. Res. 1202: Mr. WU.
H. Res. 1204: Ms. JACKSON-LEE of Texas.
H. Res. 1230: Ms. ZOE LOFGREN of California, Mr. INGLIS of South Carolina, and Mr. ALLEN.
H. Res. 1231: Ms. SUTTON, Mr. TOWNS, Mr. ALTMIRE, and Mr. DONNELLY.
H. Res. 1232: Mr. MEEKS of New York, Mr. RUSH, Mr. SMITH of New Jersey, Mr. JEFFERSON, and Mr. SHAYS.
H. Res. 1235: Mr. WITTMAN of Virginia and Mr. JEFFERSON.

H. Res. 1239: Mr. SAXTON and Mr. LINCOLN DIAZ-BALART of Florida.

H. Res. 1242: Mr. LEWIS of Georgia, Ms. LEE, and Mr. HINCHEY.

H. Res. 1245: Mr. HOLT, Ms. JACKSON-LEE of Texas, Mr. LEWIS of Georgia, Ms. MCCOLLUM of Minnesota, and Ms. WOOLSEY.

H. Res. 1246: Mr. FARR, Mrs. CHRISTENSEN, Ms. JACKSON-LEE of Texas, Mr. BRADY of Pennsylvania, and Mr. PAYNE.

H. Res. 1248: Mr. HERGER.

H. Res. 1249: Mr. NADLER, Ms. ROS-LEHTINEN, Mr. KAGEN, Mr. BOREN, Mr. CARNAHAN, Mr. MORAN of Virginia, Mr. OLVER, Mr. YARMUTH, Mr. PERLMUTTER, Mr. ROTHMAN, Mr. EDWARDS, Mr. MAHONEY of Florida, Mr. WEXLER, Ms. SCHAKOWSKY, Mrs. JONES of Ohio, Mr. CLYBURN, Ms. CORRINE BROWN of Florida, Mr. THOMPSON of Mississippi, Mr. MCGOVERN, Mr. SCHIFF, Ms. CASTOR, Mr. CARDOZA, Mr. FARR, Mr. COSTA, Mr. CARSON, Mr. BISHOP of Georgia, Ms. MOORE of Wisconsin, Ms. SLAUGHTER, Mr. LARSON of Connecticut, Mr. PUTNAM, Mr. CHABOT, Mr. BISHOP of New York, Mr. WAXMAN, Mr. MEEKS of New York, Ms. JACKSON-LEE of Texas, Mr. INSLEE, Mr. ISRAEL, Ms. DELAURO, and Ms. WASSERMAN SCHULTZ.

WEDNESDAY, JUNE 11, 2008 (70)

The House was called to order by the SPEAKER.

¶70.1 APPROVAL OF THE JOURNAL

The SPEAKER announced she had examined and approved the Journal of the proceedings of Tuesday, June 10, 2008.

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

¶70.2 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

7085. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule—Temporary Importation of Horses; Noncompetitive Entertainment Horses From Countries Affected With Contagious Equine Metritis [Docket No. APHIS–2006–0164] (RIN: 0579–AC35) received June 5, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7086. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule—Mexican Fruit Fly; Designation of Portion of Willacy County, TX, as a Quarantined Area [Docket No. APHIS–2008–0057] received June 5, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7087. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule—Amendments to Treatments for Plant Pests [Docket No. APHIS–2006–0091] received May 29, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7088. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule—Livestock Mandatory Reporting; Reestablishment and Revision of the Reporting Regulation for Swine, Cattle, Lamb, and Boxed Beef [Docket No. AMS–LS–07–0106] (RIN: 0581–AC67) received May 28, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7089. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule—Exotic Newcastle Disease; Quarantine Restrictions [Docket No. APHIS–2006–0036] (RIN: 0579–AC42) received May 29, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7090. A letter from the Administrator, Environmental Protection Agency, transmitting the Agency's report entitled, ''Study on Increasing the Usage of Recovered Mineral Components in Federally Funded Projects Involving Procurement of Cement or Concrete to Address the Safe, Accountable, Flexible, Efficient Transportation Aquity Act: A Legacy for Users,'' pursuant to Public Law 109–59, section 6101(a); to the Committee on Energy and Commerce.

7091. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule—Administrative Changes: NRC Region IV Address Change and Phone Number and E-mail Address Changes [NRC–2008–0270] (RIN: 3150–AI39) received May 30, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7092. A letter from the Director, U.S. Census Bureau, Department of Commerce, transmitting the Department's final rule—Foreign Trade Regulations: Mandatory Automated Export System Filing for all Shipments Requiring Shipper's Export Declaration Information [Docket Number 031009254–6014–03] (RIN: 0607–AA38) received May 29, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

7093. A letter from the Administrator, National Aeronautics and Space Administration, transmitting a copy of the Semiannual Report of the Inspector General of NASA for the period ending March 31, 2008; to the Committee on Oversight and Government Reform.

7094. A letter from the General Counsel, Office of Management and Budget, transmitting the Office's final rule—Cost Accounting Standards Board; Accounting for the Costs of Employee Stock Ownership Plans (ESOPs) Sponsored by Government Contractors—received May 27, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

7095. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule—Nonforeign Area Cost-of-Living Allowance Rates; Puerto Rico and Hawaii County, HI (RIN: 3206–AL28) received May 27, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

7096. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule—Compensatory Time Off for Travel; Prevailing Rate (Wage) Employees (RIN: 3206–AL52) received May 27, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

7097. A letter from the Under Secretary and Director, Department of Commerce, transmitting the Department's final rule—Rules of Practice Before the Board of Patent Appeals and Interferences in Ex Parte Appeals [Docket No. PTO–P–2007–0006] (RIN: 0651–AC12) received June 4, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

7098. A letter from the Chief, Border Security Regulations Branch, Department of Homeland Security, transmitting the Department's final rule—Changes to the Visa Waiver Program to Implement the Electronic System for Travel Authorization (ESTA) Program [USCBP–2008–0003 CBP Dec. No. 08–18] (RIN: 1651–AA72) received June 3, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

7099. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule—26 CFR 1.1445–2: Situations in which withholding is not required under section 1445(a) (Also: 897; 1445; 1.897–1; 1.897–2; 1.897–5T; 1.897–6T; 1.1445–5.) (Rev. Proc. 2008–27) received May 14, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

¶70.3 PASSENGER RAIL INVESTMENT AND IMPROVEMENT

The SPEAKER pro tempore, Mr. PALLONE, pursuant to House Resolution 1253 and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 6003) to reauthorize Amtrak, and for other purposes.

The SPEAKER pro tempore, Mr. PALLONE, by unanimous consent, designated Mr. MORAN of Virginia, as Chairman of the Committee of the Whole; and after some time spent therein,

¶70.4 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 4, printed in House Report 110-703, submitted by Mr. SESSIONS:

In title I, add at the end the following new section (and amend the table of contents accordingly):

SEC. 105. LIMITATION.

None of the operating funds authorized in this Act may be used by Amtrak for the long distance route that has the highest cost per seat/mile ratio according to the March 2008 Amtrak monthly performance report, unless the Secretary has transmitted a waiver for this route or a portion of the route because the Secretary considers it to be critical to homeland security.

It was decided in the negative ..... { Yeas ..... 150 / Nays 275

¶70.5 [Roll No. 397]

AYES—150

Aderholt	Everett	Lungren, Daniel E.
Akin	Fallin	Mack
Bachmann	Feeney	Manzullo
Barrett (SC)	Forbes	Marchant
Bartlett (MD)	Fossella	Matheson
Barton (TX)	Foxx	McCarthy (CA)
Biggert	Franks (AZ)	McCaul (TX)
Bilbray	Gallegly	McHenry
Bilirakis	Garrett (NJ)	McKeon
Bishop (UT)	Gingrey	McMorris Rodgers
Blackburn	Gohmert	Miller (FL)
Blunt	Goodlatte	Miller (MI)
Boehner	Granger	Miller, Gary
Bonner	Graves	Moran (KS)
Brady (TX)	Hall (TX)	Musgrave
Broun (GA)	Hastings (WA)	Myrick
Brown (SC)	Hayes	Neugebauer
Brown-Waite, Ginny	Heller	Nunes
Buchanan	Hensarling	Paul
Burgess	Herger	Pearce
Burton (IN)	Hobson	Pence
Calvert	Hoekstra	Perlmutter
Camp (MI)	Hunter	Peterson (PA)
Campbell (CA)	Inglis (SC)	Petri
Cantor	Issa	Pitts
Capito	Johnson, Sam	Poe
Carter	Jones (NC)	Price (GA)
Chabot	Jordan	Pryce (OH)
Coble	Keller	Radanovich
Cole (OK)	King (IA)	Ramstad
Conaway	Kingston	Reichert
Cooper	Kirk	Renzi
Cubin	Kline (MN)	Rogers (AL)
Culberson	Knollenberg	Rogers (KY)
Davis (KY)	Kuhl (NY)	Rogers (MI)
Davis, David	LaHood	Rohrabacher
Davis, Tom	Lamborn	Roskam
Deal (GA)	Latham	Royce
Drake	Latta	Ryan (WI)
Dreier	Lewis (CA)	Sali
Duncan	Lewis (KY)	Schmidt
Emerson	Linder	
	Lucas	

Sensenbrenner	Stearns	Wamp
Sessions	Sullivan	Weldon (FL)
Shadegg	Terry	Westmoreland
Shays	Thornberry	Wilson (SC)
Shimkus	Tiahrt	Wittman (VA)
Smith (NE)	Tiberi	Wolf
Smith (TX)	Walberg	Young (AK)
Souder	Walden (OR)	Young (FL)

NOES—275

Abercrombie	Fortenberry	Murphy, Patrick
Ackerman	Foster	Murphy, Tim
Alexander	Frank (MA)	Murtha
Allen	Frelinghuysen	Nadler
Altmire	Gerlach	Napolitano
Andrews	Giffords	Neal (MA)
Arcuri	Gilchrest	Oberstar
Baca	Gonzalez	Obey
Bachus	Goode	Olver
Baird	Gordon	Pallone
Baldwin	Green, Al	Pascrell
Barrow	Green, Gene	Pastor
Bean	Grijalva	Payne
Becerra	Gutierrez	Peterson (MN)
Berkley	Hall (NY)	Pickering
Berman	Hare	Platts
Berry	Harman	Pomeroy
Bishop (GA)	Hastings (FL)	Porter
Bishop (NY)	Herseth Sandlin	Price (NC)
Blumenauer	Higgins	Putnam
Bono Mack	Hill	Rahall
Boozman	Hinchey	Rangel
Bordallo	Hinojosa	Regula
Boren	Hirono	Rehberg
Boswell	Hodes	Reyes
Boucher	Holden	Reynolds
Boustany	Holt	Richardson
Boyd (FL)	Honda	Rodriguez
Boyda (KS)	Hooley	Ros-Lehtinen
Brady (PA)	Hoyer	Ross
Brown, Corrine	Inslee	Rothman
Butterfield	Israel	Roybal-Allard
Buyer	Jackson (IL)	Ruppersberger
Cannon	Jackson-Lee (TX)	Ryan (OH)
Capps	Jefferson	Salazar
Capuano	Johnson (GA)	Sánchez, Linda T.
Cardoza	Johnson (IL)	Sanchez, Loretta
Carnahan	Johnson, E. B.	Sarbanes
Carney	Jones (OH)	Saxton
Carson	Kagen	Scalise
Castle	Kanjorski	Schakowsky
Castor	Kaptur	Schiff
Cazayoux	Kennedy	Schwartz
Chandler	Kildee	Scott (GA)
Childers	Kilpatrick	Scott (VA)
Christensen	Kind	Serrano
Clarke	King (NY)	Sestak
Clay	Klein (FL)	Shea-Porter
Cleaver	Kucinich	Sherman
Clyburn	Lampson	Shuler
Cohen	Langevin	Shuster
Conyers	Larsen (WA)	Simpson
Costa	Larson (CT)	Sires
Costello	LaTourette	Skelton
Courtney	Lee	Slaughter
Cramer	Levin	Smith (NJ)
Crenshaw	Lewis (GA)	Smith (WA)
Crowley	Lipinski	Snyder
Cuellar	LoBiondo	Solis
Cummings	Lofgren, Zoe	Space
Davis (AL)	Lowey	Speier
Davis (CA)	Lynch	Stark
Davis (IL)	Mahoney (FL)	Stupak
Davis, Lincoln	Maloney (NY)	Sutton
DeFazio	Markey	Tanner
DeGette	Marshall	Tauscher
Delahunt	Matsui	Taylor
DeLauro	McCarthy (NY)	Thompson (CA)
Dent	McCollum (MN)	Thompson (MS)
Diaz-Balart, L.	McCotter	Tierney
Diaz-Balart, M.	McDermott	Towns
Dicks	McGovern	Tsongas
Dingell	McHugh	Turner
Doggett	McIntyre	Udall (CO)
Donnelly	McNerney	Udall (NM)
Doyle	McNulty	Upton
Edwards	Meek (FL)	Van Hollen
Ehlers	Meeks (NY)	Velázquez
Ellison	Melancon	Visclosky
Ellsworth	Mica	Walsh (NY)
Emanuel	Michaud	Walz (MN)
Engel	Miller (NC)	Wasserman Schultz
English (PA)	Miller, George	
Eshoo	Mitchell	Waters
Etheridge	Mollohan	Watson
Faleomavaega	Moore (KS)	Watt
Farr	Moore (WI)	Waxman
Fattah	Moran (VA)	Weiner
Ferguson	Murphy (CT)	Welch (VT)
Filner		
Weller	Wilson (NM)	Wu
Wexler	Wilson (OH)	Yarmuth
Whitfield (KY)	Woolsey	

NOT VOTING—13

Braley (IA)	Hulshof	Rush
Doolittle	Loebsack	Spratt
Flake	McCrery	Tancredo
Fortuño	Norton	
Gillibrand	Ortiz	

So the amendment was not agreed to.

The SPEAKER pro tempore, Mr. TIERNEY, assumed the Chair.

When Mr. CUELLAR, Acting Chairman, reported the bill back to the House with an amendment adopted by the Committee.

The previous question having been ordered by said resolution.

Mr. BROUN of Georgia, demanded a separate vote on the amendment numbered 2 (the DAVIS of Virginia, amendment).

The question being put, viva voce,

Will the House agree to the following amendment (DAVIS of Virginia, amendment numbered 2) on which a separate vote had been demanded?

Add at the end of title I the following new section:

SEC. 105. AUTHORIZATION FOR CAPITAL AND PREVENTIVE MAINTENANCE PROJECTS FOR WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY.

(a) AUTHORIZATION.—

(1) IN GENERAL.—Subject to the succeeding provisions of this section, the Secretary of Transportation is authorized to make grants to the Transit Authority, in addition to the contributions authorized under sections 3, 14, and 17 of the National Capital Transportation Act of 1969 (sec. 9—1101.01 et seq., D.C. Official Code), for the purpose of financing in part the capital and preventive maintenance projects included in the Capital Improvement Program approved by the Board of Directors of the Transit Authority.

(2) DEFINITIONS.—In this section—

(A) the term ''Transit Authority'' means the Washington Metropolitan Area Transit Authority established under Article III of the Compact; and

(B) the term ''Compact'' means the Washington Metropolitan Area Transit Authority Compact (80 Stat. 1324; Public Law 89–774).

(b) USE OF FUNDS.—The Federal grants made pursuant to the authorization under this section shall be subject to the following limitations and conditions:

(1) The work for which such Federal grants are authorized shall be subject to the provisions of the Compact (consistent with the amendments to the Compact described in subsection (d)).

(2) Each such Federal grant shall be for 50 percent of the net project cost of the project involved, and shall be provided in cash from sources other than Federal funds or revenues from the operation of public mass transportation systems. Consistent with the terms of the amendment to the Compact described in subsection (d)(1), any funds so provided shall be solely from undistributed cash surpluses, replacement or depreciation funds or reserves available in cash, or new capital.

(3) Such Federal grants may be used only for the maintenance and upkeep of the systems of the Transit Authority as of the date of the enactment of this Act and may not be used to increase the mileage of the rail system.

(c) APPLICABILITY OF REQUIREMENTS FOR MASS TRANSPORTATION CAPITAL PROJECTS RECEIVING FUNDS UNDER FEDERAL TRANSPORTATION LAW.—Except as specifically provided in this section, the use of any amounts appropriated pursuant to the authorization under this section shall be subject to the requirements applicable to capital projects for which funds are provided under chapter 53 of title 49, United States Code, except to the extent that the Secretary of Transportation determines that the requirements are inconsistent with the purposes of this section.

(d) AMENDMENTS TO COMPACT.—No amounts may be provided to the Transit Authority pursuant to the authorization under this section until the Transit Authority notifies the Secretary of Transportation that each of the following amendments to the Compact (and any further amendments which may be required to implement such amendments) have taken effect:

(1)(A) An amendment requiring that all payments by the local signatory governments for the Transit Authority for the purpose of matching any Federal funds appropriated in any given year authorized under subsection (a) for the cost of operating and maintaining the adopted regional system are made from amounts derived from dedicated funding sources.

(B) For purposes of this paragraph, the term ''dedicated funding source'' means any source of funding which is earmarked or required under State or local law to be used to match Federal appropriations authorized under this Act for payments to the Transit Authority.

(2) An amendment establishing an Office of the Inspector General of the Transit Authority.

(3) An amendment expanding the Board of Directors of the Transit Authority to include 4 additional Directors appointed by the Administrator of General Services, of whom 2 shall be nonvoting and 2 shall be voting, and requiring one of the voting members so appointed to be a regular passenger and customer of the bus or rail service of the Transit Authority.

(e) ACCESS TO WIRELESS SERVICE IN METRORAIL SYSTEM.—

(1) REQUIRING TRANSIT AUTHORITY TO PROVIDE ACCESS TO SERVICE.—No amounts may be provided to the Transit Authority pursuant to the authorization under this section unless the Transit Authority ensures that customers of the rail service of the Transit Authority have access within the rail system to services provided by any licensed wireless provider that notifies the Transit Authority (in accordance with such procedures as the Transit Authority may adopt) of its intent to offer service to the public, in accordance with the following timetable:

(A) Not later than 1 year after the date of the enactment of this Act, in the 20 underground rail station platforms with the highest volume of passenger traffic.

(B) Not later than 4 years after such date, throughout the rail system.

(2) ACCESS OF WIRELESS PROVIDERS TO SYSTEM FOR UPGRADES AND MAINTENANCE.—No amounts may be provided to the Transit Authority pursuant to the authorization under this section unless the Transit Authority ensures that each licensed wireless provider who provides service to the public within the rail system pursuant to paragraph (1) has access to the system on an ongoing basis (subject to such restrictions as the Transit Authority may impose to ensure that such access will not unduly impact rail operations or threaten the safety of customers or employees of the rail system) to carry out emergency repairs, routine maintenance, and upgrades to the service.

(3) PERMITTING REASONABLE AND CUSTOMARY CHARGES.—Nothing in this subsection may be construed to prohibit the Transit Authority from requiring a licensed wireless provider to pay reasonable and customary charges for access granted under this subsection.

(4) REPORTS.—Not later than 1 year after the date of the enactment of this Act, and each of the 3 years thereafter, the Transit Authority shall submit to the Committee on Oversight and Government Reform of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report on the implementation of this subsection.

(5) DEFINITION.—In this subsection, the term ''licensed wireless provider'' means any provider of wireless services who is operating pursuant to a Federal license to offer such services to the public for profit.

(f) AMOUNT.—There are authorized to be appropriated to the Secretary of Transportation for grants under this section an aggregate amount not to exceed $1,500,000,000 to be available in increments over 10 fiscal years beginning in fiscal year 2009, or until expended.

(g) AVAILABILITY.—Amounts appropriated pursuant to the authorization under this section shall remain available until expended.

The SPEAKER pro tempore, Mr. TIERNEY, announced that the yeas had it.

Mr. BROUN of Georgia, demanded a recorded vote on agreeing to said amendment, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 295 Nays 127

¶70.6 [Roll No. 398]

AYES—295

Abercrombie	Conyers	Gonzalez
Ackerman	Cooper	Goode
Aderholt	Costa	Goodlatte
Alexander	Costello	Gordon
Allen	Courtney	Green, Al
Altmire	Cramer	Green, Gene
Andrews	Crowley	Grijalva
Arcuri	Cubin	Gutierrez
Baca	Cuellar	Hall (NY)
Baird	Cummings	Hare
Baldwin	Davis (AL)	Harman
Barrow	Davis (CA)	Hastings (FL)
Bartlett (MD)	Davis (IL)	Herseth Sandlin
Barton (TX)	Davis, Lincoln	Higgins
Becerra	Davis, Tom	Hill
Berkley	DeFazio	Hinchey
Berman	DeGette	Hinojosa
Berry	Delahunt	Hirono
Bishop (GA)	DeLauro	Hodes
Bishop (NY)	Dent	Holden
Blumenauer	Diaz-Balart, L.	Holt
Blunt	Diaz-Balart, M.	Honda
Bono Mack	Dicks	Hooley
Boren	Dingell	Hoyer
Boswell	Doggett	Inslee
Boucher	Donnelly	Israel
Boustany	Doolittle	Issa
Boyd (FL)	Doyle	Jackson (IL)
Boyda (KS)	Drake	Jackson-Lee (TX)
Brady (PA)	Edwards	Jefferson
Brown, Corrine	Ellison	Johnson (GA)
Brown-Waite, Ginny	Ellsworth	Johnson (IL)
Butterfield	Emanuel	Johnson, E. B.
Buyer	Emerson	Jones (NC)
Cantor	Engel	Jones (OH)
Capito	English (PA)	Kagen
Capps	Eshoo	Kanjorski
Capuano	Etheridge	Kaptur
Cardoza	Everett	Kennedy
Carnahan	Fallin	Kildee
Carney	Farr	Kilpatrick
Carson	Fattah	Kind
Castle	Ferguson	King (NY)
Castor	Filner	Kirk
Cazayoux	Forbes	Klein (FL)
Chandler	Fortenberry	Kucinich
Childers	Fossella	LaHood
Clarke	Foster	Lampson
Clay	Frank (MA)	Langevin
Cleaver	Gerlach	Larsen (WA)
Clyburn	Giffords	Larson (CT)
Cohen	Gilchrest	LaTourette
Lee	Gohmert	Latham
Levin	Obey	Smith (TX)
Lewis (GA)	Olver	Smith (WA)
Lipinski	Pallone	Snyder
LoBiondo	Pascrell	Solis
Lofgren, Zoe	Pastor	Space
Lowey	Payne	Speier
Lucas	Perlmutter	Spratt
Lungren, Daniel E.	Peterson (MN)	Stark
Lynch	Pickering	Stupak
Mahoney (FL)	Platts	Sullivan
Maloney (NY)	Pomeroy	Sutton
Markey	Porter	Tanner
Marshall	Price (NC)	Tauscher
Matheson	Rahall	Taylor
Matsui	Rangel	Thompson (CA)
McCarthy (NY)	Regula	Thompson (MS)
McCollum (MN)	Renzi	Tiahrt
McDermott	Reyes	Tierney
McGovern	Richardson	Towns
McHugh	Rodriguez	Tsongas
McIntyre	Rogers (AL)	Turner
McNerney	Ross	Udall (CO)
McNulty	Rothman	Udall (NM)
Meek (FL)	Roybal-Allard	Upton
Meeks (NY)	Ruppersberger	Van Hollen
Melancon	Ryan (OH)	Velázquez
Mica	Salazar	Visclosky
Michaud	Sánchez, Linda T.	Walsh (NY)
Miller (MI)	Sanchez, Loretta	Walz (MN)
Miller (NC)	Sarbanes	Wasserman Schultz
Miller, George	Schakowsky	Waters
Mitchell	Schiff	Watson
Mollohan	Schwartz	Watt
Moore (KS)	Scott (GA)	Waxman
Moore (WI)	Scott (VA)	Weiner
Moran (VA)	Serrano	Welch (VT)
Murphy (CT)	Sestak	Weldon (FL)
Murphy, Patrick	Shays	Weller
Murphy, Tim	Shea-Porter	Wexler
Murtha	Sherman	Wilson (OH)
Nadler	Shuler	Wittman (VA)
Napolitano	Shuster	Wolf
Neal (MA)	Sires	Woolsey
Nunes	Skelton	Wu
Oberstar	Slaughter	Yarmuth
	Smith (NJ)	Young (AK)

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Akin	Graves	Petri
Bachmann	Hall (TX)	Pitts
Bachus	Hastings (WA)	Poe
Barrett (SC)	Hayes	Price (GA)
Bean	Heller	Pryce (OH)
Biggert	Hensarling	Putnam
Bilbray	Herger	Radanovich
Bilirakis	Hobson	Ramstad
Bishop (UT)	Hoekstra	Rehberg
Boehner	Hunter	Reichert
Bonner	Inglis (SC)	Reynolds
Boozman	Johnson, Sam	Rogers (KY)
Brady (TX)	Jordan	Rogers (MI)
Broun (GA)	Keller	Rohrabacher
Brown (SC)	King (IA)	Ros-Lehtinen
Buchanan	Kingston	Roskam
Burgess	Kline (MN)	Royce
Burton (IN)	Knollenberg	Ryan (WI)
Calvert	Kuhl (NY)	Sali
Camp (MI)	Lamborn	Saxton
Campbell (CA)	Latham	Scalise
Cannon	Latta	Schmidt
Carter	Lewis (CA)	Sensenbrenner
Chabot	Lewis (KY)	Sessions
Coble	Linder	Shadegg
Cole (OK)	Mack	Shimkus
Conaway	Manzullo	Simpson
Crenshaw	Marchant	Smith (NE)
Culberson	McCarthy (CA)	Souder
Davis (KY)	McCaul (TX)	Stearns
Davis, David	McCotter	Terry
Deal (GA)	McHenry	Thornberry
Dreier	McKeon	Tiberi
Duncan	Miller (FL)	Walberg
Ehlers	Miller, Gary	Walden (OR)
Feeney	Moran (KS)	Wamp
Foxx	Musgrave	Westmoreland
Franks (AZ)	Myrick	Whitfield (KY)
Frelinghuysen	Neugebauer	Wilson (NM)
Gallegly	Paul	Wilson (SC)
Garrett (NJ)	Pearce	Young (FL)
Gingrey	Pence	
Granger	Peterson (PA)	

NOT VOTING—11

Blackburn	Loebsack	Rush
Braley (IA)	McCrery	Tancredo
Flake	McMorris Rodgers	
Gillibrand	Ortiz	
Hulshof		

So the amendment was agreed to.

The following amendment reported from the Committee of the Whole House on the state of the Union, was agreed to.

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Passenger Rail Investment and Improvement Act of 2008''.

SEC. 2. AMENDMENT OF TITLE 49, UNITED STATES CODE.

Except as otherwise specifically provided, whenever in this Act an amendment is expressed in terms of an amendment to a section or other provision of law, the reference shall be considered to be made to a section or other provision of title 49, United States Code.

SEC. 3. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Amendment of title 49, United States Code.
Sec. 3. Table of contents.

TITLE I—AUTHORIZATIONS

Sec. 101. Authorization for Amtrak capital and operating expenses and State capital grants.
Sec. 102. Repayment of long-term debt and capital leases.
Sec. 103. Other authorizations.
Sec. 104. Tunnel project.
Sec. 105. Compliance with Immigration and Nationality Act.
Sec. 106. Authorization for capital and preventive maintenance projects for Washington Metropolitan Area Transit Authority.

TITLE II—AMTRAK REFORM AND OPERATIONAL IMPROVEMENTS

Sec. 201. National railroad passenger transportation system defined.
Sec. 202. Amtrak Board of Directors.
Sec. 203. Establishment of improved financial accounting system.
Sec. 204. Development of 5-year financial plan.
Sec. 205. Establishment of grant process.
Sec. 206. State-supported routes.
Sec. 207. Metrics and standards.
Sec. 208. Northeast Corridor state-of-good-repair plan.
Sec. 209. Northeast Corridor infrastructure and operations improvements.
Sec. 210. Restructuring long-term debt and capital leases.
Sec. 211. Study of compliance requirements at existing intercity rail stations.
Sec. 212. Oversight of Amtrak's compliance with accessibility requirements.
Sec. 213. Access to Amtrak equipment and services.
Sec. 214. General Amtrak provisions.
Sec. 215. Amtrak management accountability.
Sec. 216. Passenger rail study.
Sec. 217. Congestion grants.
Sec. 218. Plan for restoration of service.
Sec. 219. Locomotive biofuel study.
Sec. 220. Study of the use of biobased lubricants.
Sec. 221. Applicability of Buy American Act.
Sec. 222. Intercity passenger rail service performance.
Sec. 223. Amtrak Inspector General utilization study.
Sec. 224. Amtrak service preference study.
Sec. 225. Historic preservation and railroad safety.
Sec. 226. Commuter rail expansion.
Sec. 227. Service evaluation.

TITLE III—INTERCITY PASSENGER RAIL POLICY
Sec. 301. Capital assistance for intercity passenger rail service; State rail plans.
Sec. 302. State rail plans.
Sec. 303. Next generation corridor train equipment pool.
Sec. 304. Rail cooperative research program.
Sec. 305. Passenger rail system comparison study.
TITLE IV—COMMUTER RAIL TRANSIT ENHANCEMENT
Sec. 401. Commuter rail transit enhancement.
Sec. 402. Routing efficiency discussions with Amtrak.
TITLE V—HIGH-SPEED RAIL
Sec. 501. High-speed rail corridor program.
Sec. 502. Additional high-speed projects.
Sec. 503. High-speed rail study.
Sec. 504. Grant conditions.

TITLE I—AUTHORIZATIONS

SEC. 101. AUTHORIZATION FOR AMTRAK CAPITAL AND OPERATING EXPENSES AND STATE CAPITAL GRANTS.

(a) OPERATING GRANTS.—There are authorized to be appropriated to the Secretary of Transportation for the use of Amtrak for operating costs the following amounts:
(1) For fiscal year 2009, $525,000,000.
(2) For fiscal year 2010, $600,000,000.
(3) For fiscal year 2011, $614,000,000.
(4) For fiscal year 2012, $638,000,000.
(5) For fiscal year 2013, $654,000,000.

(b) INSPECTOR GENERAL.—Out of the amounts authorized under subsection (a), there are authorized to be appropriated to the Secretary of Transportation for the Office of the Inspector General of Amtrak the following amounts:
(1) For fiscal year 2009, $20,368,900.
(2) For fiscal year 2010, $22,586,000.
(3) For fiscal year 2011, $24,337,000.
(4) For fiscal year 2012, $26,236,000.
(5) For fiscal year 2013, $28,287,000.

(c) ACCESSIBILITY IMPROVEMENTS AND BARRIER REMOVAL FOR PEOPLE WITH DISABILITIES.—There are authorized to be appropriated to the Secretary of Transportation for the use of Amtrak to improve the accessibility of facilities, including rail platforms, and services the following amounts:
(1) For fiscal year 2009, $68,500,000.
(2) For fiscal year 2010, $240,000,000.
(3) For fiscal year 2011, $240,000,000.
(4) For fiscal year 2012, $240,000,000.
(5) For fiscal year 2013, $240,000,000.

(d) CAPITAL GRANTS.—There are authorized to be appropriated to the Secretary of Transportation for the use of Amtrak for capital projects (as defined in subparagraphs (A) and (B) of section 24401(2) of title 49, United States Code) to bring the Northeast Corridor (as defined in section 24102(a)) to a state-of-good-repair, for capital expenses of the national rail passenger transportation system, and for purposes of making capital grants under section 24402 of that title to States, the following amounts:
(1) For fiscal year 2009, $1,202,000,000.
(2) For fiscal year 2010, $1,321,000,000.
(3) For fiscal year 2011, $1,321,000,000.
(4) For fiscal year 2012, $1,427,000,000.
(5) For fiscal year 2013, $1,427,000,000.

(e) AMOUNTS FOR STATE GRANTS.—Out of the amounts authorized under subsection (d), the following percentage shall be available each fiscal year for capital grants to States under section 24402 of title 49, United States Code, to be administered by the Secretary of Transportation:
(1) 41.60 percent for fiscal year 2009.
(2) 38 percent for fiscal year 2010.
(3) 38 percent for fiscal year 2011.
(4) 35 percent for fiscal year 2012.
(5) 35 percent for fiscal year 2013.

(f) PROJECT MANAGEMENT OVERSIGHT.—The Secretary may withhold up to ½ of 1 percent of amounts appropriated pursuant to subsection (d) for the costs of project management oversight of capital projects carried out by Amtrak.

SEC. 102. REPAYMENT OF LONG-TERM DEBT AND CAPITAL LEASES.

(a) AMTRAK PRINCIPAL AND INTEREST PAYMENTS.—
(1) PRINCIPAL AND INTEREST ON DEBT SERVICE.—There are authorized to be appropriated to the Secretary of Transportation for the use of Amtrak for retirement of principal and payment of interest on loans for capital equipment, or capital leases, not more than the following amounts:
(A) For fiscal year 2009, $345,000,000.
(B) For fiscal year 2010, $345,000,000.
(C) For fiscal year 2011, $345,000,000.
(D) For fiscal year 2012, $345,000,000.
(E) For fiscal year 2013, $345,000,000.
(2) EARLY BUYOUT OPTION.—There are authorized to be appropriated to the Secretary of Transportation such sums as may be necessary for the use of Amtrak for the payment of costs associated with early buyout options if the exercise of those options is determined to be advantageous to Amtrak.
(3) LEGAL EFFECT OF PAYMENTS UNDER THIS SECTION.—The payment of principal and interest on secured debt, with the proceeds of grants authorized by this section shall not—
(A) modify the extent or nature of any indebtedness of the National Railroad Passenger Corporation to the United States in existence of the date of enactment of this Act;
(B) change the private nature of Amtrak's or its successors' liabilities; or
(C) imply any Federal guarantee or commitment to amortize Amtrak's outstanding indebtedness.

SEC. 103. OTHER AUTHORIZATIONS.

There are authorized to be appropriated to the Secretary of Transportation—
(1) $5,000,000 for each of fiscal years 2009 through 2013 to carry out the rail cooperative research program under section 24910 of title 49, United States Code; and
(2) $5,000,000 for fiscal year 2009, to remain available until expended, for grants to Amtrak and States participating in the Next Generation Corridor Train Equipment Pool Committee established under section 303 of this Act for the purpose of designing, developing specifications for, and initiating the procurement of an initial order of 1 or more types of standardized next-generation corridor train equipment and establishing a jointly owned corporation to manage that equipment.

SEC. 104. TUNNEL PROJECT.

(a) NEW TUNNEL ALIGNMENT AND ENVIRONMENTAL REVIEW.—Not later than September 30, 2013, the Federal Railroad Administration, working with Amtrak, the City of Baltimore, State of Maryland, and rail operators described in subsection (b), shall—
(1) approve a new rail tunnel alignment in Baltimore that will permit an increase in train speed and service reliability; and
(2) ensure completion of the related environmental review process.

(b) AFFECTED RAIL OPERATORS.—Rail operators other than Amtrak may participate in activities described in subsection (a) to the extent that they can demonstrate the intention and ability to contribute to the construction of the new tunnel.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Federal Railroad Administration for carrying out this section $60,000,000 for the period encompassing fiscal years 2009 through 2013.

SEC. 105. COMPLIANCE WITH IMMIGRATION AND NATIONALITY ACT.

Notwithstanding any other provision of this Act, none of the funds authorized by this Act may be used to employ workers in violation of section 274A of the Immigration and Nationality Act (8 U.S.C. 1324a).

SEC. 106. AUTHORIZATION FOR CAPITAL AND PREVENTIVE MAINTENANCE PROJECTS FOR WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY.

(a) AUTHORIZATION.—
(1) IN GENERAL.—Subject to the succeeding provisions of this section, the Secretary of Transportation is authorized to make grants to the Transit Authority, in addition to the contributions authorized under sections 3, 14, and 17 of the National Capital Transportation Act of 1969 (sec. 9–1101.01 et seq., D.C. Official Code), for the purpose of financing in part the capital and preventive maintenance projects included in the Capital Improvement Program approved by the Board of Directors of the Transit Authority.
(2) DEFINITIONS.—In this section—
(A) the term ''Transit Authority'' means the Washington Metropolitan Area Transit Authority established under Article III of the Compact; and
(B) the term ''Compact'' means the Washington Metropolitan Area Transit Authority Compact (80 Stat. 1324; Public Law 89–774).

(b) USE OF FUNDS.—The Federal grants made pursuant to the authorization under this section shall be subject to the following limitations and conditions:
(1) The work for which such Federal grants are authorized shall be subject to the provisions of the Compact (consistent with the amendments to the Compact described in subsection (d)).
(2) Each such Federal grant shall be for 50 percent of the net project cost of the project involved, and shall be provided in cash from sources other than Federal funds or revenues from the operation of public mass transportation systems. Consistent with the terms of the amendment to the Compact described in subsection (d)(1), any funds so provided shall be solely from undistributed cash surpluses, replacement or depreciation funds or reserves available in cash, or new capital.
(3) Such Federal grants may be used only for the maintenance and upkeep of the systems of the Transit Authority as of the date of the enactment of this Act and may not be used to increase the mileage of the rail system.

(c) APPLICABILITY OF REQUIREMENTS FOR MASS TRANSPORTATION CAPITAL PROJECTS RECEIVING FUNDS UNDER FEDERAL TRANSPORTATION LAW.—Except as specifically provided in this section, the use of any amounts appropriated pursuant to the authorization under this section shall be subject to the requirements applicable to capital projects for which funds are provided under chapter 53 of title 49, United States Code, except to the extent that the Secretary of Transportation determines that the requirements are inconsistent with the purposes of this section.

(d) AMENDMENTS TO COMPACT.—No amounts may be provided to the Transit Authority pursuant to the authorization under this section until the Transit Authority notifies the Secretary of Transportation that each of the following amendments to the Compact (and any further amendments which may be required to implement such amendments) have taken effect:
(1)(A) An amendment requiring that all payments by the local signatory governments for the Transit Authority for the purpose of matching any Federal funds appropriated in any given year authorized under subsection (a) for the cost of operating and maintaining the adopted regional system are made from amounts derived from dedicated funding sources.

(B) For purposes of this paragraph, the term ''dedicated funding source'' means any source of funding which is earmarked or required under State or local law to be used to match Federal appropriations authorized under this Act for payments to the Transit Authority.

(2) An amendment establishing an Office of the Inspector General of the Transit Authority.

(3) An amendment expanding the Board of Directors of the Transit Authority to include 4 additional Directors appointed by the Administrator of General Services, of whom 2 shall be nonvoting and 2 shall be voting, and requiring one of the voting members so appointed to be a regular passenger and customer of the bus or rail service of the Transit Authority.

(e) ACCESS TO WIRELESS SERVICE IN METRORAIL SYSTEM.—

(1) REQUIRING TRANSIT AUTHORITY TO PROVIDE ACCESS TO SERVICE.—No amounts may be provided to the Transit Authority pursuant to the authorization under this section unless the Transit Authority ensures that customers of the rail service of the Transit Authority have access within the rail system to services provided by any licensed wireless provider that notifies the Transit Authority (in accordance with such procedures as the Transit Authority may adopt) of its intent to offer service to the public, in accordance with the following timetable:

(A) Not later than 1 year after the date of the enactment of this Act, in the 20 underground rail station platforms with the highest volume of passenger traffic.

(B) Not later than 4 years after such date, throughout the rail system.

(2) ACCESS OF WIRELESS PROVIDERS TO SYSTEM FOR UPGRADES AND MAINTENANCE.—No amounts may be provided to the Transit Authority pursuant to the authorization under this section unless the Transit Authority ensures that each licensed wireless provider who provides service to the public within the rail system pursuant to paragraph (1) has access to the system on an ongoing basis (subject to such restrictions as the Transit Authority may impose to ensure that such access will not unduly impact rail operations or threaten the safety of customers or employees of the rail system) to carry out emergency repairs, routine maintenance, and upgrades to the service.

(3) PERMITTING REASONABLE AND CUSTOMARY CHARGES.—Nothing in this subsection may be construed to prohibit the Transit Authority from requiring a licensed wireless provider to pay reasonable and customary charges for access granted under this subsection.

(4) REPORTS.—Not later than 1 year after the date of the enactment of this Act, and each of the 3 years thereafter, the Transit Authority shall submit to the Committee on Oversight and Government Reform of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report on the implementation of this subsection.

(5) DEFINITION.—In this subsection, the term ''licensed wireless provider'' means any provider of wireless services who is operating pursuant to a Federal license to offer such services to the public for profit.

(f) AMOUNT.—There are authorized to be appropriated to the Secretary of Transportation for grants under this section an aggregate amount not to exceed $1,500,000,000 to be available in increments over 10 fiscal years beginning in fiscal year 2009, or until expended.

(g) AVAILABILITY.—Amounts appropriated pursuant to the authorization under this section shall remain available until expended.

TITLE II—AMTRAK REFORM AND OPERATIONAL IMPROVEMENTS

SEC. 201. NATIONAL RAILROAD PASSENGER TRANSPORTATION SYSTEM DEFINED.

(a) IN GENERAL.—Section 24102 is amended—

(1) by striking paragraph (2);

(2) by redesignating paragraphs (3), (4), and (5) as paragraphs (2), (3), and (4), respectively; and

(3) by inserting after paragraph (4) as so redesignated the following:

''(5) 'national rail passenger transportation system' means—

''(A) the segment of the Northeast Corridor between Boston, Massachusetts and Washington, DC;

''(B) rail corridors that have been designated by the Secretary of Transportation as high-speed corridors (other than corridors described in subparagraph (A)), but only after they have been improved to permit operation of high-speed service;

''(C) long distance routes of more than 750 miles between endpoints operated by Amtrak as of the date of enactment of the Passenger Rail Investment and Improvement Act of 2008; and

''(D) short-distance corridors, or routes of not more than 750 miles between endpoints, operated by—

''(i) Amtrak; or

''(ii) another rail carrier that receives funds under chapter 244.''.

(b) AMTRAK ROUTES WITH STATE FUNDING.—

(1) IN GENERAL.—Chapter 247 is amended by inserting after section 24701 the following:

''§ 24702. Transportation requested by States, authorities, and other persons

''(a) CONTRACTS FOR TRANSPORTATION.—Amtrak may enter into a contract with a State, a regional or local authority, or another person for Amtrak to operate an intercity rail service or route not included in the national rail passenger transportation system upon such terms as the parties thereto may agree.

''(b) DISCONTINUANCE.—Upon termination of a contract entered into under this section, or the cessation of financial support under such a contract by either party, Amtrak may discontinue such service or route, notwithstanding any other provision of law.''.

(2) CONFORMING AMENDMENT.—The chapter analysis for chapter 247 is amended by inserting after the item relating to section 24701 the following:

''24702. Transportation requested by States, authorities, and other persons.''.

(c) AMTRAK TO CONTINUE TO PROVIDE NON-HIGH-SPEED SERVICES.—Nothing in this Act is intended to preclude Amtrak from restoring, improving, or developing non-high-speed intercity passenger rail service.

(d) APPLICABILITY OF SECTION 24706.—Section 24706 is amended by adding at the end the following:

''(c) APPLICABILITY.—This section applies to all service over routes provided by Amtrak, notwithstanding any provision of section 24701 of this title or any other provision of this title except section 24702(b).''.

SEC. 202. AMTRAK BOARD OF DIRECTORS.

(a) IN GENERAL.—Section 24302 is amended to read as follows:

''§ 24302. Board of Directors

''(a) COMPOSITION AND TERMS.—

''(1) The Board of Directors of Amtrak is composed of the following 10 directors, each of whom must be a citizen of the United States:

''(A) The Secretary of Transportation.

''(B) The President of Amtrak, who shall serve ex officio, as a non-voting member.

''(C) Eight individuals appointed by the President of the United States, by and with the advice and consent of the Senate, with general business and financial experience, experience or qualifications in transportation, freight and passenger rail transportation, travel, hospitality, cruise line, and passenger air transportation businesses, or representatives of employees or users of passenger rail transportation or a State government.

''(2) In selecting individuals described in paragraph (1) for nominations for appointments to the Board, the President shall consult with the Speaker of the House of Representatives, the minority leader of the House of Representatives, the majority leader of the Senate, and the minority leader of the Senate and try to provide adequate and balanced representation of the major geographic regions of the United States served by Amtrak.

''(3) An individual appointed under paragraph (1)(C) of this subsection serves for 5 years or until the individual's successor is appointed and qualified. Not more than 5 individuals appointed under paragraph (1)(C) may be members of the same political party.

''(4) The Board shall elect a chairman and a vice chairman from among its membership. The vice chairman shall serve as chairman in the absence of the chairman.

''(5) The Secretary may be represented at board meetings by the Secretary's designee.

''(b) PAY AND EXPENSES.—Each director not employed by the United States Government is entitled to $300 a day when performing Board duties. Each Director is entitled to reimbursement for necessary travel, reasonable secretarial and professional staff support, and subsistence expenses incurred in attending Board meetings.

''(c) VACANCIES.—A vacancy on the Board is filled in the same way as the original selection, except that an individual appointed by the President of the United States under subsection (a)(1)(C) of this section to fill a vacancy occurring before the end of the term for which the predecessor of that individual was appointed is appointed for the remainder of that term. A vacancy required to be filled by appointment under subsection (a)(1)(C) must be filled not later than 120 days after the vacancy occurs.

''(d) QUORUM.—A majority of the members serving shall constitute a quorum for doing business.

''(e) BYLAWS.—The Board may adopt and amend bylaws governing the operation of Amtrak. The bylaws shall be consistent with this part and the articles of incorporation.''.

(b) EFFECTIVE DATE FOR DIRECTORS' PROVISION.—The amendment made by subsection (a) shall take effect 6 months after the date of enactment of this Act. The members of the Amtrak Board serving on the date of enactment of this Act may continue to serve for the remainder of the term to which they were appointed.

SEC. 203. ESTABLISHMENT OF IMPROVED FINANCIAL ACCOUNTING SYSTEM.

(a) IN GENERAL.—The Amtrak Board of Directors—

(1) may employ an independent financial consultant with experience in railroad accounting to assist Amtrak in improving Amtrak's financial accounting and reporting system and practices;

(2) shall implement a modern financial accounting and reporting system not later than 1 year after the date of enactment of this Act; and

(3) shall, not later than 90 days after the end of each fiscal year through fiscal year 2013—

(A) submit to Congress a comprehensive report that allocates all of Amtrak's revenues and costs to each of its routes, each of its

lines of business, and each major activity within each route and line of business activity, including—

(i) train operations;

(ii) equipment maintenance;

(iii) food service;

(iv) sleeping cars;

(v) ticketing; and

(vi) reservations;

(B) include the report described in subparagraph (A) in Amtrak's annual report; and

(C) post such report on Amtrak's website.

(b) VERIFICATION OF SYSTEM; REPORT.—The Inspector General of the Department of Transportation shall review the accounting system designed and implemented under subsection (a) to ensure that it accomplishes the purposes for which it is intended. The Inspector General shall report his findings and conclusions, together with any recommendations, to the House of Representatives Committee on Transportation and Infrastructure and the Senate Committee on Commerce, Science, and Transportation.

(c) CATEGORIZATION OF REVENUES AND EXPENSES.—

(1) IN GENERAL.—In carrying out subsection (a), the Amtrak Board of Directors shall separately categorize routes, assigned revenues, and attributable expenses by type of service, including long distance routes, State-sponsored routes, commuter contract routes, and Northeast Corridor routes.

(2) NORTHEAST CORRIDOR.—Amtrak revenues generated by freight and commuter railroads operating on the Northeast Corridor shall be separately listed to include the charges per car mile assessed by Amtrak to other freight and commuter railroad entities.

(3) FIXED OVERHEAD EXPENSES.—Fixed overhead expenses that are not directly assigned or attributed to any route (or group of routes) shall be listed separately by line item and expense category.

SEC. 204. DEVELOPMENT OF 5-YEAR FINANCIAL PLAN.

(a) DEVELOPMENT OF 5-YEAR FINANCIAL PLAN.—The Amtrak Board of Directors shall submit an annual budget and business plan for Amtrak, and a 5-year financial plan for the fiscal year to which that budget and business plan relate and the subsequent 4 years, prepared in accordance with this section, to the Secretary of Transportation and the Inspector General of the Department of Transportation no later than—

(1) the first day of each fiscal year beginning after the date of enactment of this Act; or

(2) the date that is 60 days after the date of enactment of an appropriation Act for the fiscal year, if later.

(b) CONTENTS OF 5-YEAR FINANCIAL PLAN.—The 5-year financial plan for Amtrak shall include, at a minimum—

(1) all projected revenues and expenditures for Amtrak, including governmental funding sources;

(2) projected ridership levels for all Amtrak passenger operations;

(3) revenue and expenditure forecasts for non-passenger operations;

(4) capital funding requirements and expenditures necessary to maintain passenger service which will accommodate predicted ridership levels and predicted sources of capital funding;

(5) operational funding needs, if any, to maintain current and projected levels of passenger service, including state-supported routes and predicted funding sources;

(6) projected capital and operating requirements, ridership, and revenue for any new passenger service operations or service expansions;

(7) an assessment of the continuing financial stability of Amtrak, such as Amtrak's ability to efficiently manage its workforce, and Amtrak's ability to effectively provide passenger train service;

(8) estimates of long-term and short-term debt and associated principal and interest payments (both current and anticipated);

(9) annual cash flow forecasts;

(10) a statement describing methods of estimation and significant assumptions;

(11) specific measures that demonstrate measurable improvement year over year in the financial results of Amtrak's operations;

(12) prior fiscal year and projected operating ratio, cash operating loss, and cash operating loss per passenger on a route, business line, and corporate basis;

(13) prior fiscal year and projected specific costs and savings estimates resulting from reform initiatives;

(14) prior fiscal year and projected labor productivity statistics on a route, business line, and corporate basis; and

(15) prior fiscal year and projected equipment reliability statistics.

(c) STANDARDS TO PROMOTE FINANCIAL STABILITY.—In meeting the requirements of subsection (b), Amtrak shall—

(1) apply sound budgetary practices, including reducing costs and other expenditures, improving productivity, increasing revenues, or combinations of such practices;

(2) use the categories specified in the financial accounting and reporting system developed under section 203 when preparing its 5-year financial plan; and

(3) ensure that the plan is consistent with the authorizations of appropriations under title I of this Act.

SEC. 205. ESTABLISHMENT OF GRANT PROCESS.

(a) GRANT REQUESTS.—Amtrak shall submit grant requests (including a schedule for the disbursement of funds), consistent with the requirements of this Act, to the Secretary of Transportation for funds authorized to be appropriated to the Secretary for the use of Amtrak under sections 101(a), (c), and (d), 102, and 103(2) of this Act.

(b) PROCEDURES FOR GRANT REQUESTS.—The Secretary shall establish substantive and procedural requirements, including schedules, for grant requests under this section not later than 30 days after the date of enactment of this Act and shall transmit copies to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

(c) REVIEW AND APPROVAL.—

(1) 30-DAY APPROVAL PROCESS.—The Secretary shall complete the review of a complete grant request (including the disbursement schedule) and approve or disapprove the request within 30 days after the date on which Amtrak submits the grant request. If the Secretary disapproves the request or determines that the request is incomplete or deficient, the Secretary shall include the reason for disapproval or the incomplete items or deficiencies in the notice to Amtrak.

(2) 15-DAY MODIFICATION PERIOD.—Within 15 days after receiving notification from the Secretary under the preceding sentence, Amtrak shall submit a modified request for the Secretary's review.

(3) REVISED REQUESTS.—Within 15 days after receiving a modified request from Amtrak, the Secretary shall either approve the modified request, or, if the Secretary finds that the request is still incomplete or deficient, the Secretary shall identify in writing to the House of Representatives Committee on Transportation and Infrastructure and the Senate Committee on Commerce, Science, and Transportation the remaining deficiencies and recommend a process for resolving the outstanding portions of the request.

SEC. 206. STATE-SUPPORTED ROUTES.

(a) IN GENERAL.—Within 2 years after the date of enactment of this Act, the Board of Directors of Amtrak, in consultation with the Secretary of Transportation and the governors of each relevant State and the Mayor of the District of Columbia or groups representing those officials, shall develop and implement a single, Nationwide standardized methodology for establishing and allocating the operating and capital costs among the States and Amtrak associated with trains operated on routes described in section 24102(5)(B) or (D) or section 24702 that—

(1) ensures, within 5 years after the date of enactment of this Act, equal treatment in the provision of like services of all States and groups of States (including the District of Columbia); and

(2) allocates to each route the costs incurred only for the benefit of that route and a proportionate share, based upon factors that reasonably reflect relative use, of costs incurred for the common benefit of more than 1 route.

(b) REVIEW.—If Amtrak and the States (including the District of Columbia) in which Amtrak operates such routes do not voluntarily adopt and implement the methodology developed under subsection (a) in allocating costs and determining compensation for the provision of service in accordance with the date established therein, the Surface Transportation Board shall determine the appropriate methodology required under subsection (a) for such services in accordance with the procedures and procedural schedule applicable to a proceeding under section 24904(c) of title 49, United States Code, and require the full implementation of this methodology with regards to the provision of such service within 1 year after the Board's determination of the appropriate methodology.

(c) USE OF CHAPTER 244 FUNDS.—Funds provided to a State under chapter 244 of title 49, United States Code, may be used, as provided in that chapter, to pay capital costs determined in accordance with this section.

SEC. 207. METRICS AND STANDARDS.

(a) IN GENERAL.—Within 180 days after the date of enactment of this Act, the Administrator of the Federal Railroad Administration and Amtrak shall jointly, in consultation with the Surface Transportation Board, rail carriers over whose rail lines Amtrak trains operate, States, Amtrak employees, nonprofit employee organizations representing Amtrak employees, and groups representing Amtrak passengers, as appropriate, develop new or improve existing metrics and minimum standards for measuring the performance and service quality of intercity passenger train operations, including cost recovery, on-time performance and minutes of delay, ridership, on-board services, stations, facilities, equipment, and other services. Such metrics, at a minimum, shall include the percentage of avoidable and fully allocated operating costs covered by passenger revenues on each route, ridership per train mile operated, measures of on-time performance and delays incurred by intercity passenger trains on the rail lines of each rail carrier and, for long distance routes, measures of connectivity with other routes in all regions currently receiving Amtrak service and the transportation needs of communities and populations that are not well-served by other forms of public transportation. Amtrak shall provide reasonable access to the Federal Railroad Administration in order to enable the Administration to carry out its duty under this section.

(b) QUARTERLY REPORTS.—The Administrator of the Federal Railroad Administration shall collect the necessary data and publish a quarterly report on the performance and service quality of intercity passenger train operations, including Amtrak's

cost recovery, ridership, on-time performance and minutes of delay, causes of delay, on-board services, stations, facilities, equipment, and other services.

(c) CONTRACT WITH HOST RAIL CARRIERS.—To the extent practicable, Amtrak and its host rail carriers shall incorporate the metrics and standards developed under subsection (a) into their access and service agreements.

(d) ARBITRATION.—If the development of the metrics and standards is not completed within the 180-day period required by subsection (a), any party involved in the development of those standards may petition the Surface Transportation Board to appoint an arbitrator to assist the parties in resolving their disputes through binding arbitration.

SEC. 208. NORTHEAST CORRIDOR STATE-OF-GOOD-REPAIR PLAN.

(a) IN GENERAL.—Within 9 months after the date of enactment of this Act, the National Railroad Passenger Corporation, in consultation with the Secretary and the States (including the District of Columbia) that make up the Northeast Corridor (as defined in section 24102 of title 49, United States Code), shall prepare a capital spending plan for capital projects required to return the railroad right-of-way (including track, signals, and auxiliary structures), facilities, stations, and equipment, of the Northeast Corridor to a state of good repair by the end of fiscal year 2024, consistent with the funding levels authorized in this Act and shall submit the plan to the Secretary.

(b) APPROVAL BY THE SECRETARY.—

(1) The Corporation shall submit the capital spending plan prepared under this section to the Secretary of Transportation for review and approval pursuant to the procedures developed under section 205 of this Act.

(2) The Secretary of Transportation shall require that the plan be updated at least annually and shall review and approve such updates. During review, the Secretary shall seek comments and review from the commission established under section 24905 of title 49, United States Code, and other Northeast Corridor users regarding the plan.

(3) The Secretary shall make grants to the Corporation with funds authorized by section 101(d) of this Act for Northeast Corridor capital investments contained within the capital spending plan prepared by the Corporation and approved by the Secretary.

(4) Using the funds authorized by section 101(f) of this Act, the Secretary shall review Amtrak's capital expenditures funded by this section to ensure that such expenditures are consistent with the capital spending plan and that Amtrak is providing adequate project management oversight and fiscal controls.

(c) ELIGIBILITY OF EXPENDITURES.—The Federal share of expenditures for capital improvements under this section may not exceed 100 percent.

SEC. 209. NORTHEAST CORRIDOR INFRASTRUCTURE AND OPERATIONS IMPROVEMENTS.

(a) IN GENERAL.—Section 24905 is amended to read as follows:

"§ 24905. Northeast Corridor Infrastructure and Operations Advisory Commission

''(a) NORTHEAST CORRIDOR INFRASTRUCTURE AND OPERATIONS ADVISORY COMMISSION.—

''(1) Within 180 days after the date of enactment of the Passenger Rail Investment and Improvement Act of 2008, the Secretary of Transportation shall establish a Northeast Corridor Infrastructure and Operations Advisory Commission (hereinafter referred to in this section as the 'Commission') to promote mutual cooperation and planning pertaining to the rail operations and related activities of the Northeast Corridor. The Commission shall be made up of—

''(A) members representing the National Railroad Passenger Corporation;

''(B) members representing the Secretary of Transportation and the Federal Railroad Administration;

''(C) one member from each of the States (including the District of Columbia) that constitute the Northeast Corridor as defined in section 24102, designated by, and serving at the pleasure of, the chief executive officer thereof; and

''(D) non-voting representatives of freight railroad carriers using the Northeast Corridor selected by the Secretary.

''(2) The Secretary shall ensure that the membership belonging to any of the groups enumerated under subparagraph (1) shall not constitute a majority of the commission's memberships.

''(3) The commission shall establish a schedule and location for convening meetings, but shall meet no less than four times per fiscal year, and the commission shall develop rules and procedures to govern the commission's proceedings.

''(4) A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

''(5) Members shall serve without pay but shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

''(6) The Chairman of the Commission shall be elected by the members.

''(7) The Commission may appoint and fix the pay of such personnel as it considers appropriate.

''(8) Upon request of the Commission, the head of any department or agency of the United States may detail, on a reimbursable basis, any of the personnel of that department or agency to the Commission to assist it in carrying out its duties under this section.

''(9) Upon the request of the Commission, the Administrator of General Services shall provide to the Commission, on a reimbursable basis, the administrative support services necessary for the Commission to carry out its responsibilities under this section.

''(10) The commission shall consult with other entities as appropriate.

''(b) GENERAL RECOMMENDATIONS.—The Commission shall develop recommendations concerning Northeast Corridor rail infrastructure and operations including proposals addressing, as appropriate—

''(1) short-term and long-term capital investment needs beyond the state-of-good-repair under section 208 of the Passenger Rail Investment and Improvement Act of 2008;

''(2) future funding requirements for capital improvements and maintenance;

''(3) operational improvements of intercity passenger rail, commuter rail, and freight rail services;

''(4) opportunities for additional non-rail uses of the Northeast Corridor;

''(5) scheduling and dispatching;

''(6) safety enhancements;

''(7) equipment design;

''(8) marketing of rail services;

''(9) future capacity requirements; and

''(10) potential funding and financing mechanisms for projects of corridor-wide significance.

''(c) ACCESS COSTS.—

''(1) DEVELOPMENT OF FORMULA.—Within 1 year after verification of Amtrak's new financial accounting system pursuant to section 203(b) of the Passenger Rail Investment and Improvement Act of 2008, the Commission shall—

''(A) develop a standardized formula for determining and allocating costs, revenues, and compensation for Northeast Corridor commuter rail passenger transportation, as defined in section 24102 of this title, that use National Railroad Passenger Corporation facilities or services or that provide such facilities or services to the National Railroad Passenger Corporation that ensure that—

''(i) there is no cross-subsidization of commuter rail passenger, intercity rail passenger, or freight rail transportation;

''(ii) each service is assigned the costs incurred only for the benefit of that service, and a proportionate share, based upon factors that reasonably reflect relative use, of costs incurred for the common benefit of more than 1 service; and

''(iii) all financial contributions made by an operator of a service, including but not limited to, for any capital infrastructure investments, as well as for any in-kind services, are considered;

''(B) develop a proposed timetable for implementing the formula before the end of the 6th year following the date of enactment of that Act;

''(C) transmit the proposed timetable to the Surface Transportation Board; and

''(D) at the request of a Commission member, petition the Surface Transportation Board to appoint a mediator to assist the Commission members through non-binding mediation to reach an agreement under this section.

''(2) IMPLEMENTATION.—The National Railroad Passenger Corporation and the commuter authorities providing commuter rail passenger transportation on the Northeast Corridor shall implement new agreements for usage of facilities or services based on the formula proposed in paragraph (1) in accordance with the timetable established therein. If the entities fail to implement such new agreements in accordance with the timetable, the Commission shall petition the Surface Transportation Board to determine the appropriate compensation amounts for such services in accordance with section 24904(c) of this title. The Surface Transportation Board shall enforce its determination on the party or parties involved.

''(d) TRANSMISSION OF RECOMMENDATIONS.—The commission shall annually transmit the recommendations developed under subsection (b) and the formula and timetable developed under subsection (c)(1) to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.''.

(b) CONFORMING AMENDMENTS.—(1) Section 24904(c)(2) is amended by—

(A) inserting ''commuter rail passenger and'' after ''between''; and

(B) striking ''freight'' in the second sentence.

(2) The chapter analysis for chapter 249 is amended by striking the item relating to section 24905 and inserting the following:

''24905. Northeast Corridor Infrastructure and Operations Advisory Commission.''.

(c) ACELA SERVICE STUDY.—

(1) IN GENERAL.—Amtrak shall conduct a conduct a study to determine the infrastructure and equipment improvements necessary to provide regular Acela service—

(A) between Washington, DC and New York City—

(i) in 2 hours and 30 minutes;

(ii) in 2 hours and 15 minutes; and

(iii) in 2 hours; and

(B) between New York City and Boston—

(i) in 3 hours and 15 minutes;

(ii) in 3 hours; and

(iii) in 2 hours and 45 minutes.

(2) ISSUES.—The study conducted under paragraph (1) shall include—

(A) an estimated time frame for achieving the trip time described in paragraph (1);

(B) an analysis of any significant obstacles that would hinder such an achievement, including but not limited to, any adverse impact on existing and projected intercity, commuter, and freight service; and

(C) a detailed description and cost estimate of the specific infrastructure and equipment improvements necessary for such an achievement.

(3) REPORT.—Within 1 year after the date of enactment of this Act, Amtrak shall submit a written report containing the results of the study required under this subsection to—

(A) the Committee on Transportation and Infrastructure of the House of Representatives;

(B) the Committee on Appropriations of the House of Representatives;

(C) the Committee on Commerce, Science, and Transportation of the Senate;

(D) the Committee on Appropriations of the Senate; and

(E) the Federal Railroad Administration.

(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Transportation to enable Amtrak to conduct the study under this subsection $5,000,000.

SEC. 210. RESTRUCTURING LONG-TERM DEBT AND CAPITAL LEASES.

(a) IN GENERAL.—The Secretary of the Treasury, in consultation with the Secretary of Transportation and Amtrak, may make agreements to restructure Amtrak's indebtedness as of the date of enactment of this Act. This authorization expires 18 months after the date of enactment of this Act.

(b) DEBT RESTRUCTURING.—The Secretary of the Treasury, in consultation with the Secretary of Transportation and Amtrak, shall enter into negotiations with the holders of Amtrak debt, including leases, outstanding on the date of enactment of this Act for the purpose of restructuring (including repayment) and repaying that debt. The Secretary of the Treasury may secure agreements for restructuring or repayment on such terms as the Secretary of the Treasury deems favorable to the interests of the Government.

(c) CRITERIA.—In restructuring Amtrak's indebtedness, the Secretary of the Treasury and Amtrak—

(1) shall take into consideration repayment costs, the term of any loan or loans, and market conditions; and

(2) shall ensure that the restructuring results in significant savings to Amtrak and the United States Government.

(d) PAYMENT OF RENEGOTIATED DEBT.—If the criteria under subsection (c) are met, the Secretary of the Treasury may assume or repay the restructured debt, as appropriate.

(e) AMTRAK PRINCIPAL AND INTEREST PAYMENTS.—

(1) PRINCIPAL ON DEBT SERVICE.—Unless the Secretary of the Treasury makes sufficient payments to creditors under subsection (d) so that Amtrak is required to make no payments to creditors in a fiscal year, the Secretary of Transportation shall use funds authorized by section 102(a)(1) of this Act for the use of Amtrak for retirement of principal on loans for capital equipment, or capital leases.

(2) INTEREST ON DEBT.—Unless the Secretary of the Treasury makes sufficient payments to creditors under subsection (d) so that Amtrak is required to make no payments to creditors in a fiscal year, the Secretary of Transportation shall use funds authorized by section 102(a)(1) of this Act for the use of Amtrak for the payment of interest on loans for capital equipment, or capital leases.

(3) REDUCTIONS IN AUTHORIZATION LEVELS.—Whenever action taken by the Secretary of the Treasury under subsection (a) results in reductions in amounts of principal or interest that Amtrak must service on existing debt, the corresponding amounts authorized by section 102(a)(1) shall be reduced accordingly.

(f) LEGAL EFFECT OF PAYMENTS UNDER THIS SECTION.—The payment of principal and interest on secured debt, other than debt assumed under subsection (d), with the proceeds of grants under subsection (e) shall not—

(1) modify the extent or nature of any indebtedness of the National Railroad Passenger Corporation to the United States in existence of the date of enactment of this Act;

(2) change the private nature of Amtrak's or its successors' liabilities; or

(3) imply any Federal guarantee or commitment to amortize Amtrak's outstanding indebtedness.

(g) SECRETARY APPROVAL.—Amtrak may not incur more debt after the date of enactment of this Act without the express advance approval of the Secretary of Transportation.

(h) REPORT.—The Secretary of the Treasury shall transmit a report to the Committee on Transportation and Infrastructure of the House of Representatives, the Committee on Appropriations of the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Appropriations of the Senate, by November 1, 2009—

(1) describing in detail any agreements to restructure the Amtrak debt; and

(2) providing an estimate of the savings to Amtrak and the United States Government.

SEC. 211. STUDY OF COMPLIANCE REQUIREMENTS AT EXISTING INTERCITY RAIL STATIONS.

Amtrak, in consultation with station owners and other railroads operating service through the existing stations that it serves, shall evaluate the improvements necessary to make these stations readily accessible to and usable by individuals with disabilities, as required by such section 242(e)(2) of the Americans with Disabilities Act of 1990, as amended (42 U.S.C. 12162(e)(2)). The evaluation shall include, for each applicable station, improvements required to bring it into compliance with the applicable parts of such section 242(e)(2), any potential barriers to achieving compliance, including issues related to the raising of passenger rail station platforms, the estimated cost of the improvements necessary, the identification of the responsible person (as defined in section 241(5) of that Act (42 U.S.C. 12161(5))), and the earliest practicable date when such improvements can be made. The evaluation shall also include a detailed plan and schedule for bringing all applicable stations into compliance with the applicable parts of section 242(e)(2) by the 2010 statutory deadline for station accessibility. Amtrak shall submit the evaluation to the Committee on Transportation and Infrastructure of the House of Representatives; the Committee on Commerce, Science, and Transportation of the Senate; the Department of Transportation; and the National Council on Disability by February 1, 2009, along with recommendations for funding the necessary improvements. Should the Department of Transportation issue the Final Rule to its Notice of Proposed Rulemaking of February 27, 2006, on ''Transportation for Individuals with Disabilities,'' after Amtrak submits its evaluation, Amtrak shall, not later than 120 days after the date the Final Rule is published, submit to the above parties a supplemental evaluation on the impact of those changes on its cost and schedule for achieving full compliance.

SEC. 212. OVERSIGHT OF AMTRAK'S COMPLIANCE WITH ACCESSIBILITY REQUIREMENTS.

Using the funds authorized by section 101(f) of this Act, the Federal Railroad Administration shall monitor and conduct periodic reviews of Amtrak's compliance with applicable sections of the Americans with Disabilities Act of 1990 and the Rehabilitation Act of 1974 to ensure that Amtrak's services and facilities are accessible to individuals with disabilities to the extent required by law.

SEC. 213. ACCESS TO AMTRAK EQUIPMENT AND SERVICES.

If a State desires to select or selects an entity other than Amtrak to provide services required for the operation of an intercity passenger train route described in section 24102(5)(D) or 24702 of title 49, United States Code, the State may make an agreement with Amtrak to use facilities and equipment of, or have services provided by, Amtrak under terms agreed to by the State and Amtrak to enable the State to utilize an entity other than Amtrak to provide services required for operation of the route. If the parties cannot agree upon terms, and the Surface Transportation Board finds that access to Amtrak's facilities or equipment, or the provision of services by Amtrak, is necessary to carry out this provision and that the operation of Amtrak's other services will not be impaired thereby, the Surface Transportation Board shall, within 120 days after submission of the dispute, issue an order that the facilities and equipment be made available, and that services be provided, by Amtrak, and shall determine reasonable compensation, liability and other terms for use of the facilities and equipment and provision of the services. Compensation shall be determined in accordance with the methodology established pursuant to section 206 of this Act.

SEC. 214. GENERAL AMTRAK PROVISIONS.

(a) REPEAL OF SELF-SUFFICIENCY REQUIREMENTS.—

(1) PLAN REQUIRED.—Section 24101(d) is amended—

(A) by striking ''plan to operate within the funding levels authorized by section 24104 of this chapter, including budgetary goals for fiscal years 1998 through 2002.'' and inserting ''plan, consistent with section 204 of the Passenger Rail Investment and Improvement Act of 2008, including the budgetary goals for fiscal years 2009 through 2013.''; and

(B) by striking the last sentence and inserting ''Amtrak and its Board of Directors shall adopt a long-term plan that minimizes the need for Federal operating subsidies.''.

(2) AMTRAK REFORM AND ACCOUNTABILITY ACT AMENDMENTS.—Title II of the Amtrak Reform and Accountability Act of 1997 (49 U.S.C. 24101 nt) is amended by striking sections 204 and 205.

(b) LEASE ARRANGEMENTS.—Amtrak may obtain services from the Administrator of General Services, and the Administrator may provide services to Amtrak, under section 201(b) and 211(b) of the Federal Property and Administrative Service Act of 1949 (40 U.S.C. 481(b) and 491(b)) for each of fiscal years 2009 through 2013.

SEC. 215. AMTRAK MANAGEMENT ACCOUNTABILITY.

(a) IN GENERAL.—Chapter 243 is amended by inserting after section 24309 the following:

''§ 24310. Management accountability

''(a) IN GENERAL.—Three years after the date of enactment of the Passenger Rail Investment and Improvement Act of 2008, and 2 years thereafter, the Inspector General of the Department of Transportation shall complete an overall assessment of the progress made by Amtrak management and the Department of Transportation in implementing the provisions of that Act.

''(b) ASSESSMENT.—The management assessment undertaken by the Inspector General may include a review of—

''(1) effectiveness in improving annual financial planning;

''(2) effectiveness in implementing improved financial accounting;

''(3) efforts to implement minimum train performance standards;

''(4) progress maximizing revenues and minimizing Federal subsidies and improving financial results; and

''(5) any other aspect of Amtrak operations the Inspector General finds appropriate to review.''.

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 243 is amended by inserting after the item relating to section 24309 the following:

''24310. Management accountability.''.

SEC. 216. PASSENGER RAIL STUDY.

(a) IN GENERAL.—The Comptroller General of the General Accountability Office shall conduct a study to determine the potential cost and benefits of expanding passenger rail service options in underserved communities.

(b) SUBMISSION.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General shall submit a report containing the results of the study conducted under this section to—

(1) the Committee on Transportation and Infrastructure of the House of Representatives; and

(2) the Committee on Commerce, Science, and Transportation of the Senate.

SEC. 217. CONGESTION GRANTS.

(a) AUTHORITY.—The Secretary of Transportation may make grants to States, or to Amtrak in cooperation with States, for financing the capital costs of facilities, infrastructure, and equipment for high priority rail corridor projects necessary to reduce congestion or facilitate ridership growth in intercity passenger rail transportation.

(b) ELIGIBLE PROJECTS.—Projects eligible for grants under this section include projects—

(1) identified by Amtrak as necessary to reduce congestion or facilitate ridership growth in intercity passenger rail transportation along heavily traveled rail corridors; and

(2) designated by the Secretary as being sufficiently advanced in development to be capable of serving the purposes described in subsection (a) on an expedited schedule.

(c) COMPLIANCE WITH ENVIRONMENTAL LAWS.—The Secretary shall not make a grant under this section for a project without adequate assurances that the project will be completed in full compliance with all applicable Federal and State environmental laws and regulations.

(d) FEDERAL SHARE.—The Federal share of the cost of a project financed under this section shall not exceed 80 percent.

(e) EMPLOYEE PROTECTION.—The recipient of a grant under this section shall agree to comply with the standards of section 24312 of title 49, United States Code, as such section was in effect on September 1, 2003, with respect to the project in the same manner that the National Railroad Passenger Corporation is required to comply with those standards for construction work financed under an agreement made under section 24308(a) of such title.

SEC. 218. PLAN FOR RESTORATION OF SERVICE.

(a) IN GENERAL.—Not later than 9 months after the date of enactment of this Act, Amtrak shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a plan for restoring passenger rail service between New Orleans, Louisiana, and Sanford, Florida. The plan shall include a projected timeline for restoring such service, the costs associated with restoring such service, and any proposals for legislation necessary to support such restoration of service. In developing the plan, Amtrak shall consult with representatives from the States of Louisiana, Alabama, Mississippi, and Florida, railroad carriers whose tracks may be used for such service, rail passengers, rail labor, and other entities as appropriate.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Transportation to enable Amtrak to conduct the study under this subsection $1,000,000.

SEC. 219. LOCOMOTIVE BIOFUEL STUDY.

(a) IN GENERAL.—The Administrator of the Federal Railroad Administration, in consultation with the Secretary of Energy and the Administrator of the Environmental Protection Agency, shall conduct a study to determine the extent to which freight and passenger rail operators could use biofuel blends to power its locomotive fleet and other vehicles that operate on rail tracks.

(b) DEFINITION.—For purposes of this section, the term ''biofuel'' means a fuel that utilizes renewable resources and is composed substantially of a renewable resource blended with ethanol, methanol, or other additive.

(c) FACTORS.—In conducting the study, the Federal Railroad Administration shall consider—

(1) the energy intensity of various biofuel blends compared to diesel fuel;

(2) the emission benefits of using various biofuel blends compared to locomotive diesel fuel;

(3) the cost of purchasing biofuel blends;

(4) the public benefits derived from the use of such fuels; and

(5) the effect of biofuel use on relevant locomotive and other vehicle performance.

(d) LOCOMOTIVE TESTING.—As part of the study, the Federal Railroad Administration shall test locomotive engine performance and emissions using blends of biofuel and diesel fuel in order to recommend a premium locomotive biofuel blend.

(e) REPORT.—Not later than 1 year after the date of enactment of this Act, the Federal Railroad Administration shall issue the results of this study to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Transportation $1,000,000 to carry out this section, to remain available until expended.

SEC. 220. STUDY OF THE USE OF BIOBASED LUBRICANTS.

Not later than 180 days after the date of enactment of this Act, the Federal Railroad Administration shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report containing the results of a study of the feasibility of using readily biodegradable lubricants by freight and passenger railroads. The Federal Railroad Administration shall work with an agricultural-based lubricant testing facility or facilities to complete this study. The study shall include—

(1) an analysis of the potential use of soy-based grease and soy-based hydraulic fluids to perform according to railroad industry standards;

(2) an analysis of the potential use of other readily biodegradable lubricants to perform according to railroad industry standards;

(3) a comparison of the health and safety of petroleum-based lubricants with biobased lubricants, which shall include an analysis of fire safety; and

(4) a comparison of the environmental impact of petroleum-based lubricants with biobased lubricants, which shall include rate and effects of biodegradability.

SEC. 221. APPLICABILITY OF BUY AMERICAN ACT.

Section 24305(f) is amended to read as follows:

''(f) APPLICABILITY OF BUY AMERICAN ACT.—Amtrak shall be subject to the Buy American Act (41 U.S.C. 10a–d) and the regulations thereunder, for purchases of $100,000 or more.''.

SEC. 222. INTERCITY PASSENGER RAIL SERVICE PERFORMANCE.

(a) DEVELOPMENT OF EVALUATION METRICS.—Not later than 6 months after the date of enactment of this Act, the Inspector General of the Department of Transportation shall, using the financial and performance metrics developed under section 207, develop metrics for the evaluation of the performance and service quality of intercity passenger rail services including cost recovery, on-time performance and minutes of delay, ridership, onboard services, maintenance of facilities and equipment, and other services.

(b) IDENTIFICATION OF WORST PERFORMING ROUTES.—On the basis of these metrics, the Inspector General shall identify the five worst performing Amtrak routes.

(c) ALTERNATIVE ROUTES.—The Inspector General shall also establish criteria for evaluating routes not currently served by Amtrak which might be able to support passenger rail service at a reasonable cost.

(d) REPORT TO CONGRESS.—The Inspector General shall submit a report to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate recommending a process for the Department of Transportation to consider proposals by Amtrak and others to serve underperforming routes, and routes not currently served by Amtrak. The proposals shall require that applicants follow grant requirements of section 504. The Inspector General shall recommend one route not currently served by Amtrak and two routes (from among the five worst routes identified under subsection (b)) currently served by Amtrak, for the Department of Transportation to consider under the selection process.

(e) IMPLEMENTATION.—The Secretary shall not implement the selection process recommended by the Inspector General under subsection (d) until legislation has been enacted authorizing the Secretary to take such action.

SEC. 223. AMTRAK INSPECTOR GENERAL UTILIZATION STUDY.

Not later than 9 months after the date of enactment of this Act, the Amtrak Inspector General shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on Amtrak's utilization of its facilities, including the Beech Grove Repair facility in Indiana. The report shall include an examination of Amtrak's utilization of its existing facilities to determine the extent Amtrak is maximizing the opportunities for each facility, including any attempts to provide maintenance and repair to other rail carriers. In developing this report, the Amtrak Inspector General shall consult with other railroad carriers as it deems appropriate.

SEC. 224. AMTRAK SERVICE PREFERENCE STUDY.

Not later than 6 months after the date of enactment of this Act, the Surface Transportation Board shall transmit to the Congress a report containing—

(1) the findings of a study of the effectiveness of the implementation of section

24308(c) of title 49, United States Code, in ensuring the preference of Amtrak service over freight transportation service; and

(2) recommendations with respect to any regulatory or legislative actions that would improve such effectiveness.

SEC. 225. HISTORIC PRESERVATION AND RAILROAD SAFETY.

(a) STUDY; OTHER ACTIONS.—The Secretary of Transportation shall—

(1) conduct a study, in consultation with the Advisory Council on Historic Preservation, the National Conference of State Historic Preservation Officers, the Department of the Interior, appropriate representatives of the railroad industry, and representative stakeholders, on ways to streamline compliance with the requirements of section 303 of title 49, United States Code, and section 106 of the National Historic Preservation Act (16 U.S.C. 470f) for federally funded railroad infrastructure repair and improvement projects;

(2) take immediate action to cooperate with the Alaska Railroad, the Alaska State Historic Preservation Office, the Advisory Council on Historic Preservation, and the Department of the Interior, in expediting the decisionmaking process for safety-related projects of the railroad involving property and facilities that have disputed historic significance; and

(3) take immediate action to cooperate with the North Carolina Department of Transportation, the North Carolina State Historic Preservation Office, the Virginia State Historic Preservation Office, the Advisory Council on Historic Preservation, and the Department of the Interior, in expediting the decisionmaking process for safety-related projects of the railroad and the Southeast High Speed Rail Corridor involving property and facilities that have disputed historic significance.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit, to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate, a report on the results of the study conducted under subsection (a)(1) and the actions directed under subsection (a)(2) and (3). The report shall include recommendations for any regulatory or legislative amendments that may streamline compliance with the requirements described in subsection (a)(1) in a manner consistent with railroad safety and the policies and purposes of section 106 of the National Historic Preservation Act (16 U.S.C. 470f), section 303 of title 49, United States Code, and section 8(d) of Public Law 90–543 (16 U.S.C. 1247(d)).

SEC. 226. COMMUTER RAIL EXPANSION.

(a) FINDINGS.—The Congress find the following:

(1) In 2006, Americans took 10,100,000,000 trips on public transportation for the first time since 1949.

(2) The Northeast region is one of the Nation's largest emerging transportation ''megaregions'' where infrastructure expansion and improvements are most needed.

(3) New England's road traffic has increased two to three times faster than its population since 1990.

(4) Connecticut has one of the Nation's longest average commute times according to the United States Census Bureau, and 80 percent of Connecticut commuters drive by themselves to work, demonstrating the need for expanded commuter rail access.

(5) The Connecticut Department of Transportation has pledged to modernize, repair, and strengthen the rail line infrastructure to provide for increased safety and security along a crucial transportation corridor in the Northeast.

(6) Expanded New Haven-Springfield rail service would improve access to Bradley International Airport, one the region's busiest airports, as well as to Hartford, Connecticut, and Springfield, Massachusetts, two of the region's commercial, residential, and industrial centers.

(7) Expanded commuter rail service on the New Haven-Springfield line will result in an estimated 630,000 additional trips per year and 2,215,384 passenger miles per year, helping to curb pollution and greenhouse gas production that vehicle traffic would otherwise produce.

(8) The MetroNorth New Haven Line and Shore Line East railways saw respective 3.43 percent and 4.93 percent increases in ridership over the course of 2007, demonstrating the need for expanded commuter rail service in Connecticut.

(9) Expanded New Haven-Springfield commuter rail service will provide transportation nearly 17 times more efficient in terms of average mileage versus road vehicles, alleviating road congestion and providing a significant savings to consumers during a time of high gas prices.

(b) SENSE OF CONGRESS.—It is the Sense of the Congress that expanded commuter rail service on the rail line between New Haven, Connecticut, and Springfield, Massachusetts, is an important transportation priority, and Amtrak should work cooperatively with the States of Connecticut and Massachusetts to enable expanded commuter rail service on such line.

(c) INFRASTRUCTURE MAINTENANCE REPORT.—Amtrak shall submit a report to Congress and the State Departments of Transportation of Connecticut and Massachusetts on the total cost of uncompleted infrastructure maintenance on the rail line between New Haven, Connecticut, and Springfield, Massachusetts.

SEC. 227. SERVICE EVALUATION.

Not later than 1 year after the date of enactment of this Act, Amtrak shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report containing the results of an evaluation of passenger rail service between Cornwells Heights, PA, and New York City, NY, and between Princeton Junction, NJ, and New York City, NY, to determine whether to expand passenger rail service by increasing the frequency of stops or reducing commuter ticket prices for this route.

TITLE III—INTERCITY PASSENGER RAIL POLICY

SEC. 301. CAPITAL ASSISTANCE FOR INTERCITY PASSENGER RAIL SERVICE; STATE RAIL PLANS.

(a) IN GENERAL.—Part C of subtitle V is amended by inserting the following after chapter 243:

''CHAPTER 244—INTERCITY PASSENGER RAIL SERVICE CORRIDOR CAPITAL ASSISTANCE

''Sec.
''24401. Definitions.
''24402. Capital investment grants to support intercity passenger rail service.
''24403. Project management oversight.
''24404. Use of capital grants to finance first-dollar liability of grant project.
''24405. Grant conditions.

''§ 24401. Definitions

''In this chapter:

''(1) APPLICANT.—The term 'applicant' means a State (including the District of Columbia), a group of States, an Interstate Compact, or a public agency established by one or more States and having responsibility for providing intercity passenger rail service.

''(2) CAPITAL PROJECT.—The term 'capital project' means a project or program in a State rail plan developed under chapter 225 of this title for—

''(A) acquiring, constructing, improving, or inspecting equipment, track and track structures, or a facility for use in or for the primary benefit of intercity passenger rail service, expenses incidental to the acquisition or construction (including designing, engineering, location surveying, mapping, environmental studies, and acquiring rights-of-way), payments for the capital portions of rail trackage rights agreements, highway-rail grade crossing improvements related to intercity passenger rail service, mitigating environmental impacts, communication and signalization improvements, relocation assistance, acquiring replacement housing sites, and acquiring, constructing, relocating, and rehabilitating replacement housing;

''(B) rehabilitating, remanufacturing or overhauling rail rolling stock and facilities used primarily in intercity passenger rail service;

''(C) costs associated with developing State rail plans; and

''(D) the first-dollar liability costs for insurance related to the provision of intercity passenger rail service under section 24404.

''(3) INTERCITY PASSENGER RAIL SERVICE.—The term 'intercity passenger rail service' means transportation services with the primary purpose of passenger transportation between towns, cities and metropolitan areas by rail, including high-speed rail, as defined in section 24102 of this title.

''§ 24402. Capital investment grants to support intercity passenger rail service

''(a) GENERAL AUTHORITY.—

''(1) The Secretary of Transportation may make grants under this section to an applicant to assist in financing the capital costs of facilities, infrastructure, and equipment necessary to provide or improve intercity passenger rail transportation.

''(2) The Secretary shall require that a grant under this section be subject to the terms, conditions, requirements, and provisions the Secretary decides are necessary or appropriate for the purposes of this section, including requirements for the disposition of net increases in value of real property resulting from the project assisted under this section and shall prescribe procedures and schedules for the awarding of grants under this title, including application and qualification procedures and a record of decision on applicant eligibility. The Secretary shall issue a final rule establishing such procedures not later than 90 days after the date of enactment of the Passenger Rail Investment and Improvement Act of 2008.

''(b) PROJECT AS PART OF STATE RAIL PLAN.—

''(1) The Secretary may not approve a grant for a project under this section unless the Secretary finds that the project is part of a State rail plan developed under chapter 225 of this title, or under the plan required by section 302 of the Passenger Rail Investment and Improvement Act of 2008, and that the applicant or recipient has or will have the legal, financial, and technical capacity to carry out the project, satisfactory continuing control over the use of the equipment or facilities, and the capability and willingness to maintain the equipment or facilities.

''(2) An applicant shall provide sufficient information upon which the Secretary can make the findings required by this subsection.

''(3) If an applicant has not selected the proposed operator of its service competitively, the applicant shall provide written justification to the Secretary showing why

the proposed operator is the best, taking into account price and other factors, and that use of the proposed operator will not unnecessarily increase the cost of the project.

''(c) PROJECT SELECTION CRITERIA.—The Secretary, in selecting the recipients of financial assistance to be provided under subsection (a), shall—

''(1) require that each proposed project meet all safety requirements that are applicable to the project under law;

''(2) give preference to projects with high levels of estimated ridership, increased on-time performance, reduced trip time, additional service frequency to meet anticipated or existing demand, or other significant service enhancements as measured against minimum standards developed under section 207 of the Passenger Rail Investment and Improvement Act of 2008;

''(3) encourage intermodal connectivity through projects that provide direct connections between train stations, airports, bus terminals, subway stations, ferry ports, and other modes of transportation;

''(4) ensure that each project is compatible with, and is operated in conformance with—

''(A) plans developed pursuant to the requirements of section 135 of title 23, United States Code; and

''(B) the national rail plan (if it is available); and

''(5) favor the following kinds of projects:

''(A) Projects that are expected to have a significant favorable impact on air or highway traffic congestion, capacity, or safety.

''(B) Projects that improve freight or commuter rail operations.

''(C) Projects that have significant environmental benefits, including projects that involve the purchase of environmentally sensitive, fuel-efficient, and cost-effective passenger rail equipment.

''(D) Projects that are—

''(i) at a stage of preparation that all precommencement compliance with environmental protection requirements has already been completed; and

''(ii) ready to be commenced.

''(E) Projects with positive economic and employment impacts.

''(F) Projects that encourage the use of positive train control technologies.

''(G) Projects that have commitments of funding from non-Federal Government sources in a total amount that exceeds the minimum amount of the non-Federal contribution required for the project.

''(H) Projects that involve donated property interests or services.

''(I) Projects that are identified by the Surface Transportation Board as necessary to improve the on time performance and reliability of intercity passenger rail under section 24308(f).

''(J) Projects described in section 5302(a)(1)(G) of this title that are designed to support intercity passenger rail service.

''(K) Projects that encourage intermodal connectivity, create significant opportunity for State and private contributions toward station development, are energy and environmentally efficient, and have economic benefits.

''(d) AMTRAK ELIGIBILITY.—To receive a grant under this section, the National Railroad Passenger Corporation may enter into a cooperative agreement with 1 or more States to carry out 1 or more projects on a State rail plan's ranked list of rail capital projects developed under section 22504(a)(5) of this title.

''(e) LETTERS OF INTENT, FULL FUNDING GRANT AGREEMENTS, AND EARLY SYSTEMS WORK AGREEMENTS.—

''(1)(A) The Secretary may issue a letter of intent to an applicant announcing an intention to obligate, for a major capital project under this section, an amount from future available budget authority specified in law that is not more than the amount stipulated as the financial participation of the Secretary in the project.

''(B) At least 30 days before issuing a letter under subparagraph (A) of this paragraph or entering into a full funding grant agreement, the Secretary shall notify in writing the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate and the House and Senate Committees on Appropriations of the proposed letter or agreement. The Secretary shall include with the notification a copy of the proposed letter or agreement as well as the evaluations and ratings for the project.

''(C) An obligation or administrative commitment may be made only when amounts are appropriated.

''(2)(A) The Secretary may make a full funding grant agreement with an applicant. The agreement shall—

''(i) establish the terms of participation by the United States Government in a project under this section;

''(ii) establish the maximum amount of Government financial assistance for the project;

''(iii) cover the period of time for completing the project, including a period extending beyond the period of an authorization; and

''(iv) make timely and efficient management of the project easier according to the law of the United States.

''(B) An agreement under this paragraph obligates an amount of available budget authority specified in law and may include a commitment, contingent on amounts to be specified in law in advance for commitments under this paragraph, to obligate an additional amount from future available budget authority specified in law. The agreement shall state that the contingent commitment is not an obligation of the Government and is subject to the availability of appropriations made by Federal law and to Federal laws in force on or enacted after the date of the contingent commitment. Interest and other financing costs of efficiently carrying out a part of the project within a reasonable time are a cost of carrying out the project under a full funding grant agreement, except that eligible costs may not be more than the cost of the most favorable financing terms reasonably available for the project at the time of borrowing. The applicant shall certify, in a way satisfactory to the Secretary, that the applicant has shown reasonable diligence in seeking the most favorable financing terms.

''(3)(A) The Secretary may make an early systems work agreement with an applicant if a record of decision under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) has been issued on the project and the Secretary finds there is reason to believe—

''(i) a full funding grant agreement for the project will be made; and

''(ii) the terms of the work agreement will promote ultimate completion of the project more rapidly and at less cost.

''(B) A work agreement under this paragraph obligates an amount of available budget authority specified in law and shall provide for reimbursement of preliminary costs of carrying out the project, including land acquisition, timely procurement of system elements for which specifications are decided, and other activities the Secretary decides are appropriate to make efficient, long-term project management easier. A work agreement shall cover the period of time the Secretary considers appropriate. The period may extend beyond the period of current authorization. Interest and other financing costs of efficiently carrying out the work agreement within a reasonable time are a cost of carrying out the agreement, except that eligible costs may not be more than the cost of the most favorable financing terms reasonably available for the project at the time of borrowing. The applicant shall certify, in a way satisfactory to the Secretary, that the applicant has shown reasonable diligence in seeking the most favorable financing terms. If an applicant does not carry out the project for reasons within the control of the applicant, the applicant shall repay all Government payments made under the work agreement plus reasonable interest and penalty charges the Secretary establishes in the agreement.

''(4) The total estimated amount of future obligations of the Government and contingent commitments to incur obligations covered by all outstanding letters of intent, full funding grant agreements, and early systems work agreements may be not more than the amount authorized under section 101(d) of the Passenger Rail Investment and Improvement Act of 2008, less an amount the Secretary reasonably estimates is necessary for grants under this section not covered by a letter. The total amount covered by new letters and contingent commitments included in full funding grant agreements and early systems work agreements may be not more than a limitation specified in law.

''(f) FEDERAL SHARE OF NET PROJECT COST.—

''(1)(A) Based on engineering studies, studies of economic feasibility, and information on the expected use of equipment or facilities, the Secretary shall estimate the net project cost.

''(B) A grant for the project shall not exceed 80 percent of the project net capital cost.

''(C) The Secretary shall give priority in allocating future obligations and contingent commitments to incur obligations to grant requests seeking a lower Federal share of the project net capital cost.

''(2) Up to an additional 20 percent of the required non-Federal funds may be funded from amounts appropriated to or made available to a department or agency of the Federal Government that are eligible to be expended for transportation.

''(3) 50 percent of the average amounts expended by a State or group of States (including the District of Columbia) for capital projects to benefit intercity passenger rail service and operating costs in fiscal years 2002, 2003, 2004, 2005, 2006, 2007, and 2008 shall be credited towards the matching requirements for grants awarded in fiscal years 2009, 2010, and 2011 under this section. The Secretary may require such information as necessary to verify such expenditures.

''(4) 50 percent of the average amounts expended by a State or group of States (including the District of Columbia) in a fiscal year, beginning in fiscal year 2007, for capital projects to benefit intercity passenger rail service or for the operating costs of such service above the average capital and operating expenditures made for such service in fiscal years 2004, 2005, 2006, 2007, and 2008 shall be credited towards the matching requirements for grants awarded under this section. The Secretary may require such information as necessary to verify such expenditures.

''(g) UNDERTAKING PROJECTS IN ADVANCE.—

''(1) The Secretary may pay the Federal share of the net capital project cost to an applicant that carries out any part of a project described in this section according to all applicable procedures and requirements if—

''(A) the applicant applies for the payment;

''(B) the Secretary approves the payment; and

''(C) before carrying out the part of the project, the Secretary approves the plans and specifications for the part in the same way as other projects under this section.

''(2) The cost of carrying out part of a project includes the amount of interest earned and payable on bonds issued by the applicant to the extent proceeds of the bonds are expended in carrying out the part. However, the amount of interest under this paragraph may not be more than the most favorable interest terms reasonably available for the project at the time of borrowing. The applicant shall certify, in a manner satisfactory to the Secretary, that the applicant has shown reasonable diligence in seeking the most favorable financial terms.

''(3) The Secretary shall consider changes in capital project cost indices when determining the estimated cost under paragraph (2) of this subsection.

''(h) 2-YEAR AVAILABILITY.—Funds appropriated under this section shall remain available until expended. If any amount provided as a grant under this section is not obligated or expended for the purposes described in subsection (a) within 2 years after the date on which the State received the grant, such sums shall be returned to the Secretary for other intercity passenger rail development projects under this section at the discretion of the Secretary.

''(i) SPECIAL TRANSPORTATION CIRCUMSTANCES.—In carrying out this section, the Secretary shall allocate an appropriate portion of the amounts available under this section to provide grants to States—

''(1) in which there is no intercity passenger rail service for the purpose of funding freight rail capital projects that are on a State rail plan developed under chapter 225 of this title that provide public benefits (as defined in chapter 225) as determined by the Secretary; or

''(2) in which the rail transportation system is not physically connected to rail systems in the continental United States or may not otherwise qualify for a grant under this section due to the unique characteristics of the geography of that State or other relevant considerations, for the purpose of funding transportation-related capital projects.

''(j) SMALL CAPITAL PROJECTS.—The Secretary shall make available $10,000,000 annually from the amounts authorized under section 101(d) of the Passenger Rail Investment and Improvement Act of 2008 beginning in fiscal year 2009 for grants for capital projects eligible under this section not exceeding $2,000,000, including costs eligible under section 206(c) of that Act. The Secretary may wave requirements of this section, including state rail plan requirements, as appropriate.

''(k) BICYCLE ACCESS.—Grants under this chapter may be used to provide bicycle access into rolling stock, and to provide bicycle racks in trains.

''§ 24403. Project management oversight

''(a) PROJECT MANAGEMENT PLAN REQUIREMENTS.—To receive Federal financial assistance for a major capital project under this chapter, an applicant must prepare and carry out a project management plan approved by the Secretary of Transportation. The plan shall provide for—

''(1) adequate recipient staff organization with well-defined reporting relationships, statements of functional responsibilities, job descriptions, and job qualifications;

''(2) a budget covering the project management organization, appropriate consultants, property acquisition, utility relocation, systems demonstration staff, audits, and miscellaneous payments the recipient may be prepared to justify;

''(3) a construction schedule for the project;

''(4) a document control procedure and recordkeeping system;

''(5) a change order procedure that includes a documented, systematic approach to handling the construction change orders;

''(6) organizational structures, management skills, and staffing levels required throughout the construction phase;

''(7) quality control and quality assurance functions, procedures, and responsibilities for construction, system installation, and integration of system components;

''(8) material testing policies and procedures;

''(9) internal plan implementation and reporting requirements;

''(10) criteria and procedures to be used for testing the operational system or its major components;

''(11) periodic updates of the plan, especially related to project budget and project schedule, financing, and ridership estimates; and

''(12) the recipient's commitment to submit a project budget and project schedule to the Secretary each month.

''(b) SECRETARIAL OVERSIGHT.—

''(1) The Secretary may use no more than 0.5 percent of amounts made available in a fiscal year for capital projects under this chapter to enter into contracts to oversee the construction of such projects.

''(2) The Secretary may use amounts available under paragraph (1) of this subsection to make contracts for safety, procurement, management, and financial compliance reviews and audits of a recipient of amounts under paragraph (1).

''(3) The Federal Government shall pay the entire cost of carrying out a contract under this subsection.

''(c) ACCESS TO SITES AND RECORDS.—Each recipient of assistance under this chapter shall provide the Secretary and a contractor the Secretary chooses under subsection (c) of this section with access to the construction sites and records of the recipient when reasonably necessary.

''§ 24404. Use of capital grants to finance first-dollar liability of grant project

''Notwithstanding the requirements of section 24402 of this chapter, the Secretary of Transportation may approve the use of capital assistance under this chapter to fund self-insured retention of risk for the first tier of liability insurance coverage for rail passenger service associated with the capital assistance grant, but the coverage may not exceed $20,000,000 per occurrence or $20,000,000 in aggregate per year.

''§ 24405. Grant conditions

''(a) DOMESTIC BUYING PREFERENCE.—

''(1) REQUIREMENT.—

''(A) IN GENERAL.—In carrying out a project funded in whole or in part with a grant under this title, the grant recipient shall purchase only—

''(i) unmanufactured articles, material, and supplies mined or produced in the United States; or

''(ii) manufactured articles, material, and supplies manufactured in the United States substantially from articles, material, and supplies mined, produced, or manufactured in the United States.

''(B) DE MINIMIS AMOUNT.—Subparagraph (A) applies only to a purchase in an total amount that is not less than $1,000,000.

''(2) EXEMPTIONS.—On application of a recipient, the Secretary may exempt a recipient from the requirements of this subsection if the Secretary decides that, for particular articles, material, or supplies—

''(A) such requirements are inconsistent with the public interest;

''(B) the cost of imposing the requirements is unreasonable; or

''(C) the articles, material, or supplies, or the articles, material, or supplies from which they are manufactured, are not mined, produced, or manufactured in the United States in sufficient and reasonably available commercial quantities and are not of a satisfactory quality.

''(3) UNITED STATES DEFINED.—In this subsection, the term 'the United States' means the States, territories, and possessions of the United States and the District of Columbia.

''(b) OPERATORS DEEMED RAIL CARRIERS AND EMPLOYERS FOR CERTAIN PURPOSES.—A person that conducts rail operations over rail infrastructure constructed or improved with funding provided in whole or in part in a grant made under this title shall be considered a rail carrier as defined in section 10102(5) of this title for purposes of this title and any other statute that adopts that definition or in which that definition applies, including—

''(1) the Railroad Retirement Act of 1974 (45 U.S.C. 231 et seq.);

''(2) the Railway Labor Act (43 U.S.C. 151 et seq.); and

''(3) the Railroad Unemployment Insurance Act (45 U.S.C. 351 et seq.).

''(c) GRANT CONDITIONS.—The Secretary shall require as a condition of making any grant under this title for a project that uses rights-of-way owned by a railroad that—

''(1) a written agreement exist between the applicant and the railroad regarding such use and ownership, including—

''(A) any compensation for such use;

''(B) assurances regarding the adequacy of infrastructure capacity to accommodate both existing and future freight and passenger operations;

''(C) an assurance by the railroad that collective bargaining agreements with the railroad's employees (including terms regulating the contracting of work) will remain in full force and effect according to their terms for work performed by the railroad on the railroad transportation corridor; and

''(D) an assurance that an applicant complies with liability requirements consistent with section 28103 of this title; and

''(2) the applicant agrees to comply with—

''(A) the standards of section 24312 of this title, as such section was in effect on September 1, 2003, with respect to the project in the same manner that the National Railroad Passenger Corporation is required to comply with those standards for construction work financed under an agreement made under section 24308(a) of this title; and

''(B) the protective arrangements established under section 504 of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 836) with respect to employees affected by actions taken in connection with the project to be financed in whole or in part by grants under this chapter.

''(d) REPLACEMENT OF EXISTING INTERCITY PASSENGER RAIL SERVICE.—

''(1) COLLECTIVE BARGAINING AGREEMENT FOR INTERCITY PASSENGER RAIL PROJECTS.—Any entity providing intercity passenger railroad transportation that begins operations after the date of enactment of this Act on a project funded in whole or in part by grants made under this title and replaces intercity rail passenger service that was provided by Amtrak, unless such service was provided solely by Amtrak to another entity, as of such date shall enter into an agreement with the authorized bargaining agent or agents for adversely affected employees of the predecessor provider that—

''(A) gives each such qualified employee of the predecessor provider priority in hiring according to the employee's seniority on the predecessor provider for each position with the replacing entity that is in the employee's craft or class and is available within 3

years after the termination of the service being replaced;

''(B) establishes a procedure for notifying such an employee of such positions;

''(C) establishes a procedure for such an employee to apply for such positions; and

''(D) establishes rates of pay, rules, and working conditions.

''(2) IMMEDIATE REPLACEMENT SERVICE.—

''(A) NEGOTIATIONS.—If the replacement of preexisting intercity rail passenger service occurs concurrent with or within a reasonable time before the commencement of the replacing entity's rail passenger service, the replacing entity shall give written notice of its plan to replace existing rail passenger service to the authorized collective bargaining agent or agents for the potentially adversely affected employees of the predecessor provider at least 90 days before the date on which it plans to commence service. Within 5 days after the date of receipt of such written notice, negotiations between the replacing entity and the collective bargaining agent or agents for the employees of the predecessor provider shall commence for the purpose of reaching agreement with respect to all matters set forth in subparagraphs (A) through (D) of paragraph (1). The negotiations shall continue for 30 days or until an agreement is reached, whichever is sooner. If at the end of 30 days the parties have not entered into an agreement with respect to all such matters, the unresolved issues shall be submitted for arbitration in accordance with the procedure set forth in subparagraph (B).

''(B) ARBITRATION.—If an agreement has not been entered into with respect to all matters set forth in subparagraphs (A) through (D) of paragraph (1) as described in subparagraph (A) of this paragraph, the parties shall select an arbitrator. If the parties are unable to agree upon the selection of such arbitrator within 5 days, either or both parties shall notify the National Mediation Board, which shall provide a list of seven arbitrators with experience in arbitrating rail labor protection disputes. Within 5 days after such notification, the parties shall alternately strike names from the list until only 1 name remains, and that person shall serve as the neutral arbitrator. Within 45 days after selection of the arbitrator, the arbitrator shall conduct a hearing on the dispute and shall render a decision with respect to the unresolved issues among the matters set forth in subparagraphs (A) through (D) of paragraph (1). This decision shall be final, binding, and conclusive upon the parties. The salary and expenses of the arbitrator shall be borne equally by the parties; all other expenses shall be paid by the party incurring them.

''(3) SERVICE COMMENCEMENT.—A replacing entity under this subsection shall commence service only after an agreement is entered into with respect to the matters set forth in subparagraphs (A) through (D) of paragraph (1) or the decision of the arbitrator has been rendered.

''(4) SUBSEQUENT REPLACEMENT OF SERVICE.—If the replacement of existing rail passenger service takes place within 3 years after the replacing entity commences intercity passenger rail service, the replacing entity and the collective bargaining agent or agents for the adversely affected employees of the predecessor provider shall enter into an agreement with respect to the matters set forth in subparagraphs (A) through (D) of paragraph (1). If the parties have not entered into an agreement with respect to all such matters within 60 days after the date on which the replacing entity replaces the predecessor provider, the parties shall select an arbitrator using the procedures set forth in paragraph (2)(B), who shall, within 20 days after the commencement of the arbitration, conduct a hearing and decide all unresolved issues. This decision shall be final, binding, and conclusive upon the parties.

''(e) INAPPLICABILITY TO CERTAIN RAIL OPERATIONS.—Nothing in this section applies to—

''(1) the Alaska Railroad or its contractors; or

''(2) the National Railroad Passenger Corporation's access rights to railroad rights of way and facilities under current law.''.

(b) CONFORMING AMENDMENT.—The chapter analysis for subtitle V is amended by inserting the following after the item relating to chapter 243:

''244. INTERCITY PASSENGER RAIL SERVICE CORRIDOR CAPITAL ASSISTANCE ..... 24401''.

SEC. 302. STATE RAIL PLANS.

(a) IN GENERAL.—Part B of subtitle V is amended by adding at the end the following:

''CHAPTER 225—STATE RAIL PLANS AND HIGH PRIORITY PROJECTS

''Sec.
''22501. Definitions.
''22502. Authority.
''22503. Purposes.
''22504. Transparency; coordination; review.
''22505. Content.
''22506. Review.

''§ 22501. Definitions

''In this chapter:

''(1) PRIVATE BENEFIT.—

''(A) IN GENERAL.—The term 'private benefit'—

''(i) means a benefit accrued to a person or private entity, other than the National Railroad Passenger Corporation, that directly improves the economic and competitive condition of that person or entity through improved assets, cost reductions, service improvements, or any other means as defined by the Secretary; and

''(ii) shall be determined on a project-by-project basis, based upon an agreement between the parties.

''(B) CONSULTATION.—The Secretary may seek the advice of the States and rail carriers in further defining this term.

''(2) PUBLIC BENEFIT.—

''(A) IN GENERAL.—The term 'public benefit'—

''(i) means a benefit accrued to the public in the form of enhanced mobility of people or goods, environmental protection or enhancement, congestion mitigation, enhanced trade and economic development, improved air quality or land use, more efficient energy use, enhanced public safety, reduction of public expenditures due to improved transportation efficiency or infrastructure preservation, and any other positive community effects as defined by the Secretary; and

''(ii) shall be determined on a project-by-project basis, based upon an agreement between the parties.

''(B) CONSULTATION.—The Secretary may seek the advice of the States and rail carriers in further defining this term.

''(3) STATE.—The term 'State' means any of the 50 States and the District of Columbia.

''(4) STATE RAIL TRANSPORTATION AUTHORITY.—The term 'State rail transportation authority' means the State agency or official responsible under the direction of the Governor of the State or a State law for preparation, maintenance, coordination, and administration of the State rail plan.

''§ 22502. Authority

''(a) IN GENERAL.—Each State may prepare and maintain a State rail plan in accordance with the provisions of this chapter.

''(b) REQUIREMENTS.—For the preparation and periodic revision of a State rail plan, a State shall—

''(1) establish or designate a State rail transportation authority to prepare, maintain, coordinate, and administer the plan;

''(2) establish or designate a State rail plan approval authority to approve the plan;

''(3) submit the State's approved plan to the Secretary of Transportation for review; and

''(4) revise and resubmit a State-approved plan no less frequently than once every 5 years for reapproval by the Secretary.

''§ 22503. Purposes

''(a) PURPOSES.—The purposes of a State rail plan are as follows:

''(1) To set forth State policy involving freight and passenger rail transportation, including commuter rail operations, in the State.

''(2) To establish the period covered by the State rail plan.

''(3) To present priorities and strategies to enhance rail service in the State that benefits the public.

''(4) To serve as the basis for Federal and State rail investments within the State.

''(b) COORDINATION.—A State rail plan shall be coordinated with other State transportation planning goals and programs and set forth rail transportation's role within the State transportation system.

''§ 22504. Transparency; coordination; review

''(a) PREPARATION.—A State shall provide adequate and reasonable notice and opportunity for comment and other input to the public, rail carriers, commuter and transit authorities operating in, or affected by rail operations within the State, units of local government, and other interested parties in the preparation and review of its State rail plan.

''(b) INTERGOVERNMENTAL COORDINATION.—A State shall review the freight and passenger rail service activities and initiatives by regional planning agencies, regional transportation authorities, and municipalities within the State, or in the region in which the State is located, while preparing the plan, and shall include any recommendations made by such agencies, authorities, and municipalities as deemed appropriate by the State.

''§ 22505. Content

''(a) IN GENERAL.—Each State rail plan shall contain the following:

''(1) An inventory of the existing overall rail transportation system and rail services and facilities within the State and an analysis of the role of rail transportation within the State's surface transportation system.

''(2) A review of all rail lines within the State, including proposed high-speed rail corridors and significant rail line segments not currently in service.

''(3) A statement of the State's passenger rail service objectives, including minimum service levels, for rail transportation routes in the State.

''(4) A general analysis of rail's transportation, economic, and environmental impacts in the State, including congestion mitigation, trade and economic development, air quality, land-use, energy-use, and community impacts.

''(5) A long-range rail investment program for current and future freight and passenger infrastructure in the State that meets the requirements of subsection (b).

''(6) A statement of public financing issues for rail projects and service in the State, including a list of current and prospective public capital and operating funding resources, public subsidies, State taxation, and other financial policies relating to rail infrastructure development.

''(7) An identification of rail infrastructure issues within the State that reflects consultation with all relevant stake holders.

''(8) A review of major passenger and freight intermodal rail connections and facilities within the State, including seaports, and prioritized options to maximize service integration and efficiency between rail and other modes of transportation within the State.

''(9) A review of publicly funded projects within the State to improve rail transportation safety, including all major projects funded under section 130 of title 23.

''(10) A performance evaluation of passenger rail services operating in the State, including possible improvements in those services, and a description of strategies to achieve those improvements.

''(11) A compilation of studies and reports on high-speed rail corridor development within the State not included in a previous plan under this chapter, and a plan for funding any recommended development of such corridors in the State.

''(12) A statement that the State is in compliance with the requirements of section 22102.

''(b) LONG-RANGE SERVICE AND INVESTMENT PROGRAM.—

''(1) PROGRAM CONTENT.—A long-range rail investment program included in a State rail plan under subsection (a)(5) shall include the following matters:

''(A) A list of any rail capital projects expected to be undertaken or supported in whole or in part by the State.

''(B) A detailed funding plan for those projects.

''(2) PROJECT LIST CONTENT.—The list of rail capital projects shall contain—

''(A) a description of the anticipated public and private benefits of each such project; and

''(B) a statement of the correlation between—

''(i) public funding contributions for the projects; and

''(ii) the public benefits.

''(3) CONSIDERATIONS FOR PROJECT LIST.—In preparing the list of freight and intercity passenger rail capital projects, a State rail transportation authority should take into consideration the following matters:

''(A) Contributions made by non-Federal and non-State sources through user fees, matching funds, or other private capital involvement.

''(B) Rail capacity and congestion effects.

''(C) Effects on highway, aviation, and maritime capacity, congestion, or safety.

''(D) Regional balance.

''(E) Environmental impact.

''(F) Economic and employment impacts.

''(G) Projected ridership and other service measures for passenger rail projects.

''§ 22506. Review

''The Secretary shall prescribe procedures for States to submit State rail plans for review under this title, including standardized format and data requirements. State rail plans completed before the date of enactment of the Passenger Rail Investment and Improvement Act of 2008 that substantially meet the requirements of this chapter, as determined by the Secretary, shall be deemed by the Secretary to have met the requirements of this chapter.''.

(b) CONFORMING AMENDMENT.—The chapter analysis for subtitle V is amended by inserting the following after the item relating to chapter 223:

''225. STATE RAIL PLANS AND HIGH PRIORITY PROJECTS ..... 22501''.

SEC. 303. NEXT GENERATION CORRIDOR TRAIN EQUIPMENT POOL.

(a) IN GENERAL.—Within 180 days after the date of enactment of this Act, Amtrak shall establish a Next Generation Corridor Equipment Pool Committee, comprised of representatives of Amtrak, the Federal Railroad Administration, host freight railroad companies, passenger railroad equipment manufacturers, and other passenger railroad operators as appropriate and interested States. The purpose of the Committee shall be to design, develop specifications for, and procure standardized next-generation corridor equipment.

(b) FUNCTIONS.—The Committee may—

(1) determine the number of different types of equipment required, taking into account variations in operational needs and corridor infrastructure;

(2) establish a pool of equipment to be used on corridor routes funded by participating States; and

(3) subject to agreements between Amtrak and States, utilize services provided by Amtrak to design, maintain and remanufacture equipment.

(c) COOPERATIVE AGREEMENTS.—Amtrak and States participating in the Committee may enter into agreements for the funding, procurement, remanufacture, ownership and management of corridor equipment, including equipment currently owned or leased by Amtrak and next-generation corridor equipment acquired as a result of the Committee's actions, and may establish a corporation, which may be owned or jointly owned by Amtrak, participating States or other entities, to perform these functions.

(d) FUNDING.—In addition to the authorization provided in section 103(2) of this Act, capital projects to carry out the purposes of this section shall be eligible for grants made pursuant to chapter 244 of title 49, United States Code.

SEC. 304. RAIL COOPERATIVE RESEARCH PROGRAM.

(a) ESTABLISHMENT AND CONTENT.—Chapter 249 is amended by adding at the end the following:

''§ 24910. Rail cooperative research program

''(a) IN GENERAL.—The Secretary shall establish and carry out a rail cooperative research program. The program shall—

''(1) address, among other matters, intercity rail passenger and freight rail services, including existing rail passenger and freight technologies and speeds, incrementally enhanced rail systems and infrastructure, and new high-speed wheel-on-rail systems;

''(2) address ways to expand the transportation of international trade traffic by rail, enhance the efficiency of intermodal interchange at ports and other intermodal terminals, and increase capacity and availability of rail service for seasonal freight needs;

''(3) consider research on the interconnectedness of commuter rail, passenger rail, freight rail, and other rail networks; and

''(4) give consideration to regional concerns regarding rail passenger and freight transportation, including meeting research needs common to designated high-speed corridors, long-distance rail services, and regional intercity rail corridors, projects, and entities.

''(b) CONTENT.—The program to be carried out under this section shall include research designed—

''(1) to identify the unique aspects and attributes of rail passenger and freight service;

''(2) to develop more accurate models for evaluating the impact of rail passenger and freight service, including the effects on highway and airport and airway congestion, environmental quality, and energy consumption;

''(3) to develop a better understanding of modal choice as it affects rail passenger and freight transportation, including development of better models to predict utilization;

''(4) to recommend priorities for technology demonstration and development;

''(5) to meet additional priorities as determined by the advisory board established under subsection (c), including any recommendations made by the National Research Council;

''(6) to explore improvements in management, financing, and institutional structures;

''(7) to address rail capacity constraints that affect passenger and freight rail service through a wide variety of options, ranging from operating improvements to dedicated new infrastructure, taking into account the impact of such options on operations;

''(8) to improve maintenance, operations, customer service, or other aspects of intercity rail passenger and freight service;

''(9) to recommend objective methodologies for determining intercity passenger rail routes and services, including the establishment of new routes, the elimination of existing routes, and the contraction or expansion of services or frequencies over such routes;

''(10) to review the impact of equipment and operational safety standards on the further development of high-speed passenger rail operations connected to or integrated with non-high-speed freight or passenger rail operations;

''(11) to recommend any legislative or regulatory changes necessary to foster further development and implementation of high-speed passenger rail operations while ensuring the safety of such operations that are connected to or integrated with non-high-speed freight or passenger rail operations;

''(12) to review rail crossing safety improvements, including improvements using new safety technology; and

''(13) the development and use of train horn technology, including, but not limited to, broadband horns, with an emphasis on reducing train horn noise and its effect on communities.

''(c) ADVISORY BOARD.—

''(1) ESTABLISHMENT.—In consultation with the heads of appropriate Federal departments and agencies, the Secretary shall establish an advisory board to recommend research, technology, and technology transfer activities related to rail passenger and freight transportation.

''(2) MEMBERSHIP.—The advisory board shall include—

''(A) representatives of State transportation agencies;

''(B) transportation and environmental economists, scientists, and engineers; and

''(C) representatives of Amtrak, the Alaska Railroad, freight railroads, transit operating agencies, intercity rail passenger agencies, railway labor organizations, and environmental organizations.

''(d) NATIONAL ACADEMY OF SCIENCES.—The Secretary may make grants to, and enter into cooperative agreements with, the National Academy of Sciences to carry out such activities relating to the research, technology, and technology transfer activities described in subsection (b) as the Secretary deems appropriate.''.

(b) CLERICAL AMENDMENT.—The chapter analysis for chapter 249 is amended by adding at the end the following:

''24910. Rail cooperative research program.''.

SEC. 305. PASSENGER RAIL SYSTEM COMPARISON STUDY.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General of the United States shall complete a study that compares the passenger rail system in the United States with the passenger rail systems in Canada, Germany, Great Britain, France, China, Spain, and Japan.

(b) ISSUES TO BE STUDIED.—The study conducted under subsection (a) shall include a country-by-country comparison of—

(1) the development of high-speed rail;

(2) passenger rail operating costs;

(3) the amount and payment source of rail line construction and maintenance costs;

(4) the amount and payment source of station construction and maintenance costs;

(5) passenger rail debt service costs;

(6) passenger rail labor agreements and associated costs;

(7) the net profit realized by the major passenger rail service providers in each of the 4 most recent quarters;

(8) the percentage of the passenger rail system's costs that are paid from general government revenues; and

(9) the method used by the government to provide the subsidies described in paragraph (8).

(c) REPORT.—Not later than 180 days after the completion of the study under subsection (a), the Comptroller General shall submit a report containing the findings of such study to—

(1) the Committee on Transportation and Infrastructure of the House of Representatives; and

(2) the Committee on Commerce, Science, and Transportation of the Senate.

TITLE IV—COMMUTER RAIL TRANSIT ENHANCEMENT

SEC. 401. COMMUTER RAIL TRANSIT ENHANCEMENT.

(a) AMENDMENT.—Part E of subtitle V is amended by adding at the end the following:

"CHAPTER 285—COMMUTER RAIL TRANSIT ENHANCEMENT

''Sec.
''28501. Definitions
''28502. Surface Transportation Board mediation of trackage use requests.
''28503. Surface Transportation Board mediation of rights-of-way use requests.
''28504. Applicability of other laws.
''28505. Rules and regulations.

"§ 28501. Definitions

''In this chapter—

''(1) the term 'Board' means the Surface Transportation Board;

''(2) the term 'capital work' means maintenance, restoration, reconstruction, capacity enhancement, or rehabilitation work on trackage that would be treated, in accordance with generally accepted accounting principles, as a capital item rather than an expense;

''(3) the term 'fixed guideway transportation' means public transportation (as defined in section 5302(a)(10)) provided on, by, or using a fixed guideway (as defined in section 5302(a)(4));

''(4) the term 'public transportation authority' means a local governmental authority (as defined in section 5302(a)(6)) established to provide, or make a contract providing for, fixed guideway transportation;

''(5) the term 'rail carrier' means a person, other than a governmental authority, providing common carrier railroad transportation for compensation subject to the jurisdiction of the Board under chapter 105;

''(6) the term 'segregated fixed guideway facility' means a fixed guideway facility constructed within the railroad right-of-way of a rail carrier but physically separate from trackage, including relocated trackage, within the right-of-way used by a rail carrier for freight transportation purposes; and

''(7) the term 'trackage' means a railroad line of a rail carrier, including a spur, industrial, team, switching, side, yard, or station track, and a facility of a rail carrier.

"§ 28502. Surface Transportation Board mediation of trackage use requests

''If, after a reasonable period of negotiation, a public transportation authority cannot reach agreement with a rail carrier to use trackage of, and have related services provided by, the rail carrier for purposes of fixed guideway transportation, the public transportation authority or the rail carrier may apply to the Board for nonbinding mediation. The Board shall conduct the nonbinding mediation in accordance with the mediation process of section 1109.4 of title 49, Code of Federal Regulations, as in effect on the date of enactment of this section.

"§ 28503. Surface Transportation Board mediation of rights-of-way use requests

''If, after a reasonable period of negotiation, a public transportation authority cannot reach agreement with a rail carrier to acquire an interest in a railroad right-of-way for the construction and operation of a segregated fixed guideway facility, the public transportation authority or the rail carrier may apply to the Board for nonbinding mediation. The Board shall conduct the nonbinding mediation in accordance with the mediation process of section 1109.4 of title 49, Code of Federal Regulations, as in effect on the date of enactment of this section.

"§ 28504. Applicability of other laws

''Nothing in this chapter shall be construed to limit a rail transportation provider's right under section 28103(b) to enter into contracts that allocate financial responsibility for claims.

"§ 28505. Rules and regulations

''Not later than 180 days after the date of enactment of this section, the Board shall issue such rules and regulations as may be necessary to carry out this chapter.''.

(b) CLERICAL AMENDMENT.—The table of chapters of such subtitle is amended by adding after the item relating to chapter 283 the following:

''285. COMMUTER RAIL TRANSIT ENHANCEMENT ..... 28501''.

SEC. 402. ROUTING EFFICIENCY DISCUSSIONS WITH AMTRAK.

Amtrak shall engage in good faith discussions, with commuter rail entities and regional and State public transportation authorities operating on the same trackage owned by a rail carrier as Amtrak, with respect to the routing and timing of trains to most efficiently move a maximal number of commuter, intercity, and regional rail passengers, particularly during the peak times of commuter usage at the morning and evening hours marking the start and end of a typical work day, and with respect to the expansion and enhancement of commuter rail and regional rail public transportation service.

TITLE V—HIGH-SPEED RAIL

SEC. 501. HIGH-SPEED RAIL CORRIDOR PROGRAM.

(a) IN GENERAL.—Chapter 261 is amended by adding at the end thereof the following:

"§ 26106. High-speed rail corridor program

''(a) IN GENERAL.—The Secretary of Transportation shall establish and implement a high-speed rail corridor program.

''(b) DEFINITIONS.—In this section, the following definitions apply:

''(1) APPLICANT.—The term 'applicant' means a State, a group of States, an Interstate Compact, a public agency established by one or more States and having responsibility for providing high-speed rail service, or Amtrak.

''(2) CORRIDOR.—The term 'corridor' means a corridor designated by the Secretary pursuant to section 104(d)(2) of title 23.

''(3) CAPITAL PROJECT.—The term 'capital project' means a project or program in a State rail plan developed under chapter 225 of this title for acquiring, constructing, improving, or inspecting equipment, track, and track structures, or a facility of use in or for the primary benefit of high-speed rail service, expenses incidental to the acquisition or construction (including designing, engineering, location surveying, mapping, environmental studies, and acquiring rights-of-way), payments for the capital portions of rail trackage rights agreements, highway-rail grade crossing improvements related to high-speed rail service, mitigating environmental impacts, communication and signalization improvements, relocation assistance, acquiring replacement housing sites, and acquiring, constructing, relocating, and rehabilitating replacement housing.

''(4) HIGH-SPEED RAIL.—The term 'high-speed rail' means intercity passenger rail service that is reasonably expected to reach speeds of at least 110 miles per hour.

''(5) INTERCITY PASSENGER RAIL SERVICE.—The term 'intercity passenger rail service' means transportation services with the primary purpose of passenger transportation between towns, cities, and metropolitan areas by rail, including high-speed rail, as defined in section 24102 of this title.

''(6) SECRETARY.—The term 'Secretary' means the Secretary of Transportation.

''(7) STATE.—The term 'State' means any of the 50 States or the District of Columbia.

''(c) GENERAL AUTHORITY.—The Secretary may make grants under this section to an applicant to finance capital projects in high-speed rail corridors.

''(d) APPLICATIONS.—Each applicant seeking to receive a grant under this section to develop a high-speed rail corridor shall submit to the Secretary an application in such form and in accordance with such requirements as the Secretary shall establish.

''(e) COMPETITIVE GRANT SELECTION AND CRITERIA FOR GRANTS.—

''(1) IN GENERAL.—The Secretary shall—

''(A) establish criteria for selecting among projects that meet the criteria specified in paragraph (2);

''(B) conduct a national solicitation for applications; and

''(C) award grants on a competitive basis.

''(2) GRANT CRITERIA.—The Secretary may approve a grant under this section for a project only if the Secretary determines that the project—

''(A) is part of a State rail plan developed under chapter 225 of this title, or under the plan required by section 302 of the Passenger Rail Investment and Improvement Act of 2008;

''(B) is based on the results of preliminary engineering;

''(C) has the legal, financial, and technical capacity to carry out the project; and

''(D) is justified based on the ability of the project—

''(i) to generate national economic benefits, including creating jobs, expanding business opportunities, and impacting the gross domestic product;

''(ii) to increase mobility of United States citizens and reduce congestion, including impacts in the State, region, and Nation; and

''(iii) to otherwise enhance the national transportation system.

''(3) PROJECT SELECTION CRITERIA.—In selecting a project under this section, the Secretary shall consider the extent to which the project—

''(A) makes a substantial contribution to providing the infrastructure and equipment required to complete a high-speed rail corridor;

''(B) leverages Federal investment by encouraging non-Federal financial commitments, including evidence of stable and dependable financing sources to construct, maintain, and operate the high-speed rail corridor and service; and

''(C) helps protect the environment.

''(f) FEDERAL SHARE.—The Federal share of the cost of a project financed under this section shall not exceed 80 percent of the project net capital cost.

''(g) ISSUANCE OF REGULATIONS.—Not later than 1 year after the date of enactment of this section, the Secretary shall issue regulations for carrying out this section.

''(h) AUTHORIZATION.—There are authorized to be appropriated to the Secretary to carry out this section $350,000,000 for each of fiscal years 2009 through 2013.''.

(b) TABLE OF SECTIONS AMENDMENT.—The table of sections for chapter 261 is amended by adding after the item relating to section 26105 the following new item:

''26106. High-speed rail corridor program.''.

SEC. 502. ADDITIONAL HIGH-SPEED PROJECTS.

(a) SOLICITATION OF PROPOSALS.—

(1) IN GENERAL.—

(A) NORTHEAST CORRIDOR.—Not later than 60 days after the date of enactment of this Act, the Secretary of Transportation shall issue a request for proposals for projects for the financing, design, construction, and operation of an initial high-speed rail system operating between Washington, DC, and New York City. Such proposals shall be submitted to the Secretary not later than 150 days after the publication of such request for proposals.

(B) OTHER PROJECTS.—After a report is transmitted under subsection (e) with respect to projects described in subparagraph (A), the Secretary of Transportation may issue a request for proposals for additional projects for the financing, design, construction, and operation of a high-speed rail system operating on any other corridor in the United States. Such proposals shall be submitted to the Secretary not later than 150 days after the publication of such request for proposals.

(2) CONTENTS.—A proposal submitted under paragraph (1) shall include—

(A) the names and qualifications of the persons submitting the proposal;

(B) a detailed description of the proposed route and its engineering characteristics and of all infrastructure improvements required to achieve the planned operating speeds and trip times;

(C) how the project would comply with Federal rail safety regulations which govern the track and equipment safety requirements for high-speed rail operations;

(D) the peak and average operating speeds to be attained;

(E) the type of equipment to be used, including any technologies for—

(i) maintaining an operating speed the Secretary determines appropriate; or

(ii) in the case of a proposal submitted under paragraph (1)(A), achieving less than 2-hour express service between Washington, DC, and New York City;

(F) the locations of proposed stations, identifying, in the case of a proposal submitted under paragraph (1) (A), a plan allowing for station stops at or in close proximity to the busiest Amtrak stations;

(G) a detailed description of any proposed legislation needed to facilitate the project;

(H) a financing plan identifying—

(i) sources of revenue;

(ii) the amount of any proposed public contribution toward capital costs or operations;

(iii) ridership projections;

(iv) the amount of private investment;

(v) projected revenue;

(vi) annual operating and capital costs;

(vii) the amount of projected capital investments required (both initially and in subsequent years to maintain a state of good repair); and

(viii) the sources of the private investment required, including the identity of any person or entity that has made or is expected to make a commitment to provide or secure funding and the amount of such commitment;

(I) a description of how the project would contribute to the development of a national high-speed rail system, and an intermodal plan describing how the system will connect with other transportation links;

(J) labor protections that would comply with the requirements of section 504;

(K) provisions to ensure that the proposal will be designed to operate in harmony with existing and projected future intercity, commuter, and freight service;

(L) provisions for full fair market compensation for any asset, property right or interest, or service acquired from, owned, or held by a private person or non-Federal entity that would be acquired, impaired, or diminished in value as a result of a project, except as otherwise agreed to by the private person or entity; and

(M) a detailed description of the environmental impacts of the project, and how any adverse impacts would be mitigated.

(3) DOCUMENTS.—Documents submitted or developed pursuant to this subsection shall not be subject to section 552 of title 5, United States Code.

(b) DETERMINATION OF COST EFFECTIVENESS AND ESTABLISHMENT OF COMMISSIONS.—Not later than 60 days after receipt of a proposal under subsection (a), the Secretary of Transportation shall—

(1) make a determination as to whether the proposal is cost effective; and

(2) for each corridor for which one or more cost effective proposals are received, establish a commission under subsection (c).

(c) COMMISSIONS.—

(1) MEMBERS.—The commission referred to in subsection (b)(2) shall consist of—

(A) the governor of the affected State or States, or their respective designees;

(B) a rail labor representative, a representative from a rail freight carrier using the relevant corridor, and a commuter authority using the relevant corridor, appointed by the Secretary of Transportation, in consultation with the chairman and ranking minority member of the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate;

(C) the Secretary of Transportation or his designee;

(D) the president of Amtrak or his designee; and

(E) the mayors of the three largest municipalities serviced by the proposed high-speed rail corridor.

(2) CHAIRPERSON AND VICE-CHAIRPERSON SELECTION.—The Chairperson and Vice Chairperson shall be elected from among members of the Commission.

(3) QUORUM AND VACANCY.—

(A) QUORUM.—A majority of the members of the Commission shall constitute a quorum.

(B) VACANCY.—Any vacancy in the Commission shall not affect its powers and shall be filled in the same manner in which the original appointment was made.

(d) COMMISSION CONSIDERATION.—

(1) IN GENERAL.—Each commission established under subsection (b)(2) shall be responsible for reviewing the proposal or proposals with respect to which the commission was established, and not later than 90 days after the establishment of the commission, shall transmit to the Secretary, and to the chairman and ranking minority member of the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate, a report which includes—

(A) a summary of each proposal received;

(B) a ranking of the order of the proposals according to cost effectiveness, advantages over existing services, projected revenue, and cost and benefit to the public and private parties;

(C) an indication of which proposal or proposals are recommended by the commission; and

(D) an identification of any proposed legislative provisions which would facilitate implementation of the recommended project.

(2) VERBAL PRESENTATION.—Proposers shall be given an opportunity to make a verbal presentation to the commission to explain their proposals.

(e) SELECTION BY SECRETARY.—Not later than 60 days after receiving a report from a commission under subsection (d)(1), the Secretary of Transportation shall transmit to the Congress a report that ranks all of the recommended proposals according to cost effectiveness, advantages over existing services, projected revenue, and cost and benefit to the public and private parties.

(f) NORTHEAST CORRIDOR ECONOMIC DEVELOPMENT STUDY.—Not later than 9 months after the date of enactment of this Act, the Secretary of Transportation shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate the results of an economic development study of Amtrak's Northeast Corridor service between Washington, DC, and New York City. Such study shall examine how to achieve maximum utilization of the Northeast Corridor as a transportation asset, including—

(1) maximizing the assets of the Northeast Corridor for potential economic development purposes;

(2) real estate improvement and financial return;

(3) improved intercity, commuter, and freight services;

(4) optimum utility utilization in conjunction with potential separated high-speed rail passenger services; and

(5) any other means of maximizing the economic potential of the Northeast Corridor.

SEC. 503. HIGH-SPEED RAIL STUDY.

Not later than 1 year after the date of enactment of this Act, the Secretary of Transportation shall conduct—

(1) an alternatives analysis of the Secretary's December 1, 1998, extension of the designation of the Southeast High-Speed Rail Corridor as authorized under section 104(d)(2) of title 23, United States Code;

(2) a feasibility analysis regarding the expansion of the South Central High-Speed Rail Corridor to the Port of Houston, Texas;

(3) a feasibility analysis regarding the expansion of the South Central High-Speed Rail Corridor to Memphis, Tennessee; and

(4) a feasibility analysis regarding the expansion of the South Central High-Speed Rail Corridor south of San Antonio to a location in far south Texas to be chosen at the discretion of the Secretary.

These analyses shall consider changes that have occurred in the region's population, anticipated patterns of population growth, connectivity with other modes of transportation, ability of the designation to reduce regional traffic congestion, and the ability of current and proposed routings to meet the needs of tourists. The Secretary shall submit recommendations to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate and conduct a redesignation of one or both corridors if necessary.

SEC. 504. GRANT CONDITIONS.

(a) DOMESTIC BUYING PREFERENCE.—

(1) REQUIREMENT.—

(A) IN GENERAL.—In carrying out a project funded in whole or in part with a grant under this title, or the amendments made by this title, the grant recipient shall purchase only—

(i) unmanufactured articles, material, and supplies mined or produced in the United States; or

(ii) manufactured articles, material, and supplies manufactured in the United States substantially from articles, material, and supplies mined, produced, or manufactured in the United States.

(B) DE MINIMIS AMOUNT.—Subparagraph (A) applies only to a purchase in an total amount that is not less than $1,000,000.

(2) EXEMPTIONS.—On application of a recipient, the Secretary may exempt a recipient from the requirements of this subsection if the Secretary decides that, for particular articles, material, or supplies—

(A) such requirements are inconsistent with the public interest;

(B) the cost of imposing the requirements is unreasonable; or

(C) the articles, material, or supplies, or the articles, material, or supplies from which they are manufactured, are not mined, produced, or manufactured in the United States in sufficient and reasonably available commercial quantities and are not of a satisfactory quality.

(3) UNITED STATES DEFINED.—In this subsection, the term ''the United States'' means the States, territories, and possessions of the United States and the District of Columbia.

(b) OPERATORS DEEMED RAIL CARRIERS AND EMPLOYERS FOR CERTAIN PURPOSES.—A person that conducts rail operations over rail infrastructure constructed or improved with funding provided in whole or in part in a grant made under this title, or the amendments made by this title, shall be considered a rail carrier as defined in section 10102(5) of title 49, United States Code, for purposes of this title and any other statute that adopts that definition or in which that definition applies, including—

(1) the Railroad Retirement Act of 1974 (45 U.S.C. 231 et seq.);

(2) the Railway Labor Act (43 U.S.C. 151 et seq.); and

(3) the Railroad Unemployment Insurance Act (45 U.S.C. 351 et seq.).

(c) GRANT CONDITIONS.—The Secretary shall require as a condition of making any grant under this title, or the amendments made by this title, for a project that uses rights-of-way owned by a railroad that—

(1) a written agreement exist between the applicant and the railroad regarding such use and ownership, including—

(A) any compensation for such use;

(B) assurances regarding the adequacy of infrastructure capacity to accommodate both existing and future freight and passenger operations;

(C) an assurance by the railroad that collective bargaining agreements with the railroad's employees (including terms regulating the contracting of work) will remain in full force and effect according to their terms for work performed by the railroad on the railroad transportation corridor; and

(D) an assurance that an applicant complies with liability requirements consistent with section 28103 of title 49, United States Code; and

(2) the applicant agrees to comply with—

(A) the standards of section 24312 of title 49, United States Code, as such section was in effect on September 1, 2003, with respect to the project in the same manner that the National Railroad Passenger Corporation is required to comply with those standards for construction work financed under an agreement made under section 24308(a) of title 49, United States Code; and

(B) the protective arrangements established under section 504 of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 836) with respect to employees affected by actions taken in connection with the project to be financed in whole or in part by grants under this chapter.

(d) REPLACEMENT OF EXISTING INTERCITY PASSENGER RAIL SERVICE.—

(1) COLLECTIVE BARGAINING AGREEMENT FOR INTERCITY PASSENGER RAIL PROJECTS.—Any entity providing intercity passenger railroad transportation that begins operations after the date of enactment of this Act on a project funded in whole or in part by grants made under this title, or the amendments made by this title, and replaces intercity rail passenger service that was provided by Amtrak, unless such service was provided solely by Amtrak to another entity, as of such date shall enter into an agreement with the authorized bargaining agent or agents for adversely affected employees of the predecessor provider that—

(A) gives each such qualified employee of the predecessor provider priority in hiring according to the employee's seniority on the predecessor provider for each position with the replacing entity that is in the employee's craft or class and is available within 3 years after the termination of the service being replaced;

(B) establishes a procedure for notifying such an employee of such positions;

(C) establishes a procedure for such an employee to apply for such positions; and

(D) establishes rates of pay, rules, and working conditions.

(2) IMMEDIATE REPLACEMENT SERVICE.—

(A) NEGOTIATIONS.—If the replacement of preexisting intercity rail passenger service occurs concurrent with or within a reasonable time before the commencement of the replacing entity's rail passenger service, the replacing entity shall give written notice of its plan to replace existing rail passenger service to the authorized collective bargaining agent or agents for the potentially adversely affected employees of the predecessor provider at least 90 days before the date on which it plans to commence service. Within 5 days after the date of receipt of such written notice, negotiations between the replacing entity and the collective bargaining agent or agents for the employees of the predecessor provider shall commence for the purpose of reaching agreement with respect to all matters set forth in subparagraphs (A) through (D) of paragraph (1). The negotiations shall continue for 30 days or until an agreement is reached, whichever is sooner. If at the end of 30 days the parties have not entered into an agreement with respect to all such matters, the unresolved issues shall be submitted for arbitration in accordance with the procedure set forth in subparagraph (B).

(B) ARBITRATION.—If an agreement has not been entered into with respect to all matters set forth in subparagraphs (A) through (D) of paragraph (1) as described in subparagraph (A) of this paragraph, the parties shall select an arbitrator. If the parties are unable to agree upon the selection of such arbitrator within 5 days, either or both parties shall notify the National Mediation Board, which shall provide a list of seven arbitrators with experience in arbitrating rail labor protection disputes. Within 5 days after such notification, the parties shall alternately strike names from the list until only 1 name remains, and that person shall serve as the neutral arbitrator. Within 45 days after selection of the arbitrator, the arbitrator shall conduct a hearing on the dispute and shall render a decision with respect to the unresolved issues among the matters set forth in subparagraphs (A) through (D) of paragraph (1). This decision shall be final, binding, and conclusive upon the parties. The salary and expenses of the arbitrator shall be borne equally by the parties; all other expenses shall be paid by the party incurring them.

(3) SERVICE COMMENCEMENT.—A replacing entity under this subsection shall commence service only after an agreement is entered into with respect to the matters set forth in subparagraphs (A) through (D) of paragraph (1) or the decision of the arbitrator has been rendered.

(4) SUBSEQUENT REPLACEMENT OF SERVICE.—If the replacement of existing rail passenger service takes place within 3 years after the replacing entity commences intercity passenger rail service, the replacing entity and the collective bargaining agent or agents for the adversely affected employees of the predecessor provider shall enter into an agreement with respect to the matters set forth in subparagraphs (A) through (D) of paragraph (1). If the parties have not entered into an agreement with respect to all such matters within 60 days after the date on which the replacing entity replaces the predecessor provider, the parties shall select an arbitrator using the procedures set forth in paragraph (2)(B), who shall, within 20 days after the commencement of the arbitration, conduct a hearing and decide all unresolved issues. This decision shall be final, binding, and conclusive upon the parties.

(e) INAPPLICABILITY TO CERTAIN RAIL OPERATIONS.—Nothing in this section applies to—

(1) the Alaska Railroad or its contractors; or

(2) the National Railroad Passenger Corporation's access rights to railroad rights of way and facilities under current law.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

Mr. DAVIS of Kentucky, moved to recommit the bill to the Committee on Transportation and Infrastructure with instructions to report the bill back to the House promptly in the form to which perfected at the time of this motion, with the following amendment:

In title II, add at the end the following new section (and amend the table of contents accordingly):

SEC. 225. LOCOMOTIVE ALTERNATIVE FUEL STUDY.

(a) IN GENERAL.—The Administrator of the Federal Railroad Administration, in consultation with the Secretary of Energy and the Administrator of the Environmental Protection Agency, shall conduct a study to determine the extent to which freight and passenger rail operators could use domestically available alternative fuels to power their locomotive fleets and other vehicles that operate on rail tracks.

(b) DEFINITION.—For purposes of this section, the term ''domestically available alternative fuels'' means fuels that are derived from coal, oil shale, oil sands, natural gas, methane, or butanol and are available within the United States.

(c) FACTORS.—In conducting the study, the Federal Railroad Administration shall consider—

(1) the energy intensity of various alternative fuels compared to diesel fuel;

(2) the cost of purchasing and the domestic availability of alternative fuels;

(3) the public benefits derived from the use of such fuels; and

(4) the effect of alternative fuel use on relevant locomotive and other vehicle performance.

(d) LOCOMOTIVE TESTING.—As part of the study, the Federal Railroad Administration shall test locomotive engine performance and emissions using alternative fuels.

(e) REPORT.—Not later than 1 year after the date of enactment of this Act, the Federal Railroad Administration shall transmit the results of this study to the Committee on Transportation and Infrastructure of the

House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

After debate,

By unanimous consent, the previous question was ordered on the motion to recommit with instructions.

The question being put, viva voce,

Will the House recommit said bill with instructions?

The SPEAKER pro tempore, Mr. TIERNEY, announced that the nays had it.

Mr. DAVIS of Kentucky, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the negative ..... { Yeas ..... 194 Nays 230

¶70.7 [Roll No. 399]

YEAS—194

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

NAYS—230

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

NOT VOTING—9

Braley (IA)
Flake
Gillibrand
Hulshof
Loebsack
McCrery
Ortiz
Rush
Tancredo

So the motion to recommit with instructions was not agreed to.

The question being put, viva voce,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. TIERNEY, announced that the yeas had it.

Mr. OBERSTAR demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 311 Nays 104

¶70.8 [Roll No. 400]

YEAS—311

Abercrombie
Ackerman
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachus
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Bono Mack
Boozman
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Buyer
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Cazayoux
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole (OK)
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Dicks
Dingell
Doggett
Donnelly
Doyle
Drake
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Engel
English (PA)
Eshoo
Etheridge
Fallin
Farr
Fattah
Ferguson
Filner
Fortenberry
Fossella
Foster
Frank (MA)
Frelinghuysen
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Gene
Grijalva
Hall (NY)
Hare
Harman
Hastings (FL)
Hayes
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Klein (FL)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lynch
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McCotter
McDermott
McGovern
McHugh
McIntyre
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Petri
Pickering
Platts
Poe
Pomeroy
Price (NC)
Pryce (OH)
Putnam
Rahall
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Souder
Space

Speier
Spratt
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (OH)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NAYS—104

Aderholt
Akin
Bachmann
Barrett (SC)
Barton (TX)
Bilbray
Bilirakis
Blackburn
Blunt
Boehner
Bonner
Boustany
Brady (TX)
Broun (GA)
Burgess
Burton (IN)
Calvert
Camp (MI)
Campbell (CA)
Cannon
Carter
Chabot
Coble
Conaway
Cubin
Culberson
Davis (KY)
Davis, David
Deal (GA)
Doolittle
Dreier
Duncan
Emerson
Everett
Feeney
Forbes
Foxx
Franks (AZ)
Gallegly
Gingrey
Hall (TX)
Hastings (WA)
Heller
Hensarling
Herger
Hobson
Hoekstra
Hunter
Inglis (SC)
Issa
Johnson, Sam
Jordan
Kingston
Kline (MN)
Lamborn
Latta
Lewis (CA)
Lewis (KY)
Linder
Lungren, Daniel E.
Mack
Marchant
McCarthy (CA)
McCaul (TX)
McHenry
McKeon
Miller (FL)
Miller, Gary
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Pitts
Porter
Price (GA)
Radanovich
Ramstad
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Smith (NE)
Smith (TX)
Stearns
Terry
Thornberry
Tiahrt
Walberg
Wamp
Weldon (FL)
Wilson (NM)
Wilson (SC)
Wittman (VA)

NOT VOTING—18

Bartlett (MD)
Braley (IA)
Butterfield
Diaz-Balart, M.
Flake
Gillibrand
Green, Al
Gutierrez
Hulshof
Kaptur
King (IA)
Loebsack
McCrery
Musgrave
Ortiz
Rush
Stark
Tancredo

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶70.9 CLERK TO CORRECT ENGROSSMENT

On motion of Mr. OBERSTAR, by unanimous consent,

Ordered, That in the engrossment of the foregoing bill the Clerk be authorized to correct section numbers, punctuation, cross- references, and to make such other technical and conforming changes as may be necessary to accurately reflect the actions of the House.

¶70.10 H. RES. 1258—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. DOYLE, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to refer the resolution (H. Res. 1258) impeaching George W. Bush, President of the United States, of high crimes and misdemeanors.

The question being put, viva voce,

Will the House agree to the motion to refer?

The SPEAKER pro tempore, Mr. DOYLE, announced that the yeas had it.

Mr. KUCINICH demanded a recorded vote on agreeing to said motion, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 251 / Nays 166

¶70.11 [Roll No. 401]

AYES—251

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

NOES—166

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Doolittle
Drake
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Forbes
Fortenberry
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gerlach
Gingrey
Gohmert
Goode
Granger
Graves
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hunter
Inglis (SC)
Issa
Johnson, Sam
Jordan
Keller
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latta
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Musgrave
Myrick
Nunes
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Scalise
Schmidt
Sensenbrenner
Shadegg
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thornberry
Tiahrt
Tiberi
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (SC)
Wittman (VA)
Young (AK)
Young (FL)

NOT VOTING—16

Braley (IA)
Cohen
Flake
Gillibrand
Goodlatte
Hulshof
King (IA)
Latham
Loebsack
McCrery
Neugebauer
Ortiz
Pascrell
Rush
Sessions
Tancredo

So the motion to refer was agreed to.

A motion to reconsider the vote whereby said motion was agreed to was, by unanimous consent, laid on the table.

¶70.12 H. RES. 1235—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. DOYLE, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 1235) expressing support for the designation of National D-Day Remembrance Day, and recognizing the spirit, courage, and sacrifice of the men and women who fought and won World War II.

The question being put,

Will the House suspend the rules and agree to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 406 Nays 0

¶70.13 [Roll No. 402]

YEAS—406

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Carnahan
Carney
Carson
Carter
Castle
Castor
Cazayoux
Chabot
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Forbes
Fortenberry
Fossella
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hunter
Inglis (SC)
Inslee
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Manzullo
Marchant
Markey
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Paul
Payne
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Scalise
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—27

Boucher
Braley (IA)
Cardoza
Cohen
Crowley
Flake
Gillibrand
Hulshof
Israel
Jones (NC)
Kucinich
Linder
Loebsack
Maloney (NY)
Marshall
McCrery
Miller, George
Ortiz
Pearce
Rahall
Ruppersberger
Rush
Shea-Porter
Sutton
Tancredo
Weiner
Whitfield (KY)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶70.14 MESSAGE FROM THE SENATE

A message from the Senate by Ms. Byrd, one of its clerks, announced that the Senate has passed without amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 3179. An Act to amend title 40, United States Code, to authorize the use of Federal supply schedules for the acquisition of law enforcement, security, and certain other related items by State and local governments.

The message also announced that the Senate has passed with an amendment a bill of the House of the following title:

H.R. 634. An Act to require the Secretary of the Treasury to mint coins in commemoration of veterans who became disabled for life while serving in the Armed Forces of the United States.

¶70.15 EMERGENCY UNEMPLOYMENT COMPENSATION

Mr. RANGEL moved to suspend the rules and pass the bill (H.R. 5749) to provide for a program of emergency unemployment compensation; as amended.

The SPEAKER pro tempore, Mr. DOYLE, recognized Mr. RANGEL and Mr. WELLER of Illinois, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. DOYLE, announced that two-thirds of the Members present had voted in the affirmative.

Mr. WELLER of Illinois, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. DOYLE, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶70.16 AMERICAN-MADE PRODUCTS AND SERVICES

Mr. BUTTERFIELD moved to suspend the rules and agree to the following resolution (H. Res. 977):

Whereas many economists believe the economy of the United States is entering a recession;

Whereas the economy lost 17,000 jobs in January 2008 and 191,000 in 2007;

Whereas the manufacturing sector lost 269,000 jobs over the past 12 months and 28,000 jobs in January 2008 alone;

Whereas manufacturing employment now accounts for less than 10 percent of the job market for the first time since data began being collected in the 1930s;

Whereas in January 2008, 18.3 percent of those unemployed had been out of work for 27 weeks or longer, up from 16.2 percent a year earlier;

Whereas manufactured goods imported from developing countries have grown from just 2.5 percent of the gross domestic product in 1990 to 6 percent in 2006;

Whereas annually, total housing starts decreased in 2007 to 1,353,700, which is a 24.8 percent decrease from the 2006 estimate of 1,800,900;

Whereas Congress and the President responded to the potential recession by passing into law a bipartisan stimulus package that provides rebate checks of up to $600 per individual and $1,200 per married couple, plus an additional $300 per child;

Whereas the stimulus legislation will put money back into the hands of low-income and middle-income Americans, those who need it most;

Whereas the stimulus legislation will be most effective if the rebate checks are spent on American-made goods and services from American-owned companies;

Whereas American-made goods are the best in the world;

Whereas every dollar from the stimulus package spent on an American-made good or service, rather than a foreign-made good or service, will result in more than a dollar increase in the short-term gross domestic product;

Whereas if rebate checks are spent on American-made products and services from American-owned companies, an additional $10,000,000,000 will be infused into the economy;

Whereas the annual trade deficit has grown to the $700,000,000,000 range in the past decade, up from the $100,000,000,000 range in the early 1990s;

Whereas buying American-made goods would not add to the size of the growing trade deficit, which many economists contend is unreasonably large;

Whereas there have been concerns about the safety of imported goods, spurred by the fact that 60 percent of product recalls in the past year involved Chinese-made toys, food ingredients, and other products; and

Whereas many countries do not follow the same environmental, labor, and human rights standards of the United States, putting American workers and companies at a competitive disadvantage: Now, therefore, be it

Resolved, That the House of Representatives encourages Americans to use their rebate checks from the stimulus package to purchase American-made goods and services from American-owned companies.

The SPEAKER pro tempore, Mr. DOYLE, recognized Mr. BUTTERFIELD and Mr. TERRY, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Ms. DEGETTE, announced that two-thirds of the Members present had voted in the affirmative.

Mr. BUTTERFIELD demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. BUTTERFIELD, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶70.17 H.R. 5749—UNFINISHED BUSINESS

The SPEAKER pro tempore, Ms. DEGETTE, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and pass the bill (H.R. 5749) to provide for a program of emergency unemployment compensation; as amended.

The question being put,

Will the House suspend the rules and pass said bill, as amended?

The vote was taken by electronic device.

It was decided in the negative ..... { Yeas ..... 279 / Nays 144

¶70.18 [Roll No. 403]

YEAS—279

Abercrombie	Boucher	Childers
Ackerman	Boyd (FL)	Clarke
Allen	Boyda (KS)	Clay
Altmire	Brady (PA)	Cleaver
Andrews	Brown, Corrine	Clyburn
Arcuri	Buchanan	Cohen
Baca	Butterfield	Conyers
Baird	Camp (MI)	Cooper
Baldwin	Capito	Costa
Barrow	Capps	Costello
Bean	Capuano	Courtney
Becerra	Cardoza	Cramer
Berkley	Carnahan	Crowley
Berman	Carney	Cuellar
Berry	Carson	Cummings
Bishop (GA)	Castle	Davis (AL)
Bishop (NY)	Castor	Davis (CA)
Blumenauer	Cazayoux	Davis (IL)
Boren	Chabot	Davis, Lincoln
Boswell	Chandler	DeFazio
DeGette	Klein (FL)	Rodriguez
Delahunt	Knollenberg	Rogers (AL)
DeLauro	Kucinich	Rogers (MI)
Dent	Kuhl (NY)	Ros-Lehtinen
Diaz-Balart, L.	LaHood	Ross
Diaz-Balart, M.	Lampson	Rothman
Dicks	Langevin	Roybal-Allard
Dingell	Larsen (WA)	Ruppersberger
Doggett	Larson (CT)	Ryan (OH)
Donnelly	LaTourette	Ryan (WI)
Doyle	Lee	Salazar
Edwards	Levin	Sánchez, Linda T.
Ehlers	Lewis (GA)	Sanchez, Loretta
Ellison	Lipinski	Sarbanes
Ellsworth	LoBiondo	Schakowsky
Emanuel	Lofgren, Zoe	Schiff
Emerson	Lowey	Schmidt
Engel	Lynch	Schwartz
English (PA)	Mahoney (FL)	Scott (GA)
Eshoo	Maloney (NY)	Scott (VA)
Etheridge	Markey	Serrano
Farr	Marshall	Sestak
Fattah	Matheson	Shays
Filner	Matsui	Shea-Porter
Foster	McCarthy (NY)	Sherman
Frank (MA)	McCollum (MN)	Shuler
Gerlach	McCotter	Sires
Giffords	McDermott	Skelton
Gilchrest	McGovern	Slaughter
Gonzalez	McHenry	Smith (NJ)
Goode	McHugh	Smith (WA)
Gordon	McIntyre	Snyder
Graves	McNerney	Solis
Green, Al	McNulty	Souder
Green, Gene	Meek (FL)	Space
Grijalva	Meeks (NY)	Speier
Gutierrez	Melancon	Spratt
Hall (NY)	Michaud	Stark
Hare	Miller (MI)	Stupak
Harman	Miller (NC)	Sutton
Hastings (FL)	Miller, George	Tanner
Hayes	Mitchell	Tauscher
Heller	Mollohan	Taylor
Herseth Sandlin	Moore (KS)	Thompson (CA)
Higgins	Moore (WI)	Thompson (MS)
Hill	Moran (VA)	Tiberi
Hinchey	Murphy (CT)	Tierney
Hinojosa	Murphy, Patrick	Towns
Hirono	Murphy, Tim	Tsongas
Hodes	Murtha	Turner
Hoekstra	Nadler	Udall (CO)
Holden	Napolitano	Udall (NM)
Holt	Neal (MA)	Upton
Honda	Oberstar	Van Hollen
Hooley	Obey	Velázquez
Hoyer	Olver	Visclosky
Inslee	Pallone	Walberg
Israel	Pascrell	Walsh (NY)
Jackson (IL)	Pastor	Walz (MN)
Jackson-Lee (TX)	Payne	Wasserman Schultz
Jefferson	Pelosi	Waters
Johnson (GA)	Perlmutter	Watson
Johnson (IL)	Peterson (MN)	Watt
Johnson, E. B.	Petri	Waxman
Jones (NC)	Platts	Weiner
Jones (OH)	Pomeroy	Welch (VT)
Kagen	Porter	Wexler
Kanjorski	Price (NC)	Wilson (OH)
Kaptur	Rahall	Woolsey
Kennedy	Ramstad	Wu
Kildee	Rangel	Yarmuth
Kilpatrick	Reichert	Young (AK)
Kind	Reyes	
	Richardson	

NAYS—144

Aderholt	Burgess	Feeney
Akin	Burton (IN)	Ferguson
Alexander	Buyer	Forbes
Bachmann	Calvert	Fortenberry
Bachus	Campbell (CA)	Fossella
Barrett (SC)	Cannon	Foxx
Bartlett (MD)	Cantor	Franks (AZ)
Barton (TX)	Carter	Frelinghuysen
Biggert	Coble	Gallegly
Bilbray	Cole (OK)	Garrett (NJ)
Bilirakis	Conaway	Gingrey
Bishop (UT)	Crenshaw	Gohmert
Blackburn	Cubin	Goodlatte
Blunt	Culberson	Granger
Boehner	Davis (KY)	Hall (TX)
Bonner	Davis, David	Hastings (WA)
Bono Mack	Davis, Tom	Hensarling
Boozman	Deal (GA)	Herger
Boustany	Doolittle	Hobson
Brady (TX)	Drake	Hunter
Broun (GA)	Dreier	Inglis (SC)
Brown (SC)	Duncan	Issa
Brown-Waite, Ginny	Everett	Johnson, Sam
	Fallin	Jordan
Keller	Miller, Gary	Scalise
King (IA)	Moran (KS)	Sensenbrenner
King (NY)	Musgrave	Sessions
Kingston	Myrick	Shadegg
Kirk	Neugebauer	Shimkus
Kline (MN)	Nunes	Shuster
Lamborn	Pearce	Simpson
Latham	Pence	Smith (NE)
Latta	Pickering	Smith (TX)
Lewis (CA)	Pitts	Stearns
Lewis (KY)	Poe	Sullivan
Linder	Price (GA)	Terry
Lucas	Pryce (OH)	Thornberry
Lungren, Daniel E.	Putnam	Tiahrt
	Radanovich	Walden (OR)
Mack	Regula	Wamp
Manzullo	Rehberg	Weldon (FL)
Marchant	Renzi	Weller
McCarthy (CA)	Reynolds	Westmoreland
McCaul (TX)	Rogers (KY)	Whitfield (KY)
McKeon	Rohrabacher	Wilson (NM)
McMorris Rodgers	Roskam	Wilson (SC)
	Royce	Wittman (VA)
Mica	Sali	Wolf
Miller (FL)	Saxton	Young (FL)

NOT VOTING—11

Braley (IA)	Loebsack	Peterson (PA)
Flake	McCrery	Rush
Gillibrand	Ortiz	Tancredo
Hulshof	Paul	

So, less than two-thirds of the Members present having voted in favor thereof, the rules were not suspended and said bill, as amended, was not passed.

¶70.19 H. RES. 977—UNFINISHED BUSINESS

The SPEAKER pro tempore, Ms. DEGETTE, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 977) expressing the sense of the House of Representatives that rebate checks would better stimulate the economy if spent on American-made products and services from American-owned companies.

The question being put,

Will the House suspend the rules and agree to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 404 / Nays ..... 6 / Answered present 6

¶70.20 [Roll No. 404]

YEAS—404

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

Davis, David
Davis, Lincoln
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Forbes
Fortenberry
Fossella
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Scalise
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (FL)

NAYS—6

Campbell (CA)
Conaway
Herger
King (IA)
Sessions
Young (AK)

ANSWERED ''PRESENT''—6

Bishop (UT)
Brady (TX)
Cannon
Davis, Tom
Price (GA)
Weldon (FL)

NOT VOTING—17

Braley (IA)
Burton (IN)
Camp (MI)
Flake
Gillibrand
Gutierrez
Hulshof
Kind
Loebsack
McCrery
Ortiz
Paul
Peterson (PA)
Rogers (MI)
Rush
Sutton
Tancredo

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶70.21 NOTICE REQUIREMENT—CONSIDERATION OF RESOLUTION—QUESTION OF PRIVILEGES

Mr. WOLF, pursuant to clause 2(a)(1) of rule IX, announced his intention to call up the following resolution, as a question of the privileges of the House:

Whereas beginning in August 2006, several of the computers used by Congressman Frank R. Wolf, a Representative from the Commonwealth of Virginia, in carrying out his official and representational duties were compromised by an outside source;

Whereas the Chief Administrative Officer of the House of Representatives, acting through House Information Resources (HIR), alerted Congressman Wolf to this incident and cleaned and returned the compromised computers to the Congressman's office;

Whereas since this attack, it has been discovered that computers in the offices of other Members, as well as in the office of at least one committee of the House, have been similarly compromised;

Whereas in subsequent meetings with HIR and officials from the Federal Bureau of Investigation, the outside source responsible for these incidents was revealed to be located in the People's Republic of China;

Whereas according to HIR, when Members use Blackberry devices or cell phones while traveling overseas, especially in nations in which access to information is tightly controlled by the government, they are at risk of having their conversations or other personal information recorded or collected without authorization;

Whereas HIR, the FBI, and the House Security Office briefed the affected offices on the security breaches that have occurred, and have done a good job in attempting to protect other offices of the House from similar threats; and

Whereas it is nevertheless not clear that all Members, committees, and other offices of the House are aware of the existing threats against the security and confidentiality of the electronic records of their offices or their overseas electronic communications, nor is it clear that Members and other House personnel have been fully briefed on how to protect themselves, their official records, and their communications from electronic security breaches: Now, therefore, be it

Resolved, That the Chief Administrative Officer and the Sergeant at Arms of the House of Representatives, in consultation with the Director of the Federal Bureau of Investigation, should take timely action to ensure that all Members, committees, and offices of the House are alerted of the dangers of electronic attacks on the computers and information systems used in carrying out their official duties and are fully briefed on how to protect themselves, their official records, and their communications from electronic security breaches.

¶70.22 PRIVILEGES OF THE HOUSE

Mr. WOLF, pursuant to rule IX, rose to a question of the privileges of the House and submitted the following resolution (H. Res. 1263):

Whereas beginning in August 2006, several of the computers used by Congressman Frank R. Wolf, a Representative from the Commonwealth of Virginia, in carrying out his official and representational duties were compromised by an outside source;

Whereas the Chief Administrative Officer of the House of Representatives, acting through House Information Resources (HIR), alerted Congressman Wolf to this incident and cleaned and returned the compromised computers to the Congressman's office;

Whereas since this attack, it has been discovered that computers in the offices of other Members, as well as in the office of at least one committee of the House, have been similarly compromised;

Whereas in subsequent meetings with HIR and officials from the Federal Bureau of Investigation, the outside source responsible for these incidents was revealed to be located in the People's Republic of China;

Whereas according to HIR, when Members use Blackberry devices or cell phones while traveling overseas, especially in nations in which access to information is tightly controlled by the government, they are at risk of having their conversations or other personal information recorded or collected without authorization;

Whereas HIR, the FBI, and the House Security Office briefed the affected offices on the security breaches that have occurred, and have done a good job in attempting to protect other offices of the House from similar threats; and

Whereas it is nevertheless not clear that all Members, committees, and other offices of the House are aware of the existing threats against the security and confidentiality of the electronic records of their offices or their overseas electronic communications, nor is it clear that Members and other House personnel have been fully briefed on how to protect themselves, their official records, and their communications from electronic security breaches: Now, therefore, be it

Resolved, That the Chief Administrative Officer and the Sergeant at Arms of the House of Representatives, in consultation with the Director of the Federal Bureau of Investigation, should take timely action to ensure that all Members, committees, and offices of the House are alerted of the dangers of electronic attacks on the computers and information systems used in carrying out their official duties and are fully briefed on how to protect themselves, their official records, and their communications from electronic security breaches.

The SPEAKER pro tempore, Ms. DEGETTE, ruled that the resolution submitted did present a question of the privileges of the House under rule IX.

When said resolution was considered.

After debate,

Ms. LOFGREN of California, moved that the resolution be referred to the Committee on House Administration.

By unanimous consent, the previous question was ordered on the motion to its adoption or rejection.

The question being put viva, voce,

Will the House agree to said motion?

The SPEAKER pro tempore, Mr. MCNULTY, announced that the yeas had it.

So the motion was agreed to.

A motion to reconsider the vote whereby said motion was agreed to was, by unanimous consent, laid on the table.

¶70.23 PROVIDING FOR CONSIDERATION OF H.R. 6063

Mr. HASTINGS of Florida, by direction of the Committee on Rules, called up the following resolution (H. Res. 1257):

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 6063) to authorize the programs of the National Aeronautics and Space Administration, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Science and Technology. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Science and Technology now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived except those arising under clause 10 of rule XXI. Notwithstanding clause 11 of rule XVIII, no amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived except those arising under clause 9 or 10 of rule XXI. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. During consideration in the House of H.R. 6063 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

When said resolution was considered.

After debate,

On motion of Mr. HASTINGS of Florida, the previous question was ordered on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House now order the previous question?

The SPEAKER pro tempore, Ms. CLARKE, announced that the yeas had it.

Mr. Lincoln DIAZ-BALART of Florida, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Ms. CLARKE, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Thursday, June 12, 2008.

¶70.24 DIESEL EMISSION REDUCTION SETTLEMENT

Mr. BOUCHER moved to suspend the rules and pass the bill of the Senate (S. 2146) to authorize the Administrator of the Environmental Protection Agency to accept, as part of a settlement, diesel emission reduction Supplemental Environmental Projects, and for other purposes; as amended.

The SPEAKER pro tempore, Ms. CLARKE, recognized Mr. BOUCHER and Mr. TERRY, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Ms. CLARKE, announced that two-thirds of the Members present had voted in the affirmative.

Mr. BOUCHER demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Ms. CLARKE, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Thursday, June 12, 2008.

¶70.25 CONQUER CHILDHOOD CANCER

Mr. PALLONE moved to suspend the rules and pass the bill (H.R. 1553) to amend the Public Health Service Act to advance medical research and treatments into pediatric cancers, ensure patients and families have access to the current treatments and information regarding pediatric concerns, establish a population-based national childhood cancer database, and promote public awareness of pediatric cancers; as amended.

The SPEAKER pro tempore, Ms. CLARKE, recognized Mr. PALLONE and Mr. TERRY, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Ms. CLARKE, announced that two-thirds of the Members present had voted in the affirmative.

Mr. TERRY demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Ms. CLARKE, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Thursday, June 12, 2008.

¶70.26 PROVIDING FOR CONSIDERATION OF H.R. 5749

Mr. ARCURI, by direction of the Committee on Rules, reported (Rept. No. 110–710) the resolution (H. Res. 1265) providing for consideration of the bill (H.R. 5749) to provide for a program of emergency unemployment compensation.

When said resolution and report were referred to the House Calendar and ordered printed.

¶70.27 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. FLAKE, for today and balance of the week.

And then,

¶70.28 ADJOURNMENT

On motion of Mr. ELLISON, at 11 o'clock and 57 minutes p.m., the House adjourned.

¶70.29 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

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

Mr. THOMPSON of Mississippi: Committee on Homeland Security. H.R. 2631. A bill to strengthen efforts in the Department of Homeland Security to develop nuclear forensics capabilities to permit attribution of the source of nuclear material; with amendments (Rept. 110–708 Pt. 1). Ordered to be printed.

Mr. WAXMAN: Committee on Oversight and Government Reform. H.R. 5811. A bill to amend title 44, United States Code, to require preservation of certain electronic records by Federal agencies, to require a certification and reports relating to Presidential records, and for other purposes; with an amendment (Rept. 110–709). Referred to the Committee of the Whole House on the state of the Union.

Mr. ARCURI: Committee on Rules. House Resolution 1265. Resolution providing for consideration of the bill (H.R. 5749) to provide for a program of emergency unemployment compensation (Rept. 110–710). Referred to the House Calendar.

¶70.30 COMMITTEE DISCHARGED

Pursuant to clause 2 of rule XII the Committee on Foreign Affairs discharged from further consideration. H.R. 2631 referred to the Committee of the Whole House on the state of the Union.

¶70.31 PUBLIC BILLS AND RESOLUTIONS

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

By Mr. JONES of North Carolina (for himself, Mr. GOODE, Mr. COBLE, Ms. FOXX, Mrs. MYRICK, and Mr. HAYES):

H.R. 6233. A bill to reinstate the Interim Management Strategy governing off-road vehicle use in the Cape Hatteras National Seashore, North Carolina, pending the issuance of a final rule for off-road vehicle use by the National Park Service; to the Committee on Natural Resources, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CONAWAY:

H.R. 6234. A bill to amend title 23, United States Code, to require corrosion mitigation and prevention plans for bridges receiving Federal funding, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. BRALEY of Iowa:

H.R. 6235. A bill to require the purchase of domestically made flags of the United States of America for use by the Federal Government; to the Committee on Oversight and Government Reform.

By Mr. CHABOT (for himself, Mr. LAMBORN, Mr. JORDAN, Mr. HOBSON, and Mr. TURNER):

H.R. 6236. A bill to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to modernize the disability benefits claims processing system of the Department of Veterans Affairs to ensure the accurate, consistent, and timely delivery of compensation to veterans and their families and survivors, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. COURTNEY:

H.R. 6237. A bill to amend the Internal Revenue Code of 1986 to provide for a credit for long-term care insurance premiums and for taxpayers with long-term care needs; to the Committee on Ways and Means.

By Mr. DINGELL (for himself, Mr. BARROW, Mr. HILL, Mr. HOYER, Mr. BOUCHER, Mr. DOYLE, Mr. TOWNS, Ms. BALDWIN, Mr. STUPAK, Ms. ESHOO, Mr. WEINER, Mr. MATHESON, Ms. HOOLEY, Mr. BUTTERFIELD, Mr. ALLEN, Mr. ROSS, Mr. MELANCON, Mr. INSLEE, Mr. MARKEY, Mr. GONZALEZ, Mr. ENGEL, Mrs. CAPPS, Mr. GORDON, Ms. SOLIS, Mr. WAXMAN, Mr. RUSH, Ms. SCHAKOWSKY, Ms. DEGETTE, Ms. HARMAN, Mr. GENE GREEN of Texas, Mr. PALLONE, Mr. BARTON of Texas, Mr. UPTON, and Ms. MATSUI):

H.R. 6238. A bill to provide for the establishment of an interagency working group to conduct a study to identify the factors that affect the pricing of crude oil and refined petroleum products, and to make recommendations on appropriate coordination of oversight and regulation; to the Committee on Energy and Commerce.

By Mr. GRAVES (for himself and Mr. WALZ of Minnesota):

H.R. 6239. A bill to amend the Elementary and Secondary Education Act of 1965 to suspend temporarily the process of identifying schools and local educational agencies as in need of improvement and of imposing sanctions on such schools and local educational agencies; to the Committee on Education and Labor.

By Mr. ISRAEL:

H.R. 6240. A bill to change the date for regularly scheduled Federal elections and establish polling place hours; to the Committee on House Administration.

By Mrs. MCCARTHY of New York (for herself, Mr. PASCRELL, and Ms. CORRINE BROWN of Florida):

H.R. 6241. A bill to amend title XVIII of the Social Security Act to include vision restoration therapy devices and associated software used in the patient's home to treat impaired visual function due to acquired brain injury within the definition of durable medical equipment under the Medicare Program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MUSGRAVE:

H.R. 6242. A bill to amend the Internal Revenue Code of 1986 to repeal the 1993 income tax increase on Social Security benefits, and for other purposes; to the Committee on Ways and Means.

By Mr. RAMSTAD:

H.R. 6243. A bill to amend the Internal Revenue Code of 1986 to provide an exemption from the Federal motor fuels excise tax for ground emergency and non-emergency ambulance services; to the Committee on Ways and Means.

By Mr. THOMPSON of Mississippi:

H.R. 6244. A bill to amend the Homeland Security Act of 2002 to direct the Secretary of Homeland Security to issue regulations that require that any award fee under a cost-plus-award-fee contract entered into by the Department of Homeland Security shall be determined and paid based on a successful acquisition outcome that is specified in the contract, and for other purposes; to the Committee on Homeland Security.

By Mr. THOMPSON of Mississippi:

H.R. 6245. A bill to amend the Homeland Security Act of 2002 to require a direct link on the website of the Department of Homeland Security to the website of the Office of the Inspector General of the Department of Homeland Security, and for other purposes; to the Committee on Homeland Security.

By Mr. THOMPSON of Mississippi:

H.R. 6246. A bill to require the Secretary of the Department of Homeland Security to establish an international registered traveler program that incorporates available technologies to expedite and enhance the security, screening, and processing of international travelers at United States borders, including United States citizens and lawful permanent residents, who enter and exit the United States, and for other purposes; to the Committee on Homeland Security.

By Mr. THOMPSON of Mississippi:

H.R. 6247. A bill to amend the Homeland Security Act of 2002 to direct the Secretary of Homeland Security to develop and acquire new technologies to inspect and screen air cargo on passenger aircraft to ensure transportation security, and for other purposes; to the Committee on Homeland Security.

By Mr. WELCH of Vermont (for himself, Mr. ELLISON, and Mr. BRALEY of Iowa):

H.R. 6248. A bill to amend the Truth in Lending Act to prohibit unfair practices in electronic payment system networks, and for other purposes; to the Committee on Financial Services.

By Mr. WEXLER (for himself, Mr. GALLEGLY, Ms. ROS-LEHTINEN, Mr. ENGEL, Mr. CHABOT, and Mr. HASTINGS of Florida):

H. Con. Res. 371. Concurrent resolution strongly supporting an immediate and just restitution of, or compensation for, property illegally confiscated during the last century by Nazi and Communist regimes; to the Committee on Foreign Affairs.

By Mr. ISSA (for himself, Mr. TOM DAVIS of Virginia, Mr. TURNER, Mr. BURTON of Indiana, Mr. SOUDER, Mr. SHAYS, Mr. MCHUGH, Mr. CANNON, Mr. WESTMORELAND, Mr. MCHENRY, Ms. FOXX, Mr. BILBRAY, Mr. SALI, Mr. JORDAN, Mr. DREIER, Mr. HERGER, Mr. SENSENBRENNER, Mr. ROHRABACHER, Mr. SHADEGG, Mr. BILIRAKIS, Mr. EHLERS, Mr. BROWN of South Carolina, Mrs. BACHMANN, Mr. KING of Iowa, Mr. MANZULLO, Mr. LATOURETTE, Mr. FORBES, Mr. ROGERS of Alabama, Mr. MILLER of Florida, Mr. ROSKAM, Mrs. BIGGERT, Mr. BACHUS, Mr. PETERSON of Pennsylvania, Mrs. MILLER of Michigan, Mr. HASTINGS of Washington, Mr. GINGREY, Mr. PRICE of Georgia, Mr. PITTS, Mr. BOUSTANY, Mr. TIBERI, Mr. MCKEON, Mr. DANIEL E. LUNGREN of California, Mr. HENSARLING, Mr. LEWIS of California, Mr. TIM MURPHY of Pennsylvania, Mr. CANTOR, Mrs. CAPITO, Mr. WILSON of South Carolina, Mr. FRANKS of Arizona, Mr. KELLER, and Mr. SMITH of Texas):

H. Res. 1262. A resolution expressing the sense of the House of Representatives that the Secretary of Commerce should use all reasonable measures to ensure that every person is counted in the 2010 decennial census; to the Committee on Oversight and Government Reform.

By Mr. WOLF:

H. Res. 1263. A resolution directing the chief Administrative Officer and the Sergeant at Arms of the House of Representatives to take timely action to ensure that all Members, committees, and offices of the House are alerted of the dangers of electronic attacks on the computers and information systems used in carrying out their official duties and are fully briefed on how to protect themselves, their official records, and their communications from electronic security breaches.

By Mr. GINGREY (for himself, Ms. WATERS, and Mr. SENSENBRENNER):

H. Res. 1264. A resolution expressing support for the private property rights protections guaranteed by the 5th Amendment to the Constitution on the 3rd anniversary of the Supreme Court's decision on Kelo v. City of New London; to the Committee on the Judiciary.

By Mr. GALLEGLY:

H. Res. 1266. A resolution congratulating Albania and Croatia on being invited to begin accession talks with the North Atlantic Treaty Organization and expressing support for continuing to enlarge the alliance; to the Committee on Foreign Affairs.

By Mr. JONES of North Carolina (for himself, Mr. BUTTERFIELD, and Mr. HAYES):

H. Res. 1267. A resolution congratulating the Mount Olive College Trojans for winning the 2008 National Collegiate Athletic Association Division II Men's Baseball National Championship; to the Committee on Education and Labor.

By Ms. MCCOLLUM of Minnesota (for herself, Mr. TIERNEY, Mr. SHAYS, Mr. WOLF, Mr. PLATTS, Mr. FARR, Mr. JACKSON of Illinois, Mr. HONDA, Mr. LYNCH, Mr. LAHOOD, and Mr. CARSON):

H. Res. 1268. A resolution expressing the sense of the House of Representatives that United States foreign assistance is a critical instrument for achieving our national security goals and that modernizing United States foreign assistance should become a national priority; to the Committee on Foreign Affairs.

¶70.32 MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

301. The SPEAKER presented a memorial of the House of Representatives of the State of Illinois, relative to House Resolution No. 1062 urging the Congress of the United States and the National Guard Bureau to take all necessary steps to ensure that the Fire Department of the 183rd remains located at the Abraham Lincoln Capital Airport in Springfield, Illinois; to the Committee on Armed Services.

302. Also, a memorial of the Legislature of the State of Louisiana, relative to House Concurrent Resolution No. 123 memorializing the Congress of the United States to enact legislation limiting certain increases in health insurance premiums, deductibles, copayments, and other charges of military retirees for their military health benefits being proposed by the Department of Defense; to the Committee on Armed Services.

303. Also, a memorial of the Legislature of the State of Idaho, relative to Senate Joint Resolution No. 109 urging the Congress of the United States to strike Section 108 from the College Opportunity and Affordability Act of 2007; to the Committee on Education and Labor.

304. Also, a memorial of the Senate of the Commonwealth of Pennsylvania, relative to Senate Resolution No. 289 calling for immediate action to provide short-term and long-term financial assistance to assure the availability of student loans to students and families of the Commonwealth; to the Committee on Education and Labor.

305. Also, a memorial of the Legislature of the State of Maine, relative to House Joint Resolution No. 1686 memorializing the Congress of the United States to enact legislation to ensure health care for all; to the Committee on Energy and Commerce.

306. Also, a memorial of the General Assembly of the State of Vermont, relative to House Joint Resolution No. 66 urging the Congress of the United States to adopt H.R. 5473, ''The Strategic Petroleum Reserve Fill Suspension and Consumer Protection Act of 2008''; to the Committee on Energy and Commerce.

307. Also, a memorial of the Senate of the State of Pennsylvania, relative to Senate Resolution No. 326 urging the President of the United States and the Congress of the United States to enact legislation to provide additional funding for ALS research; to the Committee on Energy and Commerce.

308. Also, a memorial of the House of Representatives of the State of Illinois, relative to House Resolution No. 940 urging the Congress of the United States to support a ban on the sale of novelty lighters that resemble toys; to the Committee on Energy and Commerce.

309. Also, a memorial of the House of Representatives of the State of Illinois, relative to House Resolution No. 1031 urging the Congress of the United States to reauthorize the Debbie Smith DNA backlog grant program at current or increased levels; to the Committee on the Judiciary.

310. Also, a memorial of the Legislature of the State of Idaho, relative to Senate Joint Memorial No. 113 urging the Congress of the United States to require specific conditions for the continued participation in NAFTA; to the Committee on Ways and Means.

311. Also, a memorial of the Legislature of the State of Mississippi, relative to House Concurrent Resolution No. 51 requesting that the Congress of the United States extend the Gulf Opportunity (GO) Zone Act of 2005; to the Committee on Ways and Means.

¶70.33 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 96: Ms. ZOE LOFGREN of California.
H.R. 169: Ms. LINDA T. SÁNCHEZ of California.
H.R. 241: Mr. HELLER.
H.R. 278: Mr. BROWN of South Carolina and Mr. GRIJALVA.
H.R. 303: Ms. HIRONO.
H.R. 371: Mr. RENZI.
H.R. 583: Mr. SPACE.
H.R. 736: Mr. GARY G. MILLER of California.
H.R. 760: Ms. JACKSON-LEE of Texas, Mrs. MILLER of Michigan, and Mr. HOLT.
H.R. 821: Mr. LAMPSON and Mr. WELCH of Vermont.
H.R. 1014: Mr. LINCOLN DIAZ-BALART of Florida, Mr. MARCHANT, and Mr. TAYLOR.
H.R. 1032: Ms. ZOE LOFGREN of California.
H.R. 1050: Mr. PASTOR.
H.R. 1085: Mr. SOUDER.
H.R. 1086: Mr. SOUDER.
H.R. 1110: Mr. AL GREEN of Texas.
H.R. 1178: Ms. HERSETH SANDLIN.
H.R. 1246: Ms. SPEIER.
H.R. 1275: Mr. CARSON.
H.R. 1298: Mr. CARSON.
H.R. 1646: Mr. FILNER.
H.R. 1665: Ms. ESHOO, Mr. JACKSON of Illinois, and Ms. TSONGAS.
H.R. 1667: Mr. FILNER.
H.R. 1748: Mr. HOEKSTRA.
H.R. 1881: Mr. DOOLITTLE.
H.R. 1974: Mr. HARE.
H.R. 1975: Mr. SESTAK.
H.R. 2032: Ms. KILPATRICK, Mr. WILSON of Ohio, and Mrs. LOWEY.
H.R. 2054: Mr. ELLSWORTH.
H.R. 2073: Mrs. LOWEY.
H.R. 2125: Mr. BUTTERFIELD and Mr. LAMPSON.
H.R. 2169: Mr. CLEAVER and Mr. CARSON.
H.R. 2260: Mr. SESSIONS.
H.R. 2279: Mr. LAMBORN, Mr. DENT, Mr. ROGERS of Kentucky, and Mr. UPTON.
H.R. 2303: Mr. BUYER and Ms. HIRONO.
H.R. 2371: Mr. MURPHY of Connecticut, Ms. DEGETTE, and Mr. YARMUTH.
H.R. 2493: Mr. LAMBORN and Mr. ROGERS of Kentucky.
H.R. 2578: Ms. HERSETH SANDLIN.
H.R. 2611: Mr. SHAYS.
H.R. 2677: Mr. GRIJALVA.
H.R. 2694: Mr. JACKSON of Illinois and Mr. CAPUANO.
H.R. 2792: Mr. SESTAK.
H.R. 2833: Ms. SUTTON.
H.R. 2842: Ms. SUTTON and Mr. GRIJALVA.
H.R. 2880: Mr. SENSENBRENNER and Mr. ALEXANDER.
H.R. 2976: Mr. SHADEGG.
H.R. 3008: Mr. CHILDERS.
H.R. 3036: Ms. MATSUI, Mr. HINOJOSA, Mr. YARMUTH, Ms. LINDA T. SÁNCHEZ of California, Mr. COURTNEY, Mr. BISHOP of New York, Mr. TIERNEY, Mr. ANDREWS, Mr. HOLT, and Mr. KILDEE.
H.R. 3053: Mr. GINGREY.
H.R. 3202: Mr. WELCH of Vermont.
H.R. 3234: Mr. JORDAN.
H.R. 3257: Mrs. CAPPS.
H.R. 3289: Mr. CARNEY and Mr. CAZAYOUX.
H.R. 3457: Mrs. BACHMANN.
H.R. 3654: Mr. WHITFIELD of Kentucky, Mr. HOBSON, Mrs. MUSGRAVE, Mrs. CUBIN, Mr. FRANKS of Arizona, Mrs. SCHMIDT, Mrs. CAPITO, Mr. HALL of Texas, and Mr. BONNER.
H.R. 3715: Mr. THOMPSON of Mississippi and Mr. DONNELLY.
H.R. 3769: Mr. DOGGETT.
H.R. 3990: Mr. HOLT.
H.R. 3995: Ms. JACKSON-LEE of Texas.
H.R. 4026: Mr. MEEKS of New York, Ms. WOOLSEY, and Mr. SERRANO.
H.R. 4053: Mr. CARSON.
H.R. 4107: Mr. MORAN of Kansas.
H.R. 4114: Mr. ROTHMAN.
H.R. 4138: Mr. LAMPSON.
H.R. 4189: Mr. BURGESS.
H.R. 4206: Mr. MANZULLO.
H.R. 4236: Mr. MEEK of Florida and Mr. LINCOLN DIAZ-BALART of Florida.
H.R. 4255: Mr. HAYES, Mr. BOOZMAN, and Ms. BALDWIN.
H.R. 4264: Mr. MAHONEY of Florida.
H.R. 4273: Mr. CAMP of Michigan.
H.R. 4544: Mr. FOSTER.
H.R. 4883: Ms. WATERS.
H.R. 4884: Mr. HOLT and Ms. WATERS.
H.R. 4900: Mr. MCKEON and Mrs. GILLIBRAND.
H.R. 5244: Mr. BOSWELL, Ms. LEE, Ms. KAPTUR, Mr. HIGGINS, Mr. OLVER, Mr. JONES of North Carolina, Ms. MATSUI, and Mr. PASCRELL.
H.R. 5267: Mr. TOM DAVIS of Virginia.
H.R. 5404: Mr. LAMPSON.
H.R. 5445: Mrs. BIGGERT.
H.R. 5496: Ms. SUTTON.
H.R. 5507: Ms. KILPATRICK.
H.R. 5549: Mr. BOREN.
H.R. 5564: Mr. HALL of New York.
H.R. 5632: Mr. BARROW and Mr. FILNER.
H.R. 5636: Mr. BRADY of Pennsylvania.
H.R. 5700: Mr. WEXLER.
H.R. 5731: Mr. BLUNT.
H.R. 5741: Mr. GRIJALVA.
H.R. 5785: Mr. AL GREEN of Texas.
H.R. 5793: Ms. MATSUI.
H.R. 5797: Mr. BUYER.
H.R. 5798: Mr. AL GREEN of Texas.
H.R. 5802: Ms. DEGETTE.
H.R. 5808: Mr. PAYNE.
H.R. 5809: Mr. PAYNE.
H.R. 5821: Mr. MARCHANT.
H.R. 5842: Mr. ROTHMAN.
H.R. 5874: Mr. SMITH of Washington, Mr. COHEN, Mr. COBLE, and Mr. PRICE of North Carolina.
H.R. 5892: Mr. TIM MURPHY of Pennsylvania and Mr. FOSTER.
H.R. 5898: Mr. WITTMAN of Virginia.
H.R. 5932: Mr. SCALISE.
H.R. 5935: Mr. DAVIS of Illinois.
H.R. 5942: Ms. CORRINE BROWN of Florida, Mr. FOSSELLA, Mr. SMITH of New Jersey, and Mr. EDWARDS.
H.R. 5943: Mr. WHITFIELD of Kentucky.
H.R. 5954: Mr. SIMPSON.
H.R. 5971: Mr. SMITH of Texas, Mr. WAMP, Mr. ALEXANDER, and Mr. LATOURETTE.
H.R. 5979: Mr. ROTHMAN.
H.R. 5984: Mrs. WILSON of New Mexico, Mr. SMITH of Texas, Mrs. BIGGERT, Mrs. MILLER of Michigan, Mr. DAVIS of Kentucky, Mr. CAMPBELL of California, Mr. BOEHNER, and Mr. HALL of Texas.
H.R. 6001: Mr. SALI.
H.R. 6032: Mr. WALZ of Minnesota, Mr. ROTHMAN, and Mr. PETERSON of Minnesota.
H.R. 6056: Ms. BALDWIN, Ms. JACKSON-LEE of Texas, Mr. LEWIS of Georgia, Mr. HILL, Mrs. LOWEY, Mr. WELCH of Vermont, and Mr. WALSH of New York.
H.R. 6057: Mr. PRICE of North Carolina.
H.R. 6076: Ms. WOOLSEY.
H.R. 6083: Mr. LOEBSACK and Mr. GALLEGLY.
H.R. 6085: Mr. UPTON.
H.R. 6107: Mr. MCKEON, Mr. KLINE of Minnesota, Mr. TAYLOR, Mr. REGULA, Mr. CALVERT, Mr. MICA, Mr. REYNOLDS, Mr. HUNTER, Mr. WELLER, Mrs. MILLER of Michigan, Mr. SOUDER, Mr. RYAN of Wisconsin, Mr. CRENSHAW, Mr. BARRETT of South Carolina, Mr. LAHOOD, Mr. REHBERG, Mr. TIAHRT, Mr. ALEXANDER, Mr. HAYES, Mr. CANTOR, Mr. LEWIS of California, Mr. ROHRABACHER, Mr. RENZI, Mr. TURNER, Mr. PUTNAM, Mrs. BIGGERT, Mr. PETERSON of Minnesota, Mr. KING of Iowa, and Mr. FOSSELLA.
H.R. 6108: Mr. LAMBORN, Mr. HENSARLING, and Mr. ROGERS of Kentucky.
H.R.. 6126: Mr. PASTOR.
H.R.. 6133: Mrs. BACHMANN and Mr. BARTLETT of Maryland.
H.R.. 6140: Mr. BUYER.
H.R.. 6168: Mrs. EMERSON and Mr. GRAVES.
H.R.. 6169: Mrs. EMERSON and Mr. GRAVES.
H.R.. 6179: Mr. REYNOLDS.
H.R.. 6180: Mr. HASTINGS of Florida.
H.R.. 6184: Mr. GRIJALVA.
H.R.. 6208: Mrs. EMERSON and Mr. GRAVES.
H.R.. 6210: Mr. FOSTER, Mr. SIRES, Mr. WOLF, and Ms. BERKLEY.
H.R.. 6211: Mr. BISHOP of Utah.
H.J. Res. 22: Mrs. MUSGRAVE, Mr. CANTOR, Mr. BILBRAY, Mr. PENCE, Mrs. MCMORRIS RODGERS, Mr. AKIN, Mr. CONAWAY, Mr. MARCHANT, Mr. SALI, and Mr. PITTS.
H.J. Res. 89: Mr. MARCHANT, Mr. ROGERS of Kentucky, Mr. MCHENRY, Mr. ALEXANDER,

Mr. BARRETT of South Carolina, Mr. PETERSON of Minnesota, Mr. SALI, and Mr. COLE of Oklahoma.

H. Con. Res. 296: Mr. ALEXANDER, Mr. BONNER, Mr. GRIJALVA, Mr. DAVID DAVIS of Tennessee, and Mr. KIRK.

H. Con. Res. 329: Mrs. MUSGRAVE.

H. Con. Res. 341: Mr. SALI, Mr. COLE of Oklahoma, Mr. ROSKAM, Mr. ALEXANDER, and Mr. SCOTT of Georgia.

H. Con. Res. 342: Mr. PASTOR, Ms. ZOE LOFGREN of California, Mr. COOPER, Mr. ALLEN, Mr. BURTON of Indiana, and Mr. TIM MURPHY of Pennsylvania.

H. Con. Res. 350: Ms. LEE, Mr. GEORGE MILLER of California, Mr. COSTA, and Mr. SCOTT of Georgia.

H. Con. Res. 360: Mr. CARSON, Mr. BLUMENAUER, Ms. KAPTUR, and Mr. FARR.

H. Con. Res. 362: Ms. HARMAN, Mr. FORTENBERRY, Mr. WALBERG, Mr. HOEKSTRA, Mr. SMITH of Washington, Mr. ALEXANDER, and Mr. ALLEN.

H. Con. Res. 364: Mrs. MCCARTHY of New York, Mr. SCOTT of Virginia, Mr. THOMPSON of Mississippi, Mr. CLYBURN, Mr. JOHNSON of Georgia, Mr. BUTTERFIELD, Ms. RICHARDSON, Mr. CLEAVER, Mr. SCOTT of Georgia, Mr. CLAY, Ms. WATERS, Mr. CUMMINGS, and Ms. CORRINE BROWN of Florida.

H. Con. Res. 365: Mr. MOORE of Kansas, Mr. BLUMENAUER, Mr. FRANK of Massachusetts, Ms. RICHARDSON, Mr. BERRY, Mr. GORDON, Mrs. TAUSCHER, Mr. DEFAZIO, and Ms. WATERS.

H. Con. Res. 367: Mr. MCINTYRE, and Mr. GENE GREEN of Texas.

H. Res. 282: Mr. MARIO DIAZ-BALART of Florida.

H. Res. 353: Mr. MORAN of Virginia, Mr. SHULER, Mr. WEXLER, and Mr. RAMSTAD.

H. Res. 373: Mr. JACKSON of Illinois.

H. Res. 795: Ms. TSONGAS.

H. Res. 937: Mr. WHITFIELD of Kentucky, Mr. CULBERSON, Mr. TURNER, and Mr. HOBSON.

H. Res. 970: Mr. KUHL of New York.

H. Res. 985: Mr. BURTON of Indiana.

H. Res. 1012: Mr. LAHOOD.

H. Res. 1019: Ms. HIRONO and Ms. KILPATRICK.

H. Res. 1028: Mr. GRIJALVA, Ms. BALDWIN, Mr. CLAY, Ms. ZOE LOFGREN of California, and Ms. SCHAKOWSKY.

H. Res. 1127: Mr. SMITH of New Jersey.

H. Res. 1143: Mr. SPACE, Mr. REYNOLDS, Mr. LATTA, Mr. UDALL of Colorado, Mr. COSTELLO, Mr. CARSON, and Mr. BARRETT of South Carolina.

H. Res. 1179: Mrs. MYRICK, Ms. WATSON, Mr. DAVID DAVIS of Tennessee, Mr. JONES of North Carolina, and Mr. UPTON.

H. Res. 1187: Mr. BURTON of Indiana.

H. Res. 1192: Ms. MCCOLLUM of Minnesota.

H. Res. 1198: Mr. RADANOVICH.

H. Res. 1202: Mr. WALBERG and Mr. EHLERS.

H. Res. 1230: Ms. TSONGAS, Mr. SCHIFF, Ms. LINDA T. SÁNCHEZ of California, and Ms. BERKLEY.

H. Res. 1237: Mr. LAMPSON and Mr. LOEBSACK.

H. Res. 1248: Mrs. LOWEY, Ms. BORDALLO, Mr. HELLER, Mr. MATHESON, Mr. CRAMER, Mr. TANNER, Mr. BOREN, Mr. CHILDERS, Mr. CAZAYOUX, Mr. SMITH of Nebraska, Mr. CARDOZA, Mr. MOORE of Kansas, Mr. ARCURI, and Mr. BOOZMAN.

H. Res. 1249: Mr. GORDON, Mr. ELLSWORTH, Mr. FATTAH, Mr. WESTMORELAND, Mr. WEINER, Mr. KLEIN of Florida, and Mr. GENE GREEN of Texas.

H. Res. 1254: Mr. GENE GREEN of Texas, Mr. RUSH, Ms. WATSON, Mr. HINOJOSA, Mr. FATTAH, and Ms. EDDIE BERNICE JOHNSON of Texas.

H. Res. 1258: Ms. WOOLSEY and Ms. LEE.

¶70.34 PETITIONS

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

255. The SPEAKER presented a petition of the North Carolina State Council of the Junior Order United American Mechanics, relative to Resolution No. 5 supporting the brave and dedicated men and women of the Armed Forces of the United States of America; to the Committee on Armed Services.

256. Also, a petition of the Town of Chatham, Massachusetts, relative to a Resolution calling for funding for a safe and rapid withdrawal of all United States troops from Iraq; to the Committee on Armed Services.

257. Also, a petition of the Town of Wellfleet, Massachusetts, relative to a Resolution calling for funding for a safe and rapid withdrawal of all United States troops from Iraq; to the Committee on Armed Services.

258. Also, a petition of the County Commission of Baldwin County, Alabama, relative to Resolution No. 2008-94 urging the Congress of the United States to affirm the selection process of the United States Air Force by moving with deliberate speed to fund and implement the KC-45 Tanker Project; to the Committee on Armed Services.

259. Also, a petition of the City Council of Atlanta, Georgia, relative to Resolution No. 08-R-0861 thanking the Congress of the United States for enacting the Energy Independence Security Act of 2007 and for the creation of the Energy Efficiency and Conservation Block Grant; to the Committee on Energy and Commerce.

260. Also, a petition of American Bar Association, relative to Resolution No. 109 urging the government of the United States to take a leadership role in addressing the issue of climate change through legal, policy, financial, and educational mechanisms; to the Committee on Energy and Commerce.

261. Also, a petition of Conservation Groups, relative to a Resolution requesting a rehearing of the Federal Energy Regulatory Commission's ''Order on Ten-Year Summary Report''; to the Committee on Energy and Commerce.

262. Also, a petition of the City Council of Atlanta, Georgia, relative to Resolution No. 08-R-0857 requesting that the Congress of the United States restore and protect funding for proven public safety programs; to the Committee on the Judiciary.

263. Also, a petition of the North Carolina State Council of the Junior Order United American Mechanics, relative to Resolution No. 6 supporting any resolution or joint resolution proposing an amendment to the Constitution of the United States establishing English as the official language of the United States; to the Committee on the Judiciary.

264. Also, a petition of the North Carolina State Council of the Junior Order United American Mechanics, relative to Resolution No. 4 demanding that the Congress of the United States find common language that will bring the immigration issues to a resolution; to the Committee on the Judiciary.

265. Also, a petition of the Village of Elida, Ohio, relative to Resolution No. 337-2008 expressing opposition to H.R. 3359, ''Mobile Workforce State Income Tax Fairness and Simplification Act of 2007''; to the Committee on the Judiciary.

266. Also, a petition of the State Bar of California, San Francisco, California, relative to a Resolution urging consideration of legislation to revise the penalty provisions in the Internal Revenue Code, as addressed by H.R. 4318; to the Committee on Ways and Means.

267. Also, a petition of the City Council of New Orleans, Louisiana, relative to Resolution No. R-07-438 supporting any and all efforts to establish the City of New Orleans as the host location for all DR-CAFTA institutional activity; to the Committee on Ways and Means.

268. Also, a petition of the Korean American Elected Officials Coalition, relative to a Resolution urging the consideration and passing of the Korea-U.S. Free Trade Agreement before the end of the 110th Congress; to the Committee on Ways and Means.

THURSDAY, JUNE 12, 2008 (71)

¶71.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Mrs. TAUSCHER, who laid before the House the following communication:

WASHINGTON, DC,
June 12, 2008.

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

NANCY PELOSI,
Speaker of the House of Representatives.

¶71.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mrs. TAUSCHER, announced she had examined and approved the Journal of the proceedings of Wednesday, June 11, 2008.

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

¶71.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

7100. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Hexythiazox; Pesticide Tolerances [EPA-HQ-OPP-2005-0309; FRL-8365-2] received May 27, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7101. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Fluopicolide; Pesticide Tolerances [EPA-HQ-OPP-2007-0339; FRL-8363-7] received May 27, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7102. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — 2-Oxepanone, homopolymer; Tolerance Exemption [EPA-HQ-OPP-2008-0096; FRL-8362-8] received May 28, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7103. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Boscalid; Pesticide Tolerance [EPA-HQ-OPP-2005-0145; FRL-8354-4] received April 30, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7104. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Myclobutanil; Pesticide Tolerance [EPA-HQ-OPP-2007-0107; FRL-8356-2] received April 30, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7105. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's report on the Community Food and Nutrition Program for Fiscal Years 2004 and 2005; to the Committee on Education and Labor.

7106. A letter from the Administrator, Energy Information Administration, Department of Energy, transmitting the Department's report for Calendar Year 2007 on the country of origin and the sellers of uranium

and uranium enrichment services purchased by owners and operators of U.S. civilian nuclear power reactors, pursuant to 42 U.S.C. 2297g-4; to the Committee on Energy and Commerce.

7107. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's Fiscal Year 2007 annual report pursuant to Section 712(e) of the Federal Food, Drug, and Cosmetics Act; to the Committee on Energy and Commerce.

7108. A letter from the Commissioner of Food and Drugs, Department of Health and Human Services, transmitting the Department's Interim Report on Study Commitment Regarding Inclusion of Toll-Free Adverse Event Reporting Number by FDA, pursuant to Public Law 110-85, section 906; to the Committee on Energy and Commerce.

7109. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's report for fiscal years 2003-2005 on the effectiveness of programs assisted under the Lead Contamination Control Act of 1988, pursuant to 42 U.S.C. 247b-1(j); to the Committee on Energy and Commerce.

7110. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's report on the use of funds appropriated to carry out the Medicaid Integrity Program for Fiscal Year 2007, pursuant to 42 U.S.C. 1396; to the Committee on Energy and Commerce.

7111. A letter from the Secretary, Department of Transportation, transmitting the Department's Fiscal Year 2007 annual report as required by the Superfund Amendments and Reauthorization Act (SARA) of 1986, as amended, pursuant to 42 U.S.C. 9620; to the Committee on Energy and Commerce.

7112. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Method 207 — Pre-Survey Procedure for Corn Wet-Milling Facility Emission Sources [EPA-HQ-OAR-2007-0844, FRL-8572-1] (RIN: 2060-A039) received May 27, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7113. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Expedited Approval of Alternative Test Procedures for the Analysis of Contaminants Under the Safe Drinking Water Act; Analysis and Sampling Procedures [EPA-HQ-OW-2006-0958; FRL-8573-7] received May 28, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7114. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; South Carolina; Prevention of Significant Deterioration and Nonattainment New Source Review Rules [EPA-R04-OAR-2005-SC-0004-200809; FRL-8573-2] received May 28, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7115. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Minnesota; Maintenance Plan Update for Dakota County Lead Area [EPA-R05-OAR-2007-1097; FRL-8572-6] received May 28, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7116. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Minnesota; Interstate Transport of Pollution [EPA-R05-OAR-2007-1132; FRL-8573-3] received May 28, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7117. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Determination of Nonattainment and Reclassification of the Memphis, Tennessee/Crittenden County, Arkansas 8-hour Ozone Nonattainment Area [EPA-R04-OAR-2007-0959-200804; FRL-8547-8] received April 30, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7118. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of State Implementation Plans; State of Utah; Interstate Transport of Pollution and Other Revisions [EPA-R08-OAR-2007-0647; FRL-8546-3] received April 30, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7119. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Rhode Island; Diesel Anti-Idling Regulation [EPA-R01-OAR-2007-1176; A-1-FRL-8546-9] received April 30, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7120. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Amendments to National Emission Standards for Hazardous Air Pollutants for Area Sources: Acrylic and Modacrylic Fibers Production, Carbon Black Production, Chemical Manufacturing: Chromium Compounds, Flexible Polyurethane Foam Production and Fabrication, Lead Acid Battery Manufacturing, and Wood Preserving [EPA-HQ-OAR-2006-0897; FRL-8547-1] (RIN: 2060-AN44) received April 30, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7121. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Determinations of Attainment of the Eight-Hour Ozone Standard for Various Ozone Nonattainment Areas in Upstate New York State [EPA-R02-OAR-2008-0078; FRL-8546-2] received April 30, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7122. A letter from the Chairman, Nuclear Regulatory Commission, transmitting the Commission's report entitled, ''Report to Congress on Abnormal Occurrences: Fiscal Year 2007,'' pursuant to 42 U.S.C. 5848; to the Committee on Energy and Commerce.

7123. A letter from the President & CEO, Federal Home Loan Bank Seattle, transmitting the 2007 management report of the Federal Home Loan Bank of Seattle, pursuant to 31 U.S.C. 9106; to the Committee on Oversight and Government Reform.

7124. A letter from the President, Federal Home Loan Bank of Cincinnati, transmitting the 2007 management report and statements on system of internal controls of the Federal Home Loan Bank of Cincinnati, pursuant to 31 U.S.C. 9106; to the Committee on Oversight and Government Reform.

7125. A letter from the Deputy General Counsel, Office of Management and Budget, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

7126. A letter from the Commissioner, Social Security Administration, transmitting the 2008 Annual Report of the Supplemental Security Income Program, pursuant to Public Law 104-193, section 231; to the Committee on Ways and Means.

7127. A letter from the Commissioner, Social Security Administration, transmitting a copy of draft bill to make amendments to the Old-Age, Survivors, and Disability Insurance (OASDI) program and the Supplemental Security Income (SSI) program; to the Committee on Ways and Means.

7128. A letter from the Commissioner, Social Security Administration, transmitting the Administration's latest version of Social Security and Supplemental Security Income (SSI) Statistics by Congressional District as of December 2007; to the Committee on Ways and Means.

7129. A letter from the United States Trade Representative, Executive Office of the President, transmitting consistent with Title I of the Trade and Development Act of 2000, the ''2008 Comprehensive Report on U.S. Trade and Investment Policy Toward Sub-Saharan Africa and Implementation of the African Growth and Opportunity Act''; to the Committee on Ways and Means.

7130. A letter from the Director, Financial Management and Assurance, General Accounting Office, transmitting a report entitled, ''Congressional Award Foundation's Fiscal Years 2006 and 2007 Financial Statements,'' pursuant to 2 U.S.C. 807(a); jointly to the Committees on Education and Labor and Oversight and Government Reform.

7131. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's FY 2005 report on the Low Income Home Energy Assistance Program (LIHEAP), pursuant to 42 U.S.C. 8629(b); jointly to the Committees on Energy and Commerce and Education and Labor.

7132. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's report entitled, ''Final Report to Congress on the Evaluation of Medicare Disease Management Programs,'' pursuant to Public Law 106-554, section 121; jointly to the Committees on Energy and Commerce and Ways and Means.

7133. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's report entitled, ''Finalizing Medicare Regulations under Section 902 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 for Calendar Year 2007''; jointly to the Committees on Ways and Means and Energy and Commerce.

¶71.4 PROVIDING FOR CONSIDERATION OF H.R. 5749

Mr. ARCURI, by direction of the Committee on Rules, called up the following resolution (H. Res. 1265):

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 5749) to provide for a program of emergency unemployment compensation. All points of order against consideration of the bill are waived except those arising under clause 9 of rule XXI. In lieu of the amendment in the nature of a substitute recommended by the Committee on Ways and Means now printed in the bill, the amendment in the nature of a substitute printed in the report of the Committee on Rules accompanying this resolution shall be considered as adopted. The bill, as amended, shall be considered as read. All points of order against the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means; and (2) one motion to recommit with or without instructions.

SEC. 2. During consideration of H.R. 5749 pursuant to this resolution, notwithstanding the operation of the previous question, the

Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

When said resolution was considered.

After debate,

Mr. ARCURI moved the previous question on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House now order the previous question?

The SPEAKER pro tempore, Mrs. TAUSCHER, announced that the yeas had it.

Mr. HASTINGS of Washington, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mrs. TAUSCHER, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶71.5 H. RES. 1257—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mrs. TAUSCHER, pursuant to clause 8, rule XX, announced the unfinished business to be the question on ordering the previous question on the resolution (H. Res. 1257) providing consideration of the bill (H.R. 6063) to authorize programs of the National Aeronautics and Space Administration, and for other purposes.

The question being put,

Will the House now order the previous question?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 226 / Nays 183

¶71.6 [Roll No. 405]

YEAS—226

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

NAYS—183

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Childers
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gerlach
Gingrey
Goode
Goodlatte
Graves
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hill
Hobson
Hoekstra
Hunter
Inglis (SC)
Issa
Johnson, Sam
Jordan
Keller
King (IA)
King (NY)
Kingston
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Latta
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Saxton
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOT VOTING—24

Boyda (KS)
Braley (IA)
Davis (AL)
Flake
Frelinghuysen
Granger
Higgins
Honda
Hulshof
Kind
Lewis (CA)
Loebsack
McCrery
Meek (FL)
Mollohan
Moran (KS)
Obey
Ortiz
Peterson (PA)
Rogers (MI)
Ruppersberger
Rush
Stark
Tancredo

So the previous question on the resolution was ordered.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mrs. TAUSCHER, announced that the yeas had it.

Mr. HASTINGS of Washington, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 221 / Nays 188

¶71.7 [Roll No. 406]

YEAS—221

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Brady (PA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Cazayoux
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kaptur
Kennedy
Kildee
Kilpatrick
Klein (FL)
Kucinich
Lampson
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)

Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Speier
Spratt
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—188

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

NOT VOTING—24

Akin
Berkley
Boyda (KS)
Brady (TX)
Braley (IA)
Flake
Higgins
Hulshof
Kanjorski
Kind
Kirk
Loebsack
McCrery
Meek (FL)
Moran (KS)
Ortiz
Peterson (PA)
Rangel
Rogers (MI)
Rush
Simpson
Stark
Tancredo
Wilson (NM)

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶71.8 H. RES. 1265—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mrs. TAUSCHER, pursuant to clause 8, rule XX, announced the unfinished business to be the question on ordering the previous question on the resolution (H. Res. 1265) providing for consideration of the bill (H.R. 5749) to provide for a program of emergency unemployment compensation.

The question being put,

Will the House now order the previous question?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 225 / Nays 186

¶71.9 [Roll No. 407]

YEAS—225

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

NAYS—186

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
Everett
Fallin
Feeney
Ferguson
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hill
Hobson
Hoekstra
Hunter
Inglis (SC)
Issa
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Renzi
Rogers (AL)
Rogers (KY)
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Saxton
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—22

Boyda (KS)
Braley (IA)
Flake
Gutierrez
Higgins
Hulshof
Kind
Loebsack
McCarthy (NY)
McCrery
Miller, George
Moran (KS)
Ortiz
Reynolds
Rogers (MI)
Rush
Stark
Tancredo
Towns
Velázquez
Waters
Wittman (VA)

So the previous question on the resolution was ordered.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mrs. TAUSCHER, announced that the yeas had it.

Mr. HASTINGS of Washington, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 227 Nays 192

¶71.10 [Roll No. 408]

YEAS—227

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

NAYS—192

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

NOT VOTING—14

Boyda (KS)
Braley (IA)
Flake
Higgins
Hulshof
Kind
Loebsack
McCrery
Moran (KS)
Ortiz
Rogers (MI)
Rush
Stark
Tancredo

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶71.11 H.R. 1553—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mrs. TAUSCHER, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 1553) to amend the Public Health Service Act to advance medical research and treatments into pediatric cancers, ensure patients and families have access to the current treatments and information regarding pediatric concerns, establish a population-based national childhood cancer database, and promote public awareness of pediatric cancers; as amended.

The question being put,

Will the House suspend the rules and pass said bill, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 416 Nays 0

¶71.12 [Roll No. 409]

YEAS—416

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Cazayoux
Chabot
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Forbes
Fortenberry
Fossella
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler

Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Scalise
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Speier
Spratt
Stearns
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—17

Braley (IA)
Broun (GA)
Doggett
Flake
Higgins
Hulshof
Kind
Loebsack
McCrery
Meeks (NY)
Moran (KS)
Ortiz
Paul
Rogers (MI)
Rush
Stark
Tancredo

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

By unanimous consent, the title was amended so as to read: ''An Act to amend the Public Health Service Act to advance medical research and treatments into pediatric cancers, ensure patients and families have access to information regarding pediatric cancers and current treatments for such cancers, establish a national childhood cancer registry, and promote public awareness of pediatric cancer.''.

A motion to reconsider the votes whereby the rules were suspended and said bill, as amended, was passed and the title was amended was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶71.13 EMERGENCY EXTENDED UNEMPLOYMENT COMPENSATION

Mr. RANGEL, pursuant to House Resolution 1265, called up for consideration the bill (H.R. 5749) to provide for a program of emergency unemployment compensation.

Pending consideration of said bill.

¶71.14 POINT OF ORDER

Mr. WELLER of Illinois, made a point of order against consideration of said bill and said:

''Madam Speaker, I raise a point of order against consideration of this bill because the bill violates clause 10 of rule XXI of the Rules of the House of Representatives which provides in pertinent part that ''it shall not be in order to consider any bill if the provisions of such measure affecting direct spending and revenues have the net effect of increasing the deficit over the 5- or 10-year budget scoring window.

''This rule is commonly referred to as the pay-as-you-go rule or PAYGO and was enacted by the majority with great fanfare at the beginning of this Congress.

''In reviewing the estimate prepared by the Congressional Budget Office, I note that they have scored this bill as increasing the deficit by $14 billion over the next 5 years, and nearly $10 billion over the coming decade.

''Madam Speaker, I ask unanimous consent that the table prepared by the Congressional Budget Office appear at this point in the RECORD.

''Madam Speaker, given this overwhelming evidence that this bill does have the net effect of increasing the deficit over both scoring windows, I must respectfully insist on my point of order that the bill violates the PAYGO rule.''.

Mr. RANGEL was recognized to speak to the point of order and said:

''Madam Speaker, I ask that the gentleman's motion receive the consideration it deserves.''

The SPEAKER pro tempore, Mrs. TAUSCHER, overruled the point of order, and said:

''The gentleman from Illinois makes a point of order against consideration of H.R. 5749 on the ground that the bill includes provisions affecting direct spending or revenues that would have the net effect of increasing the Federal budget deficit. That point of order sounds in clause 10 of rule XXI.

''The special order of business prescribed by the adoption of House Resolution 1265 waives any such point of order. The Chair will read the operative sentence of House Resolution 1265: ''All points of order against consideration of the bill are waived except those arising under clause 9 of rule XXI.

''The Chair finds that the point of order raised by the gentleman from Illinois has been waived.

''The Chair therefore holds that the point of order is overruled.''.

Mr. WELLER of Illinois, appealed the ruling of the Chair.

The question being put, viva voce,

Will the decision of the Chair stand as the judgment of the House?

Mr. RANGEL moved to lay the appeal on the table.

The question being put, viva voce,

Will the House lay on the table the appeal of the ruling of the Chair?

The SPEAKER pro tempore, Mrs. TAUSCHER, announced that the yeas had it.

Mr. WELLER of Illinois, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 217 / Nays 185

¶71.15 [Roll No. 410]

YEAS—217

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

NAYS—185

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor

Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hunter
Inglis (SC)
Issa
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (MI)
Miller, Gary
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Putnam
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Young (AK)
Young (FL)

NOT VOTING—31

Baca
Braley (IA)
Davis (IL)
Dicks
Flake
Gonzalez
Gutierrez
Higgins
Hinojosa
Hulshof
Kagen
Kilpatrick
Kind
Loebsack
Maloney (NY)
McCrery
Miller (FL)
Moran (KS)
Murphy, Tim
Ortiz
Pence
Pryce (OH)
Radanovich
Reyes
Rogers (MI)
Rush
Smith (NJ)
Stark
Tancredo
Walsh (NY)
Wolf

So the motion to lay the appeal on the table was agreed to.

A motion to reconsider the vote whereby said motion was agreed to was, by unanimous consent, laid on the table.

Accordingly,

Pending consideration of the bill.

Pursuant to House Resolution 1265, in lieu of the amendment recommended by the Committee on Ways and Means printed in the bill, the following amendment in the nature of a substitute printed in House Report 110-710 of the Committee on Rules, was considered as agreed to:

Strike out all after the enacting clause and insert:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Emergency Extended Unemployment Compensation Act of 2008''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Federal-State agreements.
Sec. 3. Emergency unemployment compensation account.
Sec. 4. Payments to States having agreements for the payment of emergency unemployment compensation.
Sec. 5. Financing provisions.
Sec. 6. Fraud and overpayments.
Sec. 7. Definitions.
Sec. 8. Applicability.

SEC. 2. FEDERAL-STATE AGREEMENTS.

(a) IN GENERAL.—Any State which desires to do so may enter into and participate in an agreement under this Act with the Secretary of Labor (in this Act referred to as the ''Secretary''). Any State which is a party to an agreement under this Act may, upon providing 30 days' written notice to the Secretary, terminate such agreement.

(b) PROVISIONS OF AGREEMENT.—Any agreement under subsection (a) shall provide that the State agency of the State will make payments of emergency unemployment compensation to individuals who—

(1) have exhausted all rights to regular compensation under the State law or under Federal law with respect to a benefit year (excluding any benefit year that ended before May 1, 2007);

(2) have no rights to regular compensation or extended compensation with respect to a week under such law or any other State unemployment compensation law or to compensation under any other Federal law (except as provided under subsection (e)); and

(3) are not receiving compensation with respect to such week under the unemployment compensation law of Canada.

(c) EXHAUSTION OF BENEFITS.—For purposes of subsection (b)(1), an individual shall be deemed to have exhausted such individual's rights to regular compensation under a State law when—

(1) no payments of regular compensation can be made under such law because such individual has received all regular compensation available to such individual based on employment or wages during such individual's base period; or

(2) such individual's rights to such compensation have been terminated by reason of the expiration of the benefit year with respect to which such rights existed.

(d) WEEKLY BENEFIT AMOUNT, ETC.—For purposes of any agreement under this Act—

(1) the amount of emergency unemployment compensation which shall be payable to any individual for any week of total unemployment shall be equal to the amount of the regular compensation (including dependents' allowances) payable to such individual during such individual's benefit year under the State law for a week of total unemployment;

(2) the terms and conditions of the State law which apply to claims for regular compensation and to the payment thereof shall apply to claims for emergency unemployment compensation and the payment thereof, except where otherwise inconsistent with the provisions of this Act or with the regulations or operating instructions of the Secretary promulgated to carry out this Act; and

(3) the maximum amount of emergency unemployment compensation payable to any individual for whom an emergency unemployment compensation account is established under section 3 shall not exceed the amount established in such account for such individual.

(e) ELECTION BY STATES.—Notwithstanding any other provision of Federal law (and if State law permits), the Governor of a State that is in an extended benefit period may provide for the payment of emergency unemployment compensation prior to extended compensation to individuals who otherwise meet the requirements of this section.

(f) UNAUTHORIZED ALIENS INELIGIBLE.—A State shall require as a condition of eligibility for emergency unemployment compensation under this Act that each alien who receives such compensation must be legally authorized to work in the United States, as defined for purposes of the Federal Unemployment Tax Act (26 U.S.C. 3301 et seq.). In determining whether an alien meets the requirements of this subsection, a State must follow the procedures provided in section 1137(d) of the Social Security Act (42 U.S.C. 1320b–7(d)).

SEC. 3. EMERGENCY UNEMPLOYMENT COMPENSATION ACCOUNT.

(a) IN GENERAL.—Any agreement under this Act shall provide that the State will establish, for each eligible individual who files an application for emergency unemployment compensation, an emergency unemployment compensation account with respect to such individual's benefit year.

(b) AMOUNT IN ACCOUNT.—

(1) IN GENERAL.—The amount established in an account under subsection (a) shall be equal to the lesser of—

(A) 50 percent of the total amount of regular compensation (including dependents' allowances) payable to the individual during the individual's benefit year under such law, or

(B) 13 times the individual's average weekly benefit amount for the benefit year.

(2) WEEKLY BENEFIT AMOUNT.—For purposes of this subsection, an individual's weekly benefit amount for any week is the amount of regular compensation (including dependents' allowances) under the State law payable to such individual for such week for total unemployment.

(c) SPECIAL RULE.—

(1) IN GENERAL.—Notwithstanding any other provision of this section, if, at the time that the individual's account is exhausted or at any time thereafter, such individual's State is in an extended benefit period (as determined under paragraph (2)), then, such account shall be augmented by an amount equal to the amount originally established in such account (as determined under subsection (b)(1)).

(2) EXTENDED BENEFIT PERIOD.—For purposes of paragraph (1), a State shall be considered to be in an extended benefit period, as of any given time, if—

(A) such a period is then in effect for such State under the Federal-State Extended Unemployment Compensation Act of 1970;

(B) such a period would then be in effect for such State under such Act if section 203(d) of such Act—

(i) were applied by substituting ''4'' for ''5'' each place it appears; and

(ii) did not include the requirement under paragraph (1)(A); or

(C) such a period would then be in effect for such State under such Act if—

(i) section 203(f) of such Act were applied to such State (regardless of whether the State by law had provided for such application); and

(ii) such section 203(f)—

(I) were applied by substituting ''6.0'' for ''6.5'' in paragraph (1)(A)(i); and

(II) did not include the requirement under paragraph (1)(A)(ii).

SEC. 4. PAYMENTS TO STATES HAVING AGREEMENTS FOR THE PAYMENT OF EMERGENCY UNEMPLOYMENT COMPENSATION.

(a) GENERAL RULE.—There shall be paid to each State that has entered into an agreement under this Act an amount equal to 100 percent of the emergency unemployment compensation paid to individuals by the State pursuant to such agreement.

(b) TREATMENT OF REIMBURSABLE COMPENSATION.—No payment shall be made to any State under this section in respect of

any compensation to the extent the State is entitled to reimbursement in respect of such compensation under the provisions of any Federal law other than this Act or chapter 85 of title 5, United States Code. A State shall not be entitled to any reimbursement under such chapter 85 in respect of any compensation to the extent the State is entitled to reimbursement under this Act in respect of such compensation.

(c) DETERMINATION OF AMOUNT.—Sums payable to any State by reason of such State having an agreement under this Act shall be payable, either in advance or by way of reimbursement (as may be determined by the Secretary), in such amounts as the Secretary estimates the State will be entitled to receive under this Act for each calendar month, reduced or increased, as the case may be, by any amount by which the Secretary finds that the Secretary's estimates for any prior calendar month were greater or less than the amounts which should have been paid to the State. Such estimates may be made on the basis of such statistical, sampling, or other method as may be agreed upon by the Secretary and the State agency of the State involved.

SEC. 5. FINANCING PROVISIONS.

(a) IN GENERAL.—Funds in the extended unemployment compensation account (as established by section 905(a) of the Social Security Act (42 U.S.C. 1105(a))) of the Unemployment Trust Fund (as established by section 904(a) of such Act (42 U.S.C. 1104(a))) shall be used for the making of payments to States having agreements entered into under this Act.

(b) CERTIFICATION.—The Secretary shall from time to time certify to the Secretary of the Treasury for payment to each State the sums payable to such State under this Act. The Secretary of the Treasury, prior to audit or settlement by the Government Accountability Office, shall make payments to the State in accordance with such certification, by transfers from the extended unemployment compensation account (as so established) to the account of such State in the Unemployment Trust Fund (as so established).

(c) ASSISTANCE TO STATES.—There are appropriated out of the employment security administration account (as established by section 901(a) of the Social Security Act (42 U.S.C. 1101(a))) of the Unemployment Trust Fund, without fiscal year limitation, such funds as may be necessary for purposes of assisting States (as provided in title III of the Social Security Act (42 U.S.C. 501 et seq.)) in meeting the costs of administration of agreements under this Act.

(d) APPROPRIATIONS FOR CERTAIN PAYMENTS.—There are appropriated from the general fund of the Treasury, without fiscal year limitation, to the extended unemployment compensation account (as so established) of the Unemployment Trust Fund (as so established) such sums as the Secretary estimates to be necessary to make the payments under this section in respect of—

(1) compensation payable under chapter 85 of title 5, United States Code; and

(2) compensation payable on the basis of services to which section 3309(a)(1) of the Internal Revenue Code of 1986 applies.

Amounts appropriated pursuant to the preceding sentence shall not be required to be repaid.

SEC. 6. FRAUD AND OVERPAYMENTS.

(a) IN GENERAL.—If an individual knowingly has made, or caused to be made by another, a false statement or representation of a material fact, or knowingly has failed, or caused another to fail, to disclose a material fact, and as a result of such false statement or representation or of such nondisclosure such individual has received an amount of emergency unemployment compensation under this Act to which he was not entitled, such individual—

(1) shall be ineligible for further emergency unemployment compensation under this Act in accordance with the provisions of the applicable State unemployment compensation law relating to fraud in connection with a claim for unemployment compensation; and

(2) shall be subject to prosecution under section 1001 of title 18, United States Code.

(b) REPAYMENT.—In the case of individuals who have received amounts of emergency unemployment compensation under this Act to which they were not entitled, the State shall require such individuals to repay the amounts of such emergency unemployment compensation to the State agency, except that the State agency may waive such repayment if it determines that—

(1) the payment of such emergency unemployment compensation was without fault on the part of any such individual; and

(2) such repayment would be contrary to equity and good conscience.

(c) RECOVERY BY STATE AGENCY.—

(1) IN GENERAL.—The State agency may recover the amount to be repaid, or any part thereof, by deductions from any emergency unemployment compensation payable to such individual under this Act or from any unemployment compensation payable to such individual under any State or Federal unemployment compensation law administered by the State agency or under any other Federal law administered by the State agency which provides for the payment of any assistance or allowance with respect to any week of unemployment, during the 3-year period after the date such individuals received the payment of the emergency unemployment compensation to which they were not entitled, except that no single deduction may exceed 50 percent of the weekly benefit amount from which such deduction is made.

(2) OPPORTUNITY FOR HEARING.—No repayment shall be required, and no deduction shall be made, until a determination has been made, notice thereof and an opportunity for a fair hearing has been given to the individual, and the determination has become final.

(d) REVIEW.—Any determination by a State agency under this section shall be subject to review in the same manner and to the same extent as determinations under the State unemployment compensation law, and only in that manner and to that extent.

SEC. 7. DEFINITIONS.

In this Act, the terms ''compensation'', ''regular compensation'', ''extended compensation'', ''benefit year'', ''base period'', ''State'', ''State agency'', ''State law'', and ''week'' have the respective meanings given such terms under section 205 of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note).

SEC. 8. APPLICABILITY.

(a) IN GENERAL.—Except as provided in subsection (b), an agreement entered into under this Act shall apply to weeks of unemployment—

(1) beginning after the date on which such agreement is entered into; and

(2) ending on or before March 31, 2009.

(b) TRANSITION FOR AMOUNT REMAINING IN ACCOUNT.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), in the case of an individual who has amounts remaining in an account established under section 3 as of the last day of the last week (as determined in accordance with the applicable State law) ending on or before March 31, 2009, emergency unemployment compensation shall continue to be payable to such individual from such amounts for any week beginning after such last day for which the individual meets the eligibility requirements of this Act.

(2) LIMIT ON AUGMENTATION.—If the account of an individual is exhausted after the last day of such last week (as so determined), then section 3(c) shall not apply and such account shall not be augmented under such section, regardless of whether such individual's State is in an extended benefit period (as determined under paragraph (2) of such section).

(3) LIMIT ON COMPENSATION.—No compensation shall be payable by reason of paragraph (1) for any week beginning after June 30, 2009.

When said bill was considered.

After debate,

Pursuant to House Resolution 1265, the previous question was ordered on the bill, as amended.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

Mr. WELLER of Illinois, moved to recommit the bill to the Committee on Ways and Means with instructions to report the bill back to the House forthwith with the following amendments:

In section 2(a), strike ''Any State which desires to do so'' and insert ''Any State whose average rate of total unemployment equals or exceeds 5.0 percent or equals or exceeds 120 percent of the average rate of total unemployment in such State for the corresponding period in the preceding calendar year (as determined by the Secretary of Labor in a manner based on clause (i) or (ii) of section 203(f)(1)(A) of the Federal-State Extended Unemployment Compensation Act of 1970, as the case may be)''.

Strike paragraph (2) of section 2(d) and insert the following:

(2) the terms and conditions of the State law which apply to claims for regular compensation and to the payment thereof shall apply to claims for emergency unemployment compensation and the payment thereof, except—

(A) that an individual shall not be eligible for emergency unemployment compensation under this Act unless, in the base period with respect to which the individual exhausted all rights to regular compensation under the State law, the individual had 20 weeks of full-time insured employment or the equivalent in insured wages, as determined under the provisions of the State law implementing section 202(a)(5) of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note); and

(B) where otherwise inconsistent with the provisions of this Act or with the regulations or operating instructions of the Secretary promulgated to carry out this Act; and

At the end of section 3, add the following:

(d) TRANSPORTATION SUBSIDIES TO ASSIST THOSE RETURNING TO WORK.—

(1) APPLICABILITY.—This subsection applies in the case of any individual who becomes reemployed for at least one full week after an account under this section is established for such individual but before such individual has exhausted such individual's rights under this Act (including the right to have such account augmented under subsection (c), if applicable).

(2) ELIGIBILITY FOR TRANSPORTATION SUBSIDY.—In order to subsidize transportation expenses associated with returning to work, an individual described in paragraph (1) shall, for purposes of any determination of rights under this Act, be entitled to have such individual's first full week of reemployment (as referred to in paragraph (1)) treated in the same manner as if it were a week during which such individual had remained unemployed and had satisfied the work search

and other requirements for receiving emergency unemployment compensation (other than filing a claim).

After debate,

By unanimous consent, the previous question was ordered on the motion to recommit with instructions.

The question being put, viva voce,

Will the House recommit said bill with instructions?

The SPEAKER pro tempore, Mr. SALAZAR, announced that the nays had it.

Mr. WELLER of Illinois, objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 6, rule XX, and the call was taken by electronic device.

When there appeared { Yeas ..... 170 / Nays 243

¶71.16 [Roll No. 411]

YEAS—170

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burton (IN)
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Carter
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
Everett
Fallin
Feeney
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Giffords
Gingrey
Gohmert
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hunter
Inglis (SC)
Issa
Johnson, Sam
Jordan
Keller
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McHenry
McIntyre
McKeon
McMorris Rodgers
McNerney
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Musgrave
Myrick
Neugebauer
Nunes
Pence
Peterson (PA)
Petri
Pickering
Pitts
Poe
Price (GA)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NAYS—243

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

NOT VOTING—21

Braley (IA)
Burgess
Buyer
Davis, Tom
Ferguson
Flake
Gonzalez
Higgins
Hinojosa
Hulshof
Kind
LaHood
Loebsack
McCrery
Moran (KS)
Ortiz
Paul
Pryce (OH)
Rogers (MI)
Rush
Tancredo

So the motion to recommit with instructions was not agreed to.

The question being put, viva voce,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. SALAZAR, announced that the yeas had it.

Mr. WELLER of Illinois, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 274 / Nays 137

¶71.17 [Roll No. 412]

YEAS—274

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Brown, Corrine
Buchanan
Butterfield
Camp (MI)
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Cazayoux
Chabot
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Farr
Fattah
Filner
Fossella
Foster
Frank (MA)
Gerlach
Giffords
Gilchrest
Gillibrand
Goode
Gordon
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Hayes
Heller
Herseth Sandlin
Hill
Hinchey
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
King (NY)
Klein (FL)
Knollenberg
Kucinich
Kuhl (NY)
Lampson
Langevin
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Payne
Pelosi
Perlmutter
Peterson (MN)
Petri
Platts
Pomeroy
Porter
Price (NC)
Rahall
Ramstad
Rangel
Regula
Reichert
Reyes
Richardson
Rodriguez
Rogers (AL)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth
Young (AK)

NAYS—137

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Burton (IN)
Calvert
Campbell (CA)
Cannon
Cantor
Carter
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Deal (GA)
Doolittle
Drake
Dreier
Duncan
Everett
Fallin
Feeney
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gingrey
Gohmert
Goodlatte
Granger
Hall (TX)
Hastings (WA)
Hensarling
Herger
Hobson
Hunter
Inglis (SC)
Issa
Johnson, Sam
Jordan
Keller
King (IA)
Kingston
Kirk
Kline (MN)
Lamborn
Latham
Latta
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller, Gary
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (PA)
Pickering
Pitts
Poe
Price (GA)
Putnam
Radanovich
Rehberg
Renzi
Reynolds
Rogers (KY)
Rohrabacher
Roskam
Royce
Sali
Saxton
Scalise
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Stearns
Sullivan
Terry
Thornberry
Tiahrt
Walden (OR)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (FL)

NOT VOTING—23

Berman
Braley (IA)
Burgess
Buyer
Davis, Tom
Ferguson
Flake
Gonzalez
Higgins
Hinojosa
Hulshof
Kind
LaHood
Loebsack
McCrery
Moran (KS)
Ortiz
Paul
Pryce (OH)
Rogers (MI)
Rush
Speier
Tancredo

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶71.18 S. 2146 —UNFINISHED BUSINESS

The SPEAKER pro tempore, Mrs. TAUSCHER, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill of the Senate (S. 2146) to authorize the Administrator of the Environmental Protection Agency to accept, as part of a settlement, diesel emission reduction Supplemental Environmental Projects, and for other purposes; as amended.

The question being put,

Will the House suspend the rules and pass said bill, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 406 Nays 0

¶71.19 [Roll No. 413]

YEAS—406

Abercrombie
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burton (IN)
Butterfield
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Cazayoux
Chabot
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Filner
Forbes
Fortenberry
Fossella
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Hill
Hinchey
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Scalise
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—27

Ackerman
Braley (IA)
Burgess
Buyer
Cubin
Davis, Tom
Edwards
Ferguson
Flake
Gonzalez
Higgins
Hinojosa
Hulshof
Kind
Klein (FL)
LaHood
Loebsack
Mahoney (FL)
McCrery
Moran (KS)
Ortiz
Paul
Pryce (OH)
Rogers (MI)
Rush
Shimkus
Tancredo

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said amendment.

¶71.20 CALENDAR WEDNESDAY BUSINESS DISPENSED WITH

On motion of Mr. HOYER, by unanimous consent,

Ordered, That business in order for consideration on Wednesday, June 18, 2008, under clause 6, rule XV, the Calendar Wednesday rule, be dispensed with.

¶71.21 ADJOURNMENT OVER

On motion of Mr. HOYER, by unanimous consent,

Ordered, That when the House adjourns today, it adjourn to meet on Friday, June 13, 2008, at 10 a.m.; and further, when the House adjourns on Friday, June 13, 2008, it adjourn to meet at 12:30 p.m. on Tuesday, June 17, 2008, for morning-hour debate.

¶71.22 NASA AUTHORIZATION

The SPEAKER pro tempore, Mr. SALAZAR, pursuant to House Resolution 1257 and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 6063) to authorize the programs of the National Aeronautics and Space

Administration, and for other purposes.

The SPEAKER pro tempore, Mr. SALAZAR, by unanimous consent, designated Ms. BORDALLO as Chairman of the Committee of the Whole; and after some time spent therein,

The Committee rose informally.

The SPEAKER pro tempore, Mr. YARMUTH, assumed the Chair.

¶71.23 ENROLLED BILL SIGNED

The SPEAKER pro tempore, Mr. YARMUTH, announced the signature of the Speaker to enrolled bills of the following title:

On June 9, 2008:

H.R. 3913. An Act to amend the International Center Act to authorize the lease or sublease of certain property described in such Act to an entity other than a foreign government or international organization if certain conditions are met.

On June 10, 2008:

S. 1245. An Act to reform mutual aid agreements for the National Capital Region.

On June 10, 2008:

S. 2516. An Act to assist members of the Armed Forces in obtaining United States citizenship, and for other purposes.

On June 11, 2008:

H.R. 3179. An Act to amend title 40, United States Code, to authorize the use of Federal supply schedules for the acquisition of law enforcement, security, and certain other related items by State and local governments.

On June 12, 2008:

H.R. 6124. An Act to provide for the continuation of agricultural and other programs of th4e Department of Agriculture through fiscal year 2012, and for other purposes.

The Committee resumed its sitting; and after some further time spent therein,

The SPEAKER pro tempore, Ms. JACKSON-LEE of Texas, assumed the Chair.

When Ms. BORDALLO, Chairman, reported that the Committee, having had under consideration said bill, had come to no resolution thereon.

¶71.24 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. KIND, for today.

And then,

¶71.25 ADJOURNMENT

On motion of Mr. PRICE of Georgia, pursuant to the previous order of the House, at 7 o'clock and 23 minutes p.m., the House adjourned until 10 a.m. on Friday, June 13, 2008.

¶71.26 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

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

Mr. OBERSTAR: Committee on Transportation and Infrastructure. H.R. 1333. A bill to amend the Homeland Security Act of 2002 to direct the Secretary to enter into an agreement with the Secretary of the Air Force to use Civil Air Patrol personnel and resources to support homeland security missions: with amendments (Rept. 110–691 Pt. 2). Referred to the Committee of the Whole House on the state of the Union.

Mr. WAXMAN: Committee on Oversight and Government Reform. H.R. 5912. A bill to amend title 39, United States Code, to make cigarettes and certain other tobacco products nonmailable, and for other purposes; with an amendment (Rept. 110–711). Referred to the Committee of the Whole House on the state of the Union.

¶71.27 PUBLIC BILLS AND RESOLUTIONS

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

By Mr. KUHL of New York:

H.R. 6249. A bill to establish a direct loan program for providing energy efficiency improvements for single family housing, and for other purposes; to the Committee on Financial Services.

By Ms. JACKSON-LEE of Texas:

H.R. 6250. A bill to revise the short title of the Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006; to the Committee on the Judiciary.

By Mr. RAHALL (for himself, Mr. MARKEY, Mr. HINCHEY, Mr. EMANUEL, Mrs. CAPPS, Mr. DEFAZIO, Mr. YARMUTH, Mr. GRIJALVA, Mr. LARSON of Connecticut, Mr. GEORGE MILLER of California, and Mr. HALL of New York):

H.R. 6251. A bill to prohibit the Secretary of the Interior from issuing new Federal oil and gas leases to holders of existing leases who do not diligently develop the lands subject to such existing leases or relinquish such leases, and for other purposes; to the Committee on Natural Resources.

By Mr. STARK (for himself, Mr. CAMP of Michigan, Mr. RANGEL, Mr. BOEHNER, Mr. DINGELL, Mr. PALLONE, Mr. ALLEN, Mr. ALTMIRE, Ms. BERKLEY, Mr. BLUMENAUER, Mrs. BOYDA of Kansas, Mr. ENGLISH of Pennsylvania, Mr. SAM JOHNSON of Texas, Mrs. JONES of Ohio, Mr. KILDEE, Mr. KIND, Mr. KLEIN of Florida, Mr. LARSON of Connecticut, Mr. LEWIS of Georgia, Mrs. MCCARTHY of New York, Mr. MCCOTTER, Mr. MCNULTY, Mrs. MILLER of Michigan, Mr. PORTER, Mr. REYNOLDS, Mr. RYAN of Ohio, Ms. SCHWARTZ, Mr. THOMPSON of California, and Mr. WALBERG):

H.R. 6252. A bill to amend part B of title XVIII of the Social Security Act to delay and reform the Medicare competitive acquisition program for purchase of durable medical equipment, prosthetics, orthotics, and supplies; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SALI (for himself, Mr. KING of Iowa, Mr. GOODE, Mr. DAVID DAVIS of Tennessee, Ms. GINNY BROWN-WAITE of Florida, and Mr. WALBERG):

H.R. 6253. A bill to ban the Bureau of Alcohol, Tobacco, Firearms, and Explosives from purchasing, using, or distributing hand tools or tool kits on which any reminder about forfeiture appears; to the Committee on the Judiciary.

By Mr. GARY G. MILLER of California (for himself, Mr. SHERMAN, and Mr. BACA):

H.R. 6254. A bill to authorize the temporary participation of mortgage brokers and lenders under the FHA single-family housing mortgage insurance program; to the Committee on Financial Services.

By Ms. LEE (for herself, Mr. ENGEL, Mr. HASTINGS of Florida, Ms. CORRINE BROWN of Florida, Mr. GRIJALVA, Mr. ELLISON, Ms. JACKSON-LEE of Texas, Mrs. CHRISTENSEN, Mr. WEXLER, Ms. CLARKE, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. CONYERS, Mr. AL GREEN of Texas, Mr. RUSH, Mr. FATTAH, Mr. RANGEL, Mr. MEEKS of New York, Ms. SCHAKOWSKY, Mr. CUMMINGS, Ms. MOORE of Wisconsin, Mr. JEFFERSON, Mr. DAVIS of Illinois, Mr. JACKSON of Illinois, Mr. THOMPSON of Mississippi, Mr. CROWLEY, Mr. PAYNE, Ms. WOOLSEY, Mr. MEEK of Florida, Ms. WATERS, Mr. HONDA, Mrs. JONES of Ohio, Ms. ROYBAL-ALLARD, Mr. JOHNSON of Georgia, Ms. WATSON, Mr. FORTENBERRY, Mr. FALEOMAVAEGA, Mr. DELAHUNT, and Mr. HINOJOSA):

H.R. 6255. A bill to provide for professional exchanges with Haiti, and for other purposes; to the Committee on Foreign Affairs.

By Mr. MARKEY (for himself, Mr. EMANUEL, Mr. RAHALL, Mr. HINCHEY, Mrs. CAPPS, Ms. CASTOR, Mr. CHANDLER, Mr. MCGOVERN, Mr. GEORGE MILLER of California, Mr. OLVER, Ms. SHEA-PORTER, Mr. WELCH of Vermont, Mr. YARMUTH, Mr. GRIJALVA, Mr. BISHOP of New York, Mr. HODES, Mrs. GILLIBRAND, and Mr. FRANK of Massachusetts):

H.R. 6256. A bill to direct the Secretary of the Interior to establish an annual production incentive fee with respect to Federal onshore and offshore lands that are subject to a lease for production of oil or natural gas under which production is not occurring, to authorize use of amounts received as such fee for energy efficiency and renewable energy projects, and for other purposes; to the Committee on Natural Resources, and in addition to the Committees on Science and Technology, Energy and Commerce, and Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KIRK (for himself, Mr. CASTLE, Mr. FERGUSON, and Mr. SHAYS):

H.R. 6257. A bill to reinstate the Public Safety and Recreational Firearms Use Protection Act; to the Committee on the Judiciary.

By Mr. BOUCHER (for himself, Mr. UPTON, Mr. MURTHA, Mr. BARTON of Texas, Mr. RAHALL, Mr. WHITFIELD of Kentucky, Mr. COSTELLO, Mr. SHIMKUS, Mr. MATHESON, Mr. DOYLE, Mr. HOLDEN, Mr. ELLSWORTH, Mr. HILL, Mr. WILSON of Ohio, and Ms. PRYCE of Ohio):

H.R. 6258. A bill to accelerate the development and early deployment of systems for the capture and storage of carbon dioxide emissions from fossil fuel electric generation facilities, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Science and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FILNER:

H.R. 6259. A bill to require the Commissioner of Social Security to revise the medical criteria for evaluating disability in a person diagnosed with Huntington's Disease and to waive the 24-month waiting period for Medicare eligibility for individuals disabled by Huntington's Disease; to the Committee on Ways and Means.

By Mr. FORBES:

H.R. 6260. A bill to ensure the energy independence of the United States by promoting research, development, demonstration, and commercial application of technologies

through a system of grants and prizes on the scale of the original Manhattan Project; to the Committee on Science and Technology.

By Mr. HILL:

H.R. 6261. A bill to increase the maximum amount of financial assistance that an individual or household is eligible to receive under the Robert T. Stafford Disaster Relief and Emergency Assistance Act in connection with recent storm damage and flooding in the Midwest, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HOLT:

H.R. 6262. A bill to amend the Workforce Investment Act of 1998 to include workforce investment programs on the Internet; to the Committee on Education and Labor.

By Ms. EDDIE BERNICE JOHNSON of Texas (for herself, Mr. HONDA, and Ms. BERKLEY):

H.R. 6263. A bill to increase awareness of the existence of and to overcome gender bias in academic science and engineering through research and training, and for other purposes; to the Committee on Science and Technology, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LARSON of Connecticut (for himself, Mr. LOBIONDO, Mr. COURTNEY, Mr. KAGEN, Mr. WU, Mr. HILL, Mr. HINCHEY, and Mr. WELCH of Vermont):

H.R. 6264. A bill to prevent excessive speculation in over-the-counter derivatives markets for certain energy commodities by limiting participation in those markets to persons who are capable of producing, manufacturing, or taking physical delivery of the commodities; to the Committee on Agriculture.

By Mrs. LOWEY (for herself, Mr. ISRAEL, Mr. CROWLEY, Mrs. MALONEY of New York, Mr. NADLER, Mr. HINCHEY, Mr. FOSSELLA, Mr. ARCURI, Mr. WALSH of New York, Mr. ENGEL, Mr. MCHUGH, Mr. BISHOP of New York, Mr. MCNULTY, Mr. SERRANO, Mr. TOWNS, and Mr. WEINER):

H.R. 6265. A bill to designate the facility of the United States Postal Service located at 41 Purdy Avenue in Rye, New York, as the ''Caroline O'Day Post Office Building''; to the Committee on Oversight and Government Reform.

By Mr. MORAN of Kansas (for himself, Mr. DONNELLY, and Mr. PLATTS):

H.R. 6266. A bill to amend the Internal Revenue Code of 1986 to allow the Secretary of the Treasury to waive the penalties for failure to disclose reportable transactions, and for other purposes; to the Committee on Ways and Means.

By Mr. STUPAK:

H.R. 6267. A bill to make the Davis-Bacon Act applicable to rural development loan and loan guarantee programs; to the Committee on Agriculture, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. UDALL of Colorado (for himself and Mr. SALAZAR):

H.R. 6268. A bill to improve and enhance the mental health care benefits available to members of the Armed Forces and veterans, to enhance counseling and other benefits available to survivors of members of the Armed Forces and veterans, and for other purposes; to the Committee on Veterans' Affairs, and in addition to the Committees on Armed Services, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WALBERG (for himself and Mr. LATTA):

H.R. 6269. A bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for the use of ethanol in tetra ethyl ortho silicate (TEOS) production; to the Committee on Ways and Means.

By Ms. WATSON (for herself, Mr. BURTON of Indiana, Mr. LATHAM, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. SOLIS, Ms. JACKSON-LEE of Texas, Mr. CUMMINGS, and Mr. CONYERS):

H.R. 6270. A bill to amend the Federal Food, Drug, and Cosmetic Act to create a new conditional approval system for drugs, biological products, and devices that is responsive to the needs of seriously ill patients, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WEINER:

H.R. 6271. A bill to provide for a green building certification program as part of the Energy Star program; to the Committee on Energy and Commerce.

By Mr. WELCH of Vermont (for himself and Mr. HALL of New York):

H.R. 6272. A bill to authorize discretionary appropriations to carry out the Service Members Occupational Conversion and Training Act of 1992; to the Committee on Armed Services, and in addition to the Committees on Veterans' Affairs, and Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WITTMAN of Virginia:

H.R. 6273. A bill to amend the Internal Revenue Code of 1986 to restore the obligation of the Secretary of the Treasury to invest the balance of the Highway Trust Fund in interest-bearing obligations of the United States; to the Committee on Ways and Means.

By Ms. KILPATRICK (for herself, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. HASTINGS of Florida, Mr. TOWNS, Mr. CONYERS, Ms. LEE, Mr. COHEN, Mr. THOMPSON of Mississippi, Mr. GRIJALVA, Mr. SERRANO, Mr. PAYNE, Mr. CLYBURN, Mr. BUTTERFIELD, Mr. ROTHMAN, Mr. WATT, Mr. PASCRELL, Mr. HINOJOSA, Ms. CLARKE, Mr. CLEAVER, Mr. CROWLEY, Ms. VELÁZQUEZ, Mr. LEWIS of Georgia, Mrs. LOWEY, Ms. MOORE of Wisconsin, Ms. BALDWIN, Mr. ACKERMAN, Mr. ISRAEL, Ms. SLAUGHTER, Mr. ELLISON, Mr. BISHOP of New York, Ms. LINDA T. SÁNCHEZ of California, Ms. CORRINE BROWN of Florida, Mrs. JONES of Ohio, Ms. RICHARDSON, Mr. JEFFERSON, and Mr. SCOTT of Georgia):

H. Con. Res. 372. Concurrent resolution supporting the goals and ideals of Black Music Month and to honor the outstanding contributions that African American singers and musicians have made to the United States; to the Committee on Education and Labor.

By Ms. RICHARDSON:

H. Res. 1269. A resolution honoring the 110th anniversary of the Declaration of Independence of the Philippines; to the Committee on Foreign Affairs.

By Ms. ROS-LEHTINEN (for herself, Mr. BERMAN, Mr. SMITH of New Jersey, Mr. PAYNE, Mr. WOLF, Mr. BURTON of Indiana, Mr. ROYCE, Mr. SHERMAN, Mr. CHABOT, Mr. INGLIS of South Carolina, Mr. CAPUANO, and Mr. FORTUÑO):

H. Res. 1270. A resolution commending the efforts of those who sought to block an international arms transfer destined for Zimbabwe, where the government has unleashed a campaign of violence and intimidation against members of the political opposition, and for other purposes; to the Committee on Foreign Affairs.

By Mr. GARY G. MILLER of California (for himself, Ms. WATERS, Mr. BACHUS, Mr. ROSKAM, Mrs. BIGGERT, Mr. AL GREEN of Texas, Mr. DAVIS of Kentucky, Mr. WATT, Mr. HINOJOSA, Mr. NEUGEBAUER, and Mrs. MALONEY of New York):

H. Res. 1271. A resolution recognizing National Homeownership Month and the importance of homeownership in the United States; to the Committee on Financial Services.

By Ms. FALLIN (for herself, Mrs. MCMORRIS RODGERS, Mr. SULLIVAN, Mr. LUCAS, Mr. COLE of Oklahoma, Mr. WALDEN of Oregon, Mrs. MILLER of Michigan, Ms. FOXX, Ms. GRANGER, Ms. ROS-LEHTINEN, Mrs. MUSGRAVE, Mrs. MYRICK, and Mr. BOREN):

H. Res. 1272. A resolution honoring and recognizing Alice Mary Robertson who, while a Member of Congress, became the first woman to preside over the floor of the House of Representatives; to the Committee on House Administration.

By Mr. KENNEDY (for himself, Mr. WOLF, Ms. BALDWIN, and Mr. ROHRABACHER):

H. Res. 1273. A resolution expressing the sense of the House of Representatives regarding the human rights crisis of Laotian and Hmong people in Laos and Thailand; to the Committee on Foreign Affairs.

By Mrs. MCMORRIS RODGERS:

H. Res. 1274. A resolution commending Sonora Smart Dodd for her contribution in recognizing the importance of Father's Day and recognizing the important role fathers play in our families; to the Committee on Education and Labor.

¶71.28 MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

312. The SPEAKER presented a memorial of the House of Representatives of the State of Ohio, relative to House Resolution No. 100 memorializing the Congress of the United States to enact the Community Cancer Care Prevention Act of 2007, H.R. 1190 and S. 1750, to reform the Medicare reimbursement methodology for cancer drugs and their administration; jointly to the Committees on Energy and Commerce and Ways and Means.

¶71.29 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 96: Mr. ENGEL.
H.R. 154: Mr. SIRES.
H.R. 195: Mrs. BACHMANN.
H.R. 368: Mr. LIPINSKI.
H.R. 551: Mr. GRIJALVA.
H.R. 643: Mr. SHULER.
H.R. 748: Ms. ZOE LOFGREN of California and Mrs. LOWEY.
H.R. 749: Mrs. BACHMANN.
H.R. 821: Mr. PETERSON of Minnesota.
H.R. 854: Mr. CARSON.
H.R. 891: Mr. SESTAK.
H.R. 1014: Mr. KAGEN and Mr. FOSTER.

H.R. 1038: Ms. BORDALLO.
H.R. 1060: Ms. JACKSON-LEE of Texas.
H.R. 1070: Mr. GRIJALVA.
H.R. 1078: Mr. BISHOP of New York.
H.R. 1134: Mr. PAYNE.
H.R. 1142: Mr. STUPAK.
H.R. 1185: Mr. ACKERMAN.
H.R. 1190: Mrs. CHRISTENSEN.
H.R. 1193: Ms. MCCOLLUM of Minnesota and Mr. WU.
H.R. 1264: Mr. ADERHOLT.
H.R. 1268: Mr. CARSON.
H.R. 1279: Mr. JACKSON of Illinois.
H.R. 1307: Mr. CARSON.
H.R. 1322: Mr. JONES of North Carolina.
H.R. 1428: Mr. CARSON.
H.R. 1431: Mr. RENZI.
H.R. 1459: Mr. CARSON.
H.R. 1474: Mr. PASTOR and Mr. SCALISE.
H.R. 1532: Mr. LAMPSON.
H.R. 1589: Mrs. EMERSON.
H.R. 1606: Ms. RICHARDSON.
H.R. 1647: Ms. KILPATRICK and Mrs. LOWEY.
H.R. 1776: Mr. ABERCROMBIE.
H.R. 1783: Mr. CARSON.
H.R. 1845: Mr. TIAHRT.
H.R. 1866: Mr. GORDON and Mr. DAVIS of Alabama.
H.R. 1921: Mr. RUSH.
H.R. 1929: Mr. CHILDERS.
H.R. 1932: Mr. CARSON.
H.R. 1952: Mr. LAMPSON.
H.R. 2032: Mr. CLAY.
H.R. 2053: Mr. BILBRAY, Mr. ROSS, Mr. AKIN, Mr. HELLER, and Mr. ISSA.
H.R. 2092: Ms. HERSETH SANDLIN.
H.R. 2188: Ms. CASTOR and Mr. MORAN of Kansas.
H.R. 2210: Ms. ROS-LEHTINEN and Mr. FILNER.
H.R. 2231: Mr. LOBIONDO, Mr. SMITH of New Jersey, and Mr. THOMPSON of Mississippi.
H.R. 2266: Mr. VAN HOLLEN.
H.R. 2331: Mr. CARSON.
H.R. 2332: Mr. SHIMKUS, Mr. SIMPSON, Mr. ADERHOLT, and Mr. GOODE.
H.R. 2341: Mr. CARSON.
H.R. 2343: Mr. WAMP, Mr. TIERNEY, and Mr. HOLT.
H.R. 2371: Mr. CARSON.
H.R. 2380: Mr. WITTMAN of Virginia.
H.R. 2471: Mr. FORBES.
H.R. 2493: Ms. GINNY BROWN-WAITE of Florida, Mr. MCHUGH, Mr. GOODLATTE, and Mr. HALL of Texas.
H.R. 2495: Mr. CARSON.
H.R. 2606: Mrs. NAPOLITANO, Mrs. MALONEY of New York, and Mr. CARSON.
H.R. 2676: Mr. PICKERING.
H.R. 2762: Mr. ELLSWORTH.
H.R. 2792: Mr. LEWIS of Georgia.
H.R. 2802: Mr. MCNULTY.
H.R. 2805: Ms. WATERS and Mr. PETERSON of Minnesota.
H.R. 2842: Mr. HINOJOSA.
H.R. 2864: Mr. VAN HOLLEN and Mr. ISRAEL.
H.R. 2880: Mr. PETERSON of Minnesota.
H.R. 2891: Mr. CARSON.
H.R. 2926: Mr. BRADY of Pennsylvania and Mr. MEEK of Florida.
H.R. 2941: Mr. BURGESS.
H.R. 2994: Mr. FARR.
H.R. 3014: Ms. RICHARDSON.
H.R. 3024: Mr. DOYLE.
H.R. 3089: Mr. KING of New York, Mrs. MILLER of Michigan, Mrs. BIGGERT, and Mr. UPTON.
H.R. 3119: Mr. ALLEN.
H.R. 3140: Mr. RYAN of Ohio, Mr. YARMUTH, and Mr. CARSON.
H.R. 3187: Mr. LOEBSACK.
H.R. 3202: Mr. FORTUÑO.
H.R. 3267: Mr. DOYLE.
H.R. 3289: Mr. WELCH of Vermont, Mr. ACKERMAN, Mr. BACA, Ms. BALDWIN, Mr. BECERRA, Mr. BERRY, Mr. BOSWELL, Mr. CLEAVER, Mr. CROWLEY, Mr. DEFAZIO, Ms. DEGETTE, Mr. GONZALEZ, Mr. GUTIERREZ, Mr. HIGGINS, Ms. HOOLEY, Ms. MOORE of Wisconsin, Mr. RAHALL, Mr. REYES, Mr. SERRANO, Mr. SIRES, Ms. SOLIS, Mrs. TAUSCHER, Ms. TSONGAS, and Ms. WATSON.
H.R. 3329: Mr. FILNER.
H.R. 3457: Mr. LUCAS.
H.R. 3543: Mr. COURTNEY.
H.R. 3622: Mr. MARCHANT, Mr. BACHUS, and Mr. BONNER.
H.R. 3679: Mr. SIMPSON.
H.R. 3747: Mr. BRADY of Pennsylvania.
H.R. 3822: Mr. CARSON.
H.R. 3834: Mr. ALEXANDER and Mr. DOOLITTLE.
H.R. 3892: Mr. SMITH of Washington.
H.R. 3929: Mr. BRADY of Pennsylvania.
H.R. 3995: Mr. GRIJALVA.
H.R. 4026: Mr. HINOJOSA.
H.R. 4048: Mr. LEWIS of Georgia.
H.R. 4091: Mr. MATHESON.
H.R. 4141: Mr. BOREN.
H.R. 4248: Mr. EHLERS.
H.R. 4255: Mr. MCNERNEY and Mr. UPTON.
H.R. 4296: Mr. HALL of New York and Mr. ISRAEL.
H.R. 4321: Ms. SPEIER and Ms. ZOE LOFGREN of California.
H.R. 4450: Ms. LEE, Mr. MARKEY, Mr. WAXMAN, and Mr. BERMAN.
H.R. 4833: Mr. VISCLOSKY, Mr. PASCRELL, Mr. ROTHMAN, Mr. ISRAEL, Mr. MOORE of Kansas, Mr. WU, Mr. BUTTERFIELD, Mr. EMANUEL, and Mr. ETHERIDGE.
H.R. 4900: Mr. TANNER, Mr. YOUNG of Florida, and Mr. CHILDERS.
H.R. 4930: Mr. YARMUTH and Mr. TIM MURPHY of Pennsylvania.
H.R. 4987: Mr. DENT.
H.R. 5057: Mr. HELLER.
H.R. 5132: Mr. SESTAK.
H.R. 5244: Mr. PALLONE and Mr. MURTHA.
H.R. 5265: Mr. HIGGINS, Mr. MCHUGH, and Mr. ROSS.
H.R. 5268: Mr. ABERCROMBIE.
H.R. 5315: Mr. HINOJOSA, Mr. ROTHMAN, and Mr. FARR.
H.R. 5404: Mr. ABERCROMBIE.
H.R. 5435: Mrs. NAPOLITANO.
H.R. 5437: Mr. DONNELLY and Mr. MCHUGH.
H.R. 5498: Mr. LOBIONDO.
H.R. 5510: Mr. FARR and Mr. DEFAZIO.
H.R. 5546: Mr. JACKSON of Illinois.
H.R. 5575: Ms. ZOE LOFGREN of California.
H.R. 5606: Mr. LAMPSON.
H.R. 5615: Mr. PAYNE.
H.R. 5629: Mr. SOUDER and Mr. PENCE.
H.R. 5656: Mr. BOEHNER, Mrs. MUSGRAVE, Mr. SMITH of Nebraska, Mr. CAMP of Michigan, and Mr. BONNER.
H.R. 5674: Mr. COHEN and Ms. FALLIN.
H.R. 5713: Mr. MILLER of Florida.
H.R. 5731: Mr. MCCOTTER.
H.R. 5734: Mr. ANDREWS and Mr. WITTMAN of Virginia.
H.R. 5760: Mrs. MCMORRIS RODGERS.
H.R. 5772: Mr. MEEKS of New York.
H.R. 5793: Mr. BACA, Mr. MAHONEY of Florida, and Mr. SCOTT of Georgia.
H.R. 5802: Mr. HINOJOSA.
H.R. 5814: Mr. WOLF.
H.R. 5816: Mrs. CUBIN.
H.R. 5846: Ms. LEE.
H.R. 5852: Mr. BRADY of Pennsylvania.
H.R. 5854: Mr. COURTNEY and Ms. HIRONO.
H.R. 5901: Mrs. JONES of Ohio and Mrs. NAPOLITANO.
H.R. 5914: Mr. LATHAM.
H.R. 5924: Mr. KELLER.
H.R. 5935: Ms. JACKSON-LEE of Texas, Mr. RYAN of Ohio, Mr. ABERCROMBIE, and Mr. BERRY.
H.R. 5936: Ms. ZOE LOFGREN of California.
H.R. 5942: Mr. BOYD of Florida and Mrs. MALONEY of New York.
H.R. 5949: Mr. FARR and Mr. ENGLISH of Pennsylvania.
H.R. 5950: Mr. ABERCROMBIE and Ms. VELÁZQUEZ.
H.R. 5971: Mrs. CUBIN.
H.R. 5974: Mr. WALBERG.
H.R. 5979: Mr. LATHAM.
H.R. 5984: Mr. CONAWAY, Mr. PUTNAM, Ms. GRANGER, and Mr. WALSH of New York.
H.R. 5989: Mr. WOLF and Mr. BISHOP of Georgia.
H.R. 5996: Mr. MILLER of Florida.
H.R. 5998: Mr. KENNEDY, Ms. WOOLSEY, Mr. NADLER, and Ms. SUTTON.
H.R. 6005: Mr. GRIJALVA.
H.R. 6029: Mr. BRADY of Pennsylvania and Mr. WEXLER.
H.R. 6034: Mr. PASTOR and Mr. MEEKS of New York.
H.R. 6057: Mr. GRIJALVA.
H.R. 6062: Mr. AL GREEN of Texas.
H.R. 6076: Ms. ROYBAL-ALLARD and Mr. WEXLER.
H.R. 6091: Mr. JACKSON of Illinois, Mr. MCINTYRE, Mr. SARBANES, and Mr. PLATTS.
H.R. 6100: Ms. LEE.
H.R. 6106: Mr. STEARNS.
H.R. 6107: Mr. LATTA, Mr. JORDAN, Mr. GOHMERT, Ms. PRYCE of Ohio, Mr. SIMPSON, Mr. HELLER, Mr. PRICE of Georgia, Mr. HOBSON, Mr. HOEKSTRA, Mr. KELLER, Mrs. CAPITO, Mr. MCHUGH, Mr. LEWIS of Kentucky, Mr. SHUSTER, Mr. YOUNG of Florida, and Mr. TOM DAVIS of Virginia.
H.R. 6108: Mr. MCHUGH, Mrs. CUBIN, Mr. GOODLATTE, and Mr. THORNBERRY.
H.R. 6122: Mr. MARSHALL.
H.R. 6127: Mr. BISHOP of Georgia, Mr. KILDEE, Mr. MCDERMOTT, Mrs. CAPPS, Ms. MCCOLLUM of Minnesota, Mr. BOSWELL, Ms. JACKSON-LEE of Texas, and Ms. SUTTON.
H.R. 6139: Mr. HENSARLING.
H.R. 6140: Mr. PETERSON of Minnesota and Ms. CORRINE BROWN of Florida.
H.R. 6141: Ms. CLARKE.
H.R. 6168: Mr. CARNAHAN.
H.R. 6169: Mr. CARNAHAN.
H.R. 6171: Mr. COHEN.
H.R. 6192: Mr. ROHRABACHER, Mr. BILBRAY, Mr. CAMPBELL of California, Mr. GOODE, and Mr. DENT.
H.R. 6199: Mrs. LOWEY and Mr. HALL of New York.
H.R. 6207: Mr. PEARCE, Mr. LAMBORN, Mr. MCKEON, Mr. DOOLITTLE, Mr. HUNTER, Mr. PRICE of Georgia, Mr. SOUDER, Mr. YOUNG of Alaska, Mr. GOHMERT, and Mr. COLE of Oklahoma.
H.R. 6208: Mr. CARNAHAN.
H.R. 6209: Ms. ZOE LOFGREN of California.
H.R. 6210: Mr. DENT and Mr. MANZULLO.
H.R. 6211: Mr. GALLEGLY and Mr. ISSA.
H.R. 6220: Mr. CONAWAY, Mrs. MUSGRAVE, Mr. WELDON of Florida, Mr. HERGER, Mr. DAVIS of Kentucky, Ms. FALLIN, Mr. SULLIVAN, and Mr. BURGESS.
H.R. 6233: Mr. BUTTERFIELD.
H.J. Res. 12: Mrs. BIGGERT and Mr. MCINTYRE.
H.J. Res. 40: Mr. CARSON.
H.J. Res. 89: Mr. MCINTYRE, Mr. CANTOR, Mrs. SCHMIDT, and Mr. SULLIVAN.
H.J. Res. 93: Mr. MCCOTTER, Ms. DELAURO, Mr. ROHRABACHER, and Mr. OLVER.
H. Con. Res. 163: Mr. BURGESS and Mr. WEXLER.
H. Con. Res. 223: Mr. KING of New York.
H. Con. Res. 244: Mr. STEARNS, Mr. ISRAEL, Mr. CARSON, and Mr. BURGESS.
H. Con. Res. 276: Mr. BOUSTANY.
H. Con. Res. 321: Mr. ALLEN.
H. Con. Res. 338: Mr. SKELTON.
H. Con. Res. 344: Ms. WOOLSEY and Mr. PAYNE.
H. Con. Res. 350: Ms. JACKSON-LEE of Texas and Mr. GENE GREEN of Texas.
H. Con. Res. 356: Mr. PETERSON of Minnesota.
H. Con. Res. 357: Mr. MACK, Mr. MCCAUL of Texas, Mr. CALVERT, Mr. WITTMAN of Virginia, Mr. HELLER, Mr. INGLIS of South Carolina, Mr. ALEXANDER, Mr. SENSENBRENNER, and Mr. SOUDER.
H. Con. Res. 360: Mr. HINOJOSA.
H. Con. Res. 361: Ms. SCHWARTZ, Mr. LEVIN, Mr. LEWIS of Georgia, Mr. CROWLEY, and Ms. SUTTON.

H. Con. Res. 362: Mr. GORDON, Ms. GRANGER, Mr. CAZAYOUX, Mr. KUHL of New York, Mr. KENNEDY, Mr. COBLE, Mr. SIRES, Mr. ROGERS of Michigan, Mr. KAGEN, Mr. WILSON of Ohio, Mr. CULBERSON, and Mr. LIPINSKI.

H. Con. Res. 371: Mr. ISRAEL, Mr. FORTUÑO, Mr. WAXMAN, Mr. ACKERMAN, Ms. JACKSON-LEE of Texas, and Ms. WATSON.

H. Res. 37: Mr. BRADY of Pennsylvania.

H. Res. 353: Mr. PRICE of North Carolina, Ms. BALDWIN, Mr. INSLEE, Mr. ROSS, Ms. WATSON, and Mr. WATT.

H. Res. 672: Mr. BRADY of Pennsylvania.

H. Res. 679: Mr. MCHUGH.

H. Res. 937: Mr. STEARNS.

H. Res. 939: Mrs. BACHMANN.

H. Res. 959: Mr. ELLSWORTH.

H. Res. 1037: Ms. ESHOO.

H. Res. 1127: Mr. FALEOMAVAEGA.

H. Res. 1143: Mr. WITTMAN of Virginia and Mr. BRADY of Pennsylvania.

H. Res. 1146: Mr. BRADY of Pennsylvania.

H. Res. 1161: Mr. CHANDLER.

H. Res. 1179: Mr. FOSTER.

H. Res. 1182: Mr. BISHOP of Georgia.

H. Res. 1204: Mr. MEEKS of New York.

H. Res. 1217: Mr. CHANDLER and Mrs. NAPOLITANO.

H. Res. 1229: Mr. HASTINGS of Florida, Mr. KIRK, Mr. SPRATT, Mr. BERMAN, Ms. SUTTON, Mr. HOEKSTRA, and Mr. WALDEN of Oregon.

H. Res. 1230: Ms. ROS-LEHTINEN.

H. Res. 1242: Mr. SERRANO.

H. Res. 1245: Mr. GRIJALVA, Mr. HINCHEY, Ms. LEE, Mr. MCNULTY, Ms. MOORE of Wisconsin, Mr. MURPHY of Connecticut, Mr. SMITH of New Jersey, Mr. VAN HOLLEN, and Ms. WATSON.

H. Res. 1246: Mr. BUTTERFIELD and Mr. CLAY.

H. Res. 1249: Mr. MCNULTY and Mr. KIRK.

H. Res. 1254: Mr. WEXLER, Mr. TOWNS, Mr. SCOTT of Georgia, and Mr. MORAN of Virginia.

H. Res. 1266: Mr. FORTUÑO AND MR. TANNER.

¶71.30 PETITIONS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

269. The SPEAKER presented a petition of Ms. Josette Lee, a citizen of Rhinebeck, New York, relative to petitioning the Congress of the United States for action regarding proposed cuts in Medicare payments for physicians and other health care professionals; jointly to the Committees on Ways and Means and Energy and Commerce.

FRIDAY, JUNE 13, 2008 (72)

¶72.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Mrs. CAPPS, who laid before the House the following communication:

WASHINGTON, DC,
June 13, 2008.

I hereby appoint the Honorable LOIS CAPPS to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

¶72.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mrs. CAPPS, announced she had examined and approved the Journal of the proceedings of Thursday, June 12, 2008.

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

¶72.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

7134. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Bacillus firmus isolate 1582; Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2007-0159; FRL-8362-7] received May 6, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7135. A letter from the Secretary, Department of Homeland Security, transmitting a report of a violation of the Antideficiency Act by the Department of Homeland Security, pursuant to 31 U.S.C. 1351; to the Committee on Appropriations.

7136. A letter from the Chairman, Federal Financial Institutions Examination Council, transmitting the 2007 Annual Report of the Appraisal Subcommittee, pursuant to 12 U.S.C. 3332; to the Committee on Financial Services.

7137. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Participation by Disadvantaged Business Enterprises in Procurement Under Environmental Protection Agency (EPA) Financial Assistance Agreements [Docket ID NO. EPA-HQ-OA-2002-0001; FRL-8545-9] (RIN: 2090-AA38) received April 30, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7138. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of State Implementation Plans; States of South Dakota and Wyoming; Interstate Transport of Pollution [EPA-R08-OAR-2007-0648; FRL-8563-6] received May 6, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7139. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Control of Hazardous Air Pollutants from Mobile Sources: Early Credit Technology Requirement Revision [EPA-HQ-2005-0036; FRL-8564-3] (RIN: 2060-AO89) received May 6, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7140. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting pursuant to section 36(b)(5)(C) of the Arms Export Control Act, Transmittal No. 08-0A, relating to enhancements or upgrades from the level of sensitivity of technology or capability described in Section 36(b)(1) AECA certification 06-51 of 28 September 2006; to the Committee on Foreign Affairs.

7141. A letter from the Chairman, Defense Nuclear Facilities Safety Board, transmitting the Board's Fifth Quarterly Report on the Status of Significant Unresolved Issues with the Department of Energy's Design and Construction Projects, as required in House Conference Report 109-702, Section 3201; jointly to the Committees on Armed Services and Appropriations.

7142. A letter from the Secretary, Department of Energy, transmitting an annual report concerning operations at the Naval Petroleum Reserves for fiscal year 2007, pursuant to the Naval Petroleum Reserves Production Act of 1976; jointly to the Committees on Armed Services and Energy and Commerce.

7143. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting notification that the Department intends to use FY 2008 IMET funds for the enclosed list of countries, pursuant to Public Law 110-161, section 634A; jointly to the Committees on Foreign Affairs and Appropriations.

And then,

¶72.4 ADJOURNMENT

On motion of the SPEAKER pro tempore, Mrs. CAPPS, by unanimous consent and pursuant to the special order of the House agreed to on June 12, 2008, at 10 o'clock and 3 minutes a.m., declared the House adjourned until 12:30 p.m. on Tuesday, June 17, 2008.

¶72.5 MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

313. The SPEAKER presented a memorial of the House of Representatives of the State of Louisiana, relative to House Resolution No. 30 memorializing the Congress of the United States to take such actions as are necessary to create a national catastrophe fund; to the Committee on Financial Services.

314. Also, a memorial of the Senate of the State of Massachusetts, relative to a Resolution memorializing the President of the United States and the Congress of the United States and the United States Department of State to encourage Turkey to respect the religious rights of all people; to the Committee on Foreign Affairs.

315. Also, a memorial of the House of Representatives of the State of Utah, relative to House Resolution No. 1 urging the United States to withdraw from the Security and Prosperity Partnership of North American and any other bilateral or multilateral activity which seeks to create a North American Union; to the Committee on Foreign Affairs.

316. Also, a memorial of the General Assembly of the State of Illinois, relative to House Joint Resolution No. 82 urging the Congress of the United States to enact and the President of the United States to approve, a supplemental appropriation to restore the funding to Fermilab to the level of the President's FY2008 budget request; to the Committee on Science and Technology.

¶72.6 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bill as follows:

H.R. 2332: Mr. NUNES, Mr. BISHOP of Utah, and Mr. TOWNS.

¶72.7 PETITIONS

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

270. The SPEAKER presented a petition of the City Council of Atlanta, Georgia, relative to Resolution No. 08-R-0856 requesting that the Congress of the United States enact legislation to encourage lenders and loan servicers to work out unsound loans as an alternative to foreclosure; to the Committee on Financial Services.

271. Also, a petition of Mr. Wayne T. Gilchrest, Member of Congress, and Mr. Elijah E. Cummings, Member of Congress, relative to a petition urging consideration of the principles outlined in the 2006 Iraq Study Group (ISG) Report; jointly to the Committees on Foreign Affairs and Armed Services.

TUESDAY, JUNE 17, 2008 (73)

¶73.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order at 12:30 p.m. by the SPEAKER pro tempore, Mr. LARSEN of Washington, who laid before the House the following communication:

WASHINGTON, DC,
June 17, 2008.

I hereby appoint the Honorable RICK LARSEN to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

Whereupon, pursuant to the order of the House of January 4, 2007, Members were recognized for morning-hour debate.

¶73.2 RECESS—12:50 P.M.

The SPEAKER pro tempore, Mr. LARSEN of Washington, pursuant to clause 12(a) of rule I, declared the House in recess at 12 o'clock and 50 minutes p.m., until 2 p.m.

¶73.3 AFTER RECESS—2 P.M.

The SPEAKER pro tempore, Mr. LARSEN of Washington, called the House to order.

¶73.4 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. LARSEN of Washington, announced he had examined and approved the Journal of the proceedings of Friday, June 13, 2008.

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

¶73.5 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

7144. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Consolidation of the Fruit Fly Regulations [Docket No. APHIS-2007-0084] (RIN: 0579-AC57) received June 9, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7145. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Bifenthrin; Pesticide Tolerances [EPA-HQ-OPP-2007-0535; FRL-8366-4] received June 9, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7146. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — 1 ,3-Dichloropropene and metabolites; Pesticide Tolerance [EPA-HQ-OPP-2007-0637; FRL-8345-1] received April 30, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7147. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — (Z)-7,8-epoxy-2-methyloctadecane (Disparlure); Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2007-0596; FRL-8367-7] received June 9, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7148. A letter from the Secretary to the Farm Credit Administration Board, Farm Credit Administration, transmitting the Administration's ''Major'' final rule — Federal Agricultural Mortgage Corporation Funding and Fiscal Affairs; Risk-Based Capital Requirements (RIN: 3052-AC36) received June 11, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7149. A communication from the President of the United States, transmitting a request for FY 2009 budget amendments for the Departments of Agriculture, Commerce, Health and Human Services, Homeland Security, the Interior, Labor, and the Treasury; (H. Doc. No.110–123); to the Committee on Appropriations and ordered to be printed.

7150. A communication from the President of the United States, transmitting a request for FY 2009 budget amendments for the Department of Agriculture, Energy, Homeland Security, Housing and Urban Development, the Interior, Labor, Transportation, and the Treasury; as well as the Corps of Engineers, the National Aeronautics and Space Administration, and the Office of Personnel Management; (H. Doc. No. 110–124); to the Committee on Appropriations and ordered to be printed.

7151. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting authorization of the enclosed list of officers to wear the insignia of the grade of rear admiral (lower half) accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

7152. A letter from the Assistant Secretary for Installations and Environment, Department of the Navy, Department of Defense, transmitting notice of the completion of a public-private competition at the Marine Corps Air Station Miramar located in San Diego, California, pursuant to 10 U.S.C. 2462(a); to the Committee on Armed Services.

7153. A letter from the Secretary, Department of Defense, transmitting the Department's certification regarding the retirement of one U-2 test configured aircraft located at Palmdale, California, in accordance with Section 133 of the National Defense Authorization Act of FY 2007, as modified by Section 132 of the National Defense Authorization Act of FY 2008; to the Committee on Armed Services.

7154. A letter from the Assistant Secretary for Installations and Environment, Department of the Navy, Department of Defense, transmitting notice of the completion of a public-private competition at the Fleet Numerical Meteorology Oceanography Center located in Monterey, CA, pursuant to 10 U.S.C. 2462(a); to the Committee on Armed Services.

7155. A letter from the Under Secretary for Acquisition, Technology and Logistics, Department of Defense, transmitting the Department's report on the Federally Funded Research and Development Center's Estimated FY 2009 Staff-years of Technical Effort (STEs) and Estimated Funding, pursuant to Public Law 110-116, section 8025(e); to the Committee on Armed Services.

7156. A letter from the Deputy Under Secretary for Logistics and Material Readiness, Department of Defense, transmitting the annual report on operations of the National Defense Stockpile (NDS), detailing NDS operations during FY 2007 and providing information with regard to the acquisition, upgrade, and disposition of NDS materials, as well as the financial status of the NDS Transaction Fund for FY 2007, pursuant to 50 U.S.C. 98h-2(a); to the Committee on Armed Services.

7157. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; New Jersey; Zero-Emission Vehicle Component of the Low Emission Vehicle Program [Docket No. EPA-R02-OAR-2006-0920, FRL-8522-3] received April 30, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7158. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; State of Colorado; Regulation No. 7, Section XII, Volatile Organic Compounds from Oil and Gas Operations [EPA-R08-OAR-2007-1002; FRL-8521-5] received April 30, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7159. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Ohio; Oxides of Nitrogen Budget Trading Program [EPA-R05-OAR-2006-0976; FRL-8526-8] received April 30, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7160. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Maine; Conformity of General Federal Actions. [EPA-R01-OAR-2007-0633; A-1-FRL-8517-6] received April 30, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7161. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; Wisconsin; Redesignation of Kewaunee County to Attainment for Ozone [EPA-R05-OAR-2007-0957; FRL-8568-2] received May 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7162. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Protection of the Stratospheric Ozone: Alternatives for the Motor Vehicle Air Conditioning Sector under the Significant New Alternatives Policy (SNAP) Program [EPA-HQ-OAR-2004-0488; FRL-8578-1] (RIN: 2060-AM54) received June 9, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7163. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Protection of Stratrospheric Ozone: Allocation of Essential Use Allowances for Calendar Year 2008 [EPA-HQ-OAR-2007-0297; FRL-8577-9] (RIN: 2060-AO44) received June 9, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7164. A letter from the Associate Bureau Chief, PSHSB, Federal Communications Commission, transmitting the Commission's ''Major'' final rule — In the Matter of Improving Public Safety Communications in the 800 MHz Band New 800 MHz Band Plan for U.S. — Canada Border Regions [WT Docket 02-55] received June 9, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7165. A letter from the Legal Advisor, Chief, Wireless Telecomm. Bur., Federal Communications Commission, transmitting the Commission's final rule — In the Matter of Implementation of Sections 309(j) and 337 of the Communications Act of 1934 as Amended Promotion of Spectrum Efficient Technologies on Certain Part 90 Frequencies [WT Docket No. 99-87 RM-9332] received June 9, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7166. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — In the Matter of Amendment of Section 73.622(i), Final DTV Table of Allotments, Television Broadcast Stations. (Riverside, California) [MM Docket No. 08-30 RM-11419] received June 9, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7167. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's ''Major'' final rule — Revision of Fee Schedules; Fee Recovery for FY 2008 [NRC-2008-0080] (RIN: 3150-AI28) received June 11, 2008,

pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7168. A communication from the President of the United States, transmitting a supplemental consolidated report, consistent with the War Powers Resolution, to help ensure that the Congress is kept fully informed on U.S. military activities in support of the war on terror and in Kosovo, pursuant to Public Law 93-148; (H. Doc. No. 110–122); to the Committee on Foreign Affairs and ordered to be printed.

7169. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-403, ''Omnibus Domestic Partnership Equality Amendment Act of 2008,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

7170. A letter from the District of Columbia Auditor, Office of the District of Columbia Auditor, transmitting a report entitled, ''Review of the District's Cash Advance Fund,'' pursuant to D.C. Code section 47-117(d); to the Committee on Oversight and Government Reform.

7171. A letter from the White House Liaison, Department of Justice, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

7172. A letter from the White House Liaison, Department of Justice, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

7173. A letter from the White House Liaison, Department of Justice, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

7174. A letter from the Executive Vice President and Chief Financial Officer, Federal Home Loan Bank of Atlanta, transmitting the 2007 management report and statements on system of internal controls of the Federal Home Loan Bank of Atlanta, pursuant to 31 U.S.C. 9106; to the Committee on Oversight and Government Reform.

7175. A letter from the Acting Administrator, General Services Administration, transmitting a semiannual report on Office of Inspector General auditing activity, together with a report providing management's perspective on the implementation status of audit recommendations for the period October 1, 2007 to March 31, 2008, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Oversight and Government Reform.

7176. A letter from the Chairman, National Labor Relations Board, transmitting the semiannual report on the activities of the Office of Inspector General of the National Labor Relations Board for the period October 1, 2007 through March 31, 2008, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 8G(h)(2); to the Committee on Oversight and Government Reform.

7177. A letter from the Chairman, Postal Regulatory Commission, transmitting the Commission's Semiannual Report for the period of October 1, 2007 through March 31, 2008, pursuant to the Inspector General Act of 1978, as amended; to the Committee on Oversight and Government Reform.

7178. A letter from the Deputy Administrator, Small Business Administration, transmitting the semiannual report of the Office of Inspector General for the period October 1, 2007 through March 31, 2008, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Oversight and Government Reform.

7179. A letter from the Chair, Board of Trustees, Morris K. Udall Foundation, transmitting the Foundation's 2007 Annual Report; to the Committee on Oversight and Government Reform.

7180. A letter from the Acting Fiscal Assistant Secretary, Department of the Treasury, transmitting the Department's FY 2007 Report to the Congress U.S. Government Receivables and Debt Collection Activities of Federal Agencies, pursuant to 31 U.S.C. 3716(c)(3)(B); to the Committee on the Judiciary.

7181. A letter from the Staff Director, Commission on Civil Rights, transmitting notification that the Commission recently appointed members to the Florida Advisory Committee; to the Committee on the Judiciary.

7182. A letter from the Staff Director, Commission on Civil Rights, transmitting notification that the Commission recently appointed members to the Kentucky Advisory Committee; to the Committee on the Judiciary.

7183. A letter from the Staff Director, Commission on Civil Rights, transmitting notification that the Commission recently appointed members to the Wyoming Advisory Committee; to the Committee on the Judiciary.

7184. A communication from the President of the United States, transmitting notification of the designations of Shara L. Aranoff as Chairman and Daniel Pearson as Vice Chairman of the United States International Trade Commission, effective June 17, 2008, pursuant to 19 U.S.C. 1330(c)(1); to the Committee on Ways and Means.

¶73.6 COMMUNICATION FROM THE CLERK—MESSAGE FROM THE SENATE

The SPEAKER pro tempore, Mr. LARSEN of Washington, laid before the House a communication, which was read as follows:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, June 16, 2008.

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

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on June 16, 2008, at 10:25 a.m.:

That the Senate agreed to without amendment H. Con. Res. 325.

With best wishes, I am

Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

¶73.7 CAPTIVE PRIMATE SAFETY

Ms. BORDALLO moved to suspend the rules and pass the bill (H.R. 2964) to amend the Lacey Act Amendments of 1981 to treat nonhuman primates as prohibited wildlife species under that Act, to make corrections in the provisions relating to captive wildlife offenses under that Act, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. LARSEN of Washington, recognized Ms. BORDALLO and Mr. BISHOP of Utah, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. LARSEN of Washington, announced that two-thirds of the Members present had voted in the affirmative.

Mr. WESTMORELAND demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. LARSEN of Washington, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶73.8 MONTANA CEMETERY

Ms. BORDALLO moved to suspend the rules and pass the bill (H.R. 3702) to direct the Secretary of Agriculture to convey certain land in the Beaverhead-Deerlodge National Forest, Montana, to Jefferson County, Montana, for use as a cemetery; as amended.

The SPEAKER pro tempore, Mr. LARSEN of Washington, recognized Ms. BORDALLO and Mr. BISHOP of Utah, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. LARSEN of Washington, announced that two-thirds of the Members present had voted in the affirmative.

Ms. BORDALLO demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. LARSEN of Washington, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶73.9 MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Wanda Evans, one of his secretaries.

¶73.10 AMERICAN EAGLE DAY

Ms. BORDALLO moved to suspend the rules and agree to the resolution (H. Res. 1247); as amended:

Whereas the bald eagle was designated as the national emblem of the United States on June 20, 1782, by our country's Founding Fathers at the Second Continental Congress;

Whereas the bald eagle is the central image used in the Great Seal of the United States and the seals of the President and Vice President;

Whereas the image of the bald eagle is displayed in the official seal of many branches and departments of the Federal Government, including—

(1) Congress;
(2) the Supreme Court;
(3) the Department of Defense;
(4) the Department of the Treasury;
(5) the Department of Justice;
(6) the Department of State;
(7) the Department of Commerce;
(8) the Department of Homeland Security;
(9) the Department of Veterans Affairs;
(10) the Department of Labor;
(11) the Department of Health and Human Services;
(12) the Department of Energy;
(13) the Department of Housing and Urban Development;
(14) the Central Intelligence Agency; and
(15) the United States Postal Service;

Whereas the bald eagle is an inspiring symbol of the American spirit of freedom and democracy;

Whereas the image, meaning, and symbolism of the bald eagle have played a significant role in American art, music, history, literature, architecture, and culture since the founding of our Nation;

Whereas the bald eagle is featured prominently on United States stamps, currency, and coinage;

Whereas the habitat of bald eagles exists only in North America;

Whereas by 1963, the number of nesting pairs of bald eagles in the lower 48 States had dropped to about 417;

Whereas the bald eagle was first listed as an endangered species in 1967 under the Endangered Species Preservation Act, the Federal law that preceded the Endangered Species Act of 1973;

Whereas caring and concerned citizens of the United States in the private and public sectors banded together to save, and help ensure the protection of, bald eagles;

Whereas in 1995, as a result of the efforts of those caring and concerned citizens, bald eagles were removed from the endangered species list and upgraded to the less imperiled threatened species status under the Endangered Species Act of 1973;

Whereas by 2006, the number of bald eagles in the lower 48 States had increased to approximately 7,000 to 8,000 nesting pairs;

Whereas the Secretary of the Interior removed the bald eagle from the Federal list of threatened species effective August 8, 2007;

Whereas the bald eagle remains subject to the Migratory Bird Treaty Act and on May 28, 2008, the Secretary of the Interior issued regulations providing continued protection under the Act popularly known as the Bald and Golden Eagle Protection Act;

Whereas bald eagles would have been permanently extinct if not for vigilant conservation efforts of concerned citizens and strict protection laws;

Whereas the dramatic recovery of the bald eagle population is an endangered species success story and an inspirational example for other wildlife and natural resource conservation efforts around the world;

Whereas the initial recovery of the bald eagle population was accomplished by the concerted efforts of numerous government agencies, corporations, organizations, and individuals; and

Whereas the sustained recovery of the bald eagle populations will require the continuation of recovery, management, education, and public awareness programs, to ensure that the populations and habitat of bald eagles will remain healthy and secure for future generations: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals and ideals of ''American Eagle Day''; and

(2) encourages—

(A) educational entities, organizations, businesses, conservation groups, and government agencies with a shared interest in conserving endangered species to collaborate on education information for use in schools; and

(B) the people of the United States to observe American Eagle Day with appropriate ceremonies and other activities.

The SPEAKER pro tempore, Mr. LARSEN of Washington, recognized Ms. BORDALLO and Mr. BISHOP of Utah, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. LARSEN of Washington, announced that two-thirds of the Members present had voted in the affirmative.

Mr. ISSA demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. LARSEN of Washington, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Wednesday, June 18, 2008.

¶73.11 ORANGE COUNTY WATER DISTRICT

Ms. BORDALLO moved to suspend the rules and agree to the resolution (H. Res. 1199):

Whereas the Orange County Water District (OCWD) is celebrating its 75th anniversary of providing high quality groundwater to millions of residents in northern and central Orange County, California, and upon this occasion, deserves special recognition;

Whereas OCWD was created in 1933 by the California State Legislature's passage of Senator N.T. Edwards' SB 1201, which was signed into law on June 14, 1933;

Whereas OCWD was empowered to manage Orange County's large groundwater basin, to protect the quality and quantity of the groundwater, to conserve and manage groundwater supplies, to protect Orange County's water rights to the flow of the Santa Ana River, and to ensure that the water needs of the people of Orange County, who depend on the groundwater basin, are provided for;

Whereas in the 1950s, OCWD initiated the region's first sustained artificial recharge replenishment system, which today is one of the most sophisticated and efficient recharge systems in the country;

Whereas in 1972, OCWD built the internationally-acclaimed Water Factory 21, the Nation's first and largest wastewater purification plant, to use reverse osmosis to purify sewer water for injection along the coast to prevent seawater intrusion;

Whereas in 1989, OCWD published a comprehensive Groundwater Management Plan for increasing water supplies, cleaning up contamination, and improving basin management, which became the model for groundwater management across the State;

Whereas in 1991, OCWD's Green Acres Project became operational as the Nation's first landscape irrigation wastewater treatment plant that provided water to local parks, golf courses, highway medians, and industry, freeing high quality drinking water for more valued uses in the arid Orange County;

Whereas in 2008, OCWD began operating the Groundwater Replenishment System, the world's largest sewer water purification project of its kind built to protect groundwater from seawater intrusion, delaying the need for another ocean outfall and making the region less dependent on imported water from the San Joaquin-Delta and Colorado Rivers by providing a new supply of high quality, locally controlled and energy efficient water to Orange County;

Whereas OCWD has one of the best water quality monitoring and protection programs, testing for twice the amount of chemicals required by law, maintaining a proactive philosophy of looking for emerging contaminants, and developing southern California's largest constructed wetlands to naturally purify Santa Ana River flows into Orange County;

Whereas OCWD has one of the highest financial ratings in the State, won every major water award, begun eliminating the evasive arundo donax through its environmental programs, and developed experimental wetlands to clean up dairy wastewater; and

Whereas OCWD has also developed basin-cleaning vehicles to enhance recharge efficiency, sponsored the Nation's largest Children's Water Education Festival, and brought back the least Bell's vireo, an endangered California songbird: Now, therefore, be it

Resolved, That the House of Representatives commends the Orange County Water District and its employees for their sound financial management and innovative groundwater management, water quality, water efficiency, and environmental programs, on its 75th anniversary.

The SPEAKER pro tempore, Mr. LARSEN of Washington, recognized Ms. BORDALLO and Mr. BISHOP of Utah, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. LARSEN of Washington, announced that two-thirds of the Members present had voted in the affirmative.

Mr. ISSA objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mr. LARSEN of Washington, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Wednesday, June 18, 2008.

The point of no quorum was considered as withdrawn.

¶73.12 EASTERN NEW MEXICO RURAL WATER SYSTEM

Ms. BORDALLO moved to suspend the rules and pass the bill (H.R. 5710) to authorize the Secretary of the Interior to provide financial assistance to the Eastern New Mexico Rural Water Authority for the planning, design, and construction of the Eastern New Mexico Rural Water System, and for other purposes.

The SPEAKER pro tempore, Mr. LARSEN of Washington, recognized Ms. BORDALLO and Mr. BISHOP of Utah, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. LARSEN of Washington, announced that two-thirds of the Members present had voted in the affirmative.

Mr. ISSA objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mr. LARSEN of Washington, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Wednesday, June 18, 2008.

The point of no quorum was considered as withdrawn.

¶73.13 LEADVILLE MINE DRAINAGE TUNNEL REMEDIATION

Ms. BORDALLO moved to suspend the rules and pass the bill (H.R. 5511) to direct the Secretary of the Interior, acting through the Bureau of Reclamation, to remedy problems caused by a

collapsed drainage tunnel in Leadville, Colorado, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. LARSEN of Washington, recognized Ms. BORDALLO and Mr. BISHOP of Utah, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. LARSEN of Washington, announced that two-thirds of the Members present had voted in the affirmative.

Ms. BORDALLO objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mr. LARSEN of Washington, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Wednesday, June 18, 2008.

The point of no quorum was considered as withdrawn.

¶73.14 COMMUNICATION FROM THE CLERK—MESSAGE FROM THE SENATE

The SPEAKER pro tempore, Mr. LARSEN of Washington, laid before the House a communication, which was read as follows:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, June 17, 2008.

Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on June 17, 2008, at 10:40 a.m.:

That the Senate passed without amendment H.R. 814.

That the Senate passed without amendment H.R. 5778.

That the Senate passed with an amendment H.R. 3403.

That the Senate agreed to S. Con. Res. 84.

Appointments:

Board of Trustees of Gallaudet University

With best wishes, I am

Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

¶73.15 MESSAGE FROM THE PRESIDENT—UNITED STATES INTERNATIONAL TRADE COMMISSION

The SPEAKER pro tempore, Mr. LARSEN of Washington, laid before the House a message from the President, which was read as follows:

To The Congress of the United States:

Consistent with the provisions of 19 U.S.C. 1330(c)(1), this is to notify the Congress that I have designated Shara L. Aranoff as Chairman and Daniel Pearson as Vice Chairman of the United States International Trade Commission, effective June 17, 2008.

GEORGE W. BUSH.

THE WHITE HOUSE, *June 17, 2008.*

By unanimous consent, the message, together with the accompanying papers, was referred to the Committee on Ways and Means.

¶73.16 PUBLIC RADIO RECOGNITION MONTH

Mr. DAVIS of Illinois, moved to suspend the rules and agree to the resolution (H. Res. 1002); as amended:

Whereas the mission of public radio is to create a better informed public that is challenged and invigorated by a deeper understanding and appreciation of events, ideas, and cultures;

Whereas the programming content created and distributed by public radio is based on 3 core values: qualities of mind, qualities of heart, and qualities of craft, which exemplify the inherent meaning of localism by placing value and financial investment in local and regional assets to gather and distribute a collection of programming that informs and improves community;

Whereas public radio is known for distinctive, award-winning programming that includes ''Morning Edition'', ''All Things Considered'', ''A Prairie Home Companion'', ''Marketplace'', ''Speaking of Faith'', and ''This American Life'';

Whereas America's more than 800 public radio stations serve every State and every congressional district with news, information, cultural, and music programming that are unique to free radio;

Whereas some 33,000,000 Americans listen to public radio programming each week;

Whereas the public radio audience has doubled in the past 15 years and has increased by some 70 percent in the past decade;

Whereas public radio stations are licensed by community foundations, colleges, universities, school boards, libraries, and other local nonprofit entities;

Whereas public radio stations are locally licensed, locally staffed, and locally programmed, and have tailored their programming to meet the needs of local audiences;

Whereas public radio stations on average receive more than 85 percent of their annual funding from local sources;

Whereas public radio's public service finds expression through a deep music discovery, education, and enrichment experience for both its audience and the performers, singer-songwriters, musicians, lyricists, and composers, which places the greatest emphasis on a valued partnership with performers to bring all facets of music into the lives of its audience in a way that is found nowhere else;

Whereas public radio has preserved and enhanced the archetypal musical formats of American music history, such as jazz, classical, folk, bluegrass, the blues, and Celtic;

Whereas public radio is responding to its commitment to community-based and fact-based journalism with several initiatives, including the Local News Initiative, a national effort to increase public radio's service to communities through investments in station capacity to provide in-depth, serious, and balanced news, and Public Insight Journalism, a pioneering concept that uses citizens to help cover the news by sharing their observations, knowledge, and expertise;

Whereas public radio has embraced digital broadcasting technology because of its inherently inclusive nature and potential to expand public service programming; and

Whereas public radio exists to serve the public interest: Now, therefore, be it

Resolved, That the House of Representatives—

(1) expresses support for the designation of a ''Public Radio Recognition Month''; and

(2) encourages the celebration of America's public radio stations for their contributions to our Nation's communities and enduring civic spirit.

The SPEAKER pro tempore, Mr. LARSEN of Washington, recognized Mr. DAVIS of Illinois, and Mr. ISSA, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mrs. JONES of Ohio, announced that two-thirds of the Members present had voted in the affirmative.

Mr. ISSA demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mrs. JONES of Ohio, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Wednesday, June 18, 2008.

¶73.17 FLAG DAY

Mr. DAVIS of Illinois, moved to suspend the rules and agree to the resolution (H. Res. 1219):

Whereas Flag Day is celebrated annually on June 14, the anniversary of the official adoption of the American flag by the Continental Congress in 1777;

Whereas on June 14, 1777, in order to establish an official flag for the new Nation, the Continental Congress passed the first Flag Act, which stated, ''Resolved, That the flag of the United States be made of thirteen stripes, alternate red and white; that the union be thirteen stars, white in a blue field, representing a new Constellation'';

Whereas the second Flag Act, signed January 13, 1794, provided for 15 stripes and 15 stars after May 1795;

Whereas the Act of April 4, 1818, which provided for 13 stripes and one star for each State, to be added to the flag on July 4 following the admission of each new State, was signed by President James Monroe;

Whereas in an Executive order dated June 24, 1912, President William Howard Taft established the proportions of the flag and provided for arrangement of the stars in 6 horizontal rows of 8 each, a single point of each star to be upward;

Whereas in an Executive order dated January 3, 1959, President Dwight D. Eisenhower provided for the arrangement of the stars in 9 rows staggered horizontally and 11 rows of stars staggered vertically;

Whereas the first celebration of the American flag is believed to have been introduced by Bernard Cigrand, a Wisconsin school teacher, who arranged for his pupils at Stony Hill School in Waubeka to celebrate June 14 as ''Flag Birthday'' in 1885;

Whereas on June 14, 1894, the Governor of New York ordered that the American flag be displayed at all public buildings in the State, prompting many State and local governments to begin observing Flag Day;

Whereas President Woodrow Wilson proclaimed the first nationwide Flag Day in 1916;

Whereas in 1947, President Harry S. Truman signed legislation requesting National Flag Day be observed annually;

Whereas the United States flag is a symbol of our great Nation and its ideals;

Whereas in times of national crisis, Americans look to the United States flag as a symbol of hope, courage, and freedom;

Whereas the United States flag is universally honored;

Whereas the United States flag honors the men and women of the Armed Forces who have given their life in the defense of the United States;

Whereas the United States flag serves as a treasured symbol of the loss of loved ones to

the countless families of those who died in defense of our Nation; and

Whereas June 14, 2008, is recognized as Flag Day: Now, therefore, be it

Resolved, That the House of Representatives celebrates the United States flag and supports the goals and ideals of Flag Day.

The SPEAKER pro tempore, Mrs. JONES of Ohio, recognized Mr. DAVIS of Illinois, and Mr. ISSA, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mrs. JONES of Ohio, announced that two-thirds of the Members present had voted in the affirmative.

Mr. ISSA objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mrs. JONES of Ohio, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Wednesday, June 18, 2008.

The point of no quorum was considered as withdrawn.

¶73.18 JUAN ANTONIO ''CHI-CHI'' RODRIGUEZ

Mr. DAVIS of Illinois, moved to suspend the rules and agree to the resolution (H. Res. 1029); as amended:

Whereas sports figures, through their perseverance, discipline, and good behavior, can serve as examples of excellence, dedication, and devotion to our youth;

Whereas Chi-Chi Rodriguez was born in Rio Piedras, Puerto Rico, on October 23, 1935, to an agricultural laborer and a housekeeper;

Whereas Chi-Chi joined the ranks of golf professionals at the age of 24, reportedly standing at 5 foot seven inches and weighing 117 pounds;

Whereas Chi-Chi Rodriguez had a stellar career in the sport of golf, earning an impressive record of 38 professional wins, including 8 PGA Tour wins and 22 Senior PGA Tour wins;

Whereas his Senior Tour records for most consecutive victories, at 4, and most consecutive birdies, at 8, still stand;

Whereas in 1979, Chi-Chi Rodriguez helped create the Chi-Chi Rodriguez Youth Foundation, and the Chi-Chi Rodriguez Academy in Clearwater, Florida, which help thousands of low-income and disadvantaged youth reach their life potential through educational opportunities and support programs;

Whereas in 1986, the Chi-Chi Rodriguez Youth Foundation was awarded the National Golf Foundation's Award for Best Youth Program in the United States and the Robie Award for Humanitarianism presented by the Jackie Robinson Foundation;

Whereas Chi-Chi Rodriguez was recognized by the Points of Light Foundation for its youth and community service efforts;

Whereas Chi-Chi Rodriguez and the FBI Agents Association have organized the Chi-Chi Rodriguez G–Man Desert Shootout Tournament to raise funds for college scholarships for the children of FBI agents killed in the line of duty;

Whereas in 1989, the United States Golf Association granted Chi-Chi Rodriguez its highest honor, the Bob Jones Award, in recognition for his distinguished sportsmanship in golf;

Whereas in 1994, Chi-Chi Rodriguez was inducted to the first class of the World Sports Humanitarian Hall of Fame;

Whereas in 1992, Chi-Chi Rodriguez was inducted to the World Golf Hall of Fame;

Whereas in 1973, Chi-Chi Rodriguez was a member of the U.S. team that won the Ryder Cup in Muirfield, Scotland;

Whereas in 1981, Chi-Chi Rodriguez was selected by the Northern Ohio Golf Charities as its first Ambassador of Golf;

Whereas Chi-Chi Rodriguez has received countless other distinguished awards and recognitions such as the 1974 Charlie Bartlett Award of the Golf Writers Association, the 1981 Richardson Award of the Golf Writers Association of America, the 1982 Father of the Year Award, the 1986 Card Walker Award (Outstanding Contribution to Junior Golf), the 1986 Salvation Army Gold Crest Award, the 12th Roberto Clemente Cup, the 1986 Byron Nelson Award, the 1986 Hispanic Achievement Recognition Award, the 1987 Byron Nelson Award, the 1987 Senior Tour Arnold Palmer Award, the 1988 Fred Raphael Golf Achievement Award, the 1989 Old Tom Morris Award, the 1990 ''Caring for Kids'' Award, the 1991 Jackie Robinson Humanitarian Award, the 1993 Civilian Meritorious Service Medal presented by the Department of Defense, the 1997 International Network of Golf Award, the 1998 Ford Achievement Award, and the 2003 Paul Runyan Memorial Recognition Award, among others; and

Whereas Chi-Chi Rodriguez has authored and coauthored several books and articles about golf, such as ''Chi Chi's Secrets of Power Golf'' in 1967, ''Everybody's Golf Book'' in 1975, ''Chi Chi's Power Pack'' in 1982, ''Every Golfer's Guide to Lower Scores by Chi-Chi Rodriguez'' in 1990, and ''Chi Chi's Golf Games You Gotta Play'' in 2003, among others: Now, therefore, be it

Resolved, That the House of Representatives—

(1) congratulates Chi-Chi Rodriguez for his successes in the sport of golf; and

(2) commends Chi-Chi Rodriguez for his exemplary conduct as a humanitarian and advocate for underprivileged youth.

The SPEAKER pro tempore, Mrs. JONES of Ohio, recognized Mr. DAVIS of Illinois, and Mr. ISSA, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mrs. JONES of Ohio, announced that two-thirds of the Members present had voted in the affirmative.

Mr. ISSA demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mrs. JONES of Ohio, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Wednesday, June 18, 2008.

¶73.19 JOHN P. GALLAGHER POST OFFICE BUILDING

Mr. DAVIS of Illinois, moved to suspend the rules and pass the bill (H.R. 6150) to designate the facility of the United States Postal Service located at 14500 Lorain Avenue in Cleveland, Ohio, as the ''John P. Gallagher Post Office Building''.

The SPEAKER pro tempore, Mrs. JONES of Ohio, recognized Mr. DAVIS of Illinois, and Mr. ISSA, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mrs. JONES of Ohio, announced that two-thirds of the Members present had voted in the affirmative.

Mr. ISSA objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mrs. JONES of Ohio, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Wednesday, June 18, 2008.

The point of no quorum was considered as withdrawn.

¶73.20 GERALD R. FORD POST OFFICE BUILDING

Mr. HIGGINS moved to suspend the rules and pass the bill (H.R. 6085) to designate the facility of the United States Postal Service located at 42222 Rancho Las Palmas Drive in Rancho Mirage, California, as the ''Gerald R. Ford Post Office Building''.

The SPEAKER pro tempore, Mrs. JONES of Ohio, recognized Mr. HIGGINS and Mr. ISSA, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mrs. JONES of Ohio, announced that two-thirds of the Members present had voted in the affirmative.

Mr. ISSA objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mrs. JONES of Ohio, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Wednesday, June 18, 2008.

The point of no quorum was considered as withdrawn.

¶73.21 JUNETEENTH INDEPENDENCE DAY

Mr. HIGGINS moved to suspend the rules and agree to the resolution (H. Res. 1237):

Whereas news of the end of slavery did not reach frontier areas of the United States, and in particular the Southwestern States, for more than 2 years after President Lincoln's Emancipation Proclamation of January 1, 1863, and months after the conclusion of the Civil War;

Whereas on June 19, 1865, Union soldiers led by Major General Gordon Granger arrived in Galveston, Texas, with news that the Civil War had ended and that the enslaved were free;

Whereas African-Americans who had been slaves in the Southwest celebrated June 19, commonly known as Juneteenth Independence Day, as the anniversary of their emancipation;

Whereas African-Americans from the Southwest continue the tradition of Juneteenth Independence Day as inspiration and encouragement for future generations;

Whereas for more than 135 years, Juneteenth Independence Day celebrations have been held to honor African-American freedom while encouraging self-development and respect for all cultures;

Whereas although Juneteenth Independence Day is beginning to be recognized as a national, and even global, event, the history behind the celebration should not be forgotten; and

Whereas the faith and strength of character demonstrated by former slaves remains an example for all people of the United States, regardless of background, religion, or race: Now, therefore, be it

Resolved, That—

(1) the House of Representatives recognizes the historical significance of Juneteenth Independence Day to the Nation;

(2) the House of Representatives supports the continued celebration of Juneteenth Independence Day to provide an opportunity for the people of the United States to learn more about the past and to better understand the experiences that have shaped the Nation; and

(3) it is the sense of the House of Representatives that—

(A) history should be regarded as a means for understanding the past and more effectively facing the challenges of the future; and

(B) the celebration of the end of slavery is an important and enriching part of the history and heritage of the United States.

The SPEAKER pro tempore, Mrs. JONES of Ohio, recognized Mr. HIGGINS and Mr. ISSA, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mrs. JONES of Ohio, announced that two-thirds of the Members present had voted in the affirmative.

Mr. ISSA objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mrs. JONES of Ohio, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Wednesday, June 18, 2008.

The point of no quorum was considered as withdrawn.

¶73.22 TIMOTHY JOHN RUSSERT, JR.

Mr. HIGGINS moved to suspend the rules and agree to the resolution (H. Res. 1275):

Whereas Tim Russert was born in Buffalo, New York, on May 7, 1950;

Whereas Tim Russert graduated from Canisius High School in Buffalo, John Carroll University in University Heights, Ohio, and the Cleveland-Marshall College of Law in Cleveland, Ohio, and received 48 honorary doctorate degrees;

Whereas Tim Russert served as special counsel to Senator Daniel Patrick Moynihan from 1977 to 1982 and counselor to Governor Mario Cuomo from 1983 to 1984;

Whereas Tim Russert began his celebrated career in journalism with the National Broadcasting Company in 1984, reporting from South America, Australia, China, and Rome, where he arranged for the first live appearance on American television by Pope John Paul II;

Whereas in 1991, Tim Russert was named moderator of ''Meet the Press'', the longest-running program in the history of television;

Whereas Tim Russert served masterfully as anchor and political analyst, and earned a reputation as a tenacious yet fair interviewer of his guests, who included the leading political candidates, holders of public office, and newsmakers of the day;

Whereas Tim Russert moderated presidential debates with the same dogged yet respectful manner with which he conducted his interviews, and in so doing provided a valuable service to American voters;

Whereas Tim Russert was a successful author, and his moving books ''Big Russ and Me'' and ''Wisdom of our Fathers'' became New York Times bestsellers;

Whereas Tim Russert won an Emmy Award for his coverage of the funeral of President Ronald Reagan; he also won the Radio and Television Correspondents' Joan S. Barone Award, the Annenberg Center's Walter Cronkite Award, and the Edward R. Murrow Award for Overall Excellence in Television Journalism for his interviews of leading national political figures;

Whereas Tim Russert sat in the front seat of world history, chronicling the domestic and international political events that have defined our time, deftly describing and analyzing these events for millions of Americans;

Whereas Tim Russert was a man of devoted and humble faith who believed in the value of a Jesuit education and who called himself ''a respectful servant in the laity of the church'';

Whereas Tim Russert powerfully advocated on behalf of abused children and voiced the need to protect our Nation's young people, serving on the board of directors of the Boys and Girls Clubs of Greater Washington and America's Promise Alliance;

Whereas Tim Russert was a prominent booster of Buffalo and a famous fan of his beloved Buffalo Bills;

Whereas Tim Russert was always proud of his South Buffalo roots and was a source of civic pride in the western New York community; and

Whereas Tim Russert's love for his family was evident to all who knew him and to readers of his books: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes and honors the contributions of Timothy John Russert, Jr., as an award-winning political analyst; and

(2) expresses its deepest condolences upon the death of Timothy John Russert, Jr., to his wife, Maureen Orth, his son, Luke, and his surviving family members and friends.

The SPEAKER pro tempore, Mrs. JONES of Ohio, recognized Mr. HIGGINS and Mr. ISSA, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mrs. JONES of Ohio, announced that two-thirds of the Members present had voted in the affirmative.

Mr. ISSA objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mrs. JONES of Ohio, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

The point of no quorum was considered as withdrawn.

¶73.23 KOREAN WAR VETERANS ASSOCIATION

Ms. JACKSON-LEE of Texas, moved to suspend the rules and pass the bill of the Senate (S. 1692) to grant a Federal charter to Korean War Veterans Association, Incorporated.

The SPEAKER pro tempore, Mrs. JONES of Ohio, recognized Ms. JACKSON-LEE of Texas, and Mr. ISSA, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mrs. JONES of Ohio, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶73.24 VOTING RIGHTS REAUTHORIZATION

Ms. JACKSON-LEE of Texas, moved to suspend the rules and pass the bill of the Senate (S. 188) to revise the short title of the Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006.

The SPEAKER pro tempore, Mrs. JONES of Ohio, recognized Ms. JACKSON-LEE of Texas, and Mr. ISSA, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mrs. JONES of Ohio, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶73.25 ANDREW L. JEFFERSON ENDOWMENT FOR TRIAL ADVOCACY

Ms. JACKSON-LEE of Texas, moved to suspend the rules and agree to the resolution (H. Res. 31):

Whereas this distinguished gentleman graduated from the University of Texas School of Law in 1959 and became a partner with Washington and Jefferson, Attorneys at Law, in Houston; he served as an assistant criminal district attorney for Bexar County, a chief assistant United States attorney for the Western District of Texas, and a trial counsel and labor relations counsel for Humble Oil & Refining Company;

Whereas in 1970, Andrew Jefferson was appointed judge of the Court of Domestic Relations 2, Harris County, and in 1974, he was elected judge of the 208th District Court, Harris County; in 1975, he decided to re-enter the practice of law and is currently in private practice;

Whereas Judge Jefferson was admitted to practice in the United States Court of Appeals for the Fifth Circuit, Sixth Circuit, and Eleventh Circuit and the Supreme Court of the United States;

Whereas a longtime active committee member of the State Bar of Texas, he is also a Fellow of the Texas Bar Foundation and the American Bar Foundation and a member of the Texas Trial Lawyers Association; he was formerly a member of the Texas Constitutional Revision Commission;

Whereas well known for his expertise in the legal field, Judge Jefferson has been a highly sought-after speaker throughout his career; he has been a frequent speaker at the Criminal Law Institute for the Houston Bar Association and the San Antonio Bar Association; he was a speaker for the National Bar Association's convention and for the Family Law Institute;

Whereas a highly respected individual, Judge Jefferson has been prominent in community organizations and activities throughout his life and is noted for his leadership and sound judgment;

Whereas a former chairman of the board of the Houston Branch of the Federal Reserve Bank and of the Texas Southern University Foundation, he is a life member of the Houston Area Urban League and the National Association for the Advancement of Colored People;

Whereas he has been the recipient of a number of awards, including the Anti-Defamation League National Torch of Liberty Award, the Forward Times Community Service Award, the League of United Latin American Citizens National Community Service Award, and the Community Service Award from La Raza; and

Whereas an exemplary and distinguished gentleman, Judge Jefferson is beloved and respected by his many friends and the people of the legal community, and he deserves recognition for his outstanding career and accomplishments: Now, therefore, be it

Resolved, That the House of Representatives hereby commends Andrew L. Jefferson, Jr., on his achievements and extends congratulations to him on his selection as the First Endowed Chair of the Thurgood Marshall School of Law Trial Advocacy Program.

The SPEAKER pro tempore, Mrs. JONES of Ohio, recognized Ms. JACKSON-LEE of Texas, and Mr. ISSA, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mrs. JONES of Ohio, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶73.26 PROVIDING FOR CONSIDERATION OF H.R. 5876

Ms. SLAUGHTER, by direction of the Committee on Rules, reported (Rept. No. 110–717) the resolution (H. Res. 1276) providing for the consideration of the bill (H.R. 5876) to require certain standards and enforcement provisions to prevent child abuse and neglect in residential programs, and for other purposes.

When said resolution and report were referred to the House Calendar and ordered printed.

¶73.27 PROVIDING FOR CONSIDERATION OF H.R. 5781

Ms. SLAUGHTER, by direction of the Committee on Rules, reported (Rept. No. 110–718) the resolution (H. Res. 1277) providing for the consideration of the bill (H.R. 5781) to provide that 8 of the 12 weeks of parental leave made available to a Federal employee shall be paid leave, and for other purposes.

When said resolution and report were referred to the House Calendar and ordered printed.

¶73.28 RECESS—6:20 P.M.

The SPEAKER pro tempore, Mrs. JONES of Ohio, pursuant to clause 12(a) of rule I, declared the House in recess at 6 o'clock and 20 minutes p.m., until approximately 6:30 p.m.

¶73.29 AFTER RECESS—6:32 P.M.

The SPEAKER pro tempore, Mrs. JONES of Ohio, called the House to order.

¶73.30 HOUR OF MEETING

On motion of Mr. ARCURI, by unanimous consent,

Ordered, That when the House adjourns today on Tuesday, June 17, 2008, it adjourn to meet at 9:30 a.m. on Wednesday, June 18, 2008.

¶73.31 H.R. 2964—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mrs. JONES of Ohio, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and pass the bill (H.R. 2964) to amend the Lacey Act Amendments of 1981 to treat nonhuman primates as prohibited wildlife species under that Act, to make corrections in the provisions relating to captive wildlife offenses under that Act, and for other purposes; as amended.

The question being put,

Will the House suspend the rules and pass said bill, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 302 / Nays 96

¶73.32 [Roll No. 414]

YEAS—302

Abercrombie	Brown, Corrine	Davis (CA)
Ackerman	Buchanan	Davis (IL)
Alexander	Butterfield	Davis, Lincoln
Allen	Calvert	Davis, Tom
Altmire	Camp (MI)	DeFazio
Andrews	Campbell (CA)	DeGette
Arcuri	Capito	Delahunt
Baca	Capps	DeLauro
Bachus	Capuano	Dent
Baird	Cardoza	Diaz-Balart, L.
Baldwin	Carnahan	Diaz-Balart, M.
Barrow	Carney	Dicks
Bartlett (MD)	Carson	Dingell
Bean	Castle	Doggett
Becerra	Castor	Donnelly
Berkley	Cazayoux	Doolittle
Berman	Chabot	Doyle
Berry	Chandler	Drake
Biggert	Childers	Duncan
Bilbray	Clarke	Edwards
Bilirakis	Clay	Ehlers
Bishop (GA)	Cleaver	Ellison
Bishop (NY)	Clyburn	Ellsworth
Blumenauer	Cohen	Emanuel
Bono Mack	Cole (OK)	Eshoo
Boozman	Cooper	Etheridge
Boren	Costa	Farr
Boswell	Costello	Fattah
Boucher	Courtney	Ferguson
Boyd (FL)	Cramer	Filner
Boyda (KS)	Crowley	Forbes
Brady (PA)	Cuellar	Fortenberry
Braley (IA)	Cummings	Foster
Brown (SC)	Davis (AL)	Frank (MA)
Gallegly	Mahoney (FL)	Royce
Gerlach	Maloney (NY)	Ruppersberger
Giffords	Markey	Ryan (OH)
Gillibrand	Marshall	Salazar
Gonzalez	Matheson	Sánchez, Linda T.
Gordon	Matsui	
Granger	McCarthy (NY)	Sanchez, Loretta
Green, Al	McCollum (MN)	Sarbanes
Grijalva	McCotter	Schakowsky
Gutierrez	McCrery	Schiff
Hall (NY)	McDermott	Schwartz
Hare	McGovern	Scott (GA)
Harman	McHugh	Scott (VA)
Hastings (FL)	McIntyre	Sensenbrenner
Hayes	McMorris Rodgers	Serrano
Heller	McNerney	Sestak
Herseth Sandlin	McNulty	Shays
Higgins	Meek (FL)	Shea-Porter
Hill	Melancon	Sherman
Hinchey	Mica	Shuler
Hinojosa	Michaud	Shuster
Hirono	Miller (MI)	Simpson
Hobson	Miller (NC)	Sires
Hodes	Miller, George	Skelton
Hoekstra	Mitchell	Slaughter
Holden	Mollohan	Smith (NJ)
Holt	Moore (KS)	Smith (WA)
Honda	Moore (WI)	Snyder
Hooley	Moran (VA)	Solis
Hoyer	Murphy (CT)	Space
Inslee	Murphy, Patrick	Speier
Israel	Murtha	Spratt
Issa	Nadler	Stupak
Jackson (IL)	Neal (MA)	Sutton
Jackson-Lee (TX)	Nunes	Tauscher
Jefferson	Oberstar	Thompson (CA)
Johnson (GA)	Obey	Thompson (MS)
Johnson, E. B.	Olver	Tiberi
Jones (NC)	Ortiz	Tierney
Jones (OH)	Pallone	Towns
Kagen	Pascrell	Tsongas
Kanjorski	Pastor	Turner
Kaptur	Payne	Udall (NM)
Keller	Pearce	Upton
Kennedy	Perlmutter	Van Hollen
Kildee	Peterson (MN)	Velázquez
Kilpatrick	Petri	Visclosky
Kirk	Pickering	Walsh (NY)
Klein (FL)	Platts	Walz (MN)
Knollenberg	Pomeroy	Wasserman Schultz
Kucinich	Porter	Waters
Lampson	Price (NC)	Watson
Langevin	Rahall	Watt
Larsen (WA)	Ramstad	Waxman
Larson (CT)	Rangel	Weiner
Latham	Regula	Welch (VT)
LaTourette	Rehberg	Weller
Lee	Reichert	Whitfield (KY)
Levin	Reyes	Wilson (NM)
Lewis (GA)	Reynolds	Wilson (OH)
Linder	Richardson	Wittman (VA)
Lipinski	Rodriguez	Wolf
LoBiondo	Rogers (AL)	Woolsey
Lofgren, Zoe	Rogers (KY)	Wu
Lowey	Rogers (MI)	Yarmuth
Lucas	Ross	Young (AK)
Lynch	Roybal-Allard	Young (FL)

NAYS—96

Aderholt	Feeney	Manzullo
Bachmann	Flake	Marchant
Barrett (SC)	Foxx	McCarthy (CA)
Barton (TX)	Franks (AZ)	McCaul (TX)
Bishop (UT)	Garrett (NJ)	McKeon
Blackburn	Gingrey	Miller (FL)
Blunt	Gohmert	Miller, Gary
Boehner	Goode	Moran (KS)
Bonner	Goodlatte	Murphy, Tim
Boustany	Graves	Musgrave
Brady (TX)	Hall (TX)	Myrick
Broun (GA)	Hastings (WA)	Neugebauer
Brown-Waite, Ginny	Hensarling	Paul
	Herger	Peterson (PA)
Burgess	Inglis (SC)	Pitts
Burton (IN)	Johnson, Sam	Poe
Buyer	Jordan	Price (GA)
Cantor	King (IA)	Putnam
Carter	King (NY)	Renzi
Coble	Kingston	Roskam
Conaway	Kline (MN)	Ryan (WI)
Cubin	Kuhl (NY)	Sali
Culberson	LaHood	Scalise
Davis (KY)	Lamborn	Sessions
Davis, David	Latta	Smith (NE)
Deal (GA)	Lewis (CA)	Smith (TX)
Dreier	Lewis (KY)	Souder
Emerson	Lungren, Daniel E.	Stearns
Everett		Sullivan
Fallin	Mack	Tancredo

Terry
Thornberry
Tiahrt
Walberg
Walden (OR)
Wamp
Westmoreland
Wilson (SC)

NOT VOTING—35

Akin
Cannon
Conyers
Crenshaw
Engel
English (PA)
Fossella
Frelinghuysen
Gilchrest
Green, Gene
Hulshof
Hunter
Johnson (IL)
Kind
Loebsack
McHenry
Meeks (NY)
Napolitano
Pence
Pryce (OH)
Radanovich
Rohrabacher
Ros-Lehtinen
Rothman
Rush
Saxton
Schmidt
Shadegg
Shimkus
Stark
Tanner
Taylor
Udall (CO)
Weldon (FL)
Wexler

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶73.33 H.R. 3702—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mrs. JONES of Ohio, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 3702) to direct the Secretary of Agriculture to convey certain land in the Beaverhead-Deerlodge National Forest, Montana, to Jefferson County, Montana, for use as a cemetery; as amended.

The question being put,

Will the House suspend the rules and pass said bill, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 396 / Nays 0

¶73.34 [Roll No. 415]

YEAS—396

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Cazayoux
Chabot
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Musgrave
Myrick
Nadler
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Putnam
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Roskam
Ross
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shays
Shea-Porter
Sherman
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Speier
Spratt
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tauscher
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—37

Akin
Cannon
Conyers
Davis (KY)
Engel
English (PA)
Fossella
Frelinghuysen
Gilchrest
Green, Gene
Hulshof
Hunter
Johnson (IL)
Kind
King (IA)
Loebsack
McHenry
Meeks (NY)
Murtha
Napolitano
Pence
Pryce (OH)
Radanovich
Rohrabacher
Ros-Lehtinen
Rothman
Rush
Saxton
Schmidt
Shadegg
Shimkus
Stark
Tanner
Taylor
Udall (CO)
Weldon (FL)
Wexler

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶73.35 H. RES. 1275—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mrs. JONES of Ohio, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 1275) honoring the life of Timothy John Russert, Jr., public servant, political analyst, and author.

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mrs. JONES of New York, announced that two-thirds of those present had voted in the affirmative.

Mr. CROWLEY demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 395 / Nays 0

¶73.36 [Roll No. 416]

YEAS—395

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

Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Filner
Flake
Forbes
Foster
Foxx
Frank (MA)
Franks (AZ)
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Musgrave
Myrick
Nadler
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Putnam
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Roskam
Ross
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shays
Shea-Porter
Sherman
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Speier
Spratt
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tauscher
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—38

Akin
Cannon
Conyers
Engel
English (PA)
Ferguson
Fortenberry
Fossella
Frelinghuysen
Gilchrest
Green, Gene
Hulshof
Hunter
Johnson (IL)
Kind
Kuhl (NY)
Loebsack
McHenry
Meeks (NY)
Murtha
Napolitano
Pence
Pryce (OH)
Radanovich
Rohrabacher
Ros-Lehtinen
Rothman
Rush
Saxton
Schmidt
Shadegg
Shimkus
Stark
Tanner
Taylor
Udall (CO)
Weldon (FL)
Wexler

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶73.37 FIRST SPONSORS CHANGE—H.R. 2472

Mr. TOWNS, by unanimous consent, was authorized to be considered as the first sponsor of the bill (H.R. 2472) to amend titles V and XIX of the Social Security Act to improve essential oral health care for lower-income individuals under the Maternal and Child Health Program and the Medicaid Program and to amend the Internal Revenue Code of 1986 to provide a tax credit to dentists for dental services provided to low-income individuals, a bill originally introduced by Representative Wynn; for the purposes of adding cosponsors and requesting reprintings pursuant to clause 7(b)(4) of rule XII.

¶73.38 SENATE CONCURRENT RESOLUTION REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. Con. Res. 84. A concurrent resolution honoring the memory of Robert Mondavi; to the Committee on Oversight and Government Reform.

¶73.39 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. CONYERS, for today;

To Mr. ENGEL, for today;

To Mr. Gene GREEN of Texas, for today;

To Mr. KIND, for today;

To Ms. NAPOLITANO, for today; and

To Mr. STARK, for today after 6 p.m. and balance of the week.

And then,

¶73.40 ADJOURNMENT

On motion of Mr. FORBES, pursuant to the previous order of the House, at 9 o'clock and 56 minutes p.m., the House adjourned until 9:30 a.m. on Wednesday, June 18, 2008.

¶73.41 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

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

Mr. WAXMAN: Committee on Oversight and Government Reform. Supplemental report on H.R. 5781. A bill to provide that 8 of the 12 weeks of parental leave made available to a Federal employee shall be paid leave, and for other purposes. (Rept. 110–624 Pt. 2).

Mr. RAHALL: Committee on Natural Resources. H.R. 2964. A bill to amend the Lacey Act Amendments of 1981 to treat nonhuman primates as prohibited wildlife species under that Act, to make corrections in the provisions relating to captive wildlife offenses under that Act, and for other purposes, with an amendment (Rept. 110–712). Referred to the Committee of the Whole House on the state of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 3702. A bill to direct the Secretary of Agriculture to convey certain land in the Beaverhead-Deerlodge National Forest, Montana, to Jefferson County, Montana, for use as a cemetery (Rept. 110–713). Referred to the Committee of the Whole House on the state of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 5710. A bill to authorize the Secretary of the Interior to provide financial assistance to the Eastern New Mexico Rural Water Authority for the planning, design, and construction of the Eastern New Mexico Rural Water System, and for other purposes (Rept. 110–714). Referred to the Committee of the Whole House on the state of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 5511. A bill to direct the Secretary of the Interior, acting through the Bureau of Reclamation, to remedy problems caused by a collapsed drainage tunnel in Leadville, Colorado, and for other purposes (Rept. 110–715). Referred to the Committee of the Whole House on the state of the Union.

Mr. THOMPSON of Mississippi: Committee on Homeland Security. House Resolution 1150. Resolution expressing the sense of the House of Representatives that the Transportation Security Administration should, in accordance with the congressional mandate provided for in the Implementing Recommendations of the 9/11 Commission Act of 2007, enhance security against terrorist attack and other security threats to our Nation's rail and mass transit lines, with amendments (Rept. 110–716). Referred to the House Calendar.

Mr. CARDOZA: Committee on Rules. House Resolution 1276. Resolution providing for consideration of the bill (H.R. 5876) to require certain standards and enforcement provisions to prevent child abuse and neglect in residential programs, and for other purposes (Rept. 110–717). Referred to the House Calendar.

Mr. McGOVERN: Committee on Rules. House Resolution 1277. Resolution providing for consideration of the bill (H.R. 5781) to provide that 8 of the 12 weeks of parental leave made available to a Federal employee shall be paid leave, and for other purposes. (Rept. 110–718). Referred to the House Calendar.

¶73.42 PUBLIC BILLS AND RESOLUTIONS

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

By Mr. SHADEGG:

H.R. 6274. A bill to provide an equivalent to habeas corpus protection for persons held under military authority under that part of Cuba leased to the United States; to the Committee on the Judiciary, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RANGEL (for himself, Mr. MCDERMOTT, Mr. LEWIS of Georgia, Mr. NEAL of Massachusetts, Mr. POMEROY, Mrs. JONES of Ohio, Mr. BLUMENAUER, Ms. BERKLEY, Mr. CROWLEY, Mr. VAN HOLLEN, Mr. MEEK of Florida, Mr. LEVIN, and Mr. LARSON of Connecticut):

H.R. 6275. A bill to amend the Internal Revenue Code of 1986 to provide individuals temporary relief from the alternative minimum tax, and for other purposes; to the Committee on Ways and Means.

By Mr. CAZAYOUX (for himself, Mr. CHILDERS, Ms. WATERS, Mr. THOMPSON of Mississippi, Mr. FRANK of Massachusetts, Mr. CUELLAR, and Mrs. CAPITO):

H.R. 6276. A bill to repeal section 9(k) of the United States Housing Act of 1937; to the Committee on Financial Services.

By Mr. BUYER:

H.R. 6277. A bill to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to provide a dental insurance plan for certain veterans and their survivors and dependents; to the Committee on Veterans' Affairs.

By Mr. KIRK (for himself, Mr. COHEN, Mr. REICHERT, Mr. WHITFIELD of Kentucky, Mr. GONZALEZ, Mr. RAHALL, Mr. KUCINICH, Mr. SERRANO, Mr. FOSTER, Mr. SHAYS, Mr. JONES of North Carolina, and Mr. MOORE of Kansas):

H.R. 6278. A bill to amend title 49, United States Code, to prohibit the transportation of horses in interstate transportation in a motor vehicle containing 2 or more levels stacked on top of one another; to the Committee on Transportation and Infrastructure.

By Mr. CHABOT:

H.R. 6279. A bill to reduce speculation in crude oil markets, and for other purposes; to the Committee on Agriculture.

By Mr. FORTENBERRY:

H.R. 6280. A bill to provide for the offering of Health Benefit Plans to individuals, to increase funding for State high risk health insurance pools, and to promote best practice protocols for State high risk pools; to the Committee on Energy and Commerce.

By Mr. GALLEGLY:

H.R. 6281. A bill to provide States with the resources needed to rid our schools of performance-enhancing drug use; to the Committee on Education and Labor.

By Ms. GRANGER (for herself, Mr. MCGOVERN, Mr. SMITH of New Jersey, Mr. DOYLE, Mr. BURTON of Indiana, and Mr. HINOJOSA):

H.R. 6282. A bill to increase housing, awareness, and navigation demonstration services (HANDS) for individuals with autism spectrum disorders; to the Committee on Energy and Commerce, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LEWIS of Georgia:

H.R. 6283. A bill to increase the standard mileage rate for use of an automobile for business, medical, and moving deduction purposes for 2008 and permanently increase such rate for charitable deduction purposes under the Internal Revenue Code of 1986 and to temporarily increase the reimbursement rate for use of an automobile by Federal employees; to the Committee on Ways and Means, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MATHESON (for himself and Mr. MELANCON):

H.R. 6284. A bill to amend the Commodity Exchange Act to prevent price manipulation and excessive speculation and to increase transparency with respect to energy trading on foreign exchanges conducted within the United States; to the Committee on Agriculture.

By Ms. MATSUI:

H.R. 6285. A bill to amend the National Flood Insurance Act of 1968 to provide for adequate progress on the construction of a flood protection system to include the appropriation of at least 60 percent of the system cost from Federal, State, or local funds; to the Committee on Financial Services.

By Mr. GEORGE MILLER of California:

H.R. 6286. A bill to designate the facility of the United States Postal Service located at 1025 Nevin Avenue in Richmond, California, as the ''Harold D. McCraw, Sr. Post Office Building''; to the Committee on Oversight and Government Reform.

By Mr. SOUDER (for himself and Mr. ELLSWORTH):

H.R. 6287. A bill to amend title 38, United States Code, to change the method of determining the mileage reimbursement rate under the beneficiary travel program administered by the Secretary of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. MCHUGH (for himself, Mr. KUHL of New York, Mr. KING of New York, and Mr. WALSH of New York):

H.R. 6288. A bill to amend the Internal Revenue Code of 1986 to provide for tax-favored retirement health savings accounts, and for other purposes; to the Committee on Ways and Means.

By Mr. HIGGINS (for himself, Mr. ACKERMAN, Mr. ARCURI, Mr. BACA, Ms. BEAN, Mr. BERMAN, Mr. BISHOP of New York, Ms. BORDALLO, Mr. BOUCHER, Ms. CORRINE BROWN of Florida, Mrs. CAPPS, Mr. CARNEY, Mr. COHEN, Mr. COSTA, Mr. CROWLEY, Mr. DAVIS of Illinois, Mr. TOM DAVIS of Virginia, Ms. DELAURO, Mr. DICKS, Mr. DOYLE, Mr. EMANUEL, Mr. ENGEL, Ms. ESHOO, Mr. FARR, Mr. FILNER, Mr. AL GREEN of Texas, Mr. GRIJALVA, Mr. HALL of New York, Mr. HARE, Ms. HARMAN, Mr. HINCHEY, Mr. HINOJOSA, Ms. HIRONO, Mr. HODES, Mr. HOLDEN, Mr. HOLT, Mr. ISRAEL, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. KILDEE, Ms. KILPATRICK, Mr. KING of New York, Mr. KUCINICH, Mr. LANGEVIN, Mr. LEWIS of Georgia, Mrs. LOWEY, Mr. LYNCH, Mrs. MALONEY of New York, Mr. MARKEY, Mrs. MCCARTHY of New York, Mr. MCGOVERN, Mr. MEEKS of New York, Mr. MELANCON, Mr. MICHAUD, Ms. MCCOLLUM of Minnesota, Mr. MCNULTY, Ms. MOORE of Wisconsin, Mr. MORAN of Virginia, Mr. NADLER, Mr. OBERSTAR, Mr. OBEY, Mr. ORTIZ, Mr. PASCRELL, Mr. PAYNE, Mr. POMEROY, Mr. PRICE of North Carolina, Mr. RANGEL, Mr. REYNOLDS, Mr. RODRIGUEZ, Mr. ROSS, Ms. ROYBAL-ALLARD, Mr. RUSH, Mr. RYAN of Ohio, Ms. LINDA T. SÁNCHEZ of California, Ms. SCHAKOWSKY, Mr. SCOTT of Virginia, Mr. SERRANO, Mr. SESTAK, Ms. SLAUGHTER, Mr. SMITH of Washington, Ms. SUTTON, Mrs. TAUSCHER, Mr. THOMPSON of California, Mr. TOWNS, Mr. UDALL of Colorado, Mr. VAN HOLLEN, Ms. VELÁZQUEZ, Ms. WATSON, Mr. WAXMAN, Mr. WILSON of Ohio, and Mr. WU):

H. Res. 1275. A resolution honoring the life of Timothy John Russert, Jr., public servant, political analyst, and author; to the Committee on Oversight and Government Reform. considered and agreed to.

By Mr. PETRI (for himself, Mr. WHITFIELD of Kentucky, Mr. LOBIONDO, and Mr. MARIO DIAZ-BALART of Florida):

H. Res. 1278. A resolution expressing the sense of the House of Representatives that the United States Government should lead an international diplomatic initiative to limit inefficient speculation on international energy exchanges through the adoption of international standards for energy futures trading margin requirements as an appropriate means of ensuring access to reliable and affordable supplies of crude oil; to the Committee on Foreign Affairs.

By Mr. TERRY:

H. Res. 1279. A resolution recognizing the Special Olympics' 40th anniversary; to the Committee on Foreign Affairs.

By Mr. TIBERI (for himself, Mr. REGULA, Mr. BOEHNER, Mr. HOBSON, Ms. PRYCE of Ohio, Mr. LATOURETTE, Mr. CHABOT, Mr. KUCINICH, Mr. TURNER, Mrs. SCHMIDT, Mr. JORDAN, Mr. WILSON of Ohio, Mr. LATTA, and Mr. RYAN of Ohio):

H. Res. 1280. A resolution honoring and recognizing the life, achievements, and contributions of John Henderson McConnell; to the Committee on Oversight and Government Reform.

¶73.43 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 21: Mr. BRADY of Pennsylvania.
H.R. 39: Mr. CARSON.
H.R. 139: Mr. POE.
H.R. 298: Mr. SESTAK.
H.R. 423: Mr. HOEKSTRA.
H.R. 581: Mrs. BACHMANN.
H.R. 618: Mr. SCALISE.
H.R. 741: Ms. ZOE LOFGREN of California.
H.R. 821: Mr. BOREN.
H.R. 947: Mr. HOLT.
H.R. 992: Mr. BLUMENAUER.
H.R. 1070: Mr. RUSH.
H.R. 1078: Ms. SUTTON.
H.R. 1148: Mr. BLUMENAUER.
H.R. 1223: Ms. SLAUGHTER.
H.R. 1228: Ms. LORETTA SANCHEZ of California.
H.R. 1232: Mr. CHANDLER.
H.R. 1279: Mr. CARSON.
H.R. 1283: Ms. DEGETTE.
H.R. 1431: Mr. MCHENRY and Mr. UPTON.
H.R. 1436: Mr. CARSON.
H.R. 1540: Ms. NORTON.
H.R. 1552: Mrs. DRAKE.
H.R. 1606: Mr. BARROW, Ms. LEE, and Mr. SESTAK.
H.R. 1621: Mr. REYES.
H.R. 1655: Mr. VAN HOLLEN.
H.R. 1673: Mr. MURTHA.
H.R. 1783: Mr. THOMPSON of California, Mr. PAYNE, and Mr. ETHERIDGE.
H.R. 1801: Mr. LEWIS of Georgia, Mr. BISHOP of Utah, and Mr. MILLER of North Carolina.
H.R. 1866: Mr. THOMPSON of Mississippi.
H.R. 1921: Ms. JACKSON-LEE of Texas.
H.R. 1947: Ms. SUTTON.
H.R. 2020: Mr. MILLER of North Carolina.
H.R. 2032: Ms. SHEA-PORTER.
H.R. 2058: Mr. THOMPSON of Mississippi.
H.R. 2104: Mr. HAYES.
H.R. 2266: Mr. PLATTS and Mr. LAMPSON.
H.R. 2279: Mrs. CUBIN, Mr. LUCAS, Mr. THORNBERRY, Mr. CALVERT, Mr. SMITH of Texas, Mr. REHBERG, Mr. SESSIONS, and Mr. BACHUS.
H.R. 2320: Mr. MEEK of Florida.
H.R. 2329: Mr. OBERSTAR and Mr. MARCHANT.
H.R. 2343: Mr. JOHNSON of Georgia.
H.R. 2392: Mr. BISHOP of New York.
H.R. 2435: Mr. WAXMAN.

H.R. 2472: Mr. PASTOR.
H.R. 2493: Mr. SMITH of New Jersey, Mr. REHBERG, Mr. COLE of Oklahoma, and Mr. LUCAS.
H.R. 2639: Mr. BOOZMAN and Ms. FOXX.
H.R. 2712: Mr. HALL of Texas.
H.R. 2721: Mr. GRIJALVA and Mr. PATRICK MURPHY of Pennsylvania.
H.R. 2842: Mr. NADLER.
H.R. 2851: Mr. PATRICK MURPHY of Pennsylvania, Mr. RODRIGUEZ, Mr. WALZ of Minnesota, and Mr. SIRES.
H.R. 2905: Mr. SCALISE.
H.R. 2923: Mr. PICKERING and Mr. BOUCHER.
H.R. 2926: Ms. MATSUI.
H.R. 2942: Mr. GRAVES.
H.R. 2994: Mr. WAMP.
H.R. 3004: Mr. STUPAK.
H.R. 3010: Mr. INSLEE.
H.R. 3036: Mr. LOEBSACK, Mr. BRADY of Pennsylvania, and Mr. CARNAHAN.
H.R. 3094: Ms. HOOLEY, Mrs. CHRISTENSEN, Mr. MICHAUD, Mr. INSLEE, Mr. BAIRD, Mr. REICHERT, Mr. FARR, Ms. BERKLEY, and Mr. SOUDER.
H.R. 3098: Mr. CUELLAR and Mr. PLATTS.
H.R. 3144: Mr. KLINE of Minnesota.
H.R. 3327: Mr. KNOLLENBERG.
H.R. 3334: Mr. STEARNS.
H.R. 3347: Mr. RUSH and Mr. HASTINGS of Florida.
H.R. 3430: Mr. GONZALEZ, Ms. ROS-LEHTINEN, Mr. BUTTERFIELD, Mr. STUPAK, Mr. HALL of Texas, and Mr. SHULER.
H.R. 3453: Mrs. MCCARTHY of New York and Mr. HONDA.
H.R. 3494: Mr. SHAYS.
H.R. 3543: Mr. MILLER of North Carolina.
H.R. 3544: Mr. YARMUTH.
H.R. 3563: Ms. LEE.
H.R. 3627: Mr. CHILDERS.
H.R. 3645: Mr. CARSON.
H.R. 3710: Mr. CARSON.
H.R. 3715: Mr. PAUL.
H.R. 3769: Mr. MOORE of Kansas and Mr. Carson.
H.R. 3820: Mrs. BOYDA of Kansas.
H.R. 3822: Mr. PETERSON of Minnesota.
H.R. 3896: Mr. CARSON.
H.R. 3969: Mr. GRAVES.
H.R. 4001: Mr. MCCOTTER.
H.R. 4026: Mr. STARK.
H.R. 4048: Ms. WOOLSEY and Mr. MEEKS of New York.
H.R. 4061: Mr. FILNER.
H.R. 4091: Mr. POMEROY.
H.R. 4188: Mr. WEINER.
H.R. 4208: Mr. MEEK of Florida.
H.R. 4236: Mr. FATTAH, Mr. OBERSTAR, and Ms. WATSON.
H.R. 4238: Mr. PASCRELL.
H.R. 4264: Mr. MEEK of Florida.
H.R. 4273: Mr. WALBERG.
H.R. 4296: Ms. GIFFORDS.
H.R. 4690: Mr. DUNCAN.
H.R. 4736: Mr. PAUL.
H.R. 4838: Mr. CARSON, Mr. DEFAZIO, and Ms. SUTTON.
H.R. 4849: Mr. GRIJALVA.
H.R. 4900: Mr. FORTENBERRY, Mrs. EMERSON, and Mr. BACA.
H.R. 4918: Mr. MILLER of Florida, Ms. GINNY BROWN-WAITE of Florida, Ms. WASSERMAN SCHULTZ, Mr. CRENSHAW, Mr. MEEK of Florida, Mr. HASTINGS of Florida, Mr. KLEIN of Florida, Ms. CORRINE BROWN of Florida, Mr. WEXLER, Mr. MACK, Ms. CASTOR, Mr. BUCHANAN, Mr. BOYD of Florida, Mr. FEENEY, Mr. BILIRAKIS, Mr. MARIO DIAZ-BALART of Florida, Mr. STEARNS, Mr. KELLER, Mr. PUTNAM, Mr. MICA, Mr. LINCOLN DIAZ-BALART of Florida, and Mr. MAHONEY of Florida.
H.R. 4930: Mr. FORTUÑO.
H.R. 5143: Mr. DEFAZIO and Mr. CARNAHAN.
H.R. 5244: Mr. INSLEE, Mr. BRADY of Pennsylvania, Mr. CARSON, and Ms. SPEIER.
H.R. 5265: Mr. KIND, Mrs. MCCARTHY of New York, Mr. GORDON, and Mr. NADLER.
H.R. 5402: Mr. SESTAK.
H.R. 5443: Mr. SESTAK.
H.R. 5466: Mr. PALLONE.
H.R. 5507: Mr. CARSON.
H.R. 5559: Mrs. BACHMANN.
H.R. 5564: Ms. GIFFORDS.
H.R. 5573: Mr. LATOURETTE and Mr. JOHNSON of Georgia.
H.R. 5575: Mr. ELLISON.
H.R. 5605: Mr. WEXLER, Mr. MARSHALL, and Mr. FRANK of Massachusetts.
H.R. 5629: Mrs. DAVIS of California.
H.R. 5635: Mr. PORTER.
H.R. 5656: Mr. MCHUGH, Ms. GINNY BROWN-WAITE of Florida, Mr. GOODLATTE, Mr. CALVERT, Mr. BACHUS, and Mr. REHBERG.
H.R. 5696: Mr. MICHAUD.
H.R. 5731: Mr. GOODE.
H.R. 5737: Mrs. SCHMIDT and Mr. JOHNSON of Illinois.
H.R. 5760: Mr. LATOURETTE.
H.R. 5772: Mr. LYNCH and Mr. COHEN.
H.R. 5793: Mr. JEFFERSON.
H.R. 5825: Mr. SHERMAN.
H.R. 5831: Mr. ALTMIRE.
H.R. 5854: Mr. STEARNS, Mr. YOUNG of Alaska, Mr. JONES of North Carolina, and Mr. MICA.
H.R. 5864: Mr. FORTENBERRY.
H.R. 5868: Mr. BISHOP of Utah, Mr. MCCAUL of Texas, Mr. ADERHOLT, Mr. LINCOLN DAVIS of Tennessee, Mr. BOREN, Mr. CAZAYOUX, Mr. CHILDERS, Mr. ROSS, Mr. ELLSWORTH, Mr. BOSWELL, Mr. GRIJALVA, Mr. BACA, Ms. ROYBAL-ALLARD, Mr. GENE GREEN of Texas, Mr. MANZULLO, Mr. PETERSON of Pennsylvania, Mr. MCCOTTER, Mr. SULLIVAN, Mr. SIMPSON, Mr. WAMP, Mrs. MUSGRAVE, Mr. DANIEL E. LUNGREN of California, Mr. BURGESS, Mr. MCCARTHY of California, Ms. BORDALLO, and Mr. HOLT.
H.R. 5878: Mr. CASTLE.
H.R. 5898: Mr. TOWNS.
H.R. 5925: Mr. ELLISON and Mr. JACKSON of Illinois.
H.R. 5935: Mr. CUMMINGS.
H.R. 5936: Mrs. LOWEY.
H.R. 5942: Ms. DEGETTE and Mr. DAVID DAVIS of Tennessee.
H.R. 5949: Ms. SUTTON, Mrs. GILLIBRAND, and Mr. KING of New York.
H.R. 5971: Mr. WESTMORELAND and Mr. BLUNT.
H.R. 5974: Mr. TIAHRT.
H.R. 5984: Mr. BOOZMAN, Mr. LINDER, Mr. PETERSON of Pennsylvania, Mr. CARTER, and Mr. BUYER.
H.R. 6034: Mr. HINOJOSA and Mr. SHAYS.
H.R. 6045: Mr. LOEBSACK, Mr. LEVIN, Mr. SCOTT of Georgia, Mr. MILLER of North Carolina, Ms. Tsongas, Mrs. MCCARTHY of New York, Mr. STARK, and Mr. WEINER.
H.R. 6052: Mr. JACKSON of Illinois and Mr. KANJORSKI.
H.R. 6067: Mr. HINOJOSA and Mr. DONNELLY.
H.R. 6073: Mr. SHULER, Ms. BORDALLO, and Mr. RANGEL.
H.R. 6076: Mr. BACA, Ms. SCHAKOWSKY, Mr. CLEAVER, and Mr. MCDERMOTT.
H.R. 6104: Mr. HILL, Mr. BRADY of Pennsylvania, Mr. SESTAK, Ms. DEGETTE,
Ms. ESHOO, Mr. LYNCH, and Mr. YARMUTH.
H.R. 6107: Mr. GOODLATTE, Mr. BROUN of Georgia, Mr. ENGLISH of Pennsylvania, Mr. MCCOTTER, Mr. DOOLITTLE, Mr. MILLER of Florida, Mr. FEENEY, Mr. BACHUS, Mrs. SCHMIDT, and Mr. GOODE.
H.R. 6108: Mr. CALVERT, Mr. SCALISE, Mr. SMITH of Texas, Mr. REHBERG, Mr. BACHUS, and Mr. LUCAS.
H.R. 6122: Mr. MCNULTY.
H.R. 6126: Mr. WAXMAN.
H.R. 6127: Mr. WAXMAN, Mr. JEFFERSON, Mr. CARSON, Ms. SCHAKOWSKY, and Mr. AL GREEN of Texas.
H.R. 6129: Mr. BOUSTANY.
H.R. 6137: Mr. HENSARLING.
H.R. 6140: Mr. SESTAK, Mr. FRANKS of Arizona, Mr. JOHNSON of Georgia, and Mr. MICHAUD.
H.R. 6150: Ms. PRYCE of Ohio.
H.R. 6184: Mr. GONZALEZ, Mr. SOUDER, and Ms. SUTTON.
H.R. 6185: Mr. SMITH of New Jersey.
H.R. 6187: Mr. RUSH, Mrs. CHRISTENSEN, Mr. JEFFERSON, Mr. BRADY of Pennsylvania, Mr. LEWIS of Georgia, and Mrs. JONES of Ohio.
H.R. 6199: Mrs. MALONEY of New York, Mr. HINCHEY, and Mr. CROWLEY.
H.R. 6209: Mr. BOUCHER and Ms. SPEIER.
H.R. 6210: Mr. BARTLETT of Maryland and Mr. CARSON.
H.R. 6214: Mr. DAVIS of Illinois.
H.R. 6219: Mr. SIMPSON, Mr. MARCHANT, Mrs. CUBIN, Mr. JOHNSON of Illinois, Mr. COBLE, Mrs. BONO MACK, and Mr. WALBERG.
H.R. 6220: Mr. JORDAN.
H.R. 6236: Ms. PRYCE of Ohio and Mr. REGULA.
H.R. 6251: Ms. CASTOR, Mr. VISCLOSKY, Mr. FOSTER, Ms. SCHAKOWSKY, Mrs. MALONEY of New York, Mr. CARSON, Ms. HIRONO, Ms. GIFFORDS, Mr. WAXMAN, Mr. SIRES, Mr. PASCRELL, Mr. KAGEN, Mr. LEWIS of Georgia, Ms. SLAUGHTER, and Ms. MCCOLLUM of Minnesota.
H.R. 6253: Mr. MCCOTTER.
H.R. 6256: Mr. KLEIN of Florida, Mr. MORAN of Virginia, Mr. PATRICK MURPHY of Pennsylvania, and Mr. KAGEN.
H.J. Res. 39: Mrs. MILLER of Michigan.
H.J. Res. 45: Mr. CHILDERS.
H.J. Res. 79: Ms. LEE, Ms. KAPTUR, and Ms. SCHAKOWSKY.
H. Con. Res. 81: Mr. MCCOTTER.
H. Con. Res. 163: Mr. RUPPERSBERGER and Mr. HAYES.
H. Con. Res. 253: Mr. JEFFERSON.
H. Con. Res. 299: Mr. CALVERT, Mr. DAVIS of Illinois, Mr. WELCH of Vermont, Mrs. MYRICK, and Mr. YOUNG of Alaska.
H. Con. Res. 338: Ms. SCHAKOWSKY, Ms. KILPATRICK, and Mrs. MALONEY of New York.
H. Con. Res. 344: Mr. DELAHUNT.
H. Con. Res. 350: Mr. GRIJALVA, Ms. HIRONO, Mr. WAXMAN, Mrs. MALONEY of New York, and Ms. ROS-LEHTINEN.
H. Con. Res. 360: Ms. CORRINE BROWN of Florida, Mr. RANGEL, Ms. SLAUGHTER, and Mr. JEFFERSON.
H. Con. Res. 361: Mr. MCDERMOTT, Ms. ROYBAL-ALLARD, Mr. MCCOTTER, Mr. BLUMENAUER, and Mr. HARE.
H. Con. Res. 362: Mr. TIM MURPHY of Pennsylvania, Mr. CLAY, Mr. COSTELLO, Mr. WEINER, Ms. SCHAKOWSKY, Mr. THOMPSON of Mississippi, Mr. EMANUEL, Mr. JORDAN, Mr. HELLER, Mr. LEWIS of Georgia, Mr. FEENEY, Mr. ARCURI, Mr. BOYD of Florida, Mrs. DRAKE, Mr. JACKSON of Illinois, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. SOUDER, Ms. FALLIN, Mr. LINCOLN DAVIS of Tennessee, Mr. COURTNEY, Mr. DOYLE, Mr. KING of New York, and Mr. BISHOP of Utah.
H. Con. Res. 364: Mrs. MALONEY of New York.
H. Con. Res. 365: Ms. SOLIS.
H. Con. Res. 369: Mr. CARSON, Ms. BORDALLO, Mr. MCNULTY, Mr. RODRIGUEZ, and Mr. DAVIS of Illinois.
H. Con. Res. 371: Mr. BERMAN, Mr. CROWLEY, Ms. SCHAKOWSKY, Ms. BERKLEY, Ms. SCHWARTZ, Mr. KLEIN of Florida, Mr. FRANK of Massachusetts, Mr. BURTON of Indiana, Mrs. MALONEY of New York, Mr. WEINER, Ms. WASSERMAN SCHULTZ, and Mr. HALL of New York.
H. Res. 102: Mr. LANGEVIN.
H. Res. 353: Mrs. MALONEY of New York, Mr. VAN HOLLEN, Mr. FOSSELLA, and Mr. BILBRAY.
H. Res. 373: Mr. ENGLISH of Pennsylvania and Mr. WEINER.
H. Res. 415: Mrs. DAVIS of California.
H. Res. 711: Mr. SESTAK.
H. Res. 881: Mr. BOEHNER.
H. Res. 937: Mr. SHIMKUS.
H. Res. 970: Mr. ROGERS of Michigan, Mr. ROSKAM, Mr. JONES of North Carolina, Mr.

CHANDLER, Mr. CONAWAY, and Mr. WILSON of South Carolina.

H. Res. 1127: Mr. KING of New York.

H. Res. 1136: Mr. TOWNS, Mr. LEWIS of Georgia, Ms. BORDALLO, and Mr. PAYNE.

H. Res. 1143: Ms. GIFFORDS, Mr. SALAZAR, and Mr. YOUNG of Alaska.

H. Res. 1182: Mr. BRADY of Pennsylvania.

H. Res. 1187: Mr. HINOJOSA.

H. Res. 1198: Mr. SMITH of New Jersey.

H. Res. 1219: Mr. BRADY of Pennsylvania.

H. Res. 1227: Mr. MORAN of Kansas and Ms. SCHAKOWSKY.

H. Res. 1230: Mr. SMITH of New Jersey, Mr. CROWLEY, Mr. CAPUANO, Ms. SUTTON, Mr. BLUMENAUER, and Mr. SMITH of Washington.

H. Res. 1239: Mr. GRIJALVA, Mr. TOWNS, Mr. FARR, and Ms. HIRONO.

H. Res. 1242: Mr. MCGOVERN, Ms. BORDALLO, and Ms. CORRINE BROWN of Florida.

H. Res. 1245: Mr. BLUMENAUER, Mr. DELAHUNT, Mr. DOGGETT, Mr. DOYLE, Mr. FORTENBERRY, Mr. JEFFERSON, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. MILLER of North Carolina, Ms. SCHAKOWSKY, Mr. SESTAK, Ms. SUTTON, Mr. TANCREDO, and Ms. WATERS.

H. Res. 1266: Mr. BILIRAKIS, Mr. WILSON of South Carolina, Mr. VISCLOSKY, and Mr. RADANOVICH.

WEDNESDAY, JUNE 18, 2008 (74)

The House was called to order by the SPEAKER.

¶74.1 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. HOLDEN, announced he had examined and approved the Journal of the proceedings of Tuesday, June 17, 2008.

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

¶74.2 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

7185. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — User Fees for 2008 Crop Cotton Classification Services to Growers [AMS-CN-07-0092; CN-08-001] (RIN: 0581-AC80) received June 11, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7186. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Amendments to Rules of Practice Regulations Under the Perishable Agricultural Commodities Act (PACA) To Increase Reparation Complaint Filing and Handling Fees [Docket Number AMS-FV-06-0217; FV07-376] (RIN: 0581-AC72) received June 11, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7187. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Vidalia Onions Grown in Georgia; Increased Assessment Rate [Docket No. AMS-FV-07-0159; FV08-955-1 FR] received June 11, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7188. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — User Fees for 2008 Crop Cotton Classification Services to Growers [AMS-CN-07-0092; CN-08-001] (RIN: 0581-AC80) received June 11, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7189. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Vidalia Onions Grown in Georgia; Increased Assessment Rate [Docket No. AMS-FV-07-0159; FV08-955-1 FR] received June 11, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7190. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Amendments to Rules of Practice Regulations Under the Perishable Agricultural Commodities Act (PACA) To Increase Reparation Complaint Filing and Handling Fees [Docket Number AMS-FV-06-0217; FV07-376] (RIN: 0581-AC72) received June 11, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7191. A letter from the Secretary, Department of Agriculture, transmitting the Department's report entitled, ''Assessment of the Livestock and Poultry Industries for FY 2007,'' pursuant to Public Law 106-472; to the Committee on Agriculture.

7192. A letter from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting the Administration's final rule — Funding and Fiscal Affairs, Loan Policies and Operations, and Funding Operations; Mission-Related Investments, Rural Community Investments (RIN: 3052-AC42) received May 29, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7193. A letter from the General Counsel, Department of Housing and Urban Development, transmitting the Department's final rule — Risk-Based Capital Regulation — Loss Severity Amendments (RIN: 2550-AA38) received June 11, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7194. A letter from the General Counsel for Regulatory Services, Department of Education, transmitting the Department's final rule — Rehabilitation Training — Rehabilitation Continuing Education Program — received June 11, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

7195. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule — West Virginia Regulatory Program [WV-114-FOR; OSM-2008-0010] received June 11, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7196. A letter from the Secretary, Department of the Interior, transmitting notification of payments to eligible governments in the State of California for Fiscal Year 2008 under the Payments in Lieu of Taxes (PILT) program; to the Committee on Natural Resources.

7197. A letter from the Associate General Counsel, Government Accountability Office, transmitting the Office's report on a major rule promulgated by the Department of Defense, Department of the Army, Corps of Engineers, and the Environmental Protection Agency, entitled, ''Compensatory Mitigation for Losses of Aquatic Resources,'' pursuant to 5 U.S.C. 801(a)(2)(A); to the Committee on Natural Resources.

7198. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Yellowfin Sole by Vessels Participating in the Amendment 80 Limited Access Fishery in Bycatch Limitation Zone 1 of the Bering Sea and Aleutian Islands Management Area [Docket No. 071106673-8011-02] (RIN: 0648-XI14) received June 11, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7199. A letter from the Deputy Assistant Administrator For Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Pacific Halibut Fisheries; Guided Sport Charter Vessel Fishery for Halibut [Docket No. 071031633-8385-02] (RIN: 0648-AW23) received June 11, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7200. A letter from the Deputy Assistant Administrator for Operations, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Individual Fishing Quota Program; Community Development Quota Program [Docket No. 070717351-8507-02] (RIN: 0648-AV64) received June 11, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7201. A letter from the Deputy Assistant Administrator For Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Bering Sea and Aleutian Islands Crab Rationalization Program [Docket No. 070718364-8478-03] (RIN: 0648-AV19) received June 11, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7202. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Snapper-Grouper Resources of the South Atlantic; Trip Limit Reduction [Docket No. 060525140-6221-02] (RIN: 0648-XI05) received June 11, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7203. A letter from the Deputy Assistant Administrator For Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Pacific Halibut Fisheries; Guideline Harvest Levels for the Guided Recreational Halibut Fishery; Correction [Docket No. 080515668-8669-01] (RIN: 0648-AW82) received June 11, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7204. A letter from the Acting Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's report on excess harvesting capacity in U.S. fisheries, pursuant to Section 312 of the Magnuson-Stevens Fishery Conservation and Management Act; to the Committee on Natural Resources.

7205. A letter from the Director, National Drug Intelligence Center, Department of Justice, transmitting the Department's report entitled, ''Cities in Which Mexican DTO's Operate Within the United States''; to the Committee on the Judiciary.

7206. A letter from the Administrator, FEMA, Department of Homeland Security, transmitting notification that funding under Title V, subsection 503(b)(3) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended, has exceeded $5 million for the cost of response and recovery efforts for FEMA-3230-EM in the State of Illinois, pursuant to 42 U.S.C. 5193; to the Committee on Transportation and Infrastructure.

7207. A letter from the Assistant Secretary of the Army for Civil Works, Department of Defense, transmitting the Department's position on budgeting for the Lock and Dam 3 Mississippi River Navigation Safety and Embankments Navigation Improvement Project, Minnesota and Wisconsin; to the Committee on Transportation and Infrastructure.

7208. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Update for Weighted Average Interest Rates, Yield Curves, and Segment Rates [Notice 2008-53] received June 11, 2008, pursuant

to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7209. A letter from the United States Trade Representative, Executive Office of the President, transmitting consistent with Title I of the Trade and Development Act of 2000, the ''2008 Comprehensive Report on U.S. Trade and Investment Policy Toward Sub-Saharan Africa and Implementation of the African Growth and Opportunity Act''; to the Committee on Ways and Means.

7210. A letter from the Acting Assistant Director, Directives and Regulations Branch, Office of Regulatory and Management Services, USDA Forest Service, Department of transmitting the Department's final rule — Clarifying Prohibitions for Failure To Maintain Control of Fires That Damage National Forest System Lands (RIN: 0596-AC30) received June 13, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Agriculture and Natural Resources.

7211. A letter from the Commissioner, Department of the Interior, transmitting a copy of a draft bill entitled, ''Reclamation Title Transfer Act of 2008''; jointly to the Committees on Natural Resources and the Judiciary.

7212. A letter from the Board Members, Railroad Retirement Board, transmitting a report on the actuarial status of the railroad retirement system, including any recommendations for financing changes, pursuant to 45 U.S.C. 231f-1; jointly to the Committees on Ways and Means and Transportation and Infrastructure.

¶74.3 RECESS—9:37 A.M.

The SPEAKER pro tempore, Mr. HOLDEN, pursuant to clause 12(a) of rule I, declared the House in recess at 9 o'clock and 37 minutes a.m., until 10 a.m.

¶74.4 AFTER RECESS—10 A.M.

The SPEAKER pro tempore, Mr. HOLDEN, called the House to order.

¶74.5 MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate concurs in the amendment of the House to the bill (S. 2146) ''An Act to authorize the Administrator of the Environmental Protection Agency to accept, as part of a settlement, diesel emission reduction Supplemental Environmental Projects, and for other purposes.''

¶74.6 NATIVE AMERICANS

Mrs. CHRISTENSEN moved to suspend the rules and pass the bill (H.R. 5680) to amend certain laws relating to Native Americans, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. HOLDEN, recognized Mrs. CHRISTENSEN and Mr. SMITH of Nebraska, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. HOLDEN, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

By unanimous consent, the title was amended so as to read: ''An Act to amend certain laws relating to Native Americans, and for other purposes.''.

A motion to reconsider the votes whereby the rules were suspended and said bill, as amended, was passed and the title was amended was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶74.7 HOMELAND SECURITY

Mr. THOMPSON of Mississippi, moved to suspend the rules and pass the bill (H.R. 4179) to amend the Homeland Security Act of 2002 to establish an appeal and redress process for individuals wrongly delayed or prohibited from boarding a flight, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. HOLDEN, recognized Mr. THOMPSON of Mississippi, and Mr. LUNGREN of California, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. HOLDEN, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

By unanimous consent, the title was amended so as to read: ''An Act to amend the Homeland Security Act of 2002 to establish an appeal and redress process for individuals wrongly delayed or prohibited from boarding a flight, or denied a right, benefit, or privilege, and for other purposes.''.

A motion to reconsider the votes whereby the rules were suspended and said bill, as amended, was passed and the title was amended was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶74.8 BIOMETRIC ENHANCEMENT FOR AIRPORT-RISK REDUCTION

Mr. THOMPSON of Mississippi, moved to suspend the rules and pass the bill (H.R. 5982) to direct the Secretary of Homeland Security, for purposes of transportation security, to conduct a study on how airports can transition to uniform, standards-based, and interoperable biometric identifier systems for airport workers with unescorted access to secure or sterile areas of an airport, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. HOLDEN, recognized Mr. THOMPSON of Mississippi, and Mr. LUNGREN of California, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. HOLDEN, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶74.9 SECURITY SCREENING PROCEDURES

Mr. THOMPSON of Mississippi, moved to suspend the rules and pass the bill (H.R. 5909) to amend the Aviation and Transportation Security Act to prohibit advance notice to certain individuals, including security screeners, of covert testing of security screening procedures for the purpose of enhancing transportation security at airports, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. HOLDEN, recognized Mr. THOMPSON of Mississippi, and Mr. LUNGREN of California, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. HOLDEN, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶74.10 MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Wanda Evans, one of his secretaries.

¶74.11 IMPLEMENTING RECOMMENDATIONS OF 9/11 COMMISSION

Mr. THOMPSON of Mississippi, moved to suspend the rules and agree to the resolution (H. Res. 1150); as amended:

Whereas the Transportation Security Administration is uniquely positioned to lead the efforts to secure our Nation's rail and mass transit lines from the threat of terrorism as a result of expertise developed through over five years of securing our Nation's commercial air transportation system;

Whereas the successes of the Transportation Security Administration's National Explosives Detection Canine Team Program has furthered the Transportation Security Administration's ability to provide security against terrorist attacks on the Nation's transportation systems by preventing and protecting against explosives threats;

Whereas each weekday 11,300,000 passengers depend on our Nation's mass transit lines as a means of transportation, and mass transit lines serve as an enticing target for terrorists as evidenced by the March 11, 2004, attack on the Madrid, Spain, mass transit system, the July 7, 2005, attack on the London, England, mass transit system, and the

July 11, 2006, attack on the Mumbai, India, mass transit system;

Whereas each weekday more than 25 million children depend on our Nation's school transportation system, in addition to mass transit systems, to get to and from school and school activities, and the security of these systems must be enhanced to address the threat of terrorism; and

Whereas securing our Nation's rail and mass transit lines from terrorist attack and other security threats is essential due to their impact on our Nation's economic stability and the continued functioning of our national economy: Now, therefore, be it

Resolved, That the Transportation Security Administration should—

(1) continue to enhance security against terrorist attack and other security threats to our Nation's rail and mass transit lines, as well as school transportation systems, including as provided for in the Implementing Recommendations of the 9/11 Commission Act of 2007 (Public Law 110–53);

(2) continue development of the National Explosives Detection Canine Team Program, which has proven to be an effective tool in securing against explosives threats to our Nation's rail and mass transit lines, with particular attention to the application of its training standards and the establishment of a reliable source of domestically-bred canines;

(3) improve upon the success of the Online Learning Center by providing increased person-to-person professional development programs to ensure those responsible for securing against terrorist attacks on our transportation systems are highly trained in both securing against terrorist attacks and professional relations with the traveling public; and

(4) continue to secure our Nation's mass transit and rail lines against terrorist attack and other security threats, so as to ensure the security of commuters on our Nation's mass transit lines and prevent the disruption of rail lines critical to our Nation's economy, and to give special attention to school transportation systems by working with school administrators, State and local law enforcement, and other representatives in the school transportation industry to keep children safe from terrorist attack.

The SPEAKER pro tempore, Mr. HOLDEN, recognized Mr. THOMPSON of Mississippi, and Mr. LUNGREN of California, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Ms. Loretta SANCHEZ of California, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

¶74.12 BOMBING PREVENTION

Mr. THOMPSON of Mississippi, moved to suspend the rules and pass the bill (H.R. 4749) to amend the Homeland Security Act of 2002 to establish the Office for Bombing Prevention, to address terrorist explosive threats, and for other purposes; as amended.

The SPEAKER pro tempore, Ms. Loretta SANCHEZ of California, recognized Mr. THOMPSON of Mississippi, and Mr. LUNGREN of California, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Ms. Loretta SANCHEZ of California, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶74.13 CIVIL AIR PATROL

Mr. THOMPSON of Mississippi, moved to suspend the rules and pass the bill (H.R. 1333) to amend the Homeland Security Act of 2002 to direct the Secretary to enter into an agreement with the Secretary of the Air Force to use Civil Air Patrol personnel and resources to support homeland security missions; as amended.

The SPEAKER pro tempore, Ms. Loretta SANCHEZ of California, recognized Mr. THOMPSON of Mississippi, and Mr. DENT, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Ms. Loretta SANCHEZ of California, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

By unanimous consent, the title was amended so as to read: ''An Act to direct the Comptroller General of the United States to conduct a study on the use of Civil Air Patrol personnel and resources to support homeland security missions, and for other purposes.''.

A motion to reconsider the votes whereby the rules were suspended and said bill, as amended, was passed and the title was amended was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶74.14 NUCLEAR FORENSICS

Mr. THOMPSON of Mississippi, moved to suspend the rules and pass the bill (H.R. 2631) to strengthen efforts in the Department of Homeland Security to develop nuclear forensics capabilities to permit attribution of the source of nuclear material; as amended.

The SPEAKER pro tempore, Ms. Loretta SANCHEZ of California, recognized Mr. THOMPSON of Mississippi, and Mr. McCAUL of Texas, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Ms. Loretta SANCHEZ of California, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

By unanimous consent, the title was amended so as to read: ''An Act to strengthen efforts in the Department of Homeland Security to develop nuclear forensics capabilities to permit attribution of the source of nuclear material, and for other purposes.''.

A motion to reconsider the votes whereby the rules were suspended and said bill, as amended, was passed and the title was amended was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶74.15 POSTELECTION VIOLENCE IN ZIMBABWE

Mr. PAYNE moved to suspend the rules and agree to the resolution (H. Res. 1230); as amended:

Whereas the Zimbabwean African National Union-Patriotic Front (ZANU–PF), led by President Robert Mugabe, has controlled Zimbabwe's executive and legislative branches for 28 years;

Whereas over the past 8 years, ZANU–PF has suppressed political dissidents and won elections and referendums through the use of vote rigging, localized violence, harassment, and intimidation;

Whereas the political and economic situation in Zimbabwe has been worsening since 2000, culminating in the current electoral crisis;

Whereas Presidential and Parliamentary elections were held in Zimbabwe on March 29, 2008;

Whereas the Zimbabwe Election Commission (ZEC) released the results for the 2008 presidential election 5 weeks after the contest took place, announcing President Mugabe won 43.2 percent of the vote, while Morgan Tsvangirai, leader of the opposition party Movement for Democratic Change (MDC), won 47.8 percent of the vote;

Whereas as the ZEC announced neither candidate won over 50 percent of the vote, the 2 candidates have to compete in a runoff election;

Whereas the long delay in announcing the presidential election results undermined the credibility of the ZEC;

Whereas the Zimbabwean people have indicated through the ballot box that they want a change in leadership;

Whereas in the wake of the elections, President Mugabe has unleashed security forces and militia against opposition supporters and members of civil society;

Whereas over 2,900 people have been tortured and beaten, and at least 36 have been confirmed dead as a result of an ongoing campaign of state-sponsored political violence;

Whereas government security forces raided the MDC party headquarters, arresting 300 people, some of them children;

Whereas government security forces have detained Morgan Tsvangirai on multiple occasions as he has tried to campaign for the June 27, 2008, runoff election, and have arrested MDC Secretary General Tendai Biti;

Whereas the offices of the Zimbabwe Election Support Network have been raided and some of its employees detained;

Whereas security forces have attacked humanitarian organizations and civil society groups;

Whereas the Government of Zimbabwe has suspended the activities of humanitarian aid organizations in its country, putting hundreds of thousands of children and other vulnerable members of the population at risk of hunger and malnutrition;

Whereas diplomats, including the United States ambassador to Zimbabwe, have been detained by government security forces in direct contravention of the protections offered diplomats in the Vienna Convention;

Whereas South African President Thabo Mbeki has stated that the political violence in Zimbabwe is a cause for ''serious concern'';

Whereas the African Union (AU) and Southern African Development Community (SADC) have been continually engaged in efforts to bring about an end to the political crisis in Zimbabwe;

Whereas the AU and SADC dispatched delegations to Harare, but have not yet successfully compelled the Government of Zimbabwe to restore the rule of law;

Whereas Zimbabwe's gross domestic product declined about 43 percent between 2000 and 2007 and the unemployment rate is 80 percent;

Whereas Zimbabwe's inflation rate, at almost 165,000 percent, is the highest in the world and has contributed significantly to the country's economic collapse;

Whereas worsening economic conditions and commodity shortages have caused at least 3,000,000 people to flee the country;

Whereas after the March 29, 2008, elections the opposition offered to enter into a dialogue to bring about an end to the ensuing political crisis;

Whereas all parties must engage constructively towards peace and reconciliation for the sake of the Zimbabwean people; and

Whereas the people of Zimbabwe deserve the assistance of the international community in the restoration of fundamental human rights, democratic freedom, and the rule of law: Now, therefore, be it

Resolved, That the House of Representatives—

(1) calls on all security forces, informal militias, and individuals to immediately cease attacks on and abuse of civilians;

(2) strongly condemns the orchestrated campaign of violence, torture, and harassment conducted by the ruling party and its supporters and sympathizers in the police and military against members of the opposition, opposition parties, and all other civilians;

(3) calls on the Government of Zimbabwe to create an environment conducive to a peaceful transition of power;

(4) encourages the political parties to commit to forming a government that reflects the will of the Zimbabwean people and promotes national unity, the restoration of the rule of law, and genuine democratic governance;

(5) advocates for a mechanism such as a truth and reconciliation commission through which to ensure accountability for all groups and individuals who are found to have orchestrated or committed human rights violations in the context of the elections;

(6) urges the United Nations, with the cooperation and support of the African Union (AU) and Southern African Development Community (SADC) to dispatch a special envoy to Zimbabwe without delay, with a mandate to monitor the runoff elections and the human rights situation, and to support efforts to find a peaceful resolution to the political crisis;

(7) urges the international community, under the leadership of the United Nations, AU, SADC, and the SADC Parliamentary Forum, to deploy teams of credible persons to serve as monitors to ensure that the outcome of the presidential runoff elections reflects the will of the Zimbabwean people;

(8) commends the people of Zimbabwe for their continued courage in the face of systematic persecution, intimidation, and abuse, and commits to providing continued humanitarian assistance until the economic crisis is resolved;

(9) commends the actions being taken by activists, civil society organizations, and churches in support of democracy and respect for basic human rights and the rule of law in Zimbabwe, and encourages these entities to maintain their activities; and

(10) stands in solidarity with the people of Zimbabwe.

The SPEAKER pro tempore, Ms. Loretta SANCHEZ of California, recognized Mr. PAYNE and Mr. SMITH of New Jersey, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Ms. Loretta SANCHEZ of California, announced that two-thirds of the Members present had voted in the affirmative.

Mr. PAYNE demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Ms. Loretta SANCHEZ of California, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶74.16 INTERNATIONAL ARMS TRANSFER FOR ZIMBABWE

Mr. PAYNE moved to suspend the rules and agree to the resolution (H. Res. 1270):

Whereas following the conduct of presidential and parliamentary elections on March 29, 2008, Zimbabwe's liberator-turned-despot, Robert Mugabe, unleashed a campaign of terror and intimidation against opposition members, supporters, and other civilians in a desperate attempt to cling to power;

Whereas human rights groups have documented numerous incidents of state-sponsored political violence in Zimbabwe in recent years, and substantial political violence and human rights violations committed by government agents accompanied parliamentary elections in 2000 and 2005, and the presidential election in 2002;

Whereas reports from the region indicate that the Mugabe regime intends to continue this well-established pattern of state-sponsored and targeted violence and intimidation in the run-up to a second round of voting on June 27, 2008;

Whereas the Department of State found in its 2007 Country Reports on Human Rights Practices that the Mugabe regime ''engaged in the pervasive and systematic abuse of human rights, which increased significantly'' in 2007, and reported that ''state-sanctioned use of excessive force increased, and security forces tortured members of the opposition, student leaders, and civil society activists'';

Whereas the Zimbabwe Human Rights NGO Forum documented 586 incidents of torture, 855 incidents of assault, and 19 incidents of politically-motivated abductions and kidnappings in 2007 alone;

seb /74.11/Whereas Freedom House declared the Mugabe regime to be one of ''the world's most repressive'';

Whereas Human Rights Watch reported on April 19, 2008, that the Mugabe regime had established a network of informal detention centers to beat, torture, and intimidate political opponents and other civilians;

Whereas following the March 29 elections in Zimbabwe, a Chinese vessel, the An Yue Jiang, arrived in South Africa carrying a shipment of weapons for the Zimbabwean Defense Force that reportedly included 3,000,000 rounds of AK–47 ammunition, 1,500 rocket-propelled grenades, and 3,000 mortar bombs and tubes;

Whereas the delivery of such arms would only further degrade the security situation in Zimbabwe, which has already been compromised, as the materiel are likely to be used by government security forces and militias to further abuse, torture, and kill members of the political opposition and other civilians;

Whereas the dock and freight workers of the South African Transport and Allied Workers Union refused to unload the shipment or transport its cargo;

Whereas the International Transport Workers' Federation (ITF) called for an international boycott of the vessel, stating, ''There's no prospect of there being a sudden external invasion of Zimbabwe. And so it is very difficult for anyone to conclude that this ammunition is likely to be used for anything other than to take action against opposition groups'';

Whereas the Congress of Southern African Trade Unions joined in the call by the ITF and others for an international boycott of the vessel;

Whereas the High Court of the South African port city of Durban blocked the reported weapons transfer and ordered South African authorities to prevent the vessel's passage through South African waters;

Whereas press reports suggest that other governments in the region, including those of Mozambique and Tanzania also denied the vessel permission to dock at their ports;

Whereas Zambian President and Southern African Development Community (SADC) Chairman Levy Mwanawasa commended South Africa and Mozambique for blocking the arms shipment, stating, ''I hope this will be the case with all the countries because we do not want a situation which will escalate the situation in Zimbabwe more than what it is'';

Whereas despite the SADC chairman's appeal to member nations to block the delivery of ammunition of Zimbabwe and China's alleged recall of the An Yue Jiang, Zimbabwe's Deputy Information Minister Bright Matonga announced the shipment had arrived in Harare on or around May 16, 2008;

Whereas while Beijing has denied that the shipment reached its destination, speculation on the possible surreptitious delivery of weapons to Harare continues;

Whereas the United States has been vocal in its condemnation of the atrocities and violence in Zimbabwe, and has implemented targeted financial and travel sanctions against select members of the Mugabe regime and others who ''have engaged in actions or policies to undermine Zimbabwe's democratic processes or institutions'';

Whereas in violation of the Vienna Convention, American diplomats and officials from other embassies in Harare have been repeatedly harassed by elements of the Mugabe regime in retaliation for their repeated protests against the ongoing state-sponsored

campaign of terror ahead of the June 27 presidential runoff election, including the detention of the American ambassador's vehicle for several hours on May 13, 2008, and the detention of 5 American embassy staff and 2 local embassy workers on June 5, 2008; and

Whereas Congress expressed its opposition to the Mugabe regime's undemocratic policies in the Zimbabwe Democracy and Economic Recovery Act of 2001, and other subsequent legislation: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes and commends the efforts of southern African trade unions, religious leaders, and advocacy groups to raise awareness about the possible weapons transfer to Zimbabwe as part of a campaign to address the worsening political, economic, and humanitarian crisis in Zimbabwe;

(2) recognizes and commends the efforts of those southern African governments which denied access through their national territories for a weapons shipment destined to be received by a regime that continues to perpetuate gross human rights violations against its own citizens;

(3) urges the United States to continue to work with African governments and multilateral institutions to compel Robert Mugabe's regime to respect the will of its citizens and find a peaceful and timely solution to the current political standoff; and

(4) urges the Permanent Representative of the United States at the United Nations to advocate for an international moratorium on all shipments of arms, weapons, and related goods and services to Zimbabwe until the current political crisis has been resolved and democracy, human rights, and the rule of law are respected by the Government of Zimbabwe.

The SPEAKER pro tempore, Ms. Loretta SANCHEZ of California, recognized Mr. PAYNE and Mr. SMITH of New Jersey, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Ms. Loretta SANCHEZ of California, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶74.17 ENDEMIC RESTRICTIONS ON FREEDOM

Mr. ACKERMAN moved to suspend the rules and agree to the resolution (H. Res. 1127); as amended:

Whereas a free press and the right of free expression are both fundamental, universal human rights and are essential to making governments accountable to the people from whom their powers are derived;

Whereas the nations of the Middle East, with Israel being the sole exception, suffer profound deficits when compared to the global community with regard to both measures of human development and measures of human freedom and dignity;

Whereas the Middle East is a region of vital national security interest to the United States and the twin deficits in human development and human freedom negatively affect United States efforts to help resolve the Arab-Israeli conflict and to stabilize the region for the benefit of all;

Whereas overt censorship, intimidation, harassment through the civil courts, assaults by government agents on journalists and political activists, arbitrary press, and emergency laws, and extra-legal restrictions on the kinds of topics which may be addressed are endemic practices in the Middle East, though varying in degree and extent in the different Arab countries;

Whereas many of the countries engaged most actively in efforts to stifle public debate, suppress political discussion, and impose capricious limits on thought and expression are among the largest recipients of United States foreign assistance, potentially giving the mistaken impression that the United States endorses or condones the restrictive policies of the recipient countries;

Whereas Holocaust denial regularly appears throughout the Middle East in speeches and pronouncements by public figures, in articles and columns by journalists and in the resolutions of professional organizations;

Whereas continued anti-Semitic incitement invites violent action and creates an environment conducive to, and accepting of, terrorism;

Whereas the extensive restrictions on speech and expression in the Arab world are uniquely counterposed by the space left open by Arab governments for grotesque anti-Semitism, Holocaust denial, incitement to violence, and glorification of terrorism;

Whereas the exception from censorship and restrictions on expression for certain kinds of hate speech are not only exploited by government proxies, but often even by Arab governments themselves, including states that nominally prohibit racial, religious, or ethnic hate speech;

Whereas in the Middle East, where the press is generally not free, where there are rules for what can and cannot be said, the persistent promulgation of hate-speech indicates an obvious and dangerous form of state endorsement;

Whereas numerous government-owned, government-sanctioned, or government-controlled publishing houses throughout the region promulgate stories of imaginary Israeli massacres, Jewish blood libels, and alleged Israeli medical experiments on Palestinian children, and produce Arabic translations of anti-Semitic tracts such as ''The Protocols of the Elders of Zion'' and ''Mein Kampf''; and

Whereas many of the same Arab governments to which the United States has turned for assistance in ending the Arab-Israeli conflict are themselves responsible for using their government-owned, government-sanctioned, or government-controlled publishing houses and media to engage in anti-Semitic incitement to violence and Holocaust denial: Now, therefore, be it

Resolved, That the House of Representatives—

(1) strongly condemns the endemic restrictions on freedom of the press and expression in the Arab world and the concurrent and widespread presence of anti-Semitic material, Holocaust denial, and incitement to violence in the Arab media and press;

(2) deplores the methods and practices utilized by the governments in the Middle East to exert control over the press, and on public expression, including—

(A) overt censorship;

(B) intimidation and harassment of reporters, editors, and publishers by government agents, and through manipulation of the civil courts;

(C) assaults by government agents on journalists and political activists;

(D) arbitrarily enforced press and emergency laws; and

(E) extra-legal restrictions on the kinds of topics which may be addressed either in public or in private;

(3) expresses deep concern that some Arab governments, including some that are involved in multilateral efforts to resolve the Israeli-Palestinian conflict, use their government-owned, government-sanctioned, or government-controlled publishing houses and media to promulgate insidious, incendiary, and poisonous speech regarding Israel and the Jewish people that makes United States efforts to help resolve the Arab-Israeli conflict all the more difficult;

(4) affirms the unshakable belief of the American people in the universal right of all persons to freely and peaceably express themselves, to publish and advocate for their nonviolent beliefs, and to petition their government for redress of their grievances;

(5) calls on the President to—

(A) raise the issue of the lack of media freedom in the Middle East and the proliferation of anti-Semitic incitement in all appropriate bilateral and multilateral fora;

(B) take into account the compliance of governments throughout the region with international norms and obligations regarding media freedom and anti-Semitic incitement when determining the provision of United States assistance to those governments; and

(C) utilize the existing public diplomacy apparatus, professional development, and democratization programs to focus on the issues of media freedom and anti-Semitic incitement; and

(6) calls on United States allies and governments throughout the Middle East to publicly repudiate purveyors of anti-Semitic incitement.

The SPEAKER pro tempore, Ms. Loretta SANCHEZ of California, recognized Mr. ACKERMAN and Mr. SMITH of New Jersey, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. ROSS, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

By unanimous consent, the title was amended so as to read: ''A resolution condemning the endemic restrictions on freedom of the press and media and public expression in the Middle East and the concurrent and widespread presence of anti-Semitic incitement to violence and Holocaust denial in the Arab media and press.''.

A motion to reconsider the votes whereby the rules were suspended and said resolution, as amended, was agreed to and the title was amended was, by unanimous consent, laid on the table.

¶74.18 INTERNATIONAL WHALING COMMISSION

Mr. DELAHUNT moved to suspend the rules and agree to the concurrent resolution (H. Con. Res. 350):

Whereas 79 nations have adopted the International Convention for the Regulation of Whaling (the Convention), which established the International Whaling Commission (the Commission) to provide for the conservation of whale stocks;

Whereas the Commission has adopted a moratorium on commercial whaling in order to conserve and promote the recovery of whale stocks, many of which had been hunted to near extinction by the whaling industry;

Whereas the United States was instrumental in the adoption of the moratorium, and has led international efforts to address the threat of commercial whaling for more than 3 decades;

Whereas despite the moratorium, 3 Commission member nations continue to kill whales for financial gain, disregarding the protests of other Commission members, and since the moratorium entered into force have killed more than 25,000 whales including over 11,000 whales killed under the guise of scientific research;

Whereas whaling conducted for scientific purposes has been found to be unnecessary by the majority of the world's cetacean scientists because nonlethal research alternatives exist;

Whereas the member nations of the Commission have adopted numerous resolutions opposing and calling for an end to scientific whaling, most recently in 2007 at the annual Commission meeting in Anchorage, Alaska;

Whereas commercial whaling in any form, including scientific and other special permit whaling, coastal whaling, and community-based whaling, undermines the conservation mandate of the Convention and impairs the Commission's ability to function effectively;

Whereas proposed coastal whaling is commercial, unless conducted under the aboriginal exemption to the moratorium; and

Whereas the majority of Americans oppose the killing of whales for commercial purposes and expect the United States to use all available means to end such killing: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of Congress that the United States, through the International Whaling Commission, should—

(1) should use all appropriate measures to end commercial whaling in all of its forms, including scientific and other special permit whaling, coastal whaling, and community-based whaling;

(2) oppose any initiative that would result in any new, Commission-sanctioned coastal or community-based whale hunting, even if it is portrayed as noncommercial, including any commercial whaling by any coastal communities that does not qualify as aboriginal subsistence whaling; and

(3) seek to strengthen conservation and management measures to facilitate the conservation of whale species.

The SPEAKER pro tempore, Mr. ROSS, recognized Mr. DELAHUNT and Mr. SMITH of New Jersey, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution?

The SPEAKER pro tempore, Mr. ROSS, announced that two-thirds of the Members present had voted in the affirmative.

Mr. YOUNG of Alaska, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. ROSS, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶74.19 PUBLIC HOUSING DISASTER RELIEF

Mr. CAZAYOUX moved to suspend the rules and pass the bill (H.R. 6276) to repeal section 9(k) of the United States Housing Act of 1937.

The SPEAKER pro tempore, Mr. ROSS, recognized Mr. CAZAYOUX and Mr. NEUGEBAUER, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. ROSS, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶74.20 COMMEMORATIVE COIN

Mr. MOORE of Kansas, moved to suspend the rules and agree to the following amendment of the Senate to the bill (H.R. 634) to require the Secretary of the Treasury to mint coins in commemoration of veterans who became disabled for life while serving in the Armed Forces of the United States:

On page 3, strike line 24 and all that follows thru page 4 line 3 and insert:

(1) DESIGN.—The design of the coins minted under this Act shall be emblematic of the service of our disabled veterans who, having survived the ordeal of war, made enormous personal sacrifices defending the principles of our democracy.

The SPEAKER pro tempore, Mr. ROSS, recognized Mr. MOORE of Kansas, and Mr. NEUGEBAUER, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said amendment of the Senate?

The SPEAKER pro tempore, Mr. ROSS, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said amendment of the Senate was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said amendment of the Senate was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶74.21 MESSAGE FROM THE PRESIDENT—VETO OF H.R. 6124

The SPEAKER pro tempore, Mr. ROSS, laid before the House a message from the President, which was read as follows:

To the House of Representatives:

I am returning herewith without my approval H.R. 6124, the ''Food, Conservation, and Energy Act of 2008.''

The bill that I vetoed on May 21, 2008, H.R. 2419, which became Public Law 110–234, did not include the title III provisions that are in this bill. In passing H.R. 6124, the Congress had an opportunity to improve on H.R. 2419 by modifying certain objectionable, onerous, and fiscally imprudent provisions. Unfortunately, the Congress chose to send me the same unacceptable farm bill provisions in H.R. 6124, merely adding title III. I am returning this bill for the same reasons as stated in my veto message of May 21, 2008, on H.R. 2419.

For a year and a half, I have consistently asked that the Congress pass a good farm bill that I can sign. Regrettably, the Congress has failed to do so. At a time of high food prices and record farm income, this bill lacks program reform and fiscal discipline. It continues subsidies for the wealthy and increases farm bill spending by more than $20 billion, while using budget gimmicks to hide much of the increase. It is inconsistent with our objectives in international trade negotiations, which include securing greater market access for American farmers and ranchers. It would needlessly expand the size and scope of government. Americans sent us to Washington to achieve results and be good stewards of their hard-earned taxpayer dollars. This bill violates that fundamental commitment.

In January 2007, my Administration put forward a fiscally responsible farm bill proposal that would improve the safety net for farmers and move current programs toward more market-oriented policies. The bill before me today fails to achieve these important goals.

At a time when net farm income is projected to increase by more than $28 billion in 1 year, the American taxpayer should not be forced to subsidize that group of farmers who have adjusted gross incomes of up to $1.5 million. When commodity prices are at record highs, it is irresponsible to increase government subsidy rates for 15 crops, subsidize additional crops, and provide payments that further distort markets. Instead of better targeting farm programs, this bill eliminates the existing payment limit on marketing loan subsidies.

Now is also not the time to create a new uncapped revenue guarantee that could cost billions of dollars more than advertised. This is on top of a farm bill that is anticipated to cost more than $600 billion over 10 years. In addition, this bill would force many businesses to prepay their taxes in order to finance the additional spending.

This legislation is also filled with earmarks and other ill-considered provisions. Most notably, H.R. 6124 provides: $175 million to address water issues for desert lakes; $250 million for a 400,000-acre land purchase from a private owner; funding and authority for the noncompetitive sale of National Forest land to a ski resort; and $382 million earmarked for a specific watershed. These earmarks, and the expansion of Davis-Bacon Act prevailing wage requirements, have no place in

the farm bill. Rural and urban Americans alike are frustrated with excessive government spending and the funneling of taxpayer funds for pet projects. This bill will only add to that frustration.

The bill also contains a wide range of other objectionable provisions, including one that restricts our ability to redirect food aid dollars for emergency use at a time of great need globally. The bill does not include the requested authority to buy food in the developing world to save lives. Additionally, provisions in the bill raise serious constitutional concerns. For all the reasons outlined above, I must veto H.R. 6124.

I veto this bill fully aware that it is rare for a stand-alone farm bill not to receive the President's signature, but my action today is not without precedent. In 1956, President Eisenhower stood firmly on principle, citing high crop subsidies and too much government control of farm programs among the reasons for his veto. President Eisenhower wrote in his veto message, ''Bad as some provisions of this bill are, I would have signed it if in total it could be interpreted as sound and good for farmers and the nation.'' For similar reasons, I am vetoing the bill before me today.

GEORGE W. BUSH.

THE WHITE HOUSE, *June 18, 2008*.

The SPEAKER pro tempore, Mr. ROSS, by unanimous consent, ordered that the veto message, together with the accompanying bill, be printed (H. Doc. 110–125) and spread upon the pages of the Journal of the House.

The question being on passage of the bill, the objections of the President to the contrary notwithstanding.

After debate,

By unanimous consent, the previous question was ordered on the bill.

The question being put,

Will the House, upon reconsideration, agree to pass the bill, the objections of the President to the contrary notwithstanding?

It was decided in the affirmative ..... { Yeas ..... 317 / Nays 109

¶74.22 [Roll No. 417]

YEAS—317

Abercrombie	Boucher	Cleaver
Ackerman	Boustany	Clyburn
Aderholt	Boyd (FL)	Coble
Akin	Boyda (KS)	Cohen
Alexander	Brady (PA)	Cole (OK)
Allen	Brady (TX)	Conaway
Altmire	Braley (IA)	Conyers
Andrews	Brown (SC)	Costa
Arcuri	Brown, Corrine	Costello
Baca	Brown-Waite, Ginny	Courtney
Bachus	Buchanan	Cramer
Baird	Butterfield	Crowley
Baldwin	Buyer	Cuellar
Barrow	Camp (MI)	Cummings
Bartlett (MD)	Capito	Davis (AL)
Becerra	Capps	Davis (CA)
Berkley	Cardoza	Davis (IL)
Berry	Carnahan	Davis (KY)
Bilirakis	Carney	Davis, David
Bishop (GA)	Carson	Davis, Lincoln
Bishop (NY)	Carter	DeFazio
Blackburn	Castor	DeGette
Blunt	Cazayoux	Delahunt
Bonner	Chandler	DeLauro
Bono Mack	Childers	Diaz-Balart, L.
Boozman	Clarke	Diaz-Balart, M.
Boren	Clay	Dicks
Boswell	Cleaver	Dingell
Doggett	Lampson	Rodriguez
Donnelly	Langevin	Rogers (AL)
Doolittle	Larsen (WA)	Rogers (KY)
Doyle	Larson (CT)	Rogers (MI)
Drake	Latham	Ros-Lehtinen
Edwards	LaTourette	Ross
Ellison	Latta	Rothman
Ellsworth	Lee	Roybal-Allard
Emanuel	Levin	Ruppersberger
Emerson	Lewis (GA)	Ryan (OH)
Engel	Lewis (KY)	Salazar
English (PA)	Lipinski	Sali
Eshoo	Loebsack	Sánchez, Linda T.
Etheridge	Lofgren, Zoe	Sanchez, Loretta
Everett	Lowey	Sarbanes
Fallin	Lucas	Schakowsky
Farr	Lynch	Schiff
Fattah	Mahoney (FL)	Schwartz
Filner	Maloney (NY)	Scott (GA)
Forbes	Manzullo	Scott (VA)
Fortenberry	Markey	Serrano
Foster	Marshall	Sestak
Frank (MA)	Matsui	Shea-Porter
Gallegly	McCarthy (NY)	Sherman
Gerlach	McCaul (TX)	Shimkus
Giffords	McCollum (MN)	Shuler
Gillibrand	McCotter	Shuster
Gingrey	McGovern	Simpson
Gohmert	McHugh	Sires
Gonzalez	McIntyre	Skelton
Goodlatte	McMorris Rodgers	Slaughter
Gordon	McNerney	Smith (NE)
Graves	McNulty	Snyder
Green, Al	Meek (FL)	Solis
Green, Gene	Melancon	Souder
Grijalva	Michaud	Space
Gutierrez	Miller (MI)	Speier
Hall (NY)	Miller (NC)	Spratt
Hall (TX)	Miller, George	Stupak
Hare	Mollohan	Sullivan
Hastings (FL)	Moore (KS)	Sutton
Hastings (WA)	Moran (VA)	Tanner
Hayes	Murphy (CT)	Tauscher
Herger	Murphy, Patrick	Taylor
Herseth Sandlin	Murphy, Tim	Thompson (CA)
Higgins	Murtha	Thompson (MS)
Hill	Musgrave	Thornberry
Hinchey	Nadler	Tierney
Hinojosa	Napolitano	Towns
Hirono	Neal (MA)	Tsongas
Hodes	Neugebauer	Turner
Hoekstra	Oberstar	Udall (CO)
Holden	Obey	Udall (NM)
Holt	Olver	Upton
Honda	Ortiz	Van Hollen
Hooley	Pallone	Velázquez
Hoyer	Pascrell	Visclosky
Israel	Pastor	Walberg
Jackson (IL)	Payne	Walden (OR)
Jackson-Lee (TX)	Pearce	Walsh (NY)
Jefferson	Pelosi	Walz (MN)
Johnson (GA)	Perlmutter	Wasserman Schultz
Johnson (IL)	Peterson (MN)	Waters
Johnson, E. B.	Pickering	Watson
Jones (NC)	Platts	Watt
Jones (OH)	Poe	Weiner
Kagen	Pomeroy	Welch (VT)
Kanjorski	Porter	Weller
Kaptur	Price (NC)	Wexler
Kennedy	Putnam	Whitfield (KY)
Kildee	Radanovich	Wilson (OH)
Kilpatrick	Rahall	Wittman (VA)
King (IA)	Rangel	Woolsey
Kingston	Regula	Wu
Klein (FL)	Rehberg	Yarmuth
Kline (MN)	Renzi	Young (AK)
Kucinich	Reyes	
Kuhl (NY)	Reynolds	
LaHood	Richardson	

NAYS—109

Bachmann	Chabot	Garrett (NJ)
Barrett (SC)	Cooper	Goode
Barton (TX)	Crenshaw	Granger
Bean	Cubin	Heller
Berman	Culberson	Hensarling
Biggert	Davis, Tom	Hobson
Bilbray	Deal (GA)	Hunter
Blumenauer	Dent	Inglis (SC)
Boehner	Dreier	Inslee
Broun (GA)	Duncan	Issa
Burgess	Ehlers	Johnson, Sam
Burton (IN)	Feeney	Jordan
Calvert	Ferguson	Keller
Campbell (CA)	Flake	Kind
Cannon	Fossella	King (NY)
Cantor	Foxx	Kirk
Capuano	Franks (AZ)	Knollenberg
Castle	Frelinghuysen	Lamborn
Lewis (CA)	Myrick	Shadegg
Linder	Nunes	Shays
LoBiondo	Paul	Smith (NJ)
Lungren, Daniel E.	Pence	Smith (TX)
Mack	Petri	Smith (WA)
Marchant	Pitts	Stearns
Matheson	Price (GA)	Tancredo
McCarthy (CA)	Pryce (OH)	Terry
McCrery	Ramstad	Tiahrt
McDermott	Reichert	Tiberi
McHenry	Rohrabacher	Wamp
McKeon	Roskam	Waxman
Mica	Royce	Weldon (FL)
Miller (FL)	Ryan (WI)	Westmoreland
Miller, Gary	Saxton	Wilson (NM)
Mitchell	Scalise	Wilson (SC)
Moore (WI)	Schmidt	Wolf
Moran (KS)	Sensenbrenner	Young (FL)
	Sessions	

NOT VOTING—8

Bishop (UT)	Hulshof	Rush
Gilchrest	Meeks (NY)	Stark
Harman	Peterson (PA)	

The SPEAKER pro tempore, Mr. ROSS, announced that 317 Members had voted in the affirmative and 109 Members had voted in the negative.

So, two-thirds of the Members present having voted in favor thereof, the bill was passed, the objections of the President to the contrary notwithstanding.

Ordered, That the Clerk notify the Senate thereof.

¶74.23 NASA AUTHORIZATION

The SPEAKER pro tempore, Mr. ROSS, pursuant to House Resolution 1257 and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 6063) to authorize programs of the National Aeronautics and Space Administration, and for other purposes.

Ms. CLARKE, Acting Chairman, assumed the chair; and after some time spent therein,

¶74.24 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 5, printed in House Report 110-707, submitted by Mr. LAMPSON:

In title XI, add at the end the following new section (and amend the table of contents accordingly):

SEC. 1109. EXCEPTION TO ALTERNATIVE FUEL PROCUREMENT REQUIREMENT.

Section 526(a) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17142(a)) does not prohibit NASA from entering into a contract to purchase a generally available fuel that is not an alternative or synthetic fuel or predominantly produced from a nonconventional petroleum source, if—

(1) the contract does not specifically require the contractor to provide an alternative or synthetic fuel or fuel from a nonconventional petroleum source;

(2) the purpose of the contract is not to obtain an alternative or synthetic fuel or fuel from a nonconventional petroleum source: and

(3) the contract does not provide incentives for a refinery upgrade or expansion to allow a refinery to use or increase its use of fuel from a nonconventional petroleum source.

It was decided in the affirmative ..... { Yeas ..... 429 Nays 1

¶74.25 [Roll No. 418]

AYES—429

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Cazayoux
Chabot
Chandler
Childers
Christensen
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fortuño
Fossella
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Norton
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Scalise
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Speier
Spratt
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOES—1

Blumenauer

NOT VOTING—8

Faleomavaega
Gilchrest
Harman
Hulshof
Meeks (NY)
Peterson (PA)
Rush
Stark

So the amendment was agreed to.

¶74.26 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 10, printed in House Report 110-707, submitted by Mr. HODES:

In title XI, add at the end the following new section (and amend the table of contents accordingly):

SEC. 1109. CHRISTA MCAULIFFE SCHOLARSHIP PROGRAM FOR FIELDS RELATED TO THE MISSION OF NASA.

The Administrator shall establish a scholarship program in honor of Christa McAuliffe, who died in the 1986 Challenger Space Shuttle Disaster. The scholarship fund would provide scholarships each year of $10,000 each to three women who are going to college to study in fields related to the mission of NASA, with the goal of seeking careers in space science, aeronautics, and other fields related to NASA.

It was decided in the affirmative ..... { Yeas ..... 423 Nays 3

¶74.27 [Roll No. 419]

AYES—423

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Bonner
Bono Mack
Boozman
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Cazayoux
Chabot
Chandler
Childers
Christensen
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Forbes
Fortenberry
Fortuño
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hunter
Inglis (SC)
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Norton
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Petri
Pickering
Pitts
Platts
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall

Ramstad	Serrano	Tierney
Rangel	Sessions	Towns
Regula	Sestak	Tsongas
Rehberg	Shadegg	Turner
Reichert	Shays	Udall (CO)
Renzi	Shea-Porter	Udall (NM)
Reyes	Sherman	Upton
Reynolds	Shimkus	Van Hollen
Richardson	Shuler	Velázquez
Rodriguez	Shuster	Visclosky
Rogers (AL)	Simpson	Walberg
Rogers (KY)	Sires	Walden (OR)
Rogers (MI)	Skelton	Walsh (NY)
Rohrabacher	Slaughter	Walz (MN)
Ros-Lehtinen	Smith (NE)	Wamp
Roskam	Smith (NJ)	Wasserman Schultz
Ross	Smith (TX)	Waters
Rothman	Smith (WA)	Watson
Roybal-Allard	Snyder	Watt
Royce	Solis	Waxman
Ruppersberger	Souder	Weiner
Ryan (OH)	Space	Welch (VT)
Ryan (WI)	Speier	Weldon (FL)
Salazar	Spratt	Weller
Sali	Stearns	Westmoreland
Sánchez, Linda T.	Stupak	Wexler
Sanchez, Loretta	Sullivan	Whitfield (KY)
Sarbanes	Sutton	Wilson (NM)
Saxton	Tancredo	Wilson (OH)
Scalise	Tanner	Wilson (SC)
Schakowsky	Tauscher	Wittman (VA)
Schiff	Taylor	Wolf
Schmidt	Terry	Woolsey
Schwartz	Thompson (CA)	Wu
Scott (GA)	Thompson (MS)	Yarmuth
Scott (VA)	Thornberry	Young (AK)
Sensenbrenner	Tiahrt	Young (FL)
	Tiberi	

NOES—3

Broun (GA)	Flake	Paul

NOT VOTING—12

Boehner	Harman	Peterson (PA)
Faleomavaega	Hulshof	Poe
Foster	Issa	Rush
Gilchrest	Meeks (NY)	Stark

So the amendment was agreed to.

The SPEAKER pro tempore, Mr. WEINER, assumed the Chair.

When Ms. CLARKE, Acting Chairman, pursuant to House Resolution 1257, reported the bill back to the House with an amendment adopted by the Committee.

The previous question having been ordered by said resolution.

¶74.28 MOMENT OF SILENCE IN MEMORY OF VICTIMS OF IOWA FLOOD DISASTER

The SPEAKER pro tempore, Mr. WEINER, announced that all Members stand and observe a moment of silence in memory of the victims of the Iowa flood disaster.

The following amendment, reported from the Committee of the Whole House on the state of the Union, was agreed to:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''National Aeronautics and Space Administration Authorization Act of 2008''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Findings.
Sec. 3. Definitions.

TITLE I—AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 2009

Sec. 101. Fiscal year 2009.

TITLE II—EARTH SCIENCE

Sec. 201. Goal.
Sec. 202. Governance of United States Earth Observations activities.
Sec. 203. Decadal survey missions.
Sec. 204. Transitioning experimental research into operational services.
Sec. 205. Landsat thermal infrared data continuity.
Sec. 206. Reauthorization of Glory Mission.
Sec. 207. Plan for disposition of Deep Space Climate Observatory.
Sec. 208. Tornadoes.
Sec. 209. Sharing weather research.

TITLE III—AERONAUTICS

Sec. 301. Environmentally friendly aircraft research and development initiative.
Sec. 302. Research alignment.
Sec. 303. Research program to determine perceived impact of sonic booms.
Sec. 304. External review of NASA's aviation safety-related research programs.
Sec. 305. Interagency research initiative on the impact of aviation on the climate.
Sec. 306. Research on design for certification.
Sec. 307. Aviation weather research.
Sec. 308. Joint Aeronautics Research and Development Advisory Committee.
Sec. 309. Funding for research and development activities in support of other mission directorates.
Sec. 310. University-based centers for research on aviation training.

TITLE IV—INTERNATIONAL EXPLORATION INITIATIVE

Sec. 401. Sense of Congress.
Sec. 402. Stepping stone approach to exploration.
Sec. 403. Lunar outpost.
Sec. 404. Exploration technology development.
Sec. 405. Exploration risk mitigation plan.
Sec. 406. Exploration crew rescue.
Sec. 407. Participatory exploration.
Sec. 408. Science and exploration.
Sec. 409. Congressional Budget Office report update.

TITLE V—SPACE SCIENCE

Sec. 501. Technology development.
Sec. 502. Provision for future servicing of observatory-class scientific spacecraft.
Sec. 503. Mars exploration.
Sec. 504. Importance of a balanced science program.
Sec. 505. Restoration of radioisotope thermoelectric generator material production.
Sec. 506. Assessment of impediments to interagency cooperation on space and Earth science missions.
Sec. 507. Assessment of cost growth.
Sec. 508. Outer planets exploration.

TITLE VI—SPACE OPERATIONS

Subtitle A—International Space Station

Sec. 601. Utilization.
Sec. 602. Research management plan.
Sec. 603. Contingency plan for cargo resupply.

Subtitle B—Space Shuttle

Sec. 611. Flight manifest.
Sec. 612. Disposition of shuttle-related assets.
Sec. 613. Space Shuttle transition liaison office.

Subtitle C—Launch Services

Sec. 621. Launch services strategy.

TITLE VII—EDUCATION

Sec. 701. Response to review.
Sec. 702. External review of Explorer Schools program.
Sec. 703. Sense of Congress.

TITLE VIII—NEAR-EARTH OBJECTS

Sec. 801. In general.
Sec. 802. Findings.
Sec. 803. Requests for information.
Sec. 804. Establishment of policy.
Sec. 805. Planetary radar capability.
Sec. 806. Arecibo Observatory.
Sec. 807. International resources.

TITLE IX—COMMERCIAL INITIATIVES

Sec. 901. Sense of Congress.
Sec. 902. Commercial crew initiative.

TITLE X—REVITALIZATION OF NASA INSTITUTIONAL CAPABILITIES

Sec. 1001. Review of information security controls.
Sec. 1002. Maintenance and upgrade of Center facilities.
Sec. 1003. Assessment of NASA laboratory capabilities.

TITLE XI—OTHER PROVISIONS

Sec. 1101. Space weather.
Sec. 1102. Space traffic management.
Sec. 1103. Study of export control policies related to civil and commercial space activities.
Sec. 1104. Astronaut health care.
Sec. 1105. National Academies decadal surveys.
Sec. 1106. Innovation prizes.
Sec. 1107. Commercial space launch range study.
Sec. 1108. NASA outreach and technology assistance program.
Sec. 1109. Reduction-in-force moratorium.
Sec. 1110. Limit on the use of term positions.
Sec. 1111. Temporary continuation of coverage of health benefits.
Sec. 1112. Sense of Congress.
Sec. 1113. Sense of Congress regarding the need for a robust workforce.
Sec. 1114. Exception to alternative fuel procurement requirement.
Sec. 1115. Christa McAuliffe scholarship program for fields related to the mission of NASA.

SEC. 2. FINDINGS.

The Congress finds, on this, the 50th anniversary of the establishment of the National Aeronautics and Space Administration, the following:

(1) NASA is and should remain a multimission agency with a balanced and robust set of core missions in science, aeronautics, and human space flight and exploration.

(2) Investment in NASA's programs will promote innovation through research and development, and will improve the competitiveness of the United States.

(3) Investment in NASA's programs, like investments in other Federal science and technology activities, is an investment in our future.

(4) Properly structured, NASA's activities can contribute to an improved quality of life, economic vitality, United States leadership in peaceful cooperation with other nations on challenging undertakings in science and technology, national security, and the advancement of knowledge.

(5) NASA should assume a leadership role in a cooperative international Earth observations and research effort to address key research issues associated with climate change and its impacts on the Earth system.

(6) NASA should undertake a program of aeronautical research, development, and where appropriate demonstration activities with the overarching goals of—

(A) ensuring that the Nation's future air transportation system can handle up to 3 times the current travel demand and incorporate new vehicle types with no degradation in safety or adverse environmental impact on local communities;

(B) protecting the environment;

(C) promoting the security of the Nation; and

(D) retaining the leadership of the United States in global aviation.

(7) Human and robotic exploration of the solar system will be a significant long term undertaking of humanity in the 21st century and beyond, and it is in the national interest that the United States should assume a leadership role in a cooperative international exploration initiative.

(8) Developing United States human space flight capabilities to allow independent American access to the International Space Station, and to explore beyond low Earth orbit, is a strategically important national imperative, and all prudent steps should thus be taken to bring the Orion Crew Exploration Vehicle and Ares I Crew Launch Vehicle to full operational capability as soon as practicable.

(9) NASA's scientific research activities have contributed much to the advancement of knowledge, provided societal benefits, and helped train the next generation of scientists and engineers, and those activities should continue to be an important priority.

(10) NASA should make a sustained commitment to a robust long-term technology development activity. Such investments represent the critically important ''seed corn'' on which NASA's ability to carry out challenging and productive missions in the future will depend.

(11) NASA, through its pursuit of challenging and relevant activities, can provide an important stimulus to the next generation to pursue careers in science, technology, engineering, and mathematics.

(12) Commercial activities have substantially contributed to the strength of both the United States space program and the national economy, and the development of a healthy and robust United States commercial space sector should continue to be encouraged.

(13) It is in the national interest for the United States to have an export control policy that protects the national security while also enabling the United States aerospace industry to compete effectively in the global market place and the United States to undertake cooperative programs in science and human space flight in an effective and efficient manner.

SEC. 3. DEFINITIONS.

In this Act:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of NASA.

(2) NASA.—The term ''NASA'' means the National Aeronautics and Space Administration.

(3) NOAA.—The term ''NOAA'' means the National Oceanic and Atmospheric Administration.

(4) OSTP.—The term ''OSTP'' means the Office of Science and Technology Policy.

TITLE I—AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 2009

SEC. 101. FISCAL YEAR 2009.

(a) BASELINE AUTHORIZATION.—There are authorized to be appropriated to NASA for fiscal year 2009 $19,210,000,000, as follows:

(1) For Science, $4,932,200,000, of which—

(A) $1,518,000,000 shall be for Earth Science, including $29,200,000 for suborbital activities and $2,500,000 for carrying out section 313 of the National Aeronautics and Space Administration Authorization Act of 2005 (Public Law 109–155);

(B) $1,483,000,000 shall be for Planetary Science, including $486,500,000 for the Mars Exploration program, $2,000,000 to continue planetary radar operations at the Arecibo Observatory in support of the Near-Earth Object program, and $5,000,000 for radioisotope material production, to remain available until expended;

(C) $1,290,400,000 shall be for Astrophysics, including $27,300,000 for suborbital activities;

(D) $640,800,000 shall be for Heliophysics, including $50,000,000 for suborbital activities; and

(E) $75,000,000 shall be for Cross-Science Mission Directorate Technology Development, to be taken on a proportional basis from the funding subtotals under subparagraphs (A), (B), (C), and (D).

(2) For Aeronautics, $853,400,000, of which $406,900,000 shall be for system-level research, development, and demonstration activities related to—

(A) aviation safety;

(B) environmental impact mitigation, including noise, energy efficiency, and emissions;

(C) support of the Next Generation Air Transportation System initiative; and

(D) investigation of new vehicle concepts and flight regimes.

(3) For Exploration, $3,886,000,000, of which $100,000,000 shall be for the activities under sections 902(b) and 902(d); and $737,800,000 shall be for Advanced Capabilities, including $106,300,000 for the Lunar Precursor Robotic Program, $276,500,000 for International Space Station-related research and development activities, and $355,000,000 for research and development activities not related to the International Space Station.

(4) For Education, $128,300,000.

(5) For Space Operations, $6,074,700,000, of which—

(A) $150,000,000 shall be for an additional Space Shuttle flight to deliver the Alpha Magnetic Spectrometer to the International Space Station;

(B) $100,000,000 shall be to augment funding for International Space Station Cargo Services to enhance research utilization of the International Space Station, to remain available until expended; and

(C) $50,000,000 shall be to augment funding for Space Operations Mission Directorate reserves and Shuttle Transition and Retirement activities.

(6) For Cross-Agency Support Programs, $3,299,900,000.

(7) For Inspector General, $35,500,000.

(b) ADDITIONAL AUTHORIZATION TO ADDRESS HUMAN SPACE FLIGHT GAP.—In addition to the sums authorized by subsection (a), there are authorized to be appropriated for the purposes described in subsection (a)(3) $1,000,000,000 for fiscal year 2009, to be used to accelerate the initial operational capability of the Orion Crew Exploration Vehicle and the Ares I Crew Launch Vehicle and associated ground support systems, to remain available until expended.

TITLE II—EARTH SCIENCE

SEC. 201. GOAL.

The goal for NASA's Earth Science program shall be to pursue a program of Earth observations, research, and applications activities to better understand the Earth, how it supports life, and how human activities affect its ability to do so in the future. In pursuit of this goal, NASA's Earth Science program shall ensure that securing practical benefits for society will be an important measure of its success in addition to securing new knowledge about the Earth system and climate change. In further pursuit of this goal, NASA shall assume a leadership role in developing and carrying out a cooperative international Earth observations-based research and applications program.

SEC. 202. GOVERNANCE OF UNITED STATES EARTH OBSERVATIONS ACTIVITIES.

(a) STUDY.—The Director of the OSTP shall enter into an arrangement with the National Academies for a study to determine the most appropriate governance structure for United States Earth Observations programs in order to meet evolving United States Earth information needs and facilitate United States participation in global Earth Observations initiatives.

(b) REPORT.—The Director shall transmit the study to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate not later than 18 months after the date of enactment of this Act, and shall provide OSTP's plan for implementing the study's recommendations not later than 24 months after the date of enactment of this Act.

SEC. 203. DECADAL SURVEY MISSIONS.

(a) IN GENERAL.—The missions recommended in the National Academies' decadal survey ''Earth Science and Applications from Space'' provide the basis for a compelling and relevant program of research and applications, and the Administrator should work to establish an international cooperative effort to pursue those missions.

(b) PLAN.—The Administrator shall prepare a plan for submission to Congress not later than 270 days after the date of enactment of this Act that shall describe how NASA intends to implement the missions recommended as described in subsection (a), whether by means of dedicated NASA missions, multi-agency missions, international cooperative missions, data sharing, or commercial data buys, or by means of long-term technology development to determine whether specific missions would be executable at a reasonable cost and within a reasonable schedule.

SEC. 204. TRANSITIONING EXPERIMENTAL RESEARCH INTO OPERATIONAL SERVICES.

(a) SENSE OF CONGRESS.—It is the sense of the Congress that experimental NASA sensors and missions that have the potential to benefit society if transitioned into operational monitoring systems be transitioned into operational status whenever possible.

(b) INTERAGENCY PROCESS.—The Director of OSTP, in consultation with the Administrator, the Administrator of NOAA, and other relevant stakeholders, shall develop a process to transition, when appropriate, NASA Earth science and space weather missions or sensors into operational status. The process shall include coordination of annual agency budget requests as required to execute the transitions.

(c) RESPONSIBLE AGENCY OFFICIAL.—The Administrator and the Administrator of NOAA shall each designate an agency official who shall have the responsibility for and authority to lead NASA's and NOAA's transition activities and interagency coordination.

(d) PLAN.—For each mission or sensor that is determined to be appropriate for transition under subsection (b), NASA and NOAA shall transmit to Congress a joint plan for conducting the transition. The plan shall include the strategy, milestones, and budget required to execute the transition. The transition plan shall be transmitted to Congress not later than 60 days after the successful completion of the mission or sensor critical design review.

SEC. 205. LANDSAT THERMAL INFRARED DATA CONTINUITY.

(a) PLAN.—In view of the importance of Landsat thermal infrared data for both scientific research and water management applications, the Administrator shall prepare a plan for ensuring the continuity of Landsat thermal infrared data or its equivalent, including allocation of costs and responsibility for the collection and distribution of the data, and a budget plan. As part of the plan, the Administrator shall provide an option for developing a thermal infrared sensor at minimum cost to be flown on the Landsat Data Continuity Mission with minimum delay to the schedule of the Landsat Data Continuity Mission.

(b) DEADLINE.—The plan shall be provided to Congress not later than 60 days after the date of enactment of this Act.

SEC. 206. REAUTHORIZATION OF GLORY MISSION.

(a) REAUTHORIZATION.—Congress reauthorizes NASA to continue with development of the Glory Mission, which will examine how aerosols and solar energy affect the Earth's climate.

(b) BASELINE REPORT.—Pursuant to the National Aeronautics and Space Administration Authorization Act of 2005 (Public Law 109–155), not later than 90 days after the date of enactment of this Act, the Administrator shall transmit a new baseline report consistent with section 103(b)(2) of such Act. The report shall include an analysis of the factors contributing to cost growth and the steps taken to address them.

SEC. 207. PLAN FOR DISPOSITION OF DEEP SPACE CLIMATE OBSERVATORY.

(a) PLAN.—NASA shall develop a plan for the Deep Space Climate Observatory (DSCOVR), including such options as using the parts of the spacecraft in the development and assembly of other science missions, transferring the spacecraft to another agency, reconfiguring the spacecraft for another Earth science mission, establishing a public-private partnership for the mission, and entering into an international cooperative partnership to use the spacecraft for its primary or other purposes. The plan shall include an estimate of budgetary resources and schedules required to implement each of the options.

(b) CONSULTATION.—NASA shall consult, as necessary, with other Federal agencies, industry, academic institutions, and international space agencies in developing the plan.

(c) REPORT.—The Administrator shall transmit the plan required under subsection (a) to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate not later than 180 days after the date of enactment of this Act.

SEC. 208. TORNADOES.

The Administrator shall ensure that NASA gives high priority to those parts of its existing cooperative activities with NOAA that are related to the study of tornadoes, tornado-force winds, and other factors determined to influence the development of tornadoes, with the goal of improving the Nation's ability to predict tornado events. Further, the Administrator shall examine whether there are additional cooperative activities with NOAA that should be undertaken in the area of tornado research.

SEC. 209. SHARING WEATHER RESEARCH.

The Administrator shall work to ensure that NASA's policies on the sharing of climate related data respond to the recommendations of the Government Accountability Office's report on climate change research and data-sharing policies and to the recommendations on the processing, distribution, and archiving of data by the National Academies Earth Science Decadal Survey, Earth Science and Applications from Space, and other relevant National Academies reports, to enhance and facilitate their availability and widest possible use to ensure public access to accurate and current data on global warming.

TITLE III—AERONAUTICS

SEC. 301. ENVIRONMENTALLY FRIENDLY AIRCRAFT RESEARCH AND DEVELOPMENT INITIATIVE.

The Administrator shall establish an initiative involving NASA, universities, industry, and other research organizations as appropriate, of research, development, and demonstration, in a relevant environment, of technologies to enable the following commercial aircraft performance characteristics:

(1) Noise levels on takeoff and on airport approach and landing that do not exceed ambient noise levels in the absence of flight operations in the vicinity of airports from which such commercial aircraft would normally operate, without increasing energy consumption or nitrogen oxide emissions compared to aircraft in commercial service as of the date of enactment of this Act.

(2) Significant reductions in greenhouse gas emissions compared to aircraft in commercial services as of the date of enactment of this Act.

SEC. 302. RESEARCH ALIGNMENT.

In addition to pursuing the research and development initiative described in section 301, the Administrator shall, to the maximum extent practicable within available funding, align the fundamental aeronautics research program to address high priority technology challenges of the National Academies' Decadal Survey of Civil Aeronautics, and shall work to increase the degree of involvement of external organizations, and especially of universities, in the fundamental aeronautics research program.

SEC. 303. RESEARCH PROGRAM TO DETERMINE PERCEIVED IMPACT OF SONIC BOOMS.

(a) IN GENERAL.—The ability to fly commercial aircraft over land at supersonic speeds without adverse impacts on the environment or on local communities would open new markets and enable new transportation capabilities. In order to have the basis for establishing an appropriate sonic boom standard for such flight operations, a research program is needed to assess the impact in a relevant environment of commercial supersonic flight operations.

(b) ESTABLISHMENT.—The Administrator shall establish a cooperative research program with industry, including the conduct of flight demonstrations in a relevant environment, to collect data on the perceived impact of sonic booms that would enable the promulgation of a standard that would have to be met for overland commercial supersonic flight operations.

(c) COORDINATION.—The Administrator shall ensure that sonic boom research is coordinated as appropriate with the Administrator of the Federal Aviation Administration, and as appropriate make use of the expertise of the Partnership for Air Transportation Noise and Emissions Reduction Center of Excellence sponsored by NASA and the Federal Aviation Administration.

SEC. 304. EXTERNAL REVIEW OF NASA'S AVIATION SAFETY-RELATED RESEARCH PROGRAMS.

(a) REVIEW.—The Administrator shall enter into an arrangement with the National Research Council for an independent review of NASA's aviation safety-related research programs. The review shall assess whether—

(1) the programs have well-defined, prioritized, and appropriate research objectives;

(2) the programs are properly coordinated with the safety research programs of the Federal Aviation Administration and other relevant Federal agencies;

(3) the programs have allocated appropriate resources to each of the research objectives; and

(4) suitable mechanisms exist for transitioning the research results from the programs into operational technologies and procedures and certification activities in a timely manner.

(b) REPORT.—Not later than 14 months after the date of enactment of this Act, the Administrator shall submit to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the review.

SEC. 305. INTERAGENCY RESEARCH INITIATIVE ON THE IMPACT OF AVIATION ON THE CLIMATE.

(a) IN GENERAL.—The Administrator of the Federal Aviation Administration, in coordination with NASA and the United States Climate Change Science Program, shall establish a research initiative to assess the impact of aviation on the climate and, if warranted, to evaluate approaches to mitigate that impact.

(b) RESEARCH PLAN.—Not later than one year after the date of enactment of this Act, the participating Federal entities shall jointly develop a plan for the research program that contains the objectives, proposed tasks, milestones, and 5-year budgetary profile.

SEC. 306. RESEARCH ON DESIGN FOR CERTIFICATION.

(a) ESTABLISHMENT OF PROGRAM.—Not later than 6 months after the date of enactment of this Act, the Federal Aviation Administration, in consultation with other agencies as appropriate, shall establish a research program on methods to improve both confidence in and the timeliness of certification of new technologies for their introduction into the national airspace system.

(b) RESEARCH PLAN.—Not later than 1 year after the date of enactment of this Act, as part of the activity described in subsection (a), the Federal Aviation Administration shall develop a plan for the research program that contains the objectives, proposed tasks, milestones, and five-year budgetary profile.

(c) REVIEW.—The Administrator of the Federal Aviation Administration shall have the National Research Council conduct an independent review of the research program plan and provide the results of that review to the Committee on Science and Technology and the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate not later than 18 months after the date of enactment of this Act.

SEC. 307. AVIATION WEATHER RESEARCH.

The Administrator shall establish a program of collaborative research with NOAA on convective weather events, with the goal of significantly improving the reliability of 2-hour to 6-hour aviation weather forecasts.

SEC. 308. JOINT AERONAUTICS RESEARCH AND DEVELOPMENT ADVISORY COMMITTEE.

(a) ESTABLISHMENT.—A joint Aeronautics Research and Development Advisory Committee (in this section referred to as the ''Advisory Committee'') shall be established.

(b) DUTIES.—The Advisory Committee shall—

(1) make recommendations regarding the coordination of research and development activities of NASA and the Federal Aviation Administration;

(2) make recommendations for and monitor development and implementation of processes for transitioning research and development from NASA and the Federal Aviation Administration to external entities for further development as appropriate;

(3) make recommendations regarding the status of the activities of NASA and the Federal Aviation Administration's research and development programs as they relate to the recommendations contained in the National Research Council's 2006 report entitled ''Decadal Survey of Civil Aeronautics'', and the recommendations contained in subsequent National Research Council reports of a similar nature; and

(4) not later than March 15 of each year, transmit a report to the Administrator, the Administrator of the Federal Aviation Administration, the Committee on Science and Technology of the House of Representatives,

and the Committee on Commerce, Science, and Transportation of the Senate on the Advisory Committee's findings and recommendations under paragraphs (1), (2), and (3).

(c) MEMBERSHIP.—The Advisory Committee shall consist of 10 members, none of whom shall be a Federal employee, including—

(1) 5 members selected by the Administrator; and

(2) 5 members selected by the Chair of the Federal Aviation Administration's Research, Engineering, and Development Advisory Committee (REDAC).

(d) SELECTION PROCESS.—Initial selections under subsection (c) shall be made within 3 months after the date of enactment of this Act. Vacancies shall be filled in the same manner as provided in subsection (c).

(e) CHAIRPERSON.—The Advisory Committee shall select a chairperson from among its members.

(f) COORDINATION.—The Advisory Committee shall coordinate with the advisory bodies of other Federal agencies, which may engage in related research activities.

(g) COMPENSATION.—The members of the Advisory Committee shall serve without compensation, but shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(h) MEETINGS.—The Advisory Committee shall convene, in person or by electronic means, at least 4 times per year.

(i) QUORUM.—A majority of the members serving on the Advisory Committee shall constitute a quorum for purposes of conducting the business of the Advisory Committee.

(j) DURATION.—Section 14 of the Federal Advisory Committee Act shall not apply to the Advisory Committee.

SEC. 309. FUNDING FOR RESEARCH AND DEVELOPMENT ACTIVITIES IN SUPPORT OF OTHER MISSION DIRECTORATES.

Research and development activities performed by the Aeronautics Research Mission Directorate with the primary objective of assisting in the development of a flight project in another Mission Directorate shall be funded by the Mission Directorate seeking assistance.

SEC. 310. UNIVERSITY-BASED CENTERS FOR RESEARCH ON AVIATION TRAINING.

Section 427(a) of the National Aeronautics and Space Administration Authorization Act of 2005 (Public Law 109–155) is amended by striking ''may'' and inserting ''shall''.

TITLE IV—INTERNATIONAL EXPLORATION INITIATIVE

SEC. 401. SENSE OF CONGRESS.

It is the sense of Congress that the President of the United States should invite America's friends and allies to participate in a long-term international initiative under the leadership of the United States to expand human and robotic presence into the solar system, including the exploration and utilization of the Moon, near Earth asteroids, Lagrangian points, and eventually Mars and its moons, among other exploration and utilization goals. When appropriate, the United States should lead confidence building measures that advance the long-term initiative for international cooperation.

SEC. 402. STEPPING STONE APPROACH TO EXPLORATION.

In order to maximize the cost-effectiveness of the long-term exploration and utilization activities of the United States, the Administrator shall take all necessary steps to ensure that activities in its lunar exploration program shall be designed and implemented in a manner that gives strong consideration to how those activities might also help meet the requirements of future exploration and utilization activities beyond the Moon. The timetable of the lunar phase of the long-term international exploration initiative shall be determined by the availability of funding and agreement on an international cooperative framework for the conduct of the international exploration initiative. However, once an exploration-related project enters its development phase, the Administrator shall seek, to the maximum extent practicable, to complete that project without undue delays.

SEC. 403. LUNAR OUTPOST.

(a) ESTABLISHMENT.—As NASA works toward the establishment of a lunar outpost, NASA shall make no plans that would require a lunar outpost to be occupied to maintain its viability. Any such outpost shall be operable as a human-tended facility capable of remote or autonomous operation for extended periods.

(b) DESIGNATION.—The United States portion of the first human-tended outpost established on the surface of the Moon shall be designated the ''Neil A. Armstrong Lunar Outpost''.

(c) CONGRESSIONAL INTENT.—It is the intent of Congress that NASA shall make use of commercial services to the maximum extent practicable in support of its lunar outpost activities.

SEC. 404. EXPLORATION TECHNOLOGY DEVELOPMENT.

(a) IN GENERAL.—A robust program of long-term exploration-related technology research and development will be essential for the success and sustainability of any enduring initiative of human and robotic exploration of the solar system.

(b) ESTABLISHMENT.—The Administrator shall establish and maintain a program of long-term exploration-related technology research and development that is not tied to specific flight projects and that has a funding goal of at least 10 percent of the total budget of the Exploration Systems Mission Directorate.

(c) GOALS.—The long-term technology program shall have the goal of having at least 50 percent of the funding allocated to external grants and contracts with universities, research institutions, and industry.

SEC. 405. EXPLORATION RISK MITIGATION PLAN.

(a) PLAN.—The Administrator shall prepare a plan that identifies and prioritizes the human and technical risks that will need to be addressed in carrying out human exploration beyond low Earth orbit and the research and development activities required to address those risks. The plan shall address the role of the International Space Station in exploration risk mitigation and include a detailed description of the specific steps being taken to utilize the International Space Station for that purpose.

(b) REPORT.—The Administrator shall transmit to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate the plan described in subsection (a) not later than one year after the date of enactment of this Act.

SEC. 406. EXPLORATION CREW RESCUE.

In order to maximize the ability to rescue astronauts whose space vehicles have become disabled, the Administrator shall enter into discussions with the appropriate representatives of spacefaring nations who have or plan to have crew transportation systems capable of orbital flight or flight beyond low Earth orbit for the purpose of agreeing on a common docking system standard.

SEC. 407. PARTICIPATORY EXPLORATION.

(a) IN GENERAL.—The Administrator shall develop a technology plan to enable dissemination of information to the public to allow the public to experience missions to the Moon, Mars, or other bodies within our solar system by leveraging advanced exploration technologies. The plan shall identify opportunities to leverage technologies in NASA's Constellation systems that deliver a rich, multi-media experience to the public, and that facilitate participation by the public, the private sector, nongovernmental organizations, and international partners. Technologies for collecting high-definition video, 3-dimensional images, and scientific data, along with the means to rapidly deliver this content through extended high bandwidth communications networks shall be considered as part of this plan. It shall include a review of high bandwidth radio and laser communications, high-definition video, stereo imagery, 3-dimensional scene cameras, and Internet routers in space, from orbit, and on the lunar surface. The plan shall also consider secondary cargo capability for technology validation and science mission opportunities. In addition, the plan shall identify opportunities to develop and demonstrate these technologies on the International Space Station and robotic missions to the Moon, Mars, and other solar system bodies. As part of the technology plan, the Administrator shall examine the feasibility of having NASA enter into contracts with appropriate public, private sector, and international partners to broadcast electronically, including via the Internet, images and multimedia records delivered from its missions in space to the public and shall identify issues associated with such contracts. In any such contracts, NASA would be required to adhere to a transparent bidding process to award contracts, pursuant to United States law.

(b) REPORT.—Not later than 270 days after the date of enactment of this Act, the Administrator shall submit the plan to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

SEC. 408. SCIENCE AND EXPLORATION.

It is the sense of Congress that NASA's scientific and human exploration activities are synergistic, i.e. science enables exploration and human exploration enables science. The Congress encourages the Administrator to coordinate, where practical, NASA's science and exploration activities with the goal of maximizing the success of human exploration initiatives and furthering our understanding of the Universe that we explore.

SEC. 409. CONGRESSIONAL BUDGET OFFICE REPORT UPDATE.

Not later than 6 months after the date of enactment of this Act, the Congressional Budget Office shall update its report from 2004 on the budgetary analysis of NASA's Vision for the Nation's Space Exploration Program, including new estimates for Project Constellation, NASA's new generation of spacecraft designed for human spaceflight that will replace the Space Shuttle program.

TITLE V—SPACE SCIENCE

SEC. 501. TECHNOLOGY DEVELOPMENT.

The Administrator shall establish a cross-Directorate long-term technology development program for space and Earth science within the Science Mission Directorate for the development of new technology. The program shall be independent of the flight projects under development. NASA shall have a goal of funding the cross-Directorate technology development program at a level of 5 percent of the total Science Mission Directorate annual budget. The program shall be structured to include competitively awarded grants and contracts.

SEC. 502. PROVISION FOR FUTURE SERVICING OF OBSERVATORY-CLASS SCIENTIFIC SPACECRAFT.

The Administrator shall take all necessary steps to ensure that provision is made in the

design and construction of all future observatory-class scientific spacecraft intended to be deployed in Earth orbit or at a Lagrangian point in space for robotic or human servicing and repair.

SEC. 503. MARS EXPLORATION.

Congress reaffirms its support for a systematic, integrated program of exploration of the Martian surface to examine the planet whose surface is most like Earth's, to search for evidence of past or present life, and to examine Mars for future habitability and as a long-term goal for future human exploration. To the extent affordable and practical, the program should pursue the goal of launches at every Mars launch opportunity, leading to an eventual robotic sample return.

SEC. 504. IMPORTANCE OF A BALANCED SCIENCE PROGRAM.

It is the sense of Congress that a balanced and adequately funded set of activities, consisting of NASA's research and analysis grants programs, technology development, small, medium-sized, and large space science missions, and suborbital research activities, contributes to a robust and productive science program and serves as a catalyst for innovation. It is further the sense of Congress that suborbital flight activities, including the use of sounding rockets, aircraft, and high-altitude balloons, and suborbital reusable launch vehicles, offer valuable opportunities to advance science, train the next generation of scientists and engineers, and provide opportunities for participants in the programs to acquire skills in systems engineering and systems integration that are critical to maintaining the Nation's leadership in space programs. The Congress believes that it is in the national interest to expand the size of NASA's suborbital research program.

SEC. 505. RESTORATION OF RADIOISOTOPE THERMOELECTRIC GENERATOR MATERIAL PRODUCTION.

(a) PLAN.—The Director of OSTP shall develop a plan for restarting and sustaining the domestic production of radioisotope thermoelectric generator material for deep space and other space science missions.

(b) REPORT.—The plan developed under subsection (a) shall be transmitted to Congress not later than 270 days after the date of enactment of this Act.

SEC. 506. ASSESSMENT OF IMPEDIMENTS TO INTERAGENCY COOPERATION ON SPACE AND EARTH SCIENCE MISSIONS.

(a) ASSESSMENT.—The Administrator shall enter into an arrangement with the National Academies to assess impediments to the successful conduct of interagency cooperation on space and Earth science missions, to provide lessons learned and best practices, and to recommend steps to help facilitate successful interagency collaborations on space and Earth science missions.

(b) REPORT.—The report of the assessment carried out under subsection (a) shall be transmitted to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate not later than 15 months after the date of enactment of this Act.

SEC. 507. ASSESSMENT OF COST GROWTH.

(a) STUDY.—The Administrator shall enter into an arrangement for an independent external assessment to identify the primary causes of cost growth in the large, medium-sized, and small space and Earth science spacecraft mission classes, and make recommendations as to what changes, if any, should be made to contain costs and ensure frequent mission opportunities in NASA's science spacecraft mission programs.

(b) REPORT.—The report of the assessment conducted under subsection (a) shall be submitted to Congress not later than 15 months after the date of enactment of this Act.

SEC. 508. OUTER PLANETS EXPLORATION.

It is the sense of Congress that the outer solar system planets and their satellites can offer important knowledge about the formation and evolution of the solar system, the nature and diversity of these solar system bodies, and the potential for conditions conducive to life beyond Earth. NASA should move forward with plans for an Outer Planets flagship mission to the Europa-Jupiter system or the Titan-Saturn system as soon as practicable within a balanced Planetary Science program.

TITLE VI—SPACE OPERATIONS

Subtitle A—International Space Station

SEC. 601. UTILIZATION.

The Administrator shall take all necessary steps to ensure that the International Space Station remains a viable and productive facility capable of potential United States utilization through at least 2020 and shall take no steps that would preclude its continued operation and utilization by the United States after 2016.

SEC. 602. RESEARCH MANAGEMENT PLAN.

(a) RESEARCH MANAGEMENT PLAN.—The Administrator shall develop a research management plan for the International Space Station. The plan shall include a process for selecting and prioritizing research activities (including fundamental, applied, commercial, and other research) for flight on the International Space Station. This plan shall be used to prioritize resources such as crew time, racks and equipment, and United States access to international research facilities and equipment. The plan shall also identify the organization to be responsible for managing United States research on the International Space Station, including a description of the relationship of the management institution with NASA (e.g., internal NASA office, contract, cooperative agreement, or grant), the estimated length of time for the arrangement, and the budget required to support the management institution. The plan shall be developed in consultation with other Federal agencies, academia, industry, and other relevant stakeholders. The plan shall be transmitted to Congress not later than 12 months after the date of enactment of this Act.

(b) ACCESS TO NATIONAL LABORATORY.—The Administrator shall—

(1) establish a process by which to support International Space Station National Laboratory users in identifying their requirements for transportation of research supplies to and from the International Space Station, and for communicating those requirements to NASA and International Space Station transportation services providers; and

(2) develop an estimate of the transportation requirements needed to support users of the International Space Station National Laboratory and develop a plan for satisfying those requirements by dedicating a portion of volume on NASA supply missions to the International Space Station and missions returning from the International Space Station to Earth.

(c) ASSESSMENT.—The Administrator shall—

(1) identify existing research equipment and racks and support equipment that are manifested for flight;

(2) provide a detailed description of the status of research equipment and facilities that were completed or in development prior to being cancelled, and provide the budget and milestones for completing and preparing the equipment for flight on the International Space Station; and

(3) provide the results of the assessment to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate not later than 18 months after the date of enactment of this Act.

(d) ADVISORY COMMITTEE.—Not later than 1 year after the date of enactment of this Act, the Administrator shall establish an advisory panel under the Federal Advisory Committee Act to monitor the activities and management of the International Space Station National Laboratory.

SEC. 603. CONTINGENCY PLAN FOR CARGO RESUPPLY.

(a) IN GENERAL.—The International Space Station represents a significant investment of national resources, and it is a facility that embodies a cooperative international approach to the exploration and utilization of space. As such, it is important that its continued viability and productivity be ensured, to the maximum extent possible, after the Space Shuttle is retired.

(b) CONTINGENCY PLAN.—The Administrator shall develop a contingency plan and arrangements, including use of International Space Station international partner cargo resupply capabilities, to ensure the continued viability and productivity of the International Space Station in the event that United States commercial cargo resupply services are not available during any extended period after the date that the Space Shuttle is retired. The plan shall be delivered to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate not later than one year after the date of enactment of this Act.

Subtitle B—Space Shuttle

SEC. 611. FLIGHT MANIFEST.

(a) BASELINE MANIFEST.—In addition to the Space Shuttle flights listed as part of the baseline flight manifest as of January 1, 2008, the Utilization flights ULF–4 and ULF–5 shall be considered part of the Space Shuttle baseline flight manifest and shall be flown prior to the retirement of the Space Shuttle.

(b) ADDITIONAL FLIGHT TO DELIVER THE ALPHA MAGNETIC SPECTROMETER TO THE INTERNATIONAL SPACE STATION.—In addition to the flying of the baseline manifest as described in subsection (a), the Administrator shall take all necessary steps to fly one additional Space Shuttle flight to deliver the Alpha Magnetic Spectrometer to the International Space Station prior to the retirement of the Space Shuttle.

(c) SPACE SHUTTLE RETIREMENT DATE.—The Space Shuttle shall be retired following the completion of the baseline flight manifest and the flight of the additional flight specified in subsection (b), events that are anticipated to occur in 2010.

SEC. 612. DISPOSITION OF SHUTTLE-RELATED ASSETS.

Not later than 90 days after the date of enactment of this Act, the Administrator shall provide a plan to Congress for the disposition of the remaining Space Shuttle orbiters and other Space Shuttle program-related hardware and facilities after the retirement of the Space Shuttle fleet. The plan shall include a process by which educational institutions and science museums and other appropriate organizations may acquire, through loan or disposal by the Federal Government, Space Shuttle program-related hardware. The Administrator shall not dispose of any Space Shuttle-related hardware prior to the completion of the plan.

SEC. 613. SPACE SHUTTLE TRANSITION LIAISON OFFICE.

(a) ESTABLISHMENT.—The Administrator shall establish an office within NASA's Office of Human Capital Management that shall assist local communities affected by

the termination of the Space Shuttle program. The office shall offer technical assistance and serve as a clearinghouse to assist communities in identifying services available from other Federal agencies.

(b) SUNSET.—The Office established under subsection (a) shall cease operations 24 months after the last Space Shuttle flight.

Subtitle C—Launch Services

SEC. 621. LAUNCH SERVICES STRATEGY.

(a) IN GENERAL.—In preparation for the award of contracts to follow up on the current NASA Launch Services (NLS) contracts, the Administrator shall develop a strategy for providing domestic commercial launch services in support of NASA's small and medium-sized Science, Space Operations, and Exploration missions, consistent with current law and policy.

(b) REPORT.—The Administrator shall transmit a report to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate describing the strategy developed under subsection (a) not later than 90 days after the date of enactment of this Act. The report shall provide, at a minimum—

(1) the results of the Request for Information on small to medium-sized launch services released on April 22, 2008;

(2) an analysis of possible alternatives to maintain small and medium-sized lift capabilities after June 30, 2010, including the use of the Department of Defense's Evolved Expendable Launch Vehicle (EELV);

(3) the recommended alternatives, and associated 5-year budget plans starting in October 2010 that would enable their implementation; and

(4) a contingency plan in the event the recommended alternatives described in paragraph (3) are not available when needed.

TITLE VII—EDUCATION

SEC. 701. RESPONSE TO REVIEW.

(a) PLAN.—The Administrator shall prepare a plan identifying actions taken or planned in response to the recommendations of the National Academies report, ''NASA's Elementary and Secondary Education Program: Review and Critique''. For those actions that have not been implemented, the plan shall include a schedule and budget required to support the actions.

(b) REPORT.—The plan prepared under subsection (a) shall be transmitted to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate not later than 1 year after the date of enactment of this Act.

SEC. 702. EXTERNAL REVIEW OF EXPLORER SCHOOLS PROGRAM.

(a) REVIEW.—The Administrator shall make arrangements for an independent external review of the Explorer Schools program to evaluate its goals, status, plans, and accomplishments.

(b) REPORT.—The report of the independent external review shall be transmitted to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate not later than 1 year after the date of enactment of this Act.

SEC. 703. SENSE OF CONGRESS.

It is the sense of Congress that NASA's educational programs are important sources of inspiration and hands-on learning for the next generation of engineers and scientists and should be supported. In that regard, programs such as EarthKAM, which brings NASA directly into American classrooms by enabling students to talk directly with Astronauts aboard International Space Station and take photographs of Earth from space, and NASA involvement in robotics competitions for students of all levels, are particularly worthy undertakings and NASA should support them and look for additional opportunities to engage students through NASA's space and aeronautics activities.

TITLE VIII—NEAR-EARTH OBJECTS

SEC. 801. IN GENERAL.

The Congress reaffirms the policy direction established in the National Aeronautics and Space Administration Authorization Act of 2005 (Public Law 109–155) for NASA to detect, track, catalogue, and characterize the physical characteristics of near-Earth objects equal to or greater than 140 meters in diameter. NASA's Near-Earth Object program activities will also provide benefits to NASA's scientific and exploration activities.

SEC. 802. FINDINGS.

Congress makes the following findings:

(1) Near-Earth objects pose a serious and credible threat to humankind, as many scientists believe that a major asteroid or comet was responsible for the mass extinction of the majority of the Earth's species, including the dinosaurs, nearly 65,000,000 years ago.

(2) Several such near-Earth objects have only been discovered within days of the objects' closest approach to Earth and recent discoveries of such large objects indicate that many large near-Earth objects remain undiscovered.

(3) Asteroid and comet collisions rank as one of the most costly natural disasters that can occur.

(4) The time needed to eliminate or mitigate the threat of a collision of a potentially hazardous near-Earth object with Earth is measured in decades.

(5) Unlike earthquakes and hurricanes, asteroids and comets can provide adequate collision information, enabling the United States to include both asteroid-collision and comet-collision disaster recovery and disaster avoidance in its public-safety structure.

(6) Basic information is needed for technical and policy decisionmaking for the United States to create a comprehensive program in order to be ready to eliminate and mitigate the serious and credible threats to humankind posed by potentially hazardous near-Earth asteroids and comets.

(7) As a first step to eliminate and to mitigate the risk of such collisions, situation and decision analysis processes, as well as procedures and system resources, must be in place well before a collision threat becomes known.

SEC. 803. REQUESTS FOR INFORMATION.

The Administrator shall issue requests for information on—

(1) a low-cost space mission with the purpose of rendezvousing with, attaching a tracking device, and characterizing the Apophis asteroid, which scientists estimate will in 2029 pass at a distance from Earth that is closer than geostationary satellites; and

(2) a medium-sized space mission with the purpose of detecting near-Earth objects equal to or greater than 140 meters in diameter.

SEC. 804. ESTABLISHMENT OF POLICY.

Not later than 2 years after the date of enactment of this Act, the Director of OSTP shall—

(1) develop a policy for notifying Federal agencies and relevant emergency response institutions of an impending near-Earth object threat, if near term public safety is at stake; and

(2) recommend a Federal agency or agencies to be responsible for protecting the Nation from a near-Earth object that is anticipated to collide with Earth and implementing a deflection campaign, in consultation with international bodies, should one be required.

SEC. 805. PLANETARY RADAR CAPABILITY.

The Administrator shall maintain a planetary radar that is, at minimum, comparable to the capability provided through the NASA Deep Space Network Goldstone facility.

SEC. 806. ARECIBO OBSERVATORY.

Congress reiterates its support for the use of the Arecibo Observatory for NASA-funded near-Earth object-related activities. The Administrator shall ensure the availability of the Arecibo Observatory's planetary radar to support these activities until the National Academies' review of NASA's approach for the survey and deflection of near-Earth objects, including a determination of the role of Arecibo, that was directed to be undertaken by the Fiscal Year 2008 Omnibus Appropriations Act, is completed.

SEC. 807. INTERNATIONAL RESOURCES.

It is the sense of Congress that, since an estimated 25,000 asteroids of concern have yet to be discovered and monitored, the United States should seek to obtain commitments for cooperation from other nations with significant resources for contributing to a thorough and timely search for such objects and an identification of their characteristics.

TITLE IX—COMMERCIAL INITIATIVES

SEC. 901. SENSE OF CONGRESS.

It is the sense of Congress that a healthy and robust commercial sector can make significant contributions to the successful conduct of NASA's space exploration program. While some activities are inherently governmental in nature, there are many other activities, such as routine supply of water, fuel, and other consumables to low Earth orbit or to destinations beyond low Earth orbit, and provision of power or communications services to lunar outposts, that potentially could be carried out effectively and efficiently by the commercial sector at some point in the future. Congress encourages NASA to look for such service opportunities and, to the maximum extent practicable, make use of the commercial sector to provide those services. It is further the sense of Congress that United States entrepreneurial space companies have the potential to develop and deliver innovative technology solutions at affordable costs. NASA is encouraged to use United States entrepreneurial space companies to conduct appropriate research and development activities. NASA is further encouraged to seek ways to ensure that firms that rely on fixed-price proposals are not disadvantaged when NASA seeks to procure technology development.

SEC. 902. COMMERCIAL CREW INITIATIVE.

(a) IN GENERAL.—In order to stimulate commercial use of space, help maximize the utility and productivity of the International Space Station, and enable a commercial means of providing crew transfer and crew rescue services for the International Space Station, NASA shall—

(1) make use of United States commercially provided International Space Station crew transfer and crew rescue services to the maximum extent practicable, if those commercial services have demonstrated the capability to meet NASA-specified ascent, entry, and International Space Station proximity operations safety requirements;

(2) limit, to the maximum extent practicable, the use of the Crew Exploration Vehicle to missions carrying astronauts beyond low Earth orbit once commercial crew transfer and crew rescue services that meet safety requirements become operational;

(3) facilitate, to the maximum extent practicable, the transfer of NASA-developed technologies to potential United States commercial crew transfer and rescue service providers, consistent with United States law; and

(4) issue a notice of intent, not later than 180 days after the date of enactment of this Act, to enter into a funded, competitively awarded Space Act Agreement with two or more commercial entities for a Phase 1 Commercial Orbital Transportation Services (COTS) crewed vehicle demonstration program.

(b) COTS CREWED VEHICLE DEMONSTRATION PROGRAM AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to NASA for the program described in subsection (a)(4) $50,000,000 for fiscal year 2009, to remain available until expended.

(c) CONGRESSIONAL INTENT.—It is the intent of Congress that funding for the program described in subsection (a)(4) shall not come at the expense of full funding of the amounts authorized under section 101(a)(3), and for future fiscal years, for Orion Crew Exploration Vehicle development, Ares I Crew Launch Vehicle development, or International Space Station cargo delivery.

(d) ADDITIONAL TECHNOLOGIES AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to NASA for the provision of International Space Station-compatible docking adaptors and other relevant technologies to be made available to the commercial crew providers selected to service the International Space Station $50,000,000, to remain available until expended.

(e) CREW TRANSFER AND CREW RESCUE SERVICES CONTRACT.—If a commercial provider demonstrates the capability to provide International Space Station crew transfer and crew rescue services and to satisfy NASA ascent, entry, and International Space Station proximity operations safety requirements, NASA shall enter into an International Space Station crew transfer and crew rescue services contract with that commercial provider for a portion of NASA's anticipated International Space Station crew transfer and crew rescue requirements from the time the commercial provider commences operations under contract with NASA through calendar year 2016, with an option to extend the period of performance through calendar year 2020.

TITLE X—REVITALIZATION OF NASA INSTITUTIONAL CAPABILITIES

SEC. 1001. REVIEW OF INFORMATION SECURITY CONTROLS.

(a) REPORT ON CONTROLS.—Not later than one year after the date of enactment of this Act, the Comptroller General shall transmit to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a review of information security controls that protect NASA's information technology resources and information from inadvertent or deliberate misuse, fraudulent use, disclosure, modification, or destruction. The review shall focus on networks servicing NASA's mission directorates. In assessing these controls, the review shall evaluate—

(1) the network's ability to limit, detect, and monitor access to resources and information, thereby safeguarding and protecting them from unauthorized access;

(2) the physical access to network resources; and

(3) the extent to which sensitive research and mission data is encrypted.

(b) RESTRICTED REPORT ON INTRUSIONS.—Not later than one year after the date of enactment of this Act, and in conjunction with the report described in subsection (a), the Comptroller General shall transmit to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a restricted report detailing results of vulnerability assessments conducted by the Government Accountability Office on NASA's network resources. Intrusion attempts during such vulnerability assessments shall be divulged to NASA senior management prior to their application. The report shall put vulnerability assessment results in the context of unauthorized accesses or attempts during the prior two years and the corrective actions, recent or ongoing, that NASA has implemented in conjunction with other Federal authorities to prevent such intrusions.

SEC. 1002. MAINTENANCE AND UPGRADE OF CENTER FACILITIES.

(a) IN GENERAL.—In order to sustain healthy Centers that are capable of carrying out NASA's missions, the Administrator shall ensure that adequate maintenance and upgrading of those Center facilities is performed on a regular basis.

(b) REVIEW.—The Administrator shall determine and prioritize the maintenance and upgrade backlog at each of NASA's Centers and associated facilities, and shall develop a strategy and budget plan to reduce that maintenance and upgrade backlog by 50 percent over the next five years.

(c) REPORT.—The Administrator shall deliver a report to Congress on the results of the activities undertaken in subsection (b) concurrently with the delivery of the fiscal year 2011 budget request.

SEC. 1003. ASSESSMENT OF NASA LABORATORY CAPABILITIES.

(a) IN GENERAL.—NASA's laboratories are a critical component of NASA's research capabilities, and the Administrator shall ensure that those laboratories remain productive.

(b) REVIEW.—The Administrator shall enter into an arrangement for an independent external review of NASA's laboratories, including laboratory equipment, facilities, and support services, to determine whether they are equipped and maintained at a level adequate to support NASA's research activities. The assessment shall also include an assessment of the relative quality of NASA's in-house laboratory equipment and facilities compared to comparable laboratories elsewhere. The results of the review shall be provided to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate not later than 18 months after the date of enactment of this Act.

TITLE XI—OTHER PROVISIONS

SEC. 1101. SPACE WEATHER.

(a) PLAN FOR REPLACEMENT OF ADVANCED COMPOSITION EXPLORER AT L–1 LAGRANGIAN POINT.—

(1) PLAN.—The Director of OSTP shall develop a plan for sustaining space-based measurements of solar wind from the L–1 Lagrangian point in space and for the dissemination of the data for operational purposes. OSTP shall consult with NASA, NOAA, and other Federal agencies, and with industry, in developing the plan.

(2) REPORT.—The Director shall transmit the plan to Congress not later than 1 year after the date of enactment of this Act.

(b) RESEARCH PROGRAM ON SPACE WEATHER AND AVIATION.—

(1) ESTABLISHMENT.—The Administrator shall, in coordination with the National Science Foundation, NOAA, and other relevant agencies, initiate a research program to—

(A) conduct or supervise research projects on impacts of space weather to aviation, including impacts on communication, navigation, avionic systems, and airline passengers and personnel; and

(B) facilitate the transfer of technology from space weather research programs to Federal agencies with operational responsibilities and to the private sector.

(2) USE OF GRANTS OR COOPERATIVE AGREEMENTS.—The Administrator may use grants or cooperative agreements in carrying out this subsection.

(c) ASSESSMENT OF THE IMPACT OF SPACE WEATHER ON AVIATION.—

(1) STUDY.—The Administrator shall enter into an arrangement with the National Research Council for a study of the impacts of space weather on the current and future United States aviation industry, and in particular to examine the risks for Over-The-Pole (OTP) and Ultra-Long-Range (ULR) operations. The study shall—

(A) examine space weather impacts on at least communications, navigation, avionics, and human health in flight;

(B) assess the benefits of space weather information and services to reduce aviation costs and maintain safety;

(C) provide recommendations on how NASA, NOAA, and the National Science Foundation can most effectively carry out research and monitoring activities related to space weather and aviation; and

(D) provide recommendations on how to integrate space weather information into the Next Generation Air Transportation System.

(2) REPORT.—A report containing the results of the study shall be provided to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate not later than 1 year after the date of enactment of this Act.

SEC. 1102. SPACE TRAFFIC MANAGEMENT.

(a) IN GENERAL.—As more nations acquire the capabilities for launching payloads into outer space, there is an increasing need for a framework under which information intended to promote safe access into outer space, operations in outer space, and return from outer space to Earth free from physical or radio-frequency interference can be shared among those nations.

(b) DISCUSSIONS.—The Administrator, in consultation with other appropriate agencies of the Federal Government, shall initiate discussions with the appropriate representatives of other spacefaring nations with the goal of determining an appropriate framework under which information intended to promote safe access into outer space, operations in outer space, and return from outer space to Earth free from physical or radio-frequency interference can be shared among those nations.

SEC. 1103. STUDY OF EXPORT CONTROL POLICIES RELATED TO CIVIL AND COMMERCIAL SPACE ACTIVITIES.

(a) REVIEW.—The Director of OSTP shall carry out a study of the impact of current export control policies and implementation directives on the United States aerospace industry and its competitiveness in global markets, and on the ability of United States Government agencies to carry out cooperative activities in science and technology and human space flight, including the impact on research carried out under the sponsorship of those agencies.

(b) CONSULTATION.—In carrying out the study, the Director shall seek input from industry, academia, representatives of the science community, all affected United States Government agencies, and any other appropriate organizations and individuals.

(c) REPORT.—The Director shall provide a report detailing the findings and recommendations of the study to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate not later than 9 months after the date of enactment of this Act.

SEC. 1104. ASTRONAUT HEALTH CARE.

(a) SURVEY.—The Administrator shall administer an anonymous survey of astronauts

and flight surgeons to evaluate communication, relationships, and the effectiveness of policies. The survey questions and the analysis of results shall be evaluated by experts independent of NASA. The survey shall be administered on at least a biennial basis.

(b) REPORT.—The Administrator shall transmit a report of the results of the survey to Congress not later than 90 days following completion of the survey.

SEC. 1105. NATIONAL ACADEMIES DECADAL SURVEYS.

(a) IN GENERAL.—The Administrator shall enter into agreements on a periodic basis with the National Academies for independent assessments, also known as decadal surveys, to take stock of the status and opportunities for Earth and space science discipline fields and Aeronautics research and to recommend priorities for research and programmatic areas over the next decade.

(b) INDEPENDENT COST ESTIMATES.—The agreements described in subsection(a) shall include independent estimates of the life cycle costs and technical readiness of missions assessed in the decadal surveys whenever possible.

(c) REEXAMINATION.—The Administrator shall request that each National Academies decadal survey committee identify any conditions or events, such as significant cost growth or scientific or technological advances, that would warrant NASA asking the National Academies to reexamine the priorities that the decadal survey had established.

SEC. 1106. INNOVATION PRIZES.

(a) IN GENERAL.—Prizes can play a useful role in encouraging innovation in the development of technologies and products that can assist NASA in its aeronautics and space activities, and the use of such prizes by NASA should be encouraged.

(b) AMENDMENTS.—Section 314 of the National Aeronautics and Space Act of 1958 is amended—

(1) by amending subsection (b) to read as follows:

''(b) TOPICS.—In selecting topics for prize competitions, the Administrator shall consult widely both within and outside the Federal Government, and may empanel advisory committees. The Administrator shall give consideration to prize goals such as the demonstration of the ability to provide energy to the lunar surface from space-based solar power systems, demonstration of innovative near-Earth object survey and deflection strategies, and innovative approaches to improving the safety and efficiency of aviation systems.''; and

(2) in subsection (i)(4) by striking ''$10,000,000'' and inserting ''$50,000,000''.

SEC. 1107. COMMERCIAL SPACE LAUNCH RANGE STUDY.

(a) STUDY BY INTERAGENCY COMMITTEE.—The Director of OSTP shall work with other appropriate Federal agencies to establish an interagency committee to conduct a study to—

(1) identify the issues and challenges associated with establishing a space launch range and facilities that are fully dedicated to commercial space missions in close proximity to Federal launch ranges or other Federal facilities; and

(2) develop a coordinating mechanism such that States seeking to establish such commercial space launch ranges will be able to effectively and efficiently interface with the Federal Government concerning issues related to the establishment of such commercial launch ranges in close proximity to Federal launch ranges or other Federal facilities.

(b) REPORT.—The Director shall, not later than May 31, 2010, submit to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study conducted under subsection (a).

SEC. 1108. NASA OUTREACH AND TECHNOLOGY ASSISTANCE PROGRAM.

(a) ESTABLISHMENT.—NASA shall contract with an organization that has demonstrated the ability to partner with NASA centers, aerospace contractors, and academic institutions to carry out a program to transfer the knowledge and technology of the space and aeronautics programs to small, minority-owned, and women-owned businesses in communities across the United States. The program shall support the mission of NASA's Innovative Partnerships Program to provide technical assistance through joint partnerships with industry, academia, government agencies, and national laboratories.

(b) PROGRAM STRUCTURE.—In carrying out the program described in subsection (a), the organization shall support the mission of NASA's Innovative Partnerships Program by undertaking the following activities:

(1) Facilitating technology transfer to the private sector to produce viable commercial products.

(2) Creating a network of academic institutions, aerospace contractors, and NASA centers that will commit to donating technical assistance to small businesses, giving preference to socially and economically disadvantaged small business concerns, small business concerns owned and controlled by service-disabled veterans, and HUBZone small business concerns. This paragraph shall not apply to any contracting actions entered into or taken by the Agency.

(3) Creating a network of economic development organizations to increase the awareness and enhance the effectiveness of the program nationwide.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Administrator shall submit a report to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate describing the efforts and accomplishments of the program established under subsection (a) in support of NASA's Innovative Partnerships Program. As part of the report, the Administrator shall provide—

(1) data on the number of small businesses receiving assistance, jobs created and retained, and volunteer hours donated by NASA, contractors, and academic institutions nationwide;

(2) an estimate of the total dollar value of the economic impact made by small businesses that received technical assistance through the program; and

(3) an accounting of the use of funds appropriated for the program.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to NASA for the program established under subsection (a), $4,000,000 for fiscal year 2009 from the funding available for the Innovative Partnerships Program, to remain available until expended.

SEC. 1109. REDUCTION-IN-FORCE MORATORIUM.

NASA shall not initiate or implement a reduction-in-force, or conduct any other involuntary separations of permanent, non-Senior Executive Service, civil servant employees except for cause on charges of misconduct, delinquency, or inefficiency prior to December 31, 2010.

SEC. 1110. LIMIT ON THE USE OF TERM POSITIONS.

NASA shall limit the percentage of employees in term positions, excluding students and cooperatives, within NASA to less than or equal to ten percent of the total number of non-Senior Executive Service, civil servant employees in fiscal year 2009.

SEC. 1111. TEMPORARY CONTINUATION OF COVERAGE OF HEALTH BENEFITS.

(a) Section 8905a(d) of title 5, United States Code, is amended by adding at the end the following new paragraph:

''(6)(A) If the basis for continued coverage under this section is, as a result of the termination of the Space Shuttle Program, an involuntary separation from a position due to a reduction-in-force or declination of a directed reassignment or transfer of function, or a voluntary separation from a surplus position in the National Aeronautics and Space Administration—

''(i) the individual shall be liable for not more than the employee contributions referred to in paragraph (1)(A)(i); and

''(ii) the National Aeronautics and Space Administration shall pay the remaining portion of the amount required under paragraph (1)(A).

''(B) This paragraph shall only apply with respect to individuals whose continued coverage is based on a separation occurring on or after the date of enactment of this paragraph and before December 31, 2010.

''(C) For purposes of this paragraph, ''surplus position'' means a position which is—

''(i) identified in pre-reduction-in-force planning as no longer required, and which is expected to be eliminated under formal reduction-in-force procedures as a result of the termination of the Space Shuttle Program; or

''(ii) encumbered by an employee who has received official certification from the National Aeronautics and Space Administration consistent with the Administration's career transition assistance program regulations that the position is being abolished as a result of the termination of the Space Shuttle Program.''.

(b) Paragraph (1)(A) of such subsection (d) is amended by striking ''(4) and (5)'' and inserting ''(4), (5), and (6)''.

SEC. 1112. SENSE OF CONGRESS.

It is the sense of Congress that NASA should not dilute, distort, suppress, or impede scientific research or the dissemination thereof.

SEC. 1113. SENSE OF CONGRESS REGARDING THE NEED FOR A ROBUST WORKFORCE.

It is the sense of Congress that—

(1) a robust and highly skilled workforce is critical to the success of NASA's programs;

(2) voluntary attrition, the retirement of many senior workers, and difficulties in recruiting could leave NASA without access to the intellectual capital necessary to compete with its global competitors; and

(3) NASA should work cooperatively with other agencies of the United States Government responsible for programs related to space and the aerospace industry to develop and implement policies, including those with an emphasis on improving science, technology, engineering, and mathematics education at all levels, to sustain and expand the diverse workforce available to NASA.

SEC. 1114. EXCEPTION TO ALTERNATIVE FUEL PROCUREMENT REQUIREMENT.

Section 526(a) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17142(a)) does not prohibit NASA from entering into a contract to purchase a generally available fuel that is not an alternative or synthetic fuel or predominantly produced from a nonconventional petroleum source, if—

(1) the contract does not specifically require the contractor to provide an alternative or synthetic fuel or fuel from a nonconventional petroleum source;

(2) the purpose of the contract is not to obtain an alternative or synthetic fuel or fuel from a nonconventional petroleum source; and

(3) the contract does not provide incentives for a refinery upgrade or expansion to allow

a refinery to use or increase its use of fuel from a nonconventional petroleum source.

SEC. 1115. CHRISTA MCAULIFFE SCHOLARSHIP PROGRAM FOR FIELDS RELATED TO THE MISSION OF NASA.

The Administrator shall establish a scholarship program in honor of Christa McAuliffe, who died in the 1986 Challenger Space Shuttle Disaster. The scholarship fund would provide scholarships each year of $10,000 each to three women who are going to college to study in fields related to the mission of NASA, with the goal of seeking careers in space science, aeronautics, and other fields related to NASA.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

Mr. GINGREY moved to recommit the bill to the Committee on Science and Technology with instructions to report the bill back to the House promptly with the following amendment:

In section 1106(a), insert ``, and the United States,'' after ``can assist NASA''.

In section 1106(b)(1), amend the proposed subsection (b) to read as follows:

``(b) TOPICS.—(1) In selecting topics for prize competitions, the Administrator shall consult widely both within and outside the Federal Government, and may empanel advisory committees. The Administrator shall give consideration to prize goals such as the demonstration of the ability to provide energy to the lunar surface from space-based solar power systems, demonstration of innovative near-Earth object survey and deflection strategies, and innovative approaches to improving the safety and efficiency of aviation systems.

``(2) At least one of the prize competitions awarded under this section shall focus on lowering the cost of aviation fuel, and shall give consideration to technologies aimed at converting coal, oil shale, tar sands, and biomass to liquid fuel for aviation uses.''

In title XI, strike the section (added by the amendment offered by Mr. Lampson of Texas) regarding section 526 of the Energy Independence and Security Act of 2007, and insert the following new section (and amend the table of contents accordingly):

SEC. 1109. FUEL USE.

The Administrator of NASA (or his designee) may waive the prohibition contained in section 526 of the Energy Independence and Security Act of 2007 (P.L. 110–140) if such a waiver is deemed necessary by the Administrator, in his sole discretion, to further the mission and objectives of NASA.

After debate,

By unanimous consent, the previous question was ordered on the motion to recommit with instructions.

The question being put, viva voce,

Will the House recommit said bill with instructions?

The SPEAKER pro tempore, Mr. WEINER, announced that the nays had it.

Mr. GINGREY demanded a recorded vote on agreeing to said motion, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the negative ..... { Yeas ..... 196 / Nays 225

¶74.29 [Roll No. 420]

AYES—196

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

NOES—225

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

NOT VOTING—12

Cantor	Jackson-Lee (TX)	Pickering
Gilchrest	McMorris Rodgers	Poe
Harman	Meeks (NY)	Rangel
Hulshof		Rush
		Stark

So the motion to recommit with instructions was not agreed to.

The question being put, viva voce,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. WEINER, announced that the yeas had it.

Mr. GORDON of Tennessee, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 409 / Nays 15

¶74.30 [Roll No. 421]

YEAS—409

Abercrombie	Bartlett (MD)	Bono Mack
Ackerman	Barton (TX)	Boozman
Aderholt	Bean	Boren
Akin	Becerra	Boswell
Alexander	Berkley	Boucher
Allen	Berry	Boustany
Altmire	Biggert	Boyd (FL)
Andrews	Bilbray	Boyda (KS)
Arcuri	Bilirakis	Brady (PA)
Baca	Bishop (GA)	Brady (TX)
Bachmann	Bishop (NY)	Braley (IA)
Bachus	Bishop (UT)	Brown (SC)
Baird	Blackburn	Brown, Corrine
Baldwin	Blumenauer	Brown-Waite, Ginny
Barrett (SC)	Boehner	Buchanan
Barrow	Bonner	

Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Cazayoux
Chabot
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Forbes
Fortenberry
Fossella
Foster
Foxx
Frank (MA)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Musgrave
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Pickering
Pitts
Platts
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Scalise
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Speier
Spratt
Stearns
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NAYS—15

Blunt
Broun (GA)
Cubin
Duncan
Flake
Franks (AZ)
Hoekstra
LoBiondo
McHenry
Myrick
Paul
Petri
Ryan (WI)
Sensenbrenner
Tancredo

NOT VOTING—9

Berman
Gilchrest
Harman
Hulshof
Meeks (NY)
Murtha
Poe
Rush
Stark

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶74.31 H. RES. 1002—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. WEINER, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 1002) expressing support for designation of April 2008, as ''Public Radio Recognition Month''; as amended.

The question being put,

Will the House suspend the rules and agree to said resolution, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 414 Nays 0

¶74.32 [Roll No. 422]

YEAS—414

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carson
Carter
Castle
Castor
Cazayoux
Chabot
Chandler
Childers
Clarke
Clay
Cleaver
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Fortenberry
Fossella
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Scalise
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Speier
Spratt
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)

Upton	Waters	Wilson (NM)
Van Hollen	Watson	Wilson (OH)
Velázquez	Watt	Wilson (SC)
Visclosky	Waxman	Wittman (VA)
Walberg	Weiner	Wolf
Walden (OR)	Welch (VT)	Woolsey
Walsh (NY)	Weldon (FL)	Wu
Walz (MN)	Weller	Yarmuth
Wamp	Westmoreland	Young (AK)
Wasserman Schultz	Wexler	Young (FL)
	Whitfield (KY)	

NOT VOTING—19

Brown-Waite, Ginny	Harman	Murtha
Carney	Hulshof	Pence
Clyburn	Hunter	Poe
Cohen	Kagen	Regula
Ellison	Marshall	Rush
Gilchrest	McKeon	Stark
	Meeks (NY)	

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

By unanimous consent, the title was amended so as to read: ''A resolution expressing support for the designation of a 'Public Radio Recognition Month'.''.

A motion to reconsider the votes whereby the rules were suspended and said resolution, as amended, was agreed to and the title was amended was, by unanimous consent, laid on the table.

¶74.33 CLERK TO CORRECT ENGROSSMENT—H.R. 6063

On motion of Mr. GORDON of Tennessee, by unanimous consent,

Ordered, That in the engrossment of the bill (H.R. 6063) to authorize programs of the National Aeronautics and Space Administration, and for other purposes, the Clerk be authorized to correct section numbers, punctuation, cross-references, and make such other technical and conforming changes as may be necessary to accurately reflect the actions of the House.

¶74.34 WAIVING A REQUIREMENT OF CLAUSE 6(A) OF RULE XIII

Ms. SLAUGHTER, by direction of the Committee on Rules, reported (Rept. No. 110–719) the resolution (H. Res. 1281) waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules.

When said resolution and report were referred to the House Calendar and ordered printed.

¶74.35 FURTHER MESSAGE FROM THE PRESIDENT

A further message in writing from the President of the United States was communicated to the House by Ms. Wanda Evans, one of his secretaries.

¶74.36 ORDER OF BUSINESS—SUSPENSIONS

On motion of Ms. WOOLSEY, by unanimous consent,

Ordered, That the ordering of the yeas and nays be vacated on the resolution (H. Res. 1247) supporting the goals and ideals of ''American Eagle Day'', celebrating the recovery and restoration of the American bald eagle, the national symbol of the United States; as amended, and the concurrent resolution (H. Con. Res. 350) expressing the sense of the Congress of the United States, that through the International Whaling Commission, should use all appropriate measures to end commercial whaling in all its forms, including scientific and other special permit whaling, coastal whaling, and community-based whaling, and seek to strengthen the conservation and management measures to facilitate the conservation of whale species, and for other purposes, to the end that the Chair put the questions de novo.

¶74.37 H. RES. 1199—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. KLEIN of Florida, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 1199) commending the Orange County Water District and its employees for their sound financial management and innovative groundwater management, water quality, water efficiency, and environment programs, on its 75th anniversary.

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. KLEIN of Florida, announced that two-thirds of those present had voted in the affirmative.

Mr. BURTON of Indiana, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. KLEIN of Florida, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶74.38 ORDER OF BUSINESS—SUSPENSIONS

On motion of Ms. GIFFORDS, by unanimous consent,

Ordered, That the ordering of the yeas and nays be vacated on the resolution (H. Res. 1199) commending the Orange County Water District and its employees for their sound financial management and innovative groundwater management, water quality, water efficiency, and environmental programs, on its 75th anniversary, to the end that the Chair put the questions de novo.

¶74.39 H. RES. 1199—UNFINISHED BUSINESS

The SPEAKER pro tempore, Ms. CASTOR, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 1199) commending the Orange County Water District and its employees for their sound financial management and innovative groundwater management, water quality, water efficiency, and environmental programs, on its 75th anniversary.

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Ms. CASTOR, announced that two-thirds of those present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶74.40 H. RES. 1219—UNFINISHED BUSINESS

The SPEAKER pro tempore, Ms. CASTOR, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 1219) celebrating the symbol of the United States flag and supporting the goals and ideals of Flag Day.

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Ms. CASTOR, announced that two-thirds of those present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶74.41 H.R. 6150—UNFINISHED BUSINESS

The SPEAKER pro tempore, Ms. CASTOR, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 6150) to designate the facility of the United States Postal Service located at 14500 Lorain Avenue in Cleveland, Ohio, as the ''John P. Gallagher Post Office Building''.

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Ms. CASTOR, announced that two-thirds of those present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶74.42 H.R. 6085—UNFINISHED BUSINESS

The SPEAKER pro tempore, Ms. CASTOR, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 6085) to designate the facility of the United States Postal Service located at 42222 Rancho Las Palmas Drive in Rancho Mirage, California, as the ''Gerald R. Ford Post Office Building''.

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Ms. CASTOR, announced that two-thirds of those present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶74.43 H. RES. 1237—UNFINISHED BUSINESS

The SPEAKER pro tempore, Ms. CASTOR, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 1237) recognizing the historical significance of Juneteenth Independence Day, and expressing the sense of the House of Representatives that history should be regarded as a means for understanding the past and more effectively facing the challenges of the future.

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Ms. CASTOR, announced that two-thirds of those present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶74.44 H. RES. 1247—UNFINISHED BUSINESS

The SPEAKER pro tempore, Ms. CASTOR, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 1247) supporting the goals and ideals of ''American Eagle Day'', celebrating the recovery and restoration of the American bald eagle, the national symbol of the United States; as amended.

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Ms. CASTOR, announced that two-thirds of those present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

¶74.45 H. CON. RES. 350—UNFINISHED BUSINESS

The SPEAKER pro tempore, Ms. CASTOR, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the concurrent resolution (H. Con. Res. 350) expressing the sense of the Congress of the United States, that through the International Whaling Commission, should use all appropriate measures to end commercial whaling in all its forms, including scientific and other special permit whaling, coastal whaling, and community-based whaling, and seek to strengthen the conservation and management measures to facilitate the conservation of whale species, and for other purposes.

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution?

The SPEAKER pro tempore, Ms. CASTOR, announced that two-thirds of those present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said concurrent resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said concurrent resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶74.46 MESSAGE FROM THE PRESIDENT—NATIONAL EMERGENCY WITH RESPECT TO NUCLEAR PROLIFERATION

The SPEAKER pro tempore, Ms. CASTOR, laid before the House a message from the President, which was read as follows:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent to the *Federal Register* for publication the enclosed notice stating that the emergency declared in Executive Order 13159 of June 21, 2000, with respect to the risk of nuclear proliferation created by the accumulation of a large volume of weapons-usable fissile material in the territory of the Russian Federation is to continue beyond June 21, 2008.

It remains a major national security goal of the United States to ensure that fissile material removed from Russian nuclear weapons pursuant to various arms control and disarmament agreements is dedicated to peaceful uses, subject to transparency measures, and protected from diversion to activities of proliferation concern. The accumulation of a large volume of weapons-usable fissile material in the territory of the Russian Federation continues to pose an unusual and extraordinary threat to the national security and foreign policy of the United States. For this reason, I have determined that it is necessary to continue the national emergency declared with respect to the risk of nuclear proliferation created by the accumulation of a large volume of weapons-usable fissile material in the territory of the Russian Federation and maintain in force these emergency authorities to respond to this threat.

GEORGE W. BUSH.

THE WHITE HOUSE, *June 18, 2008*.

By unanimous consent, the message, together with the accompanying papers, was referred to the Committee on Foreign Affairs and ordered to be printed (H. Doc. 110–126).

¶74.47 FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate having proceeded to reconsider the bill (H.R. 6124) ''An Act to provide for the continuation of agricultural and other programs of the Department of Agriculture through fiscal year 2012, and for other purposes'', returned by the President of the United States with his objections, to the House of Representatives, in which it originated, and passed by the House of Representatives on reconsideration of the same, it was that the said bill pass, two-thirds of the Senators present having voted in the affirmative.

¶74.48 BILL PRESENTED TO THE PRESIDENT

Lorraine C. Miller, Clerk of the House reported that on June 16, 2008, she presented to the President of the United States, for his approval, the following bill:

H.R. 6124. An Act to provide for the continuation of agricultural and other programs of the Department of Agriculture through fiscal year 2012, and for other purposes.

And then,

¶74.49 ADJOURNMENT

On motion of Mr. HODES, at 10 o'clock and 35 minutes p.m., the House adjourned.

¶74.50 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

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

Ms. SLAUGHTER: Committee on Rules. House Resolution 1281. Resolution waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules (Rept. 110–719). Referred to the House Calendar.

¶74.51 PUBLIC BILLS AND RESOLUTIONS

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

By Mr. CONAWAY:

H.R. 6289. A bill to amend the Internal Revenue Code of 1986 to increase the maximum reduction in estate tax value for farmland and other special use property, to restore and increase the estate tax deduction for family-owned business interests, and for other purposes; to the Committee on Ways and Means.

By Mr. BLUMENAUER (for himself, Mr. DEFAZIO, Ms. HOOLEY, and Mr. WU):

H.R. 6290. A bill to designate certain land in the State of Oregon as wilderness, and for other purposes; to the Committee on Natural Resources.

By Mr. DEFAZIO (for himself, Mr. BLUMENAUER, Mr. WU, and Ms. HOOLEY):

H.R. 6291. A bill to adjust the boundary of Oregon Caves National Monument, to amend the Wild and Scenic Rivers Act to designate certain river segments in Oregon as wild or scenic rivers, and for other purposes; to the Committee on Natural Resources.

By Mr. HELLER:

H.R. 6292. A bill to amend the Elementary and Secondary Education Act of 1965 to require local educational agencies to provide to parents, on request, information regarding the professional qualifications of their child's specialized instructional support persons; to the Committee on Education and Labor.

By Mr. HAYES (for himself, Mr. MCINTYRE, and Mr. EDWARDS):

H.R. 6293. A bill to amend the Elementary and Secondary Education Act of 1965 to establish a discretionary grant program for school construction for local educational agencies affected by base closures and realignments, and for other purposes; to the Committee on Education and Labor, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BOYD of Florida:

H.R. 6294. A bill to provide for a comprehensive study by the National Research Council of the National Academies to assess the water management, needs, and conservation of the Apalachicola-Chattahoochee-Flint River System; to the Committee on Transportation and Infrastructure.

By Mr. DANIEL E. LUNGREN of California (for himself and Mr. POE):

H.R. 6295. A bill to amend title 18, United States Code, to prohibit operation by any means or embarking in any submersible or semi-submersible vessel that is without nationality and that is navigating or has navigated into, through or from waters beyond the outer limit of the territorial sea of a single country or a lateral limit of that country's territorial sea with an adjacent country, and for other purposes; to the Committee on the Judiciary.

By Mr. BRADY of Pennsylvania (for himself, Mr. EHLERS, and Ms. ZOE LOFGREN of California):

H.R. 6296. A bill to extend through 2013 the authority of the Federal Election Commission to impose civil money penalties on the basis of a schedule of penalties established and published by the Commission; to the Committee on House Administration.

By Ms. DEGETTE:

H.R. 6297. A bill to enhance the ability of drinking water utilities in the United States to develop and implement climate change adaptation programs and policies, and for other purposes; to the Committee on Science and Technology.

By Mr. MARKEY (for himself, Ms. ROS-LEHTINEN, Mr. SHERMAN, Mr. CANTOR, Mr. MCGOVERN, Mr. STEARNS, Mr. HINCHEY, Ms. WOOLSEY, Mr. BURTON of Indiana, Mr. FRANK of Massachusetts, and Mr. FORTENBERRY):

H.R. 6298. A bill to restrict nuclear cooperation with the Kingdom of Saudi Arabia; to the Committee on Foreign Affairs.

By Mr. MEEKS of New York (for himself, Mr. NADLER, Mr. SIRES, and Mr. KUHL of New York):

H.R. 6299. A bill to prohibit the Secretary of Transportation or the Administrator of the Federal Aviation Administration from conducting auctions, implementing congestion pricing, limiting airport operations, or charging certain use fees at airports; to the Committee on Transportation and Infrastructure.

By Mr. PEARCE:

H.R. 6300. A bill to establish special preservation areas and rangeland preservation areas in Dona Ana County, New Mexico, and for other purposes; to the Committee on Natural Resources.

By Mr. PEARCE:

H.R. 6301. A bill to provide for exploration, development, and production activities for mineral resources on the outer Continental Shelf, and for other purposes; to the Committee on Natural Resources, and in addition to the Committees on the Judiciary, Science and Technology, Energy and Commerce, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. POE:

H.R. 6302. A bill to achieve greater national energy independence by terminating the effect of laws prohibiting the spending of appropriated funds and Presidential withdrawals and authorities to conduct oil and natural gas leasing and preleasing activities for any area of the Outer Continental Shelf; to the Committee on Natural Resources.

By Mr. SMITH of New Jersey:

H.R. 6303. A bill to amend chapter 141 of title 10, United States Code, to include disclosures made by Department of Defense contract employees to their immediate employers in the provisions providing protections against reprisal for certain disclosures; to the Committee on Armed Services.

By Mrs. CAPITO (for herself and Mr. BUYER):

H. Con. Res. 373. Concurrent resolution authorizing Frank Woodruff Buckles to lie in honor in the rotunda of the Capitol upon his death; to the Committee on House Administration.

By Mr. TIM MURPHY of Pennsylvania:

H. Res. 1282. A resolution encouraging the President to revoke the Executive memorandum banning energy production on America's Outer Continental Shelf; to the Committee on Natural Resources.

By Mr. TERRY (for himself, Mr. LATHAM, Mr. KING of Iowa, Ms. MCCOLLUM of Minnesota, Mr. FERGUSON, Mr. FORTUÑO, Mr. BARTON of Texas, Ms. FOXX, Mr. BOSWELL, Mr. WILSON of Ohio, Mr. WALDEN of Oregon, Mr. BURTON of Indiana, Mr. FORTENBERRY, Mrs. CAPPS, Mr. WALZ of Minnesota, Ms. HIRONO, Mr. BOOZMAN, Mr. HINOJOSA, Mr. CULBERSON, Mr. SAXTON, Mr. SESSIONS, Mr. JONES of North Carolina, Mr. SOUDER, Mrs. MILLER of Michigan, Mrs. BIGGERT, Mr. PICKERING, Mr. UPTON, Mr. SHAYS, Mrs. BONO MACK, Mr. PENCE, Mr. HENSARLING, Mr. CONAWAY, Mr. SULLIVAN, Mr. YOUNG of Alaska, Mr. DANIEL E. LUNGREN of California, Mr. SHIMKUS, Mr. BONNER, Mr. BISHOP of Utah, Mrs. CUBIN, Mr. MILLER of Florida, Mr. MANZULLO, Ms. ROS-LEHTINEN, Mrs. CAPITO, Ms. PRYCE of Ohio, Mr. MCKEON, Mr. PATRICK MURPHY of Pennsylvania, Mr. COBLE, Mr. NUNES, Mr. TURNER, Mr. HAYES, Mr. PETRI, Mr. KELLER, Mr. CRENSHAW, Mr. SMITH of Nebraska, Mr. MCHUGH, Mr. DUNCAN, Mrs. BLACKBURN, Mr. DENT, Mr. JOHNSON of Illinois, Mr. BURGESS, Mr. MARCHANT, Mr. REICHERT, Mr. PITTS, Mr. CALVERT, Mr. GARY G. MILLER of California, Mr. PORTER, and Mr. SHULER):

H. Res. 1283. A resolution expressing heartfelt sympathy for the victims and their families following the tornado that hit Little Sioux, Iowa, on June 11, 2008; to the Committee on Oversight and Government Reform.

¶74.52 MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

317. The SPEAKER presented a memorial of the Legislature of the State of Oklahoma, relative to Senate Concurrent Resolution No. 42 recognizing the limited public consideration for the regulation of all-terrain vehicles on forest lands, and requesting intervention from the Congress of the United States; to the Committee on Natural Resources.

318. Also, a memorial of the House of Representatives of the State of Rhode Island, relative to House Resolution No. 8296 reaffirming its opposition to federal proposals to authorize increases in the size or weight of commerical motor vehicles; to the Committee on Transportation and Infrastructure.

319. Also, a memorial of the General Assembly of the State of Ohio, relative to House Concurrent Resolution No. 36 urging the Congress of the United States to renew the exemption for the sternwheel river steamboat Delta Queen from the 1966 Safety at Sea Act; to the Committee on Transportation and Infrastructure.

320. Also, a memorial of the Legislature of the State of Louisiana, relative to House Concurrent Resolution No. 127 memorializing the Congress of the United States and the Louisiana congressional delegation to appropriate to the United States Army Corps of Engineers the total amount of funds collected from the Harbor Maintenance Tax so that those funds can be used for dredging navigation channels and, where possible, the beneficial use of dredged material to protect, restore, and conserve wetlands; to the Committee on Ways and Means.

321. Also, a memorial of the Legislature of the State of Louisiana, relative to House Concurrent Resolution No. 99 memorializing the Congress of the United States to take such actions as are necessary to prohibit the importation of nuclear waste generated outside the United States; to the Committee on Ways and Means.

322. Also, a memorial of the Legislature of the State of Mississippi, relative to Senate Concurrent Resolution No. 556 urging the President of the United States and the Congress of the United States to support the passage of the Secure Rural Schools and Community Self-Determination Act; jointly to the Committees on Agriculture and Natural Resources.

323. Also, a memorial of the Legislature of the Commonwealth of The Mariana Islands, relative to House Joint Resolution No. 15-38 supporting Resolution No. 80 of the Guam Legislature and urging all recipients of that resolution to seriously consider its contents; jointly to the Committees on Natural Resources and the Judiciary.

¶74.53 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 367: Mr. KLINE of Minnesota.
H.R. 636: Mr. HELLER.
H.R. 882: Mr. STUPAK, Mr. THOMPSON of Mississippi, and Mr. KENNEDY.
H.R. 971: Mr. BAIRD.
H.R. 1032: Mrs. LOWEY, Mr. HARE, and Mr. HALL of New York.
H.R. 1038: Mr. BOOZMAN, and Mr. PAUL.
H.R. 1185: Mr. TOWNS and Mr. BLUMENAUER.
H.R. 1306: Mr. SPACE.
H.R. 1527: Mr. KLINE of Minnesota.
H.R. 1537: Mr. GENE GREEN of Texas.
H.R. 1606: Mr. NADLER.
H.R. 1866: Mr. TIBERI.
H.R. 1884: Mr. LUCAS, Mr. THOMPSON of California, Mr. YARMUTH, and Mr. LAMPSON.
H.R. 2043: Mrs. TAUSCHER.
H.R. 2260: Mr. WAMP.
H.R. 2266: Mr. COURTNEY.
H.R. 2275: Mr. PAUL.
H.R. 2279: Mr. BOOZMAN, Mr. MANZULLO Mr. SHADEGG, Mr. GINGREY, Mr. ROGERS of Alabama, Mr. GARY G. MILLER of California, Mr. MCKEON, Mr. ROSKAM, Mr. TERRY, Mr. WOLF, Mr. TIBERI, Mr. BROUN of Georgia, and Mr. WILSON of South Carolina.
H.R. 2493: Mr. SESSIONS, Mr. MCKEON, Mr. TIBERI, and Mr. ROSKAM.
H.R. 2676: Ms. SCHAKOWSKY.
H.R. 2689: Mr. REYES.
H.R. 2721: Mr. COHEN, Mr. JOHNSON of Georgia, Mr. SHULER, Mr. ARCURI, Mr. MATHESON, Ms. MATSUI, Mrs. GILLIBRAND Mr. DONNELLY, and Mr. ELLSWORTH.
H.R. 2726: Mr. HOLDEN.
H.R. 2818: Mr. TIM MURPHY of Pennsylvania.
H.R. 2926: Mr. BLUMENAUER.
H.R. 2991: Mr. BISHOP of New York.
H.R. 3008: Mr. ALTMIRE.
H.R. 3089: Mrs. CUBIN, Ms. GINNY BROWN-WAITE of Florida, Mr. CALVERT, Mr. HERGER, Mr. MCHUGH, Mr. LATOURETTE, and Mr. MCKEON.
H.R. 3195: Mr. BLUNT, Mrs. SCHMIDT, Mr. HIGGINS, Mr. WELLER, Mr. SALAZAR, and Mr. CARSON.
H.R. 3202: Mr. HODES.
H.R. 3234: Mr. HELLER.
H.R. 3267: Mr. GONZALEZ.
H.R. 3282: Mr. ALLEN.
H.R. 3289: Ms. SCHWARTZ, Ms. SCHAKOWSKY, Mr. KAGEN, Mr. ENGEL, Mr. COSTELLO, and Mr. HINCHEY.
H.R. 3333: Mr. HASTINGS of Florida, Mr. COHEN, Ms. MCCOLLUM of Minnesota,
Mrs. MALONEY of New York, Ms. LORETTA SANCHEZ of California, Mr. WAXMAN,
Mr. CUMMINGS, Mr. TOWNS, and Mr. YARMUTH.
H.R. 3334: Mr. WU, Mrs. MILLER of Michigan, and Mr. ALLEN.
H.R. 3372: Ms. SOLIS.
H.R. 3457: Mr. MORAN of Kansas.
H.R. 3484: Ms. GIFFORDS.
H.R. 3485: Ms. GIFFORDS.
H.R. 3652: Ms. LORETTA SANCHEZ of California.
H.R. 3654: Mr. CARTER.
H.R. 3786: Mr. GRIJALVA.
H.R. 3934: Mrs. MALONEY of New York.
H.R. 4044: Mr. KAGEN.
H.R. 4088: Mr. CRENSHAW.
H.R. 4089: Mr. MOLLOHAN, Mr. SIRES, and Mr. ROSS.
H.R. 4255: Mr. HALL of New York, Mr. CARSON, and Mr. GRIJALVA.
H.R. 4318: Mr. MAHONEY of Florida.
H.R. 4344: Mr. TOWNS, and Mr. SNYDER.
H.R. 4884: Mr. BOUCHER.
H.R. 4899: Mr. CARSON.
H.R. 4918: Mr. YOUNG of Florida and Mr. WELDON of Florida.
H.R. 4987: Mr. GALLEGLY.
H.R. 4990: Ms. MATSUI.
H.R. 5244: Mr. HOLT and Mr. TOWNS.
H.R. 5315: Mr. SHAYS.
H.R. 5404: Mr. BISHOP of New York.
H.R. 5534: Mr. BAIRD.
H.R. 5548: Mr. BRADY of Pennsylvania.
H.R. 5573: Mr. UDALL of Colorado, Mr. TURNER, and Mr. WU.
H.R. 5575: Mr. NADLER and Mr. BERMAN.
H.R. 5580: Ms. MCCOLLUM of Minnesota.
H.R. 5603: Ms. SCHWARTZ.
H.R. 5611: Mr. TERRY.
H.R. 5615: Mr. WAMP, Ms. WATERS, Mrs. MALONEY of New York, Mr. CLAY, Mr. DOYLE, Mr. NADLER, and Mr. WELCH of Vermont.
H.R. 5632: Mr. MILLER of North Carolina.
H.R. 5635: Mr. TERRY.
H.R. 5646: Mr. REHBERG.
H.R. 5656: Mr. LUCAS, Mr. MCKEON, Mr. TIBERI, Mr. ROSKAM, and Mr. WAMP.
H.R. 5700: Mr. SESTAK.
H.R. 5709: Ms. KAPTUR and Mr. BRADY of Pennsylvania.
H.R. 5714: Mr. CALVERT, Mr. GONZALEZ, Mr. GERLACH, Mr. GOODE, Mr. WOLF, Mr. KLEIN of Florida, Mr. ROGERS of Kentucky, Mr. ROSS, Mr. PETERSON of Minnesota, and Mr. ADERHOLT.
H.R. 5734: Mr. KUHL of New York and Mr. NEUGEBAUER.
H.R. 5736: Mr. BACHUS, Mr. BONNER, Mr. CRAMER, Mr. DAVIS of Alabama, Mr. EVERETT, and Mr. ROGERS of Alabama.
H.R. 5737: Mrs. MYRICK and Mr. SHUSTER.
H.R. 5772: Mr. AL GREEN of Texas.
H.R. 5782: Mr. BOREN, Mr. GOODLATTE, Mr. BROUN of Georgia, Ms. FOXX, and Mr. NEUGEBAUER.
H.R. 5784: Mr. HELLER.
H.R. 5793: Mr. BERRY and Mr. BISHOP of New York.
H.R. 5808: Ms. SOLIS.
H.R. 5809: Ms. SOLIS.
H.R. 5821: Mr. LATTA.
H.R. 5846: Mr. CLAY and Mr. JACKSON of Illinois.
H.R. 5868: Mr. KLINE of Minnesota and Mr. LATOURETTE.
H.R. 5892: Ms. BEAN.
H.R. 5911: Mr. DUNCAN.
H.R. 5951: Mrs. TAUSCHER.
H.R. 5954: Mr. MILLER of Florida, Mr. PUTNAM, and Mr. GERLACH.
H.R. 5979: Mr. MCCAUL of Texas.
H.R. 6002: Ms. WATERS.
H.R. 6070: Mr. BILBRAY and Mr. HAYES.
H.R. 6076: Mr. CARNAHAN and Mr. CLAY.
H.R. 6078: Mr. LYNCH and Mr. MCNERNEY.
H.R. 6083: Mr. ELLISON and Mr. WU.
H.R. 6098: Mr. BISHOP of Georgia.
H.R. 6108: Mr. BOOZMAN, Mr. GERLACH, Ms. GINNY BROWN-WAITE of Florida, Mr. STEARNS, Mr. SESSIONS, Mr. MCKEON, Mr. ROSKAM, Mr. TIBERI, and Mr. LATTA.
H.R. 6140: Mr. STEARNS, Mr. BOOZMAN, Mr. BISHOP of Georgia, and Mrs. BOYDA of Kansas.
H.R. 6163: Mr. ENGLISH of Pennsylvania.
H.R. 6192: Mrs. MYRICK.
H.R. 6205: Mr. LEWIS of Georgia, Mr. SCOTT of Virginia, Mr. WELCH of Vermont, Mr. FRANK of Massachusetts, Mr. GRIJALVA, Mr. FATTAH, Mr. JOHNSON of Georgia, and Mr. COURTNEY.
H.R. 6209: Mr. THOMPSON of California and Mr. PICKERING.
H.R. 6233: Mr. CANTOR.
H.R. 6251: Mr. MAHONEY of Florida, Mr. COURTNEY, Mr. FARR, Mr. DELAHUNT, Mr. WILSON of Ohio, Mr. KLEIN of Florida, and Mr. MCGOVERN.
H.R. 6256: Ms. SUTTON, Mr. BERMAN, Mr. COURTNEY, Mr. FOSTER, and Mr. WILSON of Ohio.
H.R. 6257: Ms. ROS-LEHTINEN.
H.R. 6261: Ms. MOORE of Wisconsin and Mr. CARSON.
H.R. 6264: Mr. SMITH of New Jersey, Mr. CARSON, and Mr. GRIJALVA.
H.R. 6274: Mrs. MYRICK, Mr. PITTS, Mr. SULLIVAN, Mr. LATTA, Mr. ISSA, Mr. GARRETT of New Jersey, Mr. PRICE of Georgia, Mr. WAMP, Mr. WESTMORELAND, Mr. GINGREY, Mr. SHIMKUS, Ms. FALLIN, Mrs. BACHMANN, and Mr. PENCE.
H.R. 6276: Mr. MELANCON and Mr. JEFFERSON.
H.R. 6278: Mr. BLUMENAUER.
H.R. 6288: Mr. ROGERS of Kentucky.
H.J. Res. 89: Mr. NEUGEBAUER, Mr. SHUSTER, Mr. SESSIONS, Mr. SMITH of Texas, Mr. PICKERING, Mr. GRAVES, Mrs. EMERSON, Mr. DAVIS of Kentucky, Mrs. MCMORRIS RODGERS, Mr. SMITH of New Jersey, Mr. KUHL of New York, Mr. BOOZMAN, and Mr. LATTA.
H.J. Res. 93: Mr. GUTIERREZ, Mr. KIRK, Mr. WOLF, and Mrs. MALONEY of New York.
H. Con. Res. 17: Mr. COHEN and Mr. FILNER.
H. Con. Res. 250: Mrs. BACHMANN.
H. Con. Res. 253: Mr. CUELLAR, Mr. Gonzalez, Mr. HOLT, Ms. ROYBAL-ALLARD, Mr. SHULER, and Mrs. TAUSCHER.
H. Con. Res. 338: Mr. AL GREEN of Texas.
H. Con. Res. 361: Mr. MICHAUD.
H. Con. Res. 369: Mr. LATTA.
H. Con. Res. 371: Mr. SCHIFF, Mr. SHERMAN, Mr. CANTOR, Mr. KAGEN, and Mr. KIRK.
H. Res. 655: Mr. LEWIS of Georgia, Mr, JEFFERSON, Mr. HASTINGS of Florida, Mr. BISHOP of Georgia, Mr. RUSH, Ms. LEE, Mr. DAVIS of Illinois, Ms. KILPATRICK, Mr. BUTTERFIELD, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. JONES of Ohio, Ms. RICHARDSON, and Ms. SCHAKOWSKY.
H. Res. 672: Mr. CASTLE, Ms. DELAURO, Ms. BERKLEY, Mr. MCGOVERN, Ms. NORTON, and Ms. LEE.
H. Res. 1008: Mr. MORAN of Virginia.
H. Res. 1017: Mr. HINOJOSA, Mr. HILL, Mr. DANIEL E. LUNGREN of California, Mrs. NAPOLITANO, and Ms. EDDIE BERNICE JOHNSON of Texas.
H. Res. 1110: Mrs. SCHMIDT.
H. Res. 1177: Mr. LEWIS of Georgia.
H. Res. 1188: Ms. BALDWIN, Mr. ALLEN, and Mr. TOWNS.
H. Res. 1200: Mr. LEWIS of Georgia.
H. Res. 1202: Mrs. BIGGERT, Mr. ROSKAM, Mr. SHIMKUS, Mr. WELLER, Mr. PASTOR, Mrs. CUBIN, Mr. REICHERT, Mr. LEVIN, Mr. ROGERS of Michigan, Mrs. MILLER of Michigan, and Mr. KILDEE.
H. Res. 1210: Ms. SUTTON.
H. Res. 1217: Ms. LINDA T. SÁNCHEZ of California.
H. Res. 1227: Mr. WAXMAN, Ms. SUTTON, and Ms. WATSON.
H. Res. 1230: Mr. FLAKE and Mr. KUCINICH.
H. Res. 1248: Mr. PATRICK MURPHY of Pennsylvania.
H. Res. 1255: Mr. KLINE of Minnesota, Mr. CONAWAY, Mr. GINGREY, Mr. JONES of North Carolina, Mr. PAUL, Mr. DAVIS of Kentucky, Mr. TURNER, Mrs. DRAKE, Mr. KING of Iowa, Mr. MILLER of Florida, Mr. BOREN, Mr. FORBES, Mr. WILSON of South Carolina, Mr. LUCAS, and Mr. MCKEON.
H. Res. 1258: Mr. HINCHEY and Ms. BALDWIN.
H. Res. 1260: Mrs. LOWEY, Mr. BERMAN, Ms. WOOLSEY, Mr. SNYDER, Mr. WEINER, Mr. MCDERMOTT, Mr. CLEAVER, Mr. CLAY, Mr. INSLEE, Mrs. MALONEY of New York, and Ms. SLAUGHTER.
H. Res. 1270: Ms. LEE, Mr. FARR, Mr. MEEKS of New York, Mr. SCOTT of Georgia, Mrs. CHRISTENSEN, Mr. CONYERS, Ms. CORRINE BROWN of Florida, Mr. BUTTERFIELD, Mr. FATTAH, Mr. DAVIS of Illinois, Mrs. JONES of Ohio, Mr. JEFFERSON, Mr. FLAKE, Ms. WATERS, Mr. LEWIS of Georgia, Ms. WOOLSEY, Mr. GALLEGLY, Mr. CROWLEY, and Mr. FORTENBERRY.
H. Res. 1278: Mr. ROGERS of Kentucky, Mr. BOOZMAN, Mr. KAGEN, Mr. UDALL of Colorado, and Mr. GOODE.

¶74.54 PETITIONS

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

272. The SPEAKER presented a petition of the Board of Commissioners of Columbus County, North Carolina, relative to a Resolution supporting the Resource Conservation and Development (RD&D) Program; to the Committee on Agriculture.

273. Also, a petition of the Board of Commissioners of Lyon County, Nevada, relative to Resolution No. 08-05 urging the Congress of the United States to reject Wilderness designations in Lyon County; to the Committee on Natural Resources.

274. Also, a petition of the City Council of New Orleans, Louisiana, relative to Resolution No. R-08-262 urging the President of the United States and the Congress of the United States to support important domestic spending which is essential to the continued recovery of New Orleans; to the Committee on Transportation and Infrastructure.

275. Also, a petition of the Legislature of Rockland County, New York, relative to Resolution No. 276 requesting that the Senate of the United States remove from its version of the Federal Aviation Administration Reauthorization Act, any funding for the FAA redesign plan currently being considered for the New York Metropolitan Area that will directly affect Rockland County residents' quality of life; to the Committee on Transportation and Infrastructure.

276. Also, a petition of the Legislature of Rockland County, New York, relative to Resolution No. 278 requesting that the Senate of the United States pass H.R. 3179, known as the ''Local Preparedness Acquisition Act''; to the Committee on Transportation and Infrastructure.

277. Also, a petition of the City Council of Atlanta, Georgia, relative to Resolution No. 08-R-0859 requesting that the Congress of the United States provide full funding for federal transportation programs and ensure that local elected officials have an opportunity to participate in the upcoming reauthorization debate; to the Committee on Transportation and Infrastructure.

278. Also, a petition of the Mississippi Board of Education, relative to a Resolution urging the President of the United States and the Congress of the United States to support passage of the Secure Rural Schools and Community Self-Determination Act; jointly to the Committees on Agriculture and Natural Resources.

THURSDAY, JUNE 19, 2008 (75)

¶75.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Mrs. TAUSCHER, who laid before the House the following communication:

WASHINGTON, DC,
JUNE 19, 2008.

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

NANCY PELOSI,
Speaker of the House of Representatives

¶75.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mrs. TAUSCHER, announced she had examined and approved the Journal of the proceedings of Wednesday, June 18, 2008.

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

¶75.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

7213. A letter from the Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of the Army, Case Number 06-08, pursuant to 31 U.S.C. 1351 and 1517(b); to the Committee on Appropriations.

7214. A letter from the Secretary, Department of Homeland Security, transmitting a report of a violation of the Antideficiency Act by the Department of Homeland Security, pursuant to 31 U.S.C. 1351; to the Committee on Appropriations.

7215. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting Copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b; to the Committee on Foreign Affairs.

7216. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 08-42 concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance to Israel for defense articles and services; to the Committee on Foreign Affairs.

7217. A letter from the Director, Defense Security Cooperation Agency, transmitting pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 08-68 concerning the Department of the Navy's proposed Letter(s) of Offer and Acceptance to Canada for defense articles and services; to the Committee on Foreign Affairs.

7218. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification of a proposed agreement for the export of technical datata, defense services and defense articles to the Goverment of Mexico (Transmittal No. DDTC 049-08); to the Committee on Foreign Affairs.

7219. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification of a proposed agreement for the export of technical data, defense services and defense articles to the Government of Kuwait (Transmittal No. DDTC 002-08); to the Committee on Foreign Affairs.

7220. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to sections 36(c) and 36(d) of the Arms Export Control Act, certification regarding the proposed license for the manufacture of military equipment and the export of defense articles and services to the Government of Norway (Transmittal No. DDTC 070-08); to the Committee on Foreign Affairs.

7221. A letter from the Ambassador at Large, Department of State, transmitting a letter detailing necessary corrections in the Department's annual report, ''Country Reports on Terrorism 2007''; to the Committee on Foreign Affairs.

7222. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the eighth annual Trafficking in Persons Report, pursuant to Public Law 106-386, section 110; to the Committee on Foreign Affairs.

7223. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report by the U.S. Global AIDS Coordinator on the Involvement of Faith-Based Organizations in Global Fund to Fight AIDS, Tuberculosis, and Malaria Programs, pursuant to Section 625(b) of the Department of State, Foreign Operations, and Related Programs Appropriations Act for Fiscal Year 2008, Pub. L. 110-161; to the Committee on Foreign Affairs.

7224. A letter from the Assistant Director for Policy, OFAC, Department of the Treasury, transmitting the Department's final rule — Alphabetical Listing of Blocked Persons, Specially Designated Nationals, Specially Designated Terrorists, Specially Designated Global Terrorists, Foreign Terrorist Organizations, and Specially Designated Narcotics Traffickers — received June 17, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

7225. A letter from the Secretary, Judicial Conference of the United States, transmitting Judicial Conference determination that United States Judge G. Thomas Porteous, Jr., of the Eastern District of Louisiana, has engaged in conduct for which consideration of impeachment may be warranted, pursuant to 28 U.S.C. 355(b)(1); to the Committee on the Judiciary.

7226. A letter from the Assistant Secretary of the Army for Civil Works, Department of Defense, transmitting the Department's position on the re-authorization of the Upper Guadalupe River, San Jose, California, flood damage reduction project; to the Committee on Transportation and Infrastructure.

7227. A letter from the Assistant Secretary of the Army for Civil Works, Department of Defense, transmitting the Department's final report for the Illinois River Basin Restoration Comprehensive Plan; to the Committee on Transportation and Infrastructure.

7228. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Section 162(m)-Excessive Compensation 26 CFR 1.162-27(e) (Rev. Rul. 2008-32) received June 17, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7229. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Section 897.—Disposition of investment in United States real property, 26 CFR 1.897-1: Taxation of foreign investment in United States real property interests; definition of terms. (Rev. Rul. 2008-31) received June 17, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7230. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Section 3402.—Income Tax Collected at Source 26 CFR 31.3402(g)-1: Supplemental Wage Payments (Also: 31.3401(b)-1(a)) (Rev. Rul. 2008-29) received June 17, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7231. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Change in Reporting Section 404(k) Dividends [Announcement 2008-56] received June 17, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7232. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 7(a) of the Jerusalem Embassy Act of 1995 (Pub. L. 104-45), a copy of Presidential Determination No. 2008-20 suspending the limitation on the obligation of the State Department Appropriations contained in sections 3(b) and 7(b) of that Act for six months as well as the periodic report provided for under Section 6 of the Act covering the period from December 14, 2007 to the present, pursuant to Public Law 104-45, section 6 (109 Stat. 400); jointly to the Committees on Foreign Affairs and Appropriations.

7233. A letter from the Secretary, Department of Labor, transmitting a copy of a draft bill entitled, the ''Unemployment Compensation Program Integrity Act of 2008''; jointly to the Committees on Ways and Means and Oversight and Government Reform.

7234. A letter from the Administrator, General Services Administration, transmitting a copy of a draft bill entitled, ''The General

Services Enhancement Act of 2008''; jointly to the Committees on Oversight and Government Reform, Transportation and Infrastructure, the Judiciary, Armed Services, and Foreign Affairs.

¶75.4 PROVIDING FOR CONSIDERATION OF H.R. 5781

Mr. McGOVERN, by direction of the Committee on Rules, called up the following resolution (H. Res. 1277):

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 5781) to provide that 8 of the 12 weeks of parental leave made available to a Federal employee shall be paid leave, and for other purposes. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. The amendment in the nature of a substitute recommended by the Committee on Oversight and Government Reform now printed in the bill shall be considered as adopted. The bill, as amended, shall be considered as read. All points of order against provisions of the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, and on any amendment thereto, to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Oversight and Government Reform; (2) the amendment printed in the report of the Committee on Rules accompanying this resolution, if offered by Representative Davis of Illinois or his designee, which shall be in order without intervention of any point of order except those arising under clause 9 or 10 of rule XXI, shall be considered as read, and shall be separately debatable for 10 minutes equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions.

SEC. 2. During consideration of H.R. 5781 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

When said resolution was considered.

After debate,

Mr. McGOVERN moved the previous question on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House now order the previous question?

The SPEAKER pro tempore, Mrs. TAUSCHER, announced that the yeas had it.

Mr. SESSIONS demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mrs. TAUSCHER, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶75.5 WAIVING CLAUSE 6(A) OF RULE XIII

Ms. SLAUGHTER, by direction of the Committee on Rules, called up the following resolution (H. Res. 1281):

Resolved, That the requirement of clause 6(a) of rule XIII for a two-thirds vote to consider a report from the Committee on Rules on the same day it is presented to the House is waived with respect to any resolution reported on the legislative day of June 19, 2008, providing for consideration or disposition of a measure making supplemental appropriations for the fiscal year ending September 30, 2008.

When said resolution was considered.

After debate,

On motion of Ms. SLAUGHTER, the previous question was ordered on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mrs. TAUSCHER, announced that the yeas had it.

So said resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶75.6 H. RES. 1277—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mrs. TAUSCHER, pursuant to clause 8, rule XX, announced the unfinished business to be the question on ordering the previous question on the resolution (H. Res. 1277) providing for consideration of the bill (H.R. 5781) to provide that 8 of 12 weeks of parental leave made available to a Federal employee shall be paid leave, and for other purposes.

The question being put,

Will the House now order the previous question?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 222 / Nays 197

¶75.7 [Roll No. 423]

YEAS—222

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

NAYS—197

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

NOT VOTING—14

Andrews	Dicks	Gilchrest
Cubin	Engel	Gillibrand

Higgins
Hulshof
Loebsack
Meeks (NY)
Rush
Stark
Tiahrt
Wasserman Schultz

So the previous question on the resolution was ordered.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mrs. TAUSCHER, announced that the yeas had it.

Mr. SESSIONS demanded a recorded vote on agreeing to said resolution, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 230 Nays 194

¶75.8 [Roll No. 424]

AYES—230

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

NOES—194

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

NOT VOTING—9

Cubin
Engel
Gilchrest
Hulshof
Loebsack
Meeks (NY)
Rush
Stark
Tiahrt

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶75.9 H.R. 5710—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mrs. TAUSCHER, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 5710) to authorize the Secretary of the Interior to provide financial assistance to the Eastern New Mexico Rural Water Authority for the planning, design, and construction of the Eastern New Mexico Rural Water System, and for other purposes.

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mrs. TAUSCHER, announced that two-thirds of those present had voted in the affirmative.

Mr. FLAKE demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 301 Nays 124

¶75.10 [Roll No. 425]

YEAS—301

Abercrombie
Ackerman
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Blunt
Bono Mack
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Brown-Waite, Ginny
Butterfield
Buyer
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Cazayoux
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Edwards (TX)
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Farr
Fattah
Ferguson
Filner
Fortenberry
Foster
Frank (MA)
Frelinghuysen
Gerlach
Giffords
Gillibrand
Gonzalez
Gordon
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Hastings (WA)
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kirk
Klein (FL)
Knollenberg
Kucinich
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McDermott
McGovern
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Perlmutter
Peterson (MN)
Pomeroy
Porter

Price (NC)
Pryce (OH)
Putnam
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Richardson
Rodriguez
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Souder
Space
Speier
Spratt
Stupak
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Woolsey
Wu
Yarmuth
Young (AK)

NAYS—124

Aderholt
Akin
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Blackburn
Boehner
Bonner
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Buchanan
Burgess
Burton (IN)
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Deal (GA)
Drake
Dreier
Duncan
Ehlers
Everett
Fallin
Feeney
Flake
Forbes
Fossella
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gingrey
Gohmert
Goode
Goodlatte
Granger
Hall (TX)
Hayes
Heller
Hensarling
Hobson
Hoekstra
Hunter
Inglis (SC)
Issa
Johnson, Sam
Jordan
Kingston
Kline (MN)
Kuhl (NY)
Latta
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Manzullo
Marchant
McCarthy (CA)
McCotter
McCrery
McHenry
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Price (GA)
Radanovich
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Roskam
Royce
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Smith (NE)
Smith (TX)
Stearns
Sullivan
Tancredo
Thornberry
Tiberi
Upton
Walberg
Wamp
Weldon (FL)
Westmoreland
Wilson (SC)
Wittman (VA)
Wolf
Young (FL)

NOT VOTING—8

Cubin
Gilchrest
Hulshof
Loebsack
Meeks (NY)
Rush
Stark
Tiahrt

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶75.11 H.R. 5511—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mrs. TAUSCHER, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 5511) to direct the Secretary of the Interior, acting through the Bureau of Reclamation, to remedy problems caused by a collapsed drainage tunnel in Leadville, Colorado, and for other purposes.

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mrs. TAUSCHER, announced that two-thirds of those present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶75.12 FEDERAL EMPLOYEES PAID PARENTAL LEAVE

Mr. DAVIS of Illinois, pursuant to House Resolution 1277, called up for consideration the bill (H.R. 5781) to provide that 8 of 12 weeks of parental leave made available to a Federal employee shall be paid leave, and for other purposes.

Pending consideration of said bill.

Pursuant to House Resolution 1277, the following amendment in the nature of a substitute, recommended by the Committee on Oversight and Government Reform printed in the bill, as modified by the amendment printed in House Report 110-719, was considered as agreed to:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Federal Employees Paid Parental Leave Act of 2008''.

SEC. 2. PAID PARENTAL LEAVE UNDER TITLE 5.

(a) AMENDMENT TO TITLE 5.—Subsection (d) of section 6382 of title 5, United States Code, is amended—

(1) by redesignating such subsection as subsection (d)(1);

(2) by striking ''subparagraph (A), (B), (C), or'' and inserting ''subparagraph (C) or''; and

(3) by adding at the end the following:

''(2) An employee may elect to substitute for any leave without pay under subparagraph (A) or (B) of subsection (a)(1) any paid leave which is available to such employee for that purpose.

''(3) The paid leave that is available to an employee for purposes of paragraph (2) is—

''(A) subject to paragraph (6), 4 administrative workweeks of paid parental leave under this subparagraph in connection with the birth or placement involved; and

''(B) any annual or sick leave accrued or accumulated by such employee under subchapter I.

''(4) Nothing in this subchapter shall be considered to require—

''(A) that an employing agency provide paid sick leave in any situation in which such employing agency would not normally be required to provide such leave; or

''(B) that an employee first use all or any portion of the leave described in subparagraph (B) of paragraph (3) before being allowed to use the paid parental leave described in subparagraph (A) of paragraph (3).

''(5) Paid parental leave under paragraph (3)(A)—

''(A) shall be payable from any appropriation or fund available for salaries or expenses for positions within the employing agency;

''(B) shall not be considered to be annual or vacation leave for purposes of section 5551 or 5552 or for any other purpose; and

''(C) if not used by the employee before the end of the 12-month period (as referred to in subsection (a)(1)) to which it relates, shall not accumulate for any subsequent use.

''(6) The Director of the Office of Personnel Management—

''(A) may promulgate regulations to increase the amount of paid parental leave available to an employee under paragraph (3)(A), to a total of not more than 8 administrative workweeks, based on the consideration of the following factors:

''(i) the benefits provided to the Federal Government of offering paid parental leave, including enhanced recruitment and retention of employees;

''(ii) the cost to the Federal Government of increasing the amount of paid parental leave that is available to employees;

''(iii) trends in the private sector and in State and local governments with respect to offering paid parental leave;

''(iv) the Federal Government's role as a model employer; and

''(v) such other factors as the Director considers necessary; and

''(B) shall prescribe any regulations necessary to carry out this subsection, including, subject to paragraph (4)(B), the manner in which an employee may designate any day or other period as to which such employee wishes to use paid parental leave described in paragraph (3)(A).''.

(b) EFFECTIVE DATE.—The amendments made by this section shall not be effective with respect to any birth or placement occurring before the end of the 6-month period beginning on the date of the enactment of this Act.

SEC. 3. PAID PARENTAL LEAVE FOR CONGRESSIONAL EMPLOYEES.

(a) AMENDMENT TO CONGRESSIONAL ACCOUNTABILITY ACT.—Section 202 of the Congressional Accountability Act of 1995 (2 U.S.C. 1312) is amended—

(1) in subsection (a)(1), by adding at the end the following: ''In applying section 102(a)(1)(A) and (B) to covered employees, subsection (d) shall apply.'';

(2) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively; and

(3) by inserting after subsection (c) the following:

''(d) SPECIAL RULE FOR PAID PARENTAL LEAVE FOR CONGRESSIONAL EMPLOYEES.—

''(1) SUBSTITUTION OF PAID LEAVE.—A covered employee taking leave without pay under subparagraphs (A) or (B) of section 102(a)(1) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2612(a)(1)) may elect to substitute for any such leave any paid leave which is available to such employee for that purpose.

''(2) AMOUNT OF PAID LEAVE.—The paid leave that is available to a covered employee for purposes of paragraph (1) is—

''(A) the number of weeks of paid parental leave in connection with the birth or placement involved that correspond to the number of administrative workweeks of paid parental leave available to Federal employees under section 6382(d)(3)(A) of title 5, United States Code; and

''(B) any additional paid vacation or sick leave provided by the employing office to such employee.

''(3) LIMITATION.—Nothing in this section shall be considered to require—

''(A) that an employing office provide paid sick leave in any situation in which such employing office would not normally be required to provide such leave; or

''(B) that a covered employee first use all or any portion of the leave described in subparagraph (B) of paragraph (2) before being

allowed to use paid parental leave described in subparagraph (A) of paragraph (2).

''(4) ADDITIONAL RULES.—Paid parental leave under paragraph (2)(A)—

''(A) shall be payable from any appropriation or fund available for salaries or expenses for positions within the employing office; and

''(B) if not used by the covered employee before the end of the 12-month period (as referred to in section 102(a)(1) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2612(a)(1))) to which it relates, shall not accumulate for any subsequent use.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall not be effective with respect to any birth or placement occurring before the end of the 6-month period beginning on the date of the enactment of this Act.

SEC. 4. CONFORMING AMENDMENT TO FAMILY AND MEDICAL LEAVE ACT FOR GAO AND LIBRARY OF CONGRESS EMPLOYEES.

Section 102(d) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2612(d)) is amended by adding at the end the following:

''(3) SPECIAL RULE FOR GAO AND LIBRARY OF CONGRESS EMPLOYEES.—

''(A) SUBSTITUTION OF PAID LEAVE.—An employee of an employer described in section 101(4)(A)(iv) taking leave under subparagraphs (A) or (B) of subsection (a)(1) may elect to substitute for any such leave any paid leave which is available to such employee for that purpose.

''(B) AMOUNT OF PAID LEAVE.—The paid leave that is available to an employee of an employer described in section 101(4)(A)(iv) for purposes of paragraph (1) is—

''(i) the number of weeks of paid parental leave in connection with the birth or placement involved that correspond to the number of administrative workweeks of paid parental leave available to Federal employees under section 6382(d)(3)(A) of title 5, United States Code; and

''(ii) any additional paid vacation or sick leave provided by such employer.

''(C) LIMITATION.—Nothing in this paragraph shall be considered to require—

''(i) that an employer described in section 101(4)(A)(iv) provide paid sick leave in any situation in which such employer would not normally be required to provide such leave; or

''(ii) that an employee of such an employer first use all or any portion of the leave described in clause (ii) of subparagraph (B) before being allowed to use paid parental leave described in clause (i) of such subparagraph.

''(D) ADDITIONAL RULES.—Paid parental leave under subparagraph (B)(i)—

''(i) shall be payable from any appropriation or fund available for salaries or expenses for positions with employers described in section 101(4)(A)(iv); and

''(ii) if not used by the employee of such employers before the end of the 12-month period (as referred to in subsection (a)(1)) to which it relates, shall not accumulate for any subsequent use.''.

SEC. 5. STUDY.

(a) IN GENERAL.—Not later than 12 months after the date of the enactment of this Act, the Government Accountability Office shall study and submit to Congress a written report on the feasibility and desirability of providing an insurance benefit to Federal employees which affords partial or total wage replacement with respect to periods of qualified leave.

(b) PERIOD OF QUALIFIED LEAVE.—For purposes of this section, the term ''period of qualified leave'', as used with respect to a Federal employee, means any period of leave under section 6382 of title 5, United States Code, which would otherwise be leave without pay, and which is available by reason of—

(1) the need to care for the spouse or a son, daughter, or parent of the employee having a serious health condition; or

(2) a serious health condition affecting the employee that renders such employee unable to perform the functions of the employee's position.

(c) MATTERS FOR INCLUSION.—The report shall include, at a minimum, the following:

(1) A brief description of any plans or arrangements under which similar benefits are currently provided to employees in this country (within the private sector or State or local government) or in other countries.

(2) With respect to any plans or arrangements under which such benefits are currently provided to private or public sector employees in this country—

(A) the portion or percentage of wages typically replaced;

(B) how those benefits are generally funded, including in terms of the employer and employee shares;

(C) whether employee coverage is optional or automatic; and

(D) any waiting period or other conditions which may apply.

(3) Identification and assessment of any plans or arrangements described under the preceding provisions of this subsection (or any aspects thereof) which might be particularly relevant to designing the insurance benefit (described in subsection (a)) for Federal employees, including how such benefit might be coordinated with annual leave, sick leave, or any other paid leave available to an employee for the purpose involved.

When said bill, as amended, was considered.

After debate,

Pursuant to House Resolution 1277, the following further amendment, printed in House Report 110-718, was submitted by Mr. DAVIS of Illinois:

Page 3, line 7, strike ''subchapter'' and insert ''subsection''.

Page 3, beginning on line 8, strike ''require—'' and all that follows through line 17, and insert ''require that an employee first use all or any portion of the leave described in subparagraph (B) of paragraph (3) before being allowed to use the paid parental leave described in subparagraph (A) of paragraph (3).''.

Page 4, line 11, strike ''of the following factors'' and insert ''of—''.

Page 4, line 13, strike ''offering paid'' and insert ''offering increased paid''.

Page 5, line 3, strike ''(4)(B)'' and insert ''(4)''.

Page 5, line 7, strike ''amendments'' and insert ''amendment''.

Page 5, line 17, insert ''of such Act'' after ''section 102(a)(1)(A) and (B)''.

Page 6, beginning on line 2, strike ''subparagraphs'' and insert ''subparagraph''.

Page 6, line 20, strike ''section'' and insert ''subsection''.

Page 6, beginning on line 21, strike ''require—'' and all that follows through page 7, line 5, and insert ''require that an employee first use all or any portion of the leave described in subparagraph (B) of paragraph (2) before being allowed to use the paid parental leave described in subparagraph (A) of paragraph (2).''.

Page 7, line 17, strike ''amendments'' and insert ''amendment''.

Page 8, line 4, strike ''Section'' and insert ''(a) AMENDMENT TO FAMILY AND MEDICAL LEAVE ACT OF 1993.—Section''.

Page 8, line 11, strike ''subparagraphs'' and insert ''subparagraph''.

Page 8, line 18, strike ''paragraph (1)'' and insert ''subparagraph (A)''.

Page 9, beginning on line 4, strike ''require—'' and all that follows through line 15, and insert ''require that an employee first use all or any portion of the leave described in clause (ii) of subparagraph (B) before being allowed to use the paid parental leave described in clause (i) of such subparagraph.''.

Page 9, line 20, strike ''employers'' and insert ''the employer''.

Page 9, line 23, strike ''employers'' and insert ''employer''.

Page 10, after line 2, insert the following:

(b) EFFECTIVE DATE.—The amendment made by this section shall not be effective with respect to any birth or placement occurring before the end of the 6-month period beginning on the date of the enactment of this Act.

Strike section 5.

After debate,

Pursuant to House Resolution 1277, the previous question was ordered on the bill, as amended, and the further amendment.

The question being put, viva voce,

Will the House agree to said further amendment?

The SPEAKER pro tempore, Mr. BLUMENAUER, announced that the yeas had it.

Mr. DAVIS of Illinois, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 422 / Nays 0

¶75.13 [Roll No. 426]

YEAS—422

Abercrombie	Brown, Corrine	Davis (CA)
Ackerman	Brown-Waite, Ginny	Davis (IL)
Aderholt	Buchanan	Davis (KY)
Akin	Burgess	Davis, David
Alexander	Burton (IN)	Davis, Lincoln
Allen	Butterfield	Davis, Tom
Altmire	Buyer	Deal (GA)
Andrews	Calvert	DeFazio
Arcuri	Camp (MI)	DeGette
Baca	Campbell (CA)	Delahunt
Bachmann	Cannon	DeLauro
Bachus	Cantor	Dent
Baird	Capito	Diaz-Balart, L.
Baldwin	Capps	Diaz-Balart, M.
Barrett (SC)	Capuano	Dicks
Barrow	Cardoza	Dingell
Bartlett (MD)	Carnahan	Doggett
Barton (TX)	Carney	Donnelly
Bean	Carson	Doolittle
Becerra	Carter	Doyle
Berkley	Castle	Drake
Berman	Castor	Dreier
Berry	Cazayoux	Duncan
Biggert	Chabot	Edwards (TX)
Bilbray	Chandler	Ehlers
Bilirakis	Childers	Ellison
Bishop (GA)	Clarke	Ellsworth
Bishop (NY)	Cleaver	Emanuel
Bishop (UT)	Clyburn	Emerson
Blackburn	Coble	Engel
Blumenauer	Cohen	English (PA)
Blunt	Cole (OK)	Eshoo
Boehner	Conaway	Etheridge
Bonner	Conyers	Everett
Bono Mack	Cooper	Fallin
Boozman	Costa	Farr
Boren	Costello	Fattah
Boswell	Courtney	Feeney
Boucher	Cramer	Ferguson
Boustany	Crenshaw	Filner
Boyd (FL)	Crowley	Flake
Boyda (KS)	Cubin	Forbes
Brady (PA)	Cuellar	Fortenberry
Brady (TX)	Culberson	Fossella
Braley (IA)	Cummings	Foster
Broun (GA)	Davis (AL)	Foxx
Brown (SC)		Frank (MA)

Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gillibrand
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Scalise
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Speier
Spratt
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—11

Clay
Gilchrest
Gingrey
Hulshof
Loebsack
Meeks (NY)
Reynolds
Rush
Stark
Tiahrt
Wolf

So the further amendment was agreed to.

¶75.14 COMMUNICATION FROM THE CLERK—CERTIFICATE OF ELECTION

The SPEAKER laid before the House a communication, which was read as follows:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, June 18, 2008.

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

DEAR MADAM SPEAKER: I have the honor to transmit herewith a scanned copy of a letter received from Ms. Linda H. Lamone, Administrator, Maryland State Board of Elections, indicating that, according to the unofficial returns of the Special Election held June 17, 2008, the Honorable Donna Edwards was elected Representative to Congress for the Fourth Congressional District, State of Maryland.

With best wishes, I am

Sincerely,

LORRAINE C. MILLER,
Clerk.

Enclosure.

¶75.15 ORDER OF BUSINESS—SWEARING IN OF MEMBER-ELECT

On motion of Mr. HOYER, by unanimous consent,

Ordered, That, notwithstanding the fact that the certificate of election of Ms. Donna F. Edwards, 4th District of the State of Maryland, has not been received by the Clerk of the House of Representatives, Ms. EDWARDS be permitted to take the oath of office as prescribed by law, there being no contest and no question with regard to her election.

Ms. EDWARDS then presented herself at the bar of the House and took the oath of office prescribed by law.

¶75.16 WHOLE NUMBER OF THE HOUSE OF REPRESENTATIVES ADJUSTED

The SPEAKER announced under to clause 5(d) of rule XX, that, in light of the administration of the oath to Representative EDWARDS, the whole number of the House is adjusted to 435.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

Mr. JORDAN of Ohio, moved to recommit the bill to the Committee on Oversight and Government Reform with instructions to report the bill back to the House promptly with the following amendments:

In the matter proposed to be inserted by section 2(a)(3) of the bill, insert at the end the following:

''(7) An employee who is a father and who is not in compliance with a court ordered child support arrangement shall not be eligible for any paid leave under paragraph (2).''.

In the matter proposed to be inserted by section 3(a)(3) of the bill, insert at the end the following:

''(5) EXCLUSION OF DEADBEAT DADS.—An employee who is a father and who is not in compliance with a court ordered child support arrangement shall not be eligible for any paid leave under this subsection.''.

In the matter proposed to be inserted by section 4 of the bill, insert at the end the following:

''(E) EXCLUSION OF DEADBEAT DADS.—An employee who is a father and who is not in compliance with a court ordered child support arrangement shall not be eligible for any paid leave under this paragraph.''.

After debate,

By unanimous consent, the previous question was ordered on the motion to recommit with instructions.

The question being put, viva voce,

Will the House recommit said bill with instructions?

The SPEAKER pro tempore, Mr. BLUMENAUER, announced that the nays had it.

Mr. JORDAN of Ohio, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the negative ..... { Yeas ..... 206 / Nays 220

¶75.17 [Roll No. 427]

YEAS—206

Aderholt
Akin
Alexander
Altmire
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carney
Carter
Castle
Chabot
Childers
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly
Doolittle
Drake
Dreier
Duncan
Ehlers
Ellsworth
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus

Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Space
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Young (AK)
Young (FL)

NAYS—220

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

NOT VOTING—8

Gilchrest
Hulshof
Loebsack
Meeks (NY)
Rush
Stark
Tiahrt
Wolf

So the motion to recommit with instructions was not agreed to.

The question being put, viva voce,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. BLUMENAUER, announced that the nays had it.

Mrs. MALONEY of New York, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 278 / Nays 146

¶75.18 [Roll No. 428]

YEAS—278

Abercrombie
Ackerman
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bilbray
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Buyer
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Cazayoux
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Drake
Edwards (MD)
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Farr
Fattah
Ferguson
Filner
Forbes
Fortenberry
Foster
Frank (MA)
Gerlach
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hayes
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holden
Holt
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Kirk
Klein (FL)
Kucinich
LaHood
Lampson
Langevin
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McCotter
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meek (FL)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Perlmutter
Peterson (MN)
Peterson (PA)
Platts
Pomeroy
Porter
Price (NC)
Pryce (OH)
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Rogers (AL)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Space
Speier
Spratt
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Wittman (VA)
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NAYS—146

Aderholt
Akin
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Deal (GA)
Doolittle
Dreier
Duncan
Ehlers
Everett
Fallin
Feeney
Flake
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis (SC)
Issa
Johnson, Sam
Jordan
Kanjorski
Keller
King (IA)
King (NY)
Kingston
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Latham
Latta
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCrery
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pence
Petri
Pickering
Pitts
Poe
Price (GA)
Putnam
Radanovich
Renzi
Reynolds
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Smith (NE)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)

NOT VOTING—10

Edwards (TX)
Gilchrest
Honda
Hulshof
Loebsack
Meeks (NY)
Rush
Stark
Tiahrt
Wolf

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶75.19 RECESS—2:41 P.M.

The SPEAKER pro tempore, Mr. BLUMENAUER, pursuant to clause 12(a) of rule I, declared the House in recess at 2 o'clock and 41 minutes p.m., subject to the call of the Chair.

¶75.20 AFTER RECESS—5:08 P.M.

The SPEAKER pro tempore, Mr. TIERNEY, called the House to order.

¶75.21 PROVIDING FOR CONSIDERATION OF AMENDMENTS OF THE SENATE TO THE HOUSE AMENDMENTS TO THE AMENDMENT OF THE SENATE TO H.R. 2642

Ms. SLAUGHTER, by direction of the Committee on Rules, reported (Rept. No. 110–720) the resolution (H. Res. 1284) providing for consideration of the amendments of the Senate to the House amendments to the amendment of the Senate to the bill (H.R. 2642) making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2008, and for other purposes.

When said resolution and report were referred to the House Calendar and ordered printed.

¶75.22 PROVIDING FOR CONSIDERATION OF H.R. 6304

Ms. SLAUGHTER, by direction of the Committee on Rules, reported (Rept. No. 110–721) the resolution (H. Res. 1285) providing for consideration of the bill (H.R. 6304) to amend the Foreign Intelligence Surveillance Act of 1978 to establish a procedure for authorizing certain acquisitions of foreign intelligence, and for other purposes.

When said resolution and report were referred to the House Calendar and ordered printed.

¶75.23 PROVIDING FOR CONSIDERATION OF THE AMENDMENTS OF THE SENATE TO THE HOUSE AMENDMENTS TO THE AMENDMENT OF THE SENATE TO H.R. 2642

Ms. SLAUGHTER, by direction of the Committee on Rules, called up the following resolution (H. Res. 1284):

Resolved, That upon adoption of this resolution it shall be in order to take from the Speaker's table the bill (H.R. 2642) making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2008, and for other purposes, with the Senate amendments to the House amendments to the Senate amendment thereto, and to consider in the House, without intervention of any point of order except those arising under clause 10 of rule XXI, a single motion offered by the chairman of the Committee on Appropriations or his designee that the House (1) concur in the Senate amendment to the House amendment numbered 1 and (2) concur in the Senate amendment to the House amendment numbered 2 with the amendment printed in the report of the Committee on Rules accompanying this resolution. The Senate amendments and the motion shall be considered as read. The motion shall be debatable for one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. The previous question shall be considered as ordered on the motion to final adoption without intervening motion or demand for division of the question except that the Chair shall divide the question between the dispositions of the two Senate amendments.

SEC. 2. During consideration of the motion to concur pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the motion to such time as may be designated by the Speaker.

SEC. 3. The chairman of the Committee on Appropriations may insert in the daily issue of the Congressional Record dated June 19, 2008, such material as he may deem explanatory of the motion.

SEC. 4. It shall be in order, any rule of the House to the contrary notwithstanding, to consider concurrent resolutions providing for the adjournment of the House and Senate during the month of July.

When said resolution was considered.

After debate,

On motion of Ms. SLAUGHTER, the previous question was ordered on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. TIERNEY, announced that the yeas had it.

Mr. BOYD of Florida, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 342 / Nays 83

¶75.24 [Roll No. 429]

YEAS—342

Abercrombie	Cleaver	Graves
Ackerman	Clyburn	Green, Al
Aderholt	Cohen	Green, Gene
Akin	Cole (OK)	Grijalva
Alexander	Conyers	Gutierrez
Allen	Costello	Hall (NY)
Altmire	Courtney	Hall (TX)
Andrews	Cramer	Hare
Arcuri	Crenshaw	Hastings (FL)
Bachus	Crowley	Hastings (WA)
Baldwin	Cubin	Hayes
Barrow	Cummings	Heller
Bartlett (MD)	Davis (AL)	Herger
Barton (TX)	Davis (CA)	Higgins
Becerra	Davis (IL)	Hinchey
Berkley	Davis (KY)	Hinojosa
Berman	Davis, David	Hirono
Berry	DeGette	Hobson
Biggert	Delahunt	Hodes
Bilbray	DeLauro	Hoekstra
Bilirakis	Dent	Holden
Bishop (GA)	Diaz-Balart, L.	Honda
Bishop (NY)	Diaz-Balart, M.	Hooley
Bishop (UT)	Dicks	Hoyer
Blackburn	Dingell	Hunter
Blumenauer	Doolittle	Inslee
Blunt	Doyle	Israel
Boehner	Drake	Issa
Bonner	Dreier	Jackson (IL)
Bono Mack	Edwards (MD)	Jackson-Lee (TX)
Boozman	Edwards (TX)	Jefferson
Boswell	Ehlers	Johnson (GA)
Boucher	Ellison	Johnson (IL)
Boustany	Emanuel	Johnson, E. B.
Brady (PA)	Emerson	Johnson, Sam
Brady (TX)	Engel	Jones (NC)
Braley (IA)	English (PA)	Jones (OH)
Brown (SC)	Eshoo	Jordan
Brown, Corrine	Etheridge	Kagen
Brown-Waite, Ginny	Everett	Kanjorski
Buchanan	Fallin	Kaptur
Burgess	Farr	Keller
Butterfield	Fattah	Kennedy
Calvert	Feeney	Kildee
Camp (MI)	Ferguson	Kilpatrick
Cantor	Forbes	Kind
Capito	Fortenberry	King (NY)
Capps	Fossella	Kirk
Capuano	Foster	Klein (FL)
Cardoza	Foxx	Kline (MN)
Carnahan	Frank (MA)	Knollenberg
Carson	Frelinghuysen	Kuhl (NY)
Carter	Gallegly	LaHood
Castle	Gerlach	Lampson
Castor	Gohmert	Langevin
Cazayoux	Gonzalez	Larsen (WA)
Chabot	Goodlatte	Larson (CT)
Childers	Gordon	Latham
	Granger	
LaTourette	Obey	Sires
Latta	Olver	Slaughter
Lee	Ortiz	Smith (NE)
Levin	Pallone	Smith (NJ)
Lewis (CA)	Pascrell	Smith (TX)
Lewis (GA)	Pastor	Smith (WA)
Lewis (KY)	Payne	Snyder
Lipinski	Pearce	Solis
LoBiondo	Perlmutter	Souder
Loebsack	Peterson (PA)	Speier
Lofgren, Zoe	Pickering	Spratt
Lowey	Platts	Stearns
Lucas	Pomeroy	Stupak
Lungren, Daniel E.	Porter	Sutton
Lynch	Price (NC)	Tancredo
Mack	Pryce (OH)	Tauscher
Maloney (NY)	Putnam	Taylor
Manzullo	Radanovich	Terry
Marchant	Rahall	Thompson (CA)
Markey	Ramstad	Thompson (MS)
Matsui	Rangel	Thornberry
McCarthy (CA)	Regula	Tiberi
McCarthy (NY)	Rehberg	Tierney
McCaul (TX)	Reichert	Towns
McCollum (MN)	Renzi	Tsongas
McCotter	Reyes	Turner
McDermott	Reynolds	Udall (CO)
McGovern	Richardson	Udall (NM)
McHugh	Rodriguez	Upton
McKeon	Rogers (AL)	Van Hollen
McMorris Rodgers	Rogers (KY)	Velázquez
McNerney	Rogers (MI)	Visclosky
McNulty	Ros-Lehtinen	Walberg
Meek (FL)	Roskam	Walden (OR)
Meeks (NY)	Rothman	Walsh (NY)
Melancon	Roybal-Allard	Walz (MN)
Mica	Ruppersberger	Wamp
Miller (MI)	Ryan (OH)	Wasserman Schultz
Miller (NC)	Salazar	Waters
Miller, George	Sánchez, Linda T.	Watson
Mitchell	Sarbanes	Watt
Mollohan	Scalise	Waxman
Moore (WI)	Schakowsky	Weiner
Moran (VA)	Schiff	Welch (VT)
Murphy (CT)	Schmidt	Weldon (FL)
Murphy, Patrick	Schwartz	Wexler
Murphy, Tim	Scott (VA)	Whitfield (KY)
Murtha	Serrano	Wilson (NM)
Musgrave	Sessions	Wilson (SC)
Myrick	Sestak	Wittman (VA)
Nadler	Shays	Wolf
Napolitano	Shea-Porter	Woolsey
Neal (MA)	Sherman	Wu
Nunes	Shimkus	Yarmuth
Oberstar	Shuster	Young (AK)
	Simpson	Young (FL)

NAYS—83

Baca	Duncan	Miller, Gary
Bachmann	Ellsworth	Moore (KS)
Baird	Filner	Moran (KS)
Barrett (SC)	Flake	Neugebauer
Bean	Franks (AZ)	Paul
Boren	Garrett (NJ)	Pence
Boyd (FL)	Giffords	Peterson (MN)
Boyda (KS)	Gillibrand	Petri
Broun (GA)	Gingrey	Pitts
Burton (IN)	Goode	Poe
Buyer	Harman	Price (GA)
Campbell (CA)	Hensarling	Rohrabacher
Carney	Herseth Sandlin	Ross
Chandler	Hill	Royce
Clarke	Holt	Ryan (WI)
Clay	Inglis (SC)	Sali
Coble	King (IA)	Sanchez, Loretta
Conaway	Kingston	Scott (GA)
Cooper	Kucinich	Sensenbrenner
Costa	Lamborn	Shadegg
Cuellar	Linder	Shuler
Culberson	Mahoney (FL)	Space
Davis, Lincoln	Marshall	Sullivan
Davis, Tom	Matheson	Tanner
Deal (GA)	McHenry	Weller
DeFazio	McIntyre	Westmoreland
Doggett	Michaud	Wilson (OH)
Donnelly	Miller (FL)	

NOT VOTING—9

Cannon	McCrery	Skelton
Gilchrest	Rush	Stark
Hulshof	Saxton	Tiahrt

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶75.25 H. RES. 1230—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. TIERNEY, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 1230) condemning postelection violence in Zimbabwe and calling for a peaceful resolution to the current political crisis; as amended.

The question being put,

Will the House suspend the rules and agree to said resolution, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 412 Nays 1

¶75.26 [Roll No. 430]

YEAS—412

Abercrombie	Clarke	Gohmert
Ackerman	Clay	Gonzalez
Aderholt	Cleaver	Goode
Akin	Clyburn	Goodlatte
Alexander	Cohen	Gordon
Allen	Cole (OK)	Granger
Altmire	Conaway	Graves
Andrews	Conyers	Green, Al
Arcuri	Costa	Green, Gene
Baca	Costello	Grijalva
Bachmann	Courtney	Gutierrez
Bachus	Crenshaw	Hall (NY)
Baird	Crowley	Hall (TX)
Baldwin	Cubin	Hare
Barrett (SC)	Cuellar	Harman
Barrow	Culberson	Hastings (FL)
Bartlett (MD)	Cummings	Hastings (WA)
Barton (TX)	Davis (AL)	Hayes
Bean	Davis (CA)	Heller
Becerra	Davis (IL)	Hensarling
Berkley	Davis (KY)	Herger
Berman	Davis, David	Herseth Sandlin
Berry	Davis, Lincoln	Higgins
Biggert	Davis, Tom	Hill
Bilbray	Deal (GA)	Hinchey
Bilirakis	DeFazio	Hinojosa
Bishop (GA)	DeGette	Hirono
Bishop (NY)	Delahunt	Hobson
Bishop (UT)	DeLauro	Hodes
Blackburn	Dent	Hoekstra
Blumenauer	Dicks	Holden
Blunt	Dingell	Holt
Boehner	Doggett	Honda
Bonner	Donnelly	Hooley
Bono Mack	Doolittle	Hoyer
Boozman	Doyle	Hunter
Boren	Drake	Inglis (SC)
Boswell	Dreier	Inslee
Boucher	Duncan	Israel
Boustany	Edwards (MD)	Issa
Boyda (KS)	Edwards (TX)	Jackson (IL)
Brady (PA)	Ehlers	Jackson-Lee (TX)
Brady (TX)	Ellison	
Braley (IA)	Ellsworth	Jefferson
Broun (GA)	Emanuel	Johnson (GA)
Brown (SC)	Emerson	Johnson (IL)
Brown, Corrine	Engel	Johnson, E. B.
Brown-Waite, Ginny	English (PA)	Johnson, Sam
	Eshoo	Jones (NC)
Buchanan	Etheridge	Jones (OH)
Burgess	Everett	Jordan
Burton (IN)	Fallin	Kagen
Butterfield	Farr	Kanjorski
Buyer	Fattah	Kaptur
Calvert	Feeney	Kennedy
Camp (MI)	Ferguson	Kildee
Campbell (CA)	Filner	Kilpatrick
Cantor	Flake	Kind
Capito	Forbes	King (IA)
Capps	Fortenberry	King (NY)
Capuano	Fossella	Kingston
Cardoza	Foster	Kirk
Carnahan	Foxx	Klein (FL)
Carney	Frank (MA)	Kline (MN)
Carson	Franks (AZ)	Knollenberg
Carter	Frelinghuysen	Kucinich
Castle	Gallegly	Kuhl (NY)
Castor	Garrett (NJ)	Lamborn
Cazayoux	Gerlach	Lampson
Chabot	Giffords	Langevin
Chandler	Gillibrand	Larson (CT)
Childers	Gingrey	Latham
LaTourette	Oberstar	Sherman
Latta	Obey	Shimkus
Lee	Olver	Shuler
Levin	Ortiz	Shuster
Lewis (CA)	Pallone	Simpson
Lewis (GA)	Pascrell	Sires
Lewis (KY)	Pastor	Skelton
Linder	Payne	Slaughter
Lipinski	Pearce	Smith (NE)
LoBiondo	Pence	Smith (NJ)
Loebsack	Perlmutter	Smith (TX)
Lofgren, Zoe	Peterson (MN)	Smith (WA)
Lowey	Peterson (PA)	Snyder
Lucas	Petri	Solis
Lungren, Daniel E.	Pickering	Souder
	Pitts	Space
Lynch	Platts	Speier
Mack	Poe	Spratt
Mahoney (FL)	Pomeroy	Stearns
Maloney (NY)	Porter	Stupak
Manzullo	Price (NC)	Sutton
Marchant	Putnam	Tancredo
Markey	Radanovich	Tanner
Marshall	Rahall	Tauscher
Matheson	Ramstad	Taylor
Matsui	Rangel	Terry
McCarthy (CA)	Regula	Thompson (CA)
McCarthy (NY)	Rehberg	Thompson (MS)
McCaul (TX)	Reichert	Thornberry
McCollum (MN)	Renzi	Tiberi
McCotter	Reyes	Tierney
McDermott	Reynolds	Towns
McGovern	Richardson	Tsongas
McHenry	Rodriguez	Udall (CO)
McHugh	Rogers (AL)	Udall (NM)
McIntyre	Rogers (KY)	Upton
McKeon	Rogers (MI)	Van Hollen
McMorris Rodgers	Rohrabacher	Velázquez
	Ros-Lehtinen	Walberg
McNerney	Roskam	Walden (OR)
McNulty	Ross	Walsh (NY)
Meek (FL)	Rothman	Walz (MN)
Meeks (NY)	Roybal-Allard	Wamp
Melancon	Royce	Wasserman Schultz
Mica	Ruppersberger	
Michaud	Ryan (OH)	Waters
Miller (FL)	Ryan (WI)	Watson
Miller (MI)	Salazar	Watt
Miller (NC)	Sali	Waxman
Miller, Gary	Sánchez, Linda T.	Weiner
Miller, George		Welch (VT)
Mitchell	Sanchez, Loretta	Weldon (FL)
Mollohan	Sarbanes	Weller
Moore (KS)	Saxton	Westmoreland
Moore (WI)	Scalise	Wexler
Moran (KS)	Schakowsky	Whitfield (KY)
Moran (VA)	Schiff	Wilson (NM)
Murphy (CT)	Schmidt	Wilson (OH)
Murphy, Patrick	Schwartz	Wilson (SC)
Murphy, Tim	Scott (GA)	Wittman (VA)
Murtha	Scott (VA)	Wolf
Musgrave	Sensenbrenner	Woolsey
Myrick	Serrano	Wu
Nadler	Sessions	Yarmuth
Napolitano	Sestak	Young (AK)
Neal (MA)	Shadegg	Young (FL)
Neugebauer	Shays	
Nunes	Shea-Porter	

NAYS—1

Paul

NOT VOTING—21

Boyd (FL)	Gilchrest	Pryce (OH)
Cannon	Hulshof	Rush
Coble	Keller	Stark
Cooper	LaHood	Sullivan
Cramer	Larsen (WA)	Tiahrt
Diaz-Balart, L.	McCrery	Turner
Diaz-Balart, M.	Price (GA)	Visclosky

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

¶75.27 CLERK TO CORRECT ENGROSSMENT—H.R. 5781

On motion of Mr. SCOTT of Virginia, by unanimous consent,

Ordered, That in the engrossment of the bill (H.R. 5781) to provide that 8 of 12 weeks of parental leave made available to a Federal employee shall be paid leave, and for other purposes, the Clerk be authorized to make technical corrections including corrections in spelling, punctuation, section and title numbering, cross-referencing, conforming amendments to the table of contents and short titles, and the insertion of appropriate headings.

¶75.28 AMENDMENTS OF THE SENATE TO THE HOUSE AMENDMENTS TO THE AMENDMENT OF THE SENATE TO H.R. 2642

On motion of Mr. OBEY, pursuant to House Resolution 1284, the bill (H.R. 2642) making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; together with the following amendments of the Senate to the House amendments to the amendment of the Senate thereto, was taken from the Speaker's table:

In lieu of the language proposed to be inserted, insert the following:

TITLE IX

DEFENSE MATTERS

CHAPTER 1

DEFENSE SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 2008

DEPARTMENT OF DEFENSE—MILITARY

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For an additional amount for ''Military Personnel, Army'', $12,216,715,000.

MILITARY PERSONNEL, NAVY

For an additional amount for ''Military Personnel, Navy'', $894,185,000.

MILITARY PERSONNEL, MARINE CORPS

For an additional amount for ''Military Personnel, Marine Corps'', $1,826,688,000.

MILITARY PERSONNEL, AIR FORCE

For an additional amount for ''Military Personnel, Air Force'', $1,355,544,000.

RESERVE PERSONNEL, ARMY

For an additional amount for ''Reserve Personnel, Army'', $304,200,000.

RESERVE PERSONNEL, NAVY

For an additional amount for ''Reserve Personnel, Navy'', $72,800,000.

RESERVE PERSONNEL, MARINE CORPS

For an additional amount for ''Reserve Personnel, Marine Corps'', $16,720,000.

RESERVE PERSONNEL, AIR FORCE

For an additional amount for ''Reserve Personnel, Air Force'', $5,000,000.

NATIONAL GUARD PERSONNEL, ARMY

For an additional amount for ''National Guard Personnel, Army'', $1,369,747,000.

NATIONAL GUARD PERSONNEL, AIR FORCE

For an additional amount for ''National Guard Personnel, Air Force'', $4,000,000.

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For an additional amount for ''Operation and Maintenance, Army'', $17,223,512,000.

OPERATION AND MAINTENANCE, NAVY

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Operation and Maintenance, Navy'', $2,977,864,000: Provided, That up to $112,607,000 shall be transferred to the Coast Guard ''Operating Expenses'' account.

OPERATION AND MAINTENANCE, MARINE CORPS

For an additional amount for ''Operation and Maintenance, Marine Corps'', $159,900,000.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for ''Operation and Maintenance, Air Force'', $5,972,520,000.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

For an additional amount for ''Operation and Maintenance, Defense-Wide'', $3,657,562,000, of which—

(1) not to exceed $25,000,000 may be used for the Combatant Commander Initiative Fund, to be used in support of Operation Iraqi Freedom and Operation Enduring Freedom;

(2) not to exceed $800,000,000, to remain available until expended, may be used for payments to reimburse key cooperating nations, for logistical, military, and other support provided to United States military operations, notwithstanding any other provision of law: Provided, That these funds may be used for the purpose of providing specialized training and procuring supplies and specialized equipment and providing such supplies and loaning such equipment on a non-reimbursable basis to coalition forces supporting United States military operations in Iraq and Afghanistan: Provided further, That such payments may be made in such amounts as the Secretary of Defense, with the concurrence of the Secretary of State, and in consultation with the Director of the Office of Management and Budget, may determine, in his discretion, based on documentation determined by the Secretary of Defense to adequately account for the support provided, and such determination is final and conclusive upon the accounting officers of the United States, and 15 days following notification to the appropriate congressional committees: Provided further, That the Secretary of Defense shall provide quarterly reports to the congressional defense committees on the use of funds provided in this paragraph: Provided further, That of the amount available under this heading for the Defense Contract Management Agency, $52,000,000 shall remain available until September 30, 2009.

OPERATION AND MAINTENANCE, ARMY RESERVE

For an additional amount for ''Operation and Maintenance, Army Reserve'', $164,839,000.

OPERATION AND MAINTENANCE, NAVY RESERVE

For an additional amount for ''Operation and Maintenance, Navy Reserve'', $109,876,000.

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For an additional amount for ''Operation and Maintenance, Marine Corps Reserve'', $70,256,000.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For an additional amount for ''Operation and Maintenance, Air Force Reserve'', $165,994,000.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For an additional amount for ''Operation and Maintenance, Army National Guard'', $685,644,000.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For an additional amount for ''Operation and Maintenance, Air National Guard'', $287,369,000.

IRAQ FREEDOM FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Iraq Freedom Fund'', $50,000,000, to remain available for transfer until September 30, 2009, notwithstanding any other provision of law, only for the redevelopment of the Iraqi industrial sector by identifying, and providing assistance to, factories and other industrial facilities that are best situated to resume operations quickly and reemploy the Iraqi workforce: Provided, That the Secretary of Defense shall, not fewer than 15 days prior to making transfers from this appropriation, notify the congressional defense committees in writing of the details of any such transfer.

AFGHANISTAN SECURITY FORCES FUND

For an additional amount for the ''Afghanistan Security Forces Fund'', $1,400,000,000, to remain available until September 30, 2009.

IRAQ SECURITY FORCES FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for the ''Iraq Security Forces Fund'', $1,500,000,000, to remain available until September 30, 2009: Provided, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Commander, Multi-National Security Transition Command—Iraq, or the Secretary's designee, to provide assistance, with the concurrence of the Secretary of State, to the security forces of Iraq, including the provision of equipment, supplies, services, training, facility and infrastructure repair, renovation, and construction, and funding: Provided further, That none of the assistance provided under this heading in the form of funds may be utilized for the provision of salaries, wages, or bonuses to personnel of the Iraqi Security Forces: Provided further, That the authority to provide assistance under this heading is in addition to any other authority to provide assistance to foreign nations: Provided further, That the Secretary of Defense may transfer such funds to appropriations for military personnel; operation and maintenance; Overseas Humanitarian, Disaster, and Civic Aid; procurement; research, development, test and evaluation; and defense working capital funds to accomplish the purposes provided herein: Provided further, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: Provided further, That upon a determination that all or part of the funds so transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: Provided further, That contributions of funds for the purposes provided herein from any person, foreign government, or international organization may be credited to this Fund, and used for such purposes: Provided further, That the Secretary shall notify the congressional defense committees in writing upon the receipt and upon the transfer of any contribution delineating the sources and amounts of the funds received and the specific use of such contributions: Provided further, That the Secretary of Defense shall, not fewer than 15 days prior to making transfers from this appropriation account, notify the congressional defense committees in writing of the details of any such transfer: Provided further, That the Secretary shall submit a report no later than 30 days after the end of each fiscal quarter to the congressional defense committees summarizing the details of the transfer of funds from this appropriation.

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For an additional amount for ''Aircraft Procurement, Army'', $954,111,000, to remain available for obligation until September 30, 2010.

MISSILE PROCUREMENT, ARMY

For an additional amount for ''Missile Procurement, Army'', $561,656,000, to remain available for obligation until September 30, 2010.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For an additional amount for ''Procurement of Weapons and Tracked Combat Vehicles, Army'', $5,463,471,000, to remain available for obligation until September 30, 2010.

PROCUREMENT OF AMMUNITION, ARMY

For an additional amount for ''Procurement of Ammunition, Army'', $344,900,000, to remain available for obligation until September 30, 2010.

OTHER PROCUREMENT, ARMY

For an additional amount for ''Other Procurement, Army'', $16,337,340,000, to remain available for obligation until September 30, 2010.

AIRCRAFT PROCUREMENT, NAVY

For an additional amount for ''Aircraft Procurement, Navy'', $3,563,254,000, to remain available for obligation until September 30, 2010.

WEAPONS PROCUREMENT, NAVY

For an additional amount for ''Weapons Procurement, Navy'', $317,456,000, to remain available for obligation until September 30, 2010.

PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS

For an additional amount for ''Procurement of Ammunition, Navy and Marine Corps'', $304,945,000, to remain available for obligation until September 30, 2010.

OTHER PROCUREMENT, NAVY

For an additional amount for ''Other Procurement, Navy'', $1,399,135,000, to remain available for obligation until September 30, 2010.

PROCUREMENT, MARINE CORPS

For an additional amount for ''Procurement, Marine Corps'', $2,197,390,000, to remain available for obligation until September 30, 2010.

AIRCRAFT PROCUREMENT, AIR FORCE

For an additional amount for ''Aircraft Procurement, Air Force'', $7,103,923,000, to remain available for obligation until September 30, 2010.

MISSILE PROCUREMENT, AIR FORCE

For an additional amount for ''Missile Procurement, Air Force'', $66,943,000, to remain available for obligation until September 30, 2010.

PROCUREMENT OF AMMUNITION, AIR FORCE

For an additional amount for ''Procurement of Ammunition, Air Force'', $205,455,000, to remain available for obligation until September 30, 2010.

OTHER PROCUREMENT, AIR FORCE

For an additional amount for ''Other Procurement, Air Force'', $1,953,167,000, to remain available for obligation until September 30, 2010.

PROCUREMENT, DEFENSE-WIDE

For an additional amount for ''Procurement, Defense-Wide'', $408,209,000, to remain available for obligation until September 30, 2010.

NATIONAL GUARD AND RESERVE EQUIPMENT

For an additional amount for ''National Guard and Reserve Equipment'', $825,000,000, to remain available for obligation until September 30, 2010: Provided, That the Chiefs of the National Guard and Reserve components shall, prior to the expenditure of funds, and not later than 30 days after the enactment of this Act, individually submit to the congressional defense committees an equipment modernization priority assessment with a detailed plan for the expenditure of funds for their respective National Guard and Reserve components.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

For an additional amount for ''Research, Development, Test and Evaluation, Army'', $162,958,000, to remain available until September 30, 2009.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For an additional amount for ''Research, Development, Test and Evaluation, Navy'', $366,110,000, to remain available until September 30, 2009.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For an additional amount for ''Research, Development, Test and Evaluation, Air Force'', $399,817,000, to remain available until September 30, 2009.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

For an additional amount for ''Research, Development, Test and Evaluation, Defense-Wide'', $816,598,000, to remain available until September 30, 2009.

REVOLVING AND MANAGEMENT FUNDS

DEFENSE WORKING CAPITAL FUNDS

For an additional amount for ''Defense Working Capital Funds'', $1,837,450,000, to remain available for obligation until expended.

NATIONAL DEFENSE SEALIFT FUND

For an additional amount for ''National Defense Sealift Fund'', $5,110,000, to remain available for obligation until expended.

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For an additional amount for ''Defense Health Program'', $1,413,864,000, of which $957,064,000 shall be for operation and maintenance; of which $91,900,000 is for procurement, to remain available until September 30, 2010; of which $364,900,000 shall be for research, development, test and evaluation, to remain available until September 30, 2009: Provided, That in addition to amounts otherwise contained in this paragraph, $75,000,000 is hereby appropriated to the ''Defense Health Program'' for operation and maintenance for psychological health and traumatic brain injury, to remain available until September 30, 2009.

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Drug Interdiction and Counter-Drug Activities, Defense'', $65,317,000, to remain available until September 30, 2009.

OFFICE OF THE INSPECTOR GENERAL

For an additional amount for ''Office of the Inspector General'', $6,394,000, of which $2,000,000 shall be for research, development, test and evaluation, to remain available until September 30, 2009.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 9101. Appropriations provided in this chapter are available for obligation until September 30, 2008, unless otherwise provided in this chapter.

SEC. 9102. Notwithstanding any other provision of law, funds made available in this chapter are in addition to amounts appropriated or otherwise made available for the Department of Defense for fiscal year 2008.

(INCLUDING TRANSFER OF FUNDS)

SEC. 9103. Upon the determination of the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer between appropriations up to $2,500,000,000 of the funds made available to the Department of Defense in this chapter: Provided, That the Secretary shall notify the Congress promptly of each transfer made pursuant to the authority in this section: Provided further, That the authority provided in this section is in addition to any other transfer authority available to the Department of Defense and is subject to the same terms and conditions as the authority provided in section 8005 of Public Law 110–116, except for the fourth proviso.

SEC. 9104. (a) From funds made available for operation and maintenance in this chapter to the Department of Defense, not to exceed $1,226,841,000 may be used, notwithstanding any other provision of law, to fund the Commander's Emergency Response Program, for the purpose of enabling military commanders in Iraq, Afghanistan, and the Philippines to respond to urgent humanitarian relief and reconstruction requirements within their areas of responsibility by carrying out programs that will immediately assist the Iraqi, Afghan, and Filipino people.

(b) Not later than 15 days after the end of each fiscal year quarter, the Secretary of Defense shall submit to the congressional defense committees a report regarding the source of funds and the allocation and use of funds during that quarter that were made available pursuant to the authority provided in this section or under any other provision of law for the purposes of the programs under subsection (a).

(INCLUDING TRANSFER OF FUNDS)

SEC. 9105. During fiscal year 2008, the Secretary of Defense may transfer not to exceed $6,500,000 of the amounts in or credited to the Defense Cooperation Account, pursuant to 10 U.S.C. 2608, to such appropriations or funds of the Department of Defense as the Secretary shall determine for use consistent with the purposes for which such funds were contributed and accepted: Provided, That such amounts shall be available for the same time period as the appropriation to which transferred: Provided further, That the Secretary shall report to the Congress all transfers made pursuant to this authority.

SEC. 9106. Of the amount appropriated by this chapter under the heading ''Drug Interdiction and Counter-Drug Activities, Defense'', not to exceed $20,000,000 may be used for the provision of support for counter-drug activities of the Governments of Afghanistan, Kazakhstan, Kyrgyzstan, Pakistan, Tajikistan, and Turkmenistan, as specified in section 1033 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85, as amended by Public Laws 106–398, 108–136, 109–364, and 110–181): Provided, That such support shall be in addition to support provided under any other provision of the law.

SEC. 9107. Amounts provided in this chapter for operations in Iraq and Afghanistan may be used by the Department of Defense for the purchase of up to 20 heavy and light armored vehicles for force protection purposes, notwithstanding price or other limitations specified elsewhere in the Department of Defense Appropriations Act, 2008 (Public Law 110–116), or any other provision of law: Provided, That notwithstanding any other provision of law, funds provided in Public Law 110–116 and Public Law 110–161 under the heading ''Other Procurement, Navy'' may be used for the purchase of 21 vehicles required for physical security of personnel, notwithstanding price limitations applicable to passenger vehicles but not to exceed $255,000 per vehicle: Provided further, That the Secretary of Defense shall submit a report in writing no later than 30 days after the end of each fiscal quarter notifying the congressional defense committees of any purchase described in this section, including cost, purposes, and quantities of vehicles purchased.

(INCLUDING TRANSFER OF FUNDS)

SEC. 9108. Section 8122(c) of Public Law 110–116 is amended by adding at the end the following:

''(4) Upon a determination that all or part of the funds transferred under paragraph (1) are not necessary to accomplish the purposes specified in subsection (b), such amounts may be transferred back to the 'Mine Resistant Ambush Protected Vehicle Fund'.''.

SEC. 9109. Notwithstanding any other provision of law, not to exceed $150,000,000 of funds made available in this chapter may be obligated to conduct or support a program to build the capacity of a foreign country's national military forces in order for that country to conduct counterterrorist operations or participate in or support military and stability operations in which the U.S. Armed Forces are a participant: Provided, That funds available pursuant to the authority in this section shall be subject to the same restrictions, limitations, and reporting requirements as funds available pursuant to section 1206 of Public Law 109–163 as amended.

CHAPTER 2

DEFENSE BRIDGE FUND APPROPRIATIONS FOR FISCAL YEAR 2009

DEPARTMENT OF DEFENSE—MILITARY

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For an additional amount for ''Military Personnel, Army'', $839,000,000.

MILITARY PERSONNEL, NAVY

For an additional amount for ''Military Personnel, Navy'', $75,000,000.

MILITARY PERSONNEL, MARINE CORPS

For an additional amount for ''Military Personnel, Marine Corps'', $55,000,000.

MILITARY PERSONNEL, AIR FORCE

For an additional amount for ''Military Personnel, Air Force'', $75,000,000.

NATIONAL GUARD PERSONNEL, ARMY

For an additional amount for ''National Guard Personnel, Army'', $150,000,000.

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For an additional amount for ''Operation and Maintenance, Army'', $37,300,000,000.

OPERATION AND MAINTENANCE, NAVY

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Operation and Maintenance, Navy'', $3,500,000,000: Provided, That up to $112,000,000 shall be transferred to the Coast Guard ''Operating Expenses'' account.

OPERATION AND MAINTENANCE, MARINE CORPS

For an additional amount for ''Operation and Maintenance, Marine Corps'', $2,900,000,000.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for ''Operation and Maintenance, Air Force'', $5,000,000,000.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

For an additional amount for ''Operation and Maintenance, Defense-Wide'', $2,648,569,000, of which not to exceed $200,000,000, to remain available until expended, may be used for payments to reimburse key cooperating nations, for logistical, military, and other support provided to United States military operations, notwithstanding any other provision of law: Provided, That these funds may be used for the purpose of providing specialized training and procuring supplies and specialized equipment and providing such supplies and loaning such equipment on a non-reimbursable basis to coalition forces supporting United States military operations in Iraq and Afghanistan: Provided further, That such payments may be made in such amounts as the Secretary of Defense, with the concurrence of the Secretary of State, and in consultation with the Director of the Office of Management and Budget, may determine, in his discretion, based on documentation determined by the Secretary of Defense to adequately account for the support provided, and such determination is final and conclusive upon the accounting officers of the United States, and 15 days following notification to the appropriate congressional committees: Provided further, That the Secretary of Defense shall provide quarterly reports to the congressional defense committees on the use of funds provided in this paragraph.

OPERATION AND MAINTENANCE, ARMY RESERVE

For an additional amount for ''Operation and Maintenance, Army Reserve'', $79,291,000.

OPERATION AND MAINTENANCE, NAVY RESERVE

For an additional amount for ''Operation and Maintenance, Navy Reserve'', $42,490,000.

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For an additional amount for ''Operation and Maintenance, Marine Corps Reserve'', $47,076,000.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For an additional amount for ''Operation and Maintenance, Air Force Reserve'', $12,376,000.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For an additional amount for ''Operation and Maintenance, Army National Guard'', $333,540,000.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For an additional amount for ''Operation and Maintenance, Air National Guard'', $52,667,000.

AFGHANISTAN SECURITY FORCES FUND

For an additional amount for ''Afghanistan Security Forces Fund'', $2,000,000,000, to remain available until September 30, 2009.

IRAQ SECURITY FORCES FUND

(INCLUDING TRANSFER OF FUNDS)

For the ''Iraq Security Forces Fund'', $1,000,000,000, to remain available until September 30, 2009: Provided, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Commander, Multi-National Security Transition Command—Iraq, or the Secretary's designee, to provide assistance, with the concurrence of the Secretary of State, to the security forces of Iraq, including the provision of equipment, supplies, services, training, facility and infrastructure repair, renovation, and construction, and funding: Provided further, That none of the assistance provided under this heading in the form of funds may be utilized for the provision of salaries, wages, or bonuses to personnel of the Iraqi Security Forces: Provided further, That the authority to provide assistance under this heading is in addition to any other authority to provide assistance to foreign nations: Provided further, That the Secretary of Defense may transfer such funds to appropriations for military personnel; operation and maintenance; Overseas Humanitarian, Disaster, and Civic Aid; procurement; research, development, test and evaluation; and defense working capital funds to accomplish the purposes provided herein: Provided further, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: Provided further, That upon a determination that all or part of the funds so transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: Provided further, That contributions of funds for the purposes provided herein from any person, foreign government, or international organization may be credited to this Fund, and used for such purposes: Provided further, That the Secretary shall notify the congressional defense committees in writing upon the receipt and upon the transfer of any contribution delineating the sources and amounts of the funds received and the specific use of such contributions: Provided further, That the Secretary of Defense shall, not fewer than 15 days prior to making transfers from this appropriation account, notify the congressional defense committees in writing of the details of any such transfer: Provided further, That the Secretary shall submit a report no later than 30 days after the end of each fiscal quarter to the congressional defense committees summarizing the details of the transfer of funds from this appropriation.

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For an additional amount for ''Aircraft Procurement, Army'', $84,000,000, to remain available for obligation until September 30, 2011.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For an additional amount for ''Procurement of Weapons and Tracked Combat Vehicles, Army'', $822,674,000, to remain available for obligation until September 30, 2011.

PROCUREMENT OF AMMUNITION, ARMY

For an additional amount for ''Procurement of Ammunition, Army'', $46,500,000, to remain available for obligation until September 30, 2011.

OTHER PROCUREMENT, ARMY

For an additional amount for ''Other Procurement, Army'', $1,009,050,000, to remain available for obligation until September 30, 2011.

OTHER PROCUREMENT, NAVY

For an additional amount for ''Other Procurement, Navy'', $27,948,000, to remain available for obligation until September 30, 2011.

PROCUREMENT, MARINE CORPS

For an additional amount for ''Procurement, Marine Corps'', $565,425,000, to remain available for obligation until September 30, 2011.

AIRCRAFT PROCUREMENT, AIR FORCE

For an additional amount for ''Aircraft Procurement, Air Force'', $201,842,000, to remain available for obligation until September 30, 2011.

OTHER PROCUREMENT, AIR FORCE

For an additional amount for ''Other Procurement, Air Force'', $1,500,644,000, to remain available for obligation until September 30, 2011.

PROCUREMENT, DEFENSE-WIDE

For an additional amount for ''Procurement, Defense-Wide'', $177,237,000, to remain available for obligation until September 30, 2011.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For an additional amount for ''Research, Development, Test and Evaluation, Navy'', $113,228,000, to remain available until September 30, 2010.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For an additional amount for ''Research, Development, Test and Evaluation, Air Force'', $72,041,000, to remain available until September 30, 2010.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

For an additional amount for ''Research, Development, Test and Evaluation, Defense-Wide'', $202,559,000, to remain available until September 30, 2010.

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For an additional amount for ''Defense Health Program'', $1,100,000,000 for operation and maintenance.

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Drug Interdiction and Counter-Drug Activities, Defense'', $188,000,000.

JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Joint Improvised Explosive Device Defeat Fund'', $2,000,000,000, to remain available until September 30, 2011: Provided, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Director of the Joint Improvised Explosive Device Defeat Organization to investigate, develop and provide equipment, supplies, services, training, facilities, personnel and funds to assist United States forces in the defeat of improvised explosive devices: Provided further, That within 60 days of the enactment of this Act, a plan for the intended management and use of the amounts provided under this heading shall be submitted to the congressional defense committees: Provided further, That the Secretary of Defense shall submit a report not later than 60 days after the end of each fiscal quarter to the congressional defense committees providing assessments of the evolving threats, individual service requirements to counter the threats, the current strategy for predeployment training of members of the Armed Forces on improvised explosive devices, and details on the execution of the Fund: Provided further, That the Secretary of Defense may transfer funds provided herein to appropriations for operation and maintenance; procurement; research, development, test and evaluation; and defense working capital funds to accomplish the purpose provided herein: Provided further, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: Provided further, That the Secretary of Defense shall, not fewer than 15 days prior to making transfers from this appropriation, notify the congressional defense committees in writing of the details of any such transfer.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 9201. Appropriations provided in this chapter are not available for obligation until October 1, 2008.

SEC. 9202. Appropriations provided in this chapter are available for obligation until September 30, 2009, unless otherwise provided in this chapter.

(INCLUDING TRANSFER OF FUNDS)

SEC. 9203. Upon the determination of the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer between appropriations up to $4,000,000,000 of the funds made available to the Department of Defense in this chapter: Provided, That the Secretary shall notify the Congress promptly of each transfer made pursuant to the authority in this section: Provided further, That the authority provided in this section is in addition to any other transfer authority available to the Department of Defense and is subject to the same terms and conditions as the authority provided in section 8005 of Public Law 110–116, except for the fourth proviso.

SEC. 9204. (a) Not later than December 5, 2008 and every 90 days thereafter through the end of fiscal year 2009, the Secretary of Defense shall set forth in a report to Congress a comprehensive set of performance indicators and measures for progress toward military and political stability in Iraq.

(b) The report shall include performance standards and goals for security, economic, and security force training objectives in Iraq together with a notional timetable for achieving these goals.

(c) In specific, the report requires, at a minimum, the following:

(1) With respect to stability and security in Iraq, the following:

(A) Key measures of political stability, including the important political milestones that must be achieved over the next several years.

(B) The primary indicators of a stable security environment in Iraq, such as number of engagements per day, numbers of trained Iraqi forces, trends relating to numbers and types of ethnic and religious-based hostile encounters, and progress made in the transition of responsibility for the security of Iraqi provinces to the Iraqi Security Forces under the Provincial Iraqi Control (PIC) process.

(C) An assessment of the estimated strength of the insurgency in Iraq and the extent to which it is composed of non-Iraqi fighters.

(D) A description of all militias operating in Iraq, including the number, size, equipment strength, military effectiveness, sources of support, legal status, and efforts to disarm or reintegrate each militia.

(E) Key indicators of economic activity that should be considered the most important for determining the prospects of stability in Iraq, including—

(i) unemployment levels;

(ii) electricity, water, and oil production rates; and

(iii) hunger and poverty levels.

(F) The most recent annual budget for the Government of Iraq, including a description of amounts budgeted for support of Iraqi security and police forces and an assessment of how planned funding will impact the training, equipping and overall readiness of those forces.

(G) The criteria the Administration will use to determine when it is safe to begin withdrawing United States forces from Iraq.

(2) With respect to the training and performance of security forces in Iraq, the following:

(A) The training provided Iraqi military and other Ministry of Defense forces and the equipment used by such forces.

(B) Key criteria for assessing the capabilities and readiness of the Iraqi military and other Ministry of Defense forces, goals for achieving certain capability and readiness levels (as well as for recruiting, training, and equipping these forces), and the milestones and notional timetable for achieving these goals.

(C) The operational readiness status of the Iraqi military forces, including the type, number, size, and organizational structure of Iraq battalions that are—

(i) capable of conducting counterinsurgency operations independently without any support from Coalition Forces;

(ii) capable of conducting counterinsurgency operations with the support of United States or coalition forces; or

(iii) not ready to conduct counterinsurgency operations.

(D) The amount and type of support provided by Coalition Forces to the Iraqi Security Forces at each level of operational readiness.

(E) The number of Iraqi battalions in the Iraqi Army currently conducting operations and the type of operations being conducted.

(F) The rates of absenteeism in the Iraqi military forces and the extent to which insurgents have infiltrated such forces.

(G) The training provided Iraqi police and other Ministry of Interior forces and the equipment used by such forces.

(H) The level and effectiveness of the Iraqi Security Forces under the Ministry of Defense in provinces where the United States has formally transferred responsibility for the security of the province to the Iraqi Security Forces under the Provincial Iraqi Control (PIC) process.

(I) Key criteria for assessing the capabilities and readiness of the Iraqi police and other Ministry of Interior forces, goals for achieving certain capability and readiness levels (as well as for recruiting, training, and equipping), and the milestones and notional timetable for achieving these goals, including—

(i) the number of police recruits that have received classroom training and the duration of such instruction;

(ii) the number of veteran police officers who have received classroom instruction and the duration of such instruction;

(iii) the number of police candidates screened by the Iraqi Police Screening Service, the number of candidates derived from other entry procedures, and the success rates of those groups of candidates;

(iv) the number of Iraqi police forces who have received field training by international police trainers and the duration of such instruction;

(v) attrition rates and measures of absenteeism and infiltration by insurgents; and

(vi) the level and effectiveness of the Iraqi Police and other Ministry of Interior Forces in provinces where the United States has formally transferred responsibility for the security of the province to the Iraqi Security Forces under the Provincial Iraqi Control (PIC) process.

(J) The estimated total number of Iraqi battalions needed for the Iraqi security forces to perform duties now being undertaken by coalition forces, including defending the borders of Iraq and providing adequate levels of law and order throughout Iraq.

(K) The effectiveness of the Iraqi military and police officer cadres and the chain of command.

(L) The number of United States and coalition advisors needed to support the Iraqi security forces and associated ministries.

(M) An assessment, in a classified annex if necessary, of United States military requirements, including planned force rotations, through the end of calendar year 2009.

SEC. 9205. (a) REPORT BY SECRETARY OF DEFENSE.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report that contains individual transition readiness assessments by unit of Iraq and Afghan security forces. The Secretary of Defense shall submit to the congressional defense committees updates of the report required by this subsection every 90 days after the date of the submission of the report until October 1, 2009. The report and updates of the report required by this subsection shall be submitted in classified form.

(b) REPORT BY OMB.—

(1) The Director of the Office of Management and Budget, in consultation with the Secretary of Defense; the Commander, Multi-National Security Transition Command—Iraq; and the Commander, Combined Security Transition Command—Afghanistan, shall submit to the congressional defense committees not later than 120 days after the date of the enactment of this Act and every 90 days thereafter a report on the proposed use of all funds under each of the headings ''Iraq Security Forces Fund'' and ''Afghanistan Security Forces Fund'' on a project-by-project basis, for which the obligation of funds is anticipated during the 3-month period from such date, including estimates by the commanders referred to in this paragraph of the costs required to complete each such project.

(2) The report required by this subsection shall include the following:

(A) The use of all funds on a project-by-project basis for which funds appropriated under the headings referred to in paragraph (1) were obligated prior to the submission of the report, including estimates by the commanders referred to in paragraph (1) of the costs to complete each project.

(B) The use of all funds on a project-by-project basis for which funds were appropriated under the headings referred to in paragraph (1) in prior appropriations Acts, or for which funds were made available by transfer, reprogramming, or allocation from other headings in prior appropriations Acts, including estimates by the commanders referred to in paragraph (1) of the costs to complete each project.

(C) An estimated total cost to train and equip the Iraq and Afghan security forces, disaggregated by major program and sub-elements by force, arrayed by fiscal year.

(c) NOTIFICATION.—The Secretary of Defense shall notify the congressional defense committees of any proposed new projects or transfers of funds between sub-activity groups in excess of $15,000,000 using funds appropriated by this Act under the headings ''Iraq Security Forces Fund'' and ''Afghanistan Security Forces Fund''.

SEC. 9206. Funds available to the Department of Defense for operation and maintenance provided in this chapter may be used, notwithstanding any other provision of law, to provide supplies, services, transportation, including airlift and sealift, and other logistical support to coalition forces supporting military and stability operations in Iraq and Afghanistan: Provided, That the Secretary of Defense shall provide quarterly reports to the congressional defense committees regarding support provided under this section.

SEC. 9207. Supervision and administration costs associated with a construction project funded with appropriations available for operation and maintenance, ''Afghanistan Security Forces Fund'' or ''Iraq Security Forces Fund'' provided in this chapter, and executed in direct support of the Global War on Terrorism only in Iraq and Afghanistan, may be obligated at the time a construction contract is awarded: Provided, That for the purpose of this section, supervision and administration costs include all in-house Government costs.

(INCLUDING TRANSFER OF FUNDS)

SEC. 9208. (a) Notwithstanding any other provision of law, and in addition to amounts otherwise made available by this Act, there is appropriated $1,700,000,000 for the ''Mine Resistant Ambush Protected Vehicle Fund'', to remain available until September 30, 2009.

(b) The funds provided by subsection (a) shall be available to the Secretary of Defense to continue technological research and development and upgrades, to procure Mine Resistant Ambush Protected vehicles and associated support equipment, and to sustain, transport, and field Mine Resistant Ambush Protected vehicles.

(c)(1) The Secretary of Defense shall transfer funds provided by subsection (a) to appropriations for operation and maintenance; procurement; and research, development, test and evaluation to accomplish the purposes specified in subsection (b). Such transferred funds shall be merged with and be available for the same purposes and for the same time period as the appropriation to which they are transferred.

(2) The transfer authority provided by this subsection shall be in addition to any other transfer authority available to the Department of Defense.

(3) The Secretary of Defense shall, not less than 15 days prior to making any transfer under this subsection, notify the congressional defense committees in writing of the details of the transfer.

SEC. 9209. For the purposes of this Act, the term ''congressional defense committees'' means the Armed Services Committee of the House of Representatives, the Armed Services Committee of the Senate, the Subcommittee on Defense of the Committee on Appropriations of the Senate, and the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives.

CHAPTER 3

GENERAL PROVISIONS—THIS TITLE

SEC. 9301. Each amount in this title is designated as an emergency requirement and necessary to meet emergency needs pursuant to subsections (a) and (b) of section 204 of S. Con. Res. 21 (110th Congress), the concurrent resolution on the budget for fiscal year 2008.

SEC. 9302. Funds appropriated by this title, or made available by the transfer of funds in this title, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 414(a)(1)).

SEC. 9303. None of the funds made available in this Act may be used in contravention of the following laws enacted or regulations promulgated to implement the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (done at New York on December 10, 1984):

(1) Section 2340A of title 18, United States Code;

(2) Section 2242 of the Foreign Affairs Reform and Restructuring Act of 1998 (division G of Public Law 105–277; 112 Stat. 2681–822; 8 U.S.C. 1231 note) and regulations prescribed thereto, including regulations under part 208 of title 8, Code of Federal Regulations, and part 95 of title 22, Code of Federal Regulations; and

(3) Sections 1002 and 1003 of the Department of Defense, Emergency Supplemental Appropriations to Address Hurricanes in the Gulf of Mexico, and Pandemic Influenza Act, 2006 (Public Law 109–148).

SEC. 9304. (a) REPORT REQUIRED.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense, the Secretary of State, and the Secretary of Homeland Security, in coordination with the Chairman of the Joint Chiefs of Staff and the Director of National Intelligence, shall jointly submit to Congress a report setting forth the global strategy of the United States to combat and defeat al Qaeda and its affiliates.

(b) ELEMENTS OF STRATEGY.—The strategy set forth in the report required under subsection (a) shall include the following elements:

(1) An analysis of the global threat posed by al Qaeda and its affiliates, including an assessment of the relative threat posed in particular regions or countries.

(2) Recommendations regarding the distribution and deployment of United States military, intelligence, diplomatic, and other assets to meet the relative regional and country-specific threats described in paragraph (1).

(3) Recommendations to ensure that the global deployment of United States military personnel and equipment best meet the threat identified and described in paragraph (1) and:

(A) does not undermine the military readiness or homeland security of the United States;

(B) ensures adequate time between military deployments for rest and training; and

(C) does not require further extensions of military deployments to the extent practicable.

(c) CLASSIFIED ANNEX.—The report required by subsection (a) shall be submitted in unclassified form, but shall include a classified annex.

SEC. 9305. None of the funds provided in this title may be used to finance programs or activities denied by Congress in fiscal years 2007 or 2008 appropriations to the Department of Defense or to initiate a procurement or research, development, test and evaluation new start program without prior written notification to the congressional defense committees.

SEC. 9306. Section 1002(c)(2) of the National Defense Authorization Act, Fiscal Year 2008 (Public Law 110–181) is amended by striking ''$362,159,000'' and inserting ''$435,259,000''.

SEC. 9307. None of the funds appropriated or otherwise made available by this title may be obligated or expended to provide award fees to any defense contractor contrary to the provisions of section 814 of the National Defense Authorization Act, Fiscal Year 2007 (Public Law 109–364).

(RESCISSIONS)

SEC. 9308. (a) Of the funds made available for ''Defense Health Program'' in Public Law 110–28, $75,000,000 are rescinded.

(b) Of the funds made available for ''Joint Improvised Explosive Device Defeat Fund'' in division L of the Consolidated Appropriations Act, 2008 (Public Law 110–161), $71,531,000 are rescinded.

SEC. 9309. Of the funds appropriated in the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (Public Law 110–28) which remain available for obligation under the ''Iraq Freedom Fund'', $150,000,000 is only for the Joint Rapid Acquisition Cell, and $10,000,000 is only for the transportation of fallen service members.

SEC. 9310. None of the funds available to the Department of Defense may be obligated or expended to implement any final action on joint basing initiatives required under the 2005 round of defense base closure and realignment under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) until each affected Secretary of a military department or the head of each affected Federal agency certifies to the congressional defense committees that joint basing at the affected military installation will result in significant costs savings and will not negatively impact the morale of members of the Armed Forces.

SEC. 9311. Funds available in this title which are available to the Department of Defense for operation and maintenance may be used to purchase items having an investment unit cost of not more than $250,000: Provided, That upon determination by the Secretary of Defense that such action is necessary to meet the operational requirements of a Commander of a Combatant Command engaged in contingency operations overseas, such funds may be used to purchase items having an investment item unit cost of not more than $500,000.

In lieu of the language proposed to be inserted, insert the following:

TITLE I

OTHER SECURITY, MILITARY CONSTRUCTION, AND INTERNATIONAL MATTERS

CHAPTER 1

DEPARTMENT OF AGRICULTURE

FOREIGN AGRICULTURAL SERVICE

PUBLIC LAW 480 TITLE II GRANTS

For an additional amount for ''Public Law 480 Title II Grants'', $850,000,000, to remain available until expended.

For an additional amount for ''Public Law 480 Title II Grants'', $395,000,000, to become available on October 1, 2008, and to remain available until expended.

CHAPTER 2

DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

OFFICE OF INSPECTOR GENERAL

For an additional amount for the Office of the Inspector General, $4,000,000, to remain available until September 30, 2009.

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

For an additional amount for ''Salaries and Expenses, General Legal Activities'', $1,648,000, to remain available until September 30, 2009.

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

For an additional amount for ''Salaries and Expenses, United States Attorneys'', $5,000,000, to remain available until September 30, 2009.

UNITED STATES MARSHALS SERVICE

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', $18,621,000, to remain available until September 30, 2009.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', $164,965,000, to remain available until September 30, 2009.

For an additional amount for ''Salaries and Expenses'', $82,600,000 to become available on October 1, 2008 and to remain available until September 30, 2009.

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', $22,666,000, to remain available until September 30, 2009.

BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', $4,000,000, to remain available until September 30, 2009.

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', $9,100,000, to remain available until September 30, 2009.

CHAPTER 3

MILITARY CONSTRUCTION

MILITARY CONSTRUCTION, ARMY

For an additional amount for ''Military Construction, Army'', $1,170,200,000: Provided, That such funds may be obligated and expended to carry out planning and design and military construction projects not otherwise authorized by law: Provided further, That of the funds made available under this heading, $1,033,000,000 shall remain available until September 30, 2009, and $137,200,000 shall remain available until September 30, 2012: Provided further, That funds made available under this heading for military construction projects in Iraq shall not be obligated or expended until the Secretary of Defense certifies to the Committees on Appropriations of both Houses of Congress that none of the funds are to be used for the purpose of providing facilities for the permanent basing of U.S. military personnel in Iraq.

MILITARY CONSTRUCTION, NAVY AND MARINE CORPS

For an additional amount for ''Military Construction, Navy and Marine Corps'', $300,084,000: Provided, That such funds may be obligated and expended to carry out planning and design and military construction projects not otherwise authorized by law: Provided further, That of the funds made available under this heading, $270,785,000 shall remain available until September 30, 2009, and $29,299,000 shall remain available until September 30, 2012.

MILITARY CONSTRUCTION, AIR FORCE

For an additional amount for ''Military Construction, Air Force'', $361,900,000: Provided, That such funds may be obligated and expended to carry out planning and design and military construction projects not otherwise authorized by law: Provided further, That of the funds made available under this heading, $324,300,000 shall remain available until September 30, 2009, and $37,600,000 shall remain available until September 30, 2012: Provided further, That funds made available under this heading for military construction projects in Iraq shall not be obligated or expended until the Secretary of Defense certifies to the Committees on Appropriations of both Houses of Congress that none of the funds are to be used for the purpose of providing facilities for the permanent basing of U.S. military personnel in Iraq.

MILITARY CONSTRUCTION, DEFENSE-WIDE

For an additional amount for ''Military Construction, Defense-Wide'', $27,600,000, to remain available until September 30, 2009: Provided, That such funds may be obligated and expended to carry out planning and design and military construction projects not otherwise authorized by law.

FAMILY HOUSING CONSTRUCTION, NAVY AND MARINE CORPS

For an additional amount for ''Family Housing Construction, Navy and Marine Corps'', $11,766,000, to remain available until September 30, 2012: Provided, That such funds may be obligated or expended for planning and design and military construction projects not otherwise authorized by law.

DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 2005

For deposit into the Department of Defense Base Closure Account 2005, established by section 2906A(a)(1) of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note), $1,202,886,000, to remain available until expended.

DEPARTMENT OF VETERANS AFFAIRS

DEPARTMENTAL ADMINISTRATION

GENERAL OPERATING EXPENSES

For an additional amount for ''General Operating Expenses'', $100,000,000, to remain available until expended.

INFORMATION TECHNOLOGY SYSTEMS

For an additional amount for ''Information Technology Systems'', $20,000,000, to remain available until expended.

CONSTRUCTION, MAJOR PROJECTS

For an additional amount for ''Construction, Major Projects'', $437,100,000, to remain available until expended, which shall be for acceleration and completion of planned major construction of Level I polytrauma rehabilitation centers as identified in the Department of Veterans Affairs' Five Year Capital Plan: Provided, That notwithstanding any other provision of law, such funds may be obligated and expended to carry out planning and design and major medical facility construction not otherwise authorized by law: Provided further, That within 30 days of enactment of this Act the Secretary shall submit to the Committees on Appropriations of both Houses of Congress an expenditure plan for funds provided under this heading.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 1301. In addition to amounts otherwise appropriated or made available under the heading ''Military Construction, Army'', there is hereby appropriated an additional $70,600,000, to remain available until September 30, 2012, for the acceleration and completion of child development center construction as proposed in the fiscal year 2009 budget request for the Department of the Army: Provided, That such funds may be obligated and expended to carry out

planning and design and military construction not otherwise authorized by law.

SEC. 1302. In addition to amounts otherwise appropriated or made available under the heading ''Military Construction, Navy and Marine Corps'', there is hereby appropriated an additional $89,820,000, to remain available until September 30, 2012, for the acceleration and completion of child development and youth center construction as proposed in the fiscal year 2009 budget request for the Department of the Navy: Provided, That such funds may be obligated and expended to carry out planning and design and military construction not otherwise authorized by law.

SEC. 1303. In addition to amounts otherwise appropriated or made available under the heading ''Military Construction, Air Force'', there is hereby appropriated an additional $8,100,000, to remain available until September 30, 2012, for the acceleration and completion of child development center construction as proposed in the fiscal year 2009 budget request for the Department of the Air Force: Provided, That such funds may be obligated and expended to carry out planning and design and military construction not otherwise authorized by law.

SEC. 1304. In addition to amounts otherwise appropriated or made available under the heading ''Military Construction, Army'', there is hereby appropriated an additional $200,000,000, to remain available until September 30, 2012, to accelerate barracks improvements at Department of the Army installations: Provided, That such funds may be obligated and expended to carry out planning and design and barracks construction not otherwise authorized by law: Provided further, That within 30 days of enactment of this Act the Secretary shall submit to the Committees on Appropriations of both Houses of Congress an expenditure plan for barracks construction prior to obligation.

SEC. 1305. COLLECTION OF CERTAIN INDEBTEDNESS OF MEMBERS OF THE ARMED FORCES AND VETERANS WHO DIE OF INJURY INCURRED OR AGGRAVATED IN SERVICE IN THE LINE OF DUTY IN A COMBAT ZONE. (a) LIMITATION ON AUTHORITY.—

(1) IN GENERAL.—Chapter 53 of title 38, United States Code, is amended by inserting after section 5302 the following new section:

''§5302A. Collection of indebtedness: certain debts of members of the Armed Forces and veterans who die of injury incurred or aggravated in the line of duty in a combat zone

''(a) LIMITATION ON AUTHORITY.—The Secretary may not collect all or any part of an amount owed to the United States by a member of the Armed Forces or veteran described in subsection (b) under any program under the laws administered by the Secretary, other than a program referred to in subsection (c), if the Secretary determines that termination of collection is in the best interest of the United States.

''(b) COVERED INDIVIDUALS.—A member of the Armed Forces or veteran described in this subsection is any member or veteran who dies as a result of an injury incurred or aggravated in the line of duty while serving in a theater of combat operations (as determined by the Secretary in consultation with the Secretary of Defense) in a war or in combat against a hostile force during a period of hostilities (as that term is defined in section 1712A(a)(2)(B) of this title) after September 11, 2001.

''(c) INAPPLICABILITY TO HOUSING AND SMALL BUSINESS BENEFIT PROGRAMS.—The limitation on authority in subsection (a) shall not apply to any amounts owed the United States under any program carried out under chapter 37 of this title.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 53 of such title is amended by inserting after the item relating to section 5302 the following new item:

''5302A. Collection of indebtedness: certain debts of members of the Armed Forces and veterans who die of injury incurred or aggravated in the line of duty in a combat zone.''.

(b) EQUITABLE REFUND.—In any case where all or any part of an indebtedness of a covered individual, as described in section 5302A(a) of title 38, United States Code, as added by subsection (a)(1), was collected after September 11, 2001, and before the date of the enactment of this Act, and the Secretary of Veterans Affairs determines that such indebtedness would have been terminated had such section been in effect at such time, the Secretary may refund the amount so collected if the Secretary determines that the individual is equitably entitled to such refund.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act, and shall apply with respect to collections of indebtedness of members of the Armed Forces and veterans who die on or after September 11, 2001.

(d) SHORT TITLE.—This section may be cited as the ''Combat Veterans Debt Elimination Act of 2008''.

CHAPTER 4

SUBCHAPTER A—SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 2008

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

For an additional amount for ''Diplomatic and Consular Programs'', $1,413,700,000, to remain available until September 30, 2009, of which $212,400,000 for worldwide security protection is available until expended: Provided, That not more than $1,095,000,000 of the funds appropriated under this heading shall be available for diplomatic operations in Iraq: Provided further, That of the funds appropriated under this heading, not more than $30,000,000 shall be made available to establish and implement a coordinated civilian response capacity at the United States Department of State: Provided further, That of the funds appropriated under this heading, up to $5,000,000 shall be made available to establish a United States Consulate in Lhasa, Tibet: Provided further, That the Department of State shall not consent to the opening of a consular post in the United States by the People's Republic of China until such time as a United States Consulate in Lhasa, Tibet is established.

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Office of Inspector General'', $12,500,000, to remain available until September 30, 2009: Provided, That $2,500,000 shall be transferred to the Special Inspector General for Iraq Reconstruction for reconstruction oversight, and up to $5,000,000 may be transferred to the Special Inspector General for Afghanistan Reconstruction for reconstruction oversight.

EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

For an additional amount for ''Educational and Cultural Exchange Programs'', $10,000,000, to remain available until September 30, 2009, of which $5,000,000 shall be for programs and activities in Africa, and $5,000,000 shall be for programs and activities in the Western Hemisphere.

EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE

For an additional amount for ''Embassy Security, Construction, and Maintenance'', $76,700,000, to remain available until expended, for facilities in Afghanistan.

INTERNATIONAL ORGANIZATIONS

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

For an additional amount for ''Contributions to International Organizations'', $66,000,000, to remain available until September 30, 2009.

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

For an additional amount for ''Contributions for International Peacekeeping Activities'', $383,600,000, to remain available until September 30, 2009, of which $333,600,000 shall be made available for the United Nations-African Union Hybrid Mission in Darfur.

RELATED AGENCY

BROADCASTING BOARD OF GOVERNORS

INTERNATIONAL BROADCASTING OPERATIONS

For an additional amount for ''International Broadcasting Operations'', $3,000,000, to remain available until September 30, 2009.

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL DISASTER ASSISTANCE

For an additional amount for ''International Disaster Assistance'', $240,000,000, to remain available until expended.

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

For an additional amount for ''Operating Expenses of the United States Agency for International Development'', $149,500,000, to remain available until September 30, 2009: Provided, That of the funds appropriated under this heading, not more than $25,000,000 shall be made available to establish and implement a coordinated civilian response capacity at the United States Agency for International Development.

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

OFFICE OF INSPECTOR GENERAL

For an additional amount for ''Operating Expenses of the United States Agency for International Development Office of Inspector General'', $4,000,000, to remain available until September 30, 2009.

OTHER BILATERAL ECONOMIC ASSISTANCE

ECONOMIC SUPPORT FUND

For an additional amount for ''Economic Support Fund'', $1,962,500,000, to remain available until September 30, 2009, of which not more than $398,000,000 may be made available for assistance for Iraq, $150,000,000 shall be made available for assistance for Jordan to meet the needs of Iraqi refugees, and up to $53,000,000 may be made available for energy-related assistance for North Korea, notwithstanding any other provision of law: Provided, That not more than $200,000,000 of the funds appropriated under this heading in this subchapter shall be made available for assistance for the West Bank: Provided further, That funds made available pursuant to the previous proviso shall be subject to the regular notification procedures of the Committees on Appropriations: Provided further, That the funds made available under this heading for energy-related assistance for North Korea may be made available to support the goals of the Six Party Talks Agreements after the Secretary of State determines and reports to the Committees on Appropriations that North Korea is continuing to fulfill its commitments under such agreements.

DEPARTMENT OF STATE

DEMOCRACY FUND

For an additional amount for ''Democracy Fund'', $76,000,000, to remain available until September 30, 2009, of which $75,000,000 shall be for democracy programs in Iraq and $1,000,000 shall be for democracy programs in Chad.

INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

For an additional amount for ''International Narcotics Control and Law Enforcement'', $520,000,000, to remain available until September 30, 2009, of which not more than $25,000,000 shall be made available for security assistance for the West Bank: Provided, That of the funds appropriated under this heading, $1,000,000 shall be made available for the Office of the United Nations High Commissioner for Human Rights in Mexico.

MIGRATION AND REFUGEE ASSISTANCE

For an additional amount for ''Migration and Refugee Assistance'', $330,500,000, to remain available until expended.

UNITED STATES EMERGENCY REFUGEE AND MIGRATION ASSISTANCE FUND

For an additional amount for ''United States Emergency Refugee and Migration Assistance Fund'', $36,608,000, to remain available until expended.

NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED PROGRAMS

For an additional amount for ''Nonproliferation, Anti-Terrorism, Demining and Related Programs'', $10,000,000, to remain available until September 30, 2009.

MILITARY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

PEACEKEEPING OPERATIONS

For an additional amount for ''Peacekeeping Operations'', $10,000,000, to remain available until September 30, 2009.

SUBCHAPTER B—BRIDGE FUND APPROPRIATIONS FOR FISCAL YEAR 2009

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

For an additional amount for ''Diplomatic and Consular Programs'', $652,400,000, which shall become available on October 1, 2008 and remain available through September 30, 2009: Provided, That of the funds appropriated under this heading, $78,400,000 is for worldwide security protection and shall remain available until expended: Provided further, That not more than $500,000,000 of the funds appropriated under this heading shall be available for diplomatic operations in Iraq.

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Office of Inspector General'', $57,000,000, which shall become available on October 1, 2008 and remain available through September 30, 2009: Provided, That $36,500,000 shall be transferred to the Special Inspector General for Iraq Reconstruction for reconstruction oversight and up to $5,000,000 shall be transferred to the Special Inspector General for Afghanistan Reconstruction for reconstruction oversight.

EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE

For an additional amount for ''Embassy Security, Construction, and Maintenance'', $41,300,000, which shall become available on October 1, 2008 and remain available until expended, for facilities in Afghanistan.

INTERNATIONAL ORGANIZATIONS

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

For an additional amount for ''Contributions to International Organizations'', $75,000,000, which shall become available on October 1, 2008 and remain available through September 30, 2009.

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

For an additional amount for ''Contributions for International Peacekeeping Activities'', $150,500,000, which shall become available on October 1, 2008 and remain available through September 30, 2009.

RELATED AGENCY

BROADCASTING BOARD OF GOVERNORS

INTERNATIONAL BROADCASTING OPERATIONS

For an additional amount for ''International Broadcasting Operations'', $6,000,000, which shall become available on October 1, 2008 and remain available through September 30, 2009.

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

GLOBAL HEALTH AND CHILD SURVIVAL

For an additional amount for ''Global Health and Child Survival'', $75,000,000, which shall become available on October 1, 2008 and remain available through September 30, 2009, for programs to combat avian influenza.

DEVELOPMENT ASSISTANCE

For an additional amount for ''Development Assistance'', $200,000,000, for assistance for developing countries to address the international food crisis notwithstanding any other provision of law, which shall become available on October 1, 2008 and remain available through September 30, 2010: Provided, That such assistance should be carried out consistent with the purposes of section 103(a)(1) of the Foreign Assistance Act of 1961: Provided further, That not more than $50,000,000 should be made available for local or regional purchase and distribution of food: Provided further, That the Secretary of State shall submit to the Committees on Appropriations not later than 45 days after enactment of this Act, and prior to the initial obligation of funds appropriated under this heading, a report on the proposed uses of such funds to alleviate hunger and malnutrition, including a list of those countries facing significant food shortages.

INTERNATIONAL DISASTER ASSISTANCE

For an additional amount for ''International Disaster Assistance'', $200,000,000, which shall become available on October 1, 2008 and remain available until expended.

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

For an additional amount for ''Operating Expenses of the United States Agency for International Development'', $93,000,000, which shall become available on October 1, 2008 and remain available through September 30, 2009.

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

OFFICE OF INSPECTOR GENERAL

For an additional amount for ''Operating Expenses of the United States Agency for International Development Office of Inspector General'', $1,000,000, which shall become available on October 1, 2008 and remain available through September 30, 2009.

OTHER BILATERAL ECONOMIC ASSISTANCE

ECONOMIC SUPPORT FUND

For an additional amount for ''Economic Support Fund'', $1,132,300,000, which shall become available on October 1, 2008 and remain available through September 30, 2009, of which not more than $110,000,000 may be made available for assistance for Iraq, $100,000,000 shall be made available for assistance for Jordan, not more than $455,000,000 may be made available for assistance for Afghanistan, not more than $150,000,000 may be made available for assistance for Pakistan, not more than $150,000,000 shall be made available for assistance for the West Bank, and $15,000,000 may be made available for energy-related assistance for North Korea, notwithstanding any other provision of law.

DEPARTMENT OF STATE

INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

For an additional amount for ''International Narcotics Control and Law Enforcement'', $151,000,000, which shall become available on October 1, 2008 and remain available through September 30, 2009, of which not more than $50,000,000 shall be made available for security assistance for the West Bank.

MIGRATION AND REFUGEE ASSISTANCE

For an additional amount for ''Migration and Refugee Assistance'', $350,000,000, which shall become available on October 1, 2008 and remain available until expended.

NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED PROGRAMS

For an additional amount for ''Nonproliferation, Anti-Terrorism, Demining and Related Programs'', $4,500,000, for humanitarian demining assistance for Iraq, which shall become available on October 1, 2008 and remain available through September 30, 2009.

MILITARY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

FOREIGN MILITARY FINANCING PROGRAM

For an additional amount for ''Foreign Military Financing Program'', $145,000,000, which shall become available on October 1, 2008 and remain available through September 30, 2009, of which $100,000,000 shall be made available for assistance for Jordan: Provided, That section 3802(c) of title III, chapter 8 of Public of Law 110–28 shall apply to funds made available under this heading for assistance for Lebanon.

PEACEKEEPING OPERATIONS

For an additional amount for ''Peacekeeping Operations'', $85,000,000, which shall become available on October 1, 2008 and remain available through September 30, 2009.

SUBCHAPTER C—GENERAL PROVISIONS—THIS CHAPTER

EXTENSION OF AUTHORITIES

SEC. 1401. Funds appropriated by this chapter may be obligated and expended notwithstanding section 10 of Public Law 91–672 (22 U.S.C. 2412), section 15 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2680), section 313 of the Foreign Relations Authorization Act, Fiscal Year 1994 and 1995 (22 U.S.C. 6212), and section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 414(a)(1)).

IRAQ

SEC. 1402. (a) ASSET TRANSFER AGREEMENT.—(1) None of the funds appropriated by this chapter for infrastructure maintenance activities in Iraq may be made available until the Secretary of State certifies and reports to the Committees on Appropriations that the Governments of the United States and Iraq have entered into, and are implementing, an asset transfer agreement that includes commitments by the Government of Iraq to maintain United States-funded infrastructure in Iraq.

(2) None of the funds appropriated by this chapter may be made available for the construction of prison facilities in Iraq.

(b) ANTI-CORRUPTION.—None of the funds appropriated by this chapter for rule of law programs in Iraq may be made available for assistance for the Government of Iraq until the Secretary of State certifies and reports to the Committees on Appropriations that a comprehensive anti-corruption strategy has been developed, and is being implemented, by the Government of Iraq, and the Secretary of State submits a list, in classified form if necessary, to the Committees on Appropriations of senior Iraqi officials who the Secretary has credible evidence to believe have committed corrupt acts.

(c) PROVINCIAL RECONSTRUCTION TEAMS.—None of the funds appropriated by this chapter for the operational or program expenses of Provincial Reconstruction Teams (PRTs) in Iraq may be made available until the Secretary of State submits a report to the Committees on Appropriations detailing—

(1) the strategy for the eventual winding down and close out of PRTs;

(2) anticipated costs associated with PRT operations, programs, and eventual winding down and close out, including security for PRT personnel and anticipated Government of Iraq contributions; and

(3) anticipated placement and cost estimates of future United States Consulates in Iraq.

(d) COMMUNITY STABILIZATION PROGRAM.—None of the funds appropriated by this chapter for the Community Stabilization Program in Iraq may be made available until the Secretary of State certifies and reports to the Committees on Appropriations that the United States Agency for International Development is implementing recommendations contained in Office of Inspector General Audit Report No. E–267–08–001–P to ensure accountability of funds.

(e) MATCHING REQUIREMENT.—(1) Notwithstanding any other provision of law, funds appropriated by this chapter for assistance for Iraq shall be made available only to

the extent that the Government of Iraq matches such assistance on a dollar-for-dollar basis.

(2) Subsection (e)(1) shall not apply to funds made available for—

(A) grants and cooperative agreements for programs to promote democracy and human rights;

(B) the Community Action Program and other assistance through civil society organizations;

(C) humanitarian demining; or

(D) assistance for refugees, internally displaced persons, and civilian victims of the military operations.

(3) The Secretary of State shall certify to the Committees on Appropriations prior to the initial obligation of funds pursuant to this section that the Government of Iraq has committed to obligate matching funds on a dollar-for-dollar basis. The Secretary shall submit a report to the Committees on Appropriations not later than September 30, 2008 and 180 days thereafter, detailing the amounts of funds obligated and expended by the Government of Iraq to meet the requirements of this section.

(4) Not later than 45 days after enactment of this Act, the Secretary of State shall submit a report to the Committees on Appropriations detailing the amounts provided by the Government of Iraq since June 30, 2004, to assist Iraqi refugees in Syria, Jordan, and elsewhere, and the amount of such assistance the Government of Iraq plans to provide in fiscal year 2008. The Secretary shall work expeditiously with the Government of Iraq to establish an account within its annual budget sufficient to, at a minimum, match United States contributions on a dollar-for-dollar basis to organizations and programs for the purpose of assisting Iraqi refugees.

(f) VETTING.—Prior to the initial obligation of funds appropriated for assistance for Iraq in this chapter, the Secretary of State shall, in consultation with the heads of other Federal departments and agencies, take appropriate steps to ensure that such funds are not provided to or through any individual, private entity, or educational institution that the Secretary knows or has reason to believe advocates, plans, sponsors, or engages in, terrorist activities.

(g) IRAQ RELIEF AND RECONSTRUCTION FUND.—

(1) Notwithstanding any other provision of law, the expired balances of funds appropriated or otherwise made available under the heading ''Iraq Relief and Reconstruction Fund'' in prior Acts making appropriations for foreign operations, export financing, and related programs shall be rescinded.

(2) None of the funds made available under the heading ''Iraq Relief and Reconstruction Fund'' in prior Acts making appropriations for foreign operations, export financing, and related programs may be reprogrammed for any purpose other than that previously notified to the Committees on Appropriations prior to April 30, 2008, and none of such funds may be made available to initiate any new projects or activities.

(3) Not later than 30 days after enactment of this Act, the Secretary of State shall report to the Committees on Appropriations on the balances of obligated funds referenced in subsection (g)(1), and estimates of the amount of funds required to close out ongoing projects or for outstanding claims.

AFGHANISTAN

SEC. 1403. (a) ASSISTANCE FOR WOMEN AND GIRLS.—Funds appropriated by this chapter under the heading ''Economic Support Fund'' that are available for assistance for Afghanistan shall be made available, to the maximum extent practicable, through local Afghan provincial and municipal governments and Afghan civil society organizations and in a manner that emphasizes the participation of Afghan women and directly improves the economic, social and political status of Afghan women and girls.

(b) HIGHER EDUCATION.—Of the funds appropriated by this chapter under the heading ''Economic Support Fund'' that are made available for education programs in Afghanistan, not less than 50 percent shall be made available to support higher education and vocational training programs in law, accounting, engineering, public administration, and other disciplines necessary to rebuild the country, in which the participation of women is emphasized.

(c) CIVILIAN ASSISTANCE.—Of the funds appropriated by this chapter under the heading ''Economic Support Fund'' that are available for assistance for Afghanistan, not less than $10,000,000 shall be made available for continued support of the United States Agency for International Development's Afghan Civilian Assistance Program, and not less than $2,000,000 shall be made available for a United States contribution to the North Atlantic Treaty Organization/International Security Assistance Force Post-Operations Humanitarian Relief Fund.

(d) ANTI-CORRUPTION.—Not later than 90 days after the enactment of this Act, the Secretary of State shall—

(1) submit a report to the Committees on Appropriations on actions being taken by the Government of Afghanistan to combat corruption within the national and provincial governments, including to remove and prosecute officials who have committed corrupt acts;

(2) submit a list to the Committees on Appropriations, in classified form if necessary, of senior Afghan officials who the Secretary has credible evidence to believe have committed corrupt acts; and

(3) certify and report to the Committees on Appropriations that effective mechanisms are in place to ensure that assistance to national government ministries and provincial governments will be properly accounted for.

WAIVER OF CERTAIN SANCTIONS AGAINST NORTH KOREA

SEC. 1404. (a) ANNUAL WAIVER AUTHORITY.—

(1) IN GENERAL.—Except as provided in subsection (b), the President may waive in whole or in part, with respect to North Korea, the application of any sanction under section 102(b) of the Arms Export Control Act (22 U.S.C. 2799aa–1(b)), for the purpose of—

(A) assisting in the implementation and verification of the compliance by North Korea with its commitment, undertaken in the Joint Statement of September 19, 2005, to abandon all nuclear weapons and existing nuclear programs as part of the verifiable denuclearization of the Korean Peninsula; and

(B) promoting the elimination of the capability of North Korea to develop, deploy, transfer, or maintain weapons of mass destruction and their delivery systems.

(2) DURATION OF WAIVER.—Any waiver issued under this subsection shall expire at the end of the calendar year in which it is issued.

(b) EXCEPTIONS.—

(1) LIMITED EXCEPTION RELATED TO CERTAIN SANCTIONS AND PROHIBITIONS.—The authority under subsection (a) shall not apply with respect to a sanction or prohibition under subparagraph (B), (C), or (G) of section 102(b)(2) of the Arms Export Control Act, unless the President determines and certifies to the appropriate congressional committees that—

(A) all reasonable steps will be taken to assure that the articles or services exported or otherwise provided will not be used to improve the military capabilities of the armed forces of North Korea; and

(B) such waiver is in the national security interests of the United States.

(2) LIMITED EXCEPTION RELATED TO CERTAIN ACTIVITIES.—Unless the President determines and certifies to the appropriate congressional committees that using the authority under subsection (a) is vital to the national security interests of the United States, such authority shall not apply with respect to—

(A) an activity described in subparagraph (A) of section 102(b)(1) of the Arms Export Control Act that occurs after September 19, 2005, and before the date of the enactment of this Act;

(B) an activity described in subparagraph (C) of such section that occurs after September 19, 2005; or

(C) an activity described in subparagraph (D) of such section that occurs after the date of enactment of this Act.

(3) EXCEPTION RELATED TO CERTAIN ACTIVITIES OCCURRING AFTER DATE OF ENACTMENT.—The authority under subsection (a) shall not apply with respect to an activity described in subparagraph (A) or (B) of section 102(b)(1) of the Arms Export Control Act that occurs after the date of the enactment of this Act.

(c) NOTIFICATIONS AND REPORTS.—

(1) CONGRESSIONAL NOTIFICATION.—The President shall notify the appropriate congressional committees in writing not later than 15 days before exercising the waiver authority under subsection (a).

(2) ANNUAL REPORT.—Not later than January 31, 2009, and annually thereafter, the President shall submit to the appropriate congressional committees a report that—

(A) lists all waivers issued under subsection (a) during the preceding year;

(B) describes in detail the progress that is being made in the implementation of the commitment undertaken by North Korea, in the Joint Statement of September 19, 2005, to abandon all nuclear weapons and existing nuclear programs as part of the verifiable denuclearization of the Korean Peninsula;

(C) discusses specifically any shortcomings in the implementation by North Korea of that commitment; and

(D) lists and describes the progress and shortcomings, in the preceding year, of all other programs promoting the elimination of the capability of North Korea to develop, deploy, transfer, or maintain weapons of mass destruction or their delivery systems.

(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means—

(1) the Committees on Appropriations, Armed Services, and Foreign Relations of the Senate; and

(2) the Committees on Appropriations, Armed Services, and Foreign Affairs of the House of Representatives.

MEXICO

SEC. 1405. (a) ASSISTANCE FOR MEXICO.—Of the funds appropriated in subchapter A under the heading ''International Narcotics Control and Law Enforcement'', not more than $350,000,000 may be made available for assistance for Mexico, only to combat drug trafficking and related violence and organized crime, and for judicial reform, anti-corruption, and rule of law activities: Provided, That none of the funds made available under this section shall be made available for budget support or as cash payments: Provided further, That none of the funds made available under this section shall be available for obligation until the Secretary of State determines and reports to the Committees on Appropriations that vetting procedures are in place to ensure that members and units of the Mexican military and police forces that receive assistance pursuant to this section have not been involved in human rights violations or corrupt acts.

(b) ALLOCATION OF FUNDS.—Twenty-five percent of the funds made available by subchapter A for assistance for Mexico under the heading ''International Narcotics Control and Law Enforcement'' may be obligated only after the Secretary of State determines and reports to the Committees on Appropriations that:

(1) The Government of Mexico is—

(A) strengthening the legal authority and independence of the National Human Rights Commission;

(B) establishing police complaints commissions with authority and independence to receive complaints and carry out effective investigations;

(C) establishing an independent mechanism, with representation from civil society, to monitor programs to combat drug trafficking and related violence and organized crime, judicial reform, anti-corruption, and rule of law activities to ensure due process and the protection of freedoms of expression, association, and assembly, and rights of privacy, in accordance with Mexican and international law;

(D) is enforcing the prohibition on the use of testimony obtained through torture or other ill-treatment in violation of Mexican and international law;

(E) is ensuring that the Mexican military justice system is transferring all cases involving allegations of human rights violations by military personnel to civilian prosecutors and judicial authorities, and that the armed forces are fully cooperating with civilian prosecutors and judicial authorities in prosecuting and punishing in civilian courts members of the armed forces who have been credibly alleged to have committed such violations; and

(F) is ensuring that federal and state police forces are fully cooperating with prosecutors and judicial authorities in prosecuting and punishing members of the police forces who have been credibly alleged to have committed violations of human rights.

(2) Civilian prosecutors and judicial authorities are investigating, prosecuting and punishing members of the Mexican military and police forces who have been credibly alleged to have committed human rights violations.

(c) EXCEPTION.—Notwithstanding subsection (b), of the funds made available for assistance for Mexico pursuant to this section, $3,000,000 shall be made available for technical and other assistance to enable the Government of Mexico to implement a unified national registry of federal, state, and municipal police officers, and $5,000,000 should be made available to the Bureau of Alcohol, Tobacco, Firearms and Explosives to deploy special agents in Mexico to support Mexican law enforcement agencies in tracing seized firearms and investigating firearms trafficking cases.

(d) REPORT.—The report required in subsection (b) shall include a description of actions taken with respect to each requirement specified in subsection (b) and the cases or issues brought to the attention of the Secretary of State for which the response or action taken has been inadequate.

(e) NOTIFICATION.—Funds made available for Mexico in subchapter A shall be subject to the regular notification procedures of the Committees on Appropriations and section 634A of the Foreign Assistance Act of 1961 (22 U.S.C. 2394–1).

(f) SPENDING PLAN.—Not later than 45 days after the date of the enactment of this Act, the Secretary of State shall submit to the Committees on Appropriations a detailed spending plan for funds appropriated or otherwise made available for Mexico in subchapter A, which shall include a strategy for combating drug trafficking and related violence and organized crime, judicial reform, preventing corruption, and strengthening the rule of law, with concrete goals, actions to be taken, budget proposals, and anticipated results.

(g) CONSULTATION.—Not later than 90 days after the date of the enactment of this Act, and every 120 days thereafter until September 30, 2010, the Secretary of State shall consult with Mexican and internationally recognized human rights organizations on progress in meeting the requirements described in subsection (b).

CENTRAL AMERICA

SEC. 1406. (a) ASSISTANCE FOR THE COUNTRIES OF CENTRAL AMERICA.—Of the funds appropriated in subchapter A under the headings ''International Narcotics Control and Law Enforcement'' and ''Economic Support Fund'', not more than $100,000,000 may be made available for assistance for the countries of Central America, Haiti, and the Dominican Republic only to combat drug trafficking and related violence and organized crime, and for judicial reform, anti-corruption, and rule of law activities: Provided, That of the funds appropriated under the heading ''Economic Support Fund'', $40,000,000 shall be made available through the United States Agency for International Development for an Economic and Social Development Fund for Central America: Provided further, That of the funds made available pursuant to this section, $5,000,000 shall be made available for assistance for Haiti and $5,000,000 shall be made available for assistance for the Dominican Republic: Provided further, That of the funds made available pursuant to this section that are available for assistance for Guatemala, not less than $1,000,000 shall be made available for a United States contribution to the International Commission Against Impunity in Guatemala: Provided further, That none of the funds shall be made available for budget support or as cash payments: Provided further, That, with the exception of the first and third provisos in this section, none of the funds shall be available for obligation until the Secretary of State determines and reports to the Committees on Appropriations that vetting procedures are in place to ensure that members and units of the military and police forces of the countries of Central America, Haiti and the Dominican Republic that receive assistance pursuant to this section have not been involved in human rights violations or corrupt acts.

(b) ALLOCATION OF FUNDS.—Twenty-five percent of the funds made available by subchapter A for assistance for the countries of Central America, Haiti and the Dominican Republic under the heading ''International Narcotics Control and Law Enforcement'' may be obligated only after the Secretary of State determines and reports to the Committees on Appropriations that the government of such country is—

(1) establishing a police complaints commission with authority and independence to receive complaints and carry out effective investigations;

(2) implementing reforms to improve the capacity and ensure the independence of the judiciary; and

(3) suspending, prosecuting and punishing members of the military and police forces who have been credibly alleged to have committed violations of human rights and corrupt acts.

(c) REPORT.—The report required in subsection (b) shall include actions taken with respect to each requirement and the cases or issues brought to the attention of the Secretary for which the response or action taken has been inadequate.

(d) NOTIFICATION.—Funds made available for assistance for the countries of Central America, Haiti and the Dominican Republic in subchapter A shall be subject to the regular notification procedures of the Committees on Appropriations and section 634A of the Foreign Assistance Act of 1961 (22 U.S.C. 2394–1).

(e) SPENDING PLAN.—Not later than 45 days after enactment of this Act the Secretary of State shall submit to the Committees on Appropriations a detailed spending plan for funds appropriated or otherwise made available for the countries of Central America, Haiti and the Dominican Republic in subchapter A, which shall include a strategy for combating drug trafficking and related violence and organized crime, judicial reform, preventing corruption, and strengthening the rule of law, with concrete goals, actions to be taken, budget proposals and anticipated results.

(f) CONSULTATION.—Not later than 90 days after the date of enactment of this Act and every 120 days thereafter until September 30, 2010, the Secretary of State shall consult with internationally recognized human rights organizations, and human rights organizations in the countries of Central America, Haiti and the Dominican Republic receiving assistance pursuant to this section, on progress in meeting the requirements described in subsection (b).

(g) DEFINITION.—For the purposes of this section, the term ''countries of Central America'' means Belize, Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua, and Panama.

TECHNICAL PROVISIONS

SEC. 1407. (a) ADMINISTRATIVE EXPENSES.—Of the funds appropriated or otherwise made available under the heading ''Economic Support Fund'' by title III of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2008 (division J of Public Law 110–161), up to $7,800,000 may be made available, in addition to amounts otherwise available for such purposes, for administrative expenses of the United States Agency for International Development for alternative development programs in the Andean region of South America. These funds may be used to reimburse funds appropriated under the heading ''Operating Expenses of the United States Agency for International Development'' for obligations incurred for the purposes provided under this section prior to enactment of this Act.

(b) AUTHORITY.—Funds appropriated or otherwise made available by title III of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2008 (division J of Public Law 110–161) under the heading ''Economic Support Fund'' that are available for a competitively awarded grant for nuclear security initiatives relating to North Korea shall be made available notwithstanding any other provision of law.

(c) EXTENSION OF AUTHORITY.—Not more than $1,350,000 of the funds appropriated or otherwise made available under the heading ''Foreign Military Financing Program'' by the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2008 (division J of Public Law 110–161) that were previously transferred to and merged with ''Diplomatic and Consular Programs'' may be made available for any purposes authorized for that account, of which up to $500,000 shall be made available to increase the capacity of the United States Embassy in Mexico City to vet members and units of Mexican military and police forces that receive assistance made available by this Act and to monitor the uses of such assistance.

(d) REIMBURSEMENTS.—Any agreement for the transfer or allocation of funds appropriated by this Act, or prior Acts, entered into between the United States Agency for International Development and another agency of the United States Government under the authority of section 632(a) of the Foreign Assistance Act of 1961 or any comparable provision of law, shall include the provision of sufficient funds to fully reimburse the United States Agency for International Development for the administrative costs, including the cost of direct hire personnel, incurred in implementing and managing the programs and activities under such transfer or allocation. Such funds transferred or allocated to the United States Agency for International Development for administrative costs shall be transferred to and merged with ''Operating Expenses of the United States Agency for International Development''.

(e) EXCEPTION.—Section 8002 of title VIII of this Act shall not apply to this section.

(f) SPENDING AUTHORITY.—Funds made available by this chapter may be expended notwithstanding section 699K of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2008 (division J of Public Law 110–161).

BUYING POWER MAINTENANCE ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

SEC. 1408. (a) Of the funds appropriated under the heading ''Diplomatic and Consular Programs'' and allocated by section 3810 of the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (Public Law 110–28), $26,000,000 shall be transferred to and merged with funds in

the ''Buying Power Maintenance Account'': Provided, That of the funds made available by this chapter up to an additional $74,000,000 may be transferred to and merged with the ''Buying Power Maintenance Account'', subject to the regular notification procedures of the Committees on Appropriations and in accordance with the procedures in section 34 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2706). Any funds transferred pursuant to this section shall be available, without fiscal year limitation, pursuant to section 24 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2696).

(b) Section 24(b)(7) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2696(b)(7)) is amended by amending subparagraph (D) to read as follows:

''(D) The authorities contained in this paragraph may be exercised only with respect to funds appropriated or otherwise made available after fiscal year 2008.''.

SERBIA

SEC. 1409. (a) Of the funds made available for assistance for Serbia under the heading ''Assistance for Eastern Europe and the Baltic States'' by title III of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2008 (division J of Public Law 110–161), an amount equivalent to the costs of damage to the United States Embassy in Belgrade, Serbia, as estimated by the Secretary of State, resulting from the February 21, 2008 attack on such Embassy, shall be transferred to, and merged with, funds provided under the heading ''Embassy Security, Construction, and Maintenance'' to be used for necessary repairs or future construction.

(b) The requirements of subsection (a) shall not apply if the Secretary of State certifies to the Committees on Appropriations that the Government of Serbia has provided full compensation to the Department of State for damages to the United States Embassy in Belgrade, Serbia resulting from the February 21, 2008 attack on such Embassy.

(c) Section 8002 of title VIII of this Act shall not apply to this section.

RESCISSIONS

(INCLUDING RESCISSIONS)

SEC. 1410. (a) WORLD FOOD PROGRAM.—

(1) For an additional amount for a contribution to the World Food Program to assist farmers in countries affected by food shortages to increase crop yields, notwithstanding any other provision of law, $20,000,000, to remain available until expended.

(2) Of the funds appropriated under the heading ''Andean Counterdrug Initiative'' in prior acts making appropriations for foreign operations, export financing, and related programs, $20,000,000 are rescinded.

(b) SUDAN.—

(1) For an additional amount for ''International Narcotics Control and Law Enforcement'', $10,000,000, for assistance for Sudan to support formed police units, to remain available until September 30, 2009, and subject to prior consultation with the Committees on Appropriations.

(2) Of the funds appropriated under the heading ''International Narcotics Control and Law Enforcement'' in prior acts making appropriations for foreign operations, export financing, and related programs, $10,000,000 are rescinded.

(c) MEXICO.—Of the unobligated balances of funds appropriated for ''Iraq Relief and Reconstruction Fund'' in prior Acts making appropriations for foreign operations, export financing, and related programs, $50,000,000 are rescinded, notwithstanding section 1402(g) of this Act.

(d) HORN OF AFRICA.—

(1) For an additional amount for ''Economic Support Fund'', $40,000,000 for programs to promote development and counter extremism in the Horn of Africa, to be administered by the United States Agency for International Development, and to remain available until September 30, 2009.

(2) Of the unobligated balances of funds appropriated for ''Iraq Relief and Reconstruction Fund'' in prior Acts making appropriations for foreign operations, export financing, and related programs, $40,000,000 are rescinded, notwithstanding section 1402(g) of this Act.

(e) EXCEPTION.—Section 8002 of title VIII of this Act shall not apply to subsections (a) and (b) of this section.

DARFUR PEACEKEEPING

SEC. 1411. Funds appropriated under the headings ''Foreign Military Financing Program'' and ''Peacekeeping Operations'' by the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2008 (division J of Public Law 110–161) and by prior Acts making appropriations for foreign operations, export financing, and related programs may be used to transfer or lease helicopters necessary to the operations of the African Union/United Nations peacekeeping operation in Darfur, Sudan, that was established pursuant to United Nations Security Council Resolution 1769. The President may utilize the authority of sections 506 or 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2318, 2321j) or section 61 of the Arms Export Control Act (22 U.S.C. 2796) in order to effect such transfer or lease, notwithstanding any other provision of law except for sections 502B(a)(2), 620A and 620J of the Foreign Assistance Act of 1961 (22 U.S.C. 2304(a)(2), 2371, 2378d) and section 40A of the Arms Export Control Act (22 U.S.C. 2780). Any exercise of the authority of section 506 of the Foreign Assistance Act pursuant to this section may include the authority to acquire helicopters by contract.

FOOD SECURITY AND CYCLONE NARGIS RELIEF

(INCLUDING RESCISSION OF FUNDS)

SEC. 1412. (a) For an additional amount for ''International Disaster Assistance'', $225,000,000, to address the international food crisis globally and for assistance for Burma to address the effects of Cyclone Nargis: Provided, That not less than $125,000,000 should be made available for the local or regional purchase and distribution of food to address the international food crisis: Provided further, That notwithstanding any other provision of law, none of the funds appropriated under this heading may be made available for assistance for the State Peace and Development Council.

(b) Of the unexpended balances of funds appropriated under the heading ''Millennium Challenge Corporation'' in prior Acts making appropriations for foreign operations, export financing and related programs, $225,000,000 are rescinded.

(c) Section 8002 of title VIII of this Act shall not apply to this section.

JORDAN

(INCLUDING RESCISSION OF FUNDS)

SEC. 1413. (a) For an additional amount for ''Economic Support Fund'' for assistance for Jordan, $100,000,000, to remain available until September 30, 2009.

(b) For an additional amount for ''Foreign Military Financing Program'' for assistance for Jordan, $200,000,000, to remain available until September 30, 2009.

(c) Of the unexpended balances of funds appropriated under the heading ''Millennium Challenge Corporation'' in prior Acts making appropriations for foreign operations, export financing, and related programs, $300,000,000 are rescinded.

(d) Section 8002 of title VIII of this Act shall not apply to this section.

ALLOCATIONS

SEC. 1414. (a) Funds provided by this chapter for the following accounts shall be made available for programs and countries in the amounts contained in the respective tables included in the explanatory statement accompanying this Act:

''Diplomatic and Consular Programs''.

''Economic Support Fund''.

(b) Any proposed increases or decreases to the amounts contained in such tables in the statement accompanying this Act shall be subject to the regular notification procedures of the Committees on Appropriations and section 634A of the Foreign Assistance Act of 1961.

REPROGRAMMING AUTHORITY

SEC. 1415. Notwithstanding any other provision of law, to include minimum funding requirements or funding directives, funds made available under the headings ''Development Assistance'' and ''Economic Support Fund'' in prior Acts making appropriations for foreign operations, export financing, and related programs may be made available to address critical food shortages, subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations.

SPENDING PLANS AND NOTIFICATION PROCEDURES

SEC. 1416. (a) SUBCHAPTER A SPENDING PLAN.—Not later than 45 days after the enactment of this Act the Secretary of State shall submit to the Committees on Appropriations a report detailing planned expenditures for funds appropriated under the headings in subchapter A, except for funds appropriated under the headings ''International Disaster Assistance'', ''Migration and Refugee Assistance'', and ''United States Emergency Refugee and Migration Assistance Fund''.

(b) SUBCHAPTER B SPENDING PLAN.—The Secretary of State shall submit to the Committees on Appropriations not later than November 1, 2008, and prior to the initial obligation of funds, a detailed spending plan for funds appropriated or otherwise made available in subchapter B, except for funds appropriated under the headings ''International Disaster Assistance'', ''Migration and Refugee Assistance'', and ''United States Emergency Refugee and Migration Assistance Fund''.

(c) NOTIFICATION.—Funds made available in this chapter shall be subject to the regular notification procedures of the Committees on Appropriations and section 634A of the Foreign Assistance Act of 1961.

TERMS AND CONDITIONS

SEC. 1417. Unless otherwise provided for in this Act, funds appropriated, or otherwise made available, by this chapter shall be available under the authorities and conditions provided in the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2008 (division J of Public Law 110–161).

TITLE II

DOMESTIC MATTERS

CHAPTER 1

DEPARTMENT OF HEALTH AND HUMAN SERVICES

FOOD AND DRUG ADMINISTRATION

SALARIES AND EXPENSES

For an additional amount for salaries and expenses of the Food and Drug Administration, $265,000,000, to remain available until September 30, 2009: Provided, That of the amount provided: (1) $119,000,000 shall be for the Center for Food Safety and Applied Nutrition and related field activities in the Office of Regulatory Affairs; (2) $48,500,000 shall be for the Center for Drug Evaluation and Research and related field activities in the Office of Regulatory Affairs; (3) $23,500,000 shall be for the Center for Biologics Evaluation and Research and related field activities in the Office of Regulatory Affairs; (4) $10,700,000 shall be for the Center for Veterinary Medicine and related field activities in the Office of Regulatory Affairs; (5) $35,500,000 shall be for the Center for Devices and Radiological Health and related field activities in the Office of Regulatory Affairs; (6) $6,000,000 shall be for the National Center for Toxicological Research; and (7) $21,800,000 shall be for other activities, including the Office of the Commissioner, the Office of Scientific and Medical Programs; the Office of Policy, Planning and Preparedness;

the Office of International and Special Programs; the Office of Operations; and central services for these offices.

BUILDINGS AND FACILITIES

For an additional amount for plans, construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities of or used by the Food and Drug Administration, where not otherwise provided, $10,000,000, to remain available until expended.

CHAPTER 2

DEPARTMENT OF COMMERCE

BUREAU OF THE CENSUS

PERIODIC CENSUSES AND PROGRAMS

For an additional amount for ''Periodic Censuses and Programs'', $210,000,000, to remain available until expended, for necessary expenses related to the 2010 Decennial Census: Provided, That not less than $3,000,000 shall be transferred to the ''Office of Inspector General'' at the Department of Commerce for necessary expenses associated with oversight activities of the 2010 Decennial Census: Provided further, That $1,000,000 shall be used only for a reimbursable agreement with the Defense Contract Management Agency to provide continuing contract management oversight of the 2010 Decennial Census.

DEPARTMENT OF JUSTICE

UNITED STATES MARSHALS SERVICE

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', $50,000,000 for the United States Marshals Service to implement and enforce the Adam Walsh Child Protection and Safety Act (Public Law 109–248) to track down and arrest non-compliant sex offenders.

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', $178,000,000, to remain available until September 30, 2008.

OFFICE OF JUSTICE PROGRAMS

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

For an additional amount for the Edward Byrne Memorial Justice Assistance Grant program as authorized by subpart 1 of part E of title I of Omnibus Crime Control and Safe Street Act of 1968 (''1968 Act''), (except that section 1001(c), and the special rules for Puerto Rico under section 505(g), of the 1968 Act, shall not apply for purposes of this Act), $490,000,000, to remain available until September 30, 2008.

For an additional amount for ''State and Local Law Enforcement Assistance'', $100,000,000 for competitive grants to provide assistance and equipment to local law enforcement along the Southern border and in High-Intensity Drug Trafficking Areas to combat criminal narcotic activity stemming from the Southern border, of which $10,000,000 shall be for the ATF Project Gunrunner.

SCIENCE

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

RETURN TO FLIGHT

For necessary expenses, not otherwise provided for, in carrying out return to flight activities associated with the space shuttle and activities from which funds were transferred to accommodate return to flight activities, $200,000,000.

NATIONAL SCIENCE FOUNDATION

RESEARCH AND RELATED ACTIVITIES

For additional expenses in carrying out the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875), $150,000,000.

EDUCATION AND HUMAN RESOURCES

For additional expenses in carrying out science and engineering education and human resources programs and activities pursuant to the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875), $50,000,000.

CHAPTER 3

DEPARTMENT OF ENERGY

NON-DEFENSE ENVIRONMENTAL CLEANUP

For an additional amount for ''Non-Defense Environmental Cleanup'', $5,000,000, to remain available until expended.

URANIUM ENRICHMENT DECONTAMINATION AND DECOMMISSIONING FUND

For an additional amount for ''Uranium Enrichment Decontamination and Decommissioning Fund'', $52,000,000, to remain available until expended.

SCIENCE

For an additional amount for ''Science'', $100,000,000, to remain available until expended.

ENVIRONMENTAL AND OTHER DEFENSE ACTIVITIES

DEFENSE ENVIRONMENTAL CLEANUP

For an additional amount for ''Defense Environmental Cleanup'', $243,000,000, to remain available until expended.

GENERAL PROVISION—THIS CHAPTER

SEC. 2301. INCENTIVES FOR ADDITIONAL DOWNBLENDING OF HIGHLY ENRICHED URANIUM BY THE RUSSIAN FEDERATION. The USEC Privatization Act (42 U.S.C. 2297h et seq.) is amended—

(1) in section 3102, by striking ''For purposes'' and inserting ''Except as provided in section 3112A, for purposes'';

(2) in section 3112(a), by striking ''The Secretary'' and inserting ''Except as provided in section 3112A(d), the Secretary''; and

(3) by inserting after section 3112 the following:

''SEC. 3112A. INCENTIVES FOR ADDITIONAL DOWNBLENDING OF HIGHLY ENRICHED URANIUM BY THE RUSSIAN FEDERATION.

''(a) DEFINITIONS.—In this section:

''(1) COMPLETION OF THE RUSSIAN HEU AGREEMENT.—The term 'completion of the Russian HEU Agreement' means the importation into the United States from the Russian Federation pursuant to the Russian HEU Agreement of uranium derived from the downblending of not less than 500 metric tons of highly enriched uranium of weapons origin.

''(2) DOWNBLENDING.—The term 'downblending' means processing highly enriched uranium into a uranium product in any form in which the uranium contains less than 20 percent uranium-235.

''(3) HIGHLY ENRICHED URANIUM.—The term 'highly enriched uranium' has the meaning given that term in section 3102(4).

''(4) HIGHLY ENRICHED URANIUM OF WEAPONS ORIGIN.—The term 'highly enriched uranium of weapons origin' means highly enriched uranium that—

''(A) contains 90 percent or more uranium-235; and

''(B) is verified by the Secretary of Energy to be of weapons origin.

''(5) LOW-ENRICHED URANIUM.—The term 'low-enriched uranium' means a uranium product in any form, including uranium hexafluoride (UF_6) and uranium oxide (UO_2), in which the uranium contains less than 20 percent uranium-235, without regard to whether the uranium is incorporated into fuel rods or complete fuel assemblies.

''(6) RUSSIAN HEU AGREEMENT.—The term 'Russian HEU Agreement' has the meaning given that term in section 3102(11).

''(7) URANIUM-235.—The term 'uranium-235' means the isotope ^{235}U.

''(b) STATEMENT OF POLICY.—It is the policy of the United States to support the continued downblending of highly enriched uranium of weapons origin in the Russian Federation in order to protect the essential security interests of the United States with respect to the nonproliferation of nuclear weapons.

''(c) PROMOTION OF DOWNBLENDING OF RUSSIAN HIGHLY ENRICHED URANIUM.—

''(1) INCENTIVES FOR THE COMPLETION OF THE RUSSIAN HEU AGREEMENT.—Prior to the completion of the Russian HEU Agreement, the importation into the United States of low-enriched uranium, including low-enriched uranium obtained under contracts for separative work units, that is produced in the Russian Federation and is not imported pursuant to the Russian HEU Agreement may not exceed the following amounts:

''(A) In each of the calendar years 2008 and 2009, not more than 22,500 kilograms.

''(B) In each of the calendar years 2010 and 2011, not more than 45,000 kilograms.

''(C) In calendar year 2012 and each calendar year thereafter through the calendar year of the completion of the Russian HEU Agreement, not more than 67,500 kilograms.

''(2) INCENTIVES TO CONTINUE DOWNBLENDING RUSSIAN HIGHLY ENRICHED URANIUM AFTER THE COMPLETION OF THE RUSSIAN HEU AGREEMENT.—

''(A) IN GENERAL.—In each calendar year beginning after the calendar year of the completion of the Russian HEU Agreement and before the termination date described in paragraph (8), the importation into the United States of low-enriched uranium, including low-enriched uranium obtained under contracts for separative work units, that is produced in the Russian Federation, whether or not such low-enriched uranium is derived from highly enriched uranium of weapons origin, may not exceed 400,000 kilograms.

''(B) ADDITIONAL IMPORTS.—

''(i) IN GENERAL.—In addition to the amount authorized to be imported under subparagraph (A) and except as provided in clause (ii), 20 kilograms of low-enriched uranium, whether or not such low-enriched uranium is derived from highly enriched uranium of weapons origin, may be imported for every 3 kilograms of Russian highly enriched uranium of weapons origin that was downblended in the preceding calendar year, subject to the verification of the Secretary of Energy under paragraph (10).

''(ii) MAXIMUM ANNUAL IMPORTS.—Not more than 200,000 kilograms of low-enriched uranium may be imported in a calendar year under clause (i).

''(3) EXCEPTION WITH RESPECT TO INITIAL CORES.—The import limitations described in paragraphs (1) and (2) shall not apply to low-enriched uranium produced in the Russian Federation that is imported into the United States for use in the initial core of a new nuclear reactor.

''(4) ANNUAL ADJUSTMENT.—

''(A) IN GENERAL.—Beginning in the second calendar year after the calendar year of the completion of the Russian HEU Agreement, the Secretary of Energy shall increase or decrease the amount of low-enriched uranium that may be imported in a calendar year under paragraph (2) (including the amount of low-enriched uranium that may be imported for each kilogram of highly enriched uranium downblended under paragraph (2)(B)(i)) by a percentage equal to the percentage increase or decrease, as the case may be, in the average amount of uranium loaded into nuclear power reactors in the United States in the most recent 3-calendar-year period for which data are available, as reported by the Energy Information Administration of the Department of Energy, compared to the average amount of uranium loaded into such reactors during the 3-calendar-year period beginning on January 1, 2011, as reported by the Energy Information Administration.

''(B) PUBLICATION OF ADJUSTMENTS.—As soon as practicable, but not later than July 31 of each calendar year, the Secretary of Energy shall publish in the Federal Register the amount of low-enriched uranium that may be imported in the current calendar year after the adjustment under subparagraph (A).

''(5) AUTHORITY FOR ADDITIONAL ADJUSTMENT.—In addition to the annual adjustment under paragraph (4), the Secretary of Commerce

may adjust the import limitations under paragraph (2)(A) for a calendar year if the Secretary—

''(A) in consultation with the Secretary of Energy, determines that the available supply of low-enriched uranium from the Russian Federation and the available stockpiles of uranium of the Department of Energy are insufficient to meet demand in the United States in the following calendar year; and

''(B) notifies Congress of the adjustment not less than 45 days before making the adjustment.

''(6) EQUIVALENT QUANTITIES OF LOW-ENRICHED URANIUM IMPORTS.—

''(A) IN GENERAL.—The import limitations described in paragraphs (1) and (2) are expressed in terms of uranium containing 4.4 percent uranium-235 and a tails assay of 0.3 percent.

''(B) ADJUSTMENT FOR OTHER URANIUM.—Imports of low-enriched uranium under paragraphs (1) and (2) shall count against the import limitations described in such paragraphs in amounts calculated as the quantity of low-enriched uranium containing 4.4 percent uranium-235 necessary to equal the total amount of uranium-235 contained in such imports.

''(7) DOWNBLENDING OF OTHER HIGHLY ENRICHED URANIUM.—

''(A) IN GENERAL.—The downblending of highly enriched uranium not of weapons origin may be counted for purposes of paragraph (2)(B) or (8)(B), subject to verification under paragraph (10), if the Secretary of Energy determines that the highly enriched uranium to be downblended poses a risk to the national security of the United States.

''(B) EQUIVALENT QUANTITIES OF HIGHLY ENRICHED URANIUM.—For purposes of determining the additional low-enriched uranium imports allowed under paragraph (2)(B) and for purposes of paragraph (8)(B), highly enriched uranium not of weapons origin downblended pursuant to subparagraph (A) shall count as downblended highly enriched uranium of weapons origin in amounts calculated as the quantity of highly enriched uranium containing 90 percent uranium-235 necessary to equal the total amount of uranium-235 contained in the highly enriched uranium not of weapons origin downblended pursuant to subparagraph (A).

''(8) TERMINATION OF IMPORT RESTRICTIONS AFTER DOWNBLENDING OF AN ADDITIONAL 300 METRIC TONS OF HIGHLY ENRICHED URANIUM.—The provisions of this subsection shall terminate on the later of—

''(A) December 31, 2020; or

''(B) the date on which the Secretary of Energy certifies to Congress that, after the completion of the Russian HEU Agreement, not less than an additional 300 metric tons of Russian highly enriched uranium of weapons origin have been downblended.

''(9) SPECIAL RULE IF IMPORTATION UNDER RUSSIAN HEU AGREEMENT TERMINATES EARLY.—Notwithstanding any other provision of law, no low-enriched uranium produced in the Russian Federation that is not derived from highly enriched uranium of weapons origin, including low-enriched uranium obtained under contracts for separative work units, may be imported into the United States if, before the completion of the Russian HEU Agreement, the Secretary of Energy determines that the Russian Federation has taken deliberate action to disrupt or halt the importation into the United States of low-enriched uranium under the Russian HEU Agreement.

''(10) TECHNICAL VERIFICATIONS BY SECRETARY OF ENERGY.—

''(A) IN GENERAL.—The Secretary of Energy shall verify the origin, quantity, and uranium-235 content of the highly enriched uranium downblended for purposes of paragraphs (2)(B), (7), and (8)(B).

''(B) METHODS OF VERIFICATION.—In conducting the verification required under subparagraph (A), the Secretary of Energy shall employ the transparency measures provided for in the Russian HEU Agreement for monitoring the downblending of Russian highly enriched uranium of weapons origin and such other methods as the Secretary determines appropriate.

''(11) ENFORCEMENT OF IMPORT LIMITATIONS.—The Secretary of Commerce shall be responsible for enforcing the import limitations imposed under this subsection and shall enforce such import limitations in a manner that imposes a minimal burden on the commercial nuclear industry.

''(12) EFFECT ON OTHER AGREEMENTS.—

''(A) RUSSIAN HEU AGREEMENT.—Nothing in this section shall be construed to modify the terms of the Russian HEU Agreement, including the provisions of the Agreement relating to the amount of low-enriched uranium that may be imported into the United States.

''(B) OTHER AGREEMENTS.—If a provision of any agreement between the United States and the Russian Federation, other than the Russian HEU Agreement, relating to the importation of low-enriched uranium into the United States conflicts with a provision of this section, the provision of this section shall supersede the provision of the agreement to the extent of the conflict.

''(d) DOWNBLENDING OF HIGHLY ENRICHED URANIUM IN THE UNITED STATES.—The Secretary of Energy may sell uranium in the jurisdiction of the Secretary, including downblended highly enriched uranium, at fair market value to a licensed operator of a nuclear reactor in the United States—

''(1) in the event of a disruption in the nuclear fuel supply in the United States; or

''(2) after a determination of the Secretary under subsection (c)(9) that the Russian Federation has taken deliberate action to disrupt or halt the importation into the United States of low-enriched uranium under the Russian HEU Agreement.''.

CHAPTER 4

GENERAL PROVISION—THIS CHAPTER

SEC. 2401. VETERANS BUSINESS RESOURCE CENTERS. There are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2008, $600,000 for the ''Salaries and Expenses'' account of the Small Business Administration, for grants in the amount of $200,000 to veterans business resource centers that received grants from the National Veterans Business Development Corporation in fiscal years 2006 and 2007.

CHAPTER 5

GENERAL PROVISION—THIS CHAPTER

SEC. 2501. For fiscal year 2008, there is appropriated $400,000,000, to remain available until December 31, 2008, for payments described in sections 101, 102(b)(3), and 103(b)(2) of the Secure Rural Schools and Community Self-Determination Act of 2000 (Public Law 106–393).

CHAPTER 6

DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS

For an additional amount for ''State Unemployment Insurance and Employment Service Operations'' for grants to the States for the administration of State unemployment insurance, $110,000,000, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund, to be used for unemployment insurance workloads experienced by the States through September 30, 2008, which shall be available for Federal obligation through December 31, 2008.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

CENTERS FOR DISEASE CONTROL AND PREVENTION

DISEASE CONTROL, RESEARCH, AND TRAINING

For an additional amount for ''Disease Control, Research, and Training'', $26,000,000, for the prevention of and response to medical errors including research, education and outreach activities; of which no less than $5,000,000 shall be for responding to outbreaks of communicable diseases related to the re-use of syringes in outpatient clinics, including reimbursement of local health departments for testing and genetic sequencing of persons potentially exposed.

NATIONAL INSTITUTES OF HEALTH

OFFICE OF THE DIRECTOR

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Office of the Director, National Institutes of Health'', $400,000,000.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 2601. In addition to amounts otherwise made available for fiscal year 2008, there are appropriated, out of any money in the Treasury not otherwise appropriated, $1,000,000,000 for fiscal year 2008, for making payments under the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8623).

SEC. 2602. REPORT ON THE IMPACT OF PAST AND FUTURE MINIMUM WAGE INCREASES. (a) IN GENERAL.—Section 8104 of the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (Public Law 110–28; 121 Stat. 189) is amended to read as follows:

''SEC. 8104. REPORT ON THE IMPACT OF PAST AND FUTURE MINIMUM WAGE INCREASES.

''(a) STUDY.—Beginning on the date that is 60 days after the date of enactment of this Act, and every year thereafter until the minimum wage in the respective territory is $7.25 per hour, the Government Accountability Office shall conduct a study to—

''(1) assess the impact of the minimum wage increases that occurred in American Samoa and the Commonwealth of the Northern Mariana Islands in 2007 and 2008, as required under Public Law 110–28, on the rates of employment and the living standards of workers, with full consideration of the other factors that impact rates of employment and the living standards of workers such as inflation in the cost of food, energy, and other commodities; and

''(2) estimate the impact of any further wage increases on rates of employment and the living standards of workers in American Samoa and the Commonwealth of the Northern Mariana Islands, with full consideration of the other factors that may impact the rates of employment and the living standards of workers, including assessing how the profitability of major private sector firms may be impacted by wage increases in comparison to other factors such as energy costs and the value of tax benefits.

''(b) REPORT.—No earlier than March 15, 2009, and not later than April 15, 2009, the Government Accountability Office shall transmit its first report to Congress concerning the findings of the study required under subsection (a). The Government Accountability Office shall transmit any subsequent reports to Congress concerning the findings of a study required by subsection (a) between March 15 and April 15 of each year.

''(c) ECONOMIC INFORMATION.—To provide sufficient economic data for the conduct of the study under subsection (a)—

''(1) the Department of Labor shall include and separately report on American Samoa and the Commonwealth of the Northern Mariana Islands in its household surveys and establishment surveys;

''(2) the Bureau of Economic Analysis of the Department of Commerce shall include and separately report on American Samoa and the Commonwealth of the Northern Mariana Islands in its gross domestic product data; and

''(3) the Bureau of the Census of the Department of Commerce shall include and separately report on American Samoa and the Commonwealth of the Northern Mariana Islands in its population estimates and demographic profiles from the American Community Survey,

with the same regularity and to the same extent as the Department or each Bureau collects and

reports such data for the 50 States. In the event that the inclusion of American Samoa and the Commonwealth of the Northern Mariana Islands in such surveys and data compilations requires time to structure and implement, the Department of Labor, the Bureau of Economic Analysis, and the Bureau of the Census (as the case may be) shall in the interim annually report the best available data that can feasibly be secured with respect to such territories. Such interim reports shall describe the steps the Department or the respective Bureau will take to improve future data collection in the territories to achieve comparability with the data collected in the United States. The Department of Labor, the Bureau of Economic Analysis, and the Bureau of the Census, together with the Department of the Interior, shall coordinate their efforts to achieve such improvements.''.

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

CHAPTER 7

RELATED AGENCY

AMERICAN BATTLE MONUMENTS COMMISSION

FOREIGN CURRENCY FLUCTUATIONS ACCOUNT

For an additional amount for ''Foreign Currency Fluctuations Account'', $10,000,000, to remain available until expended, for purposes authorized by section 2109 of title 36, United States Code.

TITLE III

HURRICANES KATRINA AND RITA, AND OTHER NATURAL DISASTERS

CHAPTER 1

DEPARTMENT OF AGRICULTURE

FARM SERVICE AGENCY

EMERGENCY CONSERVATION PROGRAM

For the purposes of carrying out the Emergency Conservation Program, there is hereby appropriated $49,413,000, to remain available until expended.

NATURAL RESOURCES CONSERVATION SERVICE

WATERSHED AND FLOOD PREVENTION OPERATIONS

For an additional amount for ''Watershed and Flood Prevention Operations'', for emergency recovery operations, $130,464,000, to remain available until expended.

GENERAL PROVISION—THIS CHAPTER

(INCLUDING RESCISSION)

SEC. 3101. Of the funds made available in the second paragraph under the heading ''Rural Utilities Service, Rural Electrification and Telecommunications Loans Program Account'' in chapter 1 of division B of the Department of Defense, Emergency Supplemental Appropriations to Address Hurricanes in the Gulf of Mexico, and Pandemic Influenza Act, 2006 (Public Law 109–148; 119 Stat. 2746), the Secretary may use an amount not to exceed $1,000,000 of remaining unobligated funds for the cost of loan modifications to rural electric loans made or guaranteed under the Rural Electrification Act of 1936, to respond to damage caused by any weather related events since Hurricane Katrina, to remain available until expended: Provided, That $1,000,000 of the remaining unobligated funds under such paragraph are rescinded.

CHAPTER 2

DEPARTMENT OF COMMERCE

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

For an additional amount for economic development assistance as provided by section 3082(a) of the Water Resources Development Act of 2007 (Public Law 110–114), $75,000,000.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

For an additional amount for ''Operations, Research, and Facilities'' for necessary expenses related to economic impacts associated with commercial fishery failures, fishery resource disasters, and regulations on commercial fishing industries, $75,000,000.

DEPARTMENT OF JUSTICE

OFFICE OF JUSTICE PROGRAMS

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

For an additional amount for ''State and Local Law Enforcement Assistance'', for discretionary grants authorized by subpart 2 of part E, of title I of the Omnibus Crime Control and Safe Streets Act of 1968 as in effect on September 30, 2006, $75,000,000: Provided, That the amount made available under this heading shall be for local law enforcement initiatives in the Gulf Coast region related to the aftermath of Hurricane Katrina.

CHAPTER 3

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

CONSTRUCTION

For an additional amount for ''Construction'' for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, and for recovery from other natural disasters $5,033,345,000, to remain available until expended: Provided, That the Secretary of the Army is directed to use $4,362,000,000 of the funds appropriated under this heading to modify authorized projects in southeast Louisiana to provide hurricane and storm damage reduction and flood damage reduction in the greater New Orleans and surrounding areas to provide the levels of protection necessary to achieve the certification required for participation in the National Flood Insurance Program under the base flood elevations current at the time of this construction; $1,657,000,000 shall be used for the Lake Pontchartrain and Vicinity; $1,415,000,000 shall be used for the West Bank and Vicinity project; and $1,290,000,000 shall be for elements of the Southeast Louisiana Urban Drainage project, that are within the geographic perimeter of the West Bank and Vicinity and Lake Pontchartrain and Vicinity projects to provide for interior drainage of runoff from rainfall with a 10 percent annual exceedance probability: Provided further, That none of this $4,362,000,000 shall become available for obligation until October 1, 2008: Provided further, That non-Federal cost allocations for these projects shall be consistent with the cost-sharing provisions under which the projects were originally constructed: Provided further, That the $1,315,000,000 non-Federal cost share for these projects shall be repaid in accordance with provisions of section 103(k) of Public Law 99–662 over a period of 30 years: Provided further, That the expenditure of funds as provided above may be made without regard to individual amounts or purposes except that any reallocation of funds that are necessary to accomplish the established goals are authorized, subject to the approval of the House and Senate Committees on Appropriations: Provided further, That the Secretary of the Army is directed to use $604,745,000 of the funds appropriated under this heading to provide hurricane and storm damage reduction, flood damage reduction and ecosystem restoration along the Gulf Coast of Mississippi and surrounding areas generally as described in the Mobile District Engineer's Mississippi Coastal Improvements Program Comprehensive Plan Report; $173,615,000 shall be used for ecosystem restoration projects; $4,550,000 shall be used for the Moss Point Municipal Relocation project; $5,000,000 shall be used for the Waveland Floodproofing project; $150,000 shall be used for the Mississippi Sound Sub Aquatic Vegetation project; $15,430,000 shall be used for the Coast-wide Dune Restoration project; $397,000,000 shall be used for the Homeowners Assistance and Relocation project; and $9,000,000 shall be used for the Forrest Heights Hurricane and Storm Damage Reduction project: Provided further, That none of this $604,745,000 shall become available for obligation until October 1, 2008: Provided further, That these projects shall be initiated only after non-Federal interests have entered into binding agreements with the Secretary requiring the non-Federal interests to pay 100 percent of the operation, maintenance, repair, replacement, and rehabilitation costs of the project and to hold and save the United States free from damages due to the construction or operation and maintenance of the project, except for damages due to the fault or negligence of the United States or its contractors: Provided further, That the $211,661,000 non-Federal cost share for these projects shall be repaid in accordance with the provisions of section 103(k) of Public Law 99–662 over a period of 30 years: Provided further, That the expenditure of funds as provided above may be made without regard to individual amounts or purposes except that any reallocation of funds that are necessary to accomplish the established goals are authorized, subject to the approval of the House and Senate Committees on Appropriations: Provided further, That the Secretary of the Army is directed to use $66,600,000 of the funds appropriated under this heading to address emergency situations at Corps of Engineers projects and rehabilitate and repair damages to Corps projects caused by recent natural disasters: Provided further, That the Chief of Engineers, acting through the Assistant Secretary of the Army for Civil Works, shall provide a monthly report to the House and Senate Committees on Appropriations detailing the allocation and obligation of these funds, beginning not later than 60 days after enactment of this Act.

MISSISSIPPI RIVER AND TRIBUTARIES

For an additional amount for ''Mississippi River and Tributaries'' for recovery from natural disasters, $17,700,000, to remain available until expended to repair damages to Federal projects caused by recent natural disasters.

OPERATIONS AND MAINTENANCE

For an additional amount for ''Operations and Maintenance'' to dredge navigation channels and repair other Corps projects related to natural disasters, $338,800,000, to remain available until expended: Provided, That the Chief of Engineers, acting through the Assistant Secretary of the Army for Civil Works, shall provide a monthly report to the House and Senate Committees on Appropriations detailing the allocation and obligation of these funds, beginning not later than 60 days after enactment of this Act.

FLOOD CONTROL AND COASTAL EMERGENCIES

For an additional amount for ''Flood Control and Coastal Emergencies'', as authorized by section 5 of the Act of August 18, 1941 (33 U.S.C. 701n), for necessary expenses relating to the consequences of Hurricane Katrina and other hurricanes, and for recovery from other natural disasters, $3,368,400,000, to remain available until expended: Provided, That the Secretary of the Army is directed to use $2,926,000,000 of the funds appropriated under this heading to modify, at full Federal expense, authorized projects in southeast Louisiana to provide hurricane and storm damage reduction and flood damage reduction in the greater New Orleans and surrounding areas; $704,000,000 shall be used to modify the 17th Street, Orleans Avenue, and London Avenue drainage canals and install pumps and closure structures at or near the lakefront; $90,000,000 shall be used for stormproofing interior pump stations to ensure the operability of the stations during hurricanes, storms, and high water events; $459,000,000 shall be used for armoring critical elements of the New Orleans hurricane and storm damage reduction system; $53,000,000 shall be used to improve protection at the Inner Harbor Navigation Canal; $456,000,000 shall be used to replace or modify certain non-Federal levees in Plaquemines Parish to incorporate the levees into the existing New Orleans to Venice hurricane protection project; $412,000,000 shall be used for reinforcing or replacing flood walls, as

necessary, in the existing Lake Pontchartrain and Vicinity project and the existing West Bank and Vicinity project to improve the performance of the systems; $393,000,000 shall be used for repair and restoration of authorized protections and floodwalls; $359,000,000 shall be to complete the authorized protection for the Lake Ponchartrain and Vicinity Project and for the West Bank and Vicinity Project: Provided further, That none of this $2,926,000,000 shall become available for obligation until October 1, 2008: Provided further, That any project using funds appropriated under this heading shall be initiated only after non-Federal interests have entered into binding agreements with the Secretary requiring the non-Federal interests to pay 100 percent of the operation, maintenance, repair, replacement, and rehabilitation costs of the project and to hold and save the United States free from damages due to the construction or operation and maintenance of the project, except for damages due to the fault or negligence of the United States or its contractors: Provided further, That the Secretary of the Army, within available funds, is directed to continue the NEPA alternative evaluation of all options with particular attention to Options 1, 2 and 2a of the report to Congress, dated August 30, 2007, provided in response to the requirements of chapter 3, section 4303 of Public Law 110–28, and within 90 days of enactment of this Act provide the House and Senate Committees on Appropriations cost estimates to implement Options 1, 2 and 2a of the above cited report: Provided further, That the expenditure of funds as provided above may be made without regard to individual amounts or purposes except that any reallocation of funds that are necessary to accomplish the established goals are authorized, subject to the approval of the House and Senate Committees on Appropriations: Provided further, That $348,000,000 of the amount provided under this heading shall be used for barrier island restoration and ecosystem restoration to restore historic levels of storm damage reduction to the Mississippi Gulf Coast: Provided further, That none of this $348,000,000 shall become available for obligation until October 1, 2008: Provided further, That this work shall be carried out at full Federal expense: Provided further, That the Secretary of the Army is directed to use $94,400,000 of the funds appropriated under this heading to support emergency operations, to repair eligible projects nationwide, and for other activities in response to recent natural disasters: Provided further, That the Chief of Engineers, acting through the Assistant Secretary of the Army for Civil Works, shall provide a monthly report to the House and Senate Committees on Appropriations detailing the allocation and obligation of these funds, beginning not later than 60 days after enactment of this Act.

GENERAL EXPENSES

For an additional amount for ''General Expenses'' for increased efforts by the Mississippi Valley Division to oversee emergency response and recovery activities related to the consequences of hurricanes in the Gulf of Mexico in 2005, $1,500,000, to remain available until expended.

CHAPTER 4

GENERAL PROVISIONS—THIS CHAPTER

SEC. 3401. Notwithstanding any other provision of law, and not later than 30 days after the date of submission of a request for a single payment, the Federal Emergency Management Agency shall provide a single payment for any eligible costs under section 406 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act for any police station, fire station, or criminal justice facility that was damaged by Hurricane Katrina of 2005 or Hurricane Rita of 2005: Provided, That nothing in this section may be construed to alter the appeal or review process relating to assistance provided under section 406 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act: Provided further, That the Federal Emergency Management Agency shall not reduce the amount of assistance provided under section 406(c)(1) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act for such facilities.

SEC. 3402. Until such time as the updating of flood insurance rate maps under section 19 of the Flood Modernization Act of 2007 is completed (as determined by the district engineer) for all areas located in the St. Louis District of the Mississippi Valley Division of the Corps of Engineers, the Administrator of the Federal Emergency Management Agency shall not adjust the chargeable premium rate for flood insurance under this section for any type or class of property located in an area in that District nor require the purchase of flood insurance for any type or class of property located in an area in that District not subject to such purchase requirement prior to the updating of such national flood insurance program rate map: Provided, That for purposes of this section, the term ''area'' does not include any area (or subdivision thereof) that has chosen not to participate in the flood insurance program under this section as of the date of enactment of this Act.

CHAPTER 5

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

WILDLAND FIRE MANAGEMENT

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Wildland Fire Management'', $125,000,000, to remain available until expended, of which $100,000,000 is for emergency wildland fire suppression activities, and of which $25,000,000 is for rehabilitation and restoration of Federal lands: Provided, That emergency wildland fire suppression funds are also available for repayment to other appropriations accounts from which funds were transferred for wildfire suppression.

NATIONAL PARK SERVICE

HISTORIC PRESERVATION FUND

For an additional amount for the ''Historic Preservation Fund'', for expenses related to the consequences of Hurricane Katrina, $15,000,000, to remain available until expended: Provided, That the funds provided under this heading shall be provided to the Louisiana State Historic Preservation Officer, after consultation with the National Park Service, for grants for restoration and rehabilitation at Jackson Barracks: Provided further, That no more than 5 percent of funds provided under this heading for disaster relief grants may be used for administrative expenses.

ENVIRONMENTAL PROTECTION AGENCY

STATE AND TRIBAL ASSISTANCE GRANTS

For an additional amount for ''State and Tribal Assistance Grants'', for expenses related to the consequences of Hurricane Katrina, $5,000,000, to remain available until expended, for a grant to Cameron Parish, Louisiana, for construction of drinking water, wastewater and storm water infrastructure and for water quality protection: Provided, That for purposes of this grant, the grantee shall contribute not less than 45 percent of the cost of the project unless the grantee is approved for a waiver by the Agency.

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

WILDLAND FIRE MANAGEMENT

(INCLUDING TRANSFERS OF FUNDS)

For an additional amount for ''Wildland Fire Management'', $325,000,000, to remain available until expended, of which $250,000,000 shall be available for emergency wildfire suppression, and of which $75,000,000 shall be available for rehabilitation and restoration of Federal lands and may be transferred to other Forest Service accounts as necessary: Provided, That emergency wildfire suppression funds are also available for repayment to other appropriations accounts from which funds were transferred for wildfire suppression.

CHAPTER 6

DEPARTMENT OF HEALTH AND HUMAN SERVICES

CENTERS FOR MEDICARE AND MEDICAID SERVICES

For grants to States, consistent with section 6201(a)(4) of the Deficit Reduction Act of 2005, to make payments as defined by the Secretary in the methodology used for the Provider Stabilization grants to those Medicare participating general acute care hospitals, as defined in section 1886(d) of the Social Security Act, and currently operating in Jackson, Forrest, Hancock, and Harrison Counties of Mississippi and Orleans and Jefferson Parishes of Louisiana which continue to experience severe financial exigencies and other economic losses attributable to Hurricane Katrina or its subsequent flooding, and are in need of supplemental funding to relieve the financial pressures these hospitals face resulting from increased wage rates in hiring and retaining staff in order to stabilize access to patient care, $350,000,000, to be made available until September 30, 2010.

CHAPTER 7

MILITARY CONSTRUCTION

MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

(INCLUDING RESCISSION OF FUNDS)

For an additional amount for ''Military Construction, Army National Guard'', $11,503,000, to remain available until September 30, 2012: Provided, That such funds may be obligated or expended for planning and design and military construction projects not otherwise authorized by law: Provided further, That of the funds appropriated for ''Military Construction, Army National Guard'' under Public Law 109–234, $7,000,000 are hereby rescinded.

GENERAL PROVISION—THIS CHAPTER

SEC. 3701. Within the funds available in the Department of Defense Family Housing Improvement Fund as credited in accordance with 10 U.S.C. 2883(c), $10,500,000 shall be available for use at the Naval Construction Battalion Center, Gulfport, Mississippi, under the terms and conditions specified by 10 U.S.C. 2883, to remain available until expended.

CHAPTER 8

DEPARTMENT OF TRANSPORTATION

FEDERAL-AID HIGHWAYS

EMERGENCY RELIEF PROGRAM

For an additional amount for the Emergency Relief Program as authorized under section 125 of title 23, United States Code, for eligible disasters occurring in fiscal years 2005 to the present, $451,126,383, to remain available until expended.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

PERMANENT SUPPORTIVE HOUSING

For the provision of permanent supportive housing units as identified in the plan of the Louisiana Recovery Authority and approved by the Secretary of Housing and Urban Development, $73,000,000 to remain available until expended, of which not less than $20,000,000 shall be for project-based vouchers under section 8(o)(13) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(13)), not less than $50,000,000 shall be for grants under the Shelter Plus Care Program as authorized under subtitle F of title IV of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11403 et seq.), and not more than $3,000,000 shall be for related administrative expenses of the State of Louisiana or its designee or designees: Provided, That the Secretary of Housing and Urban Development shall, upon request, make funds available under this paragraph to the State of Louisiana or its designee or designees: Provided further, That notwithstanding any other provision of law, for the purpose of administering the amounts provided under this paragraph, the State of Louisiana or its designee or designees may act in all respects as a public housing agency as defined in section

3(b)(6) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)(6)): Provided further, That subparagraphs (B) and (D) of section 8(o)(13) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(13)) shall not apply with respect to vouchers made available under this paragraph.

PROJECT-BASED RENTAL ASSISTANCE

For an additional amount to areas impacted by Hurricane Katrina in the State of Mississippi for project-based vouchers under section 8(o)(13) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(13)), $20,000,000, to remain available until expended.

HOUSING TRANSITION ASSISTANCE

For an additional amount to the State of Louisiana for case management and housing transition services for families in areas impacted by Hurricanes Katrina and Rita of 2005, $3,000,000, to remain available until expended.

COMMUNITY DEVELOPMENT FUND

For an additional amount for the ''Community development fund'' for necessary expenses related to any uncompensated housing damage directly related to the consequences of Hurricane Katrina in the State of Alabama, $50,000,000, to remain available until expended: Provided, That prior to the obligation of funds the State shall submit a plan to the Secretary detailing the proposed use of all funds, including criteria for eligibility and how the use of these funds will address uncompensated housing damage: Provided further, That such funds may not be used for activities reimbursable by or for which funds are made available by the Federal Emergency Management Agency: Provided further, That the State may use up to 5 percent of its allocation for administrative costs: Provided further, That in administering the funds under this paragraph, the Secretary of Housing and Urban Development may waive, or specify alternative requirements for, any provision of any statute or regulation that the Secretary administers in connection with the obligation by the Secretary or the use by the recipient of these funds or guarantees (except for requirements related to fair housing, nondiscrimination, labor standards, and the environment), upon a request by the State that such waiver is required to facilitate the use of such funds or guarantees, and a finding by the Secretary that such waiver would not be inconsistent with the overall purpose of the statute: Provided further, That the Secretary may waive the requirement that activities benefit persons of low and moderate income, except that at least 50 percent of the funds made available under this heading must benefit primarily persons of low and moderate income unless the Secretary otherwise makes a finding of compelling need: Provided further, That the Secretary shall publish in the Federal Register any waiver of any statute or regulation that the Secretary administers pursuant to title I of the Housing and Community Development Act of 1974 no later than 5 days before the effective date of such waiver.

(RESCISSION)

Of the unobligated balances remaining from funds appropriated under this heading by section 159 of Public Law 110–116 for the Louisiana Road Home program, $200,000,000 are rescinded.

TITLE IV—VETERANS EDUCATIONAL ASSISTANCE

SEC. 4001. SHORT TITLE.

This title may be cited as the ''Post-9/11 Veterans Educational Assistance Act of 2008''.

SEC. 4002. FINDINGS.

Congress makes the following findings:

(1) On September 11, 2001, terrorists attacked the United States, and the brave members of the Armed Forces of the United States were called to the defense of the Nation.

(2) Service on active duty in the Armed Forces has been especially arduous for the members of the Armed Forces since September 11, 2001.

(3) The United States has a proud history of offering educational assistance to millions of veterans, as demonstrated by the many ''G.I. Bills'' enacted since World War II. Educational assistance for veterans helps reduce the costs of war, assist veterans in readjusting to civilian life after wartime service, and boost the United States economy, and has a positive effect on recruitment for the Armed Forces.

(4) The current educational assistance program for veterans is outmoded and designed for peacetime service in the Armed Forces.

(5) The people of the United States greatly value military service and recognize the difficult challenges involved in readjusting to civilian life after wartime service in the Armed Forces.

(6) It is in the national interest for the United States to provide veterans who serve on active duty in the Armed Forces after September 11, 2001, with enhanced educational assistance benefits that are worthy of such service and are commensurate with the educational assistance benefits provided by a grateful Nation to veterans of World War II.

SEC. 4003. EDUCATIONAL ASSISTANCE FOR MEMBERS OF THE ARMED FORCES WHO SERVE AFTER SEPTEMBER 11, 2001.

(a) EDUCATIONAL ASSISTANCE AUTHORIZED.—

(1) IN GENERAL.—Part III of title 38, United States Code, is amended by inserting after chapter 32 the following new chapter:

''CHAPTER 33—POST–9/11 EDUCATIONAL ASSISTANCE

''SUBCHAPTER I—DEFINITIONS

''Sec.
''3301. Definitions.

''SUBCHAPTER II—EDUCATIONAL ASSISTANCE

''3311. Educational assistance for service in the Armed Forces commencing on or after September 11, 2001: entitlement.
''3312. Educational assistance: duration.
''3313. Educational assistance: amount; payment.
''3314. Tutorial assistance.
''3315. Licensure and certification tests.
''3316. Supplemental educational assistance: members with critical skills or specialty; members serving additional service.
''3317. Public-private contributions for additional educational assistance.
''3318. Additional assistance: relocation or travel assistance for individual relocating or traveling significant distance for pursuit of a program of education.

''SUBCHAPTER III—ADMINISTRATIVE PROVISIONS

''3321. Time limitation for use of and eligibility for entitlement.
''3322. Bar to duplication of educational assistance benefits.
''3323. Administration.
''3324. Allocation of administration and costs.

''SUBCHAPTER I—DEFINITIONS

''§3301. Definitions

''In this chapter:

''(1) The term 'active duty' has the meanings as follows (subject to the limitations specified in sections 3002(6) and 3311(b) of this title):

''(A) In the case of members of the regular components of the Armed Forces, the meaning given such term in section 101(21)(A) of this title.

''(B) In the case of members of the reserve components of the Armed Forces, service on active duty under a call or order to active duty under section 688, 12301(a), 12301(d), 12301(g), 12302, or 12304 of title 10.

''(2) The term 'entry level and skill training' means the following:

''(A) In the case of members of the Army, Basic Combat Training and Advanced Individual Training.

''(B) In the case of members of the Navy, Recruit Training (or Boot Camp) and Skill Training (or so-called 'A' School).

''(C) In the case of members of the Air Force, Basic Military Training and Technical Training.

''(D) In the case of members of the Marine Corps, Recruit Training and Marine Corps Training (or School of Infantry Training).

''(E) In the case of members of the Coast Guard, Basic Training.

''(3) The term 'program of education' has the meaning the meaning given such term in section 3002 of this title, except to the extent otherwise provided in section 3313 of this title.

''(4) The term 'Secretary of Defense' has the meaning given such term in section 3002 of this title.

''SUBCHAPTER II—EDUCATIONAL ASSISTANCE

''§3311. Educational assistance for service in the Armed Forces commencing on or after September 11, 2001: entitlement

''(a) ENTITLEMENT.—Subject to subsections (d) and (e), each individual described in subsection (b) is entitled to educational assistance under this chapter.

''(b) COVERED INDIVIDUALS.—An individual described in this subsection is any individual as follows:

''(1) An individual who—

''(A) commencing on or after September 11, 2001, serves an aggregate of at least 36 months on active duty in the Armed Forces (including service on active duty in entry level and skill training); and

''(B) after completion of service described in subparagraph (A)—

''(i) continues on active duty; or

''(ii) is discharged or released from active duty as described in subsection (c).

''(2) An individual who—

''(A) commencing on or after September 11, 2001, serves at least 30 continuous days on active duty in the Armed Forces; and

''(B) after completion of service described in subparagraph (A), is discharged or released from active duty in the Armed Forces for a service-connected disability.

''(3) An individual who—

''(A) commencing on or after September 11, 2001, serves an aggregate of at least 30 months, but less than 36 months, on active duty in the Armed Forces (including service on active duty in entry level and skill training); and

''(B) after completion of service described in subparagraph (A)—

''(i) continues on active duty for an aggregate of less than 36 months; or

''(ii) before completion of service on active duty of an aggregate of 36 months, is discharged or released from active duty as described in subsection (c).

''(4) An individual who—

''(A) commencing on or after September 11, 2001, serves an aggregate of at least 24 months, but less than 30 months, on active duty in the Armed Forces (including service on active duty in entry level and skill training); and

''(B) after completion of service described in subparagraph (A)—

''(i) continues on active duty for an aggregate of less than 30 months; or

''(ii) before completion of service on active duty of an aggregate of 30 months, is discharged or released from active duty as described in subsection (c).

''(5) An individual who—

''(A) commencing on or after September 11, 2001, serves an aggregate of at least 18 months, but less than 24 months, on active duty in the Armed Forces (excluding service on active duty in entry level and skill training); and

''(B) after completion of service described in subparagraph (A)—

''(i) continues on active duty for an aggregate of less than 24 months; or

''(ii) before completion of service on active duty of an aggregate of 24 months, is discharged or released from active duty as described in subsection (c).

''(6) An individual who—

''(A) commencing on or after September 11, 2001, serves an aggregate of at least 12 months,

but less than 18 months, on active duty in the Armed Forces (excluding service on active duty in entry level and skill training); and

''(B) after completion of service described in subparagraph (A)—

''(i) continues on active duty for an aggregate of less than 18 months; or

''(ii) before completion of service on active duty of an aggregate of 18 months, is discharged or released from active duty as described in subsection (c).

''(7) An individual who—

''(A) commencing on or after September 11, 2001, serves an aggregate of at least 6 months, but less than 12 months, on active duty in the Armed Forces (excluding service on active duty in entry level and skill training); and

''(B) after completion of service described in subparagraph (A)—

''(i) continues on active duty for an aggregate of less than 12 months; or

''(ii) before completion of service on active duty of an aggregate of 12 months, is discharged or released from active duty as described in subsection (c).

''(8) An individual who—

''(A) commencing on or after September 11, 2001, serves an aggregate of at least 90 days, but less than 6 months, on active duty in the Armed Forces (excluding service on active duty in entry level and skill training); and

''(B) after completion of service described in subparagraph (A)—

''(i) continues on active duty for an aggregate of less than 6 months; or

''(ii) before completion of service on active duty of an aggregate of 6 months, is discharged or released from active duty as described in subsection (c).

''(c) COVERED DISCHARGES AND RELEASES.—A discharge or release from active duty of an individual described in this subsection is a discharge or release as follows:

''(1) A discharge from active duty in the Armed Forces with an honorable discharge.

''(2) A release after service on active duty in the Armed Forces characterized by the Secretary concerned as honorable service and placement on the retired list, transfer to the Fleet Reserve or Fleet Marine Corps Reserve, or placement on the temporary disability retired list.

''(3) A release from active duty in the Armed Forces for further service in a reserve component of the Armed Forces after service on active duty characterized by the Secretary concerned as honorable service.

''(4) A discharge or release from active duty in the Armed Forces for—

''(A) a medical condition which preexisted the service of the individual as described in the applicable paragraph of subsection (b) and which the Secretary determines is not service-connected;

''(B) hardship; or

''(C) a physical or mental condition that was not characterized as a disability and did not result from the individual's own willful misconduct but did interfere with the individual's performance of duty, as determined by the Secretary concerned in accordance with regulations prescribed by the Secretary of Defense.

''(d) PROHIBITION ON TREATMENT OF CERTAIN SERVICE AS PERIOD OF ACTIVE DUTY.—The following periods of service shall not be considered a part of the period of active duty on which an individual's entitlement to educational assistance under this chapter is based:

''(1) A period of service on active duty of an officer pursuant to an agreement under section 2107(b) of title 10.

''(2) A period of service on active duty of an officer pursuant to an agreement under section 4348, 6959, or 9348 of title 10.

''(3) A period of service that is terminated because of a defective enlistment and induction based on—

''(A) the individual's being a minor for purposes of service in the Armed Forces;

''(B) an erroneous enlistment or induction; or

''(C) a defective enlistment agreement.

''(e) TREATMENT OF INDIVIDUALS ENTITLED UNDER MULTIPLE PROVISIONS.—In the event an individual entitled to educational assistance under this chapter is entitled by reason of both paragraphs (4) and (5) of subsection (b), the individual shall be treated as being entitled to educational assistance under this chapter by reason of paragraph (5) of such subsection.

''§3312. Educational assistance: duration

''(a) IN GENERAL.—Subject to section 3695 of this title and except as provided in subsections (b) and (c), an individual entitled to educational assistance under this chapter is entitled to a number of months of educational assistance under section 3313 of this title equal to 36 months.

''(b) CONTINUING RECEIPT.—The receipt of educational assistance under section 3313 of this title by an individual entitled to educational assistance under this chapter is subject to the provisions of section 3321(b)(2) of this title.

''(c) DISCONTINUATION OF EDUCATION FOR ACTIVE DUTY.—(1) Any payment of educational assistance described in paragraph (2) shall not—

''(A) be charged against any entitlement to educational assistance of the individual concerned under this chapter; or

''(B) be counted against the aggregate period for which section 3695 of this title limits the individual's receipt of educational assistance under this chapter.

''(2) Subject to paragraph (3), the payment of educational assistance described in this paragraph is the payment of such assistance to an individual for pursuit of a course or courses under this chapter if the Secretary finds that the individual—

''(A)(i) in the case of an individual not serving on active duty, had to discontinue such course pursuit as a result of being called or ordered to serve on active duty under section 688, 12301(a), 12301(d), 12301(g), 12302, or 12304 of title 10; or

''(ii) in the case of an individual serving on active duty, had to discontinue such course pursuit as a result of being ordered to a new duty location or assignment or to perform an increased amount of work; and

''(B) failed to receive credit or lost training time toward completion of the individual's approved education, professional, or vocational objective as a result of having to discontinue, as described in subparagraph (A), the individual's course pursuit.

''(3) The period for which, by reason of this subsection, educational assistance is not charged against entitlement or counted toward the applicable aggregate period under section 3695 of this title shall not exceed the portion of the period of enrollment in the course or courses from which the individual failed to receive credit or with respect to which the individual lost training time, as determined under paragraph (2)(B).

''§3313. Educational assistance: amount; payment

''(a) PAYMENT.—The Secretary shall pay to each individual entitled to educational assistance under this chapter who is pursuing an approved program of education (other than a program covered by subsections (e) and (f)) the amounts specified in subsection (c) to meet the expenses of such individual's subsistence, tuition, fees, and other educational costs for pursuit of such program of education.

''(b) APPROVED PROGRAMS OF EDUCATION.—A program of education is an approved program of education for purposes of this chapter if the program of education is offered by an institution of higher learning (as that term is defined in section 3452(f) of this title) and is approved for purposes of chapter 30 of this title (including approval by the State approving agency concerned).

''(c) AMOUNT OF EDUCATIONAL ASSISTANCE.—The amounts payable under this subsection for pursuit of an approved program of education are amounts as follows:

''(1) In the case of an individual entitled to educational assistance under this chapter by reason of section 3311(b)(1) or 3311(b)(2) of this title, amounts as follows:

''(A) An amount equal to the established charges for the program of education, except that the amount payable under this subparagraph may not exceed the maximum amount of established charges regularly charged in-State students for full-time pursuit of approved programs of education for undergraduates by the public institution of higher education offering approved programs of education for undergraduates in the State in which the individual is enrolled that has the highest rate of regularly-charged established charges for such programs of education among all public institutions of higher education in such State offering such programs of education.

''(B) A monthly stipend in an amount as follows:

''(i) For each month the individual pursues the program of education, other than a program of education offered through distance learning, a monthly housing stipend amount equal to the monthly amount of the basic allowance for housing payable under section 403 of title 37 for a member with dependents in pay grade E–5 residing in the military housing area that encompasses all or the majority portion of the ZIP code area in which is located the institution of higher education at which the individual is enrolled.

''(ii) For the first month of each quarter, semester, or term, as applicable, of the program of education pursued by the individual, a lump sum amount for books, supplies, equipment, and other educational costs with respect to such quarter, semester, or term in the amount equal to—

''(I) $1,000, multiplied by

''(II) the fraction which is the portion of a complete academic year under the program of education that such quarter, semester, or term constitutes.

''(2) In the case of an individual entitled to educational assistance under this chapter by reason of section 3311(b)(3) of this title, amounts equal to 90 percent of the amounts that would be payable to the individual under paragraph (1) for the program of education if the individual were entitled to amounts for the program of education under paragraph (1) rather than this paragraph.

''(3) In the case of an individual entitled to educational assistance under this chapter by reason of section 3311(b)(4) of this title, amounts equal to 80 percent of the amounts that would be payable to the individual under paragraph (1) for the program of education if the individual were entitled to amounts for the program of education under paragraph (1) rather than this paragraph.

''(4) In the case of an individual entitled to educational assistance under this chapter by reason of section 3311(b)(5) of this title, amounts equal to 70 percent of the amounts that would be payable to the individual under paragraph (1) for the program of education if the individual were entitled to amounts for the program of education under paragraph (1) rather than this paragraph.

''(5) In the case of an individual entitled to educational assistance under this chapter by reason of section 3311(b)(6) of this title, amounts equal to 60 percent of the amounts that would be payable to the individual under paragraph (1) for the program of education if the individual were entitled to amounts for the program of education under paragraph (1) rather than this paragraph.

''(6) In the case of an individual entitled to educational assistance under this chapter by reason of section 3311(b)(7) of this title, amounts equal to 50 percent of the amounts that would be payable to the individual under paragraph (1) for the program of education if the individual were entitled to amounts for the program of education under paragraph (1) rather than this paragraph.

''(7) In the case of an individual entitled to educational assistance under this chapter by reason of section 3311(b)(8) of this title, amounts equal to 40 percent of the amounts that would be payable to the individual under paragraph (1) for the program of education if the individual were entitled to amounts for the program of education under paragraph (1) rather than this paragraph.

''(d) FREQUENCY OF PAYMENT.—(1) Payment of the amounts payable under subsection (c)(1)(A), and of similar amounts payable under paragraphs (2) through (7) of subsection (c), for pursuit of a program of education shall be made for the entire quarter, semester, or term, as applicable, of the program of education.

''(2) Payment of the amount payable under subsection (c)(1)(B), and of similar amounts payable under paragraphs (2) through (7) of subsection (c), for pursuit of a program of education shall be made on a monthly basis.

''(3) The Secretary shall prescribe in regulations methods for determining the number of months (including fractions thereof) of entitlement of an individual to educational assistance this chapter that are chargeable under this chapter for an advance payment of amounts under paragraphs (1) and (2) for pursuit of a program of education on a quarter, semester, term, or other basis.

''(e) PROGRAMS OF EDUCATION PURSUED ON ACTIVE DUTY.—(1) Educational assistance is payable under this chapter for pursuit of an approved program of education while on active duty.

''(2) The amount of educational assistance payable under this chapter to an individual pursuing a program of education while on active duty is the lesser of—

''(A) the established charges which similarly circumstanced nonveterans enrolled in the program of education involved would be required to pay; or

''(B) the amount of the charges of the educational institution as elected by the individual in the manner specified in section 3014(b)(1) of this title.

''(3) Payment of the amount payable under paragraph (2) for pursuit of a program of education shall be made for the entire quarter, semester, or term, as applicable, of the program of education.

''(4) For each month (as determined pursuant to the methods prescribed under subsection (d)(3)) for which amounts are paid an individual under this subsection, the entitlement of the individual to educational assistance under this chapter shall be charged at the rate of one month for each such month.

''(f) PROGRAMS OF EDUCATION PURSUED ON HALF-TIME BASIS OR LESS.—(1) Educational assistance is payable under this chapter for pursuit of an approved program of education on half-time basis or less.

''(2) The educational assistance payable under this chapter to an individual pursuing a program of education on half-time basis or less is the amounts as follows:

''(A) The amount equal to the lesser of—

''(i) the established charges which similarly circumstanced nonveterans enrolled in the program of education involved would be required to pay; or

''(ii) the maximum amount that would be payable to the individual for the program of education under paragraph (1)(A) of subsection (c), or under the provisions of paragraphs (2) through (7) of subsection (c) applicable to the individual, for the program of education if the individual were entitled to amounts for the program of education under subsection (c) rather than this subsection.

''(B) A stipend in an amount equal to the amount of the appropriately reduced amount of the lump sum amount for books, supplies, equipment, and other educational costs otherwise payable to the individual under subsection (c).

''(3) Payment of the amounts payable to an individual under paragraph (2) for pursuit of a program of education on half-time basis or less shall be made for the entire quarter, semester, or term, as applicable, of the program of education.

''(4) For each month (as determined pursuant to the methods prescribed under subsection (d)(3)) for which amounts are paid an individual under this subsection, the entitlement of the individual to educational assistance under this chapter shall be charged at a percentage of a month equal to—

''(A) the number of course hours borne by the individual in pursuit of the program of education involved, divided by

''(B) the number of course hours for full-time pursuit of such program of education.

''(g) PAYMENT OF ESTABLISHED CHARGES TO EDUCATIONAL INSTITUTIONS.—Amounts payable under subsections (c)(1)(A) (and of similar amounts payable under paragraphs (2) through (7) of subsection (c)), (e)(2) and (f)(2)(A) shall be paid directly to the educational institution concerned.

''(h) ESTABLISHED CHARGES DEFINED.—(1) In this section, the term 'established charges', in the case of a program of education, means the actual charges (as determined pursuant to regulations prescribed by the Secretary) for tuition and fees which similarly circumstanced nonveterans enrolled in the program of education would be required to pay.

''(2) Established charges shall be determined for purposes of this subsection on the following basis:

''(A) In the case of an individual enrolled in a program of education offered on a term, quarter, or semester basis, the tuition and fees charged the individual for the term, quarter, or semester.

''(B) In the case of an individual enrolled in a program of education not offered on a term, quarter, or semester basis, the tuition and fees charged the individual for the entire program of education.

''§3314. Tutorial assistance

''(a) IN GENERAL.—Subject to subsection (b), an individual entitled to educational assistance under this chapter shall also be entitled to benefits provided an eligible veteran under section 3492 of this title.

''(b) CONDITIONS.—(1) The provision of benefits under subsection (a) shall be subject to the conditions applicable to an eligible veteran under section 3492 of this title.

''(2) In addition to the conditions specified in paragraph (1), benefits may not be provided to an individual under subsection (a) unless the professor or other individual teaching, leading, or giving the course for which such benefits are provided certifies that—

''(A) such benefits are essential to correct a deficiency of the individual in such course; and

''(B) such course is required as a part of, or is prerequisite or indispensable to the satisfactory pursuit of, an approved program of education.

''(c) AMOUNT.—(1) The amount of benefits described in subsection (a) that are payable under this section may not exceed $100 per month, for a maximum of 12 months, or until a maximum of $1,200 is utilized.

''(2) The amount provided an individual under this subsection is in addition to the amounts of educational assistance paid the individual under section 3313 of this title.

''(d) NO CHARGE AGAINST ENTITLEMENT.—Any benefits provided an individual under subsection (a) are in addition to any other educational assistance benefits provided the individual under this chapter.

''§3315. Licensure and certification tests

''(a) IN GENERAL.—An individual entitled to educational assistance under this chapter shall also be entitled to payment for one licensing or certification test described in section 3452(b) of this title.

''(b) LIMITATION ON AMOUNT.—The amount payable under subsection (a) for a licensing or certification test may not exceed the lesser of—

''(1) $2,000; or

''(2) the fee charged for the test.

''(c) NO CHARGE AGAINST ENTITLEMENT.—Any amount paid an individual under subsection (a) is in addition to any other educational assistance benefits provided the individual under this chapter.

''§3316. Supplemental educational assistance: members with critical skills or specialty; members serving additional service

''(a) INCREASED ASSISTANCE FOR MEMBERS WITH CRITICAL SKILLS OR SPECIALTY.—(1) In the case of an individual who has a skill or specialty designated by the Secretary concerned as a skill or specialty in which there is a critical shortage of personnel or for which it is difficult to recruit or, in the case of critical units, retain personnel, the Secretary concerned may increase the monthly amount of educational assistance otherwise payable to the individual under paragraph (1)(B) of section 3313(c) of this title, or under paragraphs (2) through (7) of such section (as applicable).

''(2) The amount of the increase in educational assistance authorized by paragraph (1) may not exceed the amount equal to the monthly amount of increased basic educational assistance providable under section 3015(d)(1) of this title at the time of the increase under paragraph (1).

''(b) SUPPLEMENTAL ASSISTANCE FOR ADDITIONAL SERVICE.—(1) The Secretary concerned may provide for the payment to an individual entitled to educational assistance under this chapter of supplemental educational assistance for additional service authorized by subchapter III of chapter 30 of this title. The amount so payable shall be payable as an increase in the monthly amount of educational assistance otherwise payable to the individual under paragraph (1)(B) of section 3313(c) of this title, or under paragraphs (2) through (7) of such section (as applicable).

''(2) Eligibility for supplement educational assistance under this subsection shall be determined in accordance with the provisions of subchapter III of chapter 30 of this title, except that any reference in such provisions to eligibility for basic educational assistance under a provision of subchapter II of chapter 30 of this title shall be treated as a reference to eligibility for educational assistance under the appropriate provision of this chapter.

''(3) The amount of supplemental educational assistance payable under this subsection shall be the amount equal to the monthly amount of supplemental educational payable under section 3022 of this title.

''(c) REGULATIONS.—The Secretaries concerned shall administer this section in accordance with such regulations as the Secretary of Defense shall prescribe.

''§3317. Public-private contributions for additional educational assistance

''(a) ESTABLISHMENT OF PROGRAM.—In instances where the educational assistance provided pursuant to section 3313(c)(1)(A) does not cover the full cost of established charges (as specified in section 3313 of this title), the Secretary shall carry out a program under which colleges and universities can, voluntarily, enter into an agreement with the Secretary to cover a portion of those established charges not otherwise covered under section 3313(c)(1)(A), which contributions shall be matched by equivalent contributions toward such costs by the Secretary. The program shall only apply to covered individuals described in paragraphs (1) and (2) of section 3311(b).

''(b) DESIGNATION OF PROGRAM.—The program under this section shall be known as the 'Yellow Ribbon G.I. Education Enhancement Program'.

''(c) AGREEMENTS.—The Secretary shall enter into an agreement with each college or university seeking to participate in the program under this section. Each agreement shall specify the following:

''(1) The manner (whether by direct grant, scholarship, or otherwise) of the contributions

to be made by the college or university concerned.

''(2) The maximum amount of the contribution to be made by the college or university concerned with respect to any particular individual in any given academic year.

''(3) The maximum number of individuals for whom the college or university concerned will make contributions in any given academic year.

''(4) Such other matters as the Secretary and the college or university concerned jointly consider appropriate.

''(d) MATCHING CONTRIBUTIONS.—(1) In instances where the educational assistance provided an individual under section 3313(c)(1)(A) of this title does not cover the full cost of tuition and mandatory fees at a college or university, the Secretary shall provide up to 50 percent of the remaining costs for tuition and mandatory fees if the college or university voluntarily enters into an agreement with the Secretary to match an equal percentage of any of the remaining costs for such tuition and fees.

''(2) Amounts available to the Secretary under section 3324(b) of this title for payment of the costs of this chapter shall be available to the Secretary for purposes of paragraph (1).

''(e) OUTREACH.—The Secretary shall make available on the Internet website of the Department available to the public a current list of the colleges and universities participating in the program under this section. The list shall specify, for each college or university so listed, appropriate information on the agreement between the Secretary and such college or university under subsection (c).

''§ 3318. Additional assistance: relocation or travel assistance for individual relocating or traveling significant distance for pursuit of a program of education

''(a) ADDITIONAL ASSISTANCE.—Each individual described in subsection (b) shall be paid additional assistance under this section in the amount of $500.

''(b) COVERED INDIVIDUALS.—An individual described in this subsection is any individual entitled to educational assistance under this chapter—

''(1) who resides in a highly rural area (as determined by the Bureau of the Census); and

''(2) who—

''(A) physically relocates a distance of at least 500 miles in order to pursue a program of education for which the individual utilizes educational assistance under this chapter; or

''(B) travels by air to physically attend an institution of higher education for pursuit of such a program of education because the individual cannot travel to such institution by automobile or other established form of transportation due to an absence of road or other infrastructure.

''(c) PROOF OF RESIDENCE.—For purposes of subsection (b)(1), an individual may demonstrate the individual's place of residence utilizing any of the following:

''(1) DD Form 214, Certification of Release or Discharge from Active Duty.

''(2) The most recent Federal income tax return.

''(3) Such other evidence as the Secretary shall prescribe for purposes of this section.

''(d) SINGLE PAYMENT OF ASSISTANCE.—An individual is entitled to only one payment of additional assistance under this section.

''(e) NO CHARGE AGAINST ENTITLEMENT.—Any amount paid an individual under this section is in addition to any other educational assistance benefits provided the individual under this chapter.''.

''SUBCHAPTER III—ADMINISTRATIVE PROVISIONS

''§ 3321. Time limitation for use of and eligibility for entitlement

''(a) IN GENERAL.—Except as provided in this section, the period during which an individual entitled to educational assistance under this chapter may use such individual's entitlement expires at the end of the 15-year period beginning on the date of such individual's last discharge or release from active duty.

''(b) EXCEPTIONS.—(1) Subsections (b), (c), and (d) of section 3031 of this title shall apply with respect to the running of the 15-year period described in subsection (a) of this section in the same manner as such subsections apply under section 3031 of this title with respect to the running of the 10-year period described in section 3031(a) of this title.

''(2) Section 3031(f) of this title shall apply with respect to the termination of an individual's entitlement to educational assistance under this chapter in the same manner as such section applies to the termination of an individual's entitlement to educational assistance under chapter 30 of this title, except that, in the administration of such section for purposes of this chapter, the reference to section 3013 of this title shall be deemed to be a reference to 3312 of this title.

''(3) For purposes of subsection (a), an individual's last discharge or release from active duty shall not include any discharge or release from a period of active duty of less than 90 days of continuous service, unless the individual is discharged or released as described in section 3311(b)(2) of this title.

''§ 3322. Bar to duplication of educational assistance benefits

''(a) IN GENERAL.—An individual entitled to educational assistance under this chapter who is also eligible for educational assistance under chapter 30, 31, 32, or 35 of this title, chapter 107, 1606, or 1607 of title 10, or the provisions of the Hostage Relief Act of 1980 (Public Law 96–449; 5 U.S.C. 5561 note) may not receive assistance under two or more such programs concurrently, but shall elect (in such form and manner as the Secretary may prescribe) under which chapter or provisions to receive educational assistance.

''(b) INAPPLICABILITY OF SERVICE TREATED UNDER EDUCATIONAL LOAN REPAYMENT PROGRAMS.—A period of service counted for purposes of repayment of an education loan under chapter 109 of title 10 may not be counted as a period of service for entitlement to educational assistance under this chapter.

''(c) SERVICE IN SELECTED RESERVE.—An individual who serves in the Selected Reserve may receive credit for such service under only one of this chapter, chapter 30 of this title, and chapters 1606 and 1607 of title 10, and shall elect (in such form and manner as the Secretary may prescribe) under which chapter such service is to be credited.

''(d) ADDITIONAL COORDINATION MATTERS.—In the case of an individual entitled to educational assistance under chapter 30, 31, 32, or 35 of this title, chapter 107, 1606, or 1607 of title 10, or the provisions of the Hostage Relief Act of 1980, or making contributions toward entitlement to educational assistance under chapter 30 of this title, as of August 1, 2009, coordination of entitlement to educational assistance under this chapter, on the one hand, and such chapters or provisions, on the other, shall be governed by the provisions of section ___03(c) of the Post-9/11 Veterans Educational Assistance Act of 2008.

''§ 3323. Administration

''(a) IN GENERAL.—(1) Except as otherwise provided in this chapter, the provisions specified in section 3034(a)(1) of this title shall apply to the provision of educational assistance under this chapter.

''(2) In applying the provisions referred to in paragraph (1) to an individual entitled to educational assistance under this chapter for purposes of this section, the reference in such provisions to the term 'eligible veteran' shall be deemed to refer to an individual entitled to educational assistance under this chapter.

''(3) In applying section 3474 of this title to an individual entitled to educational assistance under this chapter for purposes of this section, the reference in such section 3474 to the term 'educational assistance allowance' shall be deemed to refer to educational assistance payable under section 3313 of this title.

''(4) In applying section 3482(g) of this title to an individual entitled to educational assistance under this chapter for purposes of this section—

''(A) the first reference to the term 'educational assistance allowance' in such section 3482(g) shall be deemed to refer to educational assistance payable under section 3313 of this title; and

''(B) the first sentence of paragraph (1) of such section 3482(g) shall be applied as if such sentence ended with 'equipment'.

''(b) INFORMATION ON BENEFITS.—(1) The Secretary of Veterans Affairs shall provide the information described in paragraph (2) to each member of the Armed Forces at such times as the Secretary of Veterans Affairs and the Secretary of Defense shall jointly prescribe in regulations.

''(2) The information described in this paragraph is information on benefits, limitations, procedures, eligibility requirements (including time-in-service requirements), and other important aspects of educational assistance under this chapter, including application forms for such assistance under section 5102 of this title.

''(3) The Secretary of Veterans Affairs shall furnish the information and forms described in paragraph (2), and other educational materials on educational assistance under this chapter, to educational institutions, training establishments, military education personnel, and such other persons and entities as the Secretary considers appropriate.

''(c) REGULATIONS.—(1) The Secretary shall prescribe regulations for the administration of this chapter.

''(2) Any regulations prescribed by the Secretary of Defense for purposes of this chapter shall apply uniformly across the Armed Forces.

''§ 3324. Allocation of administration and costs

''(a) ADMINISTRATION.—Except as otherwise provided in this chapter, the Secretary shall administer the provision of educational assistance under this chapter.

''(b) COSTS.—Payments for entitlement to educational assistance earned under this chapter shall be made from funds appropriated to, or otherwise made available to, the Department of Veterans Affairs for the payment of readjustment benefits.''.

(2) CLERICAL AMENDMENTS.—The tables of chapters at the beginning of title 38, United States Code, and at the beginning of part III of such title, are each amended by inserting after the item relating to chapter 32 the following new item:

''33. Post-9/11 Educational Assistance 3301''.

(b) CONFORMING AMENDMENTS.—

(1) AMENDMENTS RELATING TO DUPLICATION OF BENEFITS.—

(A) Section 3033 of title 38, United States Code, is amended—

(i) in subsection (a)(1), by inserting ''33,'' after ''32,''; and

(ii) in subsection (c), by striking ''both the program established by this chapter and the program established by chapter 106 of title 10'' and inserting ''two or more of the programs established by this chapter, chapter 33 of this title, and chapters 1606 and 1607 of title 10''.

(B) Paragraph (4) of section 3695(a) of such title is amended to read as follows:

''(4) Chapters 30, 32, 33, 34, 35, and 36 of this title.''.

(C) Section 16163(e) of title 10, United States Code, is amended by inserting ''33,'' after ''32,''.

(2) ADDITIONAL CONFORMING AMENDMENTS.—

(A) Title 38, United States Code, is further amended by inserting ''33,'' after ''32,'' each place it appears in the following provisions:

(i) In subsections (b) and (e)(1) of section 3485.

(ii) In section 3688(b).

(iii) In subsections (a)(1), (c)(1), (c)(1)(G), (d), and (e)(2) of section 3689.

(iv) In section 3690(b)(3)(A).

(v) In subsections (a) and (b) of section 3692.

(vi) In section 3697(a).

(B) Section 3697A(b)(1) of such title is amended by striking ''or 32'' and inserting ''32, or 33''.

(c) APPLICABILITY TO INDIVIDUALS UNDER MONTGOMERY GI BILL PROGRAM.—

(1) INDIVIDUALS ELIGIBLE TO ELECT PARTICIPATION IN POST-9/11 EDUCATIONAL ASSISTANCE.—An individual may elect to receive educational assistance under chapter 33 of title 38, United States Code (as added by subsection (a)), if such individual—

(A) as of August 1, 2009—

(i) is entitled to basic educational assistance under chapter 30 of title 38, United States Code, and has used, but retains unused, entitlement under that chapter;

(ii) is entitled to educational assistance under chapter 107, 1606, or 1607 of title 10, United States Code, and has used, but retains unused, entitlement under the applicable chapter;

(iii) is entitled to basic educational assistance under chapter 30 of title 38, United States Code, but has not used any entitlement under that chapter;

(iv) is entitled to educational assistance under chapter 107, 1606, or 1607 of title 10, United States Code, but has not used any entitlement under such chapter;

(v) is a member of the Armed Forces who is eligible for receipt of basic educational assistance under chapter 30 of title 38, United States Code, and is making contributions toward such assistance under section 3011(b) or 3012(c) of such title; or

(vi) is a member of the Armed Forces who is not entitled to basic educational assistance under chapter 30 of title 38, United States Code, by reason of an election under section 3011(c)(1) or 3012(d)(1) of such title; and

(B) as of the date of the individual's election under this paragraph, meets the requirements for entitlement to educational assistance under chapter 33 of title 38, United States Code (as so added).

(2) CESSATION OF CONTRIBUTIONS TOWARD GI BILL.—Effective as of the first month beginning on or after the date of an election under paragraph (1) of an individual described by subparagraph (A)(v) of that paragraph, the obligation of the individual to make contributions under section 3011(b) or 3012(c) of title 38, United States Code, as applicable, shall cease, and the requirements of such section shall be deemed to be no longer applicable to the individual.

(3) REVOCATION OF REMAINING TRANSFERRED ENTITLEMENT.—

(A) ELECTION TO REVOKE.—If, on the date an individual described in subparagraph (A)(i) or (A)(iii) of paragraph (1) makes an election under that paragraph, a transfer of the entitlement of the individual to basic educational assistance under section 3020 of title 38, United States Code, is in effect and a number of months of the entitlement so transferred remain unutilized, the individual may elect to revoke all or a portion of the entitlement so transferred that remains unutilized.

(B) AVAILABILITY OF REVOKED ENTITLEMENT.—Any entitlement revoked by an individual under this paragraph shall no longer be available to the dependent to whom transferred, but shall be available to the individual instead for educational assistance under chapter 33 of title 38, United States Code (as so added), in accordance with the provisions of this subsection.

(C) AVAILABILITY OF UNREVOKED ENTITLEMENT.—Any entitlement described in subparagraph (A) that is not revoked by an individual in accordance with that subparagraph shall remain available to the dependent or dependents concerned in accordance with the current transfer of such entitlement under section 3020 of title 38, United States Code.

(4) POST-9/11 EDUCATIONAL ASSISTANCE.—

(A) IN GENERAL.—Subject to subparagraph (B) and except as provided in paragraph (5), an individual making an election under paragraph (1) shall be entitled to educational assistance under chapter 33 of title 38, United States Code (as so added), in accordance with the provisions of such chapter, instead of basic educational assistance under chapter 30 of title 38, United States Code, or educational assistance under chapter 107, 1606, or 1607 of title 10, United States Code, as applicable.

(B) LIMITATION ON ENTITLEMENT FOR CERTAIN INDIVIDUALS.—In the case of an individual making an election under paragraph (1) who is described by subparagraph (A)(i) of that paragraph, the number of months of entitlement of the individual to educational assistance under chapter 33 of title 38, United States Code (as so added), shall be the number of months equal to—

(i) the number of months of unused entitlement of the individual under chapter 30 of title 38, United States Code, as of the date of the election, plus

(ii) the number of months, if any, of entitlement revoked by the individual under paragraph (3)(A).

(5) CONTINUING ENTITLEMENT TO EDUCATIONAL ASSISTANCE NOT AVAILABLE UNDER 9/11 ASSISTANCE PROGRAM.—

(A) IN GENERAL.—In the event educational assistance to which an individual making an election under paragraph (1) would be entitled under chapter 30 of title 38, United States Code, or chapter 107, 1606, or 1607 of title 10, United States Code, as applicable, is not authorized to be available to the individual under the provisions of chapter 33 of title 38, United States Code (as so added), the individual shall remain entitled to such educational assistance in accordance with the provisions of the applicable chapter.

(B) CHARGE FOR USE OF ENTITLEMENT.—The utilization by an individual of entitlement under subparagraph (A) shall be chargeable against the entitlement of the individual to educational assistance under chapter 33 of title 38, United States Code (as so added), at the rate of one month of entitlement under such chapter 33 for each month of entitlement utilized by the individual under subparagraph (A) (as determined as if such entitlement were utilized under the provisions of chapter 30 of title 38, United States Code, or chapter 107, 1606, or 1607 of title 10, United States Code, as applicable).

(6) ADDITIONAL POST-9/11 ASSISTANCE FOR MEMBERS HAVING MADE CONTRIBUTIONS TOWARD GI BILL.—

(A) ADDITIONAL ASSISTANCE.—In the case of an individual making an election under paragraph (1) who is described by clause (i), (iii), or (v) of subparagraph (A) of that paragraph, the amount of educational assistance payable to the individual under chapter 33 of title 38, United States Code (as so added), as a monthly stipend payable under paragraph (1)(B) of section 3313(c) of such title (as so added), or under paragraphs (2) through (7) of that section (as applicable), shall be the amount otherwise payable as a monthly stipend under the applicable paragraph increased by the amount equal to—

(i) the total amount of contributions toward basic educational assistance made by the individual under section 3011(b) or 3012(c) of title 38, United States Code, as of the date of the election, multiplied by

(ii) the fraction—

(I) the numerator of which is—

(aa) the number of months of entitlement to basic educational assistance under chapter 30 of title 38, United States Code, remaining to the individual at the time of the election; plus

(bb) the number of months, if any, of entitlement under such chapter 30 revoked by the individual under paragraph (3)(A); and

(II) the denominator of which is 36 months.

(B) MONTHS OF REMAINING ENTITLEMENT FOR CERTAIN INDIVIDUALS.—In the case of an individual covered by subparagraph (A) who is described by paragraph (1)(A)(v), the number of months of entitlement to basic educational assistance remaining to the individual for purposes of subparagraph (A)(ii)(I)(aa) shall be 36 months.

(C) TIMING OF PAYMENT.—The amount payable with respect to an individual under subparagraph (A) shall be paid to the individual together with the last payment of the monthly stipend payable to the individual under paragraph (1)(B) of section 3313(c) of title 38, United States Code (as so added), or under paragraphs (2) through (7) of that section (as applicable), before the exhaustion of the individual's entitlement to educational assistance under chapter 33 of such title (as so added).

(7) CONTINUING ENTITLEMENT TO ADDITIONAL ASSISTANCE FOR CRITICAL SKILLS OR SPECIALITY AND ADDITIONAL SERVICE.—An individual making an election under paragraph (1)(A) who, at the time of the election, is entitled to increased educational assistance under section 3015(d) of title 38, United States Code, or section 16131(i) of title 10, United States Code, or supplemental educational assistance under subchapter III of chapter 30 of title 38, United States Code, shall remain entitled to such increased educational assistance or supplemental educational assistance in the utilization of entitlement to educational assistance under chapter 33 of title 38, United States Code (as so added), in an amount equal to the quarter, semester, or term, as applicable, equivalent of the monthly amount of such increased educational assistance or supplemental educational assistance payable with respect to the individual at the time of the election.

(8) IRREVOCABILITY OF ELECTIONS.—An election under paragraph (1) or (3)(A) is irrevocable.

(d) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on August 1, 2009.

SEC. 4004. INCREASE IN AMOUNTS OF BASIC EDUCATIONAL ASSISTANCE UNDER THE MONTGOMERY GI BILL.

(a) EDUCATIONAL ASSISTANCE BASED ON THREE-YEAR PERIOD OF OBLIGATED SERVICE.—Subsection (a)(1) of section 3015 of title 38, United States Code, is amended—

(1) by striking subparagraphs (A) through (C) and inserting the following new subparagraph:

''(A) for months occurring during the period beginning on August 1, 2008, and ending on the last day of fiscal year 2009, $1,321; and''; and

(2) by redesignating subparagraph (D) as subparagraph (B).

(b) EDUCATIONAL ASSISTANCE BASED ON TWO-YEAR PERIOD OF OBLIGATED SERVICE.—Subsection (b)(1) of such section is amended—

(1) by striking subparagraphs (A) through (C) and inserting the following new subparagraph:

''(A) for months occurring during the period beginning on August 1, 2008, and ending on the last day of fiscal year 2009, $1,073; and''; and

(2) by redesignating subparagraph (D) as subparagraph (B).

(c) MODIFICATION OF MECHANISM FOR COST-OF-LIVING ADJUSTMENTS.—Subsection (h)(1) of such section is amended by striking subparagraphs (A) and (B) and inserting the following new subparagraphs:

''(A) the average cost of undergraduate tuition in the United States, as determined by the National Center for Education Statistics, for the last academic year preceding the beginning of the fiscal year for which the increase is made, exceeds

''(B) the average cost of undergraduate tuition in the United States, as so determined, for the academic year preceding the academic year described in subparagraph (A).''.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall take effect on August 1, 2008.

(2) NO COST-OF-LIVING ADJUSTMENT FOR FISCAL YEAR 2009.—The adjustment required by subsection (h) of section 3015 of title 38, United States Code (as amended by this section), in rates of basic educational assistance payable under subsections (a) and (b) of such section (as so amended) shall not be made for fiscal year 2009.

SEC. 4005. MODIFICATION OF AMOUNT AVAILABLE FOR REIMBURSEMENT OF STATE AND LOCAL AGENCIES ADMINISTERING VETERANS EDUCATION BENEFITS.

Section 3674(a)(4) of title 38, United States Code, is amended by striking ''may not exceed'' and all that follows through the end and inserting ''shall be $19,000,000.''.

TITLE V—EMERGENCY UNEMPLOYMENT COMPENSATION

FEDERAL-STATE AGREEMENTS

SEC. 5001. (a) IN GENERAL.—Any State which desires to do so may enter into and participate in an agreement under this title with the Secretary of Labor (in this title referred to as the ''Secretary''). Any State which is a party to an agreement under this title may, upon providing 30 days written notice to the Secretary, terminate such agreement.

(b) PROVISIONS OF AGREEMENT.—Any agreement under subsection (a) shall provide that the State agency of the State will make payments of emergency unemployment compensation to individuals who—

(1) have exhausted all rights to regular compensation under the State law or under Federal law with respect to a benefit year (excluding any benefit year that ended before May 1, 2007);

(2) have no rights to regular compensation or extended compensation with respect to a week under such law or any other State unemployment compensation law or to compensation under any other Federal law (except as provided under subsection (e)); and

(3) are not receiving compensation with respect to such week under the unemployment compensation law of Canada.

(c) EXHAUSTION OF BENEFITS.—For purposes of subsection (b)(1), an individual shall be deemed to have exhausted such individual's rights to regular compensation under a State law when—

(1) no payments of regular compensation can be made under such law because such individual has received all regular compensation available to such individual based on employment or wages during such individual's base period; or

(2) such individual's rights to such compensation have been terminated by reason of the expiration of the benefit year with respect to which such rights existed.

(d) WEEKLY BENEFIT AMOUNT, ETC.—For purposes of any agreement under this title—

(1) the amount of emergency unemployment compensation which shall be payable to any individual for any week of total unemployment shall be equal to the amount of the regular compensation (including dependents' allowances) payable to such individual during such individual's benefit year under the State law for a week of total unemployment;

(2) the terms and conditions of the State law which apply to claims for regular compensation and to the payment thereof shall apply to claims for emergency unemployment compensation and the payment thereof, except where otherwise inconsistent with the provisions of this title or with the regulations or operating instructions of the Secretary promulgated to carry out this title; and

(3) the maximum amount of emergency unemployment compensation payable to any individual for whom an emergency unemployment compensation account is established under section 5002 shall not exceed the amount established in such account for such individual.

(e) ELECTION BY STATES.—Notwithstanding any other provision of Federal law (and if State law permits), the Governor of a State that is in an extended benefit period may provide for the payment of emergency unemployment compensation prior to extended compensation to individuals who otherwise meet the requirements of this section.

EMERGENCY UNEMPLOYMENT COMPENSATION ACCOUNT

SEC. 5002. (a) IN GENERAL.—Any agreement under this title shall provide that the State will establish, for each eligible individual who files an application for emergency unemployment compensation, an emergency unemployment compensation account with respect to such individual's benefit year.

(b) AMOUNT IN ACCOUNT.—

(1) IN GENERAL.—The amount established in an account under subsection (a) shall be equal to the lesser of—

(A) 50 percent of the total amount of regular compensation (including dependents' allowances) payable to the individual during the individual's benefit year under such law, or

(B) 13 times the individual's average weekly benefit amount for the benefit year.

(2) WEEKLY BENEFIT AMOUNT.—For purposes of this subsection, an individual's weekly benefit amount for any week is the amount of regular compensation (including dependents' allowances) under the State law payable to such individual for such week for total unemployment.

(c) SPECIAL RULE.—

(1) IN GENERAL.—Notwithstanding any other provision of this section, if, at the time that the individual's account is exhausted or at any time thereafter, such individual's State is in an extended benefit period (as determined under paragraph (2)), then, such account shall be augmented by an amount equal to the amount originally established in such account (as determined under subsection (b)(1)).

(2) EXTENDED BENEFIT PERIOD.—For purposes of paragraph (1), a State shall be considered to be in an extended benefit period, as of any given time, if—

(A) such a period is then in effect for such State under the Federal-State Extended Unemployment Compensation Act of 1970;

(B) such a period would then be in effect for such State under such Act if section 203(d) of such Act—

(i) were applied by substituting ''4'' for ''5'' each place it appears; and

(ii) did not include the requirement under paragraph (1)(A); or

(C) such a period would then be in effect for such State under such Act if—

(i) section 203(f) of such Act were applied to such State (regardless of whether the State by law had provided for such application); and

(ii) such section 203(f)—

(I) were applied by substituting ''6.0'' for ''6.5'' in paragraph (1)(A)(i); and

(II) did not include the requirement under paragraph (1)(A)(ii).

PAYMENTS TO STATES HAVING AGREEMENTS FOR THE PAYMENT OF EMERGENCY UNEMPLOYMENT COMPENSATION

SEC. 5003. (a) GENERAL RULE.—There shall be paid to each State that has entered into an agreement under this title an amount equal to 100 percent of the emergency unemployment compensation paid to individuals by the State pursuant to such agreement.

(b) TREATMENT OF REIMBURSABLE COMPENSATION.—No payment shall be made to any State under this section in respect of any compensation to the extent the State is entitled to reimbursement in respect of such compensation under the provisions of any Federal law other than this title or chapter 85 of title 5, United States Code. A State shall not be entitled to any reimbursement under such chapter 85 in respect of any compensation to the extent the State is entitled to reimbursement under this title in respect of such compensation.

(c) DETERMINATION OF AMOUNT.—Sums payable to any State by reason of such State having an agreement under this title shall be payable, either in advance or by way of reimbursement (as may be determined by the Secretary), in such amounts as the Secretary estimates the State will be entitled to receive under this title for each calendar month, reduced or increased, as the case may be, by any amount by which the Secretary finds that the Secretary's estimates for any prior calendar month were greater or less than the amounts which should have been paid to the State. Such estimates may be made on the basis of such statistical, sampling, or other method as may be agreed upon by the Secretary and the State agency of the State involved.

FINANCING PROVISIONS

SEC. 5004. (a) IN GENERAL.—Funds in the extended unemployment compensation account (as established by section 905(a) of the Social Security Act (42 U.S.C. 1105(a)) of the Unemployment Trust Fund (as established by section 904(a) of such Act (42 U.S.C. 1104(a)) shall be used for the making of payments to States having agreements entered into under this title.

(b) CERTIFICATION.—The Secretary shall from time to time certify to the Secretary of the Treasury for payment to each State the sums payable to such State under this title. The Secretary of the Treasury, prior to audit or settlement by the Government Accountability Office, shall make payments to the State in accordance with such certification, by transfers from the extended unemployment compensation account (as so established) to the account of such State in the Unemployment Trust Fund (as so established).

(c) ASSISTANCE TO STATES.—There are appropriated out of the employment security administration account (as established by section 901(a) of the Social Security Act (42 U.S.C. 1101(a)) of the Unemployment Trust Fund, without fiscal year limitation, such funds as may be necessary for purposes of assisting States (as provided in title III of the Social Security Act (42 U.S.C. 501 et seq.)) in meeting the costs of administration of agreements under this title.

(d) APPROPRIATIONS FOR CERTAIN PAYMENTS.—There are appropriated from the general fund of the Treasury, without fiscal year limitation, to the extended unemployment compensation account (as so established) of the Unemployment Trust Fund (as so established) such sums as the Secretary estimates to be necessary to make the payments under this section in respect of—

(1) compensation payable under chapter 85 of title 5, United States Code; and

(2) compensation payable on the basis of services to which section 3309(a)(1) of the Internal Revenue Code of 1986 applies.

Amounts appropriated pursuant to the preceding sentence shall not be required to be repaid.

FRAUD AND OVERPAYMENTS

SEC. 5005. (a) IN GENERAL.—If an individual knowingly has made, or caused to be made by another, a false statement or representation of a material fact, or knowingly has failed, or caused another to fail, to disclose a material fact, and as a result of such false statement or representation or of such nondisclosure such individual has received an amount of emergency unemployment compensation under this title to which such individual was not entitled, such individual—

(1) shall be ineligible for further emergency unemployment compensation under this title in accordance with the provisions of the applicable State unemployment compensation law relating to fraud in connection with a claim for unemployment compensation; and

(2) shall be subject to prosecution under section 1001 of title 18, United States Code.

(b) REPAYMENT.—In the case of individuals who have received amounts of emergency unemployment compensation under this title to which they were not entitled, the State shall require such individuals to repay the amounts of such emergency unemployment compensation to the State agency, except that the State agency may waive such repayment if it determines that—

(1) the payment of such emergency unemployment compensation was without fault on the part of any such individual; and

(2) such repayment would be contrary to equity and good conscience.

(c) RECOVERY BY STATE AGENCY.—

(1) IN GENERAL.—The State agency may recover the amount to be repaid, or any part

thereof, by deductions from any emergency unemployment compensation payable to such individual under this title or from any unemployment compensation payable to such individual under any State or Federal unemployment compensation law administered by the State agency or under any other State or Federal law administered by the State agency which provides for the payment of any assistance or allowance with respect to any week of unemployment, during the 3-year period after the date such individuals received the payment of the emergency unemployment compensation to which they were not entitled, except that no single deduction may exceed 50 percent of the weekly benefit amount from which such deduction is made.

(2) OPPORTUNITY FOR HEARING.—No repayment shall be required, and no deduction shall be made, until a determination has been made, notice thereof and an opportunity for a fair hearing has been given to the individual, and the determination has become final.

(d) REVIEW.—Any determination by a State agency under this section shall be subject to review in the same manner and to the same extent as determinations under the State unemployment compensation law, and only in that manner and to that extent.

DEFINITIONS

SEC. 5006. In this title, the terms ''compensation'', ''regular compensation'', ''extended compensation'', ''benefit year'', ''base period'', ''State'', ''State agency'', ''State law'', and ''week'' have the respective meanings given such terms under section 205 of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note).

APPLICABILITY

SEC. 5007. (a) IN GENERAL.—Except as provided in subsection (b), an agreement entered into under this title shall apply to weeks of unemployment—

(1) beginning after the date on which such agreement is entered into; and

(2) ending on or before March 31, 2009.

(b) TRANSITION FOR AMOUNT REMAINING IN ACCOUNT.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), in the case of an individual who has amounts remaining in an account established under section 5002 as of the last day of the last week (as determined in accordance with the applicable State law) ending on or before March 31, 2009, emergency unemployment compensation shall continue to be payable to such individual from such amounts for any week beginning after such last day for which the individual meets the eligibility requirements of this title.

(2) LIMIT ON AUGMENTATION.—If the account of an individual is exhausted after the last day of such last week (as so determined), then section 5002(c) shall not apply and such account shall not be augmented under such section, regardless of whether such individual's State is in an extended benefit period (as determined under paragraph (2) of such section).

(3) LIMIT ON COMPENSATION.—No compensation shall be payable by reason of paragraph (1) for any week beginning after June 30, 2009.

TITLE VI—OTHER HEALTH MATTERS

SEC. 6001. (a) MORATORIA ON CERTAIN MEDICAID REGULATIONS.—

(1) EXTENSION OF CERTAIN MORATORIA IN PUBLIC LAW 110–28.—Section 7002(a)(1) of the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (Public Law 110–28) is amended—

(A) by striking ''prior to the date that is 1 year after the date of enactment of this Act'' and inserting ''prior to April 1, 2009'';

(B) in subparagraph (A), by inserting after ''Federal Regulations)'' the following: ''or in the final regulation, relating to such parts, published on May 29, 2007 (72 Federal Register 29748)''; and

(C) in subparagraph (C), by inserting before the period at the end the following: '', including the proposed regulation published on May 23, 2007 (72 Federal Register 28930)''.

(2) EXTENSION OF CERTAIN MORATORIA IN PUBLIC LAW 110–173.—Section 206 of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110–173) is amended—

(A) by striking ''June 30, 2008'' and inserting ''April 1, 2009'';

(B) by inserting '', including the proposed regulation published on August 13, 2007 (72 Federal Register 45201),'' after ''rehabilitation services''; and

(C) by inserting '', including the final regulation published on December 28, 2007 (72 Federal Register 73635),'' after ''school-based transportation''.

(3) MORATORIUM ON INTERIM FINAL MEDICAID REGULATION RELATING TO OPTIONAL CASE MANAGEMENT AND TARGETED CASE MANAGEMENT SERVICES.—Notwithstanding any other provision of law, the Secretary of Health and Human Services shall not, prior to April 1, 2009, finalize, implement, enforce, or otherwise take any action (through promulgation of regulation, issuance of regulatory guidance, use of Federal payment audit procedures, or other administrative action, policy, or practice, including a Medical Assistance Manual transmittal or letter to State Medicaid directors) to impose any restrictions relating to the interim final regulation relating to optional State plan case management services and targeted case management services under the Medicaid program published on December 4, 2007 (72 Federal Register 68077) in its entirety.

(4) ADDITIONAL MORATORIA.—

(A) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of Health and Human Services shall not, prior to April 1, 2009, take any action (through promulgation of regulation, issuance of regulatory guidance, use of Federal payment audit procedures, or other administrative action, policy, or practice, including a Medical Assistance Manual transmittal or letter to State Medicaid directors) to impose any restrictions relating to a provision described in subparagraph (B) or (C) if such restrictions are more restrictive in any aspect than those applied to the respective provision as of the date specified in subparagraph (D) for such provision.

(B) PROPOSED REGULATION RELATING TO REDEFINITION OF MEDICAID OUTPATIENT HOSPITAL SERVICES.—The provision described in this subparagraph is the proposed regulation relating to clarification of outpatient clinic and hospital facility services definition and upper payment limit under the Medicaid program published on September 28, 2007 (72 Federal Register 55158) in its entirety.

(C) PORTION OF PROPOSED REGULATION RELATING TO MEDICAID ALLOWABLE PROVIDER TAXES.—

(i) IN GENERAL.—Subject to clause (ii), the provision described in this subparagraph is the final regulation relating to health-care-related taxes under the Medicaid program published on February 22, 2008 (73 Federal Register 9685) in its entirety.

(ii) EXCEPTION.—The provision described in this subparagraph does not include the portions of such regulation as relate to the following:

(I) REDUCTION IN THRESHOLD.—The reduction from 6 percent to 5.5 percent in the threshold applied under section 433.68(f)(3)(i) of title 42, Code of Federal Regulations, for determining whether or not there is an indirect guarantee to hold a taxpayer harmless, as required to carry out section 1903(w)(4)(C)(ii) of the Social Security Act, as added by section 403 of the Medicare Improvement and Extension Act of 2006 (division B of Public Law 109–432).

(II) CHANGE IN DEFINITION OF MANAGED CARE.—The change in the definition of managed care as proposed in the revision of section 433.56(a)(8) of title 42, Code of Federal Regulations, as required to carry out section 1903(w)(7)(A)(viii) of the Social Security Act, as amended by section 6051 of the Deficit Reduction Act of 2005 (Public Law 109–171).

(D) DATE SPECIFIED.—The date specified in this subparagraph for the provision described in—

(i) subparagraph (B) is September 27, 2007; or

(ii) subparagraph (C) is February 21, 2008.

(b) RESTORATION OF ACCESS TO NOMINAL DRUG PRICING FOR CERTAIN CLINICS AND HEALTH CENTERS.—

(1) IN GENERAL.—Section 1927(c)(1)(D) of the Social Security Act (42 U.S.C. §1396r–8(c)(1)(D)), as added by section 6001(d)(2) of the Deficit Reduction Act of 2005 (Public Law 109–171), is amended—

(A) in clause (i)—

(i) by redesignating subclause (IV) as subclause (VI); and

(ii) by inserting after subclause (III) the following:

''(IV) An entity that—

''(aa) is described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Act or is State-owned or operated; and

''(bb) would be a covered entity described in section 340(B)(a)(4) of the Public Health Service Act insofar as the entity provides the same type of services to the same type of populations as a covered entity described in such section provides, but does not receive funding under a provision of law referred to in such section.

''(V) A public or nonprofit entity, or an entity based at an institution of higher learning whose primary purpose is to provide health care services to students of that institution, that provides a service or services described under section 1001(a) of the Public Health Service Act.''; and

(B) by adding at the end the following new clause:

''(iv) RULE OF CONSTRUCTION.—Nothing in this subparagraph shall be construed to alter any existing statutory or regulatory prohibition on services with respect to an entity described in subclause (IV) or (V) of clause (i), including the prohibition set forth in section 1008 of the Public Health Service Act.''.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall take effect as if included in the amendment made by section 6001(d)(2) of the Deficit Reduction Act of 2005.

(c) ASSET VERIFICATION THROUGH ACCESS TO INFORMATION HELD BY FINANCIAL INSTITUTIONS.—

(1) ADDITION OF AUTHORITY.—Title XIX of the Social Security Act is amended by inserting after section 1939 the following new section:

''ASSET VERIFICATION THROUGH ACCESS TO INFORMATION HELD BY FINANCIAL INSTITUTIONS

''SEC. 1940. (a) IMPLEMENTATION.—

''(1) IN GENERAL.—Subject to the provisions of this section, each State shall implement an asset verification program described in subsection (b), for purposes of determining or redetermining the eligibility of an individual for medical assistance under the State plan under this title.

''(2) PLAN SUBMITTAL.—In order to meet the requirement of paragraph (1), each State shall—

''(A) submit not later than a deadline specified by the Secretary consistent with paragraph (3), a State plan amendment under this title that describes how the State intends to implement the asset verification program; and

''(B) provide for implementation of such program for eligibility determinations and redeterminations made on or after 6 months after the deadline established for submittal of such plan amendment.

''(3) PHASE-IN.—

''(A) IN GENERAL.—

''(i) IMPLEMENTATION IN CURRENT ASSET VERIFICATION DEMO STATES.—The Secretary shall require those States specified in subparagraph (C) (to which an asset verification program has been applied before the date of the enactment of this section) to implement an asset verification program under this subsection by the end of fiscal year 2009.

''(ii) IMPLEMENTATION IN OTHER STATES.—The Secretary shall require other States to submit and implement an asset verification program under this subsection in such manner as is designed to result in the application of such programs, in the aggregate for all such other

States, to enrollment of approximately, but not less than, the following percentage of enrollees, in the aggregate for all such other States, by the end of the fiscal year involved:

''(I) 12.5 percent by the end of fiscal year 2009.

''(II) 25 percent by the end of fiscal year 2010.

''(III) 50 percent by the end of fiscal year 2011.

''(IV) 75 percent by the end of fiscal year 2012.

''(V) 100 percent by the end of fiscal year 2013.

''(B) CONSIDERATION.—In selecting States under subparagraph (A)(ii), the Secretary shall consult with the States involved and take into account the feasibility of implementing asset verification programs in each such State.

''(C) STATES SPECIFIED.—The States specified in this subparagraph are California, New York, and New Jersey.

''(D) CONSTRUCTION.—Nothing in subparagraph (A)(ii) shall be construed as preventing a State from requesting, and the Secretary approving, the implementation of an asset verification program in advance of the deadline otherwise established under such subparagraph.

''(4) EXEMPTION OF TERRITORIES.—This section shall only apply to the 50 States and the District of Columbia.

''(b) ASSET VERIFICATION PROGRAM.—

''(1) IN GENERAL.—For purposes of this section, an asset verification program means a program described in paragraph (2) under which a State—

''(A) requires each applicant for, or recipient of, medical assistance under the State plan under this title on the basis of being aged, blind, or disabled to provide authorization by such applicant or recipient (and any other person whose resources are required by law to be disclosed to determine the eligibility of the applicant or recipient for such assistance) for the State to obtain (subject to the cost reimbursement requirements of section 1115(a) of the Right to Financial Privacy Act of 1978 but at no cost to the applicant or recipient) from any financial institution (within the meaning of section 1101(1) of such Act) any financial record (within the meaning of section 1101(2) of such Act) held by the institution with respect to the applicant or recipient (and such other person, as applicable), whenever the State determines the record is needed in connection with a determination with respect to such eligibility for (or the amount or extent of) such medical assistance; and

''(B) uses the authorization provided under subparagraph (A) to verify the financial resources of such applicant or recipient (and such other person, as applicable), in order to determine or redetermine the eligibility of such applicant or recipient for medical assistance under the State plan.

''(2) PROGRAM DESCRIBED.—A program described in this paragraph is a program for verifying individual assets in a manner consistent with the approach used by the Commissioner of Social Security under section 1631(e)(1)(B)(ii).

''(c) DURATION OF AUTHORIZATION.—Notwithstanding section 1104(a)(1) of the Right to Financial Privacy Act of 1978, an authorization provided to a State under subsection (b)(1)(A) shall remain effective until the earliest of—

''(1) the rendering of a final adverse decision on the applicant's application for medical assistance under the State's plan under this title;

''(2) the cessation of the recipient's eligibility for such medical assistance; or

''(3) the express revocation by the applicant or recipient (or such other person described in subsection (b)(1)(A), as applicable) of the authorization, in a written notification to the State.

''(d) TREATMENT OF RIGHT TO FINANCIAL PRIVACY ACT REQUIREMENTS.—

''(1) An authorization obtained by the State under subsection (b)(1) shall be considered to meet the requirements of the Right to Financial Privacy Act of 1978 for purposes of section 1103(a) of such Act, and need not be furnished to the financial institution, notwithstanding section 1104(a) of such Act.

''(2) The certification requirements of section 1103(b) of the Right to Financial Privacy Act of 1978 shall not apply to requests by the State pursuant to an authorization provided under subsection (b)(1).

''(3) A request by the State pursuant to an authorization provided under subsection (b)(1) is deemed to meet the requirements of section 1104(a)(3) of the Right to Financial Privacy Act of 1978 and of section 1102 of such Act, relating to a reasonable description of financial records.

''(e) REQUIRED DISCLOSURE.—The State shall inform any person who provides authorization pursuant to subsection (b)(1)(A) of the duration and scope of the authorization.

''(f) REFUSAL OR REVOCATION OF AUTHORIZATION.—If an applicant for, or recipient of, medical assistance under the State plan under this title (or such other person described in subsection (b)(1)(A), as applicable) refuses to provide, or revokes, any authorization made by the applicant or recipient (or such other person, as applicable) under subsection (b)(1)(A) for the State to obtain from any financial institution any financial record, the State may, on that basis, determine that the applicant or recipient is ineligible for medical assistance.

''(g) USE OF CONTRACTOR.—For purposes of implementing an asset verification program under this section, a State may select and enter into a contract with a public or private entity meeting such criteria and qualifications as the State determines appropriate, consistent with requirements in regulations relating to general contracting provisions and with section 1903(i)(2). In carrying out activities under such contract, such an entity shall be subject to the same requirements and limitations on use and disclosure of information as would apply if the State were to carry out such activities directly.

''(h) TECHNICAL ASSISTANCE.—The Secretary shall provide States with technical assistance to aid in implementation of an asset verification program under this section.

''(i) REPORTS.—A State implementing an asset verification program under this section shall furnish to the Secretary such reports concerning the program, at such times, in such format, and containing such information as the Secretary determines appropriate.

''(j) TREATMENT OF PROGRAM EXPENSES.—Notwithstanding any other provision of law, reasonable expenses of States in carrying out the program under this section shall be treated, for purposes of section 1903(a), in the same manner as State expenditures specified in paragraph (7) of such section.''.

(2) STATE PLAN REQUIREMENTS.—Section 1902(a) of such Act (42 U.S.C. 1396a(a)) is amended—

(A) in paragraph (69) by striking ''and'' at the end;

(B) in paragraph (70) by striking the period at the end and inserting ''; and''; and

(C) by inserting after paragraph (70), as so amended, the following new paragraph:

''(71) provide that the State will implement an asset verification program as required under section 1940.''.

(3) WITHHOLDING OF FEDERAL MATCHING PAYMENTS FOR NONCOMPLIANT STATES.—Section 1903(i) of such Act (42 U.S.C. 1396b(i)) is amended—

(A) in paragraph (22) by striking ''or'' at the end;

(B) in paragraph (23) by striking the period at the end and inserting ''; or''; and

(C) by adding after paragraph (23) the following new paragraph:

''(24) if a State is required to implement an asset verification program under section 1940 and fails to implement such program in accordance with such section, with respect to amounts expended by such State for medical assistance for individuals subject to asset verification under such section, unless—

''(A) the State demonstrates to the Secretary's satisfaction that the State made a good faith effort to comply;

''(B) not later than 60 days after the date of a finding that the State is in noncompliance, the State submits to the Secretary (and the Secretary approves) a corrective action plan to remedy such noncompliance; and

''(C) not later than 12 months after the date of such submission (and approval), the State fulfills the terms of such corrective action plan.''.

(4) REPEAL.—Section 4 of Public Law 110–90 is repealed.

SEC. 6002. LIMITATION ON MEDICARE EXCEPTION TO THE PROHIBITION ON CERTAIN PHYSICIAN REFERRALS FOR HOSPITALS.—

(a) IN GENERAL.—Section 1877 of the Social Security Act (42 U.S.C. 1395nn) is amended—

(1) in subsection (d)(2)—

(A) in subparagraph (A), by striking ''and'' at the end;

(B) in subparagraph (B), by striking the period at the end and inserting ''; and''; and

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

''(C) in the case where the entity is a hospital, the hospital meets the requirements of paragraph (3)(D).'';

(2) in subsection (d)(3)—

(A) in subparagraph (B), by striking ''and'' at the end;

(B) in subparagraph (C), by striking the period at the end and inserting ''; and''; and

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

''(D) the hospital meets the requirements described in subsection (i)(1) not later than 18 months after the date of the enactment of this subparagraph.''; and

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

''(i) REQUIREMENTS FOR HOSPITALS TO QUALIFY FOR HOSPITAL EXCEPTION TO OWNERSHIP OR INVESTMENT PROHIBITION.—

''(1) REQUIREMENTS DESCRIBED.—For purposes of subsection (d)(3)(D), the requirements described in this paragraph for a hospital are as follows:

''(A) PROVIDER AGREEMENT.—The hospital had—

''(i) physician ownership on September 1, 2008; and

''(ii) a provider agreement under section 1866 in effect on such date.

''(B) LIMITATION ON EXPANSION OF FACILITY CAPACITY.—Except as provided in paragraph (3), the number of operating rooms, procedure rooms, and beds of the hospital at any time on or after the date of the enactment of this subsection are no greater than the number of operating rooms, procedure rooms, and beds as of such date.

''(C) PREVENTING CONFLICTS OF INTEREST.—

''(i) The hospital submits to the Secretary an annual report containing a detailed description of—

''(I) the identity of each physician owner and any other owners of the hospital; and

''(II) the nature and extent of all ownership interests in the hospital.

''(ii) The hospital has procedures in place to require that any referring physician owner discloses to the patient being referred, by a time that permits the patient to make a meaningful decision regarding the receipt of care, as determined by the Secretary—

''(I) the ownership interest of such referring physician in the hospital; and

''(II) if applicable, any such ownership interest of the treating physician.

''(iii) The hospital does not condition any physician ownership interests either directly or indirectly on the physician owner making or influencing referrals to the hospital or otherwise generating business for the hospital.

''(iv) The hospital discloses the fact that the hospital is partially owned by physicians—

''(I) on any public website for the hospital; and

''(II) in any public advertising for the hospital.

''(D) ENSURING BONA FIDE INVESTMENT.—

''(i) Physician owners in the aggregate do not own more than the greater of—

''(I) 40 percent of the total value of the investment interests held in the hospital or in an entity whose assets include the hospital; or

''(II) the percentage of such total value determined on the date of enactment of this subsection.

''(ii) Any ownership or investment interests that the hospital offers to a physician owner are not offered on more favorable terms than the terms offered to a person who is not a physician owner.

''(iii) The hospital (or any investors in the hospital) does not directly or indirectly provide loans or financing for any physician owner investments in the hospital.

''(iv) The hospital (or any investors in the hospital) does not directly or indirectly guarantee a loan, make a payment toward a loan, or otherwise subsidize a loan, for any individual physician owner or group of physician owners that is related to acquiring any ownership interest in the hospital.

''(v) Investment returns are distributed to each investor in the hospital in an amount that is directly proportional to the ownership interest of such investor in the hospital.

''(vi) Physician owners do not receive, directly or indirectly, any guaranteed receipt of or right to purchase other business interests related to the hospital, including the purchase or lease of any property under the control of other investors in the hospital or located near the premises of the hospital.

''(vii) The hospital does not offer a physician owner the opportunity to purchase or lease any property under the control of the hospital or any other investor in the hospital on more favorable terms than the terms offered to an individual who is not a physician owner.

''(E) PATIENT SAFETY.—

''(i) Insofar as the hospital admits a patient and does not have any physician available on the premises to provide services during all hours in which the hospital is providing services to such patient, before admitting the patient—

''(I) the hospital discloses such fact to a patient; and

''(II) following such disclosure, the hospital receives from the patient a signed acknowledgment that the patient understands such fact.

''(ii) The hospital has the capacity to—

''(I) provide assessment and initial treatment for patients; and

''(II) refer and transfer patients to hospitals with the capability to treat the needs of the patient involved.

''(F) LIMITATION ON APPLICATION TO CERTAIN CONVERTED FACILITIES.—The hospital was not converted from an ambulatory surgical center to a hospital on or after the date of enactment of this subsection.

''(2) PUBLICATION OF INFORMATION REPORTED.—The Secretary shall publish, and update on an annual basis, the information submitted by hospitals under paragraph (1)(C)(i) on the public Internet website of the Centers for Medicare & Medicaid Services.

''(3) EXCEPTION TO PROHIBITION ON EXPANSION OF FACILITY CAPACITY.—

''(A) PROCESS.—

''(i) ESTABLISHMENT.—The Secretary shall establish and implement a process under which an applicable hospital (as defined in subparagraph (E)) may apply for an exception from the requirement under paragraph (1)(B).

''(ii) OPPORTUNITY FOR COMMUNITY INPUT.—The process under clause (i) shall provide individuals and entities in the community that the applicable hospital applying for an exception is located with the opportunity to provide input with respect to the application.

''(iii) TIMING FOR IMPLEMENTATION.—The Secretary shall implement the process under clause (i) on November 1, 2009.

''(iv) REGULATIONS.—Not later than November 1, 2009, the Secretary shall promulgate regulations to carry out the process under clause (i).

''(B) FREQUENCY.—The process described in subparagraph (A) shall permit an applicable hospital to apply for an exception up to once every 2 years.

''(C) PERMITTED INCREASE.—

''(i) IN GENERAL.—Subject to clause (ii) and subparagraph (D), an applicable hospital granted an exception under the process described in subparagraph (A) may increase the number of operating rooms, procedure rooms, and beds of the applicable hospital above the baseline number of operating rooms, procedure rooms, and beds of the applicable hospital (or, if the applicable hospital has been granted a previous exception under this paragraph, above the number of operating rooms, procedure rooms, and beds of the hospital after the application of the most recent increase under such an exception).

''(ii) LIFETIME 100 PERCENT INCREASE LIMITATION.—The Secretary shall not permit an increase in the number of operating rooms, procedure rooms, and beds of an applicable hospital under clause (i) to the extent such increase would result in the number of operating rooms, procedure rooms, and beds of the applicable hospital exceeding 200 percent of the baseline number of operating rooms, procedure rooms, and beds of the applicable hospital.

''(iii) BASELINE NUMBER OF OPERATING ROOMS, PROCEDURE ROOMS, AND BEDS.—In this paragraph, the term 'baseline number of operating rooms, procedure rooms, and beds' means the number of operating rooms, procedure rooms, and beds of the applicable hospital as of the date of enactment of this subsection.

''(D) INCREASE LIMITED TO FACILITIES ON THE MAIN CAMPUS OF THE HOSPITAL.—Any increase in the number of operating rooms, procedure rooms, and beds of an applicable hospital pursuant to this paragraph may only occur in facilities on the main campus of the applicable hospital.

''(E) APPLICABLE HOSPITAL.—In this paragraph, the term ''applicable hospital'' means a hospital—

''(i) that is located in a county in which the percentage increase in the population during the most recent 5-year period (as of the date of the application under subparagraph (A)) is at least 150 percent of the percentage increase in the population growth of the State in which the hospital is located during that period, as estimated by Bureau of the Census;

''(ii) whose annual percent of total inpatient admissions that represent inpatient admissions under the program under title XIX is equal to or greater than the average percent with respect to such admissions for all hospitals located in the county in which the hospital is located;

''(iii) that does not discriminate against beneficiaries of Federal health care programs and does not permit physicians practicing at the hospital to discriminate against such beneficiaries;

''(iv) that is located in a State in which the average bed capacity in the State is less than the national average bed capacity; and

''(v) that has an average bed occupancy rate that is greater than the average bed occupancy rate in the State in which the hospital is located.

''(F) PROCEDURE ROOMS.—In this subsection, the term 'procedure rooms' includes rooms in which catheterizations, angiographies, angiograms, and endoscopies are performed, except such term shall not include emergency rooms or departments (exclusive of rooms in which catheterizations, angiographies, angiograms, and endoscopies are performed).

''(G) PUBLICATION OF FINAL DECISIONS.—Not later than 60 days after receiving a complete application under this paragraph, the Secretary shall publish in the Federal Register the final decision with respect to such application.

''(H) LIMITATION ON REVIEW.—There shall be no administrative or judicial review under section 1869, section 1878, or otherwise of the process under this paragraph (including the establishment of such process).

''(4) COLLECTION OF OWNERSHIP AND INVESTMENT INFORMATION.—For purposes of subparagraphs (A)(i) and (D)(i) of paragraph (1), the Secretary shall collect physician ownership and investment information for each hospital.

''(5) PHYSICIAN OWNER DEFINED.—For purposes of this subsection, the term 'physician owner' means a physician (or an immediate family member of such physician) with a direct or an indirect ownership interest in the hospital.''.

(b) ENFORCEMENT.—

(1) ENSURING COMPLIANCE.—The Secretary of Health and Human Services shall establish policies and procedures to ensure compliance with the requirements described in subsection (i)(1) of section 1877 of the Social Security Act, as added by subsection (a)(3), beginning on the date such requirements first apply. Such policies and procedures may include unannounced site reviews of hospitals.

(2) AUDITS.—Beginning not later than January 1, 2010, the Secretary of Health and Human Services shall conduct audits to determine if hospitals violate the requirements referred to in paragraph (1).

SEC. 6003. Medicare Improvement Fund.—

Title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) is amended by adding at the end the following new section:

''MEDICARE IMPROVEMENT FUND

''SEC. 1898. (a) ESTABLISHMENT.—The Secretary shall establish under this title a Medicare Improvement Fund (in this section referred to as the 'Fund') which shall be available to the Secretary to make improvements under the original fee-for-service program under parts A and B for individuals entitled to, or enrolled for, benefits under part A or enrolled under part B.

''(b) FUNDING.—

''(1) IN GENERAL.—There shall be available to the Fund, for expenditures from the Fund for services furnished during fiscal year 2014, $3,340,000,000.

''(2) PAYMENT FROM TRUST FUNDS.—The amount specified under paragraph (1) shall be available to the Fund, as expenditures are made from the Fund, from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund in such proportion as the Secretary determines appropriate.

''(3) FUNDING LIMITATION.—Amounts in the Fund shall be available in advance of appropriations but only if the total amount obligated from the Fund does not exceed the amount available to the Fund under paragraph (1). The Secretary may obligate funds from the Fund only if the Secretary determines (and the Chief Actuary of the Centers for Medicare & Medicaid Services and the appropriate budget officer certify) that there are available in the Fund sufficient amounts to cover all such obligations incurred consistent with the previous sentence.''.

SEC. 6004. MORATORIUM ON AUGUST 17, 2007 CMS DIRECTIVE. Notwithstanding any other provision of law, the Secretary of Health and Human Services shall not, prior to April 1, 2009, finalize, implement, enforce, or otherwise take any action to give effect to any or all components of the State Health Official Letter 07–001, dated August 17, 2007, issued by the Director of the Center for Medicaid and State Operations in the Centers for Medicare & Medicaid Services regarding certain requirements under the State Children's Health Insurance Program (CHIP) relating to the prevention of the substitution of health benefits coverage for children (commonly referred to as ''crowd-out'') and the enforcement of medical support orders (or to any similar administrative actions that reflect the same or similar policies set forth in such letter). Any change made on or after August 17, 2007, to a Medicaid or CHIP State plan or waiver to implement, conform to, or otherwise adhere to the requirements or policies in such letter shall not apply prior to April 1, 2009.

SEC. 6005. ADJUSTMENT TO PAQI FUND. Section 1848(l)(2) of the Social Security Act (42

U.S.C. 1395w–4(l)(2)), as amended by section 101(a)(2) of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110–173), is amended—

(1) in subparagraph (A)(i)—

(A) in subclause (III), by striking ''$4,960,000,000'' and inserting ''$3,940,000,000''; and

(B) by adding at the end the following new subclause:

''(IV) For expenditures during 2014, an amount equal to $3,750,000,000.'';

(2) in subparagraph (A)(ii), by adding at the end the following new subclause:

''(IV) 2014.—The amount available for expenditures during 2014 shall only be available for an adjustment to the update of the conversion factor under subsection (d) for that year.''; and

(3) in subparagraph (B)—

(A) in clause (ii), by striking ''and'' at the end;

(B) in clause (iii), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following new clause:

''(iv) 2014 for payment with respect to physicians' services furnished during 2014.''.

TITLE VII—ACCOUNTABILITY AND COMPETITION IN GOVERNMENT CONTRACTING

CHAPTER 1—CLOSE THE CONTRACTOR FRAUD LOOPHOLE

SHORT TITLE

SEC. 7101. This chapter may be cited as the ''Close the Contractor Fraud Loophole Act''.

REVISION OF THE FEDERAL ACQUISITION REGULATION

SEC. 7102. The Federal Acquisition Regulation shall be amended within 180 days after the date of the enactment of this Act pursuant to FAR Case 2007–006 (as published at 72 Fed Reg. 64019, November 14, 2007) or any follow-on FAR case to include provisions that require timely notification by Federal contractors of violations of Federal criminal law or overpayments in connection with the award or performance of covered contracts or subcontracts, including those performed outside the United States and those for commercial items.

DEFINITION

SEC. 7103. In this chapter, the term ''covered contract'' means any contract in an amount greater than $5,000,000 and more than 120 days in duration.

CHAPTER 2—GOVERNMENT FUNDING TRANSPARENCY

SHORT TITLE

SEC. 7201. This chapter may be cited as the ''Government Funding Transparency Act of 2008''.

FINANCIAL DISCLOSURE REQUIREMENTS FOR CERTAIN RECIPIENTS OF FEDERAL AWARDS

SEC. 7202. (a) DISCLOSURE REQUIREMENTS.—Section 2(b)(1) of the Federal Funding Accountability and Transparency Act (Public Law 109–282; 31 U.S.C. 6101 note) is amended—

(1) by striking ''and'' at the end of subparagraph (E);

(2) by redesignating subparagraph (F) as subparagraph (G); and

(3) by inserting after subparagraph (E) the following new subparagraph:

''(F) the names and total compensation of the five most highly compensated officers of the entity if—

''(i) the entity in the preceding fiscal year received—

''(I) 80 percent or more of its annual gross revenues in Federal awards; and

''(II) $25,000,000 or more in annual gross revenues from Federal awards; and

''(ii) the public does not have access to information about the compensation of the senior executives of the entity through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986.''.

(b) REGULATIONS REQUIRED.—The Director of the Office of Management and Budget shall promulgate regulations to implement the amendment made by this chapter. Such regulations shall include a definition of ''total compensation'' that is consistent with regulations of the Securities and Exchange Commission at section 402 of part 229 of title 17 of the Code of Federal Regulations (or any subsequent regulation).

TITLE VIII

GENERAL PROVISIONS—THIS ACT

AVAILABILITY OF FUNDS

SEC. 8001. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

EMERGENCY DESIGNATION

SEC. 8002. Each amount in each title of this Act is designated as an emergency requirement and necessary to meet emergency needs pursuant to subsections (a) and (b) of section 204 of S. Con. Res. 21 (110th Congress), the concurrent resolution on the budget for fiscal year 2008.

AVOIDANCE OF U.S. PAYROLL TAX CONTRIBUTIONS

SEC. 8003. None of the funds in this Act may be used by any Federal agency for a contract with any United States corporation which hires United States employees through foreign offshore subsidiaries for purposes of avoiding United States payroll tax contributions for such employees.

EXPLANATORY STATEMENT

SEC. 8004. The explanatory statement printed in the Senate section of the Congressional Record on May 19, 2008, submitted by the Chairman of the Committee on Appropriations of the Senate regarding the amendments of the Senate to the House amendments to the Senate amendment to the bill H.R. 2642, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2008, and for other purposes, submitted by the Chairman of the Committee on Appropriations of the Senate, shall have the same effect with respect to the allocation of funds and implementation of titles I through XIII of this Act as if it were a report to the Senate on a bill reported by the Committee on Appropriations.

SHORT TITLE

SEC. 8005. This Act may be cited as the ''Supplemental Appropriations Act, 2008''.

Pending consideration of the amendments of the Senate.

Mr. OBEY, pursuant to House Resolution 1284, moved to agree to the following amendment of the Senate to the House amendment numbered 1 to the amendment of the Senate, and the amendment of the Senate to the House amendment numbered 2 to the amendment of the Senate, with the amendment printed in House Report 110-720:

In lieu of the matter proposed to be inserted by the Senate amendment numbered 2 to the House amendment numbered 2 to the Senate amendment to the bill H.R. 2642, insert the following:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2008, and for other purposes, namely:

TITLE I—MILITARY CONSTRUCTION, VETERANS AFFAIRS, INTERNATIONAL AFFAIRS, AND OTHER SECURITY-RELATED MATTERS

CHAPTER 1—AGRICULTURE

DEPARTMENT OF AGRICULTURE

FOREIGN AGRICULTURAL SERVICE

PUBLIC LAW 480 TITLE II GRANTS

For an additional amount for ''Public Law 480 Title II Grants'', $850,000,000, to remain available until expended.

For an additional amount for ''Public Law 480 Title II Grants'', $395,000,000, to become available on October 1, 2008, and to remain available until expended.

CHAPTER 2—JUSTICE

DEPARTMENT OF JUSTICE

OFFICE OF INSPECTOR GENERAL

For an additional amount for ''Office of Inspector General'', $4,000,000, to remain available until September 30, 2009.

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

For an additional amount for ''Salaries and Expenses, General Legal Activities'', $1,648,000, to remain available until September 30, 2009.

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

For an additional amount for ''Salaries and Expenses, United States Attorneys'', $5,000,000, to remain available until September 30, 2009.

UNITED STATES MARSHALS SERVICE

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', $28,621,000, to remain available until September 30, 2009.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', $106,122,000, to remain available until September 30, 2009.

For an additional amount for ''Salaries and Expenses'', $82,600,000, to become available on October 1, 2008, and to remain available until September 30, 2009.

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', $29,861,000, to remain available until September 30, 2009.

BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', $4,000,000, to remain available until September 30, 2009.

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', $9,100,000, to remain available until September 30, 2009.

GENERAL PROVISION, THIS CHAPTER

SEC. 1201. Funds appropriated by this chapter, or made available by the transfer of funds in this chapter, for intelligence or intelligence related activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414).

CHAPTER 3—MILITARY CONSTRUCTION AND VETERANS AFFAIRS

DEPARTMENT OF DEFENSE

MILITARY CONSTRUCTION, ARMY

For an additional amount for ''Military Construction, Army'', $1,108,200,000, of which $921,000,000 shall remain available until September 30, 2009, and of which $187,200,000 for

child development centers and trainee and recruit facilities (including planning and design) shall remain available until September 30, 2012: *Provided*, That notwithstanding any other provision of law, such funds may be obligated and expended to carry out planning and design and military construction projects not otherwise authorized by law: *Provided further*, That of the funds provided under this heading, not to exceed $73,400,000 shall be available for study, planning, design, and architect and engineer services: *Provided further*, That funds provided under this heading for Iraq shall not be obligated or expended until the Secretary of Defense certifies to the Committees on Appropriations of both Houses of Congress that none of the funds are to be used for the purpose of providing facilities for the permanent basing of United States military personnel in Iraq.

MILITARY CONSTRUCTION, NAVY AND MARINE CORPS

For an additional amount for ''Military Construction, Navy and Marine Corps'', $355,907,000, of which $295,516,000 shall remain available until September 30, 2009, and of which $60,391,000 for child development centers and trainee and recruit facilities (including planning and design) shall remain available until September 30, 2012: *Provided*, That notwithstanding any other provision of law, such funds may be obligated and expended to carry out planning and design and military construction projects not otherwise authorized by law: *Provided further*, That of the funds provided under this heading, not to exceed $15,843,000 shall be available for study, planning, design, and architect and engineer services.

MILITARY CONSTRUCTION, AIR FORCE

For an additional amount for ''Military Construction, Air Force'', $399,627,000, of which $361,600,000 shall remain available until September 30, 2009, and of which $38,027,000 for child development centers (including planning and design) shall remain available until September 30, 2012: *Provided*, That notwithstanding any other provision of law, such funds may be obligated and expended to carry out planning and design and military construction projects not otherwise authorized by law: *Provided further*, That of the funds provided under this heading, not to exceed $36,427,000 shall be available for study, planning, design, and architect and engineer services: *Provided further*, That funds provided under this heading for Iraq shall not be obligated or expended until the Secretary of Defense certifies to the Committees on Appropriations of both Houses of Congress that none of the funds are to be used for the purpose of providing facilities for the permanent basing of United States military personnel in Iraq.

MILITARY CONSTRUCTION, DEFENSE-WIDE

For an additional amount for ''Military Construction, Defense-Wide'', $890,921,000, of which $27,600,000 shall remain available until September 30, 2009, and of which $863,321,000 for medical treatment facilities (including planning and design) shall remain available until September 30, 2012: *Provided*, That notwithstanding any other provision of law, such funds may be obligated and expended to carry out planning and design and military construction projects not otherwise authorized by law.

FAMILY HOUSING CONSTRUCTION, NAVY AND MARINE CORPS

For an additional amount for ''Family Housing Construction, Navy and Marine Corps'', $11,766,000, to remain available until September 30, 2009: *Provided*, That notwithstanding any other provision of law, such funds may be obligated and expended to carry out planning and design and military construction projects not otherwise authorized by law.

DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 2005

For deposit into the Department of Defense Base Closure Account 2005, established by section 2906A(a)(1) of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note), $1,278,886,000, to remain available until expended: *Provided*, That notwithstanding any other provision of law, such funds may be obligated and expended to carry out planning and design and military construction projects not otherwise authorized by law.

DEPARTMENT OF VETERANS AFFAIRS

DEPARTMENTAL ADMINISTRATION

GENERAL OPERATING EXPENSES

For an additional amount for ''General Operating Expenses'', $100,000,000, to remain available until September 30, 2009.

INFORMATION TECHNOLOGY SYSTEMS

For an additional amount for ''Information Technology Systems'', $20,000,000, to remain available until September 30, 2009.

CONSTRUCTION, MAJOR PROJECTS

For an additional amount for ''Construction, Major Projects'', $396,377,000, to remain available until expended, which shall be for acceleration and completion of planned major construction of Level I polytrauma rehabilitation centers as identified in the Department of Veterans Affairs' Five Year Capital Plan: *Provided*, That notwithstanding any other provision of law, such funds may be obligated and expended to carry out planning and design and major medical facility construction not otherwise authorized by law: *Provided further*, That within 30 days of enactment of this Act the Secretary shall submit to the Committees on Appropriations of both Houses of Congress an expenditure plan for funds provided under this heading.

GENERAL PROVISIONS, THIS CHAPTER

SEC. 1301. In addition to amounts otherwise appropriated or made available under the heading ''Military Construction, Army'', there is hereby appropriated an additional $200,000,000, to remain available until September 30, 2012, to accelerate barracks improvements at Department of Army installations: *Provided*, That notwithstanding any other provision of law, such funds may be obligated and expended to carry out planning and design and barracks construction not otherwise authorized by law: *Provided further*, That within 30 days of enactment of this Act the Secretary of the Army shall submit to the Committees on Appropriations of both Houses of Congress an expenditure plan for barracks construction prior to obligation.

SEC. 1302. None of the funds appropriated in this or any other Act may be used to disestablish, reorganize, or relocate the Armed Forces Institute of Pathology, except for the Armed Forces Medical Examiner, until the President has established, as required by section 722 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 199; 10 U.S.C. 176 note), a Joint Pathology Center.

SEC. 1303. (a) LIMITATION ON AUTHORITY.—

(1) IN GENERAL.—Chapter 53 of title 38, United States Code, is amended by inserting after section 5302 the following new section:

''§ 5302A Collection of indebtedness: certain debts of members of the Armed Forces and veterans who die of injury incurred or aggravated in the line of duty in a combat zone

''(a) LIMITATION ON AUTHORITY.—The Secretary may not collect all or any part of an amount owed to the United States by a member of the Armed Forces or veteran described in subsection (b) under any program under the laws administered by the Secretary, other than a program referred to in subsection (c), if the Secretary determines that termination of collection is in the best interest of the United States.

''(b) COVERED INDIVIDUALS.—A member of the Armed Forces or veteran described in this subsection is any member or veteran who dies as a result of an injury incurred or aggravated in the line of duty while serving in a theater of combat operations (as determined by the Secretary in consultation with the Secretary of Defense) in a war or in combat against a hostile force during a period of hostilities (as that term is defined in section 1712A(a)(2)(B) of this title) after September 11, 2001.

''(c) INAPPLICABILITY TO HOUSING AND SMALL BUSINESS BENEFIT PROGRAMS.—The limitation on authority in subsection (a) shall not apply to any amounts owed the United States under any program carried out under chapter 37 of this title.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 53 of such title is amended by inserting after the item relating to section 5302 the following new item:

''5302A. Collection of indebtedness: certain debts of members of the Armed Forces and veterans who die of injury incurred or aggravated in the line of duty in a combat zone.''.

(b) EQUITABLE REFUND.—In any case where all or any part of an indebtedness of a covered individual, as described in section 5302A(a) of title 38, United States Code, as added by subsection (a)(1), was collected after September 11, 2001, and before the date of the enactment of this Act, and the Secretary of Veterans Affairs determines that such indebtedness would have been terminated had such section been in effect at such time, the Secretary may refund the amount so collected if the Secretary determines that the individual is equitably entitled to such refund.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act, and shall apply with respect to collections of indebtedness of members of the Armed Forces and veterans who die on or after September 11, 2001.

(d) SHORT TITLE.—This section may be cited as the ''Combat Veterans Debt Elimination Act of 2008''.

CHAPTER 4—DEPARTMENT OF STATE AND FOREIGN OPERATIONS

SUBCHAPTER A—SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 2008

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

For an additional amount for ''Diplomatic and Consular Programs'', $1,465,700,000, to remain available until September 30, 2009, of which $210,400,000 is for worldwide security protection and shall remain available until expended: *Provided*, That not more than $1,150,000,000 of the funds appropriated under this heading shall be available for diplomatic operations in Iraq: *Provided further*, That of the funds appropriated under this heading, not more than $30,000,000 shall be made available to establish and implement a coordinated civilian response capacity at the United States Department of State.

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Office of Inspector General'', $9,500,000, to remain available until September 30, 2009: *Provided*, That $2,500,000 shall be transferred to the Special Inspector General for Iraq Reconstruction for reconstruction oversight, and $2,000,000

shall be transferred to the Special Inspector General for Afghanistan Reconstruction for reconstruction oversight.

EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE

For an additional amount for ''Embassy Security, Construction, and Maintenance'', $76,700,000, to remain available until expended, for facilities in Afghanistan.

INTERNATIONAL ORGANIZATIONS

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

For an additional amount for ''Contributions to International Organizations'', $66,000,000, to remain available until September 30, 2009.

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

For an additional amount for ''Contributions for International Peacekeeping Activities'', $373,708,000, to remain available until September 30, 2009, of which $333,600,000 shall be made available for the United Nations-African Union Hybrid Mission in Darfur.

RELATED AGENCY

BROADCASTING BOARD OF GOVERNORS

INTERNATIONAL BROADCASTING OPERATIONS

For an additional amount for ''International Broadcasting Operations'', $2,000,000, to remain available until September 30, 2009.

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL DISASTER ASSISTANCE

For an additional amount for ''International Disaster Assistance'', $220,000,000, to remain available until expended.

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

For an additional amount for ''Operating Expenses of the United States Agency for International Development'', $150,500,000, to remain available until September 30, 2009: *Provided*, That of the funds appropriated under this heading, not more than $25,000,000 shall be made available to establish and implement a coordinated civilian response capacity at the United States Agency for International Development.

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT OFFICE OF INSPECTOR GENERAL

For an additional amount for ''Operating Expenses of the United States Agency for International Development Office of Inspector General'', $4,000,000, to remain available until September 30, 2009.

OTHER BILATERAL ECONOMIC ASSISTANCE

ECONOMIC SUPPORT FUND

For an additional amount for ''Economic Support Fund'', $1,882,500,000, to remain available until September 30, 2009, of which not more than $424,000,000 may be made available for assistance for Iraq, $175,000,000 shall be made available for assistance for Jordan to meet the needs of Iraqi refugees, and up to $53,000,000 may be made available for energy-related assistance for North Korea, notwithstanding any other provision of law: *Provided*, That not more than $171,000,000 of the funds appropriated under this heading in this subchapter shall be made available for assistance for the West Bank and Gaza and none of such funds shall be for cash transfer assistance: *Provided further*, That of the funds appropriated under this heading, $1,000,000 shall be made available for the Office of the United Nations High Commissioner for Human Rights in Mexico: *Provided further*, That the funds made available under this heading for energy-related assistance for North Korea may be made available to support the goals of the Six Party Talks Agreements after the Secretary of State determines and reports to the Committees on Appropriations that North Korea is continuing to fulfill its commitments under such agreements.

DEPARTMENT OF STATE

DEMOCRACY FUND

For an additional amount for ''Democracy Fund'', $76,000,000, to remain available until September 30, 2009, of which $75,000,000 shall be for democracy programs in Iraq and $1,000,000 shall be for democracy programs in Chad.

INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

For an additional amount for ''International Narcotics Control and Law Enforcement'', $390,300,000, to remain available until September 30, 2009, of which not more than $25,000,000 shall be made available for security assistance for the West Bank.

MIGRATION AND REFUGEE ASSISTANCE

For an additional amount for ''Migration and Refugee Assistance'', $315,000,000, to remain available until expended.

UNITED STATES EMERGENCY REFUGEE AND MIGRATION ASSISTANCE FUND

For an additional amount for ''United States Emergency Refugee and Migration Assistance Fund'', $31,000,000, to remain available until expended.

NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED PROGRAMS

For an additional amount for ''Nonproliferation, Anti-Terrorism, Demining and Related Programs'', $13,700,000, to remain available until September 30, 2009.

MILITARY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

FOREIGN MILITARY FINANCING PROGRAM

For an additional amount for ''Foreign Military Financing Program'', $137,500,000, to remain available until September 30, 2009, of which $17,000,000 shall be made available for assistance for Jordan and up to $116,500,000 may be made available for assistance for Mexico.

Not more than $1,350,000 of the funds appropriated or otherwise made available under the heading ''Foreign Military Financing Program'' by the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2008 (division J of Public Law 110–161) that were previously transferred to and merged with ''Diplomatic and Consular Programs'' may be made available for any purposes authorized for that account, of which up to $500,000 shall be made available to increase the capacity of the United States Embassy in Mexico City to implement section 620J of the Foreign Assistance Act of 1961: *Provided*, That funds made available by this paragraph shall not be subject to Section 8002 of this Act.

SUBCHAPTER B—BRIDGE FUND SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 2009

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

For an additional amount for ''Diplomatic and Consular Programs'', $704,900,000, which shall become available on October 1, 2008, and remain available through September 30, 2009: *Provided*, That of the funds appropriated under this heading, $78,400,000 is for worldwide security protection and shall remain available until expended: *Provided further*, That not more than $550,500,000 of the funds appropriated under this heading shall be available for diplomatic operations in Iraq.

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Office of Inspector General'', $57,000,000, which shall become available on October 1, 2008, and remain available through September 30, 2009: *Provided*, That $36,500,000 shall be transferred to the Special Inspector General for Iraq Reconstruction for reconstruction oversight and $5,000,000 shall be transferred to the Special Inspector General for Afghanistan Reconstruction for reconstruction oversight.

EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE

For an additional amount for ''Embassy Security, Construction, and Maintenance'', $41,300,000, which shall become available on October 1, 2008, and remain available until expended, for facilities in Afghanistan.

INTERNATIONAL ORGANIZATIONS

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

For an additional amount for ''Contributions to International Organizations'', $75,000,000, which shall become available on October 1, 2008, and remain available through September 30, 2009.

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

For an additional amount for ''Contributions for International Peacekeeping Activities'', $150,500,000, which shall become available on October 1, 2008, and remain available through September 30, 2009.

RELATED AGENCY

BROADCASTING BOARD OF GOVERNORS

INTERNATIONAL BROADCASTING OPERATIONS

For an additional amount for ''International Broadcasting Operations'', $6,000,000, which shall become available on October 1, 2008, and remain available through September 30, 2009.

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

GLOBAL HEALTH AND CHILD SURVIVAL

For an additional amount for ''Global Health and Child Survival'', $75,000,000, which shall become available on October 1, 2008, and remain available through September 30, 2009, for programs to combat avian influenza.

DEVELOPMENT ASSISTANCE

For an additional amount for ''Development Assistance'', $200,000,000, for assistance for developing countries to address the international food crisis notwithstanding any other provision of law, which shall become available on October 1, 2008, and remain available through September 30, 2010: *Provided*, That such assistance should be carried out consistent with the purposes of section 103(a)(1) of the Foreign Assistance Act of 1961: *Provided further*, That not more than $50,000,000 should be made available for local or regional purchase and distribution of food: *Provided further*, That the Secretary of State shall submit to the Committees on Appropriations not later than 45 days after enactment of this Act, and prior to the initial obligation of funds appropriated under this heading, a report on the proposed uses of such funds to alleviate hunger and malnutrition, including a list of those countries facing significant food shortages.

INTERNATIONAL DISASTER ASSISTANCE

For an additional amount for ''International Disaster Assistance'', $200,000,000, which shall become available on October 1, 2008, and remain available until expended.

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

For an additional amount for ''Operating Expenses of the United States Agency for International Development'', $93,000,000, which shall become available on October 1, 2008, and remain available through September 30, 2009.

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT OFFICE OF INSPECTOR GENERAL

For an additional amount for ''Operating Expenses of the United States Agency for International Development Office of Inspector General'', $1,000,000, which shall become available on October 1, 2008, and remain available through September 30, 2009.

OTHER BILATERAL ECONOMIC ASSISTANCE

ECONOMIC SUPPORT FUND

For an additional amount for ''Economic Support Fund'', $1,124,800,000, which shall become available on October 1, 2008, and remain available through September 30, 2009, of which not more than $102,500,000 may be made available for assistance for Iraq, $100,000,000 shall be made available for assistance for Jordan, not more than $455,000,000 may be made available for assistance for Afghanistan, not more than $150,000,000 may be made available for assistance for Pakistan, not more than $150,000,000 shall be made available for assistance for the West Bank and Gaza, and $15,000,000 may be made available for energy-related assistance for North Korea, notwithstanding any other provision of law.

DEPARTMENT OF STATE

INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

For an additional amount for ''International Narcotics Control and Law Enforcement'', $199,000,000, which shall become available on October 1, 2008, and remain available through September 30, 2009: *Provided*, That not more than $50,000,000 of the funds appropriated under this heading shall be made available for security assistance for the West Bank and up to $48,000,000 may be made available for assistance for Mexico.

MIGRATION AND REFUGEE ASSISTANCE

For an additional amount for ''Migration and Refugee Assistance'', $350,000,000, which shall become available on October 1, 2008, and remain available until expended.

NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED PROGRAMS

For an additional amount for ''Nonproliferation, Anti-Terrorism, Demining and Related Programs'', $4,500,000, for humanitarian demining assistance for Iraq, which shall become available on October 1, 2008, and remain available through September 30, 2009.

MILITARY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

FOREIGN MILITARY FINANCING PROGRAM

For an additional amount for ''Foreign Military Financing Program'', $302,500,000, which shall become available on October 1, 2008, and remain available through September 30, 2009, of which $100,000,000 shall be made available for assistance for Jordan, and not less than $170,000,000 shall be available for grants only for Israel and shall be disbursed not later than November 1, 2008: *Provided*, That section 3802(c) of title III, chapter 8 of Public Law 110–28 shall apply to funds made available under this heading for assistance for Lebanon.

PEACEKEEPING OPERATIONS

For an additional amount for ''Peacekeeping Operations'', $95,000,000, which shall become available on October 1, 2008, and remain available through September 30, 2009.

SUBCHAPTER C—GENERAL PROVISIONS, THIS CHAPTER

EXTENSION OF AUTHORITIES

SEC. 1401. Funds appropriated by this chapter may be obligated and expended notwithstanding section 10 of Public Law 91–672 (22 U.S.C. 2412), section 15 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2680), section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 6212), and section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 414(a)(1)).

IRAQ

SEC. 1402. (a) ASSET TRANSFER AGREEMENT.—

(1) None of the funds appropriated by this chapter for infrastructure maintenance activities in Iraq may be made available until the Secretary of State certifies and reports to the Committees on Appropriations that the Governments of the United States and Iraq have entered into, and are implementing, an asset transfer agreement that includes commitments by the Government of Iraq to maintain United States-funded infrastructure in Iraq.

(2) None of the funds appropriated by this chapter may be made available for the construction of prison facilities in Iraq.

(b) ANTI-CORRUPTION.—Not more than 40 percent of the funds appropriated by this chapter for rule of law programs in Iraq may be made available for assistance for the Government of Iraq until the Secretary of State reports to the Committees on Appropriations that a comprehensive anti-corruption strategy has been developed, and is being implemented, by the Government of Iraq, and the Secretary of State submits a list, in classified form if necessary, to the Committees on Appropriations of senior Iraqi officials who the Secretary has credible evidence to believe have committed corrupt acts.

(c) PROVINCIAL RECONSTRUCTION TEAMS.—None of the funds appropriated by this chapter for the operational or program expenses of Provincial Reconstruction Teams (PRTs) in Iraq may be made available until the Secretary of State submits a report to the Committees on Appropriations detailing—

(1) the strategy for the eventual winding down and close out of PRTs;

(2) anticipated costs associated with PRT operations, programs, and eventual winding down and close out, including security for PRT personnel and anticipated Government of Iraq contributions; and

(3) anticipated placement and cost estimates of future United States Consulates in Iraq.

(d) COMMUNITY STABILIZATION PROGRAM.—Not more than 50 percent of the funds appropriated by this chapter for the Community Stabilization Program in Iraq may be made available until the Secretary of State certifies and reports to the Committees on Appropriations that the United States Agency for International Development is implementing recommendations contained in Office of Inspector General Audit Report No. E-267-08-001-P to ensure accountability of funds.

(e) MATCHING REQUIREMENT.—

(1) Notwithstanding any other provision of law, funds appropriated by this chapter for assistance for Iraq shall be made available only to the extent that the Government of Iraq matches such assistance on a dollar-for-dollar basis.

(2) Paragraph (1) shall not apply to funds made available for—

(A) grants and cooperative agreements for programs to promote democracy and human rights;

(B) the Community Action Program and other assistance through civil society organizations;

(C) humanitarian demining; or

(D) assistance for refugees, internally displaced persons, and civilian victims of the military operations.

(3) The Secretary of State shall certify to the Committees on Appropriations prior to the initial obligation of funds pursuant to this section that the Government of Iraq has committed to obligate matching funds on a dollar-for-dollar basis. The Secretary shall submit a report to the Committees on Appropriations not later than September 30, 2008, and 180 days thereafter, detailing the amounts of funds obligated and expended by the Government of Iraq to meet the requirements of this section.

(4) Not later than 45 days after enactment of this Act, the Secretary of State shall submit a report to the Committees on Appropriations detailing the amounts provided by the Government of Iraq since June 30, 2004, to assist Iraqi refugees in Syria, Jordan, and elsewhere, and the amount of such assistance the Government of Iraq plans to provide in fiscal year 2008. The Secretary shall work expeditiously with the Government of Iraq to establish an account within its annual budget sufficient to, at a minimum, match United States contributions on a dollar-for-dollar basis to organizations and programs for the purpose of assisting Iraqi refugees.

AFGHANISTAN

SEC. 1403. (a) ASSISTANCE FOR WOMEN AND GIRLS.—Funds appropriated by this chapter under the heading ''Economic Support Fund'' that are available for assistance for Afghanistan shall be made available, to the maximum extent practicable, through local Afghan provincial and municipal governments and Afghan civil society organizations and in a manner that emphasizes the participation of Afghan women and directly improves the economic, social and political status of Afghan women and girls.

(b) HIGHER EDUCATION.—Of the funds appropriated by this chapter under the heading ''Economic Support Fund'' that are made available for education programs in Afghanistan, not less than 50 percent shall be made available to support higher education and vocational training programs in law, accounting, engineering, public administration, and other disciplines necessary to rebuild the country, in which the participation of women is emphasized.

(c) POST-OPERATIONS ASSISTANCE.—Of the funds appropriated by this chapter under the heading ''Economic Support Fund'' that are available for assistance for Afghanistan, not less than $2,000,000 shall be made available for a United States contribution to the North Atlantic Treaty Organization/International Security Assistance Force Post-Operations Humanitarian Relief Fund.

(d) ANTI-CORRUPTION.—Not later than 90 days after the enactment of this Act, the Secretary of State shall—

(1) submit a report to the Committees on Appropriations on actions being taken by the Government of Afghanistan to combat corruption within the national and provincial governments, including to remove and prosecute officials who have committed corrupt acts;

(2) submit a list to the Committees on Appropriations, in classified form if necessary, of senior Afghan officials who the Secretary has credible evidence to believe have committed corrupt acts; and

(3) certify and report to the Committees on Appropriations that effective mechanisms are in place to ensure that assistance to national government ministries and provincial governments will be properly accounted for.

WEST BANK

SEC. 1404. Not later than 90 days after the date of enactment of this Act and 180 days thereafter, the Secretary of State shall submit to the Committees on Appropriations a report on assistance provided by the United States for the training of Palestinian security forces, including detailed descriptions of the training, curriculum, and equipment provided; an assessment of the training and the performance of forces after training has been completed; and a description of the assistance that has been pledged and provided to

Palestinian security forces by other donors: *Provided*, That not later than 90 days after the date of enactment of this Act, the Secretary of State shall report to the Committees on Appropriations, in classified form if necessary, on the security strategy of the Palestinian Authority.

WAIVER OF CERTAIN SANCTIONS AGAINST NORTH KOREA

SEC. 1405. (a) WAIVER AUTHORITY.—

(1) IN GENERAL.—Except as provided in subsection (b), the President may waive in whole or in part, with respect to North Korea, the application of any sanction contained in subparagraph (A), (B), (D) or (G) under section 102(b)(2) of the Arms Export Control Act (22 U.S.C. 2799aa–1(b)), for the purpose of providing assistance related to—

(A) the implementation and verification of the compliance by North Korea with its commitment, undertaken in the Joint Statement of September 19, 2005, to abandon all nuclear weapons and existing nuclear programs as part of the verifiable denuclearization of the Korean Peninsula; and

(B) the elimination of the capability of North Korea to develop, deploy, transfer, or maintain weapons of mass destruction and their delivery systems.

(2) LIMITATION.—The authority under paragraph (1) shall expire 5 years after the date of enactment of this Act.

(b) EXCEPTIONS.—

(1) LIMITED EXCEPTION RELATED TO CERTAIN SANCTIONS AND PROHIBITIONS.—The authority under subsection (a) shall not apply with respect to a sanction or prohibition under subparagraph (B) or (G) of section 102(b)(2) of the Arms Export Control Act, unless the President determines and certifies to the appropriate congressional committees that—

(A) all reasonable steps will be taken to assure that the articles or services exported or otherwise provided will not be used to improve the military capabilities of the armed forces of North Korea; and

(B) such waiver is in the national security interests of the United States.

(2) LIMITED EXCEPTION RELATED TO CERTAIN ACTIVITIES.—Unless the President determines and certifies to the appropriate congressional committees that using the authority under subsection (a) is vital to the national security interests of the United States, such authority shall not apply with respect to—

(A) an activity described in subparagraph (A) of section 102(b)(1) of the Arms Export Control Act that occurs after September 19, 2005, and before the date of the enactment of this Act;

(B) an activity described in subparagraph (C) of such section that occurs after September 19, 2005; or

(C) an activity described in subparagraph (D) of such section that occurs after the date of enactment of this Act.

(3) EXCEPTION RELATED TO CERTAIN ACTIVITIES OCCURRING AFTER DATE OF ENACTMENT.—The authority under subsection (a) shall not apply with respect to an activity described in subparagraph (A) or (B) of section 102(b)(1) of the Arms Export Control Act that occurs after the date of the enactment of this Act.

(4) LIMITED EXCEPTION RELATED TO LETHAL WEAPONS.—The authority under subsection (a) shall not apply with respect to any export of lethal defense articles that would be prevented by the application of section 102(b)(2) of the Arms Export Control Act.

(c) NOTIFICATIONS AND REPORTS.—

(1) CONGRESSIONAL NOTIFICATION.—The President shall notify the appropriate congressional committees in writing not later than 15 days before exercising the waiver authority under subsection (a).

(2) ANNUAL REPORT.—Not later than January 31, 2009, and annually thereafter, the President shall submit to the appropriate congressional committees a report that—

(A) lists all waivers issued under subsection (a) during the preceding year;

(B) describes in detail the progress that is being made in the implementation of the commitment undertaken by North Korea, in the Joint Statement of September 19, 2005, to abandon all nuclear weapons and existing nuclear programs as part of the verifiable denuclearization of the Korean Peninsula;

(C) discusses specifically any shortcomings in the implementation by North Korea of that commitment; and

(D) lists and describes the progress and shortcomings, in the preceding year, of all other programs promoting the elimination of the capability of North Korea to develop, deploy, transfer, or maintain weapons of mass destruction or their delivery systems.

(3) REPORT ON VERIFICATION MEASURES RELATING TO NORTH KOREA'S NUCLEAR PROGRAMS.—

(A) IN GENERAL.—Not later than 15 days after the date of enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees a report on verification measures relating to North Korea's nuclear programs under the Six-Party Talks Agreement of February 13, 2007, with specific focus on how such verification measures are defined under the Six-Party Talks Agreement and understood by the United States Government.

(B) MATTERS TO BE INCLUDED.—The report required under subsection (A) shall include, among other elements, a description of—

(i) how the United States will confirm that North Korea has ''provided a complete and correct declaration of all of its nuclear programs'';

(ii) how the United States will maintain a high and ongoing level of confidence that North Korea has fully met the terms of the Six-Party Talks Agreement relating to its nuclear programs;

(iii) any diplomatic agreement with North Korea regarding verification measures relating to North Korea's nuclear programs under the Six-Party Talks Agreement (other than implementing arrangements made during onsite operations); and

(iv) any significant and continuing disagreement with North Korea regarding verification measures relating to North Korea's nuclear programs under the Six-Party Talks Agreement.

(C) FORM.—The report required under subsection (A) shall be submitted in unclassified form, but may include a classified annex.

(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means—

(1) the Committees on Appropriations, Armed Services, and Foreign Relations of the Senate; and

(2) the Committees on Appropriations, Armed Services, and Foreign Affairs of the House of Representatives.

MEXICO

SEC. 1406. (a) ASSISTANCE FOR MEXICO.—Of the funds appropriated under the headings ''International Narcotics Control and Law Enforcement'', ''Foreign Military Financing Program'', and ''Economic Support Fund'' in this chapter, not more than $352,000,000 of the funds appropriated in subchapter A and $48,000,000 of the funds appropriated in subchapter B may be made available for assistance for Mexico, only to combat drug trafficking and related violence and organized crime, and for judicial reform, institution building, anti-corruption, and rule of law activities, of which not less than $73,500,000 shall be used for judicial reform, institution building, anti-corruption, and rule of law activities: *Provided*, That none of the funds made available under this section shall be made available for budget support or as cash payments: *Provided further*, That not more than 45 days after enactment of this Act, and after consulting with relevant Mexican Government authorities, the Secretary of State shall report in writing to the Committees on Appropriations on the procedures in place to implement section 620J of the Foreign Assistance Act of 1961.

(b) ALLOCATION OF FUNDS.—Fifteen percent of the funds made available in this chapter for assistance for Mexico under the headings ''International Narcotics Control and Law Enforcement'' and ''Foreign Military Financing Program'' may not be obligated until the Secretary of State reports in writing to the Committees on Appropriations that the Government of Mexico is—

(1) improving the transparency and accountability of federal police forces and working with state and municipal authorities to improve the transparency and accountability of state and municipal police forces through mechanisms including establishing police complaints commissions with authority and independence to receive complaints and carry out effective investigations;

(2) establishing a mechanism for regular consultations among relevant Mexican Government authorities, Mexican human rights organizations and other relevant Mexican civil society organizations, to make recommendations concerning implementation of the Merida Initiative in accordance with Mexican and international law;

(3) ensuring that civilian prosecutors and judicial authorities are investigating and prosecuting, in accordance with Mexican and international law, members of the federal police and military forces who have been credibly alleged to have committed violations of human rights, and the federal police and military forces are fully cooperating with the investigations; and

(4) enforcing the prohibition, in accordance with Mexican and international law, on the use of testimony obtained through torture or other ill-treatment.

(c) EXCEPTION.—Notwithstanding subsection (b), of the funds appropriated by subchapter A for assistance for Mexico under the heading ''International Narcotics Control and Law Enforcement'', $3,000,000 shall be made available for technical and other assistance to enable the Government of Mexico to implement a unified national registry of federal, state, and municipal police officers.

(d) REPORT.—The report required in subsection (b) shall include a description of actions taken with respect to each requirement and the cases or issues brought to the attention of the Secretary of State for which the response or action taken has been inadequate.

(e) NOTIFICATION.—Funds made available for Mexico by this chapter shall be subject to the regular notification procedures of the Committees on Appropriations and section 634A of the Foreign Assistance Act of 1961 (22 U.S.C. 2394–1).

(f) SPENDING PLAN.—Not later than 45 days after the date of the enactment of this Act, the Secretary of State shall submit to the Committees on Appropriations a detailed spending plan for funds appropriated or otherwise made available for Mexico by this chapter, which shall include a strategy, developed after consulting with relevant Mexican Government authorities, for combating drug trafficking and related violence and organized crime, judicial reform, institution building, anti-corruption, and rule of law activities, with concrete goals, actions to be taken, budget proposals, and anticipated results.

CENTRAL AMERICA

SEC. 1407. (a) ASSISTANCE FOR THE COUNTRIES OF CENTRAL AMERICA.—Of the funds appropriated in subchapter A under the headings ''International Narcotics Control and Law Enforcement'', ''Foreign Military Financing Program'', ''Nonproliferation, Anti-Terrorism, Demining and Related Programs'', and ''Economic Support Fund'', $65,000,000 may be made available for assistance for the countries of Central America, Haiti, and the Dominican Republic only to combat drug trafficking and related violence and organized crime, and for judicial reform, institution building, anti-corruption, rule of law activities, and maritime security: *Provided*, That of the funds appropriated under the heading ''Economic Support Fund'', $25,000,000 shall be made available for an Economic and Social Development Fund for Central America, of which $20,000,000 shall be made available through the United States Agency for International Development and $5,000,000 shall be made available through the Department of State for educational exchange programs: *Provided further*, That of the funds appropriated in subchapter A under the heading ''International Narcotics Control and Law Enforcement'', $2,500,000 shall be made available for assistance for Haiti, $2,500,000 shall be made available for assistance for the Dominican Republic, and $1,000,000 shall be made available for a United States contribution to the International Commission Against Impunity in Guatemala: *Provided further*, That none of the funds shall be made available for budget support or as cash payments: *Provided further*, That not more than 45 days after enactment of this Act, the Secretary of State shall report in writing to the Committees on Appropriations on the procedures in place to implement section 620J of the Foreign Assistance Act of 1961.

(b) ALLOCATION OF FUNDS.—Fifteen percent of the funds made available by this chapter for assistance for the countries of Central America, Haiti and the Dominican Republic under the headings ''International Narcotics Control and Law Enforcement'' and ''Foreign Military Financing Program'' may not be obligated until the Secretary of State reports in writing to the Committees on Appropriations that the government of such country is—

(1) establishing police complaints commissions with authority and independence to receive complaints and carry out effective investigations;

(2) implementing reforms to improve the capacity and ensure the independence of the judiciary; and

(3) investigating and prosecuting members of the federal police and military forces who have been credibly alleged to have committed violations of human rights.

(c) REPORT.—The report required in subsection (b) shall include actions taken with respect to each requirement and the cases or issues brought to the attention of the Secretary of State for which the response or action taken has been inadequate.

(d) NOTIFICATION.—Funds made available for assistance for the countries of Central America, Haiti and the Dominican Republic in subchapter A shall be subject to the regular notification procedures of the Committees on Appropriations and section 634A of the Foreign Assistance Act of 1961 (22 U.S.C. 2394–1).

(e) SPENDING PLAN.—Not later than 45 days after enactment of this Act, the Secretary of State shall submit to the Committees on Appropriations a detailed spending plan for funds appropriated or otherwise made available for the countries of Central America, Haiti and the Dominican Republic in subchapter A, which shall include a strategy for combating drug trafficking and related violence and organized crime, judicial reform, institution building, anti-corruption, and rule of law activities, with concrete goals, actions to be taken, budget proposals and anticipated results.

(f) DEFINITION.—For the purposes of this section, the term ''countries of Central America'' means Belize, Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua, and Panama.

BUYING POWER MAINTENANCE ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

SEC. 1408. (a) Of the funds appropriated under the heading ''Diplomatic and Consular Programs'' and allocated by section 3810 of the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (Public Law 110–28), $26,000,000 shall be transferred to and merged with funds in the ''Buying Power Maintenance Account'': *Provided*, That of the funds made available by this chapter up to an additional $74,000,000 may be transferred to and merged with the ''Buying Power Maintenance Account'', subject to the regular notification procedures of the Committees on Appropriations and in accordance with the procedures in section 34 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2706). Any funds transferred pursuant to this section shall be available, without fiscal year limitation, pursuant to section 24 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2696).

(b) Section 24(b)(7) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2696(b)(7)) is amended by amending subparagraph (D) to read as follows:

''(D) The authorities contained in this paragraph may be exercised only with respect to funds appropriated or otherwise made available after fiscal year 2008.''.

(c) The Broadcasting Board of Governors may transfer funds into its Buying Power Maintenance Account, notwithstanding the requirement that such funds be provided in advance in appropriations Acts. The authority in this subsection may be exercised only with respect to funds appropriated or otherwise made available after fiscal year 2008.

SERBIA

SEC. 1409. Of the funds made available under the heading ''Assistance for Eastern Europe and the Baltic States'' by title III of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2008 (division J of Public Law 110–161), an amount equivalent to the unpaid costs of damage to the United States Embassy in Belgrade, Serbia, as estimated by the Secretary of State, resulting from the February 21, 2008 attack on such Embassy, shall be withheld from obligation for assistance for the central government of Serbia if the Secretary of State reports to the Committees on Appropriations that the Government of Serbia has failed to provide full compensation to the Department of State for damages to the United States Embassy resulting from the February 21, 2008 attack on such embassy. Section 8002 of this Act shall not apply to this section.

RESCISSIONS

SEC. 1410. (a) WORLD FOOD PROGRAM.—

(1) For an additional amount for a contribution to the World Food Program to assist farmers in countries affected by food shortages to increase crop yields, notwithstanding any other provision of law, $20,000,000, to remain available until expended.

(2) Of the funds appropriated under the heading ''Andean Counterdrug Initiative'' in prior Acts making appropriations for foreign operations, export financing, and related programs, $20,000,000 are rescinded.

(b) SUDAN.—

(1) For an additional amount for ''International Narcotics Control and Law Enforcement'', $10,000,000, for assistance for Sudan to support formed police units, to remain available until September 30, 2009, and subject to prior consultation with the Committees on Appropriations.

(2) Of the funds appropriated under the heading ''International Narcotics Control and Law Enforcement'' in prior Acts making appropriations for foreign operations, export financing, and related programs, $10,000,000 are rescinded.

(c) RESCISSION.—Of the unobligated balances of funds appropriated for ''Iraq Relief and Reconstruction Fund'' in prior Acts making appropriations for foreign operations, export financing, and related programs, $50,000,000 are rescinded.

(d) EXCEPTION.—Section 8002 of this Act shall not apply to subsections (a) and (b) of this section.

DARFUR PEACEKEEPING

SEC. 1411. Funds appropriated under the headings ''Foreign Military Financing Program'' and ''Peacekeeping Operations'' by the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2008 (division J of Public Law 110–161) and by prior Acts making appropriations for foreign operations, export financing, and related programs may be used to transfer, equip, upgrade, refurbish or lease helicopters or related equipment necessary to support the operations of the African Union/United Nations peacekeeping operation in Darfur, Sudan, that was established pursuant to United Nations Security Council Resolution 1769. The President may utilize the authority of sections 506 or 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2318, 2321j) or section 61 of the Arms Export Control Act (22 U.S.C. 2796) in order to provide such support, notwithstanding any other provision of law except for sections 502B(a)(2), 620A and 620J of the Foreign Assistance Act of 1961 (22 U.S.C. 2304(a)(2), 2371, 2378d) and section 40A of the Arms Export Control Act (22 U.S.C. 2780). Any exercise of the authorities provided by section 506 of the Foreign Assistance Act pursuant to this section may include the authority to acquire helicopters by contract.

TIBET

SEC. 1412. (a) Of the funds appropriated by this Act or prior Acts making appropriations for the Department of State, foreign operations and related programs under the headings ''Diplomatic and Consular Programs'' and ''Embassy Security, Construction, and Maintenance'', up to $5,000,000 shall be made available to establish a United States Consulate in Lhasa, Tibet.

(b) The Department of State should not consent to opening a consular post in the United States by the People's Republic of China until such time as the People's Republic of China consents to opening a United States consular post in Lhasa, Tibet.

JORDAN

(INCLUDING RESCISSION OF FUNDS)

SEC. 1413. (a) For an additional amount for ''Economic Support Fund'' for assistance for Jordan, $25,000,000, to remain available until September 30, 2009.

(b) For an additional amount for ''Foreign Military Financing Program'' for assistance for Jordan, $33,000,000, to remain available until September 30, 2009.

(c) Of the unobligated balances of funds appropriated under the heading ''Millennium Challenge Corporation'' in prior Acts making appropriations for foreign operations, export financing, and related programs, $58,000,000 are rescinded.

(d) Section 8002 of this Act shall not apply to this section.

ALLOCATIONS

SEC. 1414. (a) Funds provided by this chapter for the following accounts shall be made available for programs and countries in the amounts contained in the respective tables included in the explanatory statement printed in the Congressional Record accompanying this Act:

''Diplomatic and Consular Programs''

''Economic Support Fund''.

(b) Any proposed increases or decreases to the amounts contained in such tables in the explanatory statement printed in the Congressional Record accompanying this Act shall be subject to the regular notification procedures of the Committees on Appropriations and section 634A of the Foreign Assistance Act of 1961.

REPROGRAMMING AUTHORITY

SEC. 1415. Notwithstanding any other provision of law, to include minimum funding requirements or funding directives, funds made available under the headings ''Development Assistance'' and ''Economic Support Fund'' in prior Acts making appropriations for foreign operations, export financing, and related programs may be made available to address critical food shortages, subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations.

SPENDING PLANS AND NOTIFICATION PROCEDURES

SEC. 1416. (a) SUBCHAPTER A SPENDING PLAN.—Not later than 45 days after the enactment of this Act, the Secretary of State shall submit to the Committees on Appropriations a report detailing planned expenditures for funds appropriated under the headings in subchapter A, except for funds appropriated under the headings ''International Disaster Assistance'', ''Migration and Refugee Assistance'', and ''United States Emergency Refugee and Migration Assistance Fund''.

(b) SUBCHAPTER B SPENDING PLAN.—The Secretary of State shall submit to the Committees on Appropriations not later than November 1, 2008, and prior to the initial obligation of funds, a detailed spending plan for funds appropriated or otherwise made available in subchapter B, except for funds appropriated under the headings ''International Disaster Assistance'', ''Migration and Refugee Assistance'', and ''United States Emergency Refugee and Migration Assistance Fund''.

(c) NOTIFICATION.—Funds made available in this chapter shall be subject to the regular notification procedures of the Committees on Appropriations and section 634A of the Foreign Assistance Act of 1961.

TERMS AND CONDITIONS

SEC. 1417. Unless otherwise provided for in this Act, funds appropriated or otherwise made available by this chapter shall be available under the authorities and conditions provided in the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2008 (division J of Public Law 110–161), except that section 699K of such Act shall not apply to funds in this chapter.

TITLE II—DOMESTIC MATTERS

CHAPTER 1—FOOD AND DRUG ADMINISTRATION

DEPARTMENT OF HEALTH AND HUMAN SERVICES

FOOD AND DRUG ADMINISTRATION

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', $150,000,000, to remain available until September 30, 2009: *Provided*, That of the amount provided: (1) $66,792,000 shall be for the Center for Food Safety and Applied Nutrition and related field activities in the Office of Regulatory Affairs; (2) $28,019,000 shall be for the Center for Drug Evaluation and Research and related field activities in the Office of Regulatory Affairs; (3) $12,736,000 shall be for the Center for Biologics Evaluation and Research and related field activities in the Office of Regulatory Affairs; (4) $6,057,000 shall be for the Center for Veterinary Medicine and related field activities in the Office of Regulatory Affairs; (5) $20,094,000 shall be for the Center for Devices and Radiological Health and related field activities in the Office of Regulatory Affairs; (6) $3,396,000 shall be for the National Center for Toxicological Research; and (7) $12,906,000 shall be for other activities, including the Office of the Commissioner, the Office of Scientific and Medical Programs; the Office of Policy, Planning and Preparedness; the Office of International and Special Programs; the Office of Operations; and central services for these offices.

CHAPTER 2—COMMERCE, JUSTICE, AND SCIENCE

DEPARTMENT OF COMMERCE

BUREAU OF THE CENSUS

PERIODIC CENSUSES AND PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Periodic Censuses and Programs'', $210,000,000, to remain available until expended, for necessary expenses related to the 2010 Decennial Census: *Provided*, That not less than $3,000,000 shall be transferred to the ''Office of Inspector General'' at the Department of Commerce for necessary expenses associated with oversight activities of the 2010 Decennial Census: *Provided further*, That not less than $1,000,000 shall be used only for a reimbursable agreement with the Defense Contract Management Agency to provide continuing contract management oversight of the 2010 Decennial Census.

DEPARTMENT OF JUSTICE

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', $178,000,000, to remain available until September 30, 2008.

OTHER AGENCIES

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

SCIENCE, AERONAUTICS AND EXPLORATION

For an additional amount for ''Science, Aeronautics and Exploration'', $62,500,000.

NATIONAL SCIENCE FOUNDATION

RESEARCH AND RELATED ACTIVITIES

For an additional amount for ''Research and Related Activities'', $22,500,000, of which $5,000,000 shall be available solely for activities authorized by section 7002(b)(2)(A)(iv) of Public Law 110–69.

EDUCATION AND HUMAN RESOURCES

For an additional amount for ''Education and Human Resources'', $40,000,000: *Provided*, That of the amount provided, $20,000,000 shall be available for activities authorized by section 10 of the National Science Foundation Authorization Act of 2002 (42 U.S.C. 1862n–1) and $20,000,000 shall be available for activities authorized by section 10A of the National Science Foundation Authorization Act of 2002 (42 U.S.C. 1862n–1a).

CHAPTER 3—ENERGY

DEPARTMENT OF ENERGY

ENERGY PROGRAMS

SCIENCE

For an additional amount for ''Science'', $62,500,000, to remain available until expended.

ENVIRONMENTAL AND OTHER DEFENSE ACTIVITIES

DEFENSE ENVIRONMENTAL CLEANUP

For an additional amount for ''Defense Environmental Cleanup'', $62,500,000, to remain available until expended.

CHAPTER 4—LABOR AND HEALTH AND HUMAN SERVICES

DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS

For an additional amount for ''State Unemployment Insurance and Employment Service Operations'' for grants to the States for the administration of State unemployment insurance, $110,000,000, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund, to be used for unemployment insurance workloads experienced by the States through September 30, 2008, which shall be available for Federal obligation through December 31, 2008.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

NATIONAL INSTITUTES OF HEALTH

OFFICE OF THE DIRECTOR

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Office of the Director'', $150,000,000, which shall be transferred to the Institutes and Centers of the National Institutes of Health and to the Common Fund established under section 402A(c)(1) of the Public Health Service Act in proportion to the appropriations otherwise made to such Institutes, Centers, and Common Fund for fiscal year 2008: *Provided*, That these funds shall be used to support additional scientific research and shall be merged with and be available for the same purposes and for the same time period as the appropriation or fund to which transferred: *Provided further*, That this transfer authority is in addition to any other transfer authority available to the National Institutes of Health: *Provided further*, That none of these funds may be transferred to ''National Institutes of Health–Buildings and Facilities'', the Center for Scientific Review, the Center for Information Technology, the Clinical Center, the Global Fund for HIV/AIDS, Tuberculosis and Malaria, or the Office of the Director (except for the transfer to the Common Fund).

CHAPTER 5—LEGISLATIVE BRANCH

HOUSE OF REPRESENTATIVES

PAYMENT TO WIDOWS AND HEIRS OF DECEASED MEMBERS OF CONGRESS

For payment to Annette Lantos, widow of Tom Lantos, late a Representative from the State of California, $169,300: *Provided*, That section 8002 shall not apply to this appropriation.

TITLE III—NATURAL DISASTER RELIEF AND RECOVERY

CHAPTER 1—AGRICULTURE

DEPARTMENT OF AGRICULTURE

FARM SERVICE AGENCY

EMERGENCY CONSERVATION PROGRAM

For an additional amount for the ''Emergency Conservation Program'', $89,413,000, to remain available until expended.

NATURAL RESOURCES CONSERVATION SERVICE

EMERGENCY WATERSHED PROTECTION PROGRAM

For an additional amount for the ''Emergency Watershed Protection Program'', $390,464,000, to remain available until expended.

CHAPTER 2—COMMERCE

DEPARTMENT OF COMMERCE

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

Pursuant to section 703 of the Public Works and Economic Development Act (42 U.S.C. 3233), for an additional amount for ''Economic Development Assistance Programs'', for necessary expenses related to disaster relief, long-term recovery, and restoration of infrastructure in areas covered by a declaration of major disaster under title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) as a result of recent natural disasters, $100,000,000, to remain available until expended.

CHAPTER 3—CORPS OF ENGINEERS

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

CONSTRUCTION

For an additional amount for ''Construction'', for necessary expenses to address emergency situations at Corps of Engineers projects and rehabilitate and repair damages to Corps projects caused by recent natural disasters, $61,700,000, to remain available until expended.

For an additional amount for ''Construction'', for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, $2,835,000,000, to become available on October 1, 2008, and to remain available until expended: *Provided*, That the Secretary of the Army is directed to use $1,997,000,000 of the funds provided herein to modify authorized projects in southeast Louisiana to provide hurricane, storm and flood damage reduction in the greater New Orleans and surrounding areas to the levels of protection necessary to achieve the certification required for participation in the National Flood Insurance Program under the base flood elevations current at the time of enactment of this Act, and shall use $1,077,000,000 of those funds for the Lake Pontchartrain and Vicinity project and $920,000,000 of those funds for the West Bank and Vicinity project: *Provided further*, That, in addition, $838,000,000 of the funds provided herein shall be for elements of Southeast Louisiana Urban Drainage project within the geographic perimeter of the West Bank and Vicinity and Lake Pontchartrain and Vicinity projects, to provide for interior drainage of runoff from rainfall with a ten percent annual exceedance probability: *Provided further*, That the amounts provided herein shall be subject to a 65 percent Federal / 35 percent non-Federal cost share for the specified purposes: *Provided further*, That beginning not later than 60 days after the date of enactment of this Act, the Chief of Engineers, acting through the Assistant Secretary of the Army for Civil Works, shall provide monthly reports to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation and obligation of these funds: *Provided further*, That the expenditure of funds as provided above may be made without regard to individual amounts or purposes except that any reallocation of funds that is necessary to accomplish the established goals is authorized subject to the approval of the House and Senate Committees on Appropriations.

MISSISSIPPI RIVER AND TRIBUTARIES

For an additional amount for ''Mississippi River and Tributaries'' for recovery from natural disasters, $17,590,000, to remain available until expended, to repair damages to Federal projects caused by recent natural disasters.

OPERATION AND MAINTENANCE

For an additional amount for ''Operation and Maintenance'' to dredge navigation channels and repair other Corps projects related to natural disasters, $298,344,000, to remain available until expended: *Provided*, That the Chief of Engineers, acting through the Assistant Secretary of the Army for Civil Works, shall provide a monthly report to the House and Senate Committees on Appropriations detailing the allocation and obligation of these funds, beginning not later than 60 days after enactment of this Act.

FLOOD CONTROL AND COASTAL EMERGENCIES

For an additional amount for ''Flood Control and Coastal Emergencies'', as authorized by section 5 of the Act of August 18, 1941 (33 U.S.C. 701n), for necessary expenses to prepare for flood, hurricane and other natural disasters and support emergency operations, repair and other activities in response to flood and hurricane emergencies as authorized by law, $226,854,800, to remain available until expended.

For an additional amount for ''Flood Control and Coastal Emergencies'', as authorized by section 5 of the Act of August 18, 1941 (33 U.S.C. 701n), for necessary expenses relating to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, $2,926,000,000, to become available on October 1, 2008, and to remain available until expended: *Provided*, That funds provided herein shall be used to reduce the risk of hurricane and storm damages to the greater New Orleans metropolitan area, at full Federal expense, for the following: $704,000,000 shall be used to modify the 17th Street, Orleans Avenue, and London Avenue drainage canals and install pumps and closure structures at or near the lakefront; $90,000,000 shall be used for storm-proofing interior pump stations to ensure the operability of the stations during hurricanes, storms, and high water events; $459,000,000 shall be used for armoring critical elements of the New Orleans hurricane and storm damage reduction system; $53,000,000 shall be used to improve protection at the Inner Harbor Navigation Canal; $456,000,000 shall be used to replace or modify certain non-Federal levees in Plaquemines Parish to incorporate the levees into the existing New Orleans to Venice hurricane protection project; $412,000,000 shall be used for reinforcing or replacing flood walls, as necessary, in the existing Lake Pontchartrain and Vicinity project and the existing West Bank and Vicinity project to improve the performance of the systems; $393,000,000 shall be used for repair and restoration of authorized protections and floodwalls; and $359,000,000 shall be to complete the authorized protection for the Lake Ponchartrain and Vicinity, West Bank and Vicinity, and the New Orleans to Venice projects: *Provided further*, That the Secretary of the Army, within available funds, is directed to continue the NEPA alternative evaluation of all options with particular attention to Options 1, 2 and 2a of the report to Congress, dated August 30, 2007, provided in response to the requirements of chapter 3, section 4303 of Public Law 110–28, and within 90 days of enactment of this Act provide the House and Senate Committees on Appropriations cost estimates to implement Options 1, 2 and 2a of the above cited report: *Provided further*, That beginning not later than 60 days after the date of enactment of this Act, the Chief of Engineers, acting through the Assistant Secretary of the Army for Civil Works, shall provide monthly reports to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation and obligation of these funds: *Provided further*, That any project using funds appropriated under this heading shall be initiated only after non-Federal interests have entered into binding agreements with the Assistant Secretary of the Army for Civil Works requiring the non-Federal interests to pay 100 percent of the operation, maintenance, repair, replacement, and rehabilitation costs of completed elements and to hold and save the United States free from damages due to the construction, operation, and maintenance of the project, except for damages due to the fault or negligence of the United States or its contractors: *Provided further*, That the expenditure of funds as provided above may be made without regard to individual amounts or purposes except that any reallocation of funds that is necessary to accomplish the established goals is authorized subject to the approval of the House and Senate Committees on Appropriations.

EXPENSES

For an additional amount for ''Expenses'' for increased efforts by the Mississippi Valley Division to oversee emergency response and recovery activities related to the consequences of hurricanes in the Gulf of Mexico in 2005, $1,500,000 to remain available until expended.

CHAPTER 4—SMALL BUSINESS

SMALL BUSINESS ADMINISTRATION

DISASTER LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans authorized by section 7(b) of the Small Business Act, for necessary expenses related to flooding in Midwestern States and other natural disasters, $164,939,000, to remain available until expended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974.

In addition, for expenses to carry out the direct loan program in response to flooding in Midwestern States and other natural disasters, including onsite assistance to disaster victims, increased staff at call centers, processing centers, and field inspections teams, and attorneys to assist in loan closings, $101,814,000, to remain available until expended, of which $1,000,000 is for the Office of Inspector General of the Small Business Administration for audits and reviews of disaster loans and the disaster loan program and shall be paid to appropriations for the Office of Inspector General; of which $94,814,000 is for direct administrative expenses of loan making and servicing to carry out the direct loan program, which may be paid to appropriations for Salaries and Expenses; and of which $6,000,000 is for indirect administrative expenses, which may be paid to appropriations for Salaries and Expenses.

CHAPTER 5—FEMA DISASTER RELIEF

DEPARTMENT OF HOMELAND SECURITY

FEDERAL EMERGENCY MANAGEMENT AGENCY

DISASTER RELIEF

For an additional amount for ''Disaster Relief'', $897,000,000, to remain available until expended.

CHAPTER 6—HOUSING AND URBAN DEVELOPMENT

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

PERMANENT SUPPORTIVE HOUSING

For the provision of 3,000 units of permanent supportive housing as referenced in the Road Home Program of the Louisiana Recovery Authority approved by the Secretary of Housing and Urban Development, $73,000,000, to remain available until expended, of which $20,000,000 shall be for project-based vouchers under section 8(o)(13) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(13)), including administrative expenses not to exceed $3,000,000, and $50,000,000 shall be for grants under the Shelter Plus Care program as authorized under subtitle F of title IV of

the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11403 et seq.): *Provided*, That the Secretary of Housing and Urban Development shall, upon request, make funds available under this paragraph to the State of Louisiana or its designee or designees, upon request: *Provided further*, That notwithstanding any other provision of law, for the purpose of administering the amounts provided under this paragraph, the State of Louisiana or its designee or designees may act in all respects as a public housing agency as defined in section 3(b)(6) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)(6)): *Provided further*, That subparagraphs (B) and (D) of section 8(o)(13) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(13)) shall not apply with respect to vouchers made available under this paragraph.

COMMUNITY PLANNING AND DEVELOPMENT

COMMUNITY DEVELOPMENT FUND

For an additional amount for ''Community Development Fund'', for necessary expenses related to disaster relief, long-term recovery, and restoration of infrastructure in areas covered by a declaration of major disaster under title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) as a result of recent natural disasters, $300,000,000, to remain available until expended, for activities authorized under title I of the Housing and Community Development Act of 1974 (Public Law 93–383): *Provided*, That funds provided under this heading shall be administered through an entity or entities designated by the Governor of each State: *Provided further*, That such funds may not be used for activities reimbursable by or for which funds are made available by the Federal Emergency Management Agency or the Army Corps of Engineers: *Provided further*, That funds allocated under this heading shall not adversely affect the amount of any formula assistance received by a State under this heading: *Provided further*, That each State may use up to five percent of its allocation for administrative costs: *Provided further*, That in administering the funds under this heading, the Secretary of Housing and Urban Development shall waive, or specify alternative requirements for, any provision of any statute or regulation that the Secretary administers in connection with the obligation by the Secretary or the use by the recipient of these funds or guarantees (except for requirements related to fair housing, nondiscrimination, labor standards, and the environment), upon a request by the State that such waiver is required to facilitate the use of such funds or guarantees, and a finding by the Secretary that such waiver would not be inconsistent with the overall purpose of the statute, as modified: *Provided further*, That the Secretary may waive the requirement that activities benefit persons of low and moderate income, except that at least 50 percent of the funds made available under this heading must benefit primarily persons of low and moderate income unless the Secretary otherwise makes a finding of compelling need: *Provided further*, That the Secretary shall publish in the Federal Register any waiver of any statute or regulation that the Secretary administers pursuant to title I of the Housing and Community Development Act of 1974 no later than 5 days before the effective date of such waiver: *Provided further*, That every waiver made by the Secretary must be reconsidered according to the three previous provisos on the two-year anniversary of the day the Secretary published the waiver in the Federal Register: *Provided further*, That prior to the obligation of funds each State shall submit a plan to the Secretary detailing the proposed use of all funds, including criteria for eligibility and how the use of these funds will address long-term recovery and restoration of infrastructure: *Provided further*, That each State will report quarterly to the Committees on Appropriations on all awards and uses of funds made available under this heading, including specifically identifying all awards of sole-source contracts and the rationale for making the award on a sole-source basis: *Provided further*, That the Secretary shall notify the Committees on Appropriations on any proposed allocation of any funds and any related waivers made pursuant to these provisions under this heading no later than 5 days before such waiver is made: *Provided further*, That the Secretary shall establish procedures to prevent recipients from receiving any duplication of benefits and report quarterly to the Committees on Appropriations with regard to all steps taken to prevent fraud and abuse of funds made available under this heading including duplication of benefits.

TITLE IV—EMERGENCY UNEMPLOYMENT COMPENSATION

FEDERAL-STATE AGREEMENTS

SEC. 4001. (a) IN GENERAL.—Any State which desires to do so may enter into and participate in an agreement under this title with the Secretary of Labor (in this title referred to as the ''Secretary''). Any State which is a party to an agreement under this title may, upon providing 30 days' written notice to the Secretary, terminate such agreement.

(b) PROVISIONS OF AGREEMENT.—Any agreement under subsection (a) shall provide that the State agency of the State will make payments of emergency unemployment compensation to individuals who—

(1) have exhausted all rights to regular compensation under the State law or under Federal law with respect to a benefit year (excluding any benefit year that ended before May 1, 2007);

(2) have no rights to regular compensation or extended compensation with respect to a week under such law or any other State unemployment compensation law or to compensation under any other Federal law (except as provided under subsection (e)); and

(3) are not receiving compensation with respect to such week under the unemployment compensation law of Canada.

(c) EXHAUSTION OF BENEFITS.—For purposes of subsection (b)(1), an individual shall be deemed to have exhausted such individual's rights to regular compensation under a State law when—

(1) no payments of regular compensation can be made under such law because such individual has received all regular compensation available to such individual based on employment or wages during such individual's base period; or

(2) such individual's rights to such compensation have been terminated by reason of the expiration of the benefit year with respect to which such rights existed.

(d) WEEKLY BENEFIT AMOUNT, ETC.—For purposes of any agreement under this title—

(1) the amount of emergency unemployment compensation which shall be payable to any individual for any week of total unemployment shall be equal to the amount of the regular compensation (including dependents' allowances) payable to such individual during such individual's benefit year under the State law for a week of total unemployment;

(2) the terms and conditions of the State law which apply to claims for regular compensation and to the payment thereof shall apply to claims for emergency unemployment compensation and the payment thereof, except—

(A) that an individual shall not be eligible for emergency unemployment compensation under this title unless, in the base period with respect to which the individual exhausted all rights to regular compensation under the State law, the individual had 20 weeks of full-time insured employment or the equivalent in insured wages, as determined under the provisions of the State law implementing section 202(a)(5) of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note); and

(B) where otherwise inconsistent with the provisions of this title or with the regulations or operating instructions of the Secretary promulgated to carry out this title; and

(3) the maximum amount of emergency unemployment compensation payable to any individual for whom an emergency unemployment compensation account is established under section 4002 shall not exceed the amount established in such account for such individual.

(e) ELECTION BY STATES.—Notwithstanding any other provision of Federal law (and if State law permits), the Governor of a State that is in an extended benefit period may provide for the payment of emergency unemployment compensation prior to extended compensation to individuals who otherwise meet the requirements of this section.

(f) UNAUTHORIZED ALIENS INELIGIBLE.—A State shall require as a condition of eligibility for emergency unemployment compensation under this Act that each alien who receives such compensation must be legally authorized to work in the United States, as defined for purposes of the Federal Unemployment Tax Act (26 U.S.C. 3301 et seq.). In determining whether an alien meets the requirements of this subsection, a State must follow the procedures provided in section 1137(d) of the Social Security Act (42 U.S.C. 1320b–7(d)).

EMERGENCY UNEMPLOYMENT COMPENSATION ACCOUNT

SEC. 4002. (a) IN GENERAL.—Any agreement under this title shall provide that the State will establish, for each eligible individual who files an application for emergency unemployment compensation, an emergency unemployment compensation account with respect to such individual's benefit year.

(b) AMOUNT IN ACCOUNT.—

(1) IN GENERAL.—The amount established in an account under subsection (a) shall be equal to the lesser of—

(A) 50 percent of the total amount of regular compensation (including dependents' allowances) payable to the individual during the individual's benefit year under such law, or

(B) 13 times the individual's average weekly benefit amount for the benefit year.

(2) WEEKLY BENEFIT AMOUNT.—For purposes of this subsection, an individual's weekly benefit amount for any week is the amount of regular compensation (including dependents' allowances) under the State law payable to such individual for such week for total unemployment.

PAYMENTS TO STATES HAVING AGREEMENTS FOR THE PAYMENT OF EMERGENCY UNEMPLOYMENT COMPENSATION

SEC. 4003. (a) GENERAL RULE.—There shall be paid to each State that has entered into an agreement under this title an amount equal to 100 percent of the emergency unemployment compensation paid to individuals by the State pursuant to such agreement.

(b) TREATMENT OF REIMBURSABLE COMPENSATION.—No payment shall be made to any State under this section in respect of any compensation to the extent the State is entitled to reimbursement in respect of such compensation under the provisions of any Federal law other than this title or chapter 85 of title 5, United States Code. A State shall not be entitled to any reimbursement under such chapter 85 in respect of any compensation to the extent the State is entitled

to reimbursement under this title in respect of such compensation.

(c) DETERMINATION OF AMOUNT.—Sums payable to any State by reason of such State having an agreement under this title shall be payable, either in advance or by way of reimbursement (as may be determined by the Secretary), in such amounts as the Secretary estimates the State will be entitled to receive under this title for each calendar month, reduced or increased, as the case may be, by any amount by which the Secretary finds that the Secretary's estimates for any prior calendar month were greater or less than the amounts which should have been paid to the State. Such estimates may be made on the basis of such statistical, sampling, or other method as may be agreed upon by the Secretary and the State agency of the State involved.

FINANCING PROVISIONS

SEC. 4004. (a) IN GENERAL.—Funds in the extended unemployment compensation account (as established by section 905(a) of the Social Security Act (42 U.S.C. 1105(a)) of the Unemployment Trust Fund (as established by section 904(a) of such Act (42 U.S.C. 1104(a)) shall be used for the making of payments to States having agreements entered into under this title.

(b) CERTIFICATION.—The Secretary shall from time to time certify to the Secretary of the Treasury for payment to each State the sums payable to such State under this title. The Secretary of the Treasury, prior to audit or settlement by the Government Accountability Office, shall make payments to the State in accordance with such certification, by transfers from the extended unemployment compensation account (as so established) to the account of such State in the Unemployment Trust Fund (as so established).

(c) ASSISTANCE TO STATES.—There are appropriated out of the employment security administration account (as established by section 901(a) of the Social Security Act (42 U.S.C. 1101(a)) of the Unemployment Trust Fund, without fiscal year limitation, such funds as may be necessary for purposes of assisting States (as provided in title III of the Social Security Act (42 U.S.C. 501 et seq.)) in meeting the costs of administration of agreements under this title.

(d) APPROPRIATIONS FOR CERTAIN PAYMENTS.—There are appropriated from the general fund of the Treasury, without fiscal year limitation, to the extended unemployment compensation account (as so established) of the Unemployment Trust Fund (as so established) such sums as the Secretary estimates to be necessary to make the payments under this section in respect of—

(1) compensation payable under chapter 85 of title 5, United States Code; and

(2) compensation payable on the basis of services to which section 3309(a)(1) of the Internal Revenue Code of 1986 applies.

Amounts appropriated pursuant to the preceding sentence shall not be required to be repaid.

FRAUD AND OVERPAYMENTS

SEC. 4005. (a) IN GENERAL.—If an individual knowingly has made, or caused to be made by another, a false statement or representation of a material fact, or knowingly has failed, or caused another to fail, to disclose a material fact, and as a result of such false statement or representation or of such nondisclosure such individual has received an amount of emergency unemployment compensation under this title to which such individual was not entitled, such individual—

(1) shall be ineligible for further emergency unemployment compensation under this title in accordance with the provisions of the applicable State unemployment compensation law relating to fraud in connection with a claim for unemployment compensation; and

(2) shall be subject to prosecution under section 1001 of title 18, United States Code.

(b) REPAYMENT.—In the case of individuals who have received amounts of emergency unemployment compensation under this title to which they were not entitled, the State shall require such individuals to repay the amounts of such emergency unemployment compensation to the State agency, except that the State agency may waive such repayment if it determines that—

(1) the payment of such emergency unemployment compensation was without fault on the part of any such individual; and

(2) such repayment would be contrary to equity and good conscience.

(c) RECOVERY BY STATE AGENCY.—

(1) IN GENERAL.—The State agency may recover the amount to be repaid, or any part thereof, by deductions from any emergency unemployment compensation payable to such individual under this title or from any unemployment compensation payable to such individual under any State or Federal unemployment compensation law administered by the State agency or under any other State or Federal law administered by the State agency which provides for the payment of any assistance or allowance with respect to any week of unemployment, during the 3-year period after the date such individuals received the payment of the emergency unemployment compensation to which they were not entitled, except that no single deduction may exceed 50 percent of the weekly benefit amount from which such deduction is made.

(2) OPPORTUNITY FOR HEARING.—No repayment shall be required, and no deduction shall be made, until a determination has been made, notice thereof and an opportunity for a fair hearing has been given to the individual, and the determination has become final.

(d) REVIEW.—Any determination by a State agency under this section shall be subject to review in the same manner and to the same extent as determinations under the State unemployment compensation law, and only in that manner and to that extent.

DEFINITIONS

SEC. 4006. In this title, the terms ''compensation'', ''regular compensation'', ''extended compensation'', ''benefit year'', ''base period'', ''State'', ''State agency'', ''State law'', and ''week'' have the respective meanings given such terms under section 205 of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note).

APPLICABILITY

SEC. 4007. (a) IN GENERAL.—Except as provided in subsection (b), an agreement entered into under this title shall apply to weeks of unemployment—

(1) beginning after the date on which such agreement is entered into; and

(2) ending on or before March 31, 2009.

(b) TRANSITION FOR AMOUNT REMAINING IN ACCOUNT.—

(1) IN GENERAL.—Subject to paragraph (2), in the case of an individual who has amounts remaining in an account established under section 4002 as of the last day of the last week (as determined in accordance with the applicable State law) ending on or before March 31, 2009, emergency unemployment compensation shall continue to be payable to such individual from such amounts for any week beginning after such last day for which the individual meets the eligibility requirements of this title.

(2) LIMIT ON COMPENSATION.—No compensation shall be payable by reason of paragraph (1) for any week beginning after June 30, 2009.

TITLE V—VETERANS EDUCATIONAL ASSISTANCE

SHORT TITLE

SEC. 5001. This title may be cited as the ''Post-9/11 Veterans Educational Assistance Act of 2008''.

FINDINGS

SEC. 5002. Congress makes the following findings:

(1) On September 11, 2001, terrorists attacked the United States, and the brave members of the Armed Forces of the United States were called to the defense of the Nation.

(2) Service on active duty in the Armed Forces has been especially arduous for the members of the Armed Forces since September 11, 2001.

(3) The United States has a proud history of offering educational assistance to millions of veterans, as demonstrated by the many ''G.I. Bills'' enacted since World War II. Educational assistance for veterans helps reduce the costs of war, assist veterans in readjusting to civilian life after wartime service, and boost the United States economy, and has a positive effect on recruitment for the Armed Forces.

(4) The current educational assistance program for veterans is outmoded and designed for peacetime service in the Armed Forces.

(5) The people of the United States greatly value military service and recognize the difficult challenges involved in readjusting to civilian life after wartime service in the Armed Forces.

(6) It is in the national interest for the United States to provide veterans who serve on active duty in the Armed Forces after September 11, 2001, with enhanced educational assistance benefits that are worthy of such service and are commensurate with the educational assistance benefits provided by a grateful Nation to veterans of World War II.

EDUCATIONAL ASSISTANCE FOR MEMBERS OF THE ARMED FORCES WHO SERVE AFTER SEPTEMBER 11, 2001

SEC. 5003. (a) EDUCATIONAL ASSISTANCE AUTHORIZED.—

(1) IN GENERAL.—Part III of title 38, United States Code, is amended by inserting after chapter 32 the following new chapter:

''CHAPTER 33—POST–9/11 EDUCATIONAL ASSISTANCE

''SUBCHAPTER I—DEFINITIONS

''Sec.
''3301. Definitions.

''SUBCHAPTER II—EDUCATIONAL ASSISTANCE

''3311. Educational assistance for service in the Armed Forces commencing on or after September 11, 2001: entitlement.
''3312. Educational assistance: duration.
''3313. Educational assistance: amount; payment.
''3314. Tutorial assistance.
''3315. Licensure and certification tests.
''3316. Supplemental educational assistance: members with critical skills or specialty; members serving additional service.
''3317. Public-private contributions for additional educational assistance.
''3318. Additional assistance: relocation or travel assistance for individual relocating or traveling significant distance for pursuit of a program of education.
''3319. Authority to transfer unused education benefits to family members.

''SUBCHAPTER III—ADMINISTRATIVE PROVISIONS

''3321. Time limitation for use of and eligibility for entitlement.

''3322. Bar to duplication of educational assistance benefits.
''3323. Administration.
''3324. Allocation of administration and costs.

''SUBCHAPTER I—DEFINITIONS

''§ 3301. Definitions

''In this chapter:

''(1) The term 'active duty' has the meanings as follows (subject to the limitations specified in sections 3002(6) and 3311(b)):

''(A) In the case of members of the regular components of the Armed Forces, the meaning given such term in section 101(21)(A).

''(B) In the case of members of the reserve components of the Armed Forces, service on active duty under a call or order to active duty under section 688, 12301(a), 12301(d), 12301(g), 12302, or 12304 of title 10.

''(2) The term 'entry level and skill training' means the following:

''(A) In the case of members of the Army, Basic Combat Training and Advanced Individual Training.

''(B) In the case of members of the Navy, Recruit Training (or Boot Camp) and Skill Training (or so-called 'A' School).

''(C) In the case of members of the Air Force, Basic Military Training and Technical Training.

''(D) In the case of members of the Marine Corps, Recruit Training and Marine Corps Training (or School of Infantry Training).

''(E) In the case of members of the Coast Guard, Basic Training.

''(3) The term 'program of education' has the meaning given such term in section 3002, except to the extent otherwise provided in section 3313.

''(4) The term 'Secretary of Defense' means the Secretary of Defense, except that the term means the Secretary of Homeland Security with respect to the Coast Guard when it is not operating as a service in the Navy.

''SUBCHAPTER II—EDUCATIONAL ASSISTANCE

''§ 3311. Educational assistance for service in the Armed Forces commencing on or after September 11, 2001: entitlement

''(a) ENTITLEMENT.—Subject to subsections (d) and (e), each individual described in subsection (b) is entitled to educational assistance under this chapter.

''(b) COVERED INDIVIDUALS.—An individual described in this subsection is any individual as follows:

''(1) An individual who—

''(A) commencing on or after September 11, 2001, serves an aggregate of at least 36 months on active duty in the Armed Forces (including service on active duty in entry level and skill training); and

''(B) after completion of service described in subparagraph (A)—

''(i) continues on active duty; or

''(ii) is discharged or released from active duty as described in subsection (c).

''(2) An individual who—

''(A) commencing on or after September 11, 2001, serves at least 30 continuous days on active duty in the Armed Forces; and

''(B) after completion of service described in subparagraph (A), is discharged or released from active duty in the Armed Forces for a service-connected disability.

''(3) An individual who—

''(A) commencing on or after September 11, 2001, serves an aggregate of at least 30 months, but less than 36 months, on active duty in the Armed Forces (including service on active duty in entry level and skill training); and

''(B) after completion of service described in subparagraph (A)—

''(i) continues on active duty for an aggregate of less than 36 months; or

''(ii) before completion of service on active duty of an aggregate of 36 months, is discharged or released from active duty as described in subsection (c).

''(4) An individual who—

''(A) commencing on or after September 11, 2001, serves an aggregate of at least 24 months, but less than 30 months, on active duty in the Armed Forces (including service on active duty in entry level and skill training); and

''(B) after completion of service described in subparagraph (A)—

''(i) continues on active duty for an aggregate of less than 30 months; or

''(ii) before completion of service on active duty of an aggregate of 30 months, is discharged or released from active duty as described in subsection (c).

''(5) An individual who—

''(A) commencing on or after September 11, 2001, serves an aggregate of at least 18 months, but less than 24 months, on active duty in the Armed Forces (excluding service on active duty in entry level and skill training); and

''(B) after completion of service described in subparagraph (A)—

''(i) continues on active duty for an aggregate of less than 24 months; or

''(ii) before completion of service on active duty of an aggregate of 24 months, is discharged or released from active duty as described in subsection (c).

''(6) An individual who—

''(A) commencing on or after September 11, 2001, serves an aggregate of at least 12 months, but less than 18 months, on active duty in the Armed Forces (excluding service on active duty in entry level and skill training); and

''(B) after completion of service described in subparagraph (A)—

''(i) continues on active duty for an aggregate of less than 18 months; or

''(ii) before completion of service on active duty of an aggregate of 18 months, is discharged or released from active duty as described in subsection (c).

''(7) An individual who—

''(A) commencing on or after September 11, 2001, serves an aggregate of at least 6 months, but less than 12 months, on active duty in the Armed Forces (excluding service on active duty in entry level and skill training); and

''(B) after completion of service described in subparagraph (A)—

''(i) continues on active duty for an aggregate of less than 12 months; or

''(ii) before completion of service on active duty of an aggregate of 12 months, is discharged or released from active duty as described in subsection (c).

''(8) An individual who—

''(A) commencing on or after September 11, 2001, serves an aggregate of at least 90 days, but less than 6 months, on active duty in the Armed Forces (excluding service on active duty in entry level and skill training); and

''(B) after completion of service described in subparagraph (A)—

''(i) continues on active duty for an aggregate of less than 6 months; or

''(ii) before completion of service on active duty of an aggregate of 6 months, is discharged or released from active duty as described in subsection (c).

''(c) COVERED DISCHARGES AND RELEASES.—A discharge or release from active duty of an individual described in this subsection is a discharge or release as follows:

''(1) A discharge from active duty in the Armed Forces with an honorable discharge.

''(2) A release after service on active duty in the Armed Forces characterized by the Secretary concerned as honorable service and placement on the retired list, transfer to the Fleet Reserve or Fleet Marine Corps Reserve, or placement on the temporary disability retired list.

''(3) A release from active duty in the Armed Forces for further service in a reserve component of the Armed Forces after service on active duty characterized by the Secretary concerned as honorable service.

''(4) A discharge or release from active duty in the Armed Forces for—

''(A) a medical condition which preexisted the service of the individual as described in the applicable paragraph of subsection (b) and which the Secretary determines is not service-connected;

''(B) hardship; or

''(C) a physical or mental condition that was not characterized as a disability and did not result from the individual's own willful misconduct but did interfere with the individual's performance of duty, as determined by the Secretary concerned in accordance with regulations prescribed by the Secretary of Defense.

''(d) PROHIBITION ON TREATMENT OF CERTAIN SERVICE AS PERIOD OF ACTIVE DUTY.—The following periods of service shall not be considered a part of the period of active duty on which an individual's entitlement to educational assistance under this chapter is based:

''(1) A period of service on active duty of an officer pursuant to an agreement under section 2107(b) of title 10.

''(2) A period of service on active duty of an officer pursuant to an agreement under section 4348, 6959, or 9348 of title 10.

''(3) A period of service that is terminated because of a defective enlistment and induction based on—

''(A) the individual's being a minor for purposes of service in the Armed Forces;

''(B) an erroneous enlistment or induction; or

''(C) a defective enlistment agreement.

''(e) TREATMENT OF INDIVIDUALS ENTITLED UNDER MULTIPLE PROVISIONS.—In the event an individual entitled to educational assistance under this chapter is entitled by reason of both paragraphs (4) and (5) of subsection (b), the individual shall be treated as being entitled to educational assistance under this chapter by reason of paragraph (5) of subsection (b).

''§ 3312. Educational assistance: duration

''(a) IN GENERAL.—Subject to section 3695 and except as provided in subsections (b) and (c), an individual entitled to educational assistance under this chapter is entitled to a number of months of educational assistance under section 3313 equal to 36 months.

''(b) CONTINUING RECEIPT.—The receipt of educational assistance under section 3313 by an individual entitled to educational assistance under this chapter is subject to the provisions of section 3321(b)(2).

''(c) DISCONTINUATION OF EDUCATION FOR ACTIVE DUTY.—

''(1) IN GENERAL.—Any payment of educational assistance described in paragraph (2) shall not—

''(A) be charged against any entitlement to educational assistance of the individual concerned under this chapter; or

''(B) be counted against the aggregate period for which section 3695 limits the individual's receipt of educational assistance under this chapter.

''(2) DESCRIPTION OF PAYMENT OF EDUCATIONAL ASSISTANCE.—Subject to paragraph (3), the payment of educational assistance described in this paragraph is the payment of such assistance to an individual for pursuit of a course or courses under this chapter if the Secretary finds that the individual—

''(A)(i) in the case of an individual not serving on active duty, had to discontinue such course pursuit as a result of being called or ordered to serve on active duty under section 688, 12301(a), 12301(d), 12301(g), 12302, or 12304 of title 10; or

''(ii) in the case of an individual serving on active duty, had to discontinue such course pursuit as a result of being ordered to a new duty location or assignment or to perform an increased amount of work; and

''(B) failed to receive credit or lost training time toward completion of the individual's approved education, professional, or vocational objective as a result of having to discontinue, as described in subparagraph (A), the individual's course pursuit.

''(3) PERIOD FOR WHICH PAYMENT NOT CHARGED.—The period for which, by reason of this subsection, educational assistance is not charged against entitlement or counted toward the applicable aggregate period under section 3695 of this title shall not exceed the portion of the period of enrollment in the course or courses from which the individual failed to receive credit or with respect to which the individual lost training time, as determined under paragraph (2)(B).

''§ 3313. Educational assistance: amount; payment

''(a) PAYMENT.—The Secretary shall pay to each individual entitled to educational assistance under this chapter who is pursuing an approved program of education (other than a program covered by subsections (e) and (f)) the amounts specified in subsection (c) to meet the expenses of such individual's subsistence, tuition, fees, and other educational costs for pursuit of such program of education.

''(b) APPROVED PROGRAMS OF EDUCATION.—A program of education is an approved program of education for purposes of this chapter if the program of education is offered by an institution of higher learning (as that term is defined in section 3452(f)) and is approved for purposes of chapter 30 (including approval by the State approving agency concerned).

''(c) AMOUNT OF EDUCATIONAL ASSISTANCE.—The amounts payable under this subsection for pursuit of an approved program of education are amounts as follows:

''(1) In the case of an individual entitled to educational assistance under this chapter by reason of section 3311(b)(1) or 3311(b)(2), amounts as follows:

''(A) An amount equal to the established charges for the program of education, except that the amount payable under this subparagraph may not exceed the maximum amount of established charges regularly charged in-State students for full-time pursuit of approved programs of education for undergraduates by the public institution of higher education offering approved programs of education for undergraduates in the State in which the individual is enrolled that has the highest rate of regularly-charged established charges for such programs of education among all public institutions of higher education in such State offering such programs of education.

''(B) A monthly stipend in an amount as follows:

''(i) For each month the individual pursues the program of education (other than, in the case of assistance under this section only, a program of education offered through distance learning), a monthly housing stipend amount equal to the monthly amount of the basic allowance for housing payable under section 403 of title 37 for a member with dependents in pay grade E–5 residing in the military housing area that encompasses all or the majority portion of the ZIP code area in which is located the institution of higher education at which the individual is enrolled.

''(ii) For the first month of each quarter, semester, or term, as applicable, of the program of education pursued by the individual, a lump sum amount for books, supplies, equipment, and other educational costs with respect to such quarter, semester, or term in the amount equal to—

''(I) $1,000, multiplied by

''(II) the fraction which is the portion of a complete academic year under the program of education that such quarter, semester, or term constitutes.

''(2) In the case of an individual entitled to educational assistance under this chapter by reason of section 3311(b)(3), amounts equal to 90 percent of the amounts that would be payable to the individual under paragraph (1) for the program of education if the individual were entitled to amounts for the program of education under paragraph (1) rather than this paragraph.

''(3) In the case of an individual entitled to educational assistance under this chapter by reason of section 3311(b)(4), amounts equal to 80 percent of the amounts that would be payable to the individual under paragraph (1) for the program of education if the individual were entitled to amounts for the program of education under paragraph (1) rather than this paragraph.

''(4) In the case of an individual entitled to educational assistance under this chapter by reason of section 3311(b)(5), amounts equal to 70 percent of the amounts that would be payable to the individual under paragraph (1) for the program of education if the individual were entitled to amounts for the program of education under paragraph (1) rather than this paragraph.

''(5) In the case of an individual entitled to educational assistance under this chapter by reason of section 3311(b)(6), amounts equal to 60 percent of the amounts that would be payable to the individual under paragraph (1) for the program of education if the individual were entitled to amounts for the program of education under paragraph (1) rather than this paragraph.

''(6) In the case of an individual entitled to educational assistance under this chapter by reason of section 3311(b)(7), amounts equal to 50 percent of the amounts that would be payable to the individual under paragraph (1) for the program of education if the individual were entitled to amounts for the program of education under paragraph (1) rather than this paragraph.

''(7) In the case of an individual entitled to educational assistance under this chapter by reason of section 3311(b)(8), amounts equal to 40 percent of the amounts that would be payable to the individual under paragraph (1) for the program of education if the individual were entitled to amounts for the program of education under paragraph (1) rather than this paragraph.

''(d) FREQUENCY OF PAYMENT.—

''(1) QUARTER, SEMESTER, OR TERM PAYMENTS.—Payment of the amounts payable under subsection (c)(1)(A), and of similar amounts payable under paragraphs (2) through (7) of subsection (c), for pursuit of a program of education shall be made for the entire quarter, semester, or term, as applicable, of the program of education.

''(2) MONTHLY PAYMENTS.—Payment of the amount payable under subsection (c)(1)(B), and of similar amounts payable under paragraphs (2) through (7) of subsection (c), for pursuit of a program of education shall be made on a monthly basis.

''(3) REGULATIONS.—The Secretary shall prescribe in regulations methods for determining the number of months (including fractions thereof) of entitlement of an individual to educational assistance this chapter that are chargeable under this chapter for an advance payment of amounts under paragraphs (1) and (2) for pursuit of a program of education on a quarter, semester, term, or other basis.

''(e) PROGRAMS OF EDUCATION PURSUED ON ACTIVE DUTY.—

''(1) IN GENERAL.—Educational assistance is payable under this chapter for pursuit of an approved program of education while on active duty.

''(2) AMOUNT OF ASSISTANCE.—The amount of educational assistance payable under this chapter to an individual pursuing a program of education while on active duty is the lesser of—

''(A) the established charges which similarly circumstanced nonveterans enrolled in the program of education involved would be required to pay; or

''(B) the amount of the charges of the educational institution as elected by the individual in the manner specified in section 3014(b)(1)

''(3) QUARTER, SEMESTER, OR TERM PAYMENTS.—Payment of the amount payable under paragraph (2) for pursuit of a program of education shall be made for the entire quarter, semester, or term, as applicable, of the program of education.

''(4) MONTHLY PAYMENTS.—For each month (as determined pursuant to the methods prescribed under subsection (d)(3)) for which amounts are paid an individual under this subsection, the entitlement of the individual to educational assistance under this chapter shall be charged at the rate of one month for each such month.

''(f) PROGRAMS OF EDUCATION PURSUED ON HALF-TIME BASIS OR LESS.—

''(1) IN GENERAL.—Educational assistance is payable under this chapter for pursuit of an approved program of education on half-time basis or less.

''(2) AMOUNT OF ASSISTANCE.—The educational assistance payable under this chapter to an individual pursuing a program of education on half-time basis or less is the amounts as follows:

''(A) The amount equal to the lesser of—

''(i) the established charges which similarly circumstanced nonveterans enrolled in the program of education involved would be required to pay; or

''(ii) the maximum amount that would be payable to the individual for the program of education under paragraph (1)(A) of subsection (c), or under the provisions of paragraphs (2) through (7) of subsection (c) applicable to the individual, for the program of education if the individual were entitled to amounts for the program of education under subsection (c) rather than this subsection.

''(B) A stipend in an amount equal to the amount of the appropriately reduced amount of the lump sum amount for books, supplies, equipment, and other educational costs otherwise payable to the individual under subsection (c).

''(3) QUARTER, TERM, OR SEMESTER PAYMENTS.—Payment of the amounts payable to an individual under paragraph (2) for pursuit of a program of education on half-time basis or less shall be made for the entire quarter, semester, or term, as applicable, of the program of education.

''(4) MONTHLY PAYMENTS.—For each month (as determined pursuant to the methods prescribed under subsection (d)(3)) for which amounts are paid an individual under this subsection, the entitlement of the individual to educational assistance under this chapter shall be charged at a percentage of a month equal to—

''(A) the number of course hours borne by the individual in pursuit of the program of education involved, divided by

''(B) the number of course hours for full-time pursuit of such program of education.

''(g) PAYMENT OF ESTABLISHED CHARGES TO EDUCATIONAL INSTITUTIONS.—Amounts payable under subsections (c)(1)(A) (and of similar amounts payable under paragraphs (2) through (7) of subsection (c)), (e)(2), and (f)(2)(A) shall be paid directly to the educational institution concerned.

''(h) ESTABLISHED CHARGES DEFINED.—

''(1) IN GENERAL.—In this section, the term 'established charges', in the case of a program of education, means the actual charges (as determined pursuant to regulations prescribed by the Secretary) for tuition and fees which similarly circumstanced nonveterans enrolled in the program of education would be required to pay.

''(2) BASIS OF DETERMINATION.—Established charges shall be determined for purposes of this subsection on the following basis:

''(A) In the case of an individual enrolled in a program of education offered on a term, quarter, or semester basis, the tuition and fees charged the individual for the term, quarter, or semester.

''(B) In the case of an individual enrolled in a program of education not offered on a term, quarter, or semester basis, the tuition and fees charged the individual for the entire program of education.

''§ 3314. Tutorial assistance

''(a) IN GENERAL.—Subject to subsection (b), an individual entitled to educational assistance under this chapter shall also be entitled to benefits provided an eligible veteran under section 3492.

''(b) CONDITIONS.—

''(1) IN GENERAL.—The provision of benefits under subsection (a) shall be subject to the conditions applicable to an eligible veteran under section 3492.

''(2) CERTIFICATION.—In addition to the conditions specified in paragraph (1), benefits may not be provided to an individual under subsection (a) unless the professor or other individual teaching, leading, or giving the course for which such benefits are provided certifies that—

''(A) such benefits are essential to correct a deficiency of the individual in such course; and

''(B) such course is required as a part of, or is prerequisite or indispensable to the satisfactory pursuit of, an approved program of education.

''(c) AMOUNT.—

''(1) IN GENERAL.—The amount of benefits described in subsection (a) that are payable under this section may not exceed $100 per month, for a maximum of 12 months, or until a maximum of $1,200 is utilized.

''(2) AS ADDITIONAL ASSISTANCE.—The amount provided an individual under this subsection is in addition to the amounts of educational assistance paid the individual under section 3313.

''(d) NO CHARGE AGAINST ENTITLEMENT.—Any benefits provided an individual under subsection (a) are in addition to any other educational assistance benefits provided the individual under this chapter.

''§ 3315. Licensure and certification tests

''(a) IN GENERAL.—An individual entitled to educational assistance under this chapter shall also be entitled to payment for one licensing or certification test described in section 3452(b).

''(b) LIMITATION ON AMOUNT.—The amount payable under subsection (a) for a licensing or certification test may not exceed the lesser of—

''(1) $2,000; or

''(2) the fee charged for the test.

''(c) NO CHARGE AGAINST ENTITLEMENT.—Any amount paid an individual under subsection (a) is in addition to any other educational assistance benefits provided the individual under this chapter.

''§ 3316. Supplemental educational assistance: members with critical skills or specialty; members serving additional service

''(a) INCREASED ASSISTANCE FOR MEMBERS WITH CRITICAL SKILLS OR SPECIALTY.—

''(1) IN GENERAL.—In the case of an individual who has a skill or specialty designated by the Secretary concerned as a skill or specialty in which there is a critical shortage of personnel or for which it is difficult to recruit or, in the case of critical units, retain personnel, the Secretary concerned may increase the monthly amount of educational assistance otherwise payable to the individual under paragraph (1)(B) of section 3313(c), or under paragraphs (2) through (7) of such section (as applicable).

''(2) MAXIMUM AMOUNT OF INCREASE IN ASSISTANCE.—The amount of the increase in educational assistance authorized by paragraph (1) may not exceed the amount equal to the monthly amount of increased basic educational assistance providable under section 3015(d)(1) at the time of the increase under paragraph (1).

''(b) SUPPLEMENTAL ASSISTANCE FOR ADDITIONAL SERVICE.—

''(1) IN GENERAL.—The Secretary concerned may provide for the payment to an individual entitled to educational assistance under this chapter of supplemental educational assistance for additional service authorized by subchapter III of chapter 30. The amount so payable shall be payable as an increase in the monthly amount of educational assistance otherwise payable to the individual under paragraph (1)(B) of section 3313(c), or under paragraphs (2) through (7) of such section (as applicable).

''(2) ELIGIBILITY.—Eligibility for supplement educational assistance under this subsection shall be determined in accordance with the provisions of subchapter III of chapter 30, except that any reference in such provisions to eligibility for basic educational assistance under a provision of subchapter II of chapter 30 shall be treated as a reference to eligibility for educational assistance under the appropriate provision of this chapter.

''(3) AMOUNT.—The amount of supplemental educational assistance payable under this subsection shall be the amount equal to the monthly amount of supplemental educational payable under section 3022.

''(c) REGULATIONS.—The Secretaries concerned shall administer this section in accordance with such regulations as the Secretary of Defense shall prescribe.

''§ 3317. Public-private contributions for additional educational assistance

''(a) ESTABLISHMENT OF PROGRAM.—In instances where the educational assistance provided pursuant to section 3313(c)(1)(A) does not cover the full cost of established charges (as specified in section 3313), the Secretary shall carry out a program under which colleges and universities can, voluntarily, enter into an agreement with the Secretary to cover a portion of those established charges not otherwise covered under section 3313(c)(1)(A), which contributions shall be matched by equivalent contributions toward such costs by the Secretary. The program shall only apply to covered individuals described in paragraphs (1) and (2) of section 3311(b).

''(b) DESIGNATION OF PROGRAM.—The program under this section shall be known as the 'Yellow Ribbon G.I. Education Enhancement Program'.

''(c) AGREEMENTS.—The Secretary shall enter into an agreement with each college or university seeking to participate in the program under this section. Each agreement shall specify the following:

''(1) The manner (whether by direct grant, scholarship, or otherwise) of the contributions to be made by the college or university concerned.

''(2) The maximum amount of the contribution to be made by the college or university concerned with respect to any particular individual in any given academic year.

''(3) The maximum number of individuals for whom the college or university concerned will make contributions in any given academic year.

''(4) Such other matters as the Secretary and the college or university concerned jointly consider appropriate.

''(d) MATCHING CONTRIBUTIONS.—

''(1) IN GENERAL.—In instances where the educational assistance provided an individual under section 3313(c)(1)(A) does not cover the full cost of tuition and mandatory fees at a college or university, the Secretary shall provide up to 50 percent of the remaining costs for tuition and mandatory fees if the college or university voluntarily enters into an agreement with the Secretary to match an equal percentage of any of the remaining costs for such tuition and fees.

''(2) USE OF APPROPRIATED FUNDS.—Amounts available to the Secretary under section 3324(b) for payment of the costs of this chapter shall be available to the Secretary for purposes of paragraph (1).

''(e) OUTREACH.—The Secretary shall make available on the Internet website of the Department available to the public a current list of the colleges and universities participating in the program under this section. The list shall specify, for each college or university so listed, appropriate information on the agreement between the Secretary and such college or university under subsection (c).

''§ 3318. Additional assistance: relocation or travel assistance for individual relocating or traveling significant distance for pursuit of a program of education

''(a) ADDITIONAL ASSISTANCE.—Each individual described in subsection (b) shall be paid additional assistance under this section in the amount of $500.

''(b) COVERED INDIVIDUALS.—An individual described in this subsection is any individual entitled to educational assistance under this chapter—

''(1) who resides in a county (or similar entity utilized by the Bureau of the Census) with less than seven persons per square mile, according to the most recent decennial Census; and

''(2) who—

''(A) physically relocates a distance of at least 500 miles in order to pursue a program of education for which the individual utilizes educational assistance under this chapter; or

''(B) travels by air to physically attend an institution of higher education for pursuit of such a program of education because the individual cannot travel to such institution by automobile or other established form of transportation due to an absence of road or other infrastructure.

''(c) PROOF OF RESIDENCE.—For purposes of subsection (b)(1), an individual may demonstrate the individual's place of residence utilizing any of the following:

''(1) DD Form 214, Certification of Release or Discharge from Active Duty.

''(2) The most recent Federal income tax return.

''(3) Such other evidence as the Secretary shall prescribe for purposes of this section.

''(d) SINGLE PAYMENT OF ASSISTANCE.—An individual is entitled to only one payment of additional assistance under this section.

''(e) NO CHARGE AGAINST ENTITLEMENT.—Any amount paid an individual under this section is in addition to any other educational assistance benefits provided the individual under this chapter.

''§ 3319. Authority to transfer unused education benefits to family members

''(a) IN GENERAL.—Subject to the provisions of this section, the Secretary of Defense may authorize the Secretary concerned, to promote recruitment and retention of members of the Armed Forces, to permit an individual described in subsection (b) who is entitled to educational assistance

under this chapter to elect to transfer to one or more of the dependents specified in subsection (c) a portion of such individual's entitlement to such assistance, subject to the limitation under subsection (d).

''(b) ELIGIBLE INDIVIDUALS.—An individual referred to in subsection (a) is any member of the Armed Forces who, at the time of the approval of the individual's request to transfer entitlement to educational assistance under this section, has completed at least—

''(1) six years of service in the armed forces and enters into an agreement to serve at least four more years as a member of the Armed Forces; or

''(2) the years of service as determined in regulations pursuant to section (k).

''(c) ELIGIBLE DEPENDENTS.—An individual approved to transfer an entitlement to educational assistance under this section may transfer the individual's entitlement as follows:

''(1) To the individual's spouse.

''(2) To one or more of the individual's children.

''(3) To a combination of the individuals referred to in paragraphs (1) and (2).

''(d) LIMITATION ON MONTHS OF TRANSFER.—The total number of months of entitlement transferred by a individual under this section may not exceed 36 months. The Secretary of Defense may prescribe regulations that would limit the months of entitlement that may be transferred under this section to no less than 18 months.

''(e) DESIGNATION OF TRANSFEREE.—An individual transferring an entitlement to educational assistance under this section shall—

''(1) designate the dependent or dependents to whom such entitlement is being transferred;

''(2) designate the number of months of such entitlement to be transferred to each such dependent; and

''(3) specify the period for which the transfer shall be effective for each dependent designated under paragraph (1).

''(f) TIME FOR TRANSFER; REVOCATION AND MODIFICATION.—

''(1) TIME FOR TRANSFER.—Subject to the time limitation for use of entitlement under section 3321 an individual approved to transfer entitlement to educational assistance under this section may transfer such entitlement only while serving as a member of the armed forces when the transfer is executed.

''(2) MODIFICATION OR REVOCATION.—

''(A) IN GENERAL.—An individual transferring entitlement under this section may modify or revoke at any time the transfer of any unused portion of the entitlement so transferred.

''(B) NOTICE.—The modification or revocation of the transfer of entitlement under this paragraph shall be made by the submittal of written notice of the action to both the Secretary concerned and the Secretary of Veterans Affairs.

''(3) PROHIBITION ON TREATMENT OF TRANSFERRED ENTITLEMENT AS MARITAL PROPERTY.—Entitlement transferred under this section may not be treated as marital property, or the asset of a marital estate, subject to division in a divorce or other civil proceeding.

''(g) COMMENCEMENT OF USE.—A dependent to whom entitlement to educational assistance is transferred under this section may not commence the use of the transferred entitlement until—

''(1) in the case of entitlement transferred to a spouse, the completion by the individual making the transfer of at least—

''(A) six years of service in the armed forces; or

''(B) the years of service as determined in regulations pursuant to subsection (j); or

''(2) in the case of entitlement transferred to a child, both—

''(A) the completion by the individual making the transfer of at least—

''(i) ten years of service in the armed forces; or

''(ii) the years of service as determined in regulations pursuant to subsection (j); and

''(B) either—

''(i) the completion by the child of the requirements of a secondary school diploma (or equivalency certificate); or

''(ii) the attainment by the child of 18 years of age.

''(h) ADDITIONAL ADMINISTRATIVE MATTERS.—

''(1) USE.—The use of any entitlement to educational assistance transferred under this section shall be charged against the entitlement of the individual making the transfer at the rate of one month for each month of transferred entitlement that is used.

''(2) NATURE OF TRANSFERRED ENTITLEMENT.—Except as provided under subsection (e)(2) and subject to paragraphs (5) and (6)—

''(A) in the case of entitlement transferred to a spouse under this section, the spouse is entitled to educational assistance under this chapter in the same manner as the individual from whom the entitlement was transferred; or

''(B) in the case of entitlement transferred to a child under this section, the child is entitled to educational assistance under this chapter in the same manner as the individual from whom the entitlement was transferred as if the individual were not on active duty.

''(3) RATE OF PAYMENT.—The monthly rate of educational assistance payable to a dependent to whom entitlement referred to in paragraph (2) is transferred under this section shall be payable—

''(A) in the case of a spouse, at the same rate as such entitlement would otherwise be payable under this chapter to the individual making the transfer; or

''(B) in the case of a child, at the same rate as such entitlement would otherwise be payable under this chapter to the individual making the transfer as if the individual were not on active duty.

''(4) DEATH OF TRANSFEROR.—The death of an individual transferring an entitlement under this section shall not affect the use of the entitlement by the dependent to whom the entitlement is transferred.

''(5) LIMITATION ON AGE OF USE BY CHILD TRANSFEREES.—A child to whom entitlement is transferred under this section may use the benefit without regard to the 15-year delimiting date, but may not use any entitlement so transferred after attaining the age of 26 years.

''(6) SCOPE OF USE BY TRANSFEREES.—The purposes for which a dependent to whom entitlement is transferred under this section may use such entitlement shall include the pursuit and completion of the requirements of a secondary school diploma (or equivalency certificate).

''(7) ADDITIONAL ADMINISTRATIVE PROVISIONS.—The administrative provisions of this chapter shall apply to the use of entitlement transferred under this section, except that the dependent to whom the entitlement is transferred shall be treated as the eligible individual for purposes of such provisions.

''(i) OVERPAYMENT.—

''(1) JOINT AND SEVERAL LIABILITY.—In the event of an overpayment of educational assistance with respect to a dependent to whom entitlement is transferred under this section, the dependent and the individual making the transfer shall be jointly and severally liable to the United States for the amount of the overpayment for purposes of section 3685.

''(2) FAILURE TO COMPLETE SERVICE AGREEMENT.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), if an individual transferring entitlement under this section fails to complete the service agreed to by the individual under subsection (b)(1) in accordance with the terms of the agreement of the individual under that subsection, the amount of any transferred entitlement under this section that is used by a dependent of the individual as of the date of such failure shall be treated as an overpayment of educational assistance under paragraph (1).

''(B) EXCEPTION.—Subparagraph (A) shall not apply in the case of an individual who fails to complete service agreed to by the individual—

''(i) by reason of the death of the individual; or

''(ii) for a reason referred to in section 3311(c)(4).

''(j) REGULATIONS.—(1) The Secretary of Defense, in coordination with the Secretary of Veterans Affairs, shall prescribe regulations for purposes of this section.

''(2) Such regulations shall specify—

''(A) the manner of authorizing the transfer of entitlements under this section;

''(B) the eligibility criteria in accordance with subsection (b); and

''(C) the manner and effect of an election to modify or revoke a transfer of entitlement under subsection (f)(2).

''(k) SECRETARY CONCERNED DEFINED.—Notwithstanding section 101(25), in this section, the term 'Secretary concerned' means—

''(1) the Secretary of the Army with respect to matters concerning the Army;

''(2) the Secretary of the Navy with respect to matters concerning the Navy or the Marine Corps;

''(3) the Secretary of the Air Force with respect to matters concerning the Air Force; and

''(4) the Secretary of Defense with respect to matters concerning the Coast Guard, or the Secretary of Homeland Security when it is not operating as a service in the Navy.

''SUBCHAPTER III—ADMINISTRATIVE PROVISIONS

''§ 3321. Time limitation for use of and eligibility for entitlement

''(a) IN GENERAL.—Except as provided in this section, the period during which an individual entitled to educational assistance under this chapter may use such individual's entitlement expires at the end of the 15-year period beginning on the date of such individual's last discharge or release from active duty.

''(b) EXCEPTIONS.—

''(1) APPLICABILITY OF SECTION 3031 TO RUNNING OF PERIOD.—Subsections (b), (c), and (d) of section 3031 shall apply with respect to the running of the 15-year period described in subsection (a) of this section in the same manner as such subsections apply under section 3031 with respect to the running of the 10-year period described in section 3031(a).

''(2) APPLICABILITY OF SECTION 3031 TO TERMINATION.—Section 3031(f) shall apply with respect to the termination of an individual's entitlement to educational assistance under this chapter in the same manner as such section applies to the termination of an individual's entitlement to educational assistance under chapter 30, except that, in the administration of such section for purposes of this chapter, the reference to section 3013 shall be deemed to be a reference to 3312.

''(3) DETERMINATION OF LAST DISCHARGE OR RELEASE.—For purposes of subsection (a), an individual's last discharge or release from active duty shall not include any discharge or release from a period of active duty of less than 90 days of continuous service, unless the individual is discharged or released as described in section 3311(b)(2).

"§ 3322. Bar to duplication of educational assistance benefits

''(a) IN GENERAL.—An individual entitled to educational assistance under this chapter who is also eligible for educational assistance under chapter 30, 31, 32, or 35 of this title, chapter 107, 1606, or 1607 of title 10, or the provisions of the Hostage Relief Act of 1980 (Public Law 96–449; 5 U.S.C. 5561 note) may not receive assistance under two or more such programs concurrently, but shall elect (in such form and manner as the Secretary may prescribe) under which chapter or provisions to receive educational assistance.

''(b) INAPPLICABILITY OF SERVICE TREATED UNDER EDUCATIONAL LOAN REPAYMENT PROGRAMS.—A period of service counted for purposes of repayment of an education loan under chapter 109 of title 10 may not be counted as a period of service for entitlement to educational assistance under this chapter.

''(c) SERVICE IN SELECTED RESERVE.—An individual who serves in the Selected Reserve may receive credit for such service under only one of this chapter, chapter 30 of this title, and chapters 1606 and 1607 of title 10, and shall elect (in such form and manner as the Secretary may prescribe) under which chapter such service is to be credited.

''(d) ADDITIONAL COORDINATION MATTERS.—In the case of an individual entitled to educational assistance under chapter 30, 31, 32, or 35 of this title, chapter 107, 1606, or 1607 of title 10, or the provisions of the Hostage Relief Act of 1980, or making contributions toward entitlement to educational assistance under chapter 30 of this title, as of August 1, 2009, coordination of entitlement to educational assistance under this chapter, on the one hand, and such chapters or provisions, on the other, shall be governed by the provisions of section 5003(c) of the Post-9/11 Veterans Educational Assistance Act of 2008.

"§ 3323. Administration

''(a) IN GENERAL.—

''(1) IN GENERAL.—Except as otherwise provided in this chapter, the provisions specified in section 3034(a)(1) shall apply to the provision of educational assistance under this chapter.

''(2) SPECIAL RULE.—In applying the provisions referred to in paragraph (1) to an individual entitled to educational assistance under this chapter for purposes of this section, the reference in such provisions to the term 'eligible veteran' shall be deemed to refer to an individual entitled to educational assistance under this chapter.

''(3) RULE FOR APPLYING SECTION 3474.—In applying section 3474 to an individual entitled to educational assistance under this chapter for purposes of this section, the reference in such section 3474 to the term 'educational assistance allowance' shall be deemed to refer to educational assistance payable under section 3313.

''(4) RULE FOR APPLYING SECTION 3482.—In applying section 3482(g) to an individual entitled to educational assistance under this chapter for purposes of this section—

''(A) the first reference to the term 'educational assistance allowance' in such section 3482(g) shall be deemed to refer to educational assistance payable under section 3313; and

''(B) the first sentence of paragraph (1) of such section 3482(g) shall be applied as if such sentence ended with 'equipment'.

''(b) INFORMATION ON BENEFITS.—

''(1) TIMING FOR PROVIDING.—The Secretary shall provide the information described in paragraph (2) to each member of the Armed Forces at such times as the Secretary and the Secretary of Defense shall jointly prescribe in regulations.

''(2) DESCRIPTION OF INFORMATION.—The information described in this paragraph is information on benefits, limitations, procedures, eligibility requirements (including time-in-service requirements), and other important aspects of educational assistance under this chapter, including application forms for such assistance under section 5102.

''(3) TO WHOM PROVIDED.—The Secretary of Veterans Affairs shall furnish the information and forms described in paragraph (2), and other educational materials on educational assistance under this chapter, to educational institutions, training establishments, military education personnel, and such other persons and entities as the Secretary considers appropriate.

''(c) REGULATIONS.—

''(1) IN GENERAL.—The Secretary shall prescribe regulations for the administration of this chapter.

''(2) UNIFORMITY.—Any regulations prescribed by the Secretary of Defense for purposes of this chapter shall apply uniformly across the Armed Forces.

"§ 3324. Allocation of administration and costs

''(a) ADMINISTRATION.—Except as otherwise provided in this chapter, the Secretary shall administer the provision of educational assistance under this chapter.

''(b) COSTS.—Payments for entitlement to educational assistance earned under this chapter shall be made from funds appropriated to, or otherwise made available to, the Department for the payment of readjustment benefits.''.

(2) CLERICAL AMENDMENTS.—The tables of chapters at the beginning of title 38, United States Code, and at the beginning of part III of such title, are each amended by inserting after the item relating to chapter 32 the following new item:

"33. Post-9/11 Educational Assistance 3301.".

(b) CONFORMING AMENDMENTS.—

(1) AMENDMENTS RELATING TO DUPLICATION OF BENEFITS.—

(A) Section 3033 of title 38, United States Code, is amended—

(i) in subsection (a)(1) by inserting ''33,'' after ''32,''; and

(ii) in subsection (c) by striking ''both the program established by this chapter and the program established by chapter 106 of title 10'' and inserting ''two or more of the programs established by this chapter, chapter 33 of this title, and chapters 1606 and 1607 of title 10''.

(B) Paragraph (4) of section 3695(a) of such title is amended to read as follows:

''(4) Chapters 30, 32, 33, 34, 35, and 36.''.

(C) Section 16163(e) of title 10, United States Code, is amended by inserting ''33,'' after ''32,''.

(2) ADDITIONAL CONFORMING AMENDMENTS.—

(A) Title 38, United States Code, is further amended by inserting ''33,'' after ''32,'' each place it appears in the following provisions:

(i) In subsections (b) and (e)(1) of section 3485.

(ii) In section 3688(b).

(iii) In subsections (a)(1), (c)(1), (c)(1)(G), (d), and (e)(2) of section 3689.

(iv) In section 3690(b)(3)(A).

(v) In subsections (a) and (b) of section 3692.

(vi) In section 3697(a).

(B) Section 3697A(b)(1) of such title is amended by striking ''or 32'' and inserting ''32, or 33''.

(c) APPLICABILITY TO INDIVIDUALS UNDER MONTGOMERY GI BILL PROGRAM.—

(1) INDIVIDUALS ELIGIBLE TO ELECT PARTICIPATION IN POST-9/11 EDUCATIONAL ASSISTANCE.—An individual may elect to receive educational assistance under chapter 33 of title 38, United States Code (as added by subsection (a)), if such individual—

(A) as of August 1, 2009—

(i) is entitled to basic educational assistance under chapter 30 of title 38, United States Code, and has used, but retains unused, entitlement under that chapter;

(ii) is entitled to educational assistance under chapter 107, 1606, or 1607 of title 10, United States Code, and has used, but retains unused, entitlement under the applicable chapter;

(iii) is entitled to basic educational assistance under chapter 30 of title 38, United States Code, but has not used any entitlement under that chapter;

(iv) is entitled to educational assistance under chapter 107, 1606, or 1607 of title 10, United States Code, but has not used any entitlement under such chapter;

(v) is a member of the Armed Forces who is eligible for receipt of basic educational assistance under chapter 30 of title 38, United States Code, and is making contributions toward such assistance under section 3011(b) or 3012(c) of such title; or

(vi) is a member of the Armed Forces who is not entitled to basic educational assistance under chapter 30 of title 38, United States Code, by reason of an election under section 3011(c)(1) or 3012(d)(1) of such title; and

(B) as of the date of the individual's election under this paragraph, meets the requirements for entitlement to educational assistance under chapter 33 of title 38, United States Code (as so added).

(2) CESSATION OF CONTRIBUTIONS TOWARD GI BILL.—Effective as of the first month beginning on or after the date of an election under paragraph (1) of an individual described by subparagraph (A)(v) of that paragraph, the obligation of the individual to make contributions under section 3011(b) or 3012(c) of title 38, United States Code, as applicable, shall cease, and the requirements of such section shall be deemed to be no longer applicable to the individual.

(3) REVOCATION OF REMAINING TRANSFERRED ENTITLEMENT.—

(A) ELECTION TO REVOKE.—If, on the date an individual described in subparagraph (A)(i) or (A)(iii) of paragraph (1) makes an election under that paragraph, a transfer of the entitlement of the individual to basic educational assistance under section 3020 of title 38, United States Code, is in effect and a number of months of the entitlement so transferred remain unutilized, the individual may elect to revoke all or a portion of the entitlement so transferred that remains unutilized.

(B) AVAILABILITY OF REVOKED ENTITLEMENT.—Any entitlement revoked by an individual under this paragraph shall no longer be available to the dependent to whom transferred, but shall be available to the individual instead for educational assistance under chapter 33 of title 38, United States Code (as so added), in accordance with the provisions of this subsection.

(C) AVAILABILITY OF UNREVOKED ENTITLEMENT.—Any entitlement described in subparagraph (A) that is not revoked by an individual in accordance with that subparagraph shall remain available to the dependent or dependents concerned in accordance with the current transfer of such entitlement under section 3020 of title 38, United States Code.

(4) POST-9/11 EDUCATIONAL ASSISTANCE.—

(A) IN GENERAL.—Subject to subparagraph (B) and except as provided in paragraph (5), an individual making an election under paragraph (1) shall be entitled to educational assistance under chapter 33 of title 38, United States Code (as so added), in accordance with the provisions of such chapter, instead of basic educational assistance under chapter 30 of title 38, United States Code, or educational assistance under chapter 107, 1606, or 1607 of title 10, United States Code, as applicable.

(B) LIMITATION ON ENTITLEMENT FOR CERTAIN INDIVIDUALS.—In the case of an individual making an election under paragraph (1) who is described by subparagraph (A)(i) of that paragraph, the number of months of entitlement of the individual to educational assistance under chapter 33 of title 38, United States Code (as so added), shall be the number of months equal to—

(i) the number of months of unused entitlement of the individual under chapter 30 of title 38, United States Code, as of the date of the election, plus

(ii) the number of months, if any, of entitlement revoked by the individual under paragraph (3)(A).

(5) CONTINUING ENTITLEMENT TO EDUCATIONAL ASSISTANCE NOT AVAILABLE UNDER 9/11 ASSISTANCE PROGRAM.—

(A) IN GENERAL.—In the event educational assistance to which an individual making an election under paragraph (1) would be entitled under chapter 30 of title 38, United States Code, or chapter 107, 1606, or 1607 of title 10, United States Code, as applicable, is not authorized to be available to the individual under the provisions of chapter 33 of title 38, United States Code (as so added), the individual shall remain entitled to such educational assistance in accordance with the provisions of the applicable chapter.

(B) CHARGE FOR USE OF ENTITLEMENT.—The utilization by an individual of entitlement under subparagraph (A) shall be chargeable against the entitlement of the individual to educational assistance under chapter 33 of title 38, United States Code (as so added), at the rate of one month of entitlement under such chapter 33 for each month of entitlement utilized by the individual under subparagraph (A) (as determined as if such entitlement were utilized under the provisions of chapter 30 of title 38, United States Code, or chapter 107, 1606, or 1607 of title 10, United States Code, as applicable).

(6) ADDITIONAL POST-9/11 ASSISTANCE FOR MEMBERS HAVING MADE CONTRIBUTIONS TOWARD GI BILL.—

(A) ADDITIONAL ASSISTANCE.—In the case of an individual making an election under paragraph (1) who is described by clause (i), (iii), or (v) of subparagraph (A) of that paragraph, the amount of educational assistance payable to the individual under chapter 33 of title 38, United States Code (as so added), as a monthly stipend payable under paragraph (1)(B) of section 3313(c) of such title, or under paragraphs (2) through (7) of that section (as applicable), shall be the amount otherwise payable as a monthly stipend under the applicable paragraph increased by the amount equal to—

(i) the total amount of contributions toward basic educational assistance made by the individual under section 3011(b) or 3012(c) of title 38, United States Code, as of the date of the election, multiplied by

(ii) the fraction—

(I) the numerator of which is—

(aa) the number of months of entitlement to basic educational assistance under chapter 30 of title 38, United States Code, remaining to the individual at the time of the election; plus

(bb) the number of months, if any, of entitlement under such chapter 30 revoked by the individual under paragraph (3)(A); and

(II) the denominator of which is 36 months.

(B) MONTHS OF REMAINING ENTITLEMENT FOR CERTAIN INDIVIDUALS.—In the case of an individual covered by subparagraph (A) who is described by paragraph (1)(A)(v), the number of months of entitlement to basic educational assistance remaining to the individual for purposes of subparagraph (A)(ii)(I)(aa) shall be 36 months.

(C) TIMING OF PAYMENT.—The amount payable with respect to an individual under subparagraph (A) shall be paid to the individual together with the last payment of the monthly stipend payable to the individual under paragraph (1)(B) of section 3313(c) of title 38, United States Code (as so added), or under paragraphs (2) through (7) of that section (as applicable), before the exhaustion of the individual's entitlement to educational assistance under chapter 33 of such title (as so added).

(7) CONTINUING ENTITLEMENT TO ADDITIONAL ASSISTANCE FOR CRITICAL SKILLS OR SPECIALITY AND ADDITIONAL SERVICE.—An individual making an election under paragraph (1)(A) who, at the time of the election, is entitled to increased educational assistance under section 3015(d) of title 38, United States Code, or section 16131(i) of title 10, United States Code, or supplemental educational assistance under subchapter III of chapter 30 of title 38, United States Code, shall remain entitled to such increased educational assistance or supplemental educational assistance in the utilization of entitlement to educational assistance under chapter 33 of title 38, United States Code (as so added), in an amount equal to the quarter, semester, or term, as applicable, equivalent of the monthly amount of such increased educational assistance or supplemental educational assistance payable with respect to the individual at the time of the election.

(8) IRREVOCABILITY OF ELECTIONS.—An election under paragraph (1) or (3)(A) is irrevocable.

(d) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on August 1, 2009.

INCREASE IN AMOUNTS OF BASIC EDUCATIONAL ASSISTANCE UNDER THE MONTGOMERY GI BILL

SEC. 5004. (a) EDUCATIONAL ASSISTANCE BASED ON THREE-YEAR PERIOD OF OBLIGATED SERVICE.—Subsection (a)(1) of section 3015 of title 38, United States Code, is amended—

(1) by striking subparagraphs (A) through (C) and inserting the following new subparagraph:

''(A) for months occurring during the period beginning on August 1, 2008, and ending on the last day of fiscal year 2009, $1,321; and''; and

(2) by redesignating subparagraph (D) as subparagraph (B).

(b) EDUCATIONAL ASSISTANCE BASED ON TWO-YEAR PERIOD OF OBLIGATED SERVICE.—Subsection (b)(1) of such section is amended—

(1) by striking subparagraphs (A) through (C) and inserting the following new subparagraph:

''(A) for months occurring during the period beginning on August 1, 2008, and ending on the last day of fiscal year 2009, $1,073; and''; and

(2) by redesignating subparagraph (D) as subparagraph (B).

(c) MODIFICATION OF MECHANISM FOR COST-OF-LIVING ADJUSTMENTS.—Subsection (h)(1) of such section is amended by striking subparagraphs (A) and (B) and inserting the following new subparagraphs:

''(A) the average cost of undergraduate tuition in the United States, as determined by the National Center for Education Statistics, for the last academic year preceding the beginning of the fiscal year for which the increase is made, exceeds

''(B) the average cost of undergraduate tuition in the United States, as so determined, for the academic year preceding the academic year described in subparagraph (A).''.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall take effect on August 1, 2008.

(2) NO COST-OF-LIVING ADJUSTMENT FOR FISCAL YEAR 2009.—The adjustment required by subsection (h) of section 3015 of title 38, United States Code (as amended by this section), in rates of basic educational assistance payable under subsections (a) and (b) of such section (as so amended) shall not be made for fiscal year 2009.

MODIFICATION OF AMOUNT AVAILABLE FOR REIMBURSEMENT OF STATE AND LOCAL AGENCIES ADMINISTERING VETERANS EDUCATION BENEFITS

SEC. 5005. Section 3674(a)(4) of title 38, United States Code, is amended by striking ''may not exceed'' and all that follows through the end and inserting ''shall be $19,000,000.''.

AUTHORITY TO TRANSFER UNUSED EDUCATION BENEFITS TO FAMILY MEMBERS FOR CAREER SERVICE MEMBERS

SEC. 5006. (a) AUTHORITY TO TRANSFER MONTGOMERY GI BILL BENEFITS TO A DEPENDENT.—Section 3020 of title 38, United States Code, is amended—

(1) by striking the section heading and subsections (a) and (b) and inserting the following:

''§ 3020. Authority to transfer unused education benefits to family members for career service members

''(a) IN GENERAL.—Subject to the provisions of this section, the Secretary of Defense may authorize the Secretary concerned, to promote recruitment and retention of members of the Armed Forces, to permit an individual described in subsection (b) who is entitled to basic educational assistance under this subchapter to elect to transfer to one or more of the dependents specified in subsection (c) the unused portion of entitlement to such assistance, subject to the limitation under subsection (d).

''(b) ELIGIBLE INDIVIDUALS.—An individual referred to in subsection (a) is any member of the Armed Forces—

''(1) who, while serving on active duty or as a member of the Selected Reserve at the time of the approval by the Secretary concerned of the member's request to transfer entitlement to basic educational assistance under this section, has completed six years of service in the Armed Forces and enters into an agreement to serve at least four more years as a member of the Armed Forces; or

''(2) as determined in regulations pursuant to subsection (k).'';

(2) by striking subsection (d) and inserting the following:

''(d) LIMITATION ON MONTHS OF TRANSFER.—(1) An individual approved to transfer an entitlement to basic educational assistance under this section may transfer any unused entitlement to one or more of the dependents specified in subsection (c).

''(2) The total number of months of entitlement transferred by an individual under this section may not exceed 36 months. The Secretary of Defense may prescribe regulations that would limit the months of entitlement that may be transferred under this section to no less than 18 months.'';

(3) in subsection (f)(1) by striking ''without regard to whether'' and inserting ''only while''; and

(4) in subsection (f)(2) by inserting ''as long as the individual is serving on active duty or as a member of the Selected Reserve'' after ''so transferred'';

(5) by adding at the end of subsection (f) the following:

''(3) Entitlement transferred under this section may not be treated as marital property, or the asset of a marital estate, subject to division in a divorce or other civil proceeding.'';

(6) in subsection (h)(5) by inserting ''may use the benefit without regard to the 10-year delimiting date, but'' after ''under this section''; and

(7) by striking subsection (k) and inserting the following:

''(k) REGULATIONS.—The Secretary of Defense, in coordination with the Secretary of Veterans Affairs, shall prescribe regulations for purposes of this section. Such regulations shall specify—

''(1) the manner of authorizing the military departments to offer transfer of entitlements under this section;

''(2) the eligibility criteria in accordance with subsection (b);

''(3) the limitations on the amount of entitlement eligible to be transferred; and

''(4) the manner and effect of an election to modify or revoke a transfer of entitlement under subsection (f)(2).''.

(b) AUTHORITY TO TRANSFER MONTGOMERY GI BILL FOR THE SELECTED RESERVE BENEFITS TO A DEPENDENT.—Chapter 1606 of title 10, United States Code, is amended by inserting after section 16132 the following:

''§ 16132a. Authority to transfer unused education benefits to family members

''(a) IN GENERAL.—Subject to regulation prescribed by the Secretary of Defense, the Secretary concerned may permit a member described in subsection (b) who is entitled to basic educational assistance under this chapter to elect to transfer to one or more of the dependents specified in subsection (c) a portion of such member's entitlement to such assistance, subject to the limitation under subsection (d).

''(b) ELIGIBLE MEMBERS.—A member referred to in subsection (a) is a member of the Selected Reserve of the Ready Reserve who, at the time of the approval of the member's request to transfer entitlement to basic educational assistance under this section, has completed—

''(1) at least six years of service in the Selected Reserve and enters into an agreement to service at least four more years as a member of the armed forces; or

''(2) the years of service as determined in regulations pursuant to subsection (j).

''(c) ELIGIBLE DEPENDENTS.—A member approved to transfer an entitlement to basic educational assistance under this section may transfer the member's entitlement as follows:

''(1) To the member's spouse.

''(2) To one or more of the member's children.

''(3) To a combination of the individuals referred to in paragraphs (1) and (2).

''(d) LIMITATION ON MONTHS OF TRANSFER.—The total number of months of entitlement transferred by a member under this section may not exceed 36 months. The Secretary of Defense may prescribe regulations that would limit the months of entitlement that may be transferred under this section to no less than 18 months.

''(e) DESIGNATION OF TRANSFEREE.—A member transferring an entitlement to basic educational assistance under this section shall—

''(1) designate the dependent or dependents to whom such entitlement is being transferred;

''(2) designate the number of months of such entitlement to be transferred to each such dependent; and

''(3) specify the period for which the transfer shall be effective for each dependent designated under paragraph (1).

''(f) TIME FOR TRANSFER; REVOCATION AND MODIFICATION.—(1) Subject to the time limitation for use of entitlement under section 16133, a member approved to transfer entitlement to basic educational assistance under this section may transfer such entitlement at any time after the approval of the member's request to transfer such entitlement.

''(2) A member transferring entitlement under this section may modify or revoke at any time the transfer of any unused portion of the entitlement so transferred. The modification or revocation of the transfer of entitlement under this paragraph shall be made by the submittal of written notice of the action to both the Secretary concerned and the Secretary of Veterans Affairs.

''(3) Entitlement transferred under this section may not be treated as marital property, or the asset of a marital estate, subject to division in a divorce or other civil proceeding.

''(g) COMMENCEMENT OF USE.—A dependent to whom entitlement to basic educational assistance is transferred under this section may not commence the use of the transferred entitlement until—

''(1) in the case of entitlement transferred to a spouse, the completion by the member making the transfer of at least—

''(A) six years of service in the armed forces; or

''(B) the years of service as determined in regulations pursuant to subsection (j); or

''(2) in the case of entitlement transferred to a child, both—

''(A) the completion by the member making the transfer of at least—

''(i) ten years of service in the armed forces; or

''(ii) the years of service as determined in regulations pursuant to subsection (j); and

''(B) either—

''(i) the completion by the child of the requirements of a secondary school diploma (or equivalency certificate); or

''(ii) the attainment by the child of 18 years of age.

''(h) ADDITIONAL ADMINISTRATIVE MATTERS.—(1) The use of any entitlement to basic educational assistance transferred under this section shall be charged against the entitlement of the member making the transfer at the rate of one month for each month of transferred entitlement that is used.

''(2) Except as provided under subsection (e)(2) and subject to paragraphs (5) and (6), a dependent to whom entitlement is transferred under this section is entitled to basic educational assistance under this chapter in the same manner as the member from whom the entitlement was transferred.

''(3) The monthly rate of educational assistance payable to a dependent to whom entitlement is transferred under this section shall be the monthly amount payable under sections 16131 and 16131a to the member making the transfer.

''(4) The death of a member transferring an entitlement under this section shall not affect the use of the entitlement by the dependent to whom the entitlement is transferred.

''(5) The involuntary separation or retirement of the member—

''(A) because of a nondiscretionary provision of law for age or years of service;

''(B) because of a policy prescribed by the Secretary concerned mandating such separation or retirement based solely on age or years of service for the prescribed pay grade of an enlisted member;

''(C) under section 16133(b); or

''(D) because of medical disqualification which is not the result of gross negligence or misconduct of the member,

shall not affect the use of entitlement by the dependent to whom the entitlement is transferred.

''(6) A child to whom entitlement is transferred under this section may not use any entitlement so transferred after attaining the age of 26 years.

''(7) The administrative provisions of this chapter shall apply to the use of entitlement transferred under this section, except that the dependent to whom the entitlement is transferred shall be treated as the eligible member for purposes of such provisions.

''(8) The purposes for which a dependent to whom entitlement is transferred under this section may use such entitlement shall include the pursuit and completion of the requirements of a secondary school diploma (or equivalency certificate).

''(i) OVERPAYMENT.—(1) In the event of an overpayment of basic educational assistance with respect to a dependent to whom entitlement is transferred under this section, the dependent and the member making the transfer shall be jointly and severally liable to the United States for the amount of the overpayment for purposes of section 3685 of title 38.

''(2) Except as provided in paragraph (3), if a member's whose eligibility is terminated under section 16134(2), the amount of any transferred entitlement under this section that is used by a dependent of the member as of the date of such termination shall be treated as an overpayment of basic educational assistance under paragraph (1).

''(3) Paragraph (2) shall not apply in the case of a member who fails to complete service agreed to by the member—

''(A) by reason of the death of the member; or

''(B) for a reason referred to in section 16133(b).

''(j) REGULATIONS.—The Secretary of Defense, in consultation with the Secretary of Veterans Affairs, shall prescribe regulations for purposes of this section. Such regulations shall specify—

''(1) the manner of authorizing the military departments to offer transfer of entitlements under this section;

''(2) the eligibility criteria in accordance with subsection (b);

''(3) the manner and effect of an election to modify or revoke a transfer of entitlement under subsection (f)(2); and

''(4) the manner in which the provisions referred to in subsections (h)(4) and (5) shall be administered with respect to a dependent to whom entitlement is transferred under this section.''.

(c) AUTHORITY TO TRANSFER RESERVE EDUCATIONAL ASSISTANCE PROGRAM BENEFITS TO A DEPENDENT.—Chapter 1607 of such title is amended by inserting after section 16163 the following:

''§ 16163a. Authority to transfer unused education benefits to family members

''(a) IN GENERAL.—Subject to the provisions of this section, the Secretary concerned may permit, at such Secretary's sole discretion, a member described in subsection (b) who is entitled to basic educational assistance under this chapter to elect to transfer to one or more of the dependents specified in subsection (c) a portion of such member's entitlement to such assistance, subject to the limitation under subsection (d).

''(b) ELIGIBLE MEMBERS.—A member referred to in subsection (a) is a member of the armed forces who, at the time of the approval of the member's request to transfer entitlement to basic educational assistance under this section, has completed at least—

''(1) six years of service in the armed forces and enters into an agreement to serve at least four more years as a member of the armed forces; or

''(2) the years of service as determined in regulations pursuant to section (j).

''(c) ELIGIBLE DEPENDENTS.—A member approved to transfer an entitlement to basic educational assistance under this section may transfer the member's entitlement as follows:

''(1) To the member's spouse.

''(2) To one or more of the member's children.

''(3) To a combination of the individuals referred to in paragraphs (1) and (2).

''(d) LIMITATION ON MONTHS OF TRANSFER.—The total number of months of entitlement transferred by a member under this section

may not exceed 36 months. The Secretary of Defense may prescribe regulations that would limit the months of entitlement that may be transferred under this section to no less than 18 months.

''(e) DESIGNATION OF TRANSFEREE.—A member transferring an entitlement to basic educational assistance under this section shall—

''(1) designate the dependent or dependents to whom such entitlement is being transferred;

''(2) designate the number of months of such entitlement to be transferred to each such dependent; and

''(3) specify the period for which the transfer shall be effective for each dependent designated under paragraph (1).

''(f) TIME FOR TRANSFER; REVOCATION AND MODIFICATION.—(1) Subject to the time limitation for use of entitlement under section 16164, a member approved to transfer entitlement to basic educational assistance under this section may transfer such entitlement only while serving as a member of the armed forces when the transfer is executed.

''(2) A member transferring entitlement under this section may modify or revoke at any time the transfer of any unused portion of the entitlement so transferred. The modification or revocation of the transfer of entitlement under this paragraph shall be made by the submittal of written notice of the action to both the Secretary concerned and the Secretary of Veterans Affairs.

''(3) Entitlement transferred under this section may not be treated as marital property, or the asset of a marital estate, subject to division in a divorce or other civil proceeding.

''(g) COMMENCEMENT OF USE.—A dependent to whom entitlement to basic educational assistance is transferred under this section may not commence the use of the transferred entitlement until—

''(1) in the case of entitlement transferred to a spouse, the completion by the member making the transfer of at least—

''(A) six years of service in the armed forces; or

''(B) the years of service as determined in regulations pursuant to subsection (j); or

''(2) in the case of entitlement transferred to a child, both—

''(A) the completion by the member making the transfer of at least—

''(i) ten years of service in the armed forces; or

''(ii) the years of service as determined in regulations pursuant to subsection (j); and

''(B) either—

''(i) the completion by the child of the requirements of a secondary school diploma (or equivalency certificate); or

''(ii) the attainment by the child of 18 years of age.

''(h) ADDITIONAL ADMINISTRATIVE MATTERS.—(1) The use of any entitlement to basic educational assistance transferred under this section shall be charged against the entitlement of the member making the transfer at the rate of one month for each month of transferred entitlement that is used.

''(2) Except as provided under subsection (e)(2) and subject to paragraphs (5) and (6), a dependent to whom entitlement is transferred under this section is entitled to basic educational assistance under this chapter in the same manner as the member from whom the entitlement was transferred.

''(3) The monthly rate of educational assistance payable to a dependent to whom entitlement is transferred under this section shall be the monthly amount payable under sections 16162 and 16162a to the member making the transfer.

''(4) The death of a member transferring an entitlement under this section shall not affect the use of the entitlement by the dependent to whom the entitlement is transferred.

''(5) Notwithstanding section 16164(a)(2), a child to whom entitlement is transferred under this section may use the benefit without regard to the 10-year delimiting date, but may not use any entitlement so transferred after attaining the age of 26 years.

''(6) The administrative provisions of this chapter shall apply to the use of entitlement transferred under this section, except that the dependent to whom the entitlement is transferred shall be treated as the eligible member for purposes of such provisions.

''(7) The purposes for which a dependent to whom entitlement is transferred under this section may use such entitlement shall include the pursuit and completion of the requirements of a secondary school diploma (or equivalency certificate).

''(i) OVERPAYMENT.—

''(1) JOINT AND SEVERAL LIABILITY.—In the event of an overpayment of basic educational assistance with respect to a dependent to whom entitlement is transferred under this section, the dependent and the member making the transfer shall be jointly and severally liable to the United States for the amount of the overpayment for purposes of section 3685 of title 38.

''(2) FAILURE TO COMPLETE SERVICE AGREEMENT.—Except as provided in paragraph (3), if an individual transferring entitlement under this section fails to complete the service agreed to by the individual under subsection (b)(1) in accordance with the terms of the agreement of the individual under that subsection, the amount of any transferred entitlement under this section that is used by a dependent of the individual as of the date of such failure shall be treated as an overpayment of educational assistance under paragraph (1).

''(3) Paragraph (2) shall not apply in the case of an individual who fails to complete service agreed to by the individual—

''(A) by reason of the death of the individual; or

''(B) for a reason referred to in section 16133(b).

''(j) REGULATIONS.—(1) The Secretary of Defense, in coordination with the Secretary of Veterans Affairs, shall prescribe regulations for purposes of this section.

''(2) Such regulations shall specify—

''(A) the manner of authorizing the transfer of entitlements under this section;

''(B) the eligibility criteria in accordance with subsection (b); and

''(C) the manner and effect of an election to modify or revoke a transfer of entitlement under subsection (f)(2).

''(k) SECRETARY CONCERNED DEFINED.—For purposes of this section, the term 'Secretary concerned' has the meaning given in section 101(a)(9) in the case of a member of the armed forces.''.

(d) CONFORMING AMENDMENTS.—Section 16133(a) of title 10, United States Code, is amended by striking ''(1)'' and all that follows through the period at the end of the subsection and inserting ''on the date the person is separated from the Selected Reserve.''.

(e) CLERICAL AMENDMENTS.—(1) The table of sections at the beginning of chapter 30 of title 38, United States Code, is amended by striking the item relating to section 3020 and inserting the following new item:

''3020. Authority to transfer unused education benefits to family members of career service members.''.

(2) The table of sections at the beginning of chapter 1606 of title 10, United States Code, is amended by inserting after the item relating to section 16132 the following new item:

''16132a. Authority to transfer unused education benefits to family members.''.

(3) The table of sections at the beginning of chapter 1607 of such title is amended by inserting after the item relating to section 16163 the following new item:

''16163a. Authority to transfer unused education benefits to family members.''.

TITLE VI—ACCOUNTABILITY AND TRANSPARENCY IN GOVERNMENT CONTRACTING

CHAPTER 1—CLOSE THE CONTRACTOR FRAUD LOOPHOLE

SHORT TITLE

SEC. 6101. This chapter may be cited as the ''Close the Contractor Fraud Loophole Act''.

REVISION OF THE FEDERAL ACQUISITION REGULATION

SEC. 6102. The Federal Acquisition Regulation shall be amended within 180 days after the date of the enactment of this Act pursuant to FAR Case 2007–006 (as published at 72 Fed Reg. 64019, November 14, 2007) or any follow-on FAR case to include provisions that require timely notification by Federal contractors of violations of Federal criminal law or overpayments in connection with the award or performance of covered contracts or subcontracts, including those performed outside the United States and those for commercial items.

DEFINITION

SEC. 6103. In this chapter, the term ''covered contract'' means any contract in an amount greater than $5,000,000 and more than 120 days in duration.

CHAPTER 2—GOVERNMENT FUNDING TRANSPARENCY

SHORT TITLE

SEC. 6201. This chapter may be cited as the ''Government Funding Transparency Act of 2008''.

FINANCIAL DISCLOSURE REQUIREMENTS FOR CERTAIN RECIPIENTS OF FEDERAL AWARDS

SEC. 6202. (a) DISCLOSURE REQUIREMENTS.—Section 2(b)(1) of the Federal Funding Accountability and Transparency Act (Public Law 109–282; 31 U.S.C. 6101 note) is amended—

(1) by striking ''and'' at the end of subparagraph (E);

(2) by redesignating subparagraph (F) as subparagraph (G); and

(3) by inserting after subparagraph (E) the following new subparagraph:

''(F) the names and total compensation of the five most highly compensated officers of the entity if—

''(i) the entity in the preceding fiscal year received—

''(I) 80 percent or more of its annual gross revenues in Federal awards; and

''(II) $25,000,000 or more in annual gross revenues from Federal awards; and

''(ii) the public does not have access to information about the compensation of the senior executives of the entity through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986.''.

(b) REGULATIONS REQUIRED.—The Director of the Office of Management and Budget shall promulgate regulations to implement the amendment made by this chapter. Such regulations shall include a definition of ''total compensation'' that is consistent with regulations of the Securities and Exchange Commission at section 402 of part 229 of title 17 of the Code of Federal Regulations (or any subsequent regulation).

TITLE VII—MEDICAID PROVISIONS

SEC. 7001. (a) MORATORIA ON CERTAIN MEDICAID REGULATIONS.—

(1) EXTENSION OF CERTAIN MORATORIA IN PUBLIC LAW 110–28.—Section 7002(a)(1) of the U.S. Troop Readiness, Veterans' Care,

Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (Public Law 110–28) is amended—

(A) by striking ''prior to the date that is 1 year after the date of enactment of this Act'' and inserting ''prior to April 1, 2009'';

(B) in subparagraph (A), by inserting after ''Federal Regulations)'' the following: ''or in the final regulation, relating to such parts, published on May 29, 2007 (72 Federal Register 29748) and determined by the United States District Court for the District of Columbia to have been 'improperly promulgated', *Alameda County Medical Center, et al., v. Leavitt, et al.,* Civil Action No. 08-0422, Mem. at 4 (D.D.C. May 23, 2008)''; and

(C) in subparagraph (C), by inserting before the period at the end the following: '', including the proposed regulation published on May 23, 2007 (72 Federal Register 28930)''.

(2) EXTENSION OF CERTAIN MORATORIA IN PUBLIC LAW 110–173.—Section 206 of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110–173) is amended—

(A) by striking ''June 30, 2008'' and inserting ''April 1, 2009'';

(B) by inserting '', including the proposed regulation published on August 13, 2007 (72 Federal Register 45201),'' after ''rehabilitation services''; and

(C) by inserting '', including the final regulation published on December 28, 2007 (72 Federal Register 73635),'' after ''school-based transportation''.

(3) ADDITIONAL MORATORIA.—

(A) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of Health and Human Services shall not, prior to April 1, 2009, take any action (through promulgation of regulation, issuance of regulatory guidance, use of Federal payment audit procedures, or other administrative action, policy, or practice, including a Medical Assistance Manual transmittal or letter to State Medicaid directors) to impose any restrictions relating to a provision described in subparagraph (B) or (C) if such restrictions are more restrictive in any aspect than those applied to the respective provision as of the date specified in subparagraph (D) for such provision.

(B) PORTION OF INTERIM FINAL REGULATION RELATING TO MEDICAID TREATMENT OF OPTIONAL CASE MANAGEMENT SERVICES.—

(i) IN GENERAL.—Subject to clause (ii), the provision described in this subparagraph is the interim final regulation relating to optional State plan case management services under the Medicaid program published on December 4, 2007 (72 Federal Register 68077) in its entirety.

(ii) EXCEPTION.—The provision described in this subparagraph does not include the portion of such regulation as relates directly to implementing section 1915(g)(2)(A)(ii) of the Social Security Act, as amended by section 6052 of the Deficit Reduction Act of 2005 (Public Law 109–171), through the definition of case management services and targeted case management services contained in proposed section 440.169 of title 42, Code of Federal Regulations, but only to the extent that such portion is not more restrictive than the policies set forth in the Dear State Medicaid Director letter on case management issued on January 19, 2001 (SMDL #01–013), and with respect to community transition case management, the Dear State Medicaid Director letter issued on July 25, 2000 (Olmstead Update 3).

(C) PORTION OF PROPOSED REGULATION RELATING TO MEDICAID ALLOWABLE PROVIDER TAXES.—

(i) IN GENERAL.—Subject to clause (ii), the provision described in this subparagraph is the final regulation relating to health-care-related taxes under the Medicaid program published on February 22, 2008 (73 Federal Register 9685) in its entirety.

(ii) EXCEPTION.—The provision described in this subparagraph does not include the portions of such regulation as relate to the following:

(I) REDUCTION IN THRESHOLD.—The reduction from 6 percent to 5.5 percent in the threshold applied under section 433.68(f)(3)(i) of title 42, Code of Federal Regulations, for determining whether or not there is an indirect guarantee to hold a taxpayer harmless, as required to carry out section 1903(w)(4)(C)(ii) of the Social Security Act, as added by section 403 of the Medicare Improvement and Extension Act of 2006 (division B of Public Law 109–432).

(II) CHANGE IN DEFINITION OF MANAGED CARE.—The change in the definition of managed care as proposed in the revision of section 433.56(a)(8) of title 42, Code of Federal Regulations, as required to carry out section 1903(w)(7)(A)(viii) of the Social Security Act, as amended by section 6051 of the Deficit Reduction Act of 2005 (Public Law 109–171).

(D) DATE SPECIFIED.—The date specified in this subparagraph for the provision described in—

(i) subparagraph (B) is December 3, 2007; or

(ii) subparagraph (C) is February 21, 2008.

(b) FUNDS TO REDUCE MEDICAID FRAUD AND ABUSE.—

(1) IN GENERAL.—For purposes of reducing fraud and abuse in the Medicaid program under title XIX of the Social Security Act—

(A) there is appropriated to the Office of the Inspector General of the Department of Health and Human Services, out of any money in the Treasury not otherwise appropriated, $25,000,000, for fiscal year 2009; and

(B) there is authorized to be appropriated to such Office $25,000,000 for fiscal year 2010 and each subsequent fiscal year.

Amounts appropriated under this section shall remain available for expenditure until expended and shall be in addition to any other amounts appropriated or made available to such Office for such purposes with respect to the Medicaid program.

(2) ANNUAL REPORT.—Not later than September 30 of 2009 and of each subsequent year, the Inspector General of the Department of Health and Human Services shall submit to the Committees on Energy and Commerce and Appropriations of the House of Representatives and the Committees on Finance and Appropriations of the Senate a report on the activities (and the results of such activities) funded under paragraph (1) to reduce waste, fraud, and abuse in the Medicaid program under title XIX of the Social Security Act during the previous 12 month period, including the amount of funds appropriated under such paragraph for each such activity and an estimate of the savings to the Medicaid program resulting from each such activity.

(c) STUDY AND REPORTS TO CONGRESS.—

(1) SECRETARIAL REPORT IDENTIFYING PROBLEMS.—Not later than January 1, 2009, the Secretary of Health and Human Services shall submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Finance of the Senate a report that—

(A) outlines the specific problems the Medicaid regulations referred to in the amendments made by paragraphs (1) and (2) of subsection (a) were intended to address;

(B) details how these regulations were designed to address these specific problems; and

(C) cites the legal authority for such regulations.

(2) INDEPENDENT COMPREHENSIVE STUDY AND REPORT.—

(A) IN GENERAL.—Not later than January 1, 2009, the Secretary of Health and Human Services shall enter into a contract with an independent organization for the purpose of—

(i) producing a comprehensive report on the prevalence of the problems outlined in the report submitted under paragraph (1);

(ii) identifying strategies in existence to address these problems; and

(iii) assessing the impact of each regulation referred to in such paragraph on each State and the District of Columbia.

(B) ADDITIONAL MATTER.—The report under subparagraph (A) shall also include—

(i) an identification of which claims for items and services (including administrative activities) under title XIX of the Social Security Act are not processed through systems described in section 1903(r) of such Act;

(ii) an examination of the reasons why these claims for such items and services are not processed through such systems; and

(iii) recommendations on actions by the Federal government and the States that can make claims for such items and services more accurate and complete consistent with such title.

(C) DEADLINE.—The report under subparagraph (A) shall be submitted to the Committee on Energy and Commerce of the House of Representatives and the Committee on Finance of the Senate not later than September 1, 2009.

(D) COOPERATION OF STATES.—If the Secretary of Health and Human Services determines that a State or the District of Columbia has not cooperated with the independent organization for purposes of the report under this paragraph, the Secretary shall reduce the amount paid to the State or District under section 1903(a) of the Social Security Act (42 U.S.C. 1396b(a)) by $25,000 for each day on which the Secretary determines such State or District has not so cooperated. Such reduction shall be made through a process that permits the State or District to challenge the Secretary's determination.

(3) FUNDING.—

(A) IN GENERAL.—Out of any money in the Treasury of the United States not otherwise appropriated, there are appropriated to the Secretary without further appropriation, $5,000,000 to carry out this subsection.

(B) AVAILABILITY; AMOUNTS IN ADDITION TO OTHER AMOUNTS APPROPRIATED FOR SUCH ACTIVITIES.—Amounts appropriated pursuant to subparagraph (A) shall—

(i) remain available until expended; and

(ii) be in addition to any other amounts appropriated or made available to the Secretary of Health and Human Services with respect to the Medicaid program.

(d) ASSET VERIFICATION THROUGH ACCESS TO INFORMATION HELD BY FINANCIAL INSTITUTIONS.—

(1) ADDITION OF AUTHORITY.—Title XIX of the Social Security Act is amended by inserting after section 1939 the following new section:

''ASSET VERIFICATION THROUGH ACCESS TO INFORMATION HELD BY FINANCIAL INSTITUTIONS

''SEC. 1940. (a) IMPLEMENTATION.—

''(1) IN GENERAL.—Subject to the provisions of this section, each State shall implement an asset verification program described in subsection (b), for purposes of determining or redetermining the eligibility of an individual for medical assistance under the State plan under this title.

''(2) PLAN SUBMITTAL.—In order to meet the requirement of paragraph (1), each State shall—

''(A) submit not later than a deadline specified by the Secretary consistent with paragraph (3), a State plan amendment under this title that describes how the State intends to implement the asset verification program; and

''(B) provide for implementation of such program for eligibility determinations and redeterminations made on or after 6 months after the deadline established for submittal of such plan amendment.

''(3) PHASE-IN.—

''(A) IN GENERAL.—

''(i) IMPLEMENTATION IN CURRENT ASSET VERIFICATION DEMO STATES.—The Secretary shall require those States specified in subparagraph (C) (to which an asset verification program has been applied before the date of the enactment of this section) to implement an asset verification program under this subsection by the end of fiscal year 2009.

''(ii) IMPLEMENTATION IN OTHER STATES.—The Secretary shall require other States to submit and implement an asset verification program under this subsection in such manner as is designed to result in the application of such programs, in the aggregate for all such other States, to enrollment of approximately, but not less than, the following percentage of enrollees, in the aggregate for all such other States, by the end of the fiscal year involved:

''(I) 12.5 percent by the end of fiscal year 2009.

''(II) 25 percent by the end of fiscal year 2010.

''(III) 50 percent by the end of fiscal year 2011.

''(IV) 75 percent by the end of fiscal year 2012.

''(V) 100 percent by the end of fiscal year 2013.

''(B) CONSIDERATION.—In selecting States under subparagraph (A)(ii), the Secretary shall consult with the States involved and take into account the feasibility of implementing asset verification programs in each such State.

''(C) STATES SPECIFIED.—The States specified in this subparagraph are California, New York, and New Jersey.

''(D) CONSTRUCTION.—Nothing in subparagraph (A)(ii) shall be construed as preventing a State from requesting, and the Secretary from approving, the implementation of an asset verification program in advance of the deadline otherwise established under such subparagraph.

''(4) EXEMPTION OF TERRITORIES.—This section shall only apply to the 50 States and the District of Columbia.

''(b) ASSET VERIFICATION PROGRAM.—

''(1) IN GENERAL.—For purposes of this section, an asset verification program means a program described in paragraph (2) under which a State—

''(A) requires each applicant for, or recipient of, medical assistance under the State plan under this title on the basis of being aged, blind, or disabled to provide authorization by such applicant or recipient (and any other person whose resources are required by law to be disclosed to determine the eligibility of the applicant or recipient for such assistance) for the State to obtain (subject to the cost reimbursement requirements of section 1115(a) of the Right to Financial Privacy Act but at no cost to the applicant or recipient) from any financial institution (within the meaning of section 1101(1) of such Act) any financial record (within the meaning of section 1101(2) of such Act) held by the institution with respect to the applicant or recipient (and such other person, as applicable), whenever the State determines the record is needed in connection with a determination with respect to such eligibility for (or the amount or extent of) such medical assistance; and

''(B) uses the authorization provided under subparagraph (A) to verify the financial resources of such applicant or recipient (and such other person, as applicable), in order to determine or redetermine the eligibility of such applicant or recipient for medical assistance under the State plan.

''(2) PROGRAM DESCRIBED.—A program described in this paragraph is a program for verifying individual assets in a manner consistent with the approach used by the Commissioner of Social Security under section 1631(e)(1)(B)(ii).

''(c) DURATION OF AUTHORIZATION.—Notwithstanding section 1104(a)(1) of the Right to Financial Privacy Act, an authorization provided to a State under subsection (b)(1) shall remain effective until the earliest of—

''(1) the rendering of a final adverse decision on the applicant's application for medical assistance under the State's plan under this title;

''(2) the cessation of the recipient's eligibility for such medical assistance; or

''(3) the express revocation by the applicant or recipient (or such other person described in subsection (b)(1), as applicable) of the authorization, in a written notification to the State.

''(d) TREATMENT OF RIGHT TO FINANCIAL PRIVACY ACT REQUIREMENTS.—

''(1) An authorization obtained by the State under subsection (b)(1) shall be considered to meet the requirements of the Right to Financial Privacy Act for purposes of section 1103(a) of such Act, and need not be furnished to the financial institution, notwithstanding section 1104(a) of such Act.

''(2) The certification requirements of section 1103(b) of the Right to Financial Privacy Act shall not apply to requests by the State pursuant to an authorization provided under subsection (b)(1).

''(3) A request by the State pursuant to an authorization provided under subsection (b)(1) is deemed to meet the requirements of section 1104(a)(3) of the Right to Financial Privacy Act and of section 1102 of such Act, relating to a reasonable description of financial records.

''(e) REQUIRED DISCLOSURE.—The State shall inform any person who provides authorization pursuant to subsection (b)(1)(A) of the duration and scope of the authorization.

''(f) REFUSAL OR REVOCATION OF AUTHORIZATION.—If an applicant for, or recipient of, medical assistance under the State plan under this title (or such other person described in subsection (b)(1), as applicable) refuses to provide, or revokes, any authorization made by the applicant or recipient (or such other person, as applicable) under subsection (b)(1)(A) for the State to obtain from any financial institution any financial record, the State may, on that basis, determine that the applicant or recipient is ineligible for medical assistance.

''(g) USE OF CONTRACTOR.—For purposes of implementing an asset verification program under this section, a State may select and enter into a contract with a public or private entity meeting such criteria and qualifications as the State determines appropriate, consistent with requirements in regulations relating to general contracting provisions and with section 1903(i)(2). In carrying out activities under such contract, such an entity shall be subject to the same requirements and limitations on use and disclosure of information as would apply if the State were to carry out such activities directly.

''(h) TECHNICAL ASSISTANCE.—The Secretary shall provide States with technical assistance to aid in implementation of an asset verification program under this section.

''(i) REPORTS.—A State implementing an asset verification program under this section shall furnish to the Secretary such reports concerning the program, at such times, in such format, and containing such information as the Secretary determines appropriate.

''(j) TREATMENT OF PROGRAM EXPENSES.—Notwithstanding any other provision of law, reasonable expenses of States in carrying out the program under this section shall be treated, for purposes of section 1903(a), in the same manner as State expenditures specified in paragraph (7) of such section.''.

(2) STATE PLAN REQUIREMENTS.—Section 1902(a) of such Act (42 U.S.C. 1396a(a)) is amended—

(A) in paragraph (69) by striking ''and'' at the end;

(B) in paragraph (70) by striking the period at the end and inserting ''; and''; and

(C) by inserting after paragraph (70), as so amended, the following new paragraph:

''(71) provide that the State will implement an asset verification program as required under section 1940.''.

(3) WITHHOLDING OF FEDERAL MATCHING PAYMENTS FOR NONCOMPLIANT STATES.—Section 1903(i) of such Act (42 U.S.C. 1396b(i)) is amended—

(A) in paragraph (22) by striking ''or'' at the end;

(B) in paragraph (23) by striking the period at the end and inserting ''; or''; and

(C) by adding after paragraph (23) the following new paragraph:

''(24) if a State is required to implement an asset verification program under section 1940 and fails to implement such program in accordance with such section, with respect to amounts expended by such State for medical assistance for individuals subject to asset verification under such section, unless—

''(A) the State demonstrates to the Secretary's satisfaction that the State made a good faith effort to comply;

''(B) not later than 60 days after the date of a finding that the State is in noncompliance, the State submits to the Secretary (and the Secretary approves) a corrective action plan to remedy such noncompliance; and

''(C) not later than 12 months after the date of such submission (and approval), the State fulfills the terms of such corrective action plan.''.

(4) REPEAL.—Section 4 of Public Law 110–90 is repealed.

SEC. 7002. (a) MEDICARE IMPROVEMENT FUND.— Title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) is amended by adding at the end the following new section:

''MEDICARE IMPROVEMENT FUND

''SEC. 1898. (a) ESTABLISHMENT.—The Secretary shall establish under this title a Medicare Improvement Fund (in this section referred to as the 'Fund') which shall be available to the Secretary to make improvements under the original fee-for-service program under parts A and B for individuals entitled to, or enrolled for, benefits under part A or enrolled under part B.

''(b) FUNDING.—

''(1) IN GENERAL.—There shall be available to the Fund, for expenditures from the Fund for services furnished during fiscal year 2014, $2,220,000,000.

''(2) PAYMENT FROM TRUST FUNDS.—The amount specified under paragraph (1) shall be available to the Fund, as expenditures are made from the Fund, from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund in such proportion as the Secretary determines appropriate.

''(3) FUNDING LIMITATION.—Amounts in the Fund shall be available in advance of appropriations but only if the total amount obligated from the Fund does not exceed the amount available to the Fund under paragraph (1). The Secretary may obligate funds from the Fund only if the Secretary determines (and the Chief Actuary of the Centers for Medicare & Medicaid Services and the appropriate budget officer certify) that there are available in the Fund sufficient amounts to cover all such obligations incurred consistent with the previous sentence.''.

(b) MEDICAID IMPROVEMENT FUND.— Title XIX of the Social Security Act (42 U.S.C. 1396 et seq.), as amended by section 7001(d), is further amended by adding at the end the following new section:

''MEDICAID IMPROVEMENT FUND

''SEC. 1941. (a) ESTABLISHMENT.—The Secretary shall establish under this title a Medicaid Improvement Fund (in this section referred to as the 'Fund') which shall be available to the Secretary to improve the management of the Medicaid program by the Centers for Medicare & Medicaid Services, including oversight of contracts and contractors and evaluation of demonstration projects. Payments made for activities under this subsection shall be in addition to payments that would otherwise be made for such activities.

''(b) FUNDING.—

''(1) IN GENERAL.—There shall be available to the Fund, for expenditures from the Fund—

''(A) for fiscal year 2014, $100,000,000; and

''(B) for fiscal years 2015 through 2018, $150,000,000.

''(2) FUNDING LIMITATION.—Amounts in the Fund shall be available in advance of appropriations but only if the total amount obligated from the Fund does not exceed the amount available to the Fund under paragraph (1). The Secretary may obligate funds from the Fund only if the Secretary determines (and the Chief Actuary of the Centers for Medicare & Medicaid Services and the appropriate budget officer certify) that there are available in the Fund sufficient amounts to cover all such obligations incurred consistent with the previous sentence.''.

(c) ADJUSTMENT TO PAQI FUND.—Section 1848(l)(2) of the Social Security Act (42 U.S.C. 1395w-4(l)(2)), as amended by section 101(a)(2) of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110-173), is amended—

(1) in subparagraph (A)(i)—

(A) in subclause (III), by striking ''$4,960,000,000'' and inserting ''$4,670,000,000''; and

(B) by adding at the end the following new subclause:

''(IV) For expenditures during 2014, an amount equal to $290,000,000.'';

(2) in subparagraph (A)(ii), by adding at the end the following new subclause:

''(IV) 2014.—The amount available for expenditures during 2014 shall only be available for an adjustment to the update of the conversion factor under subsection (d) for that year.''; and

(3) in subparagraph (B)—

(A) in clause (ii), by striking ''and'' at the end;

(B) in clause (iii), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following new clause:

''(iv) 2014 for payment with respect to physicians' services furnished during 2014.''.

TITLE VIII—GENERAL PROVISIONS, THIS ACT

AVAILABILITY OF FUNDS

SEC. 8001. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

EMERGENCY DESIGNATION

SEC. 8002. Each amount in each title of this Act is designated as an emergency requirement and necessary to meet emergency needs pursuant to section 204(a) of S. Con. Res. 21 (110th Congress) and section 301(b)(2) of S. Con. Res. 70 (110th Congress), the concurrent resolutions on the budget for fiscal years 2008 and 2009.

REDUCTION IN DEFENSE AMOUNTS

SEC. 8003. Notwithstanding any other provision of this Act, the total amount appropriated in chapter 1 of title IX of this Act under the headings ''Procurement'', ''Research, Development, Test and Evaluation'', and ''Defense Working Capital Funds'' is hereby reduced by $3,577,845,000. Such reduction shall be applied proportionally to each appropriation account under such headings, and to each program, project, and activity within each such appropriation account.

JOINT BASING INITIATIVES

SEC. 8004. Section 9310 of this Act is amended by inserting '', except funds deposited in the Department of Defense Base Closure Account 2005,'' after ''None of the funds available to the Department of Defense''.

DEFENSE HEALTH PROGRAM

SEC. 8005. Amounts provided for ''Defense Health Program'' in Public Law 110-28 for Post Traumatic Stress Disorder and Traumatic Brain Injury (TBI) within operation and maintenance which remain available for obligation shall be made available for psychological health and traumatic brain injury.

SHORT TITLE

SEC. 8006. This Act may be cited as the ''Supplemental Appropriations Act, 2008''.

Page 60 of the Senate engrossed amendment (of September 6, 2007) to H.R. 2642, strike lines 1 through 3.

When said motion was considered.

After debate,

Pursuant to House Resolution 1284, the previous question was ordered on the motion.

The SPEAKER pro tempore, Mr. TIERNEY, pursuant to House Resolution 1284, divided the question among the disposition of the two House amendments.

The question being put, viva voce,

Will the House agree to the amendment of the Senate to the House amendment numbered 1 to the amendment of the Senate with an amendment?

The SPEAKER pro tempore, Mr. TIERNEY, announced that the ayes had it.

Mr. OBEY demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 268 / Nays 155

¶75.29 [Roll No. 431]

YEAS—268

Aderholt
Akin
Alexander
Altmire
Bachmann
Baird
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (TX)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Cantor
Capito
Carney
Carter
Castle
Cazayoux
Chabot
Chandler
Childers
Clyburn
Coble
Cole (OK)
Conaway
Cooper
Costa
Cramer
Crenshaw
Cubin
Cuellar
Culberson
Davis (AL)
Davis (CA)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Donnelly
Doolittle
Drake
Dreier
Edwards (TX)
Ehlers
Ellsworth
Emanuel
Emerson
English (PA)
Etheridge
Everett
Fallin
Feeney
Ferguson
Forbes
Fortenberry
Fossella
Foster
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Gene
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Hill
Hinojosa
Hobson
Hoekstra
Holden
Hoyer
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Kanjorski
Keller
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Larsen (WA)
Latham
LaTourette
Latta
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Mahoney (FL)
Manzullo
Marchant
Marshall
Matheson
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mitchell
Mollohan
Moore (KS)
Moran (KS)
Murphy, Tim
Murtha
Musgrave
Myrick
Neugebauer
Ortiz
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Saxton
Scalise
Schmidt
Schwartz
Scott (GA)
Sensenbrenner
Sessions
Sestak
Shadegg
Shays
Shimkus
Shuler
Shuster
Simpson
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Snyder
Souder
Space
Spratt
Stearns
Tancredo
Tanner
Taylor
Terry
Thornberry
Tiberi
Turner
Udall (CO)
Upton
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NAYS—155

Abercrombie
Ackerman
Allen
Andrews
Arcuri
Baca
Baldwin
Becerra
Bishop (NY)
Blumenauer
Boswell
Brady (PA)
Braley (IA)
Butterfield
Campbell (CA)
Capps
Capuano
Cardoza
Carnahan
Carson
Castor
Clarke
Clay
Cleaver
Cohen
Conyers
Costello
Courtney
Crowley
Cummings
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dingell
Doggett
Doyle
Duncan
Edwards (MD)
Ellison
Engel
Eshoo
Fattah
Filner
Flake
Frank (MA)
Green, Al
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Higgins
Hinchey
Hirono
Hodes
Holt
Honda
Hooley
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kaptur
Kennedy
Kilpatrick
Klein (FL)
Kucinich
Langevin
Larson (CT)
Lee
Lewis (GA)
Loebsack
Lofgren, Zoe
Lowey
Lynch
Maloney (NY)
Markey
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McNerney
McNulty
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver

Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Price (NC)
Rahall
Rangel
Richardson
Rothman
Roybal-Allard
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Scott (VA)
Serrano
Shea-Porter
Sherman
Sires
Slaughter
Smith (WA)
Solis
Speier
Stupak
Sutton
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (NM)
Van Hollen
Velázquez
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Woolsey
Wu
Yarmuth

NOT VOTING—12

Bachus
Cannon
Farr
Gilchrest
Hulshof
Nunes
Perlmutter
Rush
Stark
Sullivan
Tiahrt
Visclosky

So the amendment of the Senate to the House amendment numbered 1 to the amendment of the Senate with an amendment was agreed to.

A motion to reconsider the vote whereby said amendment of the Senate to the House amendment numbered 1 to the amendment of the Senate with an amendment was agreed to was, by unanimous consent, laid on the table.

The question being put, viva voce,

Will the House agree to the amendment of the Senate to the House amendment numbered 2 to the amendment of the Senate with an amendment?

The SPEAKER pro tempore, Mr. TIERNEY, announced that the ayes had it.

Mr. OBEY demanded a recorded vote on agreeing to said motion, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 416 Nays 12

¶75.30 [Roll No. 432]

AYES—416

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Cazayoux
Chabot
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Forbes
Fortenberry
Fossella
Foster
Foxx
Frank (MA)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Scalise
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Snyder
Solis
Souder
Space
Speier
Spratt
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOES—12

Brady (TX)
Campbell (CA)
Cooper
DeFazio
Duncan
Flake
Franks (AZ)
Paul
Royce
Sensenbrenner
Smith (WA)
Weldon (FL)

NOT VOTING—7

Cannon
Gilchrest
Hulshof
Rush
Stark
Tiahrt
Visclosky

So the amendment of the Senate to the House amendment numbered 2 to the amendment of the Senate with an amendment was agreed to.

A motion to reconsider the vote whereby the amendment of the Senate to the House amendment numbered 2 to the amendment of the Senate with an amendment was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said amendments.

¶75.31 H. RES. 1029—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. TIERNEY, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 1029) congratulating and recognizing Mr. Juan Antonio ''Chi-Chi'' Rodriguez for his continued success on and off of the golf course, for his generosity and devotion to charity, and for his exemplary dedication to the intellectual and moral growth of thousands of low-income and disadvantaged youth in our country; as amended.

The question being put,

Will the House suspend the rules and agree to said resolution, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 415 Nays 0

¶75.32 [Roll No. 433]

YEAS—415

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

Davis, David
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Higgins
Hill
Hinchey
Hinojosa
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Musgrave
Myrick
Nadler
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Scalise
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Speier
Spratt
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Walberg
Walden (OR)
Walz (MN)
Wamp
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—19

Andrews
Cannon
Davis, Lincoln
DeLauro
Dicks
Gilchrest
Herseth Sandlin
Hirono
Hulshof
Murtha
Napolitano
Pickering
Rangel
Rush
Stark
Tiahrt
Visclosky
Walsh (NY)
Waters

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

By unanimous consent, the title was amended so as to read: ''A resolution congratulating and recognizing Mr. Juan Antonio 'Chi-Chi' Rodriguez for his continued success on and off of the golf course.''.

A motion to reconsider the votes whereby the rules were suspended and said resolution, as amended, was passed and the title was amended was, by unanimous consent, laid on the table.

¶75.33 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. TIAHRT, for today;

To Mr. VISCLOSKY, for today after 6:30 p.m. and June 20; and

To Mr. WOLF, for today from 1 p.m. through 4 p.m.

And then,

¶75.34 ADJOURNMENT

On motion of Mr. BLUMENAUER, at 11 o'clock and 40 minutes p.m., the House adjourned.

¶75.35 OATH OF OFFICE/MEMBERS, RESIDENT COMMISSIONERS & DELEGATES

The oath of office required by the sixth article of the Constitution of the United States, and as provided by section 2 of the act of May 13, 1884 (23 Stat. 22), to be administered to Members, Resident Commissioner, and Delegates of the House of Representatives, the text of which is carried in 5 U.S.C. 3331:

> ''I, AB, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God.''

has been subscribed to in person and filed in duplicate with the Clerk of the House of Representatives by the following Member of the 110th Congress, pursuant to the provisions of 2 U.S.C. 25: DONNA F. EDWARDS, Maryland, Fourth.

¶75.36 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

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

Ms. SLAUGHTER: Committee on Rules. House Resolution 1284. Resolution providing for consideration of the Senate amendments to the House amendments to the Senate amendment to the bill (H.R. 2642) making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2008, and for other purposes (Rept. 110–720). Referred to the House Calendar.

Mr. ARCURI: Committee on Rules. House Resolution 1285. Resolution providing for consideration of the bill (H.R. 6304) to amend the Foreign Intelligence Surveillance Act of 1978 to establish a procedure for authorizing certain acquisitions of foreign intelligence, and for other purposes (Rept. 110–721). Referred to the House Calendar.

Mr. FILNER: Committee on Veterans' Affairs. H.R. 2818. A bill to amend title 38, United States Code, to provide for the establishment of Epilepsy Centers of Excellence in the Veterans Health Administration of the Department of Veterans Affairs; with amendments (Rept. 110–722). Referred to the Committee of the Whole House on the state of the Union.

Mr. OBERSTAR: Committee on Transportation and Infrastructure. H.R. 2452. A bill to amend the Federal Water Pollution Control Act to ensure that sewage treatment plants monitor for and report discharges of raw sewage, and for other purposes; with an amendment (Rept. 110–723). Referred to the Committee of the Whole House on the state of the Union.

Mr. OBERSTAR: Committee on Transportation and Infrastructure. H.R. 5001. A bill to authorize the Administrator of General Services to provide for the redevelopment of the Old Post Office Building located in the District of Columbia; with an amendment (Rept. 110–724). Referred to the Committee of the Whole House on the state of the Union.

Mr. OBERSTAR: Committee on Transportation and Infrastructure. H.R. 6109. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to reauthorize the pre-disaster hazard mitigation program, and for other purposes (Rept. 110–725). Referred to the Committee of the Whole House on the state of the Union.

¶75.37 PUBLIC BILLS AND RESOLUTIONS

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

By Mr. REYES (for himself, Mr. HOEKSTRA, and Mr. SMITH of Texas):

H.R. 6304. A bill to amend the Foreign Intelligence Surveillance Act of 1978 to establish a procedure for authorizing certain acquisitions of foreign intelligence, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Intelligence (Permanent Select), for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. PELOSI:

H.R. 6305. A bill to clarify the authorities for the use of certain National Park Service properties within Golden Gate National Parks and San Francisco Maritime National Historic Park, and for other purposes; to the Committee on Natural Resources.

By Mr. FRANK of Massachusetts:

H.R. 6306. A bill to authorize United States participation in, and appropriations for the

United States contributions to, the fifteenth replenishment of the resources of the International Development Association and the eleventh replenishment of the resources of the African Development Fund, and for other purposes; to the Committee on Financial Services.

By Mr. MCDERMOTT (for himself and Mr. WELLER):

H.R. 6307. A bill to amend parts B and E of title IV of the Social Security Act to assist children in foster care in developing or maintaining connections to family, community, support, health care, and school, and for other purposes; to the Committee on Ways and Means.

By Mr. FRANK of Massachusetts (for himself, Mr. CAPUANO, and Mr. KANJORSKI):

H.R. 6308. A bill to ensure uniform and accurate credit rating of municipal bonds and provide for a review of the municipal bond insurance industry; to the Committee on Financial Services.

By Mr. ELLISON:

H.R. 6309. A bill to amend the Residential Lead-Based Paint Hazard Reduction Act of 1992 to define environmental intervention blood lead level and establish additional requirements for certain lead hazard screens, and for other purposes; to the Committee on Financial Services.

By Mr. KIND (for himself, Mr. RYAN of Wisconsin, Mr. BOREN, and Mr. PEARCE):

H.R. 6310. A bill to amend the Internal Revenue Code of 1986 to require that the payment of the manufacturers' excise tax on recreational equipment be paid quarterly; to the Committee on Ways and Means.

By Ms. BORDALLO (for herself, Mr. HASTINGS of Florida, Mr. ABERCROMBIE, Mr. KILDEE, Mr. KLEIN of Florida, Ms. MCCOLLUM of Minnesota, and Mr. KIND):

H.R. 6311. A bill to prevent the introduction and establishment of nonnative wildlife species that negatively impact the economy, environment, or human or animal species' health, and for other purposes; to the Committee on Natural Resources.

By Mr. KANJORSKI (for himself, Mr. MOORE of Kansas, and Mr. ROYCE):

H.R. 6312. A bill to advance credit union efforts to promote economic growth, modify credit union regulatory standards and reduce burdens, to provide regulatory relief and improve productivity for insured depository institutions, and for other purposes; to the Committee on Financial Services.

By Mr. ETHERIDGE:

H.R. 6313. A bill to amend the Safe Drinking Water Act to reauthorize the technical assistance to small public water systems; to the Committee on Energy and Commerce.

By Ms. EDDIE BERNICE JOHNSON of Texas (for herself, Mr. HONDA, Ms. BERKLEY, Ms. HIRONO, Mr. REYES, Mr. BAIRD, and Mr. GRIJALVA):

H.R. 6314. A bill to increase awareness of the existence of and to overcome gender bias in academic science and engineering through research and training, and for other purposes; to the Committee on Science and Technology.

By Ms. MOORE of Wisconsin (for herself, Mr. ISRAEL, Mr. FRANK of Massachusetts, and Mr. SHAYS):

H.R. 6315. A bill to authorize United States participation in, and appropriations for the United States contribution to, an international clean technology fund, and for other purposes; to the Committee on Financial Services.

By Mr. DOGGETT (for himself, Mr. BLUMENAUER, Mr. VAN HOLLEN, Mr. EMANUEL, Mr. LARSON of Connecticut, Ms. DELAURO, Mr. GEORGE MILLER of California, Ms. SLAUGHTER, Mr. BRADY of Pennsylvania, Ms. WASSERMAN SCHULTZ, Mr. LEWIS of Georgia, Mr. MCDERMOTT, Mr. OLVER, Mr. HOLT, Mr. STARK, Ms. BERKLEY, Ms. SCHWARTZ, Mr. CROWLEY, Mr. MCNULTY, Mr. MEEK of Florida, Mr. MORAN of Virginia, Mr. PASCRELL, Mr. THOMPSON of California, Mr. CONYERS, Mrs. JONES of Ohio, Mr. ACKERMAN, Mr. BISHOP of New York, Mr. CAPUANO, Ms. CASTOR, Mr. CHANDLER, Ms. CLARKE, Mr. CLEAVER, Mr. COHEN, Mr. COURTNEY, Mr. DAVIS of Illinois, Mr. ELLISON, Mr. FARR, Mr. FILNER, Mr. GUTIERREZ, Mr. HALL of New York, Mr. HARE, Mr. HINCHEY, Ms. HIRONO, Mr. HONDA, Mr. ISRAEL, Mr. JACKSON of Illinois, Ms. JACKSON-LEE of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. JOHNSON of Georgia, Mr. KENNEDY, Mr. KLEIN of Florida, Mr. KUCINICH, Ms. LEE, Ms. ZOE LOFGREN of California, Mrs. MALONEY of New York, Mr. MCGOVERN, Ms. MOORE of Wisconsin, Mr. NADLER, Mrs. NAPOLITANO, Ms. NORTON, Mr. PAYNE, Ms. LORETTA SANCHEZ of California, Mr. SCHIFF, Mr. SESTAK, Mr. SHERMAN, Mrs. TAUSCHER, Ms. TSONGAS, Ms. WATERS, Ms. WATSON, Mr. WELCH of Vermont, Mr. WEXLER, Ms. WOOLSEY, Mr. WU, Mr. YARMUTH, Mr. THOMPSON of Mississippi, Mr. HASTINGS of Florida, Mr. GRIJALVA, Mr. FATTAH, and Mr. DELAHUNT):

H.R. 6316. A bill to reduce global greenhouse gas emissions through the creation of a domestic carbon market and international trade measures, and to direct the revenue therefrom to public interests; to the Committee on Ways and Means, and in addition to the Committees on Energy and Commerce, Foreign Affairs, Science and Technology, Financial Services, Education and Labor, Natural Resources, Agriculture, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. DRAKE:

H.R. 6317. A bill to amend chapter 31 of title 40, United States Code (commonly known as the Davis-Bacon Act) to provide an exemption from the prevailing wage requirements for certain non-profit organizations; to the Committee on Education and Labor.

By Mr. HIGGINS:

H.R. 6318. A bill to designate a portion of United States Route 20A, located in Orchard Park, New York, as the ''Timothy J. Russert Highway''; to the Committee on Transportation and Infrastructure.

By Mr. HILL:

H.R. 6319. A bill to establish the Commission on Affordable Health Care to study and provide recommendations for establishing a health care system to provide affordable health care to all citizens of the United States and for the roles of certain health care entities in providing such services under such system, and to provide for expedited Congressional consideration of such recommendations; to the Committee on Energy and Commerce, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MARKEY (for himself, Mrs. WILSON of New Mexico, Mrs. CAPPS, Ms. SOLIS, and Mr. FRANK of Massachusetts):

H.R. 6320. A bill to ensure that individuals with disabilities have access to emerging Internet Protocol-based communication and video programming technologies in the 21st Century; to the Committee on Energy and Commerce.

By Mr. MCHUGH:

H.R. 6321. A bill to amend the Internal Revenue Code of 1986 to provide a refundable credit against income tax to assist individuals with high residential energy costs; to the Committee on Ways and Means.

By Ms. NORTON:

H.R. 6322. A bill to amend the District of Columbia School Reform Act of 1995 to permit the District of Columbia government to exercise authority over the Public Charter School Board in the same manner as the District government may exercise authority over other entities of the District government; to the Committee on Oversight and Government Reform.

By Mr. SENSENBRENNER (for himself, Mrs. BIGGERT, Mr. MARIO DIAZ-BALART of Florida, Mr. EHLERS, and Mr. SMITH of Texas):

H.R. 6323. A bill to establish a research, development, demonstration, and commercial application program to promote research of appropriate technologies for heavy duty plug-in hybrid vehicles, and for other purposes; to the Committee on Science and Technology.

By Mr. UDALL of Colorado (for himself and Mr. PERLMUTTER):

H.R. 6324. A bill to facilitate the importation of ethanol; to the Committee on Ways and Means.

By Mr. WEINER:

H.R. 6325. A bill to require the Administrator of the Environmental Protection Agency to establish a plan to reduce the total amount of packaging used on consumer products in the United States; to the Committee on Energy and Commerce.

By Ms. WOOLSEY:

H.R. 6326. A bill to provide for a Federal employees program to authorize the use of leave by caregivers for family members of certain individuals performing military service, and for other purposes; to the Committee on Oversight and Government Reform, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WAMP (for himself and Mr. ELLISON):

H. Con. Res. 374. Concurrent resolution supporting the spirit of peace and desire for unity displayed in the letter from 138 leading Muslim scholars, and in the Pope's response; to the Committee on Foreign Affairs.

By Mr. LEWIS of Georgia (for himself and Mr. JOHNSON of Georgia):

H. Res. 1286. A resolution recognizing and celebrating the 20th anniversary of the National Black Arts Festival; to the Committee on Education and Labor.

By Mr. MORAN of Kansas (for himself, Mr. HOBSON, and Mr. SHULER):

H. Res. 1287. A resolution commending the Honor Flight Network, its volunteers, and donors, for enabling World War II veterans to travel to our Nation's capital to see the World War II Memorial created in their honor; to the Committee on Veterans' Affairs.

By Mr. SESTAK (for himself, Mr. COSTA, Mrs. GILLIBRAND, Mrs. MCCARTHY of New York, and Mr. RAMSTAD):

H. Res. 1288. A resolution supporting the goals and ideals of National Campus Safety Awareness Month; to the Committee on Education and Labor.

By Mr. SHAYS (for himself and Mr. PERLMUTTER):

H. Res. 1289. A resolution urging the President to direct the Commodity Futures Trading Commission to work with the United

Kingdom Financial Services Authority to establish position limits on oil futures traded by traders on the Intercontinental Exchange that are similar to those established by the Commodity Futures Trading Commission for traders on the New York Mercantile Exchange; to the Committee on Agriculture.

¶75.38 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 74: Mr. GOODLATTE.
H.R. 154: Ms. WATERS, Mr. RYAN of Ohio, Ms. RICHARDSON, and Mrs. LOWEY.
H.R. 503: Mr. WATT.
H.R. 554: Mr. WAXMAN.
H.R. 760: Mr. BISHOP of New York.
H.R. 821: Ms. WOOLSEY.
H.R. 823: Mr. FOSTER.
H.R. 1050: Mr. RUSH and Mr. COHEN.
H.R. 1070: Mr. REYES.
H.R. 1228: Mr. CLEAVER.
H.R. 1321: Mr. BURGESS.
H.R. 1399: Mr. CAZAYOUX.
H.R. 1405: Mr. ROTHMAN.
H.R. 1420: Ms. SOLIS and Mr. CARSON.
H.R. 1476: Mr. HELLER.
H.R. 1552: Mrs. LOWEY.
H.R. 1589: Ms. ROS-LEHTINEN.
H.R. 1610: Mr. KING of Iowa, Ms. ZOE LOFGREN of California, Mr. MCDERMOTT, Mr. HILL, and Mr. HODES.
H.R. 1621: Mr. ELLSWORTH.
H.R. 1647: Mr. SESTAK.
H.R. 1732: Mr. BISHOP of Georgia.
H.R. 1738: Mr. BLUMENAUER.
H.R. 1770: Mr. DAVID DAVIS of Tennessee.
H.R. 1809: Mr. CARSON.
H.R. 2012: Mr. MOLLOHAN and Mr. BOREN.
H.R. 2123: Mr. CARSON.
H.R. 2165: Mr. MILLER of North Carolina.
H.R. 2169: Mrs. CHRISTENSEN.
H.R. 2244: Mrs. LOWEY.
H.R. 2260: Mr. BOREN.
H.R. 2279: Mr. KELLER, Mr. MCCARTHY of California, Mr. HASTINGS of Washington, Mrs. BLACKBURN, and Mr. MARIO DIAZ-BALART of Florida.
H.R. 2325: Mr. HOLDEN.
H.R. 2343: Mr. KILDEE, Mr. WU, and Mr. MURTHA.
H.R. 2371: Ms. SOLIS.
H.R. 2376: Mr. KLINE of Minnesota.
H.R. 2407: Ms. BORDALLO.
H.R. 2520: Mr. CARSON.
H.R. 2558: Mrs. CUBIN and Ms. PRYCE of Ohio.
H.R. 2606: Mr. PLATTS.
H.R. 2611: Mr. CARSON and Mr. SESTAK.
H.R. 2670: Mr. MARCHANT.
H.R. 2689: Mr. PASTOR.
H.R. 2762: Mr. EHLERS.
H.R. 2802: Mr. PICKERING.
H.R. 2833: Mr. HINOJOSA and Mr. HOLT.
H.R. 2842: Mr. RUSH.
H.R. 2880: Mr. FORTENBERRY.
H.R. 3008: Mr. GRIJALVA.
H.R. 3010: Mr. DICKS.
H.R. 3024: Mr. PRICE of North Carolina and Mr. LEVIN.
H.R. 3089: Mr. HASTINGS of Washington.
H.R. 3098: Mr. ROSS.
H.R. 3175: Ms. ESHOO.
H.R. 3219: Mr. ANDREWS.
H.R. 3286: Mr. WU.
H.R. 3289: Ms. RICHARDSON, Mr. THOMPSON of California, Mr. CLYBURN, Mr. MITCHELL, Ms. SLAUGHTER, and Mr. TAYLOR.
H.R. 3319: Ms. LINDA T. SÁNCHEZ of California.
H.R. 3334: Mr. BLUMENAUER.
H.R. 3366: Mr. CLEAVER and Mr. CARSON.
H.R. 3401: Mr. CLEAVER.
H.R. 3452: Mr. GALLEGLY.
H.R. 3458: Mr. KUHL of New York.
H.R. 3487: Mr. RANGEL.
H.R. 3546: Mr. SHERMAN.
H.R. 3563: Ms. NORTON.
H.R. 3622: Mr. MCCAUL of Texas and Mr. SHUSTER.
H.R. 3652: Mr. HODES.
H.R. 3654: Mr. CAZAYOUX.
H.R. 3750: Mr. EMANUEL.
H.R. 3896: Ms. HIRONO.
H.R. 3995: Mr. BOOZMAN, Mr. DANIEL E. LUNGREN of California, Mr. DAVIS of Illinois, Mr. LEWIS of Georgia, and Mr. GUTIERREZ.
H.R. 4066: Mr. SHAYS.
H.R. 4138: Mr. REICHERT.
H.R. 4183: Mrs. CHRISTENSEN, Mr. BRADY of Pennsylvania, and Ms. JACKSON-LEE of Texas.
H.R. 4335: Mr. FOSTER and Mr. BARROW.
H.R. 4450: Ms. SCHAKOWSKY and Mr. KING of New York.
H.R. 4453: Ms. WATSON.
H.R. 4460: Mr. GERLACH.
H.R. 4461: Mrs. MALONEY of New York.
H.R. 4544: Mr. ISSA, Mr. MCDERMOTT, Mrs. Davis of California, Mr. BURGESS, Mr. WALZ of Minnesota, Ms. HIRONO, Mr. BISHOP of Georgia, Mr. HOLT, Mr. PEARCE, Mr. TIBERI, and Mr. BISHOP of Utah.
H.R. 4987: Mr. BARTLETT of Maryland.
H.R. 5038: Mr. MCGOVERN.
H.R. 5155: Mr. ALTMIRE.
H.R. 5176: Mr. AL GREEN of Texas, Mr. VAN HOLLEN, Mr. VISCLOSKY, and Mr. PASTOR.
H.R. 5244: Ms. LINDA T. SÁNCHEZ of California.
H.R. 5353: Mr. DOYLE, Mrs. LOWEY, and Mr. CARSON.
H.R. 5435: Mr. BACA and Mr. GUTIERREZ.
H.R. 5454: Mr. BOREN.
H.R. 5467: Mr. HOLDEN, Mrs. GILLIBRAND, Mr. LINCOLN DAVIS of Tennessee, Mr. ROSS, Mr. BOSWELL, Mr. WILSON of Ohio, Ms. LORETTA SANCHEZ of California, and Mr. PASCRELL.
H.R. 5469: Mr. HARE.
H.R. 5488: Mr. CARSON and Mr. FARR.
H.R. 5496: Mr. RUSH.
H.R. 5516: Mr. BRADY of Pennsylvania, Mr. WALBERG, Mr. SESTAK, Mr. CARSON, Mr. ENGLISH of Pennsylvania, M. HODES, Mr. MCNERNEY, Mr. HOLDEN, Mr. GENE GREEN of Texas, Mr. LAMPSON, and Mr. DOYLE.
H.R. 5532: Mr. PRICE of North Carolina.
H.R. 5534: Mr. KIRK, Mr. BARTLETT of Maryland, and Mr. TOM DAVIS of Virginia.
H.R. 5535: Ms. MOORE of Wisconsin, Mr. PAYNE, Mrs. MALONEY of New York, Ms. WOOLSEY, Mr. ALLEN, Mrs. DAVIS of California, Mr. LOEBSACK, Mr. HINCHEY, Ms. LEE, Mr. MEEKS of New York, Mr. COHEN, Mr. MCGOVERN, Ms. SCHAKOWSKY, Mr. BLUMENAUER, Mr. JACKSON of Illinois, and Mr. PALLONE.
H.R. 5546: Mr. VISCLOSKY.
H.R. 5559: Mr. HELLER and Mr. KLINE of Minnesota.
H.R. 5564: Mrs. MCMORRIS RODGERS.
H.R. 5591: Mr. KLINE of Minnesota.
H.R. 5602: Ms. SUTTON and Ms. BALDWIN.
H.R. 5603: Mr. CARNEY.
H.R. 5611: Mr. HODES and Mr. MELANCON.
H.R. 5632: Ms. HIRONO, Ms. ESHOO, Mr. GRIJALVA, and Mr. HINCHEY.
H.R. 5660: Ms. HIRONO and Mr. STARK.
H.R. 5674: Mr. JOHNSON of Georgia.
H.R. 5709: Mr. GOODE and Mr. ALTMIRE.
H.R. 5731: Mr. DUNCAN.
H.R. 5737: Mr. MARIO DIAZ-BALART of Florida and Mr. HASTINGS of Washington.
H.R. 5739: Ms. JACKSON-LEE of Texas.
H.R. 5760: Mr. BOOZMAN.
H.R. 5767: Mr. ABERCROMBIE and Mr. LYNCH.
H.R. 5793: Mr. CALVERT and Mr. INSLEE.
H.R. 5821: Mr. FLAKE.
H.R. 5854: Mr. SCHIFF and Mr. COBLE.
H.R. 5881: Ms. LINDA T. SÁNCHEZ of California.
H.R. 5898: Ms. JACKSON-LEE of Texas.
H.R. 5908: Mr. CALVERT.
H.R. 5925: Mr. SKELTON and Ms. KAPTUR.
H.R. 5927: Mr. SHAYS.
H.R. 5942: Mr. BLUMENAUER and Mr. TIBERI.
H.R. 5971: Mr. DUNCAN.
H.R. 5984: Mr. FORTUÑO, Mr. GOHMERT, Mr. WESTMORELAND, Mr. GOODE, Mr. FEENEY, Mr. BILBRAY, Mr. WALBERG, Mr. COLE of Oklahoma, Mr. ROGERS of Kentucky, Mr. BRADY of Texas, Mr. KLINE of Minnesota, Mr. RENZI, Mr. KING of New York, Mr. WOLF, Mr. HOBSON, Mr. LUCAS, Mr. MCCARTHY of California, and Mr. THORNBERRY.
H.R. 5987: Mr. PLATTS.
H.R. 5990: Mr. SMITH of Washington.
H.R. 6032: Mr. BISHOP of Georgia.
H.R. 6057: Mr. CARSON.
H.R. 6064: Mrs. NAPOLITANO, Ms. WATSON, Ms. LEE, Mr. CARNAHAN, Mrs. MALONEY of New York, Mrs. MILLER of Michigan, Mr. KLEIN of Florida, Ms. BERKLEY, Mr. DELAHUNT, and Mr. BLUMENAUER.
H.R. 6076: Mr. BOSWELL.
H.R. 6089: Mr. GRIJALVA, Mr. MARKEY, Mr. COHEN, Mr. RUSH, and Mrs. SCHMIDT.
H.R. 6107: Mr. BOYD of Florida, Mr. TIBERI, Mr. FORTUÑO, Mr. HASTINGS of Washington, and Mr. MCCARTHY of California.
H.R. 6108: Mr. MCCARTHY of California, Mr. KELLER, and Mr. FORTUÑO.
H.R. 6133: Mr. MCCARTHY of California.
H.R. 6138: Mr. PETERSON of Pennsylvania and Mr. MCCARTHY of California.
H.R. 6144: Mr. CLEAVER.
H.R. 6151: Mr. DEFAZIO.
H.R. 6160: Mr. PASTOR, Mr. MILLER of North Carolina, and Mr. SESTAK.
H.R. 6170: Mr. SHUSTER.
H.R. 6180: Mr. DINGELL.
H.R. 6192: Mr. TANCREDO and Mr. BURTON of Indiana.
H.R. 6199: Mr. BISHOP of New York, Ms. CLARKE, and Mr. SERRANO.
H.R. 6205: Ms. BALDWIN.
H.R. 6209: Mr. ISSA and Ms. WATSON.
H.R. 6210: Ms. DEGETTE, Mr. CHILDERS, and Mr. EMANUEL.
H.R. 6211: Mr. DUNCAN, Mrs. BACHMANN, Mr. GINGREY, and Mr. CALVERT.
H.R. 6219: Mr. LATTA, Mrs. BLACKBURN, Mr. WAMP, Mr. PENCE, Mr. GALLEGLY, Mr. PUTNAM, Mr. GARRETT of New Jersey, Mr. KINGSTON, Mr. DAVID DAVIS of Tennessee, Mrs. BACHMANN, Mr. GOODE, Mr. FEENEY, Ms. FOXX, Mr. KING of Iowa, Mr. BARTLETT of Maryland, Mr. DAVIS of Kentucky, Mr. RYAN of Wisconsin, Mr. GOHMERT, Mr. WESTMORELAND, Mr. BARRETT of South Carolina, Mr. PRICE of Georgia, and Mr. JORDAN.
H.R. 6220: Mr. TERRY and Ms. PRYCE of Ohio.
H.R. 6224: Mr. GRIJALVA.
H.R. 6233: Mr. WITTMAN of Virginia.
H.R. 6234: Mr. DAVID DAVIS of Tennessee.
H.R. 6251: Mr. WELCH of Vermont, Mr. ARCURI, and Mr. BLUMENAUER.
H.R. 6256: Mr. SIRES, Mr. SCHIFF, Mr. ARCURI, Mr. ROTHMAN, Mr. SPACE, Mr. ISRAEL, and MR. LIPINSKI.
H.R. 6261: Mr. LOEBSACK.
H.R. 6265: Mr. KUHL of New York.
H.R. 6268: Mr. PERLMUTTER and Ms. DEGETTE.
H.R. 6287: Mr. DONNELLY.
H.J. Res. 39: Mrs. SCHMIDT.
H.J. Res. 50: Mr. HARE, Mr. SAXTON, Mr. DAVIS of Kentucky, Mr. ORTIZ, Mr. FARR, Ms. BORDALLO, Mr. BRADY of Pennsylvania, Mr. SPRATT, Mr. MCGOVERN, Mr. REYES, and Mr. WILSON of South Carolina.
H.J. Res. 67: Mr. FORBES.
H.J. Res. 79: Mr. WAXMAN, Mr. BISHOP of New York, and Mr. LIPINSKI.
H.J. Res. 89: Mr. RADANOVICH.
H. Con. Res. 163: Mr. ALTMIRE and Mr. CRENSHAW.
H. Con. Res. 244: Mr. LYNCH, Mr. FATTAH, and Mrs. MCCARTHY of New York.
H. Con. Res. 250: Mr. MARCHANT.
H. Con. Res. 296: Mr. EHLERS, Mr. BROUN of Georgia, Mr. BILBRAY, Mr. BUCHANAN, Mr.

RUSH, Mr. PETRI, Mrs. MYRICK, Mr. BARRETT of South Carolina, Mr. PLATTE, Mr. BUYER, Mr. HELLER, and Mr. ENGLISH of Pennsylvania.

H. Con. Res. 342: Mr. MILLER of Florida, Mrs. MUSGRAVE, Mr. GOODE, Ms. ESHOO, and Mr. MITCHELL.

H. Con. Res. 356: Mr. BOOZMAN.

H. Con. Res. 360: Ms. LINDA T. SÁNCHEZ of California.

H. Con. Res. 364: Ms. LINDA T. SÁNCHEZ of California, and Ms. HIRONO.

H. Con. Res. 369: Mr. KIRK, Mr. CALVERT, and Mr. KING of New York.

H. Res. 55: Ms. LINDA T. SÁNCHEZ of California.

H. Res. 97: Mr. SCHIFF.

H. Res. 281: Mr. MCINTYRE.

H. Res. 353: Mr. TIERNEY, Ms. DEGETTE, Mr. HONDA, Ms. SOLIS, Mr. DENT, and Ms. WATERS.

H. Res. 415: Mrs. GILLIBRAND.

H. Res. 870: Mr. SARBANES.

H. Res. 883: Ms. SOLIS and Mr. NADLER.

H. Res. 970: Mr. HALL of Texas, Mr. JOHNSON of Illinois, Mr. TIAHRT, Mr. UPTON, Mr. HOEKSTRA, Mr. LIPINSKI, Mr. EHLERS, Mr. MORAN of Kansas, Mr. CAMP of Michigan, Mr. DAVID DAVIS of Tennessee, Mr. WELLER, Mr. TERRY, Mr. CAMPBELL of California, Mrs. BLACKBURN, Mr. DAVIS of Kentucky, Mrs. CUBIN, Mr. KIRK, Mr. RADANOVICH, Mr. MANZULLO, Mr. TIM MURPHY of Pennsylvania, Mr. SULLIVAN, Mr. REHBERG, Mr. HAYES, Ms. ESHOO, Mr. SHUSTER, Mrs. MYRICK, Mr. GERLACH, Mr. PICKERING, Mr. FOSSELLA, Mr. BARRETT of South Carolina, Mr. ENGLISH of Pennsylvania, and Mr. BRADY of Texas.

H. Res. 988: Ms. ESHOO, Mr. ENGEL, Mr. GONZALEZ, Ms. SOLIS, Mr. TERRY, and Mr. BUYER.

H. Res. 1019: Mr. MCGOVERN, Mr. HONDA, and Mr. ROTHMAN.

H. Res. 1143: Mr. BOOZMAN and Mr. ISSA.

H. Res. 1151: Mr. HOLDEN, Mrs. CAPITO, Ms. BORDALLO, Mr. DAVIS of Kentucky, Mr. PLATTS, Mr. WALSH of New York, Mr. SHULER, and Mr. LIPINSKI.

H. Res. 1161: Mr. SESTAK and Mr. JOHNSON of Georgia.

H. Res. 1231: Mr. COBLE, Mr. KILDEE, Mr. BOSWELL, Mr. FEENEY, Mr. PATRICK MURPHY of Pennsylvania, Mr. LINCOLN DAVIS of Tennessee, Mr. HOLDEN, Mr. MOORE of Kansas, Mr. BOYD of Florida, Mr. SCHIFF, Mr. ELLSWORTH, Mr. BROWN of South Carolina, Mr. COHEN, Mr. BOOZMAN, Mr. BISHOP of New York, Mrs. MYRICK, Mr. THOMPSON of California, Mr. BISHOP of Georgia, Mr. RODRIGUEZ, Mr. MELANCON, Mr. ARCURI, Mr. KIND, Mr. BACA, Mrs. BOYDA of Kansas, Mr. MORAN of Kansas, Mr. TANNER, Mr. MCINTYRE, Ms. BERKLEY, Mrs. LOWEY, Mr. GALLEGLY, Mr. SNYDER, Mr. CHANDLER, Mr. MAHONEY of Florida, Mrs. GILLIBRAND, Mr. BILBRAY, Mr. WELCH of Vermont, Mr. WILSON of Ohio, and Mr. ROSS.

H. Res. 1248: Mrs. DAVIS of California, Mr. CARNEY, Mr. MURPHY of Connecticut, Mr. BILBRAY, and Mrs. GILLIBRAND.

H. Res. 1249: Mr. MILLER of North Carolina.

H. Res. 1271: Ms. BORDALLO, Mrs. MCCARTHY of New York, Mr. CARSON, and Mr. CALVERT.

H. Res. 1282: Mr. BARRETT of South Carolina, Mr. WILSON of South Carolina, Mr. BOOZMAN, Mr. ROSKAM, Mr. MCHENRY, Mr. BONNER, Ms. FOXX, and Mr. BISHOP of Utah.

H. Res. 1283: Mr. COOPER, Mr. COHEN, Mr. WOLF, Mr. ROGERS of Kentucky, Mr. MCINTYRE, Mr. HALL of Texas, Mr. MOORE of Kansas, and Mr. BILBRAY.

¶75.39 PETITIONS

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

279. The SPEAKER presented a petition of the Common Council of the City of Ithaca, New York, relative to a Resolution calling for talks to begin as early as possible between the Chinese Government and His Holiness the Dalai Lama to discuss ending the respression of Tibetan demonstrations; to the Committee on Foreign Affairs.

280. Also, a petition of the Common Council of the City of New Britain, Connecticut, relative to Resolution No. 30074 expressing opposition to the war in Iraq after it's misleading and deceptive methods of garnering initial support; jointly to the Committees on Armed Services and Foreign Affairs.

¶75.40 DELETIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 6041: Mr. CARTER, Mr. SESSIONS, Mr. MARCHANT, Ms. GRANGER, and Mr. CONAWAY.

H. Res. 356: Mr. CONAWAY.

FRIDAY, JUNE 20, 2008 (76)

The House was called to order by the SPEAKER.

¶76.1 APPROVAL OF THE JOURNAL

The SPEAKER announced she had examined and approved the Journal of the proceedings of Thursday, June 19, 2008.

Mr. WALZ of Minnesota, pursuant to clause 1, rule I, demanded a vote on agreeing to the Chair's approval of the Journal.

The question being put, viva voce,

Will the House agree to the Chair's approval of said Journal?

The SPEAKER announced that the yeas had it.

Mr. WALZ of Minnesota, objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

The point of no quorum was considered as withdrawn.

¶76.2 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

7235. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Dairy Product Mandatory Reporting [Doc. #AMS-DA-07-0047; DA-06-07] (RIN: 0581-AC66) received June 17, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7236. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Fenoxaprop-ethyl; Pesticide Tolerances for Emergency Exemptions [EPA-HQ-OPP-2007-1107; FRL-8366-6] received June 13, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7237. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Flutolanil; Pesticide Tolerances [EPA-HQ-OPP-2007-1021; FRL-8365-6] received June 9, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7238. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; State of Missouri [EPA-R07-OAR-2008-0392; FRL-8581-9] received June 13, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7239. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; State of Missouri [EPA-R07-OAR-2008-0342; FRL-8581-7] received June 13, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7240. A letter from the Director, Regulatory and Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Alabama; Prevention of Significant Deterioration and Nonattainment New Source Review; Correction [R04-OAR-2007-0532-200810(c); FRL-8579-6] received June 13, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7241. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Utah: Final Authorization of State Hazardous Waste Management Program Revisions [EPA-R08-RCRA-2006-0127; FRL-8569-9] received May 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7242. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Update of Continuous Instrumental Test Methods: Technical Amendments [EPA-HQ-OAR-2002-0071; FRL-8568-7] (RIN: 2060-AP13) received May 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7243. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Standards of Performance for Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry; Standards of Performance for Equipment Leaks VOC in Petroleum Refineries [EPA-HQ-OAR-2006-0699; FRL-8568-8] (RIN: 2060-AO90) received May 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7244. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Standards of Performance for Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry; Standards of Performance for Equipment Leaks of VOC in Petroleum Refineries [EPA-HQ-OAR-2006-0699; FRL-8569-1] (RIN: 2060-AO90) received May 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7245. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Designation of Areas for Air Quality Planning Purposes; California; Ventura Ozone Nonattainment Area; Reclassification to Serious [EPA-R09-OAR-2008-0435; FRL-8568-3] received May 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7246. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Clean Air Act Approval and Promulgation of Air Quality Implementation Plan Revision for North Dakota; Revisions to the Air Pollution Control Rules and Alternative Monitoring Plan for Mandan Refinery; Delegation of Authority for New Source Performance Standards [EPA-R08-OAR-2007-0617; FRL-8570-2] received May 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7247. A letter from the Associate General Counsel, Government Accountability Office, transmitting the Office's report on a major rule promulgated by the Environmental Protection Agency, entitled ''Control of Emissions of Air Pollution From Locomotive Engines and Marine Compression-Ignition Engines Less Than 30 Liters per Cylinder,'' pursuant to 5 U.S.C. 801(a)(2)(A); to the Committee on Energy and Commerce.

7248. A letter from the Associate General Counsel, Government Accountability Office, transmitting the Office's report on a major rule promulgated by the Department of Health and Human Services, Food and Drug Administration, entitled ''Substances Prohibited From Use in Animal Food or Feed,'' pursuant to 5 U.S.C. 801(a)(2)(A); to the Committee on Energy and Commerce.

7249. A letter from the Chairman, Nuclear Regulatory Commission, transmitting a copy of a draft bill that would amend the Atomic Energy Act of 1954 and the Energy Reorganization Act of 1974; to the Committee on Energy and Commerce.

7250. A letter from the Chairman, Nuclear Regulatory Commission, transmitting the Commission's report on orders that designate new types of information to be protected as ''Safeguards Information''; to the Committee on Energy and Commerce.

7251. A letter from the General Counsel, National Oceanic and Atmospheric Administration, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Civil Procedures [Docket No. 040902252-6040-02; I.D. 092804C] (RIN: 0648-AS54) received June 16, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7252. A letter from the Secretary, Department of Health and Human Services, transmitting the report entitled ''Third Report to Congress on the Evaluation of the Medicare Coordinated Care Demonstration'' in response to the requirements Section 4016(c) of Public Law 105-33, the Balanced Budget Act of 1997; jointly to the Committees on Energy and Commerce and Ways and Means.

7253. A letter from the Associate General Counsel, Government Accountability Office, transmitting the Office's report on a major rule promulgated by the Department of Health and Human Services, Centers for Medicare and Medicaid Services, entitled ''Medicare Program; Inpatient Psychiatric Facilities Prospective Payment System Update for Rate Year Beginning July 1, 2008 (RY 2009),'' pursuant to 5 U.S.C. 801(a)(2)(A); jointly to the Committees on Energy and Commerce and Ways and Means.

7254. A letter from the Chairman, Medicare Payment Advisory Commission, transmitting a copy of the Commission's ''June 2008 Report to the Congress: Reforming the Delivery System''; jointly to the Committees on Energy and Commerce and Ways and Means.

7255. A letter from the Secretary, Department of Transportation, transmitting a copy of a draft bill, ''To authorize certain maritime programs of the Department of Transportation, and for other purposes''; jointly to the Committees on Transportation and Infrastructure, Armed Services, Ways and Means, and Natural Resources.

¶76.3 PROVIDING FOR CONSIDERATION OF H.R. 5876

Mr. CARDOZA, by direction of the Committee on Rules, called up the following resolution (H. Res. 1276):

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 5876) to require certain standards and enforcement provisions to prevent child abuse and neglect in residential programs, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Education and Labor. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Education and Labor now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived except those arising under clause 10 of rule XXI. Notwithstanding clause 11 of rule XVIII, no amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived except those arising under clause 9 or 10 of rule XXI. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. During consideration in the House of H.R. 5876 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

When said resolution was considered.

After debate,

Mr. CARDOZA moved the previous question on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House now order the previous question?

The SPEAKER pro tempore, Mrs. TAUSCHER, announced that the yeas had it.

Mr. Lincoln DIAZ-BALART of Florida, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mrs. TAUSCHER, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶76.4 MESSAGE FROM THE SENATE

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

H. Con. Res. 337. A concurrent resolution honoring Seeds of Peace for its 15th anniversary as an organization promoting understanding, reconciliation, acceptance, coexistence, and peace in the Middle East, South Asia, and other regions of conflict.

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

S. 2159. An Act to require the Secretary of the Treasury to mint coins in commemoration of the 50th anniversary of the establishment of the National Aeronautics and Space Administration.

S. 2607. An Act to make a technical correction to section 3009 of the Deficit Reduction Act of 2005.

S. Con. Res. 91. A concurrent resolution honoring Army Specialist Monica L. Brown, of Lake Jackson, Texas, extending gratitude to her and her family, and pledging continuing support for the men and women of the United States Armed Forces.

¶76.5 PROVIDING FOR CONSIDERATION OF H.R. 6304

Mr. ARCURI, by direction of the Committee on Rules, called up the following resolution (H. Res. 1285):

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 6304) to amend the Foreign Intelligence Surveillance Act of 1978 to establish a procedure for authorizing certain acquisitions of foreign intelligence, and for other purposes. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI.

The bill shall be considered as read. All points of order against provisions of the bill are waived. The previous question shall be considered as ordered on the bill to final passage without intervening motion except: (1) one hour of debate equally divided among and controlled by the chairman and ranking minority member of the Committee on the Judiciary and the chairman and ranking minority member of the Permanent Select Committee on Intelligence; and (2) one motion to recommit.

SEC. 2. During consideration of H.R. 6304, pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

When said resolution was considered.

After debate,

On motion of Mr. ARCURI, the previous question was ordered on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mrs. TAUSCHER, announced that the yeas had it.

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶76.6 APPROVAL OF THE JOURNAL— UNFINISHED BUSINESS

The SPEAKER pro tempore, Mrs. TAUSCHER, pursuant to clause 8, rule

XX, announced the unfinished business to be the question on agreeing to the Chair's approval of the Journal of Thursday, June 19, 2008.

The question being put, viva voce,

Will the House agree to the Chair's approval of said Journal?

The SPEAKER pro tempore, Mrs. TAUSCHER, announced that the yeas had it.

The question being put, viva voce,

Will the House agree to the Chair's approval of said Journal?

The SPEAKER pro tempore, Mrs. TAUSCHER, announced that the yeas had it.

Mr. ARCURI demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 230 Nays 168

¶76.7 [Roll No. 434]

YEAS—230

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

NAYS—168

Aderholt
Akin
Alexander
Altmire
Bachus
Barrett (SC)
Biggert
Bilirakis
Blackburn
Boehner
Bonner
Bono Mack
Boozman
Brady (TX)
Broun (GA)
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Carney
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Ellsworth
Emerson
Everett
Fallin
Feeney
Flake
Forbes
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Granger
Graves
Hall (TX)
Heller
Hensarling
Herger
Hill
Hobson
Hoekstra
Hunter
Inglis (SC)
Issa
Johnson, Sam
Jordan
Keller
King (IA)
King (NY)
Kingston
Kline (MN)
Knollenberg
Kucinich
LaHood
Lamborn
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (MI)
Miller, Gary
Mitchell
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (MN)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Putnam
Ramstad
Regula
Rehberg
Renzi
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Stupak
Sullivan
Tancredo
Terry
Thompson (CA)
Thornberry
Tiberi
Turner
Udall (CO)
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Westmoreland
Wilson (SC)
Wittman (VA)
Wolf
Young (FL)

NOT VOTING—36

Bartlett (MD)
Barton (TX)
Bilbray
Blunt
Boustany
Brown-Waite, Ginny
Cannon
Cubin
Culberson
Davis, Lincoln
Fattah
Ferguson
Fortenberry
Gerlach
Gilchrest
Gingrey
Gohmert
Gordon
Jones (NC)
Kennedy
Langevin
Meeks (NY)
Oberstar
Paul
Peterson (PA)
Radanovich
Reynolds
Ruppersberger
Rush
Stark
Tiahrt
Towns
Visclosky
Weller
Wilson (NM)
Young (AK)

So the Journal was approved.

¶76.8 H. RES. 1276—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mrs. TAUSCHER, pursuant to clause 8, rule XX, announced the further unfinished business to be the question on ordering the previous question on the resolution (H. Res. 1276) providing for the consideration of the bill (H.R. 5876) to require certain standards and enforcement provisions to prevent child abuse and neglect in residential programs, and for other purposes

The question being put,

Will the House now order the previous question?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 220 Nays 179

¶76.9 [Roll No. 435]

YEAS—220

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

NAYS—179

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Biggert
Bilirakis
Bishop (UT)

Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Carter
Castle
Cazayoux
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Fallin
Feeney
Flake
Forbes
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gingrey
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hill
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Ramstad
Regula
Rehberg
Reichert
Renzi
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Westmoreland
Wilson (SC)
Wittman (VA)
Wolf
Young (FL)

NOT VOTING—35

Bartlett (MD)
Barton (TX)
Bilbray
Brown-Waite, Ginny
Cannon
Cubin
Davis, Lincoln
Fattah
Ferguson
Fortenberry
Gerlach
Gilchrest
Gohmert
Gordon
Hall (NY)
Herseth Sandlin
Jones (NC)
Kagen
Langevin
Meeks (NY)
Oberstar
Paul
Peterson (PA)
Radanovich
Reynolds
Ruppersberger
Rush
Stark
Tiahrt
Towns
Visclosky
Weller
Whitfield (KY)
Wilson (NM)
Young (AK)

So the previous question on the resolution was ordered.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mrs. TAUSCHER, announced that the yeas had it.

Mr. ARCURI demanded a recorded vote on agreeing to said resolution, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 223 / Nays 185

¶76.10 [Roll No. 436]

AYES—223

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

NOES—185

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Barton (TX)
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Carter
Castle
Cazayoux
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey
Goode
Goodlatte
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hill
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Westmoreland
Whitfield (KY)
Wilson (SC)
Wittman (VA)
Wolf
Young (FL)

NOT VOTING—26

Bartlett (MD)
Bilbray
Brown-Waite, Ginny
Cannon
Davis, Lincoln
Ferguson
Gilchrest
Gohmert
Granger
Jones (NC)
Langevin
Meeks (NY)
Oberstar
Paul
Peterson (PA)
Reynolds
Ruppersberger
Rush
Scott (GA)
Stark
Tiahrt
Towns
Visclosky
Weller
Wilson (NM)
Young (AK)

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶76.11 FOREIGN INTELLIGENCE SURVEILLANCE

Mr. CONYERS, pursuant to House Resolution 1285, called up for consideration the bill (H.R. 6304) to amend the Foreign Intelligence Surveillance Act of 1978 to establish a procedure for authorizing certain acquisitions of foreign intelligence, and for other purposes.

Pending consideration of said bill.

Pursuant to House Resolution 1285, the SPEAKER pro tempore, Mrs. TAUSCHER, recognized Messrs. CONYERS, SMITH of Texas, REYES, and HOEKSTRA, for 15 minutes each.

When said bill was considered.

After debate,

The previous question having been ordered by said resolution.

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

The question being put, viva voce,

Will the House pass said bill?

The SPEAKER pro tempore, Mrs. TAUSCHER, announced that the yeas had it.

Mr. CONYERS demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 293 Nays 129

¶76.12 [Roll No. 437]

YEAS—293

Ackerman	Emerson	McIntyre
Aderholt	Engel	McKeon
Akin	English (PA)	McMorris Rodgers
Alexander	Etheridge	McNerney
Altmire	Everett	Meeks (NY)
Arcuri	Fallin	Melancon
Baca	Feeney	Mica
Bachmann	Ferguson	Miller (FL)
Bachus	Flake	Miller (MI)
Baird	Forbes	Miller, Gary
Barrett (SC)	Fortenberry	Mitchell
Barrow	Fossella	Moore (KS)
Bartlett (MD)	Foxx	Moran (KS)
Barton (TX)	Franks (AZ)	Murphy, Patrick
Bean	Frelinghuysen	Murphy, Tim
Berkley	Gallegly	Murtha
Berman	Garrett (NJ)	Musgrave
Berry	Gerlach	Myrick
Biggert	Giffords	Neugebauer
Bilbray	Gillibrand	Nunes
Bilirakis	Gingrey	Ortiz
Bishop (GA)	Goode	Pearce
Bishop (NY)	Goodlatte	Pelosi
Bishop (UT)	Gordon	Pence
Blackburn	Granger	Perlmutter
Blunt	Graves	Peterson (MN)
Boehner	Green, Al	Petri
Bonner	Green, Gene	Pickering
Bono Mack	Gutierrez	Pitts
Boozman	Hall (TX)	Platts
Boren	Harman	Poe
Boswell	Hastings (FL)	Pomeroy
Boucher	Hastings (WA)	Porter
Boustany	Hayes	Price (GA)
Boyd (FL)	Heller	Pryce (OH)
Boyda (KS)	Hensarling	Putnam
Brady (TX)	Herger	Radanovich
Broun (GA)	Herseth Sandlin	Rahall
Brown (SC)	Higgins	Ramstad
Brown, Corrine	Hinojosa	Regula
Buchanan	Hobson	Rehberg
Burgess	Hoekstra	Reichert
Burton (IN)	Holden	Renzi
Butterfield	Hoyer	Reyes
Buyer	Hulshof	Richardson
Calvert	Hunter	Rodriguez
Camp (MI)	Inglis (SC)	Rogers (AL)
Campbell (CA)	Issa	Rogers (KY)
Cantor	Johnson, Sam	Rogers (MI)
Capito	Jordan	Rohrabacher
Cardoza	Kanjorski	Ros-Lehtinen
Carney	Keller	Roskam
Carter	Kildee	Ross
Castle	Kind	Royce
Castor	King (IA)	Ruppersberger
Cazayoux	King (NY)	Ryan (WI)
Chabot	Kingston	Salazar
Chandler	Kirk	Sali
Childers	Klein (FL)	Saxton
Cleaver	Kline (MN)	Scalise
Clyburn	Knollenberg	Schiff
Coble	Kuhl (NY)	Schmidt
Cole (OK)	LaHood	Scott (GA)
Conaway	Lamborn	Sensenbrenner
Cooper	Lampson	Sessions
Costa	Langevin	Sestak
Cramer	Latham	Shadegg
Crenshaw	LaTourette	Shays
Crowley	Latta	Sherman
Cubin	Lewis (CA)	Shimkus
Cuellar	Lewis (KY)	Shuler
Culberson	Linder	Shuster
Davis (AL)	Lipinski	Simpson
Davis (KY)	LoBiondo	Sires
Davis, David	Lowey	Skelton
Davis, Lincoln	Lucas	Smith (NE)
Davis, Tom	Lungren, Daniel E.	Smith (NJ)
Deal (GA)	Mack	Smith (TX)
Dent	Mahoney (FL)	Smith (WA)
Diaz-Balart, L.	Manzullo	Snyder
Diaz-Balart, M.	Marchant	Souder
Dicks	Marshall	Space
Donnelly	Matheson	Spratt
Doolittle	McCarthy (CA)	Stearns
Drake	McCarthy (NY)	Stupak
Dreier	McCaul (TX)	Sullivan
Duncan	McCotter	Tancredo
Edwards (TX)	McCrery	Tanner
Ehlers	McHenry	Tauscher
Ellsworth	McHugh	Taylor
Emanuel		
Terry	Walden (OR)	Wilson (SC)
Thompson (MS)	Walsh (NY)	Wittman (VA)
Thornberry	Wamp	Wolf
Tiberi	Weldon (FL)	Yarmuth
Turner	Westmoreland	Young (AK)
Udall (CO)	Whitfield (KY)	Young (FL)
Upton	Wilson (NM)	
Walberg	Wilson (OH)	

NAYS—129

Abercrombie	Holt	Oberstar
Allen	Honda	Obey
Andrews	Hooley	Olver
Baldwin	Inslee	Pallone
Becerra	Israel	Pascrell
Blumenauer	Jackson (IL)	Pastor
Brady (PA)	Jackson-Lee (TX)	Payne
Braley (IA)	Jefferson	Price (NC)
Capps	Johnson (GA)	Rangel
Capuano	Johnson (IL)	Rothman
Carnahan	Johnson, E. B.	Roybal-Allard
Carson	Jones (OH)	Ryan (OH)
Clarke	Kagen	Sánchez, Linda T.
Clay	Kaptur	Sanchez, Loretta
Cohen	Kennedy	Sarbanes
Conyers	Kilpatrick	Schakowsky
Costello	Kucinich	Schwartz
Courtney	Larsen (WA)	Scott (VA)
Cummings	Larson (CT)	Serrano
Davis (CA)	Lee	Shea-Porter
Davis (IL)	Levin	Slaughter
DeFazio	Lewis (GA)	Solis
DeGette	Loebsack	Speier
Delahunt	Lofgren, Zoe	Sutton
DeLauro	Lynch	Thompson (CA)
Dingell	Maloney (NY)	Tierney
Doggett	Markey	Towns
Doyle	Matsui	Tsongas
Edwards (MD)	McCollum (MN)	Udall (NM)
Ellison	McDermott	Van Hollen
Eshoo	McGovern	Velázquez
Farr	McNulty	Walz (MN)
Fattah	Meek (FL)	Wasserman Schultz
Filner	Michaud	Waters
Foster	Miller (NC)	Watson
Frank (MA)	Miller, George	Watt
Gonzalez	Mollohan	Waxman
Grijalva	Moore (WI)	Weiner
Hall (NY)	Moran (VA)	Welch (VT)
Hare	Murphy (CT)	Wexler
Hill	Nadler	Woolsey
Hinchey	Napolitano	Wu
Hirono	Neal (MA)	
Hodes		

NOT VOTING—13

Brown-Waite, Ginny	Jones (NC)	Stark
Cannon	Paul	Tiahrt
Gilchrest	Peterson (PA)	Visclosky
Gohmert	Reynolds	Weller
	Rush	

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶76.13 ADJOURNMENT OVER

On motion of Mr. HOYER, by unanimous consent,

Ordered, That when the House adjourns today, it adjourn to meet on Monday, June 23, 2008, at 12:30 p.m., for morning-hour debate.

¶76.14 CALENDAR WEDNESDAY BUSINESS DISPENSED WITH

On motion of Mr. HOYER, by unanimous consent,

Ordered, That business in order for consideration on Wednesday, June 25, 2008, under clause 6, rule XV, the Calendar Wednesday rule, be dispensed with.

¶76.15 APPOINTMENT—COMMISSION ON WARTIME CONTRACTING

The SPEAKER pro tempore, Mr. ARCURI, pursuant to section 841(b) of the National Defense Authorization Act for fiscal year 2008 (Public Law 110-181), and the order of the House of January 4, 2007, announced a joint appointment by the Speaker and the Majority Leader of the Senate and an appointment by the Speaker on the part of the House to the Commission on Wartime Contracting: Joint Appointment: Mr. Michael J. Thibault of Reston, Virginia, Co-Chairman; Speaker's Appointment: Mr. Clark Kent Ervin of Washington, D.C.

Ordered, That the Clerk notify the Senate of the foregoing appointments.

¶76.16 SENATE BILL AND CONCURRENT RESOLUTION REFERRED

A bill and a concurrent resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 2607. An Act to make a technical correction to section 3009 of the Deficit Reduction Act of 2005; to the Committee on Energy and Commerce.

S. Con. Res. 91. A concurrent resolution honoring Army Specialist Monica L. Brown, of Lake Jackson, Texas, extending gratitude to her and her family, and pledging continuing support for the men and women of the United States Armed Forces, to the Committee on Armed Services.

¶76.17 ENROLLED BILLS SIGNED

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

H.R. 634. An Act to require the Secretary of the Treasury to mint coins in commemoration of veterans who became disabled for life while serving in the Armed Forces of the United States.

H.R. 814. An Act to require the Consumer Product Safety Commission to issue regulations mandating child-resistant closures on all portable gasoline containers.

H.R. 5778. An Act to preserve the independence of the District of Columbia Water and Sewer Authority.

¶76.18 SENATE ENROLLED BILLS SIGNED

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

S. 188. An Act to revise the short title of the Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006.

S. 254. An Act to award posthumously a Congressional gold medal to Constantino Brumidi.

S. 682. An Act to award a congressional gold medal to Edward William Brooke III in recognition of his unprecedented and enduring service to our Nation.

S. 1692. An Act to grant a Federal charter to Korean War Veterans Association, Incorporated.

S. 2146. An Act to authorize the Administrator of the Environmental Protection Agency to accept, as part of a settlement, diesel emission reduction Supplemental Environmental Projects, and for other purposes.

¶76.19 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Ms. Ginny BROWN-WAITE of Florida, for today;

To Mr. JONES of North Carolina, for today;

To Mr. TIAHRT, for today; and

To Mr. WELLER of Illinois, for today.

And then,

¶76.20 ADJOURNMENT

On motion of Mr. BARTLETT of Maryland, pursuant to the previous order of the House, at 3 o'clock and 45 minutes p.m., the House adjourned until 12:30 p.m. on Monday, June 23, 2008.

¶76.21 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

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

Mr. CONYERS: Committee on the Judiciary. H.R. 4044. A bill to amend the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 to exempt from the means test in bankruptcy cases, for a limited period, qualifying reserve-component members who, after September 11, 2001, are called to active duty or to perform a homeland defense activity for not less than 60 days; with an amendment (Rept. 110–726). Referred to the Committee of the Whole House on the state of the Union.

Mr. OBERSTAR: Committee on Transportation and Infrastructure. H.R. 6052. A bill to promote increased public transportation use, to promote increased use of alternative fuels in providing public transportation, and for other purposes (Rept. 110–727 Pt. 1); ordered to be printed.

Mr. RANGEL: Committee on Ways and Means. H.R. 6275. A bill to amend the Internal Revenue Code of 1986 to provide individuals temporary relief from the alternative minimum tax, and for other purposes; with an amendment (Rept. 110–728). Referred to the Committee of the Whole House on the state of the Union.

¶76.22 TIME LIMITATION OF REFERRED BILL

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

H.R. 554. Referral to the Committee on Agriculture extended for a period ending not later than July 18, 2008.

¶76.23 REPORTED BILLS SEQUENTIALLY REFERRED

Under clause 2 of rule XII, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

H.R. 554. A bill to provide for the protection of paleontological resources on Federal lands, and for other purposes; with an amendment; referred to the Committee on Judiciary for a period ending not later than July 18, 2008, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(k), rule X.

¶76.24 COMMITTEE DISCHARGED

Pursuant to clause 2 of rule XII, the Committee on Oversight and Government Reform discharged from further consideration. H.R. 6052 referred to the Committee of the Whole House on the state of the Union.

¶76.25 PUBLIC BILLS AND RESOLUTIONS

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

By Mr. RANGEL (for himself, Mr. OBERSTAR, Mr. COSTELLO, Mr. MICA, Mr. PETRI, and Mr. BLUMENAUER):

H.R. 6327. A bill to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BERMAN (for himself, Mr. ACKERMAN, Mr. DELAHUNT, Mr. SHAYS, and Ms. ZOE LOFGREN of California):

H.R. 6328. A bill to develop a policy to address the critical needs of Iraqi refugees; to the Committee on Foreign Affairs.

By Mrs. CUBIN:

H.R. 6329. A bill to expedite the construction of new refining capacity on brownfield sites in the United States, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STUPAK (for himself, Mr. LARSON of Connecticut, Mr. MCHUGH, Mr. ALLEN, Mr. UDALL of Colorado, Mr. CARNEY, Mr. KILDEE, Ms. SUTTON, Mr. HINCHEY, Mr. COURTNEY, Mr. DONNELLY, Mr. ALTMIRE, Mr. FATTAH, Ms. SCHWARTZ, Mr. DEFAZIO, Mr. VISCLOSKY, Mr. WELCH of Vermont, Mrs. DAVIS of California, Mr. BISHOP of New York, Ms. SCHAKOWSKY, Ms. SLAUGHTER, Mr. INSLEE, Mrs. CAPPS, Mr. BAIRD, Mr. THOMPSON of California, Ms. HIRONO, Mr. WILSON of Ohio, Mr. MCGOVERN, Mr. CHANDLER, Mrs. MCCARTHY of New York, Mr. MICHAUD, Mr. HILL, Mr. PATRICK MURPHY of Pennsylvania, Ms. RICHARDSON, Mr. HODES, Mr. BLUMENAUER, Mr. GRIJALVA, Mr. PASCRELL, Mr. ROSS, Ms. SOLIS, Mr. DOYLE, Ms. BALDWIN, Mr. CONYERS, Mr. DELAHUNT, Mr. PASTOR, and Mr. CAPUANO):

H.R. 6330. A bill to provide for regulation of certain transactions involving energy commodities, to strengthen the enforcement authorities of the Federal Energy Regulatory Commission under the Natural Gas Act and the Federal Power Act, and for other purposes; to the Committee on Agriculture, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RANGEL (for himself and Mr. DINGELL):

H.R. 6331. A bill to amend titles XVIII and XIX of the Social Security Act to extend expiring provisions under the Medicare Program, to improve beneficiary access to preventive and mental health services, to enhance low-income benefit programs, and to maintain access to care in rural areas, including pharmacy access, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CLYBURN (for himself, Mr. GEORGE MILLER of California, Mr. ABERCROMBIE, Mr. BECERRA, Mr. BISHOP of Georgia, Ms. CORRINE BROWN of Florida, Mr. CARDOZA, Mrs. CHRISTENSEN, Mr. CLAY, Mr. CONYERS, Mr. CUMMINGS, Mr. DAVIS of Illinois, Mr. FALEOMAVAEGA, Mr. GONZALEZ, Mr. GUTIERREZ, Mr. HINOJOSA, Mr. HONDA, Ms. JACKSON-LEE of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. JONES of Ohio, Ms. LEE, Ms. MATSUI, Mr. MEEKS of New York, Mrs. NAPOLITANO, Mr. BACA, Mr. BERMAN, Ms. BORDALLO, Mr. BUTTERFIELD, Mr. CARSON, Ms. CLARKE, Mr. CLEAVER, Mr. COSTA, Mr. DAVIS of Alabama, Mr. ELLISON, Mr. FATTAH, Mr. AL GREEN of Texas, Mr. HASTINGS of Florida, Ms. HIRONO, Mr. JACKSON of Illinois, Mr. JEFFERSON, Mr. JOHNSON of Georgia, Ms. KILPATRICK, Mr. LEWIS of Georgia, Mr. MEEK of Florida, Ms. MOORE of Wisconsin, Ms. NORTON, Mr. ORTIZ, Mr. PAYNE, Ms. RICHARDSON, Ms. ROYBAL-ALLARD, Mr. SALAZAR, Ms. LORETTA SANCHEZ of California, Ms. LINDA T. SÁNCHEZ of California, Mr. SCOTT of Georgia, Mr. SERRANO, Ms. SOLIS, Ms. VELÁZQUEZ, Ms. WATSON, Mr. WU, Mr. PASTOR, Mr. RANGEL, Mr. RODRIGUEZ, Mr. RUSH, Ms. SCHAKOWSKY, Mr. SCOTT of Virginia, Mr. SIRES, Mr. THOMPSON of Mississippi, Ms. WATERS, and Mr. WATT):

H.R. 6332. A bill to authorize additional appropriations for summer youth employment activities under the Workforce Invesment Act of 1998 for fiscal years 2008 and 2009; to the Committee on Education and Labor.

By Mr. FRANK of Massachusetts (for himself, Mr. NEAL of Massachusetts, Mr. CAPUANO, Mr. KANJORSKI, and Mr. CLEAVER):

H.R. 6333. A bill to amend the Internal Revenue Code of 1986 to modify the limitations on the deduction of interest by financial institutions which hold tax-exempt bonds; to the Committee on Ways and Means.

By Mr. ETHERIDGE:

H.R. 6334. A bill to provide energy price relief by authorizing greater resources and authority for the Commodity Futures Trading Commission, and for other purposes; to the Committee on Agriculture.

By Ms. CORRINE BROWN of Florida:

H.R. 6335. A bill to provide for the transfer to the Government of Haiti of the real property of the former United States Embassy in Port-au-Prince, Haiti; to the Committee on Foreign Affairs.

By Mr. DELAHUNT:

H.R. 6336. A bill to extend the authority for the Cape Cod National Seashore Advisory Commission; to the Committee on Natural Resources.

By Ms. KILPATRICK (for herself, Mr. COHEN, and Mr. BACA):

H.R. 6337. A bill to amend the Public Health Service Act to attract and retain trained health care professionals and direct care workers dedicated to providing quality care to the growing population of older Americans; to the Committee on Energy and Commerce.

By Mr. KLEIN of Florida (for himself, Mr. MILLER of Florida, Mr. HASTINGS of Florida, Mr. BOYD of Florida, Mr. WEXLER, Ms. WASSERMAN SCHULTZ, Mr. MACK, Ms. GINNY BROWN-WAITE of Florida, Mr. MARIO DIAZ-BALART of Florida, Mr. YOUNG of Florida, Ms. ROS-LEHTINEN, Ms. CORRINE BROWN of Florida, Mr. CRENSHAW, Mr. STEARNS, Mr. BILIRAKIS, Ms. CASTOR, Mr. BUCHANAN, Mr. KELLER, Mr. MAHONEY of Florida, Mr. WELDON of Florida, Mr. MEEK of Florida, Mr. LINCOLN

DIAZ-BALART of Florida, Mr. FEENEY, and Mr. MICA):

H.R. 6338. A bill to designate the facility of the United States Postal Service located at 4233 West Hillsboro Boulevard in Coconut Creek, Florida, as the ''Army SPC Daniel Agami Post Office Building''; to the Committee on Oversight and Government Reform.

By Ms. ZOE LOFGREN of California (for herself, Mr. VAN HOLLEN, Mr. MORAN of Virginia, Mr. TOM DAVIS of Virginia, Ms. NORTON, and Mr. HOYER):

H.R. 6339. A bill to amend title 5, United States Code, to provide additional leave for Federal employees to serve as poll workers, and to direct the Election Assistance Commission to make grants to States for poll worker recruitment and training; to the Committee on Oversight and Government Reform, and in addition to the Committee on House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. LOWEY (for herself, Mr. KING of New York, Mr. FOSSELLA, Mr. MCNULTY, Mr. REYNOLDS, Mr. TOWNS, Mr. MCHUGH, Mr. KUHL of New York, Mr. ENGEL, Mr. WALSH of New York, Ms. CLARKE, Mr. BISHOP of New York, Mr. ACKERMAN, Mr. SERRANO, Ms. VELÁZQUEZ, Mr. ISRAEL, Mr. WEINER, Mrs. MALONEY of New York, Mrs. GILLIBRAND, Mr. CROWLEY, Mr. ARCURI, Mr. HINCHEY, Mr. RANGEL, Mr. HALL of New York, Mrs. MCCARTHY of New York, Mr. MEEKS of New York, Ms. SLAUGHTER, Mr. NADLER, and Mr. HIGGINS):

H.R. 6340. A bill to designate the Federal building and United States Courthouse located at 300 Quarropas Street in White Plains, New York, as the ''Charles L. Brieant, Jr. Federal Building and United States Courthouse''; to the Committee on Transportation and Infrastructure.

By Mr. VAN HOLLEN (for himself, Ms. DELAURO, Ms. SUTTON, Mr. WEXLER, Mr. SCHIFF, Mr. BECERRA, Mr. WELCH of Vermont, Mr. HIGGINS, Mr. DELAHUNT, and Mr. GRIJALVA):

H.R. 6341. A bill to amend the Commodity Exchange Act to provide for regulation of energy derivatives, and for other purposes; to the Committee on Agriculture.

By Mr. WILSON of Ohio (for himself, Mr. KUCINICH, Mr. RYAN of Ohio, Mr. HOBSON, Mrs. SCHMIDT, Mr. REGULA, Ms. SUTTON, Mr. SPACE, Ms. PRYCE of Ohio, Ms. KAPTUR, Mr. LATOURETTE, Mr. LATTA, Mr. TURNER, and Mrs. JONES of Ohio):

H.R. 6342. A bill to designate the facility of the United States Postal Service located at 440 2nd Avenue in Gallipolis, Ohio, as the ''Bob Evans Post Office Building''; to the Committee on Oversight and Government Reform.

By Ms. GIFFORDS:

H. Con. Res. 375. Concurrent resolution to honor the goal of the International Year of Astronomy, and for other purposes; to the Committee on Science and Technology.

By Mr. BERMAN (for himself, Ms. LEE, Mr. ACKERMAN, Mr. PAYNE, Ms. JACKSON-LEE of Texas, Ms. WOOLSEY, Ms. ROS-LEHTINEN, Mr. CHABOT, Mr. ENGEL, Mr. SMITH of New Jersey, Mr. WOLF, Ms. ZOE LOFGREN of California, Mr. BURTON of Indiana, and Ms. GIFFORDS):

H. Res. 1290. A resolution joining the Office of the United Nations High Commissioner for Refugees in observance of World Refugee Day and calling on the United States Government, international organizations, and aid groups to take immediate steps to secure urgently needed humanitarian relief for the more than 2,000,000 people displaced by genocide in the Darfur region of Sudan; to the Committee on Foreign Affairs.

By Mr. RODRIGUEZ (for himself and Mr. ORTIZ):

H. Res. 1291. A resolution expressing gratitude for the contributions of the American GI Forum on its 60th anniversary; to the Committee on Veterans' Affairs.

By Ms. ESHOO (for herself, Mr. MARKEY, and Mr. DOYLE):

H. Res. 1292. A resolution establishing a national goal for the universal deployment of next-generation broadband networks to access the internet and for other uses by 2015, and calling upon Congress and the President to develop a strategy, enact legislation, and adopt policies to accomplish this objective; to the Committee on Energy and Commerce.

By Mr. LEWIS of Georgia (for himself, Mr. CONYERS, Mr. NADLER, Mr. COHEN, Mr. HASTINGS of Florida, Mr. TOWNS, Mr. MCDERMOTT, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. SCHIFF, Mr. SCOTT of Virginia, Ms. LINDA T. SÁNCHEZ of California, Ms. JACKSON-LEE of Texas, and Ms. SUTTON):

H. Res. 1293. A resolution commemorating the 44th anniversary of the deaths of civil rights workers Andrew Goodman, James Chaney, and Michael Schwerner in Philadelphia, Mississippi, while working in the name of American democracy to register voters and secure civil rights during the summer of 1964, which has became known as ''Freedom Summer''; to the Committee on the Judiciary.

¶76.26 MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

324. The SPEAKER presented a memorial of the Legislature of the State of Idaho, relative to Senate Joint Memorial No. 108 expressing gratitude for the sacrifices made by our veterans; to the Committee on Veterans' Affairs.

325. Also, a memorial of the Legislature of the Commonwealth of Guam, relative to Resolution No. 146 expressing opposition to H.R. 5509 and S. 2674 relative to Veterans Disability Benefits; jointly to the Committees on Veterans' Affairs and Armed Services.

¶76.27 PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII:

Ms. EDDIE BERNICE JOHNSON of Texas introduced a bill (H.R. 6343) for the relief of Jose de Jesus Ibarra, Monica Ibarra Rodriguez, and Cristina Gamez; which was referred to the Committee on the Judiciary.

¶76.28 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 87: Mr. KLINE of Minnesota.
H.R. 96: Ms. MCCOLLUM of Minnesota.
H.R. 278: Mr. CANNON.
H.R. 550: Mr. GOODE and Mr. JONES of North Carolina.
H.R. 552: Mrs. DAVIS of California.
H.R. 579: Ms. HIRONO.
H.R. 643: Mr. SALI.
H.R. 789: Mrs. DAVIS of California.
H.R. 1070: Mr. CAPUANO and Mr. MICHAUD.
H.R. 1134: Mr. HONDA.
H.R. 1193: Mr. JOHNSON of Illinois.
H.R. 1474: Mr. OLVER.
H.R. 1514: Mr. COLE of Oklahoma.
H.R. 1655: Ms. DELAURO.
H.R. 1738: Mr. CARDOZA and Ms. HOOLEY.
H.R. 2045: Ms. DEGETTE.
H.R. 2054: Mr. CANNON.
H.R. 2164: Ms. KAPTUR.
H.R. 2205: Mr. BLUNT.
H.R. 2208: Mrs. MYRICK, Mr. BOEHNER, Mr. SMITH of Nebraska, Mr. BONNER, Mr. KLINE of Minnesota, Mr. MCHENRY, Mr. BOUSTANY, Mr. CAMP of Michigan, Mr. KUHL of New York, Mr. LAMBORN, Mr BLUNT, Mr. MCHUGH, Ms. GINNY BROWN-WAITE of Florida, Mrs. CUBIN, Mr. ADERHOLT, Mr. GOODLATTE, Mr. THORNBERRY, Mr. HALL of Texas, Mr. CALVERT, Mr. REHBERG, Mr. STEARNS, Mr. TIBERI, Mr. ROSKAM, Mr. MCKEON, Mr. TERRY, Mr. SESSIONS, and Mr. GINGREY.
H.R. 2329: Mr. PICKERING.
H.R. 2370: Mr. LYNCH and Ms. JACKSON-LEE of Texas.
H.R. 2588: Mr. KLINE of Minnesota.
H.R. 2721: Mr. MELANCON and Mr. ELLISON.
H.R. 2880: Mr. POE.
H.R. 3098: Mr. KANJORSKI.
H.R. 3187: Mr. PRICE of North Carolina.
H.R. 3195: Mr. SHERMAN, Mr. SESSIONS, and Mr. LAMPSON.
H.R. 3267: Mr. TERRY.
H.R. 3273: Mr. MCDERMOTT and Mr. LAMPSON.
H.R. 3282: Mr. BLUMENAUER.
H.R. 3289: Mr. OBERSTAR and Mr. MICHAUD.
H.R. 3457: Mr. BOREN.
H.R. 3769: Mr. TIM MURPHY of Pennsylvania.
H.R. 3820: Mr. PAUL.
H.R. 3874: Mr. PETRI and Mr. DAVIS of Illinois.
H.R. 4189: Mr. SHIMKUS.
H.R. 4296: Mr. PLATTS.
H.R. 4464: Mr. GALLEGLY.
H.R. 5435: Mr. PASTOR.
H.R. 5575: Mr. HODES.
H.R. 5698: Mr. MORAN of Virginia.
H.R. 5709: Mr. SOUDER.
H.R. 5737: Mr. LAHOOD.
H.R. 5772: Ms. WATERS.
H.R. 5793: Mr. BILBRAY.
H.R. 5874: Mr. TOWNS.
H.R. 5901: Mr. CONYERS and Ms. SOLIS
H.R. 5935: Mr. COSTELLO.
H.R. 5951: Mr. CLEAVER.
H.R. 5971: Mr. JORDAN and Mr. SCALISE.
H.R. 5979: Mr. GONZALEZ.
H.R. 5984: Mr. BILIRAKIS.
H.R. 6025: Mr. BURTON of Indiana.
H.R. 6045: Mr. PORTER, Mr. HARE, Mr. AL GREEN of Texas, Mr. TIM MURPHY of Pennsylvania, Mrs. MILLER of Michigan, Mr. KELLER, Mr. GALLEGLY, and Ms. KILPATRICK.
H.R. 6076: Ms. GIFFORDS.
H.R. 6078: Mr. CARNAHAN, Mr. GUTIERREZ, and Mr. SHAYS.
H.R. 6091: Mr. ALLEN.
H.R. 6106: Mr. SHIMKUS and Ms. GRANGER.
H.R. 6108: Mrs. BIGGERT.
H.R. 6127: Mr. SKELTON, Mr. BERMAN, Mr. MCNULTY, Ms. CLARKE, Mr. HINOJOSA, Mr. HINCHEY, Mr. WEINER, Mr. PAYNE, Ms. MOORE of Wisconsin, Mr FARR, Mr. MORAN of Virginia, and Mr. WOLF.
H.R. 6130: Mr. THORNBERRY and Mr. LA TOURETTE.
H.R. 6134: Ms. GRANGER.
H.R. 6140: Mr. LINDER.
H.R. 6163: Mr. WELCH of Vermont.
H.R. 6171: Mr. CAPUANO and Mr. COSTA.
H.R. 6180: Mr. CARNEY.
H.R. 6207: Mr. WAMP, Mr. LATTA, Mr. FEENEY, and Mr. DUNCAN.
H.R. 6209: Ms. MATSUI and Mr. LARSON of Connecticut.
H.R. 6210: Mr. COSTELLO and Ms. GIFFORDS.
H.R. 6239: Mrs. BOYDA of Kansas.
H.R. 6258: Mr. TOWNS.
H.R. 6261: Mr. SOUDER.
H.R. 6264: Mr. WALZ of Minnesota, Mr. RAHALL, Mr. AL GREEN of Texas, Mr. LANGEVIN, Mr. MEEK of Florida, Mrs. BOYDA of Kansas, Mr. HOLT, Mr. CARNEY, Mr. BLUMENAUER, Mr. DEFAZIO, Mr. DONNELLY, Ms. MATSUI, Mr. DOYLE, Mr. BRADY of Pennsylvania, Ms. LINDA T. SÁNCHEZ of California,

Mrs. MCCARTHY of New York, Mr. FARR, Mr. HODES, Mr. PASCRELL, Mr. OLVER, Mr. LINCOLN DAVIS of Tennessee, Mr. PAYNE, Mr. COSTELLO, Ms. HOOLEY, Mr. BOSWELL, Ms. WOOLSEY, Mrs. MALONEY of New York, Mr. BISHOP of New York, Mr. SERRANO, Ms. SHEA-PORTER, Mr. PERLMUTTER, Ms. ROYBAL-ALLARD, Ms. SOLIS, Mr. JACKSON of Illinois, Mr. RYAN of Ohio, Ms. RICHARDSON, Ms. ESHOO, Ms. BERKLEY, Mr. GUTIERREZ, Mr. BECERRA, Mr. REYES, Mr. TAYLOR, Mr. BERRY, Mr. DAVIS of Illinois, Ms. HIRONO, Mr. ABERCROMBIE, Mr. DICKS, Mr. PASTOR, Mr. ARCURI, Mr. PATRICK MURPHY of Pennsylvania, Mr. DELAHUNT, Mr. KENNEDY, Mr. STUPAK, Mr. CARNAHAN, Mr. CLEAVER, Mr. CLAY, Mr. SPACE, Mr. MURPHY of Connecticut, Mr. YARMUTH, Mr. HALL of New York, Mr. SPRATT, Mr. HIGGINS, Ms. SLAUGHTER, Mr. HONDA, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. JACKSON-LEE of Texas, Ms. LEE, Mr. LEWIS of Georgia, Mr. CAPUANO, Mrs. TAUSCHER, Mr. THOMPSON of California, Ms. MOORE of Wisconsin, Mr. HARE, Mr. NADLER, Mr. HASTINGS of Florida, Mr. THOMPSON of Mississippi, Mr. DOGGETT, Ms. CLARKE, Mr. MCDERMOTT, Ms. KAPTUR, Ms. WATSON, Mr. MCNERNEY, Mr. CHANDLER, Mr. LYNCH, Mr. MOLLOHAN, Mr. SIRES, Mr. WILSON of Ohio, Mr. PALLONE, Mr. ALTMIRE, Ms. CASTOR, Mr. ELLISON, Mr. JOHNSON of Georgia, Mr. KANJORSKI, Mr. ROTHMAN, Mr. FATTAH, Mr. BRALEY of Iowa, Ms. SUTTON, Mr. COHEN, Mr. LOEBSACK, Mr. ISRAEL, Mr. MICHAUD, Mr. KUCINICH, and Mr. MCHUGH.

H. R. 6272: Mr. KING of New York.

H.R. 6274: Mr. POE and Mr. KING of New York.

H.R. 6282: Mrs. MALONEY of New York.

H.R. 6299: Mr. KING of New York and Mr. MARCHANT.

H.J. Res. 89: Ms. GRANGER.

H.J. Res. 93: Mr. CAPUANO, Mr. MCGOVERN, and Mr. BLUMENAUER.

H. Con. Res. 137: Mr. EHLERS and Mr. TOM DAVIS of Virginia.

H. Con. Res. 214: Mr. TOWNS and Mr. RUSH.

H. Con. Res. 244: Mr. ANDREWS.

H. Con. Res. 296: Mr. SHUSTER, Mr. REHBERG, Mr. SCALISE, Mr. SHULER, and Mr. LINCOLN DAVIS of Tennessee.

H. Con. Res. 321: Ms. SCHAKOWSKY.

H. Con. Res. 333: Mr. CANTOR and Mr. ROSKAM.

H. Con. Res. 342: Mr. BOREN.

H. Con. Res. 369: Mr. MILLER of North Carolina.

H. Res. 672: Mr. DOOLITTLE and Mr. ENGLISH of Pennsylvania.

H. Res. 883: Mr. HOLT.

H. Res. 970: Mr. COSTELLO, Mr. SHADEGG, Mr. LAHOOD, and Mr. WHITFIELD of Kentucky.

H. Res. 1006: Mr. ENGLISH of Pennsylvania.

H. Res. 1069: Mr. WEINER, Mr. KUHL of New York, and Mr. HASTINGS of Florida.

H. Res. 1093: Ms. WOOLSEY.

H. Res. 1191: Mr. GENE GREEN of Texas.

H. Res. 1229: Mr. LYNCH, Ms. HIRONO, and Mr. HONDA.

H. Res. 1231: Mr. BUYER, Mr. HIGGINS, Ms. MOORE of Wisconsin, Mr. PETERSON of Minnesota, Mr. MITCHELL, Mr. LAMBORN, Mr. SOUDER, and Mr. CARDOZA.

H. Res. 1232: Mr. GRIJALVA, Ms. LEE, Mr. CUMMINGS, and Mr. BAIRD.

H. Res. 1245: Mr. BISHOP of New York, Mr. HIGGINS, Mr. PASTOR, and Mr. WEXLER.

H. Res. 1278: Mr. DONNELLY.

H. Res. 1282: Mr. DEAL of Georgia, Mr. SESSIONS, Mr. SHUSTER, Mr. HENSARLING, Mr. UPTON, Mr. ROGERS of Kentucky, Mr. CARTER, Mr. WELLER, Mr. GERLACH, Mr. MCCOTTER, Mr. BURGESS, Mr. NEUGEBAUER, Mr. TERRY, Mr. SULLIVAN, Mr. ROGERS of Alabama, Mr. BRADY of Texas, Mr. RYAN of Wisconsin, Mr. GRAVES, Mr. TIBERI, Mr. KELLER, Mr. GOHMERT, Mr. THORNBERRY, Mr. SHIMKUS, Mr. BROWN of South Carolina, Mr. WESTMORELAND, Mr. PORTER, Mrs. EMERSON, Mr. HASTINGS of Washington, Mr. CONAWAY, and Mr. FLAKE.

H. Res. 1283: Mr. HARE, Mr. BACHUS, and Mr. BRALEY of Iowa.

¶76.29 PETITIONS

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

281. The SPEAKER presented a petition of the North Carolina State Council of the Junior Order United American Mechanics, relative to a Resolution requesting that the Congress of the United States provide the necessary services, both physical and psychological as required by all veterans; to the Committee on Veterans' Affairs.

282. Also, a petition of the Council of the City and County of Honolulu, Hawaii, relative to Resolution No. 08-113 urging the President of the United States and the Congress of the United States to pass S. 1315, the Veterans' Benefits Enhancement Act of 2007; jointly to the Committees on Veterans' Affairs and Armed Services.

¶76.30 DELETIONS OF SPONSORS FROM PUBLIC BILLS ANDS RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 3192: Ms. ZOE LOFGREN of California.

H.R. 6041: Mr. BRADY of Texas.

MONDAY, JUNE 23, 2008 (77)

¶77.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order at 12:30 p.m. by the SPEAKER pro tempore, Ms. BERKLEY, who laid before the House the following communication:

WASHINGTON, DC,
June 23, 2008.

I hereby appoint the Honorable SHELLEY BERKLEY to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

¶77.2 MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment concurrent resolutions of the House of the following titles:

H. Con. Res. 307. A concurrent resolution expressing the sense of Congress that Members' Congressional papers should be properly maintained and encouraging Members to take all necessary measures to manage and preserve these papers.

H. Con. Res. 335. A concurrent resolution authorizing the use of the Capitol Grounds for a celebration of the 100th anniversary of Alpha Kappa Alpha Sorority, Incorporated.

The message also announced that pursuant to Public Law 110–181, and in consultation with the Chairmen of the Committee on Armed Services, the Committee on Homeland Security and Governmental Affairs, and the Committee on Foreign Relations, the Chair, on behalf of the Vice President, appoints the following individuals to be members of the Commission on Wartime Contracting in Iraq and Afghanistan:

Linda J. Gustitus of the District of Columbia.

Charles Tiefer of Maryland.

¶77.3 MORNING-HOUR DEBATE

The SPEAKER pro tempore, Ms. BERKLEY, pursuant to the order of the House of January 4, 2007, recognized Members for morning-hour debate.

¶77.4 RECESS—12:42 P.M.

The SPEAKER pro tempore, Ms. BERKLEY, pursuant to clause 12(a) of rule I, declared the House in recess at 12 o'clock and 42 minutes p.m., until 2 p.m.

¶77.5 AFTER RECESS—2 P.M.

The SPEAKER pro tempore, Ms. EDWARDS of Maryland, called the House to order.

¶77.6 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Ms. EDWARDS of Maryland, announced she had examined and approved the Journal of the proceedings of Friday, June 20, 2008.

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

¶77.7 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

7256. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Potatoes; Grade Standards [Docket AMS-2006-0136; FV-06-303] received June 20, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7257. A letter from the Administrator, Office of Workforce Security, Department of Labor, transmitting the Department's final rule — Treatment of Fees Collected by State Child Support Agencies — received June 20, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

7258. A letter from the Director, Regulations Policy and Mgmt. Staff, Department of Health and Human Services, transmitting the Department's final rule — Food Labeling: Health Claims; Dietary Noncariogenic Carbohydrates Sweeteners and Dental Caries [[Docket No. FDA-2006-P-0404] (Formerly Docket No. 2006P-0487)] received June 13, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7259. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Lead Hazard Information Pamphlet; Notice of Availability [EPA-HQ-OPPT-2004-0126; FRL-8358-6] received June 20, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7260. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — National Emission Standards for Hazardous Air Pollutants: Area Source Standards for Plating and Polishing Operations [EPA-HQ-OAR-2005-0084; FRL-8581-3] (RIN: 2060-AM37) received June 13, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7261. A letter from the Deputy Division Chief, SCPD, WTB, Federal Communications Commission, transmitting the Commission's final rule — In the Matter of Amendment of the Commission's Rules Governing Hearing Aid-Compatible Mobile Handsets Petition of American National Standards Institute Accredited Standards Committee C63 (EMC)

ANSI ASC C63 [WT Docket No. 07-250] received June 20, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7262. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — Regulatory Improvements to the Nuclear Materials Management and Safeguards System [NRC-2007-0002] (RIN: 3150-AH85) received June 11, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7263. A letter from the Acting Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule — Revisions to the Export Administration Regulations based on the 2007 Missile Technology Control Regime Plenary Agreements [Docket No. 080208146-8148-01] (RIN: 0694-AE23) received June 13, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

7264. A letter from the Deputy Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule — Expansion of the Gift Parcel License Exception Regarding Cuba to Authorize Mobile Phones and Related Software and Equipment [Docket No. 080519687-8707-01] (RIN: 0694-AE37) received June 13, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

7265. A letter from the Secretary, Department of Education, transmitting the fifty-sixth Semiannual Report to Congress on management decisions and final actions taken on audit recommendations, covering the period October 1, 2007 through March 31, 2008 in compliance with the Inspector General Act Amendments of 1988, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Oversight and Government Reform.

7266. A letter from the Secretary, Department of Education, transmitting the thirty-eighth Semiannual Report to Congress on Audit Follow-Up, covering the period October 1, 2007 through March 31, 2008 in compliance with the Inspector General Act Amendments of 1988, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Oversight and Government Reform.

7267. A letter from the Assistant Secretary for Administration and Management, Department of Labor, transmitting pursuant to the provisions of the Federal Activities Inventory Reform (FAIR) Act of 1998 (Pub. L. 105-270), the Department's 2007 Inventory of Inherently Governmental Activities and Inventory of Commercial Activities; to the Committee on Oversight and Government Reform.

7268. A letter from the Secretary, Department of the Treasury, transmitting two Semiannual Reports which were prepared separately by Treasury's Office of Inspector General (OIG) and the Treasury Inspector General for Tax Administration (TIGTA) for the period ended March 31, 2008, pursuant to 5 U.S.C. app. (Insp. Gen. Act), section 5(b); to the Committee on Oversight and Government Reform.

7269. A letter from the Chair, Equal Employment Opportunity Commission, transmitting the semiannual report on the activities of the Inspector General and management's report for the period ending March 31, 2008, pursuant to 5 U.S.C. app. (Insp. Gen. Act), section 5(b); to the Committee on Oversight and Government Reform.

7270. A letter from the Chairman and President, Export-Import Bank, transmitting the Bank's semiannual report for the period ending March 31, 2008, in accordance with Section 5(b) of the Inspector General Act of 1978; to the Committee on Oversight and Government Reform.

7271. A letter from the First Vice President and Controller, Federal Home Loan Bank of Boston, transmitting the 2007 management report and statements of internal controls of the Federal Home Loan Bank of Boston, pursuant to 31 U.S.C. 9106; to the Committee on Oversight and Government Reform.

7272. A letter from the Chairman, International Trade Commission, transmitting in accordance with Section 645 of Division F, Title VI, of the Consolidated Appropriations Act, FY 2004, Pub. L. 108-199, the Commission's report covering fiscal year 2007; to the Committee on Oversight and Government Reform.

7273. A letter from the Administrator, National Aeronautics and Space Administration, transmitting pursuant to the provisions of the Federal Activities Inventory Reform (FAIR) Act of 1998 (Pub. L. 105-270) and OMB Circular A-76, Performance of Commercial Activities, the Administration's FY 2007 inventory of commercial activities performed by federal employees and inventory of inherently governmental activities; to the Committee on Oversight and Government Reform.

7274. A letter from the Director, Office of National Drug Control Policy, transmitting a report on the ''Fiscal Year 2007 Accounting of Drug Control Funds,'' pursuant to Public Law 105-277, section 705(d)(Div. C-Title VII); to the Committee on Oversight and Government Reform.

7275. A letter from the Senior Associate General Counsel, Office of the Director of National Intelligence, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

7276. A letter from the Director, Peace Corps, transmitting the semiannual report on the activities of the Office of Inspector General for the period October 1, 2007 through March 31, 2008, pursuant to 5 U.S.C. app. (Insp. Gen. Act), section 5(b); to the Committee on Oversight and Government Reform.

7277. A letter from the Secretary and Director, Postal Regulatory Commission, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

7278. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the Bering Sea and Aleutian Islands Management Area [Docket No. 071106673-8011-02] (RIN: 0648-XH33) received June 20, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7279. A letter from the Deputy Assistant Administrator For Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Atlantic Sea Scallop Fishery; Framework Adjustment 19 [Docket No. 070817467-8554-02] (RIN: 0648-AV90) received June 13, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7280. A letter from the Administrator, FEMA, Department of Homeland Security, transmitting notification that funding under Title V, subsection 503(b)(3) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended, has exceeded $5 million for the cost of response and recovery efforts for FEMA-3285-EM in the State of Wisconsin, pursuant to 42 U.S.C. 5193; to the Committee on Transportation and Infrastructure.

7281. A letter from the Secretary, Department of Transportation, transmitting the Department's annual report on recommendations made by the Intelligent Transportation Systems Program Advisory Committee, pursuant to Public Law 109-59, section 5305(h)(4); to the Committee on Transportation and Infrastructure.

7282. A letter from the Assistant Secretary of the Army for Civil Works, Department of Defense, transmitting the Department's feasibility report for hurricane and storm damage reduction for Port Monmouth, Middletown Township, Monmouth County, New Jersey; to the Committee on Transportation and Infrastructure.

7283. A letter from the Acting Assistant Administrator for Procurement, National Aeronautics and Space Administration, transmitting the Administration's final rule — NASA Grant and Cooperative Agreement Handbook — C.A.S.E. Reporting and Property Delegations (RIN: 2700-AD40) received June 13, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science and Technology.

¶77.8 NATIONAL GUARD AND RESERVISTS DEBT RELIEF

Mr. CONYERS moved to suspend the rules and pass the bill (H.R. 4044) to amend the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 to exempt from the means test in bankruptcy cases, for a limited period, qualifying reserve-component members who, after September 11, 2001, are called to active duty or to perform a homeland defense activity for not less than 60 days; as amended.

The SPEAKER pro tempore, Ms. EDWARDS of Maryland, recognized Mr. CONYERS and Mr. LUNGREN of California, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Ms. EDWARDS of Maryland, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

By unanimous consent, the title was amended so as to read: ''An Act to amend title 11 of the United States Code to exempt for a limited period, from the application of the means-test presumption of abuse under chapter 7, qualifying members of reserve components of the Armed Forces and members of the National Guard who, after September 11, 2001, are called to active duty or to perform a homeland defense activity for not less than 90 days.''.

A motion to reconsider the votes whereby the rules were suspended and said bill, as amended, was passed and the title was amended was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶77.9 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT

Mr. CONYERS moved to suspend the rules and pass the bill (H.R. 3546) to authorize the Edward Byrne Memorial Justice Assistance Grant Program at fiscal year 2006 levels through 2012; as amended.

The SPEAKER pro tempore, Ms. EDWARDS of Maryland, recognized Mr. CONYERS and Mr. LUNGREN of California, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Ms. EDWARDS of Maryland, announced that two-thirds of the Members present had voted in the affirmative.

Mr. JOHNSON of Georgia, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Ms. EDWARDS of Maryland, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Tuesday, June 24, 2008.

¶77.10 ANDREW GOODMAN, JAMES CHANEY, AND MICHAEL SCHWERNER

Mr. CONYERS moved to suspend the rules and agree to the following resolution (H. Res. 1293):

Whereas 44 years ago, on June 21, 1964, Andrew Goodman, James Chaney, and Michael Schwerner were murdered in Philadelphia, Mississippi, while working in the name of American democracy to register voters and secure civil rights during the summer of 1964, which would become known as ''Freedom Summer'';

Whereas Andrew Goodman was a 20-year-old White anthropology major from New York's Queens College, who volunteered for the Freedom Summer Project;

Whereas James Chaney was a 21-year-old African-American from Meridian, Mississippi, who became a civil rights activist, joining the Congress of Racial Equality (CORE) in 1963 to work on voter education and registration;

Whereas Michael ''Mickey'' Schwerner was a 24-year-old White CORE field secretary in Mississippi and a veteran of the civil rights movement, from Brooklyn, New York;

Whereas in 1964, Mississippi had a Black voting-age population of 450,000, but only 16,000 Blacks were registered to vote;

Whereas most Black voters were disenfranchised by law or practice in Mississippi;

Whereas in 1964, Andrew Goodman, James Chaney, and Michael Schwerner volunteered to work as part of the ''Freedom Summer'' project that involved several civil rights organizations, including the Mississippi State chapter of the National Association for the Advancement of Colored People, the Southern Christian Leadership Conference, the Student Nonviolent Coordinating Committee, and CORE, with the purpose of registering Black voters in Mississippi;

Whereas on the morning of June 21, 1964, the 3 men left the CORE office in Meridian and set out for Longdale, Mississippi, where they were to investigate the recent burning of the Mount Zion Methodist Church, a Black church that had been functioning as a Freedom School for education and voter registration;

Whereas on their way back to Meridian, James Chaney, Andrew Goodman, and Michael Schwerner were detained and later arrested and taken to the Philadelphia, Mississippi, jail;

Whereas later that same evening, on June 21, 1964, they were taken from the jail, turned over to the Ku Klux Klan, and were beaten, shot, and killed;

Whereas 2 days later, their burnt, charred, gutted blue Ford station wagon was pulled from the Bogue Chitto Creek, just outside Philadelphia, Mississippi;

Whereas the national uproar caused by the disappearance of the civil rights workers led President Lyndon B. Johnson to order Secretary of Defense Robert McNamara to send 200 active duty Navy sailors to search the swamps and fields in the area for the bodies of the 3 civil rights workers, and Attorney General Robert F. Kennedy to order his Federal Bureau of Investigation (FBI) director, J. Edgar Hoover, to send 150 agents to Mississippi to work on the case;

Whereas the FBI investigation lead to the discovery of the bodies of several other African-Americans from Mississippi, whose disappearances over the previous several years had not attracted attention outside their local communities;

Whereas the bodies of Andrew Goodman, James Chaney, and Michael Schwerner, beaten and shot, were found on August 4, 1964, buried under a mound of dirt;

Whereas on December 4, 1964, 21 White Mississippians from Philadelphia, Mississippi, including the sheriff and his deputy, were arrested, and the Department of Justice charged them with conspiring to deprive Andrew Goodman, James Chaney, and Michael Schwerner of their civil rights, since murder was not a Federal crime;

Whereas on December 10, 1964, the same day Dr. Martin Luther King, Jr. received the Nobel Peace Prize, a United States District judge dismissed charges against the 21 men accused of depriving the 3 civil right workers of their civil rights by murder;

Whereas in 1967, after an appeal to the Supreme Court and new testimony, 7 individuals were found guilty, but 2 of the defendants, including Edgar Ray Killen, who had been strongly implicated in the murders by witnesses, were acquitted because the jury came to a deadlock on their charges;

Whereas on January 6, 2005, a Neshoba County, Mississippi, grand jury indicted Edgar Ray Killen on 3 counts of murder;

Whereas on June 21, 2005, a jury convicted Edgar Ray Killen on 3 counts of manslaughter;

Whereas June 21, 2008, will be the 44th anniversary of Andrew Goodman, James Chaney, and Michael Schwerner's ultimate sacrifice;

Whereas by the end of Freedom Summer, volunteers, including Andrew Goodman, James Chaney, and Michael Schwerner, helped register 17,000 African-Americans to vote;

Whereas the national uproar in response to the deaths of these brave men helped create the necessary climate to bring about passage of the Voting Rights Act of 1965;

Whereas Andrew Goodman, James Chaney, and Michael Schwerner worked for freedom, democracy and equal justice under the law for all; and

Whereas the Federal Government should find an appropriate way to honor these courageous young men and their contributions to civil rights and voting rights: Now, therefore, be it

Resolved, That the House of Representatives encourages all Americans to—

(1) pause and remember Andrew Goodman, James Chaney, and Michael Schwerner and the 44th anniversary of their deaths;

(2) commemorate the life and work of Andrew Goodman, James Chaney, and Michael Schwerner, and all of the other brave Americans who made the ultimate sacrifice in the name of civil rights and voting rights for all Americans; and

(3) commemorate and acknowledge the legacy of the brave Americans who participated in the civil rights movement and the role that they played in changing the hearts and minds of Americans and creating the political climate necessary to pass legislation to expand civil rights and voting rights for all Americans.

The SPEAKER pro tempore, Ms. EDWARDS of Maryland, recognized Mr. CONYERS and Mr. LUNGREN of California, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Ms. EDWARDS of Maryland, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶77.11 RESPONSIVE GOVERNMENT

Mr. CONYERS moved to suspend the rules and pass the bill (H.R. 6344) to provide emergency authority to delay or toll judicial proceedings in United States district and circuit courts, and for other purposes.

The SPEAKER pro tempore, Ms. EDWARDS of Maryland, recognized Mr. CONYERS and Mr. LUNGREN of California, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Ms. EDWARDS of Maryland, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶77.12 PRE-DISASTER MITIGATION

Ms. NORTON moved to suspend the rules and pass the bill (H.R. 6109) to designate the facility of the United States Postal Service located at 245 North Main Street in New City, New York, as the ''Kenneth Peter Zebrowski Post Office Building''; as amended.

The SPEAKER pro tempore, Ms. EDWARDS of Maryland, recognized Ms. NORTON and Mrs. DRAKE, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mrs. DAVIS of California, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and

said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶77.13 OLD POST OFFICE BUILDING

Ms. NORTON moved to suspend the rules and pass the bill (H.R. 5001) to authorize the Administrator of the General Services to provide for the redevelopment of the Old Post Office Building located in the District of Columbia; as amended.

The SPEAKER pro tempore, Mrs. DAVIS of California, recognized Ms. NORTON and Mrs. DRAKE, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mrs. DAVIS of California, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶77.14 RAW SEWAGE OVERFLOW

Ms. Eddie Bernice JOHNSON of Texas, moved to suspend the rules and pass the bill (H.R. 2452) to amend the Federal Water Pollution Control Act to ensure that sewage treatment plants monitor for and report discharges of raw sewage, and for other purposes; as amended.

The SPEAKER pro tempore, Mrs. DAVIS of California, recognized Ms. Eddie Bernice JOHNSON of Texas, and Mrs. DRAKE, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mrs. DAVIS of California, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

By unanimous consent, the title was amended so as to read: ''An Act to amend the Federal Water Pollution Control Act to ensure that publicly owned treatment works monitor for and report sewer overflows, and for other purposes.''.

A motion to reconsider the votes whereby the rules were suspended and said bill, as amended, was passed and the title was amended was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶77.15 WATER RESOURCES DEVELOPMENT

Mrs. Eddie Bernice JOHNSON of Texas, moved to suspend the rules and pass the bill (H.R. 6040) to amend the Water Resources Development Act of 2007 to clarify the authority of the Secretary of the Army to provide reimbursement for travel expenses incurred by members of the Committee on Levee Safety.

The SPEAKER pro tempore, Mrs. DAVIS of California, recognized Ms. Eddie Bernice JOHNSON of Texas, and Mrs. DRAKE, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mrs. DAVIS of California, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill as passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶77.16 AMENDMENT OF THE SENATE TO H.R. 3403

On motion of Mr. GORDON of Tennessee, by unanimous consent, the bill (H.R. 3403) to promote and enhance public safety by facilitating the rapid deployment of IP-enabled 911 and E-911 services, encourage the Nation's transition to a national IP-enabled emergency network, and improve 911 and E-911 access to those with disabilities; together with the following amendment of the Senate thereto, was taken from the Speaker's table:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''New and Emerging Technologies 911 Improvement Act of 2008'' or the ''NET 911 Improvement Act of 2008''.

TITLE I—911 SERVICES AND IP–ENABLED VOICE SERVICE PROVIDERS

SEC. 101. DUTY TO PROVIDE 911 AND ENHANCED 911 SERVICE.

The Wireless Communications and Public Safety Act of 1999 is amended—

(1) by redesignating section 6 (47 U.S.C. 615b) as section 7;

(2) by inserting after section 5 the following new section:

''SEC. 6. DUTY TO PROVIDE 9–1–1 AND ENHANCED 9–1–1 SERVICE.

''(a) DUTIES.—It shall be the duty of each IP-enabled voice service provider to provide 9–1–1 service and enhanced 9–1–1 service to its subscribers in accordance with the requirements of the Federal Communications Commission, as in effect on the date of enactment of the New and Emerging Technologies 911 Improvement Act of 2008 and as such requirements may be modified by the Commission from time to time.

''(b) PARITY FOR IP-ENABLED VOICE SERVICE PROVIDERS.—An IP-enabled voice service provider that seeks capabilities to provide 9–1–1 and enhanced 9–1–1 service from an entity with ownership or control over such capabilities, to comply with its obligations under subsection (a), shall, for the exclusive purpose of complying with such obligations, have a right of access to such capabilities, including interconnection, to provide 9–1–1 and enhanced 9–1–1 service on the same rates, terms, and conditions that are provided to a provider of commercial mobile service (as such term is defined in section 332(d) of the Communications Act of 1934 (47 U.S.C. 332(d))), subject to such regulations as the Commission prescribes under subsection (c).

''(c) REGULATIONS.—The Commission—

''(1) within 90 days after the date of enactment of the New and Emerging Technologies 911 Improvement Act of 2008, shall issue regulations implementing such Act, including regulations that—

''(A) ensure that IP-enabled voice service providers have the ability to exercise their rights under subsection (b);

''(B) take into account any technical, network security, or information privacy requirements that are specific to IP-enabled voice services; and

''(C) provide, with respect to any capabilities that are not required to be made available to a commercial mobile service provider but that the Commission determines under subparagraph (B) of this paragraph or paragraph (2) are necessary for an IP-enabled voice service provider to comply with its obligations under subsection (a), that such capabilities shall be available at the same rates, terms, and conditions as would apply if such capabilities were made available to a commercial mobile service provider;

''(2) shall require IP-enabled voice service providers to which the regulations apply to register with the Commission and to establish a point of contact for public safety and government officials relative to 9–1–1 and enhanced 9–1–1 service and access; and

''(3) may modify such regulations from time to time, as necessitated by changes in the market or technology, to ensure the ability of an IP-enabled voice service provider to comply with its obligations under subsection (a) and to exercise its rights under subsection (b).

''(d) DELEGATION OF ENFORCEMENT TO STATE COMMISSIONS.—The Commission may delegate authority to enforce the regulations issued under subsection (c) to State commissions or other State or local agencies or programs with jurisdiction over emergency communications. Nothing in this section is intended to alter the authority of State commissions or other State or local agencies with jurisdiction over emergency communications, provided that the exercise of such authority is not inconsistent with Federal law or Commission requirements.

''(e) IMPLEMENTATION.—

''(1) LIMITATION.—Nothing in this section shall be construed to permit the Commission to issue regulations that require or impose a specific technology or technological standard.

''(2) ENFORCEMENT.—The Commission shall enforce this section as if this section was a part of the Communications Act of 1934. For purposes of this section, any violations of this section, or any regulations promulgated under this section, shall be considered to be a violation of the Communications Act of 1934 or a regulation promulgated under that Act, respectively.

''(f) STATE AUTHORITY OVER FEES.—

''(1) AUTHORITY.—Nothing in this Act, the Communications Act of 1934 (47 U.S.C. 151 et seq.), the New and Emerging Technologies 911 Improvement Act of 2008, or any Commission regulation or order shall prevent the imposition and collection of a fee or charge applicable to commercial mobile services or IP-enabled voice services specifically designated by a State, political subdivision thereof, Indian tribe, or village or regional corporation serving a region established pursuant to the Alaska Native Claims Settlement Act, as amended (85 Stat. 688) for the support or implementation of 9–1–1 or enhanced 9–1–1 services, provided that the fee or charge is obligated or expended only in support of 9–1–1 and enhanced 9–1–1 services, or enhancements of such services, as specified in the provision of State or local law adopting the fee or charge. For each class of subscribers to IP-enabled voice services, the fee or charge may not exceed the amount of any such fee or charge applicable to

the same class of subscribers to telecommunications services.

''(2) FEE ACCOUNTABILITY REPORT.—To ensure efficiency, transparency, and accountability in the collection and expenditure of a fee or charge for the support or implementation of 9–1–1 or enhanced 9–1–1 services, the Commission shall submit a report within 1 year after the date of enactment of the New and Emerging Technologies 911 Improvement Act of 2008, and annually thereafter, to the Committee on Commerce, Science and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives detailing the status in each State of the collection and distribution of such fees or charges, and including findings on the amount of revenues obligated or expended by each State or political subdivision thereof for any purpose other than the purpose for which any such fees or charges are specified.

''(g) AVAILABILITY OF PSAP INFORMATION.—The Commission may compile a list of public safety answering point contact information, contact information for providers of selective routers, testing procedures, classes and types of services supported by public safety answering points, and other information concerning 9–1–1 and enhanced 9–1–1 elements, for the purpose of assisting IP-enabled voice service providers in complying with this section, and may make any portion of such information available to telecommunications carriers, wireless carriers, IP-enabled voice service providers, other emergency service providers, or the vendors to or agents of any such carriers or providers, if such availability would improve public safety.

''(h) DEVELOPMENT OF STANDARDS.—The Commission shall work cooperatively with public safety organizations, industry participants, and the E–911 Implementation Coordination Office to develop best practices that promote consistency, where appropriate, including procedures for—

''(1) defining geographic coverage areas for public safety answering points;

''(2) defining network diversity requirements for delivery of IP-enabled 9–1–1 and enhanced 9–1–1 calls;

''(3) call-handling in the event of call overflow or network outages;

''(4) public safety answering point certification and testing requirements;

''(5) validation procedures for inputting and updating location information in relevant databases; and

''(6) the format for delivering address information to public safety answering points.

''(i) RULE OF CONSTRUCTION.—Nothing in the New and Emerging Technologies 911 Improvement Act of 2008 shall be construed as altering, delaying, or otherwise limiting the ability of the Commission to enforce the Federal actions taken or rules adopted obligating an IP-enabled voice service provider to provide 9–1–1 or enhanced 9–1–1 service as of the date of enactment of the New and Emerging Technologies 911 Improvement Act of 2008.''; and

(3) in section 7 (as redesignated by paragraph (1) of this section) by adding at the end the following new paragraph:

''(8) IP-ENABLED VOICE SERVICE.—The term 'IP-enabled voice service' has the meaning given the term 'interconnected VoIP service' by section 9.3 of the Federal Communications Commission's regulations (47 CFR 9.3).''.

SEC. 102. MIGRATION TO IP-ENABLED EMERGENCY NETWORK.

Section 158 of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 942) is amended—

(1) in subsection (b)(1), by inserting before the period at the end the following: ''and for migration to an IP-enabled emergency network'';

(2) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively; and

(3) by inserting after subsection (c) the following new subsection:

''(d) MIGRATION PLAN REQUIRED.—

''(1) NATIONAL PLAN REQUIRED.—No more than 270 days after the date of enactment of the New and Emerging Technologies 911 Improvement Act of 2008, the Office shall develop and report to Congress on a national plan for migrating to a national IP-enabled emergency network capable of receiving and responding to all citizen-activated emergency communications and improving information sharing among all emergency response entities.

''(2) CONTENTS OF PLAN.—The plan required by paragraph (1) shall—

''(A) outline the potential benefits of such a migration;

''(B) identify barriers that must be overcome and funding mechanisms to address those barriers;

''(C) provide specific mechanisms for ensuring the IP-enabled emergency network is available in every community and is coordinated on a local, regional, and statewide basis;

''(D) identify location technology for nomadic devices and for office buildings and multi-dwelling units;

''(E) include a proposed timetable, an outline of costs, and potential savings;

''(F) provide specific legislative language, if necessary, for achieving the plan;

''(G) provide recommendations on any legislative changes, including updating definitions, that are necessary to facilitate a national IP-enabled emergency network;

''(H) assess, collect, and analyze the experiences of the public safety answering points and related public safety authorities who are conducting trial deployments of IP-enabled emergency networks as of the date of enactment of the New and Emerging Technologies 911 Improvement Act of 2008;

''(I) identify solutions for providing 9–1–1 and enhanced 9–1–1 access to those with disabilities and needed steps to implement such solutions, including a recommended timeline; and

''(J) analyze efforts to provide automatic location for enhanced 9–1–1 services and provide recommendations on regulatory or legislative changes that are necessary to achieve automatic location for enhanced 9–1–1 services.

''(3) CONSULTATION.—In developing the plan required by paragraph (1), the Office shall consult with representatives of the public safety community, groups representing those with disabilities, technology and telecommunications providers, IP-enabled voice service providers, Telecommunications Relay Service providers, and other emergency communications providers and others it deems appropriate.''.

TITLE II—PARITY OF PROTECTION

SEC. 201. LIABILITY.

(a) AMENDMENTS.—Section 4 of the Wireless Communications and Public Safety Act of 1999 (47 U.S.C. 615a) is amended—

*(1) by striking ''**PARITY OF PROTECTION FOR PROVISION OR USE OF WIRELESS SERVICE.**'' in the section heading and inserting ''**SERVICE PROVIDER PARITY OF PROTECTION.**'';*

(2) in subsection (a)—

(A) by striking ''wireless carrier,'' and inserting ''wireless carrier, IP-enabled voice service provider, or other emergency communications provider,'';

(B) by striking ''its officers'' the first place it appears and inserting ''their officers'';

(C) by striking ''emergency calls or emergency services'' and inserting ''emergency calls, emergency services, or other emergency communications services'';

(3) in subsection (b)—

(A) by striking ''using wireless 9–1–1 service shall'' and inserting ''using wireless 9–1–1 service, or making 9–1–1 communications via IP-enabled voice service or other emergency communications service, shall''; and

(B) by striking ''that is not wireless'' and inserting ''that is not via wireless 9–1–1 service, IP-enabled voice service, or other emergency communications service''; and

(4) in subsection (c)—

(A) by striking ''wireless 9–1–1 communications, a PSAP'' and inserting ''9–1–1 communications via wireless 9–1–1 service, IP-enabled voice service, or other emergency communications service, a PSAP''; and

(B) by striking ''that are not wireless'' and inserting ''that are not via wireless 9–1–1 service, IP-enabled voice service, or other emergency communications service''.

(b) DEFINITION.—Section 7 of the Wireless Communications and Public Safety Act of 1999 (as redesignated by section 101(1) of this Act) is further amended by adding at the end the following new paragraphs:

''(8) OTHER EMERGENCY COMMUNICATIONS SERVICE.—The term 'other emergency communications service' means the provision of emergency information to a public safety answering point via wire or radio communications, and may include 9–1–1 and enhanced 9–1–1 service.

''(9) OTHER EMERGENCY COMMUNICATIONS SERVICE PROVIDER.—The term 'other emergency communications service provider' means—

''(A) an entity other than a local exchange carrier, wireless carrier, or an IP-enabled voice service provider that is required by the Federal Communications Commission consistent with the Commission's authority under the Communications Act of 1934 to provide other emergency communications services; or

''(B) in the absence of a Commission requirement as described in subparagraph (A), an entity that voluntarily elects to provide other emergency communications services and is specifically authorized by the appropriate local or State 9–1–1 service governing authority to provide other emergency communications services.

''(10) ENHANCED 9–1–1 SERVICE.—The term 'enhanced 9–1–1 service' means the delivery of 9–1–1 calls with automatic number identification and automatic location identification, or successor or equivalent information features over the wireline E911 network (as defined in section 9.3 of the Federal Communications Commission's regulations (47 C.F.R. 9.3) as of the date of enactment of the New and Emerging Technologies 911 Improvement Act of 2008) and equivalent or successor networks and technologies. The term also includes any enhanced 9–1–1 service so designated by the Commission in its Report and Order in WC Docket Nos. 04–36 and 05–196, or any successor proceeding.''.

TITLE III—AUTHORITY TO PROVIDE CUSTOMER INFORMATION FOR 911 PURPOSES

SEC. 301. AUTHORITY TO PROVIDE CUSTOMER INFORMATION.

Section 222 of the Communications Act of 1934 (47 U.S.C. 222) is amended—

(1) by inserting ''or the user of an IP-enabled voice service (as such term is defined in section 7 of the Wireless Communications and Public Safety Act of 1999 (47 U.S.C. 615b))'' after ''section 332(d))'' each place it appears in subsections (d)(4) and (f)(1);

(2) by striking ''WIRELESS'' in the heading of subsection (f); and

(3) in subsection (g), by inserting ''or a provider of IP-enabled voice service (as such term is defined in section 7 of the Wireless Communications and Public Safety Act of 1999 (47 U.S.C. 615b))'' after ''telephone exchange service''.

On motion of Mr. GORDON of Tennessee, said amendment of the Senate was agreed to.

A motion to reconsider the vote whereby said amendment of the Senate was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶77.17 2008 HIGH SCHOOL VALEDICTORIANS

Mr. SARBANES moved to suspend the rules and agree to the following resolution (H. Res. 1229); as amended:

Whereas valedictorians are conferred as the highest academically-ranked student in their high school's graduating class;

Whereas our Nation's secondary schools honor their highest academically ranked students with the ''valedictorian'' title;

Whereas valedictorians have demonstrated consistency in their intellectual inquiry, academic discipline, and utilization of teacher mentoring throughout their high school careers;

Whereas valedictorians serve as peer role models to fellow high school students by succeeding academically and contributing to community improvement;

Whereas valedictorians are charged with the duty of giving a graduation speech that reflects upon the intellectual development and community involvement of the graduating class and inspires all graduating students to further their academic studies and social engagement;

Whereas numerous valedictorians and graduating seniors will further their intellectual interests and academic studies by enrolling in universities and postsecondary educational institutions;

Whereas family members, teachers, school administrators, and community members have nurtured the intellectual growth and rewarded the academic achievements of valedictorians and graduating seniors; and

Whereas valedictorians and graduating seniors will become America's future civic, business, and political leaders, maintaining our Nation's global leadership position and strengthening its economic competitiveness: Now, therefore, be it

Resolved, That the House of Representatives—

(1) honors and recognizes the valedictorians and graduating seniors of the class of 2008 for their academic achievements and contributions to their communities;

(2) encourages all valedictorians and graduating seniors to further their intellectual inquiry and academic studies in universities and postsecondary educational institutions; and

(3) supports the continued social engagement of valedictorians and graduating seniors, which utilizes their knowledge and skills for the betterment of their communities and the social, cultural, and economic advancement of the Nation.

The SPEAKER pro tempore, Mrs. DAVIS of California, recognized Mr. SARBANES and Ms. FOXX, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mrs. DAVIS of California, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

¶77.18 LOUIS JORDAN

Mr. SARBANES moved to suspend the rules and agree to the following resolution (H. Res. 1242):

Whereas Louis Thomas Jordan was born July 8, 1908, in Brinkley, Arkansas;

Whereas he studied music as a young child under his father James Aaron Jordan, who was the bandleader of the Brinkley Brass Band;

Whereas in the late 1920s he attended Arkansas Baptist College in Little Rock, Arkansas, and majored in music;

Whereas he joined Chick Webb's Savoy Ballroom band in 1936 in New York where he played saxophone and performed occasionally as a singer;

Whereas in 1938 he started his own band, the Elks Rendez-Vous Band, and in 1939 he changed the name of the group to the Tympany Five;

Whereas his prolific musical career consists of 54 hit singles including, ''Five Guys Named Moe'', ''Let the Good Times Roll'', ''Don't Let the Sun Catch You Cryin' '', and ''Barnyard Boogie'', and 18 number 1 hits on Billboard's R&B chart including ''Beans and Cornbread'', ''Run Joe'', ''Ain't That Just Like A Woman'', ''Blue Light Boogie'', and the 1946 hit ''Choo Choo Ch'Boogie'', which topped the Billboard's R&B chart for 18 weeks;

Whereas 15 of his hits made it onto the Pop charts, including ''Baby It's Cold Outside'', ''Caldonia'', ''Is You Is or Is You Ain't My Baby'', ''Ain't Nobody Here But Us Chickens'', ''Buzz Me'', and ''Beware'';

Whereas he actively recorded for the Armed Forces Radio Service and the V–Disc program during World War II, and one of the his songs recorded during this period, ''G.I. Jive'', was number 1 on the Pop chart for 2 weeks;

Whereas he was featured in a variety of short musical films in the 1940s, such as the 1945 short film ''Caldonia'', and played cameo roles in movies like ''Follow the Boys'' and ''Swing Parade of 1946'';

Whereas his 1949 recording of ''Saturday Night Fish Fry'' was one of the earliest musical examples of what would later become known as ''Rock and Roll'';

Whereas he died on February 4, 1975, in Los Angeles, California;

Whereas a host of prominent musicians including Chuck Berry, Bo Didley, B.B. King, Ray Charles, James Brown, and Sonny Rollins have counted him as an influence;

Whereas he was inducted into the Rock and Roll Hall of Fame in Cleveland, Ohio, in 1987;

Whereas in 2004, Rolling Stone Magazine named him one of the 100 Greatest Artists of All Time; and

Whereas Louis Jordan will be highlighted on a United States Postal Service stamp, as part of the 2008 commemorative stamp program: Now, therefore, be it

Resolved, That the United States House of Representatives—

(1) honors the life of Louis Jordan, on the 100th anniversary of his birth; and

(2) recognizes his important contributions to American music as a musician, composer, and entertainer.

The SPEAKER pro tempore, Mrs. DAVIS of California, recognized Mr. SARBANES and Ms. FOXX, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mrs. DAVIS of California, announced that two-thirds of the Members present had voted in the affirmative.

Mr. SARBANES demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mrs. DAVIS of California, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶77.19 BIRTHPLACE OF COLLEGE BASEBALL

Mr. SARBANES moved to suspend the rules and agree to the following resolution (H. Res. 1050); as amended:

Whereas Pittsfield, Massachusetts, is the home of a historic document discovered in Pittsfield's archives by noted baseball historian John Thorn in 2004;

Whereas the historic document is a bylaw, passed by the Town of Pittsfield, Massachusetts, during a town meeting on September 5, 1791, which states that ''for the Preservation of the Windows in the New Meeting House . . . no Person or Inhabitant of said town, shall be permitted to play at any game called Wicket, Cricket, Baseball, Football, Cat, Fives or any other game or games with balls, within the Distance of Eighty Yards from said Meeting House'';

Whereas this bylaw was created to protect the windows of the new meetinghouse in the Town of Pittsfield, Massachusetts, which is currently the Congregational Church, designed by renowned architect Charles Bulfinch in 1789 and completed in 1793;

Whereas Pittsfield, Massachusetts, through the First Home Plate project will commemorate being known as the home of the oldest known documentation of the game by erecting three permanent monuments, Bat, Ball, and Glove, to recognize Pittsfield's unparalleled position in baseball history;

Whereas the monuments will highlight and represent the great virtues of the game that have solidified baseball as our national pastime;

Whereas the virtues of baseball are innocence, youth, bridging generations, and how it parallels the great history of our Nation;

Whereas Pittsfield, Massachusetts, is also the home of many historical baseball moments;

Whereas Pittsfield, Massachusetts, is the birthplace of college baseball in the United States as it is the site of the first intercollegiate baseball game between Amherst College and Williams College, which took place on July 1, 1859;

Whereas in 1865, Ulysses F. ''Frank'' Grant, generally considered the best African American player of the 19th century, was born in Pittsfield, Massachusetts;

Whereas Pittsfield, Massachusetts, is the home of Wahconah Park, an enclosed ballpark and grandstand, originally built in 1892 and placed on the National Historic Register in June 2005;

Whereas Pittsfield, Massachusetts, is where in 1921 and 1922, the Boston Red Sox played 2 exhibition games at Wahconah Park against the Hillies;

Whereas Boston won the first game with a score of 10 to 9 and the Hillies won the second with a score of 4 to 1;

Whereas in 1922, Jim Thorpe, considered one of the most versatile athletes in modern sports, played baseball at Wahconah Park;

Whereas in 1924, Lou Gehrig made his professional debut with the Hartford Senators at Wahconah Park, where he hit a home run into the Housatonic River;

Whereas in 1942, future major leaguer Mark Belanger was born in Pittsfield, Massachusetts;

Whereas on June 1, 1976, a recreation of the 1859 Williams and Amherst collegiate baseball game took place in Pittsfield, Massachusetts;

Whereas Pittsfield, Massachusetts, hosted a vintage baseball game which was broadcast on national television in 2004;

Whereas Pittsfield, Massachusetts, in 2005, welcomed the Pittsfield Dukes, a member of

the New England Collegiate Baseball League, who made their second season debut at Wahconah Park in 2005; and

Whereas on August 31, 2007, His Excellency, Deval L. Patrick, Governor of the Commonwealth of Massachusetts, proclaimed September 5, 2007, to be Pittsfield Baseball Day in the Commonwealth: Now, therefore, be it

Resolved, That the United States House of Representatives—

(1) recognizes the importance of college baseball to the Nation; and

(2) recognizes the birthplace of college baseball as Pittsfield, Massachusetts.

The SPEAKER pro tempore, Mrs. DAVIS of California, recognized Mr. SARBANES and Ms. FOXX, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mrs. DAVIS of California, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

¶77.20 BLACK MUSIC MONTH

Mr. SARBANES moved to suspend the rules and agree to the following concurrent resolution (H. Con. Res. 372):

Whereas the Nation should be urged to recognize the exemplary contributions that African-American singers, musicians, and composers have made both to the United States and the world;

Whereas the music of African-Americans is the music of America, and has historically transcended social, economic, and racial barriers to unite people of all backgrounds;

Whereas artists, songwriters, producers, engineers, educators, executives, and other professionals in the music industry provide inspiration and leadership through their creation of music;

Whereas African-American music is indigenous to the United States and originates from African genres of music;

Whereas African-American genres of music such as gospel, blues, jazz, rhythm and blues, rap, and hip-hop have their roots in the African-American experience;

Whereas African-American music has a pervasive influence on dance, fashion, language, art, literature, cinema, media, advertisements, and other aspects of culture;

Whereas Black music has helped African-Americans endure great suffering and overcome injustice with courage and faith;

Whereas civil rights demonstrators often marched to the cadence of many songs written and composed as gospels or spirituals that were created on the fields of slaves;

Whereas June was first declared as Black Music Month in 1979 by President Carter and has yearly been designated as National Black Music Month by all concurrent Presidents;

Whereas African-American musicians have played a significant role in inspiring people across the generations in America and around the world with their vision and creativity by writing lyrics which speak to the human experience and express heartfelt emotion;

Whereas producers of African-American music have come to be known as some of the greatest musical talents who have enriched our culture and continue to influence fellow musicians today;

Whereas African-American musicians have helped shape our national character and have become an important part of our musical heritage; and

Whereas African-American music has millions of fans of different races and ages in cities and towns all across the United States: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) supports the goals and ideals of Black Music Month;

(2) honors the outstanding contributions that African-American singers, musicians, composers, and producers have made to this country;

(3) calls on the people of the United States to take the opportunity to study, reflect on, and celebrate the majesty, vitality, and importance of African-American music; and

(4) requests and authorizes the President to issue a proclamation calling upon the people of the United States to observe such with appropriate ceremonies and activities.

The SPEAKER pro tempore, Mrs. DAVIS of California, recognized Mr. SARBANES and Ms. FOXX, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution?

The SPEAKER pro tempore, Mrs. DAVIS of California, announced that two-thirds of the Members present had voted in the affirmative.

Mr. SARBANES demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mrs. DAVIS of California, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶77.21 JAMES MADISON UNIVERSITY

Mr. SARBANES moved to suspend the rules and agree to the following resolution (H. Res. 1051); as amended:

Whereas on March 14, 1908, Virginia Governor Claude A. Swanson signed into law legislation for the establishment of the new State Normal and Industrial School for Women;

Whereas in 1938, the institution was renamed Madison College in honor of the Nation's fourth president, James Madison;

Whereas in 1966, the Virginia General Assembly approved full coeducational status for the college, and men were enrolled as resident students for the first time;

Whereas James Madison University (JMU) enrolls nearly 17,000 students and employs 3,000 full-time and part-time faculty and staff;

Whereas in 2007, the US News and World Report ranked JMU as the top public, master's level university in the South for the 17th time;

Whereas also in 2007, the US News and World Report noted JMU's graduation rate, at 80 percent, was the highest among all public and private schools in the South;

Whereas JMU has been led by presidents Julian Ashby Burruss, Doctor Samuel Page Duke, Doctor G. Tyler Miller, Doctor Ronald E. Carrier, and Doctor Linwood H. Rose;

Whereas JMU offers 106 degree programs, including 68 undergraduate programs, 30 graduate programs, 2 education specialist programs, and 6 doctoral programs; and

Whereas JMU has conferred more than 98,000 degrees: Now, therefore, be it

Resolved, That the House of Representatives congratulates James Madison University for 100 years of leadership and service to the Harrisonburg/Rockingham County region, the Commonwealth of Virginia, and the Nation.

The SPEAKER pro tempore, Mrs. DAVIS of California, recognized Mr. SARBANES and Ms. FOXX, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mrs. DAVIS of California, announced that two-thirds of the Members present had voted in the affirmative.

Mr. SARBANES demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mrs. DAVIS of California, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶77.22 TEACHING HISTORY

Mr. SARBANES moved to suspend the rules and agree to the following concurrent resolution (H. Con. Res. 2); as amended:

Whereas individuals from Puerto Rico, the United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands have contributed to many aspects of the history and culture of the United States, including its politics, athletics, and music;

Whereas many students do not know the location or the significance of these places;

Whereas the diversity of the citizens of the United States strengthens the Nation, and individuals from the territories of the United States contribute to that diversity; and

Whereas it is important for students to study the history of these geographic areas as part of United States history: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that children in the United States should understand and appreciate the contributions of individuals from Puerto Rico, the United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands and the contributions of such individuals in United States history.

The SPEAKER pro tempore, Mrs. DAVIS of California, recognized Mr. SARBANES and Ms. FOXX, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution, as amended?

The SPEAKER pro tempore, Mrs. DAVIS of California, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said concurrent resolution, as amended, was agreed to.

By unanimous consent, the title was amended so as to read: ''A concurrent

resolution expressing the sense of the Congress that children in the United States should understand and appreciate the contributions of individuals from the territories of the United States and the contributions of such individuals in United States history.''.

A motion to reconsider the votes whereby the rules were suspended and said concurrent resolution, as amended, was agreed to and the title was amended was, by unanimous laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶77.23 COMMISSION ON THE ABOLITION OF THE TRANSATLANTIC SLAVE TRADE

The SPEAKER pro tempore, Mrs. DAVIS of California, pursuant to section 4(a) of the Commission on the Abolition of the Transatlantic Slave Trade (Public Law 110-183), and the order of the House of January 4, 2007, announced that the Speaker appointed the following Members on the part of the House to the Commission on the Abolition of the Transatlantic Slave Trade: Messrs. Donald Payne, Newark, New Jersey, Howard Dodson, New York, New York, and Ms. Evelyn Brooks Higginbotham, Cambridge, Massachusetts.

Ordered, That the Clerk notify the Senate of the foregoing appointments.

¶77.24 H. RES. 1242—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mrs. DAVIS of California, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 1242) honoring the life, musical accomplishments, and contributions of Louis Jordan on the 100th anniversary of his birth.

The question being put,

Will the House suspend the rules and agree to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 348 / Nays 0

¶77.25 [Roll No. 438]

YEAS—348

Abercrombie	Blumenauer	Capps
Ackerman	Blunt	Capuano
Aderholt	Boehner	Cardoza
Akin	Bonner	Carson
Altmire	Bono Mack	Carter
Andrews	Boozman	Castle
Arcuri	Boren	Castor
Baca	Boswell	Cazayoux
Bachmann	Boustany	Chabot
Bachus	Boyd (FL)	Chandler
Baird	Brady (PA)	Childers
Baldwin	Brady (TX)	Clarke
Barrett (SC)	Braley (IA)	Clay
Barrow	Broun (GA)	Cleaver
Bartlett (MD)	Brown (SC)	Clyburn
Barton (TX)	Brown, Corrine	Coble
Bean	Brown-Waite, Ginny	Cole (OK)
Berkley	Buchanan	Conaway
Berry	Burgess	Conyers
Biggert	Butterfield	Cooper
Bilbray	Calvert	Cramer
Bilirakis	Camp (MI)	Crenshaw
Bishop (GA)	Campbell (CA)	Crowley
Bishop (NY)	Capito	Cubin
Bishop (UT)	Cuellar	Culberson
Cummings	Kagen	Price (NC)
Davis (AL)	Keller	Putnam
Davis (CA)	Kennedy	Rahall
Davis (KY)	Kildee	Ramstad
Davis, David	King (IA)	Rangel
Davis, Lincoln	King (NY)	Regula
Davis, Tom	Kirk	Rehberg
Deal (GA)	Klein (FL)	Reichert
DeFazio	Kline (MN)	Renzi
DeGette	Kucinich	Richardson
Delahunt	Kuhl (NY)	Rodriguez
DeLauro	LaHood	Rogers (AL)
Dent	Lamborn	Rogers (KY)
Diaz-Balart, L.	Lampson	Rogers (MI)
Diaz-Balart, M.	Larsen (WA)	Rohrabacher
Dicks	Larson (CT)	Ros-Lehtinen
Dingell	Latham	Roskam
Doggett	LaTourette	Ross
Donnelly	Latta	Rothman
Doolittle	Lee	Royce
Dreier	Levin	Ruppersberger
Duncan	Lewis (CA)	Ryan (WI)
Edwards (MD)	Lewis (GA)	Salazar
Edwards (TX)	Lewis (KY)	Sali
Ehlers	Linder	Sanchez, Loretta
Ellison	Lipinski	Sarbanes
Ellsworth	LoBiondo	Saxton
Emanuel	Lofgren, Zoe	Scalise
Emerson	Lowey	Schakowsky
English (PA)	Lucas	Schmidt
Eshoo	Lungren, Daniel E.	Scott (GA)
Etheridge	Lynch	Scott (VA)
Everett	Mack	Sensenbrenner
Fallin	Mahoney (FL)	Serrano
Farr	Manzullo	Sessions
Fattah	Marchant	Shadegg
Feeney	Markey	Shays
Filner	Marshall	Sherman
Flake	Matheson	Shuler
Forbes	Matsui	Shuster
Fortenberry	McCarthy (CA)	Simpson
Fossella	McCarthy (NY)	Skelton
Foster	McCaul (TX)	Slaughter
Foxx	McCollum (MN)	Smith (NE)
Franks (AZ)	McCotter	Smith (NJ)
Frelinghuysen	McCrery	Smith (TX)
Garrett (NJ)	McDermott	Smith (WA)
Gerlach	McGovern	Snyder
Giffords	McHenry	Speier
Gillibrand	McHugh	Spratt
Gingrey	McIntyre	Stark
Gonzalez	McKeon	Stearns
Goode	McMorris Rodgers	Stupak
Goodlatte	McNerney	Sullivan
Gordon	Meek (FL)	Sutton
Granger	Meeks (NY)	Tanner
Graves	Melancon	Tauscher
Green, Al	Mica	Taylor
Green, Gene	Michaud	Terry
Hall (NY)	Miller (FL)	Thompson (CA)
Hall (TX)	Miller (MI)	Thornberry
Hare	Miller (NC)	Tiahrt
Harman	Miller, George	Tiberi
Hastings (FL)	Mitchell	Tierney
Hastings (WA)	Moore (KS)	Towns
Hayes	Moore (WI)	Tsongas
Heller	Moran (VA)	Turner
Hensarling	Murphy, Patrick	Upton
Herger	Musgrave	Van Hollen
Herseth Sandlin	Myrick	Velázquez
Higgins	Nadler	Visclosky
Hinchey	Napolitano	Walberg
Hinojosa	Neal (MA)	Walsh (NY)
Hirono	Neugebauer	Walz (MN)
Hobson	Oberstar	Wamp
Hodes	Obey	Wasserman Schultz
Holden	Olver	Watson
Holt	Ortiz	Watt
Honda	Pallone	Waxman
Hooley	Pastor	Welch (VT)
Hoyer	Paul	Westmoreland
Inglis (SC)	Pence	Wexler
Inslee	Perlmutter	Whitfield (KY)
Issa	Peterson (MN)	Wilson (NM)
Jackson (IL)	Petri	Wilson (SC)
Jackson-Lee (TX)	Pitts	Wittman (VA)
Jefferson	Platts	Wolf
Johnson (GA)	Poe	Woolsey
Johnson, E. B.	Pomeroy	Wu
Jones (NC)	Porter	Yarmuth
Jordan	Price (GA)	Young (AK)

NOT VOTING—86

Alexander	Boucher	Cantor
Allen	Boyda (KS)	Carnahan
Becerra	Burton (IN)	Carney
Berman	Buyer	Cohen
Blackburn	Cannon	Costa
Costello	Kind	Rush
Courtney	Kingston	Ryan (OH)
Davis (IL)	Knollenberg	Sánchez, Linda T.
Doyle	Langevin	Schiff
Drake	Loebsack	Schwartz
Engel	Maloney (NY)	Sestak
Ferguson	McNulty	Shea-Porter
Frank (MA)	Miller, Gary	Shimkus
Gallegly	Mollohan	Sires
Gilchrest	Moran (KS)	Solis
Gohmert	Murphy (CT)	Souder
Grijalva	Murphy, Tim	Space
Gutierrez	Murtha	Tancredo
Hill	Nunes	Thompson (MS)
Hoekstra	Pascrell	Udall (CO)
Hulshof	Payne	Udall (NM)
Hunter	Pearce	Walden (OR)
Israel	Peterson (PA)	Waters
Johnson (IL)	Pickering	Weiner
Johnson, Sam	Pryce (OH)	Weldon (FL)
Jones (OH)	Radanovich	Weller
Kanjorski	Reyes	Wilson (OH)
Kaptur	Reynolds	Young (FL)
Kilpatrick	Roybal-Allard	

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶77.26 H. CON. RES. 372—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. CUELLAR, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the concurrent resolution (H. Con. Res. 372) supporting the goals and ideals of Black Music Month and to honor the outstanding contributions that African American singers and musicians have made to the United States.

The question being put,

Will the House suspend the rules and agree to said concurrent resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 353 / Nays 0

¶77.27 [Roll No. 439]

YEAS—353

Abercrombie	Boucher	Coble
Ackerman	Boustany	Cole (OK)
Aderholt	Boyd (FL)	Conaway
Akin	Brady (PA)	Conyers
Altmire	Brady (TX)	Cooper
Andrews	Braley (IA)	Cramer
Arcuri	Broun (GA)	Crenshaw
Baca	Brown (SC)	Crowley
Bachmann	Brown, Corrine	Cubin
Bachus	Brown-Waite, Ginny	Cuellar
Baird	Buchanan	Culberson
Baldwin	Burgess	Cummings
Barrett (SC)	Butterfield	Davis (AL)
Barrow	Calvert	Davis (CA)
Bartlett (MD)	Camp (MI)	Davis (KY)
Barton (TX)	Campbell (CA)	Davis, David
Bean	Cantor	Davis, Lincoln
Becerra	Capito	Davis, Tom
Berkley	Capps	Deal (GA)
Berry	Capuano	DeFazio
Biggert	Cardoza	DeGette
Bilbray	Carson	DeLauro
Bilirakis	Carter	Dent
Bishop (GA)	Castle	Diaz-Balart, L.
Bishop (NY)	Castor	Diaz-Balart, M.
Bishop (UT)	Cazayoux	Dicks
Blumenauer	Chabot	Dingell
Blunt	Chandler	Doggett
Boehner	Childers	Donnelly
Bonner	Clarke	Doolittle
Bono Mack	Clay	Drake
Boozman	Cleaver	Dreier
Boren	Clyburn	Duncan
Boswell		Edwards (MD)

Edwards (TX)
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Filner
Flake
Forbes
Fortenberry
Fossella
Foster
Foxx
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Giffords
Gillibrand
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inglis (SC)
Inslee
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (NC)
Jones (OH)
Jordan
Kagen
Keller
Kennedy
Kildee
King (IA)
King (NY)
Kirk
Klein (FL)
Kline (MN)
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Moore (KS)
Moore (WI)
Moran (VA)
Murphy, Patrick
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Oberstar
Obey
Olver
Ortiz
Pallone
Pastor
Paul
Pence
Perlmutter
Peterson (MN)
Petri
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Putnam
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Royce
Ruppersberger
Ryan (WI)
Salazar
Sali
Sanchez, Loretta
Sarbanes
Saxton
Scalise
Schakowsky
Schmidt
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shays
Sherman
Shuler
Shuster
Simpson
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Wamp
Wasserman Schultz
Watson
Watt
Waxman
Welch (VT)
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)

NOT VOTING—81

Alexander
Allen
Berman
Blackburn
Boyda (KS)
Burton (IN)
Buyer
Cannon
Carnahan
Carney
Cohen
Costa
Costello
Courtney
Davis (IL)
Delahunt
Doyle
Ferguson
Frank (MA)
Gallegly
Gilchrest
Gohmert
Grijalva
Gutierrez
Hill
Hoekstra
Hulshof
Hunter
Israel
Johnson (IL)
Johnson, Sam
Kanjorski
Kaptur
Kilpatrick
Kind
Kingston
Knollenberg
Langevin
Loebsack
Maloney (NY)
McNulty
Melancon
Miller, Gary
Mollohan
Moran (KS)
Murphy (CT)
Murphy, Tim
Nunes
Pascrell
Payne
Pearce
Peterson (PA)
Pickering
Pryce (OH)
Radanovich
Reyes
Reynolds
Roybal-Allard
Rush
Ryan (OH)
Sánchez, Linda T.
Schiff
Schwartz
Sestak
Shea-Porter
Shimkus
Sires
Solis
Souder
Space
Tancredo
Thompson (MS)
Udall (CO)
Udall (NM)
Walz (MN)
Waters
Weiner
Weldon (FL)
Weller
Wilson (OH)
Young (FL)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said concurrent resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said concurrent resolution was agreed to was, by unanimous consent, laid on the table.

¶77.28 H. RES. 1051—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. CUELLAR, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 1051) congratulating James Madison University in Harrisonburg, Virginia, for 100 years of service and leadership to the United States; as amended.

The question being put,

Will the House suspend the rules and agree to said resolution, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 354 / Nays 0

¶77.29 [Roll No. 440]

YEAS—354

Abercrombie
Ackerman
Aderholt
Akin
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Butterfield
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Capps
Capuano
Cardoza
Carson
Carter
Castle
Castor
Cazayoux
Chabot
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Filner
Flake
Forbes
Fortenberry
Fossella
Foster
Foxx
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Giffords
Gillibrand
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Granger
Green, Al
Green, Gene
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Hensarling
Herger
Herseth Sandlin
Higgins
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inglis (SC)
Inslee
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (NC)
Jones (OH)
Jordan
Kagen
Kaptur
Keller
Kennedy
Kildee
King (IA)
King (NY)
Kirk
Klein (FL)
Kline (MN)
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Mitchell
Moore (KS)
Moore (WI)
Moran (VA)
Murphy, Patrick
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Oberstar
Obey
Olver
Ortiz
Pallone
Pastor
Paul
Pence
Perlmutter
Peterson (MN)
Petri
Pitts
Platts
Poe
Pomeroy
Porter
Price (NC)
Putnam
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Royce
Ruppersberger
Ryan (WI)
Salazar
Sali
Sanchez, Loretta
Sarbanes
Saxton
Scalise
Schakowsky
Schmidt
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shays
Sherman
Shuler
Shuster
Simpson
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Watson
Watt
Waxman
Welch (VT)
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)

NOT VOTING—80

Alexander
Allen
Berman
Blackburn
Boyda (KS)
Burton (IN)
Buyer
Cannon
Carnahan
Carney
Cohen
Costa
Costello
Courtney
Davis (IL)
Ferguson
Frank (MA)
Gallegly
Gilchrest
Gohmert
Graves
Grijalva
Gutierrez
Heller
Hill
Hoekstra
Hulshof
Hunter
Israel
Johnson (IL)
Johnson, Sam
Kanjorski
Kilpatrick
Kind
Kingston
Knollenberg
Loebsack
Maloney (NY)
McMorris Rodgers
McNulty
Miller, Gary
Miller, George
Mollohan
Moran (KS)
Murphy (CT)
Murphy, Tim
Nunes
Pascrell
Payne
Pearce
Peterson (PA)
Pickering
Price (GA)
Pryce (OH)
Radanovich
Reyes
Reynolds
Roybal-Allard
Rush

Ryan (OH)	Sires	Waters
Sánchez, Linda T.	Solis	Weiner
Schiff	Souder	Weldon (FL)
Schwartz	Space	Weller
Sestak	Tancredo	Wilson (OH)
Shea-Porter	Thompson (MS)	Young (FL)
Shimkus	Udall (CO)	
	Udall (NM)	

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

¶77.30 NOTICE—MOTION TO INSTRUCT CONFEREES—H.R. 3040

Mr. KIRK, pursuant to clause 7(c)(1) of rule XXII, announced his intention to instruct the managers on the part of the House at the conference with the Senate on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4040) to establish consumer product safety standards and other safety requirements for children's products and to reauthorize and modernize the Consumer Product Safety Commission, to insist on the provisions contained in the bill with regard to the definition of ''children's product''.

¶77.31 ENROLLED BILL SIGNED

Lorraine C. Miller, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 3403. An Act to promote and enhance public safety by facilitating the rapid deployment of IP-enabled 911 and E–911 services, encourage the Nation's transition to a national IP-enabled emergency network, and improve 911 and E–911 access to those with disabilities.

¶77.32 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. BURTON of Indiana, for today;

To Mr. BUYER, for today;

To Mr. DAVIS of Illinois, for today and June 24;

To Mr. HILL, for today;

To Mr. KANJORSKI, for today;

To Ms. KILPATRICK, for today;

To Mr. KIND, for today;

To Mr. McNULTY, for today and June 24 until 3 p.m.;

To Mr. Gary G. MILLER of California, for today;

To Mr. MORAN of Kansas, for today;

To Mr. PEARCE, for today;

To Mr. REYES, for today; and

To Mr. WELLER of Illinois, for today.

And then,

¶77.33 ADJOURNMENT

On motion of Mr. BROUN of Georgia, at 9 o'clock and 47 minutes p.m., the House adjourned.

¶77.34 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

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

Mr. CONYERS: Committee on the Judiciary. H.R. 3546. A bill to authorize the Edward Byrne Memorial Justice Assistance Grant Program at fiscal year 2006 levels through 2012 (Rept. 110–729). Referred to the Committee of the Whole House on the state of the Union.

Mr. GEORGE MILLER of California: Committee on Education and Labor. H.R. 3195. A bill to restore the intent and protections of the Americans with Disabilities Act of 1990; with an amendment (Rept. 110–730 Pt. 1). Ordered to be printed.

Mr. CONYERS: Committee on the Judiciary. H.R. 3195. A bill to restore the intent and protections of the Americans with Disabilities Act of 1990; with an amendment (Rept. 110–730 Pt. 2). Ordered to be printed.

¶77.35 COMMITTEE DISCHARGED

Pursuant to clause 2 of rule XII, the Committees on Transportation and Infrastructure and Energy and Commerce discharged from further consideration. H.R. 3195 referred to the Committee of the Whole House on the state of the Union and ordered to be printed.

¶77.36 PUBLIC BILLS AND RESOLUTIONS

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

By Mr. DELAHUNT (for himself, Mr. PENCE, Mr. CONYERS, Mr. HENSARLING, Mr. DUNCAN, Mrs. JONES of Ohio, Mrs. CHRISTENSEN, and Mr. GALLEGLY):

H.R. 6344. A bill to provide emergency authority to delay or toll judicial proceedings in United States district and circuit courts, and for other purposes; to the Committee on the Judiciary. considered and passed.

By Mr. BOUSTANY:

H.R. 6345. A bill to establish a demonstration program to provide financial incentives to encourage the adoption and use of interactive personal health records and to encourage health information exchange networks to link clinical data to such personal health records; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STUPAK:

H.R. 6346. A bill to protect consumers from price-gouging of gasoline and other fuels, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. CORRINE BROWN of Florida (for herself, Mr. MICA, and Mr. GONZALEZ):

H.R. 6347. A bill to facilitate the use of HOPE VI grant amounts by certain public housing agencies that have suffered project delays due to catastrophes or emergencies; to the Committee on Financial Services.

By Mr. GINGREY (for himself, Mr. HUNTER, Mr. LINDER, Mr. WESTMORELAND, Mr. PRICE of Georgia, Mr. BROUN of Georgia, Mrs. DRAKE, Ms. FALLIN, Mr. FEENEY, Mr. MARCHANT, Mr. KLINE of Minnesota, Mr. SHADEGG, Mr. GOHMERT, Mr. DAVIS of Kentucky, Mrs. BACHMANN, Mr. PITTS, Mr. BARTLETT of Maryland, Mr. PENCE, Mr. HENSARLING, Mr. KING of Iowa, Mr. LATTA, Mr. DAVID DAVIS of Tennessee, Mr. GARRETT of New Jersey, Mr. SULLIVAN, Mr. WAMP, Mr. ROGERS of Kentucky, Mr. ALEXANDER, Mr. GALLEGLY, Mr. PAUL, Mr. SOUDER, and Mr. CALVERT):

H.R. 6348. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income gain from the conversion of property by reason of eminent domain; to the Committee on Ways and Means.

By Mr. MARSHALL:

H.R. 6349. A bill to provide energy price relief by authorizing greater resources and authority for the Commodity Futures Trading Commission, and for other purposes; to the Committee on Agriculture.

By Mr. SCHIFF (for himself and Mr. ROGERS of Michigan):

H.R. 6350. A bill to extend the pilot program for volunteer groups to obtain criminal history background checks; to the Committee on the Judiciary.

By Mr. SPACE (for himself and Mr. CHILDERS):

H.R. 6351. A bill to amend the Public Health Service Act to reauthorize the National Health Service Corps Program, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BROUN of Georgia:

H.J. Res. 94. A joint resolution whereas there is no greater expression of freedom and liberty than the defense of the God-given right of an individual to hold, possess, and use private property; to the Committee on the Judiciary.

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

H. Con. Res. 376. Concurrent resolution congratulating the 2007-2008 National Basketball Association World Champions, the Boston Celtics, on an outstanding and historic season; to the Committee on Oversight and Government Reform.

By Mr. SKELTON:

H. Con. Res. 377. Concurrent resolution authorizing the use of the rotunda of the Capitol for a ceremony commemorating the 60th Anniversary of the beginning of the integration of the United States Armed Forces; to the Committee on House Administration.

By Ms. SCHWARTZ (for herself and Mr. SAM JOHNSON of Texas):

H. Res. 1294. A resolution supporting the goals and ideals of National Save for Retirement Week; to the Committee on Ways and Means.

By Ms. SCHAKOWSKY (for herself and Ms. FALLIN):

H. Res. 1295. A resolution recognizing and commemorating the efforts and contributions of outstanding female veterans of the Armed Forces, and the vital roles women play today as servicemembers in the defense of the Nation; to the Committee on Veterans' Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

¶77.37 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 594: Mr. UDALL of Colorado, Mr. VISCLOSKY, Ms. SLAUGHTER, and Mr. GALLEGLY.
H.R. 643: Mr. CAZAYOUX, Mr. CUMMINGS and Mr. PETERSON of Minnesota.
H.R. 820: Mr. GORDON.
H.R. 871: Mr. MOORE of Kansas.
H.R. 932: Mr. CARSON.
H.R. 1078: Ms. HERSETH SANDLIN.
H.R. 1108: Mr. KANJORSKI.
H.R. 1185: Mr. SERRANO.
H.R. 1283: Mr. SALAZAR.
H.R. 1321: Mr. FRELINGHUYSEN.
H.R. 1386: Mr. KLEIN of Florida.
H.R. 1507: Ms. LEE.
H.R. 1621: Mrs. MUSGRAVE and Mr. KING of New York.
H.R. 1665: Mr. DEFAZIO.
H.R. 1820: Ms. MCCOLLUM of Minnesota.
H.R. 2164: Ms. SUTTON.
H.R. 2472: Mr. DOYLE and Mr. GENE GREEN of Texas.
H.R. 2552: Mr. HONDA and Mr. BRADY of Pennsylvania.
H.R. 2712: Mr. BOEHNER and Mr. BLUNT.
H.R. 2721: Mr. MAHONEY of Florida.
H.R. 2880: Mr. HENSARLING.
H.R. 2911: Mr. WAXMAN.
H.R. 2994: Mr. DAVID DAVIS of Tennessee.
H.R. 3098: Mr. ENGLISH of Pennsylvania.
H.R. 3116: Mr. CARSON.
H.R. 3195: Mrs. GILLIBRAND.
H.R. 3234: Mr. CALVERT.
H.R. 3267: Ms. MCCOLLUM of Minnesota.
H.R. 3289: Mr. DINGELL.
H.R. 3334: Mrs. MCMORRIS RODGERS.
H.R. 3347: Mr. PETERSON of Minnesota.
H.R. 3457: Mr. SALI.
H.R. 3546: Mr. BOREN.
H.R. 3650: Mr. CARNEY.
H.R. 3769: Mr. CARDOZA.
H.R. 3874: Mr. BOREN.
H.R. 3934: Mr. GENE GREEN of Texas and Mrs. BACHMANN.
H.R. 4099: Mr. PORTER.
H.R. 4105: Mr. HODES.
H.R. 4236: Ms. BERKLEY and Mr. CLEAVER.
H.R. 4544: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. MICHAUD, Mr. RYAN of Ohio, Ms. SUTTON, Ms. CORRINE BROWN of Florida, and Mr. BOUSTANY.
H.R. 4930: Mr. CARTER, Mr. SCHIFF, and Mr. STUPAK.
H.R. 5131: Mr. TIM MURPHY of Pennsylvania.
H.R. 5265: Mrs. MALONEY of New York.
H.R. 5425: Mr. SALI.
H.R. 5454: Mr. THOMPSON of Mississippi.
H.R. 5484: Ms. TSONGAS.
H.R. 5507: Mr. MCGOVERN.
H.R. 5564: Mr. CHILDERS and Mr. FILNER.
H.R. 5575: Mr. DOGGETT and Mrs. MALONEY of New York.
H.R. 5606: Mr. BOYD of Florida and Ms. LINDA T. SÁNCHEZ of California.
H.R. 5611: Mr. MORAN of Kansas.
H.R. 5656: Mr. SOUDER, Mr. BROWN of South Carolina, and Mr. MANZULLO.
H.R. 5709: Mr. SESTAK, Mr. SHAYS, and Mr. PASCRELL.
H.R. 5793: Mr. PALLONE.
H.R. 5821: Mr. HERGER.
H.R. 5825: Mr. CHILDERS.
H.R. 5882: Ms. MATSUI.
H.R. 5894: Mr. WEXLER.
H.R. 5921: Ms. MATSUI.
H.R. 5950: Mr. SIRES and Ms. LINDA T. SÁNCHEZ of California.
H.R. 6017: Mr. LEVIN.
H.R. 6039: Mr. DELAHUNT.
H.R. 6087: Mr. TERRY.
H.R. 6107: Mr. MORAN of Kansas, Mrs. MUSGRAVE, and Mr. HENSARLING.
H.R. 6127: Mr. SIRES, Mr. FRANK of Massachusetts, and Mr. WELCH of Vermont.
H.R. 6129: Mr. FERGUSON.
H.R. 6137: Mr. CULBERSON.
H.R. 6151: Mr. DOGGETT.
H.R. 6184: Mr. SESTAK.
H.R. 6195: Mr. BRADY of Pennsylvanian, Mr. SESTAK, Mr. CARNEY, Mr. CAPUANO, and Mr. HOLDEN.
H.R. 6199: Mr. HIGGINS, Mr. ACKERMAN, Mr. FOSSELLA, Mr. MCNULTY, Mr. ARCURI, Mr. TOWNS, and Mr. MEEKS of New York.
H.R. 6207: Mr. GOODE.
H.R. 6220: Mr. PAUL and Mr. BURTON of Indiana.
H.R. 6230: Mr. CASTLE.
H.R. 6251: Mrs. LOWEY, Mr. LEVIN, Mr. HILL, Mr. DINGELL, Mr. COSTELLO, Mr. MITCHELL, Mr. RYAN of Ohio, Mr. WALZ of Minnesota, Mrs. MCCARTHY of New York, Mrs. BOYDA of Kansas, Mr. SESTAK, Mr. CHANDLER, Mr. MCNULTY, and Mr. THOMPSON of California.
H.R. 6252: Mr. ABERCROMBIE, Mr. ACKERMAN, Mr. ADERHOLT, Mr. ANDREWS, Mr. BACA, Mr. BARROW, Mr. BILBRAY, Mr. BILIRAKIS, Mr. BISHOP of Georgia, Mrs. BONO MACK, Mr. BOUCHER, Mr. BRALEY of Iowa, Ms. CORRINE BROWN of Florida, Mr. CHABOT, Mr. CHANDLER, Mr. CROWLEY, Mr. CUMMINGS, Mr. DAVIS of Alabama, Mr. DAVIS of Illinois, Mr. DAVID DAVIS of Tennessee, Ms. DEGETTE, Mr. DOYLE, Mrs. DRAKE, Mr. ENGEL, Mr. ETHERIDGE, Mr. FARR, Mr. Fortuño, Mr. FOSSELLA, Mr. GOODE, Mr. GORDON, Mr. HASTINGS of Florida, Mr. HAYES, Mr. HIGGINS, Mr. HOBSON, Mr. HOEKSTRA, Mr. ISRAEL, Mr. JOHNSON of Georgia, Mr. KANJORSKI, Ms. KAPTUR, Mr. KING of New York, Mr. KUHL of New York, Mr. MARCHANT, Mr. MEEK of Florida, Mr. MICHAUD, Mr. MORAN of Kansas, Mr. TIM MURPHY of Pennsylvania, Mr. NADLER, Mr. PRICE of Georgia, Mr. REGULA, Mr. ROGERS of Albama, Mr. ROSS, Mrs. SCHMIDT, Mr. SESSIONS, Mr. SESTAK, Mr. SHULER, Mr. SPRATT, Ms. SUTTON, Mrs. TAUSCHER, Mr. TIBERI, Ms. VELÁZQUEZ, Mr. VISCLOSKY, Ms. WATSON, Mr. WILSON of South Carolina, and Mr. WITTMAN of Virginia.
H.R. 6253: Mr. ROGERS of Alabama.
H.R. 6256: Mr. HALL of New York, Mr. WALZ of Minnesota, Ms. HOOLEY, Mr. FARR, Mr. SESTAK, and Mr. LANGEVIN.
H.R. 6274: Mr. HAYES and Mr. CHABOT.
H.R. 6278: Mr. MORAN of Virginia.
H.R. 6286: Mr. HERGER, Mr. WAXMAN, Mrs. TAUSCHER, Mr. BERMAN, Ms. ZOE LOFGREN of California, Mr. CARDOZA, Ms. LINDA T. SÁNCHEZ of California, Ms. MATSUI, Mrs. CAPPS, Mrs. NAPOLITANO, Mr. BECERRA, Mr. FILNER, Mr. ROHRABACHER, Mr. CALVERT, Ms. WOOLSEY, Ms. SOLIS, Mrs. BONO MACK, Mr. ISSA, Mr. HONDA, Mr. FARR, Mr. BACA, Ms. HARMAN, Ms. LEE, Ms. ESHOO, Mr. GALLEGLY, Mr. BILBRAY, Mr. COSTA, Mr. SCHIFF, Ms. PELOSI, Mr. THOMPSON of California, Mr. MCKEON, Mr. GARY G. MILLER of California, Ms. ROYBAL-ALLARD, Mr. SHERMAN, Mr. RADANOVICH, Mr. LEWIS of California, Ms. LORETTA SANCHEZ of California, Ms. SPEIER, Ms. RICHARDSON, Ms. WATERS, Mr. MCNERNEY, Mr. STARK, Ms. WATSON, Mrs. Davis of California, and Mr. CAMPBELL of California.
H.R. 6298: Mr. WOLF.
H.R. 6307: Mr. LEWIS of Georgia, Mr. PORTER, Mrs. JONES of Ohio, Mr. TIBERI, Mr. VAN HOLLEN, Ms. BERKLEY, Mr. DAVIS of Alabama, Mr. COOPER, Mr. FATTAH, Mr. DAVIS of Illinois, Ms. SOLIS, Mr. BECERRA, Mr. GEORGE MILLER of California, Mr. ENGLISH of Pennsylvania, Mr. POMEROY, Mr. BLUMENAUER, Ms. HIRONO, Mr. LARSON of Connecticut, Mr. CROWLEY, Mr. STARK, Mr. BRADY of Pennsylvania, and Mr. TAYLOR.
H.R. 6309: Ms. VELÁZQUEZ, Mrs. MALONEY of New York, and Mr. MEEKS of New York.
H.R. 6312: Mr. ROSKAM.
H.R. 6315: Mr. KIRK.
H.R. 6330: Mr. LATOURETTE, Mr. LIPINSKI, Mr. HALL of New York, Mr. OBERSTAR, and Ms. CASTOR.
H.R. 6334: Mr. BUTTERFIELD, Mr. MELANCON, and Mr. MATHESON.
H.J. Res. 39: Mr. PLATTS.
H.J. Res. 85: Ms. WOOLSEY and Ms. BERKLEY.
H.J. Res. 89: Mr. KLINE of Minnesota.
H. Con. Res. 195: Mr. LEVIN.
H. Con. Res. 253: Mr. ABERCROMBIE, Mr. BERMAN, Ms. CASTOR, and Mr. FILNER.
H. Con. Res. 315: Mr. MCHUGH and Mr. BONNER.
H. Con. Res. 341: Mr. HOEKSTRA, Mr. TANNER, Mr. LEWIS of Georgia, Mr. SHULER, Mr. BOREN, Mr. HODES, and Mr. YOUNG of Alaska.
H. Con. Res. 342: Mr. GONZALEZ, Mr. LAHOOD, and Mr. BACHUS.
H. Con. Res. 367: Mr. SESSIONS and Mr. WILSON of South Carolina.
H. Res. 925: Mr. TIM MURPHY of Pennsylvania.
H. Res. 1008: Mr. TIBERI.
H. Res. 1090: Mr. WU, Mr. CHABOT, Ms. WOOLSEY, Mr. ROYCE, and Mr. ENGEL.
H. Res. 1179: Mr. INGLIS of South Carolina.
H. Res. 1202: Mr. BLUMENAUER.
H. Res. 1217: Mr. BLUMENAUER.
H. Res. 1231: Mr. TIM MURPHY of Pennsylvania, Mr. BOREN, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. AL GREEN of Texas.
H. Res. 1266: Mr. SESTAK, Mr. COHEN, Mr. MCNULTY, Mr. PAYNE, and Mr. WEXLER.
H. Res. 1271: Mr. MILLER of North Carolina.
H. Res. 1273: Mr. KIND.
H. Res. 1279: Mr. COHEN, Mr. KING of New York, Mr. REICHERT, Mr. HASTINGS of Florida, Mr. DICKS, and Mr. WEXLER.
H. Res. 1283: Mr. LOEBSACK and Mr. POE.
H. Res. 1291: Mr. BECERRA, Mr. BACA, Mrs. NAPOLITANO, Mr. SALAZAR, and Mr. REYES.
H. Res. 1293: Ms. LEE, Mr. GRIJALVA, Ms. SCHAKOWSKY, Mr. KUCINICH, Mr. HOLT, Mr. VAN HOLLEN, Ms. MATSUI, and Ms. KILPATRICK.

¶77.38 DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 6041: Mr. POE.

TUESDAY, JUNE 24, 2008 (78)

¶78.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Ms. BERKLEY, who laid before the House the following communication:

WASHINGTON, DC,
June 24, 2008.

I hereby appoint the Honorable SHELLEY BERKLEY to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

Whereupon, pursuant to the order of the House of January 4, 2007, Members were recognized for morning-hour debate.

¶78.2 RECESS—9:48 A.M.

The SPEAKER pro tempore, Ms. BERKLEY, pursuant to clause 12(a) of rule I, declared the House in recess at 9 o'clock and 48 minutes a.m., until 10 a.m.

¶78.3 AFTER RECESS—10 A.M.

The SPEAKER pro tempore, Mr. HOLDEN, called the House to order.

¶78.4 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. HOLDEN, announced he had examined

and approved the Journal of the proceedings of Monday, June 23, 2008.

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

The question being put, viva voce,

Will the House agree to the Chair's approval of said Journal?

The SPEAKER pro tempore, Mr. HOLDEN, announced that the yeas had it.

Mr. WILSON of South Carolina, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. HOLDEN, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶78.5 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

7284. A letter from the Under Secretary for Acquisition, Technology and Logistics, Department of Defense, transmitting a letter regarding the Department's report on the amount of purchases from foreign entities for Fiscal Year 2007, pursuant to Public Law 104-201, section 827 (110 Stat. 2611); to the Committee on Armed Services.

7285. A letter from the Under Secretary of Defense, Department of Defense, transmitting a letter on the approved retirement of General Richard A. Cody, United States Army, and his advancement to the grade of general on the retired list; to the Committee on Armed Services.

7286. A letter from the Secretary, Department of Defense, transmitting letter on the approved retirement of General Robert Magnus, United States Marine Corps, and his advancement to the grade of general on the retired list; to the Committee on Armed Services.

7287. A letter from the Secretary, Department of Defense, transmitting letter on the approved retirement of General William R. Looney III, United States Air Force, and his advancement to the grade of general on the retired list; to the Committee on Armed Services.

7288. A letter from the Principal Deputy Assistant Secretary of the Navy, Department of Defense, transmitting notification that the Department proposes to donate the submarine ex-DOLPHIN (AGSS 555) to the Maritime Museum of San Diego, California, pursuant to 10 U.S.C. 7306; to the Committee on Armed Services.

7289. A letter from the Director, Naval Reactors, transmitting copies of the Naval Nuclear Propulsion Program's latest report on environmental monitoring and radiologicial waste disposal, worker radiation exposure, and occupational safety and health, as well as a report providing an overview of the Program; to the Committee on Armed Services.

7290. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations [Docket No. FEMA-B-7780] received June 18, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7291. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations — received June 18, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7292. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Suspension of Community Eligibility [Docket No. FEMA-8021] received June 18, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7293. A letter from the Secretary, Department of Defense, transmitting the report on Measuring Stability and Security in Iraq pursuant to Section 9010 of the Department of Defense Appropriations Act, 2007, Pub. L. 109-289, as amended by Section 1308 of Pub. L. 110-28 and Section 1224 of Pub. L. 110-181; to the Committee on Foreign Affairs.

7294. A letter from the Office of the Coordinator for Counterterrorism, Department of State, transmitting a letter detailing necessary corrections in the Department's annual report, ''Country Reports on Terrorism 2007''; to the Committee on Foreign Affairs.

7295. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a proposed removal from the United States Munitions List of tires originally designed for use on the M977 Heavy Expanded Mobility Tactical Truck, pursuant to Section 38(f)(1) of the Arms Export Control Act; to the Committee on Foreign Affairs.

7296. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a proposed removal from the United States Munitions List of tires originally designed for use on Heavy Expanded Mobility Tactical Wheeled Vehicles, pursuant to Section 38(f)(1) of the Arms Export Control Act; to the Committee on Foreign Affairs.

7297. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a proposed removal from the United States Munitions List of tires primarily used on military heavy trucks, pursuant to Section 38(f)(1) of the Arms Export Control Act; to the Committee on Foreign Affairs.

7298. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to Section 620C(c) of the Foreign Assistance Act of 1961, as amended, and in accordance with section 1(a)(6) of Executive Order 13313, a report prepared by the Department of State on the progress toward a negotiated solution of the Cyprus question covering the period April 1, 2008 through May 31, 2008; to the Committee on Foreign Affairs.

7299. A letter from the Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Economic Powers Act, 50 U.S.C. 1703(c), and pursuant to Executive Order 13313 of July 31, 2003, a six-month periodic report on the national emergency with respect to the risk of nuclear proliferation created by the accumulation of weapons-usable fissile material in the territory of the Russian Federation that was declared in Executive Order 13159 of June 21, 2000; to the Committee on Foreign Affairs.

7300. A letter from the Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), and pursuant to Executive Order 13313 of July 31, 2003, a six-month periodic report of the national emergency with respect to the Western Balkans that was declared in Executive Order 13219 of June 26, 2001; to the Committee on Foreign Affairs.

7301. A letter from the Chief Financial Officer, Library of Congress, transmitting activities of the United States Capitol Preservation Fund for the six-month period which ended on March 31, 2008, pursuant to 40 U.S.C. 188a-3; to the Committee on House Administration.

7302. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Taking of Marine Mammals Incidental to Commercial Fishing Operations; Atlantic Large Whale Take Reduction Plan [Docket No. 030221039-6294-33; I.D. 110806C] received June 18, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7303. A letter from the Deputy Assistant Administrator for Operations, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — List of Fisheries for 2005 [Docket No. 041108310-5347-04, I.D. 100104H] (RIN: 0648-AS78) received June 18, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7304. A letter from the Acting Assistant Administrator, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Sea Turtle Conservation; Modification to Fishing Activities [Docket No. 060405097-6161-02; I.D. 033006E] (RIN: 0648-AU10) received June 18, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7305. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Right Whale Protection; Southeast U.S. Gillnet Closure [Docket No. 061107293-6293-01; I.D. 103006B] (RIN: 0648-AU95) received June 18, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7306. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Taking of Marine Mammals Incidental to Commercial Fishing Operations; Atlantic Large Whale Take Reduction Plan [Docket No. 030221039-6295-34; I.D. 110806D] received June 18, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7307. A letter from the Secretary, Department of Labor, transmitting a copy of a draft bill to establish authority for the Secretary of Labor to impose a fee on employers submitting applications to the Department of Labor for the certification of temporary employment of non-immigrant aliens in the United States under the H-2B non-agricultural worker visa program; to the Committee on the Judiciary.

7308. A letter from the Director of Operations, Congressional Medal of Honor Society of the United States of America, transmitting the annual financial report of the Society for calendar year 2007, pursuant to 36 U.S.C. 1101; to the Committee on the Judiciary.

7309. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Assistance Program Under the 9/11 Heroes Stamp Act of 2001 [Docket ID FEMA-2005-0001; Legacy ID DHS-2005-0006] (RIN: 1660-AA34) received June 18, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7310. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Partner's Distributive Share [TD 9398] (RIN: 1545-BD70) received May 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7311. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Guidance Under Section 7874 for Determining the

Ownership Percentage in the Case of Expanded Affiliated Groups. [TD 9399] (RIN: 1545-BE93) received May 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7312. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — 26 CFR 601.105: Examination of returns and claims for refund, credit or abatement; determination of correct tax liability. (Also Part 1, 860D, 860F, 860G, 1001; 1.860G-2, 1.1001-3, 301.7701-2, 301.7701-3, 301.7701-4) (Rev. Proc. 2008-28) received May 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7313. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Section 1274.—Determination of Issue Price in the Case of Certain Debt Instruments Issued for Property (Also Sections 42, 280G, 382, 412, 467, 468, 482, 483, 642, 807, 846, 1288, 7520, 7872.) (Rev. Rul. 2008-24) received May 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

¶78.6 MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 3180. An Act to temporarily extend the programs under the Higher Education Act of 1965.

¶78.7 MOTION TO ADJOURN

Mr. SULLIVAN moved that the House do now adjourn.

The question being put, viva voce,

Will the House now adjourn?

The SPEAKER pro tempore, Mr. HOLDEN, announced that the nays had it.

Mr. SULLIVAN demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the negative ..... { Yeas ..... 87 / Nays 299

¶78.8 [Roll No. 441]

YEAS—87

Akin	Fallin	McKeon
Alexander	Feeney	McMorris Rodgers
Bachus	Flake	Miller (MI)
Barrett (SC)	Foxx	Miller, Gary
Bartlett (MD)	Franks (AZ)	Miller, George
Biggert	Gallegly	Musgrave
Bilbray	Garrett (NJ)	Myrick
Bilirakis	Gordon	Neugebauer
Bishop (UT)	Granger	Petri
Blackburn	Hastings (WA)	Pickering
Blunt	Hensarling	Pitts
Boehner	Herger	Rehberg
Bonner	Hobson	Reichert
Brady (PA)	Hoekstra	Renzi
Braley (IA)	Hunter	Rogers (AL)
Broun (GA)	Inglis (SC)	Roskam
Camp (MI)	Issa	Ryan (WI)
Campbell (CA)	Keller	Sensenbrenner
Cantor	King (IA)	Sessions
Carter	LaHood	Shadegg
Coble	Lamborn	Shimkus
Conyers	LaTourette	Shuster
Crenshaw	Lewis (KY)	Sullivan
Cubin	Lucas	Upton
Davis, Tom	Lungren, Daniel E.	Walden (OR)
Doolittle	Manzullo	Westmoreland
Duncan	McCaul (TX)	Whitfield (KY)
Emerson	McHenry	Wilson (SC)
English (PA)	McHugh	
Everett		

NAYS—299

Ackerman	Gerlach	Murphy, Tim
Aderholt	Giffords	Murtha
Allen	Gilchrest	Nadler
Altmire	Gingrey	Napolitano
Andrews	Gonzalez	Neal (MA)
Arcuri	Goode	Oberstar
Baca	Goodlatte	Obey
Bachmann	Graves	Olver
Baird	Green, Al	Ortiz
Baldwin	Green, Gene	Pallone
Barrow	Grijalva	Pastor
Barton (TX)	Gutierrez	Paul
Bean	Hall (NY)	Pearce
Becerra	Hall (TX)	Perlmutter
Berkley	Hare	Peterson (MN)
Berman	Harman	Platts
Berry	Hayes	Poe
Bishop (GA)	Heller	Pomeroy
Bishop (NY)	Higgins	Porter
Blumenauer	Hill	Price (GA)
Bono Mack	Hinchey	Price (NC)
Boozman	Hinojosa	Putnam
Boren	Hirono	Rahall
Boucher	Hodes	Ramstad
Boustany	Holden	Rangel
Boyd (FL)	Holt	Regula
Boyda (KS)	Honda	Richardson
Brady (TX)	Hooley	Rodriguez
Brown (SC)	Hoyer	Rogers (KY)
Brown, Corrine	Hulshof	Rogers (MI)
Brown-Waite, Ginny	Inslee	Rohrabacher
Buchanan	Israel	Ros-Lehtinen
Butterfield	Jackson (IL)	Rothman
Buyer	Jackson-Lee (TX)	Roybal-Allard
Calvert	Johnson (GA)	Royce
Capito	Johnson, E. B.	Ruppersberger
Capps	Jones (NC)	Ryan (OH)
Capuano	Jones (OH)	Salazar
Carnahan	Jordan	Sali
Carney	Kagen	Sánchez, Linda T.
Carson	Kanjorski	Sanchez, Loretta
Castle	Kaptur	Sarbanes
Castor	Kennedy	Scalise
Cazayoux	Kildee	Schakowsky
Chabot	Kilpatrick	Schiff
Chandler	Kind	Schmidt
Childers	King (NY)	Schwartz
Clarke	Kingston	Scott (GA)
Clay	Kirk	Scott (VA)
Cleaver	Klein (FL)	Serrano
Clyburn	Kline (MN)	Sestak
Cohen	Knollenberg	Shays
Cole (OK)	Kucinich	Sherman
Conaway	Kuhl (NY)	Shuler
Cooper	Lampson	Simpson
Costello	Langevin	Sires
Courtney	Larson (CT)	Skelton
Cramer	Latham	Smith (NE)
Crowley	Latta	Smith (NJ)
Cuellar	Lee	Smith (TX)
Culberson	Levin	Smith (WA)
Cummings	Lewis (CA)	Snyder
Davis (AL)	Lewis (GA)	Solis
Davis (CA)	Linder	Space
Davis (KY)	Lipinski	Speier
Davis, David	LoBiondo	Spratt
Davis, Lincoln	Loebsack	Stark
Deal (GA)	Lofgren, Zoe	Stearns
DeFazio	Lowey	Stupak
DeGette	Lynch	Tanner
DeLauro	Mack	Tauscher
Dent	Maloney (NY)	Taylor
Diaz-Balart, L.	Marchant	Terry
Diaz-Balart, M.	Markey	Thompson (CA)
Dicks	Marshall	Thornberry
Dingell	Matheson	Tiahrt
Doggett	Matsui	Tiberi
Donnelly	McCarthy (CA)	Tierney
Doyle	McCarthy (NY)	Towns
Drake	McCollum (MN)	Tsongas
Dreier	McCotter	Udall (NM)
Edwards (MD)	McDermott	Van Hollen
Edwards (TX)	McGovern	Velázquez
Ehlers	McIntyre	Visclosky
Ellison	McNerney	Walberg
Ellsworth	Meek (FL)	Walsh (NY)
Emanuel	Meeks (NY)	Walz (MN)
Etheridge	Mica	Wamp
Farr	Michaud	Wasserman Schultz
Fattah	Miller (FL)	Waters
Ferguson	Miller (NC)	Watson
Filner	Mitchell	Watt
Forbes	Moore (KS)	Weldon (FL)
Fortenberry	Moore (WI)	Weller
Fossella	Moran (KS)	Wexler
Foster	Moran (VA)	Wilson (NM)
Frank (MA)	Murphy (CT)	Wilson (OH)
Frelinghuysen	Murphy, Patrick	Wittman (VA)
		Wolf
		Woolsey
		Wu
		Yarmuth
		Young (FL)

NOT VOTING—48

Abercrombie	Johnson (IL)	Reynolds
Boswell	Johnson, Sam	Ross
Burgess	Larsen (WA)	Rush
Burton (IN)	Mahoney (FL)	Saxton
Cannon	McCrery	Shea-Porter
Cardoza	McNulty	Slaughter
Costa	Melancon	Souder
Davis (IL)	Mollohan	Sutton
Delahunt	Nunes	Tancredo
Engel	Pascrell	Thompson (MS)
Eshoo	Payne	Turner
Gillibrand	Pence	Udall (CO)
Gohmert	Peterson (PA)	Waxman
Hastings (FL)	Pryce (OH)	Weiner
Herseth Sandlin	Radanovich	Welch (VT)
Jefferson	Reyes	Young (AK)

So the motion to adjourn was not agreed to.

¶78.9 MEDICARE IMPROVEMENTS

Mr. PALLONE moved to suspend the rules and pass the bill (H.R. 6331) to amend titles XVIII and XIX of the Social Security Act to extend expiring provisions under the Medicare Program, to improve beneficiary access to preventive and mental health services, to enhance low-income benefit programs, and to maintain access to care in rural areas, including pharmacy access, and for other purposes; as amended.

¶78.10 MOTION TO ADJOURN

Mr. CULBERSON moved that the House do now adjourn.

The question being put, viva voce,

Will the House now adjourn?

The SPEAKER pro tempore, Mr. HOLDEN, announced that the nays had it.

Mr. CULBERSON demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the negative ..... { Yeas ..... 75 / Nays 309

¶78.11 [Roll No. 442]

YEAS—75

Akin	Everett	McCaul (TX)
Alexander	Flake	McCrery
Bachus	Foxx	McHenry
Barrett (SC)	Franks (AZ)	McHugh
Bartlett (MD)	Garrett (NJ)	McKeon
Barton (TX)	Gilchrest	McMorris Rodgers
Bilirakis	Gordon	Miller, Gary
Bishop (UT)	Granger	Musgrave
Blackburn	Hastings (FL)	Myrick
Blunt	Hastings (WA)	Petri
Boehner	Hensarling	Pickering
Broun (GA)	Herger	Rehberg
Burton (IN)	Hobson	Reichert
Camp (MI)	Hoekstra	Renzi
Campbell (CA)	Hunter	Rogers (AL)
Cantor	Inglis (SC)	Roskam
Carter	Johnson, Sam	Ryan (WI)
Clay	Keller	Sensenbrenner
Coble	King (IA)	Sessions
Cubin	Lamborn	Shadegg
Davis, Tom	Lewis (KY)	Shimkus
Deal (GA)	Lucas	Sullivan
Doolittle	Lungren, Daniel E.	Whitfield (KY)
Duncan	Manzullo	Young (AK)
Emerson	Marchant	
English (PA)		

NAYS—309

Abercrombie	Allen	Arcuri
Ackerman	Altmire	Baca
Aderholt	Andrews	Bachmann

Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bishop (GA)
Bishop (NY)
Blumenauer
Bonner
Bono Mack
Boozman
Boren
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Butterfield
Buyer
Calvert
Capito
Capps
Capuano
Carnahan
Carney
Carson
Castle
Castor
Cazayoux
Chabot
Chandler
Childers
Clarke
Cleaver
Clyburn
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costello
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (KY)
Davis, David
DeFazio
DeGette
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Drake
Dreier
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emanuel
Etheridge
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Forbes
Fortenberry
Fossella
Foster
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Giffords
Gingrey
Gonzalez
Goode
Goodlatte
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hayes
Heller
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lampson
Langevin
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mack
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCollum (MN)
McCotter
McDermott
McGovern
McIntyre
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Mitchell
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Neugebauer
Obey
Olver
Ortiz
Pallone
Pastor
Paul
Payne
Pearce
Perlmutter
Peterson (MN)
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Putnam
Ramstad
Rangel
Regula
Richardson
Rodriguez
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Serrano
Sestak
Shays
Sherman
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Space
Stark
Stearns
Stupak
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Towns
Tsongas
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wilson (NM)
Wilson (OH)
Wittman (VA)
Wolf
Wu
Young (FL)

NOT VOTING—50

Boswell
Boucher
Cannon
Cardoza
Costa
Courtney
Davis (IL)
Davis, Lincoln
Delahunt
DeLauro
Engel
Eshoo
Gillibrand
Gohmert
Jefferson
Johnson (IL)
Larsen (WA)
Mahoney (FL)
McNulty
Miller, George
Mollohan
Nunes
Oberstar
Pascrell
Pence
Peterson (PA)
Pryce (OH)
Radanovich
Rahall
Reyes
Reynolds
Ross
Rush
Saxton
Scott (VA)
Shea-Porter
Souder
Speier
Spratt
Tancredo
Thompson (MS)
Tierney
Turner
Udall (CO)
Wamp
Weiner
Wexler
Wilson (SC)
Woolsey
Yarmuth

So the motion to adjourn was not agreed to.

The SPEAKER pro tempore, Mr. HOLDEN, recognized Mr. PALLONE and Mr. BARTON of Texas, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. CAPUANO, announced that two-thirds of the Members present had voted in the affirmative.

Mr. BARTON of Texas objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 6, rule XX, and the call was taken by electronic device.

When there appeared { Yeas ..... 355 / Nays 59

¶78.12 [Roll No. 443]

YEAS—355

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachus
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Calvert
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Cazayoux
Chabot
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cubin
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Drake
Dreier
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Forbes
Fortenberry
Fossella
Foster
Foxx
Frank (MA)
Gallegly
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Herseth Sandlin
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McDermott
McGovern
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Perlmutter
Peterson (MN)
Petri
Pickering
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Putnam
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NAYS—59

Akin
Bachmann
Barrett (SC)
Bartlett (MD)
Barton (TX)
Blackburn
Blunt
Boehner
Boustany
Brady (TX)
Broun (GA)
Buyer
Camp (MI)
Campbell (CA)
Cantor
Carter
Cole (OK)
Conaway
Crenshaw
Culberson
Doolittle
Duncan
Flake
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Granger
Hensarling
Herger
Hulshof
Johnson, Sam
Jordan
King (IA)
Lamborn
Lewis (KY)
Linder
Lungren, Daniel E.
Marchant
McCrery
McHenry
Mica
Neugebauer
Paul
Pitts
Radanovich
Renzi
Rogers (MI)
Roskam
Royce
Ryan (WI)
Sali
Scalise
Sensenbrenner
Sessions
Shadegg
Shimkus
Smith (NE)
Thornberry
Westmoreland

NOT VOTING—20

Bishop (UT)	McNulty	Reynolds
Cannon	Miller, George	Rush
Davis (IL)	Nunes	Saxton
Engel	Pence	Speier
Gohmert	Peterson (PA)	Tancredo
Higgins	Pryce (OH)	Thompson (MS)
Johnson (IL)	Reyes	

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶78.13 AIRPORT AND AIRWAY TRUST FUND

Mr. NEAL of Massachusetts, moved to suspend the rules and pass the bill (H.R. 6327) to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. CAPUANO, recognized Mr. NEAL of Massachusetts, and Mr. BRADY of Texas, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. CAPUANO, announced that two-thirds of the Members present had voted in the affirmative.

Mr. BRADY of Texas, objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mr. CAPAUNO, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

The point of no quorum was considered as withdrawn.

¶78.14 FOSTERING CONNECTIONS TO SUCCESS

Mr. McDERMOTT moved to suspend the rules and pass the bill (H.R. 6307) to amend Parts B and E of title IV of the Social Security Act to assist children in foster care in developing or maintaining connections to family, community, support, health care, and school, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. CAPUANO, recognized Mr. McDERMOTT and Mr. WELLER of Illinois, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. CAPUANO, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶78.15 SAVE FOR RETIREMENT WEEK

Mrs. SCHWARTZ moved to suspend the rules and agree to the following resolution (H. Res. 1294):

Whereas Americans are living longer and the cost of retirement continues to rise, in part because the number of employers providing retiree health coverage continues to decline, and retiree health care costs continue to increase at a rapid pace;

Whereas Social Security remains the bedrock of retirement income for the great majority of the people of the United States, but was never intended by Congress to be the sole source of retirement income for families;

Whereas recent data from the Employee Benefit Research Institute indicates that, in the United States, less than ⅔ of workers or their spouses are currently saving for retirement and that the actual amount of retirement savings of workers lags far behind the amount that will be needed to adequately fund their retirement years;

Whereas many workers may not be aware of their options for saving for retirement or may not have focused on the importance of, and need for, saving for their own retirement;

Whereas many employees have available to them through their employers access to defined benefit and defined contribution plans to assist them in preparing for retirement, yet many of them may not be taking advantage of employer-sponsored defined contribution plans at all or to the full extent allowed by the plans as prescribed by Federal law;

Whereas all workers, including public- and private-sector employees, employees of tax-exempt organizations, and self-employed individuals, can benefit from increased awareness of the need to save adequate funds for retirement and the availability of tax-preferred savings vehicles to assist them in saving for retirement; and

Whereas October 19 through October 25, 2008, has been designated as ''National Save for Retirement Week'': Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals and ideals of National Save for Retirement Week, including raising public awareness of the various tax-preferred retirement vehicles;

(2) supports the need to raise public awareness of efficiently utilizing substantial tax revenues that currently subsidize retirement savings, revenues in excess of $170,000,000,000 for the 2007 Fiscal Year Budget;

(3) supports the need to raise public awareness of the importance to save adequately for retirement and the availability of tax-preferred employer-sponsored retirement savings vehicles; and

(4) calls on the States, localities, schools, universities, nonprofit organizations, businesses, other entities, and the people of the United States to observe this week with appropriate programs and activities with the goal of increasing the retirement savings for all the people of the United States.

The SPEAKER pro tempore, Mr. CAPUANO, recognized Mrs. SCHWARTZ and Mr. Sam JOHNSON of Texas, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. CAPUANO, announced that two-thirds of the Members present had voted in the affirmative.

Mr. Sam JOHNSON of Texas, objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mr. CAPUANO, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Wednesday, June 25, 2008.

The point of no quorum was considered as withdrawn.

¶78.16 FEDERAL PRICE GOUGING PREVENTION

Mr. STUPAK moved to suspend the rules and pass the bill (H.R. 6346) to protect consumers from price-gouging of gasoline and other fuels, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. CAPUANO, recognized Mr. STUPAK and Mr. BARTON of Texas, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. BLUMENAUER, announced that two-thirds of the Members present had voted in the affirmative.

Mr. STUPAK demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. BLUMENAUER, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶78.17 DANDY-WALKER SYNDROME

Ms. HOOLEY moved to suspend the rules and agree to the following concurrent resolution (H. Con. Res. 163); as amended:

Whereas Dandy-Walker syndrome is the most common congenital malformation of the cerebellum and its causes are largely unknown;

Whereas between 10,000 and 40,000 people have Dandy-Walker syndrome in the United States;

Whereas the incidence of Dandy-Walker syndrome is at least 1 case per every 25,000 to 35,000 live births, however this is likely a significant underestimate because of difficulties diagnosing the syndrome;

Whereas the Metropolitan Atlanta Congenital Defects Program, Centers for Disease Control and Prevention reports that Dandy-Walker syndrome may affect as many as 1 in 5000 live born infants;

Whereas approximately 70 to 90 percent of patients with Dandy-Walker syndrome have hydrocephalus;

Whereas Dandy-Walker syndrome accounts for approximately 1 to 4 percent of hydrocephalus cases;

Whereas patients with Dandy-Walker syndrome present with developmental delay, enlarged head circumference, or signs and symptoms of hydrocephalus;

Whereas Dandy-Walker syndrome affects males and females approximately equally;

Whereas seizures occur in 15 to 30 percent of patients with Dandy-Walker syndrome;

Whereas subnormal intelligence is manifested in 41 to 71 percent of patients with Dandy-Walker syndrome;

Whereas failure to diagnose Dandy-Walker syndrome with hydrocephalus in a neonate or a child can cause serious neurologic complications;

Whereas Dandy-Walker syndrome is named after former University of New Mexico neurosurgeon and professor Arthur E. Walker (1907–1995) and Walter E. Dandy (1883–1941), who first described the disorder in 1914; and

Whereas there are 2 known researchers dedicated to Dandy-Walker Syndrome in the United States and additional investigators are needed: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That—

(1) Congress commends the Director of the National Institutes of Health for working with leading scientists and researchers to organize the first National Institutes of Health conference on hydrocephalus in September 2005 and the Inaugural ''Cerebellar Development: Bench to Bedside International Conference'' in November 2006; and

(2) it is the sense of Congress that—

(A) the Director of the National Institutes of Health should continue the current collaboration, with respect to Dandy-Walker syndrome, among the National Human Genome Research Institute, the National Institute of Biomedical Imaging and Bioengineering, the National Institute of Child Health and Human Development, the National Institute of Neurological Disorders and Stroke, and the Office of Rare Diseases;

(B) further research into the epidemiology, diagnosis, pathophysiology, disease burden, and improved treatment of Dandy-Walker syndrome and hydrocephalus should be conducted and supported; and

(C) public awareness and professional education regarding Dandy-Walker research should increase through partnerships between the Federal Government and patient advocacy organizations, such as the Dandy-Walker Alliance and the Hydrocephalus Association.

The SPEAKER pro tempore, Mr. BLUMENAUER, recognized Ms. HOOLEY and Mr. TERRY, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution, as amended?

The SPEAKER pro tempore, Mr. BLUMENAUER, announced that two-thirds of the Members present had voted in the affirmative.

Mr. TERRY objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mr. BLUMENAUER, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Wednesday, June 25, 2008.

The point of no quorum was considered as withdrawn.

¶78.18 PROSTRATE CANCER

Ms. HOOLEY moved to suspend the rules and agree to the following resolution (H. Res. 353); as amended:

Whereas the annual commemoration of Men's Health Week during the week preceding Father's Day gives new reason to consider the critical need to improve detection and treatment of prostate cancer;

Whereas prostate cancer now strikes at least one in six American men, with African-American men having a 60 percent higher incidence rate than Caucasian men and a mortality rate twice as high;

Whereas each year more than 230,000 American men are newly diagnosed with prostate cancer, more than 1,500,000 men have biopsies, and around 30,000 men fall prey to this potential killer;

Whereas it is important for men to take advantage of prostate cancer screening exams in order to detect the disease at the earliest opportunity, when it is still curable;

Whereas a recent study funded by the National Cancer Institute demonstrated that the most common available methods of detecting prostate cancer, the PSA blood test and physical exams, are not foolproof—imaging would be another beneficial factor in the diagnosis and treatment of prostate cancer;

Whereas the use of advanced imaging technologies to detect and treat prostate cancer could be beneficial for eliminating unnecessary and costly medical procedures that increase psychological and emotional trauma for American men and their families;

Whereas the lack of accurate imaging tools means that biopsies can miss cancer even when multiple samples are taken, and current treatments—either radical surgery or radiation—can leave 50 to 80 percent of men incontinent or impotent or both; and

Whereas advanced imaging technologies could be combined with treatment tools to perform image-guided, minimally invasive and precisely targeted interventions, which will be performed in outpatient clinics with minimal discomfort, complications and costs and which will end the fear, pain, suffering and costs that prostate cancer causes men and their families: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that Congress should support research and development of advanced imaging technologies for prostate cancer detection and treatment.

The SPEAKER pro tempore, Mr. BLUMENAUER, recognized Ms. HOOLEY and Mr. TERRY, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. BLUMENAUER, announced that two-thirds of the Members present had voted in the affirmative.

Mr. TERRY objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mr. BLUMENAUER, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Wednesday, June 25, 2008.

The point of no quorum was considered as withdrawn.

¶78.19 VETERANS' EPILEPSY TREATMENT

Mr. FILNER moved to suspend the rules and pass the bill (H.R. 2818) to amend title 38, United States Code, to provide for the establishment of Epilepsy Centers of Excellence in the Veterans Health Administration of the Department of Veterans Affairs; as amended.

The SPEAKER pro tempore, Mr. BLUMENAUER, recognized Mr. FILNER and Mr. BUYER, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. BLUMENAUER, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

By unanimous consent, the title was amended so as to read: ''An Act to amend title 38, United States Code, to provide for the establishment of epilepsy centers of excellence in the Veterans Health Administration of the Department of Veterans Affairs.''.

A motion to reconsider the votes whereby the rules were suspended and said bill, as amended, was passed and the title was amended was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶78.20 ADJOURNMENT OF THE TWO HOUSES

Mr. George MILLER of California, submitted the following privileged concurrent resolution (H. Con. Res. 379):

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on the legislative day of Thursday, June 26, 2008, or Friday, June 27, 2008, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2 p.m. on Tuesday, July 8, 2008, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns on any day from Thursday, June 26, 2008, through Friday, July 4, 2008, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Monday, July 7, 2008, or such other time on that day as may be specified in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, or their respective designees, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble at such place and time as they may designate if, in their opinion, the public interest shall warrant it.

The question being put, viva voce,

Will the House agree to said concurrent resolution?

The SPEAKER pro tempore, Mr. SHULER, announced that the yeas had it.

Mr. MCKEON demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. SHULER, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶78.21 STOP CHILD ABUSE IN RESIDENTIAL PROGRAMS

The SPEAKER pro tempore, Mr. SHULER, pursuant to House Resolution 1276 and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 5876) to require certain standards

and enforcement provisions to prevent child abuse and neglect in residential programs, and for other purposes.

The SPEAKER pro tempore, Mr. SHULER, by unanimous consent, designated Ms. MCCOLLUM of Minnesota, as Chairman of the Committee of the Whole; and after some time spent therein,

The Committee rose informally to receive a message from the President.

The SPEAKER pro tempore, Mr. MCDERMOTT, assumed the Chair.

¶78.22 MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Wanda Evans, one of his secretaries.

The Committee resumed its sitting; and after some further time spent therein,

¶78.23 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 1, printed in House Report 110-717, submitted by Mr. George MILLER of California:

Page 2, line 20, strike ''not''.

Page 2, line 21, strike ''governmental'' and insert ''public or private''.

Page 3, line 20, insert ''or'' after the semicolon.

Page 3, beginning line 21, strike ''or group home''.

Page 3, line 23, strike ''place'' and insert ''placed''.

Page 4, line 3, strike ''or group home; or'' and insert a period.

Page 4, strike lines 4 through 11.

Page 9, line 4, after ''program'' insert ''immediately, to the maximum extent practicable, but not later than within 48 hours''.

Page 9, line 13, strike ''section 8'' and insert ''section 7''.

Page 10, strike line 13 through page 11, line 4.

Page 11, line 5, strike ''(2)'' and insert ''(1)''.

Page 11, line 13, strike ''section 8'' and insert ''section 7''.

Page 12, line 10, strike ''section 8'' and insert ''section 7''.

Page 12, line 15, strike ''(3)'' and insert ''(2)''.

Page 13, line 10, strike ''contains'' and insert ''contain''.

Page 13, line 21, strike ''section 8'' and insert ''section 7''.

Page 14, beginning line 1, strike ''section 8'' and insert ''section 7''.

Page 14, line 8, before the semicolon insert '', and including the cause of each such death''.

Page 14, line 15, strike ''section 8'' and insert ''section 7''.

Page 14, beginning line 19, strike ''(b)(3), any judgments or orders issued by a court pursuant to section 5,'' and insert ''(b)(2)''.

Page 16, line 8, strike ''(b)(3)'' and insert ''(b)(2)''.

Page 16, strike line 14 through page 17, line 2.

Page 17, line 3, strike ''6'' and insert ''5''.

Page 17, strike lines 13 through 21 and insert the following:

(1) a summary of findings from on-going reviews conducted by the Assistant Secretary pursuant to section 3(b)(1), including a description of the number and types of covered programs investigated by the Assistant Secretary pursuant to such section;

(2) a description of types of violations of health and safety standards found by the Assistant Secretary and any penalties assessed;

Page 17, line 22, strike ''(4)'' and insert ''(3)''.

Page 17, line 25, strike ''section 8'' and insert ''section 7''.

Page 17, line 25, strike ''and'' at the end.

Page 18, line 1, strike ''(5)'' and insert ''(4)''.

Page 18, line 3, strike the period and insert ''; and''.

Page 18, after line 3, insert the following:

(5) a description of the activities undertaken by the national toll-free telephone hotline established pursuant to section 3(c)(2).

Page 18, line 4, strike ''7'' and insert ''6''.

Page 18, line 6, strike ''$50,000,000'' and insert ''$15,000,000''.

Page 18, line 8, strike ''section 8'' and insert ''section 7''.

Page 18, line 8, after ''of this Act'' insert ''and section 8 of this Act''.

Page 18, line 9, strike ''8'' and insert ''7''.

Page 19, line 25, insert ''or'' after the semicolon.

Page 20, beginning line 1, strike ''or group home''.

Page 20, line 8, strike ''or group home; or'' and insert a period.

Page 20, strike lines 9 through 16.

Page 22, line 14, insert ''establishing'' after ''(B)''.

Page 22, line 20, strike ''that such'' and insert ''that substantiated reports of child abuse and neglect may remain confidential and all''.

Page 23, line 4, insert ''non-public'' before ''database''.

Page 24, line 21, insert ''substantiated'' before ''child''.

Page 24, line 25, insert ''and that such database shall include and provide the definition of 'substantiated' used in compiling the data in cases that have not been finally adjudicated'' after ''neglect''.

Page 25, line 20, strike ''develop and'' and insert ''develop''.

Page 26, line 15, insert ''non-public'' before ''database''.

Page 28, line 14, strike ''annually, a random sample of review'' and insert ''an annual review by the Secretary''.

Page 29, line 19, strike ''$200,000,000'' and insert ''$235,000,000''.

At the end of the bill, add the following new section:

SEC. 8. STUDY AND REPORT ON OUTCOMES IN COVERED PROGRAMS.

(a) STUDY.—The Secretary of Health and Human Services shall conduct a study, in consultation with relevant agencies and experts, to examine the outcomes for children in both private and public covered programs under this Act encompassing a broad representation of treatment facilities and geographic regions.

(b) REPORT.—The Secretary shall submit to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report that contains the results of the study conducted under subsection (a).

It was decided in the affirmative ..... { Yeas ..... 422 / Nays 0

¶78.24 [Roll No. 444]

AYES—422

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Cazayoux
Chabot
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Faleomavaega
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Norton
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Putnam
Radanovich
Rahall
Ramstad
Rangel

Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sarbanes
Saxton
Scalise
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—17

Bilbray
Cannon
Christensen
Davis (IL)
Fortuño
Hunter
Johnson, E. B.
Markey
Pence
Pryce (OH)
Rush
Sanchez, Loretta
Snyder
Speier
Velázquez
Weldon (FL)
Wexler

So the amendment was agreed to.

The SPEAKER pro tempore, Mr. SERRANO, assumed the Chair.

When Ms. MCCOLLUM of Minnesota, Chairman, pursuant to House Resolution 1276, reported the bill back to the House with an amendment adopted by the Committee.

The previous question having been ordered by said resolution.

The following amendment, reported from the Committee of the Whole House on the state of the Union, was agreed to:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Stop Child Abuse in Residential Programs for Teens Act of 2008''.

SEC. 2. DEFINITIONS.

In this Act:

(1) ASSISTANT SECRETARY.—The term ''Assistant Secretary'' means the Assistant Secretary for Children and Families of the Department of Health and Human Services.

(2) CHILD.—The term ''child'' means an individual who has not attained the age of 18.

(3) CHILD ABUSE AND NEGLECT.—The term ''child abuse and neglect'' has the meaning given such term in section 111 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106g).

(4) COVERED PROGRAM.—

(A) IN GENERAL.—The term ''covered program'' means each location of a program operated by a public or private entity that, with respect to one or more children who are unrelated to the owner or operator of the program—

(i) provides a residential environment, such as—

(I) a program with a wilderness or outdoor experience, expedition, or intervention;

(II) a boot camp experience or other experience designed to simulate characteristics of basic military training or correctional regimes;

(III) a therapeutic boarding school; or

(IV) a behavioral modification program; and

(ii) operates with a focus on serving children with—

(I) emotional, behavioral, or mental health problems or disorders; or

(II) problems with alcohol or substance abuse.

(B) EXCLUSION.—The term ''covered program'' does not include—

(i) a hospital licensed by the State; or

(ii) a foster family home that provides 24-hour substitute care for children placed away from their parents or guardians and for whom the State child welfare services agency has placement and care responsibility and that is licensed and regulated by the State as a foster family home.

(5) PROTECTION AND ADVOCACY SYSTEM.—The term ''protection and advocacy system'' means a protection and advocacy system established under section 143 of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15043).

(6) STATE.—The term ''State'' has the meaning given such term in section 111 of the Child Abuse Prevention and Treatment Act.

SEC. 3. STANDARDS AND ENFORCEMENT.

(a) MINIMUM STANDARDS.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Assistant Secretary for Children and Families of the Department of Health and Human Services shall require each location of a covered program that individually or together with other locations has an effect on interstate commerce, in order to provide for the basic health and safety of children at such a program, to meet the following minimum standards:

(A) Child abuse and neglect shall be prohibited.

(B) Disciplinary techniques or other practices that involve the withholding of essential food, water, clothing, shelter, or medical care necessary to maintain physical health, mental health, and general safety, shall be prohibited.

(C) The protection and promotion of the right of each child at such a program to be free from physical and mechanical restraints and seclusion (as such terms are defined in section 595 of the Public Health Service Act (42 U.S.C. 290jj)) to the same extent and in the same manner as a non-medical, community-based facility for children and youth is required to protect and promote the right of its residents to be free from such restraints and seclusion under such section 595, including the prohibitions and limitations described in subsection (b)(3) of such section.

(D) Acts of physical or mental abuse designed to humiliate, degrade, or undermine a child's self-respect shall be prohibited.

(E) Each child at such a program shall have reasonable access to a telephone, and be informed of their right to such access, for making and receiving phone calls with as much privacy as possible, and shall have access to the appropriate State or local child abuse reporting hotline number, and the national hotline number referred to in subsection (c)(2).

(F) Each staff member, including volunteers, at such a program shall be required, as a condition of employment, to become familiar with what constitutes child abuse and neglect, as defined by State law.

(G) Each staff member, including volunteers, at such a program shall be required, as a condition of employment, to become familiar with the requirements, including with State law relating to mandated reporters, and procedures for reporting child abuse and neglect in the State in which such a program is located.

(H) Full disclosure, in writing, of staff qualifications and their roles and responsibilities at such program, including medical, emergency response, and mental health training, to parents or legal guardians of children at such a program, including providing information on any staff changes, including changes to any staff member's qualifications, roles, or responsibilities, not later than 10 days after such changes occur.

(I) Each staff member at a covered program described in subclause (I) or (II) of section 2(4)(A)(i) shall be required, as a condition of employment, to be familiar with the signs, symptoms, and appropriate responses associated with heatstroke, dehydration, and hypothermia.

(J) Each staff member, including volunteers, shall be required, as a condition of employment, to submit to a criminal history check, including a name-based search of the National Sex Offender Registry established pursuant to the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 109–248; 42 U.S.C. 16901 et seq.), a search of the State criminal registry or repository in the State in which the covered program is operating, and a Federal Bureau of Investigation fingerprint check. An individual shall be ineligible to serve in a position with any contact with children at a covered program if any such record check reveals a felony conviction for child abuse or neglect, spousal abuse, a crime against children (including child pornography), or a crime involving violence, including rape, sexual assault, or homicide, but not including other physical assault or battery.

(K) Policies and procedures for the provision of emergency medical care, including policies for staff protocols for implementing emergency responses.

(L) All promotional and informational materials produced by such a program shall include a hyperlink to or the URL address of the website created by the Assistant Secretary pursuant to subsection (c)(1)(A).

(M) Policies to require parents or legal guardians of a child attending such a program—

(i) to notify, in writing, such program of any medication the child is taking;

(ii) to be notified within 24 hours of any changes to the child's medical treatment and the reason for such change; and

(iii) to be notified within 24 hours of any missed dosage of prescribed medication.

(N) Procedures for notifying parents or legal guardians with children at such a program immediately, to the maximum extent practicable, but not later than within 48 hours of any—

(i) on-site investigation of a report of child abuse and neglect;

(ii) violation of the health and safety standards described in this paragraph; and

(iii) violation of State licensing standards developed pursuant to section 114(b)(1) of the Child Abuse Prevention and Treatment Act, as added by section 7 of this Act.

(O) Other standards the Assistant Secretary determines appropriate to provide for the basic health and safety of children at such a program.

(2) REGULATIONS.—

(A) INTERIM REGULATIONS.—Not later than 180 days after the date of the enactment of this Act, the Assistant Secretary shall promulgate and enforce interim regulations to carry out paragraph (1).

(B) PUBLIC COMMENT.—The Assistant Secretary shall, for a 90-day period beginning on the date of the promulgation of interim regulations under subparagraph (A) of this paragraph, solicit and accept public comment concerning such regulations. Such public comment shall be submitted in written form.

(C) FINAL REGULATIONS.—Not later than 90 days after the conclusion of the 90-day period

referred to in subparagraph (B) of this paragraph, the Assistant Secretary shall promulgate and enforce final regulations to carry out paragraph (1).

(b) MONITORING AND ENFORCEMENT.—

(1) ON-GOING REVIEW PROCESS.—Not later than 180 days after the date of the enactment of this Act, the Assistant Secretary shall implement an on-going review process for investigating and evaluating reports of child abuse and neglect at covered programs received by the Assistant Secretary from the appropriate State, in accordance with section 114(b)(3) of the Child Abuse Prevention and Treatment Act, as added by section 7 of this Act. Such review process shall—

(A) include an investigation to determine if a violation of the standards required under subsection (a)(1) has occurred;

(B) include an assessment of the State's performance with respect to appropriateness of response to and investigation of reports of child abuse and neglect at covered programs and appropriateness of legal action against responsible parties in such cases;

(C) be completed not later than 60 days after receipt by the Assistant Secretary of such a report;

(D) not interfere with an investigation by the State or a subdivision thereof; and

(E) be implemented in each State in which a covered program operates until such time as each such State has satisfied the requirements under section 114(c) of the Child Abuse Prevention and Treatment Act, as added by section 7 of this Act, as determined by the Assistant Secretary, or two years has elapsed from the date that such review process is implemented, whichever is later.

(2) CIVIL PENALTIES.—Not later than 180 days after the date of the enactment of this Act, the Assistant Secretary shall promulgate regulations establishing civil penalties for violations of the standards required under subsection (a)(1). The regulations establishing such penalties shall incorporate the following:

(A) Any owner or operator of a covered program at which the Assistant Secretary has found a violation of the standards required under subsection (a)(1) may be assessed a civil penalty not to exceed $50,000 per violation.

(B) All penalties collected under this subsection shall be deposited in the appropriate account of the Treasury of the United States.

(c) DISSEMINATION OF INFORMATION.—The Assistant Secretary shall establish, maintain, and disseminate information about the following:

(1) Websites made available to the public that contain, at a minimum, the following:

(A) The name and each location of each covered program, and the name of each owner and operator of each such program, operating in each State, and information regarding—

(i) each such program's history of violations of—

(I) regulations promulgated pursuant to subsection (a); and

(II) section 114(b)(1) of the Child Abuse Prevention and Treatment Act, as added by section 7 of this Act;

(ii) each such program's current status with the State licensing requirements under section 114(b)(1) of the Child Abuse Prevention and Treatment Act, as added by section 7 of this Act;

(iii) any deaths that occurred to a child while under the care of such a program, including any such deaths that occurred in the five year period immediately preceding the date of the enactment of this Act, and including the cause of each such death;

(iv) owners or operators of a covered program that was found to be in violation of the standards required under subsection (a)(1), or a violation of the licensing standards developed pursuant to section 114(b)(1) of the Child Abuse Prevention and Treatment Act, as added by section 7 of this Act, and who subsequently own or operate another covered program; and

(v) any penalties levied under subsection (b)(2), and any other penalties levied by the State, against each such program.

(B) Information on best practices for helping adolescents with mental health disorders, conditions, behavioral challenges, or alcohol or substance abuse, including information to help families access effective resources in their communities.

(2) A national toll-free telephone hotline to receive complaints of child abuse and neglect at covered programs and violations of the standards required under subsection (a)(1).

(d) ACTION.—The Assistant Secretary shall establish a process to—

(1) ensure complaints of child abuse and neglect received by the hotline established pursuant to subsection (c)(2) are promptly reviewed by persons with expertise in evaluating such types of complaints;

(2) immediately notify the State, appropriate local law enforcement, and the appropriate protection and advocacy system of any credible complaint of child abuse and neglect at a covered program received by the hotline;

(3) investigate any such credible complaint not later than 30 days after receiving such complaint to determine if a violation of the standards required under subsection (a)(1) has occurred; and

(4) ensure the collaboration and cooperation of the hotline established pursuant to subsection (c)(2) with other appropriate National, State, and regional hotlines, and, as appropriate and practicable, with other hotlines that might receive calls about child abuse and neglect at covered programs.

SEC. 4. ENFORCEMENT BY THE ATTORNEY GENERAL.

If the Assistant Secretary determines that a violation of subsection (a)(1) of section 3 has not been remedied through the enforcement process described in subsection (b)(2) of such section, the Assistant Secretary shall refer such violation to the Attorney General for appropriate action. Regardless of whether such a referral has been made, the Attorney General may, *sua sponte*, file a complaint in any court of competent jurisdiction seeking equitable relief or any other relief authorized by this Act for such violation.

SEC. 5. REPORT.

Not later than one year after the date of the enactment of this Act and annually thereafter, the Secretary of Health and Human Services, in coordination with the Attorney General shall submit to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate, a report on the activities carried out by the Assistant Secretary and the Attorney General under this Act, including—

(1) a summary of findings from on-going reviews conducted by the Assistant Secretary pursuant to section 3(b)(1), including a description of the number and types of covered programs investigated by the Assistant Secretary pursuant to such section;

(2) a description of types of violations of health and safety standards found by the Assistant Secretary and any penalties assessed;

(3) a summary of State progress in meeting the requirements of this Act, including the requirements under section 114 of the Child Abuse Prevention and Treatment Act, as added by section 7 of this Act;

(4) a summary of the Secretary's oversight activities and findings conducted pursuant to subsection (d) of such section 114; and

(5) a description of the activities undertaken by the national toll-free telephone hotline established pursuant to section 3(c)(2).

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to the Secretary of Health and Human Services $15,000,000 for each of fiscal years 2009 through 2013 to carry out this Act (excluding the amendment made by section 7 of this Act and section 8 of this Act).

SEC. 7. ADDITIONAL ELIGIBILITY REQUIREMENTS FOR GRANTS TO STATES TO PREVENT CHILD ABUSE AND NEGLECT AT RESIDENTIAL PROGRAMS.

(a) IN GENERAL.—Title I of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5101 et seq.) is amended by adding at the end the following new section:

"SEC. 114. ADDITIONAL ELIGIBILITY REQUIREMENTS FOR GRANTS TO STATES TO PREVENT CHILD ABUSE AND NEGLECT AT RESIDENTIAL PROGRAMS.

''(a) DEFINITIONS.—In this section:

''(1) CHILD.—The term 'child' means an individual who has not attained the age of 18.

''(2) COVERED PROGRAM.—

''(A) IN GENERAL.—The term 'covered program' means each location of a program operated by a public or private entity that, with respect to one or more children who are unrelated to the owner or operator of the program—

''(i) provides a residential environment, such as—

''(I) a program with a wilderness or outdoor experience, expedition, or intervention;

''(II) a boot camp experience or other experience designed to simulate characteristics of basic military training or correctional regimes;

''(III) a therapeutic boarding school; or

''(IV) a behavioral modification program; and

''(ii) operates with a focus on serving children with—

''(I) emotional, behavioral, or mental health problems or disorders; or

''(II) problems with alcohol or substance abuse.

''(B) EXCLUSION.—The term 'covered program' does not include—

''(i) a hospital licensed by the State;

''(ii) a foster family home that provides 24-hour substitute care for children place away from their parents or guardians and for whom the State child welfare services agency has placement and care responsibility and that is licensed and regulated by the State as a foster family home; or

''(3) PROTECTION AND ADVOCACY SYSTEM.—The term 'protection and advocacy system' means a protection and advocacy system established under section 143 of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15043).

''(b) ELIGIBILITY REQUIREMENTS.—To be eligible to receive a grant under section 106, a State shall—

''(1) not later than three years after the date of the enactment of this section, develop policies and procedures to prevent child abuse and neglect at covered programs operating in such State, including having in effect health and safety licensing requirements applicable to and necessary for the operation of each location of such covered programs that include, at a minimum—

''(A) standards that meet or exceed the standards required under section 3(a)(1) of the Stop Child Abuse in Residential Programs for Teens Act of 2008;

''(B) the provision of essential food, water, clothing, shelter, and medical care necessary to maintain physical health, mental health, and general safety of children at such programs;

''(C) policies for emergency medical care preparedness and response, including minimum staff training and qualifications for such responses; and

''(D) notification to appropriate staff at covered programs if their position of employment meets the definition of mandated reporter, as defined by the State;

''(2) develop policies and procedures to monitor and enforce compliance with the licensing requirements developed in accordance with paragraph (1), including—

''(A) designating an agency to be responsible, in collaboration and consultation with State agencies providing human services (including child protective services, and services to children with emotional, psychological, developmental, or behavioral dysfunctions, impairments, disorders, or alcohol or substance abuse), State law enforcement officials, the appropriate protection and advocacy system, and courts of competent jurisdiction, for monitoring and enforcing such compliance;

''(B) a State licensing application process through which any individual seeking to operate a covered program would be required to disclose all previous substantiated reports of child abuse and neglect and all child deaths at any businesses previously or currently owned or operated by such individual, except that substantiated reports of child abuse and neglect may remain confidential and all shall not contain any personally identifiable information relating to the identity of individuals who were the victims of such child abuse and neglect;

''(C) conducting unannounced site inspections not less often than once every two years at each location of a covered program;

''(D) creating a non-public database, to be integrated with the annual State data reports required under section 106(d), of reports of child abuse and neglect at covered programs operating in the State, except that such reports shall not contain any personally identifiable information relating to the identity of individuals who were the victims of such child abuse and neglect; and

''(E) implementing a policy of graduated sanctions, including fines and suspension and revocation of licences, against covered programs operating in the State that are out of compliance with such health and safety licensing requirements;

''(3) if the State is not yet satisfying the requirements of this subsection, in accordance with a determination made pursuant to subsection (c), develop policies and procedures for notifying the Secretary and the appropriate protection and advocacy system of any report of child abuse and neglect at a covered program operating in the State not later than 30 days after the appropriate State entity, or subdivision thereof, determines such report should be investigated and not later than 48 hours in the event of a fatality;

''(4) if the Secretary determines that the State is satisfying the requirements of this subsection, in accordance with a determination made pursuant to subsection (c), develop policies and procedures for notifying the Secretary if—

''(A) the State determines there is evidence of a pattern of violations of the standards required under paragraph (1) at a covered program operating in the State or by an owner or operator of such a program; or

''(B) there is a child fatality at a covered program operating in the State;

''(5) develop policies and procedures for establishing and maintaining a publicly available database of all covered programs operating in the State, including the name and each location of each such program and the name of the owner and operator of each such program, information on reports of substantiated child abuse and neglect at such programs (except that such reports shall not contain any personally identifiable information relating to the identity of individuals who were the victims of such child abuse and neglect and that such database shall include and provide the definition of 'substantiated' used in compiling the data in cases that have not been finally adjudicated), violations of standards required under paragraph (1), and all penalties levied against such programs;

''(6) annually submit to the Secretary a report that includes—

''(A) the name and each location of all covered programs, including the names of the owners and operators of such programs, operating in the State, and any violations of State licensing requirements developed pursuant to subsection (b)(1); and

''(B) a description of State activities to monitor and enforce such State licensing requirements, including the names of owners and operators of each covered program that underwent a site inspection by the State, and a summary of the results and any actions taken; and

''(7) if the Secretary determines that the State is satisfying the requirements of this subsection, in accordance with a determination made pursuant to subsection (c), develop policies and procedures to report to the appropriate protection and advocacy system any case of the death of an individual under the control or supervision of a covered program not later than 48 hours after the State is informed of such death.

''(c) SECRETARIAL DETERMINATION.—The Secretary shall not determine that a State's licensing requirements, monitoring, and enforcement of covered programs operating in the State satisfy the requirements of this subsection (b) unless—

''(1) the State implements licensing requirements for such covered programs that meet or exceed the standards required under subsection (b)(1);

''(2) the State designates an agency to be responsible for monitoring and enforcing compliance with such licensing requirements;

''(3) the State conducts unannounced site inspections of each location of such covered programs not less often than once every two years;

''(4) the State creates a non-public database of such covered programs, to include information on reports of child abuse and neglect at such programs (except that such reports shall not contain any personally identifiable information relating to the identity of individuals who were the victims of such child abuse and neglect);

''(5) the State implements a policy of graduated sanctions, including fines and suspension and revocation of licenses against such covered programs that are out of compliance with the health and safety licensing requirements under subsection (b)(1); and

''(6) after a review of assessments conducted under section 3(b)(2)(B) of the Stop Child Abuse in Residential Programs for Teens Act of 2008, the Secretary determines the State is appropriately investigating and responding to allegations of child abuse and neglect at such covered programs.

''(d) OVERSIGHT.—

''(1) IN GENERAL.—Beginning two years after the date of the enactment of the Stop Child Abuse in Residential Programs for Teens Act of 2008, the Secretary shall implement a process for continued monitoring of each State that is determined to be satisfying the licensing, monitoring, and enforcement requirements of subsection (b), in accordance with a determination made pursuant to subsection (c), with respect to the performance of each such State regarding—

''(A) preventing child abuse and neglect at covered programs operating in each such State; and

''(B) enforcing the licensing standards described in subsection (b)(1).

''(2) EVALUATIONS.—The process required under paragraph (1) shall include in each State, at a minimum—

''(A) an investigation not later than 60 days after receipt by the Secretary of a report from a State, or a subdivision thereof, of child abuse and neglect at a covered program operating in the State, and submission of findings to appropriate law enforcement or other local entity where necessary, if the report indicates—

''(i) a child fatality at such program; or

''(ii) there is evidence of a pattern of violations of the standards required under subsection (b)(1) at such program or by an owner or operator of such program;

''(B) an annual review by the Secretary of cases of reports of child abuse and neglect investigated at covered programs operating in the State to assess the State's performance with respect to the appropriateness of response to and investigation of reports of child abuse and neglect at covered programs and the appropriateness of legal actions taken against responsible parties in such cases; and

''(C) unannounced site inspections of covered programs operating in the State to monitor compliance with the standards required under section 3(a) of the Stop Child Abuse in Residential Programs for Teens Act of 2008.

''(3) ENFORCEMENT.—If the Secretary determines, pursuant to an evaluation under this subsection, that a State is not adequately implementing, monitoring, and enforcing the licensing requirements of subsection (b)(1), the Secretary shall require, for a period of not less than one year, that—

''(A) the State shall inform the Secretary of each instance there is a report to be investigated of child abuse and neglect at a covered program operating in the State; and

''(B) the Secretary and the appropriate local agency shall jointly investigate such report.''.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 112(a)(1) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106h(a)(1)) is amended by inserting before the period at the end the following: '', and $235,000,000 for each of fiscal years 2009 through 2013''.

(c) CONFORMING AMENDMENTS.—

(1) COORDINATION WITH AVAILABLE RESOURCES.—Section 103(c)(1)(D) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5104(c)(1)(D)) is amended by inserting after ''specific'' the following: ''(including reports of child abuse and neglect occurring at covered programs (except that such reports shall not contain any personally identifiable information relating to the identity of individuals who were the victims of such child abuse and neglect), as such term is defined in section 114)''.

(2) FURTHER REQUIREMENT.—Section 106(b)(1) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106a(b)(1)) is amended by adding at the end the following new subparagraph:

''(C) FURTHER REQUIREMENT.—To be eligible to receive a grant under this section, a State shall comply with the requirements under section 114(b) and shall include in the State plan submitted pursuant to subparagraph (A) a description of the activities the State will carry out to comply with the requirements under such section 114(b).''.

(3) ANNUAL STATE DATA REPORTS.—Section 106(d) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106a(d)) is amended—

(A) in paragraph (1), by inserting before the period at the end the following: ''(including reports of child abuse and neglect occurring at covered programs (except that such reports shall not contain any personally

identifiable information relating to the identity of individuals who were the victims of such child abuse and neglect), as such term is defined in section 114)''; and

(B) in paragraph (6), by inserting before the period at the end the following: ''or who were in the care of a covered program, as such term is defined in section 114''.

(d) CLERICAL AMENDMENT.—Section 1(b) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5101 note) is amended by inserting after the item relating to section 113 the following new item:

''Sec. 114. Additional eligibility requirements for grants to States to prevent child abuse and neglect at residential programs.''.

SEC. 8. STUDY AND REPORT ON OUTCOMES IN COVERED PROGRAMS.

(a) STUDY.—The Secretary of Health and Human Services shall conduct a study, in consultation with relevant agencies and experts, to examine the outcomes for children in both private and public covered programs under this Act encompassing a broad representation of treatment facilities and geographic regions.

(b) REPORT.—The Secretary shall submit to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report that contains the results of the study conducted under subsection (a).

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

Mrs. BACHMANN moved to recommit the bill to the Committee on Education and Labor with instructions to report the bill back to the House promptly with the following amendment:

On page 9, beginning on line 3, insert the following new subparagraph (and redesignate subsequent subparagraphs accordingly):

(N) Policies to require the consent of parents or legal guardians of a child, before any prescription medication (including contraception) not previously disclosed in writing pursuant to subparagraph (M)(i) by such parents or legal guardians, may be dispensed to such child.

After debate,

The SPEAKER pro tempore, Mr. SERRANO, pursuant to section 2 of House Resolution 1276, announced that further proceedings on the bill were postponed.

¶78.25 PROVIDING FOR CONSIDERATION OF H.R. 6275

Mr. HASTINGS of Florida, by direction of the Committee on Rules, reported (Rept. No. 110–731) the resolution (H. Res. 1297) providing for consideration of the bill (H.R. 6275) to amend the Internal Revenue Code 0f 1986 to provide individuals temporary relief from the alternative minimum tax, and for other purposes.

When said resolution and report were referred to the House Calendar and ordered printed.

¶78.26 PROVIDING FOR CONSIDERATION OF H.R. 1298

Mr. HASTINGS of Florida, by direction of the Committee on Rules, reported (Rept. No. 110–732) the resolution (H. Res. 1298) providing for consideration of the bill (H.R. 2176) to provide for and approve the settlement of certain land claims of the Bay Mills Indian Community.

When said resolution and report were referred to the House Calendar and ordered printed.

¶78.27 PROVIDING FOR CONSIDERATION OF H.R. 3195

Mr. HASTINGS of Florida, by direction of the Committee on Rules, reported (Rept. No. 110–733) the resolution (H. Res. 1299) providing for consideration of the bill (H.R. 3195) to restore the intent and protectiobns of the Americans with Disabilities Act of 1990.

When said resolution and report were referred to the House Calendar and ordered printed.

¶78.28 H. CON. RES. 379—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. SERRANO, pursuant to clause 8, rule XX, announced the unfinished business to be the question on agreeing to the concurrent resolution (H. Con. Res. 379) providing for the an adjournment of the two houses.

The question being put,

Will the House agree to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 225 / Nays 197

¶78.29 [Roll No. 445]

YEAS—225

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

NAYS—197

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

NOT VOTING—12

Bachus	Capps	Davis (IL)
Cannon	Cuellar	Pence

Pryce (OH) Snyder Weldon (FL)
Rush Speier Wexler

So the concurrent resolution was agreed to.

A motion to reconsider the vote whereby said concurrent resolution was agreed to was, by unanimous consent, laid on the table.

¶78.30 APPROVAL OF THE JOURNAL—UNFINISHED BUSINESS

The SPEAKER pro tempore, Ms. McCOLLUM of Minnesota, pursuant to clause 8, rule XX, announced the further unfinished business to be the question on agreeing to the Chair's approval of the Journal of Monday, June 23, 2008.

The question being put,

Will the House agree to the Chair's approval of said Journal?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 239; Nays ..... 181; Answered present 2

¶78.31 [Roll No. 446]

YEAS—239

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

NAYS—181

Aderholt Franks (AZ) Platts
Akin Frelinghuysen Poe
Alexander Gallegly Porter
Altmire Garrett (NJ) Price (GA)
Bachmann Giffords Putnam
Bachus Gilchrest Radanovich
Barrett (SC) Gingrey Ramstad
Bartlett (MD) Granger Regula
Barton (TX) Graves Rehberg
Bilirakis Hall (TX) Reichert
Blackburn Hastings (WA) Renzi
Blunt Hensarling Reynolds
Boehner Herger Rogers (AL)
Bonner Hobson Rogers (KY)
Bono Mack Hoekstra Rogers (MI)
Boozman Hunter Rohrabacher
Boustany Inglis (SC) Ros-Lehtinen
Brady (TX) Issa Roskam
Broun (GA) Johnson, Sam Royce
Brown (SC) Jordan Ryan (WI)
Buchanan Keller Sali
Burgess King (IA) Saxton
Burton (IN) King (NY) Scalise
Buyer Kingston Schmidt
Calvert Kline (MN) Sensenbrenner
Camp (MI) Knollenberg Sessions
Campbell (CA) Kuhl (NY) Shadegg
Cantor LaHood Shays
Capito Lamborn Shimkus
Carney LaTourette Shuler
Carter Latta Shuster
Castle Lewis (CA) Simpson
Cazayoux Linder Smith (NE)
Chabot LoBiondo Smith (NJ)
Childers Lucas Smith (TX)
Coble Mack Souder
Cole (OK) Manzullo Stearns
Conaway Marchant Stupak
Crenshaw Matheson Sullivan
Cubin McCaul (TX) Terry
Culberson McCotter Thompson (CA)
Davis (KY) McCrery Thornberry
Davis, David McHenry Tiahrt
Davis, Tom McHugh Tiberi
Deal (GA) McKeon Turner
Diaz-Balart, L. Mica Upton
Diaz-Balart, M. Miller (FL) Walberg
Donnelly Miller (MI) Walden (OR)
Doolittle Miller, Gary Walsh (NY)
Drake Mitchell Wamp
Dreier Moran (KS) Weldon (FL)
Duncan Murphy, Tim Weller
Ellsworth Musgrave Westmoreland
Emerson Myrick Whitfield (KY)
English (PA) Neugebauer Wilson (NM)
Everett Nunes Wilson (SC)
Fallin Paul Wittman (VA)
Flake Peterson (MN) Wolf
Forbes Peterson (PA) Young (FL)
Fossella Petri
Foxx Pitts

ANSWERED ''PRESENT''—2

Gohmert Tancredo

NOT VOTING—12

Cannon Moore (WI) Rush
Davis (IL) Pence Snyder
Edwards (TX) Pickering Speier
Hirono Pryce (OH) Wexler

So the Journal was approved.

¶78.32 H.R. 6327—UNFINISHED BUSINESS

The SPEAKER pro tempore, Ms. McCOLLUM of Minnesota, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 6327) to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, and for other purposes; as amended.

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Ms. McCOLLUM of Minnesota, announced that two-thirds of those present had voted in the affirmative.

Mr. McDERMOTT demanded a recorded vote on the motion to suspend the rules and pass said bill, as amended, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 422; Nays 0

¶78.33 [Roll No. 447]

AYES—422

Abercrombie Carney Fallin
Ackerman Carson Farr
Aderholt Carter Fattah
Akin Castle Feeney
Alexander Castor Ferguson
Allen Cazayoux Filner
Altmire Chabot Flake
Andrews Chandler Forbes
Arcuri Childers Fortenberry
Baca Clarke Fossella
Bachmann Clay Foster
Bachus Cleaver Foxx
Baird Clyburn Frank (MA)
Baldwin Coble Franks (AZ)
Barrett (SC) Cohen Frelinghuysen
Barrow Cole (OK) Gallegly
Bartlett (MD) Conaway Garrett (NJ)
Barton (TX) Conyers Gerlach
Bean Cooper Giffords
Becerra Costa Gilchrest
Berkley Costello Gillibrand
Berman Courtney Gingrey
Berry Cramer Gohmert
Biggert Crenshaw Gonzalez
Bilbray Crowley Goode
Bilirakis Cubin Goodlatte
Bishop (GA) Cuellar Gordon
Bishop (NY) Culberson Granger
Bishop (UT) Cummings Graves
Blackburn Davis (AL) Green, Al
Blumenauer Davis (CA) Green, Gene
Blunt Davis (KY) Grijalva
Boehner Davis, David Gutierrez
Bonner Davis, Lincoln Hall (NY)
Bono Mack Davis, Tom Hall (TX)
Boozman Deal (GA) Hare
Boren DeFazio Harman
Boswell DeGette Hastings (FL)
Boucher Delahunt Hastings (WA)
Boustany DeLauro Hayes
Boyd (FL) Dent Heller
Boyda (KS) Diaz-Balart, L. Hensarling
Brady (PA) Diaz-Balart, M. Herger
Brady (TX) Dicks Herseth Sandlin
Braley (IA) Dingell Higgins
Broun (GA) Doggett Hill
Brown (SC) Donnelly Hinchey
Brown, Corrine Doolittle Hinojosa
Brown-Waite, Ginny Doyle Hirono
Drake Hobson
Buchanan Dreier Hodes
Burgess Duncan Hoekstra
Burton (IN) Edwards (MD) Holden
Butterfield Edwards (TX) Holt
Buyer Ehlers Honda
Calvert Ellison Hooley
Camp (MI) Ellsworth Hoyer
Campbell (CA) Emanuel Hulshof
Cantor Emerson Hunter
Capito Engel Inglis (SC)
Capps English (PA) Inslee
Capuano Eshoo Israel
Cardoza Etheridge Issa
Carnahan Everett Jackson (IL)

Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Perlmutter
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Scalise
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—12

Cannon
Davis (IL)
McCarthy (NY)
Pence
Peterson (MN)
Pryce (OH)
Rush
Scott (VA)
Snyder
Speier
Waters
Wexler

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶78.34 H.R. 6346—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. WELCH of Vermont, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 6346) to protect consumers from price-gouging of gasoline and other fuels, and for other purposes; as amended.

The question being put,

Will the House suspend the rules and pass said bill, as amended?

The vote was taken by electronic device.

It was decided in the negative ..... { Yeas ..... 276 / Nays 146

¶78.35 [Roll No. 448]

YEAS—276

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bono Mack
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Butterfield
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Cazayoux
Chabot
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Farr
Fattah
Filner
Forbes
Fortenberry
Foster
Frank (MA)
Gerlach
Giffords
Gilchrest
Gillibrand
Gonzalez
Goode
Goodlatte
Gordon
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hayes
Heller
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
Kirk
Klein (FL)
Kucinich
Kuhl (NY)
Lampson
Langevin
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McCotter
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Michaud
Miller (MI)
Miller (NC)
Mitchell
Mollohan
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pelosi
Perlmutter
Petri
Platts
Pomeroy
Price (NC)
Rahall
Ramstad
Rangel
Reichert
Renzi
Reyes
Richardson
Rodriguez
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (FL)

NAYS—146

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Carter
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Everett
Fallin
Feeney
Ferguson
Flake
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gingrey
Gohmert
Granger
Hastings (WA)
Hensarling
Herger
Hobson
Hoekstra
Hunter
Inglis (SC)
Issa
Johnson, Sam
Jordan
King (IA)
King (NY)
Kingston
Kline (MN)
Knollenberg
LaHood
Lamborn
Latham
Latta
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCrery
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Peterson (MN)
Peterson (PA)
Pickering
Pitts
Poe
Porter
Price (GA)
Putnam
Radanovich
Regula
Rehberg
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Saxton
Scalise
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Upton
Walberg
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Wilson (SC)
Young (AK)

NOT VOTING—13

Berman
Blumenauer
Cannon
Davis (IL)
Melancon
Miller, George
Moore (KS)
Pence
Pryce (OH)
Rush
Snyder
Speier
Wexler

So, less than two-thirds of the Members present having voted in favor thereof, the rules were not suspended and said bill, as amended, was not passed.

¶78.36 MESSAGE FROM THE PRESIDENT—NATIONAL EMERGENCY WITH RESPECT TO THE WESTERN BALKANS

The SPEAKER pro tempore, Mr. WELCH of Vermont, laid before the House a message from the President, which was read as follows:

To the Congress of the United States:

Sectlon 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides

for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice to the *Federal Register* for publication stating that the Western Balkans emergency is to continue in effect beyond June 26, 2008.

The crisis constituted by the actions of persons engaged in, or assisting, sponsoring, or supporting (i) extremist violence in the Republic of Macedonia and elsewhere in the Western Balkans region, or (ii) acts obstructing implementation of the Dayton Accords in Bosnia or United Nations Security Council Resolution 1244 of June 10, 1999, in Kosovo, that led to the declaration of a national emergency on June 26, 2001, in Executive Order 13219 and to Executive Order 13304 of May 28, 2003, has not been resolved. The acts of extremist violence and obstructionist activity outlined in Executive Order 13219, as amended, are hostile to U.S. interests and pose a continuing unusual and extraordinary threat to the national security and foreign policy of the United States. For these reasons, I have determined that it is necessary to continue the national emergency declared with respect to the Western Balkans and maintain in force the comprehensive sanctions to respond to this threat.

GEORGE W. BUSH.
THE WHITE HOUSE, *June 24, 2008*.

By unanimous consent, the message, together with the accompanying papers, was referred to the Committee on Foreign Affairs and ordered to be printed (H. Doc. 110–127).

¶78.37 YEAR OF THE AMERICAN VETERAN

Mr. FILNER moved to suspend the rules and agree to the following resolution (H. Res. 1098):

Whereas there are currently more than 25,000,000 veterans of the United States Armed Forces, residing in the United States;

Whereas those who are legally termed ''veteran'' have served the United States honorably in either times of peace or war;

Whereas by the very nature of their service, veterans have sacrificed, along with their families, in the name of their country;

Whereas the service of veterans has and continues to guarantee the fundamental freedoms afforded to all Americans;

Whereas the American people are grateful and appreciative of the sacrifices made by all veterans, past, present, and future and wish to especially commemorate their service; and

Whereas the Commission on the Future for America's Veterans has designated 2008 as the ''Year of the American Veteran'': Now, therefore, be it

Resolved, That the House of Representatives—

(1) encourages the American people to recognize and acknowledge the sacrifices the American veteran demonstrates in the name of freedom;

(2) encourages the education of the American people on the many great contributions of the American veteran to American society; and

(3) supports the goals and ideals of the Year of the American Veteran.

The SPEAKER pro tempore, Mr. WELCH of Vermont, recognized Mr. FILNER and Mr. BUYER, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. WELCH of Vermont, announced that two-thirds of the Members present had voted in the affirmative.

Mr. BUYER demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. WELCH of Vermont, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Wednesday, June 25, 2008.

¶78.38 VIETNAM VETERANS DAY

Mr. FILNER moved to suspend the rules and agree to the following resolution (H. Res. 1231):

Whereas the Vietnam War was the longest military conflict in United States history;

Whereas more than 3,000,000 Americans served in Southeast Asia during the Vietnam War;

Whereas more than 58,000 Americans lost their lives defending the Nation's freedom during the Vietnam conflict;

Whereas 304,000 additional Americans were wounded during the war;

Whereas on March 29, 1973, the last remaining members of the United States Armed Forces withdrew from Vietnam; and

Whereas the United States does not have a national day of recognition specifically for Vietnam veterans: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals and ideals of Vietnam Veterans Day; and

(2) calls on the American people to recognize such a day to remember those men and women who sacrificed their lives defending the Nation in the Vietnam conflict, to recognize the prisoners of war and those members of the Armed Forces who are missing in action, and to honor all Vietnam veterans who served the Nation faithfully to protect its freedom.

The SPEAKER pro tempore, Mr. WELCH of Vermont, recognized Mr. FILNER and Mr. BUYER, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. KLEIN of Florida, announced that two-thirds of the Members present had voted in the affirmative.

Mr. BUYER objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mr. KLEIN of Florida, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Wednesday, June 25, 2008.

The point of no quorum was considered as withdrawn.

¶78.39 ELWOOD ''BUD'' LINK DEPARTMENT OF VETERANS AFFAIRS OUTPATIENT CLINIC

Mr. FILNER moved to suspend the rules and pass the bill (H.R. 2245) to designate the Department of Veterans Affairs outpatient clinic in Wenatchee, Washington, as the Elwood ''Bud'' Link Department of Veterans Affairs Outpatient Clinic.

The SPEAKER pro tempore, Mr. KLEIN of Florida, recognized Mr. FILNER and Mr. BUYER, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. KLEIN of Florida, announced that two-thirds of the Members present had voted in the affirmative.

Mr. BUYER objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mr. KLEIN of Florida, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Wednesday, June 25, 2008.

The point of no quorum was considered as withdrawn.

¶78.40 MICHAEL BILIRAKIS DEPARTMENT OF VETERANS AFFAIRS SPINAL CORD INJURY CENTER

Mr. FILNER moved to suspend the rules and pass the bill (H.R. 4264) to name the Department of Veterans Affairs spinal cord injury center in Tampa, Florida, as the ''Michael Bilirakis Department of Veterans Affairs Spinal Cord Injury Center''.

The SPEAKER pro tempore, Mr. KLEIN of Florida, recognized Mr. FILNER and Mr. BUYER, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. KLEIN of Florida, announced that two-thirds of the Members present had voted in the affirmative.

Mr. BUYER objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mr. KLEIN of Florida, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Wednesday, June 25, 2008.

The point of no quorum was considered as withdrawn.

¶78.41 EURIPIDES RUBIO

Mr. FILNER moved to suspend the rules and pass the bill (H.R. 4289) to name the Department of Veterans Affairs outpatient clinic in Ponce, Puerto Rico, as the ''Euripides Rubio Department of Veterans Affairs Outpatient Clinic''.

The SPEAKER pro tempore, Mr. KLEIN of Florida, recognized Mr. FILNER and Mr. BUYER, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. KLEIN of Florida, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶78.42 BRUCE W. CARTER

Mr. FILNER moved to suspend the rules and pass the bill (H.R. 4918) to name the Department of Veterans Affairs medical center in Miami, Florida, as the ''Bruce W. Carter Department of Veterans Affairs Medical Center''.

The SPEAKER pro tempore, Mr. KLEIN of Florida, recognized Mr. FILNER and Mr. BUYER, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. KLEIN of Florida, announced that two-thirds of the Members present had voted in the affirmative.

Mr. BUYER objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mr. KLEIN of Florida, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Wednesday, June 25, 2008.

The point of no quorum was considered as withdrawn.

¶78.43 AMERICAN GI FORUM

Mr. FILNER moved to suspend the rules and agree to the following resolution (H. Res. 1291):

Whereas millions of veterans returning home from World War II looked to the guarantee of educational, medical, housing, and other basic benefits provided by the GI bill;

Whereas these benefits were denied in large part to Americans of Mexican descent and other Hispanics throughout the United States;

Whereas the American GI Forum was founded in 1948 by Army Major Hector P. Garcia, a physician from Corpus Christi, Texas, in response to such inequities;

Whereas the Forum's motto is ''Education Is Our Freedom and Freedom Should Be Everybody's Business'';

Whereas in 1998 the Forum was granted a Federal charter pursuant to an Act of Congress (Public Law 105–231);

Whereas one of the purposes expressed in the Forum's charter is ''fostering and enlarging equal educational opportunities, equal economic opportunities, equal justice under the law, and equal political opportunities for all United States citizens, regardless of race, color, religion, sex, or national origin'';

Whereas the Forum's Veterans Outreach Program is based in San Antonio, Texas, and provides training, employment, and counseling for veterans in the Southwestern United States; and

Whereas the American GI Forum continues to be a beacon of hope and an avenue for involvement for returning veterans and ordinary citizens aspiring to improve conditions within their own communities: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the need for equal access to veterans' benefits for all who have honorably served;

(2) supports the goals, ideals, and deeds of the American GI Forum and its members;

(3) commends the work of the American GI Forum on its 60th anniversary; and

(4) encourages others to join with the American GI Forum to ensure that veterans are never again denied the benefits they rightfully deserve.

The SPEAKER pro tempore, Mr. KLEIN of Florida, recognized Mr. FILNER and Mr. BUYER, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. KLEIN of Florida, announced that two-thirds of the Members present had voted in the affirmative.

Mr. FILNER demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. KLEIN of Florida, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Wednesday, June 25, 2008.

¶78.44 NATIONAL HOMEOWNERSHIP MONTH

Mr. CLEAVER moved to suspend the rules and agree to the following resolution (H. Res. 1271):

Whereas the President of the United States has issued a proclamation designating the month of June 2008 as National Homeownership Month;

Whereas the people of the United States are one of the best-housed populations in the world;

Whereas owning a home is a fundamental part of the American dream and is the largest personal investment many families will ever make;

Whereas homeownership provides economic security for homeowners by aiding them in building wealth over time and strengthens communities through a greater stake among homeowners in local schools, civic organizations, and churches;

Whereas creating affordable homeownership opportunities requires the commitment and cooperation of the private, public, and nonprofit sectors, including the Federal Government and State and local governments;

Whereas homeownership can be sustained through appropriate homeownership education and informed borrowers; and

Whereas affordable homeownership will play a vital role in resolving the crisis in the United States housing market: Now, therefore, be it

Resolved, That the House of Representatives—

(1) fully supports the goals and ideals of National Homeownership Month; and

(2) recognizes the importance of homeownership in building strong communities and families.

The SPEAKER pro tempore, Mr. KLEIN of Florida, recognized Mr. CLEAVER and Mr. PRICE of Georgia, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. KLEIN of Florida, announced that two-thirds of the Members present had voted in the affirmative.

Mr. PRICE of Georgia, objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mr. KLEIN of Florida, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Wednesday, June 25, 2008.

The point of no quorum was considered as withdrawn.

¶78.45 CREDIT UNIONS

Mr. KANJORSKI moved to suspend the rules and pass the bill (H.R. 6312) to advance credit union efforts to promote economic growth, modify credit union regulatory standards and reduce burdens, to provide regulatory relief and improve productivity for insured depository institutions, and for other purposes.

The SPEAKER pro tempore, Mr. KLEIN of Florida, recognized Mr. KANJORSKI and Mr. ROYCE, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. KLEIN of Florida, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶78.46 GOSPEL MUSIC HERITAGE MONTH

Mr. CLAY moved to suspend the rules and agree to the following concurrent resolution (H. Con. Res. 370):

Whereas gospel music is a beloved art form unique to the United States, spanning decades, generations, and races;

Whereas gospel music is one of the cornerstones of the musical tradition of the United States and has grown beyond its roots to achieve pop-culture and historical relevance;

Whereas gospel music has spread beyond its geographic origins to touch audiences around the world;

Whereas the history of gospel music can be traced to multiple and diverse influences and foundations, including African-American spirituals that blended diverse elements from African music and melodic influences from Irish folk songs and hymns, and gospel music ultimately borrowed from uniquely American musical styles including ragtime, jazz, and blues;

Whereas that tradition of diversity remains today, as the influence of gospel music can be found infused in all forms of secular music, including rock and roll, country, soul,

rhythm and blues, and countless other styles;

Whereas the legacy of gospel music includes some of the most memorable voices and musical pioneers in the history of the United States, such as Thomas Dorsey, Mahalia Jackson, James Vaughan, Roberta Martin, Virgil Stamps, Diana Washington, Stamps Quartet, The Highway QCs, The Statesmen, The Soul Stirrers, Point of Grace, Smokie Norful, Terry Woods, James Cleveland, Billy Ray Hearns, Rex Humbard, Joe Ligon and The Mighty Clouds of Joy, Kirk Franklin, V. Michael McKay, Theola Booker, Yolanda Adams, Edwin and Walter Hawkins, Sandi Patty, The Winans, Kathy Taylor, and Brenda Waters, Carl Preacher, Shirley Joiner of B, C & S;

Whereas many of the biggest names in music emerged from the gospel music tradition or have recorded gospel music, including Sam Cooke, Al Green, Elvis Presley, Marvin Gaye, Aretha Franklin, Whitney Houston, Little Richard, Ray Charles, Buddy Holly, Alan Jackson, Dolly Parton, Mariah Carey, Bob Dylan, and Randy Travis;

Whereas, regardless of their musical styles, those artists and so many more have turned to gospel music as the source and inspiration for their music, which has blurred the boundaries between secular and gospel music;

Whereas, beyond its contribution to the musical tradition of the United States, gospel music has provided a cultural and musical backdrop across all of mainstream media, from hit television series to major Hollywood motion pictures, including ''American Idol'', ''Heroes'', ''Dancing with the Stars'', ''O Brother, Where Art Thou?'', ''Sister Act'', ''The Preacher's Wife'', ''Evan Almighty'', and more;

Whereas gospel music has a huge audience around the country and around the world, a testament to the universal appeal of a historical American art form that both inspires and entertains across racial, ethnic, religious, and geographic boundaries; and

Whereas September 2008 would be an appropriate month to designate as ''Gospel Music Heritage Month'': Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress supports the designation of ''Gospel Music Heritage Month'' which would recognize the contributions to the culture of the United States derived from the rich heritage of gospel music and gospel music artists.

The SPEAKER pro tempore, Mr. KLEIN of Florida, recognized Mr. CLAY and Ms. FOXX, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution?

The SPEAKER pro tempore, Mr. KLEIN of Florida, announced that two-thirds of the Members present had voted in the affirmative.

Ms. FOXX objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mr. KLEIN of Florida, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Wednesday, June 25, 2008.

The point of no quorum was considered as withdrawn.

¶78.47 LITTLE SIOUX, IOWA

Mr. CLAY moved to suspend the rules and agree to the following resolution (H. Res. 1283):

Whereas the Boy Scouts attending the Little Sioux Scout Ranch for the annual Pohuk Pride Junior Leadership training course suffered through a horrific tornado;

Whereas, on June 11, 2008, the tornado hit the Little Sioux Boy Scout Ranch near Little Sioux, Iowa, at 6:35 p.m., killing 4 youths and injuring 43 other people at the camp;

Whereas Little Sioux Boy Scout Ranch, which spans 1,800 acres, is located in the Loess Hills in western Iowa, close to the border with Nebraska, about 40 miles north of Omaha;

Whereas the tornado caused a giant rock chimney to collapse in the bunkhouse where the Boy Scouts were seeking shelter;

Whereas the devastation of the tornado resulted in the deaths of Sam Thomsen, Josh Fennen, Ben Petrzilka, and Aaron Eilerts;

Whereas Sam Thomsen of Omaha, Nebraska, was 13 years old and the son of Sharon and Larry Thomsen;

Whereas Sharon Thomsen referred to Sam as the family's ''miracle'' baby, as he was born more than 3 months premature, but luckily had no lasting health problems;

Whereas Sam Thomsen, who loved camping, Jesus, football, and the Nebraska Cornhuskers, as a member of Troop 26 and wanted to eventually become an Eagle Scout;

Whereas Sam was about to turn 14 years old on June 16, 2008, and he had asked his parents for tickets to the College World Series as his birthday present;

Whereas Josh Fennen of Omaha, Nebraska, was 13 years old, had just finished the 8th grade, and was the son of Charles and Dorothy Fennen;

Whereas Josh Fennen, a member of Troop 331, was confident and inquisitive, with natural leadership abilities;

Whereas according to Josh Fennen's middle school principal, Josh was a ''good student, a hard worker, and he was always trying to be creative'';

Whereas Ben Petrzilka of Omaha, Nebraska, was 13 years old and the son of Bryan and Arnell Petrzilka;

Whereas Ben Petrzilka had just finished 7th grade at Mary Our Queen Catholic School and often spent time fishing and hunting with his father;

Whereas Ben Petrzilka had been a member of Troop 448 for 3 years and had reached First Class rank, 3 steps below Eagle, and was assistant leader of the Ninja Patrol of Troop 448;

Whereas Aaron Eilerts of Eagle Groove, Iowa, was 14 years old and a member of Boy Scout Troop 108;

Whereas Aaron Eilerts was always doing things for others, whether it was creating brightly colored pillowcases for patients at local hospitals, making fleece blankets for dogs at the Humane Society, or making table centerpieces for the senior citizen dining center in Eagle Grove;

Whereas Aaron Eilerts, an aspiring chef with an obsession with Elvis, was very involved in his community, as he often performed ''The Star Spangled Banner'' at local sporting events, participated in football, ran cross country, and was involved in both band and choir;

Whereas Sam Thomsen, Josh Fennen, Ben Petrzilka and Aaron Eilerts all lived by the Scout Oath, ''On my honor, I will do my best to do my duty to God and my country and obey the Scout law, to help other people at all times, to keep myself physically strong, mentally awake, and morally straight'';

Whereas all the Boy Scouts exhibited extraordinary leadership by executing techniques they had recently been taught in a mock emergency drill just a day before the tornado hit;

Whereas the Boy Scouts removed stones that had fallen onto fellow Scouts, tied tourniquets around the limbs of the wounded, helped pull the injured out of the rubble, carried the injured on stretchers, and kept their composure in the face of disaster;

Whereas the 43 injured people were taken to 5 hospitals: Creighton University Medical Center in Omaha; Mercy Medical Center in Sioux City, Iowa; Burgess Health Center in Onawa, Iowa; Community Memorial Hospital in Missouri Valley, Iowa; and Memorial Community Hospital in Blair, Nebraska;

Whereas the majority of those injured and sent to area hospitals received treatment and were released;

Whereas first responders and officers of the Little Sioux Volunteer Fire Department, Monona Country Emergency Management, Decatur Volunteer Fire Department, Fort Calhoun Volunteer Fire Department, Monona County Sheriff's Department, Harrison County Sheriff's Department, Iowa State Patrol, Iowa National Guard, Red Cross, and Mercy Air Care arrived at the Little Sioux Boy Scout Ranch within 10 minutes and walked through the rain on a muddy road to reach the campers, as fallen trees in the heavily timbered park blocked their vehicles;

Whereas, on June 12, 2008, Iowa Governor Chet Culver and Nebraska Governor Dave Heineman met with families of the victims, expressed their condolences, and thanked those who helped during the disaster;

Whereas Department of Homeland Security Secretary Michael Chertoff toured the camp on June 12, 2008, and said it appeared that the Boy Scouts ''didn't have a chance'' and that the tornado came through the camp ''like a bowling ball''; and

Whereas the Boy Scout community will grieve the loss and celebrate the lives of those who died in this horrific natural disaster for months and years to come: Now, therefore, be it

Resolved, That the House of Representatives—

(1) expresses its heartfelt sympathy for the victims and their families of the tornado in Little Sioux, Iowa, on June 11, 2008; and

(2) conveys its gratitude to the city and county officials, police, fire department, sheriff, volunteer, and emergency medical teams who responded swiftly to the scene to treat the wounded.

The SPEAKER pro tempore, Mr. KLEIN of Florida, recognized Mr. CLAY and Ms. FOXX, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. KLEIN of Florida, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶78.48 NATIONAL DYSPHAGIA AWARENESS MONTH

Mr. CLAY moved to suspend the rules and agree to the following concurrent resolution (H. Con. Res. 195):

Whereas dysphagia, or difficulty with swallowing, is a medical dysfunction that affects as many as 15,000,000 Americans;

Whereas the Centers for Disease Control and Prevention has estimated that 1,000,000 people in the United States annually are diagnosed with dysphagia;

Whereas the Agency for Healthcare Research and Quality has estimated that 60,000 Americans die annually from complications associated with dysphagia;

Whereas based on Centers for Disease Control and Prevention mortality data, this is more than the total number of Americans dying from all forms of liver disease, kidney disease, and HIV/AIDS combined—and nearly as many as those dying from diabetes, the number 6 killer of Americans;

Whereas the most common complication arising from dysphagia is aspiration pneumonia—caused by food or saliva entering the windpipe and into the lungs;

Whereas one in 17 people will develop some form of dysphagia in their lifetime, including 50 to 75 percent of stroke patients and 60 to 75 percent of patients who undergo radiation therapy for head and neck cancer;

Whereas as many as half of all Americans over 60 will experience dysphagia at some point;

Whereas complications due to dysphagia increase health care costs by resultant hospital readmissions, emergency room visits, extended hospital stays, the necessity for long-term institutional care, and the need for expensive respiratory and nutritional support;

Whereas the cost of managing a patient with a feeding tube, which for many has been the primary treatment option for this condition, is reported to average over $31,000 per patient per year;

Whereas the total annual cost to Medicare just for enteral feeding supplies for outpatients was more than $670,000,000 in 2003, nearly 6 percent of the total Medicare budget for that year;

Whereas including the monies spent in hospitals, the total cost of dysphagia to the health care system is well over $1,000,000,000 annually;

Whereas the condition of dysphagia is a vastly underreported condition and not widely understood by the general public; and

Whereas observing June 2008 as National Dysphagia Awareness Month would raise public awareness about dysphagia and the need for early detection and treatment: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that a National Dysphagia Awareness Month should be established.

The SPEAKER pro tempore, Mr. KLEIN of Florida, recognized Mr. CLAY and Ms. FOXX, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution?

The SPEAKER pro tempore, Mr. KLEIN of Florida, announced that two-thirds of the Members present had voted in the affirmative.

Ms. FOXX objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mr. KLEIN of Florida, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Wednesday, June 25, 2008.

The point of no quorum was considered as withdrawn.

¶78.49 NATIONAL CORVETTE DAY

Mr. CLAY moved to suspend the rules and agree to the following resolution (H. Res. 970):

Whereas the Chevrolet Corvette is America's first sports car;

Whereas the first production Corvette rolled off a Flint, Michigan, assembly line on June 30, 1953;

Whereas the Corvette is now manufactured in Bowling Green, Kentucky;

Whereas the Corvette is the most widely respected production sports car in United States history;

Whereas the Corvette is truly a symbol of American pride;

Whereas General Motors is celebrating its 100th anniversary in 2008; and

Whereas the 30th of June would be an appropriate day to designate as ''National Corvette Day'': Now, therefore, be it

Resolved, That the United States House of Representatives supports the designation of a ''National Corvette Day'' to honor the Chevrolet Corvette.

The SPEAKER pro tempore, Mr. KLEIN of Florida, recognized Mr. CLAY and Ms. FOXX, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. KLEIN of Florida, announced that two-thirds of the Members present had voted in the affirmative.

Ms. FOXX objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mr. KLEIN of Florida, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Wednesday, June 25, 2008.

The point of no quorum was considered as withdrawn.

¶78.50 ROBERT MONDAVI

Mr. CLAY moved to suspend the rules and agree to the following concurrent resolution (H. Con. Res. 365):

Whereas Robert Mondavi, a much-loved and admired man of many talents, passed away on May 16, 2008, at the age of 94;

Whereas Robert Mondavi will be fondly and most famously remembered for his work in producing and promoting California wines on an international scale;

Whereas Robert Gerald Mondavi was born to Italian immigrant parents, Cesare and Rose, on June 18, 1913, in Virginia, Minnesota, and his family later moved to Lodi, California, where he attended Lodi High School;

Whereas after graduating from Stanford University in 1937 with a degree in economics and business administration, Robert Mondavi joined his father and younger brother, Peter, in running the Charles Krug Winery in the Napa Valley of California;

Whereas Robert Mondavi left Krug Winery in 1965 to establish his own winery in the Napa Valley, and, in 1966, motivated by his vision that California could produce world-class wines, he founded the first major winery built in Napa Valley since Prohibition, the Robert Mondavi Winery;

Whereas in the later 1960s, the release of the Robert Mondavi Winery's Cabernet Sauvignon opened the eyes of the world to the potential of the Napa Valley region;

Whereas Robert Mondavi introduced new and innovative techniques of wine production, such as the use of stainless steel tanks to produce wines, like his now-legendary Fumé Blanc;

Whereas as a tireless advocate for California wine and food, and the Napa Valley, Robert Mondavi was convinced that California wines could compete with established European brands, and his confidence in the potential of Napa Valley wines was confirmed in 1976 when California wines defeated some well-known French vintages at the historic Paris Wine Tasting, or ''Judgement of Paris'', wine competition;

Whereas in the late 1970s, Robert Mondavi created the first French-American wine venture when he joined with Baron Philippe de Rothschild in creating the Opus One Winery in Oakville, which produced its first vintage in 1979;

Whereas the success of the Robert Mondavi Winery, and the many international ventures Robert Mondavi pursued, allowed him to donate generously to various charitable causes, including the Robert Mondavi Institute for Wine and Food Science and Robert and Margrit Mondavi Center for Performing Arts, both affiliated with the University of California, Davis, and the establishment of the American Center for Wine, Food, and the Arts;

Whereas those who knew Robert Mondavi recognized him as a uniquely passionate and brilliant man who took pride in promoting causes that he held close to his heart;

Whereas Robert Mondavi's work as an ambassador for wine will be remembered fondly by all those whose lives he touched; and

Whereas Robert Mondavi will be deeply missed in the Napa Valley, in California, and throughout the world: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress honors the life of Robert Mondavi, a true pioneer and patriarch of the California wine industry.

The SPEAKER pro tempore, Mr. KLEIN of Florida, recognized Mr. CLAY and Ms. FOXX, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution?

The SPEAKER pro tempore, Mr. KLEIN of Florida, announced that two-thirds of the Members present had voted in the affirmative.

Ms. FOXX objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mr. KLEIN of Florida, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Wednesday, June 25, 2008.

The point of no quorum was considered as withdrawn.

¶78.51 FEDERAL ADVISORY COMMITTEE

Mr. CLAY moved to suspend the rules and pass the bill (H.R. 5687) to amend the Federal Advisory Committee Act to increase the transparency and accountability of Federal advisory committees, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. KLEIN of Florida, recognized Mr. CLAY and Ms. FOXX, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. KLEIN of Florida, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶78.52 MOTION TO INSTRUCT CONFEREES—H.R. 4040

Mr. KIRK submitted the privileged motion to instruct the managers on the part of the House at the conference with the Senate on the disagreeing votes of the two Houses disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4040) to establish consumer product safety standards and other safety requirements for children's products and to reauthorize and modernize the Consumer Product Safety Commission, to insist on the provisions contained in the bill with regard to the definition of ''children's product''

After debate,

By unanimous consent, the previous question was ordered on the motion to instruct the managers on the part of the House.

Will the House agree to said motion?

The SPEAKER pro tempore, Mr. KLEIN of Florida, announced that the yeas had it.

Mr. KIRK demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. KLEIN of Florida, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Wednesday, June 25, 2008.

¶78.53 SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 3180. An Act to temporarily extend the programs under the Higher Education Act of 1965; to the Committee on Education and Labor.

¶78.54 BILLS PRESENTED TO THE PRESIDENT

Lorraine C. Miller, Clerk of the House reported that on June 18, 2008 she presented to the President of the United States, for his approval, the following bills.

H.R. 3179. An Act to amend title 40, United States Code, to authorize the use of Federal supply schedules for the acquisition of law enforcement, security, and certain other related items by State and local governments.

H.R. 3913. An Act to amend the International Center Act to authorize the lease or sublease of certain property described in such Act to an entity other than a foreign government or international organization if certain conditions are met.

¶78.55 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mrs. CHRISTENSEN, for today and June 25; and

To Mr. PENCE, for today.

And then,

¶78.56 ADJOURNMENT

On motion of Mr. CONAWAY, at 10 o'clock and 56 minutes p.m., the House adjourned.

¶78.57 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

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

Mr. WELCH of Vermont: Committee on Rules. House Resolution 1297. Resolution providing for consideration of the bill (H.R. 6275) to amend the Internal Revenue Code of 1986 to provide individuals temporary relief from the alternative minimum tax, and for other purposes (Rept. 110–731). Referred to the House Calendar.

Mr. HASTINGS of Florida: Committee on Rules. House Resolution 1298. Resolution providing for consideration of the bill (H.R. 2176) to provide for and approve the settlement of certain land claims of the Bay Mills Indian Community (Rept. 110–732). Referred to the House Calendar.

Ms. SUTTON: Committee on Rules. House Resolution 1299. Resolution providing for consideration of the bill (H.R. 3195) to restore the intent and protections of the Americans with Disabilities Act of 1990 (Rept. 110–733). Referred to the House Calendar.

¶78.58 PUBLIC BILLS AND RESOLUTIONS

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

By Mr. FATTAH:

H.R. 6352. A bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for contributions to a trust used to provide need-based college scholarships; to the Committee on Ways and Means.

By Mr. STUPAK (for himself, Mr. SMITH of Texas, Mrs. BONO MACK, Mr. DANIEL E. LUNGREN of California, Mr. GALLEGLY, Mr. FEENEY, Mr. CHABOT, Mr. WALZ of Minnesota, and Mr. BOUCHER):

H.R. 6353. A bill to amend the Controlled Substances Act to address online pharmacies; to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ISSA:

H.R. 6354. A bill to require an immediate adjustment of the thrifty food plan to increase the benefits provided under the supplemental nutrition assistance program; to the Committee on Agriculture.

By Mr. OBERSTAR (for himself and Mr. COSTELLO):

H.R. 6355. A bill to amend title 49, United States Code, to provide for improvements in the quality of airline services, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. BARTON of Texas (for himself and Mr. STEARNS):

H.R. 6356. A bill to reform the collection and distribution of universal service support under the Communications Act of 1934; to the Committee on Energy and Commerce.

By Mr. DINGELL (for himself, Mr. BARTON of Texas, Mr. PALLONE, Mr. DEAL of Georgia, Mr. GORDON, Mr. HALL of Texas, Mr. TOWNS, Mr. UPTON, Mr. ENGEL, Mrs. WILSON of New Mexico, Mr. GONZALEZ, Mr. GINGREY, and Mrs. BIGGERT):

H.R. 6357. A bill to amend the Public Health Service Act to promote the adoption of health information technology, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Science and Technology, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GEORGE MILLER of California:

H.R. 6358. A bill to require certain standards and enforcement provisions to prevent child abuse and neglect in residential programs, and for other purposes; to the Committee on Education and Labor.

By Mrs. BIGGERT:

H.R. 6359. A bill to amend title XVIII of the Social Security Act to enhance beneficiary protections under parts C and D of the Medicare Program; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KUHL of New York:

H.R. 6360. A bill to provide public safety officer disability benefits to officers disabled before the enactment of the Federal public safety officer disability benefits law; to the Committee on the Judiciary.

By Mr. WEINER:

H.R. 6361. A bill to strengthen the liability of parent companies for violations of sanctions by foreign entities, and for other purposes; to the Committee on Foreign Affairs.

By Mr. BERMAN (for himself and Ms. ROS-LEHTINEN) (both by request):

H.J. Res. 95. A joint resolution providing for the disapproval of the Congress of the proposed agreement for cooperation between the United States and the Russian Federation pursuant to the Atomic Energy Act of 1954; to the Committee on Foreign Affairs.

By Mrs. CUBIN:

H. Con. Res. 378. Concurrent resolution expressing support for designation of September 6, 2008, as Lousia Swain Day; to the Committee on Oversight and Government Reform.

By Mr. GEORGE MILLER of California:

H. Con. Res. 379. Concurrent resolution providing for an adjournment or recess of the two Houses; considered and agreed to.

By Mrs. MALONEY of New York (for herself, Mr. DELAHUNT, Mr. MCDERMOTT, Mr. HINCHEY, Mr. FARR, Ms. BORDALLO, Mrs. CHRISTENSEN, Mr. SERRANO, Mr. MCGOVERN, Mr. KUCINICH, Mr. FATTAH, Mr. BRADY of Pennsylvania, Ms. MCCOLLUM of Minnesota, Mr. MORAN of Virginia, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. GRIJALVA, and Ms. LEE):

H. Con. Res. 380. Concurrent resolution recognizing the 63rd anniversary of the United Nations; to the Committee on Foreign Affairs.

By Mr. PAYNE (for himself, Ms. CORRINE BROWN of Florida, Mr. JEFFERSON, Mr. RUSH, Ms. WATSON, Ms. LEE, Mr. HASTINGS of Florida, Mr. CONYERS, Mr. CARSON, Mr. TOWNS, Ms. NORTON, Mr. AL GREEN of Texas, Mr. WATT, Mr. MEEK of Florida, Mr. SCOTT of Georgia, Mr. JOHNSON of Georgia, Ms. JACKSON-LEE of Texas, Mr. CLEAVER, Mr. DAVIS of Alabama, Mrs. CHRISTENSEN, Mr. CUMMINGS, Ms. MOORE of Wisconsin, Mr. DAVIS of Illinois, Mr. SCOTT of Virginia, Mr. BISHOP of Georgia, Mr. THOMPSON of

Mississippi, Mr. ELLISON, Ms. CLARKE, Ms. KILPATRICK, Mr. LEWIS of Georgia, Mr. BUTTERFIELD, Mr. FATTAH, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. RANGEL, and Mr. MEEKS of New York):

H. Con. Res. 381. Concurrent resolution honoring and recognizing the dedication and achievements of Thurgood Marshall on the 100th anniversary of his birth; to the Committee on the Judiciary.

By Mr. CALVERT (for himself and Ms. LORETTA SANCHEZ of California):

H. Res. 1296. A resolution supporting the designation of a National Child Awareness Month to promote awareness of children's charities and youth-serving organizations across the United States and recognizing their efforts on behalf of children and youth as a positive investment for the future of our Nation; to the Committee on Education and Labor.

By Mrs. MCCARTHY of New York (for herself and Mrs. EMERSON):

H. Res. 1300. A resolution supporting efforts to raise awareness, improve education, and encourage research of inflammatory breast cancer; to the Committee on Energy and Commerce.

By Mr. SCHIFF:

H. Res. 1301. A resolution calling upon the Government of Zimbabwe to postpone the run-off presidential election scheduled for Friday, June 27, 2008; to the Committee on Foreign Affairs.

By Mr. TANNER (for himself and Mr. SHADEGG):

H. Res. 1302. A resolution honoring the life and mourning the death of John Berthoud, Ph.D; to the Committee on Ways and Means.

By Mr. WOLF (for himself, Mr. BURTON of Indiana, Mr. SMITH of New Jersey, Mr. FRANKS of Arizona, Mr. FOSSELLA, Mr. KIRK, Mr. MCCOTTER, Ms. SCHAKOWSKY, Mr. SOUDER, Mr. DAVIS of Illinois, Mr. PITTS, Ms. WATERS, Mr. PENCE, Mr. MCGOVERN, and Mr. GOODE):

H. Res. 1303. A resolution calling on the Egyptian Government to respect human rights and freedoms of religion and expression in Egypt; to the Committee on Foreign Affairs.

¶78.59 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 245: Mr. PORTER.
H.R. 423: Mr. TERRY.
H.R. 471: Mr. STUPAK.
H.R. 693: Mr. GRIJALVA.
H.R. 861: Mr. SPACE and Mr. KAGEN.
H.R. 1050: Ms. EDDIE BERNICE JOHNSON of Texas.
H.R. 1076: Mr. GUTIERREZ.
H.R. 1108: Mr. BROWN of South Carolina.
H.R. 1172: Ms. HERSETH Sandlin.
H.R. 1194: Ms. LEE.
H.R. 1228: Mr. KENNEDY, Mr. HARE, and Mr. TERRY.
H.R. 1292: Mrs. CAPPS.
H.R. 1373: Mr. MEEKS of New York.
H.R. 1524: Mr. STUPAK.
H.R. 1665: Mr. LATHAM.
H.R. 1781: Ms. NORTON.
H.R. 1881: Ms. MATSUI.
H.R. 2020: Mr. ROTHMAN.
H.R. 2455: Mr. KLINE of Minnesota.
H.R. 2472: Mr. EHLERS, Mr. REGULA, and Ms. DEGETTE.
H.R. 2493: Mr. BROWN of South Carolina and Mr. HASTINGS of Washington.
H.R. 2578: Mr. COLE of Oklahoma.
H.R. 2677: Mr. GONZALEZ; Mr. MEEKS of New York, and Ms. HOOLEY.
H.R. 2721: Ms. SOLIS.
H.R. 2818: Mr. PASCRELL.
H.R. 2851: Ms. WATERS, Mr. Childers, Mr. MCNERNEY, and Mr. SPACE.
H.R. 2915: Mr. MILLER of North Carolina.
H.R. 2923: Mr. FILNER and Mr. Foster.
H.R. 2933: Mr. LUCAS.
H.R. 2965: Mr. WELLER and Ms. SOLIS.
H.R. 3014: Ms. ESHOO.
H.R. 3289: Mr. NADLER, Ms. HERSETH SANDLIN, and Mr. MCNERNEY.
H.R. 3818: Mr. KUHL of New York.
H.R. 3861: Ms. BEAN.
H.R. 3934: Mr. MILLER of Florida.
H.R. 3995: Ms. TSONGAS, Mr. JOHNSON of Illinois, and Mr. BARROW.
H.R. 4054: Mr. SALAZAR.
H.R. 4066: Mr. FORTENBERRY and Mr. PLATTS.
H.R. 4087: Mr. SALI.
H.R. 4174: Mr. FARR.
H.R. 4245: Mr. HERGER.
H.R. 4457: Mr. CHILDERS, Mr. PICKERING, and Mr. TAYLOR.
H.R. 4461: Mr. ELLISON and Mr. KING of New York.
H.R. 4652: Mr. SESTAK.
H.R. 4776: Ms. BEAN.
H.R. 4789: Mr. WAMP.
H.R. 4840: Mr. KLINE of Minnesota.
H.R. 5244: Mr. CUELLAR and Mr. RANGEL.
H.R. 5268: Mr. AL GREEN of Texas, Ms. JACKSON-LEE of Texas, Mr. SERRANO, and Mr. LEVIN.
H.R. 5435: Mr. GRIJALVA and Mr. HINOJOSA.
H.R. 5447: Mr. PALLONE.
H.R. 5454: Mrs. LOWEY.
H.R. 5513: Ms. JACKSON-LEE of Texas.
H.R. 5534: Ms. RICHARDSON, Mr. FRELINGHUYSEN, and Mr. GUTIERREZ.
H.R. 5575: Mr. FILNER.
H.R. 5656: Mr. HASTINGS of Washington, Mr. CAMPBELL of California, and Mr. CRENSHAW.
H.R. 5734: Mr. MCNERNEY.
H.R. 5737: Mr. BARTON of Texas, Mr. TIM MURPHY of Pennsylvania, and Mr. BISHOP of Georgia.
H.R. 5741: Mr. INSLEE.
H.R. 5766: Mr. BRADY of Pennsylvania, Ms. MATSUI, Ms. NORTON, and Ms. HIRONO.
H.R. 5772: Mr. HINOJOSA.
H.R. 5782: Mrs. SCHMIDT.
H.R. 5809: Ms. ZOE LOFGREN of California.
H.R. 5842: Mr. BLUMENAUER.
H.R. 5843: Mr. BLUMENAUER.
H.R. 5854: Mr. ROTHMAN and Mr. TERRY.
H.R. 5868: Mr. BARTON of Texas and Mr. GOODLATTE.
H.R. 5874: Mr. THORNBERRY.
H.R. 5892: Mr. BLUMENAUER, Mr. WEXLER, and Mr. PETERSON of Minnesota.
H.R. 5925: Mrs. TAUSCHER.
H.R. 5935: Mr. FORTENBERRY and Mr. SPACE.
H.R. 5949: Mr. BOREN and Mr. SARBANES.
H.R. 6018: Mr. YOUNG of Alaska.
H.R. 6030: Mr. REICHERT and Mr. GERLACH.
H.R. 6092: Ms. WASSERMAN SCHULTZ.
H.R. 6104: Ms. HARMAN, Mr. FOSTER, Mr. PALLONE, Mr. BERMAN, Mr. SIRES, and Mr. POMEROY.
H.R. 6122: Mr. SIRES.
H.R. 6129: Mrs. DRAKE.
H.R. 6130: Mr. BUYER, Mr. PLATTS, and Mrs. BACHMANN.
H.R. 6131: Mr. BROWN of South Carolina.
H.R. 6132: Mr. FOSSELLA, Mrs. BACHMANN, and Mr. POE.
H.R. 6133: Mr. FOSSELLA.
H.R. 6135: Mr. FOSSELLA.
H.R. 6136: Mr. FOSSELLA.
H.R. 6137: Mr. FOSSELLA.
H.R. 6138: Mr. BROWN of South Carolina, Mr. POE, Mr. FOSSELLA, and Mr. SALI.
H.R. 6139: Mr. FOSSELLA and Mr. BROWN of South Carolina.
H.R. 6166: Mr. GOODE.
H.R. 6168: Mr. CLAY.
H.R. 6169: Mr. CLAY.
H.R. 6185: Mr. SHAYS and Mr. GOODE.
H.R. 6199: Mr. REYNOLDS, Mr. KUHL of New York, and Mr. WEINER.
H.R. 6205: Mr. BLUMENAUER, Mr. STUPAK, Mr. PASCRELL, and Mr. LOEBSACK.
H.R. 6208: Mr. CLAY.
H.R. 6209: Mrs. BOYDA of Kansas, Ms. HARMAN, Ms. SOLIS, Mr. ENGEL, Mr. GENE GREEN of Texas, Mr. HALL of New York, Mr. GEORGE MILLER of California, Mrs. TAUSCHER, Mr. DOYLE, Mr. WEINER, Mr. MOLLOHAN, Ms. WASSERMAN SCHULTZ, Ms. SCHWARTZ, and Mr. EMANUEL.
H.R. 6210: Mr. CAZAYOUX.
H.R. 6220: Mr. SMITH of Nebraska.
H.R. 6233: Mr. FORBES and Mr. MCHENRY.
H.R. 6251: Mr. KILDEE, Ms. SUTTON, Mr. BRALEY of Iowa, Mr. BUTTERFIELD, Mr. ALTMIRE, Mr. HODES, Mr. MURPHY of Connecticut, Mr. GORDON, and Mr. VAN HOLLEN.
H.R. 6255: Mr. GONZALEZ.
H.R. 6256: Mr. HIGGINS and Mr. VAN HOLLEN.
H.R. 6274: Mr. WALBERG, Mr. SENSENBRENNER, and Mr. MILLER of Florida.
H.R. 6307: Mr. CONYERS, Mr. CARDOZA, Ms. JACKSON-LEE of Texas, and Ms. LINDA T. SÁNCHEZ of California.
H.R. 6341: Mr. PALLONE, Mr. BRALEY of Iowa, Ms. JACKSON-LEE of Texas, and Mr. JONES of North Carolina.
H.J. Res. 79: Mr. MILLER of North Carolina, Mr. LEWIS of Georgia, and Mr. SESTAK.
H.J. Res. 89: Mr. TAYLOR.
H. Con. Res. 24: Mr. JEFFERSON and Mr. PAYNE.
H. Con. Res. 73: Mr. JONES of North Carolina.
H. Con. Res. 244: Mr. PALLONE.
H. Con. Res. 296: Mr. SALI.
H. Con. Res. 338: Mr. JOHNSON of Georgia.
H. Con. Res. 342: Mrs. BOYDA of Kansas and Mr. GOHMERT.
H. Con. Res. 357: Mr. SHIMKUS, Mr. GARY G. MILLER of California, Mr. WAMP, Mr. MILLER of Florida, Mrs. CUBIN, and Mr. HENSARLING.
H. Con. Res. 362: Mr. BOOZMAN, Mr. KIND, Mr. BERRY, Mr. BISHOP of New York, Mr. LINCOLN DIAZ-BALART of Florida, Mr. BARRETT of South Carolina, Mrs. SCHMIDT, Mr. SCALISE, Mrs. GILLIBRAND, Mr. HODES, Mr. RUPPERSBERGER, Mr. NUNES, Mr. MCHENRY, Mr. MAHONEY of Florida,
Mr. GINGREY, Mr. ISSA, Mr. KLINE of Minnesota, Mr. COOPER, Mr. MCINTYRE, Mr. FRANKS of Arizona, Mr. MARIO DIAZ-BALART of Florida, Mr. LINDER, Mr. PUTNAM, Mr. PALLONE, Ms. LORETTA SANCHEZ of California, Mr. BARROW, Mr. HIGGINS, MRS. CUBIN, Mr. VAN HOLLEN, Mr. HALL of Texas, Mr. JOHNSON of Georgia, Mr. INGLIS of South Carolina, Mr. JOHNSON of Illinois, Mr. THOMPSON of California, Mr. KING of Iowa, Mr. ROSS, Mr. SPACE, Mr. FOSSELLA, and Mr. DAVIS of Alabama.
H. Res. 373: Mr. LANGEVIN.
H. Res. 655: Mr. SCOTT of Virginia, Ms. WATSON, Mrs. CHRISTENSEN, Mr. PAYNE, Ms. CORRINE BROWN of Florida, Ms. CLARKE, Mr. CONYERS, Mr. SESTAK, and Mr. GONZALEZ.
H. Res. 757: Mr. WATT.
H. Res. 771: Mr. HINCHEY.
H. Res. 985: Mr. DICKS.
H. Res. 1143: Mr. MCHUGH.
H. Res. 1244: Ms. HOOLEY, Mr. TOWNS, Mr. COHEN, Mrs. SCHWARTZ, Mr. WU, and Mr. SNYDER.
H. Res. 1258: Mr. FARR.
H. Res. 1267 Mr. SHULER and Mr. MYRICK.
H. Res. 1286: Mr. GRIJALVA, Mr. HASTINGS of Florida, Ms. LEE, Mr. COHEN, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. CONYERS, Mr. TOWNS, Mr. SCOTT of Georgia, Mr. BISHOP of Georgia, and Mr. PAYNE.
H. Res. 1287: Mr. SPACE, Mr. BARTON of Texas, Mr. CHABOT, Mr. MOORE of Kansas, Mr. MILLER of Florida, and Mr. MICHAUD.

WEDNESDAY, JUNE 25, 2008 (79)

¶79.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Mr. DAVIS of

Alabama, who laid before the House the following communication:

WASHINGTON, DC,
June 25, 2008.

I hereby appoint the Honorable ARTUR DAVIS to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

¶79.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. DAVIS of Alabama, announced he had examined and approved the Journal of the proceedings of Tuesday, June 24, 2008.

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

¶79.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

7314. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations — received June 18, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7315. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations — received June 18, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7316. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations — received June 18, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7317. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations — received June 18, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7318. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations — received June 18, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7319. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations [Docket No. FEMA-B-7776] received June 18, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7320. A letter from the Director, Financial Crimes Enforcement Network, Department of the Treasury, transmitting the Department's final rule — Financial Crimes Enforcement Network; Amendment Regarding Financial Institutions Exempt from Establishing Anti-Money Laundering Programs (RIN: 1506-AA88) received June 18, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7321. A letter from the Acting Fiscal Assistant Secretary, Department of the Treasury, transmitting the Department's notification to Congress of any significant modifications to the auction process for issuing United States Treasury obligations, pursuant to Public Law 103-202, section 203; to the Committee on Financial Services.

7322. A letter from the Acting Fiscal Assistant Secretary, Department of the Treasury, transmitting the Department's report that no such exemptions to the prohibition against favored treatment of a government securities broker or dealer were granted during the period January 1, 2007 through December 31, 2007, pursuant to Public Law 103-202, section 202; to the Committee on Financial Services.

7323. A letter from the Acting Fiscal Assistant Secretary, Department of the Treasury, transmitting the Department's annual report on material violations or suspected material violations of regulations relating to Treasury auctions and other Treasury securities offerings during the period Janaury 1, 2007 through December 31, 2007, pursuant to Public Law 103-202, section 202; to the Committee on Financial Services.

7324. A letter from the Executive Director, Philadelphia Housing Authority, transmitting the Authority's Annual Report for 2007 entitled, ''A Dynamic Decade''; to the Committee on Financial Services.

7325. A letter from the Secretary of the Commission, Federal Trade Commission, transmitting the Commission's final rule — Definitions and Implementation Under the CAN-SPAM Act [Project No. R411008] (RIN: 3084-AA96) received June 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7326. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Allocation of Trips to Closed Area II Yellowtail Flounder Special Access Program [Docket No. 080428607-8689-02] (RIN: 0648-AW69) received June 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7327. A letter from the Assistant Secretary of the Army for Civil Works, Department of Defense, transmitting the Department's position on the budgeting of the Chicagoland Underflow Plan (CUP), Thornton Reservoir, Illinois; to the Committee on Transportation and Infrastructure.

7328. A letter from the Director of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule — Prohibition of Interment or Memorialization in National Cemeteries and Certain State Cemeteries Due to Commission of Capital Crimes (RIN: 2900-AM86) received June 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

7329. A letter from the Chief, Border Security Regulations Branch, Department of Homeland Security, transmitting the Department's final rule — TECHNICAL AMENDMENTS TO LIST OF USER FEE AIRPORTS: ADDITIONS OF CAPITAL CITY AIRPORT, LANSING, MICHIGAN AND KELLY FIELD ANNEX, SAN ANTONIO, TEXAS [CBP Dec. 08-23] received June 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7330. A letter from the Chairman, International Trade Commission, transmitting the Commission's report entitled, ''Textiles and Apparel: Effects of Special Rules for Haiti on Trade Markets and Industries,'' pursuant to Public Law 109-432, section 5003; to the Committee on Ways and Means.

7331. A letter from the Commissioner, Social Security Administration, transmitting the Administration's report entitled, ''Plan to Eliminate the Hearing Backlog and Prevent Its Recurrence: Semiannual Report for Fiscal Year 2008''; to the Committee on Ways and Means.

¶79.4 MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment bills and a concurrent resolution of the House of the following titles:

H.R. 430. An Act to designate the United States bankruptcy courthouse located at 271 Cadman Plaza East in Brooklyn, New York, as the ''Conrad B. Duberstein United States Bankruptcy Courthouse''.

H.R. 781. An Act to redesignate Lock and Dam No. 5 of the McClellan-Kerr Arkansas River Navigation System near Redfield, Arkansas, authorized by the Rivers and Harbors Act approved July 24, 1946, as the ''Colonel Charles D. Maynard Lock and Dam''.

H.R. 1019. An Act to designate the United States customhouse building located at 31 Gonzalez Clemente Avenue in Mayagüez, Puerto Rico, as the '' Rafael Martínez Nadal United States Customhouse Building''.

H.R. 2728. An Act to designate the station of the United States Border Patrol located at 25762 Madison Avenue in Murrieta, California, as the ''Theodore L. Newton, Jr. and George F. Azrak Border Patrol Station''.

H.R. 3712. An Act to designate the United States courthouse located at 1716 Spielbusch Avenue in Toledo, Ohio, as the ''James M. Ashley and Thomas W.L. Ashley United States Courthouse''.

H.R. 4140. An Act to designate the Port Angeles Federal Building in Port Angeles, Washington, as the ''Richard B. Anderson Federal Building''.

H. Con. Res. 32. A concurrent resolution honoring the members of the United States Air Force who were killed in the June 25, 1996, terrorist bombing of the Khobar Towers United States military housing compound near Dhahran, Saudi Arabia.

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

S. 2403. An Act to designate the new Federal Courthouse, located in the 700 block of East Broad Street, Richmond, Virginia, as the ''Spottswood W. Robinson III and Robert R. Merhige, Jr. Federal Courthouse''.

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

S. 3009. An Act to designate the Federal Bureau of Investigation building under construction in Omaha, Nebraska, as the ''J. James Exon Federal Bureau of Investigation Building''.

S. 3145. An Act to designate a portion of United States Route 20A, located in Orchard Park, New York, as the ''Timothy J. Russert Highway''.

¶79.5 PROVIDING FOR CONSIDERATION OF H.R. 2176

Mr. HASTINGS of Florida, by direction of the Committee on Rules, called up the following resolution (H. Res. 1298):

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 2176) to provide for and approve the settlement of certain land claims of the Bay Mills Indian Community. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. In lieu of the amendment in the nature of a substitute recommended by the Committee on Natural Resources now printed in the bill, the amendment in the nature of a substitute printed in the report of the Committee on Rules accompanying this resolution shall be considered as adopted. The bill, as amended, shall be considered as read. All points of order

against provisions of the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except: (1) one hour of debate, with 40 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Natural Resources and 20 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary; and (2) one motion to recommit with or without instructions.

SEC. 2. During consideration of H.R. 2176 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

When said resolution was considered.

After debate,

Mr. HASTINGS of Florida, moved the previous question on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House now order the previous question?

The SPEAKER pro tempore, Mr. DAVIS of Alabama, announced that the yeas had it.

Mr. HASTINGS of Washington, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. DAVIS of Alabama, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶79.6 PROVIDING FOR CONSIDERATION OF H.R. 6275

Mr. WELCH of Vermont, by direction of the Committee on Rules, called up the following resolution (H. Res. 1297):

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 6275) to amend the Internal Revenue Code of 1986 to provide individuals temporary relief from the alternative minimum tax, and for other purposes. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. The amendment in the nature of a substitute recommended by the Committee on Ways and Means now printed in the bill shall be considered as adopted. The bill, as amended, shall be considered as read. All points of order against provisions of the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means; and (2) one motion to recommit with or without instructions.

SEC. 2. During consideration of H.R. 6275 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

When said resolution was considered.

After debate,

Mr. WELCH of Vermont, moved the previous question on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House now order the previous question?

The SPEAKER pro tempore, Mr. DAVIS of Alabama, announced that the yeas had it.

Mr. SESSIONS demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. DAVIS of Alabama, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶79.7 PROVIDING FOR CONSIDERATION OF H.R. 3195

Ms. SUTTON, by direction of the Committee on Rules, called up the following resolution (H. Res. 1299):

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 3195) to restore the intent and protections of the Americans with Disabilities Act of 1990. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. The amendment in the nature of a substitute recommended by the Committee on Education and Labor now printed in the bill shall be considered as adopted. The bill, as amended, shall be considered as read. All points of order against provisions of the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except: (1) one hour of debate, with 40 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Education and Labor and 20 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary; and (2) one motion to recommit with or without instructions.

SEC. 2. During consideration of H.R. 3195 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

When said resolution was considered.

After debate,

Ms. SUTTON moved the previous question on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House now order the previous question?

The SPEAKER pro tempore, Mr. HOLDEN, announced that the yeas had it.

Mr. SESSIONS demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. HOLDEN, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶79.8 H. RES. 1298—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. HOLDEN, pursuant to clause 8, rule XX, announced the unfinished business to be the question on ordering the previous question on the resolution (H. Res. 1298) providing for consideration of the bill (H.R. 2176) to provide for and approve the settlement of certain land claims of the Bay Mills Indian Community.

The question being put,

Will the House now order the previous question?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 226 / Nays 194

¶79.9 [Roll No. 449]

YEAS—226

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

NAYS—194

Aderholt	Biggert	Boozman
Akin	Bilirakis	Boustany
Alexander	Bishop (UT)	Brady (TX)
Bachmann	Blackburn	Broun (GA)
Bachus	Blunt	Brown (SC)
Barrett (SC)	Boehner	Brown-Waite, Ginny
Bartlett (MD)	Bonner	Buchanan
Barton (TX)	Bono Mack	

Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Carter
Castle
Chabot
Childers
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hill
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
LaHood
Lamborn
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (FL)

NOT VOTING—14

Baca
Cannon
Cubin
Gillibrand
Kuhl (NY)
Lampson
Mahoney (FL)
Pryce (OH)
Putnam
Rush
Snyder
Speier
Watson
Wexler

So the previous question on the resolution was ordered.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. HOLDEN, announced that the yeas had it.

Mr. HASTINGS of Washington, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 207 Nays 204

¶79.10 [Roll No. 450]

YEAS—207

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

NAYS—204

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Boyda (KS)
Brady (TX)
Broun (GA)
Brown (SC)
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Carter
Castle
Chabot
Childers
Coble
Conaway
Courtney
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Eshoo
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Keller
Kilpatrick
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kucinich
LaHood
Lamborn
Langevin
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Murphy, Tim
Murtha
Musgrave
Myrick
Neugebauer
Nunes
Pascrell
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Richardson
Rodriguez
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Royce
Ruppersberger
Ryan (WI)
Sali
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stark
Stearns
Sullivan
Tancredo
Taylor
Terry
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Wamp
Waters
Weldon (FL)
Weller
Westmoreland
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (FL)

NOT VOTING—23

Baca
Bilbray
Cannon
Cubin
Gillibrand
Honda
Kuhl (NY)
Lampson
Mahoney (FL)
Neal (MA)
Pryce (OH)
Putnam
Rogers (AL)
Ros-Lehtinen
Rush
Saxton
Snyder
Speier
Udall (NM)
Walsh (NY)
Watson
Wexler
Whitfield (KY)

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶79.11 H. RES. 1297—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. HOLDEN, pursuant to clause 8, rule XX, announced the unfinished business to be the question on ordering the previous question on the resolution (H. Res. 1297) providing for consideration of the bill (H.R. 6275) to amend the Internal Revenue Code of 1986 to provide individuals temporary relief from the alternative minimum tax, and for other purposes.

The question being put,

Will the House now order the previous question?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 225 Nays 194

¶79.12 [Roll No. 451]

YEAS—225

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Cazayoux
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)

Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Giffords
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reichert
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Welch (VT)
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—194

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

NOT VOTING—15

Baca
Barton (TX)
Cannon
Cubin
Gillibrand
Lampson
Mahoney (FL)
Manzullo
Pryce (OH)
Putnam
Rush
Snyder
Speier
Watson
Wexler

So the previous question on the resolution was ordered.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. HOLDEN, announced that the yeas had it.

Mr. HASTINGS of Washington, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 224 / Nays 193

¶79.13 [Roll No. 452]

YEAS—224

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

NAYS—193

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilirakis
Bishop (UT)
Blackburn
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hill
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi

Turner	Weldon (FL)	Wittman (VA)
Upton	Weller	Wolf
Walberg	Westmoreland	Young (AK)
Walden (OR)	Whitfield (KY)	Young (FL)
Walsh (NY)	Wilson (NM)	
Wamp	Wilson (SC)	

NOT VOTING—17

Baca	Dingell	Rush
Bilbray	King (NY)	Snyder
Bishop (GA)	Lampson	Speier
Blunt	Mahoney (FL)	Watson
Cannon	Pryce (OH)	Wexler
Cubin	Putnam	

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶79.14 H. RES. 1299—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. HOLDEN, pursuant to clause 8, rule XX, announced the unfinished business to be the question on ordering the previous question on the resolution (H. Res. 1299) providing for consideration of the bill (H.R. 3195) to restore the intent and protections of the Americans with Disabilities Act of 1990.

The question being put,

Will the House now order the previous question?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 221 Nays 194

¶79.15 [Roll No. 453]

YEAS—221

Abercrombie	Davis (CA)	Jackson-Lee (TX)
Ackerman	Davis (IL)	Jefferson
Allen	Davis, Lincoln	Johnson (GA)
Altmire	DeFazio	Johnson, E. B.
Arcuri	DeGette	Jones (OH)
Baird	Delahunt	Kagen
Baldwin	DeLauro	Kanjorski
Barrow	Dicks	Kaptur
Bean	Dingell	Kennedy
Becerra	Doggett	Kildee
Berkley	Doyle	Kilpatrick
Berman	Edwards (MD)	Kind
Berry	Edwards (TX)	Klein (FL)
Bishop (GA)	Ellison	Kucinich
Bishop (NY)	Ellsworth	Langevin
Blumenauer	Emanuel	Larsen (WA)
Boren	Engel	Larson (CT)
Boswell	Eshoo	Lee
Boucher	Etheridge	Levin
Boyd (FL)	Farr	Lewis (GA)
Boyda (KS)	Fattah	Lipinski
Brady (PA)	Filner	Loebsack
Braley (IA)	Foster	Lofgren, Zoe
Brown, Corrine	Frank (MA)	Lowey
Butterfield	Giffords	Lynch
Capps	Gillibrand	Maloney (NY)
Capuano	Gonzalez	Markey
Cardoza	Gordon	Marshall
Carnahan	Green, Al	Matheson
Carney	Green, Gene	Matsui
Carson	Grijalva	McCarthy (NY)
Castor	Gutierrez	McCollum (MN)
Cazayoux	Hall (NY)	McDermott
Chandler	Hare	McGovern
Childers	Harman	McIntyre
Clarke	Hastings (FL)	McNulty
Clay	Herseth Sandlin	Meek (FL)
Cleaver	Higgins	Meeks (NY)
Clyburn	Hinchey	Melancon
Cohen	Hinojosa	Michaud
Conyers	Hirono	Miller (NC)
Cooper	Hodes	Mitchell
Costa	Holt	Mollohan
Costello	Honda	Moore (KS)
Courtney	Hooley	Moore (WI)
Cramer	Hoyer	Moran (VA)
Crowley	Inslee	Murphy (CT)
Cuellar	Israel	Murphy, Patrick
Cummings	Jackson (IL)	Murtha
Davis (AL)		

Nadler	Salazar	Tanner
Napolitano	Sánchez, Linda T.	Tauscher
Neal (MA)	Sanchez, Loretta	Taylor
Oberstar	Sarbanes	Thompson (CA)
Obey	Schakowsky	Thompson (MS)
Olver	Schiff	Tierney
Ortiz	Schwartz	Towns
Pallone	Scott (GA)	Tsongas
Pascrell	Scott (VA)	Udall (CO)
Pastor	Serrano	Udall (NM)
Payne	Sestak	Van Hollen
Perlmutter	Shea-Porter	Velázquez
Peterson (MN)	Sherman	Visclosky
Pomeroy	Shuler	Walz (MN)
Price (NC)	Sires	Wasserman Schultz
Rahall	Skelton	Waters
Rangel	Slaughter	Watt
Reichert	Smith (WA)	Waxman
Reyes	Solis	Weiner
Richardson	Space	Welch (VT)
Rodriguez	Spratt	Wilson (OH)
Ross	Stark	Woolsey
Rothman	Stupak	Wu
Roybal-Allard	Sutton	Yarmuth
Ryan (OH)		

NAYS—194

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

NOT VOTING—19

Andrews	Cubin	Pryce (OH)
Baca	Lampson	Putnam
Blunt	Mahoney (FL)	Ruppersberger
Burton (IN)	McNerney	Rush
Cannon	Miller, George	Snyder
		Speier
		Walberg
		Watson
		Wexler

So the previous question on the resolution was ordered.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. HOLDEN, announced that the yeas had it.

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶79.16 ALTERNATIVE MINIMUM TAX

Mr. RANGEL, pursuant to House Resolution 1297, called up for consideration the bill (H.R. 6275) to amend the Internal Revenue Code of 1986 to provide individuals temporary relief from the alternative minimum tax, and for other purposes.

Pending consideration of said bill.

Pursuant to House Resolution 1297, the amendment in the nature of a substitute, recommended by the Committee on Ways and Means, now printed in the bill, was considered as agreed to.

When said bill, as amended, was considered.

After debate,

Pursuant to House Resolution 1297, the previous question was ordered on the bill, as amended.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

Mr. MCCRERY moved to recommit the bill to the Committee on Ways and Means with instructions to report the bill back to the House promptly with the following amendments:

Page 4, after line 5, add the following new section:

SEC. 103. CHARITABLE MILEAGE RATE TREATED THE SAME AS MEDICAL AND MOVING RATE.

(a) IN GENERAL.—Subsection (i) of section 170 (relating to standard mileage rate for use of passenger automobile) is amended by striking ''14 cents per mile'' and inserting ''the rate determined for purposes of sections 213 and 217''.

(b) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to miles driven on or after July 1, 2008.

Page 4, strike line 6 and all that follows through line 2 on page 37 (all of title II).

After debate,

By unanimous consent, the previous question was ordered on the motion to recommit with instructions.

The question being put, viva voce,

Will the House recommit said bill with instructions?

The SPEAKER pro tempore, Mr. HOLDEN, announced that the nays had it.

Mr. MCCRERY demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the negative ..... { Yeas ..... 199 / Nays 222

¶79.17 [Roll No. 454]

YEAS—199

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

NAYS—222

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

NOT VOTING—13

Cannon
Cubin
Cummings
Lampson
Mahoney (FL)
Moore (WI)
Pryce (OH)
Putnam
Rush
Snyder
Speier
Tsongas
Watson

So the motion to recommit with instructions was not agreed to.

The question being put, viva voce,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. HOLDEN, announced that the yeas had it.

Mr. CAMP of Michigan, demanded a recorded vote on passage of said bill, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 233 / Nays 189

¶79.18 [Roll No. 455]

AYES—233

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

NOES—189

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bean
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green, Gene
Hall (TX)
Hastings (WA)
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson, Sam
Jordan
Keller
King (NY)
Kingston
Klein (FL)
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo

Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mitchell
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Saxton
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOT VOTING—12

Cannon
Cubin
King (IA)
Lampson
Mahoney (FL)
Pryce (OH)
Putnam
Radanovich
Rush
Snyder
Speier
Watson

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶79.19 H.R. 3546—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. HOLDEN, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and pass the bill (H.R. 3546) to authorize the Edward Byrne Memorial Justice Assistance Grant Program at fiscal year 2006 levels through 2012; as amended.

The question being put,

Will the House suspend the rules and pass said bill, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 406 Nays 11

¶79.20 [Roll No. 456]

YEAS—406

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Cazayoux
Chabot
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Forbes
Fortenberry
Fossella
Foster
Foxx
Frank (MA)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Honda
Hooley
Hoyer
Hulshof
Hunter
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney (NY)
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pomeroy
Porter
Price (GA)
Price (NC)
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Scalise
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NAYS—11

Broun (GA)
Campbell (CA)
Flake
Franks (AZ)
Hensarling
Inglis (SC)
Marchant
Neugebauer
Paul
Poe
Tancredo

NOT VOTING—17

Boyda (KS)
Cannon
Cubin
Hall (TX)
Holt
Jefferson
Kind
Klein (FL)
Lampson
Mahoney (FL)
McCotter
Pryce (OH)
Putnam
Rush
Snyder
Speier
Watson

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶79.21 BAY MILLS INDIAN COMMUNITY LAND CLAIMS

Mr. RAHALL, pursuant to House Resolution 1298, called up for consideration the bill (H.R. 2176) to provide for and approve the settlement of certain land claims of the Bay Mills Indian Community.

Pending consideration of said bill.

Pursuant to House Resolution 1298, in lieu of the amendment recommended by the Committee on Natural Resources printed in the bill, the following amendment in the nature of a substitute, printed in House Report 110-732 of the Committee on Rules, was considered as agreed to:

Strike out all after the enacting clause and insert:

SECTION 1. DEFINITIONS.

For the purposes of this Act, the following definitions apply:

(1) ALTERNATIVE LANDS.—The term ''alternative lands'' means those lands identified as alternative lands in the Settlement of Land Claim.

(2) CHARLOTTE BEACH LANDS.—The term ''Charlotte Beach lands'' means those lands in the Charlotte Beach area of Michigan and described as follows: Government Lots 1, 2, 3, and 4 of Section 7, T45N, R2E, and Lot 1 of Section 18, T45N, R2E, Chippewa County, State of Michigan.

(3) COMMUNITY.—The term ''Community'' means the Bay Mills Indian Community, a federally recognized Indian tribe.

(4) SETTLEMENT OF LAND CLAIM.—The term ''Settlement of Land Claim'' means the agreement between the Community and the Governor of the State of Michigan executed on August 23, 2002, and filed with the Office of Secretary of State of the State of Michigan.

(5) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

SEC. 2. ACCEPTANCE OF ALTERNATIVE LANDS AND EXTINGUISHMENT OF CLAIMS.

(a) LAND INTO TRUST; PART OF RESERVATION.—Upon the date of enactment of this Act—

(1) the Secretary shall take the alternative lands into trust for the benefit of the Community within 30 days of receiving a title insurance policy for the alternative lands which shows that the alternative lands are not subject to mortgages, liens, deeds of trust, options to purchase, or other security interests; and

(2) the alternative lands shall become part of the Community's reservation immediately upon attaining trust status.

(b) GAMING.—The alternative lands shall be taken into trust as provided in this section as part of the settlement and extinguishment of the Community's Charlotte Beach land claims, and so shall be deemed lands obtained in settlement of a land claim within the meaning of section 20(b)(1)(B)(i) of the Indian Gaming Regulatory Act (25 U.S.C. 2719; Public Law 100–497).

(c) EXTINGUISHMENT OF CLAIMS.—Upon the date of enactment of this Act, any and all claims by the Community to the Charlotte Beach lands or against the United States, the State of Michigan or any subdivision thereof, the Governor of the State of Michigan, or any other person or entity by the Community based on or relating to claims to the Charlotte Beach lands (including without limitation, claims for trespass damages, use, or occupancy), whether based on aboriginal or recognized title, are hereby extinguished. The extinguishment of these claims is in consideration for the benefits to the Community under this Act.

SEC. 3. EFFECTUATION AND RATIFICATION OF AGREEMENT.

(a) RATIFICATION.—The United States approves and ratifies the Settlement of Land Claim, except that the last sentence in section 10 of the Settlement of Land Claim is hereby deleted.

(b) NOT PRECEDENT.—The provisions contained in the Settlement of Land Claim are unique and shall not be considered precedent for any future agreement between any tribe and State.

(c) ENFORCEMENT.—The Settlement of Land Claim shall be enforceable by either the Community or the Governor according to its terms. Exclusive jurisdiction over any enforcement action is vested in the United States District Court for the Western District of Michigan.

Pursuant to House Resolution 1298, the SPEAKER pro tempore, Mr. ROSS, recognized Messrs. RAHALL and YOUNG of Alaska, for 20 minutes each and Messrs. CONYERS and KING of Iowa, for 10 minutes each.

When said bill was considered.

After debate,

Pursuant to House Resolution 1298, the previous question was ordered on the bill, as amended.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

Mr. HENSARLING moved to recommit the bill to the Committee on Natural Resources with instructions to report the bill back to the House forthwith with the following amendment:

At the end of the bill, insert the following:

TITLE III—REPEAL OF ALTERNATIVE FUEL PROCUREMENT REQUIREMENT FOR FEDERAL AGENCIES

SEC. 301. REPEAL OF ALTERNATIVE FUEL PROCUREMENT REQUIREMENT FOR FEDERAL AGENCIES.

Section 526 of the Energy Independence and Security Act of 2007 (Public Law 110–140; 42 U.S.C. 17142) is repealed.

After debate,

¶79.22 POINT OF ORDER

Mr. RAHALL made a point of order against the motion to recommit with instructions, and said:

''Mr. Speaker, I reserve a point of order.''.

Mr. HENSARLING was recognized to speak to the point of order and said:

''As I listened very carefully to this debate, it is clear that the majority of the speakers feel very passionately that this is a debate about economic development for the region, a distressed region of Michigan. It's about economic development for a Native American tribe. Someone would have to be totally out of touch with their constituency not to realize that the number-one challenge to the economic well-being of our citizens is the high cost of energy.

''So, Mr. Speaker, this motion to recommit is very simple. It removes a provision in last year's 'non-energy' energy bill that would prevent the government from using its purchasing power to spur the growth of American energy resources, such as coal-to-liquids technology, oil shale, and tar sands.

''This is especially important since we know that right north of the border, right north of Michigan, that our neighbor to the north, Canada, is rich in these resources. Particularly, so much of their energy and many of their exports come from tar sands.

''The real estate that we are talking about in question could be greatly impacted should the section 526 not be repealed. Because as most people know who have studied the issue, Mr. Speaker, the United States Air Force wishes to enter into long-term contracts in order to help develop these promising new alternative energy alternatives. Yet in the Democrat 'non-energy' energy bill, they would be effectively prevented from doing so. That will clearly have an adverse impact upon the economic growth, the economic well-being of the Native American tribe in question, not to mention the real estate in question as well.

''So, again, Mr. Speaker, when we look at energy, energy now has become a health care issue. It has become an education issue. It is certainly a Native American issue. It is an economic growth issue as well. What has happened is we have seen that the Democrat majority simply wants to bring us bills that somehow believe that if we beg OPEC, we can bring down the price of energy at the pump. Maybe if we sue OPEC, we can bring down the price of energy at the pump. Maybe if we somehow berate oil companies, that will cause prices to go down at the pump. Maybe we should tax them. Well, they will take those taxes and put it right back in their price.

''But what the Democrat majority hasn't decided to do is to produce American energy in America and bring down the cost of energy that way. Not only have they decided not to do it, Mr. Speaker, they are moving in the complete opposite direction with this section 526, which prevents the Federal Government from contracting in order to spur the growth of these promising alternative fuel sources, like coal-to-liquid technology, like oil shale, like tar sands. They are moving in the complete opposite direction.

''Mr. Speaker, not unlike probably yourself and many of my other colleagues on the floor on both sides of the aisle, we hear from our constituents. I have heard from a constituent that says the high cost of energy now is preventing them from having three meals a day. The high cost of energy has caused them to have their adult children to have to move back in with them. Yet our Democrat majority will not bring a bill to the floor that actually produces American energy.

''What Republicans want to do on this side of the aisle is, number one, continue to develop our renewable energy resources. Mr. Speaker, before coming to Congress I was an officer in a green energy company. Those technologies are promising. But, Mr. Speaker, until they are technologically and economically viable will be years to come. In the meantime, people have to take their children to school every day. People have to go to work every day. Many have to go and see their physicians.

''And so we need to bring down the cost of this energy now. We know that we haven't built a refinery in America in almost 30 years. Our capacity is down. We are having to import not just crude but we are having to import refined gasoline as well. Yet, the Democrat majority does nothing, does nothing to help build more refineries.

''We need diversification. We need nuclear energy. We sit here and talk to the American people about the threat of global warming, yet we know nuclear energy has no greenhouse emissions whatsoever.

''It's imperative that we pass this motion to recommit and get more American energy today.''.

Mr. RAHALL was further recognized and said:

''Mr. Speaker, I insist on my point of order.

''Mr. Speaker, certainly after listening to the gentleman's diatribe, or whatever it was he was talking about, it's certainly not related to the pending legislation. Never once did I hear the word 'Indian.' It's a further example of the petty politics the minority is trying to play with the serious problems confronting the American people.

''I insist on my point of order, and I raise a point of order that the motion to recommit contains nongermane instructions, in violation of clause 7 of rule XVI. The instructions in the motion to recommit address an unrelated matter to the pending legislation.''.

Mr. HENSARLING was further recognized and said:

''Again, Mr. Speaker, I don't know how, when you can have speaker after speaker come to the floor and say essentially this is a bill having to do

with the economic well-being of a distressed area of Michigan, the economic well-being of a Native American tribe, and not believe that somehow the cost of energy factors into the economic well-being.

''We are talking also about a piece of real estate. We are talking about the value of underlying minerals in this piece of real estate that will be greatly impacted on whether or not this section 526 is repealed or not.

''I would just simply ask the Speaker, when is it germane to bring a motion to produce American energy in America and bring down the high cost of energy for the American people? If not now, when, Mr. Speaker? When will the Democrat majority allow these motions to be voted on?''.

The SPEAKER pro tempore, Mr. ROSS, sustained the point of order, and said:

''The bill, as amended, addresses settling certain land claims of two tribal communities in the State of Michigan. The instructions in the motion to recommit address an entirely different subject matter; namely, alternative fuel procurement. Accordingly, the instructions are not germane. The point of order is sustained. The motion is not in order.''.

Mr. HENSARLING appealed the ruling of the Chair.

The question being stated, viva voce,

Will the decision of the Chair stand as the judgment of the House?

Mr. RAHALL moved to lay the appeal on the table.

The question being put, viva voce,

Will the House lay on the table the appeal of the ruling of the Chair?

The SPEAKER pro tempore, Mr. ROSS, announced that the yeas had it.

Mr. HENSARLING objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 6, rule XX, and the call was taken by electronic device.

When there appeared { Yeas ..... 226 / Nays 189

¶79.23 [Roll No. 457]

YEAS—226

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

NAYS—189

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

NOT VOTING—19

Cannon
Cantor
Cubin
Cummings
Delahunt
Fossella
Gohmert
Lampson
Mahoney (FL)
McCotter
Peterson (PA)
Putnam
Rush
Salazar
Snyder
Speier
Sullivan
Sutton
Yarmuth

So the motion to lay the appeal on the table was agreed to.

A motion to reconsider the vote whereby said motion was agreed to was, by unanimous consent, laid on the table.

The question being put, viva voce,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. ROSS, announced that the nays had it.

Mr. RAHALL demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the negative ..... { Yeas ..... 121 / Nays 298

¶79.24 [Roll No. 458]

YEAS—121

Abercrombie
Allen
Andrews
Arcuri
Baldwin
Barrow
Barton (TX)
Bean
Berman
Berry
Bilbray
Bishop (UT)
Blumenauer
Boswell
Boucher
Boyd (FL)
Brady (PA)
Braley (IA)
Butterfield
Capps
Capuano
Carney
Castor
Clay
Clyburn
Cole (OK)
Cramer
Davis, Tom
DeGette
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doyle
Ellsworth
Engel
English (PA)
Foster
Frank (MA)
Giffords
Gilchrest
Gillibrand
Gonzalez
Gordon
Green, Gene
Grijalva
Hall (TX)
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hirono
Hodes
Holden
Holt
Inslee
Jackson (IL)
Kagen
Kanjorski
Kennedy
Kildee
Kind
King (NY)
Kuhl (NY)
LaTourette
Levin
Lipinski
Loebsack
Lowey
Lungren, Daniel E.
Lynch
Maloney (NY)
Matsui
McCrery
McHugh
McKeon
McNulty
Melancon
Michaud
Miller (MI)
Miller, George
Mollohan
Moore (KS)
Murphy (CT)
Murphy, Patrick
Olver
Ortiz
Pallone
Pastor
Paul
Pomeroy
Price (NC)
Rahall
Rangel
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rohrabacher
Ross
Rothman
Schakowsky
Serrano
Sires
Smith (WA)
Solis
Space
Stupak
Tanner
Tierney
Towns
Udall (CO)
Velázquez
Walsh (NY)
Wasserman Schultz
Watson
Welch (VT)
Wilson (OH)
Wu
Young (AK)

NAYS—298

Ackerman
Aderholt
Akin
Alexander
Altmire
Baca

Bachmann
Bachus
Baird
Barrett (SC)
Bartlett (MD)
Becerra
Berkley
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boustany
Boyda (KS)
Brady (TX)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Cardoza
Carnahan
Carson
Carter
Castle
Cazayoux
Chabot
Chandler
Childers
Clarke
Cleaver
Coble
Cohen
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Deal (GA)
DeFazio
DeLauro
Dent
Dicks
Doggett
Donnelly
Doolittle
Drake
Dreier
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Emanuel
Emerson
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green, Al
Gutierrez
Hall (NY)
Hare
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hinchey
Hinojosa
Hobson
Hoekstra
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Israel
Issa
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kaptur
Keller
Kilpatrick
King (IA)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
LaHood
Lamborn
Langevin
Larsen (WA)
Larson (CT)
Latham
Latta
Lee
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren, Zoe
Lucas
Mack
Manzullo
Marchant
Markey
Marshall
Matheson
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McDermott
McGovern
McHenry
McIntyre
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Mica
Miller (FL)
Miller (NC)
Miller, Gary
Mitchell
Moore (WI)
Moran (KS)
Moran (VA)
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Pascrell
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Radanovich
Ramstad
Regula
Rehberg
Richardson
Rogers (AL)
Rogers (KY)
Rogers (MI)
Roskam
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Scalise
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Spratt
Stark
Stearns
Sullivan
Tancredo
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tsongas
Turner
Udall (NM)
Upton
Van Hollen
Visclosky
Walberg
Walden (OR)
Walz (MN)
Wamp
Waters
Watt
Waxman
Weiner
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Yarmuth
Young (FL)

NOT VOTING—15

Cannon	Lampson	Ros-Lehtinen
Cubin	Mahoney (FL)	Rush
Cummings	McCotter	Snyder
Delahunt	Peterson (PA)	Speier
Fossella	Putnam	Sutton

So the bill was not passed.

A motion to reconsider the vote whereby said bill was not passed was, by unanimous consent, laid on the table.

¶79.25 ADA AMENDMENTS

Mr. George MILLER of California, pursuant to House Resolution 1299, called up for consideration the bill (H.R. 3195) to restore the intent and protections of the Americans with Disabilities Act of 1990.

Pending consideration of said bill.

Pursuant to House Resolution 1299, the amendment in the nature of a substitute recommended by the Committee on Education and Labor, now printed in the bill, was considered as agreed to.

Pursuant to House Resolution 1299, the SPEAKER pro tempore, Mrs. JONES of Ohio, recognized Messrs. George MILLER of California, and McKEON, for 20 minutes each, and Messrs. CONYERS, and SENSENBRENNER, for 10 minutes each.

When said bill was considered.

After debate,

Pursuant to House Resolution 1299, the previous question was ordered on the bill, as amended.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

The question being put, viva voce,

Will the House pass said bill?

The SPEAKER pro tempore, Mrs. JONES of Ohio, announced that the yeas had it.

Mr. SENSENBRENNER demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mrs. JONES of Ohio, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶79.26 HIGHER EDUCATION PROGRAMS

Mr. George MILLER of California, moved to suspend the rules and pass the bill of the Senate (S. 3180) to temporarily extend the programs under the Higher Education Act of 1965.

The SPEAKER pro tempore, Mrs. JONES of Ohio, recognized Mr. George MILLER of California, and Mr. McKEON, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mrs. JONES of Ohio, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶79.27 STOP CHILD ABUSE IN RESIDENTIAL PROGRAMS FOR TEENS

Mr. George MILLER of California, moved to suspend the rules and pass the bill (H.R. 6358) to require certain standards and enforcement provisions to prevent child abuse and neglect in residential programs, and for other purposes.

The SPEAKER pro tempore, Mrs. JONES of Ohio, recognized Mr. George MILLER of California, and Mr. PLATTS, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mrs. JONES of Ohio, announced that two-thirds of the Members present had voted in the affirmative.

Mr. PLATTS demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mrs. JONES of Ohio, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶79.28 PROVIDING FOR CONSIDERATION OF H.R. 6052

Mr. McGOVERN, by direction of the Committee on Rules, reported (Rept. No. 110–734) the resolution (H. Res. 1304) providing for consideration of the bill (H.R. 6052) to promote increased public transportation use, to promote increased use of alternative fuels in providing public transportation, and for other purposes.

When said resolution and report were referred to the House Calendar and ordered printed.

¶79.29 H.R. 6358—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mrs. JONES of Ohio, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and pass the bill (H.R. 6358) to require certain standards and enforcement provisions to prevent child abuse and neglect in residential programs, and for other purposes.

The question being put,

Will the House suspend the rules and pass said bill?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 318 / Nays 103

¶79.30 [Roll No. 459]

YEAS—318

Abercrombie	Andrews	Baldwin
Ackerman	Arcuri	Barrow
Alexander	Baca	Bartlett (MD)
Allen	Bachus	Bean
Altmire	Baird	Becerra

Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Butterfield
Buyer
Calvert
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Cazayoux
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Cohen
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Dreier
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Fallin
Farr
Fattah
Ferguson
Filner
Fortenberry
Foster
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Giffords
Gillibrand
Gonzalez
Gordon
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Hayes
Heller
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Klein (FL)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lynch
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McHugh
McIntyre
McKeon
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Perlmutter
Peterson (MN)
Petri
Pickering
Platts
Pomeroy
Porter
Price (NC)
Pryce (OH)
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (KY)
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Scalise
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Solis
Space
Spratt
Stark
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Whitfield (KY)
Wilson (OH)
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NAYS—103

Aderholt
Akin
Bachmann
Barrett (SC)
Barton (TX)
Bilbray
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Brady (TX)
Broun (GA)
Burton (IN)
Camp (MI)
Campbell (CA)
Cantor
Carter
Chabot
Coble
Cole (OK)
Crenshaw
Davis (KY)
Davis, David
Deal (GA)
Doolittle
Drake
Duncan
Everett
Feeney
Flake
Forbes
Foxx
Franks (AZ)
Garrett (NJ)
Gingrey
Gohmert
Goode
Goodlatte
Granger
Hall (TX)
Hastings (WA)
Hensarling
Herger
Hoekstra
Hunter
Inglis (SC)
Johnson, Sam
Jordan
King (IA)
Kingston
Kline (MN)
Lamborn
Latta
Lewis (KY)
Linder
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCrery
McHenry
McMorris Rodgers
Mica
Miller (FL)
Musgrave
Myrick
Neugebauer
Paul
Pence
Peterson (PA)
Pitts
Poe
Price (GA)
Radanovich
Rogers (AL)
Rogers (MI)
Rohrabacher
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shuster
Smith (NE)
Smith (TX)
Souder
Stearns
Tancredo
Thornberry
Turner
Wamp
Weldon (FL)
Westmoreland
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf

NOT VOTING—13

Cannon
Cubin
Fossella
Gilchrest
Johnson (GA)
Lampson
Mahoney (FL)
McCotter
Putnam
Rush
Snyder
Speier
Weller

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶79.31 H.R. 3195—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mrs. JONES of Ohio, pursuant to clause 8, rule XX, announced the further unfinished business to be the question on passage of the bill (H.R. 3195) to restore the intent and protections of the Americans with Disabilities Act of 1990.

The question being put,

Will the House pass said bill?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 402 / Nays 17

¶79.32 [Roll No. 460]

YEAS—402

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Cazayoux
Chabot
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Drake
Dreier
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Gerlach
Giffords
Gillibrand
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney (NY)
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pomeroy
Porter
Price (NC)
Pryce (OH)
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Scalise
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus

Shuler
Shuster
Simpson
Sires
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Solis
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NAYS—17

Broun (GA)
Campbell (CA)
Doolittle
Duncan
Flake
Garrett (NJ)
Gohmert
Hensarling
Kingston
Linder
Marchant
Paul
Poe
Price (GA)
Tancredo
Weldon (FL)
Westmoreland

NOT VOTING—15

Cannon
Cubin
Fossella
Gilchrest
Johnson (GA)
Lampson
Mahoney (FL)
McCotter
Putnam
Rush
Slaughter
Snyder
Souder
Speier
Weller

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶79.33 MOTION TO INSTRUCT CONFEREES TO H.R. 4040—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mrs. JONES of Ohio, pursuant to clause 8 of rule XX, announced the unfinished business to be the question on the motion to instruct, by Mr. KIRK, to instruct the managers on the part of the House at the conference with the Senate on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4040) to establish consumer product safety standards and other safety requirements for children's products and to reauthorize and modernize the Consumer Product Safety Commission, to insist on the provisions contained in the bill with regard to the definition of ''children's product''.

The question being put,

Will the House agree to said motion?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 415 / Nays 0

¶79.34 [Roll No. 461]

YEAS—415

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Cazayoux
Chabot
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney (NY)
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Scalise
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—19

Cannon
Cubin
Fossella
Gilchrest
Jefferson
Johnson (GA)
Kaptur
Lampson
Loebsack
Mahoney (FL)
Marchant
McCotter
Putnam
Rush
Simpson
Snyder
Speier
Walsh (NY)
Weldon (FL)

So the motion to instruct the managers on the part of the House was agreed to.

A motion to reconsider the vote whereby said motion was agreed to was, by unanimous consent, laid on the table.

¶79.35 CAPITOL ROTUNDA

Mrs. DAVIS of California, moved to suspend the rules and agree to the following concurrent resolution (H. Con. Res. 377); as amended:

Whereas African American men and women have served with distinction, courage, and honor in the United States Armed Forces throughout the history of the nation, even when they were denied the basic constitutional freedoms promised to all citizens;

Whereas the practice of racial segregation and discrimination in the military prevented African Americans from receiving the full recognition to which they were entitled as a result of their service;

Whereas African Americans, in leading the effort to protest discriminatory treatment in the armed forces, paved the way for successful integration of women, Asians, Hispanics, and other ethnic minorities;

Whereas the dedicated and heroic service of African American men and women during World War II led to President Truman's historic executive order 60 years ago that marked the beginning of racial integration in the United States Armed Forces;

Whereas as a result of President Truman's action, the United States Armed Forces has become one of the nation's best examples of an institution committed to equality, opportunity, and advancement based on merit rather than race, religion, or ethnicity; and

Whereas the heroic contributions of each member of the United States Armed Forces should be honored and celebrated: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. USE OF ROTUNDA FOR CEREMONY COMMEMORATING 60TH ANNIVERSARY OF INTEGRATION OF THE ARMED FORCES.

(a) USE OF ROTUNDA.—The rotunda of the Capitol is authorized to be used on July 23, 2008, for a ceremony commemorating the 60th anniversary of President Truman's Executive Order No. 9981, which states, ''It is

hereby declared to be the policy of the President that there shall be equality of treatment and opportunity for all persons in the armed services without regard to race, color, religion or national origin.''.

(b) PREPARATIONS.—Physical preparations for the ceremony referred to in subsection (a) shall be carried out in accordance with such conditions as the Architect of the Capitol may prescribe.

The SPEAKER pro tempore, Mr. YARMUTH, recognized Mrs. DAVIS of California, and Mr. LUNGREN of California, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution, as amended?

The SPEAKER pro tempore, Mr. YARMUTH, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said concurrent resolution, as amended, was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said concurrent resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶79.36 SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 2403. An Act to designate the new Federal Courthouse, located in the 700 block of East Broad Street, Richmond, Virginia, as the ''Spottswood W. Robinson III and Robert R. Merhige, Jr. Federal Courthouse''; to the Committee on Transportation and Infrastructure.

S. 2837. An Act to designate the United States courthouse located at 225 Cadman Plaza East, Brooklyn, New York, as the ''Theodore Roosevelt United States Courthouse''; to the Committee on Transportation and Infrastructure.

S. 3009. An Act to designate the Federal Bureau of Investigation building under construction in Omaha, Nebraska, as the ''J. James Exon Federal Bureau of Investigation Building''; to the Committee on Transportation and Infrastructure.

S. 3145. An Act to designate a portion of United States Route 20A, located in Orchard Park, New York, as the ''Timothy J. Russert Highway''; to the Committee on Transportation and Infrastructure.

¶79.37 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. MAHONEY of Florida, for today; and

To Mr. PUTNAM, for today.

And then,

¶79.38 ADJOURNMENT

On motion of Mr. WESTMORELAND, at 6 o'clock and 58 minutes p.m., the House adjourned.

¶79.39 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

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

Ms. CASTOR: Committee on Rules. House Resolution 1304. Resolution providing for consideration of the bill (H.R. 6052) to promote increased public transportation use, to promote increased use of alternative fuels in providing public transportation, and for other purposes (Rept. 110–734). Referred to the House Calendar.

¶79.40 PUBLIC BILLS AND RESOLUTIONS

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

By Mr. BERMAN (for himself, Mr. COBLE, Mr. CONYERS, and Mr. SMITH of Texas):

H.R. 6362. A bill to amend title 35, United States Code, and the Trademark Act of 1946 to provide that the Secretary of Commerce, in consultation with the Director of the United States Patent and Trademark Office, shall appoint administrative patent judges and administrative trademark judges, and for other purposes; to the Committee on the Judiciary.

By Mr. RANGEL:

H.R. 6363. A bill to amend title 4, United States Code, to add National Korean War Veterans Armistice Day to the list of days on which the flag should especially be displayed; to the Committee on the Judiciary.

By Mr. DICKS (for himself, Mr. INSLEE, Mr. LARSEN of Washington, Mr. BAIRD, Mr. MCDERMOTT, Mr. SMITH of Washington, and Mr. REICHERT):

H.R. 6364. A bill to amend the Federal Water Pollution Control Act to provide assistance for programs and activities to protect the water quality of Puget Sound, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. KIND (for himself and Mr. RAMSTAD):

H.R. 6365. A bill to amend part C of title XVIII of the Social Security Act with respect to Medicare special needs plans and the alignment of Medicare and Medicaid for dually eligible individuals; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BUYER (for himself, Mr. MICHAUD, Mr. MILLER of Florida, and Mr. BROWN of South Carolina):

H.R. 6366. A bill to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to establish not more than seven consolidated patient accounting centers, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. BRADY of Texas (for himself, Mr. MCCAUL of Texas, Mr. MARCHANT, Mr. SAM JOHNSON of Texas, Mr. BILBRAY, Mr. SULLIVAN, Mr. SHADEGG, Mr. ROHRABACHER, Mr. JONES of North Carolina, Mr. POE, and Mr. CULBERSON):

H.R. 6367. A bill to provide an exception to certain mandatory minimum sentence requirements for a law enforcement officer who uses, carries, or possesses a firearm during and in relation to a crime of violence committed while pursuing or apprehending a suspect; to the Committee on the Judiciary.

By Mr. BRADY of Texas (for himself, Mr. SAM JOHNSON of Texas, Mr. PORTER, Mr. HERGER, Mr. PUTNAM, Mr. BOEHNER, and Mr. DAVID DAVIS of Tennessee):

H.R. 6368. A bill to amend the Internal Revenue Code of 1986 to provide for an increase in the standard mileage rates to reflect the increase in the cost of highway fuels, and for other purposes; to the Committee on Ways and Means.

By Mr. DAVIS of Virginia:

H.R. 6369. A bill to amend title 10, United States Code, to authorize the Secretary of Defense to make grants to recognized science and technology secondary schools to support research and development projects at such schools in science, mathematics, engineering, and technology to supplement the national security functions of the Department of Defense; to the Committee on Armed Services.

By Mr. DEFAZIO:

H.R. 6370. A bill to transfer excess Federal property administered by the Coast Guard to the Confederated Tribes of the Coos, Lower Umpqua, and Siuslaw Indians; to the Committee on Transportation and Infrastructure.

By Mr. EMANUEL (for himself, Mr. CROWLEY, Mr. KIND, Ms. SCHWARTZ, Mr. LEVIN, Ms. SUTTON, Mr. FILNER, and Mr. BISHOP of New York):

H.R. 6371. A bill to amend the Internal Revenue Code of 1986 to require employers to notify their employees of the availability of the earned income credit; to the Committee on Ways and Means.

By Mr. HILL:

H.R. 6372. A bill to reestablish standards from the Commodity Exchange Act to provide for the regulation of United States markets in energy commodity futures, and for other purposes; to the Committee on Agriculture.

By Mr. MCCOTTER:

H.R. 6373. A bill to amend the Internal Revenue Code of 1986 to allow individuals to establish Home Ownership Mortgage Expense Accounts (HOME Accounts) which may be used to purchase, remodel, or make mortgage payments on the principal residence of the taxpayer; to the Committee on Ways and Means.

By Mr. MCDERMOTT (for himself, Mr. ENGLISH of Pennsylvania, and Ms. SCHWARTZ):

H.R. 6374. A bill to amend the Internal Revenue Code of 1986 to repeal the shipping investment withdrawal rules in section 955 and to provide an incentive to reinvest foreign shipping earnings in the United States; to the Committee on Ways and Means.

By Mr. STARK (for himself and Mr. GEORGE MILLER of California):

H.R. 6375. A bill to provide assistance to adolescents and young adults with serious mental health disorders as they transition to adulthood; to the Committee on Energy and Commerce.

By Ms. DELAURO (for herself, Mr. SIRES, Mr. HOLT, Ms. LEE, Ms. MATSUI, Ms. WOOLSEY, Mr. LEWIS of Georgia, Ms. KAPTUR, Ms. SUTTON, Mrs. CAPPS, Mr. BRADY of Pennsylvania, Mr. PAYNE, Mr. PALLONE, Mr. ROTHMAN, and Mr. SCOTT of Virginia):

H. Con. Res. 382. Concurrent resolution recognizing the important social and labor contributions and accomplishments of Congresswoman Mary T. Norton of New Jersey on the 70th anniversary of the Fair Labor Standards Act; to the Committee on Education and Labor.

By Mr. SIRES:

H. Res. 1305. A resolution supporting the designation of National Tourette Syndrome Day; to the Committee on Energy and Commerce.

¶79.41 MEMORIALS

Under clause 3 of rule XII:

326. The SPEAKER presented a memorial of the Legislature of the State of Louisiana,

relative to Senate Concurrent Resolution No. 51 memorializing the Congress of the United States to establish a grant program to assist the seafood industry in St. Tammany, St. Bernard, Orleans, and Plaquemines parishes; to the Committee on Financial Services.

¶79.42 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 78: Mr. GARRETT of New Jersey.
H.R. 96: Mr. RANGEL.
H.R. 154: Mr. TOWNS, Mr. FRELINGHUYSEN, Mr. DOYLE, Mr. SPACE, and Mr. LARSON of Connecticut.
H.R. 158: Mr. MILLER of Florida.
H.R. 688: Mr. HAYES.
H.R. 856: Mr. ARCURI.
H.R. 901: Mrs. LOWEY.
H.R. 1063: Mr. COLE of Oklahoma.
H.R. 1078: Ms. KAPTUR.
H.R. 1223: Mr. MCNERNEY.
H.R. 1228: Ms. SUTTON.
H.R. 1295: Mr. GARRETT of New Jersey.
H.R. 1665: Mr. FEENEY.
H.R. 1671: Ms. SUTTON.
H.R. 1738: Mr. HALL of New York, Mr. DICKS, and Mr. STARK.
H.R. 1767: Mr. KANJORSKI.
H.R. 1940: Mr. SALI.
H.R. 1992: Mr. SOUDER.
H.R. 2611: Mr. GRIJALVA.
H.R. 2712: Mr. GARRETT of New Jersey and Mr. SAM JOHNSON of Texas.
H.R. 3132: Mr. REYES.
H.R. 3174: Mr. FRANK of Massachusetts and Mr. MCDERMOTT.
H.R. 3232: Mr. WEXLER, Mr. REYES, Ms. GINNY BROWN-WAITE of Florida, Ms. JACKSON-LEE of Texas, Mr. CROWLEY, Mr. FERGUSON, Mr. KAGEN, Mr. ORTIZ, and Mr. CUELLAR.
H.R. 3329: Mr. BISHOP of New York and Mr. KANJORSKI.
H.R. 3334: Mrs. CAPPS and Mrs. LOWEY.
H.R. 3366: Ms. HIRONO.
H.R. 3396: Mr. MORAN of Virginia.
H.R. 3406: Mr. LEWIS of Georgia and Mr. MICHAUD.
H.R. 3438: Mr. GRIJALVA and Mr. REYES.
H.R. 3439: Mr. PAYNE.
H.R. 3457: Mr. BROUN of Georgia.
H.R. 3544: Mrs. LOWEY.
H.R. 3622: Mr. MACK.
H.R. 3646: Mr. GARRETT of New Jersey.
H.R. 3650: Mr. GARRETT of New Jersey.
H.R. 3829: Mr. SHAYS.
H.R. 3834: Mr. UDALL of Colorado.
H.R. 3934: Mr. PENCE.
H.R. 4089: Mr. HARE.
H.R. 4093: Mr. SESTAK.
H.R. 4138: Mr. MOORE of Kansas.
H.R. 4498: Mr. GARRETT of New Jersey.
H.R. 4544: Mr. BILBRAY and Mr. SPACE.
H.R. 4775: Mr. CARSON and Ms. WOOLSEY.
H.R. 4789: Ms. JACKSON-LEE of Texas.
H.R. 4935: Mr. EDWARDS of Texas.
H.R. 4990: Mr. DAVIS of Illinois.
H.R. 5236: Mrs. MYRICK.
H.R. 5244: Mrs. JONES of Ohio and Mr. FALEOMAVAEGA.
H.R. 5267: Mr. JORDAN and Mr. GOODE.
H.R. 5467: Mr. LANGEVIN.
H.R. 5496: Mrs. CAPPS.
H.R. 5534: Mr. SAXTON and Mr. GILCHREST.
H.R. 5552: Mr. SPACE.
H.R. 5575: Mr. RANGEL.
H.R. 5673: Mr. GARRETT of New Jersey.
H.R. 5709: Mr. BISHOP of New York.
H.R. 5748: Mr. HALL of Texas.
H.R. 5752: Mr. SMITH of New Jersey.
H.R. 5760: Mr. ROGERS of Alabama.
H.R. 5774: Ms. SCHAKOWSKY and Mrs. LOWEY.
H.R. 5793: Mr. SPACE.
H.R. 5842: Ms. LEE.
H.R. 5843: Ms. LEE.
H.R. 5846: Ms. CORRINE BROWN of Florida.
H.R. 5874: Mr. REICHERT.
H.R. 5892: Mr. KILDEE and Mr. CLAY.
H.R. 5913: Mr. FRANK of Massachusetts and Mr. DEFAZIO.
H.R. 5925: Mr. SMITH of Washington.
H.R. 5935: Mr. CARNEY.
H.R. 5950: Mr. FRANK of Massachusetts.
H.R. 5984: Mrs. CAPITO.
H.R. 6045: Mr. LYNCH, Mr. SOUDER, Mr. SPACE, Mrs. MALONEY of New York, Mr. WATT, Mr. KIND, Mr. FRANKS of Arizona, and Mr. POE.
H.R. 6083: Mr. BLUMENAUER.
H.R. 6107: Mr. CARTER, Mr. THORNBERRY, and Mr. GARRETT of New Jersey.
H.R. 6123: Mr. KIRK.
H.R. 6126: Ms. JACKSON-LEE of Texas.
H.R. 6143: Mr. FRANK of Massachusetts.
H.R. 6168: Mr. BLUNT.
H.R. 6169: Mr. BLUNT.
H.R. 6172: Mr. POE.
H.R. 6180: Ms. MCCOLLUM of Minnesota.
H.R. 6198: Mr. CLAY, Mr. AKIN, Mr. CARNAHAN, Mr. SKELTON, Mr. GRAVES, Mr. BLUNT, Mrs. EMERSON, Mr. HULSHOF, Mr. BUTTERFIELD, and Mr. TOWNS.
H.R. 6199: Mr. MCHUGH.
H.R. 6203: Mr. PAYNE and Mr. CONYERS.
H.R. 6208: Mr. BLUNT.
H.R. 6209: Ms. LINDA T. SÁNCHEZ of California, Mr. MORAN of Virginia, Mr. INSLEE, Mr. LARSEN of Washington, Mr. SIRES, Mr. KANJORSKI, Mr. TIERNEY, Ms. SUTTON, Mr. KENNEDY, Mr. MURPHY of Connecticut, Mr. MURTHA, Mr. BRADY of Pennsylvania, Mr. RYAN of Ohio, Ms. DELAURO, Mr. CROWLEY, and Mr. DICKS.
H.R. 6210: Mr. KAGEN.
H.R. 6214: Mr. ARCURI and Mr. MANZULLO.
H.R. 6233: Mr. ABERCROMBIE.
H.R. 6234: Mr. SESTAK.
H.R. 6252: Mr. DAVIS of Kentucky, Mr. LATOURETTE, Mr. CAMPBELL of California, Mr. LATHAM, and Mr. CARTER.
H.R. 6264: Mr. LATOURETTE, Mr. PLATTS, Mr. KILDEE, Mr. MCNULTY, Mr. JONES of North Carolina, and Mr. GILCHREST.
H.R. 6287: Mr. HALL of New York and Mrs. GILLIBRAND.
H.R. 6321: Mrs. GILLIBRAND.
H.R. 6328: Ms. WATERS, Mr. HASTINGS of Florida, and Mr. BLUMENAUER.
H.R. 6330: Mr. ISRAEL, Mrs. GILLIBRAND, Mr. HARE, Mr. WALZ of Minnesota, Ms. JACKSON-LEE of Texas, Mr. SIRES, and Mr. LANGEVIN.
H.R. 6355: Mr. LIPINSKI, Ms. HIRONO, and Mr. COHEN.
H.J. Res. 22: Mr. DAVID DAVIS of Tennessee, Mrs. BLACKBURN, Ms. FOXX, Mr. LATTA, Mr. FORTUÑO, Mr. DAVIS of Kentucky, Mr. SHIMKUS, Mr. GOHMERT, Mr. WESTMORELAND, Mr. BARRETT of South Carolina, Mr. PRICE of Georgia, Ms. FALLIN, Mr. JORDAN, Mr. GINGREY, and Mr. WAMP.
H.J. Res. 89: Mr. CHILDERS.
H. Con. Res. 72: Mr. MCNULTY.
H. Con. Res. 214: Mr. BISHOP of Georgia, Mr. MEEKS of New York, Mr. KUCINICH, Ms. LEE, Mr. JEFFERSON, Ms. NORTON, and Ms. CLARKE.
H. Con. Res. 223: Mr. MORAN of Kansas, Mr. OLVER, and Mr. WILSON of South Carolina.
H. Con. Res. 338: Mr. HINCHEY.
H. Con. Res. 341: Mr. UDALL of Colorado.
H. Con. Res. 342: Mr. FRANKS of Arizona.
H. Con. Res. 356: Mr. PASCRELL, Mrs. TAUSCHER, Mr. WOLF, Mr. SKELTON, Mrs. MILLER of Michigan, Mr. CARSON, and Mr. BRADY of Pennsylvania.
H. Con. Res. 364: Mr. MCGOVERN.
H. Con. Res. 378: Ms. BORDALLO and Mr. COHEN.
H. Con. Res. 380: Mr. MURPHY of Connecticut.
H. Con. Res. 381: Ms. SUTTON, Ms. ZOE LOFGREN of California, Mr. DANIEL E. LUNGREN of California, Ms. LINDA T. SÁNCHEZ of California, Mr. JACKSON of Illinois, Mr. COHEN, Mr. MCDERMOTT, Mr. SNYDER, Mr. BLUMENAUER, Mr. NADLER, Mr. SMITH of Texas, Mr. DELAHUNT, Mr. CLAY, and Ms. WATERS.
H. Res. 282: Mr. LINCOLN DIAZ-BALART of Florida.
H. Res. 373: Mr. GARRETT of New Jersey.
H. Res. 672: Mr. YOUNG of Florida, Mr. MILLER of Florida, and Mr. BERMAN.
H. Res. 758: Mr. ROTHMAN.
H. Res. 883: Mr. BRADY of Pennsylvania.
H. Res. 1006: Mr. HOLDEN, Ms. BORDALLO, Mr. COHEN, Mr. TIM MURPHY of Pennsylvania, Mr. BOUCHER, and Mr. MURTHA.
H. Res. 1045: Mr. MARKEY, Mr. SMITH of New Jersey, Mr. CROWLEY, Mr. FORTENBERRY, Ms. WOOLSEY, Mr. FERGUSON, Mr. DELAHUNT, Mr. DREIER, Mr. MEEKS of New York, Mrs. BONO MACK, Ms. LEE, Mr. KUHL of New York, Ms. JACKSON-LEE of Texas, Mr. ENGLISH of Pennsylvania, Mr. FALEOMAVAEGA, Mr. SHAYS, Mr. SERRANO, Mr. FRANK of Massachusetts, Ms. ESHOO, Mr. TIERNEY, Mr. NEAL of Massachusetts, Mr. LEWIS of Georgia, Mr. BLUMENAUER, Mr. WAXMAN, and Mr. TIBERI.
H. Res. 1191: Mr. WOLF.
H. Res. 1202: Mr. CASTLE.
H. Res. 1217: Mrs. CAPPS and Ms. SCHAKOWSKY.
H. Res. 1245: Mr. CONYERS, Mr. CROWLEY, Mr. GARRETT of New Jersey, Mr. GONZALEZ, Mr. HONDA, Mr. INGLIS of South Carolina, Mr. MICHAUD, and Mr. SHERMAN.
H. Res. 1248: Mr. CONAWAY, Mr. TAYLOR, Mrs. BOYDA of Kansas, Ms. SHEA-PORTER, Mr. LOEBSACK, and Ms. GIFFORDS.
H. Res. 1254: Mr. HASTINGS of Florida.
H. Res. 1286: Ms. CLARKE, Mr. MCDERMOTT, and Ms. SLAUGHTER.
H. Res. 1290: Mr. WEXLER, Ms. LINDA T. SÁNCHEZ of California, and Mr. DELAHUNT.
H. Res. 1302: Mr. BOYD of Florida, Mr. MATHESON, Mr. COHEN, Mr. PETERSON of Minnesota, Mr. MELANCON, Mr. WALBERG, Mr. BRADY of Texas, Mr. HENSARLING, Mr. BARTLETT of Maryland, Mr. WILSON of South Carolina, Mr. HERGER, Mr. GARRETT of New Jersey, Mr. REYNOLDS, Mr. BURTON of Indiana, Mr. FEENEY, Mr. CAMPBELL of California, Mr. FLAKE, Mr. AKIN, and Mr. BROUN of Georgia.

¶79.43 PETITIONS

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

283. The SPEAKER presented a petition of the City Council of Compton, CA, relative to Resolution No. 22,564 supporting the Homeowners and Bank Protection Act of 2007; to the Committee on Financial Services.

284. Also, a petition of the California State Lands Commission, relative to a Resolution regarding the taking of marine mammals and sea turtles incidental to power plant operations of once-through cooling power plants in California; to the Committee on Natural Resources.

THURSDAY, JUNE 26, 2008 (80)

The House was called to order by the SPEAKER.

¶80.1 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mrs. TAUSCHER, announced she had examined and approved the Journal of the proceedings of Thursday, June 26, 2008.

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

¶80.2 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

7332. A letter from the Director, Regulatory Review Group, Department of Agriculture, transmitting the Department's final rule — Guaranteed Loans; Number of Days of Interest Paid on Loss Claims (RIN: 0560-AH55) received June 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7333. A letter from the Secretary of the Commission, Federal Trade Commission, transmitting the Commission's final rule — Affiliate Marketing Rule [Regulation No. 411006] (RIN: 3084-AA94) received June 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7334. A letter from the Deputy Archivist of the United States, National Archives and Records Administration, transmitting the Administration's final rule — Presidential Library Facilities [NARA-07-0005] (RIN: 3095-AA82) received June 18, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

7335. A letter from the Assistant Secretary, Department of the Interior, transmitting the Department's final rule — Open and Nondiscriminatory Movement of Oil and Gas as Required by the Outer Continental Shelf Lands Act [Docket ID: MMS-2008-PMI-0024] (RIN: 1010-AD17) received June 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7336. A letter from the Deputy Director, NIST, Department of Commerce, transmitting the Department's final rule — Technology Innovation Program [Docket No: [071106659-8716-02]] (RIN: 0693-AB59) received June 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science and Technology.

7337. A letter from the Regional Solicitor, Department of the Interior, transmitting the Department's request for a rehearing of the Federal Energy Regulatory Commission's April 3, 2008, order on the Ten-Year Summary Report under Article 58 of the license for the Don Pedro Project; jointly to the Committees on Natural Resources and Energy and Commerce.

7338. A letter from the Administrator, Environmental Protection Agency, transmitting a copy of a legislative proposal to implement an important new treaty for the protection of aquatic life and the marine environment; jointly to the Committees on Transportation and Infrastructure, Science and Technology, and the Judiciary.

¶80.3 MESSAGE FROM THE SENATE

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

H.R. 6040. An Act to amend the Water Resources Development Act of 2007 to clarify the authority of the Secretary of the Army to provide reimbursement for travel expenses incurred by members of the Committee on Levee Safety.

¶80.4 MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Evans, one of his secretaries.

¶80.5 PROVIDING FOR CONSIDERATION OF H.R. 6052

Ms. CASTOR, by direction of the Committee on Rules, called up the following resolution (H. Res. 1304):

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 6052) to promote increased public transportation use, to promote increased use of alternative fuels in providing public transportation, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Transportation and Infrastructure. After general debate the bill shall be considered for amendment under the five-minute rule. The bill shall be considered as read. All points of order against provisions in the bill are waived. Notwithstanding clause 11 of rule XVIII, no amendment to the bill shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived except those arising under clause 9 or 10 of rule XXI. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. During consideration in the House of H.R. 6052 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

SEC. 3. It shall be in order at any time on the legislative day of Thursday, June 26, 2008, for the Speaker to entertain motions that the House suspend the rules relating to:

(a) a measure concerning the Commodity Exchange Act and energy markets; and

(b) a measure concerning the issuance of oil and gas leases on Federal lands or waters.

When said resolution was considered.

After debate,

Ms. CASTOR moved the previous question on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House now order the previous question?

The SPEAKER pro tempore, Mrs. TAUSCHER, announced that the yeas had it.

Mr. Lincoln DIAZ-BALART of Florida, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 228 / Nays 198

¶80.6 [Roll No. 462]

YEAS—228

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

NAYS—198

Aderholt	Brown-Waite, Ginny	Dent
Akin	Buchanan	Diaz-Balart, L.
Alexander	Burton (IN)	Diaz-Balart, M.
Bachmann	Buyer	Donnelly
Bachus	Calvert	Doolittle
Barrett (SC)	Camp (MI)	Drake
Bartlett (MD)	Campbell (CA)	Dreier
Barton (TX)	Cantor	Duncan
Biggert	Capito	Ehlers
Bilbray	Carter	Emerson
Bilirakis	Chabot	English (PA)
Bishop (UT)	Childers	Everett
Blackburn	Coble	Fallin
Blunt	Cole (OK)	Feeney
Boehner	Conaway	Ferguson
Bonner	Crenshaw	Flake
Bono Mack	Cubin	Fortenberry
Boozman	Culberson	Fossella
Boustany	Davis (KY)	Foxx
Brady (TX)	Davis, David	Franks (AZ)
Broun (GA)	Davis, Tom	Frelinghuysen
Brown (SC)	Deal (GA)	Gallegly
		Garrett (NJ)

Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hill
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOT VOTING—8

Burgess
Cannon
Davis, Lincoln
Forbes
McDermott
Rush
Space
Stupak

So the previous question on the resolution was ordered.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mrs. TAUSCHER, announced that the yeas had it.

Mr. Lincoln DIAZ-BALART of Florida, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 230 / Nays 196

¶80.7 [Roll No. 463]

YEAS—230

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

NAYS—196

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

NOT VOTING—8

Cannon
Forbes
McDermott
Price (GA)
Rangel
Rush
Space
Taylor

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶80.8 FURTHER MESSAGE FROM THE SENATE

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

H.R. 6327. An Act to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, and for other purposes.

¶80.9 H. RES. 1291—UNFINISHED BUSINESS

MDNMThe SPEAKER pro tempore, Mrs. TAUSCHER, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 1291) expressing gratitude for the contributions of the American GI Forum on its 60th anniversary.

The question being put,

Will the House suspend the rules and agree to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 421 / Nays 0

¶80.10 [Roll No. 464]

YEAS—421

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter

Castle
Castor
Cazayoux
Chabot
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Fortenberry
Fossella
Foster
Foxx
Frank (MA)
Franks (AZ)
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Scalise
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—13

Boucher
Cannon
Cramer
Forbes
Frelinghuysen
Gutierrez
Murtha
Price (GA)
Rush
Solis
Space
Taylor
Velazquez

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶80.11 MESSAGE FROM THE PRESIDENT—NATIONAL EMERGENCY WITH RESPECT TO NORTH KOREA

The SPEAKER pro tempore, Mr. ROSS, laid before the House a message from the President, which was read as follows:

To the Congress of the United States:

Pursuant to the International Emergency Economic Powers Act, as amended (50 U.S.C. 1701 et seq.) (IEEPA), I hereby report that I have issued an Executive Order continuing certain restrictions on North Korea and North Korean nationals imposed pursuant to the exercise of authorities under the Trading With the Enemy Act (50 U.S.C. App. 1 et seq.) (TWEA). In the order, I declared a national emergency to deal with the unusual and extraordinary threat to the national security and foreign policy of the United States posed by the current existence and risk of the proliferation of weapons-usable fissile material on the Korean Peninsula. I ordered the continuation of certain restrictions on North Korea and North Korean nationals as we deal with that threat through multilateral diplomacy.

These restrictions were first imposed pursuant to authorities found in section 5(b) of TWEA, following the declaration of a national emergency in 1950 in Proclamation 2914 (15 FR 9029), and continued annually, after the enactment of IEEPA in 1977, in accordance with section 101(b) of Public Law 95–223 (91 Stat. 1625; 50 U.S.C. App. 5(b) note). The most recent continuation of such TWEA authorities is found in Presidential Determination 2007–32 of September 13, 2007. In a proclamation, which I signed the same day as the order, I terminated, effective the following day, the exercise of TWEA authorities with respect to North Korea.

The order I have issued continues the blocking of certain property and interests in property of North Korea or a North Korean national that were blocked as of June 16, 2000, and that remained blocked immediately prior to the date of my order. Absent this order, my proclamation terminating the exercise of TWEA authorities with respect to North Korea would have resulted in the unblocking of that property.

The order also continues restrictions relating to North Korea-flagged vessels that would otherwise have been terminated by my proclamation. These restrictions prohibit United States persons from owning, leasing, operating, or insuring any vessel flagged by North Korea and from registering vessels in North Korea or otherwise obtaining authorization for a vessel to fly the North Korean flag. For the reasons set forth above, I found that it was necessary to continue these restrictions.

I delegated to the Secretary of the Treasury, after consultation with the Secretary of State, the authority to take such actions, including the promulgation of rules and regulations, and to employ all powers granted to the President by IEEPA as may be necessary to carry out the purposes of my order.

I am enclosing a copy of the Executive Order and proclamation I have issued.

GEORGE W. BUSH.
THE WHITE HOUSE, *June 26, 2008*.

By unanimous consent, the message, together with the accompanying papers, was referred to the Committee on Foreign Affairs and ordered to be printed (H. Doc. 110–128).

¶80.12 COMMODITY FUTURES TRAINING COMMISSION

Mr. PETERSON of Minnesota, moved to suspend the rules and pass the bill (H.R. 6377) to direct the Commodity Futures Trading Commission to utilize all its authority, including its emergency powers, to curb immediately the role of excessive speculation in any contract market within the jurisdiction and control of the Commodity Futures Trading Commission, on or through which energy futures or swaps are traded, and to eliminate excessive speculation, price distortion, sudden or unreasonable fluctuations or unwarranted changes in prices, or other unlawful activity that is causing major market disturbances that prevent the market from accurately reflecting the forces of supply and demand for energy commodities.

The SPEAKER pro tempore, Mr. ROSS, recognized Mr. PETERSON of Minnesota, and Mr. GOODLATTE, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. ROSS, announced that two-thirds of the Members present had voted in the affirmative.

Mr. GOODLATTE demanded that the vote be taken by the yeas and nays,

which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. ROSS, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶80.13 OIL AND GAS LEASE

Mr. RAHALL moved to suspend the rules and pass the bill (H.R. 6251) to prohibit the Secretary of the Interior from issuing new Federal oil and gas leases to holders of existing leases who do not diligently develop the lands subject to such existing leases or relinquish such leases, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. ROSS, recognized Mr. RAHALL and Ms. FALLIN, each for 20 minutes.

After debate,

By unanimous consent, the time for debate was extended by 10 minutes to be equally divided and controlled by Mr. RAHALL and Ms. FALLIN.

After further debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Ms. DEGETTE, announced that two-thirds of the Members present had voted in the affirmative.

Ms. FALLIN demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Ms. DEGETTE, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶80.14 ORDER OF BUSINESS—SUSPENSIONS

Mr. OBERSTAR, by unanimous consent,

Ordered, That the motions to suspend the rules relating to the following measures, be considered as adopted in the form considered by the House on Tuesday, June 24, 2008:

Accordingly,

House Resolution 1294, supporting the goals and ideals of National Save for Retirement Week, was agreed to; House Concurrent Resolution 163, expressing the sense of Congress in support of further research and activities to increase public awareness, professional education, diagnosis, and treatment of Dandy-Walker syndrome and hydrocephalus, as amended, was agreed to; House Resolution 353, expressing the sense of the House of Representatives that there should be an increased Federal commitment supporting the development of innovative advanced imaging technologies for prostate cancer detection and treatment, as amended, was agreed to, and the title was amended so as to read ''A resolution expressing the sense of the House of Representatives that there should be an increased commitment supporting the development of innovative advanced imaging technologies for prostate cancer detection and treatment''; House Resolution 1231, supporting the goals and ideals of Vietnam Veterans Day and calling on the American people to recognize such a day, was agreed to; H.R. 2245, to designate the Department of Veterans Affairs outpatient clinic in Wenatchee, Washington, as the Elwood ''Bud'' Link Department of Veterans Affairs Outpatient Clinic, was passed; H.R. 4264, to name the Department of Veterans Affairs spinal cord injury center in Tampa, Florida, as the ''Michael Bilirakis Department of Veterans Affairs Spinal Cord Injury Center'', was passed; H.R. 4918, to name the Department of Veterans Affairs medical center in Miami, Florida, as the ''Bruce W. Carter Department of Veterans Affairs Medical Center'', was passed; House Resolution 1271, recognizing National Homeownership Month and the importance of homeownership in the United States, was agreed to; House Concurrent Resolution 370, expressing support for designation of September 2008 as ''Gospel Music Heritage Month'' and honoring gospel music for its valuable and longstanding contributions to the culture of the United States, was agreed to; House Concurrent Resolution 195, expressing the sense of the Congress that a National Dysphagia Awareness Month should be established, was agreed to; House Resolution 970, expressing support for designation of June 30 as ''National Corvette Day'', was agreed to; House Concurrent Resolution 365, honoring the life of Robert Mondavi, was agreed to.

The sundry motions to reconsider the votes whereby the rules were suspended and said measures were considered adopted were, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bills and concurrent resolutions.

¶80.15 ADJOURNMENT OVER

On motion of Mr. OBERSTAR, by unanimous consent,

Ordered, That when the House adjourns today on a motion offered pursuant to this order, it adjourn to meet on Monday, June 30, 2008, at 10 a.m., unless it sooner has received a message from the Senate transmitting its concurrence in House Concurrent Resolution 379, in which case the House shall stand adjourned pursuant to that concurrent resolution.

¶80.16 ORDER OF BUSINESS—PROCEEDINGS ON VOTES

On motion of Mr. OBERSTAR, by unanimous consent,

Ordered, That, during proceedings today on the House and in the Committee of the Whole, the Chair may reduce to two minutes the minimum time for electronic voting on any question that otherwise could be subjected to five-minute voting under clause 6 of rule XVIII and clauses 8 and 9 of rule XX.

¶80.17 SAVE ENERGY THROUGH PUBLIC TRANSPORTATION

The SPEAKER pro tempore, Mr. FRANK of Massachusetts, pursuant to House Resolution 1304 and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 6052) to promote increased public transportation use, to promote increased use of alternative fuels in providing public transportation, and for other purposes.

The SPEAKER pro tempore, Mr. FRANK of Massachusetts, by unanimous consent, designated Ms. DEGETTE as Chairman of the Committee of the Whole; and after some time spent therein,

¶80.18 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 3, printed in House Report 110-734, submitted by Mr. MAHONEY of Florida:

At the end of the bill, add the following new section:

SEC. 8. EXCEPTION TO ALTERNATIVE FUEL PROCUREMENT REQUIREMENT.

Section 526 of the Energy Independence and Security Act of 2007 (Public Law 110–140; 42 U.S.C. 17142) is amended—

(1) by striking ''No Federal agency'' and inserting ''(a) REQUIREMENT.—Except as provided in subsection (b), no Federal agency''; and

(2) by adding at the end the following:

''(b) EXCEPTION.—Subsection (a) does not prohibit a Federal agency from entering into a contract to purchase a generally available fuel that is not an alternative or synthetic fuel or predominantly produced from a nonconventional petroleum source, if—

''(1) the contract does not specifically require the contractor to provide an alternative or synthetic fuel or fuel from a nonconventional petroleum source;

''(2) the purpose of the contract is not to obtain an alternative or synthetic fuel or fuel from a nonconventional petroleum source; and

''(3) the contract does not provide incentives for a refinery upgrade or expansion to allow a refinery to use or increase its use of fuel from a nonconventional petroleum source.''.

It was decided in the affirmative ..... { Yeas ..... 421 / Nays 0

¶80.19 [Roll No. 465]

AYES—421

Abercrombie	Berry	Brady (TX)
Ackerman	Biggert	Braley (IA)
Aderholt	Bilbray	Broun (GA)
Akin	Bilirakis	Brown (SC)
Alexander	Bishop (GA)	Brown, Corrine
Allen	Bishop (NY)	Brown-Waite, Ginny
Altmire	Bishop (UT)	Buchanan
Andrews	Blackburn	Burgess
Arcuri	Blumenauer	Burton (IN)
Baca	Blunt	Butterfield
Bachmann	Boehner	Buyer
Bachus	Bonner	Camp (MI)
Baird	Bono Mack	Campbell (CA)
Baldwin	Boozman	Cantor
Barrett (SC)	Bordallo	Capito
Barrow	Boren	Capps
Bartlett (MD)	Boswell	Capuano
Barton (TX)	Boucher	Cardoza
Bean	Boustany	Carnahan
Becerra	Boyd (FL)	Carney
Berkley	Boyda (KS)	Carson
Berman	Brady (PA)	

Carter
Castle
Castor
Cazayoux
Chabot
Chandler
Childers
Christensen
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Drake
Dreier
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Fortenberry
Fossella
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jordan
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Scalise
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Snyder
Solis
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—18

Calvert
Cannon
DeLauro
Doolittle
Ellison
Faleomavaega
Forbes
Fortuño
Jones (OH)
Keller
Lewis (KY)
Norton
Rush
Schakowsky
Smith (WA)
Tancredo
Weller
Wexler

So the amendment was agreed to.

The SPEAKER pro tempore, Mr. ROSS, assumed the Chair.

When Ms. DEGETTE, Chairman, pursuant to House Resolution 1304, reported the bill back to the House with sundry amendments adopted by the Committee.

The previous question having been ordered by said resolution.

The following sundry amendments, reported from the Committee of the Whole House on the state of the Union, were agreed to:

Page 3, after line 23, insert the following:

(9) Public transportation stakeholders should engage and involve local communities in the education and promotion of the importance of utilizing public transportation.

Page 3, line 24, strike ''(9)'' and insert ''(10)''.

Page 4, line 10, after ''apportioned'' insert '', not later than 7 days after the date on which the funds are appropriated,''.

Page 4, line 21, after ''apportioned'' insert '', not later than 7 days after the date on which the funds are appropriated,''.

Page 5, line 5, after ''Secretary'' insert ''within the time the Secretary prescribes''.

Page 5, line 7, after ''transportation,'' insert ''or in the case of subsection (f) of such section 5311, intercity bus service,''.

Page 5, line 9, after ''transportation'' insert '', or in the case of subsection (f) of such section 5311, intercity bus service,''.

Page 5, line 14, after ''Secretary'' insert ''within the time the Secretary prescribes''.

Page 5, line 16, after ''service,'' insert ''or in the case of subsection (f) of such section 5311, intercity bus service,''.

Page 5, line 18, after ''service'' insert '', or in the case of subsection (f) of such section 5311, intercity bus service,''.

Page 5, after line 19, insert the following:

(3) To avoid increases in fares for public transportation, or in the case of subsection (f) of such section 5311, intercity bus service, or decreases in current public transportation service, or in the case of subsection (f) of such section 5311, intercity bus service, that would otherwise result from an increase in costs to the public transportation or intercity bus agency for transportation-related fuel or meeting additional transportation-related equipment or facility maintenance needs, if the recipient of the grant certifies to the Secretary within the time the Secretary prescribes that, during the term of the grant, the recipient will not increase the fares that the recipient charges for public transportation, or in the case of subsection (f) of such section 5311, intercity bus service, or, will not decrease the public transportation service, or in the case of subsection (f) of such section 5311, intercity bus service, that the recipient provides.

(4) If the recipient of the grant is acquiring, or certifies to the Secretary within the time the Secretary prescribes that, during the term of the grant, the recipient will acquire, clean fuel or alternative fuel vehicle-related equipment or facilities for the purpose of improving fuel efficiency, the costs of acquiring the equipment or facilities.

At the end of the bill, add the following:

SEC. 8. NATIONAL CONSUMER AWARENESS PROGRAM.

(a) IN GENERAL.—The Secretary of Transportation shall carry out a national consumer awareness program to educate the public on the environmental, energy, and economic benefits of public transportation alternatives to the use of single occupancy vehicles.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $1,000,000 for fiscal year 2009. Such sums shall remain available until expended.

Page 7, after line 12, insert the following:

(b) BENEFITS DESCRIBED.—Section 3049(a)(2) of such Act (5 U.S.C. 7905 note; 119 Stat. 1711) is amended by striking the period at the end and inserting the following: '', except that the maximum level of such benefits shall be the maximum amount which may be excluded from gross income for qualified parking as in effect for a month under section 132(f)(2)(B) of the Internal Revenue Code of 1986.''.

Page 7, line 13, strike ''(b)'' and insert ''(c)''.

Page 12, line 6, strike ''(c)'' and insert ''(d)''.

At the end of the bill, add the following new section:

SEC. 8. EXCEPTION TO ALTERNATIVE FUEL PROCUREMENT REQUIREMENT.

Section 526 of the Energy Independence and Security Act of 2007 (Public Law 110–140; 42 U.S.C. 17142) is amended—

(1) by striking ''No Federal agency'' and inserting ''(a) REQUIREMENT.—Except as provided in subsection (b), no Federal agency''; and

(2) by adding at the end the following:

''(b) EXCEPTION.—Subsection (a) does not prohibit a Federal agency from entering into a contract to purchase a generally available fuel that is not an alternative or synthetic fuel or predominantly produced from a nonconventional petroleum source, if—

''(1) the contract does not specifically require the contractor to provide an alternative or synthetic fuel or fuel from a nonconventional petroleum source;

''(2) the purpose of the contract is not to obtain an alternative or synthetic fuel or fuel from a nonconventional petroleum source; and

''(3) the contract does not provide incentives for a refinery upgrade or expansion to allow a refinery to use or increase its use of fuel from a nonconventional petroleum source.''.

Page 14, at the end of line 8, insert the following: ''or at a park-and-ride lot that serves a fixed route commuter bus route that is more than 20 miles in length''.

Page 5, after line 19, insert the following:

(3) If the recipient of the grant is establishing or expanding, or certifies to the Secretary within the time the Secretary prescribes that, during the term of the grant, the recipient will establish or expand commuter matching services to provide commuters with information and assistance about alternatives to single occupancy vehicle use, those administrative costs in establishing or expanding such services.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

Mr. WALDEN of Oregon moved to recommit the bill to the Committee on Transportation and Infrastructure with instructions to report the bill back to the House promptly with the following amendments:

Page 5, after line 19, insert the following:

(c) USE OF FUNDS FOR MEETING FUEL-RELATED NEEDS OF SCHOOL BUS TRANSPORTATION.—

(1) IN GENERAL.—If school bus transportation services within the urbanized area or State to which funds are apportioned under subsection (a) have been adversely impacted by increased fuel costs, and if any school districts within the urbanized area or State are considering or have implemented service cuts in school bus transportation as a result of increased fuel costs, the recipient of the apportioned funds shall immediately make such funds available to the Governor of the State in lieu of using the funds for the purposes described in subsection (b).

(2) ALLOCATION OF FUNDS TO SCHOOL DISTRICTS.—Notwithstanding any other provision of law, the Governor of a State who receives funds under paragraph (1) shall—

(A) allocate the funds to school districts within the State that have been adversely impacted by increased fuel costs and are considering or have implemented service cuts in school bus transportation; and

(B) provide that such funds be used for operating and capital costs in providing school bus transportation service in order to reduce or eliminate cuts in such service as a result of increased fuel costs.

(3) PRIORITY.—The Governor of a State shall give priority in the allocation of funds under paragraph (2) to school districts in rural and suburban areas where school buses travel greater distances in transporting students.

Page 5, line 20, strike ''(c)'' and insert ''(d)''.

Page 5, line 23, strike ''(d)'' and insert ''(e)''.

After debate,

By unanimous consent, the previous question was ordered on the motion to recommit with instructions.

The question being put, viva voce,

Will the House recommit said bill with instructions?

The SPEAKER pro tempore, Mr. ROSS, announced that the nays had it.

Mr. WESTMORELAND demanded a recorded vote on agreeing to said motion, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the negative ..... { Yeas ..... 199 / Nays 221

¶80.20 [Roll No. 466]

AYES—199

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

NOES—221

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

NOT VOTING—14

Calvert
Cannon
Doolittle
Forbes
Gilchrest
Gutierrez
Lewis (KY)
Miller, Gary
Rush
Smith (WA)
Tancredo
Weldon (FL)
Weller
Wexler

So the motion to recommit with instructions was not agreed to.

The question being put, viva voce,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. ROSS, announced that the yeas had it.

Ms. FOXX demanded a recorded vote on passage of said bill, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 322 / Nays 98

¶80.21 [Roll No. 467]

AYES—322

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett (MD)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Butterfield
Buyer
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Cazayoux
Chabot
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Drake
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Fallin
Farr
Fattah
Ferguson
Filner
Fortenberry
Fossella
Foster
Frank (MA)
Frelinghuysen
Garrett (NJ)
Gerlach

Giffords
Gilchrest
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Hayes
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inglis (SC)
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lampson
Langevin
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McCotter
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Perlmutter
Peterson (MN)
Petri
Pitts
Platts
Pomeroy
Porter
Price (NC)
Pryce (OH)
Rahall
Rangel
Regula
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (MI)
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Snyder
Solis
Souder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Westmoreland
Whitfield (KY)
Wilson (NM)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOES—98

Akin
Alexander
Barrett (SC)
Barton (TX)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Brady (TX)
Broun (GA)
Burgess
Burton (IN)
Camp (MI)
Campbell (CA)
Cantor
Carter
Conaway
Cubin
Culberson
Davis, David
Dreier
Duncan
Feeney
Flake
Foxx
Franks (AZ)
Gallegly
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Hunter
Issa
Johnson, Sam
Jordan
King (IA)
Kingston
Lamborn
Latham
Latta
Lewis (CA)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCrery
McHenry
McKeon
McMorris Rodgers
Miller (FL)
Myrick
Neugebauer
Nunes
Paul
Pence
Peterson (PA)
Pickering
Poe
Price (GA)
Putnam
Radanovich
Ramstad
Rehberg
Rogers (KY)
Rohrabacher
Royce
Ryan (WI)
Sali
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Smith (NE)
Smith (TX)
Stearns
Sullivan
Terry
Thornberry
Walberg
Walden (OR)
Wamp
Weldon (FL)
Wilson (SC)

NOT VOTING—14

Aderholt
Calvert
Cannon
Doolittle
Everett
Forbes
Lewis (KY)
Miller, Gary
Rush
Smith (WA)
Tancredo
Weller
Wexler
Wilson (OH)

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶80.22 H.R. 6377—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. ROSS, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and pass the bill (H.R. 6377) to direct the Commodity Futures Trading Commission to utilize all its authority, including its emergency powers, to curb immediately the role of excessive speculation in any contract market within the jurisdiction and control of the Commodity Futures Trading Commission, on or through which energy futures or swaps are traded, and to eliminate excessive speculation, price distortion, sudden or unreasonable fluctuations or unwarranted changes in prices, or other unlawful activity that is causing major market disturbances that prevent the market from accurately reflecting the forces of supply and demand for energy commodities.

The question being put,

Will the House suspend the rules and pass said bill?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 402 Nays 19

¶80.23 [Roll No. 468]

YEAS—402

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Camp (MI)
Campbell (CA)
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Cazayoux
Chabot
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Drake
Dreier
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Fortenberry
Fossella
Foster
Foxx
Frank (MA)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Perlmutter
Peterson (MN)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Scalise
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Snyder
Solis
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)

Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (FL)

NAYS—19

Blackburn
Cubin
Flake
Franks (AZ)
Hensarling
Johnson, Sam
Jordan
King (IA)
Lewis (CA)
Linder
Mack
Marchant
Paul
Pence
Rohrabacher
Sali
Sessions
Souder
Young (AK)

NOT VOTING—13

Calvert
Cannon
Doolittle
Everett
Forbes
Lewis (KY)
Miller, Gary
Peterson (PA)
Rush
Smith (WA)
Tancredo
Weller
Wexler

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶80.24 H.R. 6251—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. ROSS, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 6251) to prohibit the Secretary of the Interior from issuing new Federal oil and gas leases to holders of existing leases who do not diligently develop the lands subject to such existing leases or relinquish such leases, and for other purposes; as amended.

The question being put,

Will the House suspend the rules and pass said bill, as amended?

The vote was taken by electronic device.

It was decided in the negative ..... { Yeas ..... 223 Nays 195

¶80.25 [Roll No. 469]

YEAS—223

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

NAYS—195

Aderholt
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Berry
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boucher
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Camp (MI)
Campbell (CA)
Cantor
Capito
Carter
Chabot
Childers
Coble
Cole (OK)
Conaway
Costa
Crenshaw
Cubin
Cuellar
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Fallin
Feeney
Ferguson
Flake
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Granger
Graves
Green, Gene
Hall (TX)
Hastings (WA)
Heller
Hensarling
Herger
Hinojosa
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jefferson
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Latham
LaTourette
Latta
Lewis (CA)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Matheson
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Melancon
Mica
Miller (FL)
Miller (MI)
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Ortiz
Paul
Pearce
Pence
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Ross
Royce
Ryan (WI)
Sali
Saxton
Scalise
Schmidt
Sensenbrenner
Sessions
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Snyder
Souder
Stearns
Sullivan
Tanner
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOT VOTING—16

Akin
Calvert
Cannon
Doolittle
Everett
Forbes
Kaptur
Lewis (KY)
Miller, Gary
Peterson (PA)
Rush
Shadegg
Smith (WA)
Tancredo
Weller
Wexler

So, less than two-thirds of the Members present having voted in favor thereof, the rules were not suspended and said bill, as amended, was not passed.

¶80.26 H. RES. 1098—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. ROSS, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 1098) supporting the goals and ideals of the Year of the American Veteran.

The question being put,

Will the House suspend the rules and agree to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 409 Nays 0

¶80.27 [Roll No. 470]

YEAS—409

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Camp (MI)
Campbell (CA)
Cantor
Capito
Capps
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Cazayoux
Chabot
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Drake
Dreier
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Fallin
Farr
Fattah
Feeney
Ferguson
Flake
Fortenberry
Fossella
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene

Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Snyder
Solis
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Westmoreland
Whitfield (KY)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—25

Bilbray
Calvert
Cannon
Capuano
Doolittle
Doyle
Everett
Forbes
Lewis (KY)
Miller (MI)
Miller, Gary
Murphy, Tim
Neal (MA)
Pascrell
Peterson (PA)
Rogers (AL)
Rush
Saxton
Shuster
Smith (WA)
Tancredo
Van Hollen
Weller
Wexler
Wilson (NM)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶80.28 CLERK TO CORRECT ENGROSSMENT

On motion of Mr. OBERSTAR, by unanimous consent,

Ordered, That in the engrossment of (H.R. 6052) to promote increased public transportation use, to promote increased use of alternative fuels in providing public transportation, and for other purposes; the Clerk be authorized to correct section numbers, punctuation, cross-references, and to make such other technical and conforming changes as may be necessary to accurately reflect the actions of the House.

¶80.29 CALENDAR WEDNESDAY BUSINESS DISPENSED WITH

On motion of Mr. OBERSTAR, by unanimous consent,

Ordered, That business in order for consideration on Wednesday, July 9, 2008, under clause 6, rule XV, the Calendar Wednesday rule, be dispensed with.

¶80.30 APPOINTMENT OF SPEAKER PRO TEMPORE TO SIGN ENROLLMENTS

The SPEAKER pro tempore, Mr. ELLSWORTH, laid before the House a communication, which was read as follows:

WASHINGTON, DC,
June 26, 2008.

I hereby appoint the Honorable STENY H. HOYER and the Honorable CHRIS VAN HOLLEN to act as Speaker pro tempore to sign enrolled bills and joint resolutions through July 8, 2008.

NANCY PELOSI,
Speaker of the House of Representatives.

By unanimous consent, the appointments were approved.

¶80.31 FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 5690. An Act to remove the African National Congress from treatment as a terrorist organization for certain acts or events, provide relief for certain members of the African National Congress regarding admissibility, and for other purposes.

¶80.32 AFRICAN NATIONAL CONGRESS

On motion of Ms. LEE, by unanimous consent, the bill (H.R. 5690) to exempt the African National Congress from treatment as a terrorist organization for certain acts or events, provide relief for certain members of the African National Congress regarding admissibility, and for other purposes; together with the following amendment of the Senate thereto, was taken from the Speaker's table:

On page 2, strike line 12 through the end of line 21 and insert the following:

(a) EXEMPTION AUTHORITY.—The Secretary of State, after consultation with the Attorney General and the Secretary of Homeland Security, or the Secretary of Homeland Security, after consultation with the Secretary of State and the Attorney General, may determine, in such Secretary's sole and unreviewable discretion, that paragraphs (2)(A)(i)(I), (2)(B), and (3)(B) (other than clause (i)(II)) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)) shall not apply to an alien with respect to activities undertaken in association with the African National Congress in opposition to apartheid rule in South Africa.

After debate,

By unanimous consent, the previous question was ordered.

By unanimous consent, said amendment of the Senate was agreed to.

A motion to reconsider the vote whereby said amendment of the Senate was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶80.33 ENROLLED BILLS SIGNED

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

H.R. 430. An Act to designate the United States bankruptcy courthouse located at 271 Cadman Plaza East in Brooklyn, New York, as the ''Conrad B. Duberstein United States Bankruptcy Courthouse''.

H.R. 781. An Act to redesignate Lock and Dam No. 5 of the McClellan-Kerr Arkansas River Navigation System near Redfield, Arkansas, authorized by the Rivers and Harbors Act approved July 24, 1946, as the ''Colonel Charles D. Maynard Lock and Dam''.

H.R. 1019. An Act to designate the United States customhouse building located at 31 Gonzalez Clemente Avenue in Mayagüez, Puerto Rico, as the ''Rafael Martinez Nadal United States Customhouse Building''.

H.R. 2728. An Act to designate the station of the United States Border Patrol located at 25762 Madison Avenue in Murrieta, California, as the ''Theodore L. Newton, Jr. and George F. Azrak border Patrol Station''.

H.R. 3712. An Act to designate the United States courthouse located at 1716 Spielbusch Avenue in Toledo, Ohio, as the ''James M. Ashley and Thomas W. L. Ashley United States Courthouse''.

H.R. 4140. An Act to designate the Port Angeles Federal Building in Port Angeles, Washington, as the ''Richard B. Anderson Federal Building''.

H.R. 6040. An Act to amend the Water Resources Development Act of 2007 to clarify the authority of the Secretary of the Army to provide reimbursement for travel expenses incurred by members of the Committee on Levee Safety.

H.R. 6327. An Act to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, and for other purposes.

¶80.34 SENATE ENROLLED BILL SIGNED

The SPEAKER announced her signature to an enrolled bill of the Senate of the following title:

S. 3180. An Act to temporarily extend the programs under the Higher Education Act of 1965.

And then,

¶80.35 ADJOURNMENT

Ms. LEE moved that the House do now adjourn.

The question being put, viva voce,

Will the House now adjourn?

The SPEAKER pro tempore, Mrs. BOYDA of Kansas, announced that the yeas had it.

So the motion to adjourn was agreed to.

Accordingly,

Pursuant to the previous order of the House, at 11 o'clock and 44 minutes p.m., the House stands adjourned until 10 a.m. on Monday, June 30, 2008, unless it sooner has received a message from the Senate transmitting its adoption of House Concurrent Resolution 379, in which case the House shall stand adjourned pursuant to that concurrent resolution.

¶80.36 PUBLIC BILLS AND RESOLUTIONS

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

By Mr. BARTON of Texas (for himself, Mr. DEAL of Georgia, Mr. WHITFIELD of Kentucky, Mr. SHIMKUS, Mrs. WILSON of New Mexico, Mr. PICKERING, Mrs. BONO MACK, Mr. WALDEN of Oregon, Mr. TERRY, Mr. SULLIVAN, and Mrs. BLACKBURN):

H.R. 6376. A bill to expand the authority of the Secretary of Health and Human Services to impose debarments in order to ensure the integrity of drug, biological product, and device regulation, and for other purposes; to the Committee on Energy and Commerce.

By Mr. PETERSON of Minnesota (for himself, Mr. VAN HOLLEN, Mr. ETHERIDGE, Mr. BOSWELL, Mr. CARDOZA, Ms. DELAURO, Mr. STUPAK, Mr. LARSON of Connecticut, Mr. WELCH of Vermont, Mr. MATHESON, Mr. MAHONEY of Florida, Mr. BARROW, Mr. MCINTYRE, Mr. HOLDEN, Mr. MILLER of North Carolina, Mr. BUTTERFIELD, Mr. KAGEN, Mr. HODES, Mrs. DAVIS of California, Mr. SHULER, Mr. POMEROY, Mr. FARR, and Mr. LAMPSON):

H.R. 6377. A bill to direct the Commodity Futures Trading Commission to utilize all its authority, including its emergency powers, to curb immediately the role of excessive speculation in any contract market within the jurisdiction and control of the Commodity Futures Trading Commission, on or through which energy futures or swaps are traded, and to eliminate excessive speculation, price distortion, sudden or unreasonable fluctuations or unwarranted changes in prices, or other unlawful activity that is causing major market disturbances that prevent the market from accurately reflecting the forces of supply and demand for energy commodities; to the Committee on Agriculture, considered and passed.

By Mr. BARTON of Texas (for himself, Mr. DEAL of Georgia, Mr. WHITFIELD of Kentucky, Mr. SHIMKUS, Mrs. WILSON of New Mexico, Mr. PICKERING, Mrs. BONO MACK, Mr. WALDEN of Oregon, Mr. TERRY, Mr. SULLIVAN, and Mrs. BLACKBURN):

H.R. 6378. A bill to expand the authority of the Secretary of Health and Human Services to impose debarments in order to ensure the integrity of drug, biological product, and device regulation, and for other purposes; to the Committee on Energy and Commerce.

By Ms. FALLIN:

H.R. 6379. A bill to expedite the exploration and development of oil and gas from Federal lands, and for other purposes; to the Committee on Natural Resources.

By Mrs. BIGGERT (for herself, Mr. EMANUEL, and Mrs. EMERSON):

H.R. 6380. A bill to amend title XVIII of the Social Security Act to provide payments under the Medicare Program for unscheduled physician telephone consultation services in the case that such payments are determined to be cost and quality effective; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PALLONE (for himself, Mr. WAXMAN, Mrs. CAPPS, Mr. WEINER, Mr. HINCHEY, Ms. SCHAKOWSKY, Mr. BRALEY of Iowa, Mr. DOYLE, Mr. TOWNS, Mr. STUPAK, Ms. SOLIS, Mr. GENE GREEN of Texas, Ms. SLAUGHTER, Mr. WELCH of Vermont, Ms. CASTOR, Mr. JOHNSON of Georgia, Mr. SCHIFF, Mr. MARKEY, Mr. ALLEN, Ms. ZOE LOFGREN of California, Mr. ROSS, Ms. BALDWIN, Ms. DELAURO, Mr. WEXLER, Mr. BOSWELL, Mr. DELAHUNT, Ms. ROYBAL-ALLARD, Mr. RUSH, Ms. WASSERMAN SCHULTZ, Ms. SUTTON, Mr. MCNERNEY, Mr. HASTINGS of Florida, Mr. EMANUEL, Mr. LIPINSKI, Mr. ROTHMAN, Mr. BACA, Mr. BERMAN, Ms. JACKSON-LEE of Texas, Ms. DEGETTE, Mr. DAVIS of Illinois, Mr. STARK, Mr. JOHNSON of Illinois, Mr. COBLE, Mr. LYNCH, Mr. TERRY, Ms. HIRONO, Mr. CONYERS, Mr. HIGGINS, Mrs. MCCARTHY of New York, Mr. SARBANES, Mr. FILNER, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. SCOTT of Virginia, Mr. BLUMENAUER, Mr. MEEKS of New York, Mr. HINOJOSA, Mr. WU, Mr. MELANCON, Ms. HOOLEY, Mr. GRIJALVA, Ms. NORTON, Mr. MCGOVERN, and Mr. DINGELL):

H.R. 6381. A bill to amend the Federal Food, Drug, and Cosmetic Act with respect to liability under State and local requirements respecting devices; to the Committee on Energy and Commerce.

By Mr. RANGEL (for himself and Mr. GEORGE MILLER of California):

H.R. 6382. A bill to make technical corrections related to the Pension Protection Act of 2006, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HAYES:

H.R. 6383. A bill to make available for research and development of alternative energy certain revenue received by the United States for all future oil and gas leases; to the Committee on Natural Resources, and in addition to the Committee on Science and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BISHOP of Utah (for himself, Mr. BOEHNER, Mr. SALI, Mr. CANNON, Mr. HELLER, Mr. HERGER, Mrs. MCMORRIS RODGERS, Mr. LAMBORN, Mr. DOOLITTLE, Mr. RENZI, Mrs. MUSGRAVE, Mr. YOUNG of Alaska, Mr. ALEXANDER, Mr. REHBERG, Mrs. CUBIN, Mr. FRANKS of Arizona, Mr. SIMPSON, Mr. PETERSON of Pennsylvania, Mr. PEARCE, Mr. TANCREDO, Mr. UPTON, Mrs. BLACKBURN, Mr. WALDEN of Oregon, Mr. SHADEGG, Mr. WALBERG, Mr. WITTMAN of Virginia, and Mrs. MYRICK):

H.R. 6384. A bill to provide a comprehensive plan for greater American energy independence; to the Committee on Natural Resources, and in addition to the Committees on the Judiciary, Energy and Commerce, Science and Technology, Ways and Means, Agriculture, Education and Labor, Armed Services, Transportation and Infrastructure, and Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KIRK (for himself, Mrs. BIGGERT, and Mr. SHAYS):

H.R. 6385. A bill to provide a large-scale national effort to improve the state of our national security, economy and environment by providing market incentives to produce and deploy alternative energy solutions and reduce our dependence on foreign oil; to the Committee on Ways and Means, and in addition to the Committees on Science and Technology, Energy and Commerce, Education and Labor, Rules, Natural Resources, Agriculture, Armed Services, and the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCCARTHY of California:

H.R. 6386. A bill to amend title XVIII of the Social Security Act to extend and revise incentive payments for physician scarcity areas under part B of the Medicare Program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. VAN HOLLEN (for himself, Mr. HOEKSTRA, Mr. LEVIN, Mr. KIRK, Mr. ACKERMAN, and Ms. JACKSON-LEE of Texas):

H.R. 6387. A bill to provide duty-free treatment for certain goods from designated Reconstruction Opportunity Zones in Afghanistan and Pakistan, and for other purposes; to the Committee on Ways and Means.

By Mr. WAXMAN (for himself, Mr. DINGELL, Mr. CONYERS, Mr. OBEY, Mr. RANGEL, Mr. GEORGE MILLER of California, Mr. OBERSTAR, Mr. RAHALL, Mr. SKELTON, Mr. FRANK of Massachusetts, Mr. BERMAN, Mr. SPRATT, Mr. GORDON, Ms. SLAUGHTER, Mr. FILNER, Mr. THOMPSON of Mississippi, Ms. VELÁZQUEZ, Mr. REYES, and Mr. BRADY of Pennsylvania):

H.R. 6388. A bill to provide additional authorities to the Comptroller General of the United States, and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. BROWN of South Carolina:

H.R. 6389. A bill to modify Captain Sam's Inlet Unit M08 of the John H. Chafee Coastal Barrier Resources System in Charleston County, South Carolina, and to revise the System map relating to the unit; to the Committee on Natural Resources.

By Ms. CORRINE BROWN of Florida:

H.R. 6390. A bill to amend the Internal Revenue Code of 1986 to provide a credit against tax for certain caregivers, to expand the dependent care credit, and to increase the exclusion limitation for dependent care assistance programs; to the Committee on Ways and Means.

By Mr. BURTON of Indiana (for himself, Mr. PUTNAM, Mr. PAUL, Mr. SMITH of New Jersey, Ms. WATSON, and Mr. BARTLETT of Maryland):

H.R. 6391. A bill to amend the Public Health Service Act with respect to the National Vaccine Injury Compensation Program; to the Committee on Energy and Commerce.

By Mr. CUELLAR (for himself and Mr. DENT):

H.R. 6392. A bill to amend the Homeland Security Act of 2002 to direct the Secretary

of Homeland Security to designate an agency within the Department of Homeland Security to modernize the integrated public alert and warning system of the United States to disseminate homeland security and other information, and for other purposes; to the Committee on Homeland Security, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. DEGETTE (for herself and Mr. PLATTS):

H.R. 6393. A bill to amend titles V, XVIII, and XIX of the Social Security Act to promote tobacco use cessation under the Medicare Program, the Medicaid Program, and the maternal and child health program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. GIFFORDS (for herself, Mr. REYES, Mr. ORTIZ, Mr. HINOJOSA, Ms. LINDA T. SÁNCHEZ of California, Mr. BACA, Mr. PASTOR, Mr. GRIJALVA, Mr. FILNER, and Mr. MITCHELL):

H.R. 6394. A bill to amend the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 to extend Federal reimbursement of emergency health services furnished to undocumented aliens, and for other purposes; to the Committee on Energy and Commerce.

By Mr. AL GREEN of Texas:

H.R. 6395. A bill to amend the Homeland Security Act of 2002 to direct the Secretary of Homeland Security to carry out a program for fellowships and research to enhance domestic preparedness and the collective response to acts of terrorism, natural disasters, and other emergencies, and for other purposes; to the Committee on Homeland Security.

By Mr. HASTINGS of Florida:

H.R. 6396. A bill to establish a commission to make recommendations on the appropriate size of membership of the House of Representatives and the method by which Members are elected; to the Committee on the Judiciary.

By Mr. HENSARLING:

H.R. 6397. A bill to amend title 38, United States Code, to make certain improvements in the basic educational assistance program administered by the Secretary of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs, and in addition to the Committees on Armed Services, Education and Labor, Oversight and Government Reform, Energy and Commerce, Science and Technology, Transportation and Infrastructure, and Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HODES (for himself, Mr. DEFAZIO, Ms. DELAURO, and Mr. HINCHEY):

H.R. 6398. A bill to impose a permanent prohibition on the use of funds by the Department of Defense for propaganda purposes within the United States not otherwise specifically authorized by law and to require an investigation into possible violations of the annual Department of Defense Appropriations Act prohibition on such propaganda; to the Committee on Armed Services.

By Mr. HODES:

H.R. 6399. A bill to amend title II of the Social Security Act to prohibit the display of Social Security account numbers on Medicare cards; to the Committee on Ways and Means.

By Mr. HOEKSTRA (for himself, Mr. WALBERG, Mr. ROGERS of Michigan, Mr. UPTON, Mr. MCCOTTER, Mr. CAMP of Michigan, Mrs. MILLER of Michigan, Mr. TIBERI, Mr. KLINE of Minnesota, Mr. GOHMERT, Mr. DOOLITTLE, Mr. HERGER, Mrs. SCHMIDT, Mr. BARTLETT of Maryland, Mrs. BACHMANN, Mr. PENCE, Mr. FEENEY, Mrs. MUSGRAVE, and Mr. CAMPBELL of California):

H.R. 6400. A bill to authorize a State to transfer or consolidate funds made available to such State under certain transportation, education, and job training programs after the United States experiences economic growth at an annual rate of less than 1 percent for 2 calendar quarters; to the Committee on Education and Labor, and in addition to the Committees on Transportation and Infrastructure, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. INSLEE (for himself, Mr. DELAHUNT, Mr. HONDA, Mr. MCDERMOTT, and Mr. GRIJALVA):

H.R. 6401. A bill to spur rapid and sustainable growth in renewable electricity generation in the United States through priority interconnection, renewable energy payments, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Science and Technology, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. EDDIE BERNICE JOHNSON of Texas (for herself, Mr. HINOJOSA, Mr. BRADY of Pennsylvania, Ms. CORRINE BROWN of Florida, Mr. BLUMENAUER, Mr. SESTAK, Mrs. LOWEY, and Ms. JACKSON-LEE of Texas):

H.R. 6402. A bill to amend the Elementary and Secondary Education Act of 1965 to establish grants to increase student attendance; to the Committee on Education and Labor.

By Ms. EDDIE BERNICE JOHNSON of Texas:

H.R. 6403. A bill to amend title II of the Workforce Investment Act of 1998 to establish financial literacy education programs for newly naturalized citizens of the United States; to the Committee on Education and Labor.

By Mr. KINGSTON (for himself, Mr. BARROW, Ms. GRANGER, Ms. WASSERMAN SCHULTZ, Mr. DUNCAN, Mr. MORAN of Virginia, Mr. PICKERING, Mr. HAYES, Mr. KELLER, Mr. FEENEY, Mr. PENCE, Mr. DEAL of Georgia, Mr. GINGREY, Ms. FALLIN, Mr. ALTMIRE, Mr. WALDEN of Oregon, Mr. DAVID DAVIS of Tennessee, Ms. ROS-LEHTINEN, Mr. LATTA, Mr. JORDAN, Mr. CONAWAY, Mr. CARTER, Mr. GOHMERT, Mr. NEUGEBAUER, Mr. SAM JOHNSON of Texas, Mrs. DRAKE, Mr. SMITH of Nebraska, Mr. GARRETT of New Jersey, Mrs. SCHMIDT, Mrs. CUBIN, Mr. EVERETT, Mrs. MUSGRAVE, Mrs. BIGGERT, Mr. SESSIONS, Ms. DELAURO, Mr. HALL of Texas, Mr. MCGOVERN, Mr. WOLF, Ms. KAPTUR, Mr. YOUNG of Alaska, Ms. CLARKE, and Mrs. EMERSON):

H.R. 6404. A bill to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the establishment of the Girl Scouts of the United States of America; to the Committee on Financial Services.

By Mr. LARSEN of Washington:

H.R. 6405. A bill to authorize a process by which the Secretary of the Interior shall process acquisitions of certain real property of the Samish Indian Nation into trust, and for other purposes; to the Committee on Natural Resources.

By Mr. LARSON of Connecticut:

H.R. 6406. A bill to elevate the Inspector General of the Commodity Futures Trading Commission to an Inspector General appointed pursuant to section 3 of the Inspector General Act of 1978; to the Committee on Oversight and Government Reform.

By Mr. LEWIS of Georgia (for himself, Mr. PORTER, Mr. MCDERMOTT, Mr. REYNOLDS, Ms. BERKLEY, Mr. RAMSTAD, Mr. EMANUEL, Mr. PRICE of North Carolina, Mr. SHAYS, Ms. MATSUI, Mr. PLATTS, Mr. BLUMENAUER, Mr. KIND, Mr. MORAN of Virginia, and Mr. DOGGETT):

H.R. 6407. A bill to amend the Internal Revenue Code of 1986 to provide an exclusion from gross income for AmeriCorps educational awards; to the Committee on Ways and Means.

By Ms. MATSUI (for herself, Mrs. MALONEY of New York, Mr. LEWIS of Georgia, Mr. SHAYS, and Mr. DOGGETT):

H.R. 6408. A bill to amend title 46, United States Code, to establish requirements to ensure the security and safety of passengers and crew on cruise vessels, and for other purposes; to the Committee on Transportation and Infrastructure.

By Ms. MCCOLLUM of Minnesota (for herself, Mr. LOEBSACK, Mr. LUCAS, Ms. SUTTON, and Mr. WALZ of Minnesota):

H.R. 6409. A bill to amend the Internal Revenue Code of 1986 to extend the credit for electricity produced from certain renewable resources; to the Committee on Ways and Means.

By Mr. MCCOTTER:

H.R. 6410. A bill to provide for the elimination of agencies and programs which receive ineffective ratings or three consecutive adequate ratings under the Government Performance and Results Act of 1993 and to amend the Internal Revenue Code of 1986 to rebate the savings from such eliminations to the taxpayers; to the Committee on Oversight and Government Reform, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MURPHY of Connecticut (for himself, Mr. SOUDER, Mr. CLAY, Mr. TOWNS, Ms. FOXX, Mr. SHADEGG, and Mr. WAXMAN):

H.R. 6411. A bill to strengthen transparency and accountability in Federal spending; to the Committee on Oversight and Government Reform.

By Mrs. MUSGRAVE:

H.R. 6412. A bill to promote the energy security of the United States, and for other purposes; to the Committee on Natural Resources, and in addition to the Committees on Energy and Commerce, Science and Technology, Oversight and Government Reform, Armed Services, Foreign Affairs, Ways and Means, and Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PALLONE:

H.R. 6413. A bill to prohibit the Administrator of the Federal Emergency Management Agency from updating flood maps until the Administrator submits to Congress a community outreach plan, and for other purposes; to the Committee on Financial Services, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each

case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PALLONE (for himself and Mr. ROTHMAN):

H.R. 6414. A bill to establish a pilot program on the provision of legal services to assist veterans and members of the Armed Forces who receive health care, benefits and services, and for other purposes; to the Committee on Veterans' Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PASCRELL:

H.R. 6415. A bill to provide that goods that are manufactured in a foreign trade zone and comply with the rules of origin under a trade agreement to which the United States is a party may enter the customs territory of the United States at the rate of duty applicable under that agreement; to the Committee on Ways and Means.

By Mr. PAYNE (for himself, Mr. WOLF, Mr. CAPUANO, Mr. TANCREDO, Mr. RANGEL, Ms. LEE, Mr. MCGOVERN, Ms. JACKSON-LEE of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. JEFFERSON, Mr. FATTAH, Mr. VAN HOLLEN, Mr. BISHOP of Georgia, Ms. CORRINE BROWN of Florida, Mr. RUSH, Mr. CUMMINGS, Mr. JACKSON of Illinois, Ms. WATERS, and Mr. HASTINGS of Florida):

H.R. 6416. A bill to codify existing sanctions against the Government of Sudan until the Government of Sudan meets certain conditions relating to a just and lasting peace in Sudan; to the Committee on Foreign Affairs.

By Mr. BARRETT of South Carolina:

H.R. 6417. A bill to prevent Members of Congress from receiving the automatic pay adjustment scheduled to take effect in 2009; to the Committee on House Administration, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. POE (for himself, Mr. BOUSTANY, Mr. BURTON of Indiana, and Mr. LAMBORN):

H.R. 6418. A bill to achieve greater national energy independence by terminating longstanding moratoriums on the domestic production of offshore oil and natural gas and to authorize States to petition for authorization to conduct offshore oil and natural gas exploration and extraction in the coastal zone of their State; to the Committee on Natural Resources.

By Mr. ROHRABACHER (for himself, Mr. GOODE, Mr. JONES of North Carolina, and Mr. ROSKAM):

H.R. 6419. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income compensation received by employees consisting of qualified distributions of employer stock; to the Committee on Ways and Means.

By Mr. SHERMAN (for himself and Ms. ROS-LEHTINEN):

H.R. 6420. A bill to toll the congressional notification period for removing North Korea from the state sponsors of terrorism list; to the Committee on Foreign Affairs, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SHUSTER:

H.R. 6421. A bill to direct the Secretary of the Interior to establish and implement a competitive oil and gas leasing program for the Coastal Plain of Alaska, to provide for expanded leasing of the oil and gas resources of the outer Continental Shelf for exploration, to eliminate certain impediments to the development of nuclear energy sources, to promote coal-to-liquid fuel activities, and for other purposes; to the Committee on Natural Resources, and in addition to the Committees on Ways and Means, Energy and Commerce, Science and Technology, Transportation and Infrastructure, and Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SPACE:

H.R. 6422. A bill to amend the Internal Revenue Code of 1986 to allow small businesses a refundable income tax credit to offset the cost of providing health care coverage for employees; to the Committee on Ways and Means.

By Mr. STUPAK:

H.R. 6423. A bill to provide for the transportation of the remains of members of the Armed Forces who died in a theater of combat operations when those remains are subsequently recovered; to the Committee on Armed Services.

By Mr. THOMPSON of Mississippi:

H.R. 6424. A bill to establish a homeowner mitigation loan program within the Federal Emergency Management Agency to promote pre-disaster property mitigation measures; to the Committee on Transportation and Infrastructure.

By Mr. THOMPSON of Mississippi:

H.R. 6425. A bill to amend the Homeland Security Act of 2002 to direct the Secretary of Homeland Security to maintain a Response and Recovery Corps to perform functions related to the collective response to acts of terrorism, natural disasters, and other emergencies, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TIAHRT (for himself, Mr. MORAN of Kansas, Mr. SHIMKUS, Mr. REICHERT, and Mr. LAHOOD):

H.R. 6426. A bill to prohibit the use of funds by the Department of Defense on the KC-X tanker contract, and for other purposes related to that contract; to the Committee on Armed Services.

By Mr. WELCH of Vermont (for himself and Mr. MARKEY):

H.R. 6427. A bill to provide funding for the Low-Income Home Energy Assistance Program; to the Committee on Energy and Commerce, and in addition to the Committees on Education and Labor, and the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CHABOT (for himself, Mr. KELLER, Mr. FEENEY, and Mr. SMITH of Texas):

H.J. Res. 96. A joint resolution proposing an amendment to the Constitution of the United States to permit the penalty of death for the rape of a child; to the Committee on the Judiciary.

By Mr. HOEKSTRA:

H.J. Res. 97. A joint resolution proposing an amendment to the Constitution of the United States relating to parental rights; to the Committee on the Judiciary.

By Ms. HERSETH SANDLIN (for herself and Mr. BLUNT):

H. Con. Res. 383. Concurrent resolution recognizing the importance of homeownership for Americans; to the Committee on Financial Services.

By Ms. LEE (for herself, Ms. WATERS, Mr. MEEKS of New York, Mrs. CHRISTENSEN, Mr. WAXMAN, Ms. NORTON, Ms. MATSUI, Ms. BORDALLO, Mr. BERMAN, Mr. HONDA, Mr. RUSH, Mr. GRIJALVA, Ms. MCCOLLUM of Minnesota, Ms. KILPATRICK, Mr. SIRES, Mrs. NAPOLITANO, and Ms. SOLIS):

H. Con. Res. 384. Concurrent resolution supporting the goals and ideals of National HIV Testing Day, and for other purposes; to the Committee on Energy and Commerce.

By Ms. ROS-LEHTINEN (for herself, Mr. ENGEL, Mr. BURTON of Indiana, Mr. BERMAN, Mr. WELLER, Mr. KLEIN of Florida, Mr. WEXLER, Mr. FORTUÑO, Mr. PENCE, Mr. SMITH of New Jersey, Mr. MCGOVERN, Mr. WILSON of South Carolina, Mr. MACK, Mr. ROHRABACHER, Ms. WATSON, Mr. MANZULLO, Mr. FALEOMAVAEGA, Mr. CROWLEY, Mr. ROYCE, Mr. BILIRAKIS, Mr. CHABOT, Ms. WASSERMAN SCHULTZ, and Mr. CANTOR):

H. Con. Res. 385. Concurrent resolution condemning the attack on the AMIA Jewish Community Center in Buenos Aires, Argentina, in July 1994, and for other purposes; to the Committee on Foreign Affairs.

By Mr. SALI:

H. Con. Res. 386. Concurrent resolution recognizing and celebrating the 232nd anniversary of the signing of the Declaration of Independence; to the Committee on Oversight and Government Reform.

By Mr. TANCREDO (for himself and Mr. CHABOT):

H. Con. Res. 387. Concurrent resolution expressing the sense of Congress that the United States should sever diplomatic relations with Zimbabwe until such time as the President determines that Zimbabwe meets requirements relating to democratic, free and fair elections, basic civil liberties and human rights, and certain other requirements; to the Committee on Foreign Affairs.

By Mr. BILBRAY (for himself, Mr. CAMPBELL of California, Mrs. BLACKBURN, Mr. ALEXANDER, Mrs. MYRICK, Mr. ROHRABACHER, Mr. GARY G. MILLER of California, Mr. ROSKAM, Mr. MCCAUL of Texas, Mr. COBLE, Ms. GINNY BROWN-WAITE of Florida, Mr. JONES of North Carolina, Mr. SHULER, and Mr. BARTON of Texas):

H. Res. 1306. A resolution recognizing the dedication and honorable service of members of the National Guard who are serving or have served in Operation Jump Start; to the Committee on Armed Services.

By Mr. BAIRD (for himself and Mr. UPTON):

H. Res. 1307. A resolution commemorating the Kingdom of Bhutan's participation in the 2008 Smithsonian Folklife Festival and commending the people and the Government of the Kingdom of Bhutan for their commitment to holding elections and broadening political participation; to the Committee on Foreign Affairs.

By Mr. BILIRAKIS (for himself, Mr. CARNAHAN, Ms. ROS-LEHTINEN, Mr. CANTOR, Mr. PENCE, Mr. SMITH of New Jersey, Mr. BURTON of Indiana, Mr. ROYCE, Mr. CHABOT, Mr. WILSON of South Carolina, Mr. POE, Mr. FORTUÑO, Mr. INGLIS of South Carolina, Mr. BOOZMAN, Mr. MCCOTTER, Mr. LINDER, Mr. KIRK, Mr. CALVERT, Mr. WELLER, Mr. SALI, Mr. RAMSTAD, Mr. PORTER, Mr. TERRY, and Mr. SHAYS):

H. Res. 1308. A resolution condemning the broadcasting of incitement to violence against Americans and the United States in media based in the Middle East, and for other purposes; to the Committee on Foreign Affairs.

By Mrs. DRAKE:

H. Res. 1309. A resolution recognizing and honoring the 44th anniversary of the passage

of the Civil Rights Act of 1964 and those who worked to achieve this goal; to the Committee on the Judiciary, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. JACKSON-LEE of Texas (for herself, Mr. FILNER, and Mr. HINCHEY):

H. Res. 1310. A resolution expressing the sense of the House of Representatives that the Government of Iran's lack of protection for internationally recognized human rights creates poor conditions for religious freedom in the Islamic Republic of Iran; to the Committee on Foreign Affairs.

By Mr. FATTAH (for himself and Mr. SOUDER):

H. Res. 1311. A resolution expressing support for the designation of National GEAR UP Day; to the Committee on Oversight and Government Reform.

By Mr. LAMBORN (for himself, Ms. HARMAN, Mr. REYES, and Mr. UDALL of Colorado):

H. Res. 1312. A resolution commemorating the 25th anniversary of the Space Foundation; to the Committee on Science and Technology.

By Mr. LAMPSON (for himself, Mrs. DAVIS of California, Mr. FEENEY, and Mr. UDALL of Colorado):

H. Res. 1313. A resolution celebrating the 25th anniversary of the first American woman in space, Dr. Sally K. Ride, and honoring her contributions to the space program and to science education; to the Committee on Science and Technology.

By Mr. LEVIN (for himself, Ms. KAPTUR, Mr. BARTLETT of Maryland, Mr. GERLACH, Mr. BERMAN, Mr. ANDREWS, Mr. BILIRAKIS, Mr. COSTA, Mr. LINCOLN DIAZ-BALART of Florida, Mr. ENGEL, Mr. HINCHEY, Mr. LANGEVIN, Mr. MCCOTTER, Mr. MCDERMOTT, Mr. MCNULTY, Mrs. MILLER of Michigan, Mr. ROTHMAN, Ms. SCHWARTZ, and Mr. WALZ of Minnesota):

H. Res. 1314. A resolution remembering the 75th anniversary of the Ukrainian Famine-Genocide of 1932-1933 and extending the deepest sympathies of the House of Representatives to the victims, survivors, and families of this tragedy, and for other purposes; to the Committee on Foreign Affairs.

By Mr. MCCAUL of Texas (for himself, Mr. LAMPSON, Mr. BILBRAY, Mr. GINGREY, Mr. SMITH of Texas, Mr. BROUN of Georgia, Mr. CULBERSON, Mr. MARIO DIAZ-BALART of Florida, Mr. CALVERT, Ms. JACKSON-LEE of Texas, Mr. GONZALEZ, Mr. HINOJOSA, Ms. KAPTUR, Mr. MCCARTHY of California, Mr. CRAMER, Ms. WATSON, Mr. SCHIFF, Mr. DOGGETT, Mr. RODRIGUEZ, Mr. GENE GREEN of Texas, Mr. EDWARDS of Texas, Mr. UDALL of Colorado, Mr. ORTIZ, Mr. FEENEY, Mr. LUCAS, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. REYES, and Mr. CARSON):

H. Res. 1315. A resolution commemorating the 50th Anniversary of the National Aeronautics and Space Administration; to the Committee on Science and Technology.

By Mr. MCGOVERN (for himself, Mr. ELLSWORTH, Ms. KAPTUR, Mr. DELAHUNT, Mr. HINCHEY, Mr. HALL of Texas, Mr. ORTIZ, Mr. SNYDER, and Mr. JONES of North Carolina):

H. Res. 1316. A resolution honoring the service of the Navy and Coast Guard veterans who served on the Landing Ship Tank (LST) amphibious landing craft during World War II, the Korean war, the Vietnam war, Operation Desert Storm, and global operations through 2002 and recognizing the essential role played by LST amphibious craft during these conflicts; to the Committee on Armed Services.

¶80.37 MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

327. The SPEAKER presented a memorial of the Legislature of the State of Louisiana, relative to Senate Concurrent Resolution No. 76 memorializing the Congress of the United States to take such actions as are necessary to expedite the reopening of the Arabi branch of the United States Postal Service located in St. Bernard Parish; to the Committee on Oversight and Government Reform.

328. Also, a memorial of the Legislature of the State of Idaho, relative to Senate Joint Memorial No. 114 expressing opposition to S. 40 and H.R. 3200; jointly to the Committees on Financial Services and the Judiciary.

329. Also, a memorial of the Legislature of the State of Louisiana, relative to Senate Concurrent Resolution No. 68 memorializing the Congress of the United States to provide funding for the Louisiana University of Medical Services, Inc., College of Primary Care Medicine; jointly to the Committees on Energy and Commerce and Education and Labor.

330. Also, a memorial of the Senate of the Commonwealth of Pennsylvania, relative to Senate Resolution No. 321 memorializing the President of the United States and the Congress of the United States to enact S. 70; jointly to the Committees on Oversight and Government Reform and the Judiciary.

331. Also, a memorial of the Legislature of the State of Louisiana, relative to Senate Concurrent Resolution No. 36 expressing opposition to the authorization of offshore aquaculture in the Gulf of Mexico; jointly to the Committees on Natural Resources and Agriculture.

¶80.38 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 303: Ms. ROS-LEHTINEN.
H.R. 410: Mr. OLVER.
H.R. 423: Mr. WOLF.
H.R. 552: Mr. CROWLEY.
H.R. 583: Ms. KAPTUR.
H.R. 688: Mr. SHERMAN.
H.R. 736: Mr. BOOZMAN, Mr. POE, Mr. CALVERT, Mr. SALI, Mrs. MYRICK, and Mr. SOUDER.
H.R. 1029: Ms. DELAURO.
H.R. 1032: Mr. KENNEDY.
H.R. 1113: Mrs. DRAKE, Mr. HALL of New York, and Mr. LOBIONDO.
H.R. 1117: Mr. TOWNS.
H.R. 1120: Mr. KING of New York.
H.R. 1228: Mr. ENGLISH of Pennsylvania.
H.R. 1279: Mr. MILLER of North Carolina.
H.R. 1283: Mr. ORTIZ.
H.R. 1293: Mr. SENSENBRENNER.
H.R. 1399: Mr. CHILDERS.
H.R. 1428: Mrs. GILLIBRAND.
H.R. 1552: Mr. KUHL of New York.
H.R. 1610: Mr. MORAN of Kansas and Mr. WITTMAN of Virginia.
H.R. 1655: Mr. SPACE.
H.R. 1671: Mr. MARKEY.
H.R. 1709: Mr. BROWN of South Carolina.
H.R. 1755: Mr. HOLT.
H.R. 1866: Mr. KAGEN.
H.R. 1881: Mr. BOREN and Mr. FERGUSON.
H.R. 2053: Mr. SPACE, Mr. DAVIS of Illinois, and Mr. CALVERT.
H.R. 2060: Mr. CANNON.
H.R. 2091: Mrs. MUSGRAVE.
H.R. 2104: Mr. CAMP of Michigan.
H.R. 2123: Mr. YOUNG of Alaska and Mr. SARBANES.
H.R. 2132: Mr. CARSON.
H.R. 2167: Mr. ALTMIRE and Mr. CROWLEY.
H.R. 2188: Mr. WALSH of New York.
H.R. 2279: Mr. GARRETT of New Jersey, Mrs. BACHMANN, Mr. CULBERSON, Mr. WALBERG, and Mr. BROWN of South Carolina.
H.R. 2289: Mr. WHITFIELD of Kentucky, Mr. LEWIS of Georgia, Mr. LINCOLN DIAZ-BALART of Florida, and Mr. MICHAUD.
H.R. 2329: Mr. CARNAHAN, Mr. WALBERG, and Mr. KNOLLENBERG.
H.R. 2330: Mr. GARRETT of New Jersey.
H.R. 2370: Mr. LANGEVIN, Mr. CARTER, Mr. ENGLISH of Pennsylvania, Mr. HOLT, and Mr. TERRY.
H.R. 2384: Mr. LATHAM.
H.R. 2472: Mr. SESTAK.
H.R. 2493: Mr. FEENEY and Mr. GARRETT of New Jersey.
H.R. 2583: Mr. HOLDEN.
H.R. 2606: Mr. JOHNSON of Georgia, Mr. DOYLE, Mr. RYAN of Ohio, and Ms. HIRONO.
H.R. 2676: Mr. ALTMIRE.
H.R. 2686: Mr. WELCH of Vermont.
H.R. 2708: Mr. MARKEY.
H.R. 2712: Mr. LAMBORN.
H.R. 2721: Mr. COSTA.
H.R. 2762: Mr. JOHNSON of Illinois.
H.R. 2796: Mr. ENGLISH of Pennsylvania.
H.R. 2832: Mr. LANGEVIN and Mr. LATHAM.
H.R. 2842: Ms. BERKLEY.
H.R. 2880: Mr. COSTA.
H.R. 2990: Mr. PETERSON of Minnesota.
H.R. 2994: Mr. ALTMIRE.
H.R. 3047: Mr. SCALISE.
H.R. 3089: Mr. BROWN of South Carolina and Mr. CRENSHAW.
H.R. 3094: Ms. GIFFORDS and Mr. MOORE of Kansas.
H.R. 3119: Mr. WEXLER, Ms. NORTON, and Mr. HINCHEY.
H.R. 3186: Mr. LOEBSACK, Mr. SHADEGG, Mr. RUPPERSBERGER, and Ms. DEGETTE.
H.R. 3245: Mr. SHAYS.
H.R. 3289: Mr. LYNCH and Mr. PRICE of North Carolina.
H.R. 3329: Mr. MCNERNEY.
H.R. 3396: Mr. DAVIS of Illinois.
H.R. 3406: Mr. BISHOP of Georgia.
H.R. 3485: Ms. SCHAKOWSKY.
H.R. 3652: Mr. WELCH of Vermont and Mr. LOEBSACK.
H.R. 3669: Ms. SCHWARTZ.
H.R. 3679: Mr. WESTMORELAND.
H.R. 3689: Mrs. MALONEY of New York.
H.R. 3929: Ms. LEE.
H.R. 4048: Mr. ALEXANDER.
H.R. 4061: Mr. WAXMAN.
H.R. 4099: Ms. GINNY BROWN-WAITE of Florida.
H.R. 4126: Mr. MOORE of Kansas, Mr. PITTS, Mr. DENT, Mr. KELLER, Mr. CUELLAR, and Ms. DEGETTE.
H.R. 4158: Ms. RICHARDSON, Mrs. DAVIS of California, Mr. FILNER, Mr. MITCHELL, and Mr. BILBRAY.
H.R. 4236: Mr. LOBIONDO.
H.R. 4245: Mr. LAMBORN.
H.R. 4269: Mr. KLEIN of Florida.
H.R. 4344: Mr. FEENEY.
H.R. 4833: Mr. MILLER of North Carolina, Mr. WESTMORELAND, Mr. TAYLOR, Mr. CLEAVER, and Mr. SHULER.
H.R. 4900: Mr. CAZAYOUX.
H.R. 5160: Mr. MCDERMOTT.
H.R. 5236: Mr. BISHOP of Georgia.
H.R. 5267: Mr. CANTOR.
H.R. 5315: Mr. MCGOVERN.
H.R. 5404: Mr. WAXMAN, Mr. MARKEY, Mr. INSLEE, Mr. WU, and Mr. LANGEVIN.
H.R. 5435: Mr. BECERRA and Mr. SALAZAR.
H.R. 5465: Mr. CARSON.
H.R. 5488: Mr. SESTAK.
H.R. 5515: Mr. SHAYS.
H.R. 5535: Ms. HIRONO, Mr. THOMPSON of California, Mr. MARKEY, Ms. BORDALLO, Mr. DELAHUNT, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. SUTTON, Ms. LINDA T. SÁNCHEZ of California, Mr. JEFFERSON, Ms. MATSUI, and Mr. UDALL of Colorado.

H.R. 5575: Mr. GRIJALVA.
H.R. 5583: Ms. GIFFORDS.
H.R. 5604: Mr. PETERSON of Minnesota and Mr. LATHAM.
H.R. 5606: Mr. FEENEY and Mr. KAGEN.
H.R. 5629: Mr. PASCRELL.
H.R. 5632: Mr. FORTENBERRY, Mrs. CAPPS, and Mr. LINCOLN DAVIS of Tennessee.
H.R. 5652: Mr. HUNTER.
H.R. 5656: Mr. MARIO DIAZ-BALART of Florida, Mr. GARY G. MILLER of California, and Mrs. SCHMIDT.
H.R. 5674: Mr. MILLER of North Carolina.
H.R. 5731: Mr. ROGERS of Kentucky and Mr. GOODLATTE.
H.R. 5737: Mr. SHIMKUS.
H.R. 5772: Mr. SIRES.
H.R. 5782: Mr. DENT.
H.R. 5793: Mr. KLEIN of Florida.
H.R. 5838: Mrs. GILLIBRAND, Mrs. MCCARTHY of New York, and Mr. MEEKS of New York.
H.R. 5874: Mrs. CUBIN, Mrs. LOWEY, and Mr. LATHAM.
H.R. 5878: Mr. LATHAM.
H.R. 5898: Mr. GRIJALVA and Ms. LEE.
H.R. 5910: Mr. MCCOTTER, Mr. HOEKSTRA, Mr. FRANKS of Arizona, and Mr. JONES of North Carolina.
H.R. 5925: Mr. CROWLEY, Mr. PAYNE, Ms. WATSON, and Mr. WEXLER.
H.R. 5954: Mr. HOLT.
H.R. 6045: Mr. KANJORSKI, Mr. WEXLER, and Mr. BISHOP of New York.
H.R. 6057: Mr. MCNULTY.
H.R. 6064: Mr. CUELLAR.
H.R. 6066: Ms. WATERS, Ms. LEE, Mr. CARSON, Mr. SHERMAN, and Mr. WAXMAN.
H.R. 6067: Mr. LARSEN of Washington.
H.R. 6076: Mr. DAVIS of Illinois.
H.R. 6079: Ms. ZOE LOFGREN of California, Mr. MCCOTTER, Mr. COSTELLO, Mr. PETERSON of Minnesota, and Mr. FRANK of Massachusetts.
H.R. 6089: Ms. SCHAKOWSKY.
H.R. 6091: Mr. MEEKS of New York, Mr. GALLEGLY, and Mr. SOUDER.
H.R. 6100: Mr. GEORGE MILLER of California.
H.R. 6108: Mr. FEENEY.
H.R. 6126: Ms. WASSERMAN SCHULTZ.
H.R. 6130: Mr. STEARNS.
H.R. 6157: Mr. CARNEY.
H.R. 6162: Mr. UDALL of Colorado.
H.R. 6168: Mr. CLEAVER.
H.R. 6169: Mr. CLEAVER.
H.R. 6172: Mr. BONNER and Mr. DAVIS of Alabama.
H.R. 6194: Mr. GARRETT of New Jersey.
H.R. 6199: Mr. NADLER.
H.R. 6207: Mr. KING of Iowa, Mr. DAVID DAVIS of Tennessee, Mr. GARRETT of New Jersey, Mr. RYAN of Wisconsin, Mr. KINGSTON, Mr. DAVIS of Kentucky, Mrs. BACHMANN, Mr. BARTLETT of Maryland, and Mr. GINGREY.
H.R. 6208: Mr. CLEAVER.
H.R. 6209: Mr. PATRICK MURPHY of Pennsylvania, Mr. COHEN, Mr. CAPUANO, Mrs. MCCARTHY of New York, Mr. TOWNS, and Mr. MARKEY.
H.R. 6210: Mr. LIPINSKI.
H.R. 6251: Mr. HASTINGS of Florida, Mr. SPACE, and Mr. CARNEY.
H.R. 6252: Ms. GRANGER, Mr. MOORE of Kansas, and Mr. MCHENRY.
H.R. 6256: Mr. TIERNEY.
H.R. 6264: Mr. BISHOP of Georgia.
H.R. 6285: Ms. SPEIER.
H.R. 6288: Ms. GINNY BROWN-WAITE of Florida.
H.R. 6292: Ms. GINNY BROWN-WAITE of Florida.
H.R. 6294: Mr. MILLER of Florida, Ms. CORRINE BROWN of Florida, Mr. CRENSHAW, Ms. CASTOR, Mr. MAHONEY of Florida, Mr. KLEIN of Florida, Mr. HASTINGS of Florida, and Mr. MARIO DIAZ-BALART of Florida.
H.R. 6297: Ms. MATSUI.
H.R. 6299: Mr. ROTHMAN and Ms. GRANGER.
H.R. 6316: Mr. ARCURI, Ms. LINDA T. SÁNCHEZ of California, Ms. SHEA-PORTER, Mr. SIRES, Mr. CUMMINGS, Mr. ROTHMAN, Mr. ANDREWS, Mr. ABERCROMBIE, and Ms. CORRINE BROWN of Florida.
H.R. 6321: Mr. DAVIS of Illinois and Mr. KUHL of New York.
H.R. 6328: Mr. DINGELL.
H.R. 6330: Mr. LAMPSON.
H.R. 6347: Mr. SCOTT of Georgia, Mr. DAVIS of Illinois, and Mr. OBERSTAR.
H.R. 6348: Ms. GINNY BROWN-WAITE of Florida, Mr. KINGSTON, and Mr. WILSON of South Carolina.
H.R. 6353: Mr. DAVIS of Illinois.
H.R. 6368: Mr. CAMP of Michigan.
H.R. 6371: Mr. RAMSTAD, Mr. DOGGETT, and Mr. BECERRA.
H.J. Res. 39: Mr. ROGERS of Michigan.
H.J. Res. 50: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. MICHAUD, Mr. SHAYS, and Mr. INGLIS of South Carolina.
H.J. Res. 79: Ms. NORTON.
H.J. Res. 89: Mr. SCALISE and Mrs. MUSGRAVE.
H.J. Res. 91: Mr. FRANK of Massachusetts and Mr. HOLT.
H. Con. Res. 81: Mr. PAUL.
H. Con. Res. 214: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. THOMPSON of Mississippi, Ms. WATSON, Mr. AL GREEN of Texas, and Mr. CUMMINGS.
H. Con. Res. 276: Mr. SHAYS.
H. Con. Res. 284: Mr. FORBES.
H. Con. Res. 296: Mr. ROGERS of Michigan, Mrs. BIGGERT, Mr. LAMBORN, Ms. WATERS, Mr. BOREN, and Ms. GINNY BROWN-WAITE of Florida.
H. Con. Res. 338: Mr. WATT.
H. Con. Res. 345: Mr. POE, Ms. WOOLSEY, Ms. JACKSON-LEE of Texas, Mr. FALEOMAVAEGA, and Mr. MEEKS of New York.
H. Con. Res. 352: Mr. ANDREWS.
H. Con. Res. 356: Mr. SHERMAN.
H. Con. Res. 358: Mr. ELLSWORTH, Mr. BOREN, Mr. TAYLOR, Mr. UDALL of Colorado, Mr. LOEBSACK, Mr. LARSEN of Washington, Mr. ABERCROMBIE, Mr. REYES, Mr. CHABOT, Mr. ENGLISH of Pennsylvania, Mr. REHBERG, Mr. ISSA, and Ms. FALLIN.
H. Con. Res. 360: Ms. MCCOLLUM of Minnesota and Mr. CONYERS.
H. Con. Res. 362: Mr. REHBERG, Mr. SARBANES, Mr. SHIMKUS, Mr. GARRETT of New Jersey, Mr. GOODLATTE, Ms. CASTOR, Mr. ALTMIRE, Mr. FILNER, Mr. CARNAHAN, Mr. WELLER, Mr. BISHOP of Georgia, and Mr. LATHAM.
H. Con. Res. 364: Mr. SHAYS.
H. Con. Res. 365: Mr. KUHL of New York.
H. Con. Res. 380: Mr. TOWNS and Mrs. TAUSCHER.
H. Con. Res. 381: Ms. MCCOLLUM of Minnesota.
H. Res. 732: Mr. HILL, Ms. MATSUI, Mrs. SCHMIDT, Mr. CLAY, Mr. GILCHREST, Mr. CLEAVER, Ms. WASSERMAN SCHULTZ, Mr. COURTNEY, Mr. BRALEY of Iowa, Mr. BACA, Mr. HALL of New York, Mr. GENE GREEN of Texas, Mr. BOSWELL, Mr. BERRY, Mr. CHILDERS, Mr. ROSS, Ms. HARMAN, Ms. WOOLSEY, Mr. HINCHEY, Mr. MCDERMOTT, Mr. DELAHUNT, Ms. SCHAKOWSKY, Mr. EMANUEL, Mr. LEWIS of Georgia, Mr. ELLISON, Ms. KILPATRICK, Mr. WAXMAN, Mr. RUPPERSBERGER, Ms. DEGETTE, Mr. MCNERNEY, Ms. CLARKE, Ms. HOOLEY, Mr. RODRIGUEZ, Mr. SIRES, Ms. ESHOO, Mr. CAZAYOUX, Mr. ETHERIDGE, Mr. COOPER, Mr. WELCH of Vermont, Mr. ISSA, Mr. ROTHMAN, Mr. WALDEN of Oregon, Mr. SAXTON, Mr. PERLMUTTER, Mr. SALAZAR, Mr. GONZALEZ, Mr. CARSON, Ms. JACKSON-LEE of Texas, Ms. EDWARDS of Maryland, and Mr. CRAMER.
H. Res. 758: Mrs. DRAKE.
H. Res. 906: Mr. GALLEGLY, Mr. FRANKS of Arizona, Mr. REYES, and Mr. WOLF.
H. Res. 1006: Mr. KANJORSKI and Mr. WILSON of Ohio.
H. Res. 1008: Mr. KUHL of New York.
H. Res. 1012: Mr. JOHNSON of Illinois.
H. Res. 1017: Mr. HONDA, Ms. NORTON, Mr. MOORE of Kansas, and Mr. CLEAVER.
H. Res. 1045: Mr. HONDA and Mr. GRIJALVA.
H. Res. 1111: Mr. KANJORSKI.
H. Res. 1140: Mr. GARRETT of New Jersey.
H. Res. 1179: Mr. GORDON.
H. Res. 1227: Mrs. CAPPS.
H. Res. 1232: Mr. COSTELLO, Mrs. MALONEY of New York, and Mr. MCDERMOTT.
H. Res. 1246: Mr. SCHIFF, Mr. COHEN, Ms. LINDA T. SÁNCHEZ of California, Ms. SUTTON, Mr. DELAHUNT, and Mr. CARSON.
H. Res. 1248: Mr. FRANKS of Arizona, Mr. BUCHANAN, Mr. BARTLETT of Maryland, Mr. JONES of North Carolina, and Mr. EVERETT.
H. Res. 1255: Mr. TAYLOR, Mr. LAMBORN, Mr. MCHUGH, Mr. HUNTER, Mr. ROGERS of Alabama, Mr. SAXTON, Mr. EVERETT, Mr. BISHOP of Utah, Mr. THORNBERRY, Mr. SHUSTER, Mr. HAYES, Mr. WITTMAN of Virginia, Mr. FRANKS of Arizona, Mr. BARTLETT of Maryland, Mr. LOBIONDO, Ms. FALLIN, Mr. SULLIVAN, Mr. DANIEL E. LUNGREN of California, Mr. SAM JOHNSON of Texas, Mr. CALVERT, Mr. NEUGEBAUER, Mr. CARTER, Mr. MCCARTHY of California, Mr. HASTINGS of Washington, Mr. WAMP, Mr. SNYDER, Mr. AKIN, and Mr. ABERCROMBIE.
H. Res. 1266: Mr. CLEAVER and Mr. DOYLE.
H. Res. 1273: Mr. LANGEVIN.
H. Res. 1278: Mrs. MYRICK.
H. Res. 1287: Mr. SESTAK, Mr. LINCOLN DIAZ-BALART of Florida, Mrs. MILLER of Michigan, Mr. BOUSTANY, and Mr. CAMP of Michigan.
H. Res. 1290: Ms. WATERS.
H. Res. 1296: Mr. ROHRABACHER, Mr. SESTAK, and Mr. ETHERIDGE.
H. Res. 1301: Mr. FATTAH, Mr. DREIER, Ms. TSONGAS, Mr. JACKSON of Illinois, Mr. DOOLITTLE, Mr. MCGOVERN, Mr. HINCHEY, Ms. MCCOLLUM of Minnesota, Mr. OLVER, Mr. JONES of North Carolina, and Mr. CALVERT.
H. Res. 1302: Mr. BOEHNER, Mrs. BLACKBURN, Mr. COBLE, Mr. CHABOT, Mr. NEUGEBAUER, Mr. JONES of North Carolina, Mr. SPACE, Mr. ROSS, Mr. GORDON, Mr. CRAMER, Mr. MAHONEY of Florida, Mr. TERRY, Mr. LINDER, Mr. PATRICK MURPHY of Pennsylvania, and Mr. LAMBORN.

¶80.39 PETITIONS

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

285. The SPEAKER presented a petition of the Screen Actors Guild, relative to a Resolution requesting proclamation on behalf of the State of California on the celebration of the Screen Actors Guild's 75th Anniversary; to the Committee on Oversight and Government Reform.

286. Also, a petition of the Citrus County Board of County Commissioners, Florida, relative to Resolution No. 2008-069 requiring that American flags manufactured in the United States, be flown at all Citrus County government facilities; to the Committee on Oversight and Government Reform.

287. Also, a petition of the Council of the City of Tehachapi, California, relative to Resolution No. 07-08 urging the Supreme Court of the United States to uphold the original and historic view of the Second Amendment in its full and complete meaning; to the Committee on the Judiciary.

¶80.40 DELETIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 5353: Mr. CARSON.
H.R. 6264: Mrs. BOYDA of Kansas.

TUESDAY, JULY 8, 2008 (81)

¶81.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Mr. JACKSON of Illinois, who laid before the House the following communication:

WASHINGTON, DC,
July 8, 2008.

I hereby appoint the Honorable JESSE L. JACKSON, Jr., to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

¶81.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. JACKSON of Illinois, announced he had examined and approved the Journal of the proceedings of Thursday, June 26, 2008.

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

¶81.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

7339. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Vidalia Onions Grown in Georgia; Increased Assessment Rate [Docket No. AMS-FV-07-0159; FV08-955-1 FR] received June 27, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7340. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Hazelnuts Grown in Oregon and Washington; Establishment of Interim Final and Final Free and Restricted Percentages for the 2007-2008 Marketing Year [Docket No. AMS-FV-07-0150; FV08-982-1 FIR] received June 27, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7341. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Sweet Onions Grown in Walla Walla Valley of Southeast Washington and Northeast Oregon; Increased Assessment Rate [Docket No. AMS-FV-07-0157; FV08-956-1 FR] received June 27, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7342. A letter from the Administrator Housing and Community Facilities Programs, Department of Agriculture, transmitting the Department's final rule — Housing Preservation Grants (RIN: 0575-AC76) received June 25, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7343. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations — received June 23, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7344. A letter from the Director, Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting the Corporation's final rule — Deposit Insurance Requirements After Certain Conversions; Definition of ''Corporate Reorganization;'' Optional Conversions (''Oakar Transactions''); Additional Grounds for Disapproval of Changes in Control; and Disclosure of Certain Supervisory Information (RIN: 3064-AD25) received June 23, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7345. A letter from the Director, Regulations Policy and Mgmt. Staff, Department of Health and Human Services, transmitting the Department's final rule — Medical Devices; Hearing Aids; Technical Data Amendments [Docket No. FDA-2008-N-0148] received July 23, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7346. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-406,''Compensation and Holdover Clarification Amendment Act of 2008,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

7347. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-410, ''AED Installation for Safe Recreation and Exercise Temporary Act of 2008,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

7348. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-411, ''Fiscal Year 2008 Other-Type and Local Appropriations Adjustment Temporary Act of 2008,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

7349. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-418, ''Street Sweeping Improvement Enforcement Temporary Amendment Act of 2008,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

7350. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-404, ''Noise Control Protection Amendment Act of 2008,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

7351. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-405, ''Financial Literacy Council Establishment Act of 2008,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

7352. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-407, ''Wards 4, 7, and 8 Anti-Sale of Single Containers of Alcoholic Beverages Act of 2008,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

7353. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-408, ''Golden Triangle BID Amendment Act of 2008,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

7354. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-415, ''Affordable Housing Clearinghouse Directory Act of 2008,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

7355. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-416, ''Nuisance Properties Abatement Reform and Real Property Classification Amendment Act of 2008,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

7356. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-419, ''Fiscal Year 2009 Budget Support Act of 2008,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

7357. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-417, ''Street Sweeping Improvement Enforcement Amendment Act of 2008,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

7358. A letter from the White House Liaison, Department of Education, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

7359. A letter from the White House Liaison, Department of Education, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

7360. A letter from the Deputy Associate General Counsel for General Law, Department of Homeland Security, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

7361. A letter from the Deputy Associate General Counsel for General Law, Department of Homeland Security, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

7362. A letter from the General Counsel, Department of Housing and Urban Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

7363. A letter from the General Counsel, Department of Housing and Urban Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

7364. A letter from the White House Liaison, Department of Justice, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

7365. A letter from the White House Liaison, Department of Justice, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

7366. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

7367. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

7368. A letter from the Acting Deputy Assistant Administrator for Regulatory Programs, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Endangered and Threatened Species: Final Listing Determinations for 10 Distinct Population Segments of West Coast Steelhead [Docket No. 051216341-5341-01; I.D. No. 052104F] (RIN: 0648-AR93) received June 23, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7369. A letter from the Acting Deputy Assistant Administrator for Regulatory Programs, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Endangered and Threatened Species; Revision of Critical Habitat for the Northern Right Whale in the Pacific Ocean [Docket No. 051018271-6157-02; I.D. 101405C] (RIN: 0648-AT84) received June 23, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7370. A letter from the Acting Assistant Administrator, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Endangered and Threatened Wildlife and Plants: Threatened Status for Southern Distinct

Population Segment of North American Green Sturgeon [Docket No. 050323081-6079-02; I.D. 031505C] (RIN: 0648-AT02) received June 23, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7371. A letter from the Deputy Assistant Administrator for Operations, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Endangered and Threatened Species: Final Protective Regulations for Threatened Upper Columbia River Steelhead [Docket No. 060124013-6013-01; I.D. 052104F] (RIN: 0648-AU18) received June 23, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7372. A letter from the Deputy Assistant Administrator for Regulatory Programs, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Endangered and Threatened Species; Designation of Critical Habitat for Southern Resident Killer Whale [Docket No. 060228057-6283-02; I.D. 022206D] (RIN: 0648-AU38) received June 23, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7373. A letter from the OGE Director, Office of Government Ethics, transmitting the Office's final rule — Post-Employment Conflict of Interest Restrictions (RIN: 3209-AA14) received June 23, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

7374. A letter from the Clerk of the House of Representatives, transmitting the annual compilation of personal financial disclosure statements and amendments thereto filed with the Clerk of the House of Representatives, pursuant to Rule XXVI, clause 1, of the House Rules; (H. Doc. No. 110–129); to the Committee on Standards of Official Conduct and ordered to be printed.

7375. A communication from the President of the United States, transmitting notification of his intention to designate the Republic of Serbia and the Republic of Montenegro as seperate beneficiary developing countries under the Generalized System of Preferences (GSP) and to terminate the designation of Trinidad and Tobago as a beneficiary developing country under the Generalized System of Preferences (GSP), pursuant to Public Law 104-188, section 1952(a)(110 Stat. 1917); (H. Doc. No. 110–130); to the Committee on Ways and Means and ordered to be printed.

7376. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's ''Major'' final rule — State Children's Health Insurance Program (SCHIP); Retrospective Adjustment for Additional Allotments to Eliminate Fiscal Year (FY) 2007 Funding Shortfalls; Final SCHIP Allotments for FYs 2008 and 2009; Redistribution of Unused SCHIP FY 2005 Allotments to Eliminate FY 2008 Funding Shortfalls; Additional Allotments to Eliminate FY 2008 Funding Shortfalls; and Provisions for Continued Authority for Qualifying States to Use a Portion of Certain SCHIP Funds for Medicaid Expenditures [CMS-2273-N2 and CMS-2265-N] (RIN: 0938-AO99 and 0938-APO7) Received June 27, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Energy and Commerce.

¶81.4 COMMUNICATION FROM THE CLERK—MESSAGE FROM THE SENATE

The SPEAKER pro tempore, Mr. JACKSON of Illinois, laid before the House a communication, which was read as follows:

JUNE 27, 2008.

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

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on June 27, 2008, at 10:19 a.m.:

That the Senate concurs in the House amendment to the Senate amendment to the House amendment to the Senate amendment H.R. 2642.

That the Senate passed with an amendment H.R. 802.

That the Senate passed with an amendment H.R. 3986.

That the Senate passed S. 2565.

That the Senate passed S. 3218.

That the Senate agreed to H. Con. Res. 379.

With best wishes, I am,

Sincerely,

LORRAINE C. MILLER,
Clerk of the House.
DEBORAH M. SPRIGGS,
Deputy Clerk.

¶81.5 COMMUNICATION FROM THE CLERK—MESSAGE FROM THE SENATE

The SPEAKER pro tempore, Mr. JACKSON of Illinois, laid before the House a communication, which was read as follows:

JUNE 27, 2008.

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

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on June 27, 2008, at 3:51 p.m.:

That the Senate passed without amendment H.R. 3721.

That the Senate passed without amendment H.R. 4185.

That the Senate passed without amendment H.R. 5168.

That the Senate passed without amendment H.R. 5395.

That the Senate passed without amendment H.R. 5479.

That the Senate passed without amendment H.R. 5517.

That the Senate passed without amendment H.R. 528.

That the Senate passed without amendment H.R. 3564.

That the Senate passed S. 3015.

That the Senate passed S. 3082.

That the Senate agreed to H. Con. Res. 377.

With best wishes, I am,

Sincerely,

LORRAINE C. MILLER,
Clerk of the House.
DEBORAH M. SPRIGGS,
Deputy Clerk.

¶81.6 COMMUNICATION FROM THE CLERK—MESSAGE FROM THE SENATE

The SPEAKER pro tempore, Mr. JACKSON of Illinois, laid before the House a communication, which was read as follows:

JULY 8, 2008.

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

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on July 8, 2008, at 9:35 a.m.:

That the Senate passed without amendment H.R. 3891.

That the Senate passed S. Res. 608.

With best wishes, I am,

Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

¶81.7 ENROLLED BILLS SIGNED

The SPEAKER pro tempore, Mr. JACKSON of Illinois, announced that pursuant to clause 4, rule I, the Speaker pro tempore, Mr. HOYER, signed the following enrolled bills on Friday, June 27, 2008:

H.R. 2642. An Act making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2008, and for other purposes.

H.R. 5690. An Act to remove the African National Congress from treatment as a terrorist organization for certain acts or events, provide relief for certain members of the African National Congress regarding admissibility, and for other purposes.

¶81.8 SHARK CONSERVATION

Ms. BORDALLO moved to suspend the rules and pass the bill (H.R. 5741) to amend the High Seas Driftnet Fishing Moratorium Protection Act and the Magnuson-Stevens Fishery Conservation and Management Act to improve the conservation of sharks; as amended.

The SPEAKER pro tempore, Mr. JACKSON of Illinois, recognized Ms. BORDALLO and Mr. WITTMAN of Virginia, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. JACKSON of Illinois, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶81.9 PRESERVE AMERICA AND SAVE AMERICA'S TREASURES

Ms. BORDALLO moved to suspend the rules and pass the bill (H.R. 3981) to authorize the Preserve America Program and Save America's Treasures Program, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. JACKSON of Illinois, recognized Ms. BORDALLO and Mr. WITTMAN of Virginia, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. JACKSON of Illinois, announced that two-thirds of the Members present had voted in the affirmative.

Mr. WESTMORELAND demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. JACKSON of Illinois, pursuant to

clause 8, rule XX, announced that further proceedings on the question were postponed.

¶81.10 DOROTHY BUELL MEMORIAL VISITOR CENTER

Ms. BORDALLO moved to suspend the rules and pass the bill (H.R. 1423) to authorize the Secretary of the Interior to lease a portion of a visitor center to be constructed outside the boundary of the Indiana Dunes National Lakeshore in Porter County, Indiana, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. JACKSON of Illinois, recognized Ms. BORDALLO and Mr. WITTMAN of Virginia, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. JACKSON of Illinois, announced that two-thirds of the Members present had voted in the affirmative.

Mr. BROUN of Georgia, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. JACKSON of Illinois, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶81.11 DAYTON AVIATION HERITAGE PRESERVATION

Ms. BORDALLO moved to suspend the rules and pass the bill (H.R. 4199) to amend the Dayton Aviation Heritage Preservation Act of 1992 to add sites to the Dayton Aviation Heritage National Historical Park, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. JACKSON of Illinois, recognized Ms. BORDALLO and Mr. WITTMAN of Virginia, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. JACKSON of Illinois, announced that two-thirds of the Members present had voted in the affirmative.

Ms. BORDALLO demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. JACKSON of Illinois, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶81.12 MARITIME POLLUTION PREVENTION

Mr. OBERSTAR moved to suspend the rules and agree to the following amendment of the Senate to the bill (H.R. 802) to amend the Act to Prevent Pollution from Ships to implement MARPOL Annex VI:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Maritime Pollution Prevention Act of 2008''.

SEC. 2. REFERENCES.

Wherever in this Act an amendment or repeal is expressed in terms of an amendment to or a repeal of a section or other provision, the reference shall be considered to be made to a section or other provision of the Act to Prevent Pollution from Ships (33 U.S.C. 1901 et seq.).

SEC. 3. DEFINITIONS.

Section 2(a) (33 U.S.C. 1901(a)) is amended—

(1) by redesignating the paragraphs (1) through (12) as paragraphs (2) through (13), respectively;

(2) by inserting before paragraph (2) (as so redesignated) the following:

''(1) 'Administrator' means the Administrator of the Environmental Protection Agency;'';

(3) in paragraph (5) (as so redesignated) by striking ''and V'' and inserting ''V, and VI'';

(4) in paragraph (6) (as so redesignated) by striking '' 'discharge' and 'garbage' and 'harmful substance' and 'incident' '' and inserting '' 'discharge', 'emission', 'garbage', 'harmful substance', and 'incident' ''; and

(5) by redesignating paragraphs (7) through (13) (as redesignated) as paragraphs (8) through (14), respectively, and inserting after paragraph (6) (as redesignated) the following:

''(7) 'navigable waters' includes the territorial sea of the United States (as defined in Presidential Proclamation 5928 of December 27, 1988) and the internal waters of the United States;''.

SEC. 4. APPLICABILITY.

Section 3 (33 U.S.C. 1902) is amended—

(1) in subsection (a)—

(A) by striking ''and'' at the end of paragraph (3);

(B) by striking the period at the end of paragraph (4) and inserting ''; and''; and

(C) by adding at the end the following:

''(5) with respect to Annex VI to the Convention, and other than with respect to a ship referred to in paragraph (1)—

''(A) to a ship that is in a port, shipyard, offshore terminal, or the internal waters of the United States;

''(B) to a ship that is bound for, or departing from, a port, shipyard, offshore terminal, or the internal waters of the United States, and is in—

''(i) the navigable waters or the exclusive economic zone of the United States;

''(ii) an emission control area designated pursuant to section 4; or

''(iii) any other area that the Administrator, in consultation with the Secretary and each State in which any part of the area is located, has designated by order as being an area from which emissions from ships are of concern with respect to protection of public health, welfare, or the environment;

''(C) to a ship that is entitled to fly the flag of, or operating under the authority of, a party to Annex VI, and is in—

''(i) the navigable waters or the exclusive economic zone of the United States;

''(ii) an emission control area designated under section 4; or

''(iii) any other area that the Administrator, in consultation with the Secretary and each State in which any part of the area is located, has designated by order as being an area from which emissions from ships are of concern with respect to protection of public health, welfare, or the environment; and

''(D) to any other ship, to the extent that, and in the same manner as, such ship may be boarded by the Secretary to implement or enforce any other law of the United States or Annex I, II, or V of the Convention, and is in—

''(i) the exclusive economic zone of the United States;

''(ii) the navigable waters of the United States;

''(iii) an emission control area designated under section 4; or

''(iv) any other area that the Administrator, in consultation with the Secretary and each State in which any part of the area is located, has designated by order as being an area from which emissions from ships are of concern with respect to protection of public health, welfare, or the environment.'';

(2) in subsection (b)—

(A) in paragraph (1) by striking ''paragraph (2),'' and inserting ''paragraphs (2) and (3),''; and

(B) by adding at the end the following:

''(3) With respect to Annex VI the Administrator, or the Secretary, as relevant to their authorities pursuant to this Act, may determine that some or all of the requirements under this Act shall apply to one or more classes of public vessels, except that such a determination by the Administrator shall have no effect unless the head of the Department or agency under which the vessels operate concurs in the determination. This paragraph does not apply during time of war or during a declared national emergency.'';

(3) by redesignating subsections (c) through (g) as subsections (d) through (h), respectively, and inserting after subsection (b) the following:

''(c) APPLICATION TO OTHER PERSONS.—This Act shall apply to all persons to the extent necessary to ensure compliance with Annex VI to the Convention.'';

(4) in subsection (e), as redesignated—

(A) by inserting ''or the Administrator, consistent with section 4 of this Act,'' after ''Secretary'';

(B) by striking ''of section (3),'' and inserting ''of this section,''; and

(C) by striking ''Protocol, including regulations conforming to and giving effect to the requirements of Annex V'' and inserting ''Protocol (or the applicable Annex), including regulations conforming to and giving effect to the requirements of Annex V and Annex VI''; and

(5) by adding at the end thereof the following:

''(i) SAVINGS CLAUSE.—Nothing in this section shall be construed to restrict in a manner inconsistent with international law navigational rights and freedoms as defined by United States law, treaty, convention, or customary international law.''.

SEC. 5. ADMINISTRATION AND ENFORCEMENT.

Section 4 (33 U.S.C. 1903) is amended—

(1) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively, and inserting after subsection (a) the following:

''(b) DUTY OF THE ADMINISTRATOR.—In addition to other duties specified in this Act, the Administrator and the Secretary, respectively, shall have the following duties and authorities:

''(1) The Administrator shall, and no other person may, issue Engine International Air Pollution Prevention certificates in accordance with Annex VI and the International Maritime Organization's Technical Code on Control of Emissions of Nitrogen Oxides from Marine Diesel Engines, on behalf of the United States for a vessel of the United States as that term is defined in section 116 of title 46, United States Code. The issuance of Engine International Air Pollution Prevention certificates shall be consistent with any applicable requirements of the Clean Air Act or regulations prescribed under that Act.

''(2) The Administrator shall have authority to administer regulations 12, 13, 14, 15, 16, 17, 18, and 19 of Annex VI to the Convention.

''(3) The Administrator shall, only as specified in section 8(f), have authority to enforce Annex VI of the Convention.'';

(2) in subsection (c), as redesignated, by redesignating paragraph (2) as paragraph (4), and inserting after paragraph (1) the following:

''(2) In addition to the authority the Secretary has to prescribe regulations under this Act, the Administrator shall also prescribe any necessary or desired regulations to carry out the provisions of regulations 12, 13, 14, 15, 16, 17, 18, and 19 of Annex VI to the Convention.

''(3) In prescribing any regulations under this section, the Secretary and the Administrator shall consult with each other, and with respect

to regulation 19, with the Secretary of the Interior.''; and

(3) by adding at the end of subsection (c), as redesignated, the following:

''(5) No standard issued by any person or Federal authority, with respect to emissions from tank vessels subject to regulation 15 of Annex VI to the Convention, shall be effective until 6 months after the required notification to the International Maritime Organization by the Secretary.''.

SEC. 6. CERTIFICATES.

Section 5 (33 U.S.C. 1904) is amended—

(1) in subsection (a) by striking ''The Secretary'' and inserting ''Except as provided in section 4(b)(1), the Secretary'';

(2) in subsection (b) by striking ''Secretary under the authority of the MARPOL protocol.'' and inserting ''Secretary or the Administrator under the authority of this Act.''; and

(3) in subsection (e) by striking ''environment.'' and inserting ''environment or the public health and welfare.''.

SEC. 7. RECEPTION FACILITIES.

Section 6 (33 U.S.C. 1905) is amended—

(1) in subsection (a) by adding at the end the following:

''(3) The Secretary and the Administrator, after consulting with appropriate Federal agencies, shall jointly prescribe regulations setting criteria for determining the adequacy of reception facilities for receiving ozone depleting substances, equipment containing such substances, and exhaust gas cleaning residues at a port or terminal, and stating any additional measures and requirements as are appropriate to ensure such adequacy. Persons in charge of ports and terminals shall provide reception facilities, or ensure that reception facilities are available, in accordance with those regulations. The Secretary and the Administrator may jointly prescribe regulations to certify, and may issue certificates to the effect, that a port's or terminal's facilities for receiving ozone depleting substances, equipment containing such substances, and exhaust gas cleaning residues from ships are adequate.'';

(2) in subsection (b) by inserting ''or the Administrator'' after ''Secretary'';

(3) in subsection (e) by striking paragraph (2) and inserting the following:

''(2) The Secretary may deny the entry of a ship to a port or terminal required by the MARPOL Protocol, this Act, or regulations prescribed under this section relating to the provision of adequate reception facilities for garbage, ozone depleting substances, equipment containing those substances, or exhaust gas cleaning residues, if the port or terminal is not in compliance with the MARPOL Protocol, this Act, or those regulations.'';

(4) in subsection (f)(1) by striking ''Secretary is'' and inserting ''Secretary and the Administrator are''; and

(5) in subsection (f)(2) by striking ''(A)''.

SEC. 8. INSPECTIONS.

Section 8(f) (33 U.S.C. 1907(f)) is amended to read as follows:

''(f)(1) The Secretary may inspect a ship to which this Act applies as provided under section 3(a)(5), to verify whether the ship is in compliance with Annex VI to the Convention and this Act.

''(2) If an inspection under this subsection or any other information indicates that a violation has occurred, the Secretary, or the Administrator in a matter referred by the Secretary, may undertake enforcement action under this section.

''(3) Notwithstanding subsection (b) and paragraph (2) of this subsection, the Administrator shall have all of the authorities of the Secretary, as specified in subsection (b) of this section, for the purposes of enforcing regulations 17 and 18 of Annex VI to the Convention to the extent that shoreside violations are the subject of the action and in any other matter referred to the Administrator by the Secretary.''.

SEC. 9. AMENDMENTS TO THE PROTOCOL.

Section 10(b) (33 U.S.C. 1909(b)) is amended—

(1) by striking ''Annex I, II, or V'' and inserting ''Annex I, II, V, or VI''; and

(2) by inserting ''or the Administrator as provided for in this Act,'' after ''Secretary,''.

SEC. 10. PENALTIES.

Section 9 (33 U.S.C. 1908) is amended—

(1) by striking ''Protocol,,'' each place it appears and inserting ''Protocol,'';

(2) in subsection (b)—

(A) by inserting ''or the Administrator as provided for in this Act,'' after ''Secretary,'' the first place it appears;

(B) in paragraph (2), by inserting '', or the Administrator as provided for in this Act,'' after ''Secretary''; and

(C) in the matter after paragraph (2)—

(i) by inserting ''or the Administrator as provided for in this Act'' after ''Secretary,'' the first place it appears; and

(ii) by inserting '', or the Administrator as provided for in this Act,'' after ''Secretary'' the second and third places it appears;

(3) in subsection (c), by inserting '', or the Administrator as provided for in this Act,'' after ''Secretary'' each place it appears; and

(4) in subsection (f), by inserting ''or the Administrator as provided for in this Act'' after ''Secretary,'' the first place appears.

SEC. 11. EFFECT ON OTHER LAWS.

Section 15 (33 U.S.C. 1911) is amended to read as follows:

''SEC. 15. EFFECT ON OTHER LAWS.

''Authorities, requirements, and remedies of this Act supplement and neither amend nor repeal any other authorities, requirements, or remedies conferred by any other provision of law. Nothing in this Act shall limit, deny, amend, modify, or repeal any other authority, requirement, or remedy available to the United States or any other person, except as expressly provided in this Act.''.

SEC. 12. LEGAL ACTIONS.

Section 11 (33 U.S.C. 1910) is amended—

(1) by redesignating paragraph (3) of subsection (a) as paragraph (4), and inserting after paragraph (2) the following:

''(3) against the Administrator where there is alleged a failure of the Administrator to perform any act or duty under this Act which is not discretionary; or'';

(2) by striking ''concerned,'' in subsection (b)(1) and inserting ''concerned or the Administrator,''; and

(3) by inserting ''or the Administrator'' after ''Secretary'' in subsection (b)(2).

The SPEAKER pro tempore, Mr. JACKSON of Illinois, recognized Mr. OBERSTAR and Mr. LATOURETTE, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said amendment of the Senate?

The SPEAKER pro tempore, Mr. JACKSON of Illinois, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said amendment of the Senate was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said amendment of the Senate was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶81.13 CPL. JOHN P. SIGSBEE POST OFFICE BUILDING

Mr. DAVIS of Illinois, moved to suspend the rules and pass the bill (H.R. 5975) to designate the facility of the United States Postal Service located at 101 West Main Street in Waterville, New York, as the ''Cpl. John P. Sigsbee Post Office''.

The SPEAKER pro tempore, Mr. JACKSON of Illinois, recognized Mr. DAVIS of Illinois, and Mr. TURNER, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. JACKSON of Illinois, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶81.14 SERGEANT PAUL SAYLOR POST OFFICE BUILDING

Mr. DAVIS of Illinois, moved to suspend the rules and pass the bill (H.R. 6092) to designate the facility of the United States Postal Service located at 101 Tallapoosa Street in Bremen, Georgia, as the ''Sergeant Paul Saylor Post Office Building''.

The SPEAKER pro tempore, Mr. JACKSON of Illinois, recognized Mr. DAVIS of Illinois, and Mr. TURNER, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. JACKSON of Illinois, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶81.15 RECESS—4:18 P.M.

The SPEAKER pro tempore, Mr. JACKSON of Illinois, pursuant to clause 12(a) of rule I, declared the House in recess at 4 o'clock and 18 minutes p.m., until approximately 6:30 p.m.

¶81.16 AFTER RECESS—6:30 P.M.

The SPEAKER pro tempore, Ms. BERKLEY, called the House to order.

¶81.17 PROVIDING FOR CONSIDERATION OF H.R. 1286

Mr. HASTINGS of Florida, by direction of the Committee on Rules, reported (Rept. No. 110–744) the resolution (H. Res. 1317) providing for the consideration of the bill (H.R. 1286) to amend the National Trails System Act

to designate the Washington-Rochambeau Revolutionary Route National Historic Trail.

When said resolution and report were referred to the House Calendar and ordered printed.

¶81.18 PROVIDING FOR CONSIDERATION OF H.R. 5811

Mr. HASTINGS of Florida, by direction of the Committee on Rules, reported (Rept. No. 110–745) the resolution (H. Res. 1318) providing for the consideration of the bill (H.R. 5811) to amend title 44, United States Code, to require preservation of certain electronic records by Federal agencies, to require a certification and reports relating to Presidential records, and for other purposes.

When said resolution and report were referred to the House Calendar and ordered printed.

¶81.19 H.R. 3981—UNFINISHED BUSINESS

The SPEAKER pro tempore, Ms. BERKLEY, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and pass the bill (H.R. 3981) to authorize the Preserve America Program and Save America's Treasures Program, and for other purposes; as amended.

The question being put,

Will the House suspend the rules and pass said bill, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 360 Nays 23

¶81.20 [Roll No. 471]

YEAS—360

Ackerman	Cantor	Diaz-Balart, M.
Aderholt	Capito	Dicks
Akin	Capps	Doggett
Allen	Capuano	Donnelly
Altmire	Cardoza	Doyle
Arcuri	Carnahan	Drake
Baca	Carney	Dreier
Bachmann	Carson	Edwards (MD)
Baird	Castle	Edwards (TX)
Baldwin	Castor	Ehlers
Barrett (SC)	Cazayoux	Ellison
Barrow	Chabot	Ellsworth
Bartlett (MD)	Chandler	Emanuel
Bean	Childers	Emerson
Becerra	Clarke	Engel
Berkley	Clay	Eshoo
Berman	Cleaver	Etheridge
Berry	Clyburn	Everett
Biggert	Coble	Fallin
Bilbray	Cole (OK)	Farr
Bishop (GA)	Conaway	Fattah
Bishop (NY)	Conyers	Feeney
Blackburn	Cooper	Filner
Blumenauer	Costa	Fortenberry
Blunt	Costello	Foster
Boehner	Courtney	Frank (MA)
Bonner	Cramer	Frelinghuysen
Bono Mack	Crenshaw	Gallegly
Boozman	Crowley	Garrett (NJ)
Boren	Cuellar	Gerlach
Boswell	Culberson	Giffords
Boucher	Cummings	Gillibrand
Boustany	Davis (AL)	Gohmert
Boyd (FL)	Davis (CA)	Gonzalez
Boyda (KS)	Davis (IL)	Goode
Brady (PA)	Davis (KY)	Goodlatte
Brady (TX)	Davis, David	Gordon
Braley (IA)	Davis, Lincoln	Granger
Brown (SC)	Davis, Tom	Graves
Brown, Corrine	Deal (GA)	Green, Al
Buchanan	DeFazio	Green, Gene
Burton (IN)	DeGette	Grijalva
Butterfield	DeLauro	Gutierrez
Buyer	Dent	Hall (NY)
Camp (MI)	Diaz-Balart, L.	Hall (TX)
Hare	Matsui	Roybal-Allard
Harman	McCarthy (CA)	Ruppersberger
Hastings (FL)	McCarthy (NY)	Ryan (OH)
Hastings (WA)	McCaul (TX)	Ryan (WI)
Hayes	McCollum (MN)	Salazar
Heller	McCotter	Sanchez, Loretta
Herger	McCrery	Sarbanes
Herseth Sandlin	McDermott	Scalise
Higgins	McGovern	Schakowsky
Hill	McHenry	Schmidt
Hinchey	McHugh	Schwartz
Hinojosa	McIntyre	Scott (GA)
Hirono	McKeon	Scott (VA)
Hobson	McNerney	Sensenbrenner
Hodes	McNulty	Serrano
Holden	Meek (FL)	Sessions
Holt	Mica	Sestak
Honda	Michaud	Shays
Hooley	Miller (FL)	Shea-Porter
Hoyer	Miller (MI)	Sherman
Hunter	Miller (NC)	Shimkus
Inglis (SC)	Miller, Gary	Shuster
Inslee	Miller, George	Sires
Israel	Mitchell	Skelton
Issa	Mollohan	Slaughter
Jackson (IL)	Moore (KS)	Smith (NE)
Jackson-Lee (TX)	Moore (WI)	Smith (NJ)
Jefferson	Moran (KS)	Smith (WA)
Johnson (GA)	Moran (VA)	Snyder
Johnson, E. B.	Murphy (CT)	Solis
Johnson, Sam	Murphy, Patrick	Space
Jones (NC)	Murphy, Tim	Speier
Jones (OH)	Musgrave	Spratt
Jordan	Myrick	Stark
Kagen	Nadler	Stearns
Kanjorski	Napolitano	Stupak
Keller	Neal (MA)	Sullivan
Kennedy	Neugebauer	Sutton
Kildee	Nunes	Tanner
Kilpatrick	Oberstar	Tauscher
Kind	Obey	Terry
King (NY)	Olver	Thompson (CA)
Kirk	Ortiz	Thompson (MS)
Klein (FL)	Pallone	Thornberry
Kline (MN)	Pascrell	Tiahrt
Knollenberg	Pastor	Tiberi
Kucinich	Payne	Tierney
Kuhl (NY)	Pence	Tsongas
LaHood	Perlmutter	Turner
Langevin	Peterson (MN)	Upton
Larsen (WA)	Petri	Van Hollen
Larson (CT)	Pitts	Velázquez
Latham	Platts	Visclosky
LaTourette	Pomeroy	Walberg
Latta	Porter	Walden (OR)
Lee	Price (GA)	Walsh (NY)
Lewis (CA)	Price (NC)	Walz (MN)
Lewis (GA)	Putnam	Wamp
Lewis (KY)	Radanovich	Wasserman Schultz
Linder	Rahall	Waters
Lipinski	Ramstad	Watson
LoBiondo	Rangel	Watt
Loebsack	Regula	Waxman
Lofgren, Zoe	Rehberg	Weiner
Lowey	Reichert	Welch (VT)
Lucas	Renzi	Wexler
Lungren, Daniel E.	Reyes	Whitfield (KY)
Lynch	Richardson	Wilson (NM)
Mack	Rodriguez	Wilson (SC)
Mahoney (FL)	Rogers (AL)	Wittman (VA)
Maloney (NY)	Rogers (KY)	Wolf
Markey	Rogers (MI)	Woolsey
Marshall	Ros-Lehtinen	Wu
Matheson	Roskam	Yarmuth
	Ross	Young (AK)
	Rothman	

NAYS—23

Barton (TX)	Franks (AZ)	Marchant
Bishop (UT)	Gingrey	Paul
Broun (GA)	Hensarling	Royce
Burgess	Hoekstra	Sali
Campbell (CA)	King (IA)	Shadegg
Duncan	Kingston	Tancredo
Flake	Lamborn	Westmoreland
Foxx	Manzullo	

NOT VOTING—51

Abercrombie	Delahunt	Levin
Alexander	Dingell	McMorris Rodgers
Andrews	Doolittle	Meeks (NY)
Bachus	English (PA)	Melancon
Bilirakis	Ferguson	Murtha
Brown-Waite, Ginny	Forbes	Pearce
Calvert	Fossella	Peterson (PA)
Cannon	Gilchrest	Pickering
Carter	Hulshof	Poe
Cohen	Johnson (IL)	Pryce (OH)
Cubin	Kaptur	Reynolds
	Lampson	Rohrabacher
		Rush
		Sánchez, Linda T.
		Saxton
		Schiff
		Shuler
		Simpson
		Smith (TX)
		Souder
		Taylor
		Towns
		Udall (CO)
		Udall (NM)
		Weldon (FL)
		Weller
		Wilson (OH)
		Young (FL)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶81.21 MOMENT OF SILENCE IN MEMORY OF THE LATE HONORABLE CLEM ROGERS MCSPADDEN

The SPEAKER pro tempore, Ms. BERKLEY, announced that all Members stand and observe a moment of silence in memory of the late Honorable Clem Rogers McSpadden.

¶81.22 H.R. 1423—UNFINISHED BUSINESS

The SPEAKER pro tempore, Ms. BERKLEY, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and pass the bill (H.R. 1423) to authorize the Secretary of the Interior to lease a portion of a visitor center to be constructed outside the boundary of the Indiana Dunes National Lakeshore in Porter County, Indiana, and for other purposes; as amended.

The question being put,

Will the House suspend the rules and pass said bill, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 376 Nays 11

¶81.23 [Roll No. 472]

YEAS—376

Abercrombie	Boyda (KS)	Cramer
Ackerman	Brady (PA)	Crenshaw
Aderholt	Brady (TX)	Crowley
Akin	Braley (IA)	Cuellar
Allen	Brown (SC)	Culberson
Altmire	Brown, Corrine	Cummings
Arcuri	Buchanan	Davis (AL)
Baca	Burgess	Davis (CA)
Bachmann	Burton (IN)	Davis (IL)
Bachus	Butterfield	Davis (KY)
Baird	Buyer	Davis, David
Baldwin	Camp (MI)	Davis, Lincoln
Barrett (SC)	Cantor	Davis, Tom
Barrow	Capito	Deal (GA)
Bartlett (MD)	Capps	DeFazio
Barton (TX)	Capuano	DeGette
Bean	Cardoza	DeLauro
Becerra	Carnahan	Dent
Berkley	Carney	Diaz-Balart, L.
Berman	Carson	Diaz-Balart, M.
Berry	Castle	Dicks
Biggert	Castor	Dingell
Bilbray	Cazayoux	Doggett
Bishop (GA)	Chabot	Donnelly
Bishop (NY)	Chandler	Doyle
Bishop (UT)	Childers	Drake
Blackburn	Clarke	Dreier
Blumenauer	Clay	Duncan
Blunt	Cleaver	Edwards (MD)
Boehner	Clyburn	Edwards (TX)
Bonner	Cohen	Ehlers
Bono Mack	Cole (OK)	Ellison
Boozman	Conaway	Ellsworth
Boren	Conyers	Emanuel
Boswell	Cooper	Emerson
Boucher	Costa	Engel
Boustany	Costello	English (PA)
Boyd (FL)	Courtney	Eshoo

Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Filner
Fortenberry
Foster
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gillibrand
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McNerney
McNulty
Meek (FL)
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pence
Perlmutter
Peterson (MN)
Petri
Pitts
Platts
Pomeroy
Porter
Price (GA)
Price (NC)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Roskam
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuster
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Speier
Spratt
Stark
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)

NAYS—11

Broun (GA)
Campbell (CA)
Flake
Foxx
Gohmert
Hensarling
Neugebauer
Paul
Royce
Sali
Stearns

NOT VOTING—47

Alexander
Andrews
Bilirakis
Brown-Waite, Ginny
Calvert
Cannon
Carter
Coble
Cubin
Delahunt
Doolittle
Ferguson
Forbes
Fossella
Gilchrest
Hulshof
Johnson (IL)
Kaptur
King (IA)
Levin
McMorris Rodgers
Meeks (NY)
Melancon
Murtha
Pearce
Peterson (PA)
Pickering
Poe
Pryce (OH)
Reynolds
Rohrabacher
Ros-Lehtinen
Rush
Sánchez, Linda T.
Saxton
Schiff
Shuler
Simpson
Smith (TX)
Souder
Towns
Udall (CO)
Udall (NM)
Weldon (FL)
Weller
Wilson (OH)
Young (FL)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

By unanimous consent, the title was amended so as to read: ''An Act to authorize the Secretary of the Interior to enter into a partnership with the Porter County Convention, Recreation and Visitor Commission regarding the use of the Dorothy Buell Memorial Visitor Center as a visitor center for the Indiana Dunes National Lakeshore, and for other purposes.''.

A motion to reconsider the votes whereby the rules were suspended and said bill, as amended, was passed and the title was amended was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶81.24 H.R. 4199—UNFINISHED BUSINESS

The SPEAKER pro tempore, Ms. BERKLEY, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 4199) to amend the Dayton Aviation Heritage Preservation Act of 1992 to add sites to the Dayton Aviation Heritage National Historical Park, and for other purposes; as amended.

The question being put,

Will the House suspend the rules and pass said bill, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 368 Nays 18

¶81.25 [Roll No. 473]

YEAS—368

Abercrombie
Ackerman
Aderholt
Akin
Allen
Altmire
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Camp (MI)
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Cazayoux
Chabot
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole (OK)
Conaway
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Drake
Dreier
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Filner
Fortenberry
Foster
Foxx
Frank (MA)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McNerney
McNulty
Meek (FL)
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pence
Perlmutter
Peterson (MN)
Petri
Pitts
Platts
Pomeroy
Porter
Price (GA)
Price (NC)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Roskam
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuster
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Speier
Spratt
Stark
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)

NAYS—18

Campbell (CA)
Duncan
Flake
Franks (AZ)
Goodlatte
Hensarling
Johnson, Sam
King (IA)
Kingston
Lamborn
Manzullo
Marchant

Moran (KS)	Paul	Stearns
Neugebauer	Royce	Tancredo

NOT VOTING—48

Alexander	Gilchrest	Rohrabacher
Andrews	Gutierrez	Ros-Lehtinen
Bilirakis	Hulshof	Rush
Broun (GA)	Johnson (IL)	Saxton
Brown-Waite, Ginny	Levin	Schiff
Calvert	McMorris Rodgers	Shuler
Cannon	Meeks (NY)	Simpson
Carter	Melancon	Smith (TX)
Coble	Miller (NC)	Souder
Conyers	Murtha	Towns
Cubin	Pearce	Udall (CO)
Delahunt	Peterson (PA)	Udall (NM)
Doolittle	Pickering	Weldon (FL)
Ferguson	Poe	Weller
Forbes	Pryce (OH)	Wilson (OH)
Fossella	Reynolds	Young (FL)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶81.26 SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 3015. An Act to designate the facility of the United States Postal Service located at 18 S. G Street, Lakeview, Oregon, as the ''Dr. Bernard Daly Post Office Building''; to the Committee on Oversight and Government Reform.

S. 3082. An Act to designate the facility of the United States Postal Service located at 1700 Cleveland Avenue in Kansas City, Missouri, as the ''Reverend Earl Abel Post Office Building''; to the Committee on Oversight and Government Reform.

S. 3218. An Act to extend the pilot program for volunteer groups to obtain criminal history background checks; to the Committee on the Judiciary.

¶81.27 BILLS PRESENTED TO THE PRESIDENT

Lorraine C. Miller, Clerk of the House, reported that on June 26, 2008, she presented to the President of the United States, for his approval, the following bill.

H.R. 6327. An Act to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, and for other purposes.

Lorraine C. Miller, Clerk of the House, reported that on June 27, 2008, she presented to the President of the United States, for his approval, the following bills.

H.R. 2642. An Act making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2008, and for other purposes.

H.R. 5690. An Act to remove the African National Congress from treatment as a terrorist organization for certain acts or events, provide relief for certain members of the African National Congress regarding admissibility, and for other purposes.

¶81.28 BILLS AND JOINT RESOLUTION APPROVED

The President notified the Clerk of the House that on the following dates he had approved and signed bills and joint resolution of the following titles:

April 9, 2008:

H.R. 1593. An Act to reauthorize the grant program for reentry of offenders into the community in the Omnibus Crime Control and Safe Streets Act of 1968, to improve reentry planning and implementation, and for other purposes.

April 18, 2008:

H.R. 5813. An Act to amend Public Law 110–196 to provide for a temporary extension of programs authorized by the Farm Security and Rural Investment Act of 2002 beyond April 18, 2008.

April 23, 2008:

H.J. Res. 70. A joint resolution congratulating the Army Reserve on its centennial, which will be formally celebrated on April 23, 2008, and commemorating the historic contributions of its veterans and continuing contributions of its soldiers to the vital national security interests and homeland defense missions of the United States.

April 30, 2008:

H.R. 1119. An Act to amend title 36, United States Code, to revise the congressional charter of the Military Order of the Purple Heart of the United States of America, Incorporated, to authorize associate membership in the corporation for the spouse and siblings of a recipient of the Purple Heart medal.

May 6, 2008:

H.R. 4286. An Act to award a congressional gold medal to Daw Aung San Suu Kyi in recognition of her courageous and unwavering commitment to peace, nonviolence, human rights, and democracy in Burma.

May 7, 2008:

H.R. 3468. An Act to designate the facility of the United States Postal Service located at 1704 Weeksville Road in Elizabeth City, North Carolina, as the ''Dr. Clifford Bell Jones, Sr. Post Office''.

H.R. 3532. An Act to designate the facility of the United States Postal Service located at 5815 McLeod Street in Lula, Georgia, as the ''Private Johnathon Millican Lula Post Office''.

H.R. 3720. An Act to designate the facility of the United States Postal Service located at 424 Clay Avenue in Waco, Texas, as the ''Army PFC Juan Alonso Covarrubias Post Office Building''.

H.R. 3803. An Act to designate the facility of the United States Postal Service located at 3100 Cashwell Drive in Goldsboro, North Carolina, as the ''John Henry Wooten, Sr. Post Office Building''.

H.R. 3936. An Act to designate the facility of the United States Postal Service located at 116 Helen Highway in Cleveland, Georgia, as the ''Sgt. Jason Harkins Post Office Building''.

H.R. 3988. An Act to designate the facility of the United States Postal Service located at 3701 Altamesa Boulevard in Fort Worth, Texas, as the ''Master Sergeant Kenneth N. Mack Post Office Building''.

H.R. 4166. An Act to designate the facility of the United States Postal Service located at 701 East Copeland Drive in Lebanon, Missouri, as the ''Steve W. Allee Carrier Annex''.

H.R. 4203. An Act to designate the facility of the United States Postal Service located at 3035 Stone Mountain Street in Lithonia, Georgia, as the ''Specialist Jamaal RaShard Addison Post Office Building''.

H.R. 4211. An Act to designate the facility of the United States Postal Service located at 725 Roanoke Avenue in Roanoke Rapids, North Carolina, as the ''Judge Richard B. Allsbrook Post Office''.

H.R. 4240. An Act to designate the facility of the United States Postal Service located at 10799 West Alameda Avenue in Lakewood, Colorado, as the ''Felix Sparks Post Office Building''.

H.R. 4454. An Act to designate the facility of the United States Postal Service located at 3050 Hunsinger Lane in Louisville, Kentucky, as the ''Iraq and Afghanistan Fallen Military Heroes of Louisville Memorial Post Office Building'', in honor of the servicemen and women from Louisville, Kentucky, who died in service during Operation Enduring Freedom and Operation Iraqi Freedom.

H.R. 5135. An Act to designate the facility of the United States Postal Service located at 201 West Greenway Street in Derby, Kansas, as the ''Sergeant Jamie O. Maugans Post Office Building''.

H.R. 5220. An Act to designate the facility of the United States Postal Service located at 3800 SW. 185th Avenue in Beaverton, Oregon, as the ''Major Arthur Chin Post Office Building''.

H.R. 5400. An Act to designate the facility of the United States Postal Service located at 160 East Washington Street in Chagrin Falls, Ohio, as the ''Sgt. Michael M. Kashkoush Post Office Building''.

H.R. 5472. An Act to designate the facility of the United States Postal Service located at 2650 Dr. Martin Luther King Jr. Street, Indianapolis, Indiana, as the ''Julia M. Carson Post Office Building''.

H.R. 5489. An Act to designate the facility of the United States Postal Service located at 6892 Main Street in Gloucester, Virginia, as the ''Congresswoman Jo Ann S. Davis Post Office''.

H.R. 5715. An Act to ensure continued availability of access to the Federal student loan program for students and families.

H.R.3196. An Act to designate the facility of the United States Postal Service located at 20 Sussex Street in Port Jervis, New York, as the ''E. Arthur Gray Post Office Building''.

May 18, 2008:

H.R. 6051. An Act to amend Public Law 110–196 to provide for a temporary extension of programs authorized by the Farm Security and Rural Investment Act of 2002 beyond May 16, 2008.

May 19, 2008:

H.R. 6022. An Act to suspend the acquisition of petroleum for the Strategic Petroleum Reserve, and for other purposes.

May 21, 2008:

H.R. 493. An Act to prohibit discrimination on the basis of genetic information with respect to health insurance and employment.

May 27, 2008:

H.R. 3522. An Act to ratify a conveyance of a portion of the Jicarilla Apache Reservation to Rio Arriba County, State of New Mexico, pursuant to the settlement of litigation between the Jicarilla Apache Nation and Rio Arriba County, State of New Mexico, to authorize issuance of a patent for said lands, and to change the exterior boundary of the Jicarilla Apache Reservation accordingly, and for other purposes.

H.R. 5919. An Act to make technical corrections regarding the Newborn Screening Saves Lives Act of 2007.

June 3, 2008:

H.R. 2356. An Act to amend title 4, United States Code, to encourage the display of the flag of the United States on Father's Day.

H.R. 2517. An Act to amend the Missing Children's Assistance Act to authorize appropriations; and for other purposes.

H.R. 4008. An Act to amend the Fair Credit Reporting Act to make technical corrections to the definition of willful noncompliance with respect to violations involving the printing of an expiration date on certain credit and debit card receipts before the date of the enactment of this Act.

June 6, 2008:

H.R. 1195. An Act to amend the Safe, Accountable, Flexible, Efficient Transportation

Equity Act: A Legacy for Users to make technical corrections, and for other purposes.

June 17, 2008:

H.R. 6081. An Act to amend the Internal Revenue Code of 1986 to provide benefits for military personnel, and for other purposes.

June 26, 2008:

H.R. 3179. An Act to amend title 40, United States Code, to authorize the use of Federal supply schedules for the acquisition of law enforcement, security, and certain other related items by State and local governments.

H.R. 3913. An Act to amend the International Center Act to authorize the lease or sublease of certain property described in such Act to an entity other than a foreign government or international organization if certain conditions are met.

June 30, 2008:

H.R. 2642. An Act making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2008, and for other purposes.

H.R. 6327. An Act to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, and for other purposes.

¶81.29 SENATE BILLS AND JOINT RESOLUTION APPROVED

The President notified the Clerk of the House that on the following dates he had approved and signed bills and a joint resolution of the following titles:

April 18, 2008:

S. 550. An Act to preserve existing judgeships on the Superior Court of the District of Columbia.

April 23, 2008:

S. 845. An Act to direct the Secretary of Health and Human Services to expand and intensify programs with respect to research and related activities concerning elder falls.

April 24, 2008:

S. 1858. An Act to amend the Public Health Service Act to establish grant programs to provide for education and outreach on newborn screening and coordinated followup care once newborn screening has been conducted, to reauthorize programs under part A of title XI of such Act, and for other purposes.

April 25, 2008:

S. 2903. An Act to amend Public Law 110–196 to provide for a temporary extension of programs authorized by the Farm Security and Rural Investment Act of 2002 beyond April 25, 2008.

April 28, 2008:

S. 793. An Act to provide for the expansion and improvement of traumatic brain injury programs.

May 2, 2008:

S. 2954. An Act to amend Public Law 110–196 to provide for a temporary extension of programs authorized by the Farm Security and Rural Investment Act of 2002 beyond May 2, 2008.

May 8, 2008:

S. 2457. An Act to provide for extensions of leases of certain land by Mashantucket Pequot (Western) Tribe.

S. 2739. An Act to authorize certain programs and activities in the Department of the Interior, the Forest Service, and the Department of Energy, to implement further the Act approving the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America, to amend the Compact of Free Association Amendments Act of 2003, and for other purposes.

May 13, 2008:

S. 2929. An Act to temporarily extend the programs under the Higher Education Act of 1965.

May 23, 2008:

S. 3029. An Act to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes.

May 30, 2008:

S. 3035. An Act to temporarily extend the programs under the Higher Education Act of 1965.

June 3, 2008:

S. 2829. An Act to make technical corrections to section 1244 of the National Defense Authorization Act for Fiscal Year 2008, which provides special immigrant status for certain Iraqis, and for other purposes.

S.J. Res. 17. A joint resolution directing the United States to initiate international discussions and take necessary steps with other Nations to negotiate an agreement for managing migratory and transboundary fish stocks in the Arctic Ocean.

June 20, 2008:

S. 2420. An Act to encourage the donation of excess food to nonprofit organizations that provide assistance to food-insecure people in the United States in contracts entered into by executive agencies for the provision, service, or sale of food.

June 26, 2008:

S. 1245. An Act to reform mutual aid agreements for the National Capital Region.

S. 2516. An Act to assist members of the Armed Forces in obtaining United States citizenship, and for other purposes.

June 30, 2008:

S. 1692. An Act to grant a Federal charter to Korean War Veterans Association, Incorporated.

S. 2146. An Act to authorize the Administrator of the Environmental Protection Agency to accept, as part of a settlement, diesel emission reduction Supplemental Environmental Projects, and for other purposes.

S. 3180. An Act to temporarily extend the programs under the Higher Education Act of 1965.

¶81.30 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. BILIRAKIS, for today;

To Mr. CARTER, for today;

To Mr. COHEN, for today;

To Mr. LEVIN, for today;

To Mr. MELANCON, for today and until 5 p.m. July 9;

To Mr. PEARCE, for today; and

To Mr. POE, for today.

And then,

¶81.31 ADJOURNMENT

On motion of Mr. BURGESS, at 10 o'clock and 45 minutes p.m., the House adjourned.

¶81.32 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

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

Mr. RAHALL: Committee on Natural Resources. H.R. 415. A bill to amend the Wild and Scenic Rivers Act to designate segments of the Taunton River in the Commonwealth of Massachusetts as a component of the National Wild and Scenic Rivers System; with an amendment (Rept. 110–735). Referred to the Committee of the Whole House on the state of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 1286. A bill to amend the National Trails System Act to designate the Washington-Rochambeau Revolutionary Route National Historic Trail; with an amendment (Rept. 110–736). Referred to the Committee of the Whole House on the state of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 1423. A bill to authorize the Secretary of the Interior to lease a portion of a visitor center to be constructed outside the boundary of the Indiana Dunes National Lakeshore in Porter County, Indiana, and for other purposes; with amendments (Rept. 110–737). Referred to the Committee of the Whole House on the state of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 3981. A bill to authorize the Preserve America Program and Save America's Treasures Program, and for other purposes; with an amendment (Rept. 110–738). Referred to the Committee of the Whole House on the state of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 4199. A bill to amend the Dayton Aviation Heritage Preservation Act of 1992 to add sites to the Dayton Aviation Heritage National Historical Park, and for other purposes; with an amendment (Rept. 110–739). Referred to the Committee of the Whole House on the state of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 5741. A bill to amend the High Seas Driftnet Fishing Moratorium Protection Act and the Magnuson-Stevens Fishery Conservation and Management Act to improve the conservation of sharks; with an amendment (Rept. 110–740). Referred to the Committee of the Whole House on the state of the Union.

Mr. CONYERS: Committee on the Judiciary. H.R. 1485. A bill for the relief of Esther Karinge (Rept. 110–741). Referred to the Private Calendar.

Mr. CONYERS: Committee on the Judiciary. H.R. 2760. A bill for the relief of Shigeru Yamada (Rept. 110–742). Referred to the Private Calendar.

Mr. CONYERS: Committee on the Judiciary. H.R. 5030. A bill for the relief of Corina de Chalup Turcinovic (Rept. 110–743). Referred to the Private Calendar.

Mr. CARDOZA: Committee on Rules. House Resolution 1317. Resolution providing for consideration of the bill (H.R. 1286) to amend the National Trails System Act to designate the Washington-Rochambeau Revolutionary Route National Historic Trail (Rept. 110–744). Referred to the House Calendar.

Mr. WELCH of Vermont: Committee on Rules. House Resolution 1318. Resolution providing for consideration of the bill (H.R. 5811) to amend title 44, United States Code, to require preservation of certain electronic records by Federal agencies, to require a certification and reports relating to Presidential records, and for other purposes (Rept. 110–745). Referred to the House Calendar.

Mr. OBEY: Committee on Appropriations. Report on the Suballocation of Budget Allocations for Fiscal Year 2008 (Rept. 110–746). Referred to the Committee of the Whole House on the state of the Union.

Mr. OBEY: Committee on Appropriations. Report on the Suballocation of Budget Allocations for Fiscal Year 2008 (Rept. 110–747). Referred to the Committee of the Whole House on the state of the Union.

Mr. FRANK of Massachusetts: Committee on Financial Services. H.R. 6184. A bill to provide for a program for circulating quarter dollar coins that are emblematic of a national park or other national site in each State, the District of Columbia, and each territory of the United States, and for other purposes (Rept. 110–748). Referred to the Committee of the Whole House on the state of the Union.

¶81.33 TIME LIMITATION OF REFERRED BILL

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

[The following action occurred on June 27, 2008]

H.R. 5541. Referral to the Committees on Agriculture and the Budget extended for a period ending not later than July 11, 2008.

¶81.34 PUBLIC BILLS AND RESOLUTIONS

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

By Mr. SCALISE:

H.R. 6428. A bill to provide for State enhanced authority for coastal and ocean resources, expansion of America's supply of natural gas and oil, and for other purposes; to the Committee on Natural Resources, and in addition to the Committees on Ways and Means, Energy and Commerce, Armed Services, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MICHAUD:

H.R. 6429. A bill to establish a small business energy emergency disaster loan program; to the Committee on Small Business, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BUYER:

H.R. 6430. A bill to amend title 38, United States Code, relating to the health professional scholarship program of the Department of Veterans Affairs; to the Committee on Veterans' Affairs.

By Mr. BUYER:

H.R. 6431. A bill to amend title 38, United States Code, to require the Secretary of Veterans Affairs to submit to Congress reports in electronic form; to the Committee on Veterans' Affairs.

By Mr. PALLONE (for himself, Mr. DINGELL, Mr. BARTON of Texas, Mr. DEAL of Georgia, and Mr. TOWNS):

H.R. 6432. A bill to amend the Federal Food, Drug, and Cosmetic Act to revise and extend the animal drug user fee program, and for other purposes; to the Committee on Energy and Commerce.

By Mr. PALLONE (for himself, Mr. DINGELL, Mr. BARTON of Texas, Mr. DEAL of Georgia, and Mr. TOWNS):

H.R. 6433. A bill to amend the Federal Food, Drug, and Cosmetic Act to establish a program of fees relating to generic new animal drugs; to the Committee on Energy and Commerce.

By Mr. FARR (for himself, Mr. BLUMENAUER, Mr. ANDREWS, Mrs. CAPPS, Ms. ESHOO, Mr. THOMPSON of California, Mr. STARK, Mr. FILNER, Ms. LEE, Mr. BACA, Mr. DICKS, Ms. ZOE LOFGREN of California, Mrs. DAVIS of California, Mr. DEFAZIO, and Ms. SLAUGHTER):

H.R. 6434. A bill to establish national standards for discharges from cruise vessels into the waters of the United States, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. CASTLE (for himself and Mr. CAPUANO):

H.R. 6435. A bill to relieve traffic congestion; to the Committee on Transportation and Infrastructure.

By Mr. CHABOT:

H.R. 6436. A bill to combat international oil price fixing and to amend the Internal Revenue Code of 1986 to allow individuals a credit against income tax of at least $1,000 to offset high 2008 gasoline and diesel fuel prices; to the Committee on Ways and Means, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CONAWAY (for himself, Mr. BRADY of Texas, Mr. HINOJOSA, Mr. ORTIZ, Mr. CUELLAR, Ms. JACKSON-LEE of Texas, Mr. SMITH of Texas, Mr. THORNBERRY, Mr. MARCHANT, Mr. HENSARLING, Mr. GENE GREEN of Texas, Mr. HALL of Texas, Mr. POE, Ms. GRANGER, Mr. GONZALEZ, Mr. NEUGEBAUER, Mr. SAM JOHNSON of Texas, Mr. CARTER, Mr. CULBERSON, Mr. GOHMERT, Mr. BARTON of Texas, Mr. MCCAUL of Texas, Mr. EDWARDS of Texas, Mr. BURGESS, Mr. RODRIGUEZ, Mr. AL GREEN of Texas, Mr. REYES, Mr. SESSIONS, Mr. PAUL, Mr. DOGGETT, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. LAMPSON, Mr. SALAZAR, and Mr. SKELTON):

H.R. 6437. A bill to designate the facility of the United States Postal Service located at 200 North Texas Avenue in Odessa, Texas, as the ''Corporal Alfred Mac Wilson Post Office''; to the Committee on Oversight and Government Reform.

By Mr. COURTNEY:

H.R. 6438. A bill to amend title 10, United States Code, to lift restrictions on the availability of certain enlistment, reenlistment, and student loan benefits for military technicians, when membership in a reserve component is a condition of the military technician's employment and to repeal the prohibition in title 32, United States Code, against overtime pay for National Guard technicians; to the Committee on Armed Services.

By Mr. HARE (for himself, Mr. FILNER, Mr. MICHAUD, Mrs. DAVIS of California, Mr. WALZ of Minnesota, Mr. RODRIGUEZ, Ms. BERKLEY, Ms. CORRINE BROWN of Florida, and Mr. HALL of New York):

H.R. 6439. A bill to amend title 38, United States Code to expand the authority of the Secretary of Veterans Affairs to provide counseling for family members of veterans receiving non-service-connected treatment; to the Committee on Veterans' Affairs.

By Mr. PAUL:

H.R. 6440. A bill to provide for the transfer of certain Federal Property to the Galveston Historical Foundation; to the Committee on Transportation and Infrastructure.

By Mr. PAUL:

H.R. 6441. A bill to amend the Internal Revenue Code of 1986 to provide tax incentives for replacing an automobile with a more fuel-efficient automobile; to the Committee on Ways and Means.

By Mr. SPRATT:

H.R. 6442. A bill to amend the Trade Act of 1974 to require the Secretary of Labor to certify a group of workers in a subdivision of firm as eligible to apply for assistance under the trade adjustment assistance program if the subdivision is a seller of articles of the firm that employed a group of workers who received a certification of eligibility under such program and such sales are related to the article that was the basis for such certification; to the Committee on Ways and Means.

By Mr. BLUNT (for himself, Mr. EHLERS, Mr. HUNTER, Mr. SMITH of Texas, Mr. COLE of Oklahoma, Mr. HAYES, Mrs. MILLER of Michigan, Mr. MCCARTHY of California, and Mr. HELLER):

H. Con. Res. 388. Concurrent resolution expressing the sense of Congress that the Department of Defense and the Federal Voting Assistance Program should take certain additional and timely measures to ensure that members of the Armed Forces and their dependents are provided with reasonable information on how to register to vote and vote in the 2008 general elections; to the Committee on House Administration, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FILNER:

H. Res. 1319. A resolution expressing support for the designation of Four Immortal Chaplains Day in remembrance of the 4 men who paid the ultimate sacrifice in the name of compassion for those of different races and faiths; to the Committee on Armed Services.

By Mr. JACKSON of Illinois (for himself, Mr. CASTLE, and Mr. DAVIS of Illinois):

H. Res. 1320. A resolution expressing support for designation of July 10, 2008, as ''National Summer Learning Day''; to the Committee on Education and Labor.

By Mr. BLUMENAUER (for himself, Mr. WALDEN of Oregon, Mr. DEFAZIO, Ms. HOOLEY, and Mr. WU):

H. Res. 1321. A resolution honoring the Oregon National Guard Youth Challenge Program for its outstanding achievements; to the Committee on Armed Services.

By Mr. FARR (for himself, Ms. PELOSI, Mrs. CAPPS, Mr. THOMPSON of California, Mrs. NAPOLITANO, Mrs. TAUSCHER, Ms. LORETTA SANCHEZ of California, Mr. SCHIFF, Mr. BERMAN, Ms. ZOE LOFGREN of California, Ms. ESHOO, Mr. HONDA, Mr. ROYCE, Ms. SOLIS, Mr. GALLEGLY, Ms. MATSUI, Mr. BACA, Mrs. BONO MACK, Mr. COSTA, and Ms. LEE):

H. Res. 1322. A resolution commending the firefighters from California and throughout the United States for their courageous actions and sacrifices in fighting the California wildfires; to the Committee on Natural Resources.

By Mr. MITCHELL:

H. Res. 1323. A resolution commending the Arizona State University softball team for their victory in the 2008 Women's College World Series; to the Committee on Education and Labor.

By Mr. STUPAK (for himself and Mr. RAMSTAD):

H. Res. 1324. A resolution requesting that the President focus appropriate attention on neighborhood crime prevention and community policing, and coordinate certain Federal efforts to participate in National Night Out, which occurs the first Tuesday of August each year, including by supporting local efforts and community watch groups and by supporting local officials, to promote community safety and help provide homeland security; to the Committee on the Judiciary.

¶81.35 PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII:

Mr. WAMP introduced a bill (H.R. 6443) for the relief of Carlos Espinal Castillo-Reynolds; which was referred to the Committee on the Judiciary.

¶81.36 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 21: Mr. SARBANES.
H.R. 74: Mr. MOLLOHAN.
H.R. 303: Mr. MORAN of Virginia.
H.R. 410: Mr. HIGGINS.
H.R. 468: Ms. MATSUI.
H.R. 510: Mr. GOHMERT.

H.R. 552: Mr. FARR, Mr. WILSON of Ohio, Mr. TIERNEY, and Mr. BACA.
H.R. 636: Mr. SCALISE.
H.R. 643: Mr. CARSON.
H.R. 689: Mr. SCALISE.
H.R. 690: Mr. MORAN of Virginia.
H.R. 695: Mr. ANDREWS.
H.R. 777: Mr. ROTHMAN.
H.R. 1073: Mr. ANDREWS.
H.R. 1185: Mr. EMANUEL and Ms. SCHAKOWSKY.
H.R. 1193: Mr. MCNERNEY.
H.R. 1228: Ms. LEE.
H.R. 1295: Mr. MANZULLO and Mr. GOHMERT.
H.R. 1306: Mr. PATRICK MURPHY of Pennsylvania.
H.R. 1320: Mr. BRADY of Pennsylvania.
H.R. 1350: Mr. FOSTER.
H.R. 1363: Ms. MCCOLLUM of Minnesota.
H.R. 1390: Ms. FOXX.
H.R. 1428: Mr. MORAN of Virginia.
H.R. 1514: Mr. TOWNS.
H.R. 1606: Mr. WEXLER and Mr. HASTINGS of Florida.
H.R. 1619: Ms. LINDA T. SÁNCHEZ of California, Mr. COHEN, Mr. SPACE, and Mr. LATOURETTE.
H.R. 1653: Ms. DEGETTE.
H.R. 1671: Mr. BOSWELL.
H.R. 1707: Mr. BACA.
H.R. 1738: Mr. TIM MURPHY of Pennsylvania and Mr. CONYERS.
H.R. 1755: Mr. MARKEY.
H.R. 1889: Mr. SHERMAN.
H.R. 1912: Mr. SMITH of New Jersey.
H.R. 1926: Mr. CUMMINGS.
H.R. 2073: Mr. MCCOTTER.
H.R. 2169: Ms. VELÁZQUEZ.
H.R. 2208: Mr. ROGERS of Kentucky, Mr. BROWN of South Carolina, Mr. SOUDER, Mr. HASTINGS of Washington, and Mr. CRENSHAW.
H.R. 2303: Mr. WILSON of South Carolina.
H.R. 2332: Mr. NEUGEBAUER, Mr. FOSTER, Mr. GRAVES, Mr. PETERSON of Pennsylvania, and Mr. RYAN of Wisconsin.
H.R. 2493: Mr. CRENSHAW.
H.R. 2533: Mr. CANTOR and Mr. THOMPSON of California.
H.R. 2552: Mr. LINCOLN DAVIS of Tennessee.
H.R. 2558: Mr. MARCHANT and Mr. PLATTS.
H.R. 2604: Mr. SCHIFF.
H.R. 2670: Ms. PRYCE of Ohio.
H.R. 2694: Mr. JEFFERSON.
H.R. 2708: Ms. LEE.
H.R. 2712: Mr. SHUSTER.
H.R. 2731: Mr. LATHAM.
H.R. 2832: Ms. GINNY BROWN-WAITE of Florida.
H.R. 2833: Mr. BLUMENAUER, Mr. BERMAN, and Ms. MCCOLLUM of Minnesota.
H.R. 2851: Mr. PASCRELL, Ms. ROYBAL-ALLARD, and Mr. SESTAK.
H.R. 2923: Mr. PLATTS.
H.R. 3001: Mr. CONYERS.
H.R. 3008: Mr. BOSWELL.
H.R. 3010: Mr. GUTIERREZ, Mr. STUPAK, Mr. ANDREWS, and Ms. KILPATRICK.
H.R. 3035: Mr. FILNER.
H.R. 3036: Mr. CONYERS.
H.R. 3089: Mr. TURNER, Mr. PITTS, and Mrs. CAPITO.
H.R. 3098: Mr. PAUL.
H.R. 3257: Mr. MCNULTY and Mr. BOUCHER.
H.R. 3289: Mr. CONYERS.
H.R. 3329: Mr. LEWIS of Georgia and Ms. GINNY BROWN-WAITE of Florida.
H.R. 3334: Mr. INSLEE, Mr. WILSON of Ohio, and Mr. JOHNSON of Georgia.
H.R. 3339: Mr. BISHOP of Georgia.
H.R. 3507: Mr. OLVER.
H.R. 3579: Mr. JONES of North Carolina.
H.R. 3660: Mr. HONDA and Mr. MANZULLO.
H.R. 3679: Mr. PALLONE.
H.R. 3753: Mr. LAHOOD.
H.R. 3769: Ms. BORDALLO.
H.R. 3834: Mr. RAHALL.
H.R. 3844: Ms. JACKSON-LEE of Texas.
H.R. 3896: Mrs. MALONEY of New York.
H.R. 3916: Mr. SHAYS.
H.R. 3934: Mr. DELAHUNT, Mr. FLAKE, Mr. SALAZAR, Mr. PLATTS, Mr. ENGEL, Ms. ESHOO, and Mr. KLINE of Minnesota.
H.R. 3981: Mr. MURPHY of Connecticut.
H.R. 3995: Mr. CUMMINGS, Mr. PORTER, and Mr. WOLF.
H.R. 4114: Mr. ENGEL.
H.R. 4116: Mr. SHULER.
H.R. 4174: Ms. EDDIE BERNICE JOHNSON of Texas.
H.R. 4202: Mr. MORAN of Virginia.
H.R. 4248: Mr. TURNER.
H.R. 4296: Mr. CONYERS and Ms. CASTOR.
H.R. 4544: Mr. SESTAK, Mr. HALL of New York, Mr. UDALL of Colorado, Mr. LARSEN of Washington, and Mr. PALLONE.
H.R. 4838: Ms. RICHARDSON.
H.R. 4883: Mr. COHEN.
H.R. 4884: Mr. ALLEN.
H.R. 4900: Mr. CRENSHAW.
H.R. 4930: Mr. MCINTYRE.
H.R. 5056: Mr. LEWIS of Georgia and Mr. PAYNE.
H.R. 5161: Ms. HIRONO and Ms. LEE.
H.R. 5236: Mr. MICHAUD and Mrs. MCMORRIS RODGERS.
H.R. 5244: Ms. BERKLEY, Mr. LOEBSACK, Mr. COOPER, Ms. BORDALLO, Mr. KUCINICH, and Mr. NEAL of Massachusetts.
H.R. 5268: Mr. KUCINICH, Mr. CAPUANO, Mr. CROWLEY, Mr. ISRAEL, Mr. KILDEE, Mr. ACKERMAN, Mr. DELAHUNT, Mr. BISHOP of New York, Mr. BUTTERFIELD, and Mr. FATTAH.
H.R. 5435: Ms. DEGETTE and Ms. GIFFORDS.
H.R. 5454: Ms. HERSETH SANDLIN and Mr. GUTIERREZ.
H.R. 5510: Mr. CONYERS and Mr. HINCHEY.
H.R. 5516: Mr. SOUDER, Mr. ALTMIRE, Mr. CHILDERS, Mr. TIM MURPHY of Pennsylvania, Mr. CARDOZA, Mr. HILL, and Mr. GORDON.
H.R. 5564: Mr. BOOZMAN.
H.R. 5573: Mr. CONYERS and Mr. ALTMIRE.
H.R. 5580: Mr. BERMAN.
H.R. 5590: Mr. SMITH of New Jersey.
H.R. 5635: Mr. WELLER.
H.R. 5662: Mr. STUPAK and Mr. SESTAK.
H.R. 5672: Mr. MOORE of Kansas.
H.R. 5673: Mr. GOHMERT.
H.R. 5698: Mr. CLEAVER.
H.R. 5709: Mrs. EMERSON.
H.R. 5723: Mr. ALTMIRE.
H.R. 5727: Mr. WAMP, Mr. SPACE, and Mr. ROGERS of Kentucky.
H.R. 5731: Mrs. DRAKE.
H.R. 5737: Mr. THOMPSON of Mississippi.
H.R. 5741: Ms. LEE.
H.R. 5752: Mr. GORDON, Mr. MCHENRY, and Mr. ALLEN.
H.R. 5756: Ms. HIRONO, Mr. DOGGETT, and Mr. FRANK of Massachusetts.
H.R. 5788: Mr. ROTHMAN.
H.R. 5793: Mr. ALTMIRE.
H.R. 5809: Mr. ALLEN.
H.R. 5842: Ms. NORTON.
H.R. 5854: Mr. ROGERS of Michigan and Mr. NEUGEBAUER.
H.R. 5864: Mr. COHEN.
H.R. 5882: Ms. GIFFORDS.
H.R. 5901: Ms. SUTTON and Mrs. MCCARTHY of New York.
H.R. 5913: Mr. LIPINSKI.
H.R. 5914: Mr. ALTMIRE and Mr. SHAYS.
H.R. 5924: Mr. MARIO DIAZ-BALART of Florida, Mr. FEENEY, and Mr. KUHL of New York.
H.R. 5925: Ms. CLARKE.
H.R. 5942: Mr. WU, Mr. SALAZAR, and Mr. TAYLOR.
H.R. 5946: Mr. PAYNE and Mr. MCGOVERN.
H.R. 5954: Mr. HARE, Ms. WOOLSEY, Mr. COHEN, Mr. DOYLE, and Mr. LANGEVIN.
H.R. 5984: Mr. LATTA and Mr. POE.
H.R. 6032: Mr. TIM MURPHY of Pennsylvania and Mr. SPACE.
H.R. 6036: Mr. BLUMENAUER.
H.R. 6039: Ms. GIFFORDS.
H.R. 6078: Ms. SCHAKOWSKY and Mr. GRIJALVA.
H.R. 6091: Mr. PORTER and Mr. CULBERSON.
H.R. 6099: Mr. MCDERMOTT.
H.R. 6107: Mr. DAVID DAVIS of Tennessee, Mr. MACK, Mr. COBLE, Mr. WALBERG, Mr. HULSHOF, and Mr. FRANKS of Arizona.
H.R. 6108: Mr. WESTMORELAND and Mr. CRENSHAW.
H.R. 6129: Mrs. BLACKBURN.
H.R. 6159: Mrs. TAUSCHER and Mr. THOMPSON of California.
H.R. 6180: Mr. HIGGINS and Mr. GORDON.
H.R. 6198: Mr. LEWIS of Georgia.
H.R. 6199: Mrs. GILLIBRAND, Mr. ISRAEL, Mr. RANGEL, and Ms. SLAUGHTER.
H.R. 6205: Mr. JONES of North Carolina, Mr. GORDON, Ms. LEE, and Mr. HALL of New York.
H.R. 6214: Mr. BOOZMAN.
H.R. 6219: Mr. BRADY of Texas, Mr. SALI, and Mr. MCCAUL of Texas.
H.R. 6258: Mr. TERRY.
H.R. 6285: Mr. THOMPSON of California.
H.R. 6287: Mr. FOSTER and Mr. HODES.
H.R. 6288: Mr. BOOZMAN.
H.R. 6321: Mr. WALSH of New York, Mr. RUSH, and Mr. BRADY of Pennsylvania.
H.R. 6326: Mr. BACA, Ms. KAPTUR, Mr. BRADY of Pennsylvania, Mrs. MALONEY of New York, Mr. FILNER, Mr. STARK, Mr. GRIJALVA, Ms. LEE, Mr. HONDA, and Ms. MOORE of Wisconsin.
H.R. 6330: Mr. WU.
H.R. 6338: Mr. PUTNAM.
H.R. 6341: Mr. CARNAHAN, Mrs. LOWEY, Mr. CONYERS, and Mr. DOGGETT.
H.R. 6355: Mr. THOMPSON of California.
H.R. 6368: Mr. RAMSTAD and Mr. CHABOT.
H.R. 6371: Mr. GONZALEZ and Ms. SCHAKOWSKY.
H.R. 6373: Mr. PAUL.
H.R. 6375: Mr. WAXMAN.
H.R. 6398: Mr. THOMPSON of California, Ms. SCHAKOWSKY, Mr. MCDERMOTT, and Mr. MORAN of Virginia.
H.R. 6407: Mr. ETHERIDGE, Mr. SARBANES, Ms. DELAURO, Mr. MICHAUD, Mrs. NAPOLITANO, and Mr. UDALL of Colorado.
H.R. 6410: Mr. PAUL.
H.J. Res. 39: Mr. WALBERG and Mr. BOUCHER.
H.J. Res. 93: Mr. ANDREWS.
H.J. Res. 96: Mr. JORDAN, Mr. ENGLISH of Pennsylvania, and Mr. BURGESS.
H. Con. Res. 33: Mr. LEWIS of Georgia.
H. Con. Res. 73: Mr. RYAN of Ohio.
H. Con. Res. 223: Mr. DEFAZIO, Mrs. MYRICK, and Mr. ROSS.
H. Con. Res. 244: Mr. BISHOP of New York.
H. Con. Res. 276: Mr. CARSON.
H. Con. Res. 341: Mr. SHUSTER.
H. Con. Res. 356: Mr. HINCHEY.
H. Con. Res. 358: Mr. AKIN and Mr. BOOZMAN.
H. Con. Res. 360: Mr. PAYNE, Mrs. MALONEY of New York, Mr. HINCHEY, Mr. MCGOVERN, and Mr. ELLISON.
H. Con. Res. 371: Mrs. LOWEY.
H. Con. Res. 381: Ms. WOOLSEY, Mr. MORAN of Virginia, Mr. BERMAN, Mr. GRIJALVA, and Mr. SCHIFF.
H. Con. Res. 382: Ms. SLAUGHTER and Ms. SCHAKOWSKY.
H. Con. Res. 385: Mr. WEINER, Mr. SHERMAN, Mr. MCCOTTER, and Mr. SCOTT of Georgia.
H. Res. 102: Mr. SMITH of New Jersey.
H. Res. 556: Mr. CLEAVER and Mr. TERRY.
H. Res. 565: Mr. GOHMERT.
H. Res. 655: Ms. WATERS.
H. Res. 672: Mr. CAPUANO, Mr. ANDREWS, Mr. MEEKS of New York, and Mr. GONZALEZ.
H. Res. 757: Mr. WEXLER.
H. Res. 758: Mr. GERLACH.
H. Res. 870: Ms. KILPATRICK, Mr. TOWNS, Mr. MCDERMOTT, Mr. HOYER, Mr. RUPPERSBERGER, Mr. MOORE of Kansas, Mr. RANGEL, Ms. EDWARDS of Maryland, and Ms. BORDALLO.
H. Res. 1006: Mr. CHANDLER and Mr. COSTELLO.
H. Res. 1012: Mr. SHIMKUS.
H. Res. 1042: Mr. REYES.
H. Res. 1045: Ms. MOORE of Wisconsin.

H. Res. 1069: Ms. ROS-LEHTINEN and Mr. BILIRAKIS.
H. Res. 1076: Mr. BURTON of Indiana.
H. Res. 1088: Mr. LEWIS of Georgia, Mr. MEEKS of New York, Mr. COHEN, Ms. LEE, Mr. PAYNE, and Mr. ENGEL.
H. Res. 1115: Mr. PALLONE.
H. Res. 1179: Ms. FALLIN.
H. Res. 1182: Mr. HODES.
H. Res. 1200: Ms. BORDALLO, Mr. MORAN of Virginia, Mrs. BOYDA of Kansas, Mr. BRADY of Pennsylvania, and Mr. SESTAK.
H. Res. 1202: Mr. CAMP of Michigan, Mr. SHULER, Mr. WALDEN of Oregon, Mr. COLE of Oklahoma, Mr. WESTMORELAND, Mr. HAYES, and Mr. SIMPSON.
H. Res. 1227: Mr. PAYNE.
H. Res. 1232: Mr. KUHL of New York, Ms. ROYBAL-ALLARD, Mr. RAMSTAD, Mr. NADLER, and Mr. JACKSON of Illinois.
H. Res. 1254: Ms. JACKSON-LEE of Texas, Mr. MEEKS of New York, Mr. CONYERS, and Mr. SNYDER.
H. Res. 1258: Mr. TOWNS.
H. Res. 1266: Mr. SHIMKUS and Mr. ROGERS of Kentucky.
H. Res. 1273: Mr. COSTA and Mr. SHAYS.
H. Res. 1279: Mr. DOYLE, Mr. TOWNS, Mr. SMITH of Nebraska, Mr. TANCREDO, Mr. PITTS, Mr. BURGESS, Mr. HOEKSTRA, Mr. MCCOTTER, Mr. LATOURETTE, Mr. TIBERI, Mr. UPTON, Mr. HASTINGS of Washington, Mr. BURTON of Indiana, Mr. WALBERG, Mr. CHABOT, Mr. MARCHANT, Mr. MCHENRY, Mr. DAVID DAVIS of Tennessee, Mr. DANIEL E. LUNGREN of California, Mrs. MYRICK, Mr. BILBRAY, Mr. HOBSON, Mr. GALLEGLY, Ms. FOXX, Mr. WILSON of South Carolina, Mr. MACK, Mr. BOUSTANY, Mr. PENCE, Mr. KENNEDY, Mr. FORTENBERRY, Mr. SHERMAN, Mr. RYAN of Ohio, Mr. WU, and Mr. MCCAUL of Texas.
H. Res. 1282: Mr. KUHL of New York and Mr. SOUDER.
H. Res. 1286: Mr. CLAY, Mr. SERRANO, Mr. DAVIS of Illinois, Mr. JEFFERSON, Mrs. JONES of Ohio, Mr. RUSH, Mr. AL GREEN of Texas, Mr. BUTTERFIELD, Ms. JACKSON-LEE of Texas, Mr. ELLISON, Mr. HINCHEY, Mr. CLEAVER, and Mr. FILNER.
H. Res. 1287: Mr. BOOZMAN.
H. Res. 1296: Mr. COHEN and Ms. BORDALLO.
H. Res. 1311: Mr. DEFAZIO, Ms. BORDALLO, Ms. SUTTON, Mr. DAVIS of Illinois, Mr. MCGOVERN, Mr. MICHAUD, Mr. REYES, Ms. HIRONO, Mr. EDWARDS of Texas, Mr. WEXLER, Mr. RANGEL, Mrs. CHRISTENSEN, Ms. LEE, Mr. JACKSON of Illinois, Mrs. MALONEY of New York, Mr. ENGEL, Mr. HINCHEY, Mr. ETHERIDGE, Mr. JEFFERSON, Mr. HINOJOSA, Mrs. NAPOLITANO, Ms. CORRINE BROWN of Florida, Mr. SESTAK, Mr. RUSH, Mr. HASTINGS of Florida, and Mr. DAVIS of Alabama.
H. Res. 1312: Mr. CALVERT.
H. Res. 1313: Ms. EDDIE BERNICE JOHNSON of Texas, Ms. EDWARDS of Maryland, Mr. CHANDLER, Ms. JACKSON-LEE of Texas, Ms. SUTTON, Mr. HINOJOSA, Mr. TOWNS, Ms. HIRONO, Mr. CALVERT, and Mr. AL GREEN of Texas.
H. Res. 1315: Mr. HARE, Mr. CAMPBELL of California, Mr. HALL of Texas, Mr. WALSH of New York, Mr. ROHRABACHER, Mr. MAHONEY of Florida, Ms. EDWARDS of Maryland, Mrs. MILLER of Michigan, Mr. BROWN of South Carolina, Mr. SCOTT of Virginia, Mr. DREIER, Mr. MORAN of Virginia, Mr. MELANCON, Mr. AL GREEN of Texas, Mr. DOYLE, Ms. BORDALLO, and Mr. GORDON.
H. Res. 1316: Ms. LORETTA SANCHEZ of California, Mr. SESTAK, Ms. BORDALLO, Mr. TOWNS, and Mr. MCDERMOTT.

WEDNESDAY, JULY 9, 2008 (82)

The House was called to order by the SPEAKER.

¶82.1 APPROVAL OF THE JOURNAL

The SPEAKER announced she had examined and approved the Journal of the proceedings of Tuesday, July 8, 2008.

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

¶82.2 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

7377. A letter from the Under Secretary for Acquisition, Technology and Logistics, Department of Defense, transmitting an annual report entitled, ''Defense Acquisition Challenge Program: Fiscal Year 2007,'' pursuant to 10 U.S.C. 2359b(j); to the Committee on Armed Services.

7378. A letter from the Secretary, Department of Defense, transmitting letter on the approved retirement of General Teed M. Moseley, United States Air Force, and his advancement to the grade of general on the retired list; to the Committee on Armed Services.

7379. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting authorization of the enclosed list of officers to wear the insignia of the grade of major general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

7380. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting authorization of the enclosed list of officers to wear the insignia of the grade of brigadier general accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

7381. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations — received June 25, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7382. A letter from the Acting Secretary, Securities and Exchange Commission, transmitting the Commission's final rule — Internal Control Over Financial Reporting in Exchange Act Periodic Reports of Non-Accelerated Filers [Release Nos. 33-8934; 34-58028; File No. S7-06-03] (RIN: 3235-AJ64) received July 1, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7383. A letter from the Department of Labor, transmitting the Department's final rule — Default Investment Alternatives Under Participant Directed Individual Account Plans (RIN: 1210-AB10) received June 25, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

7384. A letter from the Attorney, Office of Assistant General Counsel for Legislation and Regulatory Law, Department of Energy, transmitting the Department's final rule — Energy Planning and Management Program; Integrated Resource Planning Rules (RIN: 1901-AB24) received June 24, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7385. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Hazard Education Before Renovation of Target Housing; State of Colorado Authorization Application [EPA-HQ-OPPT-2007-0698; FRL-8352-3] received June 20, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7386. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — List of Approved Spent Fuel Storage Casks: HI-STORM 100 Revision 5 [NRC-2008-0013] (RIN: 3150-AI24) received June 23, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7387. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting Copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b; to the Committee on Foreign Affairs.

7388. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 08-54 concerning the Department of the Air Force's proposed Letter(s)of Offer and Acceptance to Pakistan for defense articles and services; to the Committee on Foreign Affairs.

7389. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 08-45 concerning the Department of the Air Force's proposed Letter(s)of Offer and Acceptance to Korea for defense articles and services; to the Committee on Foreign Affairs.

7390. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(d) of the Arms Export Control Act, certification regarding the proposed license for the manufacture of military equipment to the Government of Turkey (Transmittal No. DDTC 065-08); to the Committee on Foreign Affairs.

7391. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(d) of the Arms Export Control Act, certification regarding the proposed license for the manufacture of military equipment to the Government of the United Kingdom (Transmittal No. DDTC 042-08); to the Committee on Foreign Affairs.

7392. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification of a proposed agreement for the export of defense articles and services to the Government of Mexico (Transmittal No. DDTC 072-08); to the Committee on Foreign Affairs.

7393. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's certification of rescission of North Korea's designation as a State Sponsor of Terrorism; to the Committee on Foreign Affairs.

7394. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting consistent with the Authorization for Use of Military Force Against Iraq Resolution of 2002 (Pub. L. 107-243), the Authorization for the Use of Force Against Iraq Resolution (Pub. L. 102-1), and in order to keep the Congress fully informed, a report prepared by the Department of State for the April 15, 2008 — June 15, 2008 reporting period including matters relating to post-liberation Iraq under Section 7 of the Iraq Liberation Act of 1998 (Pub. L. 105-338); to the Committee on Foreign Affairs.

7395. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(d) of the Arms Export Control Act, certification regarding the proposed license for the manufacture of military equipment to the Government of the United Kingdom (Transmittal No. DDTC 004-08); to the Committee on Foreign Affairs.

7396. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) and (d) of the Arms Export Control Act, certification regarding the manufacture of military equipment abroad and the export of defense articles or defense services to the Government of Canada (Transmittal No. DDTC 041-08); to the Committee on Foreign Affairs.

7397. A letter from the Director, Office of Personnel Management, transmitting a report on the Physicians' Comparability Allowance Program for fiscal year 2008, pursuant to 5 U.S.C. 5948(j); to the Committee on Oversight and Government Reform.

7398. A letter from the Secretary, Department of Transportation, transmitting the Semiannual Report of the Office of Inspector General for the period ending March 31, 2008, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Oversight and Government Reform.

7399. A letter from the Chair, CPB Board of Directors, Corporation for Public Broadcasting, transmitting the semiannual report of the Office of the Inspector General for the period ending March 31, 2008, pursuant to 5 U.S.C. app. (Insp. Gen. Act), section 5(b); to the Committee on Oversight and Government Reform.

7400. A letter from the Acting Chief Acquisition Officer & Senior Procurement Executive, GSA, Department of Defense, transmitting the Department's final rule — Federal Acquisition Regulation; Federal Acquisition Circular 2005-26; Introduction [Docket FAR-2008-003, Sequence 1] received July 1, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

7401. A letter from the Assistant Secretary for Administration, Department of Transportation, transmitting a copy of the inventories of commercial and inherently governmental positions in the Department of Transportation, as required by the Federal Activities Inventory Reform Act of 1998; to the Committee on Oversight and Government Reform.

7402. A letter from the Vice President and Controller, Federal Home Loan Bank of Des Moines, transmitting the 2007 management report and statements on system of internal controls of the Federal Home Loan Bank of Des Moines, pursuant to 31 U.S.C. 9106; to the Committee on Oversight and Government Reform.

7403. A letter from the Senior Vice President and Chief Financial Officer, Federal Home Loan Bank of San Francisco, transmitting the 2007 management report and statements on system of internal controls of the Federal Home Loan Bank of San Francisco, pursuant to 31 U.S.C. 9106; to the Committee on Oversight and Government Reform.

7404. A letter from the Inspector General, General Services Administrion, transmitting the Administration's Semiannual Report presenting significant activities of the Office of Inspector General during the 6-month period ending March 31, 2008, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Oversight and Government Reform.

7405. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Dover-Foxcroft, ME. [Docket No. FAA-2008-0066; Airspace Docket No. 08-ANE-97] received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7406. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment and Removal of Class E Airspace; Centre, AL [Docket No. FAA-2007-29157; Airspace Docket 07-ASO-23] received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7407. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Bridgton, ME. [Docket No. FAA-2008-0064; Airspace Docket No. 08-ANE-95] received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7408. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Rumford, ME. [Docket No. FAA-2008-0063; Airspace Docket No. 08-ANE-94] received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7409. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Carrabassett, ME [Docket No. FAA-2008-0065; Airspace Docket No. 08-ANE-96] received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7410. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Winona, MS [Docket No. FAA-2007-29260; Airspace Docket 07-ASO-24] received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7411. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Stonington, ME [Docket No. FAA-2008-0062; Airspace Docket No. 08-ANE-93] received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7412. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class D Airspace; Sherman, Texas [Docket No. FAA-2007-29374; Airspace Docket No. 07-ASW-11] received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7413. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Sunbury, PA [Docket No. FAA-2008-0162; Airspace Docket No. 08-AEA-15] received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7414. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Susquehanna, PA [Docket No. FAA-2008-0161; Airspace Docket No. 08-AEA-14] received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7415. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Walden, CO [Docket No. FAA-2007-0205; Airspace Docket No. 07-ANM-17] received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7416. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Black River Falls, WI [Docket No. FAA-2008-0024; Airspace Docket No. 08-AGL-4] received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7417. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Indianapolis, IN [Docket No. FAA-2008-0163; Airspace Docket No. 08-AGL-2] received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7418. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; New Albany, MS [Docket No. FAA-2007-0161; Airspace Docket No. 07-ASO-25] received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7419. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Lewistown, PA [Docket No. FAA-2007-0274; Airspace Docket No. 07-AEA-14] received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7420. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Stonington, ME [Docket No. FAA-2008-0062; Airspace Docket No. 08-ANE-93] received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7421. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Dover-Foxcroft, ME. [Docket No. FAA-2008-0066; Airspace Docket No. 08-ANE-97] received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7422. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class Airspace; Carrabassett, ME [Docket No. FAA-2008-0065; Airspace Docket No. 08-ANE-96] received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7423. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Rockport, ME [Docket No. FAA-2008-0067; Airspace Docket No. 08-ANE-98] received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7424. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Low Altitude Area Navigation Routes (T-Routes); St. Louis, MO [Docket No. FAA-2007-0060; Airspace Docket No. 07-ACE-1] received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7425. A letter from the Director of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule — Beneficiary Travel Under 38 U.S.C. 111 Within the United States (RIN: 2900-AM02) received July 1, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

7426. A letter from the Branch Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Section 108.-Income from Discharge of Indebtedness (Rev. Rul. 2008-34) received June 24, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7427. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Section 1274.—-Determination of Issue Price in the Case of Certain Debt Instruments Issued for Property (Also Sections 42, 280G, 382, 412, 467, 468, 482, 483, 642, 807, 846, 1288, 7520, 7872.) (Rev. Rul. 2008-33) received June 24, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7428. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Capital Costs Incurred to Comply With EPA Sulfur Regulations [TD 9404] (RIN: 1545-BE97) received July 1, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7429. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Section 807.-Rules for certain reserves (Rev. Rul. 2008-37) received July 1, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7430. A letter from the Chief, Publications and Regulations Unit, Internal Revenue

Service, transmitting the Service's final rule — Employment Tax Adjustments [TD 9405] (RIN: 1545-BG50) received July 1, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7431. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Guidance Under Section 956 for Determining the Basis of Property Acquired in Certain Nonrecognition Transactions [TD 9402] (RIN: 1545-BH58) received June 24, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7432. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — 26 CFR 601.601: Rules and regulations (Also Part 1, 103, 148; 1.148-3, 1.148-13T) Claims for Recovery of Overpayments of Arbitrage Rebate and Similar Payments on Tax-exempt Bonds (Rev. Proc. 2008-37) received June 24, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7433. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Optional Standard Mileage Rates [Announcement 2008-63] received June 24, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7434. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — China Earthquake Occurring in May 2008 Designated as a Qualified Disaster under 139 of the Internal Revenue Code [Notice 2008-57] received June 24, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7435. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Guidance Under Section 664 Regarding the Effect of Unrelated Business Taxable Income on Charitable Remainder Trusts [TD 9403] (RIN: 1545-BH02) received June 24, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7436. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Appeals Settlement Guidelines Methane Gas Project (IRC 29 Credit) Credit for Fuel from a Nonconventional Source (FNS) [UIL No. 0029.06-00] received June 24, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

¶82.3 PROVIDING FOR CONSIDERATION OF H.R. 5811

Mr. WELCH of Vermont, by direction of the Committee on Rules, called up the following resolution (H. Res. 1318):

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 5811) to amend title 44, United States Code, to require preservation of certain electronic records by Federal agencies, to require a certification and reports relating to Presidential records, and for other purposes. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. The amendment in the nature of a substitute recommended by the Committee on Oversight and Government Reform now printed in the bill shall be considered as adopted. The bill, as amended, shall be considered as read. All points of order against provisions of the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Oversight and Government Reform; and (2) one motion to recommit with or without instructions.

SEC. 2. During consideration of H.R. 5811 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

When said resolution was considered.

After debate,

Mr. WELCH of Vermont, moved the previous question on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House now order the previous question?

The SPEAKER pro tempore, Mr. HOLDEN, announced that the nays had it.

Mr. WELCH of Vermont, demanded a recorded vote on ordering the previous question, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The SPEAKER pro tempore, Mr. HOLDEN, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶82.4 PENSION PROTECTION TECHNICAL CORRECTIONS

Mr. POMEROY moved to suspend the rules and pass the bill (H.R. 6382) to make technical corrections related to the Pension Protection Act of 2006, and for other purposes.

The SPEAKER pro tempore, Mr. HOLDEN, recognized Mr. POMEROY and Mr. RAMSTAD, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. HOLDEN, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶82.5 INTERNATIONAL YEAR OF ASTRONOMY

Mr. LAMPSON moved to suspend the rules and agree to the following concurrent resolution (H. Con. Res. 375):

Whereas the year 2009 represents the 400th Anniversary of Galileo's astronomical use of the telescope;

Whereas the year 2009 has been designated the International Year of Astronomy (IYA) by the United Nations and UNESCO;

Whereas astronomical observations and discoveries have profound implications for the development of science, philosophy, culture, and our general conception of our place in the Universe;

Whereas astronomy is one of the oldest basic sciences and contributes fundamentally to the ultimate context of all other sciences;

Whereas astronomy and astronomical discoveries continue to capture the imagination of the American people;

Whereas the United States is the home of the most advanced astronomical research in the world;

Whereas the many creative programs and activities planned in the United States for IYA 2009 are strongly supported by the staff, missions, and observatories of the National Science Foundation and the National Aeronautics and Space Administration;

Whereas science and technology awareness and education play a critical role in the economic success of the United States; and

Whereas the astronomical sciences inspire students to study science, mathematics, engineering, and technology: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) honors the goal of the International Year of Astronomy to celebrate astronomical discoveries;

(2) encourages the public to participate in IYA celebrations and activities and discover more about the Universe and the science of astronomy; and

(3) applauds the efforts of the employees, centers, and laboratories of the National Aeronautics and Space Administration and the National Science Foundation in promoting public understanding of the astronomical sciences during the celebration of the International Year of Astronomy.

The SPEAKER pro tempore, Mr. HOLDEN, recognized Mr. LAMPSON and Mr. FEENEY, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution?

The SPEAKER pro tempore, Mr. SERRANO, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said concurrent resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said concurrent resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶82.6 DR. SALLY K. RIDE

Mr. LAMPSON moved to suspend the rules and agree to the following resolution (H. Res. 1313):

Whereas Sally K. Ride of Los Angeles, California, a physicist by training and an accomplished athlete, was selected as a National Aeronautics and Space Administration (NASA) astronaut candidate in 1978, as part of the eighth class of NASA astronauts and one of only six women in the class;

Whereas on June 18, 1983, Dr. Ride was lofted into space aboard the Space Shuttle Challenger as part of the STS–7 crew, making her the first American woman in space;

Whereas the STS–7 crew launched two communications satellites from the Shuttle and accomplished many first steps for the United States space program, including the first release and capture of a satellite using the Shuttle's robotic arm, the first demonstration of a Shuttle's flight in formation with a free-flying satellite, and the first United States-German cooperative material science experiments aboard the Shuttle, as well as the conduct of other science experiments;

Whereas on October 5, 1984, Dr. Ride made her second spaceflight as a mission specialist

on STS 41–G, a mission that demonstrated the ability to refuel satellites in orbit and launched NASA's Earth Radiation Budget Satellite, which spent over 20 years providing valuable scientific data on the Earth's absorption and re-radiation of solar energy;

Whereas when training for Dr. Ride's third spaceflight assignment ceased after the tragic loss of the Space Shuttle Challenger and her crew in 1986, Dr. Ride was called to serve on the Presidential Commission on the Space Shuttle Challenger Accident;

Whereas Dr. Ride has continued to serve the Nation's space program with distinction, authoring the 1987 report, Leadership and America's Future in Space, and serving on the Columbia Accident Investigation Board;

Whereas, as an educator, author of children's books, and advocate for the next generation of women in science, mathematics, and technology, Dr. Ride's work has contributed to the wellbeing of our youth; and

Whereas Dr. Ride has worked tirelessly and passionately to encourage young women to follow the sciences, mathematics, and technology by promoting science festivals, camps, and other opportunities through which young women can acquire hands-on learning about science: Now, therefore, be it

Resolved, That the House of Representatives—

(1) celebrates the 25th anniversary of Dr. Sally K. Ride as the first American woman in space; and

(2) extends its appreciation and gratitude for Dr. Ride's excellence in service to the Nation as an astronaut, educator, and advocate for the next generation of women scientists and engineers.

The SPEAKER pro tempore, Mr. SERRANO, recognized Mr. LAMPSON and Mr. FEENEY, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. SERRANO, announced that two-thirds of the Members present had voted in the affirmative.

Mr. LAMPSON demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. SERRANO, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Thursday, July 10, 2008.

¶82.7 SPACE FOUNDATION

Mr. LAMPSON moved to suspend the rules and agree to the following resolution (H. Res. 1312):

Whereas, on March 21, 1983, the United States Space Foundation was founded by a small group of pioneering individuals in Colorado Springs, Colorado;

Whereas 2008 marks the 25th year of excellence and service of the Space Foundation;

Whereas the mission of the Space Foundation is to advance space-related endeavors to inspire, enable, and propel humanity;

Whereas the Space Foundation has become the leading nonprofit organization advancing the exploration, development, and use of space and space education for the benefit of all humankind;

Whereas the Space Foundation embraces all aspects of space including commercial, civil, and national security;

Whereas the current national security environment requires extensive use and advancement of space-based assets;

Whereas the Space Foundation has contributed to space education programs in all 50 States and also in Europe and Asia;

Whereas the Space Foundation is regarded internationally as a leading space advocacy organization, and is a member of the United States Delegation to the United Nations Committee on the Peaceful Uses of Outer Space; and

Whereas the Space Foundation hosts the National Space Symposium and Strategic Space and Defense, 2 of the top conferences for space professionals: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the contributions made by the Space Foundation; and

(2) commemorates the Space Foundation's 25 years of excellence and support to the Nation.

The SPEAKER pro tempore, Mr. SERRANO, recognized Mr. LAMPSON and Mr. FEENEY, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. SERRANO, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶82.8 NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Mr. LAMPSON moved to suspend the rules and agree to the following resolution (H. Res. 1315):

Whereas the National Aeronautics and Space Administration was established on July 29, 1958;

Whereas on May 5, 1961, NASA successfully launched America's first manned spacecraft, Freedom 7, piloted by Alan B. Shepard, Jr.;

Whereas in July of 1969 President John Kennedy's vision of landing a man on the moon and returning him safely to Earth was realized with the Apollo 11 mission, commanded by Neil A. Armstrong, Lunar Module Pilot Edwin ''Buzz'' Aldrin, Jr., and Command Module pilot Michael Collins;

Whereas on April 12, 1981, NASA began a new era of human space flight and exploration with the launch of the first Space Shuttle Columbia, commanded by John W. Young and piloted by Robert L. ''Bob'' Crippen;

Whereas NASA has greatly expanded our knowledge and understanding of our planet and solar system through various unmanned vehicles utilized on numerous missions;

Whereas, during the Cold War, NASA's achievements served as a source of national pride and captured the imagination of the world by demonstrating a peaceful use of our technological capabilities;

Whereas NASA now serves as a model for international cooperation and American leadership through the International Space Station and other scientific endeavors;

Whereas thanks to NASA and the far-reaching gaze of the Hubble Space Telescope, we have seen further into our universe than ever before;

Whereas NASA space probes have landed on or flown by eight of the planets in our solar system;

Whereas the aeronautics research by NASA has led to great discoveries and advances in aircraft design and aviation;

Whereas the work done by NASA has expanded the scope of human knowledge, created new technologies, and inspired young men and women to enter scientific and engineering careers;

Whereas in the last fifty years, NASA has positively impacted almost every facet of our lives; and

Whereas, thanks to the heroism, courage, and supreme sacrifice of our astronaut corps over the last five decades, we are now able to live and work in space for the benefit of all men: Now, therefore, be it

Resolved, That the House of Representatives—

(1) honors the men and women of the National Aeronautics and Space Administration on the occasion of its 50th Anniversary;

(2) acknowledges the value of NASA's discoveries and accomplishments; and

(3) pledges to maintain America's position as the world leader in aeronautics and space exploration and technology.

The SPEAKER pro tempore, Mr. SERRANO, recognized Mr. LAMPSON and Mr. McCAUL of Texas, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. SERRANO, announced that two-thirds of the Members present had voted in the affirmative.

Mr. LAMPSON demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. SERRANO, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Thursday, July 10, 2008.

¶82.9 FEDERAL OCEAN ACIDIFICATION RESEARCH AND MONITORING

Mr. BAIRD moved to suspend the rules and pass the bill (H.R. 4174) to establish an interagency committee to develop an ocean acidification research and monitoring plan and to establish an ocean acidification program within the National Oceanic and Atmospheric Administration; as amended.

The SPEAKER pro tempore, Mr. SERRANO, recognized Mr. BAIRD and Mr. FEENEY, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. SERRANO, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶82.10 COMMUNITY BUILDING CODE

Mr. MOORE of Kansas, moved to suspend the rules and pass the bill (H.R. 4461) to promote and enhance the operation of local building code enforcement administration across the county by establishing a competitive Federal matching grant program; as amended.

The SPEAKER pro tempore, Mr. SERRANO, recognized Mr. MOORE of Kansas, and Mrs. CAPITO, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. SERRANO, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶82.11 ASSET MANAGEMENT

Mr. FRANK of Massachusetts, moved to suspend the rules and pass the bill (H.R. 6216) to improve the Operating Fund for public housing of the Department of Housing and Urban Development, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. SERRANO, recognized Mr. FRANK of Massachusetts, and Mrs. CAPITO, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. SERRANO, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶82.12 HOUSING ASSISTANCE FOR VERY LOW-INCOME VETERANS

Mr. Al GREEN of Texas, moved to suspend the rules and pass the bill (H.R. 3329) to provide housing assistance for very low-income veterans; as amended.

The SPEAKER pro tempore, Mr. SERRANO, recognized Mr. Al GREEN of Texas, and Mrs. CAPITO, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. SERRANO, announced that two-thirds of the Members present had voted in the affirmative.

Mr. FRANK of Massachusetts, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. SERRANO, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶82.13 NATIONAL PARKS QUARTER DOLLAR COIN

Mrs. MALONEY of New York, moved to suspend the rules and pass the bill (H.R. 6184) to provide for a program for circulating quarter dollar coins that are emblematic of a national park or other national site in each State, the District of Columbia, and each territory of the United States, and for other purposes.

The SPEAKER pro tempore, Mr. SERRANO, recognized Mrs. MALONEY of New York, and Mr. CASTLE, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. ROSS, announced that two-thirds of the Members present had voted in the affirmative.

Mr. CASTLE demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. ROSS, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶82.14 FEDERAL LAND ASSISTANCE, MANAGEMENT AND ENHANCEMENT

Mr. RAHALL moved to suspend the rules and pass the bill (H.R. 5541) to provide supplemental funding source for catastrophic emergency wildland fire suppression activities on Department of the Interior and National Forest System lands, to require the Secretary of the Interior and the Secretary of Agriculture to develop a cohesive wildland fire management strategy, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. ROSS, recognized Mr. RAHALL and Mr. SALI, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. ROSS, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶82.15 COMMENDING FIREFIGHTERS

Mr. RAHALL moved to suspend the rules and agree to the following resolution (H. Res. 1322):

Whereas, since June 20, 2008, there have been 1,781 wildfires in California started by natural causes, including lightning, or by human activity;

Whereas 630,886 acres of land have burned in these wildfires, and, as of July 8, 2008, there are 323 wildfires still burning in California;

Whereas significant portions of National Forest System land and wilderness areas continue to burn in the Los Padres, Klamath, Shasta, Trinity, Mendocino, Plumas, Eldorado, Tahoe, Six Rivers, and Lassen National Forests;

Whereas areas of Butte, Monterey, Santa Barbara, and Shasta counties are under evacuation orders, and precautionary evacuation orders currently exist in areas of Kern, Mendocino, Monterey, Santa Barbara, and Plumas counties;

Whereas the wildfires are threatening 8,874 residences, 168 commercial buildings, and 2,085 outbuildings, but the heroic efforts of firefighters have limited the destruction to 40 residences, 1 commercial building, and 61 outbuildings;

Whereas firefighters have already been working for weeks on the front lines of a fire season that is just beginning;

Whereas firefighters have risked their lives and endured great hardship to protect life, property, and the environment;

Whereas there are currently 18,415 personnel committed, as well as 1,403 fire engines, 388 hand crews, 269 bulldozers, 392 water tenders, 31 air tankers, 30 incident management teams, and 95 helicopters;

Whereas 40 States and the District of Columbia have provided assistance to fight the wildfires:

Whereas the cooperative, unified approach to addressing wildland fires by Federal, State, local, tribal, and volunteer agencies have worked as one team under California's innovative incident command system;

Whereas the wildfires have been fought in a manner consistent with wilderness and wildlife protection, including protection of endangered species such as the Southern Sea Otter;

Whereas the people of California and the United States recognize that the dedication of the firefighters will remain steadfast throughout the ongoing suppression, repair, and rebuilding efforts;

Whereas firefighters continue to make progress in containing wildfires throughout California, and, as of July 8, 2008, more than 1,400 fires have been contained due to the diligent and tireless efforts of firefighters from California and throughout the United States, and

Whereas several firefighters have been injured and one firefighter has given his life while fighting the wildfires: Now, therefore, be it

Resolved, That the House of Representatives—

(1) commends firefighters from California and throughout the United States for their courageous actions and sacrifices in fighting wildfires on National Forest System land and other public lands in California;

(2) acknowledges the continued work of firefighters to protect National Forest System land, other public lands, and private property from further damage;

(3) praises the people of California for their great courage in this time of crisis; and

(4) extends its heartfelt sympathies to the families of those who have lost loved ones or their homes, businesses, or other property in the wildfires.

The SPEAKER pro tempore, Mr. ROSS, recognized Mr. RAHALL and Mr. SALI, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. ROSS, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶82.16 H. RES. 1318—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. ROSS, pursuant to clause 8, rule XX, announced the unfinished business to be the question on ordering the previous question on the resolution (H. Res. 1318) providing for consideration of the bill (H.R. 5811) to amend title 44, United States Code, to require preservation of certain electronic records by Federal agencies, to require a certification and reports relating to Presidential records, and for other purposes.

The question being put,

Will the House now order the previous question?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 228 Nays 193

¶82.17 [Roll No. 474]

AYES—228

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

NOES—193

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

NOT VOTING—13

Baird	Hodes	Renzi
Boswell	Hulshof	Rush
Brown-Waite, Ginny	Melancon	Smith (TX)
Fossella	Pickering	Udall (CO)
	Pryce (OH)	

So the previous question on the resolution was ordered.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER announced that the yeas had it.

Mr. HASTINGS of Washington, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 229 Nays 193

¶82.18 [Roll No. 475]

YEAS—229

Abercrombie	Doggett	Larsen (WA)
Ackerman	Donnelly	Larson (CT)
Allen	Doyle	Lee
Altmire	Edwards (MD)	Levin
Andrews	Edwards (TX)	Lewis (GA)
Arcuri	Ellison	Lipinski
Baca	Ellsworth	Loebsack
Baldwin	Emanuel	Lofgren, Zoe
Barrow	Engel	Lowey
Bean	Eshoo	Lynch
Becerra	Etheridge	Mahoney (FL)
Berkley	Farr	Maloney (NY)
Berman	Fattah	Markey
Berry	Filner	Marshall
Bishop (GA)	Foster	Matheson
Bishop (NY)	Frank (MA)	Matsui
Blumenauer	Giffords	McCarthy (NY)
Boren	Gillibrand	McCollum (MN)
Boucher	Gonzalez	McDermott
Boyd (FL)	Gordon	McGovern
Boyda (KS)	Green, Al	McIntyre
Brady (PA)	Green, Gene	McNerney
Braley (IA)	Grijalva	McNulty
Brown, Corrine	Gutierrez	Meek (FL)
Butterfield	Hall (NY)	Meeks (NY)
Capps	Hare	Michaud
Capuano	Harman	Miller (NC)
Cardoza	Hastings (FL)	Miller, George
Carnahan	Herseth Sandlin	Mitchell
Carney	Higgins	Mollohan
Carson	Hinchey	Moore (KS)
Castor	Hinojosa	Moore (WI)
Cazayoux	Hirono	Moran (VA)
Chandler	Hodes	Murphy (CT)
Childers	Holden	Murphy, Patrick
Clarke	Holt	Murtha
Clay	Honda	Nadler
Cleaver	Hooley	Napolitano
Clyburn	Hoyer	Neal (MA)
Cohen	Inslee	Oberstar
Conyers	Israel	Obey
Cooper	Jackson (IL)	Olver
Costa	Jackson-Lee (TX)	Ortiz
Costello	Jefferson	Pallone
Courtney	Johnson (GA)	Pascrell
Cramer	Johnson, E. B.	Pastor
Crowley	Jones (OH)	Payne
Cuellar	Kagen	Perlmutter
Cummings	Kanjorski	Peterson (MN)
Davis (AL)	Kaptur	Pomeroy
Davis (CA)	Kennedy	Price (NC)
Davis (IL)	Kildee	Rahall
Davis, Lincoln	Kilpatrick	Rangel
DeFazio	Kind	Reyes
DeGette	Klein (FL)	Richardson
Delahunt	Kucinich	Rodriguez
DeLauro	Lampson	Ross
Dicks	Langevin	Rothman
Dingell		Roybal-Allard

Ruppersberger	Slaughter	Van Hollen
Ryan (OH)	Smith (WA)	Velázquez
Salazar	Snyder	Visclosky
Sánchez, Linda T.	Solis	Walz (MN)
Sanchez, Loretta	Space	Wasserman Schultz
Sarbanes	Speier	Waters
Schakowsky	Spratt	Watson
Schiff	Stark	Watt
Schwartz	Stupak	Waxman
Scott (GA)	Sutton	Weiner
Scott (VA)	Tanner	Welch (VT)
Serrano	Tauscher	Wexler
Sestak	Taylor	Wilson (OH)
Shea-Porter	Thompson (CA)	Woolsey
Sherman	Thompson (MS)	Wu
Shuler	Tierney	Yarmuth
Sires	Towns	
Skelton	Tsongas	
	Udall (NM)	

NAYS—193

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

NOT VOTING—12

Baird	Hulshof	Pryce (OH)
Boswell	McMorris Rodgers	Renzi
Brown-Waite, Ginny	Melancon	Rush
Fossella	Pickering	Udall (CO)

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶82.19 MOMENT OF SILENCE IN MEMORY OF MEMBERS OF THE UNITED STATES ARMED FORCES IN IRAQ AND AFGHANISTAN

The SPEAKER announced that all Members stand and observe a moment of silence in memory of members of the armed forces who gave their lives in Iraq and Afghanistan, their families, and all members of the armed forces.

¶82.20 MESSAGE FROM THE SENATE

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

H.R. 6304. An Act to amend the Foreign Intelligence Surveillance Act of 1978 to establish a procedure for authorizing certain acquisitions of foreign intelligence, and for other purposes.

¶82.21 ELECTRONIC MESSAGE PRESERVATION

Mr. CLAY, pursuant to House Resolution 1318, called up for consideration the bill (H.R. 5811) to amend title 44, United States Code, to require preservation of certain electronic records by Federal agencies, to require a certification and reports relating to Presidential records, and for other purposes.

Pending consideration of said bill.

Pursuant to House Resolution 1318, the amendment in the nature of a substitute, recommended by the Committee on Oversight and Government Reform, now printed in the bill, was considered as agreed to.

When said bill, as amended, was considered.

After debate,

Pursuant to House Resolution 1318, the previous question was ordered on the bill, as amended.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

Mr. DAVIS of Virginia, moved to recommit the bill to the Committee on Oversight and Government Reform with instructions to report the bill back to the House forthwith with the following amendment:

At the end of the bill, add the following new sections:

SEC. 4. PROCEDURES TO PREVENT UNAUTHORIZED REMOVAL OF CLASSIFIED RECORDS FROM NATIONAL ARCHIVES.

(a) IN GENERAL.—The Archivist of the United States shall prescribe internal procedures to prevent the unauthorized removal of classified records from the National Archives and Records Administration or the destruction or damage of such records, including when such records are accessed or searched electronically. The procedures shall include the following prohibitions:

(1) No person, other than personnel of the National Archives and Records Administration (in this section hereafter referred to as ''NARA personnel''), shall view classified records in any room that is not secure except in the presence of NARA personnel or under video surveillance.

(2) No person, other than NARA personnel, shall at any time be left alone with classified records, unless that person is under video surveillance.

(3) No person, other than NARA personnel, shall conduct any review of documents while in the possession of any cell phone or other personal communication device.

(4) All persons seeking access to classified records, as a precondition to such access, must consent to a search of their belongings upon conclusion of their records review.

(5) All notes and other writings prepared by persons during the course of a review of classified records shall be retained by the National Archives and Records Administration in a secure facility.

(b) DEFINITION OF RECORDS.—In this section, the term ''records'' has the meaning provided in section 3301 of title 44, United States Code.

SEC. 5. RESTRICTIONS ON ACCESS TO PRESIDENTIAL RECORDS.

Section 2204 of title 44, United States Code (relating to restrictions on access to presidential records) is amended by adding at the end the following new subsection:

''(f) The Archivist shall not make available any original presidential records to any individual claiming access to any presidential record as a designated representative under section 2205(3) if that individual has been convicted of a crime relating to the review, retention, removal, or destruction of records of the Archives.''.

After debate,

By unanimous consent, the previous question was ordered on the motion to recommit with instructions.

The question being put, viva voce,

Will the House recommit said bill with instructions?

The SPEAKER pro tempore, Mr. SALAZAR, announced that the yeas had it.

Mr. DAVIS of Virginia, objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 6, rule XX, and the call was taken by electronic device.

When there appeared ....

Yeas	419
Nays	1
Answered present	2

¶82.22 [Roll No. 476]

YEAS—419

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

Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Scalise
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NAYS—1

Dicks

ANSWERED ''PRESENT''—2

Jackson-Lee (TX)
Waters

NOT VOTING—12

Andrews
Boswell
Brown-Waite, Ginny
Fossella
Hulshof
Pickering
Pryce (OH)
Renzi
Richardson
Rush
Udall (CO)
Wilson (NM)

So the motion to recommit with instructions was agreed to.

Mr. CLAY, by direction of the Committee on Oversight and Government Reform and pursuant to the foregoing order of the House, reported the bill back to the House with said amendment.

The question being put, viva voce,

Will the House agree to said amendment?

The SPEAKER pro tempore, Mr. SALAZAR, announced that the yeas had it.

So the amendment was agreed to.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

The question being put, viva voce,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. SALAZAR, announced that the yeas had it.

Mr. SALI demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 286 Nays 137

¶82.23 [Roll No. 477]

YEAS—286

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Buchanan
Butterfield
Capito
Capps
Capuano
Carnahan
Carney
Carson
Castle
Castor
Cazayoux
Chabot
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Emanuel
Engel
English (PA)
Eshoo
Etheridge
Farr
Fattah
Filner
Fortenberry
Foster
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Giffords
Gilchrest
Gillibrand
Gonzalez
Gordon
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Heller
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
Kirk
Klein (FL)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McHugh
McIntyre
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Platts
Pomeroy
Porter
Price (NC)
Rahall
Ramstad
Rangel
Reichert
Reyes
Rodriguez
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Wexler
Wilson (NM)
Wilson (OH)
Woolsey
Wu
Yarmuth
Young (FL)

NAYS—137

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Brady (TX)
Broun (GA)
Brown (SC)
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Carter
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Foxx
Franks (AZ)
Garrett (NJ)
Gingrey
Gohmert
Goode
Goodlatte
Granger
Hall (TX)
Hastings (WA)
Hayes
Hensarling
Herger
Hoekstra
Hunter
Inglis (SC)
Issa
Johnson, Sam
Jordan
King (IA)
King (NY)
Kingston
Kline (MN)
Lamborn
Latta
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)

Petri
Pitts
Poe
Price (GA)
Putnam
Radanovich
Regula
Rehberg
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Royce
Ryan (WI)
Sali
Scalise
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Thornberry
Wamp
Weldon (FL)
Westmoreland
Whitfield (KY)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)

NOT VOTING—11

Boswell
Brown-Waite, Ginny
Cardoza
Fossella
Hulshof
Pickering
Pryce (OH)
Renzi
Richardson
Rush
Udall (CO)

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶82.24 FURTHER MESSAGE FROM THE SENATE

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

H.R. 6331. An Act to amend titles XVIII and XIX of the Social Security Act to extend expiring provisions under the Medicare Program, to improve beneficiary access to preventive and mental health services, to enhance low-income benefit programs, and to maintain access to care in rural areas, including pharmacy access, and for other purposes.

¶82.25 H.R. 3329—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. CHILDERS, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and pass the bill (H.R. 3329) to provide housing assistance for very low-income veterans; as amended.

The question being put,

Will the House suspend the rules and pass said bill, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 412 Nays 9

¶82.26 [Roll No. 478]

YEAS—412

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Cazayoux
Chabot
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Petri
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Scalise
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NAYS—9

Campbell (CA)
Cannon
Duncan
Flake
Hensarling
Marchant
Paul
Sensenbrenner
Tancredo

NOT VOTING—13

Boswell
Brown-Waite, Ginny
Fossella
Hulshof
Linder
McHugh
Peterson (PA)
Pickering
Pryce (OH)
Renzi
Richardson
Rush
Udall (CO)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶82.27 H.R. 6184—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. CHILDERS, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 6184) to provide for a program for circulating quarter dollar coins that are emblematic of a national park or other national site in each State, the District of Columbia, and each territory of the United States, and for other purposes.

The question being put,

Will the House suspend the rules and pass said bill?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 419 Nays 0

¶82.28 [Roll No. 479]

YEAS—419

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

Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Scalise
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—15

Boswell
Brown-Waite, Ginny
Fossella
Hulshof
Johnson (GA)
Kennedy
Linder
Marchant
Miller, George
Neugebauer
Pickering
Pryce (OH)
Renzi
Rush
Udall (CO)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶82.29 DEFICIT REDUCTION

Mr. HILL moved to suspend the rules and pass the bill of the Senate (S. 2607) to make a technical correction to section 3009 of the Deficit Reduction Act of 2005.

The SPEAKER pro tempore, Mr. CARSON of Indiana, recognized Mr. HILL and Mr. STEARNS, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. CARSON of Indiana, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶82.30 NATIONAL INTERNET SAFETY MONTH

Mr. HILL moved to suspend the rules and agree to the following resolution (H. Res. 1260):

Whereas, during the 110th Congress, the House of Representatives has passed several bills aimed at protecting children online and promoting Internet safety education;

Whereas, on June 12, 2007, the House of Representatives passed H. Res. 455 recognizing ''National Internet Safety Month'';

Whereas, on May 22, 2008, the Senate passed S. Res. 567 designating June 2008 as ''National Internet Safety Month'';

Whereas the Federal Trade Commission, in coordination with several other Federal agencies, maintains OnGuard Online, a Web-based resource to educate all Americans on Internet safety;

Whereas law enforcement, educators, community leaders, nonprofit organizations, and Internet service providers have sought to raise awareness for Internet safety across the United States;

Whereas America's youth will need to master the Internet to stay competitive in a global information economy;

Whereas there are more than 1,000,000,000 Internet users worldwide;

Whereas, in the United States, more than 35,000,000 children in kindergarten through grade 12 have Internet access;

Whereas 93 percent of children between 12 and 17 years old use the Internet;

Whereas more than half of all of online children between 12 and 17 years old use an online social networking site;

Whereas 43 percent of teens between 13 and 17 have experienced cyberbullying within the past year;

Whereas approximately 24 percent of students in grades 5 through 12 have hidden their online activities from their parents;

Whereas 61 percent of the students admit to using the Internet unsafely or inappropriately;

Whereas 68 percent of parents have household rules about what type of Internet sites their child can or cannot visit;

Whereas 56 percent of parents feel that online bullying of children is an issue that needs to be addressed;

Whereas 65 percent of parents report that after their child has been on the Internet, they check to see what Web sites he or she viewed;

Whereas 47 percent of parents feel that their ability to monitor and shelter their children from inappropriate material on the Internet is limited; and

Whereas 61 percent of parents want to be more personally involved with Internet safety: Now, therefore, be it

Resolved, That the United States House of Representatives—

(1) supports the goals and ideals of ''National Internet Safety Month'';

(2) recognizes that ''National Internet Safety Month'' provides the citizens of the United States with an opportunity to learn more about the importance of being safe and responsible online;

(3) commends and recognizes national and community organizations for—

(A) promoting the safe use of the Internet; and

(B) providing information and training that develops critical thinking and decision making skills that are needed to use the Internet safely; and

(4) calls on parents, educators, Internet safety organizations, law enforcement, community leaders, Internet service providers, and volunteers to increase their efforts to raise the level of awareness for the need for online safety in the United States.

The SPEAKER pro tempore, Mr. CARSON of Indiana, recognized Mr. HILL and Mr. STEARNS, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. CARSON of Indiana, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶82.31 ORDER OF BUSINESS—AMENDMENT TO H. RES. 353

On motion of Mr. HILL, by unanimous consent,

Ordered, That House Resolution 353 be amended as follows:

Resolved, That it is the sense of the House of Representatives that there should be increased support for research and development of advanced imaging technologies for prostate cancer detection and treatment.

¶82.32 KENNETH JAMES GRAY POST OFFICE BUILDING

Mr. DAVIS of Illinois, moved to suspend the rules and pass the bill (H.R. 6061) to designate the facility of the United States Postal Service located at 219 East Main Street in West Frankfort, Illinois, as the ''Kenneth James Gray Post Office Building''.

The SPEAKER pro tempore, Mr. CARSON of Indiana, recognized Mr. DAVIS of Illinois, and Ms. FOXX, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. CARSON of Indiana, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶82.33 ENROLLED BILLS SIGNED

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

H.R. 802. An Act to amend the Act to Prevent Pollution from Ships to implement MARPOL Annex VI.

H.R. 3721. An Act to designate the facility of the United States Postal Service located at 1190 Lorena Road in Lorena, Texas, as the ''Marine Gunnery Sgt. John D. Fry Post Office Building''.

H.R. 3891. An Act to amend the National Fish and Wildlife Foundation Establishment Act to increase the number of Directors on the Board of Directors of the National Fish and Wildlife Foundation.

H.R. 4185. An Act to designate the facility of the United States Postal Service located at 11151 Valley Boulevard in El Monte, California, as the ''Marisol Heredia Post Office Building''.

H.R. 5168. An Act to designate the facility of the United States Postal Service located at 19101 Cortez Boulevard in Brooksville, Florida, as the ''Cody Grater Post Office Building''.

H.R. 5395. An Act to designate the facility of the United States Postal Service located at 11001 Dunklin Drive in St. Louis, Missouri, as the ''William 'Bill' Clay Post Office Building''.

H.R. 5479. An Act to designate the facility of the United States Postal Service located at 117 North Kidd Street in Ionia, Michigan, as the ''Alonzo Woodruff Post Office Building''.

H.R. 5517. An Act to designate the facility of the United States Postal Service located at 7231 FM 1960 in Humble, Texas, as the ''Texas Military Veterans Post Office''.

H.R. 5528. An Act to designate the facility of the United States Postal Service located at 120 Commercial Street in Brockton, Massachusetts, as the ''Rocky Marciano Post Office Building''.

¶82.34 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Ms. Ginny BROWN-WAITE of Florida, for today and balance of the week.

And then,

¶82.35 ADJOURNMENT

On motion of Mr. KING of Iowa, at 10 o'clock and 50 minutes p.m., the House adjourned.

¶82.36 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

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

Mr. GORDON of Tennessee: Committee on Science and Technology. H.R. 4174. A bill to establish an interagency committee to develop an ocean acidification research and monitoring plan and to establish an ocean acidification program within the National Oceanic and Atmospheric Administration; with an amendment (Rept. 110–749). Referred to the Committee of the Whole House on the state of the Union.

¶82.37 PUBLIC BILLS AND RESOLUTIONS

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

By Ms. WASSERMAN SCHULTZ (for herself, Mrs. EMERSON, Mr. BAIRD, Mr. BLUMENAUER, Mr. COOPER, Mr. DAVIS of Alabama, Mr. ENGLISH of Pennsylvania, Ms. ESHOO, Ms. HARMAN, Mr. HASTINGS of Florida, Mr. HINOJOSA, Ms. HOOLEY, Mr. LIPINSKI, Mr. MEEK of Florida, Mr. MORAN of Virginia, Mr. SNYDER, Ms. TSONGAS, Mr. WELCH of Vermont, Mr. WU, Mr. DICKS, and Ms. ROS-LEHTINEN):

H.R. 6444. A bill to provide affordable, guaranteed private health coverage that will make Americans healthier and can never be taken away; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, Education and Labor, and Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CAZAYOUX (for himself, Ms. CORRINE BROWN of Florida, Mr. FILNER, Mr. HARE, and Mr. MICHAUD):

H.R. 6445. A bill to amend title 38, United States Code, to prohibit the Secretary of Veterans Affairs from collecting certain copayments from veterans who are catastrophically disabled; to the Committee on Veterans' Affairs.

By Mr. TIM MURPHY of Pennsylvania (for himself and Mr. ALTMIRE):

H.R. 6446. A bill to amend title 49, United States Code, to require air carriers to establish reduced air fares and more flexible terms for members of the Armed Forces on active duty; to the Committee on Transportation and Infrastructure.

By Mrs. BOYDA of Kansas (for herself and Mr. MORAN of Kansas):

H.R. 6447. A bill to amend the Internal Revenue Code of 1986 to restore the Highway Trust Fund balance; to the Committee on Ways and Means.

By Mr. CARNEY (for himself and Mr. PLATTS):

H.R. 6448. A bill to amend the Internal Revenue Code of 1986 to provide a refundable credit for taxpayers with long-term care needs; to the Committee on Ways and Means.

By Mr. FLAKE:

H.R. 6449. A bill to provide opportunities for continued recreational shooting on certain Federal public land; to the Committee on Natural Resources.

By Mr. HODES (for himself and Mr. PERLMUTTER):

H.R. 6450. A bill to establish a revolving loan fund to provide loans to States and Indian tribes to provide incentives to undertake activities to provide renewable energy sources for housing and other structures; to the Committee on Financial Services, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MILLER of Michigan:

H.R. 6451. A bill to direct the Administrator of the Environmental Protection Agency to convene a task force to develop recommendations on the proper disposal of unused pharmaceuticals, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. BRADY of Texas (for himself, Mr. WELLER, Mr. BLUNT, Ms. ROS-LEHTINEN, Mr. MCCRERY, Mr. HERGER, and Mr. DREIER):

H. Con. Res. 389. Concurrent resolution congratulating the Republic of Colombia on its successful rescue mission and thanking Colombian President Alvaro Uriabe for the safe return of the Americans held hostage by the revolutionary Armed Forces of Colombia.

By Mr. MCHENRY (for himself, Mr. COBLE, Mr. PRICE of North Carolina, Mr. WATT, Mrs. MYRICK, Mr. JONES of North Carolina, Mr. MCINTYRE, Mr. ETHERIDGE, Mr. HAYES, Mr. MILLER of North Carolina, Mr. BUTTERFIELD, Ms. FOXX, Mr. SHULER, Mr. ISSA, Mr. FEENEY, Mr. CULBERSON, Mr. SAM JOHNSON of Texas, Mr. GOODLATTE, Mr. ADERHOLT, Mr. GINGREY, Mr. STEARNS, Mr. GOODE, and Mr. BURTON of Indiana):

H. Res. 1325. A resolution honoring the life of Jesse Alexander Helms, Jr., distinguished former Senator from North Carolina; to the Committee on House Administration.

By Ms. WATERS (for herself, Ms. WOOLSEY, and Ms. LEE):

H. Res. 1326. A resolution calling on the President to respect and honor Iraq's sovereignty; to the Committee on Armed Services.

By Mr. NUNES (for himself, Mr. COSTA, Mr. RADANOVICH, Mr. CARDOZA, Mr. WALDEN of Oregon, Mr. DREIER, Mrs. NAPOLITANO, Mr. ISSA, Mr. CALVERT, Mr. MCCARTHY of California, Mr. ROHRABACHER, Mr. MCNERNEY, Mr. TERRY, Mr. YOUNG of Alaska, Ms. ROYBAL-ALLARD, Mr. HONDA, Mr. THOMPSON of California, Mr. SHIMKUS, Mr. DOOLITTLE, Mr. BILBRAY, Mr. BERMAN, Mr. GEORGE MILLER of California, Mr. BOOZMAN, Mr. LEWIS of California, Mrs. BONO MACK, Mr. CAMPBELL of California, and Mr. HERGER):

H. Res. 1327. A resolution congratulating the 2008 National Collegiate Athletic Association (NCAA) Division I Baseball Champions, the Fresno State Bulldogs, on an outstanding and historic season; to the Committee on Education and Labor.

By Mr. PLATTS (for himself and Mr. CUMMINGS):

H. Res. 1328. A resolution supporting the goals and ideals of National Pancreatic Cancer Awareness Month; to the Committee on Energy and Commerce.

¶82.38 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 154: Ms. ROYBAL-ALLARD.
H.R. 303: Mrs. MALONEY of New York.
H.R. 333: Mr. MORAN of Virginia.
H.R. 334: Mr. SHAYS.
H.R. 462: Ms. ESHOO.
H.R. 463: Mr. ROSS.
H.R. 552: Mr. MANZULLO.
H.R. 690: Mr. PEARCE and Mr. KANJORSKI.
H.R. 699: Mr. CRENSHAW, Mr. KING of New York, and Mr. LATTA.
H.R. 715: Ms. RICHARDSON.
H.R. 741: Mr. CASTLE.
H.R. 768: Mr. MARSHALL.
H.R. 808: Mr. GILCHREST.
H.R. 997: Mr. SCALISE.
H.R. 1023: Mr. COLE of Oklahoma, Mr. WITTMAN of Virginia, and Mrs. MILLER of Michigan.
H.R. 1153: Mrs. SCHMIDT.
H.R. 1188: Mr. CONYERS.
H.R. 1283: Ms. WATERS, Ms. LINDA T. SÁNCHEZ of California, and Mr. ENGEL.
H.R. 1320: Mr. CLAY.
H.R. 1390: Mr. POE.
H.R. 1399: Mr. HODES.
H.R. 1589: Mr. HAYES.
H.R. 1606: Mr. KAGEN and Ms. WOOLSEY.
H.R. 1671: Mr. MCHUGH and Mr. PETERSON of Minnesota.
H.R. 1673: Ms. MATSUI.
H.R. 1776: Mrs. CHRISTENSEN and Mr. KAGEN.
H.R. 1783: Ms. HOOLEY.
H.R. 1846: Mr. COHEN.
H.R. 1921: Mr. KANJORSKI.
H.R. 1927: Mr. HAYES.
H.R. 2032: Mr. HASTINGS of Florida.
H.R. 2043: Mr. KIND.
H.R. 2116: Mr. PETERSON of Pennsylvania, Mr. MORAN of Virginia, Mrs. TAUSCHER, and Mrs. JONES of Ohio.
H.R. 2167: Mr. FEENEY.
H.R. 2205: Mr. NUNES.
H.R. 2260: Mr. WALSH of New York.
H.R. 2275: Mr. COLE of Oklahoma.
H.R. 2549: Mr. CLAY.
H.R. 2668: Mr. FRANK of Massachusetts.
H.R. 2792: Mr. SHERMAN.
H.R. 2833: Ms. LEE.
H.R. 2880: Mrs. MYRICK.
H.R. 3014: Mr. SNYDER.
H.R. 3036: Mr. MEEKS of New York.
H.R. 3094: Mr. ROTHMAN and Ms. SUTTON.
H.R. 3175: Mrs. JONES of Ohio and Mrs. TAUSCHER.
H.R. 3257: Mr. POMEROY.
H.R. 3299: Mr. LAMBORN.
H.R. 3329: Mr. BISHOP of Georgia.
H.R. 3404: Mrs. MALONEY of New York.
H.R. 3750: Mr. CAPUANO.
H.R. 3753: Mr. HALL of Texas.
H.R. 3980: Mr. UDALL of Colorado.
H.R. 4048: Mr. TOWNS.
H.R. 4093: Mr. FARR, Mr. CLAY, Mr. WAXMAN, Mr. GONZALEZ, and Ms. HIRONO.
H.R. 4126: Mr. MICHAUD.
H.R. 4141: Mr. SHULER.
H.R. 4157: Mr. ROGERS of Alabama.
H.R. 4173: Ms. HIRONO.
H.R. 4236: Mr. MILLER of North Carolina, Ms. LORETTA SANCHEZ of California, and Mr. DAVIS of Alabama.
H.R. 4318: Mr. ABERCROMBIE.
H.R. 4355: Mr. MILLER of North Carolina.
H.R. 4453: Mr. MEEKS of New York.
H.R. 4460: Mr. BILBRAY.
H.R. 4461: Mr. JONES of North Carolina.
H.R. 4544: Mr. REICHERT and Mr. LAHOOD.
H.R. 4775: Mr. BERMAN and Ms. HIRONO.
H.R. 4900: Mr. WELCH of Vermont.
H.R. 4990: Mr. CONYERS and Ms. DEGETTE.
H.R. 5160: Mr. DAVIS of Alabama.
H.R. 5175: Mr. LATTA.
H.R. 5176: Mr. UPTON and Mrs. EMERSON.
H.R. 5235: Mr. SHAYS, Mr. SOUDER, Mr. BURTON of Indiana, Mr. WESTMORELAND, Mr. CANNON, Mr. ROHRABACHER, Mr. DANIEL E. LUNGREN of California, Mr. BILBRAY, Mr. NUNES, Mr. BOEHNER, Mr. CARTER, Mr. CANTOR, Mr. DREIER, Mr. PUTNAM, Ms. GRANGER, Mr. CAMP of Michigan, Mr. TERRY, Mr. CASTLE, Mr. KLINE of Minnesota, Mr. HOBSON, Mr. BARTLETT of Maryland, Mr. KUHL of New York, Mr. BURGESS, Mr. BROWN of South Carolina, Mr. TIBERI, Mrs. BLACKBURN, Mr. GOODE, Mr. GOODLATTE, Mr. LEWIS of California, Mr. ROYCE, Mr. WALSH of New York, Mr. TIAHRT, Mr. HUNTER, Mr. MCKEON, Mr. HERGER, Mr. GARY G. MILLER of California, Mr. BUYER, Mr. FRANKS of Arizona, Mr. SESSIONS, Mr. WALDEN of Oregon, Mr. HOEKSTRA, Mr. BRADY of Texas, Mr. KING of Iowa, Mr. MANZULLO, Mr. RADANOVICH, Mr. MICA, Mr. ISSA, Mr. SMITH of New Jersey, Mrs. WILSON of New Mexico, Mr. KINGSTON, Mr. UPTON, Mr. FEENEY, Mr. PENCE, Mr. TANCREDO, Mr. REGULA, Mr. ALEXANDER, Mr. LAHOOD, Mr. GOHMERT, Mr. KELLER, Mr. NEUGEBAUER, Mr. COBLE, Mr. COLE of Oklahoma, Mr. WILSON of South Carolina, Mr. HAYES, Mr. CONAWAY, Mr. SHIMKUS, Mr. ROGERS of Kentucky, Mr. DUNCAN, Mr. WAMP, Mr. KIRK, Ms. FOXX, Mr. CHABOT, Mr. SHADEGG, Mr. SMITH of Nebraska, Mr. LATOURETTE, Mr. SAM JOHNSON of Texas, Mr. EHLERS, Mr. LUCAS, Mrs. BONO MACK, Mr. MACK, Mr. LATHAM, Mr. FOSTER, Mr. WELLER, Mr. BILIRAKIS, Mr. LINDER, Mr. ROGERS of Michigan, Mr. COSTELLO, Mr. CAMPBELL of California, Mr. JACKSON of Illinois, Mr. MCCOTTER, Mr. RAMSTAD, Mr. DOOLITTLE, Mr. MCNULTY, Mr. WHITFIELD of Kentucky, Mr. MCHENRY, Mr. CRAMER, Mr. KIND, Mr. POE, Mr. SMITH of Texas, Mr. HALL of Texas, Mr. EVERETT, Mr. MCCRERY, Mr. BAIRD, Mr. RYAN of Wisconsin, Mr. SENSENBRENNER, Mr. PITTS, and Mr. SAXTON.
H.R. 5265: Mr. EHLERS, Mr. DAVIS of Illinois, Ms. WOOLSEY, Mr. TIM MURPHY of Pennsylvania, Mr. MCNERNEY, Ms. ESHOO, and Mr. HONDA.
H.R. 5445: Mr. SMITH of Nebraska.
H.R. 5446: Mr. MCCOTTER and Mr. SPRATT.
H.R. 5447: Ms. MATSUI and Mr. VAN HOLLEN.
H.R. 5564: Mrs. MILLER of Michigan.
H.R. 5580: Mr. FARR.
H.R. 5606: Mr. EHLERS and Mrs. DAVIS of California.
H.R. 5611: Mr. PUTNAM, Ms. BORDALLO, and Mr. HINOJOSA.
H.R. 5629: Mr. BRADY of Pennsylvania.
H.R. 5646: Mr. WOLF.
H.R. 5652: Mrs. DRAKE and Mr. BILBRAY.
H.R. 5672: Mr. FORTUÑO.
H.R. 5674: Mr. CHABOT.
H.R. 5714: Mr. JOHNSON of Georgia, Mr. FORTUÑO, Mr. MOORE of Kansas, Mr. PASTOR, Mr. HINOJOSA, Mr. FILNER, Mr. WHITFIELD of Kentucky, Mr. SHULER, Mr. WALZ of Minnesota, and Mr. CHABOT.
H.R. 5734: Mr. MICHAUD.
H.R. 5748: Mr. PRICE of North Carolina.
H.R. 5756: Mr. SIRES.
H.R. 5759: Mr. LATTA.
H.R. 5769: Mr. GOODLATTE.
H.R. 5772: Mr. ROTHMAN, Ms. SCHAKOWSKY, and Mr. ALTMIRE.
H.R. 5780: Mr. MCINTYRE.
H.R. 5794: Mr. GOODLATTE.
H.R. 5823: Mr. ENGEL, Mr. SHAYS, and Mr. HIGGINS.
H.R. 5868: Mr. ROGERS of Kentucky and Mr. CHABOT.
H.R. 5892: Mr. COSTELLO, Mr. GOODLATTE, Ms. WOOLSEY, and Mr. WEINER.
H.R. 5895: Mrs. BOYDA of Kansas.
H.R. 5936: Mr. WOLF.
H.R. 5942: Mr. UDALL of Colorado.
H.R. 5946: Mr. FRANK of Massachusetts and Ms. SCHAKOWSKY.
H.R. 5979: Mr. CONYERS, Mr. ISRAEL, and Ms. DEGETTE.
H.R. 6034: Mr. BILBRAY.
H.R. 6044: Mr. TERRY.
H.R. 6045: Mr. SHERMAN, Mr. HELLER, Mr. JOHNSON of Illinois, and Mr. LINCOLN DIAZ-BALART of Florida.
H.R. 6083: Mr. TURNER.
H.R. 6107: Mr. LUCAS, Mr. WALDEN of Oregon, Mr. LATHAM, Mr. MARCHANT, Mr. KING of New York, Mr. WELDON of Florida, Mr. WOLF, Mr. MARIO DIAZ-BALART of Florida, Mr. LINCOLN DIAZ-BALART of Florida, Mr. DANIEL E. LUNGREN of California, Mr. GARY G. MILLER of California, and Mr. PORTER.
H.R. 6108: Mr. LATHAM and Mr. ADERHOLT.
H.R. 6127: Mr. JACKSON of Illinois and Mr. TOWNS.
H.R. 6140: Mr. MCNERNEY.
H.R. 6168: Mr. SKELTON.
H.R. 6169: Mr. SKELTON.
H.R. 6194: Mr. UPTON.
H.R. 6195: Mr. DENT, Mr. DOYLE, and Mr. PLATTS.
H.R. 6199: Mrs. MCCARTHY of New York and Ms. VELÁZQUEZ.
H.R. 6205: Mr. ELLISON and Mr. HONDA.
H.R. 6207: Mr. FRANKS of Arizona, Mr. KUHL of New York, Mr. BARRETT of South Carolina, Mr. SHIMKUS, Mr. WESTMORELAND, Ms. FOXX, Mrs. BLACKBURN, Mr. ISSA, Mr. BISHOP of Utah, Mrs. SCHMIDT, Mrs. MUSGRAVE, and Mr. PITTS.
H.R. 6208: Mr. SKELTON.
H.R. 6209: Ms. SCHAKOWSKY, Mr. FARR, and Ms. LORETTA SANCHEZ of California.
H.R. 6210: Mr. BRALEY of Iowa, Mr. JACKSON of Illinois, and Mr. ELLSWORTH.
H.R. 6214: Mr. NUNES and Mr. FOSSELLA.
H.R. 6215: Mr. YOUNG of Alaska.
H.R. 6220: Mr. HAYES.
H.R. 6274: Mr. WILSON of South Carolina.
H.R. 6286: Mr. NUNES.
H.R. 6288: Mr. NUNES.
H.R. 6292: Mr. LATHAM.
H.R. 6293: Mr. REYES, Mr. CARTER, Mr. COSTELLO, and Mr. LAMPSON.
H.R. 6294: Mr. BILIRAKIS.
H.R. 6309: Mr. FATTAH, Ms. MOORE of Wisconsin, and Ms. KILPATRICK.
H.R. 6310: Mr. ALTMIRE and Mr. PETERSON of Minnesota.
H.R. 6321: Mr. KING of New York.
H.R. 6330: Mr. MORAN of Virginia and Mr. BACA.
H.R. 6334: Mr. SIRES, Mr. HINCHEY, Mr. ALTMIRE, Mr. HODES, and Ms. HIRONO.
H.R. 6353: Mr. LEVIN.
H.R. 6371: Mr. DAVIS of Alabama and Mr. GENE GREEN of Texas.
H.R. 6375: Mr. MARSHALL.
H.R. 6407: Mr. UPTON.
H.R. 6429: Mr. DELAHUNT and Mr. HODES.
H.J. Res. 79: Mr. ALLEN, Mr. JACKSON of Illinois, Mr. HONDA, Ms. MOORE of Wisconsin, Ms. ESHOO, and Mr. LEVIN.
H.J. Res. 96: Mr. BOEHNER and Mr. BLUNT.
H. Con. Res. 24: Mr. CLAY, Ms. BORDALLO, Mrs. CHRISTENSEN, and Mr. BUTTERFIELD.
H. Con. Res. 137: Mrs. MUSGRAVE.
H. Con. Res. 296: Mr. POE, Mr. WAMP, Mr. UPTON, Mr. TERRY, Mr. MCHUGH, Mr. CANNON, Mr. DOYLE, Mr. KUHL of New York, Mr. STEARNS, Mr. WELLER, Mr. CAMP of Michigan, Mr. FOSSELLA, Mr. PICKERING, Mr. HALL of New York, Mrs. CAPITO, Mr. BURGESS, and Mr. TAYLOR.
H. Con. Res. 341: Mr. BRALEY of Iowa and Mr. GORDON.
H. Con. Res. 362: Mrs. EMERSON, Mr. MACK, Mrs. MYRICK, Mr. HASTINGS of Washington, Mrs. BACHMANN, Ms. BEAN, Ms. GIFFORDS, Ms. SLAUGHTER, Mr. BUCHANAN, Mr. WALDEN of Oregon, Mr. CHILDERS, and Mr. YOUNG of Alaska.

H. Con. Res. 369: Mr. BILBRAY.
H. Con. Res. 371: Mr. HODES.
H. Con. Res. 375: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. ISRAEL, and Mr. CULBERSON.
H. Con. Res. 380: Ms. WOOLSEY and Mr. HONDA.
H. Con. Res. 385: Mr. GALLEGLY and Mr. POE.
H. Con. Res. 386: Mr. SHAYS and Mr. BURTON of Indiana.
H. Con. Res. 388: Mr. PUTNAM, Mr. WILSON of South Carolina, and Mr. MCCAUL of Texas.
H. Res. 337: Mr. HINCHEY.
H. Res. 504: Mr. CULBERSON.
H. Res. 655: Mr. CLAY and Ms. BORDALLO.
H. Res. 858: Ms. MATSUI, Mr. ALTMIRE, Mr. BUTTERFIELD, Mr. RUSH, and Ms. CORRINE BROWN of Florida.
H. Res. 1006: Mr. SKELTON.
H. Res. 1045: Ms. WATSON.
H. Res. 1088: Mr. WALSH of New York.
H. Res. 1116: Mr. BRADY of Pennsylvania.
H. Res. 1128: Mr. KING of Iowa, Mr. MCKEON, Mr. PEARCE, Mr. FORBES, Mr. BROWN of South Carolina, Mr. DAVIS of Kentucky, and Ms. FALLIN.
H. Res. 1143: Mr. HALL of New York, Mr. DENT, Mr. INSLEE, Mr. DICKS, and Mr. MOORE of Kansas.
H. Res. 1200: Mr. MCDERMOTT.
H. Res. 1202: Mr. SULLIVAN, Ms. SHEA-PORTER, and Mr. ISSA.
H. Res. 1227: Mr. CROWLEY and Ms. BALDWIN.
H. Res. 1239: Mr. WAXMAN.
H. Res. 1245: Mr. ALLEN, Mr. DEFAZIO, Mr. HODES, Mr. LYNCH, Mr. MCCOTTER, Ms. SLAUGHTER, and Mr. STARK.
H. Res. 1273: Mr. MCCOTTER.
H. Res. 1279: Mr. SIMPSON.
H. Res. 1282: Ms. GRANGER, Mr. WAMP, Mr. MCHUGH, and Mr. BOUSTANY.
H. Res. 1286: Mr. MEEKS of New York.
H. Res. 1300: Ms. LEE and Ms. CASTOR.
H. Res. 1302: Mr. COSTA, Mr. SULLIVAN, Mr. KING of Iowa, Mrs. MYRICK, and Mr. SALI.
H. Res. 1303: Ms. ESHOO.
H. Res. 1306: Mr. AKIN, Mr. GINGREY, Mr. MITCHELL, Mr. GOODE, Mr. BRADY of Pennsylvania, Mr. WAMP, Ms. GIFFORDS, Mr. FALEOMAVAEGA, Mr. WILSON of South Carolina, Mr. JOHNSON of Illinois, Mr. PLATTS, Mr. BURTON of Indiana, Mr. MARSHALL, and Ms. GRANGER.
H. Res. 1311: Mr. AL GREEN of Texas, Mr. FILNER, Mr. NEAL of Massachusetts, Mr. UDALL of Colorado, Mr. YOUNG of Alaska, Mr. COLE of Oklahoma, Mr. BISHOP of Georgia, Ms. LORETTA SANCHEZ of California, Mr. WALSH of New York, Mr. MEEKS of New York, Mr. DOYLE, Mr. GOODE, Mr. GENE GREEN of Texas, Mr. THOMPSON of Mississippi, Mr. ORTIZ, Mr. LEWIS of California, Ms. SCHWARTZ, Mr. BRADY of Pennsylvania, Mr. FOSSELLA, Ms. WATSON, Mr. MORAN of Virginia, Mr. CUMMINGS, Mr. TOWNS, and Mr. WATT.
H. Res. 1313: Mr. EHLERS.
H. Res. 1314: Mr. WAXMAN, Ms. GIFFORDS, and Mr. CROWLEY.
H. Res. 1322: Mr. CARDOZA, Mr. WAXMAN, Mr. MCNERNEY, Mr. FILNER, Mrs. Davis of California, Mr. GEORGE MILLER of California, Ms. ROYBAL-ALLARD, Ms. SPEIER, Mr. STARK, Ms. WATERS, Ms. WATSON, Ms. WOOLSEY, Ms. Linda T. Sánchez of California, Ms. RICHARDSON, Mr. BECERRA, Mr. SHERMAN, and Mr. RADANOVICH.
H. Res. 1323: Mr. GRIJALVA, Mr. MATHESON, Mr. GEORGE MILLER of California, Mr. SHULER, Mr. TOWNS, Mr. CONYERS, Mr. HONDA, and Mr. PASTOR.
H. Res. 1324: Mr. KILDEE, Ms. BORDALLO, Mr. MORAN of Virginia, Mr. ETHERIDGE, Mr. HALL of Texas, Mr. FARR, Mr. DOGGETT, Mr. ELLISON, Mr. FATTAH, Mr. MCHUGH, and Mr. GERLACH.

¶82.39 DELETIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:
H. Con. Res. 362: Mr. CLAY.

THURSDAY, JULY 10, 2008 (83)

¶83.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Mrs. TAUSCHER, who laid before the House the following communication:

WASHINGTON, DC,
July 10, 2008.

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

NANCY PELOSI,
Speaker of the House of Representatives.

¶83.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mrs. TAUSCHER, announced she had examined and approved the Journal of the proceedings of Wednesday, July 9, 2008.

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

¶83.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

7437. A letter from the Secretary, Department of Defense, transmitting a letter on the approved retirement of Major General James R. Helmly, United States Army Reserve, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

7438. A letter from the Acting General Counsel, Department of Defense, transmitting a copy of legislative proposals as part of the National Defense Authorization Bill for Fiscal Year 2009; to the Committee on Armed Services.

7439. A letter from the Under Secretary for Acquisitions, Technology and Logistics, Department of Defense, transmitting the Department's report on the progress toward compliance with destruction of the U.S. stockpile of lethal chemical agents and munitions by the extended Chemical Weapons Convention (CWC) deadline of April 29, 2012 and not later than December 31, 2017, pursuant to Public Law 110-181, section 922; to the Committee on Armed Services.

7440. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting the Department's annual report for FY 2007 prepared in accordance with Section 203 of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act), Public Law 107-174; to the Committee on Oversight and Government Reform.

7441. A letter from the Director, Congressional Affairs, Federal Election Commission, transmitting a copy of the semiannual report on activities of the Inspector General for the period October 1, 2007 through March 31, 2008, pursuant to 5 U.S.C. app. (Insp. Gen. Act), section 5(b); to the Committee on Oversight and Government Reform.

7442. A letter from the Executive Vice President, Financial Information Group, Federal Home Loan Bank of Chicago, transmitting the 2007 management report and statements on system of internal controls of the Federal Home Loan Bank of Chicago, pursuant to 31 U.S.C. 9106; to the Committee on Oversight and Government Reform.

7443. A letter from the Senior Vice President and Chief Accounting Officer, Federal Home Loan Bank of Dallas, transmitting the 2007 management report of the Federal Home Loan Bank of Dallas, pursuant to 31 U.S.C. 9106; to the Committee on Oversight and Government Reform.

7444. A letter from the President and Chief Executive Officer, Federal Home Loan Bank of Indianapolis, transmitting the 2007 Statements on System of Internal Controls of the Federal Home Loan Bank of Indianapolis, pursuant to 31 U.S.C. 9106; to the Committee on Oversight and Government Reform.

7445. A letter from the Senior Vice President & Chief Financial Officer, Federal Home Loan Bank of New York, transmitting the 2007 management report of the Federal Home Loan Bank of New York, pursuant to 31 U.S.C. 9106; to the Committee on Oversight and Government Reform.

7446. A letter from the President and Chief Executive Officer, Federal Home Loan Bank of Pittsburgh, transmitting the 2007 Statements on System of Internal Controls of the Federal Home Loan Bank of Pittsburgh, pursuant to 31 U.S.C. 9106; to the Committee on Oversight and Government Reform.

7447. A letter from the President and Chief Executive Officer, Federal Home Loan Bank of Topeka, transmitting the 2007 Statements on System of Internal Controls of the Federal Home Loan Bank of Topeka, pursuant to 31 U.S.C. 9106; to the Committee on Oversight and Government Reform.

7448. A letter from the Assistant Secretary, Federal Maritime Commission, transmitting the Commission's report on new proposed systems of records subject to the Privacy Act, pursuant to Office of Management and Budget Circular No. A-130; to the Committee on Oversight and Government Reform.

7449. A letter from the Director, Office of Personnel Management, transmitting the Office's Federal Activities Inventory Reform (FAIR) Act Inventory Summary as of June 30, 2007; to the Committee on Oversight and Government Reform.

7450. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 737-600, -700, -700C, -800 and -900 Series Airplanes [Docket No. FAA-2007-28355; Directorate Identifier 2007-NM-062-AD; Amendment 39-15495; AD 2008-09-14] (RIN: 2120-AA64) received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7451. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 737-100, -200, -300, -400, and -500 Series Airplanes [Docket No. FAA-2007-0046; Directorate Identifier 2007-NM-173-AD; Amendment 39-15496; AD 2008-09-15] (RIN: 2120-AA64) received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7452. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 737-300, -400, and -500 Series Airplanes [Docket No. FAA-2007-29043; Directorate Identifier 2007-NM-177-AD; Amendment 39-15494; AD 2008-09-13] (RIN: 2120-AA64) received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7453. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 777-200, -300, and -300ER Series Airplanes [Docket No. FAA-2007-28664; Directorate Identifier 2007-NM-007-AD; Amendment 39-15492; AD 2008-09-11] (RIN: 2120-AA64) received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7454. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Taylorcraft, Inc. Models A, B, and F Series Airplanes [Docket No. FAA-2008-0177; Directorate Identifier 2007-CE-093-AD; Amendment 39-15499; AD 2008-09-18] (RIN: 2120-AA64) received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7455. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model DHC-8-102, DHC-8-103, DHC-8-106, DHC-8-201, DHC-8-202, DHC-8-301, DHC-8-311, and DHC-8-315 Airplanes [Docket No. FAA-2008-0266; Directorate Identifier 2008-NM-013-AD; Amendment 39-15506; AD 2008-09-25] (RIN: 2120-AA64) received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7456. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model CL-600-2C10 (Regional Jet Series 700, 701 & 702), CL-600-2D15 (Regional Jet Series 705), and CL-600-2D24 (Regional Jet Series 900) Airplanes [Docket No. FAA-2008-0268; Directorate Identifier 2008-NM-050-AD; Amendment 39-15504; AD 2008-09-23] (RIN: 2120-AA64) received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7457. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Przedsiebiorstwo Doswiadczalno-Produkcyjne Syzbownictwa ''PZL-Bielsko'' Model SZD-50-3 ''Puchacz'' Gliders [Docket No. FAA-2008-0216; Directorate Identifier 2008-CE-004-AD; Amendment 39-15489; AD 2008-09-08] (RIN: 2120-AA64) received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7458. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Agusta S.p.A. Model A109A, A109A II, and A109C Helicopters [Docket No. FAA-2008-0431; Directorate Identifier 2008-SW-08-AD; Amendment 39-15483; AD 2008-09-03] (RIN: 2120-AA64) received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7459. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Air Tractor, Inc. Models AT-300, AT-301, AT-302, AT-400, and AT-400A Airplanes [Docket No. FAA-2008-0476; Directorate Identifier 2008-CE-018-AD; Amendment 39-15491; AD 2008-09-10] (RIN: 2120-AA64) received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7460. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; DORNIER LUFTFAHRT GmbH Models 228-200, 228-201, 228-202, 228-212 Airplanes [Docket No. FAA-2008-0249; Directorate Identifier 2008-CE-012-AD; Amendment 39-15490; AD 2008-09-09] (RIN: 2120-AA64) received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7461. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Saab Model SAAB-Fairchild SF340A (SAAB/SF340A) and SAAB 340B Airplanes [Docket No. FAA-2007-29248; Directorate Identifier 2007-NM-155-AD; Amendment 39-15487; AD 2008-09-06] (RIN: 2120-AA64) received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7462. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 757 Airplanes and Model 767-200, 767-300, and 767-300F Series Airplanes [Docket No. FAA-2008-0411; Directorate Identifier 2008-NM-061-AD; Amendment 39-15488; AD 2008-09-07] (RIN: 2120-AA64) received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7463. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model CL-600-2B19 (Regional Jet Series 100 & 440) Airplanes [Docket No. FAA-2008-0262; Directorate Identifier 2008-NM-021-AD; Amendment 39-15493; AD 2008-09-12] (RIN: 2120-AA64) received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7464. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Eurocopter France Model EC120B Helicopters [Docket No. FAA-2008-0489; Directorate Identifier 2007-SW-59-AD; Amendment 39-15507; AD 2008-10-01] (RIN: 2120-AA64) received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7465. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bell Helicopter Textron Model 204B, 205A, 205A-1, 205B, 210, 212, 412, 412CF, and 412EP Helicopters [Docket No. FAA-2008-0490; Directorate Identifier 2008-SW-26-AD; Amendment 39-15509; AD 2008-10-03] (RIN: 2120-AA64) received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7466. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Construcciones Aeronauticas, S.A. (CASA), Model CN-235, CN-235-100, CN-235-200, CN-235-300, and C-295 Airplanes [Docket No. FAA-2007-0048; Directorate Identifier 2007-NM-181-AD; Amendment 39-155503; AD 2008-09-22] (RIN: 2120-AA64) received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7467. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Dassault Model Falcon 2000 Airplanes [Docket No. FAA-2008-0116; Directorate Identifier 2007-NM-257-AD; Amendment 39-15474; AD 2008-08-20] (RIN: 2120-AA64) received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7468. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Kelly Aerospace Power Systems Turbochargers [Docket No. FAA-2008-0314; Directorate Identifier 2008-NE-09-AD; Amendment 39-15471; AD 2008-08-17] (RIN: 2120-AA64) received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7469. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model ERJ 170 Airplanes and Model ERJ 190 Airplanes [Docket No. FAA-2008-0119; Directorate Identifier 2007-NM-304-AD; Amendment 39-15475; AD 2008-08-21] (RIN: 2120-AA64) received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7470. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 737-600, -700, -700C, -800, and -900 Series Airplanes. [Docket No. FAA-2007-0049; Directorate Identifier 2007-NM-168-AD; Amendment 39-15478; AD 2008-08-24] (RIN: 2120-AA64) received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7471. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; DORNIER LUFTFAHRT GmbH Models 228-100, 228-101, 228-200, 228-201, 228-202, and 228-212 Airplanes [Docket No. FAA-2008-0197 Directorate Identifier 2008-CE-005-AD; Amendment 39-15467; AD 2008-08-15] (RIN: 2120-AA64) received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7472. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 737-600, -700, -700C, -800, and -900 Series Airplanes [Docket No. FAA-2007-29116; Directorate Identifier 2007-NM-064-AD; Amendment 39-15476; AD 2008-08-22] (RIN: 2120-AA64) received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7473. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747-400 Series Airplanes [Docket No. FAA-2008-0410; Directorate Identifier 2007-NM-362-AD; Amendment 39-15485; AD 2006-12-10 R1] (RIN: 2120-AA64) received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7474. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Turbomeca Makila 1A and 1A1 Turboshaft Engines [Docket No. FAA-2007-0157; Directorate Identifier 2001-NE-23-AD; Amendment 39-15469; AD 2008-08-16] (RIN: 2120-AA64) received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7475. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; MD Helicopters, Inc. Model MD900 Series Helicopters [Docket No. FAA-2006-25983; Directorate Identifier 2006-SW-11-AD; Amendment 39-15463; AD 2008-08-11] (RIN: 2120-AA64) received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7476. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Thielert Aircraft Engines GmbH (TAE) Model 125-02-99 Engines [Docket No. FAA-2008-0304; Directorate Identifier 2008-NE-08-AD; Amendment 39-15470; AD 2008-06-52] (RIN: 2120-AA64) received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7477. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Alpha Aviation Design Limited (Type Certificate No. A48EU previously held by APEX Aircraft and AVIONS PIERRE ROBIN) Model R2160 Airplanes [Docket No. FAA-2006-26490; Directorate Identifier 2006-CE-075-AD; Amendment 39-15481; AD 2008-09-01] (RIN: 2120-AA64) received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7478. A letter from the Program Analyst, Department of Transportation, transmitting

the Department's final rule — Airworthiness Directives; Boeing Model 747 Airplanes [Docket No. FAA-2007-29065; Directorate Identifier 2007-NM-142-AD; Amendment 39-15486; AD 2008-09-05] (RIN: 2120-AA64) received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7479. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; APEX Aircraft Model CAP 10 B Airplanes [Docket No. FAA-2008-0196; Directorate Identifier 2008-CE-002-AD; Amendment 39-15482; AD 2008-09-02] (RIN: RIN: 2120-AA64) received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7480. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747-400F and -400 Series Airplanes [Docket No. FAA-2006-26726; Directorate Identifier 2006-NM-205-AD; Amendment 39-15479; AD 2008-08-25] (RIN: 2120-AA64) received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7481. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 737-200C Series Airplanes [Docket No. FAA-2007-29029; Directorate Identifier 2007-NM-175-AD; Amendment 39-15477; AD 2008-08-23] (RIN: 2120-AA64) received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7482. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 767 Airplanes [Docket No. FAA-2007-29063; Directorate Identifier 2007-NM-049-AD; Amendment 39-15480; AD 2008-08-26] (RIN: 2120-AA64) received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7483. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Gulfstream Aerospace LP Model Gulfstream G150 Airplanes [Docket No. FAA-2008-0120; Directorate Identifier 2007-NM-327-AD; Amendment 39-15473; AD 2008-08-19] (RIN: 2120-AA64) received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7484. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Fokker Model F.28 Mark 0070 and Mark 0100 Airplanes [Docket No. FAA-2008-0117; Directorate Identifier 2007-NM-273-AD; Amendment 39-15472; AD 2008-08-18] (RIN: 2120-AA64) received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

¶83.4 PROVIDING FOR CONSIDERATION OF H.R. 1286

Mr. CARDOZA, by direction of the Committee on Rules, called up the following resolution (H. Res. 1317):

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1286) to amend the National Trails System Act to designate the Washington-Rochambeau Revolutionary Route National Historic Trail. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Natural Resources. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Natural Resources now printed in the bill modified by the amendment printed in part A of the report of the Committee on Rules accompanying this resolution. That amendment in the nature of a substitute shall be considered as read. All points of order against that amendment in the nature of a substitute are waived except those arising under clause 10 of rule XXI. Notwithstanding clause 11 of rule XVIII, no amendment to that amendment in the nature of a substitute shall be in order except those printed in part B of the report of the Committee on Rules. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived except those arising under clause 9 or 10 of rule XXI. At the conclusion of consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. During consideration in the House of H.R.1286 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

When said resolution was considered.

After debate,

Mr. CARDOZA moved the previous question on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House now order the previous question?

The SPEAKER pro tempore, Mrs. TAUSCHER, announced that the yeas had it.

Mr. HASTINGS of Washington, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mrs. TAUSCHER, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶83.5 FLOOD INSURANCE REFORM

On motion of Mr. CAPUANO, by direction of the Committee on Financial Services and pursuant to clause 1 of rule XXII, the bill (H.R. 3121) to restore the financial solvency of the national flood insurance program and to provide for such program to make available multiperil coverage for damaging resulting from windstorms and floods, and for other purposes; together with the amendment of the Senate thereto, was taken from the Speaker's table.

When on motion of Mr. CAPUANO, it was,

Resolved, That the House disagree to the amendment of the Senate and agree to the conference asked by the Senate on the disagreeing votes of the two Houses thereon.

Ordered, That the Clerk notify the Senate thereof.

¶83.6 MOTION TO INSTRUCT CONFEREES—H.R. 3121

Mr. NEUGEBAUER moved that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on H.R. 3121 be instructed, to the maximum extent possible within the scope of the conference, to include in the conference agreement the provision in section 106 of the bill (S. 2284).

After debate,

By unanimous consent, the previous question was ordered on the motion to instruct the managers on the part of the House.

The question being put, viva voce,

Will the House agree to said motion?

The SPEAKER pro tempore, Mrs. TAUSCHER, announced that the yeas had it.

Mr. CAPUANO demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mrs. TAUSCHER, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶83.7 H. RES. 1317—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mrs. TAUSCHER, pursuant to clause 8, rule XX, announced the unfinished business to be the question on ordering the previous question on the resolution (H. Res. 1317) providing for the consideration of the bill (H.R. 1286) to amend the National Trails System Act to designate the Washington-Rochambeau Revolutionary Route National Historic Trail.

The question being put,

Will the House now order the previous question?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 226 / Nays 185

¶83.8 [Roll No. 480]

YEAS—226

Abercrombie	Becerra	Boyda (KS)
Ackerman	Berkley	Brady (PA)
Allen	Berman	Braley (IA)
Altmire	Berry	Brown, Corrine
Arcuri	Bishop (GA)	Butterfield
Baca	Bishop (NY)	Capps
Baird	Blumenauer	Capuano
Baldwin	Boren	Cardoza
Barrow	Boucher	Carnahan
Bean	Boyd (FL)	Carney

Carson
Castle
Castor
Cazayoux
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Doggett
Donnelly
Doyle
Edwards (MD)
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Hastings (FL)
Herseth Sandlin
Higgins
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lungren, Daniel E.
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reichert
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—185

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

NOT VOTING—23

Andrews
Boswell
Brown-Waite, Ginny
Carter
Dingell
Edwards (TX)
Fortenberry
Frank (MA)
Frelinghuysen
Gohmert
Granger
Harman
Hill
Hulshof
Kennedy
Pickering
Pryce (OH)
Reyes
Rush
Smith (TX)
Speier
Waxman
Wilson (NM)

So the previous question on the resolution was ordered.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mrs. TAUSCHER, announced that the yeas had it.

Mr. HASTINGS of Washington, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 224 / Nays 182

¶83.9 [Roll No. 481]

YEAS—224

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

NAYS—182

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fossella
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Hensarling
Herger
Hobson
Hunter
Inglis (SC)
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pitts
Platts
Poe
Porter
Price (GA)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)

Smith (NJ)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOT VOTING—28

Andrews
Blunt
Boehner
Boswell
Brown-Waite, Ginny
Cannon
Capuano
Dingell
Fortenberry
Frank (MA)
Frelinghuysen
Gohmert
Harman
Heller
Hill
Hoekstra
Hulshof
Issa
Lungren, Daniel E.
Murphy, Patrick
Pickering
Pryce (OH)
Reyes
Rogers (MI)
Rush
Smith (TX)
Waxman
Wilson (NM)

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶83.10 NATIONAL TRAILS SYSTEM

The SPEAKER pro tempore, Mrs. TAUSCHER, pursuant to House Resolution 1317 and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 1286) to amend the National Trails System Act to designate the Washington-Rochambeau Revolutionary Route National Historic Trail.

The SPEAKER pro tempore, Mrs. TAUSCHER, by unanimous consent, designated Mr. ROSS as Chairman of the Committee of the Whole; and after some time spent therein,

¶83.11 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 2, printed in House Report 110-744, submitted by Mr. PEARCE:

At the end of the bill, add the following:

SEC. 4. ENERGY AND CONGRESSIONAL REVIEW.

The Secretary of Interior, in consultation with the Secretary of Energy and private industry, shall complete and submit to the Committee on Natural Resources of the House of Representatives, the Committee on Energy and Natural Resources of the Senate, and Senators and Representatives from the States affected by the designation, a report using the best available data and regarding the energy resources available on the lands and waters included in the Washington-Rochambeau Revolutionary Route National Historic Trail. The report shall—

(1) contain the best available description of the energy resources available on the land and report on the specific amount of energy withdrawn from possible development; and

(2) identify barrels of oil, cubic feet of natural gas, megawatts of geothermal, wind and solar energy that could be commercially produced, annual available biomass for energy production, and any megawatts of hydropower resources available, including tidal, traditional dams, and in- stream flow turbines, and any impact on electricity transmission.

It was decided in the affirmative ..... { Yeas ..... 424 / Nays 0

¶83.12 [Roll No. 482]

AYES—424

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Bordallo
Boren
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Cazayoux
Chabot
Chandler
Childers
Christensen
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fossella
Foster
Foxx
Frank (MA)
Franks (AZ)
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Norton
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Scalise
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—15

Andrews
Boswell
Brown-Waite, Ginny
Conyers
Faleomavaega
Fortenberry
Fortuño
Frelinghuysen
Hill
Hulshof
Marchant
Pickering
Pryce (OH)
Rush
Waxman

So the amendment was agreed to.

The SPEAKER pro tempore, Mrs. TAUSCHER, assumed the Chair.

When Mr. SALAZAR, Acting Chairman, pursuant to House Resolution 1317, reported the bill back to the House with an amendment adopted by the Committee.

The previous question having been ordered by said resolution.

The following amendment, reported from the Committee of the Whole House on the state of the Union, was agreed to:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Washington-Rochambeau Revolutionary Route National Historic Trail Designation Act''.

SEC. 2. ADDITION TO NATIONAL SCENIC AND NATIONAL HISTORIC TRAILS.

Section 5(a) of the National Trails System Act (16 U.S.C. 1244(a)) is amended by adding at the end the following:

''(____) WASHINGTON-ROCHAMBEAU REVOLUTIONARY ROUTE NATIONAL HISTORIC TRAIL.—

''(A) IN GENERAL.—The Washington-Rochambeau Revolutionary Route National Historic Trail, a corridor of approximately 600 miles following the route taken by the armies of General George Washington and Count Rochambeau between Newport, Rhode Island, and Yorktown, Virginia, in 1781 and 1782, as generally depicted on the map titled

'Washington-Rochambeau Revolutionary Route National Historic Trail', numbered T01/80,001, and dated June, 2007.

''(B) MAP.—The map referred to in subparagraph (A) shall be on file and available for public inspection in the appropriate offices of the National Park Service.

''(C) ADMINISTRATION.—The trail shall be administered by the Secretary of the Interior, in consultation with—

''(i) other Federal, State, tribal, regional, and local agencies; and

''(ii) the private sector.

''(D) LAND ACQUISITION.—The United States shall not acquire for the trail any land or interest in land—

''(i) outside the exterior boundary of any federally managed area without the consent of the owner of the land or interest in land; and

''(ii) acquired from a State or local government if that land was acquired by such government through eminent domain.''.

SEC. 3. ENERGY.

Nothing in the amendment made by section 2 of this Act shall prohibit or hinder the development, production, conveyance, or transmission of energy.

SEC. 4. HUNTING, FISHING, TRAPPING, AND RECREATIONAL SHOOTING.

Nothing in this Act shall be construed as affecting the authority, jurisdiction, or responsibility of the several States to manage, control, or regulate fish and resident wildlife under State law or regulations, including the regulation of hunting, fishing, trapping, and recreational shooting. Nothing in this Act shall be construed as limiting access for hunting, fishing, trapping, or recreational shooting.

SEC. 5. ENERGY AND CONGRESSIONAL REVIEW.

The Secretary of Interior, in consultation with the Secretary of Energy and private industry, shall complete and submit to the Committee on Natural Resources of the House of Representatives, the Committee on Energy and Natural Resources of the Senate, and Senators and Representatives from the States affected by the designation, a report using the best available data and regarding the energy resources available on the lands and waters included in the Washington-Rochambeau Revolutionary Route National Historic Trail. The report shall—

(1) contain the best available description of the energy resources available on the land and report on the specific amount of energy withdrawn from possible development; and

(2) identify barrels of oil, cubic feet of natural gas, megawatts of geothermal, wind and solar energy that could be commercially produced, annual available biomass for energy production, and any megawatts of hydropower resources available, including tidal, traditional dams, and in- stream flow turbines, and any impact on electricity transmission.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

Ms. FALLIN moved to recommit the bill to the Committee on Natural Resources with instructions to report the bill back to the House promptly in the form to which perfected at the time of this motion, with the following amendment:

Amend section 3 to read as follows:

SEC. 3. ENERGY.

Section 7 of the National Trails System Act (16 U.S.C. 1246) is amended by adding at the end the following new subsection:

''(l) Nothing in this Act shall prohibit or hinder the development, production, conveyance, or transmission of energy.''.

Pending consideration of said motion.

¶83.13 POINT OF ORDER

Mr. RAHALL made a point of order against said motion to recommit with instructions, and said:

''Madam Speaker, I reserve a point of order.''

Ms. FALLIN was recognized to speak to the point of order and said:

''Madam Speaker, America has slammed into an energy wall in the past 18 months, with gas prices escalating 70 percent since the beginning of the 110th Congress when the current Democratic leadership took control. Americans are now paying over $4 and change for a gallon of gasoline. This dire situation affects not only drivers, but ripples through all commerce of the United States, from the cost of food, to building materials, to tourism, to jobs, to health care, and in short, our economic security. Increased supply from our own American resources is one tool that we have in our tool box to help us get out of this mess.

''This is a bipartisan solution, as demonstrated by Speaker PELOSI's recent request to President Bush to release oil from the Strategic Petroleum Reserve to help funnel more product to American refineries, and thus more gas to local gas stations.

''While this is a small step in a positive direction, the Democratic-controlled House of Representatives has only compounded the problem of American energy supplies. The current leadership has scheduled and passed over a dozen bills from the Committee on Natural Resources alone restricting or potentially restricting energy development on the public lands of the United States. We also expect a package of over 60 more bills from the Senate before we adjourn, most of which will impact energy exploration and development on public lands.

''The Democratic leadership of the House of Representatives has also failed to lift the congressional moratoria on the development of oil and natural gas resources from the Outer Continental Shelf. It has blocked access to over 1 million acres of uranium-rich lands in the southwestern United States, fuel which could be harnessed to produce clean, air-friendly nuclear energy. It has locked up oil shale and stopped energy transmission corridors across public lands. It has even tried to stop wind energy.

''While this trail bill before us may seem like small potatoes, it is indicative of a larger problem. The more lands we place off-limits to multiple uses, including energy development, then the more we have to rely on others for our economic feedstock of energy.

''This trail will affect lands and waters in more than nine States in very populous eastern areas and the mid-Atlantic region of America. At least, thanks to Congressman PEARCE's amendment, we will know exactly what energy resources will be impacted by this designation. This is not true for all trails designated under the National Trails Act.

''Currently, there are thousands of miles of trails affecting every region of the United States, and with the trend in legislative activity in this Congress, we can certainly expect many more in the near future.

''This motion to recommit will ensure that we do not inadvertently cut off crucial energy supplies during the current crisis when we designate trails under the National Trails Act. It expands on language authored by Congressman Rob WITTMAN, now in section three of the bill, which was readily accepted by both Democrats and Republicans during the markup of H.R. 1286 in the Committee on Natural Resources just 2 weeks ago. What is good for the Washington-Rochambeau trail should be good for all trails, wherever located.

''And, Madam Speaker, as I just mentioned, this House just voted unanimously on an amendment by Congressman PEARCE for an energy assessment on this trail, so why should we prohibit or hinder the development, the production, the conveyance, or transmission of energy on any trail in the United States? I ask for your support.''.

Mr. RAHALL was further recognized and said:

''Madam Speaker, I insist on my point of order and raise a point of order that the motion to recommit contains nongermane instructions in violation of clause 7 of rule XVI. The instructions in the motion to recommit address an unrelated matter within the jurisdiction of a committee not represented in the underlying bill.

''The second reason, the motion to recommit uses the word 'promptly,' as we all know, which kills a bill.

''And third, the motion to recommit is the exact language already in the bill. That language states 'nothing in the amendment made by section 2 of this act shall prohibit or hinder the development, production, conveyance, or transmission of energy,' the exact repeat language of the motion to recommit.

''Therefore, I insist on my point of order.''.

The SPEAKER pro tempore, Mrs. TAUSCHER, sustained the point of order, and said:

''The gentleman from West Virginia makes a point of order that the instructions in the motion to recommit are not germane.

''As recorded in section 937 of the House Rules and Manual, a specific subject may not be amended by a provision general in nature, even when of the same class as the specific subject. For example, as cited on page 719 of the Manual, to a bill relating to one State maritime academy, an amendment relating to all State maritime academies is not germane.

''The bill as amended confines its attention to a single national historic trail designation. The instructions in the motion to recommit extend to all trails addressed by the National Trails System Act.

''As such, the Chair finds that the instructions in the motion to recommit are not germane. The point of order is sustained. The motion is not in order.''.

Ms. FALLIN moved to recommit the bill to the Committee on Natural Resources with instructions to report the bill back to the House promptly in the form to which perfected at the time of this motion, with the following amendment:

After the new subparagraph (D) added by the amendment in section 2, insert the following:

''(E) STATE AND LOCAL LAW.—All designated lands within the trail, including all Federal lands, shall be exclusively governed by relevant State and local laws regarding the possession or use of a weapon, including a concealed weapon.''.

After debate,

By unanimous consent, the previous question was ordered on the motion to recommit with instructions.

The question being put, viva voce,

Will the House recommit said bill with instructions?

The SPEAKER pro tempore, Mrs. TAUSCHER, announced that the nays had it.

Ms. FALLIN demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the negative ..... { Yeas ..... 202 / Nays 211

¶83.14 [Roll No. 483]

YEAS—202

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

NAYS—211

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

NOT VOTING—21

Andrews	Fortenberry	Pickering
Boren	Frelinghuysen	Pryce (OH)
Boswell	Gordon	Rush
Boucher	Hill	Slaughter
Brown-Waite, Ginny	Hulshof	Waxman
	Marchant	Young (AK)
Conyers	Markey	
Deal (GA)	Neal (MA)	

So the motion to recommit with instructions was not agreed to.

The question being put, viva voce,

Will the House pass said bill?

The SPEAKER pro tempore, Mrs. TAUSCHER, announced that the yeas had it.

Mr. RAHALL demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 345 / Nays 69

¶83.15 [Roll No. 484]

AYES—345

Abercrombie	Cole (OK)	Hastings (FL)
Ackerman	Cooper	Hayes
Aderholt	Costa	Herseth Sandlin
Akin	Costello	Higgins
Alexander	Courtney	Hinchey
Allen	Cramer	Hinojosa
Altmire	Crenshaw	Hirono
Arcuri	Crowley	Hobson
Baca	Cuellar	Hodes
Bachmann	Culberson	Holden
Bachus	Cummings	Holt
Baird	Davis (AL)	Honda
Baldwin	Davis (CA)	Hooley
Barrett (SC)	Davis (IL)	Hoyer
Barrow	Davis, Lincoln	Inglis (SC)
Bartlett (MD)	Davis, Tom	Inslee
Bean	DeFazio	Israel
Becerra	DeGette	Jackson (IL)
Berkley	Delahunt	Jackson-Lee (TX)
Berman	DeLauro	
Berry	Dent	Jefferson
Biggert	Diaz-Balart, L.	Johnson (GA)
Bilbray	Diaz-Balart, M.	Johnson (IL)
Bilirakis	Dicks	Johnson, E. B.
Bishop (GA)	Dingell	Jones (NC)
Bishop (NY)	Doggett	Jones (OH)
Blumenauer	Donnelly	Kagen
Blunt	Drake	Kanjorski
Bonner	Dreier	Kaptur
Bono Mack	Edwards (MD)	Keller
Boozman	Edwards (TX)	Kennedy
Boren	Ehlers	Kildee
Boustany	Ellison	Kilpatrick
Boyd (FL)	Ellsworth	Kind
Boyda (KS)	Emanuel	King (NY)
Brady (PA)	Emerson	Kirk
Braley (IA)	Engel	Klein (FL)
Brown (SC)	English (PA)	Kline (MN)
Brown, Corrine	Eshoo	Knollenberg
Buchanan	Etheridge	Kucinich
Burgess	Everett	Kuhl (NY)
Butterfield	Fallin	LaHood
Buyer	Farr	Lampson
Calvert	Fattah	Langevin
Camp (MI)	Ferguson	Larsen (WA)
Cantor	Filner	Larson (CT)
Capito	Forbes	Latham
Capps	Fossella	LaTourette
Capuano	Foster	Latta
Cardoza	Frank (MA)	Lee
Carnahan	Gallegly	Levin
Carney	Gerlach	Lewis (CA)
Carson	Giffords	Lewis (GA)
Carter	Gilchrest	Lipinski
Castle	Gillibrand	LoBiondo
Castor	Gonzalez	Loebsack
Cazayoux	Granger	Lofgren, Zoe
Chabot	Graves	Lowey
Chandler	Green, Al	Lucas
Childers	Green, Gene	Lungren, Daniel E.
Clarke	Grijalva	
Clay	Gutierrez	Lynch
Cleaver	Hall (NY)	Mahoney (FL)
Clyburn	Hare	Maloney (NY)
Cohen	Harman	Markey

Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler
Napolitano
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Platts
Pomeroy
Porter
Price (NC)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Speier
Spratt
Stark
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Weiner
Welch (VT)
Weller
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (FL)

NOES—69

Barton (TX)
Bishop (UT)
Blackburn
Boehner
Brady (TX)
Broun (GA)
Burton (IN)
Campbell (CA)
Cannon
Coble
Conaway
Cubin
Davis (KY)
Davis, David
Doolittle
Duncan
Feeney
Flake
Foxx
Franks (AZ)
Garrett (NJ)
Gingrey
Gohmert
Goode
Goodlatte
Hall (TX)
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Hunter
Issa
Johnson, Sam
Jordan
King (IA)
Kingston
Lamborn
Lewis (KY)
Linder
Mack
Manzullo
McHenry
Miller (FL)
Moran (KS)
Musgrave
Neugebauer
Nunes
Paul
Pence
Pitts
Poe
Price (GA)
Royce
Sali
Scalise
Sensenbrenner
Sessions
Shadegg
Smith (NE)
Stearns
Tancredo
Thornberry
Tiahrt
Walberg
Weldon (FL)
Westmoreland
Wilson (SC)
Young (AK)

NOT VOTING—20

Andrews
Boswell
Boucher
Brown-Waite, Ginny
Conyers
Deal (GA)
Doyle
Fortenberry
Frelinghuysen
Gordon
Hill
Hulshof
Marchant
Neal (MA)
Pickering
Pryce (OH)
Rush
Sherman
Slaughter
Waxman

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶83.16 ORDER OF BUSINESS—SUSPENSIONS

On motion of Mr. RAHALL, by unanimous consent,

Ordered, That the motions to suspend the rules relating to the following measures, be considered as adopted in the form considered by the House on Wednesday, July 9, 2008:

Accordingly,

House Resolution 1313, celebrating the 25th anniversary of the first American woman in space, Dr. Sally K. Ride, and honoring her contributions to the space program and to science education, was agreed to; and House Resolution 1315, commemorating the 50th Anniversary of the National Aeronautics and Space Administration, was agreed to.

The sundry motions to reconsider the votes whereby the rules were suspended and said measures were considered adopted were, by unanimous consent, laid on the table.

¶83.17 MOTION TO INSTRUCT CONFEREES TO H.R. 3121—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mrs. TAUSCHER, pursuant to clause 8 of rule XX, announced the unfinished business to be the question on the motion, by Mr. NEUGEBAUER, to instruct the managers on the part of the House at the conference with the Senate on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 3121) to restore the financial solvency of the national flood insurance program and to provide for such program to make available multiperil coverage for damaging resulting from windstorms and floods, and for other purposes.

The question being put,

Will the House agree to said motion?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 385 Nays 26

¶83.18 [Roll No. 485]

YEAS—385

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Brown (SC)
Brown, Corrine
Buchanan
Burgess
Butterfield
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Cazayoux
Chabot
Chandler
Childers
Clarke
Clay
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Drake
Dreier
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Fossella
Foster
Foxx
Frank (MA)
Franks (AZ)
Gallegly
Garrett (NJ)
Gerlach
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hunter
Inglis (SC)
Inslee
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
Kingston
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Tim
Murtha
Musgrave
Myrick
Napolitano
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Petri
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NAYS—26

Bishop (NY)
Blumenauer
Boustany
Braley (IA)
Broun (GA)
Burton (IN)
Buyer
Cubin
Forbes
Giffords
Gilchrest
Higgins
Israel
King (IA)
King (NY)

Kirk	McCarthy (NY)	Roybal-Allard
Klein (FL)	Murphy, Patrick	Scalise
Latham	Nadler	Weiner
Loebsack	Pallone	

NOT VOTING—23

Andrews	Doyle	Mica
Boswell	Fortenberry	Neal (MA)
Boucher	Frelinghuysen	Peterson (PA)
Brown-Waite, Ginny	Gordon	Pickering
	Hill	Pryce (OH)
Cleaver	Hulshof	Rush
Conyers	Marchant	Slaughter
Deal (GA)	McNulty	Waxman

So the motion to instruct the managers on the part of the House was agreed to.

A motion to reconsider the vote whereby said motion was agreed to was, by unanimous consent, laid on the table.

¶83.19 APPOINTMENT OF CONFEREES—H.R. 3121

Thereupon, the SPEAKER pro tempore, Ms. EDWARDS of Maryland, by unanimous consent, appointed the following Members as managers on the part of the House at said conference:

From the Committee on Financial Services, for consideration of the House bill and the Senate amendment, and modifications committed to conference: Messrs. FRANK of Massachusetts, KANJORSKI, Ms. WATERS, Messrs. WATT, CLAY, KLEIN of Florida, MAHONEY of Florida, BACHUS, Mrs. BIGGERT, Mrs. CAPITO, Messrs. GARRETT of New Jersey, and PRICE of Georgia.

From the Committee on Energy and Commerce, for consideration of sec. 302 of the Senate amendment, and modifications committed to conference: Messrs. DINGELL, BOUCHER, and BARTON of Texas.

From the Committee on Transportation and Infrastructure, for consideration of secs. 7 and 22 of the House bill, and secs. 107, 119, and 301 of the Senate amendment, and modifications committed to conference: Ms. Eddie Bernice JOHNSON of Texas, Messrs. BRALEY of Iowa, and GRAVES.

For consideration of secs. 7 and 35 of the House bill, and sec. 128 of the Senate amendment, and modifications committed to conference: Mr. TAYLOR.

Ordered, That the Clerk notify the Senate of the foregoing appointments.

¶83.20 CLERK TO CORRECT ENGROSSMENT

On motion of Ms. WATERS, by unanimous consent,

Ordered, That in the engrossment of the bill (H.R. 1286) to amend the National Trails System Act to designate the Washington-Rochambeau Revolutionary Route National Historic Trail, the Clerk be authorized to make technical corrections including corrections in spelling, punctuation, section and title numbering, cross-referencing, conforming amendments to the table of contents and short titles, and the insertion of appropriate headings.

¶83.21 SENATE RESTAURANT EMPLOYEES

On motion of Mr. BRADY of Pennsylvania, by unanimous consent, the bill of the Senate (S. 2967) a bill to provide for certain Federal employee benefits to be continued for certain employees of the Senate Restaurants after operations of the Senate Restaurants are contracted to be performed by a private business concern, and for other purposes; was taken from the Speaker's table.

When said bill was considered, read twice, ordered to be read a third time, was read a third time by title, and passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶83.22 JESSE ALEXANDER HELMS, JR.

On motion of Mr. BRADY of Pennsylvania, by unanimous consent, the Committee on House Administration was discharged from further consideration of the following resolution (H. Res. 1325):

Whereas Jesse Alexander Helms, Jr., born in Monroe, North Carolina on October 18, 1921, spent a 52-year public career dedicating himself to his country, his family, and his home State, representing North Carolina in the United States Senate for 30 years;

Whereas Jesse Alexander Helms, Jr., served in the United States Navy from 1942 until 1945;

Whereas Jesse Alexander Helms, Jr., was educated in the public schools of Monroe, North Carolina, and at Wingate Junior College and Wake Forest College, and served as a city editor of the Raleigh Times, an administrative assistant to United States Senators Willis Smith and Alton Lennon, an executive director of the North Carolina Bankers Association, a member of the Raleigh City Council, and a television and radio executive;

Whereas Jesse Alexander Helms, Jr., was elected to the United States Senate in 1972, and served as Chairman of the Senate Foreign Relations Committee and the Senate Agriculture Committee, ultimately serving five terms, equal to the longest service of any Senator from North Carolina;

Whereas Jesse Alexander Helms, Jr., was a leader against Communism and became the first legislator of any nation to address the United Nations Security Council;

Whereas Jesse Alexander Helms, Jr., was married for 65 years to Dorothy ''Dot'' Coble Helms, whom he termed his ''best friend'', and Jesse Alexander Helms, Jr., is the father of three children; and

Whereas Jesse Alexander Helms, Jr., made valuable contributions to his community, State, Nation, and the World: Now, therefore, be it

Resolved, That the House of Representatives—

(1) honors the life, achievements, and distinguished career of Jesse Alexander Helms, Jr., public servant and former Member of the United States Senate; and

(2) expresses its condolences to his wife, ''Dot'', and his three children on his passing.

When said resolution was considered and agreed to.

A motion to reconsider the vote whereby the resolution was agreed to was, by unanimous consent, laid on the table.

¶83.23 ADJOURNMENT OVER

On motion of Mr. HOYER, by unanimous consent,

Ordered, That when the House adjourns today, it adjourn to meet on Monday, July 14, 2008, at 12:30 p.m. for morning-hour debate.

¶83.24 CALENDAR WEDNESDAY BUSINESS DISPENSED WITH

On motion of Mr. HOYER, by unanimous consent,

Ordered, That business in order for consideration on Wednesday, July 16, 2008, under clause 6, rule XV, the Calendar Wednesday rule, be dispensed with.

¶83.25 NOTICE REQUIREMENT—CONSIDERATION OF RESOLUTION—QUESTION OF PRIVILEGES

Mr. KUCINICH, pursuant to clause 2(a)(1) of rule IX, announced his intention to call up the following resolution, as a question of the privileges of the House:

Resolved, that President George W. Bush be impeached for high crimes and misdemeanors, and that the following Article of Impeachment be exhibited to the United States Senate:

An Article of Impeachment exhibited by the House of Representatives of the United States of America in the name of itself and the people of the United States of America, in maintenance and support of its impeachment against President George W. Bush for high crimes and misdemeanors.

ARTICLE ONE—DECEIVING CONGRESS WITH FABRICATED THREATS OF IRAQ WMDS TO FRAUDULENTLY OBTAIN SUPPORT FOR AN AUTHORIZATION OF THE USE OF MILITARY FORCE AGAINST IRAQ

In his conduct while President of the United States, George W. Bush, in violation of his constitutional oath to faithfully execute the Office of President of the United States, and to the best of his ability, preserve, protect, and defend the Constitution of the United States, and in violation of his constitutional duty under article II, section 3 of the Constitution ''to take care that the laws be faithfully executed,'' deceived Congress with fabricated threats of Iraq Weapons of Mass Destruction to fraudulently obtain support for an authorization for the use of force against Iraq and used that fraudulently obtained authorization, then acting in his capacity under article II, section 2 of the Constitution as Commander in Chief, to commit U.S. troops to combat in Iraq.

To gain congressional support for the passage of the Joint Resolution to Authorize the Use of United States Armed Forces Against Iraq, the President made the following material representations to the Congress in S.J. Res. 45:

1. That Iraq was ''continuing to possess and develop a significant chemical and biological weapons capability. . . .''

2. That Iraq was ''actively seeking a nuclear weapons capability. . . .''

3. That Iraq was ''continuing to threaten the national security interests of the United States and international peace and security.''

4. That Iraq has demonstrated a ''willingness to attack, the United States. . . .''

5. That ''members of al Qaeda, an organization bearing responsibility for attacks on the United States, its citizens and interests, including the attacks that occurred on September 11, 2001, are known to be in Iraq. . . .''

6. The ''attacks on the United States of September 11, 2001, underscored the gravity of the threat that Iraq will transfer weapons of mass destruction to international terrorist organizations. . . .''

7. That Iraq ''will either employ those weapons to launch a surprise attack against

the United States or its Armed Forces or provide them to international terrorists who would do so. . . .''

8. That an ''extreme magnitude of harm that would result to the United States and its citizens from such an attack. . . .''

9. That the aforementioned threats ''justify action by the United States to defend itself. . . .''

10. The enactment clause of section 2 of S.J. Res. 45, the Authorization of the Use of the United States Armed Forces authorizes the President to ''defend the national security interests of the United States against the threat posed by Iraq. . . .''

Each consequential representation made by the President to the Congress in S.J. Res. 45 in subsequent iterations and the final version was unsupported by evidence which was in the control of the White House.

To wit:

1. Iraq was not ''continuing to possess and develop a significant chemical and biological weapons capability . . . ''

''A substantial amount of Iraq's chemical warfare agents, precursors, munitions and production equipment were destroyed between 1991 and 1998 as a result of Operation Desert Storm and United Nations Special Commission (UNSCOM) actions. There is no reliable information on whether Iraq is producing and stockpiling chemical weapons or whether Iraq has or will establish its chemical warfare agent production facilities.''

The source of this information is the Defense Intelligence Agency, a report called, ''Iraq—Key WMD Facilities—An Operational Support Study,'' September 2002.

''Statements by the President and Vice President prior to the October 2002 National Intelligence Estimate regarding Iraq's chemical weapons production capability and activities did not reflect the intelligence community's uncertainties as to whether such production was ongoing.''

The source of this information is the Senate Select Committee on Intelligence, a report entitled ''Report on Whether Public Statements Regarding Iraq By U.S. Government Officials Were Substantiated By Intelligence Information.'' June 5, 2008.

''In April and early May 2003, military forces found mobile trailers in Iraq. Although intelligence experts disputed the purpose of the trailers, administration officials repeatedly asserted that they were mobile biological weapons laboratories. In total, President Bush, Vice President CHENEY, Secretary Rumsfeld, Secretary Powell, and National Security Advisor Rice made 34 misleading statements about the trailers in 27 separate public appearances. Shortly after the mobile trailers were found, the Central Intelligence Agency and the Defense Intelligence Agency issued an unclassified white paper evaluating the trailers. The white paper was released without coordination with other members of the intelligence community, however. It was later disclosed that engineers from the Defense Intelligence Agency who examined the trailers concluded that they were most likely used to produce hydrogen for artillery weather balloons. A former senior intelligence official reported that 'only one of 15 intelligence analysts assembled from three agencies to discuss the issue in June endorsed the white paper conclusion.'''

The source of this information is the House Committee on Government Reform, minority staff, ''Iraq on the Record: Bush Administration's Public Statements about Chemical and Biological Weapons.'' March 16, 2004.

Former chief of CIA covert operations in Europe, Tyler Drumheller, has said that the CIA had credible sources discounting weapons of mass destruction claims, including the primary source of biological weapons claims, an informant who the Germans code-named ''Curveball'' whom the Germans had informed the Bush administration was a likely fabricator of information including that concerning the Niger yellowcake forgery. Two other former CIA officers confirmed Drumheller's account to Sidney Blumenthal who reported the story at Salon.com on September 6, 2007, which in fact is the media source of this information.

''In practical terms, with the destruction of the al Hakam facility, Iraq abandoned its ambition to obtain advanced biological weapons quickly. The Iraq Survey Group (ISG) found no direct evidence that Iraq, after 1996, had plans for a new biological weapons program or was conducting biological weapons-specific work for military purposes. Indeed, from the mid-1990s, despite evidence of continuing interest in nuclear and chemical weapons, there appears to be a complete absence of discussion or even interest in biological weapons at the Presidential level. In spite of exhaustive investigation, the Iraq Survey Group found no evidence that Iraq possessed, or was developing, biological weapon agent production systems mounted on road vehicles or railway wagons. The Iraq Survey Group harbors severe doubts about the source's credibility in regards to the breakout program.'' That's a direct quote from the ''Comprehensive Report of the Special Advisor to the Director of Central Intelligence on Iraq's WMD,'' commonly known as the Duelfer report by Charles Duelfer.

''While a small number of old, abandoned chemical munitions have been discovered, the Iraq Survey Group judges that Iraq unilaterally destroyed its undeclared chemical weapons stockpile in 1991. There are no credible indications that Baghdad resumed production of chemical munitions thereafter, a policy the Iraq Survey Group attributes to Baghdad's desire to see sanctions lifted, or rendered ineffectual, or its fear of force against it should WMD be discovered.''

The source of this information, the ''Comprehensive Report of the Special Advisor to the Director of Central Intelligence on Iraq's WMD,'' Charles Duelfer.

2. Iraq was not ''actively seeking a nuclear weapons capability.''

The key finding of the Iraq Survey Group's report to the Director of Central Intelligence found that ''Iraq's ability to reconstitute a nuclear weapons program progressively decayed after that date. Saddam Husayn (sic) ended the nuclear program in 1991 following the Gulf War. Iraq Survey Group found no evidence to suggest concerted efforts to restart the program.''

The source of this information, the ''Comprehensive Report of the Special Advisor to the Director of Central Intelligence on Iraq's WMD,'' Charles Duelfer.

Claims that Iraq was purchasing uranium from Niger were not supported by the State Department's Bureau of Intelligence and Research in the National Intelligence Estimate of October 2002.

The CIA had warned the British Government not to claim Iraq was purchasing uranium from Niger prior to the British statement that was later cited by President Bush, this according to George Tenet of the Central Intelligence Agency on July 11, 2003.

Mohamed ElBaradei, the Director General of the International Atomic Energy Agency, in a ''Statement to the United Nations Security Council on The Status of Nuclear Inspections in Iraq: An Update'' on March 7, 2003, said as follows:

''One, there is no indication of resumed nuclear activities in those buildings that were identified through the use of satellite imagery as being reconstructed or newly erected since 1998, nor any indication of nuclear-related prohibited activities at any inspected sites. Second, there is no indication that Iraq has attempted to import uranium since 1990. Three, there is no indication that Iraq has attempted to import aluminum tubes for use in centrifuge enrichment. Moreover, even had Iraq pursued such a plan, it would have been—it would have encountered practical difficulties in manufacturing centrifuges out of the aluminum tubes in question. Fourthly, although we are still reviewing issues related to magnets and magnet production, there is no indication to date that Iraq imported magnets for use in a centrifuge enrichment program. As I stated above, the IAEA (International Atomic Energy Agency) will naturally continue to further scrutinize and investigate all of the above issues.''

3. Iraq was not ''continuing to threaten the national security interests of the United States.''

''Let me be clear: analysts differed on several important aspects of [Iraq's biological, chemical, and nuclear] programs and those debates were spelled out in the Estimate. They never said there was an 'imminent' threat.''

George Tenet, who was Director of the CIA, said this in Prepared Remarks for Delivery at Georgetown University on February 5, 2004.

''We have been able to keep weapons from going into Iraq. We have been able to keep the sanctions in place to the extent that items that might support weapons of mass destruction have had some controls on them. It's been quite a success for 10 years.'' The source of this statement, Colin Powell, Secretary of State, in an interview with Face the Nation, February 11, 2001.

On July 23, 2002, a communication from the Private Secretary to Prime Minister Tony Blair, ''Memo to British Ambassador David Manning'' reads as follows:

''British Secret Intelligence Service Chief Sir Richard Billing Dearlove reported on his recent talks in Washington. There was a perceptible shift in attitude. Military action was now seen as inevitable. Bush wanted to remove Saddam through military action, justified by the conjunction of terrorism and WMD. But the intelligence and facts were being fixed around the policy. The NSC had no patience with the U.N. route and no enthusiasm for publishing material on the Iraqi regime's record. There was little discussion in Washington of the aftermath after military action. The Foreign Secretary said he would discuss this with Colin Powell this week. It seemed clear that Bush had made up his mind to take military action, even if the timing was not yet decided. But the case was thin. Saddam Hussein was not threatening his neighbors, and his WMD capability was less than that of Libya, North Korea or Iran. We should work up a plan for an ultimatum to Saddam to allow back in the U.N. weapons inspectors. This would also help with the legal justification for the use of force.''

4. Iraq did not have the ''willingness to attack, the United States.''

''The fact of the matter is that both baskets, the U.N. basket and what we and other allies have been doing in the region, have succeeded in containing Saddam Hussein and his ambitions. His forces are about one-third their original size. They really don't possess the capability to attack their neighbors the way they did 10 years ago.'' The source of this quote, Colin Powell, Secretary of State, in a transcript of remarks made to German Foreign Minister Joschka Fischer in February 2001.

The October 2002 National Intelligence Estimate concluded that ''Baghdad for now appears to be drawing a line short of conducting terrorist attacks with conventional or chemical or biological weapons against the United States, fearing that exposure of Iraqi involvement would provide Washington a stronger case for making war.''

5. Iraq had no connection with the attacks of 9/11 or with al Qaeda's role in 9/11.

''The report of the Senate Select Committee on Intelligence documents significant instances in which the administration went beyond what the intelligence community knew or believed in making public claims, most notably on the false assertion that Iraq and al Qaeda had an operational partnership and joint involvement in carrying out the attacks of September 11.'' This is a quote from Senator John D. Rockefeller, IV, the chairman of the Senate Select Committee on Intelligence entitled ''Additional Views of Chairman John D. Rockefeller, IV'' on page 90.

Continuing from Senator Rockefeller:

''The President and his advisors undertook a relentless public campaign in the aftermath of the attacks to use the war against al Qaeda as a justification for overthrowing Saddam Hussein. Representing to the American people that the two had an operational partnership and posed a single, indistinguishable threat was fundamentally misleading and led the Nation to war on false premises.'' Senator Rockefeller.

Richard Clarke, a National Security Advisor, in a memo of September 18, 2001 titled ''Survey of Intelligence Information on Any Iraq Involvement in the September 11 Attacks'' found no ''compelling case'' that Iraq had either planned or perpetrated the attacks, and that there was no confirmed reporting on Saddam cooperating with bin Laden on unconventional weapons.

On September 17, 2003, President Bush said: ''No, we've got no evidence that Saddam Hussein was involved with September 11. What the Vice President said was is that he (Saddam) has been involved with al Qaeda.''

On June 16, 2004, a staff report from the 9/11 Commission stated: ''There have been reports that contacts between Iraq and al Qaeda also occurred after bin Laden had returned to Afghanistan in 1996, but they do not appear to have resulted in a collaborative relationship. Two senior bin Laden associates have adamantly denied that any ties existed between al Qaeda and Iraq. We have no credible evidence that Iraq and al Qaeda cooperated on attacks against the United States.''

''Intelligence provided by former Undersecretary of Defense Douglas J. Feith to buttress the White House case for invading Iraq included 'reporting of dubious quality or reliability' that supported the political views of senior administration officials rather than the conclusions of the intelligence community, this according to a report by the Pentagon Inspector General.

''Feith's office 'was predisposed to finding a significant relationship between Iraq and al Qaeda,' according to portions of the report released by Senator Carl Levin. The Inspector General described Feith's activities as 'an alternative intelligence assessment process.''' The source of this information is a report in the Washington Post dated February 9, 2007, page A–1, an article by Walter Pincus and Jeffrey Smith entitled ''Official's Key Report on Iraq is Faulted, 'Dubious' Intelligence Fueled Push for War.''

6. Iraq possessed no weapons of mass destruction to transfer to anyone.

Iraq possessed no weapons of mass destruction to transfer. Furthermore, available intelligence information found that the Iraq regime would probably only transfer weapons of mass destruction to terrorist organizations if under threat of attack by the United States.

According to information in the October 2002 National Intelligence Estimate (NIE) on Iraq that was available to the administration at the time that they were seeking congressional support for the authorization of use of force against Iraq, the Iraq regime would probably only transfer weapons to a terrorist organization if ''sufficiently desperate'' because it feared that ''an attack that threatened the survival of the regime were imminent or unavoidable.''

''The Iraqi Intelligence Service (IIS) probably has been directed to conduct clandestine attacks against the United States and Allied interests in the Middle East in the event the United States takes action against Iraq. The IIS probably would be the primary means by which Iraq would attempt to conduct any chemical and biological weapon attacks on the U.S. homeland, although we have no specific intelligence information that Saddam's regime has directed attacks against U.S. territory.''

7. Iraq had no weapons of mass destruction and therefore had no capability of launching a surprise attack against the United States or its Armed Forces and no capability to provide them to international terrorists who would do so.

Iraq possessed no weapons of mass destruction to transfer. Furthermore, available intelligence information found that the Iraq regime would probably only transfer weapons of mass destruction to terrorist organizations if under severe threat of attack by the United States.

According to information in the October 2002 National Intelligence Estimate on Iraq that was available to the administration at the time they were seeking congressional support for the authorization of the use of force against Iraq, the Iraqi regime would probably only transfer weapons to a terrorist organization if ''sufficiently desperate'' because it feared that ''an attack that threatened the survival of the regime were imminent or unavoidable.'' That, again, from the October 2002 National Intelligence Estimate on Iraq.

''The Iraqi Intelligence Service probably has been directed to conduct clandestine attacks against U.S. and Allied interests in the Middle East in the event the United States takes action against Iraq. The Iraq Intelligence Service probably would be the primary means by which Iraq would attempt to conduct any chemical or biological weapons attacks on the U.S. homeland, although we have no specific intelligence information that Saddam's regime has directed attacks against U.S. territory.''

As reported in the Washington Post on March 1, 2003, in 1995, Saddam Hussein's son-in-law, Hussein Kamel, had informed U.S. and British intelligence officers that ''all weapons—biological, chemical, missile, nuclear—were destroyed.'' That from the Washington Post, March 1, 2003, page A15, an article entitled ''Iraqi Defector Claimed Arms Were Destroyed By 1995,'' by Colum Lynch.

The Defense Intelligence Agency, in a report called ''Iraq—Key WMD Facilities—An Operational Report Study'' in September 2002, said this:

''A substantial amount of Iraq's chemical warfare agents, precursors, munitions and production equipment were destroyed between 1991 and 1998 as a result of Operation Desert Storm and United Nations Special Commission (UNSCOM) actions. There is no reliable information on whether Iraq is producing and stockpiling chemical weapons or whether Iraq has or will establish its chemical warfare agent production facilities.''

8. There was not a real risk of an ''extreme magnitude of harm that would result to the United States and its citizens from such an attack'' because Iraq had no capability of attacking the United States.

Here's what Colin Powell said at the time: ''Containment has been a successful policy, and I think we should make sure that we continue it until such time as Saddam Hussein comes into compliance with the agreements he made at the end of the Gulf War.'' Speaking of Iraq, Secretary of State Powell said, ''Iraq is not threatening America.''

9. The aforementioned evidence did not ''justify the use of force by the United States to defend itself'' because Iraq did not have weapons of mass destruction, or have the intention or capability of using nonexistent WMDs against the United States.

10. Since there was no threat posed by Iraq to the United States, the enactment clause of the Senate Joint Resolution 45 was predicated on misstatements to Congress.

Congress relied on the information provided to it by the President of the United States. Congress provided the President with the authorization to use military force that he requested. As a consequence of the fraudulent representations made to Congress, the United States Armed Forces, under the direction of George Bush as Commander in Chief, pursuant to section 3 of the Authorization for the Use of Force which President Bush requested, invaded Iraq and occupies it to this day, at the cost of 4,116 lives of servicemen and -women, injuries to over 30,000 of our troops, the deaths of over 1 million innocent Iraqi civilians, the destruction of Iraq, and a long-term cost of over $3 trillion.

President Bush's misrepresentations to Congress to induce passage of a use of force resolution is subversive of the constitutional system of checks and balances, destructive of Congress' sole prerogative to declare war under article I, section 8 of the Constitution, and is therefore a High Crime. An even greater offense by the President of the United States occurs in his capacity as Commander in Chief, because he knowingly placed the men and women of the United States Armed Forces in harm's way, jeopardizing their lives and their families' future, for reasons that to this date have not been established in fact.

In all of these actions and decisions, President George W. Bush has acted in a manner contrary to his trust as President and Commander in Chief, and subversive of constitutional government, to the prejudice of the cause of law and justice and to the manifest injury of the people of the United States and of those members of the Armed Forces who put their lives on the line pursuant to the falsehoods of the President. Wherefore, President George W. Bush, by such conduct, is guilty of an impeachable offense warranting removal from office.

The SPEAKER pro tempore, Ms. EDWARDS of Maryland, responded to the foregoing notice, and said:

''Under rule IX, a resolution offered from the floor by a Member other than the majority leader or the minority leader as a question of the privileges of the House has immediate precedence only at a time or place designated by the Chair within two legislative days after the resolution is properly noticed.

''Pending that designation, the form of the resolution noticed by the gentleman from Ohio Mr. KUCINICH will appear in the Record at this point.

''The Chair will not at this point determine whether the resolution constitutes a question of privilege. That determination will be made at the time designated for consideration of the resolution.''.

¶83.26 PERMISSION TO FILE A SUPPLEMENTAL REPORT ON H.R. 5959

On motion of Mr. REYES, by unanimous consent, the House Permanent Select Committee on Intelligence was granted permission to file a supplemental report (Rept. No. 110–665, Part

II) on the bill (H.R. 5959) to authorize appropriations for fiscal year 2009 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

¶83.27 ENROLLED BILL SIGNED

Lorraine C. Miller, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 6331. An Act to amend titles XVII and XIX of the Social Security Act to extend expiring provisions under the Medicare Program, to improve beneficiary access to preventive and mental health services to enhance low-income benefit programs, and to maintain access to care in rural areas, including pharmacy access, and for other purposes.

¶83.28 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. BOSWELL, for today and July 9;

To Mr. CONYERS, for today after 2 p.m.;

To Mr. FRELINGHUYSEN, for today; and

To Mr. HILL, for today.

And then,

¶83.29 ADJOURNMENT

On motion of Mr. LUNGREN of California, pursuant to the previous order of the House, at 7 o'clock and 52 minutes p.m., the House adjourned until 12:30 p.m. on Monday, July 14, 2008.

¶83.30 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

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

Mr. REYES: Permanent Select Committee on Intelligence. Supplemental report on H.R. 5959. A bill to authorize appropriations for fiscal year 2009 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes (Rept. 110–665 Pt. 2). Ordered to be printed.

Mr. OBERSTAR: Committee on Transportation and Infrastructure. H.R. 3999. A bill to amend title 23, United States Code, to improve the safety of Federal-aid highway bridges, to strengthen bridge inspection standards and processes, to increase investment in the reconstruction of structurally deficient bridges on the National Highway System, and for other purposes (Rept. 110–750). Referred to the Committee of the Whole House on the state of the Union.

Mr. THOMPSON of Mississippi: Committee on Homeland Security. H.R. 2490. A bill to require the Secretary of Homeland Security to conduct a pilot program for the mobile biometric identification in the maritime environment of aliens unlawfully attempting to enter the United States; with amendments (Rept. 110–751). Referred to the Committee of the Whole House on the state of the Union.

Mr. THOMPSON of Mississippi: Committee on Homeland Security. H.R. 6098. A bill to amend the Homeland Security Act of 2002 to improve the financial assistance provided to State, local, and tribal governments for information sharing activities, and for other purposes; with an amendment (Rept. 110–752). Referred to the Committee of the Whole House on the state of the Union.

Mr. CONYERS: Committee on the Judiciary. H.R. 5464. A bill to direct the Attorney General to make an annual grant to the A Child Is Missing Alert and Recovery Center to assist law enforcement agencies in the rapid recovery of missing children, and for other purposes (Rept. 110–753). Referred to the Committee of the Whole House on the state of the Union.

Mr. GEORGE MILLER of California: Committee on Education and Labor. H.R. 3036. A bill to amend the Elementary and Secondary Education Act of 1965 regarding environmental education, and for other purposes; with amendments (Rept. 110–754). Referred to the Committee of the Whole House on the state of the Union.

Mr. THOMPSON of Mississippi: Committee on Homeland Security. H.R. 5170. A bill to amend the Homeland Security Act of 2002 to provide for a privacy official within each component of the Department of Homeland Security, and for other purposes; with an amendment (Rept. 110–755). Referred to the Committee of the Whole House on the state of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 3227. A bill to direct the Secretary of the Interior to continue stocking fish in certain lakes in the North Cascades National Park, Ross Lake National Recreation Area, and Lake Chelan National Recreation Area; with amendments (Rept. 110–756). Referred to the Committee of the Whole House on the state of the Union.

Mr. CONYERS: Committee on the Judiciary. H.R. 5057. a bill to reauthorize the Debbie Smith DNA Backlog Grant Program; with amendments (Rept. 110–757). Referred to the Committee of the Whole House on the state of the Union.

Mr. MCGOVERN: Committee on Rules. House Resolution 1339. Resolution providing for consideration of the bill (H.R. 415) to amend the Wild and Scenic Rivers Act to designate segments of the Taunton River in the Commonwealth of Massachusetts as a component of the National Wild and Scenic Rivers System (Rept. 110–758). Referred to the House Calendar.

¶83.31 PUBLIC BILLS AND RESOLUTIONS

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

By Mr. BLUMENAUER (for himself and Mr. DOGGETT):

H.R. 6452. A bill to amend the Trade Act of 1974 to identify foreign country trade practices that negatively affect the environment and to take actions to address such practices; to the Committee on Ways and Means.

By Mr. LAMBORN (for himself, Mrs. MUSGRAVE, Mrs. SCHMIDT, Mr. BISHOP of Utah, Mr. LATTA, Mrs. BLACKBURN, Mr. DAVID DAVIS of Tennessee, Ms. FOXX, Mr. GINGREY, Mr. MARCHANT, Mr. KINGSTON, Mr. KING of Iowa, Mr. JORDAN, Mr. BROUN of Georgia, Mr. FEENEY, Mr. SHIMKUS, Mrs. BACHMANN, Mr. DANIEL E. LUNGREN of California, Mr. BARTLETT of Maryland, Mr. SHADEGG, Mr. DOOLITTLE, Mr. GOHMERT, Mr. CONAWAY, Mr. KLINE of Minnesota, Mrs. MCMORRIS RODGERS, Mr. FRANKS of Arizona, Mr. AKIN, Mr. PITTS, Mr. TIAHRT, Mr. PICKERING, Mr. HOEKSTRA, Mr. HENSARLING, Mr. WALBERG, Mr. PENCE, and Mr. RENZI):

H.R. 6453. A bill to amend the General Education Provisions Act to prohibit Federal education funding for elementary or secondary schools that provide access to emergency postcoital contraception; to the Committee on Education and Labor.

By Mr. CANNON:

H.R. 6454. A bill to extend and expand the E-verify program for employment eligibility confirmation, and for other purposes; to the Committee on the Judiciary, and in addition to the Committees on Education and Labor, Science and Technology, and Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. JACKSON-LEE of Texas (for herself and Mr. CULBERSON):

H.R. 6455. A bill to require the Secretary of the Treasury to mint coins in commemoration of the 50th anniversary of the establishment of the National Aeronautics and Space Administration; to the Committee on Financial Services.

By Mr. BERMAN (for himself and Ms. ROS-LEHTINEN):

H.R. 6456. A bill to provide for extensions of certain authorities of the Department of State, and for other purposes; to the Committee on Foreign Affairs.

By Mr. FILNER:

H.R. 6457. A bill to amend titles II and XVI of the Social Security Act to provide for equitable treatment of disability beneficiaries with waxing and waning medical conditions by establishing, through the implementation of a sliding scale of benefits based on income, a system under which higher incomes result in lower benefits and lower incomes result in higher benefits, and work is incentivized by allowing greater total monthly income when working than could be provided by work or benefits alone; to the Committee on Ways and Means.

By Ms. SPEIER:

H.R. 6458. A bill to establish a national maximum speed limit of 60 miles per hour on highways, and 65 miles per hour on portions of the National Highway System located outside of an urbanized area; to the Committee on Transportation and Infrastructure.

By Mr. FATTAH (for himself and Mr. SOUDER):

H.R. 6459. A bill to establish an adoption process improvement pilot program; to the Committee on Education and Labor.

By Mr. EHLERS (for himself and Mr. OBERSTAR):

H.R. 6460. A bill to amend the Federal Water Pollution Control Act to provide for the remediation of sediment contamination in areas of concern, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Science and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ALTMIRE (for himself, Mr. PLATTS, and Mr. RYAN of Ohio):

H.R. 6461. A bill to assist volunteer fire companies in coping with the precipitous rise in fuel prices; to the Committee on Transportation and Infrastructure.

By Mr. CARDOZA:

H.R. 6462. A bill to require the Bureau of Prisons to provide stab-resistant personal body armor to all correctional officers of the Bureau, and to require such officers to wear such armor while on duty; to the Committee on the Judiciary.

By Mrs. BACHMANN (for herself, Mrs. SCHMIDT, Mrs. MUSGRAVE, Mr. LAMBORN, Mr. PITTS, Mr. DOOLITTLE, Mr. KINGSTON, Mr. AKIN, Mr. FRANKS of Arizona, Mr. MCHENRY, Mr. SHIMKUS, Mr. BROUN of Georgia, Mr. WESTMORELAND, Mr. LATTA, and Mr. BURTON of Indiana):

H.R. 6463. A bill to terminate or provide for suspension of the application of Federal laws that restrict exploration, development, or production of oil, gas, or oil shale, to facilitate the construction of new crude oil refineries, and for other purposes; to the Committee on Natural Resources, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BRALEY of Iowa (for himself and Mr. LOEBSACK):

H.R. 6464. A bill to make certain amendments to the loan and loan guarantee program under section 502 of the Railroad Revitalization and Regulatory Reform Act of 1976; to the Committee on Transportation and Infrastructure.

By Ms. GINNY BROWN-WAITE of Florida:

H.R. 6465. A bill to amend title 38, United States Code, to extend the demonstration project on adjustable rate mortgages and the demonstration project on hybrid adjustable rate mortgages; to the Committee on Veterans' Affairs.

By Mr. CAZAYOUX (for himself, Mr. MELANCON, Mr. ALEXANDER, and Mr. JEFFERSON):

H.R. 6466. A bill to apply an alternative payment amount under the Medicare Program for certain graduate medical education programs established to train residents displaced by natural disasters; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. COSTELLO:

H.R. 6467. A bill to authorize the Secretary of Agriculture to terminate certain easements held by the Secretary on land owned by the Village of Caseyville, Illinois, and to terminate associated contractual arrangements with the Village; to the Committee on Agriculture.

By Mr. CUELLAR:

H.R. 6468. A bill to disqualify any individual who engages in or is convicted of human smuggling from operating a commercial motor vehicle or holding a commercial driver's license and for other purposes; to the Committee on Transportation and Infrastructure.

By Ms. DEGETTE (for herself, Mr. COSTA, Mr. CAMP of Michigan, Mr. CLAY, Ms. ROS-LEHTINEN, Mr. BOUCHER, Mrs. MCMORRIS RODGERS, Mr. WU, and Mr. REYES):

H.R. 6469. A bill to amend the Public Health Service Act to authorize increased Federal funding for the Organ Procurement and Transplantation Network; to the Committee on Energy and Commerce.

By Mr. DINGELL:

H.R. 6470. A bill to provide for the designation of certain sites in Monroe County and Wayne County, Michigan, relating to the Battles of the River Raisin during the War of 1812 as a unit of the National Park System; to the Committee on Natural Resources.

By Mr. FILNER:

H.R. 6471. A bill to amend title 38, United States Code, to expand the availability of health care provided by the Secretary of Veterans Affairs by adjusting the income level for certain priority veterans; to the Committee on Veterans' Affairs.

By Mr. FLAKE:

H.R. 6472. A bill to rescind certain earmark projects under SAFETEA-LU for the purpose of eliminating the shortfall in the Highway Trust Fund, and for other purposes; to the Committee on Appropriations, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HODES (for himself, Mr. MICHAUD, Mr. ALLEN, Mr. KANJORSKI, Mr. HINCHEY, Mr. LOBIONDO, Mr. MCHUGH, Mr. LANGEVIN, Mr. SESTAK, Mr. DELAHUNT, and Mr. WELCH of Vermont):

H.R. 6473. A bill to amend the Energy Policy and Conservation Act to modify the conditions for the release of products from the Northeast Home Heating Oil Reserve Account, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. ZOE LOFGREN of California (for herself and Mr. WAMP):

H.R. 6474. A bill to authorize the Chief Administrative Officer of the House of Representatives to carry out a series of demonstration projects to promote the use of innovative technologies in reducing energy consumption and promoting energy efficiency and cost savings in the House of Representatives; to the Committee on House Administration.

By Ms. ZOE LOFGREN of California (for herself and Mr. DANIEL E. LUNGREN of California):

H.R. 6475. A bill to establish the Daniel Webster Congressional Clerkship Program; to the Committee on House Administration.

By Mr. ROSKAM (for himself, Mrs. BIGGERT, and Mr. MANZULLO):

H.R. 6476. A bill to designate a rail right-of-way as a corridor for inter-suburban commuter rail, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. SHERMAN (for himself, Mr. ELLISON, Ms. SCHAKOWSKY, Mr. DAVIS of Illinois, Ms. SUTTON, and Mr. HARE):

H.R. 6477. A bill to repeal a limitation in the Labor-Management Relations Act regarding requirements for labor organization membership as a condition of employment; to the Committee on Education and Labor.

By Ms. SOLIS (for herself, Mr. BURGESS, Mr. GENE GREEN of Texas, Mr. PRICE of Georgia, Mr. ANDREWS, Mr. BACA, Mr. FARR, Mr. GRIJALVA, Mr. HINOJOSA, Mr. KUHL of New York, Mr. SCOTT of Georgia, Ms. SUTTON, Mr. TAYLOR, and Mr. MICHAUD):

H.R. 6478. A bill to improve research, diagnosis, and treatment of musculoskeletal diseases, conditions, and injuries, to conduct a longitudinal study on aging, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Science and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STARK:

H.R. 6479. A bill to provide for the establishment of the San Francisco Bay National Wildlife Refuge Complex; to the Committee on Natural Resources.

By Ms. WATSON (for herself and Mr. BERMAN):

H.R. 6480. A bill to authorize grants for nongovernmental organizations that use independently produced documentary films to promote better understanding of the United States abroad and better understanding of global perspectives and other countries in the United States; to the Committee on Foreign Affairs.

By Mr. ELLISON (for himself, Mr. OBERSTAR, Ms. LEE, Ms. WOOLSEY, Ms. KILPATRICK, Mr. MCGOVERN, Ms. SCHAKOWSKY, Mr. PRICE of North Carolina, Mr. CONYERS, Ms. CLARKE, Mr. FARR, Mr. HINCHEY, Mr. HONDA, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. WATSON, Mr. DEFAZIO, Mr. JACKSON of Illinois, Mr. JOHNSON of Georgia, Mr. HARE, Ms. JACKSON-LEE of Texas, Mr. GUTIERREZ, Mr. CLEAVER, Mr. MCDERMOTT, Mr. ABERCROMBIE, Mr. HODES, and Mr. FATTAH):

H. Res. 1329. A resolution expressing the sense of the House of Representatives that the United States should accept the Iraqi Government's stated goal of setting a timetable for withdrawal of United States Armed Forces from Iraq; to the Committee on Armed Services.

By Mr. SALI (for himself, Mr. FRANKS of Arizona, Mrs. DRAKE, Mr. CHABOT, Mrs. MILLER of Michigan, Mrs. MUSGRAVE, Mrs. BLACKBURN, Mr. MILLER of Florida, Mr. DAVID DAVIS of Tennessee, Mr. WILSON of South Carolina, Mr. BURTON of Indiana, Mrs. CUBIN, Mr. HALL of Texas, Mr. GINGREY, Mr. BARTLETT of Maryland, Mr. BRADY of Texas, Mr. PEARCE, Mr. SCALISE, Mr. SHULER, Mr. BUYER, and Mr. CALVERT):

H. Res. 1330. A resolution commending the recent decision of the Supreme Court of the United States in District of Columbia v. Heller for upholding the right of the individual to keep and bear arms under the second amendment of the Constitution; to the Committee on the Judiciary.

By Mr. SOUDER:

H. Res. 1331. A resolution providing for the consideration of the bill (H.R. 1399) to restore Second Amendment rights in the District of Columbia; to the Committee on Rules.

By Mr. CARDOZA (for himself, Mr. MCDERMOTT, and Mr. FATTAH):

H. Res. 1332. A resolution recognizing the importance of connecting foster youth to the workforce through internship programs, and encouraging employers to increase employment of former foster youth; to the Committee on Education and Labor.

By Mr. ARCURI (for himself, Mr. WELCH of Vermont, Mr. MCGOVERN, Ms. MATSUI, Mr. HASTINGS of Florida, Ms. CASTOR, Ms. SUTTON, Mr. ELLSWORTH, Mr. CARNEY, Mr. MARSHALL, Mr. BERRY, Mr. DONNELLY, Ms. BEAN, Mr. CHANDLER, Mr. MATHESON, Mr. BOREN, Mr. SIRES, Mr. BARRETT of South Carolina, Mr. ISRAEL, Mr. BISHOP of New York, Mr. SPACE, Mr. ROSS, Mr. ALTMIRE, Mr. SHUSTER, Mrs. GILLIBRAND, Mr. WEINER, Ms. SHEA-PORTER, Mr. BRALEY of Iowa, Mr. MURPHY of Connecticut, Mr. SARBANES, Mr. ACKERMAN, Mr. MCNULTY, Mr. KLEIN of Florida, Mr. HODES, Mr. ROTHMAN, Mr. KENNEDY, Mr. RYAN of Ohio, Mr. PATRICK MURPHY of Pennsylvania, Mr. HARE, Ms. DEGETTE, and Mrs. LOWEY):

H. Res. 1333. A resolution supporting the goals and ideals of Tay-Sachs Awareness Month; to the Committee on Energy and Commerce.

By Mr. CHABOT:

H. Res. 1334. A resolution calling upon the Government of China to account for those detained during March 2008 protests and to recognize the fundamental human rights of all Tibetans, including monks, nuns, and innocent civilians, currently detained by the Government of China; to the Committee on Foreign Affairs.

By Mr. HODES (for himself, Ms. GINNY BROWN-WAITE of Florida, Ms. SHEA-PORTER, Mr. RODRIGUEZ, Mr. COHEN, Mr. BRADY of Pennsylvania, Mr. THOMPSON of California, Mr. ROGERS

of Michigan, Mr. FORTUÑO, Mr. LATHAM, Mr. ROGERS of Alabama, Mr. EHLERS, Mr. OLVER, Ms. KAPTUR, Mr. PORTER, Mr. REYES, Mr. WHITFIELD of Kentucky, Mr. DICKS, Mr. KANJORSKI, Mr. MICHAUD, Mr. GERLACH, Mr. CAZAYOUX, Mr. LOBIONDO, and Mr. ETHERIDGE):

H. Res. 1335. A resolution celebrating the 120-year partnership between the Government and State veterans homes; to the Committee on Veterans' Affairs.

By Mr. MCCAUL of Texas (for himself, Mr. GALLEGLY, Mr. BURTON of Indiana, Mr. CANTOR, and Mr. SHUSTER):

H. Res. 1336. A resolution encouraging the United States Secretary of State to work with the Government of Pakistan to secure the return to the United States of all American children being educated in madrassas in Pakistan; to the Committee on Foreign Affairs.

By Mr. SCHIFF (for himself, Mr. CONYERS, Mr. DOOLITTLE, Mr. DREIER, Mr. FATTAH, Ms. TSONGAS, and Mr. HINCHEY):

H. Res. 1337. A resolution condemning the decision by the Government of Zimbabwe to hold the run-off presidential election on June 27, 2008;; to the Committee on Foreign Affairs.

By Mr. SHERMAN (for himself, Mr. PALLONE, and Mr. WELLER):

H. Res. 1338. A resolution calling on the United States Government and the international community to support a transition to sustainable peace in Sri Lanka by encouraging an international human rights monitoring presence, protecting the work of civil society and media, facilitating access of humanitarian operations, and retaining democratic principles in which rule of law and justice pervades; to the Committee on Foreign Affairs.

¶83.32 MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

332. The SPEAKER presented a memorial of the Legislature of the State of Louisiana, relative to Senate Concurrent Resolution No. 101 memorializing the Congress of the United States to allow immediate family to visit military personnel on extended deployment overseas who are in rest and relaxation period; to the Committee on Armed Services.

¶83.33 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 82: Mr. KLINE of Minnesota.
H.R. 96: Mr. ROTHMAN.
H.R. 154: Mr. MILLER of North Carolina.
H.R. 211: Ms. GRANGER and Mr. HILL.
H.R. 219: Mr. FRANKS of Arizona.
H.R. 303: Mr. MARIO DIAZ-BALART of Florida.
H.R. 627: Mrs. MCCARTHY of New York.
H.R. 676: Mr. CARSON.
H.R. 699: Mr. SMITH of Texas, Mr. HULSHOF, Mr. TANCREDO, Mr. CARTER, Mr. ISSA, Mr. BLUNT, Mr. NUNES, Mr. PRICE of Georgia, and Mr. LATOURETTE.
H.R. 769: Mr. LATTA.
H.R. 882: Mr. SALAZAR.
H.R. 901: Mr. LANGEVIN.
H.R. 1078: Mr. CUMMINGS and Mrs. DRAKE.
H.R. 1185: Mr. HODES and Mr. MEEKS of New York.
H.R. 1293: Mr. BILBRAY.
H.R. 1363: Ms. CORRINE BROWN of Florida.
H.R. 1479: Mr. DEFAZIO.
H.R. 1527: Mr. HARE and Mr. SALAZAR.
H.R. 1540: Mr. MCGOVERN.
H.R. 1621: Mrs. BIGGERT.
H.R. 1655: Mrs. CAPPS.
H.R. 1665: Mr. KENNEDY.
H.R. 1742: Mr. WITTMAN of Virginia and Mr. LATHAM.
H.R. 1767: Mr COSTELLO and Mr. PICKERING.
H.R. 1772: Mr. KAGEN.
H.R. 1810: Mr. PORTER.
H.R. 1881: Mr. DOGGETT.
H.R. 1884: Mr. LANGEVIN, Mr. SPRATT, and Mr. MELANCON.
H.R. 1927: Mr. DELAHUNT.
H.R. 2020: Mr. KUHL of New York and Ms. ESHOO.
H.R. 2064: Mr. BERMAN.
H.R. 2160: Mr. LATHAM.
H.R. 2169: Mr. REICHERT.
H.R. 2205: Mr. SHADEGG and Mr. MARIO DIAZ-BALART of Florida.
H.R. 2214: Ms. ZOE LOFGREN of California.
H.R. 2279: Mr. DEAL of Georgia, Mr. HULSHOF, Mr. ADERHOLT, Mr. TURNER, and Ms. FALLIN.
H.R. 2329: Mr. SMITH of New Jersey, Mr. PATRICK MURPHY of Pennsylvania, and Mr. HARE.
H.R. 2371: Mr. WU.
H.R. 2493: Mr. ADERHOLT, Mr. SMITH of Texas, and Ms. FALLIN.
H.R. 2677: Mr. LANGEVIN.
H.R. 2784: Mr. BARTLETT of Maryland.
H.R. 2802: Mr. HARE and Mr. FOSTER.
H.R. 2923: Mr. SESTAK and Mr. ALTMIRE.
H.R. 2994: Mr. WALSH of New York, Mr. DOGGETT, and Mr. KUHL of New York.
H.R. 3010: Mr. GEORGE MILLER of California.
H.R. 3119: Mr. GILCHREST, Mr. MARKEY, Ms. MOORE of Wisconsin, and Mr. MORAN of Virginia.
H.R. 3177: Mrs. MUSGRAVE.
H.R. 3186: Mr. WU.
H.R. 3232: Mr. MARCHANT, Mr. HASTINGS of Washington, Mr. WAMP, Mr. CRAMER, and Mr. CRENSHAW.
H.R. 3257: Mr. LYNCH.
H.R. 3289: Mr. MEEKS of New York.
H.R. 3334: Mr. KIND.
H.R. 3339: Mr. PATRICK MURPHY of Pennsylvania.
H.R. 3402: Ms. ROYBAL-ALLARD.
H.R. 3406: Mr. LANGEVIN.
H.R. 3485: Ms. SLAUGHTER.
H.R. 3618: Ms. BERKLEY.
H.R. 3622: Mr. MICA.
H.R. 3689: Mr. MARSHALL, Mr. TIERNEY, Mr. BAIRD, Mr. SNYDER, and Mr. SPRATT.
H.R. 3697: Mr. LYNCH.
H.R. 3750: Mr. SMITH of New Jersey.
H.R. 3834: Mr. UDALL of New Mexico.
H.R. 3914: Mr. SHADEGG.
H.R. 3932: Ms. MCCOLLUM of Minnesota.
H.R. 3968: Mr. MARSHALL and Mr. SNYDER.
H.R. 4001: Mr. DAVIS of Kentucky.
H.R. 4007: Mr. ROSKAM.
H.R. 4138: Mr. CUMMINGS, Mr. ARCURI, and Ms. ROYBAL-ALLARD.
H.R. 4158: Ms. MATSUI and Mr. CALVERT.
H.R. 4183: Mr. MICHAUD and Mrs. MALONEY of New York.
H.R. 4188: Mr. ALTMIRE.
H.R. 4202: Mr. KILDEE.
H.R. 4218: Mr. DAVIS of Illinois.
H.R. 4255: Mr. MCINTYRE.
H.R. 4544: Mr. LANGEVIN, Mr. PAYNE, Mr. NADLER, and Ms. MCCOLLUM of Minnesota.
H.R. 4688: Mr. HARE.
H.R. 5129: Mr. SCOTT of Virginia.
H.R. 5235: Mr. KILDEE, Mr. HOLDEN, Mr. ABERCROMBIE, Mr. REYES, Mr. MOORE of Kansas, Mr. PETERSON of Pennsylvania, Mr. TANNER, Mr. STUPAK, Mr. RAHALL, Mr. BACA, Mr. SHULER, Mr. CULBERSON, Mr. TOM DAVIS of Virginia, Mr. DEAL of Georgia, Mr. LINCOLN DIAZ-BALART of Florida, Mr. MARIO DIAZ-BALART of Florida, Mr. GILCHREST, Mr. LOBIONDO, Mrs. MILLER of Michigan, Mr. TIM MURPHY of Pennsylvania, Mrs. MUSGRAVE, Mr. PETRI, Mr. REHBERG, Mr. REICHERT, Mr. SHUSTER, Mr. STEARNS, Mr. SULLIVAN, Mr. THORNBERRY, Mr. WALBERG, Mr. SIMPSON, Mr. REYNOLDS, Mr. AKIN, Mrs. DRAKE, Mr. LEWIS of Kentucky, Mr. YOUNG of Florida, Mr. PRICE of Georgia, Mr. MARCHANT, Mr. ADERHOLT, and Mrs. CUBIN.
H.R. 5265: Ms. BERKLEY, Mr. DOYLE, Mr. BUTTERFIELD, and Mr. SPRATT.
H.R. 5268: Ms. SOLIS, Mr. NEAL of Massachusetts, Mr. PASTOR, and Mr. REYES.
H.R. 5315: Mr. SKELTON.
H.R. 5335: Mr. LINDER.
H.R. 5404: Mr. COURTNEY.
H.R. 5437: Mr. CAZAYOUX.
H.R. 5450: Mr. MARCHANT.
H.R. 5484: Mr. LYNCH.
H.R. 5560: Mr. SESTAK.
H.R. 5603: Mr. GERLACH.
H.R. 5615: Mrs. LOWEY and Ms. GIFFORDS.
H.R. 5629: Mr. HERGER.
H.R. 5635: Mrs. DRAKE.
H.R. 5636: Mr. CONYERS.
H.R. 5639: Mr. TOWNS, Mr. MCGOVERN, and Mr. GORDON.
H.R. 5652: Mr. POE, Mr. KING of Iowa, Mr. TURNER, Mr. FORBES, and Mr. BOOZMAN.
H.R. 5656: Mr. HULSHOF, Mr. BARTLETT of Maryland, and Ms. FALLIN.
H.R. 5672: Mr. HONDA and Mr. GRIJALVA.
H.R. 5684: Mr. DELAHUNT.
H.R. 5756: Mr. HINCHEY.
H.R. 5782: Mr. BOUSTANY.
H.R. 5868: Mr. MICHAUD.
H.R. 5882: Mr. MCCAUL of Texas and Mr. WATT.
H.R. 5892: Mr. HINOJOSA.
H.R. 5921: Mr. MCCAUL of Texas.
H.R. 5924: Ms. ROS-LEHTINEN, Mr. FILNER, and Ms. CASTOR.
H.R. 5949: Mr. KLEIN of Florida, Mr. ROGERS of Kentucky, Mr. SHAYS, and Mr. GOODE.
H.R. 5954: Ms. BERKLEY and Mr. HODES.
H.R. 5989: Mr. COHEN.
H.R. 6039: Mr. MCCAUL of Texas.
H.R. 6057: Mr. FARR, Mrs. LOWEY, and Mr. BERMAN.
H.R. 6083: Mr. COHEN.
H.R. 6126: Mr. WATT.
H.R. 6148: Mr. KUCINICH.
H.R. 6159: Mr. DANIEL E. LUNGREN of California.
H.R. 6180: Mr. CARNAHAN and Mr. KANJORSKI.
H.R. 6185: Mr. PLATTS.
H.R. 6201: Mr. FRANK of Massachusetts.
H.R. 6207: Mr. SAM JOHNSON of Texas.
H.R. 6209: Mr. HARE and Mr. COURTNEY.
H.R. 6210: Mr. HODES.
H.R. 6214: Mr. PAUL.
H.R. 6215: Mr. KENNEDY.
H.R. 6260: Mr. WOLF and Mr. KUHL of New York.
H.R. 6268: Mr. HAYES and Mr. PLATTS.
H.R. 6293: Mr. SARBANES, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. KENNEDY, and Mr. SPRATT.
H.R. 6294: Mr. LINCOLN DIAZ-BALART of Florida.
H.R. 6321: Mr. FATTAH.
H.R. 6326: Ms. LINDA T. SÁNCHEZ of California, Ms. SCHAKOWSKY, Mr. BISHOP of New York, and Ms. HIRONO.
H.R. 6328: Ms. SCHAKOWSKY.
H.R. 6339: Mrs. DAVIS of California, and Ms. ROYBAL-ALLARD.
H.R. 6366: Mr. BOOZMAN.
H.R. 6371: Mr. RODRIGUEZ.
H.R. 6375: Ms. ZOE LOFGREN of California.
H.R. 6381: Mr. DAVIS of Alabama and Mr. LINCOLN DIAZ-BALART of Florida.
H.R. 6394: Mr. BISHOP of New York and Mr. BILBRAY.
H.R. 6407: Mr. WALSH of New York.
H.R. 6418: Mr. SMITH of Texas, Mr. LATTA, and Mr. CHABOT.
H.R. 6420: Mr. BURTON of Indiana, Mr. CANTOR, Mr. HOEKSTRA, Mr. CHABOT, and Mr. KUHL of New York.
H.R. 6427: Mr. MICHAUD.
H.R. 6432: Ms. DEGETTE.
H.R. 6433: Ms. DEGETTE.

H. J. Res. 93: Mr. PENCE, Ms. SCHAKOWSKY, Mr. BURTON of Indiana, Mr. SCHIFF, Mr. WELCH of Vermont, Mr. MORAN of Virginia, and Mr. HINOJOSA.

H. Con. Res. 24: Mr. CONYERS.

H. Con. Res. 33: Ms. SPEIER.

H. Con. Res. 160: Mr. CALVERT.

H. Con. Res. 214: Ms. WOOLSEY, Ms. MOORE of Wisconsin, and Mr. OLVER.

H. Con. Res. 223: Mr. RUPPERSBERGER.

H. Con. Res. 239: Mr. SESTAK.

H. Con. Res. 244: Mr. MILLER of North Carolina.

H. Con. Res. 296: Mr. MCCARTHY of California, Mr. PAYNE, Mr. OBERSTAR, and Mr. PORTER.

H. Con. Res. 333: Mr. COBLE.

H. Con. Res. 341: Mr. COHEN.

H. Con. Res. 342: Mr. TIBERI, Mr. BONNER, Ms. LINDA T. SÁNCHEZ of California, Mr. FRANK of Massachusetts, and Mr. WITTMAN of Virginia.

H. Con. Res. 352: Mr. HALL of Texas, Mr. FATTAH, and Mr. LYNCH.

H. Con. Res. 362: Mr. PATRICK MURPHY of Pennsylvania, Mr. EDWARDS of Texas, Mr. RYAN of Wisconsin, Mr. KINGSTON, Mr. SALI, Mr. CALVERT, and Ms. SPEIER.

H. Con. Res. 382: Mr. BERMAN.

H. Con. Res. 386: Mr. FRANKS of Arizona.

H. Res. 870: Mr. MARKEY, Mr. JEFFERSON, Ms. SCHAKOWSKY, Ms. JACKSON-LEE of Texas, Mr. KENNEDY, and Mr. KUCINICH.

H. Res. 988: Ms. ROYBAL-ALLARD and Mr. ARCURI.

H. Res. 1000: Mr. CARNEY, Mr. MURTHA, Mr. FATTAH, Mr. GERLACH, Mr. HOLDEN, Mr. SHUSTER, Mr. KANJORSKI, Mr. PATRICK MURPHY of Pennsylvania,. Mr. BRADY of Pennsylvania, Ms. SCHWARTZ, Mr. SESTAK, Mr. PETERSON of Pennsylvania, Mr. PLATTS, Mr. PITTS, Mr. ENGLISH of Pennsylvania, Mr. DENT, Mr. BOOZMAN, Mr. MICHAUD, Mr. STUPAK, Ms. CORRINE BROWN of Florida, Mr. LARSON of Connecticut, Mr. PASCRELL, Ms. LINDA T. SÁNCHEZ of California, Mrs. MCCARTHY of New York, Mr. ARCURI, Mr. MURPHY of Connecticut, Mr. LOEBSACK, Mr. BISHOP of Georgia, Mr. MORAN of Virginia, Mr. HONDA, Mr. TAYLOR, Mr. LANGEVIN, Mr. ABERCROMBIE, Mr. NEAL of Massachusetts, Mr. TANNER, Mr. RYAN of Ohio, Mr. LYNCH, Mr. CLYBURN, Mr. WU, Mr. WEINER, and Mr. CROWLEY.

H. Res. 1006: Mr. PASTOR.

H. Res. 1042: Ms. GINNY BROWN-WAITE of Florida, Mr. KELLER, Mr. CONAWAY, Ms. WASSERMAN SCHULTZ, Mr. TANNER, Mr. BERRY, and Mr. SHADEGG.

H. Res. 1078: Mr. FATTAH, Mr. HINCHEY, Ms. KILPATRICK, and Mr. HONDA.

H. Res. 1088: Ms. JACKSON-LEE of Texas, Mr. RAHALL, Ms. WATERS, Mr. HINCHEY, Mr. ACKERMAN, Mr. LAHOOD, Mr. WEINER, Mr. RUPPERSBERGER, Mr. KUCINICH, Mr. PETRI, Mr. CLYBURN, Mr. BUTTERFIELD, Mr. DEFAZIO, Mr. BERMAN, Ms. ZOE LOFGREN of California, Mr. WATT, Mr. COURTNEY, Mr. HARE, Mr. WELCH of Vermont, Mr. HOLT, Mr. HIGGINS, Mr. SCOTT of Virginia, Mr. GRIJALVA, Mr. BLUMENAUER, Mr. CLEAVER, and Mr. MCGOVERN.

H. Res. 1116: Mr. EHLERS.

H. Res. 1169: Ms. MOORE of Wisconsin and Ms. WOOLSEY.

H. Res. 1202: Mr. STUPAK and Mr. HODES.

H. Res. 1210: Ms. HERSETH SANDLIN.

H. Res. 1227: Ms. CORRINE BROWN of Florida.

H. Res. 1246: Mr. MITCHELL.

H. Res. 1254: Mr. JACKSON of Illinois.

H. Res. 1266: Mr. MCCAUL of Texas, Mr. CLAY, Mr. MICHAUD, Mr. HOLDEN, and Mr. TOWNS.

H. Res. 1273: Mr. PETRI.

H. Res. 1287: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. SKELTON, Mr. PRICE of Georgia, and Mr. CAZAYOUX.

H. Res. 1302: Mr. MILLER of Florida, Mr. CANNON, and Mr. ROYCE.

H. Res. 1303: Ms. ZOE LOFGREN of California and Mr. PORTER.

H. Res. 1306: Mr. LATTA, Mr. MCHENRY, Mr. SMITH of New Jersey, Mr. GERLACH, Mr. MILLER of Florida, Mr. SAXTON, Mr. HAYES, Mr. TANCREDO, Mr. ROYCE, and Mr. ADERHOLT.

H. Res. 1307: Mr. ABERCROMBIE, Mr. ACKERMAN, Mr. BISHOP of New York, Mr. COSTA, Mr. CROWLEY, Mr. DEFAZIO, Ms. DEGETTE, Mr. EHLERS, Mr. FARR, Mr. GALLEGLY, Ms. GIFFORDS, Mr. GILCHREST, Mr. GENE GREEN of Texas, Mr. GRIJALVA, Mr. HILL, Mr. HINOJOSA, Mr. INSLEE, Ms. JACKSON-LEE of Texas, Mr. KIRK, Mr. MILLER of North Carolina, Mr. RODRIGUEZ, Mr. ROHRABACHER, Ms. Linda T. Sánchez of California, Mr. SHERMAN, Mr. SMITH of Washington, Ms. SOLIS, Mr. TANNER, Mr. TAYLOR, Mr. WU, Mr. PETRI, Mr. BOUSTANY, Ms. BALDWIN, Mr. WHITFIELD of Kentucky, Mr. BOUCHER, Mr. WALDEN of Oregon, Mr. CASTLE, Mr. JONES of North Carolina, Mr. BARTLETT of Maryland, Mr. PLATTS, Mr. CRENSHAW, and Mr. HALL of Texas.

H. Res. 1308: Mr. GALLEGLY.

H. Res. 1311: Ms. MOORE of Wisconsin, Mr. PRICE of North Carolina, Mr. MORAN of Kansas, Mr. KENNEDY, Ms. KILPATRICK, Ms. SOLIS, Mr. CASTLE, Mrs. CAPITO, Ms. ROS-LEHTINEN, Mr. SCOTT of Virginia, Ms. ROYBAL-ALLARD, Ms. ZOE LOFGREN of California, Mr. MCNULTY, Mr. SCOTT of Georgia, Ms. BERKLEY, and Mr. CALVERT.

H. Res. 1316: Mr. KILDEE, Mr. LYNCH, Mr. ABERCROMBIE, Ms. CASTOR, Mr. CROWLEY, Mr. COURTNEY, Mrs. DAVIS of California, Mr. LOEBSACK, Ms. TSONGAS, Mr. UDALL of Colorado, Mr. KIND, Mr. PALLONE, Mr. CAPUANO, Mr. PASCRELL, Mrs. MCCARTHY of New York, Mrs. TAUSCHER, Mr. OLVER, Mr. LARSEN of Washington, Ms. DEGETTE, Mrs. BOYDA of Kansas, Ms. SOLIS, Mr. HODES, Mr. HOLT, and Mr. WELCH of Vermont.

H. Res. 1323: Mr. SIRES, Mr. FLAKE, Ms. BALDWIN, Mrs. CAPPS, Ms. SOLIS, Mrs. BOYDA of Kansas, Ms. BEAN, Ms. DEGETTE, Mr. BRALEY of Iowa, Ms. ESHOO, Ms. ROYBAL-ALLARD, Mr. HILL, Mr. DONNELLY, Mr. SHADEGG, Mr. SPACE, Mr. RENZI, Ms. HIRONO, and Mr. WU.

H. Res. 1324: Mr. POE.

H. Res. 1325: Mr. BROUN of Georgia, Mr. JORDAN, Mr. KING of Iowa, Mr. MARCHANT, Mr. DAVID DAVIS of Tennessee, Mr. HENSARLING, Mr. BRADY of Texas, Mr. BISHOP of Utah, Mrs. SCHMIDT, Mrs. MUSGRAVE, Mr. LAMBORN, Mr. PITTS, Mr. AKIN, Mr. FRANKS of Arizona, Mrs. MCMORRIS RODGERS, Mr. KLINE of Minnesota, Mr. CONAWAY, Mr. GOHMERT, Mr. BARRETT of South Carolina, Mr. BILBRAY, Mr. LUCAS, Mr. DOOLITTLE, Mr. SHADEGG, Mr. BARTLETT of Maryland, Mr. DANIEL E. LUNGREN of California, Mrs. BACHMANN, Mr. LATTA, Mr. SALI, and Mr. GARY G. MILLER of California.

H. Res. 1326: Mr. ELLISON, Mr. HINCHEY, Ms. BALDWIN, Ms. JACKSON-LEE of Texas, Mr. CONYERS, Mr. MCGOVERN, Ms. SCHAKOWSKY, Mr. FILNER, Mr. RUSH, and Mr. STARK.

H. Res. 1327: Mr. BACA, Mr. FARR, Mr. BECERRA, and Ms. SOLIS.

¶83.34 PETITIONS

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

288. The SPEAKER presented a petition of the Town of Eastham, Massachusetts, relative to a Resolution calling on the Congress of the United States to vote only for funding for a safe and rapid withdrawal of all U.S. troops from Iraq; to the Committee on Armed Services.

289. Also, a petition of the Town of Orleans, Massachusetts, relative to a Resolution calling on the Congress of the United States to vote only for funding for a safe and rapid withdrawal of all U.S. troops from Iraq; to the Committee on Armed Services.

MONDAY, JULY 14, 2008 (84)

¶84.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order at 12:30 p.m. by the SPEAKER pro tempore, Mr. JACKSON of Illinois, who laid before the House the following communication:

WASHINGTON, DC,
July 14, 2008.

I hereby appoint the Honorable JESSE L. JACKSON, Jr., to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

Whereupon, pursuant to the order of the House of January 4, 2007, Members were recognized for morning-hour debate.

¶84.2 RECESS—12:31 P.M.

The SPEAKER pro tempore, Mr. JACKSON of Illinois, pursuant to clause 12(a) of rule I, declared the House in recess at 12 o'clock and 31 minutes p.m., until 2 p.m.

¶84.3 AFTER RECESS—2 P.M.

The SPEAKER pro tempore, Mr. JACKSON of Illinois, called the House to order.

¶84.4 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. JACKSON of Illinois, announced he had examined and approved the Journal of the proceedings of Thursday, July 10, 2008.

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

¶84.5 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

7485. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Asian Longhorned Beetle; Additions to Quarantined Areas in New York [Docket No. APHIS-2007-0104] received July 2, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7486. A letter from the Associate General Counsel for Legislation and Regulations, Department of Housing and Urban Development, transmitting the Department's final rule — Manufactured Home Installation Program [Docket No. FR-4812-F-03] (RIN: 2502-AH97) received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7487. A letter from the Acting Secretary, Securities and Exchange Commission, transmitting the Commission's final rule — Commission Guidance and Amendment to the Rules Relating to Organization and Program Management Concerning Proposed Rule Changes Filed by Self-Regulatory Organizations [Release No. 34-58092] received July 7, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7488. A letter from the Asst. Gen. Counsel for Reg. Services, Department of Education, transmitting the Department's final rule — The Teacher Education Assistance for College and Higher Education (TEACH) Grant Program and Other Federal Student Aid Programs [Docket ID ED-2008-OPE-0001] (RIN: 1840-AC93) received June 31, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

7489. A letter from the Deputy Director for Operations, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule — Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits — received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

7490. A letter from the Deputy Director for Operations, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule — Bylaws of the Pension Benefit Guaranty Corporation — received June 11, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

7491. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Protection of Stratospheric Ozone: Revision of Refrigerant Recovery Only Equipment Standards [EPA-HQ-OAR-2008-0231; FRL-8582-6] (RIN: 2060-AP18) received June 13, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7492. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Small Entity Compliance Guide to Renovate Right; EPA's Lead-Based Paint Renovation, Repair, and Painting Program; Notice of Availability [EPA-HQ-OPPT-2005-0049; FRL-8368-9] (RIN: 2070-AC83) received June 26, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7493. A letter from the General Counsel, Federal Energy Regulatory Commission, transmitting the Commission's final rule — Promotion of a More Efficient Capacity Release Market [Docket No. RM08-1-000; Order No. 712] received June 31, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7494. A letter from the Deputy Archivist of the United States, National Archives and Records Administration, transmitting the Administration's final rule — Use of Meeting Rooms and Public Space [Docket NARA-08-0002] (RIN: 3095-AB33) received June 31, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

7495. A letter from the Acting Chair, Federal Subsistence Board, Department of the Interior, transmitting the Department's final rule — Subsistence Management Regulations for Public Lands in Alaska-2008-09 and 2009-10 Subsistence Taking of Wildlife Regulations [FWS-R7-SM-2008-0020; 70101-1261-0000L6] (RIN: 1018-AV69) received July 7, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7496. A letter from the Chief, Branch of Listing (End. Species, WO), Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Critical Habitat Revised Designation for the Kootenai River Population of the White Sturgeon (Acipenser transmontanus) [[FWS-R1-ES-2008-0072] [92210-1117-0000-FY08-B4] (RIN: 1018-AU47) received July 7, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7497. A letter from the Acting Chair, Federal Subsistence Board, Department of the Interior, transmitting the Department's final rule — Subsistence Management Regulations for Public Lands in Alaska, Subpart C and Subpart D-2008-09 Subsistence Taking of Fish and Shellfish Regulations [FWS-R7-SM-2008-0021; 70101-1335-0064L6] (RIN: 1018-AU71) received July 7, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7498. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule — Pennsylvania Regulatory Program [PA-151-FOR; Docket ID: OSM-2008-0013] received July 2, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7499. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Scup Fishery; Commercial Quota Harvested for 2008 Summer Period [Docket No. 071030625-7696-02] (RIN: 0648-XI40) received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7500. A letter from the Deputy Assistant Administrator for Operations, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Bering Sea and Aleutian Islands Crab Rationalization Program [Docket No. 080129098-8743-02] (RIN: 0648-AW45) received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7501. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Economic Exclusive Zone Off Alaska; Shallow-Water Species Fishery by Vessels Using Trawl Gear in the Gulf of Alaska [Docket No. 071106671-8010-02] (RIN: 0648-XI13) received June 11, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7502. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Yellowfin Sole by Vessels Participating in the Amendment 80 Limited Access Fishery in Bering Sea and Aleutian Islands Management Area [Docket No. 071106673-8011-02] (RIN: 0648-XI07) received June 11, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7503. A letter from the Deputy Assistant Administrator For Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Recreational Management Measures for the Summer Flounder, Scup, and Black Sea bass fisheries; Fishing Year 2008 [Docket No. 070717341-8549-02] (RIN: 0648-AV41) received June 23, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7504. A letter from the Acting General Counsel, Department of Justice, transmitting the Department's final rule — Board of Immigration Appeals: Composition of Board and Temporary Board Members [EOIR Docket No. 158F; AG Order No. 2975-2008] (RIN: 1125-AA57) received June 26, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

7505. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Swans Island, ME [Docket No. FAA-2008-0060; Airspace Docket No. 08-ANE-91] received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7506. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Fort Kent, ME [Docket No. FAA-2008-0059; Airspace Docket No. 08-ANE-90] received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7507. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Gettysburg, PA. [Docket No. FAA-2007-0309; Airspace Docket No. 07-AEA-20] received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7508. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No. 30600; Amdt. No. 3262] received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7509. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No. 30603 ; Amdt. No. 3265] received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7510. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No. 30609; Amdt. No 3270] received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7511. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No. 30602; Amdt. No 3264] received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7512. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No. 30611; Amdt. No 3272] received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7513. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No. 30612 ; Amdt. No. 3273] received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7514. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No. 30610; Amdt. No 3271] received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7515. A letter from the Senior Trial Attorney, Department of Transportation, transmitting the Department's final rule — Railroad Operating Rules: Program of Operational Tests and Inspections; Railroad Operating Practices: Handling Equipment, Switches and Fixed Derails [Docket No. FRA-2006-25267] (RIN: 2130-AB76) received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7516. A letter from the Chairman, Department of Transportation, transmitting the

Department's final rule — DISCLOSURE OF RAIL INTERCHANGE COMMITMENTS [STB Ex Parte No. 575 (Sub-No. 1)] received June 11, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7517. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No. 30569; Amdt. No. 3235] received June 20, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7518. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Franklin, PA. [Docket No. FAA-2007-0279; Airspace Docket No. 070-AEA-19] received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7519. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Swans Island, ME [Docket No. FAA-2008-0060; Airspace Docket No. 08-ANE-91] received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7520. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Vinalhaven, ME. [Docket No. FAA-2008-0061; Airspace Docket No. 08-ANE-92] received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7521. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Bridgton, ME. [Docket No. FAA-2008-0064; Airspace Docket No. 08-ANE-95] received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7522. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — National Pollutant Discharge Elimination System (NPDES) Water Transfers Rule [EPA-HQ-OW-2006-0141; FRL-8579-3] (RIN: 2040-AE86) received June 13, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7523. A letter from the Chief, Trade and Commercial Regulations Branch, Department of Homeland Security, transmitting the Department's final rule — DOMINICAN REPUBLIC–CENTRAL AMERICA–UNITED STATES FREE TRADE AGREEMENT [USCBP-2008-0060 CBP Dec. 08-22] (RIN: 1505-AB84) received June 9, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7524. A letter from the Chief, Trade and Commercial Regulations Branch, Department of Homeland Security, transmitting the Department's final rule — ARTICLES ASSEMBLED ABROAD: OPERATIONS INCIDENTAL TO THE ASSEMBLY PROCESS [CBP Dec. 08-21] (RIN: 1505-AB90) received June 9, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7525. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — 26 CFR 601.204: Changes in accounting periods and in methods of accounting. (Also, Part 1, 471, 472; 1.471-2, 1.471-8, 1.472-1) (Rev. Proc. 2008-43) received June 26, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7526. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Auction Rate Preferred Stock-Effect of Liquidity Facilities on Equity Character [Notice 2008-55] received June 26, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7527. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Alternative Simplified Credit under Section 41(c)(5) [TD 9401] (RIN: 1545-BH33) received June 24, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

¶84.6 COMMUNICATION FROM THE CLERK—MESSAGE FROM THE SENATE

The SPEAKER pro tempore, Mr. JACKSON of Illinois, laid before the House a communication, which was read as follows:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, July 14, 2008.

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

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on July 14, 2008, at 12:42 p.m.:

That the Senate passed without amendment H.R. 4289.

That the Senate passed S. 1046.

That the Senate passed with an amendment H. Con. Res. 236.

With best wishes, I am

Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

(By Deborah M. Spriggs, Deputy Clerk).

¶84.7 NATIONAL SEA GRANT COLLEGE PROGRAM

Ms. BORDALLO moved to suspend the rules and pass the bill (H.R. 5618) to reauthorize and amend the National Sea Grant College Program Act, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. JACKSON of Illinois, recognized Ms. BORDALLO and Mr. WILSON of South Carolina, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. JACKSON of Illinois, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶84.8 COASTAL BARRIER RESOURCES

Ms. BORDALLO moved to suspend the rules and pass the bill (H.R. 1714) to clarify the boundaries of Coastal Barrier Resources System Clam Pass Unit FL-64P.

The SPEAKER pro tempore, Mr. JACKSON of Illinois, recognized Ms. BORDALLO and Mr. WILSON of South Carolina, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. JACKSON of Illinois, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶84.9 FISH STOCKING

Ms. BORDALLO moved to suspend the rules and pass the bill (H.R. 3227) to direct the Secretary of the Interior to continue stocking fish in certain lakes in the North Cascades National Park, Ross Lake National Recreation Area, and Lake Chelan National Recreation Area; as amended.

The SPEAKER pro tempore, Mr. JACKSON of Illinois, recognized Ms. BORDALLO and Mr. WILSON of South Carolina, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. JACKSON of Illinois, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

By unanimous consent, the title was amended so as to read: ''An Act to authorize the Secretary of the Interior to allow stocking fish in certain lakes in the North Cascades National Park, Ross Lake National Recreation Area, and Lake Chelan National Recreation Area.''.

A motion to reconsider the votes whereby the rules were suspended and said bill, as amended, was passed and the title was amended was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶84.10 NATIONAL DAY OF THE COWBOY

Ms. BORDALLO moved to suspend the rules and agree to the following resolution (H. Res. 984):

Whereas pioneering men and women, known as cowboys, helped establish the American West;

Whereas the cowboy embodies honesty, integrity, courage, compassion, respect, a strong work ethic, and patriotism;

Whereas the cowboy spirit exemplifies strength of character, sound family values, and good common sense;

Whereas the cowboy archetype transcends ethnicity, gender, geographic boundaries, and political affiliation;

Whereas the cowboy is an excellent steward of the land and its creatures;

Whereas the cowboy lives off the land and works to protect and enhance the environment;

Whereas cowboy traditions have been part of the American culture for generations;

Whereas the cowboy continues to be an important part of the economy, through the work of approximately 727,000 ranchers in all 50 States, and contributes to the well-being of nearly every county in the Nation;

Whereas annual attendance at professional and working ranch rodeo events exceeds 27,000,000 fans, and the rodeo is the 7th most watched sport in the Nation;

Whereas membership and participation in rodeo and other organizations that promote and encompass the livelihood of the cowboy spans race, gender, and generations;

Whereas the cowboy is a central figure in literature, film, and music, and occupies a central place in the public imagination;

Whereas the cowboy is an American icon; and

Whereas the ongoing contributions made by cowboys and cowgirls to their communities should be recognized and encouraged: Now, therefore, be it

Resolved, That the House of Representatives—

(1) expresses support for the designation of a ''National Day of the Cowboy''; and

(2) encourages the people of the United States to observe the day with appropriate ceremonies and activities.

The SPEAKER pro tempore, Mr. JACKSON of Illinois, recognized Ms. BORDALLO and Mr. WILSON of South Carolina, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. JACKSON of Illinois, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶84.11 BISHOP RALPH E. BROWER POST OFFICE BUILDING

Mr. DAVIS of Illinois, moved to suspend the rules and pass the bill (H.R. 5506) to designate the facility of the United States Postal Service located at 369 Martin Luther King Jr. Drive in Jersey City, New Jersey, as the ''Bishop Ralph E. Brower Post Office Building''.

The SPEAKER pro tempore, Mr. JACKSON of Illinois, recognized Mr. DAVIS of Illinois, and Mr. WILSON of South Carolina, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. JACKSON of Illinois, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶84.12 MINNIE COX POST OFFICE BUILDING

Mr. DAVIS of Illinois, moved to suspend the rules and pass the bill (H.R. 4010) to designate the facility of the United States Postal Service located at 100 West Percy Street in Indianola, Mississippi, as the ''Minnie Cox Post Office Building''.

The SPEAKER pro tempore, Mr. JACKSON of Illinois, recognized Mr. DAVIS of Illinois, and Mr. WILSON of South Carolina, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. JACKSON of Illinois, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶84.13 NORTH POLE CROSSING

Mr. COURTNEY moved to suspend the rules and agree to the following resolution (H. Res. 1067):

Whereas the USS *Nautilus* (SSN 571), built and launched at Electric Boat in Groton, Connecticut, on January 21, 1954, was the first vessel in the world to be powered by nuclear power;

Whereas the USS *Nautilus* overcame extreme difficulties of navigation and maneuverability while submerged under the polar ice, and became the first vessel to cross the geographic North Pole on August 3, 1958;

Whereas the USS *Nautilus* continued on her voyage and became the first vessel to successfully navigate a course across the top of the world;

Whereas the USS *Nautilus*, having claimed this historic milestone and returned home to Naval Submarine Base New London, continued to establish a series of naval records in her distinguished 25-year career, including being the first submarine to journey ''20,000 leagues under the sea'';

Whereas the USS *Nautilus* completed these significant and laudable achievements during a critical phase of the Cold War, providing a source of inspiration for Americans and raising the hopes of the Free World;

Whereas the USS *Nautilus* was the first naval vessel in peacetime to receive the Presidential Unit Citation for its meritorious efforts in crossing the North Pole;

Whereas Commander William R. Anderson of the United States Navy was awarded the Legion of Merit for his role in commanding the USS *Nautilus* during its historic voyage;

Whereas the USS *Nautilus* and its contribution to world history was praised by a range of American Presidents, including President Harry Truman, President Dwight D. Eisenhower, President Lyndon B. Johnson, President Jimmy Carter, and President Bill Clinton; and

Whereas President Eisenhower described the voyage to the North Pole as a ''magnificent achievement'' from which ''the entire free world would benefit'': Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the historic significance of the journey to the North Pole undertaken by the USS *Nautilus*;

(2) commends the officers and crew of the USS *Nautilus* on the 50th anniversary of their magnificent achievement;

(3) recognizes the importance of the USS *Nautilus*' journey to the North Pole as not only a military and scientific accomplishment, but also in confirming America's longstanding interest in this vital region of the world;

(4) commends the role of the USS *Nautilus* and the United States Submarine Force in protecting the interests of the free world during the Cold War; and

(5) supports the continuing role of the United States Submarine Force in defending our Nation in the 21st century.

The SPEAKER pro tempore, Mr. JACKSON of Illinois, recognized Mr. COURTNEY and Mr. ROGERS of Alabama, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. JACKSON of Illinois, announced that two-thirds of the Members present had voted in the affirmative.

Mr. COURTNEY demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. JACKSON of Illinois, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶84.14 101ST AIRBORNE DIVISION

Mr. COURTNEY moved to suspend the rules and agree to the following resolution (H. Res. 1080); as amended:

Whereas the 101st Airborne Division (Air Assault), or the Screaming Eagles, headquartered in Fort Campbell, Kentucky, has faithfully answered America's call for service since its formation on August 15, 1942;

Whereas the 101st Airborne Division (Air Assault) defense of Bastogue during World War II is regarded as one of the great achievements in United States military history;

Whereas the 101st Airborne Division (Air Assault) is the only air assault division in the world;

Whereas the 101st Airborne Division (Air Assault) has since deployed tens of thousands of young men and women to Iraq and Afghanistan no less than three times in support of the Global War on Terrorism, performing counter-insurgency operations, securing liberty for such nations to deny safehaven to terrorists, and helping build a better future for such nations;

Whereas over 6,000 Screaming Eagles have made the ultimate sacrifice and countless others have been injured in multiple operations since inception; and

Whereas the 101st Airborne Division (Air Assault) has recognized its ''rendezvous with destiny,'' serving the Nation in five wars, with 19 of its members having been awarded the Medal of Honor: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the 101st Airborne Division (Air Assault), also known as the Screaming Eagles, as one of the great Divisions in American military history;

(2) recognizes that America owes a tremendous debt to the 101st Airborne Division (Air Assault) for the extraordinary service, sacrifice, and patriotism of the soldiers of the Division and their families; and

(3) acknowledges that the contributions of the 101st Airborne Division (Air Assault) to ensure the continued safety and security of this nation will not go unnoticed.

The SPEAKER pro tempore, Mr. JACKSON of Illinois, recognized Mr. COURTNEY and Mr. ROGERS of Alabama, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. JACKSON of Illinois, announced that two-thirds of the Members present had voted in the affirmative.

Mr. ROGERS of Alabama, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. JACKSON of Illinois, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶84.15 UNITED STATES ARMED FORCES FAMILIES

Mr. COURTNEY moved to suspend the rules and agree to the following concurrent resolution (H. Con. Res. 295):

Whereas more than 2,000,000 Americans are demonstrating their devotion to the United States and freedom by serving in the United States Armed Forces;

Whereas there are a multitude of family members, including mothers, fathers, siblings, spouses, and children, supporting each member of the Armed Forces;

Whereas, even in peacetime, the family of a member of the Armed Forces makes concessions given the inherent dangers of military service and the frequent relocations resulting in disruption of everyday routine;

Whereas, during wartime, family members endure increased sacrifices, forgo time with their loved one, and face increased worry and uncertainty when their loved one serves extended tours overseas or engages in enhanced training activities;

Whereas an increasing number of family members have taken on volunteer responsibilities in organizations associated with the Armed Forces;

Whereas the family of a member of the Armed Forces wounded in action willingly accepts the additional role of caregiver, even when it requires postponement of personal goals;

Whereas the families of members of the Armed Forces serve as a pillar of strength and encouragement for those serving the interests of the United States at home and abroad; and

Whereas the families of members of the Armed Forces play a critical role in providing emotional support and readjustment assistance as members transition from military life to civilian life: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress expresses its deepest appreciation to the families, both immediate and extended, of members of the United States Armed Forces for the unwavering support, both physical and emotional, that family members give their loved ones while they answer the call to serve their country and keep the United States safe.

The SPEAKER pro tempore, Mr. JACKSON of Illinois, recognized Mr. COURTNEY and Mr. ROGERS of Alabama, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution?

The SPEAKER pro tempore, Mr. JACKSON of Illinois, announced that two-thirds of the Members present had voted in the affirmative.

Mr. ROGERS of Alabama, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. JACKSON of Illinois, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Tuesday, July 15, 2008.

¶84.16 UNITED STATES ARMED FORCES INTEGRATION

Mr. COURTNEY moved to suspend the rules and agree to the following concurrent resolution (H. Con. Res. 297); as amended:

Whereas the United States has always had strong Armed Forces made up of courageous men and women serving the ideals of duty, honor, and country;

Whereas the Armed Forces were unfortunately once a place of segregation of the races;

Whereas despite segregation, minority members of the Armed Forces, such as the Tuskegee Airmen, who trained at historic Moton Field in Macon County, Alabama, demonstrated honor and bravery above and beyond the call of duty;

Whereas the bravery and sacrifice of all members of the Armed Forces regardless of race during World War II and prior conflicts is a matter of national honor;

Whereas the integration of the Armed Forces beginning in 1948 was a seminal event in our Nation's history and instilled the democratic ideal of equality in the military; and

Whereas the continued bravery and dedication of every member of the Armed Forces continues to be a source of pride to every American: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of Congress to honorably and respectfully recognize the historic significance and to celebrate the 60th Anniversary of President Truman's Executive Order 9981 signed on July 26, 1948 that declared it to be the policy of the President that there shall be equality of treatment and opportunity for all persons in the armed services without regard to race, color, religion or national origin thereby beginning the process of ending segregation in the United States Armed Forces.

The SPEAKER pro tempore, Mr. JACKSON of Illinois, recognized Mr. COURTNEY and Mr. ROGERS of Alabama, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution, as amended?

The SPEAKER pro tempore, Mr. JACKSON of Illinois, announced that two-thirds of the Members present had voted in the affirmative.

Mr. ROGERS of Alabama, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. JACKSON of Illinois, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶84.17 ADMINISTRATIVE CONFERENCE

Mr. SCHIFF moved to suspend the rules and agree to the following amendment of the Senate to the bill (H.R. 3564) to amend title 5, United States Code, to authorize appropriations for the Administrative Conference of the United States through fiscal year 2011, and for other purposes:

On page 2, lines 9 through 11, strike ''$1,000,000 for fiscal year 2008, $3,300,000 for fiscal year 2009, $3,400,000 for fiscal year 2010, and $3,500,000 for fiscal year 2011'' and insert *''$3,200,000 for fiscal year 2009, $3,200,000 for fiscal year 2010, and $3,200,000 for fiscal year 2011''*.

The SPEAKER pro tempore, Mr. JACKSON of Illinois, recognized Mr. SCHIFF and Mr. GOHMERT, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said amendment of the Senate?

The SPEAKER pro tempore, Mr. JACKSON of Illinois, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said amendment of the Senate was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said amendment of the Senate was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶84.18 THURGOOD MARSHALL

Mr. SCHIFF moved to suspend the rules and agree to the following concurrent resolution (H. Con. Res. 381):

Whereas Thurgood Marshall was born in Baltimore, Maryland, on July 2, 1908, the grandson of a slave;

Whereas Thurgood Marshall developed an interest in the Constitution and the rule of law in his youth;

Whereas Thurgood Marshall graduated from Lincoln University in Pennsylvania with honors in 1930, but was denied acceptance at the all-white University of Maryland Law School because he was African-American;

Whereas Thurgood Marshall attended law school at Howard University, the country's most prominent black university, and graduated first in his class in 1933;

Whereas Thurgood Marshall served as the legal director of the National Association for the Advancement of Colored People (NAACP) from 1940 to 1961;

Whereas Thurgood Marshall argued 32 cases before the Supreme Court of the United States, beginning with the case of Chambers

v. Florida in 1940, and won 29 of them, earning more victories in the Supreme Court than any other individual;

Whereas, as Chief Counsel of the NAACP, Thurgood Marshall fought to abolish segregation in schools and challenged laws that discriminated against African-Americans;

Whereas Thurgood Marshall argued Brown v. Board of Education before the Supreme Court in 1954, which resulted in the famous decision declaring racial segregation in public schools unconstitutional, overturning the 1896 decision in Plessy v. Ferguson;

Whereas Thurgood Marshall was nominated to the United States Court of Appeals for the Second Circuit by President John F. Kennedy in 1961, and was confirmed by the United States Senate in spite of heavy opposition from many Southern Senators;

Whereas Thurgood Marshall served on the United States Court of Appeals for the Second Circuit from 1961 to 1965, during which time he wrote 112 opinions, none of which were overturned on appeal;

Whereas Thurgood Marshall was nominated as Solicitor General of the United States by President Lyndon Johnson, and served as the first African-American Solicitor General from 1965 to 1967;

Whereas Thurgood Marshall was nominated as an Associate Justice of the Supreme Court by President Johnson in 1967, and served as the first African-American member of the Supreme Court;

Whereas Thurgood Marshall sought to protect the rights of all Americans during his 24 years as a justice on the Supreme Court;

Whereas Thurgood Marshall was honored with the Liberty Medal in 1992, in recognition of his long history of protecting the rights of women, children, prisoners, and the homeless; and

Whereas Thurgood Marshall died on January 24, 1993, at the age of 84: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) honors the dedication and achievements of Thurgood Marshall;

(2) recognizes the contributions of Thurgood Marshall to the struggle for equal rights and justice in the United States; and

(3) celebrates the lifetime achievements of Thurgood Marshall on the 100th anniversary of his birth.

The SPEAKER pro tempore, Mr. JACKSON of Illinois, recognized Mr. SCHIFF and Mr. GOHMERT, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution?

The SPEAKER pro tempore, Mr. SERRANO, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said concurrent resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said concurrent resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶84.19 AMERICAN FLAGS

Mr. SCHIFF moved to suspend the rules and agree to the following resolution (H. Res. 1182):

Whereas, on June 14, 1777, the Stars and Stripes was officially adopted as the national flag of the United States;

Whereas Francis Scott Key was so inspired by the sight of the American flag still flying over Baltimore's Fort McHenry after a British bombardment that he wrote the ''Star-Spangled Banner'' on September 14, 1814;

Whereas the American flag has 7 red and 6 white horizontal stripes;

Whereas these stripes represent the 13 original States;

Whereas the flag still has its field of blue, which represents the Union and contains 50 stars, one for each State;

Whereas many brave men and women have fought and died for the freedoms that this flag represents; and

Whereas the sight of this banner brings feelings of joy, courage, pride, and unity for all Americans: Now, therefore, be it

Resolved, That it is the sense of the United States House of Representatives that all American flags flown over Federal buildings be entirely produced in the United States.

The SPEAKER pro tempore, Mr. SERRANO, recognized Mr. SCHIFF and Mr. GOHMERT, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. SERRANO, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶84.20 DRUG ENFORCEMENT ADMINISTRATION

Mr. SCHIFF moved to suspend the rules and agree to the following concurrent resolution (H. Con. Res. 369):

Whereas the Drug Enforcement Administration (DEA) was created by an Executive order on July 6, 1973, and merged the previously separate law enforcement and intelligence agencies responsible for narcotics control;

Whereas the first administrator of the DEA, John R. Bartels, Jr., was confirmed by the Senate on October 4, 1973;

Whereas since 1973, the men and women of the DEA have served our Nation with courage, vision, and determination, protecting all Americans from the scourge of drug trafficking, drug abuse, and related violence;

Whereas the DEA has adjusted and refined the tactics and methods by which it targets the most dangerous drug trafficking operations to bring to justice criminals such as New York City's Nicky Barnes, key members of the infamous Colombian Medellin cartel, Thai warlord Khun Sa, several members of the Mexican Arellano-Felix organization, Afghan terrorist Haji Baz Mohammad, and international arms dealer Viktor Bout;

Whereas throughout its 35 years, the DEA has continually adapted to the evolving trends of drug trafficking organizations by aggressively targeting organizations involved in the growing, manufacturing, and distribution of such substances as marijuana, cocaine, heroin, methamphetamine, Ecstasy, and controlled prescription drugs;

Whereas in its 227 domestic offices in 21 field divisions, the DEA continues to strengthen and enhance existing relationships with Federal, State, and local counterparts in every State in the Union to combat drug trafficking;

Whereas in this decade alone, DEA special agents have seized over 5,500 kilograms of heroin; 650,000 kilograms of cocaine; 2,300,000 kilograms of marijuana; 13,000 kilograms of methamphetamine; almost 80,000,000 dosage units of hallucinogens; and made over 240,000 arrests;

Whereas in its 87 foreign offices in 63 countries, the DEA has the largest international presence of any Federal law enforcement agency;

Whereas its personnel continue to collaborate closely with international partners around the globe, including in such drug-producing countries as Colombia, Mexico, Afghanistan, and Thailand;

Whereas the results of this international collaboration in this decade alone have led to the indictments of 63 leaders, members, and associates of the Revolutionary Armed Forces of Colombia, a designated foreign terrorist organization, as well as 144 arrests and detainments of narcotics traffickers for violations of Afghan and United States narcotics laws and terrorist-related offenses;

Whereas through the creation of the Diversion Control Program in 1971, the DEA now registers and regulates over 1,200,000 registrants, while simultaneously combating the continually-evolving threat posed by the diversion of controlled pharmaceuticals;

Whereas the DEA continues to hit drug traffickers financially, where it hurts the most, denying drug trafficking organizations $3,500,000,000 in fiscal year 2007 alone, exceeding their 5-year goal of $3,000,000,000 annually by fiscal year 2009;

Whereas DEA special agents continue to work shoulder-to-shoulder with Federal, State, and local law enforcement officials throughout the Nation in a cooperative effort to put drug traffickers behind bars;

Whereas throughout its history, many DEA employees and members of the agency's task forces have given their lives in the line of duty, including: Charles Archie Wood, Stafford E. Beckett, Joseph W. Floyd, Bert S. Gregory, James T. Williams, Louis L. Marks, James E. Brown, James R. Kerrigan, John W. Crozier, Spencer Stafford, Andrew P. Sanderson, Anker M. Bangs, Wilson M. Shee, Mansel R. Burrell, Hector Jordan, Gene A. Clifton, Frank Tummillo, Richard Heath, Jr., George F. White, Emir Benitez, Gerald Sawyer, Leslie S. Grosso, Nickolas Fragos, Mary M. Keehan, Charles H. Mann, Anna Y. Mounger, Anna J. Pope, Martha D. Skeels, Mary P. Sullivan, Larry D. Wallace, Ralph N. Shaw, James T. Lunn, Octavio Gonzalez, Francis J. Miller, Robert C. Lightfoot, Thomas J. Devine, Larry N. Carwell, Marcellus Ward, Enrique S. Camarena, James A. Avant, Charles M. Bassing, Kevin L. Brosch, Susan M. Hoefler, William Ramos, Raymond J. Stastny, Arthur L. Cash, Terry W. McNett, George M. Montoya, Paul S. Seema, Everett E. Hatcher, Rickie C. Finley, Joseph T. Aversa, Wallie Howard, Jr., Eugene T. McCarthy, Alan H. Winn, George D. Althouse, Becky L. Dwojeski, Stephen J. Strehl, Juan C. Vars, Jay W. Seale, Meredith Thompson, Frank S. Wallace, Jr., Frank Fernandez, Jr., Kenneth G. McCullough, Carrol June Fields, Rona L. Chafey, Shelly D. Bland, Carrie A. Lenz, Shaun E. Curl, Royce D. Tramel, Alice Faye Hall-Walton, Elton Armstead, Larry Steilen, Terry Loftus, Jay Balchunas, and Richard E. Fass;

Whereas many other DEA employees and task force officers have been wounded or injured in the line of duty; and

Whereas over 9,000 employees of the DEA, including special agents, intelligence analysts, diversion investigators, program analysts, forensic chemists, attorneys, and administrative support, along with over 2,000

task force officers, and over 2,000 vetted foreign officers, work tirelessly to hunt down and bring to justice the drug trafficking cartels that seek to poison our citizens with dangerous narcotics: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) congratulates the Drug Enforcement Administration (DEA) on the occasion of its 35th anniversary;

(2) honors the heroic sacrifice of the agency's employees who have given their lives or have been wounded or injured in service of our Nation; and

(3) gives heartfelt thanks to all the men and women of the DEA for their past and continued efforts to defend the American people from the scourge of illegal drugs and terrorism.

The SPEAKER pro tempore, Mr. SERRANO, recognized Mr. SCHIFF and Mr. GOHMERT, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution?

The SPEAKER pro tempore, Mr. SERRANO, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said concurrent resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said concurrent resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶84.21 DEBBIE SMITH DNA BACKLOG GRANT PROGRAM

Mr. SCHIFF moved to suspend the rules and pass the bill (H.R. 5057) to reauthorize the Debbie Smith DNA Backlog Grant Program; as amended.

The SPEAKER pro tempore, Mr. SERRANO, recognized Mr. SCHIFF and Mr. CHABOT, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. SERRANO, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

By unanimous consent, the title was amended so as to read: ''An Act to reauthorize the Debbie Smith DNA Backlog Grant Program, and for other purposes.''.

A motion to reconsider the votes whereby the rules were suspended and said bill, as amended, was passed and the title was amended was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶84.22 CRIMINAL HISTORY BACKGROUND CHECKS

Mr. SCHIFF moved to suspend the rules and pass the bill of the Senate (S. 3218) to extend the pilot program for volunteer groups to obtain criminal history background checks.

The SPEAKER pro tempore, Mr. SERRANO, recognized Mr. SCHIFF and Mr. CHABOT, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. SERRANO, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶84.23 A CHILD IS MISSING ALERT AND RECOVERY CENTER

Mr. SCHIFF moved to suspend the rules and pass the bill (H.R. 5464) to direct the Attorney General to make an annual grant to the A Child Is Missing Alert and Recovery Center to assist law enforcement agencies in the rapid recovery of missing children, and for other purposes.

The SPEAKER pro tempore, Mr. SERRANO, recognized Mr. SCHIFF and Mr. CHABOT, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. SERRANO, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrent of the Senate in said bill.

¶84.24 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT PROGRAM

Mr. SCHIFF moved to suspend the rules and pass the bill of the Senate (S. 231) to authorize the Edward Byrne Memorial Justice Assistance Grant Program at fiscal year 2006 levels through 2012.

The SPEAKER pro tempore, Mr. SERRANO, recognized Mr. SCHIFF and Mr. CHABOT, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. SERRANO, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶84.25 RECESS—5:12 P.M.

The SPEAKER pro tempore, Mr. SERRANO, pursuant to clause 12(a) of rule I, declared the House in recess at 5 o'clock and 12 minutes p.m., until approximately 6:30 p.m.

¶84.26 AFTER RECESS—6:30 P.M.

The SPEAKER pro tempore, Mr. Patrick J. MURPHY of Pennsylvania, called the House to order.

¶84.27 PROVIDING FOR CONSIDERATION OF H.R. 415

Mr. HASTINGS of Florida, by direction of the Committee on Rules, reported (Rept. No. 110–758) the resolution (H. Res. 1339) providing for consideration of the bill (H.R. 415) to amend the Wild and Scenic Rivers Act to designate segments of the Taunton River in the Commonwealth of Massachusetts as a component of the National Wild and Scenic Rivers System.

When said resolution and report were referred to the House Calendar and ordered printed.

¶84.28 H. RES. 1067—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. Patrick J. MURPHY of Pennsylvania, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 1067) recognizing the 50th anniversary of the crossing of the North Pole by the USS Nautilus (SSN 571) and its significance in the history of both our Nation and the world.

The question being put,

Will the House suspend the rules and agree to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 375 / Nays 0

¶84.29 [Roll No. 486]

YEAS—375

Abercrombie	Bishop (UT)	Cannon
Ackerman	Blackburn	Cantor
Aderholt	Blumenauer	Capito
Akin	Blunt	Capps
Alexander	Boehner	Capuano
Allen	Bono Mack	Cardoza
Altmire	Boozman	Carnahan
Arcuri	Boren	Carney
Baca	Boucher	Carson
Bachus	Boustany	Carter
Baird	Boyd (FL)	Castle
Baldwin	Boyda (KS)	Castor
Barrett (SC)	Brady (PA)	Cazayoux
Bartlett (MD)	Brady (TX)	Chabot
Barton (TX)	Brown (SC)	Chandler
Bean	Brown-Waite, Ginny	Childers
Becerra	Buchanan	Clarke
Berkley	Burgess	Clay
Berman	Burton (IN)	Cleaver
Berry	Butterfield	Clyburn
Biggert	Buyer	Coble
Bilbray	Calvert	Cohen
Bilirakis	Camp (MI)	Cole (OK)
Bishop (GA)	Campbell (CA)	Conaway
Bishop (NY)		Conyers

Cooper
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Drake
Dreier
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Green, Gene
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
Latta
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mitchell
Mollohan
Moore (WI)
Moran (KS)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Musgrave
Myrick
Nadler
Napolitano
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Putnam
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Tauscher
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tierney
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Westmoreland
Wexler
Whitfield (KY)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—59

Andrews
Bachmann
Barrow
Bonner
Boswell
Braley (IA)
Broun (GA)
Brown, Corrine
Costa
Costello
Cramer
Cubin
Davis (CA)
Davis, Tom
Doolittle
Ellison
Fossella
Franks (AZ)
Granger
Graves
Green, Al
Grijalva
Gutierrez
Hulshof
Jefferson
Johnson (IL)
Jones (OH)
Kilpatrick
Kind
LaTourette
Lewis (GA)
Lipinski
Maloney (NY)
Miller, George
Moore (KS)
Moran (VA)
Murtha
Neal (MA)
Pearce
Platts
Pryce (OH)
Radanovich
Rohrabacher
Rush
Saxton
Scott (VA)
Shays
Sires
Tancredo
Taylor
Tiberi
Towns
Udall (CO)
Udall (NM)
Wasserman Schultz
Welch (VT)
Weller
Wilson (NM)
Woolsey

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶84.30 H. RES. 1080—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. Patrick J. MURPHY of Pennsylvania, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 1080) honoring the extraordinary service and exceptional sacrifice of the 101st Airborne Division (Air Assault), known as the Screaming Eagles; as amended.

The question being put,

Will the House suspend the rules and agree to said resolution, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 378 Nays 0

¶84.31 [Roll No. 487]

YEAS—378

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Arcuri
Baca
Bachus
Baird
Baldwin
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bono Mack
Boozman
Boren
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Cazayoux
Chabot
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Drake
Dreier
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Green, Gene
Grijalva
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
Latta
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Musgrave
Myrick
Nadler
Napolitano
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Putnam
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Tauscher
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tierney
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Westmoreland
Wexler
Whitfield (KY)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—56

Andrews
Bachmann
Barrow
Bonner
Boswell
Braley (IA)
Broun (GA)
Brown, Corrine
Costa
Costello
Cramer
Cubin
Davis (CA)
Davis, Tom
Doolittle

Ellison
Fossella
Granger
Graves
Green, Al
Gutierrez
Hirono
Hulshof
Jefferson
Johnson (IL)
Jones (OH)
Kilpatrick
Kind
LaTourette
Lewis (GA)
Lipinski
Maloney (NY)
Miller, George
Moran (VA)
Murtha
Neal (MA)
Pearce
Platts
Pryce (OH)
Radanovich
Rohrabacher
Rush
Saxton
Scott (VA)
Shays
Sires
Speier
Tancredo
Taylor
Tiberi
Towns
Udall (CO)
Udall (NM)
Wasserman Schultz
Weller
Wilson (NM)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

¶84.32 H. CON. RES. 297—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. Patrick J. MURPHY of Pennsylvania, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the concurrent resolution (H. Con. Res. 297) recognizing the 60th anniversary of the integration of the United States Armed Forces; as amended.

The question being put,

Will the House suspend the rules and agree to said concurrent resolution, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 378 Nays 0

¶84.33 [Roll No. 488]

YEAS—378

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Arcuri
Baca
Bachus
Baird
Baldwin
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bono Mack
Boozman
Boren
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Cazayoux
Chabot
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Drake
Dreier
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Green, Gene
Grijalva
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
Latta
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Musgrave
Myrick
Nadler
Napolitano
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Putnam
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Tauscher
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tierney
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Westmoreland
Wexler
Whitfield (KY)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—56

Andrews
Bachmann
Barrow
Bonner
Boswell
Braley (IA)
Broun (GA)
Brown, Corrine
Carter
Costa
Costello
Cramer
Cubin
Davis (CA)
Davis, Tom
Doolittle
Ellison
Fossella
Granger
Graves
Green, Al
Gutierrez
Hulshof
Jefferson
Johnson (IL)
Jones (OH)
Kilpatrick
Kind
LaTourette
Lewis (GA)
Lipinski
Maloney (NY)
Manzullo
Miller, George
Moran (VA)
Murtha
Neal (MA)
Pearce
Platts
Pryce (OH)
Radanovich
Rohrabacher
Rush
Saxton
Scott (VA)
Shays
Sires
Tancredo
Taylor
Tiberi
Towns
Udall (CO)
Udall (NM)
Wasserman Schultz
Weller
Wilson (NM)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said concurrent resolution, as amended, was agreed to.

By unanimous consent, the title was amended so as to read: ''A concurrent resolution recognizing the 60th anniversary of the beginning of the integration of the Armed Forces.''.

A motion to reconsider the votes whereby the rules were suspended and said concurrent resolution, as amended, was agreed to and the title was amended was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶84.34 SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1046. An Act to modify pay provisions relating to certain senior-level positions in the Federal Government, and for other purposes; to the Committee on Oversight and Government Reform.

¶84.35 SENATE ENROLLED BILL SIGNED

The Speaker announced her signature to an enrolled bill of the Senate of the following title:

S. 2967. An Act to provide for certain Federal employee benefits to be continued for certain employees of the Senate Restaurants after operations of the Senate Restaurants are contracted to be performed by a private business concern, and for other purposes.

¶84.36 BILLS PRESENTED TO THE PRESIDENT

Lorraine C. Miller, Clerk of the House reported that on July 7, 2008, she presented to the President of the United States, for his approval, the following bills.

H.R. 430. An Act to designate the United States bankruptcy courthouse located at 271 Cadman Plaza East in Brooklyn, New York, as the 'Conrad B. Duberstein United States Bankruptcy Courthouse'.

H.R. 634. An Act to require the Secretary of the Treasury to mint coins in commemoration of veterans who became disabled for life while serving in the Armed Forces of the United States.

H.R. 781. An Act to redesignate Lock and Dam No. 5 of the McClellan-Kerr Arkansas River Navigation System near Redfield, Arkansas, authorized by the Rivers and Harbors Act approved July 24, 1946, as the ''Colonel Charles D. Maynard Lock and Dam''.

H.R. 814. An Act to require the Consumer Product Safety Commission to issue regulations mandating child-resistant closures on all portable gasoline containers.

H.R. 1019. An Act to designate the United States customhouse building located at 31 Gonzalez Clemente Avenue in Mayaguez, Puerto Rico, as the ''Rafael Martinez Nadal United States Customhouse Building''.

H.R. 2728. An Act to designate the station of the United States Border Patrol located at 25762 Madison Avenue in Murrieta, California, as the ''Theodore L. Newton, Jr. and George F. Azrak Border Patrol Station''.

H.R. 4140. An Act to designate the Port Angeles Federal Building in Port Angeles, Washington, as the ''Richard B. Anderson Federal Building''.

H.R. 5778. An Act to extend agricultural programs beyond March 15, 2008, to suspend permanent price support authorities beyond that date, and for other purposes.

H.R. 6040. An Act to amend the Water Resources Development Act of 2007 to clarify the authority of the Secretary of the Army to provide reimbursement for travel expenses incurred by members of the Committee on Levee Safety.

¶84.37 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. BONNER, for today and July 15;

To Mr. ELLISON, for today;

To Ms. KILPATRICK, for today;

To Mr. KIND, for today; and

To Mr. PEARCE, for today and July 15.

And then,

¶84.38 ADJOURNMENT

On motion of Mr. STUPAK, at 10 o'clock and 10 minutes p.m., the House adjourned.

¶84.39 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

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

[The following action occurred on July 11, 2008]

Mr. GORDON of Tennessee: Committee on Science and Technology. H.R. 5618. A bill to reauthorize and amend the National Sea Grant College Program Act, and for other purposes; with an amendment (Rept. 110–701 Pt. 2). Referred to the Committee of the Whole House on the state of the Union.

¶84.40 PUBLIC BILLS AND RESOLUTIONS

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

By Mr. BERMAN (for himself and Ms. ZOE LOFGREN of California):

H.R. 6481. A bill to create a civil action to provide judicial remedies to carry out certain treaty obligations of the United States under the Vienna Convention on Consular Relations and the Optional Protocol to the Vienna Convention on Consular Relations; to the Committee on the Judiciary.

By Mr. ACKERMAN (for himself and Mr. CASTLE):

H.R. 6482. A bill to direct the Securities and Exchange Commission to establish both a process by which asset-backed instruments can be deemed eligible for NRSRO ratings and an initial list of such eligible asset-backed instruments; to the Committee on Financial Services.

By Mr. BLUMENAUER (for himself and Mr. MATHESON):

H.R. 6483. A bill to provide for duty free treatment of certain recreational performance outerwear, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Science and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CAPUANO:

H.R. 6484. A bill to provide for a study of measures to achieve energy independence for the United States without adversely affecting the environment; to the Committee on Energy and Commerce, and in addition to the Committee on Science and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. CASTOR:

H.R. 6485. A bill to amend title II of the Social Security Act to provide that disability determinations under such title on the basis of hearings by the Commissioner of Social Security are made on a timely basis and to require the Commissioner to establish a program for monitoring each year the number of disability determinations which are in reconsideration; to the Committee on Ways and Means.

By Mr. ENGEL (for himself, Mrs. SCHMIDT, and Mr. TERRY):

H.R. 6486. A bill to prohibit the manufacture, marketing, sale, or shipment in interstate commerce of products designed to assist in defrauding a drug test; to the Committee on Energy and Commerce.

By Ms. GIFFORDS:

H.R. 6487. A bill to amend the Internal Revenue Code of 1986 to provide for a temporary reduction in the tax imposed on diesel fuel; to the Committee on Ways and Means.

By Ms. HOOLEY (for herself and Mr. BLUMENAUER):

H.R. 6488. A bill to direct the Consumer Product Safety Commission to promulgate a final consumer product safety rule banning novelty lighters; to the Committee on Energy and Commerce.

By Ms. HOOLEY:

H.R. 6489. A bill to designate the facility of the United States Postal Service located at 501 4th Street in Lake Oswego, Oregon, as the ''Judie Hammerstad Post Office Building''; to the Committee on Oversight and Government Reform.

By Mr. KUHL of New York:

H.R. 6490. A bill to amend the Elementary and Secondary Education Act of 1965 to promote the safe use of the Internet by students, and for other purposes; to the Committee on Education and Labor.

By Mr. SOUDER:

H. Res. 1340. A resolution recognizing the 358th Fighter Group for its outstanding service and bravery during World War II and commending its successor, the 122nd Fighter Wing, for continuing its legacy of excellence in service; to the Committee on Armed Services.

¶84.41 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 160: Mr. GARY G. MILLER of California, Mr. BRADY of Pennsylvania, and Mr. KILDEE.

H.R. 303: Mrs. MILLER of Michigan and Mr. GOHMERT.

H.R. 471: Mr. SHAYS.

H.R. 690: Mr. MARIO DIAZ-BALART of Florida and Mrs. MILLER of Michigan.

H.R. 699: Mr. COBLE and Mr. ADERHOLT.

H.R. 772: Mr. LATHAM, Mr. FRANK of Massachusetts, and Mr. CUMMINGS.

H.R. 777: Ms. CASTOR.

H.R. 981: Ms. KAPTUR.

H.R. 996: Mr. MCDERMOTT, Ms. TSONGAS, Mr. HOLT, and Mr. FARR.

H.R. 997: Mr. BROWN of South Carolina, Mr. PORTER, and Mr. KINGSTON.

H.R. 1050: Mr. BRADY of Pennsylvania.

H.R. 1073: Mr. CARNEY.

H.R. 1108: Mr. MCCAUL of Texas.

H.R. 1157: Mr. WILSON of Ohio.

H.R. 1176: Mr. ROTHMAN.

H.R. 1428: Mr. MICHAUD.

H.R. 1436: Mr. GOHMERT.

H.R. 1524: Mr. CAZAYOUX.

H.R. 1527: Mr. BRADY of Texas, Mrs. BOYDA of Kansas, Mr. WALDEN of Oregon, and Mr. RODRIGUEZ.

H.R. 1589: Mr. DELAHUNT and Mrs. MILLER of Michigan.

H.R. 1621: Mr. LIPINSKI.

H.R. 1746: Mr. LYNCH.

H.R. 1755: Mr. FILNER and Mr. DOGGETT.

H.R. 1770: Ms. SUTTON.

H.R. 1827: Mr. KUHL of New York.

H.R. 2020: Mr. GRIJALVA.

H.R. 2092: Mr. LANGEVIN, Mr. JEFFERSON, and Mr. LAMPSON.

H.R. 2116: Mrs. MILLER of Michigan, Mr. CARNEY, and Mr. CUELLAR.

H.R. 2169: Mr. MEEK of Florida.

H.R. 2205: Mr. BILBRAY.

H.R. 2208: Mr. MCCOTTER, Mrs. BLACKBURN, Mr. DEAL of Georgia, Mr. WILSON of Ohio, Mr. WILSON of South Carolina, Ms. FALLIN, and Mr. PORTER.

H.R. 2289: Mr. LANGEVIN and Mr. CAPUANO.

H.R. 2325: Mr. CARNEY.

H.R. 2472: Mr. SPACE.

H.R. 2495: Mr. SHADEGG.

H.R. 2677: Mrs. BOYDA of Kansas.

H.R. 2958: Ms. FALLIN.

H.R. 3202: Mr. SIRES and Mr. ACKERMAN.

H.R. 3212: Mr. SESTAK and Mr. OBERSTAR.

H.R. 3257: Ms. GIFFORDS.

H.R. 3289: Mr. BRADY of Pennsylvania.

H.R. 3366: Mr. FARR.

H.R. 3407: Mr. JACKSON of Illinois.

H.R. 3485: Ms. WASSERMAN SCHULTZ.

H.R. 3634: Mr. SESTAK.

H.R. 3679: Mrs. EMERSON.

H.R. 3689: Mrs. GILLIBRAND and Mr. BISHOP of Georgia.

H.R. 3820: Ms. GINNY BROWN-WAITE of Florida.

H.R. 4021: Mr. GRIJALVA.

H.R. 4544: Mr. LATTA, Mr. YOUNG of Florida, Mr. GERLACH, Ms. ROYBAL-ALLARD, Mrs. GILLIBRAND, Mr. SHAYS, Ms. JACKSON-LEE of Texas, and Mr. MCINTYRE.

H.R. 4651: Mr. HINOJOSA.

H.R. 4930: Mr. GOHMERT and Mr. MICHAUD.

H.R. 5161: Mrs. TAUSCHER.

H.R. 5235: Mr. TURNER, Mrs. CAPITO, Mr. JOHNSON of Illinois, and Mr. RUPPERSBERGER.

H.R. 5265: Mr. CARDOZA, Mr. WAMP, and Mr. ADERHOLT.

H.R. 5425: Mr. GERLACH.

H.R. 5446: Mr. DOGGETT.

H.R. 5488: Mr. BRADY of Pennsylvania.

H.R. 5635: Mr. BRADY of Pennsylvania.

H.R. 5652: Mr. SOUDER.

H.R. 5684: Mr. GOODE.

H.R. 5709: Ms. DEGETTE.

H.R. 5734: Mr. KENNEDY and Mr. RAHALL.

H.R. 5752: Mr. GOODE.

H.R. 5762: Mr. GRIJALVA.

H.R. 5782: Mr. MCHENRY.

H.R. 5785: Mr. BRADY of Pennsylvania.

H.R. 5797: Mr. PAUL.

H.R. 5798: Mr. BRADY of Pennsylvania.

H.R. 5812: Mrs. MYRICK and Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 5833: Ms. JACKSON-LEE of Texas, Mr. COURTNEY, and Ms. SCHAKOWSKY.

H.R. 5836: Mr. BLUNT.

H.R. 5892: Ms. MCCOLLUM of Minnesota.

H.R. 5898: Mr. COHEN.

H.R. 5901: Mr. BRADY of Pennsylvania.

H.R. 5914: Mr. BOSWELL.

H.R. 5950: Mr. MEEK of Florida and Mr. SESTAK.

H.R. 5954: Mr. MITCHELL and Mr. MCNERNEY.

H.R. 5965: Mr. BRADY of Pennsylvania.

H.R. 6029: Mr. GEORGE MILLER of California.

H.R. 6045: Mr. CUMMINGS, Mr. FORBES, and Mr. COHEN.

H.R. 6076: Mr. BRALEY of Iowa.

H.R. 6078: Mr. FALEOMAVAEGA and Mr. BRADY of Pennsylvania.

H.R. 6107: Ms. ROS-LEHTINEN and Mr. BUCHANAN.

H.R. 6108: Mrs. MILLER of Michigan.
H.R. 6122: Mr. ROGERS of Michigan, Mr. KUHL of New York, Mr. ETHERIDGE, and Mr. SALAZAR.
H.R. 6140: Mr. COHEN.
H.R. 6143: Mr. TIERNEY and Mr. WU.
H.R. 6163: Mr. WITTMAN of Virginia.
H.R. 6210: Mr. PITTS, Mr. WILSON of Ohio, Mr. MAHONEY of Florida, and Mr. COHEN.
H.R. 6217: Mrs. EMERSON and Mr. TOWNS.
H.R. 6228: Ms. SCHAKOWSKY and Mr. BRADY of Pennsylvania.
H.R. 6239: Mr. ROSS and Mr. THORNBERRY.
H.R. 6248: Mr. DAVIS of Illinois.
H.R. 6258: Mr. ROGERS of Kentucky, Mr. BRADY of Pennsylvania, Mr. BERRY, Mr. BARROW, and Mr. SOUDER.
H.R. 6282: Mrs. GILLIBRAND and Mr. GRIJALVA.
H.R. 6288: Mr. PAUL and Mr. BURTON of Indiana.
H.R. 6292: Mrs. EMERSON and Mr. PLATTS.
H.R. 6293: Mr. JONES of North Carolina, Mr. ROGERS of Alabama, Mrs. EMERSON, Mr. BISHOP of Utah, and Mr. HERGER.
H.R. 6298: Ms. SCHAKOWSKY and Mr. HOLT.
H.R. 6310: Mrs. GILLIBRAND.
H.R. 6339: Mr. CAPUANO.
H.R. 6365: Ms. ROYBAL-ALLARD.
H.R. 6368: Ms. GRANGER.
H.R. 6371: Mr. BRALEY of Iowa and Mr. HILL.
H.R. 6387: Mr. SMITH of Washington.
H.R. 6391: Mr. SHAYS.
H.R. 6393: Ms. HARMAN.
H.R. 6399: Mr. DOGGETT.
H.R. 6403: Mr. GRIJALVA.
H.R. 6407: Mr. GRIJALVA, Ms. DEGETTE, Mr. FARR, and Mr. WELCH of Vermont.
H.R. 6411: Ms. SCHAKOWSKY and Mr. KLEIN of Florida.
H.R. 6418: Mr. SOUDER.
H.R. 6439: Mr. GRIJALVA and Mr. HINCHEY.
H.R. 6445: Mr. SALAZAR.
H.R. 6446: Mr. DOYLE.
H.R. 6452: Mr. LEWIS of Georgia.
H.R. 6465: Mr. MITCHELL.
H.R. 6473: Mr. HALL of New York.
H.R. 6476: Ms. BEAN and Mr. FOSTER.
H.J. Res. 12: Mr. DONNELLY.
H.J. Res. 39: Mr. GERLACH and Mrs. BIGGERT.
H.J. Res. 84: Ms. GIFFORDS, Mr. BURTON of Indiana, Mrs. LOWEY, and Mr. MCCOTTER.
H.J. Res. 93: Mr. SIRES.
H. Con. Res. 70: Mr. PLATTS and Mr. SOUDER.
H. Con. Res. 214: Mr. HINCHEY and Mr. MCNULTY.
H. Con. Res. 223: Mr. ADERHOLT.
H. Con. Res. 296: Mr. GENE GREEN of Texas and Mrs. EMERSON.
H. Con. Res. 360: Ms. MATSUI, Mr. FILNER, Mr. SKELTON, and Mr. LINCOLN DAVIS of Tennessee.
H. Con. Res. 361: Ms. FOXX.
H. Con. Res. 369: Mr. BRADY of Pennsylvania.
H. Con. Res. 371: Ms. BORDALLO.
H. Con. Res. 376: Mr. HONDA, Mr. SHULER, Mr. BACA, Mr. BRADY of Pennsylvania, Mr. HALL of Texas, Mr. COURTNEY, Mr. LANGEVIN, Mr. ALLEN, Mr. MICHAUD, Mr. HODES, Mr. CUMMINGS, Mr. MURPHY of Connecticut, Mr. BOSWELL, Ms. CORRINE BROWN of Florida, Ms. FALLIN, Ms. HIRONO, Mr. JACKSON of Illinois, and Ms. MCCOLLUM of Minnesota.
H. Con. Res. 378: Mr. BRADY of Pennsylvania and Ms. BALDWIN.
H. Con. Res. 380: Mr. PAYNE.
H. Con. Res. 381: Mr. BRADY of Pennsylvania.
H. Con. Res. 385: Mr. ACKERMAN and Ms. BERKLEY.
H. Con. Res. 386: Mr. ALEXANDER.
H. Con. Res. 388: Ms. FALLIN.
H. Res. 671: Mr. LOBIONDO, Mr. GERLACH, Mr. FERGUSON, Mr. BAIRD, Mr. FOSSELLA, Mr. SNYDER, Mr. SPRATT, and Mr. ALTMIRE.
H. Res. 758: Mr. WILSON of South Carolina and Mr. SHAYS.
H. Res. 883: Mr. MCGOVERN and Ms. SCHAKOWSKY.
H. Res. 1008: Mr. SMITH of New Jersey and Mr. WU.
H. Res. 1019: Mr. FILNER.
H. Res. 1078: Mr. STARK and Ms. SCHAKOWSKY.
H. Res. 1177: Mr. HOLT.
H. Res. 1179: Mr. WAMP.
H. Res. 1200: Mr. SOUDER, Mr. FILNER, Ms. SCHAKOWSKY, Mr. KENNEDY, Mr. JEFFERSON, MR. JOHNSON of Georgia, Ms. MCCOLLUM of Minnesota, Mr. DELAHUNT, Ms. CASTOR, Mr. ARCURI, Mr. HASTINGS of Florida, Mr. WALZ of Minnesota, Mr. COURTNEY, Ms. HIRONO, Mr. SNYDER, Mrs. TAUSCHER, Mr. LOEBSACK, Mr. SPRATT, and Ms. KAPTUR.
H. Res. 1227: Mr. JACKSON of Illinois, Mr. RUSH, and Mr. SIRES.
H. Res. 1245: Mr. BRADY of Pennsylvania.
H. Res. 1261: Mr. UDALL of Colorado, Mr. HALL of Texas, Ms. BALDWIN, Mr. SHADEGG, Mr. BURTON of Indiana, Mr. SMITH of Washington, Mr. FARR, Mr. Ellsworth, Mr. WATT, Mr. MCNERNEY, Mr. HINOJOSA, Mr. SALAZAR, Mr. LAMBORN, Mr. MITCHELL, Ms. JACKSON-LEE of Texas, Mr. MCGOVERN, Mrs. BOYDA of Kansas, Ms. SUTTON, Mr. GENE GREEN of Texas, Mr. CROWLEY, Mrs. MUSGRAVE, Mr. HARE, Mr. TANCREDO, Mr. PERLMUTTER, and Mr. MATHESON.
H. Res. 1266: Mr. ROHRABACHER and Mrs. MCCARTHY of New York.
H. Res. 1273: Mr. KAGEN.
H. Res. 1282: Mr. DUNCAN.
H. Res. 1287: Mrs. BOYDA of Kansas, Mr. POE, and Ms. KAPTUR.
H. Res. 1289: Mr. ELLISON.
H. Res. 1290: Mr. HASTINGS of Florida, Ms. DELAURO, Mr. CAPUANO, Mr. HINOJOSA, Mr. GRIJALVA, Mr. LEVIN, Mr. LEWIS of Georgia, Mr. JACKSON of Illinois, Mr. WAXMAN, Ms. SUTTON, Mr. RUSH, Mr. LANGEVIN, Mr. MORAN of Virginia, Mr. PITTS, Mr. HONDA, Mr. DOYLE, Mr. MCGOVERN, Mr. WELCH of Vermont, Ms. TSONGAS, and Mr. MEEK of Florida.
H. Res. 1296: Mr. ISSA, Mr. WOLF, Mr. PETERSON of Minnesota, and Mrs. EMERSON.
H. Res. 1301: Mr. CONYERS and Ms. SCHAKOWSKY.
H. Res. 1306: Mr. JORDAN, Mr. CALVERT, Mr. SPACE, Mr. SULLIVAN, Mr. SENSENBRENNER, Mr. HERGER, Mr. POE, and Mr. TANNER.
H. Res. 1310: Ms. BORDALLO.
H. Res. 1311: Ms. SCHAKOWSKY, Mr. FORTUÑO, Mr. HALL of Texas, and Mrs. WILSON of New Mexico.
H. Res. 1316: Mr. WOLF, Ms. SCHAKOWSKY, Mr. THORNBERRY, Mr. COLE of Oklahoma, Mr. LOBIONDO, Mr. SHUSTER, and Mr. DAVIS of Kentucky.
H. Res. 1319: Mr. WOLF and Mr. HINCHEY.
H. Res. 1324: Mr. DAVIS of Illinois, Mr. SCOTT of Virginia, and Mr. BOSWELL.
H. Res. 1328: Mr. MCDERMOTT, Mr. GRIJALVA, Mr. WAXMAN, Mr. SPRATT, Mrs. DRAKE, Mr. HINCHEY, Mr. GONZALEZ, Mr. MCGOVERN, Ms. BORDALLO, Mr. ENGEL, Mr. BURTON of Indiana, Mr. PAUL, and Mr. FERGUSON.
H. Res. 1329: Mr. MORAN of Virginia, Mr. GRIJALVA, Mr. WELCH of Vermont, and Mr. CAPUANO.
H. Res. 1330: Mr. PRICE of Georgia, Mr. HERGER, and Mr. HASTINGS of Washington.
H. Res. 1337: Mr. JACKSON of Illinois, Ms. MCCOLLUM of Minnesota, and Mr. MARKEY.

TUESDAY, JULY 15, 2008 (85)

¶85.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order at 9 a.m. by the SPEAKER pro tempore, Mr. MCNULTY, who laid before the House the following communication:

WASHINGTON, DC,
July 15, 2008.

I hereby appoint the Honorable MICHAEL R. MCNULTY to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

Whereupon, pursuant to the order of the House of January 4, 2007, Members were recognized for morning-hour debate.

¶85.2 RECESS—9:15 A.M.

The SPEAKER pro tempore, Mr. MCNULTY, pursuant to clause 12(a) of rule I, declared the House in recess at 9 o'clock and 15 minutes a.m., until 10 a.m.

¶85.3 AFTER RECESS—10 A.M.

The SPEAKER pro tempore, Mr. SALAZAR, called the House to order.

¶85.4 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. SALAZAR, announced he had examined and approved the Journal of the proceedings of Monday, July 14, 2008.

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

¶85.5 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

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

7528. A letter from the Attorney, Office of Assistant General Counsel for Legislation and Regulatory Law, Department of Energy, transmitting the Department's final rule — Identification and Protection of Unclassified Controlled Nuclear Information (RIN: 1992-AA35) received June 10, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7529. A letter from the Director, Regulations Policy and Mgmt. Staff, Department of Health and Human Services, transmitting the Department's final rule — Medical Devices; Immunology and Microbiology Devices; Classification of Plasmodium Species Antigen Detection Assays [Docket No. FDA-2008-N-0231] received June 11, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7530. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries Off West Coast States; Coast Pelagic Species Fisheries; Annual Specifications [Docket No. 080326475-8686-02] (RIN: 0648-XG22) received June 11, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7531. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Seneca, PA [Docket No. FAA-2007-0277; Airspace Docket No. 07-AEA-17] received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7532. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Wilkes-Barre, PA [Docket No. FAA-2008-0130; Airspace Docket No. 08-AEA-11] received July 8, 2008, pursuant to 5

U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7533. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Bradford, PA [Docket No. FAA-2007-0310; Airspace Docket No. 07-AEA-21] received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7534. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Cranberry Township, PA [Docket No. FAA-2007-0278; Airspace Docket No. 07-AEA-18] received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7535. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model DC-8-31, DC-8-32, DC-8-33, DC-8-41, DC-8-42, and DC-8-43 Airplanes; Model DC-8-50 Series Airplanes; Model DC-8F-54 and DC-8F-55 Airplanes; Model DC-8-60 Series Airplanes; Model DC-8-60F Series Airplanes; Model DC-8-70 Series Airplanes; and Model DC-8-70F Series Airplanes [Docket No. FAA-2008-0031; Directorate Identifier 2007-NM-313-AD; Amendment 39-15484; AD 2008-09-04] (RIN: 2120-AA64) received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7536. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Kobuk, AK [Docket No. FAA-2007-0341; Airspace Docket No. 07-AAL-19] received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7537. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Revision of Class E Airspace; Anvik, AK [Docket No. FAA-2007-0343; Airspace Docket No. 07-AAL-21] received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7538. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Proposed Amendment of Class D and Class E Airspace; Altus Air Force Base (AFB) Oklahoma [Docket No. FAA-2008-0339; Airspace Docket No. 08-ASW-5] received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7539. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Fort Kent, ME [Docket No. FAA-2008-0059; Airspace Docket No. 08-ANE-90] received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7540. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment to Class E Airspace; Lee's Summit, MO [Docket No. FAA-2007-28776; Airspace Docket No. 07-ACE-10] received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7541. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No. 30608; Amdt. No. 3269] received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7542. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No. 30607; Amdt. No 3268] received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7543. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Lady Lake, FL [Docket No. FAA-2008-0072; Airspace Docket No. 08-ASO-03] received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7544. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Danville, KY [Docket No. FAA-2007-0246; Airspace Docket No. 07-ASO-26] received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7545. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Milford, PA [Docket No. FAA-2008-0160; Airspace Docket No. 08-AEA-13] received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7546. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Various Transport Category Airplanes Equipped with Auxiliary Fuel Tanks Installed in Accordance with Certain Supplemental Type Certificates [Docket No. FAA-2007-0389; Directorate Identifier 2007-NM-222-AD; Amendment 39-15450; AD 2008-07-09] (RIN: 2120-AA64) received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7547. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Saab Model SAAB-Fairchild SF340A (SAAB/SF340A) and SAAB 340B Airplanes [Docket No. FAA-2008-0017; Directorate Identifier 2007-NM-268-AD; Amendment 39-15444; AD 2008-07-03] (RIN: 2120-AA64) received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7548. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; MORAVAN a.s. Model Z-143L Airplanes [Docket No. FAA-2008-0345; Directorate Identifier 2008-CE-017-AD; Amendment 39-15443; AD 2008-07-02] (RIN: 2120-AA64) received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7549. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Turbomeca Arriel 1B, 1D, 1D1, and 1S1 Turboshaft Engines [Docket No. FAA-2005-21242; Directorate Identifier 2005-NE-09-AD; Amendment 39-15442; AD 2008-07-01] (RIN: 2120-AA64) received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7550. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; APEX Aircraft Model CAP 10B Airplanes [Docket No. FAA-2008-0056 Directorate Identifier 2007-CE-096-AD; Amendment 39-15446; AD 2008-07-05] (RIN: 2120-AA64) received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7551. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Eurocopter France Model EC130 B4 Helicopters [Docket No. FAA-2007-28228; Directorate Identifier 2006-SW-08-AD; Amendment 39-15410; AD 2008-05-16] (RIN: 2120-AA64) received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7552. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Avidyne Corporation Primary Flight Displays (Part Numbers 700-00006-000, -001, -002, -003, and -100) [Docket No. FAA-2008-0340; Directorate Identifier 2008-CE-020-AD; Amendment 39-15440; AD 2008-06-28] (RIN: 2120-AA64) received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7553. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Saab Model-Fairchild SF340A (SAAB/SF340A) and SAAB 340B Airplanes [Docket No. FAA-2007-29331; Directorate Identifier 2007-NM-136-AD; Amendment 2008-08-07] (RIN: 2120-AA64) received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7554. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Lycoming Engines IO, (L)IO, TIO, (L)TIO, AEIO, AIO, IGO, IVO, and HIO Series Reciprocating Engines, Teledyne Continental Motors (TCM) TSIO-360-RB Reciprocating Engines, and Superior Air Parts, Inc. IO-360 Series Reciprocating Engines with certain Precision Airmotive LLC RSA-5 and RSA-10 Series Fuel Injection Servos [Docket No. FAA-2008-0420; Directorate Identifier 2008-NE-10-AD; Amendment 39-15466; AD 2008-08-14] (RIN: 2120-AA64) received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7555. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Avidyne Corporation Primary Flight Displays (Part Numbers 700-00006-000, -001, -002, -003, and -100) [Docket No. FAA-2008-0340; Directorate Identifier 2008-CE-020-AD; Amendment 39-15468; AD 2008-06-28 R1] (RIN: 2120-AA64) received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7556. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 757 Airplanes [Docket No. FAA-2008-0011; Directorate Identifier 2007-NM-203-AD; Amendment 39-15460; AD 2008-08-08] (RIN: 2120-AA64) received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7557. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McCauley Propeller Systems Propeller Models B5JFR36C1101/114GCA-0, C5JFR36C1102/L114GCA-0, B5JFR36C1103/114HCA-0, and C5JFR36C1104/L114HCA-0 [Docket No. FAA-2006-25173; Directorate Identifier 2006-NE-24-AD; Amendment 39-15453; AD 2008-08-01] (RIN: 2120-AA64) received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7558. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A310-304, -322, -324, and -325 Airplanes; and A300 Model B4-601, B4-603, B4-605R, B4-620, B4-622, B4-622R, F4-605R, F4-622R, and C4-605R Variant F Airplanes (Commonly Called Model A300-600 Series Airplanes) [Docket No. FAA-2007-0345; Directorate Identifier 2007-NM-194-AD; Amendment 39-15465; AD 2008-08-13] (RIN:

2120-AA64) received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7559. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 757 Airplanes [Docket No. FAA-2007-0339; Directorate Identifier 2007-NM-182-AD; Amendment 39-15464; AD 2008-08-12] (RIN: 2120-AA64) received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7560. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 737-100, -200, -200C, -300, -400 and -500 Series Airplanes [Docket No. FAA-2007-29062; Directorate Identifier 2007-NM-020-AD; Amendment 39-15462; AD 2008-08-10] (RIN: 2120-AA64) received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7561. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model CL-600-2B19 (Regional Jet Series 100 & 440) Airplanes [Docket No. FAA-2008-0047; Directorate Identifier 2007-NM-295-AD; Amendment 39-15461; AD 2008-08-09] (RIN: 2120-AA64) received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7562. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Fokker Model F.27 Mark 050 and F.28 Mark 0100 Airplanes [Docket No. FAA-2007-0394; Directorate Identifier 2007-NM-252-AD; Amendment 39-15457; AD 2008-08-05] (RIN: 2120-AA64) received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7563. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 727 Airplanes [Docket No. FAA-2007-0227; Directorate Identifier 2007-NM-159-AD; Amendment 39-15454; AD 2008-08-02] (RIN: 2120-AA64) received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7564. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Pacific Aerospace Limited Model 750XL Airplanes [Docket No. FAA-2008-0175; Directorate Identifier 2007-CE-105-AD; Amendment 39-15455; AD 2008-08-03] (RIN: 2120-AA64) received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7565. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Hawker Beechcraft Corporation Models B200, B200GT, B300, and B300C Airplanes [Docket No. FAA-2008-0392; Directorate Identifier 2008-CE-022-AD; Amendment 39-15451; AD 2008-07-10] (RIN: 2120-AA64) received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7566. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; PILATUS AIRCRAFT LTD. Model PC-12, PC-12/45, and PC-12/47 Airplanes [Docket No. FAA-2008-0070; Directorate Identifier 2007-CE-098-AD; Amendment 39-15452; AD 2008-07-11] (RIN: 2120-AA64) received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7567. A letter from the Administrator, Environmental Protection Agency, transmitting a legislative proposal to implement the 1996 Protocol to the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter; to the Committee on Transportation and Infrastructure.

7568. A letter from the Chief, Trade and Commercial Regulations Branch, Department of Homeland Security, transmitting the Department's final rule — TECHNICAL CORRECTIONS TO CUSTOMS AND BORDER PROTECTION REGULATIONS [CBP Dec. 08-25] received July 7, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7569. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Relief from Certain Low-Income Housing Credit Requirements Due to Severe Storms, Tornadoes, and Flooding in Iowa [Notice 2008-58] received July 7, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7570. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Relief from Certain Low-Income Housing Credit Requirements Due to Severe Storms, Tornadoes, and Flooding in Wisconsin [Notice 2008-61] received July 7, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7571. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Relief from Certain Low-Income Housing Credit Requirements Due to Severe Storms and Flooding in Indiana [Notice 2008-56] received July 7, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7572. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Coordinated Issue Motor Vehicle Industry Employee Tool & Equipment Plans Previously — Service Technicians' Tool Reimbursement Plans UIL 62.15-00 [LMSB-04-0608-037] received July 7, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7573. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Modifications to Subpart F Treatment of Aircraft and Vessel Leasing Income. [TD 9406] (RIN: 1545-BH03) received July 7, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7574. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — 26 CFR 301.7216-3: Disclosure or use permitted only with the taxpayer's consent. (Also: Sections 7216, 6713) (Rev. Proc. 2008-35) received July 7, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7575. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Section 401.—Qualified Pension, Profit-sharing, and Stock Bonus Plans (Also, 402, 404A, 410, 414, 933, 7805, 26 CFR 1.410(b)-6, 1.414(I)-1, 1.933-1, 301.7805-1.) (Rev. Rul. 2008-40) received July 7, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7576. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Interim Guidance on the Application of 457(f) to Certain Recurring Part-Year Compensation [Notice 2008-62] received July 7, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7577. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Amendments to the Section 7216 Regulations-Disclosure or Use of Information by Preparers of Returns [TD 9409] (RIN: 1545-BI01) received July 7, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7578. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Dependent Child of Divorced or Separated Parents or Parents Who Live Apart [TD 9408] (RIN: 1545-BD01) received July 7, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7579. A letter from the Acting Regulations Officer of Social Security, Social Security Administration, transmitting the Administration's final rule — Extension of the Expiration Date for Several Body Systems Listings [Docket No. SSA-2008-0024] (RIN: 0960-AG81) received June 11, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

¶85.6 PRIVATE CALENDAR BUSINESS DISPENSED WITH

On motion of Mr. SENSENBRENNER, by unanimous consent,

Ordered, That business in order today, under clause 5, rule XV, the Private Calendar rule, be dispensed with.

¶85.7 COMMEMORATIVE COIN

Mr. Al GREEN of Texas, moved to suspend the rules and pass the bill (H.R. 6455) to require the Secretary of the Treasury to mint coins in commemoration of the 50th anniversary of the establishment of the National Aeronautics and Space Administration.

The SPEAKER pro tempore, Mr. SALAZAR, recognized Mr. Al GREEN of Texas, and Mr. PRICE of Georgia, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. SALAZAR, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶85.8 TIMOTHY J. RUSSERT HIGHWAY

Mr. HIGGINS moved to suspend the rules and pass the bill of the Senate (S. 3145) to designate a portion of the United States Route 20A, located at Orchard Park, New York, as the ''Timothy J. Russert Highway''.

The SPEAKER pro tempore, Mr. SALAZAR, recognized Mr. HIGGINS and Mr. DUNCAN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. SALAZAR, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof,

the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶85.9 APPALACHIAN REGIONAL DEVELOPMENT

Mr. SPACE moved to suspend the rules and pass the bill of the Senate (S. 496) to reauthorize and improve the program authorized by the Appalachian Regional Development Act of 1965; as amended.

The SPEAKER pro tempore, Mr. SALAZAR, recognized Mr. SPACE and Mrs. CAPITO, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. SALAZAR, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said amendment.

¶85.10 NATIONAL CYSTIC FIBROSIS AWARENESS MONTH

Mrs. CAPPS moved to suspend the rules and agree to the following concurrent resolution (H. Con. Res. 299); as amended:

Whereas cystic fibrosis is one of the most common life-threatening genetic diseases in the United States and one for which there is no known cure;

Whereas the average life expectancy of an individual with cystic fibrosis is 37 years—an improvement relative to the 1960s when children with cystic fibrosis did not live long enough to attend elementary school, but still unacceptably short;

Whereas approximately 30,000 people in the United States have cystic fibrosis, more than half of them children;

Whereas one of every 3,500 babies born in the United States is born with cystic fibrosis;

Whereas more than 10,000,000 Americans are unknowing, symptom-free carriers of the cystic fibrosis gene;

Whereas the Centers for Disease Control and Prevention recommends that all States consider newborn screening for cystic fibrosis;

Whereas the Cystic Fibrosis Foundation urges all States to implement newborn screening for cystic fibrosis to facilitate early diagnosis and treatment which improves health and life expectancy;

Whereas prompt, aggressive treatment of the symptoms of cystic fibrosis can extend the lives of people who have the disease;

Whereas recent advances in cystic fibrosis research have produced promising leads in gene, protein, and drug therapies beneficial to people who have the disease;

Whereas innovative research is progressing faster and is being conducted more aggressively than ever before, due, in part, to the Cystic Fibrosis Foundation's establishment of a model clinical trials network;

Whereas although the Cystic Fibrosis Foundation continues to fund a research pipeline for more than 30 potential therapies and funds a nationwide network of care centers that extend the length and quality of life for people with cystic fibrosis, lives continue to be lost to this disease every day;

Whereas education of the public about cystic fibrosis, including the symptoms of the disease, increases knowledge and understanding of cystic fibrosis and promotes early diagnosis; and

Whereas the Cystic Fibrosis Foundation will conduct activities to honor National Cystic Fibrosis Awareness Month in May, 2008: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) honors the goals and ideals of National Cystic Fibrosis Awareness Month;

(2) promotes further public awareness and understanding of cystic fibrosis;

(3) advocates for increased support for people with cystic fibrosis and their families;

(4) encourages early diagnosis and access to high-quality care for people with cystic fibrosis to improve the quality of their lives; and

(5) supports research to find a cure for cystic fibrosis by fostering enhanced research programs and expanded public-private partnerships.

The SPEAKER pro tempore, Mr. SALAZAR, recognized Mrs. CAPPS and Mr. BURGESS, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution, as amended?

The SPEAKER pro tempore, Mr. SALAZAR, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said concurrent resolution, as amended, was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said concurrent resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶85.11 2008 WOMEN'S COLLEGE WORLD SERIES

Mr. BISHOP of New York, moved to suspend the rules and agree to the following resolution (H. Res. 1323):

Whereas, on June 3, 2008, the Arizona State University Sun Devils won the 2008 NCAA Women's College World Series with a resounding 11 to 0 defeat over the Texas A&M Aggies;

Whereas this win marked the first national title for Arizona State University in softball;

Whereas the Arizona State University Sun Devils set a record for the highest margin of victory during a championship game in the NCAA Women's College World Series history;

Whereas the Arizona State University women's softball team won an impressive 66 games this season and went 56 to 5 during the season and went 10 for 10 in the post season under the leadership of Coach Clint Myers;

Whereas super slugger Kaitlin Cochran set a new, NCAA single-season record by drawing 29 intentional walks;

Whereas pitcher Katie Burkhart earned Most Valuable Player honors in the Women's College World Series with 53 strikeouts and a perfect record of 5 wins to 0 losses;

Whereas the Arizona State University coaching staff, comprised of Head Coach Clint Meyers and Assistant Coaches Kirsten Voak and Robert Wager, was named the NFCA's NCAA Division I National Coaching Staff of the Year;

Whereas 6 players, were named to the Louisville Slugger/NFCA All-Pacific Region Team;

Whereas 5 of those 6 players, Katie Burkhart, Mindy Cowles, Krista Donnenwirth, Kaitlin Cochran, and Jackie Vasquez, advanced to earn Louisville Slugger/NFCA All-America honors;

Whereas the Arizona State University softball team earned the enthusiastic support of students, faculty, alumni, and Sun Devils fans across the country during their national championship season; and

Whereas the Arizona State University softball team is an inspiration to student athletes in Arizona and across the United States: Now, therefore, be it

Resolved, That the United States House of Representatives—

(1) commends the Arizona State University softball team for their victory in the 2008 Women's College World Series;

(2) recognizes the achievements of the players, coaches, students, and staff whose hard work and dedication helped the Arizona State University Sun Devils win the championship; and

(3) directs the Clerk of the House of Representatives to transmit a copy of this resolution to Arizona State University President Michael Crow, softball Coach Clint Myers, and Athletic Director Lisa Love for appropriate display.

The SPEAKER pro tempore, Mr. PASTOR, recognized Mr. BISHOP of New York, and Mr. CASTLE, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. PASTOR, announced that two-thirds of the Members present had voted in the affirmative.

Mr. BISHOP of New York, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. PASTOR, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶85.12 HAMILTON COLLEGE CONTINENTALS

Mr. BISHOP of New York, moved to suspend the rules and agree to the following resolution (H. Res. 1259); as amended:

Whereas on May 18, 2008, the Hamilton College Continentals women's lacrosse team captured the NCAA Division III championship and completed the best season in the team's 29-year history;

Whereas the Continentals are the first team in the College's history to reach the national semifinals in any NCAA championship;

Whereas the Continentals completed the 2008 season with a remarkable 21–1 record

and won 19 straight games, which is the longest winning streak in Division III women's lacrosse;

Whereas the Continentals are led by team captains Tara Eckberg of Castle Rock, CO; Jen McGowan of Jericho, VT; Nicole Tetreault of Guilderland, NY; and are comprised of the following outstanding players: Kate Fowler of Branford, CT; Allie Shpall of Greenwood Village, CO; Laura Stern of Shaker Heights, OH; Becca Green of Wynnewood, PA; Matilda Andersson of Annapolis, MD; Kayla Bettenhauser of West Babylon, NY; Katie White of Stonington, CT; Kate Marek of Alexandria, VA; Audrey Nebergall of Tiverton, RI; Kriti Dave of Newton, MA; Liz Rave of Huntington, NY; Hilary Saverin of New Canaan, CT; Kaillie Briscoe of Orangeville, Ontario; Anne Graveley of Queensbury, NY; Katie Gambir of Darien, CT; Sarah Bray of Rockville, MD; Catie Gibbons of Clarks Summit, PA; and Liz Benjamin of Garrison, NY;

Whereas head coach Patty Kloidt, assisted by Amanda Nobis and Mackay Rippey, merit recognition and praise for guiding the Continentals to their championship win, and were named the Liberty League Coaching Staff of the Year in 2008, and Patty Kloidt was named 2008 NCAA Division III Coach of the Year by the Intercollegiate Women's Lacrosse Coaches Association;

Whereas four Continentals won All-America awards this year, six players were selected to the all-region team, and nine players were selected to the all-league team; and

Whereas the Continentals are shining examples of the products of hard work and commitment, and have inspired and brought pride to their community as well as their loved ones and the students and alumni of Hamilton College: Now, therefore, be it

Resolved, That the House of Representatives congratulates the Hamilton College Continentals on winning the NCAA Division III women's lacrosse championship and commends them on their contributions to Hamilton College, women's athletics, and the sport of lacrosse.

The SPEAKER pro tempore, Mr. PASTOR, recognized Mr. BISHOP of New York, and Mr. CASTLE, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. PASTOR, announced that two-thirds of the Members present had voted in the affirmative.

Mr. BISHOP of New York, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. PASTOR, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶85.13 FRESNO STATE BULLDOGS

Mr. BISHOP of New York, moved to suspend the rules and agree to the following resolution (H. Res. 1327); as amended:

Whereas California State University, Fresno, better known as Fresno State, was founded in 1911 and has offered advanced degrees since 1949;

Whereas Fresno State has one of the top Agriculture Sciences and Technology programs in the California State University system, with a worldwide reputation in water technology, more than 200 awards for student-produced wines, and research having global impact in the areas of food production, land preservation, and irrigation;

Whereas Fresno State's Craig School of Business has been recognized in the Princeton Review's top business schools and is nationally acclaimed for its Lyles Center for Innovation and Entrepreneurship;

Whereas Fresno State also offers well-regarded programs in schools or colleges devoted to arts and humanities, health and human services, education and human development, social sciences, physical sciences, and mathematics and engineering;

Whereas Fresno State is home to approximately 19,000 undergraduate students, 2,200 graduate students, and nearly 1,000 post-baccalaureate students;

Whereas in the recent Western Association of Schools and Colleges accreditation process, Fresno State was commended as a ''national model for institutions interested in becoming generators of social mobility, economic development, and student success'';

Whereas Fresno State prepares its students to prosper in their chosen careers by being responsible citizens in their communities, as well as in the State, Nation, and world;

Whereas all Fresno State athletic programs pride themselves on recruiting male and female athletes from local high schools and junior colleges;

Whereas every member of this year's championship baseball team is from California, with many players hailing from such San Joaquin Valley towns as Fresno, Clovis, Bakersfield, Visalia, Hanford, and Turlock;

Whereas the Fresno State Bulldogs baseball team beat the University of Georgia Bulldogs two games to one to win the 2008 College World Series;

Whereas the Fresno State Bulldogs opened the College World Series with a victory over sixth-seeded Rice University and had two wins over number-two national seed University of North Carolina at Chapel Hill;

Whereas the Bulldogs hit 14 home runs, the second most in College World Series history, and set the record for the most extra-base hits, runs batted in, and total bases in a championship game;

Whereas the Bulldogs became the first team in College World Series history to score at least 17 runs more than once in the same College World Series;

Whereas the Bulldogs became the first number-four regional seed to reach the College World Series since the tournament expanded in 1999;

Whereas all 10 of the Bulldogs' postseason wins have come against teams ranked in the top 15, including its final 7 wins over national seeds;

Whereas the Bulldogs played on the road for over 40 days;

Whereas, throughout the College World Series, the Bulldogs won 6 elimination games, including a 19–10 victory over the University of Georgia Bulldogs in the championship series;

Whereas, for the third consecutive season, the Bulldogs earned a preseason ranking in Collegiate Baseball Newspaper's Fabulous 40 and an 18th-place ranking from Baseball America Magazine;

Whereas the Bulldogs won 47 games and lost 31 games during the 2008 season;

Whereas 7 members of the Bulldog team were named to the Preseason All-Western Athletic Conference Team;

Whereas on May 17, 2008, the Bulldogs won their third straight Western Athletic Conference championship;

Whereas on May 25, 2008, the Bulldogs won their third straight Western Athletic Conference tournament after beating the University of Nevada;

Whereas the Bulldogs had not played in a College World Series since 1991;

Whereas the Bulldogs won the Long Beach Regional and Tempe Super Regional tournaments, and beat 3rd-ranked Arizona State University, 6th-ranked San Diego University, and 11th-ranked Long Beach State University;

Whereas head coach Mike Batesole was named the 2008 National Coach of the Year, the second time in 10 years he has won the award;

Whereas Steve Susdorf was named the Western Athletic Conference Player of the Year, Tanner Scheppers was named the Western Athletic Conference Pitcher of the Year, Danny Muno was named the Western Athletic Conference Freshman of the Year, and head coach Mike Batesole was named the Western Athletic Conference Co-Coach of the Year;

Whereas Steve Susdorf, Tanner Scheppers, Erik Wetzel, Alan Ahmady, and Brandon Burke earned First-Team All-Western Athletic Conference honors;

Whereas seniors Clayton Allison, Blake Amador, Jason Breckley, Brandon Burke, Jacob Hower, Ryan Overland, and Steve Susdorf and junior Kris Tomlinson have graduated or will graduate within 9 semesters, having managed their time well enough to keep up with studies and play championship baseball over 78 games and hundreds of practice sessions;

Whereas Steve Susdorf was a Western Athletic Conference All-Academic awardee for the fourth year and also won ESPN The Magazine Academic All-District and second team Academic All-America honors;

Whereas senior Clayton Allison, juniors Kris Tomlinson and Erik Wetzel, and freshmen Trent Soares and Jake Floethe were also Western Athletic Conference All-Academic performers;

Whereas Tommy Mendonca was named the College World Series Most Outstanding Player and was named to the 2008 National Collegiate Team;

Whereas Erik Wetzel, Steve Susdorf, Steve Detwiler, and Justin Wilson were named to the 2008 College World Series All-Tournament Team;

Whereas, in addition to the players who earned all-conference honors, the Bulldogs saw outstanding play from Danny Muno, Jordan Ribera, Gavin Hedstrom, and Ryan Overland;

Whereas Bulldog coaches Mike Batesole, Matt Curtis, Mike Mayne, and Pat Waer and the entire Bulldog roster and staff have earned a special place in Fresno State sports history;

Whereas many members of the Bulldog team will never play professional baseball and truly give meaning to the term ''student-athlete''; and

Whereas Fresno State's competition for the national championship has been exciting to watch for all those who have an attachment to the University, the San Joaquin Valley, and the game we call our national pastime: Now, therefore, be it

Resolved, That the House of Representatives—

(1) congratulates the 2008 National Collegiate Athletic Association (NCAA) Baseball Champions, the Fresno State Bulldogs, on an outstanding and historic season; and

(2) recognizes that the Bulldogs, in winning their first College World Series, concluded an unprecedented season and championship that captivated baseball fans across America.

The SPEAKER pro tempore, Mr. PASTOR, recognized Mr. BISHOP of New York, and Mr. CASTLE, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. PASTOR, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

¶85.14 MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mrs. Wanda Evans, one of his secretaries.

¶85.15 ALVIN AILEY AMERICAN DANCE THEATER

Mr. BISHOP of New York, moved to suspend the rules and agree to the following resolution (H. Res. 1088); as amended:

Whereas the Alvin Ailey American Dance Theater (''AAADT'') is widely recognized as one of the world's premier modern dance companies;

Whereas the AAADT is dedicated to promoting the uniqueness of the African-American cultural experience and the preservation and enrichment of the modern dance heritage to people across the globe;

Whereas, over its 50-year history, the AAADT has performed for an estimated 21,000,000 people in 48 States and in 71 countries on 6 continents;

Whereas the AAADT has an extensive touring record;

Whereas the AAADT's signature work, ''Revelations'', has been seen by more people across the globe than any other work of dance;

Whereas the AAADT performs works by both emerging and established choreographers from throughout the United States and the world;

Whereas the AAADT's home in New York City, the Joan Weill Center for Dance, is the largest facility dedicated exclusively to dance in the United States;

Whereas Alvin Ailey, founder of the AAADT, received the United Nations Peace Medal in 1982;

Whereas President George W. Bush recognized the AAADT and Artistic Director Judith Jamison with the National Medal of Arts in 2001, making the AAADT the first dance company to be honored with this award;

Whereas the AAADT has performed for United States Presidents throughout the company's 50-year history, including in 1968 for President Johnson, at the inaugural gala in 1977 for President Carter, at the inaugural gala in 1993 for President Clinton, and at the state dinner honoring President Mwai Kibaki of Kenya in 2003;

Whereas, over the years, the AAADT has represented American culture with performances at such historic events as the Rio de Janeiro International Arts Festival in 1963, the first Negro Arts Festival in Dakar, Senegal, in 1966, the fabled New Year's Eve performance for the Crown Prince of Morocco in 1978, the Paris Centennial performance at the Grand Palais Theatre in 1989, two unprecedented engagements in South Africa in 1997 and 1998, the 1996 and 2002 Olympic games, the 2005 ''Stars of the White Nights'' festival in St. Petersburg, Russia, and the 2006 Les étés de la danse de Paris festival in Paris, France;

Whereas the AAADT annually provides more than 100,000 young people from diverse cultural, social, and economic backgrounds the opportunity to explore their creative potential and build their self-esteem through its Arts In Education and Community Programs, including 9 Ailey Camps in cities across the United States;

Whereas Ailey II, the junior company, reaches more than 69,000 people each year through its inspiring performances and outreach activities while touring to smaller communities in more than 50 North American cities; and

Whereas the Ailey School, accredited by the National Association of Schools of Dance, provides the highest quality training consistent with the professional standards of the AAADT, including a Certificate Program, a Fellowship Program, and a Bachelor of Fine Arts degree program in conjunction with Fordham University: Now, therefore, be it

Resolved, That the United States House of Representatives—

(1) recognizes and commends the Alvin Ailey American Dance Theater for 50 years of service as a vital American cultural ambassador to the world, during which it has provided world-class American modern dance to an estimated 21,000,000 people across the globe;

(2) recognizes that the Alvin Ailey American Dance Theater has been a true pioneer in the world of dance by establishing an extended cultural community which provides dance performances, training, and community programs for all people while using the beauty and humanity of the African-American heritage and other cultures to unite people of all ages, races, and backgrounds; and

(3) recognizes that Ailey II, the prestigious Ailey School, and Ailey's extensive and innovative Arts In Education and Community Programs train future generations of dancers and choreographers while continuing to expose young people from communities large and small to the arts.

The SPEAKER pro tempore, Mr. PASTOR, recognized Mr. BISHOP of New York, and Mr. CASTLE, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. PASTOR, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

¶85.16 EAST HIGH SCHOOL, DENVER, COLORADO

Mr. BISHOP of New York, moved to suspend the rules and agree to the following resolution (H. Res. 1261); as amended:

Whereas in order to preserve our democracy, it is important that an indepth understanding of the documents upon which our Nation was founded is passed on from generation to generation;

Whereas students in the ''We the People: The Citizen and the Constitution'' competition demonstrate their understanding of the Constitution and the Bill of Rights, along with the documents' contemporary significance by participating in simulated congressional hearings;

Whereas the ''We the People'' competition, founded in 1987 on the bicentennial of the adoption of the Constitution, celebrates its 21st consecutive year in 2008;

Whereas in the 21 years of competition, East High School has gone to the ''We the People'' national finals 19 times, placed in the Top Ten 16 times, placed in the Top Three 8 times, and placed in the Top Two 4 times;

Whereas on May 5, 2008, East High School placed first in the national ''We the People'' competition;

Whereas East High School placed first for the second year in a row, and for the third time in the school's history, the previous times being in 2007 and 1992; and

Whereas the 27 team members exhibited an extraordinary grasp of the Constitution and the Bill of Rights: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the importance of civics education and the role of the ''We the People: The Citizen and the Constitution'' competition in promoting greater understanding and appreciation of the principles of democracy upon which our Nation was founded;

(2) congratulates the organizers, teachers, and students from across the Nation who participated in the 2008 ''We the People'' competition;

(3) congratulates the East High School team from Denver, Colorado, on winning the 2008 ''We the People'' national competition; and

(4) directs the Clerk of the House of Representatives to transmit an enrolled copy of this resolution to Denver School District Superintendent Michael Bennet and coach Susan McHugh for appropriate display.

The SPEAKER pro tempore, Mr. PASTOR, recognized Mr. BISHOP of New York, and Mr. CASTLE, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. PASTOR, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

¶85.17 PRESIDENT NELSON ROLIHLAHLA MANDELA

Mr. PAYNE moved to suspend the rules and agree to the following resolution (H. Res. 1090); as amended:

Whereas Nelson Rolihlahla Mandela was born to the Thembo Dynasty in Mvezo in the Umtata District of Transkei, South Africa, on July 18, 1918;

Whereas he joined the African National Congress (ANC) in 1942 and in 1944 joined with other young dissidents to form the African National Congress Youth League (ANCYL), which embraced African nationalism and began building a mass movement;

Whereas after the National Party came to power in an all-white election in 1948 on a platform of apartheid, a system of strict racial segregation, the ANC adopted the Programme of Action, inspired by the ANCYL, which advocated the use of boycotts, strikes, civil disobedience, and noncooperation against the National Party's apartheid policies;

Whereas, in 1952, after being designated volunteer-in-chief of the Defiance Campaign Against Unjust Laws, Nelson Mandela traveled the country, organizing resistance to discriminatory legislation;

Whereas in recognition of his outstanding contribution during the Defiance Campaign, Nelson Mandela was elected to the presidency of both the ANCYL and the Transvaal region of the ANC at the end of 1952, earning him a position as deputy president of the ANC itself;

Whereas, after the banning of the ANC in 1960 and the continued violent response to the ANC's nonviolent methods, Nelson Mandela led the effort to set up Umkhonto we Sizwe (''Spear of the Nation''), the armed resistance organization of the ANC;

Whereas, in 1964, Nelson Mandela and 9 of his fellow leaders of the ANC and Umkhonto we Sizwe were arrested, charged with treason, and brought to trial for plotting the violent overthrow the Government of South Africa;

Whereas in his statement at the opening of the defense case in the historic Rivonia Treason Trial on April 20, 1964, in which he and 9 other ANC leaders were tried for 221 acts of sabotage designed to ''ferment violent revolution'' to overthrow the apartheid system, Nelson Mandela use his oratory skills as a legal advocate to lay out the reasoning for the ANC's choice to use acts of sabotage as a tactic to defeat apartheid, as doing otherwise would have been tantamount to unconditional surrender;

Whereas he closed his statement with these words: ''During my lifetime I have dedicated myself to the struggle of the African people. I have fought against White domination, and I have fought against Black domination. I have cherished the ideal of a democratic and free society in which all persons live together in harmony and with equal opportunities. It is an ideal which I hope to live for and to achieve. But if needs be, it is an ideal for which I am prepared to die.'';

Whereas on June 12, 1964, 8 of the accused, including Nelson Mandela, were sentenced to life imprisonment;

Whereas, from 1964 to 1982, Nelson Mandela was incarcerated at Robben Island Prison, off the coast of Cape Town, and thereafter at Pollsmoor Prison, nearby on the mainland;

Whereas Nelson Mandela consistently refused to compromise his political demands for freedom and equality for all South Africans to obtain his freedom while in prison;

Whereas Nelson Mandela became widely accepted around the world as one of the most significant leaders of the 20th century and became a potent symbol of resistance as the anti-apartheid movement gathered strength;

Whereas the Congressional Black Caucus and other Members of Congress actively engaged in efforts to bring about an end to South Africa's apartheid system and played a key role in raising public awareness in the United States about South Africa's racist regime;

Whereas, after nearly 14 years of opposition, the Comprehensive Anti-Apartheid Act of 1986 was finally agreed to by both Houses of Congress, calling for sanctions against South Africa and establishing conditions for the lifting of such sanctions, including the release of all political prisoners including Nelson Mandela;

Whereas the Comprehensive Anti-Apartheid Act of 1986 withstood a veto by President Ronald Reagan making it the first time in the 20th century that a President had a foreign policy veto overridden by Congress;

Whereas Nelson Mandela was released from prison on February 11, 1990, after the apartheid Government of South Africa agreed to his terms for release;

Whereas, after his release, he plunged himself wholeheartedly into his life's work, striving to attain the goals he and others had set out almost 4 decades earlier;

Whereas, in 1991, at the first national conference of the ANC held inside South Africa after the organization had been banned in 1960, Nelson Mandela was elected President of the ANC;

Whereas Nelson Mandela was elected President of South Africa in that country's first democratic elections with full enfranchisement was granted were held on April 27, 1994, and was inaugurated on May 10, 1994, as the country's first indigenous African President;

Whereas, as President from May 1994 until June 1999, Nelson Mandela presided over the transition from minority rule and apartheid to a participatory democracy, winning international respect for his advocacy of national reconciliation and international peace; and

Whereas Nelson Mandela has received numerous prestigious honors, including the Nobel Peace Prize in 1993, which was shared with Frederik Willem de Klerk, the Order of Merit and the Order of St. John from Great Britain's Queen Elizabeth II, and the Presidential Medal of Freedom from George W. Bush: Now, therefore, be it

Resolved, That the United States House of Representatives—

(1) honors former President Nelson Rolihlahla Mandela on the occasion of his 90th birthday on July 18, 2008, and extends best wishes to him and his family;

(2) honors his many accomplishments on behalf of all South Africans;

(3) congratulates him for his efforts to promote dialogue to peacefully resolve conflicts between people in Africa and around the world; and

(4) celebrates his contributions to South Africa, the United States, and the international community.

The SPEAKER pro tempore, Mr. PASTOR, recognized Mr. PAYNE and Mr. ROYCE, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. PASTOR, announced that two-thirds of the Members present had voted in the affirmative.

Mr. PAYNE demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. PASTOR, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶85.18 AMIA JEWISH COMMUNITY CENTER, BUENOS AIRES

Mr. BERMAN moved to suspend the rules and agree to the following concurrent resolution (H. Con. Res. 385):

Whereas, on July 18, 1994, 85 people were killed and 300 were wounded when the Argentine Jewish Mutual Association (AMIA) was bombed in Buenos Aires, Argentina;

Whereas extensive evidence links the planning of the attacks to the Government of Iran, and the execution of the attacks to Hezbollah, which is based in Lebanon, supported by Syria, sponsored by Iran, and designated by the Department of State as a Foreign Terrorist Organization;

Whereas, on October 25, 2006, the State Prosecutor of Argentina, an office created by the Government of Argentina, concluded that the AMIA bombing was ''decided and organized by the highest leaders of the former government of . . . Iran, whom, at the same time, entrusted its execution to the Lebanese terrorist group Hezbollah'';

Whereas, on October 25, 2006, the State Prosecutor of Argentina concluded that the AMIA bombing had been approved in advance by Iran's Supreme Leader Ali Khamene'i, Iran's then-leader Ali Akbar Hashemi Rafsanjani, Iran's then-Foreign Minister Ali Akbar Velayati, and Iran's then-Minister of Security and Intelligence Ali Fallahijan;

Whereas, on October 25, 2006, the State Prosecutor of Argentina stated that the Government of Iran uses ''terrorism as a mechanism of its foreign policy'' in support of ''its final aim [which] is to export its radicalized vision of Islam and to eliminate the enemies of the regime'';

Whereas, on October 25, 2006, the State Prosecutor of Argentina identified Ibrahim Hussein Berro, a Lebanese citizen and member of Hezbollah, as the suicide bomber who primarily carried out the attack on the AMIA;

Whereas, on November 9, 2006, Argentine Judge Rodolfo Canicoba Corral, pursuant to the request of the State Prosecutor of Argentina, issued an arrest warrant for Ali Akbar Hashemi Rafsanjani, a former leader of Iran and the current chairman of Iran's Assembly of Experts and of Iran's Expediency Council, for his involvement in the AMIA bombing and urged the International Criminal Police Organization (INTERPOL) to issue an international arrest warrant for Rafsanjani and detain him;

Whereas, on November 9, 2006, Argentine Judge Rodolfo Canicoba Corral, pursuant to the request of the State Prosecutor of Argentina, also issued arrest warrants for Ali Fallahijan, a former Iranian Minister of Security and Intelligence, Ali Akbar Velayati, a former Iranian Foreign Minister, Mohsen Rezai, a former commander of Iran's Islamic Revolutionary Guards Corps (IRGC), Ahmad Vahidi, a former commander of the elite Al-Quds Force of the IRGC, Hadi Soleimanpour, a former Iranian ambassador to Argentina, Mohsen Rabbani, a former cultural attaché at the Iranian Embassy in Buenos Aires, Ahmad Reza Asghari, a former official at the Iranian Embassy in Buenos Aires, and Imad Moughnieh, a leading operations chief of Hezbollah;

Whereas, on March 5, 2007, the Executive Committee of INTERPOL unanimously supported the issuance of Red Notices for Hezbollah operative Imad Moughnieh and for Iranian officials Ali Fallahijan, Mohsen Rezai, Ahmad Vahidi, Mohsen Rabbani, and Ahmad Reza Asgari, thereby allowing arrest warrants for those individuals to be circulated worldwide with an eye to their arrest and extradition;

Whereas, on November 7, 2007, the General Assembly of INTERPOL upheld the Executive Committee's decision to support the issuance of six Red Notices in connection to the AMIA case;

Whereas, on February 12, 2008, Hezbollah operative Imad Moughnieh reportedly was killed in Syria;

Whereas in June of 2008, the Government of Saudi Arabia hosted an international Muslim conference that was reportedly attended by Iranian officials Ali Akbar Hashemi Rafsanjani, against whom an Argentine arrest warrant has been issued, and Mohsen

Rezai, against whom both an Argentine arrest warrant and INTERPOL Red Notice have been issued;

Whereas the Government of Saudi Arabia reportedly made no attempt to detain or arrest Ali Akbar Hashemi Rafsanjani or Mohsen Rezai during their time in Saudi Arabia, and the two departed Saudi Arabia without incident;

Whereas, on May 22, 2008, Argentine prosecutor Alberto Nisman filed a request with Argentine judge Ariel Lijo for the arrest of Carlos Saul Menem, who was president of Argentina at the time of the AMIA bombing, and four other former Argentine high officials in connection with the AMIA case;

Whereas Mr. Nisman claimed in his request for an arrest warrant that Menem and the other four officials had attempted to cover up the involvement of a Syrian-Argentine businessman, Alberto Jacinto Kanoore Edul, in the AMIA bombing;

Whereas Argentine investigators have stated that prior to the AMIA bombing, Mr. Kanoore Edul was in contact with at least two men who have been identified as suspects in the AMIA case;

Whereas Mr. Nisman stated in an article published on May 29, 2008, that his request for arrest warrants against Argentine nationals in the AMIA case ''does absolutely not change the accusations against Hezbollah and Iran . . . To a certain degree, it reinforces them, because [suspect Alberto Jacinto] Kanoore Edul has many links with Islamist extremists'';

Whereas during the last two years, the Government of Argentina has made significant advances in the AMIA investigation and other counter-terrorism efforts including the enactment, in July 2007, of counter-terrorism legislation which seeks to criminalize financing, fund-raising, and money laundering activities of groups linked to terrorism;

Whereas the issuance of an Argentine arrest warrant for an attaché of the Iranian Embassy in Argentina in connection with the AMIA case, indicates that Iran has used its embassies abroad as tools and extensions of radical Islamist goals and attacks;

Whereas in recent years, Iran has greatly expanded its diplomatic, political, and economic presence in the Western Hemisphere, including the opening of nearly a dozen embassies in Latin America; and

Whereas according to news reports published in June 2008, intelligence agencies in the United States and Canada have warned of significant evidence that Hezbollah, with the support of the Government of Iran, plans to launch a major attack against ''Jewish targets'' outside the Middle East, and that possible targeted areas include Canada and Latin America: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) reiterates its strongest condemnation of the 1994 attack on the Argentine Jewish Mutual Association (AMIA) Jewish Community Center in Buenos Aires, Argentina, honors the victims of this attack, and expresses its sympathy to the relatives of the victims;

(2) applauds the Government of Argentina for increasing the pace of the AMIA bombing investigation and for enacting counter-terrorism legislation;

(3) urges the Government of Argentina to continue to dedicate and provide the resources necessary for its judicial system and intelligence agencies to investigate all areas of the AMIA case and to prosecute those responsible;

(4) commends the General Assembly of the International Criminal Police Organization (INTERPOL) for upholding and issuing the Red Notices supported by the Executive Committee of INTERPOL in March 2007;

(5) expresses grave concern regarding the Government of Saudi Arabia's failure, when given the opportunity, to detain Iranian officials against whom Argentine arrest warrants or INTERPOL Red Notices are pending in connection with the AMIA case;

(6) urges all nations to cooperate fully with the AMIA investigation, including by making information, witnesses, and suspects available for review and questioning by the appropriate Argentine authorities, and by detaining and extraditing to Argentina, if given the opportunity, any persons against whom Argentine arrest warrants or INTERPOL Red Notices are pending in connection with the AMIA case, including Iranian officials and former officials, Hezbollah operatives, and Islamist militants;

(7) encourages the President to direct United States law enforcement agencies to provide support and cooperation to the Government of Argentina, if requested, for the purposes of deepening and expanding the investigation into the AMIA bombing; and

(8) urges governments in the Western Hemisphere, who have not done so already, to draft, adopt, and implement legislation designating Hezbollah as a terrorist organization, banning fundraising and recruitment activities, and applying the harshest penalties on those providing support for activities involving Hezbollah and other such Islamist terrorist organizations.

The SPEAKER pro tempore, Mr. PASTOR, recognized Mr. BERMAN and Mr. ROYCE, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution?

The SPEAKER pro tempore, Mr. PASTOR, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said concurrent resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said concurrent resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶85.19 MESSAGE FROM THE SENATE

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

H.R. 3985. An Act to amend title 49, United States Code, to direct the Secretary of Transportation to register a person providing transportation by an over-the-road bus as a motor carrier of passengers only if the person is willing and able to comply with certain accessibility requirements in addition to other existing requirements, and for other purposes.

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

H.R. 3221. An Act moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation.

¶85.20 AMENDMENTS TO THE AMENDMENT OF THE SENATE TO H.R. 3890

Mr. BERMAN moved to suspend the rules and agree to the following resolution (H. Res. 1341):

Resolved, That upon the adoption of this resolution the bill (H.R. 3890) entitled ''An Act to amend the Burmese Freedom and Democracy Act of 2003 to waive the requirement for annual renewal resolutions relating to import sanctions, impose import sanctions on Burmese gemstones, expand the number of individuals against whom the visa ban is applicable, expand the blocking of assets and other prohibited activities, and for other purposes.'', with the Senate amendment, thereto, shall be considered to have been taken from the Speaker's table to the end that the Senate amendment, thereto be, and the same are hereby, agreed to with the following amendments:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Tom Lantos Block Burmese JADE (Junta's Anti-Democratic Efforts) Act of 2008''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Beginning on August 19, 2007, hundreds of thousands of citizens of Burma, including thousands of Buddhist monks and students, participated in peaceful demonstrations against rapidly deteriorating living conditions and the violent and repressive policies of the State Peace and Development Council (SPDC), the ruling military regime in Burma—

(A) to demand the release of all political prisoners, including 1991 Nobel Peace Prize winner Aung San Suu Kyi; and

(B) to urge the regime to engage in meaningful dialogue to pursue national reconciliation.

(2) The Burmese regime responded to these peaceful protests with a violent crackdown leading to the reported killing of approximately 200 people, including a Japanese photojournalist, and hundreds of injuries. Human rights groups further estimate that over 2,000 individuals have been detained, arrested, imprisoned, beaten, tortured, or otherwise intimidated as part of this crackdown. Burmese military, police, and their affiliates in the Union Solidarity Development Association (USDA) perpetrated almost all of these abuses. The Burmese regime continues to detain, torture, and otherwise intimidate those individuals whom it believes participated in or led the protests and it has closed down or otherwise limited access to several monasteries and temples that played key roles in the peaceful protests.

(3) The Department of State's 2006 Country Reports on Human Rights Practices found that the SPDC—

(A) routinely restricts freedoms of speech, press, assembly, association, religion, and movement;

(B) traffics in persons;

(C) discriminates against women and ethnic minorities;

(D) forcibly recruits child soldiers and child labor; and

(E) commits other serious violations of human rights, including extrajudicial killings, custodial deaths, disappearances, rape, torture, abuse of prisoners and detainees, and the imprisonment of citizens arbitrarily for political motives.

(4) Aung San Suu Kyi has been arbitrarily imprisoned or held under house arrest for more than 12 years.

(5) In October 2007, President Bush announced a new Executive Order to tighten economic sanctions against Burma and block property and travel to the United States by

certain senior leaders of the SPDC, individuals who provide financial backing for the SPDC, and individuals responsible for human rights violations and impeding democracy in Burma. Additional names were added in updates done on October 19, 2007, and February 5, 2008. However, only 38 discrete individuals and 13 discrete companies have been designated under those sanctions, once aliases and companies with similar names were removed. By contrast, the Australian Government identified more than 400 individuals and entities subject to its sanctions applied in the wake of the 2007 violence. The European Union's regulations to implement sanctions against Burma have identified more than 400 individuals among the leadership of government, the military, and the USDA, along with nearly 1300 state and military-run companies potentially subject to its sanctions.

(6) The Burmese regime and its supporters finance their ongoing violations of human rights, undemocratic policies, and military activities in part through financial transactions, travel, and trade involving the United States, including the sale of petroleum products, gemstones and hardwoods.

(7) In 2006, the Burmese regime earned more than $500 million from oil and gas projects, over $500 million from sale of hardwoods, and in excess of $300 million from the sale of rubies and jade. At least $500 million of the $2.16 billion earned in 2006 from Burma's two natural gas pipelines, one of which is 28 percent owned by a United States company, went to the Burmese regime. The regime has earned smaller amounts from oil and gas exploration and non-operational pipelines but United States investors are not involved in those transactions. Industry sources estimate that over $100 million annually in Burmese rubies and jade enters the United States. Burma's official statistics report that Burma exported $500 million in hardwoods in 2006 but NGOs estimate the true figure to exceed $900 million. Reliable statistics on the amount of hardwoods imported into the United States from Burma in the form of finished products are not available, in part due to widespread illegal logging and smuggling.

(8) The SPDC seeks to evade the sanctions imposed in the Burmese Freedom and Democracy Act of 2003. Millions of dollars in gemstones that are exported from Burma ultimately enter the United States, but the Burmese regime attempts to conceal the origin of the gemstones in an effort to evade sanctions. For example, according to gem industry experts, over 90 percent of the world's ruby supply originates in Burma but only 3 percent of the rubies entering the United States are claimed to be of Burmese origin. The value of Burmese gemstones is predominantly based on their original quality and geological origin, rather than the labor involved in cutting and polishing the gemstones.

(9) According to hardwood industry experts, Burma is home to approximately 60 percent of the world's native teak reserves. More than ¼ of the world's internationally traded teak originates from Burma, and hardwood sales, mainly of teak, represent more than 11 percent of Burma's official foreign exchange earnings.

(10) The SPDC owns a majority stake in virtually all enterprises responsible for the extraction and trade of Burmese natural resources, including all mining operations, the Myanmar Timber Enterprise, the Myanmar Gems Enterprise, the Myanmar Pearl Enterprise, and the Myanmar Oil and Gas Enterprise. Virtually all profits from these enterprises enrich the SPDC.

(11) On October 11, 2007, the United Nations Security Council, with the consent of the People's Republic of China, issued a statement condemning the violence in Burma, urging the release of all political prisoners, and calling on the SPDC to enter into a United Nations-mediated dialogue with its political opposition.

(12) The United Nations special envoy Ibrahim Gambari traveled to Burma from September 29, 2007, through October 2, 2007, holding meetings with SPDC leader General Than Shwe and democracy advocate Aung San Suu Kyi in an effort to promote dialogue between the SPDC and democracy advocates.

(13) The leaders of the SPDC will have a greater incentive to cooperate with diplomatic efforts by the United Nations, the Association of Southeast Asian Nations, and the People's Republic of China if they come under targeted economic pressure that denies them access to personal wealth and sources of revenue.

(14) On the night of May 2, 2008, through the morning of May 3, 2008, tropical cyclone Nargis struck the coast of Burma, resulting in the deaths of tens of thousands of Burmese.

(15) The response to the cyclone by Burma's military leaders illustrates their fundamental lack of concern for the welfare of the Burmese people. The regime did little to warn citizens of the cyclone, did not provide adequate humanitarian assistance to address basic needs and prevent loss of life, and continues to fail to provide life-protecting and life-sustaining services to its people.

(16) The international community responded immediately to the cyclone and attempted to provide humanitarian assistance. More than 30 disaster assessment teams from 18 different nations and the United Nations arrived in the region, but the Burmese regime denied them permission to enter the country. Eventually visas were granted to aid workers, but the regime continues to severely limit their ability to provide assistance in the affected areas.

(17) Despite the devastation caused by Cyclone Nargis, the junta went ahead with its referendum on a constitution drafted by an illegitimate assembly, conducting voting in unaffected areas on May 10, 2008, and in portions of the affected Irrawaddy region and Rangoon on May 26, 2008.

SEC. 3. DEFINITIONS.

In this Act:

(1) ACCOUNT; CORRESPONDENT ACCOUNT; PAYABLE-THROUGH ACCOUNT.—The terms ''account'', ''correspondent account'', and ''payable-through account'' have the meanings given the terms in section 5318A(e)(1) of title 31, United States Code.

(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) the Committee on Foreign Relations of the Senate;

(B) the Committee on Finance of the Senate;

(C) the Committee on Foreign Affairs of the House of Representatives; and

(D) the Committee on Ways and Means of the House of Representatives.

(3) ASEAN.—The term ''ASEAN'' means the Association of Southeast Asian Nations.

(4) PERSON.—The term ''person'' means—

(A) an individual, corporation, company, business association, partnership, society, trust, any other nongovernmental entity, organization, or group; and

(B) any successor, subunit, or subsidiary of any person described in subparagraph (A).

(5) SPDC.—The term ''SPDC'' means the State Peace and Development Council, the ruling military regime in Burma.

(6) UNITED STATES PERSON.—The term ''United States person'' means any United States citizen, permanent resident alien, juridical person organized under the laws of the United States (including foreign branches), or any person in the United States.

SEC. 4. STATEMENT OF POLICY.

It is the policy of the United States to—

(1) condemn the continued repression carried out by the SPDC;

(2) work with the international community, especially the People's Republic of China, India, Thailand, and ASEAN, to foster support for the legitimate democratic aspirations of the people of Burma and to coordinate efforts to impose sanctions on those directly responsible for human rights abuses in Burma;

(3) provide all appropriate support and assistance to aid a peaceful transition to constitutional democracy in Burma;

(4) support international efforts to alleviate the suffering of Burmese refugees and address the urgent humanitarian needs of the Burmese people; and

(5) identify individuals responsible for the repression of peaceful political activity in Burma and hold them accountable for their actions.

SEC. 5. SANCTIONS.

(a) VISA BAN.—

(1) IN GENERAL.—The following persons shall be ineligible for a visa to travel to the United States:

(A) Former and present leaders of the SPDC, the Burmese military, or the USDA.

(B) Officials of the SPDC, the Burmese military, or the USDA involved in the repression of peaceful political activity or in other gross violations of human rights in Burma or in the commission of other human rights abuses, including any current or former officials of the security services and judicial institutions of the SPDC.

(C) Any other Burmese persons who provide substantial economic and political support for the SPDC, the Burmese military, or the USDA.

(D) The immediate family members of any person described in subparagraphs (A) through (C).

(2) WAIVER.—The President may waive the visa ban described in paragraph (1) only if the President determines and certifies in writing to Congress that travel by the person seeking such a waiver is in the national interests of the United States.

(3) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to conflict with the provisions of section 694 of the Consolidated Appropriations Act, 2008 (Public Law 110–161), nor shall this subsection be construed to make ineligible for a visa members of ethnic groups in Burma now or previously opposed to the regime who were forced to provide labor or other support to the Burmese military and who are otherwise eligible for admission into the United States.

(b) FINANCIAL SANCTIONS.—

(1) BLOCKED PROPERTY.—No property or interest in property belonging to a person described in subsection (a)(1) may be transferred, paid, exported, withdrawn, or otherwise dealt with if—

(A) the property is located in the United States or within the possession or control of a United States person, including the overseas branch of a United States person; or

(B) the property comes into the possession or control of a United States person after the date of the enactment of this Act.

(2) FINANCIAL TRANSACTIONS.—Except with respect to transactions authorized under Executive Orders 13047 (May 20, 1997) and 13310 (July 28, 2003), no United States person may engage in a financial transaction with the SPDC or with a person described in subsection (a)(1).

(3) PROHIBITED ACTIVITIES.—Activities prohibited by reason of the blocking of property and financial transactions under this subsection shall include the following:

(A) Payments or transfers of any property, or any transactions involving the transfer of anything of economic value by any United States person, including any United States financial institution and any branch or office of such financial institution that is located outside the United States, to the SPDC or to an individual described in subsection (a)(1).

(B) The export or reexport directly or indirectly, of any goods, technology, or services by a United States person to the SPDC, to an individual described in subsection (a)(1) or to any entity owned, controlled, or operated by the SPDC or by an individual described in such subsection.

(c) AUTHORITY FOR ADDITIONAL BANKING SANCTIONS.—

(1) IN GENERAL.—The Secretary of the Treasury, in consultation with the Secretary of State, the Attorney General of the United States, and the Chairman of the Board of Governors of the Federal Reserve System, may prohibit or impose conditions on the opening or maintaining in the United States of a correspondent account or payable-through account by any financial institution (as that term is defined in section 5312 of title 31, United States Code) or financial agency that is organized under the laws of a State, territory, or possession of the United States, for or on behalf of a foreign banking institution, if the Secretary determines that the account might be used—

(A) by a foreign banking institution that holds property or an interest in property belonging to the SPDC or a person described in subsection (a)(1); or

(B) to conduct a transaction on behalf of the SPDC or a person described in subsection (a)(1).

(2) AUTHORITY TO DEFINE TERMS.—The Secretary of the Treasury may, by regulation, further define the terms used in paragraph (1) for purposes of this section, as the Secretary considers appropriate.

(d) LIST OF SANCTIONED OFFICIALS.—

(1) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the President shall transmit to the appropriate congressional committees a list of—

(A) former and present leaders of the SPDC, the Burmese military, and the USDA;

(B) officials of the SPDC, the Burmese military, or the USDA involved in the repression of peaceful political activity in Burma or in the commission of other human rights abuses, including any current or former officials of the security services and judicial institutions of the SPDC;

(C) any other Burmese persons or entities who provide substantial economic and political support for the SPDC, the Burmese military, or the USDA; and

(D) the immediate family members of any person described in subparagraphs (A) through (C) whom the President determines effectively controls property in the United States or has benefitted from a financial transaction with any United States person.

(2) CONSIDERATION OF OTHER DATA.—In preparing the list required under paragraph (1), the President shall consider the data already obtained by other countries and entities that apply sanctions against Burma, such as the Australian Government and the European Union.

(3) UPDATES.—The President shall transmit to the appropriate congressional committees updated lists of the persons described in paragraph (1) as new information becomes available.

(4) IDENTIFICATION OF INFORMATION.—The Secretary of State and the Secretary of the Treasury shall devote sufficient resources to the identification of information concerning potential persons to be sanctioned to carry out the purposes described in this Act.

(e) RULE OF CONSTRUCTION.—Nothing in this section may be construed to prohibit any contract or other financial transaction with any nongovernmental humanitarian organization in Burma.

(f) EXCEPTIONS.—

(1) IN GENERAL.—The prohibitions and restrictions described in subsections (b) and (c) shall not apply to medicine, medical equipment or supplies, food or feed, or any other form of humanitarian assistance provided to Burma.

(2) REGULATORY EXCEPTIONS.—For the following purposes, the Secretary of State may, by regulation, authorize exceptions to the prohibition and restrictions described in subsection (a), and the Secretary of the Treasury may, by regulation, authorize exceptions to the prohibitions and restrictions described in subsections (b) and (c)—

(A) to permit the United States and Burma to operate their diplomatic missions, and to permit the United States to conduct other official United States Government business in Burma;

(B) to permit United States citizens to visit Burma; and

(C) to permit the United States to comply with the United Nations Headquarters Agreement and other applicable international agreements.

(g) PENALTIES.—Any person who violates any prohibition or restriction imposed pursuant to subsection (b) or (c) shall be subject to the penalties under section 6 of the International Emergency Economic Powers Act (50 U.S.C. 1705) to the same extent as for a violation under that Act.

(h) TERMINATION OF SANCTIONS.—The sanctions imposed under subsection (a), (b), or (c) shall apply until the President determines and certifies to the appropriate congressional committees that the SPDC has—

(1) unconditionally released all political prisoners, including Aung San Suu Kyi and other members of the National League for Democracy;

(2) entered into a substantive dialogue with democratic forces led by the National League for Democracy and the ethnic minorities of Burma on transitioning to democratic government under the rule of law; and

(3) allowed humanitarian access to populations affected by armed conflict in all regions of Burma.

(i) WAIVER.—The President may waive the sanctions described in subsections (b) and (c) if the President determines and certifies to the appropriate congressional committees that such waiver is in the national interest of the United States.

SEC. 6. AMENDMENTS TO THE BURMESE FREEDOM AND DEMOCRACY ACT OF 2003.

(a) IN GENERAL.—The Burmese Freedom and Democracy Act of 2003 (Public Law 108–61; 50 U.S.C. 1701 note) is amended by inserting after section 3 the following new section:

"SEC. 3A. PROHIBITION ON IMPORTATION OF JADEITE AND RUBIES FROM BURMA AND ARTICLES OF JEWELRY CONTAINING JADEITE OR RUBIES FROM BURMA.

''(a) DEFINITIONS.—In this section:

''(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term 'appropriate congressional committees' means—

''(A) the Committee on Ways and Means and the Committee on Foreign Affairs of the House of Representatives; and

''(B) the Committee on Finance and the Committee on Foreign Relations of the Senate.

''(2) BURMESE COVERED ARTICLE.—The term 'Burmese covered article' means—

''(A) jadeite mined or extracted from Burma;

''(B) rubies mined or extracted from Burma; or

''(C) articles of jewelry containing jadeite described in subparagraph (A) or rubies described in subparagraph (B).

''(3) NON-BURMESE COVERED ARTICLE.—The term 'non-Burmese covered article' means—

''(A) jadeite mined or extracted from a country other than Burma;

''(B) rubies mined or extracted from a country other than Burma; or

''(C) articles of jewelry containing jadeite described in subparagraph (A) or rubies described in subparagraph (B).

''(4) JADEITE; RUBIES; ARTICLES OF JEWELRY CONTAINING JADEITE OR RUBIES.—

''(A) JADEITE.—The term 'jadeite' means any jadeite classifiable under heading 7103 of the Harmonized Tariff Schedule of the United States (in this paragraph referred to as the 'HTS').

''(B) RUBIES.—The term 'rubies' means any rubies classifiable under heading 7103 of the HTS.

''(C) ARTICLES OF JEWELRY CONTAINING JADEITE OR RUBIES.—The term 'articles of jewelry containing jadeite or rubies' means—

''(i) any article of jewelry classifiable under heading 7113 of the HTS that contains jadeite or rubies; or

''(ii) any article of jadeite or rubies classifiable under heading 7116 of the HTS.

''(5) UNITED STATES.—The term 'United States', when used in the geographic sense, means the several States, the District of Columbia, and any commonwealth, territory, or possession of the United States.

''(b) PROHIBITION ON IMPORTATION OF BURMESE COVERED ARTICLES.—

''(1) IN GENERAL.—Notwithstanding any other provision of law, until such time as the President determines and certifies to the appropriate congressional committees that Burma has met the conditions described in section 3(a)(3), beginning 60 days after the date of the enactment of the Tom Lantos Block Burmese JADE (Junta's Anti-Democratic Efforts) Act of 2008, the President shall prohibit the importation into the United States of any Burmese covered article.

''(2) REGULATORY AUTHORITY.—The President is authorized to, and shall as necessary, issue such proclamations, regulations, licenses, and orders, and conduct such investigations, as may be necessary to implement the prohibition under paragraph (1).

''(3) OTHER ACTIONS.—Beginning on the date of the enactment of this Act, the President shall take all appropriate actions to seek the following:

''(A) The issuance of a draft waiver decision by the Council for Trade in Goods of the World Trade Organization granting a waiver of the applicable obligations of the United States under the World Trade Organization with respect to the provisions of this section and any measures taken to implement this section.

''(B) The adoption of a resolution by the United Nations General Assembly expressing the need to address trade in Burmese covered articles and calling for the creation and implementation of a workable certification scheme for non-Burmese covered articles to prevent the trade in Burmese covered articles.

''(c) REQUIREMENTS FOR IMPORTATION OF NON-BURMESE COVERED ARTICLES.—

''(1) IN GENERAL.—Except as provided in paragraph (2), until such time as the President determines and certifies to the appropriate congressional committees that Burma has met the conditions described in section 3(a)(3), beginning 60 days after the date of the enactment of the Tom Lantos Block Burmese JADE (Junta's Anti-Democratic Efforts) Act of 2008, the President shall require as a condition for the importation into the United States of any non-Burmese covered article that—

''(A) the exporter of the non-Burmese covered article has implemented measures that have substantially the same effect and

achieve the same goals as the measures described in clauses (i) through (iv) of paragraph (2)(B) (or their functional equivalent) to prevent the trade in Burmese covered articles; and

''(B) the importer of the non-Burmese covered article agrees—

''(i) to maintain a full record of, in the form of reports or otherwise, complete information relating to any act or transaction related to the purchase, manufacture, or shipment of the non-Burmese covered article for a period of not less than 5 years from the date of entry of the non-Burmese covered article; and

''(ii) to provide the information described in clause (i) within the custody or control of such person to the relevant United States authorities upon request.

''(2) EXCEPTION.—

''(A) IN GENERAL.—The President may waive the requirements of paragraph (1) with respect to the importation of non-Burmese covered articles from any country with respect to which the President determines and certifies to the appropriate congressional committees has implemented the measures described in subparagraph (B) (or their functional equivalent) to prevent the trade in Burmese covered articles.

''(B) MEASURES DESCRIBED.—The measures referred to in subparagraph (A) are the following:

''(i) With respect to exportation from the country of jadeite or rubies in rough form, a system of verifiable controls on the jadeite or rubies from mine to exportation demonstrating that the jadeite or rubies were not mined or extracted from Burma, and accompanied by officially-validated documentation certifying the country from which the jadeite or rubies were mined or extracted, total carat weight, and value of the jadeite or rubies.

''(ii) With respect to exportation from the country of finished jadeite or polished rubies, a system of verifiable controls on the jadeite or rubies from mine to the place of final finishing of the jadeite or rubies demonstrating that the jadeite or rubies were not mined or extracted from Burma, and accompanied by officially-validated documentation certifying the country from which the jadeite or rubies were mined or extracted.

''(iii) With respect to exportation from the country of articles of jewelry containing jadeite or rubies, a system of verifiable controls on the jadeite or rubies from mine to the place of final finishing of the article of jewelry containing jadeite or rubies demonstrating that the jadeite or rubies were not mined or extracted from Burma, and accompanied by officially-validated documentation certifying the country from which the jadeite or rubies were mined or extracted.

''(iv) Verifiable recordkeeping by all entities and individuals engaged in mining, importation, and exportation of non-Burmese covered articles in the country, and subject to inspection and verification by authorized authorities of the government of the country in accordance with applicable law.

''(v) Implementation by the government of the country of proportionate and dissuasive penalties against any persons who violate laws and regulations designed to prevent trade in Burmese covered articles.

''(vi) Full cooperation by the country with the United Nations or other official international organizations that seek to prevent trade in Burmese covered articles.

''(3) REGULATORY AUTHORITY.—The President is authorized to, and shall as necessary, issue such proclamations, regulations, licenses, and orders and conduct such investigations, as may be necessary to implement the provisions under paragraphs (1) and (2).

''(d) INAPPLICABILITY.—

''(1) IN GENERAL.—The requirements of subsection (b)(1) and subsection (c)(1) shall not apply to Burmese covered articles and non-Burmese covered articles, respectively, that were previously exported from the United States, including those that accompanied an individual outside the United States for personal use, if they are reimported into the United States by the same person, without having been advanced in value or improved in condition by any process or other means while outside the United States.

''(2) ADDITIONAL PROVISION.—The requirements of subsection (c)(1) shall not apply with respect to the importation of non-Burmese covered articles that are imported by or on behalf of an individual for personal use and accompanying an individual upon entry into the United States.

''(e) ENFORCEMENT.—Burmese covered articles or non-Burmese covered articles that are imported into the United States in violation of any prohibition of this Act or any other provision law shall be subject to all applicable seizure and forfeiture laws and criminal and civil laws of the United States to the same extent as any other violation of the customs laws of the United States.

''(f) SENSE OF CONGRESS.—

''(1) IN GENERAL.—It is the sense of Congress that the President should take the necessary steps to seek to negotiate an international arrangement—similar to the Kimberley Process Certification Scheme for conflict diamonds—to prevent the trade in Burmese covered articles. Such an international arrangement should create an effective global system of controls and should contain the measures described in subsection (c)(2)(B) (or their functional equivalent).

''(2) KIMBERLEY PROCESS CERTIFICATION SCHEME DEFINED.—In paragraph (1), the term 'Kimberley Process Certification Scheme' has the meaning given the term in section 3(6) of the Clean Diamond Trade Act (Public Law 108–19; 19 U.S.C. 3902(6)).

''(g) REPORT.—

''(1) IN GENERAL.—Not later than 180 days after the date of the enactment of the Tom Lantos Block Burmese JADE (Junta's Anti-Democratic Efforts) Act of 2008, the President shall transmit to the appropriate congressional committees a report describing what actions the United States has taken during the 60-day period beginning on the date of the enactment of such Act to seek—

''(A) the issuance of a draft waiver decision by the Council for Trade in Goods of the World Trade Organization, as specified in subsection (b)(3)(A);

''(B) the adoption of a resolution by the United Nations General Assembly, as specified in subsection (b)(3)(B); and

''(C) the negotiation of an international arrangement, as specified in subsection (f)(1).

''(2) UPDATE.—The President shall make continued efforts to seek the items specified in subparagraphs (A), (B), and (C) of paragraph (1) and shall promptly update the appropriate congressional committees on subsequent developments with respect to these efforts.

''(h) GAO REPORT.—Not later than 14 months after the date of the enactment of the Tom Lantos Block Burmese JADE (Junta's Anti-Democratic Efforts) Act of 2008, the Comptroller General of the United States shall submit to the appropriate congressional committees a report on the effectiveness of the implementation of this section. The Comptroller General shall include in the report any recommendations for improving the administration of this Act.''.

(b) DURATION OF SANCTIONS.—

(1) CONTINUATION OF IMPORT SANCTIONS.—Subsection (b) of section 9 of the Burmese Freedom and Democracy Act of 2003 (Public Law 108–61; 50 U.S.C. 1701 note) is amended by adding at the end the following new paragraph:

''(4) RULE OF CONSTRUCTION.—For purposes of this subsection, any reference to section 3(a)(1) shall be deemed to include a reference to section 3A (b)(1) and (c)(1).''.

(2) RENEWAL RESOLUTIONS.—Subsection (c) of such section is amended by inserting after ''section 3(a)(1)'' each place it appears the following: ''and section 3A (b)(1) and (c)(1)''.

(3) EFFECTIVE DATE.—

(A) IN GENERAL.—The amendments made by this subsection take effect on the day after the date of the enactment of 5th renewal resolution enacted into law after the date of the enactment of the Burmese Freedom and Democracy Act of 2003, or the date of the enactment of this Act, whichever occurs later.

(B) RENEWAL RESOLUTION DEFINED.—In this paragraph, the term ''renewal resolution'' means a renewal resolution described in section 9(c) of the Burmese Freedom and Democracy Act of 2003 that is enacted into law in accordance with such section.

(c) CONFORMING AMENDMENT.—Section 3(b) of the Burmese Freedom and Democracy Act of 2003 (Public Law 108–61; 50 U.S.C. 1701 note) is amended—

(1) by inserting ''or section 3A (b)(1) or (c)(1)'' after ''this section''; and

(2) by striking ''a product of Burma'' and inserting ''subject to such prohibitions''.

SEC. 7. SPECIAL REPRESENTATIVE AND POLICY COORDINATOR FOR BURMA.

(a) UNITED STATES SPECIAL REPRESENTATIVE AND POLICY COORDINATOR FOR BURMA.—The President shall appoint a Special Representative and Policy Coordinator for Burma, by and with the advice and consent of the Senate.

(b) RANK.—The Special Representative and Policy Coordinator for Burma appointed under subsection (a) shall have the rank of ambassador and shall hold the office at the pleasure of the President. Except for the position of United States Ambassador to the Association of Southeast Asian Nations, the Special Representative and Policy Coordinator may not simultaneously hold a separate position within the executive branch, including the Assistant Secretary of State, the Deputy Assistant Secretary of State, the United States Ambassador to Burma, or the Charge d'affairs to Burma.

(c) DUTIES AND RESPONSIBILITIES.—The Special Representative and Policy Coordinator for Burma shall—

(1) promote a comprehensive international effort, including multilateral sanctions, direct dialogue with the SPDC and democracy advocates, and support for nongovernmental organizations operating in Burma and neighboring countries, designed to restore civilian democratic rule to Burma and address the urgent humanitarian needs of the Burmese people;

(2) consult broadly, including with the Governments of the People's Republic of China, India, Thailand, and Japan, and the member states of ASEAN and the European Union to coordinate policies toward Burma;

(3) assist efforts by the United Nations Special Envoy to secure the release of all political prisoners in Burma and to promote dialogue between the SPDC and leaders of Burma's democracy movement, including Aung San Suu Kyi;

(4) consult with Congress on policies relevant to Burma and the future and welfare of all the Burmese people, including refugees; and

(5) coordinate the imposition of Burma sanctions within the United States Government and with the relevant international financial institutions.

SEC. 8. SUPPORT FOR CONSTITUTIONAL DEMOCRACY IN BURMA.

(a) IN GENERAL.—The President is authorized to assist Burmese democracy activists who are dedicated to nonviolent opposition to the SPDC in their efforts to promote freedom, democracy, and human rights in Burma.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $5,000,000 to the Secretary of State for fiscal year 2008 to—

(1) provide aid to democracy activists in Burma;

(2) provide aid to individuals and groups conducting democracy programming outside of Burma targeted at a peaceful transition to constitutional democracy inside Burma; and

(3) expand radio and television broadcasting into Burma.

SEC. 9. SUPPORT FOR NONGOVERNMENTAL ORGANIZATIONS ADDRESSING THE HUMANITARIAN NEEDS OF THE BURMESE PEOPLE.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the international community should increase support for nongovernmental organizations attempting to meet the urgent humanitarian needs of the Burmese people.

(b) LICENSES FOR HUMANITARIAN OR RELIGIOUS ACTIVITIES IN BURMA.—Section 5 of the Burmese Freedom and Democracy Act of 2003 (50 U.S.C. 1701 note) is amended—

(1) by inserting ''(a) OPPOSITION TO ASSISTANCE TO BURMA.—'' before ''The Secretary''; and

(2) by adding at the end the following new subsection:

''(b) LICENSES FOR HUMANITARIAN OR RELIGIOUS ACTIVITIES IN BURMA.—Notwithstanding any other provision of law, the Secretary of the Treasury is authorized to issue multi-year licenses for humanitarian or religious activities in Burma.''.

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, there are authorized to be appropriated $11,000,000 to the Secretary of State for fiscal year 2008 to support operations by nongovernmental organizations, subject to paragraph (2), designed to address the humanitarian needs of the Burmese people inside Burma and in refugee camps in neighboring countries.

(2) LIMITATION.—

(A) IN GENERAL.—Except as provided under subparagraph (B), amounts appropriated pursuant to paragraph (1) may not be provided to—

(i) SPDC-controlled entities;

(ii) entities run by members of the SPDC or their families; or

(iii) entities providing cash or resources to the SPDC, including organizations affiliated with the United Nations.

(B) WAIVER.—The President may waive the funding restriction described in subparagraph (A) if—

(i) the President determines and certifies to the appropriate congressional committees that such waiver is in the national interests of the United States;

(ii) a description of the national interests need for the waiver is submitted to the appropriate congressional committees; and

(iii) the description submitted under clause (ii) is posted on a publicly accessible Internet Web site of the Department of State.

SEC. 10. REPORT ON MILITARY AND INTELLIGENCE AID TO BURMA.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act and annually thereafter, the Secretary of State shall submit to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate a report containing a list of countries, companies, and other entities that provide military or intelligence aid to the SPDC and describing such military or intelligence aid provided by each such country, company, and other entity.

(b) MILITARY OR INTELLIGENCE AID DEFINED.—For the purpose of this section, the term ''military or intelligence aid'' means, with respect to the SPDC—

(1) the provision of weapons, weapons parts, military vehicles, or military aircraft;

(2) the provision of military or intelligence training, including advice and assistance on subject matter expert exchanges;

(3) the provision of weapons of mass destruction and related materials, capabilities, and technology, including nuclear, chemical, or dual-use capabilities;

(4) conducting joint military exercises;

(5) the provision of naval support, including ship development and naval construction;

(6) the provision of technical support, including computer and software development and installations, networks, and infrastructure development and construction; or

(7) the construction or expansion of airfields, including radar and anti-aircraft systems.

(c) FORM.—The report required under subsection (a) shall be submitted in unclassified form but may include a classified annex and the unclassified form shall be placed on the Department of State's website.

SEC. 11. SENSE OF CONGRESS ON INTERNATIONAL ARMS SALES TO BURMA.

It is the sense of Congress that the United States should lead efforts in the United Nations Security Council to impose a mandatory international arms embargo on Burma, curtailing all sales of weapons, ammunition, military vehicles, and military aircraft to Burma until the SPDC releases all political prisoners, restores constitutional rule, takes steps toward inclusion of ethnic minorities in political reconciliation efforts, and holds free and fair elections to establish a new government.

SEC. 12. REDUCTION OF SPDC REVENUE FROM TIMBER.

(a) REPORT.—Not later than one year after the date of the enactment of this Act and annually thereafter, the Secretary of State, in consultation with the Secretary of Commerce, and other Federal officials, as appropriate, shall submit to the appropriate congressional committees a report on Burma's timber trade containing information on the following:

(1) Products entering the United States made in whole or in part of wood grown and harvested in Burma, including measurements of annual value and volume and considering both legal and illegal timber trade.

(2) Statistics about Burma's timber trade, including raw wood and wood products, in aggregate and broken down by country and timber species, including measurements of value and volume and considering both legal and illegal timber trade.

(3) A description of the chains of custody of products described in paragraph (1), including direct trade streams from Burma to the United States and via manufacturing or transshipment in third countries.

(4) Illegalities, abuses, or corruption in the Burmese timber sector.

(5) A description of all common consumer and commercial applications unique to Burmese hardwoods, including the furniture and marine manufacturing industries.

(b) RECOMMENDATIONS.—The report required under subsection (a) shall include recommendations on the following:

(1) Alternatives to Burmese hardwoods for the commercial applications described in paragraph (5) of subsection (a), including alternative species of timber that could provide the same applications.

(2) Strategies for encouraging sustainable management of timber in locations with potential climate, soil, and other conditions to compete with Burmese hardwoods for the consumer and commercial applications described in paragraph (5) of subsection (a).

(3) The appropriate United States and international customs documents and declarations that would need to be kept and compiled in order to establish the chain of custody concerning products described in paragraphs (1) and (3) of subsection (a).

(4) Strategies for strengthening the capacity of Burmese civil society, including Burmese society in exile, to monitor and report on the SPDC's trade in timber and other extractive industries so that Burmese natural resources can be used to benefit the majority of Burma's population.

SEC. 13. REPORT ON FINANCIAL ASSETS HELD BY MEMBERS OF THE SPDC.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act and annually thereafter, the Secretary of the Treasury, in consultation with the Secretary of State, shall submit to the Committee on Foreign Affairs of the House of Representatives, the Committee on Ways and Means of the House of the Representatives, the Committee on Foreign Relations of the Senate, and the Committee on Finance of the Senate a report containing a list of all countries and foreign banking institutions that hold assets on behalf of senior Burmese officials.

(b) DEFINITIONS.—For the purpose of this section:

(1) SENIOR BURMESE OFFICIALS.—The term ''senior Burmese officials'' shall mean individuals covered under section 5(d)(1) of this Act.

(2) OTHER TERMS.—Other terms shall be defined under the authority of and consistent with section 5(c)(2) of this Act.

(c) FORM.—The report required under subsection (a) shall be submitted in unclassified form but may include a classified annex. The report shall also be posted on the Department of Treasury's website not later than 30 days of the submission to Congress of the report. To the extent possible, the report shall include the names of the senior Burmese officials and the approximate value of their holdings in the respective foreign banking institutions and any other pertinent information.

SEC. 14. UNOCAL PLAINTIFFS.

(a) SENSE OF CONGRESS.—It is the Sense of Congress that the United States should work with the Royal Thai Government to ensure the safety in Thailand of the 15 plaintiffs in the Doe v. Unocal case, and should consider granting refugee status or humanitarian parole to these plaintiffs to enter the United States consistent with existing United States law.

(b) REPORT.—Not later than 90 days after the date of the enactment of this Act, the President shall submit to the appropriate Congressional committees a report on the status of the Doe vs. Unocal plaintiffs and whether the plaintiffs have been granted refugee status or humanitarian parole.

SEC. 15. SENSE OF CONGRESS WITH RESPECT TO INVESTMENTS IN BURMA'S OIL AND GAS INDUSTRY.

(a) FINDINGS AND DECLARATIONS.—Congress finds the following:

(1) Currently United States, French, and Thai investors are engaged in the production and delivery of natural gas in the pipeline from the Yadana and Sein fields (Yadana pipeline) in the Andaman Sea, an enterprise which falls under the jurisdiction of the Burmese Government, and United States investment by Chevron represents approximately a 28 percent nonoperated, working interest in that pipeline.

(2) The Congressional Research Service estimates that the Yadana pipeline provides at least $500,000,000 in annual revenue for the Burmese Government.

(3) The natural gas that transits the Yadana pipeline is delivered primarily to Thailand, representing about 20 percent of Thailand's total gas supply.

(4) The executive branch has in the past exempted investment in the Yadana pipeline from the sanctions regime against the Burmese Government.

(5) Congress believes that United States companies ought to be held to a high standard of conduct overseas and should avoid as much as possible acting in a manner that supports repressive regimes such as the Burmese Government.

(6) Congress recognizes the important symbolic value that divestment of United States holdings in Burma would have on the international sanctions effort, demonstrating that the United States will continue to lead by example.

(b) STATEMENT OF POLICY.—

(1) Congress urges Yadana investors to consider voluntary divestment over time if the Burmese Government fails to take meaningful steps to release political prisoners, restore civilian constitutional rule and promote national reconciliation.

(2) Congress will remain concerned with the matter of continued investment in the Yadana pipeline in the years ahead.

(3) Congress urges the executive branch to work with all firms invested in Burma's oil and gas sector to use their influence to promote the peaceful transition to civilian democratic rule in Burma.

(c) SENSE OF CONGRESS.—It is the sense of Congress that so long as Yadana investors remain invested in Burma, such investors should—

(1) communicate to the Burmese Government, military and business officials, at the highest levels, concern about the lack of genuine consultation between the Burmese Government and its people, the failure of the Burmese Government to use its natural resources to benefit the Burmese people, and the military's use of forced labor;

(2) publicly disclose and deal with in a transparent manner, consistent with legal obligations, its role in any ongoing investment in Burma, including its financial involvement in any joint production agreement or other joint ventures and the amount of their direct or indirect support of the Burmese Government; and

(3) work with project partners to ensure that forced labor is not used to construct, maintain, support, or defend the project facilities, including pipelines, offices, or other facilities.

Amend the title so as to read: ''A bill to impose sanctions on officials of the State Peace and Development Council in Burma, to amend the Burmese Freedom and Democracy Act of 2003 to exempt humanitarian assistance from United States sanctions on Burma, to prohibit the importation of gemstones from Burma, or that originate in Burma, to promote a coordinated international effort to restore civilian democratic rule to Burma, and for other purposes.''.

The SPEAKER pro tempore, Mr. PASTOR, recognized Mr. BERMAN and Ms. ROS-LEHTINEN, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. PASTOR, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said amendments.

¶85.21 COMMITTEE RESIGNATION—MAJORITY

The SPEAKER pro tempore, Mr. PASTOR, laid before the House the following communication, which was read as follows:

JULY 14, 2008.

Hon. NANCY PELOSI,
Speaker, House of Representatives, Washington, DC.

DEAR SPEAKER PELOSI: I hereby resign my seat on the Committee on Science and Technology, effective July 14, 2008. It has been a pleasure to serve on this committee.

Sincerely,

PAUL E. KANJORSKI,
Member of Congress.

By unanimous consent, the resignation was accepted.

¶85.22 RECESS—2:06 P.M.

The SPEAKER pro tempore, Mr. PASTOR, pursuant to clause 12(a) of rule I, declared the House in recess at 2 o'clock and 6 minutes p.m., subject to the call of the Chair.

¶85.23 AFTER RECESS—2:34 P.M.

The SPEAKER pro tempore, Ms. ROYBAL-ALLARD, called the House to order.

¶85.24 MESSAGE FROM THE PRESIDENT—VETO OF H.R. 6331

The SPEAKER pro tempore, Ms. ROYBAL-ALLARD, laid before the House a message from the President, which was read as follows:

To the House of Representatives:

I am returning herewith without my approval H.R. 6331, the ''Medicare Improvements for Patients and Providers Act of 2008.'' I support the primary objective of this legislation, to forestall reductions in physician payments. Yet taking choices away from seniors to pay physicians is wrong. This bill is objectionable, and I am vetoing it because:

It would harm beneficiaries by taking private health plan options away from them; already more than 9.6 million beneficiaries, many of whom are considered lower-income, have chosen to join a Medicare Advantage (MA) plan, and it is estimated that this bill would decrease MA enrollment by about 2.3 million individuals in 2013 relative to the program's current baseline;

It would undermine the Medicare prescription drug program, which today is effectively providing coverage to 32 million beneficiaries directly through competitive private plans or through Medicare-subsidized retirement plans; and

It is fiscally irresponsible, and it would imperil the long-term fiscal soundness of Medicare by using short-term budget gimmicks that do not solve the problem; the result would be a steep and unrealistic payment cut for physicians—roughly 20 percent in 2010—likely leading to yet another expensive temporary fix; and the bill would also perpetuate wasteful overpayments to medical equipment suppliers.

In December 2003, when I signed the Medicare Prescription Drug, Improvement, and Modernization Act (MMA) into law, I said that ''when seniors have the ability to make choices, health care plans within Medicare will have to compete for their business by offering higher quality service. For the seniors of America, more choices and more control will mean better health care.'' this is exactly what has happened—with drug coverage and with Medicare Advantage.

Today, as a result of the changes in the MMA, 32 million seniors and Americans with disabilities have drug coverage through Medicare prescription drug plans or a Medicare-subsidized retirement plan, while some 9.6 million Medicare beneficiaries—more than 20 percent of all beneficiaries—have chosen to join a private MA plan. To protect the interests of these beneficiaries, I cannot accept the provisions of this legislation that would undermine Medicare Part D, reduce payments for MA plans, and restructure the MA program in a way that would lead to limited beneficiary access, benefits, and choices and lower-than-expected enrollment in Medicare Advantage.

Medicare beneficiaries need and benefit from having more options than just the one-size-fits-all approach of traditional Medicare fee-for-service. Medicare Advantage plan options include health maintenance organizations, preferred provider organizations, and private fee-for-service (PFFS) plans. Medicare Advantage plans are paid according to a formula established by the Congress in 2003 to ensure that seniors in all parts of the country—including rural areas—have access to private plan options.

This bill would reduce these options for beneficiaries, particularly those in hard-to-serve rural areas. In particular, H.R. 6331 would make fundamental changes to the MA PFFS program. The Congressional Budget Office has estimated that H.R. 6331 would decrease MA enrollment by about 2.3 million individuals in 2013 relative to its current baseline, with the largest effects resulting from these PFFS restrictions.

While the MMA increased the availability of private plan options across the country, it is important to remember that a significant number of beneficiaries who have chosen these options earn lower incomes. The latest data show that 49 percent of beneficiaries enrolled in MA plans report income of $20,000 or less. These beneficiaries have made a decision to maximize their Medicare and supplemental benefits through the MA program, in part because of their economic situation. Cuts to MA plan payments required by this legislation would reduce benefits to

millions of seniors, including lower-income seniors, who have chosen to join these plans.

The bill would constrain market forces and undermine the success that the Medicare Prescription Drug program has achieved in providing beneficiaries with robust, high-value coverage—including comprehensive formularies and access to network pharmacies—at lower-than-expected costs. In particular, the provisions that would enable the expansion of ''protected classes'' of drugs would effectively end meaningful price negotiations between Medicare prescription drug plans and pharmaceutical manufacturers for drugs in those classes. If, as is likely, implementation of this provision results in an increase in the number of protected drug classes, it will lead to increased beneficiary premiums and copayments, higher drug prices, and lower drug rebates. These new requirements, together with provisions that interfere with the contractual relationships between Part D plans and pharmacies, are expected to increase Medicare spending and have a negative impact on the value and choices that beneficiaries have come to enjoy in the program.

The bill includes budget gimmicks that do not solve the payment problem for physicians, make the problem worse with an abrupt payment cut for physicians of roughly 20 percent in 2010, and add nearly $20 billion to the Medicare Improvement Fund, which would unnecessarily increase Medicare spending and contribute to the unsustainable growth in Medicare.

In addition, H.R. 6331 would delay important reforms like the Durable Medical Equipment, Prosthetics, Orthotics, and Supplies competitive bidding program, under which lower payment rates went into effect on July 1, 2008. This program will produce significant savings for Medicare and beneficiaries by obtaining lower prices through competitive bidding. The legislation would leave the Federal Supplementary Medical Insurance Trust Fund vulnerable to litigation because of the revocation of the awarded contracts. Changing policy in mid-stream is also confusing to beneficiaries who are receiving services from quality suppliers at lower prices. In order to slow the growth in Medicare spending, competition within the program should be expanded, not diminished.

For decades, we promised America's seniors we could do better, and we finally did. We should not turn the clock back to the days when our Medicare system offered outdated and inefficient benefits and imposed needless costs on its beneficiaries.

Because this bill would severely damage the Medicare program by undermining the Medicare Part D program and by reducing access, benefits, and choices for all beneficiaries, particularly the approximately 9.6 million beneficiaries in MA, I must veto this bill.

I urge the Congress to send me a bill that reduces the growth in Medicare spending, increases competition and efficiency, implements principles of value-driven health care, and appropriately offsets in physician spending.

GEORGE W. BUSH.

THE WHITE HOUSE, *July 15, 2008*.

The SPEAKER pro tempore, Ms. ROYBAL-ALLARD, by unanimous consent, ordered that the veto message, together with the accompanying bill, be printed (H. Doc. 110–131) and spread upon the pages of the Journal of the House.

The question being on passage of the bill, the objections of the President to the contrary notwithstanding.

After debate,

By unanimous consent, the previous question was ordered on the bill.

The question being put,

Will the House, upon reconsideration, agree to pass the bill, the objections of the President to the contrary notwithstanding?

The SPEAKER pro tempore, Ms. ROYBAL-ALLARD, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶85.25 H. RES. 1259—UNFINISHED BUSINESS

The SPEAKER pro tempore, Ms. ROYBAL-ALLARD, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 1259) congratulating the Hamilton College Continentals on winning the NCAA Division III women's lacrosse championship; as amended.

The question being put,

Will the House suspend the rules and agree to said resolution, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 423 / Nays 0

¶85.26 [Roll No. 489]

YEAS—423

Abercrombie	Boren	Chandler	Diaz-Balart, L.	Keller	Peterson (MN)
Ackerman	Boucher	Childers	Diaz-Balart, M.	Kennedy	Peterson (PA)
Aderholt	Boustany	Clarke	Dicks	Kildee	Petri
Akin	Boyd (FL)	Clay	Dingell	Kilpatrick	Pickering
Alexander	Boyda (KS)	Cleaver	Doggett	Kind	Pitts
Allen	Brady (PA)	Clyburn	Donnelly	King (IA)	Platts
Altmire	Brady (TX)	Coble	Doolittle	King (NY)	Poe
Andrews	Braley (IA)	Cohen	Doyle	Kingston	Pomeroy
Arcuri	Brown (SC)	Cole (OK)	Drake	Kirk	Porter
Baca	Brown, Corrine	Conaway	Dreier	Klein (FL)	Price (GA)
Bachmann	Brown-Waite, Ginny	Conyers	Duncan	Kline (MN)	Price (NC)
Bachus	Buchanan	Cooper	Edwards (MD)	Knollenberg	Putnam
Baird	Burgess	Costa	Edwards (TX)	Kucinich	Radanovich
Baldwin	Burton (IN)	Costello	Ehlers	Kuhl (NY)	Rahall
Barrett (SC)	Butterfield	Courtney	Ellison	LaHood	Ramstad
Bartlett (MD)	Buyer	Cramer	Ellsworth	Lamborn	Rangel
Barton (TX)	Calvert	Crenshaw	Emanuel	Lampson	Regula
Bean	Camp (MI)	Crowley	Emerson	Langevin	Rehberg
Becerra	Campbell (CA)	Cuellar	Engel	Larsen (WA)	Reichert
Berkley	Cannon	Culberson	English (PA)	Larson (CT)	Renzi
Berman	Cantor	Cummings	Eshoo	Latham	Reyes
Berry	Capito	Davis (AL)	Etheridge	LaTourette	Reynolds
Biggert	Capps	Davis (CA)	Everett	Latta	Richardson
Bilbray	Capuano	Davis (IL)	Fallin	Lee	Rodriguez
Bilirakis	Cardoza	Davis (KY)	Farr	Levin	Rogers (AL)
Bishop (GA)	Carnahan	Davis, David	Fattah	Lewis (CA)	Rogers (KY)
Bishop (NY)	Carney	Davis, Lincoln	Feeney	Lewis (KY)	Rogers (MI)
Bishop (UT)	Carson	Davis, Tom	Ferguson	Linder	Rohrabacher
Blackburn	Carter	Deal (GA)	Filner	Lipinski	Ros-Lehtinen
Blumenauer	Castle	DeFazio	Flake	LoBiondo	Roskam
Blunt	Castor	DeGette	Forbes	Loebsack	Ross
Boehner	Cazayoux	Delahunt	Fortenberry	Lofgren, Zoe	Rothman
Bono Mack	Chabot	DeLauro	Fossella	Lowey	Roybal-Allard
Boozman		Dent	Foster	Lucas	Royce
			Foxx	Lungren, Daniel E.	Ruppersberger
			Frank (MA)	Lynch	Ryan (OH)
			Franks (AZ)	Mack	Ryan (WI)
			Frelinghuysen	Mahoney (FL)	Salazar
			Gallegly	Maloney (NY)	Sali
			Garrett (NJ)	Manzullo	Sánchez, Linda T.
			Gerlach	Marchant	Sanchez, Loretta
			Giffords	Markey	Sarbanes
			Gilchrest	Marshall	Saxton
			Gillibrand	Matheson	Scalise
			Gingrey	Matsui	Schakowsky
			Gohmert	McCarthy (CA)	Schiff
			Gonzalez	McCarthy (NY)	Schmidt
			Goode	McCaul (TX)	Schwartz
			Goodlatte	McCollum (MN)	Scott (GA)
			Gordon	McCotter	Scott (VA)
			Granger	McCrery	Sensenbrenner
			Graves	McDermott	Serrano
			Green, Al	McGovern	Sessions
			Green, Gene	McHenry	Sestak
			Grijalva	McHugh	Shadegg
			Gutierrez	McIntyre	Shays
			Hall (NY)	McKeon	Shea-Porter
			Hall (TX)	McMorris Rodgers	Sherman
			Hare	McNerney	Shimkus
			Harman	McNulty	Shuler
			Hastings (FL)	Meek (FL)	Shuster
			Hastings (WA)	Meeks (NY)	Simpson
			Hayes	Melancon	Sires
			Heller	Mica	Skelton
			Hensarling	Michaud	Slaughter
			Herger	Miller (FL)	Smith (NE)
			Herseth Sandlin	Miller (MI)	Smith (NJ)
			Higgins	Miller (NC)	Smith (TX)
			Hill	Miller, Gary	Smith (WA)
			Hinchey	Miller, George	Snyder
			Hinojosa	Mitchell	Solis
			Hirono	Mollohan	Souder
			Hobson	Moore (KS)	Space
			Hodes	Moore (WI)	Speier
			Hoekstra	Moran (KS)	Spratt
			Holden	Moran (VA)	Stark
			Holt	Murphy (CT)	Stearns
			Honda	Murphy, Patrick	Stupak
			Hooley	Murphy, Tim	Sullivan
			Hoyer	Murtha	Sutton
			Hulshof	Musgrave	Tanner
			Hunter	Myrick	Tauscher
			Inglis (SC)	Nadler	Taylor
			Inslee	Napolitano	Terry
			Israel	Neal (MA)	Thompson (CA)
			Issa	Neugebauer	Thompson (MS)
			Jackson (IL)	Nunes	Thornberry
			Jackson-Lee (TX)	Oberstar	Tiahrt
			Jefferson	Obey	Tiberi
			Johnson (GA)	Olver	Tierney
			Johnson (IL)	Ortiz	Towns
			Johnson, E. B.	Pallone	Tsongas
			Johnson, Sam	Pascrell	Turner
			Jones (NC)	Pastor	Udall (CO)
			Jones (OH)	Paul	Udall (NM)
			Jordan	Payne	Upton
			Kagen	Pence	Van Hollen
			Kanjorski	Perlmutter	Velázquez
			Kaptur		Visclosky

Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—11

Barrow
Bonner
Boswell
Broun (GA)
Cubin
Lewis (GA)
Pearce
Pryce (OH)
Rush
Tancredo
Wamp

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

¶85.27 H. RES. 1323—UNFINISHED BUSINESS

The SPEAKER pro tempore, Ms. ROYBAL-ALLARD, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 1323) commending the Arizona State University softball team for their victory in the 2008 Women's College World Series.

The question being put,

Will the House suspend the rules and agree to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 425 Nays 0

¶85.28 [Roll No. 490]

YEAS—425

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bono Mack
Boozman
Boren
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Cazayoux
Chabot
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Scalise
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—9

Barrow
Bonner
Boswell
Broun (GA)
Cubin
Lewis (GA)
Pearce
Rush
Wamp

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶85.29 VETO OF H.R. 6331—UNFINISHED BUSINESS

The SPEAKER pro tempore, Ms. ROYBAL-ALLARD, announced the unfinished business to be the further consideration of the veto message from the President on the bill (H.R. 6331) to amend titles VIII and IX of the Social Security Act to extend expiring provisions under the Medicare Program, to improve beneficiary access to preventive and mental health services, to enhance low-income benefit programs, and to maintain access to care in rural areas, including pharmacy access, and for other purposes.

The question being put,

Will the House, upon reconsideration, agree to pass the bill, the objections of the President to the contrary notwithstanding?

It was decided in the affirmative ..... { Yeas ..... 383 Nays 41

¶85.30 [Roll No. 491]

YEAS—383

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Bartlett (MD)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Bono Mack
Boozman
Boren
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Calvert
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Cazayoux
Chabot
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Drake
Dreier
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Forbes
Fortenberry
Fossella
Foster
Foxx
Frank (MA)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Herger
Herseth Sandlin
Higgins
Hill
Hinchey

Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pelosi
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NAYS—41

Akin
Barrett (SC)
Barton (TX)
Bishop (UT)
Blunt
Boehner
Brady (TX)
Buyer
Camp (MI)
Campbell (CA)
Cannon
Cantor
Carter
Cole (OK)
Conaway
Doolittle
Duncan
Flake
Franks (AZ)
Hensarling
Johnson, Sam
Jordan
King (IA)
Lewis (KY)
Linder
Marchant
McCrery
Mica
Neugebauer
Paul
Pence
Renzi
Rogers (MI)
Royce
Sali
Scalise
Sensenbrenner
Smith (NE)
Tancredo
Weldon (FL)
Westmoreland

NOT VOTING—11

Barrow
Bonner
Boswell
Broun (GA)
Cubin
Davis (IL)
Delahunt
Lewis (GA)
Pearce
Rush
Wamp

The SPEAKER announced that 383 Members had voted in the affirmative and 41 Members had voted in the negative.

So, two-thirds of the Members present having voted in favor thereof, the bill was passed, the objections of the President to the contrary notwithstanding.

Ordered, That the Clerk notify the Senate thereof.

¶85.31 COMMITTEE ELECTION—MAJORITY

Ms. LOFGREN of California, by direction of the Democratic Caucus, submitted the following privileged resolution (H. Res. 1342):

Resolved, That the following named Members be, and are hereby, elected to the following standing committees of the House of Representatives:

(1) COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM.—Ms. Speier.

(2) COMMITTEE ON SCIENCE AND TECHNOLOGY.—Ms. Edwards of Maryland (to rank immediately after Ms. Richardson).

(3) COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE.—Ms. Edwards of Maryland.

When said resolution was considered and agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶85.32 CAMPAIGN COMMITTEE FUNDS DISBURSEMENT

Ms. LOFGREN of California, moved to suspend the rules and pass the bill (H.R. 3032) to amend the Federal Election Campaign Act of 1971 to permit candidates for election for Federal office to designate an individual who will be authorized to disburse funds of the authorized campaign committees of the candidate in the event of the death of the candidate; as amended.

The SPEAKER pro tempore, Mr. CAPUANO, recognized Ms. LOFGREN of California, and Mr. EHLERS, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. CAPUANO, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶85.33 CIVIL MONEY PENALTIES

Ms. LOFGREN of California, moved to suspend the rules and pass the bill (H.R. 6296) to extend through 2013 the authority of the Federal Election Commission to impose civil money penalties on the basis of a schedule of penalties established and published by the Commission.

The SPEAKER pro tempore, Mr. CAPUANO, recognized Ms. LOFGREN of California, and Mr. EHLERS, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. CAPUANO, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶85.34 BACKUP VOTING PAPER BALLOTS

Ms. LOFGREN of California, moved to suspend the rules and pass the bill (H.R. 5803) to direct the Election Assistance Commission to establish a program to make grants to participating States and units of local government which will administer the regularly scheduled general election for Federal office held in November 2008 for carrying out a program to make backup paper ballots available in the case of the failure of a voting system or voting equipment in the election or some other emergency situation, and for other purposes.

The SPEAKER pro tempore, Mr. CAPUANO, recognized Ms. LOFGREN of California, and Mr. MCCARTHY, of California, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. CAPUANO, announced that two-thirds of the Members present had voted in the affirmative.

Mr. MCCARTHY of California, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. CAPUANO, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶85.35 ORDER OF BUSINESS—PRIVILEGES OF THE HOUSE

On motion of Ms. LOFGREN of California, by unanimous consent,

Ordered, that if the gentlemen from Ohio [Mr. KUCINICH] offers a resolution as a question of the privileges of the House at anytime on the legislative day of July 15, 2008: (1) the previous question shall be considered as ordered thereon without intervening motion

except one motion to refer and one motion to table (which shall have precedence in the order stated); and (2) the Speaker may postpone further proceedings on such vote on any such motion as through under clause 8(a)(1)(A) of rule XX.

¶85.36 PROVIDING FOR CONSIDERATION OF H.R. 5959

Mr. HASTINGS of Florida, by direction of the Committee on Rules, reported (Rept. No. 110–759) the resolution (H. Res. 1343) providing for consideration of the bill (H.R. 5959) to authorize appropriations for fiscal year 2009 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

When said resolution and report were referred to the House Calendar and ordered printed.

¶85.37 PROVIDING FOR CONSIDERATION OF H.R. 3999

Mr. HASTINGS of Florida, by direction of the Committee on Rules, reported (Rept. No. 110–760) the resolution (H. Res. 1344) providing for consideration of the bill (H.R. 3999) to amend title 23, United States Code, to improve the safety of Federal-aid highway bridge inspection standards and processes, to increase investment in the reconstruction of structurally deficient bridges on the National Highway System, and for other purposes.

When said resolution and report were referred to the House Calendar and ordered printed.

¶85.38 PRIVILEGES OF THE HOUSE

Mr. KUCINICH, pursuant to rule IX, rose to a question of the privileges of the House and submitted the following resolution (H. Res. 1345):

Resolved, That President George W. Bush be impeached for high crimes and misdemeanors, and that the following Article of Impeachment be exhibited to the United States Senate:

An Article of Impeachment exhibited by the House of Representatives of the United States of America in the name of itself and the people of the United States of America, in maintenance and support of its impeachment against President George W. Bush for high crimes and misdemeanors.

ARTICLE ONE—DECEIVING CONGRESS WITH FABRICATED THREATS OF IRAQ WMDS TO FRAUDULENTLY OBTAIN SUPPORT FOR AN AUTHORIZATION OF THE USE OF MILITARY FORCE AGAINST IRAQ

In his conduct while President of the United States, George W. Bush, in violation of his constitutional oath to faithfully execute the Office of President of the United States, and to the best of his ability, preserve, protect, and defend the Constitution of the United States, and in violation of his constitutional duty under article II, section 3 of the Constitution ''to take care that the laws be faithfully executed,'' deceived Congress with fabricated threats of Iraq Weapons of Mass Destruction to fraudulently obtain support for an authorization for the use of force against Iraq and used that fraudulently obtained authorization, then acting in his capacity under article II, section 2 of the Constitution as Commander in Chief, to commit U.S. troops to combat in Iraq.

To gain congressional support for the passage of the Joint Resolution to Authorize the Use of United States Armed Forces Against Iraq, the President made the following material representations to the Congress in S.J. Res. 45:

1. That Iraq was ''continuing to possess and develop a significant chemical and biological weapons capability. . . .''

2. That Iraq was ''actively seeking a nuclear weapons capability. . . .''

3. That Iraq was ''continuing to threaten the national security interests of the United States and international peace and security.''

4. That Iraq has demonstrated a ''willingness to attack, the United States. . . .''

5. That ''members of al Qaeda, an organization bearing responsibility for attacks on the United States, its citizens and interests, including the attacks that occurred on September 11, 2001, are known to be in Iraq. . . .''

6. The ''attacks on the United States of September 11, 2001, underscored the gravity of the threat that Iraq will transfer weapons of mass destruction to international terrorist organizations. . . .''

7. That Iraq ''will either employ those weapons to launch a surprise attack against the United States or its Armed Forces or provide them to international terrorists who would do so. . . .''

8. That an ''extreme magnitude of harm that would result to the United States and its citizens from such an attack. . . .''

9. That the aforementioned threats ''justify action by the United States to defend itself. . . .''

10. The enactment clause of section 2 of S.J. Res. 45, the Authorization of the Use of the United States Armed Forces authorizes the President to ''defend the national security interests of the United States against the threat posed by Iraq. . . .''

Each consequential representation made by the President to the Congress in S.J. Res. 45 in subsequent iterations and the final version was unsupported by evidence which was in the control of the White House.

To wit:

1. Iraq was not ''continuing to possess and develop a significant chemical and biological weapons capability . . . ''

''A substantial amount of Iraq's chemical warfare agents, precursors, munitions and production equipment were destroyed between 1991 and 1998 as a result of Operation Desert Storm and United Nations Special Commission (UNSCOM) actions. There is no reliable information on whether Iraq is producing and stockpiling chemical weapons or whether Iraq has or will establish its chemical warfare agent production facilities.''

The source of this information is the Defense Intelligence Agency, a report called, ''Iraq—Key WMD Facilities—An Operational Support Study,'' September 2002.

''Statements by the President and Vice President prior to the October 2002 National Intelligence Estimate regarding Iraq's chemical weapons production capability and activities did not reflect the intelligence community's uncertainties as to whether such production was ongoing.''

The source of this information is the Senate Select Committee on Intelligence, a report entitled ''Report on Whether Public Statements Regarding Iraq By U.S. Government Officials Were Substantiated By Intelligence Information.'' June 5, 2008.

''In April and early May 2003, military forces found mobile trailers in Iraq. Although intelligence experts disputed the purpose of the trailers, administration officials repeatedly asserted that they were mobile biological weapons laboratories. In total, President Bush, Vice President CHENEY, Secretary Rumsfeld, Secretary Powell, and National Security Advisor Rice made 34 misleading statements about the trailers in 27 separate public appearances. Shortly after the mobile trailers were found, the Central Intelligence Agency and the Defense Intelligence Agency issued an unclassified white paper evaluating the trailers. The white paper was released without coordination with other members of the intelligence community, however. It was later disclosed that engineers from the Defense Intelligence Agency who examined the trailers concluded that they were most likely used to produce hydrogen for artillery weather balloons. A former senior intelligence official reported that 'only one of 15 intelligence analysts assembled from three agencies to discuss the issue in June endorsed the white paper conclusion.'''

The source of this information is the House Committee on Government Reform, minority staff, ''Iraq on the Record: Bush Administration's Public Statements about Chemical and Biological Weapons.'' March 16, 2004.

Former chief of CIA covert operations in Europe, Tyler Drumheller, has said that the CIA had credible sources discounting weapons of mass destruction claims, including the primary source of biological weapons claims, an informant who the Germans code-named ''Curveball'' whom the Germans had informed the Bush administration was a likely fabricator of information including that concerning the Niger yellowcake forgery. Two other former CIA officers confirmed Drumheller's account to Sidney Blumenthal who reported the story at Salon.com on September 6, 2007, which in fact is the media source of this information.

''In practical terms, with the destruction of the al Hakam facility, Iraq abandoned its ambition to obtain advanced biological weapons quickly. The Iraq Survey Group (ISG) found no direct evidence that Iraq, after 1996, had plans for a new biological weapons program or was conducting biological weapons-specific work for military purposes. Indeed, from the mid-1990s, despite evidence of continuing interest in nuclear and chemical weapons, there appears to be a complete absence of discussion or even interest in biological weapons at the Presidential level. In spite of exhaustive investigation, the Iraq Survey Group found no evidence that Iraq possessed, or was developing, biological weapon agent production systems mounted on road vehicles or railway wagons. The Iraq Survey Group harbors severe doubts about the source's credibility in regards to the breakout program.'' That's a direct quote from the ''Comprehensive Report of the Special Advisor to the Director of Central Intelligence on Iraq's WMD,'' commonly known as the Duelfer report by Charles Duelfer.

''While a small number of old, abandoned chemical munitions have been discovered, the Iraq Survey Group judges that Iraq unilaterally destroyed its undeclared chemical weapons stockpile in 1991. There are no credible indications that Baghdad resumed production of chemical munitions thereafter, a policy the Iraq Survey Group attributes to Baghdad's desire to see sanctions lifted, or rendered ineffectual, or its fear of force against it should WMD be discovered.''

The source of this information, the ''Comprehensive Report of the Special Advisor to the Director of Central Intelligence on Iraq's WMD,'' Charles Duelfer.

2. Iraq was not ''actively seeking a nuclear weapons capability.''

The key finding of the Iraq Survey Group's report to the Director of Central Intelligence found that ''Iraq's ability to reconstitute a nuclear weapons program progressively decayed after that date. Saddam Husayn (sic)

ended the nuclear program in 1991 following the Gulf War. Iraq Survey Group found no evidence to suggest concerted efforts to restart the program.''

The source of this information, the ''Comprehensive Report of the Special Advisor to the Director of Central Intelligence on Iraq's WMD,'' Charles Duelfer.

Claims that Iraq was purchasing uranium from Niger were not supported by the State Department's Bureau of Intelligence and Research in the National Intelligence Estimate of October 2002.

The CIA had warned the British Government not to claim Iraq was purchasing uranium from Niger prior to the British statement that was later cited by President Bush, this according to George Tenet of the Central Intelligence Agency on July 11, 2003.

Mohamed ElBaradei, the Director General of the International Atomic Energy Agency, in a ''Statement to the United Nations Security Council on The Status of Nuclear Inspections in Iraq: An Update'' on March 7, 2003, said as follows:

''One, there is no indication of resumed nuclear activities in those buildings that were identified through the use of satellite imagery as being reconstructed or newly erected since 1998, nor any indication of nuclear-related prohibited activities at any inspected sites. Second, there is no indication that Iraq has attempted to import uranium since 1990. Three, there is no indication that Iraq has attempted to import aluminum tubes for use in centrifuge enrichment. Moreover, even had Iraq pursued such a plan, it would have been—it would have encountered practical difficulties in manufacturing centrifuges out of the aluminum tubes in question. Fourthly, although we are still reviewing issues related to magnets and magnet production, there is no indication to date that Iraq imported magnets for use in a centrifuge enrichment program. As I stated above, the IAEA (International Atomic Energy Agency) will naturally continue to further scrutinize and investigate all of the above issues.''

3. Iraq was not ''continuing to threaten the national security interests of the United States.''

''Let me be clear: analysts differed on several important aspects of [Iraq's biological, chemical, and nuclear] programs and those debates were spelled out in the Estimate. They never said there was an 'imminent' threat.''

George Tenet, who was Director of the CIA, said this in Prepared Remarks for Delivery at Georgetown University on February 5, 2004.

''We have been able to keep weapons from going into Iraq. We have been able to keep the sanctions in place to the extent that items that might support weapons of mass destruction have had some controls on them. It's been quite a success for 10 years.'' The source of this statement, Colin Powell, Secretary of State, in an interview with Face the Nation, February 11, 2001.

On July 23, 2002, a communication from the Private Secretary to Prime Minister Tony Blair, ''Memo to British Ambassador David Manning'' reads as follows:

''British Secret Intelligence Service Chief Sir Richard Billing Dearlove reported on his recent talks in Washington. There was a perceptible shift in attitude. Military action was now seen as inevitable. Bush wanted to remove Saddam through military action, justified by the conjunction of terrorism and WMD. But the intelligence and facts were being fixed around the policy. The NSC had no patience with the U.N. route and no enthusiasm for publishing material on the Iraqi regime's record. There was little discussion in Washington of the aftermath after military action. The Foreign Secretary said he would discuss this with Colin Powell this week. It seemed clear that Bush had made up his mind to take military action, even if the timing was not yet decided. But the case was thin. Saddam Hussein was not threatening his neighbors, and his WMD capability was less than that of Libya, North Korea or Iran. We should work up a plan for an ultimatum to Saddam to allow back in the U.N. weapons inspectors. This would also help with the legal justification for the use of force.''

4. Iraq did not have the ''willingness to attack, the United States.''

''The fact of the matter is that both baskets, the U.N. basket and what we and other allies have been doing in the region, have succeeded in containing Saddam Hussein and his ambitions. His forces are about one-third their original size. They really don't possess the capability to attack their neighbors the way they did 10 years ago.'' The source of this quote, Colin Powell, Secretary of State, in a transcript of remarks made to German Foreign Minister Joschka Fischer in February 2001.

The October 2002 National Intelligence Estimate concluded that ''Baghdad for now appears to be drawing a line short of conducting terrorist attacks with conventional or chemical or biological weapons against the United States, fearing that exposure of Iraqi involvement would provide Washington a stronger case for making war.''

5. Iraq had no connection with the attacks of 9/11 or with al Qaeda's role in 9/11.

''The report of the Senate Select Committee on Intelligence documents significant instances in which the administration went beyond what the intelligence community knew or believed in making public claims, most notably on the false assertion that Iraq and al Qaeda had an operational partnership and joint involvement in carrying out the attacks of September 11.'' This is a quote from Senator John D. Rockefeller, IV, the chairman of the Senate Select Committee on Intelligence entitled ''Additional Views of Chairman John D. Rockefeller, IV'' on page 90.

Continuing from Senator Rockefeller:

''The President and his advisors undertook a relentless public campaign in the aftermath of the attacks to use the war against al Qaeda as a justification for overthrowing Saddam Hussein. Representing to the American people that the two had an operational partnership and posed a single, indistinguishable threat was fundamentally misleading and led the Nation to war on false premises.'' Senator Rockefeller.

Richard Clarke, a National Security Advisor, in a memo of September 18, 2001 titled ''Survey of Intelligence Information on Any Iraq Involvement in the September 11 Attacks'' found no ''compelling case'' that Iraq had either planned or perpetrated the attacks, and that there was no confirmed reporting on Saddam cooperating with bin Laden on unconventional weapons.

On September 17, 2003, President Bush said: ''No, we've got no evidence that Saddam Hussein was involved with September 11. What the Vice President said was is that he (Saddam) has been involved with al Qaeda.''

On June 16, 2004, a staff report from the 9/11 Commission stated: ''There have been reports that contacts between Iraq and al Qaeda also occurred after bin Laden had returned to Afghanistan in 1996, but they do not appear to have resulted in a collaborative relationship. Two senior bin Laden associates have adamantly denied that any ties existed between al Qaeda and Iraq. We have no credible evidence that Iraq and al Qaeda cooperated on attacks against the United States.''

''Intelligence provided by former Undersecretary of Defense Douglas J. Feith to buttress the White House case for invading Iraq included 'reporting of dubious quality or reliability' that supported the political views of senior administration officials rather than the conclusions of the intelligence community, this according to a report by the Pentagon Inspector General.

''Feith's office 'was predisposed to finding a significant relationship between Iraq and al Qaeda,' according to portions of the report released by Senator Carl Levin. The Inspector General described Feith's activities as 'an alternative intelligence assessment process.''' The source of this information is a report in the Washington Post dated February 9, 2007, page A–1, an article by Walter Pincus and Jeffrey Smith entitled ''Official's Key Report on Iraq is Faulted, 'Dubious' Intelligence Fueled Push for War.''

6. Iraq possessed no weapons of mass destruction to transfer to anyone.

Iraq possessed no weapons of mass destruction to transfer. Furthermore, available intelligence information found that the Iraq regime would probably only transfer weapons of mass destruction to terrorist organizations if under threat of attack by the United States.

According to information in the October 2002 National Intelligence Estimate (NIE) on Iraq that was available to the administration at the time that they were seeking congressional support for the authorization of use of force against Iraq, the Iraq regime would probably only transfer weapons to a terrorist organization if ''sufficiently desperate'' because it feared that ''an attack that threatened the survival of the regime were imminent or unavoidable.''

''The Iraqi Intelligence Service (IIS) probably has been directed to conduct clandestine attacks against the United States and Allied interests in the Middle East in the event the United States takes action against Iraq. The IIS probably would be the primary means by which Iraq would attempt to conduct any chemical and biological weapon attacks on the U.S. homeland, although we have no specific intelligence information that Saddam's regime has directed attacks against U.S. territory.''

7. Iraq had no weapons of mass destruction and therefore had no capability of launching a surprise attack against the United States or its Armed Forces and no capability to provide them to international terrorists who would do so.

Iraq possessed no weapons of mass destruction to transfer. Furthermore, available intelligence information found that the Iraq regime would probably only transfer weapons of mass destruction to terrorist organizations if under severe threat of attack by the United States.

According to information in the October 2002 National Intelligence Estimate on Iraq that was available to the administration at the time they were seeking congressional support for the authorization of the use of force against Iraq, the Iraqi regime would probably only transfer weapons to a terrorist organization if ''sufficiently desperate'' because it feared that ''an attack that threatened the survival of the regime were imminent or unavoidable.'' That, again, from the October 2002 National Intelligence Estimate on Iraq.

''The Iraqi Intelligence Service probably has been directed to conduct clandestine attacks against U.S. and Allied interests in the Middle East in the event the United States takes action against Iraq. The Iraq Intelligence Service probably would be the primary means by which Iraq would attempt to conduct any chemical or biological weapons attacks on the U.S. homeland, although we have no specific intelligence information that Saddam's regime has directed attacks against U.S. territory.''

As reported in the Washington Post on March 1, 2003, in 1995, Saddam Hussein's son-

in-law, Hussein Kamel, had informed U.S. and British intelligence officers that ''all weapons—biological, chemical, missile, nuclear—were destroyed.'' That from the Washington Post, March 1, 2003, page A15, an article entitled ''Iraqi Defector Claimed Arms Were Destroyed By 1995,'' by Colum Lynch.

The Defense Intelligence Agency, in a report called ''Iraq—Key WMD Facilities—An Operational Report Study'' in September 2002, said this:

''A substantial amount of Iraq's chemical warfare agents, precursors, munitions and production equipment were destroyed between 1991 and 1998 as a result of Operation Desert Storm and United Nations Special Commission (UNSCOM) actions. There is no reliable information on whether Iraq is producing and stockpiling chemical weapons or whether Iraq has or will establish its chemical warfare agent production facilities.''

8. There was not a real risk of an ''extreme magnitude of harm that would result to the United States and its citizens from such an attack'' because Iraq had no capability of attacking the United States.

Here's what Colin Powell said at the time: ''Containment has been a successful policy, and I think we should make sure that we continue it until such time as Saddam Hussein comes into compliance with the agreements he made at the end of the Gulf War.'' Speaking of Iraq, Secretary of State Powell said, ''Iraq is not threatening America.''

9. The aforementioned evidence did not ''justify the use of force by the United States to defend itself'' because Iraq did not have weapons of mass destruction, or have the intention or capability of using nonexistent WMDs against the United States.

10. Since there was no threat posed by Iraq to the United States, the enactment clause of the Senate Joint Resolution 45 was predicated on misstatements to Congress.

Congress relied on the information provided to it by the President of the United States. Congress provided the President with the authorization to use military force that he requested. As a consequence of the fraudulent representations made to Congress, the United States Armed Forces, under the direction of George Bush as Commander in Chief, pursuant to section 3 of the Authorization for the Use of Force which President Bush requested, invaded Iraq and occupies it to this day, at the cost of 4,116 lives of servicemen and -women, injuries to over 30,000 of our troops, the deaths of over 1 million innocent Iraqi civilians, the destruction of Iraq, and a long-term cost of over $3 trillion.

President Bush's misrepresentations to Congress to induce passage of a use of force resolution is subversive of the constitutional system of checks and balances, destructive of Congress' sole prerogative to declare war under article I, section 8 of the Constitution, and is therefore a High Crime. An even greater offense by the President of the United States occurs in his capacity as Commander in Chief, because he knowingly placed the men and women of the United States Armed Forces in harm's way, jeopardizing their lives and their families' future, for reasons that to this date have not been established in fact.

In all of these actions and decisions, President George W. Bush has acted in a manner contrary to his trust as President and Commander in Chief, and subversive of constitutional government, to the prejudice of the cause of law and justice and to the manifest injury of the people of the United States and of those members of the Armed Forces who put their lives on the line pursuant to the falsehoods of the President. Wherefore, President George W. Bush, by such conduct, is guilty of an impeachable offense warranting removal from office.

When said resolution was considered.

Pursuant to the previous order of the House, the previous question was ordered without intervening motion except one motion to refer.

Mr. KUCINICH moved that the resolution be referred to the Committee on the Judiciary.

The question being put viva, voce,

Will the House agree to said motion to refer the resolution?

The SPEAKER pro tempore, Mrs. DAVIS of California, announced that the yeas had it.

Mr. CONAWAY demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 238 / Nays 180

¶85.39 [Roll No. 492]

YEAS—238

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

NAYS—180

Aderholt	Garrett (NJ)	Nunes
Akin	Gerlach	Pence
Alexander	Gingrey	Peterson (PA)
Bachmann	Gohmert	Petri
Bachus	Goode	Pickering
Barrett (SC)	Goodlatte	Platts
Bartlett (MD)	Granger	Poe
Barton (TX)	Graves	Porter
Biggert	Hall (TX)	Price (GA)
Bilbray	Hastings (WA)	Pryce (OH)
Bilirakis	Hayes	Putnam
Bishop (UT)	Heller	Radanovich
Blackburn	Hensarling	Ramstad
Blunt	Herger	Regula
Boehner	Hobson	Rehberg
Bono Mack	Hoekstra	Renzi
Boozman	Hulshof	Reynolds
Boustany	Hunter	Rogers (AL)
Brown (SC)	Inglis (SC)	Rogers (KY)
Brown-Waite, Ginny	Issa	Rogers (MI)
Buchanan	Johnson (IL)	Rohrabacher
Burton (IN)	Johnson, Sam	Ros-Lehtinen
Buyer	Jordan	Roskam
Calvert	Keller	Royce
Camp (MI)	King (IA)	Ryan (WI)
Campbell (CA)	King (NY)	Sali
Cannon	Kingston	Saxton
Cantor	Kirk	Scalise
Capito	Kline (MN)	Schmidt
Carter	Knollenberg	Sensenbrenner
Castle	Kuhl (NY)	Sessions
Chabot	LaHood	Shadegg
Coble	Lamborn	Shimkus
Cole (OK)	Latham	Shuster
Conaway	LaTourette	Simpson
Crenshaw	Latta	Smith (NE)
Culberson	Lewis (CA)	Smith (NJ)
Davis (KY)	Lewis (KY)	Smith (TX)
Davis, David	Linder	Souder
Davis, Tom	LoBiondo	Stearns
Deal (GA)	Lungren, Daniel E.	Sullivan
Dent	Mack	Tancredo
Drake	Marchant	Terry
Dreier	McCarthy (CA)	Thornberry
Duncan	McCaul (TX)	Tiahrt
Ehlers	McCotter	Tiberi
Emerson	McCrery	Upton
English (PA)	McHenry	Walberg
Everett	McHugh	Walden (OR)
Fallin	McKeon	Walsh (NY)
Feeney	McMorris Rodgers	Wamp
Ferguson	Mica	Weldon (FL)
Flake	Miller (FL)	Weller
Forbes	Miller (MI)	Westmoreland
Fortenberry	Miller, Gary	Whitfield (KY)
Fossella	Moran (KS)	Wilson (NM)
Foxx	Musgrave	Wilson (SC)
Franks (AZ)	Myrick	Wittman (VA)
Frelinghuysen	Neugebauer	Wolf
Gallegly		Young (AK)
		Young (FL)

NOT VOTING—16

Barrow	Cubin	Lucas
Bonner	Diaz-Balart, L.	Pearce
Boswell	Diaz-Balart, M.	Pitts
Broun (GA)	Doolittle	Rush
Burgess	Engel	
Conyers	Lewis (GA)	

So the motion to refer was agreed to.

A motion to reconsider the vote whereby said motion was agreed to was, by unanimous consent, laid on the table.

¶85.40 H.R. 5803—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mrs. DAVIS of California, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and pass the bill (H.R. 5803) to direct the Election Assistance

Commission to establish a program to make grants to participating States and units of local government which will administer the regularly scheduled general election for Federal office held in November 2008 for carrying out a program to make backup paper ballots available in the case of the failure of a voting system or voting equipment in the election or some other emergency situation, and for other purposes.

The question being put,

Will the House suspend the rules and pass said bill?

The vote was taken by electronic device.

It was decided in the negative ..... { Yeas ..... 248 / Nays 170

¶85.41 [Roll No. 493]

YEAS—248

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

NAYS—170

Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bono Mack
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Coble
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Deal (GA)
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
Lungren, Daniel E.
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Musgrave
Myrick
Neugebauer
Nunes
Pence
Peterson (PA)
Petri
Pickering
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOT VOTING—16

Barrow
Bonner
Boswell
Broun (GA)
Burgess
Conyers
Cubin
Diaz-Balart, L.
Diaz-Balart, M.
Engel
Lewis (GA)
Lucas
Murtha
Pearce
Pitts
Rush

So, less than two-thirds of the Members present having voted in favor thereof, the rules were not suspended and said bill was not passed.

¶85.42 H. RES. 1090—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mrs. DAVIS of California, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 1090) honoring the esteemed former President Nelson Rolihlahla Mandela on the occasion of his 90th birthday; as amended.

The question being put,

Will the House suspend the rules and agree to said resolution, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 411 / Nays 0

¶85.43 [Roll No. 494]

YEAS—411

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bono Mack
Boozman
Boren
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Cazayoux
Chabot
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foster
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
Latta
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell

Mollohan	Rogers (MI)	Stearns
Moore (KS)	Rohrabacher	Stupak
Moore (WI)	Ros-Lehtinen	Sullivan
Moran (KS)	Roskam	Sutton
Moran (VA)	Ross	Tancredo
Murphy (CT)	Rothman	Tanner
Murphy, Patrick	Roybal-Allard	Tauscher
Murphy, Tim	Royce	Taylor
Musgrave	Ruppersberger	Terry
Myrick	Ryan (OH)	Thompson (CA)
Nadler	Ryan (WI)	Thompson (MS)
Napolitano	Salazar	Thornberry
Neal (MA)	Sali	Tiahrt
Neugebauer	Sánchez, Linda T.	Tiberi
Nunes	Sanchez, Loretta	Tierney
Oberstar	Sarbanes	Tsongas
Obey	Saxton	Turner
Olver	Scalise	Udall (CO)
Ortiz	Schakowsky	Udall (NM)
Pallone	Schiff	Upton
Pascrell	Schmidt	Van Hollen
Pastor	Schwartz	Velázquez
Paul	Scott (GA)	Visclosky
Payne	Scott (VA)	Walberg
Pence	Sensenbrenner	Walden (OR)
Perlmutter	Serrano	Walsh (NY)
Peterson (PA)	Sessions	Walz (MN)
Petri	Sestak	Wamp
Pickering	Shadegg	Wasserman Schultz
Platts	Shays	Waters
Poe	Shea-Porter	Watson
Pomeroy	Sherman	Watt
Porter	Shimkus	Waxman
Price (GA)	Shuler	Weiner
Price (NC)	Shuster	Welch (VT)
Pryce (OH)	Simpson	Weldon (FL)
Putnam	Sires	Weller
Radanovich	Skelton	Westmoreland
Rahall	Slaughter	Wexler
Ramstad	Smith (NE)	Whitfield (KY)
Rangel	Smith (NJ)	Wilson (NM)
Regula	Smith (TX)	Wilson (OH)
Rehberg	Smith (WA)	Wilson (SC)
Reichert	Snyder	Wittman (VA)
Renzi	Solis	Wolf
Reyes	Souder	Woolsey
Reynolds	Space	Wu
Richardson	Speier	Yarmuth
Rodriguez	Spratt	Young (AK)
Rogers (AL)	Stark	Young (FL)
Rogers (KY)		

NOT VOTING—23

Andrews	Cubin	Lucas
Barrow	Delahunt	Murtha
Bonner	Diaz-Balart, L.	Pearce
Boswell	Diaz-Balart, M.	Peterson (MN)
Broun (GA)	Engel	Pitts
Burgess	Frank (MA)	Rush
Cannon	LaTourette	Towns
Conyers	Lewis (GA)	

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

¶85.44 FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate having proceeded to reconsider the bill (H.R. 6331) ''An Act to amend titles XVIII and XIX of the Social Security Act to extend expiring provisions under the Medicare Program, to improve beneficiary access to preventive and mental health services, to enhance low-income benefit programs, and to maintain access to care in rural areas, including pharmacy access, and for other purposes'', returned by the President of the United States with his objections, to the House, in which it originated, and passed by the House on reconsideration of the same, it was

Resolved, That the said bill pass, two-thirds of the Senators present having voted in the affirmative.

¶85.45 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. BARROW, for July 14, 15, and 16 until 12:30 p.m.;

To Mr. CONYERS, for today after 5 p.m.;

To Mr. LUCAS, for today after 5 p.m. and balance of the week; and

To Mr. WAMP, for today until 5 p.m.

And then,

¶85.46 ADJOURNMENT

On motion of Mr. KING of Iowa, at 10 o'clock and 53 minutes p.m., the House adjourned.

¶85.47 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

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

Mr. HASTINGS of Florida: Committee on Rules. House Resolution 1343. Resolution providing for consideration of the bill (H.R. 5959) to authorize appropriations for fiscal year 2009 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes (Rept. 110–759). Referred to the House Calendar.

Mr. ARCURI: Committee on Rules. House Resolution 1344. Resolution providing for consideration of the bill (H.R. 3999) to amend title 23, United States Code, to improve the safety of Federal-aid highway bridges, to strengthen bridge inspection standards and processes, to increase investment in the reconstruction of structurally deficient bridges on the National Highway System, and for other purposes (Rept. 110–760). Referred to the House Calendar.

¶85.48 TIME LIMITATION OF REFERRED BILLS

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

(The following actions occurred on July 11, 2008)

H.R. 948. Referral to the Committee on Ways and Means extended for a period ending not later than September 12, 2008.

H.R. 5577. Referral to the Committee on Energy and Commerce extended for a period ending not later than September 12, 2008.

¶85.49 PUBLIC BILLS AND RESOLUTIONS

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

By Mr. ELLSWORTH (for himself and Mr. JORDAN):

H.R. 6491. A bill to amend title 18, United States Code, to combat, deter, and punish individuals and enterprises engaged nationally and internationally in organized crime involving theft and interstate fencing of stolen retail merchandise, and for other purposes; to the Committee on the Judiciary.

By Mr. PASCRELL (for himself, Mr. PALLONE, Ms. LINDA T. SÁNCHEZ of California, and Mr. CONYERS):

H.R. 6492. A bill to regulate certain deferred prosecution agreements and non-prosecution agreements in Federal criminal cases; to the Committee on the Judiciary.

By Mr. OBERSTAR (for himself, Mr. MICA, Mr. COSTELLO, and Mr. PETRI):

H.R. 6493. A bill to amend title 49, United States Code, to enhance aviation safety; to the Committee on Transportation and Infrastructure.

By Mrs. GILLIBRAND (for herself, Mrs. MCMORRIS RODGERS, and Ms. GINNY BROWN-WAITE of Florida):

H.R. 6494. A bill to provide veterans with individualized notice about available benefits, to streamline application processes for the benefits, and for other purposes; to the Committee on Veterans' Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BLUMENAUER (for himself, Mrs. TAUSCHER, Mr. SHAYS, Mr. INSLEE, Mr. MCNERNEY, and Ms. SOLIS):

H.R. 6495. A bill to authorize programs and activities to support transportation and housing options that will assist American families in reducing transportation costs, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committees on Ways and Means, Financial Services, and Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HASTINGS of Florida (for himself, Mr. DINGELL, Mr. MCGOVERN, Mr. SHAYS, Mr. BLUMENAUER, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. SCHAKOWSKY, Ms. MOORE of Wisconsin, Mr. OLVER, Mr. ISRAEL, Mr. WELCH of Vermont, and Ms. WATERS):

H.R. 6496. A bill to address the impending humanitarian crisis and potential security breakdown as a result of the mass influx of Iraqi refugees into neighboring countries, and the growing internally displaced population in Iraq, by increasing directed accountable assistance to these populations and their host countries, facilitating the resettlement of Iraqis at risk, and for other purposes; to the Committee on Foreign Affairs, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. HOOLEY:

H.R. 6497. A bill to require the payment of compensation to members of the Armed Forces and civilian employees of the United States who were forced to perform slave labor by the Imperial Government of Japan or by corporations of Japan during World War II, or the surviving spouses of such members, and for other purposes; to the Committee on Armed Services, and in addition to the Committees on the Judiciary, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KENNEDY:

H.R. 6498. A bill to secure the promise of personalized medicine for all Americans by expanding and accelerating genomics research and initiatives to improve the accuracy of disease diagnosis, increase the safety of drugs, and identify novel treatments, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCDERMOTT:

H.R. 6499. A bill to amend the Internal Revenue Code of 1986 to reform the estate and gift tax; to the Committee on Ways and Means.

By Mr. WAXMAN (for himself, Mr. TOM DAVIS of Virginia, and Mr. DAVIS of Illinois):

H.R. 6500. A bill to amend title 5, United States Code, to provide for the automatic enrollment of new participants in the Thrift Savings Plan, and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. MCDERMOTT (for himself, Mr. LARSON of Connecticut, and Mr. GEORGE MILLER of California):

H.R. 6501. A bill to amend the Social Security Act to establish a trust fund with proceeds from the taxing of internet gambling to provide opportunities to individuals who are, or were, in foster care and individuals in declining sectors of the economy; to the Committee on Ways and Means, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SALAZAR (for himself, Mr. UDALL of Colorado, and Mrs. MUSGRAVE):

H.R. 6502. A bill to provide for the construction of the Arkansas Valley Conduit in the State of Colorado; to the Committee on Natural Resources.

By Ms. WATERS:

H.R. 6503. A bill to amend the Violent Crime Control and Law Enforcement Act of 1994 to reauthorize the Missing Alzheimer's Disease Patient Alert Program; to the Committee on the Judiciary.

By Ms. WOOLSEY:

H.R. 6504. A bill to authorize grants to local educational agencies to develop and implement coordinated services programs; to the Committee on Education and Labor.

By Mr. YOUNG of Alaska:

H.R. 6505. A bill to amend the Lacey Act Amendments of 1981 to treat nonhuman primates as prohibited wildlife species under that Act, to make corrections in the provisions relating to captive wildlife offenses under that Act, and for other purposes; to the Committee on Natural Resources.

By Mr. BERMAN:

H. Res. 1341. A resolution providing for the concurrence by the House in the Senate amendments to H.R. 3890, with amendments; considered and agreed to.

By Mr. EMANUEL:

H. Res. 1342. A resolution electing certain Members to certain standing committees of the House of Representatives; considered and agreed to.

By Mr. KUCINICH:

H. Res. 1345. A resolution raising a question of the privileges of the House; to the Committee on the Judiciary.

By Mr. BRADY of Pennsylvania:

H. Res. 1346. A resolution recognizing that more than 160,000,000 people in India are considered untouchable and dehumanized by the caste system; to the Committee on Foreign Affairs.

By Mr. MORAN of Virginia (for himself, Mr. FALEOMAVAEGA, and Ms. LEE):

H. Res. 1347. A resolution praising relief efforts by Chinese individuals and nongovernmental organizations to assist victims of the recent earthquake in the People's Republic of China, recognizing the Chinese Government for allowing such efforts to proceed and for allowing open media coverage of the earthquake, and encouraging the Chinese Government to continue this new era of openness; to the Committee on Foreign Affairs.

By Ms. SCHWARTZ:

H. Res. 1348. A resolution honoring Anne d'Harnoncourt for her contributions as an internationally-esteemed museum leader and art scholar; to the Committee on Oversight and Government Reform.

By Mr. TURNER (for himself, Mr. BOEHNER, Mr. BLUNT, Mr. CANTOR, Mr. PUTNAM, Mr. MCCOTTER, Mr. HUNTER, Ms. ROS-LEHTINEN, Mr. CRAMER, and Mr. EVERETT):

H. Res. 1349. A resolution commending the Government of the Czech Republic for formally agreeing to station on its territory a United States radar system for the purpose of tracking the trajectories of any ballistic missiles within its range that would threaten the collective security of the United States, the Czech Republic, and their North Atlantic Treaty Organization allies; to the Committee on Foreign Affairs.

¶85.50 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 41: Ms. FOXX.
H.R. 87: Mr. TURNER.
H.R. 211: Mr. MILLER of North Carolina.
H.R. 225: Mr. CAMPBELL of California.
H.R. 303: Ms. GRANGER, Mr. BISHOP of New York, and Ms. ROYBAL-ALLARD.
H.R. 333: Mr. GOHMERT, Ms. MATSUI, and Mr. ROHRABACHER.
H.R. 423: Mr. SHAYS.
H.R. 690: Mr. LARSEN of Washington, Ms. BERKLEY, and Mr. ROHRABACHER.
H.R. 699: Mr. LUCAS.
H.R. 1009: Mr. CLAY.
H.R. 1069: Mr. BRADY of Pennsylvania.
H.R. 1283: Mr. FRELINGHUYSEN.
H.R. 1363: Mrs. GILLIBRAND and Mr. SMITH of Washington.
H.R. 1366: Mr. TURNER.
H.R. 1428: Mr. ROHRABACHER.
H.R. 1527: Mr. MICHAUD and Mr. BUYER.
H.R. 1532: Mr. CUELLAR.
H.R. 1589: Ms. GRANGER, Ms. WOOLSEY, and Mr. LATHAM.
H.R. 1606: Mr. MEEKS of New York.
H.R. 1643: Mr. LATHAM.
H.R. 1671: Mr. BRADY of Pennsylvania.
H.R. 1767: Ms. GRANGER.
H.R. 1881: Mr. KLEIN of Florida.
H.R. 1927: Mr. LATHAM and Ms. ROYBAL-ALLARD.
H.R. 1953: Mr. BISHOP of Georgia, Mr. SPACE, Mr. COHEN, and Mr. BRADY of Pennsylvania.
H.R. 2014: Mr. WU.
H.R. 2075: Mr. WELCH of Vermont.
H.R. 2279: Mr. HAYES, Mr. SHUSTER, and Mr. DAVID DAVIS of Tennessee.
H.R. 2329: Mr. HONDA.
H.R. 2493: Mrs. BLACKBURN, Mr. DAVID DAVIS of Tennessee, Mr. MARCHANT, and Mr. TURNER.
H.R. 2585: Mr. CAMP of Michigan.
H.R. 2611: Mr. YARMUTH and Mr. BISHOP of New York.
H.R. 2676: Mr. RANGEL.
H.R. 2726: Mr. CARNEY.
H.R. 2802: Ms. SHEA-PORTER, Mrs. MALONEY of New York, and Mr. JACKSON of Illinois.
H.R. 2851: Mr. WALDEN of Oregon.
H.R. 2933: Mr. KILDEE.
H.R. 3010: Mr. LANGEVIN.
H.R. 3089: Mr. HUNTER and Mr. MARCHANT.
H.R. 3174: Ms. SCHAKOWSKY.
H.R. 3275: Mr. HONDA.
H.R. 3282: Mr. KIRK.
H.R. 3359: Mr. COHEN.
H.R. 3404: Mr. ISRAEL.
H.R. 3622: Mr. UPTON, Mr. WESTMORELAND, and Mr. WELLER.
H.R. 3715: Mr. MCINTYRE.
H.R. 3750: Mr. MCCOTTER.
H.R. 3905: Mr. MEEKS of New York.
H.R. 3961: Mr. BRADY of Pennsylvania.
H.R. 3990: Mr. TOM DAVIS of Virginia.
H.R. 4091: Mr. DELAHUNT and Mr. HELLER.
H.R. 4141: Mr. OBERSTAR and Mr. HODES.
H.R. 4237: Mr. ABERCROMBIE.
H.R. 4310: Mr. CONYERS.
H.R. 4453: Mr. KING of New York.
H.R. 4544: Mr. HASTINGS of Florida, Mr. JEFFERSON, and Mr. HOLDEN.
H.R. 4828: Mr. BACA.
H.R. 4930: Ms. GRANGER and Mr. BISHOP of New York.
H.R. 5266: Mr. SHERMAN.
H.R. 5268: Ms. WATERS, Ms. BORDALLO, Mr. OLVER, Mr. ETHERIDGE, Mr. ROTHMAN, Mrs. JONES of Ohio, Mrs. TAUSCHER, Ms. LINDA T. SÁNCHEZ of California, Mr. WU, and Mr. COHEN.
H.R. 5437: Mr. CHILDERS.
H.R. 5469: Mr. TOWNS and Mr. WILSON of Ohio.
H.R. 5535: Mr. HASTINGS of Florida, Mr. CONYERS, Mr. NADLER, Mr. ELLISON, Mr. FILNER, Ms. ZOE LOFGREN of California, Mr. CROWLEY, Ms. BALDWIN, Mr. BISHOP of New York, Mrs. CAPPS, Mr. KILDEE, and Mr. HOLT.
H.R. 5536: Mr. WEXLER.
H.R. 5564: Mr. LATTA.
H.R. 5573: Mr. SMITH of Washington.
H.R. 5604: Mr. BOSWELL and Mr. BRALEY of Iowa.
H.R. 5648: Ms. SCHAKOWSKY.
H.R. 5660: Mr. BRADY of Pennsylvania.
H.R. 5673: Mr. KLINE of Minnesota.
H.R. 5684: Ms. WOOLSEY.
H.R. 5731: Mr. KLINE of Minnesota.
H.R. 5737: Mr. KLINE of Minnesota.
H.R. 5752: Mr. LOBIONDO.
H.R. 5782: Mr. DUNCAN.
H.R. 5795: Mr. MCHUGH.
H.R. 5797: Mr. KLINE of Minnesota.
H.R. 5804: Mr. LIPINSKI, Mr. FILNER, and Mr. LARSON of Connecticut.
H.R. 5825: Mr. BECERRA.
H.R. 5838: Mr. HOLT.
H.R. 5852: Ms. SCHAKOWSKY.
H.R. 5867: Mr. WU.
H.R. 5892: Mr. ROSS.
H.R. 5935: Mrs. CAPITO.
H.R. 5941: Mr. BRALEY of Iowa.
H.R. 5949: Mr. ISRAEL, Mr. KNOLLENBERG, Mr. KUHL of New York, and Mr. HAYES.
H.R. 5977: Mr. BRALEY of Iowa and Ms. LINDA T. SÁNCHEZ of California.
H.R. 5979: Mr. WALSH of New York.
H.R. 6029: Mr. CONYERS and Mr. NADLER.
H.R. 6034: Mr. KELLER.
H.R. 6064: Mr. WAXMAN, Mrs. CAPITO, and Ms. WATERS.
H.R. 6066: Mr. AL GREEN of Texas.
H.R. 6078: Mr. HONDA.
H.R. 6083: Mr. BRALEY of Iowa and Mr. WILSON of South Carolina.
H.R. 6106: Mr. NUNES.
H.R. 6108: Mrs. CAPITO, Mr. DAVID DAVIS of Tennessee, Mr. MARCHANT, and Mr. PORTER.
H.R. 6112: Mr. BRADY of Pennsylvania.
H.R. 6127: Mr. BRADY of Pennsylvania and Mr. COHEN.
H.R. 6143: Ms. HIRONO.
H.R. 6185: Mr. GERLACH, Mr. FALEOMAVAEGA, and Mr. LATHAM.
H.R. 6217: Mr. DEFAZIO, Mr. BRADY of Pennsylvania, Ms. WOOLSEY, Mr. HARE, Mr. NADLER, Mr. LOBIONDO, Mr. RODRIGUEZ, Mr. SALAZAR, Mr. EMANUEL, Mr. GRIJALVA, Mr. LAMPSON, Mr. CLAY, Mr. ORTIZ, Mrs. NAPOLITANO, Mr. REYES, Mr. GENE GREEN of Texas, Mr. LINCOLN DAVIS of Tennessee, Mr. PALLONE, Mr. ALTMIRE, Mr. CARNEY, Mr. STUPAK, Mr. PATRICK MURPHY of Pennsylvania, Mr. COSTA, Mr. ACKERMAN, Mr. HINOJOSA, Ms. SOLIS, Mr. SPACE, Mr. HONDA, Mr. ARCURI, Mr. BILIRAKIS, Mr. WU, Mr. PASTOR, Mr. GUTIERREZ, Ms. VELÁZQUEZ, Mr. BRALEY of Iowa, Mr. SHULER, Mr. WEXLER, Ms. WASSERMAN SCHULTZ, Mr. LINCOLN DIAZ-BALART of Florida, Mr. CLEAVER, Mr. ELLISON, Mr. PERLMUTTER, Mr. HASTINGS of Florida, Ms. CLARKE, and Mr. DAVIS of Alabama.

H.R. 6241: Mr. FILNER.
H.R. 6282: Mr. WOLF.
H.R. 6283: Mr. DOGGETT and Mr. MORAN of Virginia.
H.R. 6287: Mr. HILL.
H.R. 6295: Mr. THOMPSON of Mississippi, Mr. COBLE, and Mr. CUELLAR.
H.R. 6316: Mr. AL GREEN of Texas, Ms. ROYBAL-ALLARD, and Mr. MICHAUD.
H.R. 6321: Mr. HALL of New York.
H.R. 6323: Mr. REICHERT and Mr. MILLER of North Carolina.
H.R. 6328: Ms. WOOLSEY.
H.R. 6384: Mr. TIAHRT, Mr. WESTMORELAND, Mr. DAVID DAVIS of Tennessee, Mr. NUNES, and Mr. BLUNT.
H.R. 6398: Mr. HOLT.
H.R. 6408: Mr. POE.
H.R. 6415: Mr. DAVIS of Alabama.
H.R. 6445: Ms. BERKLEY.
H.R. 6453: Mr. PAUL, Ms. FALLIN, Mr. MCCOTTER, Mr. NEUGEBAUER, and Mr. BURTON of Indiana.
H.R. 6460: Mr. KILDEE, Ms. SLAUGHTER, Mr. ROGERS of Michigan, Mr. KIRK, Mr. UPTON, Mr. MCNULTY, Mr. GILCHREST, Mr. ENGLISH of Pennsylvania, Mr. KUHL of New York, Mr. LATOURETTE, Mr. TIBERI, Mrs. BIGGERT, Mrs. CAPITO, Mr. BARTLETT of Maryland, Mr. REGULA, Mr. DENT, Mr. CAMP of Michigan, Mr. WALSH of New York, Mr. MCCOTTER, Mr. HOEKSTRA, and Mr. KNOLLENBERG.
H.R. 6473: Mr. WALSH of New York.
H.R. 6479: Mr. GEORGE MILLER of California and Mr. FARR.
H.J. Res. 22: Mr. HERGER.
H.J. Res. 79: Mrs. MALONEY of New York and Mr. BRALEY of Iowa.
H. Con. Res. 24: Mr. BRADY of Pennsylvania.
H. Con. Res. 223: Mr. WALSH of New York.
H. Con. Res. 250: Mr. BUTTERFIELD.
H. Con. Res. 296: Mr. COHEN and Mr. REGULA.
H. Con. Res. 362: Mr. COLE of Oklahoma, Mr. SALAZAR, Mr. GALLEGLY, Mr. AKIN, Ms. HERSETH SANDLIN, Mr. DENT, Mr. CARDOZA, Mr. SIMPSON, and Mrs. CAPITO.
H. Con. Res. 386: Mr. AKIN, Mr. BUCHANAN, Mrs. DRAKE, Mr. WESTMORELAND, Mr. DUNCAN, Mr. COLE of Oklahoma, Mr. KLINE of Minnesota, Mr. MCCARTHY of California, Mr. JORDAN, Mr. BLUNT, Ms. FALLIN, Mr. FLAKE, Mr. HENSARLING, Mr. KING of Iowa, Mr. CAMPBELL of California, Mr. LINDER, Mr. DEAL of Georgia, Mr. ROGERS of Kentucky, Mr. LEWIS of Kentucky, Mr. DAVIS of Kentucky, Mr. DAVID DAVIS of Tennessee, Mr. ROSKAM, Mr. WILSON of South Carolina, Mr. UPTON, Mr. BILIRAKIS, Mr. GERLACH, Mr. MANZULLO, Mr. RENZI, Mr. HUNTER, Mr. BROWN of South Carolina, Mr. KELLER, Mr. MCCOTTER, Mr. STEARNS, Mr. POE, Mr. WITTMAN of Virginia, Mr. WALBERG, Mr. LATTA, Mr. BISHOP of Utah, Mr. REGULA, Mr. TOM DAVIS of Virginia, Mrs. MCMORRIS RODGERS, Mr. HELLER, Mr. WELDON of Florida, Mr. GILCHREST, Mr. MCCRERY, Mr. CULBERSON, Mr. BILBRAY, Mr. PRICE of Georgia, Mr. PENCE, and Mr. CRENSHAW.
H. Con. Res. 389: Mr. CONAWAY, Mr. BURTON of Indiana, Mr. TIBERI, Mr. GOHMERT, Mr. REHBERG, Mr. SESSIONS, Mr. FORTUÑO, MR. MARIO DIAZ-BALART of Florida, Mr. CAMP of Michigan, Mr. RENZI, and Mr. MEEKS of New York.
H. Res. 143: Mr. CONYERS.
H. Res. 415: Mr. JONES of North Carolina, Mr. BARTLETT of Maryland, Mrs. MCMORRIS RODGERS, MR. MIKE ROGERS of Michigan, and Mr. WILSON of South Carolina.
H. Res. 543: Mr. PORTER.
H. Res. 645: Mr. HALL of Texas, Ms. PRYCE of Ohio, Mr. BURTON of Indiana, Ms. BORDALLO, Mr. TOWNS, Mr. WALSH of New York, Mr. SCOTT of Virginia, Mr. MCCAUL of Texas, Mr. UDALL of Colorado, Mr. RAMSTAD, Mr. TIAHRT, Mrs. DRAKE, Mr. JOHNSON of Illinois, Mr. WOLF, Mr. LATTA, Mr. KING of New York, Mr. GOODE, Mr. SHAYS, Mr. BOREN, and Mr. LINCOLN DIAZ-BALART of Florida.
H. Res. 655: Mr. CUMMINGS, Mr. MEEKS of New York, and Mr. BRADY of Pennsylvania.
H. Res. 671: Ms. SHEA-PORTER and Mr. WALDEN of Oregon.
H. Res. 672: Mr. COHEN.
H. Res. 757: Mr. ELLISON.
H. Res. 1042: Mr. LINCOLN DAVIS of Tennessee, Mr. BOUSTANY, Mrs. MCMORRIS RODGERS, Mr. CROWLEY, Mr. LEWIS of Kentucky, Mr. MCCARTHY of California, and Mr. LARSON of Connecticut.
H. Res. 1045: Mr. GEORGE MILLER of California.
H. Res. 1046: Mr. ROTHMAN.
H. Res. 1088: Ms. NORTON.
H. Res. 1090: Mr. FLAKE.
H. Res. 1227: Mr. WEXLER.
H. Res. 1249: Mr. BRADY of Pennsylvania.
H. Res. 1254: Mr. BRADY of Pennsylvania, Ms. LEE, and Mr. INGLIS of South Carolina.
H. Res. 1261: Mr. WALZ of Minnesota.
H. Res. 1266: Ms. LEE, Ms. JACKSON-LEE of Texas, Mr. BOOZMAN, Mr. POE, Mr. MCKEON, Mr. CROWLEY, Ms. WOOLSEY, and Mr. COSTA.
H. Res. 1279: Mr. LANGEVIN and Mr. SESSIONS.
H. Res. 1287: Mr. BISHOP of New York, Mr. DUNCAN, and Mr. BRADY of Pennsylvania.
H. Res. 1290: Ms. SCHAKOWSKY, Ms. MCCOLLUM of Minnesota, Mr. CARDOZA, Mr. AL GREEN of Texas, Mr. STARK, Mr. LOBIONDO, Mr. GONZALEZ, Mr. DOGGETT, Mr. MCNULTY, Mr. MILLER of North Carolina, Mr. LYNCH, Mrs. CAPPS, Mr. JEFFERSON, Mr. VAN HOLLEN, Mr. SIRES, Mr. COSTA, Mr. SHAYS, Mr. FRANK of Massachusetts, Ms. LORETTA SANCHEZ of California, Mr. MURPHY of Connecticut, and Mr. GILCHREST.
H. Res. 1296: Mrs. BONO MACK, Mr. GRIJALVA, Mr. GALLEGLY, Mr. SHIMKUS, and Mr. DANIEL E. LUNGREN of California.
H. Res. 1300: Ms. NORTON and Mr. GRIJALVA.
H. Res. 1302: Mr. PENCE and Mr. GINGREY.
H. Res. 1303: Ms. BORDALLO.
H. Res. 1311: Mr. CONYERS, Mr. PASCRELL, and Mr. STUPAK.
H. Res. 1314: Mr. WALSH of New York.
H. Res. 1316: Mr. BISHOP of New York and Mr. GALLEGLY.
H. Res. 1320: Ms. CORRINE BROWN of Florida, Ms. BORDALLO, Mr. CUMMINGS, Ms. DELAURO, Mr. GRIJALVA, Mr. KENNEDY, Mr. JEFFERSON, and Mr. MEEKS of New York.
H. Res. 1324: Mr. COSTELLO, Ms. DELAURO, Mr. REYES, Mr. CASTLE, Ms. JACKSON-LEE of Texas, Mr. LEWIS of Georgia, and Ms. WATSON.
H. Res. 1330: Mr. LINDER.

WEDNESDAY, JULY 16, 2008 (86)

The House was called to order by the SPEAKER.

¶86.1 APPROVAL OF THE JOURNAL

The SPEAKER announced she had examined and approved the Journal of the proceedings of Tuesday, July 15, 2008.

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

¶86.2 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

7580. A letter from the Chairman, Board of Governors of the Federal Reserve System, transmitting the eighteenth annual report on the Profitability of Credit Card Operations of Depository Institutions, pursuant to 15 U.S.C. 1637 note. Public Law 100-583, section 8 (102 Stat. 2969); to the Committee on Financial Services.

7581. A letter from the Chairman, Board of Governors of the Federal Reserve System, transmitting the Board's Annual Report to Congress on the Presidential $1 Coin Program, pursuant to 31 U.S.C. 5112 Public Law 109-145, section 104(3)(B); to the Committee on Financial Services.

7582. A letter from the Senior Vice President, Office of Congressional Affairs, Export-Import Bank, transmitting the Bank's report on export credit competition and the Export-Import Bank of the United States for the period January 1, 2007 through December 31, 2007; to the Committee on Financial Services.

7583. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to Mexico pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

7584. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to Mexico pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

7585. A letter from the Secretary, Department of Education, transmitting the Department's final rule — The Teacher Education Assistance for College and Higher Education (TEACH) Grant Program and Other Federal Student Aid Programs [Docket ID ED-2008-OPE-0001] (RIN: 1840-AC93) received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

7586. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's report on the Community Services Block Grant Statistical Report and Report on Performance Outcomes for Fiscal Year 2005; to the Committee on Education and Labor.

7587. A communication from the President of the United States, transmitting notification terminating the suspensions pertaining to the issuance of temporary munitions export licenses for exports to the People's Republic of China, pursuant to Public Law 101-246, section 902(b)(2) (104 Stat. 85); to the Committee on Foreign Affairs.

7588. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting Copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b; to the Committee on Foreign Affairs.

7589. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting certification for FY 2008 that no United Nations organization or United Nations affiliated agency grants an official status, accreditation, or recognition to any organization which promotes, condones, or seeks the legalization of pedophilia, or which includes as a subsidiary or member any such organization, pursuant to Public Law 103-236, section 565(b) (108 Stat. 845); to the Committee on Foreign Affairs.

7590. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting Texts of Conventions and Recommendations adopted by the International Labor Conference at Geneva, pursuant to Art. 19 of the Constitution of the International Labor Organization; to the Committee on Foreign Affairs.

7591. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification regarding the proposed technical assistance agreement for technical data, defense services, and defense articles to the United Arab Emirates (Transmittal No. DDTC 003-08); to the Committee on Foreign Affairs.

7592. A letter from the Assistant Secretary for Legislative Affairs, Department of State,

transmitting pursuant to section 36(c) of the Arms Export Control Act, certification of a proposed agreement for the export of defense articles or defense services to the Government of Japan (Transmittal No. DDTC 012-08); to the Committee on Foreign Affairs.

7593. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(d) of the Arms Export Control Act, certification regarding the proposed license for the manufacture of military equipment to the Government of the United Kingdom (Transmittal No. DDTC 045-08); to the Committee on Foreign Affairs.

7594. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) and (d) of the Arms Export Control Act, certification regarding an application for a license for the manufacture of military equipment abroad and the export of defense services, including technical data, and defense articles to the Government of Poland (Transmittal No. DDTC 071-08); to the Committee on Foreign Affairs.

7595. A letter from the Board of Directors, Tusiad, transmitting an analysis of the factual and legal deficiencies of H. Res. 106; to the Committee on Foreign Affairs.

7596. A letter from the Adjutant General, Veterans of Foreign Wars of the U.S., transmitting proceedings of the 108th National Convention of the Veterans of Foreign Wars of the United States, held in Kansas City, Missouri, August 18-23, 2007, pursuant to 36 U.S.C. 118 and 44 U.S.C. 1332; (H. Doc. No. 110-132); to the Committee on Veterans' Affairs and ordered to be printed.

7597. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting Notification of the intention to waive the prohibition on the use of FY 2007 Economic Support Funds provided with respect to Bolivia, Costa Rica, Cyprus, Ecuador, Kenya, Mali, Mexico, Namibia, Niger, Paraguay, Peru, Samoa, South Africa, and Tanzania, pursuant to Public Law 109-102, section 574; jointly to the Committees on Foreign Affairs and Appropriations.

7598. A letter from the Board Members, Railroad Retirement Board, transmitting the 2008 annual report on the financial status of the railroad unemployment insurance system, pursuant to Public Law 100-647, section 7105; jointly to the Committees on Transportation and Infrastructure and Ways and Means.

¶86.3 PROVIDING FOR CONSIDERATION OF H.R. 5959

Mr. HASTINGS of Florida, by direction of the Committee on Rules, called up the following resolution (H. Res. 1343):

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 5959) to authorize appropriations for fiscal year 2009 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Permanent Select Committee on Intelligence. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Permanent Select Committee on Intelligence now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived. Notwithstanding clause 11 of rule XVIII, no amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived except those arising under clause 9 or 10 of rule XXI. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. During consideration in the House of H.R. 5959 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

When said resolution was considered.

After debate,

Mr. HASTINGS of Florida, moved the previous question on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House now order the previous question?

The SPEAKER pro tempore, Mr. HOLDEN, announced that the yeas had it.

Mr. HASTINGS of Washington, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. HOLDEN, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶86.4 PROVIDING FOR CONSIDERATION OF H.R. 415

Mr. MCGOVERN, by direction of the Committee on Rules, called up the following resolution (H. Res. 1339):

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 415) to amend the Wild and Scenic Rivers Act to designate segments of the Taunton River in the Commonwealth of Massachusetts as a component of the National Wild and Scenic Rivers System. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Natural Resources. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Natural Resources now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived except those arising under clause 10 of rule XXI. Notwithstanding clause 11 of rule XVIII, no amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived except those arising under clause 9 or 10 of rule XXI. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. During consideration in the House of H.R. 415 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

SEC. 3. The House hereby (1) takes from the Speaker's table the bill (S. 2062) to amend the Native American Housing Assistance and Self-Determination Act of 1996 to reauthorize that Act, and for other purposes; (2) adopts an amendment in the nature of a substitute consisting of the text of H.R. 2786 as passed by the House; (3) passes such bill, as amended; (4) insists on its amendment; and (5) requests a conference with the Senate thereon.

When said resolution was considered.

After debate,

Mr. MCGOVERN moved the previous question on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House now order the previous question?

The SPEAKER pro tempore, Mr. SALAZAR, announced that the yeas had it.

Mr. HASTINGS of Washington, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. SALAZAR, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶86.5 H. RES. 1343—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. SALAZAR, pursuant to clause 8, rule XX, announced the unfinished business to be the question on ordering the previous question on the resolution (H. Res. 1343) providing for consideration of the bill (H.R. 5959) to authorize appropriations for fiscal year 2009 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

The question being put,

Will the House now order the previous question?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 226 Nays 192

¶86.6 [Roll No. 495]

YEAS—226

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

NAYS—192

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

NOT VOTING—16

Barton (TX)
Bean
Boswell
Buyer
Cubin
Delahunt
Engel
Frank (MA)
Garrett (NJ)
Gilchrest
Green, Al
Lucas
Musgrave
Perlmutter
Platts
Rush

So the previous question on the resolution was ordered.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. SALAZAR, announced that the yeas had it.

Mr. HASTINGS of Washington, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 226 Nays 193

¶86.7 [Roll No. 496]

YEAS—226

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

NAYS—193

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

NOT VOTING—15

Berman
Boswell
Buyer
Cubin
Delahunt
Engel
Frank (MA)
Gilchrest
Green, Al
Hooley
Lucas
Perlmutter
Platts
Rush
Shays

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶86.8 H. RES. 1339—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. SALAZAR, pursuant to clause 8, rule XX, announced the further unfinished business to be the question on ordering the previous question on the resolution (H. Res. 1339) providing for consideration of the bill (H.R. 415) to amend the Wild and Scenic Rivers Act to designate segments of the Taunton River in the Commonwealth of Massachusetts as a component of the National Wild and Scenic Rivers System.

The question being put,

Will the House now order the previous question?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 223 Nays 198

¶86.9 [Roll No. 497]

YEAS—223

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

NAYS—198

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

NOT VOTING—13

Boswell
Buyer
Cubin
Delahunt
Dicks
Engel
Gilchrest
Green, Al
Lucas
Melancon
Platts
Rush
Thompson (CA)

So the previous question on the resolution was ordered.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. SALAZAR, announced that the yeas had it.

Mr. HASTINGS of Washington, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 224 Nays 195

¶86.10 [Roll No. 498]

YEAS—224

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)

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

NAYS—195

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

NOT VOTING—15

Boswell
Buyer
Cubin
Delahunt
Engel
Feeney
Gilchrest
Green, Al
Lucas
Melancon
Platts
Rush
Wexler
Whitfield (KY)
Wu

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

Pursuant to section 3 of House Resolution 1339, the bill of the Senate (S. 2062) to amend the Native American Housing Assistance and Self-Determination Act of 1996 to reauthorize that Act, and for other purposes, was taken from the Speaker's table, the amendment in the nature of a substitute consisting of the text of the bill (H.R. 2786) to reauthorize the programs for housing assistance for Native Americans, as agreed to in the House was considered as agreed to; and the bill of the Senate (S. 2062), as amended, was agreed to; and the House insisted on its amendment and requested a conference with the Senate on the disagreeing votes of the two Houses thereon.

¶86.11 CLERK TO CORRECT ENGROSSMENT—H.R. 3890

On motion of Mr. LEVIN, by unanimous consent,

Ordered, That in the engrossment of the bill (H.R. 3890) to impose sanctions on officials of the State Peace and Development Council in Burma, to amend the Burmese Freedom and Democracy Act of 2003 to prohibit the importation of gemstones and hardwoods from Burma, to promote a coordinated international effort to restore civilian democratic rule to Burma, and for other purposes, the Clerk be authorized to make the following changes to the House amendment to the amendment of the Senate to the text of H.R. 3890:

Strike subsection (c) of section 6 of the bill and insert the following:

(c) CONFORMING AMENDMENT.—Section 3(b) of the Burmese Freedom and Democracy Act of 2003 (Public Law 108–61; 50 U.S.C. 1701 note) is amended—

(1) by striking ''prohibitions'' and inserting ''restrictions'';

(2) by inserting ''or section 3A (b)(1) or (c)(1)'' after ''this section''' and

(3) by striking ''a product of Burma'' and inserting ''subject to such restrictions''.

¶86.12 INTELLIGENCE AUTHORIZATION FY 2009

The SPEAKER pro tempore, Mr. CARSON of Indiana, pursuant to House Resolution 1343 and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 5959) to authorize appropriations for fiscal year 2009 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

The SPEAKER pro tempore, Mr. CARSON of Indiana, by unanimous consent, designated Mr. SALAZAR as Chairman of the Committee of the Whole; and after some time spent therein,

The Committee rose informally to receive a message from the President.

The SPEAKER pro tempore, Mr. HINCHEY, assumed the Chair.

¶86.13 MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Wanda Evans, one of his secretaries.

The Committee resumed its sitting; and after some further time spent therein,

¶86.14 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 2, printed in House Report 110-759, submitted by Mr. HOEKSTRA:

At the end of subtitle A of title V, add the following new section:

SEC. 506. SENSE OF CONGRESS REGARDING COLOMBIAN PARAMILITARY ORGANIZATIONS.

It is the sense of Congress that—

(1) the permanent defeat of the Revolutionary Armed Forces of Columbia (FARC), United Self-Defense Forces of Colombia (AUC), National Liberation Army (ELN), and other Colombian paramilitary organizations is in the national interest of the United States;

(2) the Colombian operation that liberated Americans Keith Stansell, Marc Gonsalves, and Thomas Howes and Ingrid Betancourt and 11 other Colombian hostages from the FARC on July 2, 2008, demonstrated the professionalism of Colombian security forces and intelligence operatives;

(3) intelligence and other cooperation by the United States has played a key role in developing and reinforcing the capabilities of the Government of Colombia to address terrorist and narcoterrorist threats;

(4) intelligence and other cooperation by the United States has significantly contributed to the continued success of the Government of Colombia in impacting the capabilities of terrorist and narcoterrorist groups

that have threatened the national security of Colombia and the United States; and

(5) it is critical that such assistance continue in order to support the Government of Colombia in its efforts to continue to capitalize on those successes.

It was decided in the affirmative ..... { Yeas ..... 414; Nays ..... 10; Answered present 7

¶86.15 [Roll No. 499]

AYES—414

Ackerman, Aderholt, Akin, Alexander, Allen, Altmire, Andrews, Arcuri, Baca, Bachmann, Bachus, Baird, Baldwin, Barrett (SC), Barrow, Bartlett (MD), Barton (TX), Bean, Becerra, Berkley, Berman, Berry, Biggert, Bilbray, Bilirakis, Bishop (GA), Bishop (NY), Bishop (UT), Blackburn, Blumenauer, Blunt, Boehner, Bonner, Bono Mack, Boozman, Boren, Boucher, Boustany, Boyd (FL), Boyda (KS), Brady (PA), Brady (TX), Braley (IA), Broun (GA), Brown (SC), Brown, Corrine, Brown-Waite, Ginny, Buchanan, Burgess, Burton (IN), Butterfield, Buyer, Calvert, Camp (MI), Campbell (CA), Cannon, Cantor, Capito, Capps, Capuano, Cardoza, Carnahan, Carney, Carson, Carter, Castle, Castor, Cazayoux, Chabot, Chandler, Childers, Christensen, Clay, Cleaver, Clyburn, Coble, Cole (OK), Conaway, Conyers, Cooper, Costa, Costello, Courtney, Cramer, Crenshaw, Crowley, Cubin, Cuellar, Culberson, Cummings, Davis (AL), Davis (CA), Davis (IL), Davis (KY), Davis, David, Davis, Lincoln, Davis, Tom, Deal (GA), DeFazio, DeGette, DeLauro, Dent, Diaz-Balart, L., Diaz-Balart, M., Dicks, Dingell, Doggett, Donnelly, Doolittle, Doyle, Drake, Dreier, Duncan, Edwards (TX), Ehlers, Ellsworth, Emanuel, Emerson, Engel, English (PA), Eshoo, Etheridge, Everett, Faleomavaega, Fallin, Farr, Fattah, Feeney, Ferguson, Flake, Forbes, Fortenberry, Fossella, Foster, Foxx, Frank (MA), Franks (AZ), Frelinghuysen, Gallegly, Garrett (NJ), Gerlach, Giffords, Gillibrand, Gingrey, Gohmert, Gonzalez, Goode, Goodlatte, Gordon, Granger, Graves, Green, Gene, Grijalva, Gutierrez, Hall (NY), Hall (TX), Hare, Harman, Hastings (FL), Hastings (WA), Hayes, Heller, Hensarling, Herger, Herseth Sandlin, Higgins, Hill, Hinojosa, Hobson, Hodes, Hoekstra, Holden, Holt, Honda, Hooley, Hoyer, Hulshof, Hunter, Inglis (SC), Inslee, Israel, Issa, Jackson (IL), Jackson-Lee (TX), Jefferson, Johnson (GA), Johnson (IL), Johnson, E. B., Johnson, Sam, Jones (NC), Jones (OH), Jordan, Kagen, Kanjorski, Kaptur, Keller, Kennedy, Kildee, Kilpatrick, Kind, King (IA), King (NY), Kingston, Kirk, Klein (FL), Kline (MN), Knollenberg, Kuhl (NY), LaHood, Lamborn, Lampson, Langevin, Larsen (WA), Larson (CT), Latham, LaTourette, Latta, Lee, Levin, Lewis (CA), Lewis (GA), Lewis (KY), Linder, Lipinski, LoBiondo, Loebsack, Lowey, Lungren, Daniel E., Lynch, Mack, Mahoney (FL), Maloney (NY), Manzullo, Marchant, Markey, Marshall, Matheson, Matsui, McCarthy (CA), McCarthy (NY), McCaul (TX), McCollum (MN), McCotter, McCrery, McGovern, McHenry, McHugh, McIntyre, McKeon, McMorris Rodgers, McNerney, McNulty, Meek (FL), Meeks (NY), Melancon, Mica, Michaud, Miller (FL), Miller (MI), Miller (NC), Miller, Gary, Miller, George, Mitchell, Mollohan, Moore (KS), Moran (KS), Moran (VA), Murphy (CT), Murphy, Patrick, Murphy, Tim, Murtha, Musgrave, Myrick, Nadler, Napolitano, Neal (MA), Neugebauer, Norton, Nunes, Oberstar, Olver, Ortiz, Pallone, Pascrell, Pastor, Pearce, Pence, Perlmutter, Peterson (MN), Peterson (PA), Petri, Pickering, Pitts, Platts, Poe, Pomeroy, Porter, Price (GA), Price (NC), Pryce (OH), Putnam, Radanovich, Rahall, Ramstad, Rangel, Regula, Rehberg, Reichert, Renzi, Reyes, Reynolds, Richardson, Rodriguez, Rogers (AL), Rogers (KY), Rogers (MI), Rohrabacher, Ros-Lehtinen, Roskam, Ross, Rothman, Roybal-Allard, Royce, Ruppersberger, Ryan (OH), Ryan (WI), Salazar, Sali, Sánchez, Linda T., Sanchez, Loretta, Sarbanes, Saxton, Scalise, Schakowsky, Schiff, Schmidt, Schwartz, Scott (GA), Scott (VA), Sensenbrenner, Serrano, Sessions, Sestak, Shadegg, Shays, Shea-Porter, Sherman, Shimkus, Shuler, Shuster, Simpson, Skelton, Slaughter, Smith (NE), Smith (NJ), Smith (TX), Smith (WA), Snyder, Solis, Souder, Space, Speier, Spratt, Stearns, Stupak, Sullivan, Tancredo, Tanner, Tauscher, Taylor, Terry, Thompson (CA), Thompson (MS), Thornberry, Tiahrt, Tiberi, Tierney, Towns, Tsongas, Turner, Udall (CO), Udall (NM), Upton, Van Hollen, Velázquez, Visclosky, Walberg, Walden (OR), Walsh (NY), Walz (MN), Wamp, Wasserman Schultz, Waters, Watson, Watt, Waxman, Weiner, Welch (VT), Weldon (FL), Weller, Westmoreland, Wexler, Whitfield (KY), Wilson (NM), Wilson (OH), Wilson (SC), Wittman (VA), Wolf, Woolsey, Wu, Yarmuth, Young (AK), Young (FL)

NOES—10

Ellison, Filner, Hinchey, Kucinich, McDermott, Moore (WI), Obey, Paul, Payne, Stark

ANSWERED ''PRESENT''—7

Abercrombie, Clarke, Cohen, Edwards (MD), Hirono, Lofgren, Zoe, Sutton

NOT VOTING—8

Bordallo, Boswell, Delahunt, Fortuño, Gilchrest, Green, Al, Lucas, Rush

So the amendment was agreed to.

¶86.16 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 4, printed in House Report 110-759, submitted by Mr. HOEKSTRA:

At the end of subtitle A of title V, add the following new section:

SEC. 506. JIHADISTS.

None of the funds authorized to be appropriated by this Act may be used to prohibit or discourage the use of the words or phrases ''jihadist'', ''jihad'', ''Islamo-fascism'', ''caliphate'', ''Islamist'', or ''Islamic terrorist'' by or within the intelligence community or the Federal Government.

It was decided in the affirmative ..... { Yeas ..... 249; Nays 180

¶86.17 [Roll No. 500]

AYES—249

Ackerman, Aderholt, Akin, Alexander, Allen, Arcuri, Bachmann, Bachus, Barrett (SC), Bartlett (MD), Barton (TX), Bean, Berkley, Biggert, Bilbray, Bilirakis, Bishop (UT), Blackburn, Blunt, Boehner, Bonner, Bono Mack, Boozman, Boren, Boucher, Boustany, Brady (TX), Broun (GA), Brown (SC), Brown-Waite, Ginny, Buchanan, Burgess, Burton (IN), Buyer, Calvert, Camp (MI), Campbell (CA), Cannon, Cantor, Capito, Cardoza, Carney, Carter, Castle, Cazayoux, Chabot, Chandler, Childers, Coble, Cole (OK), Conaway, Costa, Costello, Crenshaw, Cubin, Cuellar, Culberson, Cummings, Davis (AL), Davis (KY), Davis, David, Davis, Lincoln, Davis, Tom, Deal (GA), Dent, Diaz-Balart, L., Diaz-Balart, M., Donnelly, Doolittle, Drake, Dreier, Duncan, Ehlers, Ellsworth, Engel, English (PA), Everett, Fallin, Fattah, Feeney, Ferguson, Flake, Forbes, Fortenberry, Fossella, Foster, Foxx, Franks (AZ), Frelinghuysen, Gallegly, Garrett (NJ), Gerlach, Giffords, Gillibrand, Gingrey, Gohmert, Goode, Goodlatte, Gordon, Granger, Graves, Hall (TX), Hastings (WA), Hayes, Heller, Hensarling, Herger, Herseth Sandlin, Hill, Hobson, Hoekstra, Holden, Hulshof, Hunter, Inglis (SC), Israel, Issa, Johnson (IL), Johnson, Sam, Jones (NC), Jordan, Kagen, Keller, King (IA), King (NY), Kingston, Kirk, Klein (FL), Kline (MN), Knollenberg, Kuhl (NY), Lamborn, Lampson, Latham, LaTourette, Latta, Lewis (CA), Lewis (KY), Linder, LoBiondo, Lungren, Daniel E., Lynch, Mack, Mahoney (FL), Manzullo, Marchant, Marshall, Matheson, McCarthy (CA), McCaul (TX), McCotter, McCrery, McHenry, McHugh, McIntyre, McKeon, McMorris Rodgers, McNerney, McNulty, Melancon, Mica, Michaud, Miller (FL), Miller (MI), Miller, Gary, Mitchell, Moran (KS), Murphy, Tim, Musgrave, Myrick, Neugebauer, Nunes, Pearce, Pence, Perlmutter, Peterson (PA), Petri, Pickering, Pitts, Platts, Poe, Porter, Price (GA), Pryce (OH), Putnam, Radanovich, Ramstad, Regula, Rehberg, Reichert, Renzi, Reynolds, Rogers (AL), Rogers (KY), Rogers (MI), Rohrabacher, Ros-Lehtinen, Roskam, Royce, Ryan (WI), Sali, Saxton, Scalise, Schmidt, Sensenbrenner, Sessions, Shadegg, Shays, Shea-Porter, Sherman, Shimkus, Shuler, Shuster, Simpson, Smith (NE), Smith (NJ), Smith (TX), Souder, Space, Stearns, Stupak, Sullivan, Tancredo, Tanner, Taylor, Terry, Thornberry, Tiahrt, Tiberi, Turner, Udall (CO), Upton, Walberg, Walden (OR), Walsh (NY), Wamp, Watson, Weiner, Weldon (FL), Weller, Westmoreland, Whitfield (KY), Wilson (NM), Wilson (OH), Wilson (SC), Wittman (VA), Wolf, Young (AK), Young (FL)

NOES—180

Abercrombie, Altmire, Andrews, Baca, Baird, Baldwin, Barrow, Becerra, Berman, Berry, Bishop (GA), Bishop (NY), Blumenauer, Bordallo, Boyd (FL), Boyda (KS), Brady (PA), Braley (IA), Brown, Corrine, Butterfield, Capps

Capuano
Carnahan
Carson
Castor
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Courtney
Cramer
Crowley
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards (MD)
Edwards (TX)
Ellison
Emanuel
Eshoo
Etheridge
Faleomavaega
Farr
Filner
Frank (MA)
Gonzalez
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Higgins
Hinchey
Hinojosa
Hirono
Hodes
Holt
Honda
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Kucinich
LaHood
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Maloney (NY)
Markey
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
Meek (FL)
Meeks (NY)
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Speier
Spratt
Stark
Sutton
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Welch (VT)
Wexler
Woolsey
Wu
Yarmuth

NOT VOTING—10

Boswell
Delahunt
Emerson
Fortuño
Gilchrest
Green, Al
Johnson, E. B.
Lucas
Norton
Rush

So the amendment was agreed to.

¶86.18 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 6, printed in House Report 110-759, submitted by Mr. KIRK:

At the end of subtitle A of title IV, add the following new section:

SEC. 418. NATIONAL INTELLIGENCE ESTIMATE ON PRODUCTION AND SALE OF NARCOTICS IN SUPPORT OF INTERNATIONAL TERRORISM.

Not later than one year after the date of the enactment of this Act, the Director of National Intelligence shall submit to Congress a National Intelligence Estimate on the production and sale of narcotics in support of international terrorism, including the support the Taliban and al Qaeda receive from the sale of narcotics (particularly heroin) and the shift in production from opium to hashish in Afghanistan.

It was decided in the affirmative ..... { Yeas ..... 426 / Nays 2

¶86.19 [Roll No. 501]

AYES—426

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Bordallo
Boren
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Cazayoux
Chabot
Chandler
Childers
Christensen
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Norton
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Scalise
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Speier
Spratt
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOES—2

Paul
Stark

NOT VOTING—11

Berman
Boswell
Delahunt
Faleomavaega
Fortuño
Gilchrest
Green, Al
Johnson, E. B.
Lucas
Rush
Watson

So the amendment was agreed to.

The SPEAKER pro tempore, Mr. SERRANO, assumed the Chair.

When Mr. ROSS, Acting Chairman, pursuant to House Resolution 1343, reported the bill back to the House with an amendment adopted by the Committee.

The previous question having been ordered by said resolution.

The following amendment, reported from the Committee of the Whole House on the state of the Union, was agreed to:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Intelligence Authorization Act for Fiscal Year 2009''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.

TITLE I—BUDGET AND PERSONNEL AUTHORIZATIONS

Sec. 101. Authorization of appropriations.
Sec. 102. Classified Schedule of Authorizations.
Sec. 103. Personnel ceiling adjustments.
Sec. 104. Intelligence Community Management Account.
Sec. 105. Limitation on the use of covert action funds.
Sec. 106. Prohibition on use of funds to implement ''5 and out'' program of the Federal Bureau of Investigation.

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM
Sec. 201. Authorization of appropriations.
Sec. 202. Technical modification to mandatory retirement provision of the Central Intelligence Agency Retirement Act.
TITLE III—GENERAL INTELLIGENCE COMMUNITY MATTERS
Subtitle A—Personnel Matters
Sec. 301. Increase in employee compensation and benefits authorized by law.
Sec. 302. Enhanced flexibility in nonreimbursable details to elements of the intelligence community.
Sec. 303. Multi-level security clearances.
Sec. 304. Delegation of authority for travel on common carriers for intelligence collection personnel.
Sec. 305. Annual personnel level assessments for the intelligence community.
Sec. 306. Comprehensive report on intelligence community contractors.
Sec. 307. Report on proposed pay for performance intelligence community personnel management system.
Sec. 308. Report on plans to increase diversity within the intelligence community.
Sec. 309. Report on security clearance determinations.
Sec. 310. Sense of Congress regarding the need for a robust workforce.
Subtitle B—Other Matters
Sec. 311. Restriction on conduct of intelligence activities.
Sec. 312. Clarification of definition of intelligence community under the National Security Act of 1947.
Sec. 313. Modification of availability of funds for different intelligence activities.
Sec. 314. Protection of certain national security information.
Sec. 315. Extension of authority to delete information about receipt and disposition of foreign gifts and decorations.
Sec. 316. Report on compliance with the Detainee Treatment Act of 2005 and related provisions of the Military Commissions Act of 2006.
Sec. 317. Incorporation of reporting requirements.
Sec. 318. Repeal of certain reporting requirements.
Sec. 319. Enhancement of critical skills training program.
Sec. 320. Comprehensive national cybersecurity initiative advisory panel.
Sec. 321. Exception to alternative fuel procurement requirement.
TITLE IV—MATTERS RELATING TO ELEMENTS OF THE INTELLIGENCE COMMUNITY
Subtitle A—Office of the Director of National Intelligence
Sec. 401. Clarification of limitation on colocation of the Office of the Director of National Intelligence.
Sec. 402. Membership of the Director of National Intelligence on the Transportation Security Oversight Board.
Sec. 403. Additional duties of the Director of Science and Technology.
Sec. 404. Leadership and location of certain offices and officials.
Sec. 405. Plan to implement recommendations of the data center energy efficiency reports.
Sec. 406. Semiannual reports on nuclear programs of Iran, Syria, and North Korea.
Sec. 407. Title of Chief Information Officer of the Intelligence Community.
Sec. 408. Inspector General of the Intelligence Community.
Sec. 409. Annual report on foreign language proficiency in the intelligence community.
Sec. 410. Repeal of certain authorities relating to the Office of the National Counterintelligence Executive.
Sec. 411. National intelligence estimate on weapons of mass destruction in Syria.
Sec. 412. Report on intelligence resources dedicated to Iraq and Afghanistan.
Sec. 413. Ombudsman for intelligence community security clearances.
Sec. 414. Security clearance reciprocity.
Sec. 415. Report on international traffic in arms regulations.
Sec. 416. Report on nuclear trafficking.
Sec. 417. Study on revoking pensions of persons who commit unauthorized disclosures of classified information.
Sec. 418. Memorandum to holders of National Intelligence Estimate on Iran.
Sec. 419. National Intelligence Estimate on production and sale of narcotics in support of international terrorism.
Subtitle B—Central Intelligence Agency
Sec. 421. Review of covert action programs by Inspector General of the Central Intelligence Agency.
Sec. 422. Inapplicability to Director of the Central Intelligence Agency of requirement for annual report on progress in auditable financial statements.
Sec. 423. Technical amendments relating to titles of certain Central Intelligence Agency positions.
Sec. 424. Clarifying amendments relating to section 105 of the Intelligence Authorization Act for Fiscal Year 2004.
Sec. 425. Prohibition on the use of private contractors for interrogations involving persons in the custody or control of the Central Intelligence Agency.
Sec. 426. Report on activities of the Central Intelligence Agency in Argentina.
Subtitle C—Defense Intelligence Components
Sec. 431. Integration of the Counterintelligence Field Activity into the Defense Intelligence Agency.
Subtitle D—Other Elements
Sec. 441. Clarification of inclusion of Coast Guard and Drug Enforcement Administration as elements of the intelligence community.
Sec. 442. Report on transformation of the intelligence capabilities of the Federal Bureau of Investigation.
TITLE V—OTHER MATTERS
Subtitle A—General Intelligence Matters
Sec. 501. Extension of National Commission for the Review of the Research and Development Programs of the United States Intelligence Community.
Sec. 502. Amendments to the National Security Act of 1947.
Sec. 503. Report on financial intelligence on terrorist assets.
Sec. 504. Notice of intelligence regarding North Korea and China.
Sec. 505. Sense of Congress regarding use of intelligence resources.
Sec. 506. Sense of Congress regarding Colombian paramilitary organizations.
Sec. 507. Jihadists.
Subtitle B—Technical Amendments
Sec. 511. Technical amendment to the Central Intelligence Agency Act of 1949.
Sec. 512. Technical amendments relating to the multiyear National Intelligence Program.
Sec. 513. Technical clarification of certain references to Joint Military Intelligence Program and Tactical Intelligence and Related Activities.
Sec. 514. Technical amendments to the National Security Act of 1947.
Sec. 515. Technical amendments to the Intelligence Reform and Terrorism Prevention Act of 2004.
Sec. 516. Technical amendments to the Executive Schedule.
Sec. 517. Technical amendments relating to the National Geospatial-Intelligence Agency.

SEC. 2. DEFINITIONS.

In this Act:

(1) CONGRESSIONAL INTELLIGENCE COMMITTEES.—The term ''congressional intelligence committees'' means—

(A) the Select Committee on Intelligence of the Senate; and

(B) the Permanent Select Committee on Intelligence of the House of Representatives.

(2) INTELLIGENCE COMMUNITY.—The term ''intelligence community'' has the meaning given that term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

TITLE I—BUDGET AND PERSONNEL AUTHORIZATIONS

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 2009 for the conduct of the intelligence and intelligence-related activities of the following elements of the United States Government:

(1) The Office of the Director of National Intelligence.

(2) The Central Intelligence Agency.

(3) The Department of Defense.

(4) The Defense Intelligence Agency.

(5) The National Security Agency.

(6) The Department of the Army, the Department of the Navy, and the Department of the Air Force.

(7) The Coast Guard.

(8) The Department of State.

(9) The Department of the Treasury.

(10) The Department of Energy.

(11) The Department of Justice.

(12) The Federal Bureau of Investigation.

(13) The Drug Enforcement Administration.

(14) The National Reconnaissance Office.

(15) The National Geospatial-Intelligence Agency.

(16) The Department of Homeland Security.

SEC. 102. CLASSIFIED SCHEDULE OF AUTHORIZATIONS.

(a) SPECIFICATIONS OF AMOUNTS AND PERSONNEL LEVELS.—The amounts authorized to be appropriated under section 101 and, subject to section 103, the authorized personnel ceilings as of September 30, 2009, for the conduct of the intelligence activities of the elements listed in paragraphs (1) through (16) of section 101, are those specified in the classified Schedule of Authorizations prepared to accompany the conference report on the bill H.R. 5959 of the One Hundred Tenth Congress.

(b) AVAILABILITY OF CLASSIFIED SCHEDULE OF AUTHORIZATIONS.—The classified Schedule of Authorizations referred to in subsection (a) shall be made available to the Committee on Appropriations of the Senate, the Committee on Appropriations of the House of Representatives, and to the President. The

President shall provide for suitable distribution of the Schedule, or of appropriate portions of the Schedule, within the executive branch.

(c) EARMARKS.—

(1) IN GENERAL.—Nothing in the classified Schedule of Authorizations, the joint explanatory statement to accompany the conference report on the bill H.R. 5959 of the One Hundred Tenth Congress, or the classified annex to this Act, shall be construed to authorize or require the expenditure of funds for an earmarked purpose.

(2) EARMARKED PURPOSE DEFINED.—In this subsection, the term ''earmarked purpose'' means a provision or report language included primarily at the request of a Member, Delegate, Resident Commissioner of the House of Representatives or a Senator providing, authorizing, or recommending a specific amount of discretionary budget authority, credit authority, or other spending authority for a contract, loan, loan guarantee, grant, loan authority, or other expenditure with or to an entity, or targeted to a specific State, locality, or Congressional district, other than through a statutory or administrative formula-driven or competitive award process.

SEC. 103. PERSONNEL CEILING ADJUSTMENTS.

(a) AUTHORITY FOR INCREASES.—With the approval of the Director of the Office of Management and Budget, the Director of National Intelligence may authorize employment of civilian personnel in excess of the number authorized for fiscal year 2009 by the classified Schedule of Authorizations referred to in section 102(a) if the Director of National Intelligence determines that such action is necessary to the performance of important intelligence functions, except that the number of personnel employed in excess of the number authorized under such section may not, for any element of the intelligence community, exceed 3 percent of the number of civilian personnel authorized under such Schedule for such element.

(b) NOTICE TO CONGRESSIONAL INTELLIGENCE COMMITTEES.—The Director of National Intelligence shall notify the congressional intelligence committees in writing at least 15 days prior to each exercise of an authority described in subsection (a).

SEC. 104. INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the Intelligence Community Management Account of the Director of National Intelligence for fiscal year 2009 the sum of $648,842,000. Within such amount, funds identified in the classified Schedule of Authorizations referred to in section 102(a) for advanced research and development shall remain available until September 30, 2010.

(b) AUTHORIZED PERSONNEL LEVELS.—The elements within the Intelligence Community Management Account of the Director of National Intelligence are authorized 772 full-time or full-time equivalent personnel as of September 30, 2009. Personnel serving in such elements may be permanent employees of the Office of the Director of National Intelligence or personnel detailed from other elements of the United States Government.

(c) CONSTRUCTION OF AUTHORITIES.—The authorities available to the Director of National Intelligence under section 103 are also available to the Director for the adjustment of personnel levels within the Intelligence Community Management Account.

(d) CLASSIFIED AUTHORIZATIONS.—

(1) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts authorized to be appropriated for the Intelligence Community Management Account by subsection (a), there are authorized to be appropriated for the Community Management Account for fiscal year 2009 such additional amounts as are specified in the classified Schedule of Authorizations referred to in section 102(a). Such additional amounts for advanced research and development shall remain available until September 30, 2010.

(2) AUTHORIZATION OF PERSONNEL.—In addition to the personnel authorized by subsection (b) for elements of the Intelligence Community Management Account as of September 30, 2009, there are authorized such additional personnel for the Community Management Account as of that date as are specified in the classified Schedule of Authorizations referred to in section 102(a).

SEC. 105. LIMITATION ON THE USE OF COVERT ACTION FUNDS.

(a) IN GENERAL.—Not more than 25 percent of the funds authorized to be appropriated by this Act for the National Intelligence Program for covert actions may be obligated or expended until the date on which each member of the congressional intelligence committees has been fully and currently briefed on all authorizations for covert actions in effect on April 24, 2008.

(b) COVERT ACTION DEFINED.—In this section, the term ''covert action'' has the meaning given the term in section 503(g) of the National Security Act of 1947 (50 U.S.C. 413b(e)).

SEC. 106. PROHIBITION ON USE OF FUNDS TO IMPLEMENT "5 AND OUT" PROGRAM OF THE FEDERAL BUREAU OF INVESTIGATION.

None of the funds authorized to be appropriated in this Act may be used to implement the program of the Federal Bureau of Investigation requiring the mandatory reassignment of a supervisor of the Bureau after such supervisor serves in a management position for 5 years (commonly known as the ''5 and out'' program).

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated for the Central Intelligence Agency Retirement and Disability Fund for fiscal year 2009 the sum of $279,200,000.

SEC. 202. TECHNICAL MODIFICATION TO MANDATORY RETIREMENT PROVISION OF THE CENTRAL INTELLIGENCE AGENCY RETIREMENT ACT.

Subparagraph (A) of section 235(b)(1) of the Central Intelligence Agency Retirement Act (50 U.S.C. 2055(b)(1)) is amended by striking ''receiving compensation under the Senior Intelligence Service pay schedule at the rate'' and inserting ''who is at the Senior Intelligence Service rank''.

TITLE III—GENERAL INTELLIGENCE COMMUNITY MATTERS

Subtitle A—Personnel Matters

SEC. 301. INCREASE IN EMPLOYEE COMPENSATION AND BENEFITS AUTHORIZED BY LAW.

Appropriations authorized by this Act for salary, pay, retirement, and other benefits for Federal employees may be increased by such additional or supplemental amounts as may be necessary for increases in such compensation or benefits authorized by law.

SEC. 302. ENHANCED FLEXIBILITY IN NONREIMBURSABLE DETAILS TO ELEMENTS OF THE INTELLIGENCE COMMUNITY.

Except as provided in section 113 of the National Security Act of 1947 (50 U.S.C. 404h) and section 904(g)(2) of the Counterintelligence Enhancement Act of 2002 (title IX of Public Law 107–306; 50 U.S.C. 402c(g)(2)) and notwithstanding any other provision of law, in any fiscal year after fiscal year 2008 an officer or employee of the United States or member of the Armed Forces may be detailed to the staff of an element of the intelligence community funded through the Community Management Account from another element of the United States Government on a reimbursable or nonreimbursable basis, as jointly agreed to by the Director of National Intelligence and the head of the detailing element (or the designees of such officials), for a period not to exceed 2 years.

SEC. 303. MULTI-LEVEL SECURITY CLEARANCES.

(a) IN GENERAL.—Section 102A of the National Security Act of 1947 (50 U.S.C. 403–1) is amended by adding at the end the following new subsection:

''(s) MULTI-LEVEL SECURITY CLEARANCES.—The Director of National Intelligence shall be responsible for ensuring that the elements of the intelligence community adopt a multi-level security clearance approach in order to enable the intelligence community to make more effective and efficient use of persons proficient in foreign languages or with cultural, linguistic, or other subject matter expertise that is critical to national security.''.

(b) IMPLEMENTATION.—The Director of National Intelligence shall issue guidelines to the intelligence community on the implementation of subsection (s) of section 102A of the National Security Act of 1947, as added by subsection (a), not later than 90 days after the date of the enactment of this Act.

SEC. 304. DELEGATION OF AUTHORITY FOR TRAVEL ON COMMON CARRIERS FOR INTELLIGENCE COLLECTION PERSONNEL.

(a) DELEGATION OF AUTHORITY.—Section 116(b) of the National Security Act of 1947 (50 U.S.C. 404k(b)) is amended—

(1) by inserting ''(1)'' before ''The Director'';

(2) in paragraph (1), as designated by paragraph (1) of this subsection, by striking ''may only delegate'' and all that follows and inserting ''may delegate the authority in subsection (a) to the head of any other element of the intelligence community.''; and

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

''(2) The head of an element of the intelligence community to whom the authority in subsection (a) is delegated pursuant to paragraph (1) may further delegate such authority to such senior officials of such element as are specified in guidelines prescribed by the Director of National Intelligence for purposes of this paragraph.''.

(b) SUBMISSION OF GUIDELINES TO CONGRESS.—Not later than 6 months after the date of the enactment of this Act, the Director of National Intelligence shall prescribe and submit to the congressional intelligence committees the guidelines referred to in paragraph (2) of section 116(b) of the National Security Act of 1947, as added by subsection (a).

SEC. 305. ANNUAL PERSONNEL LEVEL ASSESSMENTS FOR THE INTELLIGENCE COMMUNITY.

(a) IN GENERAL.—Title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.) is amended by inserting after section 506A the following new section:

''ANNUAL PERSONNEL LEVEL ASSESSMENT FOR THE INTELLIGENCE COMMUNITY

''SEC. 506B. (a) REQUIREMENT TO PROVIDE.—The Director of National Intelligence shall, in consultation with the head of the element of the intelligence community concerned, prepare an annual personnel level assessment for such element of the intelligence community that assesses the personnel levels for each such element for the fiscal year following the fiscal year in which the assessment is submitted.

''(b) SCHEDULE.—Each assessment required by subsection (a) shall be submitted to the congressional intelligence committees each year along with the budget submitted by the

President under section 1105 of title 31, United States Code.

''(c) CONTENTS.—Each assessment required by subsection (a) submitted during a fiscal year shall contain, at a minimum, the following information for the element of the intelligence community concerned:

''(1) The budget submission for personnel costs for the upcoming fiscal year.

''(2) The dollar and percentage increase or decrease of such costs as compared to the personnel costs of the current fiscal year.

''(3) The dollar and percentage increase or decrease of such costs as compared to the personnel costs during the prior 5 fiscal years.

''(4) The number of personnel positions requested for the upcoming fiscal year.

''(5) The numerical and percentage increase or decrease of such number as compared to the number of personnel positions of the current fiscal year.

''(6) The numerical and percentage increase or decrease of such number as compared to the number of personnel positions during the prior 5 fiscal years.

''(7) The best estimate of the number and costs of contractors to be funded by the element for the upcoming fiscal year.

''(8) The numerical and percentage increase or decrease of such costs of contractors as compared to the best estimate of the costs of contractors of the current fiscal year.

''(9) The numerical and percentage increase or decrease of such costs of contractors as compared to the cost of contractors, and the number of contractors, during the prior 5 fiscal years.

''(10) A written justification for the requested personnel and contractor levels.

''(11) The number of intelligence collectors and analysts employed or contracted by each element of the intelligence community.

''(12) A list of all contractors that have been the subject of an investigation completed by the Inspector General of any element of the intelligence community during the preceding fiscal year, or are or have been the subject of an investigation by such an Inspector General during the current fiscal year.

''(13) A statement by the Director of National Intelligence that, based on current and projected funding, the element concerned will have sufficient—

''(A) internal infrastructure to support the requested personnel and contractor levels;

''(B) training resources to support the requested personnel levels; and

''(C) funding to support the administrative and operational activities of the requested personnel levels.''.

(b) CLERICAL AMENDMENT.—The table of contents in the first section of that Act is amended by inserting after the item relating to section 506A the following new item:

''Sec. 506B. Annual personnel level assessment for the intelligence community.''.

SEC. 306. COMPREHENSIVE REPORT ON INTELLIGENCE COMMUNITY CONTRACTORS.

(a) REQUIREMENT FOR REPORT.—Not later than November 1, 2008, the Director of National Intelligence shall submit to the congressional intelligence committees a report describing the use of personal services contracts across the intelligence community, the impact of such contractors on the intelligence community workforce, plans for conversion of contractor employment into government employment, and the accountability mechanisms that govern the performance of such contractors.

(b) CONTENT.—

(1) IN GENERAL.—The report submitted under subsection (a) shall include—

(A) a description of any relevant regulations or guidance issued by the Director of National Intelligence or the head of an element of the intelligence community relating to minimum standards required regarding the hiring, training, security clearance, and assignment of contract personnel and how those standards may differ from those for government employees performing substantially similar functions;

(B) an identification of contracts where the contractor is performing a substantially similar functions to a government employee;

(C) an assessment of costs incurred or savings achieved by awarding contracts for the performance of such functions referred to in subparagraph (B) instead of using full-time employees of the elements of the intelligence community to perform such functions;

(D) an assessment of the appropriateness of using contractors to perform the activities described in paragraph (2);

(E) an estimate of the number of contracts, and the number of personnel working under such contracts, related to the performance of activities described in paragraph (2);

(F) a comparison of the compensation of contract employees and government employees performing substantially similar functions;

(G) an analysis of the attrition of government personnel for contractor positions that provide substantially similar functions;

(H) a description of positions that will be converted from contractor employment to government employment;

(I) an analysis of the oversight and accountability mechanisms applicable to personal services contracts awarded for intelligence activities by each element of the intelligence community during fiscal years 2006 and 2007;

(J) an analysis of procedures in use in the intelligence community for conducting oversight of contractors to ensure identification and prosecution of criminal violations, financial waste, fraud, or other abuses committed by contractors or contract personnel; and

(K) an identification of best practices for oversight and accountability mechanisms applicable to personal services contracts.

(2) ACTIVITIES.—Activities described in this paragraph are the following:

(A) Intelligence collection.

(B) Intelligence analysis.

(C) Covert actions, including rendition, detention, and interrogation activities.

SEC. 307. REPORT ON PROPOSED PAY FOR PERFORMANCE INTELLIGENCE COMMUNITY PERSONNEL MANAGEMENT SYSTEM.

(a) PROHIBITION ON PAY FOR PERFORMANCE UNTIL REPORT.—The Director of National Intelligence and the head of an element of the intelligence community may not implement a plan that provides compensation to personnel of that element of the intelligence community based on performance until the date that is 45 days after the date on which the Director of National Intelligence submits a report for that element under subsection (b).

(b) REPORT.—The Director of National Intelligence shall submit to Congress a report on performance-based compensation for each element of the intelligence community, including, with respect to each such element—

(1) a description of a proposed employee advisory group to advise management on the implementation and management of a pay for performance system in that element, including the scope of responsibility of the group and the plan for the element for ensuring diversity in the selection of members of the advisory group;

(2) a certification that all managers who will participate in setting performance standards and pay pool administration have been trained on the implementing guidance of the system and the criteria upon which the certification is granted; and

(3) a description of an external appeals mechanism for employees who wish to appeal pay decisions to someone outside the management chain of the element employing such employee.

SEC. 308. REPORT ON PLANS TO INCREASE DIVERSITY WITHIN THE INTELLIGENCE COMMUNITY.

(a) REQUIREMENT FOR REPORT.—Not later than November 1, 2008, the Director of National Intelligence, in coordination with the heads of the elements of the intelligence community, shall submit to the congressional intelligence committees a report on the plans of each element to increase diversity within the intelligence community.

(b) CONTENT.—The report required by subsection (a) shall include specific implementation plans to increase diversity within each element of the intelligence community, including—

(1) specific implementation plans for each such element designed to achieve the goals articulated in the strategic plan of the Director of National Intelligence on equal employment opportunity and diversity;

(2) specific plans and initiatives for each such element to increase recruiting and hiring of diverse candidates;

(3) specific plans and initiatives for each such element to improve retention of diverse Federal employees at the junior, midgrade, senior, and management levels;

(4) a description of specific diversity awareness training and education programs for senior officials and managers of each such element; and

(5) a description of performance metrics to measure the success of carrying out the plans, initiatives, and programs described in paragraphs (1) through (4).

SEC. 309. REPORT ON SECURITY CLEARANCE DETERMINATIONS.

(a) IN GENERAL.—Title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.) is amended by adding at the end the following new section:

''REPORT ON SECURITY CLEARANCE DETERMINATIONS

''SEC. 508. Not later than February 1 of each year, the Director of the Office of Management and Budget shall submit to Congress a report on security clearance determinations completed or ongoing during the preceding fiscal year that have taken longer than 1 year to complete. Such report shall include—

''(1) the number of security clearance determinations for positions as employees of the Federal Government that required more than 1 year to complete;

''(2) the number of security clearance determinations for contractors that required more than 1 year to complete;

''(3) the agencies that investigated and adjudicated such determinations; and

''(4) the cause of significant delays in such determinations.''.

(b) CONFORMING AMENDMENT.—The table of contents in the first section of the National Security Act of 1947 (50 U.S.C. 401 et seq.) is further amended by inserting after the item relating to section 507 the following new item:

''Sec. 508. Report on security clearance determinations.''.

SEC. 310. SENSE OF CONGRESS REGARDING THE NEED FOR A ROBUST WORKFORCE.

It is the sense of Congress that—

(1) a robust and highly skilled aerospace industry workforce is critical to the success of intelligence community programs and operations;

(2) voluntary attrition, the retirement of many senior workers, and difficulties in recruiting could leave the intelligence community without access to the intellectual capital and technical capabilities necessary to identify and respond to potential threats; and

(3) the Director of National Intelligence should work cooperatively with other agencies of the Federal Government responsible for programs related to space and the aerospace industry to develop and implement policies, including those with an emphasis on improving science, technology, engineering, and mathematics education at all levels, to sustain and expand the diverse workforce available to the intelligence community.

Subtitle B—Other Matters

SEC. 311. RESTRICTION ON CONDUCT OF INTELLIGENCE ACTIVITIES.

The authorization of appropriations by this Act shall not be deemed to constitute authority for the conduct of any intelligence activity which is not otherwise authorized by the Constitution or the laws of the United States.

SEC. 312. CLARIFICATION OF DEFINITION OF INTELLIGENCE COMMUNITY UNDER THE NATIONAL SECURITY ACT OF 1947.

Subparagraph (L) of section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)) is amended by striking ''other'' the second place it appears.

SEC. 313. MODIFICATION OF AVAILABILITY OF FUNDS FOR DIFFERENT INTELLIGENCE ACTIVITIES.

Subparagraph (B) of section 504(a)(3) of the National Security Act of 1947 (50 U.S.C. 414(a)(3)) is amended to read as follows:

''(B) the use of such funds for such activity supports an emergent need, improves program effectiveness, or increases efficiency; and''.

SEC. 314. PROTECTION OF CERTAIN NATIONAL SECURITY INFORMATION.

(a) INCREASE IN PENALTIES FOR DISCLOSURE OF UNDERCOVER INTELLIGENCE OFFICERS AND AGENTS.—

(1) DISCLOSURE OF AGENT AFTER ACCESS TO INFORMATION IDENTIFYING AGENT.—Subsection (a) of section 601 of the National Security Act of 1947 (50 U.S.C. 421) is amended by striking ''ten years'' and inserting ''15 years''.

(2) DISCLOSURE OF AGENT AFTER ACCESS TO CLASSIFIED INFORMATION.—Subsection (b) of such section is amended by striking ''five years'' and inserting ''10 years''.

(b) MODIFICATIONS TO ANNUAL REPORT ON PROTECTION OF INTELLIGENCE IDENTITIES.—The first sentence of section 603(a) of the National Security Act of 1947 (50 U.S.C. 423(a)) is amended by inserting ''including an assessment of the need for any modification of this title for the purpose of improving legal protections for covert agents,'' after ''measures to protect the identities of covert agents,''.

SEC. 315. EXTENSION OF AUTHORITY TO DELETE INFORMATION ABOUT RECEIPT AND DISPOSITION OF FOREIGN GIFTS AND DECORATIONS.

Paragraph (4) of section 7342(f) of title 5, United States Code, is amended to read as follows:

''(4)(A) In transmitting such listings for an element of the intelligence community, the head of such element may delete the information described in subparagraph (A) or (C) of paragraph (2) or in subparagraph (A) or (C) of paragraph (3) if the head of such element certifies in writing to the Secretary of State that the publication of such information could adversely affect United States intelligence sources or methods.

''(B) Any information not provided to the Secretary of State pursuant to the authority in subparagraph (A) shall be transmitted to the Director of National Intelligence who shall keep a record of such information.

''(C) In this paragraph, the term 'intelligence community' has the meaning given the term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).''.

SEC. 316. REPORT ON COMPLIANCE WITH THE DETAINEE TREATMENT ACT OF 2005 AND RELATED PROVISIONS OF THE MILITARY COMMISSIONS ACT OF 2006.

(a) REPORT REQUIRED.—Not later than November 1, 2008, the Director of National Intelligence shall submit to the congressional intelligence committees a comprehensive report on all measures taken by the Office of the Director of National Intelligence and by each element, if any, of the intelligence community with relevant responsibilities to comply with the provisions of the Detainee Treatment Act of 2005 (title X of division A of Public Law 109–148; 119 Stat. 2739) and related provisions of the Military Commissions Act of 2006 (Public Law 109–366; 120 Stat. 2600).

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) A description of the detention or interrogation methods, if any, that have been determined to comply with section 1003 of the Detainee Treatment Act of 2005 (119 Stat. 2739; 42 U.S.C. 2000dd) and section 6 of the Military Commissions Act of 2006 (120 Stat. 2632; 18 U.S.C. 2441 note) (including the amendments made by such section 6), and, with respect to each such method—

(A) an identification of the official making such determination; and

(B) a statement of the basis for such determination.

(2) A description of the detention or interrogation methods, if any, the use of which has been discontinued pursuant to the Detainee Treatment Act of 2005 or the Military Commission Act of 2006, and, with respect to each such method—

(A) an identification of the official making the determination to discontinue such method; and

(B) a statement of the basis for such determination.

(3) A description of any actions that have been taken to implement section 1004 of the Detainee Treatment Act of 2005 (119 Stat. 2740; 42 U.S.C. 2000dd–1), and, with respect to each such action—

(A) an identification of the official taking such action; and

(B) a statement of the basis for such action.

(4) Any other matters that the Director considers necessary to fully and currently inform the congressional intelligence committees about the implementation of the Detainee Treatment Act of 2005 and related provisions of the Military Commissions Act of 2006.

(5) An appendix containing—

(A) all guidelines for the application of the Detainee Treatment Act of 2005 and related provisions of the Military Commissions Act of 2006 to the detention or interrogation activities, if any, of any element of the intelligence community; and

(B) all legal justifications of the Department of Justice, including any office thereof, about the meaning or application of the Detainee Treatment Act of 2005 or related provisions of the Military Commissions Act of 2006 with respect to the detention or interrogation activities, if any, of any element of the intelligence community.

(c) FORM.—The report required by subsection (a) shall be submitted in classified form.

(d) SUBMISSION TO THE CONGRESSIONAL ARMED SERVICES COMMITTEES.—To the extent that the report required by subsection (a) addresses an element of the intelligence community within the Department of Defense, that portion of the report, and any associated material that is necessary to make that portion understandable, shall also be submitted by the Director of National Intelligence to the congressional armed services committees.

(e) CONGRESSIONAL ARMED SERVICES COMMITTEE DEFINED.—In this section, the term ''congressional armed services committees'' means—

(1) the Committee on Armed Services of the Senate; and

(2) the Committee on Armed Services of the House of Representatives.

SEC. 317. INCORPORATION OF REPORTING REQUIREMENTS.

Each requirement to submit a report to the congressional intelligence committees that is included in the classified annex to this Act is hereby incorporated into this Act and is hereby made a requirement in law.

SEC. 318. REPEAL OF CERTAIN REPORTING REQUIREMENTS.

(a) ANNUAL CERTIFICATION ON COUNTERINTELLIGENCE INITIATIVES.—Section 1102(b) of the National Security Act of 1947 (50 U.S.C. 442a(b)) is amended—

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

(2) by striking paragraph (2).

(b) REPORT AND CERTIFICATION UNDER TERRORIST IDENTIFICATION CLASSIFICATION SYSTEM.—Section 343 of the Intelligence Authorization Act for Fiscal Year 2003 (50 U.S.C. 404n–2) is amended—

(1) by striking subsection (d); and

(2) by redesignating subsections (e), (f), (g), and (h) as subsections (d), (e), (f), and (g), respectively.

(c) ANNUAL REPORT ON COUNTERDRUG INTELLIGENCE MATTERS.—Section 826 of the Intelligence Authorization Act for Fiscal Year 2003 (Public Law 107–306; 116 Stat. 2429; 21 U.S.C. 873 note) is repealed.

(d) CONFORMING AMENDMENTS.—Section 507(a)(2) of the National Security Act of 1947 (50 U.S.C. 415b(a)(2)) is amended by striking subparagraph (D).

SEC. 319. ENHANCEMENT OF CRITICAL SKILLS TRAINING PROGRAM.

(a) NATIONAL SECURITY AGENCY.—Subsection (e) of section 16 of the National Security Agency Act of 1959 (50 U.S.C. 402 note) is amended by striking ''(1) When an employee'' and all that follows through ''(2) Agency efforts'' and inserting ''Agency efforts''.

(b) OTHER ELEMENTS OF THE INTELLIGENCE COMMUNITY.—

(1) IN GENERAL.—The National Security Act of 1947 is amended by inserting after section 1021 (50 U.S.C. 441m) the following new section:

''INTELLIGENCE COMMUNITY ACQUISITION OF CRITICAL SKILLS

''SEC. 1022. (a) IN GENERAL.—The head of an appropriate department may assign civilian employees of an element of the intelligence community that is a component of such appropriate department as students at accredited professional, technical, and other institutions of higher learning for training at the undergraduate level in skills critical to effective performance of the mission of such element of the intelligence community.

''(b) PAYMENT OF EXPENSES.—The head of an appropriate department may pay, directly or by reimbursement to employees, expenses incident to assignments under subsection (a), in any fiscal year only to the extent that appropriated funds are available for such purpose.

''(c) ELIGIBILITY.—

''(1) IN GENERAL.—To be eligible for assignment under subsection (a), an employee of an element of the intelligence community must agree in writing—

''(A) to continue in the service of such element for the period of the assignment and to

complete the educational course of training for which the employee is assigned;

''(B) to continue in the service of such element following completion of the assignment for a period of one-and-a-half years for each year of the assignment or part thereof;

''(C) to reimburse the United States for the total cost of education (excluding the employee's pay and allowances) provided under this section to the employee if, prior to the employee's completing the educational course of training for which the employee is assigned, the assignment or the employee's employment with such element is terminated either by such element due to misconduct by the employee or by the employee voluntarily; and

''(D) to reimburse the United States if, after completing the educational course of training for which the employee is assigned, the employee's employment with such element is terminated either by such element due to misconduct by the employee or by the employee voluntarily, prior to the employee's completion of the service obligation period described in subparagraph (B), in an amount that bears the same ratio to the total cost of the education (excluding the employee's pay and allowances) provided to the employee as the unserved portion of the service obligation period described in subparagraph (B) bears to the total period of the service obligation described in subparagraph (B).

''(2) DEBT OWING THE UNITED STATES.—Subject to paragraph (3), the obligation to reimburse the United States under an agreement described in paragraph (1), including interest due on such obligation, is for all purposes a debt owing the United States.

''(3) REIMBURSEMENT.—

''(A) BANKRUPTCY.—A discharge in bankruptcy under title 11, United States Code, shall not release a person from an obligation to reimburse the United States required under an agreement described in paragraph (1) if the final decree of the discharge in bankruptcy is issued within five years after the last day of the combined period of service obligation described in subparagraphs (A) and (B) of paragraph (1).

''(B) RELEASE.—The head of an appropriate department may release a person, in whole or in part, from the obligation to reimburse the United States under an agreement described in paragraph (1) when, in the discretion of such head of an appropriate department, such head of an appropriate department determines that equity or the interests of the United States so require.

''(C) MONTHLY PAYMENTS.—The head of an appropriate department shall permit an employee assigned under this section who, prior to commencing a second academic year of such assignment, voluntarily terminates the assignment or the employee's employment with the element of the intelligence community that is a component of such appropriate department, to satisfy the employee's obligation under an agreement described in paragraph (1) to reimburse the United States by reimbursement according to a schedule of monthly payments which results in completion of reimbursement by a date five years after the date of termination of the assignment or employment or earlier at the option of the employee.

''(d) RECRUITMENT.—Efforts by an element of the intelligence community to recruit individuals at educational institutions for participation in the undergraduate training program established by this section shall be made openly and according to the common practices of universities and employers recruiting at such institutions.

''(e) INAPPLICATION OF PROVISIONS ON TRAINING.—Chapter 41 of title 5 and subsections (a) and (b) of section 3324 of title 31, United States Code, shall not apply with respect to this section.

''(f) REGULATIONS.—A head of the appropriate department assigning employees in accordance with this section may issue such regulations as such head of the appropriate department considers necessary to carry out this section.

''(g) RULES OF CONSTRUCTION.—

''(1) COMPONENT.—For purposes of this section—

''(A) the Office of the Director of National Intelligence shall be considered a component of such Office; and

''(B) the Central Intelligence Agency shall be considered a component of such Agency.

''(2) REQUIRED EDUCATION PROGRAMS.—Nothing in this section shall be construed to modify, affect, or supercede any provision of law requiring or otherwise authorizing or providing for a training program described in this section.

''(h) APPROPRIATE DEPARTMENT DEFINED.—In this section, the term 'appropriate department' means—

''(1) with respect to the Office of the Director of National Intelligence, the Office of the Director of National Intelligence;

''(2) with respect to the Central Intelligence Agency, Central Intelligence Agency; and

''(3) with respect to an element of the intelligence community other than the Office of the Director of National Intelligence and the Central Intelligence Agency, the department of the Federal Government of which such element of the intelligence community is a component.''.

(2) CONFORMING AMENDMENT.—The table of contents in the first section of the National Security Act of 1947 (50 U.S.C. 401 et seq.) is amended by inserting after the item relating to section 1021 the following new item:

''Sec. 1022. Intelligence community acquisition of critical skills.''.

SEC. 320. COMPREHENSIVE NATIONAL CYBERSECURITY INITIATIVE ADVISORY PANEL.

Not later than February 1, 2009, the President shall submit to Congress a report on options for creating an advisory panel comprised of representatives of Congress, the Executive Branch, and the private sector to make policy and procedural recommendations for—

(1) information security for the Federal Government;

(2) critical infrastructure;

(3) the authorities, roles, responsibilities of the intelligence community, Department of Homeland Security, and Department of Defense for purposes of supporting the Comprehensive National Cybersecurity Initiative as described in National Security Policy Directive 54/Homeland Security Policy Directive 23 entitled ''Cybersecurity Policy'' signed by the President on January 8, 2008; and

(4) other matters related to paragraphs (1) through (3) as the President considers appropriate.

SEC. 321. EXCEPTION TO ALTERNATIVE FUEL PROCUREMENT REQUIREMENT.

Section 526(a) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17142(a)) does not prohibit an element of the intelligence community from entering into a contract to purchase a generally available fuel that is not an alternative or synthetic fuel or predominantly produced from a nonconventional petroleum source, if—

(1) the contract does not specifically require the contractor to provide an alternative or synthetic fuel or fuel from a nonconventional petroleum source;

(2) the purpose of the contract is not to obtain an alternative or synthetic fuel or fuel from a nonconventional petroleum source; and

(3) the contract does not provide incentives for a refinery upgrade or expansion to allow a refinery to use or increase its use of fuel from a nonconventional petroleum source.

TITLE IV—MATTERS RELATING TO ELEMENTS OF THE INTELLIGENCE COMMUNITY

Subtitle A—Office of the Director of National Intelligence

SEC. 401. CLARIFICATION OF LIMITATION ON COLOCATION OF THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.

Section 103(e) of the National Security Act of 1947 (50 U.S.C. 403–3(e)) is amended—

(1) by striking ''WITH'' and inserting ''OF HEADQUARTERS WITH HEADQUARTERS OF'';

(2) by inserting ''the headquarters of'' before ''the Office''; and

(3) by striking ''any other element'' and inserting ''the headquarters of any other element''.

SEC. 402. MEMBERSHIP OF THE DIRECTOR OF NATIONAL INTELLIGENCE ON THE TRANSPORTATION SECURITY OVERSIGHT BOARD.

Subparagraph (F) of section 115(b)(1) of title 49, United States Code, is amended to read as follows:

''(F) The Director of National Intelligence.''.

SEC. 403. ADDITIONAL DUTIES OF THE DIRECTOR OF SCIENCE AND TECHNOLOGY.

Section 103E of the National Security Act of 1947 (50 U.S.C. 403–3e) is amended—

(1) in subsection (c)—

(A) by redesignating paragraph (5) as paragraph (7);

(B) in paragraph (4), by striking ''and'' at the end; and

(C) by inserting after paragraph (4) the following:

''(5) assist the Director in establishing goals for basic, applied, and advanced research to meet the technology needs of the intelligence community;

''(6) submit to the congressional intelligence committees an annual report on the science and technology strategy of the Director that shows resources mapped to the goals of the intelligence community; and''; and

(2) in subsection (d)(3)—

(A) in subparagraph (A)—

(i) by inserting ''and prioritize'' after ''coordinate''; and

(ii) by striking ''; and'' and inserting '';'';

(B) by redesignating subparagraph (B) as subparagraph (C); and

(C) by inserting after subparagraph (A) the following new subparagraph:

''(B) identify basic, advanced, and applied research programs to be executed by elements of the intelligence community; and''.

SEC. 404. LEADERSHIP AND LOCATION OF CERTAIN OFFICES AND OFFICIALS.

(a) NATIONAL COUNTER PROLIFERATION CENTER.—Section 119A(a) of the National Security Act of 1947 (50 U.S.C. 404o–1(a)) is amended—

(1) by striking ''(a) ESTABLISHMENT.—Not later than 18 months after the date of the enactment of the National Security Intelligence Reform Act of 2004, the'' and inserting the following:

''(a) IN GENERAL.—

''(1) ESTABLISHMENT.—The''; and

(2) by adding at the end the following new paragraphs:

''(2) DIRECTOR.—The head of the National Counter Proliferation Center shall be the Director of the National Counter Proliferation Center, who shall be appointed by the Director of National Intelligence.

''(3) LOCATION.—The National Counter Proliferation Center shall be located within the Office of the Director of National Intelligence.''.

(b) OFFICERS.—Section 103(c) of that Act (50 U.S.C. 403–3(c)) is amended—

(1) by redesignating paragraph (9) as paragraph (13); and

(2) by inserting after paragraph (8) the following new paragraphs:

''(9) The Chief Information Officer of the Intelligence Community.

''(10) The Inspector General of the Intelligence Community.

''(11) The Director of the National Counterterrorism Center.

''(12) The Director of the National Counter Proliferation Center.''.

SEC. 405. PLAN TO IMPLEMENT RECOMMENDATIONS OF THE DATA CENTER ENERGY EFFICIENCY REPORTS.

(a) PLAN.—The Director of National Intelligence shall develop a plan to implement the recommendations of the report submitted to Congress under section 1 of the Act entitled ''An Act to study and promote the use of energy efficient computer servers in the United States'' (Public Law 109–431; 120 Stat. 2920) across the intelligence community.

(b) REPORT.—

(1) IN GENERAL.—Not later then November 1, 2008, the Director of National Intelligence shall submit to the congressional intelligence committees a report containing the plan developed under subsection (a).

(2) FORM.—The report under paragraph (1) shall be submitted in unclassified form, but may contain a classified annex.

SEC. 406. SEMIANNUAL REPORTS ON NUCLEAR PROGRAMS OF IRAN, SYRIA, AND NORTH KOREA.

(a) REPORTS.—

(1) IN GENERAL.—Title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.), as amended by title III, is further amended by adding at the end the following new section:

''SEMIANNUAL REPORTS ON THE NUCLEAR PROGRAMS OF IRAN, SYRIA, AND NORTH KOREA

''SEC. 509. (a) REQUIREMENT FOR REPORTS.—Not less frequently than every 180 days, the Director of National Intelligence shall submit to the congressional intelligence committees a report on the intentions and capabilities of the Islamic Republic of Iran, the Syrian Arab Republic, and the Democratic People's Republic of Korea, with regard to the nuclear programs of each such country.

''(b) CONTENT.—Each report submitted under subsection (a) shall include, with respect to the Islamic Republic of Iran, the Syrian Arab Republic, and the Democratic People's Republic of Korea—

''(1) an assessment of nuclear weapons programs of each such country;

''(2) an evaluation, consistent with existing reporting standards and practices, of the sources upon which the intelligence used to prepare the assessment described in paragraph (1) is based, including the number of such sources and an assessment of the reliability of each such source;

''(3) a summary of any intelligence related to any such program gathered or developed since the previous report was submitted under subsection (a), including intelligence collected from both open and clandestine sources for each such country; and

''(4) a discussion of any dissents, caveats, gaps in knowledge, or other information that would reduce confidence in the assessment described in paragraph (1).

''(c) NATIONAL INTELLIGENCE ESTIMATE.—The Director of National Intelligence may submit a National Intelligence Estimate on the intentions and capabilities of the Islamic Republic of Iran, the Syrian Arab Republic, or the Democratic People's Republic of Korea in lieu of a report required by subsection (a) for that country.

''(d) FORM.—Each report submitted under subsection (a) may be submitted in classified form.''.

(2) APPLICABILITY DATE.—The first report required to be submitted under section 509 of the National Security Act of 1947, as added by paragraph (1), shall be submitted not later than 30 days after the date of the enactment of this Act.

(b) CONFORMING AMENDMENT.—The table of contents in the first section of the National Security Act of 1947 (50 U.S.C. 401 et seq.) is amended by inserting after the item relating to section 508 the following new item:

''Sec. 509. Semiannual reports on the nuclear programs of Iran, Syria, and North Korea.''.

SEC. 407. TITLE OF CHIEF INFORMATION OFFICER OF THE INTELLIGENCE COMMUNITY.

Section 103G of the National Security Act of 1947 (50 U.S.C. 403–3g) is amended—

(1) in subsection (a), by inserting ''of the Intelligence Community'' after ''Chief Information Officer'';

(2) in subsection (b), by inserting ''of the Intelligence Community'' after ''Chief Information Officer'';

(3) in subsection (c), by inserting ''of the Intelligence Community'' after ''Chief Information Officer''; and

(4) in subsection (d), by inserting ''of the Intelligence Community'' after ''Chief Information Officer''.

SEC. 408. INSPECTOR GENERAL OF THE INTELLIGENCE COMMUNITY.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—Title I of the National Security Act of 1947 (50 U.S.C. 402 et seq.) is amended by inserting after section 103G the following new section:

''INSPECTOR GENERAL OF THE INTELLIGENCE COMMUNITY

''SEC. 103H. (a) OFFICE OF INSPECTOR GENERAL OF INTELLIGENCE COMMUNITY.—There is within the Office of the Director of National Intelligence an Office of the Inspector General of the Intelligence Community.

''(b) PURPOSE.—The purpose of the Office of the Inspector General of the Intelligence Community is to—

''(1) create an objective and effective office, appropriately accountable to Congress, to initiate and conduct independently investigations, inspections, and audits on matters within the responsibility and authority of the Director of National Intelligence;

''(2) recommend policies designed—

''(A) to promote economy, efficiency, and effectiveness in the administration and implementation of matters within the responsibility and authority of the Director of National Intelligence; and

''(B) to prevent and detect fraud and abuse in such matters;

''(3) provide a means for keeping the Director of National Intelligence fully and currently informed about—

''(A) problems and deficiencies relating to matters within the responsibility and authority of the Director of National Intelligence; and

''(B) the necessity for, and the progress of, corrective actions; and

''(4) in the manner prescribed by this section, ensure that the congressional intelligence committees are kept similarly informed of—

''(A) significant problems and deficiencies relating to matters within the responsibility and authority of the Director of National Intelligence; and

''(B) the necessity for, and the progress of, corrective actions.

''(c) INSPECTOR GENERAL OF INTELLIGENCE COMMUNITY.—(1) There is an Inspector General of the Intelligence Community, who shall be the head of the Office of the Inspector General of the Intelligence Community, who shall be appointed by the President, by and with the advice and consent of the Senate.

''(2) The nomination of an individual for appointment as Inspector General shall be made—

''(A) without regard to political affiliation;

''(B) solely on the basis of integrity, compliance with the security standards of the intelligence community, and prior experience in the field of intelligence or national security; and

''(C) on the basis of demonstrated ability in accounting, financial analysis, law, management analysis, public administration, or auditing.

''(3) The Inspector General shall report directly to and be under the general supervision of the Director of National Intelligence.

''(4) The Inspector General may be removed from office only by the President. The President shall immediately communicate in writing to the congressional intelligence committees the reasons for the removal of any individual from the position of Inspector General.

''(d) DUTIES AND RESPONSIBILITIES.—Subject to subsections (g) and (h), it shall be the duty and responsibility of the Inspector General of the Intelligence Community—

''(1) to provide policy direction for, and to plan, conduct, supervise, and coordinate independently, the investigations, inspections, and audits relating to matters within the responsibility and authority of the Director of National Intelligence to ensure they are conducted efficiently and in accordance with applicable law and regulations;

''(2) to keep the Director of National Intelligence fully and currently informed concerning violations of law and regulations, violations of civil liberties and privacy, fraud and other serious problems, abuses, and deficiencies that may occur in matters within the responsibility and authority of the Director, and to report the progress made in implementing corrective action;

''(3) to take due regard for the protection of intelligence sources and methods in the preparation of all reports issued by the Inspector General, and, to the extent consistent with the purpose and objective of such reports, take such measures as may be appropriate to minimize the disclosure of intelligence sources and methods described in such reports; and

''(4) in the execution of the duties and responsibilities under this section, to comply with generally accepted government auditing standards.

''(e) LIMITATIONS ON ACTIVITIES.—(1) The Director of National Intelligence may prohibit the Inspector General of the Intelligence Community from initiating, carrying out, or completing any investigation, inspection, or audit if the Director determines that such prohibition is necessary to protect vital national security interests of the United States.

''(2) If the Director exercises the authority under paragraph (1), the Director shall submit an appropriately classified statement of the reasons for the exercise of such authority within 7 days to the congressional intelligence committees.

''(3) The Director shall advise the Inspector General at the time a report under paragraph (2) is submitted, and, to the extent consistent with the protection of intelligence sources and methods, provide the Inspector General with a copy of such report.

''(4) The Inspector General may submit to the congressional intelligence committees any comments on a report of which the Inspector General has notice under paragraph (3) that the Inspector General considers appropriate.

''(f) AUTHORITIES.—(1) The Inspector General of the Intelligence Community shall

have direct and prompt access to the Director of National Intelligence when necessary for any purpose pertaining to the performance of the duties of the Inspector General.

''(2)(A) The Inspector General shall have access to any employee, or any employee of a contractor, of any element of the intelligence community whose testimony is needed for the performance of the duties of the Inspector General.

''(B) The Inspector General shall have direct access to all records, reports, audits, reviews, documents, papers, recommendations, or other material which relate to the programs and operations with respect to which the Inspector General has responsibilities under this section.

''(C) The level of classification or compartmentation of information shall not, in and of itself, provide a sufficient rationale for denying the Inspector General access to any materials under subparagraph (B).

''(D) Failure on the part of any employee, or any employee of a contractor, of any element of the intelligence community to cooperate with the Inspector General shall be grounds for appropriate administrative actions by the Director or, on the recommendation of the Director, other appropriate officials of the intelligence community, including loss of employment or the termination of an existing contractual relationship.

''(3) The Inspector General is authorized to receive and investigate complaints or information from any person concerning the existence of an activity constituting a violation of laws, rules, or regulations, or mismanagement, gross waste of funds, abuse of authority, or a substantial and specific danger to the public health and safety. Once such complaint or information has been received from an employee of the Federal Government—

''(A) the Inspector General shall not disclose the identity of the employee without the consent of the employee, unless the Inspector General determines that such disclosure is unavoidable during the course of the investigation or the disclosure is made to an official of the Department of Justice responsible for determining whether a prosecution should be undertaken; and

''(B) no action constituting a reprisal, or threat of reprisal, for making such complaint may be taken by any employee in a position to take such actions, unless the complaint was made or the information was disclosed with the knowledge that it was false or with willful disregard for its truth or falsity.

''(4) The Inspector General shall have authority to administer to or take from any person an oath, affirmation, or affidavit, whenever necessary in the performance of the duties of the Inspector General, which oath, affirmation, or affidavit when administered or taken by or before an employee of the Office of the Inspector General of the Intelligence Community designated by the Inspector General shall have the same force and effect as if administered or taken by, or before, an officer having a seal.

''(5)(A) Except as provided in subparagraph (B), the Inspector General is authorized to require by subpoena the production of all information, documents, reports, answers, records, accounts, papers, and other data and documentary evidence necessary in the performance of the duties and responsibilities of the Inspector General.

''(B) In the case of departments, agencies, and other elements of the United States Government, the Inspector General shall obtain information, documents, reports, answers, records, accounts, papers, and other data and evidence for the purpose specified in subparagraph (A) using procedures other than by subpoenas.

''(C) The Inspector General may not issue a subpoena for, or on behalf of, any other element of the intelligence community, including the Office of the Director of National Intelligence.

''(D) In the case of contumacy or refusal to obey a subpoena issued under this paragraph, the subpoena shall be enforceable by order of any appropriate district court of the United States.

''(g) COORDINATION AMONG INSPECTORS GENERAL OF INTELLIGENCE COMMUNITY.—(1)(A) In the event of a matter within the jurisdiction of the Inspector General of the Intelligence Community that may be subject to an investigation, inspection, or audit by both the Inspector General of the Intelligence Community and an Inspector General, whether statutory or administrative, with oversight responsibility for an element or elements of the intelligence community, the Inspector General of the Intelligence Community and such other Inspector or Inspectors General shall expeditiously resolve the question of which Inspector General shall conduct such investigation, inspection, or audit.

''(B) In attempting to resolve a question under subparagraph (A), the Inspectors General concerned may request the assistance of the Intelligence Community Inspectors General Forum established under subparagraph (C). In the event of a dispute between an Inspector General within an agency or department of the United States Government and the Inspector General of the Intelligence Community that has not been resolved with the assistance of the Forum, the Inspectors General shall submit the question to the Director of National Intelligence and the head of the agency or department for resolution.

''(C) There is established the Intelligence Community Inspectors General Forum which shall consist of all statutory or administrative Inspectors General with oversight responsibility for an element or elements of the intelligence community. The Inspector General of the Intelligence Community shall serve as the chair of the Forum. The Forum shall have no administrative authority over any Inspector General, but shall serve as a mechanism for informing its members of the work of individual members of the Forum that may be of common interest and discussing questions about jurisdiction or access to employees, employees of a contractor, records, audits, reviews, documents, recommendations, or other materials that may involve or be of assistance to more than one of its members.

''(2) The Inspector General conducting an investigation, inspection, or audit covered by paragraph (1) shall submit the results of such investigation, inspection, or audit to any other Inspector General, including the Inspector General of the Intelligence Community, with jurisdiction to conduct such investigation, inspection, or audit who did not conduct such investigation, inspection, or audit.

''(h) STAFF AND OTHER SUPPORT.—(1) The Inspector General of the Intelligence Community shall be provided with appropriate and adequate office space at central and field office locations, together with such equipment, office supplies, maintenance services, and communications facilities and services as may be necessary for the operation of such offices.

''(2)(A) Subject to applicable law and the policies of the Director of National Intelligence, the Inspector General shall select, appoint, and employ such officers and employees as may be necessary to carry out the functions of the Inspector General. The Inspector General shall ensure that any officer or employee so selected, appointed, or employed has security clearances appropriate for the assigned duties of such officer or employee.

''(B) In making selections under subparagraph (A), the Inspector General shall ensure that such officers and employees have the requisite training and experience to enable the Inspector General to carry out the duties of the Inspector General effectively.

''(C) In meeting the requirements of this paragraph, the Inspector General shall create within the Office of the Inspector General of the Intelligence Community a career cadre of sufficient size to provide appropriate continuity and objectivity needed for the effective performance of the duties of the Inspector General.

''(3)(A) Subject to the concurrence of the Director, the Inspector General may request such information or assistance as may be necessary for carrying out the duties and responsibilities of the Inspector General from any department, agency, or other element of the United States Government.

''(B) Upon request of the Inspector General for information or assistance under subparagraph (A), the head of the department, agency, or element concerned shall, insofar as is practicable and not in contravention of any existing statutory restriction or regulation of the department, agency, or element, furnish to the Inspector General, or to an authorized designee, such information or assistance.

''(C) The Inspector General of the Intelligence Community may, upon reasonable notice to the head of any element of the intelligence community, conduct, as authorized by this section, an investigation, inspection, or audit of such element and may enter into any place occupied by such element for purposes of the performance of the duties of the Inspector General.

''(i) REPORTS.—(1)(A) The Inspector General of the Intelligence Community shall, not later than January 31 and July 31 of each year, prepare and submit to the Director of National Intelligence a classified, and, as appropriate, unclassified semiannual report summarizing the activities of the Office of the Inspector General of the Intelligence Community during the immediately preceding 6-month period ending December 31 (of the preceding year) and June 30, respectively. The Inspector General of the Intelligence Community shall provide any portion of the report involving a component of a department of the United States Government to the head of that department simultaneously with submission of the report to the Director of National Intelligence.

''(B) Each report under this paragraph shall include, at a minimum, the following:

''(i) A list of the title or subject of each investigation, inspection, or audit conducted during the period covered by such report, including a summary of the progress of each particular investigation, inspection, or audit since the preceding report of the Inspector General under this paragraph.

''(ii) A description of significant problems, abuses, and deficiencies relating to the administration and implementation of programs and operations of the intelligence community, and in the relationships between elements of the intelligence community, identified by the Inspector General during the period covered by such report.

''(iii) A description of the recommendations for corrective or disciplinary action made by the Inspector General during the period covered by such report with respect to significant problems, abuses, or deficiencies identified in clause (ii).

''(iv) A statement whether or not corrective or disciplinary action has been completed on each significant recommendation described in previous semiannual reports, and, in a case where corrective action has been completed, a description of such corrective action.

''(v) A certification whether or not the Inspector General has had full and direct access to all information relevant to the performance of the functions of the Inspector General.

''(vi) A description of the exercise of the subpoena authority under subsection (f)(5) by the Inspector General during the period covered by such report.

''(vii) Such recommendations as the Inspector General considers appropriate for legislation to promote economy, efficiency, and effectiveness in the administration and implementation of matters within the responsibility and authority of the Director of National Intelligence, and to detect and eliminate fraud and abuse in such matters.

''(C) Not later than the 30 days after the date of receipt of a report under subparagraph (A), the Director shall transmit the report to the congressional intelligence committees together with any comments the Director considers appropriate. The Director shall transmit to the committees of the Senate and of the House of Representatives with jurisdiction over a department of the United States Government any portion of the report involving a component of such department simultaneously with submission of the report to the congressional intelligence committees.

''(2)(A) The Inspector General shall report immediately to the Director whenever the Inspector General becomes aware of particularly serious or flagrant problems, abuses, or deficiencies relating to matters within the responsibility and authority of the Director of National Intelligence.

''(B) The Director shall transmit to the congressional intelligence committees each report under subparagraph (A) within 7 calendar days of receipt of such report, together with such comments as the Director considers appropriate. The Director shall transmit to the committees of the Senate and of the House of Representatives with jurisdiction over a department of the United States Government any portion of each report under subparagraph (A) that involves a problem, abuse, or deficiency related to a component of such department simultaneously with transmission of the report to the congressional intelligence committees.

''(3) In the event that—

''(A) the Inspector General is unable to resolve any differences with the Director affecting the execution of the duties or responsibilities of the Inspector General;

''(B) an investigation, inspection, or audit carried out by the Inspector General focuses on any current or former intelligence community official who—

''(i) holds or held a position in an element of the intelligence community that is subject to appointment by the President, whether or not by and with the advice and consent of the Senate, including such a position held on an acting basis;

''(ii) holds or held a position in an element of the intelligence community, including a position held on an acting basis, that is appointed by the Director of National Intelligence; or

''(iii) holds or held a position as head of an element of the intelligence community or a position covered by subsection (b) or (c) of section 106;

''(C) a matter requires a report by the Inspector General to the Department of Justice on possible criminal conduct by a current or former official described in subparagraph (B);

''(D) the Inspector General receives notice from the Department of Justice declining or approving prosecution of possible criminal conduct of any current or former official described in subparagraph (B); or

''(E) the Inspector General, after exhausting all possible alternatives, is unable to obtain significant documentary information in the course of an investigation, inspection, or audit,

the Inspector General shall immediately notify and submit a report on such matter to the congressional intelligence committees.

''(4) Pursuant to title V, the Director shall submit to the congressional intelligence committees any report or findings and recommendations of an investigation, inspection, or audit conducted by the office which has been requested by the Chairman or Vice Chairman or Ranking Minority Member of either committee.

''(5)(A) An employee of an element of the intelligence community, an employee assigned or detailed to an element of the intelligence community, or an employee of a contractor to the intelligence community who intends to report to Congress a complaint or information with respect to an urgent concern may report such complaint or information to the Inspector General.

''(B) Not later than the end of the 14-calendar day period beginning on the date of receipt from an employee of a complaint or information under subparagraph (A), the Inspector General shall determine whether the complaint or information appears credible. Upon making such a determination, the Inspector General shall transmit to the Director a notice of that determination, together with the complaint or information.

''(C) Upon receipt of a transmittal from the Inspector General under subparagraph (B), the Director shall, within 7 calendar days of such receipt, forward such transmittal to the congressional intelligence committees, together with any comments the Director considers appropriate.

''(D)(i) If the Inspector General does not find credible under subparagraph (B) a complaint or information submitted under subparagraph (A), or does not transmit the complaint or information to the Director in accurate form under subparagraph (B), the employee (subject to clause (ii)) may submit the complaint or information to Congress by contacting either or both of the congressional intelligence committees directly.

''(ii) An employee may contact the intelligence committees directly as described in clause (i) only if the employee—

''(I) before making such a contact, furnishes to the Director, through the Inspector General, a statement of the employee's complaint or information and notice of the employee's intent to contact the congressional intelligence committees directly; and

''(II) obtains and follows from the Director, through the Inspector General, direction on how to contact the intelligence committees in accordance with appropriate security practices.

''(iii) A member or employee of 1 of the congressional intelligence committees who receives a complaint or information under clause (i) does so in that member or employee's official capacity as a member or employee of such committee.

''(E) The Inspector General shall notify an employee who reports a complaint or information to the Inspector General under this paragraph of each action taken under this paragraph with respect to the complaint or information. Such notice shall be provided not later than 3 days after any such action is taken.

''(F) An action taken by the Director or the Inspector General under this paragraph shall not be subject to judicial review.

''(G) In this paragraph, the term 'urgent concern' means any of the following:

''(i) A serious or flagrant problem, abuse, violation of law or Executive order, or deficiency relating to the funding, administration, or operation of an intelligence activity involving classified information, but does not include differences of opinions concerning public policy matters.

''(ii) A false statement to Congress, or a willful withholding from Congress, on an issue of material fact relating to the funding, administration, or operation of an intelligence activity.

''(iii) An action, including a personnel action described in section 2302(a)(2)(A) of title 5, United States Code, constituting reprisal or threat of reprisal prohibited under subsection (f)(3)(B) of this section in response to an employee's reporting an urgent concern in accordance with this paragraph.

''(H) In support of this paragraph, Congress makes the findings set forth in paragraphs (1) through (6) of section 701(b) of the Intelligence Community Whistleblower Protection Act of 1998 (title VII of Public Law 105–272; 5 U.S.C. App. 8H note).

''(6) In accordance with section 535 of title 28, United States Code, the Inspector General shall report to the Attorney General any information, allegation, or complaint received by the Inspector General relating to violations of Federal criminal law that involves a program or operation of an element of the intelligence community, or in the relationships between the elements of the intelligence community, consistent with such guidelines as may be issued by the Attorney General pursuant to subsection (b)(2) of such section. A copy of each such report shall be furnished to the Director.

''(j) SEPARATE BUDGET ACCOUNT.—The Director of National Intelligence shall, in accordance with procedures to be issued by the Director in consultation with the congressional intelligence committees, include in the National Intelligence Program budget a separate account for the Office of Inspector General of the Intelligence Community.

''(k) CONSTRUCTION OF DUTIES REGARDING ELEMENTS OF INTELLIGENCE COMMUNITY.—Except as resolved pursuant to subsection (g), the performance by the Inspector General of the Intelligence Community of any duty, responsibility, or function regarding an element of the intelligence community shall not be construed to modify or effect the duties and responsibilities of any other Inspector General, whether statutory or administrative, having duties and responsibilities relating to such element.''.

(2) CLERICAL AMENDMENT.—The table of contents in the first section of the National Security Act of 1947 is amended by inserting after the item relating to section 103G the following new item:

''Sec. 103H. Inspector General of the Intelligence Community.''.

(b) REPEAL OF SUPERSEDED AUTHORITY TO ESTABLISH POSITION.—Section 8K of the Inspector General Act of 1978 (5 U.S.C. App.) is repealed.

(c) EXECUTIVE SCHEDULE LEVEL IV.—Section 5315 of title 5, United States Code, is amended by adding at the end the following new item:

''Inspector General of the Intelligence Community.''.

SEC. 409. ANNUAL REPORT ON FOREIGN LANGUAGE PROFICIENCY IN THE INTELLIGENCE COMMUNITY.

(a) REPORT.—

(1) IN GENERAL.—Title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.), as amended by section 406 of this Act, is further amended by adding at the end the following new section:

''REPORT ON FOREIGN LANGUAGE PROFICIENCY IN THE INTELLIGENCE COMMUNITY

''SEC. 510. Not later than February 1 of each year, the Director of National Intelligence shall submit to the congressional intelligence committees a report on the proficiency in foreign languages and, if appropriate, in foreign dialects of each element of the intelligence community, including—

''(1) the number of positions authorized for such element that require foreign language proficiency and the level of proficiency required;

''(2) an estimate of the number of such positions that each element will require during the 5-year period beginning on the date of the submission of the report;

''(3) the number of positions authorized for such element that require foreign language proficiency that are filled by—

''(A) military personnel; and

''(B) civilian personnel;

''(4) the number of applicants for positions in such element in the previous fiscal year that indicated foreign language proficiency, including the foreign language indicated and the proficiency level;

''(5) the number of persons hired by such element with foreign language proficiency, including the foreign language and proficiency level;

''(6) the number of personnel of such element currently attending foreign language training, including the provider of such training;

''(7) a description of such element's efforts to recruit, hire, train, and retain personnel that are proficient in a foreign language;

''(8) an assessment of methods and models for basic, advanced, and intensive foreign language training;

''(9) for each foreign language and, where appropriate, dialect of a foreign language—

''(A) the number of positions of such element that require proficiency in the foreign language or dialect;

''(B) the number of personnel of such element that are serving in a position that requires proficiency in the foreign language or dialect to perform the primary duty of the position;

''(C) the number of personnel of such element that are serving in a position that does not require proficiency in the foreign language or dialect to perform the primary duty of the position;

''(D) the number of personnel of such element rated at each level of proficiency of the Interagency Language Roundtable;

''(E) whether the number of personnel at each level of proficiency of the Interagency Language Roundtable meets the requirements of such element;

''(F) the number of personnel serving or hired to serve as linguists for such element that are not qualified as linguists under the standards of the Interagency Language Roundtable;

''(G) the number of personnel hired to serve as linguists for such element during the preceding calendar year;

''(H) the number of personnel serving as linguists that discontinued serving such element during the preceding calendar year;

''(I) the percentage of work requiring linguistic skills that is fulfilled by an ally of the United States; and

''(J) the percentage of work requiring linguistic skills that is fulfilled by contractors;

''(10) an assessment of the foreign language capacity and capabilities of the intelligence community as a whole;

''(11) recommendations for eliminating required reports relating to foreign-language proficiency that the Director of National Intelligence considers outdated or no longer relevant; and

''(12) an assessment of the feasibility of employing foreign nationals lawfully present in the United States who have previously worked as translators or interpreters for the Armed Forces or another department or agency of the Federal Government in Iraq or Afghanistan to meet the critical language needs of such element.''.

(2) REPORT DATE.—Section 507(a)(1) of such Act (50 U.S.C. 415b(a)(1)) is amended—

(A) by redesignating subparagraph (N) as subparagraph (J); and

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

''(K) The annual report on foreign language proficiency in the intelligence community required by section 510.''.

(b) CONFORMING AMENDMENT.—The table of contents in the first section of such Act is further amended by inserting after the item relating to section 509 the following new item:

''Sec. 510. Report on foreign language proficiency in the intelligence community.''.

SEC. 410. REPEAL OF CERTAIN AUTHORITIES RELATING TO THE OFFICE OF THE NATIONAL COUNTERINTELLIGENCE EXECUTIVE.

(a) REPEAL OF CERTAIN AUTHORITIES.—Section 904 of the Counterintelligence Enhancement Act of 2002 (title IX of Public Law 107–306; 50 U.S.C. 402c) is amended—

(1) by striking subsections (d), (h), (i), and (j); and

(2) by redesignating subsections (e), (f), (g), (k), (l), and (m) as subsections (d), (e), (f), (g), (h), and (i), respectively; and

(3) in subsection (f), as redesignated by paragraph (2), by striking paragraphs (3) and (4).

(b) CONFORMING AMENDMENTS.—Such section 904 is further amended—

(1) in subsection (d), as redesignated by subsection (a)(2) of this section, by striking ''subsection (f)'' each place it appears in paragraphs (1) and (2) and inserting ''subsection (e)''; and

(2) in subsection (e), as so redesignated—

(A) in paragraph (1), by striking ''subsection (e)(1)'' and inserting ''subsection (d)(1)''; and

(B) in paragraph (2), by striking ''subsection (e)(2)'' and inserting ''subsection (d)(2)''.

SEC. 411. NATIONAL INTELLIGENCE ESTIMATE ON WEAPONS OF MASS DESTRUCTION IN SYRIA.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to Congress a National Intelligence Estimate on the history, status, and projected development of any weapons of mass destruction development program undertaken by the Government of Syria, or by any person on behalf of the Government of Syria.

(b) FORM.—The National Intelligence Estimate required under subsection (a) may be submitted in classified form.

SEC. 412. REPORT ON INTELLIGENCE RESOURCES DEDICATED TO IRAQ AND AFGHANISTAN.

Not later than 120 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the congressional intelligence committees a report on intelligence collection and analysis resources dedicated to Iraq and Afghanistan during fiscal years 2007 and 2008. Such report shall include detailed information on fiscal, human, technical, and other intelligence collection and analysis resources.

SEC. 413. OMBUDSMAN FOR INTELLIGENCE COMMUNITY SECURITY CLEARANCES.

(a) IN GENERAL.—Title I of the National Security Act of 1947 (50 U.S.C. 402 et seq.) is amended by inserting after section 103H, as added by section 409 of this Act, the following new section:

''OMBUDSMAN FOR INTELLIGENCE COMMUNITY SECURITY CLEARANCES

''SEC. 103I. (a) APPOINTMENT.—The Director of National Intelligence shall appoint an ombudsman for intelligence community security clearances.

''(b) PROVISION OF INFORMATION.—The head of an element of the intelligence community shall provide a person applying for a security clearance through or in coordination with such element with contact information for the ombudsman appointed under subsection (a).

''(c) REPORT.—Not later than November 1 of each year, the ombudsman appointed under subsection (a) shall submit to the congressional intelligence committees a report containing—

''(1) the number of persons applying for a security clearance who have contacted the ombudsman during the preceding 12 months; and

''(2) a summary of the concerns, complaints, and questions received by the ombudsman from persons applying for security clearances.''.

(b) APPOINTMENT DATE.—The Director of National Intelligence shall appoint an ombudsman for intelligence community security clearances under section 103I(a) of the National Security Act of 1947, as added by subsection (a), not later than 60 days after the date of the enactment of this Act.

(c) CONFORMING AMENDMENT.—The table of contents in the first section of the National Security Act of 1947 is further amended by inserting after the item relating to section 103H the following new item:

''Sec. 103I. Ombudsman for intelligence community security clearances.''.

SEC. 414. SECURITY CLEARANCE RECIPROCITY.

(a) AUDIT.—The Inspector General of the Intelligence Community shall conduct an audit of the reciprocity of security clearances in the intelligence community.

(b) REPORT.—Not later than 60 days after the date of the enactment of this Act, the Inspector General of the Intelligence Community shall submit to the congressional intelligence committees a report containing the results of the audit conducted under subsection (a). Such report shall include an assessment of the time required to obtain a reciprocal security clearance for—

(1) an employee of an element of the intelligence community detailed to another element of the intelligence community;

(2) an employee of an element of the intelligence community seeking permanent employment with another element of the intelligence community; and

(3) a contractor seeking permanent employment with an element of the intelligence community.

SEC. 415. REPORT ON INTERNATIONAL TRAFFIC IN ARMS REGULATIONS.

(a) REPORT.—Not later than February 1, 2009, the Director of National Intelligence shall submit to the congressional intelligence committees a report assessing—

(1) the threat to national security presented by the efforts of foreign countries to acquire, through espionage, diversion, or other means, sensitive equipment and technology, and the degree to which United States export controls (including the International Traffic in Arms Regulations) are adequate to defeat such efforts; and

(2) the extent to which United States export controls are well matched to the scope of the foreign threat such controls are designed to defeat and whether other means could more successfully defeat such threats.

(b) FORM.—The report under subsection (a) shall be submitted in unclassified form, but may include a classified annex.

(c) INTERNATIONAL TRAFFIC IN ARMS REGULATIONS DEFINED.—The term ''International Traffic in Arms Regulations'' means those regulations contained in parts 120 through 130 of title 22, Code of Federal Regulations (or successor regulations).

SEC. 416. REPORT ON NUCLEAR TRAFFICKING.

(a) REPORT.—Not later than February 1, 2009, the Director of National Intelligence

shall submit to the congressional intelligence committees, the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives, and the Committee on Armed Services and the Committee on Foreign Relations of the Senate a report on the illicit trade of nuclear and radiological material and equipment.

(b) CONTENTS.—The report submitted under subsection (a) shall include, for a period of time including at least the preceding three years—

(1) details of all known or suspected cases of the illicit sale, transfer, brokering, or transport of nuclear or radiological material or equipment useful for the production of nuclear or radiological material or nuclear explosive devices;

(2) an assessment of the countries that represent the greatest risk of nuclear trafficking activities; and

(3) a discussion of any dissents, caveats, gaps in knowledge, or other information that would reduce confidence in the assessment referred to in paragraph (2).

(c) FORM.—The report under subsection (a) may be submitted in classified form, but shall include an unclassified summary.

SEC. 417. STUDY ON REVOKING PENSIONS OF PERSONS WHO COMMIT UNAUTHORIZED DISCLOSURES OF CLASSIFIED INFORMATION.

(a) STUDY.—The Director of National Intelligence shall conduct a study on the feasibility of revoking the pensions of personnel in the intelligence community who commit unauthorized disclosures of classified information, including whether revoking such pensions is feasible under existing law or under the administrative authority of the Director of National Intelligence or any other head of an element of the intelligence community.

(b) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the congressional intelligence committees a report containing the results of the study conducted under subsection (a).

SEC. 418. MEMORANDUM TO HOLDERS OF NATIONAL INTELLIGENCE ESTIMATE ON IRAN.

Not later than 90 days after the date of the enactment of this Act, the Director of National Intelligence shall issue a memorandum to holders of the National Intelligence Estimate entitled ''Iran: Nuclear Intentions and Capabilities'' regarding any intelligence on the nuclear program of Iran that has been gathered or emerged since the publication of such National Intelligence Estimate in October 2007.

SEC. 419. NATIONAL INTELLIGENCE ESTIMATE ON PRODUCTION AND SALE OF NARCOTICS IN SUPPORT OF INTERNATIONAL TERRORISM.

Not later than 1 year after the date of the enactment of this Act, the Director of National Intelligence shall submit to Congress a National Intelligence Estimate on the production and sale of narcotics in support of international terrorism, including the support the Taliban and al Qaeda receive from the sale of narcotics (particularly heroin) and the shift in production from opium to hashish in Afghanistan.

Subtitle B—Central Intelligence Agency

SEC. 421. REVIEW OF COVERT ACTION PROGRAMS BY INSPECTOR GENERAL OF THE CENTRAL INTELLIGENCE AGENCY.

(a) IN GENERAL.—Section 503 of the National Security Act of 1947 (50 U.S.C. 413b) is amended by—

(1) redesignating subsection (e) as subsection (g) and transferring such subsection to the end; and

(2) by inserting after subsection (d) the following new subsection:

''(e) INSPECTOR GENERAL AUDITS OF COVERT ACTIONS.—

''(1) IN GENERAL.—Subject to paragraph (2), the Inspector General of the Central Intelligence Agency shall conduct an audit of each covert action at least every 3 years. Such audits shall be conducted subject to the provisions of paragraphs (3) and (4) of subsection (b) of section 17 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403q).

''(2) TERMINATED, SUSPENDED PROGRAMS.—The Inspector General of the Central Intelligence Agency is not required to conduct an audit under paragraph (1) of a covert action that has been terminated or suspended if such covert action was terminated or suspended prior to the last audit of such covert action conducted by the Inspector General and has not been restarted after the date on which such audit was completed.

''(3) REPORT.—Not later than 60 days after the completion of an audit conducted pursuant to paragraph (1), the Inspector General of the Central Intelligence Agency shall submit to the congressional intelligence committees a report containing the results of such audit.''.

(b) CONFORMING AMENDMENTS.—Title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.) is amended—

(1) in section 501(f) (50 U.S.C. 413(f)), by striking ''503(e)'' and inserting ''503(g)'';

(2) in section 502(a)(1) (50 U.S.C. 413b(a)(1)), by striking ''503(e)'' and inserting ''503(g)''; and

(3) in section 504(c) (50 U.S.C. 414(c)), by striking ''503(e)'' and inserting ''503(g)''.

SEC. 422. INAPPLICABILITY TO DIRECTOR OF THE CENTRAL INTELLIGENCE AGENCY OF REQUIREMENT FOR ANNUAL REPORT ON PROGRESS IN AUDITABLE FINANCIAL STATEMENTS.

Section 114A of the National Security Act of 1947 (50 U.S.C. 404i–1) is amended by striking ''the Director of the Central Intelligence Agency,''.

SEC. 423. TECHNICAL AMENDMENTS RELATING TO TITLES OF CERTAIN CENTRAL INTELLIGENCE AGENCY POSITIONS.

Section 17(d)(3)(B)(ii) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403q(d)(3)(B)(ii)) is amended—

(1) in subclause (I), by striking ''Executive Director'' and inserting ''Associate Deputy Director'';

(2) in subclause (II), by striking ''Deputy Director for Operations'' and inserting ''Director of the National Clandestine Service'';

(3) in subclause (III), by striking ''Deputy Director for Intelligence'' and inserting ''Director of Intelligence'';

(4) in subclause (IV), by striking ''Deputy Director for Administration'' and inserting ''Director of Support''; and

(5) in subclause (V), by striking ''Deputy Director for Science and Technology'' and inserting ''Director of Science and Technology''.

SEC. 424. CLARIFYING AMENDMENTS RELATING TO SECTION 105 OF THE INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2004.

Section 105(b) of the Intelligence Authorization Act for Fiscal Year 2004 (Public Law 108–177; 117 Stat. 2603; 31 U.S.C. 311 note) is amended—

(1) by striking ''Director of Central Intelligence'' and inserting ''Director of National Intelligence''; and

(2) by inserting ''or in section 313 of such title,'' after ''subsection (a)),''.

SEC. 425. PROHIBITION ON THE USE OF PRIVATE CONTRACTORS FOR INTERROGATIONS INVOLVING PERSONS IN THE CUSTODY OR CONTROL OF THE CENTRAL INTELLIGENCE AGENCY.

(a) PROHIBITION.—Notwithstanding any other provision of law, the Director of the Central Intelligence Agency shall not expend or obligate funds for payment to any contractor to conduct the interrogation of a detainee or prisoner in custody or under the effective control of the Central Intelligence Agency.

(b) EXCEPTION.—

(1) IN GENERAL.—The Director of the Central Intelligence Agency may request, and the Director of National Intelligence may grant, a written waiver of the requirement under subsection (a) if the Director of the Central Intelligence Agency determines that—

(A) no employee of the Federal Government is—

(i) capable of performing such interrogation; and

(ii) available to perform such interrogation; and

(B) such interrogation is in the national interest of the United States and requires the use of a contractor.

(2) CLARIFICATION OF APPLICABILITY OF CERTAIN LAWS.—Any contractor conducting an interrogation pursuant to a waiver under paragraph (1) shall be subject to all laws on the conduct of interrogations that would apply if an employee of the Federal Government were conducting the interrogation.

SEC. 426. REPORT ON ACTIVITIES OF THE CENTRAL INTELLIGENCE AGENCY IN ARGENTINA.

(a) IN GENERAL.—Not later than 270 days after the date of the enactment of this Act, the Director of the Central Intelligence Agency shall submit to the appropriate congressional committees a report containing the following:

(1) A description of any information in the possession of the intelligence community with respect to the following events in the Republic of Argentina:

(A) The accession to power by the Military of the Republic of Argentina in 1976.

(B) Violations of human rights committed by officers or agents of the Argentine military and security forces.

(C) Operation Condor and the fate of Argentine people targeted, abducted, or killed during such Operation, including Argentine children born in captivity whose status remains unknown.

(2) All information that may lead to the discovery of the Argentine children born in captivity whose status remains unknown.

(3) A compilation of information referred to in paragraphs (1) and (2) that has been declassified.

(b) UPDATE OF COMPILATION.—Not later than 1 year after the date on which the report required under subsection (a) is submitted, and annually thereafter for three years, the Director of the Central Intelligence Agency shall submit to the appropriate congressional committees an update of the compilation referred to in subsection (a)(3).

(c) FORM.—The report required under subsection (a) shall be submitted in unclassified form, but may include a classified annex.

(d) DEFINITION.—In this section, the term ''appropriate congressional committees'' means the Permanent Select Committee on Intelligence and the Committee on Appropriations of the House of Representatives and the Select Committee on Intelligence and the Committee on Appropriations of the Senate.

Subtitle C—Defense Intelligence Components

SEC. 431. INTEGRATION OF THE COUNTERINTELLIGENCE FIELD ACTIVITY INTO THE DEFENSE INTELLIGENCE AGENCY.

(a) REPORT.—Not later than November 1, 2008, the Under Secretary of Defense for Intelligence shall submit to the congressional intelligence and armed services committees a report outlining the process by which the Counterintelligence Field Activity is to be

integrated into the Defense Intelligence Agency. Such report shall include—

(1) a description of the nature of any law enforcement authorities to be delegated to the Defense Intelligence Agency;

(2) the authority under which the delegation of authority referred to in paragraph (1) would occur; and

(3) the guidelines for the implementation of such law enforcement authorities.

(b) CONGRESSIONAL INTELLIGENCE AND ARMED SERVICES COMMITTEES.—In this section, the term ''congressional intelligence and armed services committees'' means—

(1) the Permanent Select Committee on Intelligence of the House of Representatives;

(2) the Select Committee on Intelligence of the Senate; and

(3) the Committees on Armed Services of the House of Representatives and the Senate.

Subtitle D—Other Elements

SEC. 441. CLARIFICATION OF INCLUSION OF COAST GUARD AND DRUG ENFORCEMENT ADMINISTRATION AS ELEMENTS OF THE INTELLIGENCE COMMUNITY.

Section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)) is amended—

(1) in subparagraph (H)—

(A) by inserting ''the Coast Guard,'' after ''the Marine Corps,''; and

(B) by inserting ''the Drug Enforcement Administration,'' after ''the Federal Bureau of Investigation,''; and

(2) in subparagraph (K), by striking '', including the Office of Intelligence of the Coast Guard''.

SEC. 442. REPORT ON TRANSFORMATION OF THE INTELLIGENCE CAPABILITIES OF THE FEDERAL BUREAU OF INVESTIGATION.

Not later than 120 days after the date of the enactment of this Act, the Director of the Federal Bureau of Investigation shall submit to the congressional intelligence committees a report describing the Director's long term vision for transforming the intelligence capabilities of the Bureau and the progress of the internal reforms of the Bureau intended to achieve that vision. Such report shall include—

(1) the direction, strategy, and goals for transforming the intelligence capabilities of the Bureau;

(2) a description of what the fully functional intelligence and national security functions of the Bureau should entail;

(3) a candid assessment of the effect of internal reforms at the Bureau and whether such reforms have moved the Bureau towards achieving the goals of the Director for the intelligence and national security functions of the Bureau; and

(4) an assessment of how well the Bureau performs tasks that are critical to the effective functioning of the Bureau as an intelligence agency, including—

(A) identifying new intelligence targets within the scope of the national security functions of the Bureau, outside the parameters of an existing case file or ongoing investigation;

(B) collecting intelligence domestically, including collection through human and technical sources;

(C) recruiting human sources;

(D) training Special Agents to spot, assess, recruit, and handle human sources;

(E) working collaboratively with other Federal departments and agencies to jointly collect intelligence on domestic counterterrorism and counterintelligence targets;

(F) producing a common intelligence picture of domestic threats to the national security of the United States;

(G) producing high quality and timely intelligence analysis;

(H) integrating intelligence analysts into its intelligence collection operations; and

(I) sharing intelligence information with intelligence community partners.

TITLE V—OTHER MATTERS

Subtitle A—General Intelligence Matters

SEC. 501. EXTENSION OF NATIONAL COMMISSION FOR THE REVIEW OF THE RESEARCH AND DEVELOPMENT PROGRAMS OF THE UNITED STATES INTELLIGENCE COMMUNITY.

(a) EXTENSION.—

(1) IN GENERAL.—Subsection (a) of section 1007 of the Intelligence Authorization Act for Fiscal Year 2003 (Public Law 107–306; 116 Stat. 2442) is amended by striking ''September 1, 2004'' and inserting ''December 31, 2009''.

(2) EFFECTIVE DATE.—Subject to paragraph (3), the amendment made by paragraph (1) shall take effect as if included in the enactment of such section 1007.

(3) COMMISSION MEMBERSHIP.—

(A) IN GENERAL.—The membership of the National Commission for the Review of the Research and Development Programs of the United States Intelligence Community established under subsection (a) of section 1002 of such Act (Public Law 107–306; 116 Stat. 2438) (referred to in this section as the ''Commission'') shall be considered vacant and new members shall be appointed in accordance with such section 1002, as amended by subparagraph (B).

(B) TECHNICAL AMENDMENT.—Paragraph (1) of section 1002(b) of such Act is amended by striking ''The Deputy Director of Central Intelligence for Community Management.'' and inserting ''The Principal Deputy Director of National Intelligence.''.

(4) CLARIFICATION OF DUTIES.—Section 1002(i) of such Act is amended in the matter preceding paragraph (1) by striking ''including—'' and inserting ''including advanced research and development programs and activities. Such review shall include—''.

(b) FUNDING.—

(1) IN GENERAL.—Of the amounts authorized to be appropriated by this Act for the Intelligence Community Management Account, the Director of National Intelligence shall make $2,000,000 available to the Commission to carry out title X of the Intelligence Authorization Act for Fiscal Year 2003 (Public Law 107–306; 116 Stat. 2437).

(2) AVAILABILITY.—Amounts made available to the Commission pursuant to paragraph (1) shall remain available until expended.

SEC. 502. AMENDMENTS TO THE NATIONAL SECURITY ACT OF 1947.

(a) GENERAL CONGRESSIONAL OVERSIGHT.—Section 501(a) of the National Security Act of 1947 (50 U.S.C. 413(a)) is amended by adding at the end the following new paragraph:

''(3) In carrying out paragraph (1), the President shall provide to the congressional intelligence committees all information necessary to assess the lawfulness, effectiveness, cost, benefit, intelligence gain, budgetary authority, and risk of an intelligence activity, including—

''(A) the legal authority under which the intelligence activity is being or was conducted;

''(B) any legal issues upon which guidance was sought in carrying out or planning the intelligence activity, including dissenting legal views;

''(C) any specific operational concerns arising from the intelligence activity, including the risk of disclosing intelligence sources or methods;

''(D) the likelihood that the intelligence activity will exceed the planned or authorized expenditure of funds or other resources; and

''(E) the likelihood that the intelligence activity will fail.''.

(b) REPORTING ON ACTIVITIES OTHER THAN COVERT ACTIONS.—Section 502 of such Act (50 U.S.C. 413a) is amended by adding at the end the following new subsection:

''(d) DISTRIBUTION OF INFORMATION.—

''(1) REQUEST.—Information or material provided in accordance with subsection (a) shall be made available to each member of the congressional intelligence committees, unless the President requests that access to the information or material be limited after determining that limiting such access is essential to meet extraordinary circumstances affecting vital interests of the United States. A request under this paragraph and the extraordinary circumstances referred to in this paragraph shall be detailed in writing to the Chair and ranking minority member of the congressional intelligence committees.

''(2) DISTRIBUTION.—If the President submits a request under paragraph (1), the Chair and ranking minority member of each congressional intelligence committee may jointly determine whether and how to limit access to the information or material within such committee. If the Chair and ranking minority member of such committee are unable to agree on whether or how to limit such access, access to the information or material will be limited. Any information or material to which access is limited shall subsequently be made available to each member of the congressional intelligence communities at the earliest possible time and shall include a detailed statement of the reasons for not providing prior access.''.

(c) APPROVAL OF COVERT ACTIONS.—Section 503(d) of the National Security Act of 1947 (50 U.S.C. 413b(d)) is amended—

(1) by striking ''(d) The President'' and inserting ''(d)(1) The President''; and

(2) by adding at the end the following new paragraph:

''(2) For purposes of this subsection, an activity shall constitute a 'significant undertaking' if the activity—

''(A) involves the potential for loss of life;

''(B) requires an expansion of existing authorities, including authorities relating to research, development, or operations;

''(C) results in the expenditure of significant funds or other resources;

''(D) requires notification under section 504;

''(E) gives rise to a significant risk of disclosing intelligence sources or methods; or

''(F) could cause serious damage to the diplomatic relations of the United States if such activity were disclosed without authorization.''.

SEC. 503. REPORT ON FINANCIAL INTELLIGENCE ON TERRORIST ASSETS.

(a) ANNUAL REPORTS.—Section 118 of the National Security Act of 1947 (50 U.S.C. 404m) is amended—

(1) in the heading, by striking ''SEMI-ANNUAL'' and inserting ''ANNUAL''; and

(2) in subsection (a)—

(A) in the heading, by striking ''SEMI-ANNUAL'' and inserting ''ANNUAL'';

(B) in the matter preceding paragraph (1)—

(i) by striking ''semiannual basis'' and inserting ''annual basis''; and

(ii) by striking ''preceding six-month period'' and inserting ''preceding year'';

(C) by striking paragraph (2); and

(D) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively.

(b) CONFORMING AMENDMENT.—Section 507 of the National Security Act of 1947 (50 U.S.C. 415b) is amended—

(1) in subsection (a)(1), by adding at the end the following new subparagraph:

''(L) The annual report on financial intelligence on terrorist assets required by section 118.''; and

(2) in subsection (b), by striking paragraph (6).

SEC. 504. NOTICE OF INTELLIGENCE REGARDING NORTH KOREA AND CHINA.

Section 501 of the National Security Act of 1947 (50 U.S.C. 413) is amended—

(1) by redesignating subsection (f) as subsection (g); and

(2) by inserting after subsection (e) the following new subsection:

''(f) A notification to the congressional intelligence committees regarding intelligence information relating to North Korea or China after all or part of the information has been communicated to the governments of North Korea or China, respectively, shall not be construed to fulfill the duty under this title to keep the congressional intelligence committees fully and currently informed of the intelligence activities of the United States.''.

SEC. 505. SENSE OF CONGRESS REGARDING USE OF INTELLIGENCE RESOURCES.

It is the sense of Congress that the resources authorized under this Act should not be diverted from human intelligence collection and other intelligence programs designed to combat al Qaeda in order to study global climate change.

SEC. 506. SENSE OF CONGRESS REGARDING COLOMBIAN PARAMILITARY ORGANIZATIONS.

It is the sense of Congress that—

(1) the permanent defeat of the Revolutionary Armed Forces of Columbia (FARC), United Self-Defense Forces of Colombia (AUC), National Liberation Army (ELN), and other Colombian paramilitary organizations is in the national interest of the United States;

(2) the Colombian operation that liberated Americans Keith Stansell, Marc Gonsalves, and Thomas Howes and Ingrid Betancourt and 11 other Colombian hostages from the FARC on July 2, 2008, demonstrated the professionalism of Colombian security forces and intelligence operatives;

(3) intelligence and other cooperation by the United States has played a key role in developing and reinforcing the capabilities of the Government of Colombia to address terrorist and narcoterrorist threats;

(4) intelligence and other cooperation by the United States has significantly contributed to the continued success of the Government of Colombia in impacting the capabilities of terrorist and narcoterrorist groups that have threatened the national security of Colombia and the United States; and

(5) it is critical that such assistance continue in order to support the Government of Colombia in its efforts to continue to capitalize on those successes.

SEC. 507. JIHADISTS.

None of the funds authorized to be appropriated by this Act may be used to prohibit or discourage the use of the words or phrases ''jihadist'', ''jihad'', ''Islamo-fascism'', ''caliphate'', ''Islamist'', or ''Islamic terrorist'' by or within the intelligence community or the Federal Government.

Subtitle B—Technical Amendments

SEC. 511. TECHNICAL AMENDMENT TO THE CENTRAL INTELLIGENCE AGENCY ACT OF 1949.

Section 5(a)(1) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403f(a)(1)) is amended by striking ''authorized under paragraphs (2) and (3) of section 102(a), subsections (c)(7) and (d) of section 103, subsections (a) and (g) of section 104, and section 303 of the National Security Act of 1947 (50 U.S.C. 403(a)(2), (3), 403–3(c)(7), (d), 403–4(a), (g), and 405)'' and inserting ''authorized under section 104A of the National Security Act of 1947 (50 U.S.C. 403–4a)''.

SEC. 512. TECHNICAL AMENDMENTS RELATING TO THE MULTIYEAR NATIONAL INTELLIGENCE PROGRAM.

(a) IN GENERAL.—Subsection (a) of section 1403 of the National Defense Authorization Act for Fiscal Year 1991 (50 U.S.C. 404b) is amended—

(1) in the heading, by striking ''FOREIGN''; and

(2) by striking ''foreign'' each place it appears.

(b) RESPONSIBILITY OF DIRECTOR OF NATIONAL INTELLIGENCE.—That section is further amended—

(1) in subsections (a) and (c), by striking ''Director of Central Intelligence'' and inserting ''Director of National Intelligence''; and

(2) in subsection (b), by inserting ''of National Intelligence'' after ''Director''.

(c) CONFORMING AMENDMENT.—The heading of that section is amended to read as follows:

''SEC. 1403. MULTIYEAR NATIONAL INTELLIGENCE PROGRAM.''.

SEC. 513. TECHNICAL CLARIFICATION OF CERTAIN REFERENCES TO JOINT MILITARY INTELLIGENCE PROGRAM AND TACTICAL INTELLIGENCE AND RELATED ACTIVITIES.

Section 102A of the National Security Act of 1947 (50 U.S.C. 403–1) is amended—

(1) in subsection (c)(3)(A), by striking ''annual budgets for the Joint Military Intelligence Program and for Tactical Intelligence and Related Activities'' and inserting ''annual budget for the Military Intelligence Program or any successor program or programs''; and

(2) in subsection (d)(1)(B), by striking ''Joint Military Intelligence Program'' and inserting ''Military Intelligence Program or any successor program or programs''.

SEC. 514. TECHNICAL AMENDMENTS TO THE NATIONAL SECURITY ACT OF 1947.

The National Security Act of 1947 (50 U.S.C. 401 et seq.) is amended as follows:

(1) In section 102A (50 U.S.C. 403–1)—

(A) in subsection (d)—

(i) in paragraph (3), by striking ''subparagraph (A)'' in the matter preceding subparagraph (A) and inserting ''paragraph (1)(A)'';

(ii) in paragraph (5)(A), by striking ''or personnel'' in the matter preceding clause (i); and

(iii) in paragraph (5)(B), by striking ''or agency involved'' in the second sentence and inserting ''involved or the Director of the Central Intelligence Agency (in the case of the Central Intelligence Agency)'';

(B) in subsection (l)(2)(B), by striking ''section'' and inserting ''paragraph''; and

(C) in subsection (n), by inserting ''AND OTHER'' after ''ACQUISITION''.

(2) In section 119(c)(2)(B) (50 U.S.C. 404o(c)(2)(B)), by striking ''subsection (h)'' and inserting ''subsection (i)''.

(3) In section 705(e)(2)(D)(i) (50 U.S.C. 432c(e)(2)(D)(i)), by striking ''responsible'' and inserting ''responsive''.

SEC. 515. TECHNICAL AMENDMENTS TO THE INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004.

(a) AMENDMENTS TO NATIONAL SECURITY INTELLIGENCE REFORM ACT OF 2004.—The National Security Intelligence Reform Act of 2004 (title I of Public Law 108–458; 118 Stat. 3643) is amended as follows:

(1) In section 1016(e)(10)(B) (6 U.S.C. 485(e)(10)(B)), by striking ''Attorney General'' the second place it appears and inserting ''Department of Justice''.

(2) In section 1071(e), by striking ''(1)''.

(3) In section 1072(b), in the subsection heading by inserting ''AGENCY'' after ''INTELLIGENCE''.

(b) OTHER AMENDMENTS TO INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004.—The Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 118 Stat. 3638) is amended as follows:

(1) In section 2001 (28 U.S.C. 532 note)—

(A) in subsection (c)(1), by inserting ''of'' before ''an institutional culture'';

(B) in subsection (e)(2), by striking ''the National Intelligence Director in a manner consistent with section 112(e)'' and inserting ''the Director of National Intelligence in a manner consistent with applicable law''; and

(C) in subsection (f), by striking ''shall,'' in the matter preceding paragraph (1) and inserting ''shall''.

(2) In section 2006 (28 U.S.C. 509 note)—

(A) in paragraph (2), by striking ''the Federal'' and inserting ''Federal''; and

(B) in paragraph (3), by striking ''the specific'' and inserting ''specific''.

SEC. 516. TECHNICAL AMENDMENTS TO THE EXECUTIVE SCHEDULE.

(a) EXECUTIVE SCHEDULE LEVEL II.—Section 5313 of title 5, United States Code, is amended by striking the item relating to the Director of Central Intelligence and inserting the following new item:

''Director of the Central Intelligence Agency.''.

(b) EXECUTIVE SCHEDULE LEVEL III.—Section 5314 of title 5, United States Code, is amended by striking the item relating to the Deputy Directors of Central Intelligence and inserting the following new item:

''Deputy Director of the Central Intelligence Agency.''.

(c) EXECUTIVE SCHEDULE LEVEL IV.—Section 5315 of title 5, United States Code, is amended by striking the item relating to the General Counsel of the Office of the National Intelligence Director and inserting the following new item:

''General Counsel of the Office of the Director of National Intelligence.''.

SEC. 517. TECHNICAL AMENDMENTS RELATING TO THE NATIONAL GEOSPATIAL-INTELLIGENCE AGENCY.

(a) TITLE 5.—Title 5, United States Code, is amended by striking ''National Imagery and Mapping Agency'' each place it appears and inserting ''National Geospatial-Intelligence Agency''.

(b) TITLE 44.—Title 44, United States Code, is amended—

(1) in section 1336—

(A) in the heading, by striking ''**National Imagery and Mapping Agency**'' and inserting ''**National Geospatial-Intelligence Agency**''; and

(B) by striking ''National Imagery and Mapping Agency'' each place it appears and inserting ''National Geospatial-Intelligence Agency''; and

(2) in the table of sections at the beginning of chapter 13, by striking the item relating to section 1336 and inserting the following new item:

''1336. National Geospatial-Intelligence Agency: special publications.''.

(c) SECTION 201 OF THE HOMELAND SECURITY ACT OF 2002.—Section 201(f)(2)(E) of the Homeland Security Act of 2002 (6 U.S.C. 121) is amended by striking ''National Imagery and Mapping Agency'' and inserting ''National Geospatial-Intelligence Agency''.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

Mr. HOEKSTRA moved to recommit the bill to the Permanent Select Committee on Intelligence with instructions to report the bill back to the House promptly with the following amendment:

At the end of subtitle A of title IV, add the following new section:

SEC. 418. NATIONAL INTELLIGENCE ASSESSMENT ON ENERGY PRICES AND SECURITY.

Not later than January 1, 2009, the Director of National Intelligence shall submit to Congress a national intelligence assessment on national security and energy security issues relating to rapidly escalating energy costs. Such assessment shall include an assessment of—

(1) the short-term and long-term outlook for prices, supply, and demand for key forms of energy, including crude oil and natural gas, and alternative fuels;

(2) the plans and intentions of key energy-producing and exporting nations with respect to energy production and supply;

(3) the national security implications of rapidly escalating energy costs;

(4) the national security implications of potential use of energy resources as leverage against the United States by Venezuela, Iran, or other potential adversaries of the United States as a result of increased energy prices;

(5) the national security implications of increases in funding to current or potential adversaries of the United States as a result of increased energy prices;

(6) an assessment of the likelihood that increased energy prices will directly or indirectly increase financial support for terrorist organizations;

(7) the national security implications of extreme fluctuations in energy prices; and

(8) the national security implications of continued dependence on international energy supplies.

After debate,

¶86.20 WORDS TAKEN DOWN

Mr. REYES, during debate, addressed the House and, during the course of his remarks,

Mr. HOEKSTRA demanded that certain words be taken down.

The Clerk read the words taken down as follows:

Communities all around this country are hurting with $4 gas and all we get from the other side are charades as we've seen here tonight. The whole world watches as we try to do what's right. The whole world heard them say earlier that this was a vital and important piece of legislation that would fund the intelligence community. This is a betrayal of the work that is being done by men and women in the intelligence community that are putting their lives on the line to keep us safe.

This is an outrage put forth by the politics, rather than wanting to get things done in this House. I will tell you Mr. Speaker, why would they want to derail——''.

The SPEAKER pro tempore, Mr. SERRANO, held the words taken down not to be unparliamentary, and said:

''In the opinion of the Chair, the words complained of were not directed in such a way as to constitute a personality or otherwise transgress the bounds of decorum in debate.

''The gentleman from Texas may continue.''.

After further debate,

By unanimous consent, the previous question was ordered on the motion to recommit with instructions.

The question being put, viva voce,

Will the House recommit said bill with instructions?

The SPEAKER pro tempore, Mr. SERRANO, announced that the nays had it.

Mr. HOEKSTRA demanded a recorded vote on agreeing to said motion, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the negative { Yeas ..... 200 / Nays 225

¶86.21 [Roll No. 502]

AYES—200

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

NOES—225

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

NOT VOTING—9

Boswell	Green, Al	Lucas
Delahunt	Inglis (SC)	Pickering
Gilchrest	Johnson, E. B.	Rush

So the motion to recommit with instructions was not agreed to.

The question being put, viva voce,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. SERRANO, announced that the yeas had it.

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶86.22 CLERK TO CORRECT ENGROSSMENT

On motion of Mr. REYES, by unanimous consent,

Ordered, That in the engrossment of the foregoing bill the Clerk be authorized to make technical corrections, including corrections to spelling, punctuation, section and title numbering, cross-referencing, conforming amendments to the table of contents and short titles, and the insertion of appropriate headings.

¶86.23 PROVIDING FOR CONSIDERATION OF MOTIONS TO SUSPEND THE RULES

Ms. SUTTON, by direction of the Committee on Rules, reported (Rept. No. 110–761) the resolution (H. Res. 1350) providing for consideration of motions to suspend the rules.

When said resolution and report were referred to the House Calendar and ordered printed.

¶86.24 NATIONAL WILD AND SCENIC RIVERS SYSTEM

The SPEAKER pro tempore, Mr. SERRANO, pursuant to House Resolution 1339 and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 415) to amend the Wild and Scenic Rivers Act to designate segments of the Taunton River in the Commonwealth of Massachusetts as a component of the National Wild and Scenic Rivers System.

The SPEAKER pro tempore, Mr. SERRANO, by unanimous consent, designated Mr. McNULTY as Chairman of the Committee of the Whole; and after some time spent therein,

¶86.25 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 1, printed in House Report 110-735, submitted by Mr. BISHOP of Utah:

Page 2, line 24, insert a close quotation mark and period after ''river.''.

Page 3, strike lines 1 through 4.

It was decided in the negative ..... { Yeas ..... 189 / Nays 235

¶86.26 [Roll No. 503]

AYES—189

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

NOES—235

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

NOT VOTING—15

Blunt
Boswell
Cubin
Fortuño
Gilchrest
Green, Al
Hunter
Johnson, E. B.
Lucas
Miller, Gary
Rush
Shimkus
Smith (TX)
Solis
Weiner

So the amendment was not agreed to.

¶86.27 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 2, printed in House Report 110-735, submitted by Mr. SCHULER:

At the end of the bill, add the following:

SEC. 3. HUNTING, FISHING, TRAPPING, AND RECREATIONAL SHOOTING.

Nothing in this Act shall be construed as affecting the authority, jurisdiction, or responsibility of the Commonwealth of Massachusetts to manage, control, or regulate fish and resident wildlife under State law or regulations, including the regulation of hunting, fishing, trapping, and recreational shooting. Nothing in this Act shall be construed as limiting access for hunting, fishing, trapping, or recreational shooting.

It was decided in the affirmative ..... { Yeas ..... 425 / Nays 0

¶86.28 [Roll No. 504]

AYES—425

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Boehner
Bonner
Bono Mack
Boozman
Bordallo
Boren
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Cazayoux
Chabot
Chandler
Childers
Christensen
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Faleomavaega
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)

Jefferson
Johnson (GA)
Johnson (IL)
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Norton
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Scalise
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—14

Barton (TX)
Blunt
Boswell
Cubin
Fortuño
Gilchrest
Green, Al
Hunter
Johnson, E. B.
Lucas
Miller, Gary
Rush
Shimkus
Solis

So the amendment was agreed to.

¶86.29 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment numbered 4, printed in House Report 110-735, submitted by Mrs. BOYDA of Kansas:

At the end of the bill, add the following:

SEC. 3. DOMESTICALLY-PRODUCED ENERGY RESOURCES.

Nothing in this Act shall impact the supply of domestically-produced energy resources.

It was decided in the affirmative ..... { Yeas ..... 421 / Nays 0

¶86.30 [Roll No. 505]

AYES—421

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Boehner
Bonner
Bono Mack
Boozman
Bordallo
Boren
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Cazayoux
Chabot
Chandler
Childers
Christensen
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Faleomavaega
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Norton
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Scalise
Schakowsky
Schiff
Schmidt
Schwartz
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Speier
Spratt
Stark
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—18

Barton (TX)
Blunt
Boswell
Cubin
Fortuño
Gilchrest
Graves
Green, Al
Johnson, E. B.
Lucas
McDermott
Miller, Gary
Peterson (PA)
Rush
Scott (GA)
Shimkus
Smith (NE)
Stearns

So the amendment was agreed to.

The SPEAKER pro tempore, Mr. CAPUANO, assumed the Chair.

When Mr. MCNULTY, Chairman, pursuant to House Resolution 1339, reported the bill back to the House with an amendment adopted by the Committee.

The previous question having been ordered by said resolution.

The following amendment, reported from the Committee of the Whole House on the state of the Union, was agreed to:

Strike out all after the enacting clause and insert:

SECTION 1. DESIGNATION OF TAUNTON RIVER, MASSACHUSETTS.

Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by adding at the end the following:

''(___) TAUNTON RIVER, MASSACHUSETTS.—The main stem of the Taunton River from its headwaters at the confluence of the Town and Matfield Rivers in the Town of Bridgewater downstream 40 miles to the confluence with the Quequechan River at the Route 195 Bridge in the City of Fall River, to be administered by the Secretary of the Interior in cooperation with the Taunton River Stewardship Council as follows:

''(A) The 18-mile segment from the confluence of the Town and Matfield Rivers to Route 24 in the Town of Raynham, as a scenic river.

''(B) The 5-mile segment from Route 24 to 0.5 miles below Weir Bridge in the City of Taunton, as a recreational river.

''(C) The 8-mile segment from 0.5 miles below Weir Bridge to Muddy Cove in the Town of Dighton, as a scenic river.

''(D) The 9-mile segment from Muddy Cove to the confluence with the Quequechan River at the Route 195 Bridge in the City of Fall River, as a recreational river.''.

SEC. 2. MANAGEMENT OF TAUNTON RIVER, MASSACHUSETTS.

(a) TAUNTON RIVER STEWARDSHIP PLAN.—

(1) IN GENERAL.—Each river segment added to section 3(a) of the Wild and Scenic Rivers Act by section 1 of this Act shall be managed in accordance with the Taunton River Stewardship Plan, dated July 2005 (including any amendment to the Taunton River Stewardship Plan that the Secretary of the Interior (referred to in this section as the ''Secretary'') determines to be consistent with this Act).

(2) EFFECT.—The Taunton River Stewardship Plan described in paragraph (1) shall be considered to satisfy each requirement relating to the comprehensive management plan required under section 3(d) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(d)).

(b) COOPERATIVE AGREEMENTS.—To provide for the long-term protection, preservation, and enhancement of each river segment added to section 3(a) of the Wild and Scenic Rivers Act by section 1 of this Act, pursuant to sections 10(e) and 11(b)(1) of the Wild and Scenic Rivers Act (16 U.S.C. 1281(e) and 1282(b)(1)), the Secretary may enter into cooperative agreements (which may include provisions for financial and other assistance) with—

(1) the Commonwealth of Massachusetts (including political subdivisions of the Commonwealth of Massachusetts);

(2) the Taunton River Stewardship Council; and

(3) any appropriate nonprofit organization, as determined by the Secretary.

(c) RELATION TO NATIONAL PARK SYSTEM.—Notwithstanding section 10(c) of the Wild and Scenic Rivers Act (16 U.S.C. 1281(c)), each river segment added to section 3(a) of the Wild and Scenic Rivers Act by section 1 of this Act shall not be—

(1) administered as a unit of the National Park System; or

(2) subject to the laws (including regulations) that govern the administration of the National Park System.

(d) LAND MANAGEMENT.—

(1) ZONING ORDINANCES.—The zoning ordinances adopted by the Towns of Bridgewater, Halifax, Middleborough, Raynham, Berkley, Dighton, Freetown, and Somerset, and the Cities of Taunton and Fall River, Massachusetts (including any provision of the zoning ordinances relating to the conservation of floodplains, wetlands, and watercourses associated with any river segment added to section 3(a) of the Wild and Scenic Rivers Act by section 1 of this Act), shall be considered to satisfy each standard and requirement described in section 6(c) of the Wild and Scenic Rivers Act (16 U.S.C. 1277(c)).

(2) VILLAGES.—For the purpose of section 6(c) of the Wild and Scenic Rivers Act (16 U.S.C. 1277(c)), each town described in paragraph (1) shall be considered to be a village.

(3) ACQUISITION OF LAND.—

(A) LIMITATION OF AUTHORITY OF SECRETARY.—With respect to each river segment added to section 3(a) of the Wild and Scenic Rivers Act by section 1 of this Act, the Secretary may only acquire parcels of land—

(i) by donation; or

(ii) with the consent of the owner of the parcel of land.

(B) PROHIBITION RELATING TO ACQUISITION OF LAND BY CONDEMNATION.—In accordance with section 6(c) of the Wild and Scenic Rivers Act (16 U.S.C. 1277(c)), with respect to each river segment added to section 3(a) of the Wild and Scenic Rivers Act by section 1 of this Act, the Secretary may not acquire any parcel of land by condemnation.

SEC. 3. ENERGY AND CONGRESSIONAL REVIEW.

The Secretary of the Interior, in consultation with the Secretary of Energy and private industry, shall complete and submit to the Committee on Natural Resources of the House of Representatives, the Committee on Energy and Natural Resources of the Senate, and Senators and Representatives from the States affected by the designation, a report using the best available data and regarding the energy resources available on the lands and waters included in the segments of the Taunton River designated under section 2 of this Act. The report shall—

(1) contain the best available description of the energy resources available on the land and report on the specific amount of energy withdrawn from possible development; and

(2) identify cubic feet of natural gas, natural gas transmission and storage potential, megawatts of geothermal, wind and solar energy that could be commercially produced, annual available biomass for energy production, and any megawatts of hydropower resources available, including tidal, traditional dams, and in-stream flow turbines.

SEC. 4. HUNTING, FISHING, TRAPPING, AND RECREATIONAL SHOOTING.

Nothing in this Act shall be construed as affecting the authority, jurisdiction, or responsibility of the Commonwealth of Massachusetts to manage, control, or regulate fish and resident wildlife under State law or regulations, including the regulation of hunting, fishing, trapping, and recreational shooting. Nothing in this Act shall be construed as limiting access for hunting, fishing, trapping, or recreational shooting.

SEC. 5. DOMESTICALLY-PRODUCED ENERGY RESOURCES.

Nothing in this Act shall impact the supply of domestically-produced energy resources.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

Mr. WITTMAN of Virginia, moved to recommit the bill to the Committee on Natural Resources with instructions to report the bill back to the House promptly with the following amendment:

At the end of the bill, add the following new section:

SEC. 3. SAVINGS CLAUSE.

Nothing in this Act or the stewardship plan referred to in section 2 shall be used as a basis to restrict current and future—

(1) development and management of energy infrastructure;

(2) easements and environmental mitigation related to paragraph (1); or

(3) business and economic activities or expansion of such activities.

After debate,

By unanimous consent, the previous question was ordered on the motion to recommit with instructions.

The question being put, viva voce,

Will the House recommit said bill with instructions?

The SPEAKER pro tempore, Mr. CAPUANO, announced that the nays had it.

Mr. WITTMAN of Virginia, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the negative { Yeas ..... 188 / Nays 227

¶86.31 [Roll No. 506]

YEAS—188

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

NAYS—227

Abercrombie	Braley (IA)	Courtney
Ackerman	Brown, Corrine	Cramer
Allen	Butterfield	Crowley
Andrews	Capuano	Cuellar
Arcuri	Cardoza	Cummings
Baca	Carnahan	Davis (AL)
Baird	Carney	Davis (CA)
Baldwin	Carson	Davis (IL)
Bean	Castor	Davis, Lincoln
Becerra	Cazayoux	DeFazio
Berkley	Chandler	DeGette
Berman	Childers	Delahunt
Berry	Clarke	DeLauro
Bishop (GA)	Clay	Dicks
Bishop (NY)	Cleaver	Dingell
Blumenauer	Clyburn	Doggett
Boren	Cohen	Donnelly
Boucher	Conyers	Doyle
Boyd (FL)	Cooper	Edwards (MD)
Boyda (KS)	Costa	Edwards (TX)
Brady (PA)	Costello	Ellison

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

NOT VOTING—19

Barton (TX)
Boswell
Capps
Cubin
Gilchrest
Green, Al
Issa
Johnson, E. B.
Lucas
Miller, Gary
Murphy, Tim
Peterson (PA)
Rush
Saxton
Scott (GA)
Shimkus
Smith (TX)
Stearns
Wilson (OH)

So the motion to recommit with instructions was not agreed to.

The question being put, viva voce,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. CAPUANO, announced that the yeas had it.

Mr. SALI demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 242 Nays 175

¶86.32 [Roll No. 507]

YEAS—242

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

NAYS—175

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Chabot
Coble
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gerlach
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Putnam
Radanovich
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Ryan (WI)
Sali
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shuster
Simpson
Smith (NE)
Smith (NJ)
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOT VOTING—18

Barton (TX)
Boswell
Cole (OK)
Cubin
Gilchrest
Green, Al
Johnson, E. B.
Lucas
Miller, Gary
Peterson (PA)
Royce
Rush
Saxton
Scott (GA)
Shimkus
Smith (TX)
Souder
Stearns

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶86.33 H. CON. RES. 295—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. CAPUANO, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the concurrent resolution (H. Con. Res. 295) expressing the deepest appreciation of Congress to the families of members of the United States Armed Forces.

The question being put,

Will the House suspend the rules and agree to said concurrent resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 415 Nays 0

¶86.34 [Roll No. 508]

YEAS—415

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan

Carney
Carson
Carter
Castle
Castor
Cazayoux
Chabot
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schiff
Schmidt
Schwartz
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—19

Barton (TX)
Boswell
Cubin
Cuellar
Dicks
Gilchrest
Green, Al
Johnson, E. B.
Lewis (GA)
Lucas
Marshall
Miller, Gary
Murtha
Peterson (PA)
Rush
Saxton
Scott (GA)
Shimkus
Wittman (VA)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said concurrent resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said concurrent resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶86.35 CLERK TO CORRECT ENGROSSMENT—H.R. 5959

On motion of Mr. REYES, by unanimous consent,

Ordered, That in the engrossment of the bill (H.R. 5959) to authorize appropriations for fiscal year 2009 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes, the Clerk be authorized to make technical corrections, including corrections in spelling, punctuation, section and title numbering, cross-referencing, conforming amendments to the table of contents and short titles, and the insertion of appropriate headings.

¶86.36 COMMUNICATION REGARDING SUBPOENA

The SPEAKER pro tempore, Mr. ARCURI, laid before the House the following communication from Nicole Sarabia Rivera, Field Representative/Caseworker, Office of the Honorable Nancy Pelosi:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, July 9, 2008.

Hon. NANCY PELOSI,
Speaker, House of Representatives, Washington, DC.

DEAR MADAM SPEAKER: This is to formally notify you, pursuant to rule VIII of the Rules of the House of Representatives, that I have received a civil trial subpoena for documents and testimony, issued by the Small Claims Division of the San Francisco Superior Court.

After consulting with the Office of General Counsel, I have determined that compliance with the documentary aspect of the subpoena is consistent with the privileges and rights of the House, but that compliance with the testimonial aspect of the subpoena is not consistent with the privileges and rights of the House.

Sincerely,

NICOLE SARABIA RIVERA,
Field Representative/Caseworker.

¶86.37 MESSAGE FROM THE PRESIDENT—UNITED STATES-POLAND AGREEMENT

The SPEAKER pro tempore, Mr. ARCURI, laid before the House a message from the President, which was read as follows:

To the Congress of the United States:

Pursuant to section 233(e)(1) of the Social Security Act, as amended by the Social Security Amendments of 1977 (Public Law 95–216, 42 U.S.C. 433(e)(1)), I transmit herewith the Agreement Between the United States of America and Poland on Social Security, which consists of two separate instruments: a principal agreement and an administrative arrangement. The agreement was signed in Warsaw on April 2, 2008.

I The Unite States-Poland Agreement is similar in objective to the social Security agreements already in force with Australia, Austria, Belgium, Canada, Chile, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Japan, Korea, Luxembourg, the Netherlands, Norway, Portugal, Spain, Sweden, Switzerland, and the United Kingdom. Such bilateral agreements provide for limited coordination between the United States and foreign social security systems to eliminate dual social security coverage and taxation, and to help prevent the lost benefit protection that can occur when workers divide their careers between two countries. The United States-Poland Agreement contains all provisions mandated by section 233 and other provisions that deem appropriate to carry out the purposes of section 233, pursuant to section 233(c)(4).

I also transmit for the information of the Congress a report prepared by the Social Security Administration explaining the key points of the Agreement, along with a paragraph-by-paragraph explanation of the provisions of the principal agreement and the related administrative arrangement. Attached to this report is the report required by section 233(e)(1) of the Social Security Act, a report on the effect of the Agreement on income and expenditures of the U.S. Social Security program and the number of individuals affected by the Agreement. The Department of State and the Social Security Administration have recommended the Agreement and related documents to me.

I commend to the Congress the United States-Poland Social Security Agreement and related documents.

GEORGE W. BUSH.

THE WHITE HOUSE, *July 16, 2008.*

By unanimous consent, the message, together with the accompanying papers, was referred to the Committee on Ways and Means and ordered to be printed (H. Doc. 110–133).

¶86.38 MESSAGE FROM THE PRESIDENT—NATIONAL EMERGENCY WITH RESPECT TO LIBERIA

The SPEAKER pro tempore, Mr. ARCURI, laid before the House a message from the President, which was read as follows:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice to the *Federal Register* for publication, stating that the national emergency and related measures dealing with the former Liberian regime of Charles Taylor are to continue in effect beyond July 22, 2008.

Today, Liberia continues its peaceful transition to a democratic order under the administration of President Ellen Johnson-Sirleaf. The Government of Liberia has implemented reforms that have allowed for the removal of international sanctions on Liberian timber and diamonds, and Liberia is participating in the Kimberley Process Certification Scheme and the Extractive Industries Transparency Initiative to ensure that its natural resources are used to benefit the people and country of Liberia, rather than to fuel conflict. Charles Taylor is standing trial in The Hague by the Special Court for Sierra Leone. However, stability in Liberia is still fragile.

The regulations implementing Executive Order 13348 clarify that the subject of this national emergency has been and remains limited to the former Liberian regime of Charles Taylor and specified other persons and not the country, citizens, Government, or Central Bank of Liberia.

The actions and policies of former Liberian President Charles Taylor and other persons—in particular their unlawful depletion of Liberian resources, their trafficking in illegal arms, and their formation of irregular militia—continue to undermine Liberia's transition to democracy and the orderly development of its political, administrative, and economic institutions and resources. These actions and policies pose an unusual and extraordinary threat to the foreign policy of the United States, and for these reasons, I have determined that it is necessary to continue the national emergency with respect to the former Liberian regime of Charles Taylor.

GEORGE W. BUSH.
THE WHITE HOUSE, *July 16, 2008*.

By unanimous consent, the message, together with the accompanying papers, was referred to the Committee on Foreign Affairs and ordered to be printed (H. Doc. 110–134).

¶86.39 BILLS PRESENTED TO THE PRESIDENT

Lorraine C. Miller, Clerk of the House reported that on July 9, 2008, she presented to the President of the United States, for his approval, the following bill.

H.R. 6304. An Act to amend the Foreign Intelligence Surveillance Act of 1978 to establish a procedure for authorizing certain acquisitions of foreign intelligence, and for other purposes.

Lorraine C. Miller, Clerk of the House reported that on July 10, 2008, she presented to the President of the United States, for his approval, the following bills.

H.R. 802. An Act to amend the Act to Prevent Pollution from Ships to implement MARPOL Annex VI.

H.R. 3721. An Act to designate the facility of the United States Postal Service located at 1190 Lorena Road in Lorena, Texas, as the ''Marine Gunnery Sgt. John D. Fry Post Office Building''.

H.R. 3891. An Act to amend the National Fish and Wildlife Foundation Establishment Act to increase the number of Directors on the Board of Directors of the National Fish and Wildlife Foundation.

H.R. 4185. An Act to designate the facility of the United States Postal Service located at 11151 Valley Boulevard in El Monte, California, as the ''Marisol Heredia Post Office Building''.

H.R. 5168. An Act to designate the facility of the United States Postal Service located at 19101 Cortez Boulevard in Brooksville, Florida, as the ''Cody Grater Post Office Building''.

H.R. 5395. An Act to designate the facility of the United States Postal Service located at 11001 Dunklin Drive in St. Louis, Missouri, as the ''William 'Bill' Clay Post Office Building''.

H.R. 5479. An Act to designate the facility of the United States Postal Service located at 117 North Kidd Street in Ionia, Michigan, as the ''Alonzo Woodruff Post Office Building''.

H.R. 5517. An Act to designate the facility of the United States Postal Service located at 7231 FM 1960 in Humble, Texas, as the ''Texas Military Veterans Post Office''.

H.R. 5528. An Act to designate the facility of the United States Postal Service located at 120 Commercial Street in Brockton, Massachusetts, as the ''Rocky Marciano Post Office Building''.

H.R. 6331. An Act to amend titles XVIII and XIX of the Social Security Act to extend expiring provisions under the Medicare Program, to improve beneficiary access to preventive and mental health services, to enhance low-income benefit programs, and to maintain access to care in rural areas, including pharmacy access, and for other purposes.

¶86.40 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. Gary G. MILLER of California, for today after 5 p.m. and balance of the week.

And then,

¶86.41 ADJOURNMENT

On motion of Mr. KING of Iowa, at 11 o'clock and 25 minutes p.m., the House adjourned.

¶86.42 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

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

Mr. WELCH of Vermont: Committee on Rules. House Resolution 1350. Resolution providing for consideration of motions to suspend the rules (Rept. 110–761). Referred to the House Calendar.

¶86.43 PUBLIC BILLS AND RESOLUTIONS

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

By Mr. BOUSTANY:

H.R. 6506. A bill to amend title XXI of the Social Security Act to require SCHIP annual reports to include information on the HEDIS measure relating to access to primary care practitioners by individuals eligible for child health assistance under such plans and on State efforts to avoid certain displacement of private health coverage, and to express the sense of Congress that such States should utilize Consumer Assessment of Healthcare Providers and Systems consumer satisfaction surveys to measure access by such individuals to physicians; to the Committee on Energy and Commerce.

By Mr. CHILDERS:

H.R. 6507. A bill to amend the Internal Revenue Code of 1986 to modify the partial exclusion for gain from certain small business stocks; to the Committee on Ways and Means.

By Mr. MILLER of North Carolina (for himself, Mr. CONYERS, Mr. NADLER, Ms. LINDA T. SÁNCHEZ of California, and Mr. PRICE of North Carolina):

H.R. 6508. A bill to provide an alternate procedure for the prosecution of certain criminal contempts referred for prosecution by the House of Representatives, and for other purposes; to the Committee on the Judiciary.

By Mr. CONYERS (for himself, Mr. SMITH of Texas, Mr. SCOTT of Virginia, Mr. GOHMERT, and Ms. NORTON):

H.R. 6509. A bill to provide for the continued performance of the functions of the United States Parole Commission; to the Committee on the Judiciary.

By Mr. HOEKSTRA:

H.R. 6510. A bill to require the Director of National Intelligence to conduct a national intelligence assessment on national security and energy security issues relating to rapidly escalating energy costs; to the Committee on Intelligence (Permanent Select).

By Mr. TANCREDO:

H.R. 6511. A bill to designate the Department of Veterans Affairs hospital under construction in Aurora, Colorado, as the ''Petty Officer 2nd Class Danny Dietz Department of Veterans Affairs Hospital''; to the Committee on Veterans' Affairs.

By Mr. BARRETT of South Carolina:

H.R. 6512. A bill to require agencies to review all major rules within 10 years after issuance, including a cost-benefit analysis using a standard government-wide methodology, and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. KANJORSKI (for himself, Mr. BACHUS, Mr. FRANK of Massachusetts, Ms. PRYCE of Ohio, Mr. MEEKS of New York, Mr. CAMPBELL of California, Ms. BEAN, Mr. DAVIS of Kentucky, Mr. HINOJOSA, Mr. ROSKAM, Mr. MOORE of Kansas, Mr. CASTLE, Mr. SCOTT of Georgia, Mr. SHAYS, Mr. HODES, and Mrs. CAPITO):

H.R. 6513. A bill to amend the Federal securities laws to enhance the effectiveness of the Securities and Exchange Commission's enforcement, corporation finance, trading and markets, investment management, and examination programs, and for other purposes; to the Committee on Financial Services.

By Mr. JONES of North Carolina (for himself and Mr. PAUL):

H.R. 6514. A bill to amend title 10, United States Code, to ensure that every military chaplain has the prerogative to close a prayer outside of a religious service according to the dictates of the chaplain's own conscience; to the Committee on Armed Services.

By Mr. RAHALL (for himself, Mr. WELCH of Vermont, Ms. SUTTON, Ms. CASTOR, Mr. CARSON, Mrs. BOYDA of Kansas, Mr. WALZ of Minnesota, Ms. GIFFORDS, Mrs. GILLIBRAND, Mr. HODES, Mr. HALL of New York, Mr. SPACE, Mr. SIRES, Mr. WILSON of Ohio, Mr. YARMUTH, Mr. COURTNEY, Mr. MCNERNEY, Mr. FALEOMAVAEGA, and Mr. FOSTER):

H.R. 6515. A bill to amend the Naval Petroleum Reserves Production Act of 1976 to require the Secretary of the Interior to conduct an expeditious environmentally responsible program of competitive leasing of oil and gas in the National Petroleum Reserve in Alaska, and for other purposes; to the Committee on Natural Resources, and in addition to the Committees on Foreign Affairs, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ABERCROMBIE (for himself, Mr. YOUNG of Alaska, and Ms. HIRONO):

H.R. 6516. A bill to provide for retirement equity for Federal employees in nonforeign areas outside the 48 contiguous States and the District of Columbia, and for other purposes; to the Committee on Oversight and Government Reform, and in addition to the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ACKERMAN (for himself, Mrs. MALONEY of New York, and Mr. CAPUANO):

H.R. 6517. A bill to require the Securities and Exchange Commission to reinstate the uptick rule on short sales of securities; to the Committee on Financial Services.

By Mr. COHEN:

H.R. 6518. A bill to increase public confidence in the justice system and address any unwarranted racial and ethnic disparities in the criminal process; to the Committee on the Judiciary.

By Mr. COHEN (for himself and Mr. ISSA):

H.R. 6519. A bill to amend the Immigration and Nationality Act with respect to temporary admission of nonimmigrant aliens to the United States for the purpose of receiving medical treatment, and for other purposes; to the Committee on the Judiciary.

By Ms. JACKSON-LEE of Texas (for herself, Ms. WATSON, Mr. DELAHUNT, Mr. PITTS, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. WOOLSEY, Mr. PAYNE, Ms. KILPATRICK, Mr. SMITH of New Jersey, Ms. SOLIS, and Mr. HASTINGS of Florida):

H.R. 6520. A bill to increase global stability and security for the United States and the international community by reducing the number of individuals who are de jure or de facto stateless and at risk of being trafficked; to the Committee on Foreign Affairs.

By Mr. GARRETT of New Jersey (for himself, Mr. MCHENRY, Mr. MCCOTTER, Mr. PRICE of Georgia, Mr. ROYCE, Mr. HENSARLING, Mr. BACHUS, Mr. FEENEY, Mr. BARRETT of South Carolina, Mrs. BACHMANN, Mr. LUCAS, and Mr. JONES of North Carolina):

H.R. 6521. A bill to reform the regulation of certain housing-related Government-sponsored enterprises; to the Committee on Financial Services, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. HERSETH SANDLIN (for herself, Mrs. CUBIN, Mr. POMEROY, Mrs. BOYDA of Kansas, Mr. KAGEN, and Mrs. MCMORRIS RODGERS):

H.R. 6522. A bill to prohibit the importation of ruminants and swine, and fresh and frozen meat and products of ruminants and swine, from Argentina until the Secretary of Agriculture certifies to Congress that every region of Argentina is free of foot and mouth disease without vaccination; to the Committee on Agriculture.

By Mr. KAGEN:

H.R. 6523. A bill to ban the export of Alaskan oil; to the Committee on Foreign Affairs, and in addition to the Committee on Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LATOURETTE (for himself and Mr. OBERSTAR):

H.R. 6524. A bill to authorize the Administrator of General Services to take certain actions with respect to parcels of real property located in Eastlake, Ohio, and Koochiching County, Minnesota, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. MCCOLLUM of Minnesota (for herself and Mr. WALZ of Minnesota):

H.R. 6525. A bill to amend the National Assessment of Educational Progress Authorization Act to require State academic assessments of student achievement in United States history and civics, and for other purposes; to the Committee on Education and Labor.

By Mr. MELANCON:

H.R. 6526. A bill to establish the 8/29 Investigation Team to examine the events beginning on August 29, 2005, with respect to the failure of the flood protection system in response to Hurricanes Katrina and Rita, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. ROHRABACHER (for himself, Mr. ROYCE, Mr. AKIN, Mr. BROUN of Georgia, Mr. JONES of North Carolina, Mr. FRANKS of Arizona, Mr. YOUNG of Alaska, and Mr. GARY G. MILLER of California):

H.R. 6527. A bill to amend the National Environmental Policy Act of 1969 to exempt any solar energy project on lands managed by the Bureau of Land Management from an environmental impact statement requirement; to the Committee on Natural Resources.

By Mr. CHABOT:

H. Res. 1351. A resolution expressing support for the United Nations African Union Mission in Darfur (UNAMID) and calling upon United Nations Member States and the international community to contribute the resources necessary to ensure the success of UNAMID; to the Committee on Foreign Affairs.

¶86.44 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 303: Mr. MCHUGH.

H.R. 690: Mr. RODRIGUEZ, Ms. ROYBAL-ALLARD, Ms. MATSUI, and Mr. ORTIZ.

H.R. 821: Mr. BRADY of Pennsylvania.

H.R. 996: Mr. PAYNE, Mr. TOWNS, and Mr. RANGEL.

H.R. 1073: Mr. DOGGETT and Mr. GOODE.

H.R. 1153: Mr. BISHOP of Utah, Mr. BRADY of Texas, Mr. BROUN of Georgia, Mr. DOOLITTLE, Mr. FRANKS of Arizona, and Mr. KLINE of Minnesota.

H.R. 1228: Mr. BRADY of Pennsylvania.

H.R. 1385: Mr. ALTMIRE.

H.R. 1428: Mr. GERLACH.

H.R. 1436: Mr. GERLACH.

H.R. 1524: Mr. SPACE.

H.R. 1606: Mr. CUMMINGS.

H.R. 1671: Mr. SERRANO, Ms. MCCOLLUM of Minnesota, Ms. WOOLSEY, Mr. FORTUÑO, Mr. WEXLER, and Mrs. DAVIS of California.

H.R. 1774: Mr. MILLER of North Carolina.

H.R. 1927: Mr. GERLACH.

H.R. 1942: Mr. DENT.

H.R. 2020: Mr. SOUDER.

H.R. 2045: Mrs. CAPITO.

H.R. 2123: Mr. FATTAH and Mr. ELLISON.

H.R. 2164: Mr. TIERNEY.

H.R. 2169: Mr. MEEKS of New York.

H.R. 2205: Ms. GIFFORDS.

H.R. 2233: Ms. LINDA T. SÁNCHEZ of California.

H.R. 2289: Mr. TIERNEY.

H.R. 2343: Ms. MOORE of Wisconsin.

H.R. 2493: Mr. TIM MURPHY of Pennsylvania.

H.R. 2686: Mr. DOGGETT.

H.R. 2923: Mr. STUPAK and Mr. CARNEY.

H.R. 2981: Mrs. MYRICK.

H.R. 3024: Mr. WATT.

H.R. 3089: Mr. PORTER.

H.R. 3098: Mrs. MUSGRAVE.

H.R. 3132: Mr. WEINER.

H.R. 3175: Mr. SESTAK.

H.R. 3187: Mr. PETERSON of Minnesota and Mr. RYAN of Ohio.

H.R. 3202: Mr. BOUSTANY.

H.R. 3212: Ms. CASTOR.

H.R. 3334: Mr. KILDEE and Mr. RYAN of Ohio.

H.R. 3438: Mr. BRADY of Pennsylvania.

H.R. 3439: Mr. CONYERS and Ms. HIRONO.

H.R. 3622: Mr. HULSHOF and Mr. MARIO DIAZ-BALART of Florida.

H.R. 3689: Mr. WITTMAN of Virginia.

H.R. 3737: Mr. MCCOTTER, Mr. MCDERMOTT, and Mr. FARR.

H.R. 3753: Mr. COOPER, Mr. CARSON, and Mr. TERRY.

H.R. 3829: Mr. HINCHEY.

H.R. 3846: Mr. MCDERMOTT and Mr. FALEOMAVAEGA.

H.R. 3874: Ms. PRYCE of Ohio.

H.R. 4014: Mr. ALLEN.

H.R. 4015: Mr. ALLEN.

H.R. 4016: Mr. ALLEN.

H.R. 4071: Mr. SMITH of New Jersey.

H.R. 4093: Mr. SARBANES.

H.R. 4109: Ms. SCHAKOWSKY.

H.R. 4157: Mr. LUCAS, Mr. EHLERS, Mr. WILSON of South Carolina, Mr. SCALISE, and Mr. WITTMAN of Virginia.

H.R. 4188: Mr. SESTAK.

H.R. 4310: Mr. GRIJALVA.

H.R. 4344: Mr. CALVERT.

H.R. 4544: Ms. GINNY BROWN-WAITE of Florida, Mr. WILSON of Ohio, Mr. KAGEN, Mr. BROWN of South Carolina, Mr. BISHOP of New York, Mr. ADERHOLT, Mr. MARKEY, Mr. CARNEY, Mr. SERRANO, Mr. CONAWAY, and Mr. WITTMAN of Virginia.

H.R. 4775: Mr. SMITH of Washington and Ms. MATSUI.

H.R. 4854: Ms. LINDA T. SÁNCHEZ of California.

H.R. 4987: Mr. WESTMORELAND, Mr. DUNCAN, and Mr. PORTER.
H.R. 5110: Mr. SARBANES.
H.R. 5161: Mr. SIRES.
H.R. 5265: Ms. HOOLEY and Mrs. WILSON of New Mexico.
H.R. 5268: Mr. LEWIS of Georgia, Mr. TIERNEY, Mr. LARSON of Connecticut, Mr. THOMPSON of Mississippi, Mr. STUPAK, and Mr. GUTIERREZ.
H.R. 5404: Mr. BOYD of Florida.
H.R. 5441: Mr. DAVID DAVIS of Tennessee.
H.R. 5447: Mr. NADLER.
H.R. 5466: Mr. JACKSON of Illinois.
H.R. 5534: Ms. SOLIS.
H.R. 5564: Mr. BRADY of Pennsylvania.
H.R. 5573: Mr. SARBANES.
H.R. 5632: Mr. CAZAYOUX and Mr. JEFFERSON.
H.R. 5646: Mr. LAMBORN and Mr. KLINE of Minnesota.
H.R. 5652: Mr. WALSH of New York.
H.R. 5684: Mr. GERLACH.
H.R. 5723: Mrs. EMERSON.
H.R. 5756: Mr. TIERNEY, Mr. UDALL of Colorado, and Mr. CLAY.
H.R. 5774: Mr. CONYERS, Mr. PALLONE, and Mr. BRADY of Pennsylvania.
H.R. 5852: Mr. CAPUANO.
H.R. 5882: Mr. SESSIONS and Mrs. MYRICK.
H.R. 5914: Mrs. EMERSON.
H.R. 5921: Mr. SESSIONS.
H.R. 5936: Mr. TIERNEY.
H.R. 5946: Mr. HONDA.
H.R. 5951: Ms. JACKSON-LEE of Texas.
H.R. 5954: Mr. ALLEN and Mr. FORTUÑO.
H.R. 5971: Mr. SHADEGG.
H.R. 5990: Ms. LINDA T. SÁNCHEZ of California.
H.R. 6039: Mr. CAMPBELL of California and Mr. SESSIONS.
H.R. 6076: Mr. FATTAH and Mr. CUMMINGS.
H.R. 6113: Ms. FOXX, Ms. GIFFORDS, and Mr. JOHNSON of Georgia.
H.R. 6120: Mr. BRADY of Pennsylvania.
H.R. 6123: Mr. DAVIS of Illinois.
H.R. 6140: Mr. SALI.
H.R. 6172: Ms. DEGETTE and Mr. TANCREDO.
H.R. 6185: Mrs. DRAKE and Ms. GINNY BROWN-WAITE of Florida.
H.R. 6199: Mr. KING of New York.
H.R. 6203: Ms. KAPTUR.
H.R. 6210: Mr. DONNELLY and Mr. CROWLEY.
H.R. 6277: Mrs. EMERSON.
H.R. 6282: Mr. PAYNE.
H.R. 6283: Mr. FILNER.
H.R. 6288: Mr. HERGER.
H.R. 6328: Ms. ROS-LEHTINEN and Mr. SMITH of New Jersey.
H.R. 6368: Mrs. BLACKBURN.
H.R. 6371: Mr. WELCH of Vermont.
H.R. 6379: Mr. BISHOP of Utah, Mr. MCHENRY, and Mr. DOOLITTLE.
H.R. 6404: Ms. BORDALLO, Ms. MCCOLLUM of Minnesota, and Mr. PAYNE.
H.R. 6418: Mr. PITTS, Mr. AKIN, Mr. WESTMORELAND, Mr. FRANKS of Arizona, Mr. WALBERG, Mr. SAM JOHNSON of Texas, Mr. BONNER, Mr. WELDON of Florida, Mr. MCCOTTER, Mr. SALI, Mr. MCHENRY, Ms. FALLIN, Mr. BISHOP of Utah, Mr. BROWN of South Carolina, Mr. PRICE of Georgia, Mr. RYAN of Wisconsin, Mr. MARCHANT, Mrs. MYRICK, and Mr. MCCAUL of Texas.
H.R. 6424: Mr. BUTTERFIELD.
H.R. 6428: Mr. ALEXANDER, Mr. BISHOP of Utah, Ms. FALLIN, Mr. DOOLITTLE, Mr. SALI, Mr. MCCOTTER, Mr. WELDON of Florida, Mr. SAM JOHNSON of Texas, Mr. WALBERG, Mrs. SCHMIDT, Mr. PITTS, Mr. WILSON of South Carolina, Mr. GINGREY, Mr. WAMP, and Mr. BROWN of South Carolina.
H.R. 6439: Mr. JOHNSON of Georgia and Mr. SPACE.
H.R. 6453: Mr. SOUDER and Mr. SALI.
H.R. 6458: Ms. ESHOO and Mr. STARK.
H.R. 6460: Ms. SUTTON, Mrs. MILLER of Michigan, Ms. MOORE of Wisconsin, Mr. DINGELL, Mr. WALBERG, and Mr. SIRES.
H. R. 6478: Ms. BERKLEY, Mr. BOREN, and Mr. ROSS.
H.R. 6479: Ms. LEE, Ms. PELOSI, Ms. WOOLSEY, and Mr. HONDA.
H.R. 6486: Mr. MCNULTY.
H.J. Res. 79: Ms. MCCOLLUM of Minnesota and Ms. SUTTON.
H.J. Res. 89: Mr. GOODLATTE, Mr. HERGER, and Mr. HULSHOF.
H.J. Res. 94: Mr. SALI.
H. Con. Res. 24: Mr. RUSH.
H. Con. Res. 73: Mr. BUTTERFIELD.
H. Con. Res. 214: Mr. COSTA.
H. Con. Res. 356: Mr. COHEN and Mr. BERRY.
H. Con. Res. 357: Mr. HULSHOF and Mr. ROGERS of Kentucky.
H. Con. Res. 361: Mr. SHERMAN.
H. Con. Res. 386: Mr. GOODE.
H. Res. 645: Mr. BRADY of Pennsylvania, Mr. BLUNT, Mrs. MYRICK, Mr. WALDEN of Oregon, and Mr. BISHOP of Georgia.
H. Res. 655: Mr. COHEN.
H. Res. 672: Mr. TOWNS, Mr. REYES, and Mr. LEWIS of Georgia.
H. Res. 937: Mr. SHERMAN.
H. Res. 1052: Mr. COHEN.
H. Res. 1069: Mr. SHERMAN.
H. Res. 1078: Ms. WOOLSEY and Mr. MCDERMOTT.
H. Res. 1161: Mr. TIERNEY.
H. Res. 1179: Mr. EVERETT, Mr. PORTER, Mr. RUPPERSBERGER, and Mr. CALVERT.
H. Res. 1202: Mr. MCHENRY and Mr. KNOLLENBERG.
H. Res. 1254: Mr. SHERMAN and Ms. ROS-LEHTINEN.
H. Res. 1279: Mr. HOLDEN, Ms. SUTTON, and Mr. GRIJALVA.
H. Res. 1290: Ms. SLAUGHTER, Ms. ROYBAL-ALLARD, Mr. SHERMAN, Mr. BACA, Mr. FATTAH, Mr. ENGLISH of Pennsylvania, and Mr. BISHOP of Georgia.
H. Res. 1296: Ms. MOORE of Wisconsin, Ms. WATSON, Mr. ELLISON, Mr. HASTINGS of Florida, Mr. KLEIN of Florida, Mr. HAYES, Mr. CAPUANO, Mr. HARE, Mr. COURTNEY, Mr. JOHNSON of Georgia, Mr. SCOTT of Georgia, Mr. SCOTT of Virginia, Ms. EDWARDS of Maryland, Ms. SHEA-PORTER, Ms. CLARKE, Ms. FOXX, Mr. KAGEN, Mr. DONNELLY, Mrs. DAVIS of California, and Mr. HODES.
H. Res. 1306: Mr. ROGERS of Kentucky and Mr. MICHAUD.
H. Res. 1319: Mr. BISHOP of New York.
H. Res. 1324: Ms. MCCOLLUM of Minnesota and Mr. GENE GREEN of Texas.
H. Res. 1328: Mr. SHAYS, Mr. WILSON of South Carolina, Mr. WOLF, Mr. GERLACH, Mr. KENNEDY, Ms. GINNY BROWN-WAITE of Florida, and Mr. CARNEY.
H. Res. 1329: Ms. SOLIS.
H. Res. 1330: Mr. WITTMAN of Virginia.
H. Res. 1336: Mrs. BLACKBURN, Mr. GINGREY, Mr. DAVIS of Kentucky, Mrs. MYRICK, Mr. CUELLAR, and Mr. SULLIVAN.
H. Res. 1345: Mr. WEXLER and Ms. LEE.

¶86.45 PETITIONS

Under clause 3 of rule XII, petitions and papers were laid on the Clerk's desk and referred as follows:

290. The SPEAKER presented a petition of the General Assembly of the United Nations, relative to Resolution A/RES/62/178 encouraging Member States to include parliamentarians in their national delegation to the high-level review meeting; to the Committee on Foreign Affairs.

291. Also, a petition of the Parliament of Georgia, relative to a resolution requesting support and clear position to condemn Russia's infringement of Georgia's national integrity; to the Committee on Foreign Affairs.

292. Also, a petition of the California Federation of Teachers, relative to a Resolution supporting H.R. 1008, condemning the persecution of Baha'is in Iran; to the Committee on Foreign Affairs.

THURSDAY, JULY 17, 2008 (87)

¶87.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Mr. JACKSON of Illinois, who laid before the House the following communication:

WASHINGTON, DC,
July 17, 2008.

I hereby appoint the Honorable JESSIE L. JACKSON, Jr. to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

¶87.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. JACKSON of Illinois, announced he had examined and approved the Journal of the proceedings of Wednesday, July 16, 2008.

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

¶87.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

7599. A letter from the Administrator, Rural Utilities Service, Department of Agriculture, transmitting the Department's final rule—Accounting Requirements for RUS Electric Borrowers (RIN: 0572–AC08) received July 11, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7600. A letter from the Director, Defense Procurement, Acquisition Policy, and Strategic Sourcing, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Export-Controlled Items [DFARS Case 2004–0010] (RIN: 0750–AF13] received July 11, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

7601. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule—Final Flood Elevation Determinations—received July 11, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7602. A letter from the Associate General Counsel for Legislation and Regulations, Department of Housing and Urban Development, transmitting the Department's final rule—Revisions to the Hospital Mortgage Insurance Program: Technical and Clarifying Amendments [Docket No. FR–4927–F–03] (RIN: 2502–A122) received July 11, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7603. A letter from the Assistant General Counsel for Regulatory Services, Department of Education, transmitting the Department's final rule—National Institute on Disability and Rehabilitation Research (NIDRR)—Disability and Rehabilitation Research Projects and Centers Program—Rehabilitation Research and Training Centers (RRTCs)—received July 11, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

7604. A letter from the Assistant General Counsel for Regulatory Services, Department of Education, transmitting the Department's final rule—National Institute on Disability and Rehabilitation Research—Disability and Rehabilitation Research Projects and Centers Program—Disability Rehabilitation Research Projects (DRPPs) and Rehabilitation Research and Training Centers (RRTCs)—received July 11, 2008, pursuant to

5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

7605. A letter from the White House Liaison, Department of Education, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

7606. A letter from the Commissioner, Social Security Administration, transmitting the semiannual report on the activities of the Office of Inspector General for the period October 1, 2007 through March 31, 2008, pursuant to 5 U.S.C. app. (Insp. Gen. Act), section 5(b); to the Committee on Oversight and Government Reform.

7607. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Atlantic Sea Scallop Fishery; Closure of the Elephant Trunk Scallop Access Area to General Category Scallop Vessels [Docket No. 060314069–6069–01; I.D. 031307A] received May 18, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7608. A letter from the Deputy Assistant Administrator For Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Groundfish Observer Program [Docket No. 070316061–7124–02; I.D. 031907B] (RIN: 0648–AV13) received September 4, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7609. A letter from the Deputy Assistant Administrator, Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Atlantic Highly Migratory Species (HMS); Atlantic Shark Management Measures [Docket No. 0612242866–8619–02] (RIN: 0648–AU89) received July 11, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7610. A letter from the Director, Administrative Office of the United States Courts, transmitting the first annual report on statistics mandated by the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005, pursuant to 28 U.S.C. 159(c); to the Committee on the Judiciary.

7611. A letter from the Chief Scout Executive and President, Boy Scouts of America, transmitting the Boy Scouts of America's 2007 Report to the Nation, pursuant to 36 U.S.C. 28; to the Committee on the Judiciary.

7612. A letter from the President, National Council on Radiation Protection and Measurements, transmitting the 2007 Annual Report of independent auditors who have audited the records of the National Council on Radiation Protection and Measurements, pursuant to 36 U.S.C. 4514; to the Committee on the Judiciary.

7613. A letter from the General Counsel, National Tropical Botanical Garden, transmitting the annual audit report of the National Tropical Botanical Garden for the period from January 1, 2007 through December 31, 2007, pursuant to 36 U.S.C. 4610; to the Committee on the Judiciary.

7614. A letter from the New York State Tri-Level Legislative Task Force, transmitting the Task Force's report on improving public confidence in law enforcement and our criminal justice system; to the Committee on the Judiciary.

7615. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Przedsiebiorstwo Doswiadczalno-Produkcyjne Szybownictwa ''PZL–Bielsko'' Model SZD–50–3 ''Puchacz'' Gliders [Docket No. FAA–2008–0045; Directorate Identifier 2007–CE–100–AD; Amendment 39–15339; AD 2008–02–09] (RIN: 2120–AA64) received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7616. A letter from the Attorney U.S. DOT/RITA, Department of Transportation, transmitting the Department's final rule—Revision of Airline Service Quality Performance Reports and Disclosure Requirements [Docket No. RITA 2007–28522] (RIN number 2139–AA12) received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7617. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Bombardier Model CL–600–2B19 (Regional Jet Series 100 & 440) Airplanes [Docket No. FAA–2007–0185; Directorate Identifier 2007–NM–246–AD; Amendment 39–15337; AD 2008–02–07] (RIN: 2120–AA64) received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7618. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Canby, MN [Docket No. FAA–2007–27676; Airspace Docket No. 07–AGL–2] received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7619. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Poplar Bluff, MO [Docket No. FAA–2007–28773; Airspace Docket No. 07–ACE–9] received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7620. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A318, A319, A320, and A321 Airplanes [Docket No. FAA–2007–26812; Directorate Identifier 2006–NM–199–AD; Amendment 39–15006; AD 2007–07–09] (RIN: 2120–AA64) received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7621. A letter from the Acting Director of Regulations, DOT/PHMSA, Department of Transportation, transmitting the Department's final rule—Pipeline Safety: Protecting Unusually Sensitive Areas From Rural Onshore Hazardous Liquid Gathering Lines and Low-Stress Lines [Docket ID PHMSA–RSPA–2003–15864] (RIN: 2137–AD98) received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7622. A letter from the Attorney, Department of Transportation, transmitting the Department's final rule—OST Technical Corrections [Docket No. OST–2008–] (RIN: 2105–AD74) received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7623. A letter from the FMCSA Regulatory Ombudsman, Department of Transportation, transmitting the Department's final rule—Hours of Service of Drivers [Docket No. FMCSA–2004–19608] (RIN– 2126–AB14) received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7624. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule—Passenger Facility Charge Program Debt Service, Air Carrier Bankruptcy, and Miscellaneous Changes [Docket No. FAA–2006–23730; Amendment No. 158–4] (RIN: 2120–AI68) received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7625. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule—Airworthiness Standards; Aircraft Engine Standards for Engine Life-Limited Parts [Docket No.: FAA–2006–23732; Amendment No. 33–22] (RIN: 2120–AI72) received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7626. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule—Airworthiness Standards: Safety Analysis [Docket No. FAA–2006–25376; Amendment No. 33–24] (RIN: 2120–AI74) received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7627. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule—Nationality and Registration Marks, Non Fixed-Wing Aircraft [Docket No. FAA–2007–27173; Amendment No. 45–25] (RIN: 2120–AJ02) received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7628. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule—Proposed Establishment of Class E5 Airspace; Eagle Pass, TX [Docket No. FAA–2008–027; Airspace Docket No. 08–ASW–3] received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7629. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Marshalltown, IA [Docket No. FAA–2007–27679; Airspace Docket No. 07–ACE–4] received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7630. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Monticello, IA [Docket No. FAA–2007–27678; Airspace Docket No. 07–ACE–3] received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7631. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule—Revisions to Cockpit Voice Recorder and Digital Flight Data Recorder Regulations [Docket No. FAA–2005–20245; Amendment No. 23–58, 25–124, 27–43, 29–50, 91–300, 121–338, 125–54, 129–45, and 135–113] (RIN: 2120–AH88) received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7632. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule—Operation of Civil Aircraft of U.S. Registry Outside of the United States [Docket No.: FAA–2007–0020; Amdt. No. 91–299] (RIN: 2120–AJ14) received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7633. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule—Performance and Handling Qualities Requirements for Rotorcraft [Docket No.: FAA–2006–25414; Amendment Nos. 27–44 and 29–51] (RIN: 2120–AH87) received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7634. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 747 Airplanes [Docket No. FAA–2007–28989; Directorate Identifier 2007–NM–070–AD; Amendment 39–15319; AD 2007–26–17] (RIN: 2120–AA64) received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7635. A letter from the Program Analyst, Department of Transportation, transmitting

the Department's final rule—Flight Simulation Device Initial and Continuing Qualification and Use [Docket No. FAA–2002–12461; Amendment No. 60–3] (RIN: 2120–AJ12) received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7636. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule—Drug Enforcement Assistance [Docket No. FAA–2006–26714; Amendment Nos. 47–28, 61–118, 63–36, and 65–51] (RIN: 2120–AI43) received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7637. A letter from the Secretary, Department of Transportation, transmitting the Department's report on the Tribal-State Road Maintenance Agreements, pursuant to Public Law 109–59, section 1119(k); to the Committee on Transportation and Infrastructure.

7638. A letter from the Director, APO/Dockets Unit AD/CVD Operations Support, Department of Commerce, transmitting the Department's final rule—Antidumping and Countervailing Duty Proceedings: Documents Submission Procedures; APO Procedures [Docket No. 0612243018–8043–01] (RIN: 0625–AA73) received July 11, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7639. A letter from the Officer for Civil Rights and Civil Liberties, Department of Homeland Security, transmitting the first quarterly report of the Department's Office of Civil Rights and Civil Liberties, covering the period from October 1, 2007, to December 31, 2007, pursuant to 42 U.S.C. 2000ee–1; jointly to the Committees on the Judiciary and Homeland Security.

7640. A letter from the Secretary, Department of Commerce, transmitting the annual report on the activities of the Economic Development Administration for Fiscal Year 2007, pursuant to 42 U.S.C. 3217; jointly to the Committees on Transportation and Infrastructure and Financial Services.

¶87.4 MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate had passed and agreed to without amendment a bill and a concurrent resolution of the House of the following titles:

H.R. 1553. An Act to amend the Public Health Service Act to advance medical research and treatments into pediatric cancers, ensure patients and families have access to information regarding pediatric cancers and current treatments for such cancers, establish a national childhood cancer registry, and promote public awareness of pediatric cancer.

H. Con. Res. 381. A concurrent resolution honoring and recognizing the dedication and achievements of Thurgood Marshall on the 100th anniversary of his birth.

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

H.R. 5501. An Act to authorize appropriations for fiscal years 2009 through 2013 to provide assistance to foreign countries to combat HIV/AIDS, tuberculosis, and malaria, and for other purposes.

¶87.5 MOTION TO INSTRUCT CONFEREES—S. 2062

Mr. ROSKAM submitted the privileged motion to instruct the managers on the part of the House at the conference with the Senate on the disagreeing votes of the two Houses on the House amendment to the bill (S. 2062) to amend the Native American Housing Assistance and Self-Determination Act of 1996 to reauthorize that Act, and for other purposes, to include in the conference agreement the provision in section 202(2)(A) of the Senate bill providing that development and rehabilitation of utilities and utility services shall be eligible affordable housing activities under the Indian Housing Block Grant Program.

After debate,

By unanimous consent, the previous question was ordered on the motion to instruct the managers on the part of the House.

The question being put, viva voce,

Will the House agree to said motion?

The SPEAKER pro tempore, Mr. JACKSON of Illinois, announced that the yeas had it.

So the motion to instruct the managers on the part of the House was agreed to.

A motion to reconsider the vote whereby said motion was agreed to was, by unanimous consent, laid on the table.

¶87.6 APPOINTMENT OF CONFEREES—S. 2062

Thereupon, the SPEAKER pro tempore, Mr. JACKSON of Illinois, by unanimous consent, appointed Mr. FRANK of Massachusetts, Ms. WATERS, Messrs. WATT, Al GREEN of Texas, CLEAVER, BACHUS, Mrs. CAPITO, and Mr. PEARCE, as managers on the part of the House at said conference.

Ordered, That the Clerk notify the Senate of the foregoing appointments.

¶87.7 PROVIDING FOR CONSIDERATION OF MOTIONS TO SUSPEND THE RULES

Mr. WELCH of Vermont, by direction of the Committee on Rules, called up the following resolution (H. Res. 1350):

Resolved, That it shall be in order at any time on the legislative day of Thursday, July 17, 2008, for the Speaker to entertain motions that the House suspend the rules relating to a measure concerning the domestic production of oil and natural gas.

When said resolution was considered.

After debate,

Mr. WELCH of Vermont, moved the previous question on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House now order the previous question?

The SPEAKER pro tempore, Mr. BLUMENAUER, announced that the yeas had it.

Mr. WELCH of Vermont, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 228 / Nays 188

¶87.8 [Roll No. 509]

YEAS—228

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

NAYS—188

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

Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Hobson
Hoekstra
Hulshof
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (PA)
Petri
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Saxton
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (FL)

NOT VOTING—18

Andrews
Boswell
Cooper
Cubin
Doolittle
Frank (MA)
Gilchrest
Herger
Hunter
Inslee
Lucas
Miller, Gary
Paul
Pickering
Ruppersberger
Rush
Terry
Young (AK)

So the previous question on the resolution was ordered.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. BLUMENAUER, announced that the nays had it.

Mr. WELCH of Vermont, demanded a recorded vote on agreeing to said resolution, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 222 Nays 194

¶87.9 [Roll No. 510]

AYES—222

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

NOES—194

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Cazayoux
Chabot
Childers
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Hobson
Hoekstra
Hulshof
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (FL)

NOT VOTING—18

Andrews
Boswell
Cooper
Cubin
Doolittle
Gilchrest
Herger
Hunter
Larson (CT)
Loebsack
Lucas
Miller, Gary
Paul
Ruppersberger
Rush
Smith (WA)
Tierney
Young (AK)

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶87.10 ALASKA NATIONAL PETROLEUM RESERVE

Mr. RAHALL moved to suspend the rules and pass the bill (H.R. 6515) to amend the Naval Petroleum Reserves Production Act of 1976 to require the Secretary of the Interior to conduct an expeditious environmentally responsible program of competitive leasing of oil and gas in the National Petroleum Reserve in Alaska, and for other purposes.

The SPEAKER pro tempore, Mr. BLUMENAUER, recognized Mr. RAHALL and Mr. PEARCE, each for 20 minutes.

By unanimous consent, the time for debate was extended by 10 minutes to be equally divided and controlled by Mr. RAHALL and Mr. PEARCE.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. SERRANO, announced that two-thirds of the Members present had voted in the affirmative.

Mr. PEARCE objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 6, rule XX, and the call was taken by electronic device.

When there appeared { Yeas ..... 244 Nays 173

¶87.11 [Roll No. 511]

YEAS—244

Ackerman
Allen
Altmire
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bishop (GA)

Bishop (NY)
Blumenauer
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Buchanan
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Cazayoux
Chabot
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costello
Courtney
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Emanuel
Engel
English (PA)
Eshoo
Etheridge
Farr
Fattah
Filner
Forbes
Foster
Frank (MA)
Gerlach
Giffords
Gillibrand
Goode
Gordon
Graves
Green, Al
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Hayes
Herseth Sandlin
Higgins
Hill
Hinchey
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Knollenberg
Kucinich
Kuhl (NY)
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Payne
Pelosi
Perlmutter
Peterson (MN)
Pomeroy
Porter
Price (NC)
Rahall
Ramstad
Rangel
Reichert
Richardson
Rogers (AL)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ryan (OH)
Salazar
Sánchez, Linda T.
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—173

Abercrombie
Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Coble
Cole (OK)
Conaway
Costa
Crenshaw
Cuellar
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Drake
Dreier
Duncan
Ehlers
Emerson
Everett
Fallin
Feeney
Ferguson
Flake
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gingrey
Gohmert
Gonzalez
Goodlatte
Granger
Green, Gene
Hall (TX)
Hastings (WA)
Heller
Hensarling
Hinojosa
Hobson
Hoekstra
Hulshof
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
LaHood
Lamborn
Lampson
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
Lungren, Daniel E.
Mack
Manzullo
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Moran (KS)
Musgrave
Myrick
Neugebauer
Nunes
Ortiz
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Price (GA)
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Saxton
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (FL)

NOT VOTING—18

Andrews
Boswell
Brown-Waite, Ginny
Cubin
Doolittle
Gilchrest
Herger
Hunter
Kaptur
Lucas
Marchant
McNulty
Miller, Gary
Paul
Ruppersberger
Rush
Sanchez, Loretta
Young (AK)

So, less than two-thirds of the Members present having voted in favor thereof, the rules were not suspended and said bill was not passed.

¶87.12 CALENDAR WEDNESDAY BUSINESS DISPENSED WITH

On motion of Mr. HOYER, by unanimous consent,

Ordered, That business in order for consideration on Wednesday, July 23, 2008, under clause 6, rule XV, the Calendar Wednesday rule, be dispensed with.

¶87.13 ADJOURNMENT OVER

On motion of Mr. HOYER, by unanimous consent,

Ordered, That when the House adjourns today, it adjourn to meet on Monday, July 21, 2008, at 12:30 p.m.; and further, when the House adjourns on Monday, July 21, 2008, it adjourn to meet at 12:30 p.m. on Tuesday, July 22, 2008, for morning-hour debate.

¶87.14 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Ms. BORDALLO for today.

To Ms. Ginny BROWN-WAITE of Florida, for today after 2 p.m.;

To Mr. DOOLITTLE, for today;

To Mr. HERGER, for today;

To Mr. McNULTY, for today after 1:30 p.m.; and

To Mr. RUPPERSBERGER, for today;

And then,

¶87.15 ADJOURNMENT

On motion of Mr. BARTLETT of Maryland, pursuant to the previous order of the House, at 5 o'clock and 30 minutes p.m., the House adjourned until 12:30 p.m. on Monday, July 21, 2008.

¶87.16 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DINGELL: Committee on Energy and Commerce. H.R. 1108. A bill to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products; with an amendment (Rept. 110–762). Referred to the Committee on the Whole House on the state of the Union.

¶87.17 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Ms. ESHOO (for herself, Mr. LANGEVIN, Ms. SUTTON, and Mr. ALTMIRE):

H.R. 6528. A bill to impose a limitation on lifetime aggregate limits imposed by health plans; to the Committee on Energy and Commerce, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CALVERT (for himself, Mr. BURTON of Indiana, Mr. CARTER, Mr. DOOLITTLE, Mr. GALLEGLY, Mr. HERGER, Mr. KANJORSKI, Mr. LATTA, Mr. LEWIS of California, Mr. DANIEL E. LUNGREN of California, Mr. MCKEON, Mr. NUNES, Mr. RADANOVICH, Mr. ROHRABACHER, and Mr. DREIER):

H.R. 6529. A bill to greatly enhance the Nation's environmental, energy, economic, and national security by terminating long-standing Federal prohibitions on the domestic production of abundant offshore supplies of oil and natural gas, and for other purposes; to the Committee on Natural Resources.

By Mr. RANGEL (for himself and Mr. LEVIN):

H.R. 6530. A bill to amend United States trade laws to eliminate foreign barriers to exports of United States goods and services, to restore rights under trade remedy laws, to strengthen enforcement of United States intellectual property rights and health and safety laws at United States borders, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Rules, and Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BERMAN (for himself, Mr. COBLE, Mr. CONYERS, and Mr. SMITH of Texas):

H.R. 6531. A bill to amend chapter 13 of title 17, United States Code (relating to the vessel hull design protection), to clarify the definitions of a hull and a deck; to the Committee on the Judiciary.

By Mr. RANGEL (for himself, Mr. OBERSTAR, Mr. MICA, Mr. DEFAZIO, Mr. DUNCAN, Mr. ALTMIRE, Mr. BAIRD, Ms. BERKLEY, Mr. BISHOP of New York, Mr. BLUMENAUER, Mr. BOOZMAN, Mr. BOSWELL, Mr. BOUSTANY, Mrs. BOYDA of Kansas, Ms. CORRINE

BROWN of Florida, Mr. BROWN of South Carolina, Mr. BUCHANAN, Mrs. CAPITO, Mr. CAPUANO, Mr. CARNAHAN, Mr. CARNEY, Mr. COBLE, Mr. COHEN, Mr. COSTELLO, Mr. COURTNEY, Mr. CUMMINGS, Ms. DELAURO, Mr. DENT, Mr. MARIO DIAZ-BALART of Florida, Mrs. DRAKE, Ms. EDWARDS of Maryland, Mr. EHLERS, Ms. FALLIN, Mr. FILNER, Mr. GERLACH, Mr. GRAVES, Mr. HALL of New York, Mr. HAYES, Mr. HIGGINS, Ms. HIRONO, Mr. HODES, Mr. HOLDEN, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. JOHNSON of Illinois, Mr. KAGEN, Mr. KUHL of New York, Mr. LARSEN of Washington, Mr. LATOURETTE, Mr. LEWIS of Georgia, Mr. LIPINSKI, Mr. LOBIONDO, Mr. MCNERNEY, Mrs. MILLER of Michigan, Mr. MORAN of Kansas, Mr. NADLER, Mrs. NAPOLITANO, Ms. NORTON, Mr. PASCRELL, Mr. PETRI, Mr. PLATTS, Mr. POE, Mr. POMEROY, Mr. RAHALL, Ms. RICHARDSON, Mr. SALAZAR, Mr. SHUSTER, Mr. SIRES, Mrs. TAUSCHER, Mr. WESTMORELAND, Mr. YOUNG of Alaska, and Mr. SPACE):

H.R. 6532. A bill to amend the Internal Revenue Code of 1986 to restore the Highway Trust Fund balance; to the Committee on Ways and Means.

By Mr. MORAN of Kansas:

H.R. 6533. A bill to require the Secretary of Agriculture to carry out conservation reserve program notice CRP-598, entitled the ''Voluntary Modification of Conservation Reserve Program (CRP) Contract for Critical Feed Use''; to the Committee on Agriculture.

By Mr. FLAKE:

H.R. 6534. A bill to rescind certain earmark projects under SAFETEA–LU for the purpose of eliminating the shortfall in the Highway Trust Fund, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. DELAHUNT:

H.R. 6535. A bill to amend the Vietnam Education Foundation Act of 2000; to the Committee on Foreign Affairs.

By Mr. GEORGE MILLER of California (for himself and Mr. SENSENBRENNER):

H.R. 6536. A bill to provide for the admission to the United States of certain Tibetans; to the Committee on the Judiciary.

By Ms. BORDALLO (for herself, Ms. ROS-LEHTINEN, Mr. KILDEE, Mr. FALEOMAVAEGA, Mr. ABERCROMBIE, Mr. FARR, Ms. WOOLSEY, Mrs. CHRISTENSEN, Ms. LEE, Mr. FORTUÑO, Ms. HIRONO, and Mr. KLEIN of Florida):

H.R. 6537. A bill to reauthorize and amend the National Marine Sanctuaries Act to establish a National Marine Sanctuary System, to strengthen and clarify management authorities, and for other purposes; to the Committee on Natural Resources.

By Ms. SHEA-PORTER (for herself, Mr. LARSON of Connecticut, Mr. MARKEY, Mr. NEAL of Massachusetts, Mr. MCGOVERN, Mr. MICHAUD, Mr. DELAHUNT, Mr. HODES, Mr. FRANK of Massachusetts, Mr. CAPUANO, Mr. LANGEVIN, and Mr. WELCH of Vermont):

H.R. 6538. A bill to provide funding for home energy assistance under the Low-Income Home Energy Assistance Act of 1981 and the Weatherization Assistance Program for Low-Income Persons established under part A of title IV of the Energy Conservation and Production Act; to the Committee on Energy and Commerce, and in addition to the Committees on Education and Labor, and the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. BACHMANN:

H.R. 6539. A bill to provide for the use of information in the National Directory of New Hires in enforcing sex offender registration laws; to the Committee on Ways and Means, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BAIRD:

H.R. 6540. A bill to create a Trade Agreement Enforcement Commission; to the Committee on Ways and Means.

By Mr. BRADY of Pennsylvania:

H.R. 6541. A bill to authorize the Board of Regents of the Smithsonian Institution to plan, design, and construct laboratory space to accommodate the Smithsonian Tropical Research Institute's terrestrial research program in Gamboa, Panama; to the Committee on House Administration, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BRADY of Pennsylvania:

H.R. 6542. A bill to authorize the Board of Regents of the Smithsonian Institution to plan, design, and construct laboratory and support space to accommodate the Mathias Laboratory at the Smithsonian Environmental Research Center in Edgewater, Maryland; to the Committee on House Administration, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. GINNY BROWN-WAITE of Florida (for herself and Mr. MITCHELL):

H.R. 6543. A bill to amend title 38, United States Code, to extend the demonstration project on adjustable rate mortgages and the demonstration project on hybrid adjustable rate mortgages; to the Committee on Veterans' Affairs.

By Mr. BURTON of Indiana:

H.R. 6544. A bill to provide immediate relief from high fuel and food prices and to pursue alternatives in renewable energy; to the Committee on Ways and Means, and in addition to the Committees on Energy and Commerce, Natural Resources, Armed Services, and Science and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CAZAYOUX (for himself, Mr. KLEIN of Florida, Mr. PATRICK MURPHY of Pennsylvania, Ms. GIFFORDS, Mr. CHILDERS, Mrs. BOYDA of Kansas, Mr. HODES, and Ms. SHEA-PORTER):

H.R. 6545. A bill to require the Director of National Intelligence to conduct a national intelligence assessment on national security and energy security issues; to the Committee on Intelligence (Permanent Select).

By Mr. HASTINGS of Washington (for himself and Mrs. MCMORRIS RODGERS):

H.R. 6546. A bill to amend the Internal Revenue Code of 1986 to allow tax-exempt bond financing for fixed-wing emergency medical aircraft; to the Committee on Ways and Means.

By Mr. INSLEE (for himself and Mr. DICKS):

H.R. 6547. A bill to provide for equitable compensation to the Spokane Tribe of Indians of the Spokane Reservation for the use of tribal land for the production of hydropower by the Grand Coulee Dam, and for other purposes; to the Committee on Natural Resources.

By Mrs. MALONEY of New York (for herself, Ms. DELAURO, Ms. PRYCE of Ohio, Ms. KAPTUR, and Ms. NORTON):

H.R. 6548. A bill to authorize the Administrator of General Services to convey a parcel of real property in the District of Columbia; to the Committee on Transportation and Infrastructure.

By Mr. SARBANES:

H.R. 6549. A bill to amend section 5542 of title 5, United States Code, to provide that any hours worked by Federal firefighters under a qualified trade-of-time arrangement shall be excluded for purposes of determinations relating to overtime pay; to the Committee on Oversight and Government Reform.

By Mr. SARBANES (for himself, Mr. VAN HOLLEN, Mr. GILCHREST, Mr. SCOTT of Virginia, Mr. TOM DAVIS of Virginia, Mr. HOYER, Mr. CUMMINGS, Mr. MORAN of Virginia, Mr. RUPPERSBERGER, Ms. NORTON, Mr. HINCHEY, Mr. FORBES, Mr. CASTLE, Mr. GERLACH, Mr. ARCURI, Mr. MCNULTY, Mr. WOLF, Mrs. DRAKE, Mr. BARTLETT of Maryland, Mr. HOLDEN, and Ms. EDWARDS of Maryland):

H.R. 6550. A bill to amend the Water Resources Development Act of 1996 to make modifications to the Chesapeake Bay environmental restoration and protection program; to the Committee on Transportation and Infrastructure.

By Ms. SOLIS (for herself, Mr. KENNEDY, Mr. JONES of North Carolina, Mr. CUMMINGS, and Mr. SIMPSON):

H.R. 6551. A bill to amend the Public Health Service Act to provide for a loan repayment program for faculty members at programs of general dentistry or pediatric dentistry to alleviate faculty shortages; to the Committee on Energy and Commerce.

By Mr. TERRY:

H.R. 6552. A bill to provide incentives for the reduction of green house gases; to the Committee on Ways and Means, and in addition to the Committees on Oversight and Government Reform, Rules, Energy and Commerce, and Science and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. UDALL of Colorado:

H.R. 6553. A bill to clarify the authority of the Secretary of Agriculture regarding additional recreational uses of National Forest System lands subject to ski area permits; to the Committee on Agriculture, and in addition to the Committee on Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. YOUNG of Alaska:

H.R. 6554. A bill to amend the Internal Revenue Code of 1986 to allow the personal exemption deduction for a stillborn child; to the Committee on Ways and Means.

By Mr. CARNEY (for himself, Mr. DOYLE, Ms. SCHWARTZ, Mr. HOLDEN, Mr. MURTHA, Mr. KANJORSKI, Mr. GERLACH, Mr. PATRICK MURPHY of Pennsylvania, Mr. ALTMIRE, and Mr. PLATTS):

H. Con. Res. 390. Concurrent resolution honoring the 28th Infantry Division for serving and protecting the United States; to the Committee on Armed Services.

By Ms. CLARKE (for herself and Mr. TOWNS):

H. Con. Res. 391. Concurrent resolution recognizing the disparities that are associated with predatory lending abuses in minority communities and expressing the sense of the Congress that as new abuses continue to emerge, such laws should ensure that all those responsible for representing and protecting families have the authority to act to

address these new problems; to the Committee on Financial Services.

By Mr. HASTINGS of Florida (for himself, Ms. KILPATRICK, Mr. AL GREEN of Texas, Mrs. MALONEY of New York, Mr. MEEK of Florida, Mr. DAVIS of Alabama, and Mr. BISHOP of Georgia):

H. Con. Res. 392. Concurrent resolution supporting the goal of increased and sustainable homeownership in the United States and recognizing the importance of homeownership programs, fair lending laws, and fair housing laws in achieving that goal; to the Committee on Financial Services.

By Mr. KING of New York:

H. Res. 1352. A resolution honoring Theodore Roosevelt, the 26th President, for his invaluable contributions to this Nation as a soldier, naturalist, statesman, and public servant on the 150th anniversary of his birth; to the Committee on Oversight and Government Reform.

By Mr. BUYER (for himself and Mr. SCALISE):

H. Res. 1353. A resolution remembering Dr. Michael E. DeBakey, known as the ''best surgeon who ever lived'', who served our Nation throughout his career and was the father of cardiovascular medicine and Veterans Administration Medical Research; to the Committee on Energy and Commerce.

By Mr. BARRETT of South Carolina:

H. Res. 1354. A resolution amending the Rules of the House of Representatives to require a vote each year on whether to increase Members' pay; to the Committee on Rules.

By Mr. DAVIS of Illinois:

H. Res. 1355. A resolution expressing support for designation of Disability Pride Day and recognizing that all people, including those living with disabilities, have the right, responsibility, and ability to be active, contributing members of our society and fully engaged as citizens; to the Committee on Education and Labor.

By Mr. GARRETT of New Jersey (for himself, Ms. FOXX, Mr. CHABOT, Mr. FRANKS of Arizona, Mr. DANIEL E. LUNGREN of California, Mr. MILLER of Florida, Mr. AKIN, Mr. MCCOTTER, Mr. GOODE, Mr. BARTLETT of Maryland, Mr. BRADY of Texas, Mr. DAVID DAVIS of Tennessee, Mrs. BLACKBURN, Mr. GINGREY, Mr. WILSON of South Carolina, Mr. POE, Mr. PITTS, Mrs. MUSGRAVE, Mrs. SCHMIDT, Mr. WALBERG, Mr. SAM JOHNSON of Texas, Mr. LATTA, Mr. CONAWAY, Mr. BONNER, Mr. KLINE of Minnesota, Mr. BARRETT of South Carolina, Mr. WELDON of Florida, Mr. SALI, Mr. KINGSTON, Mr. SHADEGG, Mr. BROUN of Georgia, Mr. DOOLITTLE, Mr. MCHENRY, Ms. FALLIN, Mr. BISHOP of Utah, Mr. SCALISE, Mr. LAMBORN, Mr. BROWN of South Carolina, Mr. PRICE of Georgia, Mr. MACK, Mr. CARTER, and Mr. TIAHRT):

H. Res. 1356. A resolution celebrating the 221st anniversary of the signing of the Constitution of the United States of America, and for other purposes; to the Committee on Oversight and Government Reform.

By Ms. MATSUI (for herself, Mr. HONDA, Mr. THOMPSON of California, Ms. ROYBAL-ALLARD, Mr. MCGOVERN, Mr. ABERCROMBIE, Mrs. NAPOLITANO, Ms. SUTTON, Mr. HASTINGS of Florida, Mr. GEORGE MILLER of California, Mr. WU, Mr. FALEOMAVAEGA, Mr. GRIJALVA, Mr. BERMAN, Mr. BACA, Ms. ZOE LOFGREN of California, Ms. SOLIS, Mr. FILNER, Mrs. TAUSCHER, Ms. BORDALLO, Mr. SCOTT of Virginia, Mr. FRANK of Massachusetts, and Ms. HIRONO):

H. Res. 1357. A resolution recognizing the significance of the 20th anniversary of the signing of the Civil Liberties Act of 1988 by President Ronald Reagan and the greatness of America in her ability to admit and remedy past mistakes; to the Committee on the Judiciary.

¶87.18 MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

333. The SPEAKER presented a memorial of the Senate of the State of New Jersey, relative to Senate Resolution No. 74 urging the Congress of the United States to enact legislation that would prohibit the Federal Emergency Management Agency from requiring the purchase of new flood insurance based on revised flood insurance rate maps developed as part of the National Flood Insurance Program's Map Modernization Program; to the Committee on Financial Services.

334. Also, a memorial of the Legislature of the State of Arizona, relative to House Concurrent Memorial No. 2007 urging the Congress of the United States enact legislation to provide adequate school facilities in tribal lands; to the Committee on Education and Labor.

335. Also, a memorial of the House of Representatives of the State of South Carolina, relative to House Resolution No. 5037 urging the Congress of the United States to appoint an independent counsel to investigate the Prisoner of War-Missing in Action issue; to the Committee on the Judiciary.

336. Also, a memorial of the Senate of the State of Michigan, relative to Senate Resolution No. 155 memorializing the Congress of the United States to enact the Youth Prison Reduction through Opportunities, Mentoring, Intervention, Support, and Education Act, H.R. 3846; jointly to the Committees on Education and Labor and the Judiciary.

337. Also, a memorial of the Legislature of the State of Idaho, relative to Senate Joint Memorial No. 111 urging the Congress of the United States to pass necessary and appropriate legislation to resolve the illegal immigration crisis; jointly to the Committees on the Judiciary and Homeland Security.

338. Also, a memorial of the House of Representatives of the State of Hawaii, relative to House Resolution No. 209 requesting that the Congress of the United States enact legislation to waive single state agency requirements with regard to the administration of funds under the Homeland Security Grant Program; jointly to the Committees on Homeland Security, Energy and Commerce, and Transportation and Infrastructure.

¶87.19 PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. CROWLEY introduced a bill (H.R. 6555) for the relief of Wahab Munir and Hunain Munir; which was referred to the Committee on the Judiciary.

¶87.20 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 111: Mr. PITTS.
H.R. 303: Mr. CRENSHAW and Mrs. BIGGERT.
H.R. 333: Ms. WOOLSEY.
H.R. 736: Mr. ROGERS of Kentucky.
H.R. 1063: Ms. FALLIN.
H.R. 1113: Mr. UDALL of Colorado and Mr. BISHOP of New York.
H.R. 1117: Mr. HINCHEY.
H.R. 1174: Mr. TURNER.
H.R. 1283: Mr. THOMPSON of California.
H.R. 1376: Mr. CONYERS, Mr. BRADY of Pennsylvania, and Mr. GRIJALVA.
H.R. 1419: Mr. SHIMKUS and Mr. SESTAK.
H.R. 1472: Mr. SOUDER.
H.R. 1552: Mr. ISRAEL and Ms. SUTTON.
H.R. 1584: Mr. WALZ of Minnesota.
H.R. 1606: Mrs. GILLIBRAND.
H.R. 1610: Mr. JOHNSON of Illinois.
H.R. 1671: Mr. RENZI and Mr. CARNAHAN.
H.R. 1776: Mr. BRADY of Pennsylvania.
H.R. 1820: Mr. FILNER and Mr. SERRANO.
H.R. 1927: Mr. CUELLAR and Mr. PATRICK MURPHY of Pennsylvania.
H.R. 1932: Mr. BISHOP of New York.
H.R. 1944: Mr. LATHAM.
H.R. 2020: Ms. MCCOLLUM of Minnesota.
H.R. 2104: Ms. FALLIN.
H.R. 2232: Mr. SHERMAN.
H.R. 2266: Mr. FATTAH and Mr. SCHIFF.
H.R. 2279: Mrs. MILLER of Michigan, Mr. PORTER, Mr. MARCHANT, and Mr. LINDER.
H.R. 2332: Mr. REYNOLDS, Ms. BORDALLO, Mr. MCHENRY, and Mr. WALBERG.
H.R. 2519: Ms. SCHAKOWSKY and Mrs. MCCARTHY of New York.
H.R. 2706: Ms. FALLIN.
H.R. 2809: Ms. MCCOLLUM of Minnesota.
H.R. 2915: Mr. RYAN of Ohio.
H.R. 2965: Mr. MORAN of Kansas.
H.R. 2994: Mr. RYAN of Ohio.
H.R. 3014: Mr. RUPPERSBERGER.
H.R. 3109: Mr. DAVIS of Alabama and Mr. BUTTERFIELD.
H.R. 3148: Mr. MCCOTTER.
H.R. 3175: Ms. CORRINE BROWN of Florida.
H.R. 3186: Mr. PETERSON of Minnesota, Mr. LATHAM, Mr. RYAN of Ohio, and Mr. KAGEN.
H.R. 3202: Mr. BOUCHER.
H.R. 3283: Mr. VAN HOLLEN, Mr. JACKSON of Illinois, and Mr. BRADY of Pennsylvania.
H.R. 3334: Mr. BUTTERFIELD and Mr. NADLER.
H.R. 3339: Mr. BISHOP of New York.
H.R. 3363: Ms. GIFFORDS.
H.R. 3394: Ms. CORRINE BROWN of Florida and Mr. GRIJALVA.
H.R. 3689: Ms. VELÁZQUEZ.
H.R. 3737: Mr. COSTELLO.
H.R. 3834: Mr. ELLISON and Mr. ABERCROMBIE.
H.R. 3989: Mr. MCNULTY.
H.R. 4105: Mr. UDALL of Colorado, Mr. TIERNEY, and Mr. RYAN of Ohio.
H.R. 4138: Mr. SESTAK.
H.R. 4544: Mrs. JONES of Ohio, Mr. SCOTT of Virginia, Mr. PASTOR, and Mr. MCNERNEY.
H.R. 4651: Mr. BOUCHER.
H.R. 4789: Ms. GRANGER.
H.R. 4838: Mrs. LOWEY.
H.R. 4990: Mr. GORDON.
H.R. 5229: Mr. RUSH.
H.R. 5265: Mr. EVERETT.
H.R. 5449: Mr. SIRES.
H.R. 5454: Mr. YOUNG of Florida and Mr. RYAN of Ohio.
H.R. 5466: Mr. BOUCHER.
H.R. 5513: Mr. MANZULLO, Mr. MARCHANT, Mr. GINGREY, Mr. WILSON of South Carolina, and Mr. POE.
H.R. 5543: Ms. GIFFORDS.
H.R. 5546: Mr. HOEKSTRA and Mr. RAHALL.
H.R. 5564: Mr. BROUN of Georgia.
H.R. 5573: Mr. WESTMORELAND.
H.R. 5585: Mr. LATOURETTE.
H.R. 5595: Mr. KILDEE.
H.R. 5656: Mr. SHUSTER, Mr. MARCHANT, Mr. DAVID DAVIS of Tennessee, Mr. PORTER, and Mrs. MILLER of Michigan.
H.R. 5673: Mr. EVERETT.
H.R. 5775: Mr. MCHENRY.
H.R. 5823: Mr. HOLDEN.
H.R. 5825: Ms. RICHARDSON.
H.R. 5833: Mr. STARK.
H.R. 5897: Mr. CHILDERS.
H.R. 5925: Mr. FATTAH and Mr. GILCHREST.
H.R. 5987: Mr. GERLACH.
H.R. 6057: Mr. TIERNEY, Mr. NADLER, and Mr. CLAY.
H.R. 6067: Mrs. BOYDA of Kansas.
H.R. 6078: Ms. MOORE of Wisconsin.
H.R. 6079: Mr. MARKEY, Mr. MCGOVERN, Mr. ROTHMAN, and Mr. SOUDER.
H.R. 6100: Mr. HINCHEY.
H.R. 6107: Mr. LINCOLN DAVIS of Tennessee.

H.R. 6113: Mr. COHEN.
H.R. 6126: Ms. SUTTON.
H.R. 6144: Mr. SIRES.
H.R. 6160: Mr. HINCHEY and Mr. MEEKS of New York.
H.R. 6195: Ms. SCHWARTZ, Mr. TIM MURPHY of Pennsylvania, Mr. YOUNG of Alaska, and Mr. MCGOVERN.
H.R. 6209: Mr. FILNER and Mr. LATOURETTE.
H.R. 6210: Ms. SHEA-PORTER.
H.R. 6268: Mr. BUTTERFIELD and Mr. KUHL of New York.
H.R. 6282: Mr. KING of New York.
H.R. 6288: Mr. TIBERI.
H.R. 6293: Mr. ISSA, Mr. WITTMAN of Virginia, Mr. BUTTERFIELD, and Mr. MORAN of Kansas.
H.R. 6310: Mr. PORTER.
H.R. 6311: Mrs. NAPOLITANO.
H.R. 6316: Mr. LIPINSKI.
H.R. 6330: Mr. PERLMUTTER.
H.R. 6335: Mr. BISHOP of Georgia, Ms. SCHAKOWSKY, Mr. HASTINGS of Florida, Ms. MOORE of Wisconsin, Mr. THOMPSON of Mississippi, Mr. BUTTERFIELD, Mr. LEWIS of Georgia, Mr. PAYNE, and Ms. NORTON.
H.R. 6363: Mr. BURTON of Indiana, Mr. SKELTON, and Mr. LOBIONDO.
H.R. 6373: Mr. CALVERT.
H.R. 6384: Ms. FALLIN, Mr. WELDON of Florida, Mr. BARRETT of South Carolina, Mr. KLINE of Minnesota, Mr. BONNER, Mr. LATTA, Mr. SAM JOHNSON of Texas, Mrs. SCHMIDT, Mr. AKIN, Mr. PITTS, Mr. POE, Mr. WILSON of South Carolina, Mr. GINGREY, Mr. MARCHANT, and Mr. MCCOTTER.
H.R. 6392: Mr. GERLACH.
H.R. 6397: Mr. SALI.
H.R. 6399: Mr. ELLISON.
H.R. 6401: Ms. MCCOLLUM of Minnesota and Ms. LEE.
H.R. 6419: Mr. PAUL.
H.R. 6427: Mr. ALLEN, Mr. CARSON, Mr. CAPUANO, Mr. CONYERS, Mrs. GILLIBRAND, Mrs. MCCARTHY of New York, Mr. TIERNEY, Mr. SIRES, Mr. PASTOR, Mr. KUHL of New York, Mr. HOLT, Mr. HODES, Mr. HINCHEY, Mr. MURPHY of Connecticut, Ms. MCCOLLUM of Minnesota, Mr. ARCURI, Ms. SHEA-PORTER, Mr. KILDEE, Mr. COHEN, Mr. GRIJALVA, Mr. SHAYS, Mr. TOWNS, Mr. HARE, and Mr. DAVIS of Illinois.
H.R. 6435: Mr. SIRES.
H.R. 6438: Mr. BRADY of Pennsylvania, Mr. MCGOVERN, Ms. CORRINE BROWN of Florida, and Mr. WALZ of Minnesota.
H.R. 6458: Mr. FARR and Ms. MATSUI.
H.R. 6460: Ms. KILPATRICK, Mr. KAGEN, Ms. MCCOLLUM of Minnesota, and Ms. HIRONO.
H.R. 6461: Mr. HOLDEN and Mr. KUHL of New York.
H.R. 6462: Mr. CARNEY and Mr. LOBIONDO.
H.R. 6478: Mr. BOUSTANY.
H.R. 6479: Mr. THOMPSON of California and Mrs. TAUSCHER.
H.R. 6508: Mrs. MALONEY of New York.
H.R. 6521: Mrs. BIGGERT.
H.R. 6523: Ms. CASTOR, Mr. WILSON of Ohio, Ms. RICHARDSON, Mr. COHEN, Mrs. BOYDA of Kansas, Mr. SPACE, and Ms. GIFFORDS.
H.R. 6525: Mr. FILNER and Mr. COHEN.
H.R. 6527: Mr. CAMPBELL of California.
H.J. Res. 96: Mr. SCALISE, Mr. BISHOP of Utah, Mr. MCHENRY, Mr. MCCOTTER, Mr. BARRETT of South Carolina, and Mr. LATTA.
H. Con. Res. 24: Mr. LEWIS of Georgia.
H. Con. Res. 321: Mr. TIERNEY.
H. Con. Res. 327: Ms. LINDA T. SÁNCHEZ of California.
H. Con. Res. 341: Mr. HULSHOF and Mr. GENE GREEN of Texas.
H. Con. Res. 351: Mr. COURTNEY, Mr. DOGGETT, Mr. SPRATT, Mr. STARK, Mr. WEINER, Ms. SUTTON, Ms. HIRONO, Mr. THOMPSON of California, Mr. MOLLOHAN, Mr. UDALL of New Mexico, Mr. ETHERIDGE, Ms. SCHAKOWSKY, Mr. DAVIS of Illinois, Ms. SLAUGHTER, Mr. KILDEE, Mr. CAPUANO, Mr. SCHIFF, Mr. KIND, Mr. INGLIS of South Carolina, Mr. HOLDEN, Mrs. DAVIS of California, Ms. WASSERMAN SCHULTZ, Mr. SCOTT of Virginia, and Mr. RUPPERSBERGER.
H. Con. Res. 376: Mr. WAMP, Mr. SIMPSON, Mr. LAHOOD, Mrs. MUSGRAVE, Mr. NUNES, Mr. ROSKAM, Mr. WALSH of New York, Mr. FLAKE, Mr. SHAYS, Mr. ENGLISH of Pennsylvania, Mr. SULLIVAN, Mr. HELLER, Mr. BARRETT of South Carolina, Mr. TERRY, Mr. MCHENRY, Mr. UDALL of Colorado, and Mr. BOREN.
H. Con. Res. 378: Ms. SCHAKOWSKY and Mr. SIRES.
H. Con. Res. 386: Mr. BROUN of Georgia and Mr. TIAHRT.
H. Res. 645: Mr. PASTOR, Mr. MURTHA, Mr. MCGOVERN, and Ms. WATSON.
H. Res. 671: Mr. ROTHMAN and Mr. SESSIONS.
H. Res. 870: Mr. GRIJALVA, Mr. BUTTERFIELD, and Mr. VAN HOLLEN.
H. Res. 1042: Mr. WHITFIELD of Kentucky, Mr. ARCURI, Mr. TIM MURPHY of Pennsylvania, Mr. PATRICK MURPHY of Pennsylvania, and Mr. CAZAYOUX.
H. Res. 1045: Ms. LINDA T. SÁNCHEZ of California.
H. Res. 1078: Ms. BALDWIN and Mr. OLVER.
H. Res. 1143: Mr. BISHOP of New York.
H. Res. 1151: Mr. REYES, Mr. PORTER, Mr. BILBRAY, and Mr. MARCHANT.
H. Res. 1159: Mr. SHERMAN.
H. Res. 1202: Mrs. MCMORRIS RODGERS and Mr. GALLEGLY.
H. Res. 1239: Mr. BRADY of Pennsylvania and Ms. BORDALLO.
H. Res. 1245: Mr. FRANK of Massachusetts.
H. Res. 1273: Mr. ELLISON.
H. Res. 1287: Mr. SHAYS, Mr. BACHUS, and Mr. COBLE.
H. Res. 1288: Ms. BORDALLO, Mr. MCGOVERN, Mr. PAYNE, Mr. HINCHEY, Mr. HOLT, Mr. CLEAVER, Mr. WEXLER, Mr. DUNCAN, Mr. MCNULTY, and Mr. KIND.
H. Res. 1316: Mr. HILL.
H. Res. 1324: Mrs. LOWEY, Mr. HOLDEN, Mr. HOLT, Mr. COHEN, and Mr. TIAHRT.
H. Res. 1328: Mr. BISHOP of Georgia, Mr. RANGEL, Mr. MELANCON, Mr. PAYNE, and Mr. CALVERT.
H. Res. 1332: Mr. TOWNS, Ms. BERKLEY, Mr. AL GREEN of Texas, and Mr. TIBERI.
H. Res. 1337: Ms. SCHAKOWSKY, Mr. DOGGETT, Mrs. CAPPS, Mr. GRIJALVA, Mr. CROWLEY, Mr. PALLONE, and Mr. BISHOP of Georgia.

¶87.21 PETITIONS

Under clause 3 of rule XII,

293. The SPEAKER presented a petition of the City Council of New Orleans, Louisiana, relative to Resolution No. R-08-325 calling upon the Congress of the United States to fund fully the Green Jobs Act and the Energy Efficiency and Conservation Block Grant Program in the 2009 Appropriations Bill; which was referred to the Committee on Education and Labor.

¶87.22 DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1650: Mr. BUTTERFIELD.
H.R. 2125: Mr. BUTTERFIELD.
H.R. 2488: Mr. MEEKS of New York.

MONDAY, JULY 21, 2008 (88)

¶88.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Mr. MCGOVERN, who laid before the House the following communication:

WASHINGTON, DC,
July 21, 2008.

I hereby appoint the Honorable JAMES P. MCGOVERN to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

¶88.2 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. MCGOVERN, announced he had examined and approved the Journal of the proceedings of Thursday, July 17, 2008.

Pursuant to clause 1, rule I, the Journal was approved.

¶88.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

7641. A letter from the Assistant Secretary for Installations and Environment, Department of the Navy, Department of Defense, transmitting notice of the decision to cancel the public-private competitions for the Naval Supply Systems Command's Fuels Services in Jacksonville, Florida, Puget Sound, Washington and Pearl Harbor, Hawaii; to the Committee on Armed Services.

7642. A letter from the Secretary, Department of Health and Human Services, transmitting the FY 2007 Performance Report for the Animal Drug User Fee Act (ADUFA), enacted on November 18, 2003 (Pub. L. 108-199); to the Committee on Energy and Commerce.

7643. A letter from the Chairman, Nuclear Regulatory Commission, transmitting proposed legislation authorizing appropriations for FY 2009, pursuant to 42 U.S.C. 2017; to the Committee on Energy and Commerce.

7644. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 08-69 concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance to Israel for defense articles and services; to the Committee on Foreign Affairs.

7645. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) and (d) of the Arms Export Control Act, certification regarding an application for a license for the manufacture of military equipment abroad and the export of defense services, technical data, and defense articles to the Government of South Africa (Transmittal No. DDTC 062-08); to the Committee on Foreign Affairs.

7646. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) and (d) of the Arms Export Control Act, certification regarding an application for a license for the manufacture of military equipment abroad including the export of defense services, and defense articles to the Government of Taiwan (Transmittal No. DDTC 056-08); to the Committee on Foreign Affairs.

7647. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-412, ''National Public Radio Real Property Tax Abatement Act of 2008,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

7648. A letter from the Acting Architect of the Capitol, Architect of the Capitol, transmitting a written statement in response to the Government Accountability Office report, ''Economic and Other Implications of Switching from Coal to Natural Gas at the Capitol Power Plant and at Electricity-Generating Units Nationwide'' (GAO-08-601R), pursuant to 31 U.S.C. 720; to the Committee on House Administration.

7649. A letter from the Acting Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's 2007 report to Congress on the ''The Status of U.S. Fisheries,'' pursuant to Section 304 of the Magnuson-Stevens Fishery Conservation and Management Act; to the Committee on Natural Resources.

7650. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Eurocopter France Model EC130 B4 Helicopters [Docket No. FAA-2007-0056; Directorate Identifier 2007-SW-06-AD; Amendment 39-15409; AD 2008-05-15] (RIN: 2120-AA64) received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7651. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Fokker Model F27 Mark 050, 200, 300, 400, 500, 600, and 700 Airplanes [Docket No. FAA-2007-29172; Directorate Identifier 2006-NM-285-AD; Amendment 39-15412; AD 2008-05-18] (RIN: 2120-AA64) received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7652. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A330-200, A330-300, A340-200, and A340-300 Series Airplanes [Docket No. FAA-2007-0229; Directorate Identifier 2007-NM-042-AD; Amendment 39-15417; AD 2008-06-05] (RIN: 2120-AA64) received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7653. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 737-600, -700, -700C, -800 and -900 Series Airplanes; and Model 757-200, -200PF, -200CB, and -300 Series Airplanes [Docket No. FAA-2007-28662; Directorate Identifier 2007-NM-014-AD; Amendment 39-15415; AD 2008-06-03] (RIN: 2120-AA64) received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7654. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A300 and A300-600 Series Airplanes [Docket No. FAA-2007-28665; Directorate Identifier 2007-NM-081-AD; Amendment 39-15416; AD 2008-06-04] (RIN: 2120-AA64) received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7655. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Sierra Hotel Aero, Inc. Models Navion (L-17A), Navion A (L-17B), (L-17C), Navion B, Navion D, Navion E, Navion F, Navion G, and Navion H Airplanes [Docket No. FAA-2007-27611; Directorate Identifier 2007-CE-024-AD; Amendment 39-15408; AD 2008-05-14] (RIN: 2120-AA64) received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7656. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A318, A319, A320, and A321 Airplanes [Docket No. FAA-2006-25658; Directorate Identifier 2006-NM-054-AD; Amendment 39-15406; AD 2008-05-12] (RIN: 2120-AA64) received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7657. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; BAE Systems (Operations) Limited Model BAe 146-100A, -200A, and -300A Series Airplanes [Docket No. FAA-2007-0368; Directorate Identifier 2007-NM-050-AD; Amendment 39-15420; AD 2008-06-08] (RIN: 2120-AA64) received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7658. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; PILATUS AIRCRAFT LTD. Models PC-12, PC-12/45, and PC-12/47 Airplanes [Docket No. FAA-2008-0291; Directorate Identifier 2008-CE-019-AD; Amendment 39-15429; AD 2008-06-17] (RIN: 2120-AA64) received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7659. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Construcciones Aeronauticas, S.A. (CASA), Model C-212 Airplanes [Docket No. FAA-2007-0372; Directorate Identifier 2007-NM-164-AD; Amendment 39-15425; AD 2008-06-13] (RIN: 2120-AA64) received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7660. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 727-200 Series Airplanes Equipped with an Auxiliary Fuel Tank System Installed in Accordance with Supplemental Type Certificate SA1350NM [Docket No. FAA-2008-0013; Directorate Identifier 2007-NM-230-AD; Amendment 39-15448; AD 2008-07-07] (RIN: 2120-AA64) received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7661. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Pacific Aerospace Limited Model 750XL Airplanes [Docket No. FAA-2008-0136 Directorate Identifier 2007-CE-104-AD; Amendment 39-15449; AD 2008-07-08] (RIN: 2120-AA64) received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7662. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Pacific Aerospace Corporation, Ltd Models FU24-954 and FU24A-954 Airplanes [Docket No. FAA-2008-0055 Directorate Identifier 2007-CE-099-AD; Amendment 39-15447; AD 2008-07-06] (RIN: 2120-AA64) received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7663. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model CL-600-2B19 (Regional Jet Series 100 & 440) Airplanes [Docket No. FAA-2007-0215; Directorate Identifier 2007-NM-216-AD; Amendment 39-15407; AD 2008-05-13] (RIN: 2120-AA64) received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7664. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Lindstrand Balloons Ltd. Models 42A, 56A, 77A, 105A, 150A, 210A, 260A, 60A, 69A, 90A, 120A, 180A, 240A, and 310A Balloons [Docket No. FAA-2008-0283; Directorate Identifier 2008-CE-013-AD; Amendment 39-15427; AD 2008-06-15] (RIN: 2120-AA64) received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7665. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Dassault Model Mystere-Falcon 50 Airplanes [Docket No. FAA-2007-0369; Directorate Identifier 2007-NM-258-AD; Amendment 39-15402; AD 2008-05-08] (RIN: 2120-AA64) received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7666. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 767 Airplanes [Docket No. FAA-2005-22623; Directorate Identifier 2004-NM-80-AD; Amendment 39-15418; AD 2008-06-06] (RIN: 2120-AA64) received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7667. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 737-200 Series Airplanes [Docket No. FAA-2007-0228; Directorate Identifier 2007-NM-107-AD; Amendment 39-15421; AD 2008-06-09] (RIN: 2120-AA64) received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7668. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A330-200, A330-300, A340-200, and A340-300 Series Airplanes [Docket No. FAA-2007-0230; Directorate Identifier 2007-NM-043-AD; Amendment 39-15419; AD 2008-06-07] (RIN: 2120-AA64) received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7669. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Saab Model SAAB SF340A and SAAB 340B (Including Variant 340B (WT)) Series Airplanes [Docket No. FAA-2008-0263; Directorate Identifier 2008-NM-044-AD; Amendment 39-15423; AD 2008-06-11] (RIN: 2120-AA64) received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7670. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; British Aerospace Regional Aircraft Model HP.137 Jetstream Mk. 1, Jetstream Series 200, Jetstream Series 3101, and Jetstream Model 3201 Airplanes [Docket No. FAA-2008-0035 Directorate Identifier 2007-CE-103-AD; Amendment 39-15424; AD 2008-06-12] (RIN: 2120-AA64) received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7671. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model CL-600-2B19 (Regional Jet Series 100 & 440) Airplanes [Docket No. FAA-2007-29257; Directorate Identifier 2007-NM-144-AD; Amendment 39-15422; AD 2008-06-10] (RIN: 2120-AA64) received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7672. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model CL-600-2B19 (Regional Jet Series 100 & 440) Airplanes [Docket No. FAA-2007-0413; Directorate Identifier 2007-NM-341-AD; Amendment 39-15414; AD 2008-06-02] (RIN: 2120-AA64) received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7673. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model CL-600-2C10 (Regional Jet Series 700, 701 & 702), Model

CL-600-2D15 (Regional Jet Series 705), and CL-600-2D24 (Regional Jet Series 900) Airplanes [Docket No. FAA-2007-0414; Directorate Identifier 2007-NM-340-AD; Amendment 39-15413; AD 2008-06-01] (RIN: 2120-AA64) received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7674. A letter from the Assistant Secretary for Veterans' Employment and Training, Department of Labor, transmitting the 2006 and 2007 annual report on the Department's Veterans' Employment and Training Service, pursuant to 38 U.S.C. 4107(c); to the Committee on Veterans' Affairs.

7675. A letter from the Deputy Secretary, Department of Veterans Affairs and Department of Defense, transmitting a copy of the report for Fiscal Year 2007 regarding the activities and accomplishments of the Department of Veterans Affairs and Department of Defense Joint Executive Committee, pursuant to 38 U.S.C. 320; jointly to the Committees on Armed Services and Veterans' Affairs.

7676. A letter from the Acting General Counsel, Department of Commerce, transmitting a copy of a draft bill to reauthorize the National Sea Grant College Program Act; jointly to the Committees on Natural Resources and Science and Technology.

7677. A letter from the Director, National Film Preservation Foundation, transmitting the Foundation's Report to the U.S. Congress for the Year Ending December 31, 2007, pursuant to 36 U.S.C. 5706; jointly to the Committees on the Judiciary and House Administration.

¶88.4 COMMUNICATION FROM THE CLERK—MESSAGE FROM THE SENATE

The SPEAKER pro tempore, Mr. MCGOVERN, laid before the House a communication, which was read as follows:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, July 18, 2008.

Hon. NANCY PELOSI,
The Speaker, House of Representatives, Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in clause 2(h) of rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on July 18, 2008, at 2:17 p.m.

That the Senate agreed to S.J. Res. 35.

Appointments: United States-Russia Interparliamentary Group.

With best wishes, I am

Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

¶88.5 SENATE JOINT RESOLUTION REFERRED

A joint resolution of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S.J. Res. 35. A joint resolution to amend Public Law 108–331 to provide for the construction and related activities in support of the Very Energetic Radiation Imaging Telescope Array System (VERITAS) project in Arizona; to the Committee on Transportation and Infrastructure.

¶88.6 ENROLLED BILLS SIGNED

Lorraine C. Miller, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 3564. An Act to amend title 5, United States Code, to authorize appropriations for the Administrative Conference of the United States through fiscal year 2011, and for other purposes.

H.R. 3985. An Act to amend title 49, United States Code, to direct the Secretary of Transportation to register a person providing transportation by an over-the-road bus as a motor carrier of passengers only if the person is willing and able to comply with certain accessibility requirements in addition to other existing requirements, and for other purposes.

H.R. 4289. An Act to name the Department of Veterans Affairs outpatient clinic in Ponce, Puerto Rico, as the ''Euripides Rubio Department of Veterans Affairs Outpatient Clinic''.

¶88.7 SENATE ENROLLED BILLS SIGNED

The SPEAKER announced her signature to enrolled bills of the Senate of the following titles:

S. 231. An Act to authorize the Edward Byrne Memorial Justice Assistance Grant Program at fiscal year 2006 levels through 2012.

S. 2607. An Act to make a technical correction to section 3009 of the Deficit Reduction Act of 2005.

S. 3145. An Act to designate a portion of United States Route 20A, located in Orchard Park, New York, as the ''Timothy J. Russert Highway''.

S. 3218. An Act to extend the pilot program for volunteer groups to obtain criminal history background checks.

And then,

¶88.8MD10 94ADJOURNMENT

On motion of the SPEAKER pro tempore, Mr. MCGOVERN, by unanimous consent and pursuant to the special order of the House agreed to on July 17, 2008, at 12 o'clock and 35 minutes p.m., the House adjourned until 12:30 p.m. on Tuesday, July 22, 2008.

¶88.9 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. THOMPSON of Mississippi: Committee on Homeland Security. H.R. 3815. A bill to amend the Homeland Security Act of 2002 to require the Secretary of Homeland Security to make full and efficient use of open source information to develop and disseminate open source homeland security information products, and for other purposes; with an amendment (Rept. 110–763). Referred to the Committee of the Whole House on the state of the Union.

¶88.10 TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

[The following action occurred on July 18, 2008]

H.R. 554. Referral to the Committees on Agriculture and the Judiciary extended for a period ending not later than August 1, 2008.

¶88.11 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. OBERSTAR (for himself, Mr. TAYLOR, and Mr. LATOURETTE):

H.R. 6556. A bill to clarify the circumstances during which the Administrator of the Environmental Protection Agency and applicable States may require permits for discharges from certain vessels, and to require the Administrator to conduct a study of discharges incidental to the normal operation of vessels; to the Committee on Transportation and Infrastructure.

By Mr. WALDEN of Oregon (for himself, Mr. TANNER, Mr. MICHAUD, Mr. MORAN of Kansas, and Mr. HERGER):

H.R. 6557. A bill to amend title XVIII of the Social Security Act to exempt from the critical access hospital inpatient bed limitation the number of beds provided for certain veterans; to the Committee on Ways and Means.

By Mr. HONDA (for himself, Mrs. NAPOLITANO, Ms. HARMAN, Ms. ESHOO, Ms. LINDA T. SÁNCHEZ of California, Ms. LEE, Mr. BERMAN, Mr. FARR, Ms. ZOE LOFGREN of California, Ms. SOLIS, Mrs. TAUSCHER, Mr. ISSA, Mr. CAMPBELL of California, Ms. SPEIER, Ms. MATSUI, Mr. BACA, Mr. CALVERT, Mr. STARK, Mr. FILNER, Mrs. CAPPS, Ms. ROYBAL-ALLARD, Mr. MCNERNEY, Ms. LORETTA SANCHEZ of California, Ms. WOOLSEY, Mrs. BONO MACK, Ms. WATERS, Mr. HUNTER, Ms. WATSON, Mr. BILBRAY, Mr. GEORGE MILLER of California, Mrs. DAVIS of California, Mr. GALLEGLY, Mr. THOMPSON of California, Mr. GARY G. MILLER of California, Mr. SCHIFF, Mr. DOOLITTLE, Ms. RICHARDSON, Mr. SHERMAN, Mr. HERGER, Mr. LEWIS of California, Mr. CARDOZA, Mr. RADANOVICH, Mr. DREIER, Mr. ROYCE, Mr. COSTA, Mr. BECERRA, Mr. MCKEON, and Mr. DANIEL E. LUNGREN of California):

H.R. 6558. A bill to designate the facility of the United States Postal Service located at 1750 Lundy Avenue in San Jose, California, as the ''Gordon N. Chan Post Office Building''; to the Committee on Oversight and Government Reform.

By Mr. SHULER (for himself, Mr. MCDERMOTT, Mr. BISHOP of Georgia, Mr. DAVID DAVIS of Tennessee, Mr. EHLERS, Mr. MCGOVERN, Mr. HAYES, Mr. BOYD of Florida, Mr. LINCOLN DAVIS of Tennessee, Mr. ELLSWORTH, Mr. CALVERT, Mr. ROSS, Mr. BOSWELL, Mr. TANNER, Mr. WAMP, Ms. GIFFORDS, Mr. MCINTYRE, Ms. FALLIN, Ms. EDWARDS of Maryland, Mr. CHILDERS, Mr. JONES of North Carolina, Mr. WOLF, Mr. BOREN, Mr. SPACE, Mr. CARDOZA, and Mr. CRAMER):

H. Res. 1358. A resolution honoring the life of the Reverend Billy Graham on the occasion of his 90th birthday and recognizing his decades of public service and his commitment to furthering the faith of Christians around the world; to the Committee on Oversight and Government Reform.

By Ms. WATERS (for herself, Mrs. CHRISTENSEN, Ms. LEE, Ms. SOLIS, Ms. BORDALLO, Mr. WAXMAN, Ms. NORTON, Mr. JEFFERSON, Mr. MOORE of Kansas, Mr. LEWIS of Georgia, Mr. TOWNS, Mr. DOGGETT, Mrs. JONES of Ohio, Ms. BALDWIN, Ms. ROYBAL-ALLARD, Mr. DAVIS of Illinois, Mr. GRIJALVA, Ms. LINDA T. SÁNCHEZ of California, Ms. CORRINE BROWN of Florida, Mr. RUSH, Ms. MCCOLLUM of Minnesota, Ms. LORETTA SANCHEZ of California, Mr. BACA, Mr. MEEKS of New York, Ms. SCHAKOWSKY, Mr. SIRES, and Mr. CARSON):

H. Res. 1359. A resolution supporting the goals and ideals of National Clinicians HIV/AIDS Testing and Awareness Day, and for other purposes; to the Committee on Energy and Commerce.

¶88.12 MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

339. The SPEAKER presented a memorial of the Legislature of the State of New Hampshire, relative to Senate Concurrent Resolution No. 8 urging the United States Department of Defense to restore the designations of Prisoner of War and Missing in Action to those servicemen and servicewomen who are missing in operations in Afghanistan and Iraq; to the Committee on Armed Services.

340. Also, a memorial of the General Assembly of the State of Colorado, relative to House Joint Resolution No. 08-1009 supporting the United Nations Convention on the Elimination of All Forms of Discrimination Against Women; to the Committee on Foreign Affairs.

341. Also, a memorial of the Legislature of the State of Arizona, relative to House Joint Resolution No. 2001 urging the Congress of the United States to authorize the placement in Statuary Hall of a statue of Senator Barry Goldwater and authorizing the Arizona Historical Advisory Commission to organize and direct funding for the creation of a statue of Senator Barry Goldwater for placement in Statuary Hall; to the Committee on House Administration.

342. Also, a memorial of the General Assembly of the State of Tennessee, relative to Senate Joint Resolution No. 901 urging the adoption of a Veterans Remembered Flag to honor all veterans who have serves in our country's Armed Forces; to the Committee on Veterans' Affairs.

¶88.13 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 690: Mr. KAGEN, Mr. CRENSHAW, Mr. ARCURI, and Mr. MCDERMOTT.

H.R. 699: Ms. FALLIN.

H.R. 734: Mr. DUNCAN.

H.R. 876: Ms. FALLIN.

H.R. 1927: Mr. WILSON of Ohio.

H.R. 2134: Ms. FALLIN.

H.R. 2478: Ms. LEE.

H.R. 2606: Mrs. JONES of Ohio, Mr. BOOZMAN, Mr. MILLER of North Carolina, Mr. TERRY, Mr. NEAL of Massachusetts, and Mr. JEFFERSON.

H.R. 2726: Mr. PLATTS.

H.R. 2870: Mr. BUTTERFIELD.

H.R. 3257: Mr. BRADY of Pennsylvania.

H.R. 3749: Mr. ENGEL, Mrs. CAPPS, Mr. GENE GREEN of Texas, Ms. HARMAN, Mr. BARROW, Ms. MATSUI, and Ms. SCHAKOWSKY.

H.R. 3934: Mr. MACK.

H.R. 4310: Ms. SCHAKOWSKY.

H.R. 5716: Mr. MCDERMOTT.

H.R. 5756: Mr. GONZALEZ.

H.R. 5942: Mr. RYAN of Ohio and Ms. HOOLEY.

H.R. 5951: Mr. SHAYS.

H.R. 6029: Ms. HIRONO.

H.R. 6210: Mr. SPACE and Mr. WELCH of Vermont.

H.R. 6375: Mr. CAMP of Michigan.

H.R. 6379: Mrs. DRAKE, Mr. PETERSON of Pennsylvania, Mr. BLUNT, and Mr. SESSIONS.

H.R. 6462: Mr. ABERCROMBIE.

H.R. 6522: Mr. REHBERG.

H.J. Res. 93: Mr. LANGEVIN and Mr. SHAYS.

H. Con. Res. 376: Mr. JEFFERSON, Ms. SHEA-PORTER, Mr. RUSH, Mr. COBLE, and Mr. KENNEDY.

H. Res. 672: Mr. WILSON of South Carolina.

H. Res. 1012: Mr. MANZULLO.

H. Res. 1202: Mr. PRICE of North Carolina and Mr. BOREN.

H. Res. 1227: Ms. LINDA T. SÁNCHEZ of California.

H. Res. 1288: Mr. COHEN, Mr. FOSTER, Mr. KIRK, and Mr. CHANDLER.

H. Res. 1296: Mr. BILBRAY, Mr. DREIER, Mr. LEWIS of California, Mr. NUNES, Mr. REYNOLDS, Mr. SAXTON, Mr. MACK, Mr. MCCARTHY of California, Mr. COBLE, Mr. HALL of Texas, Mr. HERGER, Mr. HUNTER, Mr. MCKEON, and Mr. RADANOVICH.

H. Res. 1348: Mr. BRADY of Pennsylvania, Mr. STARK, Mr. MCNULTY, Mr. LARSEN of Washington, Mr. WEINER, Ms. DEGETTE, Mr. SPRATT, Mr. BOYD of Florida, Ms. KAPTUR, Mr. DELAHUNT, Mr. MURPHY of Connecticut, Mr. DICKS, Mr. MELANCON, Mr. ARCURI, Mr. PATRICK MURPHY of Pennsylvania, Mr. SHUSTER, Mr. CAZAYOUX, Mr. CARNEY, Mr. MARKEY, Mr. FARR, Mr. HINOJOSA, Mr. SHULER, Ms. SHEA-PORTER, Mr. GORDON, Mr. NADLER, Mr. VAN HOLLEN, Mr. KAGEN, Mr. FATTAH, Mr. GERLACH, Mr. DOYLE, Mr. HODES, Ms. BEAN, Ms. BERKLEY, Mr. CHANDLER, Mr. DENT, Ms. WASSERMAN SCHULTZ, Mrs. GILLIBRAND, Mr. HOLDEN, Ms. MOORE of Wisconsin, Ms. CLARKE, Mrs. NAPOLITANO, Mr. HONDA, Ms. WATSON, Mr. COOPER, Ms. MATSUI, Mr. HOLT, Ms. SUTTON, Mr. WELCH of Vermont, Ms. WOOLSEY, Ms. HIRONO, Mr. BLUMENAUER, Mr. CARNAHAN, Mr. BUTTERFIELD, Mr. LAMPSON, and Mr. ALTMIRE.

¶88.14 PETITIONS

Under clause 3 of rule XII.

294. The SPEAKER presented a petition of Mr. Wylie Ramone Birch, a citizen of Washington, D.C., relative to petitioning the Congress of the United States for an appeal for redress; which was referred to the Committee on Veterans' Affairs.

TUESDAY, JULY 22, 2008 (89)

¶89.1 APPOINTMENT OF SPEAKER PRO TEMPORE

The House was called to order at 12:30 p.m. by the SPEAKER pro tempore, Ms. MCCOLLUM of Minnesota, who laid before the House the following communication:

WASHINGTON, DC,
July 22, 2008.

I hereby appoint the Honorable BETTY MCCOLLUM to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

Whereupon, pursuant to the order of the House of January 4, 2007, Members were recognized for morning-hour debate.

¶89.2 RECESS—12:38 P.M.

The SPEAKER pro tempore, Ms. MCCOLLUM of Minnesota, pursuant to clause 12(a) of rule I, declared the House in recess at 12 o'clock and 38 minutes p.m., until 2 p.m.

¶89.3 AFTER RECESS—2 P.M.

The SPEAKER pro tempore, Mr. JACKSON of Illinois, called the House to order.

¶89.4 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. JACKSON of Illinois, announced he had examined and approved the Journal of the proceedings of Monday, July 21, 2008.

Pursuant to clause 1, rule I, the Journal was approved.

¶89.5 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

7678. A letter from the Chairman, Board of Governors of the Federal Reserve System, transmitting the Board's semiannual Monetary Policy Report pursuant to Pub. L. 106-569; to the Committee on Financial Services.

7679. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to India pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

7680. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting pursuant to the Taiwan Relations Act, agreements concluded by the American Institute and the Taipei Economic and Cultural Representative Office in Washington on March 14, 2008, pursuant to 22 U.S.C. 3311(a); to the Committee on Foreign Affairs.

7681. A letter from the Acting Director, Defense Security Cooperation Agency, transmitting pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 08-78 concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance to Australia for defense articles and services; to the Committee on Foreign Affairs.

7682. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification of a proposed agreement for the export of defense articles to the Government of Thailand (Transmittal No. DDTC 030-08); to the Committee on Foreign Affairs.

7683. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification of a proposed agreement for the export of major defense equipment to the Government of Singapore (Transmittal No. DDTC 068-08); to the Committee on Foreign Affairs.

7684. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification regarding the proposed technical assistance agreement for defense services, including technical data, and defense articles to Israel (Transmittal No. DDTC 074-08); to the Committee on Foreign Affairs.

7685. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification of a proposed agreement for the export of defense articles or defense services to the Government of Canada (Transmittal No. DDTC 129-07); to the Committee on Foreign Affairs.

7686. A letter from the White House Liaison, Department of Education, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

7687. A letter from the Chairman, National Transportation Safety Board, transmitting the annual report under the Federal Managers' Financial Integrity Act (FMFIA) of 1982 for June 30, 2008, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Oversight and Government Reform.

7688. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Liquefied Natural Gas Carriers, Massachusetts Bay, Massachusetts [Docket No. USCG-2008-0301] (RIN: 1625-AA87) received July 10, 2008,

pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7689. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Navigation and Navigable Waters; Technical, Organizational, and Conforming Amendments [USCG-2008-0179] (RIN: 1625-ZA16) received July 10, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7690. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Niantic River, CT [Docket No. USCG-2008-0149] received July 15, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7691. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Connecticut River, Old Lyme, CT [Docket No. USCG-2008-0148] received July 15, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7692. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulation; Gulf Intracoastal Waterway, Bradenton Beach, FL, Schedule Change [Docket No. USCG-2008-0117] (RIN: 1625-AA09) received July 15, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7693. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Intracoastal Waterway (ICW); Beach Thorofare, NJ [USCG-2008-0113] (RIN: 1625-AA-09) received July 15, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7694. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Piscataqua River, Portsmouth, NH, and Kittery, ME [USCG-2008-0111] received July 15, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7695. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Quinnipiac River, New Haven, CT [Docket No. USCG-2008-0108] (RIN: 1625-AA09) received July 15, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7696. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Raritan River, Perth Amboy, NJ [Docket No. USCG-2008-0084] received July 15, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7697. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Gulf Intracoastal Waterway # (GIWW), mile 49.8, near Houma, Lafourche Parish, Louisiana. [USCG-2008-0048] received July 15, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7698. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Temporary Safety Zone: Richland Regatta Hydroplane Races, Howard Amon Park, Richland, Washington. [Docket No. USCG-2008-0448] (RIN: 1625-AA00) received July 10, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7699. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; New River, Jacksonville, North Carolina [Docket No. USCG-2008-0427] (RIN: 1625-AA00) received July 10, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7700. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Parexel Fireworks Display [Docket No. USCG-2008-0363] (RIN: 1625-AA00) received July 10, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7701. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Piscataqua River, Portsmouth, NH, and Kittery, ME; Frontier Sentinel 2008. [Docket No. USCG-2008-0341] (RIN: 1625-AA00) received July 10, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7702. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 737-100, -200, -300, -400, and -500 Series Airplanes [Docket No. FAA-2007-0224; Directorate Identifier 2007-NM-188-AD; Amendment 39-15400; AD 2008-05-06] (RIN: 2120-AA64) received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7703. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Cessna Aircraft Company 172, 182, and 206 Series Airplanes [Docket No. FAA-2007-28433; Directorate Identifier 2007-CE-052-AD; Amendment 39-15403; AD 2008-05-09] (RIN: 2120-AA64) received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7704. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 737-600, 737-700, 737-700C, 737-800, and 737-900 Series Airplanes [Docket No. FAA-2007-0202; Directorate Identifier 2007-NM-185-AD; Amendment 39-15399; AD 2008-05-05] (RIN: 2120-AA64) received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7705. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A330 Airplanes and A340-200 and -300 Series Airplanes [Docket No. FAA-2007-29334; Directorate Identifier 2006-NM-268-AD; Amendment 39-15398; AD 2008-05-04] (RIN: 2120-AA64) received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7706. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747-100, -100B, -100B SUD, -200B, -200C, -200F, -300, 747SP, and 747SR Series Airplanes Powered by General Electric (GE) CF6-45/50 and Pratt & Whitney (P&W) JT9D-70, JT9D-3 or JT9D-7 Series Engines. [Docket No. FAA-2007-0204; Directorate Identifier 2007-NM-083-AD; Amendment 39-15397; AD 2008-05-03] (RIN: 2120-AA64) received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7707. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB-135BJ, -135ER, -135KE, -135KL, -135LR, -145, -145ER, -145MR, -145LR, -145XR, -145MP, and -145EP Airplanes [Docket No. FAA-2007-0338; Directorate Identifier 2007-NM-139-AD; Amendment 39-15396; AD 2008-05-02] (RIN: 2120-AA64) received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7708. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model CL-600-2B19 (Regional Jet Series 100 & 440) Airplanes [Docket No. FAA-2007-0215; Directorate Identifier 2007-NM-216-AD; Amendment 39-15407; AD 2008-05-13] (RIN: 2120-AA64) received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7709. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Alexandria Aircraft, LLC Models 17-30, 17-31, 17-30A, 17-31A, and 17-31ATC Airplanes [Docket No. FAA-2007- 28431; Directorate Identifier 2007-CE-050-AD; Amendment 39-15405; AD 2008-05-11] (RIN: 2120-AA64) received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7710. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Dassault Model Fan Jet Falcon, Fan Jet Falcon Series C, D, E, F, and G Airplanes; Model Mystere-Falcon 200 Airplanes; and Model Mystere-Falcon 20-C5, 20-D5, 20-E5, and 20-F5 Airplanes [Docket No. FAA-2007-0182; Directorate Identifier 2007-NM-138-AD; Amendment 39-15401; AD 2008-05-07] (RIN: 2120-AA64) received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7711. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747-100, 747-100B, 747-100B SUD, 747-200B, 747-200C, 747-200F, 747-300, 747-400, 747-400D, 747-400F, 747SR and 747SP Series Airplanes [Docket No. FAA-2008-0412; Directorate Identifier 2007-NM-290-AD; Amendment 39-15327; AD 90-25-05 R1] (RIN: 2120-AA64) received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7712. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment to Class E Airspace; Poplar Bluff, MO [Docket No. FAA-2007-28773; Airspace Docket No. 07-ACE-9] received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7713. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment to Class E Airspace; Lee's Summit, MO [Docket No. FAA-2007-28776; Airspace Docket No. 07-ACE-10] received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7714. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Rockport, ME [Docket No. FAA-2008-0067; Airspace Docket No. 08-ANE-98] received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7715. A letter from the Program Analyst, Department of Transportation, transmitting

the Department's final rule — Amendment of Class E Airspace; Bradford, PA. [Docket No. FAA-2007-0310; Airspace Docket No. 07-AEA-21] received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7716. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Franklin, PA. [Docket No. FAA-2007-0279; Airspace Docket No. 07-AEA-19] received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7717. A letter from the Chairman, Foreign Claims Settlement Commission of the United States, Department of Justice, transmitting the Commission's 2007 Annual Report on operations under the War Claims Act of 1948, as amended, pursuant to 50 U.S.C. app. 2008 and 22 U.S.C. 1622a; jointly to the Committees on Foreign Affairs and the Judiciary.

¶89.6 COMMUNICATION FROM THE CLERK—MESSAGE FROM THE SENATE

The SPEAKER pro tempore, Mr. JACKSON of Illinois, laid before the House a communication, which was read as follows:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, July 22, 2008.

Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on July 22, 2008, at 1:03 p.m.:

That the Senate passed S. 2766.

That the Senate passed S. 3298.

With best wishes, I am

Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

¶89.7 FEDERAL LAW ENFORCEMENT OFFICERS

Mr. SCOTT of Virginia, moved to suspend the rules and pass the bill of the Senate (S. 2565) to establish an awards mechanism to honor exceptional acts of bravery in the line of duty by Federal law enforcement officers.

The SPEAKER pro tempore, Mr. JACKSON of Illinois, recognized Mr. SCOTT of Virginia, and Mr. COBLE, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. JACKSON of Illinois, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶89.8 HULL DESIGN

Mr. SCOTT of Virginia, moved to suspend the rules and pass the bill (H.R. 6531) to amend chapter 13 of title 17, United States Code (relating to the vessel hull design protection), to clarify the definitions of a hull and a deck.

The SPEAKER pro tempore, Mr. JACKSON of Illinois, recognized Mr. SCOTT of Virginia, and Mr. COBLE, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. JACKSON of Illinois, announced that two-thirds of the Members present had voted in the affirmative.D10

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶89.9 COMMUNICATION FROM THE CLERK—MESSAGE FROM THE SENATE

The SPEAKER pro tempore, Mr. JACKSON of Illinois, laid before the House a communication, which was read as follows:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, July 22, 2008.

Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on July 22, 2008, at 10:21 a.m.:

That the Senate passed S. 901.

That the Senate passed S. 3294.

With best wishes, I am,

Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

¶89.10 DECAROL DAVIS

Mr. OBERSTAR moved to suspend the rules and agree to the resolution (H. Res. 1241); as amended:

Whereas Ensign DeCarol Davis is the first African American female to serve as the valedictorian of the Coast Guard Academy;

Whereas Ensign Davis is from Woodbridge, Virginia, and was the 2004 Forest Park High School valedictorian;

Whereas Ensign Davis's academic and military achievements at the Coast Guard Academy in a class of more than 200 cadets earned her the honor of graduating as valedictorian of the Coast Guard Academy's class of 2008;

Whereas Ensign Davis's accomplishments include selection as a 2007 Truman Scholar, receipt of the 2008 Connecticut Technology Council Women of Innovation Award, selection as a 2006 Arthur Ashe, Jr. Womens Basketball First Team Sports Scholar, and selection to the 2007 ESPN The Magazine Academic All-District I College Women's Basketball First Team;

Whereas Ensign Davis's community outreach during her four years at the Coast Guard Academy significantly impacted the lives of others, including those at a local elementary school where Ensign Davis wrote and directed a play that introduced engineering as a career to the students;

Whereas the Coast Guard Academy serves a critical role in training future leaders of the Coast Guard to carry out the service's missions, including protecting the lives and safety of those at sea and ensuring the safe operation of the marine transportation system; protecting the United States ports, waterways, and coastal communities and defending the United States homeland and United States national interests against hostile acts; enforcing United States maritime sovereignty and United States law, international conventions, and treaties including securing our borders against unlawful aliens and drugs; safeguarding United States marine resources; and responding to the threat of terrorism at ports and incidents of national significance, including transportation security incidents, to preserve life and to ensure the continuity of commerce and critical port and waterway functions;

Whereas the Coast Guard Academy has few minorities within the cadet population;

Whereas on April 24, 2008, the House of Representatives approved H.R. 2830, the Coast Guard Authorization Act of 2008, which included several provisions to improve the diversity of the Coast Guard Academy; and

Whereas Ensign Davis gave her valedictorian address on May 21, 2008: Now therefore be it

Resolved, That the House of Representatives—

(1) congratulates Ensign DeCarol Davis for becoming the first African American to serve as valedictorian of the Coast Guard Academy; and

(2) encourages the Coast Guard to seek diverse candidates for the cadet corps at the Coast Guard Academy and to continue to train and graduate cadets of a quality that the Coast Guard needs to fulfill each of its missions.

The SPEAKER pro tempore, Mr. JACKSON of Illinois, recognized Mr. OBERSTAR and Mr. LATOURETTE, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. JACKSON of Illinois, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

By unanimous consent, the title was amended so as to read: ''A resolution congratulating Ensign DeCarol Davis upon her serving as the valedictorian of the Coast Guard Academy's class of 2008 and becoming the first African-American to earn this honor, and encouraging the Coast Guard Academy to seek and enroll diverse candidates in the cadet corps.''.

A motion to reconsider the votes whereby the rules were suspended and said resolution, as amended, was agreed to and the title was amended was, by unanimous consent, laid on the table.

¶89.11 AVIATION SAFETY

Mr. OBERSTAR moved to suspend the rules and pass the bill (H.R. 6493) to amend title 49, United States Code, to enhance aviation safety; as amended.

The SPEAKER pro tempore, Mr. JACKSON of Illinois, recognized Mr. OBERSTAR and Mr. MICA, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. JACKSON of Illinois, announced that two-thirds of the Members present had voted in the affirmative.

Mr. OBERSTAR demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered

The SPEAKER pro tempore, Mr. JACKSON of Illinois, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶89.12 MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has agreed to a concurrent resolution of the following title in which the concurrence of the House is requested:

S. Con. Res. 94. A concurrent resolution recognizing the 60th anniversary of the integration of the United States Armed Forces.

¶89.13 CLEAN BOATING

Mr. OBERSTAR moved to suspend the rules and pass the bill of the Senate (S. 2766) to amend the Federal Water Pollution Control Act to address certain discharges incidental to the normal operation of a recreational vessel.

The SPEAKER pro tempore, Mr. JACKSON of Illinois, recognized Mr. OBERSTAR and Mr. LATOURETTE, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. JACKSON of Illinois, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶89.14 PERMITS FOR DISCHARGES OF VESSELS

Mr. OBERSTAR moved to suspend the rules and pass the bill of the Senate (S. 3298) to clarify the circumstances during which the Administrator of the Environmental Protection Agency and applicable States may require permits for discharges from certain vessels, and to require the Administrator to conduct a study of discharges incidental to the normal operation of vessels.

The SPEAKER pro tempore, Mr. JACKSON of Illinois, recognized Mr. OBERSTAR and Mr. LATOURETTE, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. JACKSON of Illinois, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶89.15 AMTRAK

Mr. OBERSTAR moved to suspend the rules and pass the bill of the Senate (S. 294) to reauthorize Amtrak, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. JACKSON of Illinois, recognized Mr. OBERSTAR and Mr. MICA, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mrs. JONES of Ohio, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said amendment.

¶89.16 PEARL HARBOR NAVAL SHIPYARD

Mr. ABERCROMBIE moved to suspend the rules and agree to the resolution (H. Res. 1139):

Whereas Congress established the Pearl Harbor Naval Shipyard on May 13, 1908, and it has grown from a ''coaling and repair station'' to being known as the ''No Ka Oi Shipyard'' and a national treasure that is strategically important to our Nation and equally vital to Hawaii;

Whereas during World War II, shipyard workers earned the motto, ''We keep them fit to fight'', by resurrecting the United States Pacific Fleet from the bottom of Pearl Harbor, helping turn the tide of the war at Midway, and maintaining the ships that would ultimately win victory at sea and sail triumphantly into Tokyo Bay;

Whereas the shipyard has demonstrated its diverse capabilities by supporting America's space exploration, Antarctic expeditions, and national missile defense;

Whereas it continues to support the United States Pacific Fleet as the largest ship repair facility between the western coast of the United States and the Far East, providing full-service maintenance for Pacific Fleet ships and submarines throughout the Asia-Pacific theater;

Whereas the shipyard has become the largest single industrial employer in Hawaii and is the largest fully integrated military-civilian workforce involved in full-service shipyard work in the United States;

Whereas the shipyard has earned multiple national awards for its dedicated environmental stewardship and excellent safety programs, such as the prestigious Occupational Safety and Health Administration's Star award in May 2007; and

Whereas the shipyard has a direct annual economic impact of more that $600,000,000 in Hawaii, and through its apprentice, engineer co-op, and other student hire programs, provides extraordinary training, employment, and career opportunities for residents: Now, therefore, be it

Resolved, That the House of Representatives recognizes the 100th anniversary of Pearl Harbor Naval Shipyard and congratulates the men and women who provide exceptional service to our military and keep our Pacific Fleet ''fit to fight''.

The SPEAKER pro tempore, Mrs. JONES of Ohio, recognized Mr. ABERCROMBIE and Mr. WITTMAN of Virginia, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mrs. JONES of Ohio, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶89.17 DEPOSITORY INSTITUTIONS

Mrs. MALONEY of New York, moved to suspend the rules and pass the bill (H.R. 4049) to amend section 5318 of title 31, United States Code, to eliminate regulatory burdens imposed on insured depository institutions and money services businesses and enhance the availability of transaction accounts at depository institutions for such business, and for other purposes; as amended.

The SPEAKER pro tempore, Mrs. JONES of Ohio, recognized Mrs. MALONEY of New York, and Mr. SHAYS, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mrs. JONES of Ohio, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶89.18 MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Wanda Evans, one of his secretaries.

¶89.19 CARIBBEAN-AMERICAN HERITAGE MONTH

Mr. HIGGINS moved to suspend the rules and agree to the concurrent resolution (H. Con. Res. 364):

Whereas people of Caribbean heritage are found in every State of the Union;

Whereas emigration from the Caribbean region to the American Colonies began as early as 1619 with the arrival of indentured workers in Jamestown, Virginia;

Whereas during the 17th, 18th, and 19th centuries, a significant number of slaves from the Caribbean region were brought to the United States;

Whereas since 1820, millions of people have emigrated from the Caribbean region to the United States;

Whereas much like the United States, the countries of the Caribbean faced obstacles of slavery and colonialism and struggled for independence;

Whereas also like the United States, the people of the Caribbean region have diverse racial, cultural, and religious backgrounds;

Whereas the independence movements in many countries in the Caribbean region during the 1960s and the consequential establishment of independent democratic countries in the Caribbean strengthened ties between the region and the United States;

Whereas Alexander Hamilton, a founding father of the United States and the first Secretary of the Treasury, was born in the Caribbean;

Whereas there have been many influential Caribbean-Americans in the history of the United States, including Jean Baptiste Point du Sable, the pioneer settler of Chicago; Claude McKay, a poet of the Harlem Renaissance; James Weldon Johnson, the writer of the Black National Anthem; Shirley Chisholm, the first African-American Congresswoman and first African-American woman candidate for President; and Celia Cruz, the world-renowned queen of Salsa music;

Whereas the many influential Caribbean-Americans in the history of the United States also include Colin Powell, the first African-American Secretary of State; Sidney Poitier, the first African-American actor to receive the Academy Award for best actor in a leading role; Harry Belafonte, a musician, actor, and activist; Roberto Clemente, the first Latino inducted into the baseball hall of fame; and Al Roker, a meteorologist and television personality;

Whereas Caribbean-Americans have played an active role in the civil rights movement and other social and political movements in the United States;

Whereas Caribbean-Americans have contributed greatly to education, fine arts, business, literature, journalism, sports, fashion, politics, government, the military, music, science, technology, and other areas in the United States;

Whereas Caribbean-Americans share their culture through carnivals, festivals, music, dance, film, and literature that enrich the cultural landscape of the United States;

Whereas the countries of the Caribbean are important economic partners of the United States;

Whereas the countries of the Caribbean represent the United States third border;

Whereas the people of the Caribbean region share the hopes and aspirations of the people of the United States for peace and prosperity throughout the Western Hemisphere and the rest of the world;

Whereas in both June 2006 and June 2007, President George W. Bush issued a proclamation declaring June National Caribbean-American Heritage Month after the passage of H. Con. Res. 71 in the 109th Congress by both the Senate and the House of Representatives; and

Whereas June is an appropriate month to establish a Caribbean-American Heritage Month: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) supports the goals and ideals of Caribbean-American Heritage Month;

(2) encourages the people of the United States to observe Caribbean-American Heritage Month with appropriate ceremonies, celebrations, and activities; and

(3) affirms that—

(A) the contributions of Caribbean-Americans are a significant part of the history, progress, and heritage of the United States; and

(B) the ethnic and racial diversity of the United States enriches and strengthens the Nation.

The SPEAKER pro tempore, Mrs. JONES of Ohio, recognized Mr. HIGGINS and Mr. DAVIS of Virginia, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution?

The SPEAKER pro tempore, Mrs. JONES of Ohio, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said concurrent resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said concurrent resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶89.20 GEAR UP DAY

Mr. HIGGINS moved to suspend the rules and agree to the resolution (H. Res. 1311):

Whereas Congress created the Gaining Early Awareness and Readiness for Undergraduate Programs (GEAR UP) in 1998 to increase the number of low-income students who are prepared to enter and succeed in postsecondary education;

Whereas increasing the number of low-income students who complete postsecondary education is critical to the health and vitality of our communities and the Nation as a whole;

Whereas GEAR UP is currently providing essential college preparatory services to 640,000 students in over 5,000 schools across 46 States, the District of Columbia, America Samoa, Palau, and Puerto Rico;

Whereas GEAR UP students are taking more rigorous and advanced courses, graduating from high school and enrolling in postsecondary education at rates significantly higher than their low-income peers;

Whereas these remarkable achievements are attributable to the selfless dedication of the students, families, education professionals, and business and community leaders involved in GEAR UP;

Whereas the National Council for Community and Education Partnerships and the Department of Education work in partnership to provide technical assistance and host national conferences to strengthen GEAR UP programs throughout the Nation; and

Whereas July 22, 2008, would be an appropriate day to designate as National GEAR UP Day: Now, therefore, be it

Resolved, That the House of Representatives expresses support for the designation of a National GEAR UP Day.

The SPEAKER pro tempore, Mrs. JONES of Ohio, recognized Mr. HIGGINS and Mr. DAVIS of Virginia, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mrs. JONES of Ohio, announced that two-thirds of the Members present had voted in the affirmative.

Mr. FATTAH demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mrs. JONES of Ohio, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶89.21 NATIONAL GUARD YOUTH CHALLENGE DAY

Mr. HIGGINS moved to suspend the rules and agree to the resolution (H. Res. 1202):

Whereas many of America's youth who drop out of high school need avenues, guidance, and encouragement toward self-sufficiency and success;

Whereas 1,200,000 students drop out of high school each year, costing the Nation more than $309,000,000,000 in lost wages, revenues, and productivity over students' lifetimes;

Whereas 33,000,000 Americans ages 16 to 24 do not have a high school degree;

Whereas high school dropouts can expect to earn about $19,000 per year compared to $28,000 for high school graduates;

Whereas nearly 30 percent are unemployed and 24 percent are on welfare;

Whereas approximately 67 percent of Americans in prison are high school dropouts;

Whereas the goal of the National Guard Youth Challenge Foundation, a nonprofit 501(c)(3) organization, is to improve the education, life skills, and employment potential of America's high school dropouts though public awareness, scholarships, higher education assistance, mentoring, and job development programs;

Whereas the National Guard Youth Challenge Program provides military-based training, supervised work experience, assistance in obtaining a high school diploma or equivalent, development of leadership qualities, promotion of citizenship, fellowship, service to community, life skills training, health and physical education, positive relationships with adults and peers, and career planning;

Whereas the National Guard Youth Challenge Program represents a successful joint effort between Federal and State governments;

Whereas since 1993, the National Guard Youth Challenge Program has grown to 35 sites in 28 States, Puerto Rico, and the District of Columbia;

Whereas since 1993, over 77,100 students have successfully graduated from the program, of whom 80 percent earned their high school diploma or GED, 26 percent entered college, 18 percent entered the military, and 56 percent joined the workforce in career jobs;

Whereas the National Guard Youth Challenge Program has successfully helped our Nation's dropouts; and

Whereas the National Guard Youth Challenge Program can play a larger role in serving and helping America's youth: Now, therefore, be it

Resolved, That the United States House of Representatives—

(1) supports the goals and ideals of a National Guard Youth Challenge Day; and

(2) calls upon the people of the United States to observe such a day with appropriate ceremonies and respect.

The SPEAKER pro tempore, Mrs. JONES of Ohio, recognized Mr. HIGGINS and Mr. DAVIS of Virginia, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mrs. JONES of Ohio, announced that two-thirds of the Members present had voted in the affirmative.

Mr. HIGGINS demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mrs. JONES of Ohio, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶89.22 NATIONAL CARRIAGE DRIVING MONTH

Mr. HIGGINS moved to suspend the rules and agree to the resolution (H. Res. 1128):

Whereas the Carriage Association of America has, for almost 50 years, fostered and organized efforts to preserve and recognize the significant contributions that animal-drawn vehicles have made to American culture;

Whereas animal-drawn vehicles helped settle and build the United States of America;

Whereas it is now almost 100 years since the rapid change from animal-drawn vehicles to machine-powered vehicles;

Whereas museums across America have preserved and protected examples of carriages, wagons, and other types of mostly horse-drawn vehicles, which helped Americans build, farm, and socialize from the earliest days of this Nation's existence;

Whereas tens of thousands of Americans enjoy collecting, preserving, driving, and restoring horse-drawn vehicles;

Whereas there are hundreds of annual parades, shows, auctions, and similar events to enjoy, recognize, and preserve this important part of our Nation's heritage;

Whereas the World Equestrian Games have been awarded to the United States and will be held in 2010 at the Kentucky Horse Park in Lexington, Kentucky; and

Whereas the month of May is celebrated by the carriage-riding community as Carriage Riding Month: Now, therefore, be it

Resolved, That the House of Representatives—

(1) expresses support for National Carriage Driving Month, along with its goals and ideals; and

(2) encourages supporters, historical organizations, and educational entities to observe the month and collaborate on efforts to further protect, preserve, and appreciate carriages as part of our Nation's history.

The SPEAKER pro tempore, Mrs. JONES of Ohio, recognized Mr. HIGGINS and Mr. DAVIS of Virginia, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mrs. JONES of Ohio, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶89.23 STAN LUNDINE POST OFFICE BUILDING

Mr. HIGGINS moved to suspend the rules and pass the bill (H.R. 6226) to designate the facility of the United States Postal Service located at 300 East 3rd Street in Jamestown, New York, as the ''Stan Lundine Post Office Building''.

The SPEAKER pro tempore, Mrs. JONES of Ohio, recognized Mr. HIGGINS and Mr. DAVIS of Virginia, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mrs. JONES of Ohio, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶89.24 RONALD REAGAN CENTENNIAL COMMISSION

Mr. HIGGINS moved to suspend the rules and pass the bill (H.R. 5235) to establish the Ronald Reagan Centennial Commission; as amended.

The SPEAKER pro tempore, Mrs. JONES of Ohio, recognized Mr. HIGGINS and Mr. DAVIS of Virginia, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mrs. JONES of Ohio, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶89.25 AMTRAK

On motion of Mr. OBERSTAR, by direction of the Committee on Transportation and Infrastructure and pursuant to clause 1 of rule XXII, the bill of the Senate (S. 294) to reauthorize Amtrak, and for other purposes; together with the amendment of the House thereto, was taken from the Speaker's table.

When on motion of Mr. OBERSTAR, it was,

Resolved, That the House insist upon its amendment and request a conference with the Senate on the disagreeing votes of the two Houses thereon.

Ordered, That the Clerk notify the Senate thereof.

¶89.26 MOTION TO INSTRUCT CONFEREES—S. 294

Mr. HELLER of Nevada, moved that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the House to S. 294, be instructed to insist on the provisions contained in section 221 of the House amendment.

After debate,

By unanimous consent, the previous question was ordered on the motion to instruct the managers on the part of the House.

The question being put, viva voce,

Will the House agree to said motion?

The SPEAKER pro tempore, Mrs. JONES of Ohio, announced that the yeas had it.

So the motion to instruct the managers on the part of the House was agreed to.

A motion to reconsider the vote whereby said motion was agreed to was, by unanimous consent, laid on the table.

¶89.27 H.R. 6493—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mrs. JONES of Ohio, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and pass the bill (H.R. 6493) to amend title 49, United States Code, to enhance aviation safety; as amended.

The question being put,

Will the House suspend the rules and pass said bill, as amended?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 392 / Nays ..... 0 }

¶89.28 [Roll No. 512]

YEAS—392

Abercrombie	Bilirakis	Calvert
Ackerman	Bishop (NY)	Camp (MI)
Aderholt	Blackburn	Campbell (CA)
Akin	Blumenauer	Cantor
Alexander	Blunt	Capito
Allen	Boehner	Capps
Altmire	Bonner	Capuano
Andrews	Bono Mack	Cardoza
Arcuri	Boozman	Carnahan
Baca	Boren	Carney
Bachmann	Boustany	Carson
Bachus	Boyd (FL)	Castle
Baird	Boyda (KS)	Castor
Baldwin	Brady (PA)	Cazayoux
Barrett (SC)	Brady (TX)	Chabot
Barrow	Braley (IA)	Chandler
Bartlett (MD)	Broun (GA)	Childers
Barton (TX)	Brown (SC)	Clarke
Becerra	Brown, Corrine	Clay
Berkley	Buchanan	Cleaver
Berman	Burgess	Clyburn
Berry	Burton (IN)	Coble
Biggert	Butterfield	Cohen
Bilbray	Buyer	Cole (OK)

Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Drake
Dreier
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Hall (NY)
Hall (TX)
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Payne
Pence
Perlmutter
Peterson (MN)
Petri
Pickering
Pitts
Platts
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Reyes
Reynolds
Richardson
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sarbanes
Scalise
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuster
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth

NOT VOTING—42

Bean
Bishop (GA)
Bishop (UT)
Boswell
Boucher
Brown-Waite, Ginny
Cannon
Carter
Cuellar
Doolittle
Everett
Green, Gene
Grijalva
Gutierrez
Hare
Harman
Hill
Hinchey
Hulshof
Hunter
Lampson
Langevin
Ortiz
Paul
Pearce
Peterson (PA)
Poe
Renzi
Rodriguez
Rush
Sanchez, Loretta
Saxton
Sessions
Sestak
Shuler
Simpson
Solis
Tiahrt
Weldon (FL)
Westmoreland
Young (AK)
Young (FL)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶89.29 H. RES. 1311—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. YARMUTH, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 1311) expressing support for the designation of National GEAR UP day.

The question being put,

Will the House suspend the rules and agree to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 385 / Nays 1

¶89.30 [Roll No. 513]

YEAS—385

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Campbell (CA)
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Cazayoux
Chabot
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Drake
Dreier
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Forbes
Fortenberry
Fossella
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Hall (NY)
Hall (TX)
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
Lamborn
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Payne
Pence
Perlmutter
Peterson (MN)
Petri
Pickering
Pitts
Platts
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Reyes
Richardson
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sarbanes
Scalise
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuster
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Speier
Spratt
Stearns
Stupak
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth

NAYS—1

Flake

NOT VOTING—48

Bean	Hare	Reynolds
Bishop (GA)	Harman	Rodriguez
Bishop (UT)	Hill	Rush
Boswell	Hinchey	Sanchez, Loretta
Boucher	Hulshof	Saxton
Brown-Waite, Ginny	Hunter	Sessions
Camp (MI)	Johnson, Sam	Sestak
Cannon	LaHood	Shuler
Carter	Lampson	Simpson
Cuellar	McCrery	Stark
Culberson	Murphy (CT)	Sullivan
Doolittle	Ortiz	Tancredo
Everett	Paul	Tiahrt
Green, Gene	Pearce	Young (AK)
Grijalva	Peterson (PA)	Young (FL)
Gutierrez	Poe	
	Renzi	

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶89.31 H. RES. 1202—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. YARMUTH, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and agree to the resolution (H. Res. 1202) supporting the goals and ideals of a National Guard Youth Challenge Day.

The question being put,

Will the House suspend the rules and agree to said resolution?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 388 / Nays 0

¶89.32 [Roll No. 514]

YEAS—388

Abercrombie	Burgess	Davis, Lincoln
Ackerman	Burton (IN)	Davis, Tom
Aderholt	Butterfield	Deal (GA)
Akin	Buyer	DeFazio
Alexander	Calvert	DeGette
Allen	Camp (MI)	Delahunt
Altmire	Campbell (CA)	DeLauro
Andrews	Cantor	Dent
Arcuri	Capito	Diaz-Balart, L.
Baca	Capps	Dicks
Bachmann	Capuano	Dingell
Bachus	Cardoza	Donnelly
Baird	Carnahan	Doyle
Baldwin	Carney	Drake
Barrett (SC)	Carson	Dreier
Barrow	Castle	Duncan
Bartlett (MD)	Castor	Edwards (MD)
Barton (TX)	Cazayoux	Edwards (TX)
Becerra	Chabot	Ehlers
Berkley	Chandler	Ellison
Berman	Childers	Ellsworth
Berry	Clarke	Emanuel
Biggert	Clay	Emerson
Bilbray	Cleaver	Engel
Bilirakis	Clyburn	English (PA)
Bishop (NY)	Coble	Eshoo
Blackburn	Cohen	Etheridge
Blumenauer	Conaway	Fallin
Blunt	Conyers	Farr
Boehner	Cooper	Fattah
Bonner	Costa	Feeney
Bono Mack	Costello	Ferguson
Boozman	Courtney	Filner
Boren	Cramer	Flake
Boustany	Crenshaw	Forbes
Boyd (FL)	Crowley	Fortenberry
Boyda (KS)	Cubin	Fossella
Brady (PA)	Culberson	Foster
Brady (TX)	Cummings	Foxx
Braley (IA)	Davis (AL)	Frank (MA)
Broun (GA)	Davis (CA)	Franks (AZ)
Brown (SC)	Davis (IL)	Frelinghuysen
Brown, Corrine	Davis (KY)	Gallegly
Buchanan	Davis, David	Garrett (NJ)
Gerlach	Mahoney (FL)	Roybal-Allard
Giffords	Maloney (NY)	Royce
Gilchrest	Manzullo	Ruppersberger
Gillibrand	Marchant	Ryan (OH)
Gingrey	Markey	Ryan (WI)
Gohmert	Marshall	Salazar
Gonzalez	Matheson	Sali
Goode	Matsui	Sánchez, Linda T.
Goodlatte	McCarthy (CA)	
Gordon	McCarthy (NY)	Sarbanes
Granger	McCaul (TX)	Scalise
Graves	McCollum (MN)	Schakowsky
Green, Al	McCotter	Schiff
Hall (NY)	McDermott	Schmidt
Hall (TX)	McGovern	Schwartz
Hastings (FL)	McHenry	Scott (GA)
Hastings (WA)	McHugh	Scott (VA)
Hayes	McIntyre	Sensenbrenner
Heller	McKeon	Serrano
Hensarling	McMorris Rodgers	Shadegg
Herger		Shea-Porter
Herseth Sandlin	McNerney	Sherman
Higgins	McNulty	Shimkus
Hinojosa	Meek (FL)	Shuler
Hirono	Meeks (NY)	Shuster
Hobson	Melancon	Sires
Hodes	Mica	Skelton
Hoekstra	Michaud	Slaughter
Holden	Miller (FL)	Smith (NE)
Holt	Miller (MI)	Smith (NJ)
Honda	Miller (NC)	Smith (TX)
Hooley	Miller, Gary	Smith (WA)
Hoyer	Miller, George	Snyder
Inglis (SC)	Mitchell	Solis
Inslee	Mollohan	Souder
Israel	Moore (KS)	Space
Issa	Moore (WI)	Speier
Jackson (IL)	Moran (KS)	Spratt
Jackson-Lee (TX)	Moran (VA)	Stark
	Murphy (CT)	Stearns
Jefferson	Murphy, Patrick	Stupak
Johnson (GA)	Murphy, Tim	Sullivan
Johnson (IL)	Murtha	Sutton
Johnson, E. B.	Musgrave	Tancredo
Johnson, Sam	Myrick	Tanner
Jones (NC)	Nadler	Tauscher
Jones (OH)	Napolitano	Taylor
Jordan	Neal (MA)	Terry
Kagen	Neugebauer	Thompson (CA)
Kanjorski	Nunes	Thompson (MS)
Kaptur	Oberstar	Thornberry
Keller	Obey	Tiberi
Kennedy	Olver	Tierney
Kildee	Pallone	Towns
Kind	Pascrell	Tsongas
King (IA)	Pastor	Turner
King (NY)	Payne	Udall (CO)
Kingston	Pence	Udall (NM)
Kirk	Perlmutter	Upton
Klein (FL)	Peterson (MN)	Van Hollen
Kline (MN)	Petri	Velázquez
Knollenberg	Pickering	Visclosky
Kucinich	Pitts	Walberg
Kuhl (NY)	Platts	Walden (OR)
Lamborn	Pomeroy	Walsh (NY)
Langevin	Porter	Walz (MN)
Larsen (WA)	Price (NC)	Wamp
Larson (CT)	Pryce (OH)	Wasserman Schultz
Latham	Putnam	
LaTourette	Radanovich	Watson
Latta	Rahall	Watt
Lee	Ramstad	Waxman
Levin	Rangel	Weiner
Lewis (CA)	Regula	Welch (VT)
Lewis (GA)	Rehberg	Weldon (FL)
Lewis (KY)	Reichert	Weller
Linder	Reyes	Westmoreland
Lipinski	Reynolds	Wexler
LoBiondo	Richardson	Whitfield (KY)
Loebsack	Rogers (AL)	Wilson (NM)
Lofgren, Zoe	Rogers (KY)	Wilson (OH)
Lowey	Rogers (MI)	Wilson (SC)
Lucas	Rohrabacher	Wittman (VA)
Lungren, Daniel E.	Ros-Lehtinen	Wolf
	Roskam	Woolsey
Lynch	Ross	Wu
Mack	Rothman	Yarmuth

NOT VOTING—46

Bean	Diaz-Balart, M.	Hulshof
Bishop (GA)	Doggett	Hunter
Bishop (UT)	Doolittle	Kilpatrick
Boswell	Everett	LaHood
Boucher	Green, Gene	Lampson
Brown-Waite, Ginny	Grijalva	McCrery
	Gutierrez	Ortiz
Cannon	Hare	Paul
Carter	Harman	Pearce
Cole (OK)	Hill	Peterson (PA)
Cuellar	Hinchey	Poe
Price (GA)	Saxton	Tiahrt
Renzi	Sessions	Waters
Rodriguez	Sestak	Young (AK)
Rush	Shays	Young (FL)
Sanchez, Loretta	Simpson	

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶89.33 MESSAGE FROM THE PRESIDENT—SPACE LAUNCH INDUSTRY IN PEOPLE'S REPUBLIC OF CHINA

The SPEAKER pro tempore, Mr. YARMUTH, laid before the House a message from the President, which was read as follows:

To the Congress of the United States:

In accordance with the provisions of section 1512 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261), I hereby certify that the export of 22 accelerometers for incorporation into railway geometry measurement systems and one 20-inch fluid energy mill for production of nutritional supplements is not detrimental to the United States space launch industry, and that the material and equipment, including any indirect technical benefit that could be derived from such exports, will not measurably improve the missile or space launch capabilities of the People's Republic of China.

GEORGE W. BUSH.

THE WHITE HOUSE, *July 22, 2008*.

By unanimous consent, the message, together with the accompanying papers, was referred to the Committee on Foreign Affairs and ordered to be printed (H. Doc. 110–135).

¶89.34 NATIONAL SECURITY AND ENERGY SECURITY

Mr. RUPPERSBERGER moved to suspend the rules and pass the bill (H.R. 6545) to require the Director of National Intelligence to conduct a national intelligence assessment on national security and energy security issues.

The SPEAKER pro tempore, Mr. YARMUTH, recognized Mr. RUPPERSBERGER and Mr. ROGERS of Michigan, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. Patrick J. MURPHY of Pennsylvania, announced that two-thirds of the Members present had voted in the affirmative.

Mr. RUPPERSBERGER demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. Patrick J. MURPHY of Pennsylvania, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Wednesday, July 23, 2008.

¶89.35 COMMUNICATION FROM THE MINORITY LEADER—APPOINTMENT—ELECTION ASSISTANCE COMMISSION BOARD OF ADVISORS

The SPEAKER pro tempore, Mr. Patrick J. MURPHY of Pennsylvania, laid before the House the following communication, which was read as follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, July 15, 2008.

Hon. NANCY PELOSI,
Speaker of the House,
U.S. Capitol, Washington, DC.

Pursuant to Section 214(a) of the Help America Vote Act of 2002 (42 U.S.C. 15344, I am pleased to reappoint Mr. Thomas A. Fuentes of Lake Forest, California to the Election Assistance Commission Board of Advisors.

Mr. Fuentes has expressed interest in serving in this capacity and I am pleased to fulfill his request.

Sincerely,

JOHN A. BOEHNER,
Republican Leader.

Ordered, That the Clerk notify the Senate of the foregoing appointment.

¶89.36 APPOINTMENT OF CONFEREES—S. 294

The SPEAKER pro tempore, Mr. Patrick J. MURPHY of Pennsylvania, appointed the following Members as managers on the part of the House to the conference with the Senate on the disagreeing votes of the two Houses on the House amendment to the bill of the Senate (S. 294) to reauthorize Amtrak, and for other purposes:

From the Committee on Transportation and Infrastructure, for consideration of the Senate bill and the House amendment, and modifications committed to conference: Mr. OBERSTAR, Ms. Corrine BROWN of Florida, Messrs. CUMMINGS, CAPUANO, BISHOP of New York, Mrs. NAPOLITANO, Messrs. LIPINSKI, BRALEY of Iowa, ARCURI, MICA, PETRI, LATOURETTE, BROWN of South Carolina, SHUSTER, Mario DIAZ-BALART of Florida, and WESTMORELAND.

From the Committee on Science and Technology, for consideration of secs. 105 and 305 of the Senate bill, and modifications committed to conference: Messrs. GORDON of Tennessee, WU, and GINGREY.

Ordered, That the Clerk notify the Senate of the foregoing appointments.

¶89.37 PROVIDING FOR CONSIDERATION OF H.R. 5501

Mr. WELCH of Vermont, by direction of the Committee on Rules, reported (Rept. No. 110–766) the resolution (H. Res. 1362) providing for the consideration of the Senate amendment to the bill (H.R. 5501) to authorize appropriations for fiscal years 2009 through 2013 to provide assistance to foreign countries to combat HIV/AIDS, tuberculosis, and malaria, and for other purposes.

When said resolution and report were referred to the House Calendar and ordered printed.

¶89.38 PROVIDING FOR CONSIDERATION OF H.R. 3221

Mr. WELCH of Vermont, by direction of the Committee on Rules, reported (Rept. No. 110–767) the resolution (H. Res. 1363) providing for consideration of the Senate amendment to the House amendments to the Senate amendment to the bill (H.R. 3221) to provide needed housing reform and for other purposes.

When said resolution and report were referred to the House Calendar and ordered printed.

¶89.39 SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 3294. An Act to provide for the continued performance of the functions of the United States Parole Commission; to the Committee on the Judiciary.

¶89.40 BILLS PRESENTED TO THE PRESIDENT

Lorraine C. Miller, Clerk of the House reported that on July 15, 2008 she presented to the President of the United States, for his approval, the following bills.

H.R. 3403. An Act to promote and enhance public safety by facilitating the rapid deployment of IP-enabled 911 and E–911 services, encourage the Nation's transition to a national IP-enabled emergency network, and improve 911 and E–911 access to those with disabilities.

H.R. 3712. An Act to designate the United States courthouse located at 1716 Spielbusch Avenue in Toledo, Ohio, as the ''James M. Ashley and Thomas W.L. Ashley United States Courthouse.''

¶89.41 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. BOSWELL, for the week of July 14;

To Mr. CARTER, for today;

To Mr. CUELLAR, for today;

To Ms. HARMAN, for today;

To Mr. HILL, for today;

To Mr. Gene GREEN of Texas, for today and July 23;

To Mr. PEARCE, for today;

To Mr. POE, for today;

To Mr. RODRIGUEZ, for today; and

To Mr. YOUNG of Florida, for today.

And then,

¶89.42 ADJOURNMENT

On motion of Mr. KING of Iowa, at 11 p.m., the House adjourned.

¶89.43 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. THOMPSON of Mississippi: Committee on Homeland Security. H.R. 5531. A bill to amend the Homeland Security Act of 2002 to clarify criteria for certification relating to advanced spectroscopic portal monitors, and for other purposes; with amendments (Rept. 110–764). Referred to the Committee of the Whole House on the state of the Union.

Mr. OBERSTAR: Committee on Transportation and Infrastructure. H.R. 5949. A bill to amend the Federal Water Pollution Control Act to address certain discharges incidental to the normal operation of a recreational vessel (Rept. 110–765). Referred to the Committee of the Whole House on the state of the Union.

Mr. HASTINGS of Florida: Committee on Rules. House Resolution 1362. Resolution providing for the consideration of the Senate amendment to the bill (H.R. 5501) to authorize appropriations for fiscal years 2009 through 2013 to provide assistance to foreign countries to combat HIV/AIDS, tuberculosis, and malaria, and for other purposes (Rept. 110–766). Referred to the House Calendar.

Ms. CASTOR: Committee on Rules. House Resolution 1363. Resolution providing for consideration of the Senate amendment to the House amendments to the Senate amendment to the bill (H.R. 3221) to provide needed housing reform, and for other purposes (Rept. 110–767). Referred to the House Calendar.

¶89.44 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. ENGEL (for himself, Mr. KINGSTON, Mr. ISRAEL, and Mr. INGLIS of South Carolina):

H.R. 6559. A bill to require automobile manufacturers to ensure that not less that 80 percent of the automobiles manufactured or sold in the United States by each such manufacturer to operate on fuel mixtures containing 85 percent ethanol, 85 percent methanol, or biodiesel; to the Committee on Energy and Commerce.

By Mr. RANGEL (for himself and Mr. MCCRERY):

H.R. 6560. A bill to establish an earned import allowance program under Public Law 109-53, and for other purposes; to the Committee on Ways and Means.

By Mr. MCDERMOTT:

H.R. 6561. A bill to increase funding of the block grant to States for social services, to provide for the increased funding to be used to provide a gasoline subsidy to certain low-income individuals, and for other purposes; to the Committee on Ways and Means.

By Mr. FILNER (for himself, Mr. SESTAK, Mr. HALL of New York, Mrs. GILLIBRAND, and Mr. LATHAM):

H.R. 6562. A bill to amend title 38, United States Code, relating to presumptions of exposure for veterans who served in the vicinity of Vietnam; to the Committee on Veterans' Affairs.

By Mr. SOUDER:

H.R. 6563. A bill to amend the Ethics in Government Act of 1978 to require information on the value of any personal residence and on the balance, interest rate, and remaining number of years of any mortgage secured by real property to be included in the annual financial disclosure reports required to be filed under such Act; to the Committee on Oversight and Government Reform, and in addition to the Committees on House Administration, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KIND (for himself and Mr. RYAN of Wisconsin):

H.R. 6564. A bill to amend the Internal Revenue Code of 1986 to modify the rate of the excise tax on certain arrows designed for use by children; to the Committee on Ways and Means.

By Mr. DREIER:

H.R. 6565. A bill to provide additional authority to the Federal Deposit Insurance

Corporation in resolving problem financial institutions, and for other purposes; to the Committee on Financial Services.

By Mr. BOEHNER (for himself, Mr. BLUNT, Mr. PUTNAM, Mr. MCCOTTER, Ms. GRANGER, Mr. CARTER, Mr. COLE of Oklahoma, Mr. CANTOR, Mr. DREIER, Mr. BARTON of Texas, Mr. ENGLISH of Pennsylvania, Mr. DAVID DAVIS of Tennessee, Mrs. MYRICK, Mrs. MILLER of Michigan, Mr. SESSIONS, Mrs. SCHMIDT, Mrs. CUBIN, Mr. WILSON of South Carolina, Mr. LATTA, Mr. ISSA, Mr. DUNCAN, Mr. ROGERS of Michigan, Mr. NEUGEBAUER, Mr. GINGREY, Mr. BACHUS, Mr. BUYER, Mr. WITTMAN of Virginia, Mr. NUNES, Mrs. BLACKBURN, Ms. FALLIN, Mr. WAMP, Mrs. DRAKE, Mr. ROYCE, Mr. RADANOVICH, Mr. CHABOT, Mr. BRADY of Texas, Mr. SCALISE, Mr. ADERHOLT, Mr. WESTMORELAND, Mr. BONNER, Mr. MCHUGH, Mr. LINDER, Mrs. MCMORRIS RODGERS, Mr. KING of New York, Mr. SHIMKUS, Mr. SMITH of Nebraska, Mr. ROGERS of Kentucky, Mr. SMITH of Texas, Mr. WOLF, Mr. BOUSTANY, Mr. ROHRABACHER, Mr. TIBERI, Mr. ROGERS of Alabama, Ms. FOXX, Mr. CULBERSON, Mr. KUHL of New York, Mr. PICKERING, Mr. GOODE, Mr. GOHMERT, Mr. MARCHANT, Mr. DAVIS of Kentucky, Mr. MCCARTHY of California, Mrs. CAPITO, Mr. CALVERT, Mrs. BACHMANN, Mr. MCCAUL of Texas, Mr. SHUSTER, Mr. BISHOP of Utah, Mr. EVERETT, Mr. BURTON of Indiana, Mr. BOOZMAN, Mr. LATOURETTE, Mr. TERRY, Mr. FORTENBERRY, Mr. KING of Iowa, Mr. MANZULLO, Mr. HALL of Texas, Mr. HOEKSTRA, Mr. PLATTS, Mr. JONES of North Carolina, Mr. GRAVES, Mr. LAMBORN, Mr. KLINE of Minnesota, Mr. SALI, and Mr. PENCE):

H.R. 6566. A bill to bring down energy prices by increasing safe, domestic production, encouraging the development of alternative and renewable energy, and promoting conservation; to the Committee on Natural Resources, and in addition to the Committees on the Judiciary, Ways and Means, Energy and Commerce, Armed Services, Oversight and Government Reform, and Science and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BAIRD (for himself, Mr. CASTLE, Mr. DEAL of Georgia, Ms. KAPTUR, Mr. GERLACH, Mr. LATOURETTE, Mr. YOUNG of Florida, Ms. HARMAN, Mr. KIRK, and Ms. SPEIER):

H.R. 6567. A bill to expand the research, prevention, and awareness activities of the Centers for Disease Control and Prevention and the National Institutes of Health with respect to pulmonary fibrosis, and for other purposes; to the Committee on Energy and Commerce.

By Mr. BRADY of Texas (for himself and Mrs. CAPPS):

H.R. 6568. A bill to direct the Secretary of Health and Human Services to encourage research and carry out an educational campaign with respect to pulmonary hypertension, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. CAPPS (for herself, Ms. MATSUI, and Mr. BUTTERFIELD):

H.R. 6569. A bill to amend the Public Health Service Act to ensure that victims of public health emergencies have meaningful and immediate access to medically necessary health care services; to the Committee on Energy and Commerce.

By Mr. EMANUEL:

H.R. 6570. A bill to encourage increased production of natural gas vehicles and to provide tax incentives for natural gas vehicle infrastructure; to the Committee on Ways and Means, and in addition to the Committees on Oversight and Government Reform, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ENGEL (for himself and Mr. PLATTS):

H.R. 6571. A bill to prohibit smoking near executive, legislative, and judicial branch buildings and entryways; to the Committee on Transportation and Infrastructure, and in addition to the Committees on House Administration, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. EDDIE BERNICE JOHNSON of Texas (for herself, Mr. DAVIS of Illinois, Ms. KAPTUR, and Ms. LEE):

H.R. 6572. A bill to encourage States and units of general local government to use amounts received under the community development block grant program and the community mental health services and substance abuse block grant programs to provide housing counseling and financial counseling for individuals before their release from inpatient or residential institutions for individuals with mental illness and periodic evaluation of the appropriateness of such counseling after such release; to the Committee on Financial Services, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. SUTTON (for herself, Mr. CONYERS, Ms. HIRONO, Mr. BUTTERFIELD, Mr. JONES of North Carolina, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. WILSON of Ohio, Mr. BRADY of Pennsylvania, and Mr. HARE):

H.R. 6573. A bill to create an Office of Domestic Product Promotion within the Department of Commerce to promote the sale of United States products; to the Committee on Energy and Commerce.

By Mr. PICKERING (for himself, Mrs. CAPPS, Ms. JACKSON-LEE of Texas, Ms. SUTTON, Mr. KUHL of New York, and Ms. DELAURO):

H. Con. Res. 393. Concurrent resolution supporting the goals and ideals of ''National Sudden Cardiac Arrest Awareness Month''; to the Committee on Energy and Commerce.

By Mr. WAMP:

H. Con. Res. 394. Concurrent resolution honoring and recognizing Acting Architect of the Capitol Stephen Ayers for his contributions to the construction of the Capitol Visitor Center and his dedication to the maintenance of the Capitol complex; to the Committee on House Administration, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. EDWARDS of Maryland:

H. Res. 1360. A resolution honoring and commemorating the selfless acts of heroism displayed by the late Detective John Michael Gibson and Private First Class Jacob Joseph Chestnut of the United States Capitol Police on July 24, 1998; to the Committee on House Administration.

By Mr. BERMAN (for himself, Ms. ROS-LEHTINEN, Mr. HASTINGS of Florida, Ms. WATERS, and Mr. SCOTT of Georgia):

H. Res. 1361. A resolution expressing the sense of the House of Representatives that the United States should lead a high-level diplomatic effort to defeat the campaign by some members of the Organization of the Islamic Conference to divert the United Nation's Durban Review Conference from a review of problems in their own and other countries by attacking Israel, promoting anti-Semitism, and undermining the Universal Charter of Human Rights and to ensure that the Durban Review Conference serves as a forum to review commitments to combat all forms of racism; to the Committee on Foreign Affairs.

By Mr. DAVIS of Kentucky (for himself, Mr. HUNTER, Ms. HERSETH SANDLIN, Mr. WILSON of South Carolina, Mr. JOHNSON of Georgia, and Mr. ALEXANDER):

H. Res. 1364. A resolution recognizing the persons who are serving or have served in the airborne forces of the Armed Forces; to the Committee on Armed Services.

By Mr. TANNER (for himself and Mr. WAMP):

H. Res. 1365. A resolution expressing the sense of the House of Representatives that an independent commission is the best vehicle for ensuring that Congressional redistricting conducted by a State is done in a manner that respects the principles of transparency, effective and diverse public participation, and accountability; to the Committee on the Judiciary.

¶89.45 MEMORIALS

Under clause 3 of rule XII:

343. The SPEAKER presented a memorial of the House of Representatives of the Commonwealth of Pennsylvania, relative to House Resolution No. 699 recommending to the Congress of the United States that the cap on the Crime Victims Fund be eliminated and that the entire amount of funds deposited into the fund be distributed annually; to the Committee on the Judiciary.

¶89.46 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 211: Ms. WATSON.

H.R. 303: Mr. STEARNS, Mr. FORTENBERRY, Mr. MCDERMOTT, and Mr. ARCURI.

H.R. 333: Mr. MATHESON.

H.R. 522: Mr. COHEN.

H.R. 579: Mrs. GILLIBRAND, Mr. BAIRD, and Mr. STUPAK.

H.R. 725: Ms. FALLIN.

H.R. 726: Mr. CAPUANO.

H.R. 826: Mr. HINCHEY.

H.R. 861: Mr. SHIMKUS, Mr. PATRICK MURPHY of Pennsylvania, Mr. PUTNAM, Mr. BURTON of Indiana, and Mr. WELLER.

H.R. 882: Mr. HONDA and Mr. BAIRD.

H.R. 1009: Mr. HONDA.

H.R. 1014: Mr. KIRK.

H.R. 1032: Mr. ISRAEL.

H.R. 1076: Mr. WALDEN of Oregon and Ms. GIFFORDS.

H.R. 1078: Ms. DELAURO.

H.R. 1110: Mr. SHUSTER and Mr. HELLER.

H.R. 1120: Ms. FALLIN.

H.R. 1283: Ms. SLAUGHTER and Mr. ROGERS of Michigan.

H.R. 1589: Mr. MARIO DIAZ-BALART of Florida and Mrs. MUSGRAVE.

H.R. 1606: Mr. MCGOVERN.

H.R. 1619: Mr. SKELTON.

H.R. 1621: Mr. MORAN of Virginia and Mr. ISRAEL.

H.R. 1655: Mr. BISHOP of Georgia, Mr. FORTUÑO, Mr. MCGOVERN, Mr. MCNULTY, Ms.

LEE, Mr. RUPPERSBERGER, Mr. SMITH of New Jersey, and Mr. GENE GREEN of Texas.

H.R. 1665: Mr. COURTNEY.

H.R. 1671: Ms. CASTOR, Ms. SLAUGHTER, and Mr. EDWARDS of Texas.

H.R. 1843: Mrs. BACHMANN.

H.R. 1845: Ms. ZOE LOFGREN of California.

H.R. 1884: Mr. MCCOTTER.

H.R. 1919: Mr. MICHAUD and Mr. CARSON.

H.R. 1926: Ms. DELAURO.

H.R. 2074: Mr. MORAN of Virginia.

H.R. 2205: Mrs. TAUSCHER and Mr. PRICE of Georgia.

H.R. 2266: Mr. GENE GREEN of Texas.

H.R. 2472: Mr. RYAN of Ohio.

H.R. 2493: Mr. LINDER.

H.R. 2677: Mr. BUTTERFIELD.

H.R. 2851: Mr. RYAN of Ohio and Mr. LEWIS of Georgia.

H.R. 2915: Mr. JOHNSON of Georgia.

H.R. 3010: Mr. BISHOP of Georgia.

H.R. 3148: Ms. FALLIN.

H.R. 3175: Mr. WALZ of Minnesota and Mr. BRADY of Pennsylvania.

H.R. 3257: Mr. KELLER.

H.R. 3407: Mr. COSTELLO.

H.R. 3416: Mr. MCDERMOTT.

H.R. 3559: Mr. MCCOTTER.

H.R. 3737: Mr. WAMP and Mr. DOGGETT.

H.R. 3989: Mrs. MALONEY of New York.

H.R. 3995: Mr. AL GREEN of Texas, Mr. DREIER, and Mr. KANJORSKI.

H.R. 4048: Ms. ESHOO.

H.R. 4052: Mr. PEARCE.

H.R. 4102: Mr. PALLONE.

H.R. 4236: Mr. RYAN of Ohio, Mr. ENGEL, Ms. KILPATRICK, and Ms. HARMAN.

H.R. 4310: Mr. BRADY of Pennsylvania.

H.R. 4544: Mr. SAXTON, Mr. LAMBORN, Mr. SPRATT, Mr. COBLE, Mr. FORTENBERRY, Mrs. MYRICK, Mr. WAXMAN, Mr. MEEKS of New York, Mr. GORDON, Ms. LEE, Mr. POE, Mr. WU, and Mr. CARDOZA.

H.R. 4828: Mr. GONZALEZ.

H.R. 4930: Mr. UDALL of Colorado, Mrs. MUSGRAVE, Mr. ALLEN, and Mr. CALVERT.

H.R. 5174: Mrs. JONES of Ohio.

H.R. 5437: Mr. WESTMORELAND.

H.R. 5461: Mr. SHAYS.

H.R. 5488: Mr. HASTINGS of Florida.

H.R. 5545: Ms. GRANGER.

H.R. 5564: Mr. GONZALEZ, Mr. PETERSON of Minnesota, Mr. MILLER of Florida, and Mrs. EMERSON.

H.R. 5580: Mr. EMANUEL, Mr. DAVIS of Illinois, and Mr. JOHNSON of Georgia.

H.R. 5611: Ms. WASSERMAN SCHULTZ and Mr. POMEROY.

H.R. 5635: Mrs. BONO MACK.

H.R. 5652: Mr. BURTON of Indiana and Mr. PETERSON of Minnesota.

H.R. 5672: Mr. HODES.

H.R. 5714: Mr. MCDERMOTT, Mr. LATHAM, Mr. SNYDER, Mr. TURNER, Mr. TANNER, Mr. EHLERS, Mr. SCHIFF, Mr. GOHMERT, Mr. HALL of New York, Mr. WALSH of New York, Mr. FALEOMAVAEGA, Mr. KUHL of New York, Mr. SHAYS, Mr. MURTHA, Mr. LAHOOD, Mrs. MALONEY of New York, Mr. DREIER, Ms. ZOE LOFGREN of California, and Mr. LINCOLN DIAZ-BALART of Florida.

H.R. 5723: Mr. ROSS.

H.R. 5737: Mr. BOREN.

H.R. 5748: Mr. ORTIZ.

H.R. 5756: Ms. LEE.

H.R. 5793: Mr. BRADY of Pennsylvania and Mr. CARDOZA.

H.R. 5795: Mr. PITTS.

H.R. 5797: Mr. KINGSTON.

H.R. 5802: Mr. FILNER, Mr. HONDA, Mr. MCDERMOTT, and Mr. NADLER.

H.R. 5825: Mr. COHEN.

H.R. 5852: Ms. WOOLSEY.

H.R. 5854: Mr. KLINE of Minnesota and Mr. UDALL of Colorado.

H.R. 5857: Mr. BROWN of South Carolina.

H.R. 5894: Ms. CLARKE and Ms. SCHAKOWSKY.

H.R. 5901: Ms. WATSON.

H.R. 5904: Mr. GRAVES.

H.R. 5908: Mr. CULBERSON.

H.R. 5914: Mr. ROSS.

H.R. 5936: Mr. VAN HOLLEN.

H.R. 5949: Ms. KAPTUR and Mr. CAMPBELL of California.

H.R. 5951: Mr. MORAN of Virginia.

H.R. 5979: Mr. REICHERT.

H.R. 5984: Mr. SESSIONS.

H.R. 5987: Mrs. MUSGRAVE.

H.R. 6029: Ms. DELAURO.

H.R. 6032: Mr. BISHOP of Utah.

H.R. 6056: Ms. BERKLEY, Mr. PLATTS, and Mr. RYAN of Ohio.

H.R. 6066: Mr. CAPUANO.

H.R. 6068: Ms. SUTTON.

H.R. 6078: Ms. VELÁZQUEZ, Mr. NADLER, and Mr. MCDERMOTT.

H.R. 6107: Mr. BOREN and Mr. BILIRAKIS.

H.R. 6108: Mr. COBLE, Mr. FRANKS of Arizona, Mr. CARTER, Mr. PENCE, and Mr. WOLF.

H.R. 6110: Mr. NUNES, Mrs. MYRICK, Mr. PRICE of Georgia, Mr. CAMPBELL of California, and Mr. BARTLETT of Maryland.

H.R. 6113: Ms. HIRONO.

H.R. 6140: Mr. MILLER of Florida.

H.R. 6144: Mr. THOMPSON of Mississippi.

H.R. 6163: Mr. TERRY.

H.R. 6180: Mr. OBERSTAR and Mr. RODRIGUEZ.

H.R. 6199: Mr. WALSH of New York.

H.R. 6201: Mr. BUTTERFIELD.

H.R. 6209: Mr. NEAL of Massachusetts.

H.R. 6210: Mr. PATRICK MURPHY of Pennsylvania.

H.R. 6214: Mr. BURTON of Indiana.

H.R. 6217: Mr. SALAZAR, Mr. KAGEN, Ms. DELAURO, Mr. BECERRA, Mr. HODES, Mr. CONYERS, Ms. SUTTON, and Ms. LEE.

H.R. 6220: Mr. LATTA.

H.R. 6228: Mr. PAYNE.

H.R. 6238: Mr. UDALL of Colorado, Mr. BURGESS, Mr. ROGERS of Michigan, Mrs. BONO MACK, Mrs. MYRICK, Mr. WHITFIELD of Kentucky, and Mr. LATOURETTE.

H.R. 6253: Mr. ROGERS of Kentucky.

H.R. 6282: Mr. MCCOTTER and Mr. MCHUGH.

H.R. 6293: Mr. MILLER of Florida and Mr. GONZALEZ.

H.R. 6321: Mrs. MUSGRAVE, Mr. BISHOP of New York, Mr. HOLDEN, Mr. PATRICK MURPHY of Pennsylvania, Mr. TURNER, Mr. ENGLISH of Pennsylvania, Mr. MCGOVERN, Mr. KAGEN, Mr. SHAYS, Mr. LOBIONDO, and Mr. BARTLETT of Maryland.

H.R. 6329: Mr. SOUDER.

H.R. 6339: Mr. GONZALEZ.

H.R. 6353: Mrs. BACHMANN.

H.R. 6366: Mr. SALAZAR.

H.R. 6374: Mr. WELLER.

H.R. 6375: Mrs. BONO MACK and Mr. MCDERMOTT.

H.R. 6379: Mr. BURTON of Indiana and Mr. BROWN of South Carolina.

H.R. 6399: Mr. SCOTT of Virginia, Ms. MOORE of Wisconsin, and Mr. WALZ of Minnesota.

H.R. 6400: Mr. PAUL.

H.R. 6403: Mr. GONZALEZ.

H.R. 6406: Ms. SHEA-PORTER.

H.R. 6411: Mr. BURTON of Indiana.

H.R. 6418: Mr. ROGERS of Kentucky.

H.R. 6428: Mrs. MYRICK and Mr. POE.

H.R. 6445: Mr. SPACE.

H.R. 6460: Mr. HINCHEY, Ms. SCHAKOWSKY, and Mr. CONYERS.

H.R. 6462: Ms. GIFFORDS.

H.R. 6485: Mr. TAYLOR, Ms. DELAURO, Ms. NORTON, Ms. CORRINE BROWN of Florida, Mr. BRADY of Pennsylvania, Mr. KILDEE, Mr. MORAN of Virginia, and Mr. WALZ of Minnesota.

H.R. 6490: Mr. MCHUGH and Mr. PLATTS.

H.R. 6496: Ms. WOOLSEY and Ms. WATSON.

H.R. 6499: Mr. DAVIS of Illinois.

H.R. 6511: Mr. LAMBORN.

H.R. 6520: Ms. CORRINE BROWN of Florida.

H.R. 6523: Ms. SHEA-PORTER.

H.R. 6525: Mr. ELLISON.

H.R. 6528: Mr. KILDEE.

H.R. 6532: Mr. BOUCHER, Mr. LINCOLN DIAZ-BALART of Florida, Mr. CHANDLER, Ms. HERSETH SANDLIN, Ms. HOOLEY, Mr. ISRAEL, Mr. KNOLLENBERG, Mr. KING of New York, Mr. KIRK, Mr. LARSON of Connecticut, Mr. MEEKS of New York, Mr. GARY G. MILLER of California, Mr. TIM MURPHY of Pennsylvania, Mr. REICHERT, Ms. SLAUGHTER, Mr. TURNER, Mr. SNYDER, Mr. UPTON, Mr. WALZ of Minnesota, Mr. YARMUTH, Ms. SUTTON, Mr. ALLEN, Mr. BACHUS, Mr. BRALEY of Iowa, Mr. HINCHEY, Mr. HULSHOF, Mr. LOEBSACK, Mrs. MALONEY of New York, Mr. MICHAUD, Mr. MOORE of Kansas, Mr. SHAYS, Mr. SKELTON, and Mr. WILSON of Ohio.

H.R. 6545: Mr. FOSTER.

H.J. Res. 68: Ms. FALLIN.

H. Con. Res. 73: Mrs. BACHMANN.

H. Con. Res. 137: Mr. GONZALEZ and Mrs. BACHMANN.

H. Con. Res. 223: Mr. DICKS, Mr. DOGGETT, Mr. WU, Mr. BAIRD, and Mrs. DRAKE.

H. Con. Res. 294: Mr. ROGERS of Alabama and Mr. REYES.

H. Con. Res. 296: Mr. GONZALEZ.

H. Con. Res. 342: Mr. WOLF, Mr. HINCHEY, and Mrs. CAPPS.

H. Con. Res. 351: Ms. SCHWARTZ.

H. Con. Res. 356: Mr. TERRY.

H. Con. Res. 361: Mr. ISRAEL, Mr. EMANUEL, Mr. ENGEL, and Mr. HONDA.

H. Con. Res. 364: Ms. KILPATRICK.

H. Con. Res. 378: Mr. TERRY.

H. Con. Res. 382: Mr. GRIJALVA.

H. Con. Res. 386: Mr. BRADY of Pennsylvania.

H. Con. Res. 388: Mr. HASTINGS of Washington.

H. Con. Res. 389: Mr. LINCOLN DIAZ-BALART of Florida and Ms. GRANGER.

H. Con. Res. 390: Mr. HINCHEY, Mr. COHEN, Mr. SESTAK, Ms. BORDALLO, and Mr. MCGOVERN.

H. Con. Res. 392: Mrs. JONES of Ohio and Ms. LEE.

H. Res. 489: Mr. FARR.

H. Res. 645: Mr. BACHUS, Mr. MCNULTY, Mr. JOHNSON of Georgia, Mr. MAHONEY of Florida, and Mr. SHULER.

H. Res. 757: Mr. FILNER.

H. Res. 758: Mr. MCHENRY, Mr. MARIO DIAZ-BALART of Florida, and Mr. ENGEL.

H. Res. 901: Ms. CORRINE BROWN of Florida, Ms. ROS-LEHTINEN, Ms. WASSERMAN SCHULTZ, Mr. LINCOLN DIAZ-BALART of Florida, Mr. HASTINGS of Florida, Ms. GINNY BROWN-WAITE of Florida, Mr. YOUNG of Florida, Mr. MEEK of Florida, and Mr. KLEIN of Florida.

H. Res. 1042: Mr. WILSON of South Carolina, Mr. WELLER, Mr. BACHUS, and Mr. NUNES.

H. Res. 1045: Mr. MORAN of Virginia.

H. Res. 1046: Mrs. BIGGERT and Mr. BRADY of Pennsylvania.

H. Res. 1055: Mr. CONYERS.

H. Res. 1072: Mr. MITCHELL.

H. Res. 1105: Mr. JOHNSON of Georgia.

H. Res. 1151: Mr. JORDAN, Mr. BROWN of South Carolina, Mr. NEAL of Massachusetts, Mr. MCCOTTER, and Mr. BURTON of Indiana.

H. Res. 1200: Mr. LARSEN of Washington, Mr. WEXLER, Mr. FATTAH, Mr. HINCHEY, Mr. BISHOP of Georgia, Mr. BOREN, Mr. GONZALEZ, Mr. PAYNE, Ms. SHEA-PORTER, Mr. TERRY, Ms. LORETTA SANCHEZ of California, Mr. HARE, and Mrs. MCMORRIS RODGERS.

H. Res. 1202: Mr. KIND and Mr. KAGEN.

H. Res. 1227: Ms. EDDIE BERNICE JOHNSON of Texas, Ms. CLARKE, Mr. BRADY of Pennsylvania, Ms. DELAURO, and Ms. LEE.

H. Res. 1241: Mr. CUMMINGS and Mr. MEEKS of New York.

H. Res. 1268: Ms. SCHAKOWSKY, Mr. DAVIS of Kentucky, Mr. PAYNE, Mr. THORNBERRY, Mr. ELLISON, Mr. POMEROY, Ms. ZOE LOFGREN of California, Mr. GONZALEZ, Mr. GENE GREEN of Texas, Ms. LEE, and Mr. CONYERS.

H. Res. 1273: Mr. CARDOZA.

H. Res. 1282: Ms. FALLIN.

H. Res. 1287: Mr. TERRY.

H. Res. 1288: Mr. BRADY of Pennsylvania, Mr. JEFFERSON, Mr. RYAN of Ohio, Mr. PETERSON of Minnesota, Ms. WATSON, and Mr. SHAYS.

H. Res. 1296: Mr. BRADY of Pennsylvania.

H. Res. 1300: Mr. WEXLER and Mrs. LOWEY.

H. Res. 1302: Mr. JORDAN.

H. Res. 1314: Mr. KILDEE.

H. Res. 1316: Mr. GONZALEZ.

H. Res. 1324: Mr. GRIJALVA, Mr. PETERSON of Minnesota, Mr. BRADY of Pennsylvania, Mr. DOYLE, and Ms. SUTTON.

H. Res. 1326: Mr. FARR.

H. Res. 1334: Mr. BURTON of Indiana.

H. Res. 1335: Mr. BISHOP of New York, Mr. HULSHOF, Mr. HARE, Mr. PATRICK MURPHY of Pennsylvania, Ms. HIRONO, and Mr. MAHONEY of Florida.

H. Res. 1351: Ms. ROS-LEHTINEN, Mr. SMITH of New Jersey, Mr. TANCREDO, Mr. BURTON of Indiana, Ms. JACKSON-LEE of Texas, Ms. LEE, Ms. WATSON, Mr. WEXLER, Mr. FORTUÑO, Mr. FRANK of Massachusetts, and Mr. ROYCE.

H. Res. 1355: Mr. EMANUEL, Mr. JACKSON of Illinois, Mr. GUTIERREZ, and Ms. SCHAKOWSKY.

H. Res. 1356: Mr. SMITH of Texas, Mr. MARIO DIAZ-BALART of Florida, Mr. BILBRAY, Mr. PAUL, and Mr. BRADY of Pennsylvania.

H. Res. 1359: Mr. CUMMINGS, Mr. MCGOVERN, and Mr. AL GREEN of Texas.

¶89.47 PETITIONS

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

295. The SPEAKER presented a petition of the Commission of the City of Miami Beach, Florida, relative to Resolution No. 2008-26825 urging the Congress of the United States to grant temporary protective status to Haitians in the United States; to the Committee on the Judiciary.

296. Also, a petition of the Board of Chosen Freeholders of the County of Hudson, New Jersey, relative to Resolution No. 253-6-2008 supporting the National Institute of Corrections against proposed budget eliminiation; to the Committee on the Judiciary.

297. Also, a petition of Mr. John Timson, a citizen of St. Petersburg, Florida, relative to petitioning the Congress of the United States for an appeal for redress; jointly to the Committees on the Judiciary and Veterans' Affairs.

¶89.48 DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H. Con. Res. 362: Mr. ALLEN and Mr. COHEN.

WEDNESDAY, JULY 23, 2008 (90)

The House was called to order by the SPEAKER.

¶90.1 APPROVAL OF THE JOURNAL

The SPEAKER announced she had examined and approved the Journal of the proceedings of Tuesday, July 22, 2008.

Pursuant to clause 1, rule I, the Journal was approved.

¶90.2 COMMUNICATIONS

Executive and other communications, pursuant to clause 8, rule XII, were referred as follows:

7718. A letter from the Director Office of Energy Policy and New Uses, Department of Agriculture, transmitting the Department's final rule — Designation of Biobased Items for Federal Procurement (RIN: 0503–AA30) received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7719. A letter from the Regulatory Review Group Director, Department of Agriculture, transmitting the Department's final rule — Regulatory Streamlining of the Farm Service Agency's Direct Farm Loan Programs (RIN: 0560–AF60) received February 5, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7720. A letter from the Secretary of the Army, Department of Defense, transmitting notification that the Average Procurement Unit Cost (APUC) and Program Acquisition Unit Cost metrics for the Armed Reconnaissance Helicopter Program have exceeded the 25 percent critical cost growth threshold, pursuant to 10 U.S.C. 2433; to the Committee on Armed Services.

7721. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting a letter on the approved retirement Vice Admiral Evan M. Chanik, United States Navy, and his advancement to the grade of vice admiral on the retired list; to the Committee on Armed Services.

7722. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General Joseph F. Weber, United States Marine Corps, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

7723. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting a letter on the approved retirement of Brigadier General Harold W. Moulton II, United States Air Force, and his advancement to the grade of brigadier general on the retired list; to the Committee on Armed Services.

7724. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting a letter on the approved retirement of Brigadier General Gregory A. Feest, United States Air Force, and his advancement to the grade of major general on the retired list; to the Committee on Armed Services.

7725. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting authorization of the enclosed list of officers to wear the insignia of the next higher grade in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

7726. A letter from the Inspector General, Department of Defense, transmitting the semiannual report of the Inspector General for the period October 1, 2007 through March 31, 2008, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Armed Services.

7727. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations [Docket No. FEMA–B–7788] received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7728. A letter from the Director, Regulations Policy and Mgmt. Staff, Department of Health and Human Services, transmitting the Department's final rule — Medical Devices; Medical Device Reporting; Baseline Reports [Docket No. FDA–2008–N–0310] received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7729. A letter from the Deputy Chief, CGB, Federal Communications Commission, transmitting the Commission's final rule — In the Matter of Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities E911 Requirements for IP-Enabled Service Providers [CG Docket No. 03–123 WC Docket No. 05–196] received July 15, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7730. A letter from the Assistant Bureau Chief, Enforcement Bureau, Federal Communications Commission, transmitting the Commission's final rule — In the Matter of Amendment of Section 1.80(b) of the Commission's Rules Adjustment of Forfeiture Maxima to Reflect Inflation [EB File No. EB–06–SE–132] received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7731. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — In the Matter of Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Harper, Texas) [MB Docket No. 07–211 RM–11400] received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7732. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — In the matter of Amendment of Section 73.202(b) FM Table of Allotments, FM Broadcast Stations. (Dededo, Guam) [MB Docket No. 08–12 RM–11414] received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7733. A letter from the Deputy Chief, CGB, Federal Communications Commission, transmitting the Commission's final rule — In the Matter of Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991 [CG Docket No. 02–278] received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7734. A letter from the Director, International Cooperation, Department of Defense, transmitting Pursuant to Section 27(f) of the Arms Export Control Act and Section 1(f) of Executive Order 11958, Transmittal No. 11–08 informing of an intent to sign a Project Agreement between the United States and Israel, pursuant to 22 U.S.C. 2767(f); to the Committee on Foreign Affairs.

7735. A letter from the Secretary, Department of the Treasury, transmitting a six month periodic report on the national emergency with respect to Liberia that was declared in Executive Order 13348 of July 22, 2004, pursuant to 50 U.S.C. 1641(c); to the Committee on Foreign Affairs.

7736. A letter from the Acting Director, Defense Security Cooperation Agency, transmitting pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 08–77 concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance to Germany for defense articles and services; to the Committee on Foreign Affairs.

7737. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 08–34 concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance to Singapore for defense articles and services; to the Committee on Foreign Affairs.

7738. A letter from the Acting Director, Defense Security Cooperation Agency, transmitting pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 08–37 concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance to Morocco for defense articles and services; to the Committee on Foreign Affairs.

7739. A letter from the Director, Defense Security Cooperation Agency, transmitting

pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 08–43 concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance to Finland for defense articles and services; to the Committee on Foreign Affairs.

7740. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 08–53 concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance to Qatar for defense articles and services; to the Committee on Foreign Affairs.

7741. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 08–74 concerning the Department of the Navy's proposed Letter(s) of Offer and Acceptance to Australia for defense articles and services; to the Committee on Foreign Affairs.

7742. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 08–63 concerning the Department of the Navy's proposed Letter(s) of Offer and Acceptance to Israel for defense articles and services; to the Committee on Foreign Affairs.

7743. A letter from the Acting Assistant Secretary For Export Administration, Department of Commerce, transmitting the Department's final rule — Implementation of the Understandings Reached at the April 2008 Australia Group (AG) Plenary Meeting; Additions to the List of States Parties to the Chemical Weapons Convention (CWC) [Docket No. 080528717–8722–01] (RIN: 0694–AE36) received July 9, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

7744. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 3(d) of the Arms Export Control Act, certification regarding the proposed transfer of major defense equipment from the Republic of Korea (Transmittal No. RSAT–01–08); to the Committee on Foreign Affairs.

7745. A letter from the President & CEO, Overseas Private Investment Corporation, transmitting the Corporation's Annual Policy Report for FY 2007 and Report on Cooperation with Private Insurers, in accordance with Section 240A of the Foreign Assistance Act of 1961; to the Committee on Foreign Affairs.

7746. A letter from the Chief Financial Officer, Department of Housing and Urban Development, transmitting the Department's Fiscal Year 2007 Inventory of Inherently Governmental and Commercial Activities, as required by OMB Circular A–76 and the Federal Activities Inventory Reform Act of 1998; to the Committee on Oversight and Government Reform.

7747. A letter from the Assistant Attorney General for Administration, Department of Justice, transmitting in accordance with the Federal Activities Inventory Reform Act of 1998, the Department's FY 2007 inventory of commercial and inherently governmental activities; to the Committee on Oversight and Government Reform.

7748. A letter from the Deputy White House Liaison, Department of Justice, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

7749. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule — Prevailing Rate Systems; Redefinition of the New Orleans, Louisiana, Appropriated Fund Federal Wage System Wage Area (RIN: 3206-AL68) received July 9, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

7750. A letter from the Chief Administrative Officer, transmitting the quarterly report of receipts and expenditures of appropriations and other funds for the period April 1, 2008 through June 30, 2008 as compiled by the Chief Administrative Officer, pursuant to 2 U.S.C. 104a; (H. Doc. No. 110–136); to the Committee on House Administration and ordered to be printed.

7751. A letter from the Director, Office of Congressional & Legis. Aff. — Indian Aff., Department of the Interior, transmitting the Department's final rule — Law and Order on Indian Reservations (RIN: 1076–AE67) received July 17, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7752. A letter from the Director Office of Protected Resources, NMFS, NOAA, Commerce, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Taking and Importing Marine Mammals; Taking Marine Mammals Incidental to the Explosive Removal of Ofshore Structures in the Gulf of Mexico [Docket No. 080302357–8703–01; I.D. 030905A] (RIN: 0648–AT79) received July 17, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7753. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Taking of Marine Mammals Incidental to Commercial Fishing Operations; Atlantic Large Whale Take Reduction Plan Regulations [Docket No. 080103017–8598–03; I.D. 120304D] (RIN: 0648–AS01) received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7754. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Northern Rockfish, Pacific Ocean Perch, and Pelagic Shelf Rockfish for Catcher Vessels Participating in the Limited Access Rockfish Fishery in the Central Regulatory Area of the Gulf of Alaska [Docket No. 071106671–8010–02] (RIN: 0648–XI37) received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7755. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Trawl Catcher Processors in the Amendment 80 Limited Access Fishery in the Bering Sea and Aleutian Islands Management Area [Docket No. 071106673–8011–02] (RIN: 0648–XI69) received July 15, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7756. A letter from the Director, Administrative Office of the United States Courts, transmitting a report on applications for delayed-notice search warrants and extensions during fiscal year 2007, pursuant to 18 U.S.C. 3103a(d); to the Committee on the Judiciary.

7757. A letter from the Chairman — Surface Transportation Board, Department of Transportation, transmitting the Department's final rule — REGULATIONS GOVERNING FEES FOR SERVICES PERFORMED IN CONNECTION WITH LICENSING AND RELATED SERVICES-2008 UPDATE [STB Ex Parte No. 542 (Sub-No. 15)] received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7758. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Escrow Accounts, Trusts, and Other Funds Used During Deferred Exchanges of Like-Kind Property [TD 9413] (RIN: 1545–BD19) received July 9, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7759. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Update for Weighted Average Interest Rates, Yield Curves, and Segment Rates [Notice 2008–65] received July 9, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7760. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Change to Office to which Notices of Nonjudicial Sale and Requests for Return of Wrongfully Levied Property must be sent. [TD 9410] (RIN: 1545–BF54) received July 9, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7761. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — REMIC Residual Interests — Accounting for REMIC Net Income (Including Any Excess Inclusions) (Foreign Holders) [TD 9415] (RIN: 1545–BB84) received July 15, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7762. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Grantor Retained Interest Trusts — Application of Sections 2036 and 2039 [TD 9414] (RIN: 1545–BE52) received July 15, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7763. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Determining the Amount of Taxes Paid for Purposes of Section 901 [TD 9416] (RIN: 1545–BH74) received July 16, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

¶90.3 BURMESE FREEDOM AND DEMOCRACY

Mr. LEVIN moved to suspend the rules and pass the joint resolution (H.J. Res. 93) approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003; as amended.

The SPEAKER pro tempore, Mrs. TAUSCHER, recognized Mr. LEVIN and Mr. HERGER, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said joint resolution, as amended?

The SPEAKER pro tempore, Mrs. TAUSCHER, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said joint resolution, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said joint resolution, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said joint resolution.

¶90.4 HIGHWAY TRUST FUND

Mr. LEWIS of Georgia, moved to suspend the rules and pass the bill (H.R. 6532) to amend the Internal Revenue Code of 1986 to restore the Highway Trust Fund balance.

The SPEAKER pro tempore, Mrs. TAUSCHER, recognized Mr. LEWIS of Georgia, and Mr. MCCRERY, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mrs. TAUSCHER, announced that two-thirds of the Members present had voted in the affirmative.

Mr. MCCRERY demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mrs. TAUSCHER, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶90.5 JOHN MICHAEL GIBSON AND JACOB JOSEPH CHESTNUT

Mr. BRADY of Pennsylvania, moved to suspend the rules and agree to the resolution (H. Res. 1360):

Whereas Detective Gibson, born March 29, 1956, was killed in the line of duty while protecting the office complex of the House Majority Whip;

Whereas Private First Class Chestnut, born April 28, 1940, was killed in the line of duty while guarding the Document Room Door entrance of the Capitol;

Whereas Detective Gibson and Private First Class Chestnut were the first police officers to lie in honor in the rotunda of the Capitol;

Whereas Private First Class Chestnut was the first African-American to lie in honor in the rotunda of the Capitol;

Whereas Detective Gibson was married to Evelyn and was the father of three children;

Whereas Private First Class Chestnut was married to Wen Ling and was the father of five children; and

Whereas 10 years have passed since Detective Gibson and Private First Class Chestnut sacrificed their lives to protect the lives of hundreds of tourists, staff, and Members of Congress on July 24, 1998: Now, therefore, be it

Resolved, That the House of Representatives—

(1) honors and commemorates the selfless acts of heroism displayed by the late Private First Class Jacob Joseph Chestnut and Detective John Michael Gibson of the United States Capitol Police on July 24, 1998; and

(2) expresses its condolences to the wives, children, and other family members of Private First Class Chestnut and Detective Gibson on the 10 year anniversary of their passing.

The SPEAKER pro tempore, Mrs. TAUSCHER, recognized Mr. BRADY of Pennsylvania, and Mr. EHLERS, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mrs. TAUSCHER, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶90.6 UNITED STATES CAPITOL POLICE

Mr. BRADY of Pennsylvania, moved to suspend the rules and agree to the resolution (H. Res. 645); as amended:

Whereas the United States Capitol Police force consists of over 1,600 officers who are dedicated to the protection and security of the Capitol Complex and its employees and visitors;

Whereas the United States Capitol Police continually sacrifice to provide safety and security to the Members, staff, and nearly 3 million visitors each year to the Capitol Complex;

Whereas the officers of the United States Capitol Police face the danger of physical and verbal assaults and continue to provide courteous, responsible, and diligent services in an unbiased and nonpartisan manner;

Whereas the United States Capitol Police face many threats to their safety and must remain constantly alert for suspicious actions or for any failure to respond to requests and instructions;

Whereas the United States Capitol Police are on the front lines of the War on Terrorism and remain on constant alert against unauthorized access to Capitol buildings, terrorism, and other threats to the Capitol Complex;

Whereas Capitol Police officers stationed throughout the Capitol Complex act in a professional manner and treat Members, staff, and visitors with dignity and respect;

Whereas the United States Capitol Police consistently apply security and safety measures to all, including Members of Congress; and

Whereas the United States Capitol Police is one of the best trained, most highly respected law enforcement agencies in the United States: Now, therefore, be it

Resolved, That the House of Representatives—

(1) expresses its gratitude and appreciation for the professional manner in which the United States Capitol Police carry out their diverse missions;

(2) expresses appreciation for the dedication United States Capitol Police officers display in protecting the Capitol Complex; and

(3) commends the United States Capitol Police for their continued courage and professionalism in protecting the Capitol Complex and its employees and visitors.

The SPEAKER pro tempore, Mrs. TAUSCHER, recognized Mr. BRADY of Pennsylvania, and Mr. EHLERS, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mrs. TAUSCHER, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

By unanimous consent, the title was amended so as to read: ''A resolution expressing the gratitude and appreciation of the House of Representatives to the professionalism and dedication of the United States Capitol Police as the House honors the 10th Anniversary of the tragic deaths of Officer Jacob Chestnut and Detective John Gibson, who lost their lives protecting the Capitol and the people inside from an armed attack.''.

A motion to reconsider the votes whereby the rules were suspended and said resolution, as amended, was agreed to and the title was amended was, by unanimous consent, laid on the table.

¶90.7 MESSAGE FROM THE SENATE

A message from the Senate by Ms. Byrd, one of its clerks, announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 3295. An Act to amend title 35, United States Code, and the Trademark Act of 1946 to provide that the Secretary of Commerce, in consultation with the Director of the United States Patent and Trademark Office, shall appoint administrative patent judges and administrative trademark judges, and for other purposes.

The message also announced that the Senate agrees to the amendments of the House to the amendments of the Senate to the bill (H.R. 3890) ''An Act to amend the Burmese Freedom and Democracy Act of 2003 to impose import sanctions on Burmese gemstones, expand the number of individuals against whom the visa ban is applicable, expand the blocking of assets and other prohibited activities, and for other purposes.''.

¶90.8 CONSTITUTION OF THE UNITED STATES

On motion of Mr. BRADY of Pennsylvania, by unanimous consent, the Committee on House Administration was discharged from further consideration of the following concurrent resolution (H. Con. Res. 395):

SECTION 1. AUTHORIZING PRINTING OF ADDITIONAL NUMBER OF COPIES OF POCKET VERSION OF THE UNITED STATES CONSTITUTION.

Under the direction of the Joint Committee on Printing, there shall be printed an additional number of copies of the 23rd edition of the pocket version of the United States Constitution (House Document 110—51) equal to the lesser of—

(1) 550,000 copies, of which 440,000 copies shall be for the use of the House of Representatives, 100,000 copies shall be for the use of the Senate, and 10,000 copies shall be for the use of the Joint Committee on Printing; or

(2) such number of copies as does not exceed a total production and printing cost of $180,949, with distribution to be allocated in the same proportion as described in paragraph (1), except that in no case shall the number of copies be less than 1 per Member of Congress.

When said concurrent resolution was considered and agreed to.

A motion to reconsider the vote whereby said concurrent resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶90.9 PROVIDING FOR CONSIDERATION OF H.R. 3221

Ms. CASTOR, by direction of the Committee on Rules, called up the following resolution (H. Res. 1363):

Resolved, That upon adoption of this resolution it shall be in order to take from the Speaker's table the bill (H.R. 3221) to provide needed housing reform and for other purposes, with the Senate amendment to the House amendments to the Senate amendment thereto, and to consider in the House, without intervention of any point of order, a motion offered by the chairman of the Committee on Financial Services or his designee that the House concur in the Senate amendment to the House amendment numbered 1 with the amendment printed in the report of the Committee on Rules accompanying this resolution. The Senate amendment and the motion shall be considered as read. The motion shall be debatable for two hours, with 80 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Financial Services and 40 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means. The previous question shall be considered as ordered on the motion to its adoption without intervening motion.

SEC. 2. Upon adoption of the motion specified in the first section of this resolution, the House shall be considered to have receded from any remaining amendments or disagreements.

SEC. 3. During consideration of the motion to concur pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the motion to such time as may be designated by the Speaker.

When said resolution was considered.

After debate,

Ms. CASTOR moved the previous question was ordered on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House now order the previous question?

The SPEAKER pro tempore, Mr. HOLDEN, announced that the yeas had it.

Mr. SESSIONS demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. HOLDEN, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed.

¶90.10 MOTION TO ADJOURN

Mr. SESSIONS moved that the House do now adjourn.

The question being put, viva voce,

Will the House now adjourn?

The SPEAKER pro tempore, Mr. HOLDEN, announced that the nays had it.

Mr. SESSIONS demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the negative { Yeas ..... 20 / Nays ..... 400 }

¶90.11 [Roll No. 515]

YEAS—20

Bartlett (MD)	Johnson (IL)	Shadegg
Blackburn	Johnson, Sam	Shimkus
Cannon	King (IA)	Souder
Deal (GA)	Marchant	Tancredo
Delahunt	Myrick	Thornberry
Emerson	Petri	Young (AK)
English (PA)	Sessions	

NAYS—400

Abercrombie	Cummings	Holt
Ackerman	Davis (AL)	Honda
Aderholt	Davis (CA)	Hooley
Akin	Davis (IL)	Hoyer
Alexander	Davis (KY)	Hunter
Allen	Davis, David	Inglis (SC)
Altmire	Davis, Lincoln	Inslee
Andrews	Davis, Tom	Israel
Arcuri	DeFazio	Issa
Baca	DeGette	Jackson (IL)
Bachmann	DeLauro	Jackson-Lee (TX)
Bachus	Dent	Jefferson
Baird	Diaz-Balart, L.	Johnson (GA)
Baldwin	Diaz-Balart, M.	Johnson, E. B.
Barrett (SC)	Dicks	Jones (NC)
Barrow	Dingell	Jones (OH)
Bean	Doggett	Jordan
Becerra	Donnelly	Kagen
Berkley	Doolittle	Kanjorski
Berman	Doyle	Kaptur
Berry	Drake	Keller
Biggert	Dreier	Kennedy
Bilbray	Duncan	Kildee
Bilirakis	Edwards (MD)	Kilpatrick
Bishop (NY)	Edwards (TX)	King (NY)
Blumenauer	Ehlers	Kingston
Blunt	Ellison	Kirk
Boehner	Ellsworth	Klein (FL)
Bonner	Emanuel	Kline (MN)
Bono Mack	Engel	Knollenberg
Boozman	Eshoo	Kucinich
Boren	Etheridge	Kuhl (NY)
Boucher	Everett	LaHood
Boustany	Fallin	Lamborn
Boyd (FL)	Farr	Lampson
Boyda (KS)	Fattah	Langevin
Brady (PA)	Feeney	Larsen (WA)
Brady (TX)	Ferguson	Larson (CT)
Braley (IA)	Filner	Latham
Broun (GA)	Flake	LaTourette
Brown (SC)	Forbes	Latta
Brown, Corrine	Fortenberry	Lee
Buchanan	Fossella	Levin
Burgess	Foster	Lewis (CA)
Burton (IN)	Foxx	Lewis (GA)
Butterfield	Frank (MA)	Lewis (KY)
Buyer	Franks (AZ)	Linder
Calvert	Frelinghuysen	Lipinski
Camp (MI)	Gallegly	LoBiondo
Campbell (CA)	Garrett (NJ)	Loebsack
Cantor	Gerlach	Lofgren, Zoe
Capito	Giffords	Lowey
Capps	Gilchrest	Lucas
Capuano	Gillibrand	Lungren, Daniel E.
Cardoza	Gingrey	Lynch
Carnahan	Gohmert	Mack
Carney	Gonzalez	Mahoney (FL)
Carson	Goode	Maloney (NY)
Carter	Goodlatte	Manzullo
Castle	Gordon	Markey
Castor	Granger	Marshall
Cazayoux	Graves	Matheson
Chabot	Green, Al	Matsui
Chandler	Grijalva	McCarthy (CA)
Childers	Gutierrez	McCarthy (NY)
Clarke	Hall (NY)	McCaul (TX)
Clay	Hall (TX)	McCollum (MN)
Cleaver	Harman	McCotter
Clyburn	Hastings (FL)	McCrery
Coble	Hastings (WA)	McDermott
Cohen	Hayes	McGovern
Cole (OK)	Heller	McHenry
Conaway	Hensarling	McHugh
Conyers	Herger	McIntyre
Cooper	Herseth Sandlin	McKeon
Costa	Higgins	McMorris Rodgers
Costello	Hill	McNerney
Courtney	Hinchey	McNulty
Cramer	Hinojosa	Meek (FL)
Crenshaw	Hirono	Meeks (NY)
Crowley	Hobson	Melancon
Cubin	Hodes	Mica
Cuellar	Hoekstra	Michaud
Culberson	Holden	Miller (FL)
		Miller (MI)
		Miller (NC)
		Miller, Gary
		Miller, George
		Mitchell
		Mollohan
		Moore (KS)
		Moore (WI)
		Moran (KS)
		Moran (VA)
		Murphy (CT)
		Murphy, Patrick
		Murphy, Tim
		Murtha
		Musgrave
		Nadler
		Napolitano
		Neal (MA)
		Neugebauer
		Nunes
		Oberstar
		Olver
		Pallone
		Pascrell
		Pastor
		Paul
		Payne
		Pearce
		Pence
		Perlmutter
		Peterson (MN)
		Peterson (PA)
		Pickering
		Pitts
		Platts
		Poe
		Pomeroy
		Porter
		Price (GA)
		Price (NC)
		Pryce (OH)
		Putnam
		Radanovich
		Rahall
		Ramstad
		Rangel
		Regula
		Rehberg
		Reichert
		Renzi
		Reyes
		Reynolds
		Richardson
		Rodriguez
		Rogers (AL)
		Rogers (KY)
		Rogers (MI)
		Rohrabacher
		Ros-Lehtinen
		Roskam
		Ross
		Rothman
		Roybal-Allard
		Royce
		Ruppersberger
		Ryan (OH)
		Ryan (WI)
		Salazar
		Sali
		Sánchez, Linda T.
		Sanchez, Loretta
		Sarbanes
		Saxton
		Scalise
		Schakowsky
		Schiff
		Schmidt
		Schwartz
		Scott (GA)
		Scott (VA)
		Sensenbrenner
		Serrano
		Sestak
		Shays
		Shea-Porter
		Sherman
		Shuler
		Shuster
		Simpson
		Sires
		Skelton
		Slaughter
		Smith (NE)
		Smith (NJ)
		Smith (TX)
		Smith (WA)
		Snyder
		Solis
		Space
		Speier
		Spratt
		Stark
		Stearns
		Stupak
		Sutton
		Tanner
		Tauscher
		Taylor
		Terry
		Thompson (CA)
		Thompson (MS)
		Tiahrt
		Tiberi
		Tierney
		Towns
		Tsongas
		Turner
		Udall (CO)
		Udall (NM)
		Upton
		Van Hollen
		Velázquez
		Visclosky
		Walberg
		Walden (OR)
		Walsh (NY)
		Walz (MN)
		Wamp
		Wasserman Schultz
		Waters
		Watson
		Watt
		Waxman
		Weiner
		Welch (VT)
		Weldon (FL)
		Weller
		Westmoreland
		Wexler
		Whitfield (KY)
		Wilson (NM)
		Wilson (OH)
		Wittman (VA)
		Wolf
		Woolsey
		Wu
		Yarmuth
		Young (FL)

NOT VOTING—14

Barton (TX)	Green, Gene	Rush
Bishop (GA)	Hare	Sullivan
Bishop (UT)	Hulshof	Wilson (SC)
Boswell	Kind	
Brown-Waite, Ginny	Obey	
	Ortiz	

So the motion to adjourn was not agreed to.

¶90.12 H. RES. 1363—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. HOLDEN, pursuant to clause 8, rule XX, announced the unfinished business to be the question on ordering the previous question on the resolution (H. Res. 1363) providing for consideration of the Senate amendment to the House amendments to the Senate amendment to the bill (H.R. 3221) to provide needed housing reform and for other purposes.

The question being put,

Will the House now order the previous question?

The vote was taken by electronic device.

It was decided in the affirmative { Yeas ..... 226 / Nays ..... 183 }

¶90.13 [Roll No. 516]

YEAS—226

Abercrombie	Baldwin	Boucher
Ackerman	Barrow	Boyd (FL)
Allen	Becerra	Boyda (KS)
Altmire	Berkley	Brady (PA)
Andrews	Berry	Braley (IA)
Arcuri	Bishop (NY)	Brown, Corrine
Baca	Blumenauer	Butterfield
Baird	Boren	Capps

Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Cazayoux
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Grijalva
Gutierrez
Hall (NY)
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kildee
Kilpatrick
Kind
Kirk
Klein (FL)
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reichert
Reyes
Richardson
Rodriguez
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—183

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Blackburn
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Capito
Chabot
Coble
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mitchell
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Saxton
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOT VOTING—25

Bean
Berman
Bishop (GA)
Bishop (UT)
Blunt
Boehner
Boswell
Brown-Waite, Ginny
Cantor
Carter
Castle
Cole (OK)
Dreier
Granger
Green, Gene
Hare
Hulshof
Kennedy
Ortiz
Putnam
Radanovich
Rush
Speier
Turner
Van Hollen

So the previous question on the resolution was ordered.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. HOLDEN, announced that the nays had it.

Ms. CASTOR demanded a recorded vote on agreeing to said resolution, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 223 Nays 201

¶90.14 [Roll No. 517]

AYES—223

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (NY)
Blumenauer
Boren
Boucher
Boyd (FL)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Cazayoux
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Grijalva
Gutierrez
Hall (NY)
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NOES—201

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Boyda (KS)
Brady (TX)
Broun (GA)
Brown (SC)
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Kaptur
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Mitchell
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds

Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOT VOTING—10

Bishop (GA)
Bishop (UT)
Boswell
Brown-Waite, Ginny
Green, Gene
Hare
Hulshof
Musgrave
Ortiz
Rush

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶90.15 H.R. 6532—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. HOLDEN, pursuant to clause 8, rule XX, announced the further unfinished business to be the motion to suspend the rules and pass the bill (H.R. 6532) to amend the Internal Revenue Code of 1986 to restore the Highway Trust Fund balance.

The question being put,

Will the House suspend the rules and pass said bill?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 387 / Nays 37

¶90.16 [Roll No. 518]

YEAS—387

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Cazayoux
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Forbes
Fortenberry
Fossella
Foster
Frank (MA)
Gallegly
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Graves
Green, Al
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hunter
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lampson
Langevin
Larsen (WA)
Latham
LaTourette
Latta
Lee
Levin
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McDermott
McGovern
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Rahall
Ramstad
Rangel
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Scalise
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sessions
Sestak
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Speier
Spratt
Stark
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)

NAYS—37

Broun (GA)
Campbell (CA)
Chabot
Flake
Foxx
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Granger
Hensarling
Hobson
Inglis (SC)
Johnson, Sam
Jordan
Kingston
Lamborn
Lewis (CA)
Lungren, Daniel E.
Manzullo
Marchant
McCrery
McHenry
Miller (FL)
Musgrave
Neugebauer
Nunes
Pence
Radanovich
Regula
Royce
Ryan (WI)
Sensenbrenner
Shadegg
Stearns
Tancredo
Thornberry
Young (FL)

NOT VOTING—10

Bishop (GA)
Bishop (UT)
Boswell
Brown-Waite, Ginny
Green, Gene
Hare
Hulshof
Larson (CT)
Ortiz
Rush

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶90.17 AMENDMENT OF THE SENATE TO THE HOUSE AMENDMENT TO THE AMENDMENT OF THE SENATE WITH AN AMENDMENT TO H.R. 3221

On motion of Mr. FRANK of Massachusetts, pursuant to House Resolution 1363, the bill (H.R. 3221) to provide needed housing reform, and for other purposes; together with the following amendment of the Senate to the amendments of the House to the amendment of the Senate with an amendment thereto, was taken from the Speaker's table:

In lieu of the matter proposed to be inserted, insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Housing and Economic Recovery Act of 2008''.

(b) TABLE OF CONTENT.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

DIVISION A—HOUSING FINANCE REFORM

Sec. 1001. Short title.
Sec. 1002. Definitions.

TITLE I—REFORM OF REGULATION OF ENTERPRISES

Subtitle A—Improvement of Safety and Soundness Supervision

Sec. 1101. Establishment of the Federal Housing Finance Agency.
Sec. 1102. Duties and authorities of the Director.
Sec. 1103. Federal Housing Finance Oversight Board.
Sec. 1104. Authority to require reports by regulated entities.
Sec. 1105. Examiners and accountants; authority to contract for reviews of regulated entities; ombudsman.
Sec. 1106. Assessments.
Sec. 1107. Regulations and orders.
Sec. 1108. Prudential management and operations standards.
Sec. 1109. Review of and authority over enterprise assets and liabilities.
Sec. 1110. Risk-based capital requirements.
Sec. 1111. Minimum capital levels.
Sec. 1112. Registration under the securities laws.
Sec. 1113. Prohibition and withholding of executive compensation.
Sec. 1114. Limit on golden parachutes.
Sec. 1115. Reporting of fraudulent loans.

Subtitle B—Improvement of Mission Supervision

Sec. 1121. Transfer of program approval and housing goal oversight.
Sec. 1122. Assumption by the Director of certain other HUD responsibilities.
Sec. 1123. Review of enterprise products.
Sec. 1124. Conforming loan limits.
Sec. 1125. Annual housing report.
Sec. 1126. Public use database.

Sec. 1127. Reporting of mortgage data.
Sec. 1128. Revision of housing goals.
Sec. 1129. Duty to serve underserved markets.
Sec. 1130. Monitoring and enforcing compliance with housing goals.
Sec. 1131. Affordable housing programs.
Sec. 1132. Financial education and counseling.
Sec. 1133. Transfer and rights of certain HUD employees.

Subtitle C—Prompt Corrective Action

Sec. 1141. Critical capital levels.
Sec. 1142. Capital classifications.
Sec. 1143. Supervisory actions applicable to undercapitalized regulated entities.
Sec. 1144. Supervisory actions applicable to significantly undercapitalized regulated entities.
Sec. 1145. Authority over critically undercapitalized regulated entities.

Subtitle D—Enforcement Actions

Sec. 1151. Cease and desist proceedings.
Sec. 1152. Temporary cease and desist proceedings.
Sec. 1153. Removal and prohibition authority.
Sec. 1154. Enforcement and jurisdiction.
Sec. 1155. Civil money penalties.
Sec. 1156. Criminal penalty.
Sec. 1157. Notice after separation from service.
Sec. 1158. Subpoena authority.

Subtitle E—General Provisions

Sec. 1161. Conforming and technical amendments.
Sec. 1162. Presidentially-appointed directors of enterprises.
Sec. 1163. Effective date.

TITLE II—FEDERAL HOME LOAN BANKS

Sec. 1201. Recognition of distinctions between the enterprises and the Federal Home Loan Banks.
Sec. 1202. Directors.
Sec. 1203. Definitions.
Sec. 1204. Agency oversight of Federal Home Loan Banks.
Sec. 1205. Housing goals.
Sec. 1206. Community development financial institutions.
Sec. 1207. Sharing of information among Federal Home Loan Banks.
Sec. 1208. Exclusion from certain requirements.
Sec. 1209. Voluntary mergers.
Sec. 1210. Authority to reduce districts.
Sec. 1211. Community financial institution members.
Sec. 1212. Public use database; reports to Congress.
Sec. 1213. Semiannual reports.
Sec. 1214. Liquidation or reorganization of a Federal Home Loan Bank.
Sec. 1215. Study and report to Congress on securitization of acquired member assets.
Sec. 1216. Technical and conforming amendments.
Sec. 1217. Study on Federal Home Loan Bank advances.
Sec. 1218. Federal Home Loan Bank refinancing authority for certain residential mortgage loans.

TITLE III—TRANSFER OF FUNCTIONS, PERSONNEL, AND PROPERTY OF OFHEO AND THE FEDERAL HOUSING FINANCE BOARD

Subtitle A—OFHEO

Sec. 1301. Abolishment of OFHEO.
Sec. 1302. Continuation and coordination of certain actions.
Sec. 1303. Transfer and rights of employees of OFHEO.
Sec. 1304. Transfer of property and facilities.

Subtitle B—Federal Housing Finance Board

Sec. 1311. Abolishment of the Federal Housing Finance Board.
Sec. 1312. Continuation and coordination of certain actions.
Sec. 1313. Transfer and rights of employees of the Federal Housing Finance Board.
Sec. 1314. Transfer of property and facilities.

TITLE IV—HOPE FOR HOMEOWNERS

Sec. 1401. Short title.
Sec. 1402. Establishment of HOPE for Homeowners Program.
Sec. 1403. Fiduciary duty of servicers of pooled residential mortgage loans.
Sec. 1404. Revised standards for FHA appraisers.

TITLE V—S.A.F.E. MORTGAGE LICENSING ACT

Sec. 1501. Short title.
Sec. 1502. Purposes and methods for establishing a mortgage licensing system and registry.
Sec. 1503. Definitions.
Sec. 1504. License or registration required.
Sec. 1505. State license and registration application and issuance.
Sec. 1506. Standards for State license renewal.
Sec. 1507. System of registration administration by Federal agencies.
Sec. 1508. Secretary of Housing and Urban Development backup authority to establish a loan originator licensing system.
Sec. 1509. Backup authority to establish a nationwide mortgage licensing and registry system.
Sec. 1510. Fees.
Sec. 1511. Background checks of loan originators.
Sec. 1512. Confidentiality of information.
Sec. 1513. Liability provisions.
Sec. 1514. Enforcement under HUD backup licensing system.
Sec. 1515. State examination authority.
Sec. 1516. Reports and recommendations to Congress.
Sec. 1517. Study and reports on defaults and foreclosures.

TITLE VI—MISCELLANEOUS

Sec. 1601. Study and reports on guarantee fees.
Sec. 1602. Study and report on default risk evaluation.
Sec. 1603. Conversion of HUD contracts.
Sec. 1604. Bridge depository institutions.
Sec. 1605. Sense of the Senate.

DIVISION B—FORECLOSURE PREVENTION

Sec. 2001. Short title.
Sec. 2002. Emergency designation.

TITLE I—FHA MODERNIZATION ACT OF 2008

Sec. 2101. Short title.

Subtitle A—Building American Homeownership

Sec. 2111. Short title.
Sec. 2112. Maximum principal loan obligation.
Sec. 2113. Cash investment requirement and prohibition of seller-funded down payment assistance.
Sec. 2114. Mortgage insurance premiums.
Sec. 2115. Rehabilitation loans.
Sec. 2116. Discretionary action.
Sec. 2117. Insurance of condominiums.
Sec. 2118. Mutual Mortgage Insurance Fund.
Sec. 2119. Hawaiian home lands and Indian reservations.
Sec. 2120. Conforming and technical amendments.
Sec. 2121. Insurance of mortgages.
Sec. 2122. Home equity conversion mortgages.
Sec. 2123. Energy efficient mortgages program.
Sec. 2124. Pilot program for automated process for borrowers without sufficient credit history.
Sec. 2125. Homeownership preservation.
Sec. 2126. Use of FHA savings for improvements in FHA technologies, procedures, processes, program performance, staffing, and salaries.
Sec. 2127. Post-purchase housing counseling eligibility improvements.
Sec. 2128. Pre-purchase homeownership counseling demonstration.
Sec. 2129. Fraud prevention.
Sec. 2130. Limitation on mortgage insurance premium increases.
Sec. 2131. Savings provision.
Sec. 2132. Implementation.
Sec. 2133. Moratorium on implementation of risk-based premiums.

Subtitle B—Manufactured Housing Loan Modernization

Sec. 2141. Short title.
Sec. 2142. Purposes.
Sec. 2143. Exception to limitation on financial institution portfolio.
Sec. 2144. Insurance benefits.
Sec. 2145. Maximum loan limits.
Sec. 2146. Insurance premiums.
Sec. 2147. Technical corrections.
Sec. 2148. Revision of underwriting criteria.
Sec. 2149. Prohibition against kickbacks and unearned fees.
Sec. 2150. Leasehold requirements.

TITLE II—MORTGAGE FORECLOSURE PROTECTIONS FOR SERVICEMEMBERS

Sec. 2201. Temporary increase in maximum loan guaranty amount for certain housing loans guaranteed by the Secretary of Veterans Affairs.
Sec. 2202. Counseling on mortgage foreclosures for members of the Armed Forces returning from service abroad.
Sec. 2203. Enhancement of protections for servicemembers relating to mortgages and mortgage foreclosures.

TITLE III—EMERGENCY ASSISTANCE FOR THE REDEVELOPMENT OF ABANDONED AND FORECLOSED HOMES

Sec. 2301. Emergency assistance for the redevelopment of abandoned and foreclosed homes.
Sec. 2302. Nationwide distribution of resources.
Sec. 2303. Limitation on use of funds with respect to eminent domain.
Sec. 2304. Limitation on distribution of funds.
Sec. 2305. Counseling intermediaries.

TITLE IV—HOUSING COUNSELING RESOURCES

Sec. 2401. Housing counseling resources.
Sec. 2402. Credit counseling.

TITLE V—MORTGAGE DISCLOSURE IMPROVEMENT ACT

Sec. 2501. Short title.
Sec. 2502. Enhanced mortgage loan disclosures.
Sec. 2503. Community development investment authority for depository institutions.

TITLE VI—VETERANS HOUSING MATTERS

Sec. 2601. Home improvements and structural alterations for totally disabled members of the Armed Forces before discharge or release from the Armed Forces.
Sec. 2602. Eligibility for specially adapted housing benefits and assistance for members of the Armed Forces with service-connected disabilities and individuals residing outside the United States.
Sec. 2603. Specially adapted housing assistance for individuals with severe burn injuries.
Sec. 2604. Extension of assistance for individuals residing temporarily in housing owned by a family member.
Sec. 2605. Increase in specially adapted housing benefits for disabled veterans.
Sec. 2606. Report on specially adapted housing for disabled individuals.
Sec. 2607. Report on specially adapted housing assistance for individuals who reside in housing owned by a family member on permanent basis.
Sec. 2608. Definition of annual income for purposes of section 8 and other public housing programs.
Sec. 2609. Payment of transportation of baggage and household effects for members of the Armed Forces who relocate due to foreclosure of leased housing.

TITLE VII—SMALL PUBLIC HOUSING AUTHORITIES PAPERWORK REDUCTION ACT

Sec. 2701. Short title.
Sec. 2702. Public housing agency plans for certain qualified public housing agencies.

TITLE VIII—FORECLOSURE RESCUE FRAUD PROTECTION

Sec. 2801. Short title.
Sec. 2802. Definitions.
Sec. 2803. Mortgage rescue fraud protection.
Sec. 2804. Warnings to homeowners of foreclosure rescue scams.
Sec. 2805. Civil liability.
Sec. 2806. Administrative enforcement.
Sec. 2807. Limitation.
Sec. 2808. Preemption.

DIVISION C—TAX-RELATED PROVISIONS

Sec. 3000. Short title; etc.

TITLE I—HOUSING TAX INCENTIVES

Subtitle A—Multi-Family Housing

PART I—LOW-INCOME HOUSING TAX CREDIT

Sec. 3001. Temporary increase in volume cap for low-income housing tax credit.
Sec. 3002. Determination of credit rate.
Sec. 3003. Modifications to definition of eligible basis.
Sec. 3004. Other simplification and reform of low-income housing tax incentives.
Sec. 3005. Treatment of military basic pay.

PART II—MODIFICATIONS TO TAX-EXEMPT HOUSING BOND RULES

Sec. 3007. Recycling of tax-exempt debt for financing residential rental projects.
Sec. 3008. Coordination of certain rules applicable to low-income housing credit and qualified residential rental project exempt facility bonds.

PART III—REFORMS RELATED TO THE LOW-INCOME HOUSING CREDIT AND TAX-EXEMPT HOUSING BONDS

Sec. 3009. Hold harmless for reductions in area median gross income.
Sec. 3010. Exception to annual current income determination requirement where determination not relevant.

Subtitle B—Single Family Housing

Sec. 3011. First-time homebuyer credit.
Sec. 3012. Additional standard deduction for real property taxes for nonitemizers.

Subtitle C—General Provisions

Sec. 3021. Temporary liberalization of tax-exempt housing bond rules.
Sec. 3022. Repeal of alternative minimum tax limitations on tax-exempt housing bonds, low-income housing tax credit, and rehabilitation credit.
Sec. 3023. Bonds guaranteed by Federal home loan banks eligible for treatment as tax-exempt bonds.
Sec. 3024. Modification of rules pertaining to FIRPTA nonforeign affidavits.
Sec. 3025. Modification of definition of tax-exempt use property for purposes of the rehabilitation credit.
Sec. 3026. Extension of special rule for mortgage revenue bonds for residences located in disaster areas.

TITLE II—REFORMS RELATED TO REAL ESTATE INVESTMENT TRUSTS

Subtitle A—Foreign Currency and Other Qualified Activities

Sec. 3031. Revisions to REIT income tests.
Sec. 3032. Revisions to REIT asset tests.
Sec. 3033. Conforming foreign currency revisions.

Subtitle B—Taxable REIT Subsidiaries

Sec. 3041. Conforming taxable REIT subsidiary asset test.

Subtitle C—Dealer Sales

Sec. 3051. Holding period under safe harbor.
Sec. 3052. Determining value of sales under safe harbor.

Subtitle D—Health Care REITs

Sec. 3061. Conformity for health care facilities.

Subtitle E—Effective Dates

Sec. 3071. Effective dates.

TITLE III—REVENUE PROVISIONS

Subtitle A—General Provisions

Sec. 3081. Election to accelerate amt and r and d credits in lieu of bonus depreciation.
Sec. 3082. Certain GO Zone incentives.

Subtitle B—Revenue Offsets

Sec. 3091. Returns relating to payments made in settlement of payment card and third party network transactions.
Sec. 3092. Gain from sale of principal residence allocated to nonqualified use not excluded from income.
Sec. 3093. Increase in information return penalties.
Sec. 3094. Increase in penalty for failure to file S corporation returns.
Sec. 3095. Increase in penalty for failure to file partnership returns.
Sec. 3096. Increase in minimum penalty on failure to file a return of tax.

DIVISION A—HOUSING FINANCE REFORM

SEC. 1001. SHORT TITLE.

This division may be cited as the ''Federal Housing Finance Regulatory Reform Act of 2008''.

SEC. 1002. DEFINITIONS.

(a) FEDERAL SAFETY AND SOUNDNESS ACT DEFINITIONS.—Section 1303 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4502) is amended—

(1) in each of paragraphs (8), (9), (10), and (19), by striking ''Secretary'' each place that term appears and inserting ''Director'';

(2) by redesignating paragraphs (16) through (19) as paragraphs (21) through (24), respectively;

(3) by striking paragraphs (13) through (15) and inserting the following:

''(19) OFFICE OF FINANCE.—The term 'Office of Finance' means the Office of Finance of the Federal Home Loan Bank System (or any successor thereto).

''(20) REGULATED ENTITY.—The term 'regulated entity' means—

''(A) the Federal National Mortgage Association and any affiliate thereof;

''(B) the Federal Home Loan Mortgage Corporation and any affiliate thereof; and

''(C) any Federal Home Loan Bank.'';

(4) by redesignating paragraphs (11) and (12) as paragraphs (17) and (18), respectively;

(5) by redesignating paragraph (7) as paragraph (12);

(6) by redesignating paragraphs (8) through (10) as paragraphs (14) through (16), respectively;

(7) in paragraph (5)—

(A) by striking ''(5)'' and inserting ''(9)''; and

(B) by striking ''Office of Federal Housing Enterprise Oversight of the Department of Housing and Urban Development'' and inserting ''Federal Housing Finance Agency'';

(8) by redesignating paragraph (6) as paragraph (10);

(9) by redesignating paragraphs (2) through (4) as paragraphs (5) through (7), respectively;

(10) by inserting after paragraph (7), as redesignated, the following:

''(8) DEFAULT; IN DANGER OF DEFAULT.—

''(A) DEFAULT.—The term 'default' means, with respect to a regulated entity, any adjudication or other official determination by any court of competent jurisdiction, or the Agency, pursuant to which a conservator, receiver, limited-life regulated entity, or legal custodian is appointed for a regulated entity.

''(B) IN DANGER OF DEFAULT.—The term 'in danger of default' means a regulated entity with respect to which, in the opinion of the Agency—

''(i) the regulated entity is not likely to be able to pay the obligations of the regulated entity in the normal course of business; or

''(ii) the regulated entity—

''(I) has incurred or is likely to incur losses that will deplete all or substantially all of its capital; and

''(II) there is no reasonable prospect that the capital of the regulated entity will be replenished.'';

(11) by inserting after paragraph (1) the following:

''(2) AGENCY.—The term 'Agency' means the Federal Housing Finance Agency established under section 1311.

''(3) AUTHORIZING STATUTES.—The term 'authorizing statutes' means—

''(A) the Federal National Mortgage Association Charter Act;

''(B) the Federal Home Loan Mortgage Corporation Act; and

''(C) the Federal Home Loan Bank Act.

''(4) BOARD.—The term 'Board' means the Federal Housing Finance Oversight Board established under section 1313A.'';

(12) by inserting after paragraph (10), as redesignated by this section, the following:

''(11) ENTITY-AFFILIATED PARTY.—The term 'entity-affiliated party' means—

''(A) any director, officer, employee, or controlling stockholder of, or agent for, a regulated entity;

''(B) any shareholder, affiliate, consultant, or joint venture partner of a regulated entity, and any other person, as determined by the Director (by regulation or on a case-by-case basis) that participates in the conduct of the affairs of a regulated entity, provided that a member of a Federal Home Loan Bank shall not be deemed to have participated in the affairs of that Bank solely by virtue of being a shareholder of, and obtaining advances from, that Bank;

''(C) any independent contractor for a regulated entity (including any attorney, appraiser, or accountant), if—

''(i) the independent contractor knowingly or recklessly participates in—

''(I) any violation of any law or regulation;

''(II) any breach of fiduciary duty; or

''(III) any unsafe or unsound practice; and

''(ii) such violation, breach, or practice caused, or is likely to cause, more than a minimal financial loss to, or a significant adverse effect on, the regulated entity;

''(D) any not-for-profit corporation that receives its principal funding, on an ongoing basis, from any regulated entity; and

''(E) the Office of Finance.'';

(13) by inserting after paragraph (12), as redesignated by this section, the following:

''(13) LIMITED-LIFE REGULATED ENTITY.—The term 'limited-life regulated entity' means an entity established by the Agency under section 1367(i) with respect to a Federal Home Loan Bank in default or in danger of default or with respect to an enterprise in default or in danger of default.''; and

(14) by adding at the end the following:

''(25) VIOLATION.—The term 'violation' includes any action (alone or in combination with another or others) for or toward causing, bringing about, participating in, counseling, or aiding or abetting a violation.''.

(b) REFERENCES IN THIS ACT.—As used in this Act, unless otherwise specified—

(1) the term ''Agency'' means the Federal Housing Finance Agency;

(2) the term ''Director'' means the Director of the Agency; and

(3) the terms ''enterprise'', ''regulated entity'', and ''authorizing statutes'' have the same meanings as in section 1303 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992, as amended by this Act.

TITLE I—REFORM OF REGULATION OF ENTERPRISES

Subtitle A—Improvement of Safety and Soundness Supervision

SEC. 1101. ESTABLISHMENT OF THE FEDERAL HOUSING FINANCE AGENCY.

The Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4501 et seq.) is amended by striking sections 1311 and 1312 and inserting the following:

''SEC. 1311. ESTABLISHMENT OF THE FEDERAL HOUSING FINANCE AGENCY.

''(a) ESTABLISHMENT.—There is established the Federal Housing Finance Agency, which shall be an independent agency of the Federal Government.

''(b) GENERAL SUPERVISORY AND REGULATORY AUTHORITY.—

''(1) IN GENERAL.—Each regulated entity shall, to the extent provided in this title, be subject to the supervision and regulation of the Agency.

''(2) AUTHORITY OVER FANNIE MAE, FREDDIE MAC, THE FEDERAL HOME LOAN BANKS, AND THE OFFICE OF FINANCE.—The Director shall have general regulatory authority over each regulated entity and the Office of Finance, and shall exercise such general regulatory authority, including such duties and authorities set forth under section 1313, to ensure that the purposes of this Act, the authorizing statutes, and any other applicable law are carried out.

''(c) SAVINGS PROVISION.—The authority of the Director to take actions under subtitles B and C shall not in any way limit the general supervisory and regulatory authority granted to the Director under subsection (b).

''SEC. 1312. DIRECTOR.

''(a) ESTABLISHMENT OF POSITION.—There is established the position of the Director of the Agency, who shall be the head of the Agency.

''(b) APPOINTMENT; TERM.—

''(1) APPOINTMENT.—The Director shall be appointed by the President, by and with the advice and consent of the Senate, from among individuals who are citizens of the United States, have a demonstrated understanding of financial management or oversight, and have a demonstrated understanding of capital markets, including the mortgage securities markets and housing finance.

''(2) TERM.—The Director shall be appointed for a term of 5 years, unless removed before the end of such term for cause by the President.

''(3) VACANCY.—A vacancy in the position of Director that occurs before the expiration of the term for which a Director was appointed shall be filled in the manner established under paragraph (1), and the Director appointed to fill such vacancy shall be appointed only for the remainder of such term.

''(4) SERVICE AFTER END OF TERM.—An individual may serve as the Director after the expiration of the term for which appointed until a successor has been appointed.

''(5) TRANSITIONAL PROVISION.—Notwithstanding paragraphs (1) and (2), during the period beginning on the effective date of the Federal Housing Finance Regulatory Reform Act of 2008, and ending on the date on which the Director is appointed and confirmed, the person serving as the Director of the Office of Federal Housing Enterprise Oversight of the Department of Housing and Urban Development on that effective date shall act for all purposes as, and with the full powers of, the Director.

''(c) DEPUTY DIRECTOR OF THE DIVISION OF ENTERPRISE REGULATION.—

''(1) IN GENERAL.—The Agency shall have a Deputy Director of the Division of Enterprise Regulation, who shall be designated by the Director from among individuals who are citizens of the United States, have a demonstrated understanding of financial management or oversight, and have a demonstrated understanding of mortgage securities markets and housing finance.

''(2) FUNCTIONS.—The Deputy Director of the Division of Enterprise Regulation shall have such functions, powers, and duties with respect to the oversight of the enterprises as the Director shall prescribe.

''(d) DEPUTY DIRECTOR OF THE DIVISION OF FEDERAL HOME LOAN BANK REGULATION.—

''(1) IN GENERAL.—The Agency shall have a Deputy Director of the Division of Federal Home Loan Bank Regulation, who shall be designated by the Director from among individuals who are citizens of the United States, have a demonstrated understanding of financial management or oversight, and have a demonstrated understanding of the Federal Home Loan Bank System and housing finance.

''(2) FUNCTIONS.—The Deputy Director of the Division of Federal Home Loan Bank Regulation shall have such functions, powers, and duties with respect to the oversight of the Federal Home Loan Banks as the Director shall prescribe.

''(e) DEPUTY DIRECTOR FOR HOUSING MISSION AND GOALS.—

''(1) IN GENERAL.—The Agency shall have a Deputy Director for Housing Mission and Goals, who shall be designated by the Director from among individuals who are citizens of the United States, and have a demonstrated understanding of the housing markets and housing finance.

''(2) FUNCTIONS.—The Deputy Director for Housing Mission and Goals shall have such functions, powers, and duties with respect to the oversight of the housing mission and goals of the enterprises, and with respect to oversight of the housing finance and community and economic development mission of the Federal Home Loan Banks, as the Director shall prescribe.

''(3) CONSIDERATIONS.—In exercising such functions, powers, and duties, the Deputy Director for Housing Mission and Goals shall consider the differences between the enterprises and the Federal Home Loan Banks, including those described in section 1313(f).

''(f) ACTING DIRECTOR.—In the event of the death, resignation, sickness, or absence of the Director, the President shall designate either the Deputy Director of the Division of Enterprise Regulation, the Deputy Director of the Division of Federal Home Loan Bank Regulation, or the Deputy Director for Housing Mission and Goals, to serve as acting Director until the return of the Director, or the appointment of a successor pursuant to subsection (b).

''(g) LIMITATIONS.—The Director and each of the Deputy Directors may not—

''(1) have any direct or indirect financial interest in any regulated entity or entity-affiliated party;

''(2) hold any office, position, or employment in any regulated entity or entity-affiliated party; or

''(3) have served as an executive officer or director of any regulated entity or entity-affiliated party at any time during the 3-year period preceding the date of appointment or designation of such individual as Director or Deputy Director, as applicable.''.

SEC. 1102. DUTIES AND AUTHORITIES OF THE DIRECTOR.

(a) IN GENERAL.—Section 1313 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4513) is amended to read as follows:

''SEC. 1313. DUTIES AND AUTHORITIES OF DIRECTOR.

''(a) DUTIES.—

''(1) PRINCIPAL DUTIES.—The principal duties of the Director shall be—

''(A) to oversee the prudential operations of each regulated entity; and

''(B) to ensure that—

''(i) each regulated entity operates in a safe and sound manner, including maintenance of adequate capital and internal controls;

''(ii) the operations and activities of each regulated entity foster liquid, efficient, competitive, and resilient national housing finance markets (including activities relating to mortgages on housing for low- and moderate-income families involving a reasonable economic return that may be less than the return earned on other activities);

''(iii) each regulated entity complies with this title and the rules, regulations, guidelines, and orders issued under this title and the authorizing statutes;

''(iv) each regulated entity carries out its statutory mission only through activities that are authorized under and consistent with this title and the authorizing statutes; and

''(v) the activities of each regulated entity and the manner in which such regulated entity is operated are consistent with the public interest.

''(2) SCOPE OF AUTHORITY.—The authority of the Director shall include the authority—

''(A) to review and, if warranted based on the principal duties described in paragraph (1), reject any acquisition or transfer of a controlling interest in a regulated entity; and

''(B) to exercise such incidental powers as may be necessary or appropriate to fulfill the duties and responsibilities of the Director in the supervision and regulation of each regulated entity.

''(b) DELEGATION OF AUTHORITY.—The Director may delegate to officers and employees of the Agency any of the functions, powers, or duties of the Director, as the Director considers appropriate.

''(c) LITIGATION AUTHORITY.—

''(1) IN GENERAL.—In enforcing any provision of this title, any regulation or order prescribed under this title, or any other provision of law, rule, regulation, or order, or in any other action, suit, or proceeding to which the Director is a party or in which the Director is interested, and in the administration of conservatorships and receiverships, the Director may act in the Director's own name and through the Director's own attorneys.

''(2) SUBJECT TO SUIT.—Except as otherwise provided by law, the Director shall be subject to suit (other than suits on claims for money damages) by a regulated entity with respect to any matter under this title or any other applicable provision of law, rule, order, or regulation under this title, in the United States district court for the judicial district in which the regulated entity has its principal place of business, or in the United States District Court for the District of Columbia, and the Director may be served with process in the manner prescribed by the Federal Rules of Civil Procedure.''.

(b) INDEPENDENCE IN CONGRESSIONAL TESTIMONY AND RECOMMENDATIONS.—Section 111 of Public Law 93–495 (12 U.S.C. 250) is amended by striking ''the Federal Housing Finance Board'' and inserting ''the Director of the Federal Housing Finance Agency''.

SEC. 1103. FEDERAL HOUSING FINANCE OVERSIGHT BOARD.

(a) IN GENERAL.—The Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4501 et seq.) is amended by inserting after section 1313 the following:

''SEC. 1313A. FEDERAL HOUSING FINANCE OVERSIGHT BOARD.

''(a) IN GENERAL.—There is established the Federal Housing Finance Oversight Board, which shall advise the Director with respect to overall strategies and policies in carrying out the duties of the Director under this title.

''(b) LIMITATIONS.—The Board may not exercise any executive authority, and the Director may not delegate to the Board any of the functions, powers, or duties of the Director.

''(c) COMPOSITION.—The Board shall be comprised of 4 members, of whom—

''(1) 1 member shall be the Secretary of the Treasury;

''(2) 1 member shall be the Secretary of Housing and Urban Development;

''(3) 1 member shall be the Chairman of the Securities and Exchange Commission; and

''(4) 1 member shall be the Director, who shall serve as the Chairperson of the Board.

''(d) MEETINGS.—

''(1) IN GENERAL.—The Board shall meet upon notice by the Director, but in no event shall the Board meet less frequently than once every 3 months.

''(2) SPECIAL MEETINGS.—Either the Secretary of the Treasury, the Secretary of Housing and Urban Development, or the Chairman of the Securities and Exchange Commission may, upon giving written notice to the Director, require a special meeting of the Board.

''(e) TESTIMONY.—On an annual basis, the Board shall testify before Congress regarding—

''(1) the safety and soundness of the regulated entities;

''(2) any material deficiencies in the conduct of the operations of the regulated entities;

''(3) the overall operational status of the regulated entities;

''(4) an evaluation of the performance of the regulated entities in carrying out their respective missions;

''(5) operations, resources, and performance of the Agency; and

''(6) such other matters relating to the Agency and its fulfillment of its mission, as the Board determines appropriate.''.

(b) ANNUAL REPORT OF THE DIRECTOR.—Section 1319B(a) of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4521(a)) is amended—

(1) by striking ''enterprise'' each place that term appears and inserting ''regulated entity'';

(2) by striking ''enterprises'' each place that term appears and inserting ''regulated entities'';

(3) in paragraph (3), by striking ''; and'' and inserting a semicolon;

(4) in paragraph (4), by striking ''1994.'' and inserting ''1994; and''; and

(5) by adding at the end the following:

''(5) the assessment of the Board or any of its members with respect to—

''(A) the safety and soundness of the regulated entities;

''(B) any material deficiencies in the conduct of the operations of the regulated entities;

''(C) the overall operational status of the regulated entities; and

''(D) an evaluation of the performance of the regulated entities in carrying out their respective missions;

''(6) operations, resources, and performance of the Agency; and

''(7) such other matters relating to the Agency and the fulfillment of its mission.''.

SEC. 1104. AUTHORITY TO REQUIRE REPORTS BY REGULATED ENTITIES.

(a) IN GENERAL.—Section 1314 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4514) is amended—

(1) in the section heading, by striking ''***ENTERPRISES***'' and inserting ''***REGULATED ENTITIES***'';

(2) by striking ''an enterprise'' each place that term appears and inserting ''a regulated entity'';

(3) by striking ''the enterprise'' and inserting ''the regulated entity'';

(4) in subsection (a)—

(A) by striking the subsection heading and all that follows through ''and operations'' in paragraph (1) and inserting the following:

''(a) REGULAR AND SPECIAL REPORTS.—

''(1) REGULAR REPORTS.—The Director may require, by general or specific orders, a regulated entity to submit regular reports, including financial statements determined on a fair value basis, on the condition (including financial condition), management, activities, or operations of the regulated entity, as the Director considers appropriate''; and

(B) in paragraph (2)—

(i) by inserting '', by general or specific orders,'' after ''may also require''; and

(ii) by striking ''whenever'' and inserting ''on any of the topics specified in paragraph (1) or any other relevant topics, if''; and

(5) by adding at the end the following:

''(c) PENALTIES FOR FAILURE TO MAKE REPORTS.—

''(1) VIOLATIONS.—It shall be a violation of this section for any regulated entity—

''(A) to fail to make, transmit, or publish any report or obtain any information required by the Director under this section, section 309(k) of the Federal National Mortgage Association Charter Act, section 307(c) of the Federal Home Loan Mortgage Corporation Act, or section 20 of the Federal Home Loan Bank Act, within the period of time specified in such provision of law or otherwise by the Director; or

''(B) to submit or publish any false or misleading report or information under this section.

''(2) PENALTIES.—

''(A) FIRST TIER.—

''(i) IN GENERAL.—A violation described in paragraph (1) shall be subject to a penalty of not more than $2,000 for each day during which such violation continues, in any case in which—

''(I) the subject regulated entity maintains procedures reasonably adapted to avoid any inadvertent error and the violation was unintentional and a result of such an error; or

''(II) the violation was an inadvertent transmittal or publication of any report which was minimally late.

''(ii) BURDEN OF PROOF.—For purposes of this subparagraph, the regulated entity shall have the burden of proving that the error was inadvertent or that a report was inadvertently transmitted or published late.

''(B) SECOND TIER.—A violation described in paragraph (1) shall be subject to a penalty of not more than $20,000 for each day during which such violation continues or such false or misleading information is not corrected, in any case that is not addressed in subparagraph (A) or (C).

''(C) THIRD TIER.—A violation described in paragraph (1) shall be subject to a penalty of not more than $1,000,000 per day for each day during which such violation continues or such false or misleading information is not corrected, in any case in which the subject regulated entity committed such violation knowingly or with reckless disregard for the accuracy of any such information or report.

''(3) ASSESSMENTS.—Any penalty imposed under this subsection shall be in lieu of a penalty under section 1376, but shall be assessed and collected by the Director in the manner provided in section 1376 for penalties imposed under that section, and any such assessment (including the determination of the amount of the penalty) shall be otherwise subject to the provisions of section 1376.

''(4) HEARING.—A regulated entity against which a penalty is assessed under this section shall be afforded an agency hearing if the regulated entity submits a request for a hearing not later than 20 days after the date of the issuance of the notice of assessment. Section 1374 shall apply to any such proceedings.''.

(b) CONFORMING AMENDMENT.—The Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4501 et seq.) is amended by striking sections 1327 and 1328.

SEC. 1105. EXAMINERS AND ACCOUNTANTS; AUTHORITY TO CONTRACT FOR REVIEWS OF REGULATED ENTITIES; OMBUDSMAN.

(a) IN GENERAL.—Section 1317 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4517) is amended—

(1) in subsection (a), by striking ''enterprise'' each place that term appears and inserting ''regulated entity'';

(2) in subsection (b)—

(A) by inserting ''of a regulated entity'' after ''under this section''; and

(B) by striking ''to determine the condition of an enterprise for the purpose of ensuring its financial safety and soundness'' and inserting ''or appropriate'';

(3) in subsection (c), in the second sentence, by inserting before the period ''to conduct examinations under this section'';

(4) by redesignating subsections (d) through (f) as subsections (e) through (g), respectively; and

(5) by inserting after subsection (c) the following:

''(d) INSPECTOR GENERAL.—There shall be within the Agency an Inspector General, who shall be appointed in accordance with section 3(a) of the Inspector General Act of 1978.''.

(b) DIRECT HIRE AUTHORITY TO HIRE ACCOUNTANTS, ECONOMISTS, AND EXAMINERS.—Section 1317 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4517) is amended by adding at the end the following:

''(h) APPOINTMENT OF ACCOUNTANTS, ECONOMISTS, AND EXAMINERS.—

''(1) APPLICABILITY.—This section shall apply with respect to any position of examiner, accountant, economist, and specialist in financial markets and in technology at the Agency, with respect to supervision and regulation of the regulated entities, that is in the competitive service.

''(2) APPOINTMENT AUTHORITY.—The Director may appoint candidates to any position described in paragraph (1)—

''(A) in accordance with the statutes, rules, and regulations governing appointments in the excepted service; and

''(B) notwithstanding any statutes, rules, and regulations governing appointments in the competitive service.''.

(c) AMENDMENTS TO INSPECTOR GENERAL ACT.—Section 11 of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in paragraph (1), by inserting ''; the Director of the Federal Housing Finance Agency'' after ''Social Security Administration''; and

(2) in paragraph (2), by inserting '', the Federal Housing Finance Agency'' after ''Social Security Administration''.

(d) AUTHORITY TO CONTRACT FOR REVIEWS OF REGULATED ENTITIES.—Section 1319 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4519) is amended—

(1) in the section heading, by striking ''***ENTERPRISES BY RATING ORGANIZATION***'' and inserting ''***REGULATED ENTITIES***''; and

(2) by striking ''enterprises'' and inserting ''regulated entities''.

(e) OFFICE OF THE OMBUDSMAN.—Section 1317 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4517) is amended by adding at the end the following:

''(i) OMBUDSMAN.—The Director shall establish, by regulation, an Office of the Ombudsman within the Agency, which shall be responsible for considering complaints and appeals, from any regulated entity and any person that has a business relationship with a regulated entity, regarding any matter relating to the regulation and supervision of such regulated entity by the Agency. The regulation issued by the Director under this subsection shall specify the authority and duties of the Office of the Ombudsman.''.

SEC. 1106. ASSESSMENTS.

Section 1316 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4516) is amended—

(1) by striking subsection (a) and inserting the following:

''(a) ANNUAL ASSESSMENTS.—The Director shall establish and collect from the regulated entities annual assessments in an amount not exceeding the amount sufficient to provide for reasonable costs (including administrative costs) and expenses of the Agency, including—

''(1) the expenses of any examinations under section 1317 of this Act and under section 20 of the Federal Home Loan Bank Act;

''(2) the expenses of obtaining any reviews and credit assessments under section 1319;

''(3) such amounts in excess of actual expenses for any given year as deemed necessary by the Director to maintain a working capital fund in accordance with subsection (e); and

''(4) the windup of the affairs of the Office of Federal Housing Enterprise Oversight and the Federal Housing Finance Board under title III of the Federal Housing Finance Regulatory Reform Act of 2008.'';

(2) in subsection (b)—

(A) by realigning the margins of paragraph (2) two ems from the left, so as to align the left margin of such paragraph with the left margins of paragraph (1);

(B) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(C) by inserting after paragraph (1) the following:

''(2) SEPARATE TREATMENT OF FEDERAL HOME LOAN BANK AND ENTERPRISE ASSESSMENTS.—Assessments collected from the enterprises shall not exceed the amounts sufficient to provide for the costs and expenses described in subsection (a) relating to the enterprises. Assessments collected from the Federal Home Loan Banks shall not exceed the amounts sufficient to provide for the costs and expenses described in subsection (a) relating to the Federal Home Loan Banks.'';

(3) by striking subsection (c) and inserting the following:

''(c) INCREASED COSTS OF REGULATION.—

''(1) INCREASE FOR INADEQUATE CAPITALIZATION.—The semiannual payments made pursuant to subsection (b) by any regulated entity that is not classified (for purposes of subtitle B) as adequately capitalized may be increased, as necessary, in the discretion of the Director to pay additional estimated costs of regulation of the regulated entity.

''(2) ADJUSTMENT FOR ENFORCEMENT ACTIVITIES.—The Director may adjust the amounts of any semiannual payments for an assessment under subsection (a) that are to be paid pursuant to subsection (b) by a regulated entity, as necessary in the discretion of the Director, to ensure that the costs of enforcement activities under this Act for a regulated entity are borne only by such regulated entity.

''(3) ADDITIONAL ASSESSMENT FOR DEFICIENCIES.—If at any time, as a result of increased costs of regulation of a regulated entity that is not classified (for purposes of subtitle B) as adequately capitalized or as the result of supervisory or enforcement activities under this Act for a regulated entity, the amount available from any semiannual payment made by such regulated entity pursuant to subsection (b) is insufficient to cover the costs of the Agency with respect to such entity, the Director may make and collect from such regulated entity an immediate assessment to cover the amount of such deficiency for the semiannual period. If, at the end of any semiannual period during which such an assessment is made, any amount remains from such assessment, such remaining amount shall be deducted from the assessment for such regulated entity for the following semiannual period.'';

(4) in subsection (d), by striking ''If'' and inserting ''Except with respect to amounts collected pursuant to subsection (a)(3), if''; and

(5) by striking subsections (e) through (g) and inserting the following:

''(e) WORKING CAPITAL FUND.—At the end of each year for which an assessment under this section is made, the Director shall remit to each regulated entity any amount of assessment collected from such regulated entity that is attributable to subsection (a)(3) and is in excess of the amount the Director deems necessary to maintain a working capital fund.

''(f) TREATMENT OF ASSESSMENTS.—

''(1) DEPOSIT.—Amounts received by the Director from assessments under this section may be deposited by the Director in the manner provided in section 5234 of the Revised Statutes of the United States (12 U.S.C. 192) for monies deposited by the Comptroller of the Currency.

''(2) NOT GOVERNMENT FUNDS.—The amounts received by the Director from any assessment under this section shall not be construed to be Government or public funds or appropriated money.

''(3) NO APPORTIONMENT OF FUNDS.—Notwithstanding any other provision of law, the amounts received by the Director from any assessment under this section shall not be subject to apportionment for the purpose of chapter 15 of title 31, United States Code, or under any other authority.

''(4) USE OF FUNDS.—The Director may use any amounts received by the Director from assessments under this section for compensation of the Director and other employees of the Agency and for all other expenses of the Director and the Agency.

''(5) AVAILABILITY OF OVERSIGHT FUND AMOUNTS.—Notwithstanding any other provision of law, any amounts remaining in the Federal Housing Enterprises Oversight Fund established under this section (as in effect before the effective date of the Federal Housing Finance Regulatory Reform Act of 2008, and any amounts remaining from assessments on the Federal Home Loan Banks pursuant to section 18(b) of the Federal Home Loan Bank Act (12 U.S.C. 1438(b)), shall, upon such effective date, be treated for purposes of this subsection as amounts received from assessments under this section.

''(6) TREASURY INVESTMENTS.—

''(A) AUTHORITY.—The Director may request the Secretary of the Treasury to invest such portions of amounts received by the Director from assessments paid under this section that, in the Director's discretion, are not required to meet the current working needs of the Agency.

''(B) GOVERNMENT OBLIGATIONS.—Pursuant to a request under subparagraph (A), the Secretary of the Treasury shall invest such amounts in Government obligations guaranteed as to principal and interest by the United States with maturities suitable to the needs of the Agency and bearing interest at a rate determined by the Secretary of the Treasury taking into consideration current market yields on outstanding marketable obligations of the United States of comparable maturity.

''(g) BUDGET AND FINANCIAL MANAGEMENT.—

''(1) FINANCIAL OPERATING PLANS AND FORECASTS.—The Director shall provide to the Director of the Office of Management and Budget copies of the Director's financial operating plans and forecasts, as prepared by the Director in the ordinary course of the Agency's operations, and copies of the quarterly reports of the Agency's financial condition and results of operations, as prepared by the Director in the ordinary course of the Agency's operations.

''(2) FINANCIAL STATEMENTS.—The Agency shall prepare annually a statement of—

''(A) assets and liabilities and surplus or deficit;

''(B) income and expenses; and

''(C) sources and application of funds.

''(3) FINANCIAL MANAGEMENT SYSTEMS.—The Agency shall implement and maintain financial management systems that—

''(A) comply substantially with Federal financial management systems requirements and applicable Federal accounting standards; and

''(B) use a general ledger system that accounts for activity at the transaction level.

''(4) ASSERTION OF INTERNAL CONTROLS.—The Director shall provide to the Comptroller General of the United States an assertion as to the effectiveness of the internal controls that apply to financial reporting by the Agency, using the standards established in section 3512(c) of title 31, United States Code.

''(5) RULE OF CONSTRUCTION.—This subsection may not be construed as implying any obligation on the part of the Director to consult with or obtain the consent or approval of the Director of the Office of Management and Budget with respect to any report, plan, forecast, or other information referred to in paragraph (1) or any jurisdiction or oversight over the affairs or operations of the Agency.

''(h) AUDIT OF AGENCY.—

''(1) IN GENERAL.—The Comptroller General shall annually audit the financial transactions of the Agency in accordance with the United States generally accepted government auditing standards as may be prescribed by the Comptroller General of the United States. The audit shall be conducted at the place or places where accounts of the Agency are normally kept. The representatives of the Government Accountability Office shall have access to the personnel and to all books, accounts, documents, papers, records (including electronic records), reports, files, and all other papers, automated data, things, or property belonging to or under the control of or used or employed by the Agency pertaining to its financial transactions and necessary to facilitate the audit, and such representatives shall be afforded full facilities for verifying transactions with the balances or securities held by depositories, fiscal agents, and custodians. All such books, accounts, documents, records, reports, files, papers, and property of the Agency shall remain in possession and custody of the Agency. The Comptroller General may obtain and duplicate any such books, accounts, documents, records, working papers, automated data and files, or other information relevant to such audit without cost to the Comptroller General and the Comptroller General's right of access to such information shall be enforceable pursuant to section 716(c) of title 31, United States Code.

''(2) REPORT.—The Comptroller General shall submit to the Congress a report of each annual audit conducted under this subsection. The report to the Congress shall set forth the scope of the audit and shall include the statement of assets and liabilities and surplus or deficit, the statement of income and expenses, the statement of sources and application of funds, and such comments and information as may be deemed necessary to inform Congress of the financial operations and condition of the Agency, together with such recommendations with respect thereto as the Comptroller General may deem advisable. A copy of each report shall be furnished to the President and to the Agency at the time submitted to the Congress.

''(3) ASSISTANCE AND COSTS.—For the purpose of conducting an audit under this subsection, the Comptroller General may, in the discretion of the Comptroller General, employ by contract, without regard to section 3709 of the Revised Statutes of the United States (41 U.S.C. 5), professional services of firms and organizations of certified public accountants for temporary periods or for special purposes. Upon the request of the Comptroller General, the Director of the Agency shall transfer to the Government Accountability Office from funds available, the amount requested by the Comptroller General to cover the full costs of any audit and report conducted by the Comptroller General. The Comptroller General shall credit funds transferred to the account established for salaries and expenses of the Government Accountability Office, and such amount shall be available upon receipt and without fiscal year limitation to cover the full costs of the audit and report.''.

SEC. 1107. REGULATIONS AND ORDERS.

Section 1319G of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4526) is amended—

(1) by striking subsection (a) and inserting the following:

''(a) AUTHORITY.—The Director shall issue any regulations, guidelines, or orders necessary to carry out the duties of the Director under this title or the authorizing statutes, and to ensure that the purposes of this title and the authorizing statutes are accomplished.''; and

(2) by striking subsection (c).

SEC. 1108. PRUDENTIAL MANAGEMENT AND OPERATIONS STANDARDS.

The Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4501 et seq.) is amended by inserting after section 1313A, as added by this Act, the following new section:

"SEC. 1313B. PRUDENTIAL MANAGEMENT AND OPERATIONS STANDARDS.

''(a) STANDARDS.—The Director shall establish standards, by regulation or guideline, for each regulated entity relating to—

''(1) adequacy of internal controls and information systems taking into account the nature and scale of business operations;

''(2) independence and adequacy of internal audit systems;

''(3) management of interest rate risk exposure;

''(4) management of market risk, including standards that provide for systems that accurately measure, monitor, and control market risks and, as warranted, that establish limitations on market risk;

''(5) adequacy and maintenance of liquidity and reserves;

''(6) management of asset and investment portfolio growth;

''(7) investments and acquisitions of assets by a regulated entity, to ensure that they are consistent with the purposes of this title and the authorizing statutes;

''(8) overall risk management processes, including adequacy of oversight by senior management and the board of directors and of processes and policies to identify, measure, monitor, and control material risks, including reputational risks, and for adequate, well-tested business resumption plans for all major systems with remote site facilities to protect against disruptive events;

''(9) management of credit and counterparty risk, including systems to identify concentrations of credit risk and prudential limits to restrict exposure of the regulated entity to a single counterparty or groups of related counterparties;

''(10) maintenance of adequate records, in accordance with consistent accounting policies and practices that enable the Director to evaluate the financial condition of the regulated entity; and

''(11) such other operational and management standards as the Director determines to be appropriate.

''(b) FAILURE TO MEET STANDARDS.—

''(1) PLAN REQUIREMENT.—

''(A) IN GENERAL.—If the Director determines that a regulated entity fails to meet any standard established under subsection (a)—

''(i) if such standard is established by regulation, the Director shall require the regulated entity to submit an acceptable plan to the Director within the time allowed under subparagraph (C); and

''(ii) if such standard is established by guideline, the Director may require the regulated entity to submit a plan described in clause (i).

''(B) CONTENTS.—Any plan required under subparagraph (A) shall specify the actions that the regulated entity will take to correct the deficiency. If the regulated entity is undercapitalized, the plan may be a part of the capital restoration plan for the regulated entity under section 1369C.

''(C) DEADLINES FOR SUBMISSION AND REVIEW.—The Director shall by regulation establish deadlines that—

''(i) provide the regulated entities with reasonable time to submit plans required under subparagraph (A), and generally require a regulated entity to submit a plan not later than 30 days after the Director determines that the entity fails to meet any standard established under subsection (a); and

''(ii) require the Director to act on plans expeditiously, and generally not later than 30 days after the plan is submitted.

''(2) REQUIRED ORDER UPON FAILURE TO SUBMIT OR IMPLEMENT PLAN.—If a regulated entity fails to submit an acceptable plan within the time allowed under paragraph (1)(C), or fails in any material respect to implement a plan accepted by the Director, the following shall apply:

''(A) REQUIRED CORRECTION OF DEFICIENCY.—The Director shall, by order, require the regulated entity to correct the deficiency.

''(B) OTHER AUTHORITY.—The Director may, by order, take one or more of the following actions until the deficiency is corrected:

''(i) Prohibit the regulated entity from permitting its average total assets (as such term is defined in section 1316(b)) during any calendar quarter to exceed its average total assets during the preceding calendar quarter, or restrict the rate at which the average total assets of the entity may increase from one calendar quarter to another.

''(ii) Require the regulated entity—

''(I) in the case of an enterprise, to increase its ratio of core capital to assets.

''(II) in the case of a Federal Home Loan Bank, to increase its ratio of total capital (as such term is defined in section 6(a)(5) of the Federal Home Loan Bank Act (12 U.S.C. 1426(a)(5)) to assets.

''(iii) Require the regulated entity to take any other action that the Director determines will better carry out the purposes of this section than any of the actions described in this subparagraph.

''(3) MANDATORY RESTRICTIONS.—In complying with paragraph (2), the Director shall take one or more of the actions described in clauses (i) through (iii) of paragraph (2)(B) if—

''(A) the Director determines that the regulated entity fails to meet any standard prescribed under subsection (a);

''(B) the regulated entity has not corrected the deficiency; and

''(C) during the 18-month period before the date on which the regulated entity first failed to meet the standard, the entity underwent extraordinary growth, as defined by the Director.

''(c) OTHER ENFORCEMENT AUTHORITY NOT AFFECTED.—The authority of the Director under this section is in addition to any other authority of the Director.''.

SEC. 1109. REVIEW OF AND AUTHORITY OVER ENTERPRISE ASSETS AND LIABILITIES.

(a) IN GENERAL.—Subtitle B of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4611 et seq.) is amended—

(1) by striking the subtitle designation and heading and inserting the following:

"Subtitle B—Required Capital Levels for Regulated Entities, Special Enforcement Powers, and Reviews of Assets and Liabilities";

and

(2) by adding at the end the following new section:

"SEC. 1369E. REVIEWS OF ENTERPRISE ASSETS AND LIABILITIES.

''(a) IN GENERAL.—The Director shall, by regulation, establish criteria governing the portfolio holdings of the enterprises, to ensure that the holdings are backed by sufficient capital and consistent with the mission and the safe and sound operations of the enterprises. In establishing such criteria, the Director shall consider the ability of the enterprises to provide a liquid secondary market through securitization activities, the portfolio holdings in relation to the overall mortgage market, and adherence to the standards specified in section 1313B.

''(b) TEMPORARY ADJUSTMENTS.—The Director may, by order, make temporary adjustments to the established standards for an enterprise or both enterprises, such as during times of economic distress or market disruption.

''(c) AUTHORITY TO REQUIRE DISPOSITION OR ACQUISITION.—The Director shall monitor the portfolio of each enterprise. Pursuant to subsection (a) and notwithstanding the capital classifications of the enterprises, the Director may, by order, require an enterprise, under such terms and conditions as the Director determines to be appropriate, to dispose of or acquire any asset, if the Director determines that such action is consistent with the purposes of this Act or any of the authorizing statutes.''.

(b) REGULATIONS.—Not later than the expiration of the 180-day period beginning on the effective date of this Act, the Director shall issue regulations pursuant to section 1369E(a) of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (as added by subsection (a) of this section) establishing the portfolio holdings standards under such section.

SEC. 1110. RISK-BASED CAPITAL REQUIREMENTS.

(a) IN GENERAL.—Section 1361 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4611) is amended to read as follows:

"SEC. 1361. RISK-BASED CAPITAL LEVELS FOR REGULATED ENTITIES.

''(a) IN GENERAL.—

''(1) ENTERPRISES.—The Director shall, by regulation, establish risk-based capital requirements for the enterprises to ensure that the enterprises operate in a safe and sound manner, maintaining sufficient capital and reserves to support the risks that arise in the operations and management of the enterprises.

''(2) FEDERAL HOME LOAN BANKS.—The Director shall establish risk-based capital standards under section 6 of the Federal Home Loan Bank Act for the Federal Home Loan Banks.

''(b) NO LIMITATION.—Nothing in this section shall limit the authority of the Director to require other reports or undertakings, or take other action, in furtherance of the responsibilities of the Director under this Act.''.

(b) FEDERAL HOME LOAN BANKS RISK-BASED CAPITAL.—Section 6(a)(3) of the Federal Home Loan Bank Act (12 U.S.C. 1426(a)(3)) is amended—

(1) by striking subparagraph (A) and inserting the following:

''(A) RISK-BASED CAPITAL STANDARDS.—The Director shall, by regulation, establish risk-based capital standards for the Federal Home Loan Banks to ensure that the Federal Home Loan Banks operate in a safe and sound manner, with sufficient permanent capital and reserves to support the risks that arise in the operations and management of the Federal Home Loans Banks.''; and

(2) in subparagraph (B), by striking ''(A)(ii)'' and inserting ''(A)''.

SEC. 1111. MINIMUM CAPITAL LEVELS.

Section 1362 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4612) is amended—

(1) in subsection (a), by striking ''IN GENERAL'' and inserting ''ENTERPRISES''; and

(2) by striking subsection (b) and inserting the following:

''(b) FEDERAL HOME LOAN BANKS.—For purposes of this subtitle, the minimum capital level for each Federal Home Loan Bank shall be the minimum capital required to be maintained to comply with the leverage requirement for the bank established under section 6(a)(2) of the Federal Home Loan Bank Act (12 U.S.C. 1426(a)(2)).

''(c) ESTABLISHMENT OF REVISED MINIMUM CAPITAL LEVELS.—Notwithstanding subsections (a) and (b) and notwithstanding the capital classifications of the regulated entities, the Director may, by regulations issued under section 1319G, establish a minimum capital level for the enterprises, for the Federal Home Loan Banks, or for both the enterprises and the banks, that is higher than the level specified in subsection (a) for the enterprises or the level specified in subsection (b) for the Federal Home Loan Banks, to the extent needed to ensure that the regulated entities operate in a safe and sound manner.

''(d) AUTHORITY TO REQUIRE TEMPORARY INCREASE.—

''(1) IN GENERAL.—Notwithstanding subsections (a) and (b) and any minimum capital level established pursuant to subsection (c), the Director may, by order, increase the minimum capital level for a regulated entity on a temporary basis, when the Director determines that such an increase is necessary and consistent with the prudential regulation and the safe and sound operations of a regulated entity.

''(2) RESCISSION.—The Director shall rescind any temporary minimum capital level established under paragraph (1) when the Director

determines that the circumstances or facts no longer justify the temporary minimum capital level.

''(3) REGULATIONS REQUIRED.—The Director shall issue regulations establishing—

''(A) standards for the imposition of a temporary increase in minimum capital under paragraph (1);

''(B) the standards and procedures that the Director will use to make the determination referred to in paragraph (2); and

''(C) a reasonable time frame for periodic review of any temporary increase in minimum capital for the purpose of making the determination referred to in paragraph (2).

''(e) AUTHORITY TO ESTABLISH ADDITIONAL CAPITAL AND RESERVE REQUIREMENTS FOR PARTICULAR PURPOSES.—The Director may, at any time by order or regulation, establish such capital or reserve requirements with respect to any product or activity of a regulated entity, as the Director considers appropriate to ensure that the regulated entity operates in a safe and sound manner, with sufficient capital and reserves to support the risks that arise in the operations and management of the regulated entity.

''(f) PERIODIC REVIEW.—The Director shall periodically review the amount of core capital maintained by the enterprises, the amount of capital retained by the Federal Home Loan Banks, and the minimum capital levels established for such regulated entities pursuant to this section.''.

SEC. 1112. REGISTRATION UNDER THE SECURITIES LAWS.

The Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.) is amended by adding at the end the following:

''SEC. 38. FEDERAL NATIONAL MORTGAGE ASSOCIATION, FEDERAL HOME LOAN MORTGAGE CORPORATION, FEDERAL HOME LOAN BANKS.

''(a) FEDERAL NATIONAL MORTGAGE ASSOCIATION AND FEDERAL HOME LOAN MORTGAGE CORPORATION.—No class of equity securities of the Federal National Mortgage Association or the Federal Home Loan Mortgage Corporation shall be treated as an exempted security for purposes of section 12, 13, 14, or 16.

''(b) FEDERAL HOME LOAN BANKS.—

''(1) REGISTRATION.—Each Federal Home Loan Bank shall register a class of its common stock under section 12(g), not later than 120 days after the date of enactment of the Federal Housing Finance Regulatory Reform Act of 2008, and shall thereafter maintain such registration and be treated for purposes of this title as an 'issuer', the securities of which are required to be registered under section 12, regardless of the number of members holding such stock at any given time.

''(2) STANDARDS RELATING TO AUDIT COMMITTEES.—Each Federal Home Loan Bank shall comply with the rules issued by the Commission under section 10A(m).

''(c) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

''(1) FEDERAL HOME LOAN BANK; MEMBER.—The terms 'Federal Home Loan Bank' and 'member', have the same meanings as in section 2 of the Federal Home Loan Bank Act.

''(2) FEDERAL NATIONAL MORTGAGE ASSOCIATION.—The term 'Federal National Mortgage Association' means the corporation created by the Federal National Mortgage Association Charter Act.

''(3) FEDERAL HOME LOAN MORTGAGE CORPORATION.—The term 'Federal Home Loan Mortgage Corporation' means the corporation created by the Federal Home Loan Mortgage Corporation Act.''.

SEC. 1113. PROHIBITION AND WITHHOLDING OF EXECUTIVE COMPENSATION.

(a) IN GENERAL.—Section 1318 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4518) is amended—

*(1) in the section heading, by striking ''**OF EXCESSIVE**'' and inserting ''**AND WITHHOLDING OF EXECUTIVE**'';*

(2) by redesignating subsection (b) as subsection (d); and

(3) by inserting after subsection (a) the following:

''(b) FACTORS.—In making any determination under subsection (a), the Director may take into consideration any factors the Director considers relevant, including any wrongdoing on the part of the executive officer, and such wrongdoing shall include any fraudulent act or omission, breach of trust or fiduciary duty, violation of law, rule, regulation, order, or written agreement, and insider abuse with respect to the regulated entity. The approval of an agreement or contract pursuant to section 309(d)(3)(B) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1723a(d)(3)(B)) or section 303(h)(2) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1452(h)(2)) shall not preclude the Director from making any subsequent determination under subsection (a).

''(c) WITHHOLDING OF COMPENSATION.—In carrying out subsection (a), the Director may require a regulated entity to withhold any payment, transfer, or disbursement of compensation to an executive officer, or to place such compensation in an escrow account, during the review of the reasonableness and comparability of compensation.''.

(b) CONFORMING AMENDMENTS.—

(1) FANNIE MAE.—Section 309(d) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1723a(d)) is amended by adding at the end the following new paragraph:

''(4) Notwithstanding any other provision of this section, the corporation shall not transfer, disburse, or pay compensation to any executive officer, or enter into an agreement with such executive officer, without the approval of the Director, for matters being reviewed under section 1318 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4518).''.

(2) FREDDIE MAC.—Section 303(h) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1452(h)) is amended by adding at the end the following new paragraph:

''(4) Notwithstanding any other provision of this section, the Corporation shall not transfer, disburse, or pay compensation to any executive officer, or enter into an agreement with such executive officer, without the approval of the Director, for matters being reviewed under section 1318 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4518).''.

(3) FEDERAL HOME LOAN BANKS.—Section 7 of the Federal Home Loan Bank Act (12 U.S.C. 1427) is amended by adding at the end the following new subsection:

''(l) WITHHOLDING OF COMPENSATION.—Notwithstanding any other provision of this section, a Federal Home Loan Bank shall not transfer, disburse, or pay compensation to any executive officer, or enter into an agreement with such executive officer, without the approval of the Director, for matters being reviewed under section 1318 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4518).''.

SEC. 1114. LIMIT ON GOLDEN PARACHUTES.

Section 1318 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4518) is amended by adding at the end the following:

''(e) AUTHORITY TO REGULATE OR PROHIBIT CERTAIN FORMS OF BENEFITS TO AFFILIATED PARTIES.—

''(1) GOLDEN PARACHUTES AND INDEMNIFICATION PAYMENTS.—The Director may prohibit or limit, by regulation or order, any golden parachute payment or indemnification payment.

''(2) FACTORS TO BE TAKEN INTO ACCOUNT.—The Director shall prescribe, by regulation, the factors to be considered by the Director in taking any action pursuant to paragraph (1), which may include such factors as—

''(A) whether there is a reasonable basis to believe that the affiliated party has committed any fraudulent act or omission, breach of trust or fiduciary duty, or insider abuse with regard to the regulated entity that has had a material effect on the financial condition of the regulated entity;

''(B) whether there is a reasonable basis to believe that the affiliated party is substantially responsible for the insolvency of the regulated entity, the appointment of a conservator or receiver for the regulated entity, or the troubled condition of the regulated entity (as defined in regulations prescribed by the Director);

''(C) whether there is a reasonable basis to believe that the affiliated party has materially violated any applicable provision of Federal or State law or regulation that has had a material effect on the financial condition of the regulated entity;

''(D) whether the affiliated party was in a position of managerial or fiduciary responsibility; and

''(E) the length of time that the party was affiliated with the regulated entity, and the degree to which—

''(i) the payment reasonably reflects compensation earned over the period of employment; and

''(ii) the compensation involved represents a reasonable payment for services rendered.

''(3) CERTAIN PAYMENTS PROHIBITED.—No regulated entity may prepay the salary or any liability or legal expense of any affiliated party if such payment is made—

''(A) in contemplation of the insolvency of such regulated entity, or after the commission of an act of insolvency; and

''(B) with a view to, or having the result of—

''(i) preventing the proper application of the assets of the regulated entity to creditors; or

''(ii) preferring one creditor over another.

''(4) GOLDEN PARACHUTE PAYMENT DEFINED.—

''(A) IN GENERAL.—For purposes of this subsection, the term 'golden parachute payment' means any payment (or any agreement to make any payment) in the nature of compensation by any regulated entity for the benefit of any affiliated party pursuant to an obligation of such regulated entity that—

''(i) is contingent on the termination of such party's affiliation with the regulated entity; and

''(ii) is received on or after the date on which—

''(I) the regulated entity became insolvent;

''(II) any conservator or receiver is appointed for such regulated entity; or

''(III) the Director determines that the regulated entity is in a troubled condition (as defined in the regulations of the Director).

''(B) CERTAIN PAYMENTS IN CONTEMPLATION OF AN EVENT.—Any payment which would be a golden parachute payment but for the fact that such payment was made before the date referred to in subparagraph (A)(ii) shall be treated as a golden parachute payment if the payment was made in contemplation of the occurrence of an event described in any subclause of such subparagraph.

''(C) CERTAIN PAYMENTS NOT INCLUDED.—For purposes of this subsection, the term 'golden parachute payment' shall not include—

''(i) any payment made pursuant to a retirement plan which is qualified (or is intended to be qualified) under section 401 of the Internal Revenue Code of 1986, or other nondiscriminatory benefit plan;

''(ii) any payment made pursuant to a bona fide deferred compensation plan or arrangement which the Director determines, by regulation or order, to be permissible; or

''(iii) any payment made by reason of the death or disability of an affiliated party.

''(5) OTHER DEFINITIONS.—For purposes of this subsection, the following definitions shall apply:

''(A) INDEMNIFICATION PAYMENT.—Subject to paragraph (6), the term 'indemnification payment' means any payment (or any agreement to make any payment) by any regulated entity for the benefit of any person who is or was an affiliated party, to pay or reimburse such person

for any liability or legal expense with regard to any administrative proceeding or civil action instituted by the Agency which results in a final order under which such person—

''(i) is assessed a civil money penalty;

''(ii) is removed or prohibited from participating in conduct of the affairs of the regulated entity; or

''(iii) is required to take any affirmative action to correct certain conditions resulting from violations or practices, by order of the Director.

''(B) LIABILITY OR LEGAL EXPENSE.—The term 'liability or legal expense' means—

''(i) any legal or other professional expense incurred in connection with any claim, proceeding, or action;

''(ii) the amount of, and any cost incurred in connection with, any settlement of any claim, proceeding, or action; and

''(iii) the amount of, and any cost incurred in connection with, any judgment or penalty imposed with respect to any claim, proceeding, or action.

''(C) PAYMENT.—The term 'payment' includes—

''(i) any direct or indirect transfer of any funds or any asset; and

''(ii) any segregation of any funds or assets for the purpose of making, or pursuant to an agreement to make, any payment after the date on which such funds or assets are segregated, without regard to whether the obligation to make such payment is contingent on—

''(I) the determination, after such date, of the liability for the payment of such amount; or

''(II) the liquidation, after such date, of the amount of such payment.

''(6) CERTAIN COMMERCIAL INSURANCE COVERAGE NOT TREATED AS COVERED BENEFIT PAYMENT.—No provision of this subsection shall be construed as prohibiting any regulated entity from purchasing any commercial insurance policy or fidelity bond, except that, subject to any requirement described in paragraph (5)(A)(iii), such insurance policy or bond shall not cover any legal or liability expense of the regulated entity which is described in paragraph (5)(A).''.

SEC. 1115. REPORTING OF FRAUDULENT LOANS.

Part 1 of subtitle C of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4631 et seq.), as amended by this Act, is amended by adding at the end the following:

''SEC. 1379E. REPORTING OF FRAUDULENT LOANS.

''(a) REQUIREMENT TO REPORT.—The Director shall require a regulated entity to submit to the Director a timely report upon discovery by the regulated entity that it has purchased or sold a fraudulent loan or financial instrument, or suspects a possible fraud relating to the purchase or sale of any loan or financial instrument. The Director shall require each regulated entity to establish and maintain procedures designed to discover any such transactions.

''(b) PROTECTION FROM LIABILITY FOR REPORTS.—Any regulated entity that, in good faith, makes a report pursuant to subsection (a), and any entity-affiliated party, that, in good faith, makes or requires another to make any such report, shall not be liable to any person under any provision of law or regulation, any constitution, law, or regulation of any State or political subdivision of any State, or under any contract or other legally enforceable agreement (including any arbitration agreement) for such report or for any failure to provide notice of such report to the person who is the subject of such report or any other persons identified in the report.''.

Subtitle B—Improvement of Mission Supervision

SEC. 1121. TRANSFER OF PROGRAM APPROVAL AND HOUSING GOAL OVERSIGHT.

Part 2 of subtitle A of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4541 et seq.) is amended—

(1) by striking the heading for the part and inserting the following:

''PART 2—ADDITIONAL AUTHORITIES OF THE DIRECTOR'';

and

(2) by striking sections 1321 and 1322.

SEC. 1122. ASSUMPTION BY THE DIRECTOR OF CERTAIN OTHER HUD RESPONSIBILITIES.

(a) IN GENERAL.—Part 2 of subtitle A of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4541 et seq.) is amended—

(1) by striking ''Secretary'' each place that term appears and inserting ''Director'' in each of sections 1323, 1326, 1327, 1328, and 1336; and

(2) by striking sections 1338 and 1349 (12 U.S.C. 4562 note and 4589).

(b) RETENTION OF FAIR HOUSING RESPONSIBILITIES.—Section 1325 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4545) is amended in the matter preceding paragraph (1), by inserting ''of Housing and Urban Development'' after ''The Secretary''.

SEC. 1123. REVIEW OF ENTERPRISE PRODUCTS.

Part 2 of subtitle A of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4541 et seq.) is amended by inserting before section 1323 the following:

''SEC. 1321. PRIOR APPROVAL AUTHORITY FOR PRODUCTS.

''(a) IN GENERAL.—The Director shall require each enterprise to obtain the approval of the Director for any product of the enterprise before initially offering the product.

''(b) STANDARD FOR APPROVAL.—In considering any request for approval of a product pursuant to subsection (a), the Director shall make a determination that—

''(1) in the case of a product of the Federal National Mortgage Association, the product is authorized under paragraph (2), (3), (4), or (5) of section 302(b) or section 304 of the Federal National Mortgage Association Charter Act (12 U.S.C. 1717(b), 1719);

''(2) in the case of a product of the Federal Home Loan Mortgage Corporation, the product is authorized under paragraph (1), (4), or (5) of section 305(a) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1454(a));

''(3) the product is in the public interest; and

''(4) the product is consistent with the safety and soundness of the enterprise or the mortgage finance system.

''(c) PROCEDURE FOR APPROVAL.—

''(1) SUBMISSION OF REQUEST.—An enterprise shall submit to the Director a written request for approval of a product that describes the product in such form as prescribed by order or regulation of the Director.

''(2) REQUEST FOR PUBLIC COMMENT.—Immediately upon receipt of a request for approval of a product, as required under paragraph (1), the Director shall publish notice of such request and of the period for public comment pursuant to paragraph (3) regarding the product, and a description of the product proposed by the request. The Director shall give interested parties the opportunity to respond in writing to the proposed product.

''(3) PUBLIC COMMENT PERIOD.—During the 30-day period beginning on the date of publication pursuant to paragraph (2) of a request for approval of a product, the Director shall receive public comments regarding the proposed product.

''(4) OFFERING OF PRODUCT.—

''(A) IN GENERAL.—Not later than 30 days after the close of the public comment period described in paragraph (3), the Director shall approve or deny the product, specifying the grounds for such decision in writing.

''(B) FAILURE TO ACT.—If the Director fails to act within the 30-day period described in subparagraph (A), then the enterprise may offer the product.

''(C) TEMPORARY APPROVAL.—The Director may, subject to the rules of the Director, provide for temporary approval of the offering of a product without a public comment period, if the Director finds that the existence of exigent circumstances makes such delay contrary to the public interest.

''(d) CONDITIONAL APPROVAL.—If the Director approves the offering of any product by an enterprise, the Director may establish terms, conditions, or limitations with respect to such product with which the enterprise must comply in order to offer such product.

''(e) EXCLUSIONS.—

''(1) IN GENERAL.—The requirements of subsections (a) through (d) do not apply with respect to—

''(A) the automated loan underwriting system of an enterprise in existence as of the date of enactment of the Federal Housing Finance Regulatory Reform Act of 2008, including any upgrade to the technology, operating system, or software to operate the underwriting system;

''(B) any modification to the mortgage terms and conditions or mortgage underwriting criteria relating to the mortgages that are purchased or guaranteed by an enterprise, provided that such modifications do not alter the underlying transaction so as to include services or financing, other than residential mortgage financing; or

''(C) any other activity that is substantially similar, as determined by rule of the Director to—

''(i) the activities described in subparagraphs (A) and (B); and

''(ii) other activities that have been approved by the Director in accordance with this section.

''(2) EXPEDITED REVIEW.—

''(A) ENTERPRISE NOTICE.—For any new activity that an enterprise considers not to be a product, the enterprise shall provide written notice to the Director of such activity, and may not commence such activity until the date of receipt of a notice under subparagraph (B) or the expiration of the period described in subparagraph (C). The Director shall establish, by regulation, the form and content of such written notice.

''(B) DIRECTOR DETERMINATION.—Not later than 15 days after the date of receipt of a notice under subparagraph (A), the Director shall determine whether such activity is a product subject to approval under this section. The Director shall, immediately upon so determining, notify the enterprise.

''(C) FAILURE TO ACT.—If the Director fails to determine whether such activity is a product within the 15-day period described in subparagraph (B), the enterprise may commence the new activity in accordance with subparagraph (A).

''(f) NO LIMITATION.—Nothing in this section may be construed to restrict—

''(1) the safety and soundness authority of the Director over all new and existing products or activities; or

''(2) the authority of the Director to review all new and existing products or activities to determine that such products or activities are consistent with the statutory mission of an enterprise.''.

SEC. 1124. CONFORMING LOAN LIMITS.

(a) FANNIE MAE.—

(1) GENERAL LIMIT.—Section 302(b)(2) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1717(b)(2)) is amended by striking the 7th and 8th sentences and inserting the following new sentences: ''Such limitations shall not exceed $417,000 for a mortgage secured by a single-family residence, $533,850 for a mortgage secured by a 2-family residence, $645,300 for a mortgage secured by a 3-family residence, and $801,950 for a mortgage secured by a 4-family residence, except that such maximum limitations shall be adjusted effective January 1 of each year beginning after the effective date of Federal Housing Finance Regulatory Reform Act of 2008, subject to the limitations in this paragraph. Each adjustment shall be made by adding to each such amount (as it may have been previously adjusted) a percentage thereof equal

to the percentage increase, during the most recent 12-month or 4th-quarter period ending before the time of determining such annual adjustment, in the housing price index maintained by the Director of the Federal Housing Finance Agency (pursuant to section 1322 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4541)). If the change in such house price index during the most recent 12-month or 4th-quarter period ending before the time of determining such annual adjustment is a decrease, then no adjustment shall be made for the next year, and the next adjustment shall take into account prior declines in the house price index, so that any adjustment shall reflect the net change in the house price index since the last adjustment. Declines in the house price index shall be accumulated and then reduce increases until subsequent increases exceed prior declines.''.

(2) HIGH-COST AREA LIMIT.—Section 302(b)(2) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1717(b)(2)) is amended by adding after the period at the end the following: ''Such foregoing limitations shall also be increased with respect to properties of a particular size located in any area for which the median price for such size residence exceeds the foregoing limitation for such size residence, to the lesser of 150 percent of such foregoing limitation for such size residence or the amount that is equal to the median price in such area for such size residence.''.

(3) EFFECTIVE DATE.—The amendments made by paragraphs (1) and (2) of this subsection shall take effect upon the expiration of the date described in section 201(a) of the Economic Stimulus Act of 2008 (Public Law 110–185).

(b) FREDDIE MAC.—

(1) GENERAL LIMIT.—Section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1454(a)(2)) is amended by striking the 6th and 7th sentences and inserting the following new sentences: ''Such limitations shall not exceed $417,000 for a mortgage secured by a single-family residence, $533,850 for a mortgage secured by a 2-family residence, $645,300 for a mortgage secured by a 3-family residence, and $801,950 for a mortgage secured by a 4-family residence, except that such maximum limitations shall be adjusted effective January 1 of each year beginning after the effective date of the Federal Housing Finance Regulatory Reform Act of 2008, subject to the limitations in this paragraph. Each adjustment shall be made by adding to each such amount (as it may have been previously adjusted) a percentage thereof equal to the percentage increase, during the most recent 12-month or fourth-quarter period ending before the time of determining such annual adjustment, in the housing price index maintained by the Director of the Federal Housing Finance Agency (pursuant to section 1322 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4541)). If the change in such house price index during the most recent 12-month or 4th-quarter period ending before the time of determining such annual adjustment is a decrease, then no adjustment shall be made for the next year, and the next adjustment shall take into account prior declines in the house price index, so that any adjustment shall reflect the net change in the house price index since the last adjustment. Declines in the house price index shall be accumulated and then reduce increases until subsequent increases exceed prior declines.''.

(2) HIGH-COST AREA LIMIT.—Section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act is amended by adding after the period at the end the following: ''Such foregoing limitations shall also be increased with respect to properties of a particular size located in any area for which the median price for such size residence exceeds the foregoing limitation for such size residence, to the lesser of 150 percent of such foregoing limitation for such size residence or the amount that is equal to the median price in such area for such size residence.''.

(3) EFFECTIVE DATE.—The amendments made by paragraphs (1) and (2) of this subsection shall take effect upon the expiration of the date described in section 201(a) of the Economic Stimulus Act of 2008 (Public Law 110–185).

(c) SENSE OF CONGRESS.—It is the sense of the Congress that the securitization of mortgages by the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation plays an important role in providing liquidity to the United States housing markets. Therefore, the Congress encourages the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation to securitize mortgages acquired under the increased conforming loan limits established under this Act.

(d) HOUSING PRICE INDEX.—Part 2 of subtitle A of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4541 et seq.) is amended by inserting after section 1321 (as added by section 1123 of this Act) the following new section:

''SEC. 1322. HOUSING PRICE INDEX.

''The Director shall establish and maintain a method of assessing the national average 1-family house price for use for adjusting the conforming loan limitations of the enterprises. In establishing such method, the Director shall take into consideration the monthly survey of all major lenders conducted by the Federal Housing Finance Agency to determine the national average 1-family house price, the House Price Index maintained by the Office of Federal Housing Enterprise Oversight of the Department of Housing and Urban Development before the effective date of the Federal Housing Finance Regulatory Reform Act of 2008, any appropriate house price indexes of the Bureau of the Census of the Department of Commerce, and any other indexes or measures that the Director considers appropriate.''.

SEC. 1125. ANNUAL HOUSING REPORT.

(a) REPEAL.—Section 1324 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4544) is hereby repealed.

(b) ANNUAL HOUSING REPORT.—The Federal Housing Enterprises Financial Safety and Soundness Act of 1992 is amended by inserting after section 1323 the following:

''SEC. 1324. ANNUAL HOUSING REPORT.

''(a) IN GENERAL.—After reviewing and analyzing the reports submitted under section 309(n) of the Federal National Mortgage Association Charter Act and section 307(f) of the Federal Home Loan Mortgage Corporation Act, the Director shall submit a report, not later than October 30 of each year, to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives, on the activities of each enterprise.

''(b) CONTENTS.—The report required under subsection (a) shall—

''(1) discuss—

''(A) the extent to and manner in which—

''(i) each enterprise is achieving the annual housing goals established under subpart B;

''(ii) each enterprise is complying with its duty to serve underserved markets, as established under section 1335;

''(iii) each enterprise is complying with section 1337;

''(iv) each enterprise received credit towards achieving each of its goals resulting from a transaction or activity pursuant to section 1331(b)(2); and

''(v) each enterprise is achieving the purposes of the enterprise established by law; and

''(B) the actions that each enterprise could undertake to promote and expand the purposes of the enterprise;

''(2) aggregate and analyze relevant data on income to assess the compliance of each enterprise with the housing goals established under subpart B;

''(3) aggregate and analyze data on income, race, and gender by census tract and other relevant classifications, and compare such data with larger demographic, housing, and economic trends;

''(4) identify the extent to which each enterprise is involved in mortgage purchases and secondary market activities involving subprime and nontraditional loans;

''(5) compare the characteristics of subprime and nontraditional loans both purchased and securitized by each enterprise to other loans purchased and securitized by each enterprise; and

''(6) compare the characteristics of high-cost loans purchased and securitized, where such securities are not held on portfolio to loans purchased and securitized, where such securities are either retained on portfolio or repurchased by the enterprise, including such characteristics as—

''(A) the purchase price of the property that secures the mortgage;

''(B) the loan-to-value ratio of the mortgage, which shall reflect any secondary liens on the relevant property;

''(C) the terms of the mortgage;

''(D) the creditworthiness of the borrower; and

''(E) any other relevant data, as determined by the Director.

''(c) DATA COLLECTION AND REPORTING.—

''(1) IN GENERAL.—To assist the Director in analyzing the matters described in subsection (b), the Director shall conduct, on a monthly basis, a survey of mortgage markets in accordance with this subsection.

''(2) DATA POINTS.—Each monthly survey conducted by the Director under paragraph (1) shall collect data on—

''(A) the characteristics of individual mortgages that are eligible for purchase by the enterprises and the characteristics of individual mortgages that are not eligible for purchase by the enterprises including, in both cases, information concerning—

''(i) the price of the house that secures the mortgage;

''(ii) the loan-to-value ratio of the mortgage, which shall reflect any secondary liens on the relevant property;

''(iii) the terms of the mortgage;

''(iv) the creditworthiness of the borrower or borrowers; and

''(v) whether the mortgage, in the case of a conforming mortgage, was purchased by an enterprise;

''(B) the characteristics of individual subprime and nontraditional mortgages that are eligible for purchase by the enterprises and the characteristics of borrowers under such mortgages, including the creditworthiness of such borrowers and determination whether such borrowers would qualify for prime lending; and

''(C) such other matters as the Director determines to be appropriate.

''(3) PUBLIC AVAILABILITY.—The Director shall make any data collected by the Director in connection with the conduct of a monthly survey available to the public in a timely manner, provided that the Director may modify the data released to the public to ensure that the data—

''(A) is not released in an identifiable form; and

''(B) is not otherwise obtainable from other publicly available data sets.

''(4) DEFINITION.—For purposes of this subsection, the term 'identifiable form' means any representation of information that permits the identity of a borrower to which the information relates to be reasonably inferred by either direct or indirect means.''.

SEC. 1126. PUBLIC USE DATABASE.

Section 1323 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (42 U.S.C. 4543) is amended—

(1) in subsection (a)—

(A) by striking ''(a) IN GENERAL.—The Secretary'' and inserting the following:

''(a) AVAILABILITY.—

''(1) IN GENERAL.—The Director''; and

(B) by adding at the end the following new paragraph:

''(2) CENSUS TRACT LEVEL REPORTING.—Such data shall include the data elements required to be reported under the Home Mortgage Disclosure Act of 1975, at the census tract level.'';

(2) in subsection (b)(2), by inserting before the period at the end the following: ''or with subsection (a)(2)''; and

(3) by adding at the end the following new subsection:

''(d) TIMING.—Data submitted under this section by an enterprise in connection with a provision referred to in subsection (a) shall be made publicly available in accordance with this section not later than September 30 of the year following the year to which the data relates.''.

SEC. 1127. REPORTING OF MORTGAGE DATA.

Section 1326 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4546) is amended—

(1) in subsection (a), by striking ''The Director'' and inserting ''Subject to subsection (d), the Director''; and

(2) by adding at the end the following:

''(d) MORTGAGE INFORMATION.—Subject to privacy considerations, as described in section 304(j) of the Home Mortgage Disclosure Act of 1975 (12 U.S.C. 2803(j)), the Director shall, by regulation or order, provide that certain information relating to single family mortgage data of the enterprises shall be disclosed to the public, in order to make available to the public—

''(1) the same data from the enterprises that is required of insured depository institutions under the Home Mortgage Disclosure Act of 1975; and

''(2) information collected by the Director under section 1324(b)(6).''.

SEC. 1128. REVISION OF HOUSING GOALS.

(a) REPEAL.—Sections 1331 through 1334 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4561 through 4564) are hereby repealed.

(b) HOUSING GOAL.—The Federal Housing Enterprises Financial Safety and Soundness Act of 1992 is amended by inserting before section 1335 the following:

''SEC. 1331. ESTABLISHMENT OF HOUSING GOALS.

''(a) IN GENERAL.—The Director shall, by regulation, establish effective for the first calendar year that begins after the date of enactment of the Federal Housing Finance Regulatory Reform Act of 2008, and each year thereafter, annual housing goals, as described under this subpart, with respect to the mortgage purchases by the enterprises.

''(b) SPECIAL COUNTING REQUIREMENTS.—

''(1) IN GENERAL.—The Director shall determine whether an enterprise shall receive full, partial, or no credit for a transaction toward achievement of any of the housing goals established pursuant to this section or sections 1332 through 1334.

''(2) CONSIDERATIONS.—In making any determination under paragraph (1), the Director shall consider whether a transaction or activity of an enterprise is substantially equivalent to a mortgage purchase and either (A) creates a new market, or (B) adds liquidity to an existing market, provided however that the terms and conditions of such mortgage purchase is neither determined to be unacceptable, nor contrary to good lending practices, and otherwise promotes sustainable homeownership and further, that such mortgage purchase actually fulfills the purposes of the enterprise and is in accordance with the chartering Act of such enterprise.

''(c) ELIMINATING INTEREST RATE DISPARITIES.—

''(1) IN GENERAL.—In establishing and implementing the housing goals under this subpart, the Director shall require the enterprises to disclose appropriate information to allow the Director to assess if there are any disparities in interest rates charged on mortgages to borrowers who are minorities, as compared with borrowers of similar creditworthiness who are not minorities, as evidenced in reports pursuant to the Home Mortgage Disclosure Act of 1975.

''(2) REPORT TO CONGRESS ON DISPARITIES.—Upon a finding by the Director that a pattern of disparities in interest rates exists pursuant to the information provided by an enterprise under paragraph (1), the Director shall—

''(A) forward to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives a report detailing the disparities; and

''(B) forward the report prepared under subparagraph (A) to any other appropriate regulatory or enforcement agency.

''(3) IDENTITY OF INDIVIDUALS NOT DISCLOSED.—In carrying out this subsection, the Director shall ensure that no personally identifiable financial information that would enable an individual borrower to be reasonably identified shall be made public.

''(d) TIMING.—The Director shall establish an annual deadline for the establishment of housing goals described in subsection (a), taking into consideration the need for the enterprises to reasonably and sufficiently plan their operations and activities in advance, including operations and activities necessary to meet such goals.

''SEC. 1331A. DISCRETIONARY ADJUSTMENT OF HOUSING GOALS.

''(a) AUTHORITY.—

''(1) REVIEW.—The Director shall review the appropriateness of each goal established pursuant to this subpart at least once during each year to assure that given current market conditions that each such goal is feasible.

''(2) PETITION TO REDUCE.—An enterprise may petition the Director in writing at any time during a year to reduce the level of any goal for such year established pursuant to this subpart.

''(b) STANDARD FOR REDUCTION.—The Director may reduce the level for a goal pursuant to such a petition only if—

''(1) market and economic conditions or the financial condition of the enterprise require such action; or

''(2) efforts to meet the goal would result in the constraint of liquidity, over-investment in certain market segments, or other consequences contrary to the intent of this subpart, section 301(3) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1716(3)), or section 301(b)(3) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1451 note), as applicable.

''(c) DETERMINATION.—

''(1) 30-DAY PERIOD.—If an enterprise submits a petition for reduction to the Director under subsection (a)(2), the Director shall make a determination regarding any proposed reduction within 30 days of receipt of the petition.

''(2) EXTENSION.—The Director may extend the period described in paragraph (1) for a single additional 15-day period, but only if the Director requests additional information from the enterprise.

''SEC. 1332. SINGLE-FAMILY HOUSING GOALS.

''(a) ESTABLISHMENT OF GOALS.—

''(1) IN GENERAL.—The Director shall establish annual goals for the purchase by each enterprise of conventional, conforming, single-family, owner-occupied, purchase money mortgages financing housing for each of the following:

''(A) Low-income families.

''(B) Families that reside in low-income areas.

''(C) Very low-income families.

''(2) GOALS AS PERCENTAGE OF TOTAL PURCHASE MONEY MORTGAGE PURCHASES.—The goals established under paragraph (1) shall be established as a percentage of the total number of single-family dwelling units financed by single-family purchase money mortgage purchases of the enterprise.

''(b) DETERMINATION OF COMPLIANCE.—

''(1) IN GENERAL.—The Director shall determine, for each year that the housing goals under this section are in effect pursuant to section 1331(a), whether each enterprise has complied with the single-family housing goals established under this section for such year.

''(2) COMPLIANCE REQUIREMENTS.—An enterprise shall be considered to be in compliance with a goal described under subsection (a) for a year, only if, for each of the types of families described in subsection (a), the percentage of the number of conventional, conforming, single-family, owner-occupied, purchase money mortgages purchased by the enterprise in such year that serve such families, meets or exceeds the target established under subsection (c) for the year for such type of family.

''(c) ANNUAL TARGETS.—

''(1) IN GENERAL.—The Director shall establish annual targets for each goal described in subsection (a).

''(2) CONSIDERATIONS.—In establishing annual targets under paragraph (1), the Director shall consider—

''(A) national housing needs;

''(B) economic, housing, and demographic conditions;

''(C) the performance and effort of the enterprises toward achieving the housing goals under this section in previous years;

''(D) the ability of the enterprise to lead the industry in making mortgage credit available;

''(E) recent information submitted in compliance with the Home Mortgage Disclosure Act of 1975 and such other reliable mortgage data as may be available;

''(F) the size of the purchase money conventional mortgage market serving each of the types of families described in subsection (a), relative to the size of the overall purchase money mortgage market; and

''(G) the need to maintain the sound financial condition of the enterprises.

''(3) HIGH-COST LOANS AND INAPPROPRIATE LENDING PRACTICES.—In establishing annual targets under paragraph (1), the Director shall not consider segments of the market determined to be unacceptable or contrary to good lending practices pursuant to section 1331(b)(2).

''(d) NOTICE OF DETERMINATION AND ENTERPRISE COMMENT.—

''(1) NOTICE.—Within 30 days of making a determination under subsection (b) regarding compliance of an enterprise for a year with the housing goals established under this section and before any public disclosure thereof, the Director shall provide notice of the determination to the enterprise, which shall include an analysis and comparison, by the Director, of the performance of the enterprise for the year and the targets for the year under subsection (c).

''(2) COMMENT PERIOD.—The Director shall provide each enterprise and the public an opportunity to comment on the determination during the 30-day period beginning upon receipt by the enterprise of the notice.

''(e) USE OF BORROWER INCOME.—In monitoring the performance of each enterprise pursuant to the housing goals under this section and evaluating such performance (for purposes of section 1336), the Director shall consider a mortgagor's income to be the income of the mortgagor at the time of origination of the mortgage.

''(f) CONSIDERATION OF PROPERTIES WITH RENTAL UNITS.—Mortgages financing 1-to-4 unit owner-occupied properties shall count toward the achievement of the single-family housing goal under this section, if such properties otherwise meet the requirements under this section notwithstanding the use of 1 or more units for rental purposes.

''SEC. 1333. SINGLE-FAMILY HOUSING REFINANCE GOALS.

''(a) PREPAYMENT OF EXISTING LOANS.—

''(1) IN GENERAL.—The Director shall establish annual goals for the purchase by each enterprise of mortgages on conventional, conforming, single-family, owner-occupied housing given to pay off or prepay an existing loan served by the same property for each of the following:

''(A) Low-income families.

''(B) Families that reside in low-income areas.

''(C) Very low-income families.

''(2) GOALS AS PERCENTAGE OF TOTAL REFINANCING MORTGAGE PURCHASES.—The goals described under paragraph (1) shall be established as a percentage of the total number of single-family dwelling units refinanced by mortgage purchases of each enterprise.

''(b) DETERMINATION OF COMPLIANCE.—

''(1) IN GENERAL.—The Director shall determine, for each year that the housing goals under this section are in effect pursuant to section 1331(a), whether each enterprise has complied with the single-family housing refinance goals established under this section for such year.

''(2) COMPLIANCE.—An enterprise shall be considered to be in compliance with the goals of this section for a year, only if, for each of the types of families described in subsection (a), the percentage of the number of conventional, conforming, single-family, owner-occupied refinancing mortgages purchased by each enterprise in such year that serve such families, meets or exceeds the target for the year for such type of family that is established under subsection (c).

''(c) ANNUAL TARGETS.—

''(1) IN GENERAL.—The Director shall establish annual targets for each goal described in subsection (a).

''(2) CONSIDERATIONS.—In establishing annual targets under paragraph (1), the Director shall consider—

''(A) national housing needs;

''(B) economic, housing, and demographic conditions;

''(C) the performance and effort of the enterprises toward achieving the housing goals under this section in previous years;

''(D) the ability of the enterprise to lead the industry in making mortgage credit available;

''(E) recent information submitted in compliance with the Home Mortgage Disclosure Act of 1975 and such other reliable mortgage data as may be available;

''(F) the size of the purchase money conventional mortgage market serving each of the types of families described in subsection (a), relative to the size of the overall purchase money mortgage market; and

''(G) the need to maintain the sound financial condition of the enterprises.

''(d) NOTICE OF DETERMINATION AND ENTERPRISE COMMENT.—

''(1) NOTICE.—Within 30 days of making a determination under subsection (b) regarding compliance of an enterprise for a year with the housing goals established under this section and before any public disclosure thereof, the Director shall provide notice of the determination to the enterprise, which shall include an analysis and comparison, by the Director, of the performance of the enterprise for the year and the targets for the year under subsection (c).

''(2) COMMENT PERIOD.—The Director shall provide each enterprise and the public an opportunity to comment on the determination during the 30-day period beginning upon receipt by the enterprise of the notice.

''(e) USE OF BORROWER INCOME.—In monitoring the performance of each enterprise pursuant to the housing goals under this section and evaluating such performance (for purposes of section 1336), the Director shall consider a mortgagor's income to be the income of the mortgagor at the time of origination of the mortgage.

''SEC. 1334. MULTIFAMILY SPECIAL AFFORDABLE HOUSING GOAL.

''(a) ESTABLISHMENT.—

''(1) IN GENERAL.—The Director shall establish, by regulation, by unit, dollar volume, or percentage of multifamily activity, as determined by the Director, an annual goal for the purchase by each enterprise of—

''(A) mortgages that finance dwelling units affordable to very low-income families; and

''(B) mortgages that finance dwelling units assisted by the low-income housing tax credit under section 42 of the Internal Revenue Code of 1986.

''(2) ADDITIONAL REQUIREMENTS FOR SMALLER PROJECTS.—The Director shall establish, within the housing goal established under this section, additional requirements for the purchase by each enterprise of mortgages described in paragraph (1) for multifamily housing projects of a smaller or limited size, which may be based on the number of dwelling units in the project or the amount of the mortgage, or both, and shall include multifamily housing projects of 5 to 50 units (as adjusted by the Director), or with mortgages of up to $5,000,000 (as adjusted by the Director).

''(3) FACTORS.—The Director shall establish the goal and additional requirements under this section taking into consideration—

''(A) national multifamily mortgage credit needs;

''(B) the performance and effort of the enterprise in making mortgage credit available for multifamily housing in previous years;

''(C) the size of the multifamily mortgage market, including the size of the small multifamily mortgage market;

''(D) the most recent information available for the Residential Survey published by the Census Bureau, and such other reliable data as may be available regarding multifamily mortgages;

''(E) the ability of the enterprise to lead the industry in expanding mortgage credit availability at favorable terms, especially for underserved markets, such as for—

''(i) small multifamily projects;

''(ii) multifamily properties in need of preservation and rehabilitation; and

''(iii) multifamily properties located in rural areas; and

''(F) the need to maintain the sound financial condition of the enterprise.

''(b) UNITS FINANCED BY HOUSING FINANCE AGENCY BONDS.—The Director may give credit toward the achievement of the multifamily special affordable housing goal under this section (for purposes of section 1336) to dwelling units in multifamily housing projects that otherwise qualify under such goal and that are financed by tax-exempt or taxable bonds issued by a State or local housing finance agency, but only if such bonds—

''(1) are secured by a guarantee of the enterprise; or

''(2) are not investment grade and are purchased by the enterprise.

''(c) USE OF TENANT RENT LEVEL.—

''(1) IN GENERAL.—The Director shall monitor the performance of each enterprise in meeting the goal established under this section and shall evaluate such performance (for purposes of section 1336) based on whether the rent levels are affordable to low-income and very low-income families.

''(2) RENT LEVEL.—A rent level shall be considered to be affordable for purposes of this subsection for an income category referred to in this subsection if it does not exceed 30 percent of the maximum income level of such income category, with appropriate adjustments for unit size as measured by the number of bedrooms.

''(d) DETERMINATION OF COMPLIANCE.—

''(1) IN GENERAL.—The Director shall, for each year that the housing goal under this section is in effect pursuant to section 1331(a), determine whether each enterprise has complied with such goal and the additional requirements under subsection (a)(2).

''(2) COMPLIANCE.—An enterprise shall be considered to be in compliance with the goal described under subsection (a) for a year only if the multifamily mortgage purchases of the enterprise meet or exceed the goal for the year established under subsection (a).

''(e) CONSIDERATION OF UNITS IN SINGLE-FAMILY RENTAL HOUSING.—In establishing the goal under this section, the Director may take into consideration the number of housing units financed by any mortgage purchased by an enterprise on single-family rental housing that is not owner-occupied.

''(f) REMOVING CREDIT.—The Director shall subtract from the units or mortgages counted toward the goal established under this section in a current year any units or mortgages credited toward such goal in a prior year if an enterprise requires a lender to repurchase, or reimburse for losses, or indemnify the enterprise against potential losses on such units or mortgages.

''(g) NOTICE OF DETERMINATION AND ENTERPRISE COMMENT.—

''(1) NOTICE.—Within 30 days of making a determination under subsection (d) regarding compliance of an enterprise for a year with the housing goal established under this section and before any public disclosure thereof, the Director shall provide notice of the determination to the enterprise, which shall include an analysis and comparison, by the Director, of the performance of the enterprise for the year and the goal for the year under subsection (a).

''(2) COMMENT PERIOD.—The Director shall provide each enterprise and the public an opportunity to comment on the determination during the 30-day period beginning upon receipt by the enterprise of the notice.''.

(c) CONFORMING AMENDMENTS.—The Federal Housing Enterprises Financial Safety and Soundness Act of 1992 is amended—

(1) in section 1335(a) (12 U.S.C. 4565(a)), in the matter preceding paragraph (1), by striking ''low- and moderate-income housing goal'' and all that follows through ''section 1334'' and inserting ''housing goals established under this subpart''; and

(2) in section 1336(a)(1) (12 U.S.C. 4566(a)(1)), by striking ''sections 1332, 1333, and 1334,'' and inserting ''this subpart''.

(d) DEFINITIONS.—Section 1303 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4502) is amended—

(1) by striking paragraph (24), as so designated by section 1002 of this Act, and inserting the following:

''(24) VERY LOW-INCOME.—

''(A) IN GENERAL.—The term 'very low-income' means—

''(i) in the case of owner-occupied units, families having incomes not greater than 50 percent of the area median income; and

''(ii) in the case of rental units, families having incomes not greater than 50 percent of the area median income, with adjustments for smaller and larger families, as determined by the Director.

''(B) RULE OF CONSTRUCTION.—For purposes of section 1338 and 1339, the term 'very low-income' means—

''(i) in the case of owner-occupied units, income in excess of 30 percent but not greater than 50 percent of the area median income; and

''(ii) in the case of rental units, income in excess of 30 percent but not greater than 50 percent of the area median income, with adjustments for smaller and larger families, as determined by the Director.''; and

(2) by adding at the end the following:

''(26) CONFORMING MORTGAGE.—The term 'conforming mortgage' means, with respect to an enterprise, a conventional mortgage having an original principal obligation that does not exceed the applicable dollar limitation, in effect at the time of such origination, under—

''(A) section 302(b)(2) of the Federal National Mortgage Association Charter Act; or

''(B) section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act.

''(27) EXTREMELY LOW-INCOME.—The term 'extremely low-income' means—

''(A) in the case of owner-occupied units, income not in excess of 30 percent of the area median income; and

''(B) in the case of rental units, income not in excess of 30 percent of the area median income, with adjustments for smaller and larger families, as determined by the Director.

''(28) LOW-INCOME AREA.—The term 'low-income area' means a census tract or block numbering area in which the median income does not exceed 80 percent of the median income for the area in which such census tract or block

numbering area is located, and, for the purposes of section 1332(a)(2), shall include families having incomes not greater than 100 percent of the area median income who reside in minority census tracts.

''(29) MINORITY CENSUS TRACT.—The term 'minority census tract' means a census tract that has a minority population of at least 30 percent and a median family income of less than 100 percent of the area family median income.

''(30) SHORTAGE OF STANDARD RENTAL UNITS BOTH AFFORDABLE AND AVAILABLE TO EXTREMELY LOW-INCOME RENTER HOUSEHOLDS.—

''(A) IN GENERAL.—The term 'shortage of standard rental units both affordable and available to extremely low-income renter households' means the gap between—

''(i) the number of units with complete plumbing and kitchen facilities with a rent that is 30 percent or less of 30 percent of the adjusted area median income as determined by the Director that are occupied by extremely low-income renter households or are vacant for rent; and

''(ii) the number of extremely low-income renter households.

''(B) RULE OF CONSTRUCTION.—If the number of units described in subparagraph (A)(i) exceeds the number of extremely low-income households as described in subparagraph (A)(ii), there is no shortage.

''(31) SHORTAGE OF STANDARD RENTAL UNITS BOTH AFFORDABLE AND AVAILABLE TO VERY LOW-INCOME RENTER HOUSEHOLDS.—

''(A) IN GENERAL.—The term 'shortage of standard rental units both affordable and available to very low-income renter households' means the gap between—

''(i) the number of units with complete plumbing and kitchen facilities with a rent that is 30 percent or less of 50 percent of the adjusted area median income as determined by the Director that are occupied by either extremely low- or very low-income renter households or are vacant for rent; and

''(ii) the number of extremely low- and very low-income renter households.

''(B) RULE OF CONSTRUCTION.—If the number of units described in subparagraph (A)(i) exceeds the number of extremely low- and very low-income households as described in subparagraph (A)(ii), there is no shortage.''.

SEC. 1129. DUTY TO SERVE UNDERSERVED MARKETS.

(a) ESTABLISHMENT AND EVALUATION OF PERFORMANCE.—Section 1335 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4565) is amended—

*(1) in the section heading, by inserting ''**DUTY TO SERVE UNDERSERVED MARKETS AND**'' before ''**OTHER**'';*

(2) by striking subsection (b);

(3) in subsection (a)—

(A) in the matter preceding paragraph (1), by inserting ''and to carry out the duty under subsection (a) of this section'' before '', each enterprise shall'';

(B) in paragraph (3), by inserting ''and'' after the semicolon at the end;

(C) in paragraph (4), by striking ''; and'' and inserting a period;

(D) by striking paragraph (5); and

(E) by redesignating such subsection as subsection (b);

(4) by inserting before subsection (b) (as so redesignated by paragraph (3)(E) of this subsection) the following new subsection:

''(a) DUTY TO SERVE UNDERSERVED MARKETS.—

''(1) DUTY.—In accordance with the purpose of the enterprises under section 301(3) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1716) and section 301(b)(3) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1451 note) to undertake activities relating to mortgages on housing for very low-, low-, and moderate-income families involving a reasonable economic return that may be less than the return earned on other activities, each enterprise shall have the duty to increase the liquidity of mortgage investments and improve the distribution of investment capital available for mortgage financing for underserved markets by purchasing or securitizing mortgage investments.

''(2) UNDERSERVED MARKETS.—To meet its duty under paragraph (1), each enterprise shall comply with the following requirements with respect to the following underserved markets:

''(A) MANUFACTURED HOUSING.—The enterprise shall lead the industry in developing loan products and flexible underwriting guidelines to facilitate a secondary market for mortgages on manufactured homes for very low-, low-, and moderate-income families.

''(B) AFFORDABLE HOUSING PRESERVATION.—The enterprise shall lead the industry in developing loan products and flexible underwriting guidelines to facilitate a secondary market to preserve housing affordable to very low-, low-, and moderate-income families, including housing projects subsidized under—

''(i) the project-based and tenant-based rental assistance programs under section 8 of the United States Housing Act of 1937;

''(ii) the program under section 236 of the National Housing Act;

''(iii) the below-market interest rate mortgage program under section 221(d)(4) of the National Housing Act;

''(iv) the supportive housing for the elderly program under section 202 of the Housing Act of 1959;

''(v) the supportive housing program for persons with disabilities under section 811 of the Cranston-Gonzalez National Affordable Housing Act;

''(vi) the programs under title IV of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11361 et seq.), but only permanent supportive housing projects subsidized under such programs; and

''(vii) the rural rental housing program under section 515 of the Housing Act of 1949.

''(C) RURAL AND OTHER UNDERSERVED MARKETS.—The enterprise shall lead the industry in developing loan products and flexible underwriting guidelines to facilitate a secondary market for mortgages on housing for very low-, low-, and moderate-income families in rural areas, and for mortgages for housing for any other underserved market for very low-, low-, and moderate-income families that the Director identifies as lacking adequate credit through conventional lending sources. Such underserved markets may be identified by borrower type, market segment, or geographic area.''; and

(5) by adding at the end the following new subsection:

''(c) EVALUATION AND REPORTING OF COMPLIANCE.—

''(1) IN GENERAL.—Not later than 6 months after the effective date of the Federal Housing Finance Regulatory Reform Act of 2008, the Director shall establish a manner for evaluating whether, and the extent to which, the enterprises have complied with the duty under subsection (a) to serve underserved markets and for rating the extent of such compliance. Using such method, the Director shall, for each year, evaluate such compliance and rate the performance of each enterprise as to extent of compliance. The Director shall include such evaluation and rating for each enterprise for a year in the report for that year submitted pursuant to section 1319B(a).

''(2) SEPARATE EVALUATIONS.—In determining whether an enterprise has complied with the duty referred to in paragraph (1), the Director shall separately evaluate whether the enterprise has complied with such duty with respect to each of the underserved markets identified in subsection (a), taking into consideration—

''(A) the development of loan products and more flexible underwriting guidelines;

''(B) the extent of outreach to qualified loan sellers in each of such underserved markets; and

''(C) the volume of loans purchased in each of such underserved markets.

''(3) MANUFACTURED HOUSING MARKET.—In determining whether an enterprise has complied with the duty under subparagraph (A) of subsection (a)(2), the Director may consider loans secured by both real and personal property.''.

(b) ENFORCEMENT.—Subsection (a) of section 1336 of the Housing and Community Development Act of 1992 (12 U.S.C. 4566(a)) is amended—

(1) in paragraph (1), by inserting ''and with the duty under section 1335(a) of each enterprise with respect to underserved markets,'' before ''as provided in this section''; and

(2) by adding at the end of such subsection, as amended by the preceding provisions of this subtitle, the following new paragraph:

''(4) ENFORCEMENT OF DUTY TO PROVIDE MORTGAGE CREDIT TO UNDERSERVED MARKETS.—The duty under section 1335(a) of each enterprise to serve underserved markets (as determined in accordance with section 1335(c)) shall be enforceable under this section to the same extent and under the same provisions that the housing goals established under this subpart are enforceable. Such duty shall not be enforceable under any other provision of this title (including subpart C of this part) other than this section or under any provision of the Federal National Mortgage Association Charter Act or the Federal Home Loan Mortgage Corporation Act.''.

SEC. 1130. MONITORING AND ENFORCING COMPLIANCE WITH HOUSING GOALS.

(a) IN GENERAL.—Section 1336 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4566) is amended by striking subsections (b) and (c) and inserting the following:

''(b) NOTICE AND PRELIMINARY DETERMINATION OF FAILURE TO MEET GOALS.—

''(1) NOTICE.—If the Director preliminarily determines that an enterprise has failed, or that there is a substantial probability that an enterprise will fail, to meet any housing goal under this subpart, the Director shall provide written notice to the enterprise of such a preliminary determination, the reasons for such determination, and the information on which the Director based the determination.

''(2) RESPONSE PERIOD.—

''(A) IN GENERAL.—During the 30-day period beginning on the date on which an enterprise is provided notice under paragraph (1), the enterprise may submit to the Director any written information that the enterprise considers appropriate for consideration by the Director in finally determining whether such failure has occurred or whether the achievement of such goal was or is feasible.

''(B) EXTENDED PERIOD.—The Director may extend the period under subparagraph (A) for good cause for not more than 30 additional days.

''(C) SHORTENED PERIOD.—The Director may shorten the period under subparagraph (A) for good cause.

''(D) FAILURE TO RESPOND.—The failure of an enterprise to provide information during the 30-day period under this paragraph (as extended or shortened) shall waive any right of the enterprise to comment on the proposed determination or action of the Director.

''(3) CONSIDERATION OF INFORMATION AND FINAL DETERMINATION.—

''(A) IN GENERAL.—After the expiration of the response period under paragraph (2), or upon receipt of information provided during such period by the enterprise, whichever occurs earlier, the Director shall issue a final determination on—

''(i) whether the enterprise has failed, or there is a substantial probability that the enterprise will fail, to meet the housing goal; and

''(ii) whether (taking into consideration market and economic conditions and the financial condition of the enterprise) the achievement of the housing goal was or is feasible.

''(B) CONSIDERATIONS.—In making a final determination under subparagraph (A), the Director shall take into consideration any relevant

information submitted by the enterprise during the response period.

''(C) NOTICE.—The Director shall provide written notice, including a response to any information submitted during the response period, to the enterprise, the Committee on Banking, Housing, and Urban Affairs of the Senate, and the Committee on Financial Services of the House of Representatives, of—

''(i) each final determination under this paragraph that an enterprise has failed, or that there is a substantial probability that the enterprise will fail, to meet a housing goal;

''(ii) each final determination that the achievement of a housing goal was or is feasible; and

''(iii) the reasons for each such final determination.

''(c) CEASE AND DESIST, CIVIL MONEY PENALTIES, AND REMEDIES INCLUDING HOUSING PLANS.—

''(1) REQUIREMENT.—If the Director finds, pursuant to subsection (b), that there is a substantial probability that an enterprise will fail, or has actually failed, to meet any housing goal under this subpart, and that the achievement of the housing goal was or is feasible, the Director may require that the enterprise submit a housing plan under this subsection. If the Director makes such a finding and the enterprise refuses to submit such a plan, submits an unacceptable plan, fails to comply with the plan, or the Director finds that the enterprise has failed to meet any housing goal under this subpart, in addition to requiring an enterprise to submit a housing plan, the Director may issue a cease and desist order in accordance with section 1341, impose civil money penalties in accordance with section 1345, or order other remedies as set forth in paragraph (7).

''(2) HOUSING PLAN.—If the Director requires a housing plan under this subsection, such a plan shall be—

''(A) a feasible plan describing the specific actions the enterprise will take—

''(i) to achieve the goal for the next calendar year; and

''(ii) if the Director determines that there is a substantial probability that the enterprise will fail to meet a goal in the current year, to make such improvements and changes in its operations as are reasonable in the remainder of such year; and

''(B) sufficiently specific to enable the Director to monitor compliance periodically.

''(3) DEADLINE FOR SUBMISSION.—The Director shall establish a deadline for an enterprise to comply with any remedial action or submit a housing plan to the Director, which may not be more than 45 days after the enterprise is provided notice. The Director may extend the deadline to the extent that the Director determines necessary. Any extension of the deadline shall be in writing and for a time certain.

''(4) APPROVAL.—The Director shall review each submission by an enterprise, including a housing plan submitted under this subsection, and, not later than 30 days after submission, approve or disapprove the plan or other action. The Director may extend the period for approval or disapproval for a single additional 30-day period if the Director determines it necessary. The Director shall approve any plan that the Director determines is likely to succeed, and conforms with the Federal National Mortgage Association Charter Act or the Federal Home Loan Mortgage Corporation Act (as applicable), this title, and any other applicable provision of law.

''(5) NOTICE OF APPROVAL AND DISAPPROVAL.—The Director shall provide written notice to any enterprise submitting a housing plan of the approval or disapproval of the plan (which shall include the reasons for any disapproval of the plan) and of any extension of the period for approval or disapproval.

''(6) RESUBMISSION.—If the initial housing plan submitted by an enterprise under this section is disapproved, the enterprise shall submit an amended plan acceptable to the Director not later than 15 days after such disapproval, or such longer period that the Director determines is in the public interest.

''(7) ADDITIONAL REMEDIES FOR FAILURE TO MEET GOALS.—In addition to ordering a housing plan under this section, issuing cease and desist orders under section 1341, and ordering civil money penalties under section 1345, the Director may—

''(A) seek other actions when an enterprise fails to meet a goal; and

''(B) exercise appropriate enforcement authority available to the Director under this Act.''.

(b) CONFORMING AMENDMENT.—The heading for subpart C of part 2 of subtitle A of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 is amended to read as follows:

''Subpart C—Enforcement''.

(c) CEASE AND DESIST PROCEEDINGS .—

(1) REPEAL.—Section 1341 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4581) is hereby repealed.

(2) CEASE AND DESIST PROCEEDINGS.—The Federal Housing Enterprises Financial Safety and Soundness Act of 1992 is amended by inserting before section 1342 the following:

''SEC. 1341. CEASE AND DESIST PROCEEDINGS.

''(a) GROUNDS FOR ISSUANCE.—The Director may issue and serve a notice of charges under this section upon an enterprise if the Director determines that—

''(1) the enterprise has failed to meet any housing goal established under subpart B, following a written notice and determination of such failure in accordance with section 1336;

''(2) the enterprise has failed to submit a report under section 1327, following a notice of such failure, an opportunity for comment by the enterprise, and a final determination by the Director;

''(3) the enterprise has failed to submit the information required under subsection (m) or (n) of section 309 of the Federal National Mortgage Association Charter Act, subsection (e) or (f) of section 307 of the Federal Home Loan Mortgage Corporation Act, or section 1337 of this title;

''(4) the enterprise has violated any provision of part 2 of this title or any order, rule, or regulation under part 2;

''(5) the enterprise has failed to submit a housing plan or perform its responsibilities under a remedial order that substantially complies with section 1336(c) within the applicable period; or

''(6) the enterprise has failed to comply with a housing plan under section 1336(c).

''(b) PROCEDURE.—

''(1) NOTICE OF CHARGES.—Each notice of charges issued under this section shall contain a statement of the facts constituting the alleged conduct and shall fix a time and place at which a hearing will be held to determine on the record whether an order to cease and desist from such conduct should issue.

''(2) ISSUANCE OF ORDER.—If the Director finds on the record made at a hearing described in paragraph (1) that any conduct specified in the notice of charges has been established (or the enterprise consents pursuant to section 1342(a)(4)), the Director may issue and serve upon the enterprise an order requiring the enterprise to—

''(A) comply with the goals;

''(B) submit a report under section 1327;

''(C) comply with any provision of part 2 of this title or any order, rule, or regulation under part 2;

''(D) submit a housing plan in compliance with section 1336(c);

''(E) comply with the housing plan in compliance with section 1336(c); or

''(F) provide the information required under subsection (m) or (n) of section 309 of the Federal National Mortgage Association Charter Act, or subsection (e) or (f) of section 307 of the Federal Home Loan Mortgage Corporation Act.

''(c) EFFECTIVE DATE.—An order under this section shall become effective upon the expiration of the 30-day period beginning on the date of service of the order upon the enterprise (except in the case of an order issued upon consent, which shall become effective at the time specified therein), and shall remain effective and enforceable as provided in the order, except to the extent that the order is stayed, modified, terminated, or set aside by action of the Director or otherwise, as provided in this subpart.''.

(d) CIVIL MONEY PENALTIES.—

(1) REPEAL.—Section 1345 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4585) is hereby repealed.

(2) CIVIL MONEY PENALTIES.—The Federal Housing Enterprises Financial Safety and Soundness Act of 1992 is amended by inserting after section 1344 the following:

''SEC. 1345. CIVIL MONEY PENALTIES.

''(a) AUTHORITY.—The Director may impose a civil money penalty, in accordance with the provisions of this section, on any enterprise that has failed to—

''(1) meet any housing goal established under subpart B, following a written notice and determination of such failure in accordance with section 1336(b);

''(2) submit a report under section 1327, following a notice of such failure, an opportunity for comment by the enterprise, and a final determination by the Director;

''(3) submit the information required under subsection (m) or (n) of section 309 of the Federal National Mortgage Association Charter Act or subsection (e) or (f) of section 307 of the Federal Home Loan Mortgage Corporation Act;

''(4) comply with any provision of part 2 of this title or any order, rule, or regulation under part 2;

''(5) submit a housing plan or perform its responsibilities under a remedial order issued pursuant to section 1336(c) within the required period; or

''(6) comply with a housing plan for the enterprise under section 1336(c).

''(b) AMOUNT OF PENALTY.—The amount of a penalty under this section, as determined by the Director, may not exceed—

''(1) for any failure described in paragraph (1), (5), or (6) of subsection (a), $100,000 for each day that the failure occurs; and

''(2) for any failure described in paragraph (2), (3), or (4) of subsection (a), $50,000 for each day that the failure occurs.

''(c) PROCEDURES.—

''(1) ESTABLISHMENT.—The Director shall establish standards and procedures governing the imposition of civil money penalties under this section. Such standards and procedures—

''(A) shall provide for the Director to notify the enterprise in writing of the determination of the Director to impose the penalty, which shall be made on the record;

''(B) shall provide for the imposition of a penalty only after the enterprise has been given an opportunity for a hearing on the record pursuant to section 1342; and

''(C) may provide for review by the Director of any determination or order, or interlocutory ruling, arising from a hearing.

''(2) FACTORS IN DETERMINING AMOUNT OF PENALTY.—In determining the amount of a penalty under this section, the Director shall give consideration to factors including—

''(A) the gravity of the offense;

''(B) any history of prior offenses;

''(C) ability to pay the penalty;

''(D) injury to the public;

''(E) benefits received;

''(F) deterrence of future violations;

''(G) the length of time that the enterprise should reasonably take to achieve the goal; and

''(H) such other factors as the Director may determine, by regulation, to be appropriate.

''(d) ACTION TO COLLECT PENALTY.—If an enterprise fails to comply with an order by the Director imposing a civil money penalty under this

section, after the order is no longer subject to review, as provided in sections 1342 and 1343, the Director may bring an action in the United States District Court for the District of Columbia to obtain a monetary judgment against the enterprise, and such other relief as may be available. The monetary judgment may, in the court's discretion, include the attorneys' fees and other expenses incurred by the United States in connection with the action. In an action under this subsection, the validity and appropriateness of the order imposing the penalty shall not be subject to review.

''(e) SETTLEMENT BY DIRECTOR.—The Director may compromise, modify, or remit any civil money penalty which may be, or has been, imposed under this section.

''(f) DEPOSIT OF PENALTIES.—The Director shall use any civil money penalties collected under this section to help fund the Housing Trust Fund established under section 1338.''.

(e) DIRECTOR AUTHORITY.—

(1) AUTHORITY TO BRING A CIVIL ACTION.—Section 1344(a) of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4584) is amended by striking ''The Secretary may request the Attorney General of the United States to bring a civil action'' and inserting ''The Director may bring a civil action''.

(2) SUBPOENA ENFORCEMENT.—Section 1348(c) of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4588(c)) is amended by inserting ''may bring an action or'' before ''may request''.

(3) CONFORMING AMENDMENTS.—Subpart C of part 2 of subtitle A of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4581 et seq.) is amended by striking ''Secretary'' each place that term appears and inserting ''Director'' in each of—

(A) section 1342 (12 U.S.C. 4582);

(B) section 1343 (12 U.S.C. 4583);

(C) section 1346 (12 U.S.C. 4586);

(D) section 1347 (12 U.S.C. 4587); and

(E) section 1348 (12 U.S.C. 4588).

SEC. 1131. AFFORDABLE HOUSING PROGRAMS.

(a) REPEAL.—Section 1337 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4567) is hereby repealed.

(b) ANNUAL HOUSING REPORT.—The Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 1301 et seq.) is amended by inserting after section 1336 the following:

''SEC. 1337. AFFORDABLE HOUSING ALLOCATIONS.

''(a) SET ASIDE AND ALLOCATION OF AMOUNTS BY ENTERPRISES.—Subject to subsection (b), in each fiscal year—

''(1) the Federal Home Loan Mortgage Corporation shall—

''(A) set aside an amount equal to 4.2 basis points for each dollar of the unpaid principal balance of its total new business purchases; and

''(B) allocate or otherwise transfer—

''(i) 65 percent of such amounts to the Secretary of Housing and Urban Development to fund the Housing Trust Fund established under section 1338; and

''(ii) 35 percent of such amounts to fund the Capital Magnet Fund established pursuant to section 1339; and

''(2) the Federal National Mortgage Association shall—

''(A) set aside an amount equal to 4.2 basis points for each dollar of unpaid principal balance of its total new business purchases; and

''(B) allocate or otherwise transfer—

''(i) 65 percent of such amounts to the Secretary of Housing and Urban Development to fund the Housing Trust Fund established under section 1338; and

''(ii) 35 percent of such amounts to fund the Capital Magnet Fund established pursuant to section 1339.

''(b) SUSPENSION OF CONTRIBUTIONS.—The Director shall temporarily suspend allocations under subsection (a) by an enterprise upon a finding by the Director that such allocations—

''(1) are contributing, or would contribute, to the financial instability of the enterprise;

''(2) are causing, or would cause, the enterprise to be classified as undercapitalized; or

''(3) are preventing, or would prevent, the enterprise from successfully completing a capital restoration plan under section 1369C.

''(c) PROHIBITION OF PASS-THROUGH OF COST OF ALLOCATIONS.—The Director shall, by regulation, prohibit each enterprise from redirecting the costs of any allocation required under this section, through increased charges or fees, or decreased premiums, or in any other manner, to the originators of mortgages purchased or securitized by the enterprise.

''(d) ENFORCEMENT OF REQUIREMENTS ON ENTERPRISE.—Compliance by the enterprises with the requirements under this section shall be enforceable under subpart C. Any reference in such subpart to this part or to an order, rule, or regulation under this part specifically includes this section and any order, rule, or regulation under this section.

''(e) REQUIRED AMOUNT FOR HOPE RESERVE FUND.—Of the aggregate amount allocated under subsection (a), 25 percent shall be deposited into a fund established in the Treasury of the United States by the Secretary of the Treasury for such purpose.

''(f) LIMITATION.—No funds under this title may be used in conjunction with property taken by eminent domain, unless eminent domain is employed only for a public use, except that, for purposes of this section, public use shall not be construed to include economic development that primarily benefits any private entity.

''SEC. 1338. HOUSING TRUST FUND.

''(a) ESTABLISHMENT AND PURPOSE.—The Secretary of Housing and Urban Development (in this section referred to as the 'Secretary') shall establish and manage a Housing Trust Fund, which shall be funded with amounts allocated by the enterprises under section 1337 and any amounts as are or may be appropriated, transferred, or credited to such Housing Trust Fund under any other provisions of law. The purpose of the Housing Trust Fund under this section is to provide grants to States for use—

''(1) to increase and preserve the supply of rental housing for extremely low- and very low-income families, including homeless families; and

''(2) to increase homeownership for extremely low- and very low-income families.

''(b) ALLOCATIONS FOR HOPE BOND PAYMENTS.—

''(1) IN GENERAL.—Notwithstanding subsection (c), to help address the mortgage crisis, of the amounts allocated pursuant to clauses (i) and (ii) of section 1337(a)(1)(B) and clauses (i) and (ii) of section 1337(a)(2)(B) in excess of amounts described in section 1337(e)—

''(A) 100 percent of such excess shall be used to reimburse the Treasury for payments made pursuant to section 257(w)(1)(C) of the National Housing Act in calendar year 2009;

''(B) 50 percent of such excess shall be used to reimburse the Treasury for such payments in calendar year 2010; and

''(C) 25 percent of such excess shall be used to reimburse the Treasury for such payments in calendar year 2011.

''(2) EXCESS FUNDS.—At the termination of the HOPE for Homeowners Program established under section 257 of the National Housing Act, if amounts used to reimburse the Treasury under paragraph (1) exceed the total net cost to the Government of the HOPE for Homeowners Program, such amounts shall be used for their original purpose, as described in paragraphs (1)(B) and (2)(B) of section 1337(a).

''(3) TREASURY FUND.—The amounts referred to in subparagraphs (A) through (C) of paragraph (1) shall be deposited into a fund established in the Treasury of the United States by the Secretary of the Treasury for such purpose.

''(c) ALLOCATION FOR HOUSING TRUST FUND IN FISCAL YEAR 2010 AND SUBSEQUENT YEARS.—

''(1) IN GENERAL.—Except as provided in subsection (b), the Secretary shall distribute the amounts allocated for the Housing Trust Fund under this section to provide affordable housing as described in this subsection.

''(2) PERMISSIBLE DESIGNEES.—A State receiving grant amounts under this subsection may designate a State housing finance agency, housing and community development entity, tribally designated housing entity (as such term is defined in section 4 of the Native American Housing Assistance and Self-Determination Act of 1997 (25 U.S.C. 4103)), or any other qualified instrumentality of the State to receive such grant amounts.

''(3) DISTRIBUTION TO STATES BY NEEDS-BASED FORMULA.—

''(A) IN GENERAL.—The Secretary shall, by regulation, establish a formula within 12 months of the date of enactment of the Federal Housing Finance Regulatory Reform Act of 2008, to distribute amounts made available under this subsection to each State to provide affordable housing to extremely low- and very low-income households.

''(B) BASIS FOR FORMULA.—The formula required under subparagraph (A) shall include the following:

''(i) The ratio of the shortage of standard rental units both affordable and available to extremely low-income renter households in the State to the aggregate shortage of standard rental units both affordable and available to extremely low-income renter households in all the States.

''(ii) The ratio of the shortage of standard rental units both affordable and available to very low-income renter households in the State to the aggregate shortage of standard rental units both affordable and available to very low-income renter households in all the States.

''(iii) The ratio of extremely low-income renter households in the State living with either (I) incomplete kitchen or plumbing facilities, (II) more than 1 person per room, or (III) paying more than 50 percent of income for housing costs, to the aggregate number of extremely low-income renter households living with either (IV) incomplete kitchen or plumbing facilities, (V) more than 1 person per room, or (VI) paying more than 50 percent of income for housing costs in all the States.

''(iv) The ratio of very low-income renter households in the State paying more than 50 percent of income on rent relative to the aggregate number of very low-income renter households paying more than 50 percent of income on rent in all the States.

''(v) The resulting sum calculated from the factors described in clauses (i) through (iv) shall be multiplied by the relative cost of construction in the State. For purposes of this subclause, the term 'cost of construction'—

''(I) means the cost of construction or building rehabilitation in the State relative to the national cost of construction or building rehabilitation; and

''(II) shall be calculated such that values higher than 1.0 indicate that the State's construction costs are higher than the national average, a value of 1.0 indicates that the State's construction costs are exactly the same as the national average, and values lower than 1.0 indicate that the State's cost of construction are lower than the national average.

''(C) PRIORITY.—The formula required under subparagraph (A) shall give priority emphasis and consideration to the factor described in subparagraph (B)(i).

''(4) ALLOCATION OF GRANT AMOUNTS.—

''(A) NOTICE.—Not later than 60 days after the date that the Secretary determines the formula amounts described in paragraph (3), the Secretary shall caused to be published in the Federal Register a notice that such amounts shall be so available.

''(B) GRANT AMOUNT.—In each fiscal year other than fiscal year 2009, the Secretary shall

make a grant to each State in an amount that is equal to the formula amount determined under paragraph (3) for that State.

''(C) MINIMUM STATE ALLOCATIONS.—If the formula amount determined under paragraph (3) for a fiscal year would allocate less than $3,000,000 to any State, the allocation for such State shall be $3,000,000, and the increase shall be deducted pro rata from the allocations made to all other States.

''(5) ALLOCATION PLANS REQUIRED.—

''(A) IN GENERAL.—For each year that a State or State designated entity receives a grant under this subsection, the State or State designated entity shall establish an allocation plan. Such plan shall—

''(i) set forth a plan for the distribution of grant amounts received by the State or State designated entity for such year;

''(ii) be based on priority housing needs, as determined by the State or State designated entity in accordance with the regulations established under subsection (g)(2)(C);

''(iii) comply with paragraph (6); and

''(iv) include performance goals that comply with the requirements established by the Secretary pursuant to subsection (g)(2).

''(B) ESTABLISHMENT.—In establishing an allocation plan under this paragraph, a State or State designated entity shall—

''(i) notify the public of the establishment of the plan;

''(ii) provide an opportunity for public comments regarding the plan;

''(iii) consider any public comments received regarding the plan; and

''(iv) make the completed plan available to the public.

''(C) CONTENTS.—An allocation plan of a State or State designated entity under this paragraph shall set forth the requirements for eligible recipients under paragraph (8) to apply for such grant amounts, including a requirement that each such application include—

''(i) a description of the eligible activities to be conducted using such assistance; and

''(ii) a certification by the eligible recipient applying for such assistance that any housing units assisted with such assistance will comply with the requirements under this section.

''(6) SELECTION OF ACTIVITIES FUNDED USING HOUSING TRUST FUND GRANT AMOUNTS.—Grant amounts received by a State or State designated entity under this subsection may be used, or committed for use, only for activities that—

''(A) are eligible under paragraph (7) for such use;

''(B) comply with the applicable allocation plan of the State or State designated entity under paragraph (5); and

''(C) are selected for funding by the State or State designated entity in accordance with the process and criteria for such selection established pursuant to subsection (g)(2)(C).

''(7) ELIGIBLE ACTIVITIES.—Grant amounts allocated to a State or State designated entity under this subsection shall be eligible for use, or for commitment for use, only for assistance for—

''(A) the production, preservation, and rehabilitation of rental housing, including housing under the programs identified in section 1335(a)(2)(B) and for operating costs, except that not less than 75 percent of such grant amounts shall be used for the benefit only of extremely low-income families and not more than 25 percent for the benefit only of very low-income families; and

''(B) the production, preservation, and rehabilitation of housing for homeownership, including such forms as down payment assistance, closing cost assistance, and assistance for interest rate buy-downs, that—

''(i) is available for purchase only for use as a principal residence by families that qualify both as—

''(I) extremely low- and very low-income families at the times described in subparagraphs (A) through (C) of section 215(b)(2) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12745(b)(2)); and

''(II) first-time homebuyers, as such term is defined in section 104 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12704), except that any reference in such section to assistance under title II of such Act shall for purposes of this subsection be considered to refer to assistance from affordable housing fund grant amounts;

''(ii) has an initial purchase price that meets the requirements of section 215(b)(1) of the Cranston-Gonzalez National Affordable Housing Act;

''(iii) is subject to the same resale restrictions established under section 215(b)(3) of the Cranston-Gonzalez National Affordable Housing Act and applicable to the participating jurisdiction that is the State in which such housing is located; and

''(iv) is made available for purchase only by, or in the case of assistance under this subsection, is made available only to homebuyers who have, before purchase completed a program of independent financial education and counseling from an eligible organization that meets the requirements of section 132 of the Federal Housing Finance Regulatory Reform Act of 2008.

''(8) ELIGIBLE RECIPIENTS.—Grant amounts allocated to a State or State designated entity under this subsection may be provided only to a recipient that is an organization, agency, or other entity (including a for-profit entity or a nonprofit entity) that—

''(A) has demonstrated experience and capacity to conduct an eligible activity under paragraph (7), as evidenced by its ability to—

''(i) own, construct or rehabilitate, manage, and operate an affordable multifamily rental housing development;

''(ii) design, construct or rehabilitate, and market affordable housing for homeownership; or

''(iii) provide forms of assistance, such as down payments, closing costs, or interest rate buy-downs for purchasers;

''(B) demonstrates the ability and financial capacity to undertake, comply, and manage the eligible activity;

''(C) demonstrates its familiarity with the requirements of any other Federal, State, or local housing program that will be used in conjunction with such grant amounts to ensure compliance with all applicable requirements and regulations of such programs; and

''(D) makes such assurances to the State or State designated entity as the Secretary shall, by regulation, require to ensure that the recipient will comply with the requirements of this subsection during the entire period that begins upon selection of the recipient to receive such grant amounts and ending upon the conclusion of all activities under paragraph (8) that are engaged in by the recipient and funded with such grant amounts.

''(9) LIMITATIONS ON USE.—

''(A) REQUIRED AMOUNT FOR HOMEOWNERSHIP ACTIVITIES.—Of the aggregate amount allocated to a State or State designated entity under this subsection not more than 10 percent shall be used for activities under subparagraph (B) of paragraph (7).

''(B) DEADLINE FOR COMMITMENT OR USE.—Grant amounts allocated to a State or State designated entity under this subsection shall be used or committed for use within 2 years of the date that such grant amounts are made available to the State or State designated entity. The Secretary shall recapture any such amounts not so used or committed for use and reallocate such amounts under this subsection in the first year after such recapture.

''(C) USE OF RETURNS.—The Secretary shall, by regulation, provide that any return on a loan or other investment of any grant amount used by a State or State designated entity to provide a loan under this subsection shall be treated, for purposes of availability to and use by the State or State designated entity, as a grant amount authorized under this subsection.

''(D) PROHIBITED USES.—The Secretary shall, by regulation—

''(i) set forth prohibited uses of grant amounts allocated under this subsection, which shall include use for—

''(I) political activities;

''(II) advocacy;

''(III) lobbying, whether directly or through other parties;

''(IV) counseling services;

''(V) travel expenses; and

''(VI) preparing or providing advice on tax returns;

''(ii) provide that, except as provided in clause (iii), grant amounts of a State or State designated entity may not be used for administrative, outreach, or other costs of—

''(I) the State or State designated entity; or

''(II) any other recipient of such grant amounts; and

''(iii) limit the amount of any grant amounts for a year that may be used by the State or State designated entity for administrative costs of carrying out the program required under this subsection, including home ownership counseling, to a percentage of such grant amounts of the State or State designated entity for such year, which may not exceed 10 percent.

''(E) PROHIBITION OF CONSIDERATION OF USE FOR MEETING HOUSING GOALS OR DUTY TO SERVE.—In determining compliance with the housing goals under this subpart and the duty to serve underserved markets under section 1335, the Director may not consider any grant amounts used under this section for eligible activities under paragraph (7). The Director shall give credit toward the achievement of such housing goals and such duty to serve underserved markets to purchases by the enterprises of mortgages for housing that receives funding from such grant amounts, but only to the extent that such purchases by the enterprises are funded other than with such grant amounts.

''(d) REDUCTION FOR FAILURE TO OBTAIN RETURN OF MISUSED FUNDS.—If in any year a State or State designated entity fails to obtain reimbursement or return of the full amount required under subsection (e)(1)(B) to be reimbursed or returned to the State or State designated entity during such year—

''(1) except as provided in paragraph (2)—

''(A) the amount of the grant for the State or State designated entity for the succeeding year, as determined pursuant to this section, shall be reduced by the amount by which such amounts required to be reimbursed or returned exceed the amount actually reimbursed or returned; and

''(B) the amount of the grant for the succeeding year for each other State or State designated entity whose grant is not reduced pursuant to subparagraph (A) shall be increased by the amount determined by applying the formula established pursuant to this section to the total amount of all reductions for all State or State designated entities for such year pursuant to subparagraph (A); or

''(2) in any case in which such failure to obtain reimbursement or return occurs during a year immediately preceding a year in which grants under this section will not be made, the State or State designated entity shall pay to the Secretary for reallocation among the other grantees an amount equal to the amount of the reduction for the entity that would otherwise apply under paragraph (1)(A).

''(e) ACCOUNTABILITY OF RECIPIENTS AND GRANTEES.—

''(1) RECIPIENTS.—

''(A) TRACKING OF FUNDS.—The Secretary shall—

''(i) require each State or State designated entity to develop and maintain a system to ensure that each recipient of assistance under this section uses such amounts in accordance with this section, the regulations issued under this section, and any requirements or conditions under which such amounts were provided; and

''(ii) establish minimum requirements for agreements, between the State or State designated entity and recipients, regarding assistance under this section, which shall include—

''(I) appropriate periodic financial and project reporting, record retention, and audit requirements for the duration of the assistance to the recipient to ensure compliance with the limitations and requirements of this section and the regulations under this section; and

''(II) any other requirements that the Secretary determines are necessary to ensure appropriate administration and compliance.

''(B) MISUSE OF FUNDS.—

''(i) REIMBURSEMENT REQUIREMENT.—If any recipient of assistance under this section is determined, in accordance with clause (ii), to have used any such amounts in a manner that is materially in violation of this section, the regulations issued under this section, or any requirements or conditions under which such amounts were provided, the State or State designated entity shall require that, within 12 months after the determination of such misuse, the recipient shall reimburse the State or State designated entity for such misused amounts and return to the State or State designated entity any such amounts that remain unused or uncommitted for use. The remedies under this clause are in addition to any other remedies that may be available under law.

''(ii) DETERMINATION.—A determination is made in accordance with this clause if the determination is made by the Secretary or made by the State or State designated entity, provided that—

''(I) the State or State designated entity provides notification of the determination to the Secretary for review, in the discretion of the Secretary, of the determination; and

''(II) the Secretary does not subsequently reverse the determination.

''(2) GRANTEES.—

''(A) REPORT.—

''(i) IN GENERAL.—The Secretary shall require each State or State designated entity receiving grant amounts in any given year under this section to submit a report, for such year, to the Secretary that—

''(I) describes the activities funded under this section during such year with such grant amounts; and

''(II) the manner in which the State or State designated entity complied during such year with any allocation plan established pursuant to subsection (c).

''(ii) PUBLIC AVAILABILITY.—The Secretary shall make such reports pursuant to this subparagraph publicly available.

''(B) MISUSE OF FUNDS.—If the Secretary determines, after reasonable notice and opportunity for hearing, that a State or State designated entity has failed to comply substantially with any provision of this section, and until the Secretary is satisfied that there is no longer any such failure to comply, the Secretary shall—

''(i) reduce the amount of assistance under this section to the State or State designated entity by an amount equal to the amount of grant amounts which were not used in accordance with this section;

''(ii) require the State or State designated entity to repay the Secretary any amount of the grant which was not used in accordance with this section;

''(iii) limit the availability of assistance under this section to the State or State designated entity to activities or recipients not affected by such failure to comply; or

''(iv) terminate any assistance under this section to the State or State designated entity.

''(f) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

''(1) EXTREMELY LOW-INCOME RENTER HOUSEHOLD.—The term 'extremely low-income renter household' means a household whose income is not in excess of 30 percent of the area median income, with adjustments for smaller and larger families, as determined by the Secretary.

''(2) RECIPIENT.—The term 'recipient' means an individual or entity that receives assistance from a State or State designated entity from amounts made available to the State or State designated entity under this section.

''(3) SHORTAGE OF STANDARD RENTAL UNITS BOTH AFFORDABLE AND AVAILABLE TO EXTREMELY LOW-INCOME RENTER HOUSEHOLDS.—

''(A) IN GENERAL.—The term 'shortage of standard rental units both affordable and available to extremely low-income renter households' means for any State or other geographical area the gap between—

''(i) the number of units with complete plumbing and kitchen facilities with a rent that is 30 percent or less of 30 percent of the adjusted area median income as determined by the Secretary that are occupied by extremely low-income renter households or are vacant for rent; and

''(ii) the number of extremely low-income renter households.

''(B) RULE OF CONSTRUCTION.—If the number of units described in subparagraph (A)(i) exceeds the number of extremely low-income households as described in subparagraph (A)(ii), there is no shortage.

''(4) SHORTAGE OF STANDARD RENTAL UNITS BOTH AFFORDABLE AND AVAILABLE TO VERY LOW-INCOME RENTER HOUSEHOLDS.—

''(A) IN GENERAL.—The term 'shortage of standard rental units both affordable and available to very low-income renter households' means for any State or other geographical area the gap between—

''(i) the number of units with complete plumbing and kitchen facilities with a rent that is 30 percent or less of 50 percent of the adjusted area median income as determined by the Secretary that are occupied by very low-income renter households or are vacant for rent; and

''(ii) the number of very low-income renter households.

''(B) RULE OF CONSTRUCTION.—If the number of units described in subparagraph (A)(i) exceeds the number of very low-income households as described in subparagraph (A)(ii), there is no shortage.

''(5) VERY LOW-INCOME FAMILY.—The term 'very low-income family' has the meaning given such term in section 1303, except that such term includes any family that resides in a rural area that has an income that does not exceed the poverty line (as such term is defined in section 673(2) of the Omnibus Budget Reconciliation Act of 1981 (42 U.S.C. 9902(2)), including any revision required by such section) applicable to a family of the size involved.

''(6) VERY LOW-INCOME RENTER HOUSEHOLDS.—The term 'very low-income renter households' means a household whose income is in excess of 30 percent but not greater than 50 percent of the area median income, with adjustments for smaller and larger families, as determined by the Secretary.

''(g) REGULATIONS.—

''(1) IN GENERAL.—The Secretary shall issue regulations to carry out this section.

''(2) REQUIRED CONTENTS.—The regulations issued under this subsection shall include—

''(A) a requirement that the Secretary ensure that the use of grant amounts under this section by States or State designated entities is audited not less than annually to ensure compliance with this section;

''(B) authority for the Secretary to audit, provide for an audit, or otherwise verify a State or State designated entity's activities to ensure compliance with this section;

''(C) requirements for a process for application to, and selection by, each State or State designated entity for activities meeting the State or State designated entity's priority housing needs to be funded with grant amounts under this section, which shall provide for priority in funding to be based upon—

''(i) geographic diversity;

''(ii) ability to obligate amounts and undertake activities so funded in a timely manner;

''(iii) in the case of rental housing projects under subsection (c)(7)(A), the extent to which rents for units in the project funded are affordable, especially for extremely low-income families;

''(iv) in the case of rental housing projects under subsection (c)(7)(A), the extent of the duration for which such rents will remain affordable;

''(v) the extent to which the application makes use of other funding sources; and

''(vi) the merits of an applicant's proposed eligible activity;

''(D) requirements to ensure that grant amounts provided to a State or State designated entity under this section that are used for rental housing under subsection (c)(7)(A) are used only for the benefit of extremely low- and very low-income families; and

''(E) requirements and standards for establishment, by a State or State designated entity, for use of grant amounts in 2009 and subsequent years of performance goals, benchmarks, and timetables for the production, preservation, and rehabilitation of affordable rental and homeownership housing with such grant amounts.

''(h) AFFORDABLE HOUSING TRUST FUND.—If, after the date of enactment of the Federal Housing Finance Regulatory Reform Act of 2008, in any year, there is enacted any provision of Federal law establishing an affordable housing trust fund other than under this title for use only for grants to provide affordable rental housing and affordable homeownership opportunities, and the subsequent year is a year referred to in subsection (c), the Secretary shall in such subsequent year and any remaining years referred to in subsection (c) transfer to such affordable housing trust fund the aggregate amount allocated pursuant to subsection (c) in such year. Notwithstanding any other provision of law, assistance provided using amounts transferred to such affordable housing trust fund pursuant to this subsection may not be used for any of the activities specified in clauses (i) through (vi) of subsection (c)(9)(D).

''(i) FUNDING ACCOUNTABILITY AND TRANSPARENCY.—Any grant under this section to a grantee by a State or State designated entity, any assistance provided to a recipient by a State or State designated entity, and any grant, award, or other assistance from an affordable housing trust fund referred to in subsection (h) shall be considered a Federal award for purposes of the Federal Funding Accountability and Transparency Act of 2006 (31 U.S.C. 6101 note). Upon the request of the Director of the Office of Management and Budget, the Secretary shall obtain and provide such information regarding any such grants, assistance, and awards as the Director of the Office of Management and Budget considers necessary to comply with the requirements of such Act, as applicable, pursuant to the preceding sentence.

''SEC. 1339. CAPITAL MAGNET FUND.

''(a) ESTABLISHMENT.—There is established in the Treasury of the United States a trust fund to be known as the Capital Magnet Fund, which shall be a special account within the Community Development Financial Institutions Fund.

''(b) DEPOSITS TO TRUST FUND.—The Capital Magnet Fund shall consist of—

''(1) any amounts transferred to the Fund pursuant to section 1337; and

''(2) any amounts as are or may be appropriated, transferred, or credited to such Fund under any other provisions of law.

''(c) EXPENDITURES FROM TRUST FUND.—Amounts in the Capital Magnet Fund shall be available to the Secretary of the Treasury to carry out a competitive grant program to attract private capital for and increase investment in—

''(1) the development, preservation, rehabilitation, or purchase of affordable housing for primarily extremely low-, very low-, and low-income families; and

''(2) economic development activities or community service facilities, such as day care centers, workforce development centers, and health care clinics, which in conjunction with affordable housing activities implement a concerted strategy to stabilize or revitalize a low-income area or underserved rural area.

''(d) FEDERAL ASSISTANCE.—All assistance provided using amounts in the Capital Magnet

Fund shall be considered to be Federal financial assistance.

''(e) ELIGIBLE GRANTEES.—A grant under this section may be made, pursuant to such requirements as the Secretary of the Treasury shall establish for experience and success in attracting private financing and carrying out the types of activities proposed under the application of the grantee, only to—

''(1) a Treasury certified community development financial institution; or

''(2) a nonprofit organization having as 1 of its principal purposes the development or management of affordable housing.

''(f) ELIGIBLE USES.—Grant amounts awarded from the Capital Magnet Fund pursuant to this section may be used for the purposes described in paragraphs (1) and (2) of subsection (c), including for the following uses:

''(1) To provide loan loss reserves.

''(2) To capitalize a revolving loan fund.

''(3) To capitalize an affordable housing fund.

''(4) To capitalize a fund to support activities described in subsection (c)(2).

''(5) For risk-sharing loans.

''(g) APPLICATIONS.—

''(1) IN GENERAL.—The Secretary of the Treasury shall provide, in a competitive application process established by regulation, for eligible grantees under subsection (e) to submit applications for Capital Magnet Fund grants to the Secretary at such time and in such manner as the Secretary shall determine.

''(2) CONTENT OF APPLICATION.—The application required under paragraph (1) shall include a detailed description of—

''(A) the types of affordable housing, economic, and community revitalization projects that support or sustain residents of an affordable housing project funded by a grant under this section for which such grant amounts would be used, including the proposed use of eligible grants as authorized under this section;

''(B) the types, sources, and amounts of other funding for such projects; and

''(C) the expected time frame of any grant used for such project.

''(h) GRANT LIMITATION.—

''(1) IN GENERAL.—Any 1 eligible grantee and its subsidiaries and affiliates may not be awarded more than 15 percent of the aggregate funds available for grants during any year from the Capital Magnet Fund.

''(2) GEOGRAPHIC DIVERSITY.—

''(A) GOAL.—The Secretary of the Treasury shall seek to fund activities in geographically diverse areas of economic distress, including metropolitan and underserved rural areas in every State.

''(B) DIVERSITY DEFINED.—For purposes of this paragraph, geographic diversity includes those areas that meet objective criteria of economic distress developed by the Secretary of the Treasury, which may include—

''(i) the percentage of low-income families or the extent of poverty;

''(ii) the rate of unemployment or underemployment;

''(iii) extent of blight and disinvestment;

''(iv) projects that target extremely low-, very low-, and low-income families in or outside a designated economic distress area; or

''(v) any other criteria designated by the Secretary of the Treasury.

''(3) LEVERAGE OF FUNDS.—Each grant from the Capital Magnet Fund awarded under this section shall be reasonably expected to result in eligible housing, or economic and community development projects that support or sustain an affordable housing project funded by a grant under this section whose aggregate costs total at least 10 times the grant amount.

''(4) COMMITMENT FOR USE DEADLINE.—Amounts made available for grants under this section shall be committed for use within 2 years of the date of such allocation. The Secretary of the Treasury shall recapture into the Capital Magnet Fund any amounts not so used or committed for use and allocate such amounts in the first year after such recapture.

''(5) LOBBYING RESTRICTIONS.—No assistance or amounts made available under this section may be expended by an eligible grantee to pay any person to influence or attempt to influence any agency, elected official, officer or employee of a State or local government in connection with the making, award, extension, continuation, renewal, amendment, or modification of any State or local government contract, grant, loan, or cooperative agreement as such terms are defined in section 1352 of title 31, United States Code.

''(6) PROHIBITION OF CONSIDERATION OF USE FOR MEETING HOUSING GOALS OR DUTY TO SERVE.—In determining the compliance of the enterprises with the housing goals under this section and the duty to serve underserved markets under section 1335, the Director of the Federal Housing Finance Agency may not consider any Capital Magnet Fund amounts used under this section for eligible activities under subsection (f). The Director of the Federal Housing Finance Agency shall give credit toward the achievement of such housing goals and such duty to serve underserved markets to purchases by the enterprises of mortgages for housing that receives funding from Capital Magnet Fund grant amounts, but only to the extent that such purchases by the enterprises are funded other than with such grant amounts.

''(7) ACCOUNTABILITY OF RECIPIENTS AND GRANTEES.—

''(A) TRACKING OF FUNDS.—The Secretary of the Treasury shall—

''(i) require each grantee to develop and maintain a system to ensure that each recipient of assistance from the Capital Magnet Fund uses such amounts in accordance with this section, the regulations issued under this section, and any requirements or conditions under which such amounts were provided; and

''(ii) establish minimum requirements for agreements, between the grantee and the Capital Magnet Fund, regarding assistance from the Capital Magnet Fund, which shall include—

''(I) appropriate periodic financial and project reporting, record retention, and audit requirements for the duration of the grant to the recipient to ensure compliance with the limitations and requirements of this section and the regulations under this section; and

''(II) any other requirements that the Secretary determines are necessary to ensure appropriate grant administration and compliance.

''(B) MISUSE OF FUNDS.—If the Secretary of the Treasury determines, after reasonable notice and opportunity for hearing, that a grantee has failed to comply substantially with any provision of this section and until the Secretary is satisfied that there is no longer any such failure to comply, the Secretary shall—

''(i) reduce the amount of assistance under this section to the grantee by an amount equal to the amount of Capital Magnet Fund grant amounts which were not used in accordance with this section;

''(ii) require the grantee to repay the Secretary any amount of the Capital Magnet Fund grant amounts which were not used in accordance with this section;

''(iii) limit the availability of assistance under this section to the grantee to activities or recipients not affected by such failure to comply; or

''(iv) terminate any assistance under this section to the grantee.

''(i) PERIODIC REPORTS.—

''(1) IN GENERAL.—The Secretary of the Treasury shall submit a report, on a periodic basis, to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives describing the activities to be funded under this section.

''(2) REPORTS AVAILABLE TO PUBLIC.—The Secretary of the Treasury shall make the reports required under paragraph (1) publicly available.

''(j) REGULATIONS.—

''(1) IN GENERAL.—The Secretary of the Treasury shall issue regulations to carry out this section.

''(2) REQUIRED CONTENTS.—The regulations issued under this subsection shall include—

''(A) authority for the Secretary to audit, provide for an audit, or otherwise verify an enterprise's activities, to ensure compliance with this section;

''(B) a requirement that the Secretary ensure that the allocation of each enterprise is audited not less than annually to ensure compliance with this section; and

''(C) requirements for a process for application to, and selection by, the Secretary for activities to be funded with amounts from the Capital Magnet Fund, which shall provide that—

''(i) funds be fairly distributed to urban, suburban, and rural areas; and

''(ii) selection shall be based upon specific criteria, including a prioritization of funding based upon—

''(I) the ability to use such funds to generate additional investments;

''(II) affordable housing need (taking into account the distinct needs of different regions of the country); and

''(III) ability to obligate amounts and undertake activities so funded in a timely manner.''.

SEC. 1132. FINANCIAL EDUCATION AND COUNSELING.

(a) GOALS.—Financial education and counseling under this section shall have the goal of—

(1) increasing the financial knowledge and decision making capabilities of prospective homebuyers;

(2) assisting prospective homebuyers to develop monthly budgets, build personal savings, finance or plan for major purchases, reduce their debt, improve their financial stability, and set and reach their financial goals;

(3) helping prospective homebuyers to improve their credit scores by understanding the relationship between their credit histories and their credit scores; and

(4) educating prospective homebuyers about the options available to build savings for short- and long-term goals.

(b) GRANTS.—

(1) IN GENERAL.—The Secretary of the Treasury (in this section referred to as the ''Secretary'') shall make grants to eligible organizations to enable such organizations to provide a range of financial education and counseling services to prospective homebuyers.

(2) SELECTION.—The Secretary shall select eligible organizations to receive assistance under this section based on their experience and ability to provide financial education and counseling services that result in documented positive behavioral changes.

(c) ELIGIBLE ORGANIZATIONS.—

(1) IN GENERAL.—For purposes of this section, the term ''eligible organization'' means an organization that is—

(A) certified in accordance with section 106(e)(1) of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x(e)); or

(B) certified by the Office of Financial Education of the Department of the Treasury for purposes of this section, in accordance with paragraph (2).

(2) OFE CERTIFICATION.—To be certified by the Office of Financial Education for purposes of this section, an eligible organization shall be—

(A) a housing counseling agency certified by the Secretary of Housing and Urban Development under section 106(e) of the Housing and Urban Development Act of 1968;

(B) a State, local, or tribal government agency;

(C) a community development financial institution (as defined in section 103(5) of the Community Development Banking and Financial Institutions Act of 1994 (12 U.S.C. 4702(5)) or a credit union; or

(D) any collaborative effort of entities described in any of subparagraphs (A) through (C).

(d) AUTHORITY FOR PILOT PROJECTS.—

(1) IN GENERAL.—The Secretary of the Treasury shall authorize not more than 5 pilot project grants to eligible organizations under subsection (c) in order to—

(A) carry out the services under this section; and

(B) provide such other services that will improve the financial stability and economic condition of low- and moderate-income and low-wealth individuals.

(2) GOAL.—The goal of the pilot project grants under this subsection is to—

(A) identify successful methods resulting in positive behavioral change for financial empowerment; and

(B) establish program models for organizations to carry out effective counseling services.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as are necessary to carry out this section and for the provision of additional financial educational services.

(f) STUDY AND REPORT ON EFFECTIVENESS AND IMPACT.—

(1) IN GENERAL.—The Comptroller General of the United States shall conduct a study on the effectiveness and impact of the grant program established under this section. Not later than 3 years after the date of enactment of this Act, the Comptroller General shall submit a report on the results of such study to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives.

(2) CONTENT OF STUDY.—The study required under paragraph (1) shall include an evaluation of the following:

(A) The effectiveness of the grant program established under this section in improving the financial situation of homeowners and prospective homebuyers served by the grant program.

(B) The extent to which financial education and counseling services have resulted in positive behavioral changes.

(C) The effectiveness and quality of the eligible organizations providing financial education and counseling services under the grant program.

(g) REGULATIONS.—The Secretary is authorized to promulgate such regulations as may be necessary to implement and administer the grant program authorized by this section.

SEC. 1133. TRANSFER AND RIGHTS OF CERTAIN HUD EMPLOYEES.

(a) TRANSFER.—Each employee of the Department of Housing and Urban Development whose position responsibilities primarily involve the establishment and enforcement of the housing goals under subpart B of part 2 of subtitle A of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4561 et seq.) shall be transferred to the Federal Housing Finance Agency for employment, not later than the effective date of the Federal Housing Finance Regulatory Reform Act of 2008, and such transfer shall be deemed a transfer of function for purposes of section 3503 of title 5, United States Code.

(b) GUARANTEED POSITIONS.—

(1) IN GENERAL.—Each employee transferred under subsection (a) shall be guaranteed a position with the same status, tenure, grade, and pay as that held on the day immediately preceding the transfer.

(2) NO INVOLUNTARY SEPARATION OR REDUCTION.—An employee transferred under subsection (a) holding a permanent position on the day immediately preceding the transfer may not be involuntarily separated or reduced in grade or compensation during the 12-month period beginning on the date of transfer, except for cause, or, in the case of a temporary employee, separated in accordance with the terms of the appointment of the employee.

(c) APPOINTMENT AUTHORITY FOR EXCEPTED AND SENIOR EXECUTIVE SERVICE EMPLOYEES.—

(1) IN GENERAL.—In the case of an employee occupying a position in the excepted service or the Senior Executive Service, any appointment authority established under law or by regulations of the Office of Personnel Management for filling such position shall be transferred, subject to paragraph (2).

(2) DECLINE OF TRANSFER.—The Director may decline a transfer of authority under paragraph (1) to the extent that such authority relates to—

(A) a position excepted from the competitive service because of its confidential, policy-making, policy-determining, or policy-advocating character; or

(B) a noncareer position in the Senior Executive Service (within the meaning of section 3132(a)(7) of title 5, United States Code).

(d) REORGANIZATION.—If the Director determines, after the end of the 1-year period beginning on the effective date of the Federal Housing Finance Regulatory Reform Act of 2008, that a reorganization of the combined workforce is required, that reorganization shall be deemed a major reorganization for purposes of affording affected employee retirement under section 8336(d)(2) or 8414(b)(1)(B) of title 5, United States Code.

(e) EMPLOYEE BENEFIT PROGRAMS.—

(1) IN GENERAL.—Any employee described under subsection (a) accepting employment with the Agency as a result of a transfer under subsection (a) may retain, for 12 months after the date on which such transfer occurs, membership in any employee benefit program of the Agency or the Department of Housing and Urban Development, as applicable, including insurance, to which such employee belongs on such effective date, if—

(A) the employee does not elect to give up the benefit or membership in the program; and

(B) the benefit or program is continued by the Director of the Federal Housing Finance Agency.

(2) COST DIFFERENTIAL.—

(A) IN GENERAL.—The difference in the costs between the benefits which would have been provided by the Department of Housing and Urban Development and those provided by this section shall be paid by the Director.

(B) HEALTH INSURANCE.—If any employee elects to give up membership in a health insurance program or the health insurance program is not continued by the Director, the employee shall be permitted to select an alternate Federal health insurance program not later than 30 days after the date of such election or notice, without regard to any other regularly scheduled open season.

Subtitle C—Prompt Corrective Action

SEC. 1141. CRITICAL CAPITAL LEVELS.

(a) IN GENERAL.—Section 1363 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4613) is amended—

(1) by striking ''For'' and inserting ''(a) ENTERPRISES.—FOR''; and

(2) by adding at the end the following new subsection:

''(b) FEDERAL HOME LOAN BANKS.—

''(1) IN GENERAL.—For purposes of this subtitle, the critical capital level for each Federal Home Loan Bank shall be such amount of capital as the Director shall, by regulation, require.

''(2) CONSIDERATION OF OTHER CRITICAL CAPITAL LEVELS.—In establishing the critical capital level under paragraph (1) for the Federal Home Loan Banks, the Director shall take due consideration of the critical capital level established under subsection (a) for the enterprises, with such modifications as the Director determines to be appropriate to reflect the difference in operations between the banks and the enterprises.''.

(b) REGULATIONS.—Not later than the expiration of the 180-day period beginning on the date of enactment of this Act, the Director of the Federal Housing Finance Agency shall issue regulations pursuant to section 1363(b) of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (as added by this section) establishing the critical capital level under such section.

SEC. 1142. CAPITAL CLASSIFICATIONS.

(a) IN GENERAL.—Section 1364 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4614) is amended—

(1) in the heading for subsection (a) by striking ''In General'' and inserting ''Enterprises'';

(2) in subsection (c)—

(A) by striking ''subsection (b)'' and inserting ''subsection (c)'';

(B) by striking ''enterprises'' and inserting ''regulated entities''; and

(C) by striking the last sentence;

(3) by redesignating subsections (c) (as so amended by paragraph (2) of this subsection) and (d) as subsections (d) and (f), respectively;

(4) by striking subsection (b) and inserting the following:

''(b) FEDERAL HOME LOAN BANKS.—

''(1) ESTABLISHMENT AND CRITERIA.—For purposes of this subtitle, the Director shall, by regulation—

''(A) establish the capital classifications specified under paragraph (2) for the Federal Home Loan Banks;

''(B) establish criteria for each such capital classification based on the amount and types of capital held by a bank and the risk-based, minimum, and critical capital levels for the banks and taking due consideration of the capital classifications established under subsection (a) for the enterprises, with such modifications as the Director determines to be appropriate to reflect the difference in operations between the banks and the enterprises; and

''(C) shall classify the Federal Home Loan Banks according to such capital classifications.

''(2) CLASSIFICATIONS.—The capital classifications specified under this paragraph are—

''(A) adequately capitalized;

''(B) undercapitalized;

''(C) significantly undercapitalized; and

''(D) critically undercapitalized.

''(c) DISCRETIONARY CLASSIFICATION.—

''(1) GROUNDS FOR RECLASSIFICATION.—The Director may reclassify a regulated entity under paragraph (2) if—

''(A) at any time, the Director determines in writing that the regulated entity is engaging in conduct that could result in a rapid depletion of core or total capital or the value of collateral pledged as security has decreased significantly or that the value of the property subject to any mortgage held by the regulated entity (or securitized in the case of an enterprise) has decreased significantly;

''(B) after notice and an opportunity for hearing, the Director determines that the regulated entity is in an unsafe or unsound condition; or

''(C) pursuant to section 1371(b), the Director deems the regulated entity to be engaging in an unsafe or unsound practice.

''(2) RECLASSIFICATION.—In addition to any other action authorized under this title, including the reclassification of a regulated entity for any reason not specified in this subsection, if the Director takes any action described in paragraph (1), the Director may classify a regulated entity—

''(A) as undercapitalized, if the regulated entity is otherwise classified as adequately capitalized;

''(B) as significantly undercapitalized, if the regulated entity is otherwise classified as undercapitalized; and

''(C) as critically undercapitalized, if the regulated entity is otherwise classified as significantly undercapitalized.''; and

(5) by inserting after subsection (d) (as so redesignated by paragraph (3) of this subsection), the following new subsection:

''(e) RESTRICTION ON CAPITAL DISTRIBUTIONS.—

''(1) IN GENERAL.—A regulated entity shall make no capital distribution if, after making the distribution, the regulated entity would be undercapitalized.

''(2) EXCEPTION.—Notwithstanding paragraph (1), the Director may permit a regulated entity,

to the extent appropriate or applicable, to repurchase, redeem, retire, or otherwise acquire shares or ownership interests if the repurchase, redemption, retirement, or other acquisition—

''(A) is made in connection with the issuance of additional shares or obligations of the regulated entity in at least an equivalent amount; and

''(B) will reduce the financial obligations of the regulated entity or otherwise improve the financial condition of the entity.''.

(b) REGULATIONS.—Not later than the expiration of the 180-day period beginning on the date of enactment of this Act, the Director of the Federal Housing Finance Agency shall issue regulations to carry out section 1364(b) of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (as added by this section), relating to capital classifications for the Federal Home Loan Banks.

SEC. 1143. SUPERVISORY ACTIONS APPLICABLE TO UNDERCAPITALIZED REGULATED ENTITIES.

Section 1365 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4615) is amended—

(1) by striking ''the enterprise'' each place that term appears and inserting ''the regulated entity'';

(2) by striking ''An enterprise'' each place that term appears and inserting ''A regulated entity'';

(3) by striking ''an enterprise'' each place that term appears and inserting ''a regulated entity'';

(4) in subsection (a)—

(A) by redesignating paragraphs (1) and (2) as paragraphs (2) and (3), respectively;

(B) by inserting before paragraph (2), as redesignated, the following:

''(1) REQUIRED MONITORING.—The Director shall—

''(A) closely monitor the condition of any undercapitalized regulated entity;

''(B) closely monitor compliance with the capital restoration plan, restrictions, and requirements imposed on an undercapitalized regulated entity under this section; and

''(C) periodically review the plan, restrictions, and requirements applicable to an undercapitalized regulated entity to determine whether the plan, restrictions, and requirements are achieving the purpose of this section.''; and

(C) by adding at the end the following:

''(4) RESTRICTION OF ASSET GROWTH.—An undercapitalized regulated entity shall not permit its average total assets during any calendar quarter to exceed its average total assets during the preceding calendar quarter, unless—

''(A) the Director has accepted the capital restoration plan of the regulated entity;

''(B) any increase in total assets is consistent with the capital restoration plan; and

''(C) the ratio of tangible equity to assets of the regulated entity increases during the calendar quarter at a rate sufficient to enable the regulated entity to become adequately capitalized within a reasonable time.

''(5) PRIOR APPROVAL OF ACQUISITIONS AND NEW ACTIVITIES.—An undercapitalized regulated entity shall not, directly or indirectly, acquire any interest in any entity or engage in any new activity, unless—

''(A) the Director has accepted the capital restoration plan of the regulated entity, the regulated entity is implementing the plan, and the Director determines that the proposed action is consistent with and will further the achievement of the plan; or

''(B) the Director determines that the proposed action will further the purpose of this subtitle.'';

(5) in subsection (b)—

(A) in the subsection heading, by striking ''DISCRETIONARY'';

(B) in the matter preceding paragraph (1), by striking ''may'' and inserting ''shall''; and

(C) in paragraph (2)—

(i) by striking ''make, in good faith, reasonable efforts necessary to''; and

(ii) by striking the period at the end and inserting ''in any material respect.''; and

(6) by striking subsection (c) and inserting the following:

''(c) OTHER DISCRETIONARY SAFEGUARDS.—The Director may take, with respect to an undercapitalized regulated entity, any of the actions authorized to be taken under section 1366 with respect to a significantly undercapitalized regulated entity, if the Director determines that such actions are necessary to carry out the purpose of this subtitle.''.

SEC. 1144. SUPERVISORY ACTIONS APPLICABLE TO SIGNIFICANTLY UNDERCAPITALIZED REGULATED ENTITIES.

Section 1366 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4616) is amended—

(1) in subsection (a)(2), by striking ''undercapitalized enterprise'' and inserting ''undercapitalized'';

(2) by striking ''the enterprise'' each place that term appears and inserting ''the regulated entity'';

(3) by striking ''An enterprise'' each place that term appears and inserting ''A regulated entity'';

(4) by striking ''an enterprise'' each place that term appears and inserting ''a regulated entity'';

(5) in subsection (b)—

(A) in the subsection heading, by striking ''DISCRETIONARY SUPERVISORY'' and inserting ''SPECIFIC'';

(B) in the matter preceding paragraph (1), by striking ''may, at any time, take any'' and inserting ''shall carry out this section by taking, at any time, 1 or more'';

(C) by striking paragraph (6);

(D) by redesignating paragraph (5) as paragraph (6);

(E) by inserting after paragraph (4) the following:

''(5) IMPROVEMENT OF MANAGEMENT.—Take 1 or more of the following actions:

''(A) NEW ELECTION OF BOARD.—Order a new election for the board of directors of the regulated entity.

''(B) DISMISSAL OF DIRECTORS OR EXECUTIVE OFFICERS.—Require the regulated entity to dismiss from office any director or executive officer who had held office for more than 180 days immediately before the date on which the regulated entity became undercapitalized. Dismissal under this subparagraph shall not be construed to be a removal pursuant to the enforcement powers of the Director under section 1377.

''(C) EMPLOY QUALIFIED EXECUTIVE OFFICERS.—Require the regulated entity to employ qualified executive officers (who, if the Director so specifies, shall be subject to approval by the Director).''; and

(F) by adding at the end the following:

''(7) OTHER ACTION.—Require the regulated entity to take any other action that the Director determines will better carry out the purpose of this section than any of the other actions specified in this subsection.''; and

(6) by striking subsection (c) and inserting the following:

''(c) RESTRICTION ON COMPENSATION OF EXECUTIVE OFFICERS.—A regulated entity that is classified as significantly undercapitalized in accordance with section 1364 may not, without prior written approval by the Director—

''(1) pay any bonus to any executive officer; or

''(2) provide compensation to any executive officer at a rate exceeding the average rate of compensation of that officer (excluding bonuses, stock options, and profit sharing) during the 12 calendar months preceding the calendar month in which the regulated entity became significantly undercapitalized.''.

SEC. 1145. AUTHORITY OVER CRITICALLY UNDERCAPITALIZED REGULATED ENTITIES.

(a) IN GENERAL.—Section 1367 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4617) is amended to read as follows:

''SEC. 1367. AUTHORITY OVER CRITICALLY UNDERCAPITALIZED REGULATED ENTITIES.

''(a) APPOINTMENT OF THE AGENCY AS CONSERVATOR OR RECEIVER.—

''(1) IN GENERAL.—Notwithstanding any other provision of Federal or State law, the Director may appoint the Agency as conservator or receiver for a regulated entity in the manner provided under paragraph (2) or (4). All references to the conservator or receiver under this section are references to the Agency acting as conservator or receiver.

''(2) DISCRETIONARY APPOINTMENT.—The Agency may, at the discretion of the Director, be appointed conservator or receiver for the purpose of reorganizing, rehabilitating, or winding up the affairs of a regulated entity.

''(3) GROUNDS FOR DISCRETIONARY APPOINTMENT OF CONSERVATOR OR RECEIVER.—The grounds for appointing conservator or receiver for any regulated entity under paragraph (2) are as follows:

''(A) SUBSTANTIAL DISSIPATION.—Substantial dissipation of assets or earnings due to—

''(i) any violation of any provision of Federal or State law; or

''(ii) any unsafe or unsound practice.

''(B) UNSAFE OR UNSOUND CONDITION.—An unsafe or unsound condition to transact business.

''(C) CEASE AND DESIST ORDERS.—Any willful violation of a cease and desist order that has become final.

''(D) CONCEALMENT.—Any concealment of the books, papers, records, or assets of the regulated entity, or any refusal to submit the books, papers, records, or affairs of the regulated entity, for inspection to any examiner or to any lawful agent of the Director.

''(E) INABILITY TO MEET OBLIGATIONS.—The regulated entity is likely to be unable to pay its obligations or meet the demands of its creditors in the normal course of business.

''(F) LOSSES.—The regulated entity has incurred or is likely to incur losses that will deplete all or substantially all of its capital, and there is no reasonable prospect for the regulated entity to become adequately capitalized (as defined in section 1364(a)(1)).

''(G) VIOLATIONS OF LAW.—Any violation of any law or regulation, or any unsafe or unsound practice or condition that is likely to—

''(i) cause insolvency or substantial dissipation of assets or earnings; or

''(ii) weaken the condition of the regulated entity.

''(H) CONSENT.—The regulated entity, by resolution of its board of directors or its shareholders or members, consents to the appointment.

''(I) UNDERCAPITALIZATION.—The regulated entity is undercapitalized or significantly undercapitalized (as defined in section 1364(a)(3)), and—

''(i) has no reasonable prospect of becoming adequately capitalized;

''(ii) fails to become adequately capitalized, as required by—

''(I) section 1365(a)(1) with respect to a regulated entity; or

''(II) section 1366(a)(1) with respect to a significantly undercapitalized regulated entity;

''(iii) fails to submit a capital restoration plan acceptable to the Agency within the time prescribed under section 1369C; or

''(iv) materially fails to implement a capital restoration plan submitted and accepted under section 1369C.

''(J) CRITICAL UNDERCAPITALIZATION.—The regulated entity is critically undercapitalized, as defined in section 1364(a)(4).

''(K) MONEY LAUNDERING.—The Attorney General notifies the Director in writing that the regulated entity has been found guilty of a criminal offense under section 1956 or 1957 of title 18, United States Code, or section 5322 or 5324 of title 31, United States Code.

''(4) MANDATORY RECEIVERSHIP.—

''(A) IN GENERAL.—The Director shall appoint the Agency as receiver for a regulated entity if the Director determines, in writing, that—

''(i) the assets of the regulated entity are, and during the preceding 60 calendar days have been, less than the obligations of the regulated entity to its creditors and others; or

''(ii) the regulated entity is not, and during the preceding 60 calendar days has not been, generally paying the debts of the regulated entity (other than debts that are the subject of a bona fide dispute) as such debts become due.

''(B) PERIODIC DETERMINATION REQUIRED FOR CRITICALLY UNDERCAPITALIZED REGULATED ENTITY.—If a regulated entity is critically undercapitalized, the Director shall make a determination, in writing, as to whether the regulated entity meets the criteria specified in clause (i) or (ii) of subparagraph (A)—

''(i) not later than 30 calendar days after the regulated entity initially becomes critically undercapitalized; and

''(ii) at least once during each succeeding 30-calendar day period.

''(C) DETERMINATION NOT REQUIRED IF RECEIVERSHIP ALREADY IN PLACE.—Subparagraph (B) does not apply with respect to a regulated entity in any period during which the Agency serves as receiver for the regulated entity.

''(D) RECEIVERSHIP TERMINATES CONSERVATORSHIP.—The appointment of the Agency as receiver of a regulated entity under this section shall immediately terminate any conservatorship established for the regulated entity under this title.

''(5) JUDICIAL REVIEW.—

''(A) IN GENERAL.—If the Agency is appointed conservator or receiver under this section, the regulated entity may, within 30 days of such appointment, bring an action in the United States district court for the judicial district in which the home office of such regulated entity is located, or in the United States District Court for the District of Columbia, for an order requiring the Agency to remove itself as conservator or receiver.

''(B) REVIEW.—Upon the filing of an action under subparagraph (A), the court shall, upon the merits, dismiss such action or direct the Agency to remove itself as such conservator or receiver.

''(6) DIRECTORS NOT LIABLE FOR ACQUIESCING IN APPOINTMENT OF CONSERVATOR OR RECEIVER.—The members of the board of directors of a regulated entity shall not be liable to the shareholders or creditors of the regulated entity for acquiescing in or consenting in good faith to the appointment of the Agency as conservator or receiver for that regulated entity.

''(7) AGENCY NOT SUBJECT TO ANY OTHER FEDERAL AGENCY.—When acting as conservator or receiver, the Agency shall not be subject to the direction or supervision of any other agency of the United States or any State in the exercise of the rights, powers, and privileges of the Agency.

''(b) POWERS AND DUTIES OF THE AGENCY AS CONSERVATOR OR RECEIVER.—

''(1) RULEMAKING AUTHORITY OF THE AGENCY.—The Agency may prescribe such regulations as the Agency determines to be appropriate regarding the conduct of conservatorships or receiverships.

''(2) GENERAL POWERS.—

''(A) SUCCESSOR TO REGULATED ENTITY.—The Agency shall, as conservator or receiver, and by operation of law, immediately succeed to—

''(i) all rights, titles, powers, and privileges of the regulated entity, and of any stockholder, officer, or director of such regulated entity with respect to the regulated entity and the assets of the regulated entity; and

''(ii) title to the books, records, and assets of any other legal custodian of such regulated entity.

''(B) OPERATE THE REGULATED ENTITY.—The Agency may, as conservator or receiver—

''(i) take over the assets of and operate the regulated entity with all the powers of the shareholders, the directors, and the officers of the regulated entity and conduct all business of the regulated entity;

''(ii) collect all obligations and money due the regulated entity;

''(iii) perform all functions of the regulated entity in the name of the regulated entity which are consistent with the appointment as conservator or receiver;

''(iv) preserve and conserve the assets and property of the regulated entity; and

''(v) provide by contract for assistance in fulfilling any function, activity, action, or duty of the Agency as conservator or receiver.

''(C) FUNCTIONS OF OFFICERS, DIRECTORS, AND SHAREHOLDERS OF A REGULATED ENTITY.—The Agency may, by regulation or order, provide for the exercise of any function by any stockholder, director, or officer of any regulated entity for which the Agency has been named conservator or receiver.

''(D) POWERS AS CONSERVATOR.—The Agency may, as conservator, take such action as may be—

''(i) necessary to put the regulated entity in a sound and solvent condition; and

''(ii) appropriate to carry on the business of the regulated entity and preserve and conserve the assets and property of the regulated entity.

''(E) ADDITIONAL POWERS AS RECEIVER.—In any case in which the Agency is acting as receiver, the Agency shall place the regulated entity in liquidation and proceed to realize upon the assets of the regulated entity in such manner as the Agency deems appropriate, including through the sale of assets, the transfer of assets to a limited-life regulated entity established under subsection (i), or the exercise of any other rights or privileges granted to the Agency under this paragraph.

''(F) ORGANIZATION OF NEW ENTERPRISE.—The Agency shall, as receiver for an enterprise, organize a successor enterprise that will operate pursuant to subsection (i).

''(G) TRANSFER OR SALE OF ASSETS AND LIABILITIES.—The Agency may, as conservator or receiver, transfer or sell any asset or liability of the regulated entity in default, and may do so without any approval, assignment, or consent with respect to such transfer or sale.

''(H) PAYMENT OF VALID OBLIGATIONS.—The Agency, as conservator or receiver, shall, to the extent of proceeds realized from the performance of contracts or sale of the assets of a regulated entity, pay all valid obligations of the regulated entity that are due and payable at the time of the appointment of the Agency as conservator or receiver, in accordance with the prescriptions and limitations of this section.

''(I) SUBPOENA AUTHORITY.—

''(i) IN GENERAL.—

''(I) AGENCY AUTHORITY.—The Agency may, as conservator or receiver, and for purposes of carrying out any power, authority, or duty with respect to a regulated entity (including determining any claim against the regulated entity and determining and realizing upon any asset of any person in the course of collecting money due the regulated entity), exercise any power established under section 1348.

''(II) APPLICABILITY OF LAW.—The provisions of section 1348 shall apply with respect to the exercise of any power under this subparagraph, in the same manner as such provisions apply under that section.

''(ii) SUBPOENA.—A subpoena or subpoena duces tecum may be issued under clause (i) only by, or with the written approval of, the Director, or the designee of the Director.

''(iii) RULE OF CONSTRUCTION.—This subsection shall not be construed to limit any rights that the Agency, in any capacity, might otherwise have under section 1317 or 1379B.

''(J) INCIDENTAL POWERS.—The Agency may, as conservator or receiver—

''(i) exercise all powers and authorities specifically granted to conservators or receivers, respectively, under this section, and such incidental powers as shall be necessary to carry out such powers; and

''(ii) take any action authorized by this section, which the Agency determines is in the best interests of the regulated entity or the Agency.

''(K) OTHER PROVISIONS.—

''(i) SHAREHOLDERS AND CREDITORS OF FAILED REGULATED ENTITY.—Notwithstanding any other provision of law, the appointment of the Agency as receiver for a regulated entity pursuant to paragraph (2) or (4) of subsection (a) and its succession, by operation of law, to the rights, titles, powers, and privileges described in subsection (b)(2)(A) shall terminate all rights and claims that the stockholders and creditors of the regulated entity may have against the assets or charter of the regulated entity or the Agency arising as a result of their status as stockholders or creditors, except for their right to payment, resolution, or other satisfaction of their claims, as permitted under subsections (b)(9), (c), and (e).

''(ii) ASSETS OF REGULATED ENTITY.—Notwithstanding any other provision of law, for purposes of this section, the charter of a regulated entity shall not be considered an asset of the regulated entity.

''(3) AUTHORITY OF RECEIVER TO DETERMINE CLAIMS.—

''(A) IN GENERAL.—The Agency may, as receiver, determine claims in accordance with the requirements of this subsection and any regulations prescribed under paragraph (4).

''(B) NOTICE REQUIREMENTS.—The receiver, in any case involving the liquidation or winding up of the affairs of a closed regulated entity, shall—

''(i) promptly publish a notice to the creditors of the regulated entity to present their claims, together with proof, to the receiver by a date specified in the notice which shall be not less than 90 days after the date of publication of such notice; and

''(ii) republish such notice approximately 1 month and 2 months, respectively, after the date of publication under clause (i).

''(C) MAILING REQUIRED.—The receiver shall mail a notice similar to the notice published under subparagraph (B)(i) at the time of such publication to any creditor shown on the books of the regulated entity—

''(i) at the last address of the creditor appearing in such books; or

''(ii) upon discovery of the name and address of a claimant not appearing on the books of the regulated entity, within 30 days after the discovery of such name and address.

''(4) RULEMAKING AUTHORITY RELATING TO DETERMINATION OF CLAIMS.—Subject to subsection (c), the Director may prescribe regulations regarding the allowance or disallowance of claims by the receiver and providing for administrative determination of claims and review of such determination.

''(5) PROCEDURES FOR DETERMINATION OF CLAIMS.—

''(A) DETERMINATION PERIOD.—

''(i) IN GENERAL.—Before the end of the 180-day period beginning on the date on which any claim against a regulated entity is filed with the Agency as receiver, the Agency shall determine whether to allow or disallow the claim and shall notify the claimant of any determination with respect to such claim.

''(ii) EXTENSION OF TIME.—The period described in clause (i) may be extended by a written agreement between the claimant and the Agency.

''(iii) MAILING OF NOTICE SUFFICIENT.—The requirements of clause (i) shall be deemed to be satisfied if the notice of any determination with respect to any claim is mailed to the last address of the claimant which appears—

''(I) on the books of the regulated entity;

''(II) in the claim filed by the claimant; or

''(III) in documents submitted in proof of the claim.

''(iv) CONTENTS OF NOTICE OF DISALLOWANCE.—If any claim filed under clause (i) is disallowed, the notice to the claimant shall contain—

''(I) a statement of each reason for the disallowance; and

''(II) the procedures available for obtaining agency review of the determination to disallow the claim or judicial determination of the claim.

''(B) ALLOWANCE OF PROVEN CLAIM.—The receiver shall allow any claim received on or before the date specified in the notice published under paragraph (3)(B)(i) by the receiver from any claimant which is proved to the satisfaction of the receiver.

''(C) DISALLOWANCE OF CLAIMS FILED AFTER FILING PERIOD.—Claims filed after the date specified in the notice published under paragraph (3)(B)(i), or the date specified under paragraph (3)(C), shall be disallowed and such disallowance shall be final.

''(D) AUTHORITY TO DISALLOW CLAIMS.—

''(i) IN GENERAL.—The receiver may disallow any portion of any claim by a creditor or claim of security, preference, or priority which is not proved to the satisfaction of the receiver.

''(ii) PAYMENTS TO LESS THAN FULLY SECURED CREDITORS.—In the case of a claim of a creditor against a regulated entity which is secured by any property or other asset of such regulated entity, the receiver—

''(I) may treat the portion of such claim which exceeds an amount equal to the fair market value of such property or other asset as an unsecured claim against the regulated entity; and

''(II) may not make any payment with respect to such unsecured portion of the claim, other than in connection with the disposition of all claims of unsecured creditors of the regulated entity.

''(iii) EXCEPTIONS.—No provision of this paragraph shall apply with respect to—

''(I) any extension of credit from any Federal Reserve Bank, Federal Home Loan Bank, or the United States Treasury; or

''(II) any security interest in the assets of the regulated entity securing any such extension of credit.

''(E) NO JUDICIAL REVIEW OF DETERMINATION PURSUANT TO SUBPARAGRAPH (D).—No court may review the determination of the Agency under subparagraph (D) to disallow a claim.

''(F) LEGAL EFFECT OF FILING.—

''(i) STATUTE OF LIMITATION TOLLED.—For purposes of any applicable statute of limitations, the filing of a claim with the receiver shall constitute a commencement of an action.

''(ii) NO PREJUDICE TO OTHER ACTIONS.—Subject to paragraph (10), the filing of a claim with the receiver shall not prejudice any right of the claimant to continue any action which was filed before the date of the appointment of the receiver, subject to the determination of claims by the receiver.

''(6) PROVISION FOR JUDICIAL DETERMINATION OF CLAIMS.—

''(A) IN GENERAL.—The claimant may file suit on a claim (or continue an action commenced before the appointment of the receiver) in the district or territorial court of the United States for the district within which the principal place of business of the regulated entity is located or the United States District Court for the District of Columbia (and such court shall have jurisdiction to hear such claim), before the end of the 60-day period beginning on the earlier of—

''(i) the end of the period described in paragraph (5)(A)(i) with respect to any claim against a regulated entity for which the Agency is receiver; or

''(ii) the date of any notice of disallowance of such claim pursuant to paragraph (5)(A)(i).

''(B) STATUTE OF LIMITATIONS.—A claim shall be deemed to be disallowed (other than any portion of such claim which was allowed by the receiver), and such disallowance shall be final, and the claimant shall have no further rights or remedies with respect to such claim, if the claimant fails, before the end of the 60-day period described under subparagraph (A), to file suit on such claim (or continue an action commenced before the appointment of the receiver).

''(7) REVIEW OF CLAIMS.—

''(A) OTHER REVIEW PROCEDURES.—

''(i) IN GENERAL.—The Agency shall establish such alternative dispute resolution processes as may be appropriate for the resolution of claims filed under paragraph (5)(A)(i).

''(ii) CRITERIA.—In establishing alternative dispute resolution processes, the Agency shall strive for procedures which are expeditious, fair, independent, and low cost.

''(iii) VOLUNTARY BINDING OR NONBINDING PROCEDURES.—The Agency may establish both binding and nonbinding processes under this subparagraph, which may be conducted by any government or private party. All parties, including the claimant and the Agency, must agree to the use of the process in a particular case.

''(B) CONSIDERATION OF INCENTIVES.—The Agency shall seek to develop incentives for claimants to participate in the alternative dispute resolution process.

''(8) EXPEDITED DETERMINATION OF CLAIMS.—

''(A) ESTABLISHMENT REQUIRED.—The Agency shall establish a procedure for expedited relief outside of the routine claims process established under paragraph (5) for claimants who—

''(i) allege the existence of legally valid and enforceable or perfected security interests in assets of any regulated entity for which the Agency has been appointed receiver; and

''(ii) allege that irreparable injury will occur if the routine claims procedure is followed.

''(B) DETERMINATION PERIOD.—Before the end of the 90-day period beginning on the date on which any claim is filed in accordance with the procedures established under subparagraph (A), the Director shall—

''(i) determine—

''(I) whether to allow or disallow such claim; or

''(II) whether such claim should be determined pursuant to the procedures established under paragraph (5); and

''(ii) notify the claimant of the determination, and if the claim is disallowed, provide a statement of each reason for the disallowance and the procedure for obtaining agency review or judicial determination.

''(C) PERIOD FOR FILING OR RENEWING SUIT.—Any claimant who files a request for expedited relief shall be permitted to file a suit, or to continue a suit filed before the date of appointment of the receiver, seeking a determination of the rights of the claimant with respect to such security interest after the earlier of—

''(i) the end of the 90-day period beginning on the date of the filing of a request for expedited relief; or

''(ii) the date on which the Agency denies the claim.

''(D) STATUTE OF LIMITATIONS.—If an action described under subparagraph (C) is not filed, or the motion to renew a previously filed suit is not made, before the end of the 30-day period beginning on the date on which such action or motion may be filed under subparagraph (B), the claim shall be deemed to be disallowed as of the end of such period (other than any portion of such claim which was allowed by the receiver), such disallowance shall be final, and the claimant shall have no further rights or remedies with respect to such claim.

''(E) LEGAL EFFECT OF FILING.—

''(i) STATUTE OF LIMITATION TOLLED.—For purposes of any applicable statute of limitations, the filing of a claim with the receiver shall constitute a commencement of an action.

''(ii) NO PREJUDICE TO OTHER ACTIONS.—Subject to paragraph (10), the filing of a claim with the receiver shall not prejudice any right of the claimant to continue any action that was filed before the appointment of the receiver, subject to the determination of claims by the receiver.

''(9) PAYMENT OF CLAIMS.—

''(A) IN GENERAL.—The receiver may, in the discretion of the receiver, and to the extent that funds are available from the assets of the regulated entity, pay creditor claims, in such manner and amounts as are authorized under this section, which are—

''(i) allowed by the receiver;

''(ii) approved by the Agency pursuant to a final determination pursuant to paragraph (7) or (8); or

''(iii) determined by the final judgment of any court of competent jurisdiction.

''(B) AGREEMENTS AGAINST THE INTEREST OF THE AGENCY.—No agreement that tends to diminish or defeat the interest of the Agency in any asset acquired by the Agency as receiver under this section shall be valid against the Agency unless such agreement is in writing and executed by an authorized officer or representative of the regulated entity.

''(C) PAYMENT OF DIVIDENDS ON CLAIMS.—The receiver may, in the sole discretion of the receiver, pay from the assets of the regulated entity dividends on proved claims at any time, and no liability shall attach to the Agency by reason of any such payment, for failure to pay dividends to a claimant whose claim is not proved at the time of any such payment.

''(D) RULEMAKING AUTHORITY OF THE DIRECTOR.—The Director may prescribe such rules, including definitions of terms, as the Director deems appropriate to establish a single uniform interest rate for, or to make payments of post-insolvency interest to creditors holding proven claims against the receivership estates of the regulated entity, following satisfaction by the receiver of the principal amount of all creditor claims.

''(10) SUSPENSION OF LEGAL ACTIONS.—

''(A) IN GENERAL.—After the appointment of a conservator or receiver for a regulated entity, the conservator or receiver may, in any judicial action or proceeding to which such regulated entity is or becomes a party, request a stay for a period not to exceed—

''(i) 45 days, in the case of any conservator; and

''(ii) 90 days, in the case of any receiver.

''(B) GRANT OF STAY BY ALL COURTS REQUIRED.—Upon receipt of a request by the conservator or receiver under subparagraph (A) for a stay of any judicial action or proceeding in any court with jurisdiction of such action or proceeding, the court shall grant such stay as to all parties.

''(11) ADDITIONAL RIGHTS AND DUTIES.—

''(A) PRIOR FINAL ADJUDICATION.—The Agency shall abide by any final unappealable judgment of any court of competent jurisdiction which was rendered before the appointment of the Agency as conservator or receiver.

''(B) RIGHTS AND REMEDIES OF CONSERVATOR OR RECEIVER.—In the event of any appealable judgment, the Agency as conservator or receiver—

''(i) shall have all of the rights and remedies available to the regulated entity (before the appointment of such conservator or receiver) and the Agency, including removal to Federal court and all appellate rights; and

''(ii) shall not be required to post any bond in order to pursue such remedies.

''(C) NO ATTACHMENT OR EXECUTION.—No attachment or execution may issue by any court upon assets in the possession of the receiver, or upon the charter, of a regulated entity for which the Agency has been appointed receiver.

''(D) LIMITATION ON JUDICIAL REVIEW.—Except as otherwise provided in this subsection, no court shall have jurisdiction over—

''(i) any claim or action for payment from, or any action seeking a determination of rights with respect to, the assets or charter of any regulated entity for which the Agency has been appointed receiver; or

''(ii) any claim relating to any act or omission of such regulated entity or the Agency as receiver.

''(E) DISPOSITION OF ASSETS.—In exercising any right, power, privilege, or authority as conservator or receiver in connection with any sale or disposition of assets of a regulated entity for which the Agency has been appointed conservator or receiver, the Agency shall conduct its operations in a manner which—

''(i) maximizes the net present value return from the sale or disposition of such assets;

''(ii) minimizes the amount of any loss realized in the resolution of cases; and

''(iii) ensures adequate competition and fair and consistent treatment of offerors.

''(12) STATUTE OF LIMITATIONS FOR ACTIONS BROUGHT BY CONSERVATOR OR RECEIVER.—

''(A) IN GENERAL.—Notwithstanding any provision of any contract, the applicable statute of limitations with regard to any action brought by the Agency as conservator or receiver shall be—

''(i) in the case of any contract claim, the longer of—

''(I) the 6-year period beginning on the date on which the claim accrues; or

''(II) the period applicable under State law; and

''(ii) in the case of any tort claim, the longer of—

''(I) the 3-year period beginning on the date on which the claim accrues; or

''(II) the period applicable under State law.

''(B) DETERMINATION OF THE DATE ON WHICH A CLAIM ACCRUES.—For purposes of subparagraph (A), the date on which the statute of limitations begins to run on any claim described in such subparagraph shall be the later of—

''(i) the date of the appointment of the Agency as conservator or receiver; or

''(ii) the date on which the cause of action accrues.

''(13) REVIVAL OF EXPIRED STATE CAUSES OF ACTION.—

''(A) IN GENERAL.—In the case of any tort claim described under clause (ii) for which the statute of limitations applicable under State law with respect to such claim has expired not more than 5 years before the appointment of the Agency as conservator or receiver, the Agency may bring an action as conservator or receiver on such claim without regard to the expiration of the statute of limitations applicable under State law.

''(B) CLAIMS DESCRIBED.—A tort claim referred to under clause (i) is a claim arising from fraud, intentional misconduct resulting in unjust enrichment, or intentional misconduct resulting in substantial loss to the regulated entity.

''(14) ACCOUNTING AND RECORDKEEPING REQUIREMENTS.—

''(A) IN GENERAL.—The Agency as conservator or receiver shall, consistent with the accounting and reporting practices and procedures established by the Agency, maintain a full accounting of each conservatorship and receivership or other disposition of a regulated entity in default.

''(B) ANNUAL ACCOUNTING OR REPORT.—With respect to each conservatorship or receivership, the Agency shall make an annual accounting or report available to the Board, the Comptroller General of the United States, the Committee on Banking, Housing, and Urban Affairs of the Senate, and the Committee on Financial Services of the House of Representatives.

''(C) AVAILABILITY OF REPORTS.—Any report prepared under subparagraph (B) shall be made available by the Agency upon request to any shareholder of a regulated entity or any member of the public.

''(D) RECORDKEEPING REQUIREMENT.—After the end of the 6-year period beginning on the date on which the conservatorship or receivership is terminated by the Director, the Agency may destroy any records of such regulated entity which the Agency, in the discretion of the Agency, determines to be unnecessary, unless directed not to do so by a court of competent jurisdiction or governmental agency, or prohibited by law.

''(15) FRAUDULENT TRANSFERS.—

''(A) IN GENERAL.—The Agency, as conservator or receiver, may avoid a transfer of any interest of an entity-affiliated party, or any person determined by the conservator or receiver to be a debtor of the regulated entity, in property, or any obligation incurred by such party or person, that was made within 5 years of the date on which the Agency was appointed conservator or receiver, if such party or person voluntarily or involuntarily made such transfer or incurred such liability with the intent to hinder, delay, or defraud the regulated entity, the Agency, the conservator, or receiver.

''(B) RIGHT OF RECOVERY.—To the extent a transfer is avoided under subparagraph (A), the conservator or receiver may recover, for the benefit of the regulated entity, the property transferred, or, if a court so orders, the value of such property (at the time of such transfer) from—

''(i) the initial transferee of such transfer or the entity-affiliated party or person for whose benefit such transfer was made; or

''(ii) any immediate or mediate transferee of any such initial transferee.

''(C) RIGHTS OF TRANSFEREE OR OBLIGEE.—The conservator or receiver may not recover under subparagraph (B) from—

''(i) any transferee that takes for value, including satisfaction or securing of a present or antecedent debt, in good faith; or

''(ii) any immediate or mediate good faith transferee of such transferee.

''(D) RIGHTS UNDER THIS PARAGRAPH.—The rights under this paragraph of the conservator or receiver described under subparagraph (A) shall be superior to any rights of a trustee or any other party (other than any party which is a Federal agency) under title 11, United States Code.

''(16) ATTACHMENT OF ASSETS AND OTHER INJUNCTIVE RELIEF.—Subject to paragraph (17), any court of competent jurisdiction may, at the request of the conservator or receiver, issue an order in accordance with rule 65 of the Federal Rules of Civil Procedure, including an order placing the assets of any person designated by the conservator or receiver under the control of the court, and appointing a trustee to hold such assets.

''(17) STANDARDS OF PROOF.—Rule 65 of the Federal Rules of Civil Procedure shall apply with respect to any proceeding under paragraph (16) without regard to the requirement of such rule that the applicant show that the injury, loss, or damage is irreparable and immediate.

''(18) TREATMENT OF CLAIMS ARISING FROM BREACH OF CONTRACTS EXECUTED BY THE CONSERVATOR OR RECEIVER.—

''(A) IN GENERAL.—Notwithstanding any other provision of this subsection, any final and unappealable judgment for monetary damages entered against the conservator or receiver for the breach of an agreement executed or approved in writing by the conservator or receiver after the date of its appointment, shall be paid as an administrative expense of the conservator or receiver.

''(B) NO LIMITATION OF POWER.—Nothing in this paragraph shall be construed to limit the power of the conservator or receiver to exercise any rights under contract or law, including to terminate, breach, cancel, or otherwise discontinue such agreement.

''(19) GENERAL EXCEPTIONS.—

''(A) LIMITATIONS.—The rights of the conservator or receiver appointed under this section shall be subject to the limitations on the powers of a receiver under sections 402 through 407 of the Federal Deposit Insurance Corporation Improvement Act of 1991 (12 U.S.C. 4402 through 4407).

''(B) MORTGAGES HELD IN TRUST.—

''(i) IN GENERAL.—Any mortgage, pool of mortgages, or interest in a pool of mortgages held in trust, custodial, or agency capacity by a regulated entity for the benefit of any person other than the regulated entity shall not be available to satisfy the claims of creditors generally, except that nothing in this clause shall be construed to expand or otherwise affect the authority of any regulated entity.

''(ii) HOLDING OF MORTGAGES.—Any mortgage, pool of mortgages, or interest in a pool of mortgages described in clause (i) shall be held by the conservator or receiver appointed under this section for the beneficial owners of such mortgage, pool of mortgages, or interest in accordance with the terms of the agreement creating such trust, custodial, or other agency arrangement.

''(iii) LIABILITY OF CONSERVATOR OR RECEIVER.—The liability of the conservator or receiver appointed under this section for damages shall, in the case of any contingent or unliquidated claim relating to the mortgages held in trust, be estimated in accordance with the regulations of the Director.

''(c) PRIORITY OF EXPENSES AND UNSECURED CLAIMS.—

''(1) IN GENERAL.—Unsecured claims against a regulated entity, or the receiver therefor, that are proven to the satisfaction of the receiver shall have priority in the following order:

''(A) Administrative expenses of the receiver.

''(B) Any other general or senior liability of the regulated entity (which is not a liability described under subparagraph (C) or (D).

''(C) Any obligation subordinated to general creditors (which is not an obligation described under subparagraph (D)).

''(D) Any obligation to shareholders or members arising as a result of their status as shareholder or members.

''(2) CREDITORS SIMILARLY SITUATED.—All creditors that are similarly situated under paragraph (1) shall be treated in a similar manner, except that the receiver may take any action (including making payments) that does not comply with this subsection, if—

''(A) the Director determines that such action is necessary to maximize the value of the assets of the regulated entity, to maximize the present value return from the sale or other disposition of the assets of the regulated entity, or to minimize the amount of any loss realized upon the sale or other disposition of the assets of the regulated entity; and

''(B) all creditors that are similarly situated under paragraph (1) receive not less than the amount provided in subsection (e)(2).

''(3) DEFINITION.—As used in this subsection, the term 'administrative expenses of the receiver' includes—

''(A) the actual, necessary costs and expenses incurred by the receiver in preserving the assets of a failed regulated entity or liquidating or otherwise resolving the affairs of a failed regulated entity; and

''(B) any obligations that the receiver determines are necessary and appropriate to facilitate the smooth and orderly liquidation or other resolution of the regulated entity.

''(d) PROVISIONS RELATING TO CONTRACTS ENTERED INTO BEFORE APPOINTMENT OF CONSERVATOR OR RECEIVER.—

''(1) AUTHORITY TO REPUDIATE CONTRACTS.—In addition to any other rights a conservator or receiver may have, the conservator or receiver for any regulated entity may disaffirm or repudiate any contract or lease—

''(A) to which such regulated entity is a party;

''(B) the performance of which the conservator or receiver, in its sole discretion, determines to be burdensome; and

''(C) the disaffirmance or repudiation of which the conservator or receiver determines, in its sole discretion, will promote the orderly administration of the affairs of the regulated entity.

''(2) TIMING OF REPUDIATION.—The conservator or receiver shall determine whether or not to exercise the rights of repudiation under this subsection within a reasonable period following such appointment.

''(3) CLAIMS FOR DAMAGES FOR REPUDIATION.—

''(A) IN GENERAL.—Except as otherwise provided under subparagraph (C) and paragraphs (4), (5), and (6), the liability of the conservator or receiver for the disaffirmance or repudiation of any contract pursuant to paragraph (1) shall be—

''(i) limited to actual direct compensatory damages; and

''(ii) determined as of—

''(I) the date of the appointment of the conservator or receiver; or

''(II) in the case of any contract or agreement referred to in paragraph (8), the date of the disaffirmance or repudiation of such contract or agreement.

''(B) NO LIABILITY FOR OTHER DAMAGES.—For purposes of subparagraph (A), the term 'actual direct compensatory damages' shall not include—

''(i) punitive or exemplary damages;

''(ii) damages for lost profits or opportunity; or

''(iii) damages for pain and suffering.

''(C) MEASURE OF DAMAGES FOR REPUDIATION OF FINANCIAL CONTRACTS.—In the case of any qualified financial contract or agreement to which paragraph (8) applies, compensatory damages shall be—

''(i) deemed to include normal and reasonable costs of cover or other reasonable measures of damages utilized in the industries for such contract and agreement claims; and

''(ii) paid in accordance with this subsection and subsection (e), except as otherwise specifically provided in this section.

''(4) LEASES UNDER WHICH THE REGULATED ENTITY IS THE LESSEE.—

''(A) IN GENERAL.—If the conservator or receiver disaffirms or repudiates a lease under which the regulated entity was the lessee, the conservator or receiver shall not be liable for any damages (other than damages determined under subparagraph (B)) for the disaffirmance or repudiation of such lease.

''(B) PAYMENTS OF RENT.—Notwithstanding subparagraph (A), the lessor under a lease to which that subparagraph applies shall—

''(i) be entitled to the contractual rent accruing before the later of the date on which—

''(I) the notice of disaffirmance or repudiation is mailed; or

''(II) the disaffirmance or repudiation becomes effective, unless the lessor is in default or breach of the terms of the lease;

''(ii) have no claim for damages under any acceleration clause or other penalty provision in the lease; and

''(iii) have a claim for any unpaid rent, subject to all appropriate offsets and defenses, due as of the date of the appointment, which shall be paid in accordance with this subsection and subsection (e).

''(5) LEASES UNDER WHICH THE REGULATED ENTITY IS THE LESSOR.—

''(A) IN GENERAL.—If the conservator or receiver repudiates an unexpired written lease of real property of the regulated entity under which the regulated entity is the lessor and the lessee is not, as of the date of such repudiation, in default, the lessee under such lease may either—

''(i) treat the lease as terminated by such repudiation; or

''(ii) remain in possession of the leasehold interest for the balance of the term of the lease, unless the lessee defaults under the terms of the lease after the date of such repudiation.

''(B) PROVISIONS APPLICABLE TO LESSEE REMAINING IN POSSESSION.—If any lessee under a lease described under subparagraph (A) remains in possession of a leasehold interest under clause (ii) of subparagraph (A)—

''(i) the lessee—

''(I) shall continue to pay the contractual rent pursuant to the terms of the lease after the date of the repudiation of such lease; and

''(II) may offset against any rent payment which accrues after the date of the repudiation of the lease, and any damages which accrue after such date due to the nonperformance of any obligation of the regulated entity under the lease after such date; and

''(ii) the conservator or receiver shall not be liable to the lessee for any damages arising after such date as a result of the repudiation, other than the amount of any offset allowed under clause (i)(II).

''(6) CONTRACTS FOR THE SALE OF REAL PROPERTY.—

''(A) IN GENERAL.—If the conservator or receiver repudiates any contract for the sale of real property and the purchaser of such real property under such contract is in possession, and is not, as of the date of such repudiation, in default, such purchaser may either—

''(i) treat the contract as terminated by such repudiation; or

''(ii) remain in possession of such real property.

''(B) PROVISIONS APPLICABLE TO PURCHASER REMAINING IN POSSESSION.—If any purchaser of real property under any contract described under subparagraph (A) remains in possession of such property under clause (ii) of subparagraph (A)—

''(i) the purchaser—

''(I) shall continue to make all payments due under the contract after the date of the repudiation of the contract; and

''(II) may offset against any such payments any damages which accrue after such date due to the nonperformance (after such date) of any obligation of the regulated entity under the contract; and

''(ii) the conservator or receiver shall—

''(I) not be liable to the purchaser for any damages arising after such date as a result of the repudiation, other than the amount of any offset allowed under clause (i)(II);

''(II) deliver title to the purchaser in accordance with the provisions of the contract; and

''(III) have no obligation under the contract other than the performance required under subclause (II).

''(C) ASSIGNMENT AND SALE ALLOWED.—

''(i) IN GENERAL.—No provision of this paragraph shall be construed as limiting the right of the conservator or receiver to assign the contract described under subparagraph (A), and sell the property subject to the contract and the provisions of this paragraph.

''(ii) NO LIABILITY AFTER ASSIGNMENT AND SALE.—If an assignment and sale described under clause (i) is consummated, the conservator or receiver shall have no further liability under the contract described under subparagraph (A), or with respect to the real property which was the subject of such contract.

''(7) SERVICE CONTRACTS.—

''(A) SERVICES PERFORMED BEFORE APPOINTMENT.—In the case of any contract for services between any person and any regulated entity for which the Agency has been appointed conservator or receiver, any claim of such person for services performed before the appointment of the conservator or receiver shall be—

''(i) a claim to be paid in accordance with subsections (b) and (e); and

''(ii) deemed to have arisen as of the date on which the conservator or receiver was appointed.

''(B) SERVICES PERFORMED AFTER APPOINTMENT AND PRIOR TO REPUDIATION.—If, in the case of any contract for services described under subparagraph (A), the conservator or receiver accepts performance by the other person before the conservator or receiver makes any determination to exercise the right of repudiation of such contract under this section—

''(i) the other party shall be paid under the terms of the contract for the services performed; and

''(ii) the amount of such payment shall be treated as an administrative expense of the conservatorship or receivership.

''(C) ACCEPTANCE OF PERFORMANCE NO BAR TO SUBSEQUENT REPUDIATION.—The acceptance by the conservator or receiver of services referred to under subparagraph (B) in connection with a contract described in such subparagraph shall not affect the right of the conservator or receiver to repudiate such contract under this section at any time after such performance.

''(8) CERTAIN QUALIFIED FINANCIAL CONTRACTS.—

''(A) RIGHTS OF PARTIES TO CONTRACTS.—Subject to paragraphs (9) and (10), and notwithstanding any other provision of this title (other than subsection (b)(9)(B) of this section), any other Federal law, or the law of any State, no person shall be stayed or prohibited from exercising—

''(i) any right of that person to cause the termination, liquidation, or acceleration of any qualified financial contract with a regulated entity that arises upon the appointment of the Agency as receiver for such regulated entity at any time after such appointment;

''(ii) any right under any security agreement or arrangement or other credit enhancement relating to one or more qualified financial contracts; or

''(iii) any right to offset or net out any termination value, payment amount, or other transfer obligation arising under or in connection with 1 or more contracts and agreements described in clause (i), including any master agreement for such contracts or agreements.

''(B) APPLICABILITY OF OTHER PROVISIONS.—Subsection (b)(10) shall apply in the case of any judicial action or proceeding brought against any receiver referred to under subparagraph (A), or the regulated entity for which such receiver was appointed, by any party to a contract or agreement described under subparagraph (A)(i) with such regulated entity.

''(C) CERTAIN TRANSFERS NOT AVOIDABLE.—

''(i) IN GENERAL.—Notwithstanding paragraph (11), or any other provision of Federal or State law relating to the avoidance of preferential or fraudulent transfers, the Agency, whether acting as such or as conservator or receiver of a regulated entity, may not avoid any transfer of money or other property in connection with any qualified financial contract with a regulated entity.

''(ii) EXCEPTION FOR CERTAIN TRANSFERS.—Clause (i) shall not apply to any transfer of money or other property in connection with any qualified financial contract with a regulated entity if the Agency determines that the transferee had actual intent to hinder, delay, or defraud such regulated entity, the creditors of such regulated entity, or any conservator or receiver appointed for such regulated entity.

''(D) CERTAIN CONTRACTS AND AGREEMENTS DEFINED.—In this subsection the following definitions shall apply:

''(i) QUALIFIED FINANCIAL CONTRACT.—The term 'qualified financial contract' means any securities contract, commodity contract, forward contract, repurchase agreement, swap agreement, and any similar agreement that the Agency determines by regulation, resolution, or order to be a qualified financial contract for purposes of this paragraph.

''(ii) SECURITIES CONTRACT.—The term 'securities contract'—

''(I) means a contract for the purchase, sale, or loan of a security, a certificate of deposit, a mortgage loan, or any interest in a mortgage loan, a group or index of securities, certificates of deposit, or mortgage loans or interests therein (including any interest therein or based on the value thereof) or any option on any of the foregoing, including any option to purchase or sell any such security, certificate of deposit, mortgage loan, interest, group or index, or option, and including any repurchase or reverse repurchase transaction on any such security, certificate of deposit, mortgage loan, interest, group or index, or option;

''(II) does not include any purchase, sale, or repurchase obligation under a participation in a commercial mortgage loan, unless the Agency determines by regulation, resolution, or order to include any such agreement within the meaning of such term;

''(III) means any option entered into on a national securities exchange relating to foreign currencies;

''(IV) means the guarantee by or to any securities clearing agency of any settlement of cash, securities, certificates of deposit, mortgage loans or interests therein, group or index of securities, certificates of deposit, or mortgage loans or interests therein (including any interest therein or

based on the value thereof) or option on any of the foregoing, including any option to purchase or sell any such security, certificate of deposit, mortgage loan, interest, group or index, or option;

''(V) means any margin loan;

''(VI) means any other agreement or transaction that is similar to any agreement or transaction referred to in this clause;

''(VII) means any combination of the agreements or transactions referred to in this clause;

''(VIII) means any option to enter into any agreement or transaction referred to in this clause;

''(IX) means a master agreement that provides for an agreement or transaction referred to in subclause (I), (III), (IV), (V), (VI), (VII), or (VIII), together with all supplements to any such master agreement, without regard to whether the master agreement provides for an agreement or transaction that is not a securities contract under this clause, except that the master agreement shall be considered to be a securities contract under this clause only with respect to each agreement or transaction under the master agreement that is referred to in subclause (I), (III), (IV), (V), (VI), (VII), or (VIII); and

''(X) means any security agreement or arrangement or other credit enhancement related to any agreement or transaction referred to in this clause, including any guarantee or reimbursement obligation in connection with any agreement or transaction referred to in this clause.

''(iii) COMMODITY CONTRACT.—The term 'commodity contract' means—

''(I) with respect to a futures commission merchant, a contract for the purchase or sale of a commodity for future delivery on, or subject to the rules of, a contract market or board of trade;

''(II) with respect to a foreign futures commission merchant, a foreign future;

''(III) with respect to a leverage transaction merchant, a leverage transaction;

''(IV) with respect to a clearing organization, a contract for the purchase or sale of a commodity for future delivery on, or subject to the rules of, a contract market or board of trade that is cleared by such clearing organization, or commodity option traded on, or subject to the rules of, a contract market or board of trade that is cleared by such clearing organization;

''(V) with respect to a commodity options dealer, a commodity option;

''(VI) any other agreement or transaction that is similar to any agreement or transaction referred to in this clause;

''(VII) any combination of the agreements or transactions referred to in this clause;

''(VIII) any option to enter into any agreement or transaction referred to in this clause;

''(IX) a master agreement that provides for an agreement or transaction referred to in subclause (I), (II), (III), (IV), (V), (VI), (VII), or (VIII), together with all supplements to any such master agreement, without regard to whether the master agreement provides for an agreement or transaction that is not a commodity contract under this clause, except that the master agreement shall be considered to be a commodity contract under this clause only with respect to each agreement or transaction under the master agreement that is referred to in subclause (I), (II), (III), (IV), (V), (VI), (VII), or (VIII); or

''(X) any security agreement or arrangement or other credit enhancement related to any agreement or transaction referred to in this clause, including any guarantee or reimbursement obligation in connection with any agreement or transaction referred to in this clause.

''(iv) FORWARD CONTRACT.—The term 'forward contract' means—

''(I) a contract (other than a commodity contract) for the purchase, sale, or transfer of a commodity or any similar good, article, service, right, or interest which is presently or in the future becomes the subject of dealing in the forward contract trade, or product or byproduct thereof, with a maturity date more than 2 days after the date on which the contract is entered into, including a repurchase transaction, reverse repurchase transaction, consignment, lease, swap, hedge transaction, deposit, loan, option, allocated transaction, unallocated transaction, or any other similar agreement;

''(II) any combination of agreements or transactions referred to in subclauses (I) and (III);

''(III) any option to enter into any agreement or transaction referred to in subclause (I) or (II);

''(IV) a master agreement that provides for an agreement or transaction referred to in subclauses (I), (II), or (III), together with all supplements to any such master agreement, without regard to whether the master agreement provides for an agreement or transaction that is not a forward contract under this clause, except that the master agreement shall be considered to be a forward contract under this clause only with respect to each agreement or transaction under the master agreement that is referred to in subclause (I), (II), or (III); or

''(V) any security agreement or arrangement or other credit enhancement related to any agreement or transaction referred to in subclause (I), (II), (III), or (IV), including any guarantee or reimbursement obligation in connection with any agreement or transaction referred to in any such subclause.

''(v) REPURCHASE AGREEMENT.—The term 'repurchase agreement' (including a reverse repurchase agreement)—

''(I) means an agreement, including related terms, which provides for the transfer of one or more certificates of deposit, mortgage-related securities (as such term is defined in section 3 of the Securities Exchange Act of 1934), mortgage loans, interests in mortgage-related securities or mortgage loans, eligible bankers' acceptances, qualified foreign government securities (defined for purposes of this clause as a security that is a direct obligation of, or that is fully guaranteed by, the central government of a member of the Organization for Economic Cooperation and Development, as determined by regulation or order adopted by the appropriate Federal banking authority), or securities that are direct obligations of, or that are fully guaranteed by, the United States or any agency of the United States against the transfer of funds by the transferee of such certificates of deposit, eligible bankers' acceptances, securities, mortgage loans, or interests with a simultaneous agreement by such transferee to transfer to the transferor thereof certificates of deposit, eligible bankers' acceptances, securities, mortgage loans, or interests as described above, at a date certain not later than 1 year after such transfers or on demand, against the transfer of funds, or any other similar agreement;

''(II) does not include any repurchase obligation under a participation in a commercial mortgage loan, unless the Agency determines by regulation, resolution, or order to include any such participation within the meaning of such term;

''(III) means any combination of agreements or transactions referred to in subclauses (I) and (IV);

''(IV) means any option to enter into any agreement or transaction referred to in subclause (I) or (III);

''(V) means a master agreement that provides for an agreement or transaction referred to in subclause (I), (III), or (IV), together with all supplements to any such master agreement, without regard to whether the master agreement provides for an agreement or transaction that is not a repurchase agreement under this clause, except that the master agreement shall be considered to be a repurchase agreement under this subclause only with respect to each agreement or transaction under the master agreement that is referred to in subclause (I), (III), or (IV); and

''(VI) means any security agreement or arrangement or other credit enhancement related to any agreement or transaction referred to in subclause (I), (III), (IV), or (V), including any guarantee or reimbursement obligation in connection with any agreement or transaction referred to in any such subclause.

''(vi) SWAP AGREEMENT.—The term 'swap agreement' means—

''(I) any agreement, including the terms and conditions incorporated by reference in any such agreement, which is an interest rate swap, option, future, or forward agreement, including a rate floor, rate cap, rate collar, cross-currency rate swap, and basis swap; a spot, same day-tomorrow, tomorrow-next, forward, or other foreign exchange or precious metals agreement; a currency swap, option, future, or forward agreement; an equity index or equity swap, option, future, or forward agreement; a debt index or debt swap, option, future, or forward agreement; a total return, credit spread or credit swap, option, future, or forward agreement; a commodity index or commodity swap, option, future, or forward agreement; or a weather swap, weather derivative, or weather option;

''(II) any agreement or transaction that is similar to any other agreement or transaction referred to in this clause and that is of a type that has been, is presently, or in the future becomes, the subject of recurrent dealings in the swap markets (including terms and conditions incorporated by reference in such agreement) and that is a forward, swap, future, or option on one or more rates, currencies, commodities, equity securities or other equity instruments, debt securities or other debt instruments, quantitative measures associated with an occurrence, extent of an occurrence, or contingency associated with a financial, commercial, or economic consequence, or economic or financial indices or measures of economic or financial risk or value;

''(III) any combination of agreements or transactions referred to in this clause;

''(IV) any option to enter into any agreement or transaction referred to in this clause;

''(V) a master agreement that provides for an agreement or transaction referred to in subclause (I), (II), (III), or (IV), together with all supplements to any such master agreement, without regard to whether the master agreement contains an agreement or transaction that is not a swap agreement under this clause, except that the master agreement shall be considered to be a swap agreement under this clause only with respect to each agreement or transaction under the master agreement that is referred to in subclause (I), (II), (III), or (IV); and

''(VI) any security agreement or arrangement or other credit enhancement related to any agreements or transactions referred to in subclause (I), (II), (III), (IV), or (V), including any guarantee or reimbursement obligation in connection with any agreement or transaction referred to in any such subclause.

''(vii) TREATMENT OF MASTER AGREEMENT AS ONE AGREEMENT.—Any master agreement for any contract or agreement described in any preceding clause of this subparagraph (or any master agreement for such master agreement or agreements), together with all supplements to such master agreement, shall be treated as a single agreement and a single qualified financial contract. If a master agreement contains provisions relating to agreements or transactions that are not themselves qualified financial contracts, the master agreement shall be deemed to be a qualified financial contract only with respect to those transactions that are themselves qualified financial contracts.

''(viii) TRANSFER.—The term 'transfer' means every mode, direct or indirect, absolute or conditional, voluntary or involuntary, of disposing of or parting with property or with an interest in property, including retention of title as a security interest and foreclosure of the equity of redemption of the regulated entity.

''(E) CERTAIN PROTECTIONS IN EVENT OF APPOINTMENT OF CONSERVATOR.—Notwithstanding any other provision of this section, any other Federal law, or the law of any State (other than paragraph (10) of this subsection and subsection (b)(9)(B)), no person shall be stayed or prohibited from exercising—

''(i) any right such person has to cause the termination, liquidation, or acceleration of any qualified financial contract with a regulated entity in a conservatorship based upon a default under such financial contract which is enforceable under applicable noninsolvency law;

''(ii) any right under any security agreement or arrangement or other credit enhancement relating to 1 or more such qualified financial contracts; or

''(iii) any right to offset or net out any termination values, payment amounts, or other transfer obligations arising under or in connection with such qualified financial contracts.

''(F) CLARIFICATION.—No provision of law shall be construed as limiting the right or power of the Agency, or authorizing any court or agency to limit or delay in any manner, the right or power of the Agency to transfer any qualified financial contract in accordance with paragraphs (9) and (10), or to disaffirm or repudiate any such contract in accordance with subsection (d)(1).

''(G) WALKAWAY CLAUSES NOT EFFECTIVE.—

''(i) IN GENERAL.—Notwithstanding the provisions of subparagraphs (A) and (E), and sections 403 and 404 of the Federal Deposit Insurance Corporation Improvement Act of 1991, no walkaway clause shall be enforceable in a qualified financial contract of a regulated entity in default.

''(ii) WALKAWAY CLAUSE DEFINED.—For purposes of this subparagraph, the term 'walkaway clause' means a provision in a qualified financial contract that, after calculation of a value of a party's position or an amount due to or from 1 of the parties in accordance with its terms upon termination, liquidation, or acceleration of the qualified financial contract, either does not create a payment obligation of a party or extinguishes a payment obligation of a party in whole or in part solely because of the status of such party as a nondefaulting party.

''(9) TRANSFER OF QUALIFIED FINANCIAL CONTRACTS.—In making any transfer of assets or liabilities of a regulated entity in default which includes any qualified financial contract, the conservator or receiver for such regulated entity shall either—

''(A) transfer to 1 person—

''(i) all qualified financial contracts between any person (or any affiliate of such person) and the regulated entity in default;

''(ii) all claims of such person (or any affiliate of such person) against such regulated entity under any such contract (other than any claim which, under the terms of any such contract, is subordinated to the claims of general unsecured creditors of such regulated entity);

''(iii) all claims of such regulated entity against such person (or any affiliate of such person) under any such contract; and

''(iv) all property securing, or any other credit enhancement for any contract described in clause (i), or any claim described in clause (ii) or (iii) under any such contract; or

''(B) transfer none of the financial contracts, claims, or property referred to under subparagraph (A) (with respect to such person and any affiliate of such person).

''(10) NOTIFICATION OF TRANSFER.—

''(A) IN GENERAL.—The conservator or receiver shall notify any person that is a party to a contract or transfer by 5:00 p.m. (Eastern Standard Time) on the business day following the date of the appointment of the receiver in the case of a receivership, or the business day following such transfer in the case of a conservatorship, if—

''(i) the conservator or receiver for a regulated entity in default makes any transfer of the assets and liabilities of such regulated entity; and

''(ii) such transfer includes any qualified financial contract.

''(B) CERTAIN RIGHTS NOT ENFORCEABLE.—

''(i) RECEIVERSHIP.—A person who is a party to a qualified financial contract with a regulated entity may not exercise any right that such person has to terminate, liquidate, or net such contract under paragraph (8)(A) of this subsection or under section 403 or 404 of the Federal Deposit Insurance Corporation Improvement Act of 1991, solely by reason of or incidental to the appointment of a receiver for the regulated entity (or the insolvency or financial condition of the regulated entity for which the receiver has been appointed)—

''(I) until 5:00 p.m. (Eastern Standard Time) on the business day following the date of the appointment of the receiver; or

''(II) after the person has received notice that the contract has been transferred pursuant to paragraph (9)(A).

''(ii) CONSERVATORSHIP.—A person who is a party to a qualified financial contract with a regulated entity may not exercise any right that such person has to terminate, liquidate, or net such contract under paragraph (8)(E) of this subsection or under section 403 or 404 of the Federal Deposit Insurance Corporation Improvement Act of 1991, solely by reason of or incidental to the appointment of a conservator for the regulated entity (or the insolvency or financial condition of the regulated entity for which the conservator has been appointed).

''(iii) NOTICE.—For purposes of this paragraph, the conservator or receiver of a regulated entity shall be deemed to have notified a person who is a party to a qualified financial contract with such regulated entity, if the conservator or receiver has taken steps reasonably calculated to provide notice to such person by the time specified in subparagraph (A).

''(C) BUSINESS DAY DEFINED.—For purposes of this paragraph, the term 'business day' means any day other than any Saturday, Sunday, or any day on which either the New York Stock Exchange or the Federal Reserve Bank of New York is closed.

''(11) DISAFFIRMANCE OR REPUDIATION OF QUALIFIED FINANCIAL CONTRACTS.—In exercising the rights of disaffirmance or repudiation of a conservator or receiver with respect to any qualified financial contract to which a regulated entity is a party, the conservator or receiver for such institution shall either—

''(A) disaffirm or repudiate all qualified financial contracts between—

''(i) any person or any affiliate of such person; and

''(ii) the regulated entity in default; or

''(B) disaffirm or repudiate none of the qualified financial contracts referred to in subparagraph (A) (with respect to such person or any affiliate of such person).

''(12) CERTAIN SECURITY INTERESTS NOT AVOIDABLE.—No provision of this subsection shall be construed as permitting the avoidance of any legally enforceable or perfected security interest in any of the assets of any regulated entity, except where such an interest is taken in contemplation of the insolvency of the regulated entity, or with the intent to hinder, delay, or defraud the regulated entity or the creditors of such regulated entity.

''(13) AUTHORITY TO ENFORCE CONTRACTS.—

''(A) IN GENERAL.—Notwithstanding any provision of a contract providing for termination, default, acceleration, or exercise of rights upon, or solely by reason of, insolvency or the appointment of, or the exercise of rights or powers by, a conservator or receiver, the conservator or receiver may enforce any contract, other than a contract for liability insurance for a director or officer, or a contract or a regulated entity bond, entered into by the regulated entity.

''(B) CERTAIN RIGHTS NOT AFFECTED.—No provision of this paragraph may be construed as impairing or affecting any right of the conservator or receiver to enforce or recover under a liability insurance contract for an officer or director, or regulated entity bond under other applicable law.

''(C) CONSENT REQUIREMENT.—

''(i) IN GENERAL.—Except as otherwise provided under this section, no person may exercise any right or power to terminate, accelerate, or declare a default under any contract to which a regulated entity is a party, or to obtain possession of or exercise control over any property of the regulated entity, or affect any contractual rights of the regulated entity, without the consent of the conservator or receiver, as appropriate, for a period of—

''(I) 45 days after the date of appointment of a conservator; or

''(II) 90 days after the date of appointment of a receiver.

''(ii) EXCEPTIONS.—This subparagraph shall not—

''(I) apply to a contract for liability insurance for an officer or director;

''(II) apply to the rights of parties to certain qualified financial contracts under subsection (d)(8); and

''(III) be construed as permitting the conservator or receiver to fail to comply with otherwise enforceable provisions of such contracts.

''(14) SAVINGS CLAUSE.—The meanings of terms used in this subsection are applicable for purposes of this subsection only, and shall not be construed or applied so as to challenge or affect the characterization, definition, or treatment of any similar terms under any other statute, regulation, or rule, including the Gramm-Leach-Bliley Act, the Legal Certainty for Bank Products Act of 2000, the securities laws (as that term is defined in section 3(a)(47) of the Securities Exchange Act of 1934), and the Commodity Exchange Act.

''(15) EXCEPTION FOR FEDERAL RESERVE AND FEDERAL HOME LOAN BANKS.—No provision of this subsection shall apply with respect to—

''(A) any extension of credit from any Federal Home Loan Bank or Federal Reserve Bank to any regulated entity; or

''(B) any security interest in the assets of the regulated entity securing any such extension of credit.

''(e) VALUATION OF CLAIMS IN DEFAULT.—

''(1) IN GENERAL.—Notwithstanding any other provision of Federal law or the law of any State, and regardless of the method which the Agency determines to utilize with respect to a regulated entity in default or in danger of default, including transactions authorized under subsection (i), this subsection shall govern the rights of the creditors of such regulated entity.

''(2) MAXIMUM LIABILITY.—The maximum liability of the Agency, acting as receiver or in any other capacity, to any person having a claim against the receiver or the regulated entity for which such receiver is appointed shall be not more than the amount that such claimant would have received if the Agency had liquidated the assets and liabilities of the regulated entity without exercising the authority of the Agency under subsection (i).

''(f) LIMITATION ON COURT ACTION.—Except as provided in this section or at the request of the Director, no court may take any action to restrain or affect the exercise of powers or functions of the Agency as a conservator or a receiver.

''(g) LIABILITY OF DIRECTORS AND OFFICERS.—

''(1) IN GENERAL.—A director or officer of a regulated entity may be held personally liable for monetary damages in any civil action described in paragraph (2) brought by, on behalf of, or at the request or direction of the Agency, and prosecuted wholly or partially for the benefit of the Agency—

''(A) acting as conservator or receiver of such regulated entity; or

''(B) acting based upon a suit, claim, or cause of action purchased from, assigned by, or otherwise conveyed by such receiver or conservator.

''(2) ACTIONS ADDRESSED.—Paragraph (1) applies in any civil action for gross negligence, including any similar conduct or conduct that demonstrates a greater disregard of a duty of care than gross negligence, including intentional tortious conduct, as such terms are defined and determined under applicable State law.

''(3) NO LIMITATION.—Nothing in this subsection shall impair or affect any right of the Agency under other applicable law.

''(h) DAMAGES.—In any proceeding related to any claim against a director, officer, employee, agent, attorney, accountant, appraiser, or any other party employed by or providing services to a regulated entity, recoverable damages determined to result from the improvident or otherwise improper use or investment of any assets of the regulated entity shall include principal losses and appropriate interest.

''(i) LIMITED-LIFE REGULATED ENTITIES.—

''(1) ORGANIZATION.—

''(A) PURPOSE.—The Agency, as receiver appointed pursuant to subsection (a)—

''(i) may, in the case of a Federal Home Loan Bank, organize a limited-life regulated entity with those powers and attributes of the Federal Home Loan Bank in default or in danger of default as the Director determines necessary, subject to the provisions of this subsection, and the Director shall grant a temporary charter to that limited-life regulated entity, and that limited-life regulated entity shall operate subject to that charter; and

''(ii) shall, in the case of an enterprise, organize a limited-life regulated entity with respect to that enterprise in accordance with this subsection.

''(B) AUTHORITIES.—Upon the creation of a limited-life regulated entity under subparagraph (A), the limited-life regulated entity may—

''(i) assume such liabilities of the regulated entity that is in default or in danger of default as the Agency may, in its discretion, determine to be appropriate, except that the liabilities assumed shall not exceed the amount of assets purchased or transferred from the regulated entity to the limited-life regulated entity;

''(ii) purchase such assets of the regulated entity that is in default, or in danger of default as the Agency may, in its discretion, determine to be appropriate; and

''(iii) perform any other temporary function which the Agency may, in its discretion, prescribe in accordance with this section.

''(2) CHARTER AND ESTABLISHMENT.—

''(A) TRANSFER OF CHARTER.—

''(i) FANNIE MAE.—If the Agency is appointed as receiver for the Federal National Mortgage Association, the limited-life regulated entity established under this subsection with respect to such enterprise shall, by operation of law and immediately upon its organization—

''(I) succeed to the charter of the Federal National Mortgage Association, as set forth in the Federal National Mortgage Association Charter Act; and

''(II) thereafter operate in accordance with, and subject to, such charter, this Act, and any other provision of law to which the Federal National Mortgage Association is subject, except as otherwise provided in this subsection.

''(ii) FREDDIE MAC.—If the Agency is appointed as receiver for the Federal Home Loan Mortgage Corporation, the limited-life regulated entity established under this subsection with respect to such enterprise shall, by operation of law and immediately upon its organization—

''(I) succeed to the charter of the Federal Home Loan Mortgage Corporation, as set forth in the Federal Home Loan Mortgage Corporation Charter Act; and

''(II) thereafter operate in accordance with, and subject to, such charter, this Act, and any other provision of law to which the Federal Home Loan Mortgage Corporation is subject, except as otherwise provided in this subsection.

''(B) INTERESTS IN AND ASSETS AND OBLIGATIONS OF REGULATED ENTITY IN DEFAULT.—Notwithstanding subparagraph (A) or any other provision of law—

''(i) a limited-life regulated entity shall assume, acquire, or succeed to the assets or liabilities of a regulated entity only to the extent that such assets or liabilities are transferred by the Agency to the limited-life regulated entity in accordance with, and subject to the restrictions set forth in, paragraph (1)(B);

''(ii) a limited-life regulated entity shall not assume, acquire, or succeed to any obligation that a regulated entity for which a receiver has been appointed may have to any shareholder of the regulated entity that arises as a result of the status of that person as a shareholder of the regulated entity; and

''(iii) no shareholder or creditor of a regulated entity shall have any right or claim against the charter of the regulated entity once the Agency has been appointed receiver for the regulated entity and a limited-life regulated entity succeeds to the charter pursuant to subparagraph (A).

''(C) LIMITED-LIFE REGULATED ENTITY TREATED AS BEING IN DEFAULT FOR CERTAIN PURPOSES.—A limited-life regulated entity shall be treated as a regulated entity in default at such times and for such purposes as the Agency may, in its discretion, determine.

''(D) MANAGEMENT.—Upon its establishment, a limited-life regulated entity shall be under the management of a board of directors consisting of not fewer than 5 nor more than 10 members appointed by the Agency.

''(E) BYLAWS.—The board of directors of a limited-life regulated entity shall adopt such bylaws as may be approved by the Agency.

''(3) CAPITAL STOCK.—

''(A) NO AGENCY REQUIREMENT.—The Agency is not required to pay capital stock into a limited-life regulated entity or to issue any capital stock on behalf of a limited-life regulated entity established under this subsection.

''(B) AUTHORITY.—If the Director determines that such action is advisable, the Agency may cause capital stock or other securities of a limited-life regulated entity established with respect to an enterprise to be issued and offered for sale, in such amounts and on such terms and conditions as the Director may determine, in the discretion of the Director.

''(4) INVESTMENTS.—Funds of a limited-life regulated entity shall be kept on hand in cash, invested in obligations of the United States or obligations guaranteed as to principal and interest by the United States, or deposited with the Agency, or any Federal reserve bank.

''(5) EXEMPT TAX STATUS.—Notwithstanding any other provision of Federal or State law, a limited-life regulated entity, its franchise, property, and income shall be exempt from all taxation now or hereafter imposed by the United States, by any territory, dependency, or possession thereof, or by any State, county, municipality, or local taxing authority.

''(6) WINDING UP.—

''(A) IN GENERAL.—Subject to subparagraphs (B) and (C), not later than 2 years after the date of its organization, the Agency shall wind up the affairs of a limited-life regulated entity.

''(B) EXTENSION.—The Director may, in the discretion of the Director, extend the status of a limited-life regulated entity for 3 additional 1-year periods.

''(C) TERMINATION OF STATUS AS LIMITED-LIFE REGULATED ENTITY.—

''(i) IN GENERAL.—Upon the sale by the Agency of 80 percent or more of the capital stock of a limited-life regulated entity, as defined in clause (iv), to 1 or more persons (other than the Agency)—

''(I) the status of the limited-life regulated entity as such shall terminate; and

''(II) the entity shall cease to be a limited-life regulated entity for purposes of this subsection.

''(ii) DIVESTITURE OF REMAINING STOCK, IF ANY.—

''(I) IN GENERAL.—Not later than 1 year after the date on which the status of a limited-life regulated entity is terminated pursuant to clause (i), the Agency shall sell to 1 or more persons (other than the Agency) any remaining capital stock of the former limited-life regulated entity.

''(II) EXTENSION AUTHORIZED.—The Director may extend the period referred to in subclause (I) for not longer than an additional 2 years, if the Director determines that such action would be in the public interest.

''(iii) SAVINGS CLAUSE.—Notwithstanding any provision of law, other than clause (ii), the Agency shall not be required to sell the capital stock of an enterprise or a limited-life regulated entity established with respect to an enterprise.

''(iv) APPLICABILITY.—This subparagraph applies only with respect to a limited-life regulated entity that is established with respect to an enterprise.

''(7) TRANSFER OF ASSETS AND LIABILITIES.—

''(A) IN GENERAL.—

''(i) TRANSFER OF ASSETS AND LIABILITIES.—The Agency, as receiver, may transfer any assets and liabilities of a regulated entity in default, or in danger of default, to the limited-life regulated entity in accordance with and subject to the restrictions of paragraph (1).

''(ii) SUBSEQUENT TRANSFERS.—At any time after the establishment of a limited-life regulated entity, the Agency, as receiver, may transfer any assets and liabilities of the regulated entity in default, or in danger of default, as the Agency may, in its discretion, determine to be appropriate in accordance with and subject to the restrictions of paragraph (1).

''(iii) EFFECTIVE WITHOUT APPROVAL.—The transfer of any assets or liabilities of a regulated entity in default or in danger of default to a limited-life regulated entity shall be effective without any further approval under Federal or State law, assignment, or consent with respect thereto.

''(iv) EQUITABLE TREATMENT OF SIMILARLY SITUATED CREDITORS.—The Agency shall treat all creditors of a regulated entity in default or in danger of default that are similarly situated under subsection (c)(1) in a similar manner in exercising the authority of the Agency under this subsection to transfer any assets or liabilities of the regulated entity to the limited-life regulated entity established with respect to such regulated entity, except that the Agency may take actions (including making payments) that do not comply with this clause, if—

''(I) the Director determines that such actions are necessary to maximize the value of the assets of the regulated entity, to maximize the present value return from the sale or other disposition of the assets of the regulated entity, or to minimize the amount of any loss realized upon the sale or other disposition of the assets of the regulated entity; and

''(II) all creditors that are similarly situated under subsection (c)(1) receive not less than the amount provided in subsection (e)(2).

''(v) LIMITATION ON TRANSFER OF LIABILITIES.—Notwithstanding any other provision of law, the aggregate amount of liabilities of a regulated entity that are transferred to, or assumed by, a limited-life regulated entity may not exceed the aggregate amount of assets of the regulated entity that are transferred to, or purchased by, the limited-life regulated entity.

''(8) REGULATIONS.—The Agency may promulgate such regulations as the Agency determines to be necessary or appropriate to implement this subsection.

''(9) POWERS OF LIMITED-LIFE REGULATED ENTITIES.—

''(A) IN GENERAL.—Each limited-life regulated entity created under this subsection shall have all corporate powers of, and be subject to the same provisions of law as, the regulated entity in default or in danger of default to which it relates, except that—

''(i) the Agency may—

''(I) remove the directors of a limited-life regulated entity;

''(II) fix the compensation of members of the board of directors and senior management, as determined by the Agency in its discretion, of a limited-life regulated entity; and

''(III) indemnify the representatives for purposes of paragraph (1)(B), and the directors, officers, employees, and agents of a limited-life regulated entity on such terms as the Agency determines to be appropriate; and

''(ii) the board of directors of a limited-life regulated entity—

''(I) shall elect a chairperson who may also serve in the position of chief executive officer,

except that such person shall not serve either as chairperson or as chief executive officer without the prior approval of the Agency; and

''(II) may appoint a chief executive officer who is not also the chairperson, except that such person shall not serve as chief executive officer without the prior approval of the Agency.

''(B) STAY OF JUDICIAL ACTION.—Any judicial action to which a limited-life regulated entity becomes a party by virtue of its acquisition of any assets or assumption of any liabilities of a regulated entity in default shall be stayed from further proceedings for a period of not longer than 45 days, at the request of the limited-life regulated entity. Such period may be modified upon the consent of all parties.

''(10) NO FEDERAL STATUS.—

''(A) AGENCY STATUS.—A limited-life regulated entity is not an agency, establishment, or instrumentality of the United States.

''(B) EMPLOYEE STATUS.—Representatives for purposes of paragraph (1)(B), interim directors, directors, officers, employees, or agents of a limited-life regulated entity are not, solely by virtue of service in any such capacity, officers or employees of the United States. Any employee of the Agency or of any Federal instrumentality who serves at the request of the Agency as a representative for purposes of paragraph (1)(B), interim director, director, officer, employee, or agent of a limited-life regulated entity shall not—

''(i) solely by virtue of service in any such capacity lose any existing status as an officer or employee of the United States for purposes of title 5, United States Code, or any other provision of law; or

''(ii) receive any salary or benefits for service in any such capacity with respect to a limited-life regulated entity in addition to such salary or benefits as are obtained through employment with the Agency or such Federal instrumentality.

''(11) AUTHORITY TO OBTAIN CREDIT.—

''(A) IN GENERAL.—A limited-life regulated entity may obtain unsecured credit and issue unsecured debt.

''(B) INABILITY TO OBTAIN CREDIT.—If a limited-life regulated entity is unable to obtain unsecured credit or issue unsecured debt, the Director may authorize the obtaining of credit or the issuance of debt by the limited-life regulated entity—

''(i) with priority over any or all of the obligations of the limited-life regulated entity;

''(ii) secured by a lien on property of the limited-life regulated entity that is not otherwise subject to a lien; or

''(iii) secured by a junior lien on property of the limited-life regulated entity that is subject to a lien.

''(C) LIMITATIONS.—

''(i) IN GENERAL.—The Director, after notice and a hearing, may authorize the obtaining of credit or the issuance of debt by a limited-life regulated entity that is secured by a senior or equal lien on property of the limited-life regulated entity that is subject to a lien (other than mortgages that collateralize the mortgage-backed securities issued or guaranteed by an enterprise) only if—

''(I) the limited-life regulated entity is unable to otherwise obtain such credit or issue such debt; and

''(II) there is adequate protection of the interest of the holder of the lien on the property with respect to which such senior or equal lien is proposed to be granted.

''(D) BURDEN OF PROOF.—In any hearing under this subsection, the Director has the burden of proof on the issue of adequate protection.

''(12) AFFECT ON DEBTS AND LIENS.—The reversal or modification on appeal of an authorization under this subsection to obtain credit or issue debt, or of a grant under this section of a priority or a lien, does not affect the validity of any debt so issued, or any priority or lien so granted, to an entity that extended such credit in good faith, whether or not such entity knew of the pendency of the appeal, unless such authorization and the issuance of such debt, or the granting of such priority or lien, were stayed pending appeal.

''(j) OTHER AGENCY EXEMPTIONS.—

''(1) APPLICABILITY.—The provisions of this subsection shall apply with respect to the Agency in any case in which the Agency is acting as a conservator or a receiver.

''(2) TAXATION.—The Agency, including its franchise, its capital, reserves, and surplus, and its income, shall be exempt from all taxation imposed by any State, county, municipality, or local taxing authority, except that any real property of the Agency shall be subject to State, territorial, county, municipal, or local taxation to the same extent according to its value as other real property is taxed, except that, notwithstanding the failure of any person to challenge an assessment under State law of the value of such property, and the tax thereon, shall be determined as of the period for which such tax is imposed.

''(3) PROPERTY PROTECTION.—No property of the Agency shall be subject to levy, attachment, garnishment, foreclosure, or sale without the consent of the Agency, nor shall any involuntary lien attach to the property of the Agency.

''(4) PENALTIES AND FINES.—The Agency shall not be liable for any amounts in the nature of penalties or fines, including those arising from the failure of any person to pay any real property, personal property, probate, or recording tax or any recording or filing fees when due.

''(k) PROHIBITION OF CHARTER REVOCATION.—In no case may the receiver appointed pursuant to this section revoke, annul, or terminate the charter of an enterprise.''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—The Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4501 et seq.) is amended—

(1) in section 1368 (12 U.S.C. 4618)—

(A) by striking ''an enterprise'' each place that term appears and inserting ''a regulated entity''; and

(B) by striking ''the enterprise'' each place that term appears and inserting ''the regulated entity'';

(2) in section 1369C (12 U.S.C. 4622), by striking ''enterprise'' each place that term appears and inserting ''regulated entity'';

(3) in section 1369D (12 U.S.C. 4623)—

(A) by striking ''an enterprise'' each place that term appears and inserting ''a regulated entity''; and

(B) in subsection (a)(1), by striking ''An enterprise'' and inserting ''A regulated entity''; and

(4) by striking sections 1369, 1369A, and 1369B (12 U.S.C. 4619, 4620, and 4621).

Subtitle D—Enforcement Actions

SEC. 1151. CEASE AND DESIST PROCEEDINGS.

Section 1371 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4631) is amended—

(1) by striking subsections (a) and (b) and inserting the following:

''(a) ISSUANCE FOR UNSAFE OR UNSOUND PRACTICES AND VIOLATIONS.—

''(1) AUTHORITY OF DIRECTOR.—If, in the opinion of the Director, a regulated entity or any entity-affiliated party is engaging or has engaged, or the Director has reasonable cause to believe that the regulated entity or any entity-affiliated party is about to engage, in an unsafe or unsound practice in conducting the business of the regulated entity or the Office of Finance, or is violating or has violated, or the Director has reasonable cause to believe is about to violate, a law, rule, regulation, or order, or any condition imposed in writing by the Director in connection with the granting of any application or other request by the regulated entity or the Office of Finance or any written agreement entered into with the Director, the Director may issue and serve upon the regulated entity or entity-affiliated party a notice of charges in respect thereof.

''(2) LIMITATION.—The Director may not, pursuant to this section, enforce compliance with any housing goal established under subpart B of part 2 of subtitle A of this title, with section 1336 or 1337 of this title, with subsection (m) or (n) of section 309 of the Federal National Mortgage Association Charter Act (12 U.S.C. 1723a(m), (n)), with subsection (e) or (f) of section 307 of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1456(e), (f)), or with paragraph (5) of section 10(j) of the Federal Home Loan Bank Act (12 U.S.C. 1430(j)).

''(b) ISSUANCE FOR UNSATISFACTORY RATING.—If a regulated entity receives, in its most recent report of examination, a less-than-satisfactory rating for asset quality, management, earnings, or liquidity, the Director may (if the deficiency is not corrected) deem the regulated entity to be engaging in an unsafe or unsound practice for purposes of subsection (a).'';

(2) in subsection (c)—

(A) in paragraph (1), by inserting before the period at the end the following: '', unless the party served with a notice of charges shall appear at the hearing personally or by a duly authorized representative, the party shall be deemed to have consented to the issuance of the cease and desist order''; and

(B) in paragraph (2)—

(i) by striking ''or director'' and inserting ''director, or entity-affiliated party''; and

(ii) by inserting ''or entity-affiliated party'' before ''consents'';

(3) in each of subsections (c), (d), and (e)—

(A) by striking ''the enterprise'' each place that term appears and inserting ''the regulated entity'';

(B) by striking ''an enterprise'' each place that term appears and inserting ''a regulated entity''; and

(C) by striking ''conduct'' each place that term appears and inserting ''practice'';

(4) in subsection (d)—

(A) in the matter preceding paragraph (1)—

(i) by striking ''or director'' and inserting ''director, or entity-affiliated party''; and

(ii) by inserting ''to require a regulated entity or entity-affiliated party'' after ''includes the authority'';

(B) in paragraph (1)—

(i) by striking ''to require an executive officer or a director to''; and

(ii) by striking ''loss'' and all that follows through ''person'' and inserting ''loss, if'';

(iii) in subparagraph (A), by inserting ''such entity or party or finance facility'' before ''was''; and

(iv) by striking subparagraph (B) and inserting the following:

''(B) the violation or practice involved a reckless disregard for the law or any applicable regulations or prior order of the Director;''; and

(C) in paragraph (4), by inserting ''loan or'' before ''asset'';

(5) in subsection (e), by inserting ''or entity-affiliated party''—

(A) before ''or any executive''; and

(B) before the period at the end; and

(6) in subsection (f)—

(A) by striking ''enterprise'' and inserting ''regulated entity, finance facility,''; and

(B) by striking ''or director'' and inserting ''director, or entity-affiliated party''.

SEC. 1152. TEMPORARY CEASE AND DESIST PROCEEDINGS.

Section 1372 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4632) is amended—

(1) by striking subsection (a) and inserting the following:

''(a) GROUNDS FOR ISSUANCE.—

''(1) IN GENERAL.—If the Director determines that the actions specified in the notice of charges served upon a regulated entity or any entity-affiliated party pursuant to section 1371(a), or the continuation thereof, is likely to cause insolvency or significant dissipation of assets or earnings of that entity, or is likely to

weaken the condition of that entity prior to the completion of the proceedings conducted pursuant to sections 1371 and 1373, the Director may—

''(A) issue a temporary order requiring that regulated entity or entity-affiliated party to cease and desist from any such violation or practice; and

''(B) require that regulated entity or entity-affiliated party to take affirmative action to prevent or remedy such insolvency, dissipation, condition, or prejudice pending completion of such proceedings.

''(2) ADDITIONAL REQUIREMENTS.—An order issued under paragraph (1) may include any requirement authorized under subsection 1371(d).'';

(2) in subsection (b)—

(A) by striking ''or director'' and inserting ''director, or entity-affiliated party''; and

(B) by striking ''enterprise'' each place that term appears and inserting ''regulated entity'';

(3) in subsection (c), by striking ''enterprise'' each place that term appears and inserting ''regulated entity'';

(4) in subsection (d)—

(A) by striking ''or director'' each place that term appears and inserting ''director, or entity-affiliated party''; and

(B) by striking ''An enterprise'' and inserting ''A regulated entity''; and

(5) in subsection (e)—

(A) by striking ''request the Attorney General of the United States to''; and

(B) by striking ''or may, under the direction and control of the Attorney General, bring such action''.

SEC. 1153. REMOVAL AND PROHIBITION AUTHORITY.

(a) IN GENERAL.—Part 1 of subtitle C of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4631 et seq.) is amended—

(1) by redesignating sections 1377 through 1379B (12 U.S.C. 4637–4641) as sections 1379 through 1379D, respectively; and

(2) by inserting after section 1376 (12 U.S.C. 4636) the following:

''SEC. 1377. REMOVAL AND PROHIBITION AUTHORITY.

''(a) AUTHORITY TO ISSUE ORDER.—

''(1) IN GENERAL.—The Director may serve upon a party described in paragraph (2), or any officer, director, or management of the Office of Finance a written notice of the intention of the Director to suspend or remove such party from office, or prohibit any further participation by such party, in any manner, in the conduct of the affairs of the regulated entity.

''(2) APPLICABILITY.—A party described in this paragraph is an entity-affiliated party or any officer, director, or management of the Office of Finance, if the Director determines that—

''(A) that party, officer, or director has, directly or indirectly—

''(i) violated—

''(I) any law or regulation;

''(II) any cease and desist order which has become final;

''(III) any condition imposed in writing by the Director in connection with the grant of any application or other request by such regulated entity; or

''(IV) any written agreement between such regulated entity and the Director;

''(ii) engaged or participated in any unsafe or unsound practice in connection with any regulated entity or business institution; or

''(iii) committed or engaged in any act, omission, or practice which constitutes a breach of such party's fiduciary duty;

''(B) by reason of the violation, practice, or breach described in subparagraph (A)—

''(i) such regulated entity or business institution has suffered or will probably suffer financial loss or other damage; or

''(ii) such party has received financial gain or other benefit; and

''(C) the violation, practice, or breach described in subparagraph (A)—

''(i) involves personal dishonesty on the part of such party; or

''(ii) demonstrates willful or continuing disregard by such party for the safety or soundness of such regulated entity or business institution.

''(b) SUSPENSION ORDER.—

''(1) SUSPENSION OR PROHIBITION AUTHORITY.—If the Director serves written notice under subsection (a) upon a party subject to that subsection (a), the Director may, by order, suspend or remove such party from office, or prohibit such party from further participation in any manner in the conduct of the affairs of the regulated entity, if the Director—

''(A) determines that such action is necessary for the protection of the regulated entity; and

''(B) serves such party with written notice of the order.

''(2) EFFECTIVE PERIOD.—Any order issued under this subsection—

''(A) shall become effective upon service; and

''(B) unless a court issues a stay of such order under subsection (g), shall remain in effect and enforceable until—

''(i) the date on which the Director dismisses the charges contained in the notice served under subsection (a) with respect to such party; or

''(ii) the effective date of an order issued under subsection (b).

''(3) COPY OF ORDER.—If the Director issues an order under subsection (b) to any party, the Director shall serve a copy of such order on any regulated entity with which such party is affiliated at the time such order is issued.

''(c) NOTICE, HEARING, AND ORDER.—

''(1) NOTICE.—A notice under subsection (a) of the intention of the Director to issue an order under this section shall contain a statement of the facts constituting grounds for such action, and shall fix a time and place at which a hearing will be held on such action.

''(2) TIMING OF HEARING.—A hearing shall be fixed for a date not earlier than 30 days, nor later than 60 days, after the date of service of notice under subsection (a), unless an earlier or a later date is set by the Director at the request of—

''(A) the party receiving such notice, and good cause is shown; or

''(B) the Attorney General of the United States.

''(3) CONSENT.—Unless the party that is the subject of a notice delivered under subsection (a) appears at the hearing in person or by a duly authorized representative, such party shall be deemed to have consented to the issuance of an order under this section.

''(4) ISSUANCE OF ORDER OF SUSPENSION.—The Director may issue an order under this section, as the Director may deem appropriate, if—

''(A) a party is deemed to have consented to the issuance of an order under paragraph (3); or

''(B) upon the record made at the hearing, the Director finds that any of the grounds specified in the notice have been established.

''(5) EFFECTIVENESS OF ORDER.—Any order issued under paragraph (4) shall become effective at the expiration of 30 days after the date of service upon the relevant regulated entity and party (except in the case of an order issued upon consent under paragraph (3), which shall become effective at the time specified therein). Such order shall remain effective and enforceable except to such extent as it is stayed, modified, terminated, or set aside by action of the Director or a reviewing court.

''(d) PROHIBITION OF CERTAIN SPECIFIC ACTIVITIES.—Any person subject to an order issued under this section shall not—

''(1) participate in any manner in the conduct of the affairs of any regulated entity or the Office of Finance;

''(2) solicit, procure, transfer, attempt to transfer, vote, or attempt to vote any proxy, consent, or authorization with respect to any voting rights in any regulated entity;

''(3) violate any voting agreement previously approved by the Director; or

''(4) vote for a director, or serve or act as an entity-affiliated party of a regulated entity or as an officer or director of the Office of Finance.

''(e) INDUSTRY-WIDE PROHIBITION.—

''(1) IN GENERAL.—Except as provided in paragraph (2), any person who, pursuant to an order issued under this section, has been removed or suspended from office in a regulated entity or the Office of Finance, or prohibited from participating in the conduct of the affairs of a regulated entity or the Office of Finance, may not, while such order is in effect, continue or commence to hold any office in, or participate in any manner in the conduct of the affairs of, any regulated entity or the Office of Finance.

''(2) EXCEPTION IF DIRECTOR PROVIDES WRITTEN CONSENT.—If, on or after the date on which an order is issued under this section which removes or suspends from office any party, or prohibits such party from participating in the conduct of the affairs of a regulated entity or the Office of Finance, such party receives the written consent of the Director, the order shall, to the extent of such consent, cease to apply to such party with respect to the regulated entity or such Office of Finance described in the written consent. Any such consent shall be publicly disclosed.

''(3) VIOLATION OF PARAGRAPH (1) TREATED AS VIOLATION OF ORDER.—Any violation of paragraph (1) by any person who is subject to an order issued under subsection (h) shall be treated as a violation of the order.

''(f) APPLICABILITY.—This section shall only apply to a person who is an individual, unless the Director specifically finds that it should apply to a corporation, firm, or other business entity.

''(g) STAY OF SUSPENSION AND PROHIBITION OF ENTITY-AFFILIATED PARTY.—Not later than 10 days after the date on which any entity-affiliated party has been suspended from office or prohibited from participation in the conduct of the affairs of a regulated entity under this section, such party may apply to the United States District Court for the District of Columbia, or the United States district court for the judicial district in which the headquarters of the regulated entity is located, for a stay of such suspension or prohibition pending the completion of the administrative proceedings pursuant to subsection (c). The court shall have jurisdiction to stay such suspension or prohibition.

''(h) SUSPENSION OR REMOVAL OF ENTITY-AFFILIATED PARTY CHARGED WITH FELONY.—

''(1) SUSPENSION OR PROHIBITION.—

''(A) IN GENERAL.—Whenever any entity-affiliated party is charged in any information, indictment, or complaint, with the commission of or participation in a crime involving dishonesty or breach of trust which is punishable by imprisonment for a term exceeding 1 year under Federal or State law, the Director may, if continued service or participation by such party may pose a threat to the regulated entity or impair public confidence in the regulated entity, by written notice served upon such party, suspend such party from office or prohibit such party from further participation in any manner in the conduct of the affairs of any regulated entity.

''(B) PROVISIONS APPLICABLE TO NOTICE.—

''(i) COPY.—A copy of any notice under subparagraph (A) shall be served upon the relevant regulated entity.

''(ii) EFFECTIVE PERIOD.—A suspension or prohibition under subparagraph (A) shall remain in effect until the information, indictment, or complaint referred to in subparagraph (A) is finally disposed of, or until terminated by the Director.

''(2) REMOVAL OR PROHIBITION.—

''(A) IN GENERAL.—If a judgment of conviction or an agreement to enter a pretrial diversion or other similar program is entered against an entity-affiliated party in connection with a crime described in paragraph (1)(A), at such time as such judgment is not subject to further appellate review, the Director may, if continued service or participation by such party may pose a threat to the regulated entity or impair public confidence

in the regulated entity, issue and serve upon such party an order removing such party from office or prohibiting such party from further participation in any manner in the conduct of the affairs of the regulated entity without the prior written consent of the Director.

''(B) PROVISIONS APPLICABLE TO ORDER.—

''(i) COPY.—A copy of any order under subparagraph (A) shall be served upon the relevant regulated entity, at which time the entity-affiliated party who is subject to the order (if a director or an officer) shall cease to be a director or officer of such regulated entity.

''(ii) EFFECT OF ACQUITTAL.—A finding of not guilty or other disposition of the charge shall not preclude the Director from instituting proceedings after such finding or disposition to remove a party from office or to prohibit further participation in the affairs of a regulated entity pursuant to subsection (a) or (b).

''(iii) EFFECTIVE PERIOD.—Unless terminated by the Director, any notice of suspension or order of removal issued under this subsection shall remain effective and outstanding until the completion of any hearing or appeal authorized under paragraph (4).

''(3) AUTHORITY OF REMAINING BOARD MEMBERS.—

''(A) IN GENERAL.—If at any time, because of the suspension of 1 or more directors pursuant to this section, there shall be on the board of directors of a regulated entity less than a quorum of directors not so suspended, all powers and functions vested in or exercisable by such board shall vest in and be exercisable by the director or directors on the board not so suspended, until such time as there shall be a quorum of the board of directors.

''(B) APPOINTMENT OF TEMPORARY DIRECTORS.—If all of the directors of a regulated entity are suspended pursuant to this section, the Director shall appoint persons to serve temporarily as directors pending the termination of such suspensions, or until such time as those who have been suspended cease to be directors of the regulated entity and their respective successors take office.

''(4) HEARING REGARDING CONTINUED PARTICIPATION.—

''(A) IN GENERAL.—Not later than 30 days after the date of service of any notice of suspension or order of removal issued pursuant to paragraph (1) or (2), the entity-affiliated party may request in writing an opportunity to appear before the Director to show that the continued service or participation in the conduct of the affairs of the regulated entity by such party does not, or is not likely to, pose a threat to the interests of the regulated entity, or threaten to impair public confidence in the regulated entity.

''(B) TIMING AND FORM OF HEARING.—Upon receipt of a request for a hearing under subparagraph (A), the Director shall fix a time (not later than 30 days after the date of receipt of such request, unless extended at the request of such party) and place at which the entity-affiliated party may appear, personally or through counsel, before the Director or 1 or more designated employees of the Director to submit written materials (or, at the discretion of the Director, oral testimony) and oral argument.

''(C) DETERMINATION.—Not later than 60 days after the date of a hearing under subparagraph (B), the Director shall notify the entity-affiliated party whether the suspension or prohibition from participation in any manner in the conduct of the affairs of the regulated entity will be continued, terminated, or otherwise modified, or whether the order removing such party from office or prohibiting such party from further participation in any manner in the conduct of the affairs of the regulated entity will be rescinded or otherwise modified. Such notification shall contain a statement of the basis for any adverse decision of the Director.

''(5) RULES.—The Director is authorized to prescribe such rules as may be necessary to carry out this subsection.''.

(b) CONFORMING AMENDMENTS.—

(1) SAFETY AND SOUNDNESS ACT.—Subtitle C of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4501 et seq.) is amended—

(A) in section 1317(f), by striking ''section 1379B'' and inserting ''section 1379D'';

(B) in section 1373(a)—

(i) in paragraph (1), by striking ''or 1376(c)'' and inserting '', 1376(c), or 1377'';

(ii) in paragraph (2), by inserting ''or 1377'' after'' 1371''; and

(iii) in paragraph (4), by inserting ''or removal or prohibition'' after ''cease and desist''; and

(C) in section 1374(a)—

(i) by striking ''or 1376'' and inserting ''1313B, 1376, or 1377''; and

(ii) by striking ''such section'' and inserting ''this title''.

(2) FANNIE MAE CHARTER ACT.—Section 308(b) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1723(b)) is amended in the second sentence, by striking ''The'' and inserting ''Except to the extent that action under section 1377 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 temporarily results in a lesser number, the''.

(3) FREDDIE MAC CHARTER ACT.—Section 303(a)(2)(A) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1452(a)(2)(A)) is amended, in the second sentence, by striking ''The'' and inserting ''Except to the extent action under section 1377 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 temporarily results in a lesser number, the''.

SEC. 1154. ENFORCEMENT AND JURISDICTION.

Section 1375 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4635) is amended—

(1) by striking subsection (a) and inserting the following new subsection:

''(a) ENFORCEMENT.—The Director may, in the discretion of the Director, apply to the United States District Court for the District of Columbia, or the United States district court within the jurisdiction of which the headquarters of the regulated entity is located, for the enforcement of any effective and outstanding notice or order issued under this subtitle or subtitle B, or request that the Attorney General of the United States bring such an action. Such court shall have jurisdiction and power to order and require compliance with such notice or order.''; and

(2) in subsection (b), by striking ''or 1376'' and inserting ''1313B, 1376, or 1377''.

SEC. 1155. CIVIL MONEY PENALTIES.

Section 1376 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4636) is amended—

(1) by striking subsection (a) and inserting the following:

''(a) IN GENERAL.—The Director may impose a civil money penalty in accordance with this section on any regulated entity or any entity-affiliated party. The Director shall not impose a civil penalty in accordance with this section on any regulated entity or any entity-affiliated party for any violation that is addressed under section 1345(a).'';

(2) by striking subsection (b) and inserting the following:

''(b) AMOUNT OF PENALTY.—

''(1) FIRST TIER.—A regulated entity or entity-affiliated party shall forfeit and pay a civil penalty of not more than $10,000 for each day during which a violation continues, if such regulated entity or party—

''(A) violates any provision of this title, the authorizing statutes, or any order, condition, rule, or regulation under this title or any authorizing statute;

''(B) violates any final or temporary order or notice issued pursuant to this title;

''(C) violates any condition imposed in writing by the Director in connection with the grant of any application or other request by such regulated entity; or

''(D) violates any written agreement between the regulated entity and the Director.

''(2) SECOND TIER.—Notwithstanding paragraph (1), a regulated entity or entity-affiliated party shall forfeit and pay a civil penalty of not more than $50,000 for each day during which a violation, practice, or breach continues, if—

''(A) the regulated entity or entity-affiliated party, respectively—

''(i) commits any violation described in any subparagraph of paragraph (1);

''(ii) recklessly engages in an unsafe or unsound practice in conducting the affairs of the regulated entity; or

''(iii) breaches any fiduciary duty; and

''(B) the violation, practice, or breach—

''(i) is part of a pattern of misconduct;

''(ii) causes or is likely to cause more than a minimal loss to the regulated entity; or

''(iii) results in pecuniary gain or other benefit to such party.

''(3) THIRD TIER.—Notwithstanding paragraphs (1) and (2), any regulated entity or entity-affiliated party shall forfeit and pay a civil penalty in an amount not to exceed the applicable maximum amount determined under paragraph (4) for each day during which such violation, practice, or breach continues, if such regulated entity or entity-affiliated party—

''(A) knowingly—

''(i) commits any violation described in any subparagraph of paragraph (1);

''(ii) engages in any unsafe or unsound practice in conducting the affairs of the regulated entity; or

''(iii) breaches any fiduciary duty; and

''(B) knowingly or recklessly causes a substantial loss to the regulated entity or a substantial pecuniary gain or other benefit to such party by reason of such violation, practice, or breach.

''(4) MAXIMUM AMOUNTS OF PENALTIES FOR ANY VIOLATION DESCRIBED IN PARAGRAPH (3).—The maximum daily amount of any civil penalty which may be assessed pursuant to paragraph (3) for any violation, practice, or breach described in paragraph (3) is—

''(A) in the case of any entity-affiliated party, an amount not to exceed $2,000,000; and

''(B) in the case of any regulated entity, $2,000,000.'';

(3) in subsection (c)—

(A) by striking ''enterprise'' each place that term appears and inserting ''regulated entity'';

(B) by inserting ''or entity-affiliated party'' before ''in writing''; and

(C) by inserting ''or entity-affiliated party'' before ''has been given'';

(4) in subsection (d)—

(A) by striking ''or director'' each place such term appears and inserting ''director, or entity-affiliated party'';

(B) by striking ''an enterprise'' and inserting ''a regulated entity'';

(C) by striking ''the enterprise'' and inserting ''the regulated entity'';

(D) by striking ''request the Attorney General of the United States to'';

(E) by inserting '', or the United States district court within the jurisdiction of which the headquarters of the regulated entity is located,'' after ''District of Columbia'';

(F) by striking '', or may, under the direction and control of the Attorney General of the United States, bring such an action''; and

(G) by striking ''and section 1374''; and

(5) in subsection (g), by striking ''An enterprise'' and inserting ''A regulated entity''.

SEC. 1156. CRIMINAL PENALTY.

(a) IN GENERAL.—Subtitle C of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4631 et seq.) is amended by inserting after section 1377, as added by this Act, the following:

''SEC. 1378. CRIMINAL PENALTY.

''Whoever, being subject to an order in effect under section 1377, without the prior written approval of the Director, knowingly participates,

directly or indirectly, in any manner (including by engaging in an activity specifically prohibited in such an order) in the conduct of the affairs of any regulated entity shall, notwithstanding section 3571 of title 18, be fined not more than $1,000,000, imprisoned for not more than 5 years, or both.''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—The Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4501 et seq.) is amended—

(1) in section 1379 (as so designated by this Act)—

(A) by striking ''an enterprise'' and inserting ''a regulated entity''; and

(B) by striking ''the enterprise'' and inserting ''the regulated entity'';

(2) in section 1379A (as so designated by this Act), by striking ''an enterprise'' and inserting ''a regulated entity'';

(3) in section 1379B(c) (as so designated by this Act), by striking ''enterprise'' and inserting ''regulated entity''; and

(4) in section 1379D (as so designated by this Act), by striking ''enterprise'' and inserting ''regulated entity''.

SEC. 1157. NOTICE AFTER SEPARATION FROM SERVICE.

Section 1379 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4637), as so designated by this Act, is amended—

(1) by striking ''2-year'' and inserting ''6-year'';

(2) by striking ''a director or executive officer of an enterprise'' and inserting ''an entity-affiliated party'';

(3) by striking ''director or officer'' each place that term appears and inserting ''entity-affiliated party''; and

(4) by striking ''enterprise.'' and inserting ''regulated entity.''.

SEC. 1158. SUBPOENA AUTHORITY.

(a) IN GENERAL.—Section 1379B of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4641) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1)—

(i) by striking ''administrative'';

(ii) by inserting '', examination, or investigation'' after ''proceeding'';

(iii) by striking ''subtitle'' and inserting ''title''; and

(iv) by inserting ''or any designated representative thereof, including any person designated to conduct any hearing under this subtitle'' after ''Director''; and

(B) in paragraph (4), by striking ''issued by the Director'';

(2) in subsection (b), by inserting ''or in any territory or other place subject to the jurisdiction of the United States'' after ''State'';

(3) by striking subsection (c) and inserting the following:

''(c) ENFORCEMENT.—

''(1) IN GENERAL.—The Director, or any party to proceedings under this subtitle, may apply to the United States District Court for the District of Columbia, or the United States district court for the judicial district of the United States in any territory in which such proceeding is being conducted, or where the witness resides or carries on business, for enforcement of any subpoena or subpoena duces tecum issued pursuant to this section.

''(2) POWER OF COURT.—The courts described under paragraph (1) shall have the jurisdiction and power to order and require compliance with any subpoena issued under paragraph (1).'';

(4) in subsection (d), by inserting ''enterprise-affiliated party'' before ''may allow''; and

(5) by adding at the end the following:

''(e) PENALTIES.—A person shall be guilty of a misdemeanor, and upon conviction, shall be subject to a fine of not more than $1,000 or to imprisonment for a term of not more than 1 year, or both, if that person willfully fails or refuses, in disobedience of a subpoena issued under subsection (c), to—

''(1) attend court;

''(2) testify in court;

''(3) answer any lawful inquiry; or

''(4) produce books, papers, correspondence, contracts, agreements, or such other records as requested in the subpoena.''.

Subtitle E—General Provisions

SEC. 1161. CONFORMING AND TECHNICAL AMENDMENTS.

(a) AMENDMENTS TO 1992 ACT.—The Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4501 et seq.), as amended by this Act, is amended—

(1) in section 1315 (12 U.S.C. 4515)—

(A) in subsection (a)—

(i) by striking ''(a) OFFICE PERSONNEL.—The'' and inserting ''(a) IN GENERAL.—Subject to title III of the Federal Housing Finance Regulatory Reform Act of 2008, the''; and

(ii) by striking ''the Office'' each place that term appears and inserting ''the Agency'';

(B) in subsection (c), by striking ''the Office'' and inserting ''the Agency'';

(C) in subsection (e), by striking ''the Office'' and inserting ''the Agency'';

(D) by striking subsection (d) and redesignating subsection (e) as subsection (d); and

(E) by striking subsection (f);

(2) in section 1319A (12 U.S.C. 4520)—

(A) by striking ''(a) IN GENERAL.—''; and

(B) by striking subsection (b);

(3) in section 1364(c) (12 U.S.C. 4614(c)), by striking the last sentence;

(4) by striking section 1383 (12 U.S.C. 1451 note);

(5) in each of sections 1319D, 1319E, and 1319F (12 U.S.C. 4523, 4524, 4525) by striking ''the Office'' each place that term appears and inserting ''the Agency''; and

(6) in each of sections 1319B and 1369(a)(3) (12 U.S.C. 4521, 4619(a)(3)), by striking ''Committee on Banking, Finance and Urban Affairs'' each place such term appears and inserting ''Committee on Financial Services''.

(b) AMENDMENTS TO FANNIE MAE CHARTER ACT.—The Federal National Mortgage Association Charter Act (12 U.S.C. 1716 et seq.) is amended—

(1) in each of sections 303(c)(2) (12 U.S.C. 1718(c)(2)), 309(d)(3)(B) (12 U.S.C. 1723a(d)(3)(B)), and 309(k)(1) (12 U.S.C. 1723a(k)(1)), by striking ''Director of the Office of Federal Housing Enterprise Oversight of the Department of Housing and Urban Development'' each place that term appears, and inserting ''Director of the Federal Housing Finance Agency''; and

(2) in section 309—

(A) in subsection (m) (12 U.S.C. 1723a(m))—

(i) in paragraph (1), by striking ''to the Secretary, in a form determined by the Secretary'' and inserting ''to the Director of the Federal Housing Finance Agency, in a form determined by the Director''; and

(ii) in paragraph (2), by striking ''to the Secretary, in a form determined by the Secretary'' and inserting ''to the Director of the Federal Housing Finance Agency, in a form determined by the Director'';

(B) in subsection (n) (12 U.S.C. 1723a(n))—

(i) in paragraph (1), by striking ''and the Secretary'' and inserting ''and the Director of the Federal Housing Finance Agency''; and

(ii) in paragraph (2), by striking ''Secretary'' each place that term appears and inserting ''Director of the Federal Housing Finance Agency''; and

(C) in paragraph (3)(B), by striking ''Secretary'' and inserting ''Director of the Federal Housing Finance Agency''.

(c) AMENDMENTS TO FREDDIE MAC CHARTER ACT.—The Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1451 et seq.) is amended—

(1) in each of sections 303(b)(2) (12 U.S.C. 1452(b)(2)), 303(h)(2) (12 U.S.C. 1452(h)(2)), and section 307(c)(1) (12 U.S.C. 1456(c)(1)), by striking ''Director of the Office of Federal Housing Enterprise Oversight of the Department of Housing and Urban Development'' each place that term appears, and inserting ''Director of the Federal Housing Finance Agency'';

(2) in section 306 (12 U.S.C. 1455)—

(A) in subsection (c)(2), by inserting ''the'' after ''Secretary of'';

(B) in subsection (i)—

(i) by striking ''section 1316(c)'' and inserting ''section 306(c)''; and

(ii) by striking ''section 106'' and inserting ''section 1316''; and

(C) in subsection (j)(2), by striking ''of substantially'' and inserting ''or substantially''; and

(3) in section 307 (12 U.S.C. 1456)—

(A) in subsection (e)—

(i) in paragraph (1), by striking ''to the Secretary, in a form determined by the Secretary'' and inserting ''to the Director of the Federal Housing Finance Agency, in a form determined by the Director''; and

(ii) in paragraph (2), by striking ''to the Secretary, in a form determined by the Secretary'' and inserting ''to the Director of the Federal Housing Finance Agency, in a form determined by the Director''; and

(B) in subsection (f)—

(i) in paragraph (1), by striking ''and the Secretary'' and inserting ''and the Director of the Federal Housing Finance Agency'';

(ii) in paragraph (2), by striking ''the Secretary'' each place that term appears and inserting ''the Director of the Federal Housing Finance Agency''; and

(iii) in paragraph (3)(B), by striking ''Secretary'' and inserting ''Director of the Federal Housing Finance Agency''.

(d) AMENDMENT TO TITLE 18, UNITED STATES CODE.—Section 1905 of title 18, United States Code, is amended by striking ''Office of Federal Housing Enterprise Oversight'' and inserting ''Federal Housing Finance Agency''.

(e) AMENDMENTS TO FLOOD DISASTER PROTECTION ACT OF 1973.—Section 102(f)(3)(A) of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a(f)(3)(A)) is amended by striking ''Director of the Office of Federal Housing Enterprise Oversight of the Department of Housing and Urban Development'' and inserting ''Director of the Federal Housing Finance Agency''.

(f) AMENDMENT TO DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT ACT.—Section 5 of the Department of Housing and Urban Development Act (42 U.S.C. 3534) is amended by striking subsection (d).

(g) AMENDMENTS TO TITLE 5, UNITED STATES CODE.—Title 5, United States Code, is amended—

(1) in section 5313, by striking the item relating to the Director of the Office of Federal Housing Enterprise Oversight, Department of Housing and Urban Development and inserting the following new item:

''Director of the Federal Housing Finance Agency.''; and

(2) in section 3132(a)(1)—

(A) in subparagraph (B), by striking '',, and'' and inserting '', and'';

(B) in subparagraph (D)—

(i) by striking ''the Federal Housing Finance Board'';

(ii) by striking ''the Office of Federal Housing Enterprise Oversight of the Department of Housing and Urban Development'' and inserting ''the Federal Housing Finance Agency''; and

(iii) by striking ''or or'' at the end;

(C) in subparagraph (E), as added by section 8(d)(1)(B)(iii) of Public Law 107–123, by adding ''or'' at the end; and

(D) by redesignating subparagraph (E), as added by section 10702(c)(1)(C) of Public Law 107–171, as subparagraph (F).

(h) AMENDMENT TO SARBANES-OXLEY ACT.—Section 105(b)(5)(B)(ii)(II) of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7215(b)(5)(B)(ii)(II)) is amended by inserting ''and the Director of the

Federal Housing Finance Agency,'' after ''Commission,''.

(i) AMENDMENT TO FEDERAL DEPOSIT INSURANCE ACT.—Section 11(t)(2)(A) of the Federal Deposit Insurance Act (12 U.S.C. 1821(t)(2)(A)) is amended by adding at the end the following:

''(vii) Federal Housing Finance Agency.''.

SEC. 1162. PRESIDENTIALLY-APPOINTED DIRECTORS OF ENTERPRISES.

(a) FANNIE MAE.—

(1) IN GENERAL.—Section 308(b) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1723(b)) is amended—

(A) in the first sentence, by striking ''eighteen persons, five of whom shall be appointed annually by the President of the United States, and the remainder of whom'' and inserting ''13 persons, or such other number that the Director determines appropriate, who'';

(B) in the second sentence, by striking ''appointed by the President'';

(C) in the third sentence—

(i) by striking ''appointed or''; and

(ii) by striking '', except that any such appointed member may be removed from office by the President for good cause'';

(D) in the fourth sentence, by striking ''elective''; and

(E) by striking the fifth sentence.

(2) TRANSITIONAL PROVISION.—The amendments made by paragraph (1) shall not apply to any appointed position of the board of directors of the Federal National Mortgage Association until the expiration of the annual term for such position during which the effective date under section 1163 occurs.

(b) FREDDIE MAC.—

(1) IN GENERAL.—Section 303(a)(2) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1452(a)(2)) is amended—

(A) in subparagraph (A)—

(i) in the first sentence, by striking ''18 persons, 5 of whom shall be appointed annually by the President of the United States and the remainder of whom'' and inserting ''13 persons, or such other number as the Director determines appropriate, who''; and

(ii) in the second sentence, by striking ''appointed by the President of the United States'';

(B) in subparagraph (B)—

(i) by striking ''such or''; and

(ii) by striking '', except that any appointed member may be removed from office by the President for good cause''; and

(C) in subparagraph (C)—

(i) by striking the first sentence; and

(ii) by striking ''elective''.

(2) TRANSITIONAL PROVISION.—The amendments made by paragraph (1) shall not apply to any appointed position of the board of directors of the Federal Home Loan Mortgage Corporation until the expiration of the annual term for such position during which the effective date under section 1163 occurs.

SEC. 1163. EFFECTIVE DATE.

Except as otherwise specifically provided in this title, this title and the amendments made by this title shall take effect on, and shall apply beginning on, the date of enactment of this Act.

TITLE II—FEDERAL HOME LOAN BANKS

SEC. 1201. RECOGNITION OF DISTINCTIONS BETWEEN THE ENTERPRISES AND THE FEDERAL HOME LOAN BANKS.

Section 1313 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4513) is amended by adding at the end the following:

''(f) RECOGNITION OF DISTINCTIONS BETWEEN THE ENTERPRISES AND THE FEDERAL HOME LOAN BANKS.—Prior to promulgating any regulation or taking any other formal or informal agency action of general applicability relating to the Federal Home Loan Banks, including the issuance of an advisory document or examination guidance, the Director shall consider the differences between the Federal Home Loan Banks and the enterprises with respect to—

''(1) the Banks'—

''(A) cooperative ownership structure;

''(B) the mission of providing liquidity to members;

''(C) affordable housing and community development mission;

''(D) capital structure; and

''(E) joint and several liability; and

''(2) any other differences that the Director considers appropriate.''.

SEC. 1202. DIRECTORS.

Section 7 of the Federal Home Loan Bank Act (12 U.S.C. 1427) is amended—

(1) by striking subsection (a) and inserting the following:

''(a) NUMBER; ELECTION; QUALIFICATIONS; CONFLICTS OF INTEREST.—

''(1) IN GENERAL.—Subject to paragraphs (2) through (4), the management of each Federal Home Loan Bank shall be vested in a board of 13 directors, or such other number as the Director determines appropriate.

''(2) BOARD MAKEUP.—The board of directors of each Bank shall be comprised of—

''(A) member directors, who shall comprise at least the majority of the members of the board of directors; and

''(B) independent directors, who shall comprise not fewer than ⅖ of the members of the board of directors.

''(3) SELECTION CRITERIA.—

''(A) IN GENERAL.—Each member of the board of directors shall be—

''(i) elected by plurality vote of the members, in accordance with procedures established under this section; and

''(ii) a citizen of the United States.

''(B) INDEPENDENT DIRECTOR CRITERIA.—

''(i) IN GENERAL.—Each independent director that is not a public interest director under clause (ii) shall have demonstrated knowledge of, or experience in, financial management, auditing and accounting, risk management practices, derivatives, project development, or organizational management, or such other knowledge or expertise as the Director may provide by regulation.

''(ii) PUBLIC INTEREST.—Not fewer than 2 of the independent directors shall have more than 4 years of experience in representing consumer or community interests on banking services, credit needs, housing, or financial consumer protections.

''(iii) CONFLICTS OF INTEREST.—No independent director may, during the term of service on the board of directors, serve as an officer of any Federal Home Loan Bank or as a director, officer, or employee of any member of a Bank, or of any person that receives advances from a Bank.

''(4) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

''(A) INDEPENDENT DIRECTOR.—The terms 'independent director' and 'independent directorship' mean a member of the board of directors of a Federal Home Loan Bank who is a bona fide resident of the district in which the Federal Home Loan Bank is located, or the directorship held by such a person, respectively.

''(B) MEMBER DIRECTOR.—The terms 'member director' and 'member directorship' mean a member of the board of directors of a Federal Home Loan Bank who is an officer or director of a member institution that is located in the district in which the Federal Home Loan Bank is located, or the directorship held by such a person, respectively.'';

(2) by striking ''elective'' each place that term appears, other than in subsections (d), (e), and (f), and inserting ''member'';

(3) in subsection (b)—

(A) by striking the subsection heading and all that follows through ''Each elective directorship'' and inserting the following:

''(b) DIRECTORSHIPS.—

''(1) MEMBER DIRECTORSHIPS.—Each member directorship''; and

(B) by adding at the end the following:

''(2) INDEPENDENT DIRECTORSHIPS.—

''(A) ELECTIONS.—Each independent director—

''(i) shall be elected by the members entitled to vote, from among eligible persons nominated, after consultation with the Advisory Council of the Bank, by the board of directors of the Bank; and

''(ii) shall be elected by a plurality of the votes of the members of the Bank at large, with each member having the number of votes for each such directorship as it has under paragraph (1) in an election to fill member directorships.

''(B) CRITERIA.—Nominees shall meet all applicable requirements prescribed in this section.

''(C) NOMINATION AND ELECTION PROCEDURES.—Procedures for nomination and election of independent directors shall be prescribed by the bylaws of each Federal Home Loan Bank, in a manner consistent with the rules and regulations of the Agency.'';

(4) in subsection (c)—

(A) by striking ''elective'' each place that term appears and inserting ''member'', except—

(i) in the second sentence, the second place that term appears; and

(ii) each place that term appears in the fifth sentence; and

(B) in the second sentence—

(i) by inserting ''(A) except as provided in clause (B) of this sentence,'' before ''if at any time''; and

(ii) by inserting before the period at the end the following: '', and (B) clause (A) of this sentence shall not apply to the directorships of any Federal Home Loan Bank resulting from the merger of any 2 or more such Banks'';

(5) in subsection (d)—

(A) in the first sentence—

(i) by striking '', whether elected or appointed,''; and

(ii) by striking ''3 years'' and inserting ''4 years'';

(B) in the second sentence—

(i) by striking ''Federal Home Loan Bank System Modernization Act of 1999'' and inserting ''Federal Housing Finance Regulatory Reform Act of 2008'';

(ii) by striking ''⅓'' and inserting ''¼''; and

(iii) by striking ''or appointed''; and

(C) in the third sentence—

(i) by striking ''an elective'' each place that term appears and inserting ''a''; and

(ii) by striking ''in any elective directorship or elective directorships'';

(6) in subsection (f)—

(A) by striking paragraph (2);

(B) by striking ''appointed or'' each place that term appears; and

(C) in paragraph (3)—

(i) by striking ''(3) ELECTED BANK DIRECTORS.—'' and inserting ''(2) ELECTION PROCESS.—''; and

(ii) by striking ''elective'' each place that term appears;

(7) in subsection (i)—

(A) in paragraph (1), by striking ''Subject to paragraph (2), each'' and inserting ''Each''; and

(B) by striking paragraph (2) and inserting the following:

''(2) ANNUAL REPORT.—The Director shall include, in the annual report submitted to the Congress pursuant to section 1319B of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992, information regarding the compensation and expenses paid by the Federal Home Loan Banks to the directors on the boards of directors of the Banks.''; and

(8) by adding at the end the following:

''(l) TRANSITION RULE.—Any member of the board of directors of a Bank elected or appointed in accordance with this section prior to the date of enactment of this subsection may continue to serve as a member of that board of directors for the remainder of the existing term of service.''.

SEC. 1203. DEFINITIONS.

Section 2 of the Federal Home Loan Bank Act (12 U.S.C. 1422) is amended—

(1) by striking paragraphs (1), (10), and (11);

(2) by redesignating paragraphs (2) through (9) as paragraphs (1) through (8), respectively;

(3) by redesignating paragraphs (12) and (13) as paragraphs (9) and (10), respectively; and

(4) by adding at the end the following:

''(11) DIRECTOR.—The term 'Director' means the Director of the Federal Housing Finance Agency.

''(12) AGENCY.—The term 'Agency' means the Federal Housing Finance Agency, established under section 1311 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992.''.

SEC. 1204. AGENCY OVERSIGHT OF FEDERAL HOME LOAN BANKS.

The Federal Home Loan Bank Act (12 U.S.C. 1421 et seq.), other than in provisions of that Act added or amended otherwise by this Act, is amended—

(1) by striking sections 2A and 2B (12 U.S.C. 1422a, 1422b);

(2) by striking section 18 (12 U.S.C. 1438) and inserting the following:

''SEC. 18. ADMINISTRATIVE PROVISIONS.

''(a) ACQUISITION AUTHORITY.—The Director of the Office of Thrift Supervision, utilizing the services of the Administrator of General Services (hereinafter referred to as the 'Administrator'), and subject to any limitation hereon which may hereafter be imposed in appropriation Acts, is hereby authorized—

''(1) to acquire, in the name of the United States, real property in the District of Columbia, for the purposes set forth in this section;

''(2) to construct, develop, furnish, and equip such buildings thereon and such facilities as in its judgment may be appropriate to provide, to such extent as the Director of the Office of Thrift Supervision may deem advisable, suitable and adequate quarters and facilities for the Director of the Office of Thrift Supervision and the agencies under its administration or supervision;

''(3) to enlarge, remodel, or reconstruct any of the same; and

''(4) to make or enter into contracts for any of the foregoing.

''(b) ADVANCES.—The Director of the Office of Thrift Supervision may require of the respective banks, and they shall make to the Director of the Office of Thrift Supervision, such advances of funds for the purposes set out in subsection (a) as in the sole judgment of the Director of the Office of Thrift Supervision may from time to time be advisable. Such advances shall be apportioned by the Director of the Office of Thrift Supervision among the banks in proportion to the total assets of the respective banks, determined in such manner and as of such times as the Director of the Office of Thrift Supervision may prescribe. Each such advance shall bear interest at the rate of 4½ per centum per annum from the date of the advance and shall be repaid by the Director of the Office of Thrift Supervision in such installments and over such period, not longer than twenty-five years from the making of the advance, as the Director of the Office of Thrift Supervision may determine. Payments of interest and principal upon such advances shall be made from receipts of the Director of the Office of Thrift Supervision or from other sources which may from time to time be available to the Director of the Office of Thrift Supervision. The obligation of the Director of the Office of Thrift Supervision to make any such payment shall not be regarded as an obligation of the United States. To such extent as the Director of the Office of Thrift Supervision may prescribe any such obligation shall be regarded as a legal investment for the purposes of subsections (g) and (h) of section 11 and for the purposes of section 16.

''(c) PLANS AND DESIGNS.—The plans and designs for such buildings and facilities and for any such enlargement, remodeling, or reconstruction shall, to such extent as the chairperson of the Director of the Office of Thrift Supervision may request, be subject to the approval of the Director.

''(d) CUSTODY, MANAGEMENT AND CONTROL.—Upon the making of arrangements mutually agreeable to the Director of the Office of Thrift Supervision and the Administrator, which arrangements may be modified from time to time by mutual agreement between them and may include but shall not be limited to the making of payments by the Director of the Office of Thrift Supervision and such agencies to the Administrator and by the Administrator to the Director of the Office of Thrift Supervision, the custody, management, and control of such buildings and facilities and of such real property shall be vested in the Administrator in accordance therewith. Until the making of such arrangements, such custody, management, and control, including the assignment and allotment and the reassignment and reallotment of building and other space, shall be vested in the Director of the Office of Thrift Supervision.

''(e) PROCEEDS.—Any proceeds (including advances) received by the Director of the Office of Thrift Supervision in connection with this subsection, and any proceeds from the sale or other disposition of real or other property acquired by the Director of the Office of Thrift Supervision under this section, shall be considered as receipts of the Director of the Office of Thrift Supervision, and obligations and expenditures of the Director of the Office of Thrift Supervision and such agencies in connection with this section shall not be considered as administrative expenses. As used in this section, the term 'property' shall include interests in property.

''(f) BUDGET PROGRAM.—

''(1) IN GENERAL.—With respect to its functions under this section, the Director of the Office of Thrift Supervision shall—

''(A) annually prepare and submit a budget program as provided in title I of the Government Corporation Control Act with regard to wholly owned Government corporations, and for purposes of this paragraph, the terms 'wholly owned Government corporations' and 'Government corporations', wherever used in such title, shall include the Director of the Office of Thrift Supervision; and

''(B) maintain an integral set of accounts which shall be audited by the General Accounting Office in accordance with the principles and procedures applicable to commercial corporate transactions, as provided in such title, and no other settlement or adjustment shall be required with respect to transactions under this section or with respect to claims, demands, or accounts by or against any person arising thereunder.

''(2) MISCELLANEOUS PROVISIONS.—The first budget program shall be for the first full fiscal year beginning on or after the date of enactment of this subsection. Except as otherwise provided in this section or by the Director of the Office of Thrift Supervision, the provisions of this section and the functions thereby or thereunder subsisting shall be applicable and exercisable notwithstanding and without regard to the Act of June 20, 1938 (D.C. Code, secs. 5–413—5–428), except that the proviso of section 16 thereof shall apply to any building constructed under this section, and section 306 of the Act of July 30, 1947 (61 Stat. 584), or any other provision of law relating to the construction, alteration, repair, or furnishing of public or other buildings or structures or the obtaining of sites therefor, but any person or body in whom any such function is vested may provide for delegation or redelegation of the exercise of such function.

''(g) LIMITATION.—No obligation shall be incurred and no expenditure, except in liquidation of obligation, shall be made pursuant to paragraphs (1) and (2) of subsection (a), if the total amount of all obligations incurred pursuant thereto would thereupon exceed $13,200,000, or such greater amount as may be provided in an appropriations Act or other law.''.

(3) in section 11 (12 U.S.C. 1431)—

(A) in subsection (b)—

(i) in the first sentence—

(I) by striking ''The Board'' and inserting ''The Office of Finance, as agent for the Banks,''; and

(II) by striking ''the Board'' and inserting ''such Office''; and

(ii) in the second and fourth sentences, by striking ''the Board'' each place such term appears and inserting ''the Office of Finance'';

(B) in subsection (c)—

(i) by striking ''the Board'' the first place such term appears and inserting ''the Office of Finance, as agent for the Banks,''; and

(ii) by striking ''the Board'' the second place such term appears and inserting ''such Office''; and

(C) in subsection (f)—

(i) by striking the 2 commas after ''permit'' and inserting ''or''; and

(ii) by striking the comma after ''require'';

(4) in section 6 (12 U.S.C. 1426)—

(A) in subsection (b)(1), in the matter preceding subparagraph (A), by striking ''Finance Board approval'' and inserting ''approval by the Director''; and

(B) in each of subsections (c)(4)(B) and (d)(2), by striking ''Finance Board regulations'' each place that term appears and inserting ''regulations of the Director'';

(5) in section 10(b) (12 U.S.C. 1430(b))—

(A) in the subsection heading, by striking ''FORMAL BOARD RESOLUTION'' and inserting ''APPROVAL OF DIRECTOR''; and

(B) by striking ''by formal resolution'';

(6) in section 21(b)(5) (12 U.S.C. 1441(b)(5)), by striking ''Chairperson of the Federal Housing Finance Board'' and inserting ''Director'';

(7) in section 15 (12 U.S.C. 1435), by inserting ''or the Director'' after ''the Board'';

(8) by striking ''the Board'' each place that term appears and inserting ''the Director'';

(9) by striking ''The Board'' each place that term appears and inserting ''The Director'';

(10) by striking ''the Finance Board'' each place that term appears and inserting ''the Director'';

(11) by striking ''The Finance Board'' each place that term appears and inserting ''The Director''; and

(12) by striking ''Federal Housing Finance Board'' each place that term appears and inserting ''Director''.

SEC. 1205. HOUSING GOALS.

The Federal Home Loan Bank Act (12 U.S.C. 1421 et seq.) is amended by inserting after section 10b the following new section:

''SEC. 10C. HOUSING GOALS.

''(a) IN GENERAL.—The Director shall establish housing goals with respect to the purchase of mortgages, if any, by the Federal Home Loan Banks. Such goals shall be consistent with the goals established under sections 1331 through 1334 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992.

''(b) CONSIDERATIONS.—In establishing the goals required by subsection (a), the Director shall consider the unique mission and ownership structure of the Federal Home Loan Banks.

''(c) TRANSITION PERIOD.—To facilitate an orderly transition, the Director shall establish interim target goals for purposes of this section for each of the 2 calendar years following the date of enactment of this section.

''(d) MONITORING AND ENFORCEMENT OF GOALS.—The requirements of section 1336 of the Federal Housing Enterprises Safety and Soundness Act of 1992, shall apply to this section, in the same manner and to the same extent as that section applies to the Federal housing enterprises.

''(e) ANNUAL REPORT.—The Director shall annually report to Congress on the performance of the Banks in meeting the goals established under this section.''.

SEC. 1206. COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS.

Section 4(a)(1) of the Federal Home Loan Bank Act (12 U.S.C. 1424(a)(1)) is amended—

(1) by inserting after ''savings bank,'' the following: ''community development financial institution,''; and

(2) in subparagraph (B), by inserting after ''United States,'' the following: ''or, in the case of a community development financial institution, is certified as a community development financial institution under the Community Development Banking and Financial Institutions Act of 1994.''.

SEC. 1207. SHARING OF INFORMATION AMONG FEDERAL HOME LOAN BANKS.

The Federal Home Loan Bank Act is amended by inserting after section 20 (12 U.S.C. 1440) the following new section:

''SEC. 20A. SHARING OF INFORMATION AMONG FEDERAL HOME LOAN BANKS.

''(a) INFORMATION ON FINANCIAL CONDITION.—In order to enable each Federal Home Loan Bank to evaluate the financial condition of one or more of the other Federal Home Loan Banks individually and the Federal Home Loan Bank System (including any risks associated with the issuance or repayment of consolidated Federal Home Loan Bank bonds and debentures or other borrowings and the joint and several liabilities of the Banks incurred due to such borrowings), as well as to comply with any of its obligations under the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.), the Director shall make available to the Banks such reports, records, or other information as may be available, relating to the condition of any Federal Home Loan Bank.

''(b) SHARING OF INFORMATION.—

''(1) IN GENERAL.—The Director shall promulgate regulations to facilitate the sharing of information made available under subsection (a) directly among the Federal Home Loan Banks.

''(2) LIMITATION.—Notwithstanding paragraph (1), a Federal Home Loan Bank responding to a request from another Bank or from the Director for information pursuant to this section may request that the Director determine that such information is proprietary and that the public interest requires that such information not be shared.

''(c) LIMITATION.—Nothing in this section shall affect the obligations of any Federal Home Loan Bank under the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.) or the regulations issued by the Securities and Exchange Commission thereunder.''.

SEC. 1208. EXCLUSION FROM CERTAIN REQUIREMENTS.

(a) IN GENERAL.—The Federal Home Loan Banks shall be exempt from compliance with—

(1) sections 13(e), 14(a), and 14(c) of the Securities Exchange Act of 1934, and related Commission regulations;

(2) section 15 of the Securities Exchange Act of 1934, and related Commission regulations, with respect to transactions in the capital stock of a Federal Home Loan Bank;

(3) section 17A of the Securities Exchange Act of 1934, and related Commission regulations, with respect to the transfer of the securities of a Federal Home Loan Bank; and

(4) the Trust Indenture Act of 1939.

(b) MEMBER EXEMPTION.—The members of the Federal Home Loan Bank System shall be exempt from compliance with sections 13(d), 13(f), 13(g), 14(d), and 16 of the Securities Exchange Act of 1934, and related Commission regulations, with respect to ownership of or transactions in the capital stock of the Federal Home Loan Banks by such members.

(c) EXEMPTED AND GOVERNMENT SECURITIES.—

(1) CAPITAL STOCK.—The capital stock issued by each of the Federal Home Loan Banks under section 6 of the Federal Home Loan Bank Act are—

(A) exempted securities, within the meaning of section 3(a)(2) of the Securities Act of 1933; and

(B) exempted securities, within the meaning of section 3(a)(12)(A) of the Securities Exchange Act of 1934, except to the extent provided in section 38 of that Act.

(2) OTHER OBLIGATIONS.—The debentures, bonds, and other obligations issued under section 11 of the Federal Home Loan Bank Act (12 U.S.C. 1431) are—

(A) exempted securities, within the meaning of section 3(a)(2) of the Securities Act of 1933;

(B) government securities, within the meaning of section 3(a)(42) of the Securities Exchange Act of 1934; and

(C) government securities, within the meaning of section 2(a)(16) of the Investment Company Act of 1940.

(3) BROKERS AND DEALERS.—A person (other than a Federal Home Loan Bank effecting transactions for members of the Federal Home Loan Bank System) that effects transactions in the capital stock or other obligations of a Federal Home Loan Bank, for the account of others or for that person's own account, as applicable, is a broker or dealer, as those terms are defined in paragraphs (4) and (5), respectively, of section 3(a) of the Securities Exchange Act of 1934, but is excluded from the definition of—

(A) the term ''government securities broker'' under section 3(a)(43) of the Securities Exchange Act of 1934; and

(B) the term ''government securities dealer'' under section 3(a)(44) of the Securities Exchange Act of 1934.

(d) EXEMPTION FROM REPORTING REQUIREMENTS.—The Federal Home Loan Banks shall be exempt from periodic reporting requirements under the securities laws pertaining to the disclosure of—

(1) related party transactions that occur in the ordinary course of the business of the Banks with members; and

(2) the unregistered sales of equity securities.

(e) TENDER OFFERS.—Commission rules relating to tender offers shall not apply in connection with transactions in the capital stock of the Federal Home Loan Banks.

(f) REGULATIONS.—

(1) IN GENERAL.—The Commission shall promulgate such rules and regulations as may be necessary or appropriate in the public interest or in furtherance of this section and the exemptions provided in this section.

(2) CONSIDERATIONS.—In issuing regulations under this section, the Commission shall consider the distinctive characteristics of the Federal Home Loan Banks when evaluating—

(A) the accounting treatment with respect to the payment to the Resolution Funding Corporation;

(B) the role of the combined financial statements of the Federal Home Loan Banks;

(C) the accounting classification of redeemable capital stock; and

(D) the accounting treatment related to the joint and several nature of the obligations of the Banks.

(g) DEFINITIONS.—As used in this section—

(1) the terms ''Bank'', ''Federal Home Loan Bank'', ''member'', and ''Federal Home Loan Bank System'' have the same meanings as in section 2 of the Federal Home Loan Bank Act (12 U.S.C. 1422);

(2) the term ''Commission'' means the Securities and Exchange Commission; and

(3) the term ''securities laws'' has the same meaning as in section 3(a)(47) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(47)).

SEC. 1209. VOLUNTARY MERGERS.

Section 26 of the Federal Home Loan Bank Act (12 U.S.C. 1446) is amended—

(1) by striking ''Whenever'' and inserting ''(a) IN GENERAL.—Whenever''; and

(2) by adding at the end the following:

''(b) VOLUNTARY MERGERS AUTHORIZED.—

''(1) IN GENERAL.—Any Federal Home Loan Bank may, with the approval of the Director and of the boards of directors of the Banks involved, merge with another Bank.

''(2) REGULATIONS REQUIRED.—The Director shall promulgate regulations establishing the conditions and procedures for the consideration and approval of any voluntary merger described in paragraph (1), including the procedures for Bank member approval.''.

SEC. 1210. AUTHORITY TO REDUCE DISTRICTS.

Section 3 of the Federal Home Loan Bank Act (12 U.S.C. 1423) is amended—

(1) by striking ''As soon'' and inserting ''(a) IN GENERAL.—As soon''; and

(2) by adding at the end the following:

''(b) AUTHORITY TO REDUCE DISTRICTS.—Notwithstanding subsection (a), the number of districts may be reduced to a number less than 8—

''(1) pursuant to a voluntary merger between Banks, as approved pursuant to section 26(b); or

''(2) pursuant to a decision by the Director to liquidate a Bank pursuant to section 1367 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992.''.

SEC. 1211. COMMUNITY FINANCIAL INSTITUTION MEMBERS.

(a) TOTAL ASSET REQUIREMENT.—Paragraph (10) of section 2 of the Federal Home Loan Bank Act (12 U.S.C. 1422(10)), as so redesignated by section 201(3) of this Act, is amended by striking ''$500,000,000'' each place such term appears and inserting ''$1,000,000,000''.

(b) USE OF ADVANCES FOR COMMUNITY DEVELOPMENT ACTIVITIES.—Section 10(a) of the Federal Home Loan Bank Act (12 U.S.C. 1430(a)) is amended—

(1) in paragraph (2)(B)—

(A) by striking ''and''; and

(B) by inserting '', and community development activities'' before the period at the end;

(2) in paragraph (3)(E), by inserting ''or community development activities'' after ''agriculture,''; and

(3) in paragraph (6)—

(A) by striking ''and''; and

(B) by inserting '', and 'community development activities'' before ''shall''.

SEC. 1212. PUBLIC USE DATABASE; REPORTS TO CONGRESS.

Section 10 of the Federal Home Loan Bank Act (12 U.S.C. 1430) is amended—

(1) in subsection (j)(12)—

(A) by striking subparagraph (C) and inserting the following:

''(C) REPORTS.—The Director shall annually report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives on the collateral pledged to the Banks, including an analysis of collateral by type and by Bank district.''; and

(B) by adding at the end the following:

''(D) SUBMISSION TO CONGRESS.—The Director shall submit the reports under subparagraphs (A) and (C) to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives, not later than 180 days after the date of enactment of the Federal Housing Finance Regulatory Reform Act of 2008.''; and

(2) by adding at the end the following:

''(k) PUBLIC USE DATABASE.—

''(1) DATA.—Each Federal Home Loan Bank shall provide to the Director, in a form determined by the Director, census tract level data relating to mortgages purchased, if any, including—

''(A) data consistent with that reported under section 1323 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992;

''(B) data elements required to be reported under the Home Mortgage Disclosure Act of 1975; and

''(C) any other data elements that the Director considers appropriate.

''(2) PUBLIC USE DATABASE.—

''(A) IN GENERAL.—The Director shall make available to the public, in a form that is useful to the public (including forms accessible electronically), and to the extent practicable, the data provided to the Director under paragraph (1).

''(B) PROPRIETARY INFORMATION.—Not withstanding subparagraph (A), the Director may not provide public access to, or disclose to the public, any information required to be submitted under this subsection that the Director determines is proprietary or that would provide personally identifiable information and that is not otherwise publicly accessible through other

forms, unless the Director determines that it is in the public interest to provide such information.''.

SEC. 1213. SEMIANNUAL REPORTS.

Section 21B of the Federal Home Loan Bank Act is amended in subsection (f)(2)(C), by adding at the end the following:

''(v) SEMIANNUAL REPORTS.—The Director shall report semiannually to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives on the projected date for the completion of contributions required by this section.''.

SEC. 1214. LIQUIDATION OR REORGANIZATION OF A FEDERAL HOME LOAN BANK.

Section 26 of the Federal Home Loan Bank Act (12 U.S.C. 1446) is amended by adding at the end the following: ''At least 30 days prior to liquidating or reorganizing any Bank under this section, the Director shall notify the Bank of its determination and the facts and circumstances upon which such determination is based. The Bank may contest that determination in a hearing before the Director, in which all issues shall be determined on the record pursuant to section 554 of title 5, United States Code.''.

SEC. 1215. STUDY AND REPORT TO CONGRESS ON SECURITIZATION OF ACQUIRED MEMBER ASSETS.

(a) STUDY.—The Director shall conduct a study on securitization of home mortgage loans purchased or to be purchased from member financial institutions under the Acquired Member Assets programs. In conducting the study, the Director shall establish a process for the formal submission of comments.

(b) ELEMENTS.—The study shall encompass—

(1) the benefits and risks associated with securitization of Acquired Member Assets;

(2) the potential impact of securitization upon liquidity in the mortgage and broader credit markets;

(3) the ability of the Federal Home Loan Bank or Banks in question to manage the risks associated with such a program;

(4) the impact of such a program on the existing activities of the Banks, including their mortgage portfolios and advances; and

(5) the joint and several liability of the Banks and the cooperative structure of the Federal Home Loan Bank System.

(c) CONSULTATIONS.—In conducting the study under this section, the Director shall consult with the Federal Home Loan Banks, the Banks' fiscal agent, representatives of the mortgage lending industry, practitioners in the structured finance field, and other experts as needed.

(d) REPORT.—Not later than 1 year after the date of enactment of this Act, the Director shall submit a report to Congress on the results of the study conducted under subsection (a), including policy recommendations based on the analysis of the Director of the feasibility of mortgage-backed securities issuance by a Federal Home Loan Bank or Banks and the risks and benefits associated with such program or programs.

(e) DEFINITIONS.—As used in this section, the terms ''member'', ''Bank'', and ''Federal Home Loan Bank'' have the same meanings as in section 2 of the Federal Home Loan Bank Act (12 U.S.C. 1422).

SEC. 1216. TECHNICAL AND CONFORMING AMENDMENTS.

(a) RIGHT TO FINANCIAL PRIVACY ACT OF 1978.—Section 1113(o) of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3413(o)) is amended—

(1) by striking ''Federal Housing Finance Board'' and inserting ''Federal Housing Finance Agency''; and

(2) by striking ''Federal Housing Finance Board's'' and inserting ''Federal Housing Finance Agency's''.

(b) RIEGLE COMMUNITY DEVELOPMENT AND REGULATORY IMPROVEMENT ACT OF 1994.—Section 117(e) of the Riegle Community Development and Regulatory Improvement Act of 1994 (12 U.S.C. 4716(e)) is amended by striking ''Federal Housing Finance Board'' and inserting ''Federal Housing Finance Agency''.

(c) TITLE 18, UNITED STATES CODE.—Title 18, United States Code, is amended by striking ''Federal Housing Finance Board'' each place such term appears in each of sections 212, 657, 1006, and 1014, and inserting ''Federal Housing Finance Agency''.

(d) MAHRA ACT OF 1997.—Section 517(b)(4) of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) is amended by striking ''Federal Housing Finance Board'' and inserting ''Federal Housing Finance Agency''.

(e) TITLE 44, UNITED STATES CODE.—Section 3502(5) of title 44, United States Code, is amended by striking ''Federal Housing Finance Board'' and inserting ''Federal Housing Finance Agency''.

(f) ACCESS TO LOCAL TV ACT OF 2000.—Section 1004(d)(2)(D)(iii) of the Launching Our Communities' Access to Local Television Act of 2000 (47 U.S.C. 1103(d)(2)(D)(iii)) is amended by striking ''Office of Federal Housing Enterprise Oversight, the Federal Housing Finance Board'' and inserting ''Federal Housing Finance Agency''.

(g) FIRREA.—Section 1216 of the Financial Institutions Reform, Recovery, and Enhancement Act of 1989 (12 U.S.C. 1833e) is amended—

(1) in subsection (a), by striking paragraph (3) and inserting the following:

''(3) the Federal Housing Finance Agency;'';

(2) in subsection (b), by striking ''Federal National Mortgage Association'' and inserting ''Federal Home Loan Banks, the Federal National Mortgage Association,''; and

(3) in subsection (c), by striking ''Finance Board'' and inserting ''Finance Agency''.

SEC. 1217. STUDY ON FEDERAL HOME LOAN BANK ADVANCES.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Director shall conduct a study and submit a report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House or Representatives on the extent to which loans and securities used as collateral to support Federal Home Loan Bank advances are consistent with the interagency guidance on nontraditional mortgage products.

(b) REQUIRED CONTENT.—The study required under subsection (a) shall—

(1) consider and recommend any additional regulations, guidance, advisory bulletins, or other administrative actions necessary to ensure that the Federal Home Loan Banks are not supporting loans with predatory characteristics; and

(2) include an opportunity for the public to comment on any recommendations made under paragraph (1).

SEC. 1218. FEDERAL HOME LOAN BANK REFINANCING AUTHORITY FOR CERTAIN RESIDENTIAL MORTGAGE LOANS.

Section 10(j)(2) of the Federal Home Loan Bank Act (12 U.S.C. 1430(j)(2)) is amended—

(1) in subparagraph (A), by striking ''or'' at the end;

(2) in subparagraph (B), by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following:

''(C) during the 2-year period beginning on the date of enactment of this subparagraph, refinance loans that are secured by a first mortgage on a primary residence of any family having an income at or below 80 percent of the median income for the area.''.

TITLE III—TRANSFER OF FUNCTIONS, PERSONNEL, AND PROPERTY OF OFHEO AND THE FEDERAL HOUSING FINANCE BOARD

Subtitle A—OFHEO

SEC. 1301. ABOLISHMENT OF OFHEO.

(a) IN GENERAL.—Effective at the end of the 1-year period beginning on the date of enactment of this Act, the Office of Federal Housing Enterprise Oversight of the Department of Housing and Urban Development and the positions of the Director and Deputy Director of such Office are abolished.

(b) DISPOSITION OF AFFAIRS.—During the 1-year period beginning on the date of enactment of this Act, the Director of the Office of Federal Housing Enterprise Oversight, solely for the purpose of winding up the affairs of the Office of Federal Housing Enterprise Oversight—

(1) shall manage the employees of such Office and provide for the payment of the compensation and benefits of any such employee which accrue before the effective date of the transfer of such employee under section 1303; and

(2) may take any other action necessary for the purpose of winding up the affairs of the Office.

(c) STATUS OF EMPLOYEES BEFORE TRANSFER.—The amendments made by title I and the abolishment of the Office of Federal Housing Enterprise Oversight under subsection (a) of this section may not be construed to affect the status of any employee of such Office as an employee of an agency of the United States for purposes of any other provision of law before the effective date of the transfer of any such employee under section 1303.

(d) USE OF PROPERTY AND SERVICES.—

(1) PROPERTY.—The Director may use the property of the Office of Federal Housing Enterprise Oversight to perform functions which have been transferred to the Director for such time as is reasonable to facilitate the orderly transfer of functions transferred under any other provision of this Act or any amendment made by this Act to any other provision of law.

(2) AGENCY SERVICES.—Any agency, department, or other instrumentality of the United States, and any successor to any such agency, department, or instrumentality, which was providing supporting services to the Office of Federal Housing Enterprise Oversight before the expiration of the period under subsection (a) in connection with functions that are transferred to the Director shall—

(A) continue to provide such services, on a reimbursable basis, until the transfer of such functions is complete; and

(B) consult with any such agency to coordinate and facilitate a prompt and reasonable transition.

(e) CONTINUATION OF SERVICES.—The Director may use the services of employees and other personnel of the Office of Federal Housing Enterprise Oversight, on a reimbursable basis, to perform functions which have been transferred to the Director for such time as is reasonable to facilitate the orderly transfer of functions pursuant to any other provision of this Act or any amendment made by this Act to any other provision of law.

(f) SAVINGS PROVISIONS.—

(1) EXISTING RIGHTS, DUTIES, AND OBLIGATIONS NOT AFFECTED.—Subsection (a) shall not affect the validity of any right, duty, or obligation of the United States, the Director of the Office of Federal Housing Enterprise Oversight, or any other person, which—

(A) arises under—

(i) the Federal Housing Enterprises Financial Safety and Soundness Act of 1992;

(ii) the Federal National Mortgage Association Charter Act;

(iii) the Federal Home Loan Mortgage Corporation Act; or

(iv) any other provision of law applicable with respect to such Office; and

(B) existed on the day before the date of abolishment under subsection (a).

(2) CONTINUATION OF SUITS.—No action or other proceeding commenced by or against the Director of the Office of Federal Housing Enterprise Oversight in connection with functions that are transferred to the Director of the Federal Housing Finance Agency shall abate by reason of the enactment of this Act, except that the Director of the Federal Housing Finance Agency shall be substituted for the Director of

the Office of Federal Housing Enterprise Oversight as a party to any such action or proceeding.

SEC. 1302. CONTINUATION AND COORDINATION OF CERTAIN ACTIONS.

(a) IN GENERAL.—All regulations, orders, and determinations described in subsection (b) shall remain in effect according to the terms of such regulations, orders, and determinations, and shall be enforceable by or against the Director or the Secretary of Housing and Urban Development, as the case may be, until modified, terminated, set aside, or superseded in accordance with applicable law by the Director or the Secretary, as the case may be, any court of competent jurisdiction, or operation of law.

(b) APPLICABILITY.—A regulation, order, or determination is described in this subsection if it—

(1) was issued, made, prescribed, or allowed to become effective by—

(A) the Office of Federal Housing Enterprise Oversight;

(B) the Secretary of Housing and Urban Development, and relates to the authority of the Secretary under—

(i) the Federal Housing Enterprises Financial Safety and Soundness Act of 1992;

(ii) the Federal National Mortgage Association Charter Act, with respect to the Federal National Mortgage Association; or

(iii) the Federal Home Loan Mortgage Corporation Act, with respect to the Federal Home Loan Mortgage Corporation; or

(C) a court of competent jurisdiction, and relates to functions transferred by this Act; and

(2) is in effect on the effective date of the abolishment under section 1301(a).

SEC. 1303. TRANSFER AND RIGHTS OF EMPLOYEES OF OFHEO.

(a) TRANSFER.—Each employee of the Office of Federal Housing Enterprise Oversight shall be transferred to the Agency for employment, not later than the effective date of the abolishment under section 1301(a), and such transfer shall be deemed a transfer of function for purposes of section 3503 of title 5, United States Code.

(b) GUARANTEED POSITIONS.—

(1) IN GENERAL.—Each employee transferred under subsection (a) shall be guaranteed a position with the same status, tenure, grade, and pay as that held on the day immediately preceding the transfer.

(2) NO INVOLUNTARY SEPARATION OR REDUCTION.—An employee transferred under subsection (a) holding a permanent position on the day immediately preceding the transfer may not be involuntarily separated or reduced in grade or compensation during the 12-month period beginning on the date of transfer, except for cause, or, in the case of a temporary employee, separated in accordance with the terms of the appointment of the employee.

(c) APPOINTMENT AUTHORITY FOR EXCEPTED AND SENIOR EXECUTIVE SERVICE EMPLOYEES.—

(1) IN GENERAL.—In the case of an employee occupying a position in the excepted service or the Senior Executive Service, any appointment authority established under law or by regulations of the Office of Personnel Management for filling such position shall be transferred, subject to paragraph (2).

(2) DECLINE OF TRANSFER.—The Director may decline a transfer of authority under paragraph (1) to the extent that such authority relates to—

(A) a position excepted from the competitive service because of its confidential, policy-making, policy-determining, or policy-advocating character; or

(B) a noncareer position in the Senior Executive Service (within the meaning of section 3132(a)(7) of title 5, United States Code).

(d) REORGANIZATION.—If the Director determines, after the end of the 1-year period beginning on the effective date of the abolishment under section 1301(a), that a reorganization of the combined workforce is required, that reorganization shall be deemed a major reorganization for purposes of affording affected employee retirement under section 8336(d)(2) or 8414(b)(1)(B) of title 5, United States Code.

(e) EMPLOYEE BENEFIT PROGRAMS.—

(1) IN GENERAL.—Any employee of the Office of Federal Housing Enterprise Oversight accepting employment with the Agency as a result of a transfer under subsection (a) may retain, for 12 months after the date on which such transfer occurs, membership in any employee benefit program of the Agency or the Office of Federal Housing Enterprise Oversight of the Department of Housing and Urban Development, as applicable, including insurance, to which such employee belongs on the date of the abolishment under section 1301(a), if—

(A) the employee does not elect to give up the benefit or membership in the program; and

(B) the benefit or program is continued by the Director of the Federal Housing Finance Agency.

(2) COST DIFFERENTIAL.—

(A) IN GENERAL.—The difference in the costs between the benefits which would have been provided by the Office of Federal Housing Enterprise Oversight and those provided by this section shall be paid by the Director.

(B) HEALTH INSURANCE.—If any employee elects to give up membership in a health insurance program or the health insurance program is not continued by the Director, the employee shall be permitted to select an alternate Federal health insurance program not later than 30 days after the date of such election or notice, without regard to any other regularly scheduled open season.

SEC. 1304. TRANSFER OF PROPERTY AND FACILITIES.

Upon the effective date of its abolishment under section 1301(a), all property of the Office of Federal Housing Enterprise Oversight shall transfer to the Agency.

Subtitle B—Federal Housing Finance Board

SEC. 1311. ABOLISHMENT OF THE FEDERAL HOUSING FINANCE BOARD.

(a) IN GENERAL.—Effective at the end of the 1-year period beginning on the date of enactment of this Act, the Federal Housing Finance Board (in this subtitle referred to as the ''Board'') is abolished.

(b) DISPOSITION OF AFFAIRS.—During the 1-year period beginning on the date of enactment of this Act, the Board, solely for the purpose of winding up the affairs of the Board—

(1) shall manage the employees of the Board and provide for the payment of the compensation and benefits of any such employee which accrue before the effective date of the transfer of such employee under section 1313; and

(2) may take any other action necessary for the purpose of winding up the affairs of the Board.

(c) STATUS OF EMPLOYEES BEFORE TRANSFER.—The amendments made by titles I and II and the abolishment of the Board under subsection (a) may not be construed to affect the status of any employee of the Board as an employee of an agency of the United States for purposes of any other provision of law before the effective date of the transfer of any such employee under section 1313.

(d) USE OF PROPERTY AND SERVICES.—

(1) PROPERTY.—The Director may use the property of the Board to perform functions which have been transferred to the Director, for such time as is reasonable to facilitate the orderly transfer of functions transferred under any other provision of this Act or any amendment made by this Act to any other provision of law.

(2) AGENCY SERVICES.—Any agency, department, or other instrumentality of the United States, and any successor to any such agency, department, or instrumentality, which was providing supporting services to the Board before the expiration of the 1-year period under subsection (a) in connection with functions that are transferred to the Director shall—

(A) continue to provide such services, on a reimbursable basis, until the transfer of such functions is complete; and

(B) consult with any such agency to coordinate and facilitate a prompt and reasonable transition.

(e) CONTINUATION OF SERVICES.—The Director may use the services of employees and other personnel of the Board, on a reimbursable basis, to perform functions which have been transferred to the Director for such time as is reasonable to facilitate the orderly transfer of functions pursuant to any other provision of this Act or any amendment made by this Act to any other provision of law.

(f) SAVINGS PROVISIONS.—

(1) EXISTING RIGHTS, DUTIES, AND OBLIGATIONS NOT AFFECTED.—Subsection (a) shall not affect the validity of any right, duty, or obligation of the United States, a member of the Board, or any other person, which—

(A) arises under the Federal Home Loan Bank Act, or any other provision of law applicable with respect to the Board; and

(B) existed on the day before the effective date of the abolishment under subsection (a).

(2) CONTINUATION OF SUITS.—No action or other proceeding commenced by or against the Board in connection with functions that are transferred under this Act to the Director shall abate by reason of the enactment of this Act, except that the Director shall be substituted for the Board or any member thereof as a party to any such action or proceeding.

SEC. 1312. CONTINUATION AND COORDINATION OF CERTAIN ACTIONS.

(a) IN GENERAL.—All regulations, orders, determinations, and resolutions described under subsection (b) shall remain in effect according to the terms of such regulations, orders, determinations, and resolutions, and shall be enforceable by or against the Director until modified, terminated, set aside, or superseded in accordance with applicable law by the Director, any court of competent jurisdiction, or operation of law.

(b) APPLICABILITY.—A regulation, order, determination, or resolution is described under this subsection if it—

(1) was issued, made, prescribed, or allowed to become effective by—

(A) the Board; or

(B) a court of competent jurisdiction, and relates to functions transferred by this Act; and

(2) is in effect on the effective date of the abolishment under section 1311(a).

SEC. 1313. TRANSFER AND RIGHTS OF EMPLOYEES OF THE FEDERAL HOUSING FINANCE BOARD.

(a) TRANSFER.—Each employee of the Board shall be transferred to the Agency for employment, not later than the effective date of the abolishment under section 1311(a), and such transfer shall be deemed a transfer of function for purposes of section 3503 of title 5, United States Code.

(b) GUARANTEED POSITIONS.—

(1) IN GENERAL.—Each employee transferred under subsection (a) shall be guaranteed a position with the same status, tenure, grade, and pay as that held on the day immediately preceding the transfer.

(2) NO INVOLUNTARY SEPARATION OR REDUCTION.—An employee holding a permanent position on the day immediately preceding the transfer may not be involuntarily separated or reduced in grade or compensation during the 12-month period beginning on the date of transfer, except for cause, or, if the employee is a temporary employee, separated in accordance with the terms of the appointment of the employee.

(c) APPOINTMENT AUTHORITY FOR EXCEPTED EMPLOYEES.—

(1) IN GENERAL.—In the case of an employee occupying a position in the excepted service, any appointment authority established under law or by regulations of the Office of Personnel Management for filling such position shall be transferred, subject to paragraph (2).

(2) DECLINE OF TRANSFER.—The Director may decline a transfer of authority under paragraph (1), to the extent that such authority relates to a position excepted from the competitive service because of its confidential, policymaking, policy-determining, or policy-advocating character.

(d) REORGANIZATION.—If the Director determines, after the end of the 1-year period beginning on the effective date of the abolishment under section 1311(a), that a reorganization of the combined workforce is required, that reorganization shall be deemed a major reorganization for purposes of affording affected employee retirement under section 8336(d)(2) or 8414(b)(1)(B) of title 5, United States Code.

(e) EMPLOYEE BENEFIT PROGRAMS.—

(1) IN GENERAL.—Any employee of the Board accepting employment with the Agency as a result of a transfer under subsection (a) may retain, for 12 months after the date on which such transfer occurs, membership in any employee benefit program of the Agency or the Board, as applicable, including insurance, to which such employee belongs on the effective date of the abolishment under section 1311(a) if—

(A) the employee does not elect to give up the benefit or membership in the program; and

(B) the benefit or program is continued by the Director.

(2) COST DIFFERENTIAL.—

(A) IN GENERAL.—The difference in the costs between the benefits which would have been provided by the Board and those provided by this section shall be paid by the Director.

(B) HEALTH INSURANCE.—If any employee elects to give up membership in a health insurance program or the health insurance program is not continued by the Director, the employee shall be permitted to select an alternate Federal health insurance program not later than 30 days after the date of such election or notice, without regard to any other regularly scheduled open season.

SEC. 1314. TRANSFER OF PROPERTY AND FACILITIES.

Upon the effective date of the abolishment under section 1311(a), all property of the Board shall transfer to the Agency.

TITLE IV—HOPE FOR HOMEOWNERS

SEC. 1401. SHORT TITLE.

This title may be cited as the ''HOPE for Homeowners Act of 2008''.

SEC. 1402. ESTABLISHMENT OF HOPE FOR HOMEOWNERS PROGRAM.

(a) ESTABLISHMENT.—Title II of the National Housing Act (12 U.S.C. 1707 et seq.) is amended by adding at the end the following:

''SEC. 257. HOPE FOR HOMEOWNERS PROGRAM.

''(a) ESTABLISHMENT.—There is established in the Federal Housing Administration a HOPE for Homeowners Program.

''(b) PURPOSE.—The purpose of the HOPE for Homeowners Program is—

''(1) to create an FHA program, participation in which is voluntary on the part of homeowners and existing loan holders to insure refinanced loans for distressed borrowers to support long-term, sustainable homeownership;

''(2) to allow homeowners to avoid foreclosure by reducing the principle balance outstanding, and interest rate charged, on their mortgages;

''(3) to help stabilize and provide confidence in mortgage markets by bringing transparency to the value of assets based on mortgage assets;

''(4) to target mortgage assistance under this section to homeowners for their principal residence;

''(5) to enhance the administrative capacity of the FHA to carry out its expanded role under the HOPE for Homeowners Program;

''(6) to ensure the HOPE for Homeowners Program remains in effect only for as long as is necessary to provide stability to the housing market; and

''(7) to provide servicers of delinquent mortgages with additional methods and approaches to avoid foreclosure.

''(c) ESTABLISHMENT AND IMPLEMENTATION OF PROGRAM REQUIREMENTS.—

''(1) DUTIES OF THE BOARD.—In order to carry out the purposes of the HOPE for Homeowners Program, the Board shall—

''(A) establish requirements and standards for the program; and

''(B) prescribe such regulations and provide such guidance as may be necessary or appropriate to implement such requirements and standards.

''(2) DUTIES OF THE SECRETARY.—In carrying out any of the program requirements or standards established under paragraph (1), the Secretary may issue such interim guidance and mortgagee letters as the Secretary determines necessary or appropriate.

''(d) INSURANCE OF MORTGAGES.—The Secretary is authorized upon application of a mortgagee to make commitments to insure or to insure any eligible mortgage that has been refinanced in a manner meeting the requirements under subsection (e).

''(e) REQUIREMENTS OF INSURED MORTGAGES.—To be eligible for insurance under this section, a refinanced eligible mortgage shall comply with all of the following requirements:

''(1) LACK OF CAPACITY TO PAY EXISTING MORTGAGE.—

''(A) BORROWER CERTIFICATION.—

''(i) IN GENERAL.—The mortgagor shall provide certification to the Secretary that the mortgagor has not intentionally defaulted on the mortgage or any other debt, and has not knowingly, or willfully and with actual knowledge, furnished material information known to be false for the purpose of obtaining any eligible mortgage.

''(ii) PENALTIES.—

''(I) FALSE STATEMENT.—Any certification filed pursuant to clause (i) shall contain an acknowledgment that any willful false statement made in such certification is punishable under section 1001, of title 18, United States Code, by fine or imprisonment of not more than 5 years, or both.

''(II) LIABILITY FOR REPAYMENT.—The mortgagor shall agree in writing that the mortgagor shall be liable to repay to the Federal Housing Administration any direct financial benefit achieved from the reduction of indebtedness on the existing mortgage or mortgages on the residence refinanced under this section derived from misrepresentations made in the certifications and documentation required under this subparagraph, subject to the discretion of the Secretary.

''(B) CURRENT BORROWER DEBT-TO-INCOME RATIO.—As of March 1, 2008, the mortgagor shall have had a ratio of mortgage debt to income, taking into consideration all existing mortgages of that mortgagor at such time, greater than 31 percent (or such higher amount as the Board determines appropriate).

''(2) DETERMINATION OF PRINCIPAL OBLIGATION AMOUNT.—The principal obligation amount of the refinanced eligible mortgage to be insured shall—

''(A) be determined by the reasonable ability of the mortgagor to make his or her mortgage payments, as such ability is determined by the Secretary pursuant to section 203(b)(4) or by any other underwriting standards established by the Board; and

''(B) not exceed 90 percent of the appraised value of the property to which such mortgage relates.

''(3) REQUIRED WAIVER OF PREPAYMENT PENALTIES AND FEES.—All penalties for prepayment or refinancing of the eligible mortgage, and all fees and penalties related to default or delinquency on the eligible mortgage, shall be waived or forgiven.

''(4) EXTINGUISHMENT OF SUBORDINATE LIENS.—

''(A) REQUIRED AGREEMENT.—All holders of outstanding mortgage liens on the property to which the eligible mortgage relates shall agree to accept the proceeds of the insured loan as payment in full of all indebtedness under the eligible mortgage, and all encumbrances related to such eligible mortgage shall be removed. The Secretary may take such actions, subject to standards established by the Board under subparagraph (B), as may be necessary and appropriate to facilitate coordination and agreement between the holders of the existing senior mortgage and any existing subordinate mortgages, taking into consideration the subordinate lien status of such subordinate mortgages.

''(B) SHARED APPRECIATION.—

''(i) IN GENERAL.—The Board shall establish standards and policies that will allow for the payment to the holder of any existing subordinate mortgage of a portion of any future appreciation in the property secured by such eligible mortgage that is owed to the Secretary pursuant to subsection (k).

''(ii) FACTORS.—In establishing the standards and policies required under clause (i), the Board shall take into consideration—

''(I) the status of any subordinate mortgage;

''(II) the outstanding principal balance of and accrued interest on the existing senior mortgage and any outstanding subordinate mortgages;

''(III) the extent to which the current appraised value of the property securing a subordinate mortgage is less than the outstanding principal balance and accrued interest on any other liens that are senior to such subordinate mortgage; and

''(IV) such other factors as the Board determines to be appropriate.

''(C) VOLUNTARY PROGRAM.—This paragraph may not be construed to require any holder of any existing mortgage to participate in the program under this section generally, or with respect to any particular loan.

''(5) TERM OF MORTGAGE.—The refinanced eligible mortgage to be insured shall—

''(A) bear interest at a single rate that is fixed for the entire term of the mortgage; and

''(B) have a maturity of not less than 30 years from the date of the beginning of amortization of such refinanced eligible mortgage.

''(6) MAXIMUM LOAN AMOUNT.—The principal obligation amount of the eligible mortgage to be insured shall not exceed 132 percent of the dollar amount limitation in effect for 2007 under section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1454(a)(2)) for a property of the applicable size.

''(7) PROHIBITION ON SECOND LIENS.—A mortgagor may not grant a new second lien on the mortgaged property during the first 5 years of the term of the mortgage insured under this section.

''(8) APPRAISALS.—Any appraisal conducted in connection with a mortgage insured under this section shall—

''(A) be based on the current value of the property;

''(B) be conducted in accordance with title XI of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 3331 et seq.);

''(C) be completed by an appraiser who meets the competency requirements of the Uniform Standards of Professional Appraisal Practice;

''(D) be wholly consistent with the appraisal standards, practices, and procedures under section 202(e) of this Act that apply to all loans insured under this Act; and

''(E) comply with the requirements of subsection (g) of this section (relating to appraisal independence).

''(9) DOCUMENTATION AND VERIFICATION OF INCOME.—In complying with the FHA underwriting requirements under the HOPE for Homeowners Program under this section, the mortgagee under the mortgage shall document and verify the income of the mortgagor by procuring an Internal Revenue Service transcript of the income tax returns of the mortgagor for the 2 most recent years for which the filing deadline for such years has passed and by any other method, in accordance with procedures and standards that the Board or the Secretary shall establish.

''(10) MORTGAGE FRAUD.—The mortgagor shall not have been convicted under any provision of Federal or State law for fraud, including mortgage fraud.

''(11) PRIMARY RESIDENCE.—The mortgagor shall provide documentation satisfactory in the determination of the Secretary to prove that the residence covered by the mortgage to be insured under this section is occupied by the mortgagor as the primary residence of the mortgagor, and that such residence is the only residence in which the mortgagor has any present ownership interest.

''(f) STUDY OF AUCTION OR BULK REFINANCE PROGRAM.—

''(1) STUDY.—The Board shall conduct a study of the need for and efficacy of an auction or bulk refinancing mechanism to facilitate refinancing of existing residential mortgages that are at risk for foreclosure into mortgages insured under this section. The study shall identify and examine various options for mechanisms under which lenders and servicers of such mortgages may make bids for forward commitments for such insurance in an expedited manner.

''(2) CONTENT.—

''(A) ANALYSIS.—The study required under paragraph (1) shall analyze—

''(i) the feasibility of establishing a mechanism that would facilitate the more rapid refinancing of borrowers at risk of foreclosure into performing mortgages insured under this section;

''(ii) whether such a mechanism would provide an effective and efficient mechanism to reduce foreclosures on qualified existing mortgages;

''(iii) whether the use of an auction or bulk refinance program is necessary to stabilize the housing market and reduce the impact of turmoil in that market on the economy of the United States;

''(iv) whether there are other mechanisms or authority that would be useful to reduce foreclosure; and

''(v) and any other factors that the Board considers relevant.

''(B) DETERMINATIONS.—To the extent that the Board finds that a facility of the type described in subparagraph (A) is feasible and useful, the study shall—

''(i) determine and identify any additional authority or resources needed to establish and operate such a mechanism;

''(ii) determine whether there is a need for additional authority with respect to the loan underwriting criteria established in this section or with respect to eligibility of participating borrowers, lenders, or holders of liens;

''(iii) determine whether such underwriting criteria should be established on the basis of individual loans, in the aggregate, or otherwise to facilitate the goal of refinancing borrowers at risk of foreclosure into viable loans insured under this section.

''(3) REPORT.—Not later than the expiration of the 60-day period beginning on the date of the enactment of this section, the Board shall submit a report regarding the results of the study conducted under this subsection to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate. The report shall include a detailed description of the analysis required under paragraph (2)(A) and of the determinations made pursuant to paragraph (2)(B), and shall include any other findings and recommendations of the Board pursuant to the study, including identifying various options for mechanisms described in paragraph (1).

''(g) APPRAISAL INDEPENDENCE.—

''(1) PROHIBITIONS ON INTERESTED PARTIES IN A REAL ESTATE TRANSACTION.—No mortgage lender, mortgage broker, mortgage banker, real estate broker, appraisal management company, employee of an appraisal management company, nor any other person with an interest in a real estate transaction involving an appraisal in connection with a mortgage insured under this section shall improperly influence, or attempt to improperly influence, through coercion, extortion, collusion, compensation, instruction, inducement, intimidation, nonpayment for services rendered, or bribery, the development, reporting, result, or review of a real estate appraisal sought in connection with the mortgage.

''(2) CIVIL MONETARY PENALTIES.—The Secretary may impose a civil money penalty for any knowing and material violation of paragraph (1) under the same terms and conditions as are authorized in section 536(a) of this Act.

''(h) STANDARDS TO PROTECT AGAINST ADVERSE SELECTION.—

''(1) IN GENERAL.—The Board shall, by rule or order, establish standards and policies to require the underwriter of the insured loan to provide such representations and warranties as the Board considers necessary or appropriate to enforce compliance with all underwriting and appraisal standards of the HOPE for Homeowners Program.

''(2) EXCLUSION FOR VIOLATIONS.—The Board shall prohibit the Secretary from paying insurance benefits to a mortgagee who violates the representations and warranties, as established under paragraph (1), or in any case in which a mortgagor fails to make the first payment on a refinanced eligible mortgage.

''(3) OTHER AUTHORITY.—The Board may establish such other standards or policies as necessary to protect against adverse selection, including requiring loans identified by the Secretary as higher risk loans to demonstrate payment performance for a reasonable period of time prior to being insured under the program.

''(i) PREMIUMS.—For each refinanced eligible mortgage insured under this section, the Secretary shall establish and collect—

''(1) at the time of insurance, a single premium payment in an amount equal to 3 percent of the amount of the original insured principal obligation of the refinanced eligible mortgage, which shall be paid from the proceeds of the mortgage being insured under this section, through the reduction of the amount of indebtedness that existed on the eligible mortgage prior to refinancing; and

''(2) in addition to the premium required under paragraph (1), an annual premium in an amount equal to 1.5 percent of the amount of the remaining insured principal balance of the mortgage.

''(j) ORIGINATION FEES AND INTEREST RATE.—The Board shall establish—

''(1) a reasonable limitation on origination fees for refinanced eligible mortgages insured under this section; and

''(2) procedures to ensure that interest rates on such mortgages shall be commensurate with market rate interest rates on such types of loans.

''(k) EQUITY AND APPRECIATION.—

''(1) FIVE-YEAR PHASE-IN FOR EQUITY AS A RESULT OF SALE OR REFINANCING.—For each eligible mortgage insured under this section, the Secretary and the mortgagor of such mortgage shall, upon any sale or disposition of the property to which such mortgage relates, or upon the subsequent refinancing of such mortgage, be entitled to the following with respect to any equity created as a direct result of such sale or refinancing:

''(A) If such sale or refinancing occurs during the period that begins on the date that such mortgage is insured and ends 1 year after such date of insurance, the Secretary shall be entitled to 100 percent of such equity.

''(B) If such sale or refinancing occurs during the period that begins 1 year after such date of insurance and ends 2 years after such date of insurance, the Secretary shall be entitled to 90 percent of such equity and the mortgagor shall be entitled to 10 percent of such equity.

''(C) If such sale or refinancing occurs during the period that begins 2 years after such date of insurance and ends 3 years after such date of insurance, the Secretary shall be entitled to 80 percent of such equity and the mortgagor shall be entitled to 20 percent of such equity.

''(D) If such sale or refinancing occurs during the period that begins 3 years after such date of insurance and ends 4 years after such date of insurance, the Secretary shall be entitled to 70 percent of such equity and the mortgagor shall be entitled to 30 percent of such equity.

''(E) If such sale or refinancing occurs during the period that begins 4 years after such date of insurance and ends 5 years after such date of insurance, the Secretary shall be entitled to 60 percent of such equity and the mortgagor shall be entitled to 40 percent of such equity.

''(F) If such sale or refinancing occurs during any period that begins 5 years after such date of insurance, the Secretary shall be entitled to 50 percent of such equity and the mortgagor shall be entitled to 50 percent of such equity.

''(2) APPRECIATION IN VALUE.—For each eligible mortgage insured under this section, the Secretary and the mortgagor of such mortgage shall, upon any sale or disposition of the property to which such mortgage relates, each be entitled to 50 percent of any appreciation in value of the appraised value of such property that has occurred since the date that such mortgage was insured under this section.

''(l) ESTABLISHMENT OF HOPE FUND.—

''(1) IN GENERAL.—There is established in the Federal Housing Administration a revolving fund to be known as the Home Ownership Preservation Entity Fund, which shall be used by the Board for carrying out the mortgage insurance obligations under this section.

''(2) MANAGEMENT OF FUND.—The HOPE Fund shall be administered and managed by the Secretary, who shall establish reasonable and prudent criteria for the management and operation of any amounts in the HOPE Fund.

''(m) LIMITATION ON AGGREGATE INSURANCE AUTHORITY.—The aggregate original principal obligation of all mortgages insured under this section may not exceed $300,000,000,000.

''(n) REPORTS BY THE BOARD.—The Board shall submit monthly reports to the Congress identifying the progress of the HOPE for Homeowners Program, which shall contain the following information for each month:

''(1) The number of new mortgages insured under this section, including the location of the properties subject to such mortgages by census tract.

''(2) The aggregate principal obligation of new mortgages insured under this section.

''(3) The average amount by which the principle balance outstanding on mortgages insured this section was reduced.

''(4) The amount of premiums collected for insurance of mortgages under this section.

''(5) The claim and loss rates for mortgages insured under this section.

''(6) Any other information that the Board considers appropriate.

''(o) REQUIRED OUTREACH EFFORTS.—The Secretary shall carry out outreach efforts to ensure that homeowners, lenders, and the general public are aware of the opportunities for assistance available under this section.

''(p) ENHANCEMENT OF FHA CAPACITY.—Under the direction of the Board, the Secretary shall take such actions as may be necessary to—

''(1) contract for the establishment of underwriting criteria, automated underwriting systems, pricing standards, and other factors relating to eligibility for mortgages insured under this section;

''(2) contract for independent quality reviews of underwriting, including appraisal reviews and fraud detection, of mortgages insured under this section or pools of such mortgages; and

''(3) increase personnel of the Department as necessary to process or monitor the processing of mortgages insured under this section.

''(q) GNMA COMMITMENT AUTHORITY.—

''(1) GUARANTEES.—The Secretary shall take such actions as may be necessary to ensure that securities based on and backed by a trust or pool composed of mortgages insured under this

section are available to be guaranteed by the Government National Mortgage Association as to the timely payment of principal and interest.

''(2) GUARANTEE AUTHORITY.—To carry out the purposes of section 306 of the National Housing Act (12 U.S.C. 1721), the Government National Mortgage Association may enter into new commitments to issue guarantees of securities based on or backed by mortgages insured under this section, not exceeding $300,000,000,000. The amount of authority provided under the preceding sentence to enter into new commitments to issue guarantees is in addition to any amount of authority to make new commitments to issue guarantees that is provided to the Association under any other provision of law.

''(r) SUNSET.—The Secretary may not enter into any new commitment to insure any refinanced eligible mortgage, or newly insure any refinanced eligible mortgage pursuant to this section before October 1, 2008 or after September 30, 2011.

''(s) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

''(1) APPROVED FINANCIAL INSTITUTION OR MORTGAGEE.—The term 'approved financial institution or mortgagee' means a financial institution or mortgagee approved by the Secretary under section 203 as responsible and able to service mortgages responsibly.

''(2) BOARD.—The term 'Board' means the Board of Directors of the HOPE for Homeowners Program. The Board shall be composed of the Secretary, the Secretary of the Treasury, the Chairperson of the Board of Governors of the Federal Reserve System, and the Chairperson of the Board of Directors of the Federal Deposit Insurance Corporation.

''(3) ELIGIBLE MORTGAGE.—The term 'eligible mortgage' means a mortgage—

''(A) the mortgagor of which—

''(i) occupies such property as his or her principal residence; and

''(ii) cannot, subject to subsection (e)(1)(B) and such other standards established by the Board, afford his or her mortgage payments; and

''(B) originated on or before January 1, 2008.

''(4) EXISTING SENIOR MORTGAGE.—The term 'existing senior mortgage' means, with respect to a mortgage insured under this section, the existing mortgage that has superior priority.

''(5) EXISTING SUBORDINATE MORTGAGE.—The term 'existing subordinate mortgage' means, with respect to a mortgage insured under this section, an existing mortgage that has subordinate priority to the existing senior mortgage.

''(6) HOPE FOR HOMEOWNERS PROGRAM.—The term 'HOPE for Homeowners Program' means the program established under this section.

''(7) SECRETARY.—The term 'Secretary' means the Secretary of Housing and Urban Development, except where specifically provided otherwise.

''(t) REQUIREMENTS RELATED TO THE BOARD.—

''(1) COMPENSATION, ACTUAL, NECESSARY, AND TRANSPORTATION EXPENSES.—

''(A) FEDERAL EMPLOYEES.—A member of the Board who is an officer or employee of the Federal Government shall serve without additional pay (or benefits in the nature of compensation) for service as a member of the Board.

''(B) TRAVEL EXPENSES.—Members of the Board shall be entitled to receive travel expenses, including per diem in lieu of subsistence, equivalent to those set forth in subchapter I of chapter 57 of title 5, United States Code.

''(2) BYLAWS.—The Board may prescribe, amend, and repeal such bylaws as may be necessary for carrying out the functions of the Board.

''(3) QUORUM.—A majority of the Board shall constitute a quorum.

''(4) STAFF; EXPERTS AND CONSULTANTS.—

''(A) DETAIL OF GOVERNMENT EMPLOYEES.—Upon request of the Board, any Federal Government employee may be detailed to the Board without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

''(B) EXPERTS AND CONSULTANTS.—The Board shall procure the services of experts and consultants as the Board considers appropriate.

''(u) RULE OF CONSTRUCTION RELATED TO VOLUNTARY NATURE OF THE PROGRAM.—This section shall not be construed to require that any approved financial institution or mortgagee participate in any activity authorized under this section, including any activity related to the refinancing of an eligible mortgage.

''(v) RULE OF CONSTRUCTION RELATED TO INSURANCE OF MORTGAGES.—Except as otherwise provided for in this section or by action of the Board, the provisions and requirements of section 203(b) shall apply with respect to the insurance of any eligible mortgage under this section.

''(w) HOPE BONDS.—

''(1) ISSUANCE AND REPAYMENT OF BONDS.—Notwithstanding section 504(b) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661d(b)), the Secretary of the Treasury shall—

''(A) subject to such terms and conditions as the Secretary of the Treasury deems necessary, issue Federal credit instruments, to be known as 'HOPE Bonds', that are callable at the discretion of the Secretary of the Treasury and do not, in the aggregate, exceed the amount specified in subsection (m);

''(B) provide the subsidy amounts necessary for loan guarantees under the HOPE for Homeowners Program, not to exceed the amount specified in subsection (m), in accordance with the provisions of the Federal Credit Reform Act of 1990 (2 U.S.C. 661 et seq.), except as provided in this paragraph; and

''(C) use the proceeds from HOPE Bonds only to pay for the net costs to the Federal Government of the HOPE for Homeowners Program, including administrative costs.

''(2) REIMBURSEMENTS TO TREASURY.—Funds received pursuant to section 1338(b) of the Federal Housing Enterprises Regulatory Reform Act of 1992 shall be used to reimburse the Secretary of the Treasury for amounts borrowed under paragraph (1).

''(3) USE OF RESERVE FUND.—If the net cost to the Federal Government for the HOPE for Homeowners Program exceeds the amount of funds received under paragraph (2), remaining debts of the HOPE for Homeowners Program shall be paid from amounts deposited into the fund established by the Secretary under section 1337(e) of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992, remaining amounts in such fund to be used to reduce the National debt.

''(4) REDUCTION OF NATIONAL DEBT.—Amounts collected under the HOPE for Homeowners Program in accordance with subsections (i) and (k) in excess of the net cost to the Federal Government for such Program shall be used to reduce the National debt.''.

SEC. 1403. FIDUCIARY DUTY OF SERVICERS OF POOLED RESIDENTIAL MORTGAGE LOANS.

The Truth in Lending Act (15 U.S.C. 1601 et seq.) is amended by inserting after section 129 the following new section:

''SEC. 129A. FIDUCIARY DUTY OF SERVICERS OF POOLED RESIDENTIAL MORTGAGES.

''(a) IN GENERAL.—Except as may be established in any investment contract between a servicer of pooled residential mortgages and an investor, a servicer of pooled residential mortgages—

''(1) owes any duty to maximize the net present value of the pooled mortgages in an investment to all investors and parties having a direct or indirect interest in such investment, not to any individual party or group of parties; and

''(2) shall be deemed to act in the best interests of all such investors and parties if the servicer agrees to or implements a modification or workout plan, including any modification or refinancing undertaken pursuant to the HOPE for Homeowners Act of 2008, for a residential mortgage or a class of residential mortgages that constitute a part or all of the pooled mortgages in such investment, provided that any mortgage so modified meets the following criteria:

''(A) Default on the payment of such mortgage has occurred or is reasonably foreseeable.

''(B) The property securing such mortgage is occupied by the mortgagor of such mortgage.

''(C) The anticipated recovery on the principal outstanding obligation of the mortgage under the modification or workout plan exceeds, on a net present value basis, the anticipated recovery on the principal outstanding obligation of the mortgage through foreclosure.

''(b) DEFINITION.—As used in this section, the term 'servicer' has the same meaning as in section 6(i)(2) of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2605(i)(2)).''.

SEC. 1404. REVISED STANDARDS FOR FHA APPRAISERS.

Section 202(e) of the National Housing Act (12 U.S.C. 1708(e)) is amended by adding at the end the following:

''(5) ADDITIONAL APPRAISER STANDARDS.—Beginning on the date of enactment of the Federal Housing Finance Regulatory Reform Act of 2008, any appraiser chosen or approved to conduct appraisals for mortgages under this title shall—

''(A) be certified—

''(i) by the State in which the property to be appraised is located; or

''(ii) by a nationally recognized professional appraisal organization; and

''(B) have demonstrated verifiable education in the appraisal requirements established by the Federal Housing Administration under this subsection.''.

TITLE V—S.A.F.E. MORTGAGE LICENSING ACT

SEC. 1501. SHORT TITLE.

This title may be cited as the ''Secure and Fair Enforcement for Mortgage Licensing Act of 2008'' or ''S.A.F.E. Mortgage Licensing Act of 2008''.

SEC. 1502. PURPOSES AND METHODS FOR ESTABLISHING A MORTGAGE LICENSING SYSTEM AND REGISTRY.

In order to increase uniformity, reduce regulatory burden, enhance consumer protection, and reduce fraud, the States, through the Conference of State Bank Supervisors and the American Association of Residential Mortgage Regulators, are hereby encouraged to establish a Nationwide Mortgage Licensing System and Registry for the residential mortgage industry that accomplishes all of the following objectives:

(1) Provides uniform license applications and reporting requirements for State-licensed loan originators.

(2) Provides a comprehensive licensing and supervisory database.

(3) Aggregates and improves the flow of information to and between regulators.

(4) Provides increased accountability and tracking of loan originators.

(5) Streamlines the licensing process and reduces the regulatory burden.

(6) Enhances consumer protections and supports anti-fraud measures.

(7) Provides consumers with easily accessible information, offered at no charge, utilizing electronic media, including the Internet, regarding the employment history of, and publicly adjudicated disciplinary and enforcement actions against, loan originators.

(8) Establishes a means by which residential mortgage loan originators would, to the greatest extent possible, be required to act in the best interests of the consumer.

(9) Facilitates responsible behavior in the subprime mortgage market place and provides comprehensive training and examination requirements related to subprime mortgage lending.

(10) Facilitates the collection and disbursement of consumer complaints on behalf of State and Federal mortgage regulators.

SEC. 1503. DEFINITIONS.

For purposes of this title, the following definitions shall apply:

(1) FEDERAL BANKING AGENCIES.—The term ''Federal banking agencies'' means the Board of Governors of the Federal Reserve System, the Comptroller of the Currency, the Director of the Office of Thrift Supervision, the National Credit Union Administration, and the Federal Deposit Insurance Corporation.

(2) DEPOSITORY INSTITUTION.—The term ''depository institution'' has the same meaning as in section 3 of the Federal Deposit Insurance Act, and includes any credit union.

(3) LOAN ORIGINATOR.—

(A) IN GENERAL.—The term ''loan originator''—

(i) means an individual who—

(I) takes a residential mortgage loan application; and

(II) offers or negotiates terms of a residential mortgage loan for compensation or gain;

(ii) does not include any individual who is not otherwise described in clause (i) and who performs purely administrative or clerical tasks on behalf of a person who is described in any such clause;

(iii) does not include a person or entity that only performs real estate brokerage activities and is licensed or registered in accordance with applicable State law, unless the person or entity is compensated by a lender, a mortgage broker, or other loan originator or by any agent of such lender, mortgage broker, or other loan originator; and

(iv) does not include a person or entity solely involved in extensions of credit relating to timeshare plans, as that term is defined in section 101(53D) of title 11, United States Code.

(B) OTHER DEFINITIONS RELATING TO LOAN ORIGINATOR.—For purposes of this subsection, an individual ''assists a consumer in obtaining or applying to obtain a residential mortgage loan'' by, among other things, advising on loan terms (including rates, fees, other costs), preparing loan packages, or collecting information on behalf of the consumer with regard to a residential mortgage loan.

(C) ADMINISTRATIVE OR CLERICAL TASKS.—The term ''administrative or clerical tasks'' means the receipt, collection, and distribution of information common for the processing or underwriting of a loan in the mortgage industry and communication with a consumer to obtain information necessary for the processing or underwriting of a residential mortgage loan.

(D) REAL ESTATE BROKERAGE ACTIVITY DEFINED.—The term ''real estate brokerage activity'' means any activity that involves offering or providing real estate brokerage services to the public, including—

(i) acting as a real estate agent or real estate broker for a buyer, seller, lessor, or lessee of real property;

(ii) bringing together parties interested in the sale, purchase, lease, rental, or exchange of real property;

(iii) negotiating, on behalf of any party, any portion of a contract relating to the sale, purchase, lease, rental, or exchange of real property (other than in connection with providing financing with respect to any such transaction);

(iv) engaging in any activity for which a person engaged in the activity is required to be registered or licensed as a real estate agent or real estate broker under any applicable law; and

(v) offering to engage in any activity, or act in any capacity, described in clause (i), (ii), (iii), or (iv).

(4) LOAN PROCESSOR OR UNDERWRITER.—

(A) IN GENERAL.—The term ''loan processor or underwriter'' means an individual who performs clerical or support duties at the direction of and subject to the supervision and instruction of—

(i) a State-licensed loan originator; or

(ii) a registered loan originator.

(B) CLERICAL OR SUPPORT DUTIES.—For purposes of subparagraph (A), the term ''clerical or support duties'' may include—

(i) the receipt, collection, distribution, and analysis of information common for the processing or underwriting of a residential mortgage loan; and

(ii) communicating with a consumer to obtain the information necessary for the processing or underwriting of a loan, to the extent that such communication does not include offering or negotiating loan rates or terms, or counseling consumers about residential mortgage loan rates or terms.

(5) NATIONWIDE MORTGAGE LICENSING SYSTEM AND REGISTRY.—The term ''Nationwide Mortgage Licensing System and Registry'' means a mortgage licensing system developed and maintained by the Conference of State Bank Supervisors and the American Association of Residential Mortgage Regulators for the State licensing and registration of State-licensed loan originators and the registration of registered loan originators or any system established by the Secretary under section 1509.

(6) NONTRADITIONAL MORTGAGE PRODUCT.—The term ''nontraditional mortgage product'' means any mortgage product other than a 30-year fixed rate mortgage.

(7) REGISTERED LOAN ORIGINATOR.—The term ''registered loan originator'' means any individual who—

(A) meets the definition of loan originator and is an employee of—

(i) a depository institution;

(ii) a subsidiary that is—

(I) owned and controlled by a depository institution; and

(II) regulated by a Federal banking agency; or

(iii) an institution regulated by the Farm Credit Administration; and

(B) is registered with, and maintains a unique identifier through, the Nationwide Mortgage Licensing System and Registry.

(8) RESIDENTIAL MORTGAGE LOAN.—The term ''residential mortgage loan'' means any loan primarily for personal, family, or household use that is secured by a mortgage, deed of trust, or other equivalent consensual security interest on a dwelling (as defined in section 103(v) of the Truth in Lending Act) or residential real estate upon which is constructed or intended to be constructed a dwelling (as so defined).

(9) SECRETARY.—The term ''Secretary'' means the Secretary of Housing and Urban Development.

(10) STATE-LICENSED LOAN ORIGINATOR.—The term ''State-licensed loan originator'' means any individual who—

(A) is a loan originator;

(B) is not an employee of—

(i) a depository institution;

(ii) a subsidiary that is—

(I) owned and controlled by a depository institution; and

(II) regulated by a Federal banking agency; or

(iii) an institution regulated by the Farm Credit Administration; and

(C) is licensed by a State or by the Secretary under section 1508 and registered as a loan originator with, and maintains a unique identifier through, the Nationwide Mortgage Licensing System and Registry.

(11) UNIQUE IDENTIFIER.—

(A) IN GENERAL.—The term ''unique identifier'' means a number or other identifier that—

(i) permanently identifies a loan originator;

(ii) is assigned by protocols established by the Nationwide Mortgage Licensing System and Registry and the Federal banking agencies to facilitate electronic tracking of loan originators and uniform identification of, and public access to, the employment history of and the publicly adjudicated disciplinary and enforcement actions against loan originators; and

(iii) shall not be used for purposes other than those set forth under this title.

(B) RESPONSIBILITY OF STATES.—To the greatest extent possible and to accomplish the purpose of this title, States shall use unique identifiers in lieu of social security numbers.

SEC. 1504. LICENSE OR REGISTRATION REQUIRED.

(a) IN GENERAL.—An individual may not engage in the business of a loan originator without first—

(1) obtaining, and maintaining annually—

(A) a registration as a registered loan originator; or

(B) a license and registration as a State-licensed loan originator; and

(2) obtaining a unique identifier.

(b) LOAN PROCESSORS AND UNDERWRITERS.—

(1) SUPERVISED LOAN PROCESSORS AND UNDERWRITERS.—A loan processor or underwriter who does not represent to the public, through advertising or other means of communicating or providing information (including the use of business cards, stationery, brochures, signs, rate lists, or other promotional items), that such individual can or will perform any of the activities of a loan originator shall not be required to be a State-licensed loan originator.

(2) INDEPENDENT CONTRACTORS.—An independent contractor may not engage in residential mortgage loan origination activities as a loan processor or underwriter unless such independent contractor is a State-licensed loan originator.

SEC. 1505. STATE LICENSE AND REGISTRATION APPLICATION AND ISSUANCE.

(a) BACKGROUND CHECKS.—In connection with an application to any State for licensing and registration as a State-licensed loan originator, the applicant shall, at a minimum, furnish to the Nationwide Mortgage Licensing System and Registry information concerning the applicant's identity, including—

(1) fingerprints for submission to the Federal Bureau of Investigation, and any governmental agency or entity authorized to receive such information for a State and national criminal history background check; and

(2) personal history and experience, including authorization for the System to obtain—

(A) an independent credit report obtained from a consumer reporting agency described in section 603(p) of the Fair Credit Reporting Act; and

(B) information related to any administrative, civil or criminal findings by any governmental jurisdiction.

(b) ISSUANCE OF LICENSE.—The minimum standards for licensing and registration as a State-licensed loan originator shall include the following:

(1) The applicant has never had a loan originator license revoked in any governmental jurisdiction.

(2) The applicant has not been convicted of, or pled guilty or nolo contendere to, a felony in a domestic, foreign, or military court—

(A) during the 7-year period preceding the date of the application for licensing and registration; or

(B) at any time preceding such date of application, if such felony involved an act of fraud, dishonesty, or a breach of trust, or money laundering.

(3) The applicant has demonstrated financial responsibility, character, and general fitness such as to command the confidence of the community and to warrant a determination that the loan originator will operate honestly, fairly, and efficiently within the purposes of this title.

(4) The applicant has completed the pre-licensing education requirement described in subsection (c).

(5) The applicant has passed a written test that meets the test requirement described in subsection (d).

(6) The applicant has met either a net worth or surety bond requirement, as required by the State pursuant to section 1508(d)(6).

(c) PRE-LICENSING EDUCATION OF LOAN ORIGINATORS.—

(1) MINIMUM EDUCATIONAL REQUIREMENTS.—In order to meet the pre-licensing education requirement referred to in subsection (b)(4), a person shall complete at least 20 hours of education

approved in accordance with paragraph (2), which shall include at least—

(A) 3 hours of Federal law and regulations;

(B) 3 hours of ethics, which shall include instruction on fraud, consumer protection, and fair lending issues; and

(C) 2 hours of training related to lending standards for the nontraditional mortgage product marketplace.

(2) APPROVED EDUCATIONAL COURSES.—For purposes of paragraph (1), pre-licensing education courses shall be reviewed, and approved by the Nationwide Mortgage Licensing System and Registry.

(3) LIMITATION AND STANDARDS.—

(A) LIMITATION.—To maintain the independence of the approval process, the Nationwide Mortgage Licensing System and Registry shall not directly or indirectly offer pre-licensure educational courses for loan originators.

(B) STANDARDS.—In approving courses under this section, the Nationwide Mortgage Licensing System and Registry shall apply reasonable standards in the review and approval of courses.

(d) TESTING OF LOAN ORIGINATORS.—

(1) IN GENERAL.—In order to meet the written test requirement referred to in subsection (b)(5), an individual shall pass, in accordance with the standards established under this subsection, a qualified written test developed by the Nationwide Mortgage Licensing System and Registry and administered by an approved test provider.

(2) QUALIFIED TEST.—A written test shall not be treated as a qualified written test for purposes of paragraph (1) unless the test adequately measures the applicant's knowledge and comprehension in appropriate subject areas, including—

(A) ethics;

(B) Federal law and regulation pertaining to mortgage origination;

(C) State law and regulation pertaining to mortgage origination;

(D) Federal and State law and regulation, including instruction on fraud, consumer protection, the nontraditional mortgage marketplace, and fair lending issues.

(3) MINIMUM COMPETENCE.—

(A) PASSING SCORE.—An individual shall not be considered to have passed a qualified written test unless the individual achieves a test score of not less than 75 percent correct answers to questions.

(B) INITIAL RETESTS.—An individual may retake a test 3 consecutive times with each consecutive taking occurring at least 30 days after the preceding test.

(C) SUBSEQUENT RETESTS.—After failing 3 consecutive tests, an individual shall wait at least 6 months before taking the test again.

(D) RETEST AFTER LAPSE OF LICENSE.—A State-licensed loan originator who fails to maintain a valid license for a period of 5 years or longer shall retake the test, not taking into account any time during which such individual is a registered loan originator.

(e) MORTGAGE CALL REPORTS.—Each mortgage licensee shall submit to the Nationwide Mortgage Licensing System and Registry reports of condition, which shall be in such form and shall contain such information as the Nationwide Mortgage Licensing System and Registry may require.

SEC. 1506. STANDARDS FOR STATE LICENSE RENEWAL.

(a) IN GENERAL.—The minimum standards for license renewal for State-licensed loan originators shall include the following:

(1) The loan originator continues to meet the minimum standards for license issuance.

(2) The loan originator has satisfied the annual continuing education requirements described in subsection (b).

(b) CONTINUING EDUCATION FOR STATE-LICENSED LOAN ORIGINATORS.—

(1) IN GENERAL.—In order to meet the annual continuing education requirements referred to in subsection (a)(2), a State-licensed loan originator shall complete at least 8 hours of education approved in accordance with paragraph (2), which shall include at least—

(A) 3 hours of Federal law and regulations;

(B) 2 hours of ethics, which shall include instruction on fraud, consumer protection, and fair lending issues; and

(C) 2 hours of training related to lending standards for the nontraditional mortgage product marketplace.

(2) APPROVED EDUCATIONAL COURSES.—For purposes of paragraph (1), continuing education courses shall be reviewed, and approved by the Nationwide Mortgage Licensing System and Registry.

(3) CALCULATION OF CONTINUING EDUCATION CREDITS.—A State-licensed loan originator—

(A) may only receive credit for a continuing education course in the year in which the course is taken; and

(B) may not take the same approved course in the same or successive years to meet the annual requirements for continuing education.

(4) INSTRUCTOR CREDIT.—A State-licensed loan originator who is approved as an instructor of an approved continuing education course may receive credit for the originator's own annual continuing education requirement at the rate of 2 hours credit for every 1 hour taught.

(5) LIMITATION AND STANDARDS.—

(A) LIMITATION.—To maintain the independence of the approval process, the Nationwide Mortgage Licensing System and Registry shall not directly or indirectly offer any continuing education courses for loan originators.

(B) STANDARDS.—In approving courses under this section, the Nationwide Mortgage Licensing System and Registry shall apply reasonable standards in the review and approval of courses.

SEC. 1507. SYSTEM OF REGISTRATION ADMINISTRATION BY FEDERAL AGENCIES.

(a) DEVELOPMENT.—

(1) IN GENERAL.—The Federal banking agencies shall jointly, through the Federal Financial Institutions Examination Council, and together with the Farm Credit Administration, develop and maintain a system for registering employees of a depository institution, employees of a subsidiary that is owned and controlled by a depository institution and regulated by a Federal banking agency, or employees of an institution regulated by the Farm Credit Administration, as registered loan originators with the Nationwide Mortgage Licensing System and Registry. The system shall be implemented before the end of the 1-year period beginning on the date of enactment of this title.

(2) REGISTRATION REQUIREMENTS.—In connection with the registration of any loan originator under this subsection, the appropriate Federal banking agency and the Farm Credit Administration shall, at a minimum, furnish or cause to be furnished to the Nationwide Mortgage Licensing System and Registry information concerning the employees's identity, including—

(A) fingerprints for submission to the Federal Bureau of Investigation, and any governmental agency or entity authorized to receive such information for a State and national criminal history background check; and

(B) personal history and experience, including authorization for the Nationwide Mortgage Licensing System and Registry to obtain information related to any administrative, civil or criminal findings by any governmental jurisdiction.

(b) COORDINATION.—

(1) UNIQUE IDENTIFIER.—The Federal banking agencies, through the Financial Institutions Examination Council, and the Farm Credit Administration shall coordinate with the Nationwide Mortgage Licensing System and Registry to establish protocols for assigning a unique identifier to each registered loan originator that will facilitate electronic tracking and uniform identification of, and public access to, the employment history of and publicly adjudicated disciplinary and enforcement actions against loan originators.

(2) NATIONWIDE MORTGAGE LICENSING SYSTEM AND REGISTRY DEVELOPMENT.—To facilitate the transfer of information required by subsection (a)(2), the Nationwide Mortgage Licensing System and Registry shall coordinate with the Federal banking agencies, through the Financial Institutions Examination Council, and the Farm Credit Administration concerning the development and operation, by such System and Registry, of the registration functionality and data requirements for loan originators.

(c) CONSIDERATION OF FACTORS AND PROCEDURES.—In establishing the registration procedures under subsection (a) and the protocols for assigning a unique identifier to a registered loan originator, the Federal banking agencies shall make such de minimis exceptions as may be appropriate to paragraphs (1)(A) and (2) of section 1504(a), shall make reasonable efforts to utilize existing information to minimize the burden of registering loan originators, and shall consider methods for automating the process to the greatest extent practicable consistent with the purposes of this title.

SEC. 1508. SECRETARY OF HOUSING AND URBAN DEVELOPMENT BACKUP AUTHORITY TO ESTABLISH A LOAN ORIGINATOR LICENSING SYSTEM.

(a) BACKUP LICENSING SYSTEM.—If, by the end of the 1-year period, or the 2-year period in the case of a State whose legislature meets only biennially, beginning on the date of the enactment of this title or at any time thereafter, the Secretary determines that a State does not have in place by law or regulation a system for licensing and registering loan originators that meets the requirements of sections 1505 and 1506 and subsection (d) of this section, or does not participate in the Nationwide Mortgage Licensing System and Registry, the Secretary shall provide for the establishment and maintenance of a system for the licensing and registration by the Secretary of loan originators operating in such State as State-licensed loan originators.

(b) LICENSING AND REGISTRATION REQUIREMENTS.—The system established by the Secretary under subsection (a) for any State shall meet the requirements of sections 1505 and 1506 for State-licensed loan originators.

(c) UNIQUE IDENTIFIER.—The Secretary shall coordinate with the Nationwide Mortgage Licensing System and Registry to establish protocols for assigning a unique identifier to each loan originator licensed by the Secretary as a State-licensed loan originator that will facilitate electronic tracking and uniform identification of, and public access to, the employment history of and the publicly adjudicated disciplinary and enforcement actions against loan originators.

(d) STATE LICENSING LAW REQUIREMENTS.—For purposes of this section, the law in effect in a State meets the requirements of this subsection if the Secretary determines the law satisfies the following minimum requirements:

(1) A State loan originator supervisory authority is maintained to provide effective supervision and enforcement of such law, including the suspension, termination, or nonrenewal of a license for a violation of State or Federal law.

(2) The State loan originator supervisory authority ensures that all State-licensed loan originators operating in the State are registered with Nationwide Mortgage Licensing System and Registry.

(3) The State loan originator supervisory authority is required to regularly report violations of such law, as well as enforcement actions and other relevant information, to the Nationwide Mortgage Licensing System and Registry.

(4) The State loan originator supervisory authority has a process in place for challenging information contained in the Nationwide Mortgage Licensing System and Registry.

(5) The State loan originator supervisory authority has established a mechanism to assess civil money penalties for individuals acting as mortgage originators in their State without a valid license or registration.

(6) The State loan originator supervisory authority has established minimum net worth or surety bonding requirements that reflect the dollar amount of loans originated by a residential mortgage loan originator.

(e) TEMPORARY EXTENSION OF PERIOD.—The Secretary may extend, by not more than 24 months, the 1-year or 2-year period, as the case may be, referred to in subsection (a) for the licensing of loan originators in any State under a State licensing law that meets the requirements of sections 1505 and 1506 and subsection (d) if the Secretary determines that such State is making a good faith effort to establish a State licensing law that meets such requirements, license mortgage originators under such law, and register such originators with the Nationwide Mortgage Licensing System and Registry.

(f) CONTRACTING AUTHORITY.—The Secretary may enter into contracts with qualified independent parties, as necessary to efficiently fulfill the obligations of the Secretary under this section.

SEC. 1509. BACKUP AUTHORITY TO ESTABLISH A NATIONWIDE MORTGAGE LICENSING AND REGISTRY SYSTEM.

If at any time the Secretary determines that the Nationwide Mortgage Licensing System and Registry is failing to meet the requirements and purposes of this title for a comprehensive licensing, supervisory, and tracking system for loan originators, the Secretary shall establish and maintain such a system to carry out the purposes of this title and the effective registration and regulation of loan originators.

SEC. 1510. FEES.

The Federal banking agencies, the Farm Credit Administration, the Secretary, and the Nationwide Mortgage Licensing System and Registry may charge reasonable fees to cover the costs of maintaining and providing access to information from the Nationwide Mortgage Licensing System and Registry, to the extent that such fees are not charged to consumers for access to such system and registry.

SEC. 1511. BACKGROUND CHECKS OF LOAN ORIGINATORS.

(a) ACCESS TO RECORDS.—Notwithstanding any other provision of law, in providing identification and processing functions, the Attorney General shall provide access to all criminal history information to the appropriate State officials responsible for regulating State-licensed loan originators to the extent criminal history background checks are required under the laws of the State for the licensing of such loan originators.

(b) AGENT.—For the purposes of this section and in order to reduce the points of contact which the Federal Bureau of Investigation may have to maintain for purposes of subsection (a), the Conference of State Bank Supervisors or a wholly owned subsidiary may be used as a channeling agent of the States for requesting and distributing information between the Department of Justice and the appropriate State agencies.

SEC. 1512. CONFIDENTIALITY OF INFORMATION.

(a) SYSTEM CONFIDENTIALITY.—Except as otherwise provided in this section, any requirement under Federal or State law regarding the privacy or confidentiality of any information or material provided to the Nationwide Mortgage Licensing System and Registry or a system established by the Secretary under section 1509, and any privilege arising under Federal or State law (including the rules of any Federal or State court) with respect to such information or material, shall continue to apply to such information or material after the information or material has been disclosed to the system. Such information and material may be shared with all State and Federal regulatory officials with mortgage industry oversight authority without the loss of privilege or the loss of confidentiality protections provided by Federal and State laws.

(b) NONAPPLICABILITY OF CERTAIN REQUIREMENTS.—Information or material that is subject to a privilege or confidentiality under subsection (a) shall not be subject to—

(1) disclosure under any Federal or State law governing the disclosure to the public of information held by an officer or an agency of the Federal Government or the respective State; or

(2) subpoena or discovery, or admission into evidence, in any private civil action or administrative process, unless with respect to any privilege held by the Nationwide Mortgage Licensing System and Registry or the Secretary with respect to such information or material, the person to whom such information or material pertains waives, in whole or in part, in the discretion of such person, that privilege.

(c) COORDINATION WITH OTHER LAW.—Any State law, including any State open record law, relating to the disclosure of confidential supervisory information or any information or material described in subsection (a) that is inconsistent with subsection (a) shall be superseded by the requirements of such provision to the extent State law provides less confidentiality or a weaker privilege.

(d) PUBLIC ACCESS TO INFORMATION.—This section shall not apply with respect to the information or material relating to the employment history of, and publicly adjudicated disciplinary and enforcement actions against, loan originators that is included in Nationwide Mortgage Licensing System and Registry for access by the public.

SEC. 1513. LIABILITY PROVISIONS.

The Secretary, any State official or agency, any Federal banking agency, or any organization serving as the administrator of the Nationwide Mortgage Licensing System and Registry or a system established by the Secretary under section 1509, or any officer or employee of any such entity, shall not be subject to any civil action or proceeding for monetary damages by reason of the good faith action or omission of any officer or employee of any such entity, while acting within the scope of office or employment, relating to the collection, furnishing, or dissemination of information concerning persons who are loan originators or are applying for licensing or registration as loan originators.

SEC. 1514. ENFORCEMENT UNDER HUD BACKUP LICENSING SYSTEM.

(a) SUMMONS AUTHORITY.—The Secretary may—

(1) examine any books, papers, records, or other data of any loan originator operating in any State which is subject to a licensing system established by the Secretary under section 1508; and

(2) summon any loan originator referred to in paragraph (1) or any person having possession, custody, or care of the reports and records relating to such loan originator, to appear before the Secretary or any delegate of the Secretary at a time and place named in the summons and to produce such books, papers, records, or other data, and to give testimony, under oath, as may be relevant or material to an investigation of such loan originator for compliance with the requirements of this title.

(b) EXAMINATION AUTHORITY.—

(1) IN GENERAL.—If the Secretary establishes a licensing system under section 1508 for any State, the Secretary shall appoint examiners for the purposes of administering such section.

(2) POWER TO EXAMINE.—Any examiner appointed under paragraph (1) shall have power, on behalf of the Secretary, to make any examination of any loan originator operating in any State which is subject to a licensing system established by the Secretary under section 1508 whenever the Secretary determines an examination of any loan originator is necessary to determine the compliance by the originator with this title.

(3) REPORT OF EXAMINATION.—Each examiner appointed under paragraph (1) shall make a full and detailed report of examination of any loan originator examined to the Secretary.

(4) ADMINISTRATION OF OATHS AND AFFIRMATIONS; EVIDENCE.—In connection with examinations of loan originators operating in any State which is subject to a licensing system established by the Secretary under section 1508, or with other types of investigations to determine compliance with applicable law and regulations, the Secretary and examiners appointed by the Secretary may administer oaths and affirmations and examine and take and preserve testimony under oath as to any matter in respect to the affairs of any such loan originator.

(5) ASSESSMENTS.—The cost of conducting any examination of any loan originator operating in any State which is subject to a licensing system established by the Secretary under section 1508 shall be assessed by the Secretary against the loan originator to meet the Secretary's expenses in carrying out such examination.

(c) CEASE AND DESIST PROCEEDING.—

(1) AUTHORITY OF SECRETARY.—If the Secretary finds, after notice and opportunity for hearing, that any person is violating, has violated, or is about to violate any provision of this title, or any regulation thereunder, with respect to a State which is subject to a licensing system established by the Secretary under section 1508, the Secretary may publish such findings and enter an order requiring such person, and any other person that is, was, or would be a cause of the violation, due to an act or omission the person knew or should have known would contribute to such violation, to cease and desist from committing or causing such violation and any future violation of the same provision, rule, or regulation. Such order may, in addition to requiring a person to cease and desist from committing or causing a violation, require such person to comply, or to take steps to effect compliance, with such provision or regulation, upon such terms and conditions and within such time as the Secretary may specify in such order. Any such order may, as the Secretary deems appropriate, require future compliance or steps to effect future compliance, either permanently or for such period of time as the Secretary may specify, with such provision or regulation with respect to any loan originator.

(2) HEARING.—The notice instituting proceedings pursuant to paragraph (1) shall fix a hearing date not earlier than 30 days nor later than 60 days after service of the notice unless an earlier or a later date is set by the Secretary with the consent of any respondent so served.

(3) TEMPORARY ORDER.—Whenever the Secretary determines that the alleged violation or threatened violation specified in the notice instituting proceedings pursuant to paragraph (1), or the continuation thereof, is likely to result in significant dissipation or conversion of assets, significant harm to consumers, or substantial harm to the public interest prior to the completion of the proceedings, the Secretary may enter a temporary order requiring the respondent to cease and desist from the violation or threatened violation and to take such action to prevent the violation or threatened violation and to prevent dissipation or conversion of assets, significant harm to consumers, or substantial harm to the public interest as the Secretary deems appropriate pending completion of such proceedings. Such an order shall be entered only after notice and opportunity for a hearing, unless the Secretary determines that notice and hearing prior to entry would be impracticable or contrary to the public interest. A temporary order shall become effective upon service upon the respondent and, unless set aside, limited, or suspended by the Secretary or a court of competent jurisdiction, shall remain effective and enforceable pending the completion of the proceedings.

(4) REVIEW OF TEMPORARY ORDERS.—

(A) REVIEW BY SECRETARY.—At any time after the respondent has been served with a temporary cease and desist order pursuant to paragraph (3), the respondent may apply to the Secretary to have the order set aside, limited, or suspended. If the respondent has been served with a temporary cease and desist order entered without a prior hearing before the Secretary, the respondent may, within 10 days after the

date on which the order was served, request a hearing on such application and the Secretary shall hold a hearing and render a decision on such application at the earliest possible time.

(B) JUDICIAL REVIEW.—Within—

(i) 10 days after the date the respondent was served with a temporary cease and desist order entered with a prior hearing before the Secretary; or

(ii) 10 days after the Secretary renders a decision on an application and hearing under paragraph (1), with respect to any temporary cease and desist order entered without a prior hearing before the Secretary,

the respondent may apply to the United States district court for the district in which the respondent resides or has its principal place of business, or for the District of Columbia, for an order setting aside, limiting, or suspending the effectiveness or enforcement of the order, and the court shall have jurisdiction to enter such an order. A respondent served with a temporary cease and desist order entered without a prior hearing before the Secretary may not apply to the court except after hearing and decision by the Secretary on the respondent's application under subparagraph (A).

(C) NO AUTOMATIC STAY OF TEMPORARY ORDER.—The commencement of proceedings under subparagraph (B) shall not, unless specifically ordered by the court, operate as a stay of the Secretary's order.

(5) AUTHORITY OF THE SECRETARY TO PROHIBIT PERSONS FROM SERVING AS LOAN ORIGINATORS.—In any cease and desist proceeding under paragraph (1), the Secretary may issue an order to prohibit, conditionally or unconditionally, and permanently or for such period of time as the Secretary shall determine, any person who has violated this title or regulations thereunder, from acting as a loan originator if the conduct of that person demonstrates unfitness to serve as a loan originator.

(d) AUTHORITY OF THE SECRETARY TO ASSESS MONEY PENALTIES.—

(1) IN GENERAL.—The Secretary may impose a civil penalty on a loan originator operating in any State which is subject to a licensing system established by the Secretary under section 1508, if the Secretary finds, on the record after notice and opportunity for hearing, that such loan originator has violated or failed to comply with any requirement of this title or any regulation prescribed by the Secretary under this title or order issued under subsection (c).

(2) MAXIMUM AMOUNT OF PENALTY.—The maximum amount of penalty for each act or omission described in paragraph (1) shall be $25,000.

SEC. 1515. STATE EXAMINATION AUTHORITY.

In addition to any authority allowed under State law a State licensing agency shall have the authority to conduct investigations and examinations as follows:

(1) For the purposes of investigating violations or complaints arising under this title, or for the purposes of examination, the State licensing agency may review, investigate, or examine any loan originator licensed or required to be licensed under this title, as often as necessary in order to carry out the purposes of this title.

(2) Each such loan originator shall make available upon request to the State licensing agency the books and records relating to the operations of such originator. The State licensing agency may have access to such books and records and interview the officers, principals, loan originators, employees, independent contractors, agents, and customers of the licensee concerning their business.

(3) The authority of this section shall remain in effect, whether such a loan originator acts or claims to act under any licensing or registration law of such State, or claims to act without such authority.

(4) No person subject to investigation or examination under this section may knowingly withhold, abstract, remove, mutilate, destroy, or secrete any books, records, computer records, or other information.

SEC. 1516. REPORTS AND RECOMMENDATIONS TO CONGRESS.

(a) ANNUAL REPORTS.—Not later than 1 year after the date of enactment of this title, and annually thereafter, the Secretary shall submit a report to Congress on the effectiveness of the provisions of this title, including legislative recommendations, if any, for strengthening consumer protections, enhancing examination standards, streamlining communication between all stakeholders involved in residential mortgage loan origination and processing, and establishing performance based bonding requirements for mortgage originators or institutions that employ such brokers.

(b) LEGISLATIVE RECOMMENDATIONS.—Not later than 6 months after the date of enactment of this title, the Secretary shall make recommendations to Congress on legislative reforms to the Real Estate Settlement Procedures Act of 1974, that the Secretary deems appropriate to promote more transparent disclosures, allowing consumers to better shop and compare mortgage loan terms and settlement costs.

SEC. 1517. STUDY AND REPORTS ON DEFAULTS AND FORECLOSURES.

(a) STUDY REQUIRED.—The Secretary shall conduct an extensive study of the root causes of default and foreclosure of home loans, using as much empirical data as is available.

(b) PRELIMINARY REPORT TO CONGRESS.—Not later than 6 months after the date of enactment of this title, the Secretary shall submit to Congress a preliminary report regarding the study required by this section.

(c) FINAL REPORT TO CONGRESS.—Not later than 12 months after the date of enactment of this title, the Secretary shall submit to Congress a final report regarding the results of the study required by this section, which shall include any recommended legislation relating to the study, and recommendations for best practices and for a process to provide targeted assistance to populations with the highest risk of potential default or foreclosure.

TITLE VI—MISCELLANEOUS

SEC. 1601. STUDY AND REPORTS ON GUARANTEE FEES.

(a) ONGOING STUDY OF FEES.—The Director shall conduct an ongoing study of fees charged by enterprises for guaranteeing a mortgage.

(b) COLLECTION OF DATA.—The Director shall, by regulation or order, establish procedures for the collection of data from enterprises for purposes of this subsection, including the format and the process for collection of such data.

(c) REPORTS TO CONGRESS.—The Director shall annually submit a report to Congress on the results of the study conducted under subsection (a), based on the aggregated data collected under subsection (a) for the subject year, regarding the amount of such fees and the criteria used by the enterprises to determine such fees.

(d) CONTENTS OF REPORTS.—The reports required under subsection (c) shall identify and analyze—

(1) the factors considered in determining the amount of the guarantee fees charged;

(2) the total revenue earned by the enterprises from guarantee fees;

(3) the total costs incurred by the enterprises for providing guarantees;

(4) the average guarantee fee charged by the enterprises;

(5) an analysis of any increase or decrease in guarantee fees from the preceding year;

(6) a breakdown of the revenue and costs associated with providing guarantees, based on product type and risk classifications; and

(7) a breakdown of guarantee fees charged based on asset size of the originator and the number of loans sold or transferred to an enterprise.

(e) PROTECTION OF INFORMATION.—Nothing in this section may be construed to require or authorize the Director to publicly disclose information that is confidential or proprietary.

SEC. 1602. STUDY AND REPORT ON DEFAULT RISK EVALUATION.

(a) STUDY.—The Director shall conduct a study of ways to improve the overall default risk evaluation used with respect to residential mortgage loans. Particular attention shall be paid to the development and utilization of processes and technologies that provide a means to standardize the measurement of risk.

(b) REPORT.—The Director shall submit a report on the study conducted under this section to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives, not later than 1 year after the date of enactment of this Act.

SEC. 1603. CONVERSION OF HUD CONTRACTS.

(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary may, at the request of an owner of a multifamily housing project that exceeds 5,000 units to which a contract for project-based rental assistance under section 8 of the United States Housing Act of 1937 (''Act'') (42 U.S.C. 1437f) and a Rental Assistance Payment contract is subject, convert such contracts to a contract for project-based rental assistance under section 8 of the Act.

(b) INITIAL RENEWAL.—

(1) At the request of an owner under subsection (a) made no later than 90 days prior to a conversion, the Secretary may, to the extent sufficient amounts are made available in appropriation Acts and notwithstanding any other law, treat the contemplated resulting contract as if such contract were eligible for initial renewal under section 524(a) of the MultiFamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) (''MAHRA'') (42 U.S.C. 1437f note).

(2) A request by an owner pursuant to paragraph (1) shall be upon such terms and conditions as the Secretary may require.

(c) RESULTING CONTRACT.—The resulting contract shall—

(1) be subject to section 524(a) of MAHRA (42 U.S.C. 1437f note);

(2) be considered for all purposes a contract that has been renewed under section 524(a) of MAHRA (42 U.S.C. 1437f note) for a term not to exceed 20 years;

(3) be subsequently renewable at the request of an owner, under any renewal option for which the project is eligible under MAHRA (42 U.S.C. 1437f note);

(4) contain provisions limiting distributions, as the Secretary determines appropriate, not to exceed 10 percent of the initial investment of the owner;

(5) be subject to the availability of sufficient amounts in appropriation Acts; and

(6) be subject to such other terms and conditions as the Secretary considers appropriate.

(d) INCOME TARGETING.—To the extent that assisted dwelling units, subject to the resulting contract under subsection (a), serve low-income families, as defined in section 3(b)(2) of the Act (42 U.S.C. 1437a(b)(2)) the units shall be considered to be in compliance with all income targeting requirements under the Act (42 U.S.C. 1437 et seq).

(e) TENANT ELIGIBILITY.—Notwithstanding any other provision of law, each family residing in an assisted dwelling unit on the date of conversion of a contract under this section, subject to the resulting contract under subsection (a), shall be considered to meet the applicable requirements for income eligibility and occupancy.

(f) DEFINITIONS.—As used in this section—

(1) the term ''Secretary'' means the Secretary of Housing and Urban Development;

(2) the term ''conversion'' means the action under which a contract for project-based rental assistance under section 8 of the Act and a Rental Assistance Payment contract become a contract for project-based rental assistance under section 8 of the Act (42 U.S.C. 1437f) pursuant to subsection (a);

(3) the term ''resulting contract'' means the new contract after a conversion pursuant to subsection (a); and

(4) the term ''assisted dwelling unit'' means a dwelling unit in a multifamily housing project that exceeds 5,000 units that, on the date of conversion of a contract under this section, is subject to a contract for project-based rental assistance under section 8 of the Act (42 U.S.C. 1437f) or a Rental Assistance Payment contract.

SEC. 1604. BRIDGE DEPOSITORY INSTITUTIONS.

(a) IN GENERAL.—Section 11 of the Federal Deposit Insurance Act (12 U.S.C. 1821) is amended—

(1) in subsection (d)(2)—

(A) in subsection (F), by striking ''as receiver'' and all that follows through clause (ii) and inserting the following: ''as receiver, with respect to any insured depository institution, organize a new depository institution under subsection (m) or a bridge depository institution under subsection (n).'';

(B) in subparagraph (G), by striking ''new bank or a bridge bank'' and inserting ''new depository institution or a bridge depository institution'';

(2) in subsection (e)(10)(C), by striking ''bridge bank'' each place that term appears and inserting ''bridge depository institution'';

(3) in subsection (m)—

(A) in the subsection heading, by striking ''BANKS'' and inserting ''DEPOSITORY INSTITUTIONS'';

(B) by striking ''new bank'' each place that term appears and inserting ''new depository institution'';

(C) by striking ''such bank'' each place that term appears and inserting ''such depository institution'';

(D) in paragraph (1), by inserting ''or Federal savings association'' after ''national bank'';

(E) in paragraph (6), by striking ''only bank'' and inserting ''only depository institution'';

(F) in paragraph (9), by inserting ''or the Director of the Office of Thrift Supervision, as appropriate'' after ''Comptroller of the Currency'';

(G) in paragraph (15), by striking '', but in no event'' and all that follows through ''located'';

(H) in paragraph (16)—

(i) by inserting ''or the Director of the Office of Thrift Supervision, as appropriate,'' after ''Comptroller of the Currency'' each place that term appears;

(ii) by striking ''the bank'' each place that term appears and inserting ''the depository institution'';

(iii) by inserting ''or Federal savings association'' after ''national bank'' each place that term appears;

(iv) by inserting ''or Federal savings associations'' after ''national banks''; and

(v) by striking ''Such bank'' and inserting ''Such depository institution''; and

(I) in paragraph (18), by inserting ''or the Director of the Office of Thrift Supervision, as appropriate,'' after ''Comptroller of the Currency'' each place that term appears;

(4) in subsection (n)—

(A) in the subsection heading, by striking ''BANKS'' and inserting ''DEPOSITORY INSTITUTIONS'';

(B) by striking ''bridge bank'' each place that term appears and inserting ''bridge depository institution'';

(C) by striking ''bridge banks'' each place that term appears (other than in paragraph (1)(A) and inserting ''bridge depository institutions'';

(D) by striking ''bridge bank's'' each place that term appears and inserting ''bridge depository institutions'';

(E) by striking ''insured bank'' each place that term appears and inserting ''insured depository institution'';

(F) by striking ''insured banks'' each place that term appears and inserting ''insured depository institutions'';

(G) by striking ''such bank'' each place that term appears (other than in paragraph (4)(J)) and inserting ''such depository institution'';

(H) by striking ''the bank'' each place that term appears and inserting ''the depository institution'';

(I) in paragraph (1)(A)—

(i) by inserting '', with respect to 1 or more insured banks, or the Director of the Office of Thrift Supervision, with respect to 1 or more insured savings associations,'' after ''Comptroller of the Currency'';

(ii) by inserting ''or Federal savings associations, as appropriate,'' after ''national banks'';

(iii) by inserting ''or Federal savings associations, as applicable,'' after ''banking associations''; and

(iv) by striking ''as bridge banks'' and inserting ''as 'bridge depository institutions' '';

(J) in paragraph (1)(B)—

(i) by striking ''bank or banks'' each place that term appears and inserting ''depository institution or institutions'';

(ii) by striking ''of a bank''; and

(iii) by striking ''of that bank'';

(K) in paragraph (1)(E), by inserting before the period '', in the case of 1 or more insured banks, and as a Federal savings association, in the case of 1 or more insured savings associations'';

(L) in paragraph (2)—

(i) in subparagraph by inserting ''or Federal savings association'' after ''national bank'' each place that term appears; and

(ii) by inserting ''or the Director of the Office of Thrift Supervision'' after ''Comptroller of the Currency'';

(M) in paragraph (4)—

(i) in subparagraph (C), by striking ''under section 5138 of the Revised Statutes or any other'' and inserting ''under any'';

(ii) by inserting ''and the Director of the Office of Thrift Supervision, as appropriate,'' after ''Comptroller of the Currency'' each place that term appears;

(iii) in subparagraph (D), by striking ''bank's'' and inserting ''depository institution's''; and

(iv) in subparagraph (F), by inserting before the period ''or Federal home loan bank'';

(N) in paragraph (8)—

(i) in subparagraph (A), by striking ''the banks'' and inserting ''the depository institutions'';

(ii) in subparagraph (B), by striking ''bank's'' and inserting ''depository institution's'';

(O) in paragraph (11), by inserting ''or a Federal savings association, as the case may be,'' after ''national bank'' each place that term appears;

(P) in paragraph (12)—

(i) by inserting ''or the Director of the Office of Thrift Supervision, as appropriate,'' after ''Comptroller of the Currency'' each place that term appears; and

(ii) by inserting ''or Federal savings associations, as appropriate'' after ''national banks''; and

(Q) in paragraph (13), by striking ''single bank'' and inserting ''single depository institution''.

(b) OTHER CONFORMING AMENDMENTS.—

(1) FEDERAL DEPOSIT INSURANCE ACT.—The Federal Deposit Insurance Act (12 U.S.C. 1811 et seq.) is amended—

(A) in section 3 (12 U.S.C. 1813), by striking subsection (i) and inserting the following:

''(i) NEW DEPOSITORY INSTITUTION AND BRIDGE DEPOSITORY INSTITUTION DEFINED.—

''(1) NEW DEPOSITORY INSTITUTION.—The term 'new depository institution' means a new national bank or Federal savings association, other than a bridge depository institution, organized by the Corporation in accordance with section 11(m).

''(2) BRIDGE DEPOSITORY INSTITUTION.—The term 'bridge depository institution' means a new national bank or Federal savings association organized by the Corporation in accordance with section 11(n).'';

(B) in section 10(d)(5)(B) (12 U.S.C. 1820(d)(5)(B)), by striking ''bridge bank'' and inserting ''bridge depository institution'';

(C) in section 12 (12 U.S.C. 1822), by striking ''new bank'' each place that term appears and inserting ''new depository institution'';and

(D) in section 38(j)(2) (12 U.S.C. 1831o(j)(2)), by striking ''bridge bank'' and inserting ''bridge depository institution''.

(2) FEDERAL CREDIT UNION ACT.—Section 207(c)(10)(C)(i) of the Federal Credit Union Act (12 U.S.C. 1787(c)(10)(C)(i)) is amended by striking ''bridge bank'' and inserting ''bridge depository institution''.

(3) TITLE 11.—Section 783 of title 11, United States Code, is amended by striking ''bridge bank'' and inserting ''bridge depository institution''.

(4) TITLE 26.—Section 414(l)(2)(G) of the Internal Revenue Code of 1986, is amended by striking ''bridge bank'' and inserting ''bridge depository institution''.

SEC. 1605. SENSE OF THE SENATE.

It is the sense of the Senate that in implementing or carrying out any provision of this Act, or any amendment made by this Act, the Senate supports a policy of noninterference regarding local government requirements that the holder of a foreclosed property maintain that property.

DIVISION B—FORECLOSURE PREVENTION

SECTION 2001. SHORT TITLE.

This division may be cited as the ''Foreclosure Prevention Act of 2008''.

SEC. 2002. EMERGENCY DESIGNATION.

For purposes of Senate enforcement, all provisions of this division are designated as emergency requirements and necessary to meet emergency needs pursuant to section 204 of S. Con. Res. 21 (110th Congress), the concurrent resolution on the budget for fiscal year 2008.

TITLE I—FHA MODERNIZATION ACT OF 2008

SEC. 2101. SHORT TITLE.

This title may be cited as the ''FHA Modernization Act of 2008''.

Subtitle A—Building American Homeownership

SEC. 2111. SHORT TITLE.

This subtitle may be cited as the ''Building American Homeownership Act of 2008''.

SEC. 2112. MAXIMUM PRINCIPAL LOAN OBLIGATION.

(a) IN GENERAL.—Paragraph (2) of section 203(b)(2) of the National Housing Act (12 U.S.C. 1709(b)(2)) is amended—

(1) by amending subparagraphs (A) and (B) to read as follows:

''(A) not to exceed the lesser of—

''(i) in the case of a 1-family residence, 110 percent of the median 1-family house price in the area, as determined by the Secretary; and in the case of a 2-, 3-, or 4-family residence, the percentage of such median price that bears the same ratio to such median price as the dollar amount limitation determined under section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1454(a)(2)) for a 2-, 3-, or 4-family residence, respectively, bears to the dollar amount limitation determined under such section for a 1-family residence; or

''(ii) 150 percent of the dollar amount limitation determined under section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act for a residence of applicable size,

except that the dollar amount limitation in effect under this subparagraph for any size residence for any area may not be less than the greater of: (I) the dollar amount limitation in effect under this section for the area on October 21, 1998; or (II) 65 percent of the dollar amount limitation determined under such section 305(a)(2) for a residence of the applicable size; and

''(B) not to exceed 100 percent of the appraised value of the property.''; and

(2) in the matter following subparagraph (B), by striking the second sentence (relating to a definition of ''average closing cost'') and all that follows through ''section 3103A(d) of title 38, United States Code.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect upon the expiration of the date described in section 202(a) of

the Economic Stimulus Act of 2008 (Public Law 110–185).

SEC. 2113. CASH INVESTMENT REQUIREMENT AND PROHIBITION OF SELLER-FUNDED DOWN PAYMENT ASSISTANCE.

Paragraph (9) of section 203(b) of the National Housing Act (12 U.S.C. 1709(b)(9)) is amended to read as follows:

''(9) CASH INVESTMENT REQUIREMENT.—

''(A) IN GENERAL.—A mortgage insured under this section shall be executed by a mortgagor who shall have paid, in cash, on account of the property an amount equal to not less than 3.5 percent of the appraised value of the property or such larger amount as the Secretary may determine.

''(B) FAMILY MEMBERS.—For purposes of this paragraph, the Secretary shall consider as cash or its equivalent any amounts borrowed from a family member (as such term is defined in section 201), subject only to the requirements that, in any case in which the repayment of such borrowed amounts is secured by a lien against the property, that—

''(i) such lien shall be subordinate to the mortgage; and

''(ii) the sum of the principal obligation of the mortgage and the obligation secured by such lien may not exceed 100 percent of the appraised value of the property.

''(C) PROHIBITED SOURCES.—In no case shall the funds required by subparagraph (A) consist, in whole or in part, of funds provided by any of the following parties before, during, or after closing of the property sale:

''(i) The seller or any other person or entity that financially benefits from the transaction.

''(ii) Any third party or entity that is reimbursed, directly or indirectly, by any of the parties described in clause (i).''.

SEC. 2114. MORTGAGE INSURANCE PREMIUMS.

Section 203(c)(2) of the National Housing Act (12 U.S.C. 1709(c)(2)) is amended—

(1) in the matter preceding subparagraph (A), by striking ''or of the General Insurance Fund'' and all that follows through ''section 234(c),,''; and

(2) in subparagraph (A)—

(A) by striking ''2.25 percent'' and inserting ''3 percent''; and

(B) by striking ''2.0 percent'' and inserting ''2.75 percent''.

SEC. 2115. REHABILITATION LOANS.

Subsection (k) of section 203 of the National Housing Act (12 U.S.C. 1709(k)) is amended—

(1) in paragraph (1), by striking ''on'' and all that follows through ''1978''; and

(2) in paragraph (5)—

(A) by striking ''General Insurance Fund'' the first place it appears and inserting ''Mutual Mortgage Insurance Fund''; and

(B) in the second sentence, by striking the comma and all that follows through ''General Insurance Fund''.

SEC. 2116. DISCRETIONARY ACTION.

The National Housing Act is amended—

(1) in subsection (e) of section 202 (12 U.S.C. 1708(e))—

(A) in paragraph (3)(B), by striking ''section 202(e) of the National Housing Act'' and inserting ''this subsection''; and

(B) by redesignating such subsection as subsection (f);

(2) by striking paragraph (4) of section 203(s) (12 U.S.C. 1709(s)(4)) and inserting the following new paragraph:

''(4) the Secretary of Agriculture;''; and

(3) by transferring subsection (s) of section 203 (as amended by paragraph (2) of this section) to section 202, inserting such subsection after subsection (d) of section 202, and redesignating such subsection as subsection (e).

SEC. 2117. INSURANCE OF CONDOMINIUMS.

(a) IN GENERAL.—Section 234 of the National Housing Act (12 U.S.C. 1715y) is amended—

(1) in subsection (c), in the first sentence—

(A) by striking ''and'' before ''(2)''; and

(B) by inserting before the period at the end the following: '', and (3) the project has a blanket mortgage insured by the Secretary under subsection (d)''; and

(2) in subsection (g), by striking '', except that'' and all that follows and inserting a period.

(b) DEFINITION OF MORTGAGE.—Section 201(a) of the National Housing Act (12 U.S.C. 1707(a)) is amended—

(1) before ''a first mortgage'' insert ''(A)'';

(2) by striking ''or on a leasehold (1)'' and inserting ''(B) a first mortgage on a leasehold on real estate (i)'';

(3) by striking ''or (2)'' and inserting '', or (ii)''; and

(4) by inserting before the semicolon the following: '', or (C) a first mortgage given to secure the unpaid purchase price of a fee interest in, or long-term leasehold interest in, real estate consisting of a one-family unit in a multifamily project, including a project in which the dwelling units are attached, or are manufactured housing units, semi-detached, or detached, and an undivided interest in the common areas and facilities which serve the project''.

(c) DEFINITION OF REAL ESTATE.—Section 201 of the National Housing Act (12 U.S.C. 1707) is amended by adding at the end the following new subsection:

''(g) The term 'real estate' means land and all natural resources and structures permanently affixed to the land, including residential buildings and stationary manufactured housing. The Secretary may not require, for treatment of any land or other property as real estate for purposes of this title, that such land or property be treated as real estate for purposes of State taxation.''.

SEC. 2118. MUTUAL MORTGAGE INSURANCE FUND.

(a) IN GENERAL.—Subsection (a) of section 202 of the National Housing Act (12 U.S.C. 1708(a)) is amended to read as follows:

''(a) MUTUAL MORTGAGE INSURANCE FUND.—

''(1) ESTABLISHMENT.—Subject to the provisions of the Federal Credit Reform Act of 1990, there is hereby created a Mutual Mortgage Insurance Fund (in this title referred to as the 'Fund'), which shall be used by the Secretary to carry out the provisions of this title with respect to mortgages insured under section 203. The Secretary may enter into commitments to guarantee, and may guarantee, such insured mortgages.

''(2) LIMIT ON LOAN GUARANTEES.—The authority of the Secretary to enter into commitments to guarantee such insured mortgages shall be effective for any fiscal year only to the extent that the aggregate original principal loan amount under such mortgages, any part of which is guaranteed, does not exceed the amount specified in appropriations Acts for such fiscal year.

''(3) FIDUCIARY RESPONSIBILITY.—The Secretary has a responsibility to ensure that the Mutual Mortgage Insurance Fund remains financially sound.

''(4) ANNUAL INDEPENDENT ACTUARIAL STUDY.—The Secretary shall provide for an independent actuarial study of the Fund to be conducted annually, which shall analyze the financial position of the Fund. The Secretary shall submit a report annually to the Congress describing the results of such study and assessing the financial status of the Fund. The report shall recommend adjustments to underwriting standards, program participation, or premiums, if necessary, to ensure that the Fund remains financially sound. The report shall also include an evaluation of the quality control procedures and accuracy of information utilized in the process of underwriting loans guaranteed by the Fund. Such evaluation shall include a review of the risk characteristics of loans based not only on borrower information and performance, but on risks associated with loans originated or funded by various entities or financial institutions.

''(5) QUARTERLY REPORTS.—During each fiscal year, the Secretary shall submit a report to the Congress for each calendar quarter, which shall specify for mortgages that are obligations of the Fund—

''(A) the cumulative volume of loan guarantee commitments that have been made during such fiscal year through the end of the quarter for which the report is submitted;

''(B) the types of loans insured, categorized by risk;

''(C) any significant changes between actual and projected claim and prepayment activity;

''(D) projected versus actual loss rates; and

''(E) updated projections of the annual subsidy rates to ensure that increases in risk to the Fund are identified and mitigated by adjustments to underwriting standards, program participation, or premiums, and the financial soundness of the Fund is maintained.

The first quarterly report under this paragraph shall be submitted on the last day of the first quarter of fiscal year 2008, or on the last day of the first full calendar quarter following the enactment of the Building American Homeownership Act of 2008, whichever is later.

''(6) ADJUSTMENT OF PREMIUMS.—If, pursuant to the independent actuarial study of the Fund required under paragraph (4), the Secretary determines that the Fund is not meeting the operational goals established under paragraph (7) or there is a substantial probability that the Fund will not maintain its established target subsidy rate, the Secretary may either make programmatic adjustments under this title as necessary to reduce the risk to the Fund, or make appropriate premium adjustments.

''(7) OPERATIONAL GOALS.—The operational goals for the Fund are—

''(A) to minimize the default risk to the Fund and to homeowners by among other actions instituting fraud prevention quality control screening not later than 18 months after the date of enactment of the Building American Homeownership Act of 2008; and

''(B) to meet the housing needs of the borrowers that the single family mortgage insurance program under this title is designed to serve.''.

(b) OBLIGATIONS OF FUND.—The National Housing Act is amended as follows:

(1) HOMEOWNERSHIP VOUCHER PROGRAM MORTGAGES.—In section 203(v) (12 U.S.C. 1709(v))—

(A) by striking ''Notwithstanding section 202 of this title, the'' and inserting ''The''; and

(B) by striking ''General Insurance Fund'' the first place such term appears and all that follows through the end of the subsection and inserting ''Mutual Mortgage Insurance Fund.''.

(2) HOME EQUITY CONVERSION MORTGAGES.—Section 255(i)(2)(A) of the National Housing Act (12 U.S.C. 1715z–20(i)(2)(A)) is amended by striking ''General Insurance Fund'' and inserting ''Mutual Mortgage Insurance Fund''.

(c) CONFORMING AMENDMENTS.—The National Housing Act is amended—

(1) in section 205 (12 U.S.C. 1711), by striking subsections (g) and (h); and

(2) in section 519(e) (12 U.S.C. 1735c(e)), by striking ''203(b)'' and all that follows through ''203(i)'' and inserting ''203, except as determined by the Secretary''.

SEC. 2119. HAWAIIAN HOME LANDS AND INDIAN RESERVATIONS.

(a) HAWAIIAN HOME LANDS.—Section 247(c) of the National Housing Act (12 U.S.C. 1715z–12(c)) is amended—

(1) by striking ''General Insurance Fund established in section 519'' and inserting ''Mutual Mortgage Insurance Fund''; and

(2) in the second sentence, by striking ''(1) all references'' and all that follows through ''and (2)''.

(b) INDIAN RESERVATIONS.—Section 248(f) of the National Housing Act (12 U.S.C. 1715z–13(f)) is amended—

(1) by striking ''General Insurance Fund'' the first place it appears through ''519'' and inserting ''Mutual Mortgage Insurance Fund''; and

(2) in the second sentence, by striking ''(1) all references'' and all that follows through ''and (2)''.

SEC. 2120. CONFORMING AND TECHNICAL AMENDMENTS.

(a) REPEALS.—The following provisions of the National Housing Act are repealed:

(1) Subsection (i) of section 203 (12 U.S.C. 1709(i)).

(2) Subsection (o) of section 203 (12 U.S.C. 1709(o)).

(3) Subsection (p) of section 203 (12 U.S.C. 1709(p)).

(4) Subsection (q) of section 203 (12 U.S.C. 1709(q)).

(5) Section 222 (12 U.S.C. 1715m).

(6) Section 237 (12 U.S.C. 1715z–2).

(7) Section 245 (12 U.S.C. 1715z–10).

(b) DEFINITION OF AREA.—Section 203(u)(2)(A) of the National Housing Act (12 U.S.C. 1709(u)(2)(A)) is amended by striking ''shall'' and all that follows and inserting ''means a metropolitan statistical area as established by the Office of Management and Budget;''.

(c) DEFINITION OF STATE.—Section 201(d) of the National Housing Act (12 U.S.C. 1707(d)) is amended by striking ''the Trust Territory of the Pacific Islands'' and inserting ''the Commonwealth of the Northern Mariana Islands''.

SEC. 2121. INSURANCE OF MORTGAGES.

Subsection (n)(2) of section 203 of the National Housing Act (12 U.S.C. 1709(n)(2)) is amended—

(1) in subparagraph (A), by inserting ''or subordinate mortgage or'' before ''lien given''; and

(2) in subparagraph (C), by inserting ''or subordinate mortgage or'' before ''lien''.

SEC. 2122. HOME EQUITY CONVERSION MORTGAGES.

(a) IN GENERAL.—Section 255 of the National Housing Act (12 U.S.C. 1715z–20) is amended—

(1) in subsection (b)(2), insert '' 'real estate,' '' after '' 'mortgagor','';

(2) by amending subsection (d)(1) to read as follows:

''(1) have been originated by a mortgagee approved by the Secretary;'';

(3) by amending subsection (d)(2)(B) to read as follows:

''(B) has received adequate counseling, as provided in subsection (f), by an independent third party that is not, either directly or indirectly, associated with or compensated by a party involved in—

''(i) originating or servicing the mortgage;

''(ii) funding the loan underlying the mortgage; or

''(iii) the sale of annuities, investments, long-term care insurance, or any other type of financial or insurance product;'';

(4) in subsection (f)—

(A) by striking ''(f) INFORMATION SERVICES FOR MORTGAGORS.—'' and inserting ''(f) COUNSELING SERVICES AND INFORMATION FOR MORTGAGORS.—''; and

(B) by amending the matter preceding paragraph (1) to read as follows: ''The Secretary shall provide or cause to be provided adequate counseling for the mortgagor, as described in subsection (d)(2)(B). Such counseling shall be provided by counselors that meet qualification standards and follow uniform counseling protocols. The qualification standards and counseling protocols shall be established by the Secretary within 12 months of the date of enactment of the Building American Homeownership Act of 2008. The protocols shall require a qualified counselor to discuss with each mortgagor information which shall include—''

(5) in subsection (g), by striking ''established under section 203(b)(2)'' and all that follows through ''located'' and inserting ''limitation established under section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act for a 1-family residence'';

(6) by striking subsection (l);

(7) by redesignating subsection (m) as subsection (l);

(8) by amending subsection (l), as so redesignated, to read as follows:

''(l) FUNDING FOR COUNSELING.—The Secretary may use a portion of the mortgage insurance premiums collected under the program under this section to adequately fund the counseling and disclosure activities required under subsection (f), including counseling for those homeowners who elect not to take out a home equity conversion mortgage, provided that the use of such funds is based upon accepted actuarial principles.''; and

(9) by adding at the end the following new subsection:

''(m) AUTHORITY TO INSURE HOME PURCHASE MORTGAGE.—

''(1) IN GENERAL.—Notwithstanding any other provision of this section, the Secretary may insure, upon application by a mortgagee, a home equity conversion mortgage upon such terms and conditions as the Secretary may prescribe, when the home equity conversion mortgage will be used to purchase a 1- to 4-family dwelling unit, one unit of which the mortgagor will occupy as a primary residence, and to provide for any future payments to the mortgagor, based on available equity, as authorized under subsection (d)(9).

''(2) LIMITATION ON PRINCIPAL OBLIGATION.—A home equity conversion mortgage insured pursuant to paragraph (1) shall involve a principal obligation that does not exceed the dollar amount limitation determined under section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act for a 1-family residence.

''(n) REQUIREMENTS ON MORTGAGE ORIGINATORS.—

''(1) IN GENERAL.—The mortgagee and any other party that participates in the origination of a mortgage to be insured under this section shall—

''(A) not participate in, be associated with, or employ any party that participates in or is associated with any other financial or insurance activity; or

''(B) demonstrate to the Secretary that the mortgagee or other party maintains, or will maintain, firewalls and other safeguards designed to ensure that—

''(i) individuals participating in the origination of the mortgage shall have no involvement with, or incentive to provide the mortgagor with, any other financial or insurance product; and

''(ii) the mortgagor shall not be required, directly or indirectly, as a condition of obtaining a mortgage under this section, to purchase any other financial or insurance product.

''(2) APPROVAL OF OTHER PARTIES.—All parties that participate in the origination of a mortgage to be insured under this section shall be approved by the Secretary.

''(o) PROHIBITION AGAINST REQUIREMENTS TO PURCHASE ADDITIONAL PRODUCTS.—The mortgagee or any other party shall not be required by the mortgagor or any other party to purchase an insurance, annuity, or other additional product as a requirement or condition of eligibility for insurance under subsection (c).

''(p) STUDY TO DETERMINE CONSUMER PROTECTIONS AND UNDERWRITING STANDARDS.—The Secretary shall conduct a study to examine and determine appropriate consumer protections and underwriting standards to ensure that the purchase of products referred to in subsection (o) is appropriate for the consumer. In conducting such study, the Secretary shall consult with consumer advocates (including recognized experts in consumer protection), industry representatives, representatives of counseling organizations, and other interested parties.''.

(b) MORTGAGES FOR COOPERATIVES.—Subsection (b) of section 255 of the National Housing Act (12 U.S.C. 1715z–20(b)) is amended—

(1) in paragraph (4)—

(A) by inserting ''a first or subordinate mortgage or lien'' before ''on all stock'';

(B) by inserting ''unit'' after ''dwelling''; and

(C) by inserting ''a first mortgage or first lien'' before ''on a leasehold''; and

(2) in paragraph (5), by inserting ''a first or subordinate lien on'' before ''all stock''.

(c) LIMITATION ON ORIGINATION FEES.—Section 255 of the National Housing Act (12 U.S.C. 1715z–20), as amended by the preceding provisions of this section, is further amended by adding at the end the following new subsection:

''(r) LIMITATION ON ORIGINATION FEES.—The Secretary shall establish limits on the origination fee that may be charged to a mortgagor under a mortgage insured under this section, which limitations shall—

''(1) equal 1.5 percent of the maximum claim amount of the mortgage unless adjusted thereafter on the basis of—

''(A) the costs to the mortgagor; and

''(B) the impact of such fees on the reverse mortgage market;

''(2) be subject to a minimum allowable amount;

''(3) provide that the origination fee may be fully financed with the mortgage;

''(4) include any fees paid to correspondent mortgagees approved by the Secretary; and

''(5) have the same effective date as subsection (m)(2) regarding the limitation on principal obligation.''.

(d) STUDY REGARDING PROGRAM COSTS AND CREDIT AVAILABILITY.—

(1) IN GENERAL.—The Comptroller General of the United States shall conduct a study regarding the costs and availability of credit under the home equity conversion mortgages for elderly homeowners program under section 255 of the National Housing Act (12 U.S.C. 1715z–20) (in this subsection referred to as the ''program'').

(2) PURPOSE.—The purpose of the study required under paragraph (1) is to help Congress analyze and determine the effects of limiting the amounts of the costs or fees under the program from the amounts charged under the program as of the date of the enactment of this title.

(3) CONTENT OF REPORT.—The study required under paragraph (1) should focus on—

(A) the cost to mortgagors of participating in the program;

(B) the financial soundness of the program;

(C) the availability of credit under the program; and

(D) the costs to elderly homeowners participating in the program, including—

(i) mortgage insurance premiums charged under the program;

(ii) up-front fees charged under the program; and

(iii) margin rates charged under the program.

(4) TIMING OF REPORT.—Not later than 12 months after the date of the enactment of this title, the Comptroller General shall submit a report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives setting forth the results and conclusions of the study required under paragraph (1).

SEC. 2123. ENERGY EFFICIENT MORTGAGES PROGRAM.

Section 106(a)(2) of the Energy Policy Act of 1992 (42 U.S.C. 12712 note) is amended—

(1) by amending subparagraph (C) to read as follows:

''(C) COSTS OF IMPROVEMENTS.—The cost of cost-effective energy efficiency improvements shall not exceed the greater of—

''(i) 5 percent of the property value (not to exceed 5 percent of the limit established under section 203(b)(2)(A)) of the National Housing Act (12 U.S.C. 1709(b)(2)(A); or

''(ii) 2 percent of the limit established under section 203(b)(2)(B) of such Act.''; and

(2) by adding at the end the following:

''(D) LIMITATION.—In any fiscal year, the aggregate number of mortgages insured pursuant to this section may not exceed 5 percent of the aggregate number of mortgages for 1- to 4-family residences insured by the Secretary of Housing and Urban Development under title II of the National Housing Act (12 U.S.C. 1707 et seq.) during the preceding fiscal year.''.

SEC. 2124. PILOT PROGRAM FOR AUTOMATED PROCESS FOR BORROWERS WITHOUT SUFFICIENT CREDIT HISTORY.

(a) ESTABLISHMENT.—Title II of the National Housing Act (12 U.S.C. 1707 et seq.) is amended by adding at the end the following new section:

"SEC. 257. PILOT PROGRAM FOR AUTOMATED PROCESS FOR BORROWERS WITHOUT SUFFICIENT CREDIT HISTORY.

''(a) ESTABLISHMENT.—The Secretary shall carry out a pilot program to establish, and make available to mortgagees, an automated process for providing alternative credit rating information for mortgagors and prospective mortgagors under mortgages on 1- to 4-family residences to be insured under this title who have insufficient credit histories for determining their creditworthiness. Such alternative credit rating information may include rent, utilities, and insurance payment histories, and such other information as the Secretary considers appropriate.

''(b) SCOPE.—The Secretary may carry out the pilot program under this section on a limited basis or scope, and may consider limiting the program to first-time homebuyers.

''(c) LIMITATION.—In any fiscal year, the aggregate number of mortgages insured pursuant to the automated process established under this section may not exceed 5 percent of the aggregate number of mortgages for 1- to 4-family residences insured by the Secretary under this title during the preceding fiscal year.

''(d) SUNSET.—After the expiration of the 5-year period beginning on the date of the enactment of the Building American Homeownership Act of 2008, the Secretary may not enter into any new commitment to insure any mortgage, or newly insure any mortgage, pursuant to the automated process established under this section.''.

(b) GAO REPORT.—Not later than the expiration of the two-year period beginning on the date of the enactment of this subtitle, the Comptroller General of the United States shall submit to the Congress a report identifying the number of additional mortgagors served using the automated process established pursuant to section 257 of the National Housing Act (as added by the amendment made by subsection (a) of this section) and the impact of such process and the insurance of mortgages pursuant to such process on the safety and soundness of the insurance funds under the National Housing Act of which such mortgages are obligations.

SEC. 2125. HOMEOWNERSHIP PRESERVATION.

The Secretary of Housing and Urban Development and the Commissioner of the Federal Housing Administration, in consultation with industry, the Neighborhood Reinvestment Corporation, and other entities involved in foreclosure prevention activities, shall—

(1) develop and implement a plan to improve the Federal Housing Administration's loss mitigation process; and

(2) report such plan to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives.

SEC. 2126. USE OF FHA SAVINGS FOR IMPROVEMENTS IN FHA TECHNOLOGIES, PROCEDURES, PROCESSES, PROGRAM PERFORMANCE, STAFFING, AND SALARIES.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for each of fiscal years 2009 through 2013, $25,000,000, from negative credit subsidy for the mortgage insurance programs under title II of the National Housing Act, to the Secretary of Housing and Urban Development for increasing funding for the purpose of improving technology, processes, program performance, eliminating fraud, and for providing appropriate staffing in connection with the mortgage insurance programs under title II of the National Housing Act.

(b) CERTIFICATION.—The authorization under subsection (a) shall not be effective for a fiscal year unless the Secretary of Housing and Urban Development has, by rulemaking in accordance with section 553 of title 5, United States Code (notwithstanding subsections (a)(2), (b)(B), and (d)(3) of such section), made a determination that—

(1) premiums being, or to be, charged during such fiscal year for mortgage insurance under title II of the National Housing Act are established at the minimum amount sufficient to—

(A) comply with the requirements of section 205(f) of such Act (relating to required capital ratio for the Mutual Mortgage Insurance Fund); and

(B) ensure the safety and soundness of the other mortgage insurance funds under such Act; and

(2) any negative credit subsidy for such fiscal year resulting from such mortgage insurance programs adequately ensures the efficient delivery and availability of such programs.

(c) STUDY AND REPORT.—The Secretary of Housing and Urban Development shall conduct a study to obtain recommendations from participants in the private residential (both single family and multifamily) mortgage lending business and the secondary market for such mortgages on how best to update and upgrade processes and technologies for the mortgage insurance programs under title II of the National Housing Act so that the procedures for originating, insuring, and servicing of such mortgages conform with those customarily used by secondary market purchasers of residential mortgage loans. Not later than the expiration of the 12-month period beginning on the date of the enactment of this title, the Secretary shall submit a report to the Congress describing the progress made and to be made toward updating and upgrading such processes and technology, and providing appropriate staffing for such mortgage insurance programs.

SEC. 2127. POST-PURCHASE HOUSING COUNSELING ELIGIBILITY IMPROVEMENTS.

Section 106(c)(4) of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x(c)(4)) is amended:

(1) in subparagraph (C)—

(A) in clause (i), by striking ''; or'' and inserting a semicolon;

(B) in clause (ii), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

''(iii) a significant reduction in the income of the household due to divorce or death; or

''(iv) a significant increase in basic expenses of the homeowner or an immediate family member of the homeowner (including the spouse, child, or parent for whom the homeowner provides substantial care or financial assistance) due to—

''(I) an unexpected or significant increase in medical expenses;

''(II) a divorce;

''(III) unexpected and significant damage to the property, the repair of which will not be covered by private or public insurance; or

''(IV) a large property-tax increase; or'';

(2) by striking the matter that follows subparagraph (C); and

(3) by adding at the end the following:

''(D) the Secretary of Housing and Urban Development determines that the annual income of the homeowner is no greater than the annual income established by the Secretary as being of low- or moderate-income.''.

SEC. 2128. PRE-PURCHASE HOMEOWNERSHIP COUNSELING DEMONSTRATION.

(a) ESTABLISHMENT OF PROGRAM.—For the period beginning on the date of enactment of this title and ending on the date that is 3 years after such date of enactment, the Secretary of Housing and Urban Development shall establish and conduct a demonstration program to test the effectiveness of alternative forms of pre-purchase homeownership counseling for eligible homebuyers.

(b) FORMS OF COUNSELING.—The Secretary of Housing and Urban Development shall provide to eligible homebuyers pre-purchase homeownership counseling under this section in the form of—

(1) telephone counseling;

(2) individualized in-person counseling;

(3) web-based counseling;

(4) counseling classes; or

(5) any other form or type of counseling that the Secretary may, in his discretion, determine appropriate.

(c) SIZE OF PROGRAM.—The Secretary shall make available the pre-purchase homeownership counseling described in subsection (b) to not more than 3,000 eligible homebuyers in any given year.

(d) INCENTIVE TO PARTICIPATE.—The Secretary of Housing and Urban Development may provide incentives to eligible homebuyers to participate in the demonstration program established under subsection (a). Such incentives may include the reduction of any insurance premium charges owed by the eligible homebuyer to the Secretary.

(e) ELIGIBLE HOMEBUYER DEFINED.—For purposes of this section an ''eligible homebuyer'' means a first-time homebuyer who has been approved for a home loan with a loan-to-value ratio between 97 percent and 98.5 percent.

(f) REPORT TO CONGRESS.—The Secretary of Housing and Urban Development shall report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representative—

(1) on an annual basis, on the progress and results of the demonstration program established under subsection (a); and

(2) for the period beginning on the date of enactment of this title and ending on the date that is 5 years after such date of enactment, on the payment history and delinquency rates of eligible homebuyers who participated in the demonstration program.

SEC. 2129. FRAUD PREVENTION.

Section 1014 of title 18, United States Code, is amended in the first sentence—

(1) by inserting ''the Federal Housing Administration,'' before ''the Farm Credit Administration''; and

(2) by striking ''commitment, or loan'' and inserting ''commitment, loan, or insurance agreement or application for insurance or a guarantee''.

SEC. 2130. LIMITATION ON MORTGAGE INSURANCE PREMIUM INCREASES.

(a) IN GENERAL.—Notwithstanding any other provision of law, including any provision of this title and any amendment made by this title—

(1) for the period beginning on the date of the enactment of this title and ending on October 1, 2009, the premiums charged for mortgage insurance under multifamily housing programs under the National Housing Act may not be increased above the premium amounts in effect under such program on October 1, 2006, unless the Secretary of Housing and Urban Development determines that, absent such increase, insurance of additional mortgages under such program would, under the Federal Credit Reform Act of 1990, require the appropriation of new budget authority to cover the costs (as such term is defined in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a) of such insurance; and

(2) a premium increase pursuant to paragraph (1) may be made only if not less than 30 days prior to such increase taking effect, the Secretary of Housing and Urban Development—

(A) notifies the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives of such increase; and

(B) publishes notice of such increase in the Federal Register.

(b) WAIVER.—The Secretary of Housing and Urban Development may waive the 30-day notice requirement under subsection (a)(2), if the Secretary determines that waiting 30-days before increasing premiums would cause substantial damage to the solvency of multifamily housing programs under the National Housing Act.

SEC. 2131. SAVINGS PROVISION.

Any mortgage insured under title II of the National Housing Act before the date of enactment of this subtitle shall continue to be governed by

the laws, regulations, orders, and terms and conditions to which it was subject on the day before the date of the enactment of this subtitle.

SEC. 2132. IMPLEMENTATION.

The Secretary of Housing and Urban Development shall by notice establish any additional requirements that may be necessary to immediately carry out the provisions of this subtitle. The notice shall take effect upon issuance.

SEC. 2133. MORATORIUM ON IMPLEMENTATION OF RISK-BASED PREMIUMS.

(a) IN GENERAL.—During the 12-month period beginning on the date of enactment of this Act, the Secretary of Housing and Urban Development shall not enact, execute, or take any action to make effective the planned implementation of risk-based premiums, which are designed for mortgage lenders to offer borrowers an FHA-insured product that provides a range of mortgage insurance premium pricing, based on the risk that the insurance contract represents, as such planned implementation was set forth in the Notice published in the Federal Register on May 13, 2008 (Vol. 73, No. 93, Pages 27703 through 27711)(effective July 14, 2008).

(b) INSURANCE OF MORTGAGES UNDER THE NATIONAL HOUSING ACT.—During the 12-month period beginning on the date of enactment of this Act, the Secretary of Housing and Urban Development shall not enact, execute, or take any action to make effective the implementation of any other new risk-based premium product related to the insurance of any mortgage on a single family residence under title II of the National Housing Act, where the premium price for such new product is based in whole or in part on a borrower's Decision Credit Score, as that term is defined in the Notice described under subsection (a), or any successor thereto.

Subtitle B—Manufactured Housing Loan Modernization

SEC. 2141. SHORT TITLE.

This subtitle may be cited as the ''FHA Manufactured Housing Loan Modernization Act of 2008''.

SEC. 2142. PURPOSES.

The purposes of this subtitle are—

(1) to provide adequate funding for FHA-insured manufactured housing loans for low- and moderate-income homebuyers during all economic cycles in the manufactured housing industry;

(2) to modernize the FHA title I insurance program for manufactured housing loans to enhance participation by Ginnie Mae and the private lending markets; and

(3) to adjust the low loan limits for title I manufactured home loan insurance to reflect the increase in costs since such limits were last increased in 1992 and to index the limits to inflation.

SEC. 2143. EXCEPTION TO LIMITATION ON FINANCIAL INSTITUTION PORTFOLIO.

The second sentence of section 2(a) of the National Housing Act (12 U.S.C. 1703(a)) is amended—

(1) by striking ''In no case'' and inserting ''Other than in connection with a manufactured home or a lot on which to place such a home (or both), in no case''; and

(2) by striking '': Provided, That with'' and inserting ''. With''.

SEC. 2144. INSURANCE BENEFITS.

(a) IN GENERAL.—Subsection (b) of section 2 of the National Housing Act (12 U.S.C. 1703(b)), is amended by adding at the end the following new paragraph:

''(8) INSURANCE BENEFITS FOR MANUFACTURED HOUSING LOANS.—Any contract of insurance with respect to loans, advances of credit, or purchases in connection with a manufactured home or a lot on which to place a manufactured home (or both) for a financial institution that is executed under this title after the date of the enactment of the FHA Manufactured Housing Loan Modernization Act of 2008 by the Secretary shall be conclusive evidence of the eligibility of such financial institution for insurance, and the validity of any contract of insurance so executed shall be incontestable in the hands of the bearer from the date of the execution of such contract, except for fraud or misrepresentation on the part of such institution.''.

(b) APPLICABILITY.—The amendment made by subsection (a) shall only apply to loans that are registered or endorsed for insurance after the date of the enactment of this title.

SEC. 2145. MAXIMUM LOAN LIMITS.

(a) DOLLAR AMOUNTS.—Paragraph (1) of section 2(b) of the National Housing Act (12 U.S.C. 1703(b)(1)) is amended—

(1) in clause (ii) of subparagraph (A), by striking ''$17,500'' and inserting ''$25,090'';

(2) in subparagraph (C) by striking ''$48,600'' and inserting ''$69,678'';

(3) in subparagraph (D) by striking ''$64,800'' and inserting ''$92,904'';

(4) in subparagraph (E) by striking ''$16,200'' and inserting ''$23,226''; and

(5) by realigning subparagraphs (C), (D), and (E) 2 ems to the left so that the left margins of such subparagraphs are aligned with the margins of subparagraphs (A) and (B).

(b) ANNUAL INDEXING.—Subsection (b) of section 2 of the National Housing Act (12 U.S.C. 1703(b)), as amended by the preceding provisions of this title, is further amended by adding at the end the following new paragraph:

''(9) ANNUAL INDEXING OF MANUFACTURED HOUSING LOANS.—The Secretary shall develop a method of indexing in order to annually adjust the loan limits established in subparagraphs (A)(ii), (C), (D), and (E) of this subsection. Such index shall be based on the manufactured housing price data collected by the United States Census Bureau. The Secretary shall establish such index no later than 1 year after the date of the enactment of the FHA Manufactured Housing Loan Modernization Act of 2008.''

(c) TECHNICAL AND CONFORMING CHANGES.—Paragraph (1) of section 2(b) of the National Housing Act (12 U.S.C. 1703(b)(1)) is amended—

(1) by striking ''No'' and inserting ''Except as provided in the last sentence of this paragraph, no''; and

(2) by adding after and below subparagraph (G) the following:

''The Secretary shall, by regulation, annually increase the dollar amount limitations in subparagraphs (A)(ii), (C), (D), and (E) (as such limitations may have been previously adjusted under this sentence) in accordance with the index established pursuant to paragraph (9).''.

SEC. 2146. INSURANCE PREMIUMS.

Subsection (f) of section 2 of the National Housing Act (12 U.S.C. 1703(f)) is amended—

(1) by inserting ''(1) PREMIUM CHARGES.—'' after ''(f)''; and

(2) by adding at the end the following new paragraph:

''(2) MANUFACTURED HOME LOANS.—Notwithstanding paragraph (1), in the case of a loan, advance of credit, or purchase in connection with a manufactured home or a lot on which to place such a home (or both), the premium charge for the insurance granted under this section shall be paid by the borrower under the loan or advance of credit, as follows:

''(A) At the time of the making of the loan, advance of credit, or purchase, a single premium payment in an amount not to exceed 2.25 percent of the amount of the original insured principal obligation.

''(B) In addition to the premium under subparagraph (A), annual premium payments during the term of the loan, advance, or obligation purchased in an amount not exceeding 1.0 percent of the remaining insured principal balance (excluding the portion of the remaining balance attributable to the premium collected under subparagraph (A) and without taking into account delinquent payments or prepayments).

''(C) Premium charges under this paragraph shall be established in amounts that are sufficient, but do not exceed the minimum amounts necessary, to maintain a negative credit subsidy for the program under this section for insurance of loans, advances of credit, or purchases in connection with a manufactured home or a lot on which to place such a home (or both), as determined based upon risk to the Federal Government under existing underwriting requirements.

''(D) The Secretary may increase the limitations on premium payments to percentages above those set forth in subparagraphs (A) and (B), but only if necessary, and not in excess of the minimum increase necessary, to maintain a negative credit subsidy as described in subparagraph (C).''.

SEC. 2147. TECHNICAL CORRECTIONS.

(a) DATES.—Subsection (a) of section 2 of the National Housing Act (12 U.S.C. 1703(a)) is amended—

(1) by striking ''on and after July 1, 1939,'' each place such term appears; and

(2) by striking ''made after the effective date of the Housing Act of 1954''.

(b) AUTHORITY OF SECRETARY.—Subsection (c) of section 2 of the National Housing Act (12 U.S.C. 1703(c)) is amended to read as follows:

''(c) HANDLING AND DISPOSAL OF PROPERTY.—

''(1) AUTHORITY OF SECRETARY.—Notwithstanding any other provision of law, the Secretary may—

''(A) deal with, complete, rent, renovate, modernize, insure, or assign or sell at public or private sale, or otherwise dispose of, for cash or credit in the Secretary's discretion, and upon such terms and conditions and for such consideration as the Secretary shall determine to be reasonable, any real or personal property conveyed to or otherwise acquired by the Secretary, in connection with the payment of insurance heretofore or hereafter granted under this title, including any evidence of debt, contract, claim, personal property, or security assigned to or held by him in connection with the payment of insurance heretofore or hereafter granted under this section; and

''(B) pursue to final collection, by way of compromise or otherwise, all claims assigned to or held by the Secretary and all legal or equitable rights accruing to the Secretary in connection with the payment of such insurance, including unpaid insurance premiums owed in connection with insurance made available by this title.

''(2) ADVERTISEMENTS FOR PROPOSALS.—Section 3709 of the Revised Statutes shall not be construed to apply to any contract of hazard insurance or to any purchase or contract for services or supplies on account of such property if the amount thereof does not exceed $25,000.

''(3) DELEGATION OF AUTHORITY.—The power to convey and to execute in the name of the Secretary, deeds of conveyance, deeds of release, assignments and satisfactions of mortgages, and any other written instrument relating to real or personal property or any interest therein heretofore or hereafter acquired by the Secretary pursuant to the provisions of this title may be exercised by an officer appointed by the Secretary without the execution of any express delegation of power or power of attorney. Nothing in this subsection shall be construed to prevent the Secretary from delegating such power by order or by power of attorney, in the Secretary's discretion, to any officer or agent the Secretary may appoint.''.

SEC. 2148. REVISION OF UNDERWRITING CRITERIA.

(a) IN GENERAL.—Subsection (b) of section 2 of the National Housing Act (12 U.S.C. 1703(b)), as amended by the preceding provisions of this title, is further amended by adding at the end the following new paragraph:

''(10) FINANCIAL SOUNDNESS OF MANUFACTURED HOUSING PROGRAM.—The Secretary shall establish such underwriting criteria for loans and advances of credit in connection with a manufactured home or a lot on which to place a manufactured home (or both), including such loans and advances represented by obligations

purchased by financial institutions, as may be necessary to ensure that the program under this title for insurance for financial institutions against losses from such loans, advances of credit, and purchases is financially sound.''.

(b) TIMING.—Not later than the expiration of the 6-month period beginning on the date of the enactment of this title, the Secretary of Housing and Urban Development shall revise the existing underwriting criteria for the program referred to in paragraph (10) of section 2(b) of the National Housing Act (as added by subsection (a) of this section) in accordance with the requirements of such paragraph.

SEC. 2149. PROHIBITION AGAINST KICKBACKS AND UNEARNED FEES.

Title I of the National Housing Act is amended by adding at the end of section 9 the following new section:

''SEC. 10. PROHIBITION AGAINST KICKBACKS AND UNEARNED FEES.

''(a) IN GENERAL.—Except as provided in subsection (b), the provisions of sections 3, 8, 16, 17, 18, and 19 of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2601 et seq.) shall apply to each sale of a manufactured home financed with an FHA-insured loan or extension of credit, as well as to services rendered in connection with such transactions.

''(b) AUTHORITY OF THE SECRETARY.—The Secretary is authorized to determine the manner and extent to which the provisions of sections 3, 8, 16, 17, 18, and 19 of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2601 et seq.) may reasonably be applied to the transactions described in subsection (a), and to grant such exemptions as may be necessary to achieve the purposes of this section.

''(c) DEFINITIONS.—For purposes of this section—

''(1) the term 'federally related mortgage loan' as used in sections 3, 8, 16, 17, 18, and 19 of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2601 et seq.) shall include an FHA-insured loan or extension of credit made to a borrower for the purpose of purchasing a manufactured home that the borrower intends to occupy as a personal residence; and

''(2) the term 'real estate settlement service' as used in sections 3, 8, 16, 17, 18, and 19 of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2601 et seq.) shall include any service rendered in connection with a loan or extension of credit insured by the Federal Housing Administration for the purchase of a manufactured home.

''(d) UNFAIR AND DECEPTIVE PRACTICES.—In connection with the purchase of a manufactured home financed with a loan or extension of credit insured by the Federal Housing Administration under this title, the Secretary shall prohibit acts or practices in connection with loans or extensions of credit that the Secretary finds to be unfair, deceptive, or otherwise not in the interests of the borrower.''.

SEC. 2150. LEASEHOLD REQUIREMENTS.

Subsection (b) of section 2 of the National Housing Act (12 U.S.C. 1703(b)), as amended by the preceding provisions of this title, is further amended by adding at the end the following new paragraph:

''(11) LEASEHOLD REQUIREMENTS.—No insurance shall be granted under this section to any such financial institution with respect to any obligation representing any such loan, advance of credit, or purchase by it, made for the purposes of financing a manufactured home which is intended to be situated in a manufactured home community pursuant to a lease, unless such lease—

''(A) expires not less than 3 years after the origination date of the obligation;

''(B) is renewable upon the expiration of the original 3 year term by successive 1 year terms; and

''(C) requires the lessor to provide the lessee written notice of termination of the lease not less than 180 days prior to the expiration of the current lease term in the event the lessee is required to move due to the closing of the manufactured home community, and further provides that failure to provide such notice to the mortgagor in a timely manner will cause the lease term, at its expiration, to automatically renew for an additional 1 year term.''.

TITLE II—MORTGAGE FORECLOSURE PROTECTIONS FOR SERVICEMEMBERS

SEC. 2201. TEMPORARY INCREASE IN MAXIMUM LOAN GUARANTY AMOUNT FOR CERTAIN HOUSING LOANS GUARANTEED BY THE SECRETARY OF VETERANS AFFAIRS.

Notwithstanding subparagraph (C) of section 3703(a)(1) of title 38, United States Code, for purposes of any loan described in subparagraph (A)(i)(IV) of such section that is originated during the period beginning on the date of the enactment of this Act and ending on December 31, 2008, the term ''maximum guaranty amount'' shall mean an amount equal to 25 percent of the higher of—

(1) the limitation determined under section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1454(a)(2)) for the calendar year in which the loan is originated for a single-family residence; or

(2) 125 percent of the area median price for a single-family residence, but in no case to exceed 175 percent of the limitation determined under such section 305(a)(2) for the calendar year in which the loan is originated for a single-family residence.

SEC. 2202. COUNSELING ON MORTGAGE FORECLOSURES FOR MEMBERS OF THE ARMED FORCES RETURNING FROM SERVICE ABROAD.

(a) IN GENERAL.—The Secretary of Defense shall develop and implement a program to advise members of the Armed Forces (including members of the National Guard and Reserve) who are returning from service on active duty abroad (including service in Operation Iraqi Freedom and Operation Enduring Freedom) on actions to be taken by such members to prevent or forestall mortgage foreclosures.

(b) ELEMENTS.—The program required by subsection (a) shall include the following:

(1) Credit counseling.

(2) Home mortgage counseling.

(3) Such other counseling and information as the Secretary considers appropriate for purposes of the program.

(c) TIMING OF PROVISION OF COUNSELING.—Counseling and other information under the program required by subsection (a) shall be provided to a member of the Armed Forces covered by the program as soon as practicable after the return of the member from service as described in subsection (a).

SEC. 2203. ENHANCEMENT OF PROTECTIONS FOR SERVICEMEMBERS RELATING TO MORTGAGES AND MORTGAGE FORECLOSURES.

(a) EXTENSION OF PERIOD OF PROTECTIONS AGAINST MORTGAGE FORECLOSURES.—

(1) EXTENSION OF PROTECTION PERIOD.—Subsection (c) of section 303 of the Servicemembers Civil Relief Act (50 U.S.C. App. 533) is amended by striking ''90 days'' and inserting ''9 months''.

(2) EXTENSION OF STAY OF PROCEEDINGS PERIOD.—Subsection (b) of such section is amended by striking ''90 days'' and inserting ''9 months''.

(b) TREATMENT OF MORTGAGES AS OBLIGATIONS SUBJECT TO INTEREST RATE LIMITATION.—Section 207 of the Servicemembers Civil Relief Act (50 U.S.C. App. 527) is amended—

(1) in subsection (a)(1), by striking ''in excess of 6 percent'' the second place it appears and all that follows and inserting ''in excess of 6 percent—

''(A) during the period of military service and one year thereafter, in the case of an obligation or liability consisting of a mortgage, trust deed, or other security in the nature of a mortgage; or

''(B) during the period of military service, in the case of any other obligation or liability.''; and

(2) by striking subsection (d) and inserting the following new subsection:

''(d) DEFINITIONS.—In this section:

''(1) INTEREST.—The term 'interest' includes service charges, renewal charges, fees, or any other charges (except bona fide insurance) with respect to an obligation or liability.

''(2) OBLIGATION OR LIABILITY.—The term 'obligation or liability' includes an obligation or liability consisting of a mortgage, trust deed, or other security in the nature of a mortgage.''.

(c) EFFECTIVE DATE; SUNSET.—

(1) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of enactment of this Act.

(2) SUNSET.—The amendments made by subsection (a) shall expire on December 31, 2010. Effective January 1, 2011, the provisions of subsections (b) and (c) of section 303 of the Servicemembers Civil Relief Act, as in effect on the day before the date of the enactment of this Act, are hereby revived.

TITLE III—EMERGENCY ASSISTANCE FOR THE REDEVELOPMENT OF ABANDONED AND FORECLOSED HOMES

SEC. 2301. EMERGENCY ASSISTANCE FOR THE REDEVELOPMENT OF ABANDONED AND FORECLOSED HOMES.

(a) DIRECT APPROPRIATIONS.—There are appropriated out of any money in the Treasury not otherwise appropriated for the fiscal year 2008, $4,000,000,000, to remain available until expended, for assistance to States and units of general local government (as such terms are defined in section 102 of the Housing and Community Development Act of 1974 (42 U.S.C. 5302)) for the redevelopment of abandoned and foreclosed upon homes and residential properties.

(b) ALLOCATION OF APPROPRIATED AMOUNTS.—

(1) IN GENERAL.—The amounts appropriated or otherwise made available to States and units of general local government under this section shall be allocated based on a funding formula established by the Secretary of Housing and Urban Development (in this title referred to as the ''Secretary'').

(2) FORMULA TO BE DEVISED SWIFTLY.—The funding formula required under paragraph (1) shall be established not later than 60 days after the date of enactment of this section.

(3) CRITERIA.—The funding formula required under paragraph (1) shall ensure that any amounts appropriated or otherwise made available under this section are allocated to States and units of general local government with the greatest need, as such need is determined in the discretion of the Secretary based on—

(A) the number and percentage of home foreclosures in each State or unit of general local government;

(B) the number and percentage of homes financed by a subprime mortgage related loan in each State or unit of general local government; and

(C) the number and percentage of homes in default or delinquency in each State or unit of general local government.

(4) DISTRIBUTION.—Amounts appropriated or otherwise made available under this section shall be distributed according to the funding formula established by the Secretary under paragraph (1) not later than 30 days after the establishment of such formula.

(c) USE OF FUNDS.—

(1) IN GENERAL.—Any State or unit of general local government that receives amounts pursuant to this section shall, not later than 18 months after the receipt of such amounts, use such amounts to purchase and redevelop abandoned and foreclosed homes and residential properties.

(2) PRIORITY.—Any State or unit of general local government that receives amounts pursuant to this section shall in distributing such amounts give priority emphasis and consideration to those metropolitan areas, metropolitan cities, urban areas, rural areas, low- and moderate-income areas, and other areas with the greatest need, including those—

(A) with the greatest percentage of home foreclosures;

(B) with the highest percentage of homes financed by a subprime mortgage related loan; and

(C) identified by the State or unit of general local government as likely to face a significant rise in the rate of home foreclosures.

(3) ELIGIBLE USES.—Amounts made available under this section may be used to—

(A) establish financing mechanisms for purchase and redevelopment of foreclosed upon homes and residential properties, including such mechanisms as soft-seconds, loan loss reserves, and shared-equity loans for low- and moderate-income homebuyers;

(B) purchase and rehabilitate homes and residential properties that have been abandoned or foreclosed upon, in order to sell, rent, or redevelop such homes and properties;

(C) establish land banks for homes that have been foreclosed upon;

(D) demolish blighted structures; and

(E) redevelop demolished or vacant properties.

(d) LIMITATIONS.—

(1) ON PURCHASES.—Any purchase of a foreclosed upon home or residential property under this section shall be at a discount from the current market appraised value of the home or property, taking into account its current condition, and such discount shall ensure that purchasers are paying below-market value for the home or property.

(2) SALE OF HOMES.—If an abandoned or foreclosed upon home or residential property is purchased, redeveloped, or otherwise sold to an individual as a primary residence, then such sale shall be in an amount equal to or less than the cost to acquire and redevelop or rehabilitate such home or property up to a decent, safe, and habitable condition.

(3) REINVESTMENT OF PROFITS.—

(A) PROFITS FROM SALES, RENTALS, AND REDEVELOPMENT.—

(i) 5-YEAR REINVESTMENT PERIOD.—During the 5-year period following the date of enactment of this Act, any revenue generated from the sale, rental, redevelopment, rehabilitation, or any other eligible use that is in excess of the cost to acquire and redevelop (including reasonable development fees) or rehabilitate an abandoned or foreclosed upon home or residential property shall be provided to and used by the State or unit of general local government in accordance with, and in furtherance of, the intent and provisions of this section.

(ii) DEPOSITS IN THE TREASURY.—

(I) PROFITS.—Upon the expiration of the 5-year period set forth under clause (i), any revenue generated from the sale, rental, redevelopment, rehabilitation, or any other eligible use that is in excess of the cost to acquire and redevelop (including reasonable development fees) or rehabilitate an abandoned or foreclosed upon home or residential property shall be deposited in the Treasury of the United States as miscellaneous receipts, unless the Secretary approves a request to use the funds for purposes under this Act.

(II) OTHER AMOUNTS.—Upon the expiration of the 5-year period set forth under clause (i), any other revenue not described under subclause (I) generated from the sale, rental, redevelopment, rehabilitation, or any other eligible use of an abandoned or foreclosed upon home or residential property shall be deposited in the Treasury of the United States as miscellaneous receipts.

(B) OTHER REVENUES.—Any revenue generated under subparagraphs (A), (C) or (D) of subsection (c)(3) shall be provided to and used by the State or unit of general local government in accordance with, and in furtherance of, the intent and provisions of this section.

(e) RULES OF CONSTRUCTION.—

(1) IN GENERAL.—Except as otherwise provided by this section, amounts appropriated, revenues generated, or amounts otherwise made available to States and units of general local government under this section shall be treated as though such funds were community development block grant funds under title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.).

(2) NO MATCH.—No matching funds shall be required in order for a State or unit of general local government to receive any amounts under this section.

(f) AUTHORITY TO SPECIFY ALTERNATIVE REQUIREMENTS.—

(1) IN GENERAL.—In administering any amounts appropriated or otherwise made available under this section, the Secretary may specify alternative requirements to any provision under title I of the Housing and Community Development Act of 1974 (except for those related to fair housing, nondiscrimination, labor standards, and the environment) in accordance with the terms of this section and for the sole purpose of expediting the use of such funds.

(2) NOTICE.—The Secretary shall provide written notice of its intent to exercise the authority to specify alternative requirements under paragraph (1) to the Committee on Banking, Housing and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives not later than 10 business days before such exercise of authority is to occur.

(3) LOW AND MODERATE INCOME REQUIREMENT.—

(A) IN GENERAL.—Notwithstanding the authority of the Secretary under paragraph (1)—

(i) all of the funds appropriated or otherwise made available under this section shall be used with respect to individuals and families whose income does not exceed 120 percent of area median income; and

(ii) not less than 25 percent of the funds appropriated or otherwise made available under this section shall be used for the purchase and redevelopment of abandoned or foreclosed upon homes or residential properties that will be used to house individuals or families whose incomes do not exceed 50 percent of area median income.

(B) RECURRENT REQUIREMENT.—The Secretary shall, by rule or order, ensure, to the maximum extent practicable and for the longest feasible term, that the sale, rental, or redevelopment of abandoned and foreclosed upon homes and residential properties under this section remain affordable to individuals or families described in subparagraph (A).

(g) PERIODIC AUDITS.—In consultation with the Secretary of Housing and Urban Development, the Comptroller General of the United States shall conduct periodic audits to ensure that funds appropriated, made available, or otherwise distributed under this section are being used in a manner consistent with the criteria provided in this section.

SEC. 2302. NATIONWIDE DISTRIBUTION OF RESOURCES.

Notwithstanding any other provision of this Act or the amendments made by this Act, each State shall receive not less than 0.5 percent of funds made available under section 2301 (relating to emergency assistance for the redevelopment of abandoned and foreclosed homes).

SEC. 2303. LIMITATION ON USE OF FUNDS WITH RESPECT TO EMINENT DOMAIN.

No State or unit of general local government may use any amounts received pursuant to section 2301 to fund any project that seeks to use the power of eminent domain, unless eminent domain is employed only for a public use: Provided, That for purposes of this section, public use shall not be construed to include economic development that primarily benefits private entities.

SEC. 2304. LIMITATION ON DISTRIBUTION OF FUNDS.

(a) IN GENERAL.—None of the funds made available under this title or title IV shall be distributed to—

(1) an organization which has been indicted for a violation under Federal law relating to an election for Federal office; or

(2) an organization which employs applicable individuals.

(b) APPLICABLE INDIVIDUALS DEFINED.—In this section, the term ''applicable individual'' means an individual who—

(1) is—

(A) employed by the organization in a permanent or temporary capacity;

(B) contracted or retained by the organization; or

(C) acting on behalf of, or with the express or apparent authority of, the organization; and

(2) has been indicted for a violation under Federal law relating to an election for Federal office.

SEC. 2305. COUNSELING INTERMEDIARIES.

Notwithstanding any other provision of this Act, the amount appropriated under section 2301(a) of this Act shall be $3,920,000,000 and the amount appropriated under section 2401 of this Act shall be $180,000,000: Provided, That of amounts appropriated under such section 2401 $30,000,000 shall be used by the Neighborhood Reinvestment Corporation (referred to in this section as the ''NRC'') to make grants to counseling intermediaries approved by the Department of Housing and Urban Development or the NRC to hire attorneys to assist homeowners who have legal issues directly related to the homeowner's foreclosure, delinquency or short sale. Such attorneys shall be capable of assisting homeowners of owner-occupied homes with mortgages in default, in danger of default, or subject to or at risk of foreclosure and who have legal issues that cannot be handled by counselors already employed by such intermediaries: Provided, That of the amounts provided for in the prior provisos the NRC shall give priority consideration to counseling intermediaries and legal organizations that (1) provide legal assistance in the 100 metropolitan statistical areas (as defined by the Director of the Office of Management and Budget) with the highest home foreclosure rates, and (2) have the capacity to begin using the financial assistance within 90 days after receipt of the assistance: Provided further, That no funds provided under this Act shall be used to provide, obtain, or arrange on behalf of a homeowner, legal representation involving or for the purposes of civil litigation.

TITLE IV—HOUSING COUNSELING RESOURCES

SEC. 2401. HOUSING COUNSELING RESOURCES.

There are appropriated out of any money in the Treasury not otherwise appropriated for the fiscal year 2008, for an additional amount for the ''Neighborhood Reinvestment Corporation—Payment to the Neighborhood Reinvestment Corporation'' $100,000,000, to remain available until September 30, 2008, for foreclosure mitigation activities under the terms and conditions contained in the second undesignated paragraph (beginning with the phrase ''For an additional amount'') under the heading ''Neighborhood Reinvestment Corporation—Payment to the Neighborhood Reinvestment Corporation'' of Public Law 110–161.

SEC. 2402. CREDIT COUNSELING.

(a) IN GENERAL.—Entities approved by the Neighborhood Reinvestment Corporation or the Secretary and State housing finance entities receiving funds under this title shall work to identify and coordinate with non-profit organizations operating national or statewide toll-free foreclosure prevention hotlines, including those that—

(1) serve as a consumer referral source and data repository for borrowers experiencing some form of delinquency or foreclosure;

(2) connect callers with local housing counseling agencies approved by the Neighborhood Reinvestment Corporation or the Secretary to assist with working out a positive resolution to their mortgage delinquency or foreclosure; or

(3) facilitate or offer free assistance to help homeowners to understand their options, negotiate solutions, and find the best resolution for their particular circumstances.

TITLE V—MORTGAGE DISCLOSURE IMPROVEMENT ACT

SEC. 2501. SHORT TITLE.

This title may be cited as the ''Mortgage Disclosure Improvement Act of 2008''.

SEC. 2502. ENHANCED MORTGAGE LOAN DISCLOSURES.

(a) TRUTH IN LENDING ACT DISCLOSURES.—Section 128(b)(2) of the Truth in Lending Act (15 U.S.C. 1638(b)(2)) is amended—

(1) by inserting ''(A)'' before ''In the'';

(2) by striking ''a residential mortgage transaction, as defined in section 103(w)'' and inserting ''any extension of credit that is secured by the dwelling of a consumer'';

(3) by striking ''before the credit is extended, or'';

(4) by inserting '', which shall be at least 7 business days before consummation of the transaction'' after ''written application'';

(5) by striking '', whichever is earlier''; and

(6) by striking ''If the'' and all that follows through the end of the paragraph and inserting the following:

''(B) In the case of an extension of credit that is secured by the dwelling of a consumer, the disclosures provided under subparagraph (A), shall be in addition to the other disclosures required by subsection (a), and shall—

''(i) state in conspicuous type size and format, the following: 'You are not required to complete this agreement merely because you have received these disclosures or signed a loan application.'; and

''(ii) be provided in the form of final disclosures at the time of consummation of the transaction, in the form and manner prescribed by this section.

''(C) In the case of an extension of credit that is secured by the dwelling of a consumer, under which the annual rate of interest is variable, or with respect to which the regular payments may otherwise be variable, in addition to the other disclosures required by subsection (a), the disclosures provided under this subsection shall do the following:

''(i) Label the payment schedule as follows: 'Payment Schedule: Payments Will Vary Based on Interest Rate Changes'.

''(ii) State in conspicuous type size and format examples of adjustments to the regular required payment on the extension of credit based on the change in the interest rates specified by the contract for such extension of credit. Among the examples required to be provided under this clause is an example that reflects the maximum payment amount of the regular required payments on the extension of credit, based on the maximum interest rate allowed under the contract, in accordance with the rules of the Board. Prior to issuing any rules pursuant to this clause, the Board shall conduct consumer testing to determine the appropriate format for providing the disclosures required under this subparagraph to consumers so that such disclosures can be easily understood, including the fact that the initial regular payments are for a specific time period that will end on a certain date, that payments will adjust afterwards potentially to a higher amount, and that there is no guarantee that the borrower will be able to refinance to a lower amount.

''(D) In any case in which the disclosure statement under subparagraph (A) contains an annual percentage rate of interest that is no longer accurate, as determined under section 107(c), the creditor shall furnish an additional, corrected statement to the borrower, not later than 3 business days before the date of consummation of the transaction.

''(E) The consumer shall receive the disclosures required under this paragraph before paying any fee to the creditor or other person in connection with the consumer's application for an extension of credit that is secured by the dwelling of a consumer. If the disclosures are mailed to the consumer, the consumer is considered to have received them 3 business days after they are mailed. A creditor or other person may impose a fee for obtaining the consumer's credit report before the consumer has received the disclosures under this paragraph, provided the fee is bona fide and reasonable in amount.

''(F) WAIVER OF TIMELINESS OF DISCLOSURES.—To expedite consummation of a transaction, if the consumer determines that the extension of credit is needed to meet a bona fide personal financial emergency, the consumer may waive or modify the timing requirements for disclosures under subparagraph (A), provided that—

''(i) the term 'bona fide personal emergency' may be further defined in regulations issued by the Board;

''(ii) the consumer provides to the creditor a dated, written statement describing the emergency and specifically waiving or modifying those timing requirements, which statement shall bear the signature of all consumers entitled to receive the disclosures required by this paragraph; and

''(iii) the creditor provides to the consumers at or before the time of such waiver or modification, the final disclosures required by paragraph (1).

''(G) The requirements of subparagraphs (B), (C), (D) and (E) shall not apply to extensions of credit relating to plans described in section 101(53D) of title 11, United States Code.''.

(b) CIVIL LIABILITY.—Section 130(a) of the Truth in Lending Act (15 U.S.C. 1640(a)) is amended—

(1) in paragraph (2)(A)(iii), by striking ''not less than $200 or greater than $2,000'' and inserting ''not less than $400 or greater than $4,000''; and

(2) in the penultimate sentence of the undesignated matter following paragraph (4)—

(A) by inserting ''or section 128(b)(2)(C)(ii),'' after ''128(a),''; and

(B) by inserting ''or section 128(b)(2)(C)(ii)'' before the period.

(c) EFFECTIVE DATES.—

(1) GENERAL DISCLOSURES.—Except as provided in paragraph (2), the amendments made by subsection (a) shall become effective 12 months after the date of enactment of this Act.

(2) VARIABLE INTEREST RATES.—Subparagraph (C) of section 128(b)(2) of the Truth in Lending Act (15 U.S.C. 1638(b)(2)(C)), as added by subsection (a) of this section, shall become effective on the earlier of—

(A) the compliance date established by the Board for such purpose, by regulation; or

(B) 30 months after the date of enactment of this Act.

SEC. 2503. COMMUNITY DEVELOPMENT INVESTMENT AUTHORITY FOR DEPOSITORY INSTITUTIONS.

(a) NATIONAL BANKS.—The first sentence of the paragraph designated as the ''Eleventh'' of section 5136 of the Revised Statutes of the United States (12 U.S.C. 24) is amended by striking ''promotes the public welfare by benefitting primarily'' and inserting ''is designed primarily to promote the public welfare, including the welfare of''.

(b) STATE MEMBER BANKS.—The first sentence of the 23rd paragraph of section 9 of the Federal Reserve Act (12 U.S.C. 338a) is amended by striking ''promotes the public welfare by benefitting primarily'' and inserting ''is designed primarily to promote the public welfare, including the welfare of''.

TITLE VI—VETERANS HOUSING MATTERS

SEC. 2601. HOME IMPROVEMENTS AND STRUCTURAL ALTERATIONS FOR TOTALLY DISABLED MEMBERS OF THE ARMED FORCES BEFORE DISCHARGE OR RELEASE FROM THE ARMED FORCES.

Section 1717 of title 38, United States Code, is amended by adding at the end the following new subsection:

''(d)(1) In the case of a member of the Armed Forces who, as determined by the Secretary, has a disability permanent in nature incurred or aggravated in the line of duty in the active military, naval, or air service, the Secretary may furnish improvements and structural alterations for such member for such disability or as otherwise described in subsection (a)(2) while such member is hospitalized or receiving outpatient medical care, services, or treatment for such disability if the Secretary determines that such member is likely to be discharged or released from the Armed Forces for such disability.

''(2) The furnishing of improvements and alterations under paragraph (1) in connection with the furnishing of medical services described in subparagraph (A) or (B) of subsection (a)(2) shall be subject to the limitation specified in the applicable subparagraph.''.

SEC. 2602. ELIGIBILITY FOR SPECIALLY ADAPTED HOUSING BENEFITS AND ASSISTANCE FOR MEMBERS OF THE ARMED FORCES WITH SERVICE-CONNECTED DISABILITIES AND INDIVIDUALS RESIDING OUTSIDE THE UNITED STATES.

(a) ELIGIBILITY.—Chapter 21 of title 38, United States Code, is amended by inserting after section 2101 the following new section:

''§2101A. Eligibility for benefits and assistance: members of the Armed Forces with service-connected disabilities; individuals residing outside the United States

''(a) MEMBERS WITH SERVICE-CONNECTED DISABILITIES.—(1) The Secretary may provide assistance under this chapter to a member of the Armed Forces serving on active duty who is suffering from a disability that meets applicable criteria for benefits under this chapter if the disability is incurred or aggravated in line of duty in the active military, naval, or air service. Such assistance shall be provided to the same extent as assistance is provided under this chapter to veterans eligible for assistance under this chapter and subject to the same requirements as veterans under this chapter.

''(2) For purposes of this chapter, any reference to a veteran or eligible individual shall be treated as a reference to a member of the Armed Forces described in subsection (a) who is similarly situated to the veteran or other eligible individual so referred to.

''(b) BENEFITS AND ASSISTANCE FOR INDIVIDUALS RESIDING OUTSIDE THE UNITED STATES.—(1) Subject to paragraph (2), the Secretary may, at the Secretary's discretion, provide benefits and assistance under this chapter (other than benefits under section 2106 of this title) to any individual otherwise eligible for such benefits and assistance who resides outside the United States.

''(2) The Secretary may provide benefits and assistance to an individual under paragraph (1) only if—

''(A) the country or political subdivision in which the housing or residence involved is or will be located permits the individual to have or acquire a beneficial property interest (as determined by the Secretary) in such housing or residence; and

''(B) the individual has or will acquire a beneficial property interest (as so determined) in such housing or residence.

''(c) REGULATIONS.—Benefits and assistance under this chapter by reason of this section shall be provided in accordance with such regulations as the Secretary may prescribe.''.

(b) CONFORMING AMENDMENTS.—

(1) REPEAL OF SUPERSEDED AUTHORITY.—Section 2101 of title 38, United States Code, is amended—

(A) by striking subsection (c); and

(B) by redesignating subsection (d) as subsection (c).

(2) LIMITATIONS ON ASSISTANCE.—Section 2102 of title 38, United States Code, is amended—

(A) in subsection (a)—

(i) by striking ''veteran'' each place it appears and inserting ''individual''; and

(ii) in paragraph (3), by striking ''veteran's'' and inserting ''individual's'';

(B) in subsection (b)(1), by striking ''a veteran'' and inserting ''an individual'';

(C) in subsection (c)—

(i) by striking ''a veteran'' and inserting ''an individual''; and

(ii) by striking ''the veteran'' each place it appears and inserting ''the individual''; and

(D) in subsection (d), by striking ''a veteran'' each place it appears and inserting ''an individual''.

(3) ASSISTANCE FOR INDIVIDUALS TEMPORARILY RESIDING IN HOUSING OF FAMILY MEMBER.—Section 2102A of title 38, United States Code, is amended—

(A) by striking ''veteran'' each place it appears (other than in subsection (b)) and inserting ''individual'';

(B) in subsection (a), by striking ''veteran's'' each place it appears and inserting ''individual's''; and

(C) in subsection (b), by striking ''a veteran'' each place it appears and inserting ''an individual''.

(4) FURNISHING OF PLANS AND SPECIFICATIONS.—Section 2103 of title 38, United States Code, is amended by striking ''veterans'' both places it appears and inserting ''individuals''.

(5) CONSTRUCTION OF BENEFITS.—Section 2104 of title 38, United States Code, is amended—

(A) in subsection (a), by striking ''veteran'' each place it appears and inserting ''individual''; and

(B) in subsection (b)—

(i) in the first sentence, by striking ''A veteran'' and inserting ''An individual'';

(ii) in the second sentence, by striking ''a veteran'' and inserting ''an individual''; and

(iii) by striking ''such veteran'' each place it appears and inserting ''such individual''.

(6) VETERANS' MORTGAGE LIFE INSURANCE.—Section 2106 of title 38, United States Code, is amended—

(A) in subsection (a)—

(i) by striking ''any eligible veteran'' and inserting ''any eligible individual''; and

(ii) by striking ''the veterans'' '' and inserting ''the individual's'';

(B) in subsection (b), by striking ''an eligible veteran'' and inserting ''an eligible individual'';

(C) in subsection (e), by striking ''an eligible veteran'' and inserting ''an individual'';

(D) in subsection (h), by striking ''each veteran'' and inserting ''each individual'';

(E) in subsection (i), by striking ''the veteran's'' each place it appears and inserting ''the individual's'';

(F) by striking ''the veteran'' each place it appears and inserting ''the individual''; and

(G) by striking ''a veteran'' each place it appears and inserting ''an individual''.

(7) HEADING AMENDMENTS.—(A) The heading of section 2101 of title 38, United States Code, is amended to read as follows:

''§2101. Acquisition and adaptation of housing: eligible veterans''.

(B) The heading of section 2102A of such title is amended to read as follows:

''§2102A. Assistance for individuals residing temporarily in housing owned by a family member''.

(8) CLERICAL AMENDMENTS.—The table of sections at the beginning of chapter 21 of title 38, United States Code, is amended—

(A) by striking the item relating to section 2101 and inserting the following new item:

''2101. Acquisition and adaptation of housing: eligible veterans.'';

(B) by inserting after the item relating to section 2101, as so amended, the following new item:

''2101A. Eligibility for benefits and assistance: members of the Armed Forces with service-connected disabilities; individuals residing outside the United States.'';

and

(C) by striking the item relating to section 2102A and inserting the following new item:

''2102A. Assistance for individuals residing temporarily in housing owned by a family member.''.

SEC. 2603. SPECIALLY ADAPTED HOUSING ASSISTANCE FOR INDIVIDUALS WITH SEVERE BURN INJURIES.

Section 2101 of title 38, United States Code, is amended—

(1) in subsection (a)(2), by adding at the end the following new subparagraph:

''(E) The disability is due to a severe burn injury (as determined pursuant to regulations prescribed by the Secretary).''; and

(2) in subsection (b)(2)—

(A) by striking ''either'' and inserting ''any''; and

(B) by adding at the end the following new subparagraph:

''(C) The disability is due to a severe burn injury (as so determined).''.

SEC. 2604. EXTENSION OF ASSISTANCE FOR INDIVIDUALS RESIDING TEMPORARILY IN HOUSING OWNED BY A FAMILY MEMBER.

Section 2102A(e) of title 38, United States Code, is amended by striking ''after the end of the five-year period that begins on the date of the enactment of the Veterans' Housing Opportunity and Benefits Improvement Act of 2006'' and inserting ''after December 31, 2011''.

SEC. 2605. INCREASE IN SPECIALLY ADAPTED HOUSING BENEFITS FOR DISABLED VETERANS.

(a) IN GENERAL.—Section 2102 of title 38, United States Code, is amended—

(1) in subsection (b)(2), by striking ''$10,000'' and inserting ''$12,000'';

(2) in subsection (d)—

(A) in paragraph (1), by striking ''$50,000'' and inserting ''$60,000''; and

(B) in paragraph (2), by striking ''$10,000'' and inserting ''$12,000''; and

(3) by adding at the end the following new subsection:

''(e)(1) Effective on October 1 of each year (beginning in 2009), the Secretary shall increase the amounts described in subsection (b)(2) and paragraphs (1) and (2) of subsection (d) in accordance with this subsection.

''(2) The increase in amounts under paragraph (1) to take effect on October 1 of a year shall be by an amount of such amounts equal to the percentage by which—

''(A) the residential home cost-of-construction index for the preceding calendar year, exceeds

''(B) the residential home cost-of-construction index for the year preceding the year described in subparagraph (A).

''(3) The Secretary shall establish a residential home cost-of-construction index for the purposes of this subsection. The index shall reflect a uniform, national average change in the cost of residential home construction, determined on a calendar year basis. The Secretary may use an index developed in the private sector that the Secretary determines is appropriate for purposes of this subsection.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on July 1, 2008, and shall apply with respect to payments made in accordance with section 2102 of title 38, United States Code, on or after that date.

SEC. 2606. REPORT ON SPECIALLY ADAPTED HOUSING FOR DISABLED INDIVIDUALS.

(a) IN GENERAL.—Not later than December 31, 2008, the Secretary of Veterans Affairs shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report that contains an assessment of the adequacy of the authorities available to the Secretary under law to assist eligible disabled individuals in acquiring—

(1) suitable housing units with special fixtures or movable facilities required for their disabilities, and necessary land therefor;

(2) such adaptations to their residences as are reasonably necessary because of their disabilities; and

(3) residences already adapted with special features determined by the Secretary to be reasonably necessary as a result of their disabilities.

(b) FOCUS ON PARTICULAR DISABILITIES.—The report required by subsection (a) shall set forth a specific assessment of the needs of—

(1) veterans who have disabilities that are not described in subsections (a)(2) and (b)(2) of section 2101 of title 38, United States Code; and

(2) other disabled individuals eligible for specially adapted housing under chapter 21 of such title by reason of section 2101A of such title (as added by section 2602(a) of this Act) who have disabilities that are not described in such subsections.

SEC. 2607. REPORT ON SPECIALLY ADAPTED HOUSING ASSISTANCE FOR INDIVIDUALS WHO RESIDE IN HOUSING OWNED BY A FAMILY MEMBER ON PERMANENT BASIS.

Not later than December 31, 2008, the Secretary of Veterans Affairs shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the advisability of providing assistance under section 2102A of title 38, United States Code, to veterans described in subsection (a) of such section, and to members of the Armed Forces covered by such section 2102A by reason of section 2101A of title 38, United States Code (as added by section 2602(a) of this Act), who reside with family members on a permanent basis.

SEC. 2608. DEFINITION OF ANNUAL INCOME FOR PURPOSES OF SECTION 8 AND OTHER PUBLIC HOUSING PROGRAMS.

Section 3(b)(4) of the United States Housing Act of 1937 (42 U.S.C. 1437a(3)(b)(4)) is amended by inserting ''or any deferred Department of Veterans Affairs disability benefits that are received in a lump sum amount or in prospective monthly amounts'' before ''may not be considered''.

SEC. 2609. PAYMENT OF TRANSPORTATION OF BAGGAGE AND HOUSEHOLD EFFECTS FOR MEMBERS OF THE ARMED FORCES WHO RELOCATE DUE TO FORECLOSURE OF LEASED HOUSING.

Section 406 of title 37, United States Code, is amended—

(1) by redesignating subsections (k) and (l) as subsections (l) and (m), respectively; and

(2) by inserting after subsection (j) the following new subsection (k):

''(k) A member of the armed forces who relocates from leased or rental housing by reason of the foreclosure of such housing is entitled to transportation of baggage and household effects under subsection (b)(1) in the same manner, and subject to the same conditions and limitations, as similarly circumstanced members entitled to transportation of baggage and household effects under that subsection.''.

TITLE VII—SMALL PUBLIC HOUSING AUTHORITIES PAPERWORK REDUCTION ACT

SEC. 2701. SHORT TITLE.

This title may be cited as the ''Small Public Housing Authorities Paperwork Reduction Act''.

SEC. 2702. PUBLIC HOUSING AGENCY PLANS FOR CERTAIN QUALIFIED PUBLIC HOUSING AGENCIES.

(a) IN GENERAL.—Section 5A(b) of the United States Housing Act of 1937 (42 U.S.C. 1437c–1(b)) is amended by adding at the end the following:

''(3) EXEMPTION OF CERTAIN PHAS FROM FILING REQUIREMENT.—

''(A) IN GENERAL.—Notwithstanding paragraph (1) or any other provision of this Act—

''(i) the requirement under paragraph (1) shall not apply to any qualified public housing agency; and

''(ii) except as provided in subsection (e)(4)(B), any reference in this section or any other provision of law to a 'public housing agency' shall not be considered to refer to any qualified public housing agency, to the extent such reference applies to the requirement to submit an annual public housing agency plan under this subsection.

''(B) CIVIL RIGHTS CERTIFICATION.—Notwithstanding that qualified public housing agencies are exempt under subparagraph (A) from the requirement under this section to prepare and submit an annual public housing plan, each qualified public housing agency shall, on an annual basis, make the certification described in paragraph (16) of subsection (d), except that for purposes of such qualified public housing agencies, such paragraph shall be applied by substituting 'the public housing program of the agency' for 'the public housing agency plan'.

''(C) DEFINITION.—For purposes of this section, the term 'qualified public housing agency' means a public housing agency that meets the following requirements:

''(i) The sum of (I) the number of public housing dwelling units administered by the agency, and (II) the number of vouchers under section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)) administered by the agency, is 550 or fewer.

''(ii) The agency is not designated under section 6(j)(2) as a troubled public housing agency, and does not have a failing score under the section 8 Management Assessment Program during the prior 12 months.''.

(b) RESIDENT PARTICIPATION.—Section 5A of the United States Housing Act of 1937 (42 U.S.C. 1437c–1) is amended—

(1) in subsection (e), by inserting after paragraph (3) the following:

''(4) QUALIFIED PUBLIC HOUSING AGENCIES.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), nothing in this section may be construed to exempt a qualified public housing agency from the requirement under paragraph (1) to establish 1 or more resident advisory boards. Notwithstanding that qualified public housing agencies are exempt under subsection (b)(3)(A) from the requirement under this section to prepare and submit an annual public housing plan, each qualified public housing agency shall consult with, and consider the recommendations of the resident advisory boards for the agency, at the annual public hearing required under subsection (f)(5), regarding any changes to the goals, objectives, and policies of that agency.

''(B) APPLICABILITY OF WAIVER AUTHORITY.—Paragraph (3) shall apply to qualified public housing agencies, except that for purposes of such qualified public housing agencies, subparagraph (B) of such paragraph shall be applied by substituting 'the functions described in the second sentence of paragraph (4)(A)' for 'the functions described in paragraph (2)'.

''(f) PUBLIC HEARINGS.—''; and

(2) in subsection (f) (as so designated by the amendment made by paragraph (1)), by adding at the end the following:

''(5) QUALIFIED PUBLIC HOUSING AGENCIES.—

''(A) REQUIREMENT.—Notwithstanding that qualified public housing agencies are exempt under subsection (b)(3)(A) from the requirement under this section to conduct a public hearing regarding the annual public housing plan of the agency, each qualified public housing agency shall annually conduct a public hearing—

''(i) to discuss any changes to the goals, objectives, and policies of the agency; and

''(ii) to invite public comment regarding such changes.

''(B) AVAILABILITY OF INFORMATION AND NOTICE.—Not later than 45 days before the date of any hearing described in subparagraph (A), a qualified public housing agency shall—

''(i) make all information relevant to the hearing and any determinations of the agency regarding changes to the goals, objectives, and policies of the agency to be considered at the hearing available for inspection by the public at the principal office of the public housing agency during normal business hours; and

''(ii) publish a notice informing the public that—

''(I) the information is available as required under clause (i); and

''(II) a public hearing under subparagraph (A) will be conducted.''.

TITLE VIII—FORECLOSURE RESCUE FRAUD PROTECTION

SEC. 2801. SHORT TITLE.

This title may be cited as the ''Foreclosure Rescue Fraud Act of 2008''.

SEC. 2802. DEFINITIONS.

In this title:

(1) COMMISSION.—The term ''Commission'' means the Federal Trade Commission.

(2) FORECLOSURE CONSULTANT.—The term ''foreclosure consultant''—

(A) means a person who makes any solicitation, representation, or offer to a homeowner facing foreclosure on residential real property to perform, for gain, or who performs, for gain, any service that such person represents will prevent, postpone, or reverse the effect of such foreclosure; and

(B) does not include—

(i) an attorney licensed to practice law in the State in which the property is located who has established an attorney-client relationship with the homeowner;

(ii) a person licensed as a real estate broker or salesperson in the State where the property is located, and such person engages in acts permitted under the licensure laws of such State;

(iii) a housing counseling agency approved by the Secretary;

(iv) a depository institution (as defined in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813));

(v) a Federal credit union or a State credit union (as defined in section 101 of the Federal Credit Union Act (12 U.S.C. 1752)); or

(vi) an insurance company organized under the laws of any State.

(3) HOMEOWNER.—The term ''homeowner'', with respect to residential real property for which an action to foreclose on the mortgage or deed of trust on such real property is filed, means the person holding record title to such property as of the date on which such action is filed.

(4) LOAN SERVICER.—The term ''loan servicer'' has the same meaning as the term ''servicer'' in section 6(i)(2) of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2605(i)(2)).

(5) RESIDENTIAL MORTGAGE LOAN.—The term ''residential mortgage loan'' means any loan primarily for personal, family, or household use that is secured by a mortgage, deed of trust, or other equivalent consensual security interest on a dwelling (as defined in section 103(v) of the Truth in Lending Act (15 U.S.C. 1602)(v)) or residential real estate upon which is constructed or intended to be constructed a dwelling (as so defined).

(6) RESIDENTIAL REAL PROPERTY.—The term ''residential real property'' has the meaning given the term ''dwelling'' in section 103 of the Consumer Credit Protection Act (15 U.S.C. 1602).

(7) SECRETARY.—The term ''Secretary'' means the Secretary of Housing and Urban Development.

SEC. 2803. MORTGAGE RESCUE FRAUD PROTECTION.

(a) LIMITS ON FORECLOSURE CONSULTANTS.—A foreclosure consultant may not—

(1) claim, demand, charge, collect, or receive any compensation from a homeowner for services performed by such foreclosure consultant with respect to residential real property until such foreclosure consultant has fully performed each service that such foreclosure consultant contracted to perform or represented would be performed with respect to such residential real property;

(2) hold any power of attorney from any homeowner, except to inspect documents, as provided by applicable law;

(3) receive any consideration from a third party in connection with services rendered to a homeowner by such third party with respect to the foreclosure of residential real property, unless such consideration is fully disclosed, in a clear and conspicuous manner, to such homeowner in writing before such services are rendered;

(4) accept any wage assignment, any lien of any type on real or personal property, or other security to secure the payment of compensation with respect to services provided by such foreclosure consultant in connection with the foreclosure of residential real property; or

(5) acquire any interest, directly or indirectly, in the residence of a homeowner with whom the foreclosure consultant has contracted.

(b) CONTRACT REQUIREMENTS.—

(1) WRITTEN CONTRACT REQUIRED.—Notwithstanding any other provision of law, a foreclosure consultant may not provide to a homeowner a service related to the foreclosure of residential real property—

(A) unless—

(i) a written contract for the purchase of such service has been signed and dated by the homeowner; and

(ii) such contract complies with the requirements described in paragraph (2); and

(B) before the end of the 3-business-day period beginning on the date on which the contract is signed.

(2) TERMS AND CONDITIONS OF CONTRACT.—The requirements described in this paragraph, with respect to a contract, are as follows:

(A) The contract includes, in writing—

(i) a full and detailed description of the exact nature of the contract and the total amount and terms of compensation;

(ii) the name, physical address, phone number, email address, and facsimile number, if any, of the foreclosure consultant to whom a notice of cancellation can be mailed or sent under subsection (d); and

(iii) a conspicuous statement in at least 12 point bold face type in immediate proximity to the space reserved for the homeowner's signature on the contract that reads as follows: ''You may cancel this contract without penalty or obligation at any time before midnight of the 3rd business day after the date on which you sign the contract. See the attached notice of cancellation form for an explanation of this right.''.

(B) The contract is written in the principal language used to solicit or market the services to the homeowner.

(C) The contract is accompanied by the form required by subsection (c)(2).

(c) RIGHT TO CANCEL CONTRACT.—

(1) IN GENERAL.—With respect to a contract between a homeowner and a foreclosure consultant regarding the foreclosure on the residential real property of such homeowner, such homeowner may cancel such contract without penalty or obligation by mailing a notice of cancellation not later than midnight of the 3rd business day after the date on which such contract is executed or would become enforceable against the parties to such contract.

(2) CANCELLATION FORM AND OTHER INFORMATION.—Each contract described in paragraph (1) shall be accompanied by a form, in duplicate, that—

(A) has the heading ''Notice of Cancellation'' in boldface type; and

(B) contains in boldface type the following statement:

''You may cancel this contract, without any penalty or obligation, at any time before midnight of the 3rd day after the date on which the contract is signed by you.

''To cancel this contract, mail or deliver a signed and dated copy of this cancellation notice or any other equivalent written notice to [insert name of foreclosure consultant] at [insert address of foreclosure consultant] before midnight on [insert date].

''I hereby cancel this transaction on [insert date] [insert homeowner signature].''.

(d) WAIVER OF RIGHTS AND PROTECTIONS PROHIBITED.—

(1) IN GENERAL.—A waiver by a homeowner of any protection provided by this section or any right of a homeowner under this section—

(A) shall be treated as void; and

(B) may not be enforced by any Federal or State court or by any person.

(2) ATTEMPT TO OBTAIN A WAIVER.—Any attempt by any person to obtain a waiver from any homeowner of any protection provided by this section or any right of the homeowner under this section shall be treated as a violation of this section.

(3) CONTRACTS NOT IN COMPLIANCE.—Any contract that does not comply with the applicable provisions of this title shall be void and may not be enforceable by any party.

SEC. 2804. WARNINGS TO HOMEOWNERS OF FORECLOSURE RESCUE SCAMS.

(a) IN GENERAL.—If a loan servicer finds that a homeowner has failed to make 2 consecutive payments on a residential mortgage loan and such loan is at risk of being foreclosed upon, the loan servicer shall notify such homeowner of the dangers of fraudulent activities associated with foreclosure.

(b) NOTICE REQUIREMENTS.—Each notice provided under subsection (a) shall—

(1) be in writing;

(2) be included with a mailing of account information;

(3) have the heading ''Notice Required by Federal Law'' in a 14-point boldface type in English and Spanish at the top of such notice; and

(4) contain the following statement in English and Spanish: ''Mortgage foreclosure is a complex process. Some people may approach you about saving your home. You should be careful about any such promises. There are government and nonprofit agencies you may contact for helpful information about the foreclosure process. Contact your lender immediately at [_____], call the Department of Housing and Urban Development Housing Counseling Line at (800) 569–4287 to find a housing counseling agency certified by the Department to assist you in avoiding foreclosure, or visit the Department's Tips for Avoiding Foreclosure website at http://www.hud.gov/foreclosure for additional assistance.'' (the blank space to be filled in by the loan servicer and successor telephone numbers and Uniform Resource Locators (URLs) for the Department of Housing and Urban Development Housing Counseling Line and Tips for Avoiding Foreclosure website, respectively).

SEC. 2805. CIVIL LIABILITY.

(a) IN GENERAL.—Any foreclosure consultant who fails to comply with any provision of section 2803 or 2804 with respect to any other person shall be liable to such person in an amount equal to the greater of—

(1) the amount of any actual damage sustained by such person as a result of such failure; or

(2) any amount paid by the person to the foreclosure consultant.

(b) CLASS ACTIONS PROHIBITED.—No Federal court may certify a civil action under subsection (a) as a class action under rule 23 of the Federal Rules of Civil Procedure.

SEC. 2806. ADMINISTRATIVE ENFORCEMENT.

(a) ENFORCEMENT BY FEDERAL TRADE COMMISSION.—

(1) UNFAIR OR DECEPTIVE ACT OR PRACTICE.—A violation of a prohibition described in section 2803 or a failure to comply with any provision of section 2803 or 2804 shall be treated as a violation of a rule defining an unfair or deceptive act or practice described under section 18(a)(1)(B) of the Federal Trade Commission Act (15 U.S.C. 57a(a)(1)(B)).

(2) ACTIONS BY THE FEDERAL TRADE COMMISSION.—The Federal Trade Commission shall enforce the provisions of sections 2803 and 2804 in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of the Federal Trade Commission Act (15 U.S.C. 41 et seq.) were incorporated into and made part of this title.

(b) STATE ACTION FOR VIOLATIONS.—

(1) AUTHORITY OF STATES.—In addition to such other remedies as are provided under State law, whenever the chief law enforcement officer of a State, or an official or agency designated by a State, has reason to believe that any person has violated or is violating the provisions of section 2803 or 2804, the State—

(A) may bring an action to enjoin such violation;

(B) may bring an action on behalf of its residents to recover damages for which the person is liable to such residents under section 2805 as a result of the violation; and

(C) in the case of any successful action under subparagraph (A) or (B), shall be awarded the costs of the action.

(2) RIGHTS OF FEDERAL TRADE COMMISSION.—

(A) NOTICE TO COMMISSION.—The State shall serve prior written notice of any civil action under paragraph (1) upon the Commission and provide the Commission with a copy of its complaint, except in any case in which such prior notice is not feasible, in which case the State shall serve such notice immediately upon instituting such action.

(B) INTERVENTION.—The Commission shall have the right—

(i) to intervene in any action referred to in subparagraph (A);

(ii) upon so intervening, to be heard on all matters arising in the action; and

(iii) to file petitions for appeal in such actions.

(3) INVESTIGATORY POWERS.—For purposes of bringing any action under this subsection, nothing in this subsection shall prevent the chief law enforcement officer, or an official or agency designated by a State, from exercising the powers conferred on the chief law enforcement officer or such official by the laws of such State to conduct investigations or to administer oaths or affirmations, or to compel the attendance of witnesses or the production of documentary and other evidence.

(4) LIMITATION.—Whenever the Federal Trade Commission has instituted a civil action for a violation of section 2803 or 2804, no State may, during the pendency of such action, bring an action under this section against any defendant named in the complaint of the Commission for any violation of section 2803 or 2804 that is alleged in that complaint.

SEC. 2807. LIMITATION.

No violation of a prohibition described in section 2803 or a failure to comply with any provision of section 2803 or 2804 shall provide grounds for the halt, delay, or modification of a foreclosure process or proceeding.

SEC. 2808. PREEMPTION.

Nothing in this title affects any provision of State or local law respecting any foreclosure consultant, residential mortgage loan, or residential real property that provides equal or greater protection to homeowners than what is provided under this title.

DIVISION C—TAX-RELATED PROVISIONS

SECTION 3000. SHORT TITLE; ETC.

(a) SHORT TITLE.—This division may be cited as the ''Housing Assistance Tax Act of 2008''.

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this division an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

TITLE I—HOUSING TAX INCENTIVES

Subtitle A—Multi-Family Housing

PART I—LOW-INCOME HOUSING TAX CREDIT

SEC. 3001. TEMPORARY INCREASE IN VOLUME CAP FOR LOW-INCOME HOUSING TAX CREDIT.

Paragraph (3) of section 42(h) is amended by adding at the end the following new subparagraph:

''(I) INCREASE IN STATE HOUSING CREDIT CEILING FOR 2008 AND 2009.—In the case of calendar years 2008 and 2009—

''(i) the dollar amount in effect under subparagraph (C)(ii)(I) for such calendar year (after any increase under subparagraph (H)) shall be increased by $0.20, and

''(ii) the dollar amount in effect under subparagraph (C)(ii)(II) for such calendar year (after any increase under subparagraph (H)) shall be increased by an amount equal to 10 percent of such dollar amount (rounded to the next lowest multiple of $5,000).''.

SEC. 3002. DETERMINATION OF CREDIT RATE.

(a) TEMPORARY MINIMUM CREDIT RATE FOR NON-FEDERALLY SUBSIDIZED NEW BUILDINGS.—Subsection (b) of section 42 is amended by redesignating paragraph (3) as paragraph (4) and by inserting after paragraph (2) the following new paragraph:

''(3) TEMPORARY MINIMUM CREDIT RATE FOR NON-FEDERALLY SUBSIDIZED NEW BUILDINGS.—In the case of any new building—

''(A) which is placed in service by the taxpayer after the date of the enactment of this paragraph and before December 31, 2013, and

''(B) which is not federally subsidized for the taxable year,

the applicable percentage shall not be less than 9 percent.''.

(b) MODIFICATIONS TO DEFINITION OF FEDERALLY SUBSIDIZED BUILDING.—

(1) IN GENERAL.—Subparagraph (A) of section 42(i)(2) is amended by striking '', or any below market Federal loan,''.

(2) CONFORMING AMENDMENTS.—

(A) Subparagraph (B) of section 42(i)(2) is amended—

(i) by striking ''BALANCE OF LOAN OR'' in the heading thereof,

(ii) by striking ''loan or'' in the matter preceding clause (i), and

(iii) by striking ''subsection (d)—'' and all that follows and inserting ''subsection (d) the proceeds of such obligation.''.

(B) Subparagraph (C) of section 42(i)(2) is amended—

(i) by striking ''or below market Federal loan'' in the matter preceding clause (i),

(ii) in clause (i)—

(I) by striking ''or loan (when issued or made)'' and inserting ''(when issued)'', and

(II) by striking ''the proceeds of such obligation or loan'' and inserting ''the proceeds of such obligation'', and

(iii) by striking '', and such loan is repaid,'' in clause (ii).

(C) Paragraph (2) of section 42(i) is amended by striking subparagraphs (D) and (E).

(c) EFFECTIVE DATE.—The amendments made by this subsection shall apply to buildings placed in service after the date of the enactment of this Act.

SEC. 3003. MODIFICATIONS TO DEFINITION OF ELIGIBLE BASIS.

(a) INCREASE IN CREDIT FOR CERTAIN STATE DESIGNATED BUILDINGS.—Subparagraph (C) of section 42(d)(5) (relating to increase in credit for buildings in high cost areas), before redesignation under subsection (g), is amended by adding at the end the following new clause:

''(v) BUILDINGS DESIGNATED BY STATE HOUSING CREDIT AGENCY.—Any building which is designated by the State housing credit agency as requiring the increase in credit under this subparagraph in order for such building to be financially feasible as part of a qualified low-income housing project shall be treated for purposes of this subparagraph as located in a difficult development area which is designated for purposes of this subparagraph. The preceding sentence shall not apply to any building if paragraph (1) of subsection (h) does not apply to any portion of the eligible basis of such building by reason of paragraph (4) of such subsection.''.

(b) MODIFICATION TO REHABILITATION REQUIREMENTS.—

(1) IN GENERAL.—Clause (ii) of section 42(e)(3)(A) is amended—

(A) by striking ''10 percent'' in subclause (I) and inserting ''20 percent'', and

(B) by striking ''$3,000'' in subclause (II) and inserting ''$6,000''.

(2) INFLATION ADJUSTMENT.—Paragraph (3) of section 42(e) is amended by adding at the end the following new subparagraph:

''(D) INFLATION ADJUSTMENT.—In the case of any expenditures which are treated under paragraph (4) as placed in service during any calendar year after 2009, the $6,000 amount in subparagraph (A)(ii)(II) shall be increased by an amount equal to—

''(i) such dollar amount, multiplied by

''(ii) the cost-of-living adjustment determined under section 1(f)(3) for such calendar year by substituting 'calendar year 2008' for 'calendar year 1992' in subparagraph (B) thereof.

Any increase under the preceding sentence which is not a multiple of $100 shall be rounded to the nearest multiple of $100.''.

(3) CONFORMING AMENDMENT.—Subclause (II) of section 42(f)(5)(B)(ii) is amended by striking ''if subsection (e)(3)(A)(ii)(II)'' and all that follows and inserting ''if the dollar amount in effect under subsection (e)(3)(A)(ii)(II) were two-thirds of such amount.''.

(c) INCREASE IN ALLOWABLE COMMUNITY SERVICE FACILITY SPACE FOR SMALL PROJECTS.—Clause (ii) of section 42(d)(4)(C) (relating to limitation) is amended by striking ''10 percent of the eligible basis of the qualified low-income housing project of which it is a part. For purposes of'' and inserting ''the sum of—

''(I) 25 percent of so much of the eligible basis of the qualified low-income housing project of which it is a part as does not exceed $15,000,000, plus

''(II) 10 percent of so much of the eligible basis of such project as is not taken into account under subclause (I).

For purposes of''.

(d) CLARIFICATION OF TREATMENT OF FEDERAL GRANTS.—Subparagraph (A) of section 42(d)(5) is amended to read as follows:

''(A) FEDERAL GRANTS NOT TAKEN INTO ACCOUNT IN DETERMINING ELIGIBLE BASIS.—The eligible basis of a building shall not include any costs financed with the proceeds of a Federally funded grant.''.

(e) SIMPLIFICATION OF RELATED PARTY RULES.—Clause (iii) of section 42(d)(2)(D), before redesignation under subsection (g)(2), is amended—

(1) by striking all that precedes subclause (II),

(2) by redesignating subclause (II) as clause (iii) and moving such clause two ems to the left, and

(3) by striking the last sentence thereof.

(f) EXCEPTION TO 10-YEAR NONACQUISITION PERIOD FOR EXISTING BUILDINGS APPLICABLE TO FEDERALLY- OR STATE-ASSISTED BUILDINGS.—Paragraph (6) of section 42(d) is amended to read as follows:

''(6) CREDIT ALLOWABLE FOR CERTAIN BUILDINGS ACQUIRED DURING 10-YEAR PERIOD DESCRIBED IN PARAGRAPH (2)(B)(ii).—

''(A) IN GENERAL.—Paragraph (2)(B)(ii) shall not apply to any Federally- or State-assisted building.

''(B) BUILDINGS ACQUIRED FROM INSURED DEPOSITORY INSTITUTIONS IN DEFAULT.—On application by the taxpayer, the Secretary may waive paragraph (2)(B)(ii) with respect to any building acquired from an insured depository institution in default (as defined in section 3 of the Federal Deposit Insurance Act) or from a receiver or conservator of such an institution.

''(C) FEDERALLY- OR STATE-ASSISTED BUILDING.—For purposes of this paragraph—

''(i) FEDERALLY-ASSISTED BUILDING.—The term 'Federally-assisted building' means any building which is substantially assisted, financed, or operated under section 8 of the United States Housing Act of 1937, section 221(d)(3), 221(d)(4), or 236 of the National Housing Act, or section 515 of the Housing Act of 1949 (as such Acts are in effect on the date of the enactment of the Tax Reform Act of 1986).

''(ii) STATE-ASSISTED BUILDING.—The term 'State-assisted building' means any building which is substantially assisted, financed, or operated under any State law similar in purposes to any of the laws referred to in clause (i).''.

(g) REPEAL OF DEADWOOD.—

(1) Clause (ii) of section 42(d)(2)(B) is amended by striking ''the later of—'' and all that follows and inserting ''the date the building was last placed in service,''.

(2) Subparagraph (D) of section 42(d)(2) is amended by striking clause (i) and by redesignating clauses (ii) and (iii) as clauses (i) and (ii), respectively.

(3) Paragraph (5) of section 42(d) is amended by striking subparagraph (B) and by redesignating subparagraph (C) as subparagraph (B).

(h) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in paragraph (2), the amendments made by this subsection shall apply to buildings placed in service after the date of the enactment of this Act.

(2) REHABILITATION REQUIREMENTS.—

(A) IN GENERAL.—The amendments made by subsection (b) shall apply with respect to housing credit dollar amounts allocated after the date of the enactment of this Act.

(B) BUILDINGS NOT SUBJECT TO ALLOCATION LIMITS.—To the extent paragraph (1) of section 42(h) of the Internal Revenue Code of 1986 does not apply to any building by reason of paragraph (4) thereof, the amendments made by subsection (b) shall apply to buildings placed in service after the date of the enactment of this Act.

SEC. 3004. OTHER SIMPLIFICATION AND REFORM OF LOW-INCOME HOUSING TAX INCENTIVES.

(a) REPEAL PROHIBITION ON MODERATE REHABILITATION ASSISTANCE.—Paragraph (2) of section 42(c) (defining qualified low-income building) is amended by striking the flush sentence at the end.

(b) MODIFICATION OF TIME LIMIT FOR INCURRING 10 PERCENT OF PROJECT'S COST.—Clause (ii) of section 42(h)(1)(E) is amended by striking ''(as of the later of the date which is 6 months after the date that the allocation was made or the close of the calendar year in which the allocation is made)'' and inserting ''(as of the date which is 1 year after the date that the allocation was made)''.

(c) REPEAL OF BONDING REQUIREMENT ON DISPOSITION OF BUILDING.—Paragraph (6) of section 42(j) (relating to no recapture on disposition of building (or interest therein) where bond posted) is amended to read as follows:

''(6) NO RECAPTURE ON DISPOSITION OF BUILDING WHICH CONTINUES IN QUALIFIED USE.—

''(A) IN GENERAL.—The increase in tax under this subsection shall not apply solely by reason of the disposition of a building (or an interest therein) if it is reasonably expected that such building will continue to be operated as a qualified low-income building for the remaining compliance period with respect to such building.

''(B) STATUTE OF LIMITATIONS.—If a building (or an interest therein) is disposed of during any taxable year and there is any reduction in the qualified basis of such building which results in an increase in tax under this subsection for such taxable or any subsequent taxable year, then—

''(i) the statutory period for the assessment of any deficiency with respect to such increase in tax shall not expire before the expiration of 3 years from the date the Secretary is notified by the taxpayer (in such manner as the Secretary may prescribe) of such reduction in qualified basis, and

''(ii) such deficiency may be assessed before the expiration of such 3-year period notwithstanding the provisions of any other law or rule of law which would otherwise prevent such assessment.''.

(d) ENERGY EFFICIENCY AND HISTORIC NATURE TAKEN INTO ACCOUNT IN MAKING ALLOCATIONS.—Subparagraph (C) of section 42(m)(1) (relating to plans for allocation of credit among projects) is amended by striking ''and'' at the end of clause (vii), by striking the period at the end of clause (viii) and inserting a comma, and by adding at the end the following new clauses:

''(ix) the energy efficiency of the project, and

''(x) the historic nature of the project.''.

(e) CONTINUED ELIGIBILITY FOR STUDENTS WHO RECEIVED FOSTER CARE ASSISTANCE.—Clause (i) of section 42(i)(3)(D) is amended by striking ''or'' at the end of subclause (I), by redesignating subclause (II) as subclause (III), and by inserting after subclause (I) the following new subclause:

''(II) a student who was previously under the care and placement responsibility of the State agency responsible for administering a plan under part B or part E of title IV of the Social Security Act, or''.

(f) TREATMENT OF RURAL PROJECTS.—Section 42(i) (relating to definitions and special rules) is amended by adding at the end the following new paragraph:

''(8) TREATMENT OF RURAL PROJECTS.—For purposes of this section, in the case of any project for residential rental property located in a rural area (as defined in section 520 of the Housing Act of 1949), any income limitation measured by reference to area median gross income shall be measured by reference to the greater of area median gross income or national non-metropolitan median income. The preceding sentence shall not apply with respect to any building if paragraph (1) of section 42(h) does not apply by reason of paragraph (4) thereof to any portion of the credit determined under this section with respect to such building.''.

(g) CLARIFICATION OF GENERAL PUBLIC USE REQUIREMENT.—Subsection (c) of section 42 is amended by adding at the end the following new paragraph:

''(3) CLARIFICATION OF GENERAL PUBLIC USE REQUIREMENT.—

''(A) IN GENERAL.—A building which meets the requirements of subparagraph (B) shall not fail to be treated as a qualified low-income building solely because occupancy in such building is restricted to individuals who have special needs, share a common occupation or common interests, or are members of a specified group based on Federal, State, or local programs or requirements.

''(B) BASIC PUBLIC USE REQUIREMENTS.—A building meets the requirements of this subparagraph if—

''(i) such building is used consistent with housing policy governing non-discrimination as evidenced by rules and regulations of the Department of Housing and Urban Development,

''(ii) occupancy in such building is not restricted on the basis of membership in a social organization or on the basis of employment by specific employers, and

''(iii) such building is not part of a hospital, nursing home, sanitarium, lifecare facility, trailer park, or intermediate care facility for the mentally or physically handicapped.''.

(h) GAO STUDY REGARDING MODIFICATIONS TO LOW-INCOME HOUSING TAX CREDIT.—Not later than December 31, 2012, the Comptroller General of the United States shall submit to Congress a report which analyzes the implementation of the modifications made by this subtitle to the low-income housing tax credit under section 42 of the Internal Revenue Code of 1986. Such report shall include an analysis of the distribution of credit allocations before and after the effective date of such modifications.

(i) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to buildings placed in service after the date of the enactment of this Act.

(2) REPEAL OF BONDING REQUIREMENT ON DISPOSITION OF BUILDING.—The amendment made by subsection (c) shall apply to—

(A) interests in buildings disposed after the date of the enactment of this Act, and

(B) interests in buildings disposed of on or before such date if—

(i) it is reasonably expected that such building will continue to be operated as a qualified low-income building (within the meaning of section 42 of the Internal Revenue Code of 1986) for the

remaining compliance period (within the meaning of such section) with respect to such building, and

(ii) the taxpayer elects the application of this subparagraph with respect to such disposition.

(3) ENERGY EFFICIENCY AND HISTORIC NATURE TAKEN INTO ACCOUNT IN MAKING ALLOCATIONS.—The amendments made by subsection (d) shall apply to allocations made after December 31, 2008.

(4) CONTINUED ELIGIBILITY FOR STUDENTS WHO RECEIVED FOSTER CARE ASSISTANCE.—The amendments made by subsection (e) shall apply to determinations made after the date of the enactment of this Act.

(5) TREATMENT OF RURAL PROJECTS.—The amendment made by subsection (f) shall apply to determinations made after the date of the enactment of this Act.

(6) CLARIFICATION OF GENERAL PUBLIC USE REQUIREMENT.—The amendment made by subsection (g) shall apply to buildings placed in service before, on, or after the date of the enactment of this Act.

SEC. 3005. TREATMENT OF MILITARY BASIC PAY.

(a) IN GENERAL.—Subparagraph (B) of section 142(d)(2) (relating to income of individuals; area median gross income) is amended—

(1) by striking ''The income'' and inserting the following:

''(i) IN GENERAL.—The income'', and

(2) by adding at the end the following:

''(ii) SPECIAL RULE RELATING TO BASIC HOUSING ALLOWANCES.—For purposes of determining income under this subparagraph, payments under section 403 of title 37, United States Code, as a basic pay allowance for housing shall be disregarded with respect to any qualified building.

''(iii) QUALIFIED BUILDING.—For purposes of clause (ii), the term 'qualified building' means any building located—

''(I) in any county in which is located a qualified military installation to which the number of members of the Armed Forces of the United States assigned to units based out of such qualified military installation, as of June 1, 2008, has increased by not less than 20 percent, as compared to such number on December 31, 2005, or

''(II) in any county adjacent to a county described in subclause (I).

''(iv) QUALIFIED MILITARY INSTALLATION.—For purposes of clause (iii), the term 'qualified military installation' means any military installation or facility the number of members of the Armed Forces of the United States assigned to which, as of June 1, 2008, is not less than 1,000.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to—

(1) determinations made after the date of the enactment of this Act and before January 1, 2012, in the case of any qualified building (as defined in section 142(d)(2)(B)(iii) of the Internal Revenue Code of 1986)—

(A) with respect to which housing credit dollar amounts have been allocated before the date of the enactment of this Act, or

(B) with respect to buildings placed in service before such date of enactment, to the extent paragraph (1) of section 42(h) of such Code does not apply to such building by reason of paragraph (4) thereof, but only with respect to bonds issued before such date of enactment, and

(2) determinations made after the date of enactment of this Act, in the case of qualified buildings (as so defined)—

(A) with respect to which housing credit dollar amounts are allocated after the date of the enactment of this Act and before January 1, 2012, or

(B) with respect to which buildings placed in service after the date of enactment of this Act and before January 1, 2012, to the extent paragraph (1) of section 42(h) of such Code does not apply to such building by reason of paragraph (4) thereof, but only with respect to bonds issued after such date of enactment and before January 1, 2012.

PART II—MODIFICATIONS TO TAX-EXEMPT HOUSING BOND RULES

SEC. 3007. RECYCLING OF TAX-EXEMPT DEBT FOR FINANCING RESIDENTIAL RENTAL PROJECTS.

(a) IN GENERAL.—Subsection (i) of section 146 (relating to treatment of refunding issues) is amended by adding at the end the following new paragraph:

''(6) TREATMENT OF CERTAIN RESIDENTIAL RENTAL PROJECT BONDS AS REFUNDING BONDS IRRESPECTIVE OF OBLIGOR.—

''(A) IN GENERAL.—If, during the 6-month period beginning on the date of a repayment of a loan financed by an issue 95 percent or more of the net proceeds of which are used to provide projects described in section 142(d), such repayment is used to provide a new loan for any project so described, any bond which is issued to refinance such issue shall be treated as a refunding issue to the extent the principal amount of such refunding issue does not exceed the principal amount of the bonds refunded.

''(B) LIMITATIONS.—Subparagraph (A) shall apply to only one refunding of the original issue and only if—

''(i) the refunding issue is issued not later than 4 years after the date on which the original issue was issued,

''(ii) the latest maturity date of any bond of the refunding issue is not later than 34 years after the date on which the refunded bond was issued, and

''(iii) the refunding issue is approved in accordance with section 147(f) before the issuance of the refunding issue.''.

(b) LOW-INCOME HOUSING CREDIT.—Clause (ii) of section 42(h)(4)(A) is amended by inserting ''or such financing is refunded as described in section 146(i)(6)'' before the period at the end.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to repayments of loans received after the date of the enactment of this Act.

SEC. 3008. COORDINATION OF CERTAIN RULES APPLICABLE TO LOW-INCOME HOUSING CREDIT AND QUALIFIED RESIDENTIAL RENTAL PROJECT EXEMPT FACILITY BONDS.

(a) DETERMINATION OF NEXT AVAILABLE UNIT.—Paragraph (3) of section 142(d) (relating to current income determinations) is amended by adding at the end the following new subparagraph:

''(C) EXCEPTION FOR PROJECTS WITH RESPECT TO WHICH AFFORDABLE HOUSING CREDIT IS ALLOWED.—In the case of a project with respect to which credit is allowed under section 42, the second sentence of subparagraph (B) shall be applied by substituting 'building (within the meaning of section 42)' for 'project'.''.

(b) STUDENTS.—Paragraph (2) of section 142(d) (relating to definitions and special rules) is amended by adding at the end the following new subparagraph:

''(C) STUDENTS.—Rules similar to the rules of 42(i)(3)(D) shall apply for purposes of this subsection.''.

(c) SINGLE-ROOM OCCUPANCY UNITS.—Paragraph (2) of section 142(d) (relating to definitions and special rules), as amended by subsection (b), is amended by adding at the end the following new subparagraph:

''(D) SINGLE-ROOM OCCUPANCY UNITS.—A unit shall not fail to be treated as a residential unit merely because such unit is a single-room occupancy unit (within the meaning of section 42).''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to determinations of the status of qualified residential rental projects for periods beginning after the date of the enactment of this Act, with respect to bonds issued before, on, or after such date.

PART III—REFORMS RELATED TO THE LOW-INCOME HOUSING CREDIT AND TAX-EXEMPT HOUSING BONDS

SEC. 3009. HOLD HARMLESS FOR REDUCTIONS IN AREA MEDIAN GROSS INCOME.

(a) IN GENERAL.—Paragraph (2) of section 142(d), as amended by section 3008, is amended by adding at the end the following new subparagraph:

''(E) HOLD HARMLESS FOR REDUCTIONS IN AREA MEDIAN GROSS INCOME.—

''(i) IN GENERAL.—Any determination of area median gross income under subparagraph (B) with respect to any project for any calendar year after 2008 shall not be less than the area median gross income determined under such subparagraph with respect to such project for the calendar year preceding the calendar year for which such determination is made.

''(ii) SPECIAL RULE FOR CERTAIN CENSUS CHANGES.—In the case of a HUD hold harmless impacted project, the area median gross income with respect to such project for any calendar year after 2008 (hereafter in this clause referred to as the current calendar year) shall be the greater of the amount determined without regard to this clause or the sum of—

''(I) the area median gross income determined under the HUD hold harmless policy with respect to such project for calendar year 2008, plus

''(II) any increase in the area median gross income determined under subparagraph (B) (determined without regard to the HUD hold harmless policy and this subparagraph) with respect to such project for the current calendar year over the area median gross income (as so determined) with respect to such project for calendar year 2008.

''(iii) HUD HOLD HARMLESS POLICY.—The term 'HUD hold harmless policy' means the regulations under which a policy similar to the rules of clause (i) applied to prevent a change in the method of determining area median gross income from resulting in a reduction in the area median gross income determined with respect to certain projects in calendar years 2007 and 2008.

''(iv) HUD HOLD HARMLESS IMPACTED PROJECT.—The term 'HUD hold harmless impacted project' means any project with respect to which area median gross income was determined under subparagraph (B) for calendar year 2007 or 2008 if such determination would have been less but for the HUD hold harmless policy.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to determinations of area median gross income for calendar years after 2008.

SEC. 3010. EXCEPTION TO ANNUAL CURRENT INCOME DETERMINATION REQUIREMENT WHERE DETERMINATION NOT RELEVANT.

(a) IN GENERAL.—Subparagraph (A) of section 142(d)(3) is amended by adding at the end the following new sentence: ''The preceding sentence shall not apply with respect to any project for any year if during such year no residential unit in the project is occupied by a new resident whose income exceeds the applicable income limit.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to years ending after the date of the enactment of this Act.

Subtitle B—Single Family Housing

SEC. 3011. FIRST-TIME HOMEBUYER CREDIT.

(a) IN GENERAL.—Subpart C of part IV of subchapter A of chapter 1 is amended by redesignating section 36 as section 37 and by inserting after section 35 the following new section:

''SEC. 36. FIRST-TIME HOMEBUYER CREDIT.

''(a) ALLOWANCE OF CREDIT.—In the case of an individual who is a first-time homebuyer of a principal residence in the United States during a taxable year, there shall be allowed as a credit against the tax imposed by this subtitle for such taxable year an amount equal to 10 percent of the purchase price of the residence.

''(b) LIMITATIONS.—

''(1) DOLLAR LIMITATION.—

''(A) IN GENERAL.—Except as otherwise provided in this paragraph, the credit allowed under subsection (a) shall not exceed $8,000.

''(B) MARRIED INDIVIDUALS FILING SEPARATELY.—In the case of a married individual filing a separate return, subparagraph (A) shall be applied by substituting '$4,000' for '$8,000'.

''(C) OTHER INDIVIDUALS.—If two or more individuals who are not married purchase a principal residence, the amount of the credit allowed under subsection (a) shall be allocated among such individuals in such manner as the Secretary may prescribe, except that the total amount of the credits allowed to all such individuals shall not exceed $8,000.

''(2) LIMITATION BASED ON MODIFIED ADJUSTED GROSS INCOME.—

''(A) IN GENERAL.—The amount allowable as a credit under subsection (a) (determined without regard to this paragraph) for the taxable year shall be reduced (but not below zero) by the amount which bears the same ratio to the amount which is so allowable as—

''(i) the excess (if any) of—

''(I) the taxpayer's modified adjusted gross income for such taxable year, over

''(II) $75,000 ($150,000 in the case of a joint return), bears to

''(ii) $20,000.

''(B) MODIFIED ADJUSTED GROSS INCOME.—For purposes of subparagraph (A), the term 'modified adjusted gross income' means the adjusted gross income of the taxpayer for the taxable year increased by any amount excluded from gross income under section 911, 931, or 933.

''(c) DEFINITIONS.—For purposes of this section—

''(1) FIRST-TIME HOMEBUYER.—The term 'first-time homebuyer' means any individual if such individual (and if married, such individual's spouse) had no present ownership interest in a principal residence during the 3-year period ending on the date of the purchase of the principal residence to which this section applies.

''(2) PRINCIPAL RESIDENCE.—The term 'principal residence' has the same meaning as when used in section 121.

''(3) PURCHASE.—

''(A) IN GENERAL.—The term 'purchase' means any acquisition, but only if—

''(i) the property is not acquired from a person related to the person acquiring it, and

''(ii) the basis of the property in the hands of the person acquiring it is not determined—

''(I) in whole or in part by reference to the adjusted basis of such property in the hands of the person from whom acquired, or

''(II) under section 1014(a) (relating to property acquired from a decedent).

''(B) CONSTRUCTION.—A residence which is constructed by the taxpayer shall be treated as purchased by the taxpayer on the date the taxpayer first occupies such residence.

''(4) PURCHASE PRICE.—The term 'purchase price' means the adjusted basis of the principal residence on the date such residence is purchased.

''(5) RELATED PERSONS.—A person shall be treated as related to another person if the relationship between such persons would result in the disallowance of losses under section 267 or 707(b) (but, in applying section 267(b) and (c) for purposes of this section, paragraph (4) of section 267(c) shall be treated as providing that the family of an individual shall include only his spouse, ancestors, and lineal descendants).

''(d) EXCEPTIONS.—No credit under subsection (a) shall be allowed to any taxpayer for any taxable year with respect to the purchase of a residence if—

''(1) a credit under section 1400C (relating to first-time homebuyer in the District of Columbia) is allowable to the taxpayer (or the taxpayer's spouse) for such taxable year or any prior taxable year,

''(2) the residence is financed by the proceeds of a qualified mortgage issue the interest on which is exempt from tax under section 103,

''(3) the taxpayer is a nonresident alien, or

''(4) the taxpayer disposes of such residence (or such residence ceases to be the principal residence of the taxpayer (and, if married, the taxpayer's spouse)) before the close of such taxable year.

''(e) REPORTING.—If the Secretary requires information reporting under section 6045 by a person described in subsection (e)(2) thereof to verify the eligibility of taxpayers for the credit allowable by this section, the exception provided by section 6045(e) shall not apply.

''(f) RECAPTURE OF CREDIT.—

''(1) IN GENERAL.—Except as otherwise provided in this subsection, if a credit under subsection (a) is allowed to a taxpayer, the tax imposed by this chapter shall be increased by 6⅔ percent of the amount of such credit for each taxable year in the recapture period.

''(2) ACCELERATION OF RECAPTURE.—If a taxpayer disposes of the principal residence with respect to which a credit was allowed under subsection (a) (or such residence ceases to be the principal residence of the taxpayer (and, if married, the taxpayer's spouse)) before the end of the recapture period—

''(A) the tax imposed by this chapter for the taxable year of such disposition or cessation, shall be increased by the excess of the amount of the credit allowed over the amounts of tax imposed by paragraph (1) for preceding taxable years, and

''(B) paragraph (1) shall not apply with respect to such credit for such taxable year or any subsequent taxable year.

''(3) LIMITATION BASED ON GAIN.—In the case of the sale of the principal residence to a person who is not related to the taxpayer, the increase in tax determined under paragraph (2) shall not exceed the amount of gain (if any) on such sale. Solely for purposes of the preceding sentence, the adjusted basis of such residence shall be reduced by the amount of the credit allowed under subsection (a) to the extent not previously recaptured under paragraph (1).

''(4) EXCEPTIONS.—

''(A) DEATH OF TAXPAYER.—Paragraphs (1) and (2) shall not apply to any taxable year ending after the date of the taxpayer's death.

''(B) INVOLUNTARY CONVERSION.—Paragraph (2) shall not apply in the case of a residence which is compulsorily or involuntarily converted (within the meaning of section 1033(a)) if the taxpayer acquires a new principal residence during the 2-year period beginning on the date of the disposition or cessation referred to in paragraph (2). Paragraph (2) shall apply to such new principal residence during the recapture period in the same manner as if such new principal residence were the converted residence.

''(C) TRANSFERS BETWEEN SPOUSES OR INCIDENT TO DIVORCE.—In the case of a transfer of a residence to which section 1041(a) applies—

''(i) paragraph (2) shall not apply to such transfer, and

''(ii) in the case of taxable years ending after such transfer, paragraphs (1) and (2) shall apply to the transferee in the same manner as if such transferee were the transferor (and shall not apply to the transferor).

''(5) JOINT RETURNS.—In the case of a credit allowed under subsection (a) with respect to a joint return, half of such credit shall be treated as having been allowed to each individual filing such return for purposes of this subsection.

''(6) RECAPTURE PERIOD.—For purposes of this subsection, the term 'recapture period' means the 15 taxable years beginning with the second taxable year following the taxable year in which the purchase of the principal residence for which a credit is allowed under subsection (a) was made.

''(g) APPLICATION OF SECTION.—This section shall only apply to a principal residence purchased by the taxpayer on or after April 9, 2008, and before April 1, 2009.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 26(b)(2) is amended by striking ''and'' at the end of subparagraph (U), by striking the period and inserting '', and'' and the end of subparagraph (V), and by inserting after subparagraph (V) the following new subparagraph:

''(W) section 36(f) (relating to recapture of homebuyer credit).''.

(2) Section 6211(b)(4)(A) is amended by striking ''34,'' and all that follows through ''6428'' and inserting ''34, 35, 36, 53(e), and 6428''.

(3) Section 1324(b)(2) of title 31, United States Code, is amended by inserting '', 36,'' after ''section 35''.

(4) The table of sections for subpart C of part IV of subchapter A of chapter 1 is amended by redesignating the item relating to section 36 as an item relating to section 37 and by inserting before such item the following new item:

''Sec. 36. First-time homebuyer credit.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to residences purchased on or after April 9, 2008, in taxable years ending on or after such date.

SEC. 3012. ADDITIONAL STANDARD DEDUCTION FOR REAL PROPERTY TAXES FOR NONITEMIZERS.

(a) IN GENERAL.—Section 63(c)(1) (defining standard deduction) is amended by striking ''and'' at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting '', and'', and by adding at the end the following new subparagraph:

''(C) in the case of any taxable year beginning in 2008, the real property tax deduction.''.

(b) DEFINITION.—Section 63(c) is amended by adding at the end the following new paragraph:

''(8) REAL PROPERTY TAX DEDUCTION.—

''(A) IN GENERAL.—For purposes of paragraph (1), the real property tax deduction is the lesser of—

''(i) the amount allowable as a deduction under this chapter for State and local taxes described in section 164(a)(1), or

''(ii) $500 ($1,000 in the case of a joint return). Any taxes taken into account under section 62(a) shall not be taken into account under this paragraph.

''(B) EXCEPTION.—The real property tax deduction shall not be allowed in the case of a taxpayer living in a jurisdiction in which the rate of tax for all residential real property taxes is increased, net of any tax rebates, through rate increases or the repeal or reduction of otherwise applicable deductions, credits, or offsets, at any time after the date of the enactment of this paragraph and before December 31, 2008. This subparagraph shall not apply in the case of a jurisdiction in which the rate of tax for all residential real property taxes is increased pursuant to an equalization policy in effect before the date of the enactment of this paragraph or as a result of any votes of the residents of such jurisdiction to increase funding for pre-school, primary, secondary, or higher education.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

Subtitle C—General Provisions

SEC. 3021. TEMPORARY LIBERALIZATION OF TAX-EXEMPT HOUSING BOND RULES.

(a) TEMPORARY INCREASE IN VOLUME CAP.—

(1) IN GENERAL.—Subsection (d) of section 146 is amended by adding at the end the following new paragraph:

''(5) INCREASE AND SET ASIDE FOR HOUSING BONDS FOR 2008.—

''(A) INCREASE FOR 2008.—In the case of calendar year 2008, the State ceiling for each State shall be increased by an amount equal to $11,000,000,000 multiplied by a fraction—

''(i) the numerator of which is the State ceiling applicable to the State for calendar year 2008, determined without regard to this paragraph, and

''(ii) the denominator of which is the sum of the State ceilings determined under clause (i) for all States.

''(B) SET ASIDE.—

''(i) IN GENERAL.—Any amount of the State ceiling for any State which is attributable to an increase under this paragraph shall be allocated solely for one or more qualified housing issues.

''(ii) QUALIFIED HOUSING ISSUE.—For purposes of this paragraph, the term 'qualified housing issue' means—

''(I) an issue described in section 142(a)(7) (relating to qualified residential rental projects), or

''(II) a qualified mortgage issue (determined by substituting '12-month period' for '42-month period' each place it appears in section 143(a)(2)(D)(i)).''.

(2) CARRYFORWARD OF UNUSED LIMITATIONS.—Subsection (f) of section 146 is amended by adding at the end the following new paragraph:

''(6) SPECIAL RULES FOR INCREASED VOLUME CAP UNDER SUBSECTION (d)(5).—No amount which is attributable to the increase under subsection (d)(5) may be used—

''(A) for any issue other than a qualified housing issue (as defined in subsection (d)(5)), or

''(B) to issue any bond after calendar year 2010.''.

(b) TEMPORARY RULE FOR USE OF QUALIFIED MORTGAGE BONDS PROCEEDS FOR SUBPRIME REFINANCING LOANS.—

(1) IN GENERAL.—Section 143(k) (relating to other definitions and special rules) is amended by adding at the end the following new paragraph:

''(12) SPECIAL RULES FOR SUBPRIME REFINANCINGS.—

''(A) IN GENERAL.—Notwithstanding the requirements of subsection (i)(1), the proceeds of a qualified mortgage issue may be used to refinance a mortgage on a residence which was originally financed by the mortgagor through a qualified subprime loan.

''(B) SPECIAL RULES.—In applying subparagraph (A) to any refinancing—

''(i) subsection (a)(2)(D)(i) shall be applied by substituting '12-month period' for '42-month period' each place it appears,

''(ii) subsection (d) (relating to 3-year requirement) shall not apply, and

''(iii) subsection (e) (relating to purchase price requirement) shall be applied by using the market value of the residence at the time of refinancing in lieu of the acquisition cost.

''(C) QUALIFIED SUBPRIME LOAN.—The term 'qualified subprime loan' means an adjustable rate single-family residential mortgage loan made after December 31, 2001, and before January 1, 2008, that the bond issuer determines would be reasonably likely to cause financial hardship to the borrower if not refinanced.

''(D) TERMINATION.—This paragraph shall not apply to any bonds issued after December 31, 2010.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to bonds issued after the date of the enactment of this Act.

SEC. 3022. REPEAL OF ALTERNATIVE MINIMUM TAX LIMITATIONS ON TAX-EXEMPT HOUSING BONDS, LOW-INCOME HOUSING TAX CREDIT, AND REHABILITATION CREDIT.

(a) TAX-EXEMPT INTEREST ON CERTAIN HOUSING BONDS EXEMPTED FROM ALTERNATIVE MINIMUM TAX.—

(1) IN GENERAL.—Subparagraph (C) of section 57(a)(5) (relating to specified private activity bonds) is amended by redesignating clauses (iii) and (iv) as clauses (iv) and (v), respectively, and by inserting after clause (ii) the following new clause:

''(iii) EXCEPTION FOR CERTAIN HOUSING BONDS.—For purposes of clause (i), the term 'private activity bond' shall not include any bond issued after the date of the enactment of this clause if such bond is—

''(I) an exempt facility bond issued as part of an issue 95 percent or more of the net proceeds of which are to be used to provide qualified residential rental projects (as defined in section 142(d)),

''(II) a qualified mortgage bond (as defined in section 143(a)), or

''(III) a qualified veterans' mortgage bond (as defined in section 143(b)).

The preceding sentence shall not apply to any refunding bond unless such preceding sentence applied to the refunded bond (or in the case of a series of refundings, the original bond).''.

(2) NO ADJUSTMENT TO ADJUSTED CURRENT EARNINGS.—Subparagraph (B) of section 56(g)(4) is amended by adding at the end the following new clause:

''(iii) TAX EXEMPT INTEREST ON CERTAIN HOUSING BONDS.—Clause (i) shall not apply in the case of any interest on a bond to which section 57(a)(5)(C)(iii) applies.''.

(b) ALLOWANCE OF LOW-INCOME HOUSING CREDIT AGAINST ALTERNATIVE MINIMUM TAX.—Subparagraph (B) of section 38(c)(4) (relating to specified credits) is amended by redesignating clauses (ii) through (iv) as clauses (iii) through (v) and inserting after clause (i) the following new clause:

''(ii) the credit determined under section 42 to the extent attributable to buildings placed in service after December 31, 2007,''.

(c) ALLOWANCE OF REHABILITATION CREDIT AGAINST ALTERNATIVE MINIMUM TAX.—Subparagraph (B) of section 38(c)(4), as amended by subsection (b), is amended by striking ''and'' at the end of clause (iv), by redesignating clause (v) as clause (vi), and by inserting after clause (iv) the following new clause:

''(v) the credit determined under section 47 to the extent attributable to qualified rehabilitation expenditures properly taken into account for periods after December 31, 2007, and''.

(d) EFFECTIVE DATE.—

(1) HOUSING BONDS.—The amendments made by subsection (a) shall apply to bonds issued after the date of the enactment of this Act.

(2) LOW INCOME HOUSING CREDIT.—The amendments made by subsection (b) shall apply to credits determined under section 42 of the Internal Revenue Code of 1986 to the extent attributable to buildings placed in service after December 31, 2007.

(3) REHABILITATION CREDIT.—The amendments made by subsection (c) shall apply to credits determined under section 47 of the Internal Revenue Code of 1986 to the extent attributable to qualified rehabilitation expenditures properly taken into account for periods after December 31, 2007.

SEC. 3023. BONDS GUARANTEED BY FEDERAL HOME LOAN BANKS ELIGIBLE FOR TREATMENT AS TAX-EXEMPT BONDS.

(a) IN GENERAL.—Subparagraph (A) of section 149(b)(3) (relating to exceptions for certain insurance programs) is amended by striking ''or'' at the end of clause (ii), by striking the period at the end of clause (iii) and inserting '', or'' and by adding at the end the following new clause:

''(iv) subject to subparagraph (E), any guarantee by a Federal home loan bank made in connection with the original issuance of a bond during the period beginning on the date of the enactment of this clause and ending on December 31, 2010 (or a renewal or extension of a guarantee so made).''.

(b) SAFETY AND SOUNDNESS REQUIREMENTS.—Paragraph (3) of section 149(b) is amended by adding at the end the following new subparagraph:

''(E) SAFETY AND SOUNDNESS REQUIREMENTS FOR FEDERAL HOME LOAN BANKS.—Clause (iv) of subparagraph (A) shall not apply to any guarantee by a Federal home loan bank unless such bank meets safety and soundness collateral requirements for such guarantees which are at least as stringent as such requirements which apply under regulations applicable to such guarantees by Federal home loan banks as in effect on April 9, 2008.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to guarantees made after the date of the enactment of this Act.

SEC. 3024. MODIFICATION OF RULES PERTAINING TO FIRPTA NONFOREIGN AFFIDAVITS.

(a) IN GENERAL.—Subsection (b) of section 1445 (relating to exemptions) is amended by adding at the end the following:

''(9) ALTERNATIVE PROCEDURE FOR FURNISHING NONFOREIGN AFFIDAVIT.—For purposes of paragraphs (2) and (7)—

''(A) IN GENERAL.—Paragraph (2) shall be treated as applying to a transaction if, in connection with a disposition of a United States real property interest—

''(i) the affidavit specified in paragraph (2) is furnished to a qualified substitute, and

''(ii) the qualified substitute furnishes a statement to the transferee stating, under penalty of perjury, that the qualified substitute has such affidavit in his possession.

''(B) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out this paragraph.''.

(b) QUALIFIED SUBSTITUTE.—Subsection (f) of section 1445 (relating to definitions) is amended by adding at the end the following new paragraph:

''(6) QUALIFIED SUBSTITUTE.—The term 'qualified substitute' means, with respect to a disposition of a United States real property interest—

''(A) the person (including any attorney or title company) responsible for closing the transaction, other than the transferor's agent, and

''(B) the transferee's agent.''.

(c) EXEMPTION NOT TO APPLY IF KNOWLEDGE OR NOTICE THAT AFFIDAVIT OR STATEMENT IS FALSE.—

(1) IN GENERAL.—Paragraph (7) of section 1445(b) (relating to special rules for paragraphs (2) and (3)) is amended to read as follows:

''(7) SPECIAL RULES FOR PARAGRAPHS (2), (3), AND (9).—Paragraph (2), (3), or (9) (as the case may be) shall not apply to any disposition—

''(A) if—

''(i) the transferee or qualified substitute has actual knowledge that the affidavit referred to in such paragraph, or the statement referred to in paragraph (9)(A)(ii), is false, or

''(ii) the transferee or qualified substitute receives a notice (as described in subsection (d)) from a transferor's agent, transferee's agent, or qualified substitute that such affidavit or statement is false, or

''(B) if the Secretary by regulations requires the transferee or qualified substitute to furnish a copy of such affidavit or statement to the Secretary and the transferee or qualified substitute fails to furnish a copy of such affidavit or statement to the Secretary at such time and in such manner as required by such regulations.''.

(2) LIABILITY.—

(A) NOTICE.—Paragraph (1) of section 1445(d) (relating to notice of false affidavit; foreign corporations) is amended to read as follows:

''(1) NOTICE OF FALSE AFFIDAVIT; FOREIGN CORPORATIONS.—If—

''(A) the transferor furnishes the transferee or qualified substitute an affidavit described in paragraph (2) of subsection (b) or a domestic corporation furnishes the transferee an affidavit described in paragraph (3) of subsection (b), and

''(B) in the case of—

''(i) any transferor's agent—

''(I) such agent has actual knowledge that such affidavit is false, or

''(II) in the case of an affidavit described in subsection (b)(2) furnished by a corporation, such corporation is a foreign corporation, or

''(ii) any transferee's agent or qualified substitute, such agent or substitute has actual knowledge that such affidavit is false,

such agent or qualified substitute shall so notify the transferee at such time and in such manner as the Secretary shall require by regulations.''.

(B) FAILURE TO FURNISH NOTICE.—Paragraph (2) of section 1445(d) (relating to failure to furnish notice) is amended to read as follows:

''(2) FAILURE TO FURNISH NOTICE.—

''(A) IN GENERAL.—If any transferor's agent, transferee's agent, or qualified substitute is required by paragraph (1) to furnish notice, but fails to furnish such notice at such time or times and in such manner as may be required by regulations, such agent or substitute shall have the same duty to deduct and withhold that the transferee would have had if such agent or substitute had complied with paragraph (1).

''(B) LIABILITY LIMITED TO AMOUNT OF COMPENSATION.—An agent's or substitute's liability

under subparagraph (A) shall be limited to the amount of compensation the agent or substitute derives from the transaction.''.

(C) CONFORMING AMENDMENT.—The heading for section 1445(d) is amended by striking ''OR TRANSFEREE'S AGENTS'' and inserting '', TRANSFEREE'S AGENTS, OR QUALIFIED SUBSTITUTES''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to dispositions of United States real property interests after the date of the enactment of this Act.

SEC. 3025. MODIFICATION OF DEFINITION OF TAX-EXEMPT USE PROPERTY FOR PURPOSES OF THE REHABILITATION CREDIT.

(a) IN GENERAL.—Subclause (I) of section 47(c)(2)(B)(v) is amended by striking ''section 168(h)'' and inserting ''section 168(h), except that '50 percent' shall be substituted for '35 percent' in paragraph (1)(B)(iii) thereof''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to expenditures properly taken into account for periods after December 31, 2007.

SEC. 3026. EXTENSION OF SPECIAL RULE FOR MORTGAGE REVENUE BONDS FOR RESIDENCES LOCATED IN DISASTER AREAS.

(a) IN GENERAL.—Paragraph (11) of section 143(k) is amended—

(1) by striking ''December 31, 1996'' and inserting ''May 1, 2008'', and

(2) by striking ''January 1, 1999'' and inserting ''January 1, 2010''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to bonds issued after May 1, 2008.

TITLE II—REFORMS RELATED TO REAL ESTATE INVESTMENT TRUSTS

Subtitle A—Foreign Currency and Other Qualified Activities

SEC. 3031. REVISIONS TO REIT INCOME TESTS.

(a) FOREIGN CURRENCY GAINS NOT GROSS INCOME IN APPLYING REIT INCOME TESTS.—Section 856 (defining real estate investment trust) is amended by adding at the end the following new subsection:

''(n) RULES REGARDING FOREIGN CURRENCY TRANSACTIONS.—

''(1) IN GENERAL.—For purposes of this part—

''(A) passive foreign exchange gain for any taxable year shall not constitute gross income for purposes of subsection (c)(2), and

''(B) real estate foreign exchange gain for any taxable year shall not constitute gross income for purposes of subsection (c)(3).

''(2) REAL ESTATE FOREIGN EXCHANGE GAIN.—For purposes of this subsection, the term 'real estate foreign exchange gain' means—

''(A) foreign currency gain (as defined in section 988(b)(1)) which is attributable to—

''(i) any item of income or gain described in subsection (c)(3),

''(ii) the acquisition or ownership of obligations secured by mortgages on real property or on interests in real property (other than foreign currency gain attributable to any item of income or gain described in clause (i)), or

''(iii) becoming or being the obligor under obligations secured by mortgages on real property or on interests in real property (other than foreign currency gain attributable to any item of income or gain described in clause (i)),

''(B) section 987 gain attributable to a qualified business unit (as defined by section 989) of the real estate investment trust, but only if such qualified business unit meets the requirements under—

''(i) subsection (c)(3) for the taxable year, and

''(ii) subsection (c)(4)(A) at the close of each quarter that the real estate investment trust has directly or indirectly held the qualified business unit, and

''(C) any other foreign currency gain as determined by the Secretary.

''(3) PASSIVE FOREIGN EXCHANGE GAIN.—For purposes of this subsection, the term 'passive foreign exchange gain' means—

''(A) real estate foreign exchange gain,

''(B) foreign currency gain (as defined in section 988(b)(1)) which is not described in subparagraph (A) and which is attributable to—

''(i) any item of income or gain described in subsection (c)(2),

''(ii) the acquisition or ownership of obligations (other than foreign currency gain attributable to any item of income or gain described in clause (i)), or

''(iii) becoming or being the obligor under obligations (other than foreign currency gain attributable to any item of income or gain described in clause (i)), and

''(C) any other foreign currency gain as determined by the Secretary.

''(4) EXCEPTION FOR INCOME FROM SUBSTANTIAL AND REGULAR TRADING.—Notwithstanding this subsection or any other provision of this part, any section 988 gain derived by a corporation, trust, or association from engaging in substantial and regular trading or dealing in securities (as defined in section 475(c)(2)) shall constitute gross income which does not qualify under paragraph (2) or (3) of subsection (c). This paragraph shall not apply to income which does not constitute gross income by reason of subsection (c)(5)(G).''.

(b) ADDITION TO REIT HEDGING RULE.—Subparagraph (G) of section 856(c)(5) is amended to read as follows:

''(G) TREATMENT OF CERTAIN HEDGING INSTRUMENTS.—Except to the extent as determined by the Secretary—

''(i) any income of a real estate investment trust from a hedging transaction (as defined in clause (ii) or (iii) of section 1221(b)(2)(A)) which is clearly identified pursuant to section 1221(a)(7), including gain from the sale or disposition of such a transaction, shall not constitute gross income under paragraphs (2) and (3) to the extent that the transaction hedges any indebtedness incurred or to be incurred by the trust to acquire or carry real estate assets, and

''(ii) any income of a real estate investment trust from a transaction entered into by the trust primarily to manage risk of currency fluctuations with respect to any item of income or gain described in paragraph (2) or (3) (or any property which generates such income or gain), including gain from the termination of such a transaction, shall not constitute gross income under paragraphs (2) and (3), but only if such transaction is clearly identified as such before the close of the day on which it was acquired, originated, or entered into (or such other time as the Secretary may prescribe).''.

(c) AUTHORITY TO EXCLUDE ITEMS OF INCOME FROM REIT INCOME TESTS.—Section 856(c)(5), as amended by the Heartland, Habitat, Harvest, and Horticulture Act of 2008, is amended by adding at the end the following new subparagraph:

''(J) SECRETARIAL AUTHORITY TO EXCLUDE OTHER ITEMS OF INCOME.—To the extent necessary to carry out the purposes of this part, the Secretary is authorized to determine, solely for purposes of this part, whether any item of income or gain which—

''(i) does not otherwise qualify under paragraph (2) or (3) may be considered as not constituting gross income, or

''(ii) otherwise constitutes gross income not qualifying under paragraph (2) or (3) may be considered as gross income which qualifies under paragraph (2) or (3).''.

SEC. 3032. REVISIONS TO REIT ASSET TESTS.

(a) CLARIFICATION OF VALUATION TEST.—The first sentence in the matter following section 856(c)(4)(B)(iii)(III) is amended by inserting ''(including a discrepancy caused solely by the change in the foreign currency exchange rate used to value a foreign asset)'' after ''such requirements''.

(b) CLARIFICATION OF PERMISSIBLE ASSET CATEGORY.—Section 856(c)(5), as amended by section 3031(c), is amended by adding at the end the following new subparagraph:

''(K) CASH.—If the real estate investment trust or its qualified business unit (as defined in section 989) uses any foreign currency as its functional currency (as defined in section 985(b)), the term 'cash' includes such foreign currency but only to the extent such foreign currency—

''(i) is held for use in the normal course of the activities of the trust or qualified business unit which give rise to items of income or gain described in paragraph (2) or (3) of subsection (c) or are directly related to acquiring or holding assets described in subsection (c)(4), and

''(ii) is not held in connection with an activity described in subsection (n)(4).''.

SEC. 3033. CONFORMING FOREIGN CURRENCY REVISIONS.

(a) NET INCOME FROM FORECLOSURE PROPERTY.—Clause (i) of section 857(b)(4)(B) is amended to read as follows:

''(i) gain (including any foreign currency gain, as defined in section 988(b)(1)) from the sale or other disposition of foreclosure property described in section 1221(a)(1) and the gross income for the taxable year derived from foreclosure property (as defined in section 856(e)), but only to the extent such gross income is not described in (or, in the case of foreign currency gain, not attributable to gross income described in) section 856(c)(3) other than subparagraph (F) thereof, over''.

(b) NET INCOME FROM PROHIBITED TRANSACTIONS.—Clause (i) of section 857(b)(6)(B) is amended to read as follows:

''(i) the term 'net income derived from prohibited transactions' means the excess of the gain (including any foreign currency gain, as defined in section 988(b)(1)) from prohibited transactions over the deductions (including any foreign currency loss, as defined in section 988(b)(2)) allowed by this chapter which are directly connected with prohibited transactions;''.

Subtitle B—Taxable REIT Subsidiaries

SEC. 3041. CONFORMING TAXABLE REIT SUBSIDIARY ASSET TEST.

Section 856(c)(4)(B)(ii) is amended—

(1) by striking ''20 percent'' and inserting ''25 percent'', and

(2) by striking ''REIT subsidiaries'' and all that follows, and inserting ''REIT subsidiaries,''.

Subtitle C—Dealer Sales

SEC. 3051. HOLDING PERIOD UNDER SAFE HARBOR.

Section 857(b)(6) (relating to income from prohibited transactions) is amended—

(1) by striking ''4 years'' in subparagraphs (C)(i), (C)(iv), and (D)(i) and inserting ''2 years'',

(2) by striking ''4-year period'' in subparagraphs (C)(ii), (D)(ii), and (D)(iii) and inserting ''2-year period'', and

(3) by striking ''real estate asset''and all that follows through ''if'' in the matter preceding clause (i) of subparagraphs (C) and (D), respectively, and inserting ''real estate asset (as defined in section 856(c)(5)(B)) and which is described in section 1221(a)(1) if''.

SEC. 3052. DETERMINING VALUE OF SALES UNDER SAFE HARBOR.

Section 857(b)(6) is amended—

(1) by striking the semicolon at the end of subparagraph (C)(iii) and inserting '', or (III) the fair market value of property (other than sales of foreclosure property or sales to which section 1033 applies) sold during the taxable year does not exceed 10 percent of the fair market value of all of the assets of the trust as of the beginning of the taxable year;'', and

(2) by adding ''or'' at the end of subclause (II) of subparagraph (D)(iv) and by adding at the end of such subparagraph the following new subclause:

''(III) the fair market value of property (other than sales of foreclosure property or sales to which section 1033 applies) sold during the taxable year does not exceed 10 percent of the fair market value of all of the assets of the trust as of the beginning of the taxable year,''.

Subtitle D—Health Care REITs

SEC. 3061. CONFORMITY FOR HEALTH CARE FACILITIES.

(a) RELATED PARTY RENTALS.—Subparagraph (B) of section 856(d)(8) (relating to special rule for taxable REIT subsidiaries) is amended to read as follows:

''(B) EXCEPTION FOR CERTAIN LODGING FACILITIES AND HEALTH CARE PROPERTY.—The requirements of this subparagraph are met with respect to an interest in real property which is a qualified lodging facility (as defined in paragraph (9)(D)) or a qualified health care property (as defined in subsection (e)(6)(D)(i)) leased by the trust to a taxable REIT subsidiary of the trust if the property is operated on behalf of such subsidiary by a person who is an eligible independent contractor. For purposes of this section, a taxable REIT subsidiary is not considered to be operating or managing a qualified health care property or qualified lodging facility solely because it—

''(i) directly or indirectly possesses a license, permit, or similar instrument enabling it to do so, or

''(ii) employs individuals working at such facility or property located outside the United States, but only if an eligible independent contractor is responsible for the daily supervision and direction of such individuals on behalf of the taxable REIT subsidiary pursuant to a management agreement or similar service contract.''.

(b) ELIGIBLE INDEPENDENT CONTRACTOR.—Subparagraphs (A) and (B) of section 856(d)(9) (relating to eligible independent contractor) are amended to read as follows:

''(A) IN GENERAL.—The term 'eligible independent contractor' means, with respect to any qualified lodging facility or qualified health care property (as defined in subsection (e)(6)(D)(i)), any independent contractor if, at the time such contractor enters into a management agreement or other similar service contract with the taxable REIT subsidiary to operate such qualified lodging facility or qualified health care property, such contractor (or any related person) is actively engaged in the trade or business of operating qualified lodging facilities or qualified health care properties, respectively, for any person who is not a related person with respect to the real estate investment trust or the taxable REIT subsidiary.

''(B) SPECIAL RULES.—Solely for purposes of this paragraph and paragraph (8)(B), a person shall not fail to be treated as an independent contractor with respect to any qualified lodging facility or qualified health care property (as so defined) by reason of the following:

''(i) The taxable REIT subsidiary bears the expenses for the operation of such qualified lodging facility or qualified health care property pursuant to the management agreement or other similar service contract.

''(ii) The taxable REIT subsidiary receives the revenues from the operation of such qualified lodging facility or qualified health care property, net of expenses for such operation and fees payable to the operator pursuant to such agreement or contract.

''(iii) The real estate investment trust receives income from such person with respect to another property that is attributable to a lease of such other property to such person that was in effect as of the later of—

''(I) January 1, 1999, or

''(II) the earliest date that any taxable REIT subsidiary of such trust entered into a management agreement or other similar service contract with such person with respect to such qualified lodging facility or qualified health care property.''.

(c) TAXABLE REIT SUBSIDIARIES.—The last sentence of section 856(l)(3) is amended—

(1) by inserting ''or a health care facility'' after ''a lodging facility'', and

(2) by inserting ''or health care facility'' after ''such lodging facility''.

Subtitle E—Effective Dates

SEC. 3071. EFFECTIVE DATES.

(a) IN GENERAL.—Except as otherwise provided in this section, the amendments made by this title shall apply to taxable years beginning after the date of the enactment of this Act.

(b) REIT INCOME TESTS.—

(1) The amendments made by section 3031(a) and (c) shall apply to gains and items of income recognized after the date of the enactment of this Act.

(2) The amendment made by section 3031(b) shall apply to transactions entered into after the date of the enactment of this Act.

(c) CONFORMING FOREIGN CURRENCY REVISIONS.—

(1) The amendment made by section 3033(a) shall apply to gains recognized after the date of the enactment of this Act.

(2) The amendment made by section 3033(b) shall apply to gains and deductions recognized after the date of the enactment of this Act.

(d) DEALER SALES.—The amendments made by subtitle C shall apply to sales made after the date of the enactment of this Act.

TITLE III—REVENUE PROVISIONS

Subtitle A—General Provisions

SEC. 3081. ELECTION TO ACCELERATE AMT AND R AND D CREDITS IN LIEU OF BONUS DEPRECIATION.

(a) IN GENERAL.—Section 168(k) is amended by adding at the end the following new paragraph:

''(4) ELECTION TO ACCELERATE AMT AND R AND D CREDITS IN LIEU OF BONUS DEPRECIATION.—

''(A) IN GENERAL.—If a corporation elects to have this paragraph apply—

''(i) no additional depreciation shall be allowed under paragraph (1) for any eligible qualified property placed in service during any taxable year to which paragraph (1) would otherwise apply,

''(ii) the applicable depreciation method used under this section with respect to such eligible qualified property shall be the straight line method rather than the method that would otherwise be used, and

''(iii) the limitations described in subparagraph (B) for such taxable year shall be increased by an aggregate amount not in excess of the bonus depreciation amount for such taxable year.

''(B) LIMITATIONS TO BE INCREASED.—The limitations described in this subparagraph are—

''(i) the limitation under section 38(c), and

''(ii) the limitation under section 53(c).

''(C) BONUS DEPRECIATION AMOUNT.—For purposes of this paragraph—

''(i) IN GENERAL.—The bonus depreciation amount for any applicable taxable year is an amount equal to the product of 20 percent and the excess (if any) of—

''(I) the aggregate amount of depreciation which would be determined under this section for property placed in service during the taxable year if no election under this paragraph were made, over

''(II) the aggregate amount of depreciation allowable under this section for property placed in service during the taxable year.

In the case of property which is a passenger aircraft, the amount determined under subclause (I) shall be calculated without regard to the written binding contract limitation under paragraph (2)(A)(iii)(I).

''(ii) MAXIMUM AMOUNT.—The bonus depreciation amount for any applicable taxable year shall not exceed the applicable limitation under clause (iii), reduced (but not below zero) by the bonus depreciation amount for any preceding taxable year.

''(iii) APPLICABLE LIMITATION.—For purposes of clause (ii), the term 'applicable limitation' means, with respect to any eligible taxpayer, the lesser of—

''(I) $30,000,000, or

''(II) 6 percent of the sum of the amounts determined with respect to the taxpayer under clauses (ii) and (iii) of subparagraph (E).

''(iv) AGGREGATION RULE.—All corporations which are treated as a single employer under section 52(a) shall be treated as 1 taxpayer for purposes of applying the limitation under this subparagraph and determining the applicable limitation under clause (iii).

''(D) ELIGIBLE QUALIFIED PROPERTY.—For purposes of this paragraph, the term 'eligible qualified property' means qualified property under paragraph (2), except that in applying paragraph (2) for purposes of this clause—

''(i) 'March 31, 2008' shall be substituted for 'December 31, 2007' each place it appears in subparagraph (A) and clauses (i) and (ii) of subparagraph (E) thereof,

''(ii) only adjusted basis attributable to manufacture, construction, or production after March 31, 2008, and before January 1, 2009, shall be taken into account under subparagraph (B)(ii) thereof, and

''(iii) in the case of property which is a passenger aircraft, the written binding contract limitation under subparagraph (A)(iii)(I) thereof shall not apply.

''(E) ALLOCATION OF BONUS DEPRECIATION AMOUNTS.—

''(i) IN GENERAL.—Subject to clauses (ii) and (iii), the taxpayer shall, at such time and in such manner as the Secretary may prescribe, specify the portion (if any) of the bonus depreciation amount which is to be allocated to each of the limitations described in subparagraph (B).

''(ii) BUSINESS CREDIT LIMITATION.—The portion of the bonus depreciation amount allocated to the limitation described in subparagraph (B)(i) shall not exceed an amount equal to the portion of the credit allowable under section 38 for the taxable year which is allocable to business credit carryforwards to such taxable year which are—

''(I) from taxable years beginning before January 1, 2006, and

''(II) properly allocable (determined under the rules of section 38(d)) to the research credit determined under section 41(a).

''(iii) ALTERNATIVE MINIMUM TAX CREDIT LIMITATION.—The portion of the bonus depreciation amount allocated to the limitation described in subparagraph (B)(ii) shall not exceed an amount equal to the portion of the minimum tax credit allowable under section 53 for the taxable year which is allocable to the adjusted minimum tax imposed for taxable years beginning before January 1, 2006. For purposes of the preceding sentence, credits shall be treated as allowed on a first-in, first-out basis.

''(F) CREDIT REFUNDABLE.—Any aggregate increases in the credits allowed under section 38 or 53 by reason of this paragraph shall, for purposes of this title, be treated as a credit allowed to the taxpayer under subpart C of part IV of subchapter A.

''(G) OTHER RULES.—

''(i) ELECTION.—Any election under this paragraph (including any allocation under subparagraph (E)) may be revoked only with the consent of the Secretary.

''(ii) DEDUCTION ALLOWED IN COMPUTING MINIMUM TAX.—Notwithstanding this paragraph, paragraph (2)(G) shall apply with respect to the deduction computed under this section (after application of this paragraph) with respect to property placed in service during any applicable taxable year.''.

(b) APPLICATION TO CERTAIN AUTOMOTIVE PARTNERSHIPS.—

(1) IN GENERAL.—If an applicable partnership elects the application of this subsection—

(A) the partnership shall be treated as having made a payment against the tax imposed by chapter 1 of the Internal Revenue Code of 1986 for any applicable taxable year of the partnership in the amount determined under paragraph (3),

(B) in the case of any eligible qualified property placed in service by the partnership during any applicable taxable year—

(i) section 168(k) of such Code shall not apply in determining the amount of the deduction allowable to the partnership or any partner with respect to such property under section 168 of such Code,

(ii) the applicable depreciation method used by the partnership or any partner under such section with respect to such property shall be the straight line method rather than the method that would otherwise be used,

(C) no election may be made under section 168(k)(4) of such Code with respect to the partnership, and

(D) the amount of the credit determined under section 41 of such Code for any applicable taxable year with respect to the partnership shall be reduced by the amount of the deemed payment under subparagraph (A) for the taxable year.

(2) TREATMENT OF DEEMED PAYMENT.—

(A) IN GENERAL.—Notwithstanding any other provision of the Internal Revenue Code of 1986, the Secretary of the Treasury or his delegate shall not use the payment of tax described in paragraph (1) as an offset or credit against any tax liability of the applicable partnership or any partner but shall refund such payment to the applicable partnership.

(B) NO INTEREST.—The payment described in paragraph (1) shall not be taken into account in determining any amount of interest under such Code.

(3) AMOUNT OF DEEMED PAYMENT.—The amount determined under this paragraph for any applicable taxable year shall be the least of the following:

(A) The amount which would be determined for the taxable year under section 168(k)(4)(C)(i) of the Internal Revenue Code of 1986 (as added by the amendments made by this section) if an election under such section were in effect with respect to the partnership.

(B) The amount of the credit determined under section 41 of such Code for the taxable year with respect to the partnership.

(C) $30,000,000, reduced by the amount of any payment under this subsection for any preceding taxable year.

(4) DEFINITIONS.—For purposes of this subsection—

(A) APPLICABLE PARTNERSHIP.—The term ''applicable partnership'' means a domestic partnership that—

(i) was formed effective on August 3, 2007, and

(ii) will produce in excess of 675,000 automobiles during the period beginning on January 1, 2008, and ending on June 30, 2008.

(B) APPLICABLE TAXABLE YEAR.—The term ''applicable taxable year'' means any taxable year during which eligible qualified property is placed in service.

(C) ELIGIBLE QUALIFIED PROPERTY.—The term ''eligible qualified property'' has the meaning given such term by section 168(k)(4)(D) of the Internal Revenue Code of 1986 (as added by the amendments made by this section).

(c) CONFORMING AMENDMENT.—Section 1324(b)(2) of title 31, United States Code, as amended by this Act, is amended—

(1) by inserting ''168(k)(4)(F),'' after ''36,'', and

(2) by inserting '', or due under section 3081(b)(2) of the Housing Assistance Tax Act of 2008'' before the period at the end.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after March 31, 2008.

SEC. 3082. CERTAIN GO ZONE INCENTIVES.

(a) USE OF AMENDED INCOME TAX RETURNS TO TAKE INTO ACCOUNT RECEIPT OF CERTAIN HURRICANE-RELATED CASUALTY LOSS GRANTS BY DISALLOWING PREVIOUSLY TAKEN CASUALTY LOSS DEDUCTIONS.—

(1) IN GENERAL.—Notwithstanding any other provision of the Internal Revenue Code of 1986, if a taxpayer claims a deduction for any taxable year with respect to a casualty loss to a principal residence (within the meaning of section 121 of such Code) resulting from Hurricane Katrina, Hurricane Rita, or Hurricane Wilma and in a subsequent taxable year receives a grant under Public Law 109–148, 109–234, or 110–116 as reimbursement for such loss, such taxpayer may elect to file an amended income tax return for the taxable year in which such deduction was allowed (and for any taxable year to which such deduction is carried) and reduce (but not below zero) the amount of such deduction by the amount of such reimbursement.

(2) TIME OF FILING AMENDED RETURN.—Paragraph (1) shall apply with respect to any grant only if any amended income tax returns with respect to such grant are filed not later than the later of—

(A) the due date for filing the tax return for the taxable year in which the taxpayer receives such grant, or

(B) the date which is 1 year after the date of the enactment of this Act.

(3) WAIVER OF PENALTIES AND INTEREST.—Any underpayment of tax resulting from the reduction under paragraph (1) of the amount otherwise allowable as a deduction shall not be subject to any penalty or interest under such Code if such tax is paid not later than 1 year after the filing of the amended return to which such reduction relates.

(b) WAIVER OF DEADLINE ON CONSTRUCTION OF GO ZONE PROPERTY ELIGIBLE FOR BONUS DEPRECIATION.—

(1) IN GENERAL.—Subparagraph (B) of section 1400N(d)(3) is amended to read as follows:

''(B) without regard to 'and before January 1, 2009' in clause (i) thereof, and''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to property placed in service after December 31, 2007.

(c) INCLUSION OF CERTAIN COUNTIES IN GULF OPPORTUNITY ZONE FOR PURPOSES OF TAX-EXEMPT BOND FINANCING.—

(1) IN GENERAL.—Subsection (a) of section 1400N is amended by adding at the end the following new paragraph:

''(8) INCLUSION OF CERTAIN COUNTIES.—For purposes of this subsection, the Gulf Opportunity Zone includes Colbert County, Alabama and Dallas County, Alabama.''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall take effect as if included in the provisions of the Gulf Opportunity Zone Act of 2005 to which it relates.

Subtitle B—Revenue Offsets

SEC. 3091. RETURNS RELATING TO PAYMENTS MADE IN SETTLEMENT OF PAYMENT CARD AND THIRD PARTY NETWORK TRANSACTIONS.

(a) IN GENERAL.—Subpart B of part III of subchapter A of chapter 61 is amended by adding at the end the following new section:

''SEC. 6050W. RETURNS RELATING TO PAYMENTS MADE IN SETTLEMENT OF PAYMENT CARD AND THIRD PARTY NETWORK TRANSACTIONS.

''(a) IN GENERAL.—Each payment settlement entity shall make a return for each calendar year setting forth—

''(1) the name, address, and TIN of each participating payee to whom one or more payments in settlement of reportable transactions are made, and

''(2) the gross amount of the reportable transactions with respect to each such participating payee.

Such return shall be made at such time and in such form and manner as the Secretary may require by regulations.

''(b) PAYMENT SETTLEMENT ENTITY.—For purposes of this section—

''(1) IN GENERAL.—The term 'payment settlement entity' means—

''(A) in the case of a payment card transaction, the merchant acquiring bank, and

''(B) in the case of a third party network transaction, the third party settlement organization.

''(2) MERCHANT ACQUIRING BANK.—The term 'merchant acquiring bank' means the bank or other organization which has the contractual obligation to make payment to participating payees in settlement of payment card transactions.

''(3) THIRD PARTY SETTLEMENT ORGANIZATION.—The term 'third party settlement organization' means the central organization which has the contractual obligation to make payment to participating payees of third party network transactions.

''(4) SPECIAL RULES RELATED TO INTERMEDIARIES.—For purposes of this section—

''(A) AGGREGATED PAYEES.—In any case where reportable transactions of more than one participating payee are settled through an intermediary—

''(i) such intermediary shall be treated as the participating payee for purposes of determining the reporting obligations of the payment settlement entity with respect to such transactions, and

''(ii) such intermediary shall be treated as the payment settlement entity with respect to the settlement of such transactions with the participating payees.

''(B) ELECTRONIC PAYMENT FACILITATORS.—In any case where an electronic payment facilitator or other third party makes payments in settlement of reportable transactions on behalf of the payment settlement entity, the return under subsection (a) shall be made by such electronic payment facilitator or other third party in lieu of the payment settlement entity.

''(c) REPORTABLE TRANSACTION.—For purposes of this section—

''(1) IN GENERAL.—The term 'reportable transaction' means any payment card transaction and any third party network transaction.

''(2) PAYMENT CARD TRANSACTION.—The term 'payment card transaction' means any transaction in which a payment card is accepted as payment.

''(3) THIRD PARTY NETWORK TRANSACTION.—The term 'third party network transaction' means any transaction which is settled through a third party payment network.

''(d) OTHER DEFINITIONS.—For purposes of this section—

''(1) PARTICIPATING PAYEE.—

''(A) IN GENERAL.—The term 'participating payee' means—

''(i) in the case of a payment card transaction, any person who accepts a payment card as payment, and

''(ii) in the case of a third party network transaction, any person who accepts payment from a third party settlement organization in settlement of such transaction.

''(B) EXCLUSION OF FOREIGN PERSONS.—To the extent provided by the Secretary in regulations or other guidance, such term shall not include any foreign person.

''(C) INCLUSION OF GOVERNMENTAL UNITS.—The term 'person' includes any governmental unit (and any agency or instrumentality thereof).

''(2) PAYMENT CARD.—The term 'payment card' means any card which is issued pursuant to an agreement or arrangement which provides for—

''(A) one or more issuers of such cards,

''(B) a network of persons unrelated to each other, and to the issuer, who agree to accept such cards as payment, and

''(C) standards and mechanisms for settling the transactions between the merchant acquiring banks and the persons who agree to accept such cards as payment.

The acceptance as payment of any account number or other indicia associated with a payment card shall be treated for purposes of this section in the same manner as accepting such payment card as payment.

''(3) THIRD PARTY PAYMENT NETWORK.—The term 'third party payment network' means any agreement or arrangement—

''(A) which involves the establishment of accounts with a central organization for the purpose of settling transactions between persons who establish such accounts,

''(B) which provides for standards and mechanisms for settling such transactions,

''(C) which involves a substantial number of persons unrelated to such central organization who provide goods or services and who have agreed to settle transactions for the provision of such goods or services pursuant to such agreement or arrangement, and

''(D) which guarantees persons providing goods or services pursuant to such agreement or arrangement that such persons will be paid for providing such goods or services.

Such term shall not include any agreement or arrangement which provides for the issuance of payment cards.

''(e) EXCEPTION FOR DE MINIMIS PAYMENTS BY THIRD PARTY SETTLEMENT ORGANIZATIONS.—A third party settlement organization shall not be required to report any information under subsection (a) with respect to third party network transactions of any participating payee if the amount which would otherwise be reported under subsection (a)(2) with respect to such transactions does not exceed $10,000 and the aggregate number of such transactions does not exceed 200.

''(f) STATEMENTS TO BE FURNISHED TO PERSONS WITH RESPECT TO WHOM INFORMATION IS REQUIRED.—Every person required to make a return under subsection (a) shall furnish to each person with respect to whom such a return is required a written statement showing—

''(1) the name, address, and phone number of the information contact of the person required to make such return, and

''(2) the gross amount of payments made to the person required to be shown on the return. The written statement required under the preceding sentence shall be furnished to the person on or before January 31 of the year following the calendar year for which the return under subsection (a) was required to be made.

''(g) REGULATIONS.—The Secretary may prescribe such regulations or other guidance as may be necessary or appropriate to carry out this section, including rules to prevent the reporting of the same transaction more than once.''.

(b) PENALTY FOR FAILURE TO FILE.—

(1) RETURN.—Subparagraph (B) of section 6724(d)(1) is amended—

(A) by striking ''or'' at the end of clause (xx),

(B) by redesignating the clause (xix) that follows clause (xx) as clause (xxi),

(C) by striking ''and'' at the end of clause (xxi), as redesignated by subparagraph (B) and inserting ''or'', and

(D) by adding at the end the following:

''(xxii) section 6050W (relating to returns to payments made in settlement of payment card transactions), and''.

(2) STATEMENT.—Paragraph (2) of section 6724(d) is amended by striking ''or'' at the end of subparagraph (BB), by striking the period at the end of the subparagraph (CC) and inserting '', or'', and by inserting after subparagraph (CC) the following:

''(DD) section 6050W(c) (relating to returns relating to payments made in settlement of payment card transactions).''.

(c) APPLICATION OF BACKUP WITHHOLDING.—Paragraph (3) of section 3406(b) is amended by striking ''or'' at the end of subparagraph (D), by striking the period at the end of subparagraph (E) and inserting '', or'', and by adding at the end the following new subparagraph:

''(F) section 6050W (relating to returns relating to payments made in settlement of payment card transactions).''.

(d) CLERICAL AMENDMENT.—The table of sections for subpart B of part III of subchapter A of chapter 61 is amended by inserting after the item relating to section 6050V the following:

''Sec. 6050W. Returns relating to payments made in settlement of payment card transactions.''.

(e) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to returns for calendar years beginning after December 31, 2010.

(2) APPLICATION OF BACKUP WITHHOLDING.—The amendment made by subsection (c) shall apply to amounts paid after December 31, 2011.

SEC. 3092. GAIN FROM SALE OF PRINCIPAL RESIDENCE ALLOCATED TO NONQUALIFIED USE NOT EXCLUDED FROM INCOME.

(a) IN GENERAL.—Subsection (b) of section 121 of the Internal Revenue Code of 1986 (relating to limitations) is amended by adding at the end the following new paragraph:

''(4) EXCLUSION OF GAIN ALLOCATED TO NONQUALIFIED USE.—

''(A) IN GENERAL.—Subsection (a) shall not apply to so much of the gain from the sale or exchange of property as is allocated to periods of nonqualified use.

''(B) GAIN ALLOCATED TO PERIODS OF NONQUALIFIED USE.—For purposes of subparagraph (A), gain shall be allocated to periods of nonqualified use based on the ratio which—

''(i) the aggregate periods of nonqualified use during the period such property was owned by the taxpayer, bears to

''(ii) the period such property was owned by the taxpayer.

''(C) PERIOD OF NONQUALIFIED USE.—For purposes of this paragraph—

''(i) IN GENERAL.—The term 'period of nonqualified use' means any period (other than the portion of any period preceding January 1, 2009) during which the property is not used as the principal residence of the taxpayer or the taxpayer's spouse or former spouse.

''(ii) EXCEPTIONS.—The term 'period of nonqualified use' does not include—

''(I) any portion of the 5-year period described in subsection (a) which is after the last date that such property is used as the principal residence of the taxpayer or the taxpayer's spouse,

''(II) any period (not to exceed an aggregate period of 10 years) during which the taxpayer or the taxpayer's spouse is serving on qualified official extended duty (as defined in subsection (d)(9)(C)) described in clause (i), (ii), or (iii) of subsection (d)(9)(A), and

''(III) any other period of temporary absence (not to exceed an aggregate period of 2 years) due to change of employment, health conditions, or such other unforeseen circumstances as may be specified by the Secretary.

''(D) COORDINATION WITH RECOGNITION OF GAIN ATTRIBUTABLE TO DEPRECIATION.—For purposes of this paragraph—

''(i) subparagraph (A) shall be applied after the application of subsection (d)(6), and

''(ii) subparagraph (B) shall be applied without regard to any gain to which subsection (d)(6) applies.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to sales and exchanges after December 31, 2008.

SEC. 3093. INCREASE IN INFORMATION RETURN PENALTIES.

(a) FAILURE TO FILE CORRECT INFORMATION RETURNS.—

(1) IN GENERAL.—Subsections (a)(1), (b)(1)(A), and (b)(2)(A) of section 6721 are each amended by striking ''$50'' and inserting ''$100''.

(2) AGGREGATE ANNUAL LIMITATION.—Subsections (a)(1), (d)(1)(A), and (e)(3)(A) of section 6721 are each amended by striking ''$250,000'' and inserting ''$1,500,000''.

(b) REDUCTION WHERE CORRECTION WITHIN 30 DAYS.—

(1) IN GENERAL.—Subparagraph (A) of section 6721(b)(1) is amended by striking ''$15'' and inserting ''$50''.

(2) AGGREGATE ANNUAL LIMITATION.—Subsections (b)(1)(B) and (d)(1)(B) of section 6721 are each amended by striking ''$75,000'' and inserting ''$500,000''.

(c) REDUCTION WHERE CORRECTION ON OR BEFORE AUGUST 1.—

(1) IN GENERAL.—Subparagraph (A) of section 6721(b)(2) is amended by striking ''$30'' and inserting ''$75''.

(2) AGGREGATE ANNUAL LIMITATION.—Subsections (b)(2)(B) and (d)(1)(C) of section 6721are each amended by striking ''$150,000'' and inserting ''$1,000,000''.

(d) AGGREGATE ANNUAL LIMITATIONS FOR PERSONS WITH GROSS RECEIPTS OF NOT MORE THAN $5,000,000.—Paragraph (1) of section 6721(d) is amended—

(1) by striking ''$100,000'' in subparagraph (A) and inserting ''$500,000'',

(2) by striking ''$25,000'' in subparagraph (B) and inserting ''$100,000'', and

(3) by striking ''$50,000'' in subparagraph (C) and inserting ''$250,000''.

(e) PENALTY IN CASE OF INTENTIONAL DISREGARD.—Paragraph (2) of section 6721(e) is amended by striking ''$100'' and inserting ''$250''.

(f) FAILURE TO FURNISH CORRECT PAYEE STATEMENTS.—

(1) IN GENERAL.—Subsection (a) of section 6722 is amended by striking ''$50'' and inserting ''$100''.

(2) AGGREGATE ANNUAL LIMITATION.—Subsections (a) and (c)(2)(A) of section 6722 are each amended by striking ''$100,000'' and inserting ''$500,000''.

(3) PENALTY IN CASE OF INTENTIONAL DISREGARD.—Paragraph (1) of section 6722(c) is amended by striking ''$100'' and inserting ''$250''.

(g) FAILURE TO COMPLY WITH OTHER INFORMATION REPORTING REQUIREMENTS.—Section 6723 is amended—

(1) by striking ''$50'' and inserting ''$100'', and

(2) by striking ''$100,000'' and inserting ''$500,000''.

(h) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to information returns required to be filed on or after January 1, 2009.

SEC. 3094. INCREASE IN PENALTY FOR FAILURE TO FILE S CORPORATION RETURNS.

(a) IN GENERAL.—Paragraph (1) of section 6699(b) (relating to amount per month) is amended by striking ''$85'' and inserting ''$100''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to returns the due date for the filing of which (including extensions) is after the date of the enactment of this Act.

SEC. 3095. INCREASE IN PENALTY FOR FAILURE TO FILE PARTNERSHIP RETURNS.

(a) INCREASE IN PENALTY AMOUNT.—Paragraph (1) of section 6698(b) (relating to amount per month) is amended by striking ''$85'' and inserting ''$100''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to returns the due date for the filing of which (including extensions) is after the date of the enactment of this Act.

SEC. 3096. INCREASE IN MINIMUM PENALTY ON FAILURE TO FILE A RETURN OF TAX.

(a) IN GENERAL.—Subsection (a) of section 6651, as amended by section 303(a) of the Heroes Earnings Assistance and Relief Tax Act of 2008, is amended by striking ''$135'' in the last sentence and inserting ''$225''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to returns the due date for the filing of which (including extensions) is after the date of the enactment of this Act.

Resolved further, That on July 8, 2008, the Senate concurs in the House amendments, striking titles VI through XI, to the Senate amendment to the aforesaid bill;

Resolved further, That on July 11, 2008, the Senate disagrees to the amendments of the House, adding a new title and inserting a new section to the amendment of the Senate to the aforesaid bill.

Pending consideration of the amendment of the Senate.

Mr. FRANK of Massachusetts, pursuant to House Resolution 1363, moved to

agree to the amendment of the Senate to the House amendment numbered 1, with the following amendment printed in House Report 110-767.

In lieu of the matter proposed to be inserted by the amendment of the Senate, insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Housing and Economic Recovery Act of 2008''.

(b) TABLE OF CONTENT.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

DIVISION A—HOUSING FINANCE REFORM

Sec. 1001. Short title.
Sec. 1002. Definitions.

TITLE I—REFORM OF REGULATION OF ENTERPRISES

Subtitle A—Improvement of Safety and Soundness Supervision

Sec. 1101. Establishment of the Federal Housing Finance Agency.
Sec. 1102. Duties and authorities of the Director.
Sec. 1103. Federal Housing Finance Oversight Board.
Sec. 1104. Authority to require reports by regulated entities.
Sec. 1105. Examiners and accountants; authority to contract for reviews of regulated entities; ombudsman.
Sec. 1106. Assessments.
Sec. 1107. Regulations and orders.
Sec. 1108. Prudential management and operations standards.
Sec. 1109. Review of and authority over enterprise assets and liabilities.
Sec. 1110. Risk-based capital requirements.
Sec. 1111. Minimum capital levels.
Sec. 1112. Registration under the securities laws.
Sec. 1113. Prohibition and withholding of executive compensation.
Sec. 1114. Limit on golden parachutes.
Sec. 1115. Reporting of fraudulent loans.
Sec. 1116. Inclusion of minorities and women; diversity in Agency workforce.
Sec. 1117. Temporary authority for purchase of obligations of regulated entities by Secretary of Treasury.
Sec. 1118. Consultation between the Director of the Federal Housing Finance Agency and the Board of Governors of the Federal Reserve System to ensure financial market stability .

Subtitle B—Improvement of Mission Supervision

Sec. 1121. Transfer of program approval and housing goal oversight.
Sec. 1122. Assumption by the Director of certain other HUD responsibilities.
Sec. 1123. Review of enterprise products.
Sec. 1124. Conforming loan limits.
Sec. 1125. Annual housing report.
Sec. 1126. Public use database.
Sec. 1127. Reporting of mortgage data.
Sec. 1128. Revision of housing goals.
Sec. 1129. Duty to serve underserved markets.
Sec. 1130. Monitoring and enforcing compliance with housing goals.
Sec. 1131. Affordable housing programs.
Sec. 1132. Financial education and counseling.
Sec. 1133. Transfer and rights of certain HUD employees.

Subtitle C—Prompt Corrective Action

Sec. 1141. Critical capital levels.
Sec. 1142. Capital classifications.
Sec. 1143. Supervisory actions applicable to undercapitalized regulated entities.
Sec. 1144. Supervisory actions applicable to significantly undercapitalized regulated entities.
Sec. 1145. Authority over critically undercapitalized regulated entities.

Subtitle D—Enforcement Actions

Sec. 1151. Cease and desist proceedings.
Sec. 1152. Temporary cease and desist proceedings.
Sec. 1153. Removal and prohibition authority.
Sec. 1154. Enforcement and jurisdiction.
Sec. 1155. Civil money penalties.
Sec. 1156. Criminal penalty.
Sec. 1157. Notice after separation from service.
Sec. 1158. Subpoena authority.

Subtitle E—General Provisions

Sec. 1161. Conforming and technical amendments.
Sec. 1162. Presidentially-appointed directors of enterprises.
Sec. 1163. Effective date.

TITLE II—FEDERAL HOME LOAN BANKS

Sec. 1201. Recognition of distinctions between the enterprises and the Federal Home Loan Banks.
Sec. 1202. Directors.
Sec. 1203. Definitions.
Sec. 1204. Agency oversight of Federal Home Loan Banks.
Sec. 1205. Housing goals.
Sec. 1206. Community development financial institutions.
Sec. 1207. Sharing of information among Federal Home Loan Banks.
Sec. 1208. Exclusion from certain requirements.
Sec. 1209. Voluntary mergers.
Sec. 1210. Authority to reduce districts.
Sec. 1211. Community financial institution members.
Sec. 1212. Public use database; reports to Congress.
Sec. 1213. Semiannual reports.
Sec. 1214. Liquidation or reorganization of a Federal Home Loan Bank.
Sec. 1215. Study and report to Congress on securitization of acquired member assets.
Sec. 1216. Technical and conforming amendments.
Sec. 1217. Study on Federal Home Loan Bank advances.
Sec. 1218. Federal Home Loan Bank refinancing authority for certain residential mortgage loans.

TITLE III—TRANSFER OF FUNCTIONS, PERSONNEL, AND PROPERTY OF OFHEO AND THE FEDERAL HOUSING FINANCE BOARD

Subtitle A—OFHEO

Sec. 1301. Abolishment of OFHEO.
Sec. 1302. Continuation and coordination of certain actions.
Sec. 1303. Transfer and rights of employees of OFHEO.
Sec. 1304. Transfer of property and facilities.

Subtitle B—Federal Housing Finance Board

Sec. 1311. Abolishment of the Federal Housing Finance Board.
Sec. 1312. Continuation and coordination of certain actions.
Sec. 1313. Transfer and rights of employees of the Federal Housing Finance Board.
Sec. 1314. Transfer of property and facilities.

TITLE IV—HOPE FOR HOMEOWNERS

Sec. 1401. Short title.
Sec. 1402. Establishment of HOPE for Homeowners Program.
Sec. 1403. Fiduciary duty of servicers of pooled residential mortgage loans.
Sec. 1404. Revised standards for FHA appraisers.

TITLE V—S.A.F.E. MORTGAGE LICENSING ACT

Sec. 1501. Short title.
Sec. 1502. Purposes and methods for establishing a mortgage licensing system and registry.
Sec. 1503. Definitions.
Sec. 1504. License or registration required.
Sec. 1505. State license and registration application and issuance.
Sec. 1506. Standards for State license renewal.
Sec. 1507. System of registration administration by Federal agencies.
Sec. 1508. Secretary of Housing and Urban Development backup authority to establish a loan originator licensing system.
Sec. 1509. Backup authority to establish a nationwide mortgage licensing and registry system.
Sec. 1510. Fees.
Sec. 1511. Background checks of loan originators.
Sec. 1512. Confidentiality of information.
Sec. 1513. Liability provisions.
Sec. 1514. Enforcement under HUD backup licensing system.
Sec. 1515. State examination authority.
Sec. 1516. Reports and recommendations to Congress.
Sec. 1517. Study and reports on defaults and foreclosures.

TITLE VI—MISCELLANEOUS

Sec. 1601. Study and reports on guarantee fees.
Sec. 1602. Study and report on default risk evaluation.
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Sec. 3011. First-time homebuyer credit.
Sec. 3012. Additional standard deduction for real property taxes for nonitemizers.
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DIVISION A—HOUSING FINANCE REFORM

SEC. 1001. SHORT TITLE.

This division may be cited as the ''Federal Housing Finance Regulatory Reform Act of 2008''.

SEC. 1002. DEFINITIONS.

(a) FEDERAL SAFETY AND SOUNDNESS ACT DEFINITIONS.—Section 1303 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4502) is amended—

(1) in each of paragraphs (8), (9), (10), and (19), by striking ''Secretary'' each place that term appears and inserting ''Director'';

(2) by redesignating paragraphs (16) through (19) as paragraphs (21) through (24), respectively;

(3) by striking paragraphs (13) through (15) and inserting the following:

''(19) OFFICE OF FINANCE.—The term 'Office of Finance' means the Office of Finance of the Federal Home Loan Bank System (or any successor thereto).

''(20) REGULATED ENTITY.—The term 'regulated entity' means—

''(A) the Federal National Mortgage Association and any affiliate thereof;

''(B) the Federal Home Loan Mortgage Corporation and any affiliate thereof; and

''(C) any Federal Home Loan Bank.'';

(4) by redesignating paragraphs (11) and (12) as paragraphs (17) and (18), respectively;

(5) by redesignating paragraph (7) as paragraph (12);

(6) by redesignating paragraphs (8) through (10) as paragraphs (14) through (16), respectively;

(7) in paragraph (5)—

(A) by striking ''(5)'' and inserting ''(9)''; and

(B) by striking ''Office of Federal Housing Enterprise Oversight of the Department of Housing and Urban Development'' and inserting ''Federal Housing Finance Agency'';

(8) by redesignating paragraph (6) as paragraph (10);

(9) by redesignating paragraphs (2) through (4) as paragraphs (5) through (7), respectively;

(10) by inserting after paragraph (7), as redesignated, the following:

''(8) DEFAULT; IN DANGER OF DEFAULT.—

''(A) DEFAULT.—The term 'default' means, with respect to a regulated entity, any adjudication or other official determination by any court of competent jurisdiction, or the Agency, pursuant to which a conservator, receiver, limited-life regulated entity, or legal custodian is appointed for a regulated entity.

''(B) IN DANGER OF DEFAULT.—The term 'in danger of default' means a regulated entity with respect to which, in the opinion of the Agency—

''(i) the regulated entity is not likely to be able to pay the obligations of the regulated entity in the normal course of business; or

''(ii) the regulated entity—

''(I) has incurred or is likely to incur losses that will deplete all or substantially all of its capital; and

''(II) there is no reasonable prospect that the capital of the regulated entity will be replenished.'';

(11) by inserting after paragraph (1) the following:

''(2) AGENCY.—The term 'Agency' means the Federal Housing Finance Agency established under section 1311.

''(3) AUTHORIZING STATUTES.—The term 'authorizing statutes' means—

''(A) the Federal National Mortgage Association Charter Act;

''(B) the Federal Home Loan Mortgage Corporation Act; and

''(C) the Federal Home Loan Bank Act.

''(4) BOARD.—The term 'Board' means the Federal Housing Finance Oversight Board established under section 1313A.'';

(12) by inserting after paragraph (10), as redesignated by this section, the following:

''(11) ENTITY-AFFILIATED PARTY.—The term 'entity-affiliated party' means—

''(A) any director, officer, employee, or controlling stockholder of, or agent for, a regulated entity;

''(B) any shareholder, affiliate, consultant, or joint venture partner of a regulated entity, and any other person, as determined by the Director (by regulation or on a case-by-case basis) that participates in the conduct of the affairs of a regulated entity, provided that a member of a Federal Home Loan Bank shall not be deemed to have participated in the affairs of that Bank solely by virtue of being a shareholder of, and obtaining advances from, that Bank;

''(C) any independent contractor for a regulated entity (including any attorney, appraiser, or accountant), if—

''(i) the independent contractor knowingly or recklessly participates in—

''(I) any violation of any law or regulation;

''(II) any breach of fiduciary duty; or

''(III) any unsafe or unsound practice; and

''(ii) such violation, breach, or practice caused, or is likely to cause, more than a minimal financial loss to, or a significant adverse effect on, the regulated entity;

''(D) any not-for-profit corporation that receives its principal funding, on an ongoing basis, from any regulated entity; and

''(E) the Office of Finance.'';

(13) by inserting after paragraph (12), as redesignated by this section, the following:

''(13) LIMITED-LIFE REGULATED ENTITY.—The term 'limited-life regulated entity' means an entity established by the Agency under section 1367(i) with respect to a Federal Home Loan Bank in default or in danger of default or with respect to an enterprise in default or in danger of default.''; and

(14) by adding at the end the following:

''(25) VIOLATION.—The term 'violation' includes any action (alone or in combination with another or others) for or toward causing, bringing about, participating in, counseling, or aiding or abetting a violation.''.

(b) REFERENCES IN THIS ACT.—As used in this Act, unless otherwise specified—

(1) the term ''Agency'' means the Federal Housing Finance Agency;

(2) the term ''Director'' means the Director of the Agency; and

(3) the terms ''enterprise'', ''regulated entity'', and ''authorizing statutes'' have the same meanings as in section 1303 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992, as amended by this Act.

TITLE I—REFORM OF REGULATION OF ENTERPRISES

Subtitle A—Improvement of Safety and Soundness Supervision

SEC. 1101. ESTABLISHMENT OF THE FEDERAL HOUSING FINANCE AGENCY.

The Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4501 et seq.) is amended by striking sections 1311 and 1312 and inserting the following:

''SEC. 1311. ESTABLISHMENT OF THE FEDERAL HOUSING FINANCE AGENCY.

''(a) ESTABLISHMENT.—There is established the Federal Housing Finance Agency, which shall be an independent agency of the Federal Government.

''(b) GENERAL SUPERVISORY AND REGULATORY AUTHORITY.—

''(1) IN GENERAL.—Each regulated entity shall, to the extent provided in this title, be subject to the supervision and regulation of the Agency.

''(2) AUTHORITY OVER FANNIE MAE, FREDDIE MAC, THE FEDERAL HOME LOAN BANKS, AND THE OFFICE OF FINANCE.—The Director shall have general regulatory authority over each regulated entity and the Office of Finance, and shall exercise such general regulatory authority, including such duties and authorities set forth under section 1313, to ensure that the purposes of this Act, the authorizing statutes, and any other applicable law are carried out.

''(c) SAVINGS PROVISION.—The authority of the Director to take actions under subtitles B and C shall not in any way limit the general supervisory and regulatory authority granted to the Director under subsection (b).

''SEC. 1312. DIRECTOR.

''(a) ESTABLISHMENT OF POSITION.—There is established the position of the Director of the Agency, who shall be the head of the Agency.

''(b) APPOINTMENT; TERM.—

''(1) APPOINTMENT.—The Director shall be appointed by the President, by and with the advice and consent of the Senate, from among individuals who are citizens of the United States, have a demonstrated understanding of financial management or oversight, and have a demonstrated understanding of capital markets, including the mortgage securities markets and housing finance.

''(2) TERM.—The Director shall be appointed for a term of 5 years, unless removed before the end of such term for cause by the President.

''(3) VACANCY.—A vacancy in the position of Director that occurs before the expiration of the term for which a Director was appointed shall be filled in the manner established under paragraph (1), and the Director appointed to fill such vacancy shall be appointed only for the remainder of such term.

''(4) SERVICE AFTER END OF TERM.—An individual may serve as the Director after the expiration of the term for which appointed until a successor has been appointed.

''(5) TRANSITIONAL PROVISION.—Notwithstanding paragraphs (1) and (2), during the period beginning on the effective date of the Federal Housing Finance Regulatory Reform Act of 2008, and ending on the date on which the Director is appointed and confirmed, the person serving as the Director of the Office of Federal Housing Enterprise Oversight of the Department of Housing and Urban Development on that effective date shall act for all purposes as, and with the full powers of, the Director.

''(c) DEPUTY DIRECTOR OF THE DIVISION OF ENTERPRISE REGULATION.—

''(1) IN GENERAL.—The Agency shall have a Deputy Director of the Division of Enterprise Regulation, who shall be designated by the Director from among individuals who are citizens of the United States, have a demonstrated understanding of financial management or oversight, and have a demonstrated understanding of mortgage securities markets and housing finance.

''(2) FUNCTIONS.—The Deputy Director of the Division of Enterprise Regulation shall have such functions, powers, and duties with respect to the oversight of the enterprises as the Director shall prescribe.

''(d) DEPUTY DIRECTOR OF THE DIVISION OF FEDERAL HOME LOAN BANK REGULATION.—

''(1) IN GENERAL.—The Agency shall have a Deputy Director of the Division of Federal Home Loan Bank Regulation, who shall be designated by the Director from among individuals who are citizens of the United States, have a demonstrated understanding of financial management or oversight, and have a demonstrated understanding of the Federal Home Loan Bank System and housing finance.

''(2) FUNCTIONS.—The Deputy Director of the Division of Federal Home Loan Bank Regulation shall have such functions, powers, and duties with respect to the oversight of the Federal Home Loan Banks as the Director shall prescribe.

''(e) DEPUTY DIRECTOR FOR HOUSING MISSION AND GOALS.—

''(1) IN GENERAL.—The Agency shall have a Deputy Director for Housing Mission and Goals, who shall be designated by the Director from among individuals who are citizens of the United States, and have a demonstrated understanding of the housing markets and housing finance.

''(2) FUNCTIONS.—The Deputy Director for Housing Mission and Goals shall have such functions, powers, and duties with respect to the oversight of the housing mission and goals of the enterprises, and with respect to oversight of the housing finance and community and economic development mission of the Federal Home Loan Banks, as the Director shall prescribe.

''(3) CONSIDERATIONS.—In exercising such functions, powers, and duties, the Deputy Director for Housing Mission and Goals shall consider the differences between the enterprises and the Federal Home Loan Banks, including those described in section 1313(d).

''(f) ACTING DIRECTOR.—In the event of the death, resignation, sickness, or absence of the Director, the President shall designate either the Deputy Director of the Division of Enterprise Regulation, the Deputy Director of the Division of Federal Home Loan Bank Regulation, or the Deputy Director for Housing Mission and Goals, to serve as acting Director until the return of the Director, or the appointment of a successor pursuant to subsection (b).

''(g) LIMITATIONS.—The Director and each of the Deputy Directors may not—

''(1) have any direct or indirect financial interest in any regulated entity or entity-affiliated party;

''(2) hold any office, position, or employment in any regulated entity or entity-affiliated party; or

''(3) have served as an executive officer or director of any regulated entity or entity-affiliated party at any time during the 3-year period preceding the date of appointment or designation of such individual as Director or Deputy Director, as applicable.''.

SEC. 1102. DUTIES AND AUTHORITIES OF THE DIRECTOR.

(a) IN GENERAL.—Section 1313 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4513) is amended to read as follows:

''SEC. 1313. DUTIES AND AUTHORITIES OF DIRECTOR.

''(a) DUTIES.—

''(1) PRINCIPAL DUTIES.—The principal duties of the Director shall be—

''(A) to oversee the prudential operations of each regulated entity; and

''(B) to ensure that—

''(i) each regulated entity operates in a safe and sound manner, including maintenance of adequate capital and internal controls;

''(ii) the operations and activities of each regulated entity foster liquid, efficient, competitive, and resilient national housing finance markets (including activities relating to mortgages on housing for low- and moderate-income families involving a reasonable economic return that may be less than the return earned on other activities);

''(iii) each regulated entity complies with this title and the rules, regulations, guidelines, and orders issued under this title and the authorizing statutes;

''(iv) each regulated entity carries out its statutory mission only through activities that are authorized under and consistent with this title and the authorizing statutes; and

''(v) the activities of each regulated entity and the manner in which such regulated entity is operated are consistent with the public interest.

''(2) SCOPE OF AUTHORITY.—The authority of the Director shall include the authority—

''(A) to review and, if warranted based on the principal duties described in paragraph (1), reject any acquisition or transfer of a controlling interest in a regulated entity; and

''(B) to exercise such incidental powers as may be necessary or appropriate to fulfill the duties and responsibilities of the Director in the supervision and regulation of each regulated entity.

''(b) DELEGATION OF AUTHORITY.—The Director may delegate to officers and employees of the Agency any of the functions, powers, or duties of the Director, as the Director considers appropriate.

''(c) LITIGATION AUTHORITY.—

''(1) IN GENERAL.—In enforcing any provision of this title, any regulation or order prescribed under this title, or any other provision of law, rule, regulation, or order, or in any other action, suit, or proceeding to which the Director is a party or in which the Director is interested, and in the administration of conservatorships and receiverships, the Director may act in the Director's own name and through the Director's own attorneys.

''(2) SUBJECT TO SUIT.—Except as otherwise provided by law, the Director shall be subject to suit (other than suits on claims for money damages) by a regulated entity with respect to any matter under this title or any other applicable provision of law, rule, order, or regulation under this title, in the United States district court for the judicial district in which the regulated entity has its principal place of business, or in the United States District Court for the District of Columbia, and the Director may be served with process in the manner prescribed by the Federal Rules of Civil Procedure.''.

(b) INDEPENDENCE IN CONGRESSIONAL TESTIMONY AND RECOMMENDATIONS.—Section 111 of Public Law 93–495 (12 U.S.C. 250) is amended by striking ''the Federal Housing Finance Board'' and inserting ''the Director of the Federal Housing Finance Agency''.

SEC. 1103. FEDERAL HOUSING FINANCE OVERSIGHT BOARD.

(a) IN GENERAL.—The Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4501 et seq.) is amended by inserting after section 1313 the following:

''SEC. 1313A. FEDERAL HOUSING FINANCE OVERSIGHT BOARD.

''(a) IN GENERAL.—There is established the Federal Housing Finance Oversight Board, which shall advise the Director with respect to overall strategies and policies in carrying out the duties of the Director under this title.

''(b) LIMITATIONS.—The Board may not exercise any executive authority, and the Director may not delegate to the Board any of the functions, powers, or duties of the Director.

''(c) COMPOSITION.—The Board shall be comprised of 4 members, of whom—

''(1) 1 member shall be the Secretary of the Treasury;

''(2) 1 member shall be the Secretary of Housing and Urban Development;

''(3) 1 member shall be the Chairman of the Securities and Exchange Commission; and

''(4) 1 member shall be the Director, who shall serve as the Chairperson of the Board.

''(d) MEETINGS.—

''(1) IN GENERAL.—The Board shall meet upon notice by the Director, but in no event shall the Board meet less frequently than once every 3 months.

''(2) SPECIAL MEETINGS.—Either the Secretary of the Treasury, the Secretary of Housing and Urban Development, or the Chairman of the Securities and Exchange Commission may, upon giving written notice to the Director, require a special meeting of the Board.

''(e) TESTIMONY.—On an annual basis, the Board shall testify before Congress regarding—

''(1) the safety and soundness of the regulated entities;

''(2) any material deficiencies in the conduct of the operations of the regulated entities;

''(3) the overall operational status of the regulated entities;

''(4) an evaluation of the performance of the regulated entities in carrying out their respective missions;

''(5) operations, resources, and performance of the Agency; and

''(6) such other matters relating to the Agency and its fulfillment of its mission, as the Board determines appropriate.''.

(b) ANNUAL REPORT OF THE DIRECTOR.—Section 1319B(a) of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4521(a)) is amended—

(1) by striking ''enterprise'' each place that term appears and inserting ''regulated entity'';

(2) by striking ''enterprises'' each place that term appears and inserting ''regulated entities'';

(3) in paragraph (3), by striking ''; and'' and inserting a semicolon;

(4) in paragraph (4), by striking ''1994.'' and inserting ''1994; and''; and

(5) by adding at the end the following:

''(5) the assessment of the Board or any of its members with respect to—

''(A) the safety and soundness of the regulated entities;

''(B) any material deficiencies in the conduct of the operations of the regulated entities;

''(C) the overall operational status of the regulated entities; and

''(D) an evaluation of the performance of the regulated entities in carrying out their respective missions;

''(6) operations, resources, and performance of the Agency; and

''(7) such other matters relating to the Agency and the fulfillment of its mission.''.

SEC. 1104. AUTHORITY TO REQUIRE REPORTS BY REGULATED ENTITIES.

(a) IN GENERAL.—Section 1314 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4514) is amended—

(1) in the section heading, by striking ''**ENTERPRISES**'' and inserting ''**REGULATED ENTITIES**'';

(2) by striking ''an enterprise'' each place that term appears and inserting ''a regulated entity'';

(3) by striking ''the enterprise'' and inserting ''the regulated entity'';

(4) in subsection (a)—

(A) by striking the subsection heading and all that follows through ''and operations'' in paragraph (1) and inserting the following:

''(a) REGULAR AND SPECIAL REPORTS.—

''(1) REGULAR REPORTS.—The Director may require, by general or specific orders, a regulated entity to submit regular reports, including financial statements determined on a fair value basis, on the condition (including financial condition), management, activities, or operations of the regulated entity, as the Director considers appropriate''; and

(B) in paragraph (2)—

(i) by inserting '', by general or specific orders,'' after ''may also require''; and

(ii) by striking ''whenever'' and inserting ''on any of the topics specified in paragraph (1) or any other relevant topics, if''; and

(5) by adding at the end the following:

''(c) PENALTIES FOR FAILURE TO MAKE REPORTS.—

''(1) VIOLATIONS.—It shall be a violation of this section for any regulated entity—

''(A) to fail to make, transmit, or publish any report or obtain any information required by the Director under this section, section 309(k) of the Federal National Mortgage Association Charter Act, section 307(c) of the Federal Home Loan Mortgage Corporation Act, or section 20 of the Federal Home Loan Bank Act, within the period of time specified in such provision of law or otherwise by the Director; or

''(B) to submit or publish any false or misleading report or information under this section.

''(2) PENALTIES.—

''(A) FIRST TIER.—

''(i) IN GENERAL.—A violation described in paragraph (1) shall be subject to a penalty of not more than $2,000 for each day during which such violation continues, in any case in which—

''(I) the subject regulated entity maintains procedures reasonably adapted to avoid any

inadvertent error and the violation was unintentional and a result of such an error; or

''(II) the violation was an inadvertent transmittal or publication of any report which was minimally late.

''(ii) BURDEN OF PROOF.—For purposes of this subparagraph, the regulated entity shall have the burden of proving that the error was inadvertent or that a report was inadvertently transmitted or published late.

''(B) SECOND TIER.—A violation described in paragraph (1) shall be subject to a penalty of not more than $20,000 for each day during which such violation continues or such false or misleading information is not corrected, in any case that is not addressed in subparagraph (A) or (C).

''(C) THIRD TIER.—A violation described in paragraph (1) shall be subject to a penalty of not more than $1,000,000 per day for each day during which such violation continues or such false or misleading information is not corrected, in any case in which the subject regulated entity committed such violation knowingly or with reckless disregard for the accuracy of any such information or report.

''(3) ASSESSMENTS.—Any penalty imposed under this subsection shall be in lieu of a penalty under section 1376, but shall be assessed and collected by the Director in the manner provided in section 1376 for penalties imposed under that section, and any such assessment (including the determination of the amount of the penalty) shall be otherwise subject to the provisions of section 1376.

''(4) HEARING.—A regulated entity against which a penalty is assessed under this section shall be afforded an agency hearing if the regulated entity submits a request for a hearing not later than 20 days after the date of the issuance of the notice of assessment. Section 1374 shall apply to any such proceedings.''.

(b) CONFORMING AMENDMENT.—The Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4501 et seq.) is amended by striking sections 1327 and 1328.

SEC. 1105. EXAMINERS AND ACCOUNTANTS; AUTHORITY TO CONTRACT FOR REVIEWS OF REGULATED ENTITIES; OMBUDSMAN.

(a) IN GENERAL.—Section 1317 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4517) is amended—

(1) in subsection (a), by striking ''enterprise'' each place that term appears and inserting ''regulated entity'';

(2) in subsection (b)—

(A) by inserting ''of a regulated entity'' after ''under this section''; and

(B) by striking ''to determine the condition of an enterprise for the purpose of ensuring its financial safety and soundness'' and inserting ''or appropriate'';

(3) in subsection (c), in the second sentence, by inserting before the period ''to conduct examinations under this section'';

(4) by redesignating subsections (d) through (f) as subsections (e) through (g), respectively; and

(5) by inserting after subsection (c) the following:

''(d) INSPECTOR GENERAL.—There shall be within the Agency an Inspector General, who shall be appointed in accordance with section 3(a) of the Inspector General Act of 1978.''.

(b) DIRECT HIRE AUTHORITY TO HIRE ACCOUNTANTS, ECONOMISTS, AND EXAMINERS.—Section 1317 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4517) is amended by adding at the end the following:

''(h) APPOINTMENT OF ACCOUNTANTS, ECONOMISTS, AND EXAMINERS.—

''(1) APPLICABILITY.—This section shall apply with respect to any position of examiner, accountant, economist, and specialist in financial markets and in technology at the Agency, with respect to supervision and regulation of the regulated entities, that is in the competitive service.

''(2) APPOINTMENT AUTHORITY.—The Director may appoint candidates to any position described in paragraph (1)—

''(A) in accordance with the statutes, rules, and regulations governing appointments in the excepted service; and

''(B) notwithstanding any statutes, rules, and regulations governing appointments in the competitive service.''.

(c) AMENDMENTS TO INSPECTOR GENERAL ACT.—Section 11 of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in paragraph (1), by inserting ''; the Director of the Federal Housing Finance Agency'' after ''Social Security Administration''; and

(2) in paragraph (2), by inserting '', the Federal Housing Finance Agency'' after ''Social Security Administration''.

(d) AUTHORITY TO CONTRACT FOR REVIEWS OF REGULATED ENTITIES.—Section 1319 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4519) is amended—

(1) in the section heading, by striking ''**ENTERPRISES BY RATING ORGANIZATION**'' and inserting ''**REGULATED ENTITIES**''; and

(2) by striking ''enterprises'' and inserting ''regulated entities''.

(e) OFFICE OF THE OMBUDSMAN.—Section 1317 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4517) is amended by adding at the end the following:

''(i) OMBUDSMAN.—The Director shall establish, by regulation, an Office of the Ombudsman within the Agency, which shall be responsible for considering complaints and appeals, from any regulated entity and any person that has a business relationship with a regulated entity, regarding any matter relating to the regulation and supervision of such regulated entity by the Agency. The regulation issued by the Director under this subsection shall specify the authority and duties of the Office of the Ombudsman.''.

SEC. 1106. ASSESSMENTS.

Section 1316 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4516) is amended—

(1) by striking subsection (a) and inserting the following:

''(a) ANNUAL ASSESSMENTS.—The Director shall establish and collect from the regulated entities annual assessments in an amount not exceeding the amount sufficient to provide for reasonable costs (including administrative costs) and expenses of the Agency, including—

''(1) the expenses of any examinations under section 1317 of this Act and under section 20 of the Federal Home Loan Bank Act;

''(2) the expenses of obtaining any reviews and credit assessments under section 1319;

''(3) such amounts in excess of actual expenses for any given year as deemed necessary by the Director to maintain a working capital fund in accordance with subsection (e); and

''(4) the windup of the affairs of the Office of Federal Housing Enterprise Oversight and the Federal Housing Finance Board under title III of the Federal Housing Finance Regulatory Reform Act of 2008.'';

(2) in subsection (b)—

(A) by realigning the margins of paragraph (2) two ems from the left, so as to align the left margin of such paragraph with the left margins of paragraph (1);

(B) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(C) by inserting after paragraph (1) the following:

''(2) SEPARATE TREATMENT OF FEDERAL HOME LOAN BANK AND ENTERPRISE ASSESSMENTS.—Assessments collected from the enterprises shall not exceed the amounts sufficient to provide for the costs and expenses described in subsection (a) relating to the enterprises. Assessments collected from the Federal Home Loan Banks shall not exceed the amounts sufficient to provide for the costs and expenses described in subsection (a) relating to the Federal Home Loan Banks.'';

(3) by striking subsection (c) and inserting the following:

''(c) INCREASED COSTS OF REGULATION.—

''(1) INCREASE FOR INADEQUATE CAPITALIZATION.—The semiannual payments made pursuant to subsection (b) by any regulated entity that is not classified (for purposes of subtitle B) as adequately capitalized may be increased, as necessary, in the discretion of the Director to pay additional estimated costs of regulation of the regulated entity.

''(2) ADJUSTMENT FOR ENFORCEMENT ACTIVITIES.—The Director may adjust the amounts of any semiannual payments for an assessment under subsection (a) that are to be paid pursuant to subsection (b) by a regulated entity, as necessary in the discretion of the Director, to ensure that the costs of enforcement activities under this Act for a regulated entity are borne only by such regulated entity.

''(3) ADDITIONAL ASSESSMENT FOR DEFICIENCIES.—If at any time, as a result of increased costs of regulation of a regulated entity that is not classified (for purposes of subtitle B) as adequately capitalized or as the result of supervisory or enforcement activities under this Act for a regulated entity, the amount available from any semiannual payment made by such regulated entity pursuant to subsection (b) is insufficient to cover the costs of the Agency with respect to such entity, the Director may make and collect from such regulated entity an immediate assessment to cover the amount of such deficiency for the semiannual period. If, at the end of any semiannual period during which such an assessment is made, any amount remains from such assessment, such remaining amount shall be deducted from the assessment for such regulated entity for the following semiannual period.'';

(4) in subsection (d), by striking ''If'' and inserting ''Except with respect to amounts collected pursuant to subsection (a)(3), if''; and

(5) by striking subsections (e) through (g) and inserting the following:

''(e) WORKING CAPITAL FUND.—At the end of each year for which an assessment under this section is made, the Director shall remit to each regulated entity any amount of assessment collected from such regulated entity that is attributable to subsection (a)(3) and is in excess of the amount the Director deems necessary to maintain a working capital fund.

''(f) TREATMENT OF ASSESSMENTS.—

''(1) DEPOSIT.—Amounts received by the Director from assessments under this section may be deposited by the Director in the manner provided in section 5234 of the Revised Statutes of the United States (12 U.S.C. 192) for monies deposited by the Comptroller of the Currency.

''(2) NOT GOVERNMENT FUNDS.—The amounts received by the Director from any assessment under this section shall not be construed to be Government or public funds or appropriated money.

''(3) NO APPORTIONMENT OF FUNDS.—Notwithstanding any other provision of law, the amounts received by the Director from any assessment under this section shall not be subject to apportionment for the purpose of chapter 15 of title 31, United States Code, or under any other authority.

''(4) USE OF FUNDS.—The Director may use any amounts received by the Director from

assessments under this section for compensation of the Director and other employees of the Agency and for all other expenses of the Director and the Agency.

''(5) AVAILABILITY OF OVERSIGHT FUND AMOUNTS.—Notwithstanding any other provision of law, any amounts remaining in the Federal Housing Enterprises Oversight Fund established under this section (as in effect before the effective date of the Federal Housing Finance Regulatory Reform Act of 2008, and any amounts remaining from assessments on the Federal Home Loan Banks pursuant to section 18(b) of the Federal Home Loan Bank Act (12 U.S.C. 1438(b)), shall, upon such effective date, be treated for purposes of this subsection as amounts received from assessments under this section.

''(6) TREASURY INVESTMENTS.—

''(A) AUTHORITY.—The Director may request the Secretary of the Treasury to invest such portions of amounts received by the Director from assessments paid under this section that, in the Director's discretion, are not required to meet the current working needs of the Agency.

''(B) GOVERNMENT OBLIGATIONS.—Pursuant to a request under subparagraph (A), the Secretary of the Treasury shall invest such amounts in Government obligations guaranteed as to principal and interest by the United States with maturities suitable to the needs of the Agency and bearing interest at a rate determined by the Secretary of the Treasury taking into consideration current market yields on outstanding marketable obligations of the United States of comparable maturity.

''(g) BUDGET AND FINANCIAL MANAGEMENT.—

''(1) FINANCIAL OPERATING PLANS AND FORECASTS.—The Director shall provide to the Director of the Office of Management and Budget copies of the Director's financial operating plans and forecasts, as prepared by the Director in the ordinary course of the Agency's operations, and copies of the quarterly reports of the Agency's financial condition and results of operations, as prepared by the Director in the ordinary course of the Agency's operations.

''(2) FINANCIAL STATEMENTS.—The Agency shall prepare annually a statement of—

''(A) assets and liabilities and surplus or deficit;

''(B) income and expenses; and

''(C) sources and application of funds.

''(3) FINANCIAL MANAGEMENT SYSTEMS.—The Agency shall implement and maintain financial management systems that—

''(A) comply substantially with Federal financial management systems requirements and applicable Federal accounting standards; and

''(B) use a general ledger system that accounts for activity at the transaction level.

''(4) ASSERTION OF INTERNAL CONTROLS.—The Director shall provide to the Comptroller General of the United States an assertion as to the effectiveness of the internal controls that apply to financial reporting by the Agency, using the standards established in section 3512(c) of title 31, United States Code.

''(5) RULE OF CONSTRUCTION.—This subsection may not be construed as implying any obligation on the part of the Director to consult with or obtain the consent or approval of the Director of the Office of Management and Budget with respect to any report, plan, forecast, or other information referred to in paragraph (1) or any jurisdiction or oversight over the affairs or operations of the Agency.

''(h) AUDIT OF AGENCY.—

''(1) IN GENERAL.—The Comptroller General shall annually audit the financial transactions of the Agency in accordance with the United States generally accepted government auditing standards as may be prescribed by the Comptroller General of the United States. The audit shall be conducted at the place or places where accounts of the Agency are normally kept. The representatives of the Government Accountability Office shall have access to the personnel and to all books, accounts, documents, papers, records (including electronic records), reports, files, and all other papers, automated data, things, or property belonging to or under the control of or used or employed by the Agency pertaining to its financial transactions and necessary to facilitate the audit, and such representatives shall be afforded full facilities for verifying transactions with the balances or securities held by depositories, fiscal agents, and custodians. All such books, accounts, documents, records, reports, files, papers, and property of the Agency shall remain in possession and custody of the Agency. The Comptroller General may obtain and duplicate any such books, accounts, documents, records, working papers, automated data and files, or other information relevant to such audit without cost to the Comptroller General and the Comptroller General's right of access to such information shall be enforceable pursuant to section 716(c) of title 31, United States Code.

''(2) REPORT.—The Comptroller General shall submit to the Congress a report of each annual audit conducted under this subsection. The report to the Congress shall set forth the scope of the audit and shall include the statement of assets and liabilities and surplus or deficit, the statement of income and expenses, the statement of sources and application of funds, and such comments and information as may be deemed necessary to inform Congress of the financial operations and condition of the Agency, together with such recommendations with respect thereto as the Comptroller General may deem advisable. A copy of each report shall be furnished to the President and to the Agency at the time submitted to the Congress.

''(3) ASSISTANCE AND COSTS.—For the purpose of conducting an audit under this subsection, the Comptroller General may, in the discretion of the Comptroller General, employ by contract, without regard to section 3709 of the Revised Statutes of the United States (41 U.S.C. 5), professional services of firms and organizations of certified public accountants for temporary periods or for special purposes. Upon the request of the Comptroller General, the Director of the Agency shall transfer to the Government Accountability Office from funds available, the amount requested by the Comptroller General to cover the full costs of any audit and report conducted by the Comptroller General. The Comptroller General shall credit funds transferred to the account established for salaries and expenses of the Government Accountability Office, and such amount shall be available upon receipt and without fiscal year limitation to cover the full costs of the audit and report.''.

SEC. 1107. REGULATIONS AND ORDERS.

Section 1319G of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4526) is amended—

(1) by striking subsection (a) and inserting the following:

''(a) AUTHORITY.—The Director shall issue any regulations, guidelines, or orders necessary to carry out the duties of the Director under this title or the authorizing statutes, and to ensure that the purposes of this title and the authorizing statutes are accomplished.''; and

(2) by striking subsection (c).

SEC. 1108. PRUDENTIAL MANAGEMENT AND OPERATIONS STANDARDS.

The Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4501 et seq.) is amended by inserting after section 1313A, as added by this Act, the following new section:

''SEC. 1313B. PRUDENTIAL MANAGEMENT AND OPERATIONS STANDARDS.

''(a) STANDARDS.—The Director shall establish standards, by regulation or guideline, for each regulated entity relating to—

''(1) adequacy of internal controls and information systems taking into account the nature and scale of business operations;

''(2) independence and adequacy of internal audit systems;

''(3) management of interest rate risk exposure;

''(4) management of market risk, including standards that provide for systems that accurately measure, monitor, and control market risks and, as warranted, that establish limitations on market risk;

''(5) adequacy and maintenance of liquidity and reserves;

''(6) management of asset and investment portfolio growth;

''(7) investments and acquisitions of assets by a regulated entity, to ensure that they are consistent with the purposes of this title and the authorizing statutes;

''(8) overall risk management processes, including adequacy of oversight by senior management and the board of directors and of processes and policies to identify, measure, monitor, and control material risks, including reputational risks, and for adequate, well-tested business resumption plans for all major systems with remote site facilities to protect against disruptive events;

''(9) management of credit and counterparty risk, including systems to identify concentrations of credit risk and prudential limits to restrict exposure of the regulated entity to a single counterparty or groups of related counterparties;

''(10) maintenance of adequate records, in accordance with consistent accounting policies and practices that enable the Director to evaluate the financial condition of the regulated entity; and

''(11) such other operational and management standards as the Director determines to be appropriate.

''(b) FAILURE TO MEET STANDARDS.—

''(1) PLAN REQUIREMENT.—

''(A) IN GENERAL.—If the Director determines that a regulated entity fails to meet any standard established under subsection (a)—

''(i) if such standard is established by regulation, the Director shall require the regulated entity to submit an acceptable plan to the Director within the time allowed under subparagraph (C); and

''(ii) if such standard is established by guideline, the Director may require the regulated entity to submit a plan described in clause (i).

''(B) CONTENTS.—Any plan required under subparagraph (A) shall specify the actions that the regulated entity will take to correct the deficiency. If the regulated entity is undercapitalized, the plan may be a part of the capital restoration plan for the regulated entity under section 1369C.

''(C) DEADLINES FOR SUBMISSION AND REVIEW.—The Director shall by regulation establish deadlines that—

''(i) provide the regulated entities with reasonable time to submit plans required under subparagraph (A), and generally require a regulated entity to submit a plan not later than 30 days after the Director determines that the entity fails to meet any standard established under subsection (a); and

''(ii) require the Director to act on plans expeditiously, and generally not later than 30 days after the plan is submitted.

''(2) REQUIRED ORDER UPON FAILURE TO SUBMIT OR IMPLEMENT PLAN.—If a regulated entity fails to submit an acceptable plan within the time allowed under paragraph (1)(C), or fails in any material respect to implement a plan accepted by the Director, the following shall apply:

''(A) REQUIRED CORRECTION OF DEFICIENCY.—The Director shall, by order, require the regulated entity to correct the deficiency.

''(B) OTHER AUTHORITY.—The Director may, by order, take one or more of the following actions until the deficiency is corrected:

''(i) Prohibit the regulated entity from permitting its average total assets (as such term is defined in section 1316(b)) during any calendar quarter to exceed its average total assets during the preceding calendar quarter, or restrict the rate at which the average total assets of the entity may increase from one calendar quarter to another.

''(ii) Require the regulated entity—

''(I) in the case of an enterprise, to increase its ratio of core capital to assets.

''(II) in the case of a Federal Home Loan Bank, to increase its ratio of total capital (as such term is defined in section 6(a)(5) of the Federal Home Loan Bank Act (12 U.S.C. 1426(a)(5)) to assets.

''(iii) Require the regulated entity to take any other action that the Director determines will better carry out the purposes of this section than any of the actions described in this subparagraph.

''(3) MANDATORY RESTRICTIONS.—In complying with paragraph (2), the Director shall take one or more of the actions described in clauses (i) through (iii) of paragraph (2)(B) if—

''(A) the Director determines that the regulated entity fails to meet any standard prescribed under subsection (a);

''(B) the regulated entity has not corrected the deficiency; and

''(C) during the 18-month period before the date on which the regulated entity first failed to meet the standard, the entity underwent extraordinary growth, as defined by the Director.

''(c) OTHER ENFORCEMENT AUTHORITY NOT AFFECTED.—The authority of the Director under this section is in addition to any other authority of the Director.''.

SEC. 1109. REVIEW OF AND AUTHORITY OVER ENTERPRISE ASSETS AND LIABILITIES.

(a) IN GENERAL.—Subtitle B of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4611 et seq.) is amended—

(1) by striking the subtitle designation and heading and inserting the following:

''Subtitle B—Required Capital Levels for Regulated Entities, Special Enforcement Powers, and Reviews of Assets and Liabilities'';

and

(2) by adding at the end the following new section:

''SEC. 1369E. REVIEWS OF ENTERPRISE ASSETS AND LIABILITIES.

''(a) IN GENERAL.—The Director shall, by regulation, establish criteria governing the portfolio holdings of the enterprises, to ensure that the holdings are backed by sufficient capital and consistent with the mission and the safe and sound operations of the enterprises. In establishing such criteria, the Director shall consider the ability of the enterprises to provide a liquid secondary market through securitization activities, the portfolio holdings in relation to the overall mortgage market, and adherence to the standards specified in section 1313B.

''(b) TEMPORARY ADJUSTMENTS.—The Director may, by order, make temporary adjustments to the established standards for an enterprise or both enterprises, such as during times of economic distress or market disruption.

''(c) AUTHORITY TO REQUIRE DISPOSITION OR ACQUISITION.—The Director shall monitor the portfolio of each enterprise. Pursuant to subsection (a) and notwithstanding the capital classifications of the enterprises, the Director may, by order, require an enterprise, under such terms and conditions as the Director determines to be appropriate, to dispose of or acquire any asset, if the Director determines that such action is consistent with the purposes of this Act or any of the authorizing statutes.''.

(b) REGULATIONS.—Not later than the expiration of the 180-day period beginning on the effective date of this Act, the Director shall issue regulations pursuant to section 1369E(a) of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (as added by subsection (a) of this section) establishing the portfolio holdings standards under such section.

SEC. 1110. RISK-BASED CAPITAL REQUIREMENTS.

(a) IN GENERAL.—Section 1361 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4611) is amended to read as follows:

''SEC. 1361. RISK-BASED CAPITAL LEVELS FOR REGULATED ENTITIES.

''(a) IN GENERAL.—

''(1) ENTERPRISES.—The Director shall, by regulation, establish risk-based capital requirements for the enterprises to ensure that the enterprises operate in a safe and sound manner, maintaining sufficient capital and reserves to support the risks that arise in the operations and management of the enterprises.

''(2) FEDERAL HOME LOAN BANKS.—The Director shall establish risk-based capital standards under section 6 of the Federal Home Loan Bank Act for the Federal Home Loan Banks.

''(b) NO LIMITATION.—Nothing in this section shall limit the authority of the Director to require other reports or undertakings, or take other action, in furtherance of the responsibilities of the Director under this Act.''.

(b) FEDERAL HOME LOAN BANKS RISK-BASED CAPITAL.—Section 6(a)(3) of the Federal Home Loan Bank Act (12 U.S.C. 1426(a)(3)) is amended—

(1) by striking subparagraph (A) and inserting the following:

''(A) RISK-BASED CAPITAL STANDARDS.—The Director shall, by regulation, establish risk-based capital standards for the Federal Home Loan Banks to ensure that the Federal Home Loan Banks operate in a safe and sound manner, with sufficient permanent capital and reserves to support the risks that arise in the operations and management of the Federal Home Loans Banks.''; and

(2) in subparagraph (B), by striking ''(A)(ii)'' and inserting ''(A)''.

SEC. 1111. MINIMUM CAPITAL LEVELS.

Section 1362 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4612) is amended—

(1) in subsection (a), by striking ''IN GENERAL'' and inserting ''ENTERPRISES''; and

(2) by striking subsection (b) and inserting the following:

''(b) FEDERAL HOME LOAN BANKS.—For purposes of this subtitle, the minimum capital level for each Federal Home Loan Bank shall be the minimum capital required to be maintained to comply with the leverage requirement for the bank established under section 6(a)(2) of the Federal Home Loan Bank Act (12 U.S.C. 1426(a)(2)).

''(c) ESTABLISHMENT OF REVISED MINIMUM CAPITAL LEVELS.—Notwithstanding subsections (a) and (b) and notwithstanding the capital classifications of the regulated entities, the Director may, by regulations issued under section 1319G, establish a minimum capital level for the enterprises, for the Federal Home Loan Banks, or for both the enterprises and the banks, that is higher than the level specified in subsection (a) for the enterprises or the level specified in subsection (b) for the Federal Home Loan Banks, to the extent needed to ensure that the regulated entities operate in a safe and sound manner.

''(d) AUTHORITY TO REQUIRE TEMPORARY INCREASE.—

''(1) IN GENERAL.—Notwithstanding subsections (a) and (b) and any minimum capital level established pursuant to subsection (c), the Director may, by order, increase the minimum capital level for a regulated entity on a temporary basis, when the Director determines that such an increase is necessary and consistent with the prudential regulation and the safe and sound operations of a regulated entity.

''(2) RESCISSION.—The Director shall rescind any temporary minimum capital level established under paragraph (1) when the Director determines that the circumstances or facts no longer justify the temporary minimum capital level.

''(3) REGULATIONS REQUIRED.—The Director shall issue regulations establishing—

''(A) standards for the imposition of a temporary increase in minimum capital under paragraph (1);

''(B) the standards and procedures that the Director will use to make the determination referred to in paragraph (2); and

''(C) a reasonable time frame for periodic review of any temporary increase in minimum capital for the purpose of making the determination referred to in paragraph (2).

''(e) AUTHORITY TO ESTABLISH ADDITIONAL CAPITAL AND RESERVE REQUIREMENTS FOR PARTICULAR PURPOSES.—The Director may, at any time by order or regulation, establish such capital or reserve requirements with respect to any product or activity of a regulated entity, as the Director considers appropriate to ensure that the regulated entity operates in a safe and sound manner, with sufficient capital and reserves to support the risks that arise in the operations and management of the regulated entity.

''(f) PERIODIC REVIEW.—The Director shall periodically review the amount of core capital maintained by the enterprises, the amount of capital retained by the Federal Home Loan Banks, and the minimum capital levels established for such regulated entities pursuant to this section.''.

SEC. 1112. REGISTRATION UNDER THE SECURITIES LAWS.

The Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.) is amended by adding at the end the following:

''SEC. 38. FEDERAL NATIONAL MORTGAGE ASSOCIATION, FEDERAL HOME LOAN MORTGAGE CORPORATION, FEDERAL HOME LOAN BANKS.

''(a) FEDERAL NATIONAL MORTGAGE ASSOCIATION AND FEDERAL HOME LOAN MORTGAGE CORPORATION.—No class of equity securities of the Federal National Mortgage Association or the Federal Home Loan Mortgage Corporation shall be treated as an exempted security for purposes of section 12, 13, 14, or 16.

''(b) FEDERAL HOME LOAN BANKS.—

''(1) REGISTRATION.—Each Federal Home Loan Bank shall register a class of its common stock under section 12(g), not later than 120 days after the date of enactment of the Federal Housing Finance Regulatory Reform Act of 2008, and shall thereafter maintain such registration and be treated for purposes of this title as an 'issuer', the securities of which are required to be registered under section 12, regardless of the number of members holding such stock at any given time.

''(2) STANDARDS RELATING TO AUDIT COMMITTEES.—Each Federal Home Loan Bank shall comply with the rules issued by the Commission under section 10A(m).

''(c) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

''(1) FEDERAL HOME LOAN BANK; MEMBER.—The terms 'Federal Home Loan Bank' and 'member', have the same meanings as in section 2 of the Federal Home Loan Bank Act.

''(2) FEDERAL NATIONAL MORTGAGE ASSOCIATION.—The term 'Federal National Mortgage Association' means the corporation created by the Federal National Mortgage Association Charter Act.

''(3) FEDERAL HOME LOAN MORTGAGE CORPORATION.—The term 'Federal Home Loan Mortgage Corporation' means the corporation created by the Federal Home Loan Mortgage Corporation Act.''.

SEC. 1113. PROHIBITION AND WITHHOLDING OF EXECUTIVE COMPENSATION.

(a) IN GENERAL.—Section 1318 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4518) is amended—

(1) in the section heading, by striking ''**OF EXCESSIVE**'' and inserting ''**AND WITHHOLDING OF EXECUTIVE**'';

(2) in subsection (a)—

(A) by striking ''enterprise'' and inserting ''regulated entity''; and

(B) by striking ''enterprises'' and inserting ''regulated entities'';

(3) by redesignating subsection (b) as subsection (d); and

(4) by inserting after subsection (a) the following:

''(b) FACTORS.—In making any determination under subsection (a), the Director may take into consideration any factors the Director considers relevant, including any wrongdoing on the part of the executive officer, and such wrongdoing shall include any fraudulent act or omission, breach of trust or fiduciary duty, violation of law, rule, regulation, order, or written agreement, and insider abuse with respect to the regulated entity. The approval of an agreement or contract pursuant to section 309(d)(3)(B) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1723a(d)(3)(B)) or section 303(h)(2) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1452(h)(2)) shall not preclude the Director from making any subsequent determination under subsection (a).

''(c) WITHHOLDING OF COMPENSATION.—In carrying out subsection (a), the Director may require a regulated entity to withhold any payment, transfer, or disbursement of compensation to an executive officer, or to place such compensation in an escrow account, during the review of the reasonableness and comparability of compensation.''.

(b) CONFORMING AMENDMENTS.—

(1) FANNIE MAE.—Section 309(d) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1723a(d)) is amended by adding at the end the following new paragraph:

''(4) Notwithstanding any other provision of this section, the corporation shall not transfer, disburse, or pay compensation to any executive officer, or enter into an agreement with such executive officer, without the approval of the Director, for matters being reviewed under section 1318 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4518).''.

(2) FREDDIE MAC.—Section 303(h) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1452(h)) is amended by adding at the end the following new paragraph:

''(4) Notwithstanding any other provision of this section, the Corporation shall not transfer, disburse, or pay compensation to any executive officer, or enter into an agreement with such executive officer, without the approval of the Director, for matters being reviewed under section 1318 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4518).''.

(3) FEDERAL HOME LOAN BANKS.—Section 7 of the Federal Home Loan Bank Act (12 U.S.C. 1427) is amended by adding at the end the following new subsection:

''(l) WITHHOLDING OF COMPENSATION.—Notwithstanding any other provision of this section, a Federal Home Loan Bank shall not transfer, disburse, or pay compensation to any executive officer, or enter into an agreement with such executive officer, without the approval of the Director, for matters being reviewed under section 1318 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4518).''.

SEC. 1114. LIMIT ON GOLDEN PARACHUTES.

Section 1318 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4518) is amended by adding at the end the following:

''(e) AUTHORITY TO REGULATE OR PROHIBIT CERTAIN FORMS OF BENEFITS TO AFFILIATED PARTIES.—

''(1) GOLDEN PARACHUTES AND INDEMNIFICATION PAYMENTS.—The Director may prohibit or limit, by regulation or order, any golden parachute payment or indemnification payment.

''(2) FACTORS TO BE TAKEN INTO ACCOUNT.—The Director shall prescribe, by regulation, the factors to be considered by the Director in taking any action pursuant to paragraph (1), which may include such factors as—

''(A) whether there is a reasonable basis to believe that the affiliated party has committed any fraudulent act or omission, breach of trust or fiduciary duty, or insider abuse with regard to the regulated entity that has had a material effect on the financial condition of the regulated entity;

''(B) whether there is a reasonable basis to believe that the affiliated party is substantially responsible for the insolvency of the regulated entity, the appointment of a conservator or receiver for the regulated entity, or the troubled condition of the regulated entity (as defined in regulations prescribed by the Director);

''(C) whether there is a reasonable basis to believe that the affiliated party has materially violated any applicable provision of Federal or State law or regulation that has had a material effect on the financial condition of the regulated entity;

''(D) whether the affiliated party was in a position of managerial or fiduciary responsibility; and

''(E) the length of time that the party was affiliated with the regulated entity, and the degree to which—

''(i) the payment reasonably reflects compensation earned over the period of employment; and

''(ii) the compensation involved represents a reasonable payment for services rendered.

''(3) CERTAIN PAYMENTS PROHIBITED.—No regulated entity may prepay the salary or any liability or legal expense of any affiliated party if such payment is made—

''(A) in contemplation of the insolvency of such regulated entity, or after the commission of an act of insolvency; and

''(B) with a view to, or having the result of—

''(i) preventing the proper application of the assets of the regulated entity to creditors; or

''(ii) preferring one creditor over another.

''(4) GOLDEN PARACHUTE PAYMENT DEFINED.—

''(A) IN GENERAL.—For purposes of this subsection, the term 'golden parachute payment' means any payment (or any agreement to make any payment) in the nature of compensation by any regulated entity for the benefit of any affiliated party pursuant to an obligation of such regulated entity that—

''(i) is contingent on the termination of such party's affiliation with the regulated entity; and

''(ii) is received on or after the date on which—

''(I) the regulated entity became insolvent;

''(II) any conservator or receiver is appointed for such regulated entity; or

''(III) the Director determines that the regulated entity is in a troubled condition (as defined in the regulations of the Director).

''(B) CERTAIN PAYMENTS IN CONTEMPLATION OF AN EVENT.—Any payment which would be a golden parachute payment but for the fact that such payment was made before the date referred to in subparagraph (A)(ii) shall be treated as a golden parachute payment if the payment was made in contemplation of the occurrence of an event described in any subclause of such subparagraph.

''(C) CERTAIN PAYMENTS NOT INCLUDED.—For purposes of this subsection, the term 'golden parachute payment' shall not include—

''(i) any payment made pursuant to a retirement plan which is qualified (or is intended to be qualified) under section 401 of the Internal Revenue Code of 1986, or other nondiscriminatory benefit plan;

''(ii) any payment made pursuant to a bona fide deferred compensation plan or arrangement which the Director determines, by regulation or order, to be permissible; or

''(iii) any payment made by reason of the death or disability of an affiliated party.

''(5) OTHER DEFINITIONS.—For purposes of this subsection, the following definitions shall apply:

''(A) INDEMNIFICATION PAYMENT.—Subject to paragraph (6), the term 'indemnification payment' means any payment (or any agreement to make any payment) by any regulated entity for the benefit of any person who is or was an affiliated party, to pay or reimburse such person for any liability or legal expense with regard to any administrative proceeding or civil action instituted by the Agency which results in a final order under which such person—

''(i) is assessed a civil money penalty;

''(ii) is removed or prohibited from participating in conduct of the affairs of the regulated entity; or

''(iii) is required to take any affirmative action to correct certain conditions resulting from violations or practices, by order of the Director.

''(B) LIABILITY OR LEGAL EXPENSE.—The term 'liability or legal expense' means—

''(i) any legal or other professional expense incurred in connection with any claim, proceeding, or action;

''(ii) the amount of, and any cost incurred in connection with, any settlement of any claim, proceeding, or action; and

''(iii) the amount of, and any cost incurred in connection with, any judgment or penalty imposed with respect to any claim, proceeding, or action.

''(C) PAYMENT.—The term 'payment' includes—

''(i) any direct or indirect transfer of any funds or any asset; and

''(ii) any segregation of any funds or assets for the purpose of making, or pursuant to an agreement to make, any payment after the date on which such funds or assets are segregated, without regard to whether the obligation to make such payment is contingent on—

''(I) the determination, after such date, of the liability for the payment of such amount; or

''(II) the liquidation, after such date, of the amount of such payment.

''(6) CERTAIN COMMERCIAL INSURANCE COVERAGE NOT TREATED AS COVERED BENEFIT PAYMENT.—No provision of this subsection shall be construed as prohibiting any regulated

entity from purchasing any commercial insurance policy or fidelity bond, except that, subject to any requirement described in paragraph (5)(A)(iii), such insurance policy or bond shall not cover any legal or liability expense of the regulated entity which is described in paragraph (5)(A).''.

SEC. 1115. REPORTING OF FRAUDULENT LOANS.

Part 1 of subtitle C of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4631 et seq.), as amended by this Act, is amended by adding at the end the following:

''SEC. 1379E. REPORTING OF FRAUDULENT LOANS.

''(a) REQUIREMENT TO REPORT.—The Director shall require a regulated entity to submit to the Director a timely report upon discovery by the regulated entity that it has purchased or sold a fraudulent loan or financial instrument, or suspects a possible fraud relating to the purchase or sale of any loan or financial instrument. The Director shall require each regulated entity to establish and maintain procedures designed to discover any such transactions.

''(b) PROTECTION FROM LIABILITY FOR REPORTS.—Any regulated entity that, in good faith, makes a report pursuant to subsection (a), and any entity-affiliated party, that, in good faith, makes or requires another to make any such report, shall not be liable to any person under any provision of law or regulation, any constitution, law, or regulation of any State or political subdivision of any State, or under any contract or other legally enforceable agreement (including any arbitration agreement) for such report or for any failure to provide notice of such report to the person who is the subject of such report or any other persons identified in the report.''.

SEC. 1116. INCLUSION OF MINORITIES AND WOMEN; DIVERSITY IN AGENCY WORKFORCE.

Section 1319A of the Housing and Community Development Act of 1992 (12 U.S.C. 4520) is amended—

(1) in the section heading, by striking ''**EQUAL OPPORTUNITY IN SOLICITATION OF CONTRACTS**'' and inserting ''**MINORITY AND WOMEN INCLUSION; DIVERSITY REQUIREMENTS**'';

(2) in subsection (a), by striking ''(a) IN GENERAL.—Each enterprise'' and inserting ''(e) OUTREACH.—Each regulated entity''; and

(3) by striking subsection (b);

(4) by inserting before subsection (e), as so redesignated by paragraph (2) of this section, the following new subsections:

''(a) OFFICE OF MINORITY AND WOMEN INCLUSION.—Each regulated entity shall establish an Office of Minority and Women Inclusion, or designate an office of the entity, that shall be responsible for carrying out this section and all matters of the entity relating to diversity in management, employment, and business activities in accordance with such standards and requirements as the Director shall establish.

''(b) INCLUSION IN ALL LEVELS OF BUSINESS ACTIVITIES.—Each regulated entity shall develop and implement standards and procedures to ensure, to the maximum extent possible, the inclusion and utilization of minorities (as such term is defined in section 1204(c) of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 1811 note)) and women, and minority- and women-owned businesses (as such terms are defined in section 21A(r)(4) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(r)(4)) (including financial institutions, investment banking firms, mortgage banking firms, asset management firms, broker-dealers, financial services firms, underwriters, accountants, brokers, investment consultants, and providers of legal services) in all business and activities of the regulated entity at all levels, including in procurement, insurance, and all types of contracts (including contracts for the issuance or guarantee of any debt, equity, or mortgage-related securities, the management of its mortgage and securities portfolios, the making of its equity investments, the purchase, sale and servicing of single- and multi-family mortgage loans, and the implementation of its affordable housing program and initiatives). The processes established by each regulated entity for review and evaluation for contract proposals and to hire service providers shall include a component that gives consideration to the diversity of the applicant.

''(c) APPLICABILITY.—This section shall apply to all contracts of a regulated entity for services of any kind, including services that require the services of investment banking, asset management entities, broker-dealers, financial services entities, underwriters, accountants, investment consultants, and providers of legal services.

''(d) INCLUSION IN ANNUAL REPORTS.—Each regulated entity shall include, in the annual report submitted by the entity to the Director pursuant to section 309(k) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1723a(k)), section 307(c) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1456(c)), and section 20 of the Federal Home Loan Bank Act (12 U.S.C. 1440), as applicable, detailed information describing the actions taken by the entity pursuant to this section, which shall include a statement of the total amounts paid by the entity to third party contractors since the last such report and the percentage of such amounts paid to businesses described in subsection (b) of this section.''; and

(5) by adding at the end the following new subsection:

''(f) DIVERSITY IN AGENCY WORKFORCE.—The Agency shall take affirmative steps to seek diversity in its workforce at all levels of the agency consistent with the demographic diversity of the United States, which shall include—

''(1) heavily recruiting at historically Black colleges and universities, Hispanic-serving institutions, women's colleges, and colleges that typically serve majority minority populations;

''(2) sponsoring and recruiting at job fairs in urban communities, and placing employment advertisements in newspapers and magazines oriented toward women and people of color;

''(3) partnering with organizations that are focused on developing opportunities for minorities and women to place talented young minorities and women in industry internships, summer employment, and full-time positions; and

''(4) where feasible, partnering with inner-city high schools, girls' high schools, and high schools with majority minority populations to establish or enhance financial literacy programs and provide mentoring.''.

SEC. 1117. TEMPORARY AUTHORITY FOR PURCHASE OF OBLIGATIONS OF REGULATED ENTITIES BY SECRETARY OF TREASURY.

(a) FANNIE MAE.—Section 304 of the Federal National Mortgage Association Charter Act (12 U.S.C. 1719) is amended by adding at the end the following new subsection:

''(g) TEMPORARY AUTHORITY OF TREASURY TO PURCHASE OBLIGATIONS AND SECURITIES; CONDITIONS.—

''(1) AUTHORITY TO PURCHASE.—

''(A) GENERAL AUTHORITY.—In addition to the authority under subsection (c) of this section, the Secretary of the Treasury is authorized to purchase any obligations and other securities issued by the corporation under any section of this Act, on such terms and conditions as the Secretary may determine and in such amounts as the Secretary may determine. Nothing in this subsection requires the corporation to issue obligations or securities to the Secretary without mutual agreement between the Secretary and the corporation. Nothing in this subsection permits or authorizes the Secretary, without the agreement of the corporation, to engage in open market purchases of the common securities of the corporation.

''(B) EMERGENCY DETERMINATION REQUIRED.—In connection with any use of this authority, the Secretary must determine that such actions are necessary to—

''(i) provide stability to the financial markets;

''(ii) prevent disruptions in the availability of mortgage finance; and

''(iii) protect the taxpayer.

''(C) CONSIDERATIONS.—To protect the taxpayers, the Secretary of the Treasury shall take into consideration the following in connection with exercising the authority contained in this paragraph:

''(i) The need for preferences or priorities regarding payments to the Government.

''(ii) Limits on maturity or disposition of obligations or securities to be purchased.

''(iii) The corporation's plan for the orderly resumption of private market funding or capital market access.

''(iv) The probability of the corporation fulfilling the terms of any such obligation or other security, including repayment.

''(v) The need to maintain the corporation's status as a private shareholder-owned company.

''(vi) Restrictions on the use of corporation resources, including limitations on the payment of dividends and executive compensation and any such other terms and conditions as appropriate for those purposes.

''(D) REPORTS TO CONGRESS.—Upon exercise of this authority, the Secretary shall report to the Committees on the Budget, Financial Services, and Ways and Means of the House of Representatives and the Committees on the Budget, Finance, and Banking, Housing, and Urban Affairs of the Senate as to the necessity for the purchase and the determinations made by the Secretary under subparagraph (B) and with respect to the considerations required under subparagraph (C), and the size, terms, and probability of repayment or fulfillment of other terms of such purchase.

''(2) RIGHTS; SALE OF OBLIGATIONS AND SECURITIES.—

''(A) EXERCISE OF RIGHTS.—The Secretary of the Treasury may, at any time, exercise any rights received in connection with such purchases.

''(B) SALE OF OBLIGATION AND SECURITIES.—The Secretary of the Treasury may, at any time, subject to the terms of the security or otherwise upon terms and conditions and at prices determined by the Secretary, sell any obligation or security acquired by the Secretary under this subsection.

''(C) APPLICATION OF SUNSET TO PURCHASED OBLIGATIONS OR SECURITIES.—The authority of the Secretary of the Treasury to hold, exercise any rights received in connection with, or sell, any obligations or securities purchased is not subject to the provisions of paragraph (4).

''(3) FUNDING.—For the purpose of the authorities granted in this subsection, the Secretary of the Treasury may use the proceeds of the sale of any securities issued under chapter 31 of Title 31, and the purposes for which securities may be issued under chapter 31 of Title 31 are extended to include such purchases and the exercise of any rights in connection with such purchases. Any funds expended for the purchase of, or modifications to, obligations and securities, or the exercise of any rights received in connection with such purchases under this subsection

shall be deemed appropriated at the time of such purchase, modification, or exercise.

''(4) TERMINATION OF AUTHORITY.—The authority under this subsection (g), with the exception of paragraphs (2) and (3) of this subsection, shall expire December 31, 2009.

''(5) AUTHORITY OF THE DIRECTOR WITH RESPECT TO EXECUTIVE COMPENSATION.—The Director shall have the power to approve, disapprove, or modify the executive compensation of the corporation, as defined under Regulation S-K, 17 C.F.R. 229.''.

(b) FREDDIE MAC.—Section 306 of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1455) is amended by adding at the end the following new subsection:

''(l) TEMPORARY AUTHORITY OF TREASURY TO PURCHASE OBLIGATIONS AND SECURITIES; CONDITIONS.—

''(1) AUTHORITY TO PURCHASE.—

''(A) GENERAL AUTHORITY.—In addition to the authority under subsection (c) of this section, the Secretary of the Treasury is authorized to purchase any obligations and other securities issued by the Corporation under any section of this Act, on such terms and conditions as the Secretary may determine and in such amounts as the Secretary may determine. Nothing in this subsection requires the Corporation to issue obligations or securities to the Secretary without mutual agreement between the Secretary and the Corporation. Nothing in this subsection permits or authorizes the Secretary, without the agreement of the Corporation, to engage in open market purchases of the common securities of the Corporation.

''(B) EMERGENCY DETERMINATION REQUIRED.—In connection with any use of this authority, the Secretary must determine that such actions are necessary to—

''(i) provide stability to the financial markets;

''(ii) prevent disruptions in the availability of mortgage finance; and

''(iii) protect the taxpayer.

''(C) CONSIDERATIONS.—To protect the taxpayers, the Secretary of the Treasury shall take into consideration the following in connection with exercising the authority contained in this paragraph:

''(i) The need for preferences or priorities regarding payments to the Government.

''(ii) Limits on maturity or disposition of obligations or securities to be purchased.

''(iii) The Corporation's plan for the orderly resumption of private market funding or capital market access.

''(iv) The probability of the Corporation fulfilling the terms of any such obligation or other security, including repayment.

''(v) The need to maintain the Corporation's status as a private shareholder-owned company.

''(vi) Restrictions on the use of Corporation resources, including limitations on the payment of dividends and executive compensation and any such other terms and conditions as appropriate for those purposes.

''(D) REPORTS TO CONGRESS.—Upon exercise of this authority, the Secretary shall report to the Committees on the Budget, Financial Services, and Ways and Means of the House of Representatives and the Committees on the Budget, Finance, and Banking, Housing, and Urban Affairs of the Senate as to the necessity for the purchase and the determinations made by the Secretary under subparagraph (B) and with respect to the considerations required under subparagraph (C), and the size, terms, and probability of repayment or fulfillment of other terms of such purchase.

''(2) RIGHTS; SALE OF OBLIGATIONS AND SECURITIES.—

''(A) EXERCISE OF RIGHTS.—The Secretary of the Treasury may, at any time, exercise any rights received in connection with such purchases.

''(B) SALE OF OBLIGATION AND SECURITIES.—The Secretary of the Treasury may, at any time, subject to the terms of the security or otherwise upon terms and conditions and at prices determined by the Secretary, sell any obligation or security acquired by the Secretary under this subsection.

''(C) APPLICATION OF SUNSET TO PURCHASED OBLIGATIONS OR SECURITIES.—The authority of the Secretary of the Treasury to hold, exercise any rights received in connection with, or sell, any obligations or securities purchased is not subject to the provisions of paragraph (4).

''(3) FUNDING.—For the purpose of the authorities granted in this subsection, the Secretary of the Treasury may use the proceeds of the sale of any securities issued under chapter 31 of Title 31, and the purposes for which securities may be issued under chapter 31 of Title 31 are extended to include such purchases and the exercise of any rights in connection with such purchases. Any funds expended for the purchase of, or modifications to, obligations and securities, or the exercise of any rights received in connection with such purchases under this subsection shall be deemed appropriated at the time of such purchase, modification, or exercise.

''(4) TERMINATION OF AUTHORITY.—The authority under this subsection (l), with the exception of paragraphs (2) and (3) of this subsection, shall expire December 31, 2009.

''(5) AUTHORITY OF THE DIRECTOR WITH RESPECT TO EXECUTIVE COMPENSATION.—The Director shall have the power to approve, disapprove, or modify the executive compensation of the Corporation, as defined under Regulation S-K, 17 C.F.R. 229.''.

(c) FEDERAL HOME LOAN BANKS.—Section 11 of the Federal Home Loan Bank Act (12 U.S.C. 1431) is amended by adding at the end the following new subsection:

''(l) TEMPORARY AUTHORITY OF TREASURY TO PURCHASE OBLIGATIONS; CONDITIONS.—

''(1) AUTHORITY TO PURCHASE.—

''(A) GENERAL AUTHORITY.—In addition to the authority under subsection (i) of this section, the Secretary of the Treasury is authorized to purchase any obligations issued by any Federal Home Loan Bank under any section of this Act, on such terms and conditions as the Secretary may determine and in such amounts as the Secretary may determine. Nothing in this subsection requires a Federal Home Loan Bank to issue obligations or securities to the Secretary without mutual agreement between the Secretary and the Federal Home Loan Bank. Nothing in this subsection permits or authorizes the Secretary, without the agreement of the Federal Home Loan Bank, to engage in open market purchases of the common securities of any Federal Home Loan Bank.

''(B) EMERGENCY DETERMINATION REQUIRED.—In connection with any use of this authority, the Secretary must determine that such actions are necessary to—

''(i) provide stability to the financial markets;

''(ii) prevent disruptions in the availability of mortgage finance; and

''(iii) protect the taxpayer.

''(C) CONSIDERATIONS.—To protect the taxpayers, the Secretary of the Treasury shall take into consideration the following in connection with exercising the authority contained in this paragraph:

''(i) The need for preferences or priorities regarding payments to the Government.

''(ii) Limits on maturity or disposition of obligations or securities to be purchased.

''(iii) The Federal Home Loan Bank's plan for the orderly resumption of private market funding or capital market access.

''(iv) The probability of the Federal Home Loan Bank fulfilling the terms of any such obligation or other security, including repayment.

''(v) The need to maintain the Federal Home Loan Bank's status as a private shareholder-owned company.

''(vi) Restrictions on the use of Federal Home Loan Bank resources, including limitations on the payment of dividends and executive compensation and any such other terms and conditions as appropriate for those purposes.

''(D) REPORTS TO CONGRESS.—Upon exercise of this authority, the Secretary shall report to the Committees on the Budget, Financial Services, and Ways and Means of the House of Representatives and the Committees on the Budget, Finance, and Banking, Housing, and Urban Affairs of the Senate as to the necessity for the purchase and the determinations made by the Secretary under subparagraph (B) and with respect to the considerations required under subparagraph (C), and the size, terms, and probability of repayment or fulfillment of other terms of such purchase, modification, or exercise.

''(2) RIGHTS; SALE OF OBLIGATIONS AND SECURITIES.—

''(A) EXERCISE OF RIGHTS.—The Secretary of the Treasury may, at any time, exercise any rights received in connection with such purchases.

''(B) SALE OF OBLIGATIONS.—The Secretary of the Treasury may, at any time, subject to the terms of the security or otherwise upon terms and conditions and at prices determined by the Secretary, sell any obligation acquired by the Secretary under this subsection.

''(C) APPLICATION OF SUNSET TO PURCHASED OBLIGATIONS.—The authority of the Secretary of the Treasury to hold, exercise any rights received in connection with, or sell, any obligations purchased is not subject to the provisions of paragraph (4).

''(3) FUNDING.—For the purpose of the authorities granted in this subsection, the Secretary of the Treasury may use the proceeds of the sale of any securities issued under chapter 31 of Title 31, and the purposes for which securities may be issued under chapter 31 of Title 31 are extended to include such purchases and the exercise of any rights in connection with such purchases. Any funds expended for the purchase of, or modifications to, obligations and securities, or the exercise of any rights received in connection with such purchases under this subsection shall be deemed appropriated at the time of such purchase, modification, or exercise.

''(4) TERMINATION OF AUTHORITY.—The authority under this subsection (l), with the exception of paragraphs (2) and (3) of this subsection, shall expire December 31, 2009.

''(5) AUTHORITY OF THE DIRECTOR WITH RESPECT TO EXECUTIVE COMPENSATION.—The Director shall have the power to approve, disapprove, or modify the executive compensation of the Federal Home Loan Bank, as defined under Regulation S-K, 17 C.F.R. 229.''.

SEC. 1118. CONSULTATION BETWEEN THE DIRECTOR OF THE FEDERAL HOUSING FINANCE AGENCY AND THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM TO ENSURE FINANCIAL MARKET STABILITY .

Subsection (a) of section 1313 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4513), as amended by the preceding provisions of this Act, is further amended by adding at the end the following new paragraph:

''(3) COORDINATION WITH THE CHAIRMAN OF THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM.—

''(A) CONSULTATION.— The Director shall consult with, and consider the views of, the Chairman of the Board of Governors of the Federal Reserve System, with respect to the risks posed by the regulated entities to the

financial system, prior to issuing any proposed or final regulations, orders, and guidelines with respect to the exercise of the additional authority provided in this Act regarding prudential management and operations standards, safe and sound operations of, and capital requirements and portfolio standards applicable to the regulated entities (as such term is defined in section 1303). The Director also shall consult with the Chairman regarding any decision to place a regulated entity into conservatorship or receivership.

''(B) INFORMATION SHARING.—To facilitate the consultative process, the Director shall share information with the Board of Governors of the Federal Reserve System on a regular, periodic basis as determined by the Director and the Board regarding the capital, asset and liabilities, financial condition, and risk management practices of the regulated entities as well as any information related to financial market stability.

''(C) TERMINATION OF CONSULTATION REQUIREMENT.—The requirement of the Director to consult with the Board of Governors of the Federal Reserve System under this paragraph shall expire at the conclusion of December 31, 2009.''.

Subtitle B—Improvement of Mission Supervision

SEC. 1121. TRANSFER OF PROGRAM APPROVAL AND HOUSING GOAL OVERSIGHT.

Part 2 of subtitle A of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4541 et seq.) is amended—

(1) by striking the heading for the part and inserting the following:

''PART 2—ADDITIONAL AUTHORITIES OF THE DIRECTOR'';

and

(2) by striking sections 1321 and 1322.

SEC. 1122. ASSUMPTION BY THE DIRECTOR OF CERTAIN OTHER HUD RESPONSIBILITIES.

(a) IN GENERAL.—Part 2 of subtitle A of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4541 et seq.) is amended—

(1) by striking ''Secretary'' each place that term appears and inserting ''Director'' in each of sections 1323, 1326, 1327, 1328, and 1336; and

(2) by striking sections 1338 and 1349 (12 U.S.C. 4562 note and 4589).

(b) RETENTION OF FAIR HOUSING RESPONSIBILITIES.—Section 1325 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4545) is amended in the matter preceding paragraph (1), by inserting ''of Housing and Urban Development'' after ''The Secretary''.

SEC. 1123. REVIEW OF ENTERPRISE PRODUCTS.

Part 2 of subtitle A of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4541 et seq.) is amended by inserting before section 1323 the following:

''SEC. 1321. PRIOR APPROVAL AUTHORITY FOR PRODUCTS.

''(a) IN GENERAL.—The Director shall require each enterprise to obtain the approval of the Director for any product of the enterprise before initially offering the product.

''(b) STANDARD FOR APPROVAL.—In considering any request for approval of a product pursuant to subsection (a), the Director shall make a determination that—

''(1) in the case of a product of the Federal National Mortgage Association, the product is authorized under paragraph (2), (3), (4), or (5) of section 302(b) or section 304 of the Federal National Mortgage Association Charter Act (12 U.S.C. 1717(b), 1719);

''(2) in the case of a product of the Federal Home Loan Mortgage Corporation, the product is authorized under paragraph (1), (4), or (5) of section 305(a) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1454(a));

''(3) the product is in the public interest; and

''(4) the product is consistent with the safety and soundness of the enterprise or the mortgage finance system.

''(c) PROCEDURE FOR APPROVAL.—

''(1) SUBMISSION OF REQUEST.—An enterprise shall submit to the Director a written request for approval of a product that describes the product in such form as prescribed by order or regulation of the Director.

''(2) REQUEST FOR PUBLIC COMMENT.—Immediately upon receipt of a request for approval of a product, as required under paragraph (1), the Director shall publish notice of such request and of the period for public comment pursuant to paragraph (3) regarding the product, and a description of the product proposed by the request. The Director shall give interested parties the opportunity to respond in writing to the proposed product.

''(3) PUBLIC COMMENT PERIOD.—During the 30-day period beginning on the date of publication pursuant to paragraph (2) of a request for approval of a product, the Director shall receive public comments regarding the proposed product.

''(4) OFFERING OF PRODUCT.—

''(A) IN GENERAL.—Not later than 30 days after the close of the public comment period described in paragraph (3), the Director shall approve or deny the product, specifying the grounds for such decision in writing.

''(B) FAILURE TO ACT.—If the Director fails to act within the 30-day period described in subparagraph (A), then the enterprise may offer the product.

''(C) TEMPORARY APPROVAL.—The Director may, subject to the rules of the Director, provide for temporary approval of the offering of a product without a public comment period, if the Director finds that the existence of exigent circumstances makes such delay contrary to the public interest.

''(d) CONDITIONAL APPROVAL.—If the Director approves the offering of any product by an enterprise, the Director may establish terms, conditions, or limitations with respect to such product with which the enterprise must comply in order to offer such product.

''(e) EXCLUSIONS.—

''(1) IN GENERAL.—The requirements of subsections (a) through (d) do not apply with respect to—

''(A) the automated loan underwriting system of an enterprise in existence as of the date of enactment of the Federal Housing Finance Regulatory Reform Act of 2008, including any upgrade to the technology, operating system, or software to operate the underwriting system;

''(B) any modification to the mortgage terms and conditions or mortgage underwriting criteria relating to the mortgages that are purchased or guaranteed by an enterprise, provided that such modifications do not alter the underlying transaction so as to include services or financing, other than residential mortgage financing; or

''(C) any other activity that is substantially similar, as determined by rule of the Director to—

''(i) the activities described in subparagraphs (A) and (B); and

''(ii) other activities that have been approved by the Director in accordance with this section.

''(2) EXPEDITED REVIEW.—

''(A) ENTERPRISE NOTICE.—For any new activity that an enterprise considers not to be a product, the enterprise shall provide written notice to the Director of such activity, and may not commence such activity until the date of receipt of a notice under subparagraph (B) or the expiration of the period described in subparagraph (C). The Director shall establish, by regulation, the form and content of such written notice.

''(B) DIRECTOR DETERMINATION.—Not later than 15 days after the date of receipt of a notice under subparagraph (A), the Director shall determine whether such activity is a product subject to approval under this section. The Director shall, immediately upon so determining, notify the enterprise.

''(C) FAILURE TO ACT.—If the Director fails to determine whether such activity is a product within the 15-day period described in subparagraph (B), the enterprise may commence the new activity in accordance with subparagraph (A).

''(f) NO LIMITATION.—Nothing in this section may be construed to restrict—

''(1) the safety and soundness authority of the Director over all new and existing products or activities; or

''(2) the authority of the Director to review all new and existing products or activities to determine that such products or activities are consistent with the statutory mission of an enterprise.''.

SEC. 1124. CONFORMING LOAN LIMITS.

(a) FANNIE MAE.—

(1) GENERAL LIMIT.—Section 302(b)(2) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1717(b)(2)) is amended by striking the 7th and 8th sentences and inserting the following new sentences: ''Such limitations shall not exceed $417,000 for a mortgage secured by a single-family residence, $533,850 for a mortgage secured by a 2-family residence, $645,300 for a mortgage secured by a 3-family residence, and $801,950 for a mortgage secured by a 4-family residence, except that such maximum limitations shall be adjusted effective January 1 of each year beginning after the effective date of the Federal Housing Finance Regulatory Reform Act of 2008, subject to the limitations in this paragraph. Each adjustment shall be made by adding to each such amount (as it may have been previously adjusted) a percentage thereof equal to the percentage increase, during the most recent 12-month or 4-quarter period ending before the time of determining such annual adjustment, in the housing price index maintained by the Director of the Federal Housing Finance Agency (pursuant to section 1322 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4541)). If the change in such house price index during the most recent 12-month or 4-quarter period ending before the time of determining such annual adjustment is a decrease, then no adjustment shall be made for the next year, and the next adjustment shall take into account prior declines in the house price index, so that any adjustment shall reflect the net change in the house price index since the last adjustment. Declines in the house price index shall be accumulated and then reduce increases until subsequent increases exceed prior declines.''.

(2) HIGH-COST AREA LIMIT.—Section 302(b)(2) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1717(b)(2)) is amended by adding after the period at the end the following: ''Such foregoing limitations shall also be increased, with respect to properties of a particular size located in any area for which 115 percent of the median house price for such size residence exceeds the foregoing limitation for such size residence, to the lesser of 150 percent of such limitation for such size residence or the amount that is equal to 115 percent of the median house price in such area for such size residence.''.

(3) EFFECTIVE DATE.—The amendments made by paragraphs (1) and (2) of this subsection shall take effect upon the expiration of the date described in section 201(a) of the

Economic Stimulus Act of 2008 (Public Law 110–185).

(b) FREDDIE MAC.—

(1) GENERAL LIMIT.—Section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1454(a)(2)) is amended by striking the 6th and 7th sentences and inserting the following new sentences: ''Such limitations shall not exceed $417,000 for a mortgage secured by a single-family residence, $533,850 for a mortgage secured by a 2-family residence, $645,300 for a mortgage secured by a 3-family residence, and $801,950 for a mortgage secured by a 4-family residence, except that such maximum limitations shall be adjusted effective January 1 of each year beginning after the effective date of the Federal Housing Finance Regulatory Reform Act of 2008, subject to the limitations in this paragraph. Each adjustment shall be made by adding to each such amount (as it may have been previously adjusted) a percentage thereof equal to the percentage increase, during the most recent 12-month or 4-quarter period ending before the time of determining such annual adjustment, in the housing price index maintained by the Director of the Federal Housing Finance Agency (pursuant to section 1322 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4541)). If the change in such house price index during the most recent 12-month or 4-quarter period ending before the time of determining such annual adjustment is a decrease, then no adjustment shall be made for the next year, and the next adjustment shall take into account prior declines in the house price index, so that any adjustment shall reflect the net change in the house price index since the last adjustment. Declines in the house price index shall be accumulated and then reduce increases until subsequent increases exceed prior declines.''.

(2) HIGH-COST AREA LIMIT.—Section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1454(a)(2)) is amended by adding after the period at the end the following: ''Such foregoing limitations shall also be increased, with respect to properties of a particular size located in any area for which 115 percent of the median house price for such size residence exceeds the foregoing limitation for such size residence, to the lesser of 150 percent of such limitation for such size residence or the amount that is equal to 115 percent of the median house price in such area for such size residence.''.

(3) EFFECTIVE DATE.—The amendments made by paragraphs (1) and (2) of this subsection shall take effect upon the expiration of the date described in section 201(a) of the Economic Stimulus Act of 2008 (Public Law 110–185).

(c) SENSE OF CONGRESS.—It is the sense of the Congress that the securitization of mortgages by the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation plays an important role in providing liquidity to the United States housing markets. Therefore, the Congress encourages the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation to securitize mortgages acquired under the increased conforming loan limits established under this Act.

(d) HOUSING PRICE INDEX.—Part 2 of subtitle A of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4541 et seq.) is amended by inserting after section 1321 (as added by section 1123 of this Act) the following new section:

''SEC. 1322. HOUSING PRICE INDEX.

''The Director shall establish and maintain a method of assessing the national average 1-family house price for use for adjusting the conforming loan limitations of the enterprises. In establishing such method, the Director shall take into consideration the monthly survey of all major lenders conducted by the Federal Housing Finance Agency to determine the national average 1-family house price, the House Price Index maintained by the Office of Federal Housing Enterprise Oversight of the Department of Housing and Urban Development before the effective date of the Federal Housing Finance Regulatory Reform Act of 2008, any appropriate house price indexes of the Bureau of the Census of the Department of Commerce, and any other indexes or measures that the Director considers appropriate.''.

SEC. 1125. ANNUAL HOUSING REPORT.

(a) REPEAL.—Section 1324 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4544) is hereby repealed.

(b) ANNUAL HOUSING REPORT.—The Federal Housing Enterprises Financial Safety and Soundness Act of 1992 is amended by inserting after section 1323 the following:

''SEC. 1324. ANNUAL HOUSING REPORT.

''(a) IN GENERAL.—After reviewing and analyzing the reports submitted under section 309(n) of the Federal National Mortgage Association Charter Act and section 307(f) of the Federal Home Loan Mortgage Corporation Act, the Director shall submit a report, not later than October 30 of each year, to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives, on the activities of each enterprise.

''(b) CONTENTS.—The report required under subsection (a) shall—

''(1) discuss—

''(A) the extent to and manner in which—

''(i) each enterprise is achieving the annual housing goals established under subpart B;

''(ii) each enterprise is complying with its duty to serve underserved markets, as established under section 1335;

''(iii) each enterprise is complying with section 1337;

''(iv) each enterprise received credit towards achieving each of its goals resulting from a transaction or activity pursuant to section 1331(b)(2); and

''(v) each enterprise is achieving the purposes of the enterprise established by law; and

''(B) the actions that each enterprise could undertake to promote and expand the purposes of the enterprise;

''(2) aggregate and analyze relevant data on income to assess the compliance of each enterprise with the housing goals established under subpart B;

''(3) aggregate and analyze data on income, race, and gender by census tract and other relevant classifications, and compare such data with larger demographic, housing, and economic trends;

''(4) identify the extent to which each enterprise is involved in mortgage purchases and secondary market activities involving subprime and nontraditional loans;

''(5) compare the characteristics of subprime and nontraditional loans both purchased and securitized by each enterprise to other loans purchased and securitized by each enterprise; and

''(6) compare the characteristics of high-cost loans purchased and securitized, where such securities are not held on portfolio to loans purchased and securitized, where such securities are either retained on portfolio or repurchased by the enterprise, including such characteristics as—

''(A) the purchase price of the property that secures the mortgage;

''(B) the loan-to-value ratio of the mortgage, which shall reflect any secondary liens on the relevant property;

''(C) the terms of the mortgage;

''(D) the creditworthiness of the borrower; and

''(E) any other relevant data, as determined by the Director.

''(c) DATA COLLECTION AND REPORTING.—

''(1) IN GENERAL.—To assist the Director in analyzing the matters described in subsection (b), the Director shall conduct, on a monthly basis, a survey of mortgage markets in accordance with this subsection.

''(2) DATA POINTS.—Each monthly survey conducted by the Director under paragraph (1) shall collect data on—

''(A) the characteristics of individual mortgages that are eligible for purchase by the enterprises and the characteristics of individual mortgages that are not eligible for purchase by the enterprises including, in both cases, information concerning—

''(i) the price of the house that secures the mortgage;

''(ii) the loan-to-value ratio of the mortgage, which shall reflect any secondary liens on the relevant property;

''(iii) the terms of the mortgage;

''(iv) the creditworthiness of the borrower or borrowers; and

''(v) whether the mortgage, in the case of a conforming mortgage, was purchased by an enterprise;

''(B) the characteristics of individual subprime and nontraditional mortgages that are eligible for purchase by the enterprises and the characteristics of borrowers under such mortgages, including the creditworthiness of such borrowers and determination whether such borrowers would qualify for prime lending; and

''(C) such other matters as the Director determines to be appropriate.

''(3) PUBLIC AVAILABILITY.—The Director shall make any data collected by the Director in connection with the conduct of a monthly survey available to the public in a timely manner, provided that the Director may modify the data released to the public to ensure that the data—

''(A) is not released in an identifiable form; and

''(B) is not otherwise obtainable from other publicly available data sets.

''(4) DEFINITION.—For purposes of this subsection, the term 'identifiable form' means any representation of information that permits the identity of a borrower to which the information relates to be reasonably inferred by either direct or indirect means.''.

SEC. 1126. PUBLIC USE DATABASE.

Section 1323 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (42 U.S.C. 4543) is amended—

(1) in subsection (a)—

(A) by striking ''(a) IN GENERAL.—The Secretary'' and inserting the following:

''(a) AVAILABILITY.—

''(1) IN GENERAL.—The Director''; and

(B) by adding at the end the following new paragraph:

''(2) CENSUS TRACT LEVEL REPORTING.—Such data shall include the data elements required to be reported under the Home Mortgage Disclosure Act of 1975, at the census tract level.'';

(2) in subsection (b)(2), by inserting before the period at the end the following: ''or with subsection (a)(2)''; and

(3) by adding at the end the following new subsection:

''(d) TIMING.—Data submitted under this section by an enterprise in connection with a provision referred to in subsection (a) shall be made publicly available in accordance with this section not later than September 30 of the year following the year to which the data relates.''.

SEC. 1127. REPORTING OF MORTGAGE DATA.

Section 1326 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4546) is amended—

(1) in subsection (a), by striking ''The Director'' and inserting ''Subject to subsection (d), the Director''; and

(2) by adding at the end the following:

''(d) MORTGAGE INFORMATION.—Subject to privacy considerations, as described in section 304(j) of the Home Mortgage Disclosure Act of 1975 (12 U.S.C. 2803(j)), the Director shall, by regulation or order, provide that certain information relating to single family mortgage data of the enterprises shall be disclosed to the public, in order to make available to the public—

''(1) the same data from the enterprises that is required of insured depository institutions under the Home Mortgage Disclosure Act of 1975; and

''(2) information collected by the Director under section 1324(b)(6).''.

SEC. 1128. REVISION OF HOUSING GOALS.

(a) REPEAL.—Sections 1331 through 1334 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4561 through 4564) are hereby repealed.

(b) HOUSING GOALS.—The Federal Housing Enterprises Financial Safety and Soundness Act of 1992 is amended by inserting before section 1335 the following:

''SEC. 1331. ESTABLISHMENT OF HOUSING GOALS.

''(a) IN GENERAL.—The Director shall, by regulation, establish effective for 2010 and each year thereafter, annual housing goals, with respect to the mortgage purchases by the enterprises, as follows:

''(1) SINGLE-FAMILY HOUSING GOALS.—Four single-family housing goals under section 1332.

''(2) MULTIFAMILY SPECIAL AFFORDABLE HOUSING GOAL.—One multifamily special affordable housing goal under section 1333.

''(b) TIMING.—The Director shall, by regulation, establish an annual deadline by which the Director shall establish the annual housing goals under this subpart for each year, taking into consideration the need for the enterprises to reasonably and sufficiently plan their operations and activities in advance, including operations and activities necessary to meet such annual goals.

''(c) TRANSITION.—The annual housing goals effective for 2008 pursuant to this subpart, as in effect before the enactment of the Federal Housing Finance Regulatory Reform Act of 2008, shall remain in effect for 2009, except that not later than the expiration of the 270-day period beginning on the date of the enactment of such Act, the Director shall review such goals applicable for 2009 to determine the feasibility of such goals given the market conditions current at such time and, after seeking public comment for a period not to exceed 30 days, may make appropriate adjustments consistent with such market conditions.

''(d) ELIMINATING INTEREST RATE DISPARITIES.—

''(1) IN GENERAL.—Upon request by the Director, an enterprise shall provide to the Director, in a form determined by the Director, data the Director may review to determine whether there exist disparities in interest rates charged on mortgages to borrowers who are minorities as compared with comparable mortgages to borrowers of similar creditworthiness who are not minorities.

''(2) REMEDIAL ACTIONS UPON PRELIMINARY FINDING.—Upon a preliminary finding by the Director that a pattern of disparities in interest rates with respect to any lender or lenders exists pursuant to the data provided by an enterprise in paragraph (1), the Director shall—

''(A) refer the preliminary finding to the appropriate regulatory or enforcement agency for further review; and

''(B) require the enterprise to submit additional data with respect to any lender or lenders, as appropriate and to the extent practicable, to the Director who shall submit any such additional data to the regulatory or enforcement agency for appropriate action.

''(3) ANNUAL REPORT TO CONGRESS.—The Director shall submit to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate a report describing the actions taken, and being taken, by the Director to carry out this subsection. No such report shall identify any lender or lenders who have not been found to have engaged in discriminatory lending practices pursuant to a final adjudication on the record, and after opportunity for an administrative hearing, in accordance with subchapter II of chapter 5 of title 5, United States Code.

''(4) PROTECTION OF IDENTITY OF INDIVIDUALS.—In carrying out this subsection, the Director shall ensure that no property-related or financial information that would enable a borrower to be identified shall be made public.

''SEC. 1332. SINGLE-FAMILY HOUSING GOALS.

''(a) IN GENERAL.—The Director shall, by regulation, establish annual goals for the purchase by each enterprise of the following types of mortgages for the following categories of families:

''(1) PURCHASE-MONEY MORTGAGES.—A goal for purchase of conventional, conforming, single-family, purchase money mortgages financing owner-occupied housing for each of the following categories of families:

''(A) Low-income families.

''(B) Families that reside in low-income areas.

''(C) Very low-income families.

''(2) REFINANCING MORTGAGES.—A goal for purchase of conventional, conforming mortgages on owner-occupied, single-family housing for low-income families that are given to pay off or prepay an existing loan secured by the same property.

''(b) GOALS AS A PERCENTAGE OF TOTAL MORTGAGE PURCHASES.—The goals established under paragraphs (1) and (2) of subsection (a) shall be established as a percentage of the total number of conventional, conforming, single-family, owner-occupied, purchase money mortgages purchased by the enterprise, or as percentage of the total number of conventional, single-family, owner-occupied refinance mortgages purchased by the enterprise, as applicable, that are mortgages for the types of families specified in paragraphs (1) and (2) of subsection (a).

''(c) SINGLE-FAMILY, OWNER-OCCUPIED RENTAL HOUSING UNITS.—The Director shall require each enterprise to report the number of rental housing units affordable to low-income families each year which are contained in mortgages purchased by the enterprise financing 2- to 4-unit single-family, owner-occupied properties and may, by regulation, establish additional requirements relating to such units.

''(d) DETERMINATION OF COMPLIANCE.—

''(1) IN GENERAL.—The Director shall determine, for each year that the housing goals under this section are in effect pursuant to section 1331(a), whether each enterprise has complied with each such goal established under subsection (a) of this section and any additional requirements which may be established under subsection (c) of this section.

''(2) PURCHASE-MONEY MORTGAGE GOALS.—An enterprise shall be considered to be in compliance with a housing goal under subparagraph (A), (B), or (C) of subsection (a)(1) for a year only if, for the type of family described in such subparagraph, the percentage of the number of conventional, conforming, single-family, owner-occupied, purchase money mortgages purchased by the enterprise in such year that serve such families, meets or exceeds the target for the year for such type of family that is established under subsection (e).

''(3) REFINANCE GOAL.—An enterprise shall be considered to be in compliance with the refinance goal under subsection (a)(2) for a year only if the percentage of the number of conventional, conforming, single-family, owner-occupied refinance mortgages purchased by the enterprise in such year that serve low-income families meets or exceeds the target for the year that is established under subsection (e).

''(e) ANNUAL TARGETS.—

''(1) IN GENERAL.—The Director shall, by regulation, establish annual targets for each goal and subgoal under this section, provided that the Director shall not set prospective targets longer than three years. In establishing such targets, the Director shall not consider segments of the market determined to be unacceptable or contrary to good lending practices, inconsistent with safety and soundness, or unauthorized for purchase by the enterprises.

''(2) GOALS TARGETS.—

''(A) CALCULATION.—The Director shall calculate, for each of the types of families described in subsection (a), the percentage, for each of the three years that most recently precede such year and for which information under the Home Mortgage Disclosure Act of 1975 is publicly available—

''(i) of the number of conventional, conforming, single-family, owner-occupied purchase money mortgages originated in such year that serve such type of family, or

''(ii) the number of conventional, conforming, single-family, owner-occupied refinance mortgages originated in such year that serve low-income families,

as applicable, as determined by the Director using the information obtained and determined pursuant to paragraphs (4) and (5).

''(B) ESTABLISHMENT OF GOAL TARGETS.—The Director shall, by regulation, establish targets for each of the goal categories, taking into consideration the calculations under subparagraph (A) and the following factors:

''(i) National housing needs.

''(ii) Economic, housing, and demographic conditions, including expected market developments.

''(iii) The performance and effort of the enterprises toward achieving the housing goals under this section in previous years.

''(iv) The ability of the enterprise to lead the industry in making mortgage credit available.

''(v) Such other reliable mortgage data as may be available.

''(vi) The size of the purchase money conventional mortgage market, or refinance conventional mortgage market, as applicable, serving each of the types of families described in subsection (a), relative to the size of the overall purchase money mortgage market or the overall refinance mortgage market, respectively.

''(vii) The need to maintain the sound financial condition of the enterprises.

''(3) AUTHORITY TO ADJUST TARGETS.—The Director may, by regulation, adjust the percentage targets previously established by regulation pursuant to paragraph (2)(B) for any year, to reflect subsequent available data and market developments.

''(4) HMDA INFORMATION.—The Director shall annually obtain information submitted in compliance with the Home Mortgage Disclosure Act of 1975 regarding conventional, conforming, single-family, owner-occupied, purchase money and refinance mortgages originated and purchased for the previous year.

''(5) CONFORMING MORTGAGES.—In determining whether a mortgage is a conforming mortgage for purposes of this paragraph, the Director shall consider the original principal balance of the mortgage loan to be the principal balance as reported in the information referred to in paragraph (4), as rounded to the nearest thousand dollars.

''(f) NOTICE OF DETERMINATION AND ENTERPRISE COMMENT.—

''(1) NOTICE.—Within 30 days of making a determination under subsection (d) regarding compliance of an enterprise for a year with a housing goal established under this section and before any public disclosure thereof, the Director shall provide notice of the determination to the enterprise, which shall include an analysis and comparison, by the Director, of the performance of the enterprise for the year and the targets for the year under subsection (e).

''(2) COMMENT PERIOD.—The Director shall provide each enterprise an opportunity to comment on the determination during the 30-day period beginning upon receipt by the enterprise of the notice.

''(g) USE OF BORROWER INCOME.—In monitoring the performance of each enterprise pursuant to the housing goals under this section and evaluating such performance (for purposes of section 1336), the Director shall consider a mortgagor's income to be such income at the time of origination of the mortgage.

''(h) CONSIDERATION OF PROPERTIES WITH RENTAL UNITS.—Mortgages financing two- to four-unit owner-occupied properties shall count toward the achievement of the single-family housing goals under this section, if such properties otherwise meet the requirements under this section, notwithstanding the use of one or more units for rental purposes.

''(i) GOALS CREDIT.—The Director shall determine whether an enterprise shall receive full, partial, or no credit for a transaction toward achievement of any of the housing goals established pursuant to section 1332 and 1333. In making any such determination, the Director shall consider whether a transaction or activity of an enterprise is substantially equivalent to a mortgage purchase and either (1) creates a new market, or (2) adds liquidity to an existing market. No credit toward the achievement of the housing goals and subgoals established under this section may be given to the purchase of mortgages, including any transaction or activity of an enterprise determined to be substantially equivalent to a mortgage purchase, that is determined to be unacceptable or contrary to good lending practices, inconsistent with safety and soundness, or unauthorized for purchase by the enterprises, pursuant to regulations issued by the Director.

''SEC. 1333. MULTIFAMILY SPECIAL AFFORDABLE HOUSING GOAL.

''(a) ESTABLISHMENT OF GOAL.—

''(1) IN GENERAL.—The Director shall, by regulation, establish a single annual goal, by either unit or dollar volume, of purchases by each enterprise of mortgages on multifamily housing that finance dwelling units affordable to low-income families.

''(2) ADDITIONAL REQUIREMENTS FOR UNITS AFFORDABLE TO VERY LOW-INCOME FAMILIES.—When establishing the goal under this section, the Director shall establish additional requirements for the purchase by each enterprise of mortgages on multifamily housing that finance dwelling units affordable to very low-income families.

''(3) REPORTING ON SMALLER PROPERTIES.—The Director shall require each enterprise to report on the purchase by each enterprise of multifamily housing of a smaller or limited size that is affordable to low-income families, which may be based on multifamily projects of 5 to 50 units (as such numbers may be adjusted by the Director) or on mortgages of up to $5,000,000 (as such amount may be adjusted by the Director), and may, by regulation, establish such aditional requirements related to such units.

''(4) FACTORS.—In establishing the goal and additional requirements under this section, the Director shall not consider segments of the market determined to be inconsistent with safety and soundness or unauthorized for purchase by the enterprises, and shall take into consideration—

''(A) national multifamily mortgage credit needs and the ability of the enterprise to provide additional liquidity and stability for the multifamily mortgage market;

''(B) the performance and effort of the enterprise in making mortgage credit available for multifamily housing in previous years;

''(C) the size of the multifamily mortgage market for housing affordable to low-income and very low-income families, including the size of the multifamily markets for housing of a smaller or limited size;

''(D) the ability of the enterprise to lead the market in making multifamily mortgage credit available, especially for multifamily housing described in paragraphs (1) and (2);

''(E) the availability of public subsidies; and

''(F) the need to maintain the sound financial condition of the enterprise.

''(b) UNITS FINANCED BY HOUSING FINANCE AGENCY BONDS.—The Director shall give full credit toward the achievement of the multifamily special affordable housing goal under this section (for purposes of section 1336) to dwelling units in multifamily housing that otherwise qualifies under such goal and that is financed by tax-exempt or taxable bonds issued by a State or local housing finance agency, if such bonds, in whole or in part—

''(1) are secured by a guarantee of the enterprise; or

''(2) are purchased by the enterprise, except that the Director may give less than full credit for purchases of investment grade bonds, to the extent that such purchases do not provide a new market or add liquidity to an existing market.

''(c) MEASUREMENT OF PERFORMANCE.—The Director shall monitor the performance of each enterprise in meeting the goals established under this section and shall evaluate such performance (for purposes of section 1336) based on whether the rent levels are affordable. A rent level shall be considered to be affordable for purposes of this subsection for low-income families if it does not exceed 30 percent of the maximum income level of such income category, with appropriate adjustments for unit size as measured by the number of bedrooms.

''(d) DETERMINATION OF COMPLIANCE.—The Director shall determine, for each year that the housing goal under this section is in effect pursuant to section 1331(a), whether each enterprise has complied with such goal and the additional requirements under subsection (a)(2).

''SEC. 1334. DISCRETIONARY ADJUSTMENT OF HOUSING GOALS.

''(a) AUTHORITY.—An enterprise may petition the Director in writing at any time during a year to reduce the level of any goal or subgoal for such year established pursuant to this subpart.

''(b) STANDARD FOR REDUCTION.—The Director may reduce the level for a goal or subgoal pursuant to such a petition only if—

''(1) market and economic conditions or the financial condition of the enterprise require such action; or

''(2) efforts to meet the goal or subgoal would result in the constraint of liquidity, over-investment in certain market segments, or other consequences contrary to the intent of this subpart, or section 301(3) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1716(3)) or section 301(b)(3) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1451 note), as applicable.

''(c) DETERMINATION.—The Director shall, promptly upon receipt of a petition regarding a reduction, seek public comment on the reduction for a period of 30 days. The Director shall make a determination regarding any proposed reduction within 30 days after the expiration of such public comment period. The Director may extend such determination period for a single additional 15-day period, but only if the Director requests additional information from the enterprise.''.

(c) CONFORMING AMENDMENTS.—The Housing and Community Development Act of 1992 is amended—

(1) in section 1335(a) (12 U.S.C. 4565(a)), in the matter preceding paragraph (1), by striking ''low- and moderate-income housing goal'' and all that follows through ''section 1334'' and inserting ''housing goals established under this subpart''; and

(2) in section 1336(a)(1) (12 U.S.C. 4566(a)(1)), by striking ''sections 1332, 1333, and 1334,'' and inserting ''this subpart''.

(d) DEFINITIONS.—Section 1303 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4502) is amended—

(1) by striking paragraph (24), as so designated by section 1002 of this Act, and inserting the following:

''(24) VERY LOW-INCOME.—

''(A) IN GENERAL.—The term 'very low-income' means—

''(i) in the case of owner-occupied units, families having incomes not greater than 50 percent of the area median income; and

''(ii) in the case of rental units, families having incomes not greater than 50 percent of the area median income, with adjustments for smaller and larger families, as determined by the Director.

''(B) RULE OF CONSTRUCTION.—For purposes of section 1338 and 1339, the term 'very low-income' means—

''(i) in the case of owner-occupied units, income in excess of 30 percent but not greater than 50 percent of the area median income; and

''(ii) in the case of rental units, income in excess of 30 percent but not greater than 50 percent of the area median income, with adjustments for smaller and larger families, as determined by the Director.''; and

(2) by adding at the end the following:

''(26) CONFORMING MORTGAGE.—The term 'conforming mortgage' means, with respect to an enterprise, a conventional mortgage having an original principal obligation that does not exceed the dollar amount limitation in effect at the time of such origination and applicable to such mortgage, under, as applicable—

''(A) section 302(b)(2) of the Federal National Mortgage Association Charter Act; or

''(B) section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act.

''(27) EXTREMELY LOW-INCOME.—The term 'extremely low-income' means—

''(A) in the case of owner-occupied units, income not in excess of 30 percent of the area median income; and

''(B) in the case of rental units, income not in excess of 30 percent of the area median income, with adjustments for smaller and larger families, as determined by the Director.

''(28) LOW-INCOME AREA.—The term 'low-income area' means a census tract or block numbering area in which the median income does not exceed 80 percent of the median income for the area in which such census tract or block numbering area is located, and, for

the purposes of section 1332(a)(1)(B), shall include families having incomes not greater than 100 percent of the area median income who reside in minority census tracts and shall include families having incomes not greater than 100 percent of the area median income who reside in designated disaster areas.

''(29) MINORITY CENSUS TRACT.—The term 'minority census tract' means a census tract that has a minority population of at least 30 percent and a median family income of less than 100 percent of the area family median income.

''(30) SHORTAGE OF STANDARD RENTAL UNITS BOTH AFFORDABLE AND AVAILABLE TO EXTREMELY LOW-INCOME RENTER HOUSEHOLDS.—

''(A) IN GENERAL.—The term 'shortage of standard rental units both affordable and available to extremely low-income renter households' means the gap between—

''(i) the number of units with complete plumbing and kitchen facilities with a rent that is 30 percent or less of 30 percent of the adjusted area median income as determined by the Director that are occupied by extremely low-income renter households or are vacant for rent; and

''(ii) the number of extremely low-income renter households.

''(B) RULE OF CONSTRUCTION.—If the number of units described in subparagraph (A)(i) exceeds the number of extremely low-income households as described in subparagraph (A)(ii), there is no shortage.

''(31) SHORTAGE OF STANDARD RENTAL UNITS BOTH AFFORDABLE AND AVAILABLE TO VERY LOW-INCOME RENTER HOUSEHOLDS.—

''(A) IN GENERAL.—The term 'shortage of standard rental units both affordable and available to very low-income renter households' means the gap between—

''(i) the number of units with complete plumbing and kitchen facilities with a rent that is 30 percent or less of 50 percent of the adjusted area median income as determined by the Director that are occupied by either extremely low- or very low-income renter households or are vacant for rent; and

''(ii) the number of extremely low- and very low-income renter households.

''(B) RULE OF CONSTRUCTION.—If the number of units described in subparagraph (A)(i) exceeds the number of extremely low- and very low-income households as described in subparagraph (A)(ii), there is no shortage.''.

SEC. 1129. DUTY TO SERVE UNDERSERVED MARKETS.

(a) ESTABLISHMENT AND EVALUATION OF PERFORMANCE.—Section 1335 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4565) is amended—

(1) in the section heading, by inserting ''**DUTY TO SERVE UNDERSERVED MARKETS AND**'' before ''**OTHER**'';

(2) by striking subsection (b);

(3) in subsection (a)—

(A) in the matter preceding paragraph (1), by inserting ''and to carry out the duty under subsection (a) of this section'' before '', each enterprise shall'';

(B) in paragraph (3), by inserting ''and'' after the semicolon at the end;

(C) in paragraph (4), by striking ''; and'' and inserting a period;

(D) by striking paragraph (5); and

(E) by redesignating such subsection as subsection (b);

(4) by inserting before subsection (b) (as so redesignated by paragraph (3)(E) of this subsection) the following new subsection:

''(a) DUTY TO SERVE UNDERSERVED MARKETS.—

''(1) DUTY.—To increase the liquidity of mortgage investments and improve the distribution of investment capital available for mortgage financing for underserved markets, each enterprise shall provide leadership to the market in developing loan products and flexible underwriting guidelines to facilitate a secondary market for mortgages for very low-, low-, and moderate-income families with respect to the following underserved markets:

''(A) MANUFACTURED HOUSING.—The enterprise shall develop loan products and flexible underwriting guidelines to facilitate a secondary market for mortgages on manufactured homes for very low-, low-, and moderate-income families.

''(B) AFFORDABLE HOUSING PRESERVATION.—The enterprise shall develop loan products and flexible underwriting guidelines to facilitate a secondary market to preserve housing affordable to very low-, low-, and moderate-income families, including housing projects subsidized under—

''(i) the project-based and tenant-based rental assistance programs under section 8 of the United States Housing Act of 1937;

''(ii) the program under section 236 of the National Housing Act;

''(iii) the below-market interest rate mortgage program under section 221(d)(4) of the National Housing Act;

''(iv) the supportive housing for the elderly program under section 202 of the Housing Act of 1959;

''(v) the supportive housing program for persons with disabilities under section 811 of the Cranston-Gonzalez National Affordable Housing Act;

''(vi) the programs under title IV of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11361 et seq.), but only permanent supportive housing projects subsidized under such programs;

''(vii) the rural rental housing program under section 515 of the Housing Act of 1949;

''(viii) the low-income housing tax credit under section 42 of the Internal Revenue Code of 1986; and

''(ix) comparable state and local affordable housing programs.

''(C) RURAL MARKETS.—The enterprise shall develop loan products and flexible underwriting guidelines to facilitate a secondary market for mortgages on housing for very low-, and low-, and moderate-income families in rural areas.''; and

(5) by adding at the end the following new subsections:

''(c) ADDITIONAL CATEGORIES.—The Director may submit recommendations to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate for the establishment of additional categories under subsection (a), provided that the Director makes a preliminary determination that any such category is important to the mission of the enterprises, that the category is an underserved market, and that the establishment of such category is warranted.

''(d) EVALUATION AND REPORTING OF COMPLIANCE.—

''(1) IN GENERAL.—The Director shall, by regulation, establish effective for 2010 and thereafter a manner for evaluating whether, and the extent to which, the enterprises have complied with the duty under subsection (a) to serve underserved markets and for rating the extent of such compliance. Using such method, the Director shall, for 2010 and each year thereafter, evaluate such compliance and rate the performance of each enterprise as to extent of compliance. The Director shall include such evaluation and rating for each enterprise for a year in the report for that year submitted pursuant to section 1319B(a).

''(2) SEPARATE EVALUATIONS.—In determining whether an enterprise has complied with the duty referred to in paragraph (1), the Director shall separately evaluate whether the enterprise has complied with such duty with respect to each of the underserved markets identified in subsection (a), taking into consideration—

''(A) the development of loan products, more flexible underwriting guidelines, and other innovative approaches to providing financing to each of such underserved markets;

''(B) the extent of outreach to qualified loan sellers and other market participants in each of such underserved markets;

''(C) the volume of loans purchased in each of such underserved markets relative to the market opportunities available to the enterprise, except that the Director shall not establish specific quantitative targets nor evaluate the enterprises based solely on the volume of loans purchased; and

''(D) the amount of investments and grants in projects which assist in meeting the needs of such underserved markets.

''(3) MANUFACTURED HOUSING MARKET.—In determining whether an enterprise has complied with the duty under subparagraph (A) of subsection (a)(1), the Director may consider loans secured by both real and personal property.

''(4) PROHIBITION OF CONSIDERATION OF AFFORDABLE HOUSING FUND GRANTS FOR MEETING DUTY TO SERVE.— In determining whether an enterprise has complied with the duty referred to in paragraph (1), the Director may not consider any affordable housing fund grant amounts used under section 1337 for eligible activities under subsection (g) of such section.''.

(b) ENFORCEMENT.—Subsection (a) of section 1336 of the Housing and Community Development Act of 1992 (12 U.S.C. 4566(a)) is amended—

(1) in paragraph (1), by inserting ''and with the duty under section 1335(a) of each enterprise with respect to underserved markets,'' before ''as provided in this section''; and

(2) by adding at the end of such subsection, as amended by the preceding provisions of this title, the following new paragraph:

''(4) ENFORCEMENT OF DUTY TO PROVIDE MORTGAGE CREDIT TO UNDERSERVED MARKETS.—The duty under section 1335(a) of each enterprise to serve underserved markets (as determined in accordance with section 1335(c)) shall be enforceable under this section to the same extent and under the same provisions that the housing goals established under this subpart are enforceable. Such duty shall be enforceable only under this section, except that such duty shall not be subject to subsection (c)(7) of this section and shall not be enforceable under any other provision of this title (including subpart C of this part) or under any provision of the Federal National Mortgage Association Charter Act or the Federal Home Loan Mortgage Corporation Act.''.

(c) ADDITIONAL CREDIT FOR CERTAIN MORTGAGES.—Section 1336(a) of the Housing and Community Development Act of 1992 (12 U.S.C. 4566(a)) is amended—

(1) in paragraph (2), by inserting '', except as provided in paragraph (5),'' after ''which''; and

(2) by adding at the end the following new paragraph:

''(5) ADDITIONAL CREDIT.—The Director may assign additional credit toward achievement, under this section, of the housing goals for mortgage purchase activities of the enterprises that comply with the requirements of such goals and support housing that includes a licensed childcare center. The availability of additional credit under this paragraph shall not be used to increase any housing goal, subgoal, or target established under this subpart.''.

SEC. 1130. MONITORING AND ENFORCING COMPLIANCE WITH HOUSING GOALS.

(a) IN GENERAL.—Section 1336 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4566) is amended by striking subsections (b) and (c) and inserting the following:

''(b) NOTICE AND PRELIMINARY DETERMINATION OF FAILURE TO MEET GOALS.—

''(1) NOTICE.—If the Director preliminarily determines that an enterprise has failed, or that there is a substantial probability that an enterprise will fail, to meet any housing goal under this subpart, the Director shall provide written notice to the enterprise of such a preliminary determination, the reasons for such determination, and the information on which the Director based the determination.

''(2) RESPONSE PERIOD.—

''(A) IN GENERAL.—During the 30-day period beginning on the date on which an enterprise is provided notice under paragraph (1), the enterprise may submit to the Director any written information that the enterprise considers appropriate for consideration by the Director in finally determining whether such failure has occurred or whether the achievement of such goal was or is feasible.

''(B) EXTENDED PERIOD.—The Director may extend the period under subparagraph (A) for good cause for not more than 30 additional days.

''(C) SHORTENED PERIOD.—The Director may shorten the period under subparagraph (A) for good cause.

''(D) FAILURE TO RESPOND.—The failure of an enterprise to provide information during the 30-day period under this paragraph (as extended or shortened) shall waive any right of the enterprise to comment on the proposed determination or action of the Director.

''(3) CONSIDERATION OF INFORMATION AND FINAL DETERMINATION.—

''(A) IN GENERAL.—After the expiration of the response period under paragraph (2), or upon receipt of information provided during such period by the enterprise, whichever occurs earlier, the Director shall issue a final determination on—

''(i) whether the enterprise has failed, or there is a substantial probability that the enterprise will fail, to meet the housing goal; and

''(ii) whether (taking into consideration market and economic conditions and the financial condition of the enterprise) the achievement of the housing goal was or is feasible.

''(B) CONSIDERATIONS.—In making a final determination under subparagraph (A), the Director shall take into consideration any relevant information submitted by the enterprise during the response period.

''(C) NOTICE.—The Director shall provide written notice, including a response to any information submitted during the response period, to the enterprise, the Committee on Banking, Housing, and Urban Affairs of the Senate, and the Committee on Financial Services of the House of Representatives, of—

''(i) each final determination under this paragraph that an enterprise has failed, or that there is a substantial probability that the enterprise will fail, to meet a housing goal;

''(ii) each final determination that the achievement of a housing goal was or is feasible; and

''(iii) the reasons for each such final determination.

''(c) CEASE AND DESIST, CIVIL MONEY PENALTIES, AND REMEDIES INCLUDING HOUSING PLANS.—

''(1) REQUIREMENT.—If the Director finds, pursuant to subsection (b), that there is a substantial probability that an enterprise will fail, or has actually failed, to meet any housing goal under this subpart, and that the achievement of the housing goal was or is feasible, the Director may require that the enterprise submit a housing plan under this subsection. If the Director makes such a finding and the enterprise refuses to submit such a plan, submits an unacceptable plan, or fails to comply with the plan, the Director may issue a cease and desist order in accordance with section 1341 and impose civil money penalties in accordance with section 1345.

''(2) HOUSING PLAN.—If the Director requires a housing plan under this subsection, such a plan shall be—

''(A) a feasible plan describing the specific actions the enterprise will take—

''(i) to achieve the goal for the next calendar year; and

''(ii) if the Director determines that there is a substantial probability that the enterprise will fail to meet a goal in the current year, to make such improvements and changes in its operations as are reasonable in the remainder of such year; and

''(B) sufficiently specific to enable the Director to monitor compliance periodically.

''(3) DEADLINE FOR SUBMISSION.—The Director shall establish a deadline for an enterprise to submit a housing plan to the Director, which may not be more than 45 days after the enterprise is provided notice. The Director may extend the deadline to the extent that the Director determines necessary. Any extension of the deadline shall be in writing and for a time certain.

''(4) APPROVAL.—The Director shall review each submission by an enterprise, including a housing plan submitted under this subsection, and, not later than 30 days after submission, approve or disapprove the plan or other action. The Director may extend the period for approval or disapproval for a single additional 30-day period if the Director determines it necessary. The Director shall approve any plan that the Director determines is likely to succeed, and conforms with the Federal National Mortgage Association Charter Act or the Federal Home Loan Mortgage Corporation Act (as applicable), this title, and any other applicable provision of law.

''(5) NOTICE OF APPROVAL AND DISAPPROVAL.—The Director shall provide written notice to any enterprise submitting a housing plan of the approval or disapproval of the plan (which shall include the reasons for any disapproval of the plan) and of any extension of the period for approval or disapproval.

''(6) RESUBMISSION.—If the initial housing plan submitted by an enterprise under this section is disapproved, the enterprise shall submit an amended plan acceptable to the Director not later than 15 days after such disapproval, or such longer period that the Director determines is in the public interest.

''(7) CEASE AND DESIST ORDERS; CIVIL MONEY PENALTIES.—Solely with respect to the housing goals established under sections 1332(a) and 1333(a)(1), if the Director requires an enterprise to submit a housing plan under this subsection and the enterprise refuses to submit such a plan, submits an unacceptable plan, or fails to comply with the plan, the Director may issue a cease and desist order in accordance with section 1341, impose civil money penalties in accordance with section 1345, exercise other appropriate enforcement authority or seek other appropriate actions.''.

(b) CONFORMING AMENDMENT.—The heading for subpart C of part 2 of subtitle A of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 is amended to read as follows:

''Subpart C—Enforcement''.

(c) CEASE AND DESIST PROCEEDINGS.—

(1) REPEAL.—Section 1341 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4581) is hereby repealed.

(2) CEASE AND DESIST PROCEEDINGS.—The Federal Housing Enterprises Financial Safety and Soundness Act of 1992 is amended by inserting before section 1342 the following:

''SEC. 1341. CEASE AND DESIST PROCEEDINGS.

''(a) GROUNDS FOR ISSUANCE.—The Director may issue and serve a notice of charges under this section upon an enterprise if the Director determines that—

''(1) the enterprise has failed to submit a report under section 1327, following a notice of such failure, an opportunity for comment by the enterprise, and a final determination by the Director;

''(2) the enterprise has failed to submit the information required under subsection (m) or (n) of section 309 of the Federal National Mortgage Association Charter Act, or subsection (e) or (f) of section 307 of the Federal Home Loan Mortgage Corporation Act;

''(3) solely with respect to the housing goals established under sections 1332(a) and 1333(a)(1), the enterprise has failed to submit a housing plan that complies with section 1336(c) within the applicable period; or

''(4) solely with respect to the housing goals established under sections 1332(a) and 1333(a)(1), the enterprise has failed to comply with a housing plan under section 1336(c).

''(b) PROCEDURE.—

''(1) NOTICE OF CHARGES.—Each notice of charges issued under this section shall contain a statement of the facts constituting the alleged conduct and shall fix a time and place at which a hearing will be held to determine on the record whether an order to cease and desist from such conduct should issue.

''(2) ISSUANCE OF ORDER.—If the Director finds on the record made at a hearing described in paragraph (1) that any conduct specified in the notice of charges has been established (or the enterprise consents pursuant to section 1342(a)(4)), the Director may issue and serve upon the enterprise an order requiring the enterprise to—

''(A) submit a report under section 1327;

''(B) solely with respect to the housing goals established under sections 1332(a) and 1333(a)(1), submit a housing plan in compliance with section 1336(c);

''(C) solely with respect to the housing goals established under sections 1332(a) and 1333(a)(1), comply with the housing plan in compliance with section 1336(c); or

''(D) provide the information required under subsection (m) or (n) of section 309 of the Federal National Mortgage Association Charter Act, or subsection (e) or (f) of section 307 of the Federal Home Loan Mortgage Corporation Act.

''(c) EFFECTIVE DATE.—An order under this section shall become effective upon the expiration of the 30-day period beginning on the date of service of the order upon the enterprise (except in the case of an order issued upon consent, which shall become effective at the time specified therein), and shall remain effective and enforceable as provided in the order, except to the extent that the order is stayed, modified, terminated, or set aside by action of the Director or otherwise, as provided in this subpart.''.

(d) CIVIL MONEY PENALTIES.—

(1) REPEAL.—Section 1345 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4585) is hereby repealed.

(2) CIVIL MONEY PENALTIES.—The Federal Housing Enterprises Financial Safety and Soundness Act of 1992 is amended by inserting after section 1344 the following:

''SEC. 1345. CIVIL MONEY PENALTIES.

''(a) AUTHORITY.—The Director may impose a civil money penalty, in accordance with

the provisions of this section, on any enterprise that has failed to—

''(1) submit a report under section 1327, following a notice of such failure, an opportunity for comment by the enterprise, and a final determination by the Director;

''(2) submit the information required under subsection (m) or (n) of section 309 of the Federal National Mortgage Association Charter Act or subsection (e) or (f) of section 307 of the Federal Home Loan Mortgage Corporation Act;

''(3) solely with respect to the housing goals established under sections 1332(a) and 1333(a)(1), submit a housing plan or perform its responsibilities under a remedial order issued pursuant to section 1336(c) within the required period; or

''(4) solely with respect to the housing goals established under sections 1332(a) and 1333(a)(1), comply with a housing plan for the enterprise under section 1336(c).

''(b) AMOUNT OF PENALTY.—The amount of a penalty under this section, as determined by the Director, may not exceed—

''(1) for any failure described in paragraph (1), (5), or (6) of subsection (a), $100,000 for each day that the failure occurs; and

''(2) for any failure described in paragraph (2), (3), or (4) of subsection (a), $50,000 for each day that the failure occurs.

''(c) PROCEDURES.—

''(1) ESTABLISHMENT.—The Director shall establish standards and procedures governing the imposition of civil money penalties under this section. Such standards and procedures—

''(A) shall provide for the Director to notify the enterprise in writing of the determination of the Director to impose the penalty, which shall be made on the record;

''(B) shall provide for the imposition of a penalty only after the enterprise has been given an opportunity for a hearing on the record pursuant to section 1342; and

''(C) may provide for review by the Director of any determination or order, or interlocutory ruling, arising from a hearing.

''(2) FACTORS IN DETERMINING AMOUNT OF PENALTY.—In determining the amount of a penalty under this section, the Director shall give consideration to factors including—

''(A) the gravity of the offense;

''(B) any history of prior offenses;

''(C) ability to pay the penalty;

''(D) injury to the public;

''(E) benefits received;

''(F) deterrence of future violations;

''(G) the length of time that the enterprise should reasonably take to achieve the goal; and

''(H) such other factors as the Director may determine, by regulation, to be appropriate.

''(d) ACTION TO COLLECT PENALTY.—If an enterprise fails to comply with an order by the Director imposing a civil money penalty under this section, after the order is no longer subject to review, as provided in sections 1342 and 1343, the Director may bring an action in the United States District Court for the District of Columbia to obtain a monetary judgment against the enterprise, and such other relief as may be available. The monetary judgment may, in the court's discretion, include the attorneys' fees and other expenses incurred by the United States in connection with the action. In an action under this subsection, the validity and appropriateness of the order imposing the penalty shall not be subject to review.

''(e) SETTLEMENT BY DIRECTOR.—The Director may compromise, modify, or remit any civil money penalty which may be, or has been, imposed under this section.

''(f) DEPOSIT OF PENALTIES.—The Director shall use any civil money penalties collected under this section to help fund the Housing Trust Fund established under section 1338.''.

(e) DIRECTOR AUTHORITY.—

(1) AUTHORITY TO BRING A CIVIL ACTION.—Section 1344(a) of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4584) is amended by striking ''The Secretary may request the Attorney General of the United States to bring a civil action'' and inserting ''The Director may bring a civil action''.

(2) SUBPOENA ENFORCEMENT.—Section 1348(c) of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4588(c)) is amended by inserting ''may bring an action or'' before ''may request''.

(3) CONFORMING AMENDMENTS.—Subpart C of part 2 of subtitle A of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4581 et seq.) is amended by striking ''Secretary'' each place that term appears and inserting ''Director'' in each of—

(A) section 1342 (12 U.S.C. 4582);

(B) section 1343 (12 U.S.C. 4583);

(C) section 1346 (12 U.S.C. 4586);

(D) section 1347 (12 U.S.C. 4587); and

(E) section 1348 (12 U.S.C. 4588).

SEC. 1131. AFFORDABLE HOUSING PROGRAMS.

(a) REPEAL.—Section 1337 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4567) is hereby repealed.

(b) ANNUAL HOUSING REPORT.—The Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 1301 et seq.) is amended by inserting after section 1336 the following:

''SEC. 1337. AFFORDABLE HOUSING ALLOCATIONS.

''(a) SET ASIDE AND ALLOCATION OF AMOUNTS BY ENTERPRISES.—Subject to subsection (b), in each fiscal year—

''(1) the Federal Home Loan Mortgage Corporation shall—

''(A) set aside an amount equal to 4.2 basis points for each dollar of the unpaid principal balance of its total new business purchases; and

''(B) allocate or otherwise transfer—

''(i) 65 percent of such amounts to the Secretary of Housing and Urban Development to fund the Housing Trust Fund established under section 1338; and

''(ii) 35 percent of such amounts to fund the Capital Magnet Fund established pursuant to section 1339; and

''(2) the Federal National Mortgage Association shall—

''(A) set aside an amount equal to 4.2 basis points for each dollar of unpaid principal balance of its total new business purchases; and

''(B) allocate or otherwise transfer—

''(i) 65 percent of such amounts to the Secretary of Housing and Urban Development to fund the Housing Trust Fund established under section 1338; and

''(ii) 35 percent of such amounts to fund the Capital Magnet Fund established pursuant to section 1339.

''(b) SUSPENSION OF CONTRIBUTIONS.—The Director shall temporarily suspend allocations under subsection (a) by an enterprise upon a finding by the Director that such allocations—

''(1) are contributing, or would contribute, to the financial instability of the enterprise;

''(2) are causing, or would cause, the enterprise to be classified as undercapitalized; or

''(3) are preventing, or would prevent, the enterprise from successfully completing a capital restoration plan under section 1369C.

''(c) PROHIBITION OF PASS-THROUGH OF COST OF ALLOCATIONS.—The Director shall, by regulation, prohibit each enterprise from redirecting the costs of any allocation required under this section, through increased charges or fees, or decreased premiums, or in any other manner, to the originators of mortgages purchased or securitized by the enterprise.

''(d) ENFORCEMENT OF REQUIREMENTS ON ENTERPRISE.—Compliance by the enterprises with the requirements under this section shall be enforceable under subpart C. Any reference in such subpart to this part or to an order, rule, or regulation under this part specifically includes this section and any order, rule, or regulation under this section.

''(e) REQUIRED AMOUNT FOR HOPE RESERVE FUND.—Of the aggregate amount allocated under subsection (a), 25 percent shall be deposited into a fund established in the Treasury of the United States by the Secretary of the Treasury for such purpose.

''(f) LIMITATION.—No funds under this title may be used in conjunction with property taken by eminent domain, unless eminent domain is employed only for a public use, except that, for purposes of this section, public use shall not be construed to include economic development that primarily benefits any private entity.

''SEC. 1338. HOUSING TRUST FUND.

''(a) ESTABLISHMENT AND PURPOSE.—

''(1) IN GENERAL.—The Secretary of Housing and Urban Development (in this section referred to as the 'Secretary') shall establish and manage a Housing Trust Fund, which shall be funded with amounts allocated by the enterprises under section 1337 and any amounts as are or may be appropriated, transferred, or credited to such Housing Trust Fund under any other provisions of law. The purpose of the Housing Trust Fund under this section is to provide grants to States (as such term is defined in section 1303) for use—

''(A) to increase and preserve the supply of rental housing for extremely low- and very low-income families, including homeless families; and

''(B) to increase homeownership for extremely low- and very low-income families.

''(2) FEDERAL ASSISTANCE.—For purposes of the application of Federal civil rights laws, all assistance provided from the Housing Trust Fund shall be considered Federal financial assistance.

''(b) ALLOCATIONS FOR HOPE BOND PAYMENTS.—

''(1) IN GENERAL.—Notwithstanding subsection (c), to help address the mortgage crisis, of the amounts allocated pursuant to clauses (i) and (ii) of section 1337(a)(1)(B) and clauses (i) and (ii) of section 1337(a)(2)(B) in excess of amounts described in section 1337(e)—

''(A) 100 percent of such excess shall be used to reimburse the Treasury for payments made pursuant to section 257(w)(1)(C) of the National Housing Act in calendar year 2009;

''(B) 50 percent of such excess shall be used to reimburse the Treasury for such payments in calendar year 2010; and

''(C) 25 percent of such excess shall be used to reimburse the Treasury for such payments in calendar year 2011.

''(2) EXCESS FUNDS.—At the termination of the HOPE for Homeowners Program established under section 257 of the National Housing Act, if amounts used to reimburse the Treasury under paragraph (1) exceed the total net cost to the Government of the HOPE for Homeowners Program, such amounts shall be used for their original purpose, as described in paragraphs (1)(B) and (2)(B) of section 1337(a).

''(3) TREASURY FUND.—The amounts referred to in subparagraphs (A) through (C) of paragraph (1) shall be deposited into a fund established in the Treasury of the United States by the Secretary of the Treasury for such purpose.

''(c) ALLOCATION FOR HOUSING TRUST FUND IN FISCAL YEAR 2010 AND SUBSEQUENT YEARS.—

''(1) IN GENERAL.—Except as provided in subsection (b), the Secretary shall distribute the amounts allocated for the Housing Trust Fund under this section to provide affordable housing as described in this subsection.

''(2) PERMISSIBLE DESIGNEES.—A State receiving grant amounts under this subsection may designate a State housing finance agency, housing and community development entity, tribally designated housing entity (as such term is defined in section 4 of the Native American Housing Assistance and Self-Determination Act of 1997 (25 U.S.C. 4103)), or any other qualified instrumentality of the State to receive such grant amounts.

''(3) DISTRIBUTION TO STATES BY NEEDS-BASED FORMULA.—

''(A) IN GENERAL.—The Secretary shall, by regulation, establish a formula within 12 months of the date of enactment of the Federal Housing Finance Regulatory Reform Act of 2008, to distribute amounts made available under this subsection to each State to provide affordable housing to extremely low- and very low-income households.

''(B) BASIS FOR FORMULA.—The formula required under subparagraph (A) shall include the following:

''(i) The ratio of the shortage of standard rental units both affordable and available to extremely low-income renter households in the State to the aggregate shortage of standard rental units both affordable and available to extremely low-income renter households in all the States.

''(ii) The ratio of the shortage of standard rental units both affordable and available to very low-income renter households in the State to the aggregate shortage of standard rental units both affordable and available to very low-income renter households in all the States.

''(iii) The ratio of extremely low-income renter households in the State living with either (I) incomplete kitchen or plumbing facilities, (II) more than 1 person per room, or (III) paying more than 50 percent of income for housing costs, to the aggregate number of extremely low-income renter households living with either (IV) incomplete kitchen or plumbing facilities, (V) more than 1 person per room, or (VI) paying more than 50 percent of income for housing costs in all the States.

''(iv) The ratio of very low-income renter households in the State paying more than 50 percent of income on rent relative to the aggregate number of very low-income renter households paying more than 50 percent of income on rent in all the States.

''(v) The resulting sum calculated from the factors described in clauses (i) through (iv) shall be multiplied by the relative cost of construction in the State. For purposes of this subclause, the term 'cost of construction'—

''(I) means the cost of construction or building rehabilitation in the State relative to the national cost of construction or building rehabilitation; and

''(II) shall be calculated such that values higher than 1.0 indicate that the State's construction costs are higher than the national average, a value of 1.0 indicates that the State's construction costs are exactly the same as the national average, and values lower than 1.0 indicate that the State's cost of construction are lower than the national average.

''(C) PRIORITY.—The formula required under subparagraph (A) shall give priority emphasis and consideration to the factor described in subparagraph (B)(i).

''(4) ALLOCATION OF GRANT AMOUNTS.—

''(A) NOTICE.—Not later than 60 days after the date that the Secretary determines the formula amounts described in paragraph (3), the Secretary shall caused to be published in the Federal Register a notice that such amounts shall be so available.

''(B) GRANT AMOUNT.—In each fiscal year other than fiscal year 2009, the Secretary shall make a grant to each State in an amount that is equal to the formula amount determined under paragraph (3) for that State.

''(C) MINIMUM STATE ALLOCATIONS.—If the formula amount determined under paragraph (3) for a fiscal year would allocate less than $3,000,000 to any of the 50 States of the United States or the District of Columbia, the allocation for such State of the United States or the District of Columbia shall be $3,000,000, and the increase shall be deducted pro rata from the allocations made to all other of the States (as such term is defined in section 1303).

''(5) ALLOCATION PLANS REQUIRED.—

''(A) IN GENERAL.—For each year that a State or State designated entity receives a grant under this subsection, the State or State designated entity shall establish an allocation plan. Such plan shall—

''(i) set forth a plan for the distribution of grant amounts received by the State or State designated entity for such year;

''(ii) be based on priority housing needs, as determined by the State or State designated entity in accordance with the regulations established under subsection (g)(2)(D);

''(iii) comply with paragraph (6); and

''(iv) include performance goals that comply with the requirements established by the Secretary pursuant to subsection (g)(2).

''(B) ESTABLISHMENT.—In establishing an allocation plan under this paragraph, a State or State designated entity shall—

''(i) notify the public of the establishment of the plan;

''(ii) provide an opportunity for public comments regarding the plan;

''(iii) consider any public comments received regarding the plan; and

''(iv) make the completed plan available to the public.

''(C) CONTENTS.—An allocation plan of a State or State designated entity under this paragraph shall set forth the requirements for eligible recipients under paragraph (8) to apply for such grant amounts, including a requirement that each such application include—

''(i) a description of the eligible activities to be conducted using such assistance; and

''(ii) a certification by the eligible recipient applying for such assistance that any housing units assisted with such assistance will comply with the requirements under this section.

''(6) SELECTION OF ACTIVITIES FUNDED USING HOUSING TRUST FUND GRANT AMOUNTS.—Grant amounts received by a State or State designated entity under this subsection may be used, or committed for use, only for activities that—

''(A) are eligible under paragraph (7) for such use;

''(B) comply with the applicable allocation plan of the State or State designated entity under paragraph (5); and

''(C) are selected for funding by the State or State designated entity in accordance with the process and criteria for such selection established pursuant to subsection (g)(2)(D).

''(7) ELIGIBLE ACTIVITIES.—Grant amounts allocated to a State or State designated entity under this subsection shall be eligible for use, or for commitment for use, only for assistance for—

''(A) the production, preservation, and rehabilitation of rental housing, including housing under the programs identified in section 1335(a)(2)(B) and for operating costs, except that not less than 75 percent of such grant amounts shall be used for the benefit only of extremely low-income families or families with incomes at or below the poverty line (as such term is defined in section 673 of the Omnibus Budget Reconciliation Act of 1981 (42 U.S.C. 9902), including any revision required by such section) applicable to a family of the size involved, and not more than 25 percent for the benefit only of very low-income families; and

''(B) the production, preservation, and rehabilitation of housing for homeownership, including such forms as down payment assistance, closing cost assistance, and assistance for interest rate buy-downs, that—

''(i) is available for purchase only for use as a principal residence by families that qualify both as—

''(I) extremely low- and very low-income families at the times described in subparagraphs (A) through (C) of section 215(b)(2) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12745(b)(2)); and

''(II) first-time homebuyers, as such term is defined in section 104 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12704), except that any reference in such section to assistance under title II of such Act shall for purposes of this subsection be considered to refer to assistance from affordable housing fund grant amounts;

''(ii) has an initial purchase price that meets the requirements of section 215(b)(1) of the Cranston-Gonzalez National Affordable Housing Act;

''(iii) is subject to the same resale restrictions established under section 215(b)(3) of the Cranston-Gonzalez National Affordable Housing Act and applicable to the participating jurisdiction that is the State in which such housing is located; and

''(iv) is made available for purchase only by, or in the case of assistance under this subsection, is made available only to homebuyers who have, before purchase completed a program of independent financial education and counseling from an eligible organization that meets the requirements of section 132 of the Federal Housing Finance Regulatory Reform Act of 2008.

''(8) TENANT PROTECTIONS AND PUBLIC PARTICIPATION.—All amounts from the Trust Fund shall be allocated in accordance with, and any eligible activities carried out in whole or in part with grant amounts under this subtitle (including housing provided with such grant amounts) shall comply with and be operated in compliance with—

''(A) laws relating to tenant protections and tenant rights to participate in decision making regarding their residences;

''(B) laws requiring public participation, including laws relating to Consolidated Plans, Qualified Allocation Plans, and Public Housing Agency Plans; and

''(C) fair housing laws and laws regarding accessibility in federally assisted housing, including section 504 of the Rehabilitation Act of 1973.

''(9) ELIGIBLE RECIPIENTS.—Grant amounts allocated to a State or State designated entity under this subsection may be provided only to a recipient that is an organization, agency, or other entity (including a for-profit entity or a nonprofit entity) that—

''(A) has demonstrated experience and capacity to conduct an eligible activity under paragraph (7), as evidenced by its ability to—

''(i) own, construct or rehabilitate, manage, and operate an affordable multifamily rental housing development;

''(ii) design, construct or rehabilitate, and market affordable housing for homeownership; or

''(iii) provide forms of assistance, such as down payments, closing costs, or interest rate buy-downs for purchasers;

''(B) demonstrates the ability and financial capacity to undertake, comply, and manage the eligible activity;

''(C) demonstrates its familiarity with the requirements of any other Federal, State, or local housing program that will be used in conjunction with such grant amounts to ensure compliance with all applicable requirements and regulations of such programs; and

''(D) makes such assurances to the State or State designated entity as the Secretary shall, by regulation, require to ensure that the recipient will comply with the requirements of this subsection during the entire period that begins upon selection of the recipient to receive such grant amounts and ending upon the conclusion of all activities under paragraph (8) that are engaged in by the recipient and funded with such grant amounts.

''(10) LIMITATIONS ON USE.—

''(A) REQUIRED AMOUNT FOR HOMEOWNERSHIP ACTIVITIES.—Of the aggregate amount allocated to a State or State designated entity under this subsection not more than 10 percent shall be used for activities under subparagraph (B) of paragraph (7).

''(B) DEADLINE FOR COMMITMENT OR USE.—Grant amounts allocated to a State or State designated entity under this subsection shall be used or committed for use within 2 years of the date that such grant amounts are made available to the State or State designated entity. The Secretary shall recapture any such amounts not so used or committed for use and reallocate such amounts under this subsection in the first year after such recapture.

''(C) USE OF RETURNS.—The Secretary shall, by regulation, provide that any return on a loan or other investment of any grant amount used by a State or State designated entity to provide a loan under this subsection shall be treated, for purposes of availability to and use by the State or State designated entity, as a grant amount authorized under this subsection.

''(D) PROHIBITED USES.—The Secretary shall, by regulation—

''(i) set forth prohibited uses of grant amounts allocated under this subsection, which shall include use for—

''(I) political activities;

''(II) advocacy;

''(III) lobbying, whether directly or through other parties;

''(IV) counseling services;

''(V) travel expenses; and

''(VI) preparing or providing advice on tax returns;

and for the purposes of this subparagraph, the prohibited use of funds for political activities includes influencing the selection, nomination, election, or appointment of one or more candidates to any Federal, State or local office as codified in section 501 of the Internal Revenue Code of 1986 (26 U.S.C. 501);

''(ii) provide that, except as provided in clause (iii), grant amounts of a State or State designated entity may not be used for administrative, outreach, or other costs of—

''(I) the State or State designated entity; or

''(II) any other recipient of such grant amounts; and

''(iii) limit the amount of any grant amounts for a year that may be used by the State or State designated entity for administrative costs of carrying out the program required under this subsection, including home ownership counseling, to a percentage of such grant amounts of the State or State designated entity for such year, which may not exceed 10 percent.

''(E) PROHIBITION OF CONSIDERATION OF USE FOR MEETING HOUSING GOALS OR DUTY TO SERVE.—In determining compliance with the housing goals under this subpart and the duty to serve underserved markets under section 1335, the Director may not consider any grant amounts used under this section for eligible activities under paragraph (7). The Director shall give credit toward the achievement of such housing goals and such duty to serve underserved markets to purchases by the enterprises of mortgages for housing that receives funding from such grant amounts, but only to the extent that such purchases by the enterprises are funded other than with such grant amounts.

''(d) REDUCTION FOR FAILURE TO OBTAIN RETURN OF MISUSED FUNDS.—If in any year a State or State designated entity fails to obtain reimbursement or return of the full amount required under subsection (e)(1)(B) to be reimbursed or returned to the State or State designated entity during such year—

''(1) except as provided in paragraph (2)—

''(A) the amount of the grant for the State or State designated entity for the succeeding year, as determined pursuant to this section, shall be reduced by the amount by which such amounts required to be reimbursed or returned exceed the amount actually reimbursed or returned; and

''(B) the amount of the grant for the succeeding year for each other State or State designated entity whose grant is not reduced pursuant to subparagraph (A) shall be increased by the amount determined by applying the formula established pursuant to this section to the total amount of all reductions for all State or State designated entities for such year pursuant to subparagraph (A); or

''(2) in any case in which such failure to obtain reimbursement or return occurs during a year immediately preceding a year in which grants under this section will not be made, the State or State designated entity shall pay to the Secretary for reallocation among the other grantees an amount equal to the amount of the reduction for the entity that would otherwise apply under paragraph (1)(A).

''(e) ACCOUNTABILITY OF RECIPIENTS AND GRANTEES.—

''(1) RECIPIENTS.—

''(A) TRACKING OF FUNDS.—The Secretary shall—

''(i) require each State or State designated entity to develop and maintain a system to ensure that each recipient of assistance under this section uses such amounts in accordance with this section, the regulations issued under this section, and any requirements or conditions under which such amounts were provided; and

''(ii) establish minimum requirements for agreements, between the State or State designated entity and recipients, regarding assistance under this section, which shall include—

''(I) appropriate periodic financial and project reporting, record retention, and audit requirements for the duration of the assistance to the recipient to ensure compliance with the limitations and requirements of this section and the regulations under this section; and

''(II) any other requirements that the Secretary determines are necessary to ensure appropriate administration and compliance.

''(B) MISUSE OF FUNDS.—

''(i) REIMBURSEMENT REQUIREMENT.—If any recipient of assistance under this section is determined, in accordance with clause (ii), to have used any such amounts in a manner that is materially in violation of this section, the regulations issued under this section, or any requirements or conditions under which such amounts were provided, the State or State designated entity shall require that, within 12 months after the determination of such misuse, the recipient shall reimburse the State or State designated entity for such misused amounts and return to the State or State designated entity any such amounts that remain unused or uncommitted for use. The remedies under this clause are in addition to any other remedies that may be available under law.

''(ii) DETERMINATION.—A determination is made in accordance with this clause if the determination is made by the Secretary or made by the State or State designated entity, provided that—

''(I) the State or State designated entity provides notification of the determination to the Secretary for review, in the discretion of the Secretary, of the determination; and

''(II) the Secretary does not subsequently reverse the determination.

''(2) GRANTEES.—

''(A) REPORT.—

''(i) IN GENERAL.—The Secretary shall require each State or State designated entity receiving grant amounts in any given year under this section to submit a report, for such year, to the Secretary that—

''(I) describes the activities funded under this section during such year with such grant amounts; and

''(II) the manner in which the State or State designated entity complied during such year with any allocation plan established pursuant to subsection (c).

''(ii) PUBLIC AVAILABILITY.—The Secretary shall make such reports pursuant to this subparagraph publicly available.

''(B) MISUSE OF FUNDS.—If the Secretary determines, after reasonable notice and opportunity for hearing, that a State or State designated entity has failed to comply substantially with any provision of this section, and until the Secretary is satisfied that there is no longer any such failure to comply, the Secretary shall—

''(i) reduce the amount of assistance under this section to the State or State designated entity by an amount equal to the amount of grant amounts which were not used in accordance with this section;

''(ii) require the State or State designated entity to repay the Secretary any amount of the grant which was not used in accordance with this section;

''(iii) limit the availability of assistance under this section to the State or State designated entity to activities or recipients not affected by such failure to comply; or

''(iv) terminate any assistance under this section to the State or State designated entity.

''(f) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

''(1) EXTREMELY LOW-INCOME RENTER HOUSEHOLD.—The term 'extremely low-income renter household' means a household whose income is not in excess of 30 percent of the area median income, with adjustments for smaller and larger families, as determined by the Secretary.

''(2) RECIPIENT.—The term 'recipient' means an individual or entity that receives assistance from a State or State designated entity from amounts made available to the State or State designated entity under this section.

''(3) SHORTAGE OF STANDARD RENTAL UNITS BOTH AFFORDABLE AND AVAILABLE TO EXTREMELY LOW-INCOME RENTER HOUSEHOLDS.—

''(A) IN GENERAL.—The term 'shortage of standard rental units both affordable and available to extremely low-income renter households' means for any State or other geographical area the gap between—

''(i) the number of units with complete plumbing and kitchen facilities with a rent that is 30 percent or less of 30 percent of the adjusted area median income as determined by the Secretary that are occupied by extremely low-income renter households or are vacant for rent; and

''(ii) the number of extremely low-income renter households.

''(B) RULE OF CONSTRUCTION.—If the number of units described in subparagraph (A)(i) exceeds the number of extremely low-income households as described in subparagraph (A)(ii), there is no shortage.

''(4) SHORTAGE OF STANDARD RENTAL UNITS BOTH AFFORDABLE AND AVAILABLE TO VERY LOW-INCOME RENTER HOUSEHOLDS.—

''(A) IN GENERAL.—The term 'shortage of standard rental units both affordable and available to very low-income renter households' means for any State or other geographical area the gap between—

''(i) the number of units with complete plumbing and kitchen facilities with a rent that is 30 percent or less of 50 percent of the adjusted area median income as determined by the Secretary that are occupied by very low-income renter households or are vacant for rent; and

''(ii) the number of very low-income renter households.

''(B) RULE OF CONSTRUCTION.—If the number of units described in subparagraph (A)(i) exceeds the number of very low-income households as described in subparagraph (A)(ii), there is no shortage.

''(5) VERY LOW-INCOME FAMILY.—The term 'very low-income family' has the meaning given such term in section 1303, except that such term includes any family that resides in a rural area that has an income that does not exceed the poverty line (as such term is defined in section 673(2) of the Omnibus Budget Reconciliation Act of 1981 (42 U.S.C. 9902(2)), including any revision required by such section) applicable to a family of the size involved.

''(6) VERY LOW-INCOME RENTER HOUSEHOLDS.—The term 'very low-income renter households' means a household whose income is in excess of 30 percent but not greater than 50 percent of the area median income, with adjustments for smaller and larger families, as determined by the Secretary.

''(g) REGULATIONS.—

''(1) IN GENERAL.—The Secretary shall issue regulations to carry out this section.

''(2) REQUIRED CONTENTS.—The regulations issued under this subsection shall include—

''(A) a requirement that the Secretary ensure that the use of grant amounts under this section by States or State designated entities is audited not less than annually to ensure compliance with this section;

''(B) authority for the Secretary to audit, provide for an audit, or otherwise verify a State or State designated entity's activities to ensure compliance with this section;

''(C) a requirement that, for the purposes of subparagraphs (A) and (B), any financial statement submitted by a grantee or recipient to the Secretary shall be reviewed by an independent certified public accountant in accordance with Statements on Standards for Accounting and Review Services, issued by the American Institute of Certified Public Accountants;

''(D) requirements for a process for application to, and selection by, each State or State designated entity for activities meeting the State or State designated entity's priority housing needs to be funded with grant amounts under this section, which shall provide for priority in funding to be based upon—

''(i) geographic diversity;

''(ii) ability to obligate amounts and undertake activities so funded in a timely manner;

''(iii) in the case of rental housing projects under subsection (c)(7)(A), the extent to which rents for units in the project funded are affordable, especially for extremely low-income families;

''(iv) in the case of rental housing projects under subsection (c)(7)(A), the extent of the duration for which such rents will remain affordable;

''(v) the extent to which the application makes use of other funding sources; and

''(vi) the merits of an applicant's proposed eligible activity;

''(E) requirements to ensure that grant amounts provided to a State or State designated entity under this section that are used for rental housing under subsection (c)(7)(A) are used only for the benefit of extremely low- and very low-income families; and

''(F) requirements and standards for establishment, by a State or State designated entity, for use of grant amounts in 2009 and subsequent years of performance goals, benchmarks, and timetables for the production, preservation, and rehabilitation of affordable rental and homeownership housing with such grant amounts.

''(h) AFFORDABLE HOUSING TRUST FUND.—If, after the date of enactment of the Federal Housing Finance Regulatory Reform Act of 2008, in any year, there is enacted any provision of Federal law establishing an affordable housing trust fund other than under this title for use only for grants to provide affordable rental housing and affordable homeownership opportunities, and the subsequent year is a year referred to in subsection (c), the Secretary shall in such subsequent year and any remaining years referred to in subsection (c) transfer to such affordable housing trust fund the aggregate amount allocated pursuant to subsection (c) in such year. Notwithstanding any other provision of law, assistance provided using amounts transferred to such affordable housing trust fund pursuant to this subsection may not be used for any of the activities specified in clauses (i) through (vi) of subsection (c)(9)(D).

''(i) FUNDING ACCOUNTABILITY AND TRANSPARENCY.—Any grant under this section to a grantee by a State or State designated entity, any assistance provided to a recipient by a State or State designated entity, and any grant, award, or other assistance from an affordable housing trust fund referred to in subsection (h) shall be considered a Federal award for purposes of the Federal Funding Accountability and Transparency Act of 2006 (31 U.S.C. 6101 note). Upon the request of the Director of the Office of Management and Budget, the Secretary shall obtain and provide such information regarding any such grants, assistance, and awards as the Director of the Office of Management and Budget considers necessary to comply with the requirements of such Act, as applicable, pursuant to the preceding sentence.

''SEC. 1339. CAPITAL MAGNET FUND.

''(a) ESTABLISHMENT.—There is established in the Treasury of the United States a trust fund to be known as the Capital Magnet Fund, which shall be a special account within the Community Development Financial Institutions Fund.

''(b) DEPOSITS TO TRUST FUND.—The Capital Magnet Fund shall consist of—

''(1) any amounts transferred to the Fund pursuant to section 1337; and

''(2) any amounts as are or may be appropriated, transferred, or credited to such Fund under any other provisions of law.

''(c) EXPENDITURES FROM TRUST FUND.—Amounts in the Capital Magnet Fund shall be available to the Secretary of the Treasury to carry out a competitive grant program to attract private capital for and increase investment in—

''(1) the development, preservation, rehabilitation, or purchase of affordable housing for primarily extremely low-, very low-, and low-income families; and

''(2) economic development activities or community service facilities, such as day care centers, workforce development centers, and health care clinics, which in conjunction with affordable housing activities implement a concerted strategy to stabilize or revitalize a low-income area or underserved rural area.

''(d) FEDERAL ASSISTANCE.—For purposes of the application of Federal civil rights laws, all assistance provided using amounts in the Capital Magnet Fund shall be considered Federal financial assistance.

''(e) ELIGIBLE GRANTEES.—A grant under this section may be made, pursuant to such requirements as the Secretary of the Treasury shall establish for experience and success in attracting private financing and carrying out the types of activities proposed under the application of the grantee, only to—

''(1) a Treasury certified community development financial institution; or

''(2) a nonprofit organization having as 1 of its principal purposes the development or management of affordable housing.

''(f) ELIGIBLE USES.—Grant amounts awarded from the Capital Magnet Fund pursuant to this section may be used for the purposes described in paragraphs (1) and (2) of subsection (c), including for the following uses:

''(1) To provide loan loss reserves.

''(2) To capitalize a revolving loan fund.

''(3) To capitalize an affordable housing fund.

''(4) To capitalize a fund to support activities described in subsection (c)(2).

''(5) For risk-sharing loans.

''(g) APPLICATIONS.—

''(1) IN GENERAL.—The Secretary of the Treasury shall provide, in a competitive application process established by regulation, for eligible grantees under subsection (e) to submit applications for Capital Magnet Fund grants to the Secretary at such time and in such manner as the Secretary shall determine.

''(2) CONTENT OF APPLICATION.—The application required under paragraph (1) shall include a detailed description of—

''(A) the types of affordable housing, economic, and community revitalization projects that support or sustain residents of an affordable housing project funded by a grant under this section for which such grant amounts would be used, including the proposed use of eligible grants as authorized under this section;

''(B) the types, sources, and amounts of other funding for such projects; and

''(C) the expected time frame of any grant used for such project.

''(h) GRANT LIMITATION.—

''(1) IN GENERAL.—Any 1 eligible grantee and its subsidiaries and affiliates may not be awarded more than 15 percent of the aggregate funds available for grants during any year from the Capital Magnet Fund.

''(2) GEOGRAPHIC DIVERSITY.—

''(A) GOAL.—The Secretary of the Treasury shall seek to fund activities in geographically diverse areas of economic distress, including metropolitan and underserved rural areas in every State.

''(B) DIVERSITY DEFINED.—For purposes of this paragraph, geographic diversity includes those areas that meet objective criteria of economic distress developed by the Secretary of the Treasury, which may include—

''(i) the percentage of low-income families or the extent of poverty;

''(ii) the rate of unemployment or underemployment;

''(iii) extent of blight and disinvestment;

''(iv) projects that target extremely low-, very low-, and low-income families in or outside a designated economic distress area; or

''(v) any other criteria designated by the Secretary of the Treasury.

''(3) LEVERAGE OF FUNDS.—Each grant from the Capital Magnet Fund awarded under this section shall be reasonably expected to result in eligible housing, or economic and community development projects that support or sustain an affordable housing project funded by a grant under this section whose aggregate costs total at least 10 times the grant amount.

''(4) COMMITMENT FOR USE DEADLINE.—Amounts made available for grants under this section shall be committed for use within 2 years of the date of such allocation. The Secretary of the Treasury shall recapture into the Capital Magnet Fund any amounts not so used or committed for use and allocate such amounts in the first year after such recapture.

''(5) PROHIBITED USES.—The Secretary shall, by regulation, set forth prohibited uses of grant amounts awarded under this section, which shall include use for—

''(A) political activities;

''(B) advocacy;

''(C) lobbying, whether directly or through other parties;

''(D) counseling services;

''(E) travel expenses; and

''(F) preparing or providing advice on tax returns;

and for the purposes of this paragraph, the prohibited use of funds for political activities includes influencing the selection, nomination, election, or appointment of one or more candidates to any Federal, State or local office as codified in section §501 of the Internal Revenue Code of 1986 (26 U.S.C. 501).

''(6) ADDITIONAL LOBBYING RESTRICTIONS.—No assistance or amounts made available under this section may be expended by an eligible grantee to pay any person to influence or attempt to influence any agency, elected official, officer or employee of a State or local government in connection with the making, award, extension, continuation, renewal, amendment, or modification of any State or local government contract, grant, loan, or cooperative agreement as such terms are defined in section 1352 of title 31, United States Code.

''(7) PROHIBITION OF CONSIDERATION OF USE FOR MEETING HOUSING GOALS OR DUTY TO SERVE.—In determining the compliance of the enterprises with the housing goals under this section and the duty to serve underserved markets under section 1335, the Director of the Federal Housing Finance Agency may not consider any Capital Magnet Fund amounts used under this section for eligible activities under subsection (f). The Director of the Federal Housing Finance Agency shall give credit toward the achievement of such housing goals and such duty to serve underserved markets to purchases by the enterprises of mortgages for housing that receives funding from Capital Magnet Fund grant amounts, but only to the extent that such purchases by the enterprises are funded other than with such grant amounts.

''(8) ACCOUNTABILITY OF RECIPIENTS AND GRANTEES.—

''(A) TRACKING OF FUNDS.—The Secretary of the Treasury shall—

''(i) require each grantee to develop and maintain a system to ensure that each recipient of assistance from the Capital Magnet Fund uses such amounts in accordance with this section, the regulations issued under this section, and any requirements or conditions under which such amounts were provided; and

''(ii) establish minimum requirements for agreements, between the grantee and the Capital Magnet Fund, regarding assistance from the Capital Magnet Fund, which shall include—

''(I) appropriate periodic financial and project reporting, record retention, and audit requirements for the duration of the grant to the recipient to ensure compliance with the limitations and requirements of this section and the regulations under this section; and

''(II) any other requirements that the Secretary determines are necessary to ensure appropriate grant administration and compliance.

''(B) MISUSE OF FUNDS.—If the Secretary of the Treasury determines, after reasonable notice and opportunity for hearing, that a grantee has failed to comply substantially with any provision of this section and until the Secretary is satisfied that there is no longer any such failure to comply, the Secretary shall—

''(i) reduce the amount of assistance under this section to the grantee by an amount equal to the amount of Capital Magnet Fund grant amounts which were not used in accordance with this section;

''(ii) require the grantee to repay the Secretary any amount of the Capital Magnet Fund grant amounts which were not used in accordance with this section;

''(iii) limit the availability of assistance under this section to the grantee to activities or recipients not affected by such failure to comply; or

''(iv) terminate any assistance under this section to the grantee.

''(i) PERIODIC REPORTS.—

''(1) IN GENERAL.—The Secretary of the Treasury shall submit a report, on a periodic basis, to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives describing the activities to be funded under this section.

''(2) REPORTS AVAILABLE TO PUBLIC.—The Secretary of the Treasury shall make the reports required under paragraph (1) publicly available.

''(j) REGULATIONS.—

''(1) IN GENERAL.—The Secretary of the Treasury shall issue regulations to carry out this section.

''(2) REQUIRED CONTENTS.—The regulations issued under this subsection shall include—

''(A) authority for the Secretary to audit, provide for an audit, or otherwise verify an enterprise's activities, to ensure compliance with this section;

''(B) a requirement that the Secretary ensure that the allocation of each enterprise is audited not less than annually to ensure compliance with this section;

''(C) a requirement that, for the purposes of subparagraphs (A) and (B), any financial statement submitted by a grantee to the Secretary shall be reviewed by an independent certified public accountant in accordance with Statements on Standards for Accounting and Review Services, issued by the American Institute of Certified Public Accountants; and

''(D) requirements for a process for application to, and selection by, the Secretary for activities to be funded with amounts from the Capital Magnet Fund, which shall provide that—

''(i) funds be fairly distributed to urban, suburban, and rural areas; and

''(ii) selection shall be based upon specific criteria, including a prioritization of funding based upon—

''(I) the ability to use such funds to generate additional investments;

''(II) affordable housing need (taking into account the distinct needs of different regions of the country); and

''(III) ability to obligate amounts and undertake activities so funded in a timely manner.''.

SEC. 1132. FINANCIAL EDUCATION AND COUNSELING.

(a) GOALS.—Financial education and counseling under this section shall have the goal of—

(1) increasing the financial knowledge and decision making capabilities of prospective homebuyers;

(2) assisting prospective homebuyers to develop monthly budgets, build personal savings, finance or plan for major purchases, reduce their debt, improve their financial stability, and set and reach their financial goals;

(3) helping prospective homebuyers to improve their credit scores by understanding the relationship between their credit histories and their credit scores; and

(4) educating prospective homebuyers about the options available to build savings for short- and long-term goals.

(b) GRANTS.—

(1) IN GENERAL.—The Secretary of the Treasury (in this section referred to as the ''Secretary'') shall make grants to eligible organizations to enable such organizations to provide a range of financial education and counseling services to prospective homebuyers.

(2) SELECTION.—The Secretary shall select eligible organizations to receive assistance under this section based on their experience and ability to provide financial education and counseling services that result in documented positive behavioral changes.

(c) ELIGIBLE ORGANIZATIONS.—

(1) IN GENERAL.—For purposes of this section, the term ''eligible organization'' means an organization that is—

(A) certified in accordance with section 106(e)(1) of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x(e)); or

(B) certified by the Office of Financial Education of the Department of the Treasury for purposes of this section, in accordance with paragraph (2).

(2) OFE CERTIFICATION.—To be certified by the Office of Financial Education for purposes of this section, an eligible organization shall be—

(A) a housing counseling agency certified by the Secretary of Housing and Urban Development under section 106(e) of the Housing and Urban Development Act of 1968;

(B) a State, local, or tribal government agency;

(C) a community development financial institution (as defined in section 103(5) of the Community Development Banking and Financial Institutions Act of 1994 (12 U.S.C. 4702(5)) or a credit union; or

(D) any collaborative effort of entities described in any of subparagraphs (A) through (C).

(d) AUTHORITY FOR PILOT PROJECTS.—

(1) IN GENERAL.—The Secretary of the Treasury shall authorize not more than 5 pilot project grants to eligible organizations under subsection (c) in order to—

(A) carry out the services under this section; and

(B) provide such other services that will improve the financial stability and economic condition of low- and moderate-income and low-wealth individuals.

(2) GOAL.—The goal of the pilot project grants under this subsection is to—

(A) identify successful methods resulting in positive behavioral change for financial empowerment; and

(B) establish program models for organizations to carry out effective counseling services.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as are necessary to carry out this section and for the provision of additional financial educational services.

(f) STUDY AND REPORT ON EFFECTIVENESS AND IMPACT.—

(1) IN GENERAL.—The Comptroller General of the United States shall conduct a study on the effectiveness and impact of the grant program established under this section. Not later than 3 years after the date of enactment of this Act, the Comptroller General shall submit a report on the results of such study to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives.

(2) CONTENT OF STUDY.—The study required under paragraph (1) shall include an evaluation of the following:

(A) The effectiveness of the grant program established under this section in improving the financial situation of homeowners and prospective homebuyers served by the grant program.

(B) The extent to which financial education and counseling services have resulted in positive behavioral changes.

(C) The effectiveness and quality of the eligible organizations providing financial education and counseling services under the grant program.

(g) REGULATIONS.—The Secretary is authorized to promulgate such regulations as may be necessary to implement and administer the grant program authorized by this section.

SEC. 1133. TRANSFER AND RIGHTS OF CERTAIN HUD EMPLOYEES.

(a) TRANSFER.—Each employee of the Department of Housing and Urban Development whose position responsibilities primarily involve the establishment and enforcement of the housing goals under subpart B of part 2 of subtitle A of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4561 et seq.) shall be transferred to the Federal Housing Finance Agency for employment, not later than the effective date of the Federal Housing Finance Regulatory Reform Act of 2008, and such transfer shall be deemed a transfer of function for purposes of section 3503 of title 5, United States Code.

(b) GUARANTEED POSITIONS.—

(1) IN GENERAL.—Each employee transferred under subsection (a) shall be guaranteed a position with the same status, tenure, grade, and pay as that held on the day immediately preceding the transfer.

(2) NO INVOLUNTARY SEPARATION OR REDUCTION.—An employee transferred under subsection (a) holding a permanent position on the day immediately preceding the transfer may not be involuntarily separated or reduced in grade or compensation during the 12-month period beginning on the date of transfer, except for cause, or, in the case of a temporary employee, separated in accordance with the terms of the appointment of the employee.

(c) APPOINTMENT AUTHORITY FOR EXCEPTED AND SENIOR EXECUTIVE SERVICE EMPLOYEES.—

(1) IN GENERAL.—In the case of an employee occupying a position in the excepted service or the Senior Executive Service, any appointment authority established under law or by regulations of the Office of Personnel Management for filling such position shall be transferred, subject to paragraph (2).

(2) DECLINE OF TRANSFER.—The Director may decline a transfer of authority under paragraph (1) to the extent that such authority relates to—

(A) a position excepted from the competitive service because of its confidential, policymaking, policy-determining, or policy-advocating character; or

(B) a noncareer position in the Senior Executive Service (within the meaning of section 3132(a)(7) of title 5, United States Code).

(d) REORGANIZATION.—If the Director determines, after the end of the 1-year period beginning on the effective date of the Federal Housing Finance Regulatory Reform Act of 2008, that a reorganization of the combined workforce is required, that reorganization shall be deemed a major reorganization for purposes of affording affected employee retirement under section 8336(d)(2) or 8414(b)(1)(B) of title 5, United States Code.

(e) EMPLOYEE BENEFIT PROGRAMS.—

(1) IN GENERAL.—Any employee described under subsection (a) accepting employment with the Agency as a result of a transfer under subsection (a) may retain, for 12 months after the date on which such transfer occurs, membership in any employee benefit program of the Agency or the Department of Housing and Urban Development, as applicable, including insurance, to which such employee belongs on such effective date, if—

(A) the employee does not elect to give up the benefit or membership in the program; and

(B) the benefit or program is continued by the Director of the Federal Housing Finance Agency.

(2) COST DIFFERENTIAL.—

(A) IN GENERAL.—The difference in the costs between the benefits which would have been provided by the Department of Housing and Urban Development and those provided by this section shall be paid by the Director.

(B) HEALTH INSURANCE.—If any employee elects to give up membership in a health insurance program or the health insurance program is not continued by the Director, the employee shall be permitted to select an alternate Federal health insurance program not later than 30 days after the date of such election or notice, without regard to any other regularly scheduled open season.

Subtitle C—Prompt Corrective Action

SEC. 1141. CRITICAL CAPITAL LEVELS.

(a) IN GENERAL.—Section 1363 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4613) is amended—

(1) by striking ''For'' and inserting ''(a) ENTERPRISES.—FOR''; and

(2) by adding at the end the following new subsection:

''(b) FEDERAL HOME LOAN BANKS.—

''(1) IN GENERAL.—For purposes of this subtitle, the critical capital level for each Federal Home Loan Bank shall be such amount of capital as the Director shall, by regulation, require.

''(2) CONSIDERATION OF OTHER CRITICAL CAPITAL LEVELS.—In establishing the critical capital level under paragraph (1) for the Federal Home Loan Banks, the Director shall take due consideration of the critical capital level established under subsection (a) for the enterprises, with such modifications as the Director determines to be appropriate to reflect the difference in operations between the banks and the enterprises.''.

(b) REGULATIONS.—Not later than the expiration of the 180-day period beginning on the date of enactment of this Act, the Director of the Federal Housing Finance Agency shall issue regulations pursuant to section 1363(b) of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (as added by this section) establishing the critical capital level under such section.

SEC. 1142. CAPITAL CLASSIFICATIONS.

(a) IN GENERAL.—Section 1364 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4614) is amended—

(1) in the heading for subsection (a) by striking ''In General'' and inserting ''Enterprises'';

(2) in subsection (c)—

(A) by striking ''subsection (b)'' and inserting ''subsection (c)'';

(B) by striking ''enterprises'' and inserting ''regulated entities''; and

(C) by striking the last sentence;

(3) by redesignating subsections (c) (as so amended by paragraph (2) of this subsection) and (d) as subsections (d) and (f), respectively;

(4) by striking subsection (b) and inserting the following:

''(b) FEDERAL HOME LOAN BANKS.—

''(1) ESTABLISHMENT AND CRITERIA.—For purposes of this subtitle, the Director shall, by regulation—

''(A) establish the capital classifications specified under paragraph (2) for the Federal Home Loan Banks;

''(B) establish criteria for each such capital classification based on the amount and types of capital held by a bank and the risk-based, minimum, and critical capital levels for the banks and taking due consideration of the capital classifications established under subsection (a) for the enterprises, with such modifications as the Director determines to be appropriate to reflect the difference in operations between the banks and the enterprises; and

''(C) shall classify the Federal Home Loan Banks according to such capital classifications.

''(2) CLASSIFICATIONS.—The capital classifications specified under this paragraph are—

''(A) adequately capitalized;

''(B) undercapitalized;

''(C) significantly undercapitalized; and

''(D) critically undercapitalized.

''(c) DISCRETIONARY CLASSIFICATION.—

''(1) GROUNDS FOR RECLASSIFICATION.—The Director may reclassify a regulated entity under paragraph (2) if—

''(A) at any time, the Director determines in writing that the regulated entity is engaging in conduct that could result in a rapid depletion of core or total capital or the value of collateral pledged as security has decreased significantly or that the value of the property subject to mortgages held by the regulated entity (or securitized in the case of an enterprise) has decreased significantly;

''(B) after notice and an opportunity for hearing, the Director determines that the regulated entity is in an unsafe or unsound condition; or

''(C) pursuant to section 1371(b), the Director deems the regulated entity to be engaging in an unsafe or unsound practice.

''(2) RECLASSIFICATION.—In addition to any other action authorized under this title, including the reclassification of a regulated entity for any reason not specified in this subsection, if the Director takes any action described in paragraph (1), the Director may classify a regulated entity—

''(A) as undercapitalized, if the regulated entity is otherwise classified as adequately capitalized;

''(B) as significantly undercapitalized, if the regulated entity is otherwise classified as undercapitalized; and

''(C) as critically undercapitalized, if the regulated entity is otherwise classified as significantly undercapitalized.''; and

(5) by inserting after subsection (d) (as so redesignated by paragraph (3) of this subsection), the following new subsection:

''(e) RESTRICTION ON CAPITAL DISTRIBUTIONS.—

''(1) IN GENERAL.—A regulated entity shall make no capital distribution if, after making the distribution, the regulated entity would be undercapitalized.

''(2) EXCEPTION.—Notwithstanding paragraph (1), the Director may permit a regulated entity, to the extent appropriate or applicable, to repurchase, redeem, retire, or otherwise acquire shares or ownership interests if the repurchase, redemption, retirement, or other acquisition—

''(A) is made in connection with the issuance of additional shares or obligations of the regulated entity in at least an equivalent amount; and

''(B) will reduce the financial obligations of the regulated entity or otherwise improve the financial condition of the entity.''.

(b) REGULATIONS.—Not later than the expiration of the 180-day period beginning on the date of enactment of this Act, the Director of the Federal Housing Finance Agency shall issue regulations to carry out section 1364(b) of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (as added

by this section), relating to capital classifications for the Federal Home Loan Banks.

SEC. 1143. SUPERVISORY ACTIONS APPLICABLE TO UNDERCAPITALIZED REGULATED ENTITIES.

Section 1365 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4615) is amended—

(1) by striking ''the enterprise'' each place that term appears and inserting ''the regulated entity'';

(2) by striking ''An enterprise'' each place that term appears and inserting ''A regulated entity'';

(3) by striking ''an enterprise'' each place that term appears and inserting ''a regulated entity'';

(4) in subsection (a)—

(A) by redesignating paragraphs (1) and (2) as paragraphs (2) and (3), respectively;

(B) by inserting before paragraph (2), as redesignated, the following:

''(1) REQUIRED MONITORING.—The Director shall—

''(A) closely monitor the condition of any undercapitalized regulated entity;

''(B) closely monitor compliance with the capital restoration plan, restrictions, and requirements imposed on an undercapitalized regulated entity under this section; and

''(C) periodically review the plan, restrictions, and requirements applicable to an undercapitalized regulated entity to determine whether the plan, restrictions, and requirements are achieving the purpose of this section.''; and

(C) by adding at the end the following:

''(4) RESTRICTION OF ASSET GROWTH.—An undercapitalized regulated entity shall not permit its average total assets during any calendar quarter to exceed its average total assets during the preceding calendar quarter, unless—

''(A) the Director has accepted the capital restoration plan of the regulated entity;

''(B) any increase in total assets is consistent with the capital restoration plan; and

''(C) the ratio of tangible equity to assets of the regulated entity increases during the calendar quarter at a rate sufficient to enable the regulated entity to become adequately capitalized within a reasonable time.

''(5) PRIOR APPROVAL OF ACQUISITIONS AND NEW ACTIVITIES.—An undercapitalized regulated entity shall not, directly or indirectly, acquire any interest in any entity or engage in any new activity, unless—

''(A) the Director has accepted the capital restoration plan of the regulated entity, the regulated entity is implementing the plan, and the Director determines that the proposed action is consistent with and will further the achievement of the plan; or

''(B) the Director determines that the proposed action will further the purpose of this subtitle.'';

(5) in subsection (b)—

(A) in the subsection heading, by striking ''DISCRETIONARY'';

(B) in the matter preceding paragraph (1), by striking ''may'' and inserting ''shall''; and

(C) in paragraph (2)—

(i) by striking ''make, in good faith, reasonable efforts necessary to''; and

(ii) by striking the period at the end and inserting ''in any material respect.''; and

(6) by striking subsection (c) and inserting the following:

''(c) OTHER DISCRETIONARY SAFEGUARDS.—The Director may take, with respect to an undercapitalized regulated entity, any of the actions authorized to be taken under section 1366 with respect to a significantly undercapitalized regulated entity, if the Director determines that such actions are necessary to carry out the purpose of this subtitle.''.

SEC. 1144. SUPERVISORY ACTIONS APPLICABLE TO SIGNIFICANTLY UNDERCAPITALIZED REGULATED ENTITIES.

Section 1366 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4616) is amended—

(1) in subsection (a)(2), by striking ''undercapitalized enterprise'' and inserting ''undercapitalized'';

(2) by striking ''the enterprise'' each place that term appears and inserting ''the regulated entity'';

(3) by striking ''An enterprise'' each place that term appears and inserting ''A regulated entity'';

(4) by striking ''an enterprise'' each place that term appears and inserting ''a regulated entity'';

(5) in subsection (b)—

(A) in the subsection heading, by striking ''DISCRETIONARY SUPERVISORY'' and inserting ''SPECIFIC'';

(B) in the matter preceding paragraph (1), by striking ''may, at any time, take any'' and inserting ''shall carry out this section by taking, at any time, 1 or more'';

(C) by striking paragraph (6);

(D) by redesignating paragraph (5) as paragraph (6);

(E) by inserting after paragraph (4) the following:

''(5) IMPROVEMENT OF MANAGEMENT.—Take 1 or more of the following actions:

''(A) NEW ELECTION OF BOARD.—Order a new election for the board of directors of the regulated entity.

''(B) DISMISSAL OF DIRECTORS OR EXECUTIVE OFFICERS.—Require the regulated entity to dismiss from office any director or executive officer who had held office for more than 180 days immediately before the date on which the regulated entity became undercapitalized. Dismissal under this subparagraph shall not be construed to be a removal pursuant to the enforcement powers of the Director under section 1377.

''(C) EMPLOY QUALIFIED EXECUTIVE OFFICERS.—Require the regulated entity to employ qualified executive officers (who, if the Director so specifies, shall be subject to approval by the Director).''; and

(F) by adding at the end the following:

''(7) OTHER ACTION.—Require the regulated entity to take any other action that the Director determines will better carry out the purpose of this section than any of the other actions specified in this subsection.''; and

(6) by striking subsection (c) and inserting the following:

''(c) RESTRICTION ON COMPENSATION OF EXECUTIVE OFFICERS.—A regulated entity that is classified as significantly undercapitalized in accordance with section 1364 may not, without prior written approval by the Director—

''(1) pay any bonus to any executive officer; or

''(2) provide compensation to any executive officer at a rate exceeding the average rate of compensation of that officer (excluding bonuses, stock options, and profit sharing) during the 12 calendar months preceding the calendar month in which the regulated entity became significantly undercapitalized.''.

SEC. 1145. AUTHORITY OVER CRITICALLY UNDERCAPITALIZED REGULATED ENTITIES.

(a) IN GENERAL.—Section 1367 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4617) is amended to read as follows:

''SEC. 1367. AUTHORITY OVER CRITICALLY UNDERCAPITALIZED REGULATED ENTITIES.

''(a) APPOINTMENT OF THE AGENCY AS CONSERVATOR OR RECEIVER.—

''(1) IN GENERAL.—Notwithstanding any other provision of Federal or State law, the Director may appoint the Agency as conservator or receiver for a regulated entity in the manner provided under paragraph (2) or (4). All references to the conservator or receiver under this section are references to the Agency acting as conservator or receiver.

''(2) DISCRETIONARY APPOINTMENT.—The Agency may, at the discretion of the Director, be appointed conservator or receiver for the purpose of reorganizing, rehabilitating, or winding up the affairs of a regulated entity.

''(3) GROUNDS FOR DISCRETIONARY APPOINTMENT OF CONSERVATOR OR RECEIVER.—The grounds for appointing conservator or receiver for any regulated entity under paragraph (2) are as follows:

''(A) ASSETS INSUFFICIENT FOR OBLIGATIONS.—The assets of the regulated entity are less than the obligations of the regulated entity to its creditors and others.

''(B) SUBSTANTIAL DISSIPATION.—Substantial dissipation of assets or earnings due to—

''(i) any violation of any provision of Federal or State law; or

''(ii) any unsafe or unsound practice.

''(C) UNSAFE OR UNSOUND CONDITION.—An unsafe or unsound condition to transact business.

''(D) CEASE AND DESIST ORDERS.—Any willful violation of a cease and desist order that has become final.

''(E) CONCEALMENT.—Any concealment of the books, papers, records, or assets of the regulated entity, or any refusal to submit the books, papers, records, or affairs of the regulated entity, for inspection to any examiner or to any lawful agent of the Director.

''(F) INABILITY TO MEET OBLIGATIONS.—The regulated entity is likely to be unable to pay its obligations or meet the demands of its creditors in the normal course of business.

''(G) LOSSES.—The regulated entity has incurred or is likely to incur losses that will deplete all or substantially all of its capital, and there is no reasonable prospect for the regulated entity to become adequately capitalized (as defined in section 1364(a)(1)).

''(H) VIOLATIONS OF LAW.—Any violation of any law or regulation, or any unsafe or unsound practice or condition that is likely to—

''(i) cause insolvency or substantial dissipation of assets or earnings; or

''(ii) weaken the condition of the regulated entity.

''(I) CONSENT.—The regulated entity, by resolution of its board of directors or its shareholders or members, consents to the appointment.

''(J) UNDERCAPITALIZATION.—The regulated entity is undercapitalized or significantly undercapitalized (as defined in section 1364(a)(3)), and—

''(i) has no reasonable prospect of becoming adequately capitalized;

''(ii) fails to become adequately capitalized, as required by—

''(I) section 1365(a)(1) with respect to a regulated entity; or

''(II) section 1366(a)(1) with respect to a significantly undercapitalized regulated entity;

''(iii) fails to submit a capital restoration plan acceptable to the Agency within the time prescribed under section 1369C; or

''(iv) materially fails to implement a capital restoration plan submitted and accepted under section 1369C.

''(K) CRITICAL UNDERCAPITALIZATION.—The regulated entity is critically undercapitalized, as defined in section 1364(a)(4).

''(L) MONEY LAUNDERING.—The Attorney General notifies the Director in writing that the regulated entity has been found guilty of a criminal offense under section 1956 or 1957 of title 18, United States Code, or section 5322 or 5324 of title 31, United States Code.

''(4) MANDATORY RECEIVERSHIP.—

''(A) IN GENERAL.—The Director shall appoint the Agency as receiver for a regulated

entity if the Director determines, in writing, that—

''(i) the assets of the regulated entity are, and during the preceding 60 calendar days have been, less than the obligations of the regulated entity to its creditors and others; or

''(ii) the regulated entity is not, and during the preceding 60 calendar days has not been, generally paying the debts of the regulated entity (other than debts that are the subject of a bona fide dispute) as such debts become due.

''(B) PERIODIC DETERMINATION REQUIRED FOR CRITICALLY UNDERCAPITALIZED REGULATED ENTITY.—If a regulated entity is critically undercapitalized, the Director shall make a determination, in writing, as to whether the regulated entity meets the criteria specified in clause (i) or (ii) of subparagraph (A)—

''(i) not later than 30 calendar days after the regulated entity initially becomes critically undercapitalized; and

''(ii) at least once during each succeeding 30-calendar day period.

''(C) DETERMINATION NOT REQUIRED IF RECEIVERSHIP ALREADY IN PLACE.—Subparagraph (B) does not apply with respect to a regulated entity in any period during which the Agency serves as receiver for the regulated entity.

''(D) RECEIVERSHIP TERMINATES CONSERVATORSHIP.—The appointment of the Agency as receiver of a regulated entity under this section shall immediately terminate any conservatorship established for the regulated entity under this title.

''(5) JUDICIAL REVIEW.—

''(A) IN GENERAL.—If the Agency is appointed conservator or receiver under this section, the regulated entity may, within 30 days of such appointment, bring an action in the United States district court for the judicial district in which the home office of such regulated entity is located, or in the United States District Court for the District of Columbia, for an order requiring the Agency to remove itself as conservator or receiver.

''(B) REVIEW.—Upon the filing of an action under subparagraph (A), the court shall, upon the merits, dismiss such action or direct the Agency to remove itself as such conservator or receiver.

''(6) DIRECTORS NOT LIABLE FOR ACQUIESCING IN APPOINTMENT OF CONSERVATOR OR RECEIVER.—The members of the board of directors of a regulated entity shall not be liable to the shareholders or creditors of the regulated entity for acquiescing in or consenting in good faith to the appointment of the Agency as conservator or receiver for that regulated entity.

''(7) AGENCY NOT SUBJECT TO ANY OTHER FEDERAL AGENCY.—When acting as conservator or receiver, the Agency shall not be subject to the direction or supervision of any other agency of the United States or any State in the exercise of the rights, powers, and privileges of the Agency.

''(b) POWERS AND DUTIES OF THE AGENCY AS CONSERVATOR OR RECEIVER.—

''(1) RULEMAKING AUTHORITY OF THE AGENCY.—The Agency may prescribe such regulations as the Agency determines to be appropriate regarding the conduct of conservatorships or receiverships.

''(2) GENERAL POWERS.—

''(A) SUCCESSOR TO REGULATED ENTITY.—The Agency shall, as conservator or receiver, and by operation of law, immediately succeed to—

''(i) all rights, titles, powers, and privileges of the regulated entity, and of any stockholder, officer, or director of such regulated entity with respect to the regulated entity and the assets of the regulated entity; and

''(ii) title to the books, records, and assets of any other legal custodian of such regulated entity.

''(B) OPERATE THE REGULATED ENTITY.—The Agency may, as conservator or receiver—

''(i) take over the assets of and operate the regulated entity with all the powers of the shareholders, the directors, and the officers of the regulated entity and conduct all business of the regulated entity;

''(ii) collect all obligations and money due the regulated entity;

''(iii) perform all functions of the regulated entity in the name of the regulated entity which are consistent with the appointment as conservator or receiver;

''(iv) preserve and conserve the assets and property of the regulated entity; and

''(v) provide by contract for assistance in fulfilling any function, activity, action, or duty of the Agency as conservator or receiver.

''(C) FUNCTIONS OF OFFICERS, DIRECTORS, AND SHAREHOLDERS OF A REGULATED ENTITY.—The Agency may, by regulation or order, provide for the exercise of any function by any stockholder, director, or officer of any regulated entity for which the Agency has been named conservator or receiver.

''(D) POWERS AS CONSERVATOR.—The Agency may, as conservator, take such action as may be—

''(i) necessary to put the regulated entity in a sound and solvent condition; and

''(ii) appropriate to carry on the business of the regulated entity and preserve and conserve the assets and property of the regulated entity.

''(E) ADDITIONAL POWERS AS RECEIVER.—In any case in which the Agency is acting as receiver, the Agency shall place the regulated entity in liquidation and proceed to realize upon the assets of the regulated entity in such manner as the Agency deems appropriate, including through the sale of assets, the transfer of assets to a limited-life regulated entity established under subsection (i), or the exercise of any other rights or privileges granted to the Agency under this paragraph.

''(F) ORGANIZATION OF NEW ENTERPRISE.—The Agency may, as receiver for an enterprise, organize a successor enterprise that will operate pursuant to subsection (i).

''(G) TRANSFER OR SALE OF ASSETS AND LIABILITIES.—The Agency may, as conservator or receiver, transfer or sell any asset or liability of the regulated entity in default, and may do so without any approval, assignment, or consent with respect to such transfer or sale.

''(H) PAYMENT OF VALID OBLIGATIONS.—The Agency, as conservator or receiver, shall, to the extent of proceeds realized from the performance of contracts or sale of the assets of a regulated entity, pay all valid obligations of the regulated entity that are due and payable at the time of the appointment of the Agency as conservator or receiver, in accordance with the prescriptions and limitations of this section.

''(I) SUBPOENA AUTHORITY.—

''(i) IN GENERAL.—

''(I) AGENCY AUTHORITY.—The Agency may, as conservator or receiver, and for purposes of carrying out any power, authority, or duty with respect to a regulated entity (including determining any claim against the regulated entity and determining and realizing upon any asset of any person in the course of collecting money due the regulated entity), exercise any power established under section 1348.

''(II) APPLICABILITY OF LAW.—The provisions of section 1348 shall apply with respect to the exercise of any power under this subparagraph, in the same manner as such provisions apply under that section.

''(ii) SUBPOENA.—A subpoena or subpoena duces tecum may be issued under clause (i) only by, or with the written approval of, the Director, or the designee of the Director.

''(iii) RULE OF CONSTRUCTION.—This subsection shall not be construed to limit any rights that the Agency, in any capacity, might otherwise have under section 1317 or 1379B.

''(J) INCIDENTAL POWERS.—The Agency may, as conservator or receiver—

''(i) exercise all powers and authorities specifically granted to conservators or receivers, respectively, under this section, and such incidental powers as shall be necessary to carry out such powers; and

''(ii) take any action authorized by this section, which the Agency determines is in the best interests of the regulated entity or the Agency.

''(K) OTHER PROVISIONS.—

''(i) SHAREHOLDERS AND CREDITORS OF FAILED REGULATED ENTITY.—Notwithstanding any other provision of law, the appointment of the Agency as receiver for a regulated entity pursuant to paragraph (2) or (4) of subsection (a) and its succession, by operation of law, to the rights, titles, powers, and privileges described in subsection (b)(2)(A) shall terminate all rights and claims that the stockholders and creditors of the regulated entity may have against the assets or charter of the regulated entity or the Agency arising as a result of their status as stockholders or creditors, except for their right to payment, resolution, or other satisfaction of their claims, as permitted under subsections (b)(9), (c), and (e).

''(ii) ASSETS OF REGULATED ENTITY.—Notwithstanding any other provision of law, for purposes of this section, the charter of a regulated entity shall not be considered an asset of the regulated entity.

''(3) AUTHORITY OF RECEIVER TO DETERMINE CLAIMS.—

''(A) IN GENERAL.—The Agency may, as receiver, determine claims in accordance with the requirements of this subsection and any regulations prescribed under paragraph (4).

''(B) NOTICE REQUIREMENTS.—The receiver, in any case involving the liquidation or winding up of the affairs of a closed regulated entity, shall—

''(i) promptly publish a notice to the creditors of the regulated entity to present their claims, together with proof, to the receiver by a date specified in the notice which shall be not less than 90 days after the date of publication of such notice; and

''(ii) republish such notice approximately 1 month and 2 months, respectively, after the date of publication under clause (i).

''(C) MAILING REQUIRED.—The receiver shall mail a notice similar to the notice published under subparagraph (B)(i) at the time of such publication to any creditor shown on the books of the regulated entity—

''(i) at the last address of the creditor appearing in such books; or

''(ii) upon discovery of the name and address of a claimant not appearing on the books of the regulated entity, within 30 days after the discovery of such name and address.

''(4) RULEMAKING AUTHORITY RELATING TO DETERMINATION OF CLAIMS.—Subject to subsection (c), the Director may prescribe regulations regarding the allowance or disallowance of claims by the receiver and providing for administrative determination of claims and review of such determination.

''(5) PROCEDURES FOR DETERMINATION OF CLAIMS.—

''(A) DETERMINATION PERIOD.—

''(i) IN GENERAL.—Before the end of the 180-day period beginning on the date on which any claim against a regulated entity is filed with the Agency as receiver, the Agency shall determine whether to allow or disallow the claim and shall notify the claimant of any determination with respect to such claim.

''(ii) EXTENSION OF TIME.—The period described in clause (i) may be extended by a written agreement between the claimant and the Agency.

''(iii) MAILING OF NOTICE SUFFICIENT.—The requirements of clause (i) shall be deemed to be satisfied if the notice of any determination with respect to any claim is mailed to the last address of the claimant which appears—

''(I) on the books of the regulated entity;

''(II) in the claim filed by the claimant; or

''(III) in documents submitted in proof of the claim.

''(iv) CONTENTS OF NOTICE OF DISALLOWANCE.—If any claim filed under clause (i) is disallowed, the notice to the claimant shall contain—

''(I) a statement of each reason for the disallowance; and

''(II) the procedures available for obtaining agency review of the determination to disallow the claim or judicial determination of the claim.

''(B) ALLOWANCE OF PROVEN CLAIM.—The receiver shall allow any claim received on or before the date specified in the notice published under paragraph (3)(B)(i) by the receiver from any claimant which is proved to the satisfaction of the receiver.

''(C) DISALLOWANCE OF CLAIMS FILED AFTER FILING PERIOD.—Claims filed after the date specified in the notice published under paragraph (3)(B)(i), or the date specified under paragraph (3)(C), shall be disallowed and such disallowance shall be final.

''(D) AUTHORITY TO DISALLOW CLAIMS.—

''(i) IN GENERAL.—The receiver may disallow any portion of any claim by a creditor or claim of security, preference, or priority which is not proved to the satisfaction of the receiver.

''(ii) PAYMENTS TO LESS THAN FULLY SECURED CREDITORS.—In the case of a claim of a creditor against a regulated entity which is secured by any property or other asset of such regulated entity, the receiver—

''(I) may treat the portion of such claim which exceeds an amount equal to the fair market value of such property or other asset as an unsecured claim against the regulated entity; and

''(II) may not make any payment with respect to such unsecured portion of the claim, other than in connection with the disposition of all claims of unsecured creditors of the regulated entity.

''(iii) EXCEPTIONS.—No provision of this paragraph shall apply with respect to—

''(I) any extension of credit from any Federal Reserve Bank, Federal Home Loan Bank, or the United States Treasury; or

''(II) any security interest in the assets of the regulated entity securing any such extension of credit.

''(E) NO JUDICIAL REVIEW OF DETERMINATION PURSUANT TO SUBPARAGRAPH (D).—No court may review the determination of the Agency under subparagraph (D) to disallow a claim.

''(F) LEGAL EFFECT OF FILING.—

''(i) STATUTE OF LIMITATION TOLLED.—For purposes of any applicable statute of limitations, the filing of a claim with the receiver shall constitute a commencement of an action.

''(ii) NO PREJUDICE TO OTHER ACTIONS.—Subject to paragraph (10), the filing of a claim with the receiver shall not prejudice any right of the claimant to continue any action which was filed before the date of the appointment of the receiver, subject to the determination of claims by the receiver.

''(6) PROVISION FOR JUDICIAL DETERMINATION OF CLAIMS.—

''(A) IN GENERAL.—The claimant may file suit on a claim (or continue an action commenced before the appointment of the receiver) in the district or territorial court of the United States for the district within which the principal place of business of the regulated entity is located or the United States District Court for the District of Columbia (and such court shall have jurisdiction to hear such claim), before the end of the 60-day period beginning on the earlier of—

''(i) the end of the period described in paragraph (5)(A)(i) with respect to any claim against a regulated entity for which the Agency is receiver; or

''(ii) the date of any notice of disallowance of such claim pursuant to paragraph (5)(A)(i).

''(B) STATUTE OF LIMITATIONS.—A claim shall be deemed to be disallowed (other than any portion of such claim which was allowed by the receiver), and such disallowance shall be final, and the claimant shall have no further rights or remedies with respect to such claim, if the claimant fails, before the end of the 60-day period described under subparagraph (A), to file suit on such claim (or continue an action commenced before the appointment of the receiver).

''(7) REVIEW OF CLAIMS.—

''(A) OTHER REVIEW PROCEDURES.—

''(i) IN GENERAL.—The Agency shall establish such alternative dispute resolution processes as may be appropriate for the resolution of claims filed under paragraph (5)(A)(i).

''(ii) CRITERIA.—In establishing alternative dispute resolution processes, the Agency shall strive for procedures which are expeditious, fair, independent, and low cost.

''(iii) VOLUNTARY BINDING OR NONBINDING PROCEDURES.—The Agency may establish both binding and nonbinding processes under this subparagraph, which may be conducted by any government or private party. All parties, including the claimant and the Agency, must agree to the use of the process in a particular case.

''(B) CONSIDERATION OF INCENTIVES.—The Agency shall seek to develop incentives for claimants to participate in the alternative dispute resolution process.

''(8) EXPEDITED DETERMINATION OF CLAIMS.—

''(A) ESTABLISHMENT REQUIRED.—The Agency shall establish a procedure for expedited relief outside of the routine claims process established under paragraph (5) for claimants who—

''(i) allege the existence of legally valid and enforceable or perfected security interests in assets of any regulated entity for which the Agency has been appointed receiver; and

''(ii) allege that irreparable injury will occur if the routine claims procedure is followed.

''(B) DETERMINATION PERIOD.—Before the end of the 90-day period beginning on the date on which any claim is filed in accordance with the procedures established under subparagraph (A), the Director shall—

''(i) determine—

''(I) whether to allow or disallow such claim; or

''(II) whether such claim should be determined pursuant to the procedures established under paragraph (5); and

''(ii) notify the claimant of the determination, and if the claim is disallowed, provide a statement of each reason for the disallowance and the procedure for obtaining agency review or judicial determination.

''(C) PERIOD FOR FILING OR RENEWING SUIT.—Any claimant who files a request for expedited relief shall be permitted to file a suit, or to continue a suit filed before the date of appointment of the receiver, seeking a determination of the rights of the claimant with respect to such security interest after the earlier of—

''(i) the end of the 90-day period beginning on the date of the filing of a request for expedited relief; or

''(ii) the date on which the Agency denies the claim.

''(D) STATUTE OF LIMITATIONS.—If an action described under subparagraph (C) is not filed, or the motion to renew a previously filed suit is not made, before the end of the 30-day period beginning on the date on which such action or motion may be filed under subparagraph (B), the claim shall be deemed to be disallowed as of the end of such period (other than any portion of such claim which was allowed by the receiver), such disallowance shall be final, and the claimant shall have no further rights or remedies with respect to such claim.

''(E) LEGAL EFFECT OF FILING.—

''(i) STATUTE OF LIMITATION TOLLED.—For purposes of any applicable statute of limitations, the filing of a claim with the receiver shall constitute a commencement of an action.

''(ii) NO PREJUDICE TO OTHER ACTIONS.—Subject to paragraph (10), the filing of a claim with the receiver shall not prejudice any right of the claimant to continue any action that was filed before the appointment of the receiver, subject to the determination of claims by the receiver.

''(9) PAYMENT OF CLAIMS.—

''(A) IN GENERAL.—The receiver may, in the discretion of the receiver, and to the extent that funds are available from the assets of the regulated entity, pay creditor claims, in such manner and amounts as are authorized under this section, which are—

''(i) allowed by the receiver;

''(ii) approved by the Agency pursuant to a final determination pursuant to paragraph (7) or (8); or

''(iii) determined by the final judgment of any court of competent jurisdiction.

''(B) AGREEMENTS AGAINST THE INTEREST OF THE AGENCY.—No agreement that tends to diminish or defeat the interest of the Agency in any asset acquired by the Agency as receiver under this section shall be valid against the Agency unless such agreement is in writing and executed by an authorized officer or representative of the regulated entity.

''(C) PAYMENT OF DIVIDENDS ON CLAIMS.—The receiver may, in the sole discretion of the receiver, pay from the assets of the regulated entity dividends on proved claims at any time, and no liability shall attach to the Agency by reason of any such payment, for failure to pay dividends to a claimant whose claim is not proved at the time of any such payment.

''(D) RULEMAKING AUTHORITY OF THE DIRECTOR.—The Director may prescribe such rules, including definitions of terms, as the Director deems appropriate to establish a single uniform interest rate for, or to make payments of post-insolvency interest to creditors holding proven claims against the receivership estates of the regulated entity, following satisfaction by the receiver of the principal amount of all creditor claims.

''(10) SUSPENSION OF LEGAL ACTIONS.—

''(A) IN GENERAL.—After the appointment of a conservator or receiver for a regulated entity, the conservator or receiver may, in any judicial action or proceeding to which such regulated entity is or becomes a party, request a stay for a period not to exceed—

''(i) 45 days, in the case of any conservator; and

''(ii) 90 days, in the case of any receiver.

''(B) GRANT OF STAY BY ALL COURTS REQUIRED.—Upon receipt of a request by the conservator or receiver under subparagraph (A) for a stay of any judicial action or proceeding in any court with jurisdiction of such action or proceeding, the court shall grant such stay as to all parties.

''(11) ADDITIONAL RIGHTS AND DUTIES.—

''(A) PRIOR FINAL ADJUDICATION.—The Agency shall abide by any final unappealable

judgment of any court of competent jurisdiction which was rendered before the appointment of the Agency as conservator or receiver.

''(B) RIGHTS AND REMEDIES OF CONSERVATOR OR RECEIVER.—In the event of any appealable judgment, the Agency as conservator or receiver—

''(i) shall have all of the rights and remedies available to the regulated entity (before the appointment of such conservator or receiver) and the Agency, including removal to Federal court and all appellate rights; and

''(ii) shall not be required to post any bond in order to pursue such remedies.

''(C) NO ATTACHMENT OR EXECUTION.—No attachment or execution may issue by any court upon assets in the possession of the receiver, or upon the charter, of a regulated entity for which the Agency has been appointed receiver.

''(D) LIMITATION ON JUDICIAL REVIEW.—Except as otherwise provided in this subsection, no court shall have jurisdiction over—

''(i) any claim or action for payment from, or any action seeking a determination of rights with respect to, the assets or charter of any regulated entity for which the Agency has been appointed receiver; or

''(ii) any claim relating to any act or omission of such regulated entity or the Agency as receiver.

''(E) DISPOSITION OF ASSETS.—In exercising any right, power, privilege, or authority as conservator or receiver in connection with any sale or disposition of assets of a regulated entity for which the Agency has been appointed conservator or receiver, the Agency shall conduct its operations in a manner which—

''(i) maximizes the net present value return from the sale or disposition of such assets;

''(ii) minimizes the amount of any loss realized in the resolution of cases; and

''(iii) ensures adequate competition and fair and consistent treatment of offerors.

''(12) STATUTE OF LIMITATIONS FOR ACTIONS BROUGHT BY CONSERVATOR OR RECEIVER.—

''(A) IN GENERAL.—Notwithstanding any provision of any contract, the applicable statute of limitations with regard to any action brought by the Agency as conservator or receiver shall be—

''(i) in the case of any contract claim, the longer of—

''(I) the 6-year period beginning on the date on which the claim accrues; or

''(II) the period applicable under State law; and

''(ii) in the case of any tort claim, the longer of—

''(I) the 3-year period beginning on the date on which the claim accrues; or

''(II) the period applicable under State law.

''(B) DETERMINATION OF THE DATE ON WHICH A CLAIM ACCRUES.—For purposes of subparagraph (A), the date on which the statute of limitations begins to run on any claim described in such subparagraph shall be the later of—

''(i) the date of the appointment of the Agency as conservator or receiver; or

''(ii) the date on which the cause of action accrues.

''(13) REVIVAL OF EXPIRED STATE CAUSES OF ACTION.—

''(A) IN GENERAL.—In the case of any tort claim described under clause (ii) for which the statute of limitations applicable under State law with respect to such claim has expired not more than 5 years before the appointment of the Agency as conservator or receiver, the Agency may bring an action as conservator or receiver on such claim without regard to the expiration of the statute of limitations applicable under State law.

''(B) CLAIMS DESCRIBED.—A tort claim referred to under clause (i) is a claim arising from fraud, intentional misconduct resulting in unjust enrichment, or intentional misconduct resulting in substantial loss to the regulated entity.

''(14) ACCOUNTING AND RECORDKEEPING REQUIREMENTS.—

''(A) IN GENERAL.—The Agency as conservator or receiver shall, consistent with the accounting and reporting practices and procedures established by the Agency, maintain a full accounting of each conservatorship and receivership or other disposition of a regulated entity in default.

''(B) ANNUAL ACCOUNTING OR REPORT.—With respect to each conservatorship or receivership, the Agency shall make an annual accounting or report available to the Board, the Comptroller General of the United States, the Committee on Banking, Housing, and Urban Affairs of the Senate, and the Committee on Financial Services of the House of Representatives.

''(C) AVAILABILITY OF REPORTS.—Any report prepared under subparagraph (B) shall be made available by the Agency upon request to any shareholder of a regulated entity or any member of the public.

''(D) RECORDKEEPING REQUIREMENT.—After the end of the 6-year period beginning on the date on which the conservatorship or receivership is terminated by the Director, the Agency may destroy any records of such regulated entity which the Agency, in the discretion of the Agency, determines to be unnecessary, unless directed not to do so by a court of competent jurisdiction or governmental agency, or prohibited by law.

''(15) FRAUDULENT TRANSFERS.—

''(A) IN GENERAL.—The Agency, as conservator or receiver, may avoid a transfer of any interest of an entity-affiliated party, or any person determined by the conservator or receiver to be a debtor of the regulated entity, in property, or any obligation incurred by such party or person, that was made within 5 years of the date on which the Agency was appointed conservator or receiver, if such party or person voluntarily or involuntarily made such transfer or incurred such liability with the intent to hinder, delay, or defraud the regulated entity, the Agency, the conservator, or receiver.

''(B) RIGHT OF RECOVERY.—To the extent a transfer is avoided under subparagraph (A), the conservator or receiver may recover, for the benefit of the regulated entity, the property transferred, or, if a court so orders, the value of such property (at the time of such transfer) from—

''(i) the initial transferee of such transfer or the entity-affiliated party or person for whose benefit such transfer was made; or

''(ii) any immediate or mediate transferee of any such initial transferee.

''(C) RIGHTS OF TRANSFEREE OR OBLIGEE.—The conservator or receiver may not recover under subparagraph (B) from—

''(i) any transferee that takes for value, including satisfaction or securing of a present or antecedent debt, in good faith; or

''(ii) any immediate or mediate good faith transferee of such transferee.

''(D) RIGHTS UNDER THIS PARAGRAPH.—The rights under this paragraph of the conservator or receiver described under subparagraph (A) shall be superior to any rights of a trustee or any other party (other than any party which is a Federal agency) under title 11, United States Code.

''(16) ATTACHMENT OF ASSETS AND OTHER INJUNCTIVE RELIEF.—Subject to paragraph (17), any court of competent jurisdiction may, at the request of the conservator or receiver, issue an order in accordance with rule 65 of the Federal Rules of Civil Procedure, including an order placing the assets of any person designated by the conservator or receiver under the control of the court, and appointing a trustee to hold such assets.

''(17) STANDARDS OF PROOF.—Rule 65 of the Federal Rules of Civil Procedure shall apply with respect to any proceeding under paragraph (16) without regard to the requirement of such rule that the applicant show that the injury, loss, or damage is irreparable and immediate.

''(18) TREATMENT OF CLAIMS ARISING FROM BREACH OF CONTRACTS EXECUTED BY THE CONSERVATOR OR RECEIVER.—

''(A) IN GENERAL.—Notwithstanding any other provision of this subsection, any final and unappealable judgment for monetary damages entered against the conservator or receiver for the breach of an agreement executed or approved in writing by the conservator or receiver after the date of its appointment, shall be paid as an administrative expense of the conservator or receiver.

''(B) NO LIMITATION OF POWER.—Nothing in this paragraph shall be construed to limit the power of the conservator or receiver to exercise any rights under contract or law, including to terminate, breach, cancel, or otherwise discontinue such agreement.

''(19) GENERAL EXCEPTIONS.—

''(A) LIMITATIONS.—The rights of the conservator or receiver appointed under this section shall be subject to the limitations on the powers of a receiver under sections 402 through 407 of the Federal Deposit Insurance Corporation Improvement Act of 1991 (12 U.S.C. 4402 through 4407).

''(B) MORTGAGES HELD IN TRUST.—

''(i) IN GENERAL.—Any mortgage, pool of mortgages, or interest in a pool of mortgages held in trust, custodial, or agency capacity by a regulated entity for the benefit of any person other than the regulated entity shall not be available to satisfy the claims of creditors generally, except that nothing in this clause shall be construed to expand or otherwise affect the authority of any regulated entity.

''(ii) HOLDING OF MORTGAGES.—Any mortgage, pool of mortgages, or interest in a pool of mortgages described in clause (i) shall be held by the conservator or receiver appointed under this section for the beneficial owners of such mortgage, pool of mortgages, or interest in accordance with the terms of the agreement creating such trust, custodial, or other agency arrangement.

''(iii) LIABILITY OF CONSERVATOR OR RECEIVER.—The liability of the conservator or receiver appointed under this section for damages shall, in the case of any contingent or unliquidated claim relating to the mortgages held in trust, be estimated in accordance with the regulations of the Director.

''(c) PRIORITY OF EXPENSES AND UNSECURED CLAIMS.—

''(1) IN GENERAL.—Unsecured claims against a regulated entity, or the receiver therefor, that are proven to the satisfaction of the receiver shall have priority in the following order:

''(A) Administrative expenses of the receiver.

''(B) Any other general or senior liability of the regulated entity (which is not a liability described under subparagraph (C) or (D).

''(C) Any obligation subordinated to general creditors (which is not an obligation described under subparagraph (D)).

''(D) Any obligation to shareholders or members arising as a result of their status as shareholder or members.

''(2) CREDITORS SIMILARLY SITUATED.—All creditors that are similarly situated under paragraph (1) shall be treated in a similar manner, except that the receiver may take any action (including making payments) that does not comply with this subsection, if—

''(A) the Director determines that such action is necessary to maximize the value of

the assets of the regulated entity, to maximize the present value return from the sale or other disposition of the assets of the regulated entity, or to minimize the amount of any loss realized upon the sale or other disposition of the assets of the regulated entity; and

''(B) all creditors that are similarly situated under paragraph (1) receive not less than the amount provided in subsection (e)(2).

''(3) DEFINITION.—As used in this subsection, the term 'administrative expenses of the receiver' includes—

''(A) the actual, necessary costs and expenses incurred by the receiver in preserving the assets of a failed regulated entity or liquidating or otherwise resolving the affairs of a failed regulated entity; and

''(B) any obligations that the receiver determines are necessary and appropriate to facilitate the smooth and orderly liquidation or other resolution of the regulated entity.

''(d) PROVISIONS RELATING TO CONTRACTS ENTERED INTO BEFORE APPOINTMENT OF CONSERVATOR OR RECEIVER.—

''(1) AUTHORITY TO REPUDIATE CONTRACTS.—In addition to any other rights a conservator or receiver may have, the conservator or receiver for any regulated entity may disaffirm or repudiate any contract or lease—

''(A) to which such regulated entity is a party;

''(B) the performance of which the conservator or receiver, in its sole discretion, determines to be burdensome; and

''(C) the disaffirmance or repudiation of which the conservator or receiver determines, in its sole discretion, will promote the orderly administration of the affairs of the regulated entity.

''(2) TIMING OF REPUDIATION.—The conservator or receiver shall determine whether or not to exercise the rights of repudiation under this subsection within a reasonable period following such appointment.

''(3) CLAIMS FOR DAMAGES FOR REPUDIATION.—

''(A) IN GENERAL.—Except as otherwise provided under subparagraph (C) and paragraphs (4), (5), and (6), the liability of the conservator or receiver for the disaffirmance or repudiation of any contract pursuant to paragraph (1) shall be—

''(i) limited to actual direct compensatory damages; and

''(ii) determined as of—

''(I) the date of the appointment of the conservator or receiver; or

''(II) in the case of any contract or agreement referred to in paragraph (8), the date of the disaffirmance or repudiation of such contract or agreement.

''(B) NO LIABILITY FOR OTHER DAMAGES.—For purposes of subparagraph (A), the term 'actual direct compensatory damages' shall not include—

''(i) punitive or exemplary damages;

''(ii) damages for lost profits or opportunity; or

''(iii) damages for pain and suffering.

''(C) MEASURE OF DAMAGES FOR REPUDIATION OF FINANCIAL CONTRACTS.—In the case of any qualified financial contract or agreement to which paragraph (8) applies, compensatory damages shall be—

''(i) deemed to include normal and reasonable costs of cover or other reasonable measures of damages utilized in the industries for such contract and agreement claims; and

''(ii) paid in accordance with this subsection and subsection (e), except as otherwise specifically provided in this section.

''(4) LEASES UNDER WHICH THE REGULATED ENTITY IS THE LESSEE.—

''(A) IN GENERAL.—If the conservator or receiver disaffirms or repudiates a lease under which the regulated entity was the lessee, the conservator or receiver shall not be liable for any damages (other than damages determined under subparagraph (B)) for the disaffirmance or repudiation of such lease.

''(B) PAYMENTS OF RENT.—Notwithstanding subparagraph (A), the lessor under a lease to which that subparagraph applies shall—

''(i) be entitled to the contractual rent accruing before the later of the date on which—

''(I) the notice of disaffirmance or repudiation is mailed; or

''(II) the disaffirmance or repudiation becomes effective, unless the lessor is in default or breach of the terms of the lease;

''(ii) have no claim for damages under any acceleration clause or other penalty provision in the lease; and

''(iii) have a claim for any unpaid rent, subject to all appropriate offsets and defenses, due as of the date of the appointment, which shall be paid in accordance with this subsection and subsection (e).

''(5) LEASES UNDER WHICH THE REGULATED ENTITY IS THE LESSOR.—

''(A) IN GENERAL.—If the conservator or receiver repudiates an unexpired written lease of real property of the regulated entity under which the regulated entity is the lessor and the lessee is not, as of the date of such repudiation, in default, the lessee under such lease may either—

''(i) treat the lease as terminated by such repudiation; or

''(ii) remain in possession of the leasehold interest for the balance of the term of the lease, unless the lessee defaults under the terms of the lease after the date of such repudiation.

''(B) PROVISIONS APPLICABLE TO LESSEE REMAINING IN POSSESSION.—If any lessee under a lease described under subparagraph (A) remains in possession of a leasehold interest under clause (ii) of subparagraph (A)—

''(i) the lessee—

''(I) shall continue to pay the contractual rent pursuant to the terms of the lease after the date of the repudiation of such lease; and

''(II) may offset against any rent payment which accrues after the date of the repudiation of the lease, and any damages which accrue after such date due to the nonperformance of any obligation of the regulated entity under the lease after such date; and

''(ii) the conservator or receiver shall not be liable to the lessee for any damages arising after such date as a result of the repudiation, other than the amount of any offset allowed under clause (i)(II).

''(6) CONTRACTS FOR THE SALE OF REAL PROPERTY.—

''(A) IN GENERAL.—If the conservator or receiver repudiates any contract for the sale of real property and the purchaser of such real property under such contract is in possession, and is not, as of the date of such repudiation, in default, such purchaser may either—

''(i) treat the contract as terminated by such repudiation; or

''(ii) remain in possession of such real property.

''(B) PROVISIONS APPLICABLE TO PURCHASER REMAINING IN POSSESSION.—If any purchaser of real property under any contract described under subparagraph (A) remains in possession of such property under clause (ii) of subparagraph (A)—

''(i) the purchaser—

''(I) shall continue to make all payments due under the contract after the date of the repudiation of the contract; and

''(II) may offset against any such payments any damages which accrue after such date due to the nonperformance (after such date) of any obligation of the regulated entity under the contract; and

''(ii) the conservator or receiver shall—

''(I) not be liable to the purchaser for any damages arising after such date as a result of the repudiation, other than the amount of any offset allowed under clause (i)(II);

''(II) deliver title to the purchaser in accordance with the provisions of the contract; and

''(III) have no obligation under the contract other than the performance required under subclause (II).

''(C) ASSIGNMENT AND SALE ALLOWED.—

''(i) IN GENERAL.—No provision of this paragraph shall be construed as limiting the right of the conservator or receiver to assign the contract described under subparagraph (A), and sell the property subject to the contract and the provisions of this paragraph.

''(ii) NO LIABILITY AFTER ASSIGNMENT AND SALE.—If an assignment and sale described under clause (i) is consummated, the conservator or receiver shall have no further liability under the contract described under subparagraph (A), or with respect to the real property which was the subject of such contract.

''(7) SERVICE CONTRACTS.—

''(A) SERVICES PERFORMED BEFORE APPOINTMENT.—In the case of any contract for services between any person and any regulated entity for which the Agency has been appointed conservator or receiver, any claim of such person for services performed before the appointment of the conservator or receiver shall be—

''(i) a claim to be paid in accordance with subsections (b) and (e); and

''(ii) deemed to have arisen as of the date on which the conservator or receiver was appointed.

''(B) SERVICES PERFORMED AFTER APPOINTMENT AND PRIOR TO REPUDIATION.—If, in the case of any contract for services described under subparagraph (A), the conservator or receiver accepts performance by the other person before the conservator or receiver makes any determination to exercise the right of repudiation of such contract under this section—

''(i) the other party shall be paid under the terms of the contract for the services performed; and

''(ii) the amount of such payment shall be treated as an administrative expense of the conservatorship or receivership.

''(C) ACCEPTANCE OF PERFORMANCE NO BAR TO SUBSEQUENT REPUDIATION.—The acceptance by the conservator or receiver of services referred to under subparagraph (B) in connection with a contract described in such subparagraph shall not affect the right of the conservator or receiver to repudiate such contract under this section at any time after such performance.

''(8) CERTAIN QUALIFIED FINANCIAL CONTRACTS.—

''(A) RIGHTS OF PARTIES TO CONTRACTS.—Subject to paragraphs (9) and (10), and notwithstanding any other provision of this title (other than subsection (b)(9)(B) of this section), any other Federal law, or the law of any State, no person shall be stayed or prohibited from exercising—

''(i) any right of that person to cause the termination, liquidation, or acceleration of any qualified financial contract with a regulated entity that arises upon the appointment of the Agency as receiver for such regulated entity at any time after such appointment;

''(ii) any right under any security agreement or arrangement or other credit enhancement relating to one or more qualified financial contracts; or

''(iii) any right to offset or net out any termination value, payment amount, or other transfer obligation arising under or in connection with 1 or more contracts and agreements described in clause (i), including any

master agreement for such contracts or agreements.

''(B) APPLICABILITY OF OTHER PROVISIONS.—Subsection (b)(10) shall apply in the case of any judicial action or proceeding brought against any receiver referred to under subparagraph (A), or the regulated entity for which such receiver was appointed, by any party to a contract or agreement described under subparagraph (A)(i) with such regulated entity.

''(C) CERTAIN TRANSFERS NOT AVOIDABLE.—

''(i) IN GENERAL.—Notwithstanding paragraph (11), or any other provision of Federal or State law relating to the avoidance of preferential or fraudulent transfers, the Agency, whether acting as such or as conservator or receiver of a regulated entity, may not avoid any transfer of money or other property in connection with any qualified financial contract with a regulated entity.

''(ii) EXCEPTION FOR CERTAIN TRANSFERS.—Clause (i) shall not apply to any transfer of money or other property in connection with any qualified financial contract with a regulated entity if the Agency determines that the transferee had actual intent to hinder, delay, or defraud such regulated entity, the creditors of such regulated entity, or any conservator or receiver appointed for such regulated entity.

''(D) CERTAIN CONTRACTS AND AGREEMENTS DEFINED.—In this subsection the following definitions shall apply:

''(i) QUALIFIED FINANCIAL CONTRACT.—The term 'qualified financial contract' means any securities contract, commodity contract, forward contract, repurchase agreement, swap agreement, and any similar agreement that the Agency determines by regulation, resolution, or order to be a qualified financial contract for purposes of this paragraph.

''(ii) SECURITIES CONTRACT.—The term 'securities contract'—

''(I) means a contract for the purchase, sale, or loan of a security, a certificate of deposit, a mortgage loan, or any interest in a mortgage loan, a group or index of securities, certificates of deposit, or mortgage loans or interests therein (including any interest therein or based on the value thereof) or any option on any of the foregoing, including any option to purchase or sell any such security, certificate of deposit, mortgage loan, interest, group or index, or option, and including any repurchase or reverse repurchase transaction on any such security, certificate of deposit, mortgage loan, interest, group or index, or option;

''(II) does not include any purchase, sale, or repurchase obligation under a participation in a commercial mortgage loan, unless the Agency determines by regulation, resolution, or order to include any such agreement within the meaning of such term;

''(III) means any option entered into on a national securities exchange relating to foreign currencies;

''(IV) means the guarantee by or to any securities clearing agency of any settlement of cash, securities, certificates of deposit, mortgage loans or interests therein, group or index of securities, certificates of deposit, or mortgage loans or interests therein (including any interest therein or based on the value thereof) or option on any of the foregoing, including any option to purchase or sell any such security, certificate of deposit, mortgage loan, interest, group or index, or option;

''(V) means any margin loan;

''(VI) means any other agreement or transaction that is similar to any agreement or transaction referred to in this clause;

''(VII) means any combination of the agreements or transactions referred to in this clause;

''(VIII) means any option to enter into any agreement or transaction referred to in this clause;

''(IX) means a master agreement that provides for an agreement or transaction referred to in subclause (I), (III), (IV), (V), (VI), (VII), or (VIII), together with all supplements to any such master agreement, without regard to whether the master agreement provides for an agreement or transaction that is not a securities contract under this clause, except that the master agreement shall be considered to be a securities contract under this clause only with respect to each agreement or transaction under the master agreement that is referred to in subclause (I), (III), (IV), (V), (VI), (VII), or (VIII); and

''(X) means any security agreement or arrangement or other credit enhancement related to any agreement or transaction referred to in this clause, including any guarantee or reimbursement obligation in connection with any agreement or transaction referred to in this clause.

''(iii) COMMODITY CONTRACT.—The term 'commodity contract' means—

''(I) with respect to a futures commission merchant, a contract for the purchase or sale of a commodity for future delivery on, or subject to the rules of, a contract market or board of trade;

''(II) with respect to a foreign futures commission merchant, a foreign future;

''(III) with respect to a leverage transaction merchant, a leverage transaction;

''(IV) with respect to a clearing organization, a contract for the purchase or sale of a commodity for future delivery on, or subject to the rules of, a contract market or board of trade that is cleared by such clearing organization, or commodity option traded on, or subject to the rules of, a contract market or board of trade that is cleared by such clearing organization;

''(V) with respect to a commodity options dealer, a commodity option;

''(VI) any other agreement or transaction that is similar to any agreement or transaction referred to in this clause;

''(VII) any combination of the agreements or transactions referred to in this clause;

''(VIII) any option to enter into any agreement or transaction referred to in this clause;

''(IX) a master agreement that provides for an agreement or transaction referred to in subclause (I), (II), (III), (IV), (V), (VI), (VII), or (VIII), together with all supplements to any such master agreement, without regard to whether the master agreement provides for an agreement or transaction that is not a commodity contract under this clause, except that the master agreement shall be considered to be a commodity contract under this clause only with respect to each agreement or transaction under the master agreement that is referred to in subclause (I), (II), (III), (IV), (V), (VI), (VII), or (VIII); or

''(X) any security agreement or arrangement or other credit enhancement related to any agreement or transaction referred to in this clause, including any guarantee or reimbursement obligation in connection with any agreement or transaction referred to in this clause.

''(iv) FORWARD CONTRACT.—The term 'forward contract' means—

''(I) a contract (other than a commodity contract) for the purchase, sale, or transfer of a commodity or any similar good, article, service, right, or interest which is presently or in the future becomes the subject of dealing in the forward contract trade, or product or byproduct thereof, with a maturity date more than 2 days after the date on which the contract is entered into, including a repurchase transaction, reverse repurchase transaction, consignment, lease, swap, hedge transaction, deposit, loan, option, allocated transaction, unallocated transaction, or any other similar agreement;

''(II) any combination of agreements or transactions referred to in subclauses (I) and (III);

''(III) any option to enter into any agreement or transaction referred to in subclause (I) or (II);

''(IV) a master agreement that provides for an agreement or transaction referred to in subclauses (I), (II), or (III), together with all supplements to any such master agreement, without regard to whether the master agreement provides for an agreement or transaction that is not a forward contract under this clause, except that the master agreement shall be considered to be a forward contract under this clause only with respect to each agreement or transaction under the master agreement that is referred to in subclause (I), (II), or (III); or

''(V) any security agreement or arrangement or other credit enhancement related to any agreement or transaction referred to in subclause (I), (II), (III), or (IV), including any guarantee or reimbursement obligation in connection with any agreement or transaction referred to in any such subclause.

''(v) REPURCHASE AGREEMENT.—The term 'repurchase agreement' (including a reverse repurchase agreement)—

''(I) means an agreement, including related terms, which provides for the transfer of one or more certificates of deposit, mortgage-related securities (as such term is defined in section 3 of the Securities Exchange Act of 1934), mortgage loans, interests in mortgage-related securities or mortgage loans, eligible bankers' acceptances, qualified foreign government securities (defined for purposes of this clause as a security that is a direct obligation of, or that is fully guaranteed by, the central government of a member of the Organization for Economic Cooperation and Development, as determined by regulation or order adopted by the appropriate Federal banking authority), or securities that are direct obligations of, or that are fully guaranteed by, the United States or any agency of the United States against the transfer of funds by the transferee of such certificates of deposit, eligible bankers' acceptances, securities, mortgage loans, or interests with a simultaneous agreement by such transferee to transfer to the transferor thereof certificates of deposit, eligible bankers' acceptances, securities, mortgage loans, or interests as described above, at a date certain not later than 1 year after such transfers or on demand, against the transfer of funds, or any other similar agreement;

''(II) does not include any repurchase obligation under a participation in a commercial mortgage loan, unless the Agency determines by regulation, resolution, or order to include any such participation within the meaning of such term;

''(III) means any combination of agreements or transactions referred to in subclauses (I) and (IV);

''(IV) means any option to enter into any agreement or transaction referred to in subclause (I) or (III);

''(V) means a master agreement that provides for an agreement or transaction referred to in subclause (I), (III), or (IV), together with all supplements to any such master agreement, without regard to whether the master agreement provides for an agreement or transaction that is not a repurchase agreement under this clause, except that the master agreement shall be considered to be a repurchase agreement under this subclause only with respect to each agreement or transaction under the master agreement that is referred to in subclause (I), (III), or (IV); and

''(VI) means any security agreement or arrangement or other credit enhancement related to any agreement or transaction referred to in subclause (I), (III), (IV), or (V), including any guarantee or reimbursement obligation in connection with any agreement or transaction referred to in any such subclause.

''(vi) SWAP AGREEMENT.—The term 'swap agreement' means—

''(I) any agreement, including the terms and conditions incorporated by reference in any such agreement, which is an interest rate swap, option, future, or forward agreement, including a rate floor, rate cap, rate collar, cross-currency rate swap, and basis swap; a spot, same day-tomorrow, tomorrow-next, forward, or other foreign exchange or precious metals agreement; a currency swap, option, future, or forward agreement; an equity index or equity swap, option, future, or forward agreement; a debt index or debt swap, option, future, or forward agreement; a total return, credit spread or credit swap, option, future, or forward agreement; a commodity index or commodity swap, option, future, or forward agreement; or a weather swap, weather derivative, or weather option;

''(II) any agreement or transaction that is similar to any other agreement or transaction referred to in this clause and that is of a type that has been, is presently, or in the future becomes, the subject of recurrent dealings in the swap markets (including terms and conditions incorporated by reference in such agreement) and that is a forward, swap, future, or option on one or more rates, currencies, commodities, equity securities or other equity instruments, debt securities or other debt instruments, quantitative measures associated with an occurrence, extent of an occurrence, or contingency associated with a financial, commercial, or economic consequence, or economic or financial indices or measures of economic or financial risk or value;

''(III) any combination of agreements or transactions referred to in this clause;

''(IV) any option to enter into any agreement or transaction referred to in this clause;

''(V) a master agreement that provides for an agreement or transaction referred to in subclause (I), (II), (III), or (IV), together with all supplements to any such master agreement, without regard to whether the master agreement contains an agreement or transaction that is not a swap agreement under this clause, except that the master agreement shall be considered to be a swap agreement under this clause only with respect to each agreement or transaction under the master agreement that is referred to in subclause (I), (II), (III), or (IV); and

''(VI) any security agreement or arrangement or other credit enhancement related to any agreements or transactions referred to in subclause (I), (II), (III), (IV), or (V), including any guarantee or reimbursement obligation in connection with any agreement or transaction referred to in any such subclause.

''(vii) TREATMENT OF MASTER AGREEMENT AS ONE AGREEMENT.—Any master agreement for any contract or agreement described in any preceding clause of this subparagraph (or any master agreement for such master agreement or agreements), together with all supplements to such master agreement, shall be treated as a single agreement and a single qualified financial contract. If a master agreement contains provisions relating to agreements or transactions that are not themselves qualified financial contracts, the master agreement shall be deemed to be a qualified financial contract only with respect to those transactions that are themselves qualified financial contracts.

''(viii) TRANSFER.—The term 'transfer' means every mode, direct or indirect, absolute or conditional, voluntary or involuntary, of disposing of or parting with property or with an interest in property, including retention of title as a security interest and foreclosure of the equity of redemption of the regulated entity.

''(E) CERTAIN PROTECTIONS IN EVENT OF APPOINTMENT OF CONSERVATOR.—Notwithstanding any other provision of this section, any other Federal law, or the law of any State (other than paragraph (10) of this subsection and subsection (b)(9)(B)), no person shall be stayed or prohibited from exercising—

''(i) any right such person has to cause the termination, liquidation, or acceleration of any qualified financial contract with a regulated entity in a conservatorship based upon a default under such financial contract which is enforceable under applicable noninsolvency law;

''(ii) any right under any security agreement or arrangement or other credit enhancement relating to 1 or more such qualified financial contracts; or

''(iii) any right to offset or net out any termination values, payment amounts, or other transfer obligations arising under or in connection with such qualified financial contracts.

''(F) CLARIFICATION.—No provision of law shall be construed as limiting the right or power of the Agency, or authorizing any court or agency to limit or delay in any manner, the right or power of the Agency to transfer any qualified financial contract in accordance with paragraphs (9) and (10), or to disaffirm or repudiate any such contract in accordance with subsection (d)(1).

''(G) WALKAWAY CLAUSES NOT EFFECTIVE.—

''(i) IN GENERAL.—Notwithstanding the provisions of subparagraphs (A) and (E), and sections 403 and 404 of the Federal Deposit Insurance Corporation Improvement Act of 1991, no walkaway clause shall be enforceable in a qualified financial contract of a regulated entity in default.

''(ii) WALKAWAY CLAUSE DEFINED.—For purposes of this subparagraph, the term 'walkaway clause' means a provision in a qualified financial contract that, after calculation of a value of a party's position or an amount due to or from 1 of the parties in accordance with its terms upon termination, liquidation, or acceleration of the qualified financial contract, either does not create a payment obligation of a party or extinguishes a payment obligation of a party in whole or in part solely because of the status of such party as a nondefaulting party.

''(9) TRANSFER OF QUALIFIED FINANCIAL CONTRACTS.—In making any transfer of assets or liabilities of a regulated entity in default which includes any qualified financial contract, the conservator or receiver for such regulated entity shall either—

''(A) transfer to 1 person—

''(i) all qualified financial contracts between any person (or any affiliate of such person) and the regulated entity in default;

''(ii) all claims of such person (or any affiliate of such person) against such regulated entity under any such contract (other than any claim which, under the terms of any such contract, is subordinated to the claims of general unsecured creditors of such regulated entity);

''(iii) all claims of such regulated entity against such person (or any affiliate of such person) under any such contract; and

''(iv) all property securing, or any other credit enhancement for any contract described in clause (i), or any claim described in clause (ii) or (iii) under any such contract; or

''(B) transfer none of the financial contracts, claims, or property referred to under subparagraph (A) (with respect to such person and any affiliate of such person).

''(10) NOTIFICATION OF TRANSFER.—

''(A) IN GENERAL.—The conservator or receiver shall notify any person that is a party to a contract or transfer by 5:00 p.m. (Eastern Standard Time) on the business day following the date of the appointment of the receiver in the case of a receivership, or the business day following such transfer in the case of a conservatorship, if—

''(i) the conservator or receiver for a regulated entity in default makes any transfer of the assets and liabilities of such regulated entity; and

''(ii) such transfer includes any qualified financial contract.

''(B) CERTAIN RIGHTS NOT ENFORCEABLE.—

''(i) RECEIVERSHIP.—A person who is a party to a qualified financial contract with a regulated entity may not exercise any right that such person has to terminate, liquidate, or net such contract under paragraph (8)(A) of this subsection or under section 403 or 404 of the Federal Deposit Insurance Corporation Improvement Act of 1991, solely by reason of or incidental to the appointment of a receiver for the regulated entity (or the insolvency or financial condition of the regulated entity for which the receiver has been appointed)—

''(I) until 5:00 p.m. (Eastern Standard Time) on the business day following the date of the appointment of the receiver; or

''(II) after the person has received notice that the contract has been transferred pursuant to paragraph (9)(A).

''(ii) CONSERVATORSHIP.—A person who is a party to a qualified financial contract with a regulated entity may not exercise any right that such person has to terminate, liquidate, or net such contract under paragraph (8)(E) of this subsection or under section 403 or 404 of the Federal Deposit Insurance Corporation Improvement Act of 1991, solely by reason of or incidental to the appointment of a conservator for the regulated entity (or the insolvency or financial condition of the regulated entity for which the conservator has been appointed).

''(iii) NOTICE.—For purposes of this paragraph, the conservator or receiver of a regulated entity shall be deemed to have notified a person who is a party to a qualified financial contract with such regulated entity, if the conservator or receiver has taken steps reasonably calculated to provide notice to such person by the time specified in subparagraph (A).

''(C) BUSINESS DAY DEFINED.—For purposes of this paragraph, the term 'business day' means any day other than any Saturday, Sunday, or any day on which either the New York Stock Exchange or the Federal Reserve Bank of New York is closed.

''(11) DISAFFIRMANCE OR REPUDIATION OF QUALIFIED FINANCIAL CONTRACTS.—In exercising the rights of disaffirmance or repudiation of a conservator or receiver with respect to any qualified financial contract to which a regulated entity is a party, the conservator or receiver for such institution shall either—

''(A) disaffirm or repudiate all qualified financial contracts between—

''(i) any person or any affiliate of such person; and

''(ii) the regulated entity in default; or

''(B) disaffirm or repudiate none of the qualified financial contracts referred to in subparagraph (A) (with respect to such person or any affiliate of such person).

''(12) CERTAIN SECURITY INTERESTS NOT AVOIDABLE.—No provision of this subsection shall be construed as permitting the avoidance of any legally enforceable or perfected security interest in any of the assets of any

regulated entity, except where such an interest is taken in contemplation of the insolvency of the regulated entity, or with the intent to hinder, delay, or defraud the regulated entity or the creditors of such regulated entity.

''(13) AUTHORITY TO ENFORCE CONTRACTS.—

''(A) IN GENERAL.—Notwithstanding any provision of a contract providing for termination, default, acceleration, or exercise of rights upon, or solely by reason of, insolvency or the appointment of, or the exercise of rights or powers by, a conservator or receiver, the conservator or receiver may enforce any contract, other than a contract for liability insurance for a director or officer, or a contract or a regulated entity bond, entered into by the regulated entity.

''(B) CERTAIN RIGHTS NOT AFFECTED.—No provision of this paragraph may be construed as impairing or affecting any right of the conservator or receiver to enforce or recover under a liability insurance contract for an officer or director, or regulated entity bond under other applicable law.

''(C) CONSENT REQUIREMENT.—

''(i) IN GENERAL.—Except as otherwise provided under this section, no person may exercise any right or power to terminate, accelerate, or declare a default under any contract to which a regulated entity is a party, or to obtain possession of or exercise control over any property of the regulated entity, or affect any contractual rights of the regulated entity, without the consent of the conservator or receiver, as appropriate, for a period of—

''(I) 45 days after the date of appointment of a conservator; or

''(II) 90 days after the date of appointment of a receiver.

''(ii) EXCEPTIONS.—This subparagraph shall not—

''(I) apply to a contract for liability insurance for an officer or director;

''(II) apply to the rights of parties to certain qualified financial contracts under subsection (d)(8); and

''(III) be construed as permitting the conservator or receiver to fail to comply with otherwise enforceable provisions of such contracts.

''(14) SAVINGS CLAUSE.—The meanings of terms used in this subsection are applicable for purposes of this subsection only, and shall not be construed or applied so as to challenge or affect the characterization, definition, or treatment of any similar terms under any other statute, regulation, or rule, including the Gramm-Leach-Bliley Act, the Legal Certainty for Bank Products Act of 2000, the securities laws (as that term is defined in section 3(a)(47) of the Securities Exchange Act of 1934), and the Commodity Exchange Act.

''(15) EXCEPTION FOR FEDERAL RESERVE AND FEDERAL HOME LOAN BANKS.—No provision of this subsection shall apply with respect to—

''(A) any extension of credit from any Federal Home Loan Bank or Federal Reserve Bank to any regulated entity; or

''(B) any security interest in the assets of the regulated entity securing any such extension of credit.

''(e) VALUATION OF CLAIMS IN DEFAULT.—

''(1) IN GENERAL.—Notwithstanding any other provision of Federal law or the law of any State, and regardless of the method which the Agency determines to utilize with respect to a regulated entity in default or in danger of default, including transactions authorized under subsection (i), this subsection shall govern the rights of the creditors of such regulated entity.

''(2) MAXIMUM LIABILITY.—The maximum liability of the Agency, acting as receiver or in any other capacity, to any person having a claim against the receiver or the regulated entity for which such receiver is appointed shall be not more than the amount that such claimant would have received if the Agency had liquidated the assets and liabilities of the regulated entity without exercising the authority of the Agency under subsection (i).

''(f) LIMITATION ON COURT ACTION.—Except as provided in this section or at the request of the Director, no court may take any action to restrain or affect the exercise of powers or functions of the Agency as a conservator or a receiver.

''(g) LIABILITY OF DIRECTORS AND OFFICERS.—

''(1) IN GENERAL.—A director or officer of a regulated entity may be held personally liable for monetary damages in any civil action described in paragraph (2) brought by, on behalf of, or at the request or direction of the Agency, and prosecuted wholly or partially for the benefit of the Agency—

''(A) acting as conservator or receiver of such regulated entity; or

''(B) acting based upon a suit, claim, or cause of action purchased from, assigned by, or otherwise conveyed by such receiver or conservator.

''(2) ACTIONS ADDRESSED.—Paragraph (1) applies in any civil action for gross negligence, including any similar conduct or conduct that demonstrates a greater disregard of a duty of care than gross negligence, including intentional tortious conduct, as such terms are defined and determined under applicable State law.

''(3) NO LIMITATION.—Nothing in this subsection shall impair or affect any right of the Agency under other applicable law.

''(h) DAMAGES.—In any proceeding related to any claim against a director, officer, employee, agent, attorney, accountant, appraiser, or any other party employed by or providing services to a regulated entity, recoverable damages determined to result from the improvident or otherwise improper use or investment of any assets of the regulated entity shall include principal losses and appropriate interest.

''(i) LIMITED-LIFE REGULATED ENTITIES.—

''(1) ORGANIZATION.—

''(A) PURPOSE.—The Agency, as receiver appointed pursuant to subsection (a)—

''(i) may, in the case of a Federal Home Loan Bank, organize a limited-life regulated entity with those powers and attributes of the Federal Home Loan Bank in default or in danger of default as the Director determines necessary, subject to the provisions of this subsection, and the Director shall grant a temporary charter to that limited-life regulated entity, and that limited-life regulated entity may operate subject to that charter; and

''(ii) shall, in the case of an enterprise, organize a limited-life regulated entity with respect to that enterprise in accordance with this subsection.

''(B) AUTHORITIES.—Upon the creation of a limited-life regulated entity under subparagraph (A), the limited-life regulated entity may—

''(i) assume such liabilities of the regulated entity that is in default or in danger of default as the Agency may, in its discretion, determine to be appropriate, except that the liabilities assumed shall not exceed the amount of assets purchased or transferred from the regulated entity to the limited-life regulated entity;

''(ii) purchase such assets of the regulated entity that is in default, or in danger of default as the Agency may, in its discretion, determine to be appropriate; and

''(iii) perform any other temporary function which the Agency may, in its discretion, prescribe in accordance with this section.

''(2) CHARTER AND ESTABLISHMENT.—

''(A) TRANSFER OF CHARTER.—

''(i) FANNIE MAE.—If the Agency is appointed as receiver for the Federal National Mortgage Association, the limited-life regulated entity established under this subsection with respect to such enterprise shall, by operation of law and immediately upon its organization—

''(I) succeed to the charter of the Federal National Mortgage Association, as set forth in the Federal National Mortgage Association Charter Act; and

''(II) thereafter operate in accordance with, and subject to, such charter, this Act, and any other provision of law to which the Federal National Mortgage Association is subject, except as otherwise provided in this subsection.

''(ii) FREDDIE MAC.—If the Agency is appointed as receiver for the Federal Home Loan Mortgage Corporation, the limited-life regulated entity established under this subsection with respect to such enterprise shall, by operation of law and immediately upon its organization—

''(I) succeed to the charter of the Federal Home Loan Mortgage Corporation, as set forth in the Federal Home Loan Mortgage Corporation Charter Act; and

''(II) thereafter operate in accordance with, and subject to, such charter, this Act, and any other provision of law to which the Federal Home Loan Mortgage Corporation is subject, except as otherwise provided in this subsection.

''(B) INTERESTS IN AND ASSETS AND OBLIGATIONS OF REGULATED ENTITY IN DEFAULT.—Notwithstanding subparagraph (A) or any other provision of law—

''(i) a limited-life regulated entity shall assume, acquire, or succeed to the assets or liabilities of a regulated entity only to the extent that such assets or liabilities are transferred by the Agency to the limited-life regulated entity in accordance with, and subject to the restrictions set forth in, paragraph (1)(B);

''(ii) a limited-life regulated entity shall not assume, acquire, or succeed to any obligation that a regulated entity for which a receiver has been appointed may have to any shareholder of the regulated entity that arises as a result of the status of that person as a shareholder of the regulated entity; and

''(iii) no shareholder or creditor of a regulated entity shall have any right or claim against the charter of the regulated entity once the Agency has been appointed receiver for the regulated entity and a limited-life regulated entity succeeds to the charter pursuant to subparagraph (A).

''(C) LIMITED-LIFE REGULATED ENTITY TREATED AS BEING IN DEFAULT FOR CERTAIN PURPOSES.—A limited-life regulated entity shall be treated as a regulated entity in default at such times and for such purposes as the Agency may, in its discretion, determine.

''(D) MANAGEMENT.—Upon its establishment, a limited-life regulated entity shall be under the management of a board of directors consisting of not fewer than 5 nor more than 10 members appointed by the Agency.

''(E) BYLAWS.—The board of directors of a limited-life regulated entity shall adopt such bylaws as may be approved by the Agency.

''(3) CAPITAL STOCK.—

''(A) NO AGENCY REQUIREMENT.—The Agency is not required to pay capital stock into a limited-life regulated entity or to issue any capital stock on behalf of a limited-life regulated entity established under this subsection.

''(B) AUTHORITY.—If the Director determines that such action is advisable, the Agency may cause capital stock or other securities of a limited-life regulated entity established with respect to an enterprise to be issued and offered for sale, in such amounts and on such terms and conditions as the Director may determine, in the discretion of the Director.

''(4) INVESTMENTS.—Funds of a limited-life regulated entity shall be kept on hand in cash, invested in obligations of the United States or obligations guaranteed as to principal and interest by the United States, or deposited with the Agency, or any Federal reserve bank.

''(5) EXEMPT TAX STATUS.—Notwithstanding any other provision of Federal or State law, a limited-life regulated entity, its franchise, property, and income shall be exempt from all taxation now or hereafter imposed by the United States, by any territory, dependency, or possession thereof, or by any State, county, municipality, or local taxing authority.

''(6) WINDING UP.—

''(A) IN GENERAL.—Subject to subparagraphs (B) and (C), not later than 2 years after the date of its organization, the Agency shall wind up the affairs of a limited-life regulated entity.

''(B) EXTENSION.—The Director may, in the discretion of the Director, extend the status of a limited-life regulated entity for 3 additional 1-year periods.

''(C) TERMINATION OF STATUS AS LIMITED-LIFE REGULATED ENTITY.—

''(i) IN GENERAL.—Upon the sale by the Agency of 80 percent or more of the capital stock of a limited-life regulated entity, as defined in clause (iv), to 1 or more persons (other than the Agency)—

''(I) the status of the limited-life regulated entity as such shall terminate; and

''(II) the entity shall cease to be a limited-life regulated entity for purposes of this subsection.

''(ii) DIVESTITURE OF REMAINING STOCK, IF ANY.—

''(I) IN GENERAL.—Not later than 1 year after the date on which the status of a limited-life regulated entity is terminated pursuant to clause (i), the Agency shall sell to 1 or more persons (other than the Agency) any remaining capital stock of the former limited-life regulated entity.

''(II) EXTENSION AUTHORIZED.—The Director may extend the period referred to in subclause (I) for not longer than an additional 2 years, if the Director determines that such action would be in the public interest.

''(iii) SAVINGS CLAUSE.—Notwithstanding any provision of law, other than clause (ii), the Agency shall not be required to sell the capital stock of an enterprise or a limited-life regulated entity established with respect to an enterprise.

''(iv) APPLICABILITY.—This subparagraph applies only with respect to a limited-life regulated entity that is established with respect to an enterprise.

''(7) TRANSFER OF ASSETS AND LIABILITIES.—

''(A) IN GENERAL.—

''(i) TRANSFER OF ASSETS AND LIABILITIES.—The Agency, as receiver, may transfer any assets and liabilities of a regulated entity in default, or in danger of default, to the limited-life regulated entity in accordance with and subject to the restrictions of paragraph (1).

''(ii) SUBSEQUENT TRANSFERS.—At any time after the establishment of a limited-life regulated entity, the Agency, as receiver, may transfer any assets and liabilities of the regulated entity in default, or in danger of default, as the Agency may, in its discretion, determine to be appropriate in accordance with and subject to the restrictions of paragraph (1).

''(iii) EFFECTIVE WITHOUT APPROVAL.—The transfer of any assets or liabilities of a regulated entity in default or in danger of default to a limited-life regulated entity shall be effective without any further approval under Federal or State law, assignment, or consent with respect thereto.

''(iv) EQUITABLE TREATMENT OF SIMILARLY SITUATED CREDITORS.—The Agency shall treat all creditors of a regulated entity in default or in danger of default that are similarly situated under subsection (c)(1) in a similar manner in exercising the authority of the Agency under this subsection to transfer any assets or liabilities of the regulated entity to the limited-life regulated entity established with respect to such regulated entity, except that the Agency may take actions (including making payments) that do not comply with this clause, if—

''(I) the Director determines that such actions are necessary to maximize the value of the assets of the regulated entity, to maximize the present value return from the sale or other disposition of the assets of the regulated entity, or to minimize the amount of any loss realized upon the sale or other disposition of the assets of the regulated entity; and

''(II) all creditors that are similarly situated under subsection (c)(1) receive not less than the amount provided in subsection (e)(2).

''(v) LIMITATION ON TRANSFER OF LIABILITIES.—Notwithstanding any other provision of law, the aggregate amount of liabilities of a regulated entity that are transferred to, or assumed by, a limited-life regulated entity may not exceed the aggregate amount of assets of the regulated entity that are transferred to, or purchased by, the limited-life regulated entity.

''(8) REGULATIONS.—The Agency may promulgate such regulations as the Agency determines to be necessary or appropriate to implement this subsection.

''(9) POWERS OF LIMITED-LIFE REGULATED ENTITIES.—

''(A) IN GENERAL.—Each limited-life regulated entity created under this subsection shall have all corporate powers of, and be subject to the same provisions of law as, the regulated entity in default or in danger of default to which it relates, except that—

''(i) the Agency may—

''(I) remove the directors of a limited-life regulated entity;

''(II) fix the compensation of members of the board of directors and senior management, as determined by the Agency in its discretion, of a limited-life regulated entity; and

''(III) indemnify the representatives for purposes of paragraph (1)(B), and the directors, officers, employees, and agents of a limited-life regulated entity on such terms as the Agency determines to be appropriate; and

''(ii) the board of directors of a limited-life regulated entity—

''(I) shall elect a chairperson who may also serve in the position of chief executive officer, except that such person shall not serve either as chairperson or as chief executive officer without the prior approval of the Agency; and

''(II) may appoint a chief executive officer who is not also the chairperson, except that such person shall not serve as chief executive officer without the prior approval of the Agency.

''(B) STAY OF JUDICIAL ACTION.—Any judicial action to which a limited-life regulated entity becomes a party by virtue of its acquisition of any assets or assumption of any liabilities of a regulated entity in default shall be stayed from further proceedings for a period of not longer than 45 days, at the request of the limited-life regulated entity. Such period may be modified upon the consent of all parties.

''(10) NO FEDERAL STATUS.—

''(A) AGENCY STATUS.—A limited-life regulated entity is not an agency, establishment, or instrumentality of the United States.

''(B) EMPLOYEE STATUS.—Representatives for purposes of paragraph (1)(B), interim directors, directors, officers, employees, or agents of a limited-life regulated entity are not, solely by virtue of service in any such capacity, officers or employees of the United States. Any employee of the Agency or of any Federal instrumentality who serves at the request of the Agency as a representative for purposes of paragraph (1)(B), interim director, director, officer, employee, or agent of a limited-life regulated entity shall not—

''(i) solely by virtue of service in any such capacity lose any existing status as an officer or employee of the United States for purposes of title 5, United States Code, or any other provision of law; or

''(ii) receive any salary or benefits for service in any such capacity with respect to a limited-life regulated entity in addition to such salary or benefits as are obtained through employment with the Agency or such Federal instrumentality.

''(11) AUTHORITY TO OBTAIN CREDIT.—

''(A) IN GENERAL.—A limited-life regulated entity may obtain unsecured credit and issue unsecured debt.

''(B) INABILITY TO OBTAIN CREDIT.—If a limited-life regulated entity is unable to obtain unsecured credit or issue unsecured debt, the Director may authorize the obtaining of credit or the issuance of debt by the limited-life regulated entity—

''(i) with priority over any or all of the obligations of the limited-life regulated entity;

''(ii) secured by a lien on property of the limited-life regulated entity that is not otherwise subject to a lien; or

''(iii) secured by a junior lien on property of the limited-life regulated entity that is subject to a lien.

''(C) LIMITATIONS.—

''(i) IN GENERAL.—The Director, after notice and a hearing, may authorize the obtaining of credit or the issuance of debt by a limited-life regulated entity that is secured by a senior or equal lien on property of the limited-life regulated entity that is subject to a lien (other than mortgages that collateralize the mortgage-backed securities issued or guaranteed by an enterprise) only if—

''(I) the limited-life regulated entity is unable to otherwise obtain such credit or issue such debt; and

''(II) there is adequate protection of the interest of the holder of the lien on the property with respect to which such senior or equal lien is proposed to be granted.

''(D) BURDEN OF PROOF.—In any hearing under this subsection, the Director has the burden of proof on the issue of adequate protection.

''(12) EFFECT ON DEBTS AND LIENS.—The reversal or modification on appeal of an authorization under this subsection to obtain credit or issue debt, or of a grant under this section of a priority or a lien, does not affect the validity of any debt so issued, or any priority or lien so granted, to an entity that extended such credit in good faith, whether or not such entity knew of the pendency of the appeal, unless such authorization and the issuance of such debt, or the granting of such priority or lien, were stayed pending appeal.

''(j) OTHER AGENCY EXEMPTIONS.—

''(1) APPLICABILITY.—The provisions of this subsection shall apply with respect to the Agency in any case in which the Agency is acting as a conservator or a receiver.

''(2) TAXATION.—The Agency, including its franchise, its capital, reserves, and surplus, and its income, shall be exempt from all taxation imposed by any State, county, municipality, or local taxing authority, except that any real property of the Agency shall be subject to State, territorial, county, municipal, or local taxation to the same extent according to its value as other real property is taxed, except that, notwithstanding the failure of any person to challenge an assessment

under State law of the value of such property, and the tax thereon, shall be determined as of the period for which such tax is imposed.

''(3) PROPERTY PROTECTION.—No property of the Agency shall be subject to levy, attachment, garnishment, foreclosure, or sale without the consent of the Agency, nor shall any involuntary lien attach to the property of the Agency.

''(4) PENALTIES AND FINES.—The Agency shall not be liable for any amounts in the nature of penalties or fines, including those arising from the failure of any person to pay any real property, personal property, probate, or recording tax or any recording or filing fees when due.

''(k) PROHIBITION OF CHARTER REVOCATION.—In no case may the receiver appointed pursuant to this section revoke, annul, or terminate the charter of an enterprise.''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—The Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4501 et seq.) is amended—

(1) in section 1368 (12 U.S.C. 4618)—

(A) by striking ''an enterprise'' each place that term appears and inserting ''a regulated entity''; and

(B) by striking ''the enterprise'' each place that term appears and inserting ''the regulated entity'';

(2) in section 1369C (12 U.S.C. 4622), by striking ''enterprise'' each place that term appears and inserting ''regulated entity'';

(3) in section 1369D (12 U.S.C. 4623)—

(A) by striking ''an enterprise'' each place that term appears and inserting ''a regulated entity''; and

(B) in subsection (a)(1), by striking ''An enterprise'' and inserting ''A regulated entity''; and

(4) by striking sections 1369, 1369A, and 1369B (12 U.S.C. 4619, 4620, and 4621).

Subtitle D—Enforcement Actions

SEC. 1151. CEASE AND DESIST PROCEEDINGS.

Section 1371 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4631) is amended—

(1) by striking subsections (a) and (b) and inserting the following:

''(a) ISSUANCE FOR UNSAFE OR UNSOUND PRACTICES AND VIOLATIONS.—

''(1) AUTHORITY OF DIRECTOR.—If, in the opinion of the Director, a regulated entity or any entity-affiliated party is engaging or has engaged, or the Director has reasonable cause to believe that the regulated entity or any entity-affiliated party is about to engage, in an unsafe or unsound practice in conducting the business of the regulated entity or the Office of Finance, or is violating or has violated, or the Director has reasonable cause to believe is about to violate, a law, rule, regulation, or order, or any condition imposed in writing by the Director in connection with the granting of any application or other request by the regulated entity or the Office of Finance or any written agreement entered into with the Director, the Director may issue and serve upon the regulated entity or entity-affiliated party a notice of charges in respect thereof.

''(2) LIMITATION.—The Director may not, pursuant to this section, enforce compliance with any housing goal established under subpart B of part 2 of subtitle A of this title, with section 1336 or 1337 of this title, with subsection (m) or (n) of section 309 of the Federal National Mortgage Association Charter Act (12 U.S.C. 1723a(m), (n)), with subsection (e) or (f) of section 307 of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1456(e), (f)), or with paragraph (5) of section 10(j) of the Federal Home Loan Bank Act (12 U.S.C. 1430(j)).

''(b) ISSUANCE FOR UNSATISFACTORY RATING.—If a regulated entity receives, in its most recent report of examination, a less-than-satisfactory rating for asset quality, management, earnings, or liquidity, the Director may (if the deficiency is not corrected) deem the regulated entity to be engaging in an unsafe or unsound practice for purposes of subsection (a).'';

(2) in subsection (c)—

(A) in paragraph (1), by inserting before the period at the end the following: '', unless the party served with a notice of charges shall appear at the hearing personally or by a duly authorized representative, the party shall be deemed to have consented to the issuance of the cease and desist order''; and

(B) in paragraph (2)—

(i) by striking ''or director'' and inserting ''director, or entity-affiliated party''; and

(ii) by inserting ''or entity-affiliated party'' before ''consents'';

(3) in each of subsections (c), (d), and (e)—

(A) by striking ''the enterprise'' each place that term appears and inserting ''the regulated entity'';

(B) by striking ''an enterprise'' each place that term appears and inserting ''a regulated entity''; and

(C) by striking ''conduct'' each place that term appears and inserting ''practice'';

(4) in subsection (d)—

(A) in the matter preceding paragraph (1)—

(i) by striking ''or director'' and inserting ''director, or entity-affiliated party''; and

(ii) by inserting ''to require a regulated entity or entity-affiliated party'' after ''includes the authority'';

(B) in paragraph (1)—

(i) by striking ''to require an executive officer or a director to''; and

(ii) by striking ''loss'' and all that follows through ''person'' and inserting ''loss, if'';

(iii) in subparagraph (A), by inserting ''such entity or party or finance facility'' before ''was''; and

(iv) by striking subparagraph (B) and inserting the following:

''(B) the violation or practice involved a reckless disregard for the law or any applicable regulations or prior order of the Director;''; and

(C) in paragraph (4), by inserting ''loan or'' before ''asset'';

(5) in subsection (e), by inserting ''or entity-affiliated party''—

(A) before ''or any executive''; and

(B) before the period at the end; and

(6) in subsection (f)—

(A) by striking ''enterprise'' and inserting ''regulated entity, finance facility,''; and

(B) by striking ''or director'' and inserting ''director, or entity-affiliated party''.

SEC. 1152. TEMPORARY CEASE AND DESIST PROCEEDINGS.

Section 1372 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4632) is amended—

(1) by striking subsection (a) and inserting the following:

''(a) GROUNDS FOR ISSUANCE.—

''(1) IN GENERAL.—If the Director determines that the actions specified in the notice of charges served upon a regulated entity or any entity-affiliated party pursuant to section 1371(a), or the continuation thereof, is likely to cause insolvency or significant dissipation of assets or earnings of that entity, or is likely to weaken the condition of that entity prior to the completion of the proceedings conducted pursuant to sections 1371 and 1373, the Director may—

''(A) issue a temporary order requiring that regulated entity or entity-affiliated party to cease and desist from any such violation or practice; and

''(B) require that regulated entity or entity-affiliated party to take affirmative action to prevent or remedy such insolvency, dissipation, condition, or prejudice pending completion of such proceedings.

''(2) ADDITIONAL REQUIREMENTS.—An order issued under paragraph (1) may include any requirement authorized under subsection 1371(d).'';

(2) in subsection (b)—

(A) by striking ''or director'' and inserting ''director, or entity-affiliated party''; and

(B) by striking ''enterprise'' each place that term appears and inserting ''regulated entity'';

(3) in subsection (c), by striking ''enterprise'' each place that term appears and inserting ''regulated entity'';

(4) in subsection (d)—

(A) by striking ''or director'' each place that term appears and inserting ''director, or entity-affiliated party''; and

(B) by striking ''An enterprise'' and inserting ''A regulated entity''; and

(5) in subsection (e)—

(A) by striking ''request the Attorney General of the United States to''; and

(B) by striking ''or may, under the direction and control of the Attorney General, bring such action''.

SEC. 1153. REMOVAL AND PROHIBITION AUTHORITY.

(a) IN GENERAL.—Part 1 of subtitle C of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4631 et seq.) is amended—

(1) by redesignating sections 1377 through 1379B (12 U.S.C. 4637–4641) as sections 1379 through 1379D, respectively; and

(2) by inserting after section 1376 (12 U.S.C. 4636) the following:

''SEC. 1377. REMOVAL AND PROHIBITION AUTHORITY.

''(a) AUTHORITY TO ISSUE ORDER.—

''(1) IN GENERAL.—The Director may serve upon a party described in paragraph (2), or any officer, director, or management of the Office of Finance a written notice of the intention of the Director to suspend or remove such party from office, or prohibit any further participation by such party, in any manner, in the conduct of the affairs of the regulated entity.

''(2) APPLICABILITY.—A party described in this paragraph is an entity-affiliated party or any officer, director, or management of the Office of Finance, if the Director determines that—

''(A) that party, officer, or director has, directly or indirectly—

''(i) violated—

''(I) any law or regulation;

''(II) any cease and desist order which has become final;

''(III) any condition imposed in writing by the Director in connection with the grant of any application or other request by such regulated entity; or

''(IV) any written agreement between such regulated entity and the Director;

''(ii) engaged or participated in any unsafe or unsound practice in connection with any regulated entity or business institution; or

''(iii) committed or engaged in any act, omission, or practice which constitutes a breach of such party's fiduciary duty;

''(B) by reason of the violation, practice, or breach described in subparagraph (A)—

''(i) such regulated entity or business institution has suffered or will probably suffer financial loss or other damage; or

''(ii) such party has received financial gain or other benefit; and

''(C) the violation, practice, or breach described in subparagraph (A)—

''(i) involves personal dishonesty on the part of such party; or

''(ii) demonstrates willful or continuing disregard by such party for the safety or soundness of such regulated entity or business institution.

''(b) SUSPENSION ORDER.—

''(1) SUSPENSION OR PROHIBITION AUTHORITY.—If the Director serves written notice

under subsection (a) upon a party subject to that subsection (a), the Director may, by order, suspend or remove such party from office, or prohibit such party from further participation in any manner in the conduct of the affairs of the regulated entity, if the Director—

''(A) determines that such action is necessary for the protection of the regulated entity; and

''(B) serves such party with written notice of the order.

''(2) EFFECTIVE PERIOD.—Any order issued under this subsection—

''(A) shall become effective upon service; and

''(B) unless a court issues a stay of such order under subsection (g), shall remain in effect and enforceable until—

''(i) the date on which the Director dismisses the charges contained in the notice served under subsection (a) with respect to such party; or

''(ii) the effective date of an order issued under subsection (b).

''(3) COPY OF ORDER.—If the Director issues an order under subsection (b) to any party, the Director shall serve a copy of such order on any regulated entity with which such party is affiliated at the time such order is issued.

''(c) NOTICE, HEARING, AND ORDER.—

''(1) NOTICE.—A notice under subsection (a) of the intention of the Director to issue an order under this section shall contain a statement of the facts constituting grounds for such action, and shall fix a time and place at which a hearing will be held on such action.

''(2) TIMING OF HEARING.—A hearing shall be fixed for a date not earlier than 30 days, nor later than 60 days, after the date of service of notice under subsection (a), unless an earlier or a later date is set by the Director at the request of—

''(A) the party receiving such notice, and good cause is shown; or

''(B) the Attorney General of the United States.

''(3) CONSENT.—Unless the party that is the subject of a notice delivered under subsection (a) appears at the hearing in person or by a duly authorized representative, such party shall be deemed to have consented to the issuance of an order under this section.

''(4) ISSUANCE OF ORDER OF SUSPENSION.—The Director may issue an order under this section, as the Director may deem appropriate, if—

''(A) a party is deemed to have consented to the issuance of an order under paragraph (3); or

''(B) upon the record made at the hearing, the Director finds that any of the grounds specified in the notice have been established.

''(5) EFFECTIVENESS OF ORDER.—Any order issued under paragraph (4) shall become effective at the expiration of 30 days after the date of service upon the relevant regulated entity and party (except in the case of an order issued upon consent under paragraph (3), which shall become effective at the time specified therein). Such order shall remain effective and enforceable except to such extent as it is stayed, modified, terminated, or set aside by action of the Director or a reviewing court.

''(d) PROHIBITION OF CERTAIN SPECIFIC ACTIVITIES.—Any person subject to an order issued under this section shall not—

''(1) participate in any manner in the conduct of the affairs of any regulated entity or the Office of Finance;

''(2) solicit, procure, transfer, attempt to transfer, vote, or attempt to vote any proxy, consent, or authorization with respect to any voting rights in any regulated entity;

''(3) violate any voting agreement previously approved by the Director; or

''(4) vote for a director, or serve or act as an entity-affiliated party of a regulated entity or as an officer or director of the Office of Finance.

''(e) INDUSTRY-WIDE PROHIBITION.—

''(1) IN GENERAL.—Except as provided in paragraph (2), any person who, pursuant to an order issued under this section, has been removed or suspended from office in a regulated entity or the Office of Finance, or prohibited from participating in the conduct of the affairs of a regulated entity or the Office of Finance, may not, while such order is in effect, continue or commence to hold any office in, or participate in any manner in the conduct of the affairs of, any regulated entity or the Office of Finance.

''(2) EXCEPTION IF DIRECTOR PROVIDES WRITTEN CONSENT.—If, on or after the date on which an order is issued under this section which removes or suspends from office any party, or prohibits such party from participating in the conduct of the affairs of a regulated entity or the Office of Finance, such party receives the written consent of the Director, the order shall, to the extent of such consent, cease to apply to such party with respect to the regulated entity or such Office of Finance described in the written consent. Any such consent shall be publicly disclosed.

''(3) VIOLATION OF PARAGRAPH (1) TREATED AS VIOLATION OF ORDER.—Any violation of paragraph (1) by any person who is subject to an order issued under subsection (h) shall be treated as a violation of the order.

''(f) APPLICABILITY.—This section shall only apply to a person who is an individual, unless the Director specifically finds that it should apply to a corporation, firm, or other business entity.

''(g) STAY OF SUSPENSION AND PROHIBITION OF ENTITY-AFFILIATED PARTY.—Not later than 10 days after the date on which any entity-affiliated party has been suspended from office or prohibited from participation in the conduct of the affairs of a regulated entity under this section, such party may apply to the United States District Court for the District of Columbia, or the United States district court for the judicial district in which the headquarters of the regulated entity is located, for a stay of such suspension or prohibition pending the completion of the administrative proceedings pursuant to subsection (c). The court shall have jurisdiction to stay such suspension or prohibition.

''(h) SUSPENSION OR REMOVAL OF ENTITY-AFFILIATED PARTY CHARGED WITH FELONY.—

''(1) SUSPENSION OR PROHIBITION.—

''(A) IN GENERAL.—Whenever any entity-affiliated party is charged in any information, indictment, or complaint, with the commission of or participation in a crime involving dishonesty or breach of trust which is punishable by imprisonment for a term exceeding 1 year under Federal or State law, the Director may, if continued service or participation by such party may pose a threat to the regulated entity or impair public confidence in the regulated entity, by written notice served upon such party, suspend such party from office or prohibit such party from further participation in any manner in the conduct of the affairs of any regulated entity.

''(B) PROVISIONS APPLICABLE TO NOTICE.—

''(i) COPY.—A copy of any notice under subparagraph (A) shall be served upon the relevant regulated entity.

''(ii) EFFECTIVE PERIOD.—A suspension or prohibition under subparagraph (A) shall remain in effect until the information, indictment, or complaint referred to in subparagraph (A) is finally disposed of, or until terminated by the Director.

''(2) REMOVAL OR PROHIBITION.—

''(A) IN GENERAL.—If a judgment of conviction or an agreement to enter a pretrial diversion or other similar program is entered against an entity-affiliated party in connection with a crime described in paragraph (1)(A), at such time as such judgment is not subject to further appellate review, the Director may, if continued service or participation by such party may pose a threat to the regulated entity or impair public confidence in the regulated entity, issue and serve upon such party an order removing such party from office or prohibiting such party from further participation in any manner in the conduct of the affairs of the regulated entity without the prior written consent of the Director.

''(B) PROVISIONS APPLICABLE TO ORDER.—

''(i) COPY.—A copy of any order under subparagraph (A) shall be served upon the relevant regulated entity, at which time the entity-affiliated party who is subject to the order (if a director or an officer) shall cease to be a director or officer of such regulated entity.

''(ii) EFFECT OF ACQUITTAL.—A finding of not guilty or other disposition of the charge shall not preclude the Director from instituting proceedings after such finding or disposition to remove a party from office or to prohibit further participation in the affairs of a regulated entity pursuant to subsection (a) or (b).

''(iii) EFFECTIVE PERIOD.—Unless terminated by the Director, any notice of suspension or order of removal issued under this subsection shall remain effective and outstanding until the completion of any hearing or appeal authorized under paragraph (4).

''(3) AUTHORITY OF REMAINING BOARD MEMBERS.—

''(A) IN GENERAL.—If at any time, because of the suspension of 1 or more directors pursuant to this section, there shall be on the board of directors of a regulated entity less than a quorum of directors not so suspended, all powers and functions vested in or exercisable by such board shall vest in and be exercisable by the director or directors on the board not so suspended, until such time as there shall be a quorum of the board of directors.

''(B) APPOINTMENT OF TEMPORARY DIRECTORS.—If all of the directors of a regulated entity are suspended pursuant to this section, the Director shall appoint persons to serve temporarily as directors pending the termination of such suspensions, or until such time as those who have been suspended cease to be directors of the regulated entity and their respective successors take office.

''(4) HEARING REGARDING CONTINUED PARTICIPATION.—

''(A) IN GENERAL.—Not later than 30 days after the date of service of any notice of suspension or order of removal issued pursuant to paragraph (1) or (2), the entity-affiliated party may request in writing an opportunity to appear before the Director to show that the continued service or participation in the conduct of the affairs of the regulated entity by such party does not, or is not likely to, pose a threat to the interests of the regulated entity, or threaten to impair public confidence in the regulated entity.

''(B) TIMING AND FORM OF HEARING.—Upon receipt of a request for a hearing under subparagraph (A), the Director shall fix a time (not later than 30 days after the date of receipt of such request, unless extended at the request of such party) and place at which the entity-affiliated party may appear, personally or through counsel, before the Director or 1 or more designated employees of the Director to submit written materials (or, at the discretion of the Director, oral testimony) and oral argument.

''(C) DETERMINATION.—Not later than 60 days after the date of a hearing under subparagraph (B), the Director shall notify the entity-affiliated party whether the suspension or prohibition from participation in any

manner in the conduct of the affairs of the regulated entity will be continued, terminated, or otherwise modified, or whether the order removing such party from office or prohibiting such party from further participation in any manner in the conduct of the affairs of the regulated entity will be rescinded or otherwise modified. Such notification shall contain a statement of the basis for any adverse decision of the Director.

''(5) RULES.—The Director is authorized to prescribe such rules as may be necessary to carry out this subsection.''.

(b) CONFORMING AMENDMENTS.—

(1) SAFETY AND SOUNDNESS ACT.—Subtitle C of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4501 et seq.) is amended—

(A) in section 1317(f), by striking ''section 1379B'' and inserting ''section 1379D'';

(B) in section 1373(a)—

(i) in paragraph (1), by striking ''or 1376(c)'' and inserting '', 1376(c), or 1377'';

(ii) in paragraph (2), by inserting ''or 1377'' after'' 1371''; and

(iii) in paragraph (4), by inserting ''or removal or prohibition'' after ''cease and desist''; and

(C) in section 1374(a)—

(i) by striking ''or 1376'' and inserting ''1313B, 1376, or 1377''; and

(ii) by striking ''such section'' and inserting ''this title''.

(2) FANNIE MAE CHARTER ACT.—Section 308(b) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1723(b)) is amended in the second sentence, by striking ''The'' and inserting ''Except to the extent that action under section 1377 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 temporarily results in a lesser number, the''.

(3) FREDDIE MAC CHARTER ACT.—Section 303(a)(2)(A) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1452(a)(2)(A)) is amended, in the second sentence, by striking ''The'' and inserting ''Except to the extent action under section 1377 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 temporarily results in a lesser number, the''.

SEC. 1154. ENFORCEMENT AND JURISDICTION.

Section 1375 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4635) is amended—

(1) by striking subsection (a) and inserting the following new subsection:

''(a) ENFORCEMENT.—The Director may, in the discretion of the Director, apply to the United States District Court for the District of Columbia, or the United States district court within the jurisdiction of which the headquarters of the regulated entity is located, for the enforcement of any effective and outstanding notice or order issued under this subtitle or subtitle B, or request that the Attorney General of the United States bring such an action. Such court shall have jurisdiction and power to order and require compliance with such notice or order.''; and

(2) in subsection (b), by striking ''or 1376'' and inserting ''1313B, 1376, or 1377''.

SEC. 1155. CIVIL MONEY PENALTIES.

Section 1376 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4636) is amended—

(1) by striking subsection (a) and inserting the following:

''(a) IN GENERAL.—The Director may impose a civil money penalty in accordance with this section on any regulated entity or any entity-affiliated party. The Director shall not impose a civil penalty in accordance with this section on any regulated entity or any entity-affiliated party for any violation that is addressed under section 1345(a).'';

(2) by striking subsection (b) and inserting the following:

''(b) AMOUNT OF PENALTY.—

''(1) FIRST TIER.—A regulated entity or entity-affiliated party shall forfeit and pay a civil penalty of not more than $10,000 for each day during which a violation continues, if such regulated entity or party—

''(A) violates any provision of this title, the authorizing statutes, or any order, condition, rule, or regulation under this title or any authorizing statute;

''(B) violates any final or temporary order or notice issued pursuant to this title;

''(C) violates any condition imposed in writing by the Director in connection with the grant of any application or other request by such regulated entity; or

''(D) violates any written agreement between the regulated entity and the Director.

''(2) SECOND TIER.—Notwithstanding paragraph (1), a regulated entity or entity-affiliated party shall forfeit and pay a civil penalty of not more than $50,000 for each day during which a violation, practice, or breach continues, if—

''(A) the regulated entity or entity-affiliated party, respectively—

''(i) commits any violation described in any subparagraph of paragraph (1);

''(ii) recklessly engages in an unsafe or unsound practice in conducting the affairs of the regulated entity; or

''(iii) breaches any fiduciary duty; and

''(B) the violation, practice, or breach—

''(i) is part of a pattern of misconduct;

''(ii) causes or is likely to cause more than a minimal loss to the regulated entity; or

''(iii) results in pecuniary gain or other benefit to such party.

''(3) THIRD TIER.—Notwithstanding paragraphs (1) and (2), any regulated entity or entity-affiliated party shall forfeit and pay a civil penalty in an amount not to exceed the applicable maximum amount determined under paragraph (4) for each day during which such violation, practice, or breach continues, if such regulated entity or entity-affiliated party—

''(A) knowingly—

''(i) commits any violation described in any subparagraph of paragraph (1);

''(ii) engages in any unsafe or unsound practice in conducting the affairs of the regulated entity; or

''(iii) breaches any fiduciary duty; and

''(B) knowingly or recklessly causes a substantial loss to the regulated entity or a substantial pecuniary gain or other benefit to such party by reason of such violation, practice, or breach.

''(4) MAXIMUM AMOUNTS OF PENALTIES FOR ANY VIOLATION DESCRIBED IN PARAGRAPH (3).—The maximum daily amount of any civil penalty which may be assessed pursuant to paragraph (3) for any violation, practice, or breach described in paragraph (3) is—

''(A) in the case of any entity-affiliated party, an amount not to exceed $2,000,000; and

''(B) in the case of any regulated entity, $2,000,000.'';

(3) in subsection (c)—

(A) by striking ''enterprise'' each place that term appears and inserting ''regulated entity'';

(B) by inserting ''or entity-affiliated party'' before ''in writing''; and

(C) by inserting ''or entity-affiliated party'' before ''has been given'';

(4) in subsection (d)—

(A) by striking ''or director'' each place such term appears and inserting ''director, or entity-affiliated party'';

(B) by striking ''an enterprise'' and inserting ''a regulated entity'';

(C) by striking ''the enterprise'' and inserting ''the regulated entity'';

(D) by striking ''request the Attorney General of the United States to'';

(E) by inserting '', or the United States district court within the jurisdiction of which the headquarters of the regulated entity is located,'' after ''District of Columbia'';

(F) by striking '', or may, under the direction and control of the Attorney General of the United States, bring such an action''; and

(G) by striking ''and section 1374''; and

(5) in subsection (g), by striking ''An enterprise'' and inserting ''A regulated entity''.

SEC. 1156. CRIMINAL PENALTY.

(a) IN GENERAL.—Subtitle C of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4631 et seq.) is amended by inserting after section 1377, as added by this Act, the following:

''SEC. 1378. CRIMINAL PENALTY.

''Whoever, being subject to an order in effect under section 1377, without the prior written approval of the Director, knowingly participates, directly or indirectly, in any manner (including by engaging in an activity specifically prohibited in such an order) in the conduct of the affairs of any regulated entity shall, notwithstanding section 3571 of title 18, be fined not more than $1,000,000, imprisoned for not more than 5 years, or both.''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—The Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4501 et seq.) is amended—

(1) in section 1379 (as so designated by this Act)—

(A) by striking ''an enterprise'' and inserting ''a regulated entity''; and

(B) by striking ''the enterprise'' and inserting ''the regulated entity'';

(2) in section 1379A (as so designated by this Act), by striking ''an enterprise'' and inserting ''a regulated entity'';

(3) in section 1379B(c) (as so designated by this Act), by striking ''enterprise'' and inserting ''regulated entity''; and

(4) in section 1379D (as so designated by this Act), by striking ''enterprise'' and inserting ''regulated entity''.

SEC. 1157. NOTICE AFTER SEPARATION FROM SERVICE.

Section 1379 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4637), as so designated by this Act, is amended—

(1) by striking ''2-year'' and inserting ''6-year'';

(2) by striking ''a director or executive officer of an enterprise'' and inserting ''an entity-affiliated party'';

(3) by striking ''director or officer'' each place that term appears and inserting ''entity-affiliated party''; and

(4) by striking ''enterprise.'' and inserting ''regulated entity.''.

SEC. 1158. SUBPOENA AUTHORITY.

(a) IN GENERAL.—Section 1379B of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4641) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1)—

(i) by striking ''administrative'';

(ii) by inserting '', examination, or investigation'' after ''proceeding'';

(iii) by striking ''subtitle'' and inserting ''title''; and

(iv) by inserting ''or any designated representative thereof, including any person designated to conduct any hearing under this subtitle'' after ''Director''; and

(B) in paragraph (4), by striking ''issued by the Director'';

(2) in subsection (b), by inserting ''or in any territory or other place subject to the jurisdiction of the United States'' after ''State'';

(3) by striking subsection (c) and inserting the following:

''(c) ENFORCEMENT.—

''(1) IN GENERAL.—The Director, or any party to proceedings under this subtitle, may apply to the United States District Court for the District of Columbia, or the United States district court for the judicial district of the United States in any territory in which such proceeding is being conducted, or where the witness resides or carries on business, for enforcement of any subpoena or subpoena duces tecum issued pursuant to this section.

''(2) POWER OF COURT.—The courts described under paragraph (1) shall have the jurisdiction and power to order and require compliance with any subpoena issued under paragraph (1).'';

(4) in subsection (d), by inserting ''enterprise-affiliated party'' before ''may allow''; and

(5) by adding at the end the following:

''(e) PENALTIES.—A person shall be guilty of a misdemeanor, and upon conviction, shall be subject to a fine of not more than $1,000 or to imprisonment for a term of not more than 1 year, or both, if that person willfully fails or refuses, in disobedience of a subpoena issued under subsection (c), to—

''(1) attend court;

''(2) testify in court;

''(3) answer any lawful inquiry; or

''(4) produce books, papers, correspondence, contracts, agreements, or such other records as requested in the subpoena.''.

Subtitle E—General Provisions

SEC. 1161. CONFORMING AND TECHNICAL AMENDMENTS.

(a) AMENDMENTS TO 1992 ACT.—The Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4501 et seq.), as amended by this Act, is amended—

(1) in section 1315 (12 U.S.C. 4515)—

(A) in subsection (a)—

(i) by striking ''(a) OFFICE PERSONNEL.—The'' and inserting ''(a) IN GENERAL.—Subject to title III of the Federal Housing Finance Regulatory Reform Act of 2008, the''; and

(ii) by striking ''the Office'' each place that term appears and inserting ''the Agency'';

(B) in subsection (c), by striking ''the Office'' and inserting ''the Agency'';

(C) in subsection (e), by striking ''the Office'' and inserting ''the Agency'';

(D) by striking subsection (d) and redesignating subsection (e) as subsection (d); and

(E) by striking subsection (f);

(2) in section 1319A (12 U.S.C. 4520)—

(A) by striking ''(a) IN GENERAL.—''; and

(B) by striking subsection (b);

(3) in section 1364(c) (12 U.S.C. 4614(c)), by striking the last sentence;

(4) by striking section 1383 (12 U.S.C. 1451 note);

(5) in each of sections 1319D, 1319E, and 1319F (12 U.S.C. 4523, 4524, 4525) by striking ''the Office'' each place that term appears and inserting ''the Agency''; and

(6) in each of sections 1319B and 1369(a)(3) (12 U.S.C. 4521, 4619(a)(3)), by striking ''Committee on Banking, Finance and Urban Affairs'' each place such term appears and inserting ''Committee on Financial Services''.

(b) AMENDMENTS TO FANNIE MAE CHARTER ACT.—The Federal National Mortgage Association Charter Act (12 U.S.C. 1716 et seq.) is amended—

(1) in each of sections 303(c)(2) (12 U.S.C. 1718(c)(2)), 309(d)(3)(B) (12 U.S.C. 1723a(d)(3)(B)), and 309(k)(1) (12 U.S.C. 1723a(k)(1)), by striking ''Director of the Office of Federal Housing Enterprise Oversight of the Department of Housing and Urban Development'' each place that term appears, and inserting ''Director of the Federal Housing Finance Agency''; and

(2) in section 309—

(A) in subsection (m) (12 U.S.C. 1723a(m))—

(i) in paragraph (1), by striking ''to the Secretary, in a form determined by the Secretary'' and inserting ''to the Director of the Federal Housing Finance Agency, in a form determined by the Director''; and

(ii) in paragraph (2), by striking ''to the Secretary, in a form determined by the Secretary'' and inserting ''to the Director of the Federal Housing Finance Agency, in a form determined by the Director'';

(B) in subsection (n) (12 U.S.C. 1723a(n))—

(i) in paragraph (1), by striking ''and the Secretary'' and inserting ''and the Director of the Federal Housing Finance Agency''; and

(ii) in paragraph (2), by striking ''Secretary'' each place that term appears and inserting ''Director of the Federal Housing Finance Agency''; and

(C) in paragraph (3)(B), by striking ''Secretary'' and inserting ''Director of the Federal Housing Finance Agency''.

(c) AMENDMENTS TO FREDDIE MAC CHARTER ACT.—The Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1451 et seq.) is amended—

(1) in each of sections 303(b)(2) (12 U.S.C. 1452(b)(2)), 303(h)(2) (12 U.S.C. 1452(h)(2)), and section 307(c)(1) (12 U.S.C. 1456(c)(1)), by striking ''Director of the Office of Federal Housing Enterprise Oversight of the Department of Housing and Urban Development'' each place that term appears, and inserting ''Director of the Federal Housing Finance Agency'';

(2) in section 306 (12 U.S.C. 1455)—

(A) in subsection (c)(2), by inserting ''the'' after ''Secretary of'';

(B) in subsection (i)—

(i) by striking ''section 1316(c)'' and inserting ''section 306(c)''; and

(ii) by striking ''section 106'' and inserting ''section 1316''; and

(C) in subsection (j)(2), by striking ''of substantially'' and inserting ''or substantially''; and

(3) in section 307 (12 U.S.C. 1456)—

(A) in subsection (e)—

(i) in paragraph (1), by striking ''to the Secretary, in a form determined by the Secretary'' and inserting ''to the Director of the Federal Housing Finance Agency, in a form determined by the Director''; and

(ii) in paragraph (2), by striking ''to the Secretary, in a form determined by the Secretary'' and inserting ''to the Director of the Federal Housing Finance Agency, in a form determined by the Director''; and

(B) in subsection (f)—

(i) in paragraph (1), by striking ''and the Secretary'' and inserting ''and the Director of the Federal Housing Finance Agency'';

(ii) in paragraph (2), by striking ''the Secretary'' each place that term appears and inserting ''the Director of the Federal Housing Finance Agency''; and

(iii) in paragraph (3)(B), by striking ''Secretary'' and inserting ''Director of the Federal Housing Finance Agency''.

(d) AMENDMENT TO TITLE 18, UNITED STATES CODE.—Section 1905 of title 18, United States Code, is amended by striking ''Office of Federal Housing Enterprise Oversight'' and inserting ''Federal Housing Finance Agency''.

(e) AMENDMENTS TO FLOOD DISASTER PROTECTION ACT OF 1973.—Section 102(f)(3)(A) of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a(f)(3)(A)) is amended by striking ''Director of the Office of Federal Housing Enterprise Oversight of the Department of Housing and Urban Development'' and inserting ''Director of the Federal Housing Finance Agency''.

(f) AMENDMENT TO DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT ACT.—Section 5 of the Department of Housing and Urban Development Act (42 U.S.C. 3534) is amended by striking subsection (d).

(g) AMENDMENTS TO TITLE 5, UNITED STATES CODE.—Title 5, United States Code, is amended—

(1) in section 5313, by striking the item relating to the Director of the Office of Federal Housing Enterprise Oversight, Department of Housing and Urban Development and inserting the following new item:

''Director of the Federal Housing Finance Agency.''; and

(2) in section 3132(a)(1)—

(A) in subparagraph (B), by striking '',, and'' and inserting '', and'';

(B) in subparagraph (D)—

(i) by striking ''the Federal Housing Finance Board'';

(ii) by striking ''the Office of Federal Housing Enterprise Oversight of the Department of Housing and Urban Development'' and inserting ''the Federal Housing Finance Agency''; and

(iii) by striking ''or or'' at the end;

(C) in subparagraph (E), as added by section 8(d)(1)(B)(iii) of Public Law 107–123, by adding ''or'' at the end; and

(D) by redesignating subparagraph (E), as added by section 10702(c)(1)(C) of Public Law 107–171, as subparagraph (F).

(h) AMENDMENT TO SARBANES-OXLEY ACT.—Section 105(b)(5)(B)(ii)(II) of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7215(b)(5)(B)(ii)(II)) is amended by inserting ''and the Director of the Federal Housing Finance Agency,'' after ''Commission,''.

(i) AMENDMENT TO FEDERAL DEPOSIT INSURANCE ACT.—Section 11(t)(2)(A) of the Federal Deposit Insurance Act (12 U.S.C. 1821(t)(2)(A)) is amended by adding at the end the following:

''(vii) Federal Housing Finance Agency.''.

SEC. 1162. PRESIDENTIALLY-APPOINTED DIRECTORS OF ENTERPRISES.

(a) FANNIE MAE.—

(1) IN GENERAL.—Section 308(b) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1723(b)) is amended—

(A) in the first sentence, by striking ''eighteen persons, five of whom shall be appointed annually by the President of the United States, and the remainder of whom'' and inserting ''13 persons, or such other number that the Director determines appropriate, who'';

(B) in the second sentence, by striking ''appointed by the President'';

(C) in the third sentence—

(i) by striking ''appointed or''; and

(ii) by striking '', except that any such appointed member may be removed from office by the President for good cause'';

(D) in the fourth sentence, by striking ''elective''; and

(E) by striking the fifth sentence.

(2) TRANSITIONAL PROVISION.—The amendments made by paragraph (1) shall not apply to any appointed position of the board of directors of the Federal National Mortgage Association until the expiration of the annual term for such position during which the effective date under section 1163 occurs.

(b) FREDDIE MAC.—

(1) IN GENERAL.—Section 303(a)(2) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1452(a)(2)) is amended—

(A) in subparagraph (A)—

(i) in the first sentence, by striking ''18 persons, 5 of whom shall be appointed annually by the President of the United States and the remainder of whom'' and inserting ''13 persons, or such other number as the Director determines appropriate, who''; and

(ii) in the second sentence, by striking ''appointed by the President of the United States'';

(B) in subparagraph (B)—

(i) by striking ''such or''; and

(ii) by striking '', except that any appointed member may be removed from office by the President for good cause''; and

(C) in subparagraph (C)—

(i) by striking the first sentence; and

(ii) by striking ''elective''.

(2) TRANSITIONAL PROVISION.—The amendments made by paragraph (1) shall not apply to any appointed position of the board of directors of the Federal Home Loan Mortgage Corporation until the expiration of the annual term for such position during which the effective date under section 1163 occurs.

SEC. 1163. EFFECTIVE DATE.

Except as otherwise specifically provided in this title, this title and the amendments made by this title shall take effect on, and shall apply beginning on, the date of enactment of this Act.

TITLE II—FEDERAL HOME LOAN BANKS

SEC. 1201. RECOGNITION OF DISTINCTIONS BETWEEN THE ENTERPRISES AND THE FEDERAL HOME LOAN BANKS.

Section 1313 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4513) is amended by adding at the end the following:

''(f) RECOGNITION OF DISTINCTIONS BETWEEN THE ENTERPRISES AND THE FEDERAL HOME LOAN BANKS.—Prior to promulgating any regulation or taking any other formal or informal agency action of general applicability and future effect relating to the Federal Home Loan Banks (other than any regulation, advisory document, or examination guidance of the Federal Housing Finance Board that the Director reissues after the authority of the Director over the Federal Home Loan Banks takes effect), including the issuance of an advisory document or examination guidance, the Director shall consider the differences between the Federal Home Loan Banks and the enterprises with respect to—

''(1) the Banks'—

''(A) cooperative ownership structure;

''(B) the mission of providing liquidity to members;

''(C) affordable housing and community development mission;

''(D) capital structure; and

''(E) joint and several liability; and

''(2) any other differences that the Director considers appropriate.''.

SEC. 1202. DIRECTORS.

Section 7 of the Federal Home Loan Bank Act (12 U.S.C. 1427) is amended—

(1) by striking subsection (a) and inserting the following:

''(a) NUMBER; ELECTION; QUALIFICATIONS; CONFLICTS OF INTEREST.—

''(1) IN GENERAL.—Subject to paragraphs (2) through (4), the management of each Federal Home Loan Bank shall be vested in a board of 13 directors, or such other number as the Director determines appropriate.

''(2) BOARD MAKEUP.—The board of directors of each Bank shall be comprised of—

''(A) member directors, who shall comprise at least the majority of the members of the board of directors; and

''(B) independent directors, who shall comprise not fewer than ⅖ of the members of the board of directors.

''(3) SELECTION CRITERIA.—

''(A) IN GENERAL.—Each member of the board of directors shall be—

''(i) elected by plurality vote of the members, in accordance with procedures established under this section; and

''(ii) a citizen of the United States.

''(B) INDEPENDENT DIRECTOR CRITERIA.—

''(i) IN GENERAL.—Each independent director that is not a public interest director under clause (ii) shall have demonstrated knowledge of, or experience in, financial management, auditing and accounting, risk management practices, derivatives, project development, or organizational management, or such other knowledge or expertise as the Director may provide by regulation.

''(ii) PUBLIC INTEREST.—Not fewer than 2 of the independent directors shall have more than 4 years of experience in representing consumer or community interests on banking services, credit needs, housing, or financial consumer protections.

''(iii) CONFLICTS OF INTEREST.—No independent director may, during the term of service on the board of directors, serve as an officer of any Federal Home Loan Bank or as a director, officer, or employee of any member of a Bank, or of any person that receives advances from a Bank.

''(4) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

''(A) INDEPENDENT DIRECTOR.—The terms 'independent director' and 'independent directorship' mean a member of the board of directors of a Federal Home Loan Bank who is a bona fide resident of the district in which the Federal Home Loan Bank is located, or the directorship held by such a person, respectively.

''(B) MEMBER DIRECTOR.—The terms 'member director' and 'member directorship' mean a member of the board of directors of a Federal Home Loan Bank who is an officer or director of a member institution that is located in the district in which the Federal Home Loan Bank is located, or the directorship held by such a person, respectively.'';

(2) by striking ''elective'' each place that term appears, other than in subsections (d), (e), and (f), and inserting ''member'';

(3) in subsection (b)—

(A) by striking the subsection heading and all that follows through ''Each elective directorship'' and inserting the following:

''(b) DIRECTORSHIPS.—

''(1) MEMBER DIRECTORSHIPS.—Each member directorship''; and

(B) by adding at the end the following:

''(2) INDEPENDENT DIRECTORSHIPS.—

''(A) ELECTIONS.—Each independent director—

''(i) shall be elected by the members entitled to vote, from among eligible persons nominated, after consultation with the Advisory Council of the Bank, by the board of directors of the Bank; and

''(ii) shall be elected by a plurality of the votes of the members of the Bank at large, with each member having the number of votes for each such directorship as it has under paragraph (1) in an election to fill member directorships.

''(B) CRITERIA.—Nominees shall meet all applicable requirements prescribed in this section.

''(C) NOMINATION AND ELECTION PROCEDURES.—Procedures for nomination and election of independent directors shall be prescribed by the bylaws of each Federal Home Loan Bank, in a manner consistent with the rules and regulations of the Agency.'';

(4) in subsection (c)—

(A) by striking ''elective'' each place that term appears and inserting ''member'', except—

(i) in the second sentence, the second place that term appears; and

(ii) each place that term appears in the fifth sentence; and

(B) in the second sentence—

(i) by inserting ''(A) except as provided in clause (B) of this sentence,'' before ''if at any time''; and

(ii) by inserting before the period at the end the following: '', and (B) clause (A) of this sentence shall not apply to the directorships of any Federal Home Loan Bank resulting from the merger of any 2 or more such Banks'';

(5) in subsection (d)—

(A) in the first sentence—

(i) by striking '', whether elected or appointed,''; and

(ii) by striking ''3 years'' and inserting ''4 years'';

(B) in the second sentence—

(i) by striking ''Federal Home Loan Bank System Modernization Act of 1999'' and inserting ''Federal Housing Finance Regulatory Reform Act of 2008'';

(ii) by striking ''⅓'' and inserting ''¼''; and

(iii) by striking ''or appointed''; and

(C) in the third sentence—

(i) by striking ''an elective'' each place that term appears and inserting ''a''; and

(ii) by striking ''in any elective directorship or elective directorships'';

(6) in subsection (f)—

(A) by striking paragraph (2);

(B) by striking ''appointed or'' each place that term appears; and

(C) in paragraph (3)—

(i) by striking ''(3) ELECTED BANK DIRECTORS.—'' and inserting ''(2) ELECTION PROCESS.—''; and

(ii) by striking ''elective'' each place that term appears;

(7) in subsection (i)—

(A) in paragraph (1), by striking ''Subject to paragraph (2), each'' and inserting ''Each''; and

(B) by striking paragraph (2) and inserting the following:

''(2) ANNUAL REPORT.—The Director shall include, in the annual report submitted to the Congress pursuant to section 1319B of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992, information regarding the compensation and expenses paid by the Federal Home Loan Banks to the directors on the boards of directors of the Banks.''; and

(8) by adding at the end the following:

''(l) TRANSITION RULE.—Any member of the board of directors of a Bank elected or appointed in accordance with this section prior to the date of enactment of this subsection may continue to serve as a member of that board of directors for the remainder of the existing term of service.''.

SEC. 1203. DEFINITIONS.

Section 2 of the Federal Home Loan Bank Act (12 U.S.C. 1422) is amended—

(1) by striking paragraphs (1), (10), and (11);

(2) by redesignating paragraphs (2) through (9) as paragraphs (1) through (8), respectively;

(3) by redesignating paragraphs (12) and (13) as paragraphs (9) and (10), respectively; and

(4) by adding at the end the following:

''(11) DIRECTOR.—The term 'Director' means the Director of the Federal Housing Finance Agency.

''(12) AGENCY.—The term 'Agency' means the Federal Housing Finance Agency, established under section 1311 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992.''.

SEC. 1204. AGENCY OVERSIGHT OF FEDERAL HOME LOAN BANKS.

The Federal Home Loan Bank Act (12 U.S.C. 1421 et seq.), other than in provisions of that Act added or amended otherwise by this Act, is amended—

(1) by striking sections 2A and 2B (12 U.S.C. 1422a, 1422b);

(2) in section 18 (12 U.S.C. 1438), by striking subsection (b);

(3) in section 11 (12 U.S.C. 1431)—

(A) in subsection (b)—

(i) in the first sentence—

(I) by striking ''The Board'' and inserting ''The Office of Finance, as agent for the Banks,''; and

(II) by striking ''the Board'' and inserting ''such Office''; and

(ii) in the second and fourth sentences, by striking ''the Board'' each place such term appears and inserting ''the Office of Finance'';

(B) in subsection (c)—

(i) by striking ''the Board'' the first place such term appears and inserting ''the Office of Finance, as agent for the Banks,''; and

(ii) by striking ''the Board'' the second place such term appears and inserting ''such Office''; and

(C) in subsection (f)—

(i) by striking the 2 commas after ''permit'' and inserting ''or''; and

(ii) by striking the comma after ''require'';

(4) in section 6 (12 U.S.C. 1426)—

(A) in subsection (b)(1), in the matter preceding subparagraph (A), by striking ''Finance Board approval'' and inserting ''approval by the Director''; and

(B) in each of subsections (c)(4)(B) and (d)(2), by striking ''Finance Board regulations'' each place that term appears and inserting ''regulations of the Director'';

(5) in section 10(b) (12 U.S.C. 1430(b))—

(A) in the subsection heading, by striking ''FORMAL BOARD RESOLUTION'' and inserting ''APPROVAL OF DIRECTOR''; and

(B) by striking ''by formal resolution'';

(6) in section 21(b)(5) (12 U.S.C. 1441(b)(5)), by striking ''Chairperson of the Federal Housing Finance Board'' and inserting ''Director'';

(7) in section 15 (12 U.S.C. 1435), by inserting ''or the Director'' after ''the Board'';

(8) by striking ''the Board'' each place that term appears and inserting ''the Director'';

(9) by striking ''The Board'' each place that term appears and inserting ''The Director'';

(10) by striking ''the Finance Board'' each place that term appears and inserting ''the Director'';

(11) by striking ''The Finance Board'' each place that term appears and inserting ''The Director''; and

(12) by striking ''Federal Housing Finance Board'' each place that term appears and inserting ''Director''.

SEC. 1205. HOUSING GOALS.

The Federal Home Loan Bank Act (12 U.S.C. 1421 et seq.) is amended by inserting after section 10b the following new section:

''SEC. 10C. HOUSING GOALS.

''(a) IN GENERAL.—The Director shall establish housing goals with respect to the purchase of mortgages, if any, by the Federal Home Loan Banks. Such goals shall be consistent with the goals established under sections 1331 through 1334 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992.

''(b) CONSIDERATIONS.—In establishing the goals required by subsection (a), the Director shall consider the unique mission and ownership structure of the Federal Home Loan Banks.

''(c) TRANSITION PERIOD.—To facilitate an orderly transition, the Director shall establish interim target goals for purposes of this section for each of the 2 calendar years following the date of enactment of this section.

''(d) MONITORING AND ENFORCEMENT OF GOALS.—The requirements of section 1336 of the Federal Housing Enterprises Safety and Soundness Act of 1992, shall apply to this section, in the same manner and to the same extent as that section applies to the Federal housing enterprises.

''(e) ANNUAL REPORT.—The Director shall annually report to Congress on the performance of the Banks in meeting the goals established under this section.''.

SEC. 1206. COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS.

Section 4(a)(1) of the Federal Home Loan Bank Act (12 U.S.C. 1424(a)(1)) is amended—

(1) by inserting after ''savings bank,'' the following: ''community development financial institution,''; and

(2) in subparagraph (B), by inserting after ''United States,'' the following: ''or, in the case of a community development financial institution, is certified as a community development financial institution under the Community Development Banking and Financial Institutions Act of 1994.''.

SEC. 1207. SHARING OF INFORMATION AMONG FEDERAL HOME LOAN BANKS.

The Federal Home Loan Bank Act is amended by inserting after section 20 (12 U.S.C. 1440) the following new section:

''SEC. 20A. SHARING OF INFORMATION AMONG FEDERAL HOME LOAN BANKS.

''(a) INFORMATION ON FINANCIAL CONDITION.—In order to enable each Federal Home Loan Bank to evaluate the financial condition of one or more of the other Federal Home Loan Banks individually and the Federal Home Loan Bank System (including any risks associated with the issuance or repayment of consolidated Federal Home Loan Bank bonds and debentures or other borrowings and the joint and several liabilities of the Banks incurred due to such borrowings), as well as to comply with any of its obligations under the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.), the Director shall make available to the Banks such reports, records, or other information as may be available, relating to the condition of any Federal Home Loan Bank.

''(b) SHARING OF INFORMATION.—

''(1) IN GENERAL.—The Director shall promulgate regulations to facilitate the sharing of information made available under subsection (a) directly among the Federal Home Loan Banks.

''(2) LIMITATION.—Notwithstanding paragraph (1), a Federal Home Loan Bank responding to a request from another Bank or from the Director for information pursuant to this section may request that the Director determine that such information is proprietary and that the public interest requires that such information not be shared.

''(c) LIMITATION.—Nothing in this section shall affect the obligations of any Federal Home Loan Bank under the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.) or the regulations issued by the Securities and Exchange Commission thereunder.

''(d) NO WAIVER OF PRIVILEGE.—The Director shall not be deemed to have waived any privilege applicable to any information concerning a Federal Home Loan Bank by transferring, or permitting the transfer of, that information to any other Federal Home Loan Bank for the purposes set out in subsection (a).''.

SEC. 1208. EXCLUSION FROM CERTAIN REQUIREMENTS.

(a) IN GENERAL.—The Federal Home Loan Banks shall be exempt from compliance with—

(1) sections 13(e), 14(a), and 14(c) of the Securities Exchange Act of 1934, and related Commission regulations;

(2) section 15 of the Securities Exchange Act of 1934, and related Commission regulations, with respect to transactions in the capital stock of a Federal Home Loan Bank;

(3) section 17A of the Securities Exchange Act of 1934, and related Commission regulations, with respect to the transfer of the securities of a Federal Home Loan Bank; and

(4) the Trust Indenture Act of 1939.

(b) MEMBER EXEMPTION.—The members of the Federal Home Loan Bank System shall be exempt from compliance with sections 13(d), 13(f), 13(g), 14(d), and 16 of the Securities Exchange Act of 1934, and related Commission regulations, with respect to ownership of or transactions in the capital stock of the Federal Home Loan Banks by such members.

(c) EXEMPTED AND GOVERNMENT SECURITIES.—

(1) CAPITAL STOCK.—The capital stock issued by each of the Federal Home Loan Banks under section 6 of the Federal Home Loan Bank Act are—

(A) exempted securities, within the meaning of section 3(a)(2) of the Securities Act of 1933; and

(B) exempted securities, within the meaning of section 3(a)(12)(A) of the Securities Exchange Act of 1934, except to the extent provided in section 38 of that Act.

(2) OTHER OBLIGATIONS.—The debentures, bonds, and other obligations issued under section 11 of the Federal Home Loan Bank Act (12 U.S.C. 1431) are—

(A) exempted securities, within the meaning of section 3(a)(2) of the Securities Act of 1933;

(B) government securities, within the meaning of section 3(a)(42) of the Securities Exchange Act of 1934; and

(C) government securities, within the meaning of section 2(a)(16) of the Investment Company Act of 1940.

(3) BROKERS AND DEALERS.—A person (other than a Federal Home Loan Bank effecting transactions for members of the Federal Home Loan Bank System) that effects transactions in the capital stock or other obligations of a Federal Home Loan Bank, for the account of others or for that person's own account, as applicable, is a broker or dealer, as those terms are defined in paragraphs (4) and (5), respectively, of section 3(a) of the Securities Exchange Act of 1934, but is excluded from the definition of—

(A) the term ''government securities broker'' under section 3(a)(43) of the Securities Exchange Act of 1934; and

(B) the term ''government securities dealer'' under section 3(a)(44) of the Securities Exchange Act of 1934.

(d) EXEMPTION FROM REPORTING REQUIREMENTS.—The Federal Home Loan Banks shall be exempt from periodic reporting requirements under the securities laws pertaining to the disclosure of—

(1) related party transactions that occur in the ordinary course of the business of the Banks with members; and

(2) the unregistered sales of equity securities.

(e) TENDER OFFERS.—Commission rules relating to tender offers shall not apply in connection with transactions in the capital stock of the Federal Home Loan Banks.

(f) REGULATIONS.—

(1) IN GENERAL.—The Commission shall promulgate such rules and regulations as may be necessary or appropriate in the public interest or in furtherance of this section and the exemptions provided in this section.

(2) CONSIDERATIONS.—In issuing regulations under this section, the Commission shall consider the distinctive characteristics of the Federal Home Loan Banks when evaluating—

(A) the accounting treatment with respect to the payment to the Resolution Funding Corporation;

(B) the role of the combined financial statements of the Federal Home Loan Banks;

(C) the accounting classification of redeemable capital stock; and

(D) the accounting treatment related to the joint and several nature of the obligations of the Banks.

(g) DEFINITIONS.—As used in this section—

(1) the terms ''Bank'', ''Federal Home Loan Bank'', ''member'', and ''Federal Home Loan Bank System'' have the same meanings as in section 2 of the Federal Home Loan Bank Act (12 U.S.C. 1422);

(2) the term ''Commission'' means the Securities and Exchange Commission; and

(3) the term ''securities laws'' has the same meaning as in section 3(a)(47) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(47)).

SEC. 1209. VOLUNTARY MERGERS.

Section 26 of the Federal Home Loan Bank Act (12 U.S.C. 1446) is amended—

(1) by striking ''Whenever'' and inserting ''(a) IN GENERAL.—Whenever''; and

(2) by adding at the end the following:

''(b) VOLUNTARY MERGERS AUTHORIZED.—

''(1) IN GENERAL.—Any Federal Home Loan Bank may, with the approval of the Director and of the boards of directors of the Banks involved, merge with another Bank.

''(2) REGULATIONS REQUIRED.—The Director shall promulgate regulations establishing the conditions and procedures for the consideration and approval of any voluntary merger described in paragraph (1), including the procedures for Bank member approval.''.

SEC. 1210. AUTHORITY TO REDUCE DISTRICTS.

Section 3 of the Federal Home Loan Bank Act (12 U.S.C. 1423) is amended—

(1) by striking ''As soon'' and inserting ''(a) IN GENERAL.—As soon''; and

(2) by adding at the end the following:

''(b) AUTHORITY TO REDUCE DISTRICTS.—Notwithstanding subsection (a), the number of districts may be reduced to a number less than 8—

''(1) pursuant to a voluntary merger between Banks, as approved pursuant to section 26(b); or

''(2) pursuant to a decision by the Director to liquidate a Bank pursuant to section 1367 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992.''.

SEC. 1211. COMMUNITY FINANCIAL INSTITUTION MEMBERS.

(a) TOTAL ASSET REQUIREMENT.—Paragraph (10) of section 2 of the Federal Home Loan Bank Act (12 U.S.C. 1422(10)), as so redesignated by section 201(3) of this Act, is amended by striking ''$500,000,000'' each place such term appears and inserting ''$1,000,000,000''.

(b) USE OF ADVANCES FOR COMMUNITY DEVELOPMENT ACTIVITIES.—Section 10(a) of the Federal Home Loan Bank Act (12 U.S.C. 1430(a)) is amended—

(1) in paragraph (2)(B)—

(A) by striking ''and''; and

(B) by inserting '', and community development activities'' before the period at the end;

(2) in paragraph (3)(E), by inserting ''or community development activities'' after ''agriculture,''; and

(3) in paragraph (6)—

(A) by striking ''and''; and

(B) by inserting '', and 'community development activities'' before ''shall''.

SEC. 1212. PUBLIC USE DATABASE; REPORTS TO CONGRESS.

Section 10 of the Federal Home Loan Bank Act (12 U.S.C. 1430) is amended—

(1) in subsection (j)(12)—

(A) by striking subparagraph (C) and inserting the following:

''(C) REPORTS.—The Director shall annually report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives on the collateral pledged to the Banks, including an analysis of collateral by type and by Bank district.''; and

(B) by adding at the end the following:

''(D) SUBMISSION TO CONGRESS.—The Director shall submit the reports under subparagraphs (A) and (C) to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives, not later than 180 days after the date of enactment of the Federal Housing Finance Regulatory Reform Act of 2008.''; and

(2) by adding at the end the following:

''(k) PUBLIC USE DATABASE.—

''(1) DATA.—Each Federal Home Loan Bank shall provide to the Director, in a form determined by the Director, census tract level data relating to mortgages purchased, if any, including—

''(A) data consistent with that reported under section 1323 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992;

''(B) data elements required to be reported under the Home Mortgage Disclosure Act of 1975; and

''(C) any other data elements that the Director considers appropriate.

''(2) PUBLIC USE DATABASE.—

''(A) IN GENERAL.—The Director shall make available to the public, in a form that is useful to the public (including forms accessible electronically), and to the extent practicable, the data provided to the Director under paragraph (1).

''(B) PROPRIETARY INFORMATION.—Not withstanding subparagraph (A), the Director may not provide public access to, or disclose to the public, any information required to be submitted under this subsection that the Director determines is proprietary or that would provide personally identifiable information and that is not otherwise publicly accessible through other forms, unless the Director determines that it is in the public interest to provide such information.''.

SEC. 1213. SEMIANNUAL REPORTS.

Section 21B of the Federal Home Loan Bank Act is amended in subsection (f)(2)(C), by adding at the end the following:

''(v) SEMIANNUAL REPORTS.—The Director shall report semiannually to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives on the projected date for the completion of contributions required by this section.''.

SEC. 1214. LIQUIDATION OR REORGANIZATION OF A FEDERAL HOME LOAN BANK.

Section 26 of the Federal Home Loan Bank Act (12 U.S.C. 1446) is amended by adding at the end the following: ''At least 30 days prior to liquidating or reorganizing any Bank under this section, the Director shall notify the Bank of its determination and the facts and circumstances upon which such determination is based. The Bank may contest that determination in a hearing before the Director, in which all issues shall be determined on the record pursuant to section 554 of title 5, United States Code.''.

SEC. 1215. STUDY AND REPORT TO CONGRESS ON SECURITIZATION OF ACQUIRED MEMBER ASSETS.

(a) STUDY.—The Director shall conduct a study on securitization of home mortgage loans purchased or to be purchased from member financial institutions under the Acquired Member Assets programs. In conducting the study, the Director shall establish a process for the formal submission of comments.

(b) ELEMENTS.—The study shall encompass—

(1) the benefits and risks associated with securitization of Acquired Member Assets;

(2) the potential impact of securitization upon liquidity in the mortgage and broader credit markets;

(3) the ability of the Federal Home Loan Bank or Banks in question to manage the risks associated with such a program;

(4) the impact of such a program on the existing activities of the Banks, including their mortgage portfolios and advances; and

(5) the joint and several liability of the Banks and the cooperative structure of the Federal Home Loan Bank System.

(c) CONSULTATIONS.—In conducting the study under this section, the Director shall consult with the Federal Home Loan Banks, the Banks' fiscal agent, representatives of the mortgage lending industry, practitioners in the structured finance field, and other experts as needed.

(d) REPORT.—Not later than 1 year after the date of enactment of this Act, the Director shall submit a report to Congress on the results of the study conducted under subsection (a), including policy recommendations based on the analysis of the Director of the feasibility of mortgage-backed securities issuance by a Federal Home Loan Bank or Banks and the risks and benefits associated with such program or programs.

(e) DEFINITIONS.—As used in this section, the terms ''member'', ''Bank'', and ''Federal Home Loan Bank'' have the same meanings as in section 2 of the Federal Home Loan Bank Act (12 U.S.C. 1422).

SEC. 1216. TECHNICAL AND CONFORMING AMENDMENTS.

(a) RIGHT TO FINANCIAL PRIVACY ACT OF 1978.—Section 1113(o) of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3413(o)) is amended—

(1) by striking ''Federal Housing Finance Board'' and inserting ''Federal Housing Finance Agency''; and

(2) by striking ''Federal Housing Finance Board's'' and inserting ''Federal Housing Finance Agency's''.

(b) RIEGLE COMMUNITY DEVELOPMENT AND REGULATORY IMPROVEMENT ACT OF 1994.—Section 117(e) of the Riegle Community Development and Regulatory Improvement Act of 1994 (12 U.S.C. 4716(e)) is amended by striking ''Federal Housing Finance Board'' and inserting ''Federal Housing Finance Agency''.

(c) TITLE 18, UNITED STATES CODE.—Title 18, United States Code, is amended by striking ''Federal Housing Finance Board'' each place such term appears in each of sections 212, 657, 1006, and 1014, and inserting ''Federal Housing Finance Agency''.

(d) MAHRA ACT OF 1997.—Section 517(b)(4) of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) is amended by striking ''Federal Housing Finance Board'' and inserting ''Federal Housing Finance Agency''.

(e) TITLE 44, UNITED STATES CODE.—Section 3502(5) of title 44, United States Code, is amended by striking ''Federal Housing Finance Board'' and inserting ''Federal Housing Finance Agency''.

(f) ACCESS TO LOCAL TV ACT OF 2000.—Section 1004(d)(2)(D)(iii) of the Launching Our Communities' Access to Local Television Act of 2000 (47 U.S.C. 1103(d)(2)(D)(iii)) is amended by striking ''Office of Federal Housing Enterprise Oversight, the Federal Housing Finance Board'' and inserting ''Federal Housing Finance Agency''.

(g) FIRREA.—Section 1216 of the Financial Institutions Reform, Recovery, and Enhancement Act of 1989 (12 U.S.C. 1833e) is amended—

(1) in subsection (a), by striking paragraph (3) and inserting the following:

''(3) the Federal Housing Finance Agency;'';

(2) in subsection (b), by striking ''Federal National Mortgage Association'' and inserting ''Federal Home Loan Banks, the Federal National Mortgage Association,''; and

(3) in subsection (c), by striking ''Finance Board'' and inserting ''Finance Agency''.

SEC. 1217. STUDY ON FEDERAL HOME LOAN BANK ADVANCES.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Director shall conduct a study and submit a report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House or Representatives on the extent to which loans and securities used as collateral to support Federal Home Loan Bank advances are consistent with the interagency guidance on nontraditional mortgage products.

(b) REQUIRED CONTENT.—The study required under subsection (a) shall—

(1) consider and recommend any additional regulations, guidance, advisory bulletins, or

other administrative actions necessary to ensure that the Federal Home Loan Banks are not supporting loans with predatory characteristics; and

(2) include an opportunity for the public to comment on any recommendations made under paragraph (1).

SEC. 1218. FEDERAL HOME LOAN BANK REFINANCING AUTHORITY FOR CERTAIN RESIDENTIAL MORTGAGE LOANS.

Section 10(j)(2) of the Federal Home Loan Bank Act (12 U.S.C. 1430(j)(2)) is amended—

(1) in subparagraph (A), by striking ''or'' at the end;

(2) in subparagraph (B), by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following:

''(C) during the 2-year period beginning on the date of enactment of this subparagraph, use such percentage as the Director may by regulation establish of any subsidized advances set aside to finance homeownership under subparagraph (A) to refinance loans that are secured by a first mortgage on a primary residence of any family having an income at or below 80 percent of the median income for the area.''.

TITLE III—TRANSFER OF FUNCTIONS, PERSONNEL, AND PROPERTY OF OFHEO AND THE FEDERAL HOUSING FINANCE BOARD

Subtitle A—OFHEO

SEC. 1301. ABOLISHMENT OF OFHEO.

(a) IN GENERAL.—Effective at the end of the 1-year period beginning on the date of enactment of this Act, the Office of Federal Housing Enterprise Oversight of the Department of Housing and Urban Development and the positions of the Director and Deputy Director of such Office are abolished.

(b) DISPOSITION OF AFFAIRS.—During the 1-year period beginning on the date of enactment of this Act, the Director of the Office of Federal Housing Enterprise Oversight, solely for the purpose of winding up the affairs of the Office of Federal Housing Enterprise Oversight—

(1) shall manage the employees of such Office and provide for the payment of the compensation and benefits of any such employee which accrue before the effective date of the transfer of such employee under section 1303; and

(2) may take any other action necessary for the purpose of winding up the affairs of the Office.

(c) STATUS OF EMPLOYEES BEFORE TRANSFER.—The amendments made by title I and the abolishment of the Office of Federal Housing Enterprise Oversight under subsection (a) of this section may not be construed to affect the status of any employee of such Office as an employee of an agency of the United States for purposes of any other provision of law before the effective date of the transfer of any such employee under section 1303.

(d) USE OF PROPERTY AND SERVICES.—

(1) PROPERTY.—The Director may use the property of the Office of Federal Housing Enterprise Oversight to perform functions which have been transferred to the Director for such time as is reasonable to facilitate the orderly transfer of functions transferred under any other provision of this Act or any amendment made by this Act to any other provision of law.

(2) AGENCY SERVICES.—Any agency, department, or other instrumentality of the United States, and any successor to any such agency, department, or instrumentality, which was providing supporting services to the Office of Federal Housing Enterprise Oversight before the expiration of the period under subsection (a) in connection with functions that are transferred to the Director shall—

(A) continue to provide such services, on a reimbursable basis, until the transfer of such functions is complete; and

(B) consult with any such agency to coordinate and facilitate a prompt and reasonable transition.

(e) CONTINUATION OF SERVICES.—The Director may use the services of employees and other personnel of the Office of Federal Housing Enterprise Oversight, on a reimbursable basis, to perform functions which have been transferred to the Director for such time as is reasonable to facilitate the orderly transfer of functions pursuant to any other provision of this Act or any amendment made by this Act to any other provision of law.

(f) SAVINGS PROVISIONS.—

(1) EXISTING RIGHTS, DUTIES, AND OBLIGATIONS NOT AFFECTED.—Subsection (a) shall not affect the validity of any right, duty, or obligation of the United States, the Director of the Office of Federal Housing Enterprise Oversight, or any other person, which—

(A) arises under—

(i) the Federal Housing Enterprises Financial Safety and Soundness Act of 1992;

(ii) the Federal National Mortgage Association Charter Act;

(iii) the Federal Home Loan Mortgage Corporation Act; or

(iv) any other provision of law applicable with respect to such Office; and

(B) existed on the day before the date of abolishment under subsection (a).

(2) CONTINUATION OF SUITS.—No action or other proceeding commenced by or against the Director of the Office of Federal Housing Enterprise Oversight in connection with functions that are transferred to the Director of the Federal Housing Finance Agency shall abate by reason of the enactment of this Act, except that the Director of the Federal Housing Finance Agency shall be substituted for the Director of the Office of Federal Housing Enterprise Oversight as a party to any such action or proceeding.

SEC. 1302. CONTINUATION AND COORDINATION OF CERTAIN ACTIONS.

(a) IN GENERAL.—All regulations, orders, and determinations described in subsection (b) shall remain in effect according to the terms of such regulations, orders, and determinations, and shall be enforceable by or against the Director or the Secretary of Housing and Urban Development, as the case may be, until, modified, terminated, set aside, or superseded in accordance with applicable law by the Director or the Secretary, as the case may be, any court of competent jurisdiction, or operation of law.

(b) APPLICABILITY.—A regulation, order, or determination is described in this subsection if it—

(1) was issued, made, prescribed, or allowed to become effective by—

(A) the Office of Federal Housing Enterprise Oversight;

(B) the Secretary of Housing and Urban Development, and relates to the authority of the Secretary under—

(i) the Federal Housing Enterprises Financial Safety and Soundness Act of 1992;

(ii) the Federal National Mortgage Association Charter Act, with respect to the Federal National Mortgage Association; or

(iii) the Federal Home Loan Mortgage Corporation Act, with respect to the Federal Home Loan Mortgage Corporation; or

(C) a court of competent jurisdiction, and relates to functions transferred by this Act; and

(2) is in effect on the effective date of the abolishment under section 1301(a).

SEC. 1303. TRANSFER AND RIGHTS OF EMPLOYEES OF OFHEO.

(a) TRANSFER.—Each employee of the Office of Federal Housing Enterprise Oversight shall be transferred to the Agency for employment, not later than the effective date of the abolishment under section 1301(a), and such transfer shall be deemed a transfer of function for purposes of section 3503 of title 5, United States Code.

(b) GUARANTEED POSITIONS.—

(1) IN GENERAL.—Each employee transferred under subsection (a) shall be guaranteed a position with the same status, tenure, grade, and pay as that held on the day immediately preceding the transfer.

(2) NO INVOLUNTARY SEPARATION OR REDUCTION.—An employee transferred under subsection (a) holding a permanent position on the day immediately preceding the transfer may not be involuntarily separated or reduced in grade or compensation during the 12-month period beginning on the date of transfer, except for cause, or, in the case of a temporary employee, separated in accordance with the terms of the appointment of the employee.

(c) APPOINTMENT AUTHORITY FOR EXCEPTED AND SENIOR EXECUTIVE SERVICE EMPLOYEES.—

(1) IN GENERAL.—In the case of an employee occupying a position in the excepted service or the Senior Executive Service, any appointment authority established under law or by regulations of the Office of Personnel Management for filling such position shall be transferred, subject to paragraph (2).

(2) DECLINE OF TRANSFER.—The Director may decline a transfer of authority under paragraph (1) to the extent that such authority relates to—

(A) a position excepted from the competitive service because of its confidential, policymaking, policy-determining, or policy-advocating character; or

(B) a noncareer position in the Senior Executive Service (within the meaning of section 3132(a)(7) of title 5, United States Code).

(d) REORGANIZATION.—If the Director determines, after the end of the 1-year period beginning on the effective date of the abolishment under section 1301(a), that a reorganization of the combined workforce is required, that reorganization shall be deemed a major reorganization for purposes of affording affected employee retirement under section 8336(d)(2) or 8414(b)(1)(B) of title 5, United States Code.

(e) EMPLOYEE BENEFIT PROGRAMS.—

(1) IN GENERAL.—Any employee of the Office of Federal Housing Enterprise Oversight accepting employment with the Agency as a result of a transfer under subsection (a) may retain, for 12 months after the date on which such transfer occurs, membership in any employee benefit program of the Agency or the Office of Federal Housing Enterprise Oversight of the Department of Housing and Urban Development, as applicable, including insurance, to which such employee belongs on the date of the abolishment under section 1301(a), if—

(A) the employee does not elect to give up the benefit or membership in the program; and

(B) the benefit or program is continued by the Director of the Federal Housing Finance Agency.

(2) COST DIFFERENTIAL.—

(A) IN GENERAL.—The difference in the costs between the benefits which would have been provided by the Office of Federal Housing Enterprise Oversight and those provided by this section shall be paid by the Director.

(B) HEALTH INSURANCE.—If any employee elects to give up membership in a health insurance program or the health insurance program is not continued by the Director, the employee shall be permitted to select an alternate Federal health insurance program not later than 30 days after the date of such election or notice, without regard to any other regularly scheduled open season.

SEC. 1304. TRANSFER OF PROPERTY AND FACILITIES.

Upon the effective date of its abolishment under section 1301(a), all property of the Office of Federal Housing Enterprise Oversight shall transfer to the Agency.

Subtitle B—Federal Housing Finance Board

SEC. 1311. ABOLISHMENT OF THE FEDERAL HOUSING FINANCE BOARD.

(a) IN GENERAL.—Effective at the end of the 1-year period beginning on the date of enactment of this Act, the Federal Housing Finance Board (in this subtitle referred to as the ''Board'') is abolished.

(b) DISPOSITION OF AFFAIRS.—During the 1-year period beginning on the date of enactment of this Act, the Board, solely for the purpose of winding up the affairs of the Board—

(1) shall manage the employees of the Board and provide for the payment of the compensation and benefits of any such employee which accrue before the effective date of the transfer of such employee under section 1313; and

(2) may take any other action necessary for the purpose of winding up the affairs of the Board.

(c) STATUS OF EMPLOYEES BEFORE TRANSFER.—The amendments made by titles I and II and the abolishment of the Board under subsection (a) may not be construed to affect the status of any employee of the Board as an employee of an agency of the United States for purposes of any other provision of law before the effective date of the transfer of any such employee under section 1313.

(d) USE OF PROPERTY AND SERVICES.—

(1) PROPERTY.—The Director may use the property of the Board to perform functions which have been transferred to the Director, for such time as is reasonable to facilitate the orderly transfer of functions transferred under any other provision of this Act or any amendment made by this Act to any other provision of law.

(2) AGENCY SERVICES.—Any agency, department, or other instrumentality of the United States, and any successor to any such agency, department, or instrumentality, which was providing supporting services to the Board before the expiration of the 1-year period under subsection (a) in connection with functions that are transferred to the Director shall—

(A) continue to provide such services, on a reimbursable basis, until the transfer of such functions is complete; and

(B) consult with any such agency to coordinate and facilitate a prompt and reasonable transition.

(e) CONTINUATION OF SERVICES.—The Director may use the services of employees and other personnel of the Board, on a reimbursable basis, to perform functions which have been transferred to the Director for such time as is reasonable to facilitate the orderly transfer of functions pursuant to any other provision of this Act or any amendment made by this Act to any other provision of law.

(f) SAVINGS PROVISIONS.—

(1) EXISTING RIGHTS, DUTIES, AND OBLIGATIONS NOT AFFECTED.—Subsection (a) shall not affect the validity of any right, duty, or obligation of the United States, a member of the Board, or any other person, which—

(A) arises under the Federal Home Loan Bank Act, or any other provision of law applicable with respect to the Board; and

(B) existed on the day before the effective date of the abolishment under subsection (a).

(2) CONTINUATION OF SUITS.—No action or other proceeding commenced by or against the Board in connection with functions that are transferred under this Act to the Director shall abate by reason of the enactment of this Act, except that the Director shall be substituted for the Board or any member thereof as a party to any such action or proceeding.

SEC. 1312. CONTINUATION AND COORDINATION OF CERTAIN ACTIONS.

(a) IN GENERAL.—All regulations, orders, determinations, and resolutions described under subsection (b) shall remain in effect according to the terms of such regulations, orders, determinations, and resolutions, and shall be enforceable by or against the Director until modified, terminated, set aside, or superseded in accordance with applicable law by the Director, any court of competent jurisdiction, or operation of law.

(b) APPLICABILITY.—A regulation, order, determination, or resolution is described under this subsection if it—

(1) was issued, made, prescribed, or allowed to become effective by—

(A) the Board; or

(B) a court of competent jurisdiction, and relates to functions transferred by this Act; and

(2) is in effect on the effective date of the abolishment under section 1311(a).

SEC. 1313. TRANSFER AND RIGHTS OF EMPLOYEES OF THE FEDERAL HOUSING FINANCE BOARD.

(a) TRANSFER.—Each employee of the Board shall be transferred to the Agency for employment, not later than the effective date of the abolishment under section 1311(a), and such transfer shall be deemed a transfer of function for purposes of section 3503 of title 5, United States Code.

(b) GUARANTEED POSITIONS.—

(1) IN GENERAL.—Each employee transferred under subsection (a) shall be guaranteed a position with the same status, tenure, grade, and pay as that held on the day immediately preceding the transfer.

(2) NO INVOLUNTARY SEPARATION OR REDUCTION.—An employee holding a permanent position on the day immediately preceding the transfer may not be involuntarily separated or reduced in grade or compensation during the 12-month period beginning on the date of transfer, except for cause, or, if the employee is a temporary employee, separated in accordance with the terms of the appointment of the employee.

(c) APPOINTMENT AUTHORITY FOR EXCEPTED EMPLOYEES.—

(1) IN GENERAL.—In the case of an employee occupying a position in the excepted service, any appointment authority established under law or by regulations of the Office of Personnel Management for filling such position shall be transferred, subject to paragraph (2).

(2) DECLINE OF TRANSFER.—The Director may decline a transfer of authority under paragraph (1), to the extent that such authority relates to a position excepted from the competitive service because of its confidential, policymaking, policy-determining, or policy-advocating character.

(d) REORGANIZATION.—If the Director determines, after the end of the 1-year period beginning on the effective date of the abolishment under section 1311(a), that a reorganization of the combined workforce is required, that reorganization shall be deemed a major reorganization for purposes of affording affected employee retirement under section 8336(d)(2) or 8414(b)(1)(B) of title 5, United States Code.

(e) EMPLOYEE BENEFIT PROGRAMS.—

(1) IN GENERAL.—Any employee of the Board accepting employment with the Agency as a result of a transfer under subsection (a) may retain, for 12 months after the date on which such transfer occurs, membership in any employee benefit program of the Agency or the Board, as applicable, including insurance, to which such employee belongs on the effective date of the abolishment under section 1311(a) if—

(A) the employee does not elect to give up the benefit or membership in the program; and

(B) the benefit or program is continued by the Director.

(2) COST DIFFERENTIAL.—

(A) IN GENERAL.—The difference in the costs between the benefits which would have been provided by the Board and those provided by this section shall be paid by the Director.

(B) HEALTH INSURANCE.—If any employee elects to give up membership in a health insurance program or the health insurance program is not continued by the Director, the employee shall be permitted to select an alternate Federal health insurance program not later than 30 days after the date of such election or notice, without regard to any other regularly scheduled open season.

SEC. 1314. TRANSFER OF PROPERTY AND FACILITIES.

Upon the effective date of the abolishment under section 1311(a), all property of the Board shall transfer to the Agency.

TITLE IV—HOPE FOR HOMEOWNERS

SEC. 1401. SHORT TITLE.

This title may be cited as the ''HOPE for Homeowners Act of 2008''.

SEC. 1402. ESTABLISHMENT OF HOPE FOR HOMEOWNERS PROGRAM.

(a) ESTABLISHMENT.—Title II of the National Housing Act (12 U.S.C. 1707 et seq.) is amended by adding at the end the following:

''SEC. 257. HOPE FOR HOMEOWNERS PROGRAM.

''(a) ESTABLISHMENT.—There is established in the Federal Housing Administration a HOPE for Homeowners Program.

''(b) PURPOSE.—The purpose of the HOPE for Homeowners Program is—

''(1) to create an FHA program, participation in which is voluntary on the part of homeowners and existing loan holders to insure refinanced loans for distressed borrowers to support long-term, sustainable homeownership;

''(2) to allow homeowners to avoid foreclosure by reducing the principle balance outstanding, and interest rate charged, on their mortgages;

''(3) to help stabilize and provide confidence in mortgage markets by bringing transparency to the value of assets based on mortgage assets;

''(4) to target mortgage assistance under this section to homeowners for their principal residence;

''(5) to enhance the administrative capacity of the FHA to carry out its expanded role under the HOPE for Homeowners Program;

''(6) to ensure the HOPE for Homeowners Program remains in effect only for as long as is necessary to provide stability to the housing market; and

''(7) to provide servicers of delinquent mortgages with additional methods and approaches to avoid foreclosure.

''(c) ESTABLISHMENT AND IMPLEMENTATION OF PROGRAM REQUIREMENTS.—

''(1) DUTIES OF THE BOARD.—In order to carry out the purposes of the HOPE for Homeowners Program, the Board shall—

''(A) establish requirements and standards for the program; and

''(B) prescribe such regulations and provide such guidance as may be necessary or appropriate to implement such requirements and standards.

''(2) DUTIES OF THE SECRETARY.—In carrying out any of the program requirements or standards established under paragraph (1), the Secretary may issue such interim guidance and mortgagee letters as the Secretary determines necessary or appropriate.

''(d) INSURANCE OF MORTGAGES.—The Secretary is authorized upon application of a mortgagee to make commitments to insure

or to insure any eligible mortgage that has been refinanced in a manner meeting the requirements under subsection (e).

''(e) REQUIREMENTS OF INSURED MORTGAGES.—To be eligible for insurance under this section, a refinanced eligible mortgage shall comply with all of the following requirements:

''(1) LACK OF CAPACITY TO PAY EXISTING MORTGAGE.—

''(A) BORROWER CERTIFICATION.—

''(i) IN GENERAL.—The mortgagor shall provide certification to the Secretary that the mortgagor has not intentionally defaulted on the mortgage or any other debt, and has not knowingly, or willfully and with actual knowledge, furnished material information known to be false for the purpose of obtaining any eligible mortgage.

''(ii) PENALTIES.—

''(I) FALSE STATEMENT.—Any certification filed pursuant to clause (i) shall contain an acknowledgment that any willful false statement made in such certification is punishable under section 1001, of title 18, United States Code, by fine or imprisonment of not more than 5 years, or both.

''(II) LIABILITY FOR REPAYMENT.—The mortgagor shall agree in writing that the mortgagor shall be liable to repay to the Federal Housing Administration any direct financial benefit achieved from the reduction of indebtedness on the existing mortgage or mortgages on the residence refinanced under this section derived from misrepresentations made in the certifications and documentation required under this subparagraph, subject to the discretion of the Secretary.

''(B) CURRENT BORROWER DEBT-TO-INCOME RATIO.—As of March 1, 2008, the mortgagor shall have had a ratio of mortgage debt to income, taking into consideration all existing mortgages of that mortgagor at such time, greater than 31 percent (or such higher amount as the Board determines appropriate).

''(2) DETERMINATION OF PRINCIPAL OBLIGATION AMOUNT.—The principal obligation amount of the refinanced eligible mortgage to be insured shall—

''(A) be determined by the reasonable ability of the mortgagor to make his or her mortgage payments, as such ability is determined by the Secretary pursuant to section 203(b)(4) or by any other underwriting standards established by the Board; and

''(B) not exceed 90 percent of the appraised value of the property to which such mortgage relates.

''(3) REQUIRED WAIVER OF PREPAYMENT PENALTIES AND FEES.—All penalties for prepayment or refinancing of the eligible mortgage, and all fees and penalties related to default or delinquency on the eligible mortgage, shall be waived or forgiven.

''(4) EXTINGUISHMENT OF SUBORDINATE LIENS.—

''(A) REQUIRED AGREEMENT.—All holders of outstanding mortgage liens on the property to which the eligible mortgage relates shall agree to accept the proceeds of the insured loan as payment in full of all indebtedness under the eligible mortgage, and all encumbrances related to such eligible mortgage shall be removed. The Secretary may take such actions, subject to standards established by the Board under subparagraph (B), as may be necessary and appropriate to facilitate coordination and agreement between the holders of the existing senior mortgage and any existing subordinate mortgages, taking into consideration the subordinate lien status of such subordinate mortgages.

''(B) SHARED APPRECIATION.—

''(i) IN GENERAL.—The Board shall establish standards and policies that will allow for the payment to the holder of any existing subordinate mortgage of a portion of any future appreciation in the property secured by such eligible mortgage that is owed to the Secretary pursuant to subsection (k).

''(ii) FACTORS.—In establishing the standards and policies required under clause (i), the Board shall take into consideration—

''(I) the status of any subordinate mortgage;

''(II) the outstanding principal balance of and accrued interest on the existing senior mortgage and any outstanding subordinate mortgages;

''(III) the extent to which the current appraised value of the property securing a subordinate mortgage is less than the outstanding principal balance and accrued interest on any other liens that are senior to such subordinate mortgage; and

''(IV) such other factors as the Board determines to be appropriate.

''(C) VOLUNTARY PROGRAM.—This paragraph may not be construed to require any holder of any existing mortgage to participate in the program under this section generally, or with respect to any particular loan.

''(5) TERM OF MORTGAGE.—The refinanced eligible mortgage to be insured shall—

''(A) bear interest at a single rate that is fixed for the entire term of the mortgage; and

''(B) have a maturity of not less than 30 years from the date of the beginning of amortization of such refinanced eligible mortgage.

''(6) MAXIMUM LOAN AMOUNT.—The principal obligation amount of the eligible mortgage to be insured shall not exceed 132 percent of the dollar amount limitation in effect for 2007 under section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1454(a)(2)) for a property of the applicable size.

''(7) PROHIBITION ON SECOND LIENS.—A mortgagor may not grant a new second lien on the mortgaged property during the first 5 years of the term of the mortgage insured under this section, except as the Board determines to be necessary to ensure the maintenance of property standards; and provided that such new outstanding liens (A) do not reduce the value of the Government's equity in the borrower's home; and (B) when combined with the mortgagor's existing mortgage indebtedness, do not exceed 95 percent of the home's appraised value at the time of the new second lien.

''(8) APPRAISALS.—Any appraisal conducted in connection with a mortgage insured under this section shall—

''(A) be based on the current value of the property;

''(B) be conducted in accordance with title XI of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 3331 et seq.);

''(C) be completed by an appraiser who meets the competency requirements of the Uniform Standards of Professional Appraisal Practice;

''(D) be wholly consistent with the appraisal standards, practices, and procedures under section 202(e) of this Act that apply to all loans insured under this Act; and

''(E) comply with the requirements of subsection (g) of this section (relating to appraisal independence).

''(9) DOCUMENTATION AND VERIFICATION OF INCOME.—In complying with the FHA underwriting requirements under the HOPE for Homeowners Program under this section, the mortgagee shall document and verify the income of the mortgagor or non-filing status by procuring (A) an income tax return transcript of the income tax returns of the mortgagor, or(B) a copy of the income tax returns from the Internal Revenue Service, for the two most recent years for which the filing deadline for such years has passed and by any other method, in accordance with procedures and standards that the Board shall establish.

''(10) MORTGAGE FRAUD.—The mortgagor shall not have been convicted under Federal or State law for fraud during the 10-year period ending upon the insurance of the mortgage under this section.

''(11) PRIMARY RESIDENCE.—The mortgagor shall provide documentation satisfactory in the determination of the Secretary to prove that the residence covered by the mortgage to be insured under this section is occupied by the mortgagor as the primary residence of the mortgagor, and that such residence is the only residence in which the mortgagor has any present ownership interest.

''(f) STUDY OF AUCTION OR BULK REFINANCE PROGRAM.—

''(1) STUDY.—The Board shall conduct a study of the need for and efficacy of an auction or bulk refinancing mechanism to facilitate refinancing of existing residential mortgages that are at risk for foreclosure into mortgages insured under this section. The study shall identify and examine various options for mechanisms under which lenders and servicers of such mortgages may make bids for forward commitments for such insurance in an expedited manner.

''(2) CONTENT.—

''(A) ANALYSIS.—The study required under paragraph (1) shall analyze—

''(i) the feasibility of establishing a mechanism that would facilitate the more rapid refinancing of borrowers at risk of foreclosure into performing mortgages insured under this section;

''(ii) whether such a mechanism would provide an effective and efficient mechanism to reduce foreclosures on qualified existing mortgages;

''(iii) whether the use of an auction or bulk refinance program is necessary to stabilize the housing market and reduce the impact of turmoil in that market on the economy of the United States;

''(iv) whether there are other mechanisms or authority that would be useful to reduce foreclosure; and

''(v) and any other factors that the Board considers relevant.

''(B) DETERMINATIONS.—To the extent that the Board finds that a facility of the type described in subparagraph (A) is feasible and useful, the study shall—

''(i) determine and identify any additional authority or resources needed to establish and operate such a mechanism;

''(ii) determine whether there is a need for additional authority with respect to the loan underwriting criteria established in this section or with respect to eligibility of participating borrowers, lenders, or holders of liens;

''(iii) determine whether such underwriting criteria should be established on the basis of individual loans, in the aggregate, or otherwise to facilitate the goal of refinancing borrowers at risk of foreclosure into viable loans insured under this section.

''(3) REPORT.—Not later than the expiration of the 60-day period beginning on the date of the enactment of this section, the Board shall submit a report regarding the results of the study conducted under this subsection to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate. The report shall include a detailed description of the analysis required under paragraph (2)(A) and of the determinations made pursuant to paragraph (2)(B), and shall include any other findings and recommendations of the Board pursuant to the study, including identifying various options for mechanisms described in paragraph (1).

''(g) APPRAISAL INDEPENDENCE.—

''(1) PROHIBITIONS ON INTERESTED PARTIES IN A REAL ESTATE TRANSACTION.—No mortgage lender, mortgage broker, mortgage banker, real estate broker, appraisal management company, employee of an appraisal management company, nor any other person with an interest in a real estate transaction involving an appraisal in connection with a mortgage insured under this section shall improperly influence, or attempt to improperly influence, through coercion, extortion, collusion, compensation, instruction, inducement, intimidation, nonpayment for services rendered, or bribery, the development, reporting, result, or review of a real estate appraisal sought in connection with the mortgage.

''(2) CIVIL MONETARY PENALTIES.—The Secretary may impose a civil money penalty for any knowing and material violation of paragraph (1) under the same terms and conditions as are authorized in section 536(a) of this Act.

''(h) STANDARDS TO PROTECT AGAINST ADVERSE SELECTION.—

''(1) IN GENERAL.—The Board shall, by rule or order, establish standards and policies to require the underwriter of the insured loan to provide such representations and warranties as the Board considers necessary or appropriate to enforce compliance with all underwriting and appraisal standards of the HOPE for Homeowners Program.

''(2) EXCLUSION FOR VIOLATIONS.—The Board shall prohibit the Secretary from paying insurance benefits to a mortgagee who violates the representations and warranties, as established under paragraph (1), or in any case in which a mortgagor fails to make the first payment on a refinanced eligible mortgage.

''(3) OTHER AUTHORITY.—The Board may establish such other standards or policies as necessary to protect against adverse selection, including requiring loans identified by the Secretary as higher risk loans to demonstrate payment performance for a reasonable period of time prior to being insured under the program.

''(i) PREMIUMS.—For each refinanced eligible mortgage insured under this section, the Secretary shall establish and collect—

''(1) at the time of insurance, a single premium payment in an amount equal to 3 percent of the amount of the original insured principal obligation of the refinanced eligible mortgage, which shall be paid from the proceeds of the mortgage being insured under this section, through the reduction of the amount of indebtedness that existed on the eligible mortgage prior to refinancing; and

''(2) in addition to the premium required under paragraph (1), an annual premium in an amount equal to 1.5 percent of the amount of the remaining insured principal balance of the mortgage.

''(j) ORIGINATION FEES AND INTEREST RATE.—The Board shall establish—

''(1) a reasonable limitation on origination fees for refinanced eligible mortgages insured under this section; and

''(2) procedures to ensure that interest rates on such mortgages shall be commensurate with market rate interest rates on such types of loans.

''(k) EQUITY AND APPRECIATION.—

''(1) FIVE-YEAR PHASE-IN FOR EQUITY AS A RESULT OF SALE OR REFINANCING.—For each eligible mortgage insured under this section, the Secretary and the mortgagor of such mortgage shall, upon any sale or disposition of the property to which such mortgage relates, or upon the subsequent refinancing of such mortgage, be entitled to the following with respect to any equity created as a direct result of such sale or refinancing:

''(A) If such sale or refinancing occurs during the period that begins on the date that such mortgage is insured and ends 1 year after such date of insurance, the Secretary shall be entitled to 100 percent of such equity.

''(B) If such sale or refinancing occurs during the period that begins 1 year after such date of insurance and ends 2 years after such date of insurance, the Secretary shall be entitled to 90 percent of such equity and the mortgagor shall be entitled to 10 percent of such equity.

''(C) If such sale or refinancing occurs during the period that begins 2 years after such date of insurance and ends 3 years after such date of insurance, the Secretary shall be entitled to 80 percent of such equity and the mortgagor shall be entitled to 20 percent of such equity.

''(D) If such sale or refinancing occurs during the period that begins 3 years after such date of insurance and ends 4 years after such date of insurance, the Secretary shall be entitled to 70 percent of such equity and the mortgagor shall be entitled to 30 percent of such equity.

''(E) If such sale or refinancing occurs during the period that begins 4 years after such date of insurance and ends 5 years after such date of insurance, the Secretary shall be entitled to 60 percent of such equity and the mortgagor shall be entitled to 40 percent of such equity.

''(F) If such sale or refinancing occurs during any period that begins 5 years after such date of insurance, the Secretary shall be entitled to 50 percent of such equity and the mortgagor shall be entitled to 50 percent of such equity.

''(2) APPRECIATION IN VALUE.—For each eligible mortgage insured under this section, the Secretary and the mortgagor of such mortgage shall, upon any sale or disposition of the property to which such mortgage relates, each be entitled to 50 percent of any appreciation in value of the appraised value of such property that has occurred since the date that such mortgage was insured under this section.

''(l) ESTABLISHMENT OF HOPE FUND.—

''(1) IN GENERAL.—There is established in the Federal Housing Administration a revolving fund to be known as the Home Ownership Preservation Entity Fund, which shall be used by the Board for carrying out the mortgage insurance obligations under this section.

''(2) MANAGEMENT OF FUND.—The HOPE Fund shall be administered and managed by the Secretary, who shall establish reasonable and prudent criteria for the management and operation of any amounts in the HOPE Fund.

''(m) LIMITATION ON AGGREGATE INSURANCE AUTHORITY.—The aggregate original principal obligation of all mortgages insured under this section may not exceed $300,000,000,000.

''(n) REPORTS BY THE BOARD.—The Board shall submit monthly reports to the Congress identifying the progress of the HOPE for Homeowners Program, which shall contain the following information for each month:

''(1) The number of new mortgages insured under this section, including the location of the properties subject to such mortgages by census tract.

''(2) The aggregate principal obligation of new mortgages insured under this section.

''(3) The average amount by which the principle balance outstanding on mortgages insured this section was reduced.

''(4) The amount of premiums collected for insurance of mortgages under this section.

''(5) The claim and loss rates for mortgages insured under this section.

''(6) Any other information that the Board considers appropriate.

''(o) REQUIRED OUTREACH EFFORTS.—The Secretary shall carry out outreach efforts to ensure that homeowners, lenders, and the general public are aware of the opportunities for assistance available under this section.

''(p) ENHANCEMENT OF FHA CAPACITY.—Under the direction of the Board, the Secretary shall take such actions as may be necessary to—

''(1) contract for the establishment of underwriting criteria, automated underwriting systems, pricing standards, and other factors relating to eligibility for mortgages insured under this section;

''(2) contract for independent quality reviews of underwriting, including appraisal reviews and fraud detection, of mortgages insured under this section or pools of such mortgages; and

''(3) increase personnel of the Department as necessary to process or monitor the processing of mortgages insured under this section.

''(q) GNMA COMMITMENT AUTHORITY.—

''(1) GUARANTEES.—The Secretary shall take such actions as may be necessary to ensure that securities based on and backed by a trust or pool composed of mortgages insured under this section are available to be guaranteed by the Government National Mortgage Association as to the timely payment of principal and interest.

''(2) GUARANTEE AUTHORITY.—To carry out the purposes of section 306 of the National Housing Act (12 U.S.C. 1721), the Government National Mortgage Association may enter into new commitments to issue guarantees of securities based on or backed by mortgages insured under this section, not exceeding $300,000,000,000. The amount of authority provided under the preceding sentence to enter into new commitments to issue guarantees is in addition to any amount of authority to make new commitments to issue guarantees that is provided to the Association under any other provision of law.

''(r) SUNSET.—The Secretary may not enter into any new commitment to insure any refinanced eligible mortgage, or newly insure any refinanced eligible mortgage pursuant to this section before October 1, 2008 or after September 30, 2011.

''(s) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

''(1) APPROVED FINANCIAL INSTITUTION OR MORTGAGEE.—The term 'approved financial institution or mortgagee' means a financial institution or mortgagee approved by the Secretary under section 203 as responsible and able to service mortgages responsibly.

''(2) BOARD.—The term 'Board' means the Board of Directors of the HOPE for Homeowners Program. The Board shall be composed of the Secretary, the Secretary of the Treasury, the Chairperson of the Board of Governors of the Federal Reserve System, and the Chairperson of the Board of Directors of the Federal Deposit Insurance Corporation, or their designees.

''(3) ELIGIBLE MORTGAGE.—The term 'eligible mortgage' means a mortgage—

''(A) the mortgagor of which—

''(i) occupies such property as his or her principal residence; and

''(ii) cannot, subject to subsection (e)(1)(B) and such other standards established by the Board, afford his or her mortgage payments; and

''(B) originated on or before January 1, 2008.

''(4) EXISTING SENIOR MORTGAGE.—The term 'existing senior mortgage' means, with respect to a mortgage insured under this section, the existing mortgage that has superior priority.

''(5) EXISTING SUBORDINATE MORTGAGE.—The term 'existing subordinate mortgage' means, with respect to a mortgage insured under this section, an existing mortgage that has subordinate priority to the existing senior mortgage.

''(6) HOPE FOR HOMEOWNERS PROGRAM.—The term 'HOPE for Homeowners Program' means the program established under this section.

''(7) SECRETARY.—The term 'Secretary' means the Secretary of Housing and Urban Development, except where specifically provided otherwise.

''(t) REQUIREMENTS RELATED TO THE BOARD.—

''(1) COMPENSATION, ACTUAL, NECESSARY, AND TRANSPORTATION EXPENSES.—

''(A) FEDERAL EMPLOYEES.—A member of the Board who is an officer or employee of the Federal Government shall serve without additional pay (or benefits in the nature of compensation) for service as a member of the Board.

''(B) TRAVEL EXPENSES.—Members of the Board shall be entitled to receive travel expenses, including per diem in lieu of subsistence, equivalent to those set forth in subchapter I of chapter 57 of title 5, United States Code.

''(2) BYLAWS.—The Board may prescribe, amend, and repeal such bylaws as may be necessary for carrying out the functions of the Board.

''(3) QUORUM.—A majority of the Board shall constitute a quorum.

''(4) STAFF; EXPERTS AND CONSULTANTS.—

''(A) DETAIL OF GOVERNMENT EMPLOYEES.—Upon request of the Board, any Federal Government employee may be detailed to the Board without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

''(B) EXPERTS AND CONSULTANTS.—The Board shall procure the services of experts and consultants as the Board considers appropriate.

''(u) RULE OF CONSTRUCTION RELATED TO VOLUNTARY NATURE OF THE PROGRAM.—This section shall not be construed to require that any approved financial institution or mortgagee participate in any activity authorized under this section, including any activity related to the refinancing of an eligible mortgage.

''(v) RULE OF CONSTRUCTION RELATED TO INSURANCE OF MORTGAGES.—Except as otherwise provided for in this section or by action of the Board, the provisions and requirements of section 203(b) shall apply with respect to the insurance of any eligible mortgage under this section.

''(w) HOPE BONDS.—

''(1) ISSUANCE AND REPAYMENT OF BONDS.—Notwithstanding section 504(b) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661d(b)), the Secretary of the Treasury shall—

''(A) subject to such terms and conditions as the Secretary of the Treasury deems necessary, issue Federal credit instruments, to be known as 'HOPE Bonds', that are callable at the discretion of the Secretary of the Treasury and do not, in the aggregate, exceed the amount specified in subsection (m);

''(B) provide the subsidy amounts necessary for loan guarantees under the HOPE for Homeowners Program, not to exceed the amount specified in subsection (m), in accordance with the provisions of the Federal Credit Reform Act of 1990 (2 U.S.C. 661 et seq.), except as provided in this paragraph; and

''(C) use the proceeds from HOPE Bonds only to pay for the net costs to the Federal Government of the HOPE for Homeowners Program, including administrative costs.

''(2) REIMBURSEMENTS TO TREASURY.—Funds received pursuant to section 1338(b) of the Federal Housing Enterprises Regulatory Reform Act of 1992 shall be used to reimburse the Secretary of the Treasury for amounts borrowed under paragraph (1).

''(3) USE OF RESERVE FUND.—If the net cost to the Federal Government for the HOPE for Homeowners Program exceeds the amount of funds received under paragraph (2), remaining debts of the HOPE for Homeowners Program shall be paid from amounts deposited into the fund established by the Secretary under section 1337(e) of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992, remaining amounts in such fund to be used to reduce the National debt.

''(4) REDUCTION OF NATIONAL DEBT.—Amounts collected under the HOPE for Homeowners Program in accordance with subsections (i) and (k) in excess of the net cost to the Federal Government for such Program shall be used to reduce the National debt.''.

SEC. 1403. FIDUCIARY DUTY OF SERVICERS OF POOLED RESIDENTIAL MORTGAGE LOANS.

The Truth in Lending Act (15 U.S.C. 1601 et seq.) is amended by inserting after section 129 the following new section:

''SEC. 129A. FIDUCIARY DUTY OF SERVICERS OF POOLED RESIDENTIAL MORTGAGES.

''(a) IN GENERAL.—Except as may be established in any investment contract between a servicer of pooled residential mortgages and an investor, a servicer of pooled residential mortgages—

''(1) owes any duty to maximize the net present value of the pooled mortgages in an investment to all investors and parties having a direct or indirect interest in such investment, not to any individual party or group of parties; and

''(2) shall be deemed to act in the best interests of all such investors and parties if the servicer agrees to or implements a modification or workout plan, including any modification or refinancing undertaken pursuant to the HOPE for Homeowners Act of 2008, for a residential mortgage or a class of residential mortgages that constitute a part or all of the pooled mortgages in such investment, provided that any mortgage so modified meets the following criteria:

''(A) Default on the payment of such mortgage has occurred or is reasonably foreseeable.

''(B) The property securing such mortgage is occupied by the mortgagor of such mortgage.

''(C) The anticipated recovery on the principal outstanding obligation of the mortgage under the modification or workout plan exceeds, on a net present value basis, the anticipated recovery on the principal outstanding obligation of the mortgage through foreclosure.

''(b) DEFINITION.—As used in this section, the term 'servicer' means the person responsible for servicing of a loan (including the person who makes or holds a loan if such person also services the loan).''.

SEC. 1404. REVISED STANDARDS FOR FHA APPRAISERS.

Section 202(e) of the National Housing Act (12 U.S.C. 1708(e)) is amended by adding at the end the following:

''(5) ADDITIONAL APPRAISER STANDARDS.—Beginning on the date of enactment of the Federal Housing Finance Regulatory Reform Act of 2008, any appraiser chosen or approved to conduct appraisals for mortgages under this title shall—

''(A) be certified—

''(i) by the State in which the property to be appraised is located; or

''(ii) by a nationally recognized professional appraisal organization; and

''(B) have demonstrated verifiable education in the appraisal requirements established by the Federal Housing Administration under this subsection.''.

TITLE V—S.A.F.E. MORTGAGE LICENSING ACT

SEC. 1501. SHORT TITLE.

This title may be cited as the ''Secure and Fair Enforcement for Mortgage Licensing Act of 2008'' or ''S.A.F.E. Mortgage Licensing Act of 2008''.

SEC. 1502. PURPOSES AND METHODS FOR ESTABLISHING A MORTGAGE LICENSING SYSTEM AND REGISTRY.

In order to increase uniformity, reduce regulatory burden, enhance consumer protection, and reduce fraud, the States, through the Conference of State Bank Supervisors and the American Association of Residential Mortgage Regulators, are hereby encouraged to establish a Nationwide Mortgage Licensing System and Registry for the residential mortgage industry that accomplishes all of the following objectives:

(1) Provides uniform license applications and reporting requirements for State-licensed loan originators.

(2) Provides a comprehensive licensing and supervisory database.

(3) Aggregates and improves the flow of information to and between regulators.

(4) Provides increased accountability and tracking of loan originators.

(5) Streamlines the licensing process and reduces the regulatory burden.

(6) Enhances consumer protections and supports anti-fraud measures.

(7) Provides consumers with easily accessible information, offered at no charge, utilizing electronic media, including the Internet, regarding the employment history of, and publicly adjudicated disciplinary and enforcement actions against, loan originators.

(8) Establishes a means by which residential mortgage loan originators would, to the greatest extent possible, be required to act in the best interests of the consumer.

(9) Facilitates responsible behavior in the subprime mortgage market place and provides comprehensive training and examination requirements related to subprime mortgage lending.

(10) Facilitates the collection and disbursement of consumer complaints on behalf of State and Federal mortgage regulators.

SEC. 1503. DEFINITIONS.

For purposes of this title, the following definitions shall apply:

(1) FEDERAL BANKING AGENCIES.—The term ''Federal banking agencies'' means the Board of Governors of the Federal Reserve System, the Comptroller of the Currency, the Director of the Office of Thrift Supervision, the National Credit Union Administration, and the Federal Deposit Insurance Corporation.

(2) DEPOSITORY INSTITUTION.—The term ''depository institution'' has the same meaning as in section 3 of the Federal Deposit Insurance Act, and includes any credit union.

(3) LOAN ORIGINATOR.—

(A) IN GENERAL.—The term ''loan originator''—

(i) means an individual who—

(I) takes a residential mortgage loan application; and

(II) offers or negotiates terms of a residential mortgage loan for compensation or gain;

(ii) does not include any individual who is not otherwise described in clause (i) and who performs purely administrative or clerical tasks on behalf of a person who is described in any such clause;

(iii) does not include a person or entity that only performs real estate brokerage activities and is licensed or registered in accordance with applicable State law, unless the person or entity is compensated by a lender, a mortgage broker, or other loan originator or by any agent of such lender, mortgage broker, or other loan originator; and

(iv) does not include a person or entity solely involved in extensions of credit relating to timeshare plans, as that term is defined in section 101(53D) of title 11, United States Code.

(B) OTHER DEFINITIONS RELATING TO LOAN ORIGINATOR.—For purposes of this subsection, an individual ''assists a consumer in obtaining or applying to obtain a residential mortgage loan'' by, among other things, advising on loan terms (including rates, fees, other costs), preparing loan packages, or collecting information on behalf of the consumer with regard to a residential mortgage loan.

(C) ADMINISTRATIVE OR CLERICAL TASKS.—The term ''administrative or clerical tasks'' means the receipt, collection, and distribution of information common for the processing or underwriting of a loan in the mortgage industry and communication with a consumer to obtain information necessary for the processing or underwriting of a residential mortgage loan.

(D) REAL ESTATE BROKERAGE ACTIVITY DEFINED.—The term ''real estate brokerage activity'' means any activity that involves offering or providing real estate brokerage services to the public, including—

(i) acting as a real estate agent or real estate broker for a buyer, seller, lessor, or lessee of real property;

(ii) bringing together parties interested in the sale, purchase, lease, rental, or exchange of real property;

(iii) negotiating, on behalf of any party, any portion of a contract relating to the sale, purchase, lease, rental, or exchange of real property (other than in connection with providing financing with respect to any such transaction);

(iv) engaging in any activity for which a person engaged in the activity is required to be registered or licensed as a real estate agent or real estate broker under any applicable law; and

(v) offering to engage in any activity, or act in any capacity, described in clause (i), (ii), (iii), or (iv).

(4) LOAN PROCESSOR OR UNDERWRITER.—

(A) IN GENERAL.—The term ''loan processor or underwriter'' means an individual who performs clerical or support duties at the direction of and subject to the supervision and instruction of—

(i) a State-licensed loan originator; or

(ii) a registered loan originator.

(B) CLERICAL OR SUPPORT DUTIES.—For purposes of subparagraph (A), the term ''clerical or support duties'' may include—

(i) the receipt, collection, distribution, and analysis of information common for the processing or underwriting of a residential mortgage loan; and

(ii) communicating with a consumer to obtain the information necessary for the processing or underwriting of a loan, to the extent that such communication does not include offering or negotiating loan rates or terms, or counseling consumers about residential mortgage loan rates or terms.

(5) NATIONWIDE MORTGAGE LICENSING SYSTEM AND REGISTRY.—The term ''Nationwide Mortgage Licensing System and Registry'' means a mortgage licensing system developed and maintained by the Conference of State Bank Supervisors and the American Association of Residential Mortgage Regulators for the State licensing and registration of State-licensed loan originators and the registration of registered loan originators or any system established by the Secretary under section 1509.

(6) NONTRADITIONAL MORTGAGE PRODUCT.—The term ''nontraditional mortgage product'' means any mortgage product other than a 30-year fixed rate mortgage.

(7) REGISTERED LOAN ORIGINATOR.—The term ''registered loan originator'' means any individual who—

(A) meets the definition of loan originator and is an employee of—

(i) a depository institution;

(ii) a subsidiary that is—

(I) owned and controlled by a depository institution; and

(II) regulated by a Federal banking agency; or

(iii) an institution regulated by the Farm Credit Administration; and

(B) is registered with, and maintains a unique identifier through, the Nationwide Mortgage Licensing System and Registry.

(8) RESIDENTIAL MORTGAGE LOAN.—The term ''residential mortgage loan'' means any loan primarily for personal, family, or household use that is secured by a mortgage, deed of trust, or other equivalent consensual security interest on a dwelling (as defined in section 103(v) of the Truth in Lending Act) or residential real estate upon which is constructed or intended to be constructed a dwelling (as so defined).

(9) SECRETARY.—The term ''Secretary'' means the Secretary of Housing and Urban Development.

(10) STATE.—The term ''State'' means any State of the United States, the District of Columbia, any territory of the United States, Puerto Rico, Guam, American Samoa, the Trust Territory of the Pacific Islands, the Virgin Islands, and the Northern Mariana Islands.

(11) STATE-LICENSED LOAN ORIGINATOR.—The term ''State-licensed loan originator'' means any individual who—

(A) is a loan originator;

(B) is not an employee of—

(i) a depository institution;

(ii) a subsidiary that is—

(I) owned and controlled by a depository institution; and

(II) regulated by a Federal banking agency; or

(iii) an institution regulated by the Farm Credit Administration; and

(C) is licensed by a State or by the Secretary under section 1508 and registered as a loan originator with, and maintains a unique identifier through, the Nationwide Mortgage Licensing System and Registry.

(12) UNIQUE IDENTIFIER.—

(A) IN GENERAL.—The term ''unique identifier'' means a number or other identifier that—

(i) permanently identifies a loan originator;

(ii) is assigned by protocols established by the Nationwide Mortgage Licensing System and Registry and the Federal banking agencies to facilitate electronic tracking of loan originators and uniform identification of, and public access to, the employment history of and the publicly adjudicated disciplinary and enforcement actions against loan originators; and

(iii) shall not be used for purposes other than those set forth under this title.

(B) RESPONSIBILITY OF STATES.—To the greatest extent possible and to accomplish the purpose of this title, States shall use unique identifiers in lieu of social security numbers.

SEC. 1504. LICENSE OR REGISTRATION REQUIRED.

(a) IN GENERAL.—Subject to the existence of a licensing or registration regime, as the case may be, an individual may not engage in the business of a loan originator without first—

(1) obtaining, and maintaining annually—

(A) a registration as a registered loan originator; or

(B) a license and registration as a State-licensed loan originator; and

(2) obtaining a unique identifier.

(b) LOAN PROCESSORS AND UNDERWRITERS.—

(1) SUPERVISED LOAN PROCESSORS AND UNDERWRITERS.—A loan processor or underwriter who does not represent to the public, through advertising or other means of communicating or providing information (including the use of business cards, stationery, brochures, signs, rate lists, or other promotional items), that such individual can or will perform any of the activities of a loan originator shall not be required to be a State-licensed loan originator.

(2) INDEPENDENT CONTRACTORS.—An independent contractor may not engage in residential mortgage loan origination activities as a loan processor or underwriter unless such independent contractor is a State-licensed loan originator.

SEC. 1505. STATE LICENSE AND REGISTRATION APPLICATION AND ISSUANCE.

(a) BACKGROUND CHECKS.—In connection with an application to any State for licensing and registration as a State-licensed loan originator, the applicant shall, at a minimum, furnish to the Nationwide Mortgage Licensing System and Registry information concerning the applicant's identity, including—

(1) fingerprints for submission to the Federal Bureau of Investigation, and any governmental agency or entity authorized to receive such information for a State and national criminal history background check; and

(2) personal history and experience, including authorization for the System to obtain—

(A) an independent credit report obtained from a consumer reporting agency described in section 603(p) of the Fair Credit Reporting Act; and

(B) information related to any administrative, civil or criminal findings by any governmental jurisdiction.

(b) ISSUANCE OF LICENSE.—The minimum standards for licensing and registration as a State-licensed loan originator shall include the following:

(1) The applicant has never had a loan originator license revoked in any governmental jurisdiction.

(2) The applicant has not been convicted of, or pled guilty or nolo contendere to, a felony in a domestic, foreign, or military court—

(A) during the 7-year period preceding the date of the application for licensing and registration; or

(B) at any time preceding such date of application, if such felony involved an act of fraud, dishonesty, or a breach of trust, or money laundering.

(3) The applicant has demonstrated financial responsibility, character, and general fitness such as to command the confidence of the community and to warrant a determination that the loan originator will operate honestly, fairly, and efficiently within the purposes of this title.

(4) The applicant has completed the pre-licensing education requirement described in subsection (c).

(5) The applicant has passed a written test that meets the test requirement described in subsection (d).

(6) The applicant has met either a net worth or surety bond requirement, or paid into a State fund, as required by the State pursuant to section 1508(d)(6).

(c) PRE-LICENSING EDUCATION OF LOAN ORIGINATORS.—

(1) MINIMUM EDUCATIONAL REQUIREMENTS.—In order to meet the pre-licensing education requirement referred to in subsection (b)(4), a person shall complete at least 20 hours of education approved in accordance with paragraph (2), which shall include at least—

(A) 3 hours of Federal law and regulations;

(B) 3 hours of ethics, which shall include instruction on fraud, consumer protection, and fair lending issues; and

(C) 2 hours of training related to lending standards for the nontraditional mortgage product marketplace.

(2) APPROVED EDUCATIONAL COURSES.—For purposes of paragraph (1), pre-licensing education courses shall be reviewed, and approved by the Nationwide Mortgage Licensing System and Registry.

(3) LIMITATION AND STANDARDS.—

(A) LIMITATION.—To maintain the independence of the approval process, the Nationwide Mortgage Licensing System and Registry shall not directly or indirectly offer pre-licensure educational courses for loan originators.

(B) STANDARDS.—In approving courses under this section, the Nationwide Mortgage Licensing System and Registry shall apply reasonable standards in the review and approval of courses.

(d) TESTING OF LOAN ORIGINATORS.—

(1) IN GENERAL.—In order to meet the written test requirement referred to in subsection (b)(5), an individual shall pass, in accordance with the standards established under this subsection, a qualified written test developed by the Nationwide Mortgage Licensing System and Registry and administered by an approved test provider.

(2) QUALIFIED TEST.—A written test shall not be treated as a qualified written test for purposes of paragraph (1) unless the test adequately measures the applicant's knowledge and comprehension in appropriate subject areas, including—

(A) ethics;

(B) Federal law and regulation pertaining to mortgage origination;

(C) State law and regulation pertaining to mortgage origination;

(D) Federal and State law and regulation, including instruction on fraud, consumer protection, the nontraditional mortgage marketplace, and fair lending issues.

(3) MINIMUM COMPETENCE.—

(A) PASSING SCORE.—An individual shall not be considered to have passed a qualified written test unless the individual achieves a test score of not less than 75 percent correct answers to questions.

(B) INITIAL RETESTS.—An individual may retake a test 3 consecutive times with each consecutive taking occurring at least 30 days after the preceding test.

(C) SUBSEQUENT RETESTS.—After failing 3 consecutive tests, an individual shall wait at least 6 months before taking the test again.

(D) RETEST AFTER LAPSE OF LICENSE.—A State-licensed loan originator who fails to maintain a valid license for a period of 5 years or longer shall retake the test, not taking into account any time during which such individual is a registered loan originator.

(e) MORTGAGE CALL REPORTS.—Each mortgage licensee shall submit to the Nationwide Mortgage Licensing System and Registry reports of condition, which shall be in such form and shall contain such information as the Nationwide Mortgage Licensing System and Registry may require.

SEC. 1506. STANDARDS FOR STATE LICENSE RENEWAL.

(a) IN GENERAL.—The minimum standards for license renewal for State-licensed loan originators shall include the following:

(1) The loan originator continues to meet the minimum standards for license issuance.

(2) The loan originator has satisfied the annual continuing education requirements described in subsection (b).

(b) CONTINUING EDUCATION FOR STATE-LICENSED LOAN ORIGINATORS.—

(1) IN GENERAL.—In order to meet the annual continuing education requirements referred to in subsection (a)(2), a State-licensed loan originator shall complete at least 8 hours of education approved in accordance with paragraph (2), which shall include at least—

(A) 3 hours of Federal law and regulations;

(B) 2 hours of ethics, which shall include instruction on fraud, consumer protection, and fair lending issues; and

(C) 2 hours of training related to lending standards for the nontraditional mortgage product marketplace.

(2) APPROVED EDUCATIONAL COURSES.—For purposes of paragraph (1), continuing education courses shall be reviewed, and approved by the Nationwide Mortgage Licensing System and Registry.

(3) CALCULATION OF CONTINUING EDUCATION CREDITS.—A State-licensed loan originator—

(A) may only receive credit for a continuing education course in the year in which the course is taken; and

(B) may not take the same approved course in the same or successive years to meet the annual requirements for continuing education.

(4) INSTRUCTOR CREDIT.—A State-licensed loan originator who is approved as an instructor of an approved continuing education course may receive credit for the originator's own annual continuing education requirement at the rate of 2 hours credit for every 1 hour taught.

(5) LIMITATION AND STANDARDS.—

(A) LIMITATION.—To maintain the independence of the approval process, the Nationwide Mortgage Licensing System and Registry shall not directly or indirectly offer any continuing education courses for loan originators.

(B) STANDARDS.—In approving courses under this section, the Nationwide Mortgage Licensing System and Registry shall apply reasonable standards in the review and approval of courses.

SEC. 1507. SYSTEM OF REGISTRATION ADMINISTRATION BY FEDERAL AGENCIES.

(a) DEVELOPMENT.—

(1) IN GENERAL.—The Federal banking agencies shall jointly, through the Federal Financial Institutions Examination Council, and together with the Farm Credit Administration, develop and maintain a system for registering employees of a depository institution, employees of a subsidiary that is owned and controlled by a depository institution and regulated by a Federal banking agency, or employees of an institution regulated by the Farm Credit Administration, as registered loan originators with the Nationwide Mortgage Licensing System and Registry. The system shall be implemented before the end of the 1-year period beginning on the date of enactment of this title.

(2) REGISTRATION REQUIREMENTS.—In connection with the registration of any loan originator under this subsection, the appropriate Federal banking agency and the Farm Credit Administration shall, at a minimum, furnish or cause to be furnished to the Nationwide Mortgage Licensing System and Registry information concerning the employees's identity, including—

(A) fingerprints for submission to the Federal Bureau of Investigation, and any governmental agency or entity authorized to receive such information for a State and national criminal history background check; and

(B) personal history and experience, including authorization for the Nationwide Mortgage Licensing System and Registry to obtain information related to any administrative, civil or criminal findings by any governmental jurisdiction.

(b) COORDINATION.—

(1) UNIQUE IDENTIFIER.—The Federal banking agencies, through the Financial Institutions Examination Council, and the Farm Credit Administration shall coordinate with the Nationwide Mortgage Licensing System and Registry to establish protocols for assigning a unique identifier to each registered loan originator that will facilitate electronic tracking and uniform identification of, and public access to, the employment history of and publicly adjudicated disciplinary and enforcement actions against loan originators.

(2) NATIONWIDE MORTGAGE LICENSING SYSTEM AND REGISTRY DEVELOPMENT.—To facilitate the transfer of information required by subsection (a)(2), the Nationwide Mortgage Licensing System and Registry shall coordinate with the Federal banking agencies, through the Financial Institutions Examination Council, and the Farm Credit Administration concerning the development and operation, by such System and Registry, of the registration functionality and data requirements for loan originators.

(c) CONSIDERATION OF FACTORS AND PROCEDURES.—In establishing the registration procedures under subsection (a) and the protocols for assigning a unique identifier to a registered loan originator, the Federal banking agencies shall make such de minimis exceptions as may be appropriate to paragraphs (1)(A) and (2) of section 1504(a), shall make reasonable efforts to utilize existing information to minimize the burden of registering loan originators, and shall consider methods for automating the process to the greatest extent practicable consistent with the purposes of this title.

SEC. 1508. SECRETARY OF HOUSING AND URBAN DEVELOPMENT BACKUP AUTHORITY TO ESTABLISH A LOAN ORIGINATOR LICENSING SYSTEM.

(a) BACKUP LICENSING SYSTEM.—If, by the end of the 1-year period, or the 2-year period in the case of a State whose legislature meets only biennially, beginning on the date of the enactment of this title or at any time thereafter, the Secretary determines that a State does not have in place by law or regulation a system for licensing and registering loan originators that meets the requirements of sections 1505 and 1506 and subsection (d) of this section, or does not participate in the Nationwide Mortgage Licensing System and Registry, the Secretary shall provide for the establishment and maintenance of a system for the licensing and registration by the Secretary of loan originators operating in such State as State-licensed loan originators.

(b) LICENSING AND REGISTRATION REQUIREMENTS.—The system established by the Secretary under subsection (a) for any State shall meet the requirements of sections 1505 and 1506 for State-licensed loan originators.

(c) UNIQUE IDENTIFIER.—The Secretary shall coordinate with the Nationwide Mortgage Licensing System and Registry to establish protocols for assigning a unique identifier to each loan originator licensed by the Secretary as a State-licensed loan originator that will facilitate electronic tracking and uniform identification of, and public access to, the employment history of and the publicly adjudicated disciplinary and enforcement actions against loan originators.

(d) STATE LICENSING LAW REQUIREMENTS.—For purposes of this section, the law in effect in a State meets the requirements of this subsection if the Secretary determines the law satisfies the following minimum requirements:

(1) A State loan originator supervisory authority is maintained to provide effective supervision and enforcement of such law, including the suspension, termination, or nonrenewal of a license for a violation of State or Federal law.

(2) The State loan originator supervisory authority ensures that all State-licensed loan originators operating in the State are registered with Nationwide Mortgage Licensing System and Registry.

(3) The State loan originator supervisory authority is required to regularly report violations of such law, as well as enforcement actions and other relevant information, to

the Nationwide Mortgage Licensing System and Registry.

(4) The State loan originator supervisory authority has a process in place for challenging information contained in the Nationwide Mortgage Licensing System and Registry.

(5) The State loan originator supervisory authority has established a mechanism to assess civil money penalties for individuals acting as mortgage originators in their State without a valid license or registration.

(6) The State loan originator supervisory authority has established minimum net worth or surety bonding requirements that reflect the dollar amount of loans originated by a residential mortgage loan originator, or has established a recovery fund paid into by the loan originators.

(e) TEMPORARY EXTENSION OF PERIOD.—The Secretary may extend, by not more than 24 months, the 1-year or 2-year period, as the case may be, referred to in subsection (a) for the licensing of loan originators in any State under a State licensing law that meets the requirements of sections 1505 and 1506 and subsection (d) if the Secretary determines that such State is making a good faith effort to establish a State licensing law that meets such requirements, license mortgage originators under such law, and register such originators with the Nationwide Mortgage Licensing System and Registry.

SEC. 1509. BACKUP AUTHORITY TO ESTABLISH A NATIONWIDE MORTGAGE LICENSING AND REGISTRY SYSTEM.

If at any time the Secretary determines that the Nationwide Mortgage Licensing System and Registry is failing to meet the requirements and purposes of this title for a comprehensive licensing, supervisory, and tracking system for loan originators, the Secretary shall establish and maintain such a system to carry out the purposes of this title and the effective registration and regulation of loan originators.

SEC. 1510. FEES.

The Federal banking agencies, the Farm Credit Administration, the Secretary, and the Nationwide Mortgage Licensing System and Registry may charge reasonable fees to cover the costs of maintaining and providing access to information from the Nationwide Mortgage Licensing System and Registry, to the extent that such fees are not charged to consumers for access to such system and registry.

SEC. 1511. BACKGROUND CHECKS OF LOAN ORIGINATORS.

(a) ACCESS TO RECORDS.—Notwithstanding any other provision of law, in providing identification and processing functions, the Attorney General shall provide access to all criminal history information to the appropriate State officials responsible for regulating State-licensed loan originators to the extent criminal history background checks are required under the laws of the State for the licensing of such loan originators.

(b) AGENT.—For the purposes of this section and in order to reduce the points of contact which the Federal Bureau of Investigation may have to maintain for purposes of subsection (a), the Conference of State Bank Supervisors or a wholly owned subsidiary may be used as a channeling agent of the States for requesting and distributing information between the Department of Justice and the appropriate State agencies.

SEC. 1512. CONFIDENTIALITY OF INFORMATION.

(a) SYSTEM CONFIDENTIALITY.—Except as otherwise provided in this section, any requirement under Federal or State law regarding the privacy or confidentiality of any information or material provided to the Nationwide Mortgage Licensing System and Registry or a system established by the Secretary under section 1509, and any privilege arising under Federal or State law (including the rules of any Federal or State court) with respect to such information or material, shall continue to apply to such information or material after the information or material has been disclosed to the system. Such information and material may be shared with all State and Federal regulatory officials with mortgage industry oversight authority without the loss of privilege or the loss of confidentiality protections provided by Federal and State laws.

(b) NONAPPLICABILITY OF CERTAIN REQUIREMENTS.—Information or material that is subject to a privilege or confidentiality under subsection (a) shall not be subject to—

(1) disclosure under any Federal or State law governing the disclosure to the public of information held by an officer or an agency of the Federal Government or the respective State; or

(2) subpoena or discovery, or admission into evidence, in any private civil action or administrative process, unless with respect to any privilege held by the Nationwide Mortgage Licensing System and Registry or the Secretary with respect to such information or material, the person to whom such information or material pertains waives, in whole or in part, in the discretion of such person, that privilege.

(c) COORDINATION WITH OTHER LAW.—Any State law, including any State open record law, relating to the disclosure of confidential supervisory information or any information or material described in subsection (a) that is inconsistent with subsection (a) shall be superseded by the requirements of such provision to the extent State law provides less confidentiality or a weaker privilege.

(d) PUBLIC ACCESS TO INFORMATION.—This section shall not apply with respect to the information or material relating to the employment history of, and publicly adjudicated disciplinary and enforcement actions against, loan originators that is included in Nationwide Mortgage Licensing System and Registry for access by the public.

SEC. 1513. LIABILITY PROVISIONS.

The Secretary, any State official or agency, any Federal banking agency, or any organization serving as the administrator of the Nationwide Mortgage Licensing System and Registry or a system established by the Secretary under section 1509, or any officer or employee of any such entity, shall not be subject to any civil action or proceeding for monetary damages by reason of the good faith action or omission of any officer or employee of any such entity, while acting within the scope of office or employment, relating to the collection, furnishing, or dissemination of information concerning persons who are loan originators or are applying for licensing or registration as loan originators.

SEC. 1514. ENFORCEMENT UNDER HUD BACKUP LICENSING SYSTEM.

(a) SUMMONS AUTHORITY.—The Secretary may—

(1) examine any books, papers, records, or other data of any loan originator operating in any State which is subject to a licensing system established by the Secretary under section 1508; and

(2) summon any loan originator referred to in paragraph (1) or any person having possession, custody, or care of the reports and records relating to such loan originator, to appear before the Secretary or any delegate of the Secretary at a time and place named in the summons and to produce such books, papers, records, or other data, and to give testimony, under oath, as may be relevant or material to an investigation of such loan originator for compliance with the requirements of this title.

(b) EXAMINATION AUTHORITY.—

(1) IN GENERAL.—If the Secretary establishes a licensing system under section 1508 for any State, the Secretary shall appoint examiners for the purposes of administering such section.

(2) POWER TO EXAMINE.—Any examiner appointed under paragraph (1) shall have power, on behalf of the Secretary, to make any examination of any loan originator operating in any State which is subject to a licensing system established by the Secretary under section 1508 whenever the Secretary determines an examination of any loan originator is necessary to determine the compliance by the originator with this title.

(3) REPORT OF EXAMINATION.—Each examiner appointed under paragraph (1) shall make a full and detailed report of examination of any loan originator examined to the Secretary.

(4) ADMINISTRATION OF OATHS AND AFFIRMATIONS; EVIDENCE.—In connection with examinations of loan originators operating in any State which is subject to a licensing system established by the Secretary under section 1508, or with other types of investigations to determine compliance with applicable law and regulations, the Secretary and examiners appointed by the Secretary may administer oaths and affirmations and examine and take and preserve testimony under oath as to any matter in respect to the affairs of any such loan originator.

(5) ASSESSMENTS.—The cost of conducting any examination of any loan originator operating in any State which is subject to a licensing system established by the Secretary under section 1508 shall be assessed by the Secretary against the loan originator to meet the Secretary's expenses in carrying out such examination.

(c) CEASE AND DESIST PROCEEDING.—

(1) AUTHORITY OF SECRETARY.—If the Secretary finds, after notice and opportunity for hearing, that any person is violating, has violated, or is about to violate any provision of this title, or any regulation thereunder, with respect to a State which is subject to a licensing system established by the Secretary under section 1508, the Secretary may publish such findings and enter an order requiring such person, and any other person that is, was, or would be a cause of the violation, due to an act or omission the person knew or should have known would contribute to such violation, to cease and desist from committing or causing such violation and any future violation of the same provision, rule, or regulation. Such order may, in addition to requiring a person to cease and desist from committing or causing a violation, require such person to comply, or to take steps to effect compliance, with such provision or regulation, upon such terms and conditions and within such time as the Secretary may specify in such order. Any such order may, as the Secretary deems appropriate, require future compliance or steps to effect future compliance, either permanently or for such period of time as the Secretary may specify, with such provision or regulation with respect to any loan originator.

(2) HEARING.—The notice instituting proceedings pursuant to paragraph (1) shall fix a hearing date not earlier than 30 days nor later than 60 days after service of the notice unless an earlier or a later date is set by the Secretary with the consent of any respondent so served.

(3) TEMPORARY ORDER.—Whenever the Secretary determines that the alleged violation or threatened violation specified in the notice instituting proceedings pursuant to paragraph (1), or the continuation thereof, is likely to result in significant dissipation or conversion of assets, significant harm to consumers, or substantial harm to the public interest prior to the completion of the proceedings, the Secretary may enter a temporary order requiring the respondent to

cease and desist from the violation or threatened violation and to take such action to prevent the violation or threatened violation and to prevent dissipation or conversion of assets, significant harm to consumers, or substantial harm to the public interest as the Secretary deems appropriate pending completion of such proceedings. Such an order shall be entered only after notice and opportunity for a hearing, unless the Secretary determines that notice and hearing prior to entry would be impracticable or contrary to the public interest. A temporary order shall become effective upon service upon the respondent and, unless set aside, limited, or suspended by the Secretary or a court of competent jurisdiction, shall remain effective and enforceable pending the completion of the proceedings.

(4) REVIEW OF TEMPORARY ORDERS.—

(A) REVIEW BY SECRETARY.—At any time after the respondent has been served with a temporary cease and desist order pursuant to paragraph (3), the respondent may apply to the Secretary to have the order set aside, limited, or suspended. If the respondent has been served with a temporary cease and desist order entered without a prior hearing before the Secretary, the respondent may, within 10 days after the date on which the order was served, request a hearing on such application and the Secretary shall hold a hearing and render a decision on such application at the earliest possible time.

(B) JUDICIAL REVIEW.—Within—

(i) 10 days after the date the respondent was served with a temporary cease and desist order entered with a prior hearing before the Secretary; or

(ii) 10 days after the Secretary renders a decision on an application and hearing under paragraph (1), with respect to any temporary cease and desist order entered without a prior hearing before the Secretary,

the respondent may apply to the United States district court for the district in which the respondent resides or has its principal place of business, or for the District of Columbia, for an order setting aside, limiting, or suspending the effectiveness or enforcement of the order, and the court shall have jurisdiction to enter such an order. A respondent served with a temporary cease and desist order entered without a prior hearing before the Secretary may not apply to the court except after hearing and decision by the Secretary on the respondent's application under subparagraph (A).

(C) NO AUTOMATIC STAY OF TEMPORARY ORDER.—The commencement of proceedings under subparagraph (B) shall not, unless specifically ordered by the court, operate as a stay of the Secretary's order.

(5) AUTHORITY OF THE SECRETARY TO PROHIBIT PERSONS FROM SERVING AS LOAN ORIGINATORS.—In any cease and desist proceeding under paragraph (1), the Secretary may issue an order to prohibit, conditionally or unconditionally, and permanently or for such period of time as the Secretary shall determine, any person who has violated this title or regulations thereunder, from acting as a loan originator if the conduct of that person demonstrates unfitness to serve as a loan originator.

(d) AUTHORITY OF THE SECRETARY TO ASSESS MONEY PENALTIES.—

(1) IN GENERAL.—The Secretary may impose a civil penalty on a loan originator operating in any State which is subject to a licensing system established by the Secretary under section 1508, if the Secretary finds, on the record after notice and opportunity for hearing, that such loan originator has violated or failed to comply with any requirement of this title or any regulation prescribed by the Secretary under this title or order issued under subsection (c).

(2) MAXIMUM AMOUNT OF PENALTY.—The maximum amount of penalty for each act or omission described in paragraph (1) shall be $25,000.

SEC. 1515. STATE EXAMINATION AUTHORITY.

In addition to any authority allowed under State law a State licensing agency shall have the authority to conduct investigations and examinations as follows:

(1) For the purposes of investigating violations or complaints arising under this title, or for the purposes of examination, the State licensing agency may review, investigate, or examine any loan originator licensed or required to be licensed under this title, as often as necessary in order to carry out the purposes of this title.

(2) Each such loan originator shall make available upon request to the State licensing agency the books and records relating to the operations of such originator. The State licensing agency may have access to such books and records and interview the officers, principals, loan originators, employees, independent contractors, agents, and customers of the licensee concerning their business.

(3) The authority of this section shall remain in effect, whether such a loan originator acts or claims to act under any licensing or registration law of such State, or claims to act without such authority.

(4) No person subject to investigation or examination under this section may knowingly withhold, abstract, remove, mutilate, destroy, or secrete any books, records, computer records, or other information.

SEC. 1516. REPORTS AND RECOMMENDATIONS TO CONGRESS.

(a) ANNUAL REPORTS.—Not later than 1 year after the date of enactment of this title, and annually thereafter, the Secretary shall submit a report to Congress on the effectiveness of the provisions of this title, including legislative recommendations, if any, for strengthening consumer protections, enhancing examination standards, streamlining communication between all stakeholders involved in residential mortgage loan origination and processing, and establishing performance based bonding requirements for mortgage originators or institutions that employ such brokers.

(b) LEGISLATIVE RECOMMENDATIONS.—Not later than 6 months after the date of enactment of this title, the Secretary shall make recommendations to Congress on legislative reforms to the Real Estate Settlement Procedures Act of 1974, that the Secretary deems appropriate to promote more transparent disclosures, allowing consumers to better shop and compare mortgage loan terms and settlement costs.

SEC. 1517. STUDY AND REPORTS ON DEFAULTS AND FORECLOSURES.

(a) STUDY REQUIRED.—The Secretary shall conduct an extensive study of the root causes of default and foreclosure of home loans, using as much empirical data as is available.

(b) PRELIMINARY REPORT TO CONGRESS.—Not later than 6 months after the date of enactment of this title, the Secretary shall submit to Congress a preliminary report regarding the study required by this section.

(c) FINAL REPORT TO CONGRESS.—Not later than 12 months after the date of enactment of this title, the Secretary shall submit to Congress a final report regarding the results of the study required by this section, which shall include any recommended legislation relating to the study, and recommendations for best practices and for a process to provide targeted assistance to populations with the highest risk of potential default or foreclosure.

TITLE VI—MISCELLANEOUS

SEC. 1601. STUDY AND REPORTS ON GUARANTEE FEES.

(a) ONGOING STUDY OF FEES.—The Director shall conduct an ongoing study of fees charged by enterprises for guaranteeing a mortgage.

(b) COLLECTION OF DATA.—The Director shall, by regulation or order, establish procedures for the collection of data from enterprises for purposes of this subsection, including the format and the process for collection of such data.

(c) REPORTS TO CONGRESS.—The Director shall annually submit a report to Congress on the results of the study conducted under subsection (a), based on the aggregated data collected under subsection (a) for the subject year, regarding the amount of such fees and the criteria used by the enterprises to determine such fees.

(d) CONTENTS OF REPORTS.—The reports required under subsection (c) shall identify and analyze—

(1) the factors considered in determining the amount of the guarantee fees charged;

(2) the total revenue earned by the enterprises from guarantee fees;

(3) the total costs incurred by the enterprises for providing guarantees;

(4) the average guarantee fee charged by the enterprises;

(5) an analysis of any increase or decrease in guarantee fees from the preceding year;

(6) a breakdown of the revenue and costs associated with providing guarantees, based on product type and risk classifications; and

(7) a breakdown of guarantee fees charged based on asset size of the originator and the number of loans sold or transferred to an enterprise.

(e) PROTECTION OF INFORMATION.—Nothing in this section may be construed to require or authorize the Director to publicly disclose information that is confidential or proprietary.

SEC. 1602. STUDY AND REPORT ON DEFAULT RISK EVALUATION.

(a) STUDY.—The Director shall conduct a study of ways to improve the overall default risk evaluation used with respect to residential mortgage loans. Particular attention shall be paid to the development and utilization of processes and technologies that provide a means to standardize the measurement of risk.

(b) REPORT.—The Director shall submit a report on the study conducted under this section to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives, not later than 1 year after the date of enactment of this Act.

SEC. 1603. CONVERSION OF HUD CONTRACTS.

(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary may, at the request of an owner of a multifamily housing project that exceeds 5,000 units to which a contract for project-based rental assistance under section 8 of the United States Housing Act of 1937 (''Act'') (42 U.S.C. 1437f) and a Rental Assistance Payment contract is subject, convert such contracts to a contract for project-based rental assistance under section 8 of the Act.

(b) INITIAL RENEWAL.—

(1) At the request of an owner under subsection (a) made no later than 90 days prior to a conversion, the Secretary may, to the extent sufficient amounts are made available in appropriation Acts and notwithstanding any other law, treat the contemplated resulting contract as if such contract were eligible for initial renewal under section 524(a) of the MultiFamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) (''MAHRA'') (42 U.S.C. 1437f note).

(2) A request by an owner pursuant to paragraph (1) shall be upon such terms and conditions as the Secretary may require.

(c) RESULTING CONTRACT.—The resulting contract shall—

(1) be subject to section 524(a) of MAHRA (42 U.S.C. 1437f note);

(2) be considered for all purposes a contract that has been renewed under section 524(a) of MAHRA (42 U.S.C. 1437f note) for a term not to exceed 20 years;

(3) be subsequently renewable at the request of an owner, under any renewal option for which the project is eligible under MAHRA (42 U.S.C. 1437f note);

(4) contain provisions limiting distributions, as the Secretary determines appropriate, not to exceed 10 percent of the initial investment of the owner;

(5) be subject to the availability of sufficient amounts in appropriation Acts; and

(6) be subject to such other terms and conditions as the Secretary considers appropriate.

(d) INCOME TARGETING.—To the extent that assisted dwelling units, subject to the resulting contract under subsection (a), serve low-income families, as defined in section 3(b)(2) of the Act (42 U.S.C. 1437a(b)(2)) the units shall be considered to be in compliance with all income targeting requirements under the Act (42 U.S.C. 1437 et seq).

(e) TENANT ELIGIBILITY.—Notwithstanding any other provision of law, each family residing in an assisted dwelling unit on the date of conversion of a contract under this section, subject to the resulting contract under subsection (a), shall be considered to meet the applicable requirements for income eligibility and occupancy.

(f) DEFINITIONS.—As used in this section—

(1) the term ''Secretary'' means the Secretary of Housing and Urban Development;

(2) the term ''conversion'' means the action under which a contract for project-based rental assistance under section 8 of the Act and a Rental Assistance Payment contract become a contract for project-based rental assistance under section 8 of the Act (42 U.S.C. 1437f) pursuant to subsection (a);

(3) the term ''resulting contract'' means the new contract after a conversion pursuant to subsection (a); and

(4) the term ''assisted dwelling unit'' means a dwelling unit in a multifamily housing project that exceeds 5,000 units that, on the date of conversion of a contract under this section, is subject to a contract for project-based rental assistance under section 8 of the Act (42 U.S.C. 1437f) or a Rental Assistance Payment contract.

SEC. 1604. BRIDGE DEPOSITORY INSTITUTIONS.

(a) IN GENERAL.—Section 11 of the Federal Deposit Insurance Act (12 U.S.C. 1821) is amended—

(1) in subsection (d)(2)—

(A) in subparagraph (F), by striking ''as receiver'' and all that follows through clause (ii) and inserting the following: ''as receiver, with respect to any insured depository institution, organize a new depository institution under subsection (m) or a bridge depository institution under subsection (n).'';

(B) in subparagraph (G), by striking ''new bank or a bridge bank'' and inserting ''new depository institution or a bridge depository institution'';

(2) in the heading for subsection (e)(10)(C), by striking ''BRIDGE BANKS'' and inserting ''BRIDGE DEPOSITORY INSTITUTIONS'';

(3) in subsection (e)(10)(C)(i), by striking ''bridge bank'' and inserting ''bridge depository institution'';

(4) in subsection (m)—

(A) in the subsection heading, by striking ''BANKS'' and inserting ''DEPOSITORY INSTITUTIONS'';

(B) by striking ''insured bank'' each place such term appears and inserting ''insured depository institution'';

(C) by striking ''new bank'' each place such term appears and inserting ''new depository institution'';

(D) by striking ''such bank'' each place such term appears and inserting ''such depository institution'';

(E) by striking ''the bank'' each place such term appears and inserting ''the insured depository institution'';

(F) in paragraph (1), by inserting ''or Federal savings association'' after ''national bank'';

(G) in paragraph (6), by striking ''only bank'' and inserting ''only depository institution'';

(H) in paragraph (9), by inserting ''or the Director of the Office of Thrift Supervision, as appropriate'' after ''Comptroller of the Currency'';

(I) in paragraph (15), by striking '', but in no event'' and all that follows through ''located'';

(J) in paragraph (16)—

(i) by inserting ''or the Director of the Office of Thrift Supervision, as appropriate,'' after ''Comptroller of the Currency'' each place such term appears;

(ii) by striking ''the bank'' each place such term appears and inserting ''the depository institution'';

(iii) by inserting ''or Federal savings association'' after ''national bank'' each place such term appears;

(iv) by inserting ''or Federal savings associations'' after ''national banks''; and

(v) by striking ''Such bank'' and inserting ''Such depository institution''; and

(K) in paragraph (18), by inserting ''or the Director of the Office of Thrift Supervision, as appropriate,'' after ''Comptroller of the Currency'' each place such term appears;

(5) in subsection (n)—

(A) in the subsection heading, by striking ''BANKS'' and inserting ''DEPOSITORY INSTITUTIONS'';

(B) by striking ''bridge bank'' each place such term appears and inserting ''bridge depository institution'';

(C) by striking ''bridge banks'' each place such term appears (other than in paragraph (1)(A))and inserting ''bridge depository institutions'';

(D) by striking ''bridge bank's'' each place such term appears and inserting ''bridge depository institution's'';

(E) by striking ''insured bank'' each place such term appears and inserting ''insured depository institution'';

(F) by striking ''insured banks'' each place such term appears and inserting ''insured depository institutions'';

(G) by striking ''such bank'' each place such term appears (other than in paragraph (4)(J)) and inserting ''such depository institution'';

(H) by striking ''the bank'' each place such term appears and inserting ''the depository institution'';

(I) by striking ''bank or banks'' each place such term appears and inserting ''depository institution or institutions'';

(J) in paragraph (1)(A)—

(i) by inserting '', with respect to 1 or more insured banks, or the Director of the Office of Thrift Supervision, with respect to 1 or more insured savings associations,'' after ''Comptroller of the Currency'';

(ii) by inserting ''or Federal savings associations, as appropriate,'' after ''national banks'';

(iii) by inserting ''or Federal savings associations, as applicable,'' after ''banking associations''; and

(iv) by striking ''as bridge banks'' and inserting ''as 'bridge depository institutions' '';

(K) in paragraph (1)(B)—

(i) by striking ''of a bank''; and

(ii) by striking ''of that bank'';

(L) in the heading for paragraph (1)(E), by inserting ''OR FEDERAL SAVINGS ASSOCIATION'' before the period;

(M) in paragraph (1)(E), by inserting before the period '', in the case of 1 or more insured banks, and as a Federal savings association, in the case of 1 or more insured savings associations'';

(N) in paragraph (2)—

(i) by inserting ''or Federal savings association'' after ''national bank'' each place such term appears;

(ii) in subparagraph (A), by inserting ''or the Director of the Office of Thrift Supervision'' after ''Comptroller of the Currency''; and

(iii) in the heading for subparagraph (B), by inserting ''OR FEDERAL SAVINGS ASSOCIATION'' before the period;

(O) in paragraph (4)—

(i) in the matter preceding subparagraph (A), by inserting ''or Federal savings association, as appropriate'' after ''national bank'';

(ii) in subparagraph (C), by striking ''under section 5138 of the Revised Statutes or any other'' and inserting ''under any'';

(iii) by inserting ''and the Director of the Office of Thrift Supervision, as appropriate,'' after ''Comptroller of the Currency'' each place such term appears;

(iv) in subparagraph (D), by striking ''bank's'' and inserting ''depository institution's''; and

(v) in subparagraph (H), by striking ''a bank in default'' and inserting ''a depository institution in default'';

(P) in paragraph (8)—

(i) in subparagraph (A), by striking ''the banks'' and inserting ''the depository institutions'';

(ii) in subparagraph (B), by striking ''bank's'' and inserting ''depository institution's'';

(Q) by striking ''BRIDGE BANK'' or ''BRIDGE BANKS'' as the case may be in the headings for paragraphs (9), (10), (12), and (13) and inserting ''BRIDGE DEPOSITORY INSTITUTION'' or ''BRIDGE DEPOSITORY INSTITUTIONS'' as appropriate;

(R) in paragraph (11), by inserting ''or a Federal savings association, as the case may be,'' after ''national bank'' each place such term appears;

(S) in paragraph (12)—

(i) by inserting ''or the Director of the Office of Thrift Supervision, as appropriate,'' after ''Comptroller of the Currency'' each place such term appears; and

(ii) by inserting ''or Federal savings associations, as appropriate'' after ''national banks''; and

(T) in paragraph (13), by striking ''single bank'' and inserting ''single depository institution''.

(b) OTHER CONFORMING AMENDMENTS.—

(1) FEDERAL DEPOSIT INSURANCE ACT.—The Federal Deposit Insurance Act (12 U.S.C. 1811 et seq.) is amended—

(A) in section 3 (12 U.S.C. 1813), by striking subsection (i) and inserting the following:

''(i) NEW DEPOSITORY INSTITUTION AND BRIDGE DEPOSITORY INSTITUTION DEFINED.—

''(1) NEW DEPOSITORY INSTITUTION.—The term 'new depository institution' means a new national bank or Federal savings association, other than a bridge depository institution, organized by the Corporation in accordance with section 11(m).

''(2) BRIDGE DEPOSITORY INSTITUTION.—The term 'bridge depository institution' means a new national bank or Federal savings association organized by the Corporation in accordance with section 11(n).'';

(B) in section 10(d)(5)(B) (12 U.S.C. 1820(d)(5)(B)), by striking ''bridge bank'' and inserting ''bridge depository institution'';

(C) in section 12 (12 U.S.C. 1822), by striking ''new bank'' each place such term appears and inserting ''new depository institution'';and

(D) in section 38(j)(2) (12 U.S.C. 1831o(j)(2)), by striking ''bridge bank'' and inserting ''bridge depository institution''.

(2) FEDERAL CREDIT UNION ACT.—Section 207(c)(10)(C)(i) of the Federal Credit Union Act (12 U.S.C. 1787(c)(10)(C)(i)) is amended by striking ''bridge bank'' and inserting ''bridge depository institution''.

(3) TITLE 11, UNITED STATES CODE.—Section 783 of title 11, United States Code, is amended by striking ''bridge bank'' and inserting ''bridge depository institution''.

(4) TITLE 26, UNITED STATES CODE.—Section 414(l)(2)(G) of the Internal Revenue Code of 1986, is amended by striking ''bridge bank'' and inserting ''bridge depository institution''.

(c) REPEAL OF DEPOSIT LIMITATION.—Section 11(n)(1)(B)(i) of the Federal Deposit Insurance Act (12 U.S.C. 1821(n)(1)(B)(i)) is amended by striking '', except that'' and all that follows through ''another insured depository institution''.

(d) FEDERAL RESERVE BANK LENDING TO BRIDGE DEPOSITORY INSTITUTIONS.—Section 11(n)(5) of the Federal Deposit Insurance Act (12 U.S.C. 1821(n)(5)) is amended by adding at the end the following new subparagraph:

''(D) CAPITAL LEVELS.—A bridge depository institution shall not be considered an undercapitalized depository institution or a critically undercapitalized depository institution for purposes of section 10B(b) of the Federal Reserve Act.''.

SEC. 1605. SENSE OF THE SENATE.

It is the sense of the Senate that in implementing or carrying out any provision of this Act, or any amendment made by this Act, the Senate supports a policy of noninterference regarding local government requirements that the holder of a foreclosed property maintain that property.

DIVISION B—FORECLOSURE PREVENTION

SECTION 2001. SHORT TITLE.

This division may be cited as the ''Foreclosure Prevention Act of 2008''.

SEC. 2002. EMERGENCY DESIGNATION.

For purposes of Senate enforcement, all provisions of this division are designated as emergency requirements and necessary to meet emergency needs pursuant to section 204 of S. Con. Res. 21 (110th Congress), the concurrent resolution on the budget for fiscal year 2008.

TITLE I—FHA MODERNIZATION ACT OF 2008

SEC. 2101. SHORT TITLE.

This title may be cited as the ''FHA Modernization Act of 2008''.

Subtitle A—Building American Homeownership

SEC. 2111. SHORT TITLE.

This subtitle may be cited as the ''Building American Homeownership Act of 2008''.

SEC. 2112. MAXIMUM PRINCIPAL LOAN OBLIGATION.

(a) IN GENERAL.—Paragraph (2) of section 203(b) of the National Housing Act (12 U.S.C. 1709(b)(2)) is amended—

(1) by striking subparagraphs (A) and (B) and inserting the following:

''(A) not to exceed the lesser of—

''(i) in the case of a 1-family residence, 115 percent of the median 1-family house price in the area, as determined by the Secretary; and in the case of a 2-, 3-, or 4-family residence, the percentage of such median price that bears the same ratio to such median price as the dollar amount limitation determined under the sixth sentence of section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1454(a)(2)) for a 2-, 3-, or 4-family residence, respectively, bears to the dollar amount limitation determined under such section for a 1-family residence; or

''(ii) 150 percent of the dollar amount limitation determined under the sixth sentence of such section 305(a)(2) for a residence of applicable size;

except that the dollar amount limitation in effect under this subparagraph for any size residence for any area may not be less than the greater of: (I) the dollar amount limitation in effect under this section for the area on October 21, 1998; or (II) 65 percent of the dollar amount limitation determined under the sixth sentence of such section 305(a)(2) for a residence of the applicable size; and

''(B) not to exceed 100 percent of the appraised value of the property.''; and

(2) in the matter following subparagraph (B), by striking the second sentence (relating to a definition of ''average closing cost'') and all that follows through ''section 3103A(d) of title 38, United States Code.''.

(b) TREATMENT OF UP-FRONT PREMIUMS.—Section 203(d) of the National Housing Act (12 U.S.C. 1709(d)) is amended—

(1) by striking ''Notwithstanding any'' and inserting the following: ''Except as provided in paragraph (2) of this subsection, notwithstanding'';

(2) by inserting ''(1)'' after ''(d)''; and

(3) by adding at the end the following new paragraph:

''(2) The maximum amount of a mortgage determined under subsection (b)(2)(B) of this section may not be increased as provided in paragraph (1).''.

(c) EFFECTIVE DATE.— The amendments made by subsection (a) shall take effect upon the expiration of the date described in section 202(a) of the Economic Stimulus Act of 2008 (Public Law 110–185; 122 Stat. 620).

SEC. 2113. CASH INVESTMENT REQUIREMENT AND PROHIBITION OF SELLER-FUNDED DOWN PAYMENT ASSISTANCE.

Paragraph (9) of section 203(b) of the National Housing Act (12 U.S.C. 1709(b)(9)) is amended to read as follows:

''(9) CASH INVESTMENT REQUIREMENT.—

''(A) IN GENERAL.—A mortgage insured under this section shall be executed by a mortgagor who shall have paid, in cash or its equivalent, on account of the property an amount equal to not less than 3.5 percent of the appraised value of the property or such larger amount as the Secretary may determine.

''(B) FAMILY MEMBERS.—For purposes of this paragraph, the Secretary shall consider as cash or its equivalent any amounts borrowed from a family member (as such term is defined in section 201), subject only to the requirements that, in any case in which the repayment of such borrowed amounts is secured by a lien against the property, that—

''(i) such lien shall be subordinate to the mortgage; and

''(ii) the sum of the principal obligation of the mortgage and the obligation secured by such lien may not exceed 100 percent of the appraised value of the property plus any initial service charges, appraisal, inspection, and other fees in connection with the mortgage.

''(C) PROHIBITED SOURCES.—In no case shall the funds required by subparagraph (A) consist, in whole or in part, of funds provided by any of the following parties before, during, or after closing of the property sale:

''(i) The seller or any other person or entity that financially benefits from the transaction.

''(ii) Any third party or entity that is reimbursed, directly or indirectly, by any of the parties described in clause (i).

This subparagraph shall apply only to mortgages for which the mortgagee has issued credit approval for the borrower on or after October 1, 2008.''.

SEC. 2114. MORTGAGE INSURANCE PREMIUMS.

Section 203(c)(2) of the National Housing Act (12 U.S.C. 1709(c)(2)) is amended—

(1) in the matter preceding subparagraph (A), by striking ''or of the General Insurance Fund'' and all that follows through ''section 234(c),,''; and

(2) in subparagraph (A)—

(A) by striking ''2.25 percent'' and inserting ''3 percent''; and

(B) by striking ''2.0 percent'' and inserting ''2.75 percent''.

SEC. 2115. REHABILITATION LOANS.

Subsection (k) of section 203 of the National Housing Act (12 U.S.C. 1709(k)) is amended—

(1) in paragraph (1), by striking ''on'' and all that follows through ''1978''; and

(2) in paragraph (5)—

(A) by striking ''General Insurance Fund'' the first place it appears and inserting ''Mutual Mortgage Insurance Fund''; and

(B) in the second sentence, by striking the comma and all that follows through ''General Insurance Fund''.

SEC. 2116. DISCRETIONARY ACTION.

The National Housing Act is amended—

(1) in subsection (e) of section 202 (12 U.S.C. 1708(e))—

(A) in paragraph (3)(B), by striking ''section 202(e) of the National Housing Act'' and inserting ''this subsection''; and

(B) by redesignating such subsection as subsection (f);

(2) by striking paragraph (4) of section 203(s) (12 U.S.C. 1709(s)(4)) and inserting the following new paragraph:

''(4) the Secretary of Agriculture;''; and

(3) by transferring subsection (s) of section 203 (as amended by paragraph (2) of this section) to section 202, inserting such subsection after subsection (d) of section 202, and redesignating such subsection as subsection (e).

SEC. 2117. INSURANCE OF CONDOMINIUMS.

(a) IN GENERAL.—Section 234 of the National Housing Act (12 U.S.C. 1715y) is amended—

(1) in subsection (c), in the first sentence—

(A) by striking ''and'' before ''(2)''; and

(B) by inserting before the period at the end the following: '', and (3) the project has a blanket mortgage insured by the Secretary under subsection (d)''; and

(2) in subsection (g), by striking '', except that'' and all that follows and inserting a period.

(b) DEFINITION OF MORTGAGE.—Section 201(a) of the National Housing Act (12 U.S.C. 1707(a)) is amended—

(1) before ''a first mortgage'' insert ''(A)'';

(2) by striking ''or on a leasehold (1)'' and inserting ''(B) a first mortgage on a leasehold on real estate (i)'';

(3) by striking ''or (2)'' and inserting '', or (ii)''; and

(4) by inserting before the semicolon the following: '', or (C) a first mortgage given to secure the unpaid purchase price of a fee interest in, or long-term leasehold interest in, real estate consisting of a one-family unit in a multifamily project, including a project in which the dwelling units are attached, or are manufactured housing units, semi-detached, or detached, and an undivided interest in the common areas and facilities which serve the project''.

(c) DEFINITION OF REAL ESTATE.—Section 201 of the National Housing Act (12 U.S.C. 1707) is amended by adding at the end the following new subsection:

''(g) The term 'real estate' means land and all natural resources and structures permanently affixed to the land, including residential buildings and stationary manufactured housing. The Secretary may not require, for

treatment of any land or other property as real estate for purposes of this title, that such land or property be treated as real estate for purposes of State taxation.''.

SEC. 2118. MUTUAL MORTGAGE INSURANCE FUND.

(a) IN GENERAL.—Subsection (a) of section 202 of the National Housing Act (12 U.S.C. 1708(a)) is amended to read as follows:

''(a) MUTUAL MORTGAGE INSURANCE FUND.—

''(1) ESTABLISHMENT.—Subject to the provisions of the Federal Credit Reform Act of 1990, there is hereby created a Mutual Mortgage Insurance Fund (in this title referred to as the 'Fund'), which shall be used by the Secretary to carry out the provisions of this title with respect to mortgages insured under section 203. The Secretary may enter into commitments to guarantee, and may guarantee, such insured mortgages.

''(2) LIMIT ON LOAN GUARANTEES.—The authority of the Secretary to enter into commitments to guarantee such insured mortgages shall be effective for any fiscal year only to the extent that the aggregate original principal loan amount under such mortgages, any part of which is guaranteed, does not exceed the amount specified in appropriations Acts for such fiscal year.

''(3) FIDUCIARY RESPONSIBILITY.—The Secretary has a responsibility to ensure that the Mutual Mortgage Insurance Fund remains financially sound.

''(4) ANNUAL INDEPENDENT ACTUARIAL STUDY.—The Secretary shall provide for an independent actuarial study of the Fund to be conducted annually, which shall analyze the financial position of the Fund. The Secretary shall submit a report annually to the Congress describing the results of such study and assessing the financial status of the Fund. The report shall recommend adjustments to underwriting standards, program participation, or premiums, if necessary, to ensure that the Fund remains financially sound. The report shall also include an evaluation of the quality control procedures and accuracy of information utilized in the process of underwriting loans guaranteed by the Fund. Such evaluation shall include a review of the risk characteristics of loans based not only on borrower information and performance, but on risks associated with loans originated or funded by various entities or financial institutions.

''(5) QUARTERLY REPORTS.—During each fiscal year, the Secretary shall submit a report to the Congress for each calendar quarter, which shall specify for mortgages that are obligations of the Fund—

''(A) the cumulative volume of loan guarantee commitments that have been made during such fiscal year through the end of the quarter for which the report is submitted;

''(B) the types of loans insured, categorized by risk;

''(C) any significant changes between actual and projected claim and prepayment activity;

''(D) projected versus actual loss rates; and

''(E) updated projections of the annual subsidy rates to ensure that increases in risk to the Fund are identified and mitigated by adjustments to underwriting standards, program participation, or premiums, and the financial soundness of the Fund is maintained. The first quarterly report under this paragraph shall be submitted on the last day of the first quarter of fiscal year 2008, or on the last day of the first full calendar quarter following the enactment of the Building American Homeownership Act of 2008, whichever is later.

''(6) ADJUSTMENT OF PREMIUMS.—If, pursuant to the independent actuarial study of the Fund required under paragraph (4), the Secretary determines that the Fund is not meeting the operational goals established under paragraph (7) or there is a substantial probability that the Fund will not maintain its established target subsidy rate, the Secretary may either make programmatic adjustments under this title as necessary to reduce the risk to the Fund, or make appropriate premium adjustments.

''(7) OPERATIONAL GOALS.—The operational goals for the Fund are—

''(A) to minimize the default risk to the Fund and to homeowners by among other actions instituting fraud prevention quality control screening not later than 18 months after the date of enactment of the Building American Homeownership Act of 2008; and

''(B) to meet the housing needs of the borrowers that the single family mortgage insurance program under this title is designed to serve.''.

(b) OBLIGATIONS OF FUND.—The National Housing Act is amended as follows:

(1) HOMEOWNERSHIP VOUCHER PROGRAM MORTGAGES.—In section 203(v) (12 U.S.C. 1709(v))—

(A) by striking ''Notwithstanding section 202 of this title, the'' and inserting ''The''; and

(B) by striking ''General Insurance Fund'' the first place such term appears and all that follows through the end of the subsection and inserting ''Mutual Mortgage Insurance Fund.''.

(2) HOME EQUITY CONVERSION MORTGAGES.—Section 255(i)(2)(A) of the National Housing Act (12 U.S.C. 1715z–20(i)(2)(A)) is amended by striking ''General Insurance Fund'' and inserting ''Mutual Mortgage Insurance Fund''.

(c) CONFORMING AMENDMENTS.—The National Housing Act is amended—

(1) in section 205 (12 U.S.C. 1711), by striking subsections (g) and (h); and

(2) in section 519(e) (12 U.S.C. 1735c(e)), by striking ''203(b)'' and all that follows through ''203(i)'' and inserting ''203, except as determined by the Secretary''.

SEC. 2119. HAWAIIAN HOME LANDS AND INDIAN RESERVATIONS.

(a) HAWAIIAN HOME LANDS.—Section 247(c) of the National Housing Act (12 U.S.C. 1715z–12(c)) is amended—

(1) by striking ''General Insurance Fund established in section 519'' and inserting ''Mutual Mortgage Insurance Fund''; and

(2) in the second sentence, by striking ''(1) all references'' and all that follows through ''and (2)''.

(b) INDIAN RESERVATIONS.—Section 248(f) of the National Housing Act (12 U.S.C. 1715z–13(f)) is amended—

(1) by striking ''General Insurance Fund'' the first place it appears through ''519'' and inserting ''Mutual Mortgage Insurance Fund''; and

(2) in the second sentence, by striking ''(1) all references'' and all that follows through ''and (2)''.

SEC. 2120. CONFORMING AND TECHNICAL AMENDMENTS.

(a) REPEALS.—The following provisions of the National Housing Act are repealed:

(1) Subsection (i) of section 203 (12 U.S.C. 1709(i)).

(2) Subsection (o) of section 203 (12 U.S.C. 1709(o)).

(3) Subsection (p) of section 203 (12 U.S.C. 1709(p)).

(4) Subsection (q) of section 203 (12 U.S.C. 1709(q)).

(5) Section 222 (12 U.S.C. 1715m).

(6) Section 237 (12 U.S.C. 1715z–2).

(7) Section 245 (12 U.S.C. 1715z–10).

(b) DEFINITION OF AREA.—Section 203(u)(2)(A) of the National Housing Act (12 U.S.C. 1709(u)(2)(A)) is amended by striking ''shall'' and all that follows and inserting ''means a metropolitan statistical area as established by the Office of Management and Budget;''.

(c) DEFINITION OF STATE.—Section 201(d) of the National Housing Act (12 U.S.C. 1707(d)) is amended by striking ''the Trust Territory of the Pacific Islands'' and inserting ''the Commonwealth of the Northern Mariana Islands''.

SEC. 2121. INSURANCE OF MORTGAGES.

Subsection (n)(2) of section 203 of the National Housing Act (12 U.S.C. 1709(n)(2)) is amended—

(1) in subparagraph (A), by inserting ''or subordinate mortgage or'' before ''lien given''; and

(2) in subparagraph (C), by inserting ''or subordinate mortgage or'' before ''lien''.

SEC. 2122. HOME EQUITY CONVERSION MORTGAGES.

(a) IN GENERAL.—Section 255 of the National Housing Act (12 U.S.C. 1715z–20) is amended—

(1) in subsection (b)(2), insert '' 'real estate,' '' after '' 'mortgagor','';

(2) by amending subsection (d)(1) to read as follows:

''(1) have been originated by a mortgagee approved by the Secretary;'';

(3) by amending subsection (d)(2)(B) to read as follows:

''(B) has received adequate counseling, as provided in subsection (f), by an independent third party that is not, either directly or indirectly, associated with or compensated by a party involved in—

''(i) originating or servicing the mortgage;

''(ii) funding the loan underlying the mortgage; or

''(iii) the sale of annuities, investments, long-term care insurance, or any other type of financial or insurance product;'';

(4) in subsection (f)—

(A) by striking ''(f) INFORMATION SERVICES FOR MORTGAGORS.—'' and inserting ''(f) COUNSELING SERVICES AND INFORMATION FOR MORTGAGORS.—''; and

(B) by amending the matter preceding paragraph (1) to read as follows: ''The Secretary shall provide or cause to be provided adequate counseling for the mortgagor, as described in subsection (d)(2)(B). Such counseling shall be provided by counselors that meet qualification standards and follow uniform counseling protocols. The qualification standards and counseling protocols shall be established by the Secretary within 12 months of the date of enactment of the Building American Homeownership Act of 2008. The protocols shall require a qualified counselor to discuss with each mortgagor information which shall include—''

(5) in subsection (g), by striking ''established under section 203(b)(2)'' and all that follows through ''located'' and inserting ''limitation established under section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act for a 1-family residence'';

(6) by striking subsection (l);

(7) by redesignating subsection (m) as subsection (l);

(8) by amending subsection (l), as so redesignated, to read as follows:

''(l) FUNDING FOR COUNSELING.—The Secretary may use a portion of the mortgage insurance premiums collected under the program under this section to adequately fund the counseling and disclosure activities required under subsection (f), including counseling for those homeowners who elect not to take out a home equity conversion mortgage, provided that the use of such funds is based upon accepted actuarial principles.''; and

(9) by adding at the end the following new subsection:

''(m) AUTHORITY TO INSURE HOME PURCHASE MORTGAGE.—

''(1) IN GENERAL.—Notwithstanding any other provision of this section, the Secretary may insure, upon application by a mortgagee, a home equity conversion mortgage

upon such terms and conditions as the Secretary may prescribe, when the home equity conversion mortgage will be used to purchase a 1- to 4-family dwelling unit, one unit of which the mortgagor will occupy as a primary residence, and to provide for any future payments to the mortgagor, based on available equity, as authorized under subsection (d)(9).

''(2) LIMITATION ON PRINCIPAL OBLIGATION.—A home equity conversion mortgage insured pursuant to paragraph (1) shall involve a principal obligation that does not exceed the dollar amount limitation determined under section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act for a 1-family residence.

''(n) REQUIREMENTS ON MORTGAGE ORIGINATORS.—

''(1) IN GENERAL.—The mortgagee and any other party that participates in the origination of a mortgage to be insured under this section shall—

''(A) not participate in, be associated with, or employ any party that participates in or is associated with any other financial or insurance activity; or

''(B) demonstrate to the Secretary that the mortgagee or other party maintains, or will maintain, firewalls and other safeguards designed to ensure that—

''(i) individuals participating in the origination of the mortgage shall have no involvement with, or incentive to provide the mortgagor with, any other financial or insurance product; and

''(ii) the mortgagor shall not be required, directly or indirectly, as a condition of obtaining a mortgage under this section, to purchase any other financial or insurance product.

''(2) APPROVAL OF OTHER PARTIES.—All parties that participate in the origination of a mortgage to be insured under this section shall be approved by the Secretary.

''(o) PROHIBITION AGAINST REQUIREMENTS TO PURCHASE ADDITIONAL PRODUCTS.—The mortgagor or any other party shall not be required by the mortgagee or any other party to purchase an insurance, annuity, or other similar product as a requirement or condition of eligibility for insurance under subsection (c), except for title insurance, hazard, flood, or other peril insurance, or other such products that are customary and normal under subsection (c), as determined by the Secretary.

''(p) STUDY TO DETERMINE CONSUMER PROTECTIONS AND UNDERWRITING STANDARDS.—The Secretary shall conduct a study to examine and determine appropriate consumer protections and underwriting standards to ensure that the purchase of products referred to in subsection (o) is appropriate for the consumer. In conducting such study, the Secretary shall consult with consumer advocates (including recognized experts in consumer protection), industry representatives, representatives of counseling organizations, and other interested parties.''.

(b) MORTGAGES FOR COOPERATIVES.—Subsection (b) of section 255 of the National Housing Act (12 U.S.C. 1715z–20(b)) is amended—

(1) in paragraph (4)—

(A) by inserting ''a first or subordinate mortgage or lien'' before ''on all stock'';

(B) by inserting ''unit'' after ''dwelling''; and

(C) by inserting ''a first mortgage or first lien'' before ''on a leasehold''; and

(2) in paragraph (5), by inserting ''a first or subordinate lien on'' before ''all stock''.

(c) LIMITATION ON ORIGINATION FEES.—Section 255 of the National Housing Act (12 U.S.C. 1715z–20), as amended by the preceding provisions of this section, is further amended by adding at the end the following new subsection:

''(r) LIMITATION ON ORIGINATION FEES.—The Secretary shall establish limits on the origination fee that may be charged to a mortgagor under a mortgage insured under this section, which limitations shall—

''(1) be equal to 2.0 percent of the maximum claim amount of the mortgage, up to a maximum claim amount of $200,000 plus 1 percent of any portion of the maximum claim amount that is greater than $200,000, unless adjusted thereafter on the basis of an analysis of—

''(A) the costs to mortgagors; and

''(B) the impact on the reverse mortgage market;

''(2) be subject to a minimum allowable amount;

''(3) provide that the origination fee may be fully financed with the mortgage;

''(4) include any fees paid to correspondent mortgagees approved by the Secretary;

''(5) have the same effective date as subsection (m)(2) regarding the limitation on principal obligation; and

''(6) be subject to a maximum origination fee of $6,000, except that such maximum limit shall be adjusted in accordance with the annual percentage increase in the Consumer Price Index of the Bureau of Labor Statistics of the Department of Labor in increments of $500 only when the percentage increase in such index, when applied to the maximum origination fee, produces dollar increases that exceed $500.''.

(d) STUDY REGARDING PROGRAM COSTS AND CREDIT AVAILABILITY.—

(1) IN GENERAL.—The Comptroller General of the United States shall conduct a study regarding the costs and availability of credit under the home equity conversion mortgages for elderly homeowners program under section 255 of the National Housing Act (12 U.S.C. 1715z–20) (in this subsection referred to as the ''program'').

(2) PURPOSE.—The purpose of the study required under paragraph (1) is to help Congress analyze and determine the effects of limiting the amounts of the costs or fees under the program from the amounts charged under the program as of the date of the enactment of this title.

(3) CONTENT OF REPORT.—The study required under paragraph (1) should focus on—

(A) the cost to mortgagors of participating in the program;

(B) the financial soundness of the program;

(C) the availability of credit under the program; and

(D) the costs to elderly homeowners participating in the program, including—

(i) mortgage insurance premiums charged under the program;

(ii) up-front fees charged under the program; and

(iii) margin rates charged under the program.

(4) TIMING OF REPORT.—Not later than 12 months after the date of the enactment of this title, the Comptroller General shall submit a report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives setting forth the results and conclusions of the study required under paragraph (1).

SEC. 2123. ENERGY EFFICIENT MORTGAGES PROGRAM.

Section 106(a)(2) of the Energy Policy Act of 1992 (42 U.S.C. 12712 note) is amended—

(1) by amending subparagraph (C) to read as follows:

''(C) COSTS OF IMPROVEMENTS.—The cost of cost-effective energy efficiency improvements shall not exceed the greater of—

''(i) 5 percent of the property value (not to exceed 5 percent of the limit established under section 203(b)(2)(A)) of the National Housing Act (12 U.S.C. 1709(b)(2)(A); or

''(ii) 2 percent of the limit established under section 203(b)(2)(B) of such Act.''; and

(2) by adding at the end the following:

''(D) LIMITATION.—In any fiscal year, the aggregate number of mortgages insured pursuant to this section may not exceed 5 percent of the aggregate number of mortgages for 1- to 4-family residences insured by the Secretary of Housing and Urban Development under title II of the National Housing Act (12 U.S.C. 1707 et seq.) during the preceding fiscal year.''.

SEC. 2124. PILOT PROGRAM FOR AUTOMATED PROCESS FOR BORROWERS WITHOUT SUFFICIENT CREDIT HISTORY.

(a) ESTABLISHMENT.—Title II of the National Housing Act (12 U.S.C. 1707 et seq.) is amended by adding at the end the following new section:

''SEC. 257. PILOT PROGRAM FOR AUTOMATED PROCESS FOR BORROWERS WITHOUT SUFFICIENT CREDIT HISTORY.

''(a) ESTABLISHMENT.—The Secretary shall carry out a pilot program to establish, and make available to mortgagees, an automated process for providing alternative credit rating information for mortgagors and prospective mortgagors under mortgages on 1- to 4-family residences to be insured under this title who have insufficient credit histories for determining their creditworthiness. Such alternative credit rating information may include rent, utilities, and insurance payment histories, and such other information as the Secretary considers appropriate.

''(b) SCOPE.—The Secretary may carry out the pilot program under this section on a limited basis or scope, and may consider limiting the program to first-time homebuyers.

''(c) LIMITATION.—In any fiscal year, the aggregate number of mortgages insured pursuant to the automated process established under this section may not exceed 5 percent of the aggregate number of mortgages for 1- to 4-family residences insured by the Secretary under this title during the preceding fiscal year.

''(d) SUNSET.—After the expiration of the 5-year period beginning on the date of the enactment of the Building American Homeownership Act of 2008, the Secretary may not enter into any new commitment to insure any mortgage, or newly insure any mortgage, pursuant to the automated process established under this section.''.

(b) GAO REPORT.—Not later than the expiration of the two-year period beginning on the date of the enactment of this subtitle, the Comptroller General of the United States shall submit to the Congress a report identifying the number of additional mortgagors served using the automated process established pursuant to section 257 of the National Housing Act (as added by the amendment made by subsection (a) of this section) and the impact of such process and the insurance of mortgages pursuant to such process on the safety and soundness of the insurance funds under the National Housing Act of which such mortgages are obligations.

SEC. 2125. HOMEOWNERSHIP PRESERVATION.

The Secretary of Housing and Urban Development and the Commissioner of the Federal Housing Administration, in consultation with industry, the Neighborhood Reinvestment Corporation, and other entities involved in foreclosure prevention activities, shall—

(1) develop and implement a plan to improve the Federal Housing Administration's loss mitigation process; and

(2) report such plan to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives.

SEC. 2126. USE OF FHA SAVINGS FOR IMPROVEMENTS IN FHA TECHNOLOGIES, PROCEDURES, PROCESSES, PROGRAM PERFORMANCE, STAFFING, AND SALARIES.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for each of fiscal years 2009 through 2013, $25,000,000, from negative credit subsidy for the mortgage insurance programs under title II of the National Housing Act, to the Secretary of Housing and Urban Development for increasing funding for the purpose of improving technology, processes, program performance, eliminating fraud, and for providing appropriate staffing in connection with the mortgage insurance programs under title II of the National Housing Act.

(b) CERTIFICATION.—The authorization under subsection (a) shall not be effective for a fiscal year unless the Secretary of Housing and Urban Development has, by rulemaking in accordance with section 553 of title 5, United States Code (notwithstanding subsections (a)(2), (b)(B), and (d)(3) of such section), made a determination that—

(1) premiums being, or to be, charged during such fiscal year for mortgage insurance under title II of the National Housing Act are established at the minimum amount sufficient to—

(A) comply with the requirements of section 205(f) of such Act (relating to required capital ratio for the Mutual Mortgage Insurance Fund); and

(B) ensure the safety and soundness of the other mortgage insurance funds under such Act; and

(2) any negative credit subsidy for such fiscal year resulting from such mortgage insurance programs adequately ensures the efficient delivery and availability of such programs.

(c) STUDY AND REPORT.—The Secretary of Housing and Urban Development shall conduct a study to obtain recommendations from participants in the private residential (both single family and multifamily) mortgage lending business and the secondary market for such mortgages on how best to update and upgrade processes and technologies for the mortgage insurance programs under title II of the National Housing Act so that the procedures for originating, insuring, and servicing of such mortgages conform with those customarily used by secondary market purchasers of residential mortgage loans. Not later than the expiration of the 12-month period beginning on the date of the enactment of this title, the Secretary shall submit a report to the Congress describing the progress made and to be made toward updating and upgrading such processes and technology, and providing appropriate staffing for such mortgage insurance programs.

SEC. 2127. POST-PURCHASE HOUSING COUNSELING ELIGIBILITY IMPROVEMENTS.

Section 106(c)(4) of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x(c)(4)) is amended:

(1) in subparagraph (C)—

(A) in clause (i), by striking ''; or'' and inserting a semicolon;

(B) in clause (ii), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

''(iii) a significant reduction in the income of the household due to divorce or death; or

''(iv) a significant increase in basic expenses of the homeowner or an immediate family member of the homeowner (including the spouse, child, or parent for whom the homeowner provides substantial care or financial assistance) due to—

''(I) an unexpected or significant increase in medical expenses;

''(II) a divorce;

''(III) unexpected and significant damage to the property, the repair of which will not be covered by private or public insurance; or

''(IV) a large property-tax increase; or'';

(2) by striking the matter that follows subparagraph (C); and

(3) by adding at the end the following:

''(D) the Secretary of Housing and Urban Development determines that the annual income of the homeowner is no greater than the annual income established by the Secretary as being of low- or moderate-income.''.

SEC. 2128. PRE-PURCHASE HOMEOWNERSHIP COUNSELING DEMONSTRATION.

(a) ESTABLISHMENT OF PROGRAM.—For the period beginning on the date of enactment of this title and ending on the date that is 3 years after such date of enactment, the Secretary of Housing and Urban Development shall establish and conduct a demonstration program to test the effectiveness of alternative forms of pre-purchase homeownership counseling for eligible homebuyers.

(b) FORMS OF COUNSELING.—The Secretary of Housing and Urban Development shall provide to eligible homebuyers pre-purchase homeownership counseling under this section in the form of—

(1) telephone counseling;

(2) individualized in-person counseling;

(3) web-based counseling;

(4) counseling classes; or

(5) any other form or type of counseling that the Secretary may, in his discretion, determine appropriate.

(c) SIZE OF PROGRAM.—The Secretary shall make available the pre-purchase homeownership counseling described in subsection (b) to not more than 3,000 eligible homebuyers in any given year.

(d) INCENTIVE TO PARTICIPATE.—The Secretary of Housing and Urban Development may provide incentives to eligible homebuyers to participate in the demonstration program established under subsection (a). Such incentives may include the reduction of any insurance premium charges owed by the eligible homebuyer to the Secretary.

(e) ELIGIBLE HOMEBUYER DEFINED.—For purposes of this section an ''eligible homebuyer'' means a first-time homebuyer who has been approved for a home loan with a loan-to-value ratio between 97 percent and 98.5 percent.

(f) REPORT TO CONGRESS.—The Secretary of Housing and Urban Development shall report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representative—

(1) on an annual basis, on the progress and results of the demonstration program established under subsection (a); and

(2) for the period beginning on the date of enactment of this title and ending on the date that is 5 years after such date of enactment, on the payment history and delinquency rates of eligible homebuyers who participated in the demonstration program.

SEC. 2129. FRAUD PREVENTION.

Section 1014 of title 18, United States Code, is amended in the first sentence—

(1) by inserting ''the Federal Housing Administration,'' before ''the Farm Credit Administration''; and

(2) by striking ''commitment, or loan'' and inserting ''commitment, loan, or insurance agreement or application for insurance or a guarantee''.

SEC. 2130. LIMITATION ON MORTGAGE INSURANCE PREMIUM INCREASES.

(a) IN GENERAL.—Notwithstanding any other provision of law, including any provision of this title and any amendment made by this title—

(1) for the period beginning on the date of the enactment of this title and ending on October 1, 2009, the premiums charged for mortgage insurance under multifamily housing programs under the National Housing Act may not be increased above the premium amounts in effect under such program on October 1, 2006, unless the Secretary of Housing and Urban Development determines that, absent such increase, insurance of additional mortgages under such program would, under the Federal Credit Reform Act of 1990, require the appropriation of new budget authority to cover the costs (as such term is defined in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a) of such insurance; and

(2) a premium increase pursuant to paragraph (1) may be made only if not less than 30 days prior to such increase taking effect, the Secretary of Housing and Urban Development—

(A) notifies the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives of such increase; and

(B) publishes notice of such increase in the Federal Register.

(b) WAIVER.—The Secretary of Housing and Urban Development may waive the 30-day notice requirement under subsection (a)(2), if the Secretary determines that waiting 30-days before increasing premiums would cause substantial damage to the solvency of multifamily housing programs under the National Housing Act.

SEC. 2131. SAVINGS PROVISION.

Any mortgage insured under title II of the National Housing Act before the date of enactment of this subtitle shall continue to be governed by the laws, regulations, orders, and terms and conditions to which it was subject on the day before the date of the enactment of this subtitle.

SEC. 2132. IMPLEMENTATION.

The Secretary of Housing and Urban Development shall by notice establish any additional requirements that may be necessary to immediately carry out the provisions of this subtitle. The notice shall take effect upon issuance.

SEC. 2133. MORATORIUM ON IMPLEMENTATION OF RISK-BASED PREMIUMS.

(a) IN GENERAL.—During the 12-month period beginning on October 1, 2008, the Secretary of Housing and Urban Development shall not take any action to implement or carry out risk-based premiums, which are designed for mortgage lenders to offer borrowers an FHA-insured product that provides a range of mortgage insurance premium pricing, based on the risk that the insurance contract represents, as such planned implementation was set forth in the Notice published in the Federal Register on May 13, 2008 (Vol. 73, No. 93, Pages 27703 through 27711) (effective July 14, 2008).

(b) INSURANCE OF MORTGAGES UNDER THE NATIONAL HOUSING ACT.—During the 12-month period beginning on October 1, 2008, the Secretary of Housing and Urban Development shall not take any action to implement or carry out any other risk-based premium product related to the insurance of any mortgage on a single family residence under title II of the National Housing Act, where the premium price for such new product is based in whole or in part on a borrower's Decision Credit Score, as that term is defined in the Notice described under subsection (a), or any successor thereto.

Subtitle B—Manufactured Housing Loan Modernization

SEC. 2141. SHORT TITLE.

This subtitle may be cited as the ''FHA Manufactured Housing Loan Modernization Act of 2008''.

SEC. 2142. PURPOSES.

The purposes of this subtitle are—

(1) to provide adequate funding for FHA-insured manufactured housing loans for low- and moderate-income homebuyers during all economic cycles in the manufactured housing industry;

(2) to modernize the FHA title I insurance program for manufactured housing loans to enhance participation by Ginnie Mae and the private lending markets; and

(3) to adjust the low loan limits for title I manufactured home loan insurance to reflect the increase in costs since such limits were last increased in 1992 and to index the limits to inflation.

SEC. 2143. EXCEPTION TO LIMITATION ON FINANCIAL INSTITUTION PORTFOLIO.

The second sentence of section 2(a) of the National Housing Act (12 U.S.C. 1703(a)) is amended—

(1) by striking ''In no case'' and inserting ''Other than in connection with a manufactured home or a lot on which to place such a home (or both), in no case''; and

(2) by striking '': *Provided*, That with'' and inserting ''. With''.

SEC. 2144. INSURANCE BENEFITS.

(a) IN GENERAL.—Subsection (b) of section 2 of the National Housing Act (12 U.S.C. 1703(b)), is amended by adding at the end the following new paragraph:

''(8) INSURANCE BENEFITS FOR MANUFACTURED HOUSING LOANS.—Any contract of insurance with respect to loans, advances of credit, or purchases in connection with a manufactured home or a lot on which to place a manufactured home (or both) for a financial institution that is executed under this title after the date of the enactment of the FHA Manufactured Housing Loan Modernization Act of 2008 by the Secretary shall be conclusive evidence of the eligibility of such financial institution for insurance, and the validity of any contract of insurance so executed shall be incontestable in the hands of the bearer from the date of the execution of such contract, except for fraud or misrepresentation on the part of such institution.''.

(b) APPLICABILITY.—The amendment made by subsection (a) shall only apply to loans that are registered or endorsed for insurance after the date of the enactment of this title.

SEC. 2145. MAXIMUM LOAN LIMITS.

(a) DOLLAR AMOUNTS.—Paragraph (1) of section 2(b) of the National Housing Act (12 U.S.C. 1703(b)(1)) is amended—

(1) in clause (ii) of subparagraph (A), by striking ''$17,500'' and inserting ''$25,090'';

(2) in subparagraph (C) by striking ''$48,600'' and inserting ''$69,678'';

(3) in subparagraph (D) by striking ''$64,800'' and inserting ''$92,904'';

(4) in subparagraph (E) by striking ''$16,200'' and inserting ''$23,226''; and

(5) by realigning subparagraphs (C), (D), and (E) 2 ems to the left so that the left margins of such subparagraphs are aligned with the margins of subparagraphs (A) and (B).

(b) ANNUAL INDEXING.—Subsection (b) of section 2 of the National Housing Act (12 U.S.C. 1703(b)), as amended by the preceding provisions of this title, is further amended by adding at the end the following new paragraph:

''(9) ANNUAL INDEXING OF MANUFACTURED HOUSING LOANS.—The Secretary shall develop a method of indexing in order to annually adjust the loan limits established in subparagraphs (A)(ii), (C), (D), and (E) of this subsection. Such index shall be based on the manufactured housing price data collected by the United States Census Bureau. The Secretary shall establish such index no later than 1 year after the date of the enactment of the FHA Manufactured Housing Loan Modernization Act of 2008.''

(c) TECHNICAL AND CONFORMING CHANGES.—Paragraph (1) of section 2(b) of the National Housing Act (12 U.S.C. 1703(b)(1)) is amended—

(1) by striking ''No'' and inserting ''Except as provided in the last sentence of this paragraph, no''; and

(2) by adding after and below subparagraph (G) the following:

''The Secretary shall, by regulation, annually increase the dollar amount limitations in subparagraphs (A)(ii), (C), (D), and (E) (as such limitations may have been previously adjusted under this sentence) in accordance with the index established pursuant to paragraph (9).''.

SEC. 2146. INSURANCE PREMIUMS.

Subsection (f) of section 2 of the National Housing Act (12 U.S.C. 1703(f)) is amended—

(1) by inserting ''(1) PREMIUM CHARGES.—'' after ''(f)''; and

(2) by adding at the end the following new paragraph:

''(2) MANUFACTURED HOME LOANS.—Notwithstanding paragraph (1), in the case of a loan, advance of credit, or purchase in connection with a manufactured home or a lot on which to place such a home (or both), the premium charge for the insurance granted under this section shall be paid by the borrower under the loan or advance of credit, as follows:

''(A) At the time of the making of the loan, advance of credit, or purchase, a single premium payment in an amount not to exceed 2.25 percent of the amount of the original insured principal obligation.

''(B) In addition to the premium under subparagraph (A), annual premium payments during the term of the loan, advance, or obligation purchased in an amount not exceeding 1.0 percent of the remaining insured principal balance (excluding the portion of the remaining balance attributable to the premium collected under subparagraph (A) and without taking into account delinquent payments or prepayments).

''(C) Premium charges under this paragraph shall be established in amounts that are sufficient, but do not exceed the minimum amounts necessary, to maintain a negative credit subsidy for the program under this section for insurance of loans, advances of credit, or purchases in connection with a manufactured home or a lot on which to place such a home (or both), as determined based upon risk to the Federal Government under existing underwriting requirements.

''(D) The Secretary may increase the limitations on premium payments to percentages above those set forth in subparagraphs (A) and (B), but only if necessary, and not in excess of the minimum increase necessary, to maintain a negative credit subsidy as described in subparagraph (C).''.

SEC. 2147. TECHNICAL CORRECTIONS.

(a) DATES.—Subsection (a) of section 2 of the National Housing Act (12 U.S.C. 1703(a)) is amended—

(1) by striking ''on and after July 1, 1939,'' each place such term appears; and

(2) by striking ''made after the effective date of the Housing Act of 1954''.

(b) AUTHORITY OF SECRETARY.—Subsection (c) of section 2 of the National Housing Act (12 U.S.C. 1703(c)) is amended to read as follows:

''(c) HANDLING AND DISPOSAL OF PROPERTY.—

''(1) AUTHORITY OF SECRETARY.—Notwithstanding any other provision of law, the Secretary may—

''(A) deal with, complete, rent, renovate, modernize, insure, or assign or sell at public or private sale, or otherwise dispose of, for cash or credit in the Secretary's discretion, and upon such terms and conditions and for such consideration as the Secretary shall determine to be reasonable, any real or personal property conveyed to or otherwise acquired by the Secretary, in connection with the payment of insurance heretofore or hereafter granted under this title, including any evidence of debt, contract, claim, personal property, or security assigned to or held by him in connection with the payment of insurance heretofore or hereafter granted under this section; and

''(B) pursue to final collection, by way of compromise or otherwise, all claims assigned to or held by the Secretary and all legal or equitable rights accruing to the Secretary in connection with the payment of such insurance, including unpaid insurance premiums owed in connection with insurance made available by this title.

''(2) ADVERTISEMENTS FOR PROPOSALS.—Section 3709 of the Revised Statutes shall not be construed to apply to any contract of hazard insurance or to any purchase or contract for services or supplies on account of such property if the amount thereof does not exceed $25,000.

''(3) DELEGATION OF AUTHORITY.—The power to convey and to execute in the name of the Secretary, deeds of conveyance, deeds of release, assignments and satisfactions of mortgages, and any other written instrument relating to real or personal property or any interest therein heretofore or hereafter acquired by the Secretary pursuant to the provisions of this title may be exercised by an officer appointed by the Secretary without the execution of any express delegation of power or power of attorney. Nothing in this subsection shall be construed to prevent the Secretary from delegating such power by order or by power of attorney, in the Secretary's discretion, to any officer or agent the Secretary may appoint.''.

SEC. 2148. REVISION OF UNDERWRITING CRITERIA.

(a) IN GENERAL.—Subsection (b) of section 2 of the National Housing Act (12 U.S.C. 1703(b)), as amended by the preceding provisions of this title, is further amended by adding at the end the following new paragraph:

''(10) FINANCIAL SOUNDNESS OF MANUFACTURED HOUSING PROGRAM.—The Secretary shall establish such underwriting criteria for loans and advances of credit in connection with a manufactured home or a lot on which to place a manufactured home (or both), including such loans and advances represented by obligations purchased by financial institutions, as may be necessary to ensure that the program under this title for insurance for financial institutions against losses from such loans, advances of credit, and purchases is financially sound.''.

(b) TIMING.—Not later than the expiration of the 6-month period beginning on the date of the enactment of this title, the Secretary of Housing and Urban Development shall revise the existing underwriting criteria for the program referred to in paragraph (10) of section 2(b) of the National Housing Act (as added by subsection (a) of this section) in accordance with the requirements of such paragraph.

SEC. 2149. PROHIBITION AGAINST KICKBACKS AND UNEARNED FEES.

Title I of the National Housing Act is amended by adding at the end of section 9 the following new section:

''SEC. 10. PROHIBITION AGAINST KICKBACKS AND UNEARNED FEES.

''(a) IN GENERAL.—Except as provided in subsection (b), the provisions of sections 3, 8, 16, 17, 18, and 19 of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2601 et seq.) shall apply to each sale of a manufactured home financed with an FHA-insured loan or extension of credit, as well as to services rendered in connection with such transactions.

''(b) AUTHORITY OF THE SECRETARY.—The Secretary is authorized to determine the

manner and extent to which the provisions of sections 3, 8, 16, 17, 18, and 19 of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2601 et seq.) may reasonably be applied to the transactions described in subsection (a), and to grant such exemptions as may be necessary to achieve the purposes of this section.

''(c) DEFINITIONS.—For purposes of this section—

''(1) the term 'federally related mortgage loan' as used in sections 3, 8, 16, 17, 18, and 19 of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2601 et seq.) shall include an FHA-insured loan or extension of credit made to a borrower for the purpose of purchasing a manufactured home that the borrower intends to occupy as a personal residence; and

''(2) the term 'real estate settlement service' as used in sections 3, 8, 16, 17, 18, and 19 of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2601 et seq.) shall include any service rendered in connection with a loan or extension of credit insured by the Federal Housing Administration for the purchase of a manufactured home.

''(d) UNFAIR AND DECEPTIVE PRACTICES.—In connection with the purchase of a manufactured home financed with a loan or extension of credit insured by the Federal Housing Administration under this title, the Secretary shall prohibit acts or practices in connection with loans or extensions of credit that the Secretary finds to be unfair, deceptive, or otherwise not in the interests of the borrower.''.

SEC. 2150. LEASEHOLD REQUIREMENTS.

Subsection (b) of section 2 of the National Housing Act (12 U.S.C. 1703(b)), as amended by the preceding provisions of this title, is further amended by adding at the end the following new paragraph:

''(11) LEASEHOLD REQUIREMENTS.—No insurance shall be granted under this section to any such financial institution with respect to any obligation representing any such loan, advance of credit, or purchase by it, made for the purposes of financing a manufactured home which is intended to be situated in a manufactured home community pursuant to a lease, unless such lease—

''(A) expires not less than 3 years after the origination date of the obligation;

''(B) is renewable upon the expiration of the original 3 year term by successive 1 year terms; and

''(C) requires the lessor to provide the lessee written notice of termination of the lease not less than 180 days prior to the expiration of the current lease term in the event the lessee is required to move due to the closing of the manufactured home community, and further provides that failure to provide such notice to the mortgagor in a timely manner will cause the lease term, at its expiration, to automatically renew for an additional 1 year term.''.

TITLE II—MORTGAGE FORECLOSURE PROTECTIONS FOR SERVICEMEMBERS

SEC. 2201. TEMPORARY INCREASE IN MAXIMUM LOAN GUARANTY AMOUNT FOR CERTAIN HOUSING LOANS GUARANTEED BY THE SECRETARY OF VETERANS AFFAIRS.

Notwithstanding subparagraph (C) of section 3703(a)(1) of title 38, United States Code, for purposes of any loan described in subparagraph (A)(i)(IV) of such section that is originated during the period beginning on the date of the enactment of this Act and ending on December 31, 2008, the term ''maximum guaranty amount'' shall mean an amount equal to 25 percent of the higher of—

(1) the limitation determined under section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1454(a)(2)) for the calendar year in which the loan is originated for a single-family residence; or

(2) 125 percent of the area median price for a single-family residence, but in no case to exceed 175 percent of the limitation determined under such section 305(a)(2) for the calendar year in which the loan is originated for a single-family residence.

SEC. 2202. COUNSELING ON MORTGAGE FORECLOSURES FOR MEMBERS OF THE ARMED FORCES RETURNING FROM SERVICE ABROAD.

(a) IN GENERAL.—The Secretary of Defense shall develop and implement a program to advise members of the Armed Forces (including members of the National Guard and Reserve) who are returning from service on active duty abroad (including service in Operation Iraqi Freedom and Operation Enduring Freedom) on actions to be taken by such members to prevent or forestall mortgage foreclosures.

(b) ELEMENTS.—The program required by subsection (a) shall include the following:

(1) Credit counseling.

(2) Home mortgage counseling.

(3) Such other counseling and information as the Secretary considers appropriate for purposes of the program.

(c) TIMING OF PROVISION OF COUNSELING.—Counseling and other information under the program required by subsection (a) shall be provided to a member of the Armed Forces covered by the program as soon as practicable after the return of the member from service as described in subsection (a).

SEC. 2203. ENHANCEMENT OF PROTECTIONS FOR SERVICEMEMBERS RELATING TO MORTGAGES AND MORTGAGE FORECLOSURES.

(a) EXTENSION OF PERIOD OF PROTECTIONS AGAINST MORTGAGE FORECLOSURES.—

(1) EXTENSION OF PROTECTION PERIOD.—Subsection (c) of section 303 of the Servicemembers Civil Relief Act (50 U.S.C. App. 533) is amended by striking ''90 days'' and inserting ''9 months''.

(2) EXTENSION OF STAY OF PROCEEDINGS PERIOD.—Subsection (b) of such section is amended by striking ''90 days'' and inserting ''9 months''.

(b) TREATMENT OF MORTGAGES AS OBLIGATIONS SUBJECT TO INTEREST RATE LIMITATION.—Section 207 of the Servicemembers Civil Relief Act (50 U.S.C. App. 527) is amended—

(1) in subsection (a)(1), by striking ''in excess of 6 percent'' the second place it appears and all that follows and inserting ''in excess of 6 percent—

''(A) during the period of military service and one year thereafter, in the case of an obligation or liability consisting of a mortgage, trust deed, or other security in the nature of a mortgage; or

''(B) during the period of military service, in the case of any other obligation or liability.''; and

(2) by striking subsection (d) and inserting the following new subsection:

''(d) DEFINITIONS.—In this section:

''(1) INTEREST.—The term 'interest' includes service charges, renewal charges, fees, or any other charges (except bona fide insurance) with respect to an obligation or liability.

''(2) OBLIGATION OR LIABILITY.—The term 'obligation or liability' includes an obligation or liability consisting of a mortgage, trust deed, or other security in the nature of a mortgage.''.

(c) EFFECTIVE DATE; SUNSET.—

(1) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of enactment of this Act.

(2) SUNSET.—The amendments made by subsection (a) shall expire on December 31, 2010. Effective January 1, 2011, the provisions of subsections (b) and (c) of section 303 of the Servicemembers Civil Relief Act, as in effect on the day before the date of the enactment of this Act, are hereby revived.

TITLE III—EMERGENCY ASSISTANCE FOR THE REDEVELOPMENT OF ABANDONED AND FORECLOSED HOMES

SEC. 2301. EMERGENCY ASSISTANCE FOR THE REDEVELOPMENT OF ABANDONED AND FORECLOSED HOMES.

(a) DIRECT APPROPRIATIONS.—There are appropriated out of any money in the Treasury not otherwise appropriated for the fiscal year 2008, $4,000,000,000, to remain available until expended, for assistance to States and units of general local government (as such terms are defined in section 102 of the Housing and Community Development Act of 1974 (42 U.S.C. 5302)) for the redevelopment of abandoned and foreclosed upon homes and residential properties.

(b) ALLOCATION OF APPROPRIATED AMOUNTS.—

(1) IN GENERAL.—The amounts appropriated or otherwise made available to States and units of general local government under this section shall be allocated based on a funding formula established by the Secretary of Housing and Urban Development (in this title referred to as the ''Secretary'').

(2) FORMULA TO BE DEVISED SWIFTLY.—The funding formula required under paragraph (1) shall be established not later than 60 days after the date of enactment of this section.

(3) CRITERIA.—The funding formula required under paragraph (1) shall ensure that any amounts appropriated or otherwise made available under this section are allocated to States and units of general local government with the greatest need, as such need is determined in the discretion of the Secretary based on—

(A) the number and percentage of home foreclosures in each State or unit of general local government;

(B) the number and percentage of homes financed by a subprime mortgage related loan in each State or unit of general local government; and

(C) the number and percentage of homes in default or delinquency in each State or unit of general local government.

(4) DISTRIBUTION.—Amounts appropriated or otherwise made available under this section shall be distributed according to the funding formula established by the Secretary under paragraph (1) not later than 30 days after the establishment of such formula.

(c) USE OF FUNDS.—

(1) IN GENERAL.—Any State or unit of general local government that receives amounts pursuant to this section shall, not later than 18 months after the receipt of such amounts, use such amounts to purchase and redevelop abandoned and foreclosed homes and residential properties.

(2) PRIORITY.—Any State or unit of general local government that receives amounts pursuant to this section shall in distributing such amounts give priority emphasis and consideration to those metropolitan areas, metropolitan cities, urban areas, rural areas, low- and moderate-income areas, and other areas with the greatest need, including those—

(A) with the greatest percentage of home foreclosures;

(B) with the highest percentage of homes financed by a subprime mortgage related loan; and

(C) identified by the State or unit of general local government as likely to face a significant rise in the rate of home foreclosures.

(3) ELIGIBLE USES.—Amounts made available under this section may be used to—

(A) establish financing mechanisms for purchase and redevelopment of foreclosed upon homes and residential properties, including such mechanisms as soft-seconds, loan loss reserves, and shared-equity loans for low- and moderate-income homebuyers;

(B) purchase and rehabilitate homes and residential properties that have been abandoned or foreclosed upon, in order to sell, rent, or redevelop such homes and properties;

(C) establish land banks for homes that have been foreclosed upon;

(D) demolish blighted structures; and

(E) redevelop demolished or vacant properties.

(d) LIMITATIONS.—

(1) ON PURCHASES.—Any purchase of a foreclosed upon home or residential property under this section shall be at a discount from the current market appraised value of the home or property, taking into account its current condition, and such discount shall ensure that purchasers are paying below-market value for the home or property.

(2) REHABILITATION.—Any rehabilitation of a foreclosed-upon home or residential property under this section shall be to the extent necessary to comply with applicable laws, codes, and other requirements relating to housing safety, quality, and habitability, in order to sell, rent, or redevelop such homes and properties. Rehabilitation may include improvements to increase the energy efficiency or conservation of such homes and properties or provide a renewable energy source or sources for such homes and properties.

(3) SALE OF HOMES.—If an abandoned or foreclosed upon home or residential property is purchased, redeveloped, or otherwise sold to an individual as a primary residence, then such sale shall be in an amount equal to or less than the cost to acquire and redevelop or rehabilitate such home or property up to a decent, safe, and habitable condition.

(4) REINVESTMENT OF PROFITS.—

(A) PROFITS FROM SALES, RENTALS, AND REDEVELOPMENT.—

(i) 5-YEAR REINVESTMENT PERIOD.—During the 5-year period following the date of enactment of this Act, any revenue generated from the sale, rental, redevelopment, rehabilitation, or any other eligible use that is in excess of the cost to acquire and redevelop (including reasonable development fees) or rehabilitate an abandoned or foreclosed upon home or residential property shall be provided to and used by the State or unit of general local government in accordance with, and in furtherance of, the intent and provisions of this section.

(ii) DEPOSITS IN THE TREASURY.—

(I) PROFITS.—Upon the expiration of the 5-year period set forth under clause (i), any revenue generated from the sale, rental, redevelopment, rehabilitation, or any other eligible use that is in excess of the cost to acquire and redevelop (including reasonable development fees) or rehabilitate an abandoned or foreclosed upon home or residential property shall be deposited in the Treasury of the United States as miscellaneous receipts, unless the Secretary approves a request to use the funds for purposes under this Act.

(II) OTHER AMOUNTS.—Upon the expiration of the 5-year period set forth under clause (i), any other revenue not described under subclause (I) generated from the sale, rental, redevelopment, rehabilitation, or any other eligible use of an abandoned or foreclosed upon home or residential property shall be deposited in the Treasury of the United States as miscellaneous receipts.

(B) OTHER REVENUES.—Any revenue generated under subparagraphs (A), (C) or (D) of subsection (c)(3) shall be provided to and used by the State or unit of general local government in accordance with, and in furtherance of, the intent and provisions of this section.

(e) RULES OF CONSTRUCTION.—

(1) IN GENERAL.—Except as otherwise provided by this section, amounts appropriated, revenues generated, or amounts otherwise made available to States and units of general local government under this section shall be treated as though such funds were community development block grant funds under title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.).

(2) NO MATCH.—No matching funds shall be required in order for a State or unit of general local government to receive any amounts under this section.

(f) AUTHORITY TO SPECIFY ALTERNATIVE REQUIREMENTS.—

(1) IN GENERAL.—In administering any amounts appropriated or otherwise made available under this section, the Secretary may specify alternative requirements to any provision under title I of the Housing and Community Development Act of 1974 (except for those related to fair housing, nondiscrimination, labor standards, and the environment) in accordance with the terms of this section and for the sole purpose of expediting the use of such funds.

(2) NOTICE.—The Secretary shall provide written notice of its intent to exercise the authority to specify alternative requirements under paragraph (1) to the Committee on Banking, Housing and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives not later than 10 business days before such exercise of authority is to occur.

(3) LOW AND MODERATE INCOME REQUIREMENT.—

(A) IN GENERAL.—Notwithstanding the authority of the Secretary under paragraph (1)—

(i) all of the funds appropriated or otherwise made available under this section shall be used with respect to individuals and families whose income does not exceed 120 percent of area median income; and

(ii) not less than 25 percent of the funds appropriated or otherwise made available under this section shall be used for the purchase and redevelopment of abandoned or foreclosed upon homes or residential properties that will be used to house individuals or families whose incomes do not exceed 50 percent of area median income.

(B) RECURRENT REQUIREMENT.—The Secretary shall, by rule or order, ensure, to the maximum extent practicable and for the longest feasible term, that the sale, rental, or redevelopment of abandoned and foreclosed upon homes and residential properties under this section remain affordable to individuals or families described in subparagraph (A).

(g) PERIODIC AUDITS.—In consultation with the Secretary of Housing and Urban Development, the Comptroller General of the United States shall conduct periodic audits to ensure that funds appropriated, made available, or otherwise distributed under this section are being used in a manner consistent with the criteria provided in this section.

SEC. 2302. NATIONWIDE DISTRIBUTION OF RESOURCES.

Notwithstanding any other provision of this Act or the amendments made by this Act, each State shall receive not less than 0.5 percent of funds made available under section 2301 (relating to emergency assistance for the redevelopment of abandoned and foreclosed homes).

SEC. 2303. LIMITATION ON USE OF FUNDS WITH RESPECT TO EMINENT DOMAIN.

No State or unit of general local government may use any amounts received pursuant to section 2301 to fund any project that seeks to use the power of eminent domain, unless eminent domain is employed only for a public use: *Provided*, That for purposes of this section, public use shall not be construed to include economic development that primarily benefits private entities.

SEC. 2304. LIMITATION ON DISTRIBUTION OF FUNDS.

(a) IN GENERAL.—None of the funds made available under this title or title IV shall be distributed to—

(1) an organization which has been indicted for a violation under Federal law relating to an election for Federal office; or

(2) an organization which employs applicable individuals.

(b) APPLICABLE INDIVIDUALS DEFINED.—In this section, the term ''applicable individual'' means an individual who—

(1) is—

(A) employed by the organization in a permanent or temporary capacity;

(B) contracted or retained by the organization; or

(C) acting on behalf of, or with the express or apparent authority of, the organization; and

(2) has been indicted for a violation under Federal law relating to an election for Federal office.

SECTION 2305. COUNSELING INTERMEDIARIES.

Notwithstanding any other provision of this Act, the amount appropriated under section 2301(a) of this Act shall be $3,920,000,000 and the amount appropriated under section 2401 of this Act shall be $180,000,000: *Provided*, That of the amount appropriated under section 2401 of this Act pursuant to this section, not less than 15 percent shall be provided to counseling organizations that target counseling services regarding loss mitigation to minority and low-income homeowners or provide such services in neighborhoods with high concentrations of minority and low-income homeowners: *Provided further*, That of amounts appropriated under such section 2401 $30,000,000 shall be used by the Neighborhood Reinvestment Corporation (referred to in this section as the ''NRC'') to make grants to counseling intermediaries approved by the Department of Housing and Urban Development or the NRC to hire attorneys to assist homeowners who have legal issues directly related to the homeowner's foreclosure, delinquency or short sale. Such attorneys shall be capable of assisting homeowners of owner-occupied homes with mortgages in default, in danger of default, or subject to or at risk of foreclosure and who have legal issues that cannot be handled by counselors already employed by such intermediaries: *Provided further*, That of the amounts provided for in the prior provisos the NRC shall give priority consideration to counseling intermediaries and legal organizations that (1) provide legal assistance in the 100 metropolitan statistical areas (as defined by the Director of the Office of Management and Budget) with the highest home foreclosure rates, and (2) have the capacity to begin using the financial assistance within 90 days after receipt of the assistance: *Provided further*, That no funds provided under this Act shall be used to provide, obtain, or arrange on behalf of a homeowner, legal representation involving or for the purposes of civil litigation: *Provided further*, That the NRC, in awarding counseling grants under section 2401 of this Act, may consider, where appropriate, whether the entity has implemented a written plan for providing in-person counseling and for making contact, including personal contact, with defaulted mortgagors, for the purpose of providing counseling or providing information about available counseling.

TITLE IV—HOUSING COUNSELING RESOURCES

SEC. 2401. HOUSING COUNSELING RESOURCES.

There are appropriated out of any money in the Treasury not otherwise appropriated for the fiscal year 2008, for an additional amount for the ''Neighborhood Reinvestment Corporation—Payment to the Neighborhood Reinvestment Corporation'' $100,000,000, to

remain available until December 31, 2008, for foreclosure mitigation activities under the terms and conditions contained in the second undesignated paragraph (beginning with the phrase ''For an additional amount'') under the heading ''Neighborhood Reinvestment Corporation—Payment to the Neighborhood Reinvestment Corporation'' of Public Law 110–161.

SEC. 2402. CREDIT COUNSELING.

(a) IN GENERAL.—Entities approved by the Neighborhood Reinvestment Corporation or the Secretary and State housing finance entities receiving funds under this title shall work to identify and coordinate with nonprofit organizations operating national or statewide toll-free foreclosure prevention hotlines, including those that—

(1) serve as a consumer referral source and data repository for borrowers experiencing some form of delinquency or foreclosure;

(2) connect callers with local housing counseling agencies approved by the Neighborhood Reinvestment Corporation or the Secretary to assist with working out a positive resolution to their mortgage delinquency or foreclosure; or

(3) facilitate or offer free assistance to help homeowners to understand their options, negotiate solutions, and find the best resolution for their particular circumstances.

TITLE V—MORTGAGE DISCLOSURE IMPROVEMENT ACT

SEC. 2501. SHORT TITLE.

This title may be cited as the ''Mortgage Disclosure Improvement Act of 2008''.

SEC. 2502. ENHANCED MORTGAGE LOAN DISCLOSURES.

(a) TRUTH IN LENDING ACT DISCLOSURES.—Section 128(b)(2) of the Truth in Lending Act (15 U.S.C. 1638(b)(2)) is amended—

(1) by inserting ''(A)'' before ''In the'';

(2) by striking ''a residential mortgage transaction, as defined in section 103(w)'' and inserting ''any extension of credit that is secured by the dwelling of a consumer'';

(3) by striking ''before the credit is extended, or'' and inserting ''and'';

(4) by inserting '', which shall be at least 7 business days before consummation of the transaction'' after ''written application'';

(5) by striking '', whichever is earlier''; and

(6) by striking ''If the'' and all that follows through the end of the paragraph and inserting the following:

''(B) In the case of an extension of credit that is secured by the dwelling of a consumer, the disclosures provided under subparagraph (A), shall be in addition to the other disclosures required by subsection (a), and shall—

''(i) state in conspicuous type size and format, the following: 'You are not required to complete this agreement merely because you have received these disclosures or signed a loan application.'; and

''(ii) be provided in the form of final disclosures at the time of consummation of the transaction, in the form and manner prescribed by this section.

''(C) In the case of an extension of credit that is secured by the dwelling of a consumer, under which the annual rate of interest is variable, or with respect to which the regular payments may otherwise be variable, in addition to the other disclosures required by subsection (a), the disclosures provided under this subsection shall do the following:

''(i) Label the payment schedule as follows: 'Payment Schedule: Payments Will Vary Based on Interest Rate Changes'.

''(ii) State in conspicuous type size and format examples of adjustments to the regular required payment on the extension of credit based on the change in the interest rates specified by the contract for such extension of credit. Among the examples required to be provided under this clause is an example that reflects the maximum payment amount of the regular required payments on the extension of credit, based on the maximum interest rate allowed under the contract, in accordance with the rules of the Board. Prior to issuing any rules pursuant to this clause, the Board shall conduct consumer testing to determine the appropriate format for providing the disclosures required under this subparagraph to consumers so that such disclosures can be easily understood, including the fact that the initial regular payments are for a specific time period that will end on a certain date, that payments will adjust afterwards potentially to a higher amount, and that there is no guarantee that the borrower will be able to refinance to a lower amount.

''(D) In any case in which the disclosure statement under subparagraph (A) contains an annual percentage rate of interest that is no longer accurate, as determined under section 107(c), the creditor shall furnish an additional, corrected statement to the borrower, not later than 3 business days before the date of consummation of the transaction.

''(E) The consumer shall receive the disclosures required under this paragraph before paying any fee to the creditor or other person in connection with the consumer's application for an extension of credit that is secured by the dwelling of a consumer. If the disclosures are mailed to the consumer, the consumer is considered to have received them 3 business days after they are mailed. A creditor or other person may impose a fee for obtaining the consumer's credit report before the consumer has received the disclosures under this paragraph, provided the fee is bona fide and reasonable in amount.

''(F) WAIVER OF TIMELINESS OF DISCLOSURES.—To expedite consummation of a transaction, if the consumer determines that the extension of credit is needed to meet a bona fide personal financial emergency, the consumer may waive or modify the timing requirements for disclosures under subparagraph (A), provided that—

''(i) the term 'bona fide personal emergency' may be further defined in regulations issued by the Board;

''(ii) the consumer provides to the creditor a dated, written statement describing the emergency and specifically waiving or modifying those timing requirements, which statement shall bear the signature of all consumers entitled to receive the disclosures required by this paragraph; and

''(iii) the creditor provides to the consumers at or before the time of such waiver or modification, the final disclosures required by paragraph (1).

''(G) The requirements of subparagraphs (B), (C), (D) and (E) shall not apply to extensions of credit relating to plans described in section 101(53D) of title 11, United States Code.''.

(b) CIVIL LIABILITY.—Section 130(a) of the Truth in Lending Act (15 U.S.C. 1640(a)) is amended—

(1) in paragraph (2)(A)(iii), by striking ''not less than $200 or greater than $2,000'' and inserting ''not less than $400 or greater than $4,000''; and

(2) in the penultimate sentence of the undesignated matter following paragraph (4)—

(A) by inserting ''or section 128(b)(2)(C)(ii),'' after ''128(a),''; and

(B) by inserting ''or section 128(b)(2)(C)(ii)'' before the period.

(c) EFFECTIVE DATES.—

(1) GENERAL DISCLOSURES.—Except as provided in paragraph (2), the amendments made by subsection (a) shall become effective 12 months after the date of enactment of this Act.

(2) VARIABLE INTEREST RATES.—Subparagraph (C) of section 128(b)(2) of the Truth in Lending Act (15 U.S.C. 1638(b)(2)(C)), as added by subsection (a) of this section, shall become effective on the earlier of—

(A) the compliance date established by the Board for such purpose, by regulation; or

(B) 30 months after the date of enactment of this Act.

SEC. 2503. COMMUNITY DEVELOPMENT INVESTMENT AUTHORITY FOR DEPOSITORY INSTITUTIONS.

(a) NATIONAL BANKS.—The first sentence of the paragraph designated as the ''Eleventh'' of section 5136 of the Revised Statutes of the United States (12 U.S.C. 24) is amended by striking ''promotes the public welfare by benefitting primarily'' and inserting ''is designed primarily to promote the public welfare, including the welfare of''.

(b) STATE MEMBER BANKS.—The first sentence of the 23rd paragraph of section 9 of the Federal Reserve Act (12 U.S.C. 338a) is amended by striking ''promotes the public welfare by benefitting primarily'' and inserting ''is designed primarily to promote the public welfare, including the welfare of''.

TITLE VI—VETERANS HOUSING MATTERS

SEC. 2601. HOME IMPROVEMENTS AND STRUCTURAL ALTERATIONS FOR TOTALLY DISABLED MEMBERS OF THE ARMED FORCES BEFORE DISCHARGE OR RELEASE FROM THE ARMED FORCES.

Section 1717 of title 38, United States Code, is amended by adding at the end the following new subsection:

''(d)(1) In the case of a member of the Armed Forces who, as determined by the Secretary, has a disability permanent in nature incurred or aggravated in the line of duty in the active military, naval, or air service, the Secretary may furnish improvements and structural alterations for such member for such disability or as otherwise described in subsection (a)(2) while such member is hospitalized or receiving outpatient medical care, services, or treatment for such disability if the Secretary determines that such member is likely to be discharged or released from the Armed Forces for such disability.

''(2) The furnishing of improvements and alterations under paragraph (1) in connection with the furnishing of medical services described in subparagraph (A) or (B) of subsection (a)(2) shall be subject to the limitation specified in the applicable subparagraph.''.

SEC. 2602. ELIGIBILITY FOR SPECIALLY ADAPTED HOUSING BENEFITS AND ASSISTANCE FOR MEMBERS OF THE ARMED FORCES WITH SERVICE-CONNECTED DISABILITIES AND INDIVIDUALS RESIDING OUTSIDE THE UNITED STATES.

(a) ELIGIBILITY.—Chapter 21 of title 38, United States Code, is amended by inserting after section 2101 the following new section:

''§ 2101A. Eligibility for benefits and assistance: members of the Armed Forces with service-connected disabilities; individuals residing outside the United States

''(a) MEMBERS WITH SERVICE-CONNECTED DISABILITIES.—(1) The Secretary may provide assistance under this chapter to a member of the Armed Forces serving on active duty who is suffering from a disability that meets applicable criteria for benefits under this chapter if the disability is incurred or aggravated in line of duty in the active military, naval, or air service. Such assistance shall be provided to the same extent as assistance is provided under this chapter to veterans eligible for assistance under this chapter and subject to the same requirements as veterans under this chapter.

''(2) For purposes of this chapter, any reference to a veteran or eligible individual shall be treated as a reference to a member of the Armed Forces described in subsection (a) who is similarly situated to the veteran or other eligible individual so referred to.

''(b) BENEFITS AND ASSISTANCE FOR INDIVIDUALS RESIDING OUTSIDE THE UNITED STATES.—(1) Subject to paragraph (2), the Secretary may, at the Secretary's discretion, provide benefits and assistance under this chapter (other than benefits under section 2106 of this title) to any individual otherwise eligible for such benefits and assistance who resides outside the United States.

''(2) The Secretary may provide benefits and assistance to an individual under paragraph (1) only if—

''(A) the country or political subdivision in which the housing or residence involved is or will be located permits the individual to have or acquire a beneficial property interest (as determined by the Secretary) in such housing or residence; and

''(B) the individual has or will acquire a beneficial property interest (as so determined) in such housing or residence.

''(c) REGULATIONS.—Benefits and assistance under this chapter by reason of this section shall be provided in accordance with such regulations as the Secretary may prescribe.''.

(b) CONFORMING AMENDMENTS.—

(1) REPEAL OF SUPERSEDED AUTHORITY.—Section 2101 of title 38, United States Code, is amended—

(A) by striking subsection (c); and

(B) by redesignating subsection (d) as subsection (c).

(2) LIMITATIONS ON ASSISTANCE.—Section 2102 of title 38, United States Code, is amended—

(A) in subsection (a)—

(i) by striking ''veteran'' each place it appears and inserting ''individual''; and

(ii) in paragraph (3), by striking ''veteran's'' and inserting ''individual's'';

(B) in subsection (b)(1), by striking ''a veteran'' and inserting ''an individual'';

(C) in subsection (c)—

(i) by striking ''a veteran'' and inserting ''an individual''; and

(ii) by striking ''the veteran'' each place it appears and inserting ''the individual''; and

(D) in subsection (d), by striking ''a veteran'' each place it appears and inserting ''an individual''.

(3) ASSISTANCE FOR INDIVIDUALS TEMPORARILY RESIDING IN HOUSING OF FAMILY MEMBER.—Section 2102A of title 38, United States Code, is amended—

(A) by striking ''veteran'' each place it appears (other than in subsection (b)) and inserting ''individual'';

(B) in subsection (a), by striking ''veteran's'' each place it appears and inserting ''individual's''; and

(C) in subsection (b), by striking ''a veteran'' each place it appears and inserting ''an individual''.

(4) FURNISHING OF PLANS AND SPECIFICATIONS.—Section 2103 of title 38, United States Code, is amended by striking ''veterans'' both places it appears and inserting ''individuals''.

(5) CONSTRUCTION OF BENEFITS.—Section 2104 of title 38, United States Code, is amended—

(A) in subsection (a), by striking ''veteran'' each place it appears and inserting ''individual''; and

(B) in subsection (b)—

(i) in the first sentence, by striking ''A veteran'' and inserting ''An individual'';

(ii) in the second sentence, by striking ''a veteran'' and inserting ''an individual''; and

(iii) by striking ''such veteran'' each place it appears and inserting ''such individual''.

(6) VETERANS' MORTGAGE LIFE INSURANCE.—Section 2106 of title 38, United States Code, is amended—

(A) in subsection (a)—

(i) by striking ''any eligible veteran'' and inserting ''any eligible individual''; and

(ii) by striking ''the veterans' '' and inserting ''the individual's'';

(B) in subsection (b), by striking ''an eligible veteran'' and inserting ''an eligible individual'';

(C) in subsection (e), by striking ''an eligible veteran'' and inserting ''an individual'';

(D) in subsection (h), by striking ''each veteran'' and inserting ''each individual'';

(E) in subsection (i), by striking ''the veteran's'' each place it appears and inserting ''the individual's'';

(F) by striking ''the veteran'' each place it appears and inserting ''the individual''; and

(G) by striking ''a veteran'' each place it appears and inserting ''an individual''.

(7) HEADING AMENDMENTS.—(A) The heading of section 2101 of title 38, United States Code, is amended to read as follows:

''§ 2101. Acquisition and adaptation of housing: eligible veterans''.

(B) The heading of section 2102A of such title is amended to read as follows:

''§ 2102A. Assistance for individuals residing temporarily in housing owned by a family member''.

(8) CLERICAL AMENDMENTS.—The table of sections at the beginning of chapter 21 of title 38, United States Code, is amended—

(A) by striking the item relating to section 2101 and inserting the following new item:

''2101. Acquisition and adaptation of housing: eligible veterans.'';

(B) by inserting after the item relating to section 2101, as so amended, the following new item:

''2101A. Eligibility for benefits and assistance: members of the Armed Forces with service-connected disabilities; individuals residing outside the United States.'';

and

(C) by striking the item relating to section 2102A and inserting the following new item:

''2102A. Assistance for individuals residing temporarily in housing owned by a family member.''.

SEC. 2603. SPECIALLY ADAPTED HOUSING ASSISTANCE FOR INDIVIDUALS WITH SEVERE BURN INJURIES.

Section 2101 of title 38, United States Code, is amended—

(1) in subsection (a)(2), by adding at the end the following new subparagraph:

''(E) The disability is due to a severe burn injury (as determined pursuant to regulations prescribed by the Secretary).''; and

(2) in subsection (b)(2)—

(A) by striking ''either'' and inserting ''any''; and

(B) by adding at the end the following new subparagraph:

''(C) The disability is due to a severe burn injury (as so determined).''.

SEC. 2604. EXTENSION OF ASSISTANCE FOR INDIVIDUALS RESIDING TEMPORARILY IN HOUSING OWNED BY A FAMILY MEMBER.

Section 2102A(e) of title 38, United States Code, is amended by striking ''after the end of the five-year period that begins on the date of the enactment of the Veterans' Housing Opportunity and Benefits Improvement Act of 2006'' and inserting ''after December 31, 2011''.

SEC. 2605. INCREASE IN SPECIALLY ADAPTED HOUSING BENEFITS FOR DISABLED VETERANS.

(a) IN GENERAL.—Section 2102 of title 38, United States Code, is amended—

(1) in subsection (b)(2), by striking ''$10,000'' and inserting ''$12,000'';

(2) in subsection (d)—

(A) in paragraph (1), by striking ''$50,000'' and inserting ''$60,000''; and

(B) in paragraph (2), by striking ''$10,000'' and inserting ''$12,000''; and

(3) by adding at the end the following new subsection:

''(e)(1) Effective on October 1 of each year (beginning in 2009), the Secretary shall increase the amounts described in subsection (b)(2) and paragraphs (1) and (2) of subsection (d) in accordance with this subsection.

''(2) The increase in amounts under paragraph (1) to take effect on October 1 of a year shall be by an amount of such amounts equal to the percentage by which—

''(A) the residential home cost-of-construction index for the preceding calendar year, exceeds

''(B) the residential home cost-of-construction index for the year preceding the year described in subparagraph (A).

''(3) The Secretary shall establish a residential home cost-of-construction index for the purposes of this subsection. The index shall reflect a uniform, national average change in the cost of residential home construction, determined on a calendar year basis. The Secretary may use an index developed in the private sector that the Secretary determines is appropriate for purposes of this subsection.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on July 1, 2008, and shall apply with respect to payments made in accordance with section 2102 of title 38, United States Code, on or after that date.

SEC. 2606. REPORT ON SPECIALLY ADAPTED HOUSING FOR DISABLED INDIVIDUALS.

(a) IN GENERAL.—Not later than December 31, 2008, the Secretary of Veterans Affairs shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report that contains an assessment of the adequacy of the authorities available to the Secretary under law to assist eligible disabled individuals in acquiring—

(1) suitable housing units with special fixtures or movable facilities required for their disabilities, and necessary land therefor;

(2) such adaptations to their residences as are reasonably necessary because of their disabilities; and

(3) residences already adapted with special features determined by the Secretary to be reasonably necessary as a result of their disabilities.

(b) FOCUS ON PARTICULAR DISABILITIES.—The report required by subsection (a) shall set forth a specific assessment of the needs of—

(1) veterans who have disabilities that are not described in subsections (a)(2) and (b)(2) of section 2101 of title 38, United States Code; and

(2) other disabled individuals eligible for specially adapted housing under chapter 21 of such title by reason of section 2101A of such title (as added by section 2602(a) of this Act) who have disabilities that are not described in such subsections.

SEC. 2607. REPORT ON SPECIALLY ADAPTED HOUSING ASSISTANCE FOR INDIVIDUALS WHO RESIDE IN HOUSING OWNED BY A FAMILY MEMBER ON PERMANENT BASIS.

Not later than December 31, 2008, the Secretary of Veterans Affairs shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the advisability of providing assistance under section 2102A of title 38, United States Code, to veterans described in subsection (a) of such section, and to members of the Armed Forces covered by such section 2102A by reason of section 2101A of title 38, United States Code (as added by section 2602(a) of this Act), who reside with family members on a permanent basis.

SEC. 2608. DEFINITION OF ANNUAL INCOME FOR PURPOSES OF SECTION 8 AND OTHER PUBLIC HOUSING PROGRAMS.

Section 3(b)(4) of the United States Housing Act of 1937 (42 U.S.C. 1437a(3)(b)(4)) is amended by inserting ''or any deferred Department of Veterans Affairs disability benefits that are received in a lump sum amount or in prospective monthly amounts'' before ''may not be considered''.

SEC. 2609. PAYMENT OF TRANSPORTATION OF BAGGAGE AND HOUSEHOLD EFFECTS FOR MEMBERS OF THE ARMED FORCES WHO RELOCATE DUE TO FORECLOSURE OF LEASED HOUSING.

Section 406 of title 37, United States Code, is amended—

(1) by redesignating subsections (k) and (l) as subsections (l) and (m), respectively; and

(2) by inserting after subsection (j) the following new subsection (k):

''(k) A member of the armed forces who relocates from leased or rental housing by reason of the foreclosure of such housing is entitled to transportation of baggage and household effects under subsection (b)(1) in the same manner, and subject to the same conditions and limitations, as similarly circumstanced members entitled to transportation of baggage and household effects under that subsection.''.

TITLE VII—SMALL PUBLIC HOUSING AUTHORITIES PAPERWORK REDUCTION ACT

SEC. 2701. SHORT TITLE.

This title may be cited as the ''Small Public Housing Authorities Paperwork Reduction Act''.

SEC. 2702. PUBLIC HOUSING AGENCY PLANS FOR CERTAIN QUALIFIED PUBLIC HOUSING AGENCIES.

(a) IN GENERAL.—Section 5A(b) of the United States Housing Act of 1937 (42 U.S.C. 1437c–1(b)) is amended by adding at the end the following:

''(3) EXEMPTION OF CERTAIN PHAS FROM FILING REQUIREMENT.—

''(A) IN GENERAL.—Notwithstanding paragraph (1) or any other provision of this Act—

''(i) the requirement under paragraph (1) shall not apply to any qualified public housing agency; and

''(ii) except as provided in subsection (e)(4)(B), any reference in this section or any other provision of law to a 'public housing agency' shall not be considered to refer to any qualified public housing agency, to the extent such reference applies to the requirement to submit an annual public housing agency plan under this subsection.

''(B) CIVIL RIGHTS CERTIFICATION.—Notwithstanding that qualified public housing agencies are exempt under subparagraph (A) from the requirement under this section to prepare and submit an annual public housing plan, each qualified public housing agency shall, on an annual basis, make the certification described in paragraph (16) of subsection (d), except that for purposes of such qualified public housing agencies, such paragraph shall be applied by substituting 'the public housing program of the agency' for 'the public housing agency plan'.

''(C) DEFINITION.—For purposes of this section, the term 'qualified public housing agency' means a public housing agency that meets the following requirements:

''(i) The sum of (I) the number of public housing dwelling units administered by the agency, and (II) the number of vouchers under section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)) administered by the agency, is 550 or fewer.

''(ii) The agency is not designated under section 6(j)(2) as a troubled public housing agency, and does not have a failing score under the section 8 Management Assessment Program during the prior 12 months.''.

(b) RESIDENT PARTICIPATION.—Section 5A of the United States Housing Act of 1937 (42 U.S.C. 1437c–1) is amended—

(1) in subsection (e), by inserting after paragraph (3) the following:

''(4) QUALIFIED PUBLIC HOUSING AGENCIES.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), nothing in this section may be construed to exempt a qualified public housing agency from the requirement under paragraph (1) to establish 1 or more resident advisory boards. Notwithstanding that qualified public housing agencies are exempt under subsection (b)(3)(A) from the requirement under this section to prepare and submit an annual public housing plan, each qualified public housing agency shall consult with, and consider the recommendations of the resident advisory boards for the agency, at the annual public hearing required under subsection (f)(5), regarding any changes to the goals, objectives, and policies of that agency.

''(B) APPLICABILITY OF WAIVER AUTHORITY.—Paragraph (3) shall apply to qualified public housing agencies, except that for purposes of such qualified public housing agencies, subparagraph (B) of such paragraph shall be applied by substituting 'the functions described in the second sentence of paragraph (4)(A)' for 'the functions described in paragraph (2)'.

''(f) PUBLIC HEARINGS.—''; and

(2) in subsection (f) (as so designated by the amendment made by paragraph (1)), by adding at the end the following:

''(5) QUALIFIED PUBLIC HOUSING AGENCIES.—

''(A) REQUIREMENT.—Notwithstanding that qualified public housing agencies are exempt under subsection (b)(3)(A) from the requirement under this section to conduct a public hearing regarding the annual public housing plan of the agency, each qualified public housing agency shall annually conduct a public hearing—

''(i) to discuss any changes to the goals, objectives, and policies of the agency; and

''(ii) to invite public comment regarding such changes.

''(B) AVAILABILITY OF INFORMATION AND NOTICE.—Not later than 45 days before the date of any hearing described in subparagraph (A), a qualified public housing agency shall—

''(i) make all information relevant to the hearing and any determinations of the agency regarding changes to the goals, objectives, and policies of the agency to be considered at the hearing available for inspection by the public at the principal office of the public housing agency during normal business hours; and

''(ii) publish a notice informing the public that—

''(I) the information is available as required under clause (i); and

''(II) a public hearing under subparagraph (A) will be conducted.''.

TITLE VIII—HOUSING PRESERVATION

Subtitle A—Preservation Under Federal Housing Programs

SEC. 2801. CLARIFICATION OF DISPOSITION OF CERTAIN PROPERTIES.

Notwithstanding any other provision of law, subtitle A of title II of the Deficit Reduction Act of 2005 (12 U.S.C. 1701z-11 note) and the amendments made by such title shall not apply to any transaction regarding a multifamily real property for which—

(1) the Secretary of Housing and Urban Development has received, before the date of the enactment of such Act, written expressions of interest in purchasing the property from both a city government and the housing commission of such city;

(2) after such receipt, the Secretary acquires title to the property at a foreclosure sale; and

(3) such city government and housing commission have resolved a previous disagreement with respect to the disposition of the property.

SEC. 2802. ELIGIBILITY OF CERTAIN PROJECTS FOR ENHANCED VOUCHER ASSISTANCE.

Notwithstanding any other provision of law—

(1) the property known as The Heritage Apartments (FHA No. 023-44804), in Malden, Massachusetts, shall be considered eligible low-income housing for purposes of the eligibility of residents of the property for enhanced voucher assistance under section 8(t) of the United States Housing Act of 1937 (42 U.S.C. 1437f(t)), pursuant to paragraph (2)(A) of section 223(f) of the Low-Income Housing Preservation and Resident Homeownership Act of 1990 (12 U.S.C. 4113(f)(2)(A));

(2) such residents shall receive enhanced rental housing vouchers upon the prepayment of the mortgage loan for the property under section 236 of the National Housing Act (12 U.S.C. 1715z-1); and

(3) the Secretary shall approve such prepayment and subsequent transfer of the property without any further condition, except that the property shall be restricted for occupancy, until the original maturity date of the prepaid mortgage loan, only by families with incomes not exceeding 80 percent of the adjusted median income for the area in which the property is located, as published by the Secretary.

Amounts for the enhanced vouchers pursuant to this section shall be provided under amounts appropriated for tenant-based rental assistance otherwise authorized under section 8(t) of the United States Housing Act of 1937.

SEC. 2803. TRANSFER OF CERTAIN RENTAL ASSISTANCE CONTRACTS.

(a) TRANSFER.—Subject to subsection (c) and notwithstanding any other provision of law, the Secretary of Housing and Urban Development shall, at the request of the owner, transfer or authorize the transfer, of the contracts, restrictions, and debt described in subsection (b)—

(1) on the housing that is owned or managed by Community Properties of Ohio Management Services LLC or an affiliate of Ohio Capital Corporation for Housing and located in Franklin County, Ohio, to other properties located in Franklin County, Ohio; and

(2) on the housing that is owned or managed by The Model Group, Inc., and located in Hamilton County, Ohio, to other properties located in Hamilton County, Ohio.

(b) CONTRACTS, RESTRICTIONS, AND DEBT COVERED.—The contracts, restrictions, and debt described in this subsection are as follows:

(1) All or a portion of a project-based rental assistance housing assistance payments contract under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f).

(2) Existing Federal use restrictions, including without limitation use agreements, regulatory agreements, and accommodation agreements.

(3) Any subordinate debt held by the Secretary or assigned and any mortgages securing such debt, all related loan and security documentation and obligations, and reserve and escrow balances.

(c) RETENTION OF SAME NUMBER OF UNITS AND AMOUNT OF ASSISTANCE.—Any transfer pursuant to subsection (a) shall result in—

(1) a total number of dwelling units (including units retained by the owners and units transferred) covered by assistance described in subsection (b)(1) after the transfer remaining the same as such number assisted before the transfer, with such increases or decreases in unit sizes as may be contained in a plan approved by a local planning or development commission or department; and

(2) no reduction in the total amount of the housing assistance payments under contracts described in subsection (b)(1).

SEC. 2804. PUBLIC HOUSING DISASTER RELIEF.

Section 9 of the United States Housing Act of 1937 (42 U.S.C. 1437g) is amended—

(1) by striking subsection (k); and

(2) by redesignating subsections (l), (m), and (n) as subsections (k), (l), and (m), respectively.

SEC. 2805. PRESERVATION OF CERTAIN AFFORDABLE HOUSING.

Notwithstanding any other provision of law—

(1) for the property known as Nihonmachi Terrace (FHA No. 121-44284), in San Francisco, California, upon the refinancing of the existing federally insured mortgage pursuant to section 236(b) of the National Housing Act (12 U.S.C. 1715z–1(b)), unassisted low and moderate-income residents of the property shall be deemed eligible for and shall receive voucher assistance under section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)); and

(2) to preserve the affordability of the property, the housing authority shall utilize such additional voucher assistance pursuant to subsection 8(o)(13) of the United States Housing Act of 1937, without regard to the limitations of subparagraphs (B) and (D) of that subsection.

Amounts for the vouchers pursuant to this section shall be provided under amounts appropriated for tenant-based rental assistance otherwise authorized.

Subtitle B—Coordination of Federal Housing Programs and Tax Incentives for Housing

SEC. 2831. SHORT TITLE.

This subtitle may be cited as the ''Housing Tax Credit Coordination Act of 2008''.

SEC. 2832. APPROVALS BY DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.

(a) ADMINISTRATIVE AND PROCEDURAL CHANGES.—

(1) IN GENERAL.—The Secretary of Housing and Urban Development (in this section referred to as the ''Secretary'') shall, not later than the expiration of the 6-month period beginning upon after the date of the enactment of this Act, implement administrative and procedural changes to expedite approval of multifamily housing projects under the jurisdiction of the Department of Housing and Urban Development that meet the requirements of the Secretary for such approvals.

(2) PROJECTS.—The multifamily housing projects referred to in paragraph (1) shall include—

(A) projects for which assistance is provided by such Department in conjunction with any low-income housing tax credits under section 42 of the Internal Revenue Code of 1986 or tax-exempt housing bonds; and

(B) existing public housing projects and assisted housing projects, for which approval of the Secretary is necessary for transactions, in conjunction with any such low-income housing tax credits or tax-exempt housing bonds, involving the preservation or rehabilitation of the project.

(3) CHANGES.—The administrative and procedural changes referred to in paragraph (1) shall include all actions necessary to carry out paragraph (1), which may include—

(A) improving the efficiency of approval procedures;

(B) simplifying approval requirements,

(C) establishing time deadlines or target deadlines for required approvals;

(D) modifying division of approval authority between field and national offices;

(E) improving outreach to project sponsors regarding information that is required to be submitted for such approvals;

(F) requesting additional funding for increasing staff, if necessary; and

(G) any other actions which would expedite approvals.

Any such changes shall be made in a manner that provides for full compliance with any existing requirements under law or regulation that are designed to protect families receiving public and assisted housing assistance, including income targeting, rent, and fair housing provisions, and shall also comply with requirements regarding environmental review and protection and wages paid to laborers.

(b) CONSULTATION.—The Secretary shall consult with the Commissioner of the Internal Revenue Service and take such actions as are appropriate in conjunction with such consultation to simplify the coordination of rules, regulations, forms, and approval requirements for multifamily housing projects projects for which assistance is provided by such Department in conjunction with any low-income housing tax credits under section 42 of the Internal Revenue Code of 1986 or tax-exempt housing bonds.

(c) RECOMMENDATIONS.—In implementing the changes required under this section, the Secretary shall solicit recommendations regarding such changes from project owners and sponsors, investors and stakeholders in housing tax credits, State and local housing finance agencies, public housing agencies, tenant advocates, and other stakeholders in such projects.

(d) REPORT.—Not later than the expiration of the 9-month period beginning on the date of the enactment of this Act, the Secretary shall submit a report to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate that—

(1) identifies the actions taken by the Secretary to comply with this section;

(2) includes information regarding any resulting improvements in the expedited approval for multifamily housing projects;

(3) identifies recommendations made pursuant to subsection (c);

(4) identifies actions taken by the Secretary to implement the provisions in the amendments made by sections 2834 and 2835 of this Act; and

(5) makes recommendations for any legislative changes that are needed to facilitate prompt approval of assistance for such projects.

SEC. 2833. PROJECT APPROVALS BY RURAL HOUSING SERVICE.

Section 515(h) of the Housing Act of 1949 (42 U.S.C. 1485) is amended—

(1) by inserting ''(1) CONDITION.—'' after ''(h)''; and

(2) by adding at the end the following new paragraphs:

''(2) ACTIONS TO EXPEDITE PROJECT APPROVALS.—

''(A) IN GENERAL.—The Secretary shall take actions to facilitate timely approval of requests to transfer ownership or control, for the purpose of rehabilitation or preservation, of multifamily housing projects for which assistance is provided by the Secretary of Agriculture in conjunction with any low-income housing tax credits under section 42 of the Internal Revenue Code of 1986 or tax-exempt housing bonds.

''(B) CONSULTATION.—The Secretary of Agriculture shall consult with the Commissioner of the Internal Revenue Service and take such actions as are appropriate in conjunction with such consultation to simplify the coordination of rules, regulations, forms (including applications forms for project transfers), and approval requirements multifamily housing projects for which assistance is provided by the Secretary of Agriculture in conjunction with any low-income housing tax credits under section 42 of the Internal Revenue Code of 1986 or tax-exempt housing bonds.

''(C) EXISTING REQUIREMENTS.—Any actions taken pursuant to this paragraph shall be taken in a manner that provides for full compliance with any existing requirements under law or regulation that are designed to protect families receiving Federal housing assistance, including income targeting, rent, and fair housing provisions, and shall also comply with requirements regarding environmental review and protection and wages paid to laborers.

''(D) RECOMMENDATIONS.—In implementing the changes required under this paragraph, the Secretary shall solicit recommendations regarding such changes from project owners and sponsors, investors and stakeholders in housing tax credits, State and local housing finance agencies, tenant advocates, and other stakeholders in such projects.''.

SEC. 2834. USE OF FHA LOANS WITH HOUSING TAX CREDITS.

(a) SUBSIDY LAYERING REQUIREMENTS.—Subsection (d) of section 102 of the Department of Housing and Urban Development Reform Act of 1989 (42 U.S.C. 3545(d)) is amended—

(1) in the first sentence, by inserting after ''assistance within the jurisdiction of the Department'' the following: '', as such term is defined in subsection (m), except that for purposes of this subsection such term shall not include any mortgage insurance provided pursuant to title II of the National Housing Act (12 U.S.C. 1707 et seq.)''; and

(2) in the second sentence, by inserting ''such'' before ''assistance''.

(b) COST CERTIFICATION.—Section 227 of National Housing Act (12 U.S.C. 1715r) is amended—

(1) in the matter preceding paragraph (a) (relating to a definition of ''new or rehabilitated multifamily housing'')—

(A) in the first sentence—

(i) by striking ''Notwithstanding'' and inserting ''Except as provided in subsection (b) and notwithstanding''; and

(ii) by redesignating clauses (a) and (b) as clauses (A) and (B), respectively; and

(B) by striking ''As used in this section—'';

(2) in paragraph (c) (relating to a definition of ''actual cost'')—

(A) in clause (i), by redesignating clauses (1) and (2) as clauses (I) and (II), respectively; and

(B) in clause (ii), by redesignating clauses (1) and (2) as clauses (I) and (II), respectively;

(3) by redesignating paragraphs (a), (b), and (c) as paragraphs (1), (2), and (3), respectively;

(4) by inserting before paragraph (1) (as so redesignated by paragraph (3) of this subsection) the following:

''(b) EXEMPTION FOR CERTAIN PROJECTS ASSISTED WITH LOW-INCOME HOUSING TAX CREDIT.—In the case of any mortgage insured under any provision of this title that is executed in connection with the construction, rehabilitation, purchase, or refinancing of a multifamily housing project for which equity provided through any low-income housing tax credit pursuant to section 42 of the Internal Revenue Code of 1986 (26 U.S.C. 42), if the Secretary determines at the time of issuance of the firm commitment for insurance that the ratio of the loan proceeds to the actual cost of the project is less than 80 percent, subsection (a) of this section shall not apply.

''(c) DEFINITIONS.—For purposes of this section, the following definitions shall apply:''; and

(5) by inserting ''(a) REQUIREMENT.—'' after ''227.''.

(c) OTHER PROVISIONS REGARDING TREATMENT OF MORTGAGES COVERING TAX CREDIT

PROJECTS.—Title II of the National Housing Act is amended by inserting after section 227 (12 U.S.C. 1715r) the following new section:

"SEC. 228. TREATMENT OF MORTGAGES COVERING TAX CREDIT PROJECTS.

''(a) DEFINITION.—For purposes of this section, the term 'insured mortgage covering a tax credit project' means a mortgage insured under any provision of this title that is executed in connection with the construction, rehabilitation, purchase, or refinancing of a multifamily housing project for which equity provided through any low-income housing tax credit pursuant to section 42 of the Internal Revenue Code of 1986 (26 U.S.C. 42).

''(b) ACCEPTANCE OF LETTERS OF CREDIT.—In the case of an insured mortgage covering a tax credit project, the Secretary may not require the escrowing of equity provided by the sale of any low-income housing tax credits for the project pursuant to section 42 of the Internal Revenue Code of 1986, or any other form of security, such as a letter of credit.

''(c) ASSET MANAGEMENT REQUIREMENTS.—In the case of an insured mortgage covering a tax credit project for which project the applicable tax credit allocating agency is causing to be performed periodic inspections in compliance with the requirements of section 42 of the Internal Revenue Code of 1986, such project shall be exempt from requirements imposed by the Secretary regarding periodic inspections of the property by the mortgagee. To the extent that other compliance monitoring is being performed with respect to such a project by such an allocating agency pursuant to such section 42, the Secretary shall, to the extent that the Secretary determines such monitoring is sufficient to ensure compliance with any requirements established by the Secretary, accept such agency's evidence of compliance for purposes of determining compliance with the Secretary's requirements.

''(d) STREAMLINED PROCESSING PILOT PROGRAM.—

''(1) IN GENERAL.—The Secretary shall establish a pilot program to demonstrate the effectiveness of streamlining the review process, which shall include all applications for mortgage insurance under any provision of this title for mortgages executed in connection with the construction, rehabilitation, purchase, or refinancing of a multifamily housing project for which equity provided through any low-income housing tax credit pursuant to section 42 of the Internal Revenue Code of 1986. The Secretary shall issue instructions for implementing the pilot program under this subsection not later than the expiration of the 180-day period beginning upon the date of the enactment of the Housing Tax Credit Coordination Act of 2008.

''(2) REQUIREMENTS.—Such pilot program shall provide for—

''(A) the Secretary to appoint designated underwriters, who shall be responsible for reviewing such mortgage insurance applications and making determinations regarding the eligibility of such applications for such mortgage insurance in lieu of the processing functions regarding such applications that are otherwise performed by other employees of the Department of Housing and Urban Development;

''(B) submission of applications for such mortgage insurance by mortgagees who have previously been expressly approved by the Secretary; and

''(C) determinations regarding the eligibility of such applications for such mortgage insurance to be made by the chief underwriter pursuant to requirements prescribed by the Secretary, which shall include requiring submission of reports regarding applications of proposed mortgagees by third-party entities expressly approved by the chief underwriter.''.

SEC. 2835. OTHER HUD PROGRAMS.

(a) SECTION 8 ASSISTANCE.—

(1) PHA PROJECT-BASED ASSISTANCE.—Section 8(o)(13) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(13)) is amended—

(A) in subparagraph (D)(i)—

(i) by striking ''building'' and inserting ''project''; and

(ii) by adding at the end the following: ''For purposes of this subparagraph, the term 'project' means a single building, multiple contiguous buildings, or multiple buildings on contiguous parcels of land.'';

(B) in the first sentence of subparagraph (F), by striking ''10 years'' and inserting ''15 years'';

(C) in subparagraph (G)—

(i) by inserting after the period at the end of the first sentence the following: ''Such contract may, at the election of the public housing agency and the owner of the structure, specify that such contract shall be extended for renewal terms of up to 15 years each, if the agency makes the determination required by this subparagraph and the owner is in compliance with the terms of the contract.''; and

(ii) by adding at the end the following: ''A public housing agency may agree to enter into such a contract at the time it enters into the initial agreement for a housing assistance payment contract or at any time thereafter that is before the expiration of the housing assistance payment contract.'';

(D) in subparagraph (H), by inserting before the period at the end of the first sentence the following: '', except that in the case of a contract unit that has been allocated low-income housing tax credits and for which the rent limitation pursuant to such section 42 is less than the amount that would otherwise be permitted under this subparagraph, the rent for such unit may, in the sole discretion of a public housing agency, be established at the higher section 8 rent, subject only to paragraph (10)(A)'';

(E) in subparagraph (I)(i), by inserting before the semicolon the following: '', except that the contract may provide that the maximum rent permitted for a dwelling unit shall not be less than the initial rent for the dwelling unit under the initial housing assistance payments contract covering the unit''; and

(F) by adding at the end the following new subparagraphs:

''(L) USE IN COOPERATIVE HOUSING AND ELEVATOR BUILDINGS.—A public housing agency may enter into a housing assistance payments contract under this paragraph with respect to—

''(i) dwelling units in cooperative housing; and

''(ii) notwithstanding subsection (c), dwelling units in a high-rise elevator project, including such a project that is occupied by families with children, without review and approval of the contract by the Secretary.

''(M) REVIEWS.—

''(i) SUBSIDY LAYERING.—A subsidy layering review in accordance with section 102(d) of the Department of Housing and Urban Development Reform Act of 1989 (42 U.S.C. 3545(d)) shall not be required for assistance under this paragraph in the case of a housing assistance payments contract for an existing structure, or if a subsidy layering review has been conducted by the applicable State or local agency.

''(ii) ENVIRONMENTAL REVIEW.—A public housing agency shall not be required to undertake any environmental review before entering into a housing assistance payments contract under this paragraph for an existing structure, except to the extent such a review is otherwise required by law or regulation.''.

(2) VOUCHER PROGRAM RENT REASONABLENESS.—Section 8(o)(10) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(10)) is amended by adding at the end the following new subparagraph;

''(F) TAX CREDIT PROJECTS.—In the case of a dwelling unit receiving tax credits pursuant to section 42 of the Internal Revenue Code of 1986 or for which assistance is provided under subtitle A of title II of the Cranston Gonzalez National Affordable Housing Act of 1990, for which a housing assistance contract not subject to paragraph (13) of this subsection is established, rent reasonableness shall be determined as otherwise provided by this paragraph, except that—

''(i) comparison with rent for units in the private, unassisted local market shall not be required if the rent is equal to or less than the rent for other comparable units receiving such tax credits or assistance in the project that are not occupied by families assisted with tenant-based assistance under this subsection; and

''(ii) the rent shall not be considered reasonable for purposes of this paragraph if it exceeds the greater of—

''(I) the rents charged for other comparable units receiving such tax credits or assistance in the project that are not occupied by families assisted with tenant-based assistance under this subsection; and

''(II) the payment standard established by the public housing agency for a unit of the size involved.''.

(b) SECTION 202 HOUSING FOR ELDERLY PERSONS.—Subsection (f) of section 202 of the Housing Act of 1959 (12 U.S.C. 1701q(f)) is amended—

(1) by striking ''SELECTION CRITERIA.—'' and inserting ''INITIAL SELECTION CRITERIA AND PROCESSING.— (1) SELECTION CRITERIA.— '';

(2) by redesignating paragraphs (1) through (7) as subparagraphs (A) through (G), respectively; and

(3) by adding at the end the following new paragraph:

''(2) DELEGATED PROCESSING.—

''(A) In issuing a capital advance under this subsection for any project for which financing for the purposes described in the last two sentences of subsection (b) is provided by a combination of a capital advance under subsection (c)(1) and sources other than this section, within 30 days of award of the capital advance, the Secretary shall delegate review and processing of such projects to a State or local housing agency that—

''(i) is in geographic proximity to the property;

''(ii) has demonstrated experience in and capacity for underwriting multifamily housing loans that provide housing and supportive services;

''(iii) may or may not be providing low-income housing tax credits in combination with the capital advance under this section, and

''(iv) agrees to issue a firm commitment within 12 months of delegation.

''(B) The Secretary shall retain the authority to process capital advances in cases in which no State or local housing agency has applied to provide delegated processing pursuant to this paragraph or no such agency has entered into an agreement with the Secretary to serve as a delegated processing agency.

''(C) An agency to which review and processing is delegated pursuant to subparagraph (A) may assess a reasonable fee which shall be included in the capital advance amounts and may recommend project rental assistance amounts in excess of those initially awarded by the Secretary. The Secretary shall develop a schedule for reasonable fees under this subparagraph to be paid to delegated processing agencies, which shall take into consideration any other fees to be paid to the agency for other funding provided to

the project by the agency, including bonds, tax credits, and other gap funding.

''(D) Under such delegated system, the Secretary shall retain the authority to approve rents and development costs and to execute a capital advance within 60 days of receipt of the commitment from the State or local agency. The Secretary shall provide to such agency and the project sponsor, in writing, the reasons for any reduction in capital advance amounts or project rental assistance and such reductions shall be subject to appeal.''.

(c) MCKINNEY-VENTO ACT HOMELESS ASSISTANCE UNDER SHELTER PLUS CARE PROGRAM.—

(1) TERM OF CONTRACTS WITH OWNER OR LESSOR.—Part I of subtitle F of the McKinney-Vento Homeless Assistance Act is amended—

(A) by redesignating sections 462 and 463 (42 U.S.C. 11403g, 11403h) as sections 463 and 464, respectively;

(B) by striking ''section 463'' each place such term appears in sections 471, 476, 481, 486, and 488 (42 U.S.C. 11404, 11405, 11406, 11407, and 11407b) and inserting ''section 464''; and

(C) by inserting after section 461 (42 U.S.C. 11403f) the following new section:

''SEC. 462. TERM OF CONTRACT WITH OWNER OR LESSOR.

''An applicant under this subtitle may enter into a contract with the owner or lessor of a property that receives rental assistance under this subtitle having a term of not more than 15 years, subject to the availability of sufficient funds provided in appropriation Acts for the purpose of renewing expiring contracts for assistance payments. Such contract may, at the election of the applicant and owner or lessor, specify that such contract shall be extended for renewal terms of not more than 15 years each, subject to the availability of sufficient such appropriated funds.''.

(2) PROJECT-BASED RENTAL ASSISTANCE CONTRACTS.—Section 478(a) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11405a(a)) is amended by inserting before the period at the end the following: ''; except that, in the case of any project for which equity is provided through any low-income housing tax credit pursuant to section 42 of the Internal Revenue Code of 1986 (26 U.S.C. 42), if an expenditure of such amount for each unit (including the prorated share of such work) is required to make the structure decent, safe, and sanitary, and the owner agrees to reach initial closing on permanent financing from such other sources within two years and agrees to carry out the rehabilitation with resources other than assistance under this subtitle within 60 months of notification of grant approval, the contract shall be for a term of 10 years (except that such period may be extended by up to 1 year by the Secretary, which extension shall be granted unless the Secretary determines that the sponsor is primarily responsible for the failure to meet such deadline)''.

(d) DATA COLLECTION ON TENANTS OF HOUSING TAX CREDIT PROJECTS.—Title I of the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.) is amended by adding at the end the following new section:

''SEC. 36. COLLECTION OF INFORMATION ON TENANTS IN TAX CREDIT PROJECTS.

''(a) IN GENERAL.—Each State agency administering tax credits under section 42 of the Internal Revenue Code of 1986 (26 U.S.C. 42) shall furnish to the Secretary of Housing and Urban Development, not less than annually, information concerning the race, ethnicity, family composition, age, income, use of rental assistance under section 8(o) of the United States Housing Act of 1937 or other similar assistance, disability status, and monthly rental payments of households residing in each property receiving such credits through such agency. Such State agencies shall, to the extent feasible, collect such information through existing reporting processes and in a manner that minimizes burdens on property owners. In the case of any household that continues to reside in the same dwelling unit, information provided by the household in a previous year may be used if the information is of a category that is not subject to change or if information for the current year is not readily available to the owner of the property.

''(b) STANDARDS.—The Secretary shall establish standards and definitions for the information collected under subsection (a), provide States with technical assistance in establishing systems to compile and submit such information, and, in coordination with other Federal agencies administering housing programs, establish procedures to minimize duplicative reporting requirements for properties assisted under multiple housing programs.

''(c) PUBLIC AVAILABILITY.—The Secretary shall, not less than annually, compile and make publicly available the information submitted to the Secretary pursuant to subsection (a).

''(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the cost of activities required under subsections (b) and (c) $2,500,000 for fiscal year 2009 and $900,000 for each of fiscal years 2010 through 2013.''.

TITLE IX—MISCELLANEOUS

SEC. 2901. HOMELESS ASSISTANCE.

(a) APPROPRIATIONS.—Section 726 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11435) is amended by striking ''$70,000,000'' and all that follows and inserting ''$100,000,000 for fiscal year 2009 and such sums as may be necessary for each subsequent fiscal year.''.

(b) EMERGENCY ASSISTANCE.—Section 722 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11432) is amended by adding at the end the following:

''(h) SPECIAL RULE FOR EMERGENCY ASSISTANCE.—

''(1) EMERGENCY ASSISTANCE.—

''(A) RESERVATION OF AMOUNTS.—Subject to paragraph (4) and notwithstanding any other provision of this title, the Secretary shall use funds appropriated under section 726 for fiscal year 2009, but not to exceed $30,000,000, for the purposes of providing emergency assistance through grants.

''(B) GENERAL AUTHORITY.—The Secretary shall use the funds to make grants to State educational agencies under paragraph (2), to enable the agencies to make subgrants to local educational agencies under paragraph (3), to provide activities described in section 723(d) for individuals referred to in subparagraph (C).

''(C) ELIGIBLE INDIVIDUALS.—Funds made available under this subsection shall be used to provide such activities for eligible individuals, consisting of homeless children and youths, and their families, who have become homeless due to home foreclosure, including children and youths, and their families, who became homeless when lenders foreclosed on properties rented by the families.

''(2) GRANTS TO STATE EDUCATIONAL AGENCIES.—

''(A) DISBURSEMENT.—The Secretary shall make grants with funds provided under paragraph (1)(A) to State educational agencies based on need, consistent with the number of eligible individuals described in paragraph (1)(C) in the States involved, as determined by the Secretary.

''(B) ASSURANCE.—To be eligible to receive a grant under this paragraph, a State educational agency shall provide an assurance to the Secretary that the State educational agency, and each local educational agency receiving a subgrant from the State educational agency under this subsection shall ensure that the activities carried out under this subsection are consistent with the activities described in section 723(d).

''(3) SUBGRANTS TO LOCAL EDUCATIONAL AGENCIES.—A State educational agency that receives a grant under paragraph (2) shall use the funds made available through the grant to make subgrants to local educational agencies. The State educational agency shall make the subgrants to local educational agencies based on need, consistent with the number of eligible individuals described in paragraph (1)(C) in the areas served by the local educational agencies, as determined by the State educational agency.

''(4) RESTRICTION.—The Secretary—

''(A) shall determine the amount (if any) by which the funds appropriated under section 726 for fiscal year 2009 exceed $70,000,000; and

''(B) may only use funds from that amount to carry out this subsection.''.

SEC. 2902. INCREASING ACCESS AND UNDERSTANDING OF ENERGY EFFICIENT MORTGAGES.

(a) DEFINITION.—As used in this section, the term ''energy efficient mortgage'' has the same meaning as given that term in paragraph (24) of section 104 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12704(24)).

(b) RECOMMENDATIONS TO ELIMINATE BARRIERS TO USE OF ENERGY EFFICIENT MORTGAGES.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this section, the Secretary of Housing and Urban Development, in conjunction with the Secretary of Energy and the Administrator of the Environmental Protection Agency, shall consult with the residential mortgage industry and States to develop recommendations to eliminate the barriers that exist to increasing the availability, use, and purchase of energy efficient mortgages, including such barriers as—

(A) the lack of reliable and accessible information on such mortgages, including estimated energy savings and other benefits of energy efficient housing;

(B) the confusion regarding underwriting requirements and differences among various energy efficient mortgage programs;

(C) the complex and time consuming process of securing such mortgages;

(D) the lack of publicly available research on the default risk of such mortgages; and

(E) the availability of certified or accredited home energy rating services.

(2) REPORT TO CONGRESS.—The Secretary of Housing and Urban Development shall submit a report to Congress that—

(A) summarizes the recommendations developed under paragraph (1); and

(B) includes any recommendations for statutory, regulatory, or administrative changes that the Secretary deems necessary to institute such recommendations.

(c) ENERGY EFFICIENT MORTGAGES OUTREACH CAMPAIGN.—

(1) IN GENERAL.—The Secretary of Housing and Urban Development, in consultation and coordination with the Secretary of Energy, the Administrator of the Environmental Protection Agency, and State Energy and Housing Finance Directors, shall carry out an education and outreach campaign to inform and educate consumers, home builders, residential lenders, and other real estate professionals on the availability, benefits, and advantages of—

(A) improved energy efficiency in housing; and

(B) energy efficient mortgages.

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such

sums as are necessary to carry out the education and outreach campaign described under paragraph (1).

DIVISION C—TAX-RELATED PROVISIONS

SECTION 3000. SHORT TITLE; ETC.

(a) SHORT TITLE.—This division may be cited as the ''Housing Assistance Tax Act of 2008''.

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this division an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) TABLE OF CONTENTS.—The table of contents for this division is as follows:

Sec. 3000. Short title; etc.
TITLE I—HOUSING TAX INCENTIVES
Subtitle A—Multi-Family Housing
PART I—LOW-INCOME HOUSING TAX CREDIT
Sec. 3001. Temporary increase in volume cap for low-income housing tax credit.
Sec. 3002. Determination of credit rate.
Sec. 3003. Modifications to definition of eligible basis.
Sec. 3004. Other simplification and reform of low-income housing tax incentives.
Sec. 3005. Treatment of military basic pay.
PART II—MODIFICATIONS TO TAX-EXEMPT HOUSING BOND RULES
Sec. 3007. Recycling of tax-exempt debt for financing residential rental projects.
Sec. 3008. Coordination of certain rules applicable to low-income housing credit and qualified residential rental project exempt facility bonds.
PART III—REFORMS RELATED TO THE LOW-INCOME HOUSING CREDIT AND TAX-EXEMPT HOUSING BONDS
Sec. 3009. Hold harmless for reductions in area median gross income.
Sec. 3010. Exception to annual current income determination requirement where determination not relevant.
Subtitle B—Single Family Housing
Sec. 3011. First-time homebuyer credit.
Sec. 3012. Additional standard deduction for real property taxes for nonitemizers.
Subtitle C—General Provisions
Sec. 3021. Temporary liberalization of tax-exempt housing bond rules.
Sec. 3022. Repeal of alternative minimum tax limitations on tax-exempt housing bonds, low-income housing tax credit, and rehabilitation credit.
Sec. 3023. Bonds guaranteed by Federal home loan banks eligible for treatment as tax-exempt bonds.
Sec. 3024. Modification of rules pertaining to FIRPTA nonforeign affidavits.
Sec. 3025. Modification of definition of tax-exempt use property for purposes of the rehabilitation credit.
Sec. 3026. Extension of special rule for mortgage revenue bonds for residences located in disaster areas.
Sec. 3027. Transfer of funds appropriated to carry out 2008 recovery rebates for individuals.
TITLE II—REFORMS RELATED TO REAL ESTATE INVESTMENT TRUSTS
Subtitle A—Foreign Currency and Other Qualified Activities
Sec. 3031. Revisions to REIT income tests.
Sec. 3032. Revisions to REIT asset tests.
Sec. 3033. Conforming foreign currency revisions.
Subtitle B—Taxable REIT Subsidiaries
Sec. 3041. Conforming taxable REIT subsidiary asset test.
Subtitle C—Dealer Sales
Sec. 3051. Holding period under safe harbor.
Sec. 3052. Determining value of sales under safe harbor.
Subtitle D—Health Care REITs
Sec. 3061. Conformity for health care facilities.
Subtitle E—Effective Dates
Sec. 3071. Effective dates.
TITLE III—REVENUE PROVISIONS
Subtitle A—General Provisions
Sec. 3081. Election to accelerate the AMT and research credits in lieu of bonus depreciation.
Sec. 3082. Certain GO Zone incentives.
Sec. 3083. Increase in statutory limit on the public debt.
Subtitle B—Revenue Offsets
Sec. 3091. Returns relating to payments made in settlement of payment card and third party network transactions.
Sec. 3092. Gain from sale of principal residence allocated to nonqualified use not excluded from income.
Sec. 3093. Delay in application of worldwide allocation of interest.
Sec. 3094. Time for payment of corporate estimated taxes.

TITLE I—HOUSING TAX INCENTIVES

Subtitle A—Multi-Family Housing

PART I—LOW-INCOME HOUSING TAX CREDIT

SEC. 3001. TEMPORARY INCREASE IN VOLUME CAP FOR LOW-INCOME HOUSING TAX CREDIT.

Paragraph (3) of section 42(h) is amended by adding at the end the following new subparagraph:

''(I) INCREASE IN STATE HOUSING CREDIT CEILING FOR 2008 AND 2009.—In the case of calendar years 2008 and 2009—

''(i) the dollar amount in effect under subparagraph (C)(ii)(I) for such calendar year (after any increase under subparagraph (H)) shall be increased by $0.20, and

''(ii) the dollar amount in effect under subparagraph (C)(ii)(II) for such calendar year (after any increase under subparagraph (H)) shall be increased by an amount equal to 10 percent of such dollar amount (rounded to the next lowest multiple of $5,000).''.

SEC. 3002. DETERMINATION OF CREDIT RATE.

(a) TEMPORARY MINIMUM CREDIT RATE FOR NON-FEDERALLY SUBSIDIZED NEW BUILDINGS.—

(1) IN GENERAL.—Subsection (b) of section 42 is amended by striking paragraph (1), by redesignating paragraph (2) as paragraph (1), and by inserting after paragraph (1), as so redesignated, the following new paragraph:

''(2) TEMPORARY MINIMUM CREDIT RATE FOR NON-FEDERALLY SUBSIDIZED NEW BUILDINGS.—In the case of any new building—

''(A) which is placed in service by the taxpayer after the date of the enactment of this paragraph and before December 31, 2013, and

''(B) which is not federally subsidized for the taxable year,

the applicable percentage shall not be less than 9 percent.''.

(2) CONFORMING AMENDMENTS.—

(A) Subsection (b) of section 42, as amended by paragraph (1), is amended by striking ''For purposes of this section—'' and all that follows through ''means the appropriate'' and inserting the following:

''(1) DETERMINATION OF APPLICABLE PERCENTAGE.—For purposes of this section, the term 'applicable percentage' means, with respect to any building, the appropriate''.

(B) Clause (i) of section 42(b)(1)(B), as redesignated by paragraph (1), is amended by striking ''a building described in paragraph (1)(A)'' and inserting ''a new building which is not federally subsidized for the taxable year''.

(C) Clause (ii) of section 42(b)(1)(B), as redesignated by paragraph (1), is amended by striking ''a building described in paragraph (1)(B)'' and inserting ''a building not described in clause (i)''.

(b) MODIFICATIONS TO DEFINITION OF FEDERALLY SUBSIDIZED BUILDING.—

(1) IN GENERAL.—Subparagraph (A) of section 42(i)(2) is amended by striking '', or any below market Federal loan,''.

(2) CONFORMING AMENDMENTS.—

(A) Subparagraph (B) of section 42(i)(2) is amended—

(i) by striking ''BALANCE OF LOAN OR'' in the heading thereof,

(ii) by striking ''loan or'' in the matter preceding clause (i), and

(iii) by striking ''subsection (d)—'' and all that follows and inserting ''subsection (d) the proceeds of such obligation.''.

(B) Subparagraph (C) of section 42(i)(2) is amended—

(i) by striking ''or below market Federal loan'' in the matter preceding clause (i),

(ii) in clause (i)—

(I) by striking ''or loan (when issued or made)'' and inserting ''(when issued)'', and

(II) by striking ''the proceeds of such obligation or loan'' and inserting ''the proceeds of such obligation'', and

(iii) by striking '', and such loan is repaid,'' in clause (ii).

(C) Paragraph (2) of section 42(i) is amended by striking subparagraphs (D) and (E).

(c) EFFECTIVE DATE.—The amendments made by this subsection shall apply to buildings placed in service after the date of the enactment of this Act.

SEC. 3003. MODIFICATIONS TO DEFINITION OF ELIGIBLE BASIS.

(a) INCREASE IN CREDIT FOR CERTAIN STATE DESIGNATED BUILDINGS.—Subparagraph (C) of section 42(d)(5) (relating to increase in credit for buildings in high cost areas), before redesignation under subsection (g), is amended by adding at the end the following new clause:

''(v) BUILDINGS DESIGNATED BY STATE HOUSING CREDIT AGENCY.—Any building which is designated by the State housing credit agency as requiring the increase in credit under this subparagraph in order for such building to be financially feasible as part of a qualified low-income housing project shall be treated for purposes of this subparagraph as located in a difficult development area which is designated for purposes of this subparagraph. The preceding sentence shall not apply to any building if paragraph (1) of subsection (h) does not apply to any portion of the eligible basis of such building by reason of paragraph (4) of such subsection.''.

(b) MODIFICATION TO REHABILITATION REQUIREMENTS.—

(1) IN GENERAL.—Clause (ii) of section 42(e)(3)(A) is amended—

(A) by striking ''10 percent'' in subclause (I) and inserting ''20 percent'', and

(B) by striking ''$3,000'' in subclause (II) and inserting ''$6,000''.

(2) INFLATION ADJUSTMENT.—Paragraph (3) of section 42(e) is amended by adding at the end the following new subparagraph:

''(D) INFLATION ADJUSTMENT.—In the case of any expenditures which are treated under paragraph (4) as placed in service during any calendar year after 2009, the $6,000 amount in subparagraph (A)(ii)(II) shall be increased by an amount equal to—

''(i) such dollar amount, multiplied by

''(ii) the cost-of-living adjustment determined under section 1(f)(3) for such calendar year by substituting 'calendar year 2008' for 'calendar year 1992' in subparagraph (B) thereof.

Any increase under the preceding sentence which is not a multiple of $100 shall be rounded to the nearest multiple of $100.''.

(3) CONFORMING AMENDMENT.—Subclause (II) of section 42(f)(5)(B)(ii) is amended by striking ''if subsection (e)(3)(A)(ii)(II)'' and all that follows and inserting ''if the dollar amount in effect under subsection (e)(3)(A)(ii)(II) were two-thirds of such amount.''.

(c) INCREASE IN ALLOWABLE COMMUNITY SERVICE FACILITY SPACE FOR SMALL PROJECTS.—Clause (ii) of section 42(d)(4)(C) (relating to limitation) is amended by striking ''10 percent of the eligible basis of the qualified low-income housing project of which it is a part. For purposes of'' and inserting ''the sum of—

''(I) 25 percent of so much of the eligible basis of the qualified low-income housing project of which it is a part as does not exceed $15,000,000, plus

''(II) 10 percent of so much of the eligible basis of such project as is not taken into account under subclause (I).

For purposes of''.

(d) CLARIFICATION OF TREATMENT OF FEDERAL GRANTS.—Subparagraph (A) of section 42(d)(5) is amended to read as follows:

''(A) FEDERAL GRANTS NOT TAKEN INTO ACCOUNT IN DETERMINING ELIGIBLE BASIS.—The eligible basis of a building shall not include any costs financed with the proceeds of a federally funded grant.''.

(e) SIMPLIFICATION OF RELATED PARTY RULES.—Clause (iii) of section 42(d)(2)(D), before redesignation under subsection (g)(2), is amended—

(1) by striking all that precedes subclause (II),

(2) by redesignating subclause (II) as clause (iii) and moving such clause two ems to the left, and

(3) by striking the last sentence thereof.

(f) EXCEPTION TO 10-YEAR NONACQUISITION PERIOD FOR EXISTING BUILDINGS APPLICABLE TO FEDERALLY- OR STATE-ASSISTED BUILDINGS.—Paragraph (6) of section 42(d) is amended to read as follows:

''(6) CREDIT ALLOWABLE FOR CERTAIN BUILDINGS ACQUIRED DURING 10-YEAR PERIOD DESCRIBED IN PARAGRAPH (2)(B)(ii).—

''(A) IN GENERAL.—Paragraph (2)(B)(ii) shall not apply to any federally- or State-assisted building.

''(B) BUILDINGS ACQUIRED FROM INSURED DEPOSITORY INSTITUTIONS IN DEFAULT.—On application by the taxpayer, the Secretary may waive paragraph (2)(B)(ii) with respect to any building acquired from an insured depository institution in default (as defined in section 3 of the Federal Deposit Insurance Act) or from a receiver or conservator of such an institution.

''(C) FEDERALLY- OR STATE-ASSISTED BUILDING.—For purposes of this paragraph—

''(i) FEDERALLY-ASSISTED BUILDING.—The term 'federally-assisted building' means any building which is substantially assisted, financed, or operated under section 8 of the United States Housing Act of 1937, section 221(d)(3), 221(d)(4), or 236 of the National Housing Act, section 515 of the Housing Act of 1949, or any other housing program administered by the Department of Housing and Urban Development or by the Rural Housing Service of the Department of Agriculture.

''(ii) STATE-ASSISTED BUILDING.—The term 'State-assisted building' means any building which is substantially assisted, financed, or operated under any State law similar in purposes to any of the laws referred to in clause (i).''.

(g) REPEAL OF DEADWOOD.—

(1) Clause (ii) of section 42(d)(2)(B) is amended by striking ''the later of—'' and all that follows and inserting ''the date the building was last placed in service,''.

(2) Subparagraph (D) of section 42(d)(2) is amended by striking clause (i) and by redesignating clauses (ii) and (iii) as clauses (i) and (ii), respectively.

(3) Paragraph (5) of section 42(d) is amended by striking subparagraph (B) and by redesignating subparagraph (C) as subparagraph (B).

(h) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in paragraph (2), the amendments made by this subsection shall apply to buildings placed in service after the date of the enactment of this Act.

(2) REHABILITATION REQUIREMENTS.—

(A) IN GENERAL.—The amendments made by subsection (b) shall apply to buildings with respect to which housing credit dollar amounts are allocated after the date of the enactment of this Act.

(B) BUILDINGS NOT SUBJECT TO ALLOCATION LIMITS.—To the extent paragraph (1) of section 42(h) of the Internal Revenue Code of 1986 does not apply to any building by reason of paragraph (4) thereof, the amendments made by subsection (b) shall apply buildings financed with bonds issued pursuant to allocations made after the date of the enactment of this Act.

SEC. 3004. OTHER SIMPLIFICATION AND REFORM OF LOW-INCOME HOUSING TAX INCENTIVES.

(a) REPEAL PROHIBITION ON MODERATE REHABILITATION ASSISTANCE.—Paragraph (2) of section 42(c) (defining qualified low-income building) is amended by striking the flush sentence at the end.

(b) MODIFICATION OF TIME LIMIT FOR INCURRING 10 PERCENT OF PROJECT'S COST.—Clause (ii) of section 42(h)(1)(E) is amended by striking ''(as of the later of the date which is 6 months after the date that the allocation was made or the close of the calendar year in which the allocation is made)'' and inserting ''(as of the date which is 1 year after the date that the allocation was made)''.

(c) REPEAL OF BONDING REQUIREMENT ON DISPOSITION OF BUILDING.—Paragraph (6) of section 42(j) (relating to no recapture on disposition of building (or interest therein) where bond posted) is amended to read as follows:

''(6) NO RECAPTURE ON DISPOSITION OF BUILDING WHICH CONTINUES IN QUALIFIED USE.—

''(A) IN GENERAL.—The increase in tax under this subsection shall not apply solely by reason of the disposition of a building (or an interest therein) if it is reasonably expected that such building will continue to be operated as a qualified low-income building for the remaining compliance period with respect to such building.

''(B) STATUTE OF LIMITATIONS.—If a building (or an interest therein) is disposed of during any taxable year and there is any reduction in the qualified basis of such building which results in an increase in tax under this subsection for such taxable or any subsequent taxable year, then—

''(i) the statutory period for the assessment of any deficiency with respect to such increase in tax shall not expire before the expiration of 3 years from the date the Secretary is notified by the taxpayer (in such manner as the Secretary may prescribe) of such reduction in qualified basis, and

''(ii) such deficiency may be assessed before the expiration of such 3-year period notwithstanding the provisions of any other law or rule of law which would otherwise prevent such assessment.''.

(d) ENERGY EFFICIENCY AND HISTORIC NATURE TAKEN INTO ACCOUNT IN MAKING ALLOCATIONS.—Subparagraph (C) of section 42(m)(1) (relating to plans for allocation of credit among projects) is amended by striking ''and'' at the end of clause (vii), by striking the period at the end of clause (viii) and inserting a comma, and by adding at the end the following new clauses:

''(ix) the energy efficiency of the project, and

''(x) the historic nature of the project.''.

(e) CONTINUED ELIGIBILITY FOR STUDENTS WHO RECEIVED FOSTER CARE ASSISTANCE.—Clause (i) of section 42(i)(3)(D) is amended by striking ''or'' at the end of subclause (I), by redesignating subclause (II) as subclause (III), and by inserting after subclause (I) the following new subclause:

''(II) a student who was previously under the care and placement responsibility of the State agency responsible for administering a plan under part B or part E of title IV of the Social Security Act, or''.

(f) TREATMENT OF RURAL PROJECTS.—Section 42(i) (relating to definitions and special rules) is amended by adding at the end the following new paragraph:

''(8) TREATMENT OF RURAL PROJECTS.—For purposes of this section, in the case of any project for residential rental property located in a rural area (as defined in section 520 of the Housing Act of 1949), any income limitation measured by reference to area median gross income shall be measured by reference to the greater of area median gross income or national non-metropolitan median income. The preceding sentence shall not apply with respect to any building if paragraph (1) of section 42(h) does not apply by reason of paragraph (4) thereof to any portion of the credit determined under this section with respect to such building.''.

(g) CLARIFICATION OF GENERAL PUBLIC USE REQUIREMENT.—Subsection (g) of section 42 is amended by adding at the end the following new paragraph:

''(9) CLARIFICATION OF GENERAL PUBLIC USE REQUIREMENT.—A project does not fail to meet the general public use requirement solely because of occupancy restrictions or preferences that favor tenants—

''(A) with special needs,

''(B) who are members of a specified group under a Federal program or State program or policy that supports housing for such a specified group, or

''(C) who are involved in artistic or literary activities.''.

(h) GAO STUDY REGARDING MODIFICATIONS TO LOW-INCOME HOUSING TAX CREDIT.—Not later than December 31, 2012, the Comptroller General of the United States shall submit to Congress a report which analyzes the implementation of the modifications made by this subtitle to the low-income housing tax credit under section 42 of the Internal Revenue Code of 1986. Such report shall include an analysis of the distribution of credit allocations before and after the effective date of such modifications.

(i) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to buildings placed in service after the date of the enactment of this Act.

(2) REPEAL OF BONDING REQUIREMENT ON DISPOSITION OF BUILDING.—The amendment made by subsection (c) shall apply to—

(A) interests in buildings disposed after the date of the enactment of this Act, and

(B) interests in buildings disposed of on or before such date if—

(i) it is reasonably expected that such building will continue to be operated as a qualified low-income building (within the meaning of section 42 of the Internal Revenue Code of 1986) for the remaining compliance period (within the meaning of such section) with respect to such building, and

(ii) the taxpayer elects the application of this subparagraph with respect to such disposition.

(3) ENERGY EFFICIENCY AND HISTORIC NATURE TAKEN INTO ACCOUNT IN MAKING ALLOCATIONS.—The amendments made by subsection (d) shall apply to allocations made after December 31, 2008.

(4) CONTINUED ELIGIBILITY FOR STUDENTS WHO RECEIVED FOSTER CARE ASSISTANCE.—The amendments made by subsection (e) shall apply to determinations made after the date of the enactment of this Act.

(5) TREATMENT OF RURAL PROJECTS.—The amendment made by subsection (f) shall apply to determinations made after the date of the enactment of this Act.

(6) CLARIFICATION OF GENERAL PUBLIC USE REQUIREMENT.—The amendment made by subsection (g) shall apply to buildings placed in service before, on, or after the date of the enactment of this Act.

SEC. 3005. TREATMENT OF MILITARY BASIC PAY.

(a) IN GENERAL.—Subparagraph (B) of section 142(d)(2) (relating to income of individuals; area median gross income) is amended—

(1) by striking ''The income'' and inserting the following:

''(i) IN GENERAL.—The income'', and

(2) by adding at the end the following:

''(ii) SPECIAL RULE RELATING TO BASIC HOUSING ALLOWANCES.—For purposes of determining income under this subparagraph, payments under section 403 of title 37, United States Code, as a basic pay allowance for housing shall be disregarded with respect to any qualified building.

''(iii) QUALIFIED BUILDING.—For purposes of clause (ii), the term 'qualified building' means any building located—

''(I) in any county in which is located a qualified military installation to which the number of members of the Armed Forces of the United States assigned to units based out of such qualified military installation, as of June 1, 2008, has increased by not less than 20 percent, as compared to such number on December 31, 2005, or

''(II) in any county adjacent to a county described in subclause (I).

''(iv) QUALIFIED MILITARY INSTALLATION.—For purposes of clause (iii), the term 'qualified military installation' means any military installation or facility the number of members of the Armed Forces of the United States assigned to which, as of June 1, 2008, is not less than 1,000.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to—

(1) determinations made after the date of the enactment of this Act and before January 1, 2012, in the case of any qualified building (as defined in section 142(d)(2)(B)(iii) of the Internal Revenue Code of 1986)—

(A) with respect to which housing credit dollar amounts have been allocated on or before the date of the enactment of this Act, or

(B) with respect to buildings placed in service before such date of enactment, to the extent paragraph (1) of section 42(h) of such Code does not apply to such building by reason of paragraph (4) thereof, but only with respect to bonds issued before such date of enactment, and

(2) determinations made after the date of enactment of this Act, in the case of qualified buildings (as so defined)—

(A) with respect to which housing credit dollar amounts are allocated after the date of the enactment of this Act and before January 1, 2012, or

(B) with respect to which buildings placed in service after the date of enactment of this Act and before January 1, 2012, to the extent paragraph (1) of section 42(h) of such Code does not apply to such building by reason of paragraph (4) thereof, but only with respect to bonds issued after such date of enactment and before January 1, 2012.

PART II—MODIFICATIONS TO TAX-EXEMPT HOUSING BOND RULES

SEC. 3007. RECYCLING OF TAX-EXEMPT DEBT FOR FINANCING RESIDENTIAL RENTAL PROJECTS.

(a) IN GENERAL.—Subsection (i) of section 146 (relating to treatment of refunding issues) is amended by adding at the end the following new paragraph:

''(6) TREATMENT OF CERTAIN RESIDENTIAL RENTAL PROJECT BONDS AS REFUNDING BONDS IRRESPECTIVE OF OBLIGOR.—

''(A) IN GENERAL.—If, during the 6-month period beginning on the date of a repayment of a loan financed by an issue 95 percent or more of the net proceeds of which are used to provide projects described in section 142(d), such repayment is used to provide a new loan for any project so described, any bond which is issued to refinance such issue shall be treated as a refunding issue to the extent the principal amount of such refunding issue does not exceed the principal amount of the bonds refunded.

''(B) LIMITATIONS.—Subparagraph (A) shall apply to only one refunding of the original issue and only if—

''(i) the refunding issue is issued not later than 4 years after the date on which the original issue was issued,

''(ii) the latest maturity date of any bond of the refunding issue is not later than 34 years after the date on which the refunded bond was issued, and

''(iii) the refunding issue is approved in accordance with section 147(f) before the issuance of the refunding issue.''.

(b) LOW-INCOME HOUSING CREDIT.—Clause (ii) of section 42(h)(4)(A) is amended by inserting ''or such financing is refunded as described in section 146(i)(6)'' before the period at the end.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to repayments of loans received after the date of the enactment of this Act.

SEC. 3008. COORDINATION OF CERTAIN RULES APPLICABLE TO LOW-INCOME HOUSING CREDIT AND QUALIFIED RESIDENTIAL RENTAL PROJECT EXEMPT FACILITY BONDS.

(a) DETERMINATION OF NEXT AVAILABLE UNIT.—Paragraph (3) of section 142(d) (relating to current income determinations) is amended by adding at the end the following new subparagraph:

''(C) EXCEPTION FOR PROJECTS WITH RESPECT TO WHICH AFFORDABLE HOUSING CREDIT IS ALLOWED.—In the case of a project with respect to which credit is allowed under section 42, the second sentence of subparagraph (B) shall be applied by substituting 'building (within the meaning of section 42)' for 'project'.''.

(b) STUDENTS.—Paragraph (2) of section 142(d) (relating to definitions and special rules) is amended by adding at the end the following new subparagraph:

''(C) STUDENTS.—Rules similar to the rules of 42(i)(3)(D) shall apply for purposes of this subsection.''.

(c) SINGLE-ROOM OCCUPANCY UNITS.—Paragraph (2) of section 142(d) (relating to definitions and special rules), as amended by subsection (b), is amended by adding at the end the following new subparagraph:

''(D) SINGLE-ROOM OCCUPANCY UNITS.—A unit shall not fail to be treated as a residential unit merely because such unit is a single-room occupancy unit (within the meaning of section 42).''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to determinations of the status of qualified residential rental projects for periods beginning after the date of the enactment of this Act, with respect to bonds issued before, on, or after such date.

PART III—REFORMS RELATED TO THE LOW-INCOME HOUSING CREDIT AND TAX-EXEMPT HOUSING BONDS

SEC. 3009. HOLD HARMLESS FOR REDUCTIONS IN AREA MEDIAN GROSS INCOME.

(a) IN GENERAL.—Paragraph (2) of section 142(d), as amended by section 3008, is amended by adding at the end the following new subparagraph:

''(E) HOLD HARMLESS FOR REDUCTIONS IN AREA MEDIAN GROSS INCOME.—

''(i) IN GENERAL.—Any determination of area median gross income under subparagraph (B) with respect to any project for any calendar year after 2008 shall not be less than the area median gross income determined under such subparagraph with respect to such project for the calendar year preceding the calendar year for which such determination is made.

''(ii) SPECIAL RULE FOR CERTAIN CENSUS CHANGES.—In the case of a HUD hold harmless impacted project, the area median gross income with respect to such project for any calendar year after 2008 (hereafter in this clause referred to as the current calendar year) shall be the greater of the amount determined without regard to this clause or the sum of—

''(I) the area median gross income determined under the HUD hold harmless policy with respect to such project for calendar year 2008, plus

''(II) any increase in the area median gross income determined under subparagraph (B) (determined without regard to the HUD hold harmless policy and this subparagraph) with respect to such project for the current calendar year over the area median gross income (as so determined) with respect to such project for calendar year 2008.

''(iii) HUD HOLD HARMLESS POLICY.—The term 'HUD hold harmless policy' means the regulations under which a policy similar to the rules of clause (i) applied to prevent a change in the method of determining area median gross income from resulting in a reduction in the area median gross income determined with respect to certain projects in calendar years 2007 and 2008.

''(iv) HUD HOLD HARMLESS IMPACTED PROJECT.—The term 'HUD hold harmless impacted project' means any project with respect to which area median gross income was determined under subparagraph (B) for calendar year 2007 or 2008 if such determination would have been less but for the HUD hold harmless policy.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to determinations of area median gross income for calendar years after 2008.

SEC. 3010. EXCEPTION TO ANNUAL CURRENT INCOME DETERMINATION REQUIREMENT WHERE DETERMINATION NOT RELEVANT.

(a) IN GENERAL.—Subparagraph (A) of section 142(d)(3) is amended by adding at the end the following new sentence: ''The preceding sentence shall not apply with respect to any project for any year if during such year no residential unit in the project is occupied by a new resident whose income exceeds the applicable income limit.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to years ending after the date of the enactment of this Act.

Subtitle B—Single Family Housing

SEC. 3011. FIRST-TIME HOMEBUYER CREDIT.

(a) IN GENERAL.—Subpart C of part IV of subchapter A of chapter 1 is amended by redesignating section 36 as section 37 and by inserting after section 35 the following new section:

"SEC. 36. FIRST-TIME HOMEBUYER CREDIT.

''(a) ALLOWANCE OF CREDIT.—In the case of an individual who is a first-time homebuyer of a principal residence in the United States during a taxable year, there shall be allowed as a credit against the tax imposed by this subtitle for such taxable year an amount equal to 10 percent of the purchase price of the residence.

''(b) LIMITATIONS.—

''(1) DOLLAR LIMITATION.—

''(A) IN GENERAL.—Except as otherwise provided in this paragraph, the credit allowed under subsection (a) shall not exceed $7,500.

''(B) MARRIED INDIVIDUALS FILING SEPARATELY.—In the case of a married individual filing a separate return, subparagraph (A) shall be applied by substituting '$3,750' for '$7,500'.

''(C) OTHER INDIVIDUALS.—If two or more individuals who are not married purchase a principal residence, the amount of the credit allowed under subsection (a) shall be allocated among such individuals in such manner as the Secretary may prescribe, except that the total amount of the credits allowed to all such individuals shall not exceed $7,500.

''(2) LIMITATION BASED ON MODIFIED ADJUSTED GROSS INCOME.—

''(A) IN GENERAL.—The amount allowable as a credit under subsection (a) (determined without regard to this paragraph) for the taxable year shall be reduced (but not below zero) by the amount which bears the same ratio to the amount which is so allowable as—

''(i) the excess (if any) of—

''(I) the taxpayer's modified adjusted gross income for such taxable year, over

''(II) $75,000 ($150,000 in the case of a joint return), bears to

''(ii) $20,000.

''(B) MODIFIED ADJUSTED GROSS INCOME.—For purposes of subparagraph (A), the term 'modified adjusted gross income' means the adjusted gross income of the taxpayer for the taxable year increased by any amount excluded from gross income under section 911, 931, or 933.

''(c) DEFINITIONS.—For purposes of this section—

''(1) FIRST-TIME HOMEBUYER.—The term 'first-time homebuyer' means any individual if such individual (and if married, such individual's spouse) had no present ownership interest in a principal residence during the 3-year period ending on the date of the purchase of the principal residence to which this section applies.

''(2) PRINCIPAL RESIDENCE.—The term 'principal residence' has the same meaning as when used in section 121.

''(3) PURCHASE.—

''(A) IN GENERAL.—The term 'purchase' means any acquisition, but only if—

''(i) the property is not acquired from a person related to the person acquiring such property, and

''(ii) the basis of the property in the hands of the person acquiring such property is not determined—

''(I) in whole or in part by reference to the adjusted basis of such property in the hands of the person from whom acquired, or

''(II) under section 1014(a) (relating to property acquired from a decedent).

''(B) CONSTRUCTION.—A residence which is constructed by the taxpayer shall be treated as purchased by the taxpayer on the date the taxpayer first occupies such residence.

''(4) PURCHASE PRICE.—The term 'purchase price' means the adjusted basis of the principal residence on the date such residence is purchased.

''(5) RELATED PERSONS.—A person shall be treated as related to another person if the relationship between such persons would result in the disallowance of losses under section 267 or 707(b) (but, in applying section 267(b) and (c) for purposes of this section, paragraph (4) of section 267(c) shall be treated as providing that the family of an individual shall include only his spouse, ancestors, and lineal descendants).

''(d) EXCEPTIONS.—No credit under subsection (a) shall be allowed to any taxpayer for any taxable year with respect to the purchase of a residence if—

''(1) a credit under section 1400C (relating to first-time homebuyer in the District of Columbia) is allowable to the taxpayer (or the taxpayer's spouse) for such taxable year or any prior taxable year,

''(2) the residence is financed by the proceeds of a qualified mortgage issue the interest on which is exempt from tax under section 103,

''(3) the taxpayer is a nonresident alien, or

''(4) the taxpayer disposes of such residence (or such residence ceases to be the principal residence of the taxpayer (and, if married, the taxpayer's spouse)) before the close of such taxable year.

''(e) REPORTING.—If the Secretary requires information reporting under section 6045 by a person described in subsection (e)(2) thereof to verify the eligibility of taxpayers for the credit allowable by this section, the exception provided by section 6045(e) shall not apply.

''(f) RECAPTURE OF CREDIT.—

''(1) IN GENERAL.—Except as otherwise provided in this subsection, if a credit under subsection (a) is allowed to a taxpayer, the tax imposed by this chapter shall be increased by 6⅔ percent of the amount of such credit for each taxable year in the recapture period.

''(2) ACCELERATION OF RECAPTURE.—If a taxpayer disposes of the principal residence with respect to which a credit was allowed under subsection (a) (or such residence ceases to be the principal residence of the taxpayer (and, if married, the taxpayer's spouse)) before the end of the recapture period—

''(A) the tax imposed by this chapter for the taxable year of such disposition or cessation shall be increased by the excess of the amount of the credit allowed over the amounts of tax imposed by paragraph (1) for preceding taxable years, and

''(B) paragraph (1) shall not apply with respect to such credit for such taxable year or any subsequent taxable year.

''(3) LIMITATION BASED ON GAIN.—In the case of the sale of the principal residence to a person who is not related to the taxpayer, the increase in tax determined under paragraph (2) shall not exceed the amount of gain (if any) on such sale. Solely for purposes of the preceding sentence, the adjusted basis of such residence shall be reduced by the amount of the credit allowed under subsection (a) to the extent not previously recaptured under paragraph (1).

''(4) EXCEPTIONS.—

''(A) DEATH OF TAXPAYER.—Paragraphs (1) and (2) shall not apply to any taxable year ending after the date of the taxpayer's death.

''(B) INVOLUNTARY CONVERSION.—Paragraph (2) shall not apply in the case of a residence which is compulsorily or involuntarily converted (within the meaning of section 1033(a)) if the taxpayer acquires a new principal residence during the 2-year period beginning on the date of the disposition or cessation referred to in paragraph (2). Paragraph (2) shall apply to such new principal residence during the recapture period in the same manner as if such new principal residence were the converted residence.

''(C) TRANSFERS BETWEEN SPOUSES OR INCIDENT TO DIVORCE.—In the case of a transfer of a residence to which section 1041(a) applies—

''(i) paragraph (2) shall not apply to such transfer, and

''(ii) in the case of taxable years ending after such transfer, paragraphs (1) and (2) shall apply to the transferee in the same manner as if such transferee were the transferor (and shall not apply to the transferor).

''(5) JOINT RETURNS.—In the case of a credit allowed under subsection (a) with respect to a joint return, half of such credit shall be treated as having been allowed to each individual filing such return for purposes of this subsection.

''(6) RETURN REQUIREMENT.—If the tax imposed by this chapter for the taxable year is increased under this subsection, the taxpayer shall, notwithstanding section 6012, be required to file a return with respect to the taxes imposed under this subtitle.

''(7) RECAPTURE PERIOD.—For purposes of this subsection, the term 'recapture period' means the 15 taxable years beginning with the second taxable year following the taxable year in which the purchase of the principal residence for which a credit is allowed under subsection (a) was made.

''(g) ELECTION TO TREAT PURCHASE IN PRIOR YEAR.—In the case of a purchase of a principal residence after December 31, 2008, and before July 1, 2009, a taxpayer may elect to treat such purchase as made on December 31, 2008, for purposes of this section (other than subsection (c)).

''(h) APPLICATION OF SECTION.—This section shall only apply to a principal residence purchased by the taxpayer on or after April 9, 2008, and before July 1, 2009.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 26(b)(2) is amended by striking ''and'' at the end of subparagraph (U), by striking the period and inserting '', and'' and the end of subparagraph (V), and by inserting after subparagraph (V) the following new subparagraph:

''(W) section 36(f) (relating to recapture of homebuyer credit).''.

(2) Section 6211(b)(4)(A) is amended by striking ''34,'' and all that follows through ''6428'' and inserting ''34, 35, 36, 53(e), and 6428''.

(3) Section 1324(b)(2) of title 31, United States Code, is amended by inserting ''36,'' after ''35,''.

(4) The table of sections for subpart C of part IV of subchapter A of chapter 1 is amended by redesignating the item relating to section 36 as an item relating to section 37 and by inserting before such item the following new item:

''Sec. 36. First-time homebuyer credit.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to residences purchased on or after April 9, 2008, in taxable years ending on or after such date.

SEC. 3012. ADDITIONAL STANDARD DEDUCTION FOR REAL PROPERTY TAXES FOR NONITEMIZERS.

(a) IN GENERAL.—Section 63(c)(1) (defining standard deduction) is amended by striking ''and'' at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting '', and'', and by adding at the end the following new subparagraph:

''(C) in the case of any taxable year beginning in 2008, the real property tax deduction.''.

(b) DEFINITION.—Section 63(c) is amended by adding at the end the following new paragraph:

''(7) REAL PROPERTY TAX DEDUCTION.—For purposes of paragraph (1), the real property tax deduction is the lesser of—

''(A) the amount allowable as a deduction under this chapter for State and local taxes described in section 164(a)(1), or

''(B) $500 ($1,000 in the case of a joint return).

Any taxes taken into account under section 62(a) shall not be taken into account under this paragraph.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

Subtitle C—General Provisions

SEC. 3021. TEMPORARY LIBERALIZATION OF TAX-EXEMPT HOUSING BOND RULES.

(a) TEMPORARY INCREASE IN VOLUME CAP.—

(1) IN GENERAL.—Subsection (d) of section 146 is amended by adding at the end the following new paragraph:

''(5) INCREASE AND SET ASIDE FOR HOUSING BONDS FOR 2008.—

''(A) INCREASE FOR 2008.—In the case of calendar year 2008, the State ceiling for each State shall be increased by an amount equal to $11,000,000,000 multiplied by a fraction—

''(i) the numerator of which is the State ceiling applicable to the State for calendar year 2008, determined without regard to this paragraph, and

''(ii) the denominator of which is the sum of the State ceilings determined under clause (i) for all States.

''(B) SET ASIDE.—

''(i) IN GENERAL.—Any amount of the State ceiling for any State which is attributable to an increase under this paragraph shall be allocated solely for one or more qualified housing issues.

''(ii) QUALIFIED HOUSING ISSUE.—For purposes of this paragraph, the term 'qualified housing issue' means—

''(I) an issue described in section 142(a)(7) (relating to qualified residential rental projects), or

''(II) a qualified mortgage issue (determined by substituting '12-month period' for '42-month period' each place it appears in section 143(a)(2)(D)(i)).''.

(2) CARRYFORWARD OF UNUSED LIMITATIONS.—Subsection (f) of section 146 is amended by adding at the end the following new paragraph:

''(6) SPECIAL RULES FOR INCREASED VOLUME CAP UNDER SUBSECTION (d)(5).—No amount which is attributable to the increase under subsection (d)(5) may be used—

''(A) for any issue other than a qualified housing issue (as defined in subsection (d)(5)), or

''(B) to issue any bond after calendar year 2010.''.

(b) TEMPORARY RULE FOR USE OF QUALIFIED MORTGAGE BONDS PROCEEDS FOR SUBPRIME REFINANCING LOANS.—

(1) IN GENERAL.—Section 143(k) (relating to other definitions and special rules) is amended by adding at the end the following new paragraph:

''(12) SPECIAL RULES FOR SUBPRIME REFINANCINGS.—

''(A) IN GENERAL.—Notwithstanding the requirements of subsection (i)(1), the proceeds of a qualified mortgage issue may be used to refinance a mortgage on a residence which was originally financed by the mortgagor through a qualified subprime loan.

''(B) SPECIAL RULES.—In applying subparagraph (A) to any refinancing—

''(i) subsection (a)(2)(D)(i) shall be applied by substituting '12-month period' for '42-month period' each place it appears,

''(ii) subsection (d) (relating to 3-year requirement) shall not apply, and

''(iii) subsection (e) (relating to purchase price requirement) shall be applied by using the market value of the residence at the time of refinancing in lieu of the acquisition cost.

''(C) QUALIFIED SUBPRIME LOAN.—The term 'qualified subprime loan' means an adjustable rate single-family residential mortgage loan made after December 31, 2001, and before January 1, 2008, that the bond issuer determines would be reasonably likely to cause financial hardship to the borrower if not refinanced.

''(D) TERMINATION.—This paragraph shall not apply to any bonds issued after December 31, 2010.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to bonds issued after the date of the enactment of this Act.

SEC. 3022. REPEAL OF ALTERNATIVE MINIMUM TAX LIMITATIONS ON TAX-EXEMPT HOUSING BONDS, LOW-INCOME HOUSING TAX CREDIT, AND REHABILITATION CREDIT.

(a) TAX-EXEMPT INTEREST ON CERTAIN HOUSING BONDS EXEMPTED FROM ALTERNATIVE MINIMUM TAX.—

(1) IN GENERAL.—Subparagraph (C) of section 57(a)(5) (relating to specified private activity bonds) is amended by redesignating clauses (iii) and (iv) as clauses (iv) and (v), respectively, and by inserting after clause (ii) the following new clause:

''(iii) EXCEPTION FOR CERTAIN HOUSING BONDS.—For purposes of clause (i), the term 'private activity bond' shall not include any bond issued after the date of the enactment of this clause if such bond is—

''(I) an exempt facility bond issued as part of an issue 95 percent or more of the net proceeds of which are to be used to provide qualified residential rental projects (as defined in section 142(d)),

''(II) a qualified mortgage bond (as defined in section 143(a)), or

''(III) a qualified veterans' mortgage bond (as defined in section 143(b)).

The preceding sentence shall not apply to any refunding bond unless such preceding sentence applied to the refunded bond (or in the case of a series of refundings, the original bond).''.

(2) NO ADJUSTMENT TO ADJUSTED CURRENT EARNINGS.—Subparagraph (B) of section 56(g)(4) is amended by adding at the end the following new clause:

''(iii) TAX EXEMPT INTEREST ON CERTAIN HOUSING BONDS.—Clause (i) shall not apply in the case of any interest on a bond to which section 57(a)(5)(C)(iii) applies.''.

(b) ALLOWANCE OF LOW-INCOME HOUSING CREDIT AGAINST ALTERNATIVE MINIMUM TAX.—Subparagraph (B) of section 38(c)(4) (relating to specified credits) is amended by redesignating clauses (ii) through (iv) as clauses (iii) through (v) and inserting after clause (i) the following new clause:

''(ii) the credit determined under section 42 to the extent attributable to buildings placed in service after December 31, 2007,''.

(c) ALLOWANCE OF REHABILITATION CREDIT AGAINST ALTERNATIVE MINIMUM TAX.—Subparagraph (B) of section 38(c)(4), as amended by subsection (b), is amended by striking ''and'' at the end of clause (iv), by redesignating clause (v) as clause (vi), and by inserting after clause (iv) the following new clause:

''(v) the credit determined under section 47 to the extent attributable to qualified rehabilitation expenditures properly taken into account for periods after December 31, 2007, and''.

(d) EFFECTIVE DATE.—

(1) HOUSING BONDS.—The amendments made by subsection (a) shall apply to bonds issued after the date of the enactment of this Act.

(2) LOW INCOME HOUSING CREDIT.—The amendments made by subsection (b) shall apply to credits determined under section 42 of the Internal Revenue Code of 1986 to the extent attributable to buildings placed in service after December 31, 2007.

(3) REHABILITATION CREDIT.—The amendments made by subsection (c) shall apply to credits determined under section 47 of the Internal Revenue Code of 1986 to the extent attributable to qualified rehabilitation expenditures properly taken into account for periods after December 31, 2007.

SEC. 3023. BONDS GUARANTEED BY FEDERAL HOME LOAN BANKS ELIGIBLE FOR TREATMENT AS TAX-EXEMPT BONDS.

(a) IN GENERAL.—Subparagraph (A) of section 149(b)(3) (relating to exceptions for certain insurance programs) is amended by striking ''or'' at the end of clause (ii), by striking the period at the end of clause (iii) and inserting '', or'' and by adding at the end the following new clause:

''(iv) subject to subparagraph (E), any guarantee by a Federal home loan bank made in connection with the original issuance of a bond during the period beginning on the date of the enactment of this clause and ending on December 31, 2010 (or a renewal or extension of a guarantee so made).''.

(b) SAFETY AND SOUNDNESS REQUIREMENTS.—Paragraph (3) of section 149(b) is amended by adding at the end the following new subparagraph:

''(E) SAFETY AND SOUNDNESS REQUIREMENTS FOR FEDERAL HOME LOAN BANKS.—Clause (iv) of subparagraph (A) shall not apply to any guarantee by a Federal home loan bank unless such bank meets safety and soundness collateral requirements for such guarantees which are at least as stringent as such requirements which apply under regulations applicable to such guarantees by Federal home loan banks as in effect on April 9, 2008.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to guarantees made after the date of the enactment of this Act.

SEC. 3024. MODIFICATION OF RULES PERTAINING TO FIRPTA NONFOREIGN AFFIDAVITS.

(a) IN GENERAL.—Subsection (b) of section 1445 (relating to exemptions) is amended by adding at the end the following:

''(9) ALTERNATIVE PROCEDURE FOR FURNISHING NONFOREIGN AFFIDAVIT.—For purposes of paragraphs (2) and (7)—

''(A) IN GENERAL.—Paragraph (2) shall be treated as applying to a transaction if, in connection with a disposition of a United States real property interest—

''(i) the affidavit specified in paragraph (2) is furnished to a qualified substitute, and

''(ii) the qualified substitute furnishes a statement to the transferee stating, under penalty of perjury, that the qualified substitute has such affidavit in his possession.

''(B) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out this paragraph.''.

(b) QUALIFIED SUBSTITUTE.—Subsection (f) of section 1445 (relating to definitions) is amended by adding at the end the following new paragraph:

''(6) QUALIFIED SUBSTITUTE.—The term 'qualified substitute' means, with respect to a disposition of a United States real property interest—

''(A) the person (including any attorney or title company) responsible for closing the transaction, other than the transferor's agent, and

''(B) the transferee's agent.''.

(c) EXEMPTION NOT TO APPLY IF KNOWLEDGE OR NOTICE THAT AFFIDAVIT OR STATEMENT IS FALSE.—

(1) IN GENERAL.—Paragraph (7) of section 1445(b) (relating to special rules for paragraphs (2) and (3)) is amended to read as follows:

''(7) SPECIAL RULES FOR PARAGRAPHS (2), (3), AND (9).—Paragraph (2), (3), or (9) (as the case may be) shall not apply to any disposition—

''(A) if—

''(i) the transferee or qualified substitute has actual knowledge that the affidavit referred to in such paragraph, or the statement referred to in paragraph (9)(A)(ii), is false, or

''(ii) the transferee or qualified substitute receives a notice (as described in subsection

(d)) from a transferor's agent, transferee's agent, or qualified substitute that such affidavit or statement is false, or

''(B) if the Secretary by regulations requires the transferee or qualified substitute to furnish a copy of such affidavit or statement to the Secretary and the transferee or qualified substitute fails to furnish a copy of such affidavit or statement to the Secretary at such time and in such manner as required by such regulations.''.

(2) LIABILITY.—

(A) NOTICE.—Paragraph (1) of section 1445(d) (relating to notice of false affidavit; foreign corporations) is amended to read as follows:

''(1) NOTICE OF FALSE AFFIDAVIT; FOREIGN CORPORATIONS.—If—

''(A) the transferor furnishes the transferee or qualified substitute an affidavit described in paragraph (2) of subsection (b) or a domestic corporation furnishes the transferee an affidavit described in paragraph (3) of subsection (b), and

''(B) in the case of—

''(i) any transferor's agent—

''(I) such agent has actual knowledge that such affidavit is false, or

''(II) in the case of an affidavit described in subsection (b)(2) furnished by a corporation, such corporation is a foreign corporation, or

''(ii) any transferee's agent or qualified substitute, such agent or substitute has actual knowledge that such affidavit is false,

such agent or qualified substitute shall so notify the transferee at such time and in such manner as the Secretary shall require by regulations.''.

(B) FAILURE TO FURNISH NOTICE.—Paragraph (2) of section 1445(d) (relating to failure to furnish notice) is amended to read as follows:

''(2) FAILURE TO FURNISH NOTICE.—

''(A) IN GENERAL.—If any transferor's agent, transferee's agent, or qualified substitute is required by paragraph (1) to furnish notice, but fails to furnish such notice at such time or times and in such manner as may be required by regulations, such agent or substitute shall have the same duty to deduct and withhold that the transferee would have had if such agent or substitute had complied with paragraph (1).

''(B) LIABILITY LIMITED TO AMOUNT OF COMPENSATION.—An agent's or substitute's liability under subparagraph (A) shall be limited to the amount of compensation the agent or substitute derives from the transaction.''.

(C) CONFORMING AMENDMENT.—The heading for section 1445(d) is amended by striking ''OR TRANSFEREE'S AGENTS'' and inserting '', TRANSFEREE'S AGENTS, OR QUALIFIED SUBSTITUTES''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to dispositions of United States real property interests after the date of the enactment of this Act.

SEC. 3025. MODIFICATION OF DEFINITION OF TAX-EXEMPT USE PROPERTY FOR PURPOSES OF THE REHABILITATION CREDIT.

(a) IN GENERAL.—Subclause (I) of section 47(c)(2)(B)(v) is amended by striking ''section 168(h)'' and inserting ''section 168(h), except that '50 percent' shall be substituted for '35 percent' in paragraph (1)(B)(iii) thereof''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to expenditures properly taken into account for periods after December 31, 2007.

SEC. 3026. EXTENSION OF SPECIAL RULE FOR MORTGAGE REVENUE BONDS FOR RESIDENCES LOCATED IN DISASTER AREAS.

(a) IN GENERAL.—Paragraph (11) of section 143(k) is amended—

(1) by striking ''December 31, 1996'' and inserting ''May 1, 2008'', and

(2) by striking ''January 1, 1999'' and inserting ''January 1, 2010''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to bonds issued after May 1, 2008.

SEC. 3027. TRANSFER OF FUNDS APPROPRIATED TO CARRY OUT 2008 RECOVERY REBATES FOR INDIVIDUALS.

Of the funds made available by section 101(e)(1)(A) of the Economic Stimulus Act of 2008 (Public Law 110-185), the Secretary of the Treasury may transfer funds among the accounts specified in such section to carry out section 6428 of the Internal Revenue Code of 1986. The Secretary shall provide advance notification of any such transfer to the Committees on Appropriations of the House of Representatives and the Senate, and any transfer greater than $5,000,000 shall be subject to the approval of such Committees.

TITLE II—REFORMS RELATED TO REAL ESTATE INVESTMENT TRUSTS

Subtitle A—Foreign Currency and Other Qualified Activities

SEC. 3031. REVISIONS TO REIT INCOME TESTS.

(a) FOREIGN CURRENCY GAINS NOT GROSS INCOME IN APPLYING REIT INCOME TESTS.—Section 856 (defining real estate investment trust) is amended by adding at the end the following new subsection:

''(n) RULES REGARDING FOREIGN CURRENCY TRANSACTIONS.—

''(1) IN GENERAL.—For purposes of this part—

''(A) passive foreign exchange gain for any taxable year shall not constitute gross income for purposes of subsection (c)(2), and

''(B) real estate foreign exchange gain for any taxable year shall not constitute gross income for purposes of subsection (c)(3).

''(2) REAL ESTATE FOREIGN EXCHANGE GAIN.—For purposes of this subsection, the term 'real estate foreign exchange gain' means—

''(A) foreign currency gain (as defined in section 988(b)(1)) which is attributable to—

''(i) any item of income or gain described in subsection (c)(3),

''(ii) the acquisition or ownership of obligations secured by mortgages on real property or on interests in real property (other than foreign currency gain attributable to any item of income or gain described in clause (i)), or

''(iii) becoming or being the obligor under obligations secured by mortgages on real property or on interests in real property (other than foreign currency gain attributable to any item of income or gain described in clause (i)),

''(B) section 987 gain attributable to a qualified business unit (as defined by section 989) of the real estate investment trust, but only if such qualified business unit meets the requirements under—

''(i) subsection (c)(3) for the taxable year, and

''(ii) subsection (c)(4)(A) at the close of each quarter that the real estate investment trust has directly or indirectly held the qualified business unit, and

''(C) any other foreign currency gain as determined by the Secretary.

''(3) PASSIVE FOREIGN EXCHANGE GAIN.—For purposes of this subsection, the term 'passive foreign exchange gain' means—

''(A) real estate foreign exchange gain,

''(B) foreign currency gain (as defined in section 988(b)(1)) which is not described in subparagraph (A) and which is attributable to—

''(i) any item of income or gain described in subsection (c)(2),

''(ii) the acquisition or ownership of obligations (other than foreign currency gain attributable to any item of income or gain described in clause (i)), or

''(iii) becoming or being the obligor under obligations (other than foreign currency gain attributable to any item of income or gain described in clause (i)), and

''(C) any other foreign currency gain as determined by the Secretary.

''(4) EXCEPTION FOR INCOME FROM SUBSTANTIAL AND REGULAR TRADING.—Notwithstanding this subsection or any other provision of this part, any section 988 gain derived by a corporation, trust, or association from dealing, or engaging in substantial and regular trading, in securities (as defined in section 475(c)(2)) shall constitute gross income which does not qualify under paragraph (2) or (3) of subsection (c). This paragraph shall not apply to income which does not constitute gross income by reason of subsection (c)(5)(G).''.

(b) ADDITION TO REIT HEDGING RULE.—Subparagraph (G) of section 856(c)(5) is amended to read as follows:

''(G) TREATMENT OF CERTAIN HEDGING INSTRUMENTS.—Except to the extent as determined by the Secretary—

''(i) any income of a real estate investment trust from a hedging transaction (as defined in clause (ii) or (iii) of section 1221(b)(2)(A)) which is clearly identified pursuant to section 1221(a)(7), including gain from the sale or disposition of such a transaction, shall not constitute gross income under paragraphs (2) and (3) to the extent that the transaction hedges any indebtedness incurred or to be incurred by the trust to acquire or carry real estate assets, and

''(ii) any income of a real estate investment trust from a transaction entered into by the trust primarily to manage risk of currency fluctuations with respect to any item of income or gain described in paragraph (2) or (3) (or any property which generates such income or gain), including gain from the termination of such a transaction, shall not constitute gross income under paragraphs (2) and (3), but only if such transaction is clearly identified as such before the close of the day on which it was acquired, originated, or entered into (or such other time as the Secretary may prescribe).''.

(c) AUTHORITY TO EXCLUDE ITEMS OF INCOME FROM REIT INCOME TESTS.—Section 856(c)(5) is amended by adding at the end the following new subparagraph:

''(J) SECRETARIAL AUTHORITY TO EXCLUDE OTHER ITEMS OF INCOME.—To the extent necessary to carry out the purposes of this part, the Secretary is authorized to determine, solely for purposes of this part, whether any item of income or gain which—

''(i) does not otherwise qualify under paragraph (2) or (3) may be considered as not constituting gross income for purposes of paragraphs (2) or (3), or

''(ii) otherwise constitutes gross income not qualifying under paragraph (2) or (3) may be considered as gross income which qualifies under paragraph (2) or (3).''.

SEC. 3032. REVISIONS TO REIT ASSET TESTS.

(a) CLARIFICATION OF VALUATION TEST.—The first sentence in the matter following section 856(c)(4)(B)(iii)(III) is amended by inserting ''(including a discrepancy caused solely by the change in the foreign currency exchange rate used to value a foreign asset)'' after ''such requirements''.

(b) CLARIFICATION OF PERMISSIBLE ASSET CATEGORY.—Section 856(c)(5), as amended by section 3031(c), is amended by adding at the end the following new subparagraph:

''(K) CASH.—If the real estate investment trust or its qualified business unit (as defined in section 989) uses any foreign currency as its functional currency (as defined in section 985(b)), the term 'cash' includes such foreign currency but only to the extent such foreign currency—

''(i) is held for use in the normal course of the activities of the trust or qualified business unit which give rise to items of income or gain described in paragraph (2) or (3) of

subsection (c) or are directly related to acquiring or holding assets described in subsection (c)(4), and

''(ii) is not held in connection with an activity described in subsection (n)(4).''.

SEC. 3033. CONFORMING FOREIGN CURRENCY REVISIONS.

(a) NET INCOME FROM FORECLOSURE PROPERTY.—Clause (i) of section 857(b)(4)(B) is amended to read as follows:

''(i) gain (including any foreign currency gain, as defined in section 988(b)(1)) from the sale or other disposition of foreclosure property described in section 1221(a)(1) and the gross income for the taxable year derived from foreclosure property (as defined in section 856(e)), but only to the extent such gross income is not described in (or, in the case of foreign currency gain, not attributable to gross income described in) section 856(c)(3) other than subparagraph (F) thereof, over''.

(b) NET INCOME FROM PROHIBITED TRANSACTIONS.—Clause (i) of section 857(b)(6)(B) is amended to read as follows:

''(i) the term 'net income derived from prohibited transactions' means the excess of the gain (including any foreign currency gain, as defined in section 988(b)(1)) from prohibited transactions over the deductions (including any foreign currency loss, as defined in section 988(b)(2)) allowed by this chapter which are directly connected with prohibited transactions;''.

Subtitle B—Taxable REIT Subsidiaries

SEC. 3041. CONFORMING TAXABLE REIT SUBSIDIARY ASSET TEST.

Section 856(c)(4)(B)(ii) is amended—

(1) by striking ''20 percent'' and inserting ''25 percent'', and

(2) by striking ''REIT subsidiaries'' and all that follows, and inserting ''REIT subsidiaries,''.

Subtitle C—Dealer Sales

SEC. 3051. HOLDING PERIOD UNDER SAFE HARBOR.

(a) IN GENERAL.—Section 857(b)(6) (relating to income from prohibited transactions) is amended—

(1) by striking ''4 years'' in subparagraphs (C)(i), (C)(iv), and (D)(i) and inserting ''2 years'',

(2) by striking ''4-year period'' in subparagraphs (C)(ii), (D)(ii), and (D)(iii) and inserting ''2-year period'', and

(3) by striking ''real estate asset''and all that follows through ''if'' in the matter preceding clause (i) of subparagraphs (C) and (D), respectively, and inserting ''real estate asset (as defined in section 856(c)(5)(B)) and which is described in section 1221(a)(1) if''.

(b) RETENTION OF EXISTING LAW.—Section 857(b)(6) is amended—

(1) by striking subparagraph (G) and redesignating subparagraphs (H) and (I) as subparagraphs (G) and (H), respectively, and

(2) in subparagraph (G), as so redesignated, by adding at the end the following: ''For purposes of the preceding sentence, the reference to subparagraph (D) shall be a reference to such subparagraph as in effect on the day before the enactment of the Housing Assistance Tax Act of 2008, as modified by subparagraph (G) as so in effect.''.

SEC. 3052. DETERMINING VALUE OF SALES UNDER SAFE HARBOR.

Section 857(b)(6) is amended—

(1) by striking the semicolon at the end of subparagraph (C)(iii) and inserting '', or (III) the fair market value of property (other than sales of foreclosure property or sales to which section 1033 applies) sold during the taxable year does not exceed 10 percent of the fair market value of all of the assets of the trust as of the beginning of the taxable year;'', and

(2) by adding ''or'' at the end of subclause (II) of subparagraph (D)(iv) and by adding at the end of such subparagraph the following new subclause:

''(III) the fair market value of property (other than sales of foreclosure property or sales to which section 1033 applies) sold during the taxable year does not exceed 10 percent of the fair market value of all of the assets of the trust as of the beginning of the taxable year,''.

Subtitle D—Health Care REITs

SEC. 3061. CONFORMITY FOR HEALTH CARE FACILITIES.

(a) RELATED PARTY RENTALS.—Subparagraph (B) of section 856(d)(8) (relating to special rule for taxable REIT subsidiaries) is amended to read as follows:

''(B) EXCEPTION FOR CERTAIN LODGING FACILITIES AND HEALTH CARE PROPERTY.—The requirements of this subparagraph are met with respect to an interest in real property which is a qualified lodging facility (as defined in paragraph (9)(D)) or a qualified health care property (as defined in subsection (e)(6)(D)(i)) leased by the trust to a taxable REIT subsidiary of the trust if the property is operated on behalf of such subsidiary by a person who is an eligible independent contractor. For purposes of this section, a taxable REIT subsidiary is not considered to be operating or managing a qualified health care property or qualified lodging facility solely because it—

''(i) directly or indirectly possesses a license, permit, or similar instrument enabling it to do so, or

''(ii) employs individuals working at such facility or property located outside the United States, but only if an eligible independent contractor is responsible for the daily supervision and direction of such individuals on behalf of the taxable REIT subsidiary pursuant to a management agreement or similar service contract.''.

(b) ELIGIBLE INDEPENDENT CONTRACTOR.—Subparagraphs (A) and (B) of section 856(d)(9) (relating to eligible independent contractor) are amended to read as follows:

''(A) IN GENERAL.—The term 'eligible independent contractor' means, with respect to any qualified lodging facility or qualified health care property (as defined in subsection (e)(6)(D)(i)), any independent contractor if, at the time such contractor enters into a management agreement or other similar service contract with the taxable REIT subsidiary to operate such qualified lodging facility or qualified health care property, such contractor (or any related person) is actively engaged in the trade or business of operating qualified lodging facilities or qualified health care properties, respectively, for any person who is not a related person with respect to the real estate investment trust or the taxable REIT subsidiary.

''(B) SPECIAL RULES.—Solely for purposes of this paragraph and paragraph (8)(B), a person shall not fail to be treated as an independent contractor with respect to any qualified lodging facility or qualified health care property (as so defined) by reason of the following:

''(i) The taxable REIT subsidiary bears the expenses for the operation of such qualified lodging facility or qualified health care property pursuant to the management agreement or other similar service contract.

''(ii) The taxable REIT subsidiary receives the revenues from the operation of such qualified lodging facility or qualified health care property, net of expenses for such operation and fees payable to the operator pursuant to such agreement or contract.

''(iii) The real estate investment trust receives income from such person with respect to another property that is attributable to a lease of such other property to such person that was in effect as of the later of—

''(I) January 1, 1999, or

''(II) the earliest date that any taxable REIT subsidiary of such trust entered into a management agreement or other similar service contract with such person with respect to such qualified lodging facility or qualified health care property.''.

(c) TAXABLE REIT SUBSIDIARIES.—The last sentence of section 856(l)(3) is amended—

(1) by inserting ''or a health care facility'' after ''a lodging facility'', and

(2) by inserting ''or health care facility'' after ''such lodging facility''.

Subtitle E—Effective Dates

SEC. 3071. EFFECTIVE DATES.

(a) IN GENERAL.—Except as otherwise provided in this section, the amendments made by this title shall apply to taxable years beginning after the date of the enactment of this Act.

(b) REIT INCOME TESTS.—

(1) The amendments made by section 3031(a) and (c) shall apply to gains and items of income recognized after the date of the enactment of this Act.

(2) The amendment made by section 3031(b) shall apply to transactions entered into after the date of the enactment of this Act.

(c) CONFORMING FOREIGN CURRENCY REVISIONS.—

(1) The amendment made by section 3033(a) shall apply to gains recognized after the date of the enactment of this Act.

(2) The amendment made by section 3033(b) shall apply to gains and deductions recognized after the date of the enactment of this Act.

(d) DEALER SALES.—The amendments made by subtitle C shall apply to sales made after the date of the enactment of this Act.

TITLE III—REVENUE PROVISIONS

Subtitle A—General Provisions

SEC. 3081. ELECTION TO ACCELERATE THE AMT AND RESEARCH CREDITS IN LIEU OF BONUS DEPRECIATION.

(a) IN GENERAL.—Section 168(k) is amended by adding at the end the following new paragraph:

''(4) ELECTION TO ACCELERATE THE AMT AND RESEARCH CREDITS IN LIEU OF BONUS DEPRECIATION.—

''(A) IN GENERAL.—If a corporation elects to have this paragraph apply for the first taxable year of the taxpayer ending after March 31, 2008, in the case of such taxable year and each subsequent taxable year—

''(i) paragraph (1) shall not apply to any eligible qualified property placed in service by the taxpayer,

''(ii) the applicable depreciation method used under this section with respect to such property shall be the straight line method, and

''(iii) each of the limitations described in subparagraph (B) for any such taxable year shall be increased by the bonus depreciation amount which is—

''(I) determined for such taxable year under subparagraph (C), and

''(II) allocated to such limitation under subparagraph (E).

''(B) LIMITATIONS TO BE INCREASED.—The limitations described in this subparagraph are—

''(i) the limitation imposed by section 38(c), and

''(ii) the limitation imposed by section 53(c).

''(C) BONUS DEPRECIATION AMOUNT.—For purposes of this paragraph—

''(i) IN GENERAL.—The bonus depreciation amount for any taxable year is an amount equal to 20 percent of the excess (if any) of—

''(I) the aggregate amount of depreciation which would be allowed under this section for eligible qualified property placed in service by the taxpayer during such taxable year if paragraph (1) applied to all such property, over

''(II) the aggregate amount of depreciation which would be allowed under this section for eligible qualified property placed in service by the taxpayer during such taxable year if paragraph (1) did not apply to any such property.

The aggregate amounts determined under subclauses (I) and (II) shall be determined without regard to any election made under subsection (b)(2)(C), (b)(3)(D), or (g)(7) and without regard to subparagraph (A)(ii).

''(ii) MAXIMUM AMOUNT.—The bonus depreciation amount for any taxable year shall not exceed the maximum increase amount under clause (iii), reduced (but not below zero) by the sum of the bonus depreciation amounts for all preceding taxable years.

''(iii) MAXIMUM INCREASE AMOUNT.—For purposes of clause (ii), the term 'maximum increase amount' means, with respect to any corporation, the lesser of—

''(I) $30,000,000, or

''(II) 6 percent of the sum of the business credit increase amount, and the AMT credit increase amount, determined with respect to such corporation under subparagraph (E).

''(iv) AGGREGATION RULE.—All corporations which are treated as a single employer under section 52(a) shall be treated—

''(I) as 1 taxpayer for purposes of this paragraph, and

''(II) as having elected the application of this paragraph if any such corporation so elects.

''(D) ELIGIBLE QUALIFIED PROPERTY.—For purposes of this paragraph, the term 'eligible qualified property' means qualified property under paragraph (2), except that in applying paragraph (2) for purposes of this paragraph—

''(i) 'March 31, 2008' shall be substituted for 'December 31, 2007' each place it appears in subparagraph (A) and clauses (i) and (ii) of subparagraph (E) thereof, and

''(ii) only adjusted basis attributable to manufacture, construction, or production after March 31, 2008, and before January 1, 2009, shall be taken into account under subparagraph (B)(ii) thereof.

''(E) ALLOCATION OF BONUS DEPRECIATION AMOUNTS.—

''(i) IN GENERAL.—Subject to clauses (ii) and (iii), the taxpayer shall, at such time and in such manner as the Secretary may prescribe, specify the portion (if any) of the bonus depreciation amount for the taxable year which is to be allocated to each of the limitations described in subparagraph (B) for such taxable year.

''(ii) LIMITATION ON ALLOCATIONS.—The portion of the bonus depreciation amount which may be allocated under clause (i) to the limitations described in subparagraph (B) for any taxable year shall not exceed—

''(I) in the case of the limitation described in subparagraph (B)(i), the excess of the business credit increase amount over the bonus depreciation amount allocated to such limitation for all preceding taxable years, and

''(II) in the case of the limitation described in subparagraph (B)(ii), the excess of the AMT credit increase amount over the bonus depreciation amount allocated to such limitation for all preceding taxable years.

''(iii) BUSINESS CREDIT INCREASE AMOUNT.—For purposes of this paragraph, the term 'business credit increase amount' means the amount equal to the portion of the credit allowable under section 38 (determined without regard to subsection (c) thereof) for the first taxable year ending after March 31, 2008, which is allocable to business credit carryforwards to such taxable year which are—

''(I) from taxable years beginning before January 1, 2006, and

''(II) properly allocable (determined under the rules of section 38(d)) to the research credit determined under section 41(a).

''(iv) AMT CREDIT INCREASE AMOUNT.—For purposes of this paragraph, the term 'AMT credit increase amount' means the amount equal to the portion of the minimum tax credit under section 53(b) for the first taxable year ending after March 31, 2008, determined by taking into account only the adjusted minimum tax for taxable years beginning before January 1, 2006. For purposes of the preceding sentence, credits shall be treated as allowed on a first-in, first-out basis.

''(F) CREDIT REFUNDABLE.—For purposes of section 6401(b), the aggregate increase in the credits allowable under part IV of subchapter A for any taxable year resulting from the application of this paragraph shall be treated as allowed under subpart C of such part (and not any other subpart).

''(G) OTHER RULES.—

''(i) ELECTION.—Any election under this paragraph (including any allocation under subparagraph (E)) may be revoked only with the consent of the Secretary.

''(ii) PARTNERSHIPS WITH ELECTING PARTNERS.—In the case of a corporation making an election under subparagraph (A) and which is a partner in a partnership, for purposes of determining such corporation's distributive share of partnership items under section 702—

''(I) paragraph (1) shall not apply to any eligible qualified property, and

''(II) the applicable depreciation method used under this section with respect to such property shall be the straight line method.

''(iii) SPECIAL RULE FOR PASSENGER AIRCRAFT.—In the case of any passenger aircraft, the written binding contract limitation under paragraph (2)(A)(iii)(I) shall not apply for purposes of subparagraphs (C)(i)(I) and (D).''.

(b) APPLICATION TO CERTAIN AUTOMOTIVE PARTNERSHIPS.—

(1) IN GENERAL.—If an applicable partnership elects the application of this subsection—

(A) the partnership shall be treated as having made a payment against the tax imposed by chapter 1 of the Internal Revenue Code of 1986 for any applicable taxable year of the partnership in the amount determined under paragraph (3),

(B) in the case of any eligible qualified property placed in service by the partnership during any applicable taxable year—

(i) section 168(k) of such Code shall not apply in determining the amount of the deduction allowable with respect to such property under section 168 of such Code,

(ii) the applicable depreciation method used with respect to such property shall be the straight line method, and

(C) the amount of the credit determined under section 41 of such Code for any applicable taxable year with respect to the partnership shall be reduced by the amount of the deemed payment under subparagraph (A) for the taxable year.

(2) TREATMENT OF DEEMED PAYMENT.—

(A) IN GENERAL.—Notwithstanding any other provision of the Internal Revenue Code of 1986, the Secretary of the Treasury or his delegate shall not use the payment of tax described in paragraph (1) as an offset or credit against any tax liability of the applicable partnership or any partner but shall refund such payment to the applicable partnership.

(B) NO INTEREST.—The payment described in paragraph (1) shall not be taken into account in determining any amount of interest under such Code.

(3) AMOUNT OF DEEMED PAYMENT.—The amount determined under this paragraph for any applicable taxable year shall be the least of the following:

(A) The amount which would be determined for the taxable year under section 168(k)(4)(C)(i) of the Internal Revenue Code of 1986 (as added by the amendments made by this section) if an election under section 168(k)(4) of such Code were in effect with respect to the partnership.

(B) The amount of the credit determined under section 41 of such Code for the taxable year with respect to the partnership.

(C) $30,000,000, reduced by the amount of any payment under this subsection for any preceding taxable year.

(4) DEFINITIONS.—For purposes of this subsection—

(A) APPLICABLE PARTNERSHIP.—The term ''applicable partnership'' means a domestic partnership that—

(i) was formed effective on August 3, 2007, and

(ii) will produce in excess of 675,000 automobiles during the period beginning on January 1, 2008, and ending on June 30, 2008.

(B) APPLICABLE TAXABLE YEAR.—The term ''applicable taxable year'' means any taxable year during which eligible qualified property is placed in service.

(C) ELIGIBLE QUALIFIED PROPERTY.—The term ''eligible qualified property'' has the meaning given such term by section 168(k)(4)(D) of the Internal Revenue Code of 1986 (as added by the amendments made by this section).

(c) CONFORMING AMENDMENT.—Section 1324(b)(2) of title 31, United States Code, as amended by this Act, is amended—

(1) by inserting ''168(k)(4)(F),'' after ''36,'', and

(2) by inserting '', or due under section 3081(b)(2) of the Housing Assistance Tax Act of 2008'' before the period at the end.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after March 31, 2008.

SEC. 3082. CERTAIN GO ZONE INCENTIVES.

(a) USE OF AMENDED INCOME TAX RETURNS TO TAKE INTO ACCOUNT RECEIPT OF CERTAIN HURRICANE-RELATED CASUALTY LOSS GRANTS BY DISALLOWING PREVIOUSLY TAKEN CASUALTY LOSS DEDUCTIONS.—

(1) IN GENERAL.—Notwithstanding any other provision of the Internal Revenue Code of 1986, if a taxpayer claims a deduction for any taxable year with respect to a casualty loss to a principal residence (within the meaning of section 121 of such Code) resulting from Hurricane Katrina, Hurricane Rita, or Hurricane Wilma and in a subsequent taxable year receives a grant under Public Law 109–148, 109–234, or 110–116 as reimbursement for such loss, such taxpayer may elect to file an amended income tax return for the taxable year in which such deduction was allowed (and for any taxable year to which such deduction is carried) and reduce (but not below zero) the amount of such deduction by the amount of such reimbursement.

(2) TIME OF FILING AMENDED RETURN.—Paragraph (1) shall apply with respect to any grant only if any amended income tax returns with respect to such grant are filed not later than the later of—

(A) the due date for filing the tax return for the taxable year in which the taxpayer receives such grant, or

(B) the date which is 1 year after the date of the enactment of this Act.

(3) WAIVER OF PENALTIES AND INTEREST.—Any underpayment of tax resulting from the reduction under paragraph (1) of the amount otherwise allowable as a deduction shall not be subject to any penalty or interest under such Code if such tax is paid not later than 1 year after the filing of the amended return to which such reduction relates.

(b) WAIVER OF DEADLINE ON CONSTRUCTION OF GO ZONE PROPERTY ELIGIBLE FOR BONUS DEPRECIATION.—

(1) IN GENERAL.—Subparagraph (B) of section 1400N(d)(3) is amended to read as follows:

''(B) without regard to 'and before January 1, 2009' in clause (i) thereof, and''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to property placed in service after December 31, 2007.

(c) INCLUSION OF CERTAIN COUNTIES IN GULF OPPORTUNITY ZONE FOR PURPOSES OF TAX-EXEMPT BOND FINANCING.—

(1) IN GENERAL.—Subsection (a) of section 1400N is amended by adding at the end the following new paragraph:

''(8) INCLUSION OF CERTAIN COUNTIES.—For purposes of this subsection, the Gulf Opportunity Zone includes Colbert County, Alabama and Dallas County, Alabama.''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall take effect as if included in the provisions of the Gulf Opportunity Zone Act of 2005 to which it relates.

SEC. 3083. INCREASE IN STATUTORY LIMIT ON THE PUBLIC DEBT.

Subsection (b) of section 3101 of title 31, United States Code, is amended by striking out the dollar limitation contained in such subsection and inserting in lieu thereof $10,615,000,000,000.

Subtitle B—Revenue Offsets

SEC. 3091. RETURNS RELATING TO PAYMENTS MADE IN SETTLEMENT OF PAYMENT CARD AND THIRD PARTY NETWORK TRANSACTIONS.

(a) IN GENERAL.—Subpart B of part III of subchapter A of chapter 61 is amended by adding at the end the following new section:

''SEC. 6050W. RETURNS RELATING TO PAYMENTS MADE IN SETTLEMENT OF PAYMENT CARD AND THIRD PARTY NETWORK TRANSACTIONS.

''(a) IN GENERAL.—Each payment settlement entity shall make a return for each calendar year setting forth—

''(1) the name, address, and TIN of each participating payee to whom one or more payments in settlement of reportable payment transactions are made, and

''(2) the gross amount of the reportable payment transactions with respect to each such participating payee.

Such return shall be made at such time and in such form and manner as the Secretary may require by regulations.

''(b) PAYMENT SETTLEMENT ENTITY.—For purposes of this section—

''(1) IN GENERAL.—The term 'payment settlement entity' means—

''(A) in the case of a payment card transaction, the merchant acquiring entity, and

''(B) in the case of a third party network transaction, the third party settlement organization.

''(2) MERCHANT ACQUIRING ENTITY.—The term 'merchant acquiring entity' means the bank or other organization which has the contractual obligation to make payment to participating payees in settlement of payment card transactions.

''(3) THIRD PARTY SETTLEMENT ORGANIZATION.—The term 'third party settlement organization' means the central organization which has the contractual obligation to make payment to participating payees of third party network transactions.

''(4) SPECIAL RULES RELATED TO INTERMEDIARIES.—For purposes of this section—

''(A) AGGREGATED PAYEES.—In any case where reportable payment transactions of more than one participating payee are settled through an intermediary—

''(i) such intermediary shall be treated as the participating payee for purposes of determining the reporting obligations of the payment settlement entity with respect to such transactions, and

''(ii) such intermediary shall be treated as the payment settlement entity with respect to the settlement of such transactions with the participating payees.

''(B) ELECTRONIC PAYMENT FACILITATORS.—In any case where an electronic payment facilitator or other third party makes payments in settlement of reportable payment transactions on behalf of the payment settlement entity, the return under subsection (a) shall be made by such electronic payment facilitator or other third party in lieu of the payment settlement entity.

''(c) REPORTABLE PAYMENT TRANSACTION.—For purposes of this section—

''(1) IN GENERAL.—The term 'reportable payment transaction' means any payment card transaction and any third party network transaction.

''(2) PAYMENT CARD TRANSACTION.—The term 'payment card transaction' means any transaction in which a payment card is accepted as payment.

''(3) THIRD PARTY NETWORK TRANSACTION.—The term 'third party network transaction' means any transaction which is settled through a third party payment network.

''(d) OTHER DEFINITIONS.—For purposes of this section—

''(1) PARTICIPATING PAYEE.—

''(A) IN GENERAL.—The term 'participating payee' means—

''(i) in the case of a payment card transaction, any person who accepts a payment card as payment, and

''(ii) in the case of a third party network transaction, any person who accepts payment from a third party settlement organization in settlement of such transaction.

''(B) EXCLUSION OF FOREIGN PERSONS.—Except as provided by the Secretary in regulations or other guidance, such term shall not include any person with a foreign address.

''(C) INCLUSION OF GOVERNMENTAL UNITS.—The term 'person' includes any governmental unit (and any agency or instrumentality thereof).

''(2) PAYMENT CARD.—The term 'payment card' means any card which is issued pursuant to an agreement or arrangement which provides for—

''(A) one or more issuers of such cards,

''(B) a network of persons unrelated to each other, and to the issuer, who agree to accept such cards as payment, and

''(C) standards and mechanisms for settling the transactions between the merchant acquiring entities and the persons who agree to accept such cards as payment.

The acceptance as payment of any account number or other indicia associated with a payment card shall be treated for purposes of this section in the same manner as accepting such payment card as payment.

''(3) THIRD PARTY PAYMENT NETWORK.—The term 'third party payment network' means any agreement or arrangement—

''(A) which involves the establishment of accounts with a central organization by a substantial number of persons who—

''(i) are unrelated to such organization,

''(ii) provide goods or services, and

''(iii) have agreed to settle transactions for the provision of such goods or services pursuant to such agreement or arrangement,

''(B) which provides for standards and mechanisms for settling such transactions, and

''(C) which guarantees persons providing goods or services pursuant to such agreement or arrangement that such persons will be paid for providing such goods or services.

Such term shall not include any agreement or arrangement which provides for the issuance of payment cards.

''(e) EXCEPTION FOR DE MINIMIS PAYMENTS BY THIRD PARTY SETTLEMENT ORGANIZATIONS.—A third party settlement organization shall be required to report any information under subsection (a) with respect to third party network transactions of any participating payee only if—

''(1) the amount which would otherwise be reported under subsection (a)(2) with respect to such transactions exceeds $20,000, and

''(2) the aggregate number of such transactions exceeds 200.

''(f) STATEMENTS TO BE FURNISHED TO PERSONS WITH RESPECT TO WHOM INFORMATION IS REQUIRED.—Every person required to make a return under subsection (a) shall furnish to each person with respect to whom such a return is required a written statement showing—

''(1) the name, address, and phone number of the information contact of the person required to make such return, and

''(2) the gross amount of the reportable payment transactions with respect to the person required to be shown on the return.

The written statement required under the preceding sentence shall be furnished to the person on or before January 31 of the year following the calendar year for which the return under subsection (a) was required to be made. Such statement may be furnished electronically, and if so, the email address of the person required to make such return may be shown in lieu of the phone number.

''(g) REGULATIONS.—The Secretary may prescribe such regulations or other guidance as may be necessary or appropriate to carry out this section, including rules to prevent the reporting of the same transaction more than once.''.

(b) PENALTY FOR FAILURE TO FILE.—

(1) RETURN.—Subparagraph (B) of section 6724(d)(1) is amended—

(A) by striking ''or'' at the end of clause (xx),

(B) by redesignating the clause (xix) that follows clause (xx) as clause (xxi),

(C) by striking ''and'' at the end of clause (xxi), as redesignated by subparagraph (B) and inserting ''or'', and

(D) by adding at the end the following:

''(xxii) section 6050W (relating to returns to payments made in settlement of payment card transactions), and''.

(2) STATEMENT.—Paragraph (2) of section 6724(d) is amended by striking ''or'' at the end of subparagraph (BB), by striking the period at the end of the subparagraph (CC) and inserting '', or'', and by inserting after subparagraph (CC) the following:

''(DD) section 6050W(c) (relating to returns relating to payments made in settlement of payment card transactions).''.

(c) APPLICATION OF BACKUP WITHHOLDING.—Paragraph (3) of section 3406(b) is amended by striking ''or'' at the end of subparagraph (D), by striking the period at the end of subparagraph (E) and inserting '', or'', and by adding at the end the following new subparagraph:

''(F) section 6050W (relating to returns relating to payments made in settlement of payment card transactions).''.

(d) CLERICAL AMENDMENT.—The table of sections for subpart B of part III of subchapter A of chapter 61 is amended by inserting after the item relating to section 6050V the following:

''Sec. 6050W. Returns relating to payments made in settlement of payment card transactions.''.

(e) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to returns for calendar years beginning after December 31, 2010.

(2) APPLICATION OF BACKUP WITHHOLDING.—

(A) IN GENERAL.—The amendment made by subsection (c) shall apply to amounts paid after December 31, 2011.

(B) ELIGIBILITY FOR TIN MATCHING PROGRAM.—Solely for purposes of carrying out any TIN matching program established by the Secretary under section 3406(i) of the Internal Revenue Code of 1986—

(i) the amendments made this section shall be treated as taking effect on the date of the enactment of this Act, and

(ii) each person responsible for setting the standards and mechanisms referred to in section 6050W(d)(2)(C) of such Code, as added by this section, for settling transactions involving payment cards shall be treated in the same manner as a payment settlement entity.

SEC. 3092. GAIN FROM SALE OF PRINCIPAL RESIDENCE ALLOCATED TO NONQUALIFIED USE NOT EXCLUDED FROM INCOME.

(a) IN GENERAL.—Subsection (b) of section 121 of the Internal Revenue Code of 1986 (relating to limitations) is amended by adding at the end the following new paragraph:

''(4) EXCLUSION OF GAIN ALLOCATED TO NONQUALIFIED USE.—

''(A) IN GENERAL.—Subsection (a) shall not apply to so much of the gain from the sale or exchange of property as is allocated to periods of nonqualified use.

''(B) GAIN ALLOCATED TO PERIODS OF NONQUALIFIED USE.—For purposes of subparagraph (A), gain shall be allocated to periods of nonqualified use based on the ratio which—

''(i) the aggregate periods of nonqualified use during the period such property was owned by the taxpayer, bears to

''(ii) the period such property was owned by the taxpayer.

''(C) PERIOD OF NONQUALIFIED USE.—For purposes of this paragraph—

''(i) IN GENERAL.—The term 'period of nonqualified use' means any period (other than the portion of any period preceding January 1, 2009) during which the property is not used as the principal residence of the taxpayer or the taxpayer's spouse or former spouse.

''(ii) EXCEPTIONS.—The term 'period of nonqualified use' does not include—

''(I) any portion of the 5-year period described in subsection (a) which is after the last date that such property is used as the principal residence of the taxpayer or the taxpayer's spouse,

''(II) any period (not to exceed an aggregate period of 10 years) during which the taxpayer or the taxpayer's spouse is serving on qualified official extended duty (as defined in subsection (d)(9)(C)) described in clause (i), (ii), or (iii) of subsection (d)(9)(A), and

''(III) any other period of temporary absence (not to exceed an aggregate period of 2 years) due to change of employment, health conditions, or such other unforeseen circumstances as may be specified by the Secretary.

''(D) COORDINATION WITH RECOGNITION OF GAIN ATTRIBUTABLE TO DEPRECIATION.—For purposes of this paragraph—

''(i) subparagraph (A) shall be applied after the application of subsection (d)(6), and

''(ii) subparagraph (B) shall be applied without regard to any gain to which subsection (d)(6) applies.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to sales and exchanges after December 31, 2008.

SEC. 3093. DELAY IN APPLICATION OF WORLDWIDE ALLOCATION OF INTEREST.

(a) IN GENERAL.—Paragraphs (5)(D) and (6) of section 864(f) are each amended by striking ''December 31, 2008'' and inserting ''December 31, 2010''.

(b) TRANSITIONAL RULE.—Subsection (f) of section 864 is amended by adding at the end the following new paragraph:

''(7) TRANSITION.—In the case of the first taxable year to which this subsection applies, the increase (if any) in the amount of the interest expense allocable to sources within the United States by reason of the application of this subsection shall be 30 percent of the amount of such increase determined without regard to this paragraph.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2008.

SEC. 3094. TIME FOR PAYMENT OF CORPORATE ESTIMATED TAXES.

(a) REPEAL OF ADJUSTMENT FOR 2012.—Subparagraph (B) of section 401(1) of the Tax Increase Prevention and Reconciliation Act of 2005 is amended by striking the percentage contained therein and inserting ''100 percent''. No other provision of law which would change such percentage shall have any force and effect.

(b) MODIFICATION OF ADJUSTMENT FOR 2013.—The percentage under subparagraph (C) of section 401(1) of the Tax Increase Prevention and Reconciliation Act of 2005 in effect on the date of the enactment of this Act is increased by 16.75 percentage points.

When said motion was considered.

Pursuant to House Resolution 1363, the SPEAKER pro tempore, Mr. HOLDEN, recognized Messrs. FRANK of Massachusetts, and BACHUS for 40 minutes each; and Messrs. NEAL of Massachusetts, and MCCRERY for 20 minutes each.

After debate,

Pursuant to House Resolution 1363, the previous question was ordered on the motion.

The question being put, viva voce,

Will the House agree to the amendment of the Senate to the House amendment numbered 1, with the amendment printed in House Report 110-767?

The SPEAKER pro tempore, Mr. WEINER, announced that the ayes had it.

Mr. BACHUS objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 6, rule XX, and the call was taken by electronic device.

When there appeared { Yeas ..... 272 / Nays 152

¶90.18 [Roll No. 519]

YEAS—272

Abercrombie	Carney	Edwards (MD)
Ackerman	Carson	Edwards (TX)
Allen	Castle	Ellison
Altmire	Castor	Ellsworth
Andrews	Cazayoux	Emanuel
Arcuri	Chandler	Engel
Baca	Childers	English (PA)
Baird	Clarke	Eshoo
Baldwin	Clay	Etheridge
Barrow	Cleaver	Farr
Bean	Clyburn	Fattah
Becerra	Cohen	Ferguson
Berkley	Conyers	Filner
Berman	Cooper	Foster
Berry	Costa	Frank (MA)
Biggert	Costello	Gallegly
Bishop (NY)	Courtney	Giffords
Blumenauer	Cramer	Gilchrest
Bono Mack	Crowley	Gillibrand
Boren	Cuellar	Gonzalez
Boucher	Cummings	Gordon
Boustany	Davis (AL)	Green, Al
Boyd (FL)	Davis (CA)	Grijalva
Brady (PA)	Davis (IL)	Gutierrez
Braley (IA)	Davis, Lincoln	Hall (NY)
Brown (SC)	DeGette	Harman
Brown, Corrine	Delahunt	Hastings (FL)
Buchanan	DeLauro	Hayes
Butterfield	Diaz-Balart, L.	Heller
Calvert	Diaz-Balart, M.	Herseth Sandlin
Campbell (CA)	Dicks	Higgins
Capito	Dingell	Hill
Capps	Doggett	Hinchey
Capuano	Donnelly	Hinojosa
Cardoza	Doyle	Hirono
Carnahan	Dreier	Hobson
Hodes	McIntyre	Sarbanes
Holden	McKeon	Schakowsky
Holt	McNerney	Schiff
Honda	McNulty	Schwartz
Hooley	Meek (FL)	Scott (GA)
Hoyer	Meeks (NY)	Scott (VA)
Hunter	Melancon	Serrano
Inslee	Michaud	Sestak
Israel	Miller (NC)	Shays
Jackson (IL)	Miller, Gary	Shea-Porter
Jackson-Lee (TX)	Miller, George	Sherman
Jefferson	Mitchell	Shuler
Johnson (GA)	Mollohan	Sires
Johnson, E. B.	Moore (KS)	Skelton
Jones (OH)	Moore (WI)	Slaughter
Kagen	Moran (VA)	Smith (NJ)
Kanjorski	Murphy (CT)	Smith (WA)
Keller	Murphy, Patrick	Snyder
Kennedy	Murphy, Tim	Solis
Kildee	Murtha	Space
Kilpatrick	Nadler	Speier
Kind	Napolitano	Spratt
King (NY)	Neal (MA)	Stark
Klein (FL)	Oberstar	Stupak
Knollenberg	Obey	Sutton
Kucinich	Olver	Tanner
LaHood	Pallone	Tauscher
Lampson	Pascrell	Taylor
Langevin	Pastor	Thompson (CA)
Larsen (WA)	Payne	Thompson (MS)
Larson (CT)	Pelosi	Tiberi
LaTourette	Perlmutter	Tierney
Lee	Peterson (MN)	Towns
Levin	Pickering	Tsongas
Lewis (CA)	Pomeroy	Turner
Lewis (GA)	Porter	Udall (CO)
Lipinski	Price (NC)	Udall (NM)
Loebsack	Pryce (OH)	Van Hollen
Lofgren, Zoe	Putnam	Velázquez
Lowey	Rahall	Visclosky
Lungren, Daniel E.	Rangel	Walsh (NY)
Lynch	Reyes	Walz (MN)
Mahoney (FL)	Reynolds	Wasserman Schultz
Maloney (NY)	Richardson	Waters
Markey	Rodriguez	Watson
Marshall	Rogers (AL)	Watt
Matheson	Ros-Lehtinen	Waxman
Matsui	Ross	Weiner
McCarthy (NY)	Rothman	Welch (VT)
McCollum (MN)	Roybal-Allard	Weller
McCrery	Ruppersberger	Wexler
McDermott	Ryan (OH)	Wilson (OH)
McGovern	Salazar	Woolsey
McHugh	Sánchez, Linda T.	Wu
	Sanchez, Loretta	Yarmuth

NAYS—152

Aderholt	Emerson	Mack
Akin	Everett	Manzullo
Alexander	Fallin	Marchant
Bachmann	Feeney	McCarthy (CA)
Bachus	Flake	McCaul (TX)
Barrett (SC)	Forbes	McCotter
Bartlett (MD)	Fortenberry	McHenry
Barton (TX)	Fossella	McMorris Rodgers
Bilbray	Foxx	Mica
Bilirakis	Franks (AZ)	Miller (FL)
Blackburn	Frelinghuysen	Miller (MI)
Blunt	Garrett (NJ)	Moran (KS)
Boehner	Gerlach	Musgrave
Bonner	Gingrey	Myrick
Boozman	Goode	Neugebauer
Boyda (KS)	Goodlatte	Nunes
Brady (TX)	Granger	Paul
Broun (GA)	Graves	Pearce
Burgess	Hall (TX)	Pence
Burton (IN)	Hastings (WA)	Petri
Buyer	Hensarling	Pitts
Camp (MI)	Herger	Platts
Cannon	Hoekstra	Poe
Cantor	Inglis (SC)	Price (GA)
Carter	Issa	Radanovich
Chabot	Johnson (IL)	Ramstad
Coble	Johnson, Sam	Regula
Cole (OK)	Jones (NC)	Rehberg
Conaway	Jordan	Reichert
Crenshaw	Kaptur	Renzi
Cubin	King (IA)	Rogers (KY)
Culberson	Kingston	Rogers (MI)
Davis (KY)	Kirk	Rohrabacher
Davis, David	Kline (MN)	Roskam
Davis, Tom	Kuhl (NY)	Royce
Deal (GA)	Lamborn	Ryan (WI)
DeFazio	Latham	Sali
Dent	Latta	Saxton
Doolittle	Lewis (KY)	Scalise
Drake	Linder	Schmidt
Duncan	LoBiondo	Sensenbrenner
Ehlers	Lucas	

Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Upton
Walberg
Walden (OR)
Wamp
Weldon (FL)
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOT VOTING—11

Bishop (GA)
Bishop (UT)
Boswell
Brown-Waite, Ginny
Gohmert
Green, Gene
Hare
Hulshof
Ortiz
Peterson (PA)
Rush

So the amendment to the amendment of the Senate to House amendment numbered 1 was agreed to.

A motion to reconsider the vote whereby said amendment to the amendment of the Senate to House amendment numbered 1 was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said amendment.

Pursuant to section 2 of House Resolution 1363, the House has receded from any remaining amendments or disagreements on H.R. 3221.

¶90.19 H.R. 6545—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. WEINER, pursuant to clause 8, rule XX, announced the unfinished business to be the motion to suspend the rules and pass the bill (H.R. 6545) to require the Director of National Intelligence to conduct a national intelligence assessment on national security and energy security issues.

The question being put,

Will the House suspend the rules and pass said bill?

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 414; Nays ..... 0; Answered present 2

¶90.20 [Roll No. 520]

YEAS—414

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Cazayoux
Chabot
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Grijalva
Hall (NY)
Hall (TX)
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Scalise
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

ANSWERED ''PRESENT''—2

Hoekstra
Nunes

NOT VOTING—18

Bishop (GA)
Bishop (UT)
Boswell
Brown-Waite, Ginny
Costa
Cuellar
Fallin
Gilchrest
Green, Gene
Gutierrez
Hare
Hulshof
Lungren, Daniel E.
Ortiz
Rush
Sires
Slaughter
Wilson (SC)

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

Mr. PRICE of Georgia, moved to reconsider the vote whereby the rules were suspended and said bill was passed.

Mr. HASTINGS of Florida, moved to lay on the table the motion to reconsider the vote.

The question being put, viva voce,

Will the House lay on the table the motion to reconsider said vote?

The SPEAKER pro tempore, Mr. WEINER, announced that the ayes had it.

Mr. PRICE of Georgia, demanded a recorded vote on agreeing to said motion, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 242; Nays 179

¶90.21 [Roll No. 521]

AYES—242

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (NY)
Blumenauer
Boren
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Cazayoux
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Fossella
Foster
Foxx
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Kuhl (NY)
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham

Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Payne
Perlmutter
Pomeroy
Price (GA)
Price (NC)
Rahall
Ramstad
Rangel
Reyes
Richardson
Rodriguez
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shimkus
Shuler
Sires
Skelton
Smith (WA)
Snyder
Solis
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (NM)
Wilson (OH)
Woolsey
Wu
Yarmuth

NOES—179

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Ferguson
Flake
Forbes
Fortenberry
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
LaHood
Lamborn
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Saxton
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOT VOTING—13

Bishop (GA)
Bishop (UT)
Boswell
Brown-Waite, Ginny
Feeney
Gilchrest
Green, Gene
Hulshof
Marshall
Ortiz
Peterson (MN)
Rush
Slaughter

So the motion to lay on the table the motion to reconsider the vote was agreed to.

¶90.22 PROVIDING FOR CONSIDERATION OF MOTIONS TO SUSPEND THE RULES

Mr. ARCURI, by direction of the Committee on Rules, reported (Rept. No. 110–768) the resolution (H. Res. 1367) providing for consideration of motions to suspend the rules.

When said resolution and report were referred to the House Calendar and ordered printed.

¶90.23 RELATING TO MEDICARE PRESCRIPTION DRUG, IMPROVEMENT, AND MODERNIZATION

Mr. ARCURI, by direction of the Committee on Rules, reported (Rept. No. 110–769) the resolution (H. Res. 1368) relating to the House procedures contained in section 803 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003.

When said resolution and report were referred to the House Calendar and ordered printed.

¶90.24 PROVIDING FOR CONSIDERATION OF H.R. 3999

Mr. ARCURI, by direction of the Committee on Rules, called up the following resolution (H. Res. 1344):

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 3999) to amend title 23, United States Code, to improve the safety of Federal-aid highway bridges, to strengthen bridge inspection standards and processes, to increase investment in the reconstruction of structurally deficient bridges on the National Highway System, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Transportation and Infrastructure. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute printed in part A of the report of the Committee on Rules accompanying this resolution. That amendment in the nature of a substitute shall be considered as read. All points of order against that amendment in the nature of a substitute are waived except those arising under clause 10 of rule XXI. Notwithstanding clause 11 of rule XVIII, no amendment to that amendment in the nature of a substitute shall be in order except those printed in part B of the report of the Committee on Rules. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived except those arising under clause 9 or 10 of rule XXI. At the conclusion of consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. During consideration in the House of H.R. 3999 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

When said resolution was considered.

After debate,

Mr. ARCURI moved the previous question on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House now order the previous question?

The SPEAKER pro tempore, Mr. WEINER, announced that the yeas had it.

Mr. Lincoln DIAZ-BALART of Florida, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 228 / Nays 192

¶90.25 [Roll No. 522]

YEAS—228

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (NY)
Blumenauer
Boren
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Cazayoux
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski

Kaptur
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Ramstad
Rangel
Reichert
Reyes
Richardson
Rodriguez
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—192

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Childers
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Heller
Hensarling
Herger
Hill
Hobson
Hoekstra
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Radanovich
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Saxton
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOT VOTING—14

Bishop (GA)
Bishop (UT)
Boswell
Brown-Waite, Ginny
Davis, Tom
Gilchrest
Green, Gene
Hayes
Hulshof
Jones (OH)
Kennedy
Ortiz
Putnam
Rush

So the previous question on the resolution was ordered.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. WEINER, announced that the yeas had it.

Mr. Lincoln DIAZ-BALART of Florida, demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 228 Nays 193

¶90.26 [Roll No. 523]

YEAS—228

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (NY)
Blumenauer
Boren
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Cazayoux
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Foster
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—193

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hill
Hobson
Hoekstra
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOT VOTING—13

Bishop (GA)
Bishop (UT)
Boswell
Brown-Waite, Ginny
Davis, Tom
Filner
Gilchrest
Green, Gene
Hulshof
Jones (OH)
Kennedy
Ortiz
Rush

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to

was, by unanimous consent, laid on the table.

¶90.27 MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Evans, one of his secretaries.

¶90.28 HIGHWAY BRIDGE SAFETY

The SPEAKER pro tempore, Mr. WEINER, pursuant to House Resolution 1344 and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 3999) to amend title 23, United States Code, to improve the safety of Federal-aid highway bridges, to strengthen bridge inspection standards and processes, to increase investment in the reconstruction of structurally deficient bridges on the National Highway System, and for other purposes.

The SPEAKER pro tempore, Mr. WEINER, by unanimous consent, designated Mrs. CHRISTENSEN as Chairman of the Committee of the Whole; and after some time spent therein,

The SPEAKER pro tempore, Mr. DONNELLY, assumed the Chair.

When Mr. CHILDERS, Acting Chairman, reported that the Committee, having had under consideration said bill, had come to no resolution thereon.

¶90.29 NATIONAL BLACK ARTS FESTIVAL

Mr. DAVIS of Illinois, moved to suspend the rules and agree to the resolution (H. Res. 1286):

Whereas the National Black Arts Festival (NBAF) is a nonprofit cultural institution based in Atlanta, Georgia, that celebrates the artistic contributions of people of African descent and their impact on world cultures;

Whereas the mission of the NBAF is to engage, cultivate, and educate diverse audiences about the arts and cultures of the African Diaspora and provide opportunities for artistic and creative expression;

Whereas the NBAF was founded in 1987 after a study commissioned by the Fulton County Arts Council found an unmet need for a festival celebrating and advancing the work of black artists;

Whereas the study provided compelling reasons why the Atlanta community was the right place for such a festival, which led local government and civic leaders to help establish the NBAF and present the first summer festival in 1988;

Whereas, in July 1988, the 10-day event served as the country's first-ever summer festival featuring hundreds of artists of African descent, where 500,000 attendees took part in a triumphant celebration of African art, music, and culture;

Whereas, over the last 20 years, the NBAF has connected with people of all ages and races and celebrated diversity while striking a common chord that resonated with all Americans like no other festival or presenting arts organization;

Whereas the organization has evolved into a year-round cultural institution dedicated to serving artists, audiences, teachers, and students by providing opportunities for artistic and creative expression and sponsoring educational and humanities programs to deepen historical and cultural understanding;

Whereas the NBAF has a global perspective, celebrating the contributions of people of African descent and their impact on world cultures, as well as recognizing the great diversity of the African diaspora throughout the world;

Whereas festival programming is carefully chosen to ensure that ''three generations are at the table'', recognizing the need to appeal to a broad range of ages;

Whereas the mission of the NBAF has given the organization a clear focus and understanding of its niche, which has allowed the NBAF to succeed locally and nationally;

Whereas dedicated volunteers, consistently high quality work, and continued support from the funding community has enabled the NBAF to stand above its peers;

Whereas the NBAF adds a unique and necessary dimension to Atlanta's cultural landscape as one of the city's leading art institutions;

Whereas the NBAF has touched more than 5,000,000 people through music, dance, theater, film, visual arts, literary arts, and family events over the past 2 decades;

Whereas the NBAF has become the premier festival of its kind in the United States; and

Whereas the 20th anniversary of the first summer festival provides an occasion to honor the importance of the NBAF in its cultural fabric of greater Atlanta and all of America: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the important role that arts and arts education plays in the lives of millions of Americans;

(2) recognizes the continuing contributions and influence of African-American art work to America's cultural life;

(3) urges all citizens to support efforts to strengthen artistic training and appreciation in schools; and

(4) recognizes the 20th anniversary of the National Black Arts Festival.

The SPEAKER pro tempore, Mr. DONNELLY, recognized Mr. DAVIS of Illinois, and Ms. FOXX, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. DONNELLY, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶90.30 DISABILITY PRIDE DAY

Mr. DAVIS of Illinois, moved to suspend the rules and agree to the resolution (H. Res. 1355):

Whereas all people, including those with disabilities, should be guaranteed the right to receive a quality education, to be productive members of our workforce, to raise families, to exert control and choice over their own lives, and to have equal opportunity to access and participate in all facets of life;

Whereas having a disability should be seen as a natural part of human diversity;

Whereas many people with disabilities share a cultural experience and history;

Whereas 18 years ago, on July 26, 1990, the Americans with Disabilities Act was signed into law, ending discrimination against and providing equal opportunity for persons with disabilities in employment, education, government services, public accommodations, commercial facilities, and transportation;

Whereas in spite of the recent efforts to restore the intent of the Americans with Disabilities Act, people with disabilities continue to face tremendous challenges in our society that test their resolve sociologically, emotionally, and psychologically, as well as face negative cultural assumptions based on fears and myths that need to be eliminated and replaced with presumptions of competence, strength, and individual worth;

Whereas July 26, 2008, is the City of Chicago's 5th Annual Disability Pride Parade, a celebration that will seek to educate and change the way that people think about and define those with disabilities by promoting the belief that disability is a natural and beautiful part of human diversity in which people living with disabilities can take pride; and

Whereas July 26, 2008, would be an appropriate day to designate as Disability Pride Day: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals and ideals of Disability Pride Day;

(2) acknowledges the efforts of the City of Chicago's 5th Annual Disability Pride Parade organizers to raise awareness concerning the value of people with disabilities;

(3) invites the Nation to join in celebrating the pride, the power, and the potential of people with disabilities by celebrating Disability Pride Day; and

(4) urges public officials and the general public to honor Americans with disabilities by educating themselves on ways to support and encourage understanding of persons with disabilities in our schools, within our diverse workforce, as well as in our communities.

The SPEAKER pro tempore, Mr. DONNELLY, recognized Mr. DAVIS of Illinois, and Ms. FOXX, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. DONNELLY, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

¶90.31 KATHERINE DUNHAM

Mr. DAVIS of Illinois, moved to suspend the rules and agree to the resolution (H. Res. 655); as amended:

Whereas Katherine Dunham, a pioneering dancer and choreographer, author, and civil rights activist was born on June 22, 1909, and passed away on May 21, 2006, at the age of 96;

Whereas, at the age of 12, Katherine Dunham wrote her first published short story in a magazine edited by W.E.B. DuBois;

Whereas, as class poet in high school, Katherine Dunham wrote a memoir entitled ''A Touch of Innocence'';

Whereas, in the 1930s, Katherine Dunham revolutionized American dance by incorporating the roots of Black dance and ritual to develop a uniquely different dance form;

Whereas Katherine Dunham received a bachelor of arts degree in social anthropology from the University of Chicago, was a

pioneer in the use of folk and ethnic choreography, and was one of the founders of the anthropological dance movement;

Whereas Katherine Dunham used her dance and choreography career and public status to draw attention to the civil rights movement and the issue of segregation;

Whereas, in 1930, Katherine Dunham brought African and Caribbean influences to the European-dominated dance world by founding Les Ballet Negre, one of the first Black ballet companies in the United States;

Whereas the Negro Dance Group, founded in 1934, became known as the Katherine Dunham Dance Company, touring in nearly 60 countries on 6 continents from the 1940s to the 1960s;

Whereas Katherine Dunham was a dancer, choreographer, and director on Broadway, and was the first Black choreographer at the Metropolitan Opera;

Whereas, in 1945, Katherine Dunham founded the Dunham School of Dance and Theatre in Manhattan, providing a centralized location for students to immerse themselves in dance technique and study topics in the humanities, languages, ethics, philosophy, and drama;

Whereas, in 1967, Katherine Dunham left Broadway and established the Performing Arts Training Center in East St. Louis, Illinois, to teach culture to underprivileged youths;

Whereas Katherine Dunham taught dance, African hair braiding and woodcarving, conversational Creole, Spanish, French, and Swahili, and more traditional subjects, such as aesthetics and social science, to the youths of East St. Louis, Illinois;

Whereas Katherine Dunham founded the Katherine Dunham Centers for Arts and Humanities in the late 1960s, and the Katherine Dunham Museum and Children's Workshop in 1977;

Whereas, in 1992, Katherine Dunham went on a 47-day hunger strike to call attention to the plight of the Haitians, thereby helping to shift public opinion on United States relations with the Republic of Haiti and precipitating the return of the first democratically elected president of the Republic of Haiti;

Whereas Katherine Dunham has received over 10 honorary doctorates and numerous other awards, including the Presidential Medal of Arts, Albert Schweitzer Music Award, the Kennedy Center Honors, the French Legion of Honor, and the NAACP Lifetime Achievement Award;

Whereas Katherine Dunham was an activist, teacher, dancer, and mentor to young people throughout the world; and

Whereas with the death of Katherine Dunham on May 21, 2006, in New York City, the United States lost a prolific and premier artist and humanitarian: Now, therefore, be it

Resolved, That the House of Representatives honors the life and accomplishments of Katherine Dunham and recognizes Katherine Dunham's immeasurable contributions to the arts and all of humanity.

The SPEAKER pro tempore, Mr. DONNELLY, recognized Mr. DAVIS of Illinois, and Ms. FOXX, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. DONNELLY, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution, as amended, was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution, as amended, was agreed to was, by unanimous consent, laid on the table.

¶90.32 NATIONAL CHILD AWARENESS MONTH

Mr. DAVIS of Illinois, moved to suspend the rules and agree to the resolution (H. Res. 1296); as amended:

Whereas millions of American children and youth represent the hopes and future of our Nation;

Whereas numerous individuals, children's organizations, and youth-serving organizations that work with children and youth collaborate to provide invaluable services to enrich and better the lives of the young;

Whereas heightening awareness of and increasing support for organizations that provide access to healthcare, social services, education, the arts, sports, and other services will assist in the development of character and the future success of our Nation's youth;

Whereas the President issued a proclamation on May 30, 2008, proclaiming June 1, 2008 as National Child's Day to demonstrate a commitment to our youth;

Whereas September is a time when parents, families, teachers, school administrators, and communities in general increase their focus on children and youth nationwide as the school year begins;

Whereas September is a time for the people of the United States as a whole to highlight and be mindful of the needs of children and youth;

Whereas private corporations and businesses have joined with hundreds of national and local charitable organizations throughout the Nation in support of a month-long focus on children and youth; and

Whereas designating September as National Child Awareness Month would recognize that a long-term commitment to children and youth is in the public interest, and will encourage widespread support for the charities and organizations that seek to provide a better future for the children and youth of the United States: Now, therefore, be it

Resolved, That the House of Representatives supports the designation of a National Child Awareness Month to promote awareness of children's charities and youth-serving organizations across the United States and recognizes their efforts on behalf of children and youth as a critical contribution to the future of our Nation.

The SPEAKER pro tempore, Mr. DONNELLY, recognized Mr. DAVIS of Illinois, and Ms. FOXX, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. YARMUTH, announced that two-thirds of the Members present had voted in the affirmative.

Mr. CALVERT demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. YARMUTH, pursuant to clause 8, rule XX, announced that further proceedings on the question were postponed until Thursday, July 24, 2008.

¶90.33 MESSAGE FROM THE PRESIDENT—CONTINUATION OF EMERGENCY REGARDING EXPORT CONTROL REGULATIONS

The SPEAKER pro tempore, Mr. YARMUTH, laid before the House a message from the President, which was read as follows:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)), provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent to the Federal Register for publication the enclosed notice, stating that the emergency caused by the lapse of the Export Administration Act of 1979, as amended, is to continue in effect for 1 year beyond August 17, 2008.

GEORGE W. BUSH.

THE WHITE HOUSE, *July 23, 2008.*

By unanimous consent, the message, together with the accompanying papers, was referred to the Committee on Foreign Affairs and ordered to be printed (H. Doc. 110–137).

¶90.34 SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 3295. An Act to amend title 35, United States Code, and the Trademark Act of 1946 to provide that the Secretary of Commerce, in consultation with the Director of the United States Patent and Trademark Office, shall appoint administrative patent judges and administrative trademark judges, and for other purposes; to the Committee on the Judiciary.

¶90.35 BILLS PRESENTED TO THE PRESIDENT

Lorraine C. Miller, Clerk of the House reported that on July 22, 2008 she presented to the President of the United States, for his approval, the following bills.

H.R. 3564. An Act to amend title 5, United States Code, to authorize appropriations for the Administrative Conference of the United States through fiscal year 2011, and for other purposes.

H.R. 3985. An Act to amend title 49, United States Code, to direct the Secretary of Transportation to register a person providing transportation by an over-the-road bus as a motor carrier of passengers only if the person is willing and able to comply with certain accessibility requirements in addition to other existing requirements, and for other purposes.

H.R. 4289. An Act to name the Department of Veterans Affairs outpatient clinic in Ponce, Puerto Rico, as the ''Euripides Rubio Department of Veterans Affairs Outpatient Clinic''.

¶90.36 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. ORTIZ, for today and balance of the week.

And then,

¶90.37 ADJOURNMENT

On motion of Mr. MEEK of Florida, at 11 o'clock and 5 minutes p.m., the House adjourned.

¶90.36 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. WELCH: Committee on Rules. House Resolution 1367. Resolution providing for consideration of motions to suspend the rules (Rept. 110–768). Referred to the House Calendar.

Mr. HASTINGS of Florida: Committee on Rules. House Resolution 1368. Resolution relating to the House procedures contained in section 803 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003. (Rept. 110–769). Referred to the House Calendar.

¶90.37 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. BERMAN (for himself and Ms. ROS-LEHTINEN):

H.R. 6574. A bill to implement the United States-Russian Federation Agreement for Cooperation on Peaceful Uses of Nuclear Energy, and for other purposes; to the Committee on Foreign Affairs, and in addition to the Committee on Science and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WAXMAN (for himself and Mr. TOM DAVIS of Virginia):

H.R. 6575. A bill to require the Archivist of the United States to promulgate regulations to prevent the over-classification of information, and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. WAXMAN (for himself and Mr. TOM DAVIS of Virginia):

H.R. 6576. A bill to require the Archivist of the United States to promulgate regulations regarding the use of information control designations, and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. OBERSTAR (for himself, Mr. LATOURETTE, Mr. CONYERS, Mr. EHLERS, Mr. HIGGINS, Mr. ENGLISH of Pennsylvania, Ms. SUTTON, Mr. SENSENBRENNER, Mr. RYAN of Ohio, Mrs. MILLER of Michigan, Ms. BALDWIN, Mr. CAMP of Michigan, Ms. KAPTUR, Mr. PETRI, Mrs. JONES of Ohio, Mr. EMANUEL, Mr. KAGEN, Mr. LIPINSKI, Mr. NADLER, Mr. VISCLOSKY, Ms. MOORE of Wisconsin, Mr. OBEY, Mr. LEVIN, Mr. ROGERS of Michigan, Mr. KIRK, Mr. DINGELL, and Mr. KILDEE):

H.R. 6577. A bill to express the consent and approval of Congress to an interstate compact regarding water resources in the Great Lakes-St. Lawrence River Basin; to the Committee on the Judiciary.

By Mr. LAMPSON (for himself and Mr. MARKEY):

H.R. 6578. A bill to provide for the sale of light grade petroleum from the Strategic Petroleum Reserve and its replacement with heavy grade petroleum; to the Committee on Energy and Commerce.

By Mr. HALL of Texas (for himself, Mr. YOUNG of Alaska, Mr. SAM JOHNSON of Texas, Mr. HUNTER, Mr. COBLE, Mr. CULBERSON, Mr. CARTER, Ms. GRANGER, Mr. THORNBERRY, Mr. NEUGEBAUER, Mr. GOHMERT, Mr. WESTMORELAND, Mr. BISHOP of Utah, Mr. GINGREY, Ms. FALLIN, Mr. SMITH of Nebraska, Mr. PRICE of Georgia, Mr. CONAWAY, Mr. MCCARTHY of California, Mr. DAVID DAVIS of Tennessee, Mr. ALEXANDER, Mr. ROHRABACHER, Mr. JONES of North Carolina, Mr. SALI, Mr. KING of Iowa, Mr. MCHENRY, Mr. KELLER, Mr. SHUSTER, Mr. MCCOTTER, Mr. SULLIVAN, Mr. KINGSTON, Mr. EVERETT, Ms. FOXX, Mr. HOEKSTRA, Mr. HENSARLING, Mr. LEWIS of California, Mr. JORDAN, Mrs. BACHMANN, Mr. MCKEON, Mr. GARY G. MILLER of California, Mr. BURTON of Indiana, and Mr. FORTUÑO):

H.R. 6579. A bill to require transfer of the 1002 Area of Alaska to the State of Alaska, and for other purposes; to the Committee on Natural Resources, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KIND (for himself, Mr. NUNES, Mr. COSTA, Mr. MCNERNEY, Mr. RADANOVICH, Mr. CARDOZA, Mr. MCCARTHY of California, and Mr. WILSON of Ohio):

H.R. 6580. A bill to ensure the fair treatment of a member of the Armed Forces who is discharged from the Armed Forces, at the request of the member, pursuant to the Department of Defense policy permitting the early discharge of a member who is the only surviving child in a family in which the father or mother, or one or more siblings, served in the Armed Forces and, because of hazards incident to such service, was killed, died as a result of wounds, accident, or disease, is in a captured or missing in action status, or is permanently disabled, to amend the Internal Revenue Code of 1986 to repeal the dollar limitation on contributions to funeral trusts, and for other purposes; to the Committee on Armed Services, and in addition to the Committees on Veterans' Affairs, Ways and Means, and Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MAHONEY of Florida (for himself, Mr. BOYD of Florida, Mr. PUTNAM, and Ms. WASSERMAN SCHULTZ):

H.R. 6581. A bill to appropriate funds for the provision of emergency financial assistance to producers and first handlers of fresh tomatoes for losses incurred as a result of the removal of fresh tomatoes and products containing fresh tomatoes from the market and other actions undertaken in response to a public health advisory regarding tomatoes issued by the Food and Drug Administration in June 2008; to the Committee on Agriculture.

By Ms. VELÁZQUEZ (for herself and Mr. PITTS):

H.R. 6582. A bill to encourage the development of small business cooperatives for healthcare options to improve coverage for employees (CHOICE) including through a small business CHOICE tax credit; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. HERSETH SANDLIN (for herself, Mr. KILDEE, Mr. COLE of Oklahoma, Mr. GRIJALVA, and Mr. UDALL of New Mexico):

H.R. 6583. A bill to amend the Indian Law Enforcement Reform Act, the Indian Tribal Justice Act, the Indian Tribal Justice Technical and Legal Assistance Act of 2000, and the Omnibus Crime Control and Safe Streets Act of 1968 to improve the prosecution of, and response to, crimes in Indian country, and for other purposes; to the Committee on the Judiciary, and in addition to the Committees on Natural Resources, Energy and Commerce, and Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. HOOLEY:

H.R. 6584. A bill to designate the facility of the United States Postal Service located at 19300 South Molalla Avenue in Oregon City, Oregon, as the ''Alice Norris Post Office Building''; to the Committee on Oversight and Government Reform.

By Ms. HOOLEY:

H.R. 6585. A bill to designate the facility of the United States Postal Service located at 311 Southwest 2nd Street in Corvallis, Oregon, as the ''Helen Berg Post Office Building''; to the Committee on Oversight and Government Reform.

By Ms. HOOLEY:

H.R. 6586. A bill to designate the facility of the United States Postal Service located at 3624 Commercial Street Southeast in Salem, Oregon, as the ''Sue Miller Post Office Building''; to the Committee on Oversight and Government Reform.

By Mr. LOEBSACK (for himself, Mr. BOSWELL, Mr. LATHAM, Mr. BRALEY of Iowa, and Mr. KING of Iowa):

H.R. 6587. A bill to provide tax relief for the victims of severe storms, tornados, and flooding in the Midwest, and for other purposes; to the Committee on Ways and Means.

By Ms. ZOE LOFGREN of California:

H.R. 6588. A bill to preclude searches of laptop computers and similar devices based on the power as sovereign to search at the border or upon entry to the United States; to the Committee on the Judiciary.

By Ms. ZOE LOFGREN of California (for herself and Mr. DANIEL E. LUNGREN of California):

H.R. 6589. A bill to provide financial support for the operation of the law library of the Library of Congress, and for other purposes; to the Committee on House Administration, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MYRICK:

H.R. 6590. A bill to amend the Immigration and Nationality Act to require the country of origin of a nonimmigrant religious worker to extend reciprocal immigration treatment to nationals of the United States; to the Committee on the Judiciary.

By Mr. PERLMUTTER:

H.R. 6591. A bill to amend the Consolidated Appropriations Act, 2008 to provide for the conveyance to the United States of certain non-Federal land to be used by the Secretary of Veterans Affairs for the construction of a veterans medical facility; to the Committee on Natural Resources.

By Mrs. WILSON of New Mexico (for herself and Mr. PEARCE):

H.R. 6592. A bill to authorize the conveyance of certain public land in the State of New Mexico owned or leased by the Department of Energy, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Natural Resources, and Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BRADY of Pennsylvania (for himself and Mr. EHLERS):

H. Con. Res. 395. Concurrent resolution authorizing the printing of an additional number of copies of the 23rd edition of the pocket version of the United States Constitution; to the Committee on House Administration. considered and agreed to.

By Mr. KNOLLENBERG:

H. Res. 1366. A resolution recognizing Honor Flight Michigan, Inc., for its important work in recognizing World War II veterans and expressing condolences to the family and friends of David Cameron following his death; to the Committee on Veterans' Affairs.

By Ms. LEE (for herself, Mr. PAYNE, Ms. WOOLSEY, Mr. DAVIS of Illinois, Mr. CARNAHAN, Mr. MILLER of North Carolina, Mr. SIRES, and Ms. JACKSON-LEE of Texas):

H. Res. 1369. A resolution recognizing nongovernmental organizations working to bring just and lasting peace between Israelis and Palestinians; to the Committee on Foreign Affairs.

By Mr. BERMAN:

H. Res. 1370. A resolution calling on the Government of the People's Republic of China to immediately end abuses of the human rights of its citizens, to cease repression of Tibetan and Uighur citizens, and to end its support for the Governments of Sudan and Burma to ensure that the Beijing 2008 Olympic Games take place in an atmosphere that honors the Olympic traditions of freedom and openness; to the Committee on Foreign Affairs.

By Mrs. GILLIBRAND:

H. Res. 1371. A resolution congratulating the Saratoga Race Course as it celebrates its 140th season; to the Committee on Oversight and Government Reform.

By Mr. TERRY:

H. Res. 1372. A resolution celebrating the 100th anniversary of the University of Nebraska at Omaha and recognizing the partnership between the City of Omaha, its citizens, and the University to build a vibrant and dynamic community; to the Committee on Education and Labor.

¶90.38 ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 154: Mr. CARNEY and Mr. ISRAEL.

H.R. 303: Mr. KINGSTON, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. HIGGINS, and Mr. LEWIS of Georgia.

H.R. 332: Mr. MARCHANT.

H.R. 423: Mr. FRANK of Massachusetts and Mr. MCCOTTER.

H.R. 643: Mr. SARBANES.

H.R. 690: Mr. UDALL of Colorado, Mr. PERLMUTTER, Mr. HODES, and Mrs. BLACKBURN.

H.R. 699: Mr. ROGERS of Kentucky.

H.R. 770: Mr. FRANK of Massachusetts.

H.R. 996: Mr. SIRES, Mr. BRADY of Pennsylvania, Ms. JACKSON-LEE of Texas, Ms. WOOLSEY, Ms. KILPATRICK, and Ms. SUTTON.

H.R. 1073: Mr. RUPPERSBERGER.

H.R. 1321: Mr. ROTHMAN.

H.R. 1338: Ms. RICHARDSON and Ms. TSONGAS.

H.R. 1359: Mr. SESSIONS.

H.R. 1532: Mr. RODRIGUEZ.

H.R. 1542: Mr. RYAN of Ohio, Mrs. LOWEY, Ms. BORDALLO, Ms. CASTOR, Mr. WALZ of Minnesota, Mr. BRADY of Pennsylvania, Mr. RODRIGUEZ, Mr. MEEKS of New York, and Ms. BERKLEY.

H.R. 1589: Mr. FEENEY, Mr. SHUSTER, and Mr. MCHUGH.

H.R. 1619: Mr. MORAN of Virginia, Mr. MEEKS of New York, Mr. MEEK of Florida, Ms. EDWARDS of Maryland, and Mr. KIND.

H.R. 1621: Mr. KIRK.

H.R. 1647: Mr. WAMP.

H.R. 1738: Mr. ROGERS of Michigan.

H.R. 1827: Mr. CONAWAY.

H.R. 1881: Ms. SUTTON and Mr. MURTHA.

H.R. 1921: Ms. LINDA T. SÁNCHEZ of California.

H.R. 1927: Ms. BORDALLO, Mr. KINGSTON, Mr. HODES, and Mr. MCHUGH.

H.R. 2020: Mr. BURTON of Indiana and Mr. BAIRD.

H.R. 2075: Mr. FILNER.

H.R. 2192: Mr. BUYER.

H.R. 2208: Mr. MARCHANT, Mr. SMITH of Texas, Mrs. MILLER of Michigan, and Mr. LINDER.

H.R. 2244: Mr. TERRY.

H.R. 2266: Ms. CORRINE BROWN of Florida.

H.R. 2371: Mr. KAGEN.

H.R. 2392: Mr. BRADY of Pennsylvania.

H.R. 2580: Mr. WITTMAN of Virginia and Mr. SCALISE.

H.R. 2606: Mr. ELLISON.

H.R. 2682: Mr. KLINE of Minnesota.

H.R. 2712: Mr. TIM MURPHY of Pennsylvania.

H.R. 2713: Mr. MCHUGH.

H.R. 2802: Mrs. JONES of Ohio and Mr. LATHAM.

H.R. 2833: Mrs. NAPOLITANO.

H.R. 2880: Mr. COBLE.

H.R. 2923: Mr. SHAYS and Mr. CARDOZA.

H.R. 3035: Mr. FRANK of Massachusetts, Mr. BARTLETT of Maryland, Mr. PLATTS, Mr. MCCOTTER, and Mr. BOREN.

H.R. 3054: Mr. UDALL of Colorado and Mr. WITTMAN of Virginia.

H.R. 3089: Mr. KNOLLENBERG.

H.R. 3119: Mr. MICHAUD.

H.R. 3144: Mr. WALDEN of Oregon.

H.R. 3187: Mr. KAGEN.

H.R. 3257: Mr. ROSS.

H.R. 3334: Mr. HALL of Texas and Mr. MCNULTY.

H.R. 3457: Mrs. MUSGRAVE.

H.R. 3563: Mr. HONDA, Mr. BERMAN, and Mr. ISRAEL.

H.R. 3573: Mr. LOBIONDO.

H.R. 3737: Mr. FRANK of Massachusetts and Mr. FILNER.

H.R. 3846: Mr. SHAYS.

H.R. 4091: Mr. CUMMINGS.

H.R. 4255: Mr. BUYER.

H.R. 4450: Mr. KENNEDY.

H.R. 4544: Mr. KLEIN of Florida and Mr. CAPUANO.

H.R. 4990: Mr. ENGEL.

H.R. 5161: Mr. FORTUÑO.

H.R. 5176: Mr. MURPHY of Connecticut and Ms. ROYBAL-ALLARD.

H.R. 5266: Mr. JACKSON of Illinois.

H.R. 5268: Ms. DELAURO, Mr. BOSWELL, Mr. LIPINSKI, Ms. WATSON, Mr. FORTUÑO, Ms. KAPTUR, Mrs. LOWEY, Ms. GIFFORDS, Mr. BISHOP of Georgia, Mrs. CHRISTENSEN, Mr. PAYNE, Mr. LYNCH, Mr. WELCH of Vermont, Mr. KLEIN of Florida, Mr. JEFFERSON, Mr. HODES, Ms. MCCOLLUM of Minnesota, Ms. SHEA-PORTER, Mr. WALSH of New York, Mr. WALZ of Minnesota, Mr. MICHAUD, and Ms. VELÁZQUEZ.

H.R. 5546: Mr. BISHOP of Georgia and Mr. FATTAH.

H.R. 5549: Mr. ISRAEL.

H.R. 5607: Mr. DEFAZIO, Mr. DOGGETT, and Mr. HASTINGS of Florida.

H.R. 5652: Mr. CALVERT and Mr. MILLER of Florida.

H.R. 5694: Mr. WITTMAN of Virginia.

H.R. 5756: Mr. FILNER.

H.R. 5762: Mr. HOLT.

H.R. 5793: Mrs. CAPPS.

H.R. 5833: Mr. WATT.

H.R. 5854: Mr. GONZALEZ.

H.R. 5882: Ms. LORETTA SANCHEZ of California and Mr. DAVIS of Alabama.

H.R. 5892: Mr. MITCHELL, Mr. HODES, and Ms. ZOE Lofgren of California.

H.R. 5921: Ms. LORETTA SANCHEZ of California and Mr. DAVIS of Alabama.

H.R. 5925: Ms. SCHAKOWSKY.

H.R. 5946: Mr. BOUCHER.

H.R. 5954: Mr. HINCHEY.

H.R. 5998: Mr. GORDON.

H.R. 6039: Mr. DAVIS of Alabama.

H.R. 6045: Mr. DAVIS of Illinois, Mr. ISRAEL, Mr. DOYLE, Mr. REYES, and Mr. GORDON.

H.R. 6057: Mr. FILNER and Ms. WOOLSEY.

H.R. 6066: Mr. ELLISON.

H.R. 6114: Mr. MICHAUD.

H.R. 6122: Mr. STUPAK.

H.R. 6132: Mr. WALDEN of Oregon.

H.R. 6144: Mr. FORTUÑO.

H.R. 6145: Mr. ROSKAM, Mr. KING of New York, Mr. WALSH of New York, Mr. BRADY of Pennsylvania, and Mr. MCGOVERN.

H.R. 6151: Mr. FILNER.

H.R. 6210: Ms. GRANGER.

H.R. 6215: Ms. HERSETH SANDLIN.

H.R. 6217: Mr. MCINTYRE.

H.R. 6221: Mr. BUYER.

H.R. 6225: Mr. BUYER.

H.R. 6258: Mr. DAVIS of Alabama.

H.R. 6282: Mr. TURNER.

H.R. 6292: Mr. RENZI.

H.R. 6321: Mr. RANGEL.

H.R. 6371: Mr. ALTMIRE.

H.R. 6372: Mr. DONNELLY.

H.R. 6379: Mrs. MYRICK, Mr. FORTUÑO, and Mr. KUHL of New York.

H.R. 6381: Mr. OLVER.

H.R. 6399: Mr. CHILDERS.

H.R. 6407: Mr. GONZALEZ and Mr. WAXMAN.

H.R. 6410: Mrs. MCMORRIS RODGERS.

H.R. 6427: Ms. CORRINE BROWN of Florida, Mr. BRADY of Pennsylvania, Mr. MCGOVERN, Ms. SCHAKOWSKY, Mr. CARNAHAN, Ms. DELAURO, Ms. SLAUGHTER, Mr. FRANK of Massachusetts, Mr. DELAHUNT, Mr. PATRICK MURPHY of Pennsylvania, Ms. SUTTON, Mr. DOYLE, Mr. SARBANES, Mr. SCOTT of Virginia, Mrs. TAUSCHER, Mr. BISHOP of New York, and Mr. ALTMIRE.

H.R. 6428: Mr. CAZAYOUX.

H.R. 6434: Mr. SHAYS.

H.R. 6438: Mr. TOM DAVIS of Virginia, Mr. SHAYS, Mr. GONZALEZ, Mr. LOEBSACK, Mr. BUTTERFIELD, and Ms. SUTTON.

H.R. 6439: Ms. SUTTON and Mrs. NAPOLITANO.

H.R. 6444: Mrs. MCCARTHY of New York.

H.R. 6453: Mr. GOODE, Mr. HAYES and Mr. JONES of North Carolina.

H.R. 6460: Mr. LEVIN and Mr. VISCLOSKY.

H.R. 6478: Ms. ROS-LEHTINEN and Mr. BOOZMAN.

H.R. 6485: Ms. LEE, Mr. MICHAUD, Mr. KLEIN of Florida, Mr. BERMAN, and Mrs. NAPOLITANO.

H.R. 6491: Mr. PUTNAM.

H.R. 6506: Mr. DAVIS of Kentucky.

H.R. 6508: Mr. KENNEDY.

H.R. 6511: Ms. DEGETTE, Mrs. MUSGRAVE, Mr. PERLMUTTER, Mr. UDALL of Colorado, and Mr. SALAZAR.

H.R. 6520: Mr. MCGOVERN, Mr. BUTTERFIELD, Mr. JEFFERSON, and Ms. NORTON.

H.R. 6523: Mr. HILL.

H.R. 6532: Mr. CRAMER, Mr. DONNELLY, Mrs. EMERSON, Mr. RYAN of Ohio, Ms. SHEA-PORTER, and Mr. MCHUGH.

H.R. 6533: Mr. GRAVES, Mr. LUCAS, Mr. NEUGEBAUER, and Mrs. MUSGRAVE.

H.R. 6566: Mr. UPTON, Mr. Fortuño, Mr. FORBES, Mr. ALEXANDER, Mr. AKIN, Mr. CONAWAY, Mr. PITTS, Mr. MICA, Mr. KNOLLENBERG, Mr. REGULA, Mrs. MUSGRAVE, Mr. DENT, Mr. DANIEL E. LUNGREN of California, Mr. DOOLITTLE, Mr. GOODLATTE, Mr. KELLER, Mr. FEENEY, Mr. JORDAN, Mr. BARTLETT of Maryland, Mr. MACK, Mr. TIAHRT, Mr. GARY G. MILLER of California, Mrs. WILSON of New Mexico, and Mr. RENZI.

H.R. 6570: Mr. BOREN.

H.J. Res. 39: Mr. FEENEY.

H.J. Res. 96: Mr. COBLE.

H. Con. Res. 24: Mr. JOHNSON of Georgia.

H. Con. Res. 351: Ms. BALDWIN, Mr. LEWIS of Georgia, Mr. DAVIS of Alabama, Mr. MEEKS

of New York, Mr. WU, Mr. DELAHUNT, Mr. TIERNEY, Ms. DEGETTE, Mr. WELCH of Vermont, Ms. HOOLEY, Mr. CARNAHAN, Mr. CRAMER, and Mr. MCNULTY.

H. Con. Res. 360: Mr. TOWNS, Mrs. CHRISTENSEN, and Ms. WATSON.

H. Con. Res. 362: Mr. SPRATT.

H. Con. Res. 378: Ms. HOOLEY, Mr. LAMBORN, and Mrs. MCMORRIS RODGERS.

H. Con. Res. 382: Ms. LINDA T. SÁNCHEZ of California.

H. Con. Res. 386: Mr. MILLER of Florida.

H. Res. 102: Mrs. MUSGRAVE.

H. Res. 645: Mr. ROGERS of Alabama, Mr. CAPUANO, Mr. EHLERS, and Mr. MILLER of Florida.

H. Res. 1019: Ms. EDDIE BERNICE JOHNSON of Texas.

H. Res. 1042: Mr. GRIJALVA.

H. Res. 1064: Mr. DUNCAN and Mr. WALBERG.

H. Res. 1069: Mr. MILLER of Florida.

H. Res. 1078: Ms. EDDIE BERNICE JOHNSON of Texas.

H. Res. 1081: Ms. KAPTUR.

H. Res. 1143: Mr. CARDOZA, Mr. WELCH of Vermont, and Mr. PITTS.

H. Res. 1200: Mr. JONES of North Carolina, Mr. MEEK of Florida, Mr. ROTHMAN, Mr. LEVIN, and Ms. GIFFORDS.

H. Res. 1286: Mr. BRADY of Pennsylvania.

H. Res. 1288: Mr. Childers, Mr. DOYLE, Mr. NEUGEBAUER, Ms. LINDA T. SÁNCHEZ of California, Mr. SARBANES, Ms. RICHARDSON, Mr. RENZI, Ms. SUTTON, Mr. NEAL of Massachusetts, Mr. GUTIERREZ, Mr. ORTIZ, Mr. Fortuño, Mrs. BOYDA of Kansas, Mr. HILL, Mr. YOUNG of Alaska, Mr. TOWNS, and Mrs. MALONEY of New York.

H. Res. 1303: Mr. KENNEDY and Ms. WOOLSEY.

H. Res. 1306: Mr. HOLDEN and Mrs. BACHMANN.

H. Res. 1314: Mr. KUCINICH and Mr. SMITH of New Jersey.

H. Res. 1316: Mr. WITTMAN of Virginia and Mr. POE.

H. Res. 1328: Mr. MCCOTTER, Mr. MCHUGH, and Mrs. EMERSON.

H. Res. 1330: Mr. ALTMIRE.

H. Res. 1332: Ms. HIRONO, Mr. GRIJALVA, Mr. MICHAUD, Ms. SUTTON, Mr. MCGOVERN, Mr. ARCURI, Ms. MATSUI, and Mr. SHULER.

H. Res. 1351: Mr. WILSON of South Carolina, Mr. BOOZMAN, Mr. FORTENBERRY, Mr. PITTS, Mr. WOLF, Mr. CAPUANO, Mr. FRANKS of Arizona, Mr. SIRES, Mr. POE, Mr. BERMAN, Mr. HOLT, Ms. GIFFORDS, Mr. DELAHUNT, Mr. FALEOMAVAEGA, and Mrs. MALONEY of New York.

H. Res. 1352: Mr. REYNOLDS, Mr. UDALL of Colorado, Mr. MICHAUD, and Mr. WOLF.

H. Res. 1355: Mr. COSTELLO and Mr. RUSH.

H. Res. 1361: Mr. ACKERMAN, Mr. WAXMAN, Mr. CHABOT, Mr. SCHIFF, Mr. ENGEL, Mr. WEXLER, Mr. ISRAEL, Mr. KLEIN of Florida, and Mr. POE.